

### **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

# 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-23:345	SUBJECT	115 TERRACE DRIVE, HAMILTON
NO.:		PROPERTY:	
ZONE:	"I1" (Neighbourhood	ZONING BY-	Zoning By-law City of Hamilton 05-
	Institutional)	LAW:	200, as Amended

**APPLICANTS:** Owner: SHREE SWAMINARAYAN GURUKUL

Applicant: VIPULKUMAR SAVALIYA

The following variances are requested:

- 1. A minimum front yard of 3.0m shall be permitted instead of the minimum 6.0m front yard required.
- 2. Parking spaces and aisles giving direct access to abutting parking spaces shall be permitted to be located as close as 0.0m from a street line instead of the minimum 3.0m setback required from a street line.
- No planting strip shall be permitted to be maintained between the street line and the parking spaces or aisles giving direct access to abutting parking spaces instead of the minimum 3.0m wide planting strip required.
- 4. The parking lot shall be permitted to maintain no landscaped strip with no visual barrier along the abutting Residential zones instead of the minimum 1.5m wide landscaped strip with a visual barrier required abutting Residential Zones.
- Parking spaces within the parking lot shall be permitted to be arranged with direct access from the street which may interfere with normal public use and provide for ingress and egress that is not in a forward motion whereas the zoning by-law requires that parking is arranged so as to not interfere with normal public use of the street and that a parking lot provide for ingress and egress of vehicles in a forward motion only.
- 6. An access driveway having a width of 3.4m shall be permitted for 60 degree parking and access driveway having a width of 4.0m shall be permitted for 90 degree parking whereas the zoning by-law requires a minimum 5.5m width for 60 degree parking and a minimum 6.0m width for 90 degree parking.

HM/A-23:345

PURPOSE & EFFECT: To facilitate the construction of a vestibule addition to the existing place of

worship and the establishment of an accessory parking lot and existing

conditions thereof to be maintained.

Notes:

It is noticed that several parking spaces are shown to be located on the road allowances. Please be advised that upon approval of the above noted variances, only the parking spaces located on site shall be recognized for zoning compliance purposes. An Encroachment Agreement with the Public Works Department may be required for parking spaces shown to encroach on the Road Allowance.

The proposed increase in gross floor area requires a minimum of eight (8) parking spaces; therefore, compliance is achieved based a total of thirty (30) parking spaces located on site.

Please note that insufficient details were provided from which to confirm compliance respecting the parking space sizes and all access driveways for the overall site. It is noted that some parking spaces may be smaller than the minimum required size under the Hamilton Zoning By-law 05-200; therefore, further 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:

DATE:	Tuesday, February 13, 2024
TIME:	1:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (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 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

### HM/A-23:345

### **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:345, you must submit a written request to <a href="mailton.ca">cofa@hamilton.ca</a> 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 <a href="mailton.ca">cofa@hamilton.ca</a> or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



DATED: January 25, 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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5 Telephone (905) 546-2424, ext. 4221

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 advance of the meeting. Comments can be submitted by emailing <a href="mailton.ca">cofa@hamilton.ca</a> 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

### **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 <a href="mailton.ca">cofa@hamilton.ca</a>. 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.

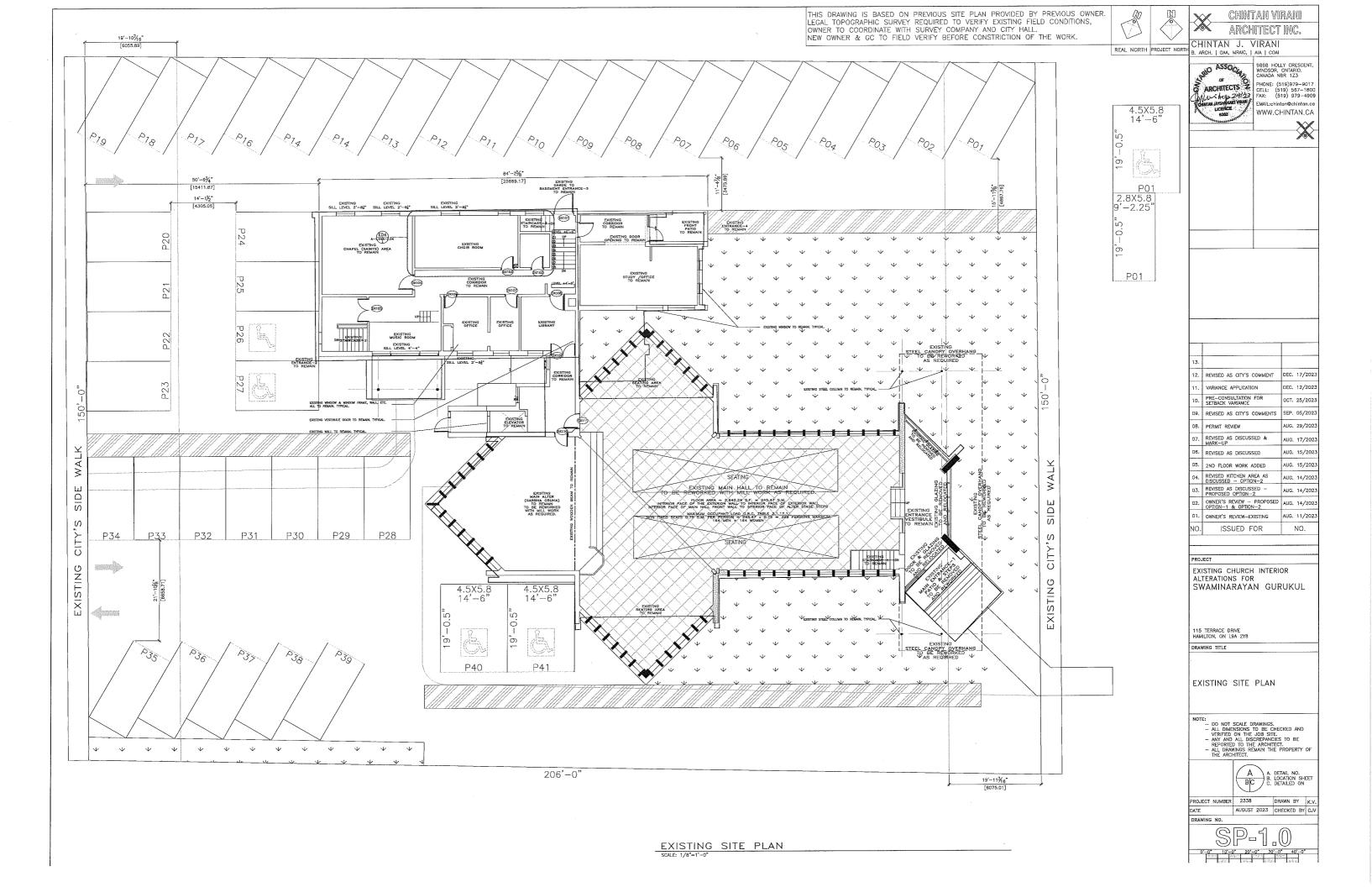
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

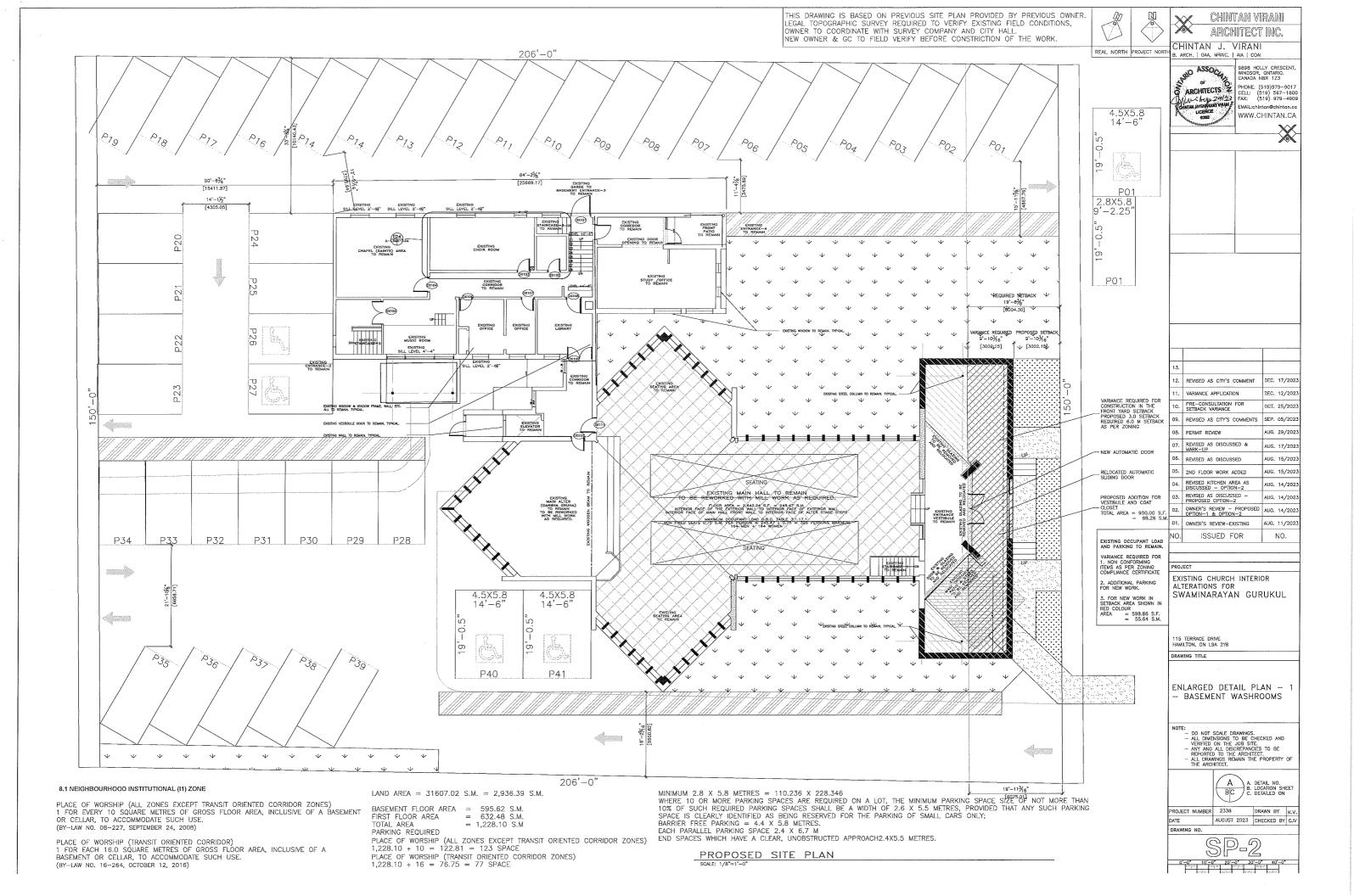
### 2. In person Oral Submissions

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 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.





## EXISTING CHURCH INTERIOR ALTERATION

(EXISTING USES TO REMAIN)

115 TERRACE DRIVE

HAMILTON, ON L9A 2Y8





PROPOSED WORK LOCATION.

#### 1. ONTARIO BUILDING CODE - THE LATEST EDITION SHALL BE THE BASIS FOR THE DESIGN AND CONSTRUCTION OF THIS PROJECT.

NOTES:

- 2. THIS CONTRACTOR SHALL FIELD VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS PRIOR TO COMMENCEMENT OF THE WORK, NOTIFY THE CONSULTANTS IMMEDIATELY IF ANY DISCREPANCIES ARE NOTED BETWEEN THE FIELD CONDITIONS AND THE CONTRACT DOCUMENTS.
- 3. WHERE EXISTING MATERIAL IS REMOVED OR WHERE OPENINGS ARE MADE INTO EXISTING WORK, PATCH SURROUNDING AREAS TO MATCH UNLESS NOTED OTHERWISE.
- 4, FIELD REVIEW ALL EXISTING DRYWALL SURFACES. PATCH ANY DAMAGED DRYWALL, PREPARE TO RECEIVE
- 5. ALL DRYWALL SHALL BE TAPED, PUTTIED, SANDED, AND PRIMED TO RECEIVE THE FINISH PAINT.
- 6. PROVIDE FOUR (4) COPIES OF SHOP DRAWINGS FOR THE FABRICATION ITEM, TO THE CONSULTANT FOR REVIEW, PRIOR TO COMMENCEMENT OF WORK.
- 7. REFER TO MECHANICAL & ELECTRICAL DRAWINGS FOR ADDITIONAL PENETRATIONS THROUGH WALL/FLOOR/ROOF, GENERAL CONTRACTOR SHALL PROVIDE CONE FLASHING, FIRE STOP ETC. ALL AND REWORK THE ROOF TO PROVIDE A WATER TIGHT JOB.
- 8. THE OWNER SHALL APPLY AND PAY FOR ALL PERMITS AND INSPECTIONS.
- 9. WHERE PIPES, CONDUITS, DUCTS ETC. PENETRATE THROUGH FIRE RATED WALLS, FLOORS OR CEILING ASSEMBLIES, PROVIDE FIRE STOPPING AROUND SUCH PENETRATIONS. PROVIDE MANUFACTURER'S LITERATURE INDICATING ULC DESIGN NUMBER OF PROPOSED FIRESTOP ASSEMBLIES FOR THE INTENDED LOCATIONS.
- WASHROOM FIXTURES ETC. ALL.

- UNLESS NOTED OTHERWISE, ALL EXISTING DOOR TO BE REMOVED BY INSTALLING NEW DOOR REFER DOOR SCHEDULE. EXISTING HARDWARE TO BE RETAINED AND REUSED. USE NEW WHERE REQUIRED TO MATCH.
- 02. PRIOR TO BIDDING, FIELD REVIEW ALL DRYWALL SURFACES.
- 03. PATCH ANY DAMAGED DRYWALL TO RECEIVE NEW FINISH. REMOVE EXISTING WALLPAPER, WOOD PANELING ON WALL AND PREPARE DRYWALL SURFACES TO RECEIVE NEW PAINT. ALSO, INSTALL NEW CAULKING / SEALANT AT LOCATIONS REQUIRED.
- D4. REMOVE & REWORK EXISTING ACOUSTIC TILE CEILING, GRID AND DRYWALL CEILING WITHIN NEWLY CREATED OFFICE, RECEPTION & WAITING AREA SPACE.
- 4. THE FOLLOWING LIST INCLUDES, BUT IS NOT LIMITED TO THE ITEMS TO BE DEMOLISHED.

   INTERIOR PARTITIONS INCLUDING DOORS AND FRAMES THERE—IN;

   FLOOR FINISHES (CERAMIC TILES, CARPET, VINYL TILES ETC.);

   CELLING TILES AND GRID;

   DRYWALL BULCHEAD AND FRAMING;

   MILLYORISH AND FRAMING;

- DS. DISCONNECT AND REMOVE REDUNDANT EXISTING PLUMBING PIPES & FIXTURES, ELECTRICAL WIRING AND LIGHT FIXTURES ETC. ALL AS REQUIRED.
- 06. WHERE FLOOR FINISHES ARE REMOVED, REWORK & PATCH TO MATCH EXISTING FLOORING AND/OR CONCRETE FLOOR (BY SCRAFING, LEVELING, PATCHING ETC.) TO PRODUCE SMOOTH, LEVEL SURFACE TO RECEIVE NEW FLOOR FINISHES.
- 7. ANY MATERIAL REMOVED FROM SITE SHALL BE STORED ON SITE AS DIRECTED BY THE OWNER IF REQUIRED FOR HIS FUTURE USE. ALL DEMOLISHED MATERIAL SHALL BE REMOVED AWAY FROM THE SITE IN A LEGAL MANNER.

	CHINTAN VIRANI - OAA MEMBE	CHINTAN VIRANI	CHINTAN VIRANI - OAA CERTIFICATE OF PRACTICE # 4931		
TEM	ONTARIO BUILDING CODE	DATA MATRIX - PART 11 - REI	NOVATION OF E	XISTING BUILDING	OBC REFERENCE
11.1	EXISTING BUILDING CLASSIFICATION	DESCRIBE EXISTING USE - EXISTING GROUP A, DIV. 2, UP TO 2 STOREYS			11.2.1
		CONSTRUCTION INDEX - HAZARD INDEX	E OE MAJOR OCCI	IPANCY)	T 11.2.1.1A T 11.2.1.1B TO N
11.2	ALTERATION TO EXISTING	BASIC RENOVATION	NO	YES	11.3.3.1
	BUILDING IS:	EXTENSIVE RENOVATION	⊠ NO	YES	11.3.3.2
11.3	REDUCTION IN PERFORMANCE LEVEL:				11.4.2
		STRUCTURAL	⊠ ио	X YES	11.4.2.1
		BY INCREASE IN OCCUPANT LOAD		YES	11.4.2.2
		BY CHANGE OF MAJOR OCCUPAN		YES	11.4.2.3(4)
		PLUMBING SEWAGE SYSTEM	NO NO	YES	11.4.2.5
11.4	COMPENSATING CONSTRUCTION:				11.4.3
		STRUCTURAL	□ NO	YES	11.4.3.2
		INCREASE IN OCCUPANT LOAD	⊠ ио	YES (EXPLAIN)	11.4.3.3
-		CHANGE OF MAJOR OCCUPANCY	⊠ №	YES (EXPLAIN)	11.4.3.4
		PLUMBING	⊠ NO	YES (EXPLAIN)	11.4.3.5
		SEWAGE SYSTEM	⊠ NO	YES (EXPLAIN)	11.4.3.6
11.5	COMPLIANCE ALTERNATIVES PROPOSED:	NO YES (GIVE NUMBER(S))			11.5.1
11.6	ALTERNATIVE MEASURES PROPOSED:	NO YES (GIVE NUMBER(S))			11.5.2

#### NOTE:

- OWNER TO CO-ORDINATE ALL WORK.
   ALL EXISTING PLUMBING AND HVAC ASSEMBLY TO REMAIN,
   G.C.'S LICENSED TRADES TO REWORK AS REQUIRED.

EXISTING MAIN HALL TO REMAIN TO BE REWORKED WITH MILL WORK AS REQUIRED.

FLOOR AREA = 2,642.24 S.F. = 245.47 S.M. INTERIOR FACE OF THE EXTERIOR WALL TO INTERIOR FACE OF EXTERIOR WALL TO INTERIOR FACE OF ALTER STAGE STEPS

MAXIMUM OCCUPANT LOAD O.B.C. TABLE 3.1.17.1. NON FIXED SCATS 0.75 S.M. PER PERSON = 245.47 + 0.75 = 328 PERSONS MAXIMUM 164 MEN + 164 WOMEN + 164 W

WASHROOMS REQUIRED BASED ON MAXIMUM OCCUPANT LOAD O.B.C. 3.7.4.5.(16) THE NUMBER OF WATER CLOSETS REQUIRED FOR PLACES OF WORSHIP AND UNDERTRAKING PREMISES SHALL BE AT LEAST ONE(1) FIXTURE FOR EACH 150 FERSONS OF EACH SEX.

REQUIRED WASHROOM = 1 MEN + 1 WOMEN

BASEMENT

BASEMENT

MEN'S = 2 W.C. + 2 VANITY + 3 URINAL + 2 SHOWERS

VOMEN'S = 3 W.C. + 3 VANITY

PLUS IN LOWER BASEMENT = 1 MEN'S BATH + 1 WOMEN'S BATH

FIRST FLOOR
MEN'S = 2 W.C. + 2 VANITY + 1 URINAL + 2 SHOWERS - (FOR VISITORS & SAINTS)

BASEMENT INTERIOR ALTERATION WORK AREA

RENOVATION AREA—1 = 347.47 S.F. = 32.28 S.M. RENOVATION AREA—2 = 113.62 S.F. = 10.55 S.M. RENOVATION AREA—3 = 650.15 S.F. = 60.40 S.M. TOTAL RENOVATION = 1,111.24 S.F. = 101.23 S.M.

FIRST FLOOR INTERIOR ALTERATION WORK AREA

RENOVATION AREA-4 = 326.34 S.F. = 30.32 S.M. RENOVATION AREA-5 = 220.80 S.F. = 20.51 S.M. TOTAL AREA = 547.14 S.F. = 50.83 S.M.

101.23 + 50.83 = 152.06 S.M.

## CHINTAN VIRANI

CHINTAN J. VIRANI B. ARCH. I OAA, MRAIC, I AIA I COAL



9898 HOLLY CRESCENT, WINDSOR, ONTARIO, WWW.CHINTAN.CA

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CITY'S C	OMMENT	S SEP.	05
EW		AUG.	29
DISCUSS	ED &	AUG.	17
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115 TERRACE DRIVE HAMILTON, ON L9A 2Y8 DRAWING TITLE

ONTARIO BUILDING CODE

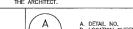
- NOTES - KEY PLAN

NOTE:

DI NOT SCALE DRAWINGS:

ALL DIMENSIONS TO BE SHECKED AND
ALL DIMENSIONS TO BE SHECKED AND
AND ALL DISCREPANCIES TO BE
REPORTED TO THE ARCHITECT.

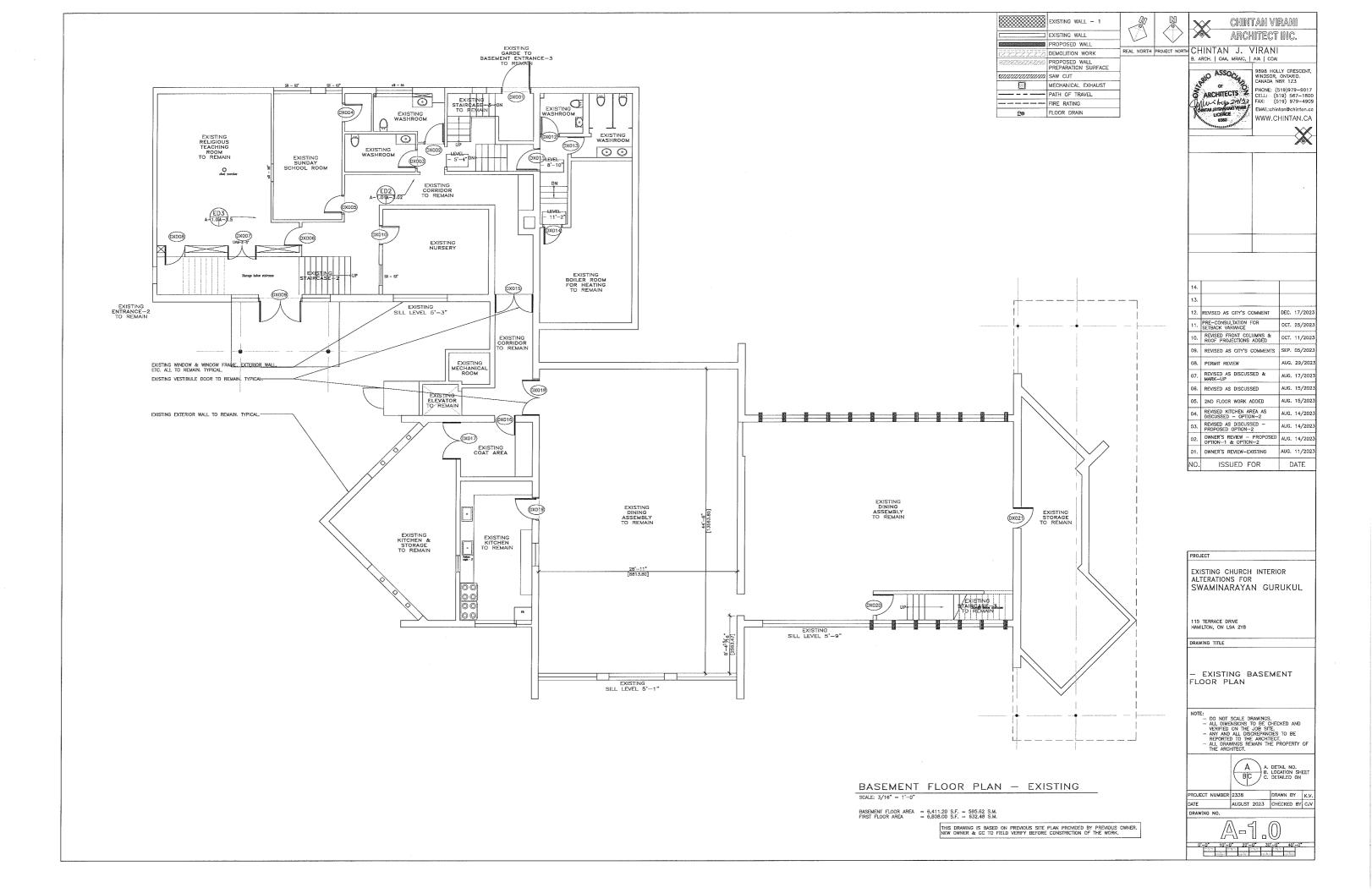
ALL DRAWINGS REMAIN THE PROPERTY OF
THE ARCHITECT.

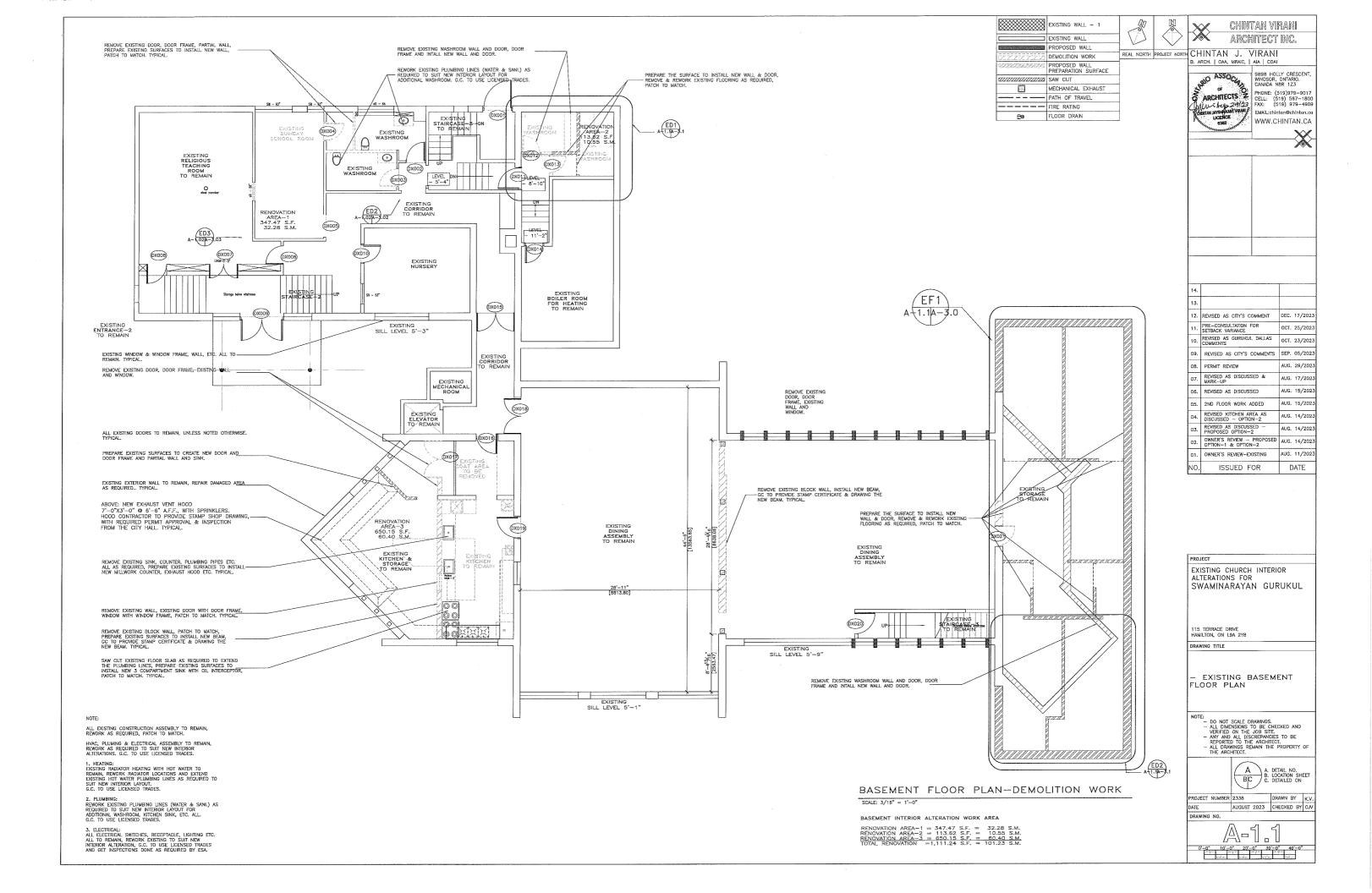


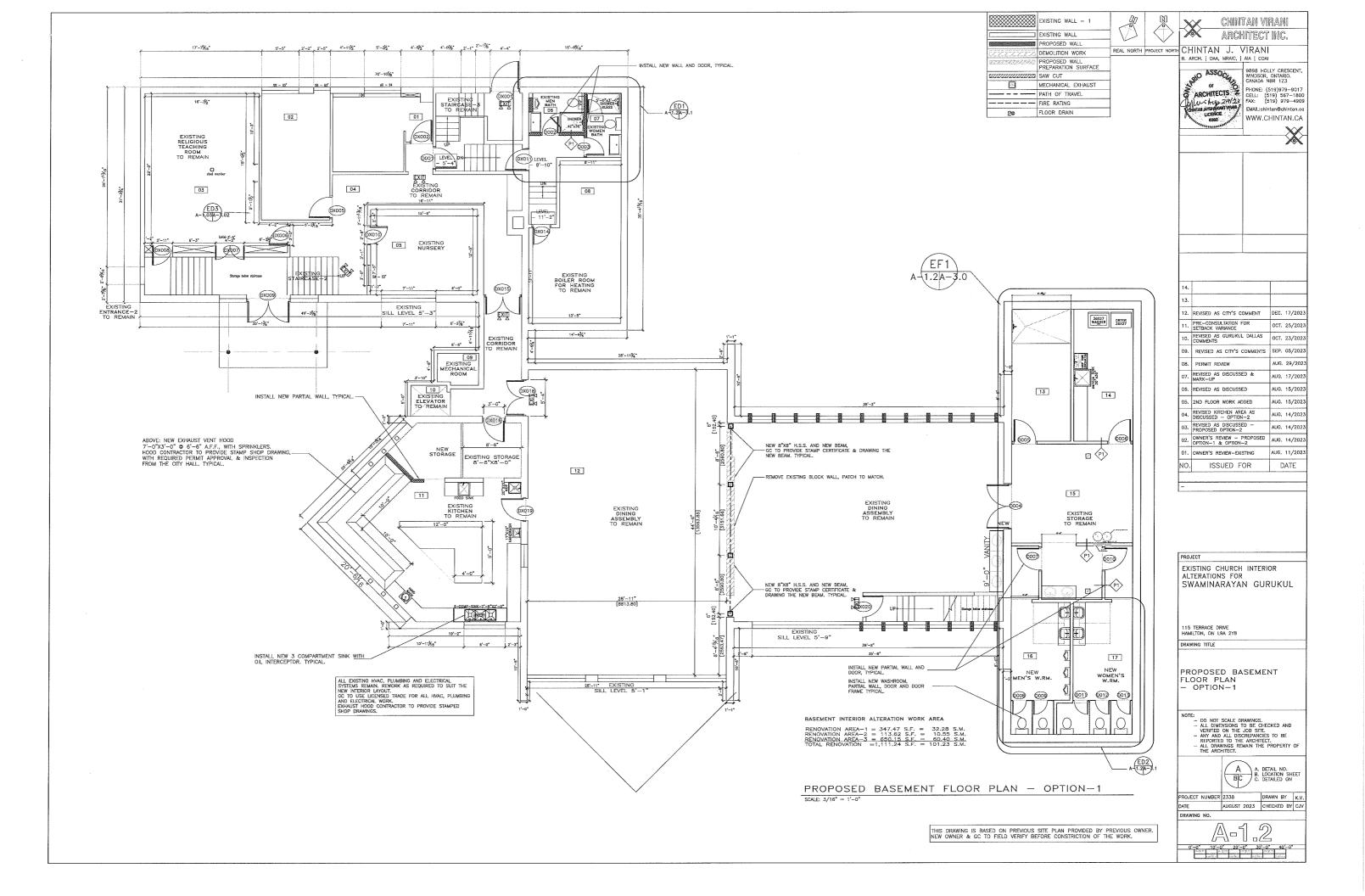


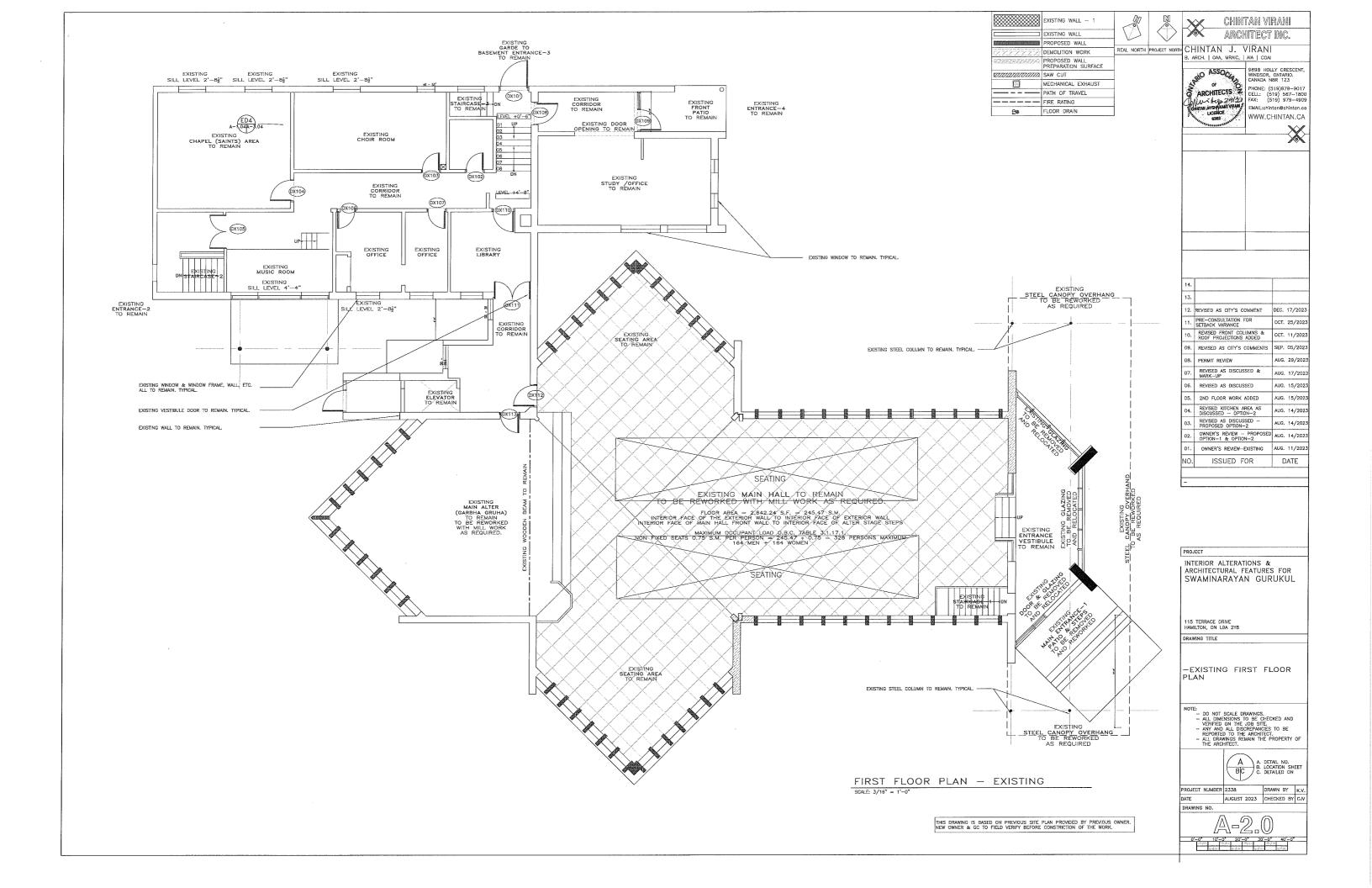
PROJECT NO. 2338 DRAWN BY J.M./M.P. DATE AUGUST 2023 CHECKED BY CJV

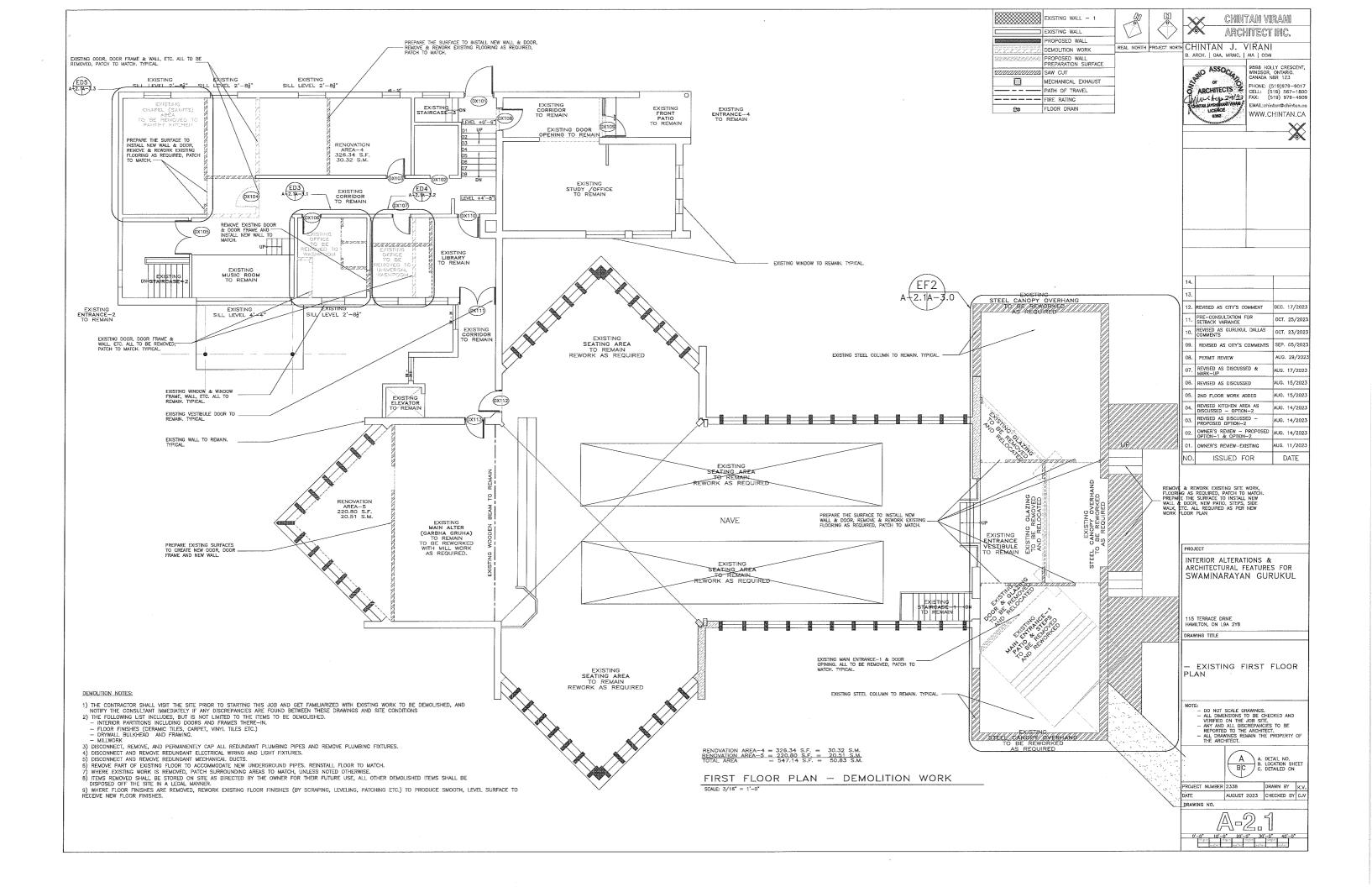


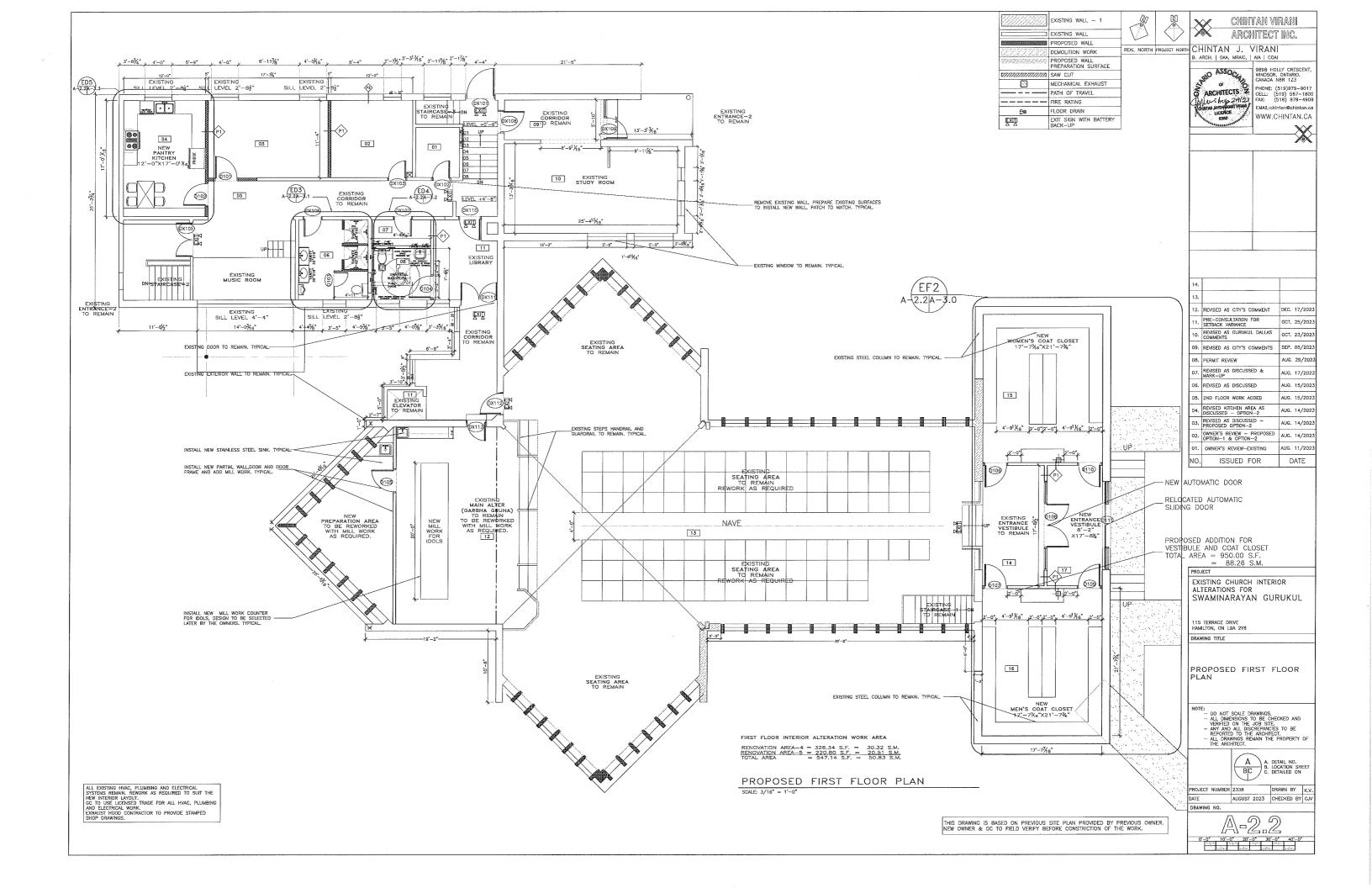




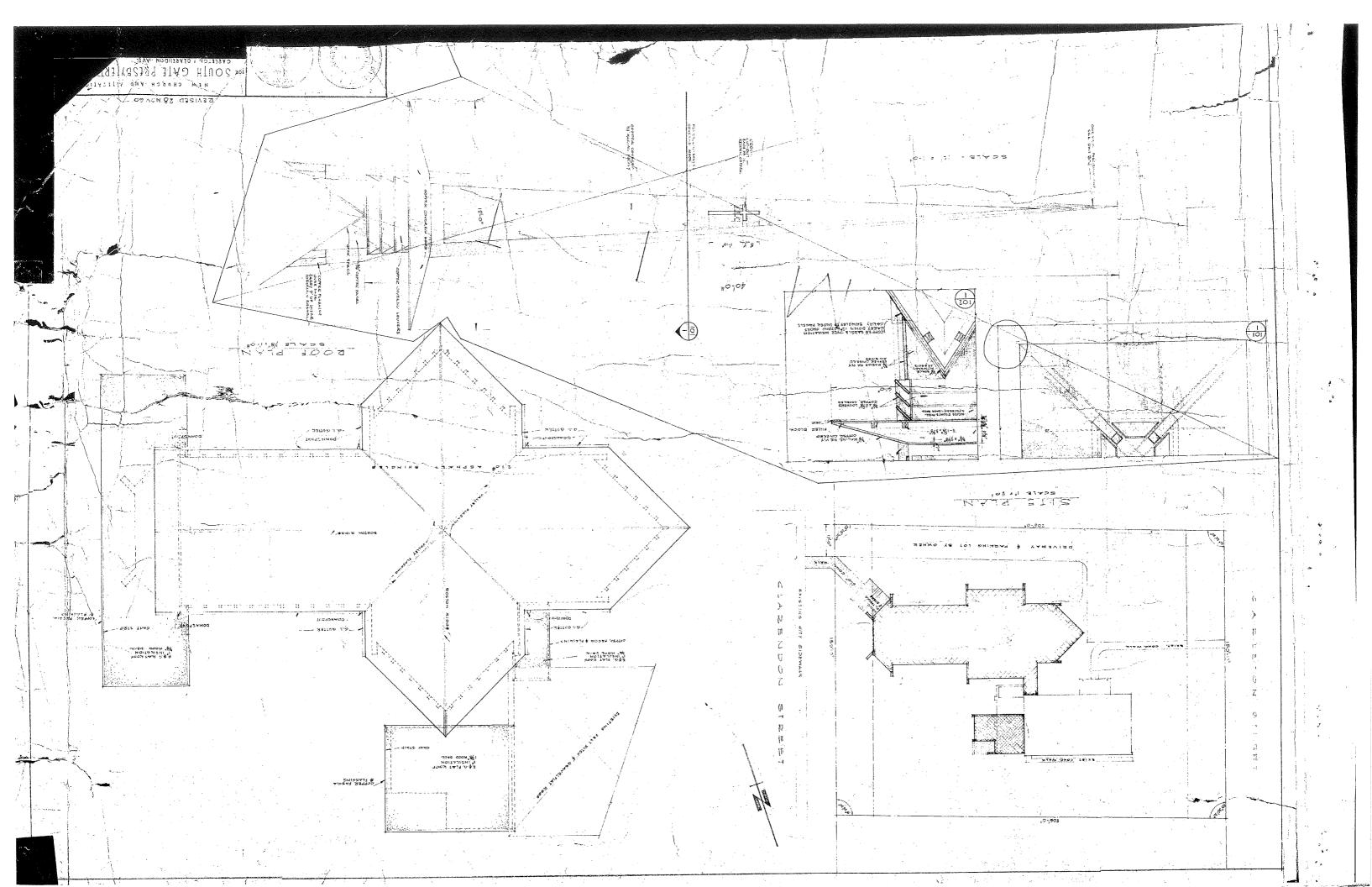








MOUNTAIN ANNEX PARK CITY OF HAMILTON SCALE: F- 20 925 147 176 444 The CITY OF HAMILION discisims any liability as to the current accuracy of the contents of this document and advises that no reliance can be placed upon the current accuracy of the contents herein. BOICK CHURCH 44.4. 175 146 CLARENDON POPULATION OF THE PROPERTY OF





### SHREE SWAMINARAYAN GURUKUL CANADA®

115 Terrace Drive, Hamilton, ON, L9A 2Y8 | (365)-227-0116 | toronto@gurukul.world

Canadian Registered Charity #: 824883003 RR001

Date: December 13, 2023

Committee of Adjustment

City of Hamiton

Re: Application of a minor variation permission

Shree Swamianrayan Gurukul is registered Canadian Charity operated in Ontario since 2011. We recently acquired church property (115 Terrace Drive or 120 Clarendon ave.) that we will be using as Hindu Temple (place of worship).

In order to comply with religious believes and maintain proper flow in and out of building we require to close existing canopy in the front of building and create coat/shoes/Jacket area and extend basement make new washrooms. Current washrooms are in out of flow and not ideal for temple where we want to maintain highest level of spirituality.

We consulted our proposal with city staff and upon their request we also completed zoning compliance review and attached their comment along with application. We would highly appreciate if you could consider this application and do the needful for us to proceed with our proposal.

Here with we are attaching following documents:

- 1) Application fee
- 2) Completed application.
- 3) Zoning compliance report
- 4) Existing and proposed drawings

We highly appreciate for support from city in this regard.

Thanks,

Vipul Savaliya

President- Shree Swaminarayan Gurukul Canada





Planning Division

71 Main Street West, 5th Floor

Hamilton, Ontario, L8P 4Y5 Phone: 905-546-2424 x1719 Fax: 905-546-4202

www.hamilton.ca



November 29, 2023

FILE:

ALR

FOLDER:

23-311655-00 ALR

ATTENTION OF: TELEPHONE NO:

Victoria Brito (905) 546-2424

**EXTENSION**:

7628

Shree Swaminarayan Gurukul 115 TERRACE DR HAMILTON, ON L9A 2Y8

### Attention:

Re:

APPLICABLE LAW REVIEW - ZONING BYLAW

Present Zoning: I1 (Neighbourhood Institutional)

Address: 115 TERRACE DR HAMILTON, ON (ALSO KNOWN AS 120 CLARENDON AVE.)

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

### COMMENTS:

- 1. The applicant is proposing to add a vestibule addition to the existing building place of worship.
- 2. Building records indicates that the recognized use is a place of worship which is permitted in the current "I1" (Neighbourhood Institutional) zoning.
- 3. This property is listed in the City of Hamilton's Inventory Heritage Buildings as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at <a href="mailton.ca/heritageplanning@hamilton.ca">culturalheritageplanning@hamilton.ca</a>, or visit <a href="www.hamilton.ca/heritageplanning">www.hamilton.ca/heritageplanning</a> for further information.
- 4. This is a through lot. Therefore, the front lot line shall be at the option of the owner, either of the lot lines abutting a public street as defined. It is noted that the applicant has deemed the lot line along Clarendon Avenue as the front lot line for the property. Therefore, the opposite lot line shall be considered the rear lot line and all other lot lines shall be considered interior side lot lines.
- 5. Any other proposed yard encroachments shall be in accordance with the requirements of Section 4.6 of the Hamilton Zoning By-law 05-200.
- 6. Construction of the proposal is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
- 7. Sign details have not been provided; all signage shall conform to Hamilton Sign By-law 10-197. A building permit(s) is required for all signage.

- 8. Fencing details have not been provided; all fencing shall conform to Hamilton Fence By-law 10-142.
- 9. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
- 10. The proposed development has been reviewed and compared to the standards of the I1 (Neighbourhood Institutional) zone as indicated in the following chart:

	Required by the By-Law	Provided	Conforming/ Non-Conforming
	Section 8.1 – I1 Rec	quirements	
Section 8.1.3.1- EN	MERGENCY SHELTER, RESIDENTIA RETIREMENT HOME R		VORSHIP AND
Minimum Lot Area [as per section 8.1.3.1(a) of Hamilton Zoning By- law 05-200]	330.0 square metres;	Details not provided; however, it is noticed that the property has a lot area greater than 330.0m <sup>2</sup> .	Conforms
Maximum Lot Area for a Place of Worship [as per section 8.1.3.1(b) of Hamilton Zoning By- law 05-200]	1.0 hectare	Details not provided; however, it is noticed that the property has a lot area less than 1.0 hectare.	Conforms
Minimum Lot Width [as per section 8.1.3.1(c) of Hamilton Zoning By- law 05-200]	12.0 metres	Details not provided; however, it is noticed that this property has a lot width greater than 12.0m.	Conforms
Minimum Front Yard [as per section 8.1.3.1(d) of Hamilton Zoning By- law 05-200]	6.0 metres	The submitted site plan shows a proposed setback of 3.0m.	Non-conforming
Minimum Side Yard [as per section 8.1.3.1(e) of Hamilton Zoning By- law 05-200]	1.2 metres	The submitted site plan shows a proposed setback significantly greater than 1.2m along both sides.	Conforms
Minimum Flankage Yard [as per section 8.1.3.1(f) of Hamilton Zoning By- law 05-200]	3.0 metres	This is not a corner lot.	N/A
Minimum Rear Yard [as per section 8.1.3.1(g) of Hamilton Zoning By- law 05-200]	7.0 metres	No changes are proposed.	Existing
Maximum Building Height [as per section 8.1.3.1(h) of Hamilton Zoning By- law 05-200]	10.5 metres	No elevation plans were submitted; however, a one storey addition is proposed which does not appear to exceed 10.5m in height.	Appears to conform

	Required by the By-Law	Provided	Conforming/ Non-Conforming
Maximum Capacity for Residential Care Facility and Retirement Home [as per section 8.1.3.1(i) of Hamilton Zoning By-law 05-200]		Not applicable to the proposal.	N/A
Location of Emergency Shelter and Residential Care Facility [as per section 8.1.3.1(j) of Hamilton Zoning By- law 05-200]	i) Except as provided for in Subsection ii), herein, every Emergency Shelter or Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.  ii) Where the radial separation distance from the lot line of an Emergency Shelter or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, the existing Residential Care Facility may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.	Not applicable to the proposal.	N/A
	Section 5 - Parki	ing	
Location (All Uses) [as per section 5.1(a) of Hamilton Zoning By-law 05-200]	Required parking facilities shall be located on the same lot as the use requiring the parking.	Required parking facilities are located on the same lot las the use requiring parking.	Conforms
Location of parking and Planting strip	v) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting	a) Parking is shown located as close as 0.0m from both street lines.	Non-conforming
[as per section 5.1(a) of Hamilton Zoning By-law 05-200]	parking spaces, excluding driveways extending directly from the street, shall be subject to the following:  a) Shall not be located within 3.0 metres of a street line,  b) Shall provide a 3.0 metre wide	b) No planting strip is provided between the street line and the said parking spaces or aisles.	Non-conforming

	Required by the By-Law	Provided	Conforming/ Non-Conforming
	planting strip being required and permanently maintained between the street line and the said parking spaces or aisle, except for that portion of a lot line abutting the Red Hill Valley Parkway and the Lincoln Alexander Parkway; and,  c) Where a Planting Strip is provided, as per b) above, any architectural wall	c) Not shown as part of the proposal.	N/A
	or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.		
	vi) Within any Downtown Zone, no new surface parking lots shall be permitted except where the parking is accessory to the main use on the same lot.	vi) this is not a Downtown Zone.	N/A
Design Standards [as per section 5.2 of Hamilton Zoning By-law 05-200]	a) Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5), or Downtown (D6) Zone, the following shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) Zone, or Downtown (D6) Zone:  i) A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.	This property is adjacent to a Residential zone on both the northerly and southerly sides.  The required landscaped strip has not been provided along both northly and southerly sides abutting Residential.	Non-conforming
	b) Unless permitted by another regulation in this By-law, parking space sizes shall be:  i) Minimum 2.8 metres in width and 5.8 metres in length;  ii) Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres;	i) The typical parking space size has not been clearly labelled on the Site plan. The side notes show a typical size of 2.8m x 5.8m; however, some spaces appear to be less.  ii), iii), iv, and v) not applicable to this development.	Appears may not conform
	<ul> <li>iii) Notwithstanding Subsection ii), an additional 0.3 metres shall not be required provided:</li> <li>1. the maximum length of the wall, column or any other obstruction shall not exceed 1.15 metres;</li> </ul>		

	2. the wall, column or any other obstruction is located at the front, rear, or both ends of the parking space; and,		Conforming/ Non-Conforming	
	3. the wall, column or any other obstruction does not project more than 0.15 metres into the width of the parking space.			
	iv) The length of each parking space in an attached garage of a dwelling unit shall be increased by an equivalent length of the step, steps or stairwell that extends into the parking space;			
	v) Notwithstanding Subsection iv), an open stairway may project into the length of the required parking space not more than 0.75 metres provided the height of the stairway does not exceed 0.5 metres;			
	vi) Notwithstanding Subsection i) herein, where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10% of such required parking spaces shall be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only;	vi) no small car parking spaces have been identified for the development.	N/A	
	vii) Notwithstanding Subsection b) herein, light standards, including the base, located at the intersection of 4 parking spaces shall not be considered as an obstruction.	vii) No light standards shown.	N/A	
	c) All required parking shall be provided as follows:  i) With adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle;	c) i) )The parking is shown with adequate means of ingress and egress to and from the street without the necessity of moving any other motor vehicle.	Conforms	
	ii) Shall be arranged so as to not interfere with normal public use of the street or laneway;  iii) Shall be accessed by means of an access driveway:	ii) It appears that Parking space #19 may interfere with normal public use of the street. All other parking is not shown to interfere with normal public use of the street.	Appears may not conform	
	<ol> <li>Located on the lot; or,</li> <li>Located party on the lot in the case</li> </ol>	iii) The parking is shown to be access by means of an	Conforms	

Required by the By-Law	Provided	Conforming/ Non-Conforming
of a mutual driveway; or,  3. By means of a Right-of-Way.	access driveway located on the lot.	<b>9</b>
iv) Any parking lot shall provide for ingress and egress of vehicles to and front a street in a forward motion only.	iv) It appears that ingress and egress to Parking space #19 may not be in a forward motion only. All other parking is shown to provide ingress and egress of vehicles to and from a street in a forward motion only.	Appears may not conform
d) Notwithstanding Subsection b) herein, in the case of parallel parking:  Each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres	No parallel spaces shown.	N/A
e ii) Parking Lots in All Zones, except the Rural Classification Zones  a) Shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;	The composition of the parking area was not clearly indicated. However, based on GIS aerial and street view it is noticed to be asphalt/concrete.	Appears to conform
f) Notwithstanding Subsection b) herein, in the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres; and,	The site provides four (4) barrier free spaces. Two spaces are clearly labelled to have a size of 4.5m x 5.8m. However, the remaining two spaces appear to be deficient.	Appears non- conforming
h) In addition to Section 5.1 a) v) and Subsection 5.2 e), the following Planting Strip requirements shall apply to surface parking lots in all zones where 50 or more parking spaces are provided on a lot::  i) Landscaped Area(s) or Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated access driveway and manouvering areas shall be provided and maintained;	The site only provides 41 parking spaces. Therefore, these requirements are not applicable.	N/A
ii) Each Landscaped Area and Landscaped Parking Island shall have		

	Required	by the By-Law	Provided	Conforming/ Non-Conforming
	a minimum area of 10.0 square metres;  iii) In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2h)i), up to a maximum of 10% of the required parking spaces.			
	the minimum ais	ovided in accordance	The access driveways are less than the required width. The site plans shows a width of 3.795m where there is 60 degree parking, 4.305m where there is 90 degree parking.	Non-conforming
	Parking Angle Degree	One-Way and Two- Way Aisle Width		
	0%	3.7m		
	15°	3.7m		
	30°	3.7m		
	45°	4.5m		
	60°	5.5m		
	75°	6.0m		
	90°	6.0m		
Location of Loading Facilities [as per section 5.2.1 of	The location of loading doors and associated loading facilities shall be subject to the following:		No loading facilities shown as part of the development.	N/A
Hamilton Zoning By-law 05-200]	a) Shall not be permitted within a     Front Yard;			
	b) Shall not be permitted in any yard abutting a street, except where screened from view by a Visual Barrier in accordance with Section 4.19 of this Bylaw; and,			
	yard abutting a R an Institutional Z screened from vi	ew by a Visual ance with Section		

·	Required by	the By-Law	Provided	Conforming/ Non-Conforming
Barrier Free Parking [as per section 5.5 of Hamilton Zoning By-law 05-200]  *Shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings and Street	a) Barrier free parking designated and pro the required parking accordance with the requirements:  The required numbers spaces for the increbeen calculated due information.	vided as part of g spaces in e following er of parking eased GFA has not	Four (4) barrier free spaces.	Appears to conform
Townhouses abutting a public street.  **Where the application	Required Parking Spaces	Designated Barrier Free Parking Spaces		,
of the parking standards in Section a) above results in a numeric	1 – 49 Spaces	Minimum 1 space;		
fraction, fractions shall be rounded down to the nearest whole number.	50 – 100 Spaces	Minimum 4% of the total number of required parking spaces;		
	101 – 200 Spaces	Minimum 1 space + 3% of the total number of required parking spaces;		
	201 – 1000 Spaces	Minimum 2 spaces + 2% of the total number of required parking spaces; and,		
	1000+	Minimum 11 + 1% of the total number of required parking spaces.		
Minimum Number of Required Parking Spaces [as per section 5.6 c) of Hamilton Zoning By-law 05-200]	1 for every 10 squar floor area, inclusive cellar, to accommod Note: Records indic existing place of wo established under the By-law 6593 which of minimum parking re- church.	of a basement or late such use.  ate that the rship was the former zoning contained no quirements for a	Parking required for the increase GFA could not be determined due to insufficient information.  Based on site plan provided, a total of 41 parking spaces are proposed.	Appears to conform
	Based on details pro applicant, the propo			

	Required by the By-Law	Provided	Conforming/ Non-Conforming
	1228.10m² (includes both the basement and first floor area). However, the existing gross floor area shall be provided in order calculate the difference and determine parking for the increased GFA per Section 5.6 d) below.		
Additional requirements for all zones, except Downtown Zones [as per section 5.6 d) of Hamilton Zoning By-law 05-200]	d) Notwithstanding Subsection c) herein, for a Hospital or Place of Worship use within any Zone located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained except a Place of Worship shall not be required to provide additional parking beyond that required by Section 5 of this By-law. Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.6 c) above, shall only apply to the increased gross floor area of the building.	Records indicate that the existing place of worship was established under the former zoning By-law 6593 which contained no minimum parking requirements.  Records also indicate that no parking areas have been legally established or recognized for this site through any formal approval process.  Therefore, zero (0) parking spaces are recognized.  A total of 41 parking spaces are shown on site.	Applied to the proposal
Bicycle Parking [as per section 5.7 of Hamilton Zoning By-law 05-200]	a) Locational Requirements:  i) Long-term Bicycle Parking Space shall be located in a secure enclosed bicycle parking area.  ii) Short-term Bicycle Parking Space shall be located within a bicycle parking area at grade	Not required for properties within an Institutional zone. No bicycle parking is shown to be provided.	N/A

Yours truly

for the Manager of Zoning and Committee of Adjustment

VB/vb



### Zoning minor variant preconsultant

Bonaventura, David < David. Bonaventura@hamilton.ca>

Fri, Dec 15, 2023 at 2:58 PM

To: Vipul Savaliya <vipul.savaliya@gmail.com>

Cc: "Catarino, Jennifer" < Jennifer. Catarino@hamilton.ca>

Hello Vipul,

Please see the attached correspondence from Zoning staff regarding the stairs on the proposed site plan. It appears at the moment the new stairs would have a 0 metre setback from the property line and would be on the property line. Staff are not supportive of the current configuration for the stairs in particular. That being said, the proposed variance for a 3 metre setback from the front lot line has merit.

If you have any questions, please note in I will not be in office again until January 2<sup>nd</sup>.

[Quoted text hidden]

----- Forwarded message ------

From: "Brito, Victoria" < Victoria. Brito@hamilton.ca>

To: "Bonaventura, David" < David.Bonaventura@hamilton.ca>

Cc: Bcc:

Date: Thu, 14 Dec 2023 16:32:58 +0000

Subject: RE: Zoning minor variant preconsultant

Good morning David,

Based on the way it is illustrated I thought it was existing and not proposed. If it is proposed, then it is subject to the encroachments Section 4.6 in the Hamilton Zoning By-law 05-200.

I don't have other details of the structure; however, I'm inclined to call this a porch with associated stairs or perhaps an exterior staircase. Anyway, if the proposed 3.0m front yard (along Clarendon) is approved at Committee, then it would have to maintain a setback of 1.5m from said lot line if we treat it as porch with associated steps or maintain a setback of 3.0m if we treat it as exterior staircase. So a variance would be required to be included to allow the structure to be 0.0m from said lot line instead of the required either 1.5m or 3.0m setback depending on what it is.

Let me know if you have any further questions or concerns.

Kind Regards,

### Victoria Brito

Zoning Examiner/Code Correlator

Planning and Economic Development

Planning Division, City of Hamilton

(905) 546-2424 Ext.7628



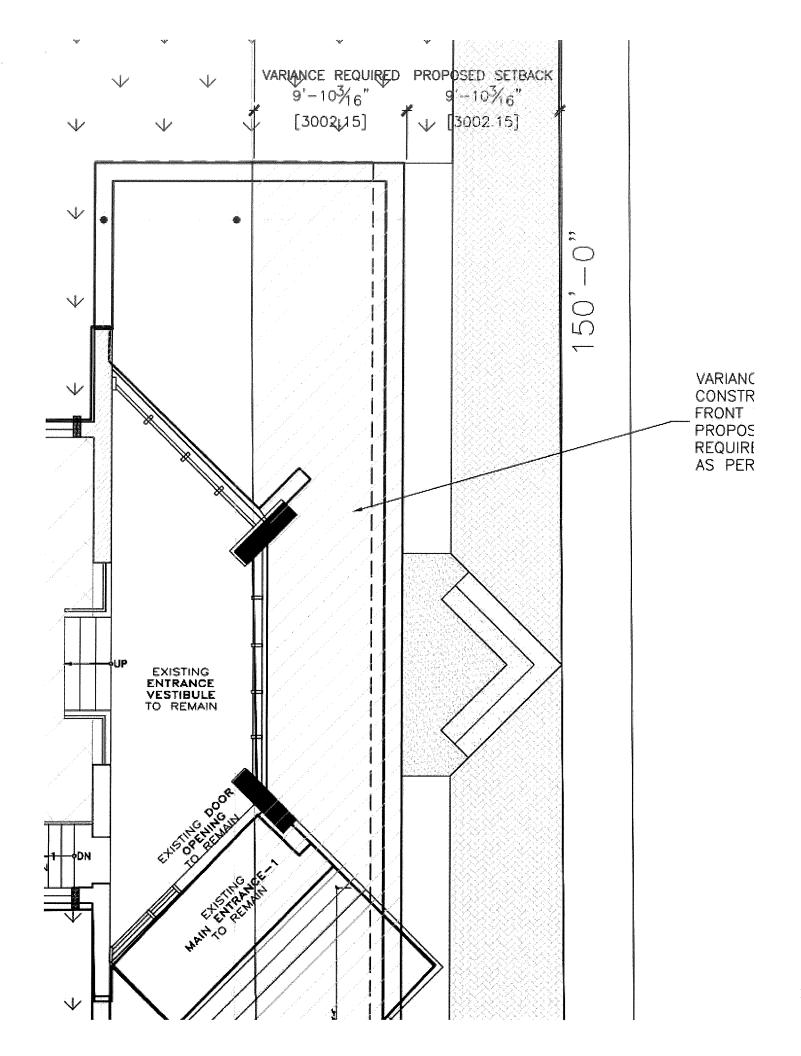
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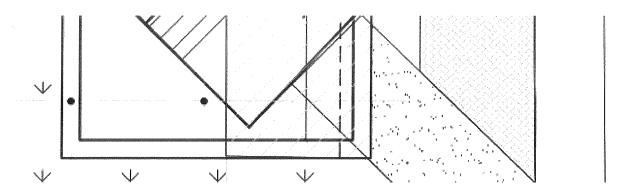
From: Bonaventura, David < David. Bonaventura@hamilton.ca>

Sent: Thursday, December 14, 2023 11:16 AM To: Brito, Victoria <Victoria.Brito@hamilton.ca> Subject: FW: Zoning minor variant preconsultant

Hi Victoria,

I just have a question for you regarding this ALR you did for a potential minor variance at 115 Terrace Drive. I am just wondering if the proposed stairs for the expanded vestibule along Clarendon Avenue would be an issue in terms of projecting/setbacks. They appear to have a 0.0 m setback from that lot line.





This does not seem to be highlighted as a non-conformity in your ALR, but I just wanted to double check with you before I give a response to the applicant.

Thank you,

### **David Bonaventura**

Planning Technician I - West Team

**Development Planning** 

Planning and Economic Development

Planning Division

(905) 546-2424 Ext. 3364



From: Vipul Savaliya <vipul.savaliya@gmail.com>

Sent: Friday, December 1, 2023 12:18 PM

To: Committee of adjustment <cofa@hamilton.ca>; david.bonaventura@gmail.ca; Bonaventura, David

<David.Bonaventura@hamilton.ca>

Cc: chintan virani Architect <cviraniad1@gmail.com>; D Gajera <dgajera@yahoo.com>

Subject: Zoning minor variant preconsultant

Hello,

We met David Bonaventura at city hall back in November and he suggested we go with Zoning compliance review to confirm what minor variance required for our proposed work.

We have completed the zoning compliance review and attached their comment and our existing and proposed work.

We would like to know if city staff would support this proposed work so we can move forward with the official application.

Your support is greatly appreciated.



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				
Registered Owners(s)	Shree Swaminarayan Guru	k			
Applicant(s)	Vipulkumar Savaliya				
Agent or Solicitor	-			Pnone: E-mail:	
1.2 All corresponden	ce should be sent to	☐ Purchas		☐ Owner ☐ Agent/Solicitor	
1.3 Sign should be se	ent to	☐ Purchase ☑ Applican		<ul><li>☑ Owner</li><li>☐ AgentSolicitor</li></ul>	
1.4 Request for digita	ll copy of sign mail address where sigr	☑ Yes* n is to be ser	□ No		
	ce may be sent by emai		☑ Yes*	□ No	
(if applicable). Or	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	115 Terrace Drive, Hamilton, ON, L9A 2Y8			
Assessment Roll Number	08089108110			
Former Municipality				
Lot		Concession		
Registered Plan Number	Phone to the same	Lot(s)		
Reference Plan Number (s)		Part(s)		

☐ 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:

See attachment for the letter of zoning compliance for the required variances. 1. existing Parking. 2. Set back reduced to 3.0 m instead of 6.0 m. to Cover the front porch area to make coat closet with new vestibule on main floor, washrooms in basement. very minor addition to existing to make it better.

L	] Second	Dwe	lina I	Unit

☐ Reconstruction of Existing Dwelling

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

To better fit our need for coat/shoes room we need to add vesibule by doing to we will not comply with required setback of 6.0meter pe by-law.

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

✓ Yes

ΠNο

If yes, please provide an explanation:

All existing building to remain. minor addition - variance for setback, existing parking etc. as stated in zoning compliance letter.

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

### 4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
45.72 m = 150'-0"	62.79m = 206'-0"	2,936.39	unknown

	buildings and structu nce from side, rear an		r the subject lands:	
Existing:				
Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
church building	6.0	15.41	10.14 / 5.55	12/01/1960
Proposed:				
Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Front Vestibule	3.0	15.41	10.41 / 5.55	
sheets if neces  Existing:  Type of Structure  1 storey church building	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
1 storey church building	632.48	632.48	1	17'-0"+ roof
Proposed:	L		·	
Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
vestibule	88.26	88.26	1	17'-0"
☑ publicly ow ☐ privately ow 4.5 Type of storm	supply: (check appropersed and operated pipersed and operated in drainage: (check appropersed and operated sto	ped water system dividual well propriate boxes)	☐ lake or other☐ other means☐ 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)	COMMISSION MANAGEMENT AND A STATE OF THE STA
4.7	71	
	provincial highway	right of way
	<ul><li>☐ municipal road, seasonally maintained</li><li>☑ municipal road, maintained all year</li></ul>	other public road
4.8	Proposed use(s) of the subject property (single detached dwelli	ng duplex, retail, factory etc.):
	Hindu Temple (Place of Worship)	
4.9	Existing uses of abutting properties (single detached dwelling d	uplex, retail, factory etc.):
	Chuch (Place of worship)	
7	HISTORY OF THE SUBJECT LAND	
7.1	Date of acquisition of subject lands:	*
7.2	Previous use(s) of the subject property: (single detached dwelling	ng duplex, retail, factory etc)
	Chuch (Place of worship)	
7.3	Existing use(s) of the subject property: (single detached dwellin	g duplex, retail, factory etc)
	Chuch (Place of worship)	
7.4	Length of time the existing uses of the subject property have co	ntinued:
	Since constructed 1960	
7.5	What is the existing official plan designation of the subject land?	
	Rural Hamilton Official Plan designation (if applicable): Not App	licable
	Rural Settlement Area:	
	Urban Hamilton Official Plan designation (if applicable)	
	Please provide an explanation of how the application conforms v	with the Official Plan.
	Existing uses for Place of worship to remain	
7.6	What is the existing zoning of the subject land? I1 (Neighbourh	ood Institutional)
7.8	Has the owner previously applied for relief in respect of the subje	ct property?
	(Zoning By-lawAmendment or Minor Variance)  ☐ Yes	
	If yes, please provide the file number: I1 (Neighbourhood In	stitutional)

4.6	Type of sewage disposal proposed: (check appropriate box	r)
	publicly owned and operated sanitary sewage	
	system privately owned and operated individual	
	☐ septic system other means (specify)	
4.7		
	provincial highway	☐ right of way
	<ul><li>☐ municipal road, seasonally maintained</li><li>☑ municipal road, maintained all year</li></ul>	other public road
4.8	Proposed use(s) of the subject property (single detached dwe	alling duploy, ratail, factory at a h
7.0	Hindu Temple (Place of Worship)	ening duplex, retail, factory etc.).
	······································	
4.9	Existing uses of abutting properties (single detached dwelling	duplex, retail, factory etc.):
	Chuch (Place of worship)	
7	HISTORY OF THE SUBJECT LAND	
7.1	Date of acquisition of subject lands:	•
7.2	Previous use(s) of the subject property: (single detached dwe	elling duplex, retail, factory etc)
	Chuch (Place of worship)	
7.3	Existing use(s) of the subject property: (single detached dwel	ling duplex, retail, factory etc)
	Chuch (Place of worship)	
7.4	Length of time the existing uses of the subject property have	continued:
	Since constructed 1960	
7.5	What is the existing official plan designation of the subject land	d?
	Rural Hamilton Official Plan designation (if applicable): Not A	oplicable
	Dural Cattlemant Area	
	Urban Hamilton Official Plan designation (if applicable)	
	Please provide an explanation of how the application conform	s with the Official Plan.
	Existing uses for Place of worship to remain	
7.6	What is the existing zoning of the subject land? I1 (Neighbou	urhood Institutional)
7.8	Has the owner previously applied for relief in respect of the sub	picot proporty?
7.0	(Zoning By-lawAmendment or Minor Variance)	pject property?
	☐ Yes ✓ No	
	If yes, please provide the file number: 11 (Neighbourhood	Institutional)

7.9		ct of a current application for consent under Section 53 of the				
	Planning Act?	☐ Yes	✓ No			
	If yes, please provide the file nu	mber:				
					:	
7.10	If a site-specific Zoning By-law Atwo-year anniversary of the by-law			ed for the subject	property, has the	
		☐ Yes	✓ No			
7.11	If the answer is no, the decision application for Minor Variance is application not being "received"	allowed must be				
8	ADDITIONAL INFORMATION					
8.1	Number of Dwelling Units Existing	ng: <u>0</u>				
8.2	Number of Dwelling Units Propo	osed: 0				
8.3	Additional Information (please in	iclude separate s	heet if need	ed):		
	Existing uses for Place of wors the front setback for convenien		inor additior	of vestibule & co	oat closet in	

# **COMPLETE APPLICATION REQUIREMENTS** All Applications 11.1 ✓ 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