



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**

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**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
- 

<b>APPLICATION NO.:</b>	DN/A-23:339	<b>SUBJECT PROPERTY:</b>	12 NAPIER STREET N, DUNDAS
<b>ZONE:</b>	“R2” (Single Detached Residential Zone)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Dundas 3581-86, as Amended

**APPLICANTS:**      Owner: 2778024 ONTARIO INC  
                                 Applicant: JORDAN STATION DESIGN CO INC.(LEE CURTIS)

The following variances are requested:

1. An Office shall be permitted within the ground floor of the existing building;
2. Parking spaces shall be provided within the required Front Yard instead of the requirement that no such required parking or loading space shall be located in a required front yard;
3. No Manoeuvring Space shall be provided for a parking space instead of the required 6.0 metre Manoeuvring Space for 90 degree parking spaces;
4. A Minimum of three (3) Parking Spaces shall be provided instead of the required five (5) Parking Spaces for a Dwelling Unit and Office use;
5. A 1.9 metre Landscaping Area shall be provided directly abutting a street line instead of the required 3.0 metre Landscaping Area directly abutting a street line.
6. No Buffer Strip shall be provided abutting a Residential Zone or Lot instead of the required 3.0 metre Buffer Strip when the side or rear lot line abuts an RU/S-58, R1, R2, R3, R4, RM1, RM2, RM3 or RM4 Zone
7. A minimum 40% Landscaping in the Front Yard shall be provided for a building containing a residential use instead of the required 50% Landscaping in the Front Yard for residential buildings.

**PURPOSE & EFFECT:**      So as to permit an Office use within the existing building and associated parking spaces notwithstanding that:

**Notes:**

i) Please note, as per the submitted Minor Variance application form, the following items were provided regarding the requested variances:

- (1) "Existing legal non-conforming office use
- (2) Parking variance in relation to office use (3 stalls required, requesting 2)"

Be advised, all applicable Zoning regulations have been applied to the Office use and as such it has been determined through this review that the requested variances would be insufficient to bring the Office use and proposed parking spaces into Zoning Compliance. As such, additional variances have been provided to permit the use as well as permit all associated lot standards created as a result of the change of use to an Office.

ii) Be advised, insufficient information was provided on the site plan to determine the projection of the eaves, gutters or canopies of the existing building. Should the eaves, gutters or canopies not be existing and project more than the required encroachments permitted under Section 6.6.2 of Dundas Zoning By-Law 3581-86, additional variances may be required.

iii) Be advised, insufficient information was provided regarding the intended vehicles to be parking on the property. Note, as per Section 7.10, the following vehicles are prohibited on lots within Residential Zones, including the R2 Zone:

iv) A vehicle for which the permit fee under The Highway Traffic Act is based on the weight of the vehicle and load in excess of 4.0 tonnes; or

ii. A vehicle for which the permit fee under The Highway Traffic Act is based on the weight of the vehicle and load in excess of 4.0 tonnes; or

iii. A vehicle which exceeds 6.5 metres in length; or

iv. A vehicle which is equipped with dual rear wheels or tandem axles; or

v. A vehicle which is a tow truck; or

vi. A vehicle which is a bus.

Should vehicles intended for the proposed Office use include any such vehicle listed above, additional variances may be required.

v) Be advised, insufficient information was provided regarding the existing shed indicated within the required rear yard. Note, should the shed not be legally established, and non-conforming, current performance standards shall apply to the shed as per Section 9.5 and additional variances may apply.

vi) Please note, an Encroachment Agreement with Public Works is required for any work or alterations, including the driveway extension landscaping area, indicated within the Napier Street North Road Allowance.

vii) Please note, the proposed relocation of the fence shall comply with the requirements of the Fence By-Law 10-142.

**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>2:15 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**

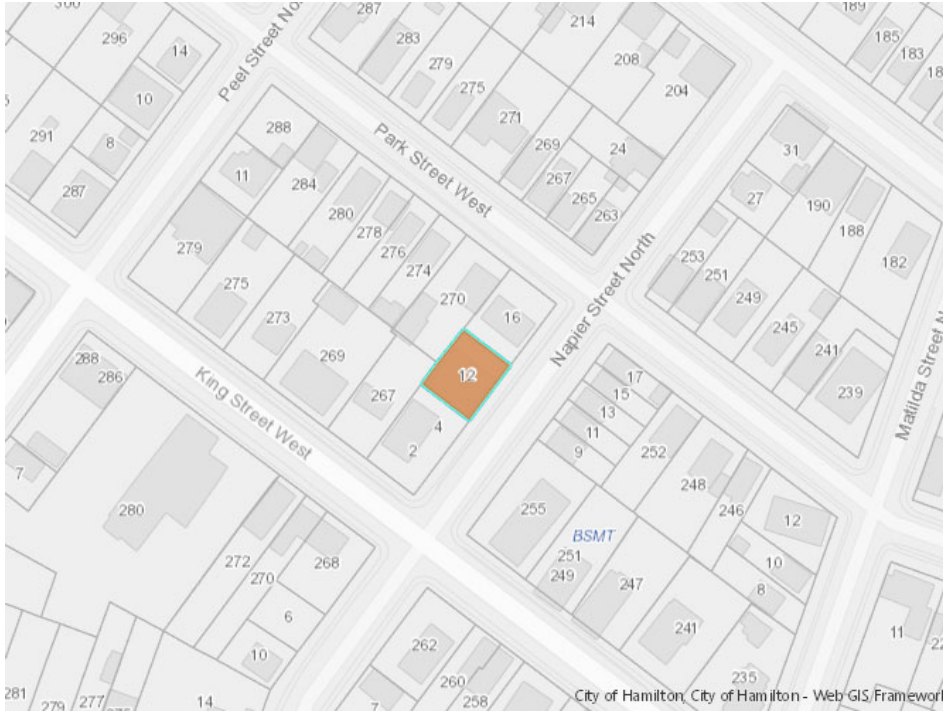
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than February 9, 2024

**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 DN/A-23:339, 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.



Hamilton

February 8, 2023

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning Division  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario, L8P 4Y5  
Phone: 905-546-2424 x1719 Fax: 905-546-4202  
www.hamilton.ca

FILE: ALR  
FOLDER: 23-101726-00 ALR  
ATTENTION OF: Sebastian Cuming  
TELEPHONE NO: (905) 546-2424  
EXTENSION: 3904

TRACY HOLMES  
12 NAPIER STREET N  
DUNDAS, ON L9H 2Z3

Re: ZONING COMPLIANCE REVIEW – DETERMINATION OF A LEGALLY ESTABLISHED NON-CONFORMING USE  
Present Zoning: R2 (Single Detached Residential Zone) of Dundas Zoning By-law 3581-86  
Address: 12 NAPIER ST N, DUNDAS, ON

This Division has received and reviewed the submitted request for Determination of a Legally Established Non-Conforming Status Review for an Office within the existing R2 (Single Detached Residential) Zone and can advise as follows:

The submitted documentation included tax assessment records, photographs, Vernon's directory extracts, lease agreements, as well as the statutory declarations from Tracy Holmes dated September 22, 2022 from Lawrence Paci dated September 26, 2022, and from Leslie Paci dated October 19, 2022.

Since an Office use became prohibited by the applicable zoning on May 7, 1962 (the date of passing of Dundas Zoning By-law 1964), and an Office use does not appear to have been operating or established until 2007, an Office use cannot be deemed a legally established non-conforming use. In order to constitute a legal non-conforming use, an Office use would have needed to have been established prior to May 7, 1962, and to have existed continuously since that time.

The last recognized use of 12-14 Napier Street North according to the City's records, is a legal non-conforming tinsmithing sales outlet together with a legal non-conforming cleaning and pressing plant limited to 400 square feet, pursuant to a Committee of Adjustment Decision dated November 15, 1963.

Should you wish to pursue establishing an Office use in the building, you may choose to pursue permission from the Committee of Adjustment pursuant to Section 45(2)(a)(ii) of the Planning Act to change the use of a building from a legal non-conforming use to another similar use, or to a use which is more compatible with the uses permitted by the zoning by-law. Please contact 905-546-2424 x 1355 or email [pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca) for further information concerning this application.

For further information, please contact Sebastian Cuming at 905-546-2424 Extension 3904.

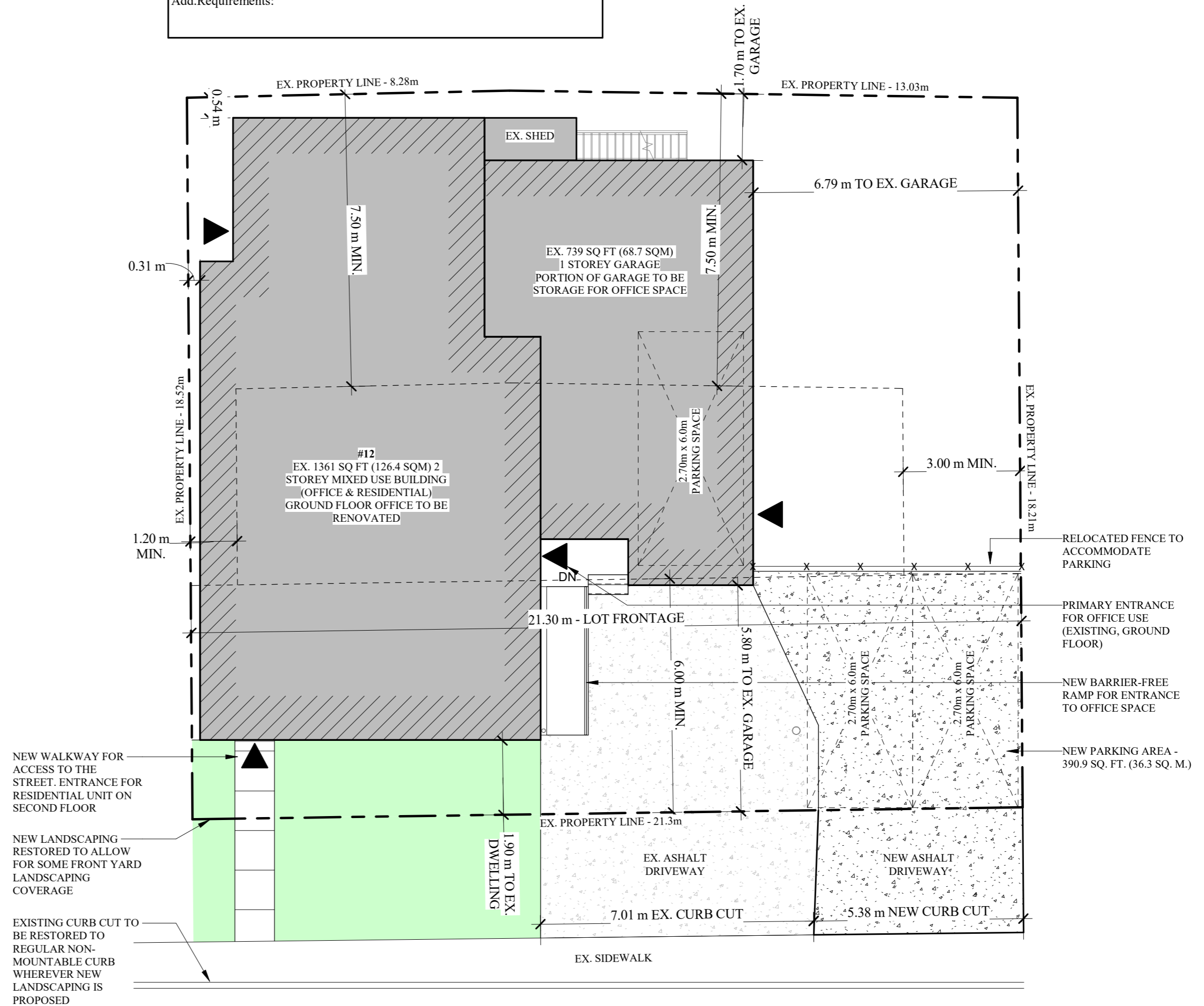
Yours truly

for the Manager of Zoning and Committee of Adjustment

SITE PLAN AND BUILDING STATISTICS				
Zoning:	R2 - Single-Detached Residential Zone			
	Required		Existing	Existing + Propose
Lot Area	450 sq.m.		393.2 sq.m.	393.2 sq.m.
Lot Frontage	15.0 m		21.3 m	21.3 m
Lot Coverage	0%	0 sq.m.	0%	0sq.m.
Front Setback	6.0m		2.12m	2.12m
Rear Setback	7.5m		0.54m	0.54m
Int.Side Setback	1.20m/3.0m	0.21m/6.79m		0.21m/6.79m
Ex. Side Setback	3.5m		n/a	n/a
Building Height	10.0m			
Landscaped	n/a			
Parking Requ.d'	**see below			
Add.Requirements:				

PARKING REQUIREMENTS	
<b>RESIDENTIAL</b>	
1 DWELLING UNIT	- 1 PARKING STALL REQUIRED
<b>COMMERCIAL (OFFICE SPACE)</b>	
1 STALL PER 31SQM GFA	- 102.9 SQM/31.0 = 3 STALLS

FRONT YARD LANDSCAPE REQUIREMENTS	
FRONT YARD AREA	-
EXISTING FRONT YARD LANDSCAPING	-
PROPOSED FRONT YARD LANDSCAPING	-



# NAPIER STREET NORTH

1 EXISTING SITE PLAN  
Scale: 1/8" = 1'-0"



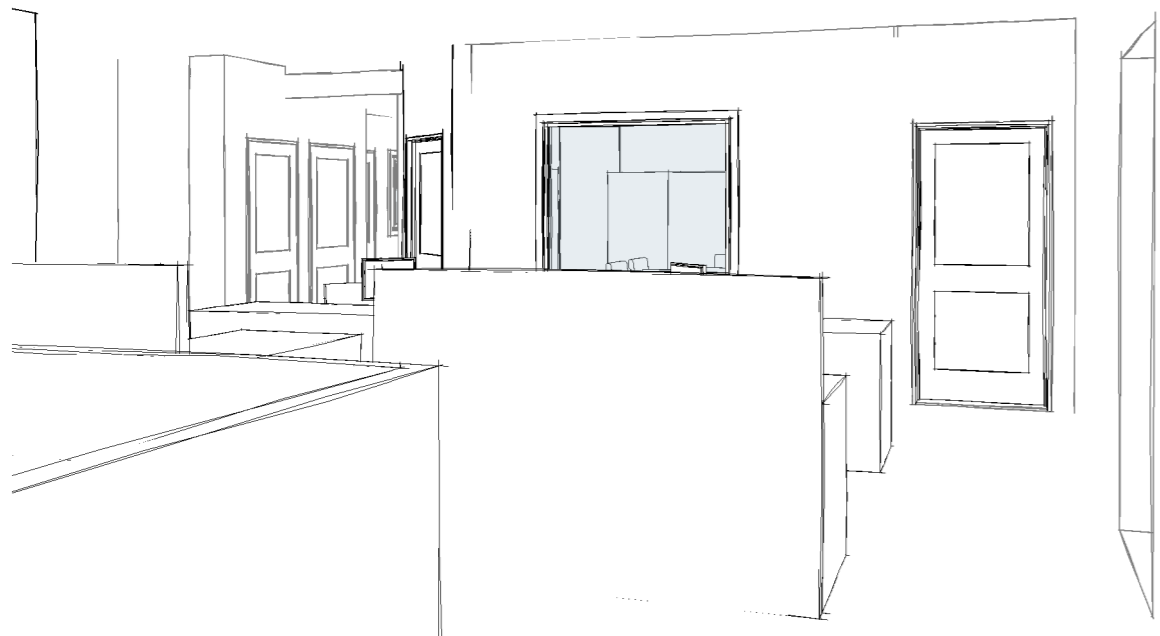
info@jordanstationdesignco.ca

## INTERIOR RENOVATION

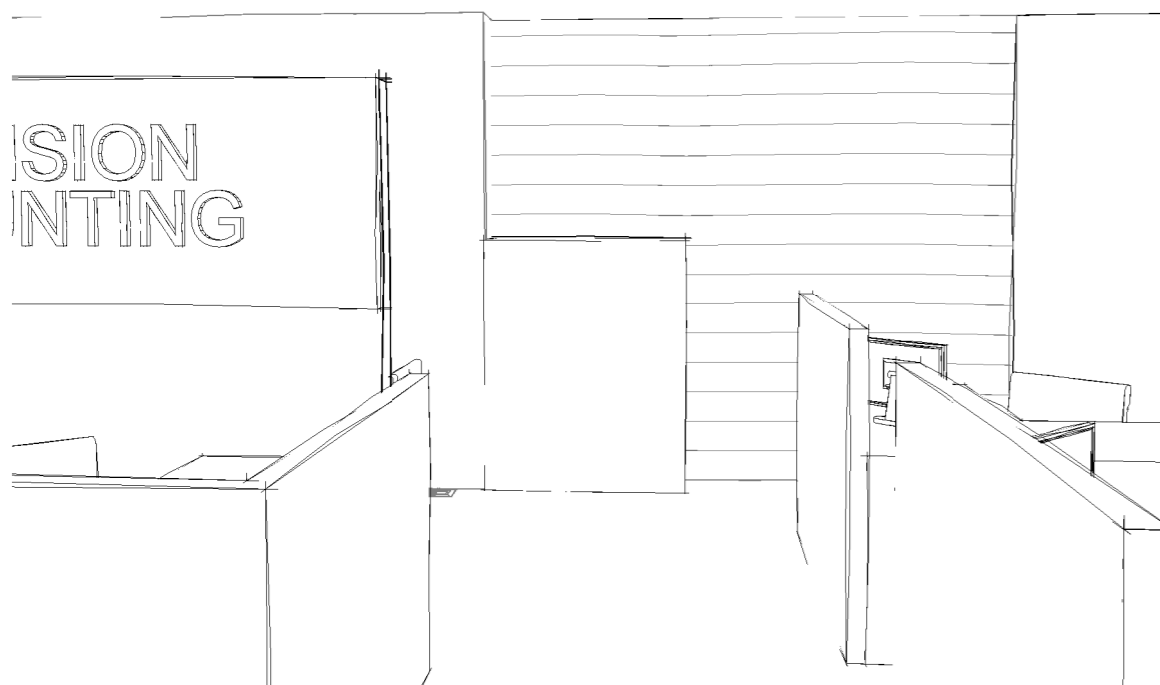
12 Napier Street North, Dundas, ON L9H 2Z3

2023-11-10 8:07:36 AM

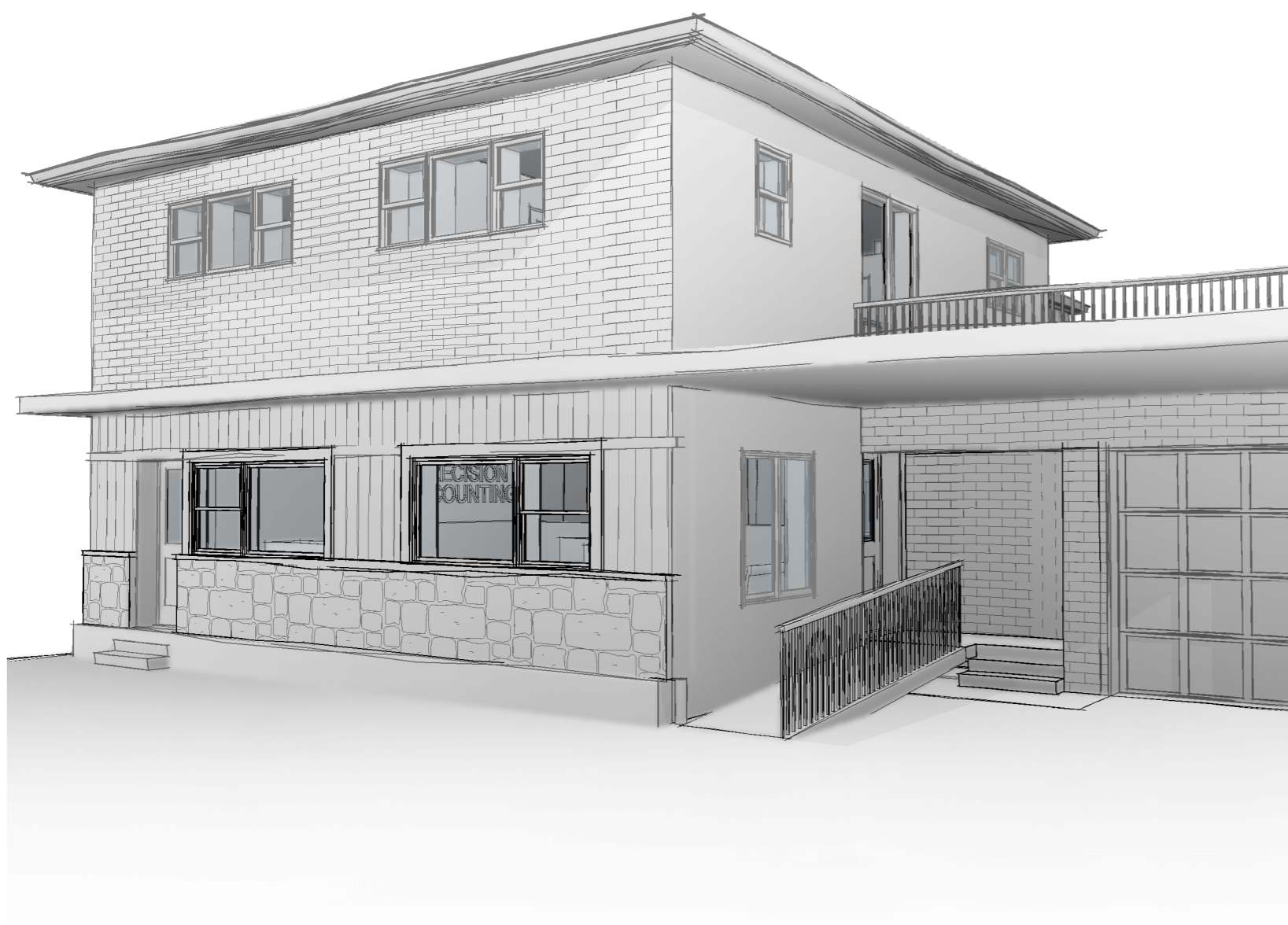




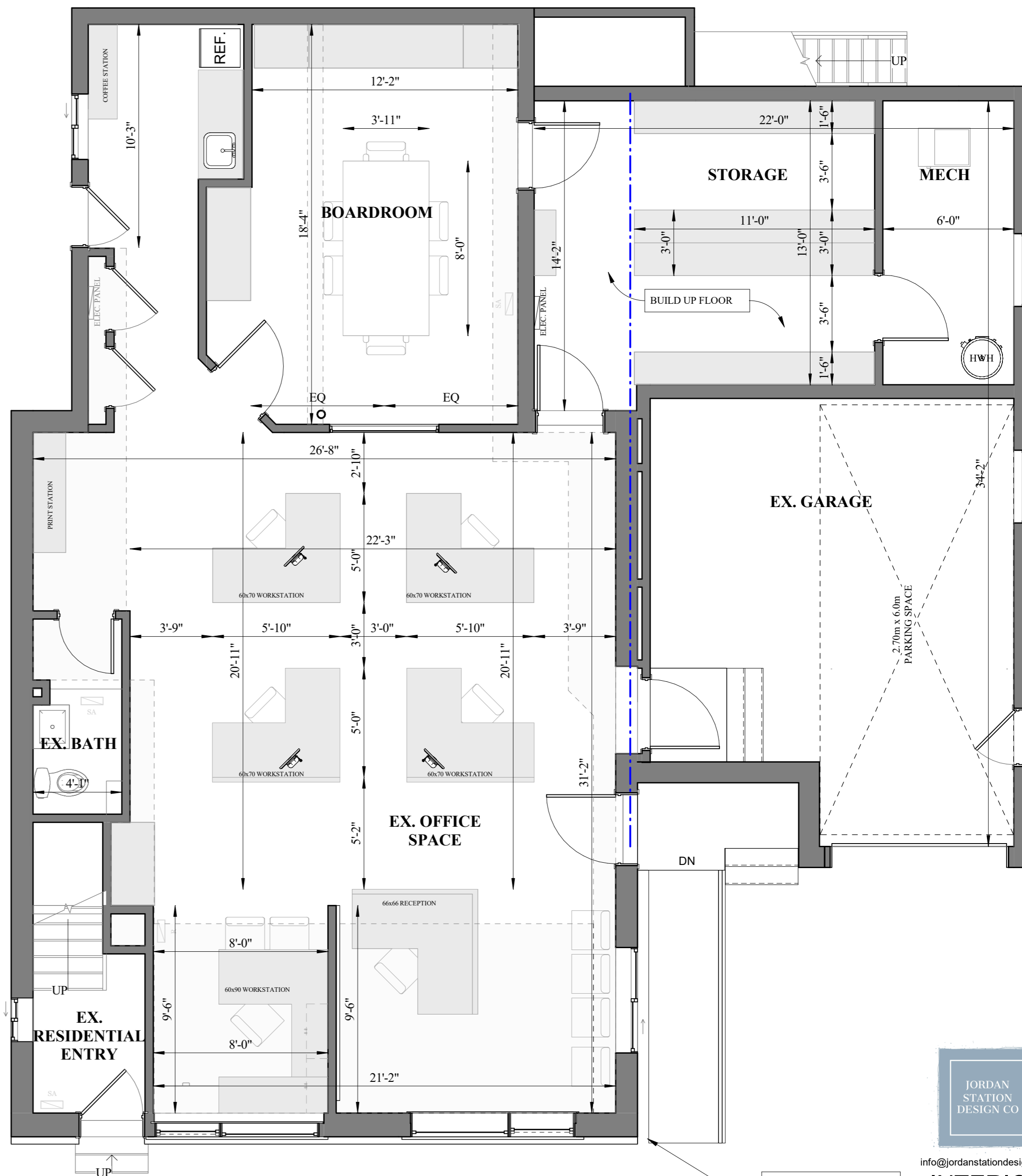
④ Interior Concept Waiting Area



③ Interior Concept Entrance



② Exterior Concept Perspective



① PROPOSED GROUND FLOOR PLAN  
Scale: 1/4" = 1'-0"

15" DIF  
12'6" long ramp at 1:10



info@jordanstationdesignco.ca

**INTERIOR RENOVATION**

12 Napier Street North, Dundas, ON L9H 2Z1

2023-11-10 8:07:35 AM



① EXISTING SECOND FLOOR  
Scale: 1/4" = 1'-0"



info@jordanstationdesignco.ca

# INTERIOR RENOVATION

12 Napier Street North, Dundas, ON L9H 2Z1

2023-11-10 8:07:36 AM



# MINOR VARIANCE - PLANNING JUSTIFICATION REPORT

## 12 Napier Street North, Dundas, ON

### Table of Contents

<b>Table of Contents</b>	<b>1</b>
<b>Introduction</b>	<b>1</b>
<b>Site Context and Surrounding Uses</b>	<b>2</b>
<b>Description of the Proposal</b>	<b>2</b>
<b>Provincial Policy Statement</b>	<b>3</b>
<b>City of Hamilton Official Plan</b>	<b>4</b>
<b>Zoning By-Law</b>	<b>11</b>
<b>Legal Non-Conformance</b>	<b>11</b>
<b>Four Tests</b>	<b>12</b>
<b>Conclusion</b>	<b>14</b>

## Introduction

The purpose of this report is to outline and justify the proposal illustrated in the attached floor plan, elevations, and architectural site plan by Jordan Station Design Co. Inc. This report is created to:

- Review the proposed use of the property
- Provides justification to support the proposed minor variance application
- Outline the compatibility of the proposal with the surrounding neighbourhood
- Demonstrate how the proposal complies with good planning practices and principles and is in compliance with the Provincial Policy Statement (PPS), the City of Hamilton Official Plan, and the Town of Dundas Zoning By-Law No. 3581-86 As Amended.

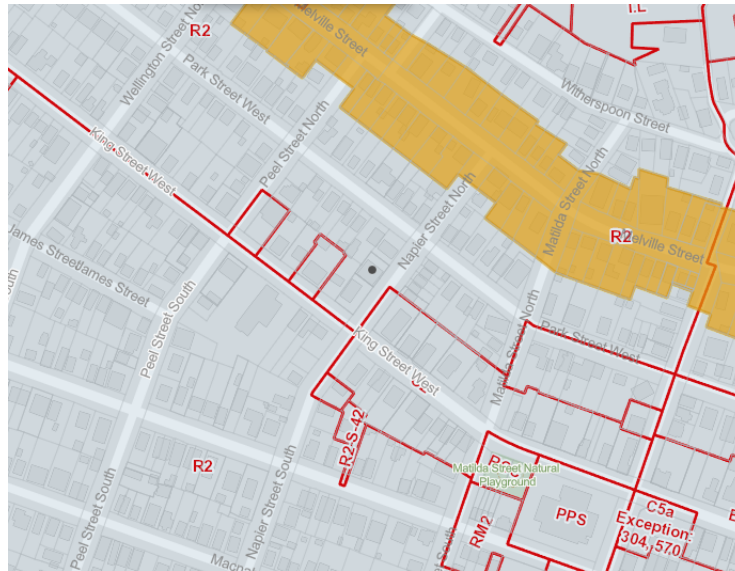
The subject property is located at 12 Napier Street North in Dundas, Ontario, with the nearest major intersection being King Street West (Highway 8) and Napier Street North. The subject property is approximately 393.2 square metres in size, with frontage on Napier Street North along the West side of the property. As per the Town of Dundas Zoning By-law, this property is designated as an R2 zone. The purpose of the R2 zone is primarily to provide for low density residential use; and permits single detached dwellings, semi-detached dwellings, duplex dwellings, townhouse dwellings, retirement homes, and bed and breakfast establishments.

## Site Context and Surrounding Uses

Site characteristics define the current use of the subject property and the surrounding uses in the area. The subject property is an interior lot on the Northeast side of Napier Street North. It contains an existing 2 storey detached building containing an office use at the ground floor level, and a single residential unit located above the office space on the second floor. The commercial use at the ground floor level has existed since construction of the building, as demonstrated with a historic Committee of Adjustments decision dated in 1963. Although the building was purpose-built for a mixed use purpose, it still maintains many elements of typical residential design and the commercial use is not visually impactful on the neighbourhood character. (Fig 1. - Site Context from Google Images Street View)



As illustrated in Figure 2, the site is located in a primarily R2 zoned area, with close proximity to commercial and community zoned areas. The subject property is located nearby a designated Community node located in the downtown core of Dundas, centrally located in the area of King Street East.



(Fig 2. - Site Location from City of Hamilton Zoning By-law GIS Map)

## Description of the Proposal

The proposed minor variances are in relation to recognizing an existing legal non-conforming use of the property, and the minor variances in relation to permitting this use. The subject property has been utilized as an office space on the main floor since the current owner began leasing the property in 2007 and subsequently purchased the property in 2020. As this application has been made under Section 45(2)(a)(ii) of the Planning Act, the application must be evaluated on the basis of:

- Whether the application is desirable for appropriate development of the subject property; and
- Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

As outlined in this report, we are requesting additional minor variances to facilitate the existing legal non-conforming use. The existing office use would require the provision of 3 parking

stalls based on the floor area, and due to the orientation of the lot we are requesting a reduction to 2 parking stalls. The required number of parking stalls for the residential use is 1, and this can be complied with as demonstrated by the accompanying site plan. The total number of parking stalls provided on the subject property for both uses would be 3.

## Provincial Policy Statement

The Provincial Policy Statement is a consolidated statement of the government of Ontario's policies on land use planning. The Provincial Policy Statement provides general direction on essential land use planning items that impact communities such as:

- Efficient use and management of land and infrastructure
- The provision of sufficient housing to meet changing needs, including affordable housing
- The protection of the environment and resources including farmland, natural resources (for example, wetlands and woodlands) and water
- Opportunities for economic development and job creation
- The appropriate transportation, water, sewer and other infrastructure needed to accommodate current and future needs
- The protection of people, property and community resources by directing development away from natural or human-made hazards, such as flood prone areas

Section 3 of the Planning Act requires that decisions in relation to planning matters “shall be consistent with” policy statements issued under the Act. The Provincial Policy Statement then creates diverse statements for areas in Ontario, with contextual differences to address unique local focuses while upholding the provincial interests. Provincial Policy Statements are a representation of the minimum standards.

The subject property is located within a Settlement Area as defined in Section 1.1.3.1 of the PPS. Settlement Areas are the main focus of growth and development within Ontario and contain a variety of land uses and densities to create functional communities. These communities are also based on a range of uses and opportunities for intensification and redevelopment. The targeted land use patterns shall incorporate the efficient use of land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or economical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the negative impacts of a

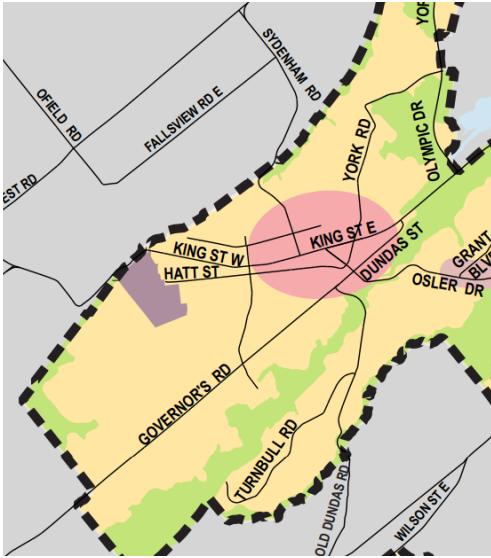


changing climate; support active transportation; are transit-supportive, where transit is planned, exists, or may be developed; and are freight-supportive.

Policy 1.1.3.4. States appropriate development standards should be promoted in a way to facilitate intensification, redevelopment, and compact built form, while also avoiding or mitigating risks to public health or safety. The proposal of maintaining the existing legal non-conforming office use located on the subject property is promotive of intensification, as it creates a more complete use of the existing land use while not overshadowing the built form of the neighbourhood or creating an adverse impacts as the existing office use is not a disruptive commercial use. Permitting the existing legal non-conforming office use will have no exterior impacts on the community as no additions are proposed to facilitate this existing use, therefore the proposal maintains the existing character and massing of the low density residential area. The proposed intensification of the subject property is appropriate given the current site and neighbourhood context in a manner that creates a more complete community. The existing legal non-conforming office use does not propose any sort of risk to public health or safety. It is our opinion that the proposed design for the existing legal non-conforming use and resultant minor variances are consistent with all applicable Provincial Policy Statements.

## Urban Hamilton Official Plan

The subject lands at 12 Napier Street North are within the Official Plan Urban Area. The Urban Area designates an area that is within the existing City of Hamilton built boundary, and is the focus of residential and employment intensification and redevelopment in the city over the long term. The subject property contains an existing single family detached dwelling and office building, which is a type of development that is consistent with the targeted uses for the area that is designated as Neighbourhood use of the existing Urban Area.



Community structure is a large topic that is regulated by the City of Hamilton Official Plan. General intensification is highly encouraged within the Urban Area boundary. As outlined in Chapter B within the Dundas Area Specific Policies portion of the Urban Hamilton Official plan, Strong Communities are:

- **Complete** - opportunities to live, work, learn, shop, and play are provided and are accessible.
- **Healthy** - healthy and safe lifestyles are supported by quality built and natural environments.
- **Diverse** - neighbourhoods are unique in character and enable a variety of lifestyle choices and housing opportunities for all.
- **Vibrant** - interesting and creative streetscapes and human scale public places are created through quality design, pedestrian amenities, and attention to land use mix.

The Urban Hamilton Official Plan outlines Urban Design Policies which are intended to shape the physical form of the Urban areas of the City. It is good planning practice to recognize the role that urban planning plays in creating and providing value and identity to a community. The intent of the Official Plan is to create compact and interconnected, pedestrian-oriented, and transit-supportive communities, all while maintaining a high quality of life for its residents. Careful planning and attention to urban design of both the public and private realm is how this is achieved. The overall growth and development of the Urban area of the City is achieved through development of a nodes and corridors system as outlined in the Official Plan. Nodes and corridors are either targeted for larger-scale growth and intensification, while some are designated for cultural protection and preservation of heritage and built form character.

The following design goals are listed in the Chapter B within the Dundas Area Specific Policies section of the Urban Hamilton Official Plan as being applicable to design within the urban area:

- Enhance the sense of community pride and identification by creating and maintaining unique places.
- Provide and create quality spaces in all public and private development.
- Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.
- Create communities that are transit-supportive and promote active transportation.
- Ensure that new development is compatible with and enhances the character of the existing environment and locale.
- Create places that are adaptable and flexible to accommodate future demographic and environmental changes, including the impacts of a changing climate.
- Promote development and spaces that respect natural processes and features and contribute to environmental sustainability.

- Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.
- Encourage innovative community design and technologies.
- Create urban places and spaces that improve air quality and support active, healthy lifestyles that reduce greenhouse gas emissions and are resistant to the impacts of climate change.

Our proposal is in alignment with the specifics outlined in the Dundas Area Specific Policies as the proposal provides an inherent connection to contributing to a Complete Community. Although the existing office use is not currently a permitted use of the R2 zone of which it is located in, the existing office use offers no adverse impact to the community, nor is it misaligned with the objectives of the Official Plan for the area designated for “Neighbourhood” use. Although the Neighbourhood designation is more encouraging of residential use, it also promotes the creation of a community that is directly connected to supportive uses; such as the existing office use. Furthermore, the subject property is close in proximity to many existing transit corridors such as Highway 8 (King Street West) and is highly serviced by existing bus routes. Although many of the clients of the existing office use would likely arrive to the building through car, the option is available to utilize public transit. Ultimately, the traffic created by the existing office use is minimal and has negligible impact on the surrounding neighbourhood.

Furthermore to the design goal statements outlined in Chapter B within the Dundas Area Specific Policies, this segment of the Official Plan directly comments on how Urban Planning can directly encourage higher quality of life and complete communities within the Dundas area. Section B3.0 states that *Complete Communities provide convenient access to a mix of jobs, local services and shops, a full range of housing and community facilities such as schools, recreation facilities, open space, health care facilities, cultural facilities, and more. Complete communities enable residents to meet most of their daily needs within a short distance from their homes, facilitating ease of access and use of public transit and active modes of transportation.* Our proposal directly satisfies the target to create a complete community within this residential area as it provides a low impact opportunity for employment within the community or for residents of the neighbouring area to access the office space for their own personal use (i.e. filing taxes).

The subject property is nearby to designated community nodes within the Town of Dundas. Through the Urban Hamilton Official Plan, community nodes are encouraged to provide access to housing, employment, services, and recreation in close proximity to each other and transit. These

community nodes shall provide services to residents within the former area municipalities and surrounding neighbourhoods in a mixed use environment. Development is desired to comprise community scale retail stores and services to the residents within the node and the surrounding neighbourhoods. Our proposal serves the nearby node through provision of tax services, and can also contribute to local employment opportunities, which is also encouraged by the Urban Hamilton Official Plan. These nodes must also incentivize vibrant mixed use areas containing a range of housing opportunities, including affordable housing in a variety of built forms. Commercial buildings can be encouraged to be mixed into residential areas on the periphery of nodes, while also remaining sensitive to the character and density of existing residential areas. Mixed use is encouraged either as mixed use buildings or a mix of uses on a property, which can be achieved by our proposal since an existing office use is contained within the ground floor while the residential use exists above this office on the second floor. The Urban Hamilton Official Plan also mentions that reductions in parking may be considered in order to encourage a broader range of uses and densities to support transit. As previously stated in this report, active transportation is supported within this community and there is plenty of existing public transit nearby to the subject property.

While it is important to maintain coherence with the existing neighbourhood characteristics during design, the Urban Hamilton Official Plan also encourages diverse design expression and creating spaces that are adaptable in accommodating future change. Consistency, compatibility and quality are still to be maintained, but diversity is still an important factor to consider during design within communities and is a design principle that is consistent with the intent of the Official Plan policies. Design Policy 3.4.6. states that for low density residential areas, *a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, and appearance and design features; shall be encouraged.* Additionally, Design Policy 3.8.9.c) states that *redevelopment of local commercial uses shall be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.* Compatibility is objectively difficult to measure as the definition is not always applicable or consistent. The Urban Hamilton Official Plan defines compatibility as *“land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.*” This statement effectively communicates that compatibility is a difficult value to measure, and should not be enforced by requiring that buildings be of the same use. However, the buildings should be provided in a way that maintains a harmony within the community without creating disruptions. The Official Plan does not limit the compatibility to be considered by a set standard, but rather provides a guideline of ways that the design should be evaluated. This statement on compatibility is a guideline that can be objectively evaluated and is dependent on the person making this determination. Since the Official Plan cannot limit the design to a specific scope of work, but rather outlines the basis for land use and intensification of the subject lands, the proposal of maintaining the existing office use with existing

residential use above is not incompatible with the surrounding area and allows for the creation of a complete community. As demonstrated in the following images, many properties in the immediate and surrounding vicinity of the subject property contain existing commercial or community uses within lands zoned for residential use. The surrounding community has a mix of land densities and uses, which is important in the creation and maintenance of complete and diverse communities in a way that encourages active and public transportation.



(Fig 3. of the Royal Canadian Legion Branch 36 located at 280 King St West within an R2 zone, approximately 120 metres from subject property.)



(Fig. 4 of Blair's Variety, a convenience store located at 292 King St West within an R2 zone, approximately 220 metres from subject property.)





(Fig. 5 of Sigrid Ziegler, Registered Massage Therapist, located at 330 King Street West within an RM2 zone, approximately 400 metres from subject property.)



(Fig. 6 of Tweed Salon & Spa, located at 348 King Street West within an R2 zone, approximately 500 metres from subject property.)



(Fig. 7 of an Snapdragon Busy Bags, an educational supply store, located at 328 Hatt Street within an R2 zone, approximately 500 metres from subject property.)



(Fig. 8 of Tydan Performance Blades, a skate sharpening store located at 314 Hatt Street within an R2 zone, approximately 400 metres from subject property.)

The Urban Hamilton Official Plan objectively outlines a guideline for the design of good urban planning in a manner to achieve desirable development for specific areas within the urban boundary. It is important that municipalities follow the guidelines to ensure they are creating sustainable and complete communities. The proposal for the subject property is consistent with the overall goal to promote the creation of complete communities within an already existing residential neighbourhood in a sustainable and compatible manner. The existing office use has minimal imposition surrounding residential uses and has existed for a time period without disturbing the character of the neighbourhood. While the concept of compatibility is an important characteristic to consider when in the design stage, diversification is also an important aspect to highlight and is essential for creating complete communities. Compatibility is a theme of which there are limited tools to measure. In this context, if compatibility is to be measured by assessment of the impact of the existing office use in conjunction with the residential use above, this proposal is in no way incompatible with the surrounding area, as demonstrated in Figures 3 through 8 which provide context for other existing commercial uses within residential zones in the close vicinity of the subject property.

It is our opinion that our design proposal for the subject property at 12 Napier Street North is consistent with the Urban Hamilton Official Plan. With the target being compatible development within existing built-up areas of the city, this type of proposal does not conflict with the desired development as outlined in the applicable Provincial and Municipal plans.

## Legal Non-Conformance

To evaluate the context of legal non-conformance, the proposal must be evaluated on its desirability and potential adverse impacts. It is to be argued that the existing office use can be viewed as a desirable use for the subject property. Although an office use is not permitted in accordance with the zoning by-law provisions, an office use provides for a complete community and employment directly within a residential zone. It is to be noted that the subject property is nearby in proximity to existing commercial zones, and is connected to these spaces through city-maintained arterial roads that support active and public transportation. Historically, the subject property had been granted legal non-conforming status in 1962 for use as a tinsmithing sales outlet in conjunction with a cleaning and pressing plant. Evaluation of the existing office that has been established since that prior legal non-conforming use was permitted suggests that an office use alongside a permitted residential use above is much more desirable than the previous non-conforming use. Any potential adverse impacts can be ruled out by considering that the office use has been existing for the last several years without issue, which can also be demonstrated through evaluation of the letters of support from numerous neighbours to the subject property. The existing office use occupies less than



half of the existing building and is a low-impact use of the building. It can be proved that the office use is not only not adverse for this area, but can actually be seen as a benefit to the community.

## Zoning By-Law

Zoning By-law provisions are created by specific targets created by the Town of Dundas Zoning By-law with reference to regulations for development within the specified area. These by-laws are created to ensure compatible design is created and maintained and to encourage complete cities. The subject property is designated as R2 Low Density Residential, permitting a variety of residential development. The surrounding area is composed of primarily similar zoning, as most of the surrounding neighbourhoods consist of mainly existing low density residential dwellings. It is notable to mention that the subject property is within close proximity to local transit corridors that contain commercial zoning. Although the zoning would prohibit it, there is a variety of existing commercial mixed into the community within residential zones as demonstrated in the images within this report, similar in context to the proposal. The existing use of the subject property is an office use on the ground floor with an existing single family residential use on the second floor of the existing building, and will continue to exist as is.

## Four Tests

### **Are the variances minor in nature?**

The proposed parking reduction is minor in nature as three of the required four parking spaces are being maintained as part of this proposal. It is important to consider that the proposal intends to restore any existing paved areas that cannot be used for lawful parking spaces in accordance with the zoning by-law provisions to landscaping space. This ensures that while achieving the maximum amount of parking in accordance with the zoning requirements that can be established within the property boundary, the proposal is mindful of landscaping and enhancing the subject property. Greenspace connections are extremely important, especially with commercial uses. Also worth noting is that there is plenty of street parking available, should it be required, and the subject property can also be accessed through various methods of active transportation and public transportation.

**Are the variances desirable for the appropriate use of land, building, or structure?**

As demonstrated in this report, the use of the subject property is to remain as a low-impact office use in conjunction with an existing residential use above. Both of these uses have minimal parking requirements and do not require overbearing parking to be provided. By providing parking within the existing garage and the remainder of the parking being provided to the side of the building as opposed to within the front yard, the proposal mitigates the impact of the parking on the land and enhances the streetscape.

**Do the variances maintain the general intent and purpose of the Zoning By-law?**

The general intent and purpose of the Zoning By-law is still maintained by the proposed parking variances in relation to the existing office and residential uses. The proposal is a minimal deviation from the zoning by-law requirements to reduce the required parking by one space. It is essential to evaluate that the proposal works around the conditions of the existing building such as the existing front yard setback, which make accommodating the number of required stalls impossible without reconstruction of the existing building. As the proposal seeks to mitigate any large and adverse impacts on the neighbourhood and community, we seek to achieve the most desirable and minimally impactful outcome.

**Do the variances maintain the general intent and purpose of the Official Plan?**

The proposed parking variances do maintain the general intent and purpose of the Official Plan. Permitting a reduction in parking will allow the existing office and residential use to remain, which is an enhancement of the existing building and surrounding neighbourhood. Although parking is important to consider, there are other methods of accessing the subject property. The Official Plan is supportive of utilizing available active transportation and public transportation, both of which are readily available nearby the subject property.

## **Conclusion**

Jordan Station Design Co. is under the strong opinion that the proposal for legal non-conforming status will have no adverse impacts on the surrounding community and that the existing ground floor office use of the building is a desirable and appropriate use of the subject property, and that all of the four tests of a minor variance have been satisfied with this report. All

relevant and applicable policies have been considered and were regarded during design, including but not limited to the Provincial Policy Statement, the Urban Hamilton Official Plan, and the Town of Dundas Zoning By-law. The proposed minor variance is minor in nature and upholds and maintains the general intent and purpose of both the Town of Dundas Zoning By-law and Official Plan by ensuring that the design has minimal visual impact on the subject property and surrounding neighbourhood. The requested minor variance is extremely minor in nature and will have no negative impact if it is approved. We strongly encourage you to consider the small scale of our proposal during your considerations alongside the continuous benefits to the community, and recommend that legal non-conforming status be granted for the existing office use, and the associated parking minor variance be granted.

Michael Baker & Laurel Wypkema  
9 Napier St. N  
Dundas, ON L9H 2Z4

289-921-9187

Friday November 10, 2023

To whom it may concern,

We are writing to express our support for the renovation project proposed by Precision Accounting at 10-12 Napier St. N in Dundas. As residents of this community, we have had the pleasure of witnessing the positive impact Tracy Holmes and her co-workers have had on our neighborhood and we have consulted the planner's drawings for the proposed renovation.

The proposed upgrade to the exterior of the mixed-use commercial-residential building aligns seamlessly with the character of our street. The aesthetic enhancements will undoubtedly contribute to the overall visual appeal of the neighborhood, creating a more inviting and harmonious environment for both residents and visitors alike.

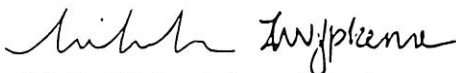
We are particularly pleased to learn about the incorporation of greenspace into the renovation plans. This addition not only aligns with the city's vision for a more environmentally conscious and sustainable urban landscape but also enhances the overall quality of life for those in the vicinity. Most importantly, by introducing greenspace and isolating the parking area to a discrete section of the lot, it will greatly enhance the safety of our street for children at play and pedestrians.

Furthermore, we appreciate the attention given to ensuring accessibility for all members of our community, especially the elderly and those with mobility challenges. The commitment to ensuring the new façade and business access is easily navigable for everyone demonstrates Tracy's dedication to inclusivity and accessibility.

In conclusion, we wholeheartedly endorse the proposed renovation project at Precision Accounting. Tracy Holmes' commitment to enhancing the aesthetic appeal of the property, incorporating greenspace, improving street safety, and ensuring accessibility aligns perfectly with the values and interests of our community.

We look forward to witnessing the positive transformation that the proposed renovations will bring.

Sincerely,



Michael Baker & Laurel Wypkema

Karen Bertelsen  
263 Park Street West DUNDAS, Ontario, L9H 1Y6  
[karen@theartofdoingstuff.com](mailto:karen@theartofdoingstuff.com)  
905-975-9501  
(corner of Napier and Park St. W 2 houses away)

November 8th, 2023

City of Hamilton

I am writing this letter to express my wholehearted support for Tracy Holmes and her proposed building plan for 12 Napier Street N.in Dundas.

I have been a neighbour of her business Precision Accounting, the site of her proposed changes, for 16 years. I not only approve of her proposed changes as seen in the renderings, I think they'll result in a much improved curb appeal for the neighbourhood.

Thank you for considering my recommendation in favour of Ms. Holmes.

Sincerely,

Karen Bertelsen



City of Hamilton  
71 Main St. W  
Hamilton, ON L8P 4Y5

November 7, 2023

To whom it may concern,

Our family would like to take a moment of your time to provide you with this letter of support for our neighbors at 12 Napier St. North in Dundas, Precision Accounting. Since moving into our home in 2017, it has been wonderful being next door to Tracy and her business. Being in close proximity to her space, we see first-hand how many people her business services and connects with. What a wonderful business she has!

Tracy has created a positive, welcoming, lasting relationship with many in the neighborhood with her trusted business and friendly staff. An upgrade to the building would be an incredibly advantageous move for not only her clients, but for our street, as well. We take pride in our lovely town of Dundas, and adding to the exterior appeal of her building would help to continue the thread of the warmth and professionalism already in place at Precision Accounting.

Our family strongly encourages and supports the continued growth of accessibility, safety and friendly space being offered by our neighbor, Tracy and the whole Precision Accounting team. We know that there has been much consideration and thought behind the suggested changes to this space and if approved, will have a lasting positive effect on this whole community.

Thank you for your time,

The Donais Family at 4 Napier. St. North (Ryan, Amy and the kids)



Ryan Donais



Amy Donais

November 7, 2023

To whom it may concern,

I am the neighbour of Tracy Holmes (Precision Accounting Inc. Owner), located directly across the street from her office at 12 Napier St. N in Dundas, ON. As a neighbour who lives across the street and looks at her office daily when I walk out my door, I strongly support the planned renovations that she has for her property.

I am also a business owner myself. I have an office that clients visit frequently. Therefore, I can understand how important it is to have an accessible space so that everyone feels comfortable visiting my office. When you care about your clients after building lifelong relationships with them like Tracy has, investing money and time in making your space more comfortable for them is a no brainer.

This would be a definite improvement for our neighbourhood, and for the community of Dundas as whole.

Sincerely,



Tony Velenosi  
11 Napier St. N.  
Dundas, ON  
L9H 2Z4

November 13, 2023

To Whom it May Concern:

Please accept this letter as neighbourly support of Precision Accounting Professional Corporation (owner - Tracy Holmes) proposed renovations and upgrades.

We have reviewed the proposed plans and support the changes to upgrade the building to be fully accessible and safer as well as being more aesthetically fitting in our older, more traditional neighbourhood.

We look forward to seeing this project come to fruition. If you have any questions or require further information, please don't hesitate to contact us via email.

Sincerely,




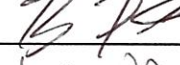


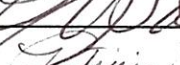
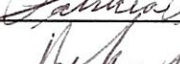
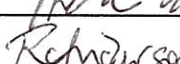
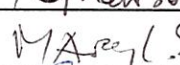
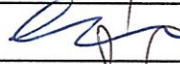


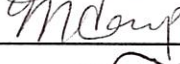

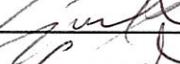

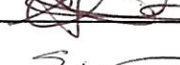

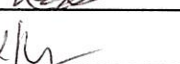
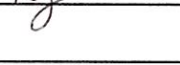
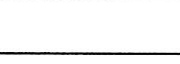
Terry Chalmers/Gail Jaggard

13 Napier St. N.

Email - Gail Jaggard <gjaggard@cogeco.ca>



We, the undersigned neighbours that live in the surrounding vicinity of Tracy Holmes/Precision Accounting (2778024 Ontario Inc.) are in full support of the continued use of the office located at 12 Napier Street N, Dundas, ON L9H 2Z3. We have reviewed the proposed plans and support the upgrades planned to the building and the landscaping. The plans to make the aging building accessible to those that have mobility challenges, making it safer and upgrading the curb appeal is of benefit for not only her clients but also our neighborhood.

Name	Address	Signature	Date
Steve Meyers	247 King St W Dundas		Nov 14/23
Tim Lawrence	247 King St W. Dundas		Nov 14/23
Natalie Fazio	241 King St. W. Dundas		Nov 14/23
Brandon Ptolem	248 King St W Dundas		Nov 14/23
Michelle King	246 King St W Dundas		Nov 14/23
Tracey Kraayvanger	11 Napier St S Dundas		Nov 14/23
KACPER WOODS	269 King St. W. Dundas		Nov. 14/2023
PATRICIA RAYWER	280 PARK ST. W DUNDAS		NOV. 14/23
ADAM KROEGER	278 PARK ST W DUNDAS		Nov. 14/23
Renate + Kirk McIlroy	276 PARK ST. W. Dundas		Nov 14/23
Mary SHEPHERD	27 NAPIER ST. NORTH.		NOV 16/23
Stu Meyers	247 King St W Dundas		Nov 14/23
Eric Duck	253 Park St. W. Dundas		Nov. 14/23
Sean Latham	253 Park St W. Dundas		NOV 14/23
Michelle Campbell	249 Park St W Dundas		NOV 16/23
Bruce Beetz	245 Park St. W. Dundas		Nov 16/23
GAIL MARTIN	252 Park St West		Nov 16, 2023
Conrad Dix	252 Park St W.		Nov 16/23
R. DEAN	248 PARK ST W		11/16/23
S GREEN	267 PARK ST W		11/16/23
David Hamilton	269 PARK ST W		11/16/23
Daniel Conner	279 Park St. W		11/16/23

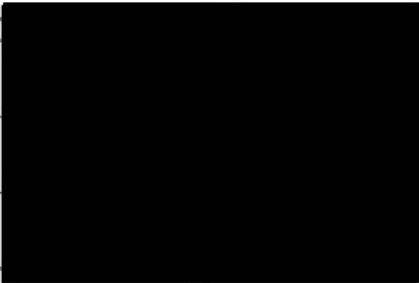


Hamilton

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

**1. APPLICANT INFORMATION**

	NAME
Registered Owners(s)	2778024 Ontario Inc
Applicant(s)	Kristen McNutt, Lee Curtis (Jordan Station Design Co. Inc.)
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	12 Napier Street North, Dundas, ON		
Assessment Roll Number	260160058000000		
Former Municipality	Dundas		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

### 3. PURPOSE OF THE APPLICATION

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

- Extend legal non-conforming office use
- Parking variance in relation to office use (3 stalls required, requesting 2)

Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

\*\*See attached planning justification report.

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

Yes                       No

If yes, please provide an explanation:

\*\*See attached planning justification report.

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
21.3m	18.37m	393.2sqm	10m

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
Detached dwelling/office	1.09m	0.54m	0.31m/6.79m	1961

Proposed:

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

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Office space	129.7	129.7	1	3.16m
Residential unit	34.2	142.2	2	7.61m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

\_\_\_\_\_

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

\_\_\_\_\_



- 4.6 Type of sewage disposal proposed: (check appropriate box)  
 publicly owned and operated sanitary sewage  
 system privately owned and operated individual  
 septic system other means (specify) \_\_\_\_\_
- 4.7 Type of access: (check appropriate box)  
 provincial highway  
 municipal road, seasonally maintained  
 municipal road, maintained all year  
 right of way  
 other public road \_\_\_\_\_
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
Single detached dwelling above an existing office use.
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
Single detached dwellings. Commercial use adjacent to property.

## 7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:  
2020
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Legal non-conforming tinsmithing outlet, cleaning and pressing plant (CofA Nov 1963)
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Single detached dwelling above an existing office use.
- 7.4 Length of time the existing uses of the subject property have continued:  
Office use since 2007, commercial use since construction in 1961
- 7.5 What is the existing official plan designation of the subject land?

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

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

\*\*See planning justification report.

- 7.6 What is the existing zoning of the subject land? R1
- 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: CofA Decision Nov 1963 - not current owner

---

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: \_\_\_\_\_

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: 1

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

\*\*See Planning Justification report.

## 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
- \_\_\_\_\_
- \_\_\_\_\_