



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th 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 NO.:	HM/A-24:06	SUBJECT PROPERTY:	168 CANNON STREET W, HAMILTON
ZONE:	“D” (Urban Protected Residential – One and Two Family)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: DINH HANG
Agent: JORDAN STATION DESIGN C/O KRISTEN MCNUTT

The following variances are requested:

1. A minimum of zero (0) parking spaces shall be required instead of the minimum two (2) spaces required.
2. A maximum of two entrances shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit. Instead of the permitted maximum of one entrance on the front façade of a dwelling containing a Secondary Dwelling Unit.

PURPOSE & EFFECT: To facilitate the conversion of a single-family dwelling to contain One (1) Secondary Dwelling Unit.

Notes: N/A

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 27, 2024
TIME:	1:20 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

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

PUBLIC INPUT

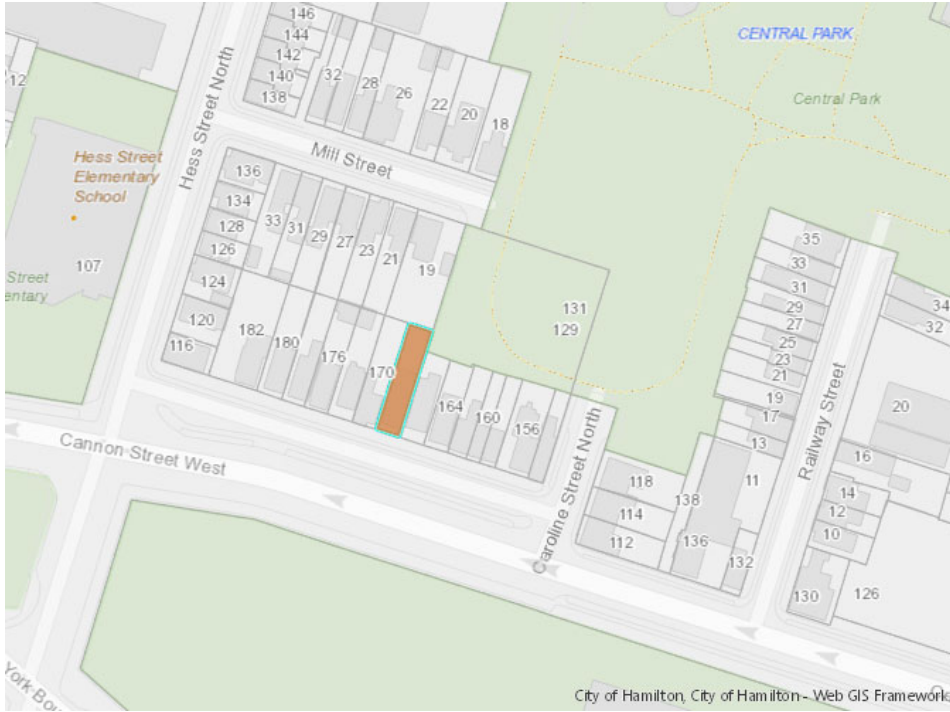
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than February 23, 2024

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 26, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:06, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



Subject Lands

DATED: February 8, 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.



Hamilton

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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 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

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. 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.

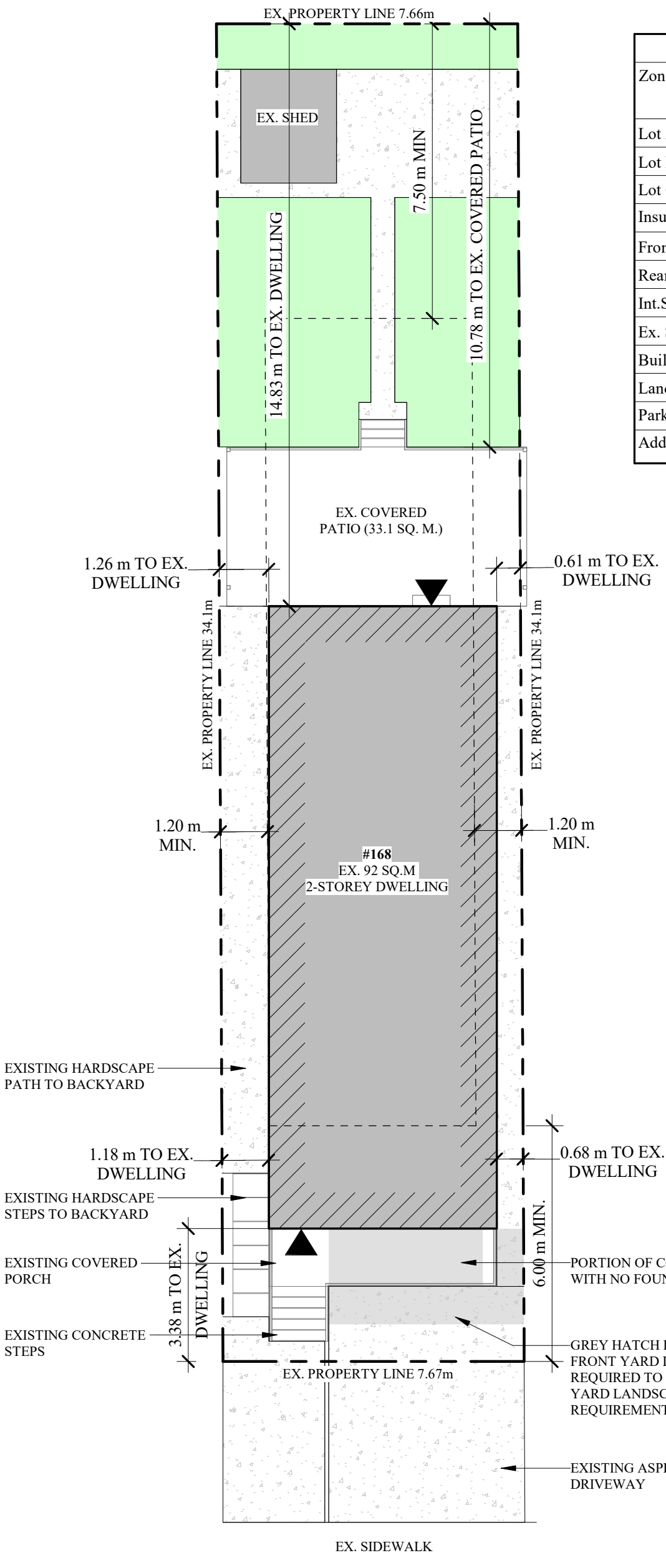
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.



SITE PLAN AND BUILDING STATISTICS			
Zoning:	Urban Protected Residential - 1 & 2 Family Dwellings		
	Required	Existing	Proposed
Lot Area	540 sq. m.	261.3 sq. m.	AS EXISTING
Lot Frontage	18.0m	7.67m	AS EXISTING
Lot Coverage	N/A	52.7%	AS EXISTING
Insulated Areas	N/A	N/A	AS EXISTING
Front Setback	6.0m	3.38m	AS EXISTING
Rear Setback	7.5m	14.86m	AS EXISTING
Int.Side Setback	1.2m	0.61m / 1.18m	AS EXISTING
Ex. Side Setback	N/A	N/A	AS EXISTING
Building Height	3 storeys (14m)	6.35m	AS EXISTING
Landscaped	SEE SITE PLAN	SEE SITE PLAN	SEE SITE PLAN
Parking Requ.d'	1	1	0
Add.Requirements:			

Lot Boundary Dimensions & Siting:
 The dimensions and position of the building(s) shown on this site plan are derived from various GIS mapping software images and may not reflect the exact dimensions of the property. JSDCo shall not be held responsible for the accuracy of the site plan dimensions depicted. Prior to proceeding with construction, JSDCo recommends a surveyor confirm lot line locations and permitted setbacks.

LANDSCAPING REQUIREMENTS	
FRONT YARD AREA	- 21.6 SQ. M
LANDSCAPED AREA	- 11.6 SQ. M. (53.7%)
REAR YARD AREA	- 113.8 SQ. M.
LANDSCAPED AREA	- 88.7 SQ. M. (77.9%)

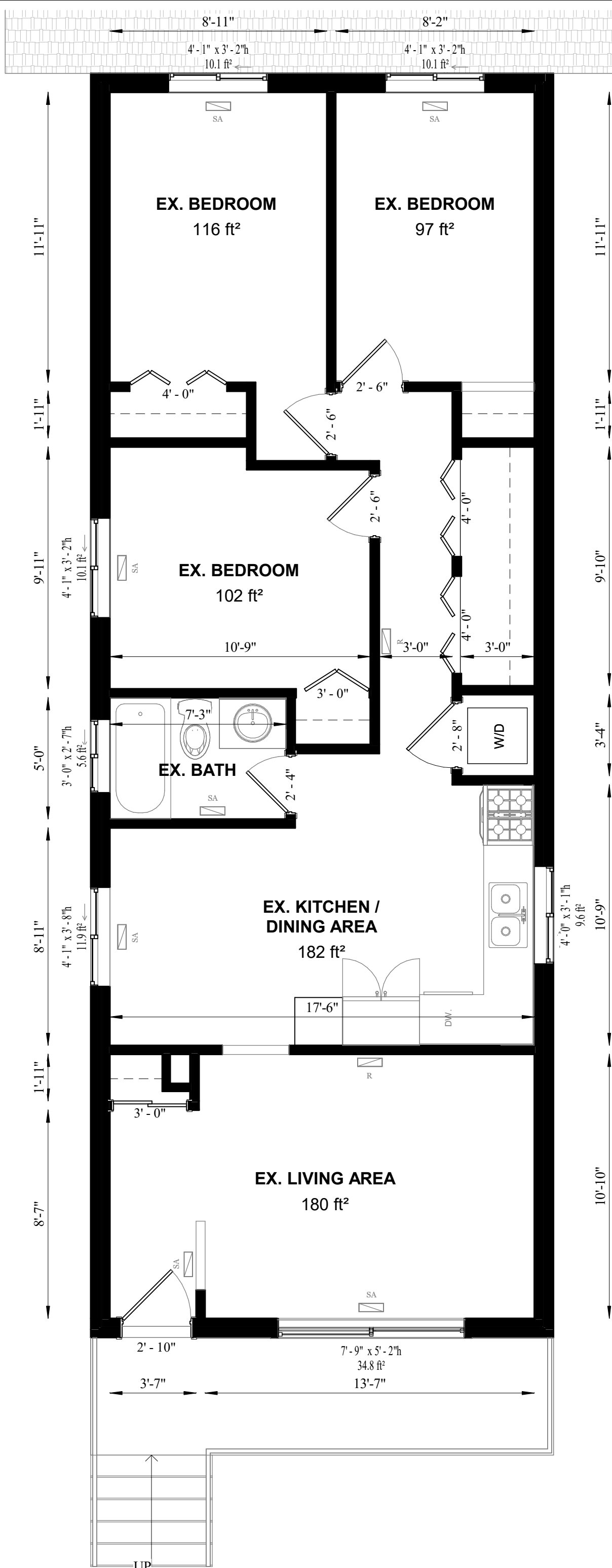
CANNON STREET W



1 SITE PLAN
 1" = 10'-0"

ACCESSORY DWELLING UNIT

168 Cannon Street W, Hamilton, ON, L8R 2C1
 2024-01-05 12:49:49 PM



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

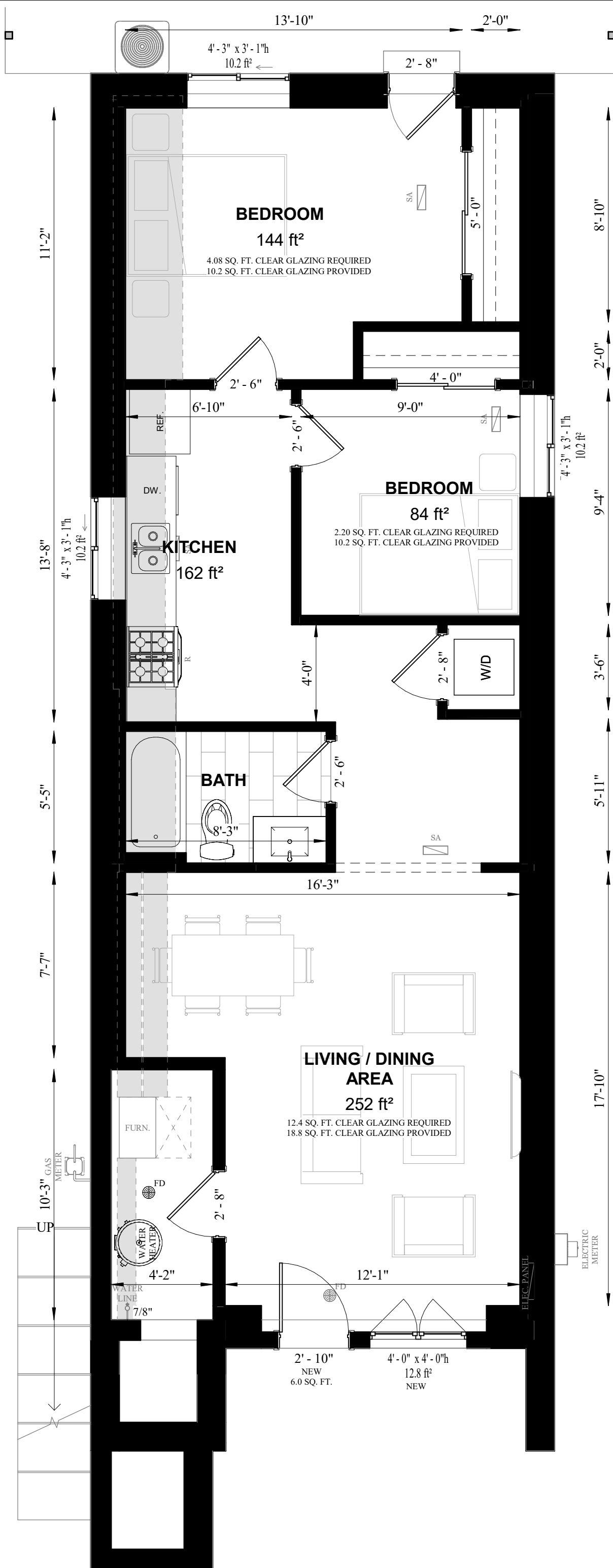


info@jordanstationdesignco.ca

ACCESSORY DWELLING UNIT

168 Cannon Street W, Hamilton, ON, L8R 2C1

2024-01-05 12:49:47 PM



info@jordanstationdesignco.ca

ACCESSORY DWELLING UNIT

168 Cannon Street W, Hamilton, ON, L8R 2C1

2024-01-05 12:49:48 PM

1 PROPOSED BASEMENT FLOOR PLAN
1/4" = 1'-0"



MINOR VARIANCE - PLANNING JUSTIFICATION REPORT

168 Cannon St W, Hamilton, ON

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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 City of Hamilton Zoning By-law 6593 As Amended.

The subject property is located at 168 Cannon Street West in Hamilton, Ontario, with the nearest major intersection being Cannon Street West and Hess Street North. The subject property is approximately 261.3 square metres in size, with frontage on Cannon Street West along the North side of the property. As per the Former City of Hamilton Zoning By-law, this property is designated as a D residential zone. The purpose of the D residential zone is primarily to provide for low density residential use; and permits single detached dwellings, two-family dwellings, foster homes, residential care facilities, retirement homes, foster homes, and lodging houses.

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 North side of Cannon Street West. It contains an existing 1 storey detached single family residential dwelling. The existing dwelling was originally constructed prior to 1965, however was destroyed in a fire and subsequently re-constructed as existing today. The dwelling contains an existing attached garage located along the front of the dwelling at the basement level, which will be a part



of the discussion of parking within this report as part of the conversion of the existing dwelling to a two-family use. (Fig 1. - Site Context from Google Images Street View)

As illustrated in Figure 2, the site is located in a primarily “D” zoned area for residential or residential-adjacent uses, however the subject property is close in proximity to a variety of



commercial and institutional uses. The subject property is located along a subsidiary section of Cannon Street West, breaking off from the main four lane one way main street to create a portion that functions as a two lane multi-directional road, accommodating access to residential dwellings along this section of road and street parking.

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

Description of the Proposal

The proposed minor variance for a reduction in parking is directly related to the proposal to create a secondary dwelling unit within the existing detached dwelling. A two-family dwelling use is permitted in accordance with the zoning by-law, however the existing parking must be maintained as part of the conversion of the dwelling. The existing dwelling currently requires 1 parking stall be provided as the dwelling was reconstructed after the adoption of the current City of Hamilton Zoning By-law for the Former Municipality of Hamilton. As part of the conversion from a single family use to two family use, no additional parking is required. As demonstrated through the floor plans, our client wishes to extend the living area for the secondary dwelling unit into the current attached garage floor area, which results in the existing parking within the interior of the attached garage being removed to facilitate this conversion.

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 allowing a secondary dwelling unit to be facilitated on the subject property is promotive of intensification, as it creates an intensified use of the land while not overshadowing the built form of the neighbourhood or creating an adverse impact as the additional dwelling unit will not disrupt the surrounding uses. Permitting the reduction in parking does not require any exterior alterations, 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 intensified use of the subject property. Furthermore, the reduction in parking due to the conversion from a single family use to a two family use does not propose any sort of risk to public health or safety. It is our opinion that the proposed design for the subject property and subsequent requirement for a reduction in parking are non inconsistent with the Provincial Policy Statement, and additionally may encourage inhabitants of the dwelling units to utilize existing features of the surrounding area such as existing on-street parking, active transportation, and public transit options.

Urban Hamilton Official Plan

The subject lands at 168 Cannon Street West are within the Official Plan Urban Area, and is notably located within an Urban Expansion Area for Neighbourhoods. 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 is proposed to facilitate the interior conversion of an existing single detached dwelling to a two family dwelling, 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. Additionally, the subject property is also regulated by the West Harbour (Setting Sail) Secondary Plan, which was created to encourage the redevelopment of historically heavy industrial targeted areas of the downtown Hamilton waterfront area.



Community structure is a large topic that is regulated by the City of Hamilton Official Plan. Residential intensification is highly encouraged within the Urban Area boundary to meet growth and

employment targets. As outlined in Chapter B within the Communities 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.

Residential Intensification, as outlined in Section 2.4 of Chapter B of the UHOP is essential to the growth of the City of Hamilton in terms of achieving targets outlined for growth and employment. Positive intensification ensures that efficient use of land, urban services, and transportation networks are utilized in a more sustainable manner. Additionally, successful intensification also reduces the need for urban boundary expansions, ultimately reducing costs for infrastructure and transit. Intensification assists in meeting housing demand by supporting the provision of a wide range of housing types to meet the housing needs of Hamiltons' current and future population. It must also be recognized that infill may not always be created in the same manner of built form, potentially varying from the form of existing development. Furthermore, residential intensification is one of the key components in successfully developing targeted areas of the city, of which the subject property is within one of the targeted areas. Our proposal is directly in line with positive infill characteristics as it will have no visual impact on the built form of the neighbourhood, and will further contribute to a compact city and encouraging use of existing transit and active transportation options.

As specified in Chapter B of the Urban Hamilton Official Plan, under Section 2.4.2. Residential Intensification in the Neighbourhood Designation - there are a number of targeted specific items for infill designs to be evaluated, such as:

- A. The matters listed in Policy B.2.4.1.4 (in regards to intensification developments within the built-up area);
- B. Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- C. The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- D. The consideration of transitions in height and density to adjacent residential buildings;
- E. The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- F. The provision of amenity space and the relationship to existing patterns of private and public amenity space,
- G. The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks, and building separations;
- H. The ability to complement the existing functions of the neighbourhood;
- I. The conservation of cultural heritage resources; and,
- J. Infrastructure and transportation capacity and impacts.

Since our proposal does not involve any exterior renovations or reconstruction, many of these items would not be applicable considerations. We would like to highlight items G and J directly in regards to our proposal. As a part of the application, since the required parking stall dimension as provided by the Hamilton Zoning By-law cannot be accommodated within the front yard, we are proposing restoration of a portion of the front yard to encourage landscaping within the front yard. Additionally, while our proposal seeks to provide relief from on-site parking requirements, the future inhabitants of the dwelling units may seek out alternative modes of transportation, contributing to already existing infrastructure for active transportation and transit services, located closeby. Although the reduction in parking is a deviation from the requirements of typical Zoning By-law requirements, the reduction 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. 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 reducing the required parking for the existing main dwelling is not incompatible with the surrounding area. Reduction in the required number of parking stalls allows for the creation of a more complete community as it is necessary to facilitate the creation of additional housing at the subject property, internally through the construction of an interior accessory dwelling unit. As demonstrated in the following images, many properties in the immediate and surrounding vicinity of the subject property have little to no existing parking that would be able to be facilitated within the front yard of the existing property boundary. Although the lack of existing parking may traditionally be seen as a negative for the community, it actually allows for the creation and maintenance of complete and diverse communities in a way that encourages active and public transportation, and utilizes already existing community infrastructure.



(Fig 3. Neighbouring front yards along Cannon Street West to the West of the subject property.)



(Fig. 4 Neighbouring front yards along Cannon Street West to the West of the subject property.)



(Fig. 5 Neighbouring front yards along Cannon Street West to the East of the subject property.)



(Fig. 6 Neighbouring front yards along Cannon Street West to the East of the subject property.)



(Fig. 7 of the street view of Cannon Street West, looking West towards Hess Street North.)



(Fig. 8 of the street view of Cannon Street West, looking West towards Hess Street North.)

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. 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, outside of the traditional sense of design. 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 reducing the required parking located at the subject property, this proposal is in no way incompatible with the surrounding area, as

demonstrated in Figures 3 through 8 which provide context for parking provisions at the majority of the surrounding properties along this subsidiary section of Cannon Street West and the existing provisions for street parking.

The subject property also falls within the Secondary Plan area of the West Harbour Setting Sail plan area. This secondary plan targets a specific area of Hamilton that is aimed at preserving the features along the harbour area. This Secondary Plan encourages predominantly residential character while allowing incremental, small-scale change to occur. Although not specifically addressing low density residential parking requirements, the Setting Sail plan encourages preservation and maximization of existing on-street parking.

It is our opinion that our design proposal for the subject property at 168 Cannon Street West is consistent with the Urban Hamilton Official Plan and all applicable Secondary Plans. 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.

Zoning By-Law

Zoning By-law provisions are created by specific targets created by the City of Hamilton 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 “D” for low density residential, permitting a variety of residential development such as one and two family dwellings. 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 that due to the composition of the street and the location of the property lines of the properties fronting along this subsidiary section of Cannon Street West, many properties cannot facilitate any parking that would comply with the requirements of the current applicable Zoning By-law due to a condensed front yard setback. Notably, the subject property consists of an existing undersized lot which directly effects provisions of on site amenities such as parking and landscaping requirements. The requirement for newly created lots in this zone are 540 square metres in size, while the existing lot at 168 Cannon Street West is approximately 261.3 square metres in size. Many of the existing surrounding residential lots are equally undersized, leading to a lack of amenity space for parking and landscaping on similar properties in the neighbourhood. However, despite issues created by the configuration of the existing lot, it is our opinion that a reduction in parking to facilitate a secondary dwelling unit does still meet the intent of the Zoning By-law. It is important to note that additional parking provisions that were previously

required through the Zoning By-law for secondary dwelling units have been eliminated through recent amendments to the City of Hamilton Zoning By-laws.

Four Tests

Are the variances minor in nature?

The proposed parking reduction is minor in nature as the reduction only directly deals with the reduction of 1 required parking space. As the applicable parking requirements from the City of Hamilton Zoning By-law would only require the existing parking be maintained as part of the conversion from a single family dwelling to a two family dwelling, the parking requirement would be 1 parking stall. With the conversion of the existing interior garage space to a dwelling unit removing the existing parking area, the existing parking cannot be maintained as part of this proposed scope of work. It is worth mentioning that this section of Cannon Street West facilitates a large amount of street parking and also provides ample opportunities for alternative modes of transportation such as public transit or active 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 residential use, and will not have any exterior additions as part of the scope of work. It is important to note that as the majority of the front yard is historically used as a concrete driveway, we are proposing to reinstate a large amount of landscaping in the front yard to achieve compliance with the requirements of the secondary dwelling unit Zoning By-law requirements. Overall, we feel that although parking may not be able to be facilitated within the attached garage as part of the conversion, we are proposing many mitigating features that will enhance the streetscape and have a positive impact on the subject property and surrounding areas.

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 residential use. The proposal is a minimal deviation from the zoning by-law requirements to reduce the required parking by one space. It is essential to consider that the subject property has several opportunities to provide parking for other modes of transportation, including bicycle parking or e-bike parking - both of which do not have size requirements in the current Zoning By-law outlined for this zone and type of use of the property. As previously stated, additional parking requirements for secondary suites were removed through recent

Zoning By-law amendments, further demonstrating that availability of motor vehicle parking should not detract from the feasibility of facilitating additional housing through the creation of accessory dwelling units.

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 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 through ulterior modes of transportation. 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 minor variance in relation to the reduction of the one required parking space at 168 Cannon Street West meets all of the four tests of a minor variance, and these tests 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 Former City of Hamilton Zoning By-law. The proposed minor variance is minor in nature and upholds and maintains the general intent and purpose of both the Former City of Hamilton Zoning By-law and Official Plan by ensuring that the design has minimal 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 encouragement of use of the existing transit infrastructure located nearby the subject property, and the parking reduction minor variance be granted.



Hamilton

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)	Dinh Hang Kien To
Applicant(s)	
Agent or Solicitor	Kristen McNutt

- 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 [REDACTED]
- 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	168 Cannon Street West		
Assessment Roll Number	02012508354		
Former Municipality	Hamilton		
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:

Reduction of the parking requirements - existing attached garage is being converted to facilitate a secondary dwelling unit and therefore the 1 required parking stall cannot be provided.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

**See justification report

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

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
7.67m	34.06mm	261.3 sqm	7.1m

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	3.38m	14.83m	1.18m, 0.68m	
Covered patio (roofed)	n/a	10.78m	0m	

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
Existing detached dwelling	92 sqm	184 sqm	1	6.35m
Existing covered patio	30.9 sqm	30.9sqm	1	3.93m

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.):
Two family dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Residential (one and two family dwellings)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

1993

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

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

7.4 Length of time the existing uses of the subject property have continued:
Since construction

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) Urban Expansion Area - Neighbourhoods

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

**See justification report

7.6 What is the existing zoning of the subject land? D - Urban protected residential

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: A-79:56

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 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
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