

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-21:159

APPLICANTS: Agent Scott Hannah
Owner Arkledun Apts. Ltd.

SUBJECT PROPERTY: Municipal address **130 St. Josephs Dr., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "E/S-136" (Multiple Dwellings, Lodges, Clubs and etc.) district

PROPOSAL: To permit the establishment of two (2) additional dwelling units within the existing 126 unit multiple dwelling notwithstanding that;

1. A minimum of 143 parking spaces shall be provided instead of the minimum 150 parking spaces required by amending By-law 70-204.

NOTES:

A previously approved application for minor variance (HM/A-07:51) permit a 143 parking spaces to be provided for the 126 unit multiple dwelling. This variance is necessary to permit a maximum of 128 dwelling units while maintaining the existing 143 parking spaces on-site.

This application will be heard by the Committee as shown below:

DATE: Thursday, June 3rd, 2021
TIME: 1:30 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 18th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

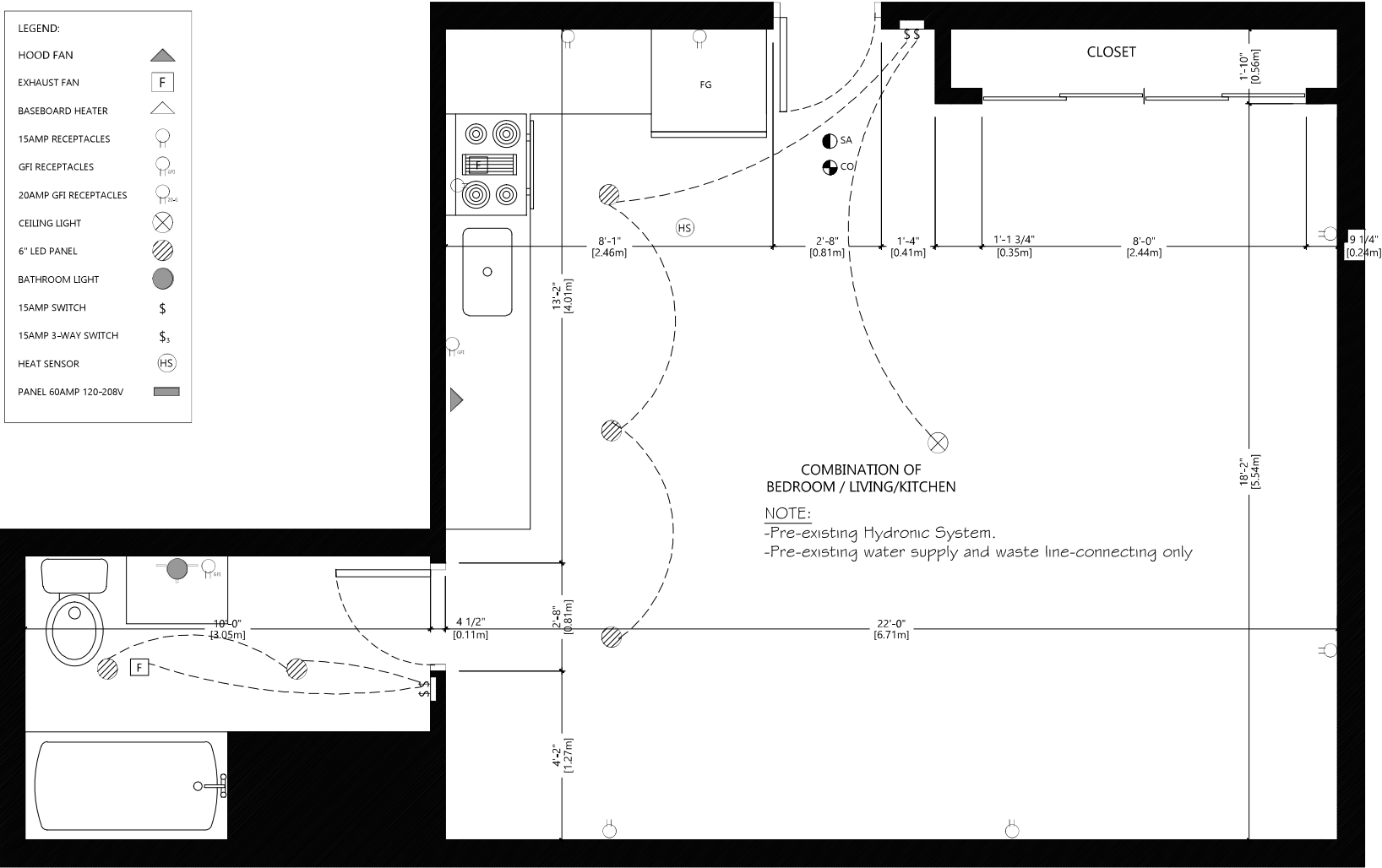
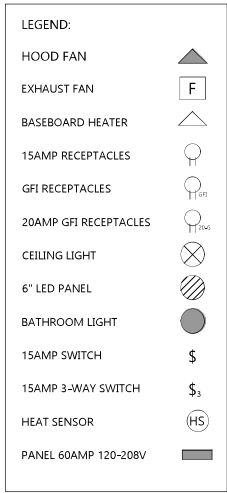
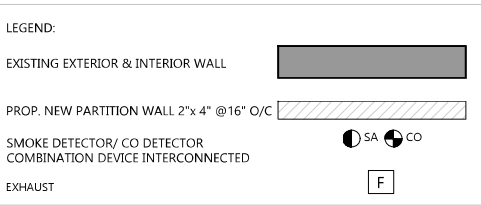
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

SMOKE ALARMS /CARBON MONOXIDE DETECTOR

9.10.19.3. LOCATION OF SMOKE ALARMS
(1) WITHIN DWELLING UNITS, SUFFICIENT SMOKE ALARMS SHALL BE INSTALLED SO THAT,
(a) THERE IS AT LEAST ONE SMOKE ALARM INSTALLED ON EACH STOREY, INCLUDING BASEMENTS, AND
(b) ON ANY STOREY OF A DWELLING UNIT CONTAINING SLEEPING ROOMS, A SMOKE ALARM IS INSTALLED,
(i) IN EACH SLEEPING ROOM, AND
(ii) IN A LOCATION BETWEEN THE SLEEPING ROOMS AND THE REMAINDER OF THE STOREY, AND IF THE SLEEPING ROOMS ARE SERVED BY A HALLWAY, THE SMOKE ALARM SHALL BE LOCATED IN THE HALLWAY.
(2) A SMOKE ALARM REQUIRED IN SENTENCE (1) SHALL BE INSTALLED IN CONFORMANCE WITH CAN/ULC-S553, "INSTALLATION OF SMOKE ALARMS".
(3) SMOKE ALARMS REQUIRED IN ARTICLE 9.10.19.1. AND SENTENCE (1) SHALL BE INSTALLED ON OR NEAR THE CEILING.

WHERE MORE THAN ONE SMOKE ALARM IS REQUIRED ON EACH DWELLING UNIT, THE SMOKE ALARMS SHALL BE WIRED SO THAT THE SOUND OF THE ALARM WILL CAUSE ALL ALARMS WITHIN THE DWELLING UNIT TO SOUND.

NOTE: On any storey of a dwelling unit containing sleeping rooms, a smoke alarm is required to be installed in each sleeping room and in a location between the sleeping rooms and the remainder of the storey, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway. O.B.C. 2012, 9.10.19.3.
Pre-existing Hydronic System.
Pre-existing water supply and waste line-connecting only



CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS TO THE OWNER BEFORE PROCEEDING WITH THE WORK. DRAWINGS ARE NOT TO BE SCALED. CONTRACT DOCUMENTS REMAIN THE PROPERTY OF THE OWNER AND SHALL BE RETURNED UPON COMPLETION OF THE PROJECT.

5			
4			
3			
2			
1	ISSUED FOR BUILDING PERMIT	Aug. 27, 2020	O.G.
No.	REVISIONS / ISSUES	DATE	BY.

Project Name:
Residence
130 Joseph Dr, Hamilton
Interior Alterations to
existing residential suite,

Location:
130 Joseph Street.
Hamilton
Unit P1



Scale : 1/4"=1'-0"	Date : Dec. 2020
Revision:	Date :

Drawing Title :
FLOOR PLAN

Project No.
Co - 18

Drawing No.
A - 1

SMOKE ALARMS /CARBON MONOXIDE DETECTOR

9.10.19.3. LOCATION OF SMOKE ALARMS
(1) WITHIN DWELLING UNITS, SUFFICIENT SMOKE ALARMS SHALL BE INSTALLED SO THAT:
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Pre-existing Hydronic System.
Pre-existing water supply and waste line-connecting only

LEGEND:

HOOD FAN



EXHAUST FAN



BASEBOARD HEATER



15AMP RECEPTACLES



GFI RECEPTACLES



20AMP GFI RECEPTACLES



CEILING LIGHT



6" LED PANEL



BATHROOM LIGHT



15AMP SWITCH



15AMP 3-WAY SWITCH



HEAT SENSOR



PANEL 60AMP 120-208V



EXISTING EXTERIOR & INTERIOR WALL



PROP. NEW PARTITION WALL 2"x 4" @16" O/C



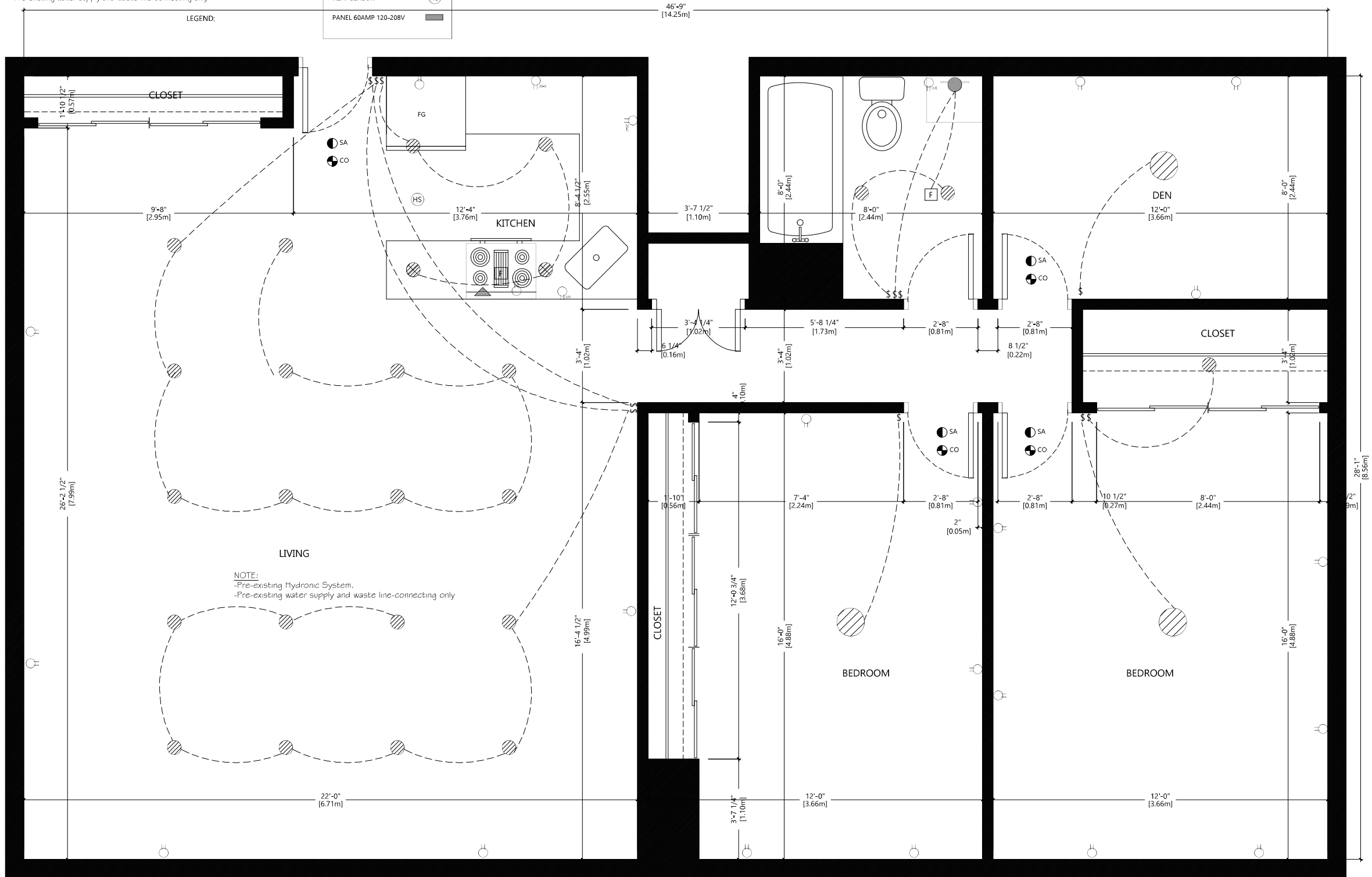
SMOKE DETECTOR/ CO DETECTOR



COMBINATION DEVICE INTERCONNECTED



EXHAUST



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5			
4			
3			
2			
1	ISSUED FOR BUILDING PERMIT	Aug. 27, 2020	O.G.
No.	REVISIONS / ISSUES	DATE	BY.

Project Name:
Residence
130 Joseph Dr, Hamilton
Interior Alterations to
existing residential suite,

Location:
130 Joseph Street.
Hamilton
Unit P2



Scale :
1/4"=1'-0"

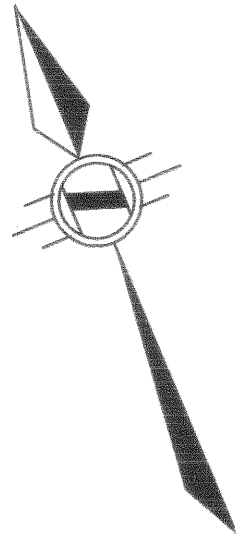
Date :
Dec. 2020

Revision:
Date :

Drawing Title :
FLOOR PLAN

Project No.
Co - 18

Drawing No.
A - 1



PART 1 OF 4 PARTS
SHEET 1 OF 3 SHEETS

WENTWORTH STANDARD CONDOMINIUM PLAN No. 477
LEVEL 1
UNITS 1 TO 25 INCLUSIVE
REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF
WENTWORTH (No. 62) AT 14:20 O'CLOCK ON THE 04 DAY OF APRIL 2011
"C.P. McLaren"
ASSISTANT DEPUTY LAND REGISTRAR

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
CONDOMINIUM ACT 1998, THE SURVEYS ACT, THE SURVEYORS ACT AND
THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 16TH DAY OF MARCH, 2011
3. THE DIAGRAMS OF THE UNITS SHOWN ON THIS PLAN ARE
SUBSTANTIALLY ACCURATE.

MARCH 16, 2011
DATE
S.D. McLaren — Ontario Land Surveyor

DECLARATION REGISTERED AS No. WE 752004

APPROVAL CERTIFICATE
PARTS 1 AND 2 ARE APPROVED AND PARTS 3 AND 4 ARE EXEMPTED UNDER SECTION
9 OF THE CONDOMINIUM ACT, R.S.O. 1998, c.19, AND SECTION 51 OF THE PLANNING
ACT, R.S.O. 1990, c.P.13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND
ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE
AUTHORITY OF BY-LAW 07-323.

THIS 31st DAY OF March, 2011, for
GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
CITY OF HAMILTON

SCHEDULE OF APPURTENANT AND SERVIENT INTERESTS
(UNDER CLAUSES 8(1)(g) AND (h) OF THE CONDOMINIUM ACT 1998.)

	PART	PLAN	DESCRIBED IN	NOTES
TOGETHER WITH (APPURTENANT INTERESTS)	NIL	NIL	NIL	NIL
SUBJECT TO (SERVIENT INTERESTS)	2	62R-18796	WE699535	NIL

THIS PLAN COMPRISES ALL OF PIN 17116-0175(LT)

INDEX OF PARTS		DESCRIPTION	
PART	SHEET(S)	DESCRIPTION	
1	3	PLAN OF SURVEY OF THE CONDOMINIUM PROPERTY, THE ILLUSTRATION OF THE SERVIENT INTERESTS AND THE DESIGNATION OF UNITS ON LEVELS 1 TO 20, INCLUSIVE	
2	1	PLAN OF SURVEY OF THE EXCLUSIVE USE PORTIONS OF THE COMMON ELEMENTS ON LEVEL 4	
3	15	ARCHITECTURAL PLANS	
4	NIL	STRUCTURAL PLANS	

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

PLAN OF SURVEY
OF PART OF
LOTS 14, 15 AND 16
REGISTERED PLAN 1431
IN THE
CITY OF HAMILTON
SCALE 1: 300 METRIC

S.D. McLaren, O.L.S. — 2011

UNIT BOUNDARY DEFINITIONS
THE MONUMENTS DEFINING THE EXTENT AND LOCATIONS OF THE RESIDENTIAL UNITS
ARE THE WALLS, THE FLOORS, THE CEILINGS AND OTHER PHYSICAL FEATURES AS
MORE PARTICULARLY DESCRIBED IN SCHEDULE 'C' OF THE DECLARATION.

AREAS NOT DESIGNATED AS UNITS ARE COMMON ELEMENTS.
UNITS 1 TO 22, INCLUSIVE ARE FOR PARKING PURPOSES.
UNITS 23, 24 AND 25 ARE FOR RESIDENTIAL PURPOSES.

- ① DENOTES THE UNFINISHED UPPER OR UNIT SIDE SURFACE AND PLANE OF THE
CONCRETE FLOOR SLAB.
- ② DENOTES THE UNFINISHED LOWER OR UNIT SIDE SURFACE AND PLANE OF THE
CONCRETE CEILING SLAB.
- ③ DENOTES THE BACKSIDE SURFACE AND PLANE AND PRODUCTION OF THE DRYWALL ON
ALL EXTERIOR WALLS AND WALLS SEPARATING THE ONE UNIT FROM ANOTHER
SUCH UNIT OR COMMON ELEMENTS.
- ④ DENOTES CENTRELINE OF PARTITION WALL.
- ⑤ DENOTES THE UNFINISHED INTERIOR OR UNIT SIDE SURFACES OF ALL EXTERIOR DOORS,
EXTERIOR DOOR FRAMES AND WINDOW FRAMES, AND THE INTERIOR SURFACE
OF ALL GLASS PANELS THEREIN, THE SAID DOORS AND WINDOWS BEING IN A
CLOSED POSITION.
- ⑥ DENOTES THE HORIZONTAL PLANE DEFINED BY MEASUREMENT.
- ⑦ DENOTES THE UNFINISHED UNIT SIDE SURFACE AND PLANE OF THE
CONCRETE OR CONCRETE BLOCK WALLS AND THE PRODUCTION
THEREOF.
- ⑧ DENOTES THE UNFINISHED UNIT SIDE SURFACE OF THE CONCRETE
SUPPORT COLUMNS.
- ⑨ DENOTES THE VERTICAL PLANE ESTABLISHED BY MEASUREMENT.

CERTIFICATE OF DECLARANT

THIS IS TO CERTIFY THAT THE PROPERTY INCLUDED IN THIS PLAN HAS BEEN LAID
OUT INTO UNITS AND COMMON ELEMENTS IN ACCORDANCE WITH MY INSTRUCTIONS.

DECLARANT: ARKLEDUN APARTMENTS LIMITED

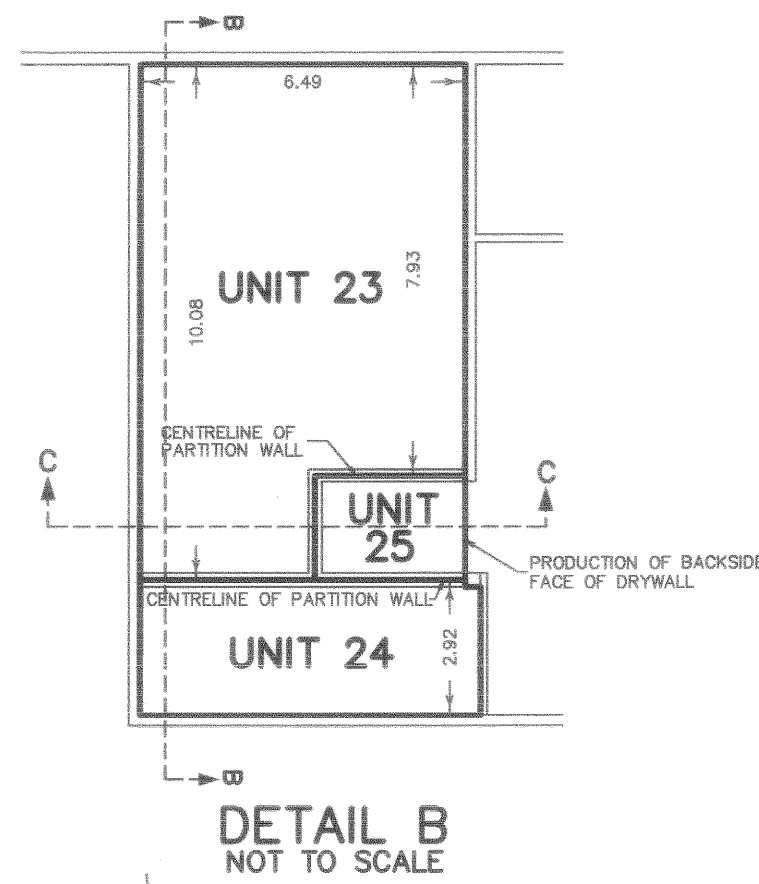
DATED AT HAMILTON

THIS 30th DAY OF MARCH, 2011

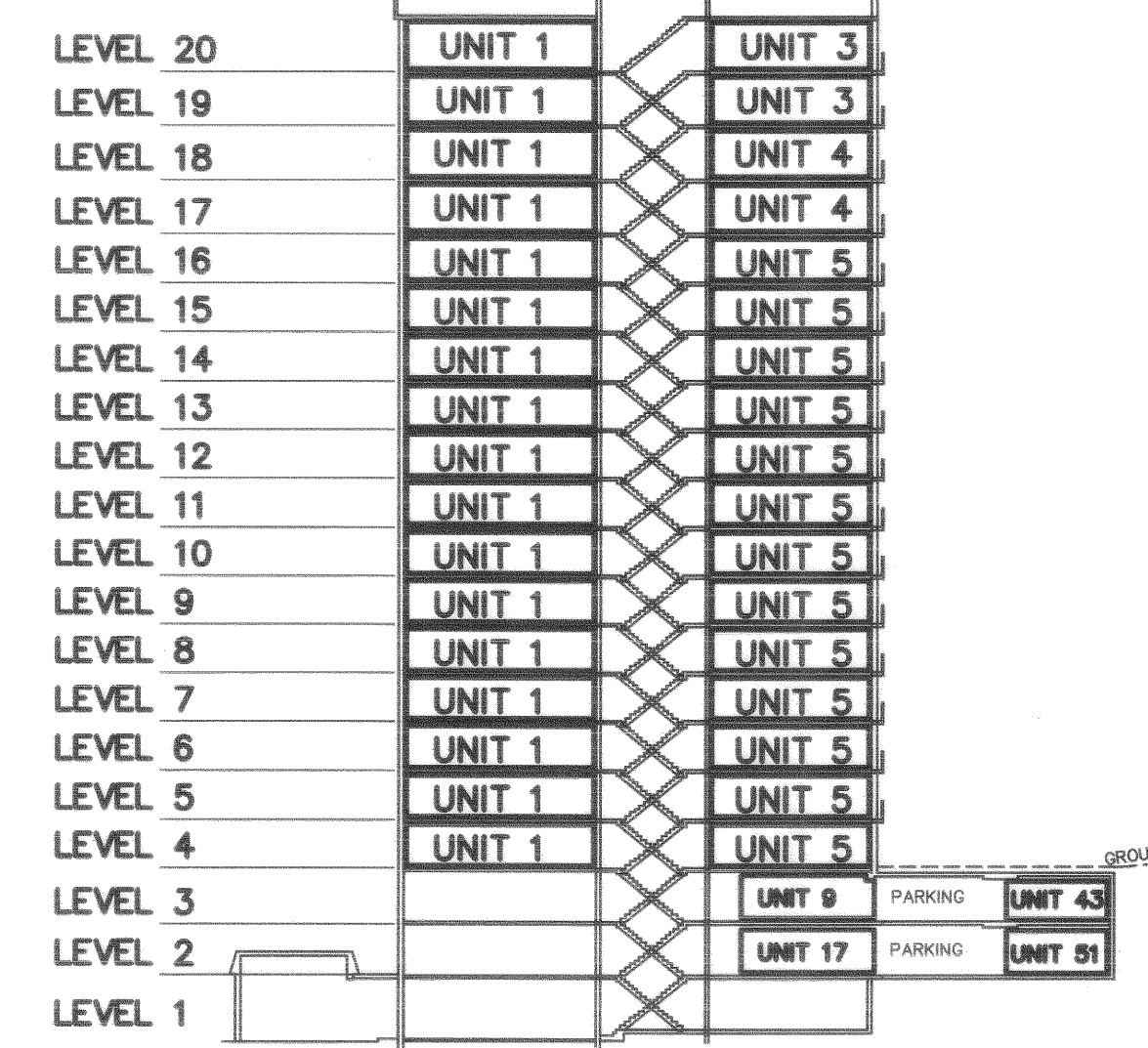
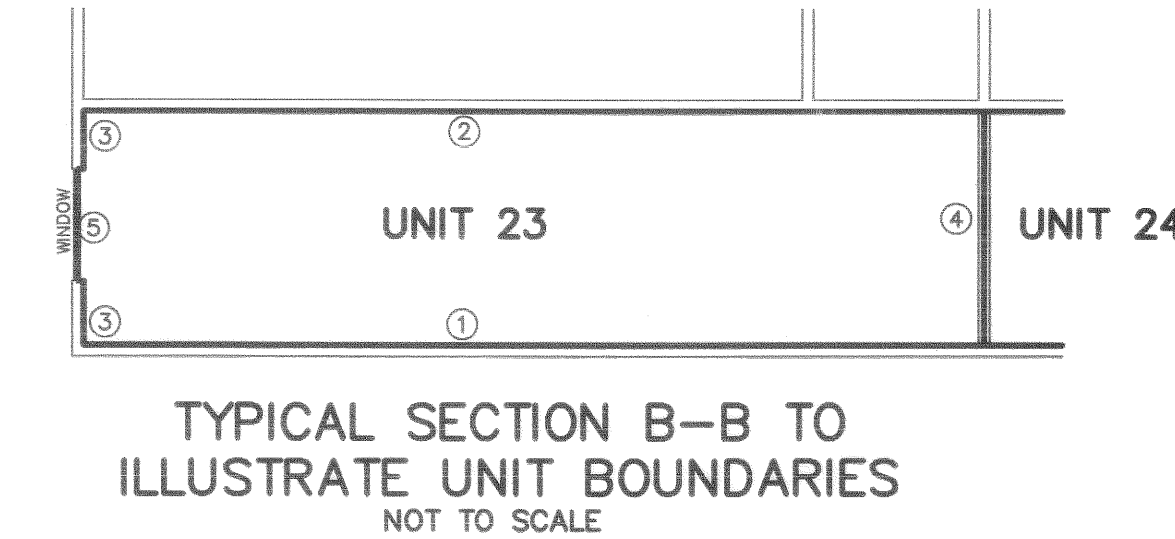
Stewart Moskovich
STEWART MOSKOVICH — PRESIDENT
I HAVE THE AUTHORITY TO BIND THE CORPORATION

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

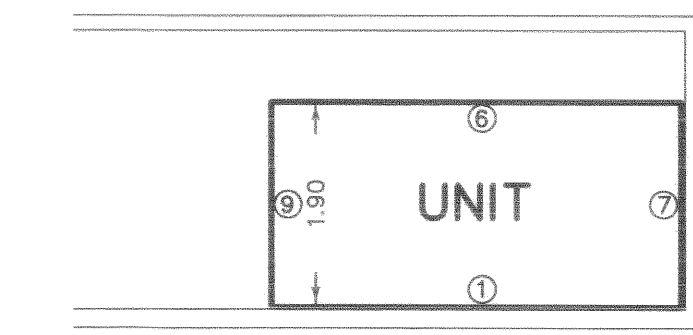
Drawn: BK Checked: DQ/SDM Scale: 1:300 Dwg. No.: 31367-C1



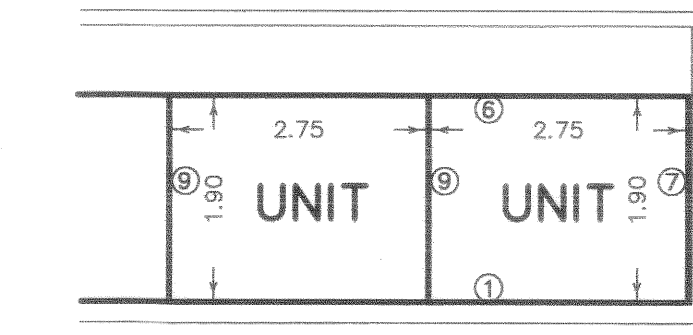
TYPICAL SECTION C-C TO
ILLUSTRATE UNIT BOUNDARIES
NOT TO SCALE



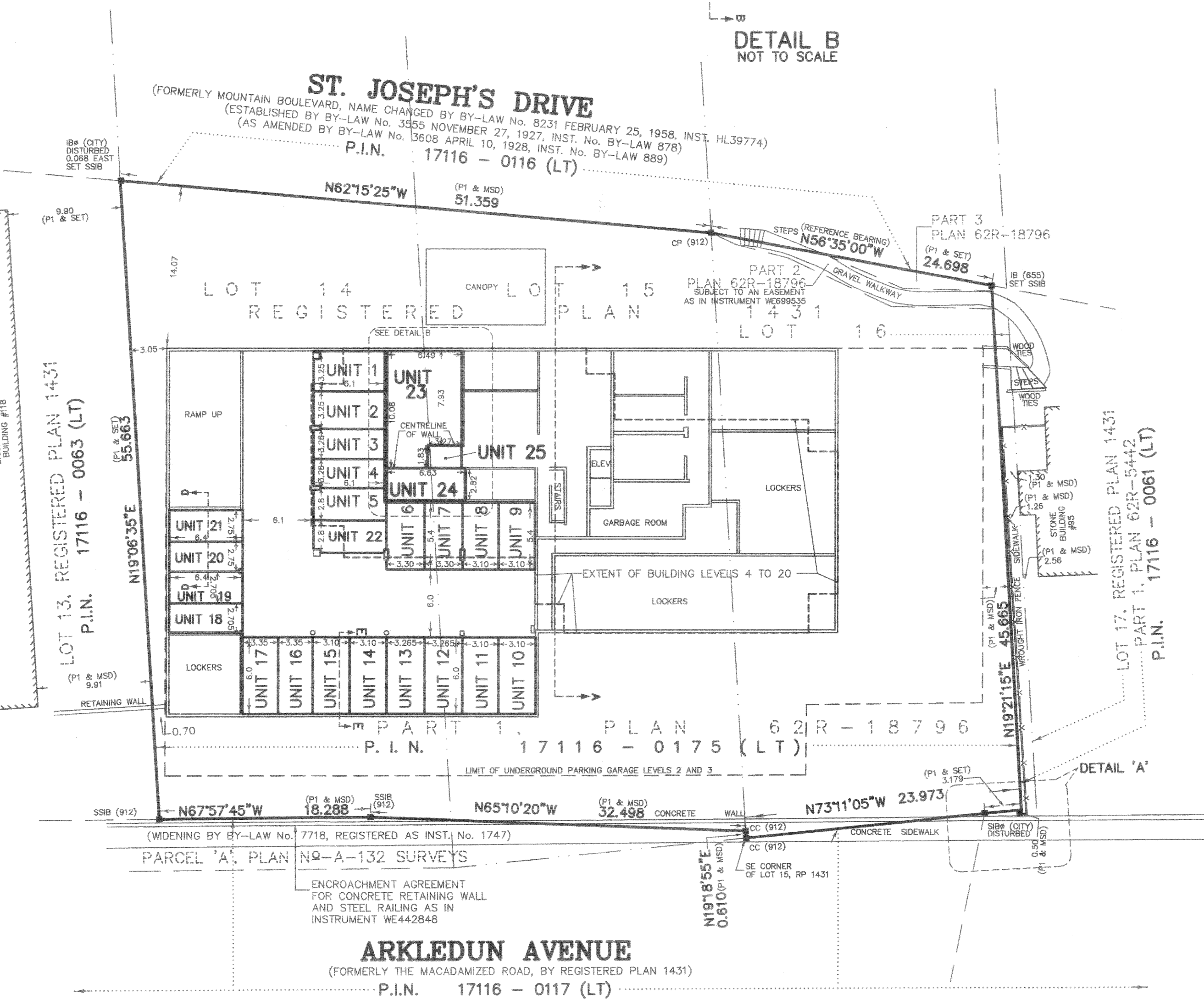
SECTION A-A TO ILLUSTRATE RELATIONSHIP OF LEVELS
NOT TO SCALE



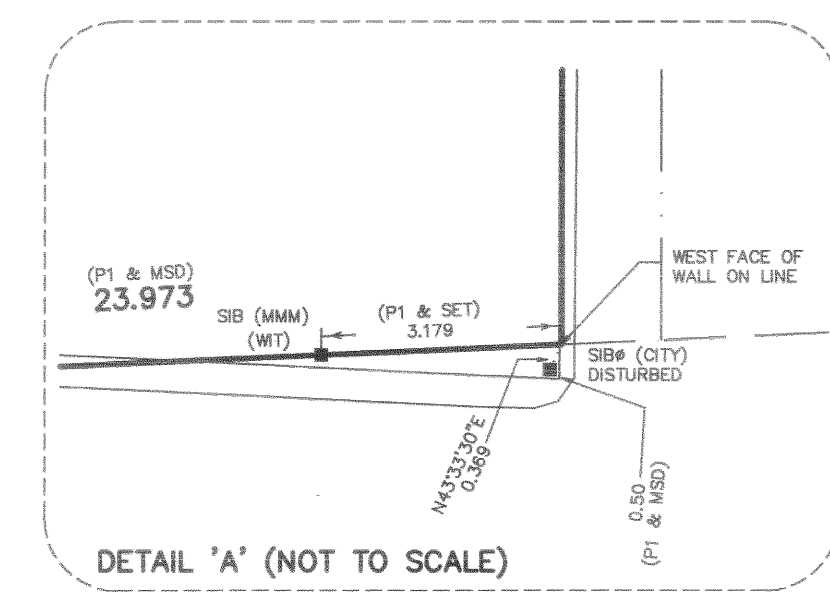
TYPICAL SECTION E-E TO
ILLUSTRATE PARKING UNIT BOUNDARIES
NOT TO SCALE



TYPICAL SECTION D-D TO
ILLUSTRATE PARKING UNIT BOUNDARIES
NOT TO SCALE

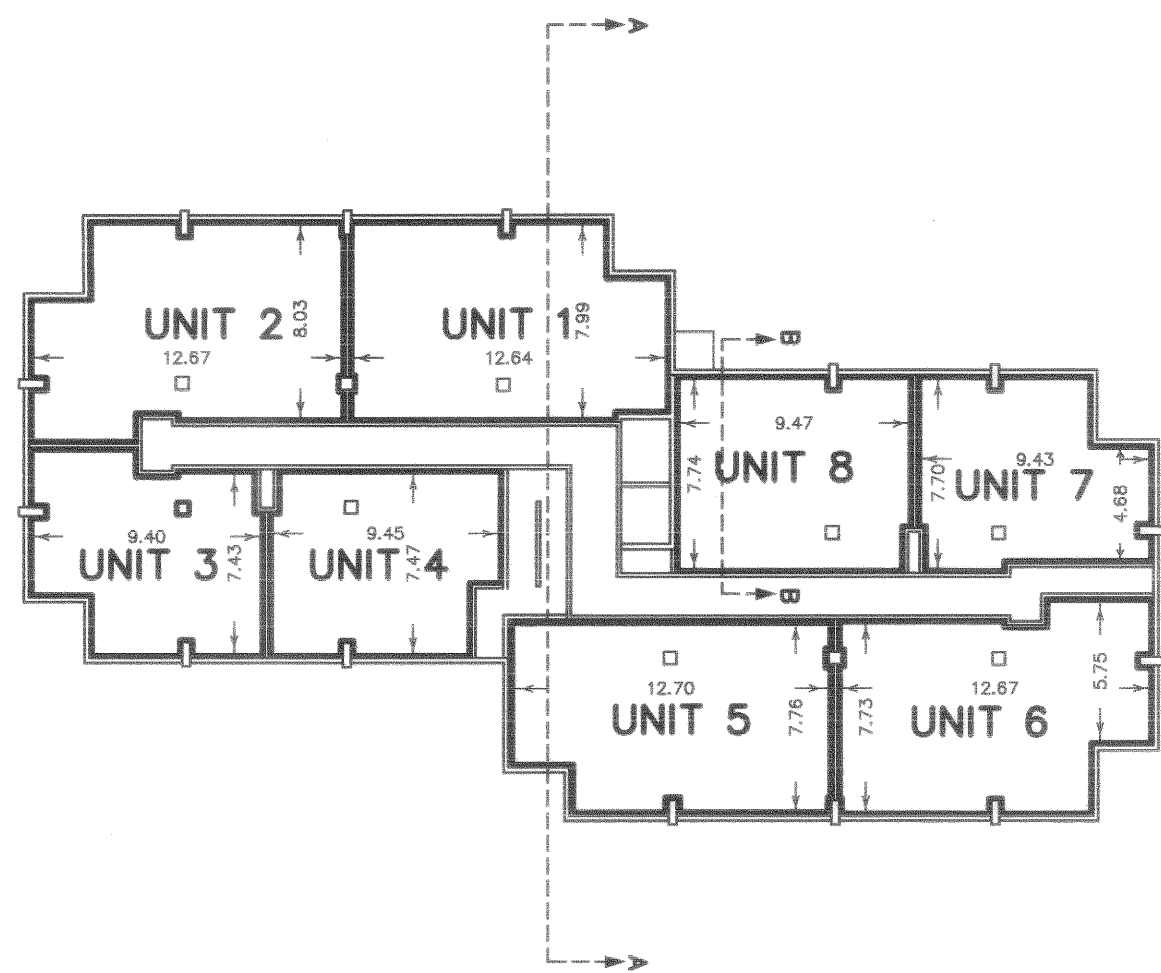


ARKLEDUN AVENUE
(FORMERLY THE MACADAMIZED ROAD, BY REGISTERED PLAN 1431)
P.I.N. 17116 - 0117 (LT)

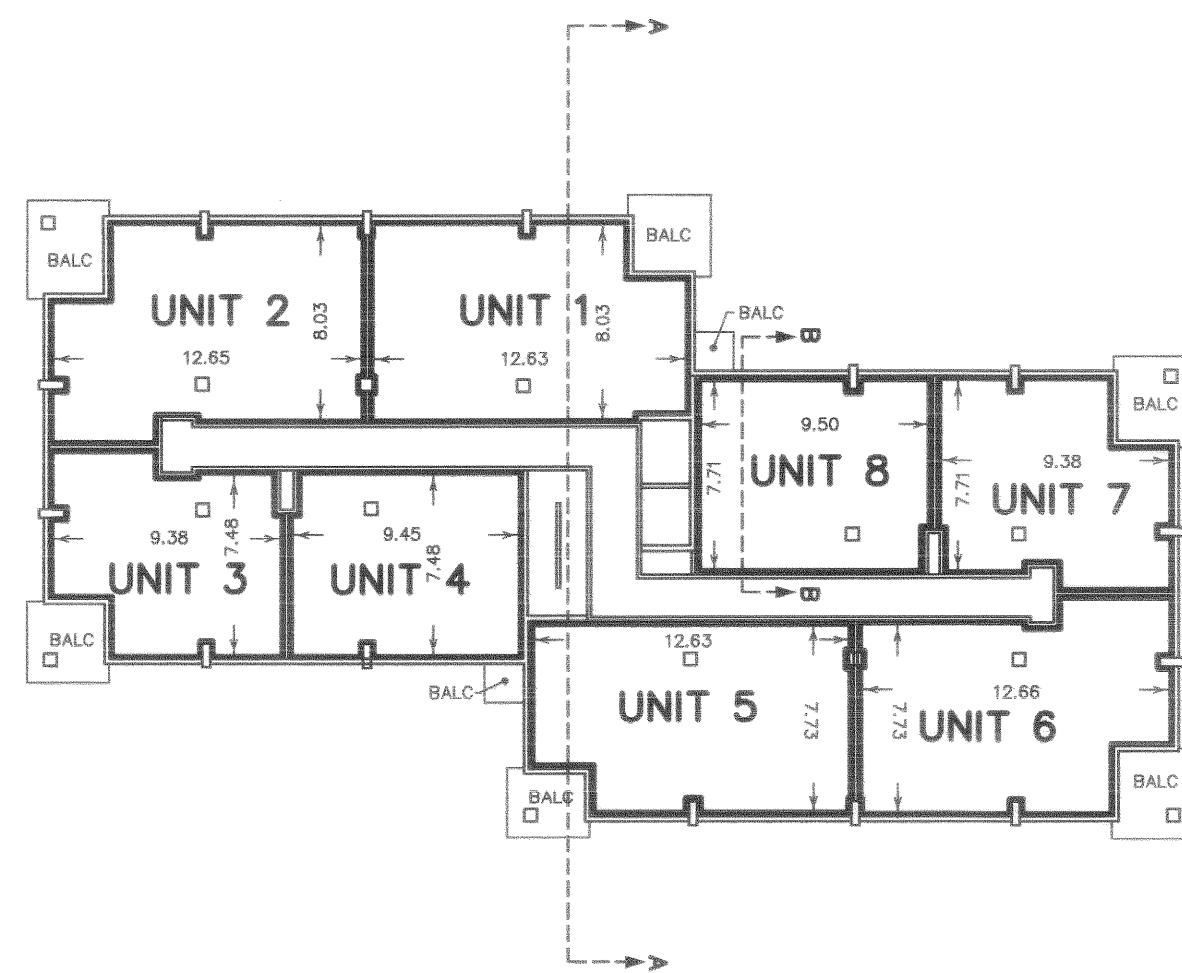


BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE
REFERRED TO THE SOUTHERLY LIMIT OF
ST. JOSEPH'S DRIVE AS SHOWN ON PLAN
62R-5442 AS HAVING A BEARING OF
N56°35'00\"/>

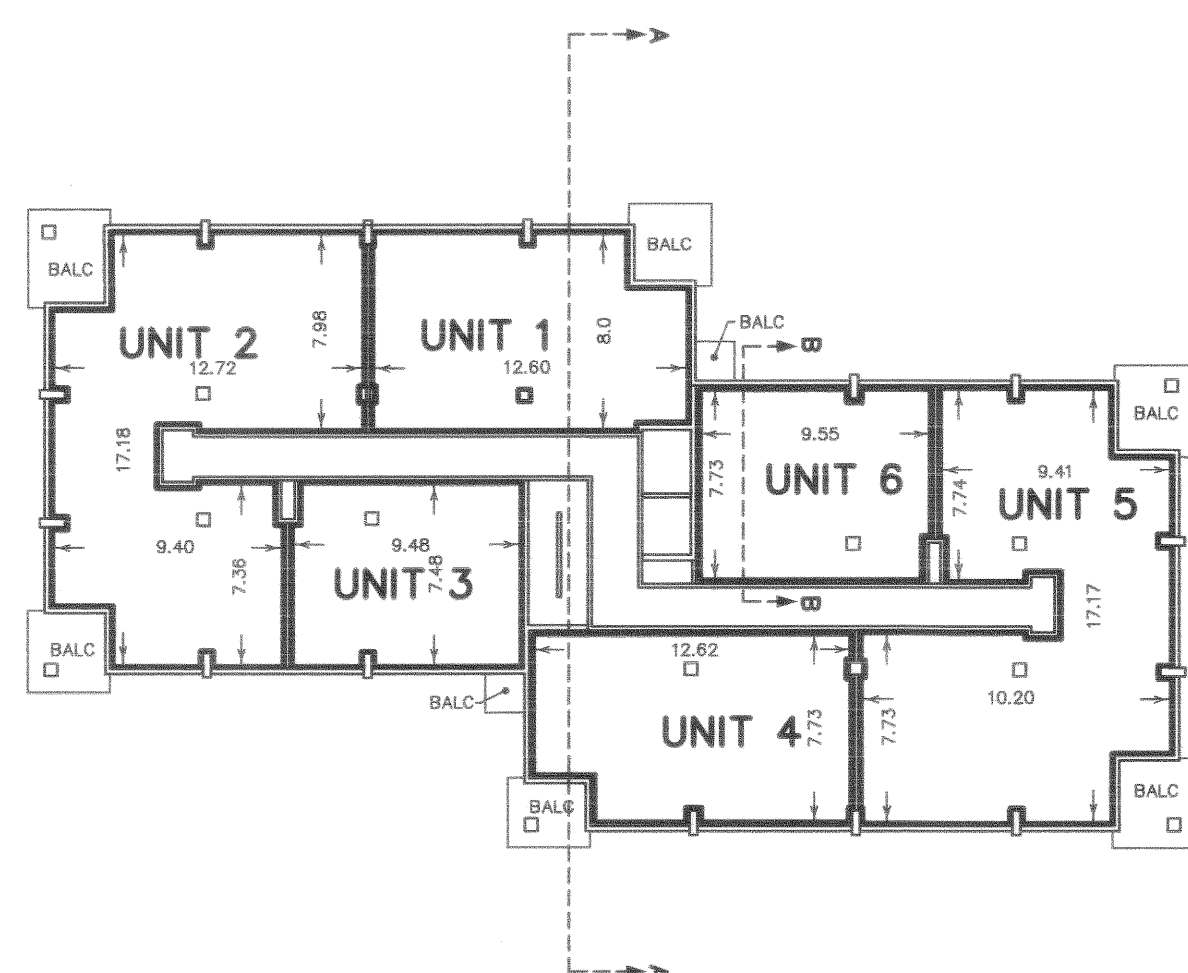
- LEGEND:**
- DENOTES MONUMENT SET
 - DENOTES MONUMENT FOUND
 - IB DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - IB# DENOTES ROUND STANDARD IRON BAR
 - IB# DENOTES ROUND IRON BAR
 - CP DENOTES CONCRETE PIN
 - CC DENOTES CUT CROSS
 - MS# DENOTES MEASURED
 - 655 DENOTES J.T. PETERS, O.L.S.
 - 824 DENOTES A.T. McLaren, O.L.S.
 - 912 DENOTES A.J. CLARKE, O.L.S.
 - OU DENOTES ORIGIN UNKNOWN
 - CITY DENOTES CITY OF HAMILTON
 - MMM DENOTES MARSHALL MACKLIN MONAGHAN ONTARIO LIMITED
 - WIT DENOTES WITNESS
 - P1 DENOTES PLAN BY B.A. JACOBS, O.L.S. (DATED: JANUARY 25, 2000)
 - FP DENOTES FENCE POST
 - RW DENOTES RETAINING WALL
 - WRW DENOTES WOOD RETAINING WALL
 - BOUNDARIES OF THE UNITS AND COMMON ELEMENTS



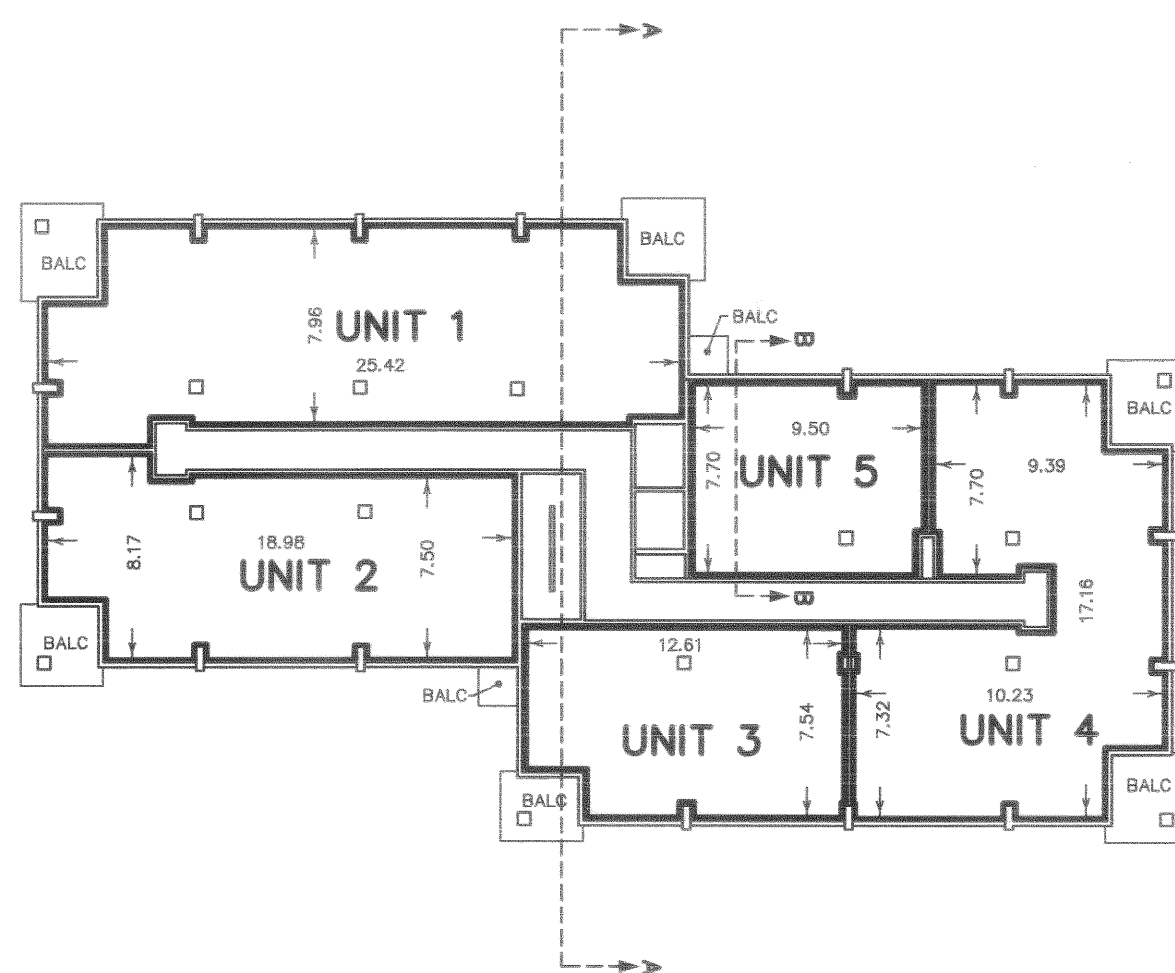
LEVEL 4



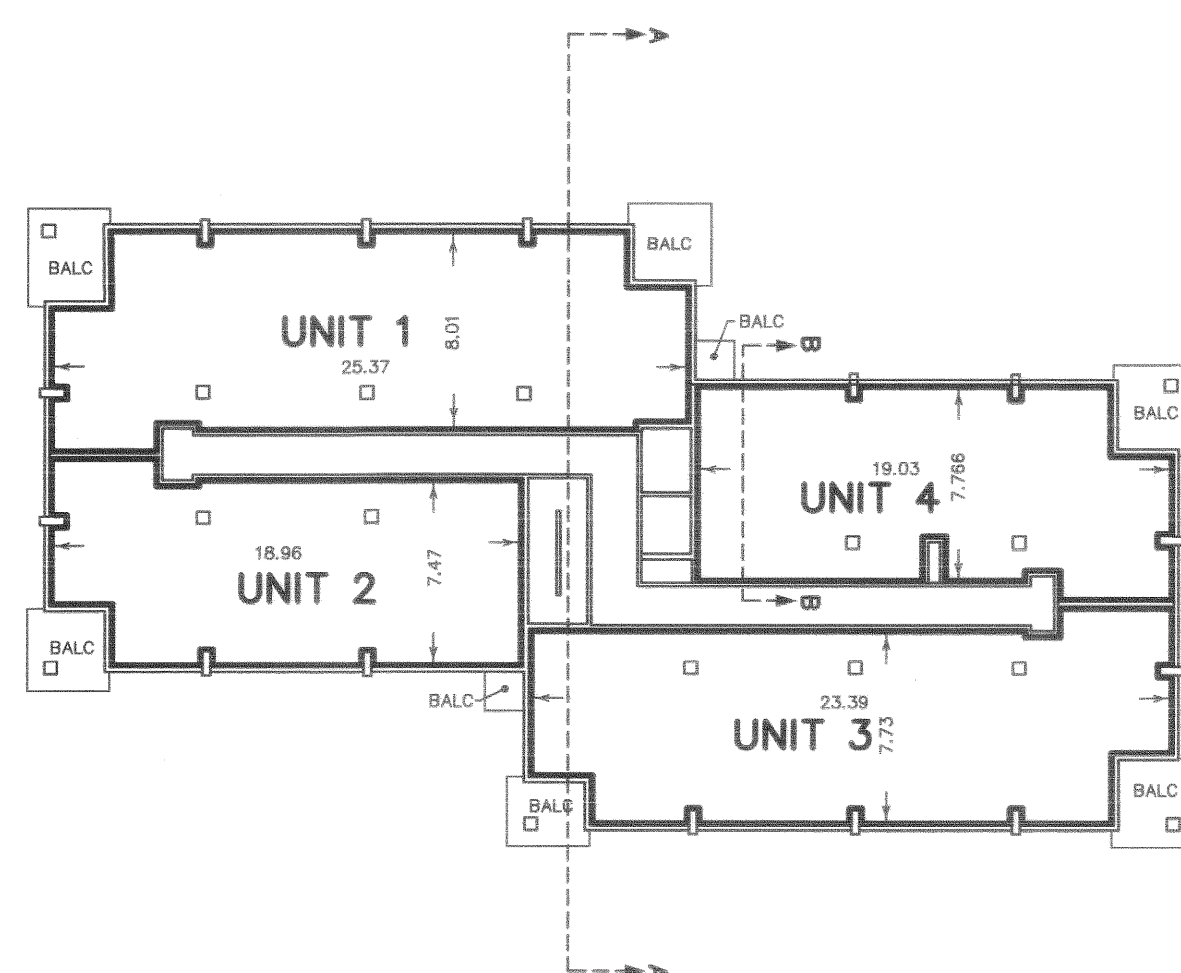
LEVEL 5 - 16



LEVEL 17 and 18



LEVEL 19



LEVEL 20

PART 1 OF 4 PARTS
SHEET 2 OF 3 SHEETS

WENTWORTH STANDARD CONDOMINIUM PLAN No. 477

LEVEL 4
UNITS 1 TO 8 INCLUSIVE

LEVELS 5 TO 16 INCLUSIVE
UNITS 1 TO 8 INCLUSIVE

LEVELS 17 AND 18
UNITS 1 TO 6 INCLUSIVE

LEVEL 19
UNITS 1 TO 5 INCLUSIVE

LEVEL 20
UNITS 1 TO 4 INCLUSIVE

REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF
WENTWORTH (No. 62) AT 14:20 O'CLOCK ON THE 04 DAY OF APRIL 2011

"C.P. McLAREN"
ASSISTANT DEPUTY LAND REGISTRAR

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE CONDOMINIUM ACT 1998, THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 16TH DAY OF MARCH, 2011
 - THE DIAGRAMS OF THE UNITS SHOWN ON THIS PLAN ARE SUBSTANTIALLY ACCURATE.

MARCH 16, 2011
DATE

S.D. McLAREN - Ontario Land Surveyor

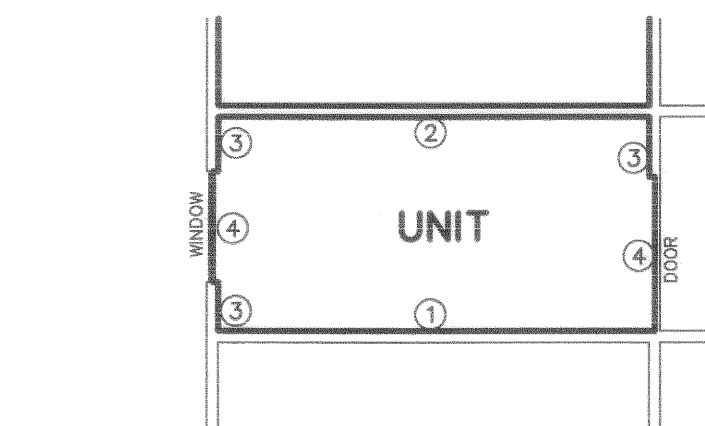
DECLARATION REGISTERED AS No. WE 752.004

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

SCALE 1: 300 METRIC

6 3 0 6 12 18 metres

S.D. McLAREN, O.L.S. - 2011



TYPICAL SECTION B-B TO
ILLUSTRATE UNIT BOUNDARIES

LEVEL 20	UNIT 1	UNIT 3
LEVEL 19	UNIT 1	UNIT 3
LEVEL 18	UNIT 1	UNIT 4
LEVEL 17	UNIT 1	UNIT 4
LEVEL 16	UNIT 1	UNIT 5
LEVEL 15	UNIT 1	UNIT 5
LEVEL 14	UNIT 1	UNIT 5
LEVEL 13	UNIT 1	UNIT 5
LEVEL 12	UNIT 1	UNIT 5
LEVEL 11	UNIT 1	UNIT 5
LEVEL 10	UNIT 1	UNIT 5
LEVEL 9	UNIT 1	UNIT 5
LEVEL 8	UNIT 1	UNIT 5
LEVEL 7	UNIT 1	UNIT 5
LEVEL 6	UNIT 1	UNIT 5
LEVEL 5	UNIT 1	UNIT 5
LEVEL 4	UNIT 1	UNIT 5
LEVEL 3		UNIT 9 UNIT 43
LEVEL 2		UNIT 17 UNIT 51
LEVEL 1		

SECTION A-A TO ILLUSTRATE RELATIONSHIP OF LEVELS
NOT TO SCALE

UNIT BOUNDARY DEFINITIONS

THE MONUMENTS DEFINING THE EXTENT AND LOCATIONS OF THE RESIDENTIAL UNITS ARE THE WALLS, THE FLOORS, THE CEILINGS AND OTHER PHYSICAL FEATURES AS MORE PARTICULARLY DESCRIBED IN SCHEDULE "C" OF THE DECLARATION.

- DENOTES THE UNFINISHED UPPER OR UNIT SIDE SURFACE AND PLANE OF THE CONCRETE FLOOR SLAB.
- DENOTES THE UNFINISHED LOWER OR UNIT SIDE SURFACE AND PLANE OF THE CONCRETE CEILING SLAB.
- DENOTES THE BACKSIDE SURFACE AND PLANE AND PRODUCTION OF THE DRYWALL ON ALL EXTERIOR WALLS, AND WALLS SEPARATING ONE UNIT FROM ANOTHER SUCH UNIT OR THE COMMON ELEMENTS.
- DENOTES THE UNFINISHED INTERIOR OR UNIT SIDE SURFACES OF ALL EXTERIOR DOORS, EXTERIOR DOOR FRAMES AND WINDOW FRAMES, AND THE INTERIOR SURFACE OF ALL GLASS PANELS THEREIN, THE SAID DOORS AND WINDOWS BEING IN A CLOSED POSITION.

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DECLARANT: ARKLEUN APARTMENTS LIMITED

DATED AT HAMILTON

THIS 30TH DAY OF MARCH, 2011

Stewart Moskovich
STEWART MOSKOVITCH - PRESIDENT
I HAVE THE AUTHORITY TO BIND THE CORPORATION

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn: BK Checked: DG/SDM Scale: 1:300 Dwg.No.: 31367-C2

PART 1 OF 4 PARTS

SHEET 3 OF 3 SHEETS

WENTWORTH STANDARD CONDOMINIUM PLAN No. 477

LEVEL 2
UNITS 1 TO 63 INCLUSIVE

LEVEL 3
UNITS 1 TO 59 INCLUSIVE

REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF
WENTWORTH (No. 62) AT 14:20 O'CLOCK ON THE 04 DAY OF APRIL 2011

"C.P. HARRAN"
ASSISTANT DEPUTY LAND REGISTRAR

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

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- THE DIAGRAMS OF THE UNITS SHOWN ON THIS PLAN ARE SUBSTANTIALLY ACCURATE.

MARCH 16, 2011
DATE

S.D. McLAREN - Ontario Land Surveyor

DECLARATION REGISTERED AS No. WE 752004

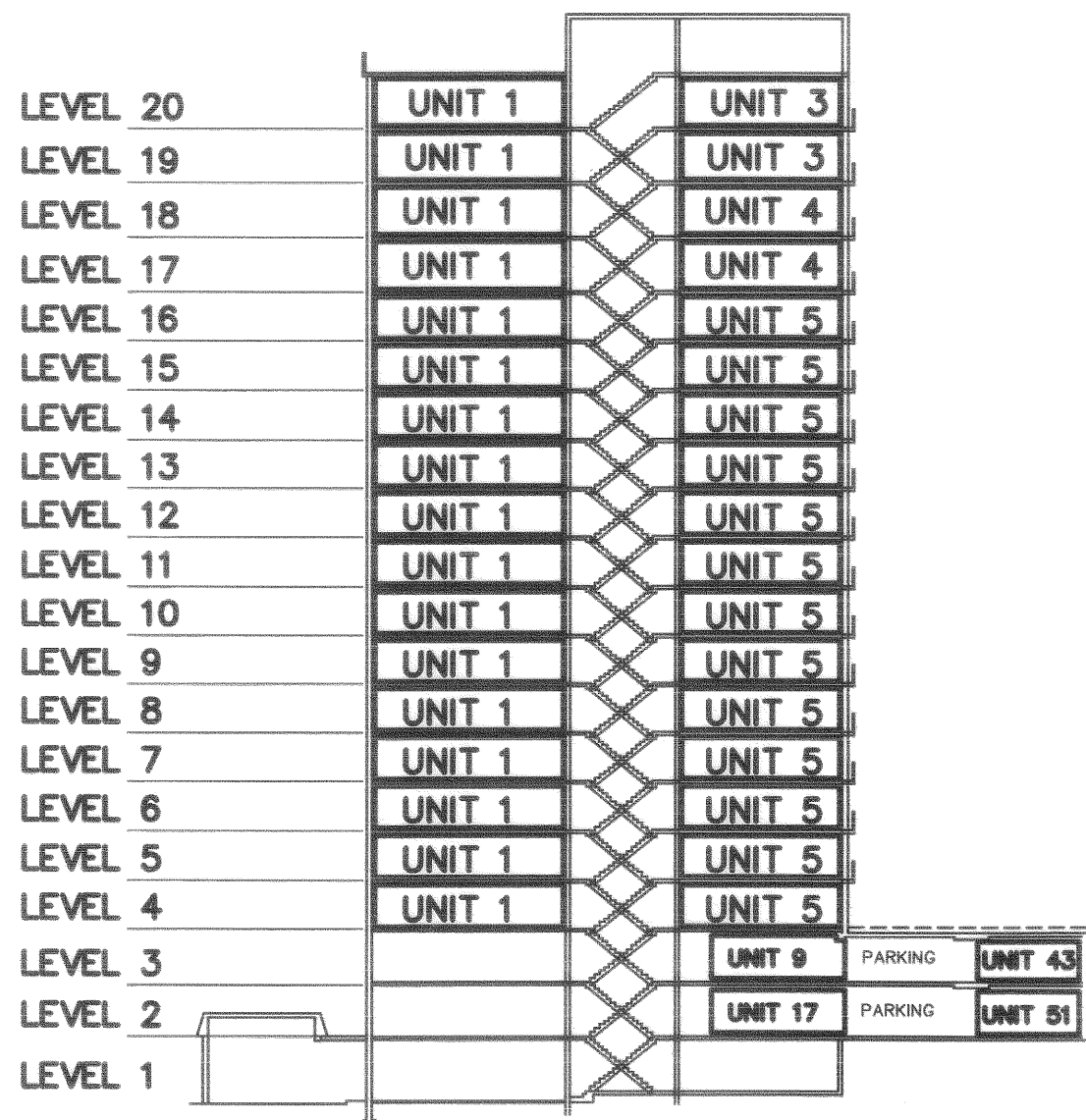
METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

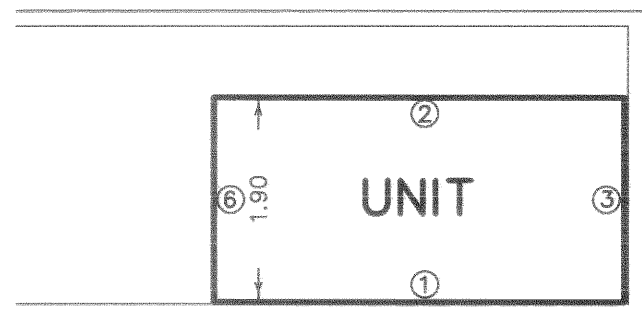
SCALE 1: 300 METRIC

6 3 0 6 12 18 metres

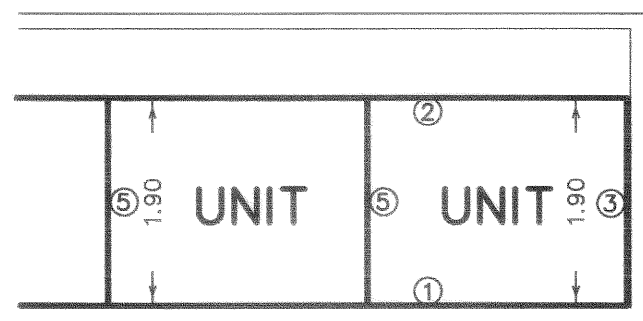
S.D. McLAREN, O.L.S. - 2011



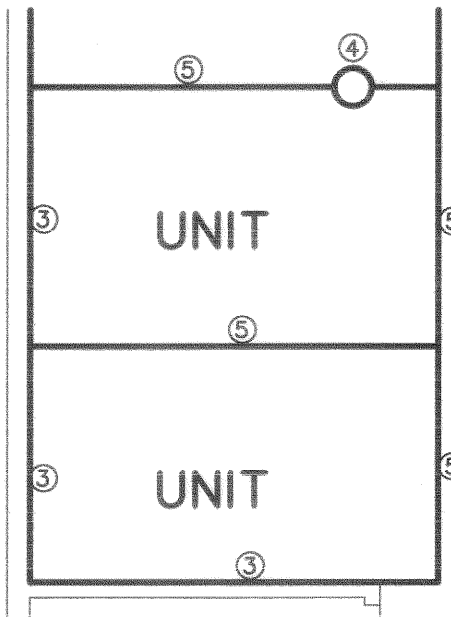
SECTION A-A TO ILLUSTRATE RELATIONSHIP OF LEVELS
NOT TO SCALE



TYPICAL SECTION B-B TO
ILLUSTRATE PARKING UNIT BOUNDARIES
NOT TO SCALE



TYPICAL SECTION C-C TO
ILLUSTRATE PARKING UNIT BOUNDARIES
NOT TO SCALE



TYPICAL DETAIL TO
ILLUSTRATE PARKING UNIT
BOUNDARIES
NOT TO SCALE

UNIT BOUNDARY DEFINITIONS

THE MONUMENTS DEFINING THE EXTENT AND LOCATIONS OF THE PARKING UNITS ARE THE WALLS, THE FLOORS, THE CEILINGS AND OTHER PHYSICAL FEATURES AS MORE PARTICULARLY DESCRIBED IN SCHEDULE 'C' OF THE DECLARATION.

- ① DENOTES THE UNFINISHED UPPER OR UNIT SIDE SURFACE AND PLANE OF THE CONCRETE FLOOR SLAB.
- ② DENOTES THE HORIZONTAL PLANE DEFINED BY MEASUREMENT.
- ③ DENOTES THE UNFINISHED UNIT SIDE SURFACE AND PLANE OF THE CONCRETE OR CONCRETE BLOCK WALLS AND THE PRODUCTION THEREOF.
- ④ DENOTES THE UNFINISHED UNIT SIDE SURFACE OF THE CONCRETE SUPPORT COLUMNS.
- ⑤ DENOTES THE VERTICAL PLANE ESTABLISHED BY MEASUREMENT.

CERTIFICATE OF DECLARANT

THIS IS TO CERTIFY THAT THE PROPERTY INCLUDED IN THIS PLAN HAS BEEN LAID
OUT INTO UNITS AND COMMON ELEMENTS IN ACCORDANCE WITH MY INSTRUCTIONS.

DECLARANT: ARKLEUN APARTMENTS LIMITED

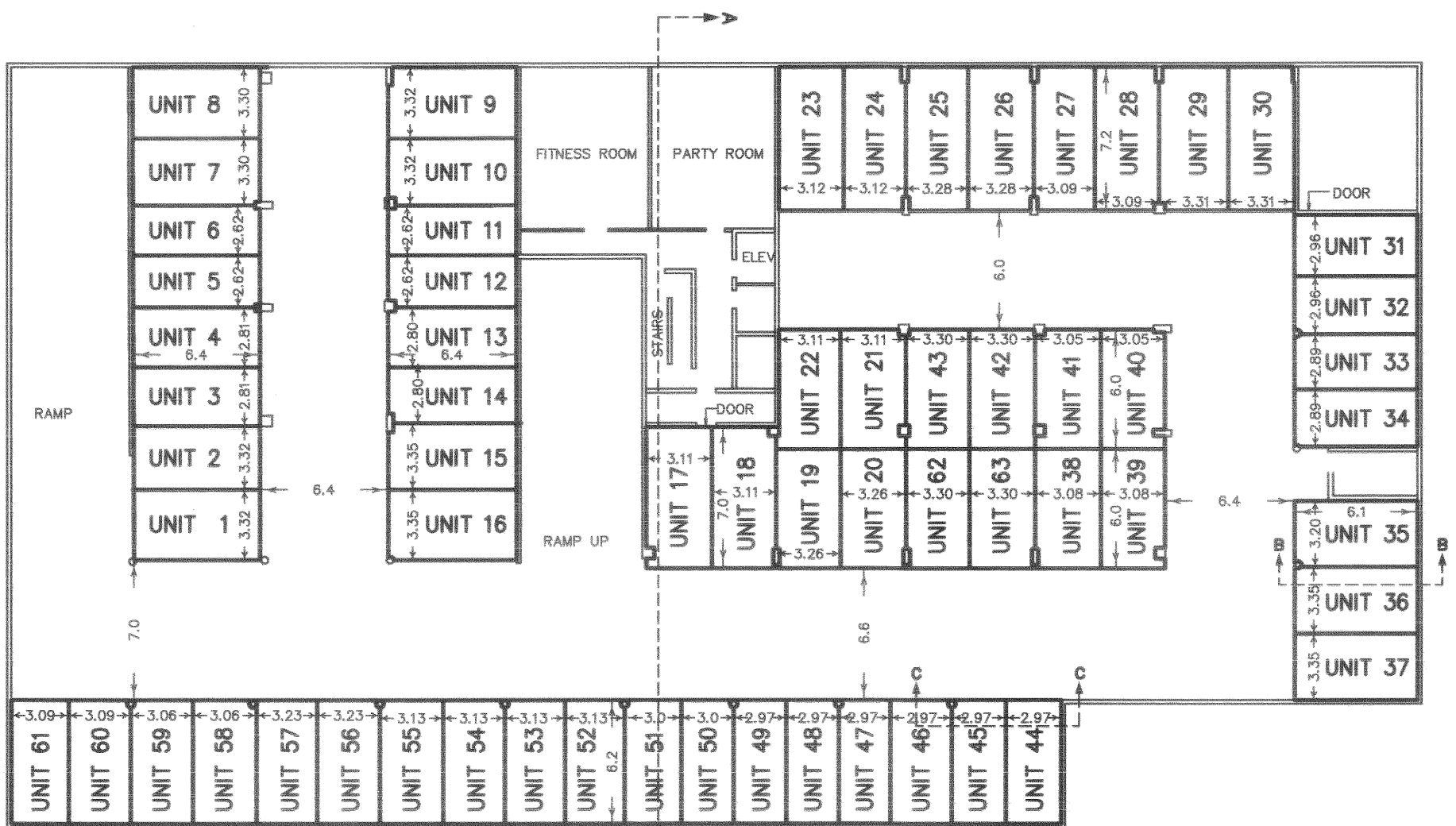
DATED AT HAMILTON

THIS 30TH DAY OF MARCH, 2011

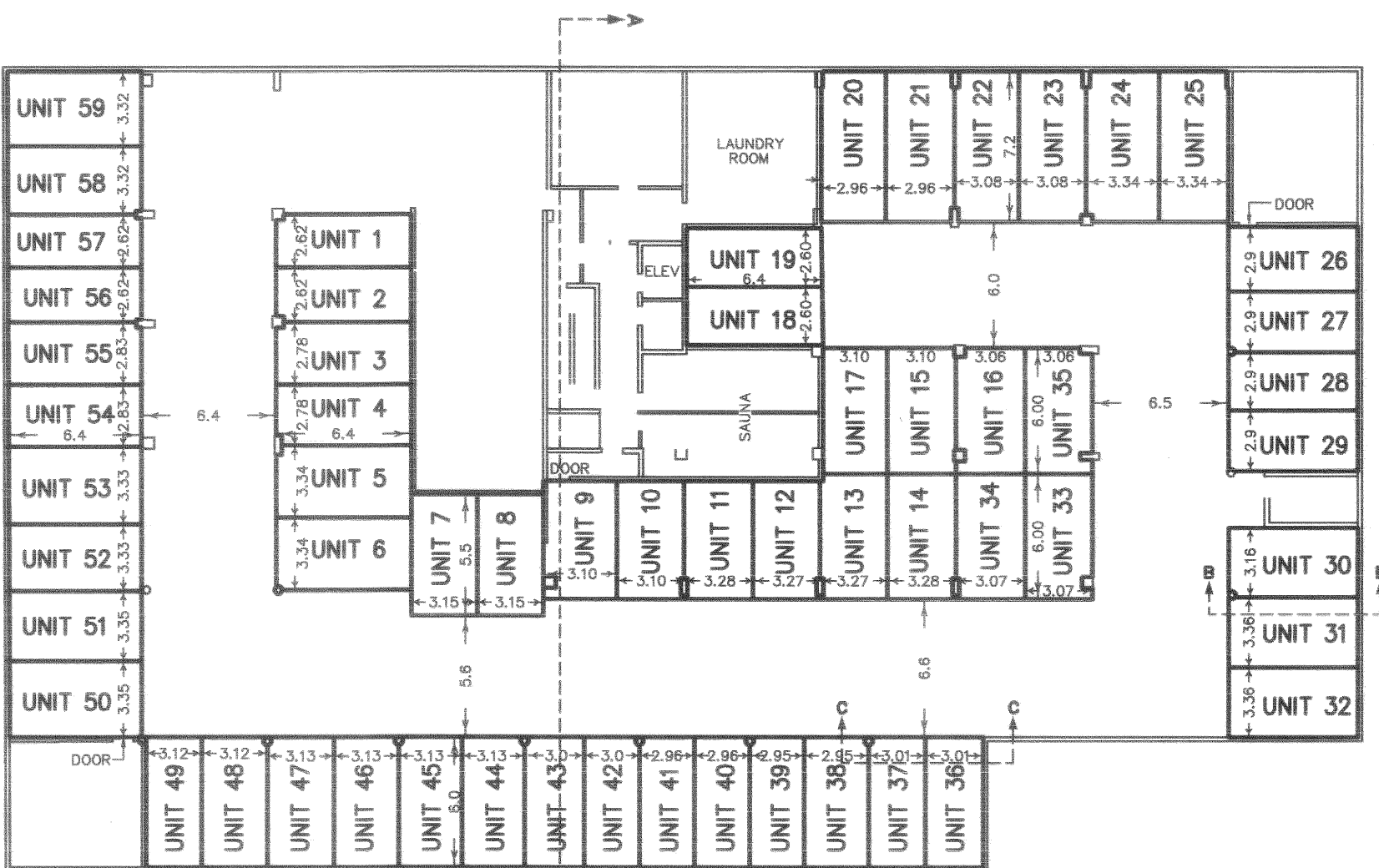
Stewart Moskovitch
STEWART MOSKOVITCH - PRESIDENT
I HAVE THE AUTHORITY TO BIND THE CORPORATION

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn BK Checked DG/SDM Scale 1:300 Draw No. 31367-1/3



LEVEL 2



LEVEL 3

PART 2 OF 4 PARTS

SHEET 1 OF 1 SHEET

WENTWORTH STANDARD CONDOMINIUM PLAN No. 4-77

LEVEL 4

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

LEVEL 20	UNIT 1	UNIT 3
LEVEL 19	UNIT 1	UNIT 3
LEVEL 18	UNIT 1	UNIT 4
LEVEL 17	UNIT 1	UNIT 4
LEVEL 16	UNIT 1	UNIT 5
LEVEL 15	UNIT 1	UNIT 5
LEVEL 14	UNIT 1	UNIT 5
LEVEL 13	UNIT 1	UNIT 5
LEVEL 12	UNIT 1	UNIT 5
LEVEL 11	UNIT 1	UNIT 5
LEVEL 10	UNIT 1	UNIT 5
LEVEL 9	UNIT 1	UNIT 5
LEVEL 8	UNIT 1	UNIT 5
LEVEL 7	UNIT 1	UNIT 5
LEVEL 6	UNIT 1	UNIT 5
LEVEL 5	UNIT 1	UNIT 5
LEVEL 4	UNIT 1	UNIT 5
LEVEL 3		UNIT 9 PARKING UNIT 43
LEVEL 2		UNIT 17 PARKING UNIT 51
LEVEL 1		

PLAN OF SURVEY
OF
THE EXTENT AND LOCATION OF THE
EXCLUSIVE USE PORTIONS OF
THE COMMON ELEMENTS
ON LEVEL 4

SCALE 1: 150 METRIC

3 1.5 0 3 6 9 metres

S.D. McLAREN, O.L.S. - 2011

SECTION A-A TO ILLUSTRATE RELATIONSHIP OF LEVELS
NOT TO SCALE

LEGEND:

- DENOTES BOUNDARY OF EXCLUSIVE USE PORTION OF THE COMMON ELEMENTS
- UNIT BOUNDARIES
- EXTERIOR FACE OF STRUCTURAL WALLS
- PW PRODUCTION OF EXTERIOR FACE OF WALL
- PCW PRODUCTION OF CENTRELINE OF WALL
- FW FACE OF EXTERIOR WALL
- MONUMENT PLANTED
- IB IRON BAR
- SIB STANDARD IRON BAR
- SSIB SHORT STANDARD IRON BAR

NOTE

PORTIONS OF THE COMMON ELEMENTS DESIGNATED WITH THE PREFIX P ARE FOR THE EXCLUSIVE USE OF THE OWNERS OF THE UNITS ON LEVEL 4 WITH THE SAME NUMBER.

IE. P3 DENOTES EXCLUSIVE USE OF THE COMMON ELEMENTS FOR UNIT 3, LEVEL 4

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAN OF SURVEY ACCURATELY SHOWS THE EXTENT AND LOCATION OF THE EXCLUSIVE USE PORTIONS OF THE COMMON ELEMENTS.

MARCH 16, 2011
DATE

S.D. McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9

PHONE (905) 527-8559 FAX (905) 527-0032

Drawn BK Checked DG/SDM Scale 1:150 Dwg.No. 31367-04

PART 1 OF 4 PARTS
SHEET 3 OF 3 SHEETS

WENTWORTH STANDARD CONDOMINIUM PLAN No. 477
LEVEL 2
UNITS 1 TO 83 INCLUSIVE
LEVEL 3
UNITS 1 TO 50 INCLUSIVE

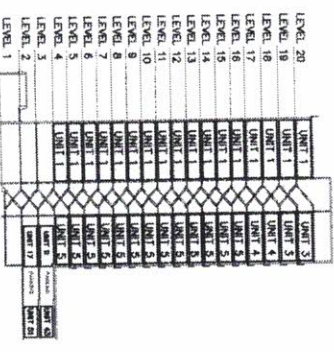
REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TRANSFER ACT
WENTWORTH (No. 477) AT WENTWORTH ON THE 21st DAY OF APRIL 2001

SURVYOR'S CERTIFICATE
I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner thereof, and that the same has been compared with the original plan and found to be a true and correct copy thereof.

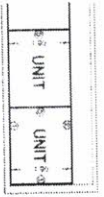
DECLARATION REGISTERED AS NO. 477 (2001)
I, the undersigned, being a duly qualified and licensed Surveyor, do hereby declare that the above described plan is a true and correct copy of the original plan as shown to me by the owner thereof, and that the same has been compared with the original plan and found to be a true and correct copy thereof.

DECLARATION REGISTERED AS NO. 477 (2001)
I, the undersigned, being a duly qualified and licensed Surveyor, do hereby declare that the above described plan is a true and correct copy of the original plan as shown to me by the owner thereof, and that the same has been compared with the original plan and found to be a true and correct copy thereof.

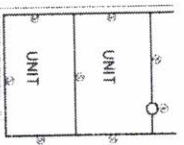
DECLARATION REGISTERED AS NO. 477 (2001)
I, the undersigned, being a duly qualified and licensed Surveyor, do hereby declare that the above described plan is a true and correct copy of the original plan as shown to me by the owner thereof, and that the same has been compared with the original plan and found to be a true and correct copy thereof.



SECTION A-A TO ILLUSTRATE RELATIONSHIP OF LEVELS
NOT TO SCALE



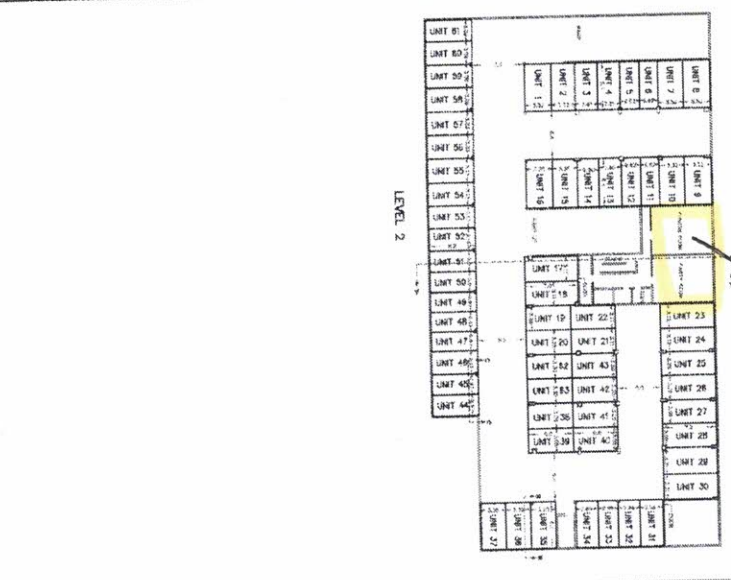
TYPICAL SECTION B-B TO ILLUSTRATE PARKING UNIT BOUNDARIES
NOT TO SCALE



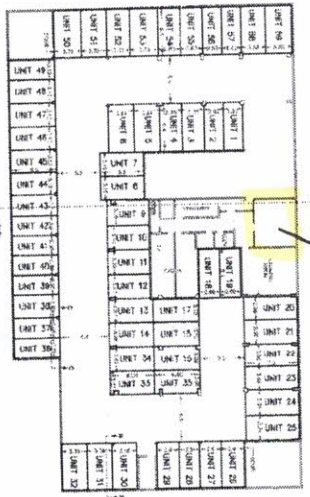
TYPICAL SECTION C-C TO ILLUSTRATE PARKING UNIT BOUNDARIES
NOT TO SCALE

- UNIT BOUNDARY DEFINITIONS**
1. BOUNDARY IS THE LINE OF THE UNIT AS SHOWN ON THE PLAN.
 2. BOUNDARY IS THE LINE OF THE UNIT AS SHOWN ON THE PLAN.
 3. BOUNDARY IS THE LINE OF THE UNIT AS SHOWN ON THE PLAN.
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 19. BOUNDARY IS THE LINE OF THE UNIT AS SHOWN ON THE PLAN.
 20. BOUNDARY IS THE LINE OF THE UNIT AS SHOWN ON THE PLAN.

CERTIFICATE OF DECLARANT
I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner thereof, and that the same has been compared with the original plan and found to be a true and correct copy thereof.



LEVEL 2



LEVEL 3

AT MALLARD LONDON
100 ABINGDON ROAD, LONDON SE1 8PU
Tel: 020 7463 4000
Fax: 020 7463 4001
Email: info@atmallard.co.uk
Website: www.atmallard.co.uk

April 14, 2021

City of Hamilton,
Committee of Adjustment

To whom it may concern:

Re: Request for a Minor Parking Variance – 130 St. Joseph's Drive Hamilton

Please accept this covering letter, completed application form and the following additional material as the request for a minor variance related to parking, affecting the property at 130 St. Joseph's Drive in Hamilton.

1. Wellington Standard Condo Plan No. 477 – showing site and current underground parking.
2. Layout of the proposed units.
3. Location of proposed units internally.

The subject site is currently occupied by a 17 storey, 126 - unit apartment building constructed in 1972. The site has 143 parking spaces in a three-level underground parking structure. In keeping with the housing intensification policies of both the Province and the City, the owners of the property wish to convert some interior underutilized space (e.g. multipurpose room and unused laundry facilities) to allow the construction of up to two additional dwelling units (total 128).

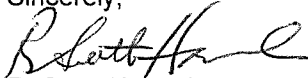
The review of the building permit application for the two additional units triggered the need for a minor variance application as the current zoning (E/S-136) requires 150 parking spaces. It should also be noted that the Committee approved application A-51/07 in 2007 to allow 143 spaces for the 126 units. The current request is therefore to allow 128 units to have 143 parking spaces.

Our request is not only supported by the housing intensification policies of the City and Province but by the fact that there are currently approximately 15 unassigned parking spaces for residents or visitors in the parking structure. Further, the City's proposed parking ratio for properties like this (not yet approved) would require approximately 1 parking space per unit which is less than what is proposed, but interestingly, consistent with the current parking demand. As a result, I believe that the application can be supported and will continue to provide for functional parking on this site. The requested variance would require no exterior alterations to the site or building but provide additional housing units.

Prior to filing this application, discussions were held with Tiffany Singh, Planner 1 and Samantha Costa, Development Clerk, City of Hamilton.

The application fee of \$3320.00 has been mailed to the City by the Owner. We trust that you now have all required information to assign this application to the next available C of A hearing. Should you require any additional information, please do not hesitate to contact me.

Sincerely,



R. Scott Hannah,
Senior Project Manager
Reid's Heritage Homes

T: 519-658-6656 Ext 288 or C:519-504-2426
shannah@heritagehomes.com



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

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS
Registered Owners(s)	Arkledun Apartments Ltd.	
Applicant(s)*	Destaron Residential Inc., c/o Arkledun Apartments Ltd.	
Agent or Solicitor	R. Scott Hannah, Senior Project Manager, Reids Heritage Homes	

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
First National Bank 100 University Avenue, Suite 1200 Toronto ON M5J 1V6

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

4. Nature and extent of relief applied for:

To allow 143 parking spaces for 128 units in lieu of the Zoning requirement for 150 spaces.

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

The parking is finite as it is all provided underground in three parking levels. There is no ability on site to provide extra spaces. There are approximately 15 spaces in the existing parking structure which are not assigned to residents or visitors.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

130 St. Joseph's Drive.

Pat of Lots 14, 15 and 16, Registered Plan 1431.

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other _____

- 8.1 If Industrial or Commercial, specify use N/A

- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes ☐ No ☒ Unknown ☐

- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes ☐ No ☒ Unknown ☐

- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes ☐ No ☐ Unknown ☒

- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes ☐ No ☐ Unknown ☒

- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes ☐ No ☐ Unknown ☒

- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes ☐ No ☐ Unknown ☒

- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ☐ No ☐ Unknown ☒

- 8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ☐ No ☒ Unknown ☐

- 8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

The site has been used as a residential apartment building since 1972. No external changes are required or planned.

- 8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ☐ No ☒

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date

April 14, 2021

Signature Property Owner

STEWART MOSKOVITCH

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>76 metres +/-</u>
Depth	<u>50 metres +/-</u>
Area	<u>3800 square feet +/-</u>
Width of street	<u></u>

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:

126 units in an existing 17 storey building (See plans attached).

Proposed

128 units in an existing 17 storey building (See plans attached - No external changes required).

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

126 units in an existing 17 storey building (See plans attached).

Proposed:

128 units in an existing 17 storey building (See plans attached - No external changes required).

13. Date of acquisition of subject lands:
1994
14. Date of construction of all buildings and structures on subject lands:
1972
15. Existing uses of the subject property:
126 unit 17 storey apartment building
16. Existing uses of abutting properties:
Mixed Residential
17. Length of time the existing uses of the subject property have continued:
50 years
18. Municipal services available: (check the appropriate space or spaces)
Water yes Connected yes
Sanitary Sewer yes Connected yes
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Designated "Neighbourhoods" on Schedule E-1 Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"E"/S-136.
21. Has the owner previously applied for relief in respect of the subject property?
☒ Yes ☐ No
If the answer is yes, describe briefly.
A-51/07 was approved in 2007 to allow 143 spaces for the 126 units and to allow an existing canopy to remain.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
☐ Yes ☒ No
23. Additional Information
see covering letter
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.