

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-21:154

APPLICANTS: Agent Urban Solutions
Owner City Housing

SUBJECT PROPERTY: Municipal address **385 East 23rd St., Hamilton**

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

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district

PROPOSAL: To permit the division of an existing lot containing a semi-detached dwelling to create two (2) new lots, each to contain one-half of the existing semi-detached dwelling, notwithstanding,

1. The existing accessory building (shed) located in the rear yard of the portion of the property known as 387 East 23rd Street shall be permitted to be located 0.0 metres from the new lot line instead of providing the minimum required distance of 0.45 metres to the nearest lot line.

NOTES:

1. The requested variance to permit parking to be located within the front yard is not required as parking for a two-family dwelling which was constructed prior to December 14th, 1971 is permitted to be provided within a front yard.

2. The variance is necessary to facilitate Land Severance application HM/B-20:53 which was heard at a previous hearing.

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

DATE: Thursday, June 3rd, 2021
TIME: 3:30 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

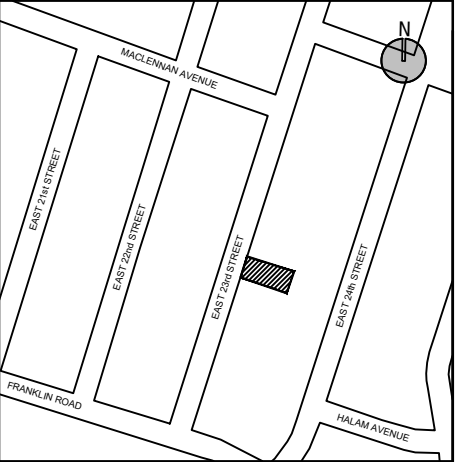
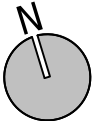
DATED: May 18th, 2021.

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.

REQUIRED VARIANCE:
VARIANCE: TO PERMIT FRONT YARD PARKING

387 East 23rd Street Development Statistics Zone: "D" (Urban Protected Residential- One and Two Family Dwellings, Etc.)			
Item	Required	Proposed	Minor Variance Required (Yes/No)
Permitted Use	Two Family Dwelling	Two Family Dwelling	No
Max. Building Height	3 storey (14.0 m)	2 storey	No
Min. Front Yard	6.0 m	9.16 m	No
Min. Side Yard	1.2 m	3.84 m	No
Min. Rear Yard	7.5 m	25.99 m	No
Min. Lot Width	18.0 m	20.12 m	No
Min. Lot Area	540.0 m ²	858.41 m ²	No
Front Yard Landscaping	50%	120.57 m ² (65.79%)	No
No. Parking Space	1 space	1 space	No
Parking Manoeuvring	6.0 m	6.0 m	No
Parking Location	Not Front Yard	Front Yard	Yes
Parking Space Size	2.7 m x 6.0 m	2.7 m x 6.0 m	No
Accessory Building Setback	0.45 m	8.39 m	No



KEY MAP - N.T.S.
SCALE: 1:200
METRES
0 5 10m

LEGEND:
--- SUBJECT LANDS
--- PROPERTY BOUNDARIES
-X- EX. FENCE
-O-O-O- EX. SHRUB/HEDGE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN	CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN	DATE: MARCH 17, 2021



URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

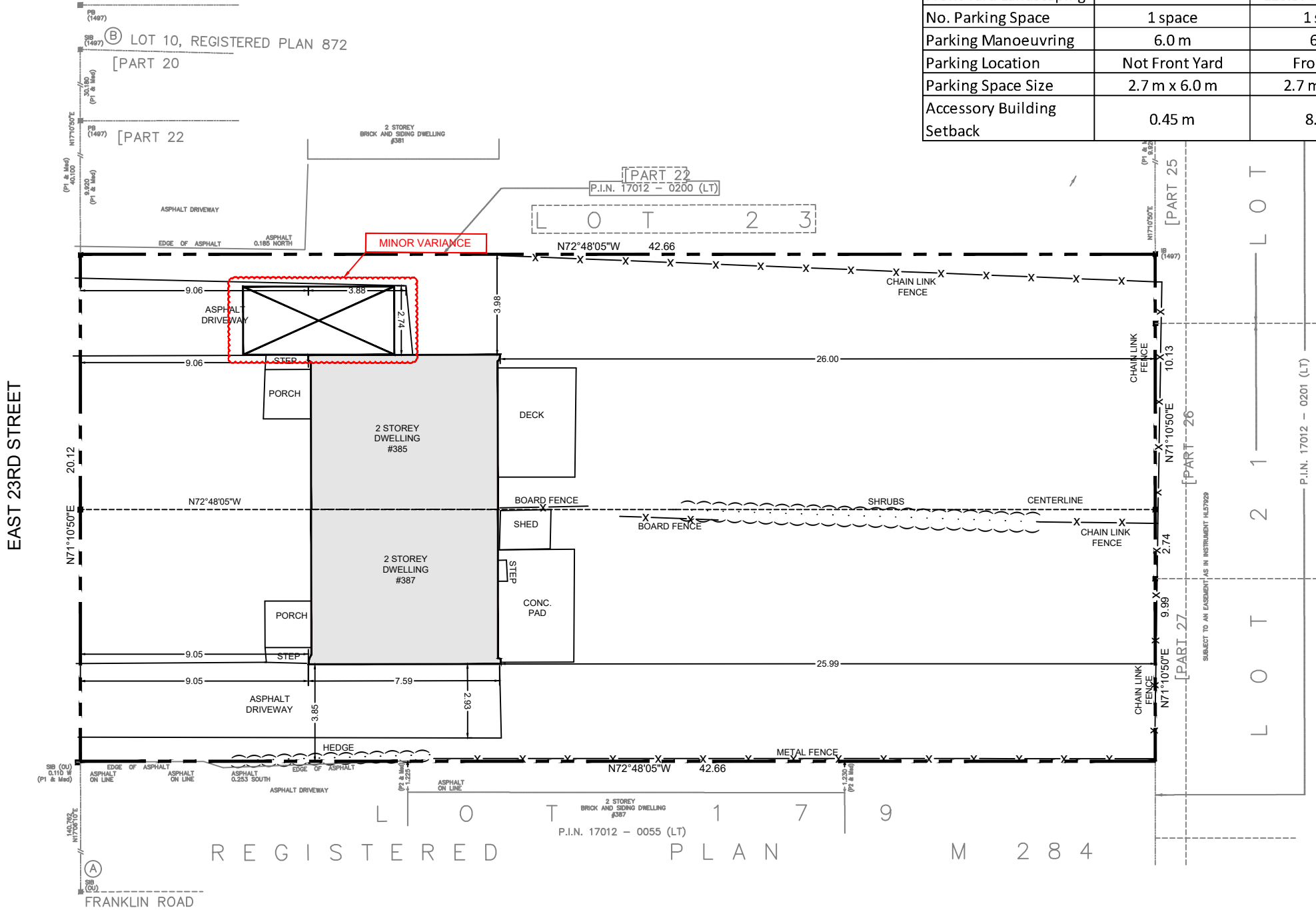
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
385 & 387 EAST 23rd STREET
CITY OF HAMILTON

CLIENT:
CITYHOUSING HAMILTON
CORPORATION

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 388-21	SHEET NUMBER: 1
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April 9, 2021

388-21

Via Email and Delivered

Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

City of Hamilton,
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: 385 & 387 East 23rd Street, Hamilton
Minor Variance Application
HM/B-20:53**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), has been retained to act as the authorized planning consultant for CityHousing Hamilton, c/o A.T. McLaren Ltd., owner of the lands known municipally as 385 & 387 East 23rd Street, in the City of Hamilton. In response to the City of Hamilton Conditional Approval of Severance (HM/B-20:53) dated September 10, 2020, we are pleased to submit this Minor Variance application to address Condition Nos. 4 & 7 on their behalf.

The subject lands are designated as "Neighbourhoods" in the Urban Hamilton Official Plan. Additionally, the property is located in the "D" (Urban Protected Residential, One and Two Family Dwellings, Etc.) District in the City of Hamilton Zoning By-law No. 6593

As noted in Condition Nos. 4 & 7, a Minor Variance application is required to facilitate the establishment of two lots containing an existing semi-detached dwelling. This Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law No. 6593 with respect to the "Urban Protected Residential, One and Two Family Dwellings, Etc." (D) District as follows:

- **Variance No. 1:** To permit front yard parking.

To assist in the evaluation of this application, please refer to the enclosed Committee of Adjustment Sketch. Justification for the proposed variance has been provided below in accordance with Section 45 of the *Planning Act*:

1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?

The subject lands are designated as “Neighbourhoods” in the Urban Hamilton Official Plan which permits the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. Chapter B, Section 2.4.1.3(c) indicated that lands designated Neighbourhoods are to accommodate 40% of the City’s growth. The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application. The Minor Variance being requested is compatible with the surrounding neighbourhood and in keeping with the current built form.

2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?

The subject property is located in the “D” (Urban Protected Residential, One and Two Family Dwellings, Etc.) District, in Zoning By-law No. 6593.

The variance requested is to permit parking in the front yard for the subject lands. The intent of the zoning provision is to maintain built form and lot fabric to ensure compatibility with current and future surrounding neighbourhoods. The requested variance will meet this intent as it will allow the subject lands to have parking conditions more similar to that of lands located in the immediate vicinity (389-407 East 23rd Street).

The proposal conforms to all other zoning provisions and therefore the overall intent of the Zoning By-law is maintained.

3. Is the proposed minor variance minor in nature?

The proposed variance is minor in nature and necessary to facilitate the Severance approval. The intent of this application is to permit parking in the front yard. This variance will permit the existing condition of built form which is not proposed to be altered. Given that all other regulations of the By-law remain and the existing built form is not set to change, the request is consistent with the Zoning By-law and is considered to be minor in nature.

4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?

The requested variance will facilitate Severance approval, which will result in a built form that is in keeping with the character of the surrounding area and represents a use of land that is permitted in the Urban Hamilton Official Plan and Zoning By-law 6593. Therefore, the application is desirable and appropriate for the conditionally approved severance of the lands.

As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of our Minor Variance application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Minor Variance Sketch completed by UrbanSolutions; and,
- One (1) cheque in the amount of **\$9,960.00** made payable to the City of Hamilton as a combined cheque in addition to applications for 5 & 7 Seely Avenue and 302 & 304 East 24th Street.

We look forward to working with City staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Scott Beedie, BURPI
Planner

cc: Mr. Rob McLaren, A.T. McLaren Limited
Mr. Vimal Sarin, CityHousing Hamilton Corporation



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)	City Housing Hamilton Corporation		Phone:
			E-mail:
Applicant(s)*	Same as owner		Phone:
			E-mail:
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston		

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:
N/A

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:
Please refer to cover letter and enclosed Minor Variance Sketch for list of required variances.

5. Why it is not possible to comply with the provisions of the By-law?
Minor Variance application is required to recognize existing conditions on subject lands.

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**):
Part of Lot 22 Registered Plan No.1162 in the City of Hamilton
387 & 385 East 23rd Street, Hamilton

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☐
Other _____

8.1 If Industrial or Commercial, specify use _____

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?

Consultation with owner.

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. N/A

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

3/31/2021

Date

City Housing Hamilton Corporation

Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 20.12 m

Depth +/- 42.66 m

Area +/- 858.41 squared metres

Width of street +/-20.10 m

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: _

Existing 2 storey semi detached dwelling with a total ground floor area of +/-91.10 squared metres.

Proposed

Existing semi detached dwelling to remain.

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

Existing:

Existing 2 storey semi detached dwelling with a total ground floor area of +/-91.10 squared metres.

Proposed:

Existing semi detached dwelling to remain.

13. Date of acquisition of subject lands:
Unknown
14. Date of construction of all buildings and structures on subject lands:
Unknown
15. Existing uses of the subject property:
Residential.
16. Existing uses of abutting properties:
Residential.
17. Length of time the existing uses of the subject property have continued:
Unknown
18. Municipal services available: (check the appropriate space or spaces)
- | | | |
|----------------|-----------|-------------------------------------|
| Water | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers | | <input checked="" type="checkbox"/> |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods designation in the Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"D" (Urban Protected Residential, One and Two Family Dwellings, Etc.) in the Former City of Hamilton Zoning By-law No. 6593.
21. Has the owner previously applied for relief in respect of the subject property?
☐ Yes ☒ No
 If the answer is yes, describe briefly.
 N/A
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
 Application is required to clear Committee of Adjustment Consent to Sever Conditions as part of HM/B-20:53
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.