



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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

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

<b>APPLICATION NO.:</b>	<b>A-24:102</b>	<b>SUBJECT PROPERTY:</b>	121 & 135 Mary Street, Hamilton
<b>ZONE:</b>	“D5,H17, H19, H20” (Downtown Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: Good Shepherd Centre Hamilton – Alan Whittle  
Agent: Landwise – Katelyn Gillis

The following variances are requested:

1. A maximum side yard of 7.9 metres shall be permitted, instead of the maximum permitted side yard of 7.5 metres [as per Section 6.5.3.4(d)];
2. A minimum rear yard of 0.5 metres shall be permitted, instead of the minimum required rear yard of 7.5 metres [as per Section 6.5.3.4(f)]
3. A minimum 2.4 metre setback to the northerly side lot line shall be permitted for any portion of the building exceeding 22.0 metres in height, instead of the minimum 3.0 metre setback required [as per Section 6.0(b)(ii)]
4. An accessory building shall be permitted to be erected prior to the erection of a principle building or structure, instead of the requirement that an accessory building shall not be erected prior to the erection of a principle building or structure on the lot [as per Section 4.8(f)]
5. An accessory building having a gross floor area less than 18 square metres shall be permitted to be setback a minimum of 0.6 metres from the rear lot line, instead of the minimum 1.2 metres required [as per Section 4.8.1.3(a)(i)].

**PURPOSE & EFFECT:** So as to permit the development of a ten (10) storey Multiple Dwelling and Social Services Establishment, notwithstanding:

**Notes:**

- i. Be advised that By-law No. 24-052 was recently approved which repealed and replaced Section 5:

**A-24:102**

Parking, of Hamilton Zoning By-law No. 05-200. As By-law No. 24-052 is not yet final, at present, all proposed development is reviewed under both the existing and proposed Zoning By-laws regulations with the more restrictive zoning regulations being applied.

- ii. This property is listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit [www.hamilton.ca/heritageplanning](http://www.hamilton.ca/heritageplanning) for further information.
- iii. These variances are necessary to facilitate Site Plan Application No. DA-22-095, and have been written exactly as requested by the applicant.
- iv. This application is to be heard in conjunction with Consent/Land Severance Application No. B-24:29 to establish a +/- 257 square metre easement with the abutting property at 147 Mart Street, which will facilitate Site Plan Application No. DA-22-095.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Tuesday, June 11, 2024</b>
<b>TIME:</b>	<b>1:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon June 7, 2024

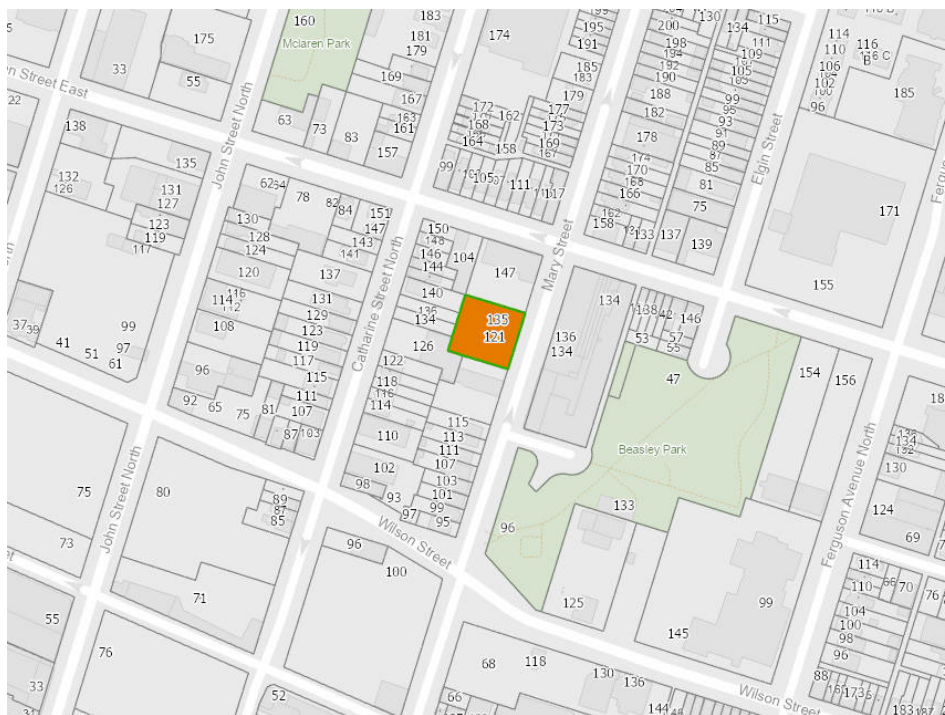
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon June 10, 2024

**FURTHER NOTIFICATION**

**A-24:102**

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:102, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 **Subject Lands**

DATED: May 23, 2024

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### PARTICIPATION PROCEDURES

#### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

#### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

##### 1. Virtual Oral Submissions

Interested members of the public, agents, and owners **must register by noon on the day listed on the Notice of Public Hearing** to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

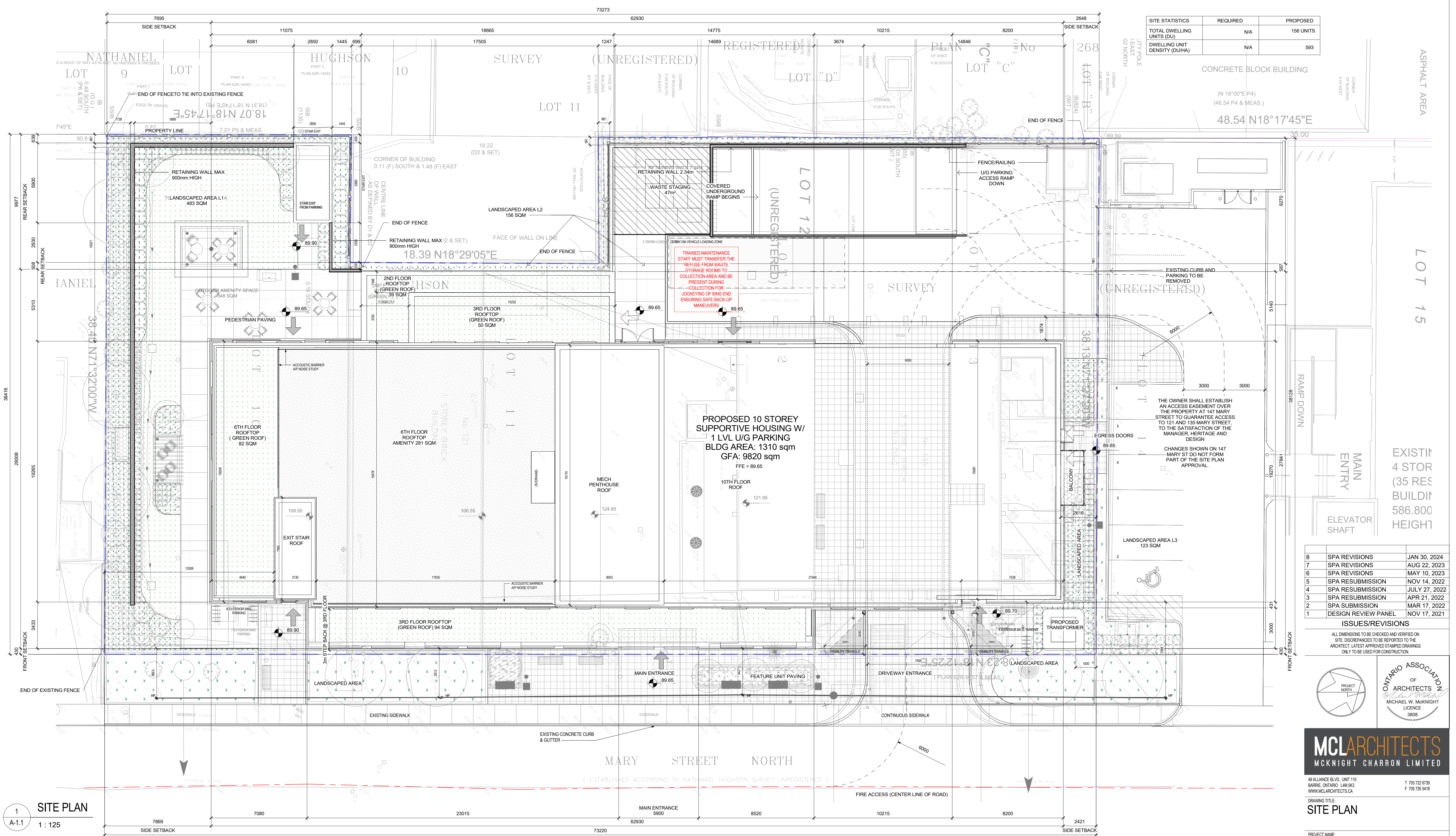
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

##### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 10 minutes** before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-977-1654.

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 STATISTICS	REQUIRED	PROPOSED
TOTAL DWELLING UNITS (DU)	N/A	156 UNITS
DWELLING UNIT DENSITY (DU/HA)	N/A	593

CONCRETE BLOCK BUILDING  
(N 18°00'E P4)  
(48.54 P4 & MEAS.)  
48.54 N18°17'45"E

TRAINED MAINTENANCE STAFF MUST TRANSFER THE REFUSE FROM WASTE STORAGE ROOMS TO COLLECTION AREA AND BE PRESENT DURING COLLECTION FOR JOCKEYING OF BINS END ENSURING SAFE BACK-UP MANEUVERS

THE OWNER SHALL ESTABLISH AN ACCESS EASEMENT OVER THE PROPERTY AT 147 MARY STREET TO GUARANTEE ACCESS TO 121 AND 135 MARY STREET, TO THE SATISFACTION OF THE MANAGER, HERITAGE AND DESIGN

CHANGES SHOWN ON 147 MARY ST DO NOT FORM PART OF THE SITE PLAN APPROVAL

PROPOSED 10 STOREY SUPPORTIVE HOUSING W/  
1 LVL U/G PARKING  
BLDG AREA: 1310 sqm  
GFA: 9820 sqm  
FFE = 89.65

NO.	DESCRIPTION	DATE
8	SPA REVISIONS	JAN 30, 2024
7	SPA REVISIONS	AUG 22, 2023
6	SPA REVISIONS	MAY 10, 2023
5	SPA RESUBMISSION	NOV 14, 2022
4	SPA RESUBMISSION	JULY 27, 2022
3	SPA RESUBMISSION	APR 21, 2022
2	SPA SUBMISSION	MAR 17, 2022
1	DESIGN REVIEW PANEL	NOV 17, 2021

ISSUES/REVISIONS  
ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON SITE. DISCREPANCIES TO BE REPORTED TO THE ARCHITECT. LATEST APPROVED STAMPED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION.



**MCLARCHITECTS**  
MCKNIGHT CHARRON LIMITED

45 ALLIANCE BLVD., UNIT 110  
BARRIE, ONTARIO L4M 9K3  
WWW.MCLARCHITECTS.CA  
T 705 722 6739  
F 705 726 5418

DRAWING TITLE:  
**SITE PLAN**

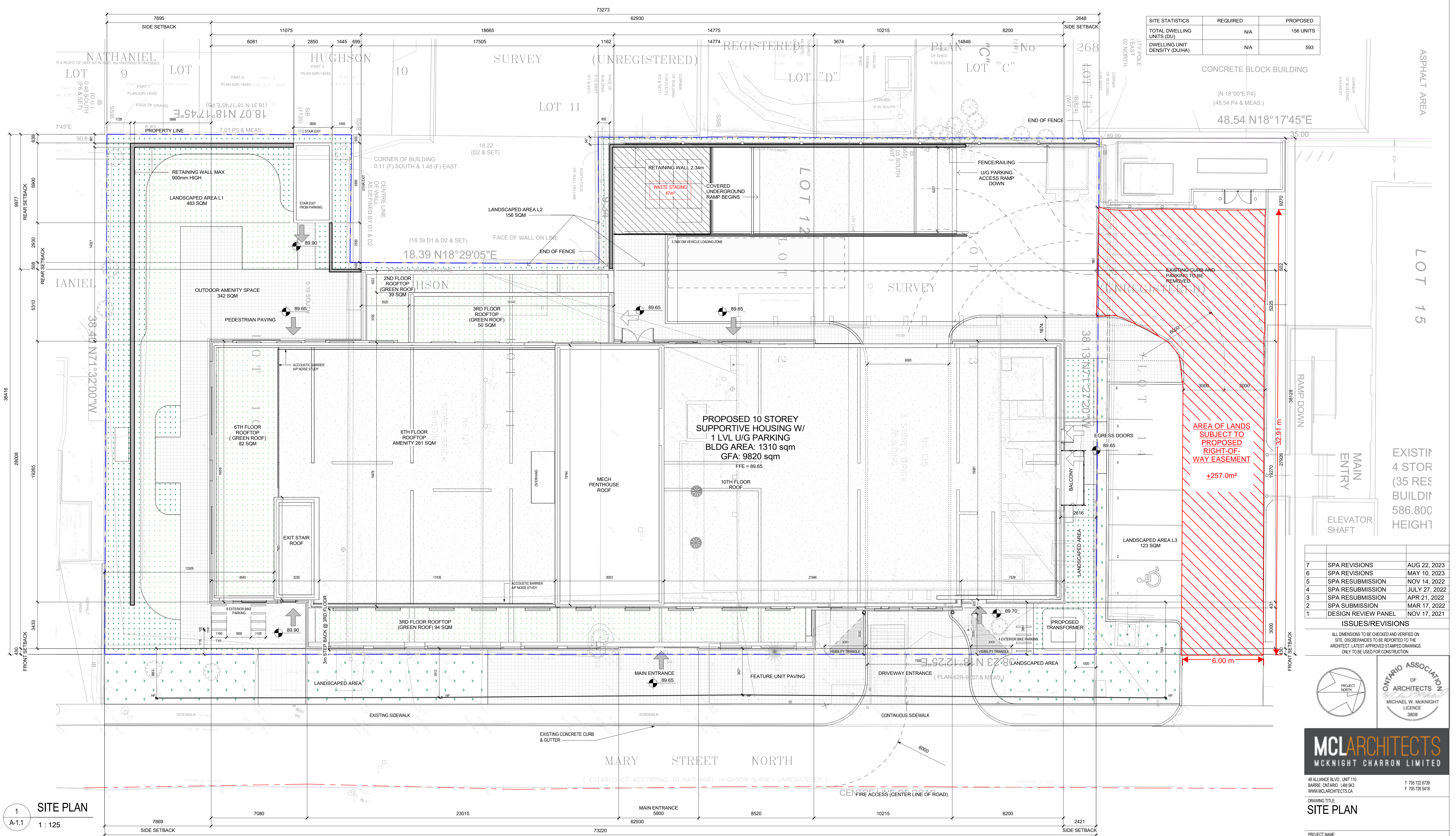
PROJECT NAME:  
**GOOD SHEPHERD MARY ST**  
121 & 135 MARY ST., HAMILTON, ON  
Lots 12-15 Inclusive and Part of Lots 10 and 11  
Nathaniel Hughson Survey (unregistered), as in  
CD380846 Except the Easement Therein City of  
Hamilton

PROJECT # 00-000  
SHEET # A-1.1  
DATE: FEB 05, 2024  
DRAWN BY: MW  
SCALE: As indicated

1 SITE PLAN  
A-1.1 1:125

SITE PLAN LEGEND	
	EXISTING SPOT GRADE
	NEW FINISH GRADE
	BORE HOLE (BH)
	TEST PIT (TP)
	YARD HYDRANT
	CATCH BASIN
	PEDESTRIAN ENTRY DOOR LOCATION
	SERVICE/OVERHEAD DOOR LOCATION
	B.F. PARKING STALL
	B.F. CURB CUT - WITH DETECTABLE GROOVES
	SIAMISE CONNECTION
	LIGHT STANDARD
	WALL MOUNTED LIGHT FIXTURE
	CONTROL JOINT
	ASPHALT TYPE 1
	TACTILE INDICATOR
	FIRE HYDRANT
	HYDRO POLE
	TRANSFORMER
	PAINTED STOP BAR
	HOSE BIB
	LIGHT BOLLARD
	SITE FURNITURE
	PROPERTY LINE

SIGN LEGEND	
	BARRIER FREE PARKING - TYPE A (VAN)
	BARRIER FREE PARKING - TYPE B
	SMALL CAR PARKING
	VISITOR PARKING W/ PAINTED 'V'
	STOP SIGN



SITE STATISTICS	REQUIRED	PROPOSED
TOTAL DWELLING UNITS (DU)	N/A	156 UNITS
DWELLING UNIT DENSITY (DU/HA)	N/A	593

CONCRETE BLOCK BUILDING  
(N 18°00'E P4)  
(48.54 P4 & MEAS.)  
48.54 N18°17'45"E

AREA OF LANDS SUBJECT TO PROPOSED RIGHT-OF-WAY EASEMENT  
±257.0m<sup>2</sup>

NO.	DESCRIPTION	DATE
7	SPA REVISIONS	AUG 22, 2023
6	SPA REVISIONS	MAY 10, 2023
5	SPA RESUBMISSION	NOV 14, 2022
4	SPA RESUBMISSION	JULY 21, 2022
3	SPA RESUBMISSION	APR 21, 2022
2	SPA SUBMISSION	MAR 17, 2022
1	DESIGN REVIEW PANEL	NOV 17, 2021

ISSUES/REVISIONS  
ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON SITE. DISCREPANCIES TO BE REPORTED TO THE ARCHITECT. LATEST APPROVED STAMPED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION.



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WWW.MCLARCHITECTS.CA  
T 705 722 6739  
F 705 726 5418

DRAWING TITLE:  
**SITE PLAN**

PROJECT NAME:  
**GOOD SHEPHERD MARY ST**  
121 & 135 MARY ST., HAMILTON, ON  
Lots 12-15 Inclusive and Part of Lots 10 and 11  
Nathaniel Hughson Survey (unregistered), as in  
CD380846 Except the Easement Therein City of  
Hamilton  
**GOOD SHEPHERD** PLAN 1 OF 2

DATE: AUG 22, 2023  
DRAWN BY: MW  
SCALE: As indicated  
PROJECT #: 00-000  
SHEET #: A-1.1

1 SITE PLAN  
A-1.1 1 : 125

SITE PLAN LEGEND	
	EXISTING SPOT GRADE
	NEW FINISH GRADE
	BORE HOLE (BH)
	TEST PIT (TP)
	YARD HYDRANT
	CATCH BASIN
	PEDESTRIAN ENTRY DOOR LOCATION
	SERVICE/OVERHEAD DOOR LOCATION
	B.F. PARKING STALL
	B.F. CURB CUT WITH DETECTABLE GROOVES
	SIAMESE CONNECTION
	LIGHT STANDARD
	WALL MOUNTED LIGHT FIXTURE
	CONTROL JOINT
	ASPHALT TYPE 1
	TACTILE INDICATOR
	FIRE HYDRANT
	HYDRO POLE
	TRANSFORMER
	PAINTED STOP BAR
	HOSE BIB
	LIGHT BOLLARD
	SITE FURNITURE
	PROPERTY LINE

SIGN LEGEND	
	BARRIER FREE PARKING - TYPE A (VAN)
	BARRIER FREE PARKING - TYPE B
	SMALL CAR PARKING
	VISITOR PARKING W/ PAINTED 'V'
	STOP SIGN

LANDS ON 147 MARY STREET SUBJECT TO PROPOSED RIGHT-OF-WAY EASEMENT IN FAVOUR OF 135 MARY STREET.



1 EAST ELEVATION - SPA  
A-3.1 1 : 200



2 NORTH ELEVATION - SPA  
A-3.1 1 : 200



3 WEST ELEVATION - SPA  
A-3.1 1 : 200



4 SOUTH ELEVATION - SPA  
A-3.1 1 : 200

**MATERIAL LEGEND**

- MATERIAL 1 - STONE - BRAMPTON BRICK VIVACE TWEED
- MATERIAL 2 - STONE - BRAMPTON BRICK CANVAS BEIGE
- MATERIAL 3 - MASONRY - BRAMPTON BRICK WESTVILLE
- MATERIAL 4 - ACM PANEL - WHITE
- MATERIAL 5 - CONCRETE
- MATERIAL 6 - ACM PANEL - LIGHT GREY
- MATERIAL 7 - ACM PANEL - MEDIUM GREY

NO.	DESCRIPTION	DATE
6	SPA REVISIONS	MAY 10, 2023
5	SPA RESUBMISSION	NOV 14, 2022
4	SPA RESUBMISSION	JULY 27, 2022
3	SPA RESUBMISSION	APR 21, 2022
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T 705 722 6739  
F 705 726 5418

DRAWING TITLE:

**ELEVATIONS**

PROJECT NAME:  
**GOOD SHEPHERD MARY ST**

121 & 135 MARY ST., HAMILTON, ON  
DA-22-095

DATE: MAY 10, 2023  
DRAWN BY: KSN  
SCALE: As indicated

PROJECT # 00-000  
SHEET # **A-3.1**

April 26, 2024  
*Via Digital Submission*

Committee of Adjustment  
c/o Ms. Jamila Sheffield  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: MINOR VARIANCE & CONSENT FOR EASEMENT  
121 & 135 Mary Street and 147 Mary Street, Hamilton**

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**Landwise** (formerly T. Johns Consulting Group Ltd.) has been retained by Good Shepherd Centre Hamilton (“Good Shepherd”), to submit the enclosed minor variance and consent for easement applications on their behalf.

The minor variance application affects lands municipally known as 121 & 135 Mary Street, Hamilton to facilitate the final site plan approval of conditionally approved site plan DA-22-095.

The consent for easement application affects lands municipally known as 147 Mary Street, Hamilton to establish a right-of-way in favour of 121 & 135 Mary Street, Hamilton and to facilitate the final site plan approval of conditionally approved site plan DA-22-095.

### **Subject Lands**

**121 & 135 Mary Street** is located in Downtown Hamilton, within the Beasley neighbourhood. The property is approximately 0.26 hectares (0.65 acres) in size, with approximately 72.0 metres (236.2 feet) of frontage along Mary St. The lands are an irregular shaped parcel, with a generally flat topography and some mature trees along the Mary St streetline. The parcels are merged as one property and are currently occupied by one (1) 3-storey building and one (1) 1-storey building, owned and operated the Good Shepherd. Both buildings are to be removed to accommodate the proposed redevelopment.

**147 Mary Street** is located immediately north of 121 & 135 Mary Street, at the southwest corner of Cannon Street East and Mary Street. The property is approximately 0.13 hectares (0.32 acres) in size with approximately 38.08 meters of frontage along Cannon Street East and 35.00 meters along Mary Street. The lands are generally rectangular and are developed. The lands are occupied by one (1) 3-storey multiple dwelling with 35 units approved through site plan application DA-14-134, owned and operated by Good Shepherd Non-Profit Homes. The property is separate from 121 & 135 Mary St.



### Proposed Minor Variances

Minor variances are sought from Zoning By-law No. 05-200 to provide relief on a site-specific basis to facilitate the proposed 10-storey mixed use residential and social service redevelopment on 121 & 135 Mary Street with 156 dwellings and 157.6m<sup>2</sup> of social service floor area through conditionally approved site plan application DA-22-095. The variances are as follows:

	<u>Zoning By-law No. 05-200</u>	<u>Purpose</u>
1	6.5.3.4 d)	To allow a maximum southern side yard of 7.9 metres whereas 7.5 metres is required.
2	6.5.3.4 f)	To allow a minimum rear yard of 0.5 metres whereas 7.5 metres is required.
3	6.0 b) ii)	To allow a minimum building setback of 2.4 metres from the north side lot line for any portion of the building exceeding 22.0 m in height, whereas 3.0 metres is required.
4	4.8 f)	To allow the erection of an accessory building prior to the erection of the principal building or structure, whereas the erection of an accessory building is not permitted prior to the erection of the principal building or structure.
5	4.8.1.3 a) i)	To allow a minimum setback to the rear lot line of 0.6 metres for accessory buildings, whereas 1.2 metres is required.

Refer to the Planning Rationale for additional detail and analysis in support of the requested variances.

### Proposed Consent for Easement (Right-of-Way)

The proposed right-of-way with an approximate area of ±257m<sup>2</sup> over 147 Mary Street in favour of 121 & 135 Mary Street is to facilitate a shared driveway to access the proposed underground parking ramp as proposed through DA-22-095. The intent of the redevelopment is to activate the street by providing a minimal front yard per the zoning requirements and locating parking and loading activities to the rear of the site and screened by the building. The right-of-way over 147 Mary Street is proposed using an existing curb cut and driveway from Mary Street for passenger vehicles to access the underground parking ramp proposed on 121 & 135 Mary Street. Larger service vehicles to service the redevelopment will use a separate driveway located on 121 & 135 Mary Street.

The proposed right-of-way will require two (2) surface parking spaces to be removed from 147 Mary Street however, a minimum of six (6) surface parking spaces will be maintained whereas a minimum of three (3) spaces are required. The proposed right-of-way will not adversely impact the function of 147 Mary Street.

## Submission

Landwise respectfully requests that this letter and the electronically enclosed documents be accepted as complete applications for circulation to all relevant departments:

Please find the enclosed electronic documents:

- Copy of the cheque (#00055) in the amount of \$5,980.00 made payable to the City of Hamilton, to satisfy the Minor Variance fee (\$3,900) and Consent for Easement fee (\$2,080).
- Completed Minor Variance application;
- Completed Consent for Easement application;
- Survey Plan;
- Site Plan;
- Elevations;
- Easement Sketch;
- Planning Rationale.

Please note that the cheque was delivered to City Hall on April 26, 2024.

Should you have any questions or require additional information, please do not hesitate to contact Katelyn Gillis at (905) 574-1993 ext. 207.

Respectfully Submitted,  
**Landwise**



Katelyn Gillis, BA  
Senior Planner

**Cc:** Mr. Alan Whittle, Good Shepherd Centre Hamilton

Landwise (formerly T. Johns Consulting Group) has prepared this Planning Rationale Report in support of the Minor Variance application for 121 & 135 Mary St, Hamilton (“subject lands”). The requested variances are required to facilitate the final approval of Site Plan Control application DA-22-095.

### **Description of Subject Lands**

121 & 135 Mary Street is bound by Mary Street to the east and is located to the south of Cannon Street East, and north of Wilson Street. The subject lands are approximately 0.26 hectares (0.65 acres) in size, with approximately 72.0 metres (236.2 feet) of frontage on Mary Street. The subject lands are merged as one parcel and are currently occupied by one (1) 3-storey building used as an emergency shelter with a meal service and one (1) 1-storey building, used for storage, owned and operated by Good Shepherd Non-Profit Homes Hamilton (“Good Shepherd”). Both buildings are to be removed to accommodate the proposed redevelopment.

### **Planning Status**

The *Urban Hamilton Official Plan* (“UHOP”) Volume 1 designates the subject lands “Downtown Mixed Use Area”.

The *Hamilton Downtown Secondary Plan* (“Secondary Plan”) designates the subject lands “Downtown Residential”, in which multiple dwellings and social service facilities are permitted. The subject lands are identified as “High Rise 2” on Map B.6.1-2 of the *Secondary Plan*, which permits a maximum building height of 30 storeys.

The *City of Hamilton Zoning By-law 05-200* zones the subject lands “Downtown Residential (D5) Zone’ with Holding Provisions H17, H19, and H20. Multiple dwellings and social service establishments are permitted in the D5 Zone.

### **Proposed Development**

The proposed redevelopment is for a 10-storey mixed use building with social services provided on the 1st and 2nd floor and 156 multiple dwellings units above with affordable rental tenure. The proposed redevelopment will continue to be owned and operated by Good Shepherd. The development will be supported with one level of underground parking for a total of 35 parking spaces including one (1) barrier free space. In addition, 6 surface parking spaces including one (1) barrier free space located on the abutting property to the north (under the same ownership of the subject property) will be provided. Common amenities will be provided through the rooftop terrace and landscaped space throughout the site.

### **Nature and extent of relief applied for:**

Five (5) Minor Variances are being sought from Zoning By-law No. 05-200 to facilitate the proposed affordable housing development by Good Shepherd. Note that at the time of preparing this planning rationale, the proposed development requires a total of 45 parking spaces (42 spaces for 156-unit multiple dwelling and 3 spaces for 157.6m<sup>2</sup> of social service floor area) whereas 35 spaces are provided. The short-fall of parking may be relieved through cash-in-lieu of parking or a City-wide zoning amendment for parking that will reduce the overall minimum required parking from 45 spaces to 12 spaces. Regardless, parking is not a variance being requested through the enclosed application. The requested Minor Variances are as follows:

	<u>Zoning By-law No. 05-200</u>	<u>Purpose</u>
1	6.5.3.4 d)	To allow a maximum southern side yard of 7.9 metres whereas 7.5 metres is required.
2	6.5.3.4 f)	To allow a minimum rear yard of 0.5 metres whereas 7.5 metres is required.
3	6.0 b) ii)	To allow a minimum building setback of 2.4 metres from the north side lot line for any portion of the building exceeding 22.0 m in height, whereas 3.0 metres is required.
4	4.8 f)	To allow the erection of an accessory building prior to the erection of the principal building or structure, whereas the erection of an accessory building is not permitted prior to the erection of the principal building or structure.
5	4.8.1.3 a) i)	To allow a minimum setback to the rear lot line of 0.6 metres for accessory buildings, whereas 1.2 metres is required.

**Planning Rationale to Support the Variances**

*Overall Conformity to the Urban Hamilton Official Plan*

The UHOP designates the subject lands “Downtown Mixed Use Area”. Higher density forms of housing and affordable housing are encouraged in this designation. The subject lands are more specifically designated “Downtown Residential” by the *Secondary Plan*, in which multiple dwellings and social service facilities are permitted. The proposed uses of social services and affordable housing conform to the UHOP.

The *Secondary Plan* permits building heights up to 30 storeys on the subject lands. The *Secondary Plan* also encourages the development of mid-rise buildings to effectively transition between low-rise neighbourhoods and future high-rise buildings. The proposed 10-storey development is considered a mid-rise building and conforms to the *Secondary Plan’s* vision for higher density in this area while considering the surrounding primarily low-rise neighbourhood.

Overall, the proposed development and variances meet the intent of the UHOP to provide residential intensification in a multi-residential form to provide affordable housing and social service supports within the Downtown.

**VARIANCE 1. To allow a maximum southern side yard of 7.9 metres whereas 7.5 metres is required.**

*Why is it not possible to comply with the provision of the by-law?*

The southern side yard is the most feasible location for outdoor amenity space as a result of the irregularly shaped lot. The increased maximum side yard is needed to provide a sufficient and functional landscaped outdoor amenity area that is appropriately setback from adjacent low density residential uses.

*Planning Rationale to Support the Variance:*

1. Conformity to the intent of the Zoning By-law

Maximum side yard provisions work to ensure that buildings are sited in a manner that maintains street presence while providing flexibility in the transition to adjacent uses and built forms. The proposed side yard will be used for a landscaped amenity area to support the future residents, add more permeable site area while maintaining an activated street presence that will contribute to the overall streetscape of Mary Street North. The increase of the side yard from 7.5m to 7.9m maintains the intent of the zoning by-law.

2. Is the variance minor?

The variance is minor as the building will maintain street presence on the Mary Street frontage while maximizing on-site amenity and landscaping opportunities.

3. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will allow for the efficient use of an irregularly shaped urban parcel of land and maximize the provision of amenity space.

**VARIANCE 2. To allow a minimum rear yard of 0.5 metres whereas 7.5 metres is required.**

*Why is it not possible to comply with the provision of the by-law?*

Due to the irregular shape of the lot, a 7.5 metre challenges the building design where the property line abuts 126 Catharine Street North. The decreased minimum rear yard is required to allow for functional building and site design.

*Planning Rationale to Support the Variance:*

1. Conformity to the intent of the Zoning By-law

Rear yard setbacks are intended to mitigate overlook and shadows onto neighbouring properties, and in some cases, provide amenity space. The area for which this variance is requested is the “pinch point” of the lot, where it abuts 126 Catherine Street North which is occupied by a 2-storey commercial building currently used as an office (i.e. Seedworks). Where the subject lands abut residential uses, a minimum of 7.5 metres is provided, except for a retaining wall related to the ramp of the underground parking.

The proposed building design considers potential impacts of the variance. Only the first storey of the building will have a 0.5 metre rear setback whereas the second storey will be set back approximately 2.2 metres from the rear lot line, and the remaining floors 5.9 metres. The rooftops

of the first and second floors will not be accessible to residents and there will be no windows on the portion of the building with the reduced setback to maintain the privacy of abutting properties.

2. Is the variance minor?

The variance is minor as it is only required for a portion of the rear yard. The site plan provides rear yard setbacks that surpass the minimum requirement where abutting sensitive uses to prevent impacts on neighbouring residential rear yards.

3. Is the variance desirable for the development of the property?

The variance is desirable as it will allow for the efficient development of an irregularly shaped parcel and accommodate the provision of indoor amenity space for the multiple dwelling.

**VARIANCE 3. To allow a minimum building setback of 2.4 metres from the northern side lot line for any portion of the building exceeding 22.0 m in height, whereas 3.0 metres is required.**

*Why is it not possible to comply with the provision of the by-law?*

The 3.0 metre building setback restricts the number of units that can be accommodated on the site. The reduced building setback is required to make efficient use of the parcel and maximize the provision of affordable housing units.

*Planning Rationale to Support the Variance:*

1. Conformity to the intent of the Zoning By-law

Building setbacks are intended to create human scale development and minimize the impacts of shade and wind on pedestrian spaces. No adverse impacts are anticipated as a result of the variance as a portion of the abutting lands to the north, being 147 Mary Street which is owned and operated by Good Shepherd. A surface parking area and shared driveway immediately abut the proposed building, followed by a 4-storey building. The proposed development will overlook a parking area and not a sensitive use.

2. Is the variance minor?

The variance is minor as it will not adversely impact the public realm and will contribute to a positive streetscape.

3. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will maximize the number of affordable housing units that can be accommodated on the site and make efficient use of an urban parcel of land.

**VARIANCE 4. To allow the erection of an accessory building prior to the erection of the principal building or structure, whereas the erection of an accessory building is not permitted prior to the erection of the principal building or structure.**

*Why is it not possible to comply with the provision of the by-law?*

Underground parking is proposed for the redevelopment. The stair exit from the underground parking is considered an accessory building but must be erected prior to the principal building to provide safe access from below grade during construction.

*Planning Rationale to Support the Variance:*

1. Conformity to the intent of the Zoning By-law

Requiring the erection of principal buildings prior to accessory buildings is to facilitate a logical sequence of construction. In this case, an underground stair exit must be constructed prior to the principal building in order to provide access below grade throughout construction.

2. Is the variance minor?

The variance is minor as it will not adversely impact construction of the principal building.

3. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will facilitate a logical sequence of construction while maintaining a safe site.

**VARIANCE 5. To allow a minimum setback to the rear lot line of 0.6 metres for accessory buildings, whereas 1.2 metres is required.**

*Why is it not possible to comply with the provision of the by-law?*

The stair exit from the underground parking area requires a decreased setback from the rear lot line due to the design of the underground parking.

*Planning Rationale to Support the Variance:*

4. Conformity to the intent of the Zoning By-law

The zoning requirement for 1.2 metre setback between a lot line and accessory building is to maintain proper stormwater drainage. As the proposed accessory building is related to an enclosed stair, the footprint is small and the 0.6 metres will only apply to a width of 2.8 metre (i.e. width of stairs). As reviewed through the ongoing site plan approval process, the proposed accessory building does not create any stormwater management concerns.

5. Is the variance minor?

The variance is minor as it will not adversely impact the management of stormwater on the site.

6. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will help to maximize the number of parking spaces that can be accommodated below grade.

**Conclusion**

The requested variances will help to facilitate residential intensification for non-profit affordable housing by making efficient use of an irregularly shaped parcel in Downtown Hamilton. The variances maintain the intent of the UHOP and Zoning By-law No. 05-200, are minor, and are desirable. The requested variances are appropriate for the subject lands and represent good land use planning.

Respectfully Submitted,

**T. Johns Consulting Group Ltd.**



**Joe Gravina, CPT**  
Project Manager



**Katelyn Gillis, BA**  
Senior Planner





Hamilton

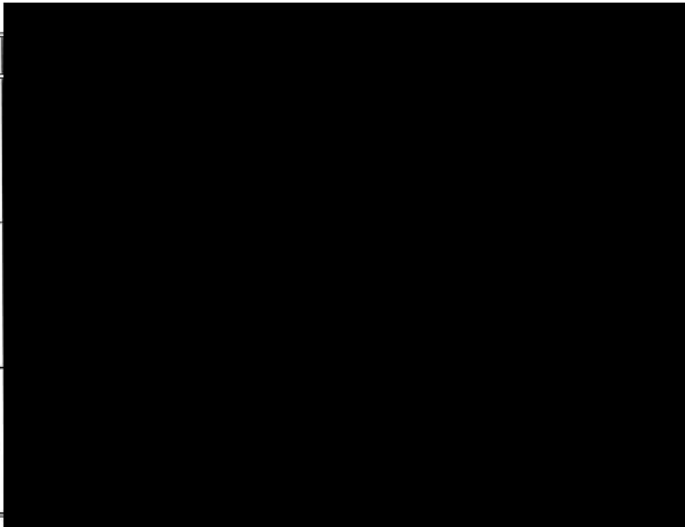
Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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

**1. APPLICANT INFORMATION**

	NAME
Registered Owners(s)	Good Shepherd Centre Hamilton c/o Alan Whittle
Applicant(s)	Same as owner.
Agent or Solicitor	Landwise c/o Katelyn Gillis



1.2 Primary contact

Applicant

Owner

Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner

Agent/Solicitor

1.4 Request for digital copy of sign

Yes\*

No

If YES, provide email address where sign is to be sent



1.5 All correspondence may be sent by email

Yes\*

No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

In person

Cheque

Credit over phone\*

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	121 & 135 Mary Street		
Assessment Roll Number			
Former Municipality	City of Hamilton		
Lot			
Registered Plan Number	Lots 12-15 Inclusive and Part of Lots 10 and 11 Nathaniel Hughson Survey (unregistered)		
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:

Max. southerly side yard of 7.9m whereas 7.5m is required

Min. rear yard of 0.5m whereas 7.5m is required

Min. building setback of 2.4m from the north side lot line for any portion of building exceeding 22.0m, whereas 3.0m is required.

Min. rear yard setback of 0.6m for accessory buildings, whereas 1.2m is required.

Permit an accessory building prior to the principal building or structure.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Refer to Planning Rationale

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
72.0 m	38.5 m	2,629.0 sq m	+20.0 m

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
One storey brick building	0 m	0 m	17.5 m	Early 20th century
Three storey brick building	4 m	13 m	17.5 m	1972

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Ten storey building	0.4 m	0.5 m	7.9 m (south), 2.6 m (north)	TBD
Stair exit from parking	N/A	0.6 m	13.8 m (south), 14.5 m (north)	TBD

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
One storey brick building	280 sq m	Unknown	1	Unknown
Three storey brick building	376 sq m	Unknown	3	Unknown

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Ten storey building	1310 sq m	9820 sq m	10	32.3 m
Stair exit from parking	16.7 sq m	16.7 sq m	1	3.2 m

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.):  
Multiple dwelling and social services.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
Low and medium density residential uses, commercial office building, vacant former industrial building.

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

1972

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Commercial, residential, industrial.

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Good Shepherd Centre (men's emergency shelter and storage)

7.4 Length of time the existing uses of the subject property have continued:  
Since 1972

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Downtown Mixed Use Area

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

7.6 What is the existing zoning of the subject land? Downtown Residential (D5, H17, H19, H20) Zone

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: \_\_\_\_\_

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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: \_\_\_\_\_

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 156

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

## 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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