



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	A-24:119	SUBJECT PROPERTY:	31 Cadwell Lane, Hamilton
ZONE:	"R2" (Single Residential and Low Density Residential – Large Lot)	ZONING BY-LAW:	Zoning By-law former Town of Dundas 3581-86, & Zoning By-law City of Hamilton 05-200 (Not Final & Binding) as Amended

APPLICANTS: Owner: BRWBAR Holdings Limited – Kevin Reynolds
Agent: Landwise – Edward John

The following variances are requested:

1. To permit a minimum front yard depth of 1.09 metres whereas the Stoney Creek zoning by-law requires a minimum front yard depth of 6.0 metres.
2. To permit a minimum front yard setback of 1.09 metres whereas the Hamilton zoning by-law requires a minimum front yard setback of 4.0 metres.
3. To permit a minimum side yard setback of 1.25 metres whereas the Hamilton zoning by-law requires a minimum side yard setback of 2.0 metres.

PURPOSE & EFFECT: So as to permit the construction of an addition to complement the existing single detached dwelling.

Notes:

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

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

DATE:	Tuesday, June 11, 2024
TIME:	2:30 p.m.
PLACE:	Via video link or call in (see attached sheet for details)

	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:119, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



Subject Lands

DATED: May 23, 2024

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

Comments are available the Friday prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

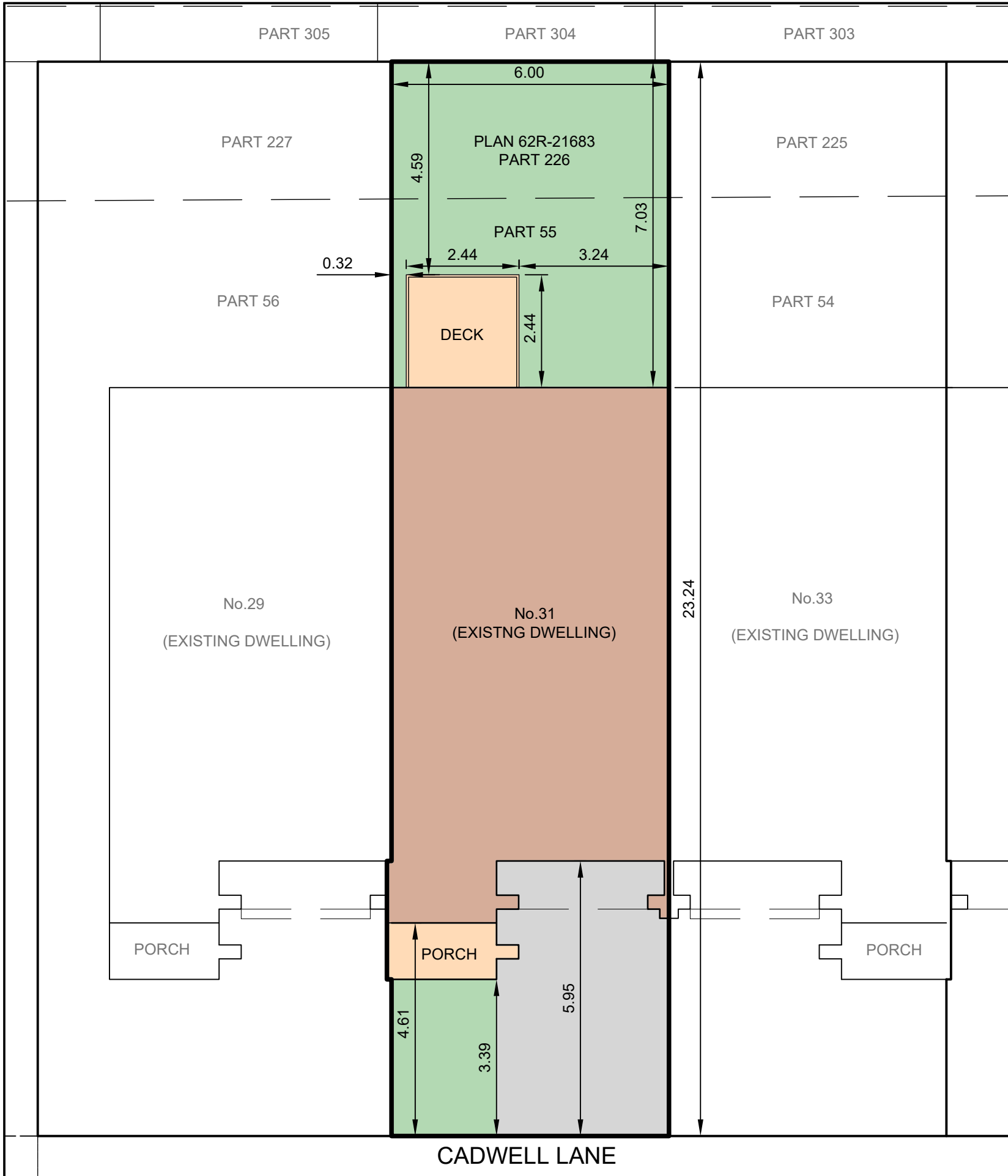
2. In person Oral Submissions

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

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

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.

Plotted by: Lina Ruiz; 19-APR-2024; 8:42AM



ZONING CHART

THE CITY OF HAMILTON ZONING BY-LAW -05-0200 ZONE: "I3" Major Institutional Zone - Street Townhouse Dwelling

DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
MINIMUM LOT AREA FOR UNIT	135m ² /dwelling	139.44m ²	YES
MINIMUM UNIT WIDTH	6.0m	6.0m	YES
MINIMUM FRONT YARD	4.5m	4.61m	YES
MINIMUM SIDE YARD	0.0m	0.0m	YES
MINIMUM REAR YARD	7.0m	7.03m	YES
MAXIMUM BUILDING HEIGHT	11.5m	11.3m	YES
REAR YARD ENCROACHMENT	1.5m max.	2.44m	NO (WITH MV)

LEGAL DESCRIPTION



REVISIONS

REV.	DESCRIPTION	DATE	INIT.
A	REVIEW	18-APR-2024	LR

DISCLAIMER
 THIS DRAWING IS THE INTELLECTUAL PROPERTY OF LANDWISE. AND IS PROTECTED UNDER COPYRIGHT. ANY DISCREPANCIES SHALL BE REPORTED TO LANDWISE. PRIOR TO THE START OF CONSTRUCTION. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.

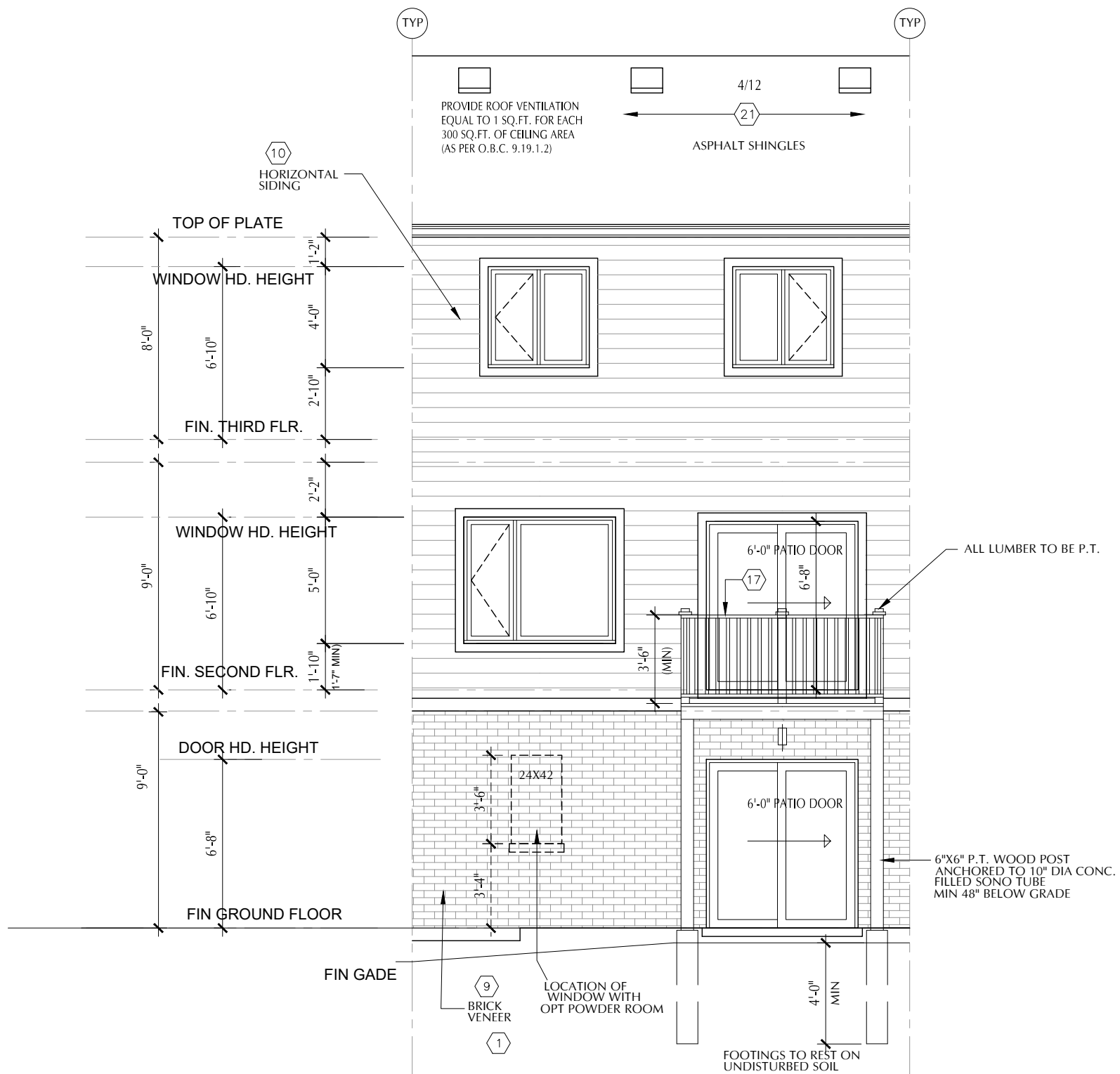
LEGEND
 SUBJECT LANDS

PROJECT TITLE
 31 CADWELL LANE
 HAMILTON, ONTARIO

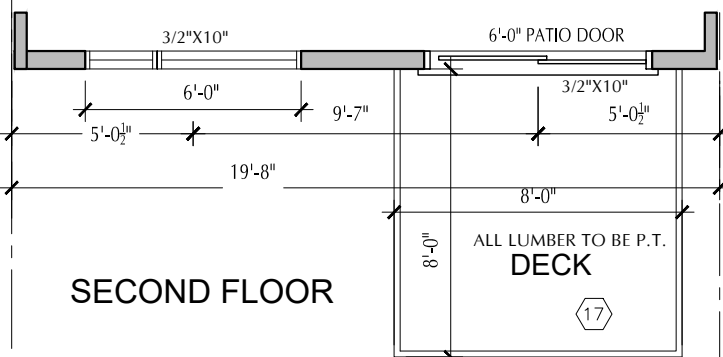
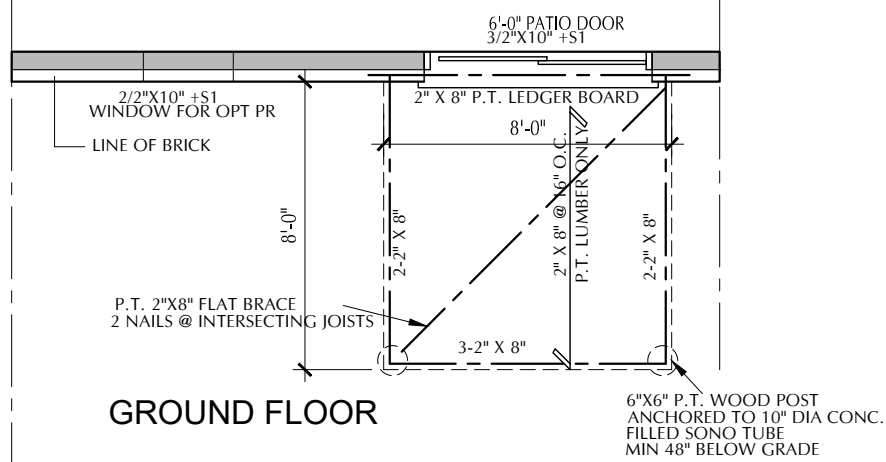


DRAWING TITLE
 31 CADWELL LANE
 MINOR VARIANCE
 SKETCH

PRINT DATE 19-APR-2024	DRAWN BY LR
REVISION A	DESIGNED BY
SCALE 1:100	DRAWING NUMBER CP1-1



**REAR ELEVATION
REFER TO DECK DETAIL WO-3**



WALK OUT WITH DECK

3/16" = 1'-0" BLOCK 10 UNIT 55
REFER TO DECK DETAIL WO-3

**CAPPONI
LACROIX
DESIGN GROUP LTD.**
37 Donlea Drive, HAMILTON, ON L8T 1K5
Tel.: 905 520 1428
E-MAIL: jcapponi@cldesigngroup.ca

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Qualification information
Required unless design is exempt under Div.C.3.2.5.1 of the bldg code

John Capponi 23522
Name: Signature BCIN

Registration information
Required unless design is exempt under Div.C.3.2.5.1 of the bldg code

Capponi Lacroix Design Group Ltd. 28804
Name: BCIN

NO.	DATE	DESCRIPTION
5		
4		
3		
2		
1	APR 18/24	FOR VARIANCE

Client:
STARWARD HOMES

Project Location:
CHEDOKE

Model Name:
FESSENDEN

Title:
**DECK DETAIL
LOOKOUT
CONDITION**

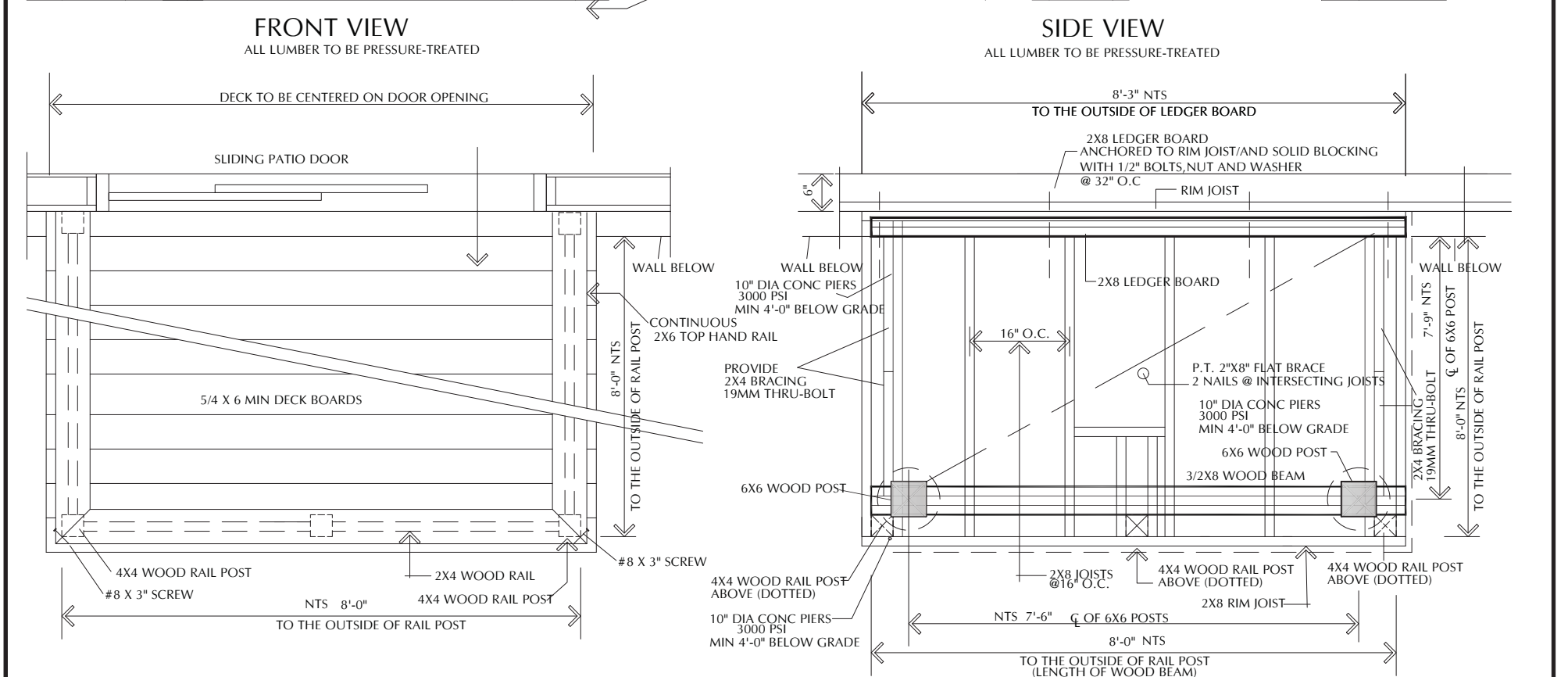
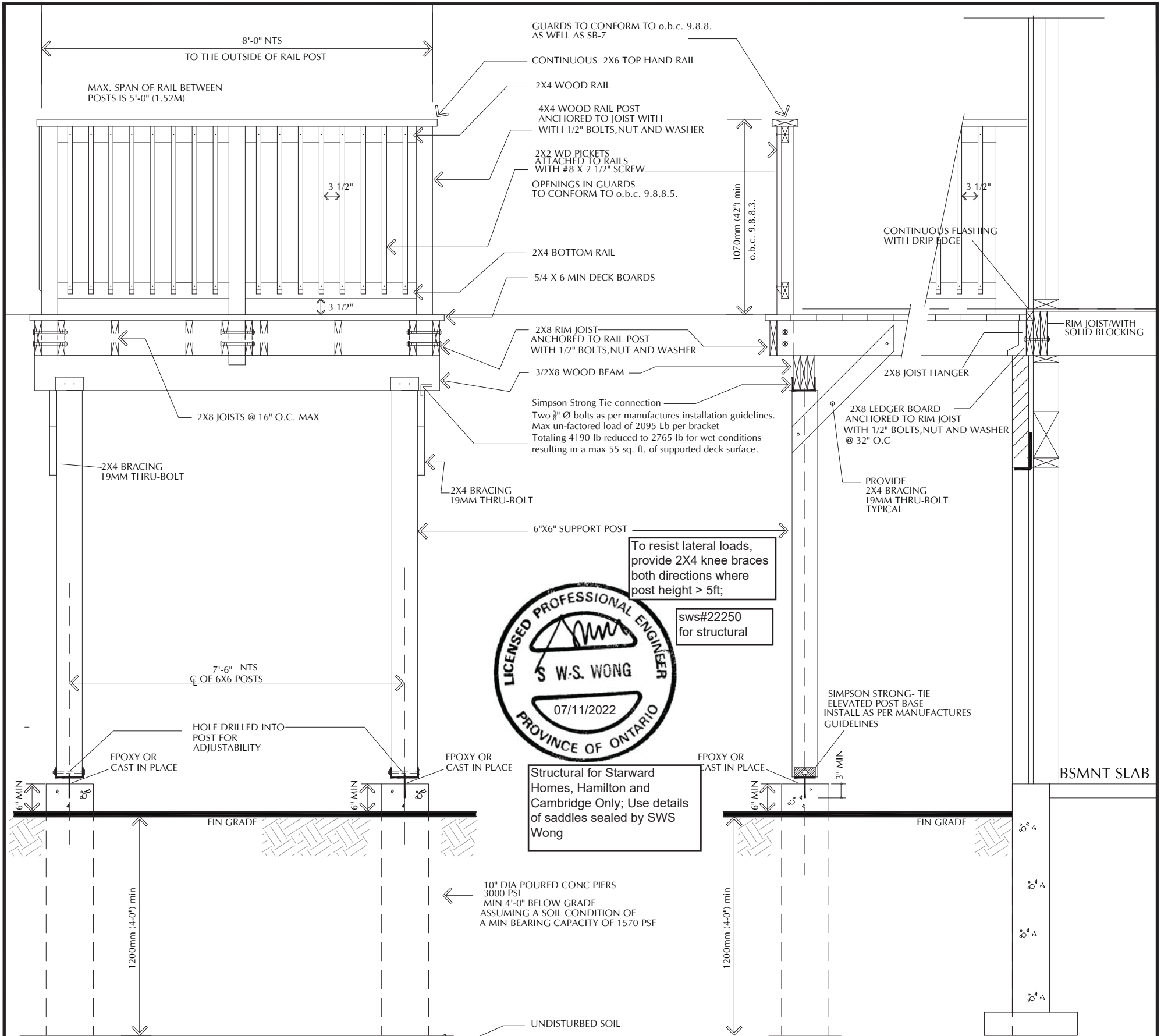
Drawing No.:
LO-55

Scale:
3/16" = 1'-0"

Drawn by:
JMC

Date:
APR/24

Project No.:
STARWARD



WALKOUT WITH LEDGER BOARD THROUGH FRAMING ONLY (NO MASONRY)

CAPPONI LACROIX DESIGN GROUP LTD.
37 Donlea Drive, HAMILTON, ON L8T 1K5
Tel.: 905 520 1428
E-MAIL: jcapponi@cldesigngroup.ca

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Capponi Lacroix Design Group Ltd. 28804
Name: BCIN

NO.	DATE	DESCRIPTION
5		
4		
3	NOV 07/22	FOR PERMIT
2	NOV 06/22	AS PER PENG
1	NOV 03/22	FOR REVIEW

Client: **STARWARD HOMES**

Project Location: **TYPICAL**

Model Name: **TYPICAL**

Title: **DECK DETAIL WALKOUT CONDITION**

Drawing No.: **WO-3**

Scale: **1/2" = 1'-0"**

Drawn by: **JMC**

Date: **NOV/22**

Project No.: **STARWARD**

April 19, 2024

Via Email

ATTN: Jamila Sheffield, Secretary-Treasurer
City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: 31 Cadwell Lane, Hamilton
Committee of Adjustment - Minor Variance Application**

Landwise (formerly T. Johns Consulting Group Ltd.) was retained by **Starward Homes Limited** to submit the following Minor Variance application on behalf of the registered owner of 31 Cadwell Lane in Hamilton.

Site Description

31 Cadwell Lane (“subject lands”) is located in the Mountview neighbourhood of Hamilton. The subject lands are rectangular in shape with an area of 139.44m² and 6.0m of frontage on Cadwell Lane. The subject lands contain a three-storey street townhouse.

Planning Status

The *Urban Hamilton Official Plan* (“UHOP”), *Volume 1*, and the *Chedmac Secondary Plan* in *Volume 2* of the UHOP designate the subject lands Institutional. Policy E.6.2.6 of the UHOP permits low density residential uses as-of-right where institutional uses have ceased. As such, a street townhouse is permitted on the subject lands. *Zoning By-law No. 05-200* zones the subject lands Major Institutional (I3) Zone, which permits street townhouse dwellings.

Previous Planning Applications

The subject lands are within a completed condominium development known as “Chedoke Heights”. The subject lands are part of Registered Condominium WCECP-623. A Minor Variance application (File No. HM/A-18:408) was approved for Chedoke Heights in 2018 and applies to the subject lands. Chedoke Heights received Final Site Plan Approval (File No. DA-17-170) in July 2021. Building permits were issued in September 2021 and the condominium units have been constructed.

Proposed Variance

The subject lands require relief from Section 4.6(d) of the City of Hamilton *Zoning By-law No. 05-200* to allow a deck to encroach into any required yard to a maximum of 2.5m, whereas a maximum of 1.5m, or a maximum of half the distance of the required yard, whichever is the lesser, is permitted.

Please refer to the Site Plan and Appendix A: Planning Rationale dated April 17, 2024, for additional details.

Landwise respectfully requests the circulation of this letter along with the enclosed documents in support of Minor Variance.

Please find the enclosed:

- Minor Variance application with signatures;
- Copy of the cheque in the amount of \$705.00 to satisfy the application fee;
- Appendix A: Planning Rationale; and,
- Site Plan.

The application and all required documents have been submitted electronically, save and except the cheque that was submitted to the City of Hamilton dated April 17, 2024.

Please do not hesitate to contact Edward John at 905-574-1993 ext. 202 with any questions.

Respectfully submitted,

LANDWISE



Edward John, MRTPI
Partner / Principal Planner

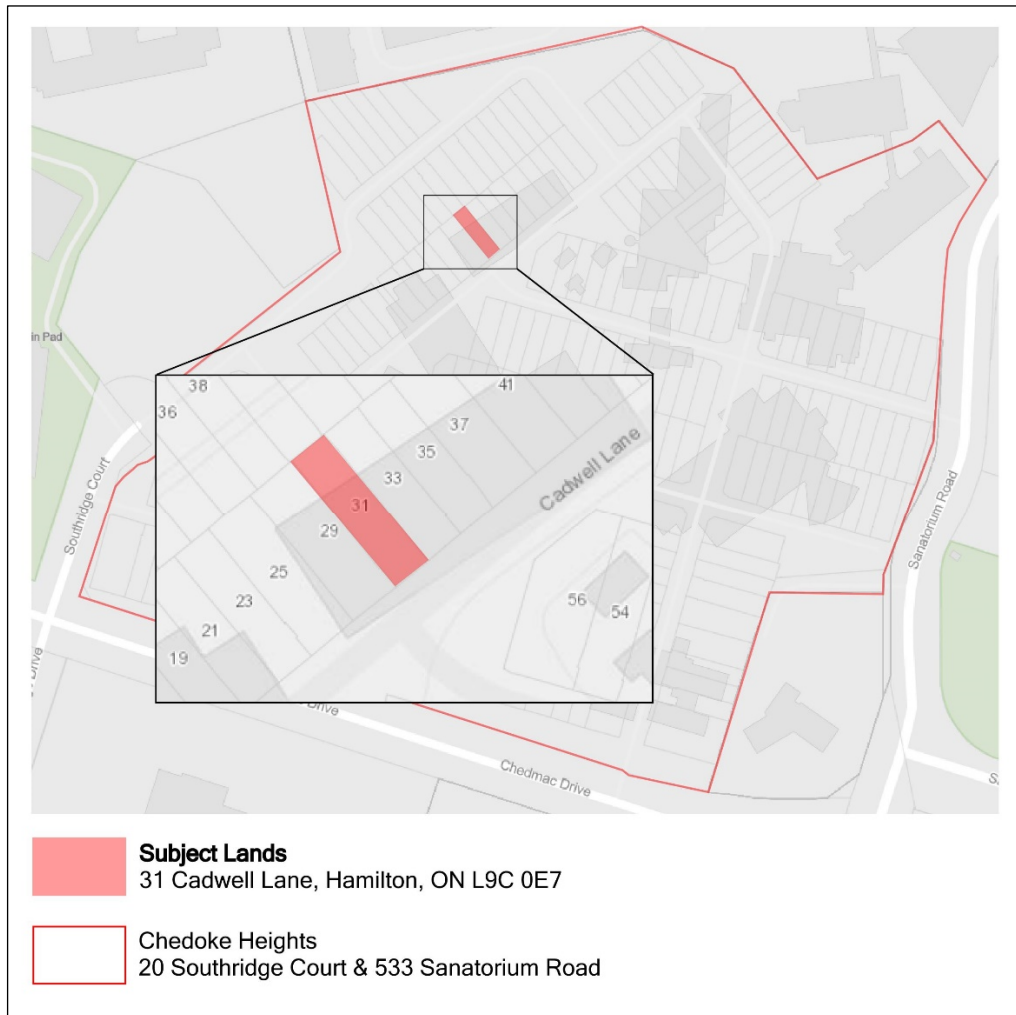


James Warren, CPT
Senior Urban Designer

Landwise (formerly T. Johns Consulting Group Ltd.) has prepared this Planning Rationale in support of the accompanying Minor Variance application for 31 Cadwell Lane, Hamilton ("subject lands"). The subject lands are within a completed condominium development known as "Chedoke Heights" (refer to Figure 1). The subject lands are part of Registered Condominium WCECP-623.

A Minor Variance application (File No. HM/A-18:408) was approved for Chedoke Heights in 2018 and applies to the subject lands. Chedoke Heights received Final Site Plan Approval (File No. DA-17-170) in July 2021. Building permits were issued in September 2021 and the condominium units have been constructed. This Minor Variance application will facilitate the construction of a second-storey deck on the subject lands.

Figure 1: Location of subject lands



Nature and extent of relief applied for:

One (1) Minor Variance is being sought from Section 4: General Provisions in the City of Hamilton *Zoning By-law No. 05-200* to facilitate the construction of a second-storey deck.

The following variance is requested:

VARIANCE 1. A deck may encroach into any required yard to a maximum of 2.5 metres, whereas a maximum of 1.5 metres, or a maximum of half the distance of the required yard, whichever is the lesser, is permitted.

PLANNING RATIONALE

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

The lots within Chedoke Heights were designed with varying rear yard setbacks to accommodate numerous site features such as an easement and parking. Some rear yard setbacks exceed the required 7.0 metres¹ and can accommodate 2.5 metre long decks that meet the permitted 1.5 metre encroachment. The subject lands have a rear yard of 7.05 metres and as a result, an increased encroachment is required to facilitate the construction of a 2.5 metre long deck.

1. Conformity to the Intent of the Urban Hamilton Official Plan

The *Urban Hamilton Official Plan* ("UHOP"), Volume 1, and the *Chedmac Secondary Plan* in Volume 2 of the UHOP designate the subject lands Institutional. Policy E.6.2.6 of the UHOP permits low density residential uses as-of-right where institutional uses have ceased. As such, a street townhouse and accessory uses, including a deck, are permitted on the subject lands.

Section 3.3 of the UHOP sets forth urban design policies that aim to provide quality spaces in all public and private development. Urban design should contribute to the character and ambiance of the community through the appropriate design of amenity areas (B.3.3.2.3.g). The proposed deck will provide private amenity space for current and future residents and is appropriately designed to complement the existing condominiums.

Urban design should protect and enhance the natural urban environment by integrating environmental features and landscapes including green space (B.3.3.2.8.b). Urban

¹ The 7.0 metre rear yard setbacks are legal non-conforming, as building permits were issued in September 2021 and the minimum rear yard setback for Street Townhouses in the I3 Zone increased to 7.5 metres in October 2021.

design can work to enhance the physical and mental wellbeing of citizens and reduce air, noise, and water pollution through the provisions of green space, landscaped buffering, and storm water management (B.3.3.2.9.d.ii). The proposed deck will be raised to the second storey and supported by wood posts. Therefore, the proposed 2.5 metre encroachment will not necessitate a decrease in green space or impact stormwater flows.

New development must be designed to minimize impacts of overlook on neighbouring properties (B.3.3.3.2). The lot immediately abutting the rear lot line of the subject lands (i.e. 40 Capstone Lane) has a rear yard setback of 9.7 metres, exceeding the required setback by 2.7 metres. As such, the distance between the proposed deck and the dwelling on the lot immediately abutting the rear lot line of the subject lands will be sufficient for minimizing impacts of overlook. The proposed 2.5 metre encroachment will not contribute to greater impacts of overlook on the lots immediately abutting the side lot lines of the subject lands (i.e. 29 and 33 Cadwell Lane) compared to the permitted 1.5 metre encroachment.

The proposal is consistent with the policies set out in Volume 1 and Volume 2 (i.e. the *Chedmac Secondary Plan*) of the UHOP. The requested Minor Variance conforms to the intent of the UHOP.

2. Conformity to the Intent of the Zoning By-law

Zoning By-law No. 05-200's Major Institutional (I3) Zone permits Street Townhouse dwellings and uses accessory thereto. The intent of limiting encroachment into required yards is to mitigate impacts of overlook and allow for the provision of sufficient natural landscaped areas. The available area for natural landscaping will not change as a result of the increased encroachment, as the deck is raised to the second storey and supported by wood posts. The proposed 2.5 metre encroachment will not contribute to greater impacts of overlook compared to the permitted 1.5 metre encroachment. The proposed variance maintains the intent of the Zoning By-law.

3. Is the Variance Minor?

The variance will allow the proposed deck to encroach 1.0 metre farther into the required rear yard than is currently permitted. The variance is minor and will not change the intent or function of the built form as permitted in the UHOP and as implemented in the Zoning By-law.

4. Is the Variance desirable for the development of the property?

The variance is desirable for the development of the property as it will facilitate the construction of a deck and more programmable private amenity area for residents without adversely impacting neighbouring properties.

Conclusion

The requested variance will permit the proposed deck to encroach 2.5 metres into the required rear yard of the subject lands, whereas 1.5 metres is currently permitted. The increased encroachment will not contribute to greater impacts of overlook, necessitate the removal of natural landscaped area, or impact stormwater management. The requested variance meets the intent of the *Urban Hamilton Official Plan* and the City of Hamilton *Zoning By-law No. 05-200*, is minor in nature, is desirable for the development of the property, and represents good land use planning.

Respectfully Submitted,

LANDWISE



Edward John, MRTPI
Partner / Principal Planner



James Warren, CPT
Senior Urban Designer



Hamilton

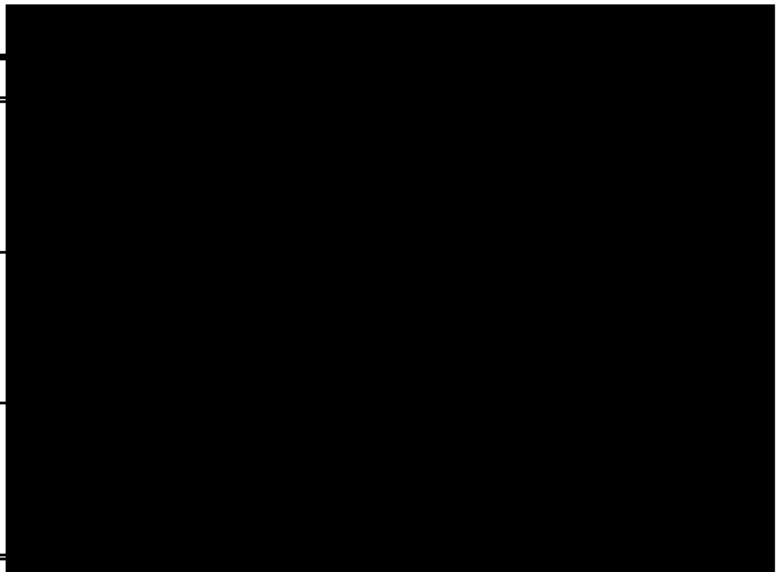
Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	BRWBAR Holdings Limited c/o Kevin Reynolds
Applicant(s)	Same as above
Agent or Solicitor	Landwise c/o Edward John



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
 Credit over phone*
 Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	31 Cadwell Lane		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	62M-1191	Lot(s)	1
Reference Plan Number (s)	62R-21683	Part(s)	55 & 226

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:

As in WE25523 for a City-owned storm trunk sewer.

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:

One (1) Minor Variance is being sought from Section 4: General Provisions in the City of Hamilton Zoning By-law No. 05-200 to allow a deck to encroach into any required yard to a maximum of 2.5m, whereas a maximum of 1.5m, or a maximum of half the distance of the required yard, whichever is the lesser, is permitted.

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
6.0m	23.24m	139.44m ²	6.0m

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
Street townhouse	4.61m / 5.95 Garage	7.03m	0m (to common wall)	2022/2023

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Deck	N/A	4.59m	±3.24m & ±0.32m	2024

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
Street townhouse	Existing	Existing	3	11.3m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Deck	N/A	6.25m ²	N/A	±3.8m

- 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

private road, maintained all year

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

N/A

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Street townhouses

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2022

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

Institutional

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

Street townhouse

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

2 years

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Volume 1: Institutional

Urban Hamilton Official Plan designation (if applicable) Volume 2 (Chedmac Secondary Plan): Institutional

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

Refer to Planning Rationale

7.6 What is the existing zoning of the subject land? Major Institutional (I3)

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: HM/A-18:408

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: 1

8.2 Number of Dwelling Units Proposed: 0

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

Refer to Planning Rationale.

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
-
-