



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-24:98	SUBJECT PROPERTY:	238 Mountain Park Avenue, Hamilton
ZONE:	"R1" (Low Density Residential Zone)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: M. Berman Homes Inc. – Mark Berman
Agent: Landwise – Edward John

The following variances are requested:

1. To allow a minimum lot area of 210 square metres whereas 270 square metres is required.
2. To allow a minimum lot frontage of 7.6 metres whereas 9.0 metres is required.
3. To allow a minimum front yard of 3.8 metres whereas a minimum of 6.0 metres is required.
4. To allow a minimum of zero parking spaces per additional dwelling unit, whereas a minimum of one parking space per additional dwelling unit is required.

PURPOSE & EFFECT: To facilitate the construction of a semi-detached dwelling and additional dwelling unit.

Notes:

- i. Minor Variances are to facilitate severance application B.24.25.

“Please note that these lands may be:

- Regulated by a Conservation Authority;
- Located within or adjacent to an Environmentally Sensitive Area (ESA);
- Designated under the Ontario Heritage Act;
- Listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest; and/or,
- Included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest.

A-24:98

Staff cannot confirm this information at this time and the applicant should make the appropriate inquiries in order to determine what other regulations may be applicable to the subject property.”

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:	2:40 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-24:98, 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

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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.

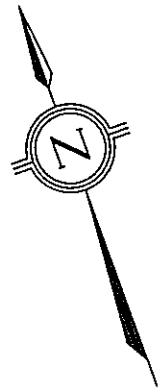
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.



MOUNTAIN PARK AVENUE
(BY REGISTERED PLAN 361)
PIN 17115-0349 (LT)

PLAN OF SURVEY
(WITH TOPOGRAPHIC DETAIL) OF
PART OF LOT 2
REGISTERED PLAN 361
IN THE
CITY OF HAMILTON
SCALE & NOTES
Scale 1:100
BARICH GRENKIE SURVEYING LTD.
A DIVISION OF GEOMAPLE
© COPYRIGHT 2023

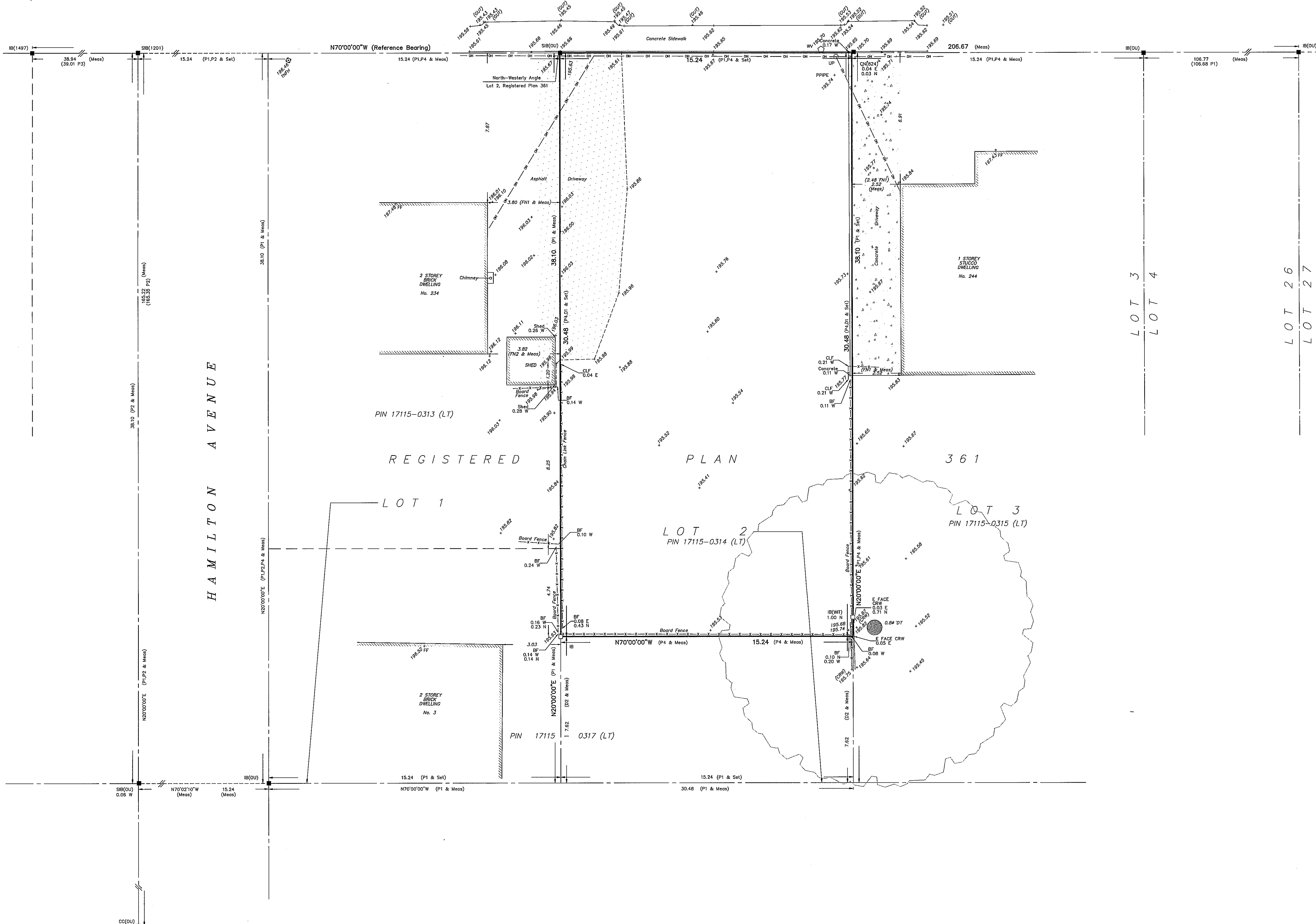
METRIC
DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN
BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ELEVATION NOTE
ELEVATIONS ARE GEODETIC ORIGIN (CGVD-1928:78), AND ARE DERIVED FROM
REAL TIME NETWORK (RTN) OBSERVATIONS AND NATURAL RESOURCES
CANADA'S GEOD MODEL HT2.0

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT
OF MOUNTAIN PARK AVENUE AS SHOWN ON REGISTERED PLAN 361 HAVING A
BEARING OF N70°00'00"W.

LEGEND

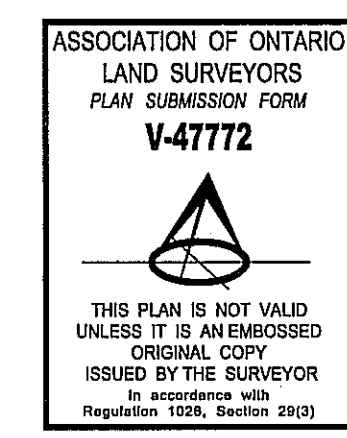
■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
ON	DENOTES	SURVEYORS NAIL SET IN WASHER
CC	DENOTES	CUT CROSS
OU	DENOTES	ORIGIN UNKNOWN
B24	DENOTES	A. T. McLAREN, O.L.S.
1201	DENOTES	R. A. CLARKE, O.L.S.
1497	DENOTES	J. P. NOUWENS, O.L.S.
P1	DENOTES	REGISTERED PLAN 361
P2	DENOTES	REGISTERED PLAN 388
P3	DENOTES	PLAN BY ASHENHURST NOUWENS LTD. DATED SEPTEMBER 11, 2013
P4	DENOTES	PLAN BY GLENN E. GIDDY, O.L.S. DATED MARCH 18, 1987
D1	DENOTES	INSTRUMENT No. W190561
D2	DENOTES	INSTRUMENT No. H1224303
FN1	DENOTES	FIELD NOTES BY GLENN E. GIDDY DATED MARCH 18, 1987
UP	DENOTES	UTILITY POLE
QUT	DENOTES	CUTTER ELEVATION
OH	DENOTES	OVERHEAD UTILITY CABLES
DT	DENOTES	DECIDUOUS TREE
CT	DENOTES	CONIFEROUS TREE
WV	DENOTES	WATER VALVE
FF	DENOTES	FINISHED FLOOR ELEVATION
GF	DENOTES	GARAGE FLOOR ELEVATION
CRW	DENOTES	CONCRETE RETAINING WALL
TNFH	DENOTES	TOP NUT OF FIRE HYDRANT
BF	DENOTES	BOARD FENCE
CLF	DENOTES	CHAIN LINK FENCE
WIT	DENOTES	WITNESS



REGISTERED PLAN 361

LOT 1
LOT 2
LOT 3

LOT 3
LOT 4
LOT 26
LOT 27



THIS PLAN WAS PREPARED FOR MARK BERMAN AND THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON SEPTEMBER 18, 2023.

SEPTEMBER 20, 2023
ERIC G. SALZER
O.L.S., O.L.I.P.

Barich Grenkie Surveying Ltd.
301 HWY No. 8 (2nd Floor) STONEY CREEK, ON
L8G 1E5 (905) 662-9787
A DIVISION OF GEOMAPLE

DWN BY: EWA
CHK BY: EGS
JOB No. 23-3173

DO NOT SCALE DRAWINGS

Note:
 1) Contractor to check all dimensions, specifications, ect on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.
 2) These plans are to remain and the property of the designer and must be returned upon request. These plans must not be used in any other location without the written approval of the designer.
 3) All works to be in accordance with the Ontario Building Code.



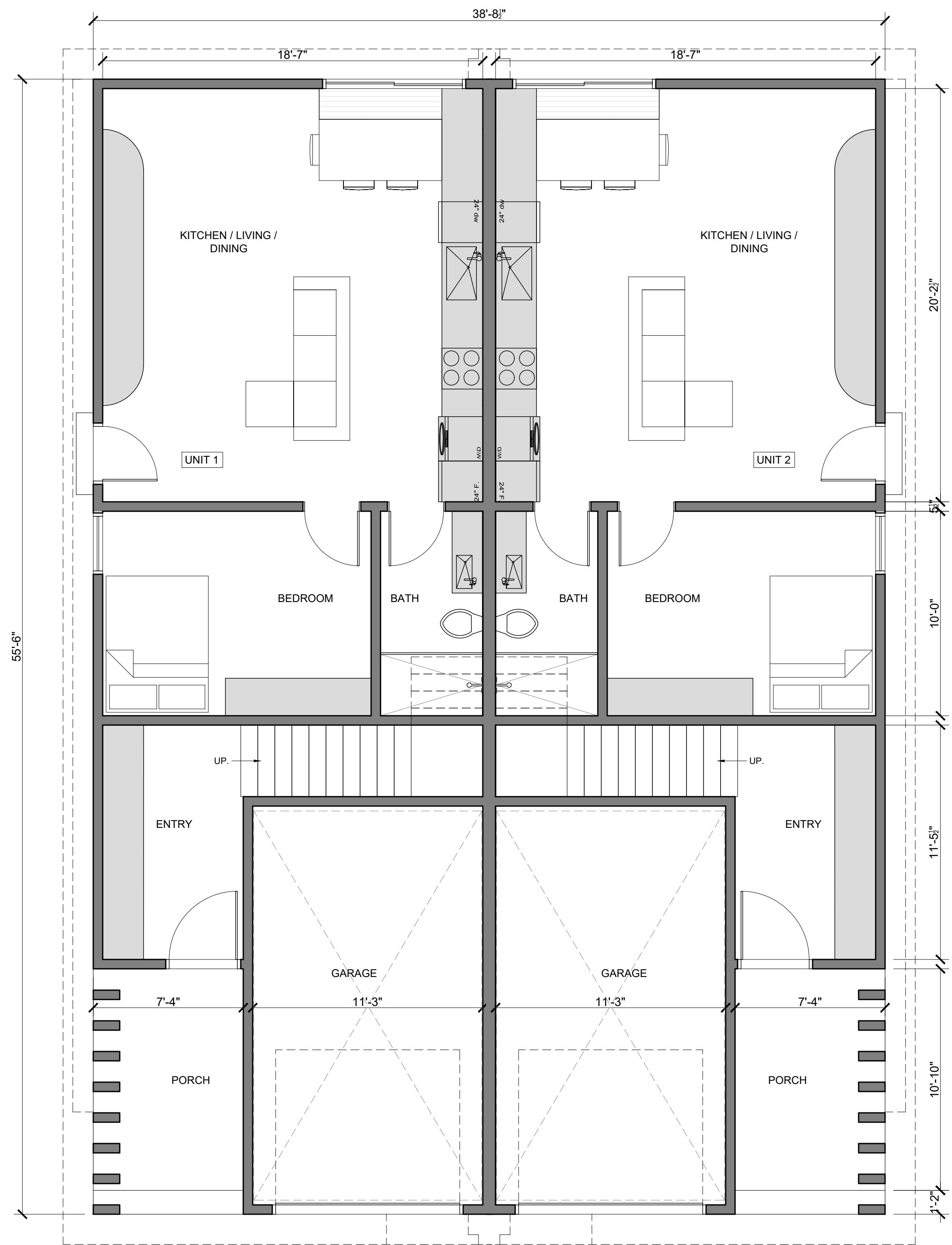
Drawing Submissions:	
Date:	Type:
2023.09.06	Concept
2024.01.08	Concept

238 Mountain Park
Hamilton, Ontario

Reviewed By JT
 Drawn By TBD

Page
A1.01

Main Floor



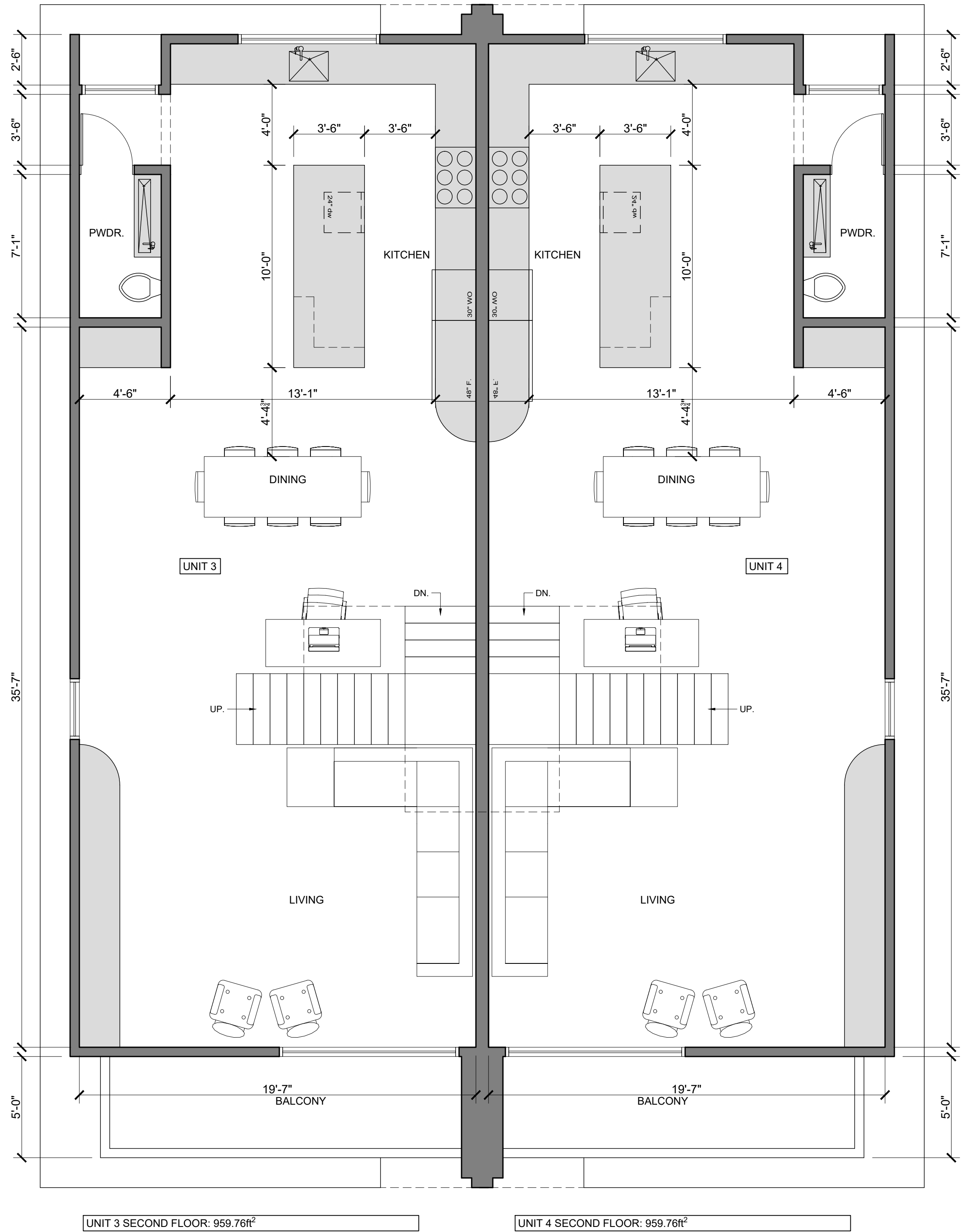
MAIN FLOOR UNIT 1: 569.88 ft²
 GARAGE: 243 ft²
 ENTRY: 120 ft²

MAIN FLOOR UNIT 2: 569.88 ft²
 GARAGE: 243 ft²
 ENTRY: 120 ft²

DO NOT SCALE DRAWINGS

Note:

- 1) Contractor to check all dimensions, specifications, ect on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.
- 2) These plans are to remain and the property of the designer and must be returned upon request. These plans must not be used in any other location without the written approval of the designer.
- 3) All works to be in accordance with the Ontario Building Code.



UNIT 3 SECOND FLOOR: 959.76ft²

UNIT 4 SECOND FLOOR: 959.76ft²

smp DESIGN STUDIO

Drawing Submissions:

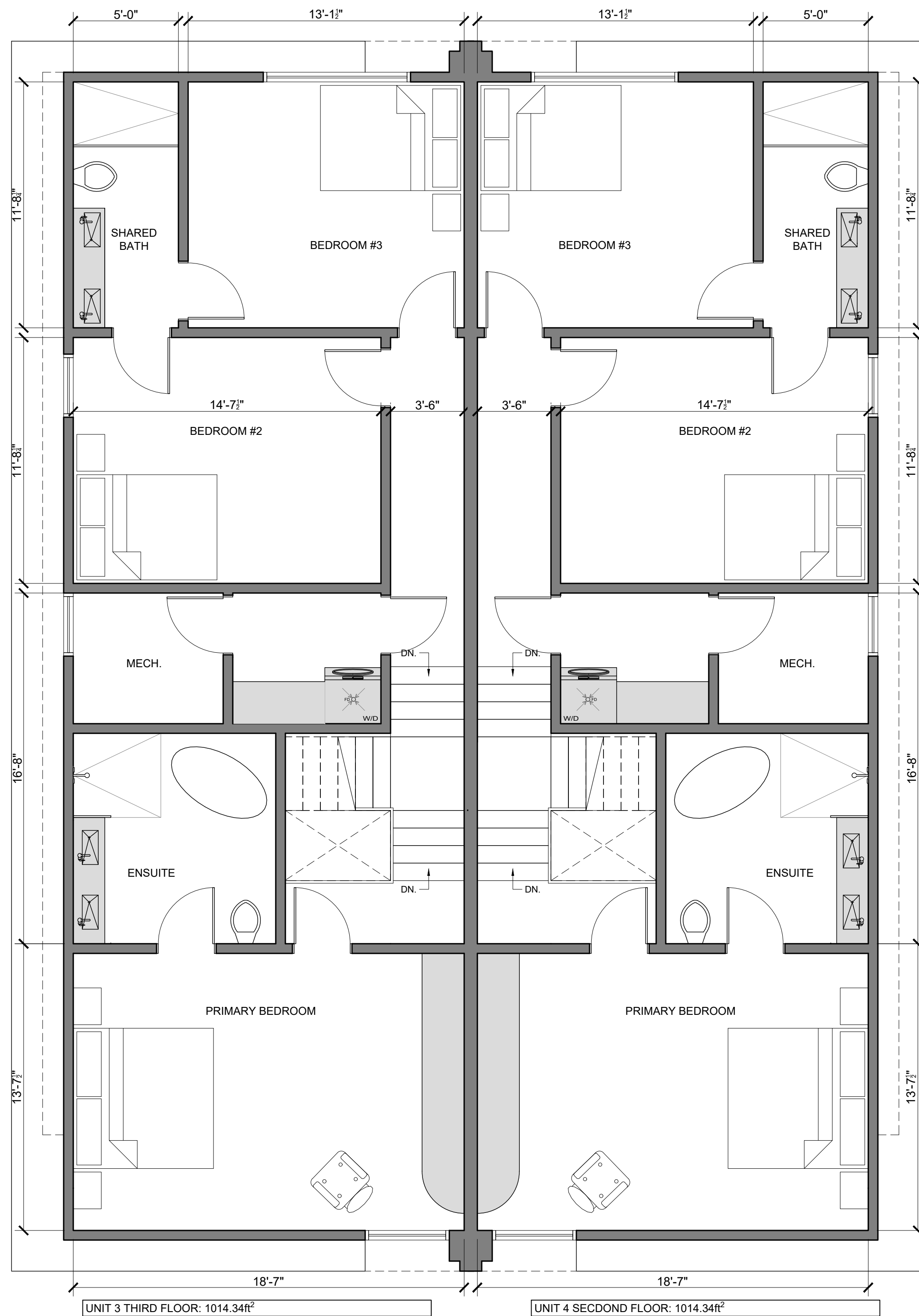
Date:	Type:
2023.09.06	Concept
2024.01.08	Concept

238 Mountain Park
Hamilton, Ontario

Reviewed By: JT
Drawn By: TBD

Page
A1.02

Second Floor



UNIT 3 THIRD FLOOR: 1014.34ft²

UNIT 4 SECDOND FLOOR: 1014.34ft²

DO NOT SCALE DRAWINGS

Note:
 1) Contractor to check all dimensions, specifications, ect on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.
 2) These plans are to remain and the property of the designer and must be returned upon request. These plans must not be used in any other location without the written approval of the designer.
 3) All works to be in accordance with the Ontario Building Code.



Drawing Submissions:

Date:	Type:
2023.09.06	Concept
2024.01.08	Concept

238 Mountain Park
Hamilton, Ontario

Reviewed By: JT
Drawn By: TBD

Page
A1.03

Third Floor

238 Mountain Park Ave, Hamilton, Ontario

Lot Area: 464.52m²

DO NOT SCALE DRAWINGS

- Note:
- 1) Contractor to check all dimensions, specifications, ect on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.
 - 2) These plans are to remain and the property of the designer and must be returned upon request. These plans must not be used in any other location without the written approval of the designer.
 - 3) All works to be in accordance with the Ontario Building Code.

smpl DESIGN STUDIO

Drawing Submissions:

Date:	Type:
2023.09.26	Concept

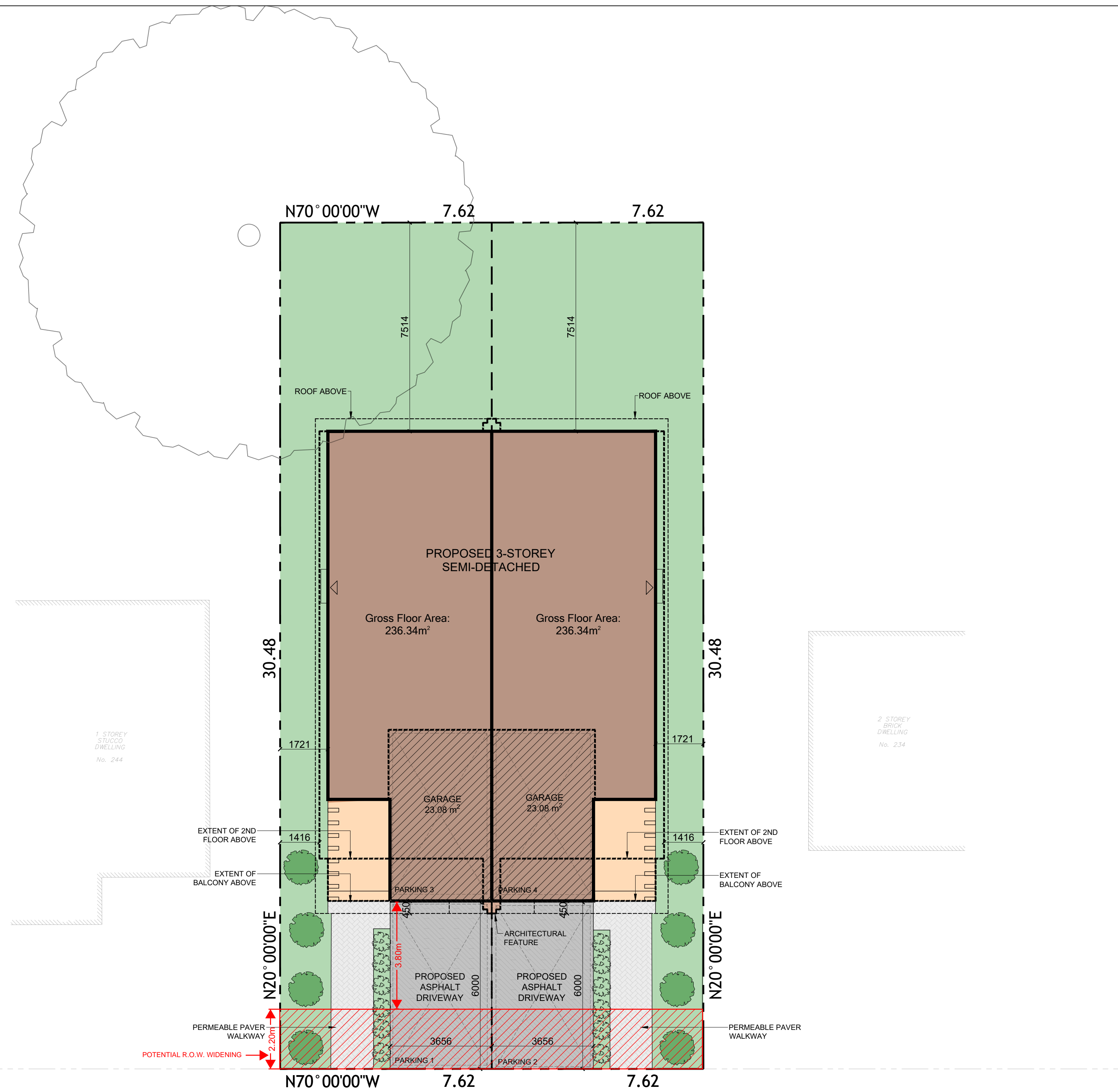
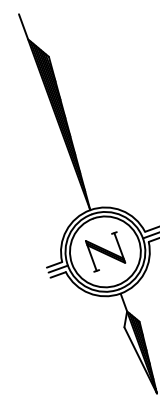
238 Mountain Park Ave
Hamilton, Ontario

Reviewed By: JT

Drawn By: SS

Page
SP1.01

Site Plan



MOUNTAIN PARK AVENUE

1
SP1.01

Site Plan
Scale 1:100

In accordance with subsection 3.2.4. of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual BCIN: 19618 Firm BCIN: 31829

David Shouldice CBCO MAATO

April 17, 2024

Via Digital Submission

ATTN: Jamila Sheffield, Secretary-Treasurer

Committee of Adjustment
City of Hamilton
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

**RE: 238 Mountain Park Avenue, Hamilton
Minor Variance & Consent to Sever Applications**

Landwise (formerly T. Johns Consulting Group Ltd.) was retained by the landowner of 238 Mountain Park Avenue, Hamilton (“subject lands”) to submit the enclosed Minor Variance and Consent to Sever applications on their behalf.

Site Description

238 Mountain Park Avenue is located in the Eastmount neighbourhood in Hamilton’s central mountain area. The subject lands are legally described as Part of Lot 2 of Registered Plan 361 in the City of Hamilton. The subject lands are a rectangular-shaped interior lot, with an area of approximately $\pm 464.52\text{m}^2$ ($\pm 0.05\text{ha}/0.11\text{ac}$), $\pm 15.24\text{m}$ ($\pm 50\text{ft}$) of frontage on Mountain Park Avenue, and a depth of $\pm 30.48\text{m}$ ($\pm 100\text{ft}$). The subject property was occupied by a single detached dwelling, which has since been demolished sometime between 2021 and 2022.

Planning Status

The *Urban Hamilton Official Plan Volume 1* designates the subject lands “Neighbourhoods” which permits a range of residential uses and forms, including semi-detached dwellings.

The *City of Hamilton Zoning By-law No. 05-200* zones the subject lands “Low Density Residential (R1) Zone”, which permits semi-detached dwellings.

Proposed Development

The application for Consent to Sever is to create one (1) new lot fronting Mountain Park Avenue to accommodate two (2) new semi-detached dwellings. A right-of-way widening of 2.2 m will be acquired by the City and is reflected in these Minor Variance and Consent to Sever applications.

As demonstrated in the submitted Consent Sketch, PART 1 (lands to be retained) and PART 2 (lands to be severed) is proposed to be developed with a semi-detached dwelling, each with an additional dwelling unit within the principal dwelling, and one (1) parking space. Each unit is proposed to have a lot area of $\pm 215\text{m}^2$ and lot frontage of $\pm 7.62\text{m}$.

The application for Minor Variance is to request relief from the R1 Zone of the *City of Hamilton Zoning By-law No. 05-200* for lot area, lot frontage, and front yard setback. Additionally, a variance

is being sought for a reduction in parking for an additional dwelling unit, should it be applicable at the time of the Committee of Adjustment hearing.

Please refer to the Site Plan, Consent Sketch, and Planning Rationale for additional details.

Landwise requests the circulation of this letter along with the enclosed documents to all relevant departments in support of the Minor Variance and Consent to Sever applications.

Please find the enclosed:

- This Cover Letter;
- Minor Variance application with signatures;
- Consent to Sever application with signatures;
- Copy of the cheque (#000287) in the amount of \$7,260.00 to satisfy the Minor Variance (\$3,900.00) and Consent to Sever (\$3,360.00) application fee, made payable to the City of Hamilton;
- Survey Plan;
- Site Plan;
- Floor Plans;
- Consent Sketch, and;
- Planning Rationale dated April 15, 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



Edward John, MRTPI
Partner/Principal Planner

Landwise (formerly T. Johns Consulting Group) has prepared the following Planning Rationale in support of the Consent and Minor Variance applications for 238 Mountain Park Avenue in Hamilton.

Description of Subject Lands

The subject lands are legally described as *Part of Lot 2, Registered Plan 361 in the City of Hamilton*, and municipally known as 238 Mountain Park Avenue, Hamilton (refer to **Figure 1 - Site Location**). The lot is rectangular in shape with an area of approximately $\pm 464.50\text{m}^2$ (0.05ha/0.11ac) and $\pm 15.24\text{m}$ (50ft) of frontage along Mountain Park Avenue. The subject lands are currently vacant after the demolition of the previous single detached dwelling in 2021.

Figure 1 - Site Location



Description of Surrounding Community

The surrounding area consists of various land uses and housing types including multiple dwellings, places of worship, educational establishments, and Juravinksi Hospital including the Juravinksi Cancer Centre (refer to Figure 2 - Community Context). Concession Street is a commercial district approximately 150m south of the subject lands that caters to the daily and weekly needs of residents by providing a variety of retail, professional, and health care services.

Figure 2 - Community Context



Planning Status

The *Urban Hamilton Official Plan, Volume 1* (“UHOP”) designates the subject lands as “Neighbourhoods” in both *Schedule E - Urban Structure* and *Schedule E-1 - Urban Land Use Designations*. Neighbourhoods, as outlined in Chapter E.3.1, are intended to provide compact, mixed-use development with a range of housing types and densities including semi-detached dwellings and affordable housing. New development should be designed to enhance and respect the character of existing neighbourhoods while allowing for their ongoing evolution. Residential intensification of appropriate scale and location is encouraged. As illustrated on Schedule F - Cultural Heritage Resources, Mountain Park Boulevard is not a “cultural heritage landscape”.

The *City of Hamilton Zoning By-law No. 05-200* zones the subject lands “Low Residential (R1) Zone”, which permits semi-detached dwellings and additional dwelling units.

Previous Proposed Development

Minor Variance (HM/A-23:299) and Consent to Sever (HM/B-23:740) applications were submitted in October 2023 to create one (1) additional lot to facilitate the development of two (2) 3-storey single-detached dwellings, each with one (1) additional dwelling unit (“ADU”) and two (2) parking spaces. Minor variances were requested to reduce the lot area, lot frontage, side yard setback for the upper levels, and parking requirements for ADUs.

The Committee of Adjustment hearing was held on December 7th, 2023. At that time, Planning Staff were supportive of reduced side yard setbacks and on-site parking for an ADU. However, Planning Staff were unsupportive of reduced lot area and frontage for single detached dwellings and recommended that a Zoning By-law Amendment would be more appropriate.

Several members of the public requested to speak at the hearing. The primary concerns were that the proposal was not in keeping with neighbourhood character, adverse impacts to the Mountain Park Avenue streetscape, the introduction of rental units within the neighbourhood, and privacy issues. Further discussion of how the revised proposal addresses the relevant land use planning concerns is provided below.

Revised Proposed Development

The revised proposed development is to create one (1) new residential lot for the development of a semi-detached dwelling. Each semi-detached dwelling unit is proposed to have an ADU and be supported by a total of 1 parking space in the attached garage. Both the retained lot (Part 1) and severed lot (Part 2) are proposed to have frontage on Mountain Park Avenue (**refer to the submitted Consent Sketch**).

Response to Public Concerns

COMMENT	RESPONSE
<p>Not in-keeping within the neighbourhood character.</p>	<p>The existing neighbourhood is made up of a mix of land uses and built forms with frontage onto Mountain Park Avenue. The neighbourhood is characterized by varying residential built-forms including low-rise and mid-rise multiple dwellings, 1-, 2- and 3-storey single detached dwellings, places of worship, and a major hospital. The materiality of the buildings include vinyl siding, stucco, clay brick, stone veneer, and wood.</p> <p>The proposed semi-detached dwelling will add to the existing mix and form of buildings existing on Mountain Park Avenue. The proposed materiality of brick and wood draws from the surrounding neighbourhood and ties in the new construction with more established buildings.</p>
<p>Adverse impacts to the cultural heritage of the Mountain Park Avenue streetscape.</p>	<p>The UHOP does not recognize Mountain Park Avenue as a cultural heritage landscape however, the Mountain Park Avenue streetscape is an important component to the City’s identity. The proposed semi-detached dwelling is a permitted use and the lot fabric will not adversely impact the streetscape.</p>
<p>Overlook and privacy concerns.</p>	<p>The proposed semi-detached dwellings will conform with the required 1.2 metre side yard and 7.5 metre rear yard building setbacks. Window openings on the dwellings will be dictated by the Ontario Building Code.</p>

While the previously proposed lot area and lot frontage are maintained within the revised proposal, the proposed end-use is for a semi-detached dwelling which is a material change to the previous proposal. A concern raised in the previous Minor Variance application was that the widths of the single-detached dwellings would not be in keeping with the surrounding neighbourhood fabric. The revised semi-detached dwelling design will address this concern by providing a wider dwelling width by removing an interior side yard.

Nature and Extent of Relief Applied For:

Four (4) Minor Variances are being sought from the *City of Hamilton Zoning By-law 05-200* Low Density Residential (R1) Zone to facilitate the proposed semi-detached dwelling. The requested Minor Variances are as follows:

City of Hamilton Zoning By-law 05-200		
	Section	Purpose
1	15.1.2.2 a)	To allow a minimum lot area of 210.0m ² , whereas a minimum of 270.0m ² is required.
2	15.1.2.2 b)	To allow a minimum lot frontage of 7.6m, whereas a minimum of 9.0m is required.
3	15.1.2.2 c)	To allow a minimum front yard of 3.8m, whereas a minimum of 6.0m is required.
4	5.6.Table c)	To allow a minimum of zero (0) parking spaces per additional dwelling unit, whereas a minimum of one (1) parking space per additional dwelling unit is required.

PLANNING RATIONALE

Overall Conformity to the *Urban Hamilton Official Plan*

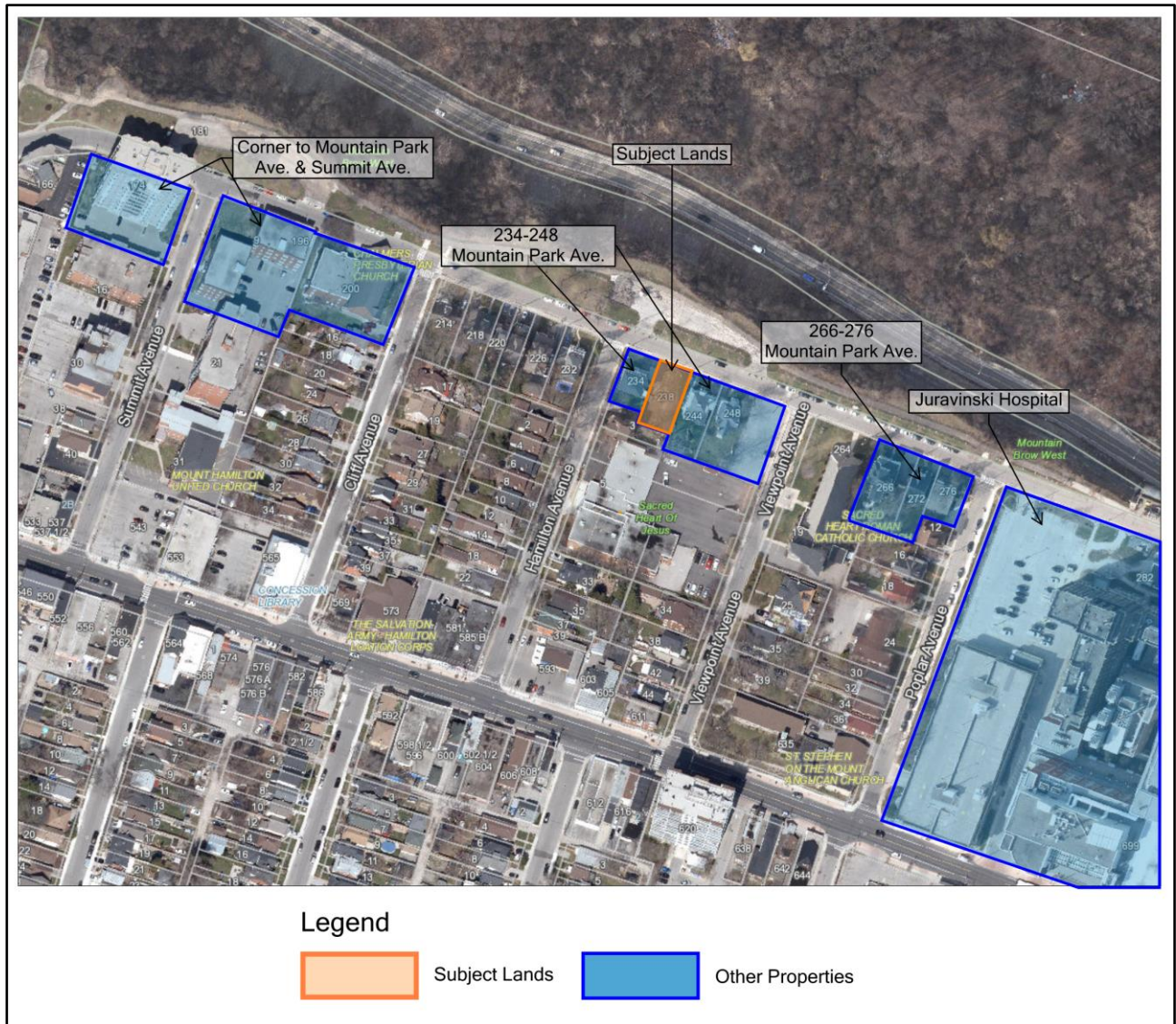
The UHOP designates the subject lands as “Neighbourhoods” on *Schedule E - Urban Structure* and *Schedule E-1 - Urban Land Use Designations*, which permits a range of residential uses (E.3.2.3). The subject lands are situated south of Mountain Park Avenue, which is identified as a local road on *Schedule C - Functional Road Classification*. Mountain Park Avenue is not an identified Cultural Heritage Landscape (*Schedule F*).

Residential intensification within established neighbourhoods shall enhance and be compatible with the scale and character of the existing neighbourhood (E.3.2.4). A mix of lot widths and sizes compatible with streetscape character and a mix of dwelling unit types and sizes compatible in exterior design are encouraged (E.3.4.6.c). Compatible is defined within the UHOP to mean “*land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.*

The existing built form surrounding the subject lands primarily features 1- to 2.5-storey single detached dwellings, low-rise and mid-rise multiple dwellings, and institutional uses, such as places of worship and Juravinski Hospital. The lots on Mountain Park Avenue range in width from approximately $\pm 6.7\text{m}$ to $\pm 48.0\text{m}$. The proposed 3-storey semi-detached dwelling is a permitted use and scale (E.3.4.3, E.3.4.5) and will contribute to the mix of residential dwelling options within the neighbourhood. The dwelling will have a compatible low-rise built form with front yard landscaping and materials that draw from the surrounding buildings (**Refer to Figure 4**).

The proposed creation of one (1) additional lot and requested variances to facilitate a semi-detached dwelling aligns with the Residential Intensification and Neighbourhoods UHOP policies and gently contributes to the City’s intensification targets. The proposed variances maintain the intent of the UHOP.

Figure 4 - Various Built Forms and Corresponding Addresses



Streetview of Other Properties with Various Built Forms

Juravinski Hospital



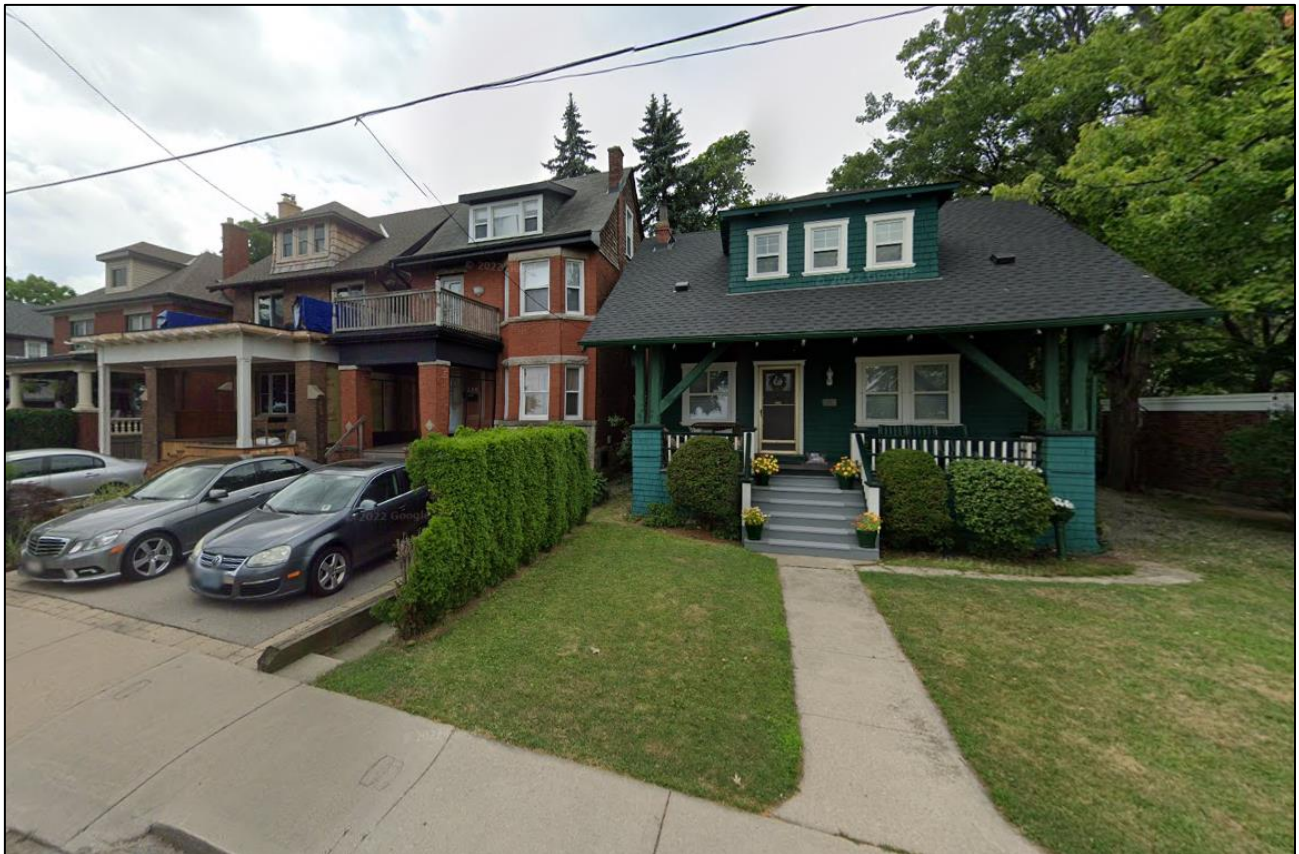
276-266 Mountain Park Ave



234-248 Mountain Park Ave (Immediately adjacent to subject lands)



218-226 Mountain Park Ave



Corner of Mountain Park Ave and Summit Ave



Corner to Mountain Park Ave and Summit Ave



VARIANCE 1. To allow a minimum lot area of 210.0m², whereas a minimum of 270.0m² is required.

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

The subject lands have an approximate lot area of 464.5m² and thus cannot accommodate a minimum lot area of 270.0m² when divided in half. The proposed lot area of 210.0m² is appropriately sized to accommodate liveable, semi-detached dwelling units with ADUs, on-site parking, and amenity area while complying to required setbacks.

The reduced lot area to 210.0m² accounts for the required ±2.2m road widening. Should the road be widened along the entire street, each existing lot would be reduced by a similar area and as such, is not considered to have a material impact on character, functionality, or streetscape.

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

The R1 Zone permits semi-detached dwellings on lots with a minimum area of 270.0m². The intent of the lot area regulation is to ensure sufficient space for the functionality of the dwelling, landscaping, and on-site parking while implementing a consistent lot size along the streetscape. As discussed, the streetscape includes a range of uses and lot fabrics. The proposed reduction of lot area is not anticipated to adversely impact the character of the street and maintains the intent of the Zoning By-law.

2. Is the Variance Minor?

The requested reduction in lot area from 270.0m² to 210.0m² is in keeping with the existing lot fabric and low density built form of the neighbourhood, while promoting gentle residential intensification on serviced urban lands. The proposed lot area provides sufficient space to support semi-detached dwelling units that will comply with required side and rear yard setbacks. The requested variance is minor.

3. Is the Variance Desirable for the development of the property?

The requested variance is desirable as it will facilitate additional housing units on existing urban lands and contribute to the City of Hamilton's housing supply.

VARIANCE 2. To allow a minimum lot frontage of 7.6 m, whereas a minimum of 9.0 m is required.

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

The subject lands have an overall lot width of ±15.2m and cannot accommodate two (2) lots with a minimum width of 9.0m.

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

The R1 Zone permits semi-detached dwellings on lots with a minimum lot frontage of 9.0 m. The intent of the lot width provision is to ensure adequate access to the property from a public road

and sufficient width for a feasible dwelling footprint with appropriate setbacks. Further, the R1 Zone establishes lot widths to facilitate consistent parcel fabric within an area. The existing lot widths within the immediate neighbourhood range from $\pm 6.7\text{m}$ to $\pm 48.0\text{m}$. The proposed lot frontage of 7.6m is sufficient to provide a driveway for on-site vehicle parking, a minimum of 50% front yard landscaped area, minimum yard setbacks, and a liveable dwelling footprint. The proposed lot width of 7.6m maintains the intent of the *Zoning By-law No. 05-200* R1 Zone.

2. Is the Variance Minor?

The requested lot frontage of 7.6m is minor as it is within the range of varied lot frontages within the neighbourhood. The requested reduction will facilitate the redevelopment of a vacant residential lot that complies to all other regulations of the by-law, except front yard setback, lot area, and parking for ADUs.

3. Is the Variance Desirable for the development of the property?

The requested variance is desirable as it will facilitate gentle residential intensification within a walkable neighbourhood without adversely impacting the character of the streetscape.

VARIANCE 3. To allow a minimum front yard of 3.8m , whereas a minimum of 6.0m is required.

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

A right-of-way widening of 2.2m is required, therefore a reduced 3.8m front yard setback is proposed.

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

The front yard setback is intended to ensure a uniform setback along the street and sufficient space for front yard landscaping and parking requirements. Each residential dwelling unit within the proposed semi-detached dwelling will be supported by one (1) parking space provided within the proposed garage, meeting the requirements in Section 5: Parking Regulations in *Zoning By-law No. 05-200*.

2. Is the Variance Minor?

The requested front yard setback reduction ensures the continuity of the existing streetscape by aligning with the front yard setbacks of neighbouring properties, thereby preserving the established neighbourhood character. Given that it will take some time for the City to acquire lands for a R.O.W. widening along Mountain Park Avenue, the front yard may be used temporarily for parking without impacting the existing public road and sidewalk. The intent of the Zoning By-law will be maintained and is therefore considered minor.

3. Is the Variance Desirable for the development of the property?

The requested variance will facilitate the residential infill development of two residential units in the form of a semi-detached dwelling. Establishing a 6.0m front yard setback from the determined R.O.W. widening would result in the proposed semi-detached dwelling being noticeably farther from the street compared to adjacent properties. A 6.0m front yard setback would also reduce the rear

yard setback and compromise the use of the private amenity space. Therefore, the variance is desirable for the development of the property in order to provide a liveable building footprint with sufficient rear yard space.

VARIANCE 4. To allow zero (0) parking spaces per ADU, whereas a minimum of one (1) parking space per ADU is required.

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

The proposed development proposes one (1) parking space in the garage for each dwelling unit. A tandem parking space would not provide an adequate parking space for the proposed ADUs as it must be unobstructed. Given the infill nature of the proposed development and the requirement to provide a minimum of 50% front yard landscape area, a double width driveway is not feasible, resulting in no proposed parking space for the internal ADUs.

Note that on April 10, 2024, Council approved an amendment to *Zoning By-law 05-200* that implements Parking Rate Areas throughout the City and reduces required parking for Residential Zones. The subject lands are within Parking Rate Area 2, which requires no parking spaces for an ADU. At the time of submission, the amendment was in the appeal period and therefore not in force and effect. Should the amendment become final and binding, this variance will no longer be required.

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

The minimum parking requirement is to ensure sufficient on-site parking for the use of the lands. The proposed reduction to allow for no on-site parking for the ADU units is appropriate for the residential use of the subject lands as they are located within a highly accessible area of the City indicated by a 91 point “Walk Score”. Additionally, the subject lands have convenient access to existing transit and bike infrastructure. Notably, two (2) HSR Transit routes service Concession Street, where the closest bus stop is a 3-minute walk from the subject lands.

5. Is the Variance Minor?

The proposed variance is minor as the subject lands are within a highly walkable area of the City with access to daily and weekly needs by alternative transportation methods including walking, public transit, and biking. The proposed parking reduction will not adversely impact the neighbourhood’s road network.

6. Is the Variance Desirable for the development of the property?

The requested variance is desirable as it will contribute to the City’s housing intensification and environmental sustainability goals.

Conclusion

The proposed redevelopment of 238 Mountain Park Avenue for two (2) residential lots for a semi-detached dwelling will establish a lot fabric and use that is appropriately scaled with the neighbourhood. The development of underutilized urban lands will contribute to the City’s housing supply within a complete community. The requested variances maintain the intent of the *Urban*

Hamilton Official Plan and the *City of Hamilton Zoning By-law 05-200*, are minor in nature, are desirable for the redevelopment of the property, and represent good land use planning.

Respectfully Submitted,

LANDWISE



Katelyn Gillis, BA
Senior Planner



Edward John, BA, MA, MRTPI
Partner / Principal Planner



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

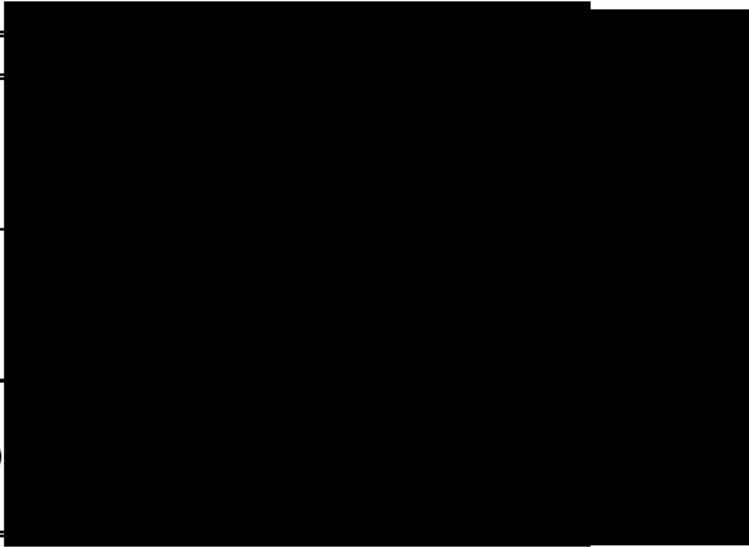
Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	M. Berman Homes Inc. c/o Mark Berman
Applicant(s)	Same as Registered Owner
Agent or Solicitor	Landwise (formerly T. Johns Consulting Group) 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	238 Mountain Park Avenue, Hamilton		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	Part of Lot 2	Concession	
Registered Plan Number	361	Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

- 1) To allow a min. lot area of 210.0m² instead of 270.0 m².
- 2) To allow a min. lot frontage of 7.6 m instead of 9.0 m
- 3) To allow a minimum front yard of 3.8m, whereas a minimum of 6.0m is required.

4) To allow a minimum of zero (0) parking spaces per additional dwelling unit, whereas a minimum of one (1) parking space per additional dwelling unit is required.

Refer to Planning Rationale for more details.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Due to the constraints of the property size. Please refer to submitted 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
±15.24m	±30.48m	±464.52m ²	±8.95m

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
None				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
PT 1: Semi-detached	3.8m	7.5m	1.4m	TBD
PT 2: Semi-detached	3.8m	7.5m	1.4m	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
None				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
PT 1: Semi-detached	569.88ft ²	2,543.98ft ²	3	Maximum 10.5m
PT 2: Semi-detached	569.88ft ²	2,543.98ft ²	3	Maximum 10.5m

- 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

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year _____

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

Semi-detached dwellings, with an Additional Dwelling Unit.

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

Single detached dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

September 25th, 2023

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

Single detached dwelling

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

Vacant

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

Demolition permit was closed in 2021.

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) Neighbourhoods

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

The application will contribute in the residential intensification of Low Density Residential areas, and make efficient use of lands. Refer to submitted Rationale for further details.

7.6 What is the existing zoning of the subject land? Low Density Residential (R1) 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: HM/A-23:299

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: Consent application submitted concurrently for review.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 2

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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