



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.24.106	SUBJECT PROPERTY:	61-63 King Street West, Stoney Creek
ZONE:	"C5a" (Mixed Use Medium Density – Pedestrian Focus)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: 61-63 King St. Hamilton Ltd. c/o Pamak Azizi-Moghaddam
Agent: Liam Doherty RPP, A.J. Clarke and Associates

The following variances are requested:

1. The front lot line shall be the lot line abutting King Street West, whereas the definition of Front Lot Line indicates that with reference to a corner lot, Front Lot Line shall mean the shorter of the lot lines abutting the street;
2. A maximum building height of 23.25 metres shall be permitted, instead of the maximum permitted building of 22.0 metres;
3. A minimum setback of 12.0 metres to the rear lot line for any portion of a building exceeding 22.0 metres in height, and a minimum setback of 16.0 metres to the rear lot line for an enclosed rooftop amenity area and/or a rooftop mechanical room, shall be permitted; and,
4. A minimum setback of 0.0 metres to a stairwell designed to provide access to a rooftop amenity area from the exterior walls of the storey directly beneath shall be permitted.

PURPOSE & EFFECT: So as to permit the development of a seven (7) storey Dwelling Unit, Mixed Use, notwithstanding:

Notes:

- i. These variances are necessary to facilitate Site Plan Application No. DA-23-032 and have been written exactly as requested by the applicant;
- ii. A 3.0 metre road widening along King Street West is proposed; and,

A.24.106

- iii. Please be advised an encroachment agreement is required to permit the proposed balcony's that encroach into the future King Street West Right of Way.

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, July 23, 2024
TIME:	1:20 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 July 19, 2024

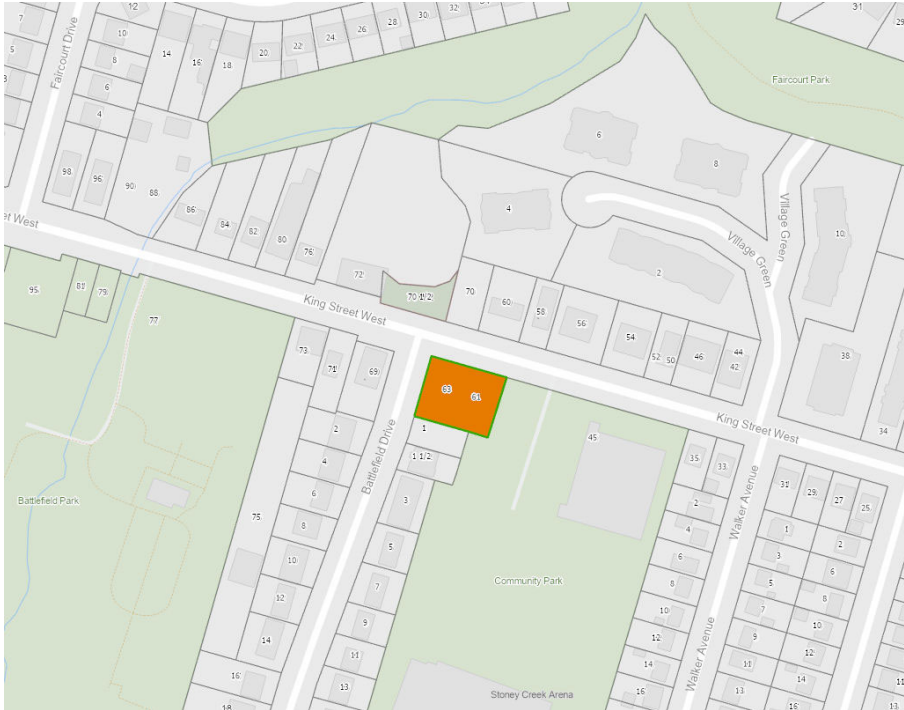
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon July 22, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A.24.106, 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.

A.24.106



 **Subject Lands**

DATED: July 4, 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.

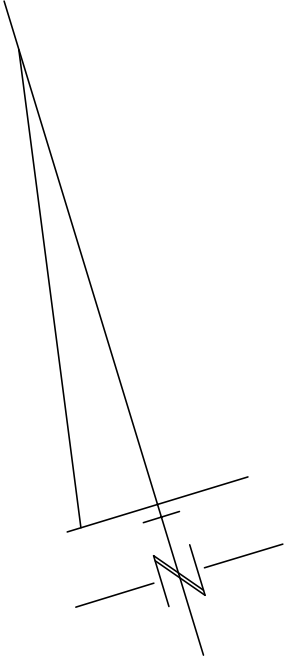
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.



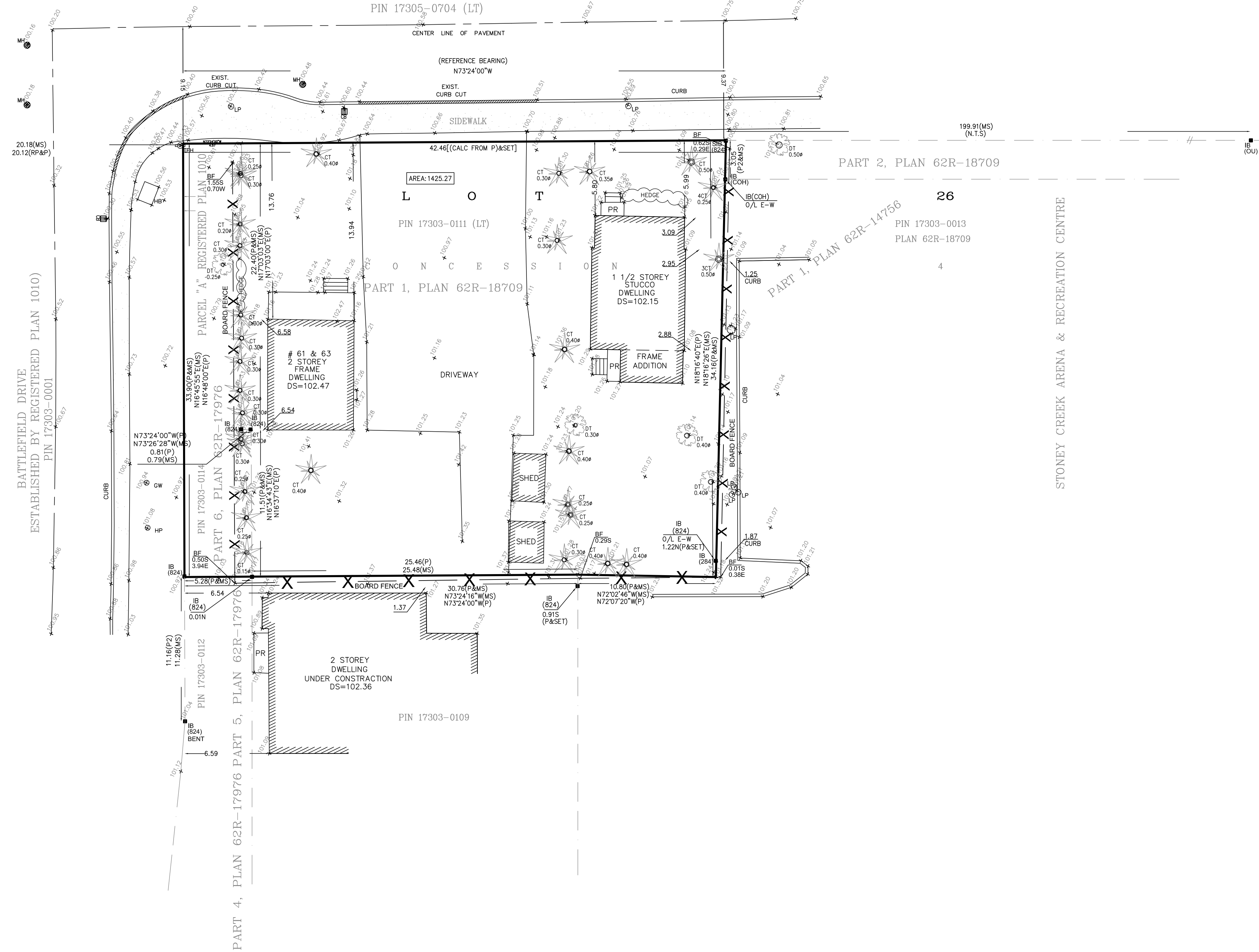
SURVEYOR'S REAL PROPERTY REPORT OF
 PART 1:
 PLAN OF PART OF LOT 26
 CONCESSION 4
 AND PART OF PARCEL "A"
 REGISTERED PLAN 1010
CITY OF HAMILTON
 (TOWNSHIP OF SALTFLLEET)



SCALE = 1 : 200
 METRIC DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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 THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT IN WHOLE OR IN PART WITHOUT THE EXPRESS PERMISSION OF A. AZIZ SURVEYORS INC. O.L.S. IS STRICTLY PROHIBITED.

KING STREET WEST
 (ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSION 3& 4)
 PIN 17305-0704 (LT)



PART 2: REPORT
 * THIS REPORT WAS PREPARED FOR P.AZIZ, AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

BOUNDARIES
 * PART OF LOT 26, CONCESSION 4 AND PART OF PARCEL "A", REGISTERED PLAN 1010

TITLE SEARCH INDICATES
 * NO EASEMENTS OR RIGHT OF WAYS REGISTERED ON TITLE.

ZONING
 * NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING BY LAW HAS BEEN MADE FOR THE SUBJECT PROPERTY (PROPERTIES).

ENCROACHMENTS
 * PLEASE NOTE THE POSITION OF THE FENCES IN RELATION TO THE SOUTHERLY, EASTERLY & WESTERLY BOUNDARIES; THEY ARE LOCATED OVER THE SUBJECT BOUNDARIES TO THE EXTENT SHOWN ON THE PLAN.

BEARING NOTE
 * BEARINGS ARE ASTRONOMIC AND ARE REFERRED FROM THE SOUTHERLY LIMIT OF KING STREET WEST HAVING A BEARING OF N73°24'00"W AS SHOWN ON REGISTERED PLAN 62R-17976

GEODETIC
 * ELEVATIONS SHOWN GEODETIC DRIVEN FROM CITY OF MARKHAM BENCH MARK #768483, ELEVATION 202.96M

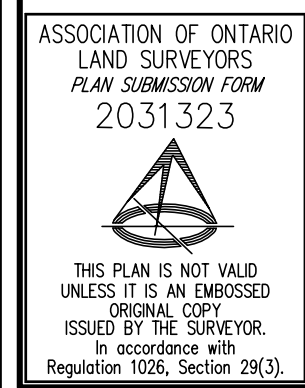
LEGEND:	IB DENOTES IRON BAR
■ DENOTES SURVEY MONUMENT FOUND	HB - HYDRO BOX
SB - STANDARD IRON BAR	LP - LAMPPOST PRIVATE
N.E.S.W. - NORTH, EAST, SOUTH, WEST	CB - CATCH BASIN
BF - BOARD FENCE	HP - HYDRO POLE
RP - REGISTERED PLAN 1010	GW - GAS WIRE
P - PLAN 62R-17976	TH - TOP OF FIRE HYDRANT
P1 - PLAN 62R-14756	PR - PORCH
P2 - PLAN 62R-18709	N.T.S. - NOT TO SCALE
C&J - CONSOLA JACOBS SURVEYING LTD. O.L.S.	OU - ORIGIN UNKNOWN
COH - CITY OF HAMILTON	MS - MEASURED
824 - A.T.MOLAREN O.L.S.	DT - DECIDUOUS TREE
DS - DOOR SILL	CT - CONIFEROUS TREE
	OT - DECIDUOUS TREE TRUNK
	OC - CONIFEROUS TREE TRUNK

PART 1, PLAN 62R-14756

PART 2, PLAN 62R-18709

BATTLEFIELD DRIVE
 ESTABLISHED BY REGISTERED PLAN 1010
 PIN 17303-0001

STONE CREEK ARENA & RECREATION CENTRE



ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 2031323
 THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR. In accordance with Regulation 1026, Section 29(3).

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 06th DAY OF OCTOBER, 2017

DATE: OCTOBER 12, 2017
 A. ABDELSHAHID
 ONTARIO LAND SURVEYOR

A. AZIZ SURVEYORS INC
 ONTARIO LAND SURVEYORS
 120 NEWKIRK ROAD #31, RICHMOND HILL, ONT. L4C-9S7
 Tel. (905) 237-8224 Fax: (416) 477-5465
 Website: M-Azizsurveyors.ca
 E-Mail: aziz@m-azizsurveyors.ca

PROJECT NUMBER	PROJECT
17-393	61 & 63 KING STREET WEST (SR-PR)
DRAWN BY	CHECKED BY
S.H	A.A



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

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

April 3, 2024

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (*email: Jamila.Sheffield@hamilton.ca*)

**Re: Minor Variance Application Submission
(Condition of Approval Special #1, per Site Plan Approval DA-23-032)
61-63 King Street West, Stoney Creek, Ward 5**

A.J Clarke and Associates Ltd. is retained by the owners of 61-63 King Street West, Stoney Creek, to act as planning consultant and agent for their project, a proposed 7-storey mixed-use condominium with retail space on the ground floor and residential units located above.

A Site Plan Approval Application was submitted on December 12, 2022. A Development Review Team meeting was held on March 1, 2023. Conditional Approval was issued on October 24, 2023. Special Condition #1 is as follows:

"PRIOR TO THE SUBMISSION FOR BUILDING PLAN REVIEW

1. *That the Applicant / Owner apply for and receive final approval of a Minor Variance application from the Committee of Adjustment to the satisfaction of the City's Manager of Heritage and Urban Design for the following minorvariances:*
 - a. *To permit 1.5 m minimum read yard, whereas Zoning-By-law 05-200 requires a 7.5m.*
 - b. *To permit 28.0 m building height, whereas Zoning-By-law 05-200 requires a 22.0m.*
 - c. *To permit a 1.5 m yard encroachment for a balcony, whereas Zoning-By-law 05-200 permits a maximum 1.0 m encroachment.*
 - d. *To permit no planting strip between the street line and an at grade parking space, whereas Zoning-By-law 05-200 requires a minimum 3.0 metre planting strip.*
 - e. *To permit 52 parking spaces, whereas Zoning-By-law 05-200 requires 58 parking spaces.*
 - f. *To permit an at grade parking space to be located less than 3 m from Battlefield Drive, whereas Zoning-By 05-200 does not permit parking spaces within 3.0 m of a street line."*

This application seeks to satisfy this condition. This submission package includes the following materials:

- This Cover Letter and Planning Justification Brief
- Site Sketch
- Completed Signed Minor Variance Application Form

Payment of the application fee will be made by the Applicant and Owner, Pamak Azizi-Moghaddam P. Eng. He can be contacted by phone: (416) 902-4800 or by email: pamakam@gmail.com.

The subject lands have an approximate net area of 1,285.4 square metres and are currently occupied by two existing single detached dwellings. The subject lands have a net frontage of ±30.85 metres on Battlefield and a depth of ±42.46 metres flanking King Street West.



The intent is to remove the dwelling units and redevelop the parcels with a 7-storey mixed use building.

Required Variances

The subject lands are Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in the City of Hamilton Zoning Bylaw 02-500, which permits only commercial uses at-grade and residential, commercial and limited institutional uses on the upper floors.

The intent is to develop the site with a mixed-use building with commercial space on the ground floor and residential units above. The proposed design is not in conformity with the zone regulations. The design of the project has been revised to address the red-line comments on the Conditionally Approved Site Plan. As such the list of required variances does not match exactly the list of required variances in the text of the Conditional Site Plan Approval Letter.

The project will require the following variances:

- 1) To deem the King Street West street line as the Front Lot Line for the purposes of applying zoning provisions.
- 2) To permit 23.25 metres maximum building height, whereas Zoning-By-law 05-200 permits 22.0 metres.
- 3) To require a minimum setback of 12.0 metres from the rear lot line for any portion of a building exceeding 22.0 meters in height and a minimum setback of 16.0 metres from the rear lot line for an enclosed rooftop amenity area and/or a rooftop mechanical room.
- 4) To permit a minimum setback of 0.0 metres to a stairwell designed to provide access to a rooftop amenity area from the exterior walls of the storey directly beneath.

Four Tests

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

1. Does the proposed variance maintain the intent and purpose of the Urban Hamilton Official Plan?

The subject site is designated “Community Node” on Schedule E Urban Structure and “Neighbourhoods” on Schedule E-1 Urban Land Use Designations in the Urban Hamilton Official Plan. It is designated as “Mixed Use - Medium Density - Pedestrian Focus” on Map B.7.2-1 Old Town Secondary Plan Land Use Plan.

E.2.3.3 Community Nodes

2.3.3.9 The built form shall largely be in medium and low rise, mixed use buildings. Along the commercial and mixed use streets, single use commercial buildings shall be permitted along with residential housing forms on the periphery of the Nodes. However, the intent of this Plan is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade.



The proposed height variance will facilitate a seven-storey building. Policy E.2.3.3.9 directs that the built form includes medium-rise buildings which are four- to twelve-storeys in height. As shown in the image below, the subject lands are located in proximity to mass transit bus stops, with one located abutting the subject lands to the east for eastbound transit, and one located directly across from the subject lands for westbound transit.

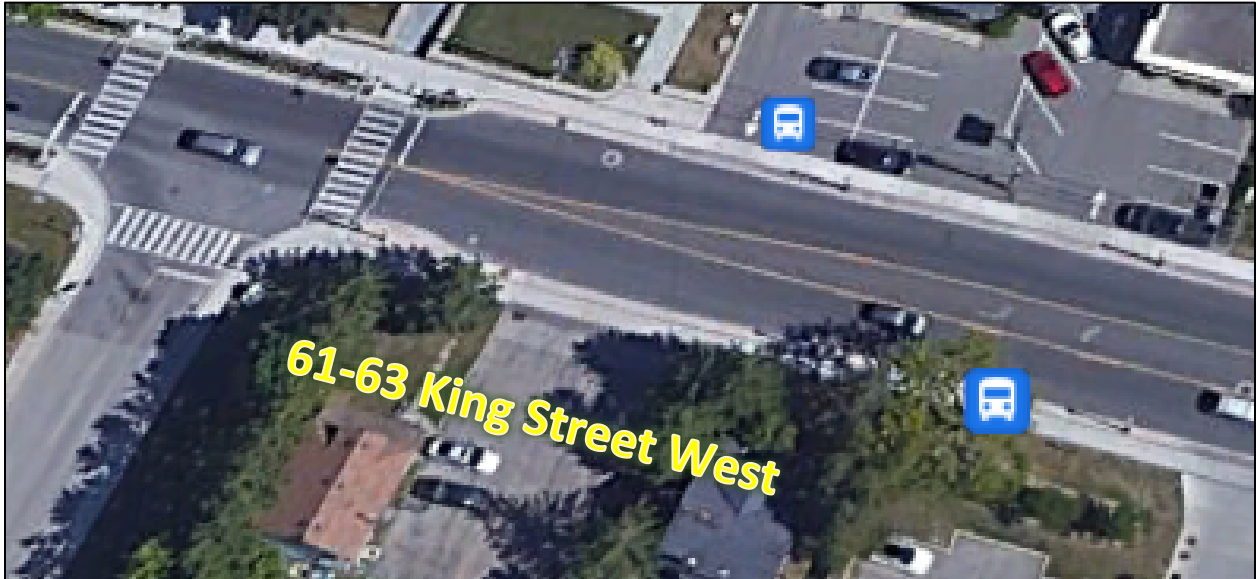


Figure 1: Aerial of Site Showing Transit Stops

E.3.0 NEIGHBOURHOODS DESIGNATION

3.5.8 For medium density residential uses, the maximum height shall be six storeys, but the height may be increased to 12 storeys without an amendment to this Plan, provided the Applicant demonstrates that: (OPA 167)

- a) the development shall provide for a mix of unit sizes to accommodate a range of household sizes and income levels, to be implemented through the Zoning By-law; (OPA 167)
 - c) the development shall not unduly overshadow or block light on adjacent sensitive land uses the public realm and outdoor private amenity areas; (OPA 167)
 - d) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and, (OPA 167)
 - e) buildings are stepped back from the street to minimize the height appearance from the street, where necessary. (OPA 167)
-

The variances are to facilitate a seven-storey design that includes a mix of dwelling unit sizes. The rear of the building, as per the Site Plan Approval, is stepped back to the adjacent Neighbourhood areas and the rooftop mechanicals are stepped back from the street.

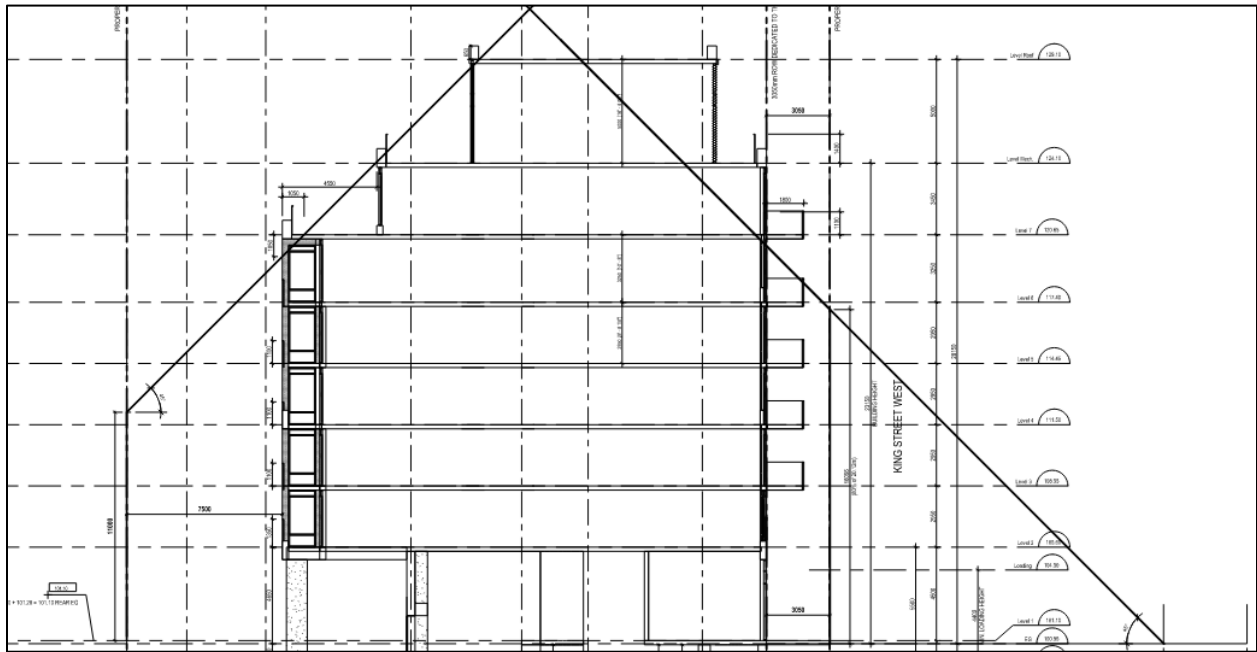


Figure 2: View of Eastern Elevation with King Street West on the right.

Policy Vol. 2 – B.7.2.4.2 b) makes the policies of Vol. 1 – E.4.3 apply to the subject lands.

E.4.3 Pedestrian Focus Streets

4.3.4 In addition to the policies of the specific Commercial and Mixed-Use designations, the following policies shall apply to pedestrian focus streets:

- a) A minimum of 75% of the block face located between two roads shall be developed with buildings.*
- b) Buildings shall be built up to the streetline and parking, driveways or lanes shall not be permitted between the buildings and the street, except as set out in E.4.3.4 g).*
- c) Each building or store front shall face onto the pedestrian focus street with the main entrance of each building or store and substantial fenestration facing on to the street.*
- e) On-street parking shall be provided where feasible and appropriate.*
- f) A minimum height of two storeys shall be encouraged.*
- k) New buildings shall be encouraged to have awnings, canopies, arcades, or front porches to provide weather protection.*

The approved Site Plan and the proposed design conform to these policies. King Street West, the flankage lot line, is the Pedestrian Focus Street.

- The proposed building provides 40.2 meters of façade along the 42.2 metre street line.
- The commercial units and the residential lobby all front to King Street West.
- The access point is from Battlefield Drive, facilitating street parking on King Street West.
- The front façade is 7 storeys, with the mechanical penthouse pulled back.
- 3.05 metres of land is being dedicated to the City allowing for a wide pedestrian realm.
- Balconies are proposed to encroach (with permission) into the road widening dedication to animate the pedestrian realm.

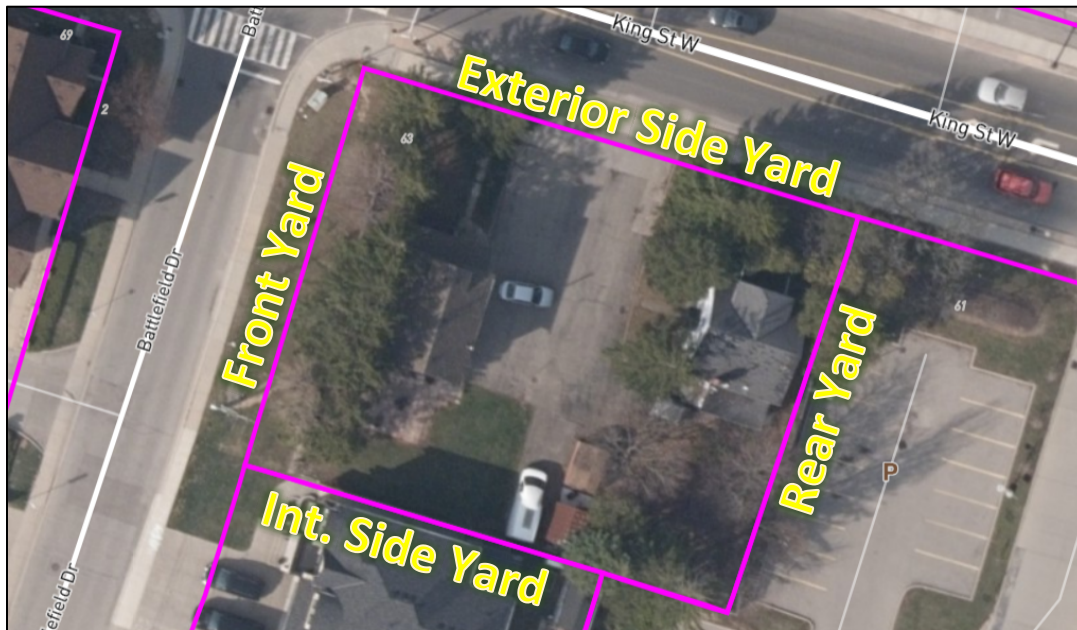


The required variances, and the development facilitated by them, maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Do the proposed variances maintain the intent and purpose of the Zoning By-law?

The subject lands are Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in the City of Hamilton Zoning Bylaw 02-500. *“The C5a Zone is typically located along pedestrian oriented streets where permitted commercial and residential uses create an active and vibrant pedestrian realm. Built form consists of buildings with only commercial uses at-grade and residential, commercial and limited institutional uses on the upper floors to encourage a pedestrian and transit-supportive environment. The range of permitted commercial uses along with their built form, are intended to meet the needs of residents and visitors while creating an inviting pedestrian environment.”*

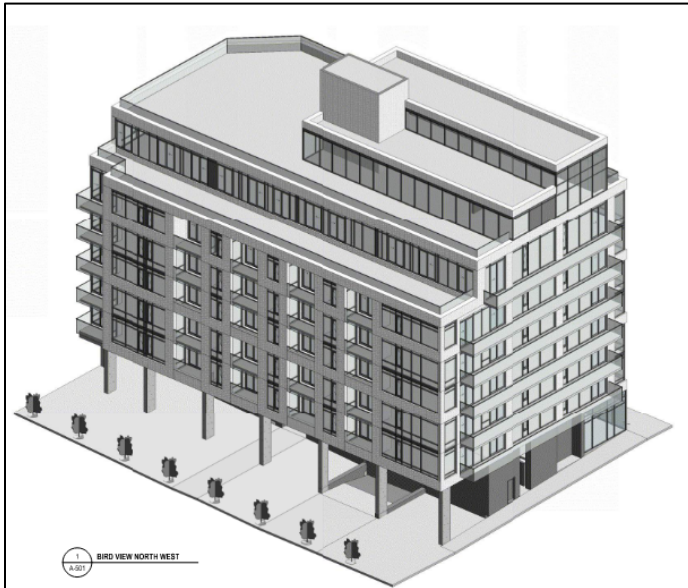
The intent and purpose of the by-law designation C5a is to regulate development as it relates to the Pedestrian Oriented Street, in this case being King Street West. The definitions of the by-law define the King Street West street-line as the flank/ side yard lot line and the eastern lot line (abutting the community centre parking lot) the rear lot line.



The deeming of the King Street West street-line as the front lot line will allow the zone provisions to function as intended.

The intent and purpose of the Maximum Height provision is to conform to the Official Plan policies that require buildings above 6 storeys to meet design criteria. This purpose has been satisfied through the Site Plan Approval process. In the Approved with Conditions design, the top of the 7th Floor, the highest occupied floor, will be 23.15 metres high. The maximum height in C5a is 22.0 metres. The 7th Floor will be 1.15 metres above the height limit. The roof of the amenity area will be 26.15 metres above and the roof of the mechanical penthouse will be 28.0 metres above the base in accordance with the zoning by-law.

The addition of a rear-yard stepback for the 7th floor will protect the angular plane to the property to the south and regulate the approved building massing as per the site plan approval.



View of Building from the South-East.

The zoning by-law has a provision specific to prevent potential significant overlook to the neighbouring parcels from an Enclosed Rooftop Amenity Area and the stairwell used to access it. The design of the building places a stairwell on the eastern side of the structure, abutting the parking lot of the community centre. However, the central elevator is intended to be the main access to the rooftop amenity area. Allowing the stairwell/emergency access to be close to the edge of the building will not create a notable overlook issue to the neighbour.

The required variances maintain the intent and purpose of Zoning By-Law 05-200.

3. Are the proposed variances appropriate for the development of the subject lands?

The variance will allow the development to fulfill its designated purpose, being a mixed-use mid-rise residential building on a pedestrian-focused corridor with access to nearby mass transit stops. The variances do not diminish the consideration given to neighbouring properties nor the benefit of development to the King Street West streetscape. The facilitated development will provide for an identified need, attainable housing, in a pedestrian and transit supportive location.

The required variances are appropriate and necessary for the proper development of the subject lands.

4. Are the proposed variances minor in nature?

The deeming the King Street West street-line as the Front Lot Line is in keeping with the desired development of King Street West.

The height provision is for an additional 1.25 metres, of which is subject to a greater setback of 12 meters from the rear lot line for the 7th floor. This is a minor increase to the 22-metre-high building envelope. The rooftop enclosed amenity area and rooftop mechanical room are subject to an additional setback of 16 metres to further protect the low density uses to the south from overlook and shadowing.

The variance to allow the stairwell to rise up to the roof level with a setback of 0.6 metres maintaining the floorplate of the whole structure is a minor expansion and allows for orderly architecture.



The required variances are minor in nature and will have no perceived negative impacts on the character of the neighbourhood.

Conclusion

As such, the subject land is appropriate for the redevelopment of as proposed and has sufficient regard for the matters listed under Section 2 of the *Planning Act*, represents good planning and should be approved.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink that reads "M. Liam Doherty".

M. Liam Doherty, MCIP, RPP
Senior Planner

A. J. Clarke and Associates Ltd.





Appendix A: Zoning Conformity Report Issues Not Addressed

An Applicable Law Review, report 23-317126-00 ALR prepared by Alyssa Vaccari, was issued on January 16th 2024. Some of the items noted as ‘non-conforming’ have been addressed indirectly. Some were simply due to poor detailing on the architectural drawing set submitted for review.

Maximum Rear Yard, Rear Yard Encroachments: Addressed by deeming the King Street West street line as the front line for zoning purposes.

Rooftop Amenity Area Height: The Amenity Area has a separate and lower roof than the Mechanical Penthouse. The Amenity Area is less than 3.0 metres above the uppermost point of the building. The elevation drawing did not include a separate measurement for the amenity area roof.

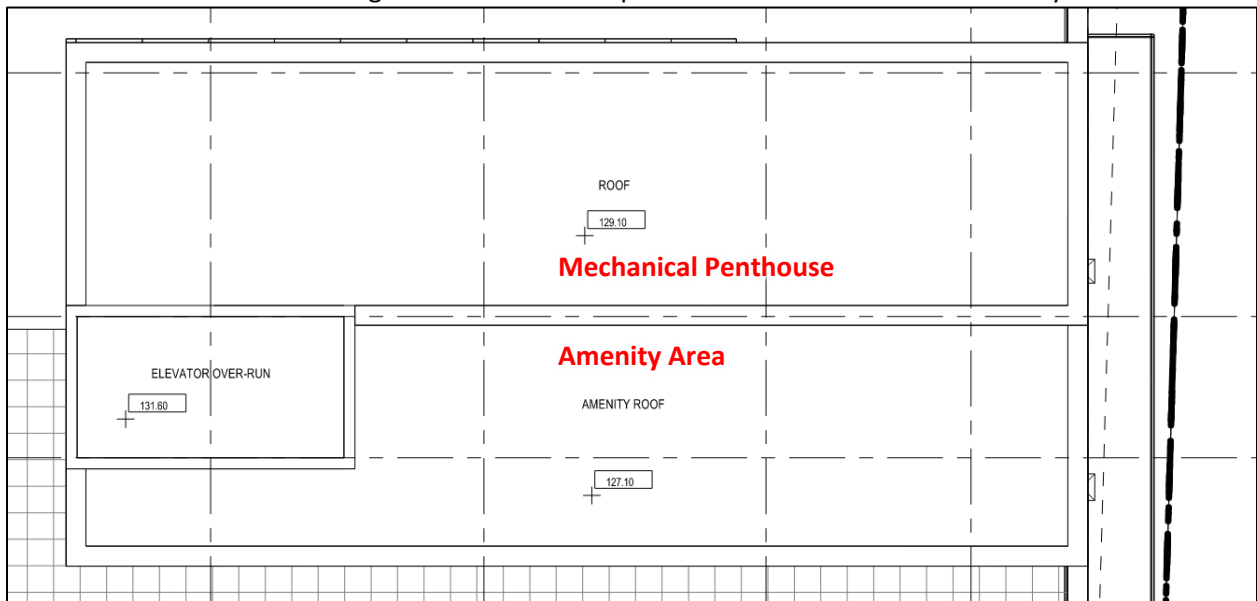


Figure 3: From Sheet A-209

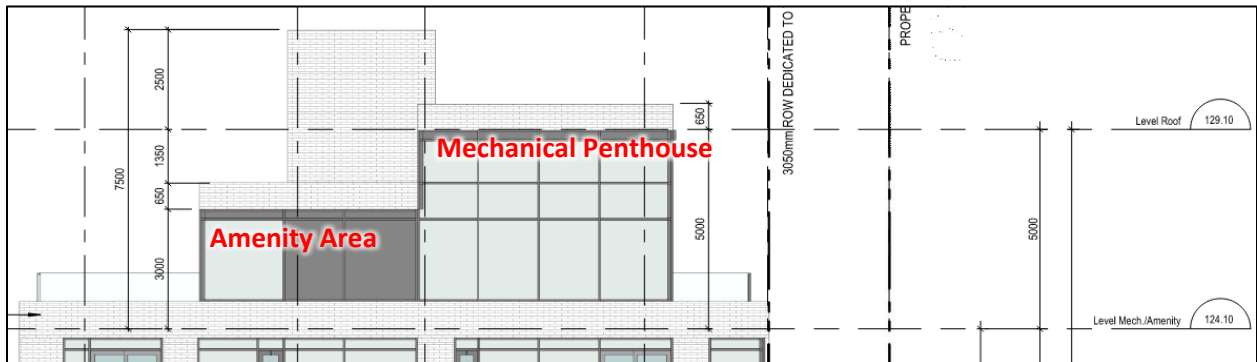


Figure 4: From Sheet A-404



Planting Strip Between the Street Line and a Parking Space: The architectural plans did not hatch and label the planting strip between the street line and the first parking space. The approved layout has the first parking space 4.73m back from the property line.

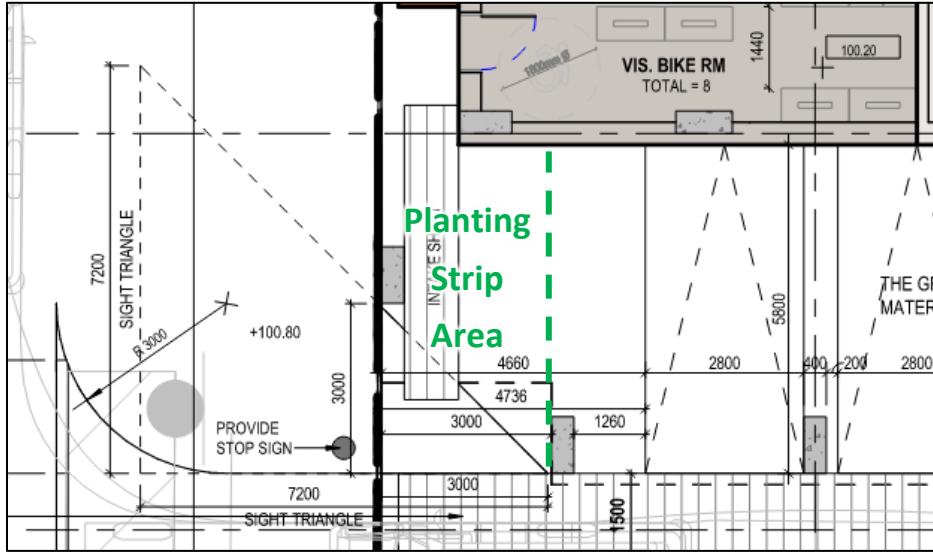


Figure 5: From Sheet A-203

Barrier Free Parking Space: The architectural drawings show the space as a 2.8 metres space and a 1.6 metre access aisle, rather than simply a 4.4 metres barrier-free parking space. The development will provide full sized barrier free parking spaces.

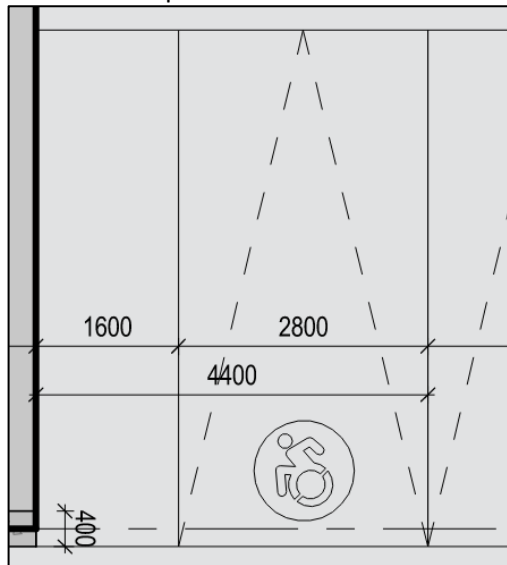


Figure 6: From Sheet A-202



Driveway Width: The architectural drawings have the entrance drive as 4.7 metres of asphalt and 1.5 metres of paving stones. The zoning reviewer interpreted this as being a 1.5 metres sidewalk. The development will have a 6.2 metre wide driveway width.

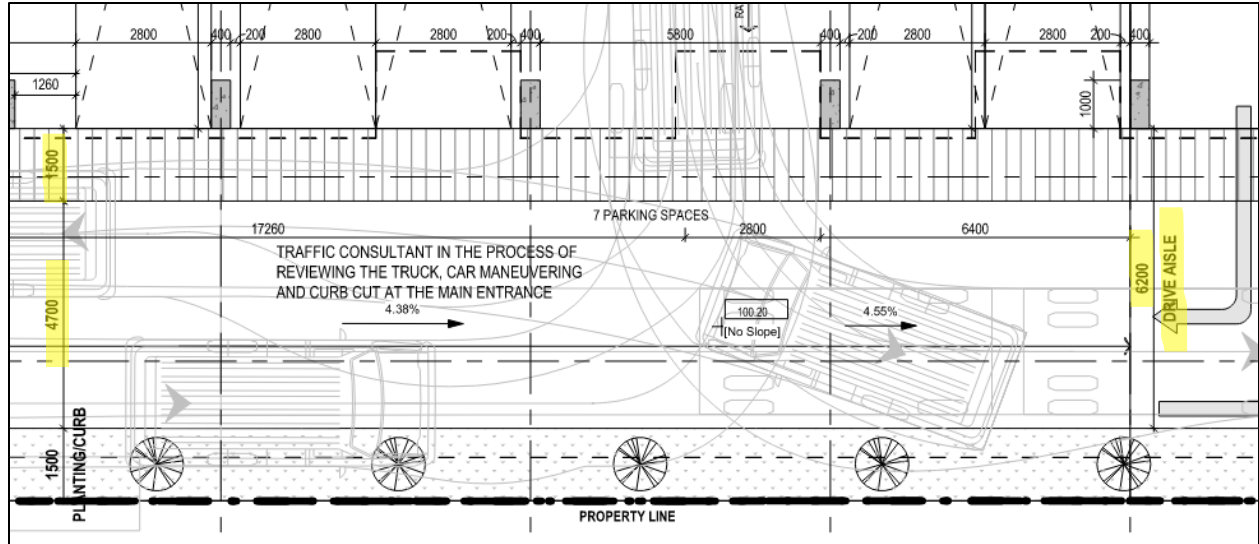


Figure 7: From Sheet A-203



Hamilton

April 3rd, 2024

FILE: ALR
FOLDER: 23-317126-01 ALR
ATTENTION OF: Alyssa Vaccari
TELEPHONE NO: (905) 546-2424
EXTENSION: 2356-

30 LONGHOPE PLACE
TORONTO, ON M2J 1Y2

Attention:

Re: **APPLICABLE LAW REVIEW – ZONING BYLAW**
Present Zoning: C5a
Address: 61 KING ST W STONEY CREEK, ON

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. The applicant is proposing to demolish the existing buildings and structures on site to construct a dwelling unit, mixed use. Containing 247.71 square metres of ground floor retail space, 66 residential units and 51 below and above grade parking spaces.
2. The proposed use of a dwelling unit, mixed use with ground floor retail is permitted within the current “C5a” Mixed Use Medium Density – Pedestrian Focus Zone, within the Hamilton Zoning By-law 05-200.
3. Please be advised Site Plan Application DA-23-032 is associated with the proposed development.
4. This is a corner lot. For zoning purposes, the shorter lot line abutting a street is considered the Front Lot Line. As such, the following review is based on the lot line along Battlefield Drive being the Front Lot Line.
5. A 3.0 metre road widening along King Street West is proposed.
6. Please be advised an encroachment agreement is required to permit the proposed balcony's that encroach into the future King Street West Right of Way.
7. A demolition permit will be required in the normal manner for the existing buildings.

8. Construction of the proposed development is subject to the issuance of building permits from the Building Division. Be advised that Ontario Building Code regulations may required specific setbacks and construction types.
9. All new signs proposed for this development must comply with the regulations contained within the Sign By-law 10-197.
10. All new fences proposed for this development must comply with the regulation contained within the Fence By-law 10-142.
11. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
12. The proposed development has been reviewed and compared to the standards of the C5a Zone, as indicated in the following chart:

C5a Zone – Mixed Use Medium Density – Pedestrian Focus (Section 10.5a of Hamilton Zoning By-law 05-200)

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 10.5a– C5a Requirements			
Maximum Building Setback from a Street Line [as per section 10.5a.3(a) of Hamilton Zoning By-law 05-200]	i) 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback; ii) Notwithstanding Section 10.5a.3i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and, iii) Section 10.5a.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).	Battlefield Drive: 0.3m King Street West: 0.0m N/A Please note	Conforms Conforms N/A
Minimum Rear Yard [as per section 10.5a.3(b) of Hamilton Zoning By-law 05-200]	7.5 metres.	1.5m	Non-Conforming
Minimum Side Yard [as per section	7.5 metres abutting a Residential or Institutional Zone or lot containing a	Side Yard Setback	Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
10.5a.3(c) of Hamilton Zoning By-law 05-200]	residential use.	(South): 7.5m	
Building Height [as per section 10.5a.3(d) of Hamilton Zoning By-law 05-200]	i) Minimum 7.5 metre façade height for any portion of a building along a street line;	+23m	Conforms
	ii) Maximum 22.0 metres; and,	23.1m without enclosed mechanical/amenity rooftop area 28.1m with the enclosed mechanical/amenity rooftop area.	Non-conforming
	iii) In addition to Section 10.5a.3i), and notwithstanding Section 10.5a.3ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5a.3b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.	This property does not abut a residential or institutional zone.	N/A
	iv) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations: A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath; B. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior	The floor area of Indoor Amenity Area, access areas at the Mech. Level is shown to be less than 10% of the floor beneath. Appears to be 0m, stair landing to access rooftop amenity 0m from the exterior wall	Non-Conforming <i>As such, the Amenity Area at the Mech. Level is to be included in the calculation of Building height as reviewed above.</i>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	walls of the storey directly beneath; and, C. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.	3m	Conforms
Maximum Gross Floor Area for Office Use [as per section 10.5a.3(e) of Hamilton Zoning By-law 05-200]	2,500.0 square metres.	Not proposed	N/A
Maximum Gross Floor Area for Commercial Recreation [as per section 10.5a.3(f) of Hamilton Zoning By-law 05-200]	2,500.0 square metres.	Not proposed	N/A
Maximum Gross Floor Area for Microbrewery [as per section 10.5a.3(g) of Hamilton Zoning By-law 05-200]	700.0 square metres.	Not proposed	N/A
Built form for New Development [as per section 10.5a.3(h) of Hamilton Zoning By-law 05-200]	In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law: i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street. ii) For an interior lot or through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot line. iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street. Calculation: 42.4 + 30.8 = 73.2	Proposed within the building in a mechanical penthouse N/A 58.8m	Conforms N/A Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>50 x 73.2 / 100 = 36.6m</p> <p>iv) In addition to Section 10.5a.3i), ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.</p> <p>v) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.</p> <p>vi) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> 1. within the ground floor façade that is set back closest to a street; and, 2. shall be accessible from the building façade with direct access from the public sidewalk. <p>vii) A walkway shall be permitted in a Planting Strip where required by the By-law.</p> <p>viii) Notwithstanding Section 10.5a.3, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.</p> <p>ix) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.</p> <p>x) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.</p>	<p>Please note</p> <p>No parking, stacking lanes or aisles are proposed between the building façade and front lot line.</p> <p>A minimum of one principle entrance is provided on the ground floor façade that is setback the closest to the street. Which is accessible to the sidewalk</p> <p>Please note</p> <p>Please note</p> <p>Appears to be all doors and windows as per elevations.</p> <p>4.5m first storey height</p>	<p>Conforms</p> <p>Conforms</p> <p>Appears to conform</p> <p>NOTE: Confirmation required</p> <p>Conforms</p>
<p>Planting Strip Requirements [as per section 10.5a.3(i) of Hamilton</p>	<p>Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and</p>	<p>Does not abut a residential or institutional zone.</p>	<p>N/A</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
Zoning By-law 05-200]	maintained.		
Visual Barrier Requirement [as per section 10.5a.3(j) of Hamilton Zoning By-law 05-200]	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	Does not abut a residential, downtown or institutional zone.	N/A
Outdoor Storage [as per section 10.5a.3(k) of Hamilton Zoning By-law 05-200]	i) No outdoor storage of goods, materials, or equipment shall be permitted; and, ii) Notwithstanding Section 10.5a.3i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	No outdoor storage is proposed	N/A
Minimum Amenity Area for Dwelling Unit, Mixed Use [as per section 10.5a.3(k) of Hamilton Zoning By-law 05-200]	On a lot containing 10 dwelling units or more, the following Minimum Amenity Area requirements be provided: i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and, ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area. Calculation: i) As per floor plans no dwelling units are proposed to be less than 50m ² ii) 66 x 6 = 396.0m ² iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.	795m ² of into and outdoor amenity space. Outdoor amenity is above the surface and exposed to air/light.	Conforms
General Provision – Section 4			
<i>(In accordance with the applicable regulations of Section in the Hamilton Zoning By-law 05-200)</i>			
Frontage on a Street [as per section 4.3 of Hamilton Zoning By-law 05-200]	a) No lot shall have built upon it a building for any purpose in any zone unless the lot abuts a street for a minimum of 4.5 metres. Provided, however, that where a lot is separated from a street by land owned by the City	Abuts the street for more than 4.5m	Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
	or the Province of Ontario which land is held by such public agency for future road widening purposes or as a 0.3 metre reserve, a building may be erected upon such lot if registered rights-of-way giving access to a street have been granted and such access scheme is part of a Development Agreement pursuant to the Planning Act.		
Permitted Yard Encroachments [as per section 4.6 of Hamilton Zoning By-law 05-200]	a) The usual projections of window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances may be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser;	Does not appear to be proposed	N/A
	b) A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;	Not proposed	N/A
	c) An unenclosed ramp for wheelchair access may encroach into any required yard to no maximum distance;	Please note	
	d) A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;	Encroaches 6m into rear yard.	Non-conforming
	e) A balcony may encroach into any required yard to a maximum of 1.0 metres, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is the lesser; and,	7.5m into the required rear yard.	Non-conforming
	f) A bay window or alcove, without foundation, may encroach into any required yard to a maximum of 0.6 metres, or half the distance of the required yard, whichever is the lesser. No such feature shall have a width	Not proposed	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>greater than 3.0 metres.</p> <p>g) An existing building may encroach, or further encroach, into a required yard to a maximum of 0.15 metres for the purpose of recladding the building.</p>	Proposed new building	N/A
<p>Mechanical and Unitary Equipment [as per section 4.9 of Hamilton Zoning By-law 05-200]</p>	<p>Hot boxes, air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:</p> <p>a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,</p> <p>b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.</p>	<p>Mechanical equipment located within the building in a mechanical penthouse.</p> <p>Gas meter located above 1.5m from rear lot line</p>	Conforms
<p>Regulations for Consolidated Lot Development [as per section 4.16 of Hamilton Zoning By-law 05-200]</p>	<p>a) Where two or more abutting lots under one identical ownership are consolidated for the purpose of development, the internal lot lines of the original lots shall not be construed to be lot lines for the purposes of any zoning regulations provided that all applicable regulations of this By-law relative to the consolidated lot development and its external lot lines are complied with.</p> <p>b) Where a comprehensive condominium plan of subdivision has received draft plan approval, as well as any required site plan approval, and where registration of the plan is intended to occur in phases and/or stages, the lands to which the draft approved plan of condominium is to be located, shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall condominium plan, not to internal lot lines resulting from the registration of any condominium phase.</p>		
<p>Parking and Loading Regulations – Section 5 <i>(In accordance with the applicable regulations of Section 5 in the Hamilton Zoning By-law 05-200)</i></p>			
<p>Location [as per section 5.1 of Hamilton Zoning By-law 05-200]</p>	<p>a) All Uses</p> <p>i) Required parking facilities shall be located on the same lot as the use requiring the parking.</p>	Located on the lot	Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>v) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:</p> <p>a) Shall not be located within 3.0 metres of a street line,</p> <p>b) Shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle, except for that portion of a lot line abutting the Red Hill Valley Parkway and the Lincoln Alexander Parkway; and,</p> <p>c) Where a Planting Strip is provided, as per b) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.</p>	<p>4.2m</p> <p>Does not appear to be proposed</p> <p>Not proposed</p>	<p>Conforms</p> <p>Non-conforming</p>
<p>Design Standards [as per section 5.2 of Hamilton Zoning By-law 05-200]</p>	<p>b) Unless permitted by another regulation in this By-law, parking space sizes shall be:</p> <p>i) Minimum 2.8 metres in width and 5.8 metres in length;</p> <p>ii) Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres for each wall, column, or obstruction;</p> <p>iii) Notwithstanding Subsection ii), an additional 0.3 metres shall not be required provided:</p> <p>1. the maximum length of the wall, column or any other obstruction shall not exceed 1.15 metres;</p> <p>2. the wall, column or any other obstruction is located at the front, rear, or</p>	<p>2.8 x 5.8m</p> <p>Not provided within the parking space</p> <p>1.0m long</p> <p>Located at front/rear</p>	<p>Conforms</p> <p>Conforms</p> <p>NOTE: please see below, as per iii) the additional 0.3m is not required.</p> <p>Conforms</p> <p>Conforms</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>both ends of the parking space; and,</p> <p>3. the wall, column or any other obstruction does not project more than 0.15 metres into the width of the parking space.</p> <p>vi) Notwithstanding Subsection i) herein, where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10% of such required parking spaces shall be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only; and,</p> <p>vii) Notwithstanding Subsection b) ii) and iii), light standards, including the base, located at the intersection of 4 parking spaces shall not be considered as an obstruction</p> <p>c) All required parking shall be provided as follows:</p> <p>i) With adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle, except that the accessibility to a maximum of one of the required parking spaces for a single detached dwelling may be obstructed by another motor vehicle.</p> <p>ii) Shall be arranged so as to not interfere with normal public use of the street or laneway;</p> <p>iii) Shall be accessed by means of an access driveway:</p> <p>1. Located on the lot; or, 2 . Located party on the lot in the case of a mutual driveway; or, 3. By means of a Right-of-Way.</p>	<p>Does not project into parking space</p> <p>Not propsoed</p> <p>Please note</p> <p>Adequate ingress and egress is provided without the necessity of moving another vehicle.</p> <p>Does not appear to interfere with the normal public use of the street.</p> <p>Located on the lot</p>	<p>Conforms</p> <p>N/A</p> <p>Conforms</p> <p>Conforms</p> <p>Conforms</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>iv) Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only</p> <p>f) Notwithstanding Subsection b) herein, in the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres.</p> <p>i) Minimum Aisle: 90° spaces = 6.0m</p>	<p>Provided in a forward motion</p> <p>2.8m x 5.8m</p> <p>Underground Aisle: 6.0m</p> <p>Above ground Aisle: 4.7m</p>	<p>Conforms</p> <p>Non-conforming</p> <p>NOTE: the additional space adjacent shall be included in the parking space with</p> <p>Conforms</p> <p>Non-conforming</p>
<p>Location of Loading Facilities [as per section 5.2.1 of Hamilton Zoning By-law 05-200]</p>	<p>a) Shall not be permitted within a Front Yard;</p> <p>b) Shall not be permitted in any yard abutting a street, except where screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law; and,</p> <p>c) Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.</p>	<p>Any proposed loading shall be in accordance with this Section (Section 5.2.1)</p>	
<p>Barrier Free Parking [as per section 5.5 of Hamilton Zoning By-law 05-200]</p>	<p>1-49: minimum 1 space</p>	<p>2 spaces</p>	<p>Conforms</p>
<p>Parking Schedule [as per section 5.6 c) of Hamilton Zoning By-law 05-200]</p>	<p>Dwelling Unit and Dwelling Unit, Mixed Use (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones):</p> <p>i) Dwelling Units less than 50m² in gross floor area – 0.3 per unit</p> <p>ii) Dwelling Units greater than 50m² in gross floor area –</p> <p>1-3 Units: min 0.3 per unit/max 1.25 per unit</p>	<p>51 spaces provided (includes 2 barrier free spaces)</p>	<p>Conforms</p> <p>NOTE: 5 spaces are reduced due to the provided long term bicycle parking.</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>4-14 Units: min 0.7 per unit/max 1.25 per unit</p> <p>15-50 Units: min 0.85 per unit/max 1.25 per unit</p> <p>51+ Units: min 1 per unit/max 1.25 per unit.</p> <p>Calculation:</p> <p>As per floor plans submitted, no dwelling units are proposed below 50m²</p> <p>Minimum:</p> <p>3 x 0.3 = 0.9 spaces</p> <p>11 x 0.7 = 7.7 = 7 spaces</p> <p>36 x 0.85 = 30.6 = 30 Spaces</p> <p>16 x 1 = 16</p> <p>Total Minimum Required Parking – 53.9 = 53 spaces</p> <p>Maximum:</p> <p>66 x 1.25 = 82.5 = Maximum 82 spaces permitted.</p> <p>Retail within a Commercial and Mixed Use Zone:</p> <p>i) 0 where a use is less than 450.0 square metres in gross floor area;</p> <p>ii) 1 for each 17.0 square metres any gross floor area between 450.0 square metres and 4,000.0 square metres; and,</p> <p>iii) 1 for each 50.0 square metres of gross floor area greater than 4,000.0 square metres.</p> <p>Calculation:</p> <p>All proposed retail spaces are below 450m² therefore no parking is required for the retail portion of this use.</p>		

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>Pursuant to Subsection 5.7(g)(i), motor vehicle parking spaces may be reduced by one (1) motor vehicle space for every five (5) additional/excess long term bicycle spaces provided (to a maximum of 10% of the original motor vehicle parking requirement.</p> <p>*10% of 53 spaces = 5.3 spaces Therefore, a maximum of 5 spaces may be provided in the form of additional long term spaces – per 5.7(g)(i).</p>		
<p>Bicycle Parking [as per section 5.7 of Hamilton Zoning By-law 05-200]</p>	<p>a) Locational Requirements</p> <p>i) Long-term Bicycle Parking Space shall be located in a secure enclosed bicycle parking area.</p> <p>ii) Short-term Bicycle Parking Space shall be located within a bicycle parking area at grade.</p> <p>c) In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed Use Zones short-term bicycle parking shall be provided in each and every building in the minimum quantity specified in accordance with the following requirements:</p> <p>Residential – min 5 short term spaces</p> <p>Commercial: No required short-term spaces (as GFA is less than 450sqm)</p> <p>e) Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor Zones long-term bicycle parking shall be provided in the minimum quantity specified in accordance with the following requirements:</p> <p>Residential: 0.5 spaces per unit = Minimum 33 long term spaces.</p> <p>Commercial: No required long term</p>	<p>Located in a secure enclosed area</p> <p>Located a grade</p> <p>8 short term spaces proposed</p>	<p>Conforms</p> <p>Conforms</p> <p>Conforms</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	spaces (as GFA is less than 450sqm) PLUS In lieu of 2 deficient parking spaces, an addition 25 long term bicycle parking spaces are required to be provided. Therefore a minimum total of 58 long term bicycle parking spaces are required to be provided.	66 long term spaces provided	Conforms

Yours truly



for the Manager of Zoning & Committee of Adjustment



Hamilton

Committee of Adjustment

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

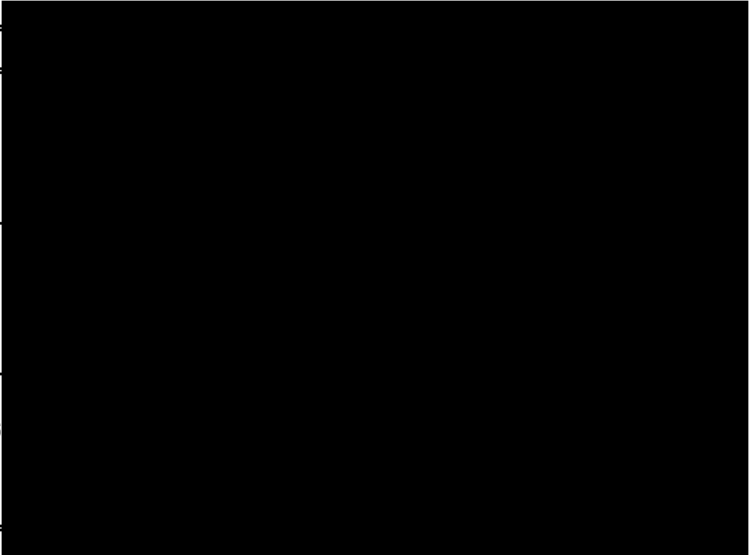
Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	61-63 King St. Hamilton Ltd
Applicant(s)	Same.
Agent or Solicitor	Liam Doherty RPP, A. J. Clarke and Associates



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 be 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	61 & 63 King Street West, Stoney Creek		
Assessment Roll Number	251800349039000		
Former Municipality	Stoney Creek		
Lot	Part 1, Part of Lot 26	Concession	4, Saltfleet
Registered Plan Number	1010	Lot(s)	Part of Parcel "A"
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 deem the King Street West street line as the Front Lot Line for the purposes of applying zoning provisions.
- 2) To permit 23.25 metres maximum building height, whereas Zoning-By-law 05-200 permits 22.0 metres.
- 3) To require a minimum setback of 12.0 metres from the rear lot line for any portion of a building exceeding 22.0 metres in height and a minimum setback of 16.0 metres from the rear lot line for an enclosed rooftop amenity area and/or a rooftop mechanical room.
- 4) To permit a minimum setback of 0.6 metres to a stairwell designed to provide access to a rooftop amenity area from the exterior walls of the storey directly beneath.

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

The definition of Front Lot Line does not correspond with the intent of the Official Plan. The Zoning By-law does not contain the conditional allowances for greater height in the Official Plan. The stairwell needs to be at the side of the building for fire safety reasons.

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
33.8	42.5	0.1428 ha	20.1

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
Detached dwelling	13.76	11.45	6.57 - 28.66	Pre 1950
Detached dwelling	5.80	15.05	2.95 - 31.79	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Mixed use 7 mid-rise tower	0.30 m	1.50 m	0.00 & 7.50 m	

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
Detached Dwelling	57.52	115.04	2	
Detached Dwelling	88.23	128	1.5	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Mid-rise tower	900 msq	5953 msq	7 Storeys + Mechanical	23.15 m + Mechanical

- 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.):
One (1) mixed use development with commercial at grade and residential units above.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Single detached dwelling, Community Centre & Arena.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

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

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

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

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

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods/Community Nod

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

7.6 What is the existing zoning of the subject land? Mixed Use Med Den – Ped. Focus (C5a)

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: _____

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: 2

8.2 Number of Dwelling Units Proposed: 66

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

The project is the subject of Site Plan Approval application DA-23-032 which received Conditional Approval on October 24, 2023. Approval of necessary minor variances is Special Condition #1.

The third requested variance, the additional rear yard setbacks, are not required for the project but are simply to ensure that the building massing approved by the Site Plan team is maintained.

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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