



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-24:156	SUBJECT PROPERTY:	1414 & 1416 King Street East, Hamilton
ZONE:	H - Community Shopping and Commercial (6593)	ZONING BY-LAW:	Zoning By-law Choose an item., as Amended Click or tap here to enter text.

APPLICANTS: Owner: 1604146 Ontario Inc - Luigi Arcuri
 Agent: Urban Belief Inc. c/o Palak Kataria

The following variances are requested:

1. To permit a 1.5 metres front yard for 1414 King Street East, and a 0 metre front yard for 1416 King St. E. whereas the by-law requires a minimum front yard of 6.0 metres.
2. To permit a 0.93 metre side yard for 1414 King St. E. and a 0 metre side yard for 1414 and 1416 King St. E. whereas the zoning by-law requires a minimum of 1.2 metres building setback from the side lot line.
3. To permit a rear yard of 5.79 metres for 1416 King St. E. whereas the by-law requires a minimum rear yard of 7.5 metres
4. To permit a 231.2 square metres lot area for 1414 King St. E. and 226.1 square metres for 1416 King St. E. whereas the by-law requires a minimum lot area of 360 square metres.
5. To permit a 0-metre planting strip for 1414 and 1416 King St. E. whereas the by-law requires a minimum planting strip of 2.0 metres.
6. To permit one (1) parking space for 1414 and 1416 King St. E. whereas the by-law requires a minimum of 2 parking spaces.
7. To permit a manoeuvring space of 0 metre for 1414 and 1416 King St. E. whereas the by-law requires a minimum manoeuvring space of 6.0 metres.
8. To permit a landscape area of 0% for 1414 King St. E. whereas the by-law requires a minimum

A-24:156

landscape area of 50%.

PURPOSE & EFFECT: So as to facilitate consent application (HM/B-23:89) to re-create two lots, which was approved on January 18, 2024, and highlight all necessary variances required to clear.

Notes: N/A

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, August 6, 2024
TIME:	1:45 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

PUBLIC INPUT

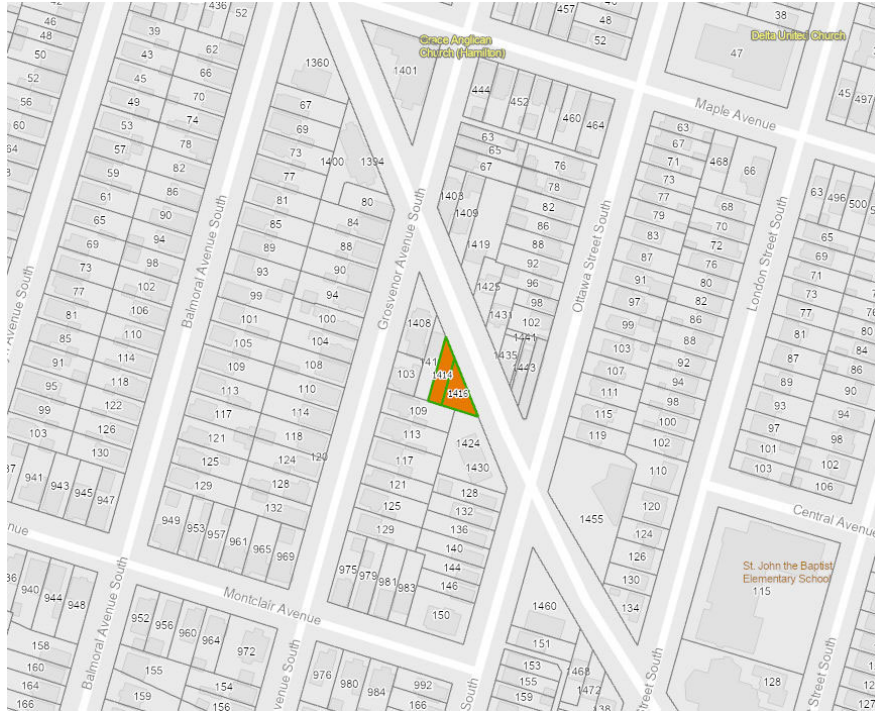
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon August 2, 2024

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 August 2, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:156, 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.



DATED: July 18, 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.



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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.

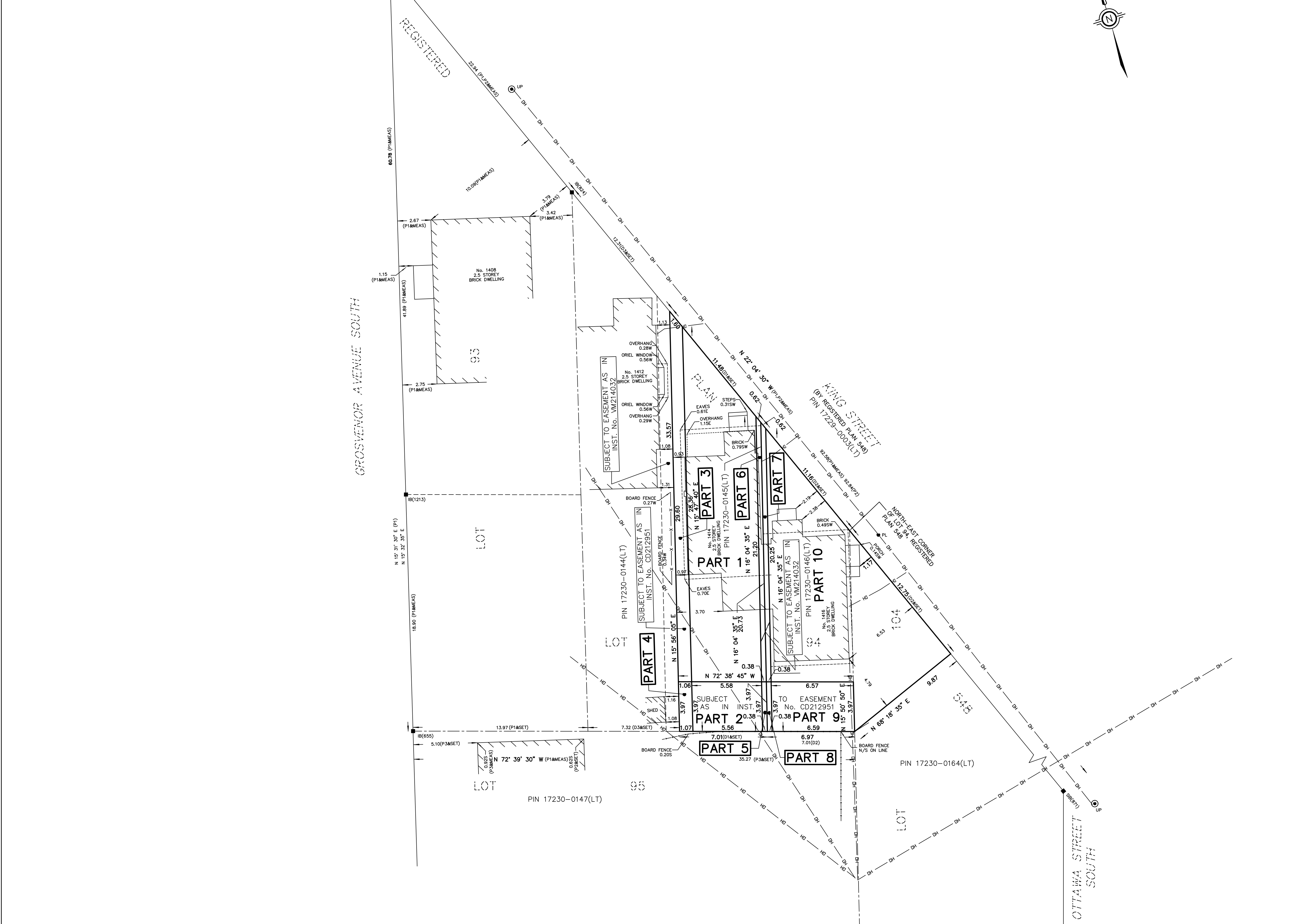
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

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.

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83(CSRS)(2010.0) COORDINATES ARE TO URBAN ACCURACY PER O.REG. 216/10 SECTION 14(2).

POINT ID	NORTHING (m)	EASTING (m)
ORP A	4 963 040.69	599 746.52
ORP B	4 962 702.07	599 866.55

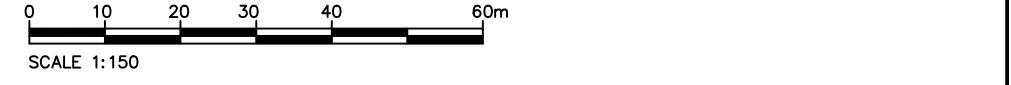
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.



SCHEDULE			
PART	LOT	PLAN	PIN
1	PART OF LOT 94	REGISTERED PLAN 548	ALL OF PIN 17230-0145(LT)
2			
3			
4			
5			
6			
7			
8	PART OF LOTS 94 AND 104		ALL OF PIN 17230-0146(LT)
9			
10			

PARTS 2, 3, 4 AND 9 ARE SUBJECT TO EASEMENT AS IN INST. NO. CD212951
 PARTS 6 AND 7 ARE SUBJECT TO EASEMENT AS IN INST. NO. VM214032
 PARTS 5 AND 8 ARE SUBJECT TO EASEMENT AS IN INST. NOS. CD212951 AND VM214032

**PLAN OF SURVEY OF
 PART OF LOTS 94 AND 104
 REGISTERED PLAN 548
 CITY OF HAMILTON**



THE INTENDED PLOT SIZE OF THIS PLAN IS 864mm IN WIDTH BY 559mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:150.
 2023 Y. ZHANG SURVEYING LIMITED

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

DISTANCES HEREON ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999886

BEARINGS HEREON ARE GRID AND DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK(RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)(2010.0).

FOR BEARING COMPARISONS, A ROTATION OF 2°28'30" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P1 AND P2.

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - SIB DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - 655 DENOTES J.T. PETERS, O.L.S.
 - 824 DENOTES A.T. McLAREN, O.L.S.
 - 871 DENOTES D.A. HARRINGTON, O.L.S.
 - 1213 DENOTES J.D. PETERS, O.L.S.
 - P1 DENOTES PLAN OF SURVEY BY A.T. McLAREN LTD., O.L.S., DATED: JULY 21, 2006
 - P2 DENOTES REGISTERED PLAN 548
 - P3 DENOTES PLAN OF SURVEY BY A.T. McLAREN LTD., O.L.S., DATED: APRIL 26, 1977
 - D1 DENOTES INSTRUMENT NUMBER CD212951
 - D2 DENOTES INSTRUMENT NUMBER VM153653
 - D3 DENOTES INSTRUMENT NUMBER CM214032
 - PL DENOTES POLE
 - UP DENOTES UTILITY POLE

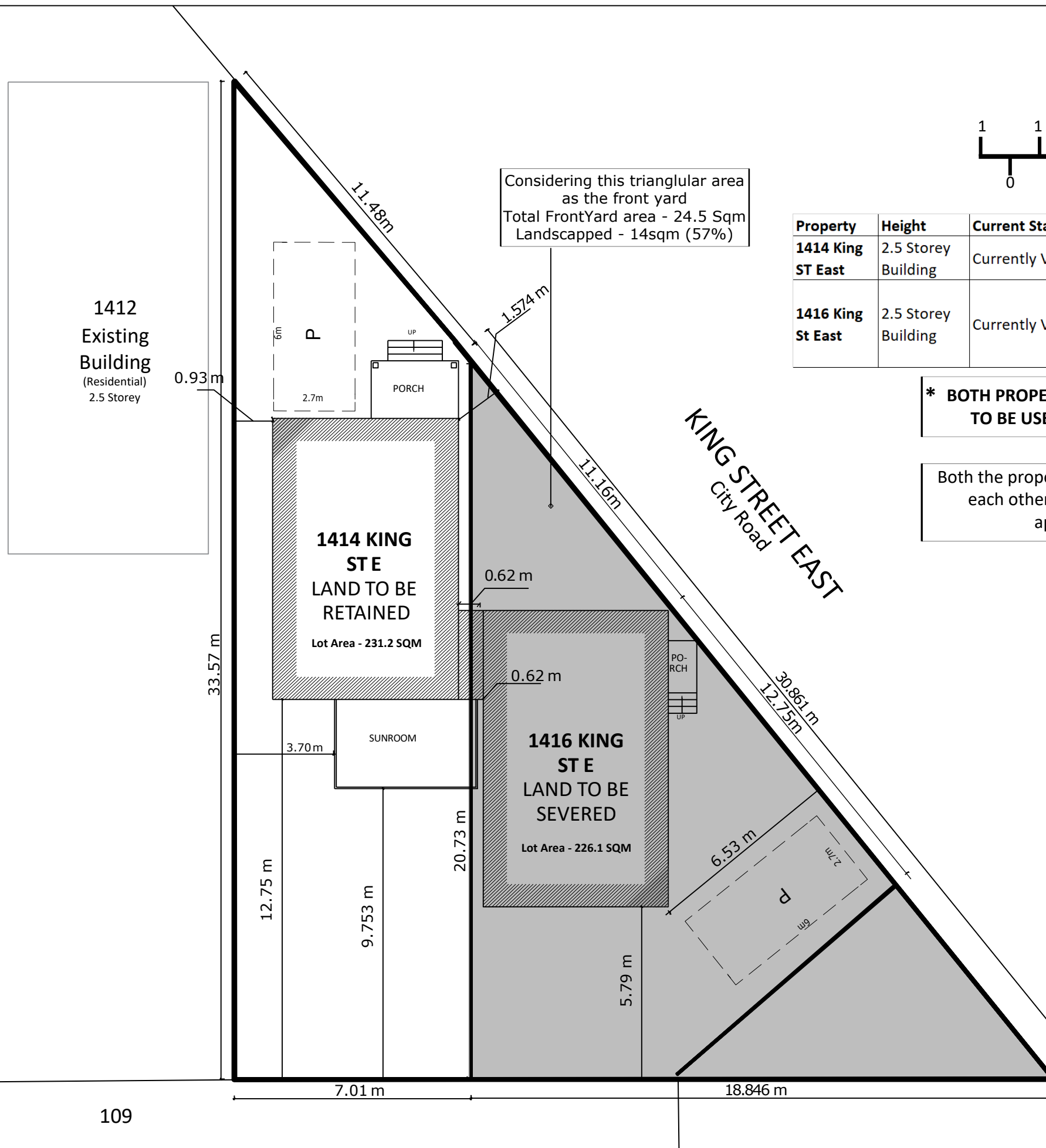
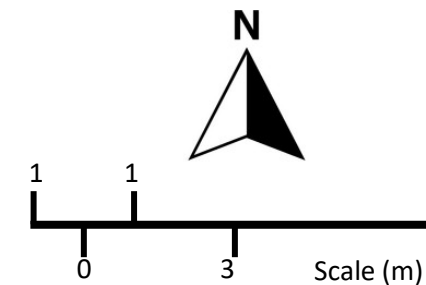
SURVEYOR'S CERTIFICATE
 I CERTIFY THAT,
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE XXth DAY OF XXXX, 2023.

XXXX XXth, 2023 DATE **DRAFT**
 YIFAN ZHANG
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-58XXX.

Y. ZHANG SURVEYING LIMITED
 ONTARIO LAND SURVEYORS
 www.yzsurveying.com

FIELD: XX	CAD: HZ	CHECKED by: Yifan Z.
JOB NUMBER: 23-0XX		DATE: March 20, 2024
DRAWING FILE: H:\Shared drives\Job Folders\2024-5\Drawing\2024-05-RP.dwg		



Property	Height	Current Status	Existing Use
1414 King ST East	2.5 Storey Building	Currently Vacant	Residential*
1416 King St East	2.5 Storey Building	Currently Vacant	Commercial on Ground and Residential on above*

*** BOTH PROPERTIES ARE PROPOSED TO BE USED AS RESIDENTIAL**

Both the properties are connected to each other from the exterior appearance

No.	REVISION ISSUE	DATE

SCOPE OF WORK

PROPOSAL TO RECREATE TWO LOTS 1414 and 1416 KING ST E, WHICH HAVE MERGED INADVERTENTLY.

GENERAL NOTES

DO NOT SCALE DRAWINGS
PROPERTY RIGHTS RETAINED BY: URBAN BELIEF INC.
ANY REPRODUCTION IN WHOLE OR IN PART UNDER THE RULES AND BY-LAWS OF THE CORPORATION IS STRICTLY FORBIDDEN.
ANY REPRODUCTIONS MUST BE AUTHORIZED BY

SHEET TITLE

SITE PLAN WITH PARKING (Metric)

CITY: HAMILTON 1414 AND 1416 KING ST E
EXISTING DWELLING BUILDING

SHEET **A2** PROJECT OCT 2023



No.	REVISION ISSUE	DATE

SCOPE OF WORK

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SHEET TITLE

Street View and
satellite Images

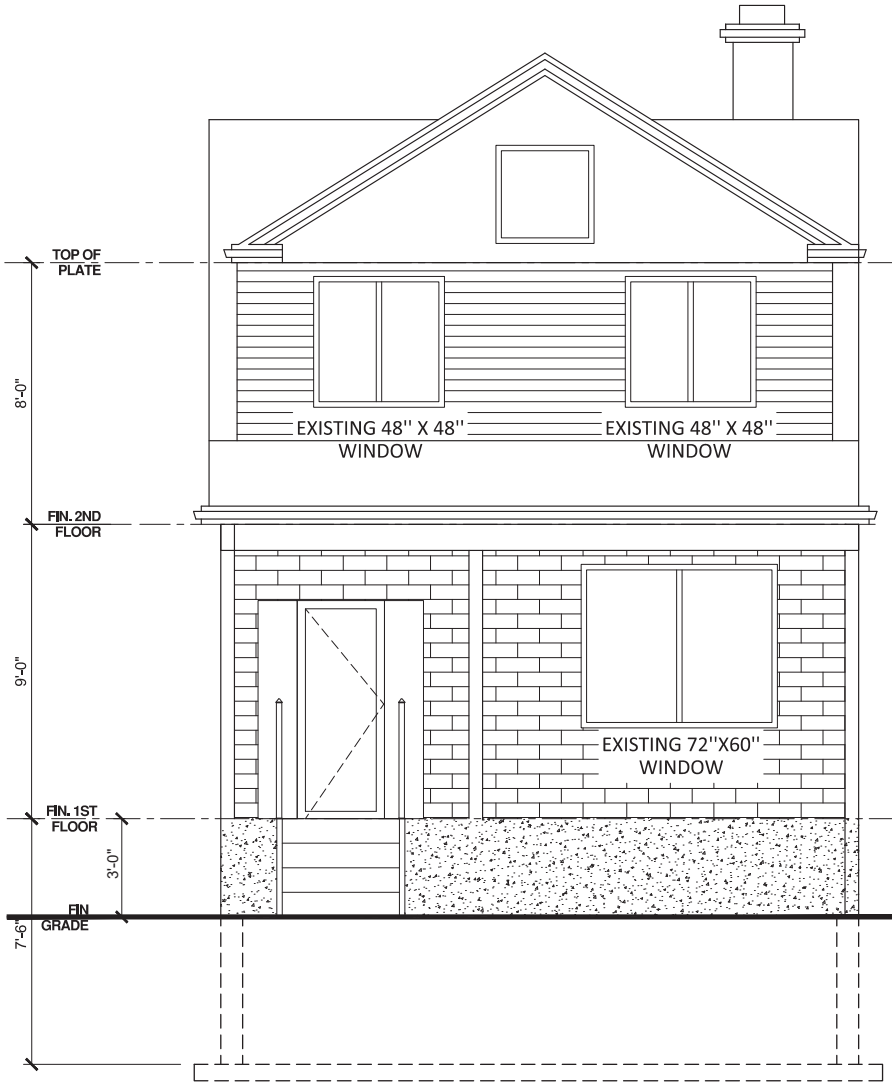
CITY: HAMILTON 1414 AND
1416 KING ST E
EXISTING DWELLING BUILDING

SHEET

A3

PROJECT
OCT 2023

1414 KING ST E



FRONT SIDE ELEVATION

No.	REVISION ISSUE	DATE

SCOPE OF WORK

PROPOSAL TO RECREATE TWO LOTS 1414 and 1416 KING ST E, WHICH HAVE MERGED INADVERTENTLY

GENERAL NOTES

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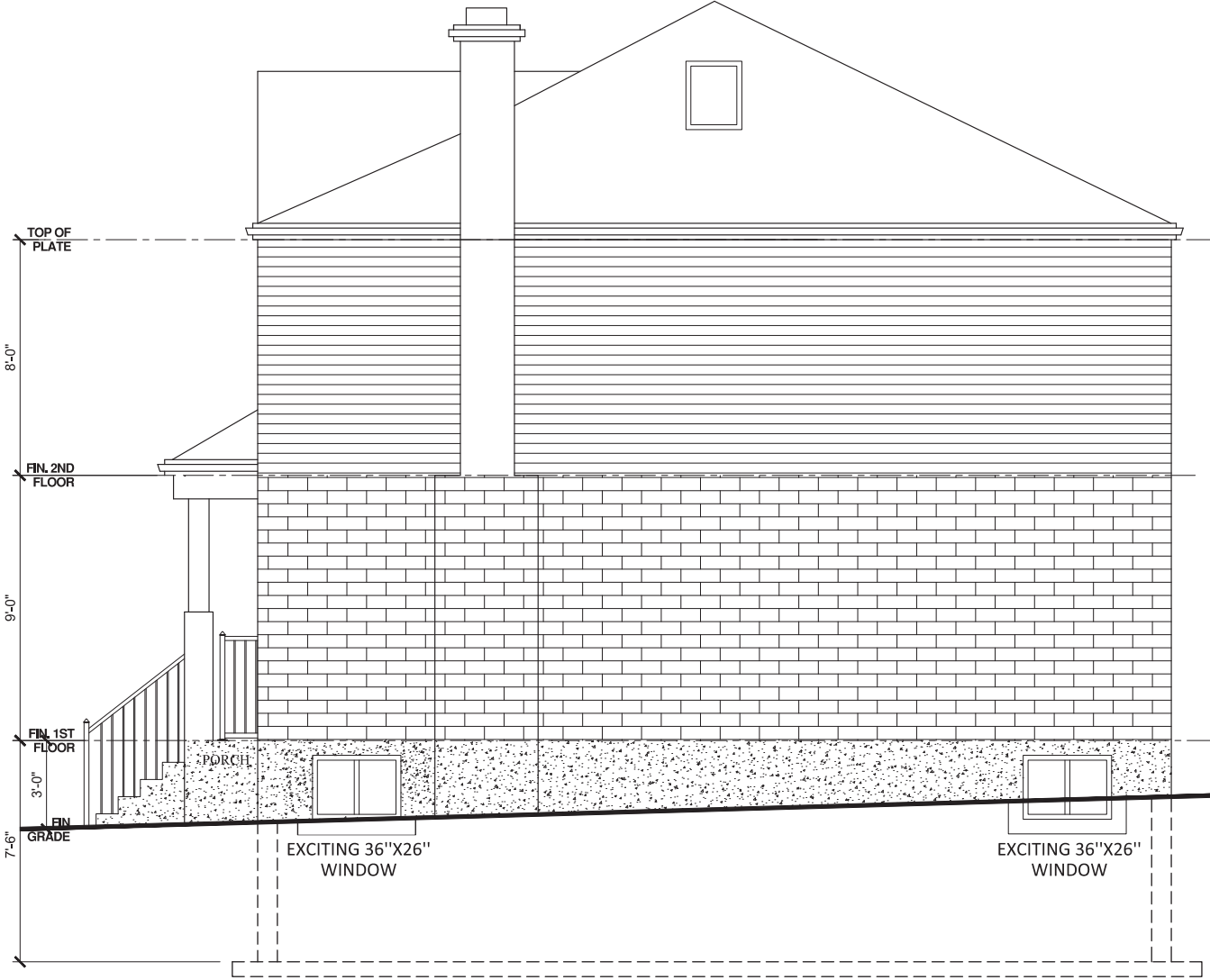
SHEET TITLE

FRONT SIDE ELEVATION

CITY: HAMILTON
 1414 KING ST E
 EXISTING DWELLING BUILDING

SHEET
A4
 PROJECT
 APRIL 2024
 3/16" = 1'-0"

1414 KING ST E



RIGHT SIDE ELEVATION

No.	REVISION ISSUE	DATE

SCOPE OF WORK

PROPOSAL TO RECREATE TWO LOTS 1414 and 1416 KING ST E, WHICH HAVE MERGED INADVERTENTLY

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SHEET TITLE

RIGHT SIDE ELEVATION

CITY: HAMILTON

1414 KING ST E
 EXISTING DWELLING BUILDING

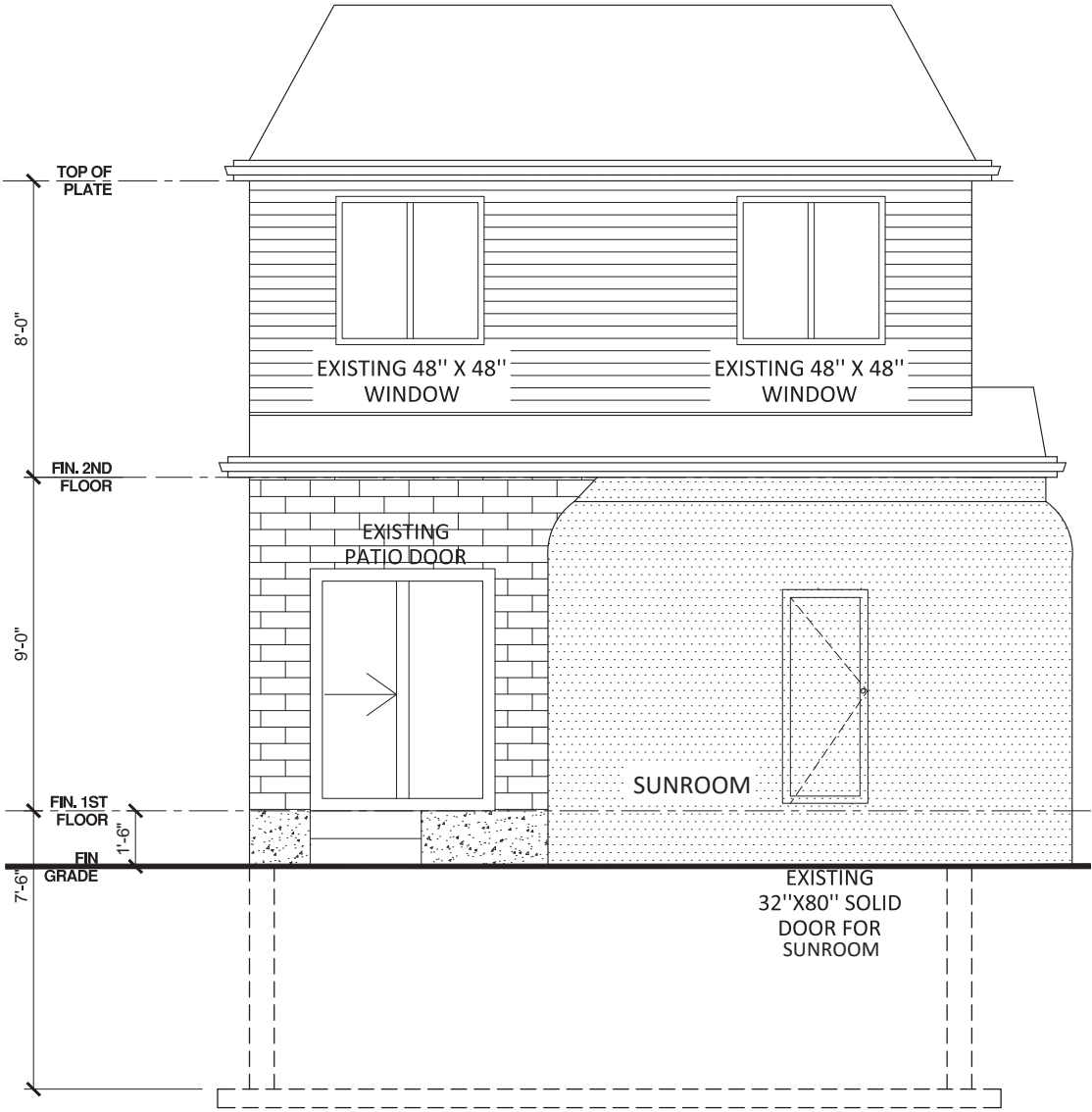
SHEET

A5

PROJECT

APRIL 2024
 N.T.S

1414 KING ST E



REAR SIDE ELEVATION

No.	REVISION ISSUE	DATE

SCOPE OF WORK

PROPOSAL TO RECREATE TWO LOTS 1414 and 1416 KING ST E, WHICH HAVE MERGED INADVERTENTLY

GENERAL NOTES

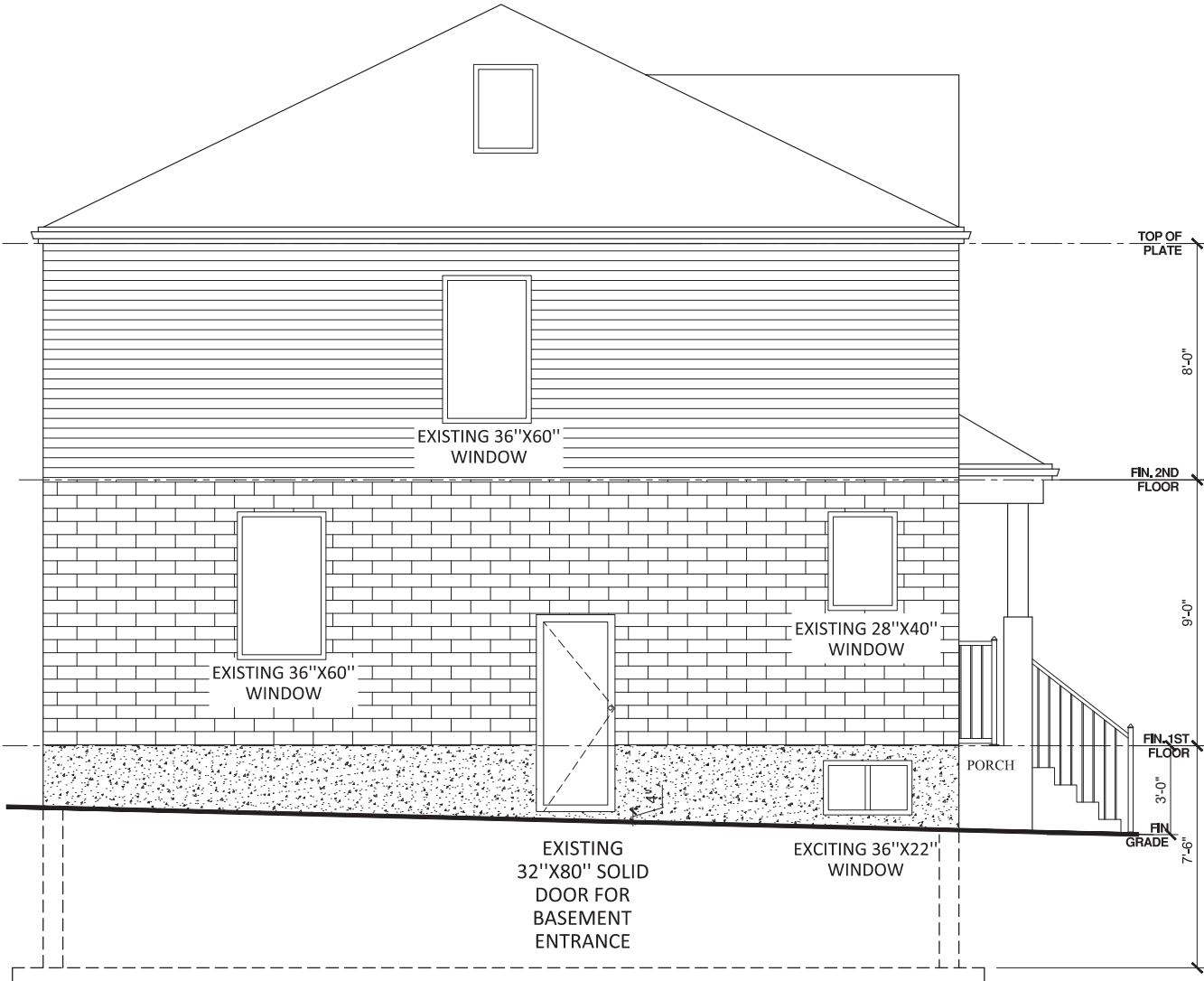
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SHEET TITLE

REAR SIDE ELEVATION

CITY: HAMILTON
 1414 KING ST E
 EXISTING DWELLING BUILDING

SHEET
A6
 PROJECT
 APRIL 2024
 N.T.S



LEFT SIDE ELEVATION

No.	REVISION ISSUE	DATE

SCOPE OF WORK

PROPOSAL TO RECREATE TWO LOTS 1414 and 1416 KING ST E, WHICH HAVE MERGED INADVERTENTLY

GENERAL NOTES

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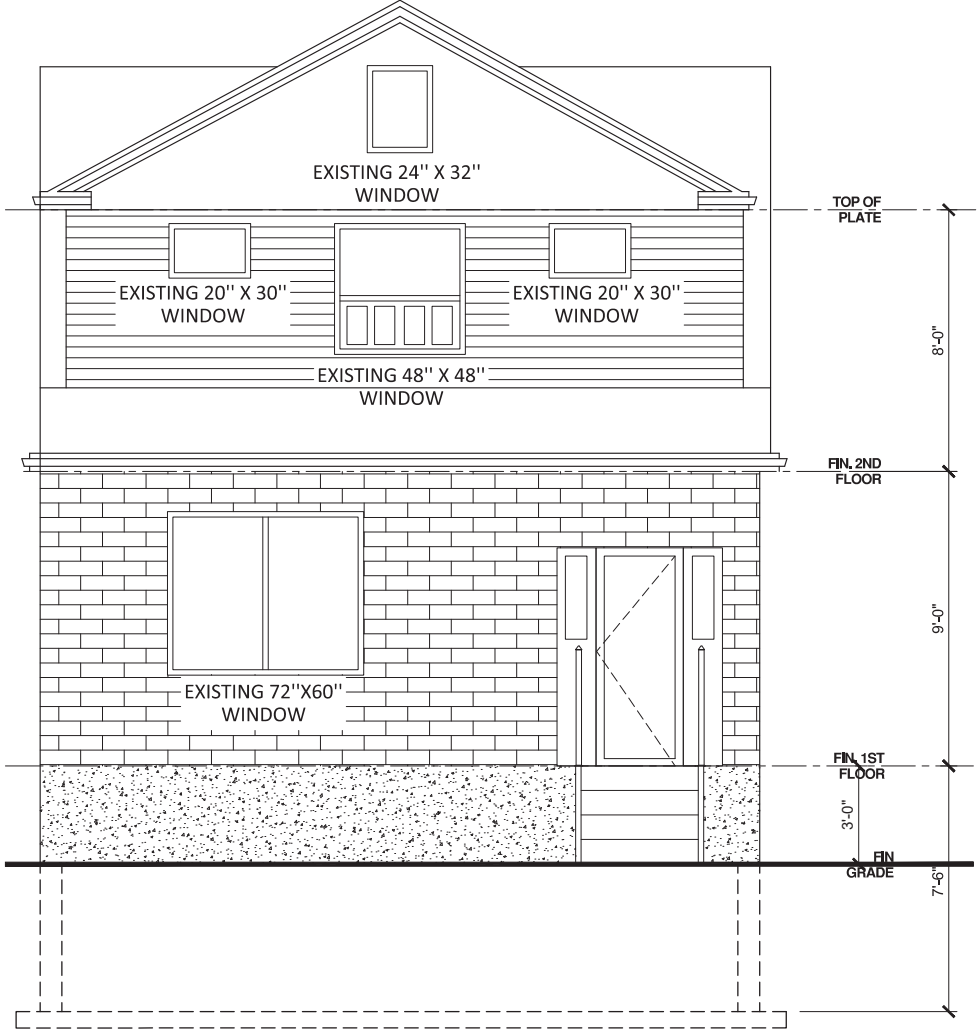
SHEET TITLE

LEFT SIDE ELEVATION

CITY: HAMILTON
 1414 KING ST E
 EXISTING DWELLING BUILDING

SHEET
A7
 PROJECT
 APRIL 2024
 3/8" = 1'-0"

1416 KING ST E



FRONT SIDE ELEVATION

No.	REVISION ISSUE	DATE

SCOPE OF WORK

PROPOSAL TO RECREATE TWO LOTS 1414 and 1416 KING ST E, WHICH HAVE MERGED INADVERTENTLY

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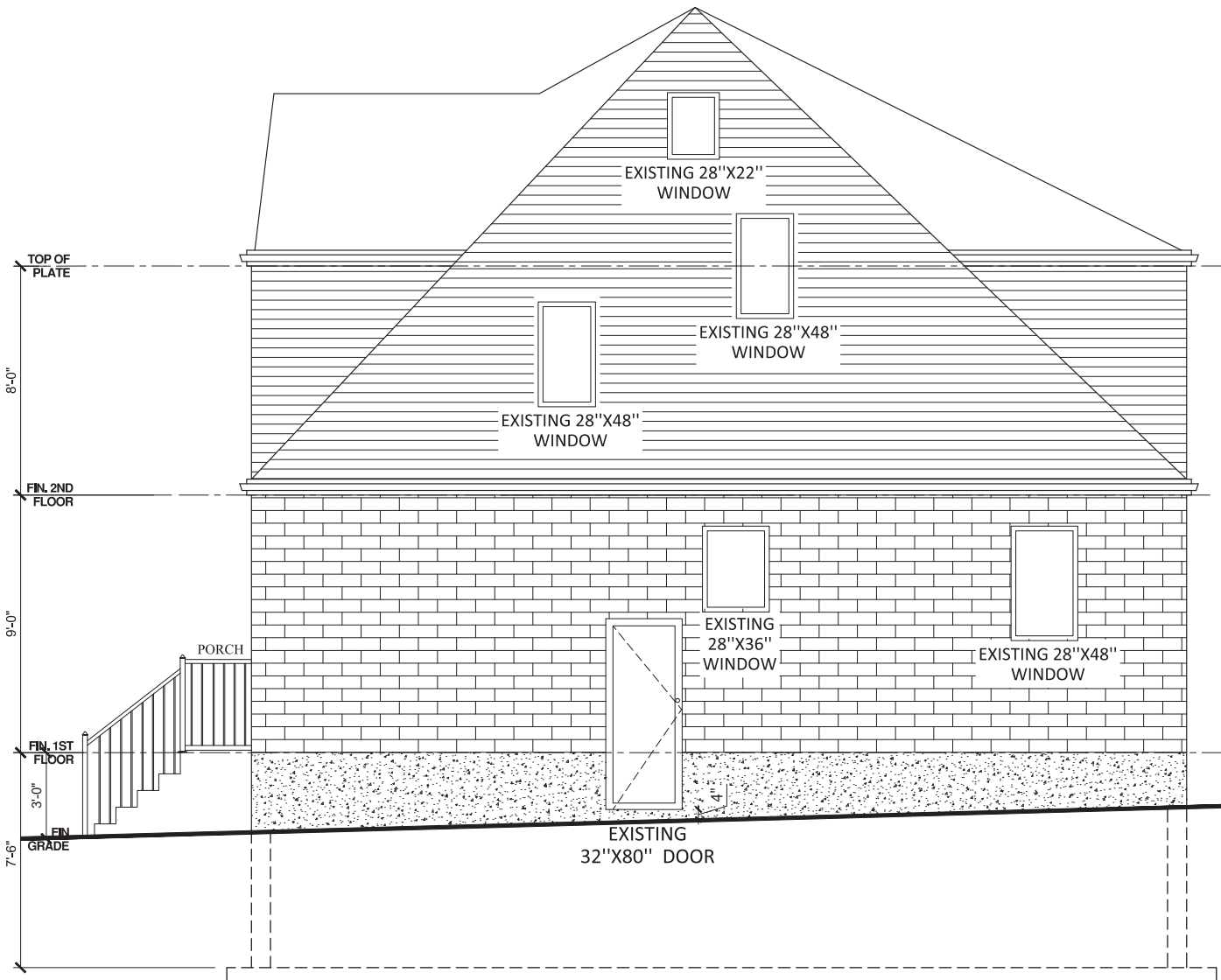
SHEET TITLE

FRONT SIDE ELEVATION

CITY: HAMILTON
 1416 KING ST E
 EXISTING DWELLING BUILDING

SHEET PROJECT
A8 APRIL 2024
 3/16" = 1'-0"

1416 KING ST E



RIGHT SIDE ELEVATION

No.	REVISION ISSUE	DATE

SCOPE OF WORK

PROPOSAL TO RECREATE TWO LOTS 1414 and 1416 KING ST E, WHICH HAVE MERGED INADVERTENTLY

GENERAL NOTES

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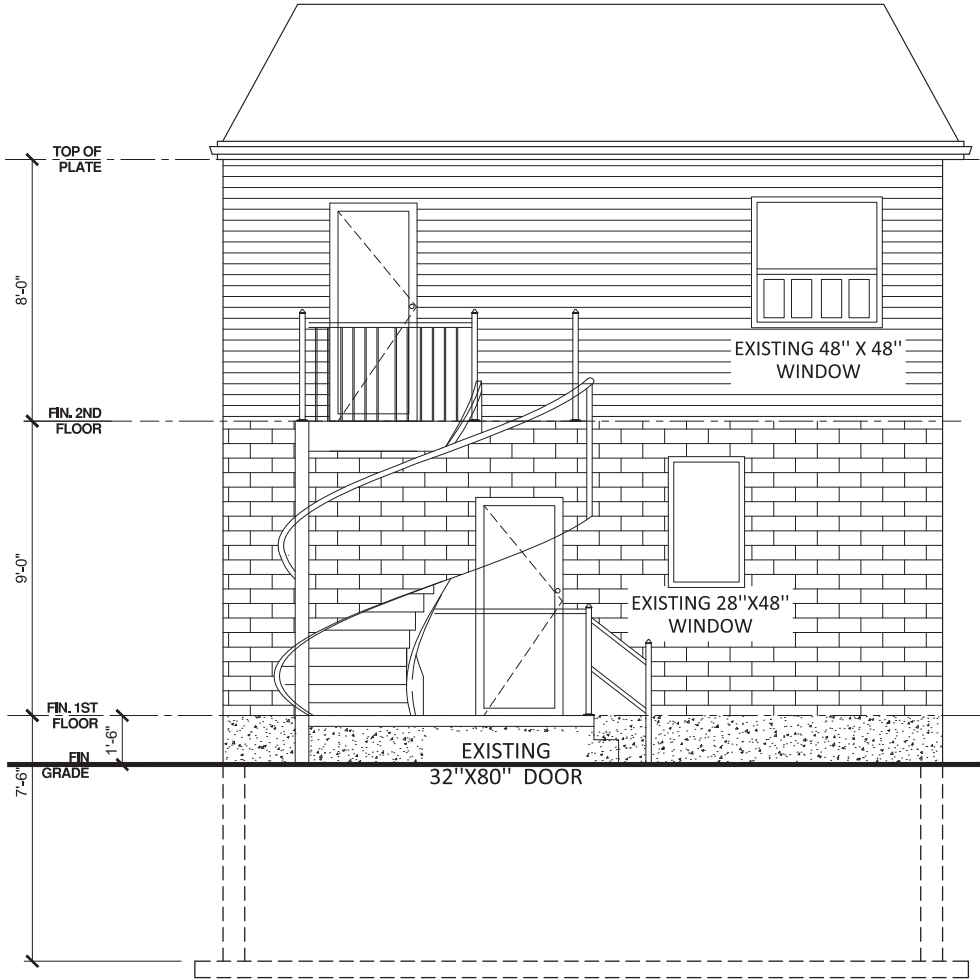
SHEET TITLE

RIGHT SIDE ELEVATION

CITY: HAMILTON
 1416 KING ST E
 EXISTING DWELLING BUILDING

SHEET PROJECT
A9 APRIL 2024
 3/8" = 1'-0"

1416 KING ST E



REAR SIDE ELEVATION

No.	REVISION ISSUE	DATE

SCOPE OF WORK

PROPOSAL TO RECREATE TWO LOTS 1414 and 1416 KING ST E, WHICH HAVE MERGED INADVERTENTLY

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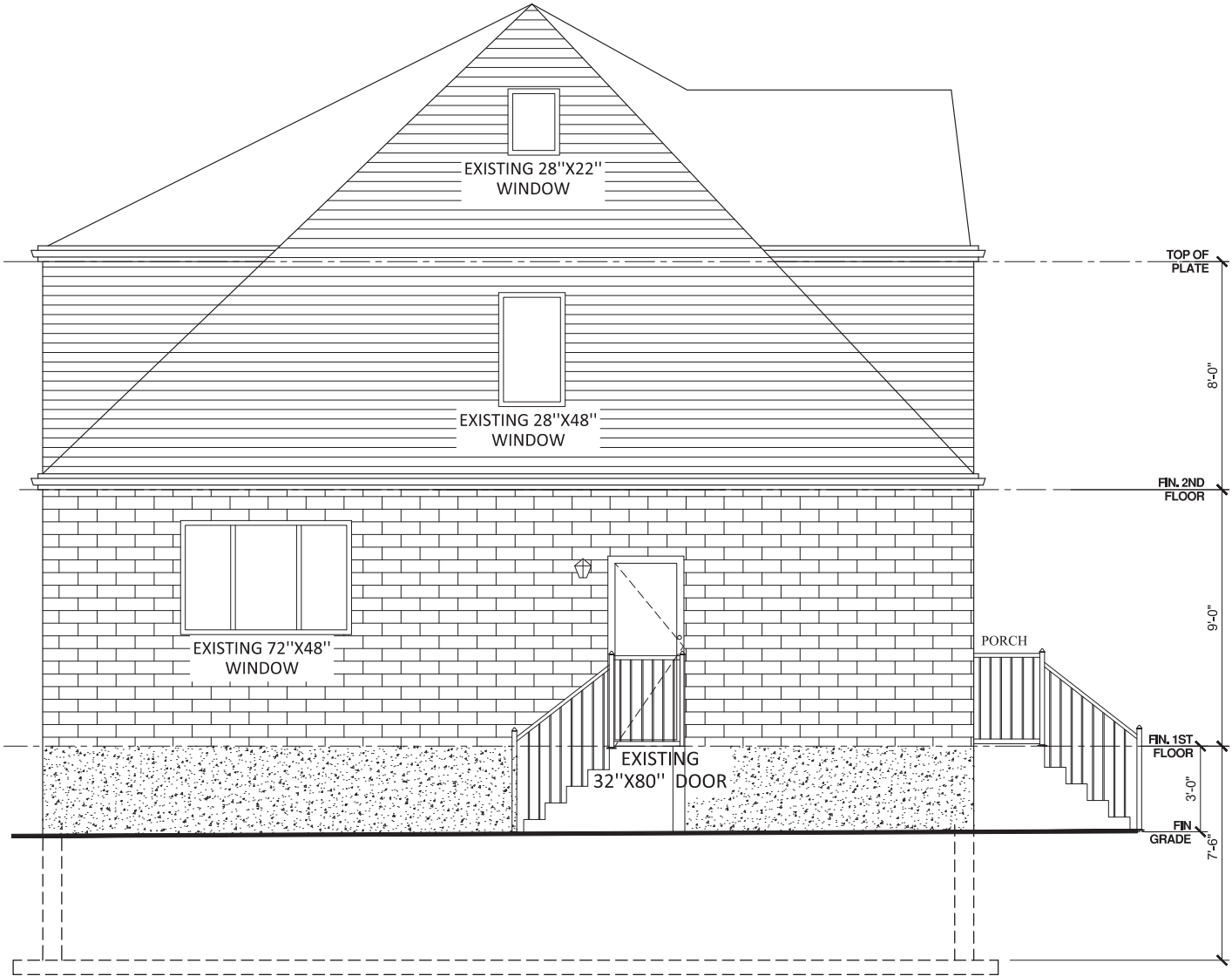
SHEET TITLE

REAR SIDE ELEVATION

CITY: HAMILTON
 1416 KING ST E
 EXISTING DWELLING BUILDING

SHEET PROJECT
A10 APRIL 2024
 N.T.S

1416 KING ST E



LEFT SIDE ELEVATION

No.	REVISION ISSUE	DATE

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PROPOSAL TO RECREATE TWO LOTS 1414 and 1416 KING ST E, WHICH HAVE MERGED INADVERTENTLY

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SHEET TITLE

LEFT SIDE ELEVATION

CITY: HAMILTON
 1416 KING ST E
 EXISTING DWELLING BUILDING

SHEET PROJECT
A11 APRIL 2024
 N.T.S

	Required	Existing	Required	Proposed Variance		Conforming/ Non-Conforming
				1414 King St East (Retained)	1416 King St East (Conveyed)	
"H" COMMUNITY SHOPPING & COMMERCIAL DISTRICT <i>in accordance with section 14 of former City of Hamilton Zoning By-law No. 6593</i>						
Height Requirements [as per section 14(2) of the former City of Hamilton Zoning By-law No. 6593]	(i) Except as provided in subclause (ii), no building or structure shall exceed four storeys or 17.0 metres (55.77 feet) in height; (ii) Where side yards are not less than 3.0 metres (9.84 feet) wide, the height of a building or structure shall not exceed eight storeys or 26.0 metres (85.30 feet) in height.	< 17.0 metres	< 17.0 metres	No Variance Proposed	No Variance Proposed	Conforms
Front Yard Requirement [as per section 14(3) of the former City of Hamilton Zoning By-law No. 6593]	(i) Where a front yard is required for any lot on the same side of a street between two intersecting streets, a front yard of a depth at least as great as that required for any such lot; 1430 King St E zoned D/S-1822 D District min front yard = 6.0m	Lands to be Conveyed (1416): 0 m Lands to be Retained (1414): =1.5 m	6m	Variance proposed to have front yard of 1.5 m for 1414 (Retained), where 6m is required	Variance proposed to have front yard of 0 m for 1416 (Conveyed), where 6m is required	Non-Conforming
Side Yard Requirement [as per section 14(3) of the former City of Hamilton Zoning By-law No. 6593]	(ii) (a) For a building used wholly or partly for human habitation except for a hostel, tourist home, and a tourist camp, if not over two and a half storeys or 11.0 metres (36.09 feet) in height, then a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and if higher, then at least 2.7 metres (8.86 feet), and for a building or structure not so used, no side yard shall be required, except where the lot upon which the same is situate adjoins a district in which side yards are required, in which case there shall be a side yard along that side, of a width at least as great as that required in such adjoining district; Provided however, that when dwelling units occur above business uses, the foregoing shall not apply to require side yards; (but see Building Regulations for front and rear light and ventilation requirements in such cases).	Common Side Yard = 0.0m Exterior Side Yards Lands to be Conveyed (1416): 0m minimum and 6.5m maximum Lands to be Retained: 0.93m	1.2 m	Variance proposed to have side yard of 0 m and 0.93 m for 1414 (Retained), where 1.2 m is required. Lot is irregular so sideyards are their but calculation is done considering minimum width.	Variance proposed to have side yard of 0 m for 1416 (Conveyed), where 1.2 m is required. Lot is irregular so sideyards are their but calculation is done considering minimum width.	Non-Conforming
	NOTE: Side yards are however, required by the Building By-Law for fire protection, for certain types of construction.					

	(b) For a hostel, tourist home and a tourist camp, if not over three storeys or 11.0 metres (36.09 feet) in height, then a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and if over three storeys or 11.0 metres (36.09 feet) in height, then at least 2.7 metres (8.86 feet), provided that for every storey above the fourth storey, the width of each side yard shall be greater by an additional 1.0 metres (3.28 feet);					
Rear Yard Requirement [as per section 14(3) of the former City of Hamilton Zoning By-law No. 6593]	(iii) (a) For a building used wholly for human habitation, a rear yard of a depth of at least 7.5 metres (24.61 feet) (6908/52) (9655/62) (79-288) (80-049) (b) For a building used partly for human habitation, a rear yard of a depth of at least 7.5 metres (24.61 feet) for every part of the building so used; and (9655/62) (79-288) (80-049) (c) In all other cases a rear yard of a depth of at least 4.5 metres (14.76 feet).	Lands to be Conveyed: 5.79m Lands to be Retained: 9.573m	7.5 m	No Variance Proposed for retained (1414)	Proposed Variance for Lands to be Conveyed (1416) to have rear yard of 5.79m, where 7.5m is required	Non-Conforming Conforming
Intensity of Use [as per section 14(4) of the former City of Hamilton Zoning By-law No. 6593]	(4) Every lot or tract of land upon which a dwelling is erected, converted or reconstructed in an "H" District shall have within the district: (9655/62) (i) For a single family dwelling, residential care facility, short-term care facility, or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.01 square feet); (9655/62) (79-288) (80-049) (81-27) (ii) For one or two dwelling units in the same building with a commercial use, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.01 square feet).	Lands to be Conveyed: 226.1 sq. m Lands to be Retained: 231.5 sq. m	360 sqm	Variance proposed to have area of 231.2 sqm for retained parcel (1414), where 360 sqm is required.	Variance proposed to have area of 226.1 sqm for conveyed parcel (1416), where 360 sqm is required.	Non-Conforming
Floor Area Ratio [as per section 14(5) of the former City of Hamilton Zoning By-law No. 6593]	(5) No building or structure in an "H" District shall have a gross floor area of more than four times the area within the district of the lot on which it is situated.	Retained (1414) - 182.4 sqm Conveyed (1416) - 168.45 sqm	Retained (1414) - 924.8 Conveyed (1416) 904.4	No Variance Req'd, please confirm	No Variance Req'd, please confirm	Unable to Determine Compliance
Distance Requirements [as per section 14(7) & (8) of the former City of Hamilton Zoning By-law No. 6593]	(7) Except as provided in Subsection 8, every residential care facility emergency shelter or corrections residence shall be situated on a lot having a minimum radial separation distance of 300.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility, emergency shelter, corrections residence or correctional facility. (8) Where a radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a					N/A

	residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (8a) In addition to the requirements of Subsections (7) and (8), a corrections residence shall be situated on a lot having a minimum radial separation distance of 30.0 metres from the lot line to the lot line of any other lot occupied by an existing residential use or residential district.					
Landscape Requirements for Commercial Uses [as per section 14(9) of the former City of Hamilton Zoning By-law No. 6593	(9) (i) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except where a building, structure or accessory building is located and except for the area used for access driveways; and (ii) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metres in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways.	Not Provided	2.0 m	Variance requested to have 0m of planting strip where 2.0 m is required	Variance requested to have 0m of planting strip where 2.0 m is required	Non-Conforming
Parking [as per section 19(1)ii. of the former City of Hamilton Zoning By-law No. 6593	(ii) Parking shall be provided in accordance with Section 18(A) of this Bylaw and the following: (a) No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained; 1. Notwithstanding Section 19.(1) (ii) (a), one parking space shall be required for a Secondary Dwelling Unit - Detached if it constitutes the fourth Dwelling Unit on a lot					N/A

Section 18A - Parking Requirements

Zoning By-law 6593

Minimum Number of Parking Spaces Section 18A(1)(a) and Table 1 of Hamilton Zoning By-law 6593	Except as otherwise provided, for every building or structure and use identified in this Section, there shall be provided and maintained within each district on the same lot on which one or more buildings are erected, altered, extended or enlarged,	1 space provided for each lot	2 parking spaces	variance requested to allow for 1 parkingspace whereas 2 are required	variance requested to allow for 1 parkingspace whereas 2 are required	Non-Conforming
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	(a) not less than the number of parking spaces at the ratio mentioned in column 2 for the corresponding use mentioned in paragraphs numbered 1, 2, 3 and 4 of column 1 of Table 1					
	<p>Refer to Table 1 to determine the number of required parking spaces and add it here.</p> <p>(a) Single family dwelling; (a) 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room; (97-112) (b) Two family dwelling; (b) 1 space per Class A dwelling unit;</p>					
<p>Minimum Number of Visitor Spaces Section 18A(1)(b) and Table 2 of Hamilton Zoning By- law 6593</p>	<p>Not less than the number of parking spaces exclusively for visitors at the ratio mentioned in column 2 for the corresponding residential use mentioned in column 1 of Table 2, as already included in the minimum number of required parking spaces for residential uses mentioned in Table 1.</p> <p>Refer to Table 2 to determine the number of required visitor parking spaces and add it here.</p>					N/A
<p>Minimum Number of Loading Spaces and Minimum Parking Space Size for Multiple Dwellings Section 18A(1)(c) and Table 3 of Hamilton Zoning By- law 6593</p>	<p>Where a building is a multiple dwelling contained more than four dwelling units, a minimum number of loading spaces conveniently located for the building having the minimum dimensions mentioned in columns 2 and 3 for the corresponding number of dwelling units mentioned in column 1 of Table 3.</p> <p>Refer to Table 3 to determine the required number of loading spaces and add it here.</p> <p>Minimum Number of Loading Spaces Required:</p>					N/A
	<p>Refer to Table 3 to determine the minimum size of the loading space and add it here.</p> <p>Minimum Loading Space Size Required:</p>					
<p>Minimum Number of Loading Spaces and Minimum Parking Space Size for Commercial Uses Section 18A(1)(d) and Table 4 of Hamilton Zoning By- law 6593</p>	<p>Where a building, structure or land is used for commercial purposes and except as provided in clause (e), a minimum number of loading spaces having minimum dimensions mentioned in column 2 and 3 for the corresponding floor area of the building mentioned in column 1 of Table 4, (shall not apply to a public parking structure)</p>					N/A

	<p><i>Refer to Table 4 to determine the minimum number of required loading spaces and add it here.</i></p> <p>Minimum Number of Loading Spaces Required:</p>					
	<p><i>Refer to Table 4 to determine the minimum size of the loading space and add it here.</i></p> <p>Minimum Loading Space Size Required:</p>					
<p>Minimum Manoeuvring Space Section 18A(1)(f) and Table 6 of Hamilton Zoning By-law 6593</p>	<p>Manoeuvring space abutting upon and accessory to each required parking space, having an aisle width mentioned in column 2 of Table 6 for each parking space having a parking angle mentioned in column 1,</p> <p><i>Refer to Table 6 to determine the minimum manoeuvring space.</i></p> <p>Minimum Manoeuvring Space Size: Single family dwellings (Parking requirements - maneuvering and access aisle) 90 degrees= 6.0 metres</p>	Not Provided	6.0 metres	Variance to allow for Manoeuvring space of 0m is requested where 6.0m is required	Variance to allow for Manoeuvring space of 0m is requested where 6.0m is required	Non-Conforming
<p>Commercial Floor Area over 450.0 Square Metres Section 18A(2) of Hamilton Zoning By-law 6593</p>	<p>Where the total commercial floor area of all commercial buildings or structures comprised in an undertaking, work project or scheme exceeds 450.0 square metres, not more than one exemption shall be permitted for the total commercial floor area by deducting a maximum of 450.0 square metres from the total commercial floor area for the purpose of calculating the minimum number of parking spaces required to be provided under paragraph 4 of Table 1 of clause (a) subsection 1.</p>	For information in how the number of required parking spaces were calculated.				
<p>Properties Shown on Area "A" and "B" in Schedule "I" Section 18A(3) of Hamilton Zoning By-law 6593</p>	<p>Where the uses mentioned in paragraphs 2, 3, and 4 of Table 1 of clause (a) of subsection 1 are located in Areas "A" and "B" shown on Schedule "I", the minimum number of parking spaces mentioned in column 2 of Table 7 shall be provided and maintained for the corresponding Area mentioned in column 1.</p>	For information in how the number of required parking spaces were calculated as the property is in Area "A" or "B" in Schedule "I".				
<p>Parking Calculation Results in a Fractional Number Section 18A(6) of Hamilton Zoning By-law 6593</p>	<p>Where calculations of the number of parking and loading spaces result in a fractional number of parking or loading spaces, the next higher number shall be taken.</p>	For information in how the number of required parking spaces were calculated as it resulted in a fraction.				

Minimum Parking Space Size Section 18A(7) of Hamilton Zoning By-law 6593	Every required parking space, other than a parallel parking space, shall have dimensions not less than <u>2.7 metres width and 6.0 metres long</u> .	2.6m x 5.5m revised plan to show this	2.7 m x 6.0m	No variance necessary, please confirm	No variance necessary, please confirm	Conforms? Please confirm
Single Family Dwelling where more than One Parking Space is in an Attached Garage Section 18A(7a) of	Notwithstanding subsection (7), for a single family dwelling, where more than one parking space is provided in an attached garage, then an open stairway may project into the length of the required parking space not more than					N/A
Hamilton Zoning By-law 6593	0.75m provided that the height of the stairway does not exceed 0.5m.					
Minimum Parallel Parking Space Size Section 18A(8) of Hamilton Zoning By-law 6593	Every parallel parking space shall have dimensions not less than 2.5m wide and 6.7m long					N/A
Location of Required Parking Space, Loading Space and Manoeuvring Space Section 18A(9) of Hamilton Zoning By-law 6593	Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot which the principal use, building or structure is located.	Provided				Conforms
Unobstructed Required Parking Space Section 18A(10) of Hamilton Zoning By-law 6593	Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.	Not provided		Not applicable as only one parking space is proposed	Not applicable as only one parking space is proposed	Non-Conforming
Landscaped Area in Front Yard Section 18A(14a) of Hamilton Zoning By-law 6593	Except for single family dwellings, two family dwellings and three family dwellings <u>erected prior to December 14, 1971</u> , no part of a required parking space for a single family dwelling, two family dwelling or three family dwelling in a residential district shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials.	Retained (1414) - 0% Conveyed (1416) - irregular lot (57%)	50%	Variance requested for the landscape area in front yard to be 0% where minimum 50% is required	Considering the front as the triangular portion as shown on the Site Plan, variance is not required, please confirm	Unable to Determine Compliance

Single Family Dwelling, Two Family Dwellings and Three Family Dwellings - Parking Provided in the Front Yard Section 18A(14b) of Hamilton Zoning By-law 6593	For single family dwellings, two family dwellings, and three family dwellings <u>erected prior to December 14, 1971</u> , parking may be provided and maintained in the front yard provided that: i) The area for parking shall not occupy more than 50% of the gross area of the front yard.	Provided				Conforms
	ii) Not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials.	Retained (1414) - 0% Conveyed (1416) - irregular lot (57%)	50%	Variance requested for the landscape area in front yard to be 0% where minimum 50% is required	Considering the front as the triangular portion as shown on the Site Plan, variance is not required, please confirm	Unable to Determine Compliance
Single Family Dwelling, Two Family Dwellings and Three Family Dwellings – On a Corner Lot Section 18A(14c) of Hamilton Zoning By-law 6593	Where a single family dwelling, two family dwelling or three family dwelling in a residential district is <u>located on a corner lot</u> , parking may be permitted in the side yard that abuts the street line provided that: i) The area for parking shall not occupy more than 50% of the gross area of the side yard; and ii) not less than 50% of the gross area of the side yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials.	Not a corner lot				N/A
Calculating Gross Area of the Front Yard Section 18A(14d) of Hamilton Zoning By-law 6593	For the purposes of clauses (14a)(14b)&(14h), the gross area of the <u>front yard</u> shall be calculated as the area between the front lot line and the front of the principal dwelling and the area extending from the side lot line to side lot line but subtracting: - unenclosed entrance porches - vestibules -ramps -front steps -chimneys -bay windows -ornamental projections -terraces -platforms -a walkway between the front entrance of the principal dwelling and the front lot line or driveway with a maximum width of 0.6m					

Calculating Gross Area of the Side Yard Section 18A(14e) of Hamilton Zoning By-law 6593	For purposes of clause (14c), the gross area of the <u>side yard</u> shall be calculated as the area between the side lot line and a principal dwelling and the area extending from the front yard to the rear yard subtracting: - unenclosed entrance porches - vestibules -ramps -side steps -chimneys -bay windows -ornamental projections -terraces -platforms -alcoves -stairwells -a walkway located in the side yard between the area extending from the front yard to the rear yard of the principal dwelling with a maximum of 0.6m					
Required Parking in the Front Yard Section 18A(14g) of	Except as provided for in clauses (14a),(14b) and (14h), no part of the required parking area					N/A
Hamilton Zoning By-law 6593	in a residential district shall be located in a required front yard.					
Location of Required Parking for a Single Family Dwelling Section 18A(14h) of Hamilton Zoning By-law 6593	For the purpose of a single family dwelling, the following shall apply: i) only one of the required parking spaces may be located in the front yard, and ii) notwithstanding subsection 10, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces.	Provided				Conforms
		Only one parking space provided per lot				
More Than One Use Proposed Section 18A(17) of Hamilton Zoning By-law 6593	Except as provided in subsections 18, 19, and 20, where more than one use is made of land, or a building, or a structure, there shall be provided and maintained a total number of, (a) parking spaces, equal to the aggregate number of parking spaces required to be provided for each use; (b) loading spaces, equal to the aggregate number of loading spaces required to be provided for each use.					N/A

Joint Residential Use and Commercial Use Section 18A(20) of Hamilton Zoning By-law 6593	Where a building or structure is comprised of a joint residential use and a commercial use, (a) the aggregate of the required residential and commercial parking spaces may be reduced by not more than 20% of either the required residential parking spaces or the required commercial parking spaces whichever is the lesser only if, (i) the number of parking spaces equal to the amount of the reduction are accessible to both the residential and commercial uses at times; and, (ii) not less than 80% of the parking spaces accessory to the residential uses are fully and completely separated from parking spaces accessory to the commercial uses; and, (b) the number of the required loading spaces for the commercial uses may be reduced by 50% of the required number of loading spaces for the residential uses.	Future uses to be residential				N/A
Access to Required Parking Spaces and manoeuvring Spaces Section 18A(21) of Hamilton Zoning By-law 6593	All required parking spaces and manoeuvring space shall have access by means of one or more access driveways, a) located on the lot, or b) located partly on the lot in the case of a mutual driveway c) by means of a right of way.	Manoeuvring space provided on the ROW	Manoeuvring space required to be located on lot	Variance requested to allow for the Manoeuvring space to be provided on the ROW	Variance requested to allow for the Manoeuvring space to be provided on the ROW	Non-Conforming
Unobstructed Access to and from Required Parking Spaces Section 18A(22) of Hamilton Zoning By-law 6593	All manoeuvring space shall be maintained free and clear of all obstructions to permit unobstructed access to and from required parking spaces.	Provided				Conforms
Access Driveway Section 18A(23) of Hamilton Zoning By-law 6593	Every access driveway shall provide easy access from a highway to the parking area to which the access driveway is accessory.	Provided				Conforms
Five or Less Parking Spaces Section 18A(24) of Hamilton Zoning By-law 6593	Every parking area for a use where, a) There are <u>fi ve or less</u> parking spaces shall have: not less than one access driveway or one mutual driveway, having a width of at least 2.8m	2.6m, revised to 2.7m	minimum width of 2.8 m required	Variance requested to have width of driveway to be 2.7m where minimum 2.8m is required	Variance requested to have width of driveway to be 2.7m where minimum 2.8m is required	Non-Conforming
	b) There are <u>m ore than five (5)</u> parking spaces shall have:					N/A

	<p>i) not less than one access driveway or mutual access driveway having a width of at least 5.5m, or</p> <p>ii) a separate ingress driveway and a separate egress driveway, each having a width of at least 3.0m and each operated in a one way but opposite direction to each other and so designed that vehicles shall not back out onto an adjoining highway.</p> <p>iii) Markings on the surface of the parking area delineating the separate parking spaces; and</p> <p>iv) bumpers or wheel barriers to prevent the physical encroachment beyond the parking area except at the entrance to and exit from the parking area.</p>				
Residential District Vehicular Access Section 18A(27) of Hamilton Zoning By-law 6593	No land in a <u>ny residential district</u> shall be used for the purpose of vehicular access to or egress from any land in a commercial district or industrial district.				N/A
Residential - Lands a Multiple Dwelling is Not Permitted Section 18A(28) of Hamilton Zoning By-law 6593	No land in any residential district in which a multiple dwelling is not permitted shall be used for the purpose of vehicular access to or egress from any land used for a multiple dwelling.				N/A
Parking for a Townhouse Dwelling or Maisonette Dwelling Section 18A(29) of Hamilton Zoning By-law 6593	Where a parking space for a <u>townhouse dwelling or maisonette dwelling</u> is covered and attached to or enclosed within the dwelling unit, the entrance to the parking space shall be located not less than 6.0m from the entrance to the individual driveway.				N/A
Parking Surface Material Section 18A(30) of Hamilton Zoning By-law 6593	Except as provided in subsection 31, a permanent durable and dustless surface that is graded, drained and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.	Provided			Conforms
Parking Surface Material –	A gravel or similar surface or other suitable	Provided			Conforms

<p>Single Family Dwelling, Two Family Dwelling, and Street Townhouse Dwelling Section 18A(31) of Hamilton Zoning By-law 6593</p>	<p>paving shall be provided and maintained for every parking space and access driveway accessory to a <u>single family dwelling, two family dwelling and to a street townhouse dwelling</u> each having separate access driveways.</p>					
<p>Restaurants in the "H" District Section 18A(36) of Hamilton Zoning By-law 6593</p>	<p>Notwithstanding any other provisions of this By-law, the following shall apply to restaurants in the "H" District:</p> <p>1. There shall be provided and maintained accessory to a restaurant in an "H" District,</p> <p>(a) a parking area containing parking space at the rate of one space for every six persons who may be lawfully accommodated except that,</p> <p>(i) no parking space shall be required within the area more particularly described as area "A" shown on Schedule "I";</p> <p>(ii) parking space at the rate of one space for every twelve persons who may be lawfully accommodated shall be provided and maintained within the area more particularly described as area "B" shown on Schedule "I";</p> <p>(b) a distance of not less than 12.0 metres (39.37 feet) between a residential district and the driveway and the parking area and manoeuvring area used in conjunction with a restaurant;</p> <p>(c) a landscaped area for the parking area referred to in clause (a) of not less than 1.5 metres (4.92 feet) in width along and within every side lot line and front lot line that abuts a highway and any public right-of-way.</p>					N/A
	<p>2. No points of ingress or egress at the lot line, to or from the lot on which parking for a restaurant is located shall be situate closer than 30.0 metres (98.43 feet) to a residential district boundary.</p>					
<p>Restaurants in the "H" District – Sections that do not apply for property within areas "A" and "B" shown on Schedule "I" Section 18A(37) of Hamilton Zoning By-law 6593</p>	<p>Clause (b) of paragraph 1 of subsection 36 of this section and paragraph 2 of the said subsection 36 shall not apply to the land situate within areas "A" and "B" shown on Schedule "I".</p>					N/A
<p>Properties Located in the</p>	<p>Except for residential care facilities, retirement</p>					N/A

<p>area shown on Schedule “K” Section 18A(42) of Hamilton Zoning By-law 6593</p>	<p>homes, correctional facilities, correction residences and emergency shelters, where residential uses mentioned in paragraph 1 in Table 1 and Table 3 area located in the area shown on Schedule “K”, no parking and loading will be required for residential uses established within the period from <u>September 1, 2002</u> and <u>September 1, 2005</u>.</p>					
<p>Areas shown on Schedules “P”, “Q”, “S” and “T” – Permitted Commercial Uses Parking Requirements Section 18A(43) of Hamilton Zoning By-law 6593</p>	<p>The provisions of Subsection 18A(1) shall not apply to any permitted commercial use(s), except “Medical Office” which includes “Doctor, Dentist, Osteopath and Drugless Practitioner,” located in all or part of the building existing on the effective date of this By-law, within the areas shown on Schedules “P”, “Q”, “S” and “T”, attached as Schedules “A4”, “A5”, “A7” and “A8” to this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A(1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.</p>					N/A
<p>Area shown on Schedules “R” – Permitted Commercial Uses Parking Requirements Section 18A(44) of Hamilton Zoning By-law 6593</p>	<p>The provisions of Subsection 18A(1) shall not apply to any permitted commercial use(s), except “Restaurant” and “Medical Office” which includes “Doctor, Dentist, Osteopath and Drugless Practitioner,” located in all or part of the building existing on the effective date of this By-law, within the area shown on Schedule “R”, attached as Schedule “A6” to this By-law, no parking spaces are required provided that the number of parking spaces which existed on</p>					N/A
	<p>the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A(1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.</p>					

<p>Area shown on Schedules "U" – Permitted Commercial Uses Parking Requirements Section 18A(45) of Hamilton Zoning By-law 6593</p>	<p>Notwithstanding Section 18A(3) and Table 7 and Section 18A(36)(1)(a), the provisions of Subsection 18A(1) shall not apply to any permitted commercial use(s), except "Medical Office" which includes "Doctor, Dentist, Osteopath and Drugless Practitioner," located in all or part of the building existing on the effective date of this By-law, within the areas shown on Schedule "U" – James Street North and Schedule "U" – James Street South, attached as Schedule "A1" and "A2" to this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A(1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.</p>					N/A
<p>Area shown on Schedules "R" and zoned "H" (Community Shopping and Commercial, etc.) – Permitted Commercial Uses Parking Requirements Section 18A(46) of Hamilton Zoning By-law 6593</p>	<p>Notwithstanding Section 18A(3) and Table 7 and Section 18A(36)(1)(a), the provisions of Subsection 18A(1) shall not apply to any permitted commercial use(s), except "Medical Office" which includes "Doctor, Dentist, Osteopath and Drugless Practitioner," located in all or part of the building existing on the effective date of this By-law that is zoned "H" (Community Shopping and Commercial, etc.) District or a site specific "H" District, except those properties identified on Schedule "R", no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A(1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.</p>					N/A

S.No.	Existing	Required	Proposed Variance	
			1414 King St East (Retained)	1416 King St East (Conveyed)
1	Lands to be Conveyed (1416): 0 m Lands to be Retained (1414): =1.5 m	6m	Variance proposed to have front yard of 1.5 m for 1414 (Retained), where 6m is required	Variance proposed to have front yard of 0 m for 1416 (Conveyed), where 6m is required
2	Common Side Yard = 0.0m Exterior Side Yards Lands to be Conveyed (1416): 0m minimum and 6.5m maximum Lands to be Retained: 0.93m	1.2 m	Variance proposed to have side yard of 0 m and 0.93 m for 1414 (Retained), where 1.2 m is required. Lot is irregular so sideyards are their but calculation is done considering minimum width.	Variance proposed to have side yard of 0 m for 1416 (Conveyed), where 1.2 m is required. Lot is irregular so sideyards are their but calculation is done considering minimum width.
3	Lands to be Conveyed: 5.79m Lands to be Retained: 9.573m	7.5 m	No Variance Proposed for retained (1414)	Proposed Variance for Lands to be Conveyed (1416) to have rear yard of 5.79m, where 7.5m is required
4	Lands to be Conveyed: 226.1 sq. m Lands to be Retained: 231.5 sq. m	360 sqm	Variance proposed to have area of 231.2 sqm for retained parcel (1414), where 360 sqm is required.	Variance proposed to have area of 226.1 sqm for conveyed parcel (1416), where 360 sqm is required.
5	Not Provided	2.0 m	Variance requested to have 0m of planting strip where 2.0 m is required	Variance requested to have 0m of planting strip where 2.0 m is required
6	1 space provided for each lot	2 parking spaces	variance requested to allow for 1 parkingspace whereas 2 are required	variance requested to allow for 1 parkingspace whereas 2 are required
7	Not Provided	6.0 metres	Variance to allow for Manoeuvring space of 0m is requested where 6.0m is required	Variance to allow for Manoeuvring space of 0m is requested where 6.0m is required
8	2.6m x 5.5m revised plan to show this	2.7 m x 6.0m	No variance necessary, please confirm	No variance necessary, please confirm
9	Retained (1414) - 0% Conveyed (1416) - irregular lot (57%)	50%	Variance requested for the landscape area in front yard to be 0% where minimum 50% is required	Considering the front as the triangular portion as shown on the Site Plan, variance is not required, please confirm

10	Retained (1414) - 0% Conveyed (1416) - irregular lot (57%)	50%	Variance requested for the landscape area in front yard to be 0% where minimum 50% is required	Considering the front as the triangular portion as shown on the Site Plan, variance is not required, please confirm
11	Manoeuvring space provided on the ROW	Manoeuvring space required to be located on lot	Variance requested to allow for the Manoeuvring space to be provided on the ROW	Variance requested to allow for the Manoeuvring space to be provided on the ROW
12	2.6m, revised to 2.7m	minimum width of 2.8 m required	Variance requested to have width of driveway to be 2.7m where minimum 2.8m is required	Variance requested to have width of driveway to be 2.7m where minimum 2.8m is required



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division
71 Main Street West
Hamilton, Ontario, Canada, L8P 4Y5
Phone: 905.546.2720 Fax: 905.546.2764
www.hamilton.ca

May 16, 2024

FILE: ALR
FOLDER:
ATTENTION OF: Ross McIntosh
TELEPHONE NO: (905) 546-2424
EXTENSION: 2077

PALAK KATARIA
141 MCANULTY BLVD
HAMILTON, ON L8H 3H6

Attention:

Re: ZONING COMPLIANCE REVIEW IN SUPPORT OF A MINOR VARIANCE APPLICATION
Present Zoning: "H" COMMUNITY SHOPPING & COMMERCIAL (Zoning by-law 6593)
Address: 1414 & 1416 KING St. E HAMILTON, ON

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

COMMENTS:

1. The purpose of this application is to facilitate consent application (HM/B-23:89) to recreate two lots, which was approved on January 18, 2024, and highlight all necessary variances required to clear consent conditions for both the lands retained and the lands conveyed.
2. The proposed use for both the lands retained and the lands conveyed is residential.
1414 King St East - Currently Vacant and was being used as residential.
1416 King St East - Currently Vacant but was being used as mixed use, with commercial on lower level and residential unit on upper floor. Proposed to be used as Residential in future.
3. Construction of the proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
4. All Yard Encroachments shall conform to Section Eighteen "Encroachments on Yards" of the former City of Hamilton Zoning By-law No. 6593.

5. All mechanical and unitary equipment shall conform to Section Eighteen of the former City of Hamilton Zoning By-law No. 6593.
6. All new fences proposed for this development must comply with the regulations contained within Sign By-law 10-142.
7. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
8. The proposed development has been reviewed and compared to the standards of the "H" Community Shopping & Commercial District under former City of Hamilton Zoning By-Law No.6593 as indicated in the following chart:

	Required	Provided	Conforming/ Non-Conforming
"H" COMMUNITY SHOPPING & COMMERCIAL DISTRICT <i>in accordance with section 14 of former City of Hamilton Zoning By-law No. 6593</i>			
Height Requirements [as per section 14(2) of the former City of Hamilton Zoning By-law No. 6593]	(i) Except as provided in subclause (ii), no building or structure shall exceed four storeys or 17.0 metres (55.77 feet) in height; (ii) Where side yards are not less than 3.0 metres (9.84 feet) wide, the height of a building or structure shall not exceed eight storeys or 26.0 metres (85.30 feet) in height.	< 17.0 metres	Conforms
Front Yard Requirement [as per section 14(3) of the former City of Hamilton Zoning By-law No. 6593]	(i) Where a front yard is required for any lot on the same side of a street between two intersecting streets, a front yard of a depth at least as great as that required for any such lot; 1430 King St E zoned D/S-1822 D District min front yard = 6.0m	Lands to be Conveyed: <6.0m Lands to be Retained: <6.0m	Non-Conforming
Side Yard Requirement [as per section 14(3) of the former City of Hamilton Zoning By-law No. 6593]	(ii) (a) For a building used wholly or partly for human habitation except for a hostel, tourist home, and a tourist camp, if not over two and a half storeys or 11.0 metres (36.09 feet) in height, then a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and if higher, then at least 2.7 metres (8.86 feet), and for a building or structure not so used, no side yard shall be required, except where the lot upon which the same is situate adjoins a district in which side yards are required, in which case there shall be a side yard along that side, of a width at least as great as that required in such adjoining district; Provided however, that when dwelling units occur above business uses, the foregoing shall not apply to require side yards; (but see Building Regulations for front and rear light and ventilation requirements in such cases).	Common Side Yard = 0.0m Exterior Side Yards Lands to be Conveyed: Approx 6.0m (Applicant to Confirm) Lands to be Retained: 0.93m	Non-Conforming

	<p>NOTE: Side yards are however, required by the Building By-Law for fire protection, for certain types of construction.</p> <p>(b) For a hostel, tourist home and a tourist camp, if not over three storeys or 11.0 metres (36.09 feet) in height, then a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and if over three storeys or 11.0 metres (36.09 feet) in height, then at least 2.7 metres (8.86 feet), provided that for every storey above the fourth storey, the width of each side yard shall be greater by an additional 1.0 metres (3.28 feet);</p>		
<p>Rear Yard Requirement [as per section 14(3) of the former City of Hamilton Zoning By-law No. 6593</p>	<p>(iii) (a) For a building used wholly for human habitation, a rear yard of a depth of at least 7.5 metres (24.61 feet) (6908/52) (9655/62) (79-288) (80-049) (b) For a building used partly for human habitation, a rear yard of a depth of at least 7.5 metres (24.61 feet) for every part of the building so used; and (9655/62) (79-288) (80-049) (c) In all other cases a rear yard of a depth of at least 4.5 metres (14.76 feet).</p>	<p>Lands to be Conveyed: 5.79m</p> <p>Lands to be Retained: 9.573m</p>	<p>Non-Conforming</p> <p>Conforming</p>
<p>Intensity of Use [as per section 14(4) of the former City of Hamilton Zoning By-law No. 6593</p>	<p>(4) Every lot or tract of land upon which a dwelling is erected, converted or reconstructed in an "H" District shall have within the district: (9655/62) (i) For a single family dwelling, residential care facility, short-term care facility, or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.01 square feet); (9655/62) (79-288) (80-049) (81-27) (ii) For one or two dwelling units in the same building with a commercial use, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.01 square feet).</p>	<p>Lands to be Conveyed: 226.1 sq. m</p> <p>Lands to be Retained: 231.5 sq. m</p>	<p>Non-Conforming</p>
<p>Floor Area Ratio [as per section 14(5) of the former City of Hamilton Zoning By-law No. 6593</p>	<p>(5) No building or structure in an "H" District shall have a gross floor area of more than four times the area within the district of the lot on which it is situate.</p>	<p>Details not Provided</p>	<p>Unable to Determine Compliance</p>
<p>Distance Requirements [as per section 14(7) & (8) of the former City of Hamilton Zoning By-law No. 6593</p>	<p>(7) Except as provided in Subsection 8, every residential care facility emergency shelter or corrections residence shall be situated on a lot having a minimum radial separation distance of 300.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility, emergency shelter, corrections residence or correctional facility.</p> <p>(8) Where a radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a</p>		<p>N/A</p>

	<p>residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.</p> <p>(8a) In addition to the requirements of Subsections (7) and (8), a corrections residence shall be situated on a lot having a minimum radial separation distance of 30.0 metres from the lot line to the lot line of any other lot occupied by an existing residential use or residential district.</p>		
<p>Landscape Requirements for Commercial Uses [as per section 14(9) of the former City of Hamilton Zoning By-law No. 6593</p>	<p>(9) (i) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except where a building, structure or accessory building is located and except for the area used for access driveways; and</p> <p>(ii) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metres in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways.</p>	Not Provided	Non-Conforming
<p>Parking [as per section 19(1)ii. of the former City of Hamilton Zoning By-law No. 6593</p>	<p>(ii) Parking shall be provided in accordance with Section 18(A) of this Bylaw and the following: (a) No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained; 1. Notwithstanding Section 19.(1) (ii) (a), one parking space shall be required for a Secondary Dwelling Unit - Detached if it constitutes the fourth Dwelling Unit on a lot</p>		N/A

Section 18A - Parking Requirements Zoning By-law 6593			
<p>Minimum Number of Parking Spaces Section 18A(1)(a) and Table 1 of Hamilton Zoning By-law 6593</p>	<p>Except as otherwise provided, for every building or structure and use identified in this Section, there shall be provided and maintained within each district on the same lot on which one or more buildings are erected, altered, extended or enlarged,</p> <p>(a) not less than the number of parking spaces at the ratio mentioned in column 2 for the corresponding use mentioned in paragraphs numbered 1, 2, 3 and 4 of column 1 of Table 1</p>	1 space provided for each lot	Non-Conforming

	<p>Refer to Table 1 to determine the number of required parking spaces and add it here.</p> <p>(a) Single family dwelling; (a) 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room; (97-112) (b) Two family dwelling; (b) 1 space per Class A dwelling unit;</p>		
<p>Minimum Number of Visitor Spaces Section 18A(1)(b) and Table 2 of Hamilton Zoning By-law 6593</p>	<p>Not less than the number of parking spaces exclusively for visitors at the ratio mentioned in column 2 for the corresponding residential use mentioned in column 1 of Table 2, as already included in the minimum number of required parking spaces for residential uses mentioned in Table 1.</p> <p>Refer to Table 2 to determine the number of required visitor parking spaces and add it here.</p>		N/A
<p>Minimum Number of Loading Spaces and Minimum Parking Space Size for Multiple Dwellings Section 18A(1)(c) and Table 3 of Hamilton Zoning By-law 6593</p>	<p>Where a building is a multiple dwelling contained more than four dwelling units, a minimum number of loading spaces conveniently located for the building having the minimum dimensions mentioned in columns 2 and 3 for the corresponding number of dwelling units mentioned in column 1 of Table 3.</p> <p>Refer to Table 3 to determine the required number of loading spaces and add it here.</p> <p>Minimum Number of Loading Spaces Required:</p>		N/A
	<p>Refer to Table 3 to determine the minimum size of the loading space and add it here.</p> <p>Minimum Loading Space Size Required:</p>		
<p>Minimum Number of Loading Spaces and Minimum Parking Space Size for Commercial Uses Section 18A(1)(d) and Table 4 of Hamilton Zoning By-law 6593</p>	<p>Where a building, structure or land is used for commercial purposes and except as provided in clause (e), a minimum number of loading spaces having minimum dimensions mentioned in column 2 and 3 for the corresponding floor area of the building mentioned in column 1 of Table 4, (shall not apply to a public parking structure)</p> <p>Refer to Table 4 to determine the minimum number of required loading spaces and add it here.</p> <p>Minimum Number of Loading Spaces Required:</p>		N/A

	<p>Refer to Table 4 to determine the minimum size of the loading space and add it here.</p> <p>Minimum Loading Space Size Required:</p>		
<p>Minimum Manoeuvring Space Section 18A(1)(f) and Table 6 of Hamilton Zoning By-law 6593</p>	<p>Manoeuvring space abutting upon and accessory to each required parking space, having an aisle width mentioned in column 2 of Table 6 for each parking space having a parking angle mentioned in column 1,</p> <p>Refer to Table 6 to determine the minimum manoeuvring space.</p> <p>Minimum Manoeuvring Space Size:</p> <p>Single family dwellings (Parking requirements - maneuvering and access aisle)</p> <p>90 degrees= 6.0 metres</p>	Not Provided	Non-Conforming
<p>Commercial Floor Area over 450.0 Square Metres Section 18A(2) of Hamilton Zoning By-law 6593</p>	<p>Where the total commercial floor area of all commercial buildings or structures comprised in an undertaking, work project or scheme exceeds 450.0 square metres, not more than one exemption shall be permitted for the total commercial floor area by deducting a maximum of 450.0 square metres from the total commercial floor area for the purpose of calculating the minimum number of parking spaces required to be provided under paragraph 4 of Table 1 of clause (a) subsection 1.</p>	For information in how the number of required parking spaces were calculated.	
<p>Properties Shown on Area "A" and "B" in Schedule "I" Section 18A(3) of Hamilton Zoning By-law 6593</p>	<p>Where the uses mentioned in paragraphs 2, 3, and 4 of Table 1 of clause (a) of subsection 1 are located in Areas "A" and "B" shown on Schedule "I", the minimum number of parking spaces mentioned in column 2 of Table 7 shall be provided and maintained for the corresponding Area mentioned in column 1.</p>	For information in how the number of required parking spaces were calculated as the property is in Area "A" or "B" in Schedule "I".	
<p>Parking Calculation Results in a Fractional Number Section 18A(6) of Hamilton Zoning By-law 6593</p>	<p>Where calculations of the number of parking and loading spaces result in a fractional number of parking or loading spaces, the next higher number shall be taken.</p>	For information in how the number of required parking spaces were calculated as it resulted in a fraction.	
<p>Minimum Parking Space Size Section 18A(7) of Hamilton Zoning By-law 6593</p>	<p>Every required parking space, other than a parallel parking space, shall have dimensions not less than <u>2.7 metres width and 6.0 metres long.</u></p>	2.6m x 5.5m	Non-Conforming
<p>Single Family Dwelling where more than One Parking Space is in an Attached Garage Section 18A(7a) of</p>	<p>Notwithstanding subsection (7), for a single family dwelling, where more than one parking space is provided in an attached garage, then an open stairway may project into the length of the required parking space not more than</p>		N/A

Hamilton Zoning By-law 6593	0.75m provided that the height of the stairway does not exceed 0.5m.		
Minimum Parallel Parking Space Size Section 18A(8) of Hamilton Zoning By-law 6593	Every parallel parking space shall have dimensions not less than 2.5m wide and 6.7m long		N/A
Location of Required Parking Space, Loading Space and Manoeuvring Space Section 18A(9) of Hamilton Zoning By-law 6593	Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot which the principal use, building or structure is located.	Provided	Conforms
Unobstructed Required Parking Space Section 18A(10) of Hamilton Zoning By-law 6593	Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.	Not provided	Non-Conforming
Landscaped Area in Front Yard Section 18A(14a) of Hamilton Zoning By-law 6593	Except for single family dwellings, two family dwellings and three family dwellings <u>erected prior to December 14, 1971</u> , no part of a required parking space for a single family dwelling, two family dwelling or three family dwelling in a residential district shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials.	Details not provided	Unable to Determine Compliance
Single Family Dwelling, Two Family Dwellings and Three Family Dwellings - Parking Provided in the Front Yard Section 18A(14b) of Hamilton Zoning By-law 6593	For single family dwellings, two family dwellings, and three family dwellings <u>erected prior to December 14, 1971</u> , parking may be provided and maintained in the front yard provided that: i) The area for parking shall not occupy more than 50% of the gross area of the front yard.	Provided	Conforms
	ii) Not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials.	Details not Provided	Unable to Determine Compliance
Single Family Dwelling, Two Family Dwellings and Three Family Dwellings –	Where a single family dwelling, two family dwelling or three family dwelling in a residential district is <u>located on a corner lot</u> ,	Not a corner lot	N/A

<p>On a Corner Lot Section 18A(14c) of Hamilton Zoning By-law 6593</p>	<p>parking may be permitted in the side yard that abuts the street line provided that:</p> <p>i) The area for parking shall not occupy more than 50% of the gross area of the side yard; and</p>		
	<p>ii) not less than 50% of the gross area of the side yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials.</p>		
<p>Calculating Gross Area of the Front Yard Section 18A(14d) of Hamilton Zoning By-law 6593</p>	<p>For the purposes of clauses (14a)(14b)&(14h), the gross area of the <u>front yard</u> shall be calculated as the area between the front lot line and the front of the principal dwelling and the area extending from the side lot line to side lot line but subtracting:</p> <ul style="list-style-type: none"> - unenclosed entrance porches - vestibules -ramps -front steps -chimneys -bay windows -ornamental projections -terraces -platforms -a walkway between the front entrance of the principal dwelling and the front lot line or driveway with a maximum width of 0.6m 		
<p>Calculating Gross Area of the Side Yard Section 18A(14e) of Hamilton Zoning By-law 6593</p>	<p>For purposes of clause (14c), the gross area of the <u>side yard</u> shall be calculated as the area between the side lot line and a principal dwelling and the area extending from the front yard to the rear yard subtracting:</p> <ul style="list-style-type: none"> - unenclosed entrance porches - vestibules -ramps -side steps -chimneys -bay windows -ornamental projections -terraces -platforms -alcoves -stairwells -a walkway located in the side yard between the area extending from the front yard to the rear yard of the principal dwelling with a maximum of 0.6m 		
<p>Required Parking in the Front Yard Section 18A(14g) of</p>	<p>Except as provided for in clauses (14a),(14b) and (14h), no part of the required parking area</p>		<p>N/A</p>

Hamilton Zoning By-law 6593	in a residential district shall be located in a required front yard.		
Location of Required Parking for a Single Family Dwelling Section 18A(14h) of Hamilton Zoning By-law 6593	For the purpose of a single family dwelling, the following shall apply: i) only one of the required parking spaces may be located in the front yard, and	Provided	Conforms
	ii) notwithstanding subsection 10, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces.	Only one parking space provided per lot	
More Than One Use Proposed Section 18A(17) of Hamilton Zoning By-law 6593	Except as provided in subsections 18, 19, and 20, where more than one use is made of land, or a building, or a structure, there shall be provided and maintained a total number of, (a) parking spaces, equal to the aggregate number of parking spaces required to be provided for each use; (b) loading spaces, equal to the aggregate number of loading spaces required to be provided for each use.		N/A
Joint Residential Use and Commercial Use Section 18A(20) of Hamilton Zoning By-law 6593	Where a building or structure is comprised of a joint residential use and a commercial use, (a) the aggregate of the required residential and commercial parking spaces may be reduced by not more than 20% of either the required residential parking spaces or the required commercial parking spaces whichever is the lesser only if, (i) the number of parking spaces equal to the amount of the reduction are accessible to both the residential and commercial uses at times; and, (ii) not less than 80% of the parking spaces accessory to the residential uses are fully and completely separated from parking spaces accessory to the commercial uses; and,	Future uses to be residential	N/A
	(b) the number of the required loading spaces for the commercial uses may be reduced by 50% of the required number of loading spaces for the residential uses.		
Access to Required Parking Spaces and manoeuvring Spaces Section 18A(21) of Hamilton Zoning By-law 6593	All required parking spaces and manoeuvring space shall have access by means of one or more access driveways, a) located on the lot, or b) located partly on the lot in the case of a mutual driveway	Manoeuvring space provided on the ROW	Non-Conforming

	c) by means of a right of way.		
Unobstructed Access to and from Required Parking Spaces Section 18A(22) of Hamilton Zoning By-law 6593	All manoeuvring space shall be maintained free and clear of all obstructions to permit unobstructed access to and from required parking spaces.	Provided	Conforms
Access Driveway Section 18A(23) of Hamilton Zoning By-law 6593	Every access driveway shall provide easy access from a highway to the parking area to which the access driveway is accessory.	Provided	Conforms
Five or Less Parking Spaces Section 18A(24) of Hamilton Zoning By-law 6593	Every parking area for a use where, a) There are <u>five or less</u> parking spaces shall have: not less than one access driveway or one mutual driveway, having a width of at least 2.8m	2.6m	Non-Conforming
	b) There are <u>more than five (5)</u> parking spaces shall have: i) not less than one access driveway or mutual access driveway having a width of at least 5.5m, or ii) a separate ingress driveway and a separate egress driveway, each having a width of at least 3.0m and each operated in a one way but opposite direction to each other and so designed that vehicles shall not back out onto an adjoining highway. iii) Markings on the surface of the parking area delineating the separate parking spaces; and iv) bumpers or wheel barriers to prevent the physical encroachment beyond the parking area except at the entrance to and exit from the parking area.		N/A
Residential District Vehicular Access Section 18A(27) of Hamilton Zoning By-law 6593	No land in <u>any residential district</u> shall be used for the purpose of vehicular access to or egress from any land in a commercial district or industrial district.		N/A
Residential - Lands a Multiple Dwelling is Not Permitted Section 18A(28) of Hamilton Zoning By-law 6593	No land in any residential district in which a multiple dwelling is not permitted shall be used for the purpose of vehicular access to or egress from any land used for a multiple dwelling.		N/A

<p>Parking for a Townhouse Dwelling or Maisonette Dwelling Section 18A(29) of Hamilton Zoning By-law 6593</p>	<p>Where a parking space for a <u>townhouse dwelling or maisonette dwelling</u> is covered and attached to or enclosed within the dwelling unit, the entrance to the parking space shall be located not less than 6.0m from the entrance to the individual driveway.</p>		<p>N/A</p>
<p>Parking Surface Material Section 18A(30) of Hamilton Zoning By-law 6593</p>	<p>Except as provided in subsection 31, a permanent durable and dustless surface that is graded, drained and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.</p>	<p>Provided</p>	<p>Conforms</p>
<p>Parking Surface Material – Single Family Dwelling, Two Family Dwelling, and Street Townhouse Dwelling Section 18A(31) of Hamilton Zoning By-law 6593</p>	<p>A gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to a <u>single family dwelling, two family dwelling and to a street townhouse dwelling</u> each having separate access driveways.</p>	<p>Provided</p>	<p>Conforms</p>
<p>Restaurants in the “H” District Section 18A(36) of Hamilton Zoning By-law 6593</p>	<p>Notwithstanding any other provisions of this By-law, the following shall apply to restaurants in the “H” District:</p> <p>1. There shall be provided and maintained accessory to a restaurant in an “H” District,</p> <p>(a) a parking area containing parking space at the rate of one space for every six persons who may be lawfully accommodated except that,</p> <p>(i) no parking space shall be required within the area more particularly described as area “A” shown on Schedule “I”;</p> <p>(ii) parking space at the rate of one space for every twelve persons who may be lawfully accommodated shall be provided and maintained within the area more particularly described as area “B” shown on Schedule “I”;</p> <p>(b) a distance of not less than 12.0 metres (39.37 feet) between a residential district and the driveway and the parking area and manoeuvring area used in conjunction with a restaurant;</p> <p>(c) a landscaped area for the parking area referred to in clause (a) of not less than 1.5 metres (4.92 feet) in width along and within every side lot line and front lot line that abuts a highway and any public right-of-way.</p>		<p>N/A</p>

	2. No points of ingress or egress at the lot line, to or from the lot on which parking for a restaurant is located shall be situate closer than 30.0 metres (98.43 feet) to a residential district boundary.		
Restaurants in the “H” District – Sections that do not apply for property within areas “A” and “B” shown on Schedule “I” Section 18A(37) of Hamilton Zoning By-law 6593	Clause (b) of paragraph 1 of subsection 36 of this section and paragraph 2 of the said subsection 36 shall not apply to the land situate within areas “A” and “B” shown on Schedule “I”.		N/A
Properties Located in the area shown on Schedule “K” Section 18A(42) of Hamilton Zoning By-law 6593	Except for residential care facilities, retirement homes, correctional facilities, correction residences and emergency shelters, where residential uses mentioned in paragraph 1 in Table 1 and Table 3 area located in the area shown on Schedule “K”, no parking and loading will be required for residential uses established within the period from <u>September 1, 2002 and September 1, 2005.</u>		N/A
Areas shown on Schedules “P”, “Q”, “S” and “T” – Permitted Commercial Uses Parking Requirements Section 18A(43) of Hamilton Zoning By-law 6593	The provisions of Subsection 18A(1) shall not apply to any permitted commercial use(s), except “Medical Office” which includes “Doctor, Dentist, Osteopath and Drugless Practitioner,” located in all or part of the building existing on the effective date of this By-law, within the areas shown on Schedules “P”, “Q”, “S” and “T”, attached as Schedules “A4”, “A5”, “A7” and “A8” to this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A(1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.		N/A
Area shown on Schedules “R” – Permitted Commercial Uses Parking Requirements Section 18A(44) of Hamilton Zoning By-law 6593	The provisions of Subsection 18A(1) shall not apply to any permitted commercial use(s), except “Restaurant” and “Medical Office” which includes “Doctor, Dentist, Osteopath and Drugless Practitioner,” located in all or part of the building existing on the effective date of this By-law, within the area shown on Schedule “R”, attached as Schedule “A6” to this By-law, no parking spaces are required provided that the number of parking spaces which existed on		N/A

	<p>the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A(1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.</p>		
<p>Area shown on Schedules “U” – Permitted Commercial Uses Parking Requirements Section 18A(45) of Hamilton Zoning By-law 6593</p>	<p>Notwithstanding Section 18A(3) and Table 7 and Section 18A(36)(1)(a), the provisions of Subsection 18A(1) shall not apply to any permitted commercial use(s), except “Medical Office” which includes “Doctor, Dentist, Osteopath and Drugless Practitioner,” located in all or part of the building existing on the effective date of this By-law, within the areas shown on Schedule “U” – James Street North and Schedule “U” – James Street South, attached as Schedule “A1” and “A2” to this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A(1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.</p>		N/A
<p>Area shown on Schedules “R” and zoned “H” (Community Shopping and Commercial, etc.) – Permitted Commercial Uses Parking Requirements Section 18A(46) of Hamilton Zoning By-law 6593</p>	<p>Notwithstanding Section 18A(3) and Table 7 and Section 18A(36)(1)(a), the provisions of Subsection 18A(1) shall not apply to any permitted commercial use(s), except “Medical Office” which includes “Doctor, Dentist, Osteopath and Drugless Practitioner,” located in all or part of the building existing on the effective date of this By-law that is zoned “H” (Community Shopping and Commercial, etc.) District or a site specific “H” District, except those properties identified on Schedule “R”, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A(1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.</p>		N/A

Best regards,



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

APPEAL INFORMATION – CONSENTS/SEVERANCES

1. Who may file an appeal of the Decision of the Committee of Adjustment or Consent Authority?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 53(19) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 53(19) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

2. When must an appeal be received to be considered?

Planning Act Section 53(19) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the giving of Notice of the Decision. Please see Notice of Decision for exact date.

3. Where must the appeal be filed to be considered?

Planning Act Section 53(19) appeals must be received either by hardcopy or electronic copy. Please see below for more information:

Hardcopy: at City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

Electronic copy: by email delivered to cofa@hamilton.ca. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact cofa@hamilton.ca in advance to request a file sharing link.

4. What information must be submitted for the appeal to be considered?

Planning Act Section 53(19) appeals must include:

- Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5th floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;

- Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form;
- All other information as required by the Appeal Form.

Questions or Information:
Contact Committee of Adjustment Staff (cofa@hamilton.ca)



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF DECISION
Consent/Land Severance

APPLICATION NO.:	HM/B-23:89	SUBJECT PROPERTY:	1414 & 1416 KING STREET EAST, HAMILTON
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APPLICANTS: Owner: 1604146 ONTARIO INC
Agent: Urban Belief Inc. – P. Kataria

PURPOSE & EFFECT: To permit the conveyance of a parcel of land containing an existing residential and office use and to retain a parcel of land containing an existing residential use. All structures are intended to remain.

	Frontage	Depth	Area
SEVERED LANDS (1416 King St. E.):	30.8 m [±]	24 m [±]	226 m ² [±]
RETAINED LANDS (1414 King St. E.):	11.5 m [±]	33.3 m [±]	231 m ² [±]

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out above, Approved as Amended with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application, with amendments.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor’s Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be

HM/B-23:89

submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section)
5. The owner shall receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
6. The owner shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
7. The owner shall complete an Applicable Law Review to identify any zoning deficiencies in both the retained and severed lands. The owner shall seek necessary planning approvals to address any identified zoning deficiencies in order to facilitate this Consent Application, to the satisfaction of the Director of Development Planning.

DATED AT HAMILTON, January 18, 2024.

D. Smith (Chairman)

M. Dudzic

B. Charters

T. Lofchik

N. Mleczko

D. Serwatuk

M. Smith

M. Switzer

The date of the giving of this Notice of Decision is **January 25, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (January 25, 2026) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **February 14, 2024** A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



Hamilton

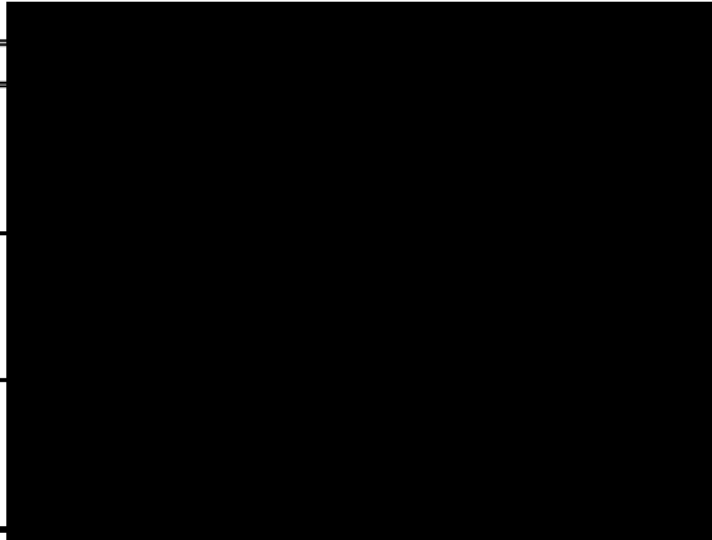
Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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)	1604146 Ontario Inc.
Applicant(s)	1604146 Ontario Inc.
Agent or Solicitor	Urban Belief Inc.



1.2 Primary contact Applicant Owner Agent/Solicitor

1.3 Sign should be sent to Applicant Owner AgentSolicitor

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	1414 King St East and 1416 King St East, Hamilton ON L8M 1H8		
Assessment Roll Number	251804029306150 and 251804029306170		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	PL 548	Lot(s)	94 and 548
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:

Attached reference plan shows the Easement.

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:

See attached Sheet

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Grandfathered property: bringing the existing lots into compliance to fulfill a condition of a related Consent application. These two lots had been merged on title due to common ownership and were separated through this process. Minor Variance seeks to bring this into compliance

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
11.48 and 23.91	33.57 and 20.73	231.2 and 226.1	-

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
Residential Building on 1414	1.5	9.75	0.93 (Right) and 0 (Left)	Unknown (Around 1900's)
Residential Building on 1416	0	5.79	0	Unknown (Around 1900's)

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
NA				

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
Residential Building on 1414	60.8	182.4	2.5	6.09
Residential Building on 1416	56.15	168.45	2.5	6.09

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
NA				

- 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.):
Residential - Single Detached Dwelling, for both properties

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Residential - Single Detached Dwelling.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
August 21, 2023

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Residential on 1414, Residential and Office on 1416

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Existing Vacant and proposed to be Residential on 1414, Residential on 1416

7.4 Length of time the existing uses of the subject property have continued:
Vacant since bought (20 Months), Unknown before

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.

Proposed and Existing use is continued to be residential, which is permitted in this designation.

7.6 What is the existing zoning of the subject land? H" Districts (Community Shopping & Commercial)

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: H" Districts (Community Shopping & Commercial)

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

No

If yes, please provide the file number: _____

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

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

There is one dwelling unit on each property

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

Planning Brief submitted in support of Consent application

Reference Plan