



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

Telephone (905) 546-2424, ext. 4221

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

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

---

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

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

<b>APPLICATION NO.:</b>	<b>A-24:137</b>	<b>SUBJECT PROPERTY:</b>	820 Rymal Road East, Hamilton
<b>ZONE:</b>	"RT-30 / S-1752" (Street Townhouse)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: 820 Rymal Inc. c/o Natasha Paikin  
Agent: Arcadis c/o Jared Marcus

The following variances are requested:

1. A minimum rear yard depth of 4.6m shall be permitted instead of the minimum 7.5m rear yard required.
2. A minimum side yard width of 1.6m shall be permitted for Unit 8 instead of the minimum 2.0m side yard required for a street townhouse dwelling not exceed two storeys in height.
3. An open stairway may project a maximum of 1.2m into a required rear yard for units 1 to 8 instead of the maximum 1.1m open stairway projection permitted.

**PURPOSE & EFFECT:** To facilitate the construction of fourteen two storey townhouse dwellings.

**Notes:**

The variances are necessary to facilitate Site Plan Control Application DA-18-123.

Previous Committee of Adjustment Decision HM/A-23:313, permitted a reduced side yard of 1.1m and 0.9m to units 9 and 14 as well as permitted a maximum open stair encroachment of 1.1m.

A storage area is shown within each of the private garages. The applicant shall ensure that a minimum clear parking space size of 2.7m x 6.0m is maintained for each of private garages; otherwise, further variances shall be required.

The applicant shall ensure that required visitor parking is clearly marked and **maintained for visitors; otherwise, further variances shall be required.**

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

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

<b>DATE:</b>	<b>Tuesday, July 23, 2024</b>
<b>TIME:</b>	<b>1:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## **PUBLIC INPUT**

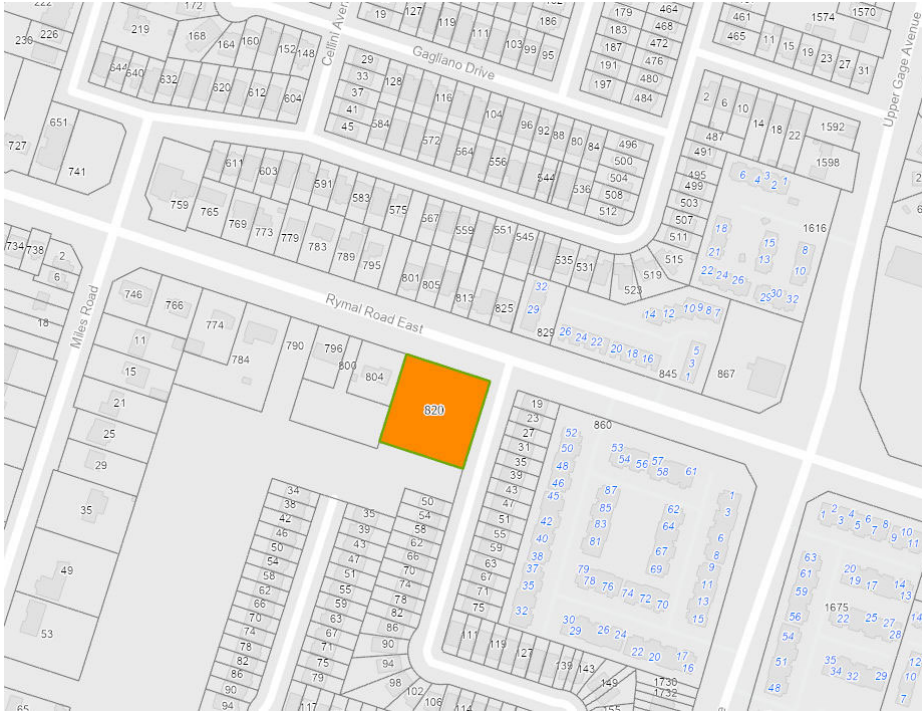
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon July 19, 2024

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

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:137, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



 Subject Lands

DATED: July 4, 2024

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

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

### PARTICIPATION PROCEDURES

#### Written Submissions

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

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

#### Oral Submissions

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

##### 1. Virtual Oral Submissions

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

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

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

##### 2. In person Oral Submissions

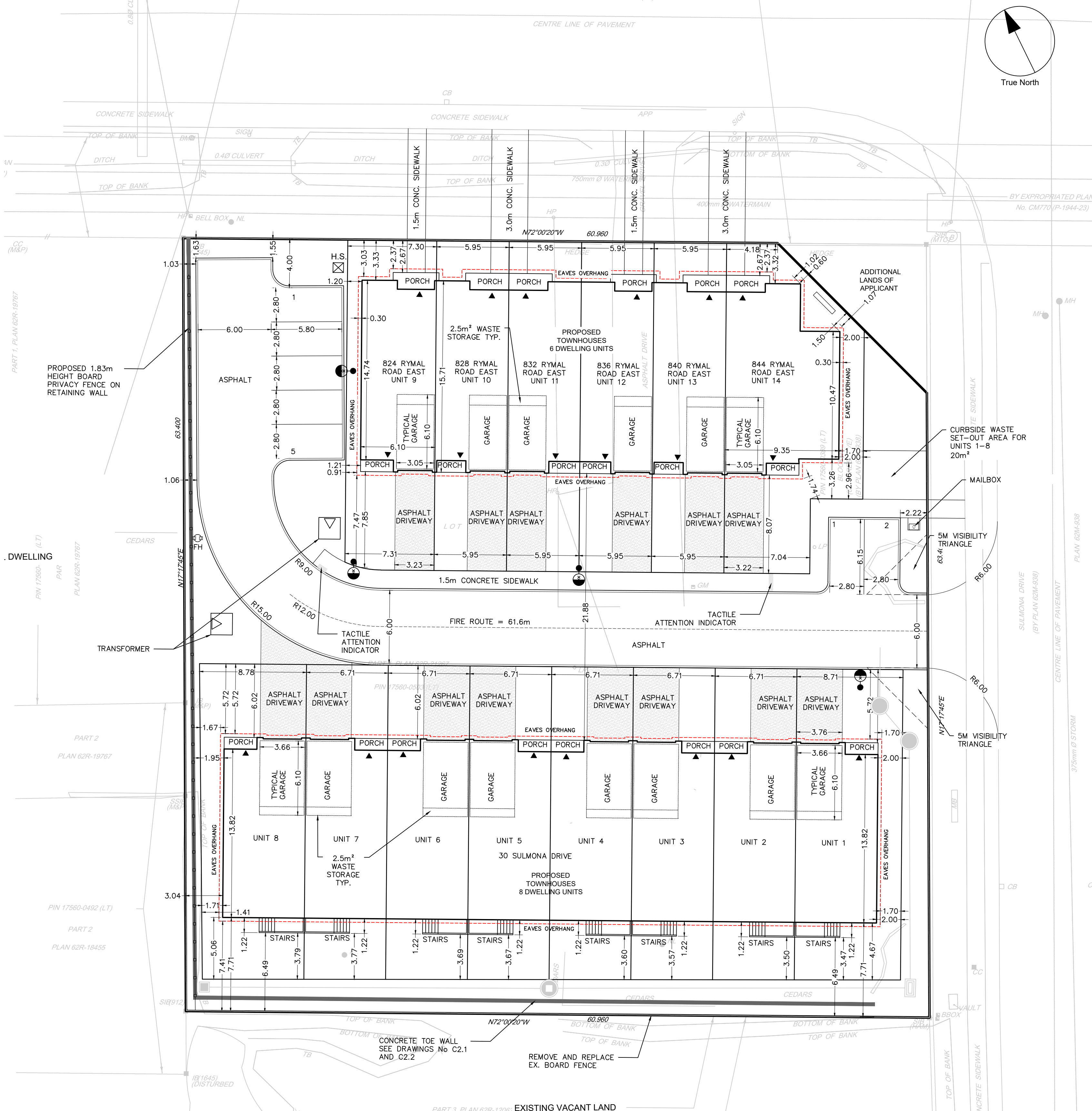
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than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

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

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.

FORMER CITY OF HAMILTON ZONING BY-LAW		
RT-30/S1752	REQUIRED	PROVIDED
MAXIMUM BUILDING HEIGHT	3 STOREYS (11.0m)	2 STOREYS 10.60m
FRONT YARD	3.0 m [BY-LAW 17-218]	3.30 m
REAR YARD	7.5 m	4.67 m
SIDE YARD ABUTTING A WALL THAT IS NOT A PARTY WALL, ALONG EACH SIDE LOT LINE [(4) (c), (d)]	(4) (c) (ii) 2.0 m FOR A 2 STOREY STREET TOWNHOUSE DWELLING A MINIMUM SIDE YARD OF 1.1 m SHALL BE PERMITTED FOR UNIT #9 AND A MINIMUM SIDE YARD OF 0.9 m SHALL BE PERMITTED FOR UNIT #14 [HM/A-23:313]	2.0 m (UNIT 1) 1.71 m (UNIT 8) 1.20 m (UNIT 9)* 1.02 m (UNIT 14)*
SIDE YARD FROM HYPOTENUSE OF THE DAYLIGHT TRIANGLE	(4) (d) (i) 3.0 m FOR EACH DWELLING UNIT FOR WHICH A GARAGE OR CARPORT IS NOT PROVIDED AS EITHER ATTACHED TO OR AS AN INTEGRAL PART OF THE STREET TOWNHOUSE	N/A
DISTANCE BETWEEN BUILDINGS	1.0 m [BY-LAW 17-218]	1.02 m
LOT AREA	NOT EXCEEDING 2 STOREY IN HEIGHT, OF NOT LESS THAN 3.5 m	21.88 m
LOT WIDTH	161 m <sup>2</sup> [BY-LAW 17-218]	161.0 m <sup>2</sup>
MAX. DWELLING UNITS PER BUILDING	5.95 m [BY-LAW 17-218]	5.95 m
ENCROACHMENTS		
CANOPY, CORNICE, EAVES OR GUTTER	i) INTO A REQUIRED FRONT YARD: NO MORE THAN 1.5 m PROVIDED THAT NO SUCH PROJECTION SHALL BE CLOSER TO A STREET LINE THAN 1.5 m ii) INTO A REQUIRED REAR YARD: NOT MORE THAN 1.5 m iii) INTO A REQUIRED SIDE YARD: NOT MORE THAN 1/2 OF ITS WIDTH, OR 1.0 m, WHICH EVER IS THE LESSER	i) 0.6 m ii) 0.12 m iii) 0.3 m
AN OPEN FIRE SCAPE OR OPEN STAIRWAY MAY PROJECT	AN OPEN STAIRWAY MAY PROJECT A MAXIMUM OF 1.1 m INTO A REQUIRED YARD. [HM/A-23:313]	1.2 m*
ROOFED OVER OR SCREENED BUT OTHERWISE UNENCLOSED PORCH AT THE FIRST STOREY, INCLUDING EAVES AND GUTTERS	MAY PROJECT INTO A REQUIRED FRONT YARD OR REAR YARD: NO MORE THAN 3.0 m, AND EVERY SUCH PROJECTING PORCH SHALL BE DISTANT AT LEAST 1.5 m FROM THE FRONT LOT LINE	0.63 m
THE ENCLOSURE OF SUCH A PORCH TO THE FOLLOWING EXTENT SHALL NOT BE DEEMED ENCLOSURE FOR THE PURPOSE OF THIS SECTION	i) THE PORCH MAY HAVE A SOLID GUARD AROUND THE PERIMETER OF THE PORCH NOT MORE THAN 1.0 m IN HEIGHT MEASURED FROM THE FLOOR OF THE PORCH ii) THE ROOF MAY BE SUPPORTED ON COLUMNS OR PIERS HAVING MAXIMUM WIDTH OF 0.5 m iii) THE BEAM, LINTEL OR CROWN OF AN ARCH SHALL BE NO MORE THAN 0.3 m IN DEPTH iv) THE MINIMUM DISTANCE BETWEEN PIERS OR COLUMNS SHALL BE 1.0 m AND IN THE CASE OF ARCHES, THE ARCHES SHALL HAVE A MINIMUM CLEAR WIDTH OF 1.0 m	i) N/A ii) AS REQUIRED iii) N/A iv) AS REQUIRED
MAXIMUM NUMBER OF DWELLING UNITS	14 UNITS	14 UNITS
DRIVEWAYS ALONG RYMAL ROAD EAST	SHALL NOT BE PERMITTED	NONE PROPOSED
PARKING REQUIREMENTS		
MINIMUM NUMBER OF SPACES REQUIRED	1 SPACE PER UNIT [BY-LAW 17-218]	2 SPACES PER UNIT
MINIMUM VISITOR PARKING SPACES	7 PARKING SPACES [BY-LAW 17-218]	7 SPACES
MINIMUM PARKING SPACE SIZE	2.7 m X 6.0 m A MINIMUM PARKING SPACE SIZE HAVING A LENGTH OF 5.8 m SHALL BE PERMITTED FOR THE SURFACE VISITOR PARKING LABELED 1 TO 5 ON THE SITE PLAN [HM/A-23:313]	2.7 m X 6.0 m 2.8 m X 5.8 m (SPACES 1 TO 5)*
MANEUVERING SPACE	PROVIDED AND MAINTAINED ON THE COMMON ELEMENT ROAD [BY-LAW 17-218] ALL REQUIRED PARKING SPACES AND MANEUVERING SPACES SHALL HAVE ACCESS BY MEANS OF ONE OR MORE ACCESS DRIVEWAYS: A) LOCATED ON THE LOT B) LOCATED PARTLY ON THE LOT IN THE CASE OF A MUTUAL DRIVEWAY, OR, C) BY MEANS OF A RIGHT OF WAY PARKING SPACE WITHIN THE GARAGE MAY BE OBSTRUCTED BY ANOTHER PARKING SPACE PROVIDED ON THE ACCESS DRIVEWAY [BY-LAW 17-218]	AS REQUIRED RIGHT-OF-WAY AS REQUIRED
VISITOR PARKING	EACH SPACE SHALL: A) BE MAINTAINED FOR EXCLUSIVE USE OF VISITORS B) HAVE A SIGN APPURTENANT THERETO LEGIBLY MARKED THAT THE SPACE IS FOR EXCLUSIVE USE OF VISITORS C) BE MAINTAINED READILY ACCESSIBLE TO VISITORS AND FREE AND CLEAR OF ALL OBSTRUCTIONS EVERY DRIVEWAY SHALL PROVIDE EASY ACCESS FROM A HIGHWAY TO THE PARKING AREA TO WHICH THE ACCESS DRIVEWAY IS ACCESSORY EVERY PARKING AREA WHERE THERE ARE FIVE OR LESS PARKING SPACES SHALL HAVE NOT LESS THAN ONE ACCESS DRIVEWAY OR MUTUAL DRIVEWAY HAVING A WIDTH OF AT LEAST 2.8 m	AS REQUIRED AS REQUIRED 3.1 m
DRIVEWAY AND PARKING LOCATION	THE PARKING AREA SHALL BE PERMITTED TO BE LOCATED A MINIMUM DISTANCE OF 1.0 m FROM THE ADJOINING WESTERLY RESIDENTIAL DISTRICT [HM/A-23:313] THE PORTION OF THE PARKING AREA LOCATED WITHIN 3.0 m OF THE ADJOINING RESIDENTIAL DISTRICT SHALL BE PERMITTED TO MAINTAIN A SETBACK OF 1.5 m FROM THE RYMAL ROAD STREET LINE WHEREAS THE ZONING BY-LAW REQUIRES A SETBACK OF 12.0 m FROM THE STREET LINE FOR A PARKING AREA WITHIN 3.0 m OF THE "A" RESIDENTIAL DISTRICT. [HM/A-23:313] A PLANTING STRIP SHALL NOT BE REQUIRED BETWEEN THE PARKING AREA AND THE ABUTTING WESTERLY AND SOUTHERLY RESIDENTIAL DISTRICTS WHEREAS THE ZONING BY-LAW REQUIRES A PLANTING STRIP TO BE PROVIDED AND MAINTAINED BETWEEN EVERY PARKING AREA AND AN ABUTTING RESIDENTIAL DISTRICT. [HM/A-23:313] b) BETWEEN THE BOUNDARY OF THE LOADING AREA AND THE RESIDENTIAL DISTRICT AN AREA LANDSCAPED WITH A PLANTING STRIP; AND c) A VISUAL BARRIER ALONG THE BOUNDARY OF THE LOT ABUTTING THE RESIDENTIAL DISTRICT NOT LESS THAN 1.2 m IN HEIGHT AND NOT GREATER THAN 2.0 m IN HEIGHT. THE ACCESS DRIVEWAY SHALL BE PERMITTED TO BE LOCATED AS CLOSE AS 1.0 m FROM THE WESTERLY RESIDENTIAL DISTRICT. [HM/A-23:313]	WESTERLY ACCESS DRIVEWAY: 1.03 m* SETBACK FROM RYMAL ROAD EAST: 1.55 m* NO PLANTING STRIP PROVIDED* N/A 1.83 m HEIGHT BOARD FENCE PROPOSED 1.03 m*
ATTACHED GARAGE/PARKING SPACE	WHERE A PARKING SPACE FOR A TOWNHOUSE IS COVERED AND ATTACHED TO OR ENCLOSED WITHIN A DWELLING UNIT, THE ENTRANCE TO THE PARKING SPACE SHALL BE LOCATED NOT LESS THAN 6.0 m FROM THE ENTRANCE TO THE INDIVIDUAL DRIVEWAY	6.0m
SURFACE MATERIAL	A PERMANENT DURABLE AND DUSTLESS SURFACE THAT IS GRADED, DRAINED, AND PAVED WITH CONCRETE OR ASPHALT OF A COMBINATION OF CONCRETE AND ASPHALT SHALL BE PROVIDED AND MAINTAINED FOR EVERY PARKING AREAS, MANEUVERING SPACE, LOADING SPACE AND ACCESS DRIVEWAY.	AS REQUIRED
*REGULATIONS AMENDED THROUGH APPLICATION HM/A-23:313		

UNDERTAKING		
820 RYMAL ROAD EAST, HAMILTON FILE NO: DA-18-123		
I, (WE), 820 RYMAL INC., THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION,		
(A) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;		
(B) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(a) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWINGS IN ACCORDANCE WITH THE CONDITIONS AS APPROVED BY THE CITY OF HAMILTON LETTER DATED JULY 31, 2018;		
(C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(b) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING, INCLUDING REMOVALS OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS, AND WALKWAYS;		
(D) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED FEBRUARY 5, 2024, THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FILED TO OBTAIN COMPLIANCE WITH THIS PLAN.		
(E) THAT THE OWNER AGREES TO PHYSICALLY AFFIX THE MUNICIPAL NUMBER (E.G. 824) OR FULL ADDRESS (E.G. 824 RYMAL ROAD EAST) TO EACH BUILDING OR ON A SIGN NEAR THE DRIVEWAY ENTRANCE IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, IN A MANNER THAT IS VISIBLE FROM THE STREET.		
(F) THAT THE OWNER AGREES TO AFFIX ADDRESS PLAQUES TO EACH INTERNAL UNIT, INDICATING THE MUNICIPAL NUMBER OR FULL ADDRESS INCLUDING THE MAILING ADDRESS UNIT NUMBER IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, TO THE SATISFACTION OF THE DIRECTOR, GROWTH MANAGEMENT & CHIEF DEVELOPMENT ENGINEER IN A MANNER SUCH AS 824 RYMAL ROAD EAST OR 30 SULMONA DRIVE - UNIT 2 OR 30-UNIT 2.		
(G) WARNING CLAUSES: THE FOLLOWING WARNING CLAUSES SHALL BE INCLUDED WITHIN ALL OFFERS AND AGREEMENTS OF PURCHASE AND SALE OR LEASE, FOR THE PROPOSED UNITS AS FOLLOWS: ALL UNITS: "PURCHASERS/TENANTS ARE ADVISED THAT SOUND LEVELS DUE TO INCREASING ROAD TRAFFIC MAY OCCASIONALLY INTERFERE WITH SOME ACTIVITIES OF THE DWELLING OCCUPANTS AS THE SOUND LEVELS EXCEED THE SOUND LEVEL LIMITS OF THE CITY OF HAMILTON AND THE MINISTRY OF ENVIRONMENT, CONSERVATION, AND PARKS." UNITS 1-8: "THIS DWELLING UNIT HAS BEEN DESIGNED WITH THE PROVISION FOR ADDING CENTRAL AIR CONDITIONING AT THE OCCUPANTS DISCRETION. INSTALLATION OF CENTRAL AIR CONDITIONING BY THE OCCUPANT IN LOW AND MEDIUM DENSITY DEVELOPMENTS WILL ALLOW WINDOWS AND EXTERIOR DOORS TO REMAIN CLOSED, THEREBY ENSURING THAT THE INTERIOR SOUND LEVELS ARE WITHIN THE SOUND LEVEL LIMITS OF THE CITY OF HAMILTON AND THE MINISTRY OF ENVIRONMENT, CONSERVATION, AND PARKS." UNITS 9-14: "THIS DWELLING HAVE BEEN SUPPLIED WITH A CENTRAL AIR CONDITIONING SYSTEM WHICH WILL ALLOW WINDOWS AND EXTERIOR DOORS TO REMAIN CLOSED, AND THEREBY ENSURING THAT THE INTERIOR SOUND LEVELS ARE WITHIN THE SOUND LEVEL LIMITS OF THE CITY OF HAMILTON AND THE MINISTRY OF ENVIRONMENT, CONSERVATION, AND PARKS."		



- GENERAL NOTES:**
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
  - FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
  - MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5 m UNLESS OTHERWISE STATED.
  - ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5 m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
  - THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
    - BUILDING PERMIT
    - ROAD CUT PERMITS
    - APPROACH APPROVAL PERMITS
    - COMMITTEE OF ADJUSTMENT
  - ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
  - FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE MUST BE PROVIDED:  
"5 METRE BY 5 METRE VISIBILITY TRIANGLES IN WHICH A MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHTS OF 0.7 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE OF THE ADJACENT STREET."
  - PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW NO. 10-197
  - LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.
  - ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY'S FENCE BY-LAW NO. 10-142
  - THE OWNER AGREES TO DISPLAY THE MUNICIPAL NUMBER AT THE FRONT ENTRANCE WITH EITHER THE MUNICIPAL NUMBER OR FULL ADDRESS IN A MANNER THAT IS VISIBLE FROM THE STREET.
  - ENBRIDGE GAS INC., OPERATING AS UNION GAS, HAS SERVICES LINES RUNNING IN THE AREA WHICH MAY OR MAY NOT BE IMPACTED BY THE PROPOSED DEVELOPMENT. SHOULD THE PROPOSED DEVELOPMENT IMPACT THESE SERVICES, IT MAY BE NECESSARY TO TERMINATE THE GAS SERVICE AND RELOCATE THE LINE. ANY SERVICE RELOCATION WILL BE AT THE COST OF THE PROPERTY OWNER. CALL BEFORE YOU DIG, ARRANGE FOR UNDERGROUND UTILITY LOCATES BEFORE BEGINNING CONSTRUCTION BY CONTACTING ONTARIO ONE CALL @ 1-800-400-2255

CLIENT  
**820 RYMAL INC.**  
3170 HARVESTER RD. BURLINGTON

COPYRIGHT  
This drawing has been prepared solely for the intended use, this any reproduction or distribution for any purpose other than authorized by Arcadis is forbidden. When dimensions shall have precedence over scaled dimensions, contractors shall verify and be responsible for all dimensions and conditions on the job, and Arcadis shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to Arcadis for general conformance before proceeding with fabrication.

Arcadis Professional Services (Canada) Inc.  
a part of Arcadis

ISSUES	DESCRIPTION	DATE
1	REVISED SITE PLAN SUBMISSION	2023-08-08
2	2nd SITE PLAN SUBMISSION	2024-02-05

NOT FOR CONSTRUCTION

KEY PLAN  
SITE

BENCHMARK  
ELEVATIONS SHOWN ARE REFERRED TO THE CITY OF HAMILTON CONTROL MONUMENT NO. 0772009003 ON THE INTERSECTION OF RYMAL ROAD EAST AND SULMONA DRIVE

SOURCE  
BUILDING DESIGN AND LAYOUT OBTAINED FROM PRESTIGE DESIGNS, DWG NO. A1 & A2, DATED JANUARY 2023.  
TOPOGRAPHIC AND SURVEY INFORMATION OBTAINED FROM MTE OLS LTD., DWG NO. 38599-200-SR1, DATED OCTOBER 3, 2013.

PROJECT  
**MYSTIQUE**  
820 RYMAL ROAD EAST, HAMILTON, ON

SCALE  
3 1 0 2 4 8  
1:200 (m)

PROJECT NO:  
137511

DRAWN BY:  
M. ROJAS

PROJECT MGR:  
J. MARCUS

CHECKED BY:  
J. MARCUS

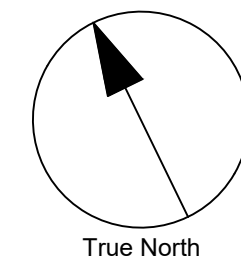
APPROVED BY:  
M. CROUGH

SHEET TITLE  
**SITE PLAN**  
DA-18-123

SHEET NUMBER  
**SP 1.0**

ISSUE  
**1**

File Location: \\1137511\_820\_Rymal\_Roof\_0\_Production\02\_Design\17\_Plan\17\_SitePlan\17\_SitePlan.dwg Last Saved: May 22, 2024, 11:50:00 PM by Jared Marcus



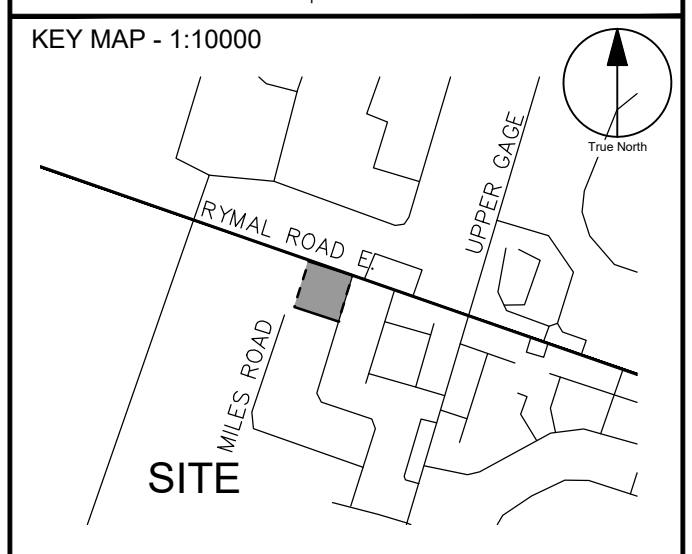
# DRAFT PLAN OF COMMON ELEMENT CONDOMINIUM

## PART OF LOT 11, CONCESSION 1 GEOGRAPHIC TOWNSHIP OF GLANFORD, HAMILTON

LAND USE SCHEDULE			
BLOCKS/LOTS	DESCRIPTION	AREA (ha)	# UNITS
15	COMMON ELEMENT	0.122	0
<b>TOTAL</b>		<b>0.122</b>	<b>0</b>

**COPYRIGHT**  
This drawing has been prepared solely for the intended use. This any reproduction or distribution for any purpose other than authorized by Arcadis is forbidden. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and Arcadis shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to Arcadis for general conformance before proceeding with fabrication.

**Arcadis Professional Services (Canada) Inc.**  
is a part of Arcadis



**INFORMATION REQUIRED**  
 (e) - AS SHOWN  
 (f) - AS SHOWN  
 (g) - AS SHOWN  
 (h) - AS LISTED BELOW  
 (i) - AS SHOWN  
 (j) - AS SHOWN  
 (k) - AS SHOWN  
 (l) - AS SHOWN  
 (m) - MUNICIPAL WATER  
 (n) - FINE SANDY LOAM  
 (o) - AS SHOWN  
 (p) - MUNICIPAL SANITARY AND STORM SEWERS  
 (q) - NONE

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

**SIGNED**  
 Robert McLaren, O.L.S.  
 A.T. McLaren Limited

**OWNER'S CERTIFICATE**  
 I HEREBY CONSENT TO THE FILING OF THIS PLAN BY ARCADIS, IN DRAFT FORM.

**SIGNED**  
 Natasha Paikin  
 820 Rymal Inc.

**BENCHMARK**  
 ELEVATIONS SHOWN ARE REFERRED TOT THE CITY OF HAMILTON CONTROL MONUMENT No. 0772009003 ON THE INTERSECTION OF RYMAL ROAD EAST AND SULMONA DRIVE

**SOURCE**  
 BUILDING DESIGN AND LAYOUT OBTAINED FROM PRESTIGE DESIGNS, DWG No. A1 & A2, DATED JANUARY 2023.  
 TOPOGRAPHIC AND SURVEY INFORMATION OBTAINED FROM MTE OLS LTD., DWG No. 38599-200-SR1, DATED OCTOBER 3, 2013.

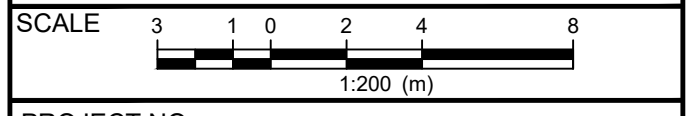
No.	DESCRIPTION	DATE
01	CEC SUBMISSION	2024-01-10

**DRAWING ISSUE RECORD**

No.	DESCRIPTION	DATE

**APPROVALS**

360 James Street North - Suite 200  
 Hamilton ON L8L 1H5 Canada  
 tel 905 546 1010  
 www.arcadis.com



**PROJECT NO:**  
137511

**DRAWN BY:** M. ROJAS  
**CHECKED BY:** J. MARCUS

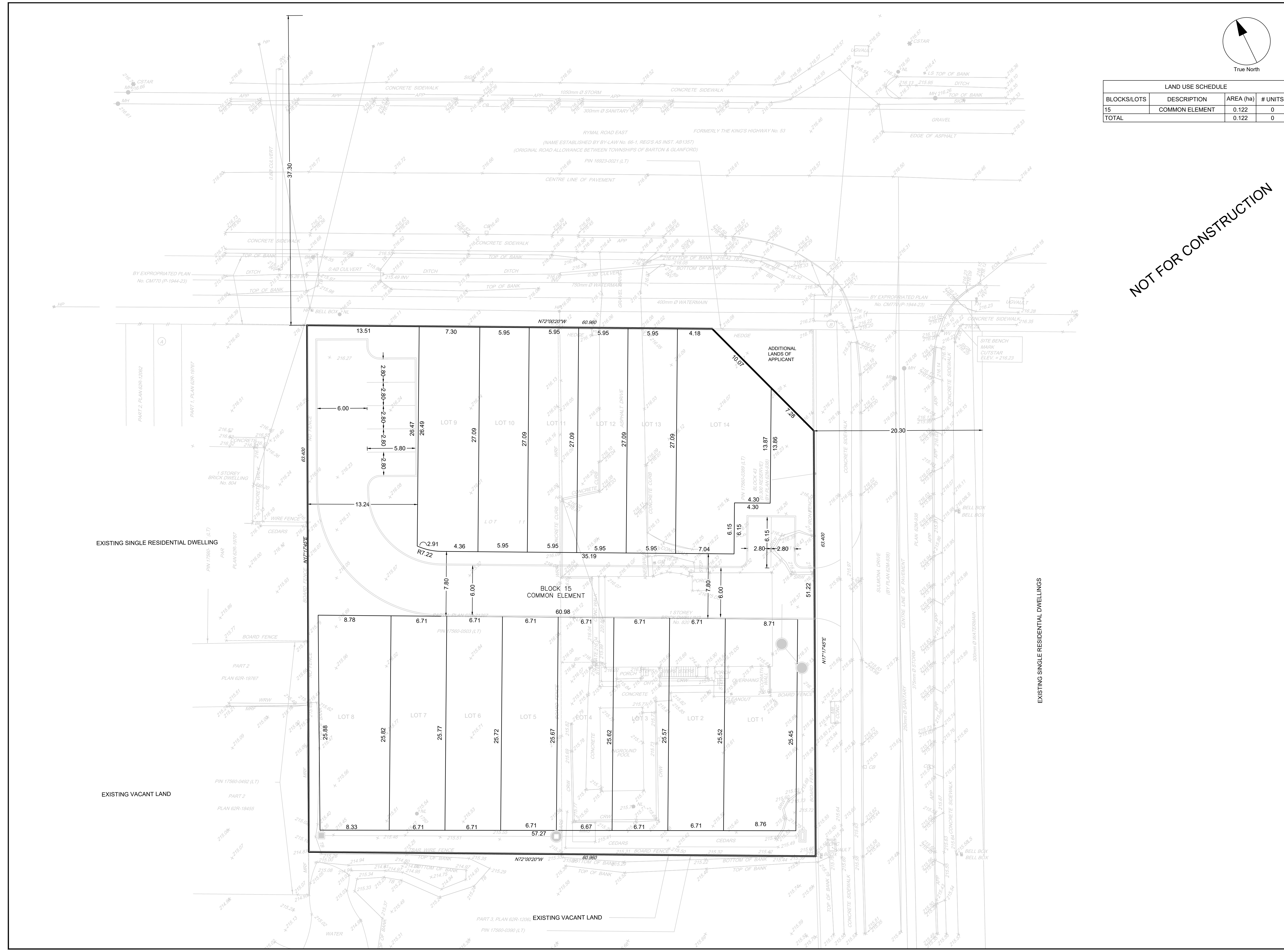
**PROJECT MGR:** J. MARCUS  
**APPROVED BY:** M. CROUGH

**SHEET TITLE**  
 820 RYMAL ROAD EAST  
 HAMILTON, ON

**SHEET NUMBER**  
**DPC 1.0**

**ISSUE**  
**0**

NOT FOR CONSTRUCTION



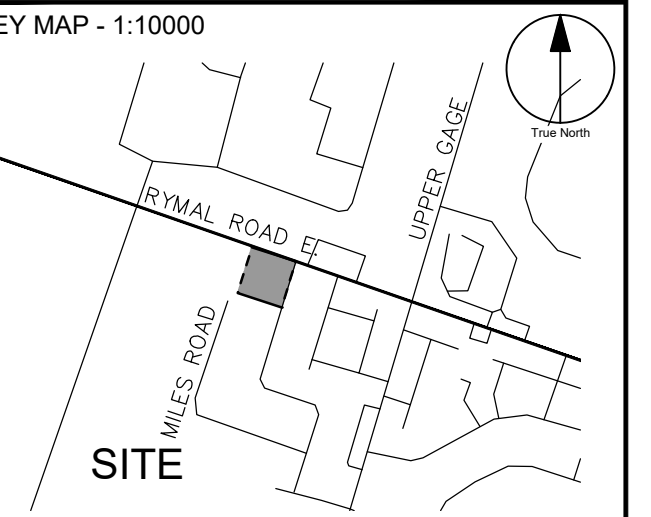
File Location: \\1137511\_820\_Rymal\_Ro7\_0\_Producon\7\_03\_Design\17\_Planning\Sheets\137511SP.dwg Last Saved: May 22, 2024, 15:04:17 by Macarena Rojas

# DRAFT PLAN OF SUBDIVISION

PART OF LOT 11, CONCESSION 1  
GEOGRAPHIC TOWNSHIP OF  
GLANFORD, HAMILTON

**COPYRIGHT**  
This drawing has been prepared solely for the intended use. Any reproduction or distribution for any purpose other than authorized by Arcadis is forbidden. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and Arcadis shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted by Arcadis for general conformance before proceeding with fabrication.

**Arcadis Professional Services (Canada) Inc.**  
is a part of Arcadis



**INFORMATION REQUIRED**  
UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O. 1990, c.P.13 AS AMENDED  
(a) - AS SHOWN  
(b) - AS SHOWN  
(c) - AS SHOWN  
(d) - AS LISTED BELOW  
(e) - AS SHOWN  
(f) - AS SHOWN  
(g) - AS SHOWN  
(h) - MUNICIPAL WATER  
(i) - FINE SANDY LOAM  
(j) - AS SHOWN  
(k) - MUNICIPAL SANITARY AND STORM SEWERS  
(l) - NONE

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

SIGNED \_\_\_\_\_  
Robert McLaren, O.L.S.  
A.T. McLaren Limited

**OWNER'S CERTIFICATE**  
I HEREBY CONSENT TO THE FILING OF THIS PLAN BY ARCADIS, IN DRAFT FORM.

SIGNED \_\_\_\_\_  
Natasha Paikin  
820 Rymal Inc.

**BENCHMARK**  
ELEVATIONS SHOWN ARE REFERRED TOT THE CITY OF HAMILTON CONTROL MONUMENT No. 0772009003 ON THE INTERSECTION OF RYMAL ROAD EAST AND SULMONA DRIVE

BUILDING DESIGN AND LAYOUT OBTAINED FROM PRESTIGE DESIGNS, DWG No. A1 & A2, DATED JANUARY 2023.

TOPOGRAPHIC AND SURVEY INFORMATION OBTAINED FROM MTE OLS LTD., DWG No. 38999-200-SR1, DATED OCTOBER 3, 2013.

No.	DESCRIPTION	DATE
01	DPS SUBMISSION	2024-01-10

**DRAWING ISSUE RECORD**


**APPROVALS**



SCALE 1:200 (m)

PROJECT NO:  
137511

DRAWN BY:  
M. ROJAS

CHECKED BY:  
J. MARCUS

PROJECT MGR:  
J. MARCUS

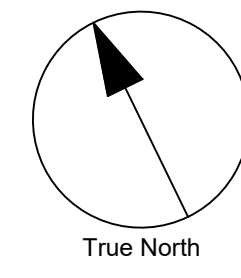
APPROVED BY:  
M. CROUGH

SHEET TITLE  
820 RYMAL ROAD EAST  
HAMILTON, ON

SHEET NUMBER  
DPS 1.0

ISSUE  
0

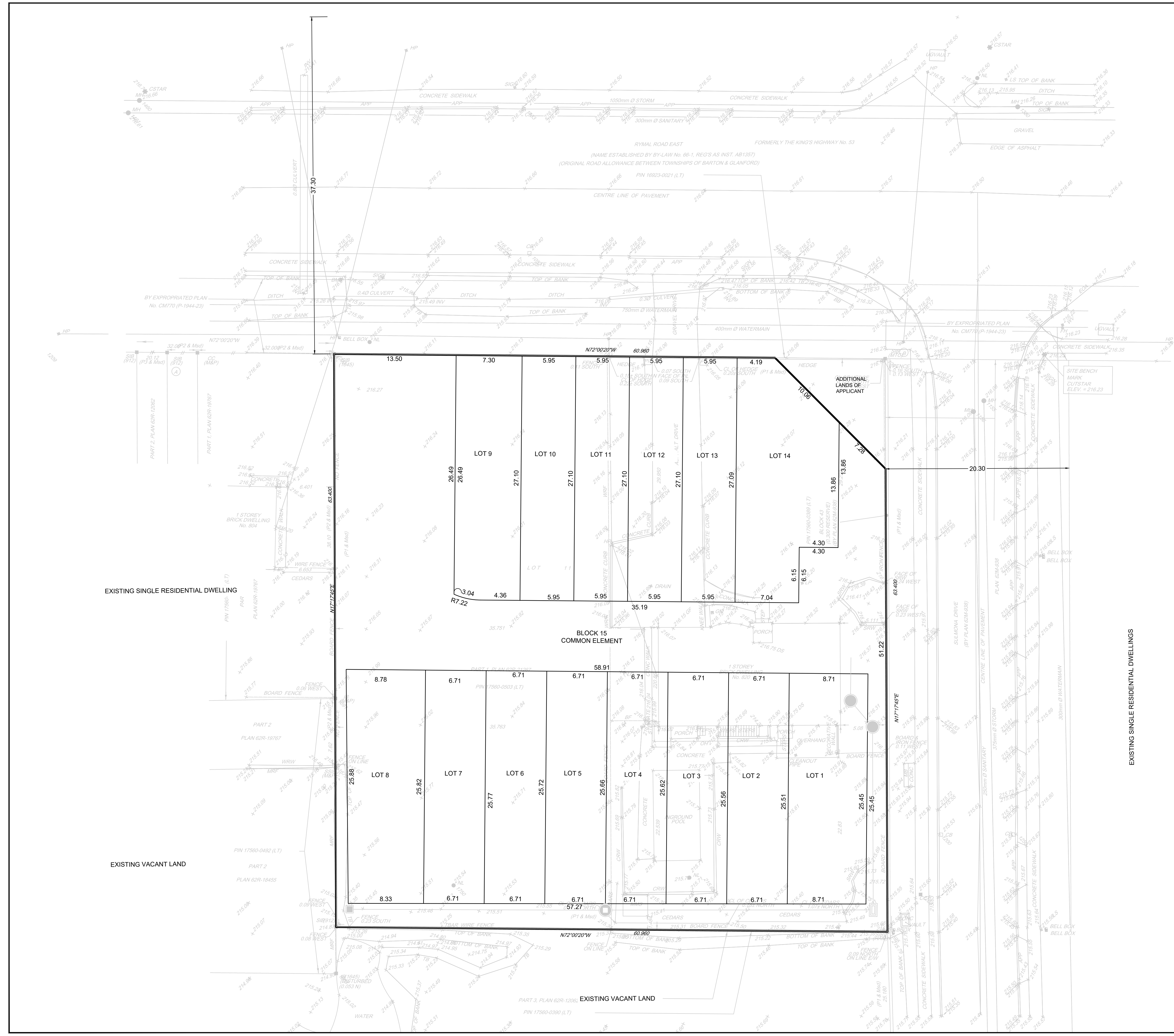
SCALE CHECK  
1 in



LAND USE SCHEDULE			
BLOCKS/LOTS	DESCRIPTION	AREA (ha)	# UNITS
1-14	TOWNHOUSES	0.257	14
15	COMMON ELEMENT	0.122	0
<b>TOTAL</b>		<b>0.379</b>	<b>14</b>

NOT FOR CONSTRUCTION

EXISTING SINGLE RESIDENTIAL DWELLINGS



File Location: I:\137511\_820\_Rymal\_Ro7\_0\_Producon\07\_03\_Design\17\_Planning\Sheets\137511SP.dwg Last Saved: May 22, 2024, 15:05:56 by Macarena Rojas

Arcadis Inc.  
360 James Street North – Suite 200  
Hamilton  
Ontario L8L 1H5  
Canada  
Phone: 905-546-1010 ext. 63139  
[www.arcadis.com](http://www.arcadis.com)



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

Subject: 820 Rymal Road East, Hamilton – DA-18-123 – Minor Variance Application  
Date: May 23, 2024

Dear Ms. Sheffield,

On behalf of our client, 820 Rymal Inc., we are pleased to submit a Minor Variance application in support of the above noted development. The subject lands are conditionally approved through Site Plan Control application DA-18-123 to permit the development of 14 two-storey townhouse dwellings on a private condominium road, and the proposed variances will implement that approval. The development is also subject to conditionally approved Draft Plan of Subdivision and Draft Plan of Common Element Condominium applications which will implement the desired tenure of the development. The application seeks to permit the following variances:

1. A minimum rear yard setback of 4.6 m shall be provided, whereas the Zoning By-law requires a minimum rear yard setback of 7.5 m; and,
2. A minimum side yard setback of 1.65 m for Unit 8 shall be provided, whereas the Zoning By-law requires a minimum side yard setback of 2.0 m abutting a non-party wall for a street townhouse dwelling not exceeding two (2) storeys in height.
3. A maximum stairway encroachment of 1.2 m for Units 1 to 8 shall be provided, whereas the Zoning By-law requires the stairway to project a maximum of 1.1 m into the rear yard.

In support of the Minor Variance application please find enclosed the following information:

- A digital copy of the completed Minor Variance application form;
- A digital copy of the Site Plan, Draft Plan of Subdivision, and Draft Plan of Condominium drawings; and,
- A digital copy of the Planning opinion memo.

Please note that the required application review fee was delivered via cheque number 89 on Friday May 17, 2024.

Should you require any additional information please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read "Jared Marcus", written over a white background.

Jared Marcus, CPT  
Associate – Manager, Planning



Chair and Members of Committee of Adjustment c/o Ms. Jamila Sheffield  
Secretary – Treasurer, Committee of Adjustment  
City of Hamilton  
71 Main Street West – 5th Floor  
Hamilton ON, L8P 4Y5

Arcadis Professional Services  
(Canada) Inc.  
360 James Street North  
Suite 200  
Hamilton, Ontario L8L 1H5  
Canada  
Phone: 905 546 1010  
[www.arcadis.com](http://www.arcadis.com)

Date: May 23, 2023

Our Ref: 137511

**Subject: 820 RYMAL ROAD EAST, HAMILTON – MINOR VARIANCE APPLICATION**

Dear Ms. Sheffield,

Arcadis Professional Services (Canada) Inc. (“Arcadis”) is the authorized planning agent for 820 Rymal Inc., who is the owner of lands municipally known as 820 Rymal Road East in the City of Hamilton. The Owner acquired the above noted property in March 2022. While the Owner’s vision is similar to the originally approved development for the subject site, File: DA-18-123, which consists of 14 two-storey townhouse dwellings on a private condominium road, there have been some notable changes to the site design that were undertaken to address technical comments from City departments; namely, the removal of the right in, right out driveway access from Rymal Road East, and changes to the parking orientation. A revised Site Plan application was submitted on September 6<sup>th</sup>, 2023, and is still under review. A previous Minor Variance application was submitted on December 9, 2023, and variances for side yard setback, yard encroachment, parking stall size, and parking setbacks were granted by the Committee of Adjustment on January 18, 2024 (HM/A-23:313).

Since then, an issue associated with the location of common site servicing infrastructure has been identified and the preferred approach to deal with the issue is to create a new common element area along the southerly lot line. This changes areas which were previously proposed as part of the individual lots and would change to common element areas of the associated condominium. The result is a technical change to the location of the rear lot line of the townhouse properties, but which doesn’t change the actual location of the proposed townhouse dwellings. resulted in the identification of two variances related to the rear and side yard setbacks.

## **1.0 SITE LOCATION AND CONTEXT**

The subject site is municipally known as 820 Rymal Road East, Hamilton and is located at the southwest corner of the intersection at Rymal Road East and Sulmona Drive, as illustrated in **Figure 1**. The subject site is legally described as Part of Lot 11, Concession 1 Glanford, Part 1 ON 62R21267, within the City of Hamilton. Currently, the subject site has an approximate lot area of 3,881 square metres (0.39 hectares), a frontage of 61.09 metres along Rymal Road East, and a lot depth of 63.54 metres. The subject site is currently vacant as the previously existing single-storey single detached dwelling was demolished. Please refer to **Figure 2** for a Google Streetview image looking south towards the subject site.



**Figure 1:** Aerial image of subject site, retrieved from GeoWarehouse



**Figure 2:** View of the subject site looking south from Rymal Road East, retrieved from GoogleMaps

## 2.0 PROPOSED MINOR VARIANCES

The subject site is zoned Street – Townhouse (RT-30/S-1752) as per the City of Hamilton Zoning By-law 6593. The subject site is designated as Neighbourhoods within Schedule E-1” Urban Land use Designations of the Urban Hamilton Official Plan. The variances being applied for, made under Section 45 (1) of the *Planning Act*, are as follows:

1. A minimum rear yard setback of 4.6 m shall be provided, whereas the Zoning By-law requires a minimum rear yard setback of 7.5 m; and,
2. A minimum side yard setback of 1.65 m for Unit 8 shall be provided, whereas the Zoning By-law requires a minimum side yard setback of 2.0 m abutting a non-party wall for a street townhouse dwelling not exceeding two (2) storeys in height.
3. A maximum stairway encroachment of 1.2 m for Units 1 to 8 shall be provided, whereas the Zoning By-law requires the stairway to project a maximum of 1.1 m into the rear yard.

### Planning Act Section 45 (1) Compliance

Section 45 (1) of the *Planning Act* permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided that they meet what is known at the four (4) tests. The four tests are:

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan? and,
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The following will provide an analysis of the proposed variances against the four tests.

### 2.1 Variance 1: Minimum Rear Yard Setback

The current zoning requires a minimum rear yard setback of 7.5 m. The proposed development requires a variance to permit a minimum rear yard setback of 4.6 m.

#### 1. Is the variance minor in nature?

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance. The rear yard variance reflects a change to the internal ownership lines within the proposed development which will see the future Condominium Corporation own part of the space between the townhouse dwellings and the southerly lot line, and does not reflect a change in the location of the townhouse dwellings relative to the southerly property lot line. There will not be any impact on the existing character of the neighbourhood and no adverse impact will be created to the adjacent lands to the south. It is our opinion that the requested minor variance can be considered minor.

#### 2. Is the variance desirable and appropriate?

The variance does not propose to alter the location of the proposed townhouse dwellings relative to their position shown in the conditionally approved Site Plan, and there will still be a physical separation of 7.7m from the southerly property line. The requested variance is desirable and appropriate as it provides sufficient space for landscaping and outdoor amenity space.

#### 3. Does the variance maintain the general intent and purpose of the Official Plan? and,

The general intent and purpose of the applicable Official Plan policies is to ensure that there is adequate outdoor amenity space. The location of the proposed townhouse dwellings will not be modified from the

conditionally approved Site Plan and there will still be 7.7m of space between the dwellings and the southerly lot line. The proposed variance reflects a change to the proposed internal ownership lines and not a physical reduction of the available open space. Therefore, it is our opinion that the proposed variance meets the general intent and purpose of the Official Plan.

**4. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The general intent and purpose of the minimum rear yard setback is to ensure the adequate separation between buildings on separate properties and to provide sufficient space for landscaping or amenity space at the rear of the lot. The proposed variance reflects a change to the internal ownership lines, and the physical separation of the proposed townhouse dwellings is not proposed to change. Therefore, sufficient open space will be maintained between the townhouse dwellings and the southerly lot line. It is our opinion that the proposed variance does meet the general intent and purpose of the Zoning By-law.

**Variance 2: Minimum Side Yard**

The current zoning requires a minimum side yard setback of 2.0 m abutting a non-party wall for a street townhouse dwelling not exceeding two (2) storeys in height. The proposed development requires a variance to permit a decreased minimum side yard setback of 1.65 m for Unit 8.

**1. Is the variance minor in nature?**

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance. Similar to the rear yard variance, the side yard variance reflects a change to the internal ownership lines within the proposed development which will see the future Condominium Corporation own part of the space between the townhouse dwelling and the westerly lot line and does not reflect a change in the location of the townhouse dwellings relative to the westerly property lot line. It is our opinion that the requested minor variance to the minimum side yard setback is minor in nature, as it does not impact the existing character of the neighbourhood and it is not expected to cause any adverse impact to the adjacent lands to the east and west.

**2. Is the variance desirable and appropriate?**

The requested variance is desirable and appropriate as it permits for the most efficient layout and utilization of the subject lands and is compatible with the existing neighbourhood and current and future built form. The adjacent properties contain low density residential dwellings. Even though a reduced yard is requested, Unit 8 will still be separated from the adjacent residential property to the west by 3.0m. Therefore, the requested variance will not result in privacy and overlook concerns or create any adverse impact to the adjacent uses.

**3. Does the variance maintain the general intent and purpose of the Official Plan? and,**

The variance meets the general intent of the Official Plan. The variance will permit the townhouse, which is a permitted use that is compatible with the surrounding residential uses.

**4. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The intent of the side yard setback is to ensure there is sufficient space between land uses to ensure there are no adverse impacts between adjacent land uses. While the proposed variance requests a reduced side yard setback to reflect the change in internal ownership lines, the actual separation from the townhouse dwelling to the westerly lot line will still be 3m. The proposed variance can be considered to meet the general intent of the Zoning By-law, as the reduced minimum side yard setback does not create any adverse impact with the existing adjacent land uses.

**Variance 3: Maximum Stairway Encroachment**

The current zoning requires the stairway to project a maximum of 1.1 m into the rear yard. The proposed development requires a variance to permit the stairway to encroach a maximum of 1.2 m into the rear yard of Units 1 to 8. Under file HM/A-23:313 a previous variance to permit the 1.1m encroachment was approved.

**1. Is the variance minor in nature?**

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance. Due to the aforementioned change to internal lot lines, the exterior staircase associated with Unit 1 can no longer meet the permitted encroachment. As described above, there is no change to the location of the proposed townhouse dwellings; however, the new lot line separating the common elements area and private ownership means that the proposed exterior staircase will encroach further into the proposed rear yard. It is our opinion that the requested minor variance is minor in nature, as it does not reflect an actual increase in the encroachment relative to the southerly lot line, does not impact the overall character of the neighbourhood, nor will it cause any adverse impact to the adjacent lands.

**2. Is the variance desirable and appropriate?**

As described above, there is no change to the proposed physical location of exterior staircase, and therefore the requested variance continues to provide sufficient space for landscaping and outdoor amenity space while maintaining an adequate setback from the rear lot line. The variance is also compatible with the existing neighbourhood and current and future built form and can be considered desirable and appropriate.

**3. Does the variance maintain the general intent and purpose of the Official Plan? and,**

The general intent and purpose of the applicable Official Plan policies is to ensure that there is adequate outdoor amenity space. There is no change to the location or size of the proposed exterior staircase, and there will continue to be adequate space between the building and the southerly lot line. Therefore, it is our opinion that the proposed variance meets the general intent and purpose of the Official Plan.

**4. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The general intent and purpose of the maximum rear yard encroachment of stairways is to ensure that the proposed development provides an adequate setback from the rear lot line as well as landscaping and outdoor amenity space. The increased maximum rear yard encroachment of the staircase reflects a change to the internal ownership lines and the relationship between the new lot line and the staircase. There is no change to the size of the exterior staircase and the variance will not result in any adverse impacts to the adjacent residential uses. The proposed variance also provides adequate landscaping and outdoor amenity space for the southern townhouse building containing Units 1 to 8. Therefore, it is our opinion that the proposed variance meets the general intent and purpose of the Zoning By-law.

Ms. Jamila Sheffield  
City of Hamilton  
May 23, 2024

## 2.2 CONCLUSION

Based on our review of the proposed variances and the planning justifications provided for each in the foregoing sections, it is our opinion that the proposed variances should be approved. Each proposed variance has regard for both the policies of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. As previously analyzed, the impact of each of the requested variances would be minor. Each variance outlined in this letter meets the four tests for a minor variance as prescribed under Section 45(1) of the *Planning Act*.

Should you have any questions, or wish to discuss further, please do not hesitate to contact the undersigned.

Sincerely,  
Arcadis Professional Services (Canada) Inc.



Jared Marcus, CPT  
Associate – Manager, Planning



Isabelle Ilagan  
Planner



Hamilton

Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

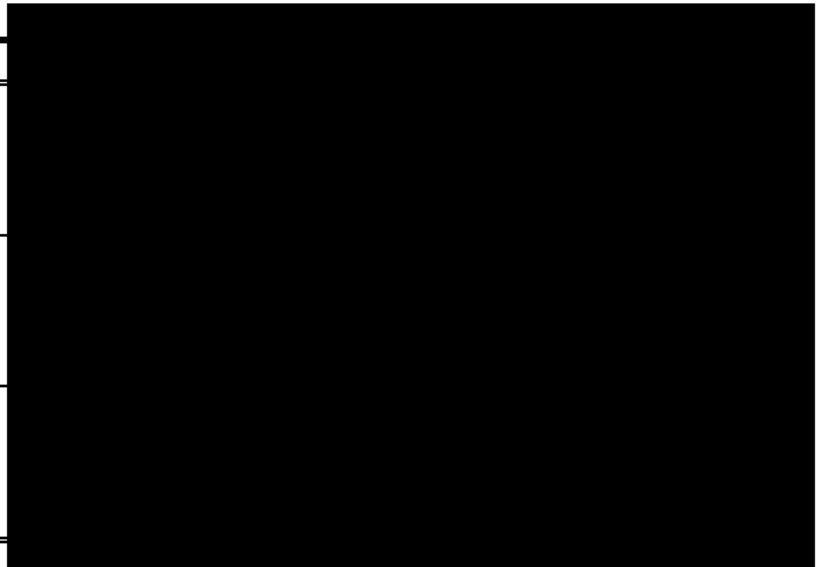
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### APPLICATION FOR A MINOR VARIANCE/PERMISSION

UNDER SECTION 45 OF THE *PLANNING ACT*

#### 1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	
Applicant(s)	
Agent or Solicitor	



1.2 Primary contact

Applicant

Owner

Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner

Agent/Solicitor

1.4 Request for digital copy of sign

Yes\*

No

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

1.5 All correspondence may be sent by email

Yes\*

No

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

1.6 Payment type

In person

Cheque

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	820 Rymal Road East, Hamilton		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	PT LT 11	Concession	CON 1
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R21267	Part(s)	PART 1

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

Yes  No

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

## 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Please refer to the Planning Memo prepared by Arcadis for additional details.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

1. A minimum rear yard setback of 4.6 m shall be provided, whereas the Zoning By-law requires a minimum rear yard setback of 7.5 m
2. A minimum side yard setback of 1.65 m for Unit 8 shall be provided, whereas the Zoning By-law requires a minimum side yard setback of 2.0m abutting a non-party wall for a street townhouse dwelling not exceeding two (2) storeys in height
3. A maximum stairway encroachment of 1.2 m for Units 1 to 8 shall be provided, whereas the Zoning By-law requires the stairway to project a maximum of 1.1 m into the rear yard

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
61.09 m along Rymal Rd	63.54 m	3,881 sq m (0.39 ha)	20 m



4.2 Location of all buildings and structures on or proposed for the subject lands:  
(Specify distance from side, rear and front lot lines)

Existing:

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

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
North townhouse	3.32 m	N/A	1.20 m (Unit 9) & 1.02 m (Unit 14)	
South townhouse	6.02 m	4.67 m	2.0 m (Unit 1) & 1.71 m (Unit 8)	

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

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
North townhouse	568.5 sq.m	1,137.1 sq.m	2	10.60 m
South townhouse	769.6 sq.m	1,539.3 sq.m	2	10.60 m

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

4.6 Type of sewage disposal proposed: (check appropriate box)

publicly owned and operated sanitary sewage

system privately owned and operated individual

septic system other means (specify) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

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

Two (2) two-storey townhouse buildings (8 townhouse dwelling units each, 14 total)

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

Single detached dwellings

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

March 16, 2022

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

Single detached dwelling

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

Vacant

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

Vacant for less than 1 year

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.

Please refer to Planning Memo prepared by Arcadis.

7.6 What is the existing zoning of the subject land? RT-30/S-1752

7.8 Has the owner previously applied for relief in respect of the subject property?  
(Zoning By-law Amendment or Minor Variance)

Yes

No

If yes, please provide the file number: HM/A-23:313

---

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

Yes

No

If yes, please provide the file number: \_\_\_\_\_

## **8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 16

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

Please refer to Planning Memo prepared by Arcadis.

## 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
- 
-