



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-24:145	SUBJECT PROPERTY:	1110 Cannon Street East, Hamilton
ZONE:	“C2” (Neighbourhood Commercial)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: 1000873872 Ontario Inc. Signing Authority: Damon Joo
Agent: Max Fedchyshak

The following variances are requested:

1. A dwelling unit(s) mixed use shall be permitted on the ground floor of an existing commercial building instead of dwellings unit(s) mixed use shall only be permitted above the ground floor level.

PURPOSE & EFFECT: To facilitate the establishment of 3 residential units in an existing commercial building;

Notes:

1. It is noted that variances for parking were requested, and deemed not required as the existing parking area is to continue without change.

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

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

DATE:	Tuesday, July 23, 2024
TIME:	1:55 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

A-24:145

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 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-24:145, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



 Subject Lands

DATED: 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.



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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.

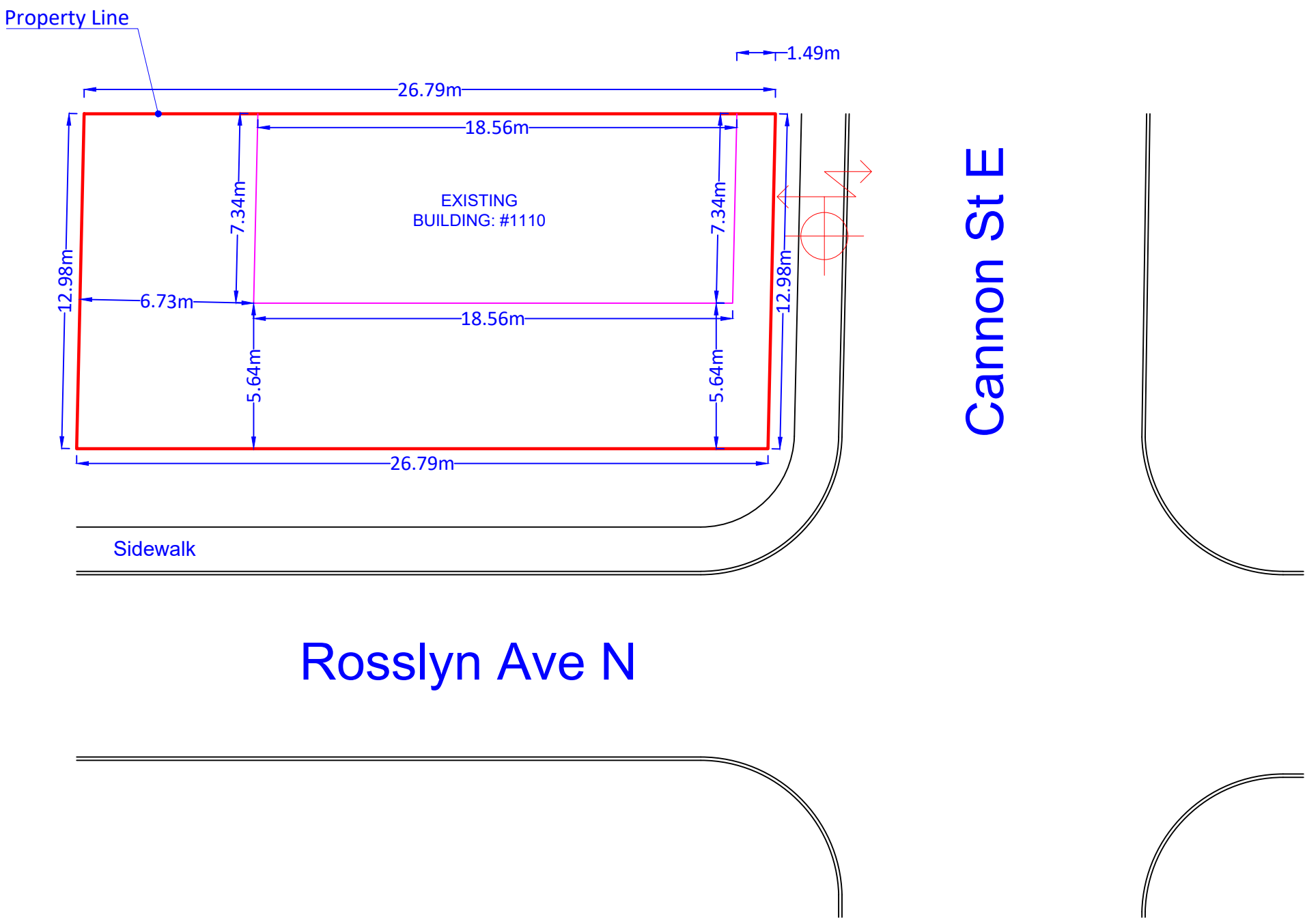
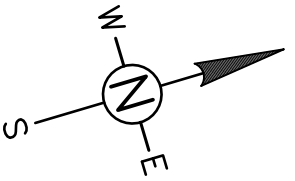
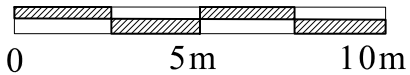
2. In person Oral Submissions

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.

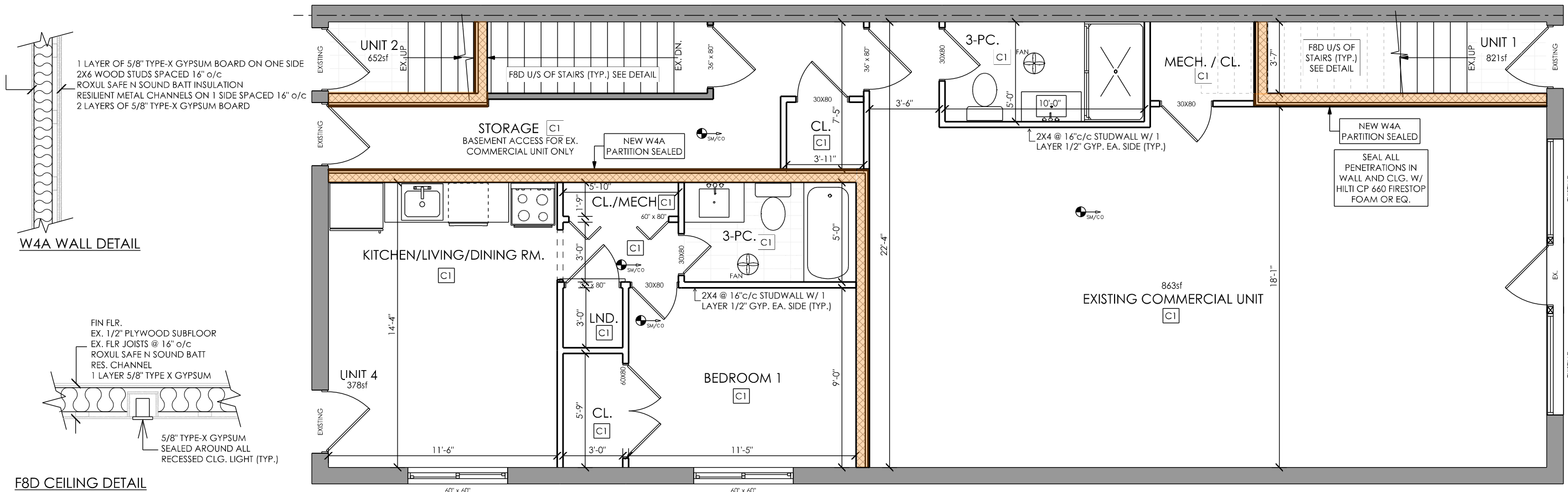
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

SITE PLAN



ADDRESS: 1110 Cannon St E
Hamilton, ON L8L 2J6
Scale: 1:200

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE
This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.



GENERAL NOTES

THESE DOCUMENTS ARE NOT TO BE SCALED. THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF "THE BUILDING PERMIT GUY" AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALTERED, ISSUED, OR REPRODUCED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF THE DESIGNER AND "TBPG". ALL DOCUMENTS ARE TO BE USED FOR THE CONSTRUCTION PROPOSED. ONLY SIGNED SEALED AND STAMPED DOCUMENTS ARE TO BE USED FOR THE CONSTRUCTION PROPOSED. ANY DEVIATIONS FROM THESE PLANS AND DETAILS WILL REQUIRE REVISED DRAWINGS AND CLEARANCE BY THE BUILDING DEPARTMENT. CONTRACTOR TO SITE VERIFY ANY AND ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE DESIGNER BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK.

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND FOR MAKING ARRANGEMENTS FOR ALL REQUIRED INSPECTIONS. ALL CONSTRUCTION & MATERIALS SHALL CONFORM TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE. ANY CHANGES TO DESIGN OR USE OF OTHER BUILDING MATERIALS SHALL BE APPROVED BY THE DESIGNER AND/OR APPROVED BY THE ENGINEER IF REQUIRED. IF DURING THE COURSE OF THE WORK UNKNOWN CONDITIONS ARE DISCOVERED WHICH WOULD NOT BE REASONABLY ASSUMES TO HAVE BEEN PRESENT OR ANTICIPATED, THE CONTRACTOR SHALL NOTIFY THE DESIGNER.

ALL DIMENSIONS ARE IMPERIAL, UNLESS OTHERWISE NOTED.

WOOD LINTELS/HEADERS

ALL LINTELS SUPPORTING TRUSS SPANS THAT EXCEED 32'-0" OF SUPPORTED TRUSS LENGTH ARE TO BE PRE-ENGINEERED LVL HEADERS PER O.B.C. 9.23.12.

WOOD BEAMS AND LUMBER

- ALL LUMBER AND WOOD PRODUCTS SHALL CONFORM TO 9.3.2.
- BUILT UP WOOD COLUMNS SHALL CONFORM WITH 9.17.4.2.(2). ALL MEMBERS SHALL BE SO FRAMED, ANCHORED, FASTENED, TIED AND BRACED SO AS TO PROVIDE THE NECESSARY STRENGTH AND RIGIDITY.
- COLUMNS SHALL BE SECURELY FASTENED TO BEAMS TO PREVENT LATERAL MOVEMENT. ANCHORAGE OF EXTERIOR COLUMNS AND POSTS SHALL CONFORM WITH O.B.C. 9.23.6.2
- PROVIDE ADEQUATE LEVEL BEARING FOR ALL BEAMS AT THE END SUPPORTS PER O.B.C. 9.23.8.1.

ACCESS

ACCESS TO SERVICES

- EQUIPMENT REQUIRING SERVICES SUCH AS PLUMBING CLEANOUTS, TRAPS, AND BURNERS LOCATED IN CRAWLSPACES SHALL BE PROVIDED WITH AN ACCESS WAY WITH A HEIGHT OF NOT LESS THAN 24" AND 36" WIDE AND/OR THE WIDTH OF THE EQUIPMENT TO BE SERVICED.

STAIRS

- ALL INTERIOR AND EXTERIOR STAIRS TO CONFORM WITH O.B.C. 9.8.2.
- MIN STAIR WIDTH TO BE 2'-10" PER O.B.C. 9.8.2.1.(2).
- ALL STAIRS TO BE UNIFORM IN RISE AND RUN
- MIN. RISE = 4 7/8" MAX RISE = 7 7/8"
- MIN. RUN = 12" MAX RUN = 14"

DRAWING LEGEND

- EXISTING SMOKE/CO DETECTORS TO REMAIN. NO CHANGES PROPOSED
- EXISTING WALL AS NOTED ON PLAN TO REMAIN
- F8D CEILING ASSEMBLY EX. FIN. FLOOR
- C1 EX. 1X4 TIMBER SHEATHING EX. 2X10 TIMBER FLOOR JOISTS @ 16" o/c ROXUL SAFE N SOUND BATT RESILIENT METAL CHANNEL @ 16" o/c 1 LAYER 5/8" TYPE - X GYP.
- NEW WALL AS NOTED ON PLAN
- W4A PARTITION 1 HR F.R.R. & 51 stc. 1 LAYER OF 5/8" TYPE - X GYP. EX. 2X6 TIMBER STUDS @ 16" o/c 89mm ABSORPTIVE MATERIAL RESILIENT CHANNEL @ 16" o/c 2 LAYERS OF 5/8" TYPE-X GYP. ALL JOINTS MUDDED AND TAPED

GUARDS

- ALL HANDRAILS AND GUARDS TO BE INSTALLED PER O.B.C. SB-1 HANDRAILS PER O.B.C. 9.8.7.
- IF STAIRS ARE OPEN ON BOTH SIDES OF STAIRS, GUARDS ARE REQUIRED ON ONE SIDE. IF STAIR WIDTH EXCEEDS 43" RAILINGS ARE REQUIRED ON BOTH SIDES IN ADDITION TO GUARDS.
- STAIRS WITH WALLS ON BOTH SIDES REQUIRE A HANDRAIL ON ONE SIDE. IF THE STAIR WIDTH EXCEEDS 3'-7" RAILINGS ARE REQUIRED ON BOTH SIDES OF THE STAIRS.
- EXTERIOR GUARDS AS PER O.B.C. 9.8.8.1.
- MIN. RAILING HEIGHT TO BE 36" IF DECK HEIGHT IS LESS THAN 5'-11" ABOVE GRADE.
- MIN. RAILING HEIGHT TO BE 42" IF DECK HEIGHT IS MORE THAN 5'-11" ABOVE GRADE.
- NO GUARD REQUIRED FOR DECKS LESS THAN 24" ABOVE GRADE.

INSULATION/VENTILATION & WEATHERPROOFING

- INSULATION SHALL BE PROTECTED WITH GYPSUM BOARD OR AN EQUIVALENT INTERIOR FINISH, EXCEPT FOR UNFINISHED BASEMENTS WHERE 6mil POLY IS SUFFICIENT FOR FIBERGLASS TYPE INSULATIONS.
- DUCTS PASSING THROUGH UNHEATED SPACE SHALL BE MADE AIRTIGHT WITH TAPE AND SEALANT.
- CAULKING SHALL BE PROVIDED FOR ALL EXTERIOR DOORS AND ACCESS HATCHES TO THE EXTERIOR, EXCEPT DOORS FROM A GARAGE TO THE EXTERIOR.
- WEATHER STRIPPING SHALL BE PROVIDED ON ALL DOORS AND ACCESS HATCHES TO THE EXTERIOR, EXCEPT DOORS FROM A GARAGE TO THE EXTERIOR.
- EXTERIOR WALLS, CEILINGS AND FLOORS SHALL BE CONSTRUCTED SO AS TO PROVIDE A CONTINUOUS BARRIER TO THE PASSAGE OF WATER VAPOUR FROM THE INTERIOR AND TO THE LEAKAGE OF AIR FROM THE EXTERIOR.

DOORS & WINDOWS

- EVERY FLOOR LEVEL CONTAINING A BEDROOM AND NOT SERVED BY AN EXTERIOR DOOR SHALL CONTAIN AT LEAST 1 WINDOW HAVING AN UNOBSTRUCTED OPEN AREA OF 3.8 ft2 WITH NO DIMENSION LESS THAN 15" AND IS OPENABLE WITHOUT THE USE OF TOOLS OR SPECIALIZED KNOWLEDGE.
- EXTERIOR HOUSE DOORS AND WINDOWS WITHIN 6'-7" FROM GRADE SHALL BE CONSTRUCTED TO RESIST ENTRY. DOORS SHALL HAVE A DEADBOLT LOCK.
- THE PRINCIPAL ENTRY DOOR SHALL HAVE A DOOR VIEWER, TRANSPARENT GLAZING OR A SIDELIGHT.

SMOKE ALARMS & DETECTORS

- SHALL BE INSTALLED ON ANY STOREY OF A DWELLING UNIT THAT CONTAINS SLEEPING ROOMS PER O.B.C. 9.10.19.3.
- IN EACH SLEEPING ROOM.
- IN A LOCATION BETWEEN THE SLEEPING ROOMS AND THE REMAINDER OF THE STOREY, AND IF THE SLEEPING ROOMS ARE SERVED BY A HALLWAY, THE SMOKE ALARM SHALL BE LOCATED IN THE HALLWAY.
- ALL SMOKE ALARMS ARE TO BE INTERCONNECTED AND PROVIDED WITH 7 DAYS OF BATTERY BACKUP PER O.B.C. 9.10.19.
- CO DETECTOR SHALL BE INSTALLED AS PER O.B.C. 9.33.4.2. WHICH STATES: UNITS SHALL BE INSTALLED ON OR NEAR THE CEILING ON EACH FLOOR AND BASEMENT LEVEL 2'-11" OR MORE ABOVE AN ADJACENT LEVEL.

LIGHTING / ELECTRICAL

LIGHTING

- CONFIRM ALL PLACEMENT OF OUTLETS, SWITCHES AND LIGHT FIXTURES WITH HOME OWNER PRIOR TO INSTALLATION.
- PROVIDE AN EXTERIOR LIGHT AT ALL EXITS.
- AN EXTERIOR LIGHT CONTROLLED BY AN INTERIOR SWITCH IS REQUIRED AT EVERY ENTRANCE AS PER O.B.C. 9.34.2.1.
- A LIGHT CONTROLLED BY A SWITCH IS REQUIRED IN EVERY KITCHEN, BEDROOM, LIVING ROOM, UTILITY ROOM, LAUNDRY ROOM, DINING ROOM, BATHROOM, VESTIBULE, HALLWAY, GARAGE AND CARPORT. A SWITCHED RECEPTACLE MAY BE PROVIDED INSTEAD OF A LIGHT IN BEDROOMS AND LIVING ROOMS.
- STAIRS SHALL BE LIGHTED. AND EXCEPT WHERE SERVING AN UNFINISHED BASEMENT SHALL BE CONTROLLED BY A 3 WAY SWITCH AT THE HEAD AND FOOT OF THE STAIRS.
- BASEMENTS REQUIRE A LIGHT FOR EACH 323 ft2, CONTROLLED BY A SWITCH AT THE HEAD OF THE STAIRS.
- EVERY STAIR WAY GREATER THAN 4 RISERS IN A DWELLING UNIT SHALL BE LIGHTED AND CONTROLLED WITH A 3 WAY SWITCH PER O.B.C. 9.34.2.3.

PLUMBING NOTES

- ALL PLUMBING TO BE COMPLETED AS PER O.B.C. 9.31. AND PART 7.
- ALL THERMOSTATICALLY CONTROLLED MIXING VALVES SHALL BE PROVIDED FOR ALL FAUCETS OR WATER HEATER SOURCE.
- PRESSURE BALANCED OR THERMOSTATICALLY CONTROLLED MIXING VALVES SHALL BE PROVIDED FOR ALL SHOWER UNITS PER O.B.C. 7.6.5.2.
- A FLOOR DRAIN SHALL BE INSTALLED IN THE BASEMENT, AND CONNECTED TO THE SANITARY SEWER WHERE GRAVITY DRAINAGE IS POSSIBLE. IN OTHER CASES IT SHALL CONNECT TO A STORM DRAINAGE SYSTEM, DITCH OR DRY WELL.

ELECTRICAL

- ALL ELECTRICAL TO CONFORM WITH O.B.C. 9.34. AND BE COMPLETED AND INSPECTED AS PER E.S.A.

MECHANICAL VENTILATION

- PROVIDE MECHANICAL VENTILATION SYSTEMS PER O.B.C. 9.32.
- EXHAUST FANS TO CONFORM TO PART 6 O.B.C.
- SUPPLEMENTAL EXHAUST SHALL BE INSTALLED SO THAT THE TOTAL CAPACITY OF ALL KITCHEN, BATHROOM AND OTHER EXHAUSTS, LESS THE PRINCIPAL EXHAUST, IS NOT LESS THAN THE TOTAL REQUIRED CAPACITY.
- ALL EXHAUST FANS SHALL BE DIRECTLY VENTED TO THE OUTDOORS.
- A HEAT RECOVERY VENTILATOR MAY BE EMPLOYED IN LIEU OF EXHAUST TO PROVIDE VENTILATION. AN HRV IS REQUIRED IF ANY SOLID FUEL BURNING APPLIANCES ARE INSTALLED.
- SUPPLEMENTARY AIR INTAKES SHALL BE LOCATED SO AS TO AVOID CONTAMINATION FROM EXHAUST OUTLETS.

SCOPE OF PROJECT

- RATED CEILING ASSEMBLY SHALL BE NEW F8D PER SB-3 UNLESS OTHERWISE NOTED
- RATED WALL ASSEMBLY SHALL BE NEW W4A PER SB-3 UNLESS OTHERWISE NOTED
- FIRE SEPERATION ON ALL HORIZONTAL SURFACES SEPERATING UNITS INCLUDING UNDERSIDE OF STAIRS.
- ALL PENETRATIONS TO BE SEALED WITH HILTI CP 660 OR EQ. APPROVED FIRE RATED CAULKING.
- ALL RECESSED LIGHTING SHALL BE SEALED AND PROTECTED WITH TYPE-X GYPSUM. SEE DETAIL
- EX. GAS FURNACE TO REMAIN FOR MAIN FLOOR ONLY.
- NO CHANGES TO EX. MAIN FLOOR RETAIL OCCUPANCY
- SMOKE AND CO ALARMS TO BE INTERCONNECTED WITH VISUAL SIGNALLING DEVICE.
- INSTALL APPROVED FIRE DAMPERS HARDWIRED WHERE A VENTILATION DUCT PENETRATES A RATED WALL OR CEILING



TBPG
 DRAFTING & DESIGN
 220 BROAD STREET EAST
 DUNNVILLE, ON. N1A 1G2
 INFO@THEBUILDINGPERMITGUY.CA

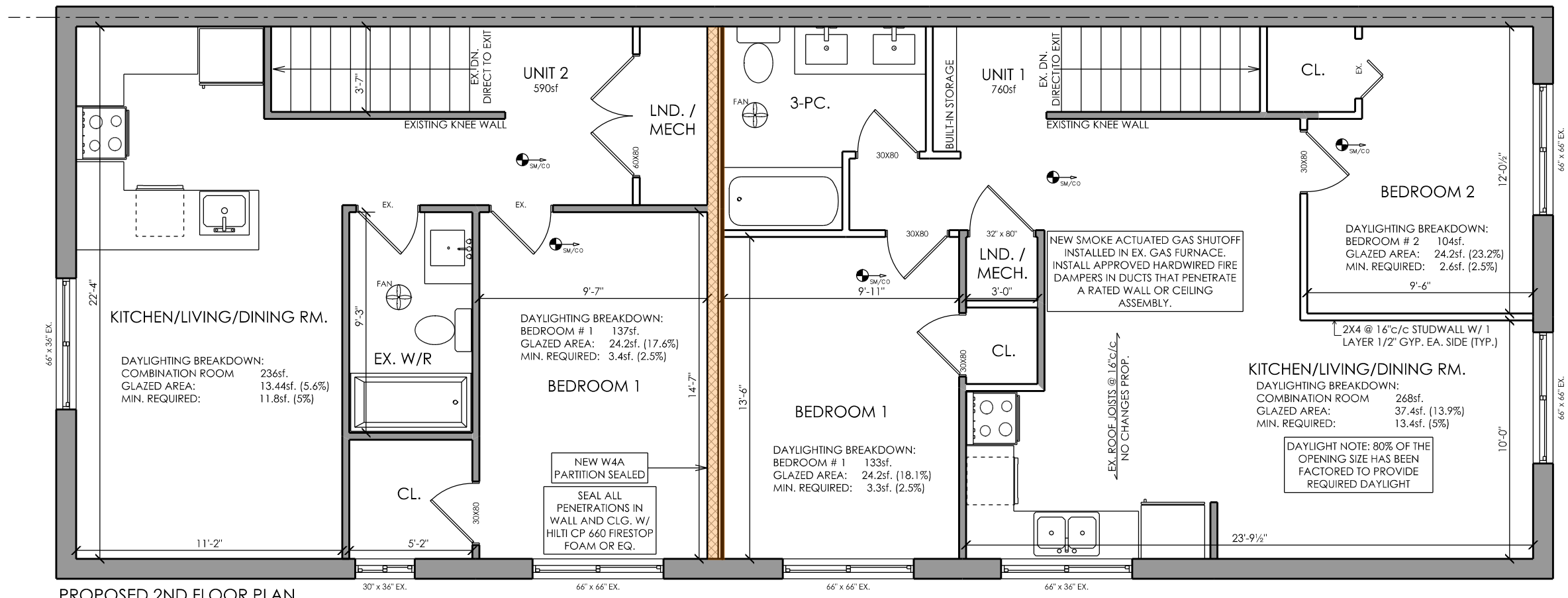
THE UNDERSIGNED HAS THE REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO ACT AS A DESIGNER.
 QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIV. C. 3.2.5.1. OF THE 2012 ONTARIO BUILDING CODE:
 JOHN BARNHART 41773
 THE BUILDING PERMIT GUY 103362 BC(IN)

JOO
 CONVERSION
 1110 CANNON ST. EAST, HAMILTON, ON.

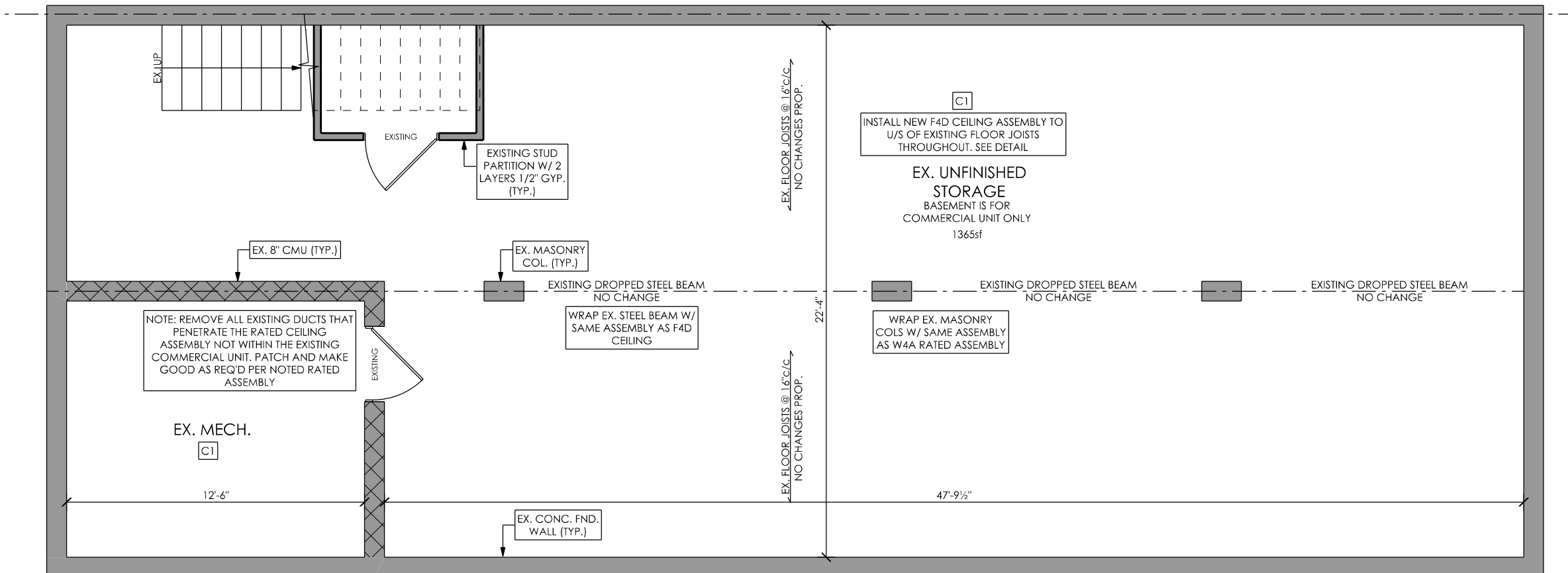
DRAWN BY:
 J. BARNHART

A-1

THE BUILDING PERMIT GUY DRAFTING & DESIGN



PROPOSED 2ND FLOOR PLAN
SCALE: 3/16" = 1'-0"



EXISTING BASEMENT FLOOR PLAN
SCALE: 3/16" = 1'-0"

CANNON STREET



TBPG
DRAFTING & DESIGN
220 BROAD STREET EAST
DUNNVILLE, ON. N1A 1G2
INFO@THEBUILDINGPERMITGUY.CA

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QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIV. C. 3.2.5.1. OF THE 2017 ONTARIO BUILDING CODE:
JOHN BARNHART 41773
THE BUILDING PERMIT GUY 103362
FIRM NAME BCIN

JOO
CONVERSION
1110 CANNON ST. EAST, HAMILTON, ON.

DRAWN BY: J. BARNHART

A-2

THE BUILDING PERMIT GUY DRAFTING & DESIGN



TBP G
DRAFTING & DESIGN
220 BROAD STREET EAST
DUNNVILLE, ON, N1A 1G2
287.308.6442
INFO@THEBUILDINGPERMITGUY.CA

THE UNDERSIGNED HAS THE REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO ACT AS A DESIGNER.
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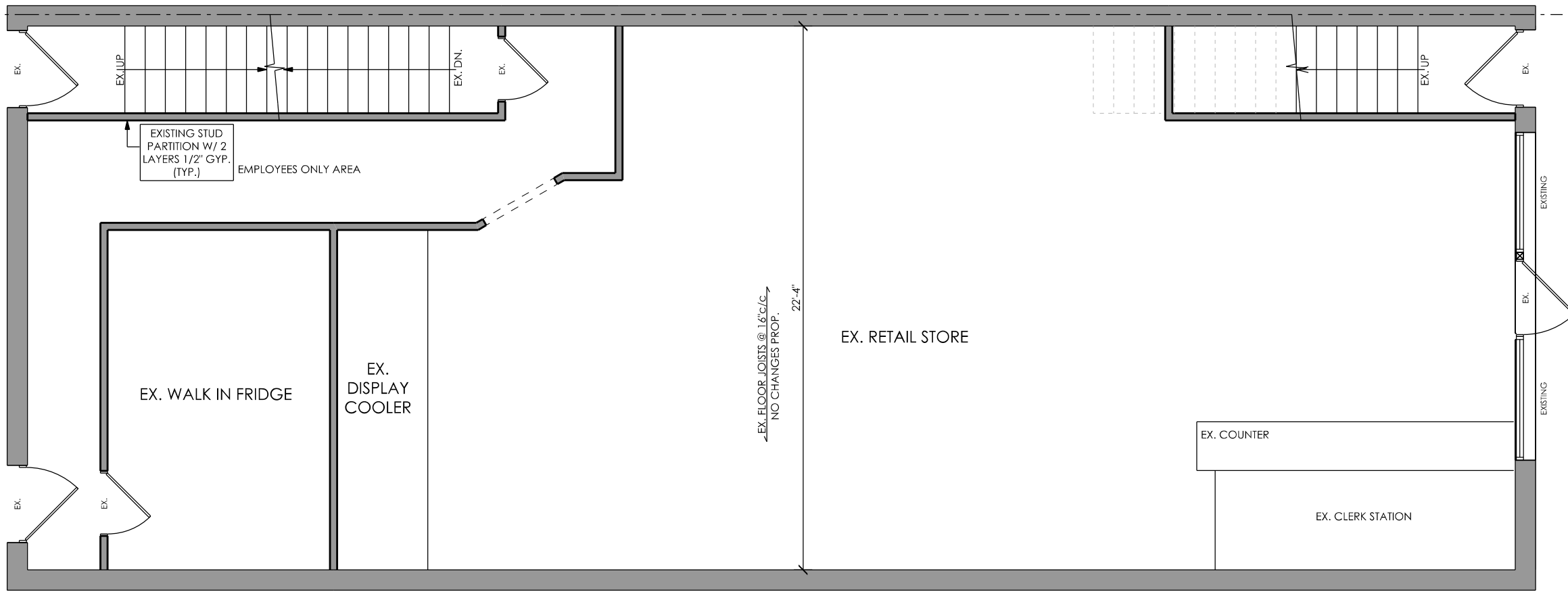
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DRAWN BY: J. BARNHART

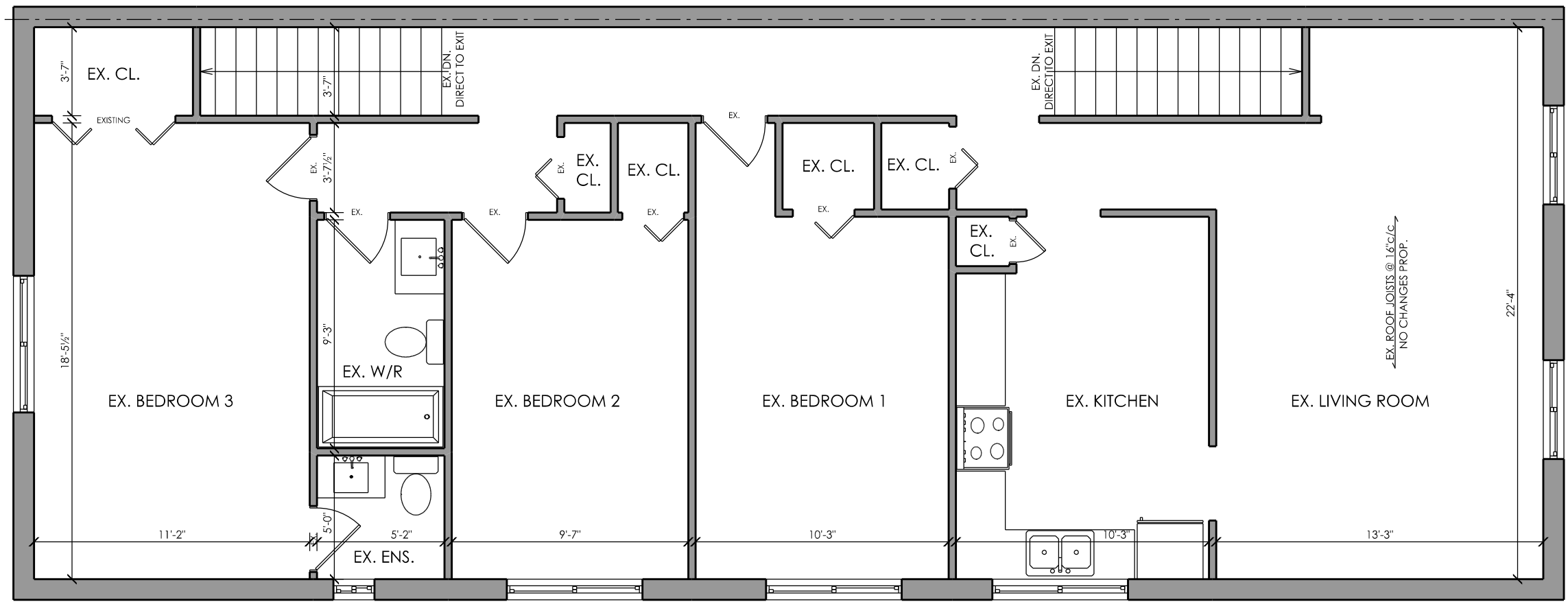
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THE BUILDING PERMIT GUY DRAFTING & DESIGN

CANNON STREET

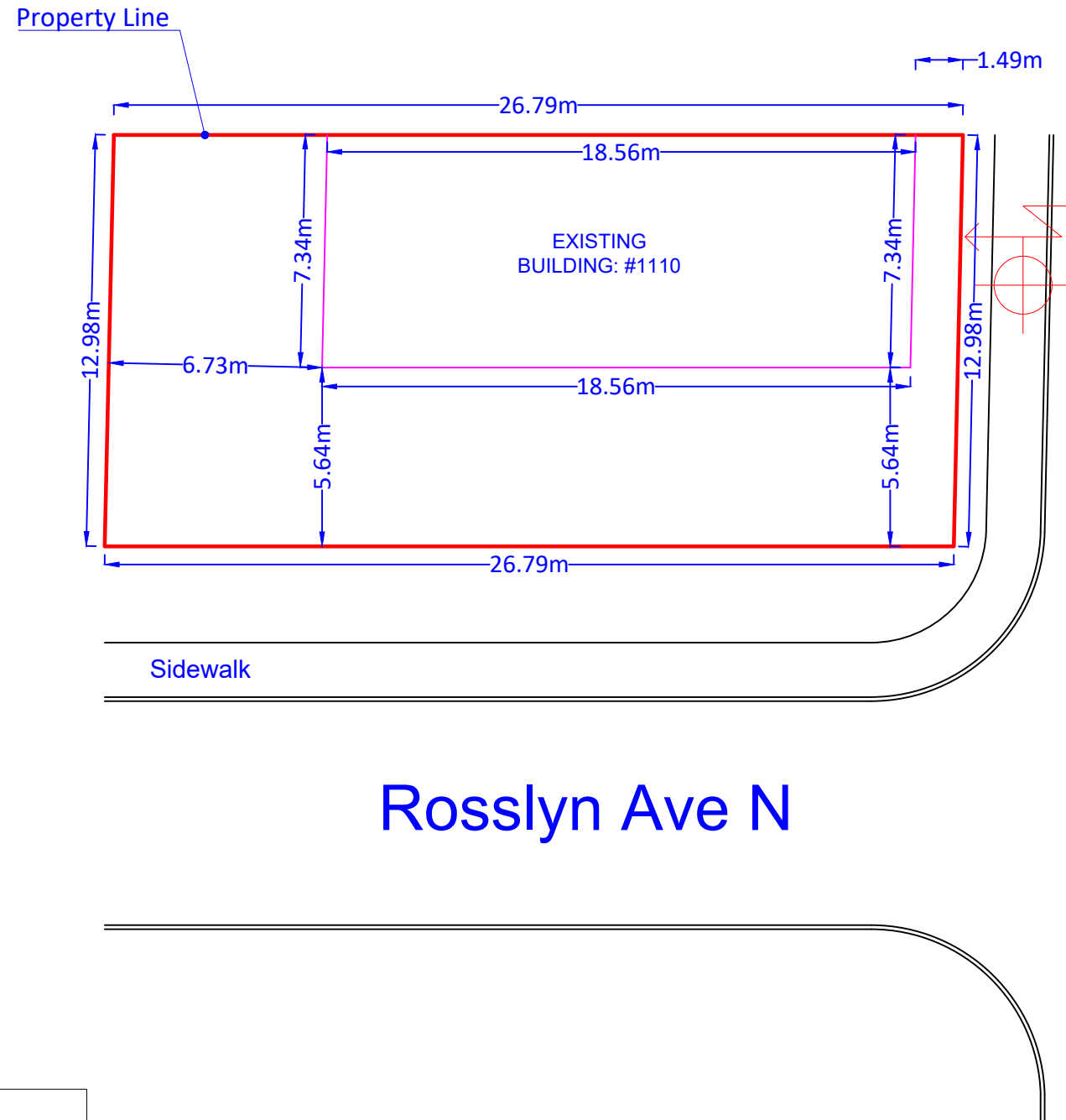
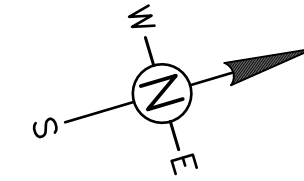
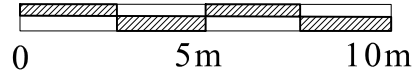


EXISTING MAIN FLOOR PLAN
SCALE: 3/16" = 1'-0"



EXISTING 2ND FLOOR PLAN
SCALE: 3/16" = 1'-0"

SITE PLAN



ADDRESS: 1110 Cannon St E
Hamilton, ON L8L 2J6
Scale: 1:200

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THE BUILDING PERMIT GUY 103362
FIRM NAME BCIN

JOO

CONVERSION

1110 CANNON ST. EAST, HAMILTON, ON.

DRAWN BY: J. BARNHART

S-1

THE BUILDING PERMIT GUY DRAFTING & DESIGN

June 3, 2024

Jamila Sheffield
Secretary Treasurer
Committee of Adjustment
Hamilton City Hall
71 Main St. W, 5th Floor
Hamilton, ON
L8P 4Y5

RE: 1110 Cannon Street East – Application for Minor Variance

Dear Ms. Sheffield,

NPG Planning Solutions Inc. has been retained by Damon Joo to provide independent professional planning advice regarding an application for Minor Variance (the “Application”) to facilitate the construction of 3 residential units within the existing building on the lands municipally known as 1110 Cannon Street East, City of Hamilton. The Subject Lands currently contain a two-storey mixed-use building with a commercial unit on the ground floor and one (1) residential unit on the second floor. Approval of the proposed Application would permit two (2) residential units on the second floor and one (1) residential unit on the first floor, located to the rear of the existing commercial use. A total of six (6) parking spaces are provided for both uses to the east of the building, accessed via Rosslyn Avenue North.

The Subject Lands have an area of approximately 348 square metres, and a frontage of 12.98 metres on Cannon Street and 26.79 metres on Rosslyn Avenue. There is an existing commercial building on the Subject Lands. The application does not seek any exterior site works – only interior renovations are proposed. The Lands are designated as Neighbourhoods in the City’s Official Plan and zoned Neighbourhood Commercial (C2) Zone.

The Application requests the following variances:

1. Permit a residential unit on the ground floor in conjunction with ground floor commercial uses (Section 10.2.1.1 of Zoning By-law).
2. Access to parking areas may be provided directly from a public road (Section 5.2.4 of Zoning By-law).

Included as part of this submission are as follows:

1. Minor Variance Application Form;
2. Site Plan Drawing, Architectural Elevations and Floor Plans;
3. Planning Letter addressing the requested Variances;
4. City of Hamilton Standard Minor Variance Application Fee: \$3,900

1.0 Neighbourhood Context

The Subject Lands are located in the Urban Boundary and Built-Up Area of the City of Hamilton and are designated Neighbourhoods on *Schedule E-1 - Urban Land Use Designations* of the City's Official Plan (City's OP). The lands are located at the intersection of Cannon Street East (a Collector Road according to *Schedule C – Functional Road Classification* of the City's OP) and Rosslyn Avenue in an area comprised of a blend of commercial and residential uses with commercial uses being prevalent on the Cannon Street streetscape. Furthermore, Cannon Street East contains a paved cycling lane, and the Subject Lands are located in proximity to numerous existing transit stops and a planned LRT Station Major Transit Station Areas and a Priority Transit Corridor according to *Appendix B – Major Transportation Facilities and Routes* of the City's OP.

Adjacent land uses consist of neighbourhood commercial uses to the north and west, and residential uses to the south and east.

2.0 Proposed Variance and Analysis of Four Tests

Section 45(1) of the *Planning Act* provides that:

The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

The following is an analysis of the Application for Minor Variance in relation to the four tests for Minor Variance relating to the lands located at 1110 Cannon Street East.

Variance 1: Permit a residential unit on the ground floor (Section 10.2.1.1 of ZBL)

Proposed:	Dwelling Unit on the ground floor in conjunction with ground floor commercial uses.
Required:	A Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor.

Table 1: 4 Part Test Analysis Table – Variance to permit a residential unit on the ground floor

Test	Analysis
<p>1. Is the requested variance minor in nature?</p>	<p>A primary consideration in determining whether a variance application is minor is determining the degree of adverse impact that may occur if the variance is granted. If the variance does not result in an unacceptable adverse impact on the neighbours, then it is likely to be minor in nature.</p> <p>The ground floor commercial space will be retained to maintain easy access for commercial uses in the neighbourhood. Access to the residential unit will be from the rear of the building and the unit will be completely separate from the commercial use. The requested variance will not have an impact on the overall character of the existing neighbourhood, nor will it change the existing situation with regards to privacy as no exterior site alteration is proposed. No adverse impacts associated with permitting a ground floor residential unit are anticipated on neighbouring properties.</p>
<p>2. Is the requested variance desirable for the appropriate development or use of the land, building, or structure?</p>	<p>The requested variance is desirable for the appropriate development of the land as it will allow for the creation of additional dwelling units in an existing structure that is suitable to accommodate the increased density. Furthermore, the proposed ground floor residential unit will be located behind the existing ground-floor commercial space to maintain the commercial nature of the Cannon Street East streetscape and will promote appropriate mixed-use intensification. As such, the requested variance is desirable for the appropriate development of the land.</p>
<p>3. Does the requested variance maintain the general intent and purposes of the By-law?</p>	<p>The intent and purpose of the City's Zoning By-law with respect to prohibiting residential units on the ground floor is to maintain the commercial nature of the Cannon Street East streetscape. The proposed ground floor residential unit will be situated behind the existing commercial portion of the building to maintain the existing commercial nature of the Cannon Street frontage. As such, the requested variance would maintain the general intent and purpose of the By-law.</p>

Test	Analysis
<p>4. Does the requested variance maintain the general intent and purpose of the Official Plan?</p>	<p>The Official Plan intends to permit a mix of housing units in areas with access to a range of commercial uses with transit connectivity. The proposed variance satisfies this intent.</p> <p>The Official Plan also intends to mitigate conflict between adjoining uses and maintain a consistent streetscape. The general intent and purpose of the Official Plan is maintained as the requested variance facilitates the development of a ground-floor residential dwelling unit that will be located behind the existing commercial unit, and as such will not hinder the commercial nature of the Cannon Street streetscape.</p>

Variance 2: Permit access to parking directly from a public road (Section 5.2.4 Access Requirement of ZBL)

Proposed: Access to all parking may be provided directly from a public road
 Required: Access to all parking shall be provided by an access driveway located on the lot

Table 2: 4 Part Test Analysis Table – Variance to permit the access to a parking area from a public road

Test	Analysis
<p>1. Is the requested variance minor in nature?</p>	<p>The requested variance is minor in nature as the parking area is currently accessed directly from the public road without the prevalence of any issues. Parking access from the public road has not interfered with the normal use of the street.</p>
<p>2. Is the requested variance desirable for the appropriate development or use of the land, building, or structure?</p>	<p>The requested variance is desirable for the appropriate development of the land as it will allow for continued access to the parking areas on the Subject Lands.</p> <p>The site has sufficient room for more than the six (6) parking spaces required within the ZBL when vehicles are parked perpendicularly to the building and to the rear of the building (see Image 1 and 2 in Appendix A). It is important to note that the parking spaces will not encroach into the municipally owned lands. As such, the variance can be considered desirable for the appropriate development of the land.</p>
<p>3. Does the requested variance maintain the general intent and</p>	<p>The intent of the provision of the access aisle being located on a lot is to ensure that adequate space exists to access the parking spots on-site without safety concerns within the</p>

Test	Analysis
purposes of the By-law?	public right-of-way. Existing access to parking on the Subject Lands is provided directly from a public road and will continue in its as-existing state - approval of the variance will not result in any additional safety concerns.
4. Does the requested variance maintain the general intent and purpose of the Official Plan?	The general intent of the Official Plan is maintained as the requested variance will facilitate the creation of additional residential (mixed-use) dwelling units with sufficient access and parking provided.

3.0 Conclusion

This letter provides planning justification for the approval of the variances requested for 1110 Cannon Street East in Hamilton. As assessed above, the Application complies with Section 45(1) of the *Planning Act*, as the variances are minor in nature, appropriate for the development of the Subject Lands, and maintain the general intent and purpose of both the Zoning By-law and the Official Plan.

Please provide notice of all meetings and decisions regarding the variance to the undersigned.

Brief prepared by:



Dan Banatkiewicz
Planner
NPG Planning Solutions Inc.



Max Fedchyshak, MCIP, RPP
Intermediate Planner
NPG Planning Solutions Inc.

Appendix A – Site Images



Image 1 - View from southeast corner of the Subject Lands along the frontage on Rosslyn Avenue North looking northwest.



Image 2 - View from southeast corner of the Subject Lands looking west along the existing wood board fence at the rear of the Subject Lands.



Image 3 – View from the intersection of Cannon Street East and Rosslyn Avenue North looking southwest along the Rosslyn Avenue North frontage of the Subject Lands.



Image 4 – View from the intersection of Cannon Street East and Rosslyn Avenue North looking west along the Cannon Street East frontage of the Subject Lands



Image 5 - View of dedicated bicycle lane on Cannon Street East from the intersection of Cannon Street East and Kensington Avenue North looking east towards the Subject Lands



Image 6 - View from northeast corner of the Subject Lands looking northeast towards the existing commercial buildings across Cannon Street East



Image 7 – View looking northeast along Cannon Street East



Image 8 – View from Rosslyn Avenue North frontage looking west towards the existing parking on-site



Image 9 – View looking south towards the Subject Lands from across Cannon Street East



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)	1000873872 Ontario Inc. Signing authority: Damon Joo
Applicant(s)	
Agent or Solicitor	Max Fedchyshak

1.2 Primary contact

Applicant

Owner

Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner

Agent/Solicitor

1.4 Request for digital copy of sign

Yes*

No

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

1.5 All correspondence may be sent by email

Yes*

No

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

1.6 Payment type

In person

Credit over phone*

Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	1110 Cannon Street East		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	Part of Lots 391, 392, 393
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Please refer to the attached Planning Letter.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to the attached Planning Letter.

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
12.98m (Cannon Street)	26.79m	348 square metres	

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
Mixed Use	1.49m (Cannon Street)	6.73m	5.64m (to Rosslyn Ave)	Unknown
			0m (to 1108 Cannon Street)	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
As-existing	As-existing	As-existing	As-existing	

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
Mixed-use	Approx 136.23sqm	Approx 272.5 sqm	2	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
As existing	As-existing	As-existing	2	

- 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.):

Mixed-use. The existing commercial portion is to be maintained, one (1) residential unit is proposed on the ground floor and two (2) units on the second floor.

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

Commercial, Single Detached Dwellings.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

May 2024

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

Mixed-use. Ground floor commercial with residential above.

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

Mixed-use. Ground floor commercial with residential above.

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

Unknown.

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 attached Planning Letter.

7.6 What is the existing zoning of the subject land? Neighbourhood Commercial (C2)

7.8 Has the owner previously applied for relief in respect of the subject property?

(Zoning By-law Amendment or Minor Variance)

- Yes
- No

If yes, please provide the file number: _____

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

Yes No

If yes, please provide the file number: _____

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 3

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

Existing Mixed-use building featuring ground floor commercial uses and one residential unit above. Variance is proposed to permit residential uses on ground floor while retaining commercial use along Cannon Street frontage. A variance is also proposed to permit parking access directly from a public road (existing situation)

Please see Planning Letter prepared by NPG Planning Solutions for more information.

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
 - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
 - Minimum Distance Separation Formulae (data sheet available upon request)
 - Hydrogeological Assessment
 - Septic Assessment
 - Archeological Assessment
 - Noise Study
 - Parking Study
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