



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-24:179	SUBJECT PROPERTY:	1540 Upper Wentworth Street, Hamilton
ZONE:	"E-2-H/S-1832" (Multiple Dwellings)	ZONING BY-LAW:	Hamilton Zoning By-law No. 6593

APPLICANTS: Owner: Hamilton East Kiwanis Non-Profit Homes Inc. c/o Brian Sibley
Agent: Katelyn Gillis

The following variances are requested:

1. An accessory building shall be permitted to have a maximum height of 4.30 metres, instead of the maximum permitted height of 4.0 metres [Section 18(4)(iii)]

PURPOSE & EFFECT:

So as to permit the construction of two (2) accessory structures (i.e. "solar canopy shade structures") in the parking lot associated with an eight (8) storey multiple dwelling, notwithstanding that:

Notes:

1. Please note that the proposed eight (8) storey multiple dwelling as indicated on the submitted Site Plan, was reviewed for zoning compliance as part of Site Plan Application No. DA-23-056, and was not reviewed as part of the submitted minor variance application.

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, September 10, 2024
TIME:	1:40 p.m.

PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

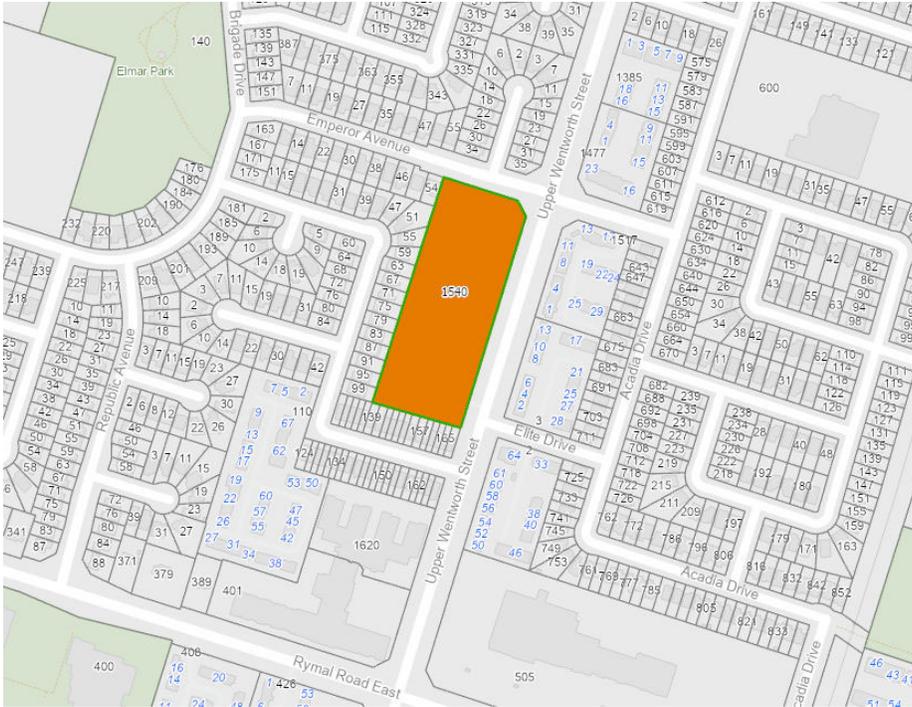
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon September 6, 2024

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 September 9, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:179, 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: August 22, 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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Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

Comments are available the Friday prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

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

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

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.

CAUTION:
THIS PLAN IS NOT A PLAN OF SUBDIVISION
WITHIN THE MEANING OF THE PLANNING ACT.

I require this plan to
be deposited under the
LAND TITLES ACT.

PLAN 62R-11701

RECEIVED AND DEPOSITED

Date APRIL 11, 1991

Date 1991-04-12

R. P. Williamson
R. P. WILLIAMSON

Michael A. R.
Land Registrar for the LAND TITLES
Division of WENTWORTH (NO. 62)

PART 1 IS PART OF PARCEL BLOCK 77-1, SECTION 62M-616
PART 2 IS PART OF PARCEL BLOCK 77-1, SECTION 62M-616
PARTS 1 & 2 - SUBJECT TO A RIGHT OF WAY AS SET OUT IN I
INSTRUMENT NO. 250156 L.T.
SUBJECT TO AN EASEMENT AS SET OUT IN
INSTRUMENT NO. 257485 L.T.

PLAN OF SURVEY
OF
PART OF BLOCK 77
OAKDALE ESTATES, PHASE 1
REGISTERED PLAN 62M-616
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH
SCALE 1:400
0 5 10 20 metres
MacKAY, MacKAY, PETERS LIMITED
1991

METRIC
distances shown on this plan
are in metres and can be
converted to feet by dividing by
0.3048

EMPEROR AVENUE

PARCEL STREETS-1, SECTION 62M-616

LOT 75
LOT 76

LOT 50

LOT 49

LOT 48

LOT 47

REGISTERED
LOT 46

LOT 45

LOT 44

LOT 43

LOT 42

LOT 41

LOT 40

LOT 39

LOT 38

PARCEL BLOCK 77-1, SECTION 62M-616

REGISTERED PLAN 62M-616

BLOCK 77

211.091 (P1 & MEAS.)
7 9

N 17°49'00"E
REFERENCE BEARING

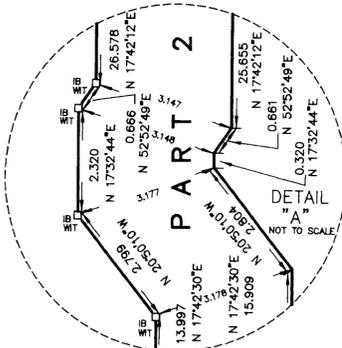
PARCEL STREET-WIDENING-1, SECTION 62M-616
BLOCK

STREET

WENTWORTH

UPPER

(ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 10 & 11)



LEGEND:

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- WIT DENOTES WITNESS
- (600) DENOTES S. W. WOODS O.L.S.
- (1213) DENOTES J. D. PETERS O.L.S.
- P1 DENOTES REGISTERED PLAN 62M-616
- P2 DENOTES PREVIOUS PLAN BY A. J. CLARKE O.L.S. DATED NOVEMBER 23, 1990

BEARING REFERENCE:

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERN LIMIT BLOCK 77 AS SHOWN ON REGISTERED PLAN 62M-616 HAVING A BEARING OF N 17° 49' 00" E

SURVEYOR'S CERTIFICATE

- 1) This survey and plan are correct and in accordance with THE SURVEYS ACT and LAND TITLES ACT and the regulations made thereunder.
- 2) The survey was completed on the 15th DAY OF JANUARY, 1991

HAMILTON, ONTARIO
JANUARY 18, 1991

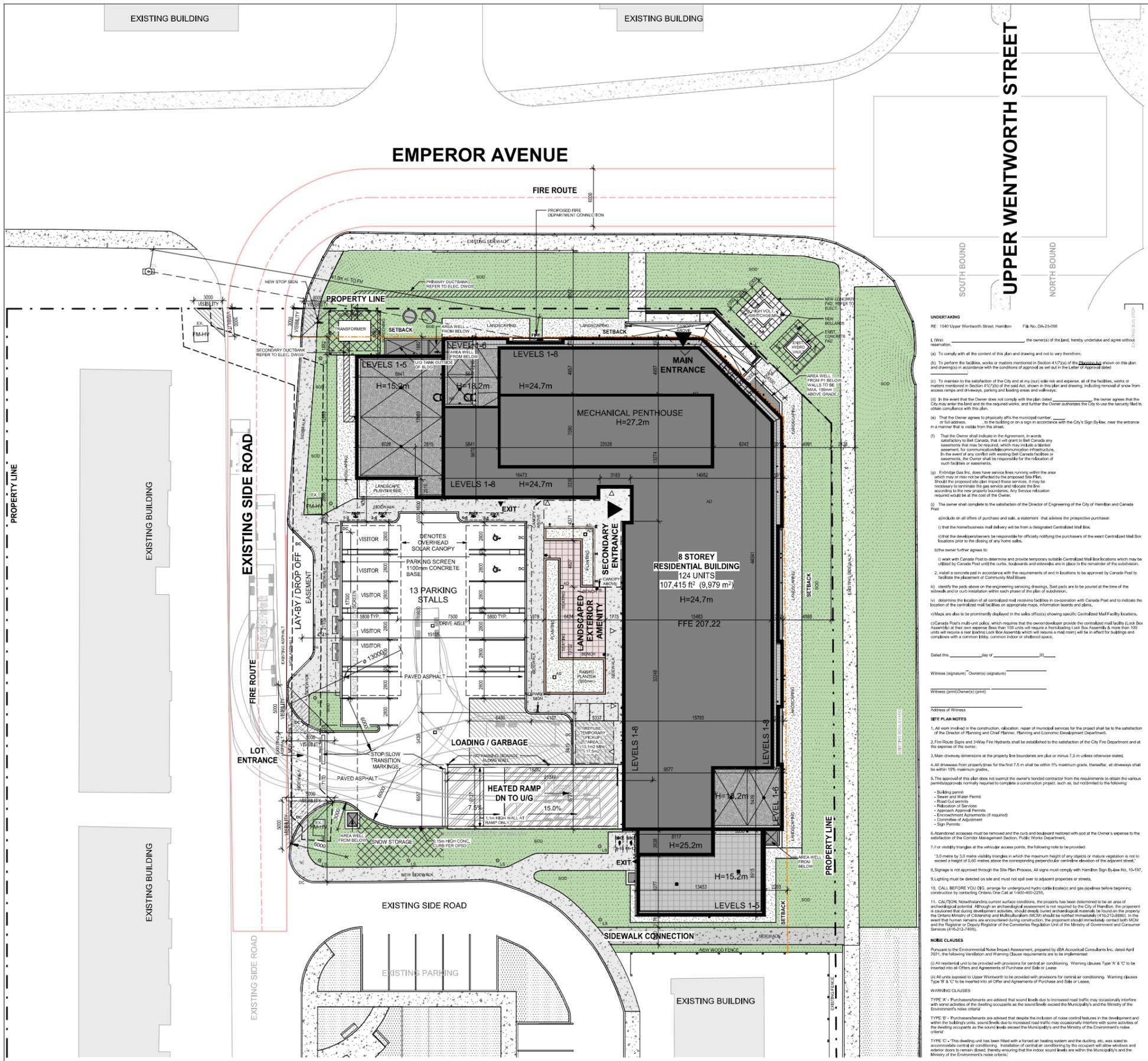
Donald F. Burden
DONALD F. BURDEN
ONTARIO LAND SURVEYOR

MACKAY, MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
ESTABLISHED 1906

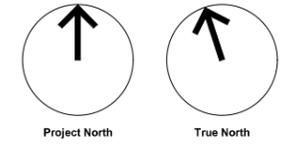
SUITE 606, UNION GAS BUILDING
20 HUGHSON STREET SOUTH
HAMILTON, ONTARIO L8N 2A1
TELEPHONE: (416) 526-7471
TELECOPIER: (416) 526-0787

DRAWN BY: P. W. PARTY CHIEF: D.S.L. CHECKED BY: T.W.W.

PROJECT NO. 90-1183-3 (H)



2 KEY PLAN
1:2000



GENERAL NOTES

- Do not scale drawings. Written dimensions shall have precedence over scaled dimensions.
- All work shall comply with the 2012 Ontario Building Code and amendments.
- Contractors must check and verify all dimensions and specifications and report any discrepancies to the architect before proceeding with the work.
- All contractors and sub-contractors shall have a set of approved construction documents on site at all times.
- All documents remain the property of the architect. Unauthorized use, modification, and/or reproduction of these documents is prohibited without written permission. The contract documents were prepared by the consultant for the account of the owner.
- The material contained herein reflects the consultants best judgement in light of the information available to him at the time of preparation. Any use which a third party makes of the contract documents, or any reliance on or decisions to be made based on them are the responsibility of such third parties.
- The consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.

Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent is cautioned that immediately contact both MCM and the Registrar or Deputy Registrar of the Consumer Protection Unit of the Ministry of Government and Consumer Services (416-212-7499).

SITE LEGEND

- - - - - Property Line
- - - - - Building Setback
- ▼ Entrance / Exit
- ▽ Secondary Entrance
- ⚡ EXIT Emergency Exit
- DC Painted Directional Arrow on Asphalt
- DC Pavement Surface
- DC Fire Hydrant
- DC Fire Main Connection
- EX Existing
- LS No Parking Sign
- B Lighted Bollard
- LS Light Standard

SITE DATA

DATA	REQUIRED	PROVIDED
ZONING	E-2/S-1023-H (MULTIPLE DWELLINGS)	
LOT AREA (m ²) PROPOSED DEVELOPMENT	--	3,680.0 m ² (39,610.4 ft ²)
LOT AREA (m ²) TOTAL SITE	--	19,733 m ² (212,404.2 ft ²)
FRONT YARD (UPPER WENT.)	5.0 (m)	5.0 (m)
EXT. SIDEYARD (EMPEROR)	3.0 (m)	3.0 (m)
REAR YARD	12.0 (m)	36.56 (m)
SIDEYARD (FROM NEIGHBOURING BUILDING)	3.0 (m)	4.96 (m)

BUILDING DATA

DATA	REQUIRED	PROVIDED
TOTAL DENSITY	--	124 UNITS @ 8 STOREYS
		STUDIO = 1
		1 BEDROOM = 53 (43%)
		2 BEDROOM = 61 (49%)
		3 BEDROOM = 9 (7%)
BUILDING AREA	--	1,376 m ² (14,807 ft ²)
GROSS FLOOR AREA	--	10,073.3 m ² (108,428 ft ²)
GROSS CONSTRUCTION AREA w/ UNDERGROUND	--	12,581.3 m ² (135,423 ft ²)
GROSS LEASABLE AREA	--	--
NUMBER OF STOREYS	--	8 STOREYS
BUILDING HEIGHT	--	24.7m (from FFE)
BUILDING HEIGHT (Penthouse Incl'd)	--	27.2m (from FFE)
EXTERIOR AMENITY AREA	--	1,733 ft ² (161.1 m ²)
INTERIOR AMENITY AREA	--	771.0 ft ² (71.6 m ²)

BUILDING COVERAGE DATA

DATA	REQUIRED	PROVIDED
BUILDING AREA (m ²)	--	1,376 m ² (14,807 ft ²)
BUILDING AREA (%)	--	37.3%
HARDSCAPE AREA (m ²)	--	1,355.2 m ² (14,587 ft ²)
HARDSCAPE AREA (%)	--	36.8%
LANDSCAPE AREA (m ²)	--	948.8 m ² (10,212.8 ft ²)
LANDSCAPE AREA (%)	--	25.8%
TOTAL PROPOSED DEVELOPMENT		3,680.0 m ² (39,610.4 ft ²)

UNIT BREAKDOWN

DATA	REQUIRED	PROVIDED
STUDIO (AOA)	1 UNITS	0 UNITS
STUDIO TOTAL		1 UNIT
1 BEDROOM (AOA)	43 UNITS	10 UNITS
1 BEDROOM TOTAL		53 UNITS
2 BEDROOM (AOA)	9,15 UNITS	12,2 UNITS
2 BEDROOM TOTAL		61 UNITS
3 BEDROOM (AOA)	1,35 UNITS	5 UNITS
3 BEDROOM TOTAL		9 UNITS
TOTAL AOA	24.8 UNITS (20%)	25 UNITS (20.2%)
TOTAL UNITS		124 UNITS

BIKE PARKING DATA

DATA	REQUIRED	PROVIDED
LEVEL P1	--	45 (LOCKABLE)
LEVEL 1	--	24 (LOCKABLE)
TOTAL	--	81

PARKING DATA

DATA	REQUIRED	PROVIDED
0.25 stalls per unit (greater than 50 sq.m. (70 units))	41	41
0.25 stalls per unit (less than 50 sq.m. (54 units))	16	22
8.5% of total for visitor parking (57 total)	5 (INCL. IN TOTAL)	5 (INCL. IN TOTAL)
BARRIER FREE STALLS	--	3 (INCL. IN TOTAL)
TOTAL	57	83

UNDERTAKING

RE: 1540 Upper Wentworth Street, Hamilton File No. DA-23-056

I, the owner(s) of the land, hereby undertake and agree without reservation,

- To comply with all the content of this plan and drawing and not to vary therefrom.
- To perform the building, works or matters mentioned in Section 41(7)(a) of the Act in accordance with the conditions of approval as set out in the Letter of Approval dated [Date].
- To maintain to the satisfaction of the City and of any third party the site and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the Act and shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways.
- In the event that the Owner does not comply with the plan stated, 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.
- That the Owner agrees to physically affix the municipal number [Number] to the building or on a sign in accordance with the City's Sign By-Law, near the entrance in a manner that is visible from the street.
- That the Owner shall indicate in the Agreement, in words satisfactory to the City, that it will grant to the City any easements that may be required, which may include easements for communication infrastructure, in the event that any conflict with existing easements for communication infrastructure, the Owner shall be responsible for the relocation of such facilities or easements.
- Enbridge Gas Inc. does have service lines running within the area which may or may not be affected by the proposed Site Plan. Should the proposed plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new proposed boundaries. Any service relocation required would be at the cost of the Owner.
- The owner shall complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:

- all documents on all offers of purchase and sale, a statement, that advises the prospective purchaser:
 - that the home/business mail delivery will be from a designated Centralized Mail Box.
 - that the developer/purchaser is responsible for notifying the purchaser of the exact Centralized Mail Box locations prior to the closing of any home sale.
- The owner further agrees to:
- work with Canada Post to determine and provide temporary outside Centralized Mail Box locations which may be utilized by Canada Post until the curbs, sidewalks and sidewalks are in place in the remainder of the subdivision.
 - install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of temporary Mail Boxes.
 - identify the pad above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - determine the location of all central mail receiving facilities in co-operation with Canada Post and indicate the location of the central mail facilities on appropriate maps, information sheets and plans.
 - Maps are also to be prominently displayed in the sales offices showing specific Centralized Mail Facility locations.

Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front-loading Lock Box Assembly & more than 100 units will require a rear-loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common interior or sheltered space.

Dated this _____ day of _____, 20____

Witness (signature) Owner(s) (signature)

Witness (print) Owner(s) (print)

Address of Witness

NOTES

- All work required in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director of Planning and Chief Planner, 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 line to the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grade.
- The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/licenses normally required to complete a construction project, such as, but not limited to the following:
 - Building permit
 - Sewer and Water Permit
 - Road Cut permits
 - Relocation of Services
 - Approach Approval Permits
 - Encroachment Agreements (if required)
 - Certificate of Adjustment
 - Sign Permits
- Abandoned accesses must be removed and the curb and boulevard restored with soil at the Owner's expense to the satisfaction of the Concrete Management Section, Public Works Department.
- 7.1 or visibility triangles at the vehicular access points, the following notes to be provided:
 - 3.0 metre by 3.0 metre visibility triangles in which the maximum height of any objects or mature vegetation is not to exceed a height of 0.60 metres above the corresponding perpendicular centreline direction of the adjacent street.
- Signage is not approved through the Site Plan Process. All signs must comply with Hamilton Sign By-Law No. 10-107.
- Lighting must be directed on site and must not spill over to adjacent properties or streets.
- CALL BEFORE YOU DIG: arrange for underground utility locate (locate) and gas pipelines before beginning construction by contacting Ontario One Call at 1-800-465-2235.

NOTE CLAUSES

Pursuant to the Environmental Noise Impact Assessment, prepared by dBA Acoustical Consultants Inc. dated April 2021, the following ventilation and Warning Clause requirements are to be implemented:

- All residential units to be provided with provisions for control of condensation. Warning clauses Type 'X' & 'Y' to be inserted into all Offers and Agreements of Purchase and Sale or Lease.
- All units exposed to Upper Wentworth to be provided with provisions for control of condensation. Warning clauses Type 'B' & 'C' to be inserted into all Offers and Agreements of Purchase and Sale or Lease.

WARNING CLAUSES

TYPE 'X' - Purchasers/tenants are advised that sound levels due to increased road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria.

TYPE 'Y' - Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building's units, sound levels due to increased road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria.

TYPE 'B' - This dwelling unit has been fitted with a forced air heating system and the ducting, etc., was spaced to accommodate control of condensation. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria.

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to the Architect before proceeding with the work. All documents remain the property of the Architect. Unauthorized use, modification, and/or reproduction of these documents is prohibited without written permission. The contract documents were prepared by the Consultant for the account of the Owner. The material contained herein reflects the Consultant's best judgement in light of the information available to him at the time of preparation. Any use which a third party makes of the contract documents, or any reliance on or decisions to be made based on them are the responsibility of such third parties. The Consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.

C:\Users\mickled\Documents\21006 - 1540 Upper Wentworth St., Hamilton - V13_gyphos4698.rvt

No.	Date	Revision
10	2024-06-28	SPA #3
9	2024-01-31	SPA #2
8	2023-06-08	SPA #1
7	2023-05-15	Removed Terraces
6	2023-04-24	SPA Revisions
5	2023-03-27	Issued to City
4	2022-01-14	ZBA comments
3	2021-12-17	ZBA Re-submission
2	2021-05-26	ZBA submission
1	2021-04-01	Neighbourhood meeting

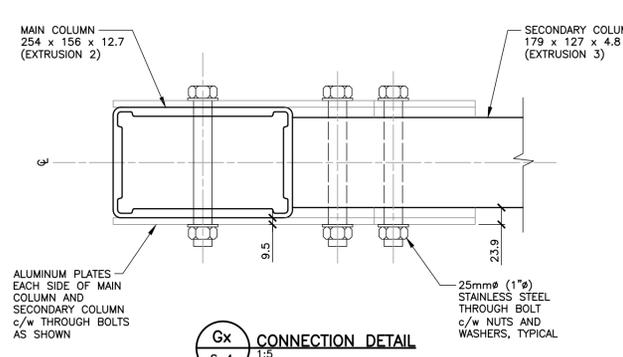
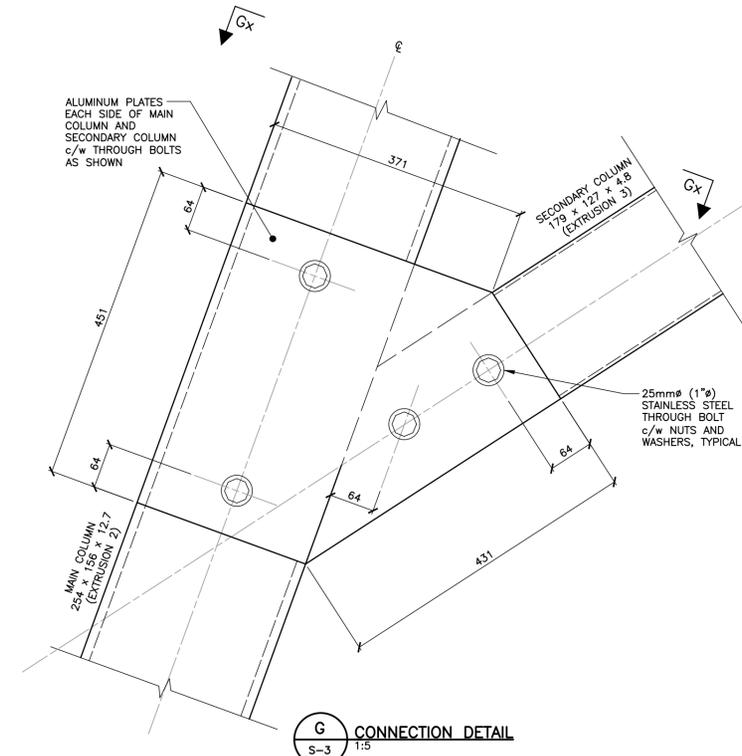
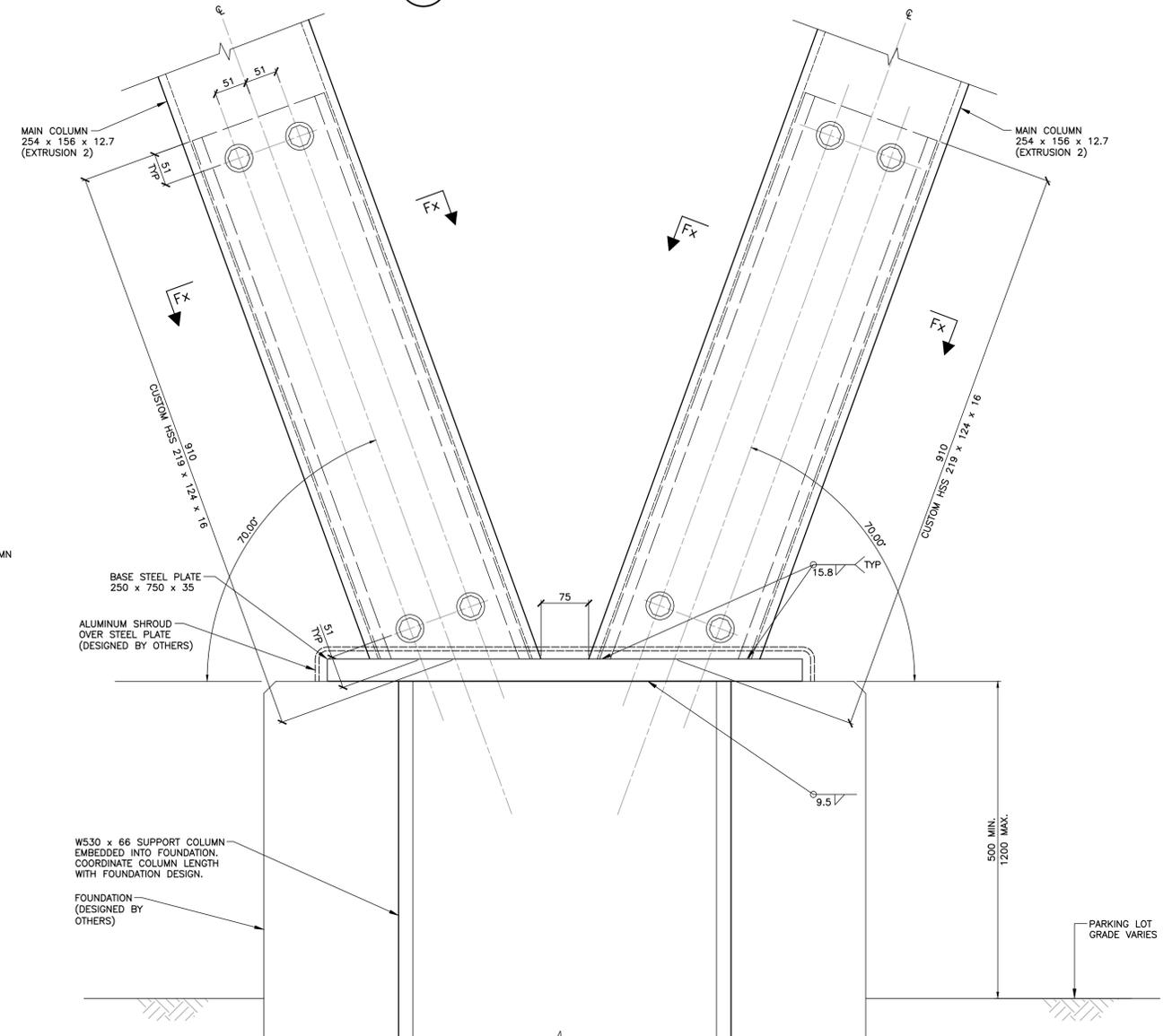
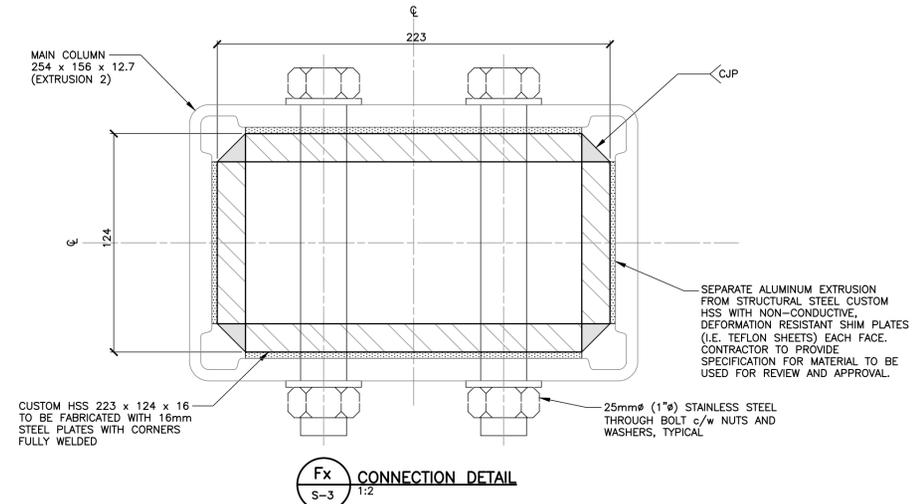
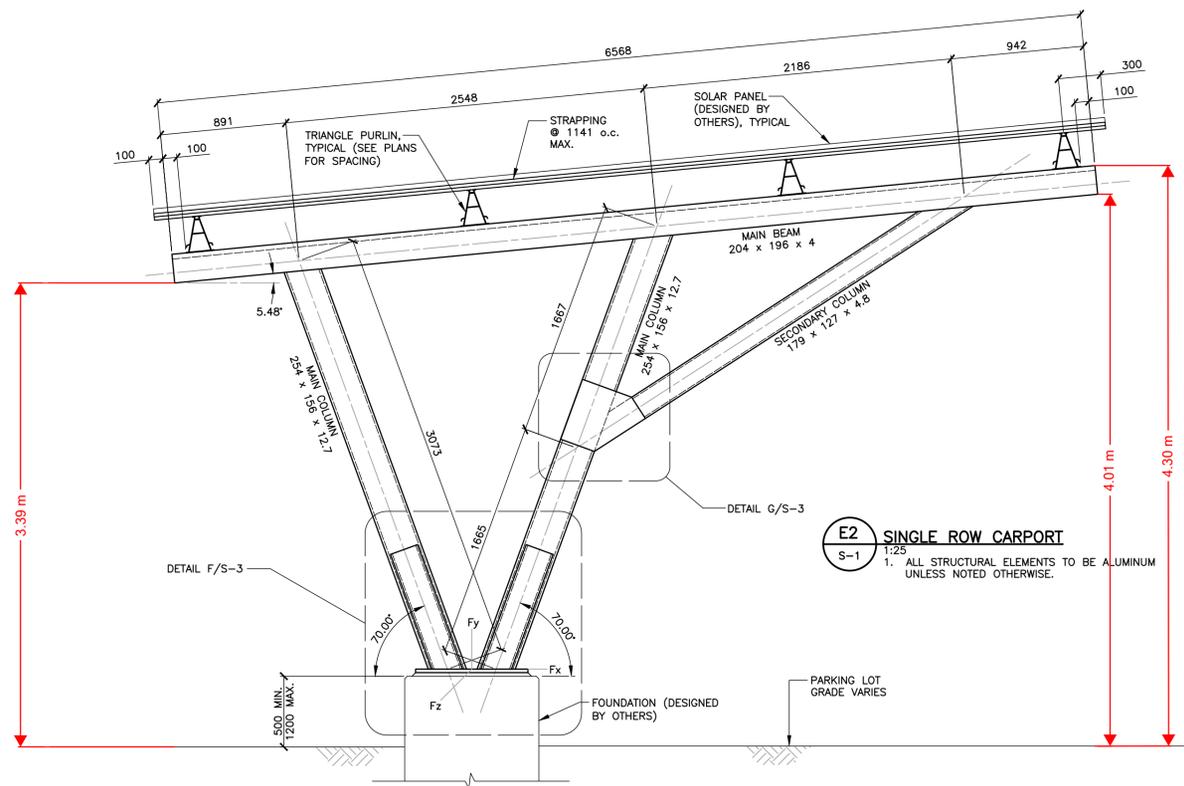
Project Name / Address:

1540 UPPER WENTWORTH ST. COMMUNITY HOMES

Project No. 21006
 Drawing Date: 07/22/2024
 Drawn by: CRZ Checked by: RPH
 Office Location: KITCHENER
 Pkx Date / Time: 2024-07-10 11:34:53 AM
 Drawing Name:

SITE PLAN (DA-23-056)

Drawing Scale: As indicated
 Status:
 Revision No. **r10**
 Drawing No. **A1-1**



DISCLAIMER AND COPYRIGHT
 CONTRACTOR MUST VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR SAME. ANY DISCREPANCIES MUST BE REPORTED TO THE ENGINEER BEFORE COMMENCING WORK. DRAWINGS ARE NOT TO BE SCALED.
 TATHAM ENGINEERING LIMITED CLAIMS COPYRIGHT TO THIS DRAWING WHICH MAY NOT BE USED FOR ANY PURPOSE OTHER THAN THAT PROVIDED IN THE CONTRACT BETWEEN THE OWNER/CLIENT AND THE ENGINEER WITHOUT THE EXPRESS CONSENT OF TATHAM ENGINEERING LIMITED.

No.	REVISION DESCRIPTION	DATE	ENGINEER STAMP
3.	ISSUED FOR BUILDING PERMIT	AUG 31/23	
4.	RE-ISSUED FOR BUILDING PERMIT	SEP 29/23	
5.	RE-ISSUED FOR BUILDING PERMIT	OCT 19/23	
6.	RE-ISSUED FOR BUILDING PERMIT	OCT 27/23	
7.	RE-ISSUED FOR BUILDING PERMIT	NOV 9/23	

ENGINEER STAMP

SOLAR CARPORT STRUCTURES
VCT GROUP
 399 LOUTH STREET
 ST. CATHARINES ONTARIO

ELEVATIONS

TATHAM ENGINEERING

DESIGN: LV FILE: 119126-8 DWG:
 DRAWN: WHG DATE: APR 2023
 CHECK: JJ SCALE: AS NOTED

S-3

July 25, 2024

Via Digital Submission

ATTN: Jamila Sheffield, Secretary-Treasurer

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

**RE: 1540 Upper Wentworth Street, Hamilton
Routine Minor Variance Application**

Landwise was retained by the landowner and applicant of 1540 Upper Wentworth Street Hamilton (“subject lands”), Hamilton East Kiwanis Non-Profit Homes Inc. (“Kiwanis”), to submit the enclosed Minor Variance application on their behalf.

A routine minor variance is required to request relief from the E-2/S-1823 Zone to permit an accessory structure with a maximum height of 4.3 metres to facilitate the installation of solar canopy structures over the surface parking area, as conditionally approved through Site Plan Control application DA-23-056.

Site Description:

The subject lands are a rectangularly shaped corner lot with a total area of approximately $\pm 19,733\text{m}^2$ ($\pm 1.97\text{ha}$). However, the proposed development area is limited to the northeast corner of the property which has an approximate area of $3,680\text{m}^2$ (0.37ha).

As mentioned, the lands subject to the minor variance are within a larger development block with frontage onto a major arterial (Upper Wentworth Street) and a collector (Emporer Avenue). The subject lands are currently occupied by nine (9) townhouse blocks containing 70 units and is conditionally site plan approved (File DA-23-056) for the construction of an eight (8) storey, 124 dwelling unit multiple dwelling at the northwest corner of Upper Wentworth Street and Emporer Avenue.

Planning Status:

The *Urban Hamilton Official Plan* (UHOP) *Volume 1* designates the subject lands “Neighbourhoods” (Schedule E-1). The Former City of Hamilton *Zoning By-law No. 6593* zones the subject lands as E-2/S-1823 and RT-20/S-1823. Accessory structures are permitted within these zones, but are limited in height to 4.0m.

Routine Minor Variance Application

Landwise requests the circulation of this letter along with the enclosed documents to all relevant departments in support of the Routine Minor Variance application.

Please find the enclosed:

- Minor Variance application form with signatures;
- Copy of the cheque in the amount of \$705.00 to satisfy the Routine Minor Variance application fee (applicable to accessory buildings), made payable to the City of Hamilton;
- Site Plan;
- Typical detail for the solar canopy; and,
- Planning Rationale.

Should you have any questions or require additional information, please do not hesitate to contact Katelyn Gillis at 905-574-1993 ext. 207.

Respectfully submitted,

LANDWISE



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Senior Planner



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Junior Planner

Landwise has prepared this Planning Rationale in support of the Minor Variance application for a portion of lands zoned E-2/S-1823 at 1540 Upper Wentworth Street, Hamilton (“subject lands”) on behalf of the landowner and applicant, Hamilton East Kiwanis Non-Profit Homes Inc.. The requested variance is required to permit an accessory structure with a maximum building height of 4.3 metres. The proposed accessory structure are solar canopy shade structures over the surface parking spaces to support a sustainable site design and function.

Description of Subject Lands

The subject lands are a rectangularly shaped corner lot with a total area of approximately $\pm 19,733\text{m}^2$ ($\pm 1.97\text{ha}$). However, the proposed development area is limited to the northeast corner of the property which has an approximate area of $3,680\text{m}^2$ (0.37ha).

As mentioned, the lands subject to the minor variance are within a larger development block with frontage onto a major arterial (Upper Wentworth Street) and a collector (Emperor Avenue). The subject lands are currently occupied by nine (9) townhouse blocks containing 70 units and is conditionally site plan approved (File DA-23-056) for the construction of an eight (8) storey, 124 dwelling unit multiple dwelling at the northwest corner of Upper Wentworth Street and Emperor Avenue. The site contains laneways for internal circulation as well as parking and amenity areas. There is one (1) existing vehicle access off of Upper Wentworth Street and one (1) access off of Emperor Avenue. that is made up of block townhouses, internal private road network and ancillary uses including a parkette. The broader neighbourhood is made up are surrounded by low density single detached housing to the north and west and medium density block townhouses to the south and east.

Figure 1: Location of Subject Lands



SUBJECT PROPERTY
1540 Upper Wentworth Street
Hamilton, ON L9B 2K4



Proposed Multiple Dwelling and Shade Structures

Planning Status:

Urban Hamilton Official Plan: Volume 1

The *Urban Hamilton Official Plan (UHOP) Volume 1* designates the subject lands “Neighbourhoods” (Schedule E-1). Neighbourhoods are intended to provide a mix of residential uses, community space and local commercial uses. Important to the

improvement of Hamilton’s neighbourhoods is promoting energy efficient design to mitigate impacts of the changing climate. The proposed solar canopies (i.e. accessory structures) will provide mitigation to the heat island effect that results from surface parking areas as well as provide a renewable energy source to offset the development’s energy demands. The proposed solar canopies are aligned with the UHOP’s urban design policies for the promotion of energy efficient design.

Former City of Hamilton Zoning By-law 6593

The Former City of Hamilton *Zoning By-law 6593* zones the subject lands as E-2-H/S-1823 and RT-20/S-1823. Accessory structures are permitted within these zones, but are limited in height to 4.0m.

Nature and extent of relief applied for:

One (1) Minor Variance is being sought from *Former City of Hamilton Zoning By-law 6593* to facilitate the construction of the proposed solar canopies. The requested Minor Variance is as follows:

	<u>Zoning By-law 6593</u>	<u>Purpose</u>
1	S. 18(4)(iii)	To permit an accessory structure with a maximum height of 4.3 metres whereas a maximum height of 4.0 metres is permitted.

Planning Rationale to Support the Variances:

VARIANCE 1. To allow accessory structures at heights of 4.3 m instead of 4.0 m.

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

An additional 0.3 metres of height is required to ensure vehicles have enough overhead clearance for a safe parking space. The proposed accessory structure is prefabricated and is based on a standard design.

Planning Rationale to Support the Variance:

1. Conformity to the intent of the Urban Hamilton Official Plan:

The proposed variance conforms to the intent of the Urban Hamilton Official Plan’s urban design objectives, goals and policies by promoting more sustainable development practices through incorporation of green technologies to promote cleaner energy and mitigate impacts of a changing climate.

2. Conformity to the intent of the Zoning By-law No. 6593:

The intent of the Zoning By-law is to ensure accessory buildings do not result in adverse impacts in result of being too tall. The proposed structures are not enclosed

and are screened by the public realm by the proposed building. The proposed maximum height of 4.3 metres is required to provide adequate clearance for vehicles. The proposed 4.3 metre height is aligned with the minimum required height of a loading space per Section 18, Table 3 of Zoning By-law No. 6593. As such, the proposed maximum height for the accessory structures will provide for a functional parking space that provides a safe overhead clearance without adversely impacting the quality of site design.

3. Is the variance minor and desirable for the appropriate development or use of the land or structure?

The proposed variance is minor as the requested increase in height will not have an adverse impact on the public realm. The requested variance is desirable as it will facilitate a more sustainable surface parking area through shading and renewable energy production, thereby aligning with the City of Hamilton's sustainability targets.

Conclusion

The requested variance maintains the intent of the UHOP and *Zoning By-law No. 6593*, are minor, and are desirable. The requested variances are appropriate for the subject lands and represent good land use planning.

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Hamilton

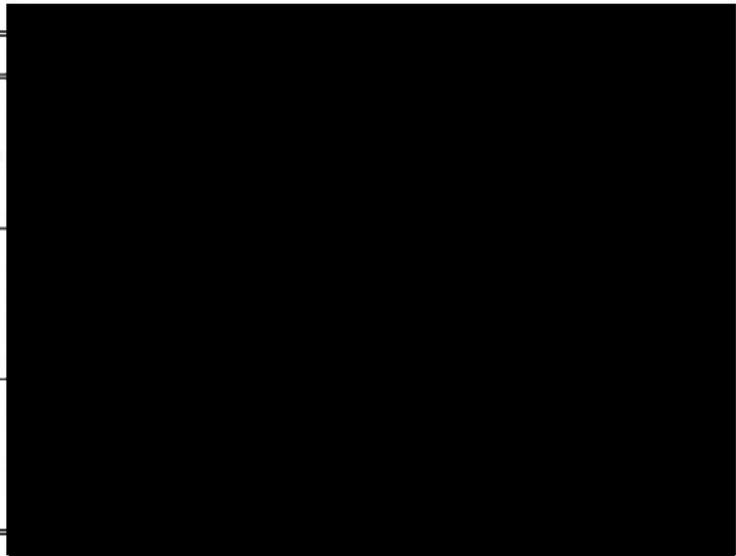
Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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)	Hamilton East Kiwanis Non-Profit Homes Inc. c/o Brian Sibley
Applicant(s)	Same as above.
Agent or Solicitor	Katelyn Gillis



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	1540 Upper Wentworth Street, Hamilton		
Assessment Roll Number			
Former Municipality			
Lot	Part of Block 77	Concession	
Registered Plan Number	62M-616	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

Utility

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:

To permit an accessory structure up to 4.2 m instead of the current allowance for 4.0 m. This is to facilitate the construction of solar canopies to cover the car parking areas and generate sustainable power for the site.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Appropriate clearance over vehicles is necessary. Additionally, the design of the structures are peaked to facilitate appropriate operations of the panels.

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
+/- 211.09 m	+/- 73.97 m	+/- 19,413.3 sq m	+/-26.0m

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
Townhouses	+/- 8.0 m	+/- 7.5 m	+/- 6.5 m	unknown
8-Storey Multiple Dwelling	Reference Site Plan	Reference Site Plan	Reference Site Plan	unconstructed

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Solar Canopy	31.48 m	34.34 m	22.62 m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Townhouse	2,902.5 sq m	5,805 sq m	2	6.0 m
Multiple Dwelling	reference site plan	reference site plan	reference site plan	reference site plan

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Solar Canopy	N/A	N/A	N/A	4.2 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
- 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.):
Multiple Dwelling (DA-23-056) and Accessory Structures with Solar Panels.

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
Approximately since 1989

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

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

7.4 Length of time the existing uses of the subject property have continued:
1991

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.
Promotes sustainable site design by encouraging more efficient use of surface parking

7.6 What is the existing zoning of the subject land? RT-20/S-1823 and E-2/S-1823

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: ZAC-21-023

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: 194

8.2 Number of Dwelling Units Proposed: 194

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

The enclosed minor variance application is for lands zoned E-2/S-1823. The Townhouses are zoned RT-20/S-1823 and are not subject to DA-23-056. This minor variance is required to facilitate the proposed solar canopy structures over the surface parking spaces as conditionally approved through DA-23-056. The variance is required for these solar canopies as they are accessory structures to the building and the height is limited to 4.0m whereas 4.3m is proposed.

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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