



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-24:187</b>	<b>SUBJECT PROPERTY:</b>	3300 Homestead Drive, Glanbrook
<b>ZONE:</b>	“C5, E652” (Mixed Use Medium Density)	<b>ZONING BY-LAW:</b>	Hamilton Zoning By-law No. 05-200

**APPLICANTS:** Owner: 1876441 Ontario Ltd (905)971-7991  
Agent: Arcadis c/o Jared Marcus

The following variances are requested:

1. The finished floor elevation of any dwelling unit shall be a minimum of 0.0 metres above grade, instead of the minimum 0.9 metres required [as per Section 10.5.1.1(i)1.];
2. The minimum setback of a building from a streetline shall be 4.5 metres, instead of the minimum required setback of 9.0 metres [as per Section 10.5.3(a) and Special Exception E652]
3. A minimum rear yard of 6.0 metres shall be permitted, instead of the minimum required rear yard of 10.70 metres [as per Section 10.5.3(b) and Special Exception E652]
4. A principle entrance shall be permitted to be located within the ground floor façade that is not setback closest to the street, instead of the requirement that a minimum of one principle entrance shall be provided within the ground floor façade that is setback closest to a street [as per Section 10.5.3(g)(vii)]

**PURPOSE & EFFECT:**

So as to permit the development of two (2), two (2) storey Multiple Dwellings, each containing:

**Notes:**

1. These variances are necessary to facilitate Site Plan Application No. SPA-23-059, and have been written as requested by the applicant.

**A-24:187**

**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, September 10, 2024</b>
<b>TIME:</b>	<b>2:35 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 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-24:187, 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: 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.



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.

UNDERTAKING

RE: 3300 Homestead Drive, Hamilton  
File No. SPA-23-\_\_\_

I, (We) 1876441 Ontario Ltd., 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 drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated \_\_\_\_\_, 2023;
- (c) To maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal 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 \_\_\_\_\_, 2023, 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 affix the physical municipal number (3300) or full address (3300 Homestead Drive) to the building or on a sign, that is visible from the street.
- (f) **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 Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)²

- (g) The owner shall include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
  - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

That the owner further agrees to:

- i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
- iii) identify the pads 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.
- iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

h) Requirement for Specific Building Construction:

All residential units will require the provision of specific windows as outlined within Table 6 of the Noise Study prepared by dBA Acoustical Consultants Inc., dated June 2023, in order to satisfy MECFP requirements

i) Requirement for Central Air Conditioning:

- iv) All residential units shall be supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Hamilton's and the Ministry of the Environment, Conservation and Parks' noise criteria.

(j) Warning Clauses:

The following warning clauses shall be included within all offers and agreements of purchase and sale or lease, for all residential units:

Warning Clause "A":

"Purchasers/tenants are advised that sound levels due to increasing road and air traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton and the Ministry of the Environment, Conservation and Parks' noise criteria."

Warning Clause "D":

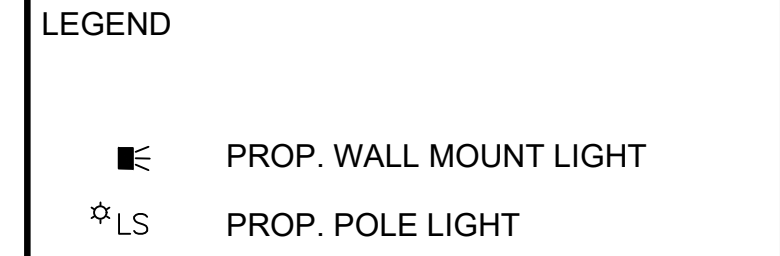
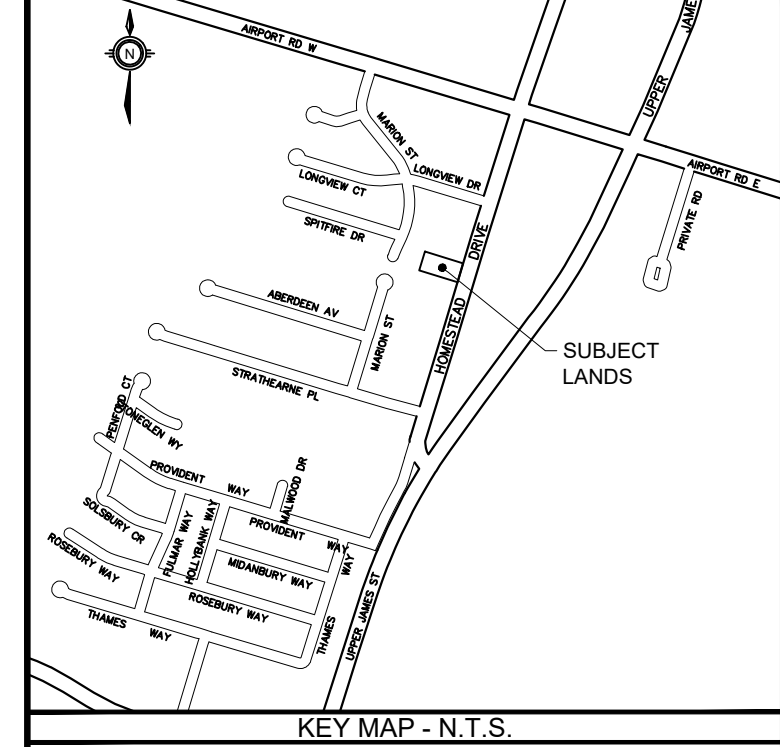
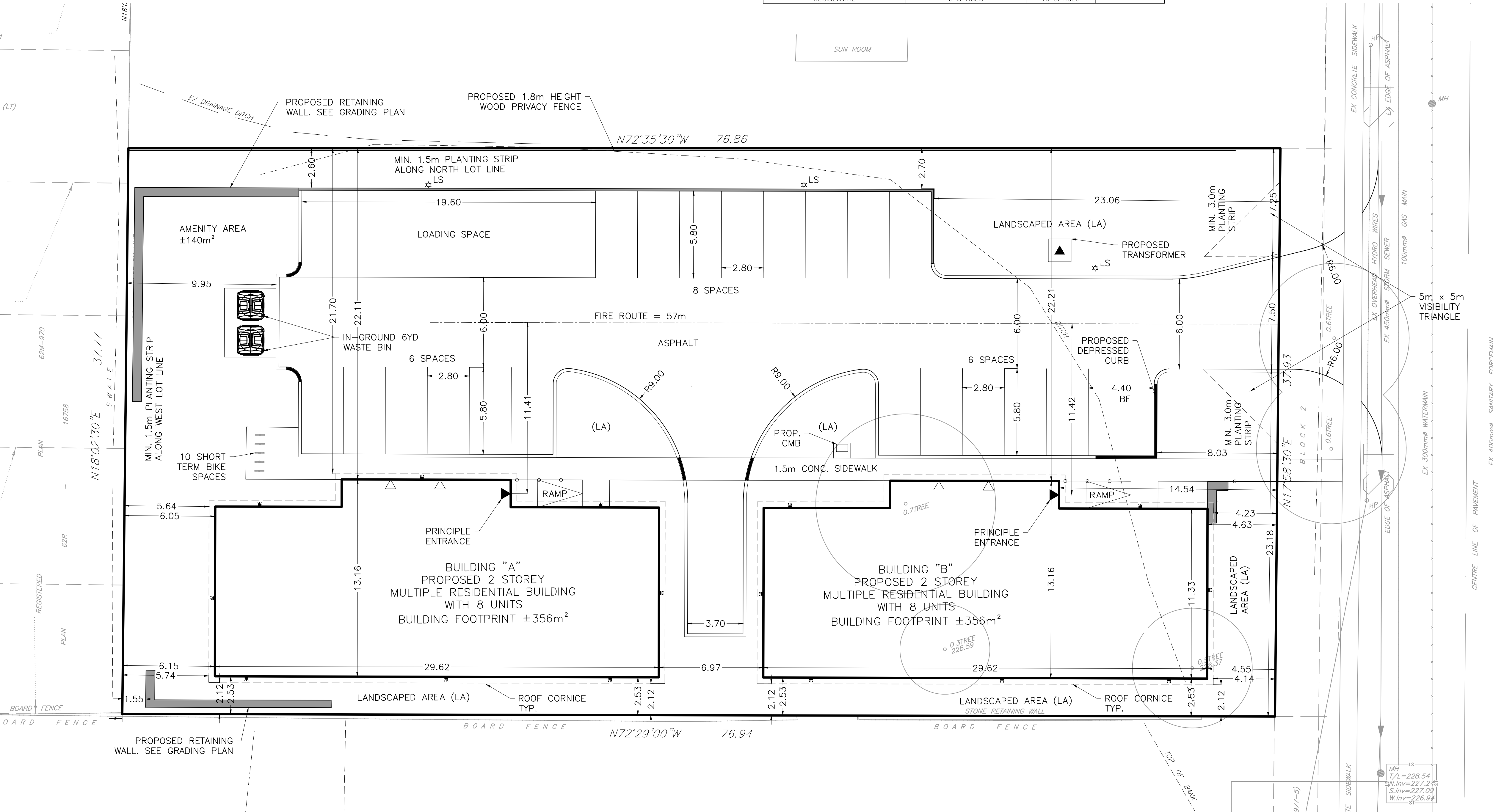
"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound level limits are within the sound level limits of the City of Hamilton and the Ministry of the Environment, Conservation and Parks."

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

SITE PLAN NOTES:

1. All work involved 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.
2. 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.
3. Main driveway dimensions at the property line boundaries are plus or minus 7.5 m unless otherwise stated.
4. 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.
5. 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
  - Sewer and Water Permit
  - Road cut permits
  - Relocation of Services
6. 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.
7. For visibility triangles at the vehicular access points, the following note to be provided:
  - "5.0 metre by 5.0 metre visibility triangles in which the maximum height of any objects or mature vegetation is not to exceed a height of 0.70 metres above the corresponding perpendicular centreline elevation of the adjacent street."
8. Proposed signage shall conform to the City's Sign and Other Devices By-law No. 10-197.
9. Lighting must be directed on site and must not spill over to adjacent properties or streets.

DEVELOPMENT DETAILS MIXED USE MEDIUM DENSITY (C5,652) ZONE			
	REQUIRED	PROPOSED	VARIANCE
LOT AREA	N/A	±2,909m²	
LOT FRONTAGE	N/A	37.93m	
BUILDING SETBACK FROM A STREET	9.0m	4.55m	X
MIN. REAR YARD	10.7m	6.05m	X
MIN. INTERIOR SIDE YARD	7.5m ABUTTING RESIDENTIAL	22.11m	
MAX. BUILDING HEIGHT	10.7 m	8.46m	
MAX. LOT COVERAGE	727.2m² 25%	712m² 24.5%	
BUILT FORM FOR NEW DEVELOPMENT			
ii) MIN. WIDTH OF GROUND FLOOR FACADE	40% OF LOT LINE = 23.18 x 40% = 9.27m	48.8% = 11.33m	NOT PROVIDED
vi) NO PARKING BETWEEN FACADE AND FRONT LOT LINE			
vii) MIN. OF ONE PRINCIPLE ENTRANCE ACCESSIBLE FROM STREET AND LOCATED IN CLOSEST FACADE			NOT LOCATED IN CLOSEST FACADE
MAX. YARD ENCROACHMENT CORNICES	0.6 m	0.41 m	
MIN. PLANTING STRIP ADJACENT TO RESIDENTIAL ZONE	1.5 m	1.5 m	
MIN. AMENITY AREA	6.0m²/UNIT = 96m²	MIN. 140m²	
RESIDENTIAL PARKING	MIN. 0.85 SPACES/UNIT = 13.6 MAX. 1.25 SPACES/UNIT = 20	20 SPACES	
ACCESSIBLE PARKING (INCLUDED IN TOTAL)	1 SPACE	1 SPACE	
SHORT TERM BICYCLE PARKING: RESIDENTIAL	5 SPACES	10 SPACES	



**COPYRIGHT**  
This drawing has been prepared solely for the intended use, thus 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.**

- BEFORE STARTING WORK**
1. THE CONTRACTOR SHALL NOTIFY THE CITY OF HAMILTON AND ARCADIS AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION.
  2. THE POSITION OF THE POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
  3. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, ALL BENCHMARKS, ELEVATIONS, DIMENSIONS, AND GRADES MUST BE CHECKED BY THE CONTRACTOR AND ANY DISCREPANCIES REPORTED TO THE ENGINEER.
  4. ALL EXISTING UNDERGROUND UTILITIES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LOCATED, MARKED AND PROTECTED. ANY UTILITIES DAMAGED OR DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE ENGINEER, AT THE CONTRACTOR'S EXPENSE.
  5. AT LEAST TWO DIFFERENT BENCHMARKS MUST BE REFERRED TO AT ALL TIMES.

**NOT FOR CONSTRUCTION**

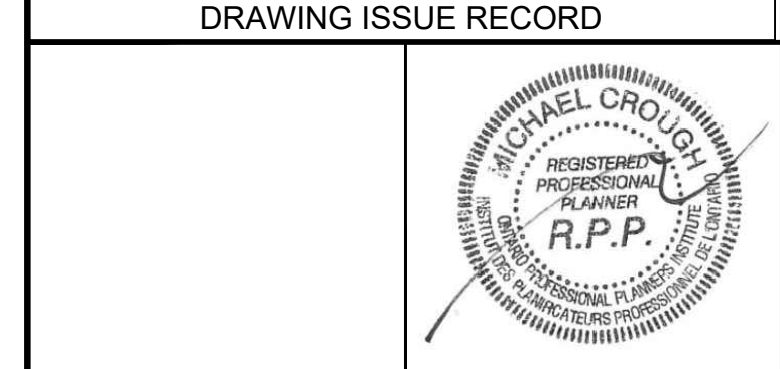
**SOURCE:**  
TOPOGRAPHICAL AND BOUNDARY SURVEY INFORMATION OBTAINED FROM A.T. McLAREN DWS. NO. 32026, DATED APRIL 9, 2007.

**BENCHMARK**  
ELEVATIONS ARE GEODETIC AND ARE REFERRED CITY OF HAMILTON BENCHMARK #75U-160 MOUNT HOPE SCHOOL, ALONG AIRPORT ROAD, 0.6 KM WEST OF INTERSECTION WITH HWY. 6, TABLE IN EAST CONCRETE FOUNDATION, 57cm NORTH OF CONCRETE STEPS FOR SIDE DOOR, 36cm BELOW BRICKWORK.  
ELEVATION = 233.040m (761.437 ft.)



DESIGN BY: J.MARCUS  
DRAWN BY: J.MARCUS  
CHECKED BY: M.CROUGH  
DATE: 2019-04-23

NO.	DATE	BY	DESCRIPTION
5	2024-08-08	JM	1ST CLEARANCE SUBMISSION
4	2023-08-02	JM	SITE PLAN AMENDMENT SUBMISSION
3	2023-04-13	JM	ZONING COMPLIANCE REVIEW
2	2022-01-08	JM	SECOND CLEARANCE SUBMISSION
1	2021-05-31	JM	FIRST CLEARANCE SUBMISSION
0	2019-04-23	JM	FIRST SITE PLAN SUBMISSION



**APPROVALS**

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

**CITY OF HAMILTON**  
3300 HOMESTEAD DRIVE  
BLOCK 1, 62M-911

1876441 ONTARIO LTD.

**SITE PLAN**  
SPA-23-059

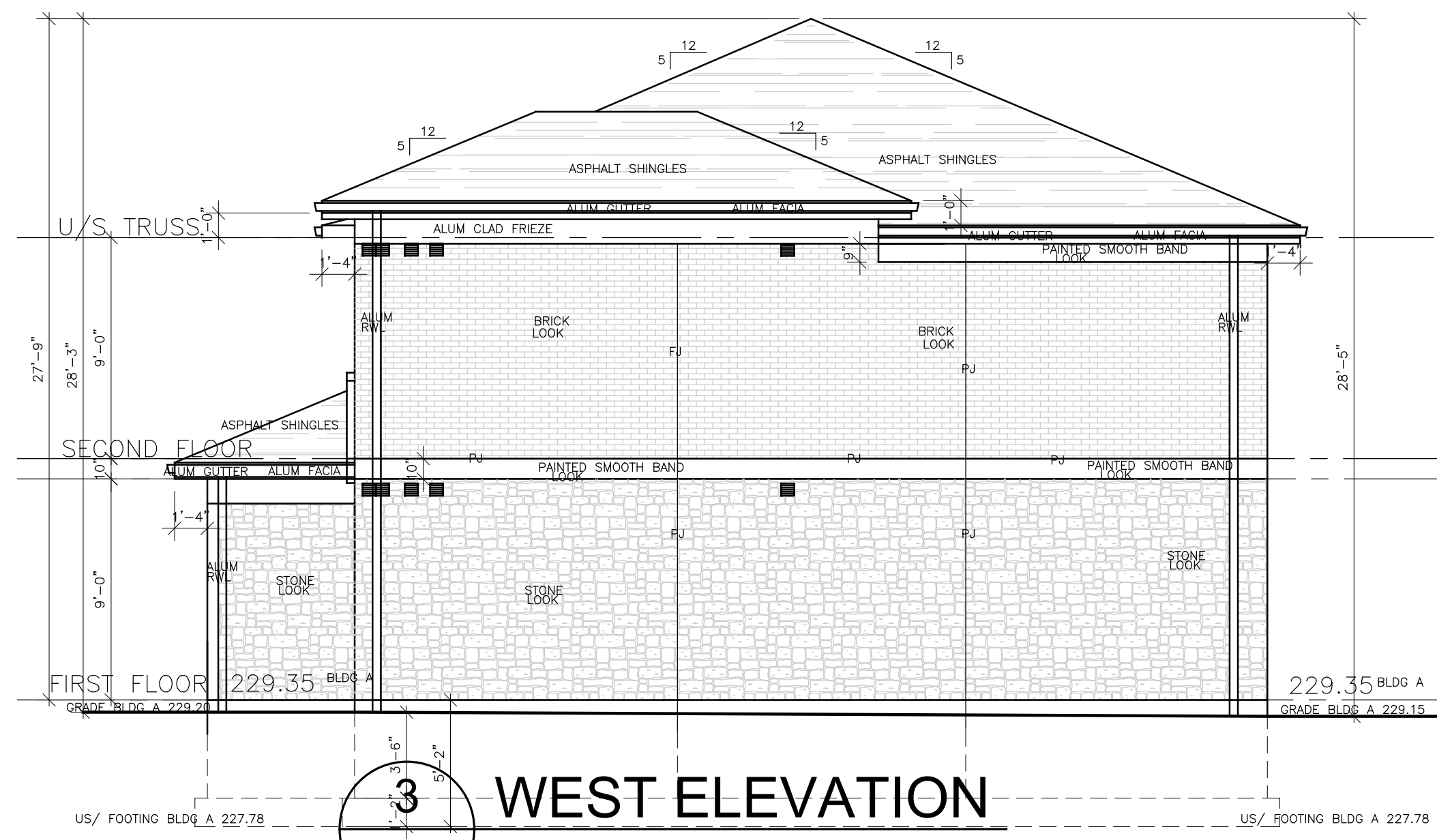
FILE NUMBER: 103434 SHEET NUMBER: SPA1



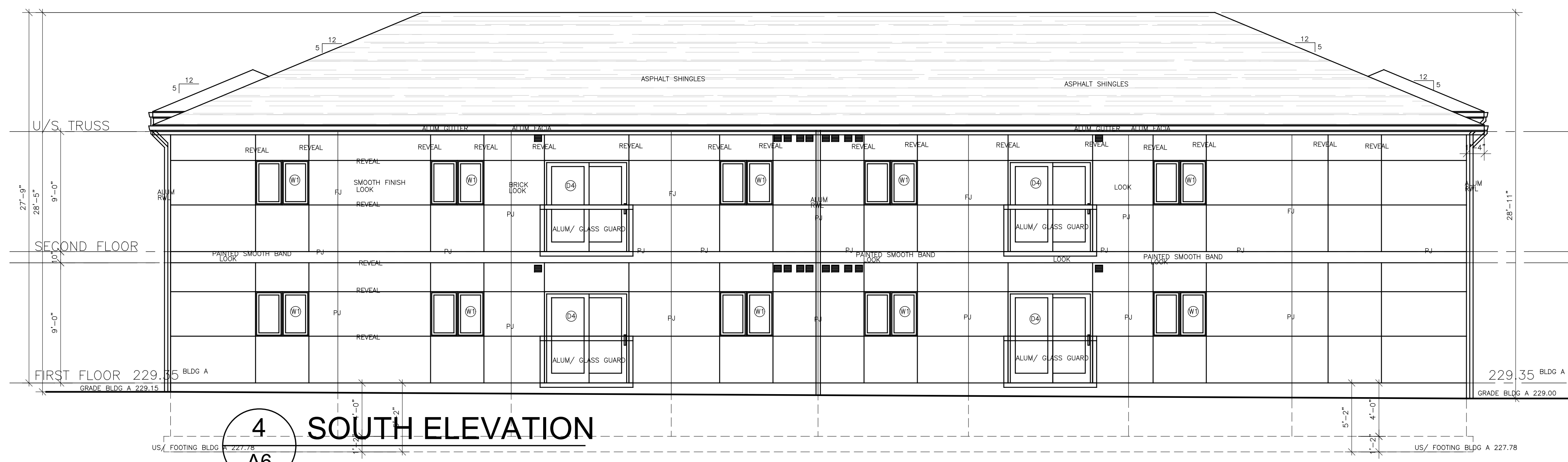
**1 NORTH ELEVATION**  
 A6 SCALE: 3/16"=1'-0"



**2 EAST ELEVATION**  
 A6 SCALE: 3/16"=1'-0"



**3 WEST ELEVATION**  
 A6 SCALE: 3/16"=1'-0"



**4 SOUTH ELEVATION**  
 A6 SCALE: 3/16"=1'-0"

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.  
 ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO COMMENTS FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH AUTHORITY.  
 ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECTS AND MUST BE RETURNED AT THE COMPLETION OF THE WORK.  
 THE CONTRACTOR WORKING FROM DRAWINGS NOT SPECIFICALLY MARKED FOR CONSTRUCTION MUST ASSUME FULL RESPONSIBILITY AND BEAR COSTS FOR ANY CORRECTIONS OR DAMAGES RESULTING FROM HIS OR HER WORK.

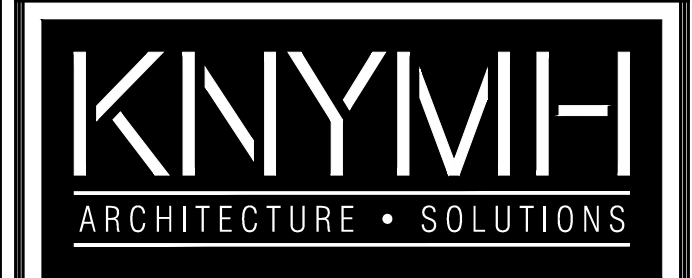
KEY TO DETAIL LOCATION

No.	DETAIL NUMBER
No.	DRAWING SHEET NUMBER

DRAWING SETS ISSUED	No.	DATE (DD.MM.YY)
DRAFT FOR COORDINATION	1	23.06.2023
STRUCT FOR REVIEW	2	14.08.2023
PERMIT APPL	3	12.09.2023
EEDS CHART	4	20.02.2024
GRADING CHANGE	5	04.07.2024

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

BUILDING PERMIT NUMBER:  
 NOT FOR CONSTRUCTION WITHOUT PERMIT



KNYMH INC.  
 1006 SKYVIEW DRIVE • SUITE 101  
 BURLINGTON, ONTARIO • L7P 0V1  
 T 905.639.6595  
 F 905.639.0394  
 www.knymh.com info@knymh.com



**RESIDENTIAL APARTMENT PROJECT**  
 3300 HOMESTEAD  
 HAMILTON, ONTARIO

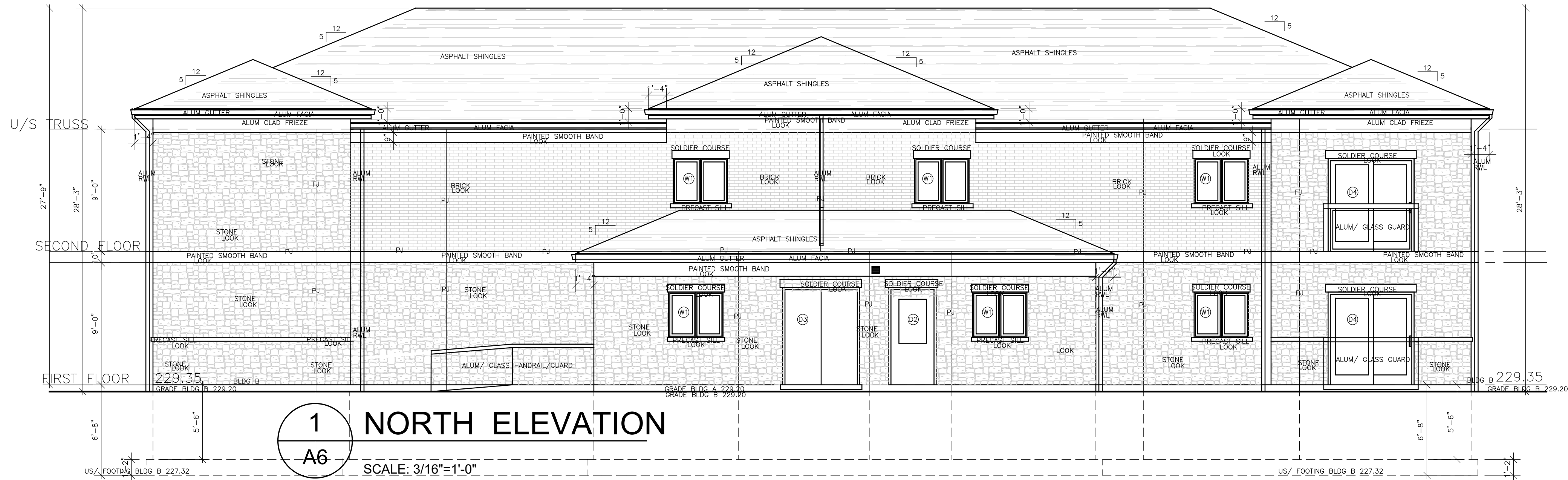
DRAWING SHEET TITLE:  
**ELEVATIONS BUILDING A**

DRAWING SCALE:  
 PROJECT NUMBER:  
**23017**

DRAWING VERSION:  
 PLOT DATE:  
 July 4, 2024

DRAWING SHEET NUMBER:  
**A6**

TIMESAVEP: 2024-07-04 10:56:09 AM FILEPATH: C:\2022\23017 - jefm\residential - 3300 Homestead\1 - 23017\Home\2024-07-04.dwg



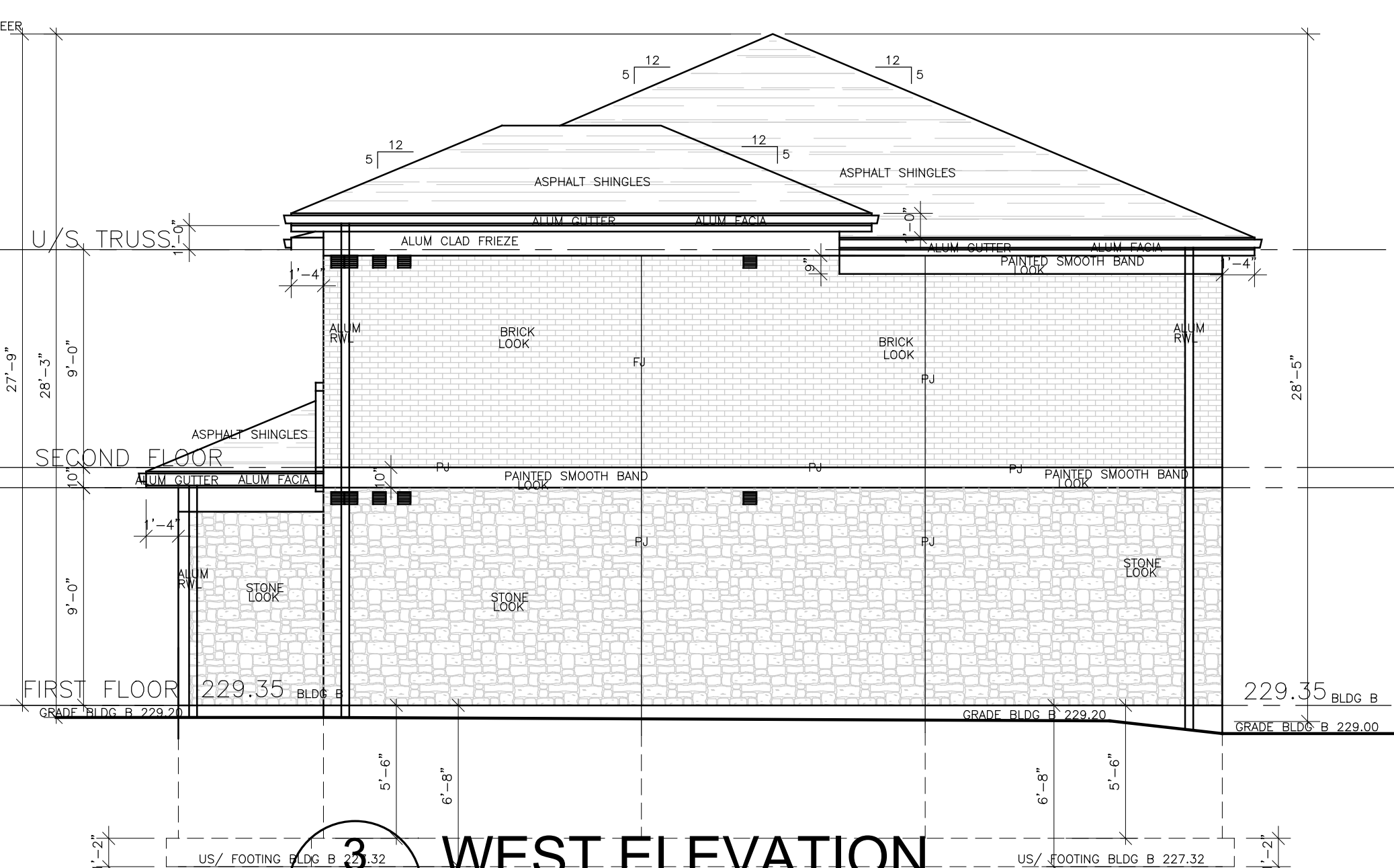
**1 NORTH ELEVATION**

SCALE: 3/16"=1'-0"



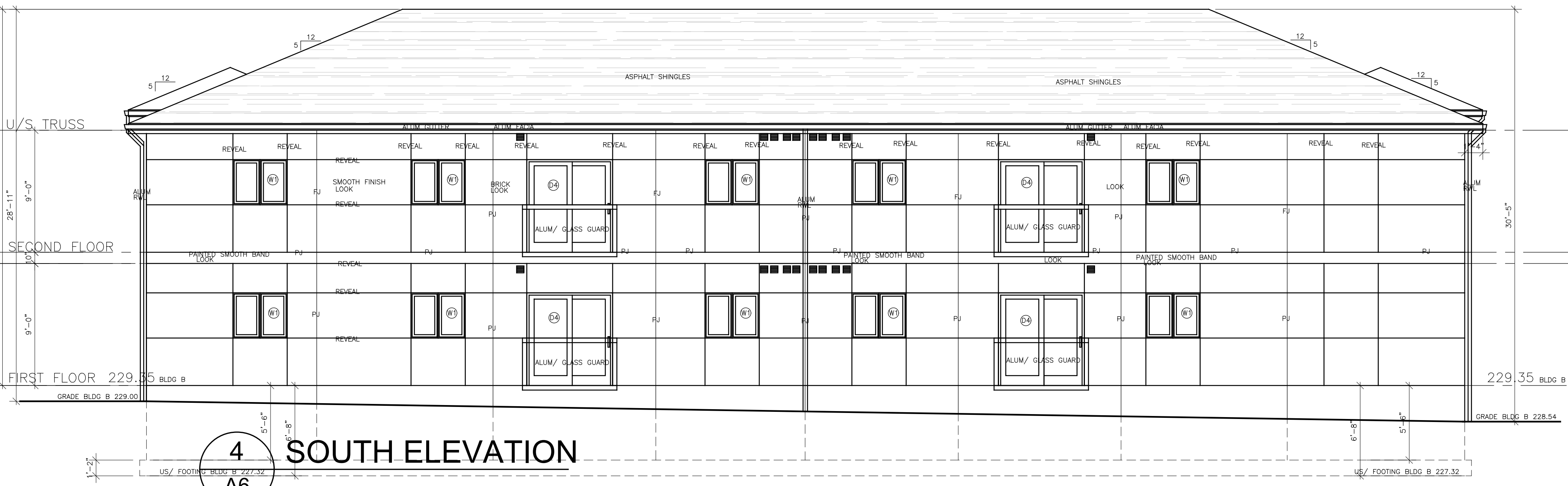
**2 EAST ELEVATION**

SCALE: 3/16"=1'-0"



**3 WEST ELEVATION**

SCALE: 3/16"=1'-0"



**4 SOUTH ELEVATION**

SCALE: 3/16"=1'-0"

LEGEND  
 ■ MECHANICAL PENETRATION  
 EXACT SIZE / LOCATION BY MECHANICAL ENGINEER

LEGEND  
 ■ MECHANICAL PENETRATION  
 EXACT SIZE / LOCATION BY MECHANICAL ENGINEER

LEGEND  
 ■ MECHANICAL PENETRATION  
 EXACT SIZE / LOCATION BY MECHANICAL ENGINEER

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.  
 ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO COMMENTS FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH AUTHORITY.  
 ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECTS AND MUST BE RETURNED AT THE COMPLETION OF THE WORK.  
 THE CONTRACTOR WORKING FROM DRAWINGS NOT SPECIFICALLY MARKED FOR CONSTRUCTION MUST ASSUME FULL RESPONSIBILITY AND BEAR COSTS FOR ANY CORRECTIONS OR DAMAGES RESULTING FROM HIS OR HER WORK.

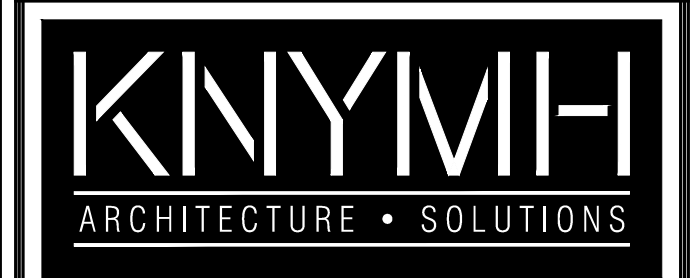
KEY TO DETAIL LOCATION

No.	DETAIL NUMBER
No.	DRAWING SHEET NUMBER

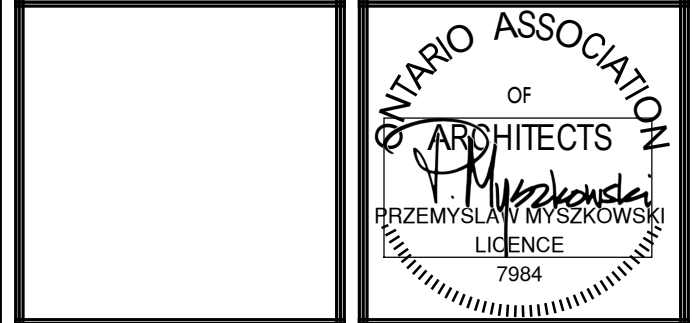
DRAWING SETS ISSUED	No.	DATE (DD.MM.YY)
DRAFT FOR COORDINATION	1	23.06.2023
STRUCT FOR REVIEW	2	14.08.2023
PERMIT APPL	3	12.09.2023
EEDS CHART	4	20.02.2024
GRADING CHANGE	5	04.07.2024

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

BUILDING PERMIT NUMBER:  
 NOT FOR CONSTRUCTION WITHOUT PERMIT



KNYMH INC.  
 1006 SKYVIEW DRIVE • SUITE 101  
 BURLINGTON, ONTARIO • L7P 0V1  
 T 905.639.6595  
 F 905.639.0394  
 www.knymh.com info@knymh.com



**RESIDENTIAL APARTMENT PROJECT**  
 3300 HOMESTEAD HAMILTON, ONTARIO

DRAWING SHEET TITLE:  
**ELEVATIONS BUILDING B**

DRAWING SCALE:  
 PROJECT NUMBER:  
**23017**

DRAWING VERSION:  
 PLOT DATE:  
 July 4, 2024  
 DRAWING SHEET NUMBER:  
**A6**

TIMESAVEP: 2024-07-04 10:55:43 AM FILEPATH: C:\2022\23017 - pmlm\residential - 3300 Homestead.dwg DrawingSet: Design\23017 Homestead 2024-07-04.dwg

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: 3300 Homestead Drive, Hamilton (Mount Hope) – Minor Variance Application  
Date: August 8, 2024

Dear Ms. Sheffield,

On behalf of our client, 1876441 Ontario Ltd., we are pleased to submit a Minor Variance application for the above noted property. The property is subject to a concurrent Site Plan Amendment application, City file # SPA-23-059, and the variances, if approved, would allow the construction of two (2) 8-unit residential buildings.

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 Preliminary Site Plan drawing and Building Elevation drawings; and,
- A digital copy of the Planning Opinion memo.

Please note that a cheque for the required application review fee will be delivered under separate cover.

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 light blue horizontal line.

Jared Marcus, CPT  
Associate – Manager, Planning

Cc: 1876441 Ontario Ltd.



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)



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

Subject: Minor Variance Justification Letter  
3300 Homestead Drive, Mount Hope

Date: July 29, 2024

Dear Ms. Sheffield,

On behalf of our client, 1876441 Ontario Ltd., please accept this minor variance justification letter for the property municipally known as 3300 Homestead Drive, Hamilton (“subject property”). Our client is proposing to develop the subject property with two (2) multiple dwellings with a height of two storeys, and a total of sixteen (16) residential dwelling units. Additionally, the subject property would contain twenty (20) parking spaces, ten (10) bicycle parking units, and an amenity space.

The property was originally approved for development under DA-19-098, but the current proposal is conditionally approved under the Site Plan file SPA-23-059. This revised development scheme requires relief from the existing site-specific zoning.

## **1.0 SITE LOCATION AND CONTEXT**

The subject lands are municipally known as 3300 Homestead Drive in the City of Hamilton and are located on the west side of Homestead Drive, between the intersections of Longview Drive to the north and Strathearne Place to the south. The subject lands are legally known as Block 1 on 62M-911, City of Hamilton. The subject lands have an approximate area of 2,909 square metres and an approximate frontage of 38 metres onto Homestead Drive.

The subject lands are currently occupied by a vacant single-detached residential dwelling which is approximately 1,166 square feet in size. Access to the property is currently provided in the form of an unpaved driveway.



**Figure 1:** Aerial Image of Subject Property (Source: GeoWarehouse)



**Figure 2:** Street View Image of Subject Property (Source: Google Earth)

## 2.0 PROPOSED MINOR VARIANCES

The subject lands are currently zoned as Mixed Use Medium Density (C5) Zone with a Special Exception No. 652 as per the City of Hamilton Zoning By-law 05-200 (the “Zoning By-law”). The permitted uses for this zone include Multiple Dwellings, as well as a range of retail, service, commercial and entertainment uses.

Through consultation with City of Hamilton staff, and based on our review and interpretation of the Zoning By-law, the following variances have been identified as requiring further planning justification:

1. To permit the finished floor elevation of the proposed dwelling units to be 0 metres above grade, whereas the Zoning By-law requires a minimum of 0.9 metres above grade;
2. To permit a Minimum Building Setback from a Street Line of 4.5 metres, whereas the Zoning By-law requires a minimum of 9.0 metres;
3. To permit a Minimum Rear Yard of 6.0 metres, whereas the Zoning By-law requires a minimum of 10.7 metres; and,
4. To allow a principal entrance to be located within a ground floor façade that is not set back closest to the street, whereas the Zoning By-law requires a minimum of one principal entrance to be provided within the ground floor façade that is set back closest to a street.

### 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 as 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 sections will provide an analysis of the proposed variances against the four tests.

### 2.1 Variance 1: Finished Floor Elevation

The proposed development would require a variance to permit the finished floor elevation of the proposed dwelling units to be 0 metres above grade, whereas the Zoning By-law requires a minimum of 0.9 metres above grade.

#### 1. Is the Variance Minor in Nature?

While the requested variance would result in removal of the requirement, the consideration of the term minor in this context would depend on the impact the proposed variance could have on future users, and surrounding land uses. The By-law requirement for a higher grade is to ensure appropriate interface where there may be conflicts between proposed and existing land uses.

While Homestead Drive is zoned for mixed-use and apartment-style medium density development, the prevailing built form in the vicinity of the subject lands has not developed in this way. Specifically, on the east side of Homestead Drive immediately opposite the subject lands there is a large townhouse development. This development was subject to a Minor Variance application (GL/A-20:92) which was approved to remove this requirement.

The proposed buildings are designed as flanking the public street, and while the parking area for the proposed use is adjacent to the buildings, it is mainly adjacent to common, or utility uses within the building. Where habitable space in the buildings faces the parking area it is separated by internal sidewalks and landscape space and the potential impact to future users will be minimum. In addition, there will be no impact on surrounding uses created by the overall height of the building due to the proposed reduction in the finished floor elevation, and therefore the variance can be considered minor in nature.

## **2. Is the Variance Desirable and Appropriate?**

The requested variance is necessary to permit the construction of the proposed development as intended. The proposed development itself would be considered desirable and appropriate for the subject property, given its conformity to both the Official Plan and Zoning By-law as well as the surrounding neighbourhood context.

Therefore, the variance would also be considered desirable and appropriate.

## **3. Does the Variance meet the general intent and purpose of the Official Plan?**

The intent of the applicable policies of the Official Plan is to ensure that new development maintains compatibility with the surrounding land uses. The height of the proposed development is currently consistent with the adjacent uses, and the requested variance will allow the development to maintain the height of the proposed development as currently contemplated.

It is our opinion that this variance does meet the general intent and purpose of the Official Plan.

## **4. Does the Variance meet the general intent and purpose of the Zoning By-law?**

The general intent of the applicable provision of the Zoning By-law is to ensure compatibility between residential and commercial uses on the same property, as well as with the public realm. Generally, this provision is intended to ensure that commercial uses are grade oriented, while residential uses are at a higher grade to separate them from areas that would see higher pedestrian traffic and maintain privacy. Since no commercial uses have been proposed for this development, and there are no commercial uses in the vicinity of this development, this requirement is no longer necessary to provide a distinction between residential and commercial uses.

As noted above, the recent development located at 3311 Homestead Drive obtained relief from the same zoning requirement via Minor Variance application GL/A-20:92.

Nonetheless, it is our opinion that the residential uses are adequately separated from pedestrian traffic and would maintain the general intent and purpose of the Zoning By-law.

## **2.2 Variance 2: Minimum Building Setback**

The proposed development would require a variance to permit a Minimum Building Setback from a Street Line of 4.5 metres, whereas the Zoning By-law requires a minimum of 9.0 metres.

### **1. Is the Variance Minor in Nature?**

The determination of whether this variance can be considered minor would also be based on the overall impact a reduction in the minimum building setback would have on the surrounding properties and the neighborhood context.

Given that the lands directly opposite to the subject property, located at 3311 Homestead Drive are currently being developed as a similar use and density, impacts such as privacy or shadowing would not be as relevant, especially given the separation of the two properties by Homestead Drive. Further, the development of 3311 Homestead Drive successfully obtained relief from the required streetline setback via Minor Variance file GL/A-20:92.

Furthermore, a recent Zoning By-law Amendment approval at 3250 & 3260 Homestead Drive (ZAC-

22-020) permits the development of a three-story mixed-use building to be setback 4.5 metres from the streetline. The proposed variance would be consistent with the emerging reduced building setbacks that are defining the streetscape along this section of Homestead Drive with the more recent developments in the area.

It is our opinion that the proposed variance would be considered minor in nature due to the foregoing reasons.

## **2. Is the Variance Desirable and Appropriate?**

The requested variance is appropriate as it is in line with the approved reduction in the minimum building setback for adjacent developments and would be appropriate within the neighbourhood context. The requested variance is desirable as it permits for the most efficient layout and utilization of the subject site.

Furthermore, this variance is required to appropriately accommodate the two proposed multiple dwellings which would be considered a desirable use of the subject property given that the proposed development is in line with both the surrounding developments and is consistent with the permissions and purpose of both the Official Plan and the Zoning By-law.

It is our opinion that the requested variance is appropriate and desirable given the surrounding neighbourhood context and the conformity of the proposed development to applicable planning policy.

## **3. Does the Variance meet the general intent and purpose of the Official Plan?**

The Official Plan designates the subject property as Mixed-Use Medium Density as per Schedule E-1 of the Urban Hamilton Official Plan (UHOP). This designation is intended to support residential development as it enhances the function of these areas as transit-supportive nodes and corridors.

The requested variance would have the effect of bringing the proposed buildings closer to the street line. The extracted policy below reflects the general intent of the Official Plan to facilitate such placement for new developments on non-pedestrian focus streets such as Homestead Drive.

**Policy E4.6.21** *On non-pedestrian focus streets, buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street. Larger single use buildings over 5,000 square metres may be situated in the interior or at the rear of the site with smaller foot print buildings located close to the street. [...].*

Furthermore, the policies of the Official Plan pertaining to the Mixed-Use Medium Density designation are intended to create a compact urban form and to support vibrant, pedestrian-oriented streets and places. It is our opinion that reducing the minimum building setback in order to permit the proposed developments to be located closer to the street line would meet the general intent and purpose of the Official Plan.

## **4. Does the Variance meet the general intent and purpose of the Zoning By-law?**

The subject property is zoned as a C5 or Mixed-Use Medium Density zone and is subject to Special Exception 625 which includes an increased requirement for the minimum building setback. The requested variance would seek to reduce the minimum building setback from 9.0 metres to 4.5 metres.

The intent of the Zoning By-law is to require appropriate development setbacks that ensure compatibility between existing and future uses. In this case the By-law contemplates a more dense and urban built form that may have greater visual impact on the streetscape than previously existed in the area. As is obvious to see, the immediate area is undergoing significant change, and as discussed above, that development has included reduced building setbacks.

The proposed variance is consistent with the intent of the setbacks required in the parent By-law and is consistent with the emerging streetscape in the area.

Therefore, it is our opinion that the proposed variance meets the general intent and purpose of the Zoning By-law.

### **2.3 Variance 3: Minimum Rear Yard**

The proposed development would require a variance to permit a Minimum Rear Yard of 6.0 metres on Parcel 1, whereas the Zoning By-law requires a minimum of 10.7 metres.

#### **1. Is the Variance Minor in Nature?**

The proposed dwellings have been oriented so that the bulk of the massing faces internally to the subject lands and the building width facing towards the rear, or west lot line, is only 11.3 metres in width, which is similar to the width of a single detached dwelling. Further, the buildings are only two-storeys in height and the westerly façade has been designed without windows which will limit any privacy concerns. Further, the adjacent dwellings are setback greater than 20m from the mutual lot line which creates a natural separation from future land uses. It is therefore not anticipated that there will be any potential adverse impacts to the adjacent properties.

It is our opinion that the requested variance is minor in nature.

#### **2. Is the Variance Desirable and Appropriate?**

The requested variance is necessary in order to permit the most effective design and situation of the proposed development within the subject property. It is our opinion that the proposed development as a whole represents appropriate and desirable development, given its consistency with similar developments in the immediate neighbourhood, and the introduction of mild form of medium density residential intensification.

#### **3. Does the Variance meet the general intent and purpose of the Official Plan?**

The general intent of the Official Plan is to ensure that the areas within the Mixed-Use Medium Density designation are developed in a compact urban form with a building arrangement that supports pedestrian use and circulation. Further, the Official Plan requires new development to respect existing built form of neighbouring land uses and to minimize the effects of shadows and overview. The proposed buildings are only two-storeys in height, and no windows are proposed on the building façade facing west, and therefore no shadows or overview will impact the lands to the west.

It is our opinion that the variance would meet the general intent and purpose of the Official Plan given that the proposed development would require a reduction in the rear setback in order to appropriately accommodate the two multiple dwellings and facilitate pedestrian circulation throughout the subject site.

#### **4. Does the Variance meet the general intent and purpose of the Zoning By-law?**

The proposed development is subject to Special Exception 625 which includes an increased requirement for the minimum rear yard setback. The requested variance would seek to reduce the minimum rear yard setback to 6.0 metres.

The general intent of this provision of the Zoning By-law, is to ensure the adequate separation between buildings on separate properties and provide sufficient space for landscaping or amenity space at the rear of the lot. In the case of the subject property, the proposed development is sufficiently separated from the existing buildings to the west due to the existing rear yard setback of the abutting property and the proposed rear yard setback of 6.0 metres on the subject property.

For these reasons, it is our opinion that the proposed variance does meet the general intent and purpose of the Zoning By-law.

## **2.4 Variance 4: Principal Entrance Orientation**

The proposed development would require a variance to modify the requirement for a principal entrance to be located within the ground floor façade but not in the façade set back closest to the street, whereas the Zoning By-law requires a minimum of one principal entrance to be provided within the ground floor façade that is set back closest to a street.

### **1. Is the Variance Minor in Nature?**

The principal entrance for Building “B” is located in a building face that is oriented towards the street; however, the By-law requires that the entrance be located in the façade set back closest to the street. The requirement is intended to ensure that new development maintains a visually attractive appearance and is developed in a pedestrian friendly manner.

As suggested by the proposed variance, the building will have an entrance that faces the street, but it will be located in a façade that is not the closest to the street. To ensure that the building façade closest to the street remains visually attractive, the design includes sliding doors and Juliet balcony railings which will provide the appearance of a public entrance.

It is our opinion that this variance will have minimal impact on the visual interest of the building from the street and therefore the variance can be considered minor.

### **2. Is the Variance Desirable and Appropriate?**

The proposed variance is desirable and appropriate as it is required to permit the logical flows of pedestrians and vehicles within the site and is also required due to the configuration of the site. The buildings are designed to flank the street and therefore the main entrance to the building is from the parking lot side. Further, the development does not include commercial uses which require direct access to the public street. Therefore, the proposed variances represent an appropriate design alternative necessary due to the constraints of the subject site.

### **3. Does the Variance meet the general intent and purpose of the Official Plan?**

The applicable policies of the Official Plan are intended to create a compact urban form and building arrangement that supports pedestrian use and circulation. It is our opinion that the requested variance is required in order to permit the proposed design which would maximize the use of the subject property and would allow for the logical and appropriate circulation of pedestrians accessing the property.

Therefore, this variance would meet the general intent and purpose of the Official Plan.

### **4. Does the Variance meet the general intent and purpose of the Zoning By-law?**

The general intent of the applicable regulation in the Zoning By-law is to support accessibility to the site and buildings by bringing the principal entrance closer to the street front and further animating the façade. While the principal entrance is located in a façade oriented towards the street, it is not technically located in the façade set back closest to the street. The architectural design has been enhanced in the street facing façade to mitigate any impact that may be created by not strictly complying with this requirement.

As noted previously, the development of 3311 Homestead Drive features a similar scale of residential development, which was subject to an approved Minor Variance application GL/A-20:92, and which included the removal of this specific regulation.

Lastly, the previously outlined variance to reduce the minimum building setback will have the effect of bringing the proposed development closer to the street line and will increase animation and vibrancy as is intended through the provisions of the Zoning By-law.

Based on the foregoing, it is our opinion that the proposed variance meets the general intent and purpose of the Zoning By-law.

### 3.0 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 Urban 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.

Regards,



Jared Marcus, CPT

Associate – Manager, Planning



Ritika Nair

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
<b>Registered Owners(s)</b>	1876441 Ontario Ltd.
<b>Applicant(s)</b>	
<b>Agent or Solicitor</b>	Arcadis c/o Jared Marcus

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 [Redacted]

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	3300 Homestead Drive		
Assessment Roll Number	251890251007650		
Former Municipality	Mount Hope		
Lot		Concession	
Registered Plan Number	62M-911	Lot(s)	Block 1
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

## 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

1. To permit the finished floor elevation of the proposed dwelling units to be 0 metres above grade, whereas the Zoning By-law requires a minimum of 0.9 metres above grade;
2. To permit a Minimum Building Setback from a Street Line of 4.5 metres, whereas the Zoning By-law requires a minimum of 9.0 metres;
3. To permit a Minimum Rear Yard of 6.0 metres, whereas the Zoning By-law requires a minimum of 10.7 metres; and,
4. To allow a principal entrance to be located within a ground floor façade that is not closest to the street, whereas the Zoning By-law requires a minimum of one principal entrance to be provided within the ground floor façade that is setback closest to a street.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The variances are required to implement Site Plan file SPA-23-059. See enclosed Planning Opinion memo for more information.

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
37.93m	76.86m	2909sq.m	26.1m

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
Single Detached Dwelling	27.2m	37.7m	14.6m & 15.0m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Multiple Dwelling	4.55m	3.21m	2.53m & 10.5m	
Multiple Dwelling	N/A	6.05m	2.53m & 22.1m	

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
Single Detached Dwelling	89.5sq.m	179sq.m	2.5	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Multiple Dwelling	356sq.m	712sq.m	2	8.46m
Multiple Dwelling	356sq.m	712sq.m	2	8.46m

- 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.):

Multiple Dwelling

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

South - Fire Hall; West - Residential; North - Residential; East - Homestead Drive and Residential

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2016

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 Single Detached Dwelling

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) Mixed Use - Medium Density

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

Proposed land use and density complies with the policies of the Mount Hope Secondary Plan

7.6 What is the existing zoning of the subject land? ZAH-21-042 - Remove Holding Provision

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: ZAH-21-042 - Remove Holding Provision

---

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: 16

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

## 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
- 
-