



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-24:195	SUBJECT PROPERTY:	160 Hughson Street South, Hamilton
ZONE:	"C5" Mixed Use Medium Density	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200

APPLICANTS: Owner: 2414677 Ontario Inc. c/o Lankin Investments Julian Piro
Applicant: Ken Bekendam

The following variances are requested:

1. A 0.0m finished floor elevation for a dwelling unit shall be provided instead of the minimum 0.9m above grade finished floor elevation required.
2. A parking space may be setback 1.21 metres from the Forest Avenue Street line instead of the minimum 3.0m minimum setback from a street line required for parking spaces.
3. A parking space may be setback 1.58 metres from Hughson Street South Street line instead of the minimum 3.0m minimum setback from a street line required for parking spaces.
4. No planting strip shall be required between a street line and a parking space instead of the minimum 3.0m wide planting strip required between a street line and a parking space.
5. Parking spaces on a lot containing a multiple dwelling shall be permitted between the building façade and front lot line as well as between the building façade and flankage lot line instead of the requirement that no parking shall be located between a building façade and a front or flankage lot line.
6. A total of four (4) parking spaces for small car parking shall be permitted instead of a maximum of 10% of the required parking for small car parking permitted.
7. A total of twenty-seven (27) parking spaces shall be provided instead of the minimum fifty-two (52) parking spaces required.

A-24:195

- 8. Zero (0) long term Bicycle parking spaces shall be provided instead of the minimum 0.7 spaces per unit required.

PURPOSE & EFFECT: To facilitate interior alterations to an existing Multiple Dwelling to establish ten additional dwelling units on the ground floor of the exiting building.

Notes:

- 1. It is noted that variance #7 is written pursuant to the existing parking regulations, new parking regulations pursuant to by-law 24-052 (not final) would only require 5 visitor parking spaces.
- 2. It is noted that variance #8 is written pursuant to the long-term bicycle parking regulations contained within amending by-law 24-052 (not final).

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 24, 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 20, 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 23, 2024

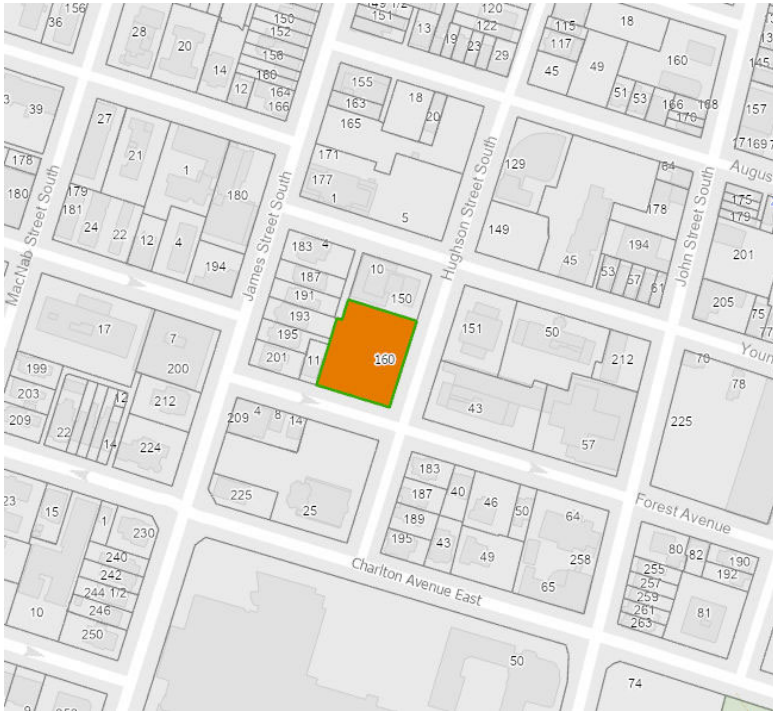
FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:195, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71

A-24:195

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

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.

SITE INFORMATION & STATISTICS

ADDRESS:	160 HUGHSON ST. S. HAMILTON, ON
ZONING TYPE:	C5
LOT AREA:	23944.72 SQ FT (2224.54 m ²)
LOT FRONTAGE:	172' - 0 1/2" > (52.43 m)

EXISTING STRUCTURE NOTE:

OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

BUILDING CODE COMPLIANCE NOTE:

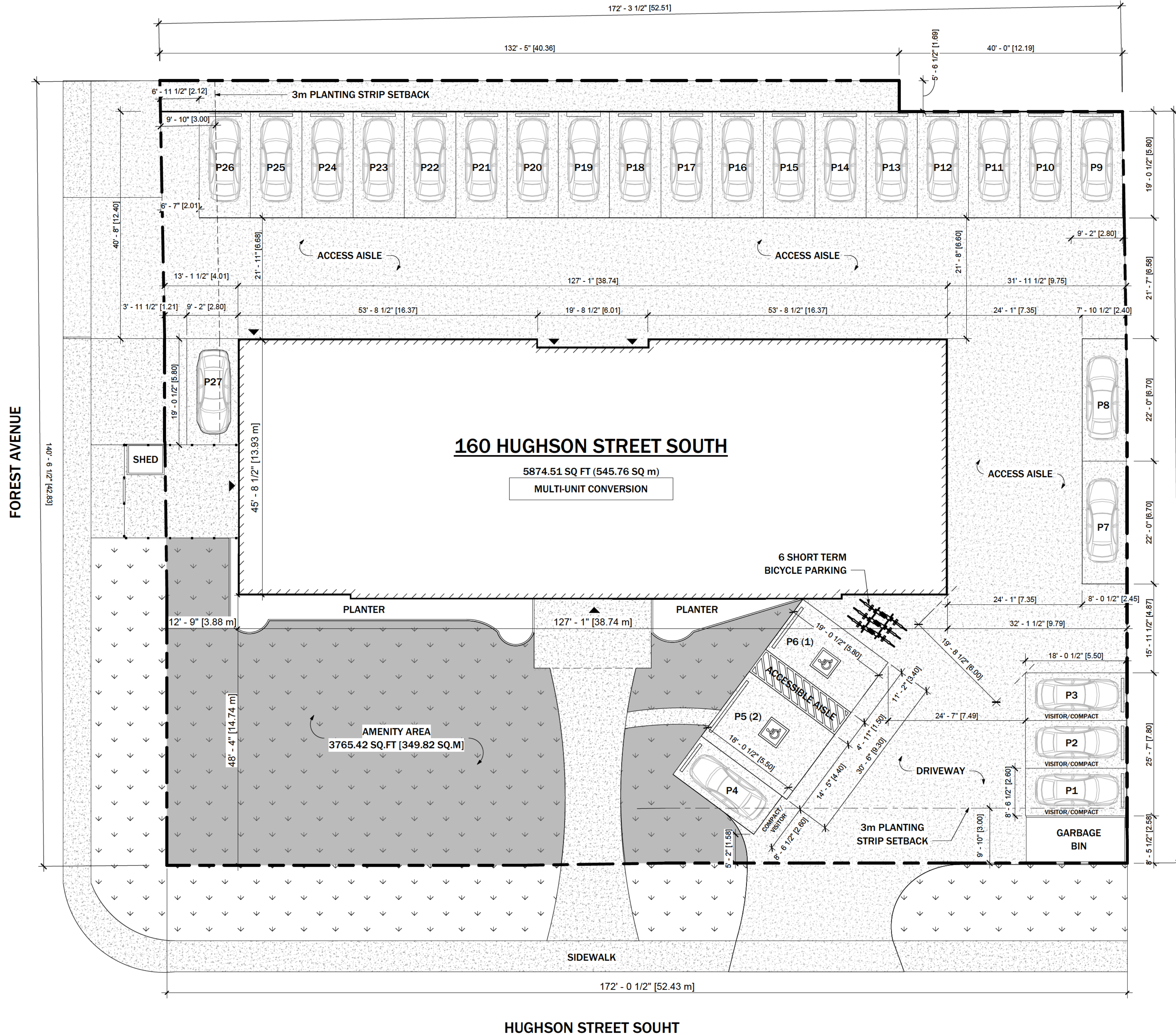
THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

SITE PLAN:

BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES.

GENERAL NOTES:

- ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
- ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
- ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
- CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
- READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
- ELEVATION REFERENCES ARE BASED ON 100-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
- ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION, AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
- PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
- CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES.
- VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
- REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
- DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.



UNIT TYPE	PROPOSED	EXISTING	UNIT COUNT
BACHELOR	7	0	7
ONE BEDROOM	2	20	22
TWO BEDROOM	0	40	40
TOTAL	1	60	69

AMENITY SPACE	> 50m ²	< 50m ²	REQUIRED	PROPOSED
	4.0m ² x 61 UNITS	6.0m ² x 8 UNITS	292m ²	349.82m ²

FINISHED FLOOR ELEVATION :	0.9m	0.0m
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SITE STATISTICS: PARKING		REQUIRED	PROPOSED
TOTAL PARKING	2.8m x 5.8m	53	27
STANDARD	2.8m x 5.8m	53	19
PARALLEL:	2.45m x 6.7m	-	2
VISITOR COMPACT:	2.6m x 5.5m	-	4
ACCESSIBLE #1:	3.4m x 5.8m	3	1
ACCESSIBLE #2:	4.4m x 5.8m	-	1
BICYCLE PARKING (SHORT-TERM):		5	6
BICYCLE PARKING (LONG-TERM):		49	0

PARKING RATIO				
> 50m ²	61 UNITS	1-14 0.7/UNIT 14 SPACES = 9.8	15-50 0.85/UNIT 36 SPACES = 30.6	51+ 1.0 / UNIT 11 SPACES = 11
< 50m ²	8 UNITS	0.3/UNIT 8 SPACES = 2.4		

REQUIRED PARKING SPACES	53 SPACES (REQUIRED)
	3 ACCESSIBLE (REQUIRED)

VISITOR PARKING SPACE REQUIREMENTS SECTION 5.6.6	REQUIRED	5 REQUIRED VISITOR
	PROPOSED	5 PROPOSED VISITOR

CITY ELECTRONIC STAMP:



LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.
LEAD DESIGNER & CONSULTANT: KEN BEKENDAM, B.A BUSCOM, L.T.
 CELL PHONE: 905-965-0647
 kenbekendam@gmail.com
OFFICE ADDRESS: 979 MAIN ST. E. HAMILTON, ON
OFFICE PHONE: 905-546-4467

The undersigned has reviewed and takes the responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
 Required unless design is exempt under 2.17.5.1 of the building code
 Name: Ken Bekendam Signature: Ken Bekendam BCIN: 121307
REGISTRATION INFORMATION
 Required unless design is exempt under 2.17.5.1 of the building code
 Name: KING HOMES INC. BCIN: 121307

- GENERAL NOTES:**
- DO NOT SCALE DRAWINGS. FULL SCALE: 24" x 36"
 - ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE LEAD DESIGNER MUST BE NOTIFIED IMMEDIATELY.
 - FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
 - UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING SUPPORTS, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.
 - USE LATEST REVISED DRAWINGS.
 - ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
 - ALL DRAWINGS, SPECIFICATIONS, RELATED DOCUMENTS AND DESIGN ARE THE COPYRIGHT PROPERTY OF LEGAL SECOND SUITES. REPRODUCTION OF THIS PROPERTY IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT LEGAL SECOND SUITES WRITTEN PERMISSION. LEGAL SECOND SUITES ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THIS PROPERTY UNLESS IT BEARS THE APPROPRIATE PID NUMBER AND ORIGINAL SIGNATURE.
 - BUILDING OWNERS WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
 - CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			



ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
160 HUGHSON ST. S. - HAMILTON, ON.

SHEET NAME:
SITE PLAN

PROJECT NO.	24-06	DATE:	04/09/24
SCALE:	1" = 10'-0"	REVISION:	

DRAWN BY:	DANILO MARTINELLI	REVIEWED BY:	KEN BEKENDAM
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SHEET NO.

SP1.01

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 a finished floor elevation of 0.0m above grade whereas the zoning bylaw Section 10.5.1.1. of Hamilton Zoning bylaw -5-200 requires a finished floor elevation of any dwelling unit to be a minimum of 0.9m above grade
2. To permit parking spaces 1.58m within the Hughson St. S., street line and 1.21m within the Forest Ave., street line whereas the zoning bylaw [Section 5.1 A v) of Hamilton Zoning By-Law 05-200] parking spaces shall not be located within 3.0m of a street line.
3. To permit a 0.0m planting strip shall be provided between the parking lot and the Forest Ave. and Hughson St. street lines whereas the zoning bylaw [Section 5.1 A v) of Hamilton Zoning By-Law 05-200] shall provide a 3.0m wide planting strip between the parking lot and the Forest Ave and Hughson St. S. street line.
4. To permit parking between the façade and the front/flanking lot lines whereas [per section 5.1(d) of Hamilton Zoning By-law 05-200] requires parking for multiple dwellings shall not be located between the façade and the front lot line or between the façade and flanking lot line.
5. To permit a total of four (4) parking spaces to small car parking whereas [per section 5.2 of Hamilton Zoning By-law 05-200] where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10% of such parking spaces shall be 2.6m x 5.5m. Equalling 5 parking spaces.
Note: A minimum of fifty-two (52) parking spaces are required. Therefore, a maximum of 5.2 (5) parking spaces shall be permitted as small car parking spaces.
6. To permit twenty-seven (27) parking spaces whereas [per section 5.6 c) of Hamilton Zoning By-law 05-200 requires fifty-two (52) parking spaces.
7. To permit zero (0) long-term bicycle parking spaces whereas zoning bylaw Section 5.7.5(a) requires forty-nine (49) long-term bicycle parking spaces.



Hamilton

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

June 20, 2024

ATTENTION OF: Brody Paul
EMAIL: brody.paul@hamilton.ca

Attention:

Re: Applicable Law Review – Zoning By-law Compliance
Zoning District: “C5” (Mixed Use Medium Density) Zone
Zoning By-law: Hamilton Zoning By-law No. 05-200
Address: 160 Hughson Street South, Hamilton

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

COMMENTS:

1. This application will facilitate alterations to the interior of the existing Multiple Dwelling to establish ten (10) additional dwelling units within the ground floor of the building.
2. The use of a Multiple Dwelling is permitted in the current “C5” (Mixed Use Medium Density) Zone pursuant to Hamilton Zoning By-law No. 05-200.
3. Please note that the following zoning compliance comments, pertain only to the review of the proposed parking layout, and the interior alterations to the building to establish an additional ten (10) dwelling units. No exterior changes to the building have been indicated as part of this application, apart from the additional windows/doors indicated on the Proposed Elevation drawings.
4. Building Division records indicate the last approved parking layout was in association with Building Permit No. BZ-20067 issued October 1, 1964. Parking was previously approved under former Hamilton Zoning By-law No. 6593, which required a total of forty-eight (48) parking spaces. Twelve (12) parking spaces were indicated to be provided in the existing garage area at the first-storey, and thirty-six (36) parking spaces were indicated to be provided in the surface level parking lot.

Based on the submitted Site Plan, it appears the proposed parking layout has been substantially altered from the original approved parking layout, and is further modified by converting the existing garage area to dwelling units resulting in a further reduction of parking on the lot. As the parking area no longer conforms to the approved parking layout or the current regulations which apply to the lands, a full zoning review has been conducted to bring the parking lot into conformity with the current regulations of Hamilton Zoning By-law No. 05-200.

5. Be advised that By-law No. 24-052 was recently approved which repealed and replaced Section 5: Parking, of Hamilton Zoning By-law No. 05-200. As By-law No. 24-052 is not yet final, at present, all proposed development is reviewed under both the current in-force regulations as well as the approved regulations. For the purpose of the following zoning compliance review, the proposed development has been reviewed against all current in-force Section 5: Parking regulations, as well as the approved Section 5: Parking regulations as contained in amending By-law No. 24-052, which are not yet final.
6. The front lot line for this property/development is the lot line abutting Forest Avenue, being the shortest lot line abutting a street.
7. Please note that the subject lot is identified on Schedule "A" to Appendix "D" as a Parking Rate Area 1 as per amending By-law No. 24-052.
8. The proposed development has been reviewed and compared to the standards of the "C5" (Mixed Use Medium Density) Zone, as indicated in the following chart:

By-law Requirement	Required	Provided	Conforms/ Non-conforming
"C5" Zone Regulations			
Restriction of Uses within a building <i>Section 10.5.1.1</i>	In addition to Section 10.5.1, the following uses shall be permitted in accordance with the following restrictions: i) Restriction of Uses within a building: 1. The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade; and, 2. Notwithstanding 10.5.1.1i) 1., dwelling unit(s) shall be permitted in a basement or cellar	The Site Statistics indicate the finished floor elevation as 0.0 metres. Dwelling units have not been indicated in a basement or cellar.	Non-conforming
Minimum Amenity Area for Dwelling Units and Multiple Dwellings <i>Section 10.5.3(h)</i> <i>NOTE: No previous Amenity Area requirement for the use of a Multiple Dwelling in an "E-3" Zone under Hamilton Zoning By-law No. 6593. The specific requirement was for a percentage of the lot to be Landscaped Area, which is deemed to be a Legal Non-complying site condition; therefore, the Amenity Area requirement as required by Section 10.5.3(h) has only</i>	On a lot containing 10 dwelling units or more, the following Minimum Amenity Area requirements be provided: i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and, 2 x 4.0 = 8.0 square metres ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area.	Amenity area indicated as 349.82 square metres.	Conforms

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<p><i>been applied to the ten (10) dwelling units being proposed.</i></p>	<p>8 x 6.0 = 48.0 square metres</p> <p>TOTAL: 56.0 square metres of amenity space required for the ten (10) additional dwelling units.</p> <p>iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air</p>		
<p>Section 5: Parking Regulations (current in-force regulations)</p>			
<p>Location (All Uses) [as per section 5.1(a) of Hamilton Zoning By-law 05-200]</p>	<p>i) Required parking facilities shall be located on the same lot as the use requiring the parking.</p> <p>ii) Notwithstanding Subsection 5.1 a) i), where the provision of parking on the same lot as the use requiring the parking is not possible, such off-site parking may be located on another lot within 300.0 metres of the lot containing the use requiring the parking, provided:</p> <p>a) Such off-site parking shall only be permitted within a zone in which the use requiring such parking is permitted;</p> <p>b) Such off-site parking shall be subject to Subsection 5.1 a) iii); and,</p> <p>c) Subsection 5.1 a) ii) shall not apply to any Residential Zone</p> <p>iii) Where the required parking is provided in accordance with Subsection ii) above, the owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot upon which the parking is</p>	<p>Parking facilities are provided on the same lot as the use.</p>	<p>Conforms</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	<p>located, pursuant to the agreement, shall continue to be so used only for such purposes until alternate parking spaces in conformity with the regulations of this By-law are provided.</p> <p>iv) Parking as provided for in Subsection iii) may be transferred to another lot in accordance with Subsection ii), provided that an agreement as required by Subsection iii) is registered on title of said other lot.</p>		<p>1.58m</p>
<p>Parking Location from a Street Line and Planting Strips [Section 5.1 a) v) of Hamilton Zoning By-law 05-200]</p>	<p>v) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:</p> <p>a) Shall not be located within 3.0 metres of a street line,</p> <p>b) Shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle, except for that portion of a lot line abutting the Red Hill Valley Parkway and the Lincoln Alexander Parkway; and,</p> <p>c) Where a Planting Strip is provided, as per b) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.</p>	<p>a) Parking spaces are indicated to be within 1.09 metres of the Hughson Street South streetline and within 1.51 metres of the Forest Avenue streetline</p> <p>b) A 3.0 metre planting strip has not been indicated between the parking lot and the Forest Avenue and Hughson Street South streetlines.</p> <p>c) An architectural wall or feature has not been indicated within the planting strip.</p>	<p>Non-conforming</p> <p>1.21m</p>
<p>Location (Multiple Dwellings) [as per section 5.1(d) of Hamilton Zoning By-law 05-200]</p>	<p>On a lot containing a multiple dwelling:</p> <p>i) With the exception of any visitor parking <u>required by Section 5.6</u>, required parking for multiple dwellings shall not be located between the façade and the front lot line or between the façade and flankage lot line. In no case</p>	<p>i) Parking is shown to be located between the façade and the front/flankage lot lines.</p> <p>Parking spaces are indicated to be within 1.09 metres of the Hughson Street South</p>	<p>Non-conforming</p> <p>1.58m</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	<p>shall any parking be located within the required front yard or required flankage yard or within 3.0 metres of a street line.</p> <p>ii) Visitor parking may be permitted between the façade and a street provided that no more than 50% of the front yard shall be used for visitor parking and access to such parking.</p> <p>NOTE: No visitor parking requirement for a Multiple Dwelling in a "C5" Zone.</p>	<p>streetline and within 1.51 metres of the Forest Avenue streetline.</p>	<p>1.21m</p>
<p>Design Standards [as per section 5.2 of Hamilton Zoning By-law 05-200]</p> <p>Parking Lot: "shall mean an area located on a lot which contains five or more parking spaces".</p>	<p>a) i) Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5), or Downtown (D6) Zone, the following shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) Zone, or Downtown (D6) Zone:</p> <p>i) A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.</p> <p>NOTE: The subject property does not abut said zones.</p>	<p>N/A</p>	<p>N/A</p>
	<p>b) Unless permitted by another regulation in this By-law, parking space sizes shall be:</p> <p>i) Minimum 2.8 metres in width and 5.8 metres in length;</p> <p>ii) Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres;</p> <p>iii) Notwithstanding</p>	<p>i) Eighteen (18) standard parking spaces ("P10" – "P27") are indicated as a minimum of 2.8 metres in width and 5.8 metres in length.</p> <p>ii) Parking spaces do not appear to be obstructed.</p> <p>iii) and vi) Applicant to note instances where a parking space may not be considered obstructed.</p> <p>iv) Five (5) parking</p>	<p>Non-conforming</p>

1.41m

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	<p>Subsection ii), an additional 0.3 metres shall not be required provided:</p> <ol style="list-style-type: none"> 1. the maximum length of the wall, column or any other obstruction shall not exceed 1.15 metres; 2. the wall, column or any other obstruction is located at the front, rear, or both ends of the parking space; and, 3. the wall, column or any other obstruction does not project more than 0.15 metres into the width of the parking space. <p>vi) Notwithstanding Subsection i) herein, where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10% of such required parking spaces shall be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only;</p> <p>NOTE: A minimum of fifty-two (52) parking spaces are required. Therefore, a maximum of 5.2 (5) parking spaces shall be permitted as small car parking spaces.</p> <p>vii) Notwithstanding Subsection b) ii) and iii), light standards, including the base, located at the intersection of 4 parking spaces shall not be considered as an obstruction.</p>	<p>spaces ("P1 – "P3" and "P4" and "P5") are indicated as a minimum of 2.6 metres in width and 5.5 metres in length.</p> <p>One (1) parking space ("P28") is indicated as a minimum of <u>2.5 metres in width</u>. Length has not been indicated.</p> <p>It appears a total of six (6) parking spaces are provided for small car parking, whereas only five (5) are permitted.</p>	<p>Site plan updated</p>
	<p>c) All required parking shall be provided as follows:</p> <ol style="list-style-type: none"> i) With adequate means of ingress and egress to and from the street or laneway 	<p>i) and ii) The required parking is provided with adequate means of ingress and egress to and from the street or</p>	<p>Conforms</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	<p>without the necessity of moving any other motor vehicle, except that the accessibility to a maximum of one of the required parking spaces for a single detached dwelling may be obstructed by another motor vehicle.</p> <p>ii) Shall be arranged so as to not interfere with normal public use of the street or laneway;</p> <p>iii) Shall be accessed by means of an access driveway:</p> <ol style="list-style-type: none"> 1. Located on the lot; or, 2. Located partly on the lot in the case of a mutual driveway; <p>or,</p> <ol style="list-style-type: none"> 3. By means of a Right-of-Way. <p>iv) Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only</p>	<p>laneway and is arranged so as not to interfere with normal public use of the street or laneway.</p> <p>iii) The parking area is accessed by means of an access driveway located on the lot.</p> <p>iv) Ingress and egress of vehicles to and from the street is in a forward motion.</p>	
	<p>d) Notwithstanding Subsection b) herein, in the case of parallel parking:</p> <p>Each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres</p>	<p>Two (2) parallel parking spaces have been indicated with a minimum width of 2.45 metres and a minimum length of 6.70 metres.</p>	<p>Conforms</p>
	<p>e i) <u>Parking Spaces, Driveways and Widening(s) in All Zones</u></p> <p>a) Shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone or gravel, and shall be</p>	<p>i) and ii) The surface level parking lot appears to be asphalt. Applicant to indicate material on future submissions.</p>	<p>Appears to Comply</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	<p>maintained in a dust free condition;</p> <p>ii) <u>Parking Lots in All Zones, except the Rural Classification Zones</u></p> <p>a) Shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;</p>		
	<p>f) Notwithstanding Subsection b) herein, in the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres; and,</p>	<p>One (1) barrier free parking space is indicated as having a minimum width of 4.90 metres (including the accessibility aisle) and a minimum length of 5.8 metres.</p> <p>One (1) barrier free parking space is indicated as having a minimum width of 2.40 metres and a minimum length of 5.8 metres.</p>	<p>Non-conforming</p>
	<p>g) Commercial Parking Facilities and Hotels Parking spaces may be designed to include the use of tandem or stacked parking where a parking attendant is on site or a valet service is provided.</p>	<p>This is not a commercial parking facility or hotel.</p>	<p>N/A</p>
	<p>h) In addition to Section 5.1 a) v) and Subsection 5.2e) herein, the following Planting Strip requirements shall apply to a surface parking lot in any Zone where 50 or more parking spaces are provided on a lot:</p> <p>i) Landscaped Area(s) or Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated access driveway and manouvering areas shall be provided and maintained;</p> <p>ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres;</p>	<p>i), ii) and iii)</p> <p>A total of twenty-eight (28) parking spaces are indicated.</p>	<p>N/A</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming																
	<p>iii) In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2h)i), up to a maximum of 10% of the required parking spaces.</p> <p>i) In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements:</p> <table border="1" data-bbox="560 766 868 1060"> <thead> <tr> <th>Parking Angle Degree</th> <th>One-Way and Two-Way Aisle Width</th> </tr> </thead> <tbody> <tr> <td>0°</td> <td>3.7m</td> </tr> <tr> <td>15°</td> <td>3.7m</td> </tr> <tr> <td>30°</td> <td>3.7m</td> </tr> <tr> <td>45°</td> <td>4.5m</td> </tr> <tr> <td>60°</td> <td>5.5m</td> </tr> <tr> <td>75°</td> <td>6.0m</td> </tr> <tr> <td>90°</td> <td>6.0m</td> </tr> </tbody> </table>	Parking Angle Degree	One-Way and Two-Way Aisle Width	0°	3.7m	15°	3.7m	30°	3.7m	45°	4.5m	60°	5.5m	75°	6.0m	90°	6.0m	<p>A minimum aisle width of 6.0 metres has been indicated through most of the parking lot; however, the minimum width between parking spaces "P7" and "P3" shall be indicated to confirm compliance.</p>	<p>Unable to Determine Compliance</p> <p>Compliant</p>
Parking Angle Degree	One-Way and Two-Way Aisle Width																		
0°	3.7m																		
15°	3.7m																		
30°	3.7m																		
45°	4.5m																		
60°	5.5m																		
75°	6.0m																		
90°	6.0m																		
<p>Barrier Free Parking [as per section 5.5 of Hamilton Zoning By-law 05-200]</p> <p><i>*Shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings and Street Townhouses abutting a public street.</i></p> <p><i>**Where the application of the parking standards in Section a) above results in a numeric fraction, fractions shall be rounded down to the nearest whole number.</i></p>	<p>a) <i>Barrier free parking shall be designated and provided as part of the required parking spaces in accordance with the following requirements:</i></p> <table border="1" data-bbox="560 1270 868 1711"> <thead> <tr> <th>Required Parking Spaces</th> <th>Designated Barrier Free Parking Spaces</th> </tr> </thead> <tbody> <tr> <td>1 – 49 Spaces</td> <td>Minimum 1 space;</td> </tr> <tr> <td>50 – 100 Spaces</td> <td>Minimum 4% of the total number of required parking spaces;</td> </tr> <tr> <td>101 – 200 Spaces</td> <td>Minimum 1 space + 3% of the total number of required parking spaces;</td> </tr> <tr> <td>201 – 1000 Spaces</td> <td>Minimum 2 spaces + 2% of the total number of required parking spaces; and,</td> </tr> <tr> <td>1000+</td> <td>Minimum 11 + 1% of the total number of required parking spaces.</td> </tr> </tbody> </table> <p>NOTE: A minimum of fifty-two (52) parking spaces are required.</p> <p>THEREFORE: 4% of 52 = 2.08 (2) barrier free parking</p>	Required Parking Spaces	Designated Barrier Free Parking Spaces	1 – 49 Spaces	Minimum 1 space;	50 – 100 Spaces	Minimum 4% of the total number of required parking spaces;	101 – 200 Spaces	Minimum 1 space + 3% of the total number of required parking spaces;	201 – 1000 Spaces	Minimum 2 spaces + 2% of the total number of required parking spaces; and,	1000+	Minimum 11 + 1% of the total number of required parking spaces.	<p>Two (2) barrier free parking spaces are indicated.</p>	<p>Conforms</p>				
Required Parking Spaces	Designated Barrier Free Parking Spaces																		
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By-law Requirement	Required	Provided	Conforms/ Non-conforming
	spaces are required to be provided.		
<p>Minimum Number of Required Parking Spaces [as per section 5.6 c) of Hamilton Zoning By-law 05-200</p>	<p>Multiple Dwelling in C5 Zone:</p> <p>Dwelling Units less than 50.0 square metres GFA:</p> <p>Min: 0.3 per unit Max: 1.25 per unit</p> <p><u>Calculation:</u></p> <p>Min: 8 x 0.3 = 2.4 (2) Max: 8 x 1.25 = 10</p> <p>Dwelling Units greater than 50.0 square metres gross floor area:</p> <p>1-14 Units: Min: 0.7 per unit Max: 1.25 per unit</p> <p><u>Calculation:</u></p> <p>Min: 14 x 0.7 = 9.8 (9) Max: 14 x 1.25 = 17.5 (17)</p> <p>15-50 Units: Min: 0.85 per unit Max: 1.25 per unit</p> <p><u>Calculation:</u></p> <p>Min: 36 x 0.85 = 30.6 (30) Max: 36 x 1.25 = 45</p> <p>51+ Units: Min: 1.0 per unit Max: 1.25 per unit</p> <p><u>Calculation:</u></p> <p>Min: 11 x 1.0 = 11 Max: 11 x 1.25 = 13.75 (13)</p> <p>TOTAL:</p> <p>Min: 2 + 9 + 30 + 11 = 52 Max: 10 + 17 + 45 + 13 = 85</p> <p>THEREFORE: A minimum of fifty-two (52) parking spaces are required.</p>	<p>Twenty-eight (28) parking spaces have been indicated whereas fifty-two (52) are required.</p>	<p>Non-conforming 27</p>
<p>Bicycle Parking [as per section 5.7 of</p>	<p>a) Locational Requirements: i) Long-term Bicycle Parking</p>	<p>Five (5) short-term bicycle parking spaces are indicated</p>	<p>Conforms</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
Hamilton Zoning By-law 05-200]	Space shall be located in a secure enclosed bicycle parking area. ii) Short-term Bicycle Parking Space shall be located within a bicycle parking area at grade	at grade. Long-term bicycle parking has not been indicated.	
	c) In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed-Use Zones <u>short-term bicycle parking</u> shall be provided in each and every building in the minimum quantity specified in accordance with the following requirements: <u>Multiple dwelling requirement:</u> 5 short-term bicycle parking spaces NOTE: Notwithstanding Section c) above, for any Office, Personal Services, Restaurant, or Retail use less than 450.0 square metres no short-term bicycle parking space(s) shall be required.	Six (6) short-term bicycle parking spaces are indicated at grade.	Conforms
	e) Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor Zones <u>long-term bicycle parking</u> shall be provided in the minimum quantity specified in accordance with the following requirements: NOTE: No long-term bicycle parking is required for properties located in the "C5" Zone.	Long-term bicycle parking spaces have not been indicated.	N/A
Section 5: Parking Regulations (as per By-law No. 24-052 not yet final and binding)			
Parking on the Same Lot <i>Section 5.1.1(d)</i>	All required parking spaces shall be located on the same lot as the use for which they are required, unless the parking spaces are provided on another lot in compliance with Section 5.6.1.	Parking facilities are provided on the same lot as the use.	Conforms
Minimum parking space size <i>Section 5.2.1(a)</i>	Unless permitted by another regulation in this By-law, parking space sizes shall be	Eighteen (18) standard parking spaces ("P10" –	Conforms

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	a minimum of 2.8 metres in width and 5.8 metres in length	"P27") are indicated as a minimum of 2.8 metres in width and 5.8 metres in length.	
Required Increase in Width due to Obstruction <i>Section 5.2.1(b)</i>	Where a wall, column, or any other obstruction is located abutting or within any parking space, the minimum width of a parking space shall be increased by 0.3 metres for each side which is obstructed by a wall, column, or other obstruction;	Parking spaces do not appear to be obstructed.	N/A
Exceptions to Increase in Width due to Obstruction <i>Section 5.2.1(c)</i>	Notwithstanding Subsection 5.2.1 b), an additional 0.3 metres shall not be required provided all of the following conditions are met: i) the maximum length of the wall, column or other obstruction shall not exceed 1.15 metres, measured along the side of the parking space, from the front or rear of the space towards the side's midpoint; ii) the wall, column or other obstruction is located at the front, rear, or both ends of the parking space; and, iii) the wall, column or other obstruction does not project more than 0.15 metres into the width of the parking space	Parking spaces do not appear to be obstructed. Applicant to note instances where a parking space may not be considered obstructed.	N/A
Increase in Length Due to Stairs within an Attached Garage <i>Section 5.2.1(d)</i>	The length of each parking space in an attached garage of a dwelling unit shall be increased by an equivalent length of the step, steps or stairwell that extends into the parking space, except i) an open stairway may project into the length of the required parking space not more than 0.75 metres provided the height of the stairway does not exceed 0.5 metres.	N/A	N/A
Light Standards Not Considered Obstructions	Notwithstanding Section 5.2.1 b), light standards, including the base, located at	Light standards have not been indicated.	N/A

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<i>Section 5.2.1(e)</i>	the intersection of four parking spaces shall not be considered as an obstruction.		
Optional Reduction in Minimum Dimensions for Small Car Parking <i>Section 5.2.1(f)</i>	<p>Notwithstanding Subsection 5.2.1 a), where 10 or more parking spaces are provided on a lot, the minimum parking space size of not more than 10% of such <u>required parking spaces</u> may be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.</p> <p>NOTE: Five (5) visitor parking spaces required. Therefore, a maximum of 0.5 (0) parking spaces are permitted to be provided for small car parking.</p>	<p>Five (5) parking spaces ("P1 – "P3" and "P4" and "P5") are indicated as a minimum of 2.6 metres in width and 5.5 metres in length.</p> <p>One (1) parking space ("P28") is indicated as a minimum of 2.5 metres in width. Length has not been indicated.</p> <p>It appears six (6) parking spaces are provided for small car parking.</p>	<p>Non-conforming</p> <p>5 parking space</p>
Minimum Parallel Parking Space Dimensions <i>Section 5.2.1(g)</i>	Notwithstanding Subsection 5.2.1 a), each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres, except that end spaces which have a clear, unobstructed approach, may have a minimum length of 5.5 metres.	Two (2) parallel parking spaces have been indicated with a minimum width of 2.45 metres and a minimum length of 6.70 metres.	Conforms
Minimum Accessible Parking Space Width and Accessibility Aisle Requirement <i>Section 5.2.2(a)</i>	<p>Each accessible parking space shall have:</p> <p>i) a minimum width of 3.4 metres, notwithstanding Section 5.2.1 a) above and subject to Section 5.2.2 b) below;</p> <p>ii) a minimum length of 5.8 metres; and,</p> <p>iii) a minimum of one side must continuously abut an accessibility aisle, provided in accordance with Section 5.2.2 c) and d) below.</p>	<p>i) and ii) Two (2) accessible parking spaces are indicated, one with a minimum width of 3.40 metres and one with a minimum width of 2.40 metres, and both with a minimum length of 5.80 metres.</p> <p>iii) One side of the accessible parking space abuts an accessibility aisle.</p>	Conforms
Permitted Reduction in Width for Accessible Parking Spaces <i>Section 5.2.2(b)</i>	Where two or more accessible parking spaces are provided, a maximum of 50% of such spaces, rounded up to the nearest whole number in the case of	Two (2) accessible parking spaces are indicated, one with a minimum width of 3.40 metres and one with a minimum width	Conforms

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	a numeric fraction, may have a reduced minimum width of 2.4 metres.	of 2.40 metres, and both with a minimum length of 5.80 metres	
Accessibility Aisle Requirements <i>Section 5.2.2.(c)</i>	A minimum of one side of each accessible parking space shall continuously abut an unobstructed accessibility aisle which shall: i) have a minimum width of 1.5 metres; ii) have a minimum length which extends the full length of each abutting accessible parking space; and, iii) be clearly identified and marked	One side of each accessible parking space abuts an accessibility aisle, which extends the full length of the abutting accessible parking space and is indicated as having a minimum width of 1.50 metres.	Conforms
Sharing of Accessibility Aisle <i>Section 5.2.2.(d)</i>	A maximum of two accessible parking spaces may abut one accessibility aisle, provided such spaces continuously abut opposite sides of the shared accessibility aisle.	A maximum of two accessible parking spaces abut one accessibility aisle, with such spaces continuously abutting opposite sides of the shared accessibility aisle	Conforms
Drive Aisle Requirements <i>Section 5.2.3(a)</i>	The drive aisle abutting any parking space shall be designed and provided in accordance with the following minimum width requirements: <u>Parking Angle Degree/One-Way and Two-Way Aisle Width</u> 0° / 3.7m 15° / 3.7m 30° / 3.7m 45° / 4.5m 60° / 5.5m 75° / 6.0m 90° / 6.0m	A minimum aisle width of 6.0 metres has been indicated through most of the parking lot; however, the minimum width between parking spaces "P7" and "P3" shall be indicated to confirm compliance	Unable to Determine Compliance Compliant
Access Requirements <i>Section 5.2.4(a)</i> Access to all parking shall:	i) be arranged so as to not interfere with normal public use of the street or laneway; ii) be provided by means of an access driveway: 1. located on the lot; or, 2. located partly on the lot in the case of a mutual driveway; or,	The required parking is provided with adequate means of ingress and egress to and from the street or laneway and is arranged so as not to interfere with normal public use of the street or laneway.	Conforms

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	<p>3. by means of a Right-of-Way; and,</p> <p>iii) in the case of a Parking Lot, provide ingress and egress of vehicles to and from a street in a forward motion only</p>	<p>The parking area is accessed by means of an access driveway located on the lot.</p> <p>Ingress and egress of vehicles to and from the street is in a forward motion.</p>	
<p>Minimum Access Driveway Width <i>Section 5.2.4(b)</i></p>	<p>The width of any driveway providing access to a parking space shall be a minimum of 2.7 metres.</p>	<p>The width of the driveway has not been indicated, but appears to be a minimum of 2.7 metres. Applicant to indicate width on further submissions.</p>	<p>Appears to Comply</p>
<p>Tandem and Stacked Parking Restriction and Exceptions <i>Section 5.2.4(c)</i></p>	<p>All parking spaces shall have adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle, except:</p> <p>i) the accessibility to a maximum of one of the parking spaces for a Single Detached Dwelling may be obstructed by another motor vehicle; and,</p> <p>ii) where a parking attendant is on site or a valet service is provided in association with a Commercial Parking Facility or Hotel, parking spaces may be designed to include the use of tandem or stacked parking.</p>	<p>Parking spaces are shown to have adequate means of ingress and egress to and from the street without the necessity of moving any other vehicle.</p>	<p>Conforms</p>
<p>Minimum Floor Level for an Attached Garage <i>Section 5.2.4(d)</i></p>	<p>Where an attached garage is provided for a Single Detached Dwelling Semi-Detached Dwelling, Duplex Dwelling, Street Townhouse Dwelling, Triplex Dwelling or Fourplex Dwelling in any Zone except the Agriculture (A1) and Rural (A2) Zone, the finished floor level of the garage shall be a minimum of 0.3 metres above grade.</p>	<p>N/A</p>	<p>N/A</p>
<p>Streetline Setback and Planting Strip Requirement <i>Section 5.3.1(a)</i></p>	<p>Unless identified as exempt in Section 5.3.1 b), parking spaces and associated drive aisles, excluding driveways extending directly from the street, shall be subject to all of the following:</p>	<p>i) Parking spaces are indicated to be within 1.09 metres of the Hughson Street South streetline and within 1.51 metres</p>	<p>Non-conforming</p> <p>1.58m</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	<p>i) Shall not be located within 3.0 metres of a street line;</p> <p>ii) Shall provide a 3.0 metre wide Planting Strip being required and permanently maintained between the street line and the parking spaces or aisle, except for that portion of a lot line;</p> <p>1. Notwithstanding 5.3.1 a) iii), no Planting Strip shall be required for any portion of a lot line abutting the Red Hill Valley Parkway or the Lincoln Alexander Parkway; and,</p> <p>iii) Where a Planting Strip is provided, as per 5.3.1 a) ii) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.</p>	<p>of the Forest Avenue streetline</p> <p>ii) A 3.0 metre planting strip has not been indicated between the parking lot and the Forest Avenue and Hughson Street South streetlines.</p> <p>iii) An architectural wall or feature has not been indicated within the planting strip.</p>	
<p>Multiple Dwelling Front and Flankage Yard Parking Restriction <i>Section 5.3.1(c)</i></p>	<p>In addition to Section 5.3.1 a), on a lot containing a Multiple Dwelling:</p> <p>i) With the exception of any visitor parking required by Section 5.7.1, required parking for Multiple Dwellings shall not be located between the façade and the front lot line or between the façade and flankage lot line. In no case shall any parking be located within the required front yard or required flankage yard or within 3.0 metres of a street line.</p> <p>ii) Visitor parking may be permitted between the façade and a street provided that no more than 50% of the front or flankage yard shall be used for visitor parking and access to such parking.</p> <p>NOTE: Five (5) visitor parking spaces required</p>	<p>i) Parking is shown to be located between the façade and the front/flankage lot lines.</p> <p>Parking spaces are indicated to be within 1.09 metres of the Hughson Street South streetline and within 1.51 metres of the Forest Avenue streetline.</p> <p>ii) In addition to the five (5) required visitor parking spaces (“P1” – “P3” and “P4” and “P5”), two (2) barrier free parking spaces are indicated between the facade and Hughson Street South.</p> <p>One (1) standard parking space is indicated (“P28”) is indicated between</p>	<p>Non-conforming</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
		the façade and Forest Avenue.	
<p>Landscape Strip and Visual Barrier Requirement for Parking Lots <i>Section 5.3.1(d)</i></p> <p>Parking Lot: Shall mean an area located on a lot which contains five or more parking spaces</p>	<p>Where a Parking Lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5), or Downtown (D6) Zone, the following shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) Zone, or Downtown (D6) Zone:</p> <p>i) A minimum 1.5 metre wide landscape strip which shall contain a Visual Barrier in accordance with Section 4.19 of this By-law.</p>	<p>The subject property does not abut said zones.</p>	<p>N/A</p>
<p>Landscape Area and Landscaped Parking Island Requirements for Surface Parking Lots Containing 50 or More Parking Spaces in All Zones <i>Section 5.3.1(e)</i></p>	<p>In addition to Section 5.3.1 b), the following requirements shall apply to surface Parking Lots in all zones which contain 50 or more parking spaces:</p> <p>i) Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the Parking Lot and associated access driveway and manoeuvring areas shall be provided and maintained;</p> <p>ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres;</p> <p>iii) The calculation for Landscaped Area(s) and Landscaped Parking Island(s) shall not include the area of landscaping provided to satisfy the minimum requirement of any other Section of this By-law;</p> <p>iv) A Landscaped Area or Landscaped Parking Island may be traversed by a pedestrian walkway; and,</p> <p>v) When calculating the minimum number of parking</p>	<p>Twenty-eight (28) parking spaces are indicated.</p>	<p>N/A</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	spaces in accordance with Section 5.7.1, such number may be reduced by the number needed to accommodate the minimum Landscaped Parking Island requirement of this section, up to a maximum of 10% of the required parking spaces.		
Parking Spaces, Driveways and Widening in All Zones <i>Section 5.3.4(a)</i>	<p>(a) Parking spaces, driveways and widening(s) in all zones shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone, permeable pavers or gravel, and shall be maintained in a dust free condition.</p> <p>i) Notwithstanding Section 5.3.4 a), on a lot containing a residential use in a Residential Zone, any parking provided beyond that which is required by Section 5.7.1 of this By-law shall be maintained with permeable material and shall not be deemed landscaped area in the calculation of total landscaped area on a lot.</p>	<p>(a) The surface level parking lot appears to be asphalt. Applicant to indicate material of parking lot on future submissions.</p> <p>(i) The subject lot is not located in a Residential Zone.</p>	<p>(a) Conforms</p> <p>(i) N/A</p>
Parking Lots in all zones, except the Rural Zones <i>Section 5.3.4(b)</i>	<p>Parking Lots in all zones, except the Rural Zones, shall be designed and maintained with stable surfaces such as asphalt, concrete, or other hard surfaced material, or permeable pavers.</p>	<p>The surface level parking lot appears to be asphalt. Applicant to indicate material of parking lot on future submissions.</p>	<p>Conforms</p>
Bicycle Parking Locational Requirements <i>Section 5.4.2(a)</i>	<p>i) Short-term Bicycle Parking Spaces shall be publicly accessible and located within a bicycle parking area at grade, which includes the first floor of a building or an exterior surface area</p> <p>ii) Long-term Bicycle Parking Spaces shall be located in a secure enclosed bicycle parking area.</p>	<p>Six (6) short-term bicycle parking spaces are indicated at grade.</p> <p>Long-term bicycle parking spaces have not been indicated.</p>	<p>Conforms</p>
Visitor Parking Space Requirements <i>Section 5.6.6</i>	<p>a) A required visitor parking space provided on a lot shall be clearly identified and marked as being reserved for such purpose.</p>	<p>Visitor parking spaces have been clearly identified.</p>	<p>Conforms</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<p>Electric Vehicle Parking Space Regulations <i>Section 5.6.7</i></p>	<p>(a) Permission for Chargers to Encroach Within Required Landscaping Features and Planting Strips:</p> <p>Notwithstanding any other Section of this By-law, except Section 5.6.7 b) below, a charging device associated with an Electric Vehicle Parking Space, including any such space required by Section 5.1.4, may be located within any of the following required features and will not constitute a reduction of that feature's provision:</p> <ul style="list-style-type: none"> i) Planting Strip; ii) Landscape Strip; iii) Landscaped Area; and, iv) Landscaped Parking Island 	<p>Charging devices have not been indicated.</p>	<p>N/A</p>
	<p>(b) Restrictions for Chargers Encroaching Within Required Landscaping Features and Planting Strips:</p> <p>Despite Section 5.6.7 a) above, the permission to encroach within the noted features shall not apply to any of the following:</p> <ul style="list-style-type: none"> i) A transformer or mechanical enclosure other than a charging device; or, ii) A charging device with a hard-surfaced base exceeding an area of 1.0 square metres. 	<p>Charging devices have not been indicated.</p>	<p>N/A</p>
	<p>c) Permission for Chargers to Encroach Within any Required Yard</p> <p>Notwithstanding any other Section of this By-law, a charging device associated with an Electric Vehicle Parking Space may be located within any required yard, except that any such charging device may not be located:</p> <ul style="list-style-type: none"> i) less than 0.6 metres from any lot line; or, 	<p>Charging devices have not been indicated.</p>	<p>N/A</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	ii) within a visibility triangle.		
<p>Minimum Number of Required Parking Spaces <i>Section 5.7.1(a)(i)</i></p> <p>NOTE: The subject lot is identified on Schedule "A" to Appendix "D" as a Parking Rate Area 1</p> <p>NOTE: Where the application of the parking standards in Section 5.7.1, 5.7.2, 5.7.4, and 5.7.5 results in a numeric fraction, <u>fractions shall be rounded down to the nearest whole number</u></p>	<p>Multiple Dwelling, where the total number of such units is 5 or greater.</p> <p>a) In PRA 1, no parking spaces are required for residents, and 2 visitor parking spaces, plus 0.05 visitor parking spaces are required per unit.</p> <p><u>CALCULATION:</u></p> <p>2 + 0.05 x 70 units = 2 + 3.5 (3) = 5 visitor parking spaces required</p> <p>b) In PRA 2, 0.5 spaces per unit for residents, plus 0.15 visitor parking spaces per unit.</p> <p>c) In PRA 3, 0.85 spaces per unit for residents, plus 0.25 visitor parking spaces per unit.</p> <p>d) In all other areas, 1 space per unit for residents, plus 0.3 visitor parking spaces per unit.</p>	<p>Twenty-eight (28) parking spaces have been indicated, five (5) of which have been indicated to be provided for visitor parking.</p>	<p>Conforms</p>
<p>Maximum Permitted Parking Rate Schedule <i>Section 5.7.2</i></p> <p>NOTE: The subject lot is identified on Schedule "A" to Appendix "D" as a Parking Rate Area 1</p> <p>NOTE: Where the application of the parking standards in Section 5.7.1, 5.7.2, 5.7.4, and 5.7.5 results in a numeric fraction, <u>fractions shall be rounded down to the nearest whole number</u></p>	<p>Multiple Dwelling:</p> <p>a) In PRA 1, 1 space per unit, inclusive of resident and visitor parking spaces.</p> <p><u>CALCULATION:</u></p> <p>70 units x 1 = 70</p> <p>THEREFORE: A maximum of seventy (70) parking spaces are permitted.</p> <p>b) In PRA 2, 1.25 spaces per unit, inclusive of resident and visitor parking spaces.</p> <p>c) In PRA 3, 2 spaces per unit, inclusive of resident and visitor parking spaces.</p>	<p>Twenty-eight (28) parking spaces have been indicated.</p>	<p>Conforms</p>
<p>Minimum Accessible Parking Rate Schedule</p>	<p>On a lot containing 5 or more parking spaces, a minimum</p>	<p>Two (2) accessible parking spaces are</p>	<p>Conforms</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<p><i>Section 5.7.3(b)</i></p> <p>NOTE: The minimum number of accessible parking spaces which must be provided shall be the greater minimum number resulting from the calculations in Sections 5.7.3 b) and 5.7.3 c) below, with numeric fractions rounded up.</p> <p>NOTE: Where the application of the minimum accessible parking standards in Section 5.7.3 results in a numeric fraction, fractions shall be rounded up to the nearest whole number.</p>	<p>number of the parking spaces provided shall meet the requirements of the Minimum Accessible Parking Rate Schedule below:</p> <p>5-100 spaces: Minimum 4% of the total number of parking spaces provided;</p> <p><u>CALCULATION:</u></p> <p>NOTE: 28 parking spaces indicated to be provided</p> <p>4% of 28 (1.12) rounded up to 2</p> <p>THEREFORE: A minimum of two (2) accessible parking spaces are required to be provided</p> <p>101-200 spaces: Minimum 1 space + 3% of the total number of parking spaces provided;</p> <p>201-1000 spaces: Minimum 2 spaces + 2% of the total number of parking spaces provided; and,</p> <p>1000 or more spaces: Minimum 11 + 1% of the total number of required parking spaces.</p>	<p>indicated.</p>	
<p>Minimum Accessible Parking Rate Schedule <i>Section 5.7.3(c)</i></p>	<p>Parking Requirement Excluding PRA and existing GFA:</p> <p>d) In all other areas, 1 space per unit for residents, plus 0.3 visitor parking spaces per unit.</p> <p><u>CALCULATION:</u></p> <p>1 x 10 = 10 resident parking spaces 0.3 x 10 = 3 visitor parking spaces</p> <p>TOTAL = 13 parking spaces required for proposed dwelling units.</p> <p>Accessible Parking Space Requirement:</p>	<p>Two (2) accessible parking spaces are indicated.</p>	<p>Conforms</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	<p>5-100 spaces: Minimum 4% of the total number of parking spaces provided.</p> <p><u>THEREFORE:</u></p> <p>4% of 13 = 0.52 round up to 1</p> <p>One (1) accessible parking space is required to be provided.</p>		
<p>Minimum Electric Vehicle Parking Rate Schedule <i>Section 5.7.4(a)</i></p> <p><i>Of the parking spaces provided on a lot, a minimum percentage shall be provided as Electric Vehicle Parking Spaces, as specified in Column 2 hereunder for each associated use listed in Column 1, and any such Electric Vehicle Parking Spaces shall be subject to Section 5.6.7:</i></p> <p><i>Notwithstanding Section 5.7.4, for any use within any Zone, located in all or part of a building existing on the effective date of this By-law, no Electric Vehicle Parking Spaces are required, except that:</i></p> <p><i><u>i) where an addition or expansion of an existing building is proposed, the Electric Vehicle Parking requirements of Section 5.7.4 shall only apply to such addition or expansion</u></i></p> <p>NOTE: Where the application of the parking standards in Section 5.7.1, 5.7.2, 5.7.4, and 5.7.5 results in a numeric fraction, <u>fractions shall be rounded down to the nearest whole number</u></p>	<p>Multiple Dwelling: 100% of all parking spaces, <u>excluding any visitor parking space.</u></p> <p>Multiple Dwelling Parking Requirement:</p> <p>a) In PRA 1, no parking spaces are required for residents, and 2 visitor parking spaces, plus 0.05 visitor parking spaces are required per unit.</p> <p><u>CALCULATION:</u></p> <p>2 + 0.05 x 10 units = 2 + 0.5 (0) = 2 visitor parking spaces required.</p> <p>THEREFORE: As only visitor parking spaces are required for the 10 proposed dwelling units, no parking spaces are required to be provided for electric vehicle parking.</p>	<p>No parking spaces have been provided as Electric Vehicle Parking Spaces</p>	<p>Conforms</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<p>Minimum Bicycle Parking Rate Schedule <i>Section 5.7.5(a)</i></p> <p>NOTE: The subject lot is identified on Schedule "A" to Appendix "D" as a Parking Rate Area 1</p>	<p>Multiple Dwelling where the total number of units exceeds 4:</p> <p><u>Short-term Bicycle Parking:</u></p> <p>(a) In Parking Rate Area (PRA) 1 and PRA 2, 0.1 per unit.</p> <p>CALCULATON:</p> <p>70 x 0.1 = 7 short-term bicycle parking spaces are required to be provided.</p> <p>(b) In all other areas, 0.05 per unit.</p> <p><u>Long-term Bicycle Parking:</u></p> <p>(a) In Parking Rate Area (PRA) 1 and PRA 2, 0.7 per unit.</p> <p>CALCULATON:</p> <p>70 x 0.7 = 49 long-term bicycle parking spaces are required to be provided.</p> <p>(b) In all other areas, 0.5 per unit</p>	<p>Six (6) short-term bicycle parking spaces are indicated at grade.</p> <p>No long-term bicycle parking spaces have been indicated.</p>	<p>Non-conforming</p>

7. Construction of the proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.
8. All new signs proposed for this development must comply with the regulations contained within the Sign By-law 10-197.
9. All new fences proposed for this development must comply with the regulations contained within Fence By-law 10-142.
10. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

Yours truly

for the Manager of Building Engineering and Zoning



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)	2414677 Ontario Inc. c/o Lankin Investments julian Piro
Applicant(s)	Ken Bekendam
Agent or Solicitor	
	E-mail:

1.2 Primary contact Applicant Owner Agent/Solicitor

1.3 Sign should be sent to Applicant Owner AgentSolicitor

1.4 Request for digital copy of sign Yes* No

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

1.5 All correspondence may be sent by email Yes* No

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

1.6 Payment type In person Credit over phone* Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	160 Hughson St SHamilton, ON L8N 3V2		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		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:

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:

refer to attached - Zoning Compliance - 160 Hughson St. S. for further detail

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Refer to attached - Zoning Compliance 160 Hughson St. S. for further detail

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
52.43	42.83	2224.54 m2	n/a

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
See attached				

Proposed:

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

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
See attached				12 storeys

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
See attached				35m

- 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.):

Apartment Building

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

Apartment Building

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

unknown

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

Apartment Building

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

Apartment Building

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

unknown

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) NEIGHBOURHOODS

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

7.6 What is the existing zoning of the subject land? C5

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

Yes

No

If yes, please provide the file number: _____

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

Yes

No

If yes, please provide the file number: _____

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 60

8.2 Number of Dwelling Units Proposed: 69

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
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