



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-24:198	SUBJECT PROPERTY:	167 Locke Street South, Hamilton
ZONE:	C5a (Mixed-Use Medium Density - Pedestrian Focus)	ZONING BY-LAW:	Zoning By-law Hamilton 05-200

APPLICANTS: Owner: 1219788 Ontario Inc.
Agent: A.J. Clarke & Associates, Liam Doherty RPP

The following variances are requested:

1. That a visual barrier along the lot line abutting a residential zone shall not be required whereas the by-law requires a 1.5 metres wide visual barrier.

PURPOSE & EFFECT: So as to facilitate concurrent consent application B-24:53 to create three separate lots with an easement for access purposes.

Notes: N/A

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, October 8, 2024
TIME:	1:30 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:

A-24:198

- 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 October 4, 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 October 7, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:198, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



 Subject Lands

DATED: September 19, 2024

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



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Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

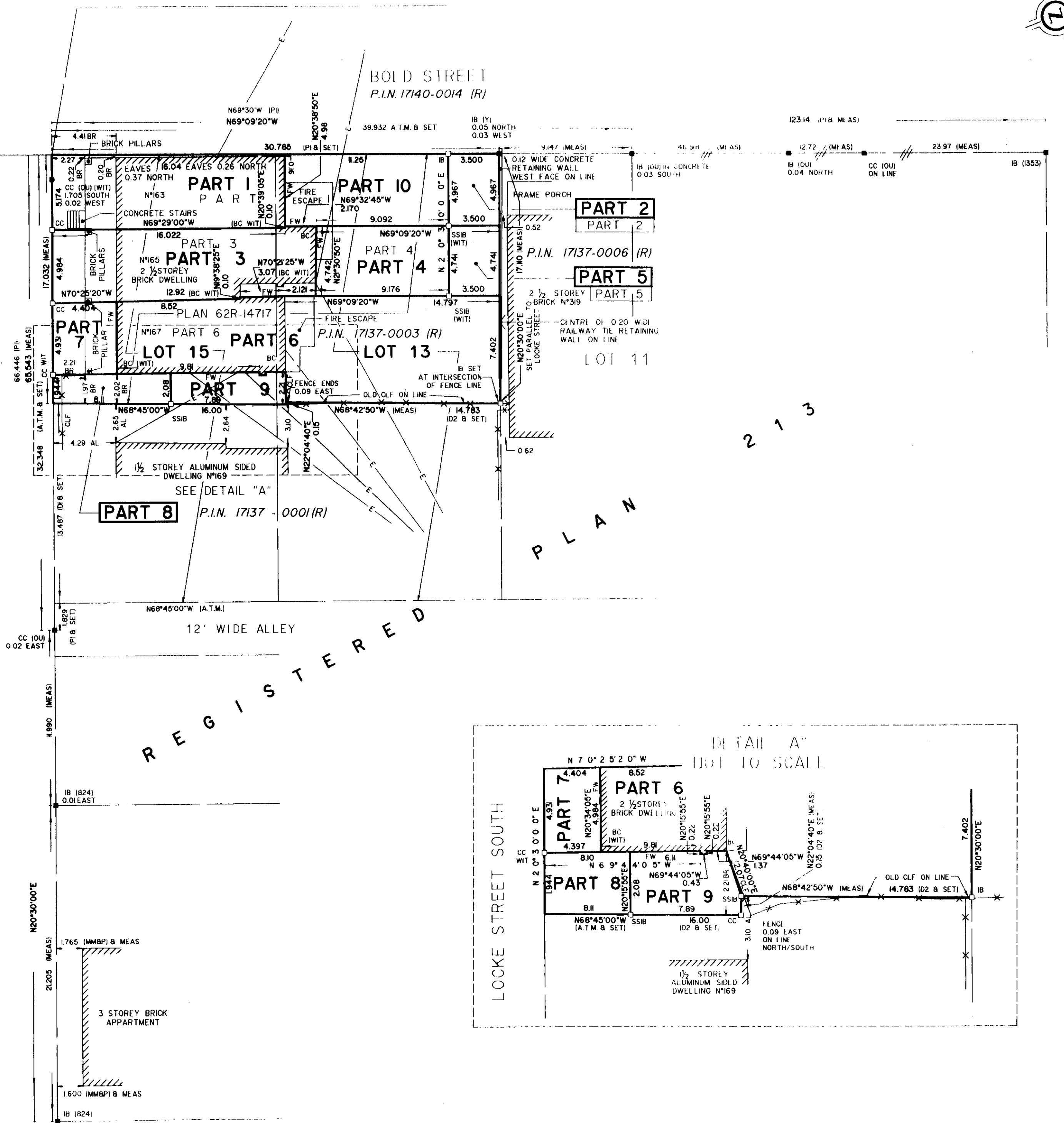
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than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

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

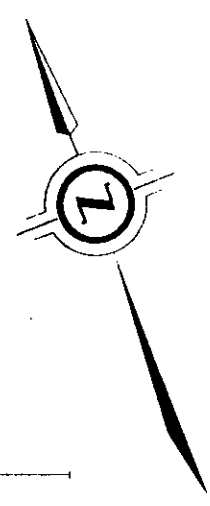
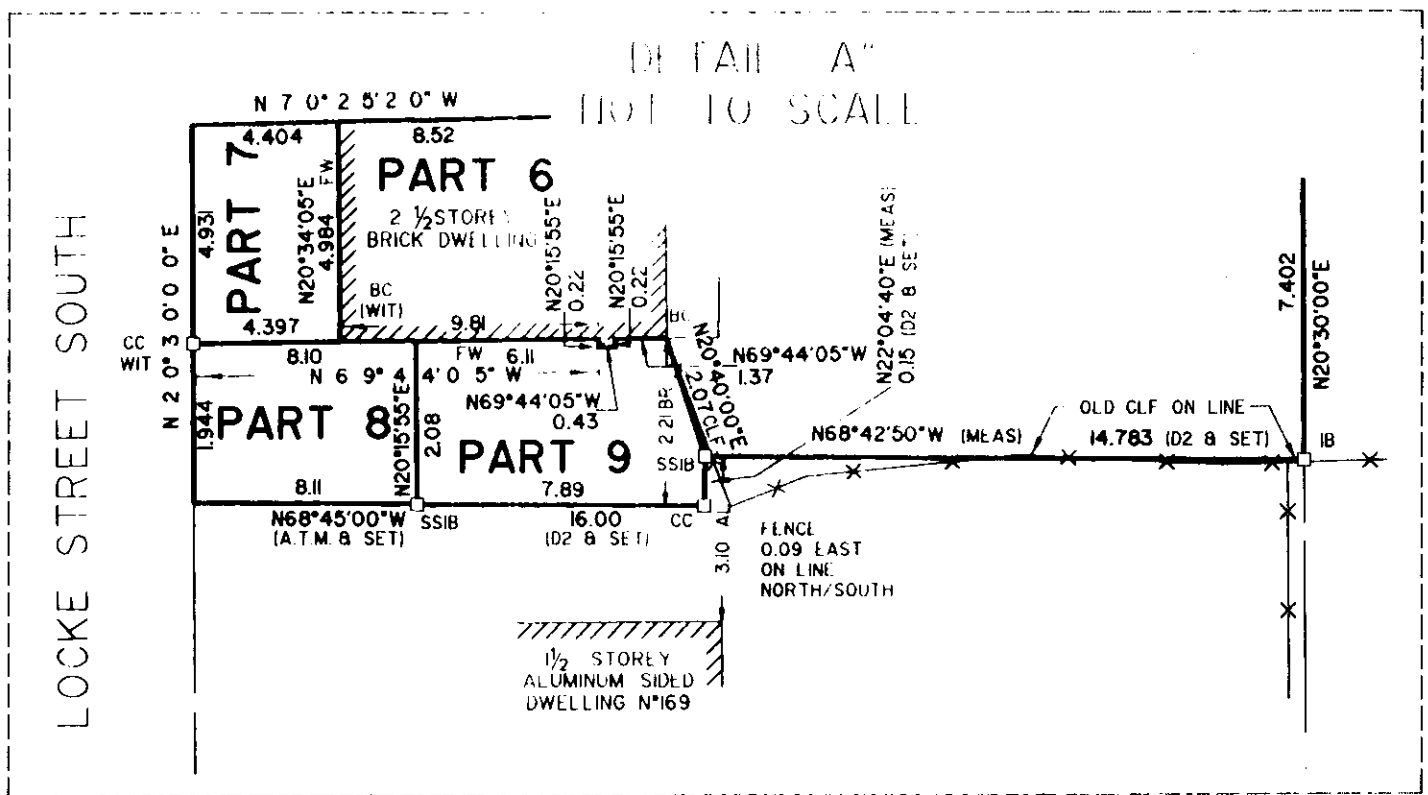
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

LOCKE STREET SOUTH
P.I.N. 17140-0242 (R)

LOCKE STREET SOUTH
P.I.N. 17137-0193 (R)



REGISTERED



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

DATE NOVEMBER 12, 1998

S.J. Balaban
S.J. BALABAN
ONTARIO LAND SURVEYOR

PLAN 62R-14799

RECEIVED AND DEPOSITED

DATE 1998 11 12

E. Cannon ADL
LAND REGISTRAR FOR THE
REGISTRY DIVISION OF
WENTWORTH (No 62)

SCHEDULE			
PART	LOCATION	P.I.N.	AREA m ²
1	PART OF LOTS 13 & 15, REGISTERED PLAN 213	ALL OF 17137-0003 (R)	82.19
2	PART OF LOT 13, REGISTERED PLAN 213		17.38
3	PART OF LOTS 13 & 15, REGISTERED PLAN 213		87.53
4	PART OF LOT 13, REGISTERED PLAN 213		43.31
5	PART OF LOT 13, REGISTERED PLAN 213		16.59
6	PART OF LOTS 13 & 15, REGISTERED PLAN 213		167.60
7	PART OF LOT 15, REGISTERED PLAN 213		21.81
8	PART OF LOT 13, REGISTERED PLAN 213		16.31
9	PART OF LOTS 13 & 15, REGISTERED PLAN 213		16.89
10	PART OF LOT 13, REGISTERED PLAN 213		55.91

PLAN OF SURVEY OF
PART OF LOTS 13 AND 15
IN THE BLOCK BOUNDED BY PINE,
PEARL, BOLD AND LOCKE STREETS
REGISTERED PLAN 213
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1 : 200

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

- NOTES**
- BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EAST LIMIT OF LOCKE STREET SOUTH, HAVING OF BEARING OF N20°30'E AS SHOWN ON REGISTERED PLAN 213.
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - OU DENOTES ORIGIN UNKNOWN
 - IB DENOTES IRON BAR
 - WIT DENOTES WITNESS
 - MEAS DENOTES MEASURED
 - MMP DENOTES PLAN BY MACKAY AND MACKAY DATED JULY 27, 1945
 - CC DENOTES CUT CROSS
 - BC DENOTES BUILDING CORNER
 - WIT DENOTES WITNESS
 - P1 DENOTES REGISTERED PLAN 213
 - CLF DENOTES CHAIN LINK FENCE
 - BR DENOTES BRICK
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - 824 DENOTES A.T. McLAREN, O.L.S.
 - ATM DENOTES FIELD NOTES BY A.T. McLAREN, DATED OCTOBER 8, 1985
 - 1353 DENOTES G.E. GIDDY, O.L.S.
 - Y DENOTES YATES AND YATES LTD.
 - E DENOTES OVERHEAD WIRES
 - FW DENOTES FACE OF WALL
 - D1 DENOTES INSTRUMENT N° 171456
 - D2 DENOTES INSTRUMENT N° 32110AB
 - AL DENOTES ALUMINUM SIDED

THIS PLAN IS INTENDED TO SUPERCEDE PLAN 62R-14717.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 2nd DAY OF NOVEMBER, 1998.

DATE NOVEMBER 15, 1998

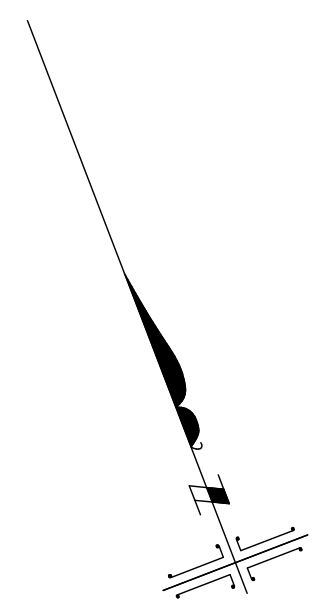
S.J. Balaban
S.J. BALABAN
ONTARIO LAND SURVEYOR

**SURVEYING MAPPING
LAND INFORMATION SERVICES**

J.D. BARNES
LIMITED

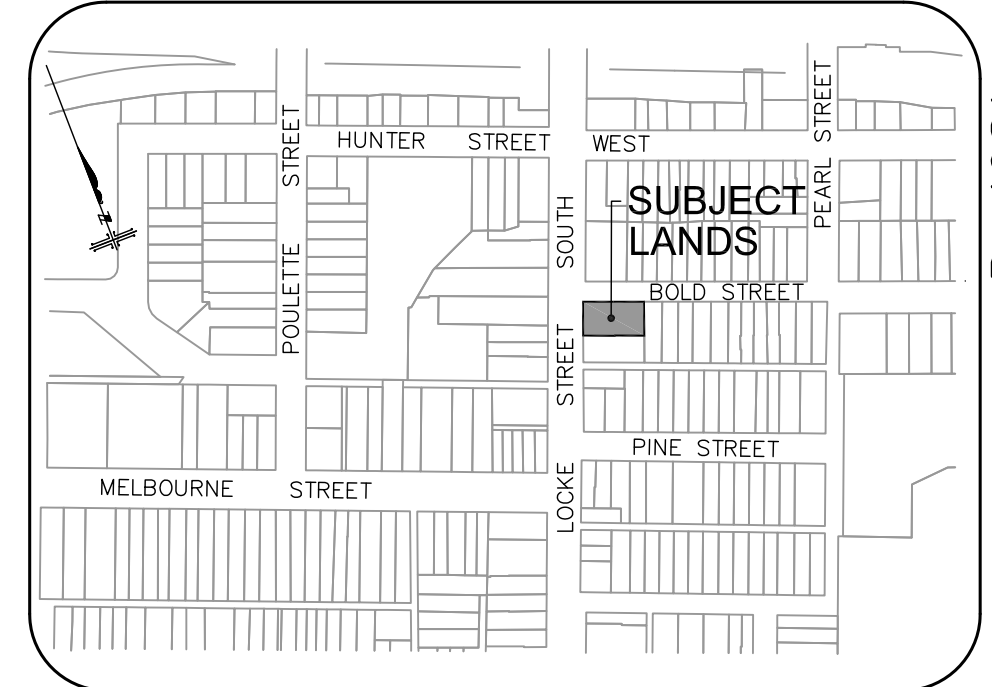
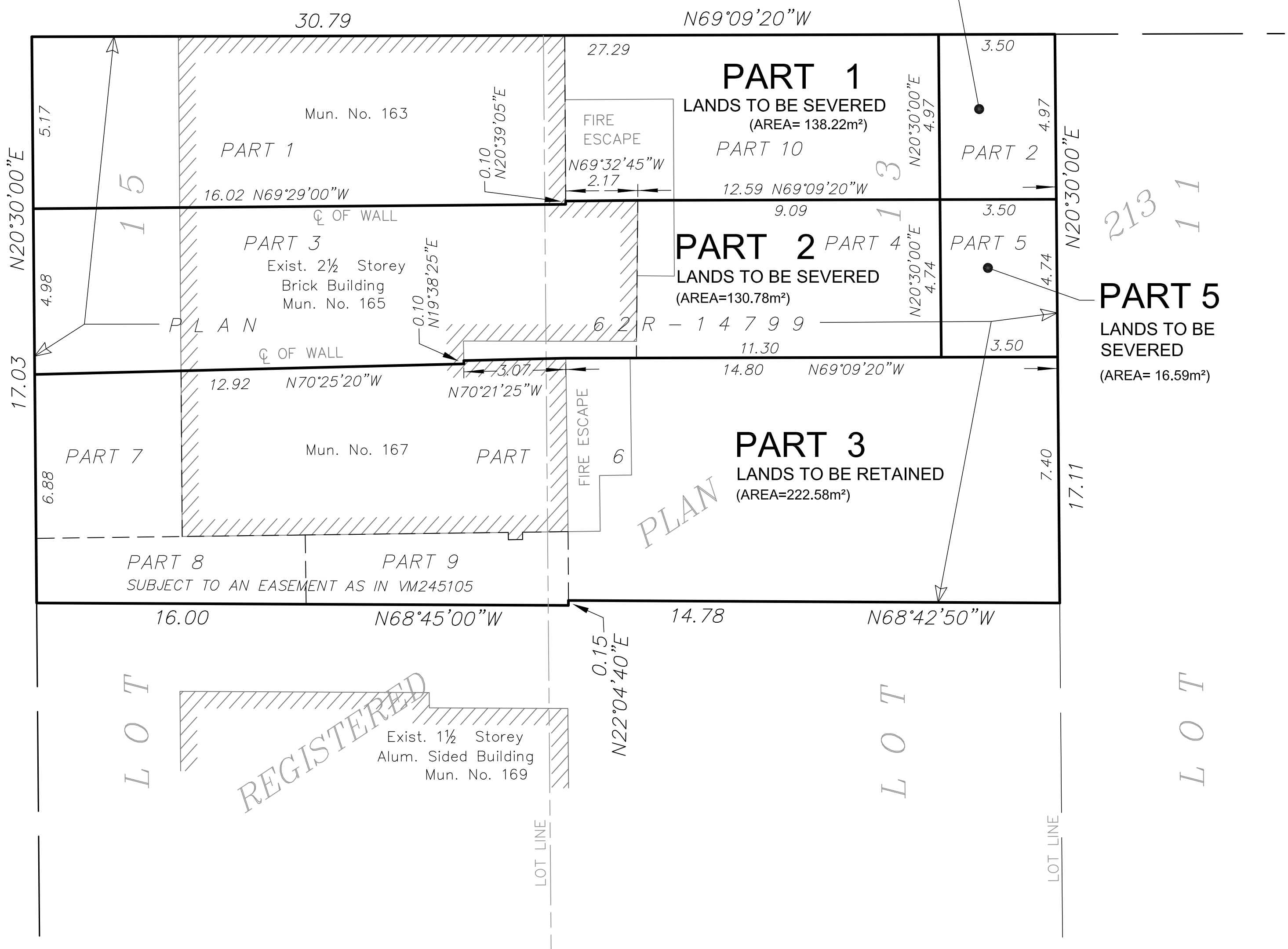
55 FRID STREET, UNIT 2A
HAMILTON, ONTARIO L8P 4M3
TEL. (905) 522-3511
FAX (905) 572-9115

DRAWN BY M. DICOSMO CHECKED BY: SJB REFERENCE NO.: 98-29-601-01



LOCKE STREET SOUTH

BOLD STREET



SKETCH FOR CONSENT TO SEVER
163, 165 & 167 LOCKE ST. SOUTH
HAMILTON

SCALE 1:200

THE ABOVE NOTED LANDS ARE PART OF LOT 13, SOUTH SIDE OF BOLD STREET AND PART OF LOT 15 SOUTH SIDE OF BOLD STREET & EAST SIDE OF LOCKE STREET, REGISTERED PLAN 213 CITY OF HAMILTON

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE:
THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE BASED ON PLANS ON FILE IN OUR OFFICE AND NOT ON AN ACTUAL FIELD SURVEY.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE (PARCEL CREATION):
PARTS 1 & 4 (LANDS TO BE SEVERED) AREA = 155.61m²
PARTS 2 & 5 (LANDS TO BE SEVERED) AREA = 147.37m²
PART 3 (LANDS TO BE RETAINED) AREA = 222.58m²

CONSENT SCHEDULE (EASEMENT CREATION):
PARTS 4 & 5 ACCESS EASEMENT FOR RETAINED LANDS (PART 3)
PART 4 ACCESS EASEMENT FOR SEVERED LANDS (PARTS 2 & 5)

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

AUGUST 15, 2024
DATE

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

August 16, 2024

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 167 Locke Street South, Hamilton
Minor Variance Application and Consent to Sever Application Submissions**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by 1219788 ONTARIO INC. for the purposes of submitting applications to permit the division of their lands, municipally known as 167 Locke Street South, in the City of Hamilton. Enclosed are a Severance and Easement (Consent) Application and a Minor Variance application for the subject lands.

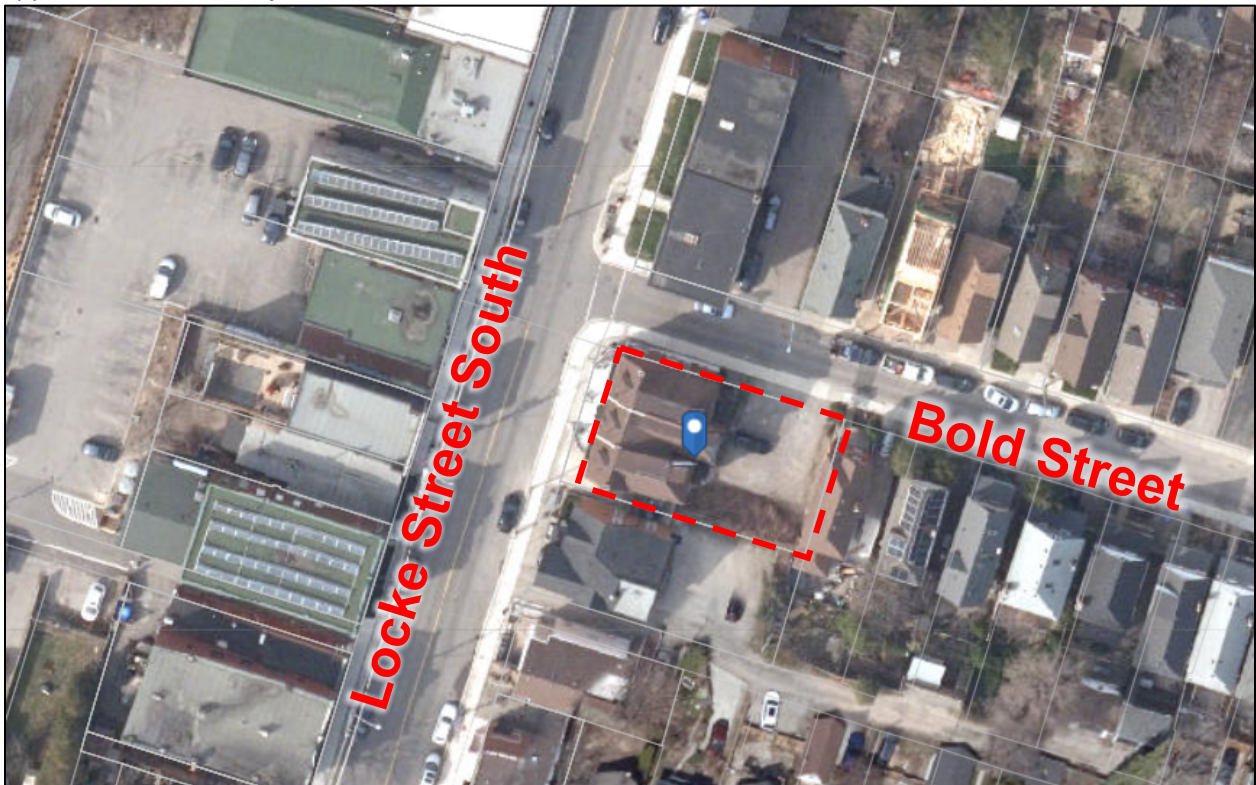


Figure 1: Aerial View of the Subject Lands

Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and executed Application for Consent (Severance) Application Form;
- One (1) electronic copy of the Severance Sketch;



- One (1) electronic copy of Reference Plan 62R-14799;
- One (1) electronic copy of Easement documentation for VM245105;
- One (1) electronic copy of Parcel Register 17137-0003; and
- One (1) electronic copy of the required filled and executed Minor Variance Application Form.

The application fees will be paid by the applicant via credit card.

The subject lands are located on the south-east corner of Locke Street South and Bold Street. The lands are occupied by three townhouse units facing Locke Street South with commercial-retail businesses. The units have vehicular parking at the rear, accessed from Bold Street.



Figure 2: Locke Street South Facade.

The owner wishes to divide the parcel into three individual parcels with the existing dividing walls of the townhouse form being the proposed lot lines. The below table details the various lot frontages, depths, and areas, following the proposed severances and easements.

	Lot 1 (severed) Parts 1 & 4	Lot 2 (severed) Parts 2 & 5	Lot 3 (Retained) Part 3	Easement 4 (severed) Part 4	Easement 5 (severed) Part 5
Lot Frontage	5.17m	4.98 m	6.88 m	Width 4.97 m	Width 4.74 m
Depth	30.79 m	30.79 m	30.79 m	3.50 m	3.50 m
Area	155.61 m ²	147.37m ²	222.58 m ²	17.39 m ²	16.59 m ²

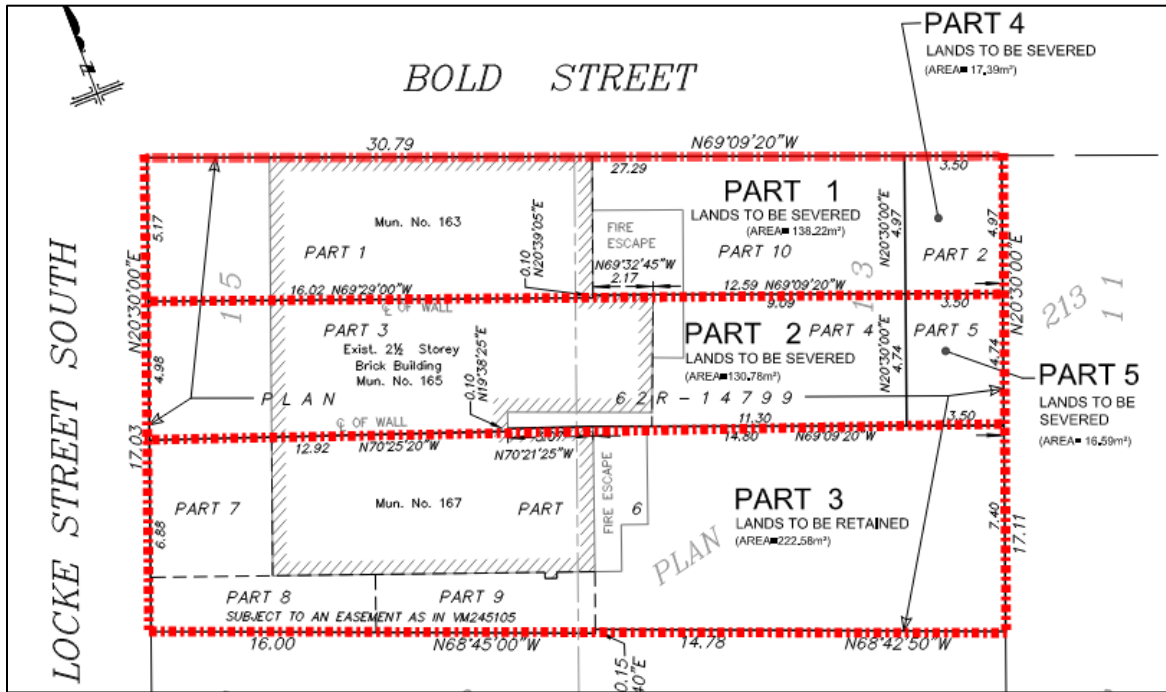


Figure 3: Proposed Parcels

The owner-applicant also wishes to establish access easements over the two severed parcels to maintain the current rear-yard vehicular access layout. A previous easement on the lands, VM245105, has expired per the provisions of the easement.

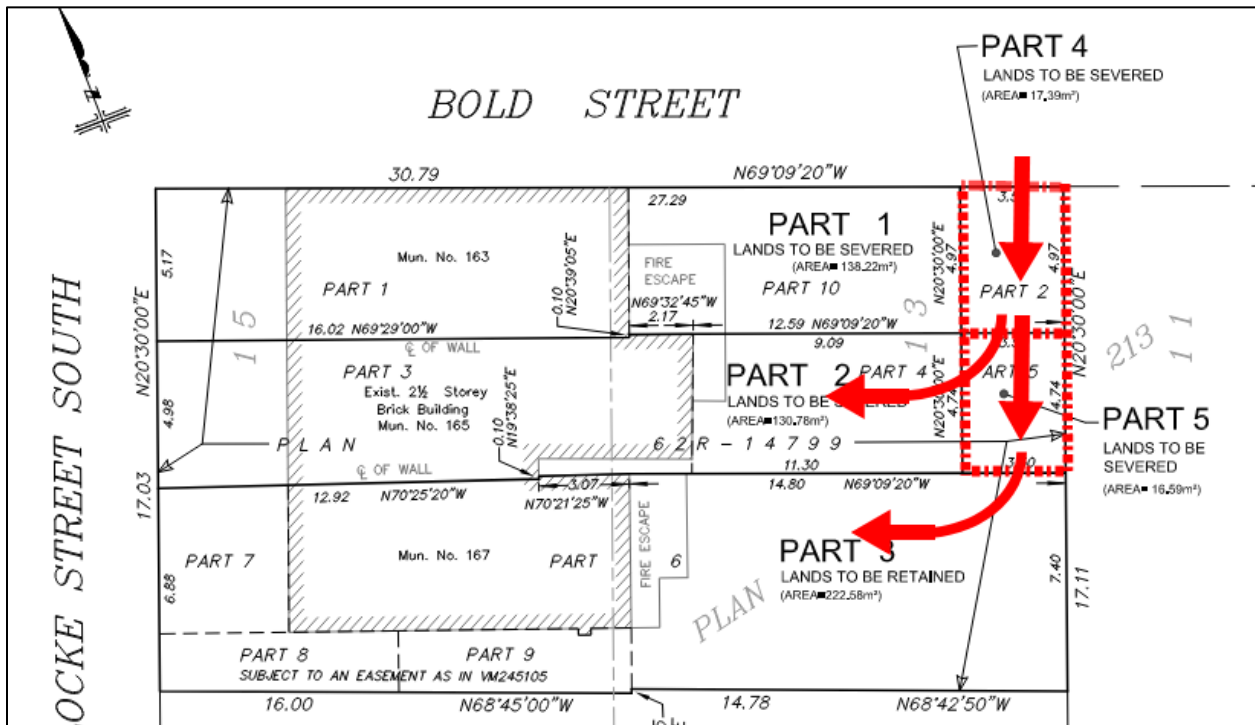


Figure 4: Proposed Access Easements



Minor Variance

The lands are designated Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in the City of Hamilton Zoning Bylaw 02-500, which requires “Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5-metre-wide Planting Strip shall be provided and maintained.”

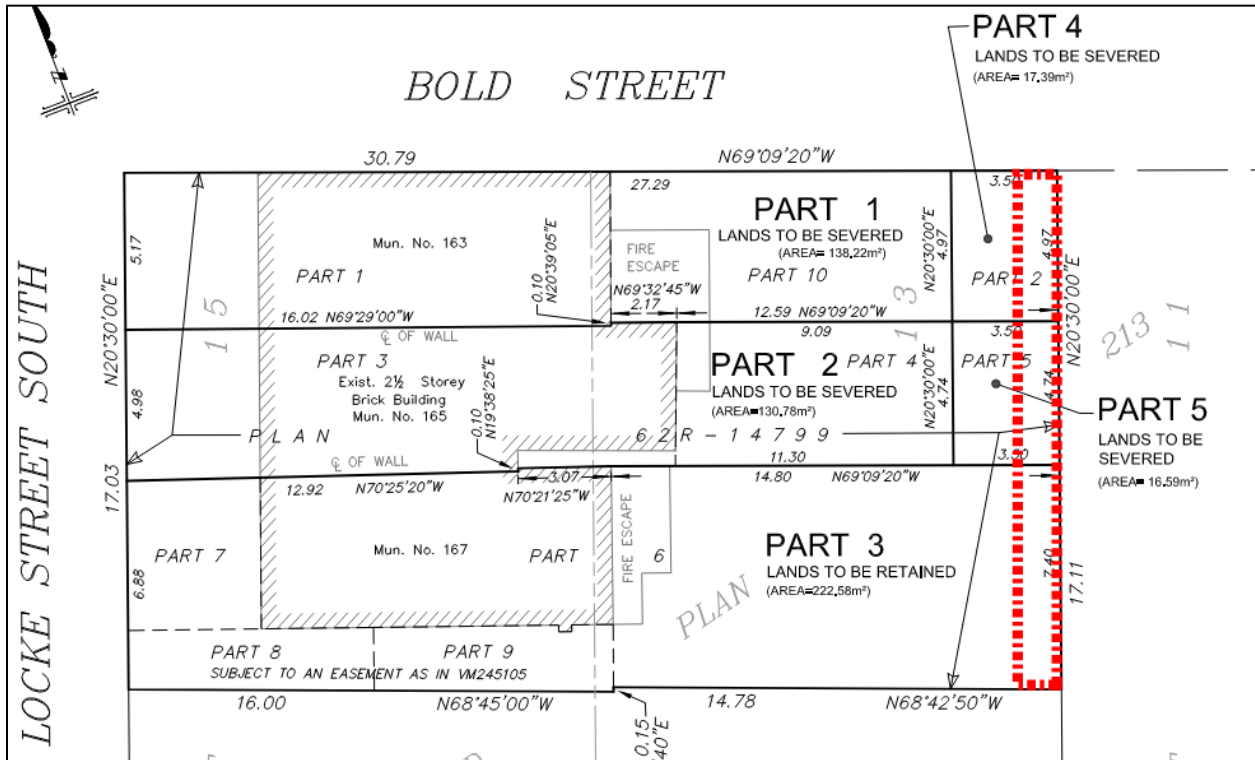


Figure 5: Location of Planting Strip Required by Section 10.5a.3 i) of Zoning By-law 05-200

A parking space is required to be 5.8 metres deep with an aisle width of 6.0 metres. The existing building has a rear yard of 12.6 metres. Dedicating 1.5 metres of the rear yard depth to a Planting Strip would eliminate the existing parking for the existing commercial land use.

Four Tests

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The development proposal seeks to change neither the existing land use nor the existing built form. A review of the tests for this context and professional opinion are outlined below:



1. Does the proposed variance maintain the intent and purpose of the Urban Hamilton Official Plan?

The subject site is designated “Neighbourhoods” on Schedule E Urban Structure and “Mixed-Use Medium Density” on Schedule E-1 Urban Land Use Designations in the Urban Hamilton Official Plan. Locke Street South is designated as a “Pedestrian Focus Street” by Table E.4.3.1.

E.4.3 Pedestrian Focus Streets

4.3.4 In addition to the policies of the specific Commercial and Mixed-Use designations, the following policies shall apply to pedestrian focus streets:

a) A minimum of 75% of the block face located between two roads shall be developed with buildings.

b) Buildings shall be built up to the streetline and parking, driveways or lanes shall not be permitted between the buildings and the street, except as set out in E.4.3.4 g).

c) Each building or store front shall face onto the pedestrian focus street with the main entrance of each building or store and substantial fenestration facing on to the street.

e) On-street parking shall be provided where feasible and appropriate.

f) A minimum height of two storeys shall be encouraged.

k) New buildings shall be encouraged to have awnings, canopies, arcades, or front porches to provide weather protection.

The required variances, and the development facilitated by them, maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Do the proposed variances maintain the intent and purpose of the Zoning By-law?

The subject lands are Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in the City of Hamilton Zoning Bylaw 02-500. “*The C5a Zone is typically located along pedestrian-oriented streets where permitted commercial and residential uses create an active and vibrant pedestrian realm. Built form consists of buildings with only commercial uses at-grade and residential, commercial and limited institutional uses on the upper floors to encourage a pedestrian and transit-supportive environment. The range of permitted commercial uses along with their built form, are intended to meet the needs of residents and visitors while creating an inviting pedestrian environment.*”

The intent and purpose of the by-law designation C5a is to regulate development as it relates to the Pedestrian Oriented Street, in this case being Locke Street South. The C5a zone permits a building height of 22.0 metres as-of-right. The intent and purpose of the minimum landscape strip provision is to provide some separation between the permitted high-density development form and abutting low-rise low-density housing. In this specific context, we have the rear yard of converted 2.5 storey townhomes



abutting the side yard of a 2.5 storey detached dwelling, both of which were built in the same era and with the same aesthetic. The minor variance application does not seek to remove the requirement for a visual barrier.

3. Are the proposed variances appropriate for the development of the subject lands?

The single proposed variance will allow the existing land use to continue unchanged. The required variances are appropriate and necessary for the proper development of the subject lands.

4. Are the proposed variances minor in nature?

The single required variance is minor in nature and will have no perceived negative impacts on the character of the neighbourhood. The variance will allow the lands and the land uses upon them to continue in the same manner.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

M. Liam Doherty, MCIP, RPP
Senior Planner
A. J. Clarke and Associates Ltd.



PROPERTY DESCRIPTION: PT LT 13 S/S BOLD ST PL 213; PT LT 15 S/S BOLD ST & E/S LOCKE ST PL 213 PT 1-10 62R14799, S/T VM245105; CITY OF HAMILTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:

RE-ENTRY FROM 17137-0203

PIN CREATION DATE:

2007/12/17

OWNERS' NAMES

1219788 ONTARIO INC.

CAPACITY SHARE

ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p>** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **</p> <p>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</p> <p>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHEATS OR FORFEITURE TO THE CROWN.</p> <p>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.</p> <p>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</p> <p>**DATE OF CONVERSION TO LAND TITLES: 2007/12/17 **</p>						
VM242158	1998/05/29	TRANSFER	\$184,200	IVANISKI, GEORGE HENRY	1219788 ONTARIO INC.	C
62R14717	1998/09/11	PLAN REFERENCE				C
62R14799	1998/11/12	PLAN REFERENCE				C
WE1478871	2020/12/21	CHARGE	\$600,000	1219788 ONTARIO INC.	BERTOZZI, JULIAN	C
WE1478872	2020/12/21	NO ASSGN RENT GEN		1219788 ONTARIO INC.	BERTOZZI, JULIAN	C
REMARKS: WE1478871.						

ADDITIONAL PARTIES

The Chargees herein named join herein to Consent to this Transfer.

Name(s)	Signature	Date of Signature
		Y M D

Per:

NATIONAL BANK OF CANADA

.....

WILLIAM FERGUSON
 Senior Manager, Credit

.....1999.05.13

I/We have authority
to bind the Corporation

BAIO, Pasquale

.....


1939 07 03

~~1999 05 24~~

BAIO, Maria

.....
 Maria Baio

~~1999 05 25~~

1942-10-10

SCHEDULE "A"

The Transferor hereby grants to the Transferee the free uninterrupted and unobstructed right and easement upon the following terms and conditions which are hereby mutually agreed upon:

1. The easement is for ingress and egress for persons and vehicles over and upon the land described in Box 5 of the attached Transfer/Deed of Land and hereinafter referred to as the said lands.
2. The Transferor agrees to and the Transferee shall have the right to keep the said lands clear of all obstructions so as to permit the exercise and enjoyment of the rights and easement granted as aforesaid.
3. The servants, agents, contractors and workmen and other persons duly authorized by the Transferee shall have the right at all reasonable times and from time to time to pass and repass with all machinery, vehicles and equipment as may be necessary on the said land for all purposes necessary or incidental to the exercise and enjoyment of the rights and easement granted as aforesaid.
4. The Transferee covenants and agrees, at her expense, to maintain the land described in Box 5 of the attached Transfer/Deed of Land in a good and clean condition and to repair any damage that may be caused by the Transferee, her agents, servants or employees in the exercise of her rights pursuant to this Agreement to any property of the Transferor and any land of the Transferor lying adjacent to the said lands as described in Box 5 of the attached Transfer/Deed of Land.
5. The parties hereto agree that for the purposes of this easement the dominant tenement of the Transferee consists of that realty owned by the Transferee and described in Schedule "B" attached hereto.
6. The Easement granted by the Transfer/Deed of Land attached shall continue until the date the earliest of the following events occurs, namely:
 - (a) The date the Transferee ceases to be the owner of those lands described in Schedule "B";
 - (b) The date of death of the Transferee;
 - (c) The 31st day of December, 2013;
7. The covenants and conditions herein shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors and administrators and this agreement shall be not assignable by the Transferee.

SCHEDULE "B"

Description of the Dominant Tenement

Owned by Pauline Casino

Part of P.I.N. 17137-0001 (R)

All and Singular that certain parcel of land and premises situate lying and being in the City of Hamilton, in the County of Wentworth, in the Province of Ontario, being composed of parts of lots number 13 and 15 according to plan of survey made for J.L. Gage and registered in the Registry Office for the Registry Division of Wentworth as Number 213, and which may be more particularly described as follows, that is to say:

COMMENCING at a point in the eastern limit of Locke Street distant forty-four feet and three inches (44' 3") measured northerly thereon from an iron pipe planted at the southwestern angle of said lot number 15; THENCE southerly along the eastern limit of Locke Street, twenty-six feet and two and one-half inches (26' 2-1/2") more or less to a point in the production westerly of the centre line of the party wall between the brick dwelling erected upon the lands herein described and known as Number 169 Locke Street South and the brick dwelling erected upon the lands immediately adjoining on the south and known as number 169-1/2 Locke Street South; THENCE easterly to and along the centre line of the said party wall, thirty-eight feet (38') more or less to a point in the centre line of a wall dividing the front and rear parts of the aforesaid dwellings, the said point being distant seventeen feet and eleven inches (17' 11") measured northerly parallel with the eastern limit of Locke

Street from the southern limit of said Lot number 15; THENCE northerly along the centre line of the said last mentioned wall, six inches (6") more or less to a point in the centre line of the party wall between the rear parts of the aforesaid dwellings; THENCE easterly along the centre line of the ^{said} last mentioned wall, fourteen feet and four inches (14' 4") more or less to a point in the eastern face of the eastern wall of the aforesaid dwellings, the said point being distant eighteen feet and two and one-half inches (18' 2-1/2") measured northerly parallel with the eastern limit of Locke Street from the southern limit of Lot Number 13 aforesaid; THENCE northerly along the eastern face of the eastern wall of the dwelling erected upon the lands herein described and known as number 169 Locke Street South, three feet and four and one-half inches (3' 4-1/2") to a point; THENCE easterly and parallel with the southern limit of said Lot number 13 and following the line of the former position of an old fence, forty-eight feet and eight inches (48' 8") more or less to a point in the eastern limit of said Lot Number 13; THENCE northerly along the eastern limit of said Lot Number 13, twenty-three feet and eight inches (23' 8") more or less to a point in the line of an existing fence, THENCE westerly along the line of the said existing fence, forty-eight feet and six inches (48' 6") more or less to a jog in the said fence, the said jog being distant forty-four feet and nine inches (44' 9") measured northerly parallel with the eastern limit of Locke Street from the southern limit of said Lot Number 13; THENCE southerly and parallel with the eastern limit of Locke Street, six inches (6") to a point; THENCE westerly and parallel with the southern limit of said Lots Numbers 13 and 15, fifty-two feet and six inches (52' 6") more or less to the place of beginning. On the above described parcel of land is erected the brick dwelling known as number 169 Locke Street South.

SUBJECT to right of owners, tenants and occupants of aforesaid brick dwelling erected on lands immediately adjoining on the South and known as 169 1/2 Locke Street South to use the sidewalk and porch situated on lands hereinbefore described and affording access to said dwelling 169 1/2 Locke Street South.

Also subject to right of the said owners, tenants and occupants of dwelling 169 1/2 Locke Street South to have eave on North front portion of said dwelling overhang the hereinbefore described parcel as the same does at present.



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)	
Applicant(s)	
Agent or Solicitor	

1.2 Primary contact

- Applicant
 Owner
 Agent/Solicitor

1.3 Sign should be sent to

- Applicant
 Owner
 Agent/Solicitor

1.4 Request for digital copy of sign

- Yes*
 No

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

1.5 All correspondence may be sent by email

- Yes*
 No

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

1.6 Payment type

- In person
 Cheque
 Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	167 Locke Street South		
Assessment Roll Number	171370003		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	213	Lot(s)	Part of 13 & Part of 15
Reference Plan Number (s)	62R-14799	Part(s)	All

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:

Notwithstanding Section 10.5a.3 i) of Zoning By-law 05-200, a Planting Strip shall not be required on a property lot line that abuts a property lot line within a Residential Zone.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The existing structure has its parking the rear yard. The rear yard is not deep enough to accommodate an additional 1.5 m landscape strip and maintain maneuverability.

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
17.032	30.785	525.53	17.4 m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
3 unit townhouse form	4.4 m	12.67 m	0.16 & 2.02	

Proposed:

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

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
3 unit townhouse form	181 msq	450 msq +/-	2.5 Storey	10 m +/-

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Same				

- 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.):
Commercial Retail.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
East: Residential. North: Residential Apt. South & West: Commercial & Retail

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

May 29, 1998

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

Townhouse residential.

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

Retail Commercial within the townhouse form.

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

At least since 1998.

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

Rural Hamilton Official Plan designation (if applicable): n/a

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbrhd/Mixed Use Med-Den

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

Please see cover letter.

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

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: Concurrent submission.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 0

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

The building currently contains three units occupied by commercial tenants. The owner wishes to divide the property in line with the dividing walls between the units. In support of the proposed severances an Access Easement is proposed. The easement is located where a planting strip would be required.

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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