



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-24:202	SUBJECT PROPERTY:	442 Aberdeen Avenue, Hamilton
ZONE:	Major Institutional (I3)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200

APPLICANTS: Owner: 2178949 Ontario Inc
Agent: 2178949 Ontario Inc

The following variances are requested:

1. To permit 1.0-meter-wide landscape strip abutting a Residential Zone instead of a 1.5 metre planting strip required.

PURPOSE & EFFECT: The development is to construct a 8-storey residential condominium development consisting of 114 units.

Notes:

- i) This variance is to facilitate Site Plan application DA-21-133.
- ii) It appears the drawing has been revised since the Zoning Compliance Review, the barrier free parking width is 3.4m instead of 4.4m, a additional variance is required.

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:	1:35 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

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 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-24:202, 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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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 DATA		
DATA	REQUIRED	PROVIDED
ZONING	MAJOR INSTITUTIONAL (I3)	
APPROVED MINOR VARIANCE	HMA-22-190	
NET LOT AREA	7,555m ²	
SETBACKS		
FRONT YARD (DUNDURN ST.)	-	N/A
NORTH SIDE YARD	7.2m (HMA-22-190)	7.2m
REAR SIDE YARD	5.5m (HMA-22-190)	5.5m
SOUTH SIDE YARD	5.5m (HMA-22-190)	5.5m
SITE COVERAGE DATA		
DATA	REQUIRED	PROVIDED
PROPOSED BUILDING COVERAGE		1,101m ² (15%)
EXISTING BUILDING COVERAGE		1,860m ² (25%)
ASPHALT AREA		1,842m ² (24%)
LANDSCAPING AREA		2,751m ² (36%)
TOTAL		7,555m² (100%)

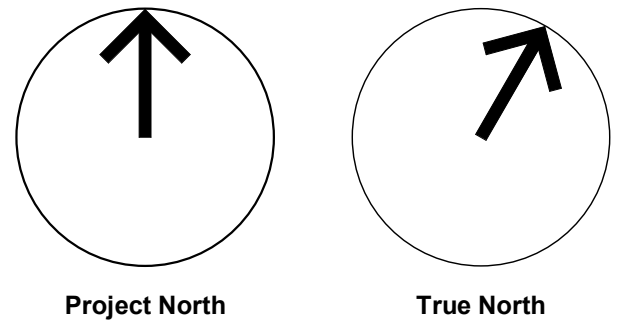
BUILDING DATA		
DATA	REQUIRED	PROVIDED
TOTAL DENSITY	-	114 UNITS
		69 (60.2%) - 1 BED / 1 BED+DEN
		42 (37.2%) - 2 BED / 2 BED+DEN
		3 (2.6%) - 3 BED
BUILDING AREA	-	1,241m ² (13,358 SF)
GROSS CONSTRUCTION AREA	-	12,288m ² (132,272 SF)
GROSS FLOOR AREA (L1 - MPH)	-	8,636.1 m ² (92,960 SF)
GFA (CITY OF HAMILTON)	-	7,992 m ² (86,025 SF)
NET SALEABLE AREA	-	6,698 m ² (72,103 SF)
NUMBER OF STOREYS	-	8
BUILDING HEIGHT (NOT INCL. PH.)	28m MAX.	28m
AMENITY AREA	-	2,489 SF - INDOOR 4,182 SF - OUTDOOR 6,671 SF - TOTAL

GROSS FLOOR AREA BREAKDOWN		
DATA	PROVIDED	
LEVEL 1	1,097.3 m ² (11,811 SF)	
LEVEL 2	1,007.9 m ² (10,850 SF)	
LEVEL 3	1,253.8 m ² (13,496 SF)	
LEVEL 4	1,253.8 m ² (13,496 SF)	
LEVEL 5	948.7 m ² (10,222 SF)	
LEVEL 6	988.6 m ² (10,642 SF)	
LEVEL 7	887.0 m ² (9,548 SF)	
LEVEL 8	840.5 m ² (9,047 SF)	
MECH. PH.	537.5 m ² (5,848 SF)	
GFA TOTAL (INCL. SERVICES)	8,636.1 m² (92,960 SF)	

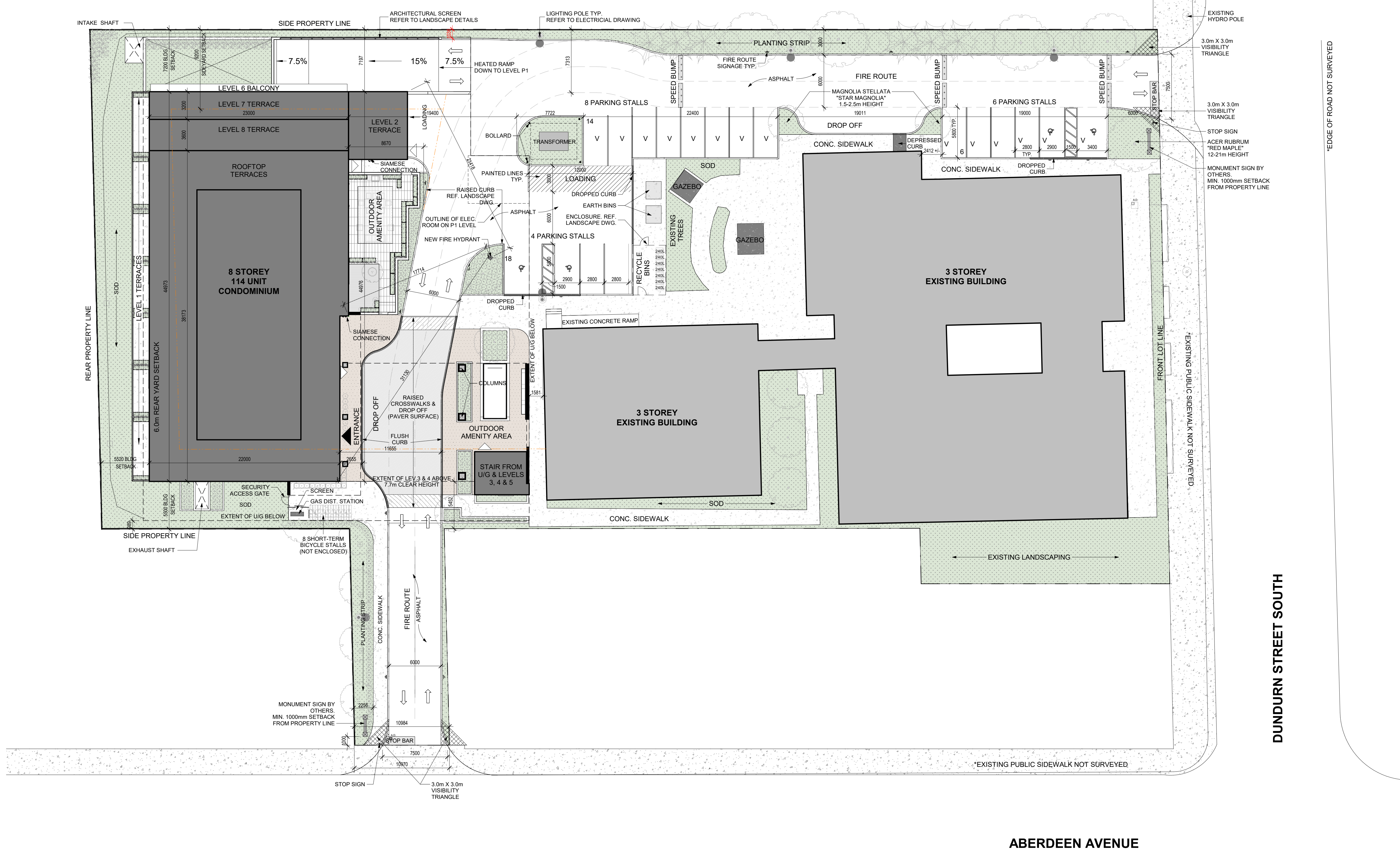
MULTIPLE DWELLING PARKING		
DATA	REQUIRED	PROVIDED
DWELLING UNIT < 50m ² (41 units)	0.3/unit = 12.3	--
DWELLING UNITS > 50m ²		
1 - 14 units (14 units)	0.7/unit = 9.8	--
15 - 50 units (36 units)	0.85/unit = 30.6	--
51+ units (23 units)	1/unit = 23	--
TOTAL	76 SPACES (75.7)	81 SPACES
** REQUIRED PARKING IS 80 STALLS PER HMA-22-190		

VEHICLE PARKING DATA		
DATA	REQUIRED	PROVIDED
RESIDENTIAL PARKING (8.5.6(c)(i))	EXISTING RETIREMENT: 22 (HMA-22-190)	RETIREMENT: 22 CONDO & VISITOR: 81 TOTAL: 103 STALLS
	PROPOSED CONDO: 81 (REFER TO MULTIPLE DWELLING PARKING BREAKDOWN)	SURFACE: 18 LEVEL P1: 57 LEVEL P2: 28
	TOTAL = 103	
BARRIER FREE PARKING (INCL.)	RETIREMENT = 1 CONDO = 4% = 3.24	4 STALLS (INCL.)
TOTAL PARKING	103 STALLS	103 STALLS
**VISITOR PARKING FOR MULTIPLE DWELLING USES <50% OF THE FRONT YARD		

BICYCLE & TDM MEASURES DATA	
DATA	PROVIDED
BICYCLE PARKING	SHORT TERM: (NOT ENCLOSED - OUTDOORS) 8 STALLS LONG TERM: (ENCLOSED - INDOORS LEVELS P1 & P2) 57 STALLS (0.5/UNIT)
ADDITIONAL TDM MEASURES	BIKE SHARE MEMBERSHIP FOR NEW RESIDENTS TO BE OFFERED DURING FIRST YEAR OF OCCUPANCY. TRANSIT INCENTIVES INCLUDING ON-SITE TRANSIT INFO AND PRESTO CARDS. VEHICLE PARKING TO BE UNBUNDLED FROM RESIDENTIAL UNITS



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



No.	Date	Revision
8	2024-08-09	ISSUED FOR SPA
5	2023-06-30	ISSUED FOR TENDER
3	2023-04-06	ISSUED FOR SPA
1	2022-12-22	ISSUED FOR REVIEW
	2022-10-03	PARKING REV. ISSUED FOR MV APPLICATION
	2021-11-22	ISSUED FOR SPA 2ND SUBMISSION
	2021-11-04	ISSUED FOR NEIGHBOURHOOD MEETING
	2021-07-22	ISSUED FOR SPA 1ST SUBMISSION
	2021-07-05	ISSUED FOR CLIENT REVIEW
	2021-06-10	ISSUED FOR COORDINATION
	2021-04-27	ISSUED FOR CITY REVIEW

Project Name / Address:
**ABERDEEN CONDOS
442 ABERDEEN AVE.
HAMILTON**

Project No: 21046
Drawing Date: 07/22/2024
Drawn by: CZ
Checked by: RPH
Office Location: KITCHENER
Plot Date / Time: 2024-08-19 9:04:37 AM

SITE PLAN
Drawing Scale: As indicated
Status:
Revision No: r8
Drawing No: D1.1

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to the Architect. Unauthorized use, modification, and/or reproduction of these documents is prohibited without written permission. The Contract Documents were prepared by the Consultant for the account of the Owner. The material contained herein reflects the Consultants best judgement in light of the information available to him at the time of preparation. Any use which a third party makes of the Contract Documents, or any reliance on or decisions to be made based on them are the responsibility of such third parties. The Consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the Contract Documents. C:\Users\ahmed\Documents\21046 Aberdeen Condos_V27_ahmed\AXF3.vrt

*EDGE OF ROAD NOT SURVEYED

1 SITE PLAN
1: 225

August 29, 2024

Committee of Adjustment
 City of Hamilton
 71 Main Street West, 5th floor
 Hamilton, Ontario L8P 4Y5

Dear Committee Members:

**RE: Application for Minor Variance
 442 Aberdeen Avenue (Previously 330 Dundurn Street South), Hamilton (Ward 01)
 Related City File No.: SPA DA-21-133, MV HM/A-22:190**

Introduction

On behalf of 2178949 Ontario Inc., the registered owner of the above-noted property, we are pleased to submit this Minor Variance Application to the City of Hamilton’s Committee of Adjustment for the property municipally known as 442 Aberdeen Avenue, previously known as 330 Dundurn Street South (the “property” or “subject site”).

A technical variance is required to facilitate our proposal for a new eight (8) storey residential condominium on the property as zoning regulations have changed since we originally received conditional site plan approval in March 2022 and received approval for minor variances in November 2022 per Decision HM/A-22:190.

Since then, our team has been working collaboratively with City of Hamilton staff to resolve all outstanding site plan issues, and intend to file for building permit later this year. There are no notable changes to the proposed development that would trigger the need for additional variances. As part of the zoning compliance review process, it was brought to our attention that zoning regulations have changed since we received site plan conditional approval, and City staff have confirmed that an additional variance is now required to support the permitting process (refer to attached zoning compliance notice).

Description of Subject Site

The subject site is located at the northwest corner of Aberdeen Avenue and Dundurn Street South (refer to Figure 1). The site area is approximately 7,555 square metres.

According to Schedule E-1 of the Urban Land Use Designations of the City of Hamilton Official Plan, the subject lands are designated as ‘Neighbourhood’. Furthermore, the site is zoned Major Institutional Zone (I3) in Zoning By-Law No. 05-200.

The site is situated within the Kirkendall North neighborhood, surrounded by a diverse range of land use typologies including single detached-dwellings, commercial plazas, and apartment buildings.



Figure 1: Aerial View of the Subject Site (Google Maps, 2024)



Proposed Development

Currently, the property is improved with a 3-storey retirement home and surface parking, with frontage and access from both Aberdeen Avenue and Dundurn Street South. No changes are proposed to the existing retirement home or its access configuration. The proposed redevelopment involves the construction of a new 8-storey residential condominium containing 114 residential units with a mechanical penthouse on the westerly portion of the property.

Proposed Variance

The variance being requested is as follows:

- Requirement: A minimum 1.5 metre wide landscape strip which shall contain a visual barrier shall be provided where a parking lot is situated on a lot which abuts a Residential Zone.
- Provided: A minimum 1.0 metre wide landscape strip shall be provided where a parking lot is situated on a lot which abuts a Residential Zone.

We note that a 3.0m landscape strip with enhanced fencing is proposed for majority of the north property line, meeting the Zoning By-law's requirement, with the exception of a small portion where the landscape strip is reduced to accommodate turning movements for vehicles accessing the underground parking ramp. We also note a secondary architectural screen is provided for that portion to create visual interest and act as a secondary visual barrier in addition to the fencing provided. The proposed setback and landscape approach has not changed since the original site plan application was made in 2021, which was subsequently conditionally approved by the City in 2022. It is our understanding that zoning regulations have changed since our site plan application was conditionally approved, which is why a variance is required now to support our building permit application.

The Four (4) Tests

It is our opinion that the requested variance meets the four tests, in that:

1. The Variance is Minor in Nature;
2. The Variance is Desirable for the Appropriate Development and Use of the Land;
3. General Intent and Purpose of the Zoning By-law is Maintained; and,
4. General Intent and Purpose of the Official Plan is Maintained.

There are no notable negative impacts as a result of the requested variance, and the landscape setback condition has not changed throughout the site plan process and previous minor variance process. The approval of this variance will allow us to proceed with permitting to facilitate new housing construction in this community.

Submission Package

In support of the Minor Variance Application submission, the following materials are enclosed:

- Cover Letter;
- Completed Application Form;
- Architectural Site Plan, dated August 2024;
- Zoning Compliance Review Notice, dated August 2024; and
- Application fee will be made via Credit Card by the undersigned.

Please do not hesitate to contact the undersigned if you have any questions.



Sincerely,

A handwritten signature in dark ink, appearing to read 'Jinny Tran', with a long horizontal flourish extending to the right.

Jinny Tran
Senior Director, Development
Lev Living
416.849.5030 x225
jtran@levliving.com

JT/aa

cc. Morgan Gowans, Zoning Examiner (Morgan.Gowans@hamilton.ca)
Chris Hampson-Curtis, Planner II – Site Plan (Chris.Hampson-Curtis@hamilton.ca)

LEV LIVING™

700 Lawrence Avenue West, Suite 375
Toronto, ON M6A 3B4



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

August 19th, 2024

FOLDER: ALR
ATTENTION OF: Morgan Gowans
EMAIL: morgan.gowans@hamilton.ca

Lev at Aberdeen Inc. c/o Jinny Tran
700 Lawrence Ave W., Suite 375
Toronto, ON M6A 3B4

Attention:

Re: Applicable Law Review – Zoning By-law Compliance
Zoning District: Major Institutional (I3)
Zoning By-law: Hamilton Zoning By-law No. 05-200
Address: 330 Dundurn Street S. (442 Aberdeen Ave)

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

COMMENTS:

1. The applicant is proposing to construct an 8-storey residential condominium development consisting of 114 units. There is an existing 3-storey retirement home for 115 residents to remain on-site. Parking for the development will be provided through two levels of underground parking with access at the rear of the property to Aberdeen Avenue.
2. Building Division records indicate that the recognized use is a three (3) storey Retirement Home with a maximum capacity of 115 residents which is to remain on the property.
3. A variance application (HM/A-22:190) was approved for the proposed development which was to seek relief for building height westerly rear yard, northerly and southerly side yards, and parking for the proposed multiple dwelling and the existing building. As the proposal has increased 5 units from the time of this variance we will require the gross floor area of the new 5 units (less then or greater then 50m²) to determine the required parking on site.
4. The proposed multiple dwelling is permitted within the current zoning designation. Multiple Dwelling is defined in Zoning By-law 05-200 as:

Multiple Dwelling shall mean a building or part thereof containing three or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling.

5. The following definition of a planting strip is also applicable:

Planting Strip: Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, and sidewalks unless a walkway or sidewalk traverses the planting strip to provide access to the site.

6. A Multiple Dwelling and a Retirement Home are permitted uses within the "I3" (Major Institutional) zone. However, Section 8.3.2.2c) requires that a multiple dwelling shall only be permitted on the same lot as an Educational Establishment, Retirement Home or Long-Term Care Facility.
7. Please note that the following comments are being provided for the proposed multiple dwelling only with the exception of at-grade parking which has been modified through the current site plan.
8. This is a through lot with frontages on Aberdeen Avenue (for driveway access) and Dundurn Street South. Based on "front lot line" as defined, the lot line adjacent to Dundurn Street has been considered the front lot line for this property.
9. Sign details have not been provided. All signage shall conform to Hamilton Sign By-law 10-197. A building permit(s) is required for all signage.
10. Fencing details have not been provided. All fencing shall conform to Hamilton Fence By-law 10-142.
11. Construction of the proposed Multiple Dwelling is subject to the issuance of a building permit in the normal manner. Be advised the Ontario Building Code regulations may require specific setbacks and construction types.
12. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
13. The proposed development has been reviewed and compared to the standards of the, "I3" Zoning District for the proposed multiple dwelling and proposed parking, as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 8.3 – I3 Requirements			
8.3.2.2- EDUCATIONAL ESTABLISHMENT, HOSPITAL, LODGING HOUSE, MEDICAL CLINIC, MULTIPLE DWELLING AND RECREATION REGULATIONS			
Minimum Side and Rear Yard [as per section 8.3.2.2(a) of Hamilton Zoning By-law 05-200]	6.0 metres where lot line abuts a Residential Zone lot line	Northerly side yard: 7.2m	Conforms as per HM/A-22:190
		Southerly side yard: 5.5m	Conforms as per HM/A-22:190
		Rear Yard: 5.52m	Conforms as per HM/A-22:190
Maximum Building Height [as per section 8.3.2.2(b) of Hamilton Zoning By-law 05-200]	i) 21.0 metres; (HM/A-22:190) No increase in the minimum required southerly side yard and the minimum required rear yard shall be required for the portion of the building equal or above 21.0 metres to a maximum building height of 28 metres instead the requirement contained in Section 8.3.2.2b)ii), that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0	Floor 1-8(along rear lot line): 27.40m	Conforms as per HM/A-22:190
		Floor 1-8 (along southerly side yard): 27.40m	Conforms as per HM/A-22:190
		Floor 1-6 (along northerly side yard): 21m	Conforms
		Floor 7 (along northerly side yard): 10.55m	Conforms
		Floor 8 (along northerly	

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>metreside yard requirement when abutting a Residential Zone. (HM/A-22:190)</p> <p>ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirement, established in 8.3.2.2 a) above</p>	<p>side yard): 14.34m</p> <p>Mechanical penthouse: 32.45 m</p>	Conforms
<p>Location of Multiple Dwelling and Lodging House [as per section 8.3.2.2(c) of Hamilton Zoning By-law 05-200]</p>	<p>Shall only be permitted on the same lot as an Educational Establishment, Retirement Home or Long Term Care Facility</p>	<p>Located on a lot with a existing Retirement Home</p>	Conforms
Section 5 - Parking			
<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>e) 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 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</p>	<p>All proposed parking for the uses are located on site.</p>	Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>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>v) <i>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:</i></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>vi) Within any Downtown Zone, no new surface parking lots shall be permitted except where the parking is accessory to the main use on the same lot.</p>	<p>a) 6.0m from streetline</p> <p>b) Planting strip appears to be proposed but not labelled on plan</p> <p>c) Does appears to be any feature located in the planting strip</p> <p>vi) N/A</p>	<p>Conforms</p> <p>Appears to conform please met the definition of planting strip in comments above</p> <p>Conforms</p> <p>N/A</p>
<p>Location (Multiple Dwellings) [as per section 5.1(d) of Hamilton Zoning By-law 05-200]</p>	<p><i>On a lot containing a multiple dwelling:</i></p> <p>i) With the exception of any visitor parking required by Section 5.6, 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 yard shall be used for visitor parking and access to such parking.</p>	<p>i) Visitor parking located between the façade and front lot line</p> <p>ii) As per Site Plan, visitor parking uses less then 50% of the front yard.</p>	<p>Conforms</p> <p>Conforms</p>
<p>Design Standards [as per section 5.2 of</p>	<p>a) Where a parking lot is situated on a lot which abuts a Residential Zone,</p>		

	Required By By-Law	Provided	Conforming/ Non-Conforming
Hamilton Zoning By-law 05-200]	<p>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>i) planting strip does is not 1.5m that contains a visual barrier</p>	<p>Non-conforming</p>
	<p>b) <i>Unless permitted by another regulation in this By-law, parking space sizes shall be:</i></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 Subsection ii), an additional 0.3 metres shall not be required provided:</p>	<p>i) 2.8m x 5.8m</p> <p>ii) Complies with all of iii) provisions below</p>	<p>Conforms</p>
	<p>1. the maximum length of the wall, column or any other obstruction shall not exceed 1.15 metres;</p> <p>2. the wall, column or any other obstruction is located at the front, rear, or both ends of the parking space; and,</p> <p>3. the wall, column or any other obstruction does not project more than 0.15 metres into the width of the parking space.</p> <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>1. obstructions located at the front and back of the parking space do not exceed 1.15 metres in length</p> <p>2. obstruction located at front and back of parking space</p> <p>3. Does appear to project more then 0.15 into the width of parking space</p> <p>Does look to be proposed as part of this proposal</p>	<p>Conforms</p> <p>N/A</p>
	<p>vii) Notwithstanding Subsection b) herein, light standards, including the base, located at the intersection of 4 parking spaces shall not be</p>	<p>Does appear to be any light standards within the</p>	<p>N/A</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	considered as an obstruction.	parking area	
	<p>c) All required parking shall be provided as follows:</p> <p>i) With adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other 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 party on the lot in the case of a mutual driveway; or, 3. By means of a Right-of-Way. <p>iv) Any parking lot shall provide for ingress and egress of vehicles to and front a street in a forward motion only.</p>	<p>i) Vehicles have adequate means of ingress and egress from street</p> <p>ii) Parking does not interfere with the normal public use of the street</p> <p>iii) parking is located on the lot</p> <p>iv) access to the street is in a forward motion only</p>	<p>Conforms</p> <p>Conforms</p> <p>Conforms</p> <p>Conforms</p>
	<p>d) <i>Notwithstanding Subsection b) herein, in the case of parallel parking:</i></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>	No parallel parking proposed as part of this development	N/A
	<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 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</p>	<p>Surface parking lot asphalt, underground parking concrete</p> <p>Surface parking lot asphalt, underground parking</p>	<p>Appears to conform</p> <p>Appears to</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming																
	with stable surfaces such as asphalt, concrete or other hard-surfaced material;	concrete	conform																
	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,	4.4m x 5.8m	Conforms																
	i) <i>In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements:</i>	6.0m	Conforms																
	<table border="1"> <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		
Parking Angle Degree	One-Way and Two-Way Aisle Width																		
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60°	5.5m																		
75°	6.0m																		
90°	6.0m																		
Location of Loading Facilities [as per section 5.2.1 of Hamilton Zoning By-law 05-200]	<p><i>The location of loading doors and associated loading facilities shall be subject to the following:</i></p> <p>a) Shall not be permitted within a Front Yard;</p> <p>b) Shall not be permitted in any yard abutting a street, except where screened from view by a Visual Barrier in accordance with Section 4.19 of this Bylaw; and,</p> <p>c) Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.</p>	<p>a) Loading Doors not within front yard</p> <p>b) Loading Doors screen by Magnolia Stellata which will reach 1.8m in height</p> <p>c) Loading Doors not abutting any residential or institutional zone</p>	<p>N/A</p> <p>Conforms</p> <p>N/A</p>																
Barrier Free Parking [as per section 5.5 of Hamilton Zoning By-law 05-200]	a) <i>Barrier free parking shall be designated and provided as part of the required parking spaces in accordance with the following requirements:</i>	4 barrier free parking spaces provided	Conforms																

	Required By By-Law		Provided	Conforming/ Non-Conforming
<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>	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>112 X 0.04 = 4.48</p> <p>4 barrier free parking spaces required</p> <p>b) Subsection 5.5 a) shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings and Street Townhouses abutting a public street.</p> <p>c) 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.</p>			
<p>Minimum Number of Required Parking Spaces [as per section 5.6 c) of Hamilton Zoning By-law 05-200]</p>	<p>80 parking spaces as per HM/A-22:190 for 109 dwelling units for the multiple dwelling</p> <p>(1 per unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit.)</p> <p>Gross Floor Area for 5 additional unit is not provided</p> <p><u>Multiple Dwelling</u></p>		103	Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>DWELLING UNIT < 50m2 (41 units) 41 x 0.3 = 12.3 = 12 spaces</p> <p>DWELLING UNIT >50m2 (14 units) 73 x 1 + 73 spaces</p> <p>85 spaces required for multiple dwelling</p> <p>80 as per HM/A-22:190.</p> <p><u>Retirement Home</u></p> <p>22 parking spaces as per HM/A-22:190 the retirement home</p> <p><u>TOTAL</u></p> <p>102 parking spaces required total</p>		
<p>Additional requirements for all zones, except Downtown Zones [as per section 5.6 of Hamilton Zoning By-law 05-200]</p>	<p>d) Notwithstanding Subsection c) herein, for a Hospital or Place of Worship use within any Zone located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained except a Place of Worship shall not be required to provide additional parking beyond that required by Section 5 of this By-law. Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.6 c) above, shall only apply to the increased gross floor area of the building.</p> <p>e) The number of parking spaces provided shall not exceed the maximum parking standard established in Section c) above.</p> <p>f) Where the number of existing parking spaces exceed the maximum parking standard in Section c) above, the parking spaces provided in excess of the maximum parking standard may be eliminated. However, in no case may the number of parking spaces provided be less than the minimum parking requirements in Section c) above.</p> <p>g) Notwithstanding Subsection c) above, for any use, except a Medical Clinic, within the Transit Oriented Corridor (TOC1), (TOC2), (TOC3)</p>	<p>d) N/A</p> <p>e) Please note</p> <p>f) N/A</p> <p>g) N/A</p>	<p>N/A</p> <p>Please note</p> <p>N/A</p> <p>N/A</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>and (TOC4) Zone or the Commercial and Mixed Use Zones, or the Industrial Zones, located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained except a use shall not be required to provide additional parking beyond that which is required by Section 5.6 c) of this By-law. Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.6 c) above shall only apply to the increased gross floor area of the building.</p> <p>h) Where the application of the parking standards in Section c) above results in a numeric fraction, fractions shall be rounded down to the nearest whole number.</p>	<p>h) Please note</p>	<p>Please note</p>
<p>Bicycle Parking [as per section 5.7 of Hamilton Zoning By-law 05-200]</p>	<p>a) <i>Locational Requirements:</i></p> <p>i) Long-term Bicycle Parking Space shall be located in a secure enclosed bicycle parking area.</p> <p>ii) Short-term Bicycle Parking Space shall be located within a bicycle parking area at grade</p>	<p>i) Long-Term bicycle parking appear to be located in underground parking garage</p> <p>ii) Short-term bicycle parking are proposed at grade near the front entrance</p>	<p>Conforms</p> <p>Conforms</p>
	<p>c) <i>In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed-Use Zones <u>short-term bicycle parking shall be provided in each and every building in the minimum quantity specified in accordance with the following requirements:</u></i></p> <p>No short-term bicycle parking spaces required</p>	<p>8 short-term bicycle parking spaces provided</p>	<p>N/A</p>
	<p>e) <i>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 shall be provided in the minimum quantity specified in accordance with the following requirements:</u></i></p>	<p>55 stalls provided</p>	<p>N/A</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	No Long-Term Bicycle parking required as part of the Major Institutional (I3) Zone		
	h) Where the application of the bicycle parking standards in Section 5.7 above, results in a numeric fraction, fractions shall be rounded down to the nearest whole number.	Please note	Please note

Yours truly

for the Manager of Zoning and Committee of Adjustment



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)	2178949 Ontario Inc.	
Applicant(s)	Same as owner	
Agent or Solicitor		
		Phone:
		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	442 Aberdeen Avenue (Previously 330 Dundurn Street South), Hamilton (Ward 01)		
Assessment Roll Number	N/A		
Former Municipality	City of Hamilton		
Lot		Concession	
Registered Plan Number	1295	Lot(s)	BLK A & B
Reference Plan Number (s)		Part(s)	

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

Yes No Not Applicable to the Application

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:

See cover letter & attached zoning compliance review notice

Second Dwelling Unit Reconstruction of Existing Dwelling

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

zoning regulation changed since we recieved site plan approval and minor variance approval. see cover letter for more 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
64.0 (Dundurn)	Varies	7,555 m2	

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
Retirement Residence	N/A to application	N/A to application	N/A to application	
See Site Plan				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
8-storey residential building	N/A to application	N/A to application	N/A to application	
See Site Plan				

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

Proposed:

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

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.):

Construction of a new 8-storey residential building while retaining existing retirement residence. See cover letter.

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

Retirement home, single detached-dwellings, commercial plazas, and apartment buildings.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2008

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

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

Retirement Residence, Surface Parking

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

20+ years

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) Neighbourhood

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

Proposed residential use is permitted in the OP.

7.6 What is the existing zoning of the subject land? Major Institutional (I3)

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: HM/A-22:190

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: 0

8.2 Number of Dwelling Units Proposed: 114

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

Please see submitted Site Plan and cover letter summarizing the proposed development.

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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