



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-24:193 | SUBJECT PROPERTY: | 51-53 West Avenue North, Hamilton |
| ZONE: | D5 (Downtown Mixed Use – Pedestrian Focus) | ZONING BY-LAW: | Zoning By-law City of Hamilton 05-200, as Amended 18-114 |

APPLICANTS: Owner: 1000818630 Ontario Inc.
Agent: Ken Bekendam

The following variances are requested:

1. A minimum lot width of 7.21 metres shall be permitted instead of the minimum required lot width of 7.5 metres.

PURPOSE & EFFECT: To permit the severance of a lot containing a Semi-Detached Dwelling into two separate lots each containing one Dwelling unit within one-half of the Semi-Detached Dwelling.

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: | 1:55 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-24:193

- 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-24:193, 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.



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.



Hamilton

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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.

LOT 26

LOT 27

LOT 28

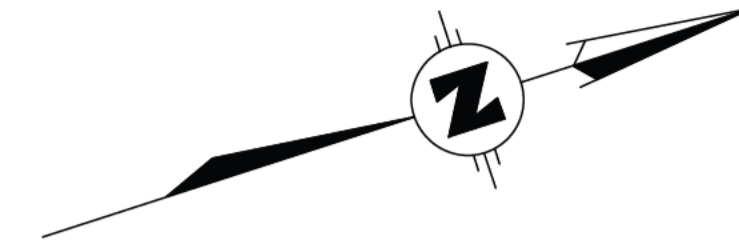
LOT 29

3.66 WIDE ALLEY WAY
(BY REGISTERED PLAN 223)

PART 1,
PLAN 62R-18611

N 17° 51' 00" E

5.815 5.815



LOT 63

LOT 62

LOT 61
PLAN

LOT 60

PART 1, PLAN 62R-5313

KING WILLIAM STREET

REGISTERED

PART RETAINED
240.96 SQ.M.

PART SEVERED
242.12SQ.M.

DETAIL A
NOT TO SCALE

SEVERNCE SKETCH OF
PART OF LOT 61
REGISTERED PLAN 223
CITY OF HAMILTON

SCALE 1:150

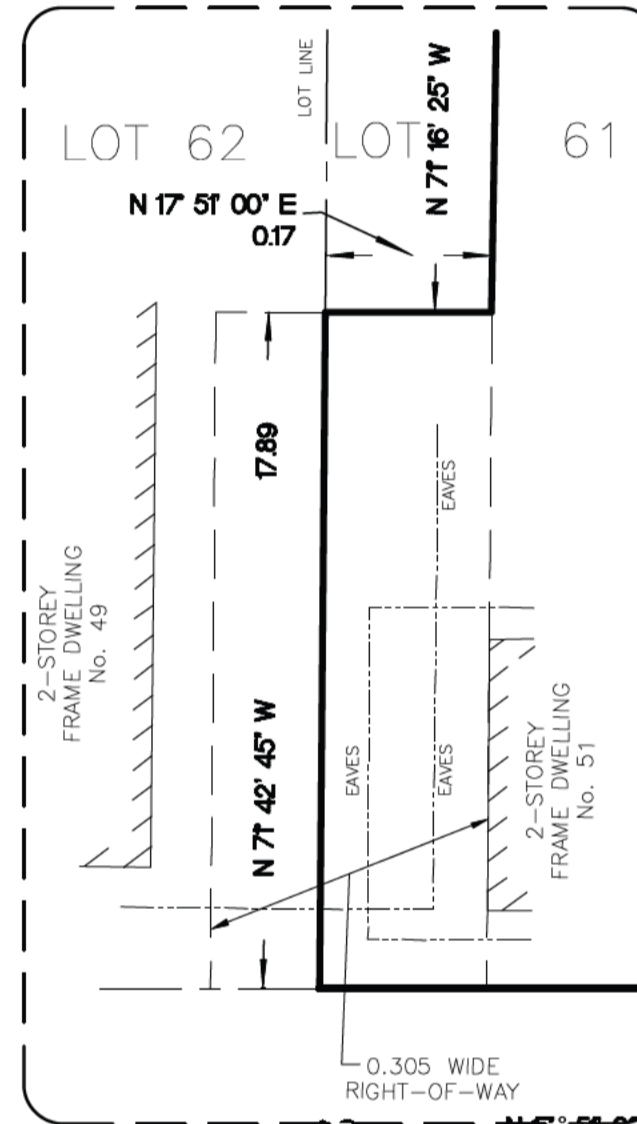


© COPYRIGHT 2024, AK&M SURVEYING LTD.

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

BENCHMARK NOTE

ELEVATIONS SHOWN ON THIS PLAN ARE RELATED TO GEODETIC DATUM (CGVD 28)
AND ARE DERIVED FROM CITY OF HAMILTON HORIZONTAL CONTROL MONUMENT No.
07720100049 HAVING A PUBLISHED ELEVATION OF 85.227 METRES.



7.21 7.81

N 17° 51' 00" E

WEST AVENUE

(BY REGISTERED PLAN 223)

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT
FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

BOUNDARY INFORMATION SHOWN ON THE FACE OF THE PLAN IS
COMPILED FROM AVAILABLE RECORDS, AND IS NOT VERIFIED BY FIELD
MEASUREMENTS.

FIELD WORK WAS COMPLETED MAY 1ST, 2024

15 Great Plains Street
Brampton, Ontario
L6R-1Z5
Phone: (647) 914-3361
www.akmsurvey.com
Email: info@akmsurvey.com

AKM
AK&M SURVEYING LTD.

DATE: July 18, 2024 CHECKED BY: AK DRAWN BY: LCH PROJECT No.: 2024-08

FILE LOCATION: G:\Shared drives\AKM Survey Ltd. Job
Folder\Brampton\2024\2024-08\Drawings\2024-08-SEV SKETCH.dwg

PREPARED FOR: ABHEY LALIT

| SITE INFORMATION & STATISTICS | |
|-------------------------------|--|
| ADDRESS: | 51-53 WEST AVE N HAMILTON, ON |
| ZONING TYPE: | <ENTER ZONING DATA> |
| LOT AREA: | 5199.83 SQ FT (483.08 m ²) |
| LOT FRONTAGE: | 49' - 3 1/2" (15.02 m) |

GENERAL NOTES:

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. 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.
8. 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.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. 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.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

EXISTING STRUCTURE NOTE:

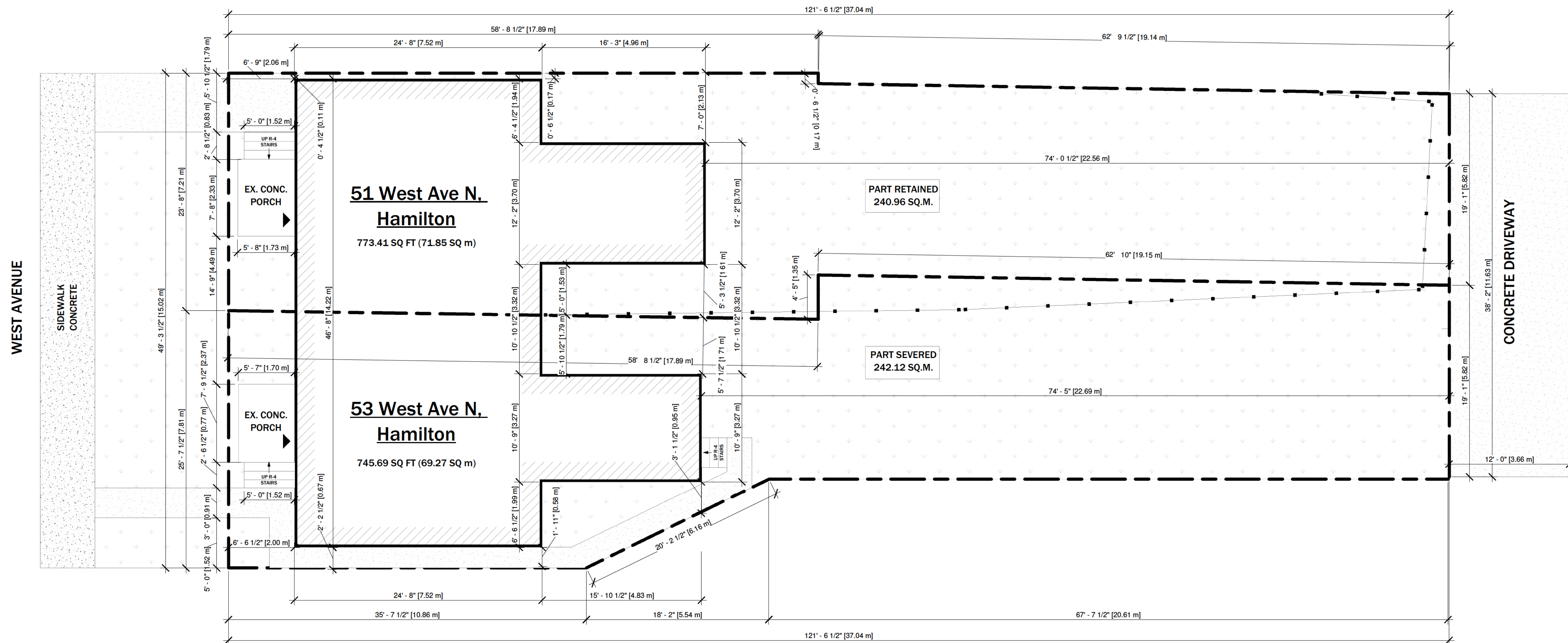
OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

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.



| LANDSCAPED SURFACE AREA | |
|-----------------------------------|-------------------------|
| FRONTYARD LANDSCAPED AREA | = 139.53 SQFT (66.34%) |
| FRONTYARD HARD SURFACE AREA TOTAL | = 70.80 SQFT (33.66%) |
| TOTAL AREA | = 210.33 SQFT (100.00%) |

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.
kenbekendam@gmail.com

CELL PHONE:
905-961-0647

OFFICE ADDRESS:
979 MAIN ST. E. HAMILTON, ON

OFFICE PHONE:
905-546-4407

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: _____ Signature: _____ BCIN: _____

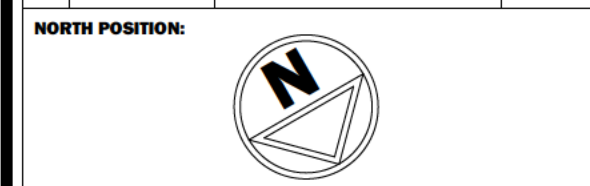
REGISTRATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the building code

KING HOMES INC. 121307
Name: _____ BCIN: _____

GENERAL NOTES:

1. DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
2. 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.
3. FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
4. 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.
5. USE LATEST REVISED DRAWINGS.
6. ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
7. 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 PEO NUMBER AND ORIGINAL SIGNATURE.)
8. BUILDING OWNER(S) WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
9. 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:
51-53 West Ave N, Hamilton

SHEET NAME:
SITE PLAN

| PROJECT NO. | DATE | SCALE | REVISION |
|-------------|----------|---------------|----------|
| 24-17 | 07/06/22 | 3/16" = 1'-0" | |

DRAWN BY: Author
REVIEWED BY: KEN BEKENDAM

SHEET NO.
SP1.01



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.
kenbekendam@gmail.com

CELL PHONE:
905-961-0647

OFFICE ADDRESS:
979 MAIN ST. E. HAMILTON, ON

OFFICE PHONE:
855-546-4467

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QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the building code

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the building code

Name: Signature: BCIN:
KING HOMES INC. 121307
Name: BCIN:

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| NO. | DATE | GENERAL DESCRIPTION | INITIALS |
|-----|------|---------------------|----------|
| 01 | | | |
| 02 | | | |
| 03 | | | |
| 04 | | | |

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:

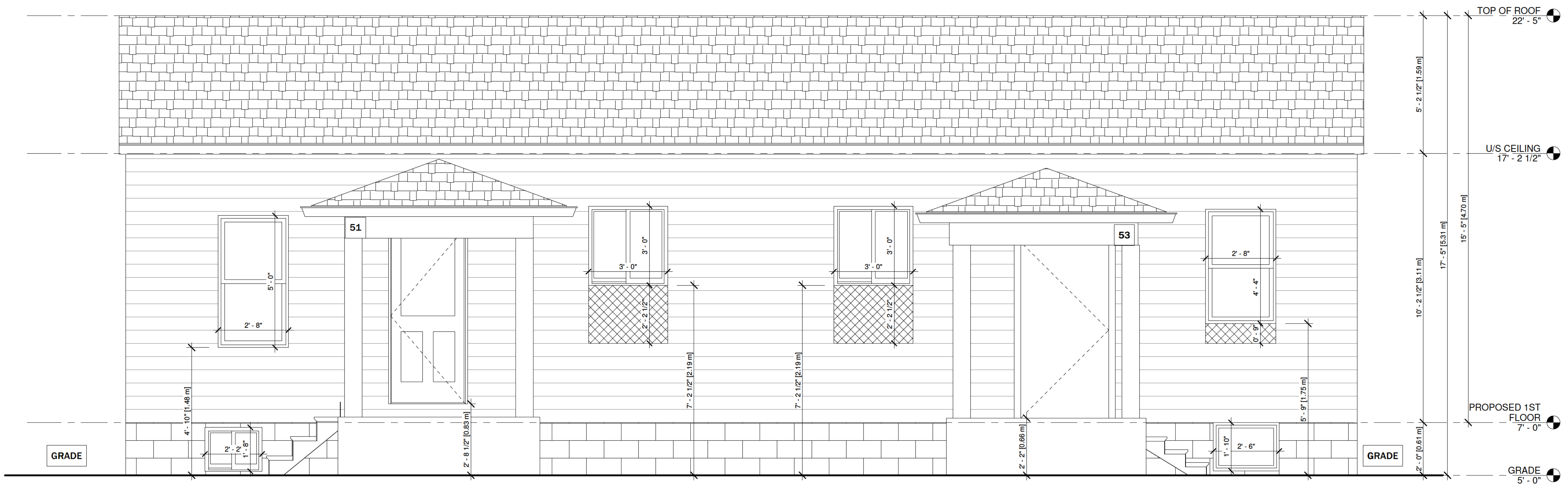
51-53 West Ave N, Hamilton

SHEET NAME:
EXISTING FRONT & REAR ELEVATIONS

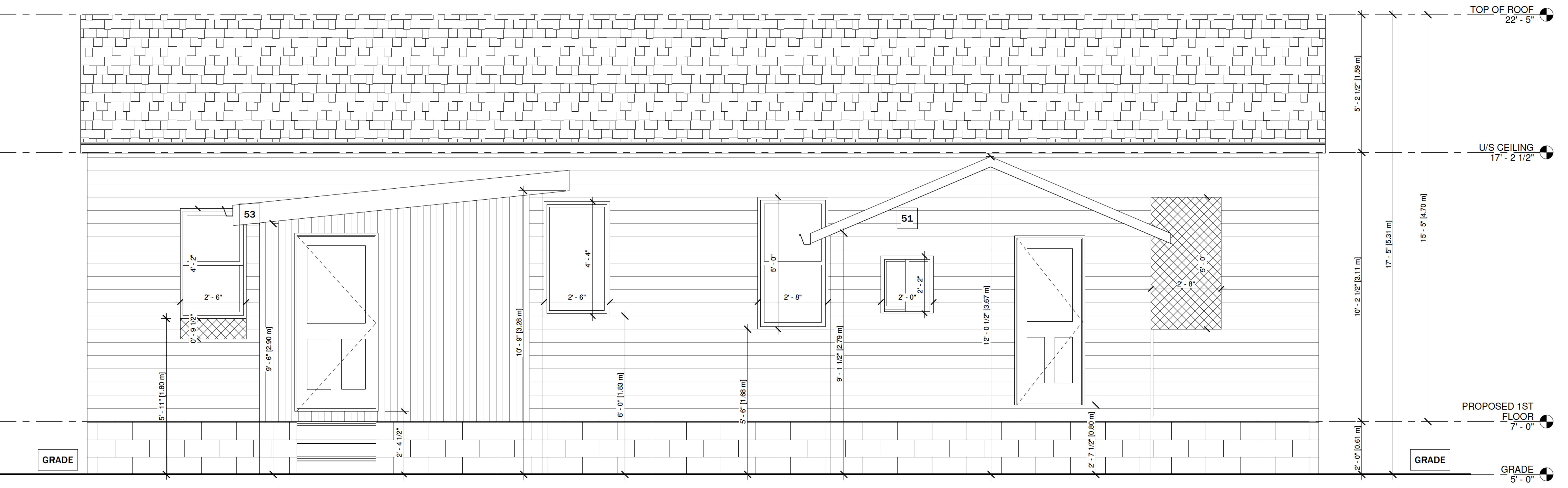
| | |
|-------------------------------|-------------------------------------|
| PROJECT NO. 24-17 | DATE: 07/06/22 |
| SCALE: 1/2" = 1'-0" | REVISION: |
| DRAWN BY: Author | REVIEWED BY: KEN BEKENDAM |

SHEET NO.

A2.01



1 EXISTING FRONT ELEVATION
1/2" = 1'-0"



2 EXISTING REAR ELEVATION
1/2" = 1'-0"



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| NO. | DATE | GENERAL DESCRIPTION | INITIALS |
|-----|------|---------------------|----------|
| 01 | | | |
| 02 | | | |
| 03 | | | |
| 04 | | | |

NORTH POSITION:

ENGINEER'S STAMP:

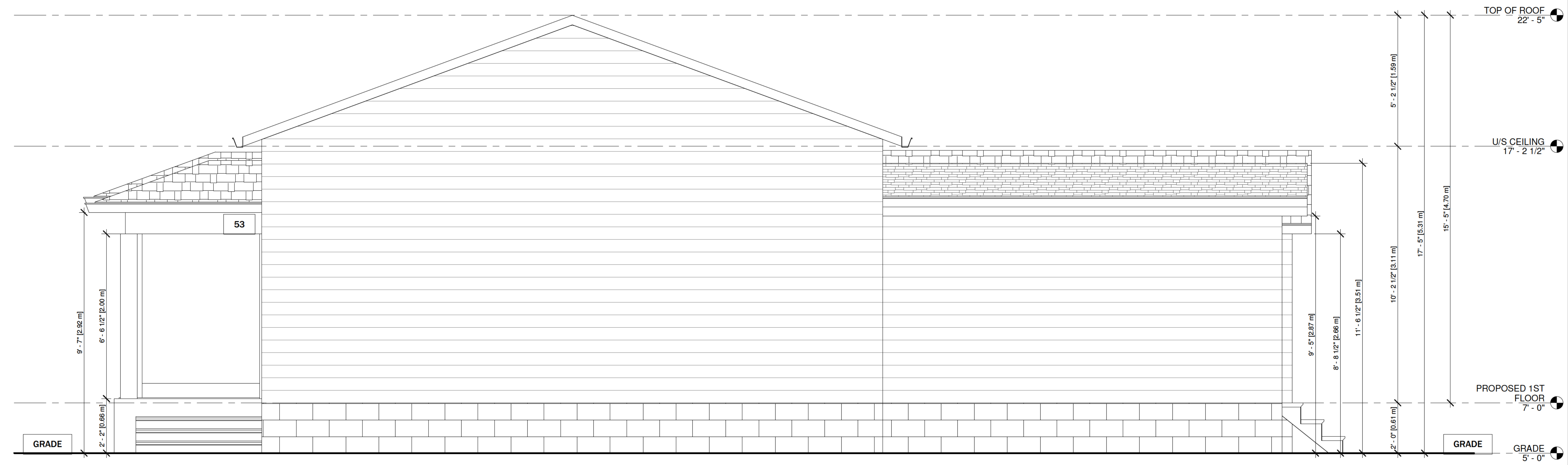
PROJECT NAME/ADDRESS:

51-53 West Ave N, Hamilton

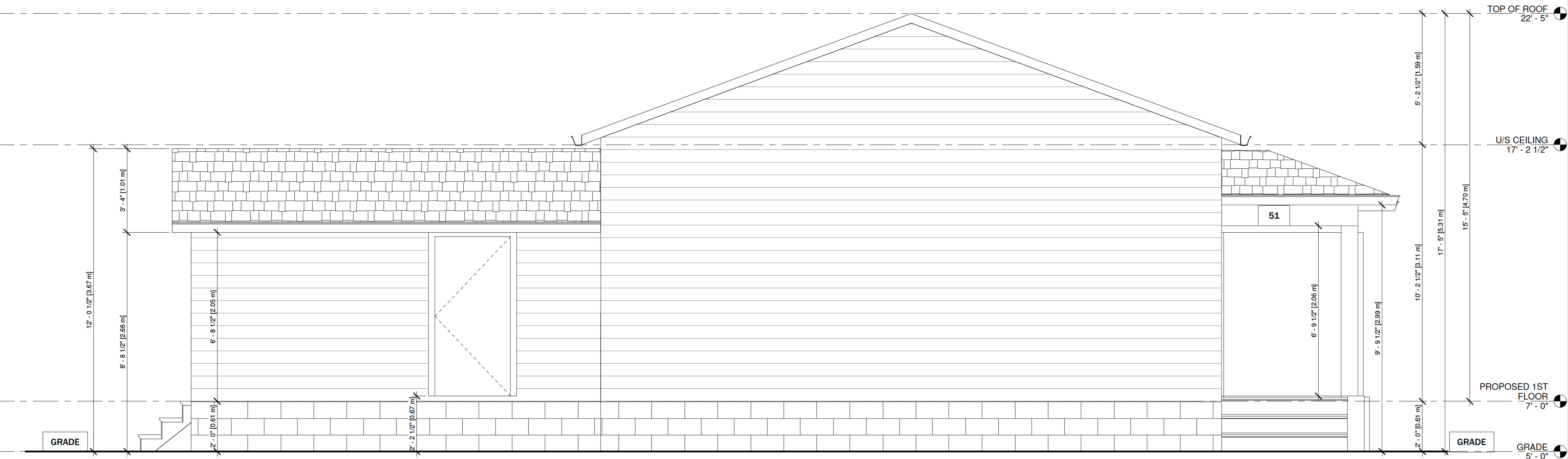
SHEET NAME:
EXISTING LEFT & RIGHT ELEVATIONS

| | |
|-----------------------|------------------------------|
| PROJECT NO. 24-17 | DATE 07/06/22 |
| SCALE 1/2" = 1'-0" | REVISION |
| DRAWN BY: Author | REVIEWED BY: KEN BEKENDAM |

SHEET NO.
A2.02



① EXISTING RIGHT ELEVATION
1/2" = 1'-0"



② EXISTING LEFT ELEVATION
1/2" = 1'-0"

July 25, 2024

FILE: ALR
FOLDER: ALR
ATTENTION OF: Liam Tapp
TELEPHONE NO: (905) 546-2424
EXTENSION:

Ken Bekendam
160 White Swan Road
Brantford, ON N3T 5L4

Attention:

Re: APPLICABLE LAW REVIEW – ZONING BYLAW
Present Zoning: D5
Address: 51-53 West Avenue North, Hamilton ON

An Applicable Law Review in Support of a Building Permit has been completed and the following comments are provided.

COMMENTS:

1. The applicant proposes to sever a lot containing an existing semi detached dwelling into two separate lots.
2. Be advised, Zoning By-Law Amendment 24-051 and 24-052 was passed on April 10, 2024 to amend Section 1: Administration, Section 3: Definitions, Section 4: General Provisions, Section 5: Parking regulations and Section 15: Residential Zones under Hamilton Zoning By-Law 05-200. The Amendment remains Not Final and Binding and as such, both regulations under the current Hamilton Zoning By-Law 05-200 and those regulations applicable under Zoning By-Law Amendment 24-051 and 24-052 are applicable to the subject property. For the purposes of this review, an additional review has been provided below as it relates to any additional regulations required under Zoning By-Law Amendment 24-051 and 24-052. Until such time that Zoning By-Law Amendment 24-051 and 24-052 are deemed Final and Binding, regulations under both the current Zoning By-Law and the Amending By-laws shall apply.
3. The existing Semi-Detached Dwelling is permitted within the D5 Zone under Hamilton Zoning By-Law 05-200 and is defined as follows:

“Semi-Detached Dwelling – shall mean a building divided vertically into two dwelling units, by a common wall which prevents internal access between semi-detached dwelling units and extends from the base of the foundation to the roof line and for a horizontal distance of not less than 35% of the horizontal depth of the building. Each semi-detached dwelling unit shall be designed to be located on a separate lot having access to and frontage on a street.”
5. The following Variance is recommended as it relates to the proposed severance:
 - 1 A minimum lot width of 7.21 metres shall be permitted instead of the minimum required lot width of 7.5 metres.
6. This is considered an interior lot. With respect to Front Lot Line as defined in Hamilton Zoning By-law 05-200, the lot line abutting West Avenue North is considered to be the front lot line.
7. All new fences proposed for this development must comply with the regulations contained within the Fence By-law 10-142.
8. The designer shall ensure that the fire access route conforms to The Ontario Building Code.

9. The proposed development has been reviewed and compared to the standards of the “D5” Zone under Hamilton Zoning By-law 05-200 as indicated in the following chart:

“D5” Zone under Hamilton Zoning By-law 05-200

| Regulations | Required by By-law | Provided | Conforms/ Non-conforming |
|--|--|--|-----------------------------|
| Section 6.0 – Downtown Zones General Provisions | | | |
| General Downtown Provisions - Buildings Constructed After the By-law <i>[per Section 6.0 b)]</i> | In the case of buildings constructed after the effective date of this By-law, for any building equal to or less than 44.0 metres in height the following special regulations shall also apply: i) A minimum 3.0 metre stepback shall be required from the building base façade height shown in Schedule “F” – Special Figure 15. | Building constructed prior to May 9, 2018 | N/A |
| | ii) A minimum 3.0 metre stepback shall be required for any portion of a building exceeding 22.0 metres in height from a side or rear lot line. | Building constructed prior to May 9, 2018 | N/A |
| General Downtown Provisions - Buildings Over 44m in Height <i>[per Section 6.2.30 d)]</i> | In addition to 6.0 a) above, for that portion of a building exceeding 44.0 metres in height a distance of 25.0 metres shall be provided between exterior walls on the same property. | Below 44.0 metres | Conforms |
| General Downtown Provisions - Heritage Character Zone <i>[per Section 6.2.30 e)]</i> | For the lots delineated as a Heritage Character Zone on Figure 2 of Schedule “F” – Special Figures, where construction and/or alteration to the façade of a building are proposed, the following regulations shall also apply: i) A minimum of 60% of the area of the ground floor façade shall be comprised of clear glazed windows and doors. Window and doorframes, clear glazed transoms and sidelights, doors with at least 50% clear glazing, and a sill up to 0.6m in height are permitted to be included in the calculation of the clear glazed area. Signage and opaque/spandrel glazing shall not be included in the calculation of the clear glazed area; Figure 2 shows the property to be designated as Heritage Character Zone | Not within a Heritage Character Zone | N/A |

| Regulations | Required by By-law | Provided | Conforms/ Non-conforming |
|--|--|--|-----------------------------|
| | ii) A minimum of 25% and a maximum of 40% of the façade of the second and third storeys shall be composed of windows. Window and doorframes, clear glazed transoms and sidelights, doors with at least 50% clear glazing, and a sill up to 0.6m in height are permitted to be included in the calculation of the clear glazed area. Signage and opaque/spandrel glazing shall not be included in the calculation of the clear glazed area; | Not within a Heritage Character Zone | N/A |
| | iii) The ground floor storey shall be no less than 3.6 metres in height and no greater than 4.5 metres in height. The second and third storeys shall each be no less than 3.0 metres in height and no greater than 4.0 metres in height; and, | Not within a Heritage Character Zone | N/A |
| | iv) Exterior building cladding for the first three storeys, except decorative architectural features (such as window and door frames, sills, lintels, surrounds, and cornices), shall be of either one or a combination of no more than two of the following materials: 1. Brick; 2. Concrete panels; 3. Stone block, stone veneer or artificial stone; 4. Stucco; or, 5. Metal and metal panels, excluding aluminum siding or any metal variant thereof. | Not within a Heritage Character Zone | N/A |
| Section 6.5 – Downtown Mixed Use – Pedestrian Focus Zone | | | |
| Minimum Lot Area for each Dwelling Unit <i>[per Section 6.5.3.2 a)]</i> | 185.0 square metres; | Retained Lot: 240.96 m ² | Conforms |
| | | Severed Lot: 242.12 m ² | |
| Minimum Lot Width for each Dwelling Unit <i>[per Section 6.5.3.2 b)]</i> | 7.5 metres | Retained Lot: 7.21 metres | Does not Comply |
| | | Severed Lot: 7.81 metres | Conforms |
| Maximum Front Yard <i>[per Section 6.5.3.2 c)]</i> | i) 4.5 metres; and, | Existing | Deemed to Comply |
| | i) Notwithstanding Section 6.5.3.2 c) i) above, a maximum of 6.0 metres for that portion of a building with an attached garage. | Not provided/ Existing | Deemed to Comply |

| Regulations | Required by By-law | Provided | Conforms/ Non-conforming |
|--|--|--|-----------------------------|
| Minimum Side Yard [per Section 6.5.3.2 d)] | 1.2 metres except for the side yard related to the common wall of the dwelling unit, which shall have a minimum 0 metre side yard. | 0 metre common wall; 1.61 metres (min) from rear portion of building to interior side yard Existing Side Yard setbacks to non common side lot lines | Conforms |
| Minimum Rear Yard [per Section 6.5.3.2 e)] | 7.5 metres | Existing | Deemed to Comply |
| Building Height [per Section 6.5.3.2 f)] | i) Minimum 7.5 metres; and, | Existing | Deemed to Comply |
| | ii) Maximum Building Height shall be in accordance with Figure 1 of Schedule "F" – Special Figures. | Existing | Deemed to Comply |
| Parking Provisions – Section 5 | | | |
| Location [per Section 5.1 a) i)] | Required parking facilities shall be on the same lot as the use requiring parking | Not provided | N/A |
| Barrier Free Parking [per Section 5.5a)] | <u>See Section 5.5 for Barrier Free Parking rates</u> | Not Required/ Provided | N/A |
| Number of Parking Spaces - Downtown [per Section 5.6 a)] | <u>Semi Detached Dwelling:</u> 0 parking spaces | Not provided | Conforms |

“Parking Regulations” Zone under Hamilton Zoning By-law 05-200 (24-052)

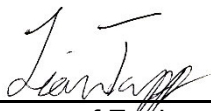
| Section | Required | Provided | Conforming/ Non-Conforming |
|---|--|------------------------------|----------------------------|
| 5.1 PARKING SUPPLY REQUIREMENTS AND RESTRICTIONS | | | |
| Minimum Required Number of Electric Vehicle Parking Spaces [per section 5.1.4 of Hamilton Zoning By-law 05-200] | <u>a) Minimum Required Number of Electric Vehicle Parking Spaces</u> Where parking spaces are provided, Electric Vehicle Parking Spaces shall be provided in accordance with: i) The minimum rates in accordance with the Parking Schedule in Section 5.7.4; and, ii) Any eligible exception in this Section. | Applicant to Note | Applicant to Note |
| | <u>b) Exception for the Agriculture (A1) Zone, Rural (A2) Zone, and any Open Space and Park Zone</u> | Not Within Agriculture Zones | N/A |

| | | | |
|---|--|---------------------------------------|--------------------------|
| | <p>The minimum requirement for Electric Vehicle Parking Spaces shall not apply to any parking space located within one of the following Zones:</p> <p>i) Agriculture (A1) Zone; ii) Rural (A2) Zone; and, iii) Any Open Space and Park Zone.</p> | | |
| | <p><u>c) Exception for Existing Buildings in All Zones</u></p> <p>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:</p> <p>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.</p> | Existing | Conforms |
| | <p><u>d) Exception for Existing Parking Lots in All Zones</u></p> <p>Notwithstanding Section 5.7.4, for any Parking Lot or portion thereof within any Zone, existing on the effective date of this By-law, no Electric Vehicle Parking Spaces are required, except that: i) where an expansion or enlargement of such parking is proposed, the electric vehicle parking requirements of Section 5.7.4 shall only apply to such expansion or enlargement.</p> | Not Existing | N/A |
| | <p><u>e) Regulations for Electric Vehicle Parking Spaces</u></p> <p>Electric Vehicle Parking Spaces shall be subject to the regulations in Section 5.6.7.</p> | Applicant to Note | Applicant to Note |
| 5.7 PARKING SCHEDULES | | | |
| <p>Parking Schedules <i>[as per section 5.7 of Hamilton Zoning By-law 05-200]</i></p> | <p><u>a) Parking Rate Areas</u></p> <p>Where this By-law indicates that a Parking Rate Area (PRA) applies for the purpose of calculating a parking requirement or permission, such Parking Rate Area shall apply to lands and shall be indicated as Parking Rate Area (PRA1), (PRA2) and (PRA3) on Schedule "A" – Zoning Maps.</p> | Subject property located within PRA 1 | Applicant to Note |

| | <p><u>b) Application of Parking Rate Areas</u></p> <p>Where a parking rate or requirement contained in this By-law does not contain reference to a Parking Rate Area (PRA), such parking rate shall apply to all lands throughout the City. Only where a parking rate refers to a specific Parking Rate Area, and where such use is located within that specified Parking Rate Area, shall there be any modification to the parking rate, and only in the manner prescribed.</p> | Applicant to Note | Applicant to Note | | | | |
|--|---|---|---|----------------|--|--|------------|
| <p>Minimum Required Parking Rate Schedule [as per section 5.7.1 of Hamilton Zoning By-law 05-200]</p> | <p><u>a) Minimum Required Parking Rate Schedule</u></p> <p>Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1:</p> <p>Minimum 0 per unit</p> <p>Refer to table in By-law 5.7.1</p> | Not provided | Conforms | | | | |
| <p>Minimum Accessible Parking Rate Schedule [as per section 5.7.3 a) of Hamilton Zoning By-law 05-200]</p> | <p><u>a) Minimum Accessible Parking Rate Schedules</u></p> <p>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 in accordance with Section 5.1.1 c) ii) and iii).</p> | Semi Detached Dwelling not subject to Accessible Parking | N/A | | | | |
| <p>Minimum Accessible Parking Calculation 1 - Proportionate to Parking Provision [as per section 5.7.3 b) of Hamilton Zoning By-law 05-200]</p> | <p><u>b) Minimum Accessible Parking Calculation 1 - Proportionate to Parking Provision</u></p> <p>On a lot containing 5 or more parking spaces, a minimum number of the parking spaces provided shall meet the requirements of the Minimum Accessible Parking Rate Schedule below:</p> <table border="1"> <thead> <tr> <th>Column 1 Total Number of Parking Spaces Provided</th> <th>Column 2 Minimum Number of Accessible Parking Spaces</th> </tr> </thead> <tbody> <tr> <td>5 – 100 spaces</td> <td>Minimum 4% of the total number of parking spaces provided;</td> </tr> </tbody> </table> | Column 1 Total Number of Parking Spaces Provided | Column 2 Minimum Number of Accessible Parking Spaces | 5 – 100 spaces | Minimum 4% of the total number of parking spaces provided; | Semi Detached Dwelling not subject to Accessible Parking | N/A |
| Column 1 Total Number of Parking Spaces Provided | Column 2 Minimum Number of Accessible Parking Spaces | | | | | | |
| 5 – 100 spaces | Minimum 4% of the total number of parking spaces provided; | | | | | | |

| | | | | |
|---|---|--|---|-------------------|
| | 101 – 200 spaces | Minimum 1 space + 3% of the total number of parking spaces provided; | | |
| | 201 - 1000 spaces | Minimum 2 spaces + 2% of the total number of parking spaces provided; and, | | |
| | 1000 or more spaces | Minimum 11 + 1% of the total number of required parking spaces. | | |
| <p>Minimum Accessible Parking Calculation 2 - Where Total Parking Provision is Reduced Pursuant to a Parking Rate Area or Downtown Zone <i>[as per section 5.7.3 c) of Hamilton Zoning By-law 05-200]</i></p> | <p><u>c) Minimum Accessible Parking Calculation 2 - Where Total Parking Provision is Reduced Pursuant to a Parking Rate Area or Downtown Zone</u></p> <p>The minimum number of accessible parking spaces which must be provided shall be:</p> <p>i) In any Zone, except a Downtown Zone, the result of:</p> <p>a) applying the requirements of Section 5.7.1 to all uses, excluding the existing gross floor area within any existing building, and excluding the application of any Parking Rate Area or Downtown Zone, to produce a total number of parking spaces; and, b) applying the corresponding requirement listed in Column 2 of Schedule 5.7.3</p> <p>b) to the total number of parking spaces resulting from the calculation in Section 5.7.3 c) i) a) immediately above to produce the minimum required number of accessible parking spaces.</p> <p>ii) In any Downtown Zone, the result of applying Column 2 hereunder for each use listed in Column 1, excluding any existing gross floor area within any existing building:</p> <p>Refer to table in By-law 5.7.3 c)</p> | | <p>Semi Detached Dwelling not subject to Accessible Parking</p> | <p>N/A</p> |

Yours truly



for the Manager of Zoning and Committee of Adjustment

ACKNOWLEDGEMENT CLAUSE (FOR ZONING COMPLIANCE REVIEW APPLICATIONS IN SUPPORT OF A ZONING BY-LAW AMENDMENT, SITE PLAN, OR MINOR VARIANCE APPLICATION)

I/We hereby acknowledge and understand the above noted comments and further acknowledge that the supporting documentation submitted with this Zoning Compliance Review application has not been changed or modified between the date of this letter and the date of application for the subsequent Zoning By-law Amendment, Site Plan, or Minor Variance application.

If the supporting documentation has been changed or modified, a new application for Zoning Compliance Review may be required prior to acceptance of a formal application for Zoning By-law Amendment, Site Plan, or Minor Variance application.

| | | |
|-------|-----------------|-------|
| _____ | _____ | _____ |
| Owner | Owner Signature | Date |

| | | |
|--|---------------------|-------|
| _____ | _____ | _____ |
| Applicant (I have the authority to bind the Owner) | Applicant Signature | Date |

| | | |
|--|-----------------|-------|
| _____ | _____ | _____ |
| Agent (I have the authority to bind the Owner) | Agent Signature | Date |



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) | 1000818630 Ontario Inc. |
| Applicant(s) | Ken Bekendam |
| Agent or Solicitor | Ken Bekendam |

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 be 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 | 51-53 West Avenue North, Hamilton ON | | |
| Assessment Roll Number | | | |
| Former Municipality | | | |
| Lot | 61 | 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:

A minimum lot width of 7.21 metres shall be permitted instead of the minimum required lot width of 7.5 metres.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Lot width below permitted 7.5m

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 |
|--------------|-----------|-------------|-----------------|
| 7.21m | 37.03m | 240.96 sq.m | 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 | | | | |
| | | | | |
| | | | | |
| | | | | |

Proposed:

| Type of Structure | Ground Floor Area | Gross Floor Area | Number of Storeys | Height |
|-------------------|-------------------|------------------|-------------------|--------|
| See attached | | | | |
| | | | | |
| | | | | |
| | | | | |

- 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.):

Semi detached dwelling

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

Semi detached dwelling

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)

Semi detached dwelling

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

Semi detached dwelling

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

unknown

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) residential

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

7.6 What is the existing zoning of the subject land? D5 - Zoning By-Law05-200

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: D5 - Zoning By-Law05-200

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: 2

8.2 Number of Dwelling Units Proposed: 2

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
-
-