



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-24:216	SUBJECT PROPERTY:	211 Melvin Avenue, Hamilton
ZONE:	Mixed Use Medium Density Zone. (C5)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200,

APPLICANTS: Owner: 2872623 Ontario Inc. c/o Pritesh Vashi
Agent: MHBC Planning c/o Trevor Hawkins and Jennifer Gaudet

The following variances are requested:

1. A minimum easterly side yard of 10.0m shall be permitted for any portion of the building having a building height above 13.4m to a maximum building height of 16.5m whereas the zoning By-law states that the minimum building height shall be equivalently increased as the yard increases beyond the minimum yard requirement when abutting a Residential or Institutional Zone for all portions of a building beyond 11.0m in height and whereas the maximum permitted building height is 22.0m.
2. A minimum easterly side yard of 11.5m shall be permitted for any portion of the building having a building height above 16.0m to a maximum building height of 19.0m whereas the zoning By-law states that the minimum building height shall be equivalently increased as the yard increases beyond the minimum yard requirement when abutting a Residential or Institutional Zone for all portions of a building beyond 11.0m in height and whereas the maximum permitted building height is 22.0m.
3. A minimum easterly side yard of 13.5m shall be permitted for any portion of the building having a building height above 18.5m to a maximum building height of 22.0m whereas the zoning By-law states that the minimum building height shall be equivalently increased as the yard increases beyond the minimum yard requirement when abutting a Residential or Institutional Zone for all portions of a building beyond 11.0m in height and whereas the maximum permitted building height is 22.0m.

PURPOSE & EFFECT: To construct a seven-storey multiple residential building with 49 units and 16 parking spaces.

A-24:216

Notes:

- i) Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no Zoning Compliance Application prior to Site Plan Application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

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, November 12, 2024
TIME:	1:25 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon November 6, 2024

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon November 8, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:216, 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: October 24, 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.



MINOR VARIANCE

PROPOSED RESIDENTIAL DEVELOPMENT AT 211 MELVIN AVE, HAMILTON, ON L8H 2J9

OWNERS:

VIPUL DESAI
E) vipul@certifiedbuildingsystems.ca

PRITESH VASHI
T) 647-542-7706
E) prvashi@hotmail.com

LES WOODS
E) leswoods@thecertifiedgroup.ca

URBAN PLANNING:



540 Bingemans Centre Drive,
Suite 200 | Kitchener | ON |
N2B 3X9 | C (519) 476-4470

SURVEY:

L.G. WOODS SURVEYING INC.
PROFESSIONAL LAND SURVEYORS
334 HATT STREET – DUNDAS DISTRICT
CITY OF HAMILTON, L9H 2H9
TEL (905) 627-0978 – FAX (905) 627-2818

GRADING:



570 Alden Rd., Unit 6, Markham, ON. L3R 8N5
(647) 340-8649 landbuildexp@gmail.com

ARCHITECTURAL:

ARCHISYSTEM INC.

CONSULTING ARCHITECTS
CERTIFICATE OF PRACTICE # 5465

279 Main Street North
Brampton, ON L6X 1N4
Tel: 905-858-2565 Cell: 647-295-2565
www.thearchisystem.com
email: archisystem@gmail.com

DRAFT

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NOTES:

THE DRAWINGS SHALL NOT BE SCALED.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DATUM AND LEVELS PRIOR TO COMMENCING THE WORK. FAILURE TO THAT THE CONTRACTOR WILL BE LIABLE TO RECTIFY WITHOUT EXTRA COST.

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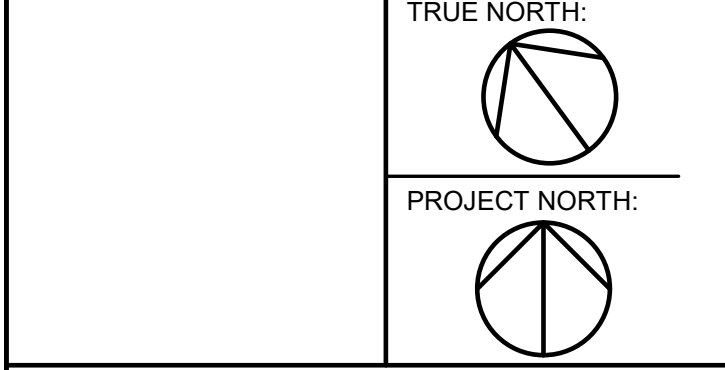
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OWNER / CLIENT:
 VIPUL DESAI & PRITESH VASHI

STRUCTURAL ENGINEERS:

PRE-CONSULTATION 01.22.2024
 No.: Issued For: Date:



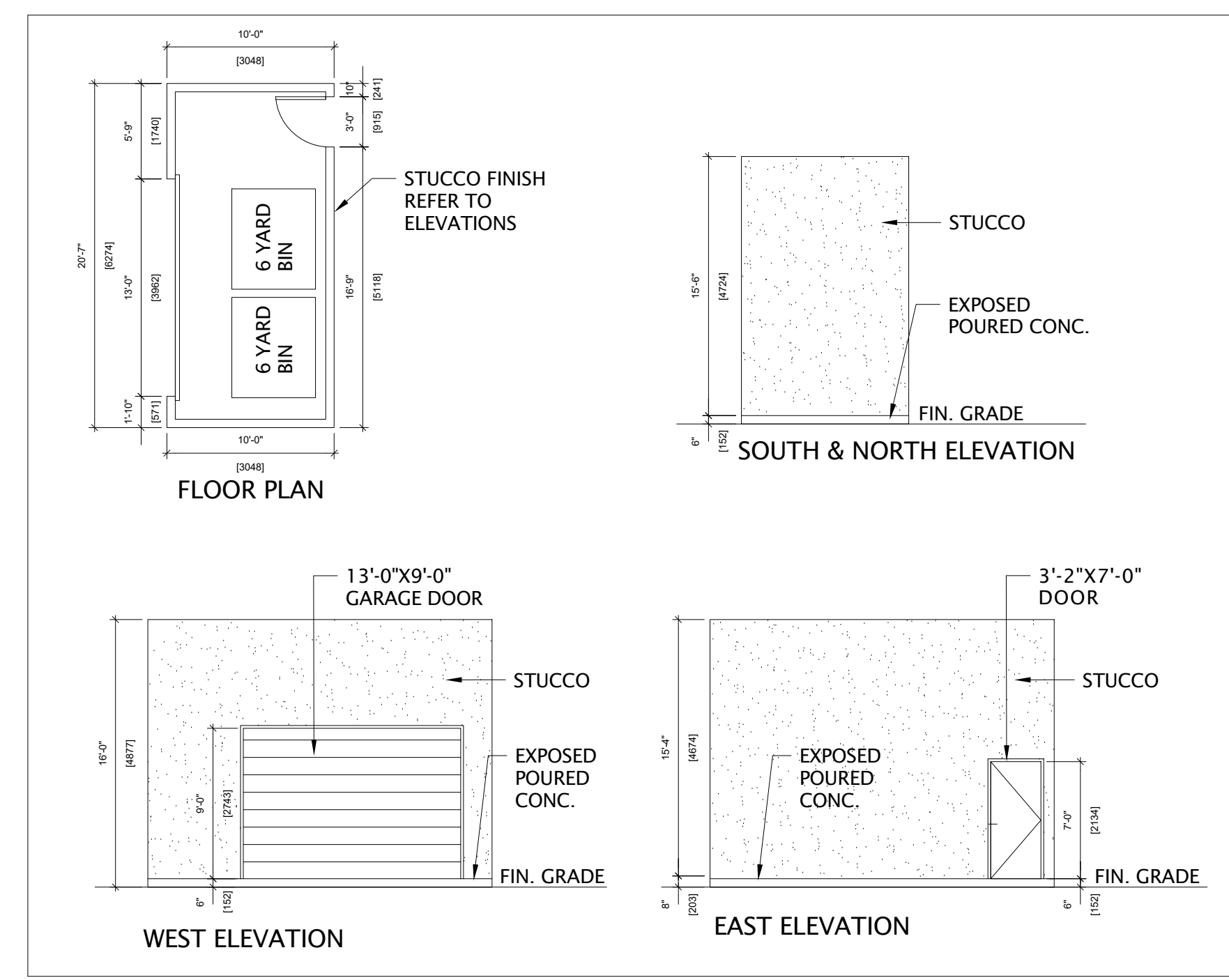
PROJECT:
RESIDENTIAL DEVELOPMENT
 211 MELVIN AVE, HAMILTON, ON L8H 2J9

DRAWING TITLE:
 PRE-CONSULTATION SET ARCHITECTURAL

SHEET TITLE: SITE PLAN

JOB # 2021001
 SCALE: As indicated

SHEET NO.: **A1.0**



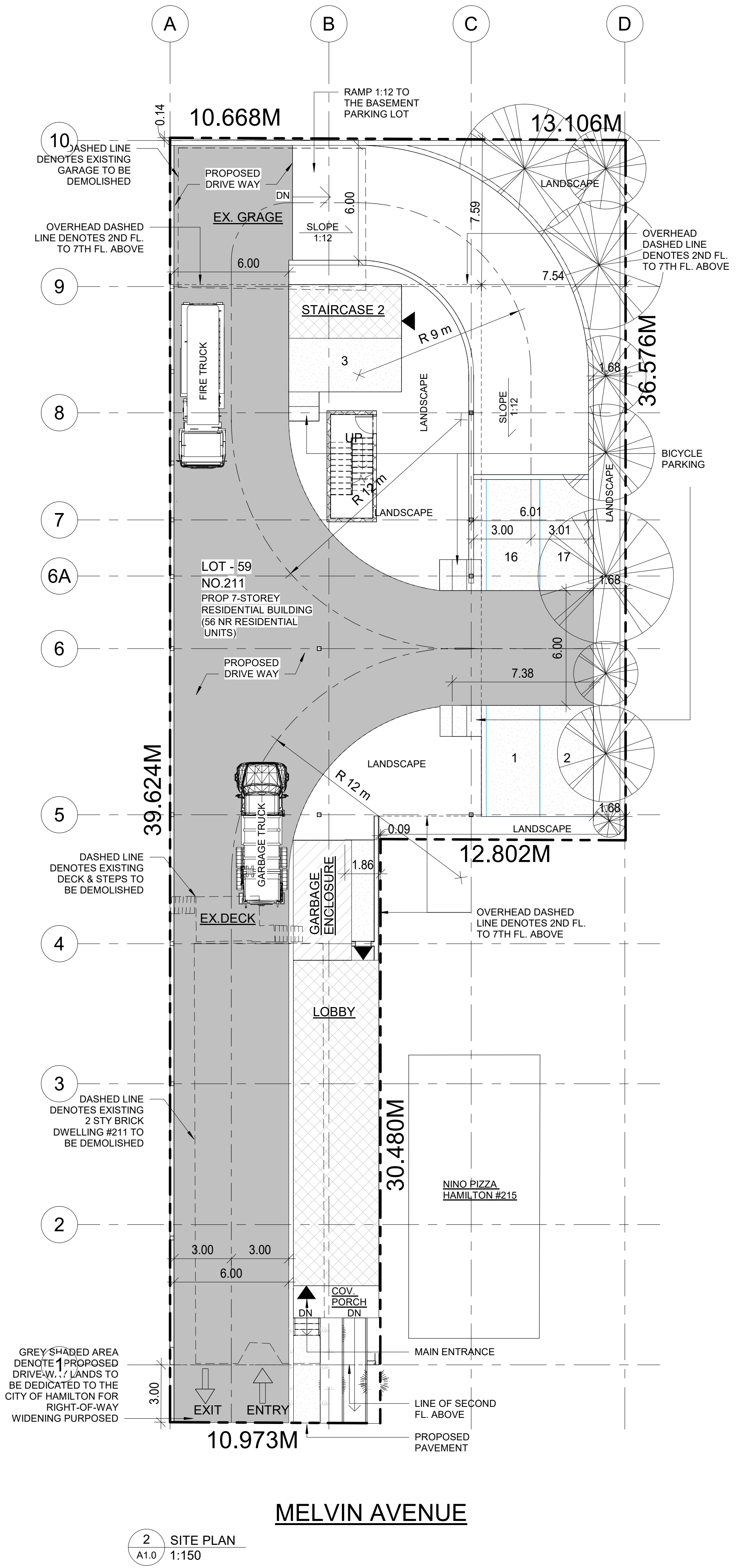
3
 A1.0 1/8" = 1'-0"

UNIT CALCULATION				
FLOOR LVL.	STUDIO	1 BEDROOM UNITS	2 BEDROOM UNITS	TOTAL UNIT
2ND FL.	4	5	1	10
3RD FL.	4	5	1	10
4TH FL.	3	5	0	8
5TH FL.	2	5	1	8
6TH FL.	1	4	2	7
7TH FL.	1	3	2	6
TOTAL	15	27	7	49

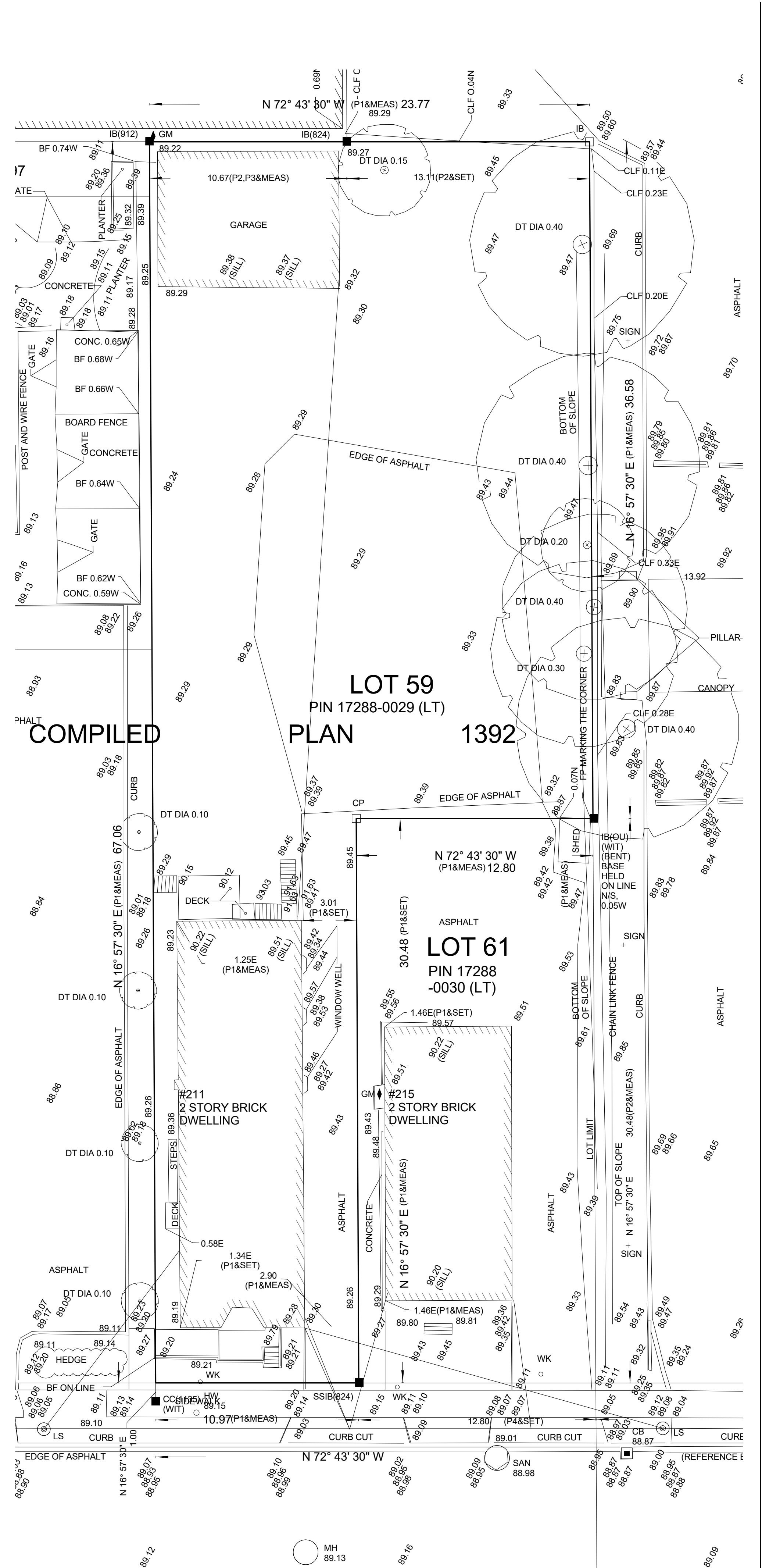
SITE DATA

DEVELOPMENT DETAILS FOR 211 MELVIN AVE, HAMILTON			
ZONING REGULATION: C5 (MIXED USED MEDIUM DENSITY ZONE)			
LOT AREA	1203.87 SQ.M (12958.45 SQ.FT)		
LOT COVERAGE	770.53 SQ.M (8294 SQ.FT) = 64.00%		
GROSS AREA	1ST FL. GROSS AREA (EXCL. STAIRCASE & ELEV.) = 562 SQ.FT (54.99 SQ.M)		
	2ND TO 3TH FL. GROSS AREA (EXCL. STAIRCASE, BALCONY, COMMON AREA & ELEVATOR) = 6350.00 SQ.FT (589.92 SQ.M)		
	4TH FL. GROSS AREA (EXCL. STAIRCASE, BALCONY, COMMON AREA & ELEVATOR) = 6093.36 SQ.FT (566.09 SQ.M)		
	5TH FL. GROSS AREA (EXCL. STAIRCASE, BALCONY, COMMON AREA & ELEVATOR) = 5426.94 SQ.FT (504.18 SQ.M)		
	6TH FL. GROSS AREA (EXCL. STAIRCASE, BALCONY, COMMON AREA & ELEVATOR) = 4814.65 SQ.FT (447.30 SQ.M)		
	7TH FL. GROSS AREA (EXCL. STAIRCASE, BALCONY, COMMON AREA & ELEVATOR) = 4295.48 SQ.FT (399.06 SQ.M)		
	TOTAL = 26,980.43 SQ.FT (2,506.56 SQ.M)		
FRONT YARD LANDSCAPED AREA	118.63 SQ.FT (11.02 SQ.M.) = 18.40%		
REGULATION	REQUIRED	PROVIDED	
SECTION 10.5.3 a-(i)	BUILDING SETBACK FROM A STREET LINE	3M	3M
SECTION 10.5.3 (b)	MINIMUM REAR YARD	7.5M	7.59M
SECTION 10.5.3 (c)	MINIMUM INTERIOR SIDE YARD (RIGHT-RESIDENTIAL)	7.5M	7.54M
SECTION 10.5.3 (c)	MINIMUM INTERIOR SIDE YARD (RIGHT & LEFT-COMMERCIAL)	N/A	N/A
SECTION 10.5.3 (d)	BUILDING HEIGHT	22M	21.64M
SECTION 10.5.3 (h)	MINIMUM AMENITY AREA FOR DWELLING UNITS AND MULTIPLE DWELLINGS 4.0 SQ.M PER EACH UNIT	196 SQ.M	524.5 SQ.M INCL. ROOFTOP
SECTION 10.5.3 (d-iv-a)	OUTDOOR AMENITY - ROOF TOP	10% FL AREA	75.36 SQ.M
SECTION 10.5.3 (i)	PLANTING STRIP REQUIREMENTS	1.5M	1.68M
SECTION 10.5.3 (g-ii)	GROUND FL. FACADE	=>40% of front line	4.60M

PARKING REGULATIONS (SECTION 5)			
REGULATION	REQUIRED	PROVIDED	
5.5.6(C)	0.30 PARKING SPACE / UNIT <50 SQ.M.	49 UNITS X 0.3 = 14.3 SPACES (1 B.F.)	16 SPACES
5.7 BICYCLE	MIXED USES ZONES PARKING	5 SPACES	6 SPACES



2
 A1.0 1:150

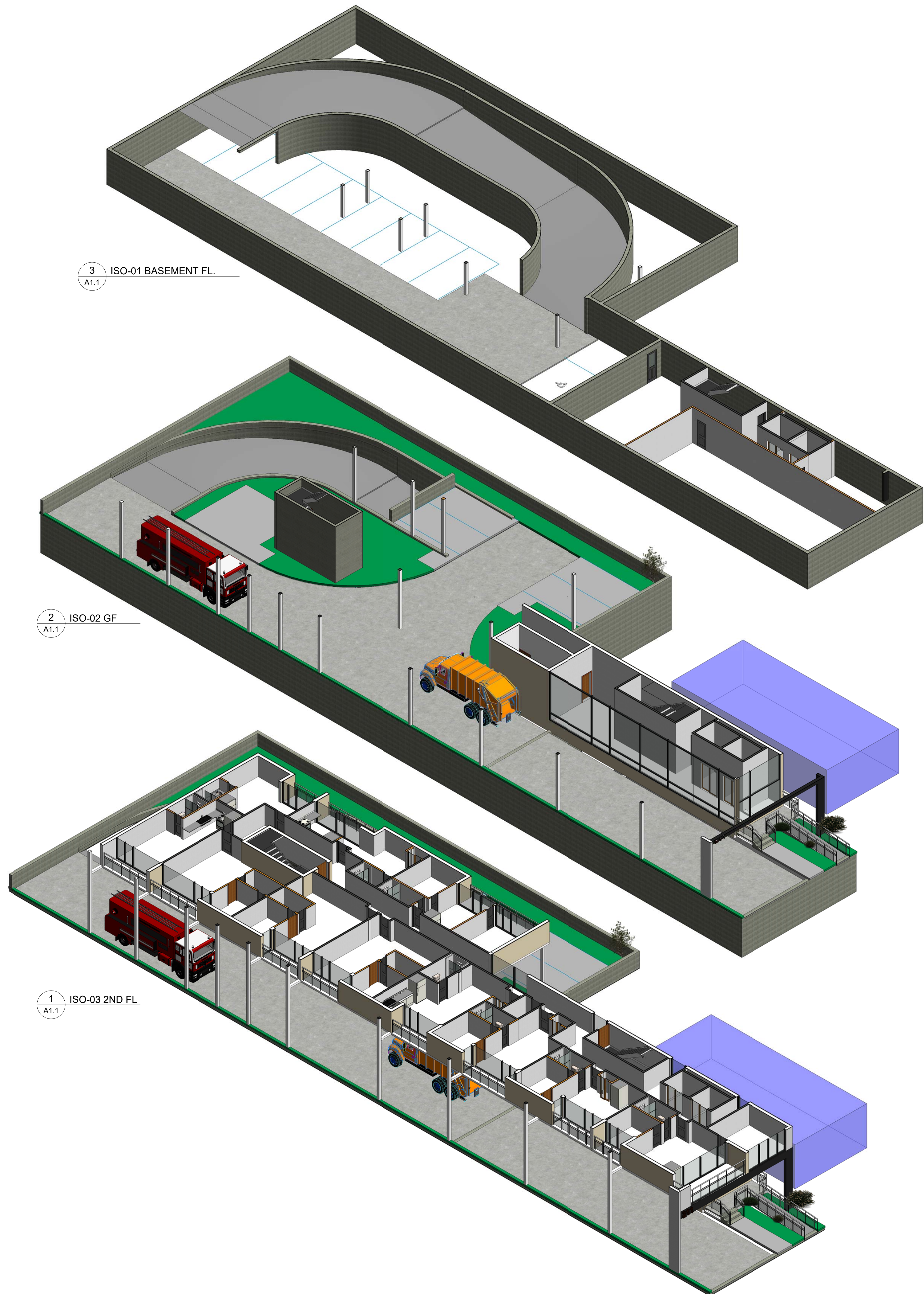


1
 A1.0 1:150

EX. SURVEY

MELVIN AVENUE

DRAFT



PROJECT ARCHITECTS:

ARCHISYSTEM INC.

CONSULTING ARCHITECTS
CERTIFICATE OF PRACTICE # 5465

279 Main Street North
Brampton, ON L6X 1N4
Tel: 905-858-2565 Cell: 647-295-2565
www.thearchisystem.com
email: archisystem@gmail.com

NOTES:

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OWNER / CLIENT:

VIPUL DESAI & PRITESH VASHI

STRUCTURAL ENGINEERS:

PRE-CONSULTATION 01.22.2024

No.: Issued For: Date:

PROJECT:

RESIDENTIAL DEVELOPMENT

211 MELVIN AVE, HAMILTON, ON
L8H 2J9

DRAWING TITLE:

PRE-CONSULTATION SET
ARCHITECTURAL

SHEET TITLE:

ISO VIEW

JOB #

2021001

SCALE:

SHEET NO.:

A1.1

DRAFT

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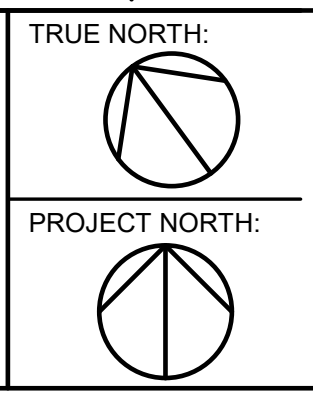
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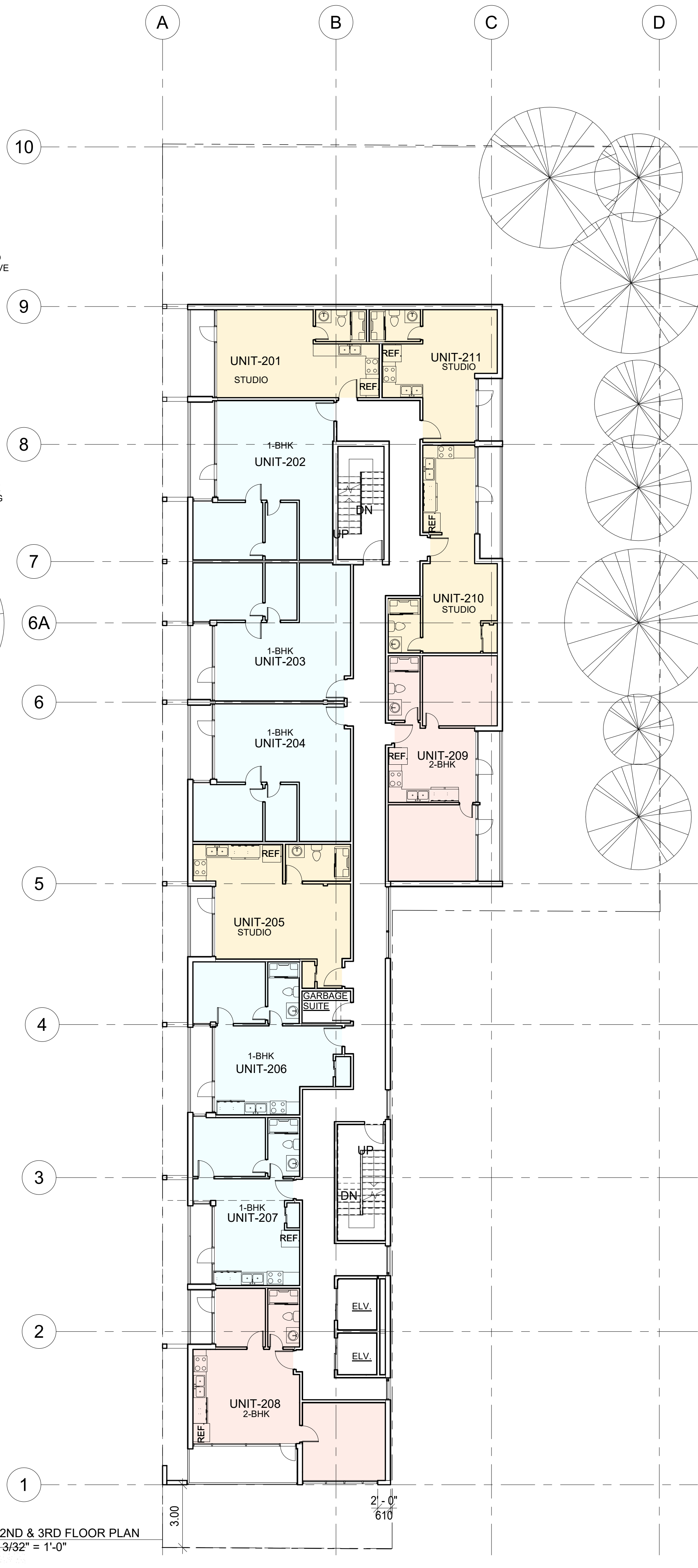
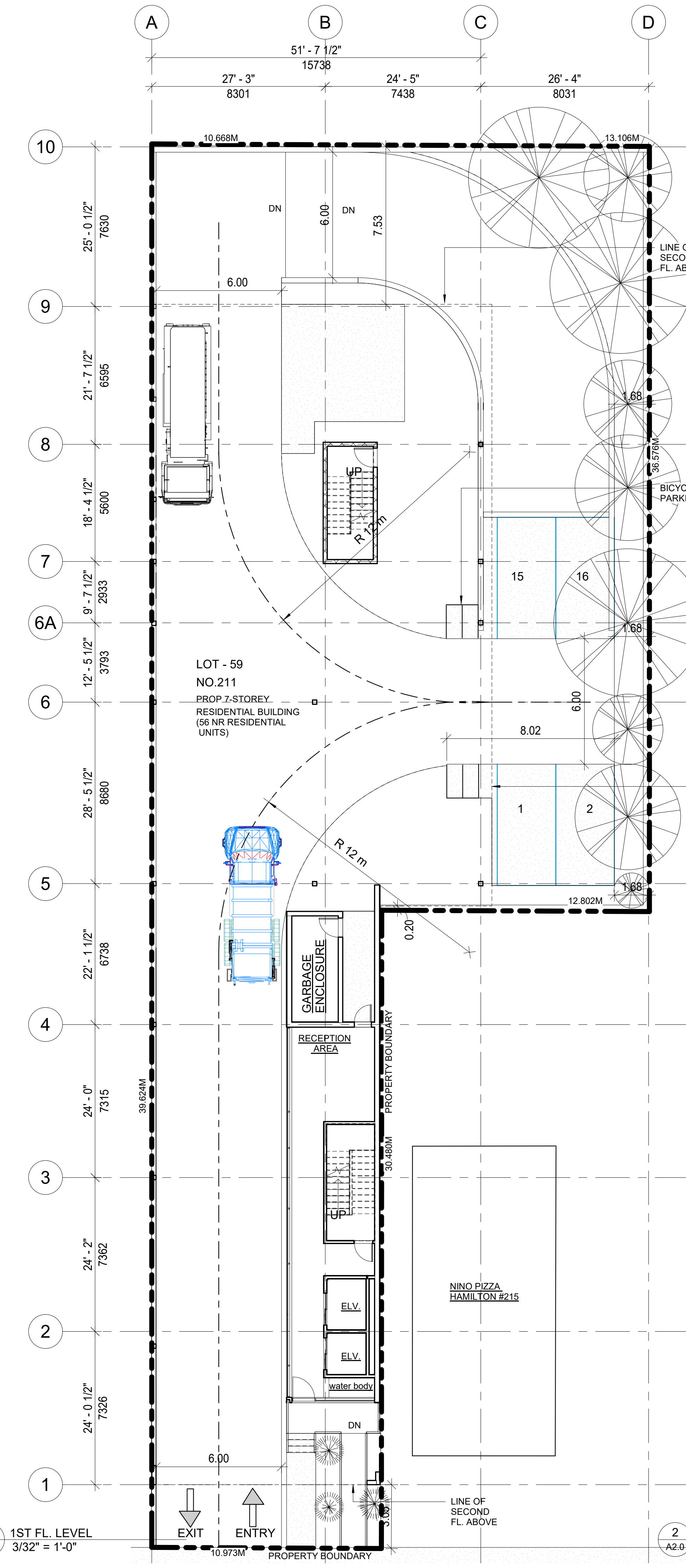
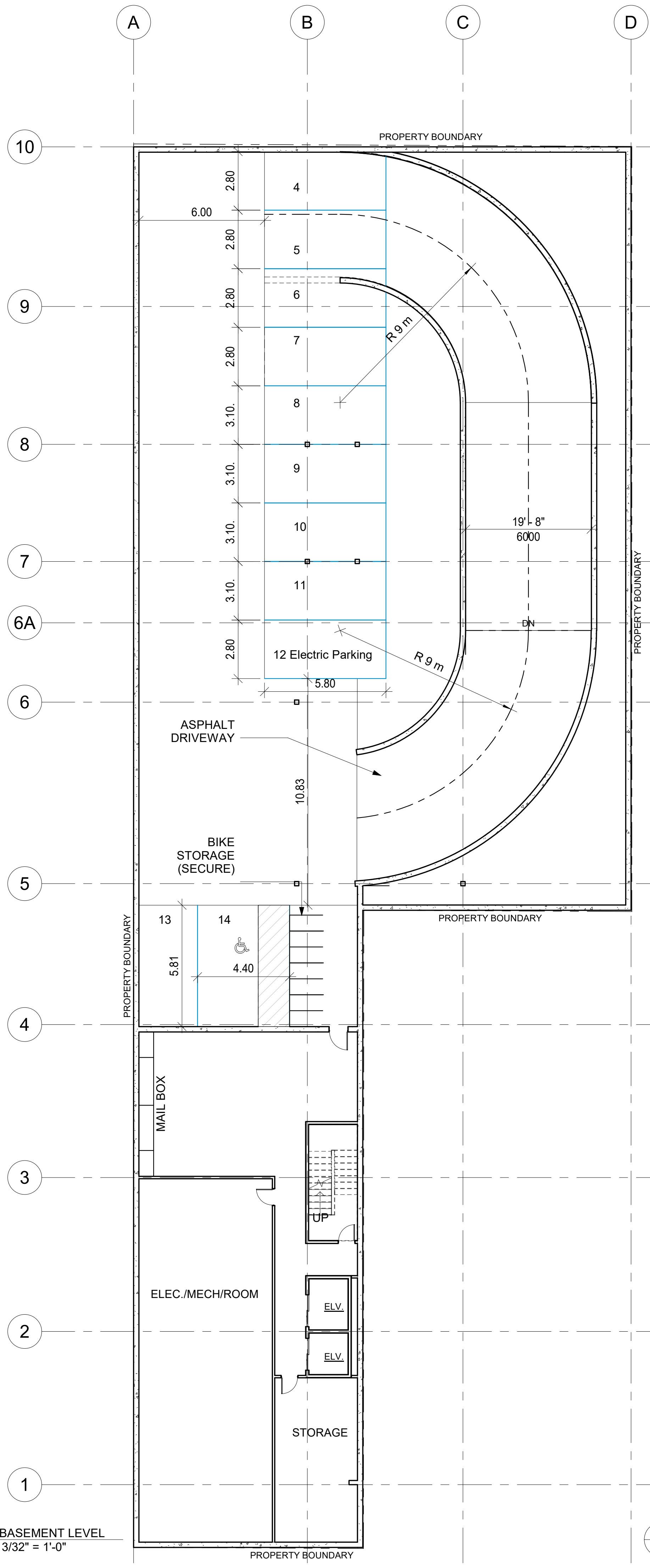
DRAWING TITLE:
 PRE-CONSULTATION SET
 ARCHITECTURAL

SHEET TITLE: FLOOR PLANS

JOB # 2021001

SCALE: 3/32" = 1'-0"

SHEET NO.: **A2.0**



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VIPUL DESAI & PRITESH VASHI

STRUCTURAL ENGINEERS:

PRE-CONSULTATION 01.22.2024
No.: Issued For: Date:

PROJECT:
RESIDENTIAL DEVELOPMENT

211 MELVIN AVE, HAMILTON, ON
L8H 2J9

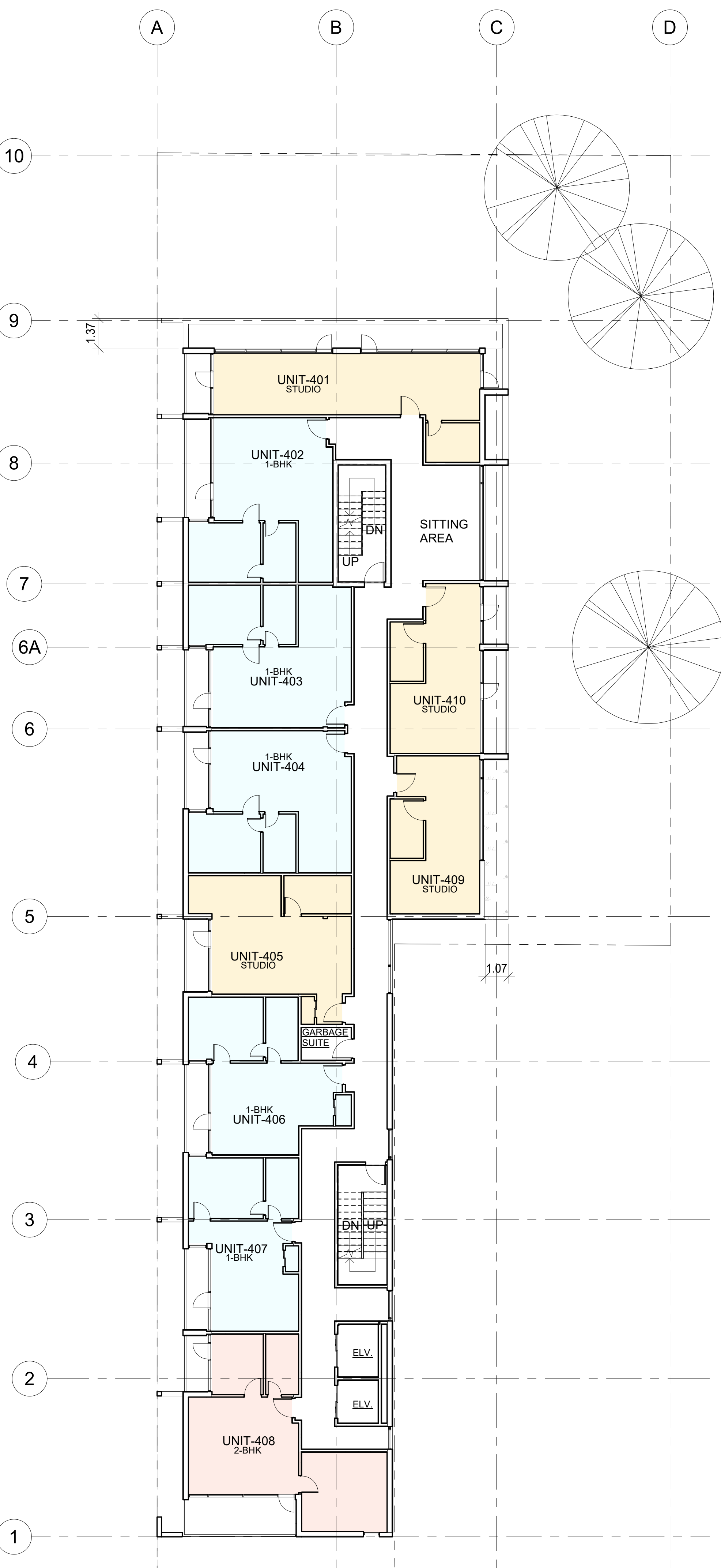
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ARCHITECTURAL

SHEET TITLE: FLOOR PLANS

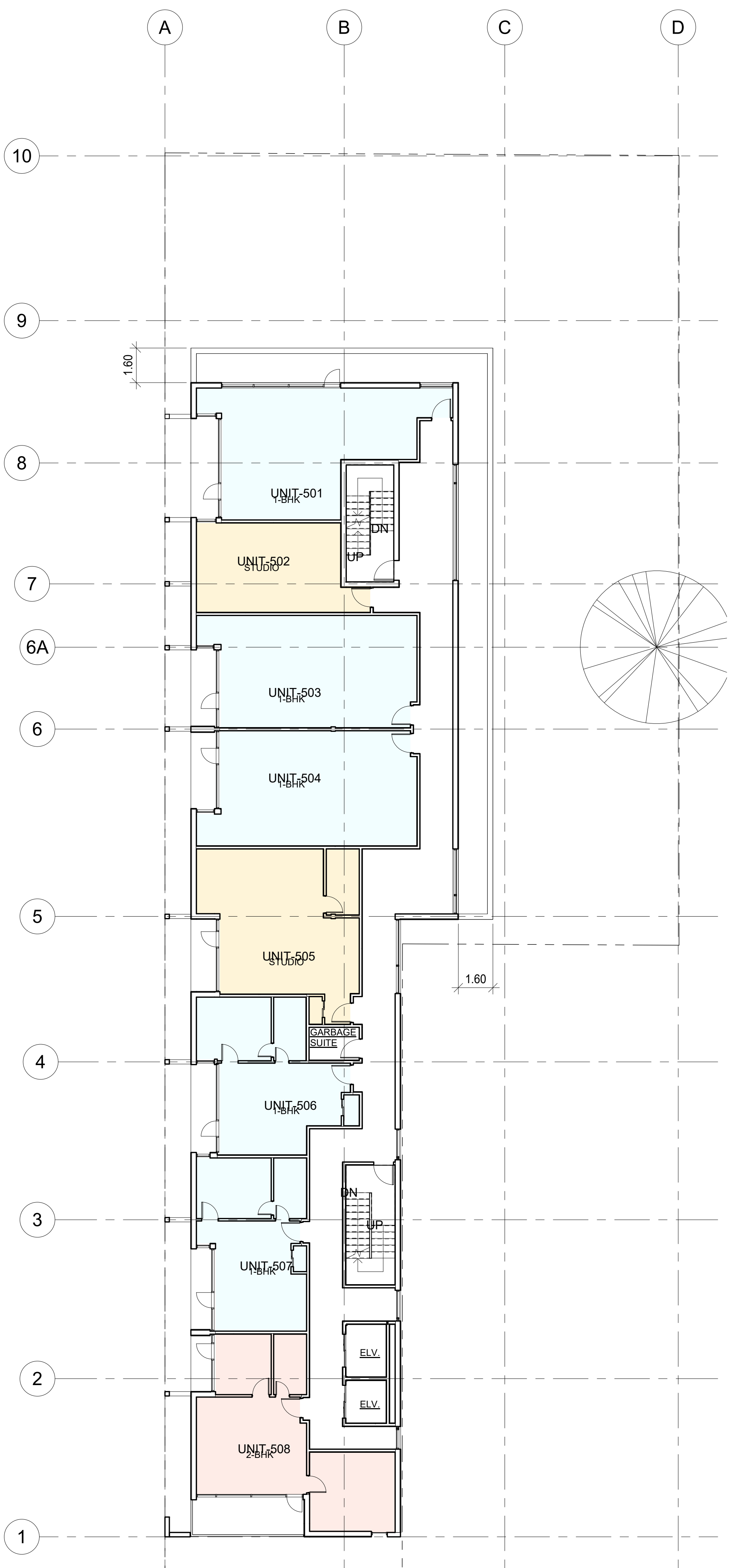
JOB # 2021001

SCALE: 3/32" = 1'-0"

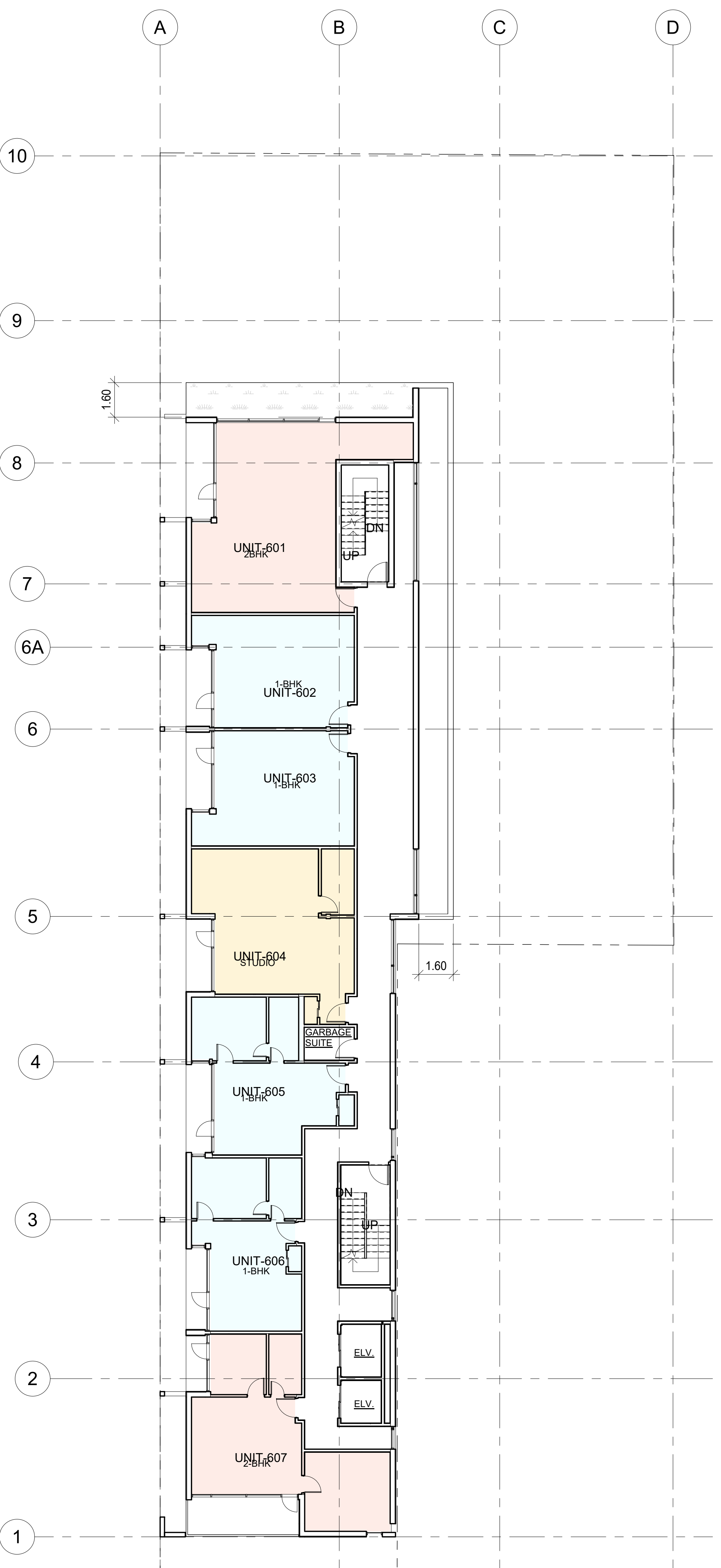
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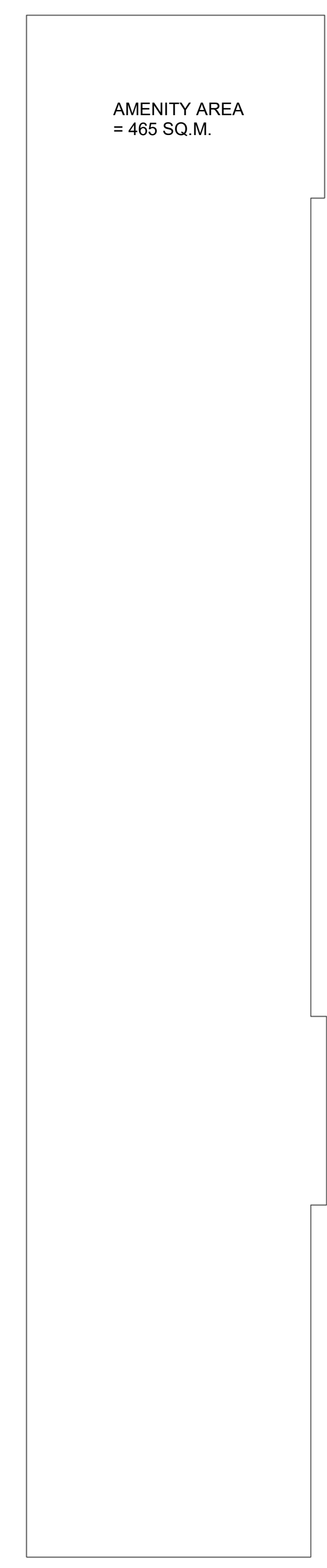
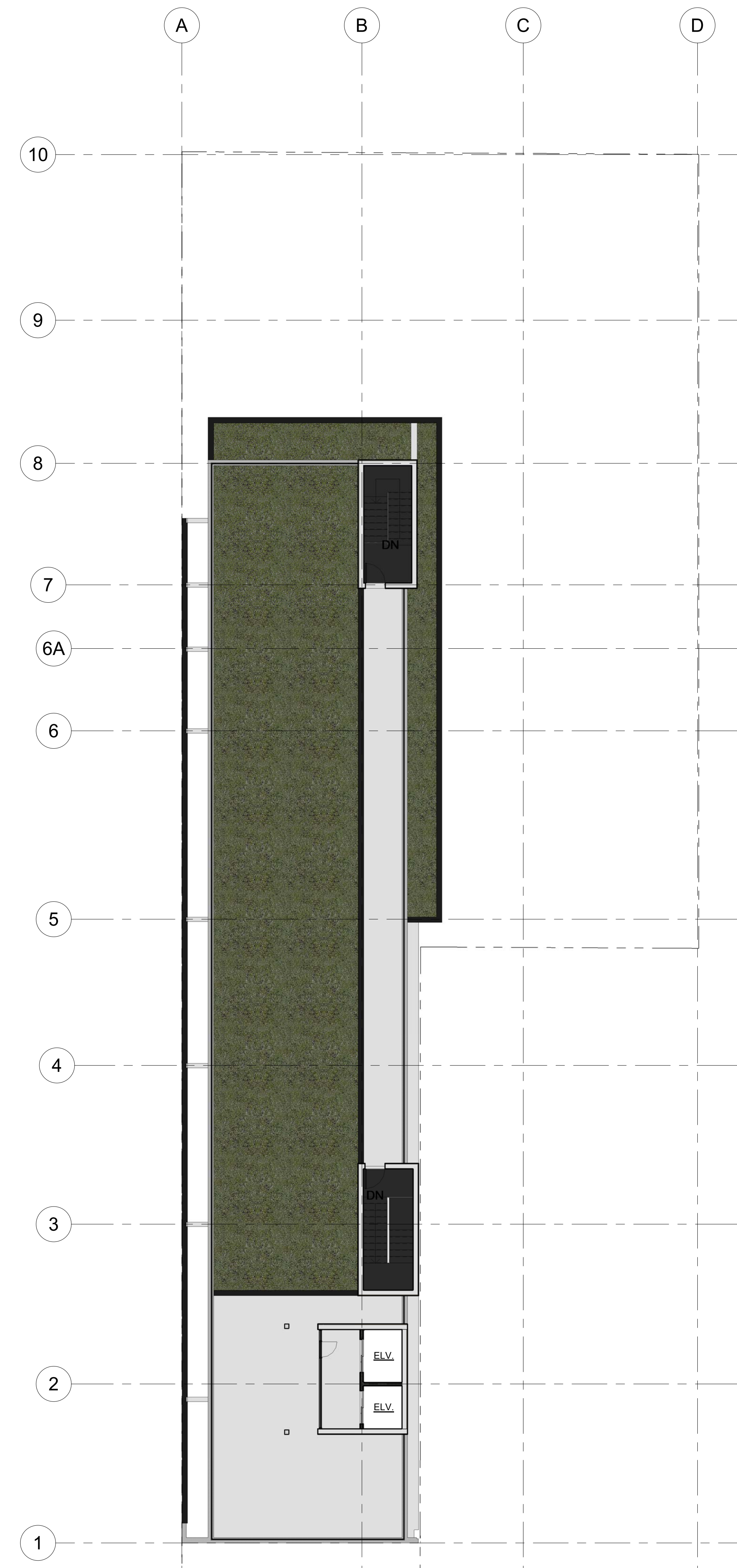
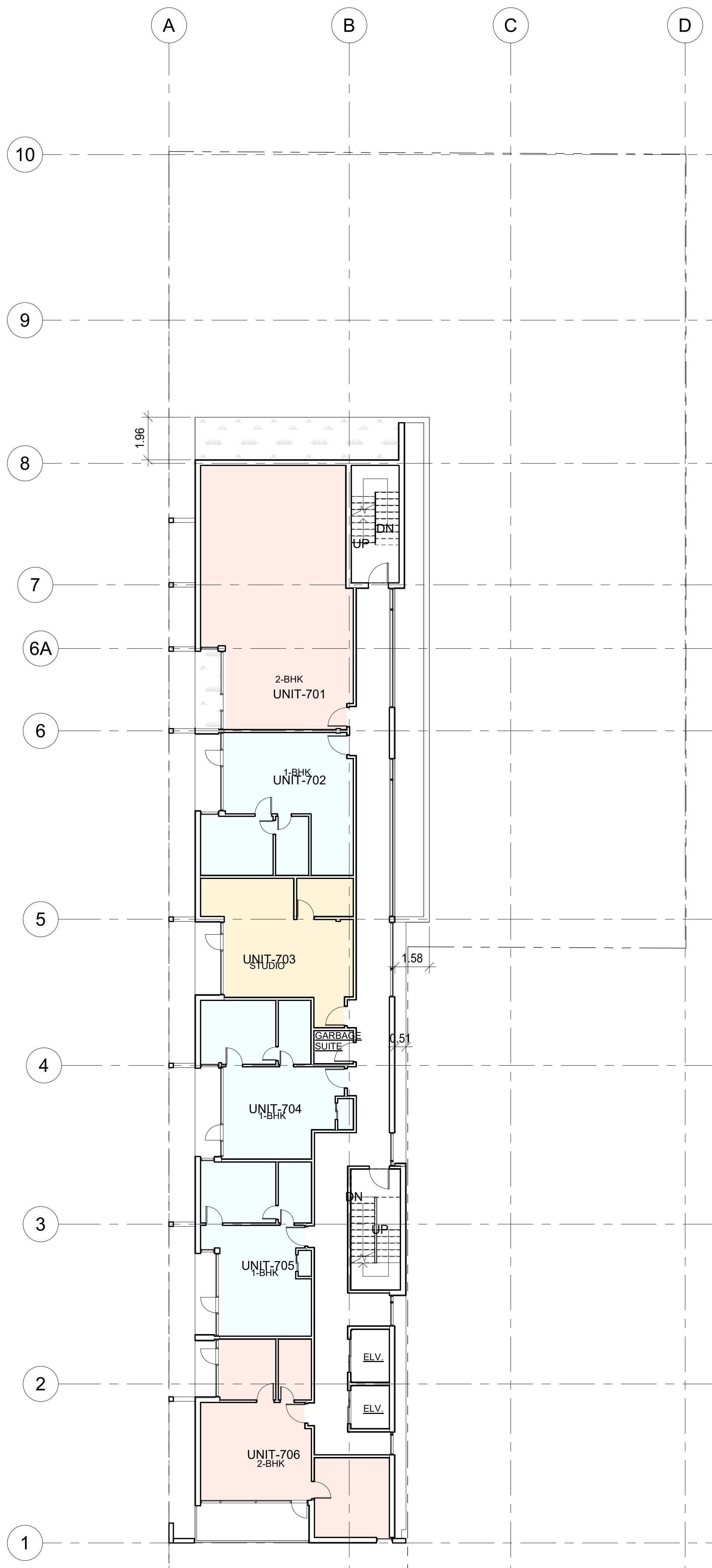
1 4TH FL. LEVEL
A2.1 3/32" = 1'-0"



2 5TH FL. LEVEL
A2.1 3/32" = 1'-0"



3 6TH FL. LEVEL
A2.1 3/32" = 1'-0"



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OWNER / CLIENT:
 VIPUL DESAI & PRITESH VASHI

STRUCTURAL ENGINEERS:

PRE-CONSULTATION 01.22.2024
 No.: Issued For: Date:

PROJECT:
RESIDENTIAL DEVELOPMENT
 211 MELVIN AVE, HAMILTON, ON
 L8H 2J9

DRAWING TITLE:
 PRE-CONSULTATION SET
 ARCHITECTURAL

SHEET TITLE: FLOOR PLANS

JOB # 20241001

SCALE: 3/32" = 1'-0"

SHEET NO.: **A2.2**

DRAFT

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STRUCTURAL ENGINEERS:

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 No.: Issued For: Date:

PROJECT:
RESIDENTIAL DEVELOPMENT
 211 MELVIN AVE, HAMILTON, ON L8H 2J9

DRAWING TITLE:
 PRE-CONSULTATION SET ARCHITECTURAL

SHEET TITLE: SOUTH & NORTH ELEVATION

JOB # 2021001

SCALE: As indicated

SHEET NO.: **A3.0**



1 SOUTH (FRONT) ELEVATION
 A3.0 1/8" = 1'-0"



2 NORTH REAR ELEVATION
 A3.0 1/8" = 1'-0"

MATERIAL LISTS		
1. STUCCO 'DRYVIT' COLOR #103 OR EQ. 	3. METAL PANEL 'NORTEM' COLOR 'CNC CHARCOAL' OR EQ. 	5. METAL PANEL 'NORTEM' WOOD FINISH 'QAW RIO ALEON' OR EQ. 
2. STUCCO 'DRYVIT' COLOR #522 OR EQ. 	4. METAL PANEL 'NORTEM' COLOR 'SMX SILVER MTL' OR EQ. 	

MATERIAL LEGEND	
MARK	MATERIALS
01	STUCCO 'DRYVIT' COLOR #103 OR EQ.
02	STUCCO 'DRYVIT' COLOR #522 OR EQ.
03	METAL PANEL 'NORTEM' COLOR 'CNC CHARCOAL' OR EQ.

DRAFT



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PRE-CONSULTATION	01.22.2024
No.:	Date:

PROJECT:
RESIDENTIAL DEVELOPMENT

211 MELVIN AVE, HAMILTON, ON
 L8H 2J9

DRAWING TITLE:
 PRE-CONSULTATION SET
 ARCHITECTURAL

SHEET TITLE: **EAST ELEVATION**

JOB # 2021001

SCALE: 1/8" = 1'-0"

SHEET NO.: **A3.1**

1 EAST (RIGHT SIDE) ELEVATION
 A3.1 1/8" = 1'-0"

DRAFT

PROJECT ARCHITECTS:
ARCHISYSTEM INC.
 CONSULTING ARCHITECTS
 CERTIFICATE OF PRACTICE # 5465

279 Main Street North
 Brampton, ON L6X 1N4
 Tel: 905-858-2565 Cell: 647-295-2565
 www.thearchsystem.com
 email: archisystem@gmail.com

NOTES:

THE DRAWINGS SHALL NOT BE SCALED.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DATUM AND LEVELS PRIOR TO COMMENCING THE WORK. FAILURE TO THAT THE CONTRACTOR WILL BE LIABLE TO RECTIFY WITHOUT EXTRA COST.

ALL ERRORS AND OMISSIONS TO BE REPORTED IMMEDIATELY TO THE ARCHITECT. VARIATIONS AND MODIFICATIONS TO WORK SHOWN ON THIS DRAWINGS SHALL NOT BE CARRIED OUT WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

THIS DRAWING IS EXCLUSIVE PROPERTY OF THE ARCHITECT AND SHALL NOT BE REPRODUCED WITHOUT THE ARCHITECT'S PERMISSION.

ALLWORKS TO BE DONE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO PREVAILING ONTARIO BUILDING CODE.

OWNER / CLIENT:
 VIPUL DESAI & PRITESH VASHI

STRUCTURAL ENGINEERS:

PRE-CONSULTATION	01.22.2024
No.:	Date:

PROJECT:
RESIDENTIAL DEVELOPMENT
 211 MELVIN AVE, HAMILTON, ON
 L8H 2J9

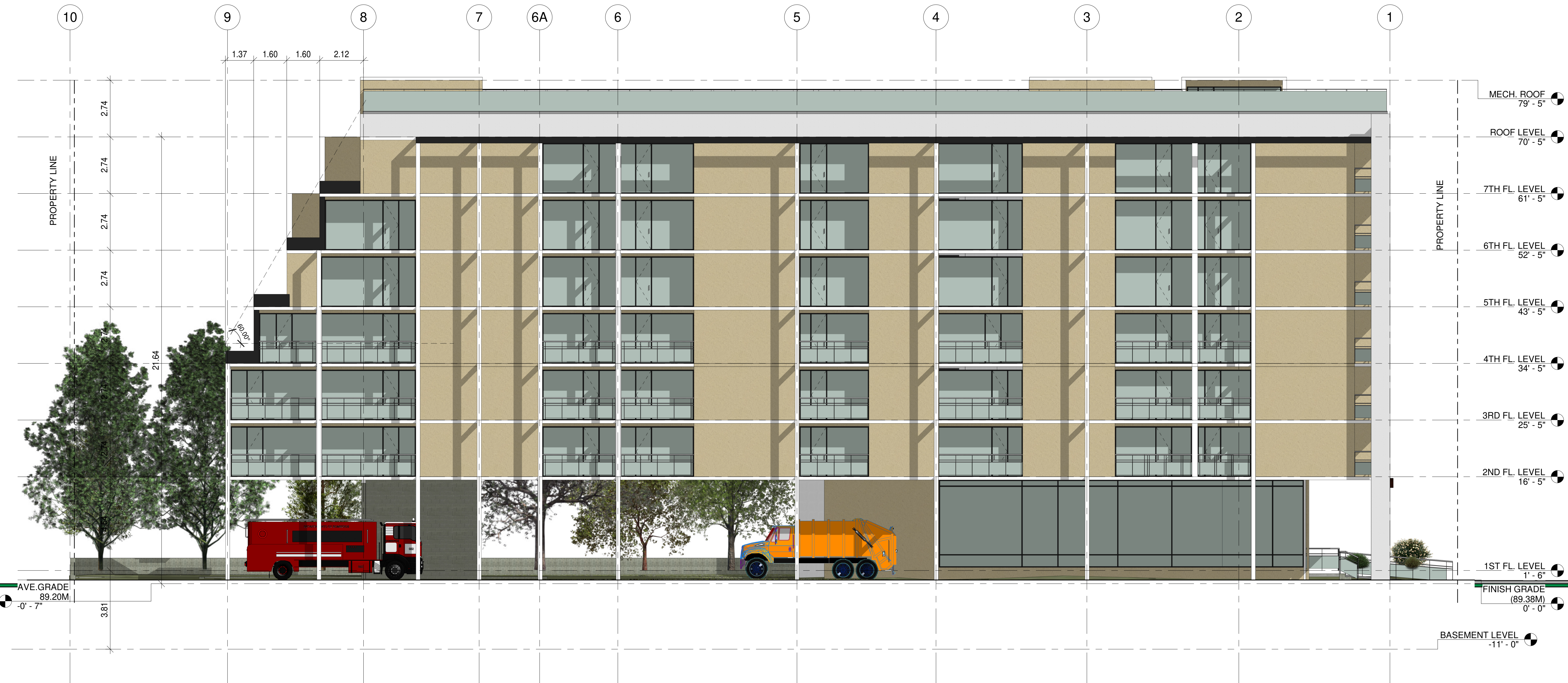
DRAWING TITLE:
 PRE-CONSULTATION SET
 ARCHITECTURAL

SHEET TITLE: **WEST ELEVATION**

JOB # 2021001

SCALE: 1/8" = 1'-0"

SHEET NO.: **A3.2**





September 20, 2024

Jamila Sheffield
Secretary Treasurer
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: Minor Variance Application
 211 Melvin Avenue, Hamilton
 OUR FILE: 22416A**

On behalf of 2872623 Ontario Inc., we are pleased to submit an application for a minor variance for the lands municipally known as 211 Melvin Avenue, herein referred to as the “subject lands”. The proposed redevelopment would demolish the existing structures on the subject lands in favour of a seven-storey multiple residential building with 49 units (all under 50 square metres) and 16 parking spaces.

The proposed development was previously discussed with municipal staff during a Formal Consultation for Site Plan on May 22, 2024 and was informally discussed with staff on multiple occasions, the most recent of which was on June 27, 2024 with Amna Amir and Spencer Skidmore.

Location and Existing Uses

The subject lands are located on the north side of Melvin Avenue, southeast of the intersection of Barton Street and Parkdale Avenue North. They are approximately 0.12 hectares in size with approximately 11 metres of frontage on Melvin Avenue. The lands are currently occupied by a two-storey building with commercial uses on the ground floor and residential uses above. A driveway to the east of the building provides access to the rear of the property which includes a surface parking lot and a garage. The lands do not include the commercial building to the southeast (Nino Pizza).

The lands are not identified as having natural heritage features on the City’s Official Plan mapping and are not within the regulated area of the Conservation Authority. The adjacent property to the west, 205 Melvin Avenue, is identified as an Inventoried heritage property. The adjacent lands to the east, 211 Melvin Avenue, include a 17-storey apartment building.

Proposed Development

The proposed development included the redevelopment of the existing greyfield site into a modern 7 storey building that provides 49 residential dwelling units on floors 2 - 7. Parking is screened from view and provided within one level of underground parking and one level of at-grade parking.

Balconies are provided for all units and common amenity space is proposed within the building and on a rooftop terrace. The street frontage provides a three-storey glazed element and significant glazing along the western ground floor. The main entrance is glazed and faces Melvin Avenue, where it connects to the existing sidewalk along Melvin Avenue.

As noted, the proposed height (7 storeys) complies with the maximum height of the C5 zone, which permits heights up to 22 storeys. The adjacent residential building to the east (221 Melvin Avenue) is 17 storeys in height, with other developments on the north side of Melvin Street being 10 storeys (225 Melvin Avenue), 8 storeys (265 Melvin Avenue), 9 storeys (285 Melvin Avenue), 10 storeys (315 Melvin Avenue), and 17 storeys (355 Melvin Avenue) in height.

Proposed Minor Variance

A minor variance is requested to address the provisions of Section 10.5.3.d.iii of the By-law, which states "... building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) [rear yard setback] and c) [interior side yard setback] when abutting a Residential or Institutional Zone to a maximum of 22.0 metres." This effectively results in the requirement for a 45-degree angular plane above 11 metres.

The proposed building is set back 7.5 metres from the eastern property line as required in Section 10.5.3 c and is 21.64 metres in height. The 10.64 metres of building height above 11 metres is stepped back as follows, with each floor being 2.74 metres in height:

- Floor 5: 2.69 m
- Floor 6: 1.6 m
- Floor 7: 1.76 m

In total, the additional 10.64 metres of building height above 11 metres is stepped back over 6.05 metres, whereas the by-law requires that it be stepped back more than 10.64 metres. In effect, the building provides an angular plane of 60 degrees where an angular plane of 45 degrees is required.



The requested variance is to Section 10.5.3.d.iii reads:

“Any building height above 13.4 metres may be increased by 2.7 metres as the interior side yard increases by a minimum of 1.6 metres beyond the minimum interior side yard requirement established in Section 10.5.3.c when abutting a Residential or Institutional Zone to a maximum height of 22 metres.”

Analysis

The following provides an analysis of the proposal which demonstrates that the proposed variance satisfies the requirements of Subsection 45(1) of the *Planning Act*.

The variance maintains the general intent and purpose of the Official Plan

The subject property is within the *Neighbourhoods* urban structure element and is designated *Mixed Use – Medium Density* in the City of Hamilton Official Plan. Multiple dwellings are permitted to a maximum of six storeys, with height up to 12 storeys permitted without an Official Plan Amendment subject to meeting the policies of Section 4.6.8, being:

- a) *The development shall provide for a mix of unit sizes to accommodate a range of household sizes and income levels, to be implemented through the Zoning By-law;*
- b) *The development shall incorporate sustainable building and design principles including but not limited to use of locally sourced and/ or recycled materials, water conservation and energy efficient techniques and low impact development approaches;*
- c) *There are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;*
- d) *Buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,*
- e) *Buildings are stepped back from the street to minimize the height appearance from the street, where necessary.*

Section 4.6.16 requires new development to be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets, and Section 4.6.17 states that the intention of the *Mixed Use – Medium Density* designation is to develop a compact urban form with a streetscape design and building arrangement that supports pedestrian use and creates vibrant people places.

The proposed development implements the urban structure and designation of the subject lands. The proposed medium density residential development is permitted and is well within the maximum permitted height of 12 storeys. The policies of Section 4.6.8 of the Official Plan are addressed as follows:

- The development provides studios, one bedroom, and two-bedroom units;
- Sustainable building and design principles will be implemented (to be determined during detailed design);
- There are no adverse shadow impacts on surrounding uses;
- The buildings are stepped back from the rear and eastern property lines; and,
- The building includes glazing along the street-facing elements to reduce the impacts of massing on the streetscape.

The proposed variance maintains the general intent and purpose of the Official Plan as it facilitates a permitted mid-rise development that is compatible with the surrounding neighbourhood.

The variance maintains the general intent and purpose of the Zoning By-law

The subject lands are zoned *Mixed Use Medium Density (C5)* in Zoning By-law 05-200. Multiple dwellings (apartment buildings) are permitted in the C5 zone with a maximum height of 22 metres. A comparison of the proposed development to the C5 zone is appended to this letter (note each unit is less than 50 square metres).

The proposed development complies with all provisions of the Zoning By-law with the exception of Section 10.5.3.d.iii in relation to the mutual property line shared with 221 Melvin Avenue, a 17-storey apartment building.

The intent of the aforementioned provision is to provide a transition in height from mid-rise buildings to adjacent residential uses to reduce visual, wind, and shadow impacts. In this case, impacts of the proposed 7-storey building on the adjacent 17-storey building are mitigated by the substantial difference in height and physical separation. The proposed development meets the required 7.5 metre interior side yard setback, and the existing building on 221 Melvin Avenue is set back approximately 11 metres from the mutual property line, creating a separation distance of approximately 18.5 metres. Notwithstanding this, the proposed development provides setbacks above 11 metres to achieve the intent of the Zoning By-law at an alternate rate.

The variance is desirable and appropriate for the development of the land

The proposed variance is desirable as it facilitates the redevelopment of a greyfield site within the urban area of Hamilton in an area planned to accommodate intensification, including mid-rise buildings. The proposed development is compact and efficiently utilizes existing serviced land that is designated and zoned for the proposed development.

The proposed variance is appropriate as it provides a step back for height increases above 11 metres while providing sufficient distance from the adjacent 17 storey building. No additional relief from the Zoning By-law is required.

The variance is minor in nature

The variance is minor as it provides physical separation and a setback from the adjacent residential building as the by-law intends, without impacting surrounding properties, in particular 221 Melvin Avenue.

Closing

Based on the foregoing, it is our opinion that the requested variance satisfies Section 45(1) of the *Planning Act*. The variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate use of the land, and is minor.

In support of the minor variance application, please find enclosed the following:

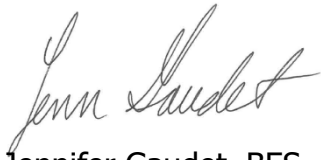
- A complete application form and authorization;
- A cheque in the amount of \$3,900, being the required application fee for a minor variance;

- A survey;
- A preliminary grading plan; and,
- Conceptual plans and elevations prepared by Archisystem Inc.

We look forward to working with City staff on this development. Should you require any additional information or have any questions regarding the enclosed please do not hesitate to contact the undersigned.

Yours truly,

MHBC



Jennifer Gaudet, BES, MCIP, RPP
Associate

cc. *Trevor Hawkins, MHBC*
Pritesh Vashi, 2872623 Ontario Inc.
Vipul Desai, 2872623 Ontario Inc.
Sarwat Ahmed, Archisystem Inc.
Sayed Murtaza Mehdi Rizvi, Archisystem Inc.



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)	2872623 Ontario Inc. c/o Pri
Applicant(s)	Same as Owner
Agent or Solicitor	MHBC Planning c/o Trevor Hawkins and Jennifer Gaudet

1.2 Primary contact

Applicant

Owner

Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner

Agent/Solicitor

1.4 Request for digital copy of sign

Yes*

No

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

[Redacted]

1.5 All correspondence may be sent by email

Yes*

No

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

1.6 Payment type

In person

Credit over phone*

Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	211 Melvin Avenue		
Assessment Roll Number	2518-050-418-00310		
Former Municipality			
Lot	59	Concession	
Registered Plan Number	1392	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:

Relief from Section 10.5.3(d)(iii) - refer to cover letter for full details.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to enclosed Planning Justification

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
10.97 m	39.62 m	1203.87 m ²	~23 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)

Unknown date
of construction

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Two storey (to be demolished)	3.02 m	~41.2 m	~0.7 m	
Garage (to be demolished)	N/A	~1.5 m	~0.6 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
7 Storey Apartment Building	3 m	7.59 m	7.5 m / o m	03/03/2025

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
Mixed Use	~ 148 m2	~ 298 m2	2	~ 6 m
Detached Garage	~ 50 m2	~ 50 m2	1	~ 3 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Multiple Dwelling	770 m2	2,506.56 m2	7	21.64 m

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
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
Multiple dwelling apartment building

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Residential to the west, mixed use to the east, residential and mixed use to the south, commercial to the north

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
2022

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

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

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): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods, Mixed Use Med

Please provide an explanation of how the application conforms with the Official Plan.
Please refer to Planning Justification Letter

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

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

- Yes
- No

If yes, please provide the file number: _____

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

Yes

No

If yes, please provide the file number: _____

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 4

8.2 Number of Dwelling Units Proposed: 49

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

Please refer to Planning Justification Letter

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
