



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-24:228	SUBJECT PROPERTY:	457 Dundas Street East, Flamborough
ZONE:	"C3" (Community Commercial)	ZONING BY-LAW:	Hamilton Zoning By-law No. 05-200 as amended by By-law No. 17-240

APPLICANTS: Owner: Jora Singh Purewal
Agent: Sam Esposito, Noah Ryzewicz

The following variances are requested:

1. Dwelling Units(s), Mixed Use shall be permitted to occupy 52% of the total gross floor area of all building(s) within the lot, instead of the requirement that a Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50% of the total gross floor area of all building(s) within the lot.

PURPOSE & EFFECT: So as to permit the development of a new Dwelling Unit, Mixed Use, notwithstanding that:

Notes:

1. This variance is necessary to facilitate Site Plan Application No. DA-22-052, and has been written exactly as requested by the applicant

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:	2:40 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)

	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment
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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

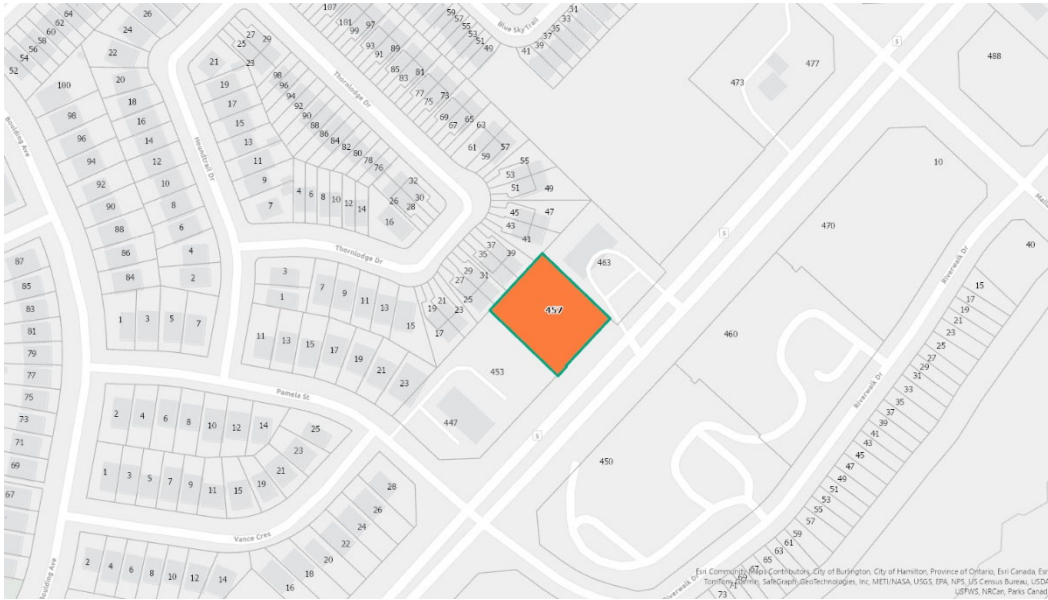
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon November 6, 2024

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-24:228, 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.

NO DRAWING DIVISION SHALL BE VIEWED INDEPENDENTLY. CONTRACTOR AND ALL SUB CONTRACTORS TO REVIEW AND BE FAMILIAR WITH ENTIRE DRAWING SET.

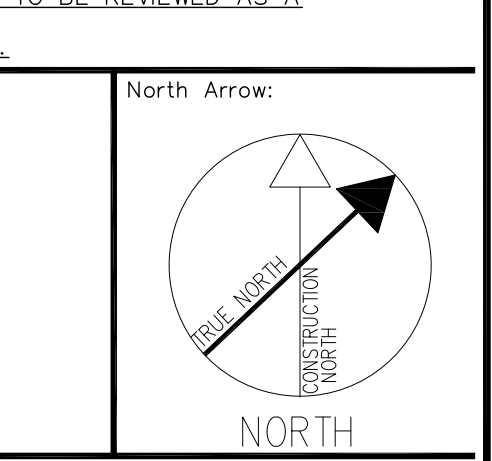
Revisions

No.	For:	Date:

PLANNING	SPR SUBMISSION	DATE
PLANNING 5	SPA SUBMISSION 4	2024.05.16
PLANNING 4	SPA SUBMISSION - REVISIONS 1	2023.11.29
CITY	BUILDING PERMIT	2023.10.27
CONSULT 1	DESIGN DEVELOPMENT RFP	2022.12.16
PLANNING	SPA SUBMISSION - FINAL REVISION	2022.10.05
PLANNING 3	SPA SUBMISSION - REVISED	2022.06.02
CLIENT	SPA SUBMISSION REVISIONS	2022.05.31
PLANNING 2	SPA SUBMISSION	2022.01.07
PLANNING 1	FORMAL CONSULTATION	2021.04.16

Issue Table

NOTE:
CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH WORK. DO NOT SCALE DRAWINGS.
CONTRACTORS AND SUBCONTRACTORS SHALL USE THIS DRAWING IN CONJUNCTION WITH OTHER DISCIPLINARY ENGINEER DRAWINGS AND TENANT FIT-UP DRAWINGS.
THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL ISSUED FOR CONSTRUCTION BY DESIGN PROFESSIONAL UNDER ISSUE COLUMN.
CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED WITHOUT AUTHORIZATION BY THE CONSULTANTS.
ALL DRAWINGS ARE TO BE REVIEWED AS A FULL PACKAGE SET.



Architect:
SAM ESPOSTO ARCHITECT INC.
548 UPPER JAMES ST. HAMILTON, ON. L9C 2Y4
T. 905.383.7500 F. 905.383.5700

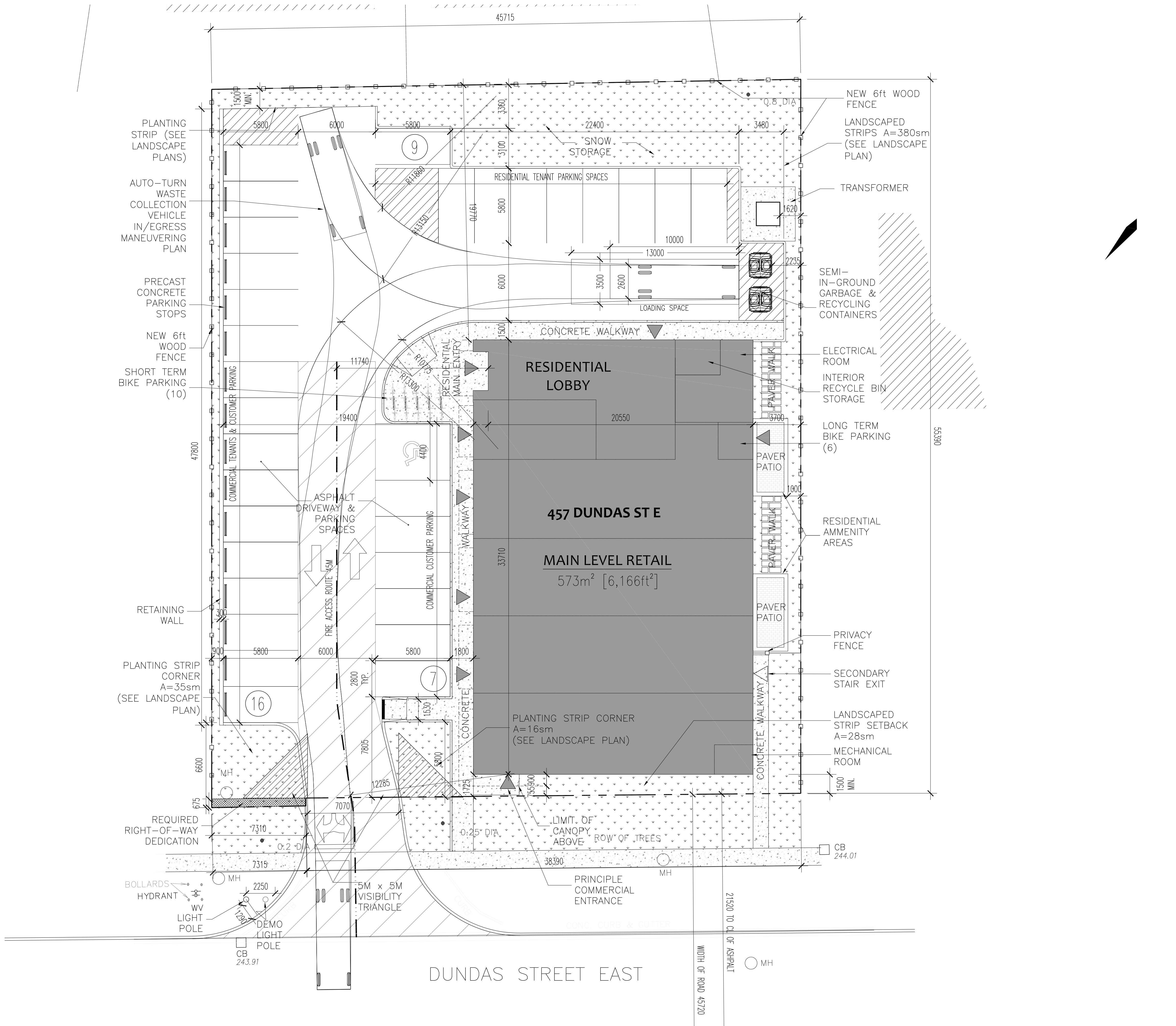
Project:
PROPOSED MIXED USE BUILDING
457 Dundas St. E.,
Waterdown, ON.

Drawing Title:
SITE PLAN
File: DA-22-053
Drawn By: **MG** Scale:
Checked By: **SE** Plot Date: **2021-03-26**
Project Date: **OCT 2023**
Project No: **21-105**
Drawing No: **A1.0** Sheet Version: **0**

SITE STATISTICS:			
	REQUIREMENTS	PROPOSED	CONFORMS TO (YES/NO)
ZONING DESIGNATION	COMMUNITY COMMERCIAL (C-3) ZONE	COMMUNITY COMMERCIAL (C-3) ZONE - Commercial/Residential	YES
COMMERCIAL USES RESIDENTIAL USES		COMM AREA = 572.84 SQ.M. RES. AREA = 608.43 SQ.M	NO*
a) BUILDING SETBACK FROM A STREET LINE	*DUE TO THE SERVICE SPACES AT GROUND LEVEL REDUCING COMMERCIAL FLOOR AREA SECOND FLOOR RESIDENTIAL WILL BE SLIGHTLY MORE THAN 50% - MINOR VARIANCE REQUIRED	S = 1.5 m	YES
b) MINIMUM REAR YARD	SOUTH (DUNDAS ST E) = 1.5m MIN. MAX. 4.5M, EXCEPT WHERE A VISIBILITY TRIANGLE SHALL BE REQUIRED FOR A DRIVEWAY ACCESS NORTH (REAR Res.) = 7.5m ABUTTING A RESIDENTIAL ZONE	N = 19.76 m	YES
c) MINIMUM INTERIOR SIDE YARDS	WEST (SIDE) = 1.5m EAST (SIDE) = 1.5m	W = 19.5 m E = 3.7 m	YES
d) MAXIMUM BUILDING HEIGHT	HT = 14.0m	HT = 8.55 m	YES
e) MAXIMUM LOT AREA	10,000.0 SQ.M. NO MINIMUM REQUIREMENT	OVERALL SITE= 2,528.6 SQ.M. (0.25 HECTARES)	YES
f) MAXIMUM G.F.A. FOR AN INDIVIDUAL OFFICE	500.0 SQ.M. PER UNIT	NO OFFICE UNITS	YES
g) MAXIMUM TOTAL G.F.A. FOR COMMERCIAL USES	10,000.0 SQ.M.	G.F.A. = 572.84 SQ.M.	YES
h) MAXIMUM G.F.A. FOR MICROBREWERY	700.0 SQ.M. PER UNIT	NO MICROBREWERY	YES
i) BUILT FORM FOR NEW DEVELOPMENT	i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street. ii) For an interior lot or a through lot the minimum width of the ground floor facade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line. iii) corner lot (...) iv) In addition to Section 10.3.3(i) and (ii), the minimum width of the ground floor facade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street. v) Notwithstanding Section 10.3.3(ii) and (iii) for commercial development existing at the time of the passing of the By-law, new commercial buildings with a Gross Floor Area of less than 650 square metres shall be permitted. vi) No parking, driveways, stacking lanes, or aisles shall be located between a building facade and the front lot line and flankage lot line. vii) A minimum of one principal entrance shall be provided: 1. within the ground floor facade that is set back closest to a street; and 2. shall be accessible from the building facade with direct access from the public sidewalk. viii) A walkway shall be permitted in a Planting Strip where required by the By-law. ix) Notwithstanding Section 10.3.3, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.		YES
j) MIN. FACADE TO LOT WIDTH RATIO	FACADE TO LOT MIN. 40%	FACADE = 20.6/45.72 = 45%	YES
k) PLANTING STRIP REQUIREMENTS	LANDSCAPED STRIP, MIN. 1.5m, WHERE PROPERTY ABUTS A RESIDENTIAL ZONE	NORTH (REAR) LOT ABUTS RESIDENTIAL ZONE, 1.5m PLANTING STRIP PROVIDED	YES
l) VISUAL BARRIER REQUIREMENT	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (DS) Zone in accordance with the Requirements of Section 4.19 of this By-law.		YES
m) OUTDOOR STORAGE	i) No outdoor storage of goods, materials, or equipment shall be permitted. ii) Notwithstanding Section 10.3.3(i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	No proposed display of goods or materials outside, in any yard.	YES
n) SECTION 5: PARKING	MIN. SIZE = 2.8m x 5.8m; & (v) 1 of every 10 spaces (1.0m) may be 3.6 x 5.5m size	MIN. SIZE = 2.8m x 5.8m	YES
o) 5.2(f) DESIGNATED BARRIER FREE PARKING SPACES	MIN. SIZE = 4.4m x 5.8m; 1-4% OF THE REQUIRED SPACES; THEREFORE 1 BF SPACE REQ'D	1 BARRIER-FREE SPACE PROVIDED	YES
p) 5.2(h) LANDSCAPED AREAS	MIN. SIZE 10% AREA OF PARKING LOT AND DRIVEWAYS, MIN. 10.0 SQ.M.; MAY REDUCE # PARKING SPACES BY 10%	AREA OF PARKING & AISLES = 1121sq AREA OF LANDSCAPE = 459sqm	YES
q) 5.2(i) DRIVE AISLE	WIDTH MIN. 6.0M	WIDTH 6.0M PROVIDED	YES
r) 5.4(c) SPACES	COMMERCIAL USE, RETAIL: 1 PER 17.02M ² FOR GFA > 450.0 SQ. USE. 593-450=143sqm/17 = 8.4 SPACES REQUIRED MULTIPLE DWELLING: i) UNITS > 50.0 SQ.M, 1-14 UNITS, MIN. 0.7/UNIT, MAX. 1.25 /UNIT = 6.3 to 11.25 SPACES REQ'D	32 SURFACE SPACES (NO BASEMENT) INCL. 1 BARRIER-FREE; NO SMALL CAR SPACES	YES
s) 5.7(c) BICYCLE PARKING	COMMUNITY COMMERCIAL C3 ZONE, i) 5 SPACES DWELLINGS + i) 5 SPACES OTHER COMMERCIAL SHORT-TERM NO LONG-TERM REQUIRED	10 SHORT-TERM SPACES PROVIDED	YES
t) LOADING SPACES	NA	TBD	YES
u) WASTE MANAGEMENT	RECYCLING = 4 CARTS GREEN = 2 CARTS GARBAGE = 5m ² BIN BULK STORAGE = 6m ²	RECYCLING = 1 SEMI IN-GROUND GREEN = 2 CARTS, INDOOR GARBAGE = 1 SEMI IN-GROUND BULK STORAGE = 6m ² , INDOOR	

NOISE WARNING CLAUSE:
TYPE C:
"This dwelling unit had been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the MCP's noise criteria.
(Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MCP Publication NRC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"

WASTE COLLECTION DISCLOSURE:
As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development must disclose in writing to all prospective buyers of units within the development that the property is not serviceable for municipal waste collection and that this may result in additional fees / costs to the buyer.





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APPLICATION FOR A MINOR VARIANCE/PERMISSION

UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Jora Singh Purewal
Applicant(s)	
Agent or Solicitor	

1.2 Primary contact

Applicant

Owner

Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner

Agent/Solicitor

1.4 Request for digital copy of sign

Yes*

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	457 Dundas St E. Waterdown, ON L0R 2H8		
Assessment Roll Number	2530300-35025300		
Former Municipality	City of Flamborough		
Lot	4	Concession	3
Registered Plan Number	62R-3012, 62R-5278	Lot(s)	
Reference Plan Number (s)	P.I.N. 17503-0333(L1	Part(s)	1, 2

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:

Restrictions of Residential Uses within a Building.

The residential portion of the mixed use building is more than 50% of the total gross floor area of all the building(s) within the lot.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

A 50/50 split cannot be achieved between the commercial (572.84m²) and residential (608.43) since the residential units on the second floor, requires a portion of the main floor commercial area to be dedicated to access an entrance lobby as well as amenities. Therefore it is not possible in this case to create an even split of residential and commercial between the ground and second floor.

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
45 715 mm	55 390 mm	2528.6 m ²	45 720 mm

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
N/A	N/A	N/A	N/A	
"	"	"	"	
"	"	"	"	
"	"	"	"	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Commercial/Residential Building	S=1.5m	N=19.76m	W=19.5m, E=3.7m	

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
N/A	N/A	N/A	N/A	N/A
"	"	"	"	"
"	"	"	"	"
"	"	"	"	"

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Commercial/Residential Building	727.8m ²	1459.65m ²	2	8.55m
"	"	"	"	"
"	"	"	"	"
"	"	"	"	"

- 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.):
Mixed Use Commercial/ Residential Building.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Vacant Property to the south west, Car Repair/ Maintenance shop to the north east.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Nov 7 2008

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

Pizza Shop

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

Vacant

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

Vacant since date of acquisition.

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

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

Proposing a mixed use 2 storey commercial/ residential building in an urban area of Hamilton.

7.6 What is the existing zoning of the subject land? C-3 Community Commercial Zone

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: C-3 Community Commercial Zone

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: 9

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

9 Dwelling units and 5 commercial spaces.

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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