



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>A-24:260</b>	<b>SUBJECT PROPERTY:</b>	323 Rymal Road East, Hamilton
<b>ZONE:</b>	DE-2/S-1798-H (Multiple Dwellings)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593

**APPLICANTS:** Owner: 5025299 Ontario Inc.  
Agent: 5025299 Ontario Inc.

The following variances are requested:

1. To permit a minimum of 29 parking spaces whereas the by-law requires a minimum of 35 parking spaces.
2. To permit a maximum floor area ratio of 1.071 whereas the by-law permits a maximum floor area ratio of 0.9.
3. To permit a minimum landscape percentage of 24.3% whereas the by-law requires a minimum landscape percentage of 25%.

**PURPOSE & EFFECT:** To facilitate the construction of a 4-storey multiple dwelling.

**Notes:**

i) Subject to Conditional Site Plan Approval and Building Permit 21-123152-01.

**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:

<b>DATE:</b>	<b>Tuesday, January 21, 2025</b>
<b>TIME:</b>	<b>1:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>

	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## **PUBLIC INPUT**

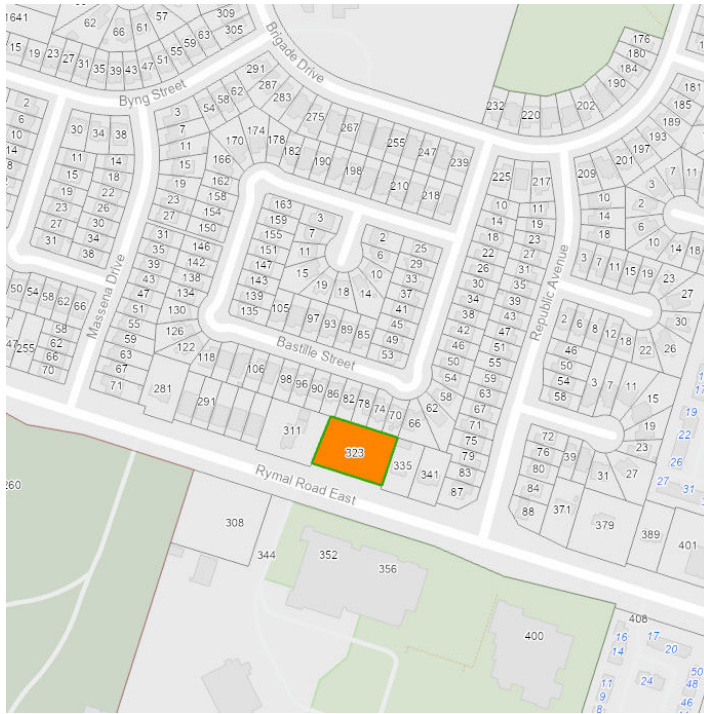
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon January 17, 2025

**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 January 20, 2025

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:260, you must submit a written request to [cofa@hamilton.ca](mailto: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](mailto: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: January 2, 2025

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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](mailto: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](http://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](mailto: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](mailto: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.



# RYMAL RESIDENCES

323 RYMAL ROAD EAST HAMILTON, ON

PROJECT NO. 24-663

ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE LATEST ONTARIO BUILDING CODE.  
 USE ONLY LATEST REVISED DRAWINGS MARKED AS "ISSUED FOR CONSTRUCTION".  
 CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE PROJECT AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING.  
 WITH THE WORK, DRAWINGS ARE NOT TO BE SCALED.  
 CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN AUTHORIZATION. DOCUMENTS ARE TO BE RETURNED UPON COMPLETION OF THE PROJECT.

**OWNERS INFORMATION:**

**LEGEND:**

REVISIONS #	DATE	REMARKS
00	2024.11.06	ISSUED FOR WORK VARIANCE
03	2024.03.05	SITE PLAN AMENDMENT
04	2023.12.19	4TH STOREY ADDITION REVIEW
03	2023.11.15	RE-ISSUED FOR BUILDING PERMIT
02	2023.09.26	ISSUED FOR CONSTRUCTION
01	2023.08.28	ISSUED FOR BUILDING PERMIT

**ARCHITECT:**



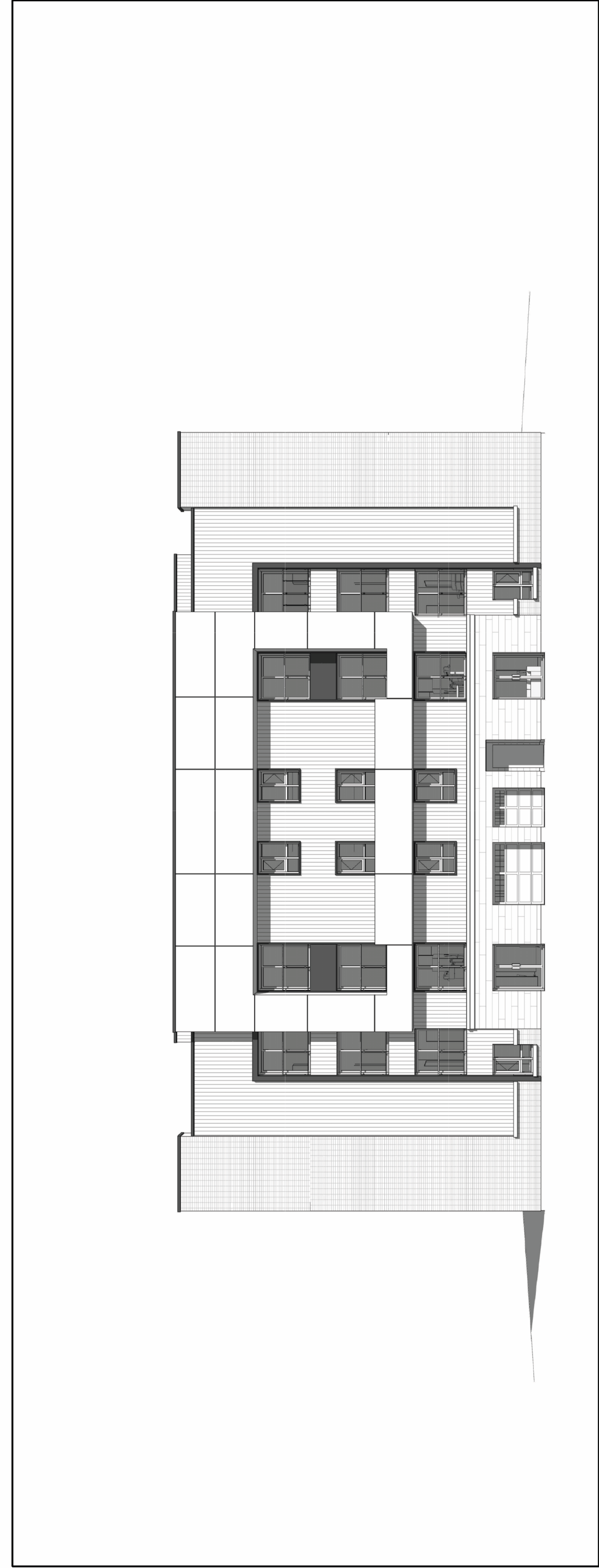
**SEALS:**



PROJECT TITLE  
**RYMAL RESIDENCES**  
 323 RYMAL ROAD EAST HAMILTON, ON

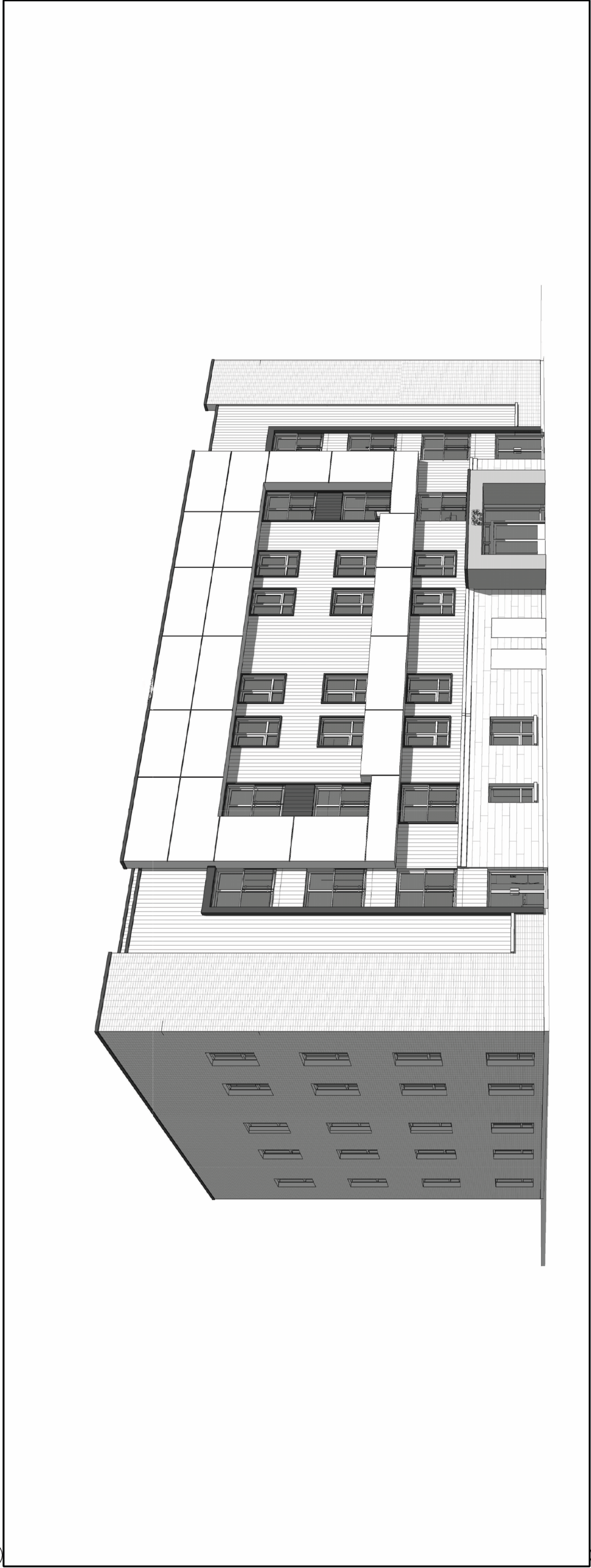
DRAWING TITLE	COVERSHEET
DRAWN BY	SM / RA / LA
SCALE	
DATE	AUGUST 2024
CHECKED BY	FL
PROJECT NUMBER	24-663
DRAWING NUMBER	

**A-0.0**



1. BACK VIEW

A-0.1



2. CORNER VIEW

A-0.1

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**OWNERS INFORMATION:**

**LEGEND:**

REVISIONS #	DATE	REMARKS
06	2024-11-06	ISSUED FOR WORK VARIANCE
05	2024-03-05	SITE PLAN AMENDMENT
04	2023-12-19	4TH STOREY ADDITION REVIEW
03	2023-11-15	RE-ISSUED FOR BUILDING PERMIT
02	2023-09-26	ISSUED FOR CONSTRUCTION
01	2023-08-28	ISSUED FOR BUILDING PERMIT

**ARCHITECT:**

**LIMA**  
 ARCHITECTS INC.  
 www.limainc.ca  
 info@limainc.com  
 1-888-337-8887

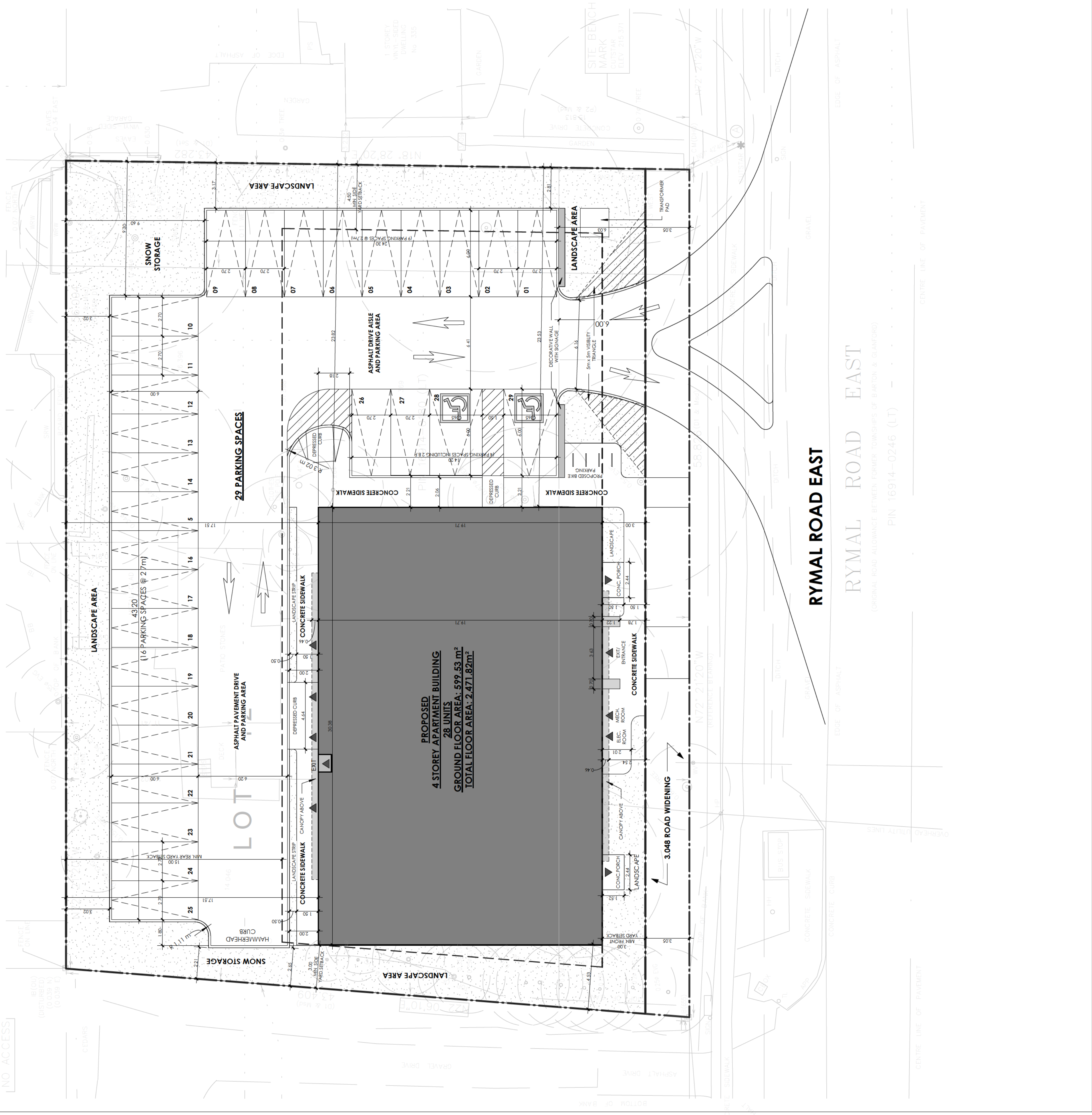
**SEALS:**



PROJECT TITLE	RYMAL RESIDENCES
DRAWING TITLE	3D VIEWS
DRAWN BY	SM
SCALE	
DATE	AUGUST 2024
CHECKED BY	FL
PROJECT NUMBER	24-663
DRAWING NUMBER	

**A-0.1**

NO ACCESS



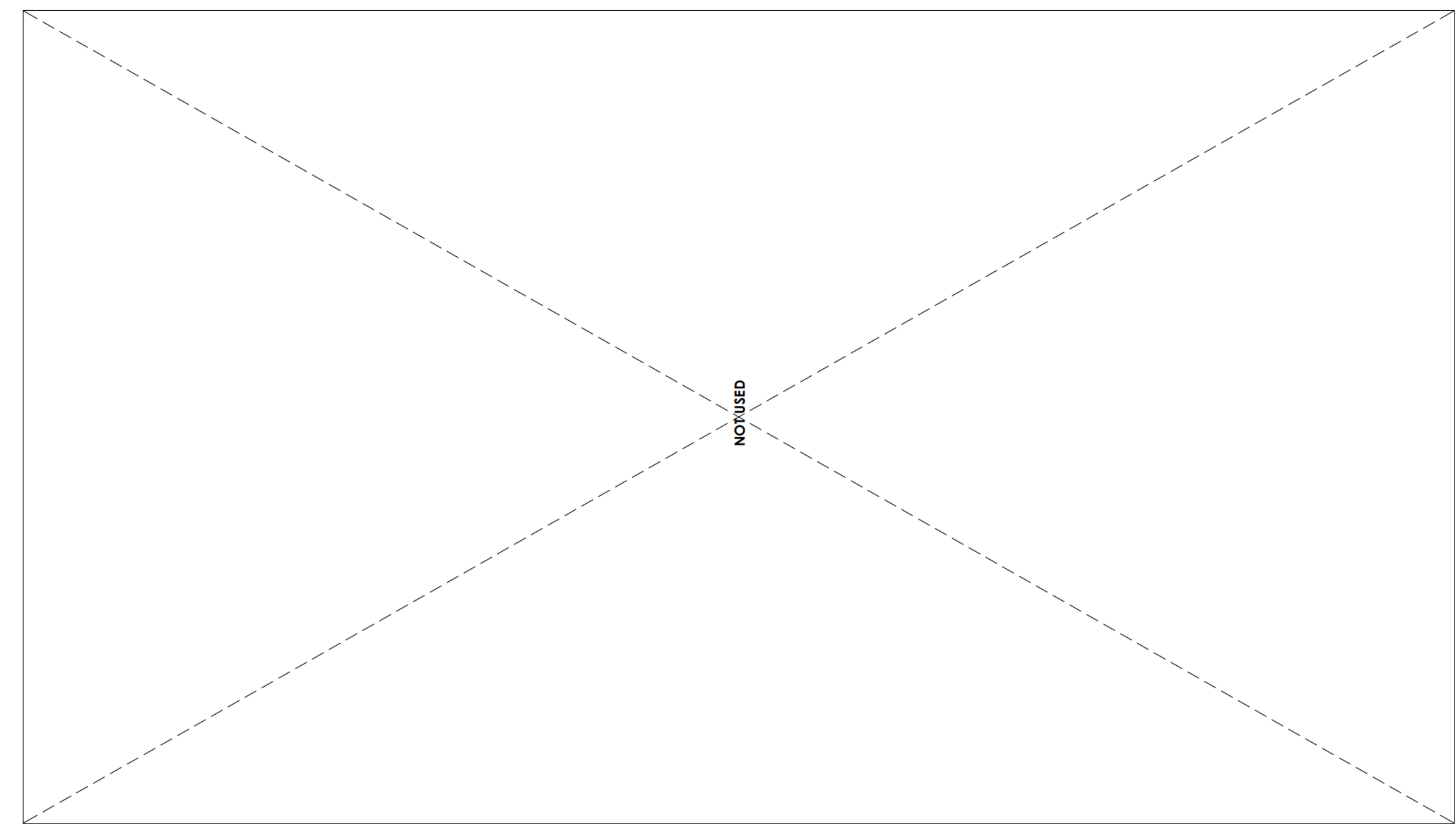
**PROPOSED  
4 STOREY APARTMENT BUILDING  
28 UNITS  
GROUND FLOOR AREA: 597.53 m<sup>2</sup>  
TOTAL FLOOR AREA: 2,471.82m<sup>2</sup>**

**RYMAL ROAD EAST**

RYMAL ROAD EAST

(ORIGINAL ROAD ALIGNMENT BETWEEN FORMER TOWNSHIPS OF BARON & CLAMBERG)

FIN 16914-0246 (LT)



NOTUSED

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**OWNERS INFORMATION:**

**LEGEND:**

REVISIONS #	DATE	REMARKS
06	2024.11.06	ISSUED FOR MAJOR VARIANCE
05	2024.03.06	SITE PLAN AMENDMENT
04	2023.12.19	4TH STOREY ADDITION REVIEW
03	2023.11.15	RE-ISSUED FOR BUILDING PERMIT
02	2023.09.26	ISSUED FOR CONSTRUCTION
01	2023.08.28	ISSUED FOR BUILDING PERMIT

ARCHITECT:



SEALS:



PROJECT TITLE  
**RYMAL RESIDENCES**

323 RYMAL ROAD EAST HAMILTON, ON

DRAWING TITLE  
SITE PLAN

DRAWN BY  
TM

SCALE  
As indicated

DATE  
AUGUST 2024

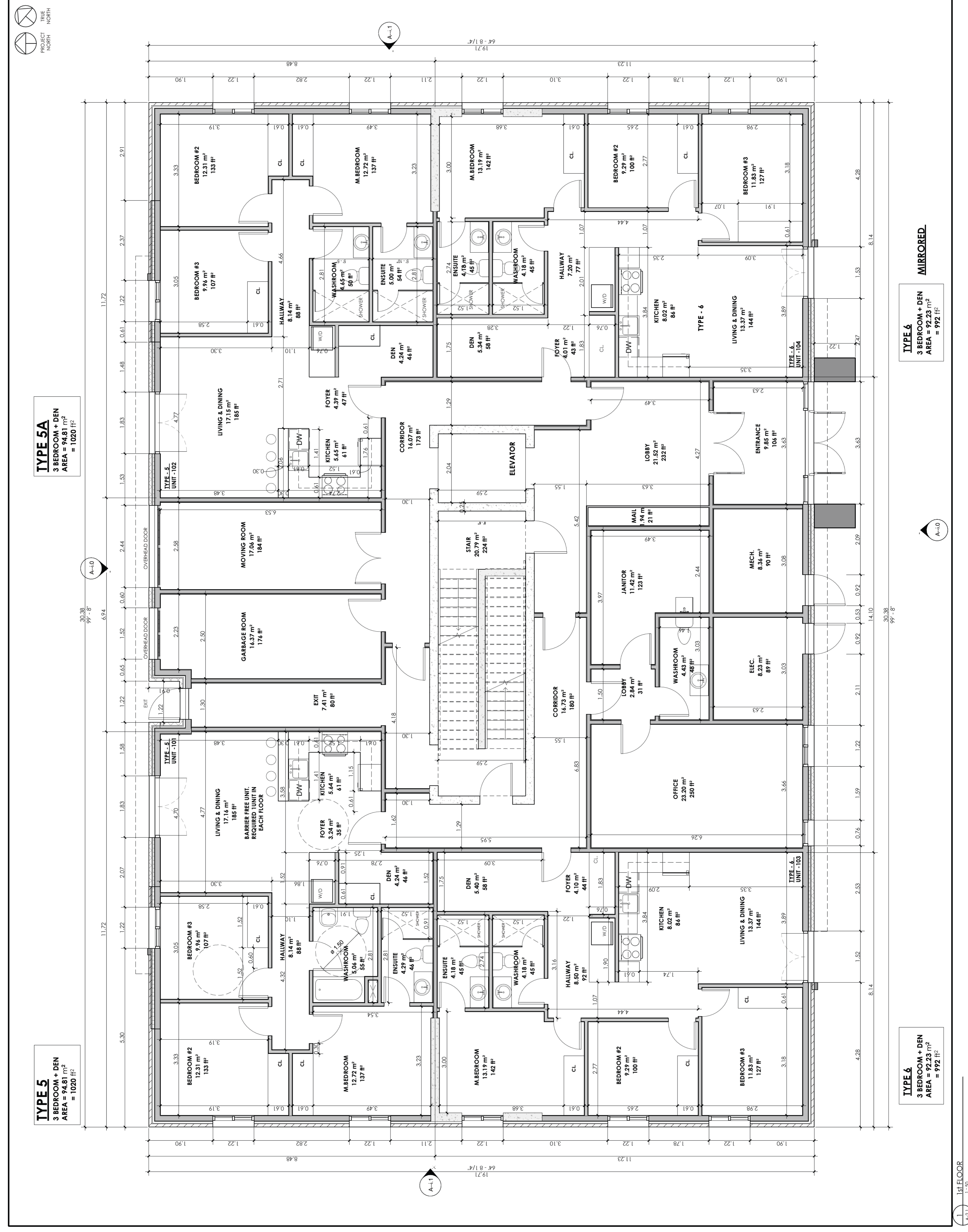
CHECKED BY  
FL

PROJECT NUMBER  
24-663

DRAWING NUMBER  
A-1.1

ADDRESS: 323 RYMAL ROAD EAST, HAMILTON  
SITE STATISTICS - ZONING DESIGNATION: SECTION 08  
D1E-2/S-1798FT DISTRICTS (MULTIPLE DWELLINGS), MODIFIED  
LOT AREA: 2,307.98m<sup>2</sup> (AFTER DEDUCTING ROAD WIDENING AREA)

PARAMETER	REQUIRED	PROPOSED
HEIGHT RESTRICTION (MAX)	15.9m	15.9m
FRONT YARD (MIN)	3.0m	3.0m
REAR YARD (MIN)	3.0m @ 4.5m WESTERN 1.50m	3.0m @ 4.5m WESTERN 1.50m
LOT WIDTH (MIN)	15.0m	17.31m
LOT AREA (MIN)	21.0m	58.07m (MEASURED AT A DEPTH OF 3.0m FROM FRONT LOT LINE)
FLOOR AREA RATIO (MAX)	600sqm	2,307.98m <sup>2</sup>
LANDSCAPED AREA (MIN)	27.27m <sup>2</sup>	2,307.98m <sup>2</sup>
ENCLOSURE	1.5m BUT NO CLOSURE	1.5m
FRONT YARD BALCONY OR PORCH	MIN 1.5m	1.5m
REAR YARD BALCONY OR PORCH	1.5m	1.5m
PARKING	MINIMUM RESIDENT PARKING: 1.23 SPACES PER UNIT MINIMUM VISITOR PARKING: 28 UNITS = 35 SPACES MINIMUM LOADING SPACES (9 TO 30 UNITS): SHALL NOT APPLY MINIMUM MANEUVERING SPACE: 6.0m MINIMUM PARKING TALLIE: 2.7m x 6.0m DISTANCE FROM RESIDENTIAL: 1.5m DISTANCE FROM STREET LINE: 3.0m	29 SPACES * MINOR VARIANCE REQ N/A 6.0m 2.7m x 6.0m 1.5m 3.0m
PROPOSED NUMBER OF UNITS	28	28
FLOOR AREA CALCULATION		
GROUND FLOOR	597.53m <sup>2</sup>	597.53m <sup>2</sup>
SECOND FLOOR	592.11m <sup>2</sup>	592.11m <sup>2</sup>
THIRD FLOOR	595.58m <sup>2</sup>	595.58m <sup>2</sup>
FOURTH FLOOR	595.58m <sup>2</sup>	595.58m <sup>2</sup>
ROOF TOP MECHANICAL PERMITTED MECH. ROOM	89.32m <sup>2</sup>	89.32m <sup>2</sup>
TOTAL FLOOR AREA	2,471.82m <sup>2</sup>	2,471.82m <sup>2</sup>
MINOR VARIANCE		



**TYPE 5A**  
3 BEDROOM + DEN  
AREA = 94.81 m<sup>2</sup>  
= 1020 ft<sup>2</sup>

**TYPE 5**  
3 BEDROOM + DEN  
AREA = 94.81 m<sup>2</sup>  
= 1020 ft<sup>2</sup>

**TYPE 6**  
3 BEDROOM + DEN  
AREA = 92.23 m<sup>2</sup>  
= 992 ft<sup>2</sup>

**TYPE 6**  
3 BEDROOM + DEN  
AREA = 92.23 m<sup>2</sup>  
= 992 ft<sup>2</sup>



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**OWNERS INFORMATION**

**LEGEND**

REVISIONS	DATE	REMARKS
01	2024/08/28	ISSUED FOR BUILDING PERMIT
02	2024/08/28	ISSUED FOR CONSTRUCTION
03	2023/11/15	RESUBMITTED FOR BUILDING PERMIT
04	2023/12/19	4TH STOREY ADDITION REVIEW
05	2024/03/05	SITE PLAN AMENDMENT
06	2024/11/06	ISSUED FOR WORK VARIANCE

**ARCHITECT:**  
**LIMA** ARCHITECTS INC.  
www.limaarchitects.com  
E: info@limaarchitects.com  
T: 289-337-8887



PROJECT TITLE	RYDAL RESIDENCES
DRAWING TITLE	1ST FLOOR PLAN
DRAWN BY	HA / SM
SCALE	1 : 50
DATE	AUGUST 2024
CHECKED BY	FL
PROJECT NUMBER	24-663
DRAWING NUMBER	A-2.1

323 RYDAL ROAD EAST HAMILTON, ON

1st FLOOR  
1:50



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**OWNERS INFORMATION:**

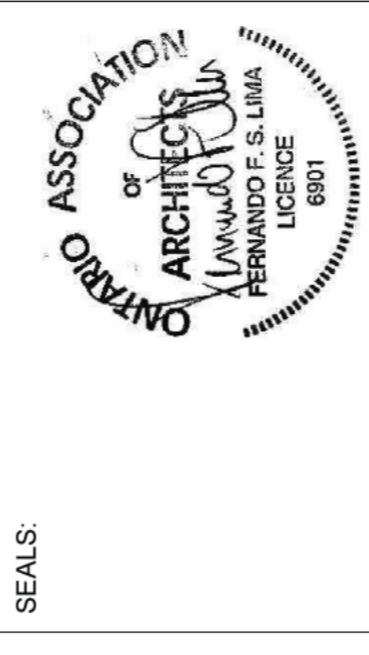
**LEGEND:**

#	DATE	REVISIONS	REMARKS
01	2023.09.28	ISSUED FOR BUILDING PERMIT	
02	2023.09.28	ISSUED FOR BUILDING PERMIT	
03	2023.12.19	4TH STOREY ADDITION REVIEW	
04	2024.03.05	SITE PLAN AMENDMENT	
05	2024.03.05	ISSUED FOR MINOR VARIANCE	

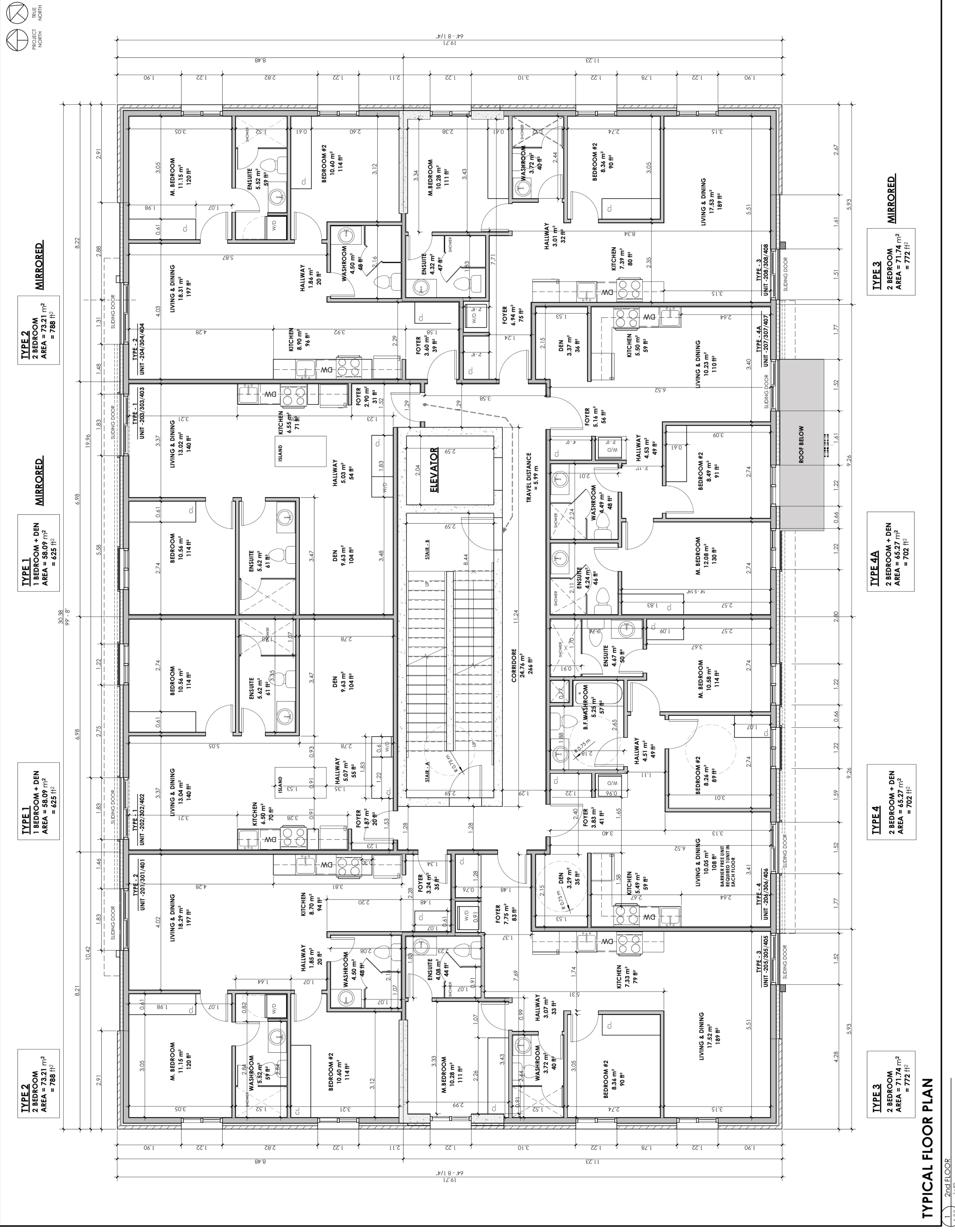
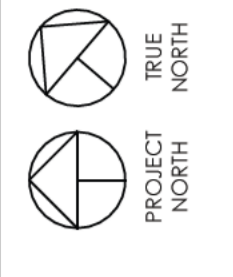
**ARCHITECT:**

**LIMA ARCHITECTS INC.**

www.limaarchitects.com  
 5 info@limaarchitects.com  
 T: 289.337.8887

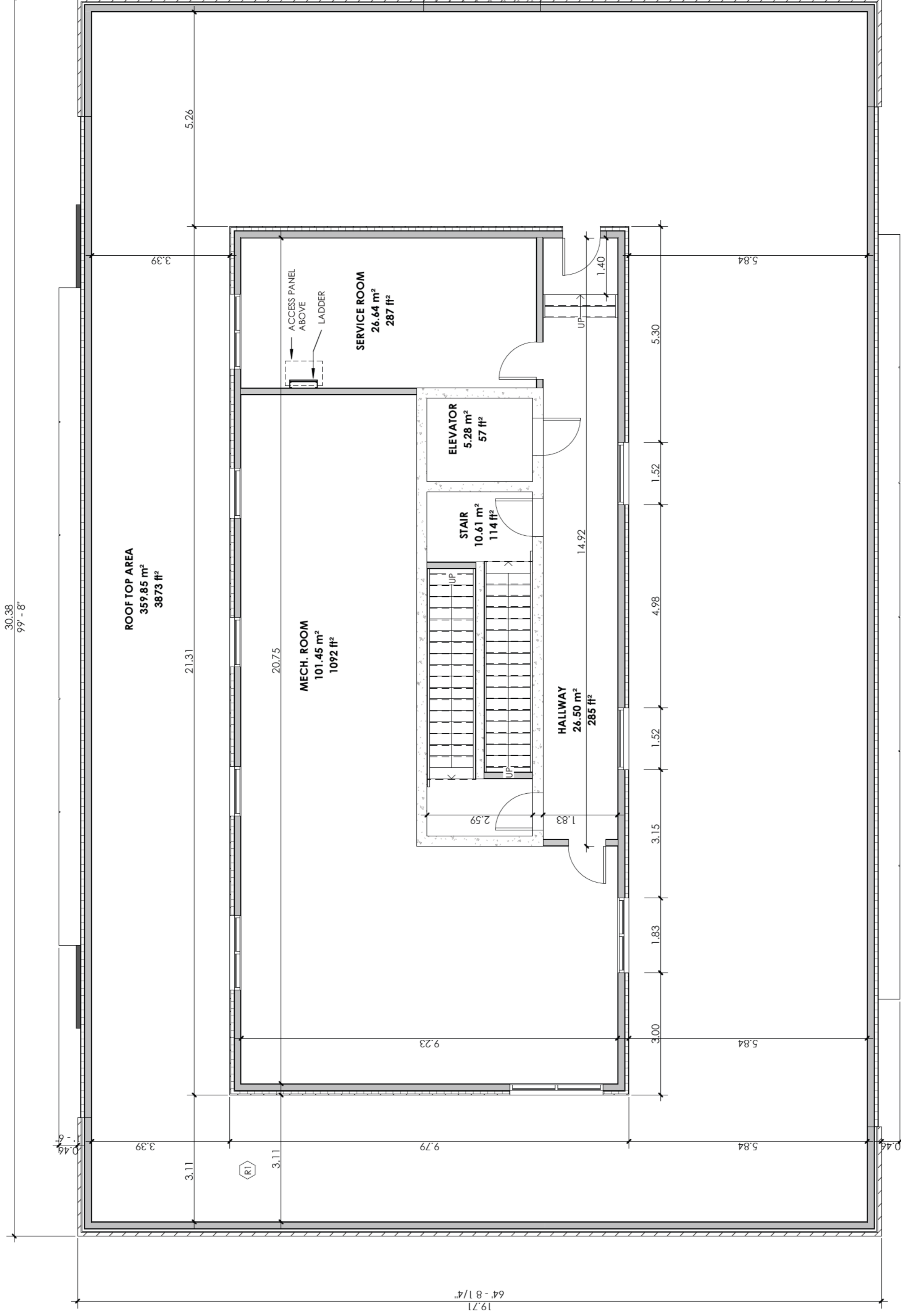


PROJECT TITLE	RYMAL RESIDENCES
323 RYMAL ROAD EAST HAMILTON, ON	
DRAWING TITLE	2ND, 3rd & 4th FLOOR PLAN
DRAWN BY	TM / SM
SCALE	1 : 50
DATE	AUGUST 2024
CHECKED BY	FL
PROJECT NUMBER	24-663
DRAWING NUMBER	A-2.2



**TYPICAL FLOOR PLAN**

1 2nd FLOOR  
A-2.2 1:50



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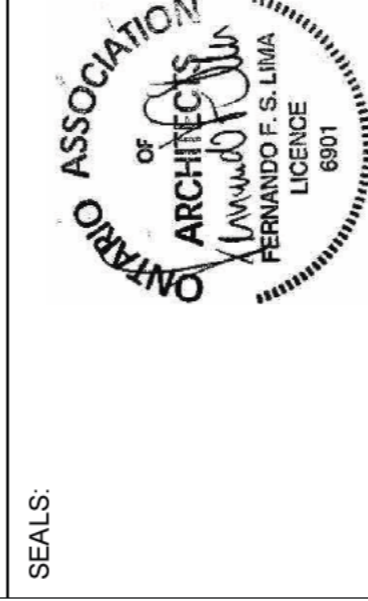
**OWNERS INFORMATION:**

**LEGEND:**

REVISIONS #	DATE	REMARKS
06	2024 11 06	ISSUED FOR WORK VARIANCE
05	2024 03 05	SITE PLAN AMENDMENT
04	2023 12 19	4TH STOREY ADDITION REVIEW
03	2023 11 15	RE-ISSUED FOR BUILDING PERMIT
02	2023 09 26	ISSUED FOR CONSTRUCTION
01	2023 08 28	ISSUED FOR BUILDING PERMIT

**ARCHITECT:**

LIMA ARCHITECTS INC.  
 www.limainc.com  
 info@limainc.com  
 1: 289-337-8887



SEALS:

PROJECT TITLE  
**RYMAL RESIDENCES**

323 RYMAL ROAD EAST HAMILTON, ON

DRAWING TITLE  
 TERRACE PLAN

DRAWN BY  
 TM

SCALE  
 1 : 75

DATE  
 AUGUST 2024

CHECKED BY  
 FL

PROJECT NUMBER  
 24-663

DRAWING NUMBER

**A-2.3**

**MATERIAL LEGEND:**  
1- STONE VENEER - RENOVANCE TYP  
2- BRICK  
3- STONE VENEER  
4- CONCRETE PANEL TYPE 1  
5- CONCRETE PANEL TYPE 2  
6- MASONRY BRICK



1 SOUTH ELEVATION  
A-5.0  
1 : 100



2 NORTH ELEVATION  
A-5.0  
1 : 100

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**OWNERS INFORMATION:**

**LEGEND:**

REVISIONS #	DATE	REMARKS
01	2023.08.28	ISSUED FOR BUILDING PERMIT
02	2023.09.26	ISSUED FOR CONSTRUCTION
03	2023.11.15	RE-ISSUED FOR BUILDING PERMIT
04	2023.12.19	4TH STOREY ADDITION REVIEW
05	2024.03.05	SITE PLAN AMENDMENT
06	2024.11.05	ISSUED FOR MINOR VARIANCE

**ARCHITECT:**



www.limarchitects.com  
E: info@limarchitects.com  
T: 289-337-8887

**SEALS:**



PROJECT TITLE  
**RYMAL RESIDENCES**

323 RYMAL ROAD EAST HAMILTON, ON

DRAWING TITLE  
SOUTH ELEVATION & NORTH ELEVATION

DRAWN BY  
SM

SCALE  
As indicated

DATE  
AUGUST 2024

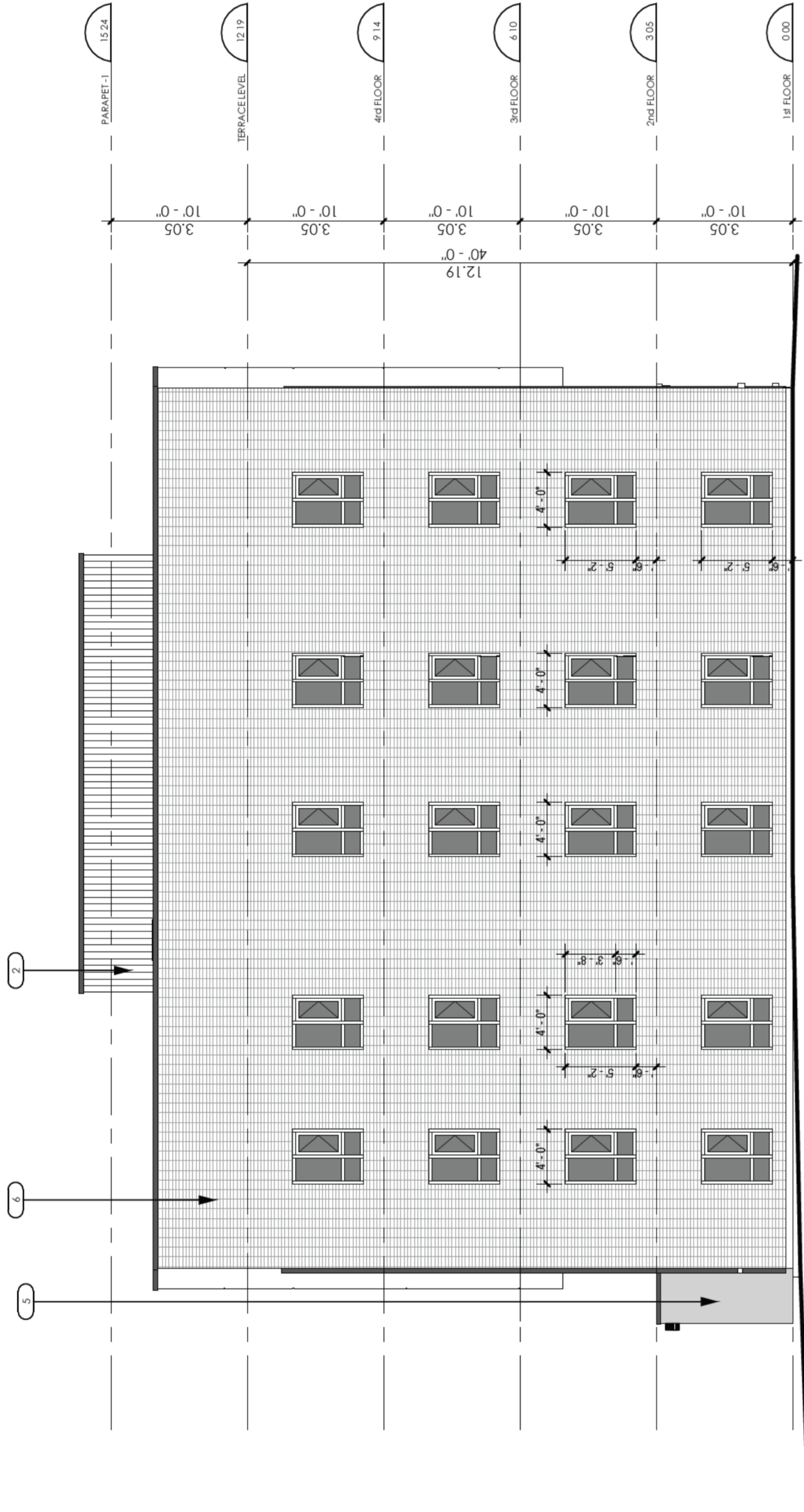
CHECKED BY  
FL

PROJECT NUMBER  
24-663

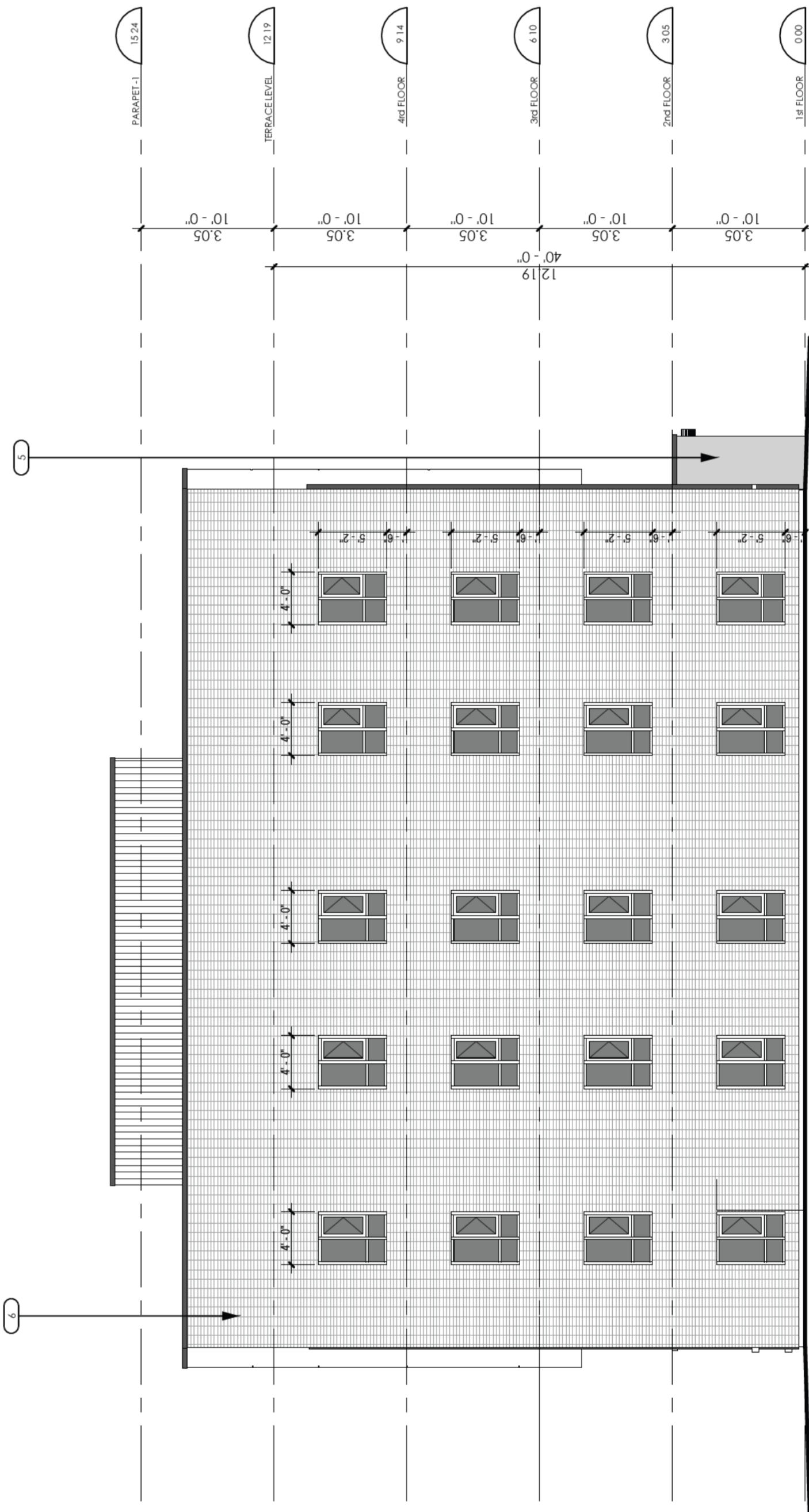
DRAWING NUMBER

**A-5.0**

**MATERIAL LEGEND:**  
 1- STONE VENER- RENOVANCE TYP  
 2- BRICK  
 3- STONE VENER  
 4- CONCRETE PANEL TYPE 1  
 5- CONCRETE PANEL TYPE 2  
 6- MASONRY BRICK



1 EAST ELEVATION  
 A-5.1  
 1:100



2 WEST ELEVATION  
 A-5.2  
 1:100

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02	2023.09.26	ISSUED FOR CONSTRUCTION
01	2023.09.28	ISSUED FOR BUILDING PERMIT

**ARCHITECT:**



**SEALS:**



PROJECT TITLE	RYMAL RESIDENCES
323 RYMAL ROAD EAST HAMILTON, ON	
DRAWING TITLE	EAST ELEVATION & WEST ELEVATION
DRAWN BY	SM
SCALE	As indicated
DATE	AUGUST 2024
CHECKED BY	FL
PROJECT NUMBER	24-663
DRAWING NUMBER	

A-5.1

By email

December 20, 2024

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

Attention: Committee of Adjustment, [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

RE: Minor Variance Rationale Letter  
323 Rymal Road East, Hamilton  
TBG Project Number: 24249  
File Number: A-24:260

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On behalf of our client, 5025299 Ontario Inc. ("Owner"), the Biglieri Group Ltd. ("Planner") is pleased to provide this Minor Variance Rationale Letter for 323 Rymal Road East in the City of Hamilton ("Subject Site" or "Site"). The proposed Minor Variance is being sought to permit the development of a four-storey residential rental apartment building. The requested variances are the following:

1. To permit a minimum number of 29 parking spaces whereas 35 parking spaces are required.
2. To permit a maximum floor area ratio (FAR) of 1.071 times whereas 0.9 times is the permitted maximum.
3. To permit minimum landscape area percentage of 24.35% whereas 25% is required.

## SUBJECT SITE AND SURROUNDING AREA

The Subject Site is located in the Hamilton Urban Area on the north side of Rymal Road East, west of the intersection of Rymal Road East and Republic Avenue. To the immediate north, east and west of the Site there are low-rise residential uses. To the immediate south of the Site is a community recreation centre. The broader surrounding context includes low, medium and high-density residential uses adjacent to residential land uses to the east and the west that include a mix of low, medium and high-density residential uses along with public parks, schools, and public facilities and community services. The Site also has access to Hamilton Street Railway, Bus Route 26 and Bus Route 44. Bus Route 26 (Upper Wellington) travels north-south direction from the Terminal to Limeridge Mall and Bus Route 44 (Rymal) travels east-west direction from Stoney Creek Walmart to Ancaster Business Park via Eastgate Square.

Surrounding areas:

- **North:** To the north of the Subject Site are two storey single detached dwellings that form part of a residential subdivision.

- **East:** To the east of the Subject Site are residential uses including one and two storey single detached units. Further east is a 10-storey residential building located at the intersection of Rymal Road East and Upper Wentworth Street.
- **South:** Immediately south of the Subject Site is a community service complex including a Hamilton Public Library, the Les Chater Family YMCA, a skate park, and Hamilton Police Services. To the southwest is Mount Hamilton Cemetery that makes up a large greenspace.
- **West:** To the west of the Subject Site are one and two storey single detached dwellings that are part of a residential subdivision.

## DESCRIPTION OF PROPOSAL

The proposed development consists of a four-storey apartment building that will house 28 rental residential units. The building fronts onto the north side of Rymal Road East and will have a vehicular access from Rymal Road East on the eastern side of the Site. The proposal will provide a mix of units including one bedroom, two bedrooms, and two bedrooms plus dens. The gross floor area (GFA) of the development is proposed at 2,471.82m<sup>2</sup>, resulting in a floor area ratio (FAR) of 1.01. A total of 29 parking spaces, including two accessible spaces, will be provided in a surface parking lot located to the north and east of the building. As such, the proposed parking ratio is 1.04 spaces per residential unit.

The unit breakdown is the following: six (6) - one bedroom plus den suites; twelve (12) - two-bedroom suites; six (6) two bedrooms plus den suites; and, three (3) – three bedroom plus den suits.

## POLICY CONTEXT AND PLANNING ANALYSIS

### *Variances Requested*

The following are the variances requested to permit the proposed development:

1. To permit a minimum number of 29 parking spaces whereas 35 parking spaces are required.
4. To permit a maximum floor area ratio (FAR) of 1.071 times whereas 0.9 times is the permitted maximum.
2. To permit minimum landscape area percentage of 24.35% whereas 25% is required.

### *General*

The subject site is located in the City of Hamilton *Urban Boundary* and Rymal Road is identified as a *Secondary Corridor* on Schedule E of the Urban Hamilton Official Plan (UHOP). On Appendix G of the UHOP, the site is identified as being within the City's *Built-up Area*. On Schedule E-1 of the UHOP, the subject site is designated as *Neighbourhoods*. On Schedule C of the UHOP, Rymal Road is classified as a *Type A Arterial Road*. The Subject Site is subject to Former City of Hamilton Zoning By-law 6593 and with site-specific Zoning By-law Amendment 20-153 and is zoned DE-2/S-1798. The current site-specific zoning permits the development of a four-storey apartment building; however, variances are required as a result of changes made to the proposal through detailed design following the implementation of ZBA 20-153 and road widening that reduced lot size of the site.

***Planning Act***

Pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13 (“the Act”), The Committee of Adjustment can approve minor variances to Zoning By-laws for land, buildings, or structures upon the Owner’s request, if they believe the changes are in keeping with the general purpose and intent of the Official Plan and Zoning By-law; are desirable for the appropriate development or use of the land, building or structure; and are minor in nature (the “Four Tests”). The variances must also be consistent with the Provincial Planning Statement, 2024 (“PPS”).

***Provincial Planning Statement (2024)***

In accordance with Section 5 of the Planning Act, all decisions must be consistent with policies found within policy statements passed under Section 3 of the Act. The Provincial Planning Statement (“PPS”) (2024) is a policy document passed under Section 3, and therefore decisions must be consistent with the policies therein. The PPS provides provincial direction on matters related to land use planning including growth, housing supply, economic development, and the protection of natural and cultural heritage resources. The development of the Subject Site in the manner proposed represents intensification within a Settlement Area – supporting the Provincial directive of making more efficient use of land and resources (2.3.1.2.a), optimizing existing and planned infrastructure and public service facilities (2.3.1.2.b) and being transit-supportive (2.3.1.2.d). The proposal will provide for an increased supply of housing in proximity to existing municipal infrastructure and community services and facilities. Further, the proposal will be serviced by existing water and wastewater infrastructure with available capacity making efficient use of existing resources and infrastructure. The proposed residential rental apartment building will contribute to the project population growth established in the City of Hamilton Official Plan.

As such, the proposed variances – in so far as they facilitate the proposed residential development - are consistent with the PPS.

**FOUR TESTS ANALYSIS**

It is TBG’s professional planning opinion that the proposed variances satisfy the four tests stipulated by The Planning Act as follows:

The requested variances meet the four tests stipulated by The Planning Act as outlined below:

**1) Is the general intent of the Official Plan maintained?**

The Urban Hamilton Official Plan (UHOP) envisions a sustainable and healthy future for the City that will be upheld by, among other things, the development of compact communities. Section 2.3 of the UHOP provides policy direction on growth forecasts for the City of Hamilton. As per PPS Policy 2.1.1 and 2.1.2, planning authorities shall base population growth forecasts on populations projections published by the Minister of Finance, and where not available, on forecasts previously issued by the Province for the purpose of land use planning. Policy A 2.3.1 of the UHOP forecasts that that the City of Hamilton will have a population of 820,000 residents by 2051. Policy A 2.3.4.4 directs that the City shall plan to achieve a minimum of 80% of all residential development occurring annually to be within its built-up area, with a total of 88,282 units to be accommodated within the built-up area between 2021 and 2051. Policy B 2.4.1.4 provides more specific direction on residential intensification, stating that intensification in the built-up area shall,

among other items, be based on: the relationship of the proposed development to the existing neighbourhood character; the contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures; and, the contribution of the proposed development to supporting existing and planned transit infrastructure. Per Policy B 2.4.2.2 intensification within *Neighbourhoods* should specifically consider compatibility with adjacent land uses; transitions to surrounding uses; and, the relationship of the proposed development to the height, massing, and scale of nearby residential buildings.

Policy Section E 2.7 of the UHOP provides further policy direction for development occurring within the *Neighbourhoods* land use designation. As per Policy 2.7.2, *Neighbourhoods* shall primarily serve residential purposes. Per Policy E 2.7.7, applications for development and residential intensification within *Neighbourhoods* shall be reviewed in consideration with the local context and shall be permitted in accordance with Section B 2.4 Residential Intensification, as outlined above.

The general intent of the *Neighbourhoods* designation for the Subject Site in the UHOP is met. Policy A 2.3.4.4 stipulates that the City shall plan to achieve a minimum of 80% of all residential development occurring annually to be within its built-up area as is further discussed in the above policy context session, gentle intensification is permitted in the *Neighbourhoods* designation so long as it considers matters of compatibility with surrounding land uses, including height, massing and scale, lot configuration, and the ability to complement the existing function of the neighbourhood (Policy B 2.4.2..2). Moreover, according to Policy 3.5.1, *Medium Density Residential* uses within neighbourhoods should be located on the periphery of neighbourhoods in proximity to major or minor arterial road. The proposed development is four storeys in height, and requires a small increase to permitted FAR, which balances directives for intensification while still providing a low rise-built form that is compatible with the surrounding low-rise residential uses. Due to the location of the site on a Type A Arterial Road, the proposed height and level of density is supported by the UHOP.

The building has been sited on the lot to maximize setbacks and privacy from the surrounding single detached uses. Further to this, a minimum 3-metre landscaping strip is provided around in the rear and interior side yards and ample amount of landscaping is provided in the front yard.

Additionally, as per Policy B 2.4.1.4.i, residential intensification should be transit-supportive and support the use of existing and planned local and regional transit services. A variance is required to permit a parking rate of 1.01 spaces per unit, resulting in a total of 29 proposed parking spaces. The proposed development is serviced by four HSR routes, with bus stops located immediately in front of the site on Rymal Road East. Further the Site is within walking distance of community amenities (YMCA and Public Parks), and retail uses (Rymal Square Shopping Plaza to the east and South Hamilton Square to the west). As such the reduced parking rate can be appropriately justified and works towards policy directives for transit-supportive development.



## 2) Is the general intent and purpose of the Zoning By-law maintained?

The subject site is zoned DE-2/S-1798 under the former City of Hamilton Zoning By-law No. 6593, with site specific Zoning By-law Amendment (ZBA) 20-153 also in place. The current site-specific zoning permits the development of a four-storey apartment building; however, variances are required as a result of changes made to the proposal through detailed design following the implementation of ZBA 20-153 and road widening that reduced lot size of the Site.

The proposed variance is requested to take into consideration a minor reduction in parking, a minor increase to the permitted maximum floor area ratio, and a minor decrease to the minimum landscaped area. These variances are requested as a result of reconfigurations to the site plan that occurred during the detailed design stage and due to the road widening, that was taken from the Site for Rymal Road.

The intent of the Zoning By-law is to create minimum standards to ensure that properties are developed to provide appropriate parking, landscaping, and density regulations are implemented. The proposed minor variances are requesting very minor changes to the regulations in place to allow for the construction of the residential apartment building. The variances maintain the intent of the Zoning By-law.

## 3) Are the proposed variances appropriate for the development of the land and/or building?

The proposed variance is appropriate for the development of the land and building. As outlined in the above policy section, the proposed development supports the City of Hamilton in achieving Provincial and local directives for infilling, gentle intensification, and the development of complete communities. The proposed development, at four storeys, provides gentle densification that is scaled to predominantly low-rise character of immediate surrounding area. Further to this, medium and high density residential uses are located approximately 500 metres southeast of the site at the intersection of Rymal Road East and Wentworth Street. Given the location of the Site on an *Arterial Road* and within proximity to existing Hamilton Street Railway (HSR) transit routes, it is our opinion that the Site is appropriately situated to accommodate this level of development. Moreover, the Site is also well serviced by community services and facilities including a YMCA community centre, as well as parks and green spaces that are located immediately across the street. Commercial retail uses located approximately 500 metres southeast of the site that include a grocery store. The proposed development represents gentle intensification that is transit supportive and will contribute to the development of a complete community. As such, the site is well positioned to accommodate the proposed four-storey building and the required increase to the permitted FAR.

The reduced parking rate is appropriate as the development is well serviced by HSR transit including Routes 30 and 36 (east/west) and Routes 25 and 26 (north/south) and is within walking distance of community amenities and retail as previously mentioned.

The proposed development provides a total of 562m<sup>2</sup> of landscaped areas around the sides, back and front of the building, which will provide appropriate greenery and buffer

areas between neighbouring properties. Further, the proposal seeks a reduction of approximately 2.63% of the required minimum landscaped area.

For the reasons outlined in this letter, it is our professional planning opinion that the proposed Minor Variances are appropriate for the development of the land and building.

#### 4) Are the proposed variances minor?

The variances requested are minor in nature. The proposed reduction of parking spaces will still permit the majority of units to have access to a parking space and will permit the supply of several visitor parking spaces for the development. The proposed FAR of 1.07 is only a minor increase from the permitted FAR of 0.90 times and will not result in any increase to the building height, changes to required setbacks, or the proposed level of density. The reduction of the minimum required landscaped area from 25% of the site area to 24.35% is a minor change and landscaping will still be provided along the three property boundaries and in front of the building, in all locations where it is feasibly possible to do so.

For the reasons outlined in this letter, it is our professional opinion that the proposed Minor Variances are minor in nature.

#### CLOSING

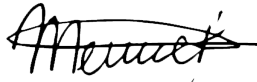
It is our professional Planning Opinion that the application meets the four tests of minor variance and should be approved by the Committee of Adjustment.

We trust you will find all in order, however if you have any questions or require additional information, please contact us at your earliest convenience.

Respectfully,  
THE BIGLIERI GROUP LTD.



Rachelle Larocque RPP, MCIP  
Partner



Merve Kolcak, RPP  
Planner



Alex Walton, MPI  
Planner



Hamilton

Committee of Adjustment

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71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### APPLICATION FOR A MINOR VARIANCE/PERMISSION

UNDER SECTION 45 OF THE *PLANNING ACT*

#### 1. APPLICANT INFORMATION

	NAME		
Registered Owners(s)			
Applicant(s)			
Agent or Solicitor			
		Phone:	
		E-mail:	

1.2 Primary contact  Applicant  Owner  
 Agent/Solicitor

1.3 Sign should be sent to  Applicant  Owner  
 Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No  
 If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email  Yes\*  No

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

1.6 Payment type  In person  Cheque

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	323 Rymal Road East		
Assessment Roll Number			
Former Municipality	The Regional Municipality of Hamilton-Wentworth		
Lot	Pt Lts 11 and 12	Concession	8
Registered Plan Number	62R-10931	Lot(s)	Pt Lts 11 and 12
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:

- 1) To permit a minimum number of 29 parking spaces instead of the required 35 parking spaces
- 2) To permit a maximum floor area ratio of 1.071 instead of the maximum allowed 0.9
- 3) To permit minimum landscape area percentage of 24.35% instead of the minimum required of 25%

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Due to the lot area reduction as a result of the road widening. To facilitate the construction of 4-storey multi-unit building. We are requesting 3 minor variances.

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
58.65 m	40.27 m	2,307.98 m <sup>2</sup>	

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
Vacant lot				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
4-storey rental building	3 m	17.5 m	3 m & 23.92 m	03/01/2025
Residential				

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
Vacant Lot				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
4-storey rental building	599.53 m <sup>2</sup>	2,471.82 m <sup>2</sup>	4	15.95 m
Residential				

- 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.):  
4-storey multi-unit residential building

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
The survey shows that there is only detached dwellings abutting the property.

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

June 30, 2022

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

Vacant Lot

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

Vacant Lot

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

2 years

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Bylaw No. 20-153 (amending Bylaw 6593) passed July 17, 2020 conformed to UHOP

7.6 What is the existing zoning of the subject land? DE-2/S-1798-H Districts (Multiple Dwellir

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: DE-2/S-1798-H Districts (Multiple Dwellings)

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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: 28

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

Building Permit 21-123152-01 permits the multi-unit dwelling of 4 storeys at 21 Units. The City granted conditional site plan approval for 28 units, presumably based on the fact that the 7 additional rental units further's the City's mandate of addressing the housing crisis.

Due to the bus stop on Rymal Road, having access from Rymal Road could have interfered with this current easement. For this reason, it was deemed logical to have the entrance of the Building facing the side, as the entrance to the building off of Rymal is situated away from the bus stop.

In terms of parking, the property has a high walk score of 61, and a public transportation stop shall be right in front of the building on Rymal Road.

## 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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