



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-24:263	SUBJECT PROPERTY:	700 Main Street East, Hamilton
ZONE:	"C2" (Neighbourhood Commercial)	ZONING BY-LAW:	Zoning By-law No. 05-200 as amended by By-law No. 17-240

APPLICANTS: Owner: Enas Hanna / Basem Boktor
 Applicant: Sue Phipps
 Agent: Isaac Francis

The following variances are requested:

1. For the purpose of Subsection 10.2.1.1(ii) 2. A. the basement or cellar level shall be permitted to contain an accessory Institutional Use (i.e. Social Service Establishment) and an accessory office serving the residential units whereas the By-law requires the ground floor to contain a commercial use;
2. A Planting Strip is not required where a property lot line abuts a property lot line within a Residential Zone (i.e. the southerly lot line which abuts an "R1a" Zone), instead of the requirement that where a property lot line abuts a property lot line within a Residential Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained;
3. A visual barrier is not required along a lot line which abuts a Residential Zone (i.e. the southerly lot line which abuts an "R1a" Zone), instead of the requirement that a visual barrier shall be required along any lot line abutting a Residential Zone.

PURPOSE & EFFECT: To facilitate the conversion of an existing building to a Dwelling Unit, Mixed Use, containing a total of fifteen (15) dwelling units, a Social Services Establishment and an accessory office

Notes:

- i. Regarding Variance No. 1, Section 10.2.1.1(ii)1. of the "C2" Zone limits the residential component to 50% of the total gross floor area of a building containing a Dwelling Unit, Mixed

Use. However, this provision is not applicable to an existing building when the ground floor level contains a commercial use and the building is a minimum of 9.0 metres in height.

The intent of Variance No. 1 is to allow an Institutional Use (i.e. Social Services Establishment and accessory office) to be located in the basement level, and to replace the requirement that the ground floor contain a commercial use. Should Variance No. 1 be approved, Section 10.2.1.1(ii)1. shall no longer be applicable, and the residential component may therefore occupy more than 50% of the total gross floor area of the building, with no restriction on the location of dwelling unit(s) within the building.

- ii. Please note that as the number of existing parking spaces being provided on the lot is being reduced, a review of the minimum number of required parking spaces for a Dwelling Unit, Mixed Use and a Social Services Establishment is required to bring the proposed use(s) into compliance with the current Section 5: Parking requirements.

The subject lot is identified as a Parking Rate Area 1 for the purpose of establishing the minimum and maximum number of required parking spaces. For the use of a Dwelling Unit, Mixed Use containing 15 dwelling units and a Social Services Establishment, in PRA 1 two (2) visitor parking spaces are required. It is noted that although the submitted plan indicates three (3) parking spaces are provided, none of which are indicated to be provided for visitor parking, the applicant has confirmed that a minimum of two (2) of the parking spaces will be provided for visitor parking and will be identified on future submissions.

- iii. Please note that detailed plans (i.e. elevation drawings, floor plans, site plan etc.) have not been provided. Additional variances may be required if compliance with all sections of Hamilton Zoning By-law No. 05-200 is not possible.
- iv. From the materials provided, it does not appear that exterior alterations to the principle building or accessory building (i.e. garbage/recycling shed) are proposed. Therefore, a zoning compliance review was not completed for the existing building(s) and any site features that are not being modified as part of the proposed development. Should exterior alterations to any existing building(s) be proposed, additional variances may be required.
- v. Please note that as the “existing boulevard parking space” shown on the Site Plan is not located on the subject property, it has not been counted towards the number of parking spaces being provided for the proposed development.
- vi. Please be advised that the Electric Vehicle Parking requirements under By-law 24-052, remain under appeal and are not covered under Section 1.12 of the “Transitional Provisions” of the Hamilton Zoning By-law 05-200. At present, a review of the Electric Parking requirements has not been completed. If the remaining portions of By-law 24-052 become final before issuance of a building permit, the Electric Vehicle Parking requirements may be applicable upon review for such building permit.

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.

A-24:263

This application will be heard by the Committee as shown below:

DATE:	Tuesday, January 21, 2025
TIME:	2:15 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/committeefadjustment

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

- Visit www.hamilton.ca/committeefadjustment
- 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 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-24:263, 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: January 2, 2025

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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Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners **must register by noon on the day listed on the Notice of Public Hearing** to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 10 minutes** before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

SURVEYOR'S REAL PROPERTY REPORT

PART 2
PLAN OF
LOTS 155 & 156 AND
PART OF LOT 154
REGISTERED PLAN No. 411
 (DELAWARE PARK SURVEY)

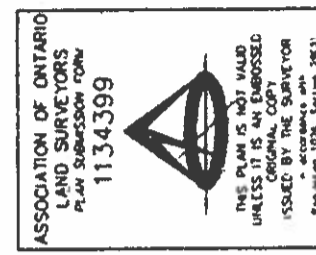
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

SCALE 1" = 15'
CONSOLI & JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYORS
1997

BEARING NOTE:
 BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO
 THE SOUTHERLY LIMIT OF MAIN STREET EAST AS SHOWN
 ON REGISTERED PLAN 411, HAVING A BEARING OF N 73°54'00" W

LEGEND:

■	SURVEY MONUMENT FOUND
□	SURVEY MONUMENT PLANTED
—	STANDARD IRON BAR
—	IRON BAR
—	CUT CROSS
—	WITNESS
—	REGISTERED PLAN 411
—	INST. No. 334366 H.L.
—	P1
—	D1
—	MOCKAY, MCKAY & PETERS LTD. (MMP)



THIS REPORT WAS PREPARED FOR DR. JERAMIAS

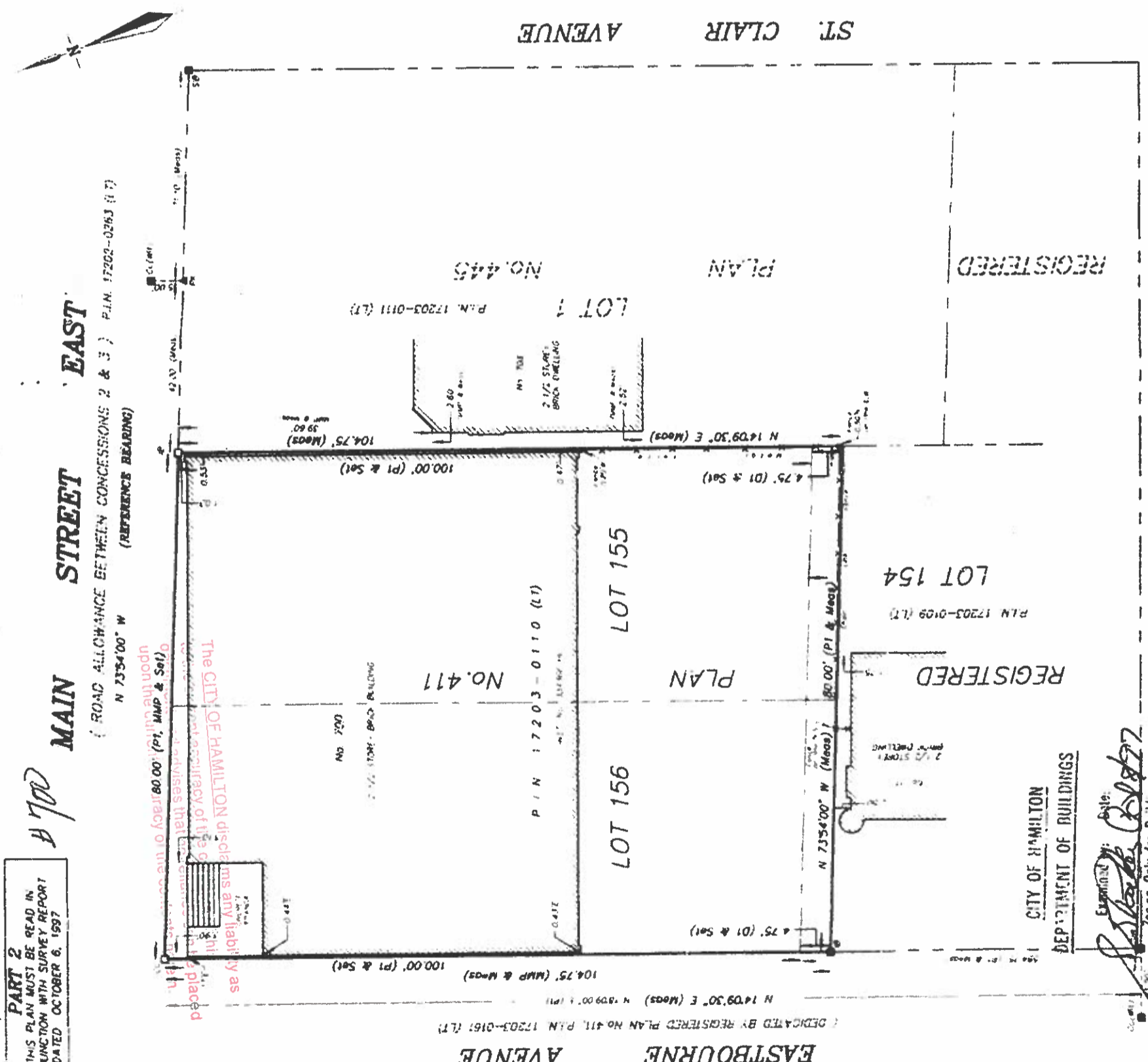
SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON OCTOBER 2, 1997.

OCTOBER 6, 1997
 DATE
 BRYAN JACOBS
 ONTARIO LAND SURVEYOR

CONSOLI & JACOBS SURVEYING LTD.
 131 JOHN ST. S. HAMILTON - SUITE 101
 TEL. (905) 581-1636 FAX (905) 581-0089 (LERN 803)

DRAWN BY: DAVID ANDRINA
 CHECKED BY: BRYAN JACOBS
 FILE NO. 87-203



PART 2
 THIS PLAN MUST BE READ IN
 CONNECTION WITH SURVEY REPORT
 DATED OCTOBER 6, 1997

MAIN STREET EAST
 ROAD ALLOWANCE BETWEEN CONCESSIONS 2 & 3
 (REFERENCE BEARING)
 N 73°54'00" W

LOT 156
LOT 155
LOT 154
PART OF LOT 154

REGISTERED PLAN No. 411
REGISTERED PLAN No. 445

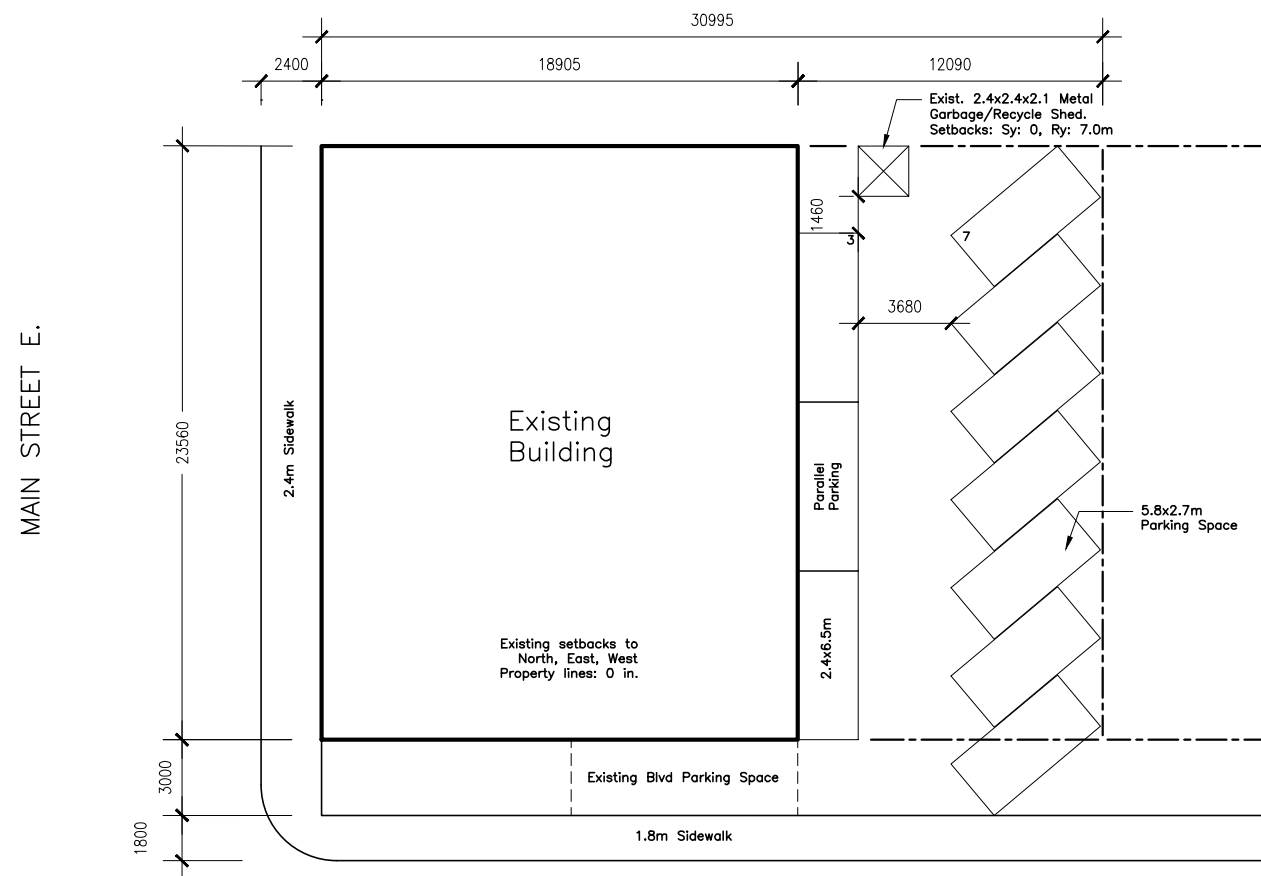
EASTBOURNE AVENUE
DELAWARE AVENUE

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS

Examined by: *[Signature]*
 Zoning Only for Building
 Commissioner:
207E 1194

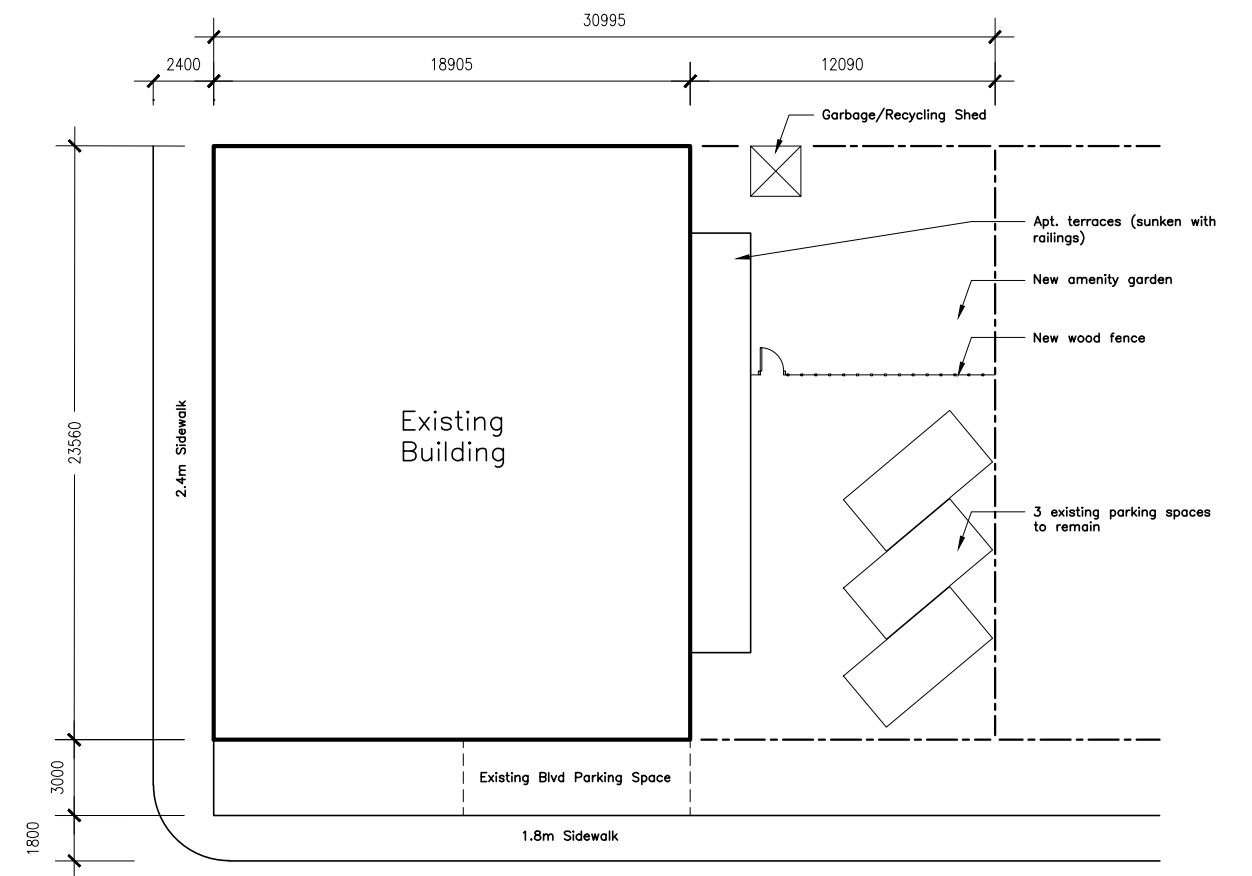
ST. CLAIR AVENUE

REGISTERED
REGISTERED
REGISTERED



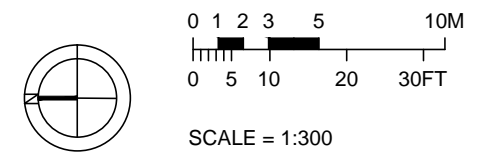
EASTBOURNE STREET

EXISTING



EASTBOURNE STREET

PROPOSED



APPLICATION FOR A MINOR VARIANCE

3.1 Variances Requested:

Variance 1:

Allow the conversion of this existing vacant office building into a Multiple Dwelling by adding Multiple Dwelling as a Permitted Use.

Variance 2:

Ground floor residential units: Allow ground floor residential units in this Multiple Dwelling, and not at minimum 0.9m floor level above grade.

Variance 3:

Visual Barrier and Planting Strip Requirement: Allow the existing 0m wide Planting Strip and no Visual Barrier to the adjacent residential uses to remain, in lieu of the required 1.8 m Visual Barrier and 1.5m Planting Strip.

Variance 4:

Parking Design Standards: Planting Strips: Allow the existing parking lot 0m wide Planting Strip to Eastbourne Avenue to remain, in lieu of the required 3.0m Planting Strip.

Variance 5:

Parking Design Standards: Parking Access and Parking Aisle Width: Allow the existing non-compliant parking area and driveway to remain.

Variance 6:

Parking Design Standards: Parking Space Size: Allow the existing parking spaces 2.7x5.8m to remain, in lieu of required 2.8x5.8m spaces.

Variance 7:

Parking Design Standards: Barrier-free Parking Space: Allow the existing barrier-free parking space in the Eastbourne Avenue boulevard to remain in lieu of 1 required compliant barrier-free space.

Variance 8:

Required Number of Parking Spaces: Allow a reduction to 3 parking spaces from 4 required.

Variance 9:

Required Number of Electric Vehicle Parking Spaces: Allow 0 Electric Vehicle Parking Spaces roughed-in in lieu of 3 required .

Variance 10:

Allow the existing 10 bicycle Sobi bicycle rack to remain to satisfy short-term parking requirement, in lieu of required 1 space.

Variance 11:

Allow the existing 10 bicycle Sobi bicycle rack to remain to satisfy long-term parking requirements, in lieu of required 10 spaces.

3.2 Variance Rationale:

Variance 1: Add Multiple Dwelling as a Permitted Use:

Residential uses are currently allowed on this site for up to 4 Dwelling Units and Emergency Shelters up to 6 residents. We are seeking a Minor Variance to provide supportive housing for 15 dwelling units, a Minor increase.

It is not possible to comply with the provisions of the By-law because this proposal is to adaptively- reuse the entire existing vacant office building into a much needed affordable housing apartment building owned and operated by CMHA Hamilton, an admired non-profit agency. Reusing existing, vacant buildings offers the fastest, most cost-effective option for creating new housing. With a Minor Variance our project can commence construction within 8 weeks of approval, and be occupied within 8 months thereafter.

There are many, many similar 100 year old Multiple Dwellings all along Main Street and close to this building that have always been positive contributors to City vitality. Examples nearby are 549, 709, 713, 781 and 785 Main Street E., and 120 Sherman Ave. S. There are no negative impacts from such small Multiple Dwellings.

The Zoning for the site is inflexible and is site-specific solely based on the existing use, and it is not appropriate to current and evolving community needs. There is no justification for the Bylaw not allowing Multiple Dwellings.

We should not have to go through a 2-year, expensive Rezoning process to correct a Bylaw flaw for this one tiny site. Rather the City should pass a housekeeping Bylaw amendment as a correction along all our major transportation corridors allowing Multiple Dwellings on all properties. There is no public benefit from City staff requiring this Minor Variance to go through a lengthy, expensive Rezoning process.

Variance 2: Restricted ground floor residential uses and requirement that they be at least 0.9m above ground level.

Allow Dwelling units proposed on the ground floor. They are proposed only on the rear of the building and protected for privacy and security by a fenced, landscaped terrace. The By-law is intended to provide privacy and security for ground floor dwellings. The ground floor of this building is approximately 6'/1.8m below ground level. It is not possible to comply with the provisions of the By-law because CMHA want to use the entire building and the ground floor,

fully 1/3 of the building, to maximize the number of apartments that can be provided. Privacy and security is achieved by having the ground floor units face the rear instead of the street, and they will have walk-out private terraces that are fenced.

The ground floor facing the street will house office space for CMHA staff and an amenity area for residents, enhancing the overall functionality and support services available on-site.

There are over 20 similar residential Multi-dwellings with ground floor units nearby as in all the cited ones above, so this is a long established, successful, desirable form of development.

The alternative will be this building left unoccupied instead of becoming homes, in a housing crisis.

This Planning rule is obsolete and should be eliminated from the Zoning Bylaw to avoid similar future issues. Providing accessibility by having the entrance at ground or floor level is more important. Privacy can be achieved in many ways simply by good design. This By-law requirement is a crude tool to restrict residential units on main streets, but the proposed ground floor residential units face the rear, adjacent to existing residential uses and is inherently more private.

Including 3 units on the ground floor (in addition to the 12 above) makes the project significantly more financially viable and enables the development to access additional funding from CMHC and the municipality, which prioritize projects that maximize affordable housing capacity while integrating community support services in their design. This approach helps fulfill critical housing needs in the area.

Variance 3: Visual Barrier and Planting Strip Requirement

Allow the existing parking area to remain without a Visual Barrier or Planting Strip.

The existing property does not have a Visual Barrier or a 1.5m Planting Strip along the property lines abutting Residential Zones.

It is not possible to comply with the provisions of the By-law because the existing, long-functional parking area is simply not large enough, so we cannot meet reduce it further and be functional. Without an existing planting strip we do not have a suitable location for a Visual Barrier.

However, of note is that we are substantially reducing the parking lot and increasing landscaped area to improve sustainability and eliminating about 50% of the deficient visual barrier and planting strip extant with the new landscaped Amenity area. The extent of deficient barrier and planting strip is only about 20m.

Variance 4: Parking Design Standards: Planting Strips

Allow the existing parking lot with no Planting Strip to remain in lieu of the required 3.0m planting strip to Eastbourne Avenue.

It is not possible to comply with the provisions of the By-law regarding parking standards because the existing, long-functional parking area is simply not large enough, so we cannot meet current By-law dimensions, and the building setback to Eastbourne Avenue is 0m.

The design team has explored various layout options, but the spatial limitations and site configuration prevent us from achieving this. The other option is to delete all existing parking and displace those onto the existing streets, which are already highly utilized.

Variance 5: Parking Design Standards: Parking Access and Parking Aisle Width

Allow the existing parking lot with a non-compliant 3.680m wide one-way driveway and non-compliant manoeuvring space with 45 degree angled parking spaces to remain as-is.

It is not possible to comply with the provisions of the By-law regarding parking standards because the existing, long-functional parking area is simply not large enough, so we cannot meet current By-law dimensions. The design team has explored various layout options, but the spatial limitations and site configuration prevent us from achieving this. The other option is to delete all existing parking and displace those onto the existing streets, which are already highly utilized. One existing parking space to remain is in the City Road Allowance as the barrier-free space.

However, we are substantially reducing the parking lot in size and quantity of spaces, eliminating about 50% of the deficient parking area.

Variance 6: Parking Design Standards: Parking Space Size

Allow the existing parking spaces of 2.7x5.8m in lieu of required 2.8x5.8m spaces. It is not possible to comply with the provisions of the By-law regarding parking standards because the existing, long-functional parking area is simply not large enough, so we cannot meet current By-law dimensions. The design team has explored various layout options, but the spatial limitations and site configuration prevent us from achieving this. The other option is to delete all existing parking and displace those onto the existing streets, which are already highly utilized.

Variance 7: Parking Design Standards: Barrier-free Parking Space

Allow the existing Barrier-free Parking Space to remain in lieu of 1 required compliant barrier-free space. It is non-compliant as it is located in the City Road Allowance along Eastbourne Avenue. Its dimensions are non compliant at 3.0m wide and it uses the City sidewalk for an access walkway.

It is not possible to comply with the provisions of the By-law regarding parking standards because the existing, long-functional parking area is simply not large enough, so we cannot meet current By-law dimensions. The design team has explored various layout options, but the spatial limitations and site configuration prevent us from achieving this.

Variance 8: Required Number of Parking Spaces

Allow a reduction to 3 parking spaces from 4 required. All Dwelling Units are less than 50 m² gross floor area (about 530 sq.ft. / 49 m²), so required parking is $0.3 \times 15 \text{ units} = 4.5 = 4$ parking spaces.

CMHA Hamilton staff report that none of their residents own cars, so there is no anticipated need for resident parking. It is well established that affordable housing multiple-dwellings have minimal parking requirements, but the By-law does not reflect that reality. We are proposing what CMHA know they require to accommodate for staff and visitor needs, and to maximize outdoor landscaped Amenity area for residents and to buffer residential neighbours, a substantial design improvement.

Variance 9: Minimum Electric Vehicle Parking Rate

Allow 0 Electric Vehicle Parking Spaces roughed-in in lieu of 3 required. The By-law requirement for Multiple Dwelling is 'one size fits all' and does not reflect that affordable housing buildings need less spaces. As noted above, we expect no residents to have cars. There are no charging stations or rough-ins in this existing building, and this represents an unnecessary additional cost to an affordable housing project. Charging stations can still be added in the future when needed.

Staff with electric cars will be charging them at home at night, not at work during the day, which is the By-law assumption, and staff are not full-time on site.

Variance 10: Short-term Bicycle Parking

Allow the existing 10 bicycle Sobi bicycle rack in the Eastbourne Avenue boulevard to remain to satisfy short-term parking requirement (in lieu of required 15 units x 0.1 = 1.5 = 1 space). This avoids duplication and additional unnecessary cost to this affordable housing project. Should this bicycle rack be removed in the future the Owner will provide additional bicycle parking as required. The bicycle rack is generally empty.

Variance 11: Long-term Bicycle Parking

Allow the existing 10 bicycle Sobi bicycle rack in the Eastbourne Avenue boulevard to remain to satisfy long-term parking requirements (in lieu of required 15 units x 0.7 = 10.5 = 10 spaces). This avoids duplication and additional unnecessary cost to this affordable housing project. Should this bicycle rack be removed in the future the Owner will provide additional bicycle parking as required. The bicycle rack is generally empty.

7.5 Summary

Neighbourhoods are to be considered generally stable areas, each with its own distinct scale and character. Changes that are compatible with the existing character or function of a neighbourhood will be allowed. Applications for development and residential intensification within Neighbourhoods will be assessed based on the local .

All these Minor Variances requested meet the four tests under Section 45(1) of The Planning Act:

Is the application minor in nature?

Is it desirable for the appropriate development or use of the land, building or structure?

Is it in keeping with the general intent and purpose of the Zoning By-law?

Is it in keeping with the general intent and purpose of the Official Plan?

Our proposed development will contribute significantly to the residential intensification needed in Hamilton by quickly and inexpensively providing 15 affordable housing units in this adaptively reused building, with wrap-around supports for residents provided by CMHA Hamilton. This project aligns with our city's goals by increasing housing density in a sustainable way, supporting diverse communities, and enhancing the vibrancy and inclusivity of the area.

Small urban sites like this one require creativity and flexibility to achieve an appropriate, functional, and desirable development. This long empty office building reflects changing demographics in Hamilton, with almost no office space demand in this area. Therefore the only sensible, viable alternative is a conversion for multiple dwellings, whether for CMHA or another purchaser. Otherwise the building will remain vacant.

Located on a major transit corridor and near the new LRT transit line in Hamilton, this development will help address the urgent need for affordable housing in the area. The project aims to provide essential, safe and affordable housing options for the Hamilton community, supporting the city's broader goals of increasing accessibility and affordability in the housing market.

Zoning Bylaws should allow the right things as-of-right !! There should not have to be 11 Variances for the adaptive reuse of this modest building, this is a huge barrier to making successful infill and intensification, and the highly sustainable reuse of existing buildings happen. Hamiltonians spoke loudly that they want infill and intensification instead of more greenfield development.

Without a Committee of Adjustment approval this project will be cancelled, and the proponents, the well respected Canadian Mental Health Association (CMHA) Hamilton, will be unable to advance this rapid, funded, desperately needed project that will proceed immediately. It should be apparent that many of the unhoused in Hamilton have mental health issues, have difficulty finding private housing with receptive landlords, and require the staff and allied agency supports that CMHA Hamilton will provide in order to help them thrive, remain housed and stable.

CMHA Hamilton
c/o Sue Phipps
131 John Street South
Hamilton, ON L8N 2C3

December 2, 2024
Via Email Only

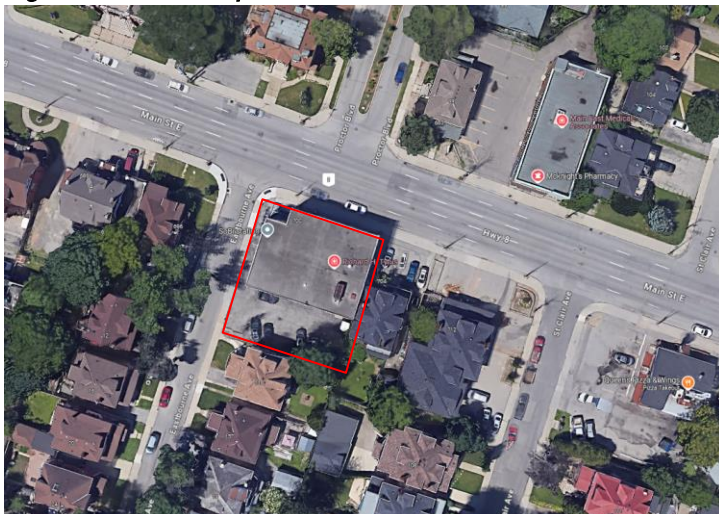
**RE: 700 Main Street East
Planning Rationale**

Landwise has been retained by Canadian Mental Health Association, Prospective Owner, to prepare the following Planning Rationale to support a Minor Variance Application for the purpose of establishing a Dwelling Unit, Mixed Use at 700 Main Street East, Hamilton. This Planning Rationale contains a description of the property, an overview of applicable planning policies, and a planning opinion on the requested Minor Variances.

Subject Lands Description

700 Main Street East is a corner lot with an area of approximately 730 square metres, frontage on Main Street East of ± 23.5 metres and frontage on Eastbourne Street of ± 30 metres, and a lot depth of ± 30 metres. The site is currently occupied by a two and a half storey office building (refer to Figure 1).

Figure 1 - Aerial Map



Planning Status

Urban Hamilton Official Plan

The Subject Lands are designated Neighbourhoods on Schedule “E-1” Urban Land Use Designations in the Urban Hamilton Official Plan. The Neighbourhood designation permits a mixture of uses to support the daily life of local citizens including residential and local commercial uses. The following policies, among others, apply:

“Commercial and Industrial Heritage Properties

B.3.4.3.8 The City shall encourage the intensification and adaptive reuse of commercial and industrial heritage properties. Any permitted redevelopment shall ensure, where possible, that the original building fabric and architectural features are retained and that any new additions will complement the existing building in accordance with the policies of this Plan.

B.3.7.2 The City shall prepare for the impacts of a changing climate by encouraging energy efficient and environmental designed development and redevelopment through:

k) promoting building conservation and adaptive reuse;

E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations:

a) residential dwellings, including second dwelling units and housing with supports;

b) open space and parks;

c) local community facilities/services; and,

d) local commercial uses.

E.3.5 Medium Density Residential Function

E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

E.3.5.2 Uses permitted in medium density residential areas shall include all forms of multiple dwellings.

E.3.8 Local Commercial

E.3.8.4 Local commercial uses may be permitted in the following built forms:

- d) multiple storey buildings with the local commercial uses on the ground floor and residential units above.

City of Hamilton Zoning By-law No. 05-200

The Subject Lands are zoned Neighbourhood Commercial (C2) Zone which permits a Dwelling Unit, Mixed Use subject to Sections 10.2 of Zoning By-law No. 05-200.

Nature and extent of relief applied for:

Two Minor Variances are being sought from Zoning By-law No. 05-200 to facilitate the conversion of the existing office building to a Dwelling Unit, Mixed Use with accessory office and social service establishment uses in the cellar. The following modifications are required to accommodate the use:

	Section	Regulation	Modification
1.	10.2.1.1 ii) A.	Subsection 1. Shall not apply to building existing at the date of the passing of the By-law where: A. The ground floor contains a commercial use; and,	Subsection 1. Shall not apply to building existing at the date of the passing of the By-law where: A. The cellar contains accessory office and social services establishment uses.
2.	10.2.3 j)	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.	Shall not apply.

Planning Rationale to Support the Variances

Urban Hamilton Official Plan

The “Neighbourhoods” designation allows for a variety of residential and local commercial uses to provide daily and weekly services to residents. The proposed conversion of the existing two and a half storey office building to a multiple dwelling with accessory office and social services makes efficient use of the land and avoids the unnecessary demolition. The subject lands are located on a Major Arterial Road with dual frontage on

Main Street East and Eastbourne Avenue. The existing office building is located up to the street line for the entirety of the Main Street East frontage and has vehicular parking located at the rear of the site with access provided from Eastbourne Avenue. The existing parking area is not clearly delineated and will be modified to allow for additional residential amenity area. The existing parking area is built to the limits of the southerly property line where no planting strip is provided. The reconfiguration of the parking area is appropriate to accommodate additional amenity areas while providing legal on-site parking spaces.

The existing office building does not have an at grade level. The first storey is located partially below grade with the second and third storeys accessed by four steps from the Main Street East frontage. The present design of the building does not accommodate at grade commercial space that would be suitable for local commercial uses. The proposed conversion includes accessory office and social service establishment uses area associated with the residential units within the first floor, though partially located below grade.

The policies of the Neighbourhood Designation establishes that Local Commercial uses *may* be located on the ground floor of a multiple dwelling and does not specifically require that the ground floor be occupied by non-residential uses.

Therefore, the proposed Variances to recognize accessory office and social service establishment uses within a cellar and to eliminate the requirement for a planting strip adjacent to a Residential Zone meet the intent of the Neighbourhood designation.

Zoning By-law No. 05-200

The proposed Minor Variances would facilitate the conversion of an existing office building to a Dwelling Unit, Mixed Use with accessory office and social service establishment uses located within a cellar.

Variance 1: To allow accessory office and social establishment uses in a cellar of an existing building.

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

The variance facilitates the conversion of an existing office building to a Dwelling Unit, Mixed Use. The intent of Section 10.2.1.1 ii) 1. is to recognize existing buildings that may not be configured to allow for the required 50% of commercial uses and specifically establishes criteria that the ground floor must include a commercial use and a building height of 9 metres. The proposed modification to Section 10.2.1.1 ii) 1. A., to allow accessory office and social service establishment uses within a cellar, recognizes the design of the existing building. The existing first floor is partially located below grade. This configuration makes it difficult to meet the requirement that the ground floor be occupied

by a commercial use. The proposed development incorporates accessory office space and social service establishment uses within the first floor facing Main Street East. This space is not currently accessible from the public sidewalk and is not conducive for typical commercial uses or access.

1. Conformity to the intent of the Zoning By-law

The intent of the Neighbourhood Commercial (C2) Zone is to require existing buildings to preserve commercial uses within the ground floor. With the existing configuration of the building the ground floor is partially located below grade and is not conducive publicly accessible commercial uses. The proposed conversion incorporates the accessory office and social service establishment uses within the cellar facing Main Street East. This maintains the intent of the By-law given the site specific context.

2. Is the variance minor in nature?

The proposed modification recognizes the conversion of the existing office building to a Dwelling Unit, Mixed Use with accessory office and social service establishment located in the cellar as opposed to a ground floor. The building is not designed to accommodate ground floor commercial uses. The proposed variance reflects the specific design of the existing building and facilitates the conversion and is therefore minor in nature.

3. Is the variance desirable?

The variance enables the existing structure to remain on-site and used for needed housing. To demolish and rebuild the structure to achieve the zoning regulation would be impractical. The existing building forms part of the existing Main Street East streetscape. Therefore, the proposed permission to allow accessory office and social service establishment in a cellar is desirable.

Variance 2: A Planting Strip abutting a Residential Zone shall not be required.

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

The existing building and parking area does not include nor is there adequate area to provide a planting strip and the required parking for the Dwelling Unit, Mixed Use. The reconfiguration of the existing parking area enables additional amenity area and proper orientation of the parking spaces.

1. Conformity with the intent of the Zoning By-law?

The intent of the required planting strip is to provide adequate buffering from the Residentially Zoned property line. The existing configuration of angled parking does not meet the requirements of the By-law and results in vehicle lights in rear yard areas. The

reconfiguration of the parking area aligns the parking perpendicularly to Eastbourne Avenue and allows for on-site maneuvering.

2. Are the variances minor in nature?

The requested Minor Variance recognizes an existing condition. The reconfiguration of the parking area allows for the creation of amenity area and providing parking spaces with safe ingress and egress. The reconfiguration of the parking area avoids vehicular light trespass into the rear yards of the abutting single detached dwellings. The proposed modifications are therefore minor in nature.

3. Are the variances desirable?

The proposed modification will enable a more efficient use of the property with additional provision of amenity area and reconfiguration of the parking area. The proposed modification is desirable to accommodate the conversion of the existing structure for the purposes of additional residential units.

Conclusion

The requested Minor Variances enable the reuse of an existing structure to provide additional housing in the area. The policies of the Urban Hamilton Official Plan permit a multiple dwelling and the modifications to recognize the existing configuration of the building and the limitations of the parking area are minor in nature and desirable for the efficient use of the property. The proposed modifications meet the intent of the Official Plan and Zoning By-law, is minor in nature and is desirable for the appropriate use of land.

Respectfully Submitted,

LANDWISE



Shannon McKie, MCIP, RPP
Associate/Principal Planner



Hamilton

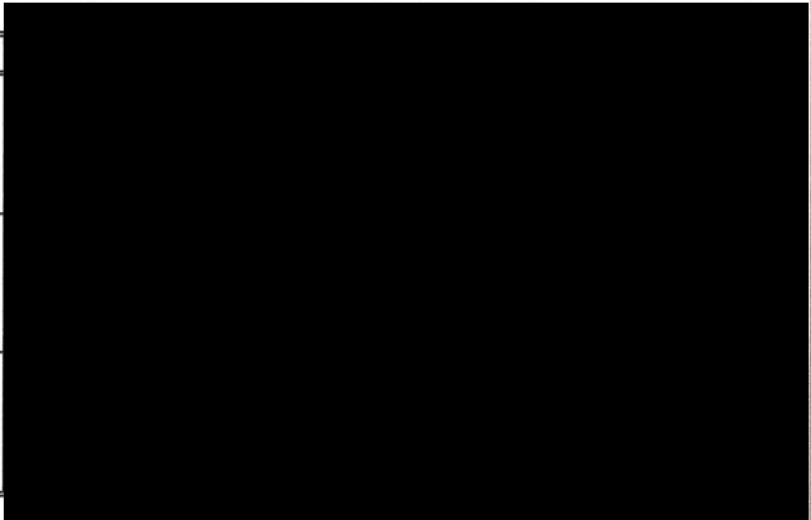
Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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)	Enas Hanna/ Basem Boktor
Applicant(s)	Sue Phipps
Agent or Solicitor	Vince Guagliano



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

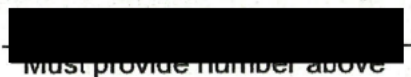
If **Yes**, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

In person

Credit over phone*

Cheque



Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	700 Main St E Hamilton, ON L8M 1K7		
Assessment Roll Number	251803024506420		
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

If YES, describe the easement or covenant and its effect:

3. PURPOSE OF THE APPLICATION

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Attached

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

attached

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
24.384m	31.928m	778.53m ²	

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
Commerical Building	0	12.91m	0	01/01/1964
shed	0	7.0	0	1964

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Residential Multi-Dwelling	0	12.91m	0	
shed	0	7.0	0	

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
Commerical	417.4 sq. M approx.	1252.3 Sq. M approx.	3	9m approx.

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Residential Multi-Dwelling	417.4 Sq. M Approx	1252.3 Approx.	3	9m approx.

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

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

May 28, 2018

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

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

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

The current Owners have been Operating as Commerical since May 2018. (6 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.

Attached

7.6 What is the existing zoning of the subject land? c2

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: c2

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: 15

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
 - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
 - Minimum Distance Separation Formulae (data sheet available upon request)
 - Hydrogeological Assessment
 - Septic Assessment
 - Archeological Assessment
 - Noise Study
 - Parking Study
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