



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**

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**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
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<b>APPLICATION NO.:</b>	<b>A-24:284</b>	<b>SUBJECT PROPERTY:</b>	325 James Street South, Hamilton
<b>ZONE:</b>	E (Multiple Dwellings, Lodges, Clubs, Etc.)	<b>ZONING BY-LAW:</b>	Former City of Hamilton Zoning By-law 6593

**APPLICANTS:** Owner: Mountainview Limited Partnership  
Agent: Bousfields c/o David Falletta

The following variances are requested:

1. A minimum of zero (0) parking spaces per Class A dwelling unit shall be provided for a Multiple Dwelling containing five (5) or more Dwelling Unit(s) instead of the minimum required one (1) parking space per Class A dwelling Unit;
2. A minimum of two (2) visitor parking spaces plus 0.05 visitor parking spaces for a Multiple Dwelling containing five (5) or more Dwelling Unit(s) instead of the minimum required one 0.2 spaces per Class A Dwelling Unit;
3. A minimum of zero (0) loading space(s) for a Multiple Dwelling containing greater than 100 Dwelling Units shall be provided instead of the minimum required two (2) loading spaces for a Multiple Dwelling containing greater than 100 Dwelling Units.

**PURPOSE & EFFECT:** To permit the expansion and alteration of an existing Multiple Dwelling from 107 Dwelling Units to 164 Dwelling Units.

**Notes:**

- i. Please note, a total of 44 Parking Spaces have been indicated within the Existing Parking Lot. As per Section 18A(16), the required 11 Visitor Parking Spaces shall be maintained exclusively for the use of visitors and shall have a sign appurtenant thereto legibly marked that the parking space is for the exclusive use of visitors.

**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>Thursday, February 13, 2025</b>
<b>TIME:</b>	<b>2:30 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**

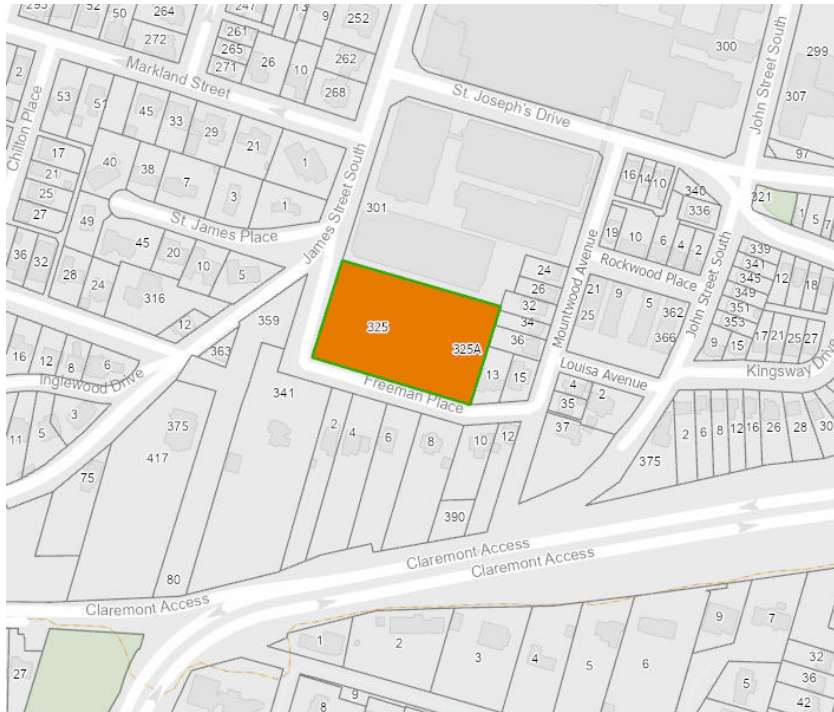
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon February 11, 2025

**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 February 12, 2025

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:284, 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 27, 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.



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)

### 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 Tuesday 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.

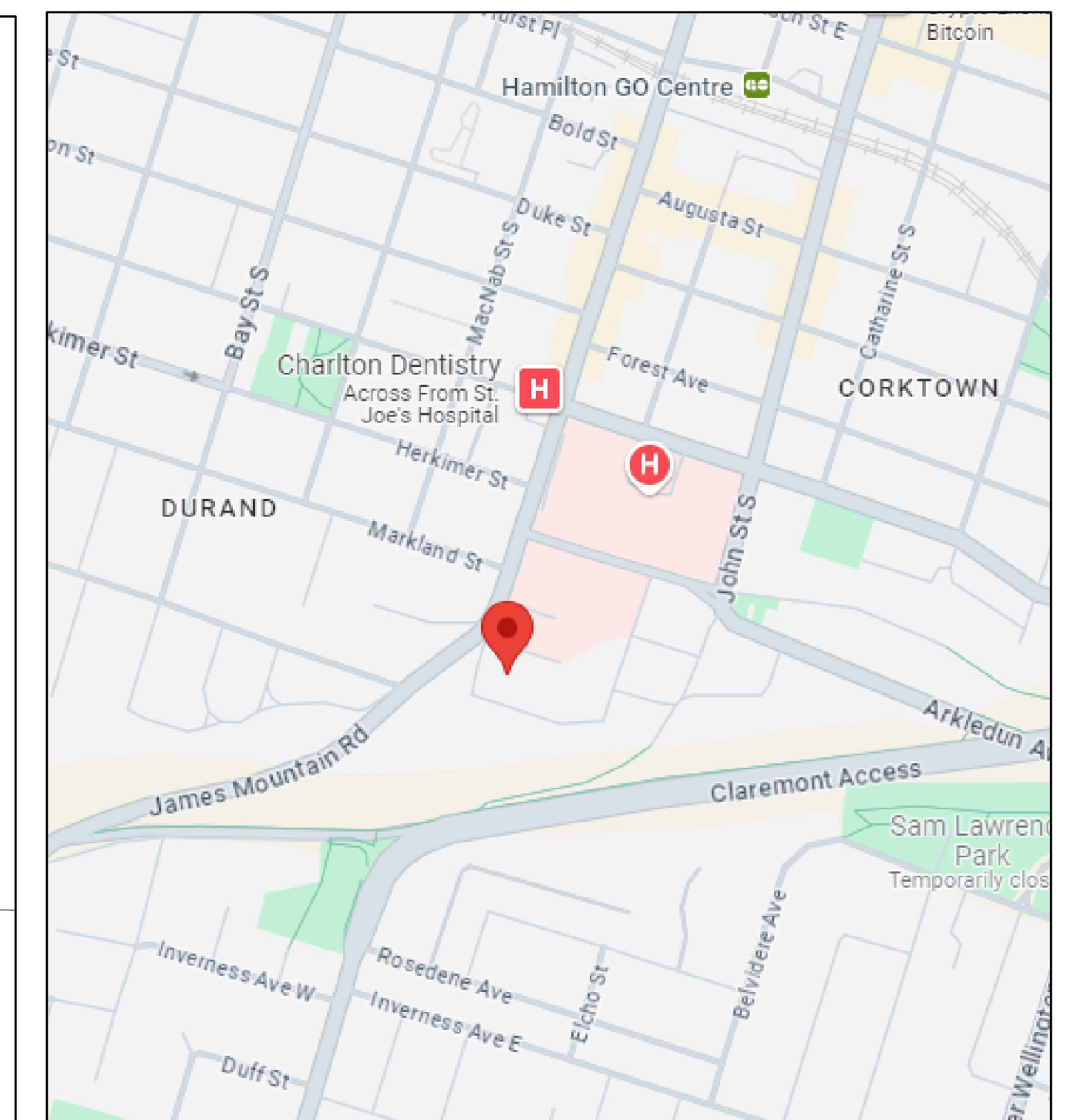
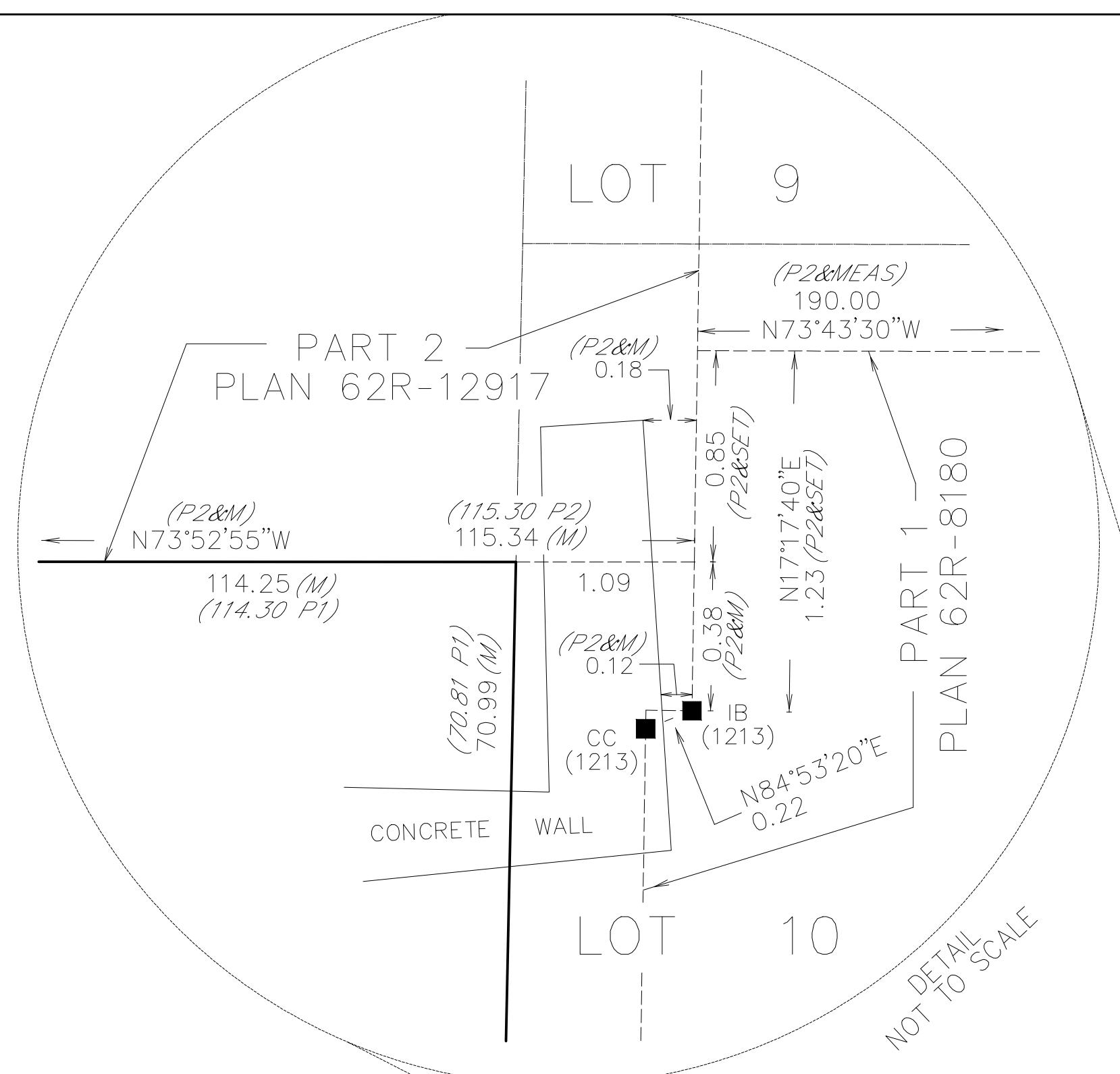
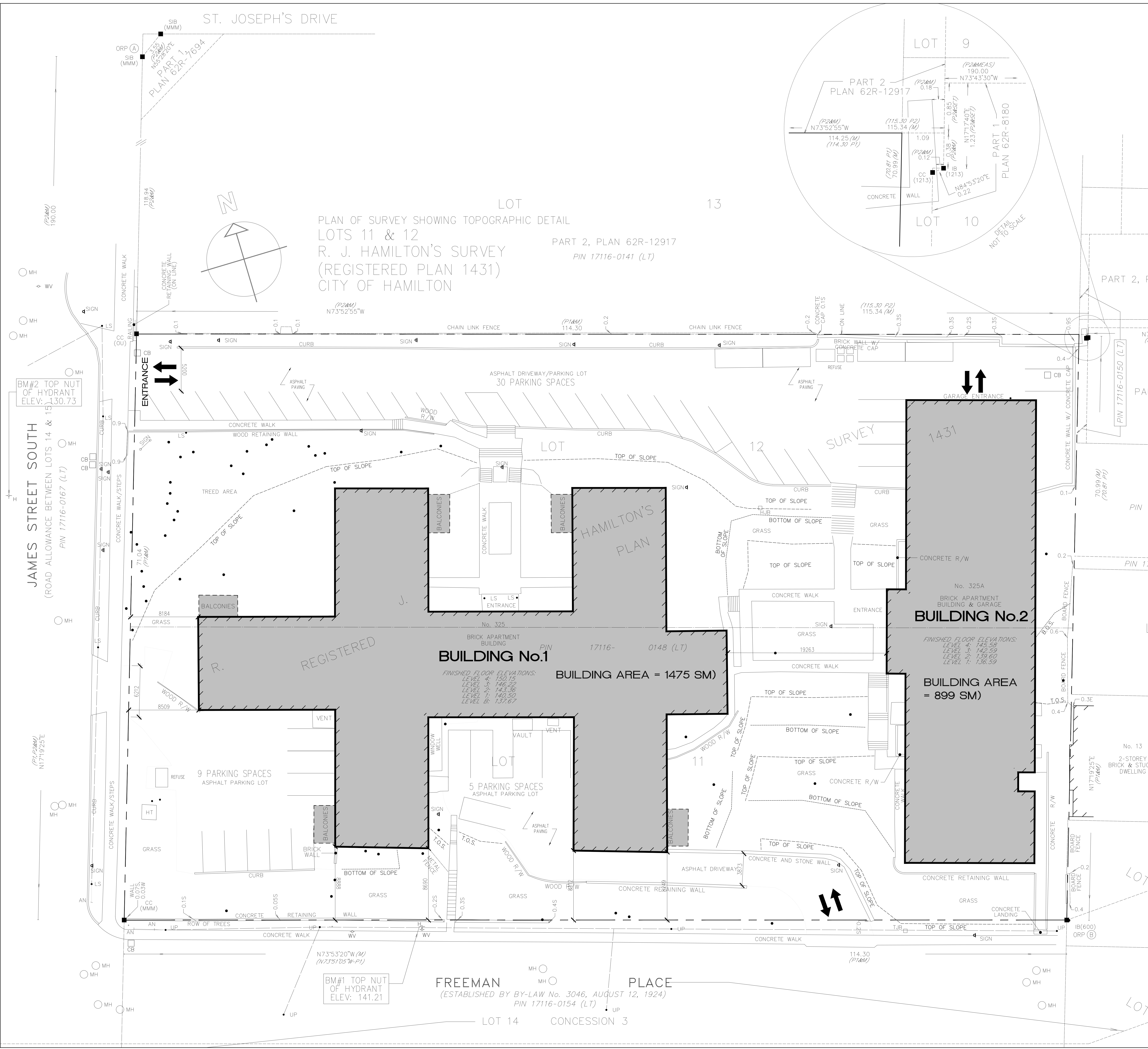
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

##### 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.



**DETAILS OF DEVELOPMENT:**

**ZONING:**  
 'E' DISTRICT (MULTIPLE DWELLINGS + LODGES)

**NET LOT AREA:** LOT AREA : 8107- SM (0.81 Ha)  
**GROSS FLOOR AREA:** - SM (- SF)  
**BUILDING COVERAGE:** 2374 SM  
**BUILDING HEIGHT:** 4 STORES

**PARKING PROVIDED:**  
**NO. OF PARKING SPACES ON GRADE:** 44  
**NO. OF PARKING SPACES BELOW GRADE:** 8  
**TOTAL PARKING PROVIDED:** 52  
**NO. OF LOADING SPACE:** -  
**SURFACE PARKING AREA:** - SM.  
**LANDSCAPED AREA (PROPOSED):** - SM.

**FLOOR AREAS:**  
**GFA - BUILDING 1:** - SM.  
**GFA - BUILDING 2:** - SM.  
**GFA - 2ND FLOOR DWELLING AREA:** - SM.  
**GFA - 3RD FLOOR DWELLING AREA:** - SM.  
**GFA - 4TH FLOOR DWELLING AREA:** - SM.  
**TOTAL GFA DWELLING AREA:** - SM.

**RESIDENTIAL UNITS:**  
**ONE BEDROOM UNITS:** -  
**TWO BEDROOM UNITS:** -  
**TOTAL RESIDENTIAL UNITS:** 162

**NOTE: 15% OF RESIDENTIAL UNITS SHALL BE BARRIER FREE**

**LINTACK ARCHITECTS**  
 INCORPORATED  
 104 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3S9  
 T: 905.522.4445 F: 905.522.2079 E: info@lintack.com  
 www.lintack.com

**PROPOSED INTERIOR ALTERATIONS TO:**  
**MOUNTAINVIEW APARTMENTS**  
**GENUINECON INC.**  
 302 JAMES STREET SOUTH  
 HAMILTON, ONTARIO

job no.	24.072
dwg. file	
dwn. by	
scale	AS NOTED
date	SEPT. 2024
dwg. title	SITE PLAN

December 20, 2024

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

Dear Chair and Committee Members:

**Re: *Application for Minor Variance***  
***325 & 325A James Street South, Hamilton***

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We are the planning consultants for Mountainview Limited Partnership, owner of the above-noted property, located on the east side of James Street South, at the northeast corner of the intersection of James Street South and Freeman Place and municipally known as 325 and 325A James Street South (the “**subject site**”). On behalf of our client, we are pleased to submit this letter in support of a minor variance application permit a reduction in the required vehicular parking spaces and loading spaces for the proposed modernization of the existing residential apartment buildings on subject site (the “**proposal**”). Along with general building renovations and repairs, the proposal will have the effect of increasing the overall unit count from 107 to 164 and will maintain the existing overall parking count of 52. The proposed renovations are to be entirely contained within the existing building footprints and no other site changes are required.

The subject site is zoned “E” (Multiple Dwellings, Lodges, Clubs, Etc.) according to Former City of Hamilton By-law 6593.

The application requests the following two variances:

1. Notwithstanding Section 18A, the minimum parking for a multiple dwelling where the number of units is 5 or greater shall require no parking spaces for residents and 2 visitor parking spaces plus 0.05 visitor parking spaces are required per unit instead of the required 1 parking space per unit for residents and 0.2 parking spaces per unit for visitors.

2. Notwithstanding Section 18A, no loading spaces are required for a multiple dwelling buildings with 164 units, instead of the required one (1) at 9.0m x 3.7m x 4.3m loading space and two (2) 18.0m x 3.7m x 4.3m loading spaces.

The requirement for the requested variances arises from the new City-wide parking standards as adopted in By-law 24-052 not yet being applied to the subject site, as it is still regulated by the Former City of Hamilton Zoning By-law 6593. The ongoing residential zones project contemplates rezoning “E” zones in the Former City of Hamilton Zoning By-law 6593 to “R3” and “R3a” in the City-wide Zoning By-law 05-200. If approved, the updated parking standards as adopted through By-law 24-052 would apply to the subject site, and place it in Parking Rate Area 1, which would have the effect of requiring zero (0) residential parking spaces, ten (10) visitor parking spaces, and zero (0) loading spaces for the proposal, consistent with our proposed variances.

## **1.0 SITE AND SURROUNDINGS**

### ***Subject Site***

The subject site is located within the Corktown neighbourhood of the Former City of Hamilton, directly north of the Niagara Escarpment. It is located at the northeast corner of the intersection of James Street South and Freeman Place and is comprised of one parcel of land municipally addressed as 325 & 325A James Street South. The subject site has an area of approximately 0.81 hectares and has a frontage of approximately 70.6 metres on James Street South and 113.9 metres on Freeman Place.

The subject site contains two low-rise residential apartment buildings, ranging from 4 to 5 storeys in height, with the varying building heights arising from an approximately 13 metre grade change across the subject site. The grade height peaks in the southeast corner of the subject site. Access is provided by way of two driveways off James Street South and one driveway off Freeman Place. Vehicular parking is provided in three different areas of the subject site, with one of the areas located along the northern property line, and the other two parking areas located south of the 325 James Street South building. 52 parking spaces are currently provided, with 8 of them building located in a split ground/underground level of the 325A James Street South building.

### ***Surroundings***

To the immediate north of the subject site is the parking garage for the St. Joseph's Hospital and healthcare complex. The parking structure occupies the majority of block between the subject site and St. Joseph's Drive to the north. The overall healthcare complex spans the two blocks north of the subject site, to Charlton Avenue East. St. Joseph's Hospital is a major regional healthcare centre, catering to a large patient base from Hamilton and across southern Ontario. Further to the north is downtown Hamilton, with the Hamilton GO train station located approximately 750 metres north of the subject site.

To the immediate east of the subject site are low-rise residential buildings, generally taking the form of single-detached dwellings. Further to the east, on the east side of Mountwood Avenue, is a primarily residential neighbourhood of various forms and densities, including single detached dwellings, walk-up apartment buildings, and low to mid-rise apartment buildings.

To the south of the subject site, across Freeman Place, are low-rise residential buildings, generally taking the form of single-detached dwellings. Further to the south is the Niagara Escarpment, which is a forested area with walking trails and a significant and steep north-south grade change. The Claremont Access is located on the section of the Niagara Escarpment south of the subject site, acting as a major arterial road connecting downtown Hamilton and the Hamilton Mountain area.

To the west of the subject site, across James Street South, is a small vacant lot and further to the west is a low-rise residential neighbourhood primarily comprised of large single detached dwellings.

## **2.0 PROPOSAL**

The proposal seeks to renovate the existing apartment buildings by updating structural components, modernizing air circulation systems, conducting general repairs, and increasing the unit count through the subdivision of existing apartment units. The unit count is proposed to increase from 107 to 164.

As a result of the zoning of the subject site not yet being updated to be included in the City-wide 05-200 Zoning By-law, the Former City of Hamilton Zoning By-law 6593 still applies. As such, the modernized City-wide parking standards as approved through By-



law 24-052 are not yet in force and effect on the subject site. As a result, the proposal seeks to apply the new parking standards of By-law 24-052 to the subject site, which requires the following minor variances:

**Former City of Hamilton Zoning By-law 6593**

3. Notwithstanding Section 18A, the minimum parking for a multiple dwelling where the number of units is 5 or greater shall require no parking spaces for residents and 2 visitor parking spaces plus 0.05 visitor parking spaces are required per unit instead of the required 1 parking space per unit for residents and 0.2 parking spaces per unit for visitors.
  
4. Notwithstanding Section 18A, no loading spaces are required for a multiple dwelling buildings with 164 units, instead of the required one (1) at 9.0m x 3.7m x 4.3m loading space and two (2) 18.0m x 3.7m x 4.3m loading spaces.

**3.0 KEY PLANNING AND REGULATORY CONTEXT**

***City of Hamilton Official Plan***

The principles of the Urban Hamilton Official Plan (the “UHOP”) are provided in Section 1.4 and are intended to inform the framework of the Official Plan. They include:

- compact and healthy urban communities that provide opportunities to live, work, play, and learn;
- balanced transportation networks that offer choice so people can walk, cycle, take transit, or drive, and recognize the importance of goods movement to our local economy;
- reducing Greenhouse Gas (GHG) emissions and adapting to the impacts of a changing climate; and
- a wide range and healthy supply of housing options for current and future residents.

The subject site is designated as *Primary Corridor* on Schedule E, Urban Structure, in the Official Plan. As set out in Chapter E – Urban Systems and Designations, Section 2.4 of the Official Plan, the City’s corridors provide a significant opportunity for creating vibrant pedestrian and transit oriented places through investment in infrastructure, residential intensification, infill and redevelopment, and careful attention to urban design. Policy 2.4.8 states that *Primary Corridors* shall be served by higher order transit service, and Policy 2.4.17 further states that reductions in parking requirements shall be considered within

*Urban Corridors*, including *Primary Corridors*, in order to encourage a broader range of uses and densities to support existing and planned transit routes.

On September 19, 2023, a Major Transit Station Areas Report (the “Report”) was presented to the Hamilton Planning Committee, which outlines the draft delineations of future Major Transit Station Areas as per the Major Transit Stations identified on Official Plan Appendix B, Major Transportation Facilities and Routes. The subject site is located within the James/Downtown Hamilton GO delineation in the Report. Major Transit Station Areas are considered as the City’s primary Strategic Growth Areas (Policy 2.4.1.2).

The subject site is designated as *Neighbourhoods* on Schedule E-1, Urban Land Use Designations. Chapter E – Urban Systems and Designations, Section 3.0 lays out the policy framework for the *Neighbourhoods* designation. A policy goal of the *Neighbourhoods* designation is to develop compact, mixed use, transit-supportive and active transportation friendly neighbourhoods (Policy 3.1.1).

### ***Zoning By-law***

The subject site is zoned “E” by the Former City of Hamilton Zoning By-law 6593. Relevant to this minor variance are the following provisions:

**Section 18A, Table 1**, Minimum required parking of 1 space per Class A dwelling unit for a multiple dwelling within area “B” shown on Schedule “H”

**Section 18A, Table 2**, Minimum required parking of 0.20 spaces per Class A dwelling unit for a multiple dwelling within area “B” shown on Schedule “H”

**Section 18A, Table 3**, Minimum required loading spaces of one (1) 9.0m x 3.7m x 4.3m loading space and one (1) 18.0m x 3.7m x 4.3m loading space for multiple dwellings with greater than 100 dwelling units, and of one (1) 18.0m x 3.7m x 4.3m loading space for multiple dwellings with greater than 30 but less than 100 dwelling units.

### ***Amendment to Zoning By-law 05-200 to update parking standards***

On April 10, 2024, the new City-wide parking standards were adopted by Hamilton City Council through By-law 24-052. In accordance with the decision dated September 25, 2024 in OLT Case Number OLT-24-000544, the updated provisions related to minimum

parking standards are in force and effect City-wide, with site specific cases and provisions related to electric vehicle parking remaining under appeal.

The subject site is located in Parking Rate Area 1 per Schedule A2 of By-law 24-052. By-law 05-200, as amended by By-law 24-052, has no minimum required parking in multiple dwellings for residents in Parking Rate Area 1, requires visitor parking to be provided at a rate of 2 spaces plus 0.05 spaces per residential unit, and does not require loading spaces.

The updated parking requirements as per By-law 24-052 were not applied to the Former City of Hamilton Zoning By-law 6593.

#### *Amendment to Zoning By-law 05-200 to update residential zones*

On June 13, 2023, a report was presented to the City of Hamilton Planning Committee outlining the City's intention to amend the City-wide Zoning By-law 05-200 by introducing a new set of Mid Rise Residential Zones. If approved, this would have the effect of rezoning "E" zones in the Former City of Hamilton Zoning By-law 6593 to "R3" and "R3a" in the City-wide Zoning By-law 05-200 and therefore the updated parking standards would apply.

#### *Zoning By-law 05-200 Loading Space Requirements*

Zoning By-law 05-200 applies to a great majority of the City and includes numerous zones that permit mixed use and stand alone residential apartments (i.e. multiple dwellings). In this regard, Zoning By-law 05-200 takes a modern approach to loading and does not require it for multiple dwellings. Instead, the By-law relies on the market to dictate and determine its loading requirements based on use and function.

### **4.0 ANALYSIS OF REQUESTED VARIANCES**

As set out below, it is our opinion the requested variances both individually and cumulatively satisfy the four tests for a minor variance set out in Section 45(1) of the Planning Act, as follows:

#### **(1) Maintains the Intent and Purpose of the Official Plan**

With respect to conformity with the general intent and purpose of the UHOP, development within the City's *Primary Corridors* is intended to create vibrant pedestrian and transit

oriented places. Reductions in parking requirements shall be considered within *Primary Corridors* in order to encourage a broader range of uses and densities to support existing and planned transit routes. Furthermore, residential intensification is encouraged within *Primary Corridors* to enhance the viability of local and higher order public transit.

The requested variances would not be required if the subject site were already regulated by the provisions of Zoning By-law 05-200. The amended parking standards outlined in By-law 24-052 reflect a modernized approach to vehicular parking, especially in areas designated for growth, which the subject site is as per its designation as a *Primary Corridor* and in the draft James/Downtown Major Transit Station Area.

In addition, it is our opinion that the general intent and purpose of the UHOP is to accommodate housing in lands designated *Neighbourhoods* and to urbanize and intensify lands, especially those along a *Primary Corridor*, into compact mixed use and transit supportive communities. In this regard, the proposed minor variances will facilitate new rental housing units on a site that can accommodate more housing in a location that is well served by existing and planned transit infrastructure.

As such, it is our opinion that the requested variances maintain the intent and purpose of the Official Plan.

## **(2) Maintains the General Intent and Purpose of the Zoning By-law**

The general intent and purpose of the Former City of Hamilton Zoning By-law 6593 is to require minimum parking and loading spaces is to ensure that there is adequate parking and loading on site for multiple dwellings and to reduce on-street parking impacts to surrounding public streets and to ensure adequate loading is provided for the proposed uses.

The City of Hamilton, like many other Southern Ontario municipalities, have updated their Zoning By-law to reduce, and in many cases remove, minimum parking requirements especially at locations that are well served by public transit. This is in response to the costs associated with the creation of parking and the underutilization of parking, which adds to the cost of housing.

The updated City-wide parking standards as introduced through By-law 24-052 reflect this current transportation context. In this regard, By-law 24-052 applies a Parking Rate Area (“**PRA**”) to the entire City, including lands not captured in Zoning By-law 05-200. The PRA

is based on the transit support and establishes 3 PRA's based on the level of existing and planned public transit support. In this regard, the subject site and the entirety of the lower City (lands north of the escarpment to the lake between Highway 403 and the Redhill Parkway falls within PRA 1, which establishes a minimum parking ratio for multiple dwellings to be no parking spaces for residents and 2 visitor parking spaces plus 0.05 visitor parking spaces. Furthermore, these parking rates already apply to the majority of the lands surrounding the subject site.

Given that the City has approved and in-effect zoning regulations for the proposed parking rate that applies to the majority of the lands surrounding the subject site and beyond, it is our opinion that the proposed parking minor variance maintains the general intent and purpose of the Zoning By-law since it will provide adequate parking on site and not create any unacceptable on-street parking impacts to surrounding public streets. Furthermore, we are not aware of any on-street parking issues in the neighbourhood.

As it relates to the proposed Minor Variance for loading, it is our opinion that the proposal provides sufficient loading space for the uses on site. In this regard, the existing buildings, which accommodate 107 existing residential apartments, do not have any existing loading spaces. Instead, the parking aisle and public streets are utilized for garbage pick up and loading. In our opinion, increasing the unit count from 107 to 164 will not create the need for new loading spaces. Furthermore, the Zoning By-law 05-200 does not require loading spaces for similar uses and when it is ultimately applied to the subject site, it will remove this requirement.

Accordingly, it is our opinion that the requested variances maintain the intent and purpose of the Zoning By-law.

### **(3) Minor in Nature**

The test of "minor" is not intended as a numerical assessment but rather an assessment of impact. In our opinion, the impacts associated with the requested variances are minor in nature and will not result in any undue impacts on the subject site or surrounding neighbourhood.

The modifications to the parking and loading requirements on the subject site would comply with the City's New Comprehensive Zoning By-law, which is planned to apply to the subject site once the new Medium Density Residential Zones are introduced and is planned to occur early in 2025.

In this regard, if approved the parking and loading requirements will be driven by market need, which means that residents requiring a parking stall will not rent a unit at the subject site. Alternatively, if there is a desire to create more parking or loading, the Owners will re-design the site to accommodate more parking and new loading facilities.

Accordingly, it is our opinion that the proposed variances are minor in nature.

#### **(4) Desirable for the Appropriate Development and Use of the Land**

In our opinion, the proposal and associated minor variances are desirable and appropriate for the proposed use of the land. The renovation of the existing residential apartment buildings will have the effect of intensifying the subject site and will improve the quality and liveability of the buildings as well as increasing the housing stock in a neighbourhood that is walkable, well served by transit and mixed use with employment opportunities, commercial amenities, entertainment and cultural uses, and public service facilities all within a short walking distance of the subject site. The requested reduction in parking and loading spaces comply with the City's Comprehensive Zoning By-law 05-200, which applies to the majority of the lands surrounding the subject site and will apply to the subject site once the new Medium Density Residential Zones are introduced in early 2025.

Accordingly, in our opinion, the variances are desirable and appropriate for the proposed use of the land.

#### **5.0 CONCLUSION**

In our opinion, based on the analysis set out above, the requested variances satisfy the four tests set out in Section 45(1) of the *Planning Act* and, specifically, they meet the intent and purpose of both the Official Plan and Zoning By-laws, they are minor in nature and are desirable for the appropriate development and use of the land. These variances will facilitate the modernization of the existing buildings on the subject site and create new residential apartment housing in a location where intensification and new housing are directed.

Accordingly, we recommend approval of the requested variances. Please find enclosed the following additional information:

- Application Form; and,
- Site Plan.

The Application Fee will be submitted under separate cover, either later today or on Monday December 23, 2024.

Should you require any additional information or clarification, please do not hesitate to contact the undersigned.

Respectfully Submitted,

**Bousfields Inc.**



David Falletta MCIP, RPP

Attachments (2)

cc. Clients

/DF:jobs



Hamilton

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
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	

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	325 & 325A James Street South		
Assessment Roll Number	020141502500000 & 020141502800000		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	1431	Lot(s)	11 & 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:

Reduction of the required residential parking spaces from 1 per unit to 0 per unit  
 Reduction of the required visitor parking spaces from 0.2 per unit to 2 + 0.05 per unit  
 Reduction of the required loading space from 3 to 0

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

See attached planning rationale letter

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
70.6m	113.9m	0.81ha	20m

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
Apartment Building	8.19m	41.9m	6.9m, 18.6m	
Apartment Building	91.6m	4.09m	6.9m, 7.9m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
No changes proposed				

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
Residential Apartment	1475 sq.m	7324 sq.m	5	16.4m
Residential Apartment	739 sq.m	3333 sq.m	4	12.5m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
No changes proposed				

- 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.):

Residential apartment buildings - no change of use proposed

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

Single detached dwellings, St. Josephs hospital and parking garages

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

May 22, 2024

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

N/A

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

Residential Apartment Buildings

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

~80 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.

See attached planning rationale letter

7.6 What is the existing zoning of the subject land? "E" - Former Hamilton BL 6593

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: \_\_\_\_\_

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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: 107

8.2 Number of Dwelling Units Proposed: 164

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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