



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-24:280	SUBJECT PROPERTY:	20 Emerald Street North, Hamilton
ZONE:	“CR-2, CR-2/S-295” (Commercial – Residential Districts)	ZONING BY-LAW:	Hamilton Zoning By-law No. 6593 as Amended by By-law No. 73-293

APPLICANTS: Owner: Robert Skaljin, SOI Emerald Corp.
Agent: Sarah Borde, YWCA Hamilton

The following variances are requested:

1. No parking spaces shall be required for the use of a Day Nursery accommodating up to a maximum of thirty-one (31) children, instead of the requirement that one (1) parking space shall be required for every six (6) children accommodated.

PURPOSE & EFFECT: To permit the use of a Day Nursery as part of the existing mixed-use development.

Notes:

- i. Building Division records indicate that a total of 337 parking spaces are required for the uses contained within the existing building. The proposed Day Nursery is indicated to accommodate 31 children, which requires a minimum of six (6) parking spaces. Therefore, a total of 343 parking spaces are required for the mixed-use development with the addition of the Day Nursery.

It is noted by the applicant that 329 parking spaces have been provided for the existing mixed-use development. Variance No.1 has been requested so that no additional parking spaces shall be required for the use of a Day Nursery, as the total number of parking spaces provided on the property is insufficient, notwithstanding the additional parking requirement for the use of a Day Nursery.

A-24:280

- ii. Please note that detailed parking plans were not provided to confirm the number of parking spaces provided. The number of parking spaces provided on the property is based on information provided by the applicant.
- iii. This application is necessary to facilitate Building Permit No. 24T-0857 C3.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, February 13, 2025
TIME:	2:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon 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-24:280, 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 27, 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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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 Tuesday 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.

DETAILS OF DEVELOPMENT

	<u>EXIST</u>	<u>PROPOSED</u>
ZONING	CR2	N/C
LOT AREA	5550m2	N/C
LOT COVERAGE	62%	N/C
NO. OF STOREYS	22	N/C
NO. APARTMENTS	229	N/C
114 1BEDROOM 115 2 BEDROOM		
AREA COMMERCIAL	3,717m2	N/C
AREA POOL, SAUNA & OTHER GROUND FLOOR AMENITY FOR APARTMENTS	735m2	471m2
AREA CHILDCARE	N/A	264m2
<u>UNDERGROUND PARKING SPACES</u>		
RESIDENTIAL	286	280
20% SHARED W/COMM	57	N/C
COMMERCIAL@ 1/40m2	43 (100-57)	N/C
CHILDCARE	0	6
TOTAL	329	329

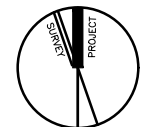


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REV.	DESCRIPTION	DATE (Y/M/D)
A	MINOR VARIANCE	2024/12/05



DO NOT SCALE DRAWING. DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON SITE. ALL DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS IN WHOLE OR IN PART IS STRICTLY FORBIDDEN WITHOUT THE ARCHITECT'S WRITTEN PERMISSION. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY INVIZIJ ARCHITECTS INC.

PROJECT NAME:	YWCA HAMILTON EMERALD CHILD CARE CENTRE
PROJECT ADDRESS:	20 EMERALD STREET NORTH, HAMILTON, ONTARIO, L8L 8A4
PROJECT NO.:	24-005
DRAWING TITLE:	SITE PLAN
PLOT DATE:	
DRWN.:	EC
CHKD.:	EC
DATE (Y/M/D):	2024/11/28
SCALE:	1:500
DRAWING NO.:	A0.01





Hamilton

Committee of Adjustment
City Hall, 5th Floor,
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Phone: (905) 546-2424 ext. 4221
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APPLICATION FOR A MINOR VARIANCE/PERMISSION
UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	
Registered Owners(s)	ROBERT SKAGIN SOI EMERALD CORP	
Applicant(s)	Sarah Borde YWCA Hamilton	
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 Credit over phone*
 Cheque

*Must provide number above
905-522-9922 ext 109. yrobichaud@ywcahamilton.org

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	20 Emerald St North		
Assessment Roll Number	030219010000000		
Former Municipality	Hamilton		
Lot	LOT 1 TO 14 RP	Concession	
Registered Plan Number	PLAN 185	Lot(s)	62R2168 PART 1
Reference Plan Number (s)		Part(s)	RP 62R624 PART 1

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:

The application relates to the proposed change of use in a portion of the building, specifically in the "poo" room. The YWCA Hamilton is renting the space, and received funding from CWELCC to operate a childcare center accommodating up to 31 children. As per the by-law 6593, section 18A, 6 parking spaces are required. Only 4 parking spaces remain available (again as per by-law 6593). This by-law is quite old, and has not been reviewed for decades. The residential tower located at 20 Emerald is an affordable housing building containing 300 apartments. Most tenants do not own a car, therefore more than 185 parking spaces, in the underground parking lot, are currently unused. We ask for the city to consider allowing the childcare center to operate with 31 children (as per the CWELCC agreement), considering the number of parking spaces available in the building.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The zoning by-law requirements for the new childcare center stated the presence of 6 parking spaces. However, only 4 parking spaces are not allocated to the residential tower. There is no on-site area to create 2 new parking spaces. We request a minor variance to operate the childcare center with 31 children.

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
79.0m	76.0 - 87.0m	5,535.3m ²	20m

Section 3.1

The application relates to the proposed change of use in a portion of the building, specifically in the "pool" room. The YWCA Hamilton is renting the space, and received funding from CWELCC to operate a childcare center accommodating up to 31 children. As per the by-law 6593, section 18A, 6 parking spaces are required. Only 4 parking spaces remain available (again as per by-law 6593). This by-law is quite old, and has not been reviewed for decades. The residential tower located at 20 Emerald is an affordable housing building containing 300 apartments. Most tenants do not own a car. therefore more than 185 parking spaces, in the underground parking lot, are currently unused. we ask for the city to consider allowing the childcare center to operate with 31 children (as per the CWELCC agreement), considering the number of parking spaces available in the building.

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
noncombustible	3.6m (King)	8.6m (King William)	0m (Emerald) 1.0m (Tisdale)	
Mix-used building	3.82m (King)	9.98m (King William)	0.36 (Emerald); 1.18 (Tisdale)	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

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
noncombustible	3,400m ²	177,800m ²	21 above grade	63m above grade
Mix-used building				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

- 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.):
Day Nursery where the pool was located.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
recreational pool (only for tenants)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

20 Emerald was built in 1974 , purchased by Sons of Italy Housing in February 1981.

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

Rental apartment building (Housing)

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

Rental apartment building (Housing)

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

45+ years

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

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Mixed Use - Medium density

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

Day nurseries are a permitted use and will support a complete community by providing access to child care within walking distance to a mix of uses, including residential.

7.6 What is the existing zoning of the subject land? CR-2/S-295

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: CR-2/S-295

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: 300 229

8.2 Number of Dwelling Units Proposed: _____

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
- Noisc Study
- Parking Study
