



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-25:024	SUBJECT PROPERTY:	420 Red Oak Avenue, Stoney Creek
ZONE:	R1 (Low Density Residential)	ZONING BY-LAW:	Hamilton Zoning By-law 05-200

APPLICANTS: Owner: Hillwood Homes Inc. c/o Peter Elia
Agent: A.J. Clarke and Associates c/o Stephen Fraser

The following variances are requested:

1. A minimum lot area of 175.0 square metres shall be provided whereas the by-law requires a minimum lot area of 180.0 metres.
2. A minimum of 45% of the front yard shall be landscaped area whereas the by-law requires a minimum of 50%.

PURPOSE & EFFECT: To facilitate the construction of three (3) Street Townhouses.

[Click or tap here to enter text.](#)

Notes: Concurrent Consent application.

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, March 27, 2025
TIME:	1:55 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

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 March 25, 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 March 26, 2025

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-25:024, 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: March 10, 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

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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.

LOT GRADING NOTES

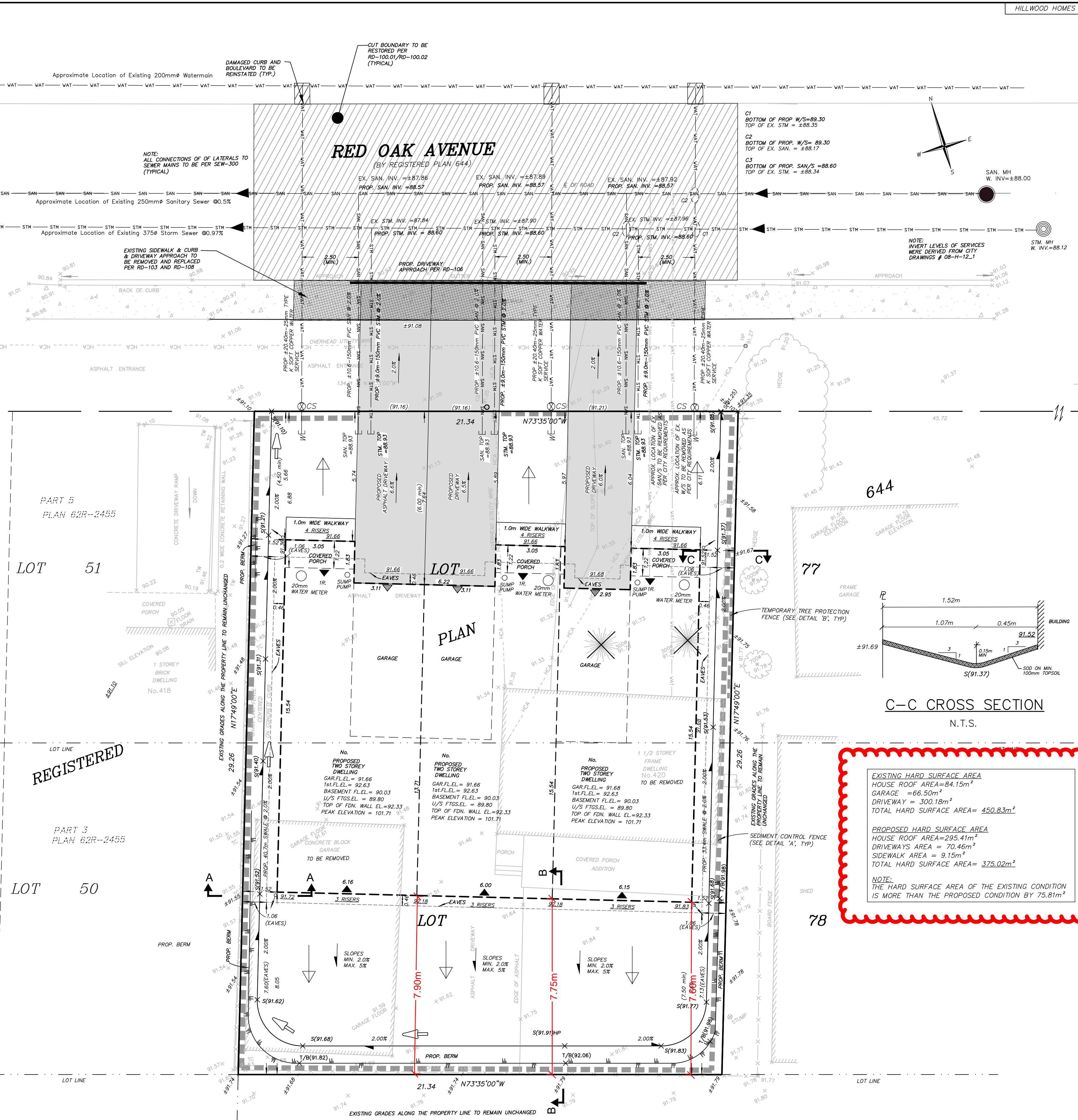
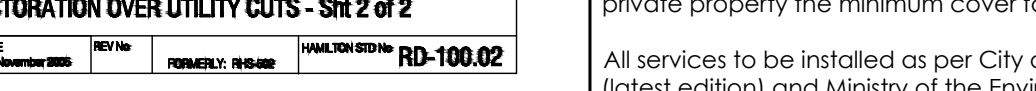
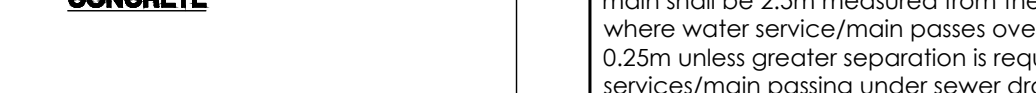
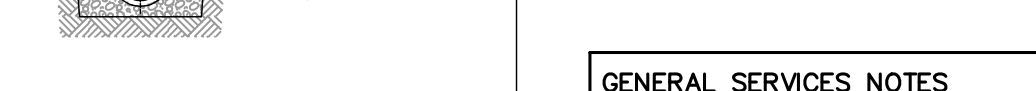
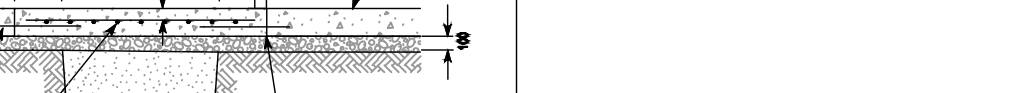
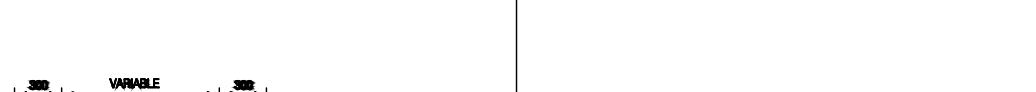
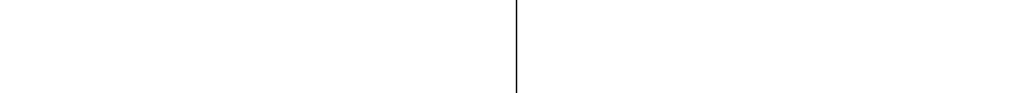
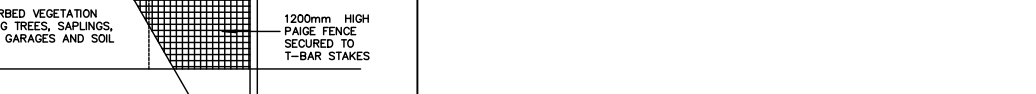
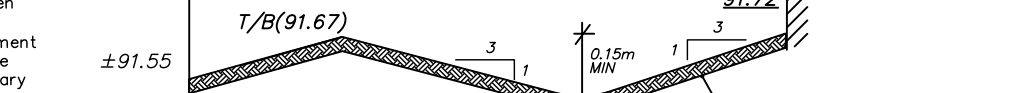
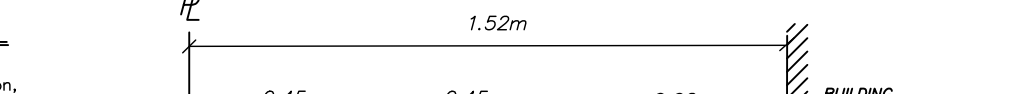
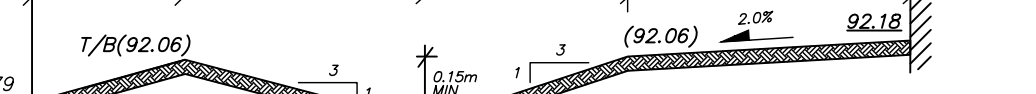
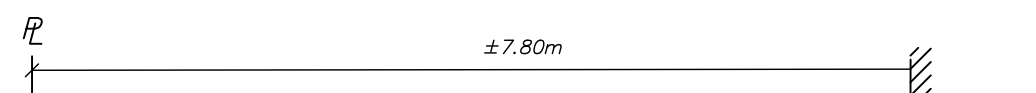
- Along adjoining properties grade to meet existing or proposed elevations with sanded slopes (min. 3H to 1V) and/or retaining walls as specified.
- All retaining walls, walkways, curbs, etc., shall be placed a min. of 0.45m off the property line. All walls 1.0m or higher shall be designed by a P.Eng.
- Should a retaining wall be required, the top of wall elevations shall be set 150mm above the proposed side yard walls.
- Retaining walls 0.6m in height or greater require construction of a fence or guard rail at the top of the rear of the wall. Guards for retaining walls shall be designed and constructed in accordance with the requirements of exterior guards as contained in the Ontario Building Code.
- Slopes of swales for both "back to front" and "split" drainage shall be no less than 2.0% grade and no greater than 3% grade (0.1 slope).
- When matching to existing properties where a 2.0% grade cannot be achieved, a 1.5% grade is permitted provided a 150mm sub-drain is installed below the bottom of the swale and drained to a suitable outlet (with a minimum 0.3m cover over the sub-drain) or other mitigation measures.
- Minimum grade for a wrap-around swale in the backyard shall be 1.0%.
- Unless otherwise noted, the ground between proposed elevations on side lots shall be graded as a straight line.
- Top of foundation walls for buildings shall be 150mm (min) above finished grade.
- Driveway slopes shall not be less than 2% and not more than 7.0%. Reversed sloped driveways in new construction are not permitted.
- Garage floor elev. to be set minimum 0.3m higher than back of wall, unless otherwise specified.
- All floors placed on lots shall be compacted to a minimum 95% SPD (unless otherwise recommended by the geotechnical engineer). All material shall be placed in layers not exceeding 300mm lifts.
- For delineation of tree protection zones, buffers, removals and protection schematics, etc., refer to Tree Protection Plan.
- Lot grading for all lots in the subdivision shall conform strictly with this plan. Any changes, unless approved prior to construction by the City, shall result in non acceptance of the subdivision by the City.
- If grading is required on lands adjacent to the development which are not owned by the developer, then the developer shall obtain written permission from the adjacent property owner to allow the developer to grade on the adjacent lands, otherwise retaining walls must be used.
- The written permission required from the adjacent landowner shall be obtained prior to entering the lands. Should permission not be obtained or withdrawn prior to commencing the work, then the developer shall limit his activities to the limits of the development site.
- Driveway and driveway approaches shall be located such that hydro vaults and other street furniture are a min. of 1.2m from the projections of the outside garage walls.

BACKYARD GRADING NOTES

- Definition: "Required back yard" shall mean the lesser of the distance regulated by the zoning by-law or 6m.
- The maximum slope in the back yard adjacent to the building for a distance equal to the required back yard shall be 3%.
- The 3% restriction shall not apply to the sides of a swale along the sides or back of the lot, providing the total width of the swale shall not exceed one (1) metre on each lot.
- Where the 3% restriction on the backyard grades results in elevation differences between different properties, retaining walls shall be constructed along the sides and back of the lot. Slopes with a maximum of three horizontal to one vertical may replace the walls where the difference in elevation is less than 0.3m.
- Generally, slopes shall be placed on the lower lot, whereas retaining walls shall be placed on the higher lands.
- The 3% restriction does not preclude retaining walls in the required backyards providing the terraces are maintained to the 3% grade on set in item b) above. The intention of this provision is to provide for flexibility of house construction.
- There is no control on the steepness of the slopes in side yards, front yards and back yards, outside the areas defined in a) above, providing the slopes are stable for the soils of the area (minimum 3H:1V).

STANDARD NOTES

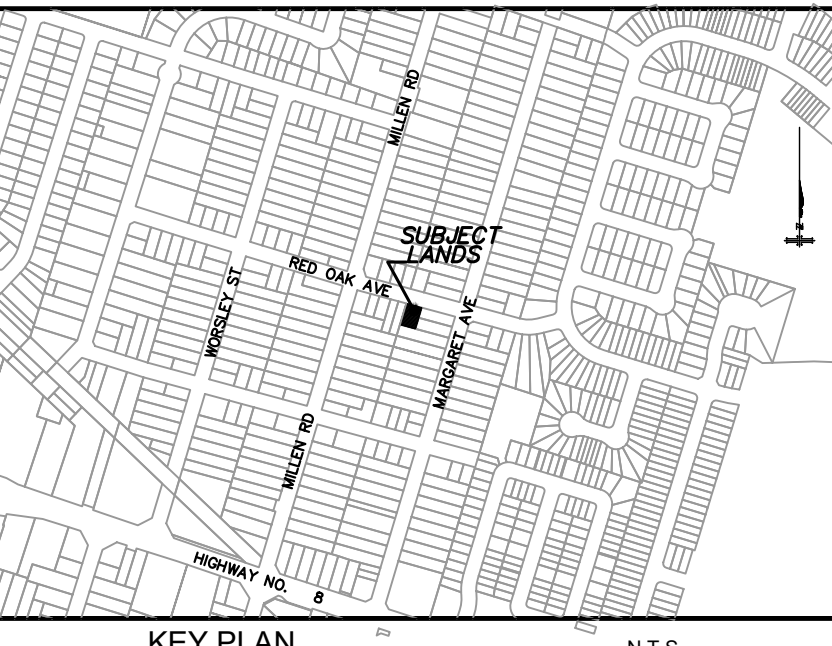
- PRIVATE DRAINS**
 - Private drains to be 150mm dia. PVC pipe, CSA B182.1 M-1983, SDR 28 or per Form 500. Storm pipe shall be white in colour. Sanitary shall be any colour other than white. Wood marking at end of sanitary private drains shall be painted red.
 - Cover and bedding material for private drains shall be Granular 'A' installed as per OPSD 802.010 and per SEW-302.
 - Minimum fall for private drains to be 2.0%.
 - Minimum horizontal distance between storm and sanitary laterals shall be 0.45m.
 - Sanitary and storm private drains shall be installed to 1.0m inside the property line and capped for future extension.
- WATERMAINS AND WATER SERVICES**
- WATER SERVICES**
 - 'W' denotes water service connection (25mm dia. Type 'K' soft copper) as per WM-207.01.
 - Piping arrangements are to be as per WM-207.01 for 25mm services.
 - Curb stops are to be installed on all water services at the property line where noted.
 - Granular bedding as per WM-200.01 to be Granular 'D' as per Form 600.
 - Water services to be installed with a minimum cover of 1.6m or as detailed.
 - All existing water meter on systems to be abandoned must be removed and salvaged by the City of Hamilton. The servicing contractor should contact the water and wastewater section, public works department at 905-546-4426 to arrange for the work.
- ROAD WORKS**
 - Road restorations shall be as per City of Hamilton Standards RD-100.01 & RD-100.02 & City of Hamilton Road Cut permit.
 - Driveway aprons shall be as per City of Hamilton standard driveway RD-106.
- COMPACTION REQUIREMENTS**
 - All bedding and backfill material, road sub-grades and generally all material used for lot grading and fill sections, etc., shall be compacted to min. 100% SPD (unless otherwise recommended by the geotechnical engineer). All material shall be placed in layers not exceeding 300mm lifts.
 - All granular road base materials shall be compacted to 100% SPD.



EXISTING HARD SURFACE AREA
 HOUSE FLOOR AREA=84.15m²
 GARAGE =66.50m²
 DRIVEWAY = 300.18m²
 TOTAL HARD SURFACE AREA= 450.83m²

PROPOSED HARD SURFACE AREA
 HOUSE FLOOR AREA=295.41m²
 DRIVEWAYS AREA = 70.46m²
 SIDEWALK AREA = 9.15m²
 TOTAL HARD SURFACE AREA= 375.02m²

NOTE:
 THE HARD SURFACE AREA OF THE EXISTING CONDITION IS MORE THAN THE PROPOSED CONDITION BY 75.81m²



SITE, GRADING & SERVING PLAN
PART OF LOTS 77 & 78
REGISTERED PLAN 644
 IN THE
CITY OF HAMILTON
 SCALE 1:100
 0 1 2 3 4 5 metres
AMAD NAJM, P.ENG.

Caution:
 This is not a plan of survey and shall not be used except for the purpose indicated in the title block.

BENCH MARK
 CITY OF HAMILTON
 MONUMENT No. 07220100049
 85m WEST OF THE CENTERLINE OF BAY STREET NORTH AND 23m SOUTHWEST OF THE CENTERLINE OF HARBOUR FRONT DRIVE.
 ELEVATION= 85.227m (CGVD 28/78)

NOTE:
 The builder is to verify the location and grade of all sewer and water services prior to setting u/s footings elevation.

NOTE:
 The builder is to verify the location of all street hardware and utilities prior to construction. Driveways and/or driveway approaches shall be located such that hydrant valves and other street furniture are minimum 1.2 metres from the projections of the outside garage walls unless otherwise detailed on the lot grading plan.

SUMP PUMPS
 Sump pump with check valve are to be installed in dwelling to pump the sewage lines to the private drain. The sump outlet pipe shall extend a minimum of 150mm above the proposed grade at the dwelling (basement ceiling) prior to discharging to the private drain. See Detail 'C'.

RAINWATER LEADERS
 All rainwater leaders shall discharge onto splash pads and then to grassed or landscaped areas of a minimum of 0.6m from the building face.

PROPOSED STREET TOWN HOUSES
 TWO STOREY DWELLING
 SINGLE RESIDENTIAL "R2" ZONING

	REQUIRED	PROPOSED
MIN. FRONT YARD	6.0m	6.88m
MIN. SIDE YARD	2.0m	1.52m
MIN. REAR YARD	7.5m	7.60m
MAX. BUILDING HEIGHT	11.00m	ROOF PEAK ELEV.= 101.71 FINISH GRADE (TOP OF CURB)= 91.00 HEIGHT OF BUILDING= 10.71m

NOTE:
 (a) THE ELEVATIONS SHOWN ON THIS PLAN WERE OBTAINED BY ACTUAL FIELD SURVEY BY CLARKE & ASSOCIATES LTD. DATED OCTOBER 4, 2023
 (b) METRIC: DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
 (c) SUMP PUMP REQUIRED TO PUMP WETTING TIE TO PRIVATE DRAIN

LEGEND:
 (00.00) EXISTING GROUND ELEVATION
 (00.00) ELEVATION TO MATCH EXISTING
 (00.00) PROPOSED FINISHED GROUND ELEVATION
 (00.00) PROPOSED FINISHED GROUND ELEVATION AT DWELLING
 (00.00) PROPOSED SWALE INVERT ELEVATION
 (00.00) DENOTES TOP OF BERM
 (00.00) PROPOSED DIRECTION OF SURFACE DRAINAGE FLOW
 (00.00) DENOTES DOWNSLOPE
 (00.00) DENOTES ENTRANCE DOOR LOCATION
 (00.00) DENOTES GARAGE DOOR LOCATION
 (00.00) DENOTES SHEET FLOW DIRECTION
 (00.00) OVERLAND FLOW ROUTE
 (00.00) DENOTES HYDRANT
 (00.00) DENOTES LIGHT STANDARD
 (00.00) DENOTES UTILITY POLE
 (00.00) DENOTES 400mm DIA. TREE
 (00.00) DENOTES WATER VALVE
 (00.00) DENOTES CATCH BASIN
 (00.00) DENOTES TOP CURB
 (00.00) DENOTES BOTTOM OF CURB
 (00.00) EXISTING SANITARY MANHOLE
 (00.00) EXISTING STORM MANHOLE
 (00.00) DENOTES WATER SERVICE
 (00.00) DENOTES PROP. CURB STOP
 (00.00) PROPOSED PLUG
 (00.00) DENOTES SEDIMENT CONTROL FENCE (SEE DETAIL 'A')
 (00.00) DENOTES DECIDUOUS TREE
 (00.00) DENOTES TEMPORARY TREE PROTECTION FENCE (SEE DETAIL 'B')

NOTE:
 PRIOR TO THE START OF CONSTRUCTION THE CONTRACTOR SHALL VERIFY THE LOCATION OF GASMAINS, TV CABLES, HYDRO AND TELEPHONE DUCTS, SANITARY, WATER AND STORM SERVICES AND DETERMINE IF A PROPOSED SANITARY PRIVATE DRAIN WITH A MINIMUM SLOPE OF 2% AND BY A FLOW OF GRAVITY CAN BE INSTALLED FROM THE PROPOSED DWELLING (WITH A DESIGN ELEVATION OF 88.80m FOR THE UNDERSIDE OF FOOTINGS) AND CONNECTED TO THE EXISTING SANITARY LATERAL AT STREET LINE.



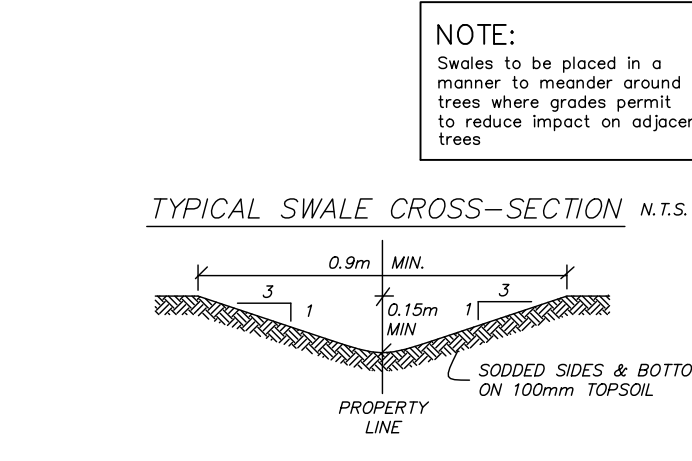
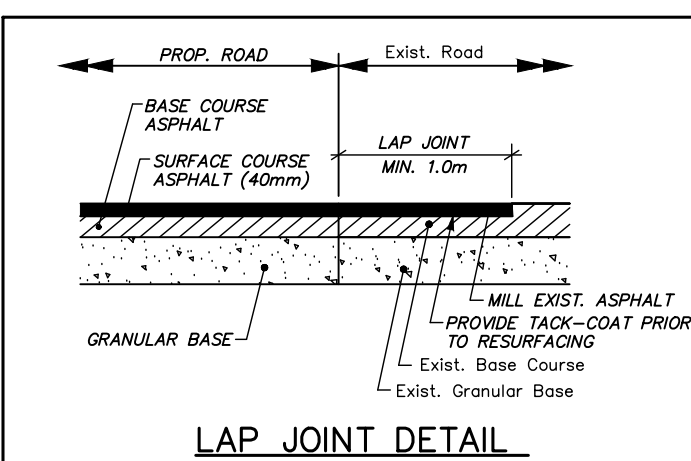
A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: a.j.clarke@ajclarke.com

DRAWN BY: WS
 CHECKED BY: AN
 PROJECT NO.: 238134D
 INDEX NO.: T-3563A

GENERAL SERVICES NOTES
 Minimum horizontal separation between water services/main and sewer drains and municipal sewer main shall be 2.5m measured from the closest pipe edge to closest pipe edge. Vertical separation where water service/main passes over a sewer drain or municipal sewer main must be a minimum of 0.25m unless greater separation is required to provide for proper bedding and structural support. Water services/main passing under sewer drains or municipal mains must have a separation of 0.5m between the invert of the sewer main/drain and the crown of the water service/main.
 All water services to be installed with a minimum cover of 1.6m to the pipe invert.
 Sewer drains to be installed with a minimum cover of 2.20m at the property line below the final road grade or at such higher elevation only as may be necessitated by the level of the main sewer. On private property the minimum cover for sewer drains is to be no less than 1.2m.
 All services to be installed as per City of Hamilton construction and material specifications manual (latest edition) and Ministry of the Environment Conservation and Parks Guidelines (latest edition).

Contractor to clean existing roadways of sediments resulting from construction traffic from the site each day.

EXISTING SERVICES NOTE
 All existing unused sewer drains, servicing a property being redeveloped in whole or in part must be removed from municipal property i.e. road allowance, etc., with an appropriate report to the municipal sewer main to which they connect, and either removed from private property or abandoned in accordance with City minimum requirements i.e. plugging at either end with a minimum 300mm concrete.



T-3563A



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

January 31, 2025

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 420 Red Oak Avenue, Hamilton
Minor Variance Application Submission**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. Has been retained by Hillwood Homes Inc. (owner) for the purposes of a submitting the enclosed Minor Variance Application for the subject lands, municipally known as 420 Red Oak Avenue, in the City of Hamilton. The purpose of this analysis is in support of the Minor Variance Application for the subject lands. The proposed development is to replace a single-detached building with the construction of three (3) street townhouse dwellings. A Consent to Sever application will be submitted in conjunction with this application.

Below is a summary of the materials submitted to your attention:

- One (1) digital copy of the required filled and executed Application for Minor Variance Application Form;
- One (1) digital copy of a cheque in the amount of \$4,015.00, representing the required application fee;
- One (1) digital Copy of Site Plan dated December 13, 2023. Prepared by A.J. Clarke and Associates Ltd.; and,
- One (1) digital copy of the Zoning Compliance Review.

The surrounding area consists primarily of low-density residential in the form of single-detached, semi-detached, and duplex dwellings. Beyond the immediate surrounding area consists of parkland (Hunter Estates Park) to the east and north (Ferris Park), commercial to the south along Highway 8, and industrial uses on the north side of Barton Street. Low-density residential continues to surround the subject lands beyond the immediate vicinity. The closest transit option to the subject lands is served by HSR transit which runs bus route 55 along Barton Street and Highway 8 at 30-minute intervals. The immediate surrounding land uses include:

North	Residential
South	Residential
West	Residential
East	Residential

A review of the applicable planning policies has been included below.



Planning Policy Overview

Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.

The subject lands are designated 'Neighbourhoods' on Schedule E-1 'Urban Land Use Designations' in the Official Plan. The 'Neighbourhoods' designation permits residential dwellings including second dwelling units and housing supports, open space and parks, local community facilities/services, and local commercial uses.

Section 2.4: Residential Intensification Policies

As the proposed development is seeking to intensify the property by redeveloping the existing single-detached dwelling into three (3) townhouse units, the following Official Plan policies apply:

- Pol. 2.4.1.3. The residential intensification target of 80% or 88,280 housing units, specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:
- c) 30% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned 27,000 housing units to be developed within the Neighbourhoods through intensification.
- Pol. 2.4.2.1. When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
 - c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
 - d) the consideration of transitions in height and density to adjacent residential buildings;
 - e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
 - g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
 - h) the ability to complement the existing functions of the neighbourhood;
 - j) infrastructure and transportation capacity and impacts.



Section 3.0: Neighbourhoods Designation

The Neighbourhoods land use designation, as set out on E-1 'Urban Land Use Designations' is intended to provide a compact transit-supporting neighbourhoods that seeks to provide a range of housing types and densities through residential intensification of appropriate scale. The following policies are applicable:

- Pol. 3.2.4. The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan
- Pol. 3.2.7. The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- Pol. 3.2.13. The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.

The proposal supports the general policies and objectives of the Urban Hamilton Official Plan by constructing three (3) street townhouse dwellings through intensification within an existing neighbourhood, supporting the targets outlined in Section 2.4.1.3. The proposal is compatible with surrounding residential uses, providing similar setbacks and height that mitigates potential impact on the streetscape while providing appropriate transitioning. The existing neighbourhood character will be maintained through appropriate scale and design. Existing transportation and servicing infrastructure is sufficient for the proposed development while intensification will further support nearby transit options.

Western Development Area Secondary Plan

The Western Development Area Secondary Plan is the guiding document for how development will occur in the area bounded by Barton Street to the north, Fruitland Road to the East, the Niagara Escarpment to the South, and Gray Road to the West. As per Map B.7.1-1 – Land Use Plan Map, in the Secondary Plan, the subject lands have been designated 'Low Density Residential 2b' which permits single, semi-detached and duplex dwellings. The designation further permits a density range from 1 – 29 units per net residential hectare.

The proposed development provides three (3) townhouse dwellings within an established neighbourhood that supports the density range identified in the Western Development Area Secondary Plan. While the proposed townhouse dwellings are not permitted within the Secondary Plan 'Low Density Residential 2b' designation, it is permitted within Zoning By-law 05-200 'R1' Low Density Residential Zone.



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

The subject lands are zoned “R1” Low Density Residential, in the City of Hamilton Zoning By-law No. 05-200. The “R1” Low Density Residential zoning permits uses such as: single-detached, semi-detached, street townhouse, duplex, triplex, and fourplex dwellings. A review of the applicable zone regulations, highlighting the required variances, will be included below:

Regulation	Requirement	Proposed	Conformity
Min. Lot Area per Dwelling Unit	180.0m ²	175.43m ²	NO
Min. Lot Width per Dwelling Unit	6.0m	6.0m	YES
Min. Setback from the Front Lot Line	4.0m	5.74m	YES
Min. Setback from a Side Lot Line	1.2m	+/-1.5m	YES
Min. Setback from the Rear Lot Line	7.5m	7.6m	YES
Maximum Building Height	10.5m	+/-10.0m	YES
Min. Landscaped Area Front Yard	50%	48.2%	NO
A single area within the required landscaped area for tree protection and/or tree planting	3.5m x 3.5m	3.5m x 3.5m	YES



Minor Variance

Variations are required to facilitate the proposed development. The variations are as follows:

1. To permit a minimum lot area of 175.0 square metres for a street townhouse dwelling whereas Section 15.1.2.3.a), Minimum Lot Area for each Dwelling Unit, which currently permits a minimum lot area of 180.0 square metres.
2. To permit a minimum landscaped area in the Front Yard of 45.0% for a street townhouse dwelling, whereas Section 4.35.a), Landscape Requirement, which currently permits a minimum landscaped area in the Front Yard of 50%.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

1. Do the proposed variations maintain the intent and purpose of the Urban Hamilton Official Plan?

The proposed variations maintain the intent and purpose of the Urban Hamilton as the subject lands are designated “Neighbourhoods” in the Urban Hamilton Official Plan, which permits the proposed residential dwelling units. The intent and purpose of these provisions is to ensure that residential intensification maintains the scale and character of the surrounding neighbourhood. The proposed development, as per the attached site plan, enhances the existing streetscape through quality urban and architectural design while respecting building separation and scale. The proposal further supports the UHOP target of 30% of residential intensification to occur within neighbourhoods as per Section 2.4.1.3.c, further diversifying the available housing stock. It is my professional opinion that the proposed variations maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Do the proposed variations maintain the intent and purpose of Zoning By-law 05-200?

The required variations to Zoning By-law No. 05-200 are intended to facilitate a desirable built form which is compatible with the existing residential area and is a use permitted in the current zoning.

Relief from Minimum Lot Area for Street Townhouse Dwellings, and Minimum Landscaped Area in the Front Yard.

The above noted variations are required to gain relief from the provisions restricting minimum lot area for street townhouse dwellings and to gain relief from the provision requiring minimum landscaped area in the front yard. The intent of the minimum lot area by-law provisions are to maintain the overall urban fabric and character of the surrounding area. Further, the intent is to maintain privacy, ensuring adequate space between buildings while avoiding over-intensifying neighbourhood lots. Provisions relating to minimum landscaped area in the front yard are intended to ensure neighbourhoods remain pedestrian friendly, avoiding an over encumbering the streetscape with personal driveways. The provision further seeks to ensure adequate landscaping is provided, specifically for tree planting and protection as per Section 4.35.c. of By-law 05-200.



The proposed development maintains the intent of the Zoning By-law by maintaining the appropriate setbacks in all yards to support the existing neighbourhood character and provide appropriate transitioning to middle density. The proposal further provides adequate landscaping within the front yard that avoids over-dedication of driveway space while supporting tree planting and preservation. Accordingly, the proposed relief from 'Minimum Lot Area for Street Townhouse Dwellings, and Minimum Landscaped Area in the Front Yard' maintain the intent and purpose of zoning provisions. It is my professional opinion that the proposed variances maintain the intent and purpose of the Zoning By-law 05-200.

3. Are the proposed variances appropriate for the development of the subject lands?

As noted above, the variances are intended to facilitate desirable built form within an urban neighbourhood context. The proposed variances are complementary to the established character of the residential area in terms of scale, built form, setbacks, and will help implement a use permitted within the zoning. The variances will facilitate much needed residential intensification to further diversify the neighbourhood housing stock in support of UHOP policies. It is my professional opinion that the variances are therefore appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed lot areas and landscaped area are in keeping with the general built form and existing setbacks found within this residential area. There are no perceived impacts resulting from the variances to the surrounding neighbourhood character, streetscape, or surrounding properties. Accordingly, it is my professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to gain relief from 'Minimum Lot Area for Street Townhouse Dwellings, and, Minimum Landscaped Area in the Front Yard' will be required to facilitate the redevelopment of the lot as the proposed street townhouse dwellings are not compliant with the previously mentioned provisions. The proposed lots are generally in keeping with the lot sizes and setbacks in the immediate vicinity and will provide a built form that is compatible with the existing streetscape, and as a result, will maintain the character of the area. The variances represent good planning and should be approved.



I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Stephen Fraser, MCIP, RPP
Principal, Planner / General Manager
A. J. Clarke and Associates Ltd.

Encl.

Cc: Hillwood Homes Inc. c/o Peter Elia, via email



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division
71 Main Street West
Hamilton, Ontario, Canada, L8P 4Y5
Phone: 905.546.2720 Fax: 905.546.2764
www.hamilton.ca

July 17th, 2024

FOLDER: ALR
ATTENTION OF: Morgan Gowans
EMAIL: morgan.gowans@hamilton.ca

Hillwood Homes Inc.
95 Lake Avenue Dr.
Hamilton, ON L8G 1X7

Attention:

Re: Applicable Law Review – Zoning By-law Compliance
Zoning District: Single Residential (R2) Stoney Creek Zoning By-law 3692-92
Low Density Residential (R1) Hamilton Zoning By-law 05-200
Zoning By-law: Hamilton Zoning By-law No. 05-200
Address: 420 Red Oak Ave, Stoney Creek

An Applicable Law Review respecting zoning by-law compliance pursuant to an Application for Building Permit has been completed and the following comments are provided.

COMMENTS:

1. The applicant is proposing to construct three (3) Street Townhouse Dwellings in the Single Residential (R2) Zone in the Stoney Creek Zoning By-law 3692-92, which are not a permitted use. A Zoning By-law Amendment with our Planning Department is required.
2. The property is subject to by-law 24-051 which was approved by Council on April 10th 2024 and not yet final and binding to move low density zones and properties into our Zoning By-law 05-200. The property is proposed to be zoned Low Density Residential (R1) Zone in Hamilton Zoning By-law 05-200 which Street Townhouse Dwellings are permitted (review below). The proposal can not be implemented until by-law 24-051 is final and binding or you receive a Zoning By-law Amendment for the R2 Zone in Stoney Creeks by-law.
3. New Zoning amending all of Section 5: Parking was past and approved by Council on April 10th 2024 and is still under appeal. Please note you will have to comply with both the new and old parking provisions.
4. Sign details have not been provided. All signage shall conform to Hamilton Sign By-law 10-197. A building permit(s) is required for all signage.
5. Fencing details have not been provided. All fencing shall conform to Hamilton Fence By-law 10-142.
6. Construction of the proposed Street Townhouse Dwellings is subject to the issuance of a building permit in the normal manner. Be advised the Ontario Building Code regulations may required specific setbacks and construction types.
7. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
8. The proposed development has been reviewed and compared to the standards of the, "R1" Zoning for the proposed Street Townhouse Dwelling and proposed parking, as indicated in the following chart:

Single Residential "R2" ZONE

(Section 6.3 of Stoney Creek Zoning By-law No. 3692-92)

	By-Law Requirement	Provided	Conforming/ Non-Conforming
Section 6.3– R2 Requirements			
Permitted Uses for Each Lot [as per section 6.3.2 of Stoney Creek Zoning By-law No. 3692-92]	(a) A single detached dwelling (b) Uses, buildings or structures accessory to a permitted use (c) A Home Occupation The subject property is not within the greyed areas of Figure 1 of Part 15: Special Figures	Street Townhouse	Non-conforming <i>Zoning By-law Amendment required to permit the use</i>

Low Density Residential "R1" ZONE

(Section 15.1 of Hamilton Zoning By-law 05-200)

	Required	Provided	Conforming/ Non-Conforming
Street Townhouse Dwelling <i>as per section 15.1.2.3 of Hamilton Zoning By-law 05-200</i>			
Minimum Lot Area [as per section 15.2.2.1 a) of Hamilton Zoning By-law 05-200]	180.0 square metres for each dwelling unit	Lot Area not provided on plan. Appears to be approximately 600m ² total Therefore 200 m ² per dwelling unit	Conforms
Minimum Unit Width for each Dwelling Unit [as per section 15.2.2.1 b) of Hamilton Zoning By-law 05-200]	6.0 metres	6.14m	Conforms
Minimum Setback from the front lot line [as per section 15.2.2.1 c) of Hamilton Zoning By-law 05-200]	6.0 metres	5.74m	Non-conforming
Minimum Setback from a side lot line [as per section 15.2.2.1 d) of Hamilton Zoning By-law 05-200]	1.2 metres except for the side yard related to the common wall of the street townhouse dwelling unit, in which case a minimum 0 metre side yard shall be permitted.	1.52m	Conforms

	Required	Provided	Conforming/ Non-Conforming
Minimum Setback from a Flankage Lot line [as per section 15.2.2.1 e) of Hamilton Zoning By-law 05-200]	3.0 metres	N/A interior lot	N/A
Minimum Setback from the rear lot line [as per section 15.2.2.1 f) of Hamilton Zoning By-law 05-200]	7.5 metres	7.6m	Conforms
Maximum building height [as per section 15.2.2.1 g) of Hamilton Zoning By-law 05-200]	10.5 metres	The building height is not providing a measurement from grade per building height definition above, unable to determine compliance	Unable to determine compliance
Landscaped Area [as per section 15.2.2.1 h) of Hamilton Zoning By-law 05-200]	In accordance with the requirements of Section 4.35 a) and b) of this By-law. (By-law No. 24-051, April 10, 2024, not final & binding)	Please see Section 4.35 below	Please see below
Parking [as per section 15.2.2.1 h) of Hamilton Zoning By-law 05-200]	i) In accordance with the requirements of Section 5 of this By-law. Street Townhouse Dwelling ii) Notwithstanding Section 5.6 c) 1 parking space per unit	Unable to determine parking space not shown on site plan or floor plans (garage)	Unable to determine compliance
General Provisions <i>in accordance with section 4 of Hamilton Zoning By-law 05-200</i>			
landscape requirements [as per section 4.35 of Hamilton Zoning By-law 05-200]	On lots containing a single detached dwelling, semi-detached dwelling, duplex dwelling, or street townhouse dwelling in all zones, the following shall be provided: a) A minimum 50% landscaped area in the Front Yard, and; b) A minimum 50% landscaped area in the Flankage Yard.	a) This provision is not applicable as per 5.1 b) iii) b) N/A interior lot	N/A N/A

	Required	Provided	Conforming/ Non-Conforming
[as per by-law 24-051 amending Hamilton Zoning By-law 05-200]	<p>c) A single area within the required landscaped area for tree protection and/or tree planting, subject to the following:</p> <p>i) each side shall be a minimum 3.75 metres in length; and,</p> <p>ii) shall not contain hard landscaping or structures.</p>	<p>i) Unable to determine a 3.75m x 3.75m not dimensioned on the plan</p> <p>ii) Unable to determine as landscaped area is not labeled</p>	<p>Unable to determine compliance</p> <p>Unable to determine compliance</p>
<p>Parking</p> <p><i>in accordance with section 5 of Hamilton Zoning By-law 05-200</i></p>			
Location (All Uses) [as per section 5.1(a) of Hamilton Zoning By-law 05-200]	i) Required parking facilities shall be located on the same lot as the use requiring the parking.	Parking information not provided on plan	Unable to determine compliance
Location (Street Townhouse Dwelling) [as per section 5.1(b) of Hamilton Zoning By-law 05-200]	<p><i>On a lot containing a street townhouse dwelling:</i></p> <p>i) The required parking spaces for such dwelling shall be located a minimum distance of 5.8 metres from the street line to which the driveway is accessed;</p> <p>(By-law No. 06-324, October 25, 2006)</p> <p>ii) Unless otherwise regulated in this By-law, a driveway shall be located so as to lead directly from a street or lane to a required parking space, either within a garage or outside, and shall have a minimum width of 2.7 metres;</p> <p>iii) Notwithstanding Section 4.35, a driveway may be widened to a maximum of 65% of the lot width or 6.0 metres, whichever is the lesser;</p> <p>iv) No parking shall be permitted in a required front yard or required flankage yard except as otherwise permitted for street townhouse dwellings; and,</p> <p>v) Notwithstanding Section 5.2 b) of this By-law, no required parking space contained within an attached garage shall be less than 2.7</p>	<p>i) Unable to determine parking space not dimensioned</p> <p>ii) Unable to determine driveway width not dimensioned</p> <p>iii) Unable to determine, driveway width not provided</p> <p>iv) Unable to determine location or parking not provided</p>	<p>Unable to determine compliance</p> <p>Unable to determine compliance</p> <p>Unable to determine compliance</p> <p>Unable to determine compliance</p>

	Required	Provided	Conforming/ Non-Conforming
	<p>metres by 6.0 metres for a Street Townhouse Dwelling Unit in a TOC3 Zone.</p> <p>vi) For a dwelling with an attached garage, the finished floor level of the garage shall be a minimum 0.3 metres above grade</p>	<p>v) N/A</p> <p>vi) Unable to determine finished floor elevation of the garage not provided</p>	<p>N/A</p> <p>Unable to determine compliance</p>
<p>Design Standards [as per section 5.2 of Hamilton Zoning By-law 05-200]</p>	<p>b) <i>Unless permitted by another regulation in this By-law, parking space sizes shall be:</i></p> <p>i) Minimum 2.8 metres in width and 5.8 metres in length;</p> <p>ii) Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres;</p> <p>iv) The length of each parking space in an attached garage of a dwelling unit shall be increased by an equivalent length of the step, steps or stairwell that extends into the parking space;</p> <p>v) Notwithstanding Subsection iv), an open stairway may project into the length of the required parking space not more than 0.75 metres provided the height of the stairway does not exceed 0.5 metres;</p>	<p>Unable to determine, location of parking and dimensions not provided</p>	<p>Unable to determine compliance</p>

	Required	Provided	Conforming/ Non-Conforming
	<p>c) All required parking shall be provided as follows:</p> <p>i) With adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle;</p> <p>ii) Shall be arranged so as to not interfere with normal public use of the street or laneway;</p> <p>iii) Shall be accessed by means of an access driveway:</p> <ol style="list-style-type: none"> 1. Located on the lot; or, 2. Located party on the lot in the case of a mutual driveway; or, 3. By means of a Right-of-Way. 	<p>Unable to determine, location of parking and dimensions not provided</p>	<p>Unable to determine compliance</p>
	<p>e i) <u>Parking Spaces, Driveways and Widening(s) in All Zones</u></p> <p>a) Shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone or gravel, and shall be maintained in a dust free condition;</p> <p>ii) <u>Parking Lots in All Zones, except the Rural Classification Zones</u></p> <p>a) Shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;</p> <p>iii) <u>Parking Lots in the Rural Classification Zones</u></p> <p>a) Shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, or crushed stone or gravel; and,</p> <p>b) Where crushed stone or gravel is provided in accordance with Subsection 5.2 e) iii) a), the access driveway shall be designed such that a minimum of 10.0 metres extending from the streetline shall be constructed and maintained with asphalt, concrete or other hard surfaced material, and shall be maintained in a dust free condition</p>	<p>Driveway is proposed to be asphalt</p>	<p>Conforms</p>

	Required	Provided	Conforming/ Non-Conforming
aisle width [as per section 5.2 i) of Hamilton Zoning By-law 05-200]	90 degree parking 6.0m aisle width	N/A	N/A
Minimum Number of Required Parking Spaces [as per section 5.6 c) of Hamilton Zoning By-law 05-200]	1 space per unit	Unable to determine location and size of parking spaces not shown on plan	Unable to determine compliance
SECTION 5: PARKING (BY-LAW 24-052, NOT FINAL)			
5.1 PARKING SUPPLY REQUIREMENTS AND RESTRICTIONS			
Minimum Number of Required Parking Spaces [as per section 5.1.1 (a) of Hamilton Zoning By-law 05-200]	The minimum number of required parking spaces which must be provided shall be the result of applying: i) The minimum amount in accordance with the Minimum Required Parking Rate Schedule in Section 5.7.1; ii) Any eligible exception in this Section; and, iii) Any eligible deductions in this Section	Please note	Please note
Required Parking to be Provided on Same Lot [as per section 5.1.1 (d) of Hamilton Zoning By-law 05-200]	All required parking spaces shall be located on the same lot as the use for which they are required, unless the parking spaces are provided on another lot in compliance with Section 5.6.1.	Unable to determine location of parking not provided on plan	Unable to determine compliance
Minimum Required Number of Accessible Parking Spaces [as per section 5.1.3 of Hamilton Zoning By-law 05-200]	<u>a) Minimum Number of Accessible Parking Spaces</u> Accessible parking shall be designated and provided in accordance with the requirements of the Minimum Accessible Parking Rate Schedule in Section 5.7.3.	N/A Street Townhouse Dwelling proposed	N/A
	<u>b) Exception for Certain Residential Uses</u> Section 5.7.3 shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings, Triplex Dwellings, Fourplex Dwellings and Street Townhouse Dwellings.	Street Townhouse Dwelling proposed	N/A
Minimum Required Number of Electric	<u>a) Minimum Required Number of Electric Vehicle Parking Spaces</u>	Please note	Please note

	Required	Provided	Conforming/ Non-Conforming
Vehicle Parking Spaces [as per section 5.1.4 of Hamilton Zoning By-law 05-200]	Where parking spaces are provided, Electric Vehicle Parking Spaces shall be provided in accordance with: i) The minimum rates in accordance with the Parking Schedule in Section 5.7.4; and, ii) Any eligible exception in this Section.		
	<u>e) Regulations for Electric Vehicle Parking Spaces</u> Electric Vehicle Parking Spaces shall be subject to the regulations in Section 5.6.7.	Please note	Please note
5.2 FUNCTIONAL DESIGN REQUIREMENTS			
Minimum Parking Space Dimensions [as per section 5.2.1 of Hamilton Zoning By-law 05-200]	<u>a) Minimum Parking Space Dimensions</u> Unless permitted by another regulation in this By-law, parking space sizes shall be a minimum of 2.8 metres in width and 5.8 metres in length.	Unable to determined location and dimensions of parking spaces not provided	Unable to determine compliace
	<u>b) Required Increase in Width due to Obstruction</u> Where a wall, column, or any other obstruction is located abutting or within any parking space, the minimum width of a parking space shall be increased by 0.3 metres for each side which is obstructed by a wall, column, or other obstruction;	Unable to determined location and dimensions of parking spaces not provided	Unable to determine compliance
	<u>c) Exceptions to Increase in Width due to Obstruction</u> Notwithstanding Subsection 5.2.1 b), an additional 0.3 metres shall not be required provided all of the following conditions are met: i) the maximum length of the wall, column or other obstruction shall not exceed 1.15 metres, measured along the side of the parking space, from the front or rear of the space towards the side's midpoint; ii) the wall, column or other obstruction is located at the front, rear, or both ends of the parking space; and, iii) the wall, column or other obstruction does not project more than 0.15 metres into the width of the	Unable to determined location and dimensions of parking spaces not provided	Unable to determine compliance

	Required	Provided	Conforming/ Non-Conforming																
	parking space.																		
	<p><u>d) Increase in Length Due to Stairs within an Attached Garage</u></p> <p>The length of each parking space in an attached garage of a dwelling unit shall be increased by an equivalent length of the step, steps or stairwell that extends into the parking space, except:</p> <p>i) an open stairway may project into the length of the required parking space not more than 0.75 metres provided the height of the stairway does not exceed 0.5 metres</p>	Doesn't appear to be stairs located in the attached garage	N/A																
<p>Drive Aisle Requirements [as per section 5.2.3 of Hamilton Zoning By-law 05-200]</p>	<p><u>a) Minimum Drive Aisle Width</u></p> <p>The drive aisle abutting any parking space shall be designed and provided in accordance with the following minimum width requirements</p>	N/A	N/A																
	<table border="1"> <thead> <tr> <th>Parking Angle Degree</th> <th>One-Way and Two-Way Aisle Width</th> </tr> </thead> <tbody> <tr> <td>0°</td> <td>3.7m</td> </tr> <tr> <td>15°</td> <td>3.7m</td> </tr> <tr> <td>30°</td> <td>3.7m</td> </tr> <tr> <td>45°</td> <td>4.5m</td> </tr> <tr> <td>60°</td> <td>5.5m</td> </tr> <tr> <td>75°</td> <td>6.0m</td> </tr> <tr> <td>90°</td> <td>6.0m</td> </tr> </tbody> </table>			Parking Angle Degree	One-Way and Two-Way Aisle Width	0°	3.7m	15°	3.7m	30°	3.7m	45°	4.5m	60°	5.5m	75°	6.0m	90°	6.0m
	Parking Angle Degree			One-Way and Two-Way Aisle Width															
	0°			3.7m															
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	45°			4.5m															
	60°			5.5m															
	75°			6.0m															
90°	6.0m																		
<p>Access Requirements [as per section 5.2.4 of Hamilton Zoning By-law 05-200]</p>	<p><u>a) Access Design Requirements</u></p> <p>Access to all parking shall:</p> <p>i) be arranged so as to not interfere with normal public use of the street or laneway;</p> <p>ii) be provided by means of an access driveway:</p> <ol style="list-style-type: none"> 1. located on the lot; or, 2. located partly on the lot in the case of a mutual driveway; or, 3. by means of a Right-of-Way; and, 	Unable to determined location and dimensions of parking spaces not provided	Unable to determine compliance																

	Required	Provided	Conforming/ Non-Conforming
	iii) in the case of a Parking Lot, provide ingress and egress of vehicles to and from a street in a forward motion only.		
	<u>b) Minimum Access Driveway Width</u> The width of any driveway providing access to a parking space shall be a minimum of 2.7 metres	Unable to determine driveway width not dimensioned on site plan	Unable to determine compliance
	c) Tandem and Stacked Parking Restriction and Exceptions All parking spaces shall have adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle, except: i) the accessibility to a maximum of one of the parking spaces for a Single Detached Dwelling may be obstructed by another motor vehicle; and, ii) where a parking attendant is on site or a valet service is provided in association with a Commercial Parking Facility or Hotel, parking spaces may	Does appear tandem or stacked lanes are proposed	N/A
	<u>d) Minimum Floor Level for an Attached Garage</u> Where an attached garage is provided for a Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling, Street Townhouse Dwelling, Triplex Dwelling or Fourplex Dwelling in any Zone except the Agriculture (A1) and Rural (A2) Zone, the finished floor level of the garage shall be a minimum of 0.3 metres above grade.	Unable to determine floor level or garage not provided	Unable to determine compliance
5.3 LOCATIONAL, LANDSCAPING AND SURFACE MATERIAL REQUIRMENTS			
Locational and Landscaping and Driveway Requirements for Street Townhouse Dwellings [as per section 5.3.3 of Hamilton Zoning By-law 05-200]	a) On a lot containing a Street Townhouse Dwelling: i) The required parking spaces for such dwelling shall be located a minimum distance of 5.8 metres from the street line to which the driveway is accessed; and, ii) No parking shall be permitted in a required front yard or required flankage yard.	i) Unable to determined location and dimensions of parking spaces not provided ii) Unable to determined location and dimensions of parking spaces not provided	Unable to determine compliance
Parking Facility	<u>a) Parking Spaces, Driveways and</u>	Driveway is proposed to be	Conforms

	Required	Provided	Conforming/ Non-Conforming
<p>Surface Material Requirements [as per section 5.3.4 of Hamilton Zoning By-law 05-200]</p>	<p><u>Widening(s) in All Zones</u></p> <p>Parking spaces, driveways and widening(s) in all zones shall be provided and maintained with stable surfaces such as asphalt, concrete or other hardsurfaced material, crushed stone, permeable pavers or gravel, and shall be maintained in a dust free condition.</p> <p>i) Notwithstanding Section 5.3.4 a), on a lot containing a residential use in a Residential Zone, any parking provided beyond that which is required by Section 5.7.1 of this By-law shall be maintained with permeable material and shall not be deemed landscaped area in the calculation of total landscaped area on a lot.</p> <p>ii) Notwithstanding Section 5.3.4 a), in the Industrial Zones, where crushed stone or gravel is provided, the access driveway shall be designed such that a minimum of 10.0 metres extending from the streetline shall be constructed and maintained with asphalt, concrete or other hard surfaced material, and shall be maintained in a dust free condition.</p>	<p>asphalt</p>	
	<p><u>b) Parking Lots in All Zones, except the Rural Zones</u></p> <p>Parking Lots in all zones, except the Rural Zones, shall be designed and maintained with stable surfaces such as asphalt, concrete, or other hardsurfaced material, or permeable pavers.</p>	<p>Driveway is proposed to be asphalt</p>	<p>Conforms</p>
<p>Electric Vehicle Parking Space Regulations [as per section 5.6.7 of Hamilton Zoning By-law 05-200]</p>	<p><u>a) Permission for Chargers to Encroach Within Required Landscaping Features and Planting Strips</u></p> <p>Notwithstanding any other Section of this By-law, except Section 5.6.7 b) below, a charging device associated with an Electric Vehicle Parking Space, including any such space required by Section 5.1.4, may be located within any of the following required features and will not constitute a reduction of that feature's provision:</p> <p>i) Planting Strip; ii) Landscape Strip; iii) Landscaped Area; and,</p>	<p>Doesn't appear a electric vehicle charger is proposed as part of this development</p>	<p>N/A</p>

	Required	Provided	Conforming/ Non-Conforming
	iv) Landscaped Parking Island.		
	<p><u>b) Restrictions for Chargers Encroaching Within Required Landscaping Features and Planting Strips</u></p> <p>Despite Section 5.6.7 a) above, the permission to encroach within the noted features shall not apply to any of the following:</p> <p>i) A transformer or mechanical enclosure other than a charging device; or,</p> <p>ii) A charging device with a hard-surfaced base exceeding an area of 1.0 square metres.</p>	Doesn't appear a electric vehicle charger is proposed as part of this development	N/A
	<p><u>c) Permission for Chargers to Encroach Within any Required Yard</u></p> <p>Notwithstanding any other Section of this By-law, a charging device associated with an Electric Vehicle Parking Space may be located within any required yard, except that any such charging device may not be located:</p> <p>i) less than 0.6 metres from any lot line; or,</p> <p>ii) within a visibility triangle.</p>	Doesn't appear a electric vehicle charger is proposed as part of this development	N/A
5.7 PARKING SCHEDULES			
<p>Parking Schedules [as per section 5.7 of Hamilton Zoning By-law 05-200]</p>	<p><u>a) Parking Rate Areas</u></p> <p>Where this By-law indicates that a Parking Rate Area (PRA) applies for the purpose of calculating a parking requirement or permission, such Parking Rate Area shall apply to lands and shall be indicated as Parking Rate Area (PRA1), (PRA2) and (PRA3) on Schedule "A" – Zoning Maps.</p>	Parking Rate Area 3	Please note

	Required	Provided	Conforming/ Non-Conforming
	<p><u>b) Application of Parking Rate Areas</u></p> <p>Where a parking rate or requirement contained in this By-law does not contain reference to a Parking Rate Area (PRA), such parking rate shall apply to all lands throughout the City. Only where a parking rate refers to a specific Parking Rate Area, and where such use is located within that specified Parking Rate Area, shall there be any modification to the parking rate, and only in the manner prescribed.</p>	N/A	N/A
<p>Minimum Required Parking Rate Schedule [as per section 5.7.1 of Hamilton Zoning By-law 05-200]</p>	<p><u>a) Minimum Required Parking Rate Schedule</u></p> <p>Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1:</p> <p>Street Townhouse Dwelling</p> <p>b) In all other areas, 1 per unit.</p>	Unable to determined location and dimensions of parking spaces not provided	Unable to determine compliance
<p>Maximum Permitted Parking Rate Schedule [as per section 5.7.2 of Hamilton Zoning By-law 05-200]</p>	<p><u>a) Maximum Permitted Parking Rate Schedule</u></p> <p>For any use listed in Column 1, the number of parking spaces provided shall not exceed the number in Column 2:</p> <p>Refer to table in By-law 5.7.2</p>	N/A	N/A
<p>Minimum Electric Vehicle Parking Rate Schedule [as per section 5.7.4 a) of Hamilton Zoning By-law 05-200]</p>	<p><u>a) Minimum Electric Vehicle Parking Rate Schedule</u> Of the parking spaces provided on a lot, a minimum percentage shall be provided as Electric Vehicle Parking Spaces, as specified in Column 2 hereunder for each associated use listed in Column 1, and any such Electric Vehicle Parking Spaces shall be subject to Section 5.6.7:</p> <p>Street Townhouse Dwelling:</p> <p>100% of all parking spaces.</p> <p>1 electric vehicle parking space required</p>	Unable to determined location and dimensions of parking spaces not provided	Unable to determine compliance

Yours truly

for the Manager of Building Engineering and Zoning



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	MAILING ADDRESS
Registered Owners(s)	Hillwood Homes Inc. (c/o Peter Elia)	
Applicant(s)	Hillwood Developments Inc.	
Agent or Solicitor	A.J. Clarke and Associates (Stephen Fraser, MCIP, RPP)	

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 be sent by email.

1.6 Payment type

In person

Cheque

Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	420 Red Oak Avenue		
Assessment Roll Number			
Former Municipality	Stoney Creek		
Lot		Concession	
Registered Plan Number	644	Lot(s)	Pt. of Lots 77 & 78
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:

Please refer to the corresponding cover letter.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The variances applied for are required for the Applicant's building permit issuance, which will enable the construction of 3 street townhouse units. Please see attached cover 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
21.34m (current)	29.26m	+/- 624.4sq.m (current)	20.12m

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
single-detached dwelling	12.21m	10.13m	0.31m	
detached garage	18.01m	0.82m	0.26m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
street townhouse dwelling	6.88m (6.00m min)	7.90m (7.50m min)	1.52m (1.20m min end)	
street townhouse dwelling	7.11m (6.00m min)	7.75m (7.50m min)	0.00m (0.00m min interior)	
street townhouse dwelling	7.11m (6.00m min)	7.60m (7.50m min)	1.52m (1.20m min end)	

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
Single Detached	62.4m ²	-	1.5	-
Detached garage	66.5m ²	66.5m ²	1	-

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
street townhouse	90.01m ²	+/-1,602.2sq.ft/+/-148.8m ²	2	+/-10.00m
street townhouse	87.48m ²	+/-1544sq.ft/+/-143.4m ²	2	+/-10.00m
street townhouse	90.14m ²	+/-1607.7sq.ft/+/-149.3m ²	2	+/-10.00m

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.):
Street townhouse dwelling unit per lot created by consent application to be submitted.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Single-detached and semi-detached dwellings.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Unknown

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

Single-detached dwelling

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

Single-detached dwelling being demolished to facilitate 3 unit street townhouse block

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

Unknown (over 20 years at least)

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.

Please refer to the cover letter submitted concurrently.

7.6 What is the existing zoning of the subject land? R1 - Low Density Residential

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: _____

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: Future application

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 3

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

Please refer to submitted cover letter.

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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