

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-25:022	SUBJECT PROPERTY:	128 Cannon Street West, Hamilton
ZONE:	"H" Districts (Community Shopping and Commercial, etc.)	ZONING BY-LAW:	Hamilton Zoning By-law 6593, as Amended by By-laws 75-124 and 76-145

APPLICANTS: Owner: Hong Thi le
 Agent: Larry Romanovich

The following variances are requested:

1. To permit a minimum rear yard depth of 2.6 metres instead of the minimum required rear yard depth of 7.5 metres for every part of the building used for human habitation and the minimum required rear yard depth of 4.5 metres in all other cases.

PURPOSE & EFFECT: To permit the construction of a 4-storey building containing residential and commercial uses.

Notes:

- i. Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.
- ii. It does not appear that the proposed 4-storey mixed use building containing a commercial use(s) and 15 residential dwelling units is permitted within the current zoning designation. For Residential Uses, in accordance with Section 14(1)(iiiia), a maximum of one (1) dwelling unit for each 180.0 square metres of lot area is permitted provided that the building does not exceed 2-storeys in height and provided further that the gross floor area of the building used for dwelling units does not exceed the gross floor area used for commercial purposes. The proposed development exceeds which is permitted within the "H" zoning district.

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:	2:30 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 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-25:022, 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.



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

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.

CITY OF HAMILTON ZONING BY-LAW 6593
ZONING REGULATION - H

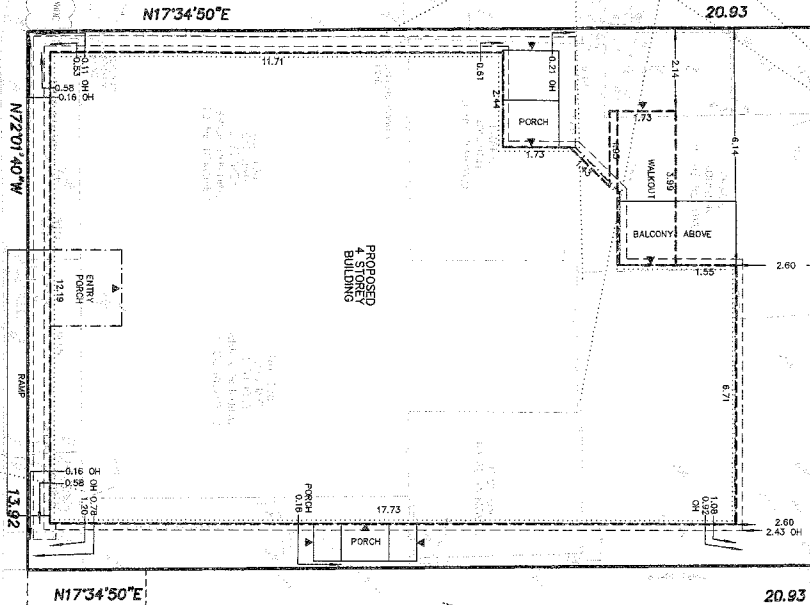
ZONE	REQUIRED	PROVIDED
LOT WIDTH	12.0m (min)	13.92m
LOT AREA	360.0sq.m. (min)	281.10sq.m.
FRONT YARD	0.15m	0.15m
REAR YARD	7.5m (min)	2.80m
SIDE YARD	2.7m (min)	1.08m
STREET SIDE YARD		0.18m
BUILDING AREA		0.53m
LOT COVERAGE		OVERHANG
BUILDING HEIGHT	17.0m (max)	198.16 sq.m. (EXISTING STRUCTURES)
FLOOR AREA RATIO	4.0 STOREYS (max)	197.87 sq.m. (PROPOSED STRUCTURES)
		1164.40sq.m. (max)

PROPOSED BUILDING = 4 STOREYS



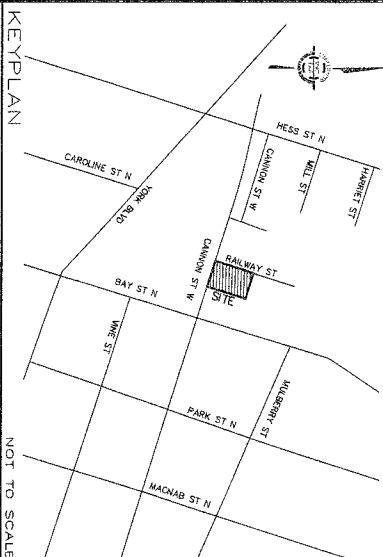
RAILWAY STREET
(BY REGISTERED PLAN 98)

KNOWN AS CANNON STREET WEST



SITE PLAN
SCALE 1:100

128 CANNON STREET W
SITE PLAN



KEY PLAN
GEOGRAPHIC LOCATION NOTE
PART OF
CROOKS TRACT
ANDREW MILLERS SURVEY
(UNREGISTERED)
IN THE
CITY OF HAMILTON
SCALE 1 : 100

NOT TO SCALE

Mackay, Mackay & Peters Limited - ONTARIO LAND SURVEYORS

© 2025

METRIC DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.048

LEGEND
GM DENOTES GAS METER
OHV DENOTES OVERHEAD WIRING
UP DENOTES UTILITY POLE
CB DENOTES CATCH BASIN
OH DENOTES OVERHANG
▶ DENOTES ENTRANCE

NOTES

- PROPOSED TIES SHOWN HEREON ARE TO FOUNDATION ONLY
- BUILDING DIMENSIONS WERE TAKEN FROM PLANS SUPPLIED BY THE CLIENT
- ALL DIMENSIONS SHOWN HEREON ARE TO BE LOCATED BY CONTRACTOR PRIOR TO ANY CONSTRUCTION
- CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK
- BOUNDARY DIMENSIONS ARE AS SHOWN ON PLAN OF SURVEY BY
- THIS PROPOSED PLAN IS PRELIMINARY UNTIL THE APPROPRIATE BUILDING DEPARTMENT'S SIGNED APPROVAL HAS BEEN OBTAINED
- ALL DIMENSIONS OF THIS PLAN MUST BE REPORTED TO MMP LIMITED
- ALL UTILITIES TO BE COORDINATED ON SITE DURING CONSTRUCTION. THE INSTALLATION OF ALL UTILITIES SHALL BE PROTECTED DURING THE BUILDING SHALL COORDINATE INSTALLATION WITH INDIVIDUAL UTILITY PROVIDERS ACCORDINGLY

CAUTION

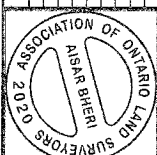
- THIS IS NOT ORIGINAL COPY UNLESS EMBOSSED
- THIS PRODUCT SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE BLOCK
- THIS PRODUCT IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTIONS OR MORTGAGE PURPOSES
- THIS PRODUCT IS PROTECTED BY COPYRIGHT INCLUDING ALL RELATED DIGITAL PRODUCTS

CERTIFICATION NOTE

BOUNDARY DIMENSIONS SHOWN HEREON ARE DERIVED FROM LAND REGISTRY OFFICE RECORDS AND SURVEY RECORDS OF MMP LIMITED
WE HAVE REVIEWED THE PLANS FOR CONSTRUCTION OF A 3 STOREY BUILDING LOCATED AT 128 CANNON STREET WEST AND CERTIFY THAT:
PROPOSED BUILDING HEIGHT AS SHOWN
PROPOSED LOT COVERAGE AS SHOWN
PROPOSED BUILDING SITE STATISTICS AS SHOWN

JANUARY 28, 2025
DATE
FOR: MACKAY, MACKAY & PETERS LIMITED
ASAR BHERRI, C.S., P.ENG.

No.	DATE	REVISIONS
1	JANUARY 15, 2025	HOUSE LAYOUT REVISED
2	JULY 25, 2024	SITE PLAN COMPLETED
3		
4		
5		
6		
7		
8		
9		
10		



MMP
Mackay, Mackay & Peters Limited
LAND SURVEYORS & MAPPERS
SINCE 1905

3380 South Service Road
Unit 101
Burlington, ON
L7N 3J5
(905) 639-1375
h@mmplimited.com
mmplimited.com

LE-1022 Hamilton-Mackay/Peters Limited Surveyors Inc. 128 Cannon Street West, Unit 101, Burlington, ON L7N 3J5
DRAWN BY: A.B. CHECKED BY: A.B. PROJECT NO. 24-046-SP DWG. No. 1



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

Registered Owners(s)
Applicant(s)
Agent or Solicitor

[Redacted area for applicant information]

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	128 CANNON ST W → 130 CANNON ST W →		
Assessment Roll Number	020125085030000 020125084930000		
Former Municipality	HAMILTON		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

☐ Yes ☒ No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for: RELIEF FROM AREA REQUIREMENTS PER PER SECTION 14 (3) OF FORMER HAMILTON ZONING BY LAW 6593: REQUIRING A REAR YARD ADJUTING A RESIDENTIAL PROPERTY TO BE 7.5m. WE ARE APPLYING FOR A REAR YARD DEPTH OF 2.6M.

☐ Second Dwelling Unit ☒ Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?
THE NEW STRUCTURE REQUIRES THE SAME GROUND FLOOR AREA AS THE EXISTING BUILDING.

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
13.92 M	20.93 M	291.35 SQ M	CANNON ST W (3 LANES)

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
2.5 STOREY	0.074 M	0.00 M	WEST 0.00M	APPROXIMATELY EARLY 1900'S
RESIDENTIAL / COMMERCIAL			EAST 1.98 M	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
4 STOREY	0.5.8	2.60 M	WEST 0.53M	TO BE DETERMIND AFTER VARIANCE APPROVAL
RESIDENTIAL / COMMERCIAL			EAST 1.08 M	

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
2.5 STOREY	198.16 SQM	693.56 SQM	2.5	10.52 M
RESIDENTIAL / COMMERCIAL				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
4 STOREY	197.87 SQM	936.80 SQM	4.0	16.31 M
RESIDENTIAL / COMMERCIAL				

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.):

COMMERCIAL / RESIDENTIAL

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

ABUTTING NORTH IS RESIDENTIAL
ABUTTING EAST IS COMMERCIAL (TIM HORTONS)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2021, 05, 01

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

COMMERCIAL / RESIDENTIAL

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

COMMERCIAL / RESIDENTIAL

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

APPROXIMATELY 25 YEAR, POSSIBLY LONGER.

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) NON DECISION 113 WEST HARBOR
SETTING SALE

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

ALLOWS COMMERCIAL/RESIDENTIAL USE

7.6 What is the existing zoning of the subject land? CODE H (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: _____

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: 8

8.2 Number of Dwelling Units Proposed: 15

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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