



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **NOTICE OF PUBLIC HEARING** **Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>B-25:031</b>	<b>SUBJECT PROPERTY:</b>	555–559 Sanatorium Road, Hamilton
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**APPLICANTS:** Owner: 2358574 Ontario Ltd., c/o Hamid Hakimi  
Applicant: 2358574 Ontario Ltd., c/o Hamid Hakimi  
Agent: Weston Consulting, c/o Martin Quarcoopome

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land containing an existing commercial building for residential purposes, and to retain a parcel of land containing an existing commercial building.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	54.28 m <sup>±</sup>	N/A	12,770.79 m <sup>2</sup>
<b>RETAINED LANDS:</b>	112.98 m <sup>±</sup>	N/A	7,488.53 m <sup>2</sup>

Associated Planning Act File(s): HM/A-23:235

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

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

<b>DATE:</b>	<b>Thursday, May 29, 2025</b>
<b>TIME:</b>	<b>1:50 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

## **B-25:031**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## **PUBLIC INPUT**

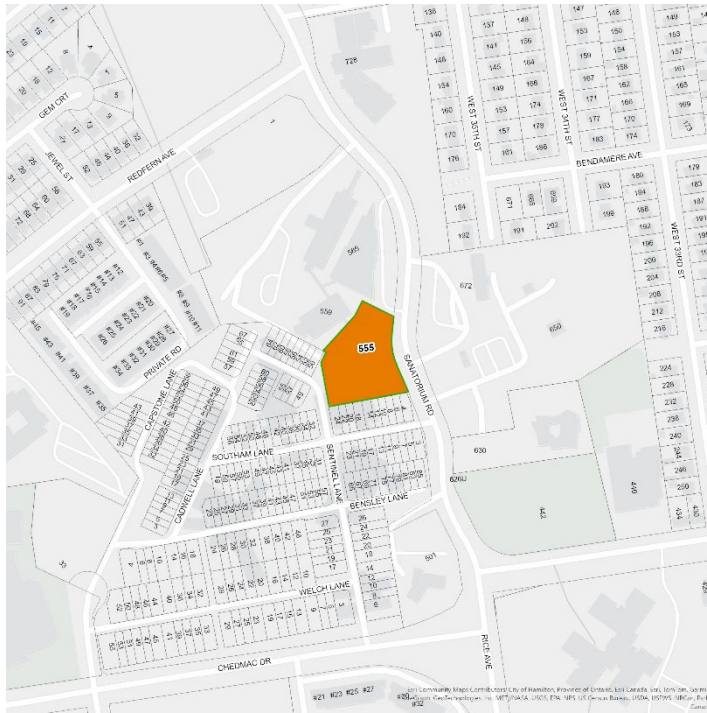
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon **May 27, 2025**

**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 **May 28, 2025**

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding B-25:031, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided the Notice of Decision of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



## Subject Lands

DATED: May 12, 2025

Justin Leung,  
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.

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

## PARTICIPATION PROCEDURES

### Written Submissions

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

Comments are available the Tuesday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

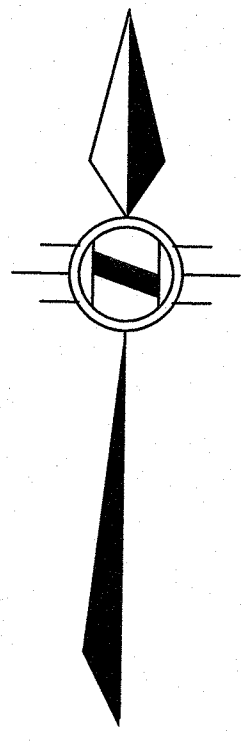
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca).

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









WENTWORTH STANDARD  
CONDOMINIUM PLAN 606  
BLOCK 18606

WENTWORTH STANDARD  
CONDOMINIUM PLAN 512  
BLOCK 18512

APPROXIMATE EXTENT  
OF P5 ZONE

B L O C K

PART 1, PLAN 62R-20223  
SUBJECT TO AN EASEMENT IN GROSS AS IN INST. WE910617  
PIN 17036-0688 (LT)

PART 1, PLAN 62R-2039

PIN 17036-0921 (LT)  
SUBJECT TO AN EASEMENT IN CROSS  
IS IN INST. NE319517, NE1470574 & NE1487022  
AND EASEMENT AS IN INST. NE3397526

PART 367, PLAN 62R-21683

P L A N                    6 2 M - 1 1 9 1

- [illegible]

**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED  
REFERENCE POINTS A AND B, BY REAL TIME NETWORK  
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999669

### INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0), COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF OREG. 216.170		
POINT ID	NORTHING	EASTING
ORP ①	4787987.452	587994.138
ORP ②	4788100.152	587928.205
ORP ③	4788094.312	588097.400

COORDINATES CANNOT, IN THEMSELVES, BE USED TO  
RE-RETAIN OR CORRECT OR POLYMERISE SURFACE TIES PLAIN

**BENCHMARK:**

MONUMENT 0011965U036  
CONCRETE BRIDGE ON SCENIC DRIVE, 91.4  
M EAST OF GOULDING AVENUE,  
IMMEDIATELY EAST OF HOUSE NO. 979,  
TABLET IN SOUTH FACE OF CONCRETE  
WALL ON SOUTH SIDE OF ROAD, 36 CM  
FROM EAST END, 36 CM BELOW TOP, AT  
ROAD LEVEL.

**NOTE:**

UNDERGROUND SERVICE AND UTILITY LOCATIONS  
MUST BE VERIFIED PRIOR TO CONSTRUCTION

INVERTS MUST BE VERIFIED PRIOR TO  
CONSTRUCTION

**METRIC NOTE:**  
DISTANCES AND COOL  
SHOWN ON THIS PLAN  
METRES AND CAN BE  
CONVERTED TO FEET  
BY DIVIDING BY 0.304

<b>SURVEYOR'S CERTIFICATE:</b>
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1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM

2. THE SURVEY WAS COMPLETED ON THE 7th DAY OF JANUARY, 2022


FEBRUARY 10, 2022  
DATE

S. DAN M. LAZEN, O.G.

2	TOPO CONCRETE ON N SIDE OF No. 585	JUNE 13, 2023	J
1	ADDITIONAL TOPOGRAPHIC FEATURES	MAY 4, 2023	J
No.	DESCRIPTION	DATE	B

**REVISIONS**

© D.D. McLEAREN, O.L.S. - 2023. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF D.D. McLEAREN, O.L.S.



**A.T. McLaren Limited**  
 LEGAL AND ENGINEERING SURVEYS

68 JOHN STREET SOUTH, SUITE 230  
 HAMILTON, ONTARIO, L8N 2K1  
 PHONE (905) 527-0056 FAX (905) 527-0032

Drawn	Checked	Draw Chief	Scale	Date



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

April 15, 2025  
File 10421

**RE: Consent to Sever Application**  
**555-559 Sanatorium Road, City of Hamilton**  
**Related City File: DA-22-142**

Weston Consulting is the planning consultant for 2358574 Ontario Ltd. the registered owner of the property located at 555-559 Sanatorium Road in the City of Hamilton (herein referred to the 'subject lands'). On behalf of the owner, we are pleased to submit the enclosed materials in support of a Consent to Sever Application.

### Reasons for Application

The purpose of this Application is to sever the subject lands to create two blocks. The Retained lands will include the existing medical building and future parking structure. The Severed lands will include a proposed 6 storey residential apartment and 6 storey retirement building. These proposed building form part of Site Plan Approval application DA-22-142 which has been conditionally approved. The Applicant is working with Planning Staff to clear outstanding conditions of this application. The proposed severance line is illustrated on the enclosed Severance Plan. Below are some additional details on zoning compliance:

	Lot Area	Frontage
Retained Lands	+/-7,488.53m <sup>2</sup>	+/-112.98m
Severed Lands	+/-12,770.79m <sup>2</sup>	+/-54.28m
Zoning Requirement	N/A (Min. Lot Width: 30m)	4.5m
Compliance	Conforms	Conforms

As background, the Applicant has been working with staff to address the conditions of approval for the 6-storey residential and 6-storey retirement building (severed lands). It is expected that a resubmission will be provided to the city by the end of the month. Following recent discussions with staff, an entirely new Site Plan Approval application to support a 4-storey parking structure has been proposed for the retained lands. No changes are being proposed to the existing medical building. Like the resubmission for DA-22-142, it is our intention to submit this new application by the end of the month.

In support of the proposed severance and parking structure, a Zoning Compliance Review was obtained to determine any potential non-compliances. One item was identified which noted a lack accessible parking spaces. This issue will be corrected at that time of application submission and a variance is not being sought to address it. The Zoning Compliance Review Comments are included as an Appendix item for reference.

Further, it is understood that a reciprocal access easement will be required to permit access to both the proposed severed and retained lands as conceptually shown on the Severance Sketch. The exact alignment of this easement will be determined through the Site Plan review process.

## Submission Materials

The following materials are submitted to the City of Hamilton in support of the Consent Application, and we request a hearing from the committee of adjustment at the soonest opportunity:

No.	Deliverable	Consultant	Date
0	Cover Letter	Weston Consulting	2024.07.11
1	Application Form		2024.07.11
2	Severance Plan		2024.07.10
3	Survey Sketch	AT McLaren	2024.04.11

We trust that the enclosed materials are sufficient to facilitate the requested application process. If there is anything that can be done to expedite this process to achieve the clients needs, that would be much appreciated. Should you require any additional information please contact Martin Quarcoopome at extension 266 or Kevin Nunn at extension 361.

Yours truly,

**Weston Consulting**



Martin Quarcoopome, BES, MCIP, RPP  
Partner, Planning Lead

c. 2358574 Ontario Ltd.

Att. Appendix – Zoning Compliance

# Appendix



Hamilton

March 6, 2025

FILE: ZCR  
FOLDER: ZCR-25-030  
ATTENTION OF: Liam Tapp  
TELEPHONE NO: (905) 546-2424  
EXTENSION: 6884

Weston Consulting c/o Martin Quarcoopome  
201 Millway Avenue  
Vaughn, ON L4K 5K8

**Re: ZONING COMPLIANCE REVIEW**  
**Present Zoning: I3**  
**Address: 555-559 Sanatorium Road, Hamilton**

A Zoning Compliance Review in Support of a Minor Variance has been completed and the following comments are provided.

**COMMENTS:**

1. The applicant is proposing to sever the existing lot into two separate lots with one parcel containing a proposed Retirement Home and Multiple Dwelling, associated with Site Plan application DA-22-142, and the second parcel containing two existing buildings.

In addition to the proposed severance, the applicant also proposes to demolish one existing building along the Easterly lot line and construct a new, four (4) storey parking facility, consisting of 246 Parking Spaces. The second existing building, (Medical Clinic) is to remain on the severed lot with the proposed parking facility.

2. The proposed parking facility is permitted in conjunction with the existing Medical Clinic provided that the facility is intended to function as additional parking for the Medical Clinic. Furthermore, should the intent of the parking facility be to provide off-site parking for the proposal associated with DA-22-142 a Parking Agreement shall be required to be entered into, as required under Section 5.6 of Hamilton Zoning By-law 05-200.

Be advised, notwithstanding the above comment, should the proposed parking facility be intended as a Commercial Parking Facility, the use is not permitted within the I3 Zone and submission to the appropriate Planning Act application will be required to permit the use. A Commercial Parking Facility is defined as follows:

***Commercial Parking Facility - Shall mean all or part of a parcel of land or building, other than a street or laneway, used for the parking of motor vehicles for compensation, but shall not include any parking spaces provided in the minimum or maximum quantity required by this By-law for a permitted use***

For the purpose of this review, the proposed parking facility has been reviewed as

additional Parking Spaces intended to support the Minimum/Maximum required parking for the existing Medical Clinic. Additional information shall be required should this not be the intended use of the parking facility.

3. Further to comment 2 above, an Access Easement shall be required to be registered on title to permit the access to the proposed parking facility and the five (5) Parking Spaces, located within the rear yard, to be located on the adjacent property, created as a result of the proposed severance.
4. The following wording is provided as it relates to the proposed Parking Spaces where compliance is not possible, as indicated in the review chart below. Should alteration of the proposed parking conditions not be possible, the following variances may be required:
  1. *No Accessible Parking Spaces shall be required instead of the minimum required 7 Accessible Parking Spaces.*
5. This is an interior lot. With reference to “front lot line” as defined, the front lot line shall mean lot line abutting a street. As such, the front lot line for this property is the lot line abutting Sanitorium Road.
6. This property is listed in the City of Hamilton’s Inventory Heritage Buildings as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at [culturalheritageplanning@hamilton.ca](mailto:culturalheritageplanning@hamilton.ca), or visit [www.hamilton.ca/heritageplanning](http://www.hamilton.ca/heritageplanning) for further information.
7. 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.
8. Construction of the proposed parking facility is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Demolition of the existing building is subject to the issuance of a demolition permit in the normal manner.
9. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
10. The proposed development has been reviewed and compared to the standards of the I3 Zone as indicated in the following chart:

Regulations	Required by By-law	Provided	Conforms/ Non-conforming
<b>Section 8.3 – Major Institutional Zone</b>			
<b>Minimum Side Yard and Rear Yard</b> <i>[per Section 8.3.2.2 a)]</i>	6.0 metres where lot line abuts a Residential Zone lot line	Property does not abut a Residential Zone	<b>N/A</b>



Zoning Compliance Review  
555-559 Sanitorium Road, Hamilton

<b>Maximum Building height</b> <i>[per Section 8.3.2.2 b)]</i>	i) 18.0 metres;	Medical Clinic - Existing Parking Facility - 15.0 metres	<b>Conforms</b>
	ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirement, established in 8.3.2.2 a) above	Building indicated to be 15.0 metres	<b>N/A</b>
<b>Location of Multiple Dwelling and Lodging House</b> <i>[per Section 8.3.2.2 c)]</i>	Shall only be permitted on the same lot as an Educational Establishment, Retirement Home or Long Term Care Facility	Not proposed	<b>N/A</b>
<b>Section 4.0 – General Provisions</b>			
<b>Accessory to Commercial Uses in All Zones</b> <i>[per Section 4.8]</i>	a) Unless otherwise provided for in this By-law, Accessory Buildings shall not be used as a dwelling unit.	Parking Facility	<b>Conforms</b>
	b) Accessory Buildings shall not be permitted within a front or flankage yard.	Rear/ Side Yard	<b>Conforms</b>
	c) Notwithstanding Subsection 4.8 b), a building used as a station for parking attendants or security personnel shall be permitted within a front or flankage yard.	Not Proposed	<b>N/A</b>
	d) Notwithstanding any other provisions in this By-law, where a zone contains a maximum setback requirement from a street line, the maximum setback requirement shall not apply to Accessory Buildings.	No Maximum	<b>N/A</b>
	e) In the event of a conflict between regulations where an Accessory Building is provided for a mixed use building, the most restrictive regulations shall apply.	Medical Clinic use only	<b>N/A</b>
	f) Except as permitted in Subsection 4.18 a), an Accessory Building shall not be erected prior to the erection of the principal building or structure on the lot.	Existing Principal Use	<b>Conforms</b>
	g) All Accessory Buildings shall have a maximum height of 4.5 metres	See Review of Section 4.8.3 b)	<b>N/A</b>
	h) Notwithstanding Subsection 4.6a), an eave or gutter of any Accessory Building may encroach into any required yard to a maximum of 0.45 metres.	See Review of Section 4.8.3 b)	<b>N/A</b>
	i) Rooftop amenity area shall be	Not Proposed	<b>Conforms</b>

Zoning Compliance Review  
555-559 Sanitorium Road, Hamilton

	prohibited on all Accessory Buildings.		
	j) Gazebos, pergolas, and carports shall be considered as Accessory Buildings, but shall not be subject to the Lot Coverage or Gross Floor Area requirements of the applicable zones in which they are located.	Not Proposed	<b>Conforms</b>
	k) Children's play structures and sports bleachers shall not be considered Accessory Buildings and shall not be subject to the regulations of Subsections 4.8.1, 4.8.2, 4.8.3, 4.8.4 and 4.8.5 or the regulations of the zones in which they are located.	Not Proposed	<b>Conforms</b>
<b>Accessory to Commercial Uses in All Zones</b> <i>[per Section 4.8.3 b)]</i>	In addition to Subsection 4.8 f), all Accessory Buildings having a Gross Floor Area greater than 18 square metres shall conform to the regulations for the principal use.	See Review of Section 8.3 above, relating to I3 Regulations	<b>See Review Above</b>
<b>Section 5.0 – Parking</b>			
<b>Minimum Number of Required Parking Spaces</b> <i>[as per section 5.1.1 (a) of Hamilton Zoning By-law 05-200]</i>	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,	See review below for required number of parking spaces	<b>See Review Below</b>
<b>Exception for Existing Buildings in All Zones</b> <i>[as per section 5.1.1 (b) of Hamilton Zoning By-law 05-200]</i>	Notwithstanding Section 5.7.1, for any use located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided, except that:  i) a use shall not be required to provide additional parking beyond that which is required by Section 5.7.1; and,  ii) where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.7.1 shall only apply to the increased gross floor area of the building.	<b>Existing Medical Building – No additional parking required beyond existing required parking</b>	<b>See Review Below</b>
<b>Rounding Calculations</b> <i>[as per section 5.1.1 (c) of Hamilton Zoning By-law 05-200]</i>	i) Where the application of the parking standards in Section 5.7.1, 5.7.2, 5.7.4, and 5.7.5 results in a numeric fraction, fractions shall be rounded down to the nearest whole number.	Applicant to note calculation	<b>Applicant to Note</b>

Zoning Compliance Review  
555-559 Sanitorium Road, Hamilton

200]	<p>ii) Where the application of the minimum accessible parking standards in Section 5.7.3 results in a numeric fraction, fractions shall be rounded up to the nearest whole number.</p> <p>iii) Where the calculations in Sections 5.7.1, 5.7.2, 5.7.3, 5.7.4 or 5.7.5 apply to multiple uses, rounding shall only be applied to the sum of the requirements for all uses on the lot.</p>		
<b>Required Parking to be Provided on Same Lot</b> [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.	Parking facility provided on same lot as Medical Clinic	<b>Conforms</b>
<b>Provision of Parking on a Lot Subject to Multiple Zones</b> [as per section 5.1.1 (e) of Hamilton Zoning By-law 05-200]	<p>Where more than one zone applies to a lot, parking spaces provided for any use on the lot may be located within any zone within the boundaries of the lot, except:</p> <p>i) where a portion of a lot is within one of the Open Space and Park Zones, no parking spaces may be located within such portion of the lot except parking spaces required for a permitted use located within such portion.</p>	Within one Zone	<b>N/A</b>
<b>Maximum Permitted Number of Parking</b> [as per section 5.1.2 of Hamilton Zoning By-law 05-200]	<u>a) Maximum Permitted Number of Parking Spaces</u>  Where Section 5.7.2 specifies a maximum permitted number of parking spaces, the number of parking spaces located on a lot shall not exceed that number.	No Maximum or Medical Clinic	<b>Conforms</b>
	<u>b) Reduction of Excess Parking Spaces</u>  Where the number of existing parking spaces exceeds the maximum permitted in accordance with Section 5.7.2, the parking spaces provided in excess of the maximum parking standard may be eliminated. However, in no case may the number of parking spaces provided be less than the minimum parking requirements in Section 5.7.1.	No Maximum	<b>N/A</b>
<b>Minimum Required Number of Accessible Parking Spaces</b> [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.	See review below for required number of accessible parking spaces	<b>See Review Below</b>
	<u>b) Exception for Certain Residential Uses</u>  Section 5.7.3 shall not apply to Single	Not a Residential Use listed as an exemption	<b>N/A</b>

Zoning Compliance Review  
555-559 Sanitorium Road, Hamilton

	Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings, Triplex Dwellings, Fourplex Dwellings and Street Townhouse Dwellings.		
<b>Minimum Required Number of Electric Vehicle Parking Spaces</b> [as per section 5.1.4 of Hamilton Zoning By-law 05-200]	<u>a) Minimum Required Number of Electric Vehicle Parking Spaces</u>  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.	See review below for required number of electrical parking spaces	<b>See Review Below</b>
	<u>b) Exception for the Agriculture (A1) Zone, Rural (A2) Zone, and any Open Space and Park Zone</u>  The minimum requirement for Electric Vehicle Parking Spaces shall not apply to any parking space located within one of the following Zones:  i) Agriculture (A1) Zone; ii) Rural (A2) Zone; and, iii) Any Open Space and Park Zone.	Within I3 Zone	<b>N/A</b>
	<u>c) Exception for Existing Buildings in All Zones</u>  Notwithstanding Section 5.7.4, for any use within any Zone, located in all or part of a building existing on the effective date of this By-law, no Electric Vehicle Parking Spaces are required, except that:  i) where an addition or expansion of an existing building is proposed, the Electric Vehicle Parking requirements of Section 5.7.4 shall only apply to such addition or expansion.	Electrical Vehicle Parking rates not applicable to Accessory Building  <b>Note: See Section 5.1.4 d) below for exception</b>	<b>See Review Below</b>
	<u>d) Exception for Existing Parking Lots in All Zones</u>  Notwithstanding Section 5.7.4, for any Parking Lot or portion thereof within any Zone, existing on the effective date of this By-law, no Electric Vehicle Parking Spaces are required, except that: i) where an expansion or enlargement of such parking is proposed, the electric vehicle parking requirements of Section 5.7.4 shall only apply to such expansion or enlargement.	Existing Parking lot not subject to 5.7.4  As per 5.1.4 c), no EV parking is required in new proposed parking facility	<b>N/A</b>
	<u>e) Regulations for Electric Vehicle</u>  Electric Vehicle Parking Spaces shall be subject to the regulations in Section 5.6.7.	Any required parking spaces shall be subject to 5.6.7	<b>Applicant to Note</b>
<b>5.2 FUNCTIONAL DESIGN REQUIREMENTS</b>			

Zoning Compliance Review  
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<b>Minimum Parking Space Dimensions</b> [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.	2.8 m x 5.8 m provided for Parking Spaces within parking facility  No dimensions provided for existing spaces deemed to comply	<b>Conforms</b>
	<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;	See Review of 5.2.1 c) below	<b>See Review Below</b>
	<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 parking space.	Columns not indicated to be more than 1.15 metres in length, located at the front of proposed parking spaces and directly abut parking spaces with no encroachment into any space	<b>Conforms</b>
	<u>d) Increase in Length Due to Stairs within an Attached Garage</u>  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:  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	Not applicable	<b>N/A</b>
	<u>e) Light Standards Not Considered Obstructions</u>  Notwithstanding Section 5.2.1 b), light standards, including the base, located at the intersection of four parking spaces shall not be considered as an obstruction.	Not Indicated	<b>N/A</b>
	<u>f) Optional Reduction in Minimum Dimensions for Small Car Parking</u>	Not proposed	<b>N/A</b>

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	Notwithstanding Subsection 5.2.1 a), where 10 or more parking spaces are provided on a lot, the minimum parking space size of not more than 10% of such required parking spaces may be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.		
	<p><u>g) Minimum Parallel Parking Space Dimensions</u></p> <p>Notwithstanding Subsection 5.2.1 a), each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres, except that end spaces which have a clear, unobstructed approach, may have a minimum length of 5.5 metres.</p>	Not Proposed	N/A
<p><b>Minimum Accessible Parking Space Dimensions and Minimum Accessibility Aisle Requirements</b></p> <p>[as per section 5.2.2 of Hamilton Zoning By-law 05-200]</p>	<p><u>a) Minimum Accessible Parking Space Width and Accessibility Aisle Requirement</u></p> <p>Each accessible parking space shall have:</p> <p>i) a minimum width of 3.4 metres, notwithstanding Section 5.2.1 a) above and subject to Section 5.2.2 b) below;</p> <p>ii) a minimum length of 5.8 metres; and,</p> <p>iii) a minimum of one side must continuously abut an accessibility aisle, provided in accordance with Section 5.2.2 c) and d) below</p>	Not proposed	N/A
	<p><u>b) Permitted Reduction in Width for Accessible Parking Spaces</u></p> <p>Where two or more accessible parking spaces are provided, a maximum of 50% of such spaces, rounded up to the nearest whole number in the case of a numeric fraction, may have a reduced minimum width of 2.4 metres.</p>	Not proposed	N/A
	<p><u>c) Accessibility Aisle Requirements</u></p> <p>A minimum of one side of each accessible parking space shall continuously abut an unobstructed accessibility aisle which shall:</p> <p>i) have a minimum width of 1.5 metres;</p> <p>ii) have a minimum length which extends the full length of each abutting accessible parking space; and,</p> <p>iii) be clearly identified and marked.</p>	Not proposed	N/A
	<p><u>d) Sharing of Accessibility Aisle</u></p> <p>A maximum of two accessible parking spaces may abut one accessibility aisle,</p>	Not proposed	N/A

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	provided such spaces continuously abut opposite sides of the shared accessibility aisle.																		
<b>Drive Aisle Requirements</b> [as per section 5.2.3 of Hamilton Zoning By-law 05-200]	<u>a) Minimum Drive Aisle Width</u>  The drive aisle abutting any parking space shall be designed and provided in accordance with the following minimum width requirements	6.0 metre provided within parking garage	<b>Conforms</b>																
	<table><tr><th>Parking Angle Degree</th><th>One-Way and Two-Way Aisle Width</th></tr><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></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															
	15°			3.7m															
	30°			3.7m															
	45°			4.5m															
	60°			5.5m															
	75°			6.0m															
90°	6.0m																		
<b>Access Requirements</b> [as per section 5.2.4 of Hamilton Zoning By-law 05-200]	<u>a) Access Design Requirements</u>  Access to all parking shall:  i) be arranged so as to not interfere with normal public use of the street or laneway;  ii) be provided by means of an access driveway:  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,  iii) in the case of a Parking Lot, provide ingress and egress of vehicles to and from a street in a forward motion only.	Located on the adjacent lot to the North by means of a Right of Way  <b>Note: An access easement and parking agreement is required to permit access to the parking facility through the adjacent lot to the North</b>  <b>Additionally, 5 parking spaces located in the rear yard, behind the Medical Clinic, shall also be included within the access easement and parking agreement</b>	<b>Conforms</b>																
	<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	Greater than 2.7 m	<b>Conforms</b>																
	<u>c) Tandem and Stacked Parking Restriction and Exceptions</u> 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	Not Proposed	<b>N/A</b>																



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	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		
	<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.	Not Proposed	N/A
<b>5.3 LOCATIONAL, LANDSCAPING AND SURFACE MATERIAL REQUIRMENTS</b>			
<b>Locational and Landscaping Requirements for All Uses</b> [as per section 5.3.1 of Hamilton Zoning By-law 05-200]	<u>a) Streetline Setback and Planting Strip Requirement</u>  Unless identified as exempt in Section 5.3.1 b), parking spaces and associated drive aisles, excluding driveways extending directly from the street, shall be subject to all of the following:  i) Shall not be located within 3.0 metres of a street line;  ii) Shall provide a 3.0 metre wide Planting Strip being required and permanently maintained between the street line and the parking spaces or aisle, except for that portion of a lot line;  1. Notwithstanding 5.3.1 a) iii), no Planting Strip shall be required for any portion of a lot line abutting the Red Hill Valley Parkway or the Lincoln Alexander Parkway; and,  iii) Where a Planting Strip is provided, as per 5.3.1 a) ii) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.	Existing Parking Lot within front yard  Proposed 5 parking spaces within rear yard not adjacent to street line  Proposed parking structure not subject to planting strip requirements	Deemed to Comply
	<u>b) Exemption for Certain Uses</u>  The setback and Planting Strip requirements of Section 5.3.1 a) shall not apply to parking provided in association with the following uses:  i) Single Detached Dwelling; ii) Semi-Detached Dwelling; iii) Street Townhouse Dwelling; iv) Duplex Dwelling; v) Triplex Dwelling; and vi) Fourplex Dwelling.	Not an Exempt Use	N/A
	<u>c) Multiple Dwelling Front and Flankage Yard Parking Restriction</u>	Not a proposed use	N/A

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	<p>In addition to Section 5.3.1 a), on a lot containing a Multiple Dwelling:</p> <p>i) With the exception of any visitor parking required by Section 5.7.1, required parking for Multiple Dwellings shall not be located between the façade and the front lot line or between the façade and flankage lot line. In no case shall any parking be located within the required front yard or required flankage yard or within 3.0 metres of a street line.</p> <p>ii) Visitor parking may be permitted between the façade and a street provided that no more than 50% of the front or flankage yard shall be used for visitor parking and access to such parking</p>		
	<p><u>d) Landscape Strip and Visual Barrier Requirement for Parking Lots</u></p> <p>Where a Parking Lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5), or Downtown (D6) Zone, the following shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) Zone, or Downtown (D6) Zone:</p> <p>i) A minimum 1.5 metre wide landscape strip which shall contain a Visual Barrier in accordance with Section 4.19 of this By-law.</p>	Does not abut specified Zones	N/A
	<p><u>e) Landscaped Area and Landscaped Parking Island Requirements for Surface Parking Lots Containing 50 or More Parking Spaces in All Zones</u></p> <p>In addition to Section 5.3.1 b), the following requirements shall apply to surface Parking Lots in all zones which contain 50 or more parking spaces:</p> <p>i) Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the Parking Lot and associated access driveway and manoeuvring areas shall be provided and maintained;</p> <p>ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres;</p> <p>iii) The calculation for Landscaped Area(s) and Landscaped Parking Island(s) shall not include the area of landscaping provided to satisfy the minimum requirement of any other Section of this By-law;</p> <p>iv) A Landscaped Area or Landscaped</p>	<p>Existing Parking Lot within front yard</p> <p>Proposed 5 parking spaces within rear yard create a total of 34 parking spaces and are not subject or parking island requirements</p> <p>Proposed parking structure not subject to landscape parking island requirements</p>	N/A

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	<p>Parking Island may be traversed by a pedestrian walkway; and,</p> <p>v) When calculating the minimum number of parking spaces in accordance with Section 5.7.1, such number may be reduced by the number needed to accommodate the minimum Landscaped Parking Island requirement of this section, up to a maximum of 10% of the required parking spaces.</p>		
<b>Parking Facility Surface Material Requirements</b> [as per section 5.3.4 of Hamilton Zoning By-law 05-200]	<p><u>a) Parking Spaces, Driveways and 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>	Asphalt	<b>Conforms</b>
	<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>	Asphalt	<b>Conforms</b>
	<p><u>c) Parking Lots in the Rural Zones</u></p> <p>Parking lots in the Rural Zones shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone, permeable pavers, or gravel, except that:</p> <p>i) 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</p>	Not within Rural Zone	<b>N/A</b>

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	asphalt, concrete or other hard surfaced material, and shall be maintained in a dust free condition.		
<b>5.4 BICYCLE PARKING REQUIREMENTS</b>			
<b>Minimum Bicycle Parking Requirements</b> [as per section 5.4.1 of Hamilton Zoning By-law 05-200]	<u>a) Minimum Number of Required Bicycle Parking Spaces</u>  The minimum required number of short-term and long-term bicycle parking spaces which must be provided for each building on a lot in accordance with Section 5.4.2 shall be the result of applying:  i) The minimum amount in accordance with the Minimum Bicycle Parking Schedule in Section 5.7.5; and,  ii) Any eligible exception in this Section.	See review below for required number of bicycle parking spaces	See Review Below
	<u>b) Exception for Existing Buildings</u>  Notwithstanding Section 5.7.5, for any use located in all or part of a building existing on the effective date of this By-law, no additional bicycle parking spaces are required, provided that the number of bicycle parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained, except that:  i) a use shall not be required to provide additional bicycle parking beyond that which is required by Section 5.7.5; and,  ii) where an addition, alteration or expansion of an existing building is proposed, the bicycle parking requirements of Section 5.7.5 shall only apply to the increased gross floor area of the building.	Additional Bicycle Parking requirements not required for Existing Building  Accessory building not subject to Bicycle Parking requirements	See Review Below
<b>Bicycle Parking Regulations</b> [as per section 5.4.2 of Hamilton Zoning By-law 05-200]	<u>a) Bicycle Parking Locational Requirements</u>  i) Short-term Bicycle Parking Spaces shall be publicly accessible and located within a bicycle parking area at grade, which includes the first floor of a building or an exterior surface area.  ii) Long-term Bicycle Parking Spaces shall be located in a secure enclosed bicycle parking area.	Applicant to Note	Applicant to Note
<b>5.5 LOADING FACILITIES</b>			
<b>Loading Facility Regulations</b> [as per section 5.5.1 of Hamilton Zoning By-law 05-200]	a) The location of loading doors and associated loading facilities shall be subject to the following:  i) Shall not be permitted within a Front Yard;  ii) Shall not be permitted in any yard abutting a street, except where screened	Not Proposed	N/A

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	<p>from view by a Visual Barrier in accordance with Section 4.19 of this By-law; and,</p> <p>iii) Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.</p>		
<b>5.6 GENERAL PARKING REGULATIONS</b>			
<p><b>Requirements for Locating Required Parking on Another Lot</b> [as per section 5.6.1 of Hamilton Zoning By-law 05-200]</p>	<p>a) Notwithstanding Subsection 5.1.1 d), where the provision of parking on the same lot as the use requiring the parking is not possible, such off-site parking may be located on another lot within 300.0 metres of the lot containing the use requiring the parking, provided:</p> <p>i) Such off-site parking shall only be permitted within a zone in which the use requiring such parking is permitted or a U3 Zone;</p> <p>ii) Such off-site parking shall be subject to Subsection 5.6.1 b); and,</p> <p>iii) Notwithstanding Subsection 5.6.1 a), off-site parking shall only be permitted on a lot in a Residential Zone where the off-site parking is for a use in a Residential Zone.</p>	<p>Not Proposed</p> <p><b>Note: Should off-site parking be proposed for the adjacent property, associated with DA-22-142, the proposed development shall comply with Section 5.6.1</b></p>	N/A
	<p>b) Where the required parking is provided in accordance with 5.6.1 a) above, the owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot upon which the parking is located, pursuant to the agreement, shall continue to be so used only for such purposes until alternate parking spaces in conformity with the regulations of this By-law are provided.</p>	<p>Not Proposed</p> <p><b>Note: Should off-site parking be proposed for the adjacent property, associated with DA-22-142, the proposed development shall comply with Section 5.6.1</b></p>	N/A
	<p>c) Parking as provided for in 5.6.1 b) may be transferred to another lot in accordance with Subsection 5.6.1 a), provided that an agreement as per 5.6.1 b) is registered on title of said other lot.</p>	<p>Not Proposed</p> <p><b>Note: Should off-site parking be proposed for the adjacent property, associated with DA-22-142, the proposed development shall comply with Section 5.6.1</b></p>	N/A
<p><b>Commercial Motor Vehicles</b> [as per section 5.6.2 of Hamilton Zoning By-law 05-200]</p>	<p>a) In any Residential Zone, Downtown (D5) Zone, Downtown (D6) Zone, Settlement Residential (S1) Zone, or any Residential uses in any Institutional Zone:</p> <p>i) A maximum of one Commercial Motor Vehicle may be parked on a lot.</p> <p>ii) Commercial Motor Vehicles shall be</p>	<p>Not located in specified Zones</p>	N/A

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	<p>stored or parked within a garage or fully enclosed building.</p> <p>iii) Notwithstanding Subsection 5.6.2 a) ii), a Commercial Motor Vehicle may be parked on a driveway, provided the vehicle:</p> <ol style="list-style-type: none"> <li>1. shall not exceed a gross weight of 3,000 kilograms registered with the Province;</li> <li>2. shall not exceed a maximum vehicle length of 6.0 metres;</li> <li>3. shall not exceed a maximum vehicle height of 2.4 metres; and,</li> <li>4. shall not occupy the required parking spaces for existing dwellings on the lot.</li> </ol> <p>iv) Subsections 5.6.2 a) i), ii), and iii) shall not apply to any Commercial Motor Vehicle attending a residential lot for the purpose of short-term delivery or service.</p>		
	<p>b) In any Agricultural (A1) Zone or Rural (A2) Zone:</p> <p>i) A maximum of one Commercial Motor Vehicle may be parked unenclosed, provided it is setback a minimum of 20 metres from any lot line and 50 metres from a dwelling on an adjacent lot.</p> <p>ii) Notwithstanding the definition of Commercial Motor Vehicle, Section 5.6.2 b) i) above does not apply to the storage or parking of agricultural vehicles and equipment associated with an agricultural operation.</p>	I3 Zone	N/A
<p><b>Major Recreational Equipment</b> [as per section 5.6.4 of Hamilton Zoning By-law 05-200]</p>	<p>a) In any Residential Zone, Downtown (D5) or Downtown (D6) Zone or Settlement Residential (S1) Zone, Major Recreational Equipment:</p> <p>i) May be stored in a garage;</p> <p>ii) Shall not be stored in the front yard or flankage yard;</p> <p>iii) May be stored in a rear yard provided that it is screened from the view of a street and abutting properties zoned Residential or Downtown (D5) or Downtown (D6) with a Visual Barrier in accordance with Section 4.19 of this By-law;</p> <p>iv) May be stored in a carport or side yard provided that the Major Recreational Equipment is screened with a Visual Barrier in accordance with Section 4.19 of this By-law, and has a minimum setback of 1.2 metres from the side lot line; and,</p> <p>v) Notwithstanding 5.6.4 a) ii), iii), and iv),</p>	Not located in specified Zones	N/A

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	Major Recreational Equipment may be parked on a driveway wholly inside the lot line between May 1st and October 31st in each year.		
	<p>b) In any Rural Zone, Major Recreational Equipment:</p> <p>i) May be stored enclosed;</p> <p>ii) Shall not be stored in the minimum required front yard or flankage yard;</p> <p>iii) May be stored in a rear yard or side yard provided that the Major Recreational Equipment is screened with a visual barrier in accordance with Section 4.19 of this By-law, and has a minimum setback of 1.2 metres from the side or rear lot line;</p> <p>iv) Notwithstanding Subsections i), ii) and iii) herein, Major Recreational Equipment may be parked on a driveway wholly inside the lot line between May 1st and October 31st in each year; and,</p> <p>v) Storage of Major Recreational Equipment shall only be permitted for Major Recreational Equipment owned by a resident of the lot</p>	Not located in specified Zone	N/A
<b>Prohibition of New Principal Surface Parking Lots in Downtown Zones</b> [as per section 5.6.5 of Hamilton Zoning By-law 05-200]	a) Within any Downtown Zone, no new surface parking lots shall be permitted except where the parking is accessory to the main use on the same lot.	I3 Zone	N/A
<b>Visitor Parking Space Requirements</b> [as per section 5.6.6 of Hamilton Zoning By-law 05-200]	a) A required visitor parking space provided on a lot shall be clearly identified and marked as being reserved for such purpose.	No required visitor parking	N/A
<b>Electric Vehicle Parking Space Regulations</b> [as per section 5.6.7 of Hamilton Zoning By-law 05-200]	<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;</p> <p>ii) Landscape Strip;</p> <p>iii) Landscaped Area; and,</p> <p>iv) Landscaped Parking Island.</p>	Not proposed	N/A



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	<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>	Not proposed	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>	Not proposed	N/A
<b>5.7 PARKING SCHEDULES</b>			
<p><b>Parking Schedules</b> [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>	Property within PRA 2	See Review of Parking Below
	<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>	PRA 2	N/A
<p><b>Minimum Required Parking Rate Schedule</b> [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><b>Refer to table in By-law 5.7.1</b></p>	<p>280 spaces</p> <p>246 within parking facility</p> <p>5 new spaces within rear yard</p> <p>29 existing spaces</p>	Conforms/Deemed to Comply

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	<p><b><u>Medical Clinic</u></b></p> <p>4.5 spaces for each 100.0 square metres of gross floor area.</p> <p>Approximately 3,786 m<sup>2</sup> GFA (or less)</p> <p>3,768/ 100 = 37.86 x 4.5 = 170.37</p> <p>107 parking spaces required</p> <p>Existing Building/Use exempt from required parking as per Section 5.1.1 b)</p>								
<p><b>Maximum Permitted Parking Rate Schedule</b> [as per section 5.7.2 of Hamilton Zoning By-law 05-200]</p>	<p><b><u>a) Maximum Permitted Parking Rate Schedule</u></b></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><b>Refer to table in By-law 5.7.2</b></p> <p>Maximum 36 spaces permitted for a Multiple Dwelling</p>	No maximum – 280 parking spaces	<b>N/A</b>						
<p><b>Minimum Accessible Parking Rate Schedule</b> [as per section 5.7.3 a) of Hamilton Zoning By-law 05-200]</p>	<p><b><u>a) Minimum Accessible Parking Rate Schedules</u></b></p> <p>The minimum number of accessible parking spaces which must be provided shall be the greater minimum number resulting from the calculations in Sections 5.7.3 b) and 5.7.3 c) below, with numeric fractions rounded up in accordance with Section 5.1.1 c) ii) and iii).</p>	Applicant to note calculation	<b>Applicant to Note</b>						
<p><b>Minimum Accessible Parking Calculation 1 - Proportionate to Parking Provision</b> [as per section 5.7.3 b) of Hamilton Zoning By-law 05-200]</p>	<p><b><u>b) Minimum Accessible Parking Calculation 1 - Proportionate to Parking Provision</u></b></p> <p>On a lot containing 5 or more parking spaces, a minimum number of the parking spaces provided shall meet the requirements of the Minimum Accessible Parking Rate Schedule below:</p> <p><b>280 parking spaces provided</b></p> <p><b>280 x 2% = 4.6 = 5 + 2 = 7 spaces required</b></p> <table><tr><td><b><u>Column 1</u></b> <b>Total Number of Parking Spaces Provided</b></td><td><b><u>Column 2</u></b> <b>Minimum Number of Accessible Parking Spaces</b></td></tr><tr><td>5 – 100 spaces</td><td>Minimum 4% of the total number of parking spaces provided;</td></tr><tr><td>101 – 200</td><td>Minimum 1 space + 3%</td></tr></table>	<b><u>Column 1</u></b> <b>Total Number of Parking Spaces Provided</b>	<b><u>Column 2</u></b> <b>Minimum Number of Accessible Parking Spaces</b>	5 – 100 spaces	Minimum 4% of the total number of parking spaces provided;	101 – 200	Minimum 1 space + 3%	No Accessible Parking Provided	<b>Does not Comply</b>
<b><u>Column 1</u></b> <b>Total Number of Parking Spaces Provided</b>	<b><u>Column 2</u></b> <b>Minimum Number of Accessible Parking Spaces</b>								
5 – 100 spaces	Minimum 4% of the total number of parking spaces provided;								
101 – 200	Minimum 1 space + 3%								

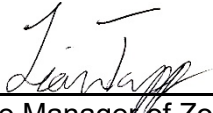
Zoning Compliance Review  
555-559 Sanitorium Road, Hamilton

	spaces	of the total number of parking spaces provided;		
	201 - 1000 spaces	Minimum 2 spaces + 2% of the total number of parking spaces provided; and,		
	1000 or more spaces	Minimum 11 + 1% of the total number of required parking spaces.		
<b>Minimum Accessible Parking Calculation 2 - Where Total Parking Provision is Reduced Pursuant to a Parking Rate Area or Downtown Zone</b> [as per section 5.7.3 c) of Hamilton Zoning By-law 05-200]	<u>c) Minimum Accessible Parking Calculation 2 - Where Total Parking Provision is Reduced Pursuant to a Parking Rate Area or Downtown Zone</u>  The minimum number of accessible parking spaces which must be provided shall be:  a) applying the requirements of Section 5.7.1 to all uses, excluding the existing gross floor area within any existing building, and excluding the application of any Parking Rate Area or Downtown Zone, to produce a total number of parking spaces; and,  b) applying the corresponding requirement listed in Column 2 of Schedule 5.7.3 b) to the total number of parking spaces resulting from the calculation in Section 5.7.3 c) i) a) immediately above to produce the minimum required number of accessible parking spaces.  <b>Refer to table in By-law 5.7.3 c)</b>  <b>Existing GFA for Medical Clinic</b>  <b>Accessory Building not subject to parking requirements</b>		No Accessible Parking Spaces Provided – No Additional GFA Proposed	N/A
<b>Minimum Electric Vehicle Parking Rate Schedule</b> [as per section 5.7.4 a) of Hamilton Zoning By-law 05-200]	a) Minimum Electric Vehicle Parking Rate Schedule 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:  <b>Refer to table in By-law 5.7.4</b>  Multiple Dwelling - 100% of all parking spaces, excluding any visitor parking space  Hotel/ Retail - 50% of spaces required to be electric vehicle  <b>Note: EV Parking is currently under Review</b>		No EV Parking Provided  <b>Note: Be advised, should the appeal to EV parking be resolved prior to the issuance of a building permit, the Electric Vehicle Parking requirements will be applicable upon review for such building permit.”</b>	N/A

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555-559 Sanitorium Road, Hamilton

	and Zoning Review is exempt until such time that the appeal has been resolved.		
<b>Minimum Bicycle Parking Rate Schedule</b> [as per section 5.7.5 a) of Hamilton Zoning By-law 05-200]	<p>a) Minimum Required Bicycle Parking Rate Schedule For each building containing one or more of the uses listed in Column 1 in the following schedule:</p> <p>i) Short-term Bicycle Parking Spaces shall be provided in the minimum quantity specified in Column 2 and subject to the regulations in Section 5.4.2; and</p> <p>ii) Long-term Bicycle Parking Spaces shall be provided in the minimum quantity specified in Column 3 and subject to the regulations in Section 5.4.2.</p> <p>Refer to table in By-law 5.7.5</p>	Existing Building/ Bicycle Parking Conditions	<b>Deemed to Comply</b>

Yours truly



for the Manager of Zoning and Committee of Adjustment

**ACKNOWLEDGEMENT CLAUSE (FOR ZONING COMPLIANCE REVIEW  
APPLICATIONS IN SUPPORT OF A ZONING BY-LAW AMENDMENT, SITE PLAN,  
OR MINOR VARIANCE APPLICATION)**

I/We hereby acknowledge and understand the above noted comments and further acknowledge that the supporting documentation submitted with this Zoning Compliance Review application has not been changed or modified between the date of this letter and the date of application for the subsequent Zoning By-law Amendment, Site Plan, or Minor Variance application.

If the supporting documentation has been changed or modified, a new application for Zoning Compliance Review may be required prior to acceptance of a formal application for Zoning By-law Amendment, Site Plan, or Minor Variance application.

_____	_____	_____
Owner	Owner Signature	Date

_____	_____	_____
Applicant (I have the authority to bind the Owner)	Applicant Signature	Date

_____	_____	_____
Agent (I have the authority to bind the Owner)	Agent Signature	Date

Weston Consulting c/o Martin Quarcoopome  
201 Millway Avenue  
Vaughn, ON L4K 5K8



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR CONSENT TO SEVER LAND  
and VALIDATION OF TITLE  
UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	2358574 Ontario Ltd. c/o Hamid Hakimi		
Applicant(s)**	2358574 Ontario Ltd. c/o Hamid Hakimi		
Agent or Solicitor	Weston Consulting c/o Martin Quarcoopome		

\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

\*\* Owner's authorisation required if the applicant is not the owner or purchaser.

**1.2 Primary contact**

☐ Purchaser  
☐ Applicant

☐ Owner  
☒ Agent/Solicitor

**1.3 Sign should be sent to**

☐ Purchaser  
☐ 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

By Courier

\*Must provide number above

**2. LOCATION OF SUBJECT LAND**

## 2.1 Complete the applicable sections:

Municipal Address	555-559 Sanatorium Road		
Assessment Roll Number			
Former Municipality			
Lot	Part Lot 1 and 2	Concession	
Registered Plan Number	62M-1191	Lot(s)	Part Block 1
Reference Plan Number (s)	62R-20397	Part(s)	Parts 1 and 2 on 62R20223 and Part 1 on 62R-2039

## 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:

Subject to an easement in gross over all as in WE919617.

Subject to an easement over PT 2, 62R-20223 as in WE25523; City of Hamilton.**3 PURPOSE OF THE APPLICATION**

## 3.1 Type and purpose of proposed transaction: (check appropriate box)

☒ creation of a new lot(s)☐ concurrent new lot(s)☐ addition to a lot☐ a lease☐ an easement☐ a correction of title☐ validation of title (must also complete section 8)☐ a charge☐ cancellation (must also complete section 9)☐ creation of a new non-farm parcel (must also complete section 10)

( i.e. a lot containing a surplus farm dwelling

resulting from a farm consolidation)

## 3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Same as retained lands ownership (no change)

## 3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A3.4 Certificate Request for Retained Lands: ☐ Yes\*

\* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

## 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

### 4.1 Description of subject land:

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:					
Type of Transfer	Severance				
Frontage					
Depth					
Area					
Existing Use					
Proposed Use					
Existing Buildings/ Structures					
Proposed Buildings/ Structures	4-storey parking structure (SPA application being prepared)	6-storey residential building and 6-storey retirement building (on-going SPA application)			
Buildings/ Structures to be Removed					

\* Additional fees apply.

### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) Type of water supply proposed: (check appropriate box)

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify)

c) 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)

### 4.3 Other Services: (check if the service is available)

electricity

telephone

school bussing

garbage collection

## 5 CURRENT LAND USE

### 5.1 What is the existing official plan designation of the subject land?

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

Rural Settlement Area: No.

Urban Hamilton Official Plan designation (if applicable) Institutional

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

The application proposes uses as set out within the applicable Institutional designation.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

☐ Yes ☒ No ☐ Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A

5.3 What is the existing zoning of the subject land? I3 - Major Institutional

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

N/A

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

☒ Yes ☐ No ☐ Unknown

If YES, and known, provide the appropriate file number and status of the application.

Minor Variance application HM/A-23:235, Approved.

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	Unknown/No
A land fill	<input type="checkbox"/>	Unknown/No
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	Unknown/No
A provincially significant wetland	<input type="checkbox"/>	Unknown/No
A provincially significant wetland within 120 metres	<input type="checkbox"/>	Unknown/No
A flood plain	<input type="checkbox"/>	Unknown/No
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Unknown/No
An active railway line	<input type="checkbox"/>	Unknown/No
A municipal or federal airport	<input type="checkbox"/>	Unknown/No

## 6 HISTORY OF THE SUBJECT LAND

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

☐ Yes ☒ No ☐ Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

N/A

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

☐ Yes ☒ No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

N/A

- 6.4 How long has the applicant owned the subject land?

7 years. (May, 2017)

- 6.5 Does the applicant own any other land in the City? ☐ Yes ☒ No

If YES, describe the lands below or attach a separate page.

## 7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

☒ Yes ☐ No (Provide explanation)

This application is consistent with the Policy Statements issued under Section 3 of the *Planning Act*.

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

☒ Yes ☐ No (Provide explanation)

This application is consistent with the policies of the Provincial Policy Statement (2020) under the *Planning Act*.

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ Yes ☐ No (Provide explanation)

The application conforms to the Growth Plan and is appropriate given its nature within the Settlement Area Boundary.

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?

☐ Yes ☒ No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes ☒ No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

☐ Yes ☒ No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

☐ Yes ☒ No (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

☐ Yes ☒ No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

☐ Yes ☒ No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

N/A

## 9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

☐ Yes ☒ No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

☐ Yes ☒ No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

N/A

## 10 ADDITIONAL INFORMATION - FARM CONSOLIDATION Section Not Applicable

### 10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation

☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

### 10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

### 10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

### 10.4 Description of farm consolidation property:

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

### 10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

10.6 Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

### 10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

a) Date of construction:

☐ Prior to December 16, 2004

☐ After December 16, 2004

b) Condition:

☐ Habitable

☐ Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- ☒ Application Fee
- ☒ Site Sketch
- ☒ Complete Application Form
- ☒ Signatures Sheet

### 11.2 Validation of Title

- ☐ All information documents in Section 11.1
- ☐ Detailed history of why a Validation of Title is required
- ☐ All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- ☐ All information documents in Section 11.1
- ☐ Detailed history of when the previous consent took place.
- ☐ All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- ☒ Cover Letter/Planning Justification Report
- ☐ Minimum Distance Separation Formulae (data sheet available upon request)
- ☐ Hydrogeological Assessment
- ☐ Septic Assessment
- ☐ Archeological Assessment
- ☐ Noise Study
- ☐ Parking Study

\_\_\_\_\_  
\_\_\_\_\_