COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	**A-25:094**	**SUBJECT PROPERTY:**	53 Fraser Avenue, Hamilton
ZONE:	R1a (Low Density Residential - Small Lot)	**ZONING BY-LAW:**	Hamilton Zoning By-law 05-200

APPLICANTS: Owner: Hamilton East Kiwanis Non-Profit Homes Inc. c/o Brian Sibley
Applicant: Hamilton East Kiwanis Non-Profit Homes Inc. c/o Brian Sibley
Agent: Landwise c/o Jennifer Badley

The following variances are requested:

1. A minimum 2.4 metres aggregate setback from a side lot line shall be permitted instead of the minimum required 3.5 metres aggregate setback from a side lot line.

2. A minimum 6.4 metres setback from the rear lot line shall be permitted instead of the minimum required 7.5 metres setback from the rear lot line.

3. A visual barrier shall not be required along the north side lot line whereas a visual barrier is required along side lot lines and the rear lot line.

PURPOSE & EFFECT: To facilitate the construction of a three (3) storey fourplex.

Notes:

i. Please be advised Building Height shall be in accordance with the definition within the Hamilton Zoning By-law 05-200.

ii. Please be advised that insufficient information was provided to determine zoning compliance with Section 4.9 Mechanical and Unitary Equipment of Hamilton Zoning By-law 05-200. Additional variances may be required if zoning compliance cannot be achieved.

iii. Please be advised that insufficient information was provided to determine zoning compliance with Section 15.2.2.4 k) Waste Storage of Hamilton Zoning By-law 05-200. Additional variances may be required if zoning compliance cannot be achieved.

iv. Be advised, as it pertains to Variance #3, a Visual Barrier shall be required to be provided along the rear lot line and Southerly Lot Line.

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, July 17, 2025**
TIME:	**1:15 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

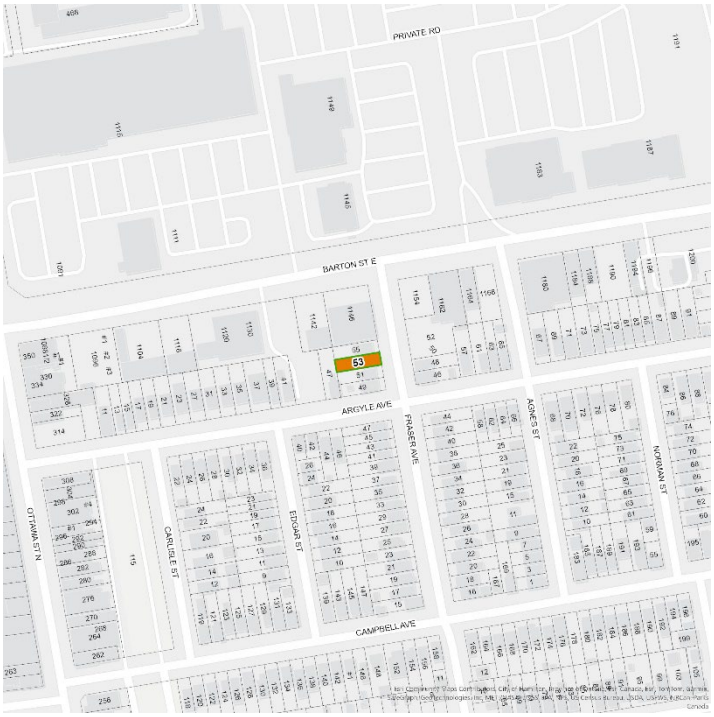
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon July 15, 2025

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 July 16, 2025

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-25:094, 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: June 30, 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, and may include posting electronic versions.

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.

ZONING CHART

53 FRASER AVE, HAMILTON, ON

LOW DENSITY RESIDENTIAL (R1a) ZONE – CITY OF HAMILTON ZONING BY-LAW No. 05-200

PROVISION	REQUIRED	PROPOSED	CONFORMITY
PERMITTED USE	FOURPLEX DWELLING	FOURPLEX DWELLING	YES
MIN LOT AREA	300 (m^2)	209.03 (m^2)	NO
MIN LOT WIDTH	10.0 (m)	7.62 (m)	NO
MIN SETBACK FROM STREET LINE	4.0 (m) OR WITHIN 10% OF THE AVERAGE SETBACK FROM THE FRONT LOT LINE OF THE TWO ADJACENT DWELLINGS = +/-3.22 (m)	3.58 (m)	YES
MIN SETBACK FROM A SIDE LOT LINE	1.2 (m) AND A MINIMUM AGGREGATE OF 3.5 (m)	1.2 (m) AGGREGATE=2.4 (m)	YES NO
MIN SETBACK FROM THE REAR LOT LINE	7.5 (m)	6.47 (m)	NO
MAX BUILDING HEIGHT	10.5 (m)	10.5 (m)	YES
MIN TOTAL LANDSCAPED AREA	30%	55.3%	YES
MIN FRONT YARD LANDSCAPED AREA	50%	76%	YES
MIN TREE PROTECTION AND/OR TREE PLANTING	• EACH SIDE 3.75 (m) IN LENGTH • SHALL NOT CONTAIN HARD LANDSCAPING OR STRUCTURES	3.75 (m) X 3.75 (m) TREE PLANTING AREA PROVIDED	YES
MIN LANDSCAPE WHEN PARKING SPACES ARE LOCATED IN REAR YARD	• 1.5 (m) WIDE LANDSCAPE STRIP BETWEEN PARKING AREA AND SIDE LOT LINE AND SHALL CONTAIN A WALL OR FENCE • 3.0 (m) WIDE LANDSCAPED STRIP BETWEEN PARKING AREA AND REAR LOT LINE AND SHALL CONTAIN A VISUAL BARRIER	N/A N/A	N/A
VISUAL BARRIER	PROVIDED ALONG THE SIDE LOT LINES AND REAR LOT LINE	TO BE CONFIRMED – SHOULD BE ABLE TO CONFORM THROUGH DETAILED DESIGN	APPEARS TO CONFORM
AMENITY AREA	NOT PERMITTED IN THE SIDE YARD OR ON THE ROOFTOP OF THE DWELLING	PROVIDED IN REAR YARD	YES
WASTE STORAGE	OUTDOOR WASTE STORAGE SHALL BE FULLY ENCLOSED AND SHALL NOT BE LOCATED IN THE FRONT YARD	TO BE CONFIRMED – SHOULD BE ABLE TO CONFORM THROUGH DETAILED DESIGN	APPEARS TO CONFORM
PARKING REQUIREMENTS – PRA 1			
REQUIRED PARKING PROVIDED ON SAME LOT	ALL REQUIRED PARKING SHALL BE LOCATED ON THE SAME LOT AS THE USE FOR WHICH THEY ARE REQUIRED	PARKING SPACE IS NOT REQUIRED	N/A
MIN ACCESSIBLE PARKING	0	N/A	N/A
MIN REQUIRED PARKING IN PRA 1	0	N/A	N/A

SITE DATA

53 FRASER AVE, HAMILTON, ON

DATA		REQUIRED	PROVIDED
ZONING		ZONING - R1a	
LOT AREA (m^2)		209.03 (m^2)	
LOT FRONTAGE (m)		10.0 (m)	7.62 (m)
SETBACKS	FRONT YARD (m)	4.0 (m) OR 10% AV.	3.58 (m)
	INTERIOR SIDE YARD (m)	1.2 (m)	1.2 (m)
	INTERIOR SIDE YARD (m)	1.2 (m)	1.22 (m)
	REAR YARD (m)	7.5 (m)	6.47 (m)
	AGGREGATE SIDE YARD (m)	3.5 (m)	2.4 (m)

BUILDING DATA

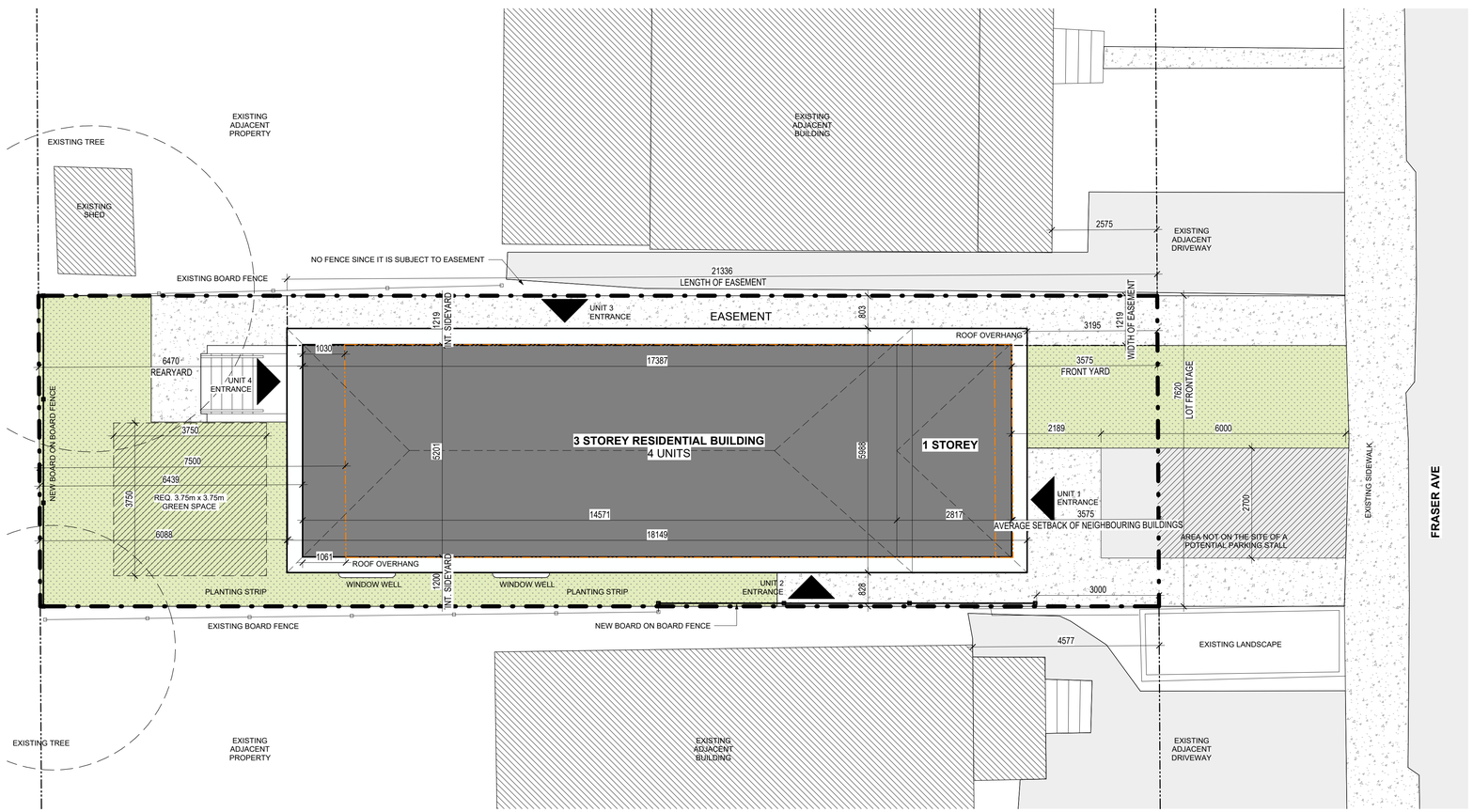
DATA	REQUIRED	PROVIDED
TOTAL DENSITY (# of units)	4 (units)	4 (units)
BUILDING AREA (m^2)	---	89.68 (m^2)
GROSS CONSTRUCTION AREA (m^2)	---	274.67 (m^2)
NUMBER OF STOREYS	---	3 STOREYS
BUILDING HEIGHT (m)	10.5 (m) MAX.	10.5 (m)

LOT COVERAGE DATA

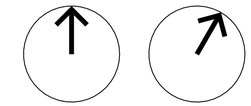
DATA	REQUIRED	PROVIDED
LANDSCAPE AREA (percentage)	30 (%)	55.3 (%)
LANDSCAPE AREA (m^2)	62.71 (m^2)	115.55 (m^2)
ASPHALT AREA (percentage)	--	1.8 (%)
ASPHALT AREA (m^2)	--	3.8 (m^2)
BUILDING AREA (percentage)	--	42.9 (%)
BUILDING AREA (m^2)	--	89.68(m^2)

VEHICLE PARKING DATA

DATA	REQUIRED	PROVIDED
RESIDENTIAL PARKING	PRA 1 = 0	1 FRONT YARD
BARRIER FREE PARKING	0	-
	TOTAL	1



2 **SITE PLAN**
1 : 65



No.	Date	Revision

Client:

Project Name / Address:

KIWANIS PROTOTYPE
53 FRASER AVE,
HAMILTON

SRM architects+ urban⋆designers

Project No:	24044
Drawing Date:	2025-04-03
Drawn by:	CRZ
Checked by:	RPH
Office Location:	KITCHENER
Plot Date / Time:	2025-06-23 1:03:52 PM

Drawing Name:

SITE PLAN

PRELIMINARY

Drawing Scale:	As indicated
Status:	
Revision No.:	
Drawing No.:	**D1.1C**

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to the Architect before proceeding with the work. All documents remain the property of the Architect. Unauthorized use, modification, and/or reproduction of these documents is prohibited without written permission. The Contract Documents were prepared by the Consultant for the account of the Owner.
The material contained herein reflects the Consultant's best judgement in light of the information available to him at the time of preparation. Any use which a third party makes of the Contract Documents, or any reliance on or decisions to be made based on them are the responsibility of such third parties. The Consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the Contract Documents.

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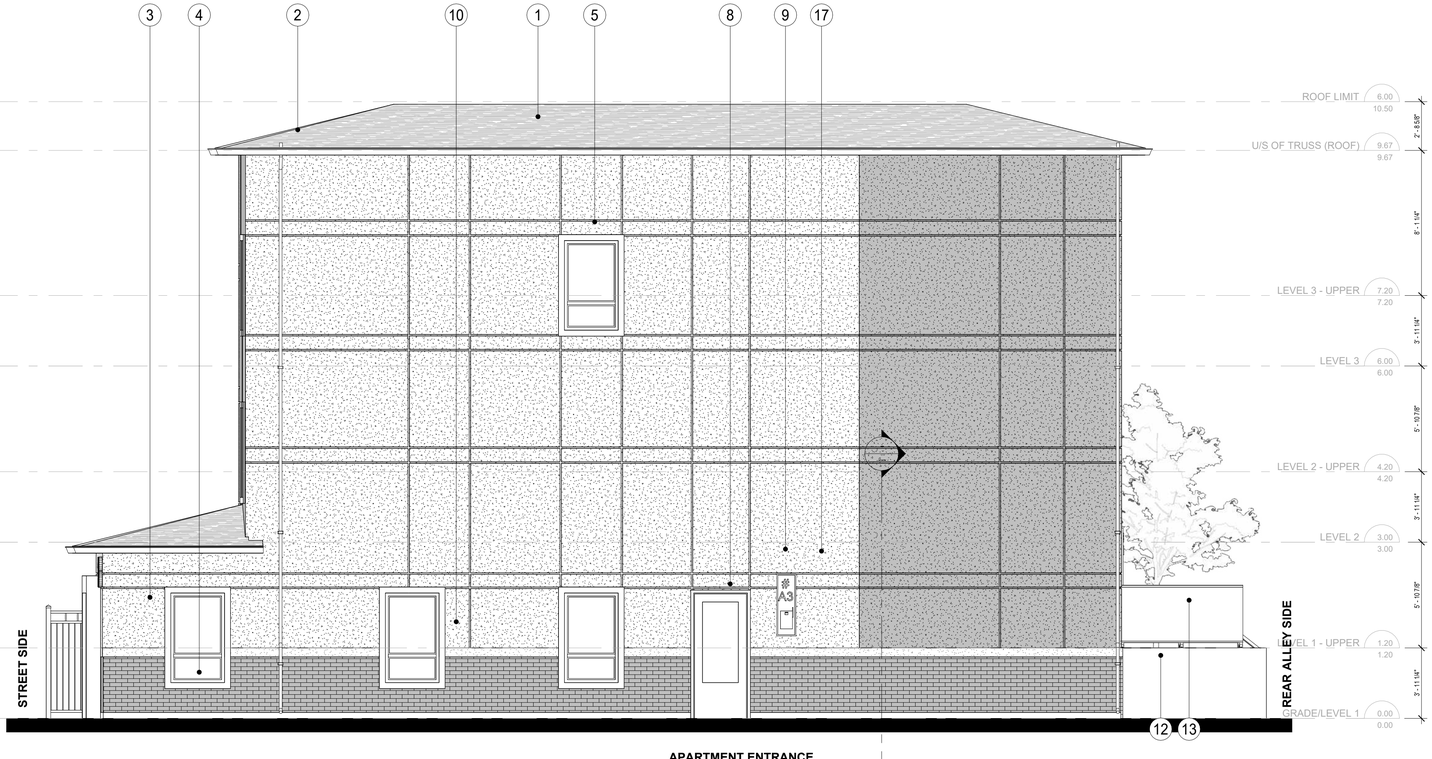
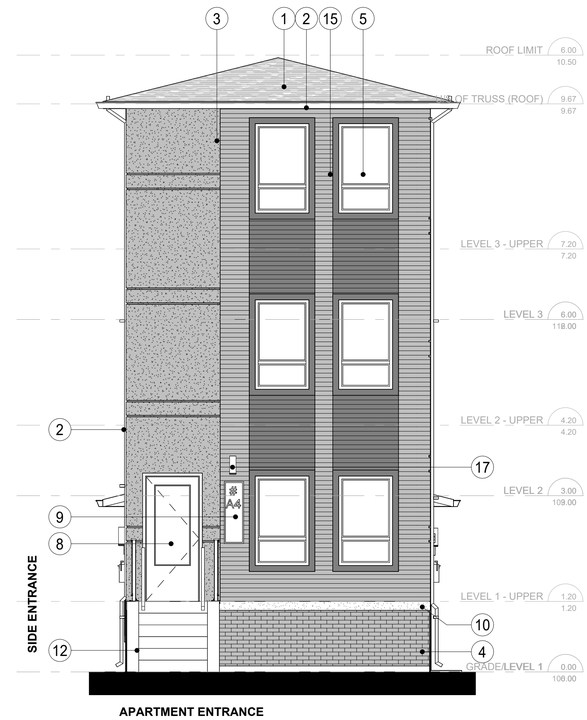
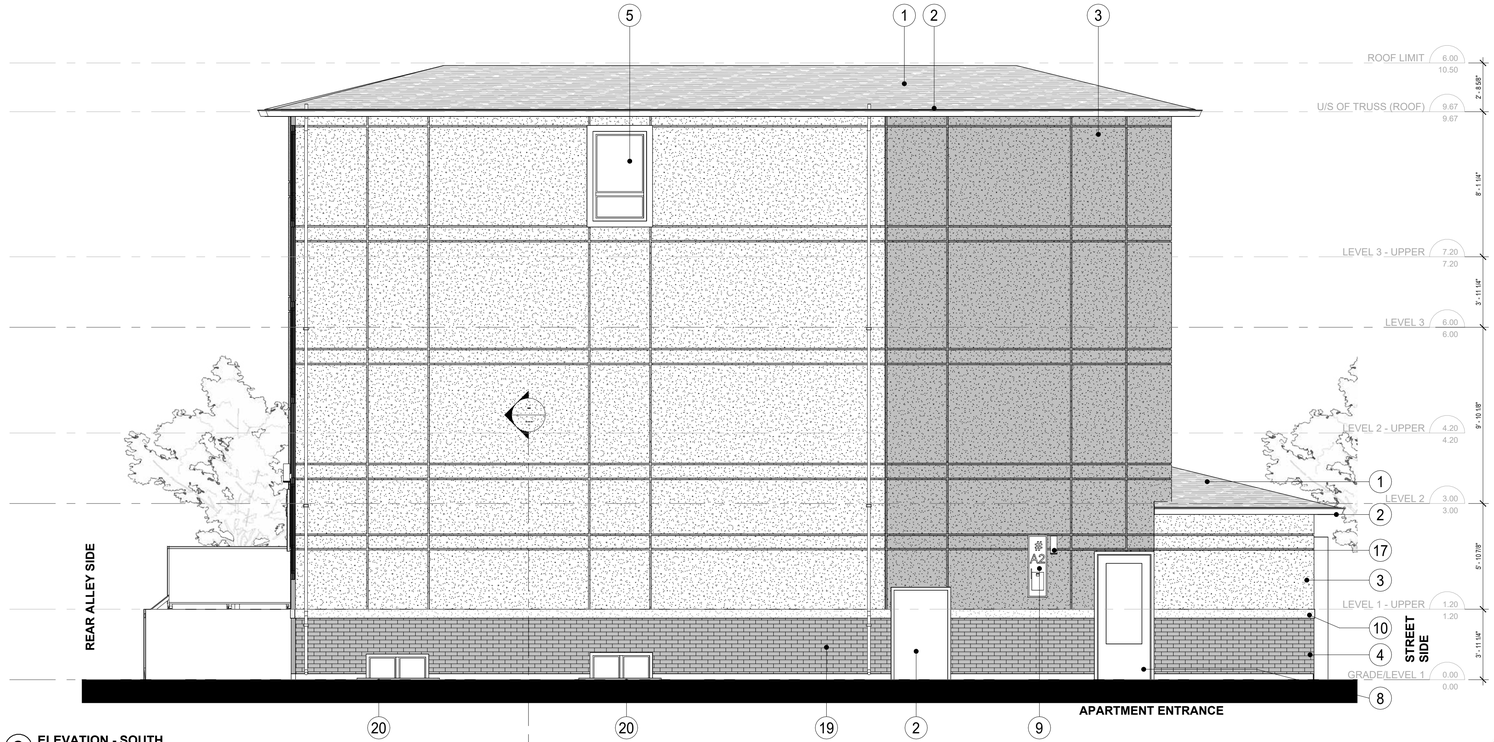


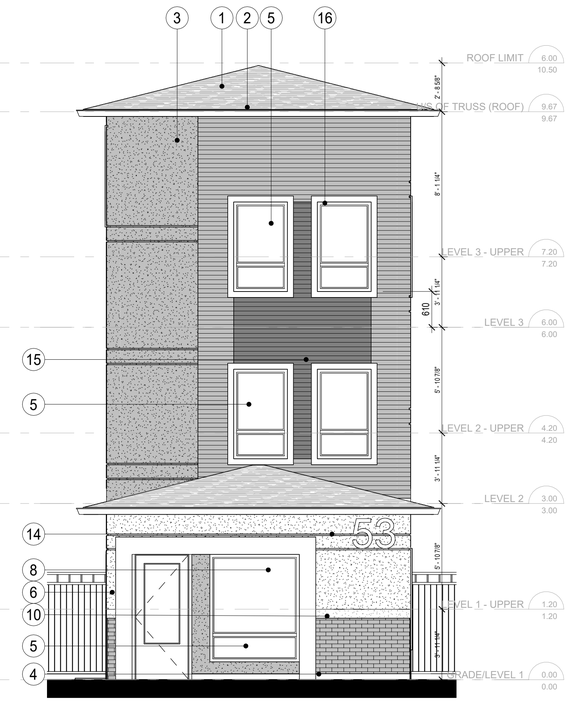
4 ELEVATION - NORTH
1/4" = 1'-0"



3 ELEVATION - WEST
1/4" = 1'-0"



2 ELEVATION - SOUTH
1/4" = 1'-0"



1 ELEVATION - EAST
1/4" = 1'-0"

ELEVATIONS LEGEND

NOTE:
PANEL SIZES AND REVEALS SHOWN FOR CLARIFICATION ONLY. FINAL PANEL SIZES AND REVEALS TO BE COORDINATED WITH SHOP DRAWINGS, MANUFACTURER, AND ARCHITECT.

COORDINATE WINDOW SIZES, OPERABLE PANELS WITH WINDOW SCHEDULE.

C.J. MASONRY CONTROL JOINT
M.C. MASONRY COURSING

1. ASPHALT SHINGLES. REFER TO ROOF PLAN.
2. PREFINISHED METAL FASCIA, GUTTER, AND DOWNSPOUT.
3. EIFS
4. ARCHITECTURAL BRICK VENEER (FINISH TYPE 1)
5. SEALED DOUBLE GLAZED THERMALLY BROKEN VINYL WINDOW ASSEMBLY.
6. PREFINISHED METAL TRIM
7. -
8. SEALED DOUBLE GLAZED THERMALLY BROKEN PREFINISHED EXTRUDED ALUMINUM DOOR ASSEMBLY
9. WAYFINDING SIGNAGE
10. PRE-CAST CONC. BANDING. COORDINATE W/ COURSING.
11. -
12. CAST-IN-PLACE CONCRETE WALL
13. FLOOR MOUNTED RAILING SYSTEM
14. HOUSE SIGNAGE
15. VINYL SIDING
16. PREFINISHED METAL CLAD WINDOW FEATURE AND TRIM
17. LIGHT FIXTURE
18. -
19. METER LOCATIONS TBD
20. AREA WELLS

No.	Date	Revision

Client:

Project Name / Address:

KIWANIS PROTOTYPE
53 FRASER AVE,
HAMILTON

SRM↗
architects+
urban*designers

Project No:	24044
Drawing Date:	2025-06-18
Drawn by: MSW	Checked by: PG
Office Location:	KITCHENER
Plot Date / Time:	2025-06-23 1:03:54 PM

Drawing Name:

ELEVATIONS - 53 FRASER AVE.

PRELIMINARY

Drawing Scale: As indicated
Status:
Revision No.:
Drawing No.: **D3.3**

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to the Architect before proceeding with the work. All documents remain the property of the Architect. Unauthorized use, modification, and/or reproduction of these documents is prohibited without written permission. The Contract Documents were prepared by the Consultant for the account of the Owner.
The material contained herein reflects the Consultant's best judgement in light of the information available to him at the time of preparation. Any use which a third party makes of the Contract Documents, or any reliance on or decisions to be made based on them are the responsibility of such third parties. The Consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the Contract Documents.

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2 **ELEVATION - WEST ANGULAR PLANE**
1/4" = 1'-0"

1 **ELEVATION - SOUTH ANGULAR PLANE**
1/4" = 1'-0"

No.	Date	Revision

Client:

Project Name / Address:

KIWANIS PROTOTYPE
53 FRASER AVE,
HAMILTON

SRM↗ architects+ urban⋆designers

Project No:	24044
Drawing Date:	2025-06-19
Drawn by: MSW	Checked by: PG
Office Location:	KITCHENER
Plot Date / Time:	2025-06-26 9:25:48 AM

Drawing Name:

ANGULAR PLANE ELEVATIONS

PRELIMINARY

Drawing Scale:	1/4" = 1'-0"
Status:	
Revision No.:	
Drawing No.:	**D3.4**

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to the Architect before proceeding with the work. All documents remain the property of the Architect. Unauthorized use, modification, and/or reproduction of these documents is prohibited without written permission. The Contract Documents were prepared by the Consultant for the account of the Owner.
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landwise
PLAN • DESIGN • MANAGE

MEMORANDUM

To: Development Planning, City of Hamilton

From: Landwise

Date: June 25, 2025

RE: A-25:094 – 53 Fraser Avenue, Hamilton

Landwise was retained by the landowner and applicant, Hamilton East Kiwanis Non-Profit Homes Inc. ("Kiwanis") to submit a Minor Variance application for 53 Fraser Avenue (A-25:094). As recommended by Staff the application was tabled at the June 19th, 2025 Committee of Adjustment meeting, and rescheduled for July 17th, 2025. The application was tabled to provide the applicant and agent the opportunity to work with Staff to address some of their concerns and provide additional supporting material.

This memo will provide further analysis and rationale to support the Minor Variance application in accordance with the Staff Comment report included as Appendix A. This memo should be read in conjunction with the Planning Rationale dated May 5, 2025, which was submitted in support of the application.

Kiwanis Small Lot Intensification Project

As one of the largest non-profit housing providers in the City, Kiwanis currently own and manage approximately 1,000 homes in the Hamilton area. Their mission is to provide safe, sustainable housing communities for families in the City of Hamilton.

Kiwanis is an experienced and respected developer in the City. Having undergone a review of their existing portfolio in the last number of years, they have identified opportunities to redevelop a number of their properties to accommodate additional affordable housing units. These projects are at various stages of development but notably include 6 Acorn Avenue, 1540 Upper Wentworth Street, and 1362-1374 Barton Street East, all of which have/will contribute greatly to the City's affordable housing stock.

In response to policy changes initiated by the City of Hamilton, with the introduction of triplexes and fourplexes permitted in low density residential neighbourhoods, Kiwanis took the initiative to revisit their development strategy and prioritize fourplex conversions as a means to preserve and expand affordable housing across the city. Their approach was guided by two core principles:

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Hamilton, ON L9C 2V2
www.landwise.ca

1. Reducing unit costs through replicable design; and
2. Accelerating construction timelines by streamlining planning approvals via standardized process.

With these goals in mind, Kiwanis identified three pilot project sites to create a workable design. Kiwanis worked in conjunction with the City of Hamilton, to identify process concerns and ensure that the in the future the project could benefit from economies of scale. Reflecting Kiwanis' overall mission to bring more affordable housing units to the City, their intent is to share their work with city partners and other like-minded organizations, including City Housing Hamilton, for future replicability of the Small Lot Intensification Project. The proposed development at 53 Fraser Avenue forms part of Kiwanis' Small Lot Intensification Project pilot program.

Proposed Development and Minor Variances

Through the Small Lot Intensification Project, Kiwanis' goal is to redevelop small, underutilized properties to provide additional affordable housing rental units in the City in Hamilton. The proposed development at 53 Fraser Avenue is a three-storey fourplex dwelling with one, one-bedroom unit and three, two-bedroom units. The proposed building has a footprint of ±89.68m^2 and a gross floor area of ±274.67m^2. One parking space is proposed partially within the front yard and the right-of-way boulevard (subject to a Driveway Access and Residential Boulevard Application). Communal outdoor amenity space is proposed in the rear and front yards.

To facilitate the proposed development, three Minor Variances are being sought from the Low Density Residential – Small Lot (R1a) Zone in the City of Hamilton Zoning By-law No. 05-200. The requested variances are as follows:

Zoning By-law 05-200		
	Section	Purpose
1	15.2.2.4 d)	To permit a minimum aggregate setback from the side lot lines of 2.4m, whereas 3.5m is required.
2	15.2.2.4 f)	To permit a minimum setback from the rear lot line of 6.4m, whereas 7.5m is required.
3	15.2.2.4 i)	That a visual barrier shall not be required along the north side lot line, whereas a visual barrier is required along side lot lines and the rear lot line.
~~4~~	~~15.2.2.4 a)~~	~~To permit a minimum lot area of 209.0m^2, whereas 300.0m^2 is required.~~
~~5~~	~~15.2.2.4 b)~~	~~To permit a minimum lot width of 7.6m, whereas 10.0m is required.~~

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www.tjohnsconsulting.com

Note regarding strikethrough above: Variance 4 and 5 were included in the original application and circulation. However, an interpretation received from Zoning Staff via email June 23rd confirmed that, subject to Section 4.12 f) of Zoning By-law No. 05-200, Lot Area and Lot Width requirements are not applicable to the existing lot fabric, despite a change in use from a single detached dwelling to a fourplex.

Summary of the Four Tests Under the Planning Act

As discussed in the Planning Rationale, overall, the requested variances maintain the intent of the *Urban Hamilton Official Plan* by facilitating compatible infill development that supports residential intensification, contributes to a range of housing types and tenures including affordable rental units, aligns with the Neighbourhood Infill Design Guidelines, and promotes transit-supportive, low-density development that respects the existing streetscape and surrounding built form.

Variance 1: The minimum aggregate setback cannot be achieved as the building design prioritizes the inclusion of two-bedroom, family friendly units, which require a larger building footprint. The intent of the aggregate setback is to ensure adequate access to the rear yard, and to accommodate the secondary entrances that may be required for fourplex dwellings. The requested reduction maintains the intent of the Zoning By-law, as sufficient access is achieved through the proposed 1.2m side yard setbacks, which meet the minimum individual setback requirement. The variance is minor, as a functional side yard is preserved, and the proposed setbacks are consistent with the existing conditions along the streetscape. The variance is desirable for the development of the property as privacy and overlook impacts are appropriately mitigated through thoughtful design measures.

Variance 2: Recognizing the importance of maintaining a consistent and compatible streetscape, a front yard setback has been established which reflects the average setback of the neighbouring buildings, in accordance with the Zoning By-law. Shifting the building to increase the rear yard setback would create a deficiency in the front yard setback and a conflict between the proposed boulevard parking space and the front entrance. The intent of the rear yard setback is to ensure adequate landscaped amenity space and to mitigate any privacy or overlook concerns. The requested reduction maintains the intent of the Zoning By-law, as the entire rear yard is proposed as landscaped amenity space and there will be no changes in impact of privacy or overlook as a result of the variance compared to the as-of-right building height and rear yard setback. The variance is minor as a functional rear yard is maintained. The variance is desirable as it facilitates the appropriate development of the site, while respecting the established streetscape, and ensuring no adverse impacts on the adjacent properties.

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Variance 3: A visual barrier cannot be provided along the northerly side lot line due to the presence of an existing 1.2m right-of-way easement in favour of the adjacent property to the north. The intent of the Zoning By-law is maintained, as the variance is technical in nature and serves to recognize an existing legal agreement registered on title. The variance is minor, as it applies solely to the lot line affected by the easement and reflects an existing site constraint. The variance is desirable as it allows for the continued legal use of the easement while enabling compatible development on the subject property.

Additional rationale for the proposed variances are provided through the analysis of the Neighbourhood Infill Design Guidelines below.

Neighbourhood Infill Design Guidelines

The City of Hamilton created Neighbourhood Infill Design Guidelines as the City's intensification objectives and permissions expanded. The guidelines are meant to guide the creation and evaluation of multiplex infill development in the City to promote high quality design that complements the existing streetscape. In addition, the guidelines are to inform the evaluation of Minor Variance applications before the Committee of Adjustment. The following section provides an analysis of the relevant policies from the Neighbourhood Infill Design Guidelines in relation to the proposed development of 53 Fraser Avenue and the requested variances.

Policy	Planning Comment
2.1 SITE DESIGN	
Landscaping *2.1.3. Provide privacy planting in the following situations:* *a) Use privacy planting to screen utilities, parking, and servicing areas; and* b) *Should privacy planting be provided, it should be those that retain their leaves throughout the year for additional screening along the side and rear lot lines to create a privacy screen between the proposed units and adjacent uses.*	Although planting details will be further refined by the applicant at a later date, the development proposes softscape planting areas wherever possible. Screening is provided in the rear yard through the designated tree planting area, and a proposed board on board fence that will meet the visual barrier requirements established through the Zoning By-law and help mitigate the impacts of the reduced rear yard setback.
Fencing *2.1.4. Where fencing is provided, it shall act as a visual barrier / screen along the*	A visual barrier is provided along the southerly side yard by way of planting strip and board on board fencing.

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side and rear lot lines abutting existing residential uses. ***2.1.5.*** *Where rear yard parking exists, provide solid screening along side and rear lot lines to block headlight trespass from cars to abutting residential uses.* ***2.1.6.*** *Fencing should be constructed of renewable and durable low-maintenance materials.* ***2.1.7.*** *Fencing in the front yard should be avoided with privacy planting preferred.*	A visual barrier cannot be accommodated along the northerly side yard, as there is an existing right-of-way easement in favour of the abutting property that is required to remain free and clear. As such, the applicant is seeking a variance to modify this provision.
Amenities ***2.1.11.*** *Provide on-site private and/or communal amenity area for each residential unit via a porch, balcony, deck or at grade space.* ***2.1.12.*** *Private amenity spaces must have direct access to sunlight.* ***2.1.13.*** *Private amenity spaces must have a minimum depth of 1.5 meters and should be screened with a railing/screen and/or privacy planting.* ***2.1.14.*** *Private amenity spaces above the ground floor shall face the front and/or rear yard, and/or exterior side yards fronting a street only.* ***2.1.15.*** *Planting is encouraged within amenity spaces and green roofs are encouraged.*	Communal amenity areas are provided at grade within the rear and front yard landscaped areas. Balconies are not proposed.
2.2 BUILT FORM	
Massing *Well-proportioned built form will be achieved through a thoughtful composition of building elements which correspond with the massing of the surrounding homes.* ***2.2.1*** *Design buildings to reflect/resemble the massing and height of existing built form along the street. Additional massing may be contemplated away from the streetscape/ public realm.* ***2.2.2.*** *Design large roofs as composition of smaller roof forms. Functional dormers are also desirable.*	The subject lands are permitted a maximum building height of 10.5m as of right. The proposed development will not exceed the maximum height permitted in the R1a Zone, and as such a variance related to building height has not been requested. To reflect the existing massing along the street, the proposed building has been designed with a 2.8m building stepback above the first storey at the street facing façade. This stepback will create a human scale at the street, with a more articulated

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2.2.3. Where the lot width is wide enough to accommodate access to the rear yard through the side yard, parking should be provided in the rear. *2.2.4. Use techniques to reduce the impact of massing such as additional articulation of the façade (projection and recesses), smaller architectural components and detailing.*	façade. Different but complementary building materials have been selected to provide additional articulation of the façade. The third storey and roof form were designed to maximize the functional floor area, and in turn maximize the number of two-bedroom family units that could be accommodated as there is a significant need for family sized units in the City. As noted above, other design features have been incorporated to ensure a well-proportioned, thoughtful built form. The subject lands are located within the PAR 1, and as such 0 parking spaces are required. However, the applicant has submitted a boulevard parking application to maintain the existing boulevard parking space, and maximize the landscaped area provided in the rear yard. Despite the proposed boulevard parking space, the development is providing 75% of the front yard as landscaped area.
Height/Transition *All effort should be made to achieve a height which complements the heights of the existing surrounding homes.* *2.2.6. Design buildings to respect the height of existing built form along the street.* *2.2.7. Propose the ground floor at grade, or no higher than the finished first floor elevation of the surrounding dwellings.* *2.2.8. When proposing a structure more than one storey taller in height than surrounding homes, transition the height away from the lower buildings by:* *a) stepping down the side of the proposed building;* *b) providing additional step-back of the upper storey(s) along the street;*	The subject lands are immediately surrounded by two-storey buildings in accordance with the definitions of Zoning By-law No. 05-200. As such, policy 2.2.8 of the Neighbourhood Infill Design Guidelines does not apply. The Zoning By-law plans for future growth in the neighbourhood by permitting a range of dwelling types, including fourplexes and building height up to 10.5m, not only on the subject lands, but also on the abutting lands. Additionally, the property is located along the periphery of the neighbourhood, south of the Centre Mall Community Node and Barton Street East, which has been zoned for future mixed-use development, with building heights up to 22.0 metres.

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c) providing step-back of the upper storey(s) at the rear (proportionate depth to height); and *d) incorporating the upper storey within the roof structure.* ***2.2.9.*** *Provide varied height in the rooflines to de-emphasize the overall height.* ***2.2.10.*** *If flat roofs are proposed, they should transition to the lower homes through stepped levels and increased side yard setbacks.*	The proposed building has been designed with a 2.8m building stepback above the first storey at the street facing façade. This building stepback is reflective of the existing streetscape and provides a transition in height, contributing to a compatible built form. As demonstrated on the angular plane sketch, the as of right building height of 10.5m and rear yard setback of 7.5m result in an angular plane of 54.5°. At the reduced rear yard setback of 6.4m, the 54.5° angular plane intersects with the proposed building towards the top of the highest window on the rear elevation, 1.8m from the third storey floor. Given the average male height is approximately 1.75m, which is below this intersection point, the reduced rear yard setback is not expected to result in any additional impact on the lands to the west. The proposal is not expected to result in any overlook or privacy concerns for the adjacent properties along the side lot lines. Only a single window is proposed above the first storey on each side elevation, and they are setback 5.1m and 8.6m from the rear of the building. As a result, the windows will primarily overlook the roofs of the neighbouring buildings, rather than their rear yards, thereby preserving privacy.
Setbacks *Setbacks with generous landscape buffers which follow the established patterns in the neighbourhood help mitigate negative visual impacts of larger infill developments.* ***2.2.12.*** *Site layout shall achieve the following objectives, in order of priority:*	The site layout has been designed to provide a front yard setback that is the average from the front lot line of the two adjacent dwellings, in accordance with the Zoning By-law. The development proposes 1.2m side yard setbacks. The existing dwelling provides a 1.2m northerly side yard and a 0.2m southerly side yard setback. The abutting properties provide

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a) Streetscape appearance, which shall be achieved by designing front and side yard setbacks that are consistent with the established setbacks along the street; *b) A landscaped area that:* *i. Incorporates soft landscaping;* *ii. Maximizes the pervious area of the lot; and,* *iii. Maintains or expands the urban tree canopy coverage.* *c) Consistency in the established rear yard setback. If a reduction in rear yard setback is proposed, the building should not interfere with a 45 degree angular plane projected from the rear property line.* ***2.2.13.*** *Setbacks should maximize natural light access into the units and minimize shadow impacts on adjacent properties.* ***2.2.14.*** *Variations to setbacks should be accommodated to protect mature trees.* ***2.2.15.*** *Minimize overlook conditions and ensure adequate privacy for the adjacent lots.* ***2.2.16.*** *A reduction in the minimum setback from the side lot line may be considered when no windows to habitable spaces are proposed on the side elevation.*	side yard setbacks of approximately 1.0m. The front and side yard setbacks are consistent with the established setbacks along the street. The proposed development provides 55.3% of the total lot area as landscaped area, which exceeds the minimum requirement of 30%. Within that 55.3%, ample softscape area is provided within the rear, side and front yards. A designated tree planting area has been provided in the rear yard in accordance with the zoning requirements. As noted above, a reduction of the rear yard setback is being requested, from the required 7.5m, to 6.4m. As demonstrated on the angular plane sketch, the requested rear yard reduction will not result in any additional overlook or privacy impacts on the lands to the west. The intent of the aggregate side yard setback is to provide additional space for storage and access to rear yard amenity space, secondary entrances, garbage storage, bike storage etc. As a result of the thoughtful window placement on the side facades, the reduced rear yard setback and reduced aggregate side yard will not create any overlook or privacy concerns to the properties that abut the side lot lines. As demonstrated on the Site Plan, the reduced aggregate side yard setback does not impede access or storage on the property.

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The proposed development represents a sensitive and contextually appropriate form of infill that aligns with the City's Neighbourhood Infill Design Guidelines. The design prioritizes compatibility with the surrounding built form through generous landscaping, reduced massing at the street, and thoughtful placement of windows to mitigate privacy and overlook concerns. The proposal exceeds minimum landscaping requirements, provides functional amenity areas, and incorporates a clear transition in height through stepbacks and articulation. Overall, the application supports the City's broader intensification and affordable housing goals while maintaining neighbourhood character. Landwise is of the opinion that the requested variances meet the four tests under the *Planning Act*, being are minor in nature, desirable for the appropriate use of lands, maintain the intent of the Official Plan and Zoning By-law, and represent good land use planning.

As always, Landwise is fully committed to working collaboratively with Staff, and appreciate Staff's thoughtful review and comments.

Respectfully Submitted,

LANDWISE

Jennifer Badley, B.A.
Planner

Shannon McKie, RPP, MCIP
Associate / Principal Planner

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Landwise has been retained by Hamilton East Kiwanis Non-Profit Homes Inc. ("Kiwanis") to prepare the following Planning Rationale in support of the Minor Variance application for 53 Fraser Avenue in the City of Hamilton ("subject lands").

DESCRIPTION OF SUBJECT LANDS

The subject lands are a rectangular shaped lot with an area of 209.03m^2 and 7.62m of frontage along Fraser Avenue (Figure 1). The property is currently occupied by a 1.5-storey single family dwelling.

Figure 1 – Site Location

SUBJECT LANDS
53 Fraser Avenue
Hamilton, ON L8H 4G9

PROPOSED DEVELOPMENT

The proposed development forms part of Kiwanis' Small Lot Intensification Project, which aims to redevelop small lots containing single family dwellings into multiplex dwellings. The proposed development at 53 Fraser Avenue is a three-storey fourplex dwelling with one one-bedroom unit and three two-bedroom units. The proposed building has a footprint of ±89.68m^2 and a gross floor area of 274.67m^2. One parking space is proposed partially within the front yard and the right-of-way boulevard (subject to a Driveway Access & Residential Boulevard Application). Communal outdoor amenity space is proposed in the rear yard.

PLANNING STATUS

Urban Hamilton Official Plan

The subject lands are designated 'Neighbourhoods' (Schedule E and Schedule E-1) in the *Urban Hamilton Official Plan*. Within the 'Neighbourhoods' designation, low density residential areas are characterized by lower profile, grade-oriented built forms within the interior of neighbourhoods. Permitted uses within low density residential areas include fourplex, with a maximum building height of 3-storeys.

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

53 Fraser Avenue is zoned Low Density Residential – Small Lot (R1a) Zone in the City of Hamilton's Comprehensive Zoning By-law No. 05-200. The R1a Zone permits a range of residential uses including a fourplex dwelling.

NATURE AND EXTENT OF RELIEF APPLIED FOR:

Four Minor Variances are being sought from the City of Hamilton Zoning By-law No. 05-200 R1a Zone, as follows:

Zoning By-law 05-200		
	Section	**Purpose**
1	15.2.2.4 a)	To permit a minimum lot area of 209.0m^2, whereas 300.0m^2 is required.
2	15.2.2.4 b)	To permit a minimum lot width of 7.6m, whereas 10.0m is required.
3	15.2.2.4 d)	To permit a minimum aggregate setback from the side lot lines of 2.4m, whereas 3.5m is required.
4	15.2.2.4 f)	To permit a minimum setback from the rear lot line of 6.4m, whereas 7.5m is required.

PLANNING RATIONALE

Overall Conformity to the *Urban Hamilton Official Plan*

The *Urban Hamilton Official Plan* designates the subject lands "Neighbourhoods". The neighbourhood within which the subject lands are located is characterized by the *Urban Hamilton Official Plan* as a low density residential area, with lower profile, grade oriented

built forms. The proposed three-storey fourplex is permitted as-of-right within low density residential areas (E.3.4.3.a; E.3.4.5).

Residential intensification such as the proposed development is encouraged throughout the City's built-up area (E.2.2.6). Proposals for residential intensification within the Neighbourhoods designation are subject to the evaluation criteria set out in Policy B.2.4.2.2. The proposed fourplex dwelling with affordable rental units will contribute to achieving a range of dwelling types and tenures. The proposal is transit supportive, being in close proximity to transit stops and routes along Barton Street East. The design meets the Neighbourhood Infill Design Guidelines (B.2.4.2.2.k) including compatibility with adjacent land uses and built form, maintenance of the existing streetscape in terms of setbacks and building separation, natural vegetation and soft landscaping along the public frontage, communal amenity space in the rear yard, and minimal surface parking in the front yard.

The requested minor variances will facilitate compatible infill development of new affordable housing, thus maintaining the intent of the *Urban Hamilton Official Plan.*

Variance 1: To permit a minimum lot area of ±209.0m², whereas 300.0m² is required.

Variance 2: To permit a minimum lot width of 7.6m, whereas 10.0m is required.

Variance 3: To permit a minimum aggregate setback from the side lot lines of 2.4m, whereas 3.5m is required.

The requested variances will recognize the existing site conditions of deficient lot area and lot width, which in turn do not allow for the required minimum aggregate setback from the side lot lines. The variances are minor as the area and width of the subject lands are consistent with other lots in the neighbourhood, many of which do not meet the minimum area and width requirements for the permitted uses in the R1a Zone.

The requested lot area can accommodate an efficient fourplex dwelling, while providing sufficient landscaping and outdoor amenity space. The proposed building has a footprint of 89.68m², which is comparable to similar sized lots throughout the neighbourhood that have existing buildings with footprints of ±70 to 100m². The requested variance meets the intent of the minimum lot area provision.

The requested lot width and aggregate setback from the side lot lines will allow for adequate separation between buildings and maintain a consistent streetscape. The lot is wide enough to accommodate the proposed dwelling while meeting the required minimum 1.2m interior side yards. The site currently functions with an aggregate setback from the side lot lines of ±1.41m with no concerns regarding building separation, access, or stormwater management. Nevertheless, the proposed aggregate setback of 2.4m will improve the

existing condition. The requested variances meet the intent of the lot width and aggregate setback provisions.

The requested variances are minor in nature, meet the intent of the *Urban Hamilton Official Plan* and Zoning By-law 05-200, and are desirable for the efficient development of the subject lands, without adversely impacting the adjacent properties.

Variance 4: To permit a minimum setback from the rear lot line of 6.4m, whereas 7.5m is required.

The rear yard setback provides sufficient space to accommodate programable amenity area and landscaped space that exceeds the required minimum, including a 3.75m by 3.75m tree planting area. The reduced setback from the rear lot line will allow for the construction of a longer building to accommodate a mix of unit sizes.

The requested variance is minor in nature, desirable for the efficient development of the subject lands without adversely impacting the adjacent properties and meets the intent of the *Urban Hamilton Official Plan* and Zoning By-law 05-200.

CONCLUSION

The requested variances will facilitate the efficient development of the subject lands and increase the mix of housing types and tenures in the neighbourhood. The variances will allow for an appropriate building footprint to provide a mix of unit sizes, while providing sufficient outdoor amenity area. In consideration of the overall context, Landwise is of the opinion that the variances are minor in nature, desirable for the appropriate use of the lands, maintain the general intent of the Official Plan and Zoning By-law, and represent good land use planning.

Respectfully Submitted,

LANDWISE

Jennifer Badley, B.A.
Planner

Committee of Adjustment
City Hall, 5th Floor,
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Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE/PERMISSION

UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)		[redacted]
Applicant(s)		
Agent or Solicitor		

1.2 Primary contact ☐ Applicant ☐ Owner ☐ Agent/Solicitor

1.3 Sign should be sent to ☐ Applicant ☐ Owner ☐ AgentSolicitor

1.4 Request for digital copy of sign ☐ Yes* ☐ No

If YES, provide email address where sign is to be sent [redacted]

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 ☐ Cheque ☐ Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address			
Assessment Roll Number			
Former Municipality			
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:

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

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

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

Proposed:

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

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

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

Proposed:

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

4.4 Type of water supply: (check appropriate box)

- ☐ publicly owned and operated piped water system
- ☐ privately owned and operated individual well
- ☐ lake or other water body
- ☐ other means (specify) _____

4.5 Type of storm drainage: (check appropriate boxes)

- ☐ publicly owned and operated storm sewers
- ☐ swales
- ☐ ditches
- ☐ other means (specify) _____

4.6 Type of sewage disposal proposed: (check appropriate box)

☐ publicly owned and operated sanitary sewage
☐ system privately owned and operated individual
☐ septic system other means (specify) _____

4.7 Type of access: (check appropriate box)

☐ provincial highway
☐ municipal road, seasonally maintained
☐ municipal road, maintained all year
☐ right of way
☐ other public road

_____

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands: 1984

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

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

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

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) _____

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

7.6 What is the existing zoning of the subject land? _____

7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-lawAmendment 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: _____

8.2 Number of Dwelling Units Proposed: _____

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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

_____

_____