

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-25:097	SUBJECT PROPERTY:	97 Garside Avenue North, Hamilton
ZONE:	R1a (Low Density Residential – Small Lot)	ZONING BY-LAW:	Hamilton Zoning By-law 05-200, as Amended by by-law 22-197

APPLICANTS: Owner: 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 aggregate setback from a side lot line of 2.4 metres shall be permitted instead of the minimum aggregate setback from a side lot line of 3.5 metres.
- 2.A 1.0 metre landscaped strip, wall or fence shall be provided between the parking space and/or aisle, and the side lot line instead of the requirement that a minimum 1.5 metre wide landscaped strip shall be provided between the parking space and/or aisle, and the side lot line, and shall contain a wall or fence in accordance with the requirements of Section 4.19.
- 3.No landscaped strip or visual barrier shall be provided between the parking spaces and/or aisle, and the rear lot line instead of the requirement that a minimum 3 metre wide landscaped strip shall be provided between the parking space and/or aisle, and the rear lot line, and shall contain a Visual Barrier in accordance with the requirements of Section 4.19.

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

Notes:

- i. Please be advised Building Height shall be measured in accordance with the definition as contained 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.

A-25:097

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

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:	1:20 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

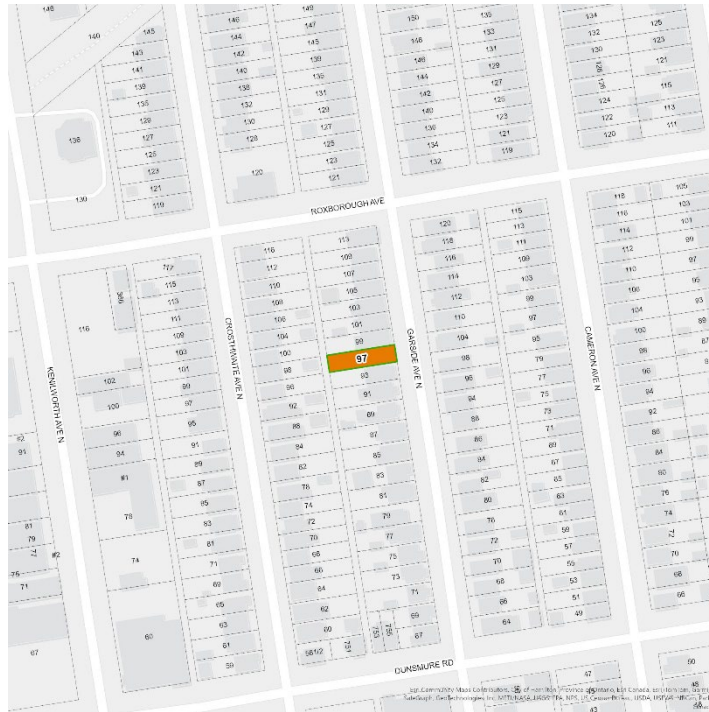
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon July 15, 2025

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-25:097, 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.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

Comments are available the Tuesday prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

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

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

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

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 Consultants best judgment in light of the information available to him at the time of preparation and 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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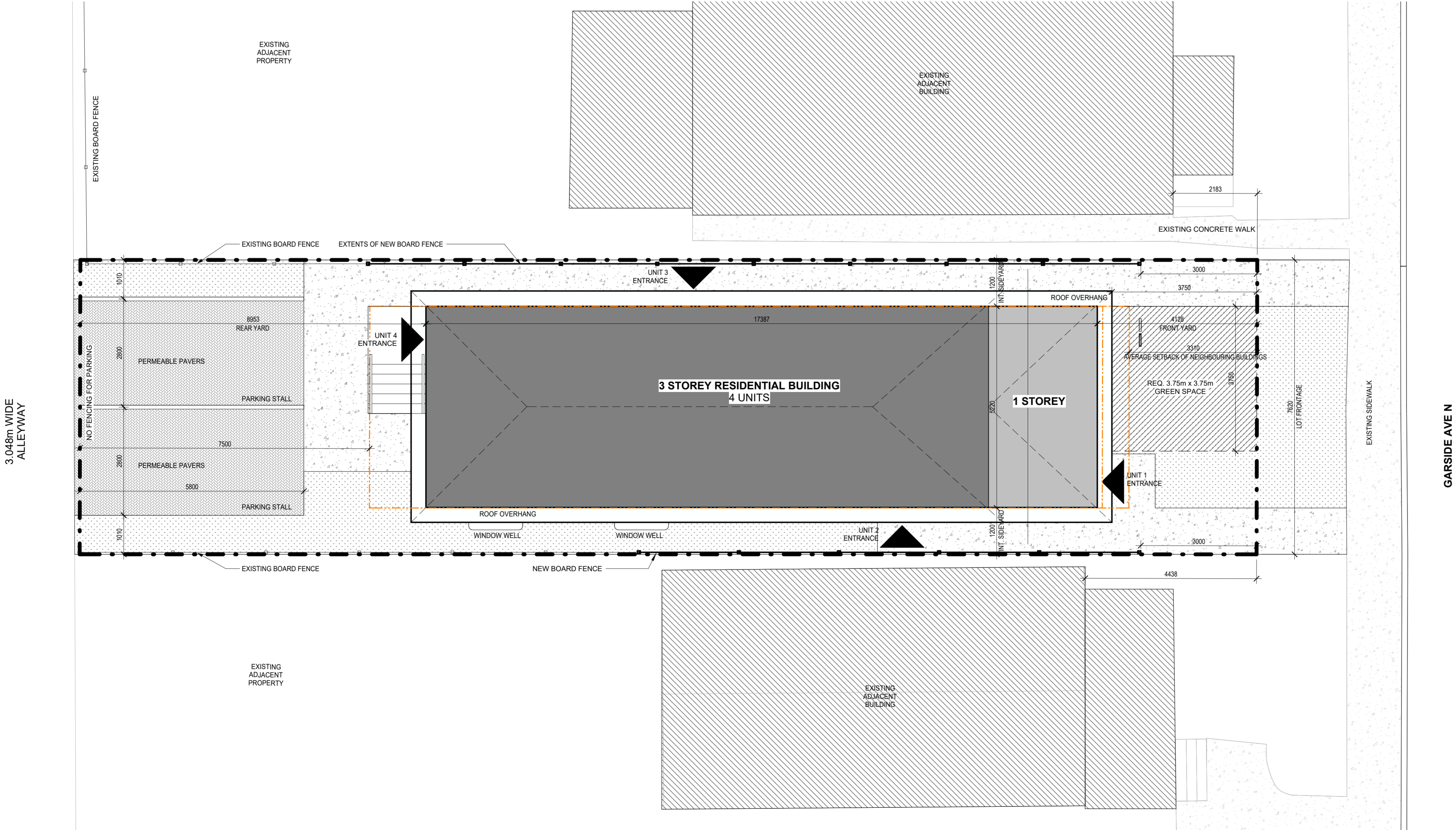
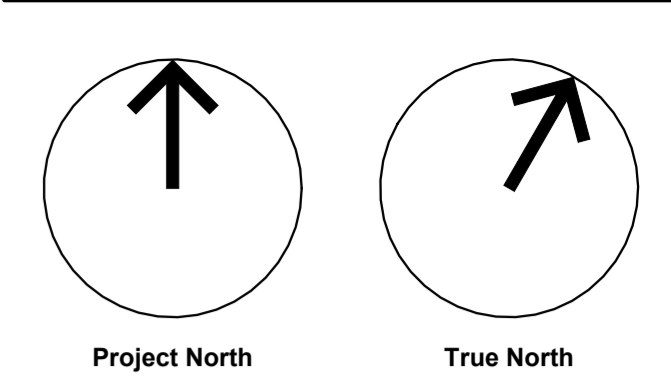
ZONING CHART			
97 GARSIDE AVE. N, HAMILTON, ON			
LOW DENSITY RESIDENTIAL (R1a) ZONE – CITY OF HAMILTON ZONING BY-LAW No. 05-200			
PROVISION	REQUIRED	PROPOSED	CONFORMITY
PERMITTED USE	FOURPLEX DWELLING	FOURPLEX DWELLING	YES
MIN LOT AREA	300 (m²)	232.3 (m²)	NO
MIN LOT WIDTH	10.0 (m)	7.62 (m)	NO
MIN SETBACK FROM STREET LINE	4.0 (m) OR WITHIN 10% OF THE AVERAGE SETBACK FROM THE FRONT LOT LINE OF THE TWO ADJACENT DWELLINGS	4.13 (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)	8.95 (m)	YES
MAX BUILDING HEIGHT	10.5 (m)	10.5 (m)	YES
MIN TOTAL LANDSCAPED AREA	30%	47.4%	YES
MIN FRONT YARD LANDSCAPED AREA	50%	100%	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	1.01 (m) N/A	NO
VISUAL BARRIER		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			
MIN ACCESSIBLE PARKING	0	0	YES
MIN PARKING SPACE DIMENSIONS	2.8 (m) x 5.8 (m)	2.8 (m) x 5.8 (m)	YES
ACCESS DESIGN REQUIREMENTS	BY MEANS OF A RIGHT-OF-WAY LANEWAY		YES
MIN REQUIRED PARKING IN PRA 1	0	2	YES

SITE DATA		
97 GARSIDE AVE. N, HAMILTON, ON		
DATA	REQUIRED	PROVIDED
ZONING	ZONING - R1a	
LOT AREA (m²)	10.0 (m)	232.26 (m²)
LOT FRONTAGE (m)	10.0 (m)	7.62 (m)
SETBACKS	FRONT YARD (m)	4.0 (m) OR 10% AV.
	INTERIOR SIDE YARD (m)	1.2 (m)
	INTERIOR SIDE YARD (m)	1.2 (m)
	REAR YARD (m)	7.5 (m)
	AGGREGATE SIDE YARD (m)	3.5 (m)

BUILDING DATA		
DATA	REQUIRED	PROVIDED
TOTAL DENSITY (# of units)	4 (units)	4 (units)
BUILDING AREA (m²)	---	89.68 (m²)
GROSS CONSTRUCTION AREA (m²)	---	274.67 (m²)
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 (%)	47.4 (%)
LANDSCAPE AREA (m²)	69.68 (m²)	110.1 (m²)
ASPHALT AREA (percentage)	--	14.0 (%)
ASPHALT AREA (m²)	--	32.48 (m²)
BUILDING AREA (percentage)	--	38.6 (%)
BUILDING AREA (m²)	--	89.68 (m²)

VEHICLE PARKING DATA		
DATA	REQUIRED	PROVIDED
RESIDENTIAL PARKING	PRA 1 = 0	2
BARRIER FREE PARKING	0	-
	TOTAL	2



1 SITE PLAN
1:65

No.	Date	Revision
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Client:

Project Name / Address:

PROTOTYPE DESIGN -
SMALL LOT
INTENSIFICATION
PROJECT ADDRESS

Project No:		24044
Drawing Date:	2025-04-03	
Drawn by:	CRZ	Checked by: RPH
Office Location:	KITCHENER	
Plot Date / Time:	2025-06-23 1:10:34 PM	

Drawing Name:

SITE PLAN

Drawing Scale: As indicated

Status:

Revision No.:

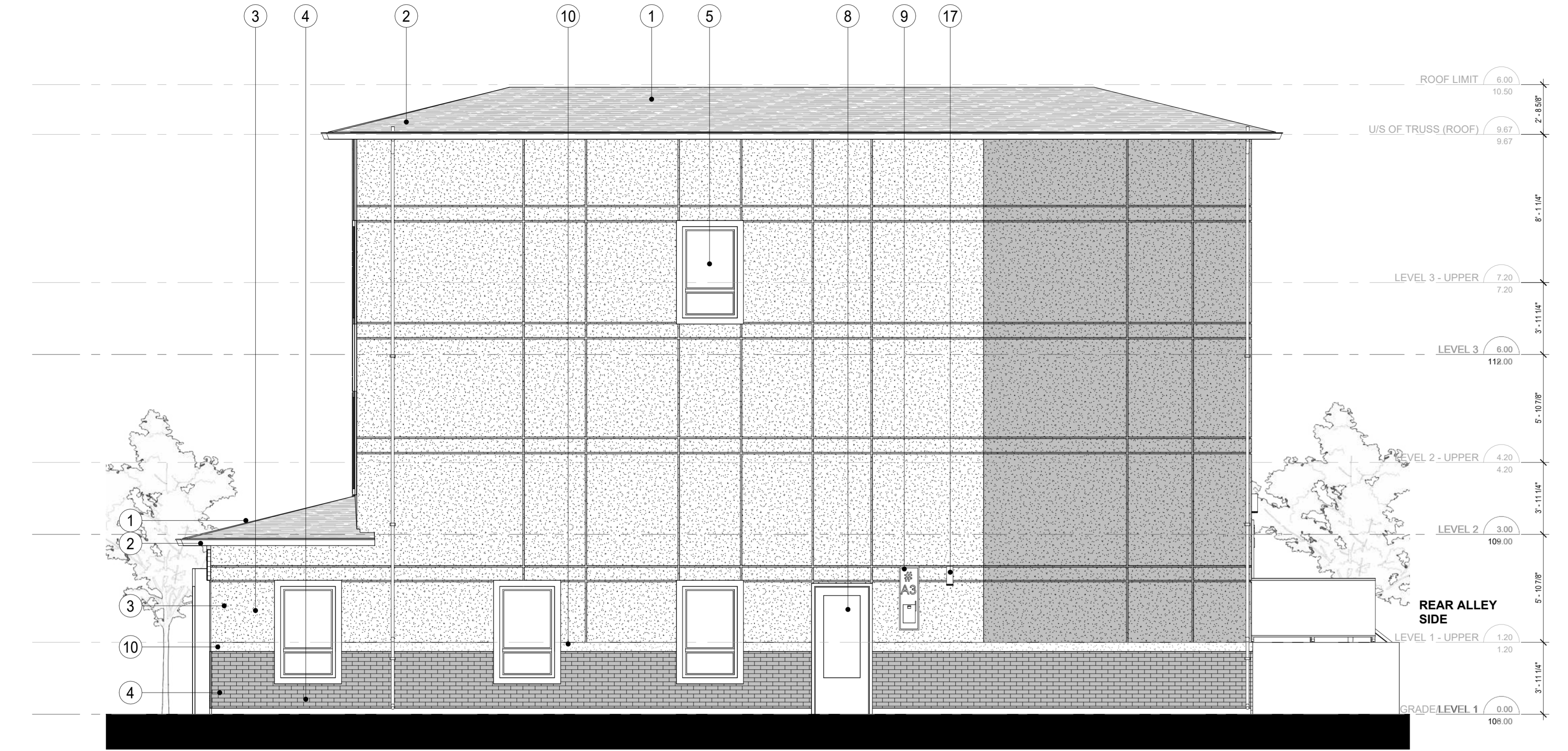
Drawing No.:

PRELIMINARY

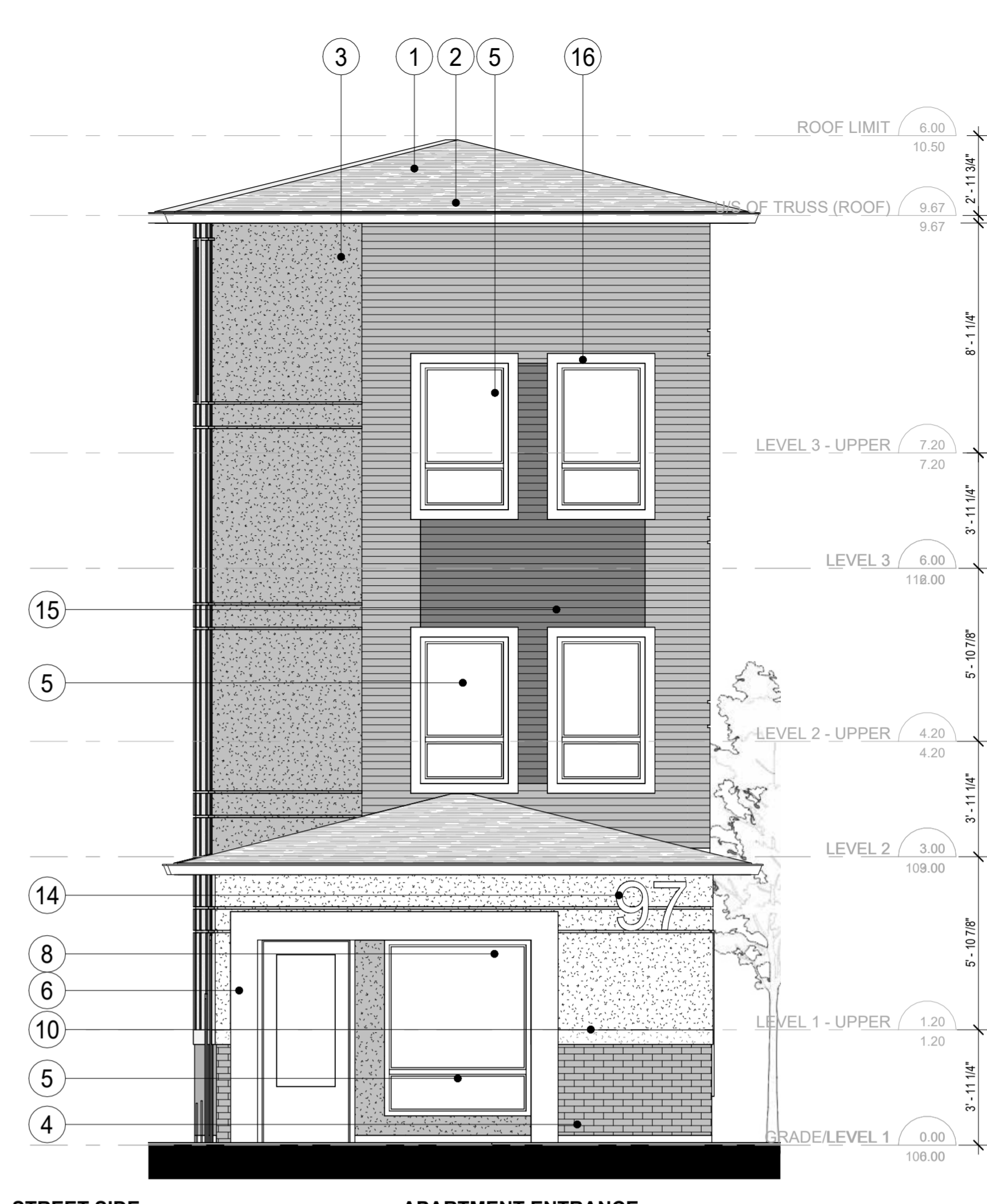
D1.1B

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. Unauthorised use, modification, 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 Consultants best judgment in light of the information available to him at the time of preparation and no liability shall be assumed by the Consultant for any errors or omissions made or actions based on the Contract Documents.

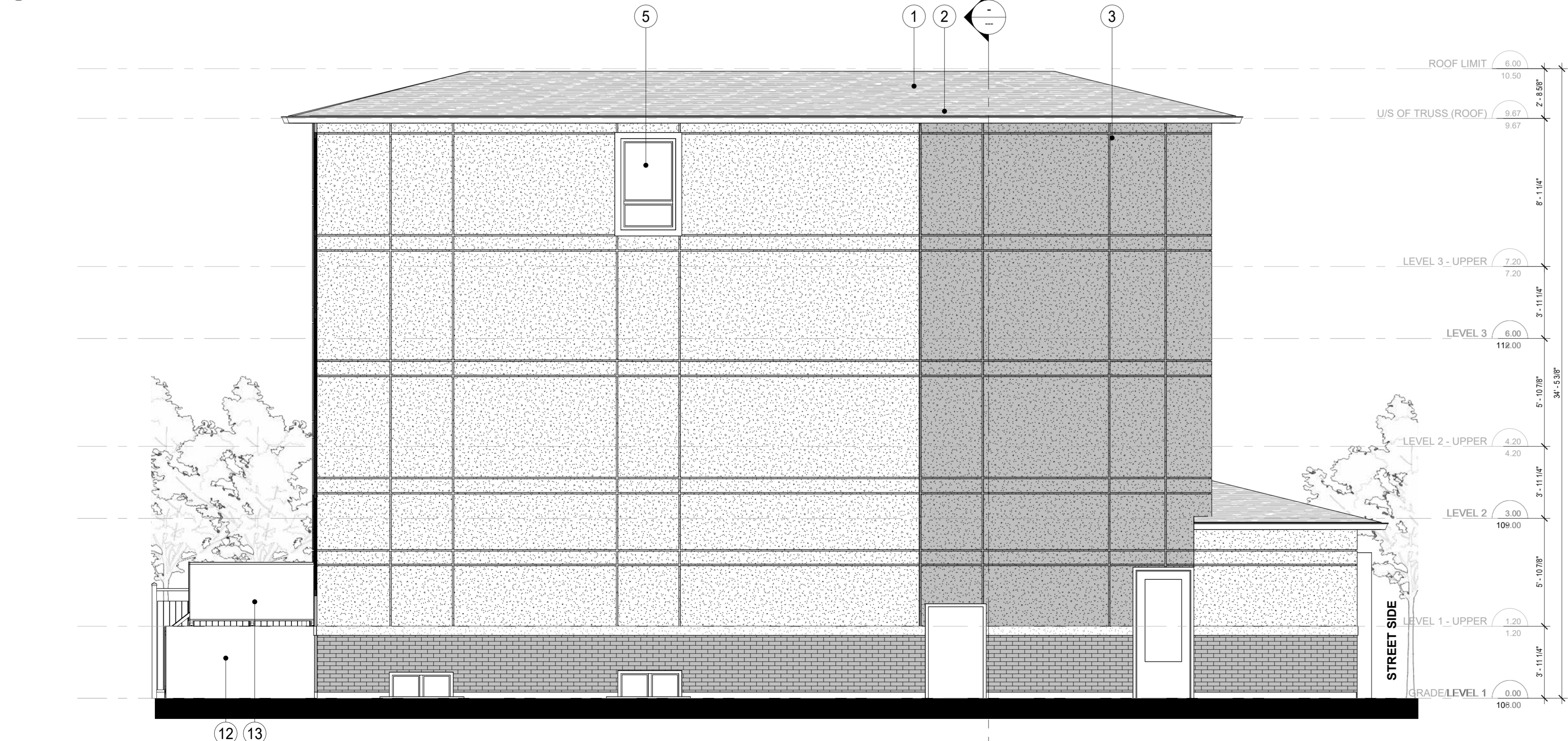
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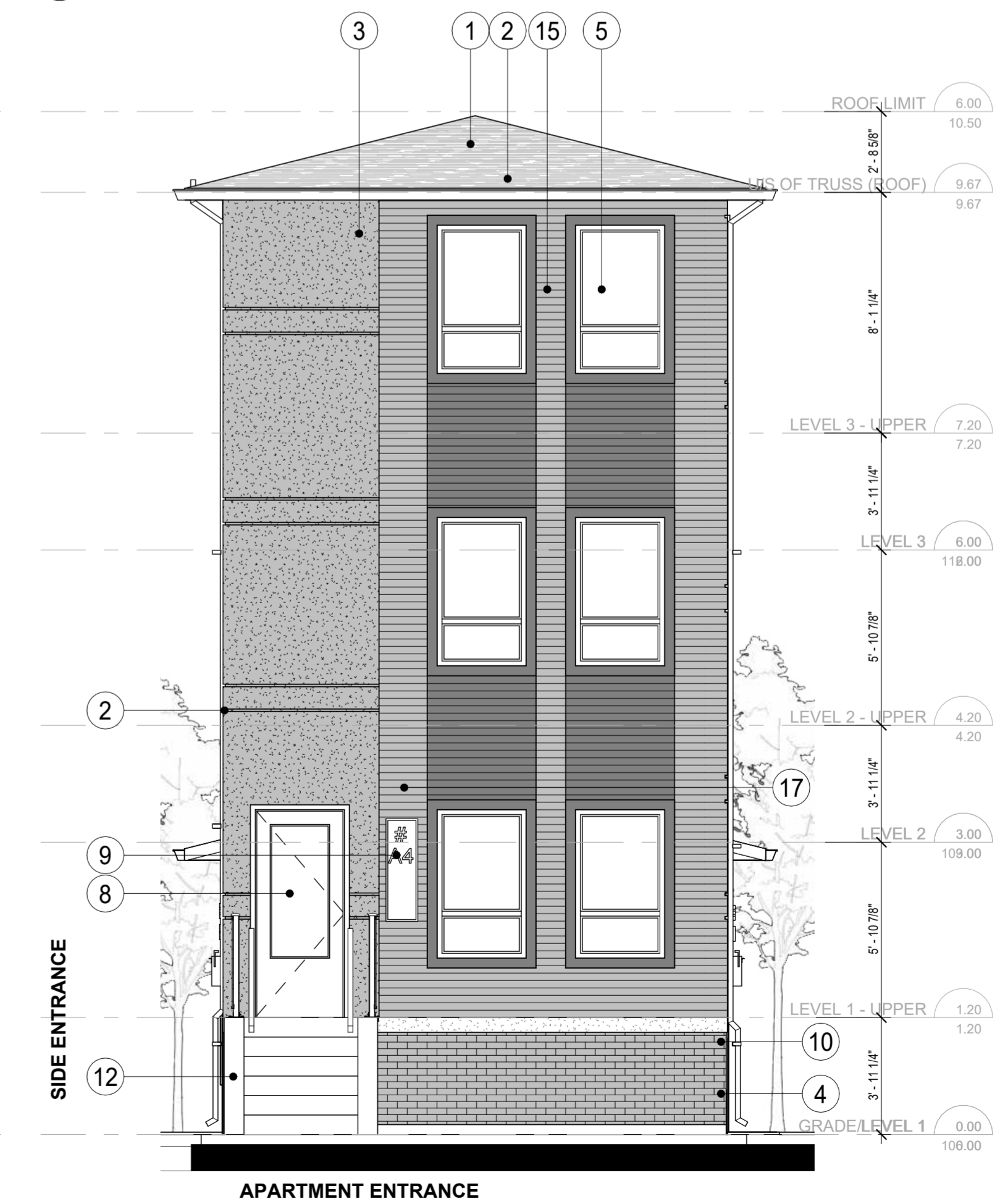
1 ELEVATION - NORTH
1/4" = 1'-0"



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



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



3 ELEVATION - WEST
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:
**PROTOTYPE DESIGN -
SMALL LOT
INTENSIFICATION
PROJECT ADDRESS**

Project No: 24044	
Drawing Date: 2025-06-18	Checked by: PG
Drawn by: MSW	Office Location: KITCHENER
Plot Date / Time: 2025-06-23 1:10:36 PM	

Drawing Name:
**ELEVATIONS - 97
GARSIDE AVE. N**

Drawing Scale: As indicated
Status:
Revision No.:
Drawing No.:

PRELIMINARY

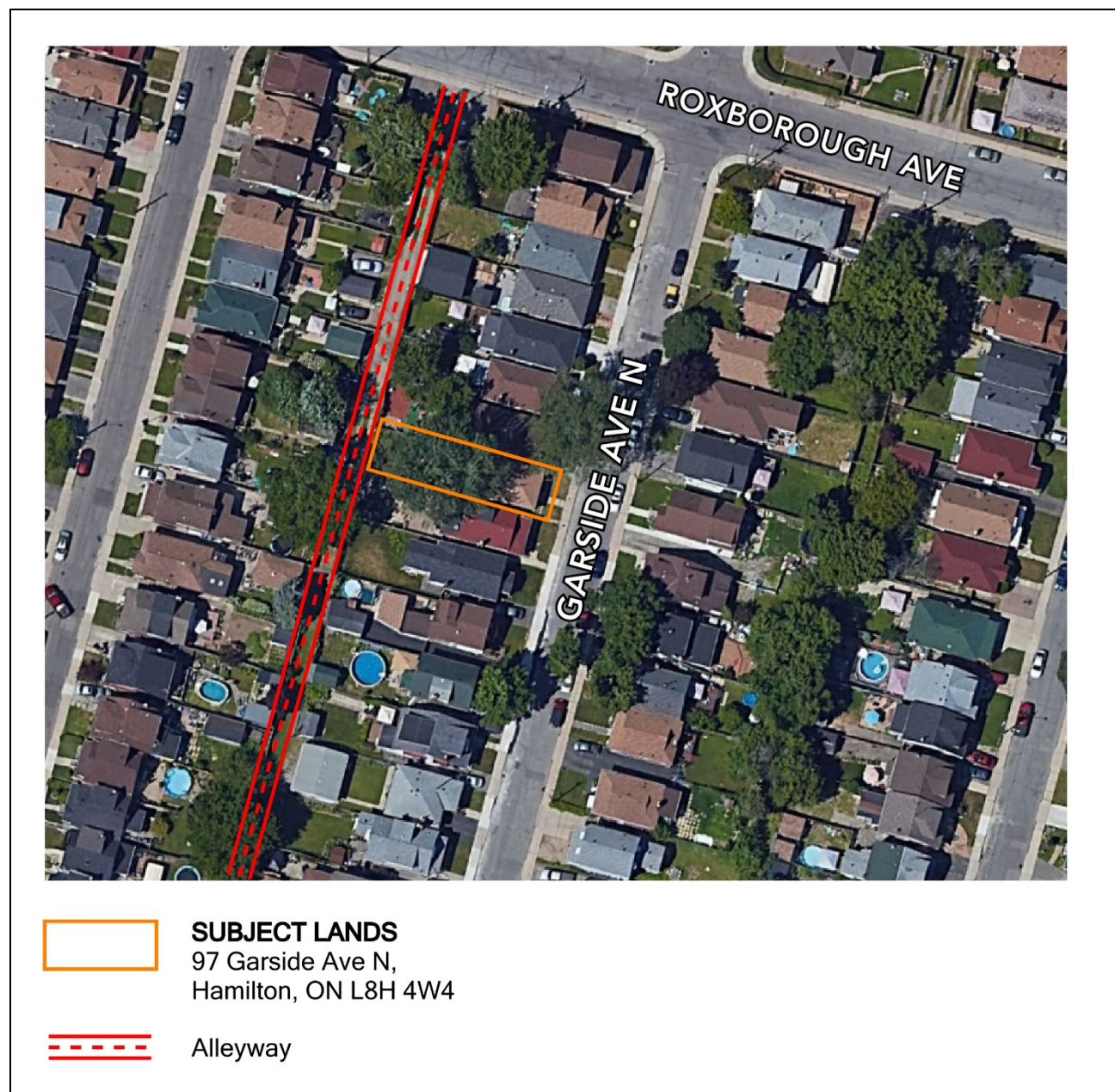
D3.2

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 97 Garside Avenue North in the City of Hamilton (“subject lands”).

DESCRIPTION OF SUBJECT LANDS

The subject lands are a rectangular shaped lot with an area of 232.3m², 7.62m of frontage along Garside Avenue North, and 7.62m abutting a 3.048m wide alleyway that is accessed from Roxborough Avenue (Figure 1). The property is currently occupied by a one-storey single family dwelling.

Figure 1 - Site Location



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 97 Garside Avenue North is a three-storey fourplex dwelling with one one-bedroom unit and three two-bedroom units. The proposed building has a footprint of $\pm 89.68\text{m}^2$ and a gross floor area of 274.67m^2 . Two parking spaces are proposed in the rear yard that will be accessed through the alleyway. 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

97 Garside Avenue North 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:

Five 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 232.0m^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	4.35 d) i)	To permit a minimum landscape strip of 1.0m between parking spaces in the rear yard and the side lot line.

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 Kenilworth Avenue and Britannia Avenue. 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 232.0m², 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

±1.47m 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 No. 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 landscape strip of 1.0m between parking spaces in the rear yard and the side lot line.

Reducing the required landscaped strip will allow for the provision of an additional parking space in the rear yard. The 1.0m landscaped strip will be wide enough to accommodate a fence or planting strip that will effectively screen the parking from adjacent rear yards. The requested variance is minor in nature, meets the intent of the *Urban Hamilton Official Plan* and Zoning By-law No. 05-200, and is desirable for the efficient development of the subject lands, without adversely impacting the adjacent properties.

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

MEMORANDUM

To: Development Planning, City of Hamilton

From: Landwise

Date: June 25, 2025

RE: A-25:097 - 97 Garside Avenue North, Hamilton

Landwise was retained by the landowner and applicant, Hamilton East Kiwanis Non-Profit Homes Inc. ("Kiwanis") to submit a Minor Variance application for 97 Garside Avenue North (A-25:097).

This memo will provide further analysis and rationale to support the Minor Variance application in accordance with the Staff discussion. 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:

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 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 97 Garside Avenue North 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 97 Garside Avenue North is a three-storey fourplex dwelling with one, one-bedroom unit and three, two-bedroom units. The proposed building has a footprint of $\pm 89.68\text{m}^2$ and a gross floor area of $\pm 274.67\text{m}^2$. Two parking spaces are proposed within the rear yard, which are accessed via the rear laneway. Communal outdoor amenity space is proposed in the rear and front yards.

To facilitate the proposed development, two 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	4.35 d) i)	To permit a minimum 1.0m wide landscape strip between parking spaces and the side lot line, whereas a minimum 1.5m wide landscape strip is required.
3	15.2.2.4 a)	To permit a minimum lot area of 209.0m^2, whereas 300.0m^2 is required.
4	15.2.2.4 b)	To permit a minimum lot width of 7.6m, whereas 10.0m is required.

Note regarding strikethrough above: Variance 3 and 4 were included in the original application. 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: The minimum landscape strip between parking spaces and the side lot line cannot be achieved due to the limited lot width. The intent of the landscape strip requirement is to provide adequate buffering and screening between parking spaces and adjacent properties. The requested reduction maintains this intent, as the proposed 1.0m strip can accommodate planting, including long grasses and shrubs, and a board-on-board fence, effectively screening the parking spaces from the abutting property. The variance is minor as the proposed landscape strip width will meet the requirements for a visual barrier as established through the Zoning By-law. The variance is desirable, as it enables rear yard parking that preserves the streetscape and mitigates impacts on neighbouring properties through appropriate screening.

Additional rationale for the proposed variances is 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 97 Garside Avenue North and the requested variances.

Policy	Planning Comment
2.1 SITE DESIGN	
Landscaping 2.1.3. Provide privacy planting in the following situations: a) <i>Use privacy planting to screen utilities, parking, and servicing areas; and</i> b) <i>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.</i>	Although planting details will be further refined by the applicant at a later date, the development proposes softscape planting areas wherever possible. A designated tree planting area is proposed within the front yard, to enhance the streetscape. Screening is provided in the rear yard and side yards by way of planting areas and board fencing, which will meet the visual barrier requirements established through the Zoning By-law and help mitigate impacts of the reduced aggregate side yard setback.
Fencing 2.1.4. Where fencing is provided, it shall act as a visual barrier / screen along the 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.	Although a reduction to the landscape strip between parking spaces and the side lot line is required, the reduced width from 1.5m to 1.0m can accommodate plantings a visual barrier by way of board fencing, meeting the intent of the provision.
Amenities 2.1.11. Provide on-site private and/or communal amenity area for each	Communal amenity areas are provided at grade within the rear and front yard landscaped areas. Balconies are not proposed.

<p><i>residential unit via a porch, balcony, deck or at grade space.</i></p> <p>2.1.12. <i>Private amenity spaces must have direct access to sunlight.</i></p> <p>2.1.13. <i>Private amenity spaces must have a minimum depth of 1.5 meters and should be screened with a railing/screen and/or privacy planting.</i></p> <p>2.1.14. <i>Private amenity spaces above the ground floor shall face the front and/or rear yard, and/or exterior side yards fronting a street only.</i></p> <p>2.1.15. <i>Planting is encouraged within amenity spaces and green roofs are encouraged.</i></p>	
2.2 BUILT FORM	
<p>Massing <i>Well-proportioned built form will be achieved through a thoughtful composition of building elements which correspond with the massing of the surrounding homes.</i></p> <p>2.2.1 <i>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.</i></p> <p>2.2.2. <i>Design large roofs as composition of smaller roof forms. Functional dormers are also desirable.</i></p> <p>2.2.3. <i>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.</i></p> <p>2.2.4. <i>Use techniques to reduce the impact of massing such as additional articulation of the façade (projection and recesses), smaller architectural components and detailing.</i></p>	<p>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.</p> <p>To reflect the existing massing along the street, the proposed building has been designed with a 2.8m building setback above the first storey at the street facing façade. This setback will create a human scale at the street, with a more articulated façade. Different but complementary building materials have been selected to provide additional articulation of the façade.</p> <p>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.</p>

	<p>The subject lands are located within the PAR 1, and as such zero parking spaces are required. However, to meet the applicants operational requirements, two parking spaces are proposed within the rear yard, accessed via the rear laneway.</p>
<p><i>Height/Transition</i> <i>All effort should be made to achieve a height which complements the heights of the existing surrounding homes.</i> <i>2.2.6. Design buildings to respect the height of existing built form along the street.</i> <i>2.2.7. Propose the ground floor at grade, or no higher than the finished first floor elevation of the surrounding dwellings.</i> <i>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:</i> <i>a) stepping down the side of the proposed building;</i> <i>b) providing additional step-back of the upper storey(s) along the street;</i> <i>c) providing step-back of the upper storey(s) at the rear (proportionate depth to height); and</i> <i>d) incorporating the upper storey within the roof structure.</i> <i>2.2.9. Provide varied height in the rooflines to de-emphasize the overall height.</i> <i>2.2.10. If flat roofs are proposed, they should transition to the lower homes through stepped levels and increased side yard setbacks.</i></p>	<p>Although the subject lands are immediately surrounded by one- and two-storey dwellings, 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 on the abutting lands as well. However, recognizing the existing built form, the proposed building has been designed to be sympathetic to the existing streetscape.</p> <p>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.</p> <p>The proposed development maintains the required rear yard setback and directly abuts a public laneway, as such, no privacy or overlook impacts are anticipated to the rear lot line.</p> <p>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.</p>

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:*

- 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.*

The site layout has been designed to provide a front yard setback that aligns with the existing streetscape. The development proposes 1.2m side yard setbacks. The existing dwelling provides a 0.2m northerly side yard and a 1.2m southerly side yard setback. The abutting properties provide side yard setbacks of approximately 1.1m and 0.3m. The front and side yard setbacks are consistent with the established setbacks along the street.

The proposed development provides 47.4% 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 front yard in accordance with the zoning requirements.

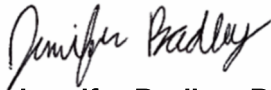
The intent of the aggregate side yard setback is to provide additional space for storage and access to rear yard amenity space, secondary entrances, garbage storage, bike storage etc. As a result of the thoughtful window placement on the side facades, the reduced rear yard setback and reduced aggregate 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.

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



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

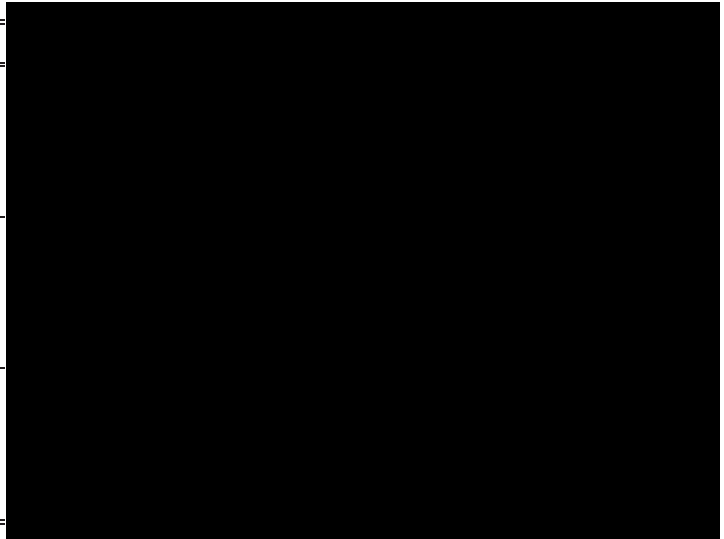
Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE/PERMISSION
UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Hamilton East Kiwanis Non-Profit Homes Inc. c/o Brian Sibley
Applicant(s)	Same as owner.
Agent or Solicitor	Landwise c/o Jennifer Badley



1.2 Primary contact

☐ Applicant

☐ Owner

☒ Agent/Solicitor

1.3 Sign should be sent to

☐ Applicant

☐ Owner

☒ Agent/Solicitor

1.4 Request for digital copy of sign

☒ Yes*

☐ No

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



1.5 All correspondence may be sent by email

☒ Yes*

☐ No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service.

This request does not guarantee all correspondence will be sent by email.

1.6 Payment type

☐ In person

☐ Credit over phone*

☒ Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	97 Garside Avenue North
Assessment Roll Number	Part 1, Plan of Lot 181 Registered Plan 491 in the City of Hamilton
Former Municipality	
Lot	
Registered Plan Number	
Reference Plan Number (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:

Refer to Planning Rationale.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

Refer to Planning Rationale.

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
7.62 m	30.48 m	232.26 m ²	±15.1 m

4.2 Location of all buildings and structures on or proposed for the subject lands:
(Specify distance from side, rear and front lot lines)

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single detached dwelling	2.17 m	15.85 m	0.262 m (north) 1.21 m (south)	Unknown Unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Fourplex	4.1 m	9.0 m	1.2 m (both sides)	TBD

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single detached dwelling	±71.23 m ²	Unknown	1	Unknown

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Fourplex	89.68 m ²	274.67 m ²	3	10.5 m

- 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

☐ right of way

☐ municipal road, seasonally maintained

☐ other public road

☒ municipal road, maintained all year _____

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

Fourplex dwelling.

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

Single detached dwellings.

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)

Single detached dwelling.

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

Single detached dwelling.

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

Unknown

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Refer to Planning Rationale.

7.6 What is the existing zoning of the subject land? Low Density Residential (R1a) Zone

7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-law Amendment or Minor Variance)

☐ Yes

☒ No

If yes, please provide the file number: _____

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

☐ Yes

☒ No

If yes, please provide the file number: _____

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 4

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

Refer to Planning Rationale.

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
