

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-24:246	SUBJECT PROPERTY:	5 Barnesdale Ave South
ZONE:	TOC3 (Transit Oriented Corridor Multiple Residential)	ZONING BY-LAW:	Hamilton Zoning By-law 05-200, as Amended 16-265

APPLICANTS: Owner: Spencer Farrell
 Agent: Corbett Land Strategies c/o Alicia Monteith

The following variances are requested:

1. No visitor parking spaces shall be permitted instead of the minimum required two (2) visitor parking spaces.

PURPOSE & EFFECT: To demolish the existing single detached dwelling and construct a new three (3) storey Multiple Dwelling containing five (5) units.

Notes:

- The multiple dwelling exceeds the maximum setback from a street line required in Section 11.3.2 a) ii) and therefore can not meet the requirements of 11.3.2 f) ii), a additional two (2) variances are required.
- Please note the eaves and gutters are permitted to encroach 0.6m into any required yard, eaves and gutters were not dimensioned on plan therefore can not determine zoning compliance.
- One (1) accessible parking space is required for the development and is not proposed at this time. Additional variances may be required if 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:	2:55 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at 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

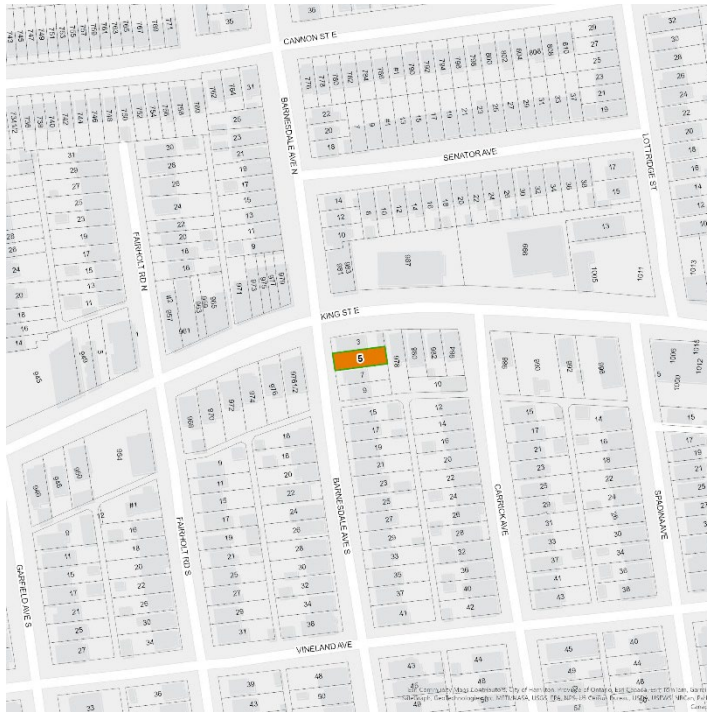
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon July 15, 2025

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-24:246, 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.

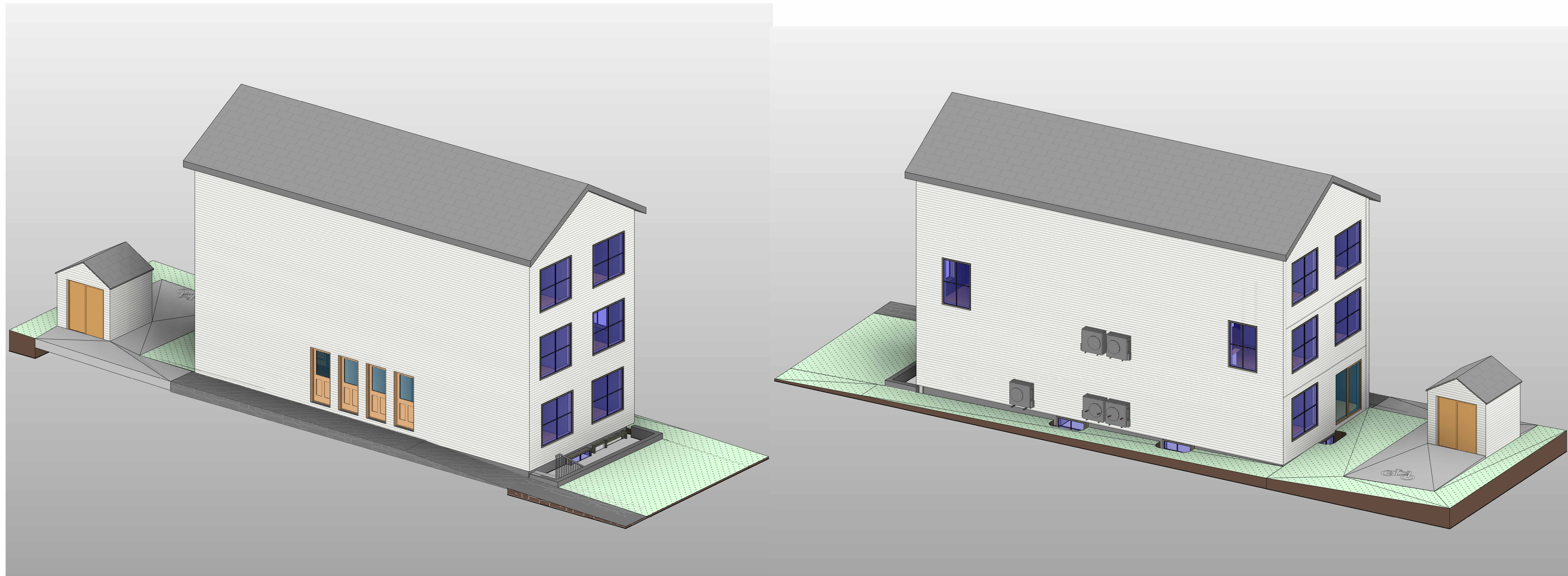
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.



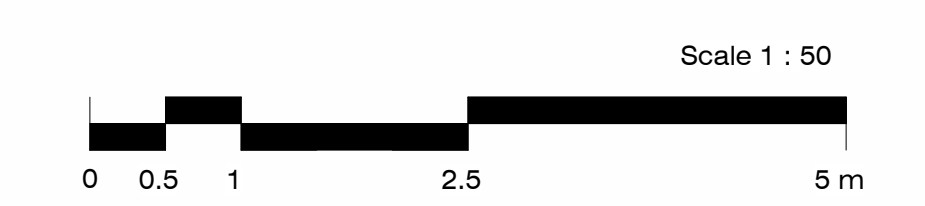
FIVE BACK TO BACK STACKED TOWNHOUSE

5 BARNESDALE AVE. SOUTH HAMILTON, ONTARIO

DO NOT SCALE THIS DOCUMENT. ALL MEASUREMENTS MUST BE OBTAINED FROM STATED DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE TO BE REFERENCED TO THE CORNER, NOT THE FACE, UNLESS OTHERWISE NOTED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE EXISTING LOCATION OF ANY ADJACENT UTILITIES AND TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS.

REVISIONS/ISSUES		
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TOWNHOUSE

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COVER PAGE

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DESIGNED BY: A.A	APPROVED BY: A.A
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A001

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ISSUE #	DESCRIPTION	ISSUE DATE
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HAMILTON, ONTARIO

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BASEMENT PLAN AND GROUND
FLOOR PLAN

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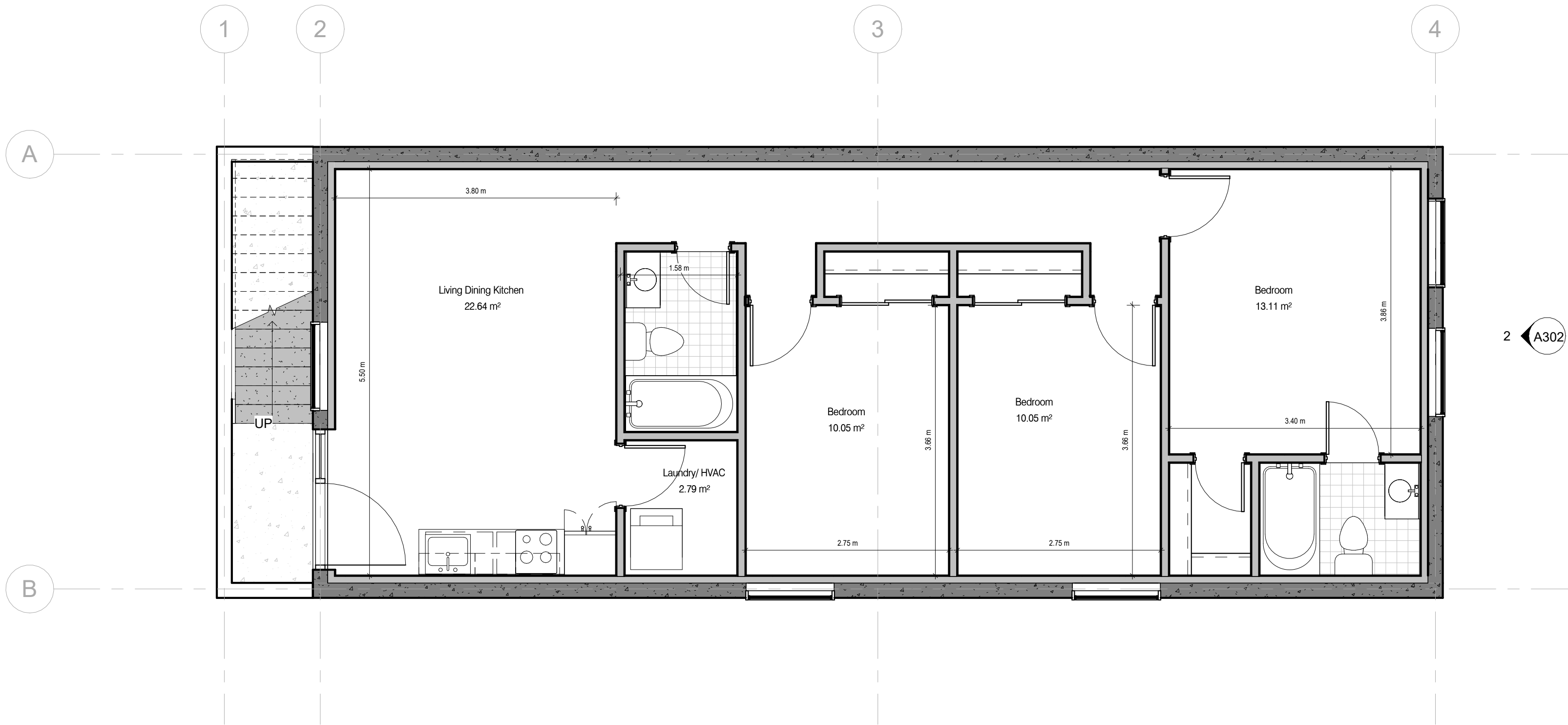
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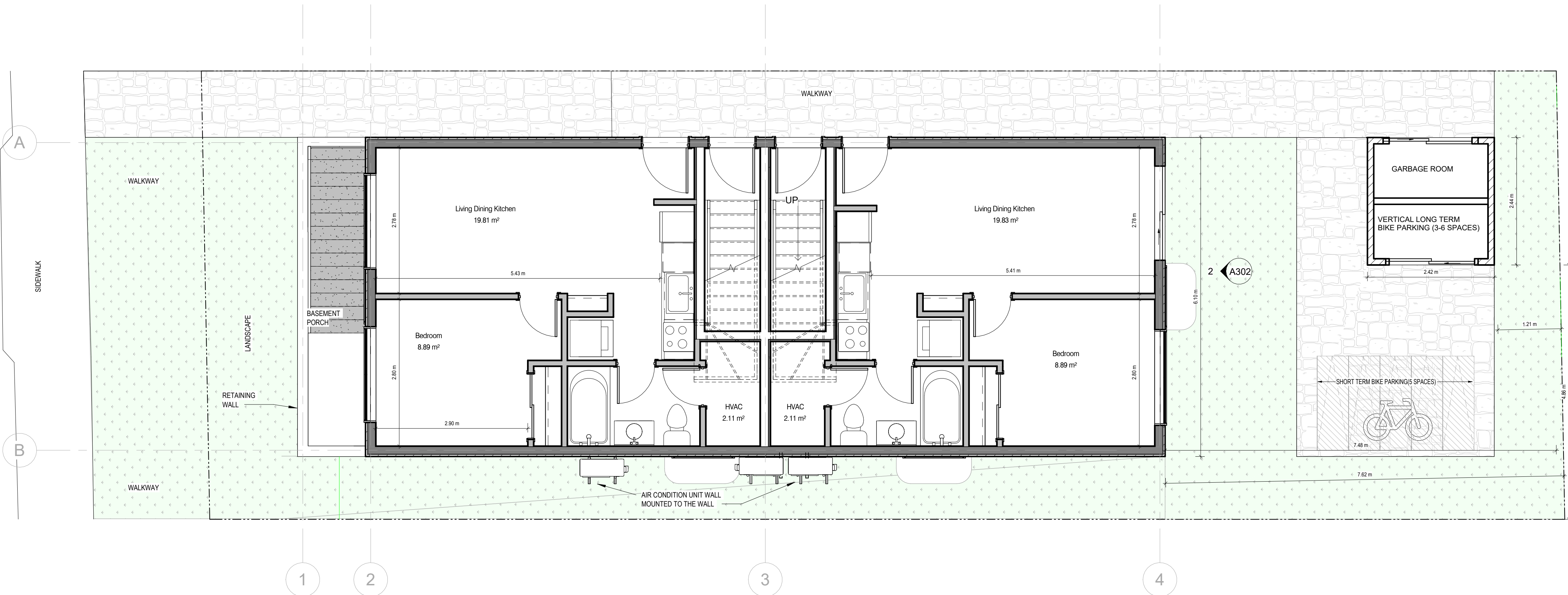
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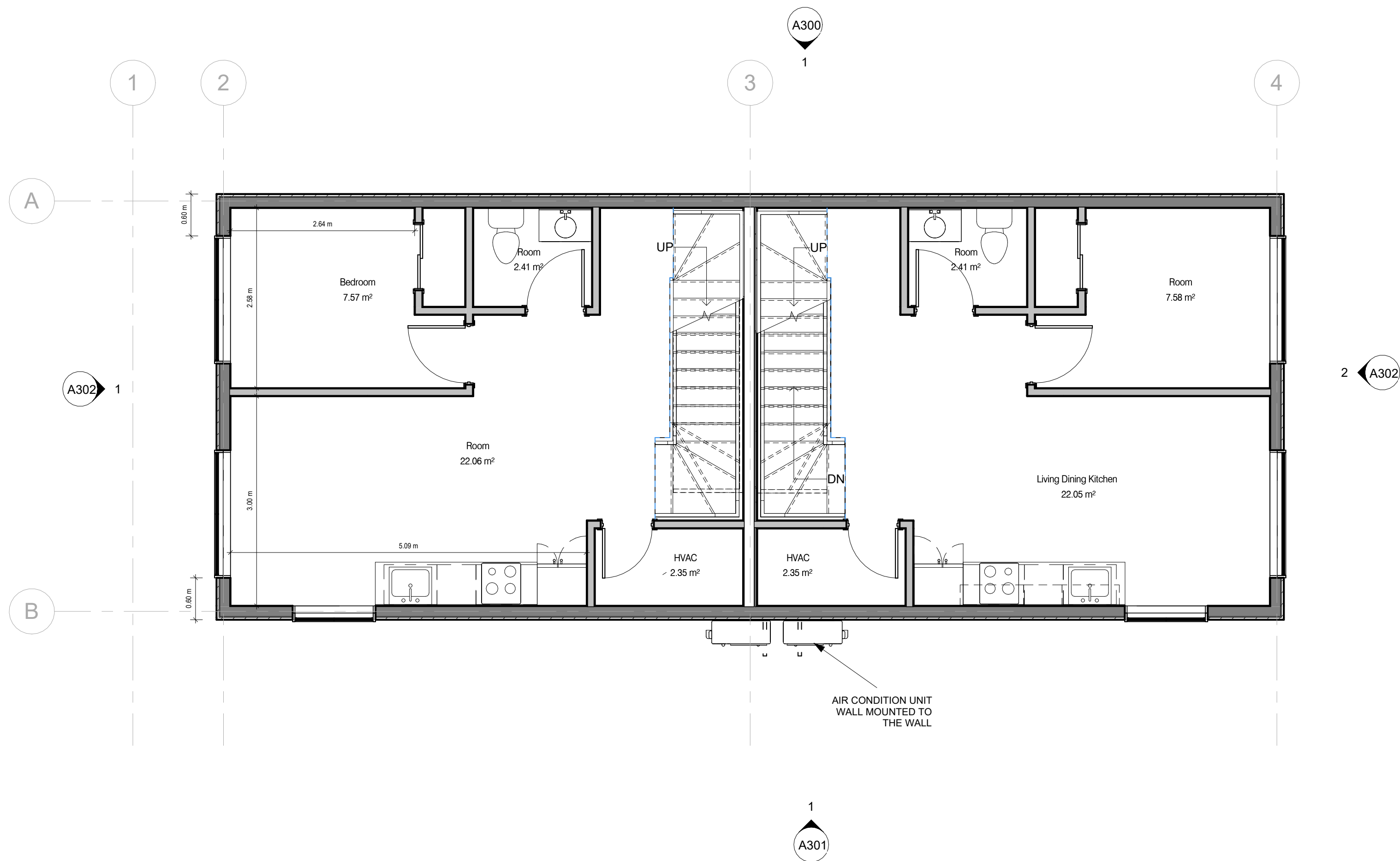
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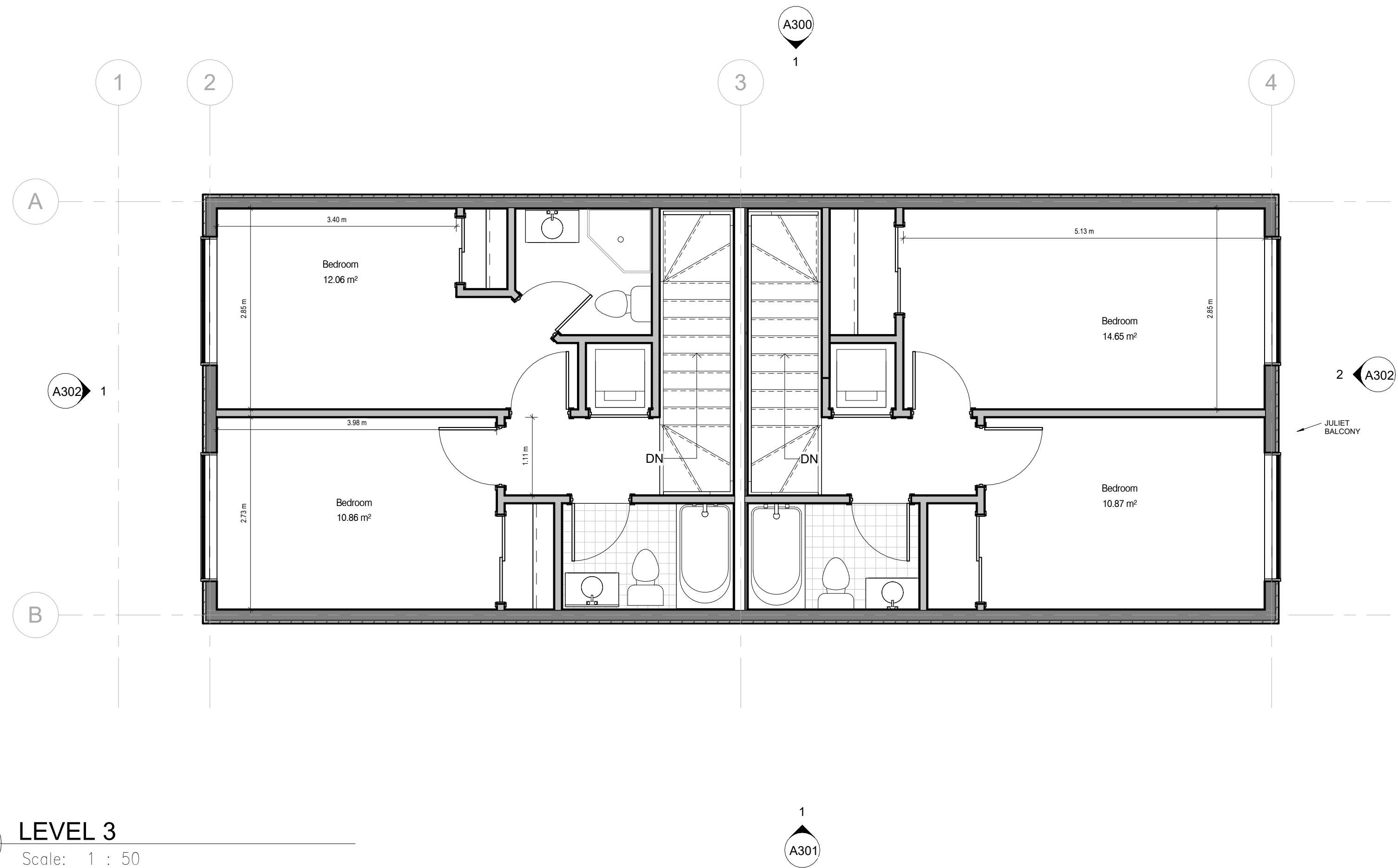
1 BASEMENT FFE
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2 GROUND FLOOR
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1 LEVEL 2
A202 Scale: 1 : 50



2 LEVEL 3
A202 Scale: 1 : 50



SUITE 1018-130 QUEENS QUAY EAST, TORONTO ON, M5A 0P6
TEL: (647)948 4889 FAX: (647)948 4889

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DRAWING ISSUE/REVISION SCHEDULE

ISSUE #	DESCRIPTION	ISSUE DATE
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5 BARNESDALE AVE. SOUTH
HAMILTON, ONTARIO

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LEVEL 2 AND LEVEL 3 FLOOR
PLAN

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PROJECT NO:

A24010

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A202

PRELIMINARY ISSUE
NOT FOR CONSTRUCTION

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DRAWING ISSUE/REVISION SCHEDULE

ISSUE #	DESCRIPTION	ISSUE DATE
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5 BARNESDALE AVE. SOUTH
HAMILTON, ONTARIO

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SOUTH ELEVATION

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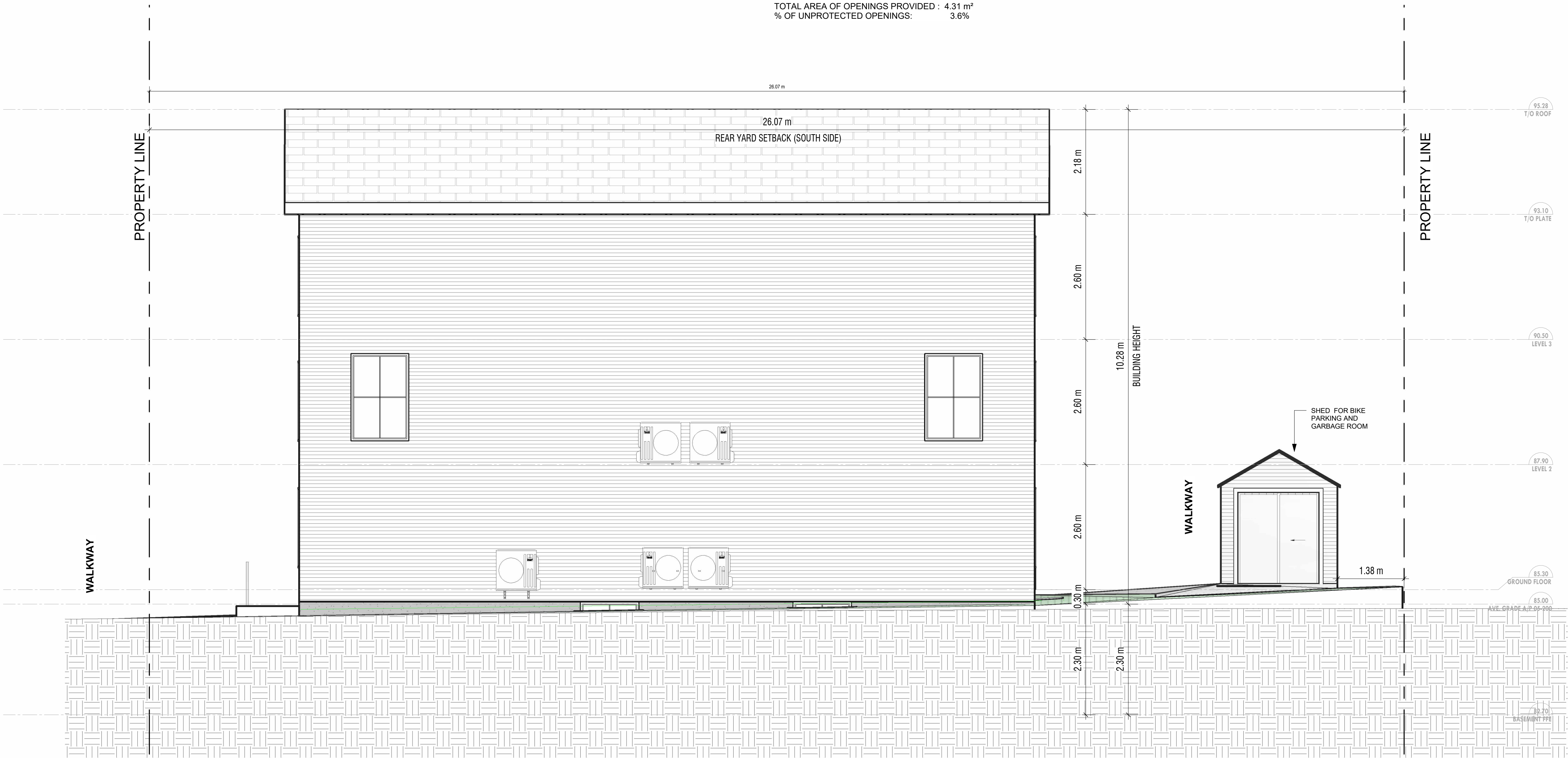
A24010

DRAWING NO:

A301

SPATIAL SEPARATION CALCULATION: EAST

EXPOSING BUILDING FACE AREA: 119.26 m²
LIMITING DISTANCE: 1.2 m
MAX ALLOWABLE OPENINGS: 7%
TOTAL AREA OF OPENINGS PROVIDED: 4.31 m²
% OF UNPROTECTED OPENINGS: 3.6%



1
A301

SOUTH ELEVATION

Scale: 1 : 50

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SEAL:

DRAWING ISSUE/REVISION SCHEDULE

ISSUE #	DESCRIPTION	ISSUE DATE
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CLIENT:

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5 BARNESDALE AVE. SOUTH
HAMILTON, ONTARIO

DRAWING:

EAST/WEST ELEVATIONS

SCALE VERIFICATION:

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H.P.

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A.A.

SCALE:

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CHECKED BY:

O.A.

APPROVED BY:

A.A.

PROJECT NO:

A24010

DRAWING NO.:

A302

SPATIAL SEPARATION CALCULATION: EAST

EXPOSING BUILDING FACE AREA: 47.58 m²
LIMITING DISTANCE: 10.84 m
MAX ALLOWABLE OPENINGS : 100%
TOTAL AREA OF OPENINGS PROVIDED : 18.36 m²
% OF UNPROTECTED OPENINGS: 38.6%



1

A302

EAST ELEVATION

Scale: 1 : 50

SPATIAL SEPARATION CALCULATION: EAST

EXPOSING BUILDING FACE AREA: 47.58 m²
LIMITING DISTANCE: 7.5 m
MAX ALLOWABLE OPENINGS : 57%
TOTAL AREA OF OPENINGS PROVIDED : 18.36 m²
% OF UNPROTECTED OPENINGS: 38.6%



2

A302

WEST ELEVATION

Scale: 1 : 50



June 5, 2025

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

RE: Minor Variance Application
5 Barnesdale Avenue South, Hamilton, Ontario
A-24:246

Corbett Land Strategies Inc. ("CLS") is pleased to resubmit the enclosed Minor Variance Application on behalf of Spencer Farrell ("Owner") for the lands municipally known as 5 Barnesdale Avenue South, Hamilton, Ontario ("Subject Property") to the Committee of Adjustment for their review and consideration. The purpose of the minor variance application is to grant relief from the City of Hamilton Zoning By-law No.05-200 to facilitate the construction of a low-rise multi-unit residential building on the Subject Property.

1. SUBJECT PROPERTY & SURROUNDING AREA

The Subject Property is located on the east side of Barnesdale Avenue South, south of King Street East and north of Vineland Avenue and currently consists of a single detached dwelling (Figure 1). The Subject Property has an area of 221.9 square metres with a frontage of 8.53 metres on Barnesdale Avenue South. The property is generally flat and contains mature vegetation around the periphery of the lot.

Surrounding properties consist of low-rise residential and commercial along the King Street East corridor. King Street East has been identified by the Province and the City as the route for future light rail transit service. The Subject Property is located within the proposed Scott Park Major Transit Station Area but is within a 5-minute walk to both the proposed Scott Park Station (east) and the Sherman Station (west). The Subject Property is located within a 2-minute walk (100 metres) to an existing bus stop at Fairholt Road North and King Street East, which is serviced by Route 01.



Figure 1: Location of Subject Property Outlined in Red (Hamilton GIS)

2. PROPOSED DEVELOPMENT

The proposed development consists of the removal of all existing structures on the property and the construction of 6 back-to-back stacked townhouse units. The units are proposed to be accessed from the north side of the building via a sidewalk which also provides access to the rear of the building. The rear of the property is proposed to accommodate 5 short-term bicycle parking spaces and an accessory structure that will accommodate garbage storage and 6 long-term bicycle parking spaces.

The proposed building will consist of 6 purpose-built rental units with a gross floor area of 366 square metres among three floors and a basement. The building is proposed to achieve a height of 12.3 metres. Please refer to the Architectural Package prepared by AAA Architects and submitted in support of this application for additional details.

3. REQUESTED MINOR VARIANCES

To facilitate the proposed development, the following variances of Zoning By-law 05-200 are requested:

1. Relief from Section 5.7.1(a)(i) which requires no parking spaces for residents, 2 visitor parking spaces plus 0.05 visitor parking spaces per unit; whereas no parking spaces are proposed.

4. POLICY OVERVIEW

4.1. *Planning Act, R.S.O. 1990, c.P.13*

The City of Hamilton has not yet approved an Official Plan Amendment that would definitively establish the boundaries of the Major Transit Station Areas within the urban area of the City; however, as discussed in additional detail under Section 4.2 of this letter, the Subject Property is located within an area delineated in the official plan which includes planned higher order transit stations, in which the minimum number of jobs and persons per hectare are established. Therefore, in my opinion, Section 16(22)(b) of the *Planning Act* is satisfied and applied to the Subject Property with respect that no official plan may contain policy that requires a minimum number of vehicle parking spaces.

Section 45(1) of the *Planning Act* with respect to the four tests of a minor variance is addressed specifically in Section 5 of this letter.

4.2. *Urban Hamilton Official Plan*

Under the Urban Hamilton Official Plan (“UHOP”), Schedule E, the Subject Property is identified as “Primary Corridor”. Urban Corridors are intended to be the location for a range of higher density land uses supported by higher order transit and Primary Corridors serve to link two or more nodes, major activity centres, or employment areas. The Subject Property is designated “Neighbourhoods” as per Schedule E-1 of the UHOP. Neighbourhoods are intended to function as complete communities, including a full range of dwelling types and densities.

Appendix B – Major Transportation Facilities and Routes identifies the King Street Priority Transit Corridor and Future LRT Stations, including the Sherman Station and Scott Park Station which are located within a 5-minute walk of the Subject Property. As per Section 2.5.3 of the UHOP, planned densities of future Major Transit Station Areas on Priority Transit Corridors shall be a minimum of 160 residents and jobs combined per hectare. The proposed development contributes towards achieving the minimum density targets of the City.

4.3. *Hamilton Zoning By-law*

The Subject Property is zoned “Transit Oriented Corridor Multiple Residential (TOC3)” under the City of Hamilton Zoning By-law No. 05-200. Within the TOC3 Zone, “multiple dwellings” are a permitted use, which are defined as “a building or part thereof containing five or more dwelling units but shall not include a street townhouse.” Table 1 summarizes applicable zoning regulations and the proposed development.

Table 1: Zoning Summary Table

Section	Regulation	Requirement	Proposed	Complies
4.6.b	Permitted Yard Encroachments	A fire escape or exterior staircase may encroach into a required side or	No exterior staircases	Yes

Section	Regulation	Requirement	Proposed	Complies
		rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is lesser.	are proposed to encroach.	
4.6.e	Permitted Yard Encroachments	A balcony may encroach into any required yard to a maximum of 1.0 metres, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is lesser.	No balconies proposed.	Yes
4.8.1.3.a.i	Accessory Building Setback from Rear Lot Line	Min. 1.2 metres	1.2 metres	Yes
4.8.1.3.b	Accessory Building Setback from Side Lot Line	Min. 1.2 metres	1.2 metres	Yes
5.7.1.a.i	Minimum Required Parking Rate	a. In PRA 1, no parking spaces are required for residents, and 2 visitor parking spaces, plus 0.05 visitor parking spaces are required per unit. (2.3 spaces)	0 parking spaces	No
5.7.2.a.i	Maximum Permitted Parking Rate	a. In PRA 1, 1 space per unit inclusive of resident and visitor parking spaces.	0 parking spaces	Yes
5.7.3.c	Minimum Accessible Parking Calculation	i. In any Zone, except a Downtown Zone, the result of: a. applying the requirement of Section 5.7.1 to all uses, excluding the existing gross floor area within any existing building, and excluding the application of any Parking Rate Area or Downtown Zone, to produce a total number of parking spaces; and, b. applying the corresponding requirement listed in Column 2 of Schedule 5.7.3.b) to the total number of parking spaces resulting from the calculation in Section 5.7.3.c.i.a immediately above to produce the minimum required number of accessible parking spaces	0 parking spaces	Yes
5.7.5.a.i	Short Term Bicycle Parking	In PRA 1, 0.1 per unit. (1 space)	5 spaces	Yes
5.7.5.a.i	Long Term Bicycle Parking	In PRA 1, 0.7 per unit. (5 spaces)	6 spaces	Yes

Section	Regulation	Requirement	Proposed	Complies
11.3.1.1.i	Restriction of Uses within a building.	1. The finished floor elevation shall be a minimum of 0.9 metres above grade. 2. Notwithstanding Subsection 11.3.1.1 i) 1., dwelling unit(s) shall be permitted in a basement or cellar.	Two dwelling units are permitted in the basement.	Yes
11.3.2.a	Building Setback from Street Line	i. Minimum 3.0 metres; ii. Maximum 4.5 metres, except where a visibility triangle is required for driveway access; iii. Notwithstanding Section ii) above, minimum 6.0 metres setback for that portion of a building providing an access driveway to a garage. iv. Section ii) above shall not apply for any portion of a building that exceeds the requirement of Section 11.3.2.f) ii) and iii) below.	3.0 metres	Yes
11.3.2.b	Rear Yard	Min. 7.5 metres	7.5 metres	Yes
11.3.2.c	Interior Side Yard	Min. 7.5 metres for lots abutting a Single Detached Dwelling, Semi-detached Dwelling, and Street Townhouse.	1.2 metres	Yes
11.3.2.d	Lot Area	Min. 360.0 square metres	221.9 square metres	No, Existing Condition
11.3.2.e	Building Height	i. Min. 11.0 metres; ii. Max. 22.0 metres	12.3 metres ¹	Yes
11.3.2.f	Built Form for New Development	i. Rooftop mechanical equipment shall be location and/or screened from view of any abutting street. ii. For an interior lot or a through lot, the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 50% of the measurement of the front lot line.	Rooftop mechanical equipment, if necessary, will be screened. The ground floor façade is 71.5% of the lot width.	Yes
11.3.2.g	Landscaped Area	Min. 10% of the lot area	21.7%	Yes
11.3.2.h	Amenity Area	Not Applicable	N/A	N/A
11.3.2.i	Visual Barrier	Not Applicable	N/A	N/A

¹ Note that no rooftop access or amenity area is proposed.

A Zoning By-law Compliance Review was completed by the City and dated July 15, 2024. That report identified non-conforming elements of a former design. Additionally, meetings were held with staff to discuss matters such as balcony encroachment, reduced rear yards, building form, and density. In response to those comments, the proposed development and design was updated as follows:

- The built form of a 6 unit back-to-back stacked townhouse remains unchanged.
- Decreasing building depth to comply with rear yard setback requirements.
- Revised rear yard design and accessory shed to comply with setback requirements.
- Removed all balconies to address concerns of privacy and overlook.

In addition, the proposed development provides a 1.2m interior side yard setback. Per Section 11.3.2.c, a minimum interior side yard setback of 7.5m is needed. As such a variance would be needed to address this reduction. However, per section 4.7 of the 05-200 By-law, the lot is considered non-conforming according to the existing condition of the minimum lot area that is not in conformance. Further, since the lot is non-conforming and Section 4.7 is applicable, the applicable required minimum variance is 0.9m which is less than the proposed 1.2m interior side yard setback.

Furthermore, under Section 4.12 Vacuum Clause, e) Transit Oriented Corridor Zones, the following is stated:

- i) Notwithstanding any other provisions of this By-law, any lot within the Transit Oriented Corridor Zones of this By-law, and the location thereon of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law.

Similar to Section 4.7 under General Provisions, Section 4.12 applies to the subject lands.

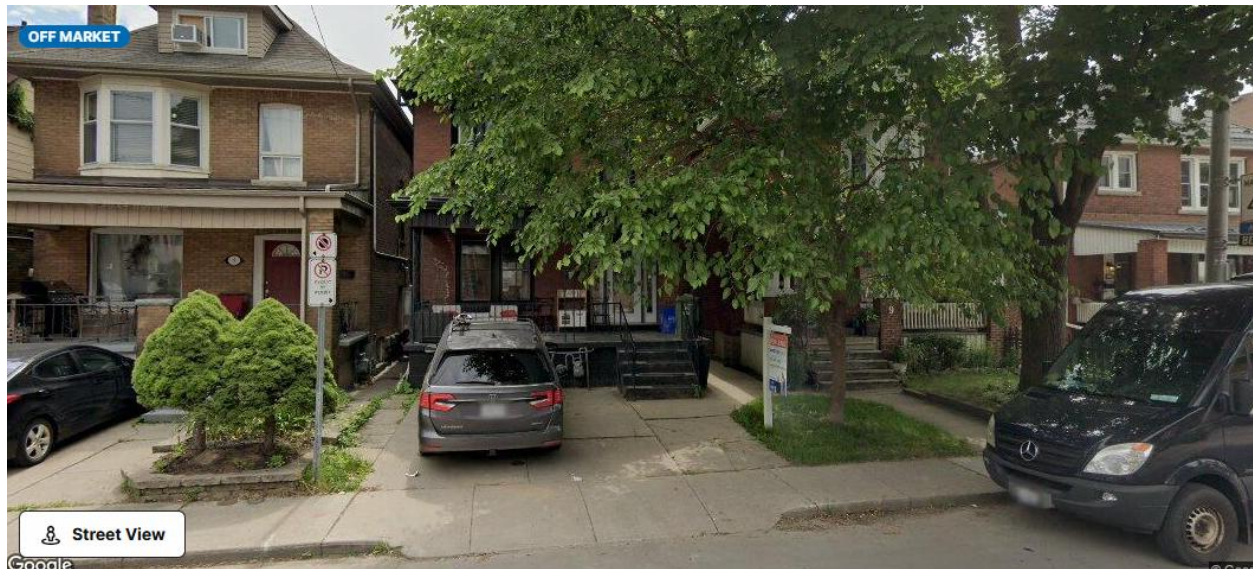
Moreover, a minimum 7.5m interior side yard setback is required for lots abutting a Single Detached Dwelling, Semi-detached Dwelling and Street Townhouse. The adjacent dwelling to the south, identified as 7 Barnesdale Ave, provides a built form of a single detached dwelling. However, upon further review, this dwelling contains more than one dwelling unit, and therefore is no longer functioning as a single detached dwelling but that of a duplex with an upper and lower unit for rent.

The 7.5 metre side yard setback appears to intentionally protect types of dwellings that are predominantly ownership tenure (single detached, semi-detached, and street townhouse dwellings). In this case, a single detached dwelling appears to have been renovated into a duplex with no exterior changes. Thereby, the tenancy and tenure of the building is inherently dictating the required side yard setbacks (single family versus multifamily) and it is not a consideration of built form. Further, the application of a 7.5 metre setback would essentially render the entire subject property vacant/undevelopable.

Based on this, the adjacent property does not meet the definition under the zoning by-law of a single detached, semi-detached, or street townhouse and therefore Section 11.3.2.c) does not apply to the proposed development.

It is understood through City records the lands identified as 7 Barnesdale Ave as a single detached dwelling, however, per the realtor photos recently obtained on-line, the subject lands contain an additional rental unit. Please refer to Figures 1 below for reference.

Figure 1:



As such, the proposed development is an improvement on the existing conditions with an increased side yard setback from existing conditions and maintains the general 3-storey massing of surrounding residential buildings. Other than the request to not provide parking spaces in a transit-oriented area, the proposed development is in conformance with the by-law as written.

5. FOUR TESTS OF A MINOR VARIANCE

Section 45(1) of the *Planning Act* establishes the tests that Committee must consider when deciding whether to grant a variance to the Zoning By-law. The following sets out how the proposed variance meet the four tests.

Test #1 – Maintains the General Intent and Purpose of the Official Plan

The Subject Property is located on a Priority Corridor associated with a future higher-order transit system, whereby residential intensification is intended and encouraged. The proposed development will facilitate the gentle intensification of an existing residential property in a manner that is compatible with the surrounding neighbourhood and contributes to the achievement of intensification targets established by the Province and

the City. The development is proposed as a purpose-built rental project, which will provide new rental units along existing and planned transit lines within the built-up area of the City and on existing municipal infrastructure. The proposed variance supports the efficient but functional development of the property to achieve the goals and intent of the UHOP. Further, the reduction in parking and increased density supports the use of existing and future transit facilities.

In addition, the proposed development aims to assist the City in achieving its density targets by introducing gentle density to the area, especially along Priority Corridors to provide for more opportunities for transit usage. This provides future tenants the opportunity to have walkable access to transit, increasing accessibility options for tenants at different stages of life. Therefore, in my opinion, the proposed variance maintain the general intent and purpose of the Urban Hamilton Official Plan.

Test #2 – Maintains the General Intent and Purpose of the Zoning By-law

Within the TOC3 Zone, multiple dwellings, such as the proposed building, are a permitted use. Table 2 summarizes how the requested variances individually maintain the general intent and purpose of the Zoning By-law.

	Requested Variance	Test #2 Justification
1	Relief from Section 5.7.1(a)(i) which requires no parking spaces for residents, 2 visitor parking spaces plus 0.05 visitor parking spaces per unit; whereas no parking spaces are proposed.	As per Section 16(22) of the <i>Planning Act</i> , vehicle parking is not required within major transit station areas.

Therefore, in my opinion, the requested variance maintains the general intent and purpose of the Zoning By-law.

Test #3 – Desirable for the Appropriate Development or Use of the Land

The proposed variance will facilitate the gentle intensification of an existing residential property within an identified intensification area and on full municipal services. The proposed variance supports the provision of functional purpose-built rental units with private amenity space. The proposed variance is not expected to significantly impact the function and use of adjacent properties and maintains sufficient landscaped open space, while maximizing the functionality of the site. Therefore, in my opinion, the requested variance is desirable for the appropriate development and use of the Subject Property for 6 purpose-built rental dwelling units and associated bicycle parking.

Test #4 – Minor in Nature

Table 3 summarizes how the proposed variance is minor in nature.

	Requested Variance	Test #4 Justification
1	Relief from Section 5.7.1(a)(i) which requires no parking spaces for residents, 2 visitor parking spaces plus 0.05 visitor parking spaces per unit; whereas no parking spaces are proposed.	Due to the close proximity of the Subject Property to existing and future transit corridors and stations, the reduction of 2.3 parking spaces is not anticipated to cause a significant impact to the functionality of the property or surrounding neighbourhood.

Lastly, the proposed variance does not represent an over-intensification of the Subject Property or compromise its functionality or that of the surrounding uses and transportation network. Therefore, in my opinion, the requested variance is minor in nature.

In conclusion, in my opinion, the requested variance meets the four tests under Section 45(1) of the *Planning Act*, and represents good planning.

SUPPORTING MATERIALS

In addition to this cover letter, the following have been submitted in support of this request for review and consideration:

1. Minor Variance Application Form
2. Architectural Drawing Package, prepared by AAA Architects

A hard copy package of the submission materials will be delivered to the City of Hamilton under separate cover. Contact information for the payment of the application fee via credit card is included on the application. We trust the above materials are in order. Should you have any questions with respect to the enclosed or require anything further, please do not hesitate to contact the undersigned.

In conclusion, the proposed revisions reduce the relief required from the zoning by-law, improve privacy and overlook from the original design, improve existing conditions with regards to existing side yard setbacks for both the dwelling and accessory structure, and are appropriate for the development of the lands in a transit supportive manner.

Sincerely,

Nick Wood

Nick Wood, RPP, MCIP, MES(PI)

Vice-President, Development
Planning

Corbett Land Strategies Inc.

(416) 420-5544

nick@corbettlandstrategies.ca



October 30, 2024

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

RE: | Minor Variance Application
5 Barnesdale Avenue South, Hamilton, Ontario

I am pleased to submit the enclosed Minor Variance Application on behalf of Spencer Farrell ("Owner") for the lands municipally known as 5 Barnesdale Avenue South, Hamilton, Ontario ("subject property") to the Committee of Adjustment for their review and consideration. The purpose of the minor variance application is to grant relief from the Zoning By-law to facilitate the construction of a low-rise multi-unit residential building on the subject property.

1. SUBJECT PROPERTY & SURROUNDING AREA

The subject property is located on the east side of Barnesdale Avenue South, south of King Street East and north of Vineland Avenue, and currently consists of a single detached dwelling (Figure 1). The subject property has an area of 221.9 square metres with a frontage of 8.53 metres on Barnesdale Avenue South. The property is generally flat and contains mature vegetation around the periphery of the lot.

Surrounding properties consist of low-rise residential and commercial along the King Street East corridor. King Street East has been identified by the Province and the City as the route for future light rail transit service and the subject property is located within the proposed Scott Park Major Transit Station Area but is within a 5 minute walk to both the proposed Scott Park Station (east) and the Sherman Station (west). The subject property is located within a 2-minute walk (100 metres) to an existing bus stop at Fairholt Road North and King Street East, which is serviced by Route 01.



Figure 1: Location of Subject Property Outlined in Red (Hamilton GIS)

2. PROPOSED DEVELOPMENT

The proposed development consists of the removal of all existing structures on the property and the construction of 6 back-to-back stacked townhouse units. The units are proposed to be accessed from the front of the building and via a sidewalk at the rear of the building. The rear of the property is proposed to accommodate 5 short-term bicycle parking spaces and an accessory structure that will accommodate garbage storage and 6 long-term bicycle parking spaces.

The proposed building will consist of 6 purpose-built rental units with a gross floor area of 378.5 square metres among three floors and a basement. The building is proposed to achieve a height of 12.3 metres. Please refer to the Architectural Package prepared by AAA Architects and submitted in support of this application for additional details.

3. REQUESTED MINOR VARIANCES

To facilitate the proposed development, the following variances of Zoning By-law 05-200 are requested:

1. Relief from Section 11.3.2(b) which requires a minimum rear yard setback of 7.5 metres; whereas 6 metres is proposed.
2. Relief from Section 11.3.2.(c) which requires a minimum interior side yard setback of 7.5 metres for lots abutting a single detached dwelling; whereas 1.2 metres is proposed.

3. Relief from Section 4.6.(b) which permits an exterior staircase to encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is lesser; whereas, an exterior staircase is proposed in the front yard and projects 1.5 metres into the front yard.
4. Relief from Section 4.6(e) which permits a balcony to encroach into any required yard to a maximum of 1 metres, except into a required side yard of not more than one-third of its width or 1 metres, whichever is lesser; whereas the balconies are proposed to project 1.5 metres into the front and rear yards.
5. Relief from Section 4.8.1.3(a)(i) which requires a building setback from a rear lot line for a building accessory to a multiple dwelling of a minimum of 1.2 metres; whereas, 0.3 metres is proposed.
6. Relief from Section 5.7.1(a)(i) which requires no parking spaces for residents, 2 visitor parking spaces plus 0.05 visitor parking spaces per unit; whereas no parking spaces are proposed.

4. POLICY OVERVIEW

4.1. *Planning Act, R.S.O. 1990, c.P.13*

The City of Hamilton has not yet approved the Official Plan Amendment that would definitively establish the boundaries of the Major Transit Station Areas within the urban area of the City; however, as discussed in additional detail under Section 4.2 of this letter, the subject property is located within an area delineated in the official plan which includes planned higher order transit stations, in which the minimum number of jobs and persons per hectare are established. Therefore, in my opinion, Section 16(22)(b) of the *Planning Act* is satisfied and applied to the subject property with respect that no official plan may contain policy that requires a minimum number of vehicle parking spaces.

Section 45(1) of the *Planning Act* with respect to the four tests of a minor variance is addressed specifically in Section 5 of this letter.

4.2. *Urban Hamilton Official Plan*

Under the Urban Hamilton Official Plan ("UHOP"), Schedule E, the subject property is identified as "Primary Corridor". Urban Corridors are intended to be the location for a range of higher density land uses supported by higher order transit and Primary Corridors serve to link two or more nodes, major activity centres, or employment areas. The subject property is designated "Neighbourhoods" as per Schedule E-1 of the UHOP. Neighbourhoods are intended to function as complete communities, including a full range of dwelling types and densities.

Appendix B – Major Transportation Facilities and Routes identifies the King Street Priority Transit Corridor and Future LRT Stations, including the Sherman Station and Scott Park Station which are located within a 5-minute walk of the subject property. As per Section 2.5.3 of the UHOP, planned densities of future Major Transit Station Areas on Priority Transit Corridors shall be a minimum of 160 residents and jobs combined per hectare.

The proposed development contributes towards achieving the minimum density targets of the City.

4.3. *Hamilton Zoning By-law*

The subject property is zoned “Transit Oriented Corridor Multiple Residential (TOC3)” under the City of Hamilton Zoning By-law 05-200. Within the TOC3 Zone, “multiple dwellings” are a permitted use, which are defined as “a building or part thereof containing five or more dwelling units but shall not include a street townhouse.” Table 1 summarizes applicable zoning regulations and the proposed development.

Table 1: Zoning Summary Table

Section	Regulation	Requirement	Proposed	Complies
4.6.b	Permitted Yard Encroachments	A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is lesser.	Encroachment of 1.5 metres into the front yard.	No
4.6.e	Permitted Yard Encroachments	A balcony may encroach into any required yard to a maximum of 1.0 metres, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is lesser.	Encroachment of 1.5 metres is proposed.	No
4.8.1.3.a.i	Accessory Building Setback from Rear Lot Line	Min. 1.2 metres	0.3 metres	No
4.8.1.3.b	Accessory Building Setback from Side Lot Line	Min. 1.2 metres	1.2 metres	Yes
5.7.1.a.i	Minimum Required Parking Rate	a. In PRA 1, no parking spaces are required for residents, and 2 visitor parking spaces, plus 0.05 visitor parking spaces are required per unit. (2.3 spaces)	0 parking spaces	No
5.7.2.a.i	Maximum Permitted Parking Rate	a. In PRA 1, 1 space per unit inclusive of resident and visitor parking spaces.	0 parking spaces	Yes
5.7.3.c	Minimum Accessible Parking Calculation	i. In any Zone, except a Downtown Zone, the result of: a. applying the requirement of Section 5.7.1 to all uses, excluding the existing gross floor area within any existing building, and excluding the application of any Parking Rate Area or	0 parking spaces	Yes

Section	Regulation	Requirement	Proposed	Complies
		Downtown Zone, to produce a total number of parking spaces; and, b. applying the corresponding requirement listed in Column 2 of Schedule 5.7.3.b) to the total number of parking spaces resulting from the calculation in Section 5.7.3.c.i.a immediately above to produce the minimum required number of accessible parking spaces		
5.7.5.a.i	Short Term Bicycle Parking	In PRA 1, 0.1 per unit. (1 space)	5 spaces	Yes
5.7.5.a.i	Long Term Bicycle Parking	In PRA 1, 0.7 per unit. (5 spaces)	6 spaces	Yes
11.3.1.1.i	Restriction of Uses within a building.	1. The finished floor elevation shall be a minimum of 0.9 metres above grade. 2. Notwithstanding Subsection 11.3.1.1 i) 1., dwelling unit(s) shall be permitted in a basement or cellar.	Two dwelling units are permitted in the basement.	Yes
11.3.2.a	Building Setback from Street Line	i. Minimum 3.0 metres; ii. Maximum 4.5 metres, except where a visibility triangle is required for driveway access; iii. Notwithstanding Section ii) above, minimum 6.0 metres setback for that portion of a building providing an access driveway to a garage. iv. Section ii) above shall not apply for any portion of a building that exceeds the requirement of Section 11.3.2.f) ii) and iii) below.	3.0 metres	Yes
11.3.2.b	Rear Yard	Min. 7.5 metres	6.0 metres	No
11.3.2.c	Interior Side Yard	Min. 7.5 metres for lots abutting a Single Detached Dwelling, Semi-detached Dwelling, and Street Townhouse.	1.2 metres	No
11.3.2.d	Lot Area	Min. 360.0 square metres	221.9 square metres	No, Existing Condition
11.3.2.e	Building Height	i. Min. 11.0 metres; ii. Max. 22.0 metres	12.3 metres ¹	Yes
11.3.2.f	Built Form for New Development	i. Rooftop mechanical equipment shall be location and/or screened from view of any abutting street.	Rooftop mechanical equipment, if	Yes

Section	Regulation	Requirement	Proposed	Complies
		ii. For an interior lot or a through lot, the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 50% of the measurement of the front lot line.	necessary, will be screened. The ground floor façade is 71.5% of the lot width.	
11.3.2.g	Landscaped Area	Min. 10% of the lot area	18.6%	Yes
11.3.2.h	Amenity Area	Not Applicable	N/A	N/A
11.3.2.i	Visual Barrier	Not Applicable	N/A	N/A

¹ Note that no rooftop access or amenity area is proposed.

A Zoning By-law Compliance Review was completed by the City and dated July 15, 2024. That report identified non-conforming elements of a former design. In response to the Review, the design was revised to include bicycle parking, garbage storage, removal of the rooftop amenity space, and addition of balconies. The Review identified non-compliance with Section 11.3.1.1(i) of the By-law, stating that only one dwelling units is permitted within the basement; however, the text of the by-law does not state one or any specific number of dwelling units. Further, at the time of the Review, compliance was required for the former and current parking regulations; whereas, the former regulations no longer apply. Lastly, the enclosed variances do not include minimum accessible parking spaces, as the By-law refers specifically to “parking spaces provided” not parking spaces required and as we are seeking to provide 0 spaces, which is less than 5, there is no requirement for accessible parking under the By-law.

5. FOUR TESTS OF A MINOR VARIANCE

Section 45(1) of the *Planning Act* establishes the tests that Committee must consider when deciding whether to grant a variance to the Zoning By-law. How the requested variances meet these four tests is summarized below.

Test #1 – Maintains the General Intent and Purpose of the Official Plan

The subject property is located on a Priority Corridor associated with a future higher-order transit system, whereby residential intensification is intended and encouraged. The proposed development will facilitate the gentle intensification of an existing residential property in a manner that is compatible with the surrounding neighbourhood and contributes to the achievement of intensification targets established by the Province and the City. The development is proposed as a purpose-built rental project, which will provide new rental units along existing and planned transit lines within the built-up area of the City and on existing municipal infrastructure. The proposed variances support the efficient but functional development of the property to achieve the goals and intent of the UHOP. Further, the reduction in parking and increased density support the use of existing and future transit facilities. Therefore, in my opinion, the proposed variances maintain the general intent and purpose of the Urban Hamilton Official Plan.

Test #2 – Maintains the General Intent and Purpose of the Zoning By-law

Within the TOC3 Zone, multiple dwellings, such as the proposed building, are a permitted use. Table 2 summarizes how the requested variances individually maintain the general intent and purpose of the Zoning By-law.

	Requested Variance	Test #2 Justification
1	Relief from Section 11.3.2(b) which requires a minimum rear yard setback of 7.5 metres; whereas 6 metres is proposed	The general purpose of a rear yard setback is to ensure sufficient space for private amenity and landscaping, as well as to create a buffer between the subject property and properties to the rear of the lands. The proposed 6 metre rear yard setback is sufficient in creating a buffer as it is still able to provide space for soft and hard landscaping, short-term bicycle storage, and an accessory building with garbage and long-term bicycle storage.
2	Relief from Section 11.3.2.(c) which requires a minimum interior side yard setback of 7.5 metres for lots abutting a single detached dwelling; whereas 1.2 metres is proposed.	The general purpose of a side yard setback is to support separation and compatibility between buildings on different lots, provide space for access to the rear yard, support grading and drainage. The proposed 1.2 metres maintains adequate space for a walkway to the rear of the property and considers the existing and proposed grading. Further, the existing dwelling is setback less than 0.5 metres from the side lot line and the proposed setback improves upon the existing conditions on the property by proposing increased setbacks from the existing conditions.
3	Relief from Section 4.6.(b) which permits an exterior staircase to encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is lesser; whereas, an exterior staircase is proposed in the front yard and projects 1.5 metres into the front yard.	The general purpose of these permitted encroachments and maximum encroachment distances is to allow flexibility for ingress and egress, and design flexibility while not permitting a full façade to encroach into a required yard. The proposed built form is designed such that all units have their own private accesses and to accommodate all required accesses considering the raised finished floor elevation, stairs are required to access the front porches of all units. The proposed encroachments are limited to the front and rear yards and do not exceed 1.5 metres. The proposed configuration maintains

	Requested Variance	Test #2 Justification
		1.5 metres of landscaping in the front yard and as a future road widening is not anticipated, the encroachment does not introduce a conflict with future transportation needs.
4	Relief from Section 4.6(e) which permits a balcony to encroach into any required yard to a maximum of 1 metres, except into a required side yard of not more than one-third of its width or 1 metres, whichever is lesser; whereas the balconies are proposed to project 1.5 metres into the front and rear yards.	The general purpose of this permitted encroachment and maximum encroachment distance is to allow flexibility for design while minimizing potential conflict with the use and enjoyment of adjacent properties. The proposed balconies are limited to the front and rear facades and do not directly overlook an adjacent property's private amenity area. The proposed design maintains compatibility with the surrounding properties and provides functional private outdoor space for all applicable units.
5	Relief from Section 4.8.1.3(a)(i) which requires a building setback from a rear lot line for a building accessory to a multiple dwelling of a minimum of 1.2 metres; whereas, 0.3 metres is proposed	The general purpose of a rear yard setback for an accessory building is to provide sufficient space for fencing and landscaping, if desired, between properties and allow sufficient space for maintenance of the structure without impeding on an adjacent property.
6	Relief from Section 5.7.1(a)(i) which requires no parking spaces for residents, 2 visitor parking spaces plus 0.05 visitor parking spaces per unit; whereas no parking spaces are proposed.	As per Section 16(22) of the <i>Planning Act</i> , vehicle parking is not required within major transit station areas.

Therefore, in my opinion, the requested variances maintain the general intent and purpose of the Zoning By-law.

Test #3 – Desirable for the Appropriate Development or Use of the Land

The proposed variances will facilitate the gentle intensification of an existing residential property within an identified intensification area and on full municipal services. The proposed variances support the provision of functional purpose-built rental units with private amenity space. The proposed variances are not expected to significantly impact the function and use of adjacent properties and maintains sufficient landscaped open space, while maximizing the functionality of the site. Therefore, in my opinion, the requested variances are desirable for the appropriate development and use of the subject property for 6 purpose-built rental dwelling units and associated bicycle parking.

Test #4 – Minor in Nature

Table 3 summarizes how the proposed variances are minor in nature.

	Requested Variance	Test #4 Justification
1	Relief from Section 11.3.2(b) which requires a minimum rear yard setback of 7.5 metres; whereas 6 metres is proposed	The proposed reduction of 1.5 metres is minor in nature as the proposed development maintains sufficient landscaped open space and a buffer between the rear of the proposed development and properties adjacent to the rear.
2	Relief from Section 11.3.2.(c) which requires a minimum interior side yard setback of 7.5 metres for lots abutting a single detached dwelling; whereas 1.2 metres is proposed.	The proposed reduction of 6.3 metres maintains a side yard setback that is greater than the existing building setback of less than 0.5 metres and is not anticipated to generate any additional impact on the adjacent property.
3	Relief from Section 4.6.(b) which permits an exterior staircase to encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is lesser; whereas, an exterior staircase is proposed in the front yard and projects 1.5 metres into the front yard.	The proposed location of an exterior staircase in the front yard that encroaches into the front yard setback is not anticipated to cause any negative impacts to the functionality or appearance of the streetscape. Further, the encroachment distance of 1.5 metres is the same distance as permitted in rear and side yards.
4	Relief from Section 4.6(e) which permits a balcony to encroach into any required yard to a maximum of 1 metres, except into a required side yard of not more than one-third of its width or 1 metres, whichever is lesser; whereas the balconies are proposed to project 1.5 metres into the front and rear yards.	The proposed increased encroachment of 0.5 metres supports the functionality of the proposed balconies, which provide the tenants with private outdoor amenity space. The balconies are located only on the front and rear facades and will not impede upon surrounding residential uses.
5	Relief from Section 4.8.1.3(a)(i) which requires a building setback from a rear lot line for a building accessory to a multiple dwelling of a minimum of 1.2 metres; whereas, 0.3 metres is proposed	The reduced rear yard setback allows a functional enclosed garbage and bicycle storage building to be located on the property that has sufficient space internally while maintaining proper pedestrian access and circulation in the back yard.
6	Relief from Section 5.7.1(a)(i) which requires no parking spaces for residents, 2 visitor parking spaces	Due to the close proximity of the subject property to existing and future transit corridors and stations, the reduction of 2.3

	Requested Variance	Test #4 Justification
	plus 0.05 visitor parking spaces per unit; whereas no parking spaces are proposed.	parking spaces is not anticipated to cause a significant impact to the functionality of the property or surrounding neighbourhood.

Lastly, cumulatively, the proposed variances do not represent an over-intensification of the subject property or compromise functionality of the subject property or surrounding uses and transportation network. Therefore, in my opinion, the requested variances are minor in nature.

In conclusion, in my opinion, the requested variances meet the four tests under Section 45(1) of the *Planning Act*, and represent good planning.

SUPPORTING MATERIALS

In addition to this cover letter, the following have been submitted in support of this request for review and consideration:

1. Minor Variance Application Form
2. Architectural Drawing Package, prepared by AAA Architects

A hard copy package of the submission materials will be delivered to the City of Hamilton under separate cover. Contact information for the payment of the application fee via credit card is included on the application. We trust the above materials are in order. Should you have any questions with respect to the enclosed or require anything further, please do not hesitate to contact the undersigned.

Sincerely,



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Hamilton

July 15th, 2024

FILE: ALR
FOLDER: 24-ALR
ATTENTION OF: Alyssa Vaccari

AAA Architects Inc
1018-130 Queens Quay East
Toronto ON, M5A 0P6

Attention:

RE: APPLICABLE LAW REVIEW – ZONING BYLAW COMPLIANCE REVIEW
PRESENT ZONING: TOC3 (HAMILTON ZONING BY-LAW 05-200)
ADDRESS: 5 BARNESDALE AVENUE, HAMILTON

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. The applicant is proposing to demolish the existing single detached dwelling and construct a new three (3) storey residential building containing six (6) residential units.
2. The property is subject to the “TOC3” Transit Oriented Corridor Multiple Residential Zone within the Hamilton zoning By-law 05-200. A multiple Dwelling (back to back towns) is permitted within the current zone.
3. Please be advised the property is subject to Amending By-law 24-052, which is not yet final and binding. The following review reflects the old and new zoning requirements for parking within the Hamilton Zoning By-law 05-200.
4. Sign details have not been provided. All signage shall conform to Hamilton Sign By-law 10-197. A Building permit(s) is required for all signage.
5. Fencing details have not been provided. All fencing shall conform to Hamilton Fence By-law 10-142.

6. Construction of the proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.
7. Insufficient information provided regarding the garbage and recycling area. If it is not roofed-over, it is considered a fence. If the garbage enclosure is required to be roofed-over, the enclosure is then considered to be an accessory building and shall be in accordance with Section 4.8 and 4.8.4
8. The proposed buildings and structures have been reviewed and compared to the standards of the "M2" and "M3" Zones, as indicated in the following chart:

TOC3 Zone – Transit Oriented Corridor Multiple Residential (Section 11.3 of Hamilton Zoning By-law 05-200)

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 11.3– TOC3 Requirements			
Section 11.3.1.1- Restricted Uses			
Restriction of Uses within a Building [as per section 11.3.1.1(i) of Hamilton Zoning By-law 05-200]	1. The finished floor elevation of any dwelling unit shall be a minimum of 0.9m above grade; and 2. Notwithstanding Subsection 11.3.1.1(i)1. above, one dwelling unit(s) shall be permitted in a basement or cellar.	2 dwelling units proposed within the basement	Non-conforming
Section 11.3.2- EMERGENCY SHELTER, LODGING HOUSE, MULTIPLE DWELLING, RESIDENTIAL CARE FACILITY, RETIREMENT HOME, REGULATIONS			
Building Setback from a Street Line [as per section 11.3.2(a) of Hamilton Zoning By-law 05-200]	i) Minimum 3.0 metres;	3.0m	Conforms
		Insufficient information regarding rear retaining wall. Height above grade is needed.	Unable to determine compliance
	ii) Maximum 4.5 metres, except where a visibility triangle is required for a driveway access.	3.0m	Conforms
	iii) Notwithstanding Section ii) above, minimum 6.0 metres setback for that portion of a building providing an access driveway to a garage.	Not proposed	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
	iv) Section ii) above shall not apply for any portion of a building that exceeds the requirement of Section 11.3.2.f) ii) and iii) below.	Please note	
Minimum Rear Yard [as per section 11.3.2(b) of Hamilton Zoning By-law 05-200]	7.5 metres;	5.98m Insufficient information regarding rear retaining wall. Height above grade is needed.	Non-conforming
Minimum Interior Side Yard [as per section 11.3.2(c) of Hamilton Zoning By-law 05-200]	7.5 metres for lots abutting a single detached dwelling, semi-detached dwelling and street townhouse	1.19m	Non-conforming
Minimum Lot Area [as per section 11.3.2(d) of Hamilton Zoning By-law 05-200]	360.0 square metres;	222.74m ² (existing)	Existing condition
Building Height [as per section 11.3.2(e) of Hamilton Zoning By-law 05-200]	<p>i) Minimum 11.0 metres. ii) Maximum 22.0 metres. iii) In addition to Section i) above and notwithstanding Section ii) above, the minimum building height may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 11.3.2 b) and c) above, when abutting a Residential or Institutional Zone, a maximum of 22.0 metres.</p> <p>iv) In addition to the definition of Building Height, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:</p> <p>A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not exceed 10% of the floor area of the storey directly beneath;</p> <p>B. The wholly enclosed or partially enclosed amenity area, or portion of a</p>	<p>13.05m from average grade to top of building</p> <p>Insufficient information</p>	<p>Conforms</p> <p>Unable to determine compliance</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,</p> <p>C. The wholly enclosed or partially enclosed amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure</p>		
<p>Built Form for New Development [as per section 11.3.2(f) of Hamilton Zoning By-law 05-200]</p>	<p>In the case of buildings constructed after the effective date of this By-law, excluding any alterations to façade, windows or doors after the effective date of this by-law:</p> <p>i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.</p> <p>ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 50% of the measurement of the front lot line.</p> <p>$50 \times 8.53 / 100 = 4.26\text{m}$</p> <p>iv) In addition to Subsection 11.3.2 f) ii) and iii), the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.</p> <p>v) Notwithstanding ii) and iii) above, maximum one 6.0 metre wide driveway shall be permitted for ingress and egress.</p> <p>vi) No parking or aisles shall be located between a required building façade and the front lot line and flankage lot line.</p> <p>vii) Notwithstanding the above, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to</p>	<p>Does not appear to be proposed</p> <p>6.10m</p> <p>Please note</p> <p>Not propsoed</p> <p>Not propsoed</p> <p>Please note</p>	<p>Appears N/A</p> <p>Conforms</p> <p>N/A</p> <p>N/A</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	comply with this Section.		
Minimum Landscaped Area for Multiple Dwellings [as per section 11.3.2(g) of Hamilton Zoning By-law 05-200]	10% of the lot area shall be landscaped area.	23.78m ² (as per chart)	Conforms
Minimum Amenity Area for Dwelling Units and Multiple Dwellings [as per section 11.3.2(h) of Hamilton Zoning By-law 05-200]	<p>On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements shall be provided:</p> <p>i) An area of 4.0 square metres for each dwelling unit less than 50 square metres;</p> <p>ii) An area of 6.0 metres for each dwelling unit more than 50 square metres;</p> <p>iii) In addition to the definition of Amenity Area, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air and may include balconies and patios; and,</p> <p>iv) In addition to the definition of Amenity Area, the required Amenity Area shall be provided exclusively for the residential component and shall be functionally separated from public areas associated with any commercial component.</p>	6 dwelling units proposed	N/A
Visual Barrier [as per section 11.3.2(i) of Hamilton Zoning By-law 05-200]	<p>i) A visual barrier shall be required along any lot line abutting a Downtown D5 Zone, Institutional Zone or Residential Zone in accordance with the requirements of Section 4.19 of this By-law.</p> <p>ii) Notwithstanding i) above, no visual barrier(s) shall be permitted between the building façade and the street.</p>	Abuts the "TOC3" Zone	N/A
<p align="center">Section 4 – General Provisions</p> <p align="center"><i>(In accordance with the applicable regulations of Section 4 within the Hamilton Zoning By-law 05-200)</i></p>			
Permitted Yard Encroachments [as per section 4.6 of Hamilton Zoning By-law]	a) The usual projections of window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar	Not proposed	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
05-200]	<p>appurtenances may be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser; (By-law No. 16-265, October 12, 2016) (By-law No. 18-219, August 17, 2018)</p> <p>b) A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser; (By-law No. 18-219, August 17, 2018)</p> <p>c) An unenclosed ramp for wheelchair access may encroach into any required yard to no maximum distance;</p> <p>d) A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser; (By-law No. 11-276, November 16, 2011) (By-law No. 18-219, August 17, 2018)</p> <p>e) A balcony may encroach into any required yard to a maximum of 1.0 metres, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is the lesser; and, (By-law No. 18-219, August 17, 2018)</p> <p>f) A bay window or alcove, without foundation, may encroach into any required yard to a maximum of 0.6 metres, or half the distance of the required yard, whichever is the</p>	<p>Proposed within the front yard.</p> <p>5.99m into required side yard</p> <p>Rear Yard: insufficient information</p> <p>Please note</p> <p>Front porch (including stairs) encroached 1.74m into front yard</p> <p>3.24m into required rear yard</p> <p>Encroaches more than 1.5m into the required side yard</p> <p>Not proposed</p> <p>Not proposed</p>	<p>Non-conforming</p> <p>Non-conforming</p> <p>Unable to determine compliance</p> <p>Non-conforming</p> <p>Non-conforming</p> <p>Non-conforming</p> <p>N/A</p> <p>N/A</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>lesser. No such feature shall have a width greater than 3.0 metres. (By-law No. 08-227, September 24, 2008) (By-law No. 18-219, August 17, 2018)</p> <p>i) Wall-mounted electric vehicle charging equipment may encroach into any required yard to a maximum of 0.3 metres. (By-law No. 24-052, April 10, 2024, not final & binding)</p>	Not proposed	N/A
Mechanical and Unitary Equipment [as per section 4.9 of Hamilton Zoning By-law 05-200]	<p>Hot boxes, air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:</p> <p>a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,</p> <p>b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line</p>	Insufficient information	Unable to determine compliance

Parking

(Section 5 of Hamilton Zoning By-law 05-200)

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 5 - Parking			
Location (All Uses) [as per section 5.1(a) of Hamilton Zoning By-law 05-200]	i) Required parking facilities shall be located on the same lot as the use requiring the parking.	No Parking is proposed	N/A
Location (Multiple Dwellings) [as per section 5.1(d) of Hamilton Zoning By-law 05-200]	<p><i>On a lot containing a multiple dwelling:</i></p> <p>i) With the exception of any visitor parking required by Section 5.6, required parking for multiple dwellings</p>	No parking is proposed	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming		
	<p>shall not be located between the façade and the front lot line or between the façade and flankage lot line. In no case shall any parking be located within the required front yard or required flankage yard or within 3.0 metres of a street line.</p> <p>ii) Visitor parking may be permitted between the façade and a street provided that no more than 50% of the front yard shall be used for visitor parking and access to such parking.</p>				
Design Standards [as per section 5.2 of Hamilton Zoning By-law 05-200]	No parking proposed				
	<p>b) <i>In any Rural Zone, Major Recreational Equipment:</i></p> <p>i) May be stored enclosed;</p> <p>ii) Shall not be stored in the minimum required front yard or flankage yard;</p> <p>iii) May be stored in a rear yard or side yard provided that the Major Recreational Equipment is screened with a visual barrier in accordance with Section 4.19 of this By-law, and has a minimum setback of 1.2 metres from the side or rear lot line;</p> <p>iv) Notwithstanding Subsections i), ii) and iii) herein, Major Recreational Equipment may be parked on a driveway wholly inside the lot line between May 1st and October 31st in each year; and,</p> <p>v) Storage of Major Recreational Equipment shall only be permitted for Major Recreational Equipment owned by a resident of the lot.</p>				
Barrier Free Parking [as per section 5.5 of Hamilton Zoning By-law 05-200]	<p>a) <i>Barrier free parking shall be designated and provided as part of the required parking spaces in accordance with the following requirements:</i></p>	0 spaces	Non-conforming		
<i>*Shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings and</i>	<table><tr><th>Required Parking Spaces</th><th>Designated Barrier Free Parking Spaces</th></tr><tr><td></td><td></td></tr></table>			Required Parking Spaces	Designated Barrier Free Parking Spaces
Required Parking Spaces	Designated Barrier Free Parking Spaces				

	Required By By-Law		Provided	Conforming/ Non-Conforming
<i>Street Townhouses abutting a public street.</i> <i>**Where the application of the parking standards in Section a) above results in a numeric fraction, fractions shall be rounded down to the nearest whole number.</i>	1 – 49 Spaces	Minimum 1 space;		
	50 – 100 Spaces	Minimum 4% of the total number of required parking spaces;		
	101 – 200 Spaces	Minimum 1 space + 3% of the total number of required parking spaces;		
	201 – 1000 Spaces	Minimum 2 spaces + 2% of the total number of required parking spaces; and,		
	1000+	Minimum 11 + 1% of the total number of required parking spaces.		
	b) Subsection 5.5 a) shall not apply to Single Detached Dwellings, Semi- Detached Dwellings, Duplex Dwellings and Street Townhouses abutting a public street. c) Where the application of the parking standards in Section a) above results in a numeric fraction, fractions shall be rounded down to the nearest whole number.			
Minimum Number of Required Parking Spaces [as per section 5.6 c) of Hamilton Zoning By-law 05-200]	Refer to table in By-law 5.6 c) Multiple Dwelling (Commercial and Mixed Use (C5) Zone and all Transit Oriented Corridor Zones): i) Dwelling units less than 50m ² in gross floor area – min 0.3 per unit/max 1.25 per unit Calculation: 0.3 x 6 = 1.8 spaces 1.25 x 6 = 7.5 spaces		0 spaces	Non-conforming

	Required By By-Law	Provided	Conforming/ Non-Conforming
Bicycle Parking [as per section 5.7 of Hamilton Zoning By-law 05-200]	<p>a) <i>Locational Requirements:</i></p> <p>i) Long-term Bicycle Parking Space shall be located in a secure enclosed bicycle parking area.</p> <p>ii) Short-term Bicycle Parking Space shall be located within a bicycle parking area at grade</p>	Bicycle parking is not proposed	N/A
	<p>c) <i>In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed-Use Zones <u>short-term bicycle parking</u> shall be provided in each and every building in the minimum quantity specified in accordance with the following requirements:</i></p> <p>See Table in By-law</p> <p>Multiple Dwelling: 5 short term spaces</p>	0 spaces	Non-conforming
	<p>e) <i>Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor Zones <u>long-term bicycle parking</u> shall be provided in the minimum quantity specified in accordance with the following requirements:</i></p> <p>See Table in By-law</p> <p>Multiple Dwelling: 0.5 per dwelling unit</p> <p>Calculation: $0.5 \times 6 = 3$ long term spaces</p>	0 spaces	Non-conforming
	h) Where the application of the bicycle parking standards in Section 5.7 above, results in a numeric fraction, fractions shall be rounded down to the nearest whole number.		

Parking

(Section 5 of Hamilton Zoning By-law 05-200)

	Required By By-Law	Provided	Conforming/ Non-Conforming
SECTION 5: PARKING (BY-LAW 24-052, NOT FINAL)			

	Required By By-Law	Provided	Conforming/ Non-Conforming
5.1 PARKING SUPPLY REQUIREMENTS AND RESTRICTIONS			
Minimum Number of Required Parking Spaces [as per section 5.1.1 (a) of Hamilton Zoning By-law 05-200]	The minimum number of required parking spaces which must be provided shall be the result of applying: <ul style="list-style-type: none"> i) The minimum amount in accordance with the Minimum Required Parking Rate Schedule in Section 5.7.1; ii) Any eligible exception in this Section; and, iii) Any eligible deductions in this Section 		
Exception for Existing Buildings in All Zones [as per section 5.1.1 (b) of Hamilton Zoning By-law 05-200]	Notwithstanding Section 5.7.1, for any use located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided, except that: <ul style="list-style-type: none"> i) a use shall not be required to provide additional parking beyond that which is required by Section 5.7.1; and, ii) where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.7.1 shall only apply to the increased gross floor area of the building. 		
Rounding Calculations [as per section 5.1.1 (c) of Hamilton Zoning By-law 05-200]	<ul style="list-style-type: none"> i) Where the application of the parking standards in Section 5.7.1, 5.7.2, 5.7.4, and 5.7.5 results in a numeric fraction, fractions shall be rounded down to the nearest whole number. ii) Where the application of the minimum accessible parking standards in Section 5.7.3 results in a numeric fraction, fractions shall be rounded up to the nearest whole number. iii) Where the calculations in Sections 5.7.1, 5.7.2, 5.7.3, 5.7.4 or 5.7.5 apply to multiple uses, rounding shall only be applied to the sum of the requirements for all uses on the lot. 		
Required Parking to be Provided on Same Lot [as per section 5.1.1 (d) of Hamilton Zoning By-law 05-200]	All required parking spaces shall be located on the same lot as the use for which they are required, unless the parking spaces are provided on another lot in compliance with Section 5.6.1.	No parking proposed	N/A
Maximum Permitted Number of Parking [as per section 5.1.2 of Hamilton Zoning By-law 05-200]	<u>a) Maximum Permitted Number of Parking Spaces</u> Where Section 5.7.2 specifies a maximum permitted number of parking spaces, the number of parking spaces located on a lot shall not exceed that number.		
	<u>b) Reduction of Excess Parking Spaces</u> Where the number of existing parking spaces exceeds the maximum permitted in accordance with Section 5.7.2, the parking spaces provided in excess of the maximum parking standard may be eliminated. However, in no case may the number of parking spaces provided be less than the minimum parking requirements in Section 5.7.1.		
Minimum Required Number of Accessible Parking Spaces [as per section 5.1.3 of Hamilton Zoning By-	<u>a) Minimum Number of Accessible Parking Spaces</u> Accessible parking shall be designated and provided in accordance with the requirements of the Minimum Accessible Parking Rate Schedule in Section 5.7.3.		
	<u>b) Exception for Certain Residential Uses</u>		

	Required By By-Law	Provided	Conforming/ Non-Conforming
law 05-200]	Section 5.7.3 shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings, Triplex Dwellings, Fourplex Dwellings and Street Townhouse Dwellings.		
Minimum Required Number of Electric Vehicle Parking Spaces [as per section 5.1.4 of Hamilton Zoning By-law 05-200]	<u>a) Minimum Required Number of Electric Vehicle Parking Spaces</u> Where parking spaces are provided, Electric Vehicle Parking Spaces shall be provided in accordance with: i) The minimum rates in accordance with the Parking Schedule in Section 5.7.4; and, ii) Any eligible exception in this Section.		
	<u>b) Exception for the Agriculture (A1) Zone, Rural (A2) Zone, and any Open Space and Park Zone</u> The minimum requirement for Electric Vehicle Parking Spaces shall not apply to any parking space located within one of the following Zones: i) Agriculture (A1) Zone; ii) Rural (A2) Zone; and, iii) Any Open Space and Park Zone.		
	<u>c) Exception for Existing Buildings in All Zones</u> Notwithstanding Section 5.7.4, for any use within any Zone, located in all or part of a building existing on the effective date of this By-law, no Electric Vehicle Parking Spaces are required, except that: i) where an addition or expansion of an existing building is proposed, the Electric Vehicle Parking requirements of Section 5.7.4 shall only apply to such addition or expansion.		
	<u>d) Exception for Existing Parking Lots in All Zones</u> Notwithstanding Section 5.7.4, for any Parking Lot or portion thereof within any Zone, existing on the effective date of this By-law, no Electric Vehicle Parking Spaces are required, except that: i) where an expansion or enlargement of such parking is proposed, the electric vehicle parking requirements of Section 5.7.4 shall only apply to such expansion or enlargement.		
	<u>e) Regulations for Electric Vehicle</u> Parking Spaces Electric Vehicle Parking Spaces shall be subject to the regulations in Section 5.6.7.		
5.2 FUNCTIONAL DESIGN REQUIREMENTS			
No parking proposed – N/A			

	Required By By-Law	Provided	Conforming/ Non-Conforming
Minimum Accessible Parking Space Dimensions and Minimum Accessibility Aisle Requirements [as per section 5.2.2 of Hamilton Zoning By-law 05-200]	<p><u>a) Minimum Accessible Parking Space Width and Accessibility Aisle Requirement</u></p> <p>Each accessible parking space shall have: i) a minimum width of 3.4 metres, notwithstanding Section 5.2.1 a) above and subject to Section 5.2.2 b) below; ii) a minimum length of 5.8 metres; and, iii) a minimum of one side must continuously abut an accessibility aisle, provided in accordance with Section 5.2.2 c) and d) below</p> <p><u>b) Permitted Reduction in Width for Accessible Parking Spaces</u></p> <p>Where two or more accessible parking spaces are provided, a maximum of 50% of such spaces, rounded up to the nearest whole number in the case of a numeric fraction, may have a reduced minimum width of 2.4 metres.</p> <p><u>c) Accessibility Aisle Requirements</u></p> <p>A minimum of one side of each accessible parking space shall continuously abut an unobstructed accessibility aisle which shall:</p> <p>i) have a minimum width of 1.5 metres;</p> <p>ii) have a minimum length which extends the full length of each abutting accessible parking space; and,</p> <p>iii) be clearly identified and marked.</p> <p><u>d) Sharing of Accessibility Aisle</u></p> <p>A maximum of two accessible parking spaces may abut one accessibility aisle, provided such spaces continuously abut opposite sides of the shared accessibility aisle.</p>	Not proposed	N/A
5.3 LOCATIONAL, LANDSCAPING AND SURFACE MATERIAL REQUIREMENTS			
No Parking Proposed – N/A			
5.4 BICYCLE PARKING REQUIREMENTS			
Minimum Bicycle Parking	<u>a) Minimum Number of Required Bicycle Parking Spaces</u>		

	Required By By-Law	Provided	Conforming/ Non-Conforming
Requirements [as per section 5.4.1 of Hamilton Zoning By-law 05-200]	The minimum required number of short-term and long-term bicycle parking spaces which must be provided for each building on a lot in accordance with Section 5.4.2 shall be the result of applying: i) The minimum amount in accordance with the Minimum Bicycle Parking Schedule in Section 5.7.5; and, ii) Any eligible exception in this Section.		
Bicycle Parking Regulations [as per section 5.4.2 of Hamilton Zoning By-law 05-200]	<u>a) Bicycle Parking Locational Requirements</u> i) Short-term Bicycle Parking Spaces shall be publicly accessible and located within a bicycle parking area at grade, which includes the first floor of a building or an exterior surface area. ii) Long-term Bicycle Parking Spaces shall be located in a secure enclosed bicycle parking area.	Not proposed	N/A
5.6 GENERAL PARKING REGULATIONS			
No Parking Proposed – N/A			
Electric Vehicle Parking Space Regulations [as per section 5.6.7 of Hamilton Zoning By-law 05-200]	<u>a) Permission for Chargers to Encroach Within Required Landscaping Features and Planting Strips</u> Notwithstanding any other Section of this By-law, except Section 5.6.7 b) below, a charging device associated with an Electric Vehicle Parking Space, including any such space required by Section 5.1.4, may be located within any of the following required features and will not constitute a reduction of that feature's provision: i) Planting Strip; ii) Landscape Strip; iii) Landscaped Area; and, iv) Landscaped Parking Island.		
	<u>b) Restrictions for Chargers Encroaching Within Required Landscaping Features and Planting Strips</u> Despite Section 5.6.7 a) above, the permission to encroach within the noted features shall not apply to any of the following: i) A transformer or mechanical enclosure other than a charging device; or, ii) A charging device with a hard-surfaced base exceeding an area of 1.0 square metres.		
	<u>c) Permission for Chargers to Encroach Within any Required Yard</u> Notwithstanding any other Section of this By-law, a charging device associated with an Electric Vehicle Parking Space may be located within any required yard, except that any such charging device may not be located: i) less than 0.6 metres from any lot line; or, ii) within a visibility triangle.		
5.7 PARKING SCHEDULES			

	Required By By-Law	Provided	Conforming/ Non-Conforming
Parking Schedules [as per section 5.7 of Hamilton Zoning By-law 05-200]	<u>a) Parking Rate Areas</u> Where this By-law indicates that a Parking Rate Area (PRA) applies for the purpose of calculating a parking requirement or permission, such Parking Rate Area shall apply to lands and shall be indicated as Parking Rate Area (PRA1), (PRA2) and (PRA3) on Schedule "A" – Zoning Maps.		
	<u>b) Application of Parking Rate Areas</u> Where a parking rate or requirement contained in this By-law does not contain reference to a Parking Rate Area (PRA), such parking rate shall apply to all lands throughout the City. Only where a parking rate refers to a specific Parking Rate Area, and where such use is located within that specified Parking Rate Area, shall there be any modification to the parking rate, and only in the manner prescribed.		
Minimum Required Parking Rate Schedule [as per section 5.7.1 of Hamilton Zoning By-law 05-200] PRA1	<u>a) Minimum Required Parking Rate Schedule</u> Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1: Refer to table in By-law 5.7.1 Multiple Dwelling where the total number of such units is 5 or greater: PRA1 - no parking spaces are required for residents, and 2 visitor parking spaces, plus 0.05 visitor parking spaces are required per unit. Calculation: $0.05 \times 6 = 0.3$ $2 + 0.3 = 2.3$ visitor spaces	No parking proposed	Non-conforming
Maximum Permitted Parking Rate Schedule [as per section 5.7.2 of Hamilton Zoning By-law 05-200]	<u>a) Maximum Permitted Parking Rate Schedule</u> For any use listed in Column 1, the number of parking spaces provided shall not exceed the number in Column 2: Refer to table in By-law 5.7.2 Multiple Dwelling: PRA1 - 1 space per unit, inclusive of resident and visitor parking spaces Calculation: $1 \times 6 = 6$ spaces	0 spaces proposed	Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
Minimum Accessible Parking Rate Schedule [as per section 5.7.3 a) of Hamilton Zoning By-law 05-200]	<u>a) Minimum Accessible Parking Rate Schedules</u> The minimum number of accessible parking spaces which must be provided shall be the greater minimum number resulting from the calculations in Sections 5.7.3 b) and 5.7.3 c) below, with numeric fractions rounded up in accordance with Section 5.1.1 c) ii) and iii).		
Minimum Accessible Parking Calculation 1 - Proportionate to Parking Provision [as per section 5.7.3 b) of Hamilton Zoning By-law 05-200]	0 parking spaces provided therefore, 0 accessible spaces required. <u>b) Minimum Accessible Parking Calculation 1 - Proportionate to Parking Provision</u> On a lot containing 5 or more parking spaces, a minimum number of the parking spaces provided shall meet the requirements of the Minimum Accessible Parking Rate Schedule below:		Conforms
	<u>Column 1</u> Total Number of Parking Spaces Provided	<u>Column 2</u> Minimum Number of Accessible Parking Spaces	
	5 – 100 spaces	Minimum 4% of the total number of parking spaces provided;	
	101 – 200 spaces	Minimum 1 space + 3% of the total number of parking spaces provided;	
	201 - 1000 spaces	Minimum 2 spaces + 2% of the total number of parking spaces provided; and,	
	1000 or more spaces	Minimum 11 + 1% of the total number of required parking spaces.	
Minimum Accessible	<u>c) Minimum Accessible Parking</u>	0 spaces provided	Non-conforming

	Required By By-Law	Provided	Conforming/ Non-Conforming
Parking Calculation 2 - Where Total Parking Provision is Reduced Pursuant to a Parking Rate Area or Downtown Zone [as per section 5.7.3 c) of Hamilton Zoning By-law 05-200]	<u>Calculation 2 - Where Total Parking Provision is Reduced Pursuant to a Parking Rate Area or Downtown Zone</u> The minimum number of accessible parking spaces which must be provided shall be: i) In any Zone, except a Downtown Zone, the result of: a) applying the requirements of Section 5.7.1 to all uses, excluding the existing gross floor area within any existing building, and excluding the application of any Parking Rate Area or Downtown Zone, to produce a total number of parking spaces; and, b) applying the corresponding requirement listed in Column 2 of Schedule 5.7.3 b) to the total number of parking spaces resulting from the calculation in Section 5.7.3 c) i) a) immediately above to produce the minimum required number of accessible parking spaces. ii) In any Downtown Zone, the result of applying Column 2 hereunder for each use listed in Column 1, excluding any existing gross floor area within any existing building: Refer to table in By-law 5.7.3 c)		
Minimum Electric Vehicle Parking Rate Schedule [as per section 5.7.4 a) of Hamilton Zoning By-law 05-200]	a) Minimum Electric Vehicle Parking Rate Schedule Of the parking spaces provided on a lot, a minimum percentage shall be provided as Electric Vehicle Parking Spaces, as specified in Column 2 hereunder for each associated use listed in Column 1, and any such Electric Vehicle Parking Spaces shall be subject to Section 5.6.7: Refer to table in By-law 5.7.4	N/A, no parking is provided on the lot	N/A
Minimum Bicycle Parking Rate Schedule [as per section 5.7.5 a) of Hamilton Zoning By-law 05-200]	a) Minimum Required Bicycle Parking Rate Schedule For each building containing one or more of the uses listed in Column 1 in the following schedule: i) Short-term Bicycle Parking Spaces shall be provided in the minimum quantity specified in Column 2 and subject to the regulations in	No bicycle parking proposed	Non-conforming

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>Section 5.4.2; and ii) Long-term Bicycle Parking Spaces shall be provided in the minimum quantity specified in Column 3 and subject to the regulations in Section 5.4.2.</p> <p>Refer to table in By-law 5.7.5</p> <p>Multiple Dwelling:</p> <p>PRA1 - 0.1 per unit for short term</p> <p>- 0.7 per unit for long term</p> <p>0.1 x 6 = 0.6 short term</p> <p>0.7 x 6 = 4.2 long term</p>		

Yours truly



for the Manager of Zoning and Committee of Adjustment



Hamilton

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

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

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)	Spencer Farrell	
Applicant(s)	Corbett Land Strategies c/o Alicia Monteith	
Agent or Solicitor	Corbett Land Strategies Inc c/o Alicia Monteith	

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 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	5 Barnesdale Avenue South, Hamilton, Ontario		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	413	Lot(s)	Pt Lts 147, 148 & 149
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:

A reduced rear yard setback of 6m, a reduced interior side yard setback of 1.2m, the encroachment of an exterior stair 1.5m into the front yard, an increased balcony encroachment of 1.5m, an accessory building rear yard setback of 0.3m, reduced parking requirement of 0 spaces.

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

See the attached Planning Justification Letter

3.3 Is this an application 45(2) of the Planning Act.

☐ Yes ☒ No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
8.53 m	28.23 m	222.74 sq. 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	2.5 m	11 m	0.95 m	Unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Back to back stacked townhouses	3 m	5.9 m	1.2 m	
Accessory Building	23.2m	0.3m	1.2m	

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	86 sq. m.	172 sq. m.	3	8m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Back to back stacked townhouses	90.55 sq. m	373 .54 sq. m	3	12.3m
Accessory Building	5.76 sq. m.	5.76 sq. m.	1	3m

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.):
3-storey building, 6 back to back stacked townhouses

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
June 1, 2024

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

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.

Please refer to the Planning Justification Letter

7.6 What is the existing zoning of the subject land? TOC3

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: TOC3

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: 6

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
