

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	A-25:117	SUBJECT PROPERTY:	34 Albert Street, Hamilton
ZONE:	D/S-1822 (Urban Protected Residential – One and Two Family Dwellings, etc.)	ZONING BY-LAW:	Former Hamilton Zoning By-law 6593

APPLICANTS: Owner: TNM Laird/Haw Holding Corporation c/o James Laird
Agent: Mike Crough

The following variances are requested:

- 1.A Multiple Dwelling use shall be permitted whereas the use is not permitted in the current zoning district.
- 2.A minimum of four (4) parking spaces shall be provided for the Multiple Dwelling instead of the minimum required seven (7) parking spaces.
- 3.No loading spaces shall be provided for a Multiple Dwelling use whereas one (1) loading space being 9.0 metres in length, 3.7 metres in width and 4.3 metres in height is required for a Multiple Dwelling use.
4. No visitor parking spaces shall be provided instead of the minimum required two (2) visitor parking spaces.
- 5.A visual barrier shall not be provided along the boundary of the parking area abutting the adjacent residential district is required.

PURPOSE & EFFECT: To establish the use of a five (5) unit Multiple Dwelling within the existing building.

Notes:

A-25:117

- i. The size of the proposed parking spaces are required to be provided measuring 2.7 metres x 6.0 metres. If compliance with Section 18A(7) cannot be achieved, additional variances may be required.

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, August 14, 2025
TIME:	2:15 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

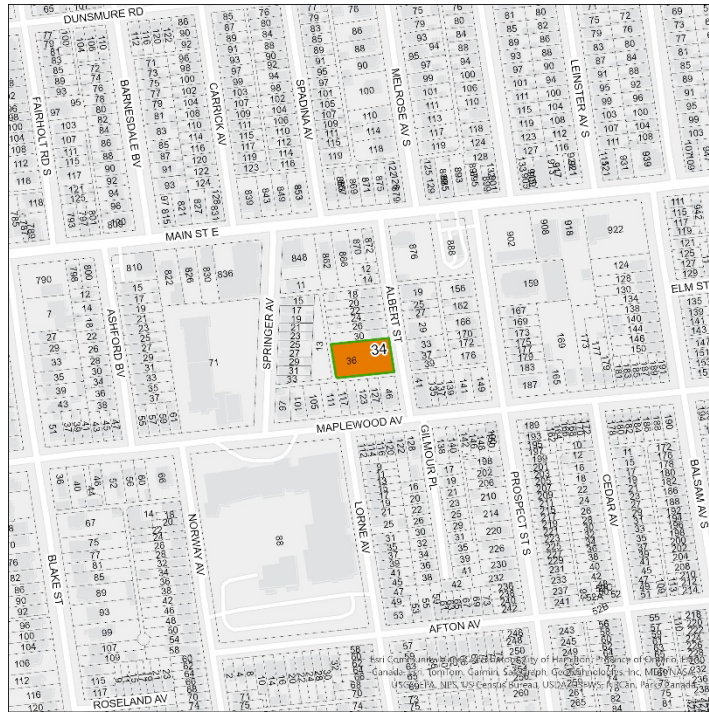
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon August 12, 2025

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 August 13, 2025

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-25:117, 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: July 28, 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 Submission Ahead of the Meeting

Members of the public who wish to provide input without speaking at the Hearing may submit written comments in advance of the meeting. Comments must be received by 12:00 p.m. (noon) on the date listed on the Notice of Public Hearing.

How to Submit Written Comments:

By Email:

Send to: cofa@hamilton.ca

By Mail:

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

All written comments received will be made available to the Committee and the public by the Tuesday prior to the Hearing.

Oral Submissions During the Hearing

Interested members of the public, agents, and owners may provide oral comments on Committee of Adjustment Hearing items either virtually via Webex (computer or phone) or by attending in person.

Speaking Time Limit:

All participants providing oral submissions, either in person or virtually are limited to a maximum of 5 minutes to speak. This is to ensure all parties have an equal opportunity to be heard and that the meeting runs efficiently.

In-Person Oral Submissions

To participate in person, attend Council Chambers on the date and time listed in the Notice of Public Hearing. You will be required to provide your name and address for the record. It is recommended you arrive at least 10 minutes prior to the scheduled start time.

Virtual Oral Submissions

To participate virtually, you must register by 12:00 p.m. (noon) on the date listed on the Notice of Public Hearing. To register, email cofa@hamilton.ca with the following information:

- Committee of Adjustment file number
- Hearing date
- Name and mailing address of each person wishing to speak
- Method of participation (phone or video), and, if applicable, the phone number to be used
- Each person must register separately

Registered participants will receive a Webex link one business day before the Hearing. Only those registered will be called upon to speak.

Presentations

All presentations are permitted at the discretion of the Committee.

Virtual Presentations:

Presenters participating virtually may be granted permission to share their screen during the Hearing. A copy of the presentation must be submitted to cofa@hamilton.ca no later than 12:00 p.m. (noon) on the business day prior to the Hearing. The submission must be one document in PDF format only.

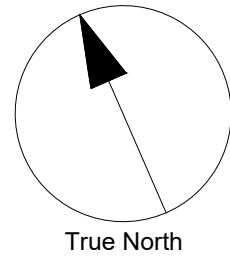
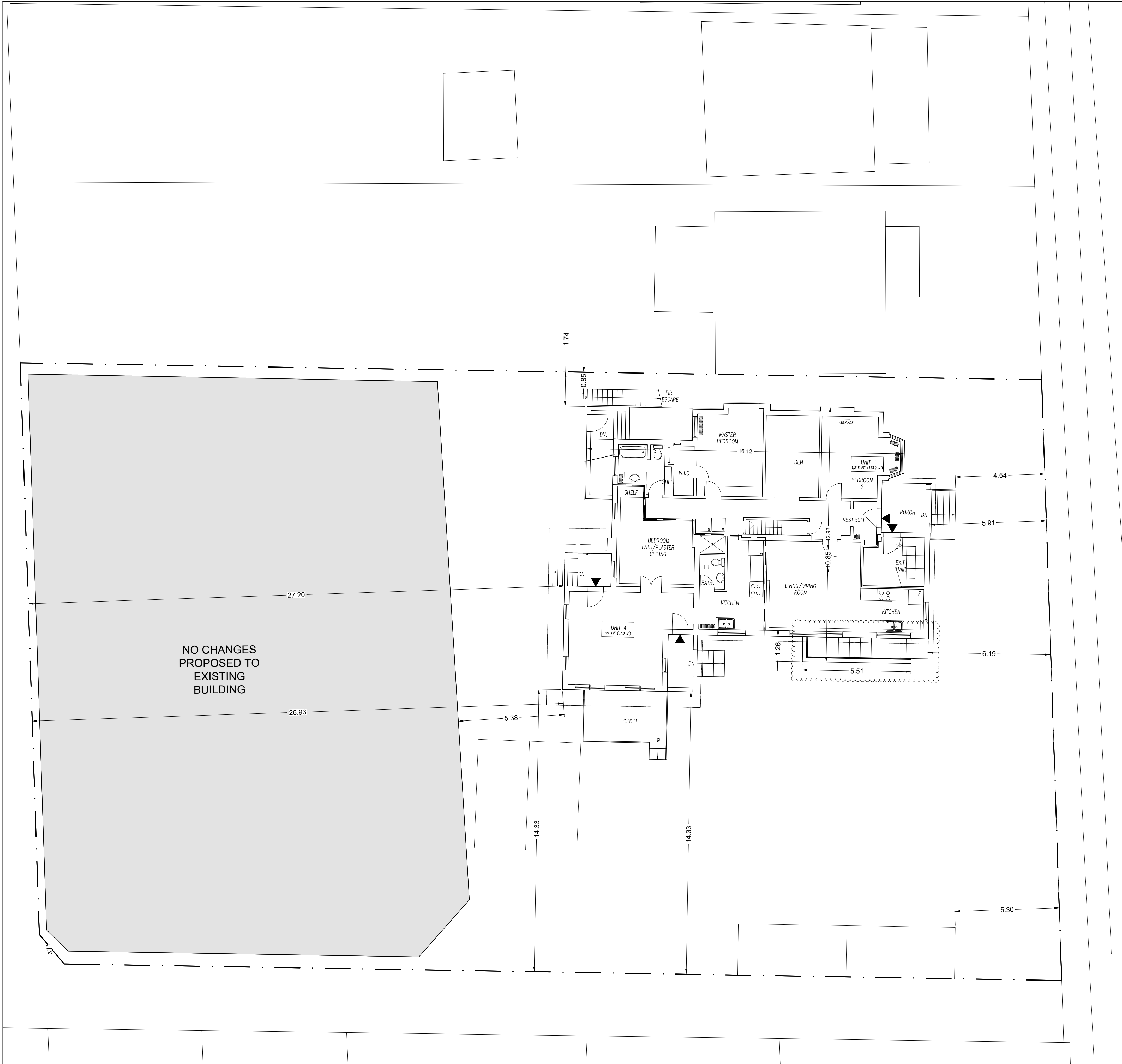
In-Person Presentations:

Presenters attending in person may be granted permission to use the presentation screen. Presentations must be brought on a USB device and opened by the owner/applicant. A copy of the presentation must also be sent to cofa@hamilton.ca by 12:00 p.m. (noon) on the business day prior to the Hearing in PDF format as a single document. Handouts are permitted only if the same content can be displayed on the presentation screen.

Additional Notes

- Webex (video) participation requires a compatible computer or smartphone. The necessary application must be downloaded in advance.
- It is the interested party's responsibility to ensure their device is functional and compatible prior to the Hearing.

For any questions, contact staff at cofa@hamilton.ca or call 905-546-2424 ext. 4221.



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Arcadis Professional Services (Canada) Inc.

ISSUES		
No.	DESCRIPTION	DATE
01	MINOR VARIANCE SUBMISSION	2025-01-20

PRELIMINARY - SUBJECT TO REVISION

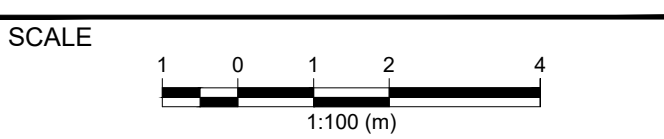


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360 James Street North - Suite 200
Hamilton ON L8L 1H5 Canada
tel 905 546 1010
www.arcadis.com

PROJECT
34 ALBERT STREET
HAMILTON, ON



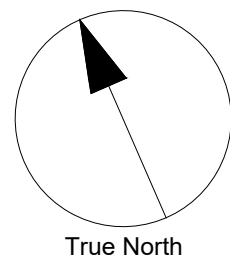
PROJECT NO:
149184
DRAWN BY:
M. ROJAS
CHECKED BY:
M. CROUGH
PROJECT MGR:
M. CROUGH
APPROVED BY:
M. CROUGH

SHEET TITLE
SITE PLAN

SHEET NUMBER
SP1
ISSUE
01

NOTE:
NO EXTERNAL CHANGES, EXCEPT FOR THE NEW STAIR

FORMER CITY OF HAMILTON ZONING BY-LAW No.6593			
URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC. "D/S-1822" ZONE	REQUIREMENT	PROVIDED	REQUESTED PERMISISON
RESIDENTIAL USES	A TWO FAMILY DWELLING, TOGETHER WITH THE ACCOMMODATION OF LODGERS TO THE NUMBER OF NOT MORE THAN THREE IN EACH CLASS A DWELLING UNIT	5 DWELLING UNITS	X
MAXIMUM HEIGHT	BUILDING: 3 STOREYS STRUCTURES: 14.0m	3 STOREYS	EXISTING CONDITIONS
MINIMUM FRONT YARD	6.0m	5.91m	
MINIMUM SIDE YARD	1.2m	1.56m	
MINIMUM REAR YARD	7.5m	26.93m²	
MINIMUM LOT WIDTH	12.0m	30.48m	
MINIMUM LOT AREA	360.0m²	1,576.00m²	



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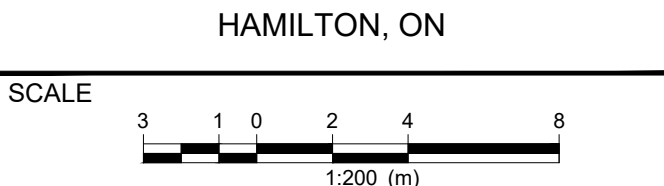


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SOURCE
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www.arcadis.com

PROJECT
34 ALBERT STREET



PROJECT NO:
149184

DRAWN BY: M. ROJAS	CHECKED BY: M. CROUGH
PROJECT MGR: M. CROUGH	APPROVED BY: M. CROUGH

SHEET TITLE
SITE PLAN

SHEET NUMBER SP1	ISSUE 01
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MINIMUM LOT WIDTH	12.0m	30.48m	
MINIMUM LOT AREA	360.0m²	1,576.00m²	

CHANGE OF USE - FIVEPLEX

34 Albert Street, Hamilton ON – L8M 2X9

CONSTRUCTION SYMBOLS LEGEND

WATER METER	
HOT WATER TANK	
TANKLESS WATER HEATER	
SUMP PIT	
WATER SOFTENER	
FLOOR DRAIN	
HOSE BIB	
EXHAUST FAN	
RADIATOR	
SUPPLY AIR VENT	
RETURN AIR VENT	
RETURN AIR RISER	
SOIL VENT PIPE	
ELECTRICAL PANEL	
THERMOSTAT	
SMOKE ALARM (INTERCONNECTED)	
SMOKE ALARM (STAND ALONE)	
SMOKE ALARM (BATTERY OPERATED)	
CARBON MONOXIDE ALARM	
HYDRO METER	
GAS METER	
AIR CONDITIONER	
WOOD POST ASSEMBLY	
SOLID WOOD POST	
H.S.S. COLUMN	
STEEL POST	
STEEL PLATE	
DOOR MARKER	
DATUM MARKER	
FINISH MATERIAL MARKER	
WINDOW MARKER	
SOLAR LIGHT	

PROJECT DESCRIPTION

PROPOSED SCOPE OF WORK INCLUDES PARTITIONING OF SPACE TO ALLOW FOR TWO ADDITIONAL UNITS. EXISTING BUILDING IS A TRIPLEX AND PROPOSED BUILDING IS A FIVEPLEX.

DRAWING INDEX:

A0.01 – TITLE PAGE
A1.01 – EXISTING FLOOR PLANS
A1.02 – EXISTING FLOOR PLANS
A1.03 – EXISTING FLOOR PLANS
A1.04 – PROPOSED FLOOR PLANS
A1.05 – PROPOSED FLOOR PLANS
A1.06 – PROPOSED FLOOR PLANS
A2.01 – EXISTING ELEVATIONS
A2.02 – EXISTING ELEVATIONS
A2.03 – EXISTING ELEVATIONS
A2.04 – EXISTING ELEVATIONS
A2.05 – PROPOSED ELEVATIONS
A2.06 – PROPOSED ELEVATIONS

ANNOTATION LEGEND

BOUNDARY LINE	
BUILDING BREAKLINE	
ROOF LINE	
STRUCTURAL MEMBER C	
2x4 INTERIOR WALL	
2x6 INTERIOR WALL	
WALL TO BE REMOVED	
BULKHEAD/CEILING LINE	
BUILDING SECTION MARKER	
BUILDING DETAIL MARKER	
INTERIOR ELEVATION MARKER	
WALL ASSEMBLY MARKER	

ABBREVIATION LEGEND

A.F.F. ABOVE FINISHED FLOOR
B.B.O. BEAM BY OTHERS
BOT. BOTTOM
CL. CLOSET
COL. CONCRETE
CONC. COLUMN
DIM. DIMENSION
DN. DOWN
DWG. DRAWING
EA. EACH
EQ. EQUAL
FDN. FOUNDATION
FT. FEET
F.F.L. FINISHED FLOOR LEVEL
FLR. FLOOR
FTG. FOOTING
FURN. FURNACE
H.B. HOSE BIB
HRV HEAT RECOVERY UNIT
HVAC HEATING, VENTILATION & AIR CONDITIONING
H.S.S. HOLLOW STRUCTURAL SECTION
JST. JOIST
MAX. MAXIMUM
MIN. MINIMUM
MIL. .001 INCH
No./# NUMBER
O.B.C. ONTARIO BUILDING CODE (LATEST EDITION)
O.C. ON CENTER
POLY. POLYTHENE
P.T. PRESSURE TREATED
REQ'D. REQUIRED
T/O TOP OF
TYP. TYPICAL
U/S UNDERSIDE
W/ WITH
W.I.C. WALK IN CLOSET
Z STEEL ANGLE

BOSK - DESIGN

567 Sugarbush Dr.
Waterloo ON N2K 1Z9
519-913-2095
rick.obrien@rogers.com

No.	DATE	REVISION
1		
2		
3		

Client
Owner

Project Name
Change of Use
Fiveplex

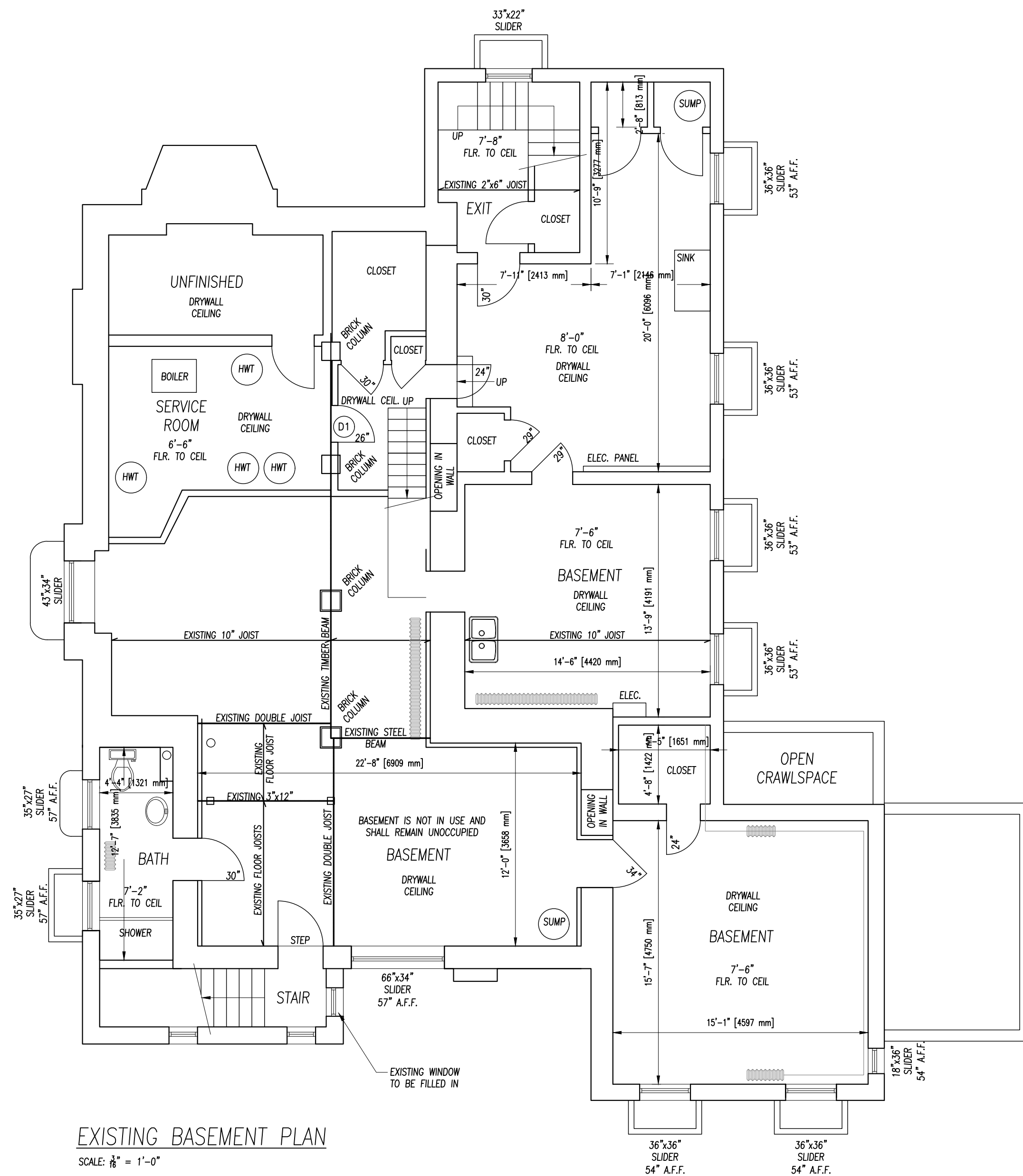
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Hamilton, ON

Drawing Title

Title Page

DATE: 01/16/2024
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A0.01



EXISTING BASEMENT PLAN
SCALE: $\frac{1}{8}" = 1'-0"$

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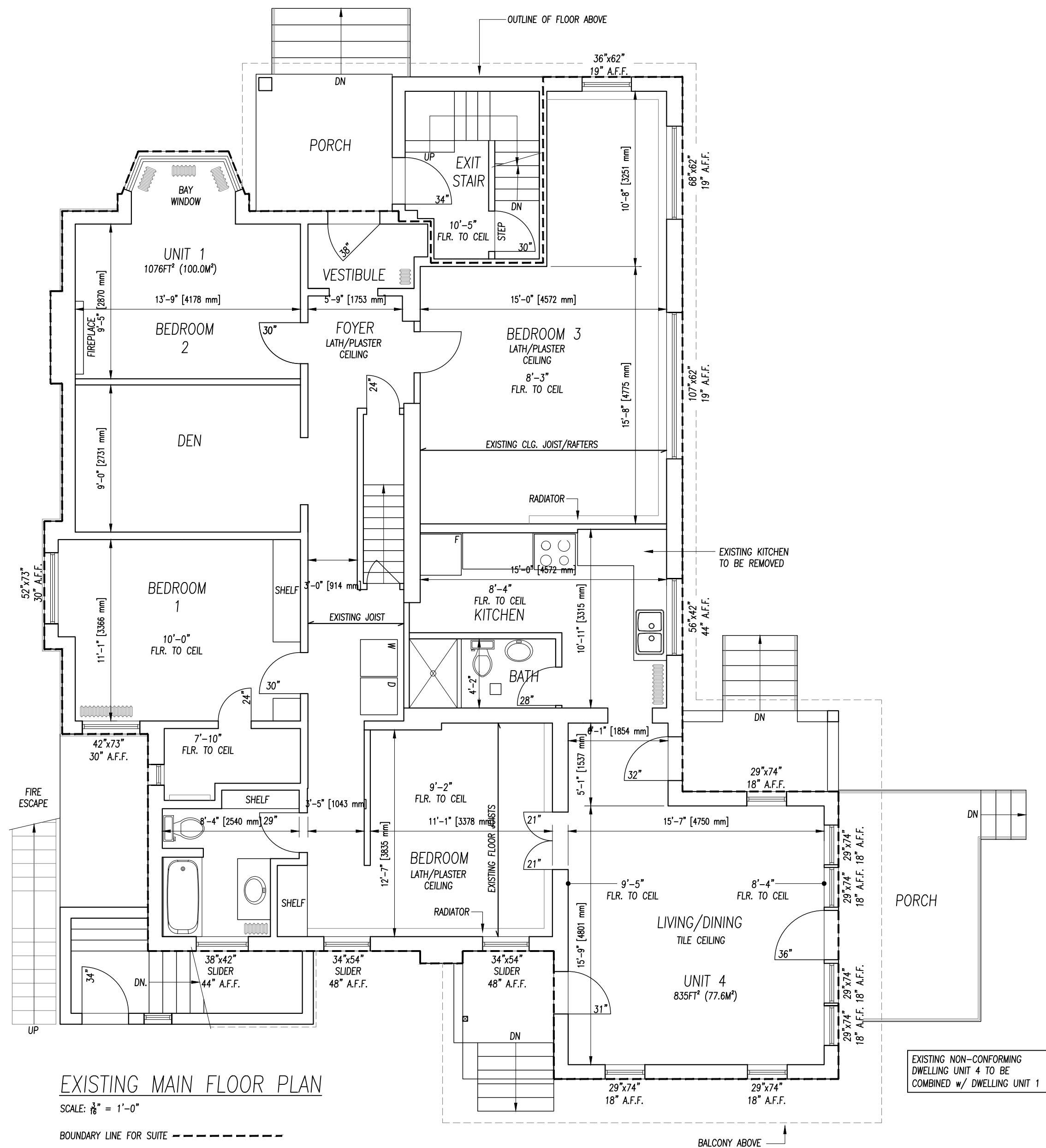
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Floor Plans

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A1.01



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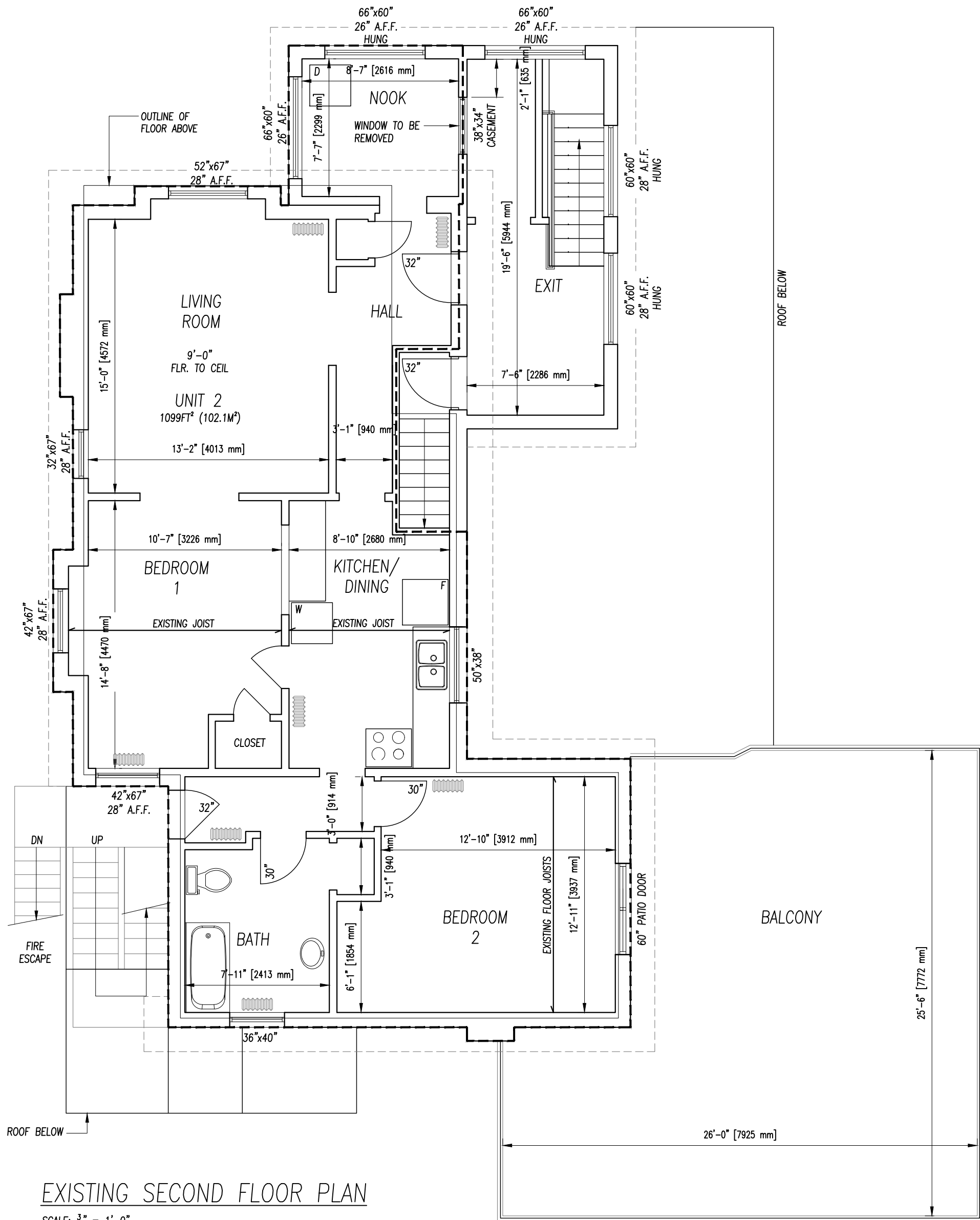
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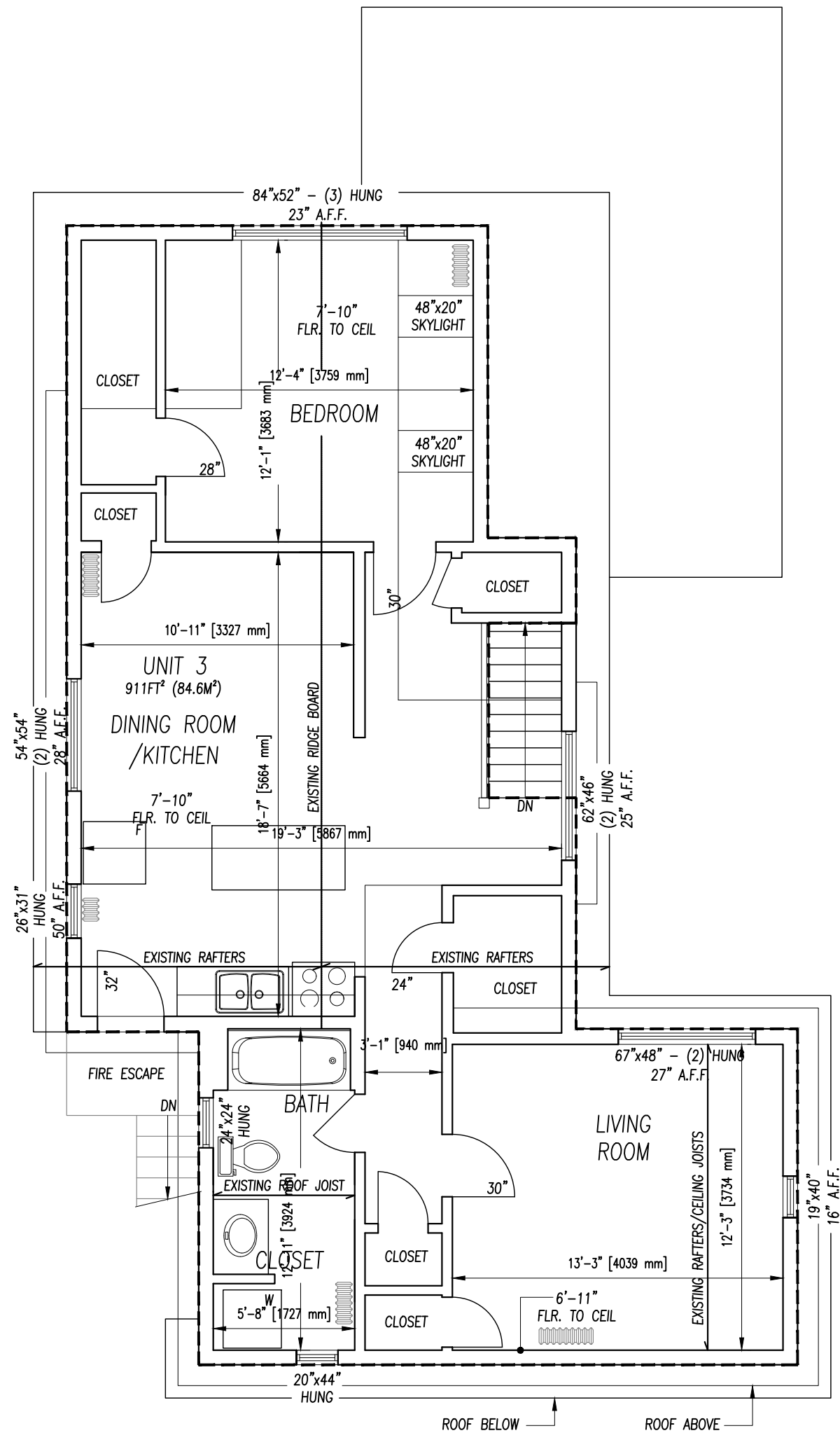
A1.02



EXISTING SECOND FLOOR PLAN

SCALE: $\frac{1}{16}'' = 1'-0''$

BOUNDARY LINE FOR SUITE - - - - -



EXISTING THIRD FLOOR PLAN

SCALE: $\frac{1}{16}'' = 1'-0''$

BOUNDARY LINE FOR SUITE - - - - -

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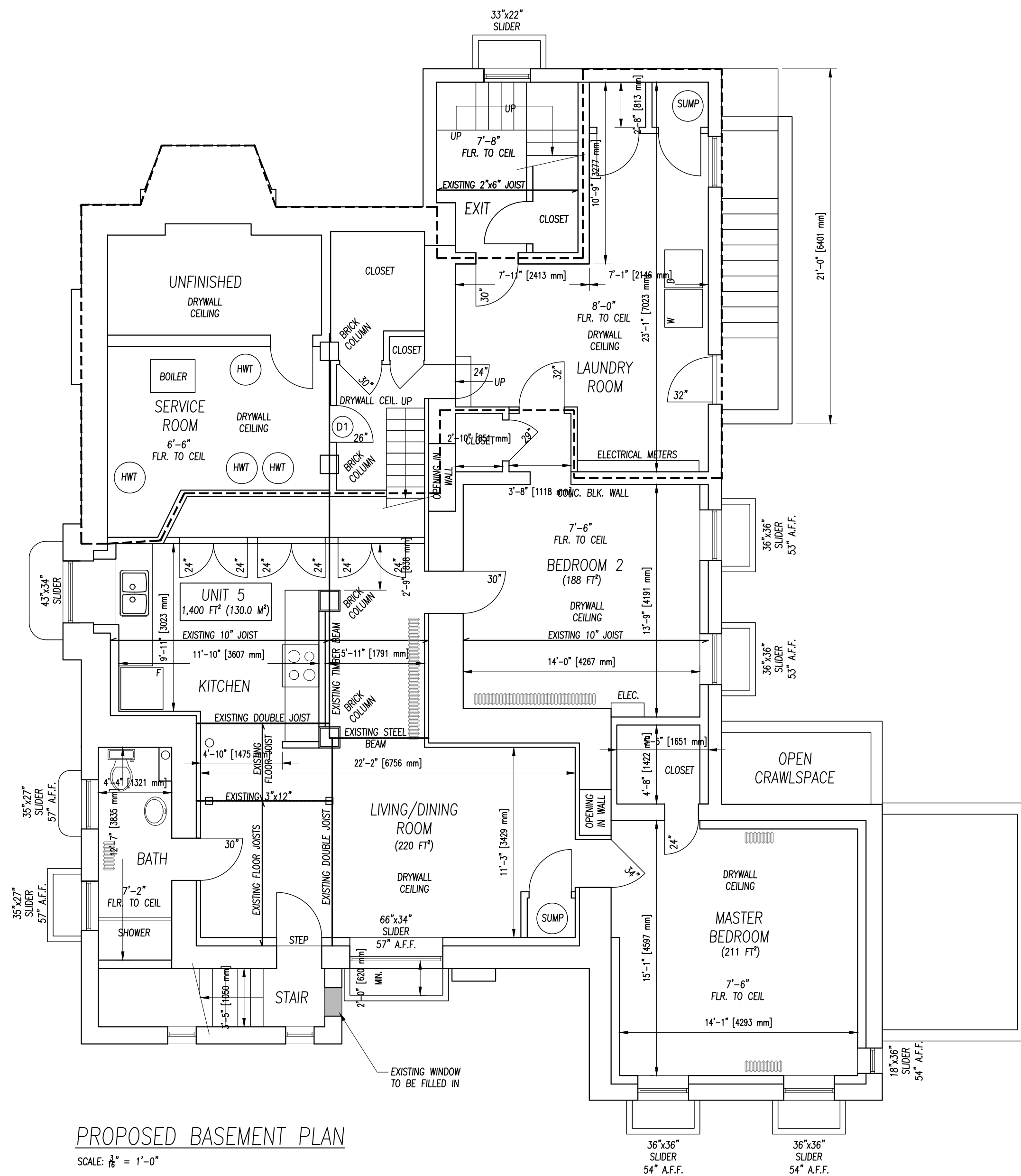
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A1.03



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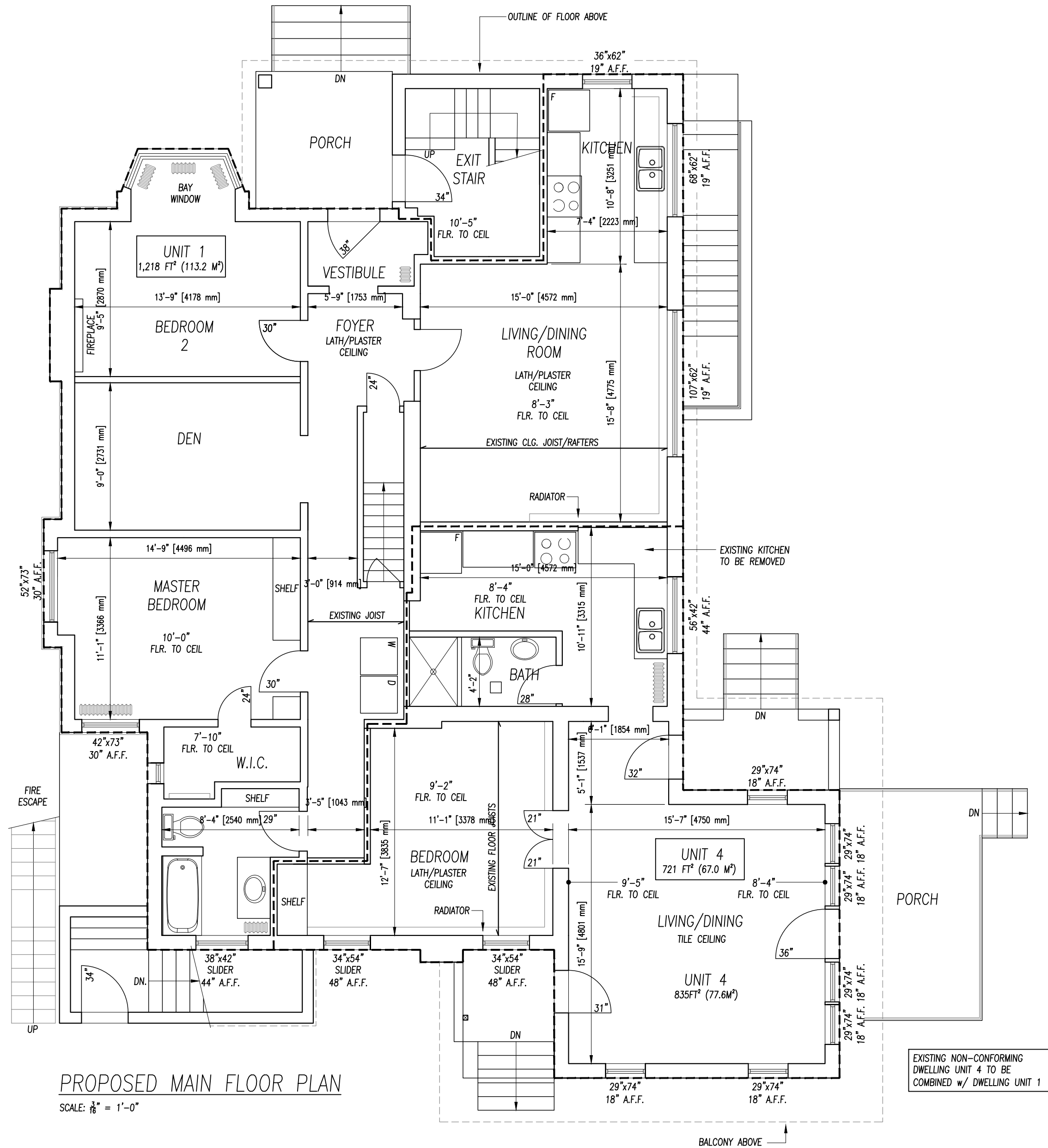
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Drawing Title

Floor Plans

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A1.04



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Project Name
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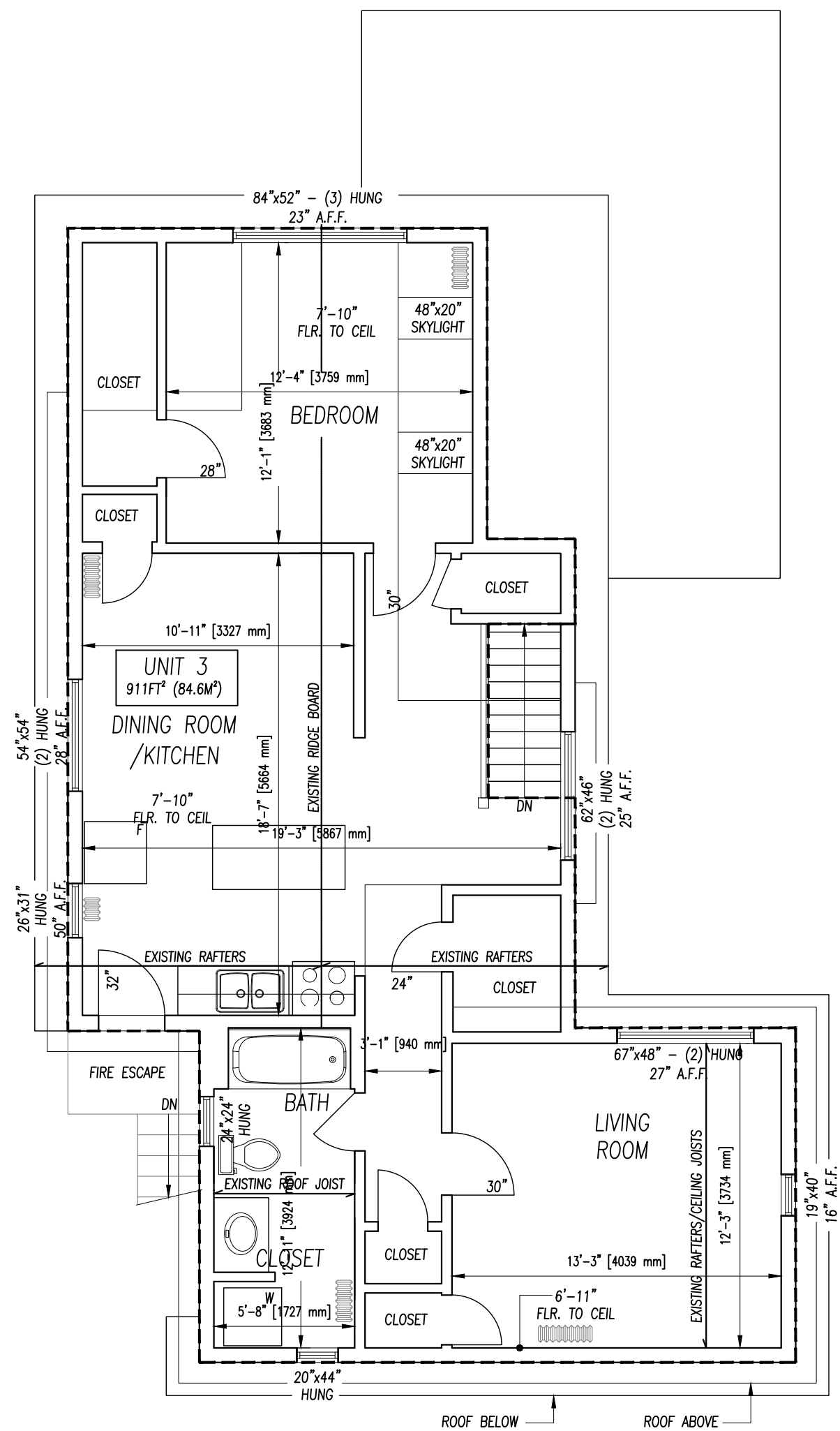
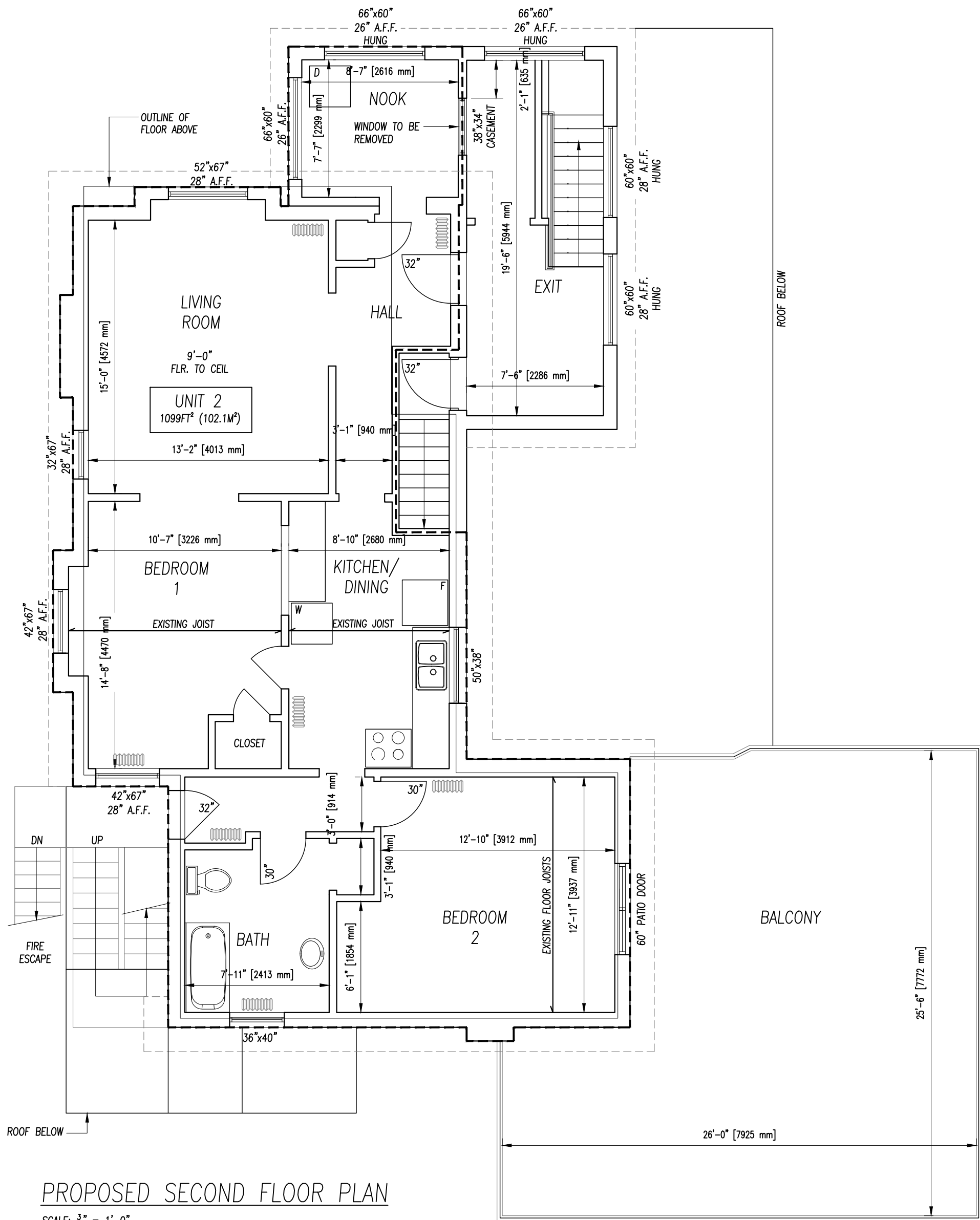
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Floor Plans

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PROJECT No:

A1.05



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**Client
Owner**

**Project Name
Change of Use
Fiveplex**

**34 Albert St.
Hamilton, ON**

Drawing Title

Floor Plans

DATE: 01/16/2024
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 DRAWN: R.O.
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A1.06



EXISTING WEST ELEVATION

SCALE: $\frac{3}{4}" = 1'-0"$

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Hamilton, ON

Drawing Title

Elevations

DATE: 01/16/2024
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A2.01



EXISTING EAST ELEVATION

SCALE: $\frac{1}{4}$ " = 1'-0"

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Hamilton, ON

Drawing Title

Elevations

DATE: 01/16/2024
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A2.02



EXISTING NORTH ELEVATION

SCALE: $\frac{1}{4}" = 1'-0"$

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Client
Owner

Project Name
Change of Use
Fiveplex

34 Albert St.
Hamilton, ON

Drawing Title

Elevations

DATE: 01/16/2024
SCALE: AS NOTED
DRAWN: R.O.
REVIEWED: R.O.
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PROJECT No:

A2.03



EXISTING SOUTH ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$

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Project Name
Change of Use
Fiveplex

34 Albert St.
Hamilton, ON

Drawing Title

Elevations

DATE: 01/16/2024
SCALE: AS NOTED
DRAWN: R.O.
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FILE No:
PROJECT No:

A2.04



PROPOSED EAST ELEVATION

SCALE: $\frac{1}{4}" = 1'-0"$

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Client
Owner

Project Name
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Fiveplex

34 Albert St.
Hamilton, ON

Drawing Title

Elevations

DATE: 01/16/2024
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FILE No:
PROJECT No:

A2.05



PROPOSED SOUTH ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$

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Drawing Title

Elevations

DATE:	01/16/2024
SCALE:	AS NOTED
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REVIEWED:	R.O.
FILE No:	
PROJECT No:	

A2.06

TNM Laird/Haw Holding Corporation

34 Albert Street, City of Hamilton

Planning Justification Report

Thursday, June 12, 2025

Thursday, June 12, 2025

34 Albert Street, City of Hamilton

Planning Justification Report

Thursday, June 12, 2025

Prepared By:

Arcadis Professional Services (Canada) Inc.
360 James Street North, Suite 200
Hamilton, Ontario L8L 1H5
Canada
Phone: 905 546 1010

Prepared For:

TNM Laird/Haw Holding Corporation

Our Ref: 14918

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Summary Planning Opinion and Basis for Application

Arcadis Professional Services (Canada) Inc. has been retained by TNM Laird/Haw Holding Corporation, the owner of 34 Albert Street in the City of Hamilton, herein referred to as the “Owner” and “subject lands” respectively. This application proposes the modification of a legal non-conforming Three-Family dwelling to allow a maximum of five separate self-contained dwelling units. This application is being made to the City of Hamilton Committee of Adjustment under Subsection 45 (2) of the Planning Act, which provides the powers to the Committee to make decisions with respect to legal non-conforming uses and to authorize similar uses to those otherwise permitted.

Based on records provided by the Owner, the City of Hamilton has recognized the subject lands as containing legal non-conforming uses, as the current uses were in place prior to the implementation of Zoning By-law 6593 (“6593”). We note however that the City has updated applicable zoning provisions in 6593 to permit a Two-Family Dwelling as of right, and that a Two-Family Dwelling that existed at the time of the passing of the amending By-law may be converted to contain up to 4 dwelling units. In this context, we maintain that the existing Three-family dwelling is still legal non-conforming, but that it could be “converted” to recognize one existing dwelling unit while adding one more. Technically speaking, then, the quantum of change from as-of-right to the proposed would be 1 additional dwelling unit, which in this context is a minor development that can be accommodated on the subject lands without negatively impacting adjacent properties or the surrounding neighbourhood. We therefore recommend that the Committee APPROVE the application.

1 Introduction

Arcadis Professional Services (Canada) Inc. has been retained by TNM Laird/Haw Holding Corporation, the owner of 34 Albert Street in the City of Hamilton. Based on records provided by the Owner, the City recognizes that the site contains two legal non-conforming uses that are described as a Three-Family dwelling (occupying the front of the property) along with a storage warehouse for contractors yard (occupying the rear of the property and accessed via public alleys). We note this is stated in the context that each use has continuously existed since prior to the passing of Zoning By-law 6593 up until the time of this application, which we understand from the Owner to be the case.

On behalf of the Owner, we are applying to the Committee of Adjustment for approval to modify and expand the legal non-conforming Three-Family dwelling to allow a maximum of five separate self-contained dwelling units (i.e. net addition of 2 dwelling units). This application is made under 45 (2) (a) (ii) of the Ontario Planning Act ("Act") which allows a Committee of Adjustment to permit the use of land, building or a structure for a purpose that is similar to the purpose for which it was used on the day the By-law was passed. The proposed works are minor and will not substantially modify the use, intensity or appearance of the existing three-family dwelling. Most of the modifications will take place internally, with one new dwelling unit in the basement and one new dwelling unit on the ground floor. Exterior modifications in the form of a new exterior exit stairway at the front of the dwelling will facilitate basement access. No modifications are proposed to nor required for the storage warehouse use or building. We note that the City has updated applicable Zoning provisions to permit a Two-Family Dwelling as-of-right on the subject lands, and that a Two-Family Dwelling that existed at the time of the passing of the amending By-law may be converted to contain up to 4 dwelling units. In this context, we maintain that the existing Three-Family dwelling is still legal non-conforming (given that it was not a Two-family dwelling at the time of the By-law amendment), but that it could be "converted" to recognize one existing dwelling unit while adding one more. Technically speaking, the quantum of change from as-of-right to proposed would be 1 additional dwelling unit.

This report provides a description of the site and its context, an outline of the proposed development, detail on the current planning status of the subject lands, and planning analysis and justification for the proposal, with specific reference to Section 45(2) of the Act. This analysis is based on a comprehensive review of the Provincial Planning Statement ("PPS"), City of Hamilton Urban Official Plan ("UHOP"), and the City of Hamilton Zoning By-law 6593 ("6593" or "By-law"). The report predominantly focuses on justifying the proposal as a minor modification to an existing legal non-conforming use and building, resulting in good planning that is appropriate for the site and the context.

2 Planning Applications

2.1 Previous Application

We advise that an application for a similar proposal to permit modification of the Three-Family dwelling with 2 additional dwelling units, for a total of 5 dwelling units, was previously submitted under File HM/A-16:195. At that time, City staff were supportive of the dwelling modifications and recommended approval of individual variances identified by zoning staff to permit same. However, staff were not supportive of identified variances pertaining to the warehouse use, even though none were identified

or requested in the applicant's application materials. The Committee denied the application for the reasons stated in the decision, which included concerns for the amount and location of parking for the warehouse use. This issue was discussed in various written submissions from stakeholders. The Owner appealed the Committee's decision to the historical iteration of the Ontario Land Tribunal ("OLT"). Prior to the hearing, this appeal was withdrawn. Based on the original decision by the Committee, the application is deemed to have been denied, despite staff supporting the residential dwelling modifications.

2.2 Current Planning Application

This current application proposes the modification of the legal non-conforming Three-Family dwelling to allow a maximum of 5 separate self-contained dwelling units (i.e. two new dwelling units). The proposed modifications include one additional dwelling unit on the ground floor and one additional unit in the basement. This application is made under 45 (2) (a) (ii) of the Act which allows a Committee of Adjustment to permit the use of land, building or a structure for a purpose that is similar to the purpose for which it was used on the day the By-law was passed.

We note that the City has updated applicable zoning provisions in 6593 to permit a Two-Family Dwelling as-of-right, and that a Two-Family Dwelling that existed at the time of the passing of the amending By-law may be converted to contain up to 4 dwelling units. In this context, we maintain that the existing three-family dwelling is still legal non-conforming. This is due to the fact that the recognized use was identified as a Three-Family Dwelling, and thus was not a Single or Two-Family dwelling at the time of the amending By-law. Based on our records, it was also not technically "converted" under the previous 6593 provisions which allowed a Single Family dwelling to be "converted" to a Two-Family Dwelling. In this context, the existing dwelling does not have as-of-right status for further conversions and remains a legal non-conforming Three-family Dwelling which is not a use currently permitted by the By-law.

We are of the opinion that the timing of this request is appropriate given the renewed consideration of meeting housing needs and providing strategic intensification of existing lots where additional units can be provided with little or no impact. In particular, the proposal represents the type of gentle intensification (i.e. additional dwelling units within an existing structure) that facilitates housing construction without disrupting neighbourhood character. It would also provide additional rental dwelling stock which addresses a specific type of housing need. Further, since the original application in 2016 there have been numerous changes to the Provincial planning policy and legislative framework that encourage the addition of residential opportunities within existing neighbourhoods.

3 Site Location and Context

The subject lands are known municipally as 34 & 36 Albert Street (Lots 1 & 2 on the submitted survey), in the City of Hamilton. Note that the Owner also owns lands known as 13 Spring St (Lot 3 on the submitted survey), a vacant triangular parcel accessed from the public alleys, which we understand from the Owner and our own Geowarehouse search were transferred together with the subject lands. The subject lands are located on the west side of Albert Street, just south of Main Street E and west of Gage Park. The lands have frontage on Albert Street of approximately 30.4 m, with a total area of approximately 1590 m². Lot 3 has direct frontage only on the abutting alleys, and has a lot area of approximately 891 m². In total, Lots 1-

3, being those under the same ownership, have an area of approximately 2481 m². The abutting existing unpaved public alleys are approximately 3-3.5 m in width, providing access to Albert Street and Springer Avenue.

There are a range of residential densities in proximity to the subject lands and in the broader neighbourhood. Generally speaking, other residential dwellings are lower-rise developments with some appearing to be designed to accommodate multiple residential units. The neighbourhood is within a mature and diverse area of the City, and as such some of the houses and lots are larger and have architectural details that differ and define the neighbourhood. There are no designated heritage buildings around the site and the subject lands are not designated. The subject lands exhibit an influence on the character of the street and neighbourhood, being a larger parcel providing a landscaped lawn with mature trees and fencing. This character and appearance will be preserved, and partly provides the base case for considering additional dwelling units (i.e. the parcel is large with suitable outdoor amenity area). The subject lands are within a Major Transit Station Area ("MTSA") as currently proposed by the City, but at the time of writing this letter these areas were not officially planned and zoned accordingly. However, Provincial policy notes that MTSA's are to be the focus of development and intensification.

Thursday, June 12, 2025

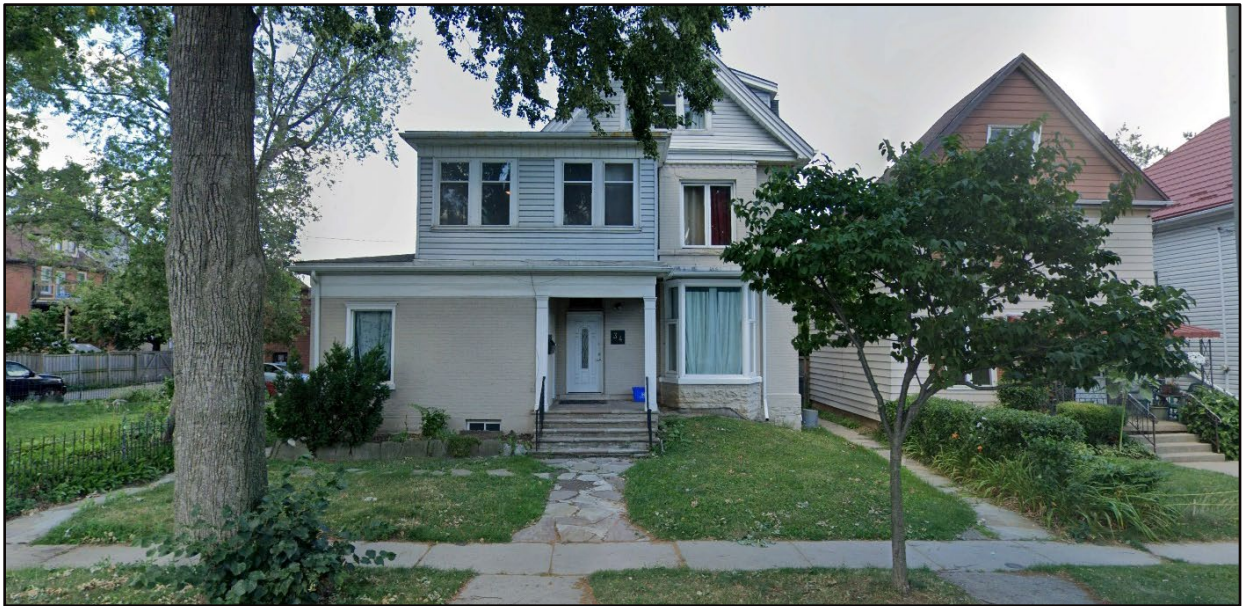


Figure 1 View of Subject Lands Retrieved from Google Earth Pro

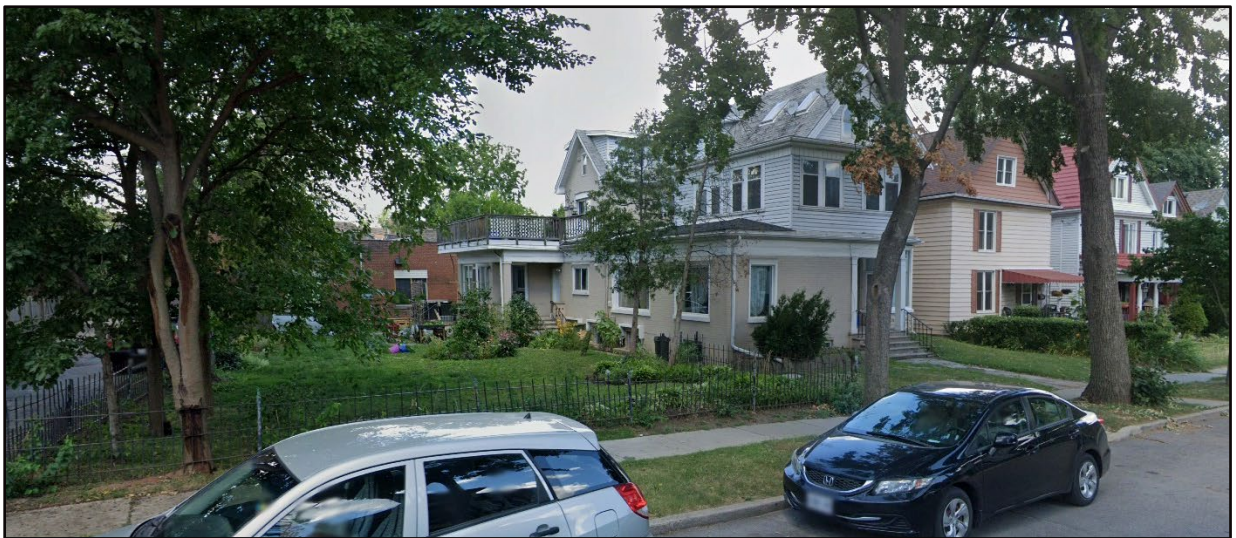


Figure 2 View of Subject Lands Retrieved from Google Earth Pro

Thursday, June 12, 2025

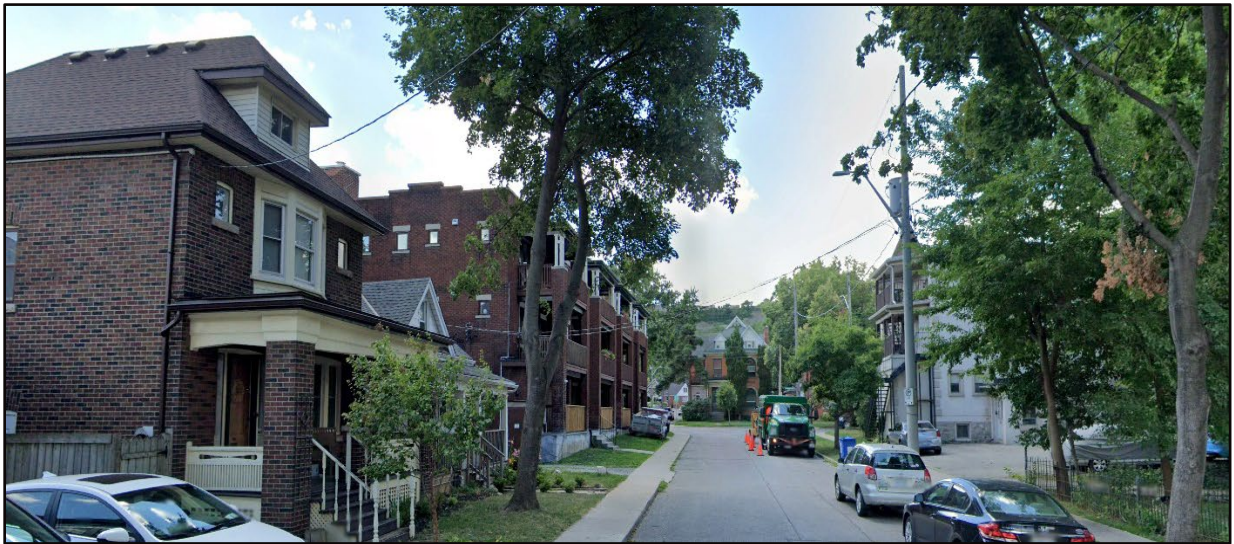


Figure 3 View of Context Retrieved from Google Earth Pro



Figure 4 View of Context Retrieved from Google Earth Pro

Thursday, June 12, 2025

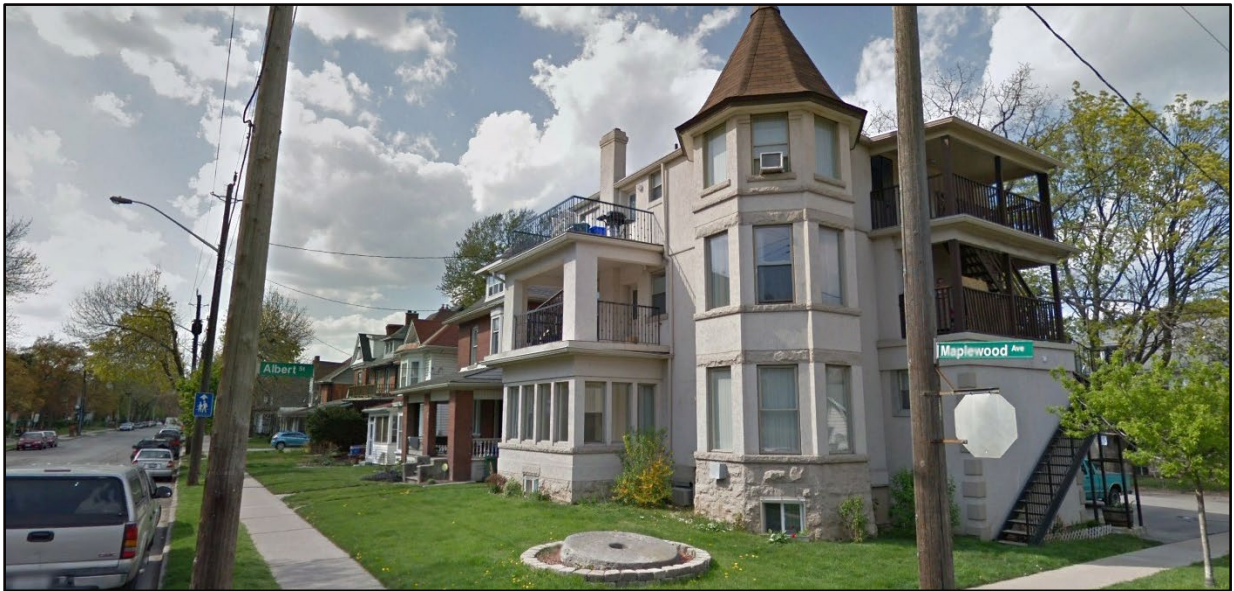


Figure 5 View of Context Retrieved from Google Earth Pro



Figure 6 View of Context Retrieved from Google Earth Pro



Figure 7 View of Context Retrieved from Google Earth Pro



Figure 8 View of Context Retrieved from Google Earth Pro

4 Proposed Development

The proposal seeks to increase the number of units within the existing dwelling from 3 units to 5 units. The modifications to the building will mainly be internal, with the exception of the proposed exit stairwell at the front of the dwelling. No changes to the existing storage warehouse use or building are proposed or required.

The City has confirmed that the legal non-conforming use of this building is a Three-Family dwelling. A copy of the Zoning Verification letter is included in the submission package. Please refer to the supporting floor plans submitted with the application to view the proposed layout to provide 5 separate self-contained dwelling units within the existing dwelling. Each unit will have separate kitchen and bathroom facilities and will be served by separate entrance/exit doors, stairs, etc.

Parking currently occurs on the subject lands in a parallel fashion adjacent to the public laneway, where space for two standard vehicles exists. In addition, parking occurs in the space between the storage building

and the dwelling where space for an additional two vehicles exists. No additional parking spaces are proposed, nor are any changes proposed to the current arrangement. In our opinion, additional parking is not required or needed, as the lands are within proximity to various methods of alternative transportation options as well as other land uses, are within a walkable neighbourhood, and are to be within a planned MTSA. Further, this will preserve the current look and character of the site, while potentially assisting with housing affordability (i.e. offering a unit for rent with no parking space). The existing parking spaces for the Three-Family dwelling are shown on the site plan for illustration purposes only. As this arrangement exists and supports the recognized use of the dwelling, no changes are proposed or required, and these spaces form part of the legal non-conforming condition.

5 Planning Context

This section provides a summary of the planning policy and regulations that currently govern land use and development on the subject lands, as well as a description of how the proposed development conforms to and supports existing policies. A review of the Planning Act, Provincial Planning Statement (2024), City of Hamilton Official Plan, Downtown Hamilton Secondary Plan, City of Hamilton Zoning By-law (05-200)

5.1 Planning Act, R.S.O. 1990, c.P.13

The *Planning Act*, R.S.O. 1990, c.P.13 (the “*Planning Act*” or “*Act*”), consolidated in 2021, is the central piece of legislation governing land use planning in the Province of Ontario. The purpose of the *Act* is to provide planning processes that are fair; promote sustainable economic development; provide for a land use planning system; integrate matters of provincial interest into provincial and municipal planning decisions; encourage co-operation and coordination among interests; and to recognize the decision-making authority and accountability of municipal councils on planning.

(2) In addition to its powers under subsection (1), the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause

(ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

Planning Comment: Powers of the Committee are provided in this situation by subsection 45 (2) of the Planning Act, which provides the Committee to make decisions with respect to legal non-conforming uses, buildings or structures. The Committee must consider the impact of the extension or enlargement on surrounding properties and the neighbourhood and determine consistency with land use planning principles and requirements that currently regulate the City. Unlike minor variances, the “four tests” that typically guide the Committee to determine the validity of a request are not applicable to legal nonconforming uses. Further, 45(2) (a) (ii) of the Planning Act, as noted above, provides the authority for the Committee to permit the use of land, buildings or structures for a purpose that is similar to the lawful, non-conforming use or that is more compatible with uses currently permitted the by-law. While the term “similar use” is not defined, it can be interpreted to mean something that is in like kind to the recognized use, which in this case is a low-density multi-unit dwelling.

Lastly, for the Committee to make use of its powers under 45(2), it must find that the lawful nonconforming use has continued until the date of application. The use of the site as a lower density multiple unit dwelling has not changed, and there is no intention on the part of the current owner to discontinue the residential use, but rather to modify it through this application to the Committee. Therefore, it is our opinion that the intent and recognition for the continuance of the use has been maintained

5.2 Provincial Planning Statement (2024)

The Provincial Planning Statement (2024) (“PPS”) was recently updated and combines the previous Provincial Policy Statement and Growth Plan for the Greater Horseshoe into a combined policy document to assist in guiding land use planning and development within Ontario. The PPS provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The PPS is a policy statement issued under the authority of section 3 of the Planning Act and came into effect on October 20, 2024. In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

(2.2) Housing

(1) Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

(b) permitting and facilitating:

(2) all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously

developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

(2.3) Settlement Areas and Settlement Area Boundary Expansions

(2.3.1) General Policies for Settlement Areas

(3) Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities

Planning Comment: Based on the policies above, it can be said that the proposed development is forward-looking and will facilitate opportunities for an appropriate range and mix of housing options, a primary goal of the PPS. The proposal will provide intensification in the form of additional dwelling units. In addition, it will support the achievement of complete communities by providing for a range of housing options and continuing the efficient use of an existing dwelling and infrastructure through gentle densification. It is noted minimal external works are proposed to facilitate access to the basement through a new stairwell, with the remaining modifications to be internal. The overall function and aesthetics associated within the existing dwelling will remain. Further, the dwelling's existing design is supportive of multiple units.

The PPS is representative of provincial planning objectives. A focus on creating more housing supply is reinforced throughout numerous new Bills such as Bill 108 (More Homes, More Choice Act) and Bill 23 (More Homes Built Faster Act), each aiming to provide housing opportunities in the form of unlocking more housing supply, while increasing the diversity of housing options in existing communities.

5.3 City of Hamilton Urban Official Plan

The Urban Hamilton Official Plan ("UHOP") projects a long-term vision for the physical development of the City to 2051. The policies provide the direction for managing long term development to achieve social, economic, and environmental objectives of the City's vision. The site is not within a defined Secondary Plan.

(3.0) Neighbourhoods Designation

(3.2.1) Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

(3.2.4) The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

(3.2.13) The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.

Planning Comment: The proposed increase in density is a minor modification to the existing dwelling that will maintain the sites relationship with its surroundings. The proposal supports gentle densification to provide additional housing options, making more efficient use of existing infrastructure and preserves neighbourhood vitality. The proposal represents a resource-efficient approach that minimizes the need to disturb more land for housing while respecting the established character of the neighborhood. The proposal effectively balances the existing and future contexts of the city through strategic intensification and effective use of municipal infrastructure and services.

(2.4) Residential Intensification

(2.4.1.1) Residential intensification shall be encouraged throughout the entire built-up area, shown on Appendix G in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation. (OPA 167)

(2.4.1.3.c) 30% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned 27,000 housing units to be developed within the Neighbourhoods through intensification

Planning Comment: The UHOP identifies Residential Intensification as a key component of growth in the City and further contributes to creating and maintaining vibrant neighbourhoods. The proposal supports the objective that 30% of the residential intensification target is anticipated to occur within the Neighbourhoods, equating to roughly 27,000 housing units. The proposal considers the design and compatibility with existing uses, neighbourhood character, and cultural and natural heritage. Additional consideration and justification as to why the proposal is a representation of good planning and how it will not cause unacceptable impact is provided below.

(2.4.2) Residential Intensification in the Neighbourhoods Designation

(2.4.2.2) When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;*
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;*
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;*
- d) the consideration of transitions in height and density to adjacent residential buildings;*
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;*

- f) *the provision of amenity space and the relationship to existing patterns of private and public amenity space;*
- g) *the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;*
- h) *the ability to complement the existing functions of the neighbourhood;*
- i) *the conservation of cultural heritage resources;*
- j) *infrastructure and transportation capacity and impacts; and,*
- k) *for uses permitted in Volume 1 Policy E.3.4.3, the ability to meet the Neighbourhood Infill Design Guidelines. (OPA 202)*

Planning Comment: Intensification in the neighbourhood designation focuses on general impact and relationship of the proposed change in regard to the surrounding context. In our opinion, the proposal meets all the objectives laid out in **Policy 4.2.2**. The form of intensification is minor, as it is proposing the addition of 2 residential units to the existing building. There will be limited to no differentiation from the current setting in regard to shadowing, overlook, lighting, and other nuisance effects. The dwelling is situated on a lot with a large yard, contributing to the adequate provision of amenity space. There are similar multi-unit dwellings within the area, so the proposal will complement the existing character and functions of the neighbourhood. Consideration of matters listed in **Policy B.2.4.1.4** is noted below.

(2.4.1) General Residential Intensification Policies

(2.4.1.2) The City's primary strategic growth areas shall be the Urban Nodes and Major Transit Station Areas as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2. (OPA 167)

Planning Comment: The subject lands are identified as being within the 800 meter radius of multiple MTSAs. The request presented to cCommittee is representative of strategic intensification within existing housing stock, contributing to city objectives while maintaining general residential aesthetic and function. Refer to **Section 5.3.1** for further discussion.

(2.4.1) General Residential Intensification Policies

(2.4.1.4) Residential intensification developments within the built-up area shall be evaluated based on the following criteria:

- a. *a balanced evaluation of the criteria in through l), as follows;*
- b. *the relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;*
- c. *the contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;*
- d. *the compatible integration of the proposed development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;*
- e. *the contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;*
- f. *existing and planned water, wastewater and stormwater capacity;*

- g. the incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;*
- h. the contribution of the proposed development to supporting and facilitating active transportation modes;*
- i. the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;*
- j. the availability and location of existing and proposed public community facilities/services;*
- k. the ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and, l) compliance of the proposed development with all other applicable policies. (OPA 167)*

Planning Comment: The proposed Development conforms to the above-noted policies. The proposed development represents a minor amount of intensification and provides a context-sensitive increase in density that will complement the existing land uses and development patterns of this area. In terms of neighbourhood character, it has already been established that there is variety in apparent density, use and form in this location. The existing dwelling is very much a part of this diversity, as evidenced by its presence within the streetscape and neighbourhood. The proposed modifications will not compromise this aspect of the dwelling and will not unsettle or destabilize this area. Once again, the proposed development will contribute to the full range of housing options as envisioned for the City's existing neighbourhoods

5.3.1 (OPA 167) Urban Hamilton Official Plan

A change in policy from the previous application in 2016 is OPA 167. In June 2022, Council approved a Municipal Comprehensive Review for the City which, among other changes, added a new policy framework for MTSA's to the Urban Hamilton Official Plan through OPA 167.

OPA 167 was approved, with modifications, by the Province on November 4, 2022. MTSA's are generally defined as the area within a 500 to 800 metre radius of a higher order transit station representing about a 10-minute walk. The City of Hamilton is currently planning for MTSA's in the lower city, including 17 LRT stations and 3 GO stations.

Along with OPA 167 came subsequent amendments to the current and former City of Hamilton Zoning By-laws. Amendments permit increased density within residential areas, including existing neighbourhoods. Provincial policy notes that MTSA's are to be the focus of development and intensification. Refer to Section 5.4 below for further discussion

(E.1.0) Goals

(g) Promote and support appropriate residential intensification throughout the urban area with focused attention to development in the strategic growth areas of the Urban Nodes, Urban Corridors, and Major Transit Station Areas. (OPA 167)

(2.1) Urban Structure Principles

(a) Urban Nodes, Urban corridors and delineated Major Transit Station Areas shall be the focus of intensification and reurbanization activities (i.e. population growth, private and public redevelopment, and infrastructure investment). (OPA 167)

(2.5) Major Transit Station Areas

(2.5.4) Major Transit Stations Areas that are not on the priority transit corridor shall be planned to achieve a mix of uses and densities which are supportive of higher order transit.
(OPA 167)

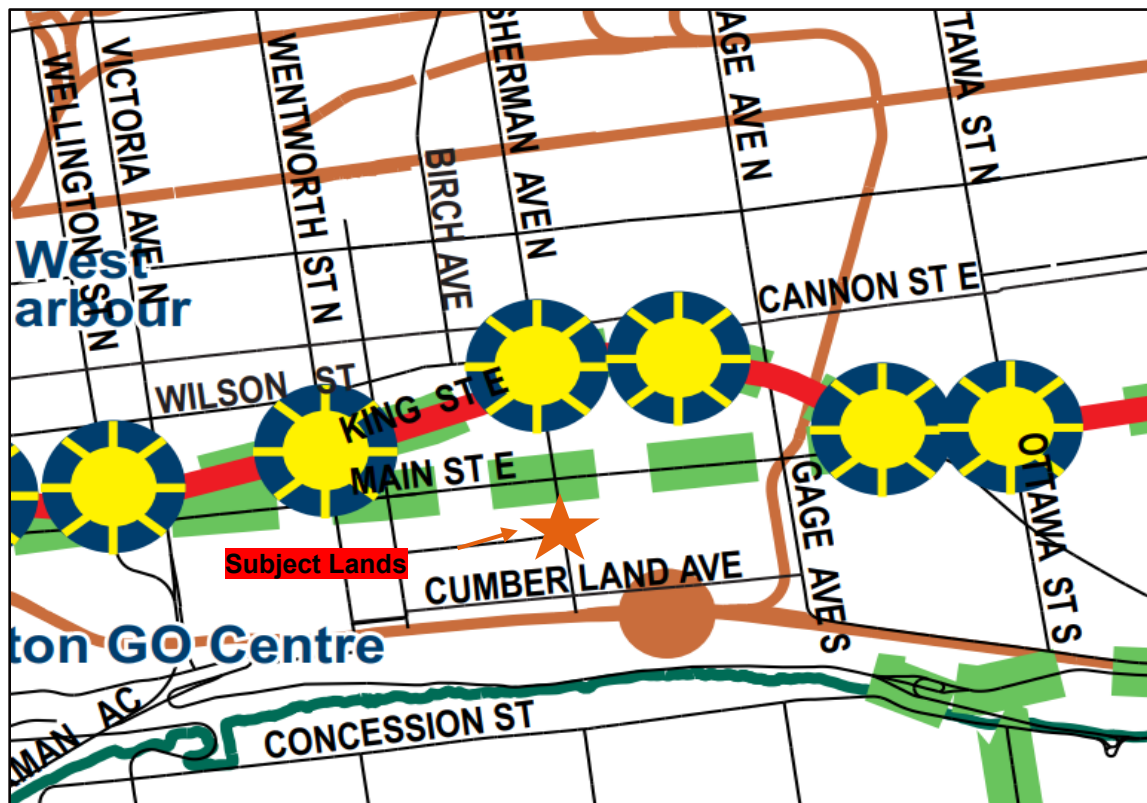


Figure 9 Appendix B Major Transportation Routes and Facilities Retrieved from UHOP

Planning Comment: The request presented to committee is representative of strategic and gentle intensification within the existing housing stock, contributing to City objectives while maintaining general residential aesthetic and function. The proposal supports the objective of planning to achieve of mix of densities supportive of higher order transit.

5.4 Zoning By-law No. (6593)

The subject is within the area covered by 6593 and is zoned Urban Protected Residential - One and Two Family Dwellings, Etc.(D/S-1822). A site-specific Provision (S-1822) was added to the subject site, along with others throughout the City, under a wide-spread amendment. The purpose of the amendment was to support the amendments made to the UHOP through OPA 167, including permitting increased density and up to four dwelling units on a lot in mature neighbourhoods, as-of-right.

Section 19 of 6593 details residential conversion requirements and was amended, in part, to a single detached or two family dwelling, converted to contain greater than two but no more than four Dwelling

Units. The request being made to committee is to allow for 5 residential units within the existing building. Section 19 also details the updated requirements that no parking spaces are required for Dwelling Units within a converted dwelling, provided the required parking spaces which existed for the existing dwelling shall continue to be provided and maintained.

It is noted as previously mentioned, the subject site carries a legal non-conforming use and amendment to the zoning bylaw is not required as Subsection 45 (2) of the Planning Act provides the powers to the Committee to make decisions with respect to legal non-conforming uses. Discussion on the site specific provision is provided as it is a primary policy change between the previous application for this site and the current application, and it speaks to the intent of the area of providing increased density within residential areas, including existing neighbourhoods. The subject lands do not front a major road and are within a neighbourhood area, the request supports the City of Hamilton's objectives for increased density near proposed MTSA's. Further the proposal is on a large lot and the minimal external modifications allowed for the maintenance of the residential integrity and general aesthetic of the street.

Regarding parking, no additional spaces are to be provided for the new units and no other space within either of the three lots that are merged on title are to be formalized for parking. The location of the subject site within an MTSA further justifies this decision.

There are a mix of zones around the subject sites, some in the current zoning by-law and others in the former. Two nearby properties share the same zoning as the subject site, 152 Maplewood and 187 Prospect Street. These sites appear to hold a form of legal non conforming status, similar to that of the subject lands. Images of the respective sites are provided below in Figure 11 and Figure 12. The zoning map also shows the properties directly beside and across the subject lands as being within the R1a Low Density Residential – Small Lot, notably these properties include the multi-unit, and presumed multi-unit residential dwellings.

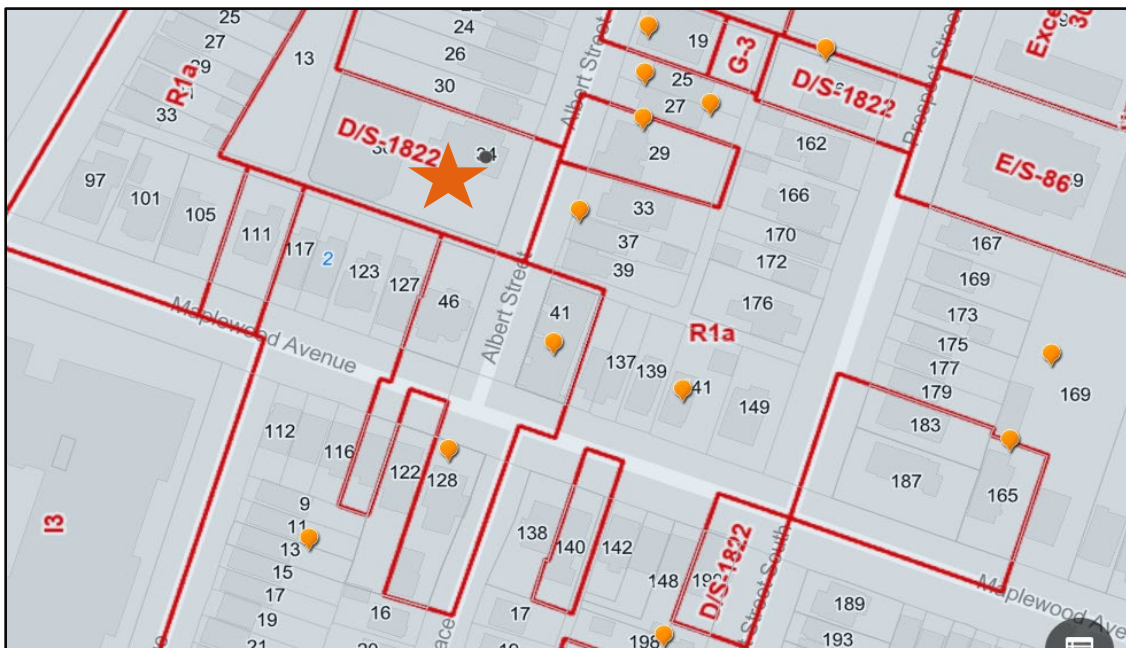


Figure 10 Zoning By-law Map Retrieved from City of Hamilton



Figure 11 152 Maplewood Retrieved from Google Earth Pro

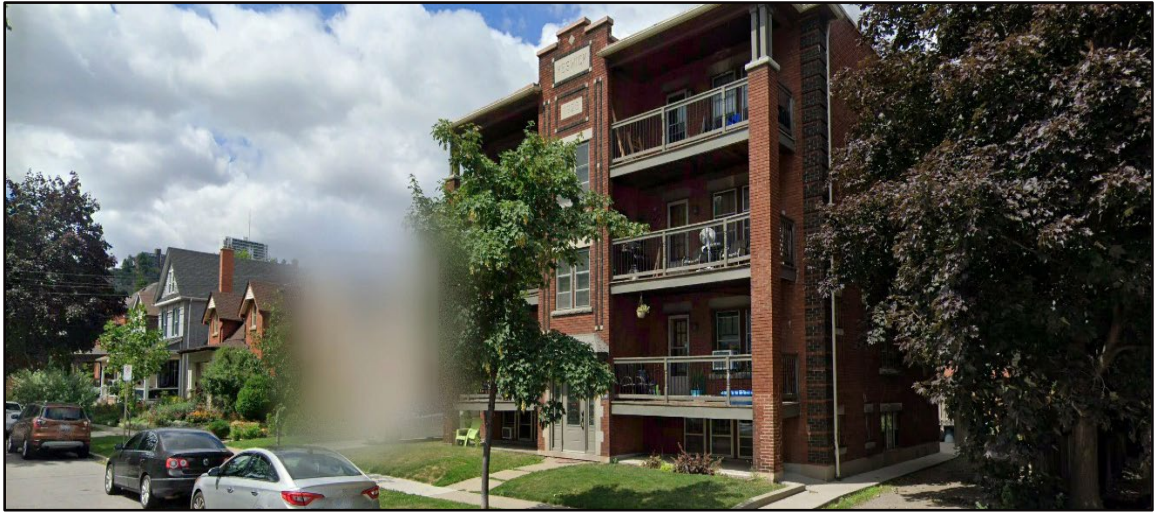


Figure 12 187 Prospect Street Retrieved from Google Earth Pro

6 Conclusion and Recommendation

Following a comprehensive review of the subject lands, context, supporting studies, and considering the merits of the proposed use in alignment with the Planning Act, Provincial Planning Statement (2024), City of Hamilton Official Plan, City of Hamilton Zoning By-law, the application endorses an appropriate form of land development and are deemed to be in the public interest. Further, recent policy changes including OPA 167 have taken place, encouraging strategic intensification of lands within the City of Hamilton, including those within defined proximity to planned MTSAs.

As mentioned, the subject lands contain three separate lots that are merged on title. The proposal only seeks to allow for work on Lot 1, which contains that legal nonconforming three family dwelling. The proposal requests to modify the internal organization of the building to allow for five residential units, an addition of two units, up from the current three.

The proposal effectively balances the existing and future contexts of the city through strategic intensification and effective use of municipal infrastructure and services. It is our opinion that the potential impacts from providing 2 additional residential units within the existing dwelling footprint and massing will not introduce any adverse impacts to adjacent properties or the neighbourhood, and that the continued use of the dwelling as a multi-unit dwelling is a like use and similar to the recognized three family dwelling. In terms of scale and intensity, the proposed modifications will maintain the visual character of the area, as such maintaining a compatible built form.

The committee must find the legal non-conforming use has not ceased, and that the proposed development is representative of good planning principles and does not introduce any adverse impacts to the neighbourhood. It is our opinion that the proposed development conforms to these requirements for the aforementioned reasons and the application should be approved.

We appreciate your consideration of the development proposal. We believe the information and plans presented herein offer adequate details to support the application. Should you require additional information or have any questions, please feel free to contact the undersigned.

Thursday, June 12, 2025

Sincerely,

Arcadis Professional Services (Canada) Inc.

A handwritten signature in black ink, appearing to read 'Mike Crough'.

Mike Crough MCIP RPP
Principal - Planning
mike.crough@arcadis.com

A handwritten signature in black ink, appearing to read 'Carson Parks'.

Carson Parks
Planner
carson.parks@arcadis.com

Arcadis Professional Services (Canada) Inc.
360 James Street North, Suite 200
Hamilton, Ontario L8L 1H5
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Hamilton

Committee of Adjustment

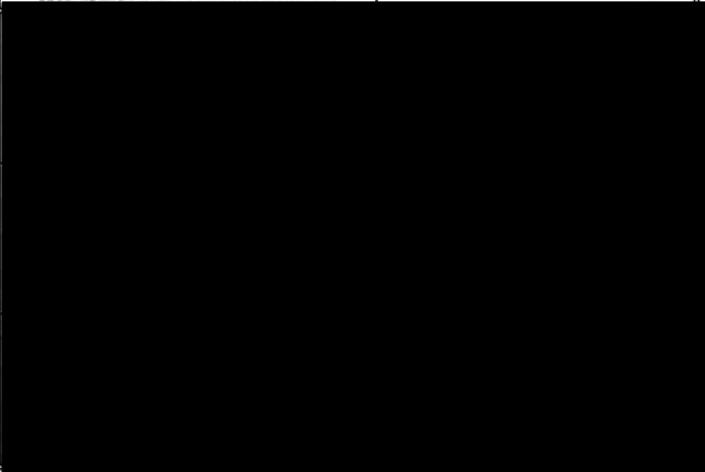
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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)	TNM Laird/Haw Holding Corporation C/O James Laird	
Applicant(s)	Same as above	
Agent or Solicitor	Mike Crough	

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	34 Albert Street		
Assessment Roll Number	251803025207740		
Former Municipality	Hamilton		
Lot	Lots 31 & 32	Concession	
Registered Plan Number	PL 246	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

☐ Yes ☒ No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Addition of 2 residential units within an existing Three-Family dwelling with legal non-conforming status

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

The property contains a legal non conforming Three-Family Dwelling.

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

☒ Yes

☐ No

If yes, please provide an explanation:

This application is made under 45 (2) of the Act which allows a Committee of Adjustment to permit expansion of a legal non-conforming use, building or structure, and to authorize the use of land, building or a structure for a purpose that is similar to the purpose for which it was used on the day the By-law was passed.

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
30.48 m	51.80 m	1,576.00m ²	15.4 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
Three-Family Dwelling	5.91 m	26.93 m	1.56 m / 14.33 m	Unknown
Storage Warehouse	27.62 m	0	0	Unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Five-Unit Residential Dwelling	5.91 m	26.93 m	1.56 m / 14.33 m	Unknown
Storage Warehouse	27.62	0	0	Unknown

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
Three-Family Dwelling	180.2 m ²	496.9 m ²	3	
Storage Warehouse	Unknown	Unknown	1	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Five Unit Residential Dwelling	180.2 m ²	496.9 m ²	3	
Storage Warehouse	Unknown	Unknown	1	

- 4.4 Type of water supply: (check appropriate box)
- ☒ publicly owned and operated piped water system
- ☐ privately owned and operated individual well

- ☐ lake or other water body
- ☐ other means (specify)
- _____

- 4.5 Type of storm drainage: (check appropriate boxes)
- ☒ publicly owned and operated storm sewers
- ☐ swales

- ☐ ditches
- ☐ other means (specify)
- _____

- 4.6 Type of sewage disposal proposed: (check appropriate box)
- ☒ publicly owned and operated sanitary sewage
- ☐ system privately owned and operated individual
- ☐ septic system other means (specify) _____
- 4.7 Type of access: (check appropriate box)
- ☐ provincial highway ☐ right of way
- ☐ municipal road, seasonally maintained ☐ other public road
- ☒ municipal road, maintained all year _____
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
- Five-Unit Dwelling; Storage Warehouse
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
- Modified single detached dwellings; multi-unit residential dwellings

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
- Sept. 25th, 2014
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
- Three-Family Dwelling; Storage Warehouse
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
- Three-Family Dwelling; Storage Warehouse
- 7.4 Length of time the existing uses of the subject property have continued:

The City of Hamilton has recognized the subject lands as containing legal non-conforming uses, as the current uses were in place prior to the implementation of Zoning By-law 6593 ("6593")

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Refer to supporting letter for explanation

- 7.6 What is the existing zoning of the subject land? D/S-1822
Urban Protected Residential - One And Two Family Dwellings
- 7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-law Amendment or Minor Variance)

☒ Yes

☐ No

HM/A-16:195

If yes, please provide the file number:

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*? ☐ Yes ☒ No

If yes, please provide the file number: _____

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 3

8.2 Number of Dwelling Units Proposed: 5

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

Refer to supporting letter for detailed explanation. This application proposes the modification of a legal non-conforming Three-Family dwelling to allow a maximum of five separate self-contained dwelling units.

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
