
From: Janet Rush [REDACTED]
Sent: Monday, September 15, 2025 2:20 PM
To: Committee of adjustment
Subject: Notice of Public Hearing (Appln A25:178 - 27 Grove St)

Categories: Public Comment

External Email: Use caution with links and attachments

Dear Committee of Adjustment:

Please refer to my input for Application A-25:177 (25 Grove Street, R1a - Low Density Residential Small Lot).

In that email, I noted that I was in favour of the permit to contain two (2) additional dwelling units. In this email, I reiterate my approval.

My approval proviso:

As noted, I am aware of the critical need for more low-density rental units in Hamilton generally, and in Corktown particularly.

I additionally, then and now, **base my approval on the owner's commitment** to offer rents that are lower than the average rent for 1-bedroom or studio apartments in this city.

This would represent a win for those seeking reasonable accommodation, a model of deliberate thoughtfulness on the part of owner(s), and a reputational 'win' for the owner who is supporting our key, municipal need.

Janet Rush
[REDACTED]

From: Brian Ogryzlo [REDACTED]
Sent: Tuesday, September 23, 2025 11:59 AM
To: Committee of adjustment
Subject: Public Input A25:177 25 Grove Street and A25:178 27 Grove Street
Attachments: Minor Variance Public Input A25177 A25178.pdf

Categories: Public Comment

External Email: Use caution with links and attachments

Good Morning,

I've included my Public input for A25:177 and A25:178 at the upcoming CofA Meeting on September 25, 2025. It is contained in one file, but I would like this letter to be attached to each application individually, please.

Kindly,

Brian Ogryzłó, BURPI., B.A. Phil.
Urban & Regional Planner

[REDACTED]

Brian Ogryzlo, BURPL., BA.



Justin Leung
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Public Input – Re: Minor Variance A25:177 (25 Grove Street) + A25:178 (27 Grove Street)

Minor Variance Application Details			
Application No.	A25:177/A25:178	Subject Property	25/27 Grove Street, Hamilton
Zone	R1a	Zoning By-Law	Hamilton Zoning By-Law 05-200
Purpose/Effect	To permit a Semi-detached Dwelling to Contain two (2) Additional Dwelling Units		

Variance(s) Requested			
Section	Description	Performance Standard	Requested Variance
4.33.1 a) iii)	Additional Dwelling Unit	Each semi-detached dwelling unit of a Semi-Detached Dwelling shall be permitted to contain one Additional Dwelling Unit.	Each semi-detached dwelling unit of a Semi-Detached Dwelling shall be permitted to contain two (2) Additional Dwelling Units.

Meeting Date Thursday, September 25th, 2025

Dear Committee,

I am writing to give public input on Minor Variance Application(s) A25:177 and A25:178 for the subject property at 25 and 27 Grove Street. I am a resident of Hamilton and believe the application for a Minor Variance is unnecessary, as the proposed changes are explicitly protected under Section 16(3) 35.1 of *The Planning Act*. While I am a qualified urban and regional planner in the Province of Ontario, I am writing this letter as an engaged resident, ratepayer and stakeholder in the City of Hamilton. These are my personal opinions on the matters and should not be considered representative of any professional advice or consultation. In this letter, I will provide a brief analysis of my decision-making process in determining the suitability of the proposed development and the requested variance(s).

Evaluating Applications Independently

While I am submitting this Public Input for both A25:177 and A25:178, this shall not be construed as meaning I believe the applications should be consolidated or viewed as a single application. In fact, I believe the applications ought to be considered for their merits independent of one another.

While the applications for both Minor Variances indicate a Registered Owner in the same name, all other sources indicate that 25 Grove Street and 27 Grove Street remain independent and distinct parcels/lots, with independent and distinct Semi-Detached Houses situated upon each parcel/lot. I summarize my findings from various sources below.

Table 0.1 Parcel Review		
Source	Outcome	Analysis
Minor Variance Application	Same Named Registered Owner	Inadequate information provided. More information required.
City of Hamilton – Zoning Maps	Two (2) Parcels	Two Independent and Distinct Parcels/Lots/Lands
City of Hamilton - Base Mapping	Two (2) Parcels	Two Independent and Distinct Parcels/Lots/Lands
MPAC	Two (2) Parcels	Two Independent and Distinct Parcels/Lots/Lands
OnLand	Two (2) Parcels, Pins	Two Independent and Distinct Parcels/Lots/Lands

I would encourage the applicant to provide additional information on the ownership and title status of each parcel to clarify if these are indeed merged on title or distinct parcels of urban residential land, as this does meaningfully impact how the application ought to be assessed.

However, without further clarification and additional financial and information resources, it appears that both 25 and 27 Grove Street are distinct and independent parcels of urban residential land that demand equal consideration for their applications to the Committee of Adjustment. This distinction is crucial for evaluating the subject sites and the requested relief through a minor variance application.

Since Section 45(1) of the *Planning Act* stipulates that the Committee of Adjustment may authorize such minor variance from the provisions of the by-law, in respect of the **land, building or structure** or the **use thereof**, under the statutory four (4) tests, it is my understanding that this would necessitate consideration of each independent parcel/lot and therefore, each application on its own merits.

Whose -plex is it anyway? Importance of Distinction

It is prudent to clarify a common point of confusion. Terms such as “semi-detached,” “duplex,” and “triplex” are often used interchangeably; however, they refer to distinct aspects of a property’s legal and physical form. For this application, I have provided some clarity below.

A semi-detached house refers to a specific type of building and ownership structure. It describes one of a pair of houses that are joined by a common wall, where each side sits on its own separate lot with a distinct legal title and owner. This is a form of freehold ownership, similar to a detached house, but with the unique characteristic of being physically attached to a neighbouring property. The term "semi-detached" speaks to the building's physical form and its legal status as a separate, individually-owned piece of real estate.

In contrast, a duplex or triplex refers to the number of self-contained dwelling units contained within a single building on a single lot, typically under a single ownership. A duplex has two units, while a triplex has three. The key distinction is

that a single semi-detached house can be converted to contain multiple units, thereby becoming a semi-detached duplex or triplex. The terms are not mutually exclusive, but rather describe different attributes of a property: one defines its legal and physical form, and the other defines its use and internal configuration.

This differentiation is critical because *the Planning Act* provides a distinction between the housing typology (detached house, semi-detached house and rowhouse) and the number of residential units (its internal configuration) that can be added as-of-right within those built forms on a **parcel** of urban residential land.

Analyzing Staff Comments

I have reviewed the Staff Comments for A-25:177 & A-25:178. Staff provide near-identical commentary in both submissions. While I agree it is reasonable that both applications may be related, I disagree with the position that they should be analyzed as one. Noting the above, the lots are distinct (until proven otherwise) and equal consideration of the merits of each application should be given.

Staff assert that the Urban Hamilton Official Plan (UHOP) does not contemplate a Semi-Detached Dwelling (read House) that contains two Additional Dwelling Units, and that both applications “*functionally results in a building with six dwelling units and is considered a multiple dwelling.*” While I can understand the train of thought that may have led to this formulation, I find this conclusion perplexing and unfounded.

Without going into depth, I believe the underlying misalignment may be due to inadequate delineation between the City’s definition of built form and its use. To ensure alignment, I would encourage these applications to be related to the Built Form/Housing Typology (Semi-Detached House), specific to the lot to which the applicant has applied. The UHOP supports this in Policy B.2.4.2.2 k), B. 3.2.4.4, E.3.4.3 b), E.3.4.6 with explicit mentions and considerations for the **lot, property, site, or area** on which the development is sited.

To supplement this point, the UHOP states, “*Accessory Dwelling Unit: means a separate and self-contained dwelling unit that is accessory to and located **within the principal dwelling.***” This emphasizes distinction, both in lot/parcel and in principal dwelling, to the limits on how many ADUs one may consider per housing typology/lot.

The Residential Intensification Guidelines are similarly distinctive. Section 1.1.1 states, “*Additional Dwelling Units are separate and self-contained detached [sic] dwelling units that are accessory to and located within the main dwelling **on a lot.***”

The guidelines further emphasize the need for converted dwelling permissions. For example, Section 1.1.2 states, “*Dwellings can convert to contain up to three Additional Dwelling Units. Most residential properties are permitted to contain up to four dwelling units, either within the existing house, or as three units in the existing house, along with an Additional Dwelling Unit – Detached on the property, typically in the rear yard.*”

My analysis of staff comments is that, while comprehensive, staff may have misinterpreted the applications as one. Leading to conclusions and recommendations that are outside the purview of the Committee of Adjustment (Section 45(1) of *The Planning Act*).

Hamilton's Zoning By-law 05-200 and Is this Legal?

It would be remiss not to mention *Hamilton's Zoning By-law 05-200* in this letter. Staff have provided similar commentary as discussed above in their analysis; therefore, I won't review their comments further for this purpose. I believe that the *UHOP* and *05-200*, in their current state, have not been updated to conform to *The Planning Act*, which I delve into in greater detail in the next section. For this section, I present an alternative for the Committee's consideration, that the present application may already be legal or permitted under *05-200*.

I would like to bring attention to the applicant's requested variance versus what is stated on the *Notice of Minor Variance*. While they appear similar, there is an important distinction that can alter how one interprets the proposed development. The applicant writes "*to permit a 3 unit semi detached dwelling [sic]*", while the *Notice* states, "*To permit a Semi-Detached Dwelling to contain two (2) Additional Dwelling Units* ".

While either framing provides a semi-detached house with a total of three (3) residential units, an important distinction is that the semi-detached house already contains two (2) residential units. While staff have framed this as a "semi-detached dwelling with an additional dwelling unit," I prefer to frame the current status of the home as a legal duplex, as it appears (through past real estate listings, MPAC 332 Duplex—*residential structure with two self-contained units*, City data, etc.) to be established as a duplex and have predated any ADU by-law in the City.

If we consider the property a legal duplex, then *05-200* is clear in its permissibility of the proposed development, and no variance would be necessary.

Section 4.33.1 Additional Dwelling Unit a) ii) A Duplex Dwelling shall be permitted to contain one Additional Dwelling Unit.

This would provide an expeditious resolution for the applicant and the Committee to consider. While the subject property(s) may not meet the current definition of "Duplex Dwelling" as per *05-200*, if the property is indeed presently established as such, I see no reason to subject the applicant to further justification of their proposed development(s), as the proposed development would be as-of-right.

I leave it to the Applicant and the Committee for their consideration. If an alternative is preferred, I will provide further opportunities for consideration in light of *the Planning Act* in the next section.

Additional Residential Units and The Planning Act, 1990

The *Notice of Minor Variance* accurately describes the applicable sections of *Hamilton's Zoning By-law 05-200* for the proposed changes to the site(s). However, to ensure we have the necessary context, we must comprehensively consider its compliance with *The Planning Act*.

In 2022, Ontario's *More Homes Built Faster Act, 2022* received Royal Assent, making amendments to *The Planning Act* with respect to changes to Additional Residential Units (Ontario Regulation 299/19). These changes are found in Chapter 21, Schedule 9 of the *More Homes Built Faster Act, 2022*. Notably, it provides clarity on residential unit protections in Ontario and the effect of Official Plans and by-laws passed under Section 34 that attempt to prohibit these protections.

I would like to add perspective by drawing your attention to Section 16(3) and Section 35.1(1), with an emphasis on subsection (b), as well as Section 16(3.3) and 35.1(1.3). I believe this will help determine the necessity of the relief sought by the applicant.

Table 1.0 The Planning Act – Restrictions for residential units	
Section	Subsection
16 (3) Restrictions for residential units	(3) No official plan may contain any policy that has the effect of prohibiting the use of,
	(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
	(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
	(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.
16 (3.3) Policies of no effect	A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3) , (3.1), (3.2) or (3.2.1).
35.1 (1) Restrictions for residential units	(1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,
	(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
	(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
	(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.
35.1 (1.3) Provisions of No Effect	A provision of a by-law passed under section 34 or an order made under or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1) , (1.1) or (1.2) of this section.

While the *Notice of Minor Variance* may accurately reference the applicable sections of *Hamilton's Zoning By-law 05-200*, Sections 16(3), 16(3.3), 35.1(1), and 35.1(1.3) of *the Planning Act* establish explicit protections for residential units that municipalities are bound to uphold. It is my understanding that Sections 16(3) and 35.1(1) prohibit an official plan or by-law from having the effect of restricting residential units in any of the forms set out in options (a), (b), or (c). Importantly, the use of “or” in this context operates cumulatively: because these provisions provide protections rather than discretionary permissions, all three options must be preserved as protected forms of residential use, rather than treated as alternatives from which a municipality may select.

It is my opinion that the applicant is within their legislative rights under the act to have three residential units in their semi-detached house(s), both of which meet the conditions of the legislation and are contained on individual parcels of urban residential land. No Hamilton by-law or UHOP Policy can effectively prohibit the applicants' rights afforded to them under the *Planning Act*. Any policy or by-law attempting to prohibit these uses ought to reasonably be considered *ultra vires* and presents significant barriers to key provincial and municipal interests and priorities.

Final Conclusions and Recommendations

My conclusions to this application are complex and nuanced. I vehemently support the application(s) for each semi-detached house to contain three (3) residential units. This is clearly supported in various key municipal and provincial initiatives, priorities and interests. It is my opinion that the Committee has two avenues in assessing this application against the four (4) tests found in Section 45(1) of *The Planning Act*.

Option One: The applicant is not required to seek relief at the *Committee of Adjustment*. As the application(s) are permitted as-of-right under Section 4.33.1 a) ii) of *Hamilton Zoning By-law 05-2000*. Since the application(s) are dealing with the conversion of a legal duplex to add one (1) additional dwelling unit.

Option Two: The application cannot be assessed against the four (4) tests of a minor variance since the applicable by-law (*Hamilton Zoning By-law 05-2000*) may contain policies that are *ultra vires*, unfortunately, it is not in the purview of the *Committee of Adjustment* as the application cannot meet the statutory four (4) tests under Section 45(1) of *the Planning Act*. Instead, it must be addressed through the Zoning By-law Amendment Processes.

I will note that, in either scenario, if the application is denied, the applicant may wish to seek alternative opportunities, in collaboration with their consultant and the City, for their development through the mechanisms afforded to them under *the Planning Act*.