

## Historical Background

<b>Application Details</b>	
Owner:	1000259434 Ontario Inc. (c/o Ankur Patel).
Applicant:	A.J. Clarke and Associates Ltd. (c/o Steve Fraser and James Thomas).
File Number:	ZAC-25-031
Type of Applications:	Zoning By-law Amendment
Proposal:	<p>The purpose of the Zoning By-law Amendment is for a change in zoning from "C/S-1822" (Urban Protected Residential, etc.) District, Modified, to a site specific "DE-2/S-1844" (Multiple Dwellings) District, Modified, to permit the development of eight block townhouse units and 10 stacked townhouse units for a total of 18 multiple dwelling townhouse units. Each unit will have two parking spaces located within an attached garage and driveway and will be accessed through a private laneway accessed from West 5<sup>th</sup> Street.</p> <p>The application was amended by the applicant to increase the side yard setback to require a minimum of 6 metres on the south side for additional tree retention. The increased side yard also reduced the number of dwelling units to 18 from 21 units.</p>
<b>Property Details</b>	
Municipal Address:	1042 and 1050 West 5 <sup>th</sup> Street
Lot Area:	0.33 ha and 0.55 ha (total of 0.88 ha).
Servicing:	Existing municipal services.
Existing Use:	Single detached dwellings.
Proposed Use:	Multiple dwelling townhouse.

<b>Documents</b>	
Provincial Planning Statement:	The proposal is consistent with the Provincial Planning Statement (2024).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and E-1 – Urban Land Use Designations.
Zoning Existing:	“C/S-1822” (Urban Protected Residential, Etc.) District, Modified.
Zoning Proposed:	“DE-2/S-1844” (Multiple Dwellings) District, Modified.
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> <li>• To identify the external lot boundaries of the combined lots as the lot lines for the subject property and to deem those regulations be evaluated from the external boundaries of the subject lands;</li> <li>• To identify the location of the front lot line for the subject lands as West 5<sup>th</sup> Street;</li> <li>• To add “Multiple Dwelling Townhouse” as a permitted use in the “DE-2/S-1844” (Multiple Dwellings) District, Modified and add the following definition:  “Multiple Dwelling Townhouse” is defined as: <ul style="list-style-type: none"> <li>a) One separate building containing five or more dwelling units; or,</li> <li>b) Two or more separate buildings containing three or more dwelling units each which form one comprehensive development containing a total of five or more dwelling units;</li> <li>c) Dwelling units are divided by common walls preventing internal access between units;</li> </ul> </li> </ul>

<b>Documents</b>	
<p>Modifications Proposed: <b>(continued)</b></p>	<p>d) Each dwelling unit has at least one exclusive exterior pedestrian access; and,</p> <p>e) Dwelling units within a multiple dwelling townhouse may have shared amenity area(s), parking area(s) and common vehicular access to a street, such as a condominium road.</p> <p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"><li>• To identify the external lot boundaries of the combined lots as the lot lines for the subject property and to deem those regulations be evaluated from the external boundaries of the subject lands;</li><li>• To identify the location of the front lot line for the subject lands as West 5<sup>th</sup> Street;</li><li>• To add “Multiple Dwelling Townhouse” as a permitted use in the “DE-2/S-1844” (Multiple Dwellings) District, Modified and add the following definition: “Multiple Dwelling Townhouse” is defined as:<ul style="list-style-type: none"><li>a) One separate building containing five or more dwelling units; or,</li><li>b) Two or more separate buildings containing three or more dwelling units each which form one comprehensive development containing a total of five or more dwelling units;</li><li>c) Dwelling units are divided by common walls preventing internal access between units; and,</li><li>d) Each dwelling unit has at least one exclusive exterior pedestrian access.</li></ul></li></ul>

<b>Documents</b>	
<p>Modifications Proposed: <b>(continued)</b></p>	<p>e) Dwelling units within a multiple dwelling townhouse may have shared amenity area(s), parking area(s) and common vehicular access to a street, such as a condominium road; and,</p> <p>f) A multiple dwelling townhouse shall include a block townhouse, a stacked townhouse, a back-to-back townhouse, a maisonette, and a townhouse development comprising townhouse units or parcels of tied land, except as restricted in the By-law.</p> <ul style="list-style-type: none"><li>• That the northerly side yard have a width of at least 3.0 metres for stacked townhouse dwelling structures;</li><li>• That the northerly side yard have a width of at least 1.6 metres for block townhouse dwelling structures;</li><li>• That the projection requirement into a front yard is a distance of not more than 3.0 metres and a distance at least 1.0 metre from the front lot line;</li><li>• That the separation distance between the sides of block townhouse buildings be a minimum distance of 3.0 metres;</li><li>• That Section 18.(10)(i)(a) shall not apply;</li><li>• To reduce the minimum parking space requirement to one space per dwelling unit;</li><li>• To remove the loading space requirement; and,</li><li>• To permit parking dimensions of not less than 2.8 metres in width and 5.8 metres in length.</li></ul> <p>The following modifications have been requested by staff:</p> <ul style="list-style-type: none"><li>• That no building or structure within 30.0 metres of the rear lot line shall exceed 8.5 metres in height.</li></ul>

<b>Documents</b>	
<p>Modifications Proposed: <b>(continued)</b></p>	<ul style="list-style-type: none"> <li>• That no building or structure within 25.0 metres of the front lot line shall exceed 14.5 metres in height;</li> <li>• That a southerly side yard having a width of at least 6.0 metres for stacked townhouse dwelling structures; and,</li> <li>• That a southerly side yard having a width of at least 6.0 metres for block townhouse dwelling structures.</li> </ul> <p>The applicant is supportive of the staff proposed modifications.</p>
<b>Processing Details</b>	
Received:	October 28, 2025.
Deemed Complete:	October 28, 2025.
Notice of Complete Application:	Sent to 223 property owners within 240 metres of the subject property on November 7th, 2025. The notice was also posted in the newspaper on November 5 <sup>th</sup> , 2025.
Public Notice Sign:	Posted October 31, 2025.
Notice of Public Meeting:	Sent to 223 property owners within 240 metres of the subject property on April 3, 2026. The notice was advertised in The Hamilton Spectator on April 3, 2026.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “F” attached to Report PED26024.
Public Consultation:	A Community Meeting was held on January 21, 2025, and a public mailout was delivered to surrounding landowners within a 120 metre radius of the subject lands and the applicant extended the distance to approximately 400 metres to the west to include most of the existing neighbourhood south of Stone Church Road. The Ward Councillor and City staff were notified through a mailout letter.

<b>Processing Details</b>	
Public Consultation: <b>(continued)</b>	<p>The public feedback raised concerns about height, screening, privacy concerns as well as potential loss of property value.</p> <p>The response to the public consultation that occurred prior to the submission of the application is included as Appendix "H" attached to Report PED26024.</p>
Public Comments:	<p>The public were concerned about the tree removal, overlook and privacy as well as the height of the proposed structures. A member of the public is in support of the application due to the scale of the proposed development being smaller than development occurring on lands abutting the subject lands to the northeast.</p> <p>The public comments are summarized in Appendix "I" attached to Report PED26024.</p>
Processing Time:	168 days.