



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: barb.ofield@hamilton.ca

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.: HM/A-17:447

APPLICANTS: Agent WEBB Planning Consultants on behalf of the owner 1876553 Ontario Inc. (c/o Doug McKerlie)

SUBJECT PROPERTY: Municipal number 138 Locke Street South, Hamilton

ZONING BY-LAW: Zoning By-Law No. 6593, of the City of Hamilton, Sections 3, 14, 18, 18A (Hamilton 6593), 4, 5; 10.5a (Hamilton 05-200), Amending By-Law Number 17-240 (Hamilton 05-200)

ZONING: "H" and "C5a" (Community Shopping and Commercial and Mixed Use Medium Density - Pedestrian Focus) district

PROPOSAL:

To permit the construction of a proposed three (3) storey addition to the north side of the existing two (2) storey building in order to accommodate ground floor commercial uses along with one dwelling unit on the second floor and one dwelling unit on the third floor not withstanding that;

Hamilton 6593 Zoning By-Law:

1. A minimum rear yard depth of 1.2 m shall be provided for the portion of the building containing the two dwelling units instead of the minimum required rear yard depth of 7.5 m;
2. A minimum rear yard depth of 1.2 m shall be provided for the portion of the building containing the commercial uses instead of the minimum required rear yard of 4.5 m;
3. No planting strip shall be provided between the proposed addition and the rear lot line adjoining the residential district or use;
4. No on-site parking space shall be provided instead of the minimum required 2 parking spaces for the two (2) dwelling units;
5. A balcony shall be setback a minimum of 1.2 m from the rear lot line instead of the minimum required setback of 6.5 m from the rear lot line; and,
6. A roofed-over unenclosed porch shall be setback a minimum of 1.2 m instead of the minimum required setback of 1.5 m from the rear lot line.

Hamilton 05-200 Zoning By-Law:

1. A minimum rear yard of 1.2 m shall be provided instead of the minimum required 7.5 metre;

2. To permit the combined width of the ground floor façade facing the front lot line and flankage lot line to be 39 % instead of the requirement in the By-Law which states that for a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50 % of the measurement of all lot lines abutting a street;
3. No planting strip shall be provided where the proposed addition abuts a residential zone to the west instead of the minimum required 1.5 m wide planting strip;
4. No visual barrier shall be provided along the lot line abutting a residential zone to the west instead of the minimum required visual barrier in accordance with the requirements of Section 4.19 of this By-Law;
5. To permit a maximum gross floor area of 591.0 m² for the proposed addition instead of the maximum allowed of 37.2 m² or 10 % of the existing gross floor area existing on the date of the passing of the By-Law;
6. No parking shall be provided on site instead of the required minimum 0.3 spaces per unit and a maximum 1.25 spaces per unit;
7. No short term bicycle parking shall be provided on site instead of the minimum required 5 short term bicycle parking spaces, which shall be provided and maintained for residential uses; and,
8. A balcony shall be setback a minimum of 1.2 m from the rear lot line instead of the minimum required setback of 6.5 m from the rear lot line.

Notes:

Variations have been written exactly as requested by the applicant. This property is subject to Site Plan Control application DA-17-103; to date, no formal re-circulation for comments on the new zone has been received and a full zoning review has not been conducted for the proposed development. Further variations may be required at such time that a formal zoning review is conducted on the proposed development.

Hamilton 6593 Zoning By-Law:

Please be advised that a cellar is not included in parking calculations as per the definition of Gross Floor Area and Subsection 18. (5) of the By-Law.

The proposed variations have been written based on retail uses.

Hamilton 05-200 Zoning By-Law:

This property is subject to site plan control application DA-17-103, please note that the subject lands are presently zoned "H" Community Shopping and Commercial according to Hamilton 6593 Zoning By-Law. Be advised that By-law 17-240 was passed on November 8, 2017 which changed the zoning of this property from "H" Community Shopping and Commercial to "C5a" Mixed Use Medium Density – Pedestrian Focus Zone under Hamilton Zoning By-law 05-200. However, By-law 17-240 has been appealed to the Ontario Municipal Board and is therefore not yet final. At present, all proposed development is reviewed under both the existing and proposed Zoning By-laws with the more restrictive zoning regulations of both Zoning By-laws being applied, with the exception of building permits, which are reviewed under the former existing zoning until such time that By-law 17-240 comes into force. If By-law 17-240 is approved at the Ontario Municipal Board, the zoning under this By-law will be applicable. This property is designated under Part IV of the Ontario Heritage Act, by municipal By-law Number 17-118 as a property of cultural heritage value. A Heritage Permit may be required for alterations or changes to the property.

The roof top mechanical equipment shall be located and/or screened from view of any abutting street. No details have been provided to determine zoning compliance; therefore, further variations may be required.

A minimum of 60 % of the area of the ground floor façade facing the street shall be composed of doors and windows. No details provided to determine zoning compliance; therefore, further variances may be required.

Notwithstanding Section 10.5a.3 k) i) of amending By-Law 17-240, display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard. No details provide to determine zoning compliance; therefore, further variances may be required.

Pursuant to amending By-Law 17-240 under subsection 5.6, which amends Subsection 5.6 c) of Hamilton 05-200 Zoning By-Law; Dwelling Units and dwelling unit with a commercial use (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Zones) require the following:

ii) Dwelling Units greater than 50 m² in gross floor area:

1 – 3 units:

Minimum 0.3 spaces per unit.

Maximum 1.25 spaces per unit.

No details provided to determine zoning compliance; however, the applicant has indicated on the application that parking may be provided on another lot located within 300 m of the subject property to an agreement registered on title on both lots. In addition, amending By-Law 17-240 states the following under Subsection 5.1:

Notwithstanding Subsection 5.1.a) i), where the provision of parking on the same lot as the use requiring such parking is not possible, or not practical, such parking facilities may be located on another lot within 300 m of the lot containing the use requiring the parking. Such alternate parking shall only be situated in a Commercial and Mixed Use, Industrial or Downtown Zone or within the same zone as the use requiring such parking, and shall be subject to Subsection iii) herein. Insufficient information has been provided to determine zoning compliance; therefore, further variances may be required.

This application will be heard by the Committee as shown below:

DATE: Thursday, January 25th, 2018
TIME: 3:20 p.m.
PLACE: Rooms 192 & 193, 1st floor
Hamilton City Hall

PUBLIC INPUT

In person: This public meeting will allow for any member of the public to speak to the committee regarding this request.

In writing: If you are unable to attend the meeting, you may also send your comments in writing to the Secretary-Treasurer prior to the meeting date. Refer to the contact information at the top of this notice to submit comments via e-mail, mail or fax. You may also use this means of contact to request notice of the committee's decision.

Important note: *If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.*

MORE INFORMATION

For further information on this application, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, 4144 or 3935
- Visit the Committee of Adjustment office in person at Hamilton City Hall, 71 Main Street West, 5th Floor

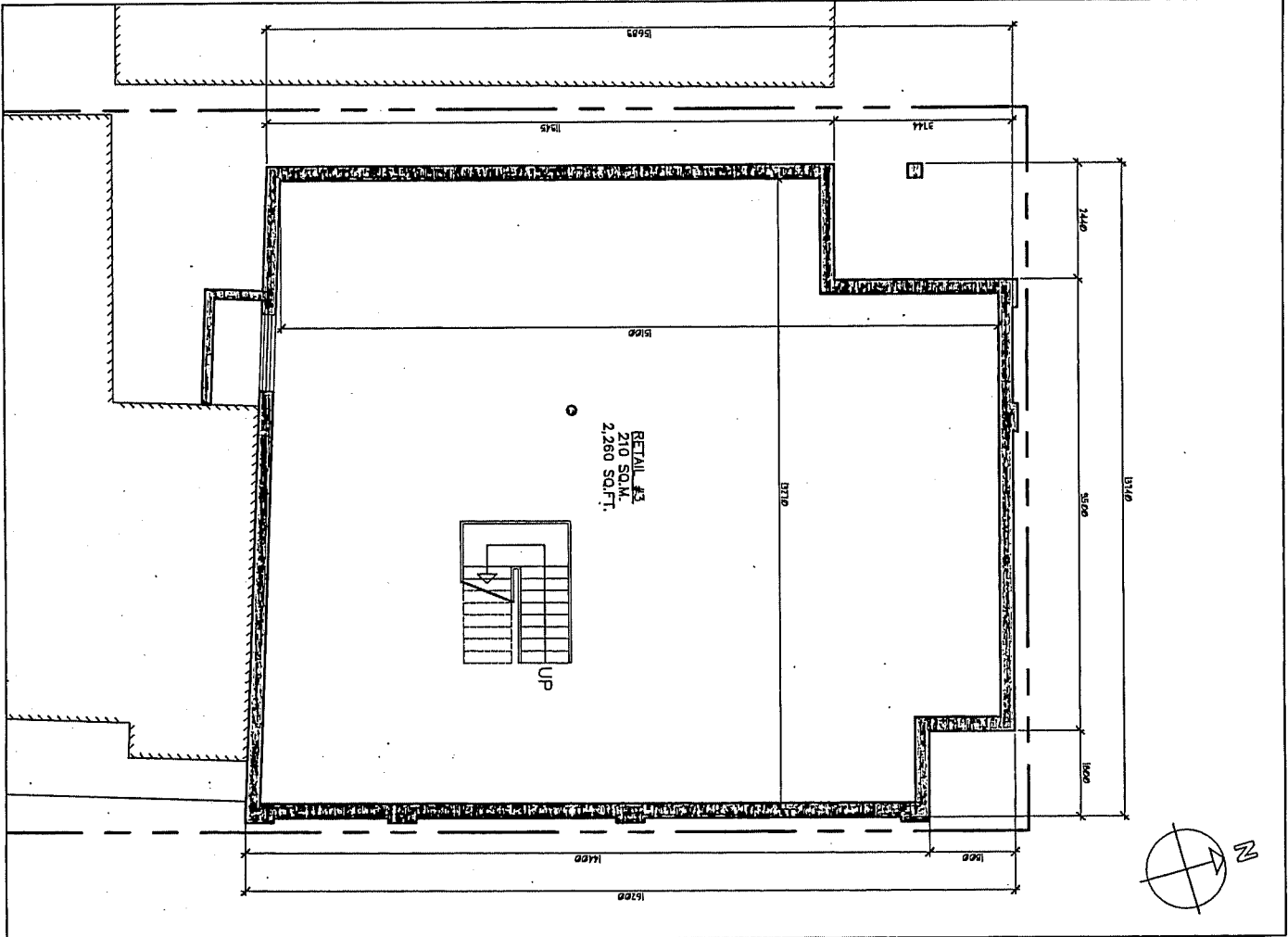
DATED: January 9th, 2018.



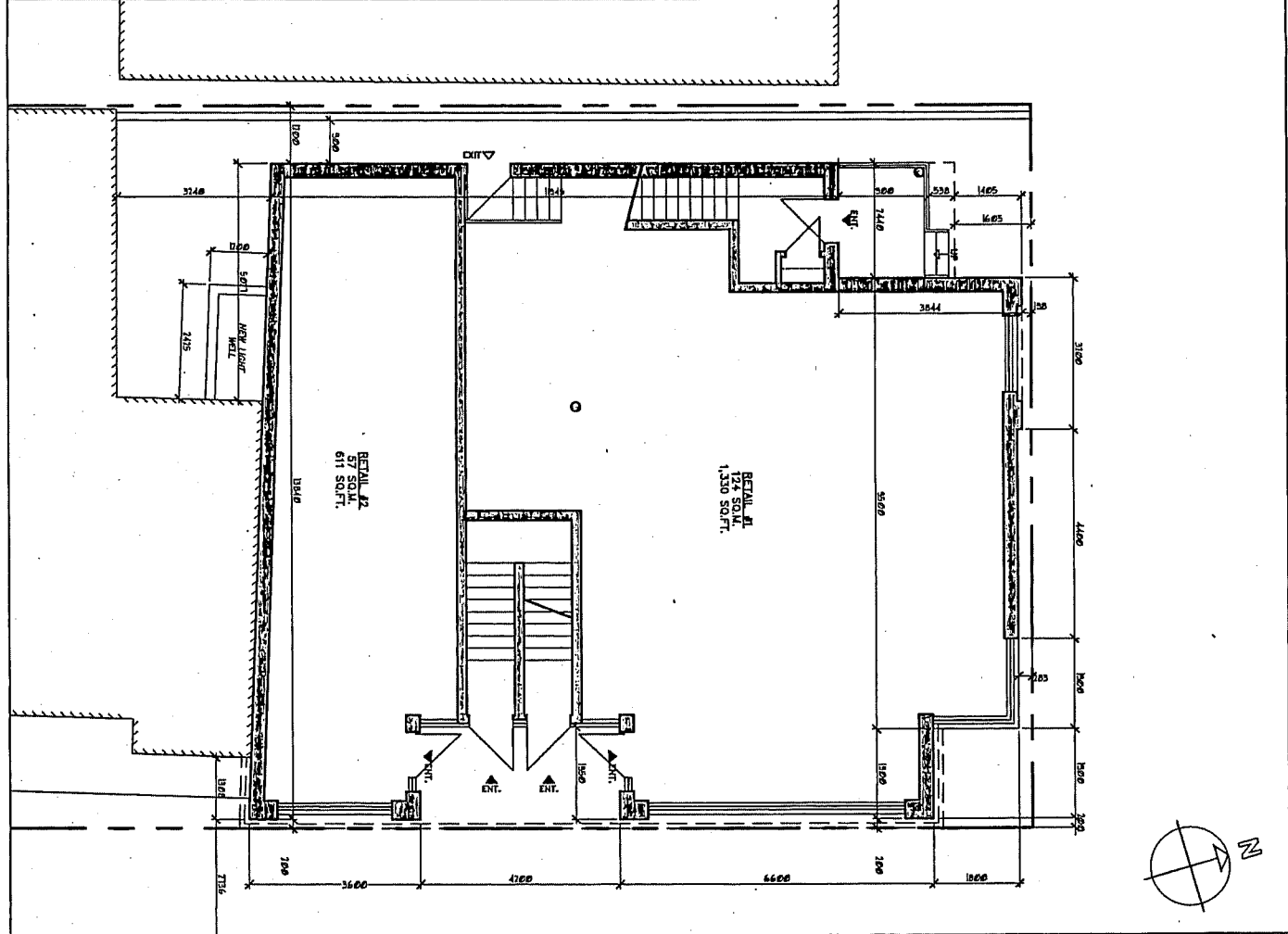
Scott Baldry,
Secretary-Treasurer
Committee of Adjustment

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.

1 BASEMENT FLOOR PLAN
SCALE 1:50

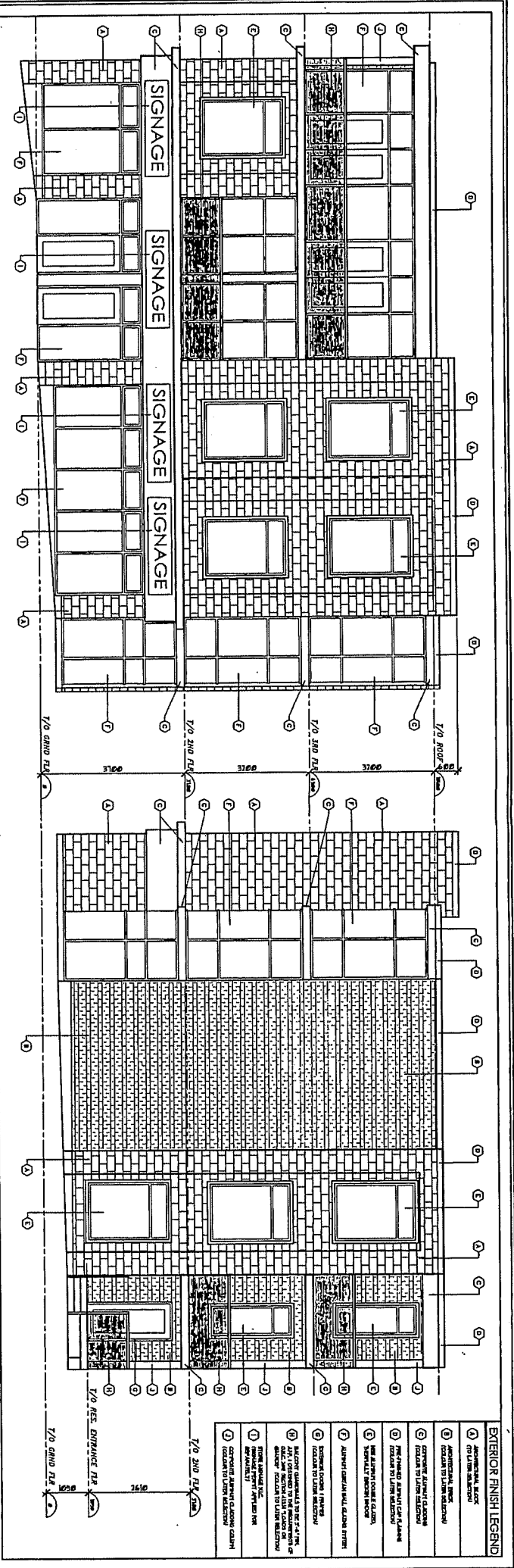


2 GROUND FLOOR PLAN
SCALE 1:50



Job no. 14407 Draw file A2.1 (R) (R) (R) Drawn by JL Scale AS NOTED Date APR 2017 dwg. title BASEMENT & GROUND FLOOR PLANS	PROPOSED DEVELOPMENT: LOCKE & HUNTER D.A. MCKERLIE & COMPANY INC. 140 LOCKE STREET HAMILTON, ONTARIO	ONTARIO ASSOCIATION OF ARCHITECTS ARCHITECTS License No. 4124 License No. 4124	LINTACK ARCHITECTS INCORPORATED 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.322.4145 • F: 905.322.3209 • E: info@lntack.com www.lntack.com
	FOR SITE PLAN APPROVAL	ARCHITECTS	FOR SITE PLAN APPROVAL

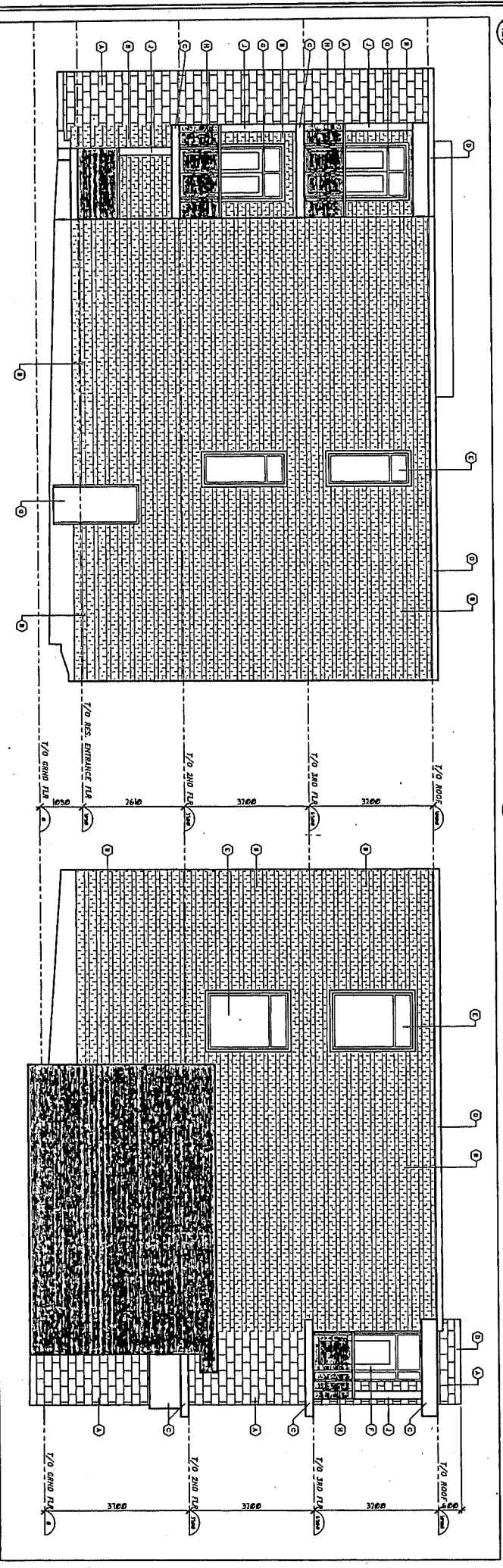
SKETCH(2)
NM/A-17-447



1 EAST ELEVATION
SCALE 1/8\"/>

2 NORTH ELEVATION
SCALE 1/8\"/>

- EXTERIOR FINISH LEGEND**
- 1. BRICKWORK
 - 2. BRICKWORK WITH GLAZED TERRAZZO
 - 3. BRICKWORK WITH GLAZED TERRAZZO AND GLAZED TERRAZZO
 - 4. BRICKWORK WITH GLAZED TERRAZZO AND GLAZED TERRAZZO
 - 5. BRICKWORK WITH GLAZED TERRAZZO AND GLAZED TERRAZZO
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 - 9. BRICKWORK WITH GLAZED TERRAZZO AND GLAZED TERRAZZO
 - 10. BRICKWORK WITH GLAZED TERRAZZO AND GLAZED TERRAZZO



3 WEST ELEVATION
SCALE 1/8\"/>

4 SOUTH ELEVATION
SCALE 1/8\"/>

NOT TO BE USED FOR CONSTRUCTION

<p>FOR SITE PLAN APPROVAL</p> <p>ONTARIO ASSOCIATION OF ARCHITECTS</p> <p>REGISTERED ARCHITECT</p> <p>1918</p>	<p>PROPOSED DEVELOPMENT:</p> <p>LOCKE & HUNTER</p> <p>D.A. MCKERLIE & COMPANY INC.</p> <p>140 LOCKE STREET HAMILTON, ONTARIO</p>	<p>job no. 16597</p>
		<p>dwg. (sheet) ELEVATIONS</p> <p>dwg. by JM</p> <p>scale AS NOTED</p> <p>date APR 2017</p> <p>dwg. title ELEVATIONS</p>
<p>LINTACK ARCHITECTS INCORPORATED</p> <p>344 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3K3</p> <p>T: 905.522.4145 • F: 905.522.2209 • E: info@lntack.com</p> <p>www.lntack.com</p>		

SKETCH (A)
N/A - 17.447