



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 21-9
Date: May 20, 2021
Time: 1:00 p.m.
Location: Due to the COVID-19 and the Closure of City Hall (RM)

All electronic meetings can be viewed at:

City of Hamilton's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's Youtube Channel:
<https://www.youtube.com/user/InsideCityofHamilton>

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 3935

	Pages
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2.3. 1:15 p.m.SC/B-20:95136 Upper Mt. Albion, Stoney Creek(Ward 9) Agent David Falletta Owner 2178872 Ontario Inc.	39

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- 3.2. 1:45 p.m.SC/A-21:1278 Sauvignon Cres., Stoney Creek(Ward 11) 209
Agent Allan Buist
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- 3.4. 2:00 p.m.AN/A-21:152154 Beverly Crt., Ancaster(Ward 12) 227
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- 3.5. 2:05 p.m. SC/B-21:29,SC/B-21:30,SC/B-21:31&SC/A-21:14265 243
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Agent Urban Solutions
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- 3.6. 2:10 p.m.SC/A-21:70 1024 Barton St., Stoney Creek(Ward 11) 285
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Agent On the Snap Billiards & Lounge
Owners Gray 8 Corners

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- 4.9. 3:20 p.m.HM/B-21:33, HM/A-21:143&HM/A-21:144 24-26 Graham Ave.
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Owner 121 King (Hamilton) GP Inc.

5. **CLOSED**

6. **ADJOURNMENT**



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-21:17

SUBJECT PROPERTY: 766 Book Rd. E., Ancaster

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

APPLICANT(S): Agent V. Nickel
 Owner J. Shihadeh

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of land being the land known as 844 Glanaster Rd. and to retain a parcel of land known municipally as 766 Book Rd. E. containing an existing dwelling and accessory structures (to remain). These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

Severed lands:
 687m[±] x 327m[±] and an area of 26.7 ha[±]

Retained lands:
 518m[±] x 560m[±] and an area of 12.4 ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, May 20th, 2021
TIME: 1:05 p.m.
PLACE: Via video link or call in (see attached sheet for details)

To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

AN/B-21:17
PAGE 2

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021

Jamila Sheffield,
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.

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2053922



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1502, Section 29(3).

SURVEYOR'S REAL PROPERTY REPORT (PART 2)
PART OF LOTS 49 & 50, AND ALL OF LOT 51,
CONCESSION 5, TOWNSHIP OF ANCASTER AS
ILLUSTRATED ON THE PLAN.
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH
ZONING BY-LAWS.
THIS PLAN WAS PREPARED FOR SIMO MARIC AND
STANA MARIC.

SURVEYOR'S REAL PROPERTY REPORT
PART 1, PLAN OF PART OF
LOTS 49, 50
AND ALL OF
LOT 51
CONCESSION 5
GEOGRAPHIC
TOWNSHIP OF ANCASTER
IN THE
CITY OF HAMILTON

SCALE 1:1250 METRIC

S.D. McLAREN, O.L.S. - 2018



- LEGEND:**
- DENOTES MONUMENT FOUND
 - MONUMENT FOUND
 - IB IRON BAR
 - SB STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - SM STONE MONUMENT
 - PS PLASTIC BAR
 - D1 INSTRUMENT
 - 824 A.T. McLAREN, O.L.S.
 - 717 J. KISWAY, O.L.S.
 - 606 M.E. MARTIN
 - 600 S.W. WOODS
 - OU ORIGIN UNKNOWN
 - Meas MEASURED
 - P1 PLAN BY S.W. WOODS DATED JULY 4, 1989
 - P2 62R-4427
 - FI FIELD NOTES BY A.L. CLARKE, O.L.S. DATED AUGUST 9, 1985

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996585

INTEGRATION DATA

POINT ID	NORTHING	EASTING
GRP A	4782622.875	586458.950
GRP B	4782496.157	585503.812

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

METRIC NOTE
DISTANCES AND COORDINATES
SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE
CONVERTED TO FEET
BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT, THE SURVEYORS ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 2ND DAY OF MAY, 2018

MAY 3, 2018
DATE

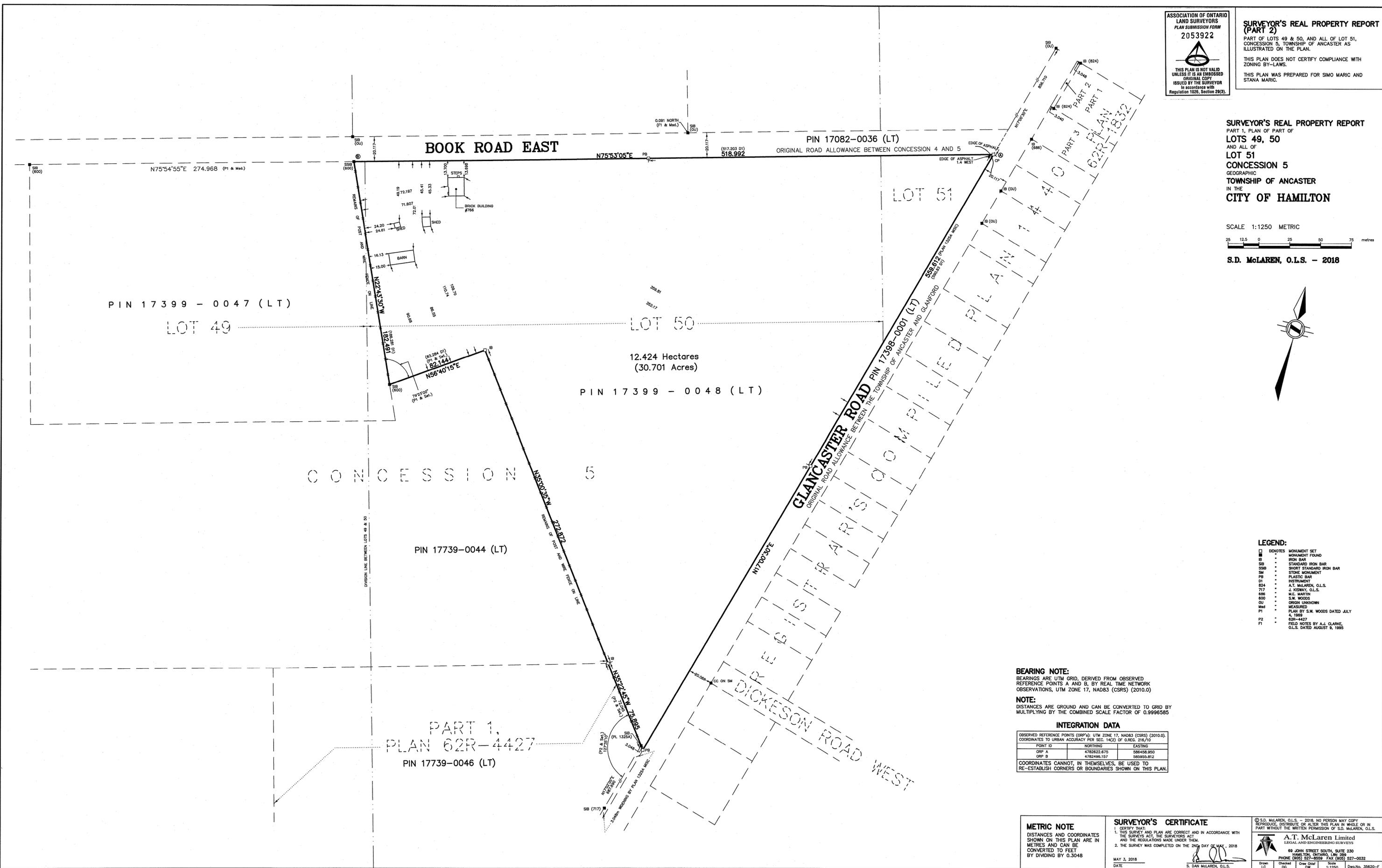
S. DAN McLAREN, O.L.S.

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REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN
PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-2655 FAX (905) 527-0032

Drawn	Checked	Crossed	Scale	Dwg. No.
LC	DC	DW	1:1250	35620-F



RECEIVED AND DEPOSITED AS

PLAN 62R-4427

DATE Sept. 29, 1978

Plan 62R-4427
LAND REGISTRAR
FOR THE REGISTRY DIVISION OF
WENTWORTH-NR 62

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER PART III
OF THE REGISTRY ACT.
DATE September 26, 1978

Michael J. Lawlor
MICHAEL J. LAWLOR

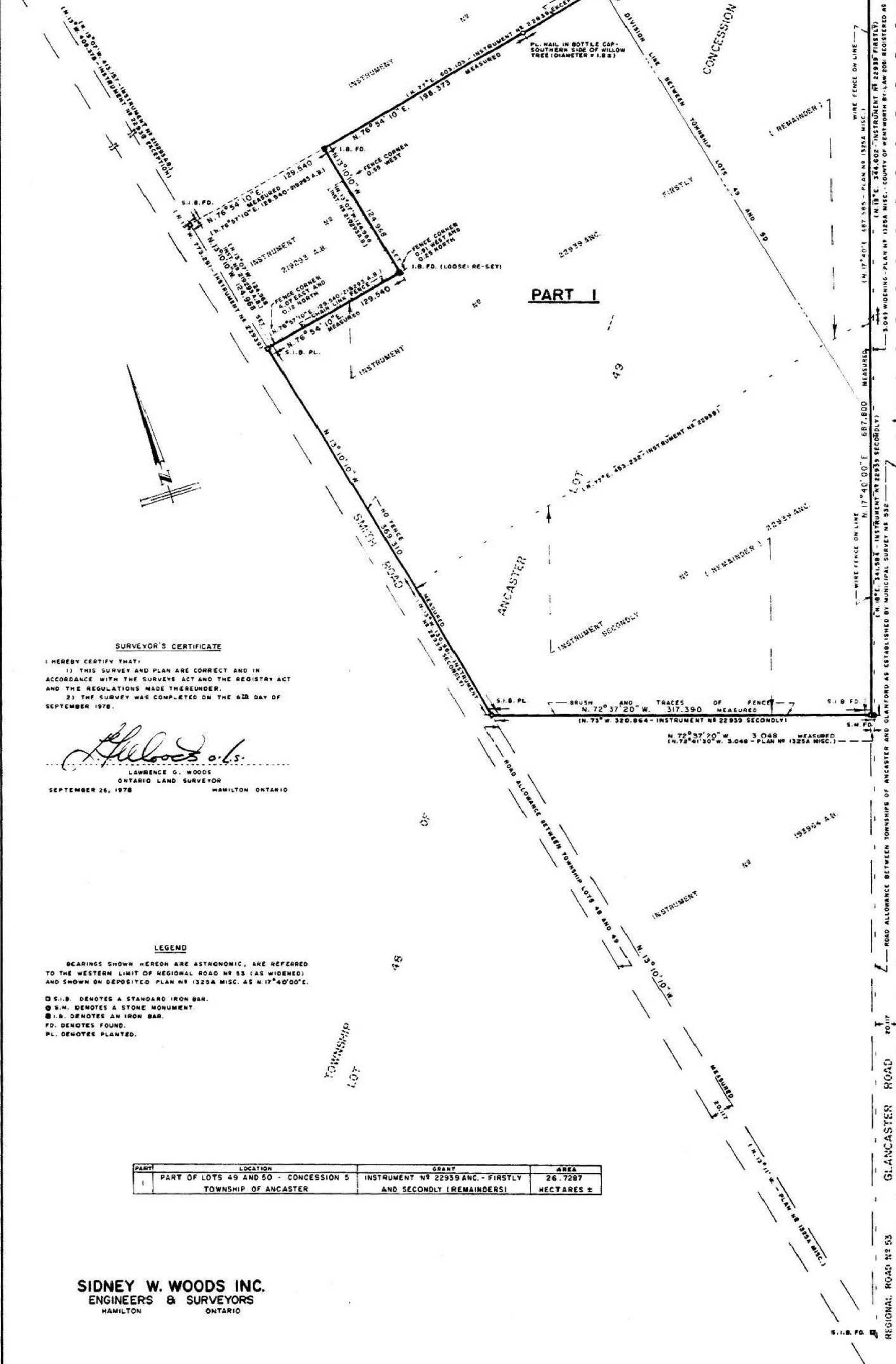
CAUTION:
THIS PLAN IS NOT A PLAN OF
SUBDIVISION WITHIN THE
MEANING OF SECTION 29, 32
OR 33 OF THE PLANNING ACT.

REFERENCE PLAN IN THE TOWN OF ANCASTER REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:2000
METRIC

MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES AND
MAY BE CONVERTED TO FEET BY DIVIDING BY 0.3048
SIDNEY W. WOODS INC.
1978

ROAD ALLOWANCE BETWEEN
N 17° 17' E. 336.303
NORTHWEST
ANGLE OF
LOT 48



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT:
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGULATIONS MADE THEREUNDER.
2) THE SURVEY WAS COMPLETED ON THE 26th DAY OF SEPTEMBER 1978.

L. G. Woods O.L.S.

LAWRENCE G. WOODS
ONTARIO LAND SURVEYOR
SEPTEMBER 26, 1978 HAMILTON ONTARIO

LEGEND

BEARINGS SHOWN HEREON ARE ASTRONOMIC, ARE REFERRED TO THE WESTERN LIMIT OF REGIONAL ROAD NR 53 (AS WIDENED) AND SHOWN ON DEPOSITED PLAN NR 1325A MISC. AS N 17° 40' 00" E.
S.I.B. DENOTES A STANDARD IRON BAR.
S.M. DENOTES A STONE MONUMENT.
I.B. DENOTES AN IRON BAR.
FD. DENOTES FOUND.
PL. DENOTES PLANTED.

PART	LOCATION	GRANT	AREA
1	PART OF LOTS 49 AND 50 - CONCESSION 5 TOWNSHIP OF ANCASTER	INSTRUMENT NR 22939 ANC. - FIRSTLY AND SECONDLY (REMAINDERS)	26.7287 HECTARES ±

SIDNEY W. WOODS INC.
ENGINEERS & SURVEYORS
HAMILTON ONTARIO

PETER R. WELSH
BARRISTER & SOLICITOR



Wednesday, March 03, 2021

Committee of Adjustment
City of Hamilton
Planning & Economic Development Department
Planning Division
77 James Street North
Hamilton, Ontario, L8R 2K3

RE: Consent to Sever 766 Book Rd E from 844 Glencaster Rd

Dear Sir/Madam

JMJ Property Investment Inc. ("JMJ"), the Registered owner of 844 Glencaster Road, Hamilton, Ontario has retained this Law Office (and my Colleague, Mr. Shaffi Dar of RealCorp Law Professional Corporation) to assist in the sale of this Property (the "844 Property") to Hazelview Acquisitions Inc., which sale is requiring a Severance from the adjoining property known municipally as 766 Book Road East, Hamilton, (the "766 Property") also owned by JMJ.

We are attaching:

- Parcel Register for 844 Glencaster Road, (PIN 17399-0046) marked as such for reference;
- Last Transfer for 844 Glencaster Road, registered May 14, 2018, in favour of JMJ;
- Good root of title for 844 Glencaster Road by way of a Deed registered to Craig Dwight Smith, October 13, 1978, which also appears to be the immediately preceding Transfer of the Glencaster Property;
- Parcel Register for 766 Book Road East, (PIN 17399-0048) marked as such for reference;
- Last Transfer for 766 Book Road East, registered May 30, 2018 in favour of JMJ, just 16 days after the transfer to JMJ for 844 Glencaster Road;
- Property Index Map

844 Glencaster Road, Hamilton

From what we have determined, the origin of JMJ's Title to this Property was directly from the "Good Root of Title", from Craig Dwight Smith, with no intervening Transfers or severances, sub-divisions or any other impediments, rights-of-way, easements or encumbrances with the exception of the Hamilton Airport Zoning Regulations and the use of the Property, as far as our Client is aware.

At the time of acquisition by JMJ, it did not own or have an interest in any contiguous lands. Note that the PIN # for the 844 property has not merged with the 766 Property, despite 3 years having transpired.

766 Book Road East, Hamilton

Neither I, my office nor Mr. Dar was on this or 844 Property titles at time of either acquisition but understand that 766 Book Road East was acquired by JMJ without any intention of "merger-at-law", or, for that matter, any merger of title at all.

The Transfer to JMJ of this 766 Property was from an entirely different, un-related source (Simo Maric and Stana Maric), which held this 766 Property from April 6, 1995, and again, we understand for Agricultural purposes

Again, note the PIN # for the 766 Property has not merged with the 844 Property, again despite 3 years passage of ample time to have done so, if the properties were to have merged.

"once severed, always severed"

As the parcels are not whole lots within a plan of subdivision, we must therefore request and apply to the Committee of Adjustment for a consent to sever. While we do not have any explanation from the Land Registry Office why "severance" now is required at all, especially given separate PIN Numbers, it was never the intention of JMJ either upon acquisition 3 years ago or now that the 2 Properties were to be or are to be merged, even "at law" or inadvertently. They were purchased as severed and presumably, "once severed, always severed".

Accordingly, we submit that the Properties should be "severed" and treated as "severed" and look to you (and the LRO) for that confirmation to allow the sale of 844 Glencaster to proceed.

Thank you



Peter R. Welsh
Peter R. Welsh Professional Corporation
Barrister and Solicitor
Suite 203, 1540 Cornwall Road
Oakville, Ont.,
L6J 7W5
Tel: (905) 337-3121
Fax: (905) 337-3272
www.welshlaw.ca

Committee of AdjustmentCity Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

Hamilton

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	
Registered Owners(s)	Jamal Shihadeh c/o JMJ Property Investment Inc	[REDACTED]	E-mail: [REDACTED]
Applicant(s)*	Valdemer Nickel	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Agent or Solicitor	Peter R. Welsh	[REDACTED]	E-mail: [REDACTED]

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Hamilton	Lot part 1 plan of lot 49,50 & all of 50	Concession 5	Former Township Ancaster
Registered Plan N°.	Lot(s) Pt50 & PT 51	Reference Plan N°.	Part(s)
Municipal Address 766 Book Rd E (& 844 Glencaster Rd see Scheduling A)			Assessment Roll N°. 1404205100000

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

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10): creation of a new lotOther: a charge

- addition to a lot
 an easement

- a lease
 a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- creation of a new lot
 creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)
 addition to a lot

- Other: a charge
 a lease
 a correction of title
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Hazelview Investments

3.3 If a lot addition, identify the lands to which the parcel will be added:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
687.8	327.913 (max)	26.7287 ha

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
- Commercial
 Vacant

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
- Commercial
 Vacant

Building(s) or Structure(s):

Existing: none

Proposed: none

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify)

land division only, no structure or servicing proposed

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)

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
518.992 (Book Rd E)	559.612 (Glencaster)	12.424 ha

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
- Commercial
 Vacant

Proposed Use of Property to be retained:

- Residential
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) _____

Building(s) or Structure(s):

Existing: Residential dwelling, shed and barn

Proposed: no change

Type of access: (check appropriate box)

- provincial highway
 right of way
 municipal road, seasonally maintained
 other public road
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify)

land division only, no new structure/service proposed

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)

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable) Employment Area, Airport Employment Growth District

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

Designated Employment Area, Airport Employment Growth District (zoned M11 H37); no change in land use; lots comply to zoning requirements, are appropriate employment scale, compatible and consistent to neighbouring lot/parcel fabric (sizes/area/dimensions/shapes) and facilitates for permitted employment uses for future development. There are no Key Natural Features, Environmentally Significant Areas, Woodlots or Hydrology present on the sites. It is of the opinion the proposal maintains

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? M11 H37

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	

A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input checked="" type="checkbox"/>	400m

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Phase 1 Environmental Site Assessment, 2018
-
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- Yes No

The proposed lot size/shapes are not changed from original lot fabric and are comparable to the existing employment lots in the area. Future development will be located in an existing designated employment area, lot size is of a scale to accommodate employment uses and appropriate for the airport context. It is our opinion the severance satisfies the criteria under Section 53 of the Planning Act.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

The proposed severance, to return abutting lots back to original pre-merger occur in an urban boundary employment area. It is consistent with PPS (2020) sec 1.3 Employment

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

The proposal is consistent with the vision of the GGH (2020) accommodating forecasted growth and providing future employment opportunities for complete communities within established urban area (including policies in sec 2.2.5) including proximity to the airport

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- Yes No
 (Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- Yes No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?

- Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of

the transferee and the land use.

8.4 How long has the applicant owned the subject land?

744 Book Rd E since May 2018, 844 Glencaster Rd since May 2018

8.5 Does the applicant own any other land in the City? Yes No
 If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? Yes No Unknown

If YES, and if known, specify file number and status of the application.

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision? Yes No Unknown

If YES, and if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

- Agricultural Rural Specialty Crop
 Mineral Aggregate Resource Extraction Open Space Utilities
 Rural Settlement Area (specify) _____
Settlement Area Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

10.2 **Type of Application** (select type and complete appropriate sections)

- Agricultural Severance or Lot Addition
 Agricultural Related Severance or Lot Addition
 Rural Resource-based Commercial Severance or Lot Addition
 Rural Institutional Severance or Lot Addition
 Rural Settlement Area Severance or Lot Addition
- } (Complete Section 10.3)
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 **Description of Lands**

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

 Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

 Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

d) Surplus farm dwelling date of construction:

 Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

Habitable Non-Habitable

- f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Request is technical in nature; abutting lots were inadvertently merged and unintentionally assembled on title due to adjacency and ownership under the same name.

No change in lot shape, size, area, frontage or configurations is proposed.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

March 02 2021

Date

Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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.: FL/A-21:145

APPLICANTS: Graham Day on behalf of the owners A. & T. Butler

SUBJECT PROPERTY: Municipal address **2 Blueheron Ln., Flamborough**

ZONING BY-LAW: Zoning By-law 05-200, as Amended 15-173

ZONING: "S1" (Settlement Residential) district

PROPOSAL: To permit the construction of a detached accessory building to be located in the rear yard of the existing single detached dwelling notwithstanding that;

1. A minimum side yard setback of 1.1 shall be provided on the northerly side lot line instead of the minimum required side yard setback of 3.0 m; and
2. A minimum rear yard setback of 2.5 m shall be provided on the easterly side lot line instead of the minimum required rear yard setback of 7.5 m.
3. Eaves and gutters shall be permitted to encroach the entire width of the northerly and easterly lot line instead of the maximum permitted encroachment of 0.6 m into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser.

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

DATE: Thursday, May 20th, 2021
TIME: 1:10 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FL/A-21: 145
Page 2

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.

DRAWINGS FOR A NEW ACCESSORY STRUCTURE 2 BLUEHERON LANE CARLISLE, ONTARIO

GENERAL NOTES

1. ALL CONSTRUCTION TO COMPLY WITH THE 2012 ONTARIO BUILDING CODE, AS AMENDED, AND ALL APPLICABLE LOCAL AND MUNICIPAL BY-LAWS AND REGULATIONS.
2. THESE DRAWINGS DO NOT INCLUDE ANY ELECTRICAL OR MECHANICAL WORK THAT MAY BE REQUIRED.
3. PRIOR TO THE START OF THE WORK, THE CONTRACTOR IS RESPONSIBLE FOR MAKING ARRANGEMENTS WITH THE CONSULTANT FOR THEIR REVIEW AS PER THE CONSULTANTS REQUIREMENTS.
4. THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AND NOTIFY THE DESIGNER OF ANY CONTEMPLATED DEVIATIONS FROM THESE DRAWINGS TO SUIT SITE CONDITIONS PRIOR TO MAKING CHANGES.
5. ANY PROPOSED DEVIATION FROM THESE DRAWINGS THAT WOULD BE CONSIDERED A MATERIAL CHANGE SHALL BE SUBMITTED TO THE DESIGNER FOR REVIEW AND APPROVAL, AND THEN TO THE AUTHORITY HAVING JURISDICTION FOR REVIEW AND APPROVAL, PRIOR TO THE CHANGES BEING CARRIED OUT.
6. REQUIRED INSPECTIONS BY THE AUTHORITIES HAVING JURISDICTION TO BE ARRANGED BY THE CONTRACTOR. ALL INSPECTIONS TO BE CARRIED OUT, AND THE CONSTRUCTION APPROVED, BEFORE PROCEEDING TO THE NEXT STAGE.
7. ACCESS TO EXITS AND STAIRWAYS SHALL BE MAINTAINED FREE OF DEBRIS AND ACCESSIBLE AT ALL TIMES.
8. ALL DEBRIS SHALL BE REMOVED FROM THE SITE AND LEGALLY DISPOSED OF.

CONSTRUCTION NOTES

1. IT IS THE CONTRACTORS RESPONSIBILITY TO INSURE THAT ANY NECESSARY SHORING OR TEMPORARY SUPPORTS THAT MAY BE REQUIRED ARE INSTALLED PRIOR TO THE START OF ANY WORK.
2. NEW FOOTINGS TO BEAR ON UNDISTURBED SOILS WITH A MINIMUM BEARING CAPACITY OF 100 kPa.
3. CONCRETE TO BE DESIGNED, MIXED, PLACED, CURED AND TESTED IN ACCORDANCE WITH THE REQUIREMENTS FOR "R" CLASS CONCRETE STATED IN CLAUSE 8.13 OF CSA A23.1, "CONCRETE MATERIALS AND METHODS OF CONCRETE CONSTRUCTION".
4. CONCRETE TO HAVE MINIMUM 20MPa 28 DAY COMPRESSIVE STRENGTH.
5. ALL CONCRETE TO HAVE A SLUMP OF 100 MM (4") MAX.
6. SAWN LUMBER TO BE S-P-F No. 2 OR BETTER.
7. ANY WOOD THAT WILL BE IN CONTACT WITH CONCRETE OR MASONRY TO BE PRESSURE TREATED OR SEPARATED WITH 6mil. POLY, OR EQUIV.
8. SHEATHING TO MEET THE REQUIREMENTS OF CSA 0151, "CANADIAN SOFTWOOD PLYWOOD".
9. FASTENING AS PER OBC ARTICLE 9.23.3.4 & 9.23.3.5. U.N.O.
10. BUILT-UP WOOD MEMBERS TO BE FASTENED TOGETHER WITH A DOUBLE ROW OF 3 1/2" NAILS SPACED @ 173/4" WITH END NAILS LOCATED 4" AND 57/8" FROM EACH END.
11. SEE DRAWINGS FOR ADDITIONAL NOTES.



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1 905 864 5305

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DISCUSSION PURPOSES
ONLY**

REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	MAR. 30/21

client	HOMEOWNER
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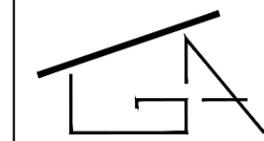
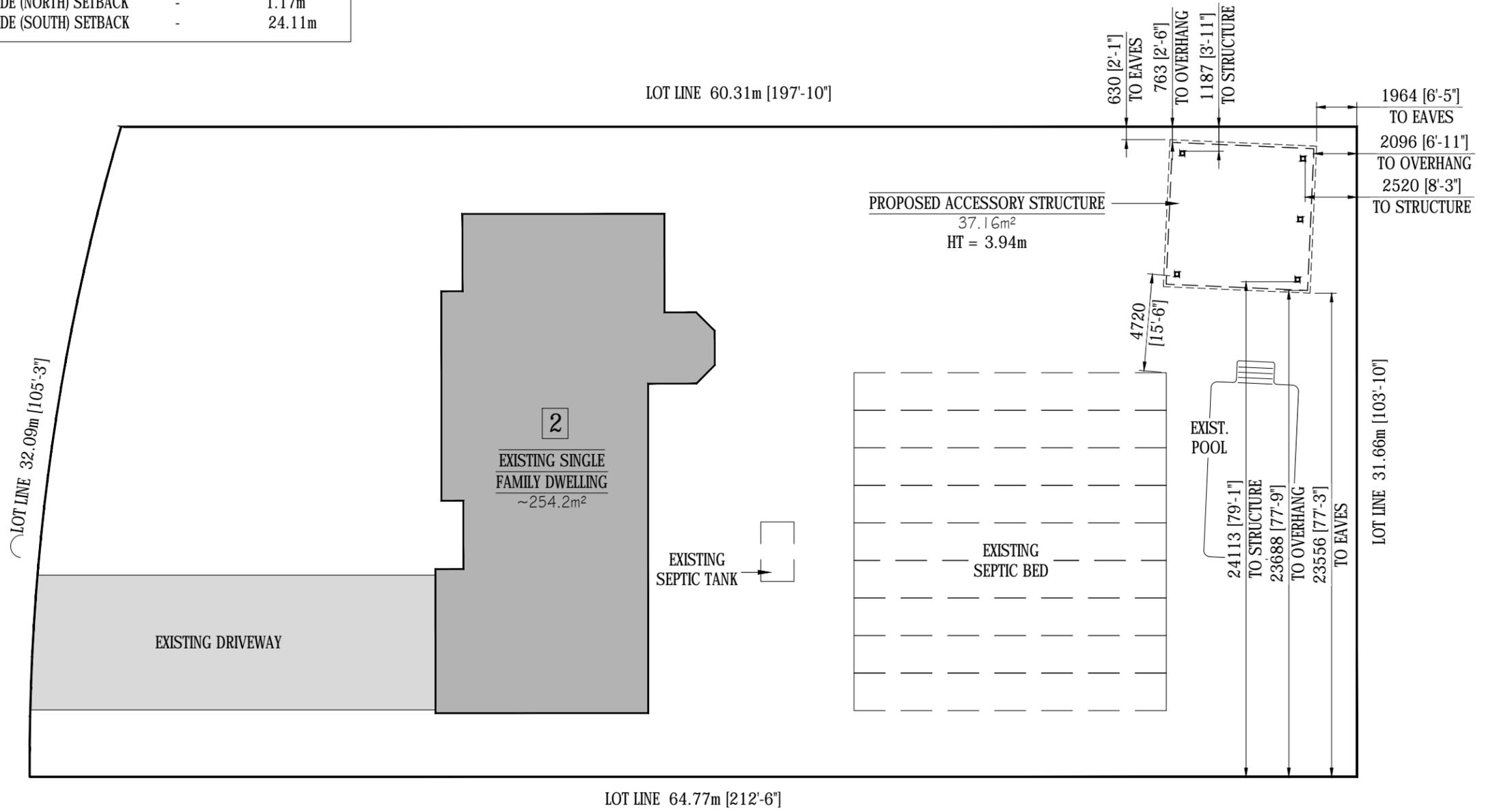
project	2 BLUEHERON LANE CARLISLE, ONTARIO PROJECT No. 21-001
---------	---

title	COVER SHEET
-------	-------------

drawn	G.D.	checked	-
date	MARCH 2021	scale	AS NOTED
revision number	0	drawing number	A0.01

SITE STATISTICS

	EXISTING	PROPOSED
LOT AREA	2004.93m ²	NO CHANGE
LOT COVERAGE		
EXIST. DWELLING	254.2m ²	REMAINING
ACC. STRUCTURE	-	37.16m ²
ACC. STRUCTURE HEIGHT	-	3.94m
ACC. STRUCTURE LOCATION		
FRONT (WEST) SETBACK	-	51.7m
REAR (EAST) SETBACK	-	2.52m
SIDE (NORTH) SETBACK	-	1.17m
SIDE (SOUTH) SETBACK	-	24.11m



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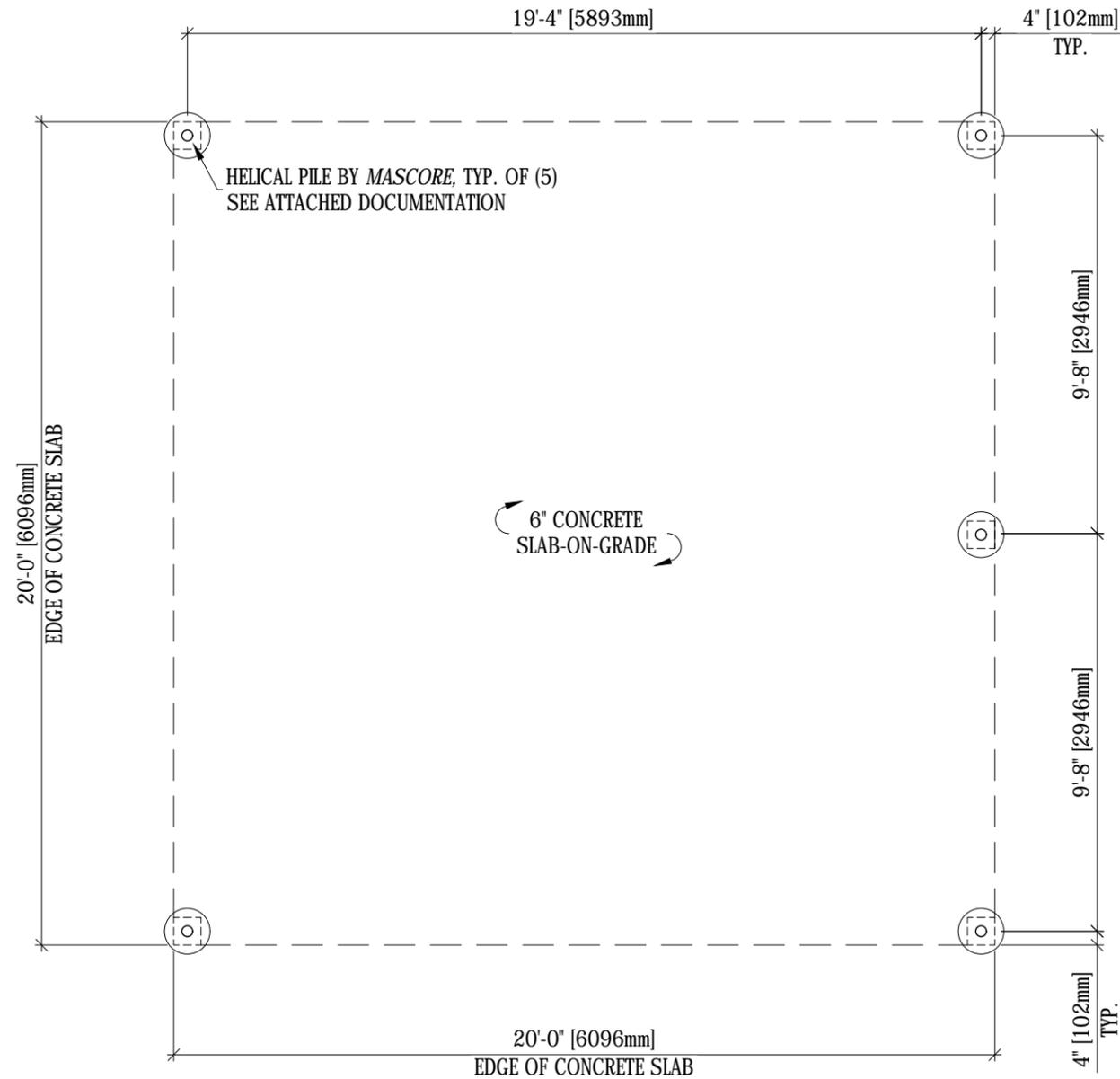
client
HOMEOWNER

project
**2 BLUEHERON LANE
CARLISLE, ONTARIO**
PROJECT No. 21-001

title
SITE PLAN

drawn	G.D.	checked	-
date	MARCH 2021	scale	1" = 20'-0"
revision number	0	drawing number	SP0.01

PROPOSED SITE PLAN PREPARED IN REFERENCE TO
THE ONTARIO LAND SURVEY COMPLETED BY
'YATES & YATES LIMITED' DATED NOVEMBER 23, 1989



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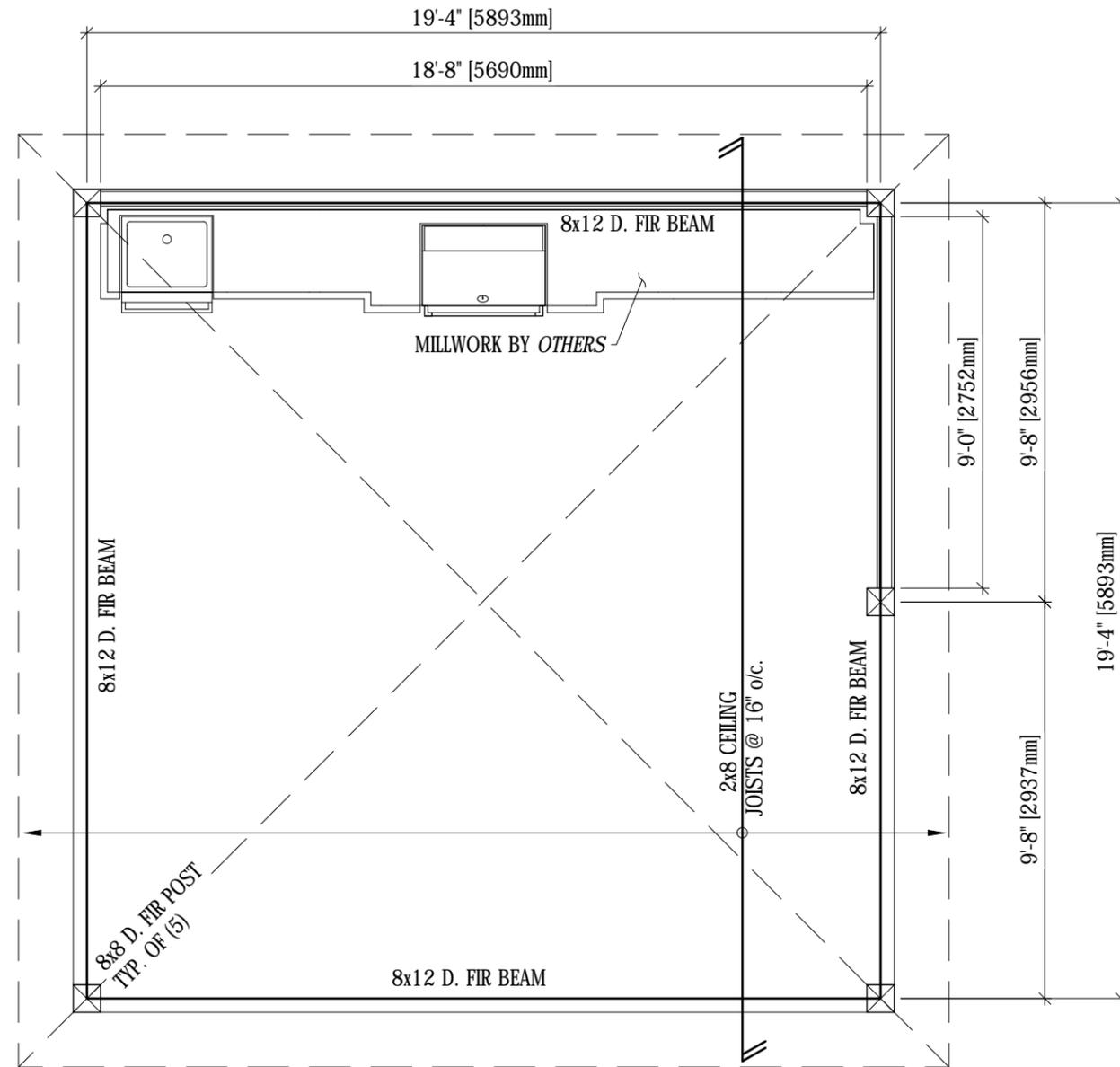
REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	MAR. 30/21

client
HOMEOWNER

project
**2 BLUEHERON LANE
CARLISLE, ONTARIO**
PROJECT No. 21-001

title
FOUNDATION PLAN

drawn	G.D.	checked	-
date	MARCH 2021	scale	1/4" = 1'-0"
revision number	0	drawing number	A1.01



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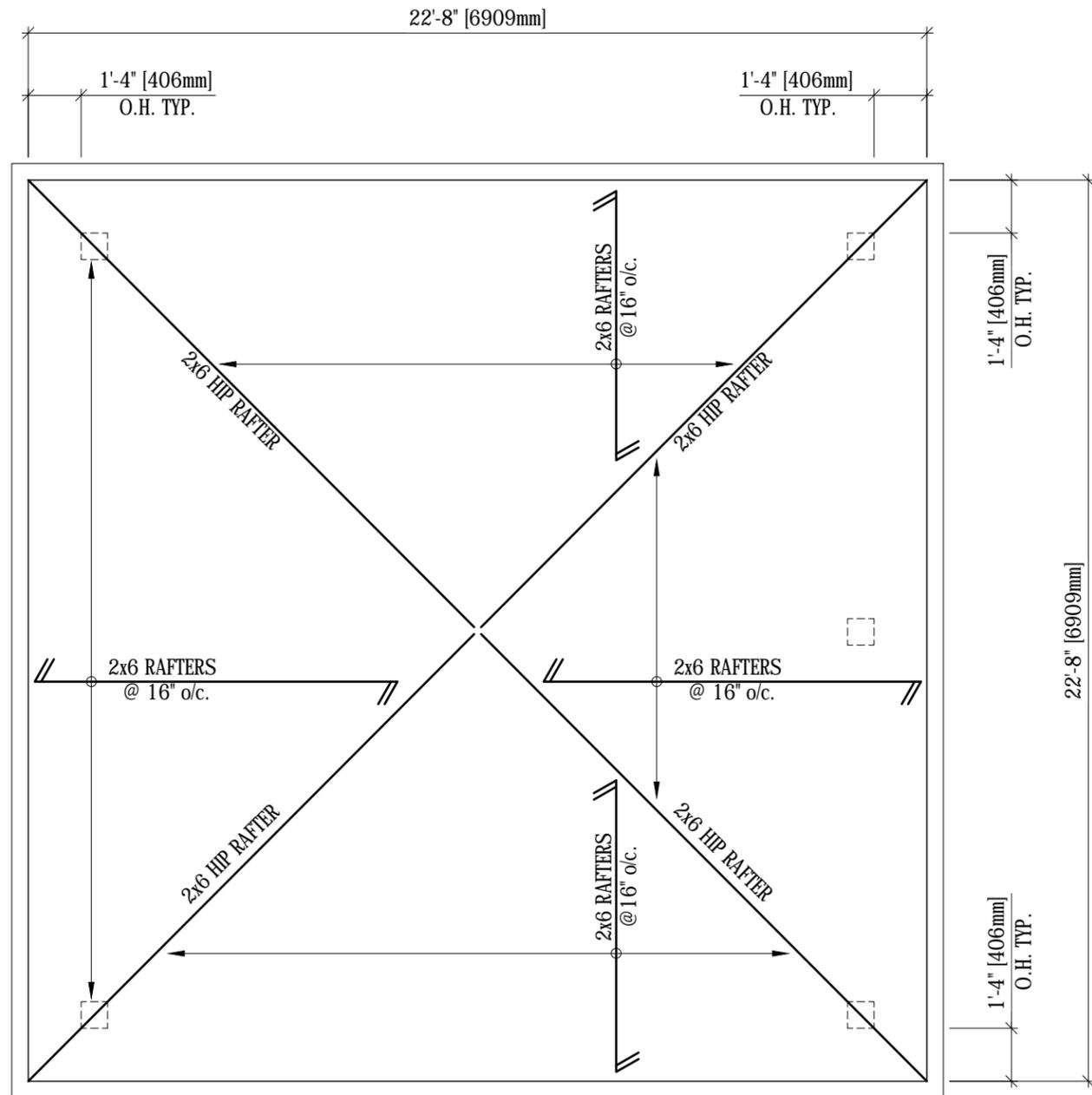
REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	MAR. 30/21

client
HOMEOWNER

project
**2 BLUEHERON LANE
CARLISLE, ONTARIO**
PROJECT No. 21-001

title
FLOOR PLAN

drawn	G.D.	checked	-
date	MARCH 2021	scale	1/4" = 1'-0"
revision number	0	drawing number	A1.02



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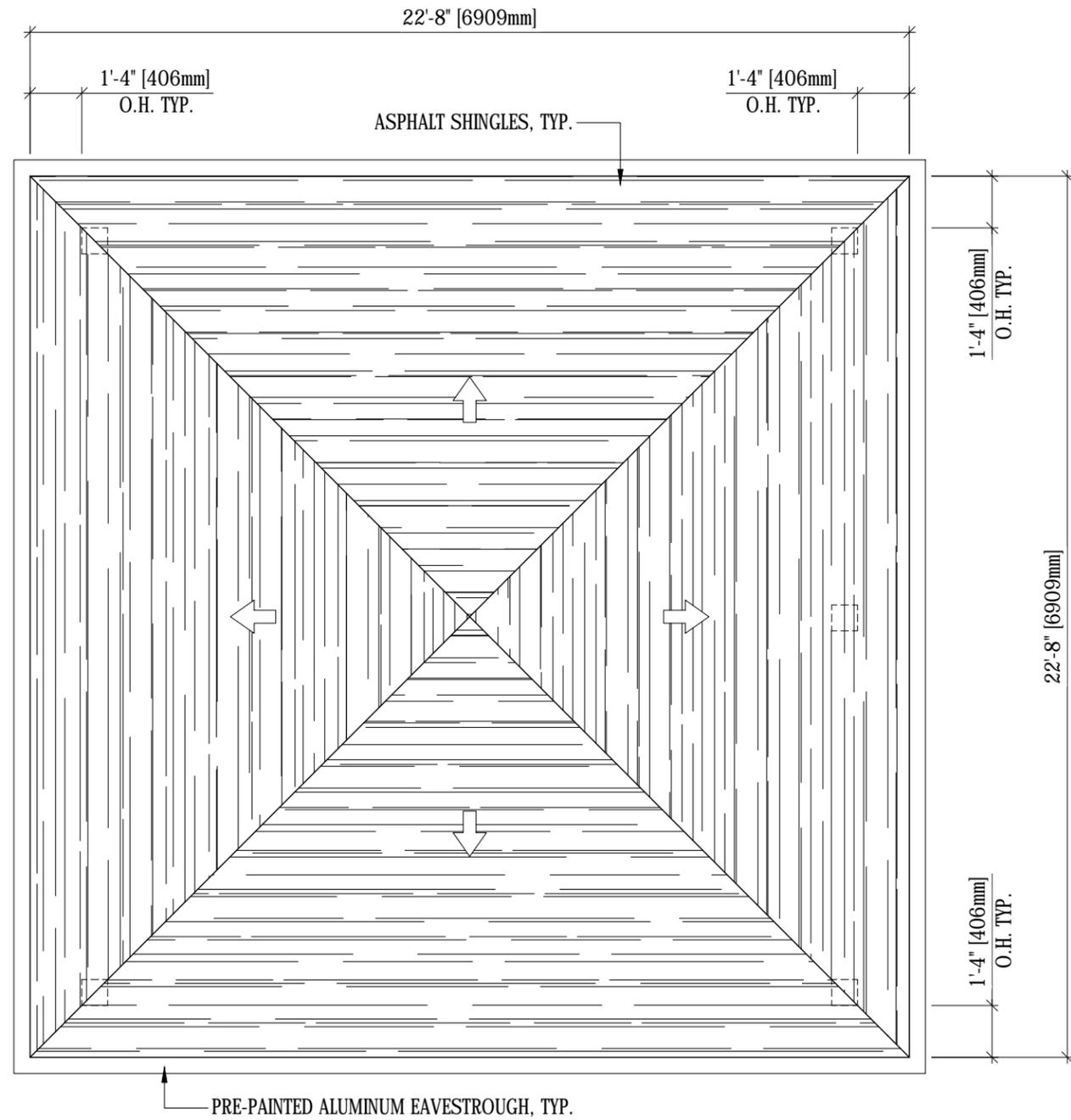
REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	MAR. 30/21

client
HOMEOWNER

project
**2 BLUEHERON LANE
CARLISLE, ONTARIO**
PROJECT No. 21-001

title
ROOF FRAMING PLAN

drawn	G.D.	checked	-
date	MARCH 2021	scale	1/4" = 1'-0"
revision number	0	drawing number	A1.03



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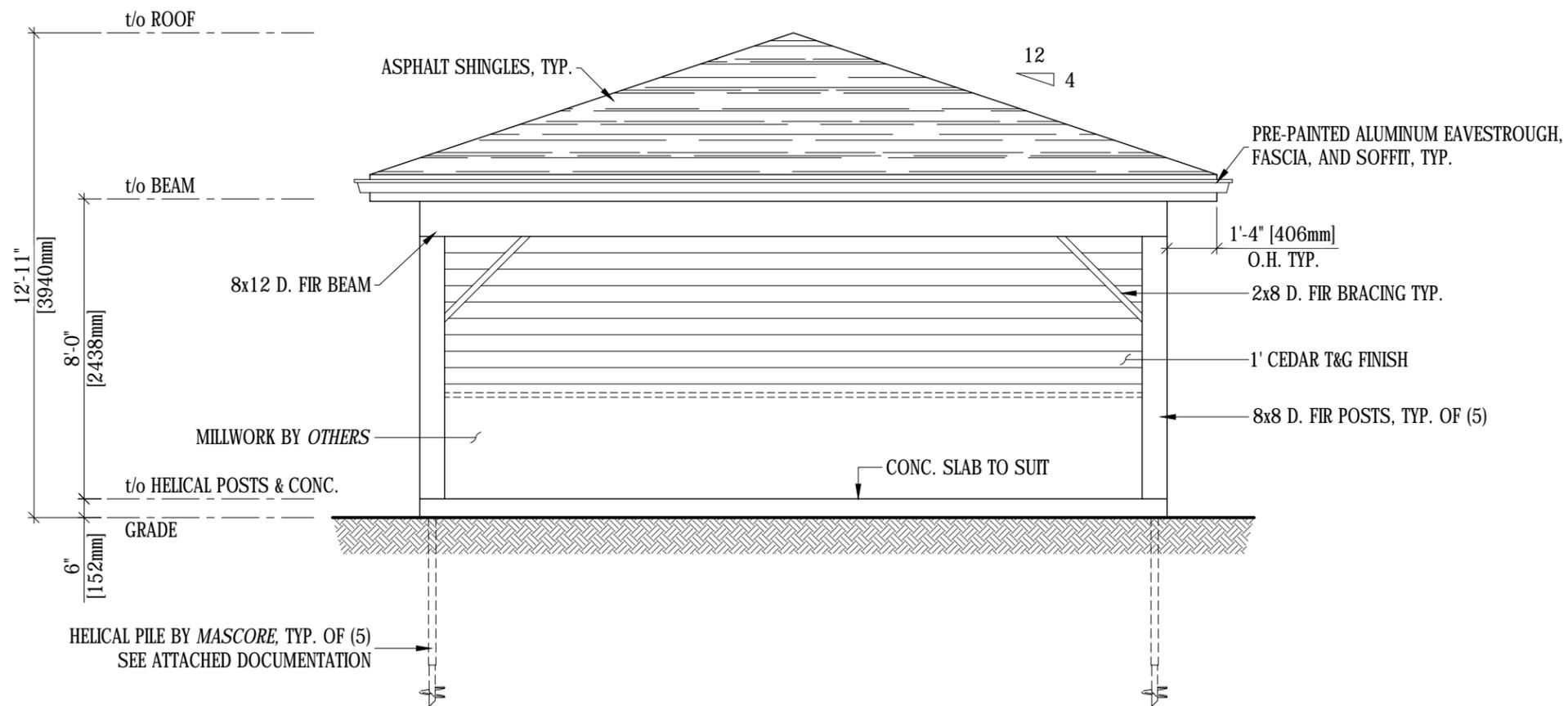
REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	MAR. 30/21

client
HOMEOWNER

project
**2 BLUEHERON LANE
CARLISLE, ONTARIO**
PROJECT No. 21-001

title
ROOF PLAN

drawn	G.D.	checked	-
date	MARCH 2021	scale	1/4" = 1'-0"
revision number	0	drawing number	A1.04



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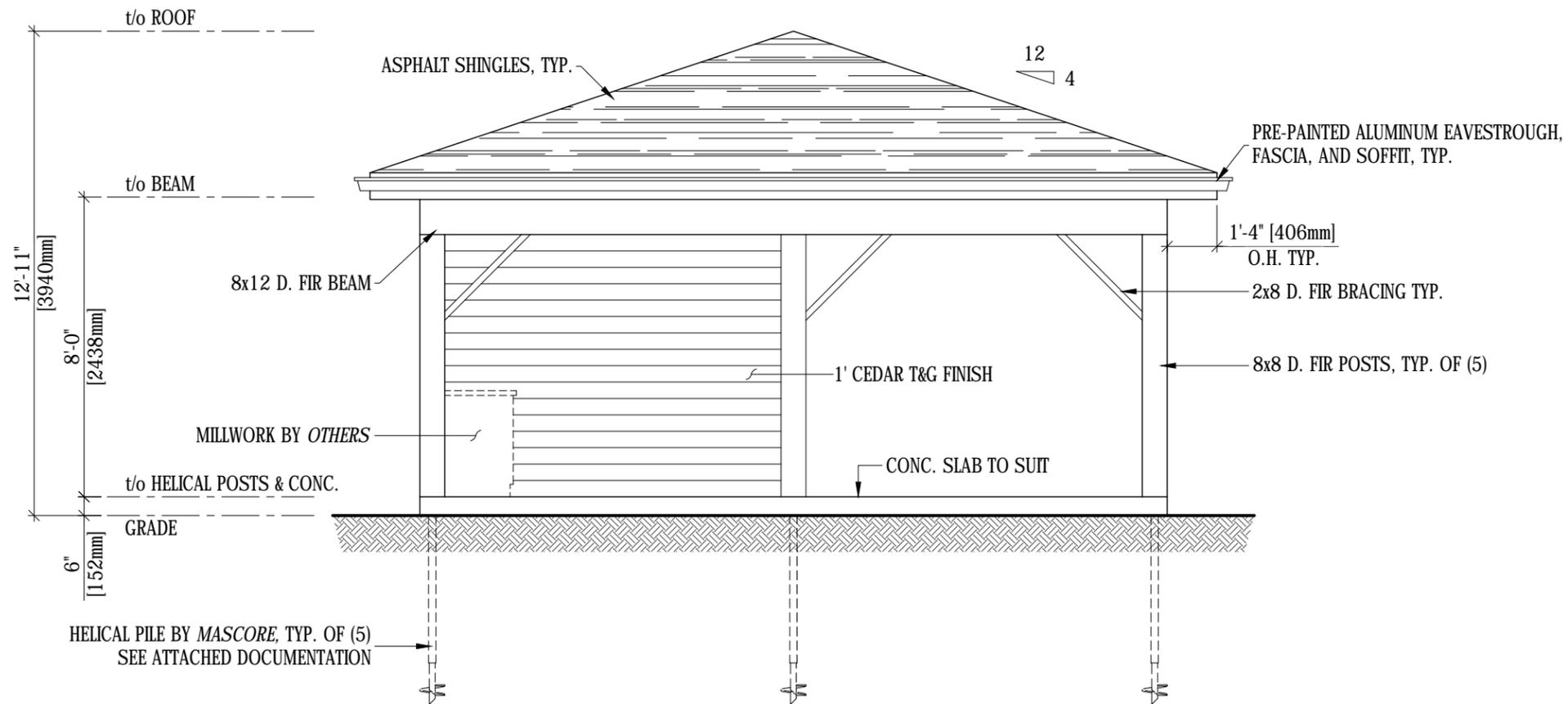
REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	MAR. 30/21

client
HOMEOWNER

project
**2 BLUEHERON LANE
CARLISLE, ONTARIO**
PROJECT No. 21-001

title
SOUTH ELEVATION

drawn	G.D.	checked	-
date	MARCH 2021	scale	1/4" = 1'-0"
revision number	0	drawing number	A2.01



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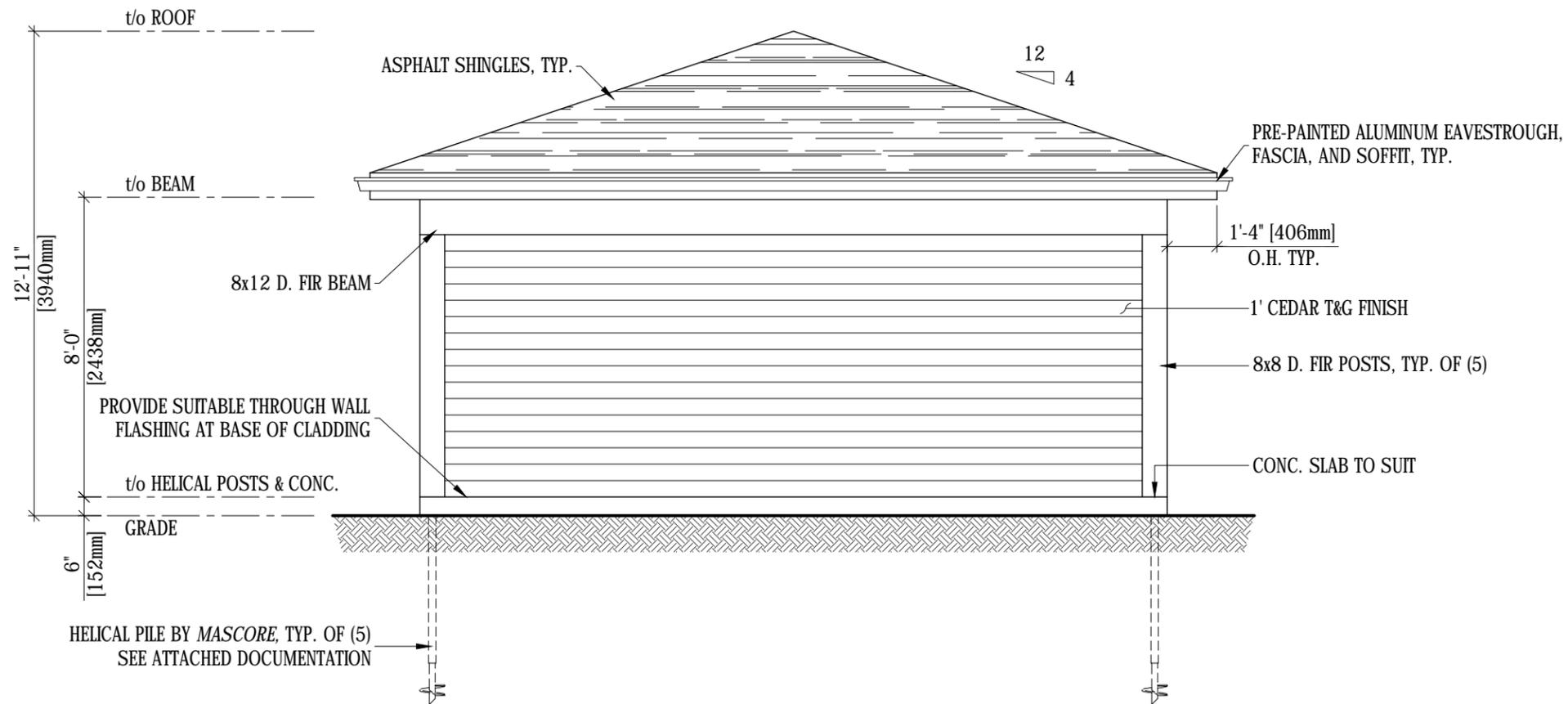
REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	MAR. 30/21

client
HOMEOWNER

project
**2 BLUEHERON LANE
CARLISLE, ONTARIO**
PROJECT No. 21-001

title
WEST ELEVATION

drawn	G.D.	checked	-
date	MARCH 2021	scale	1/4" = 1'-0"
revision number	0	drawing number	A2.02



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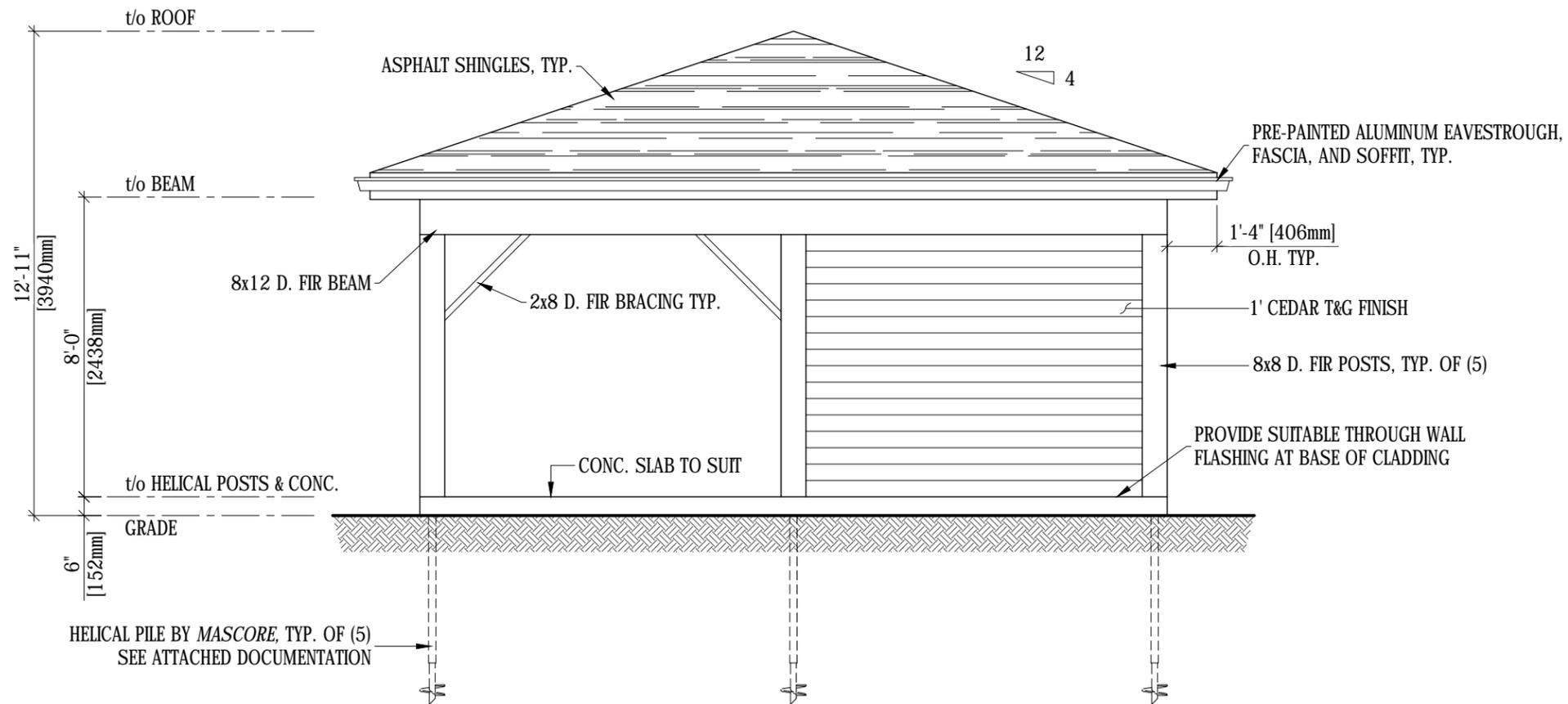
REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	MAR. 30/21

client
HOMEOWNER

project
**2 BLUEHERON LANE
CARLISLE, ONTARIO**
PROJECT No. 21-001

title
NORTH ELEVATION

drawn	G.D.	checked	-
date	MARCH 2021	scale	1/4" = 1'-0"
revision number	0	drawing number	A2.03



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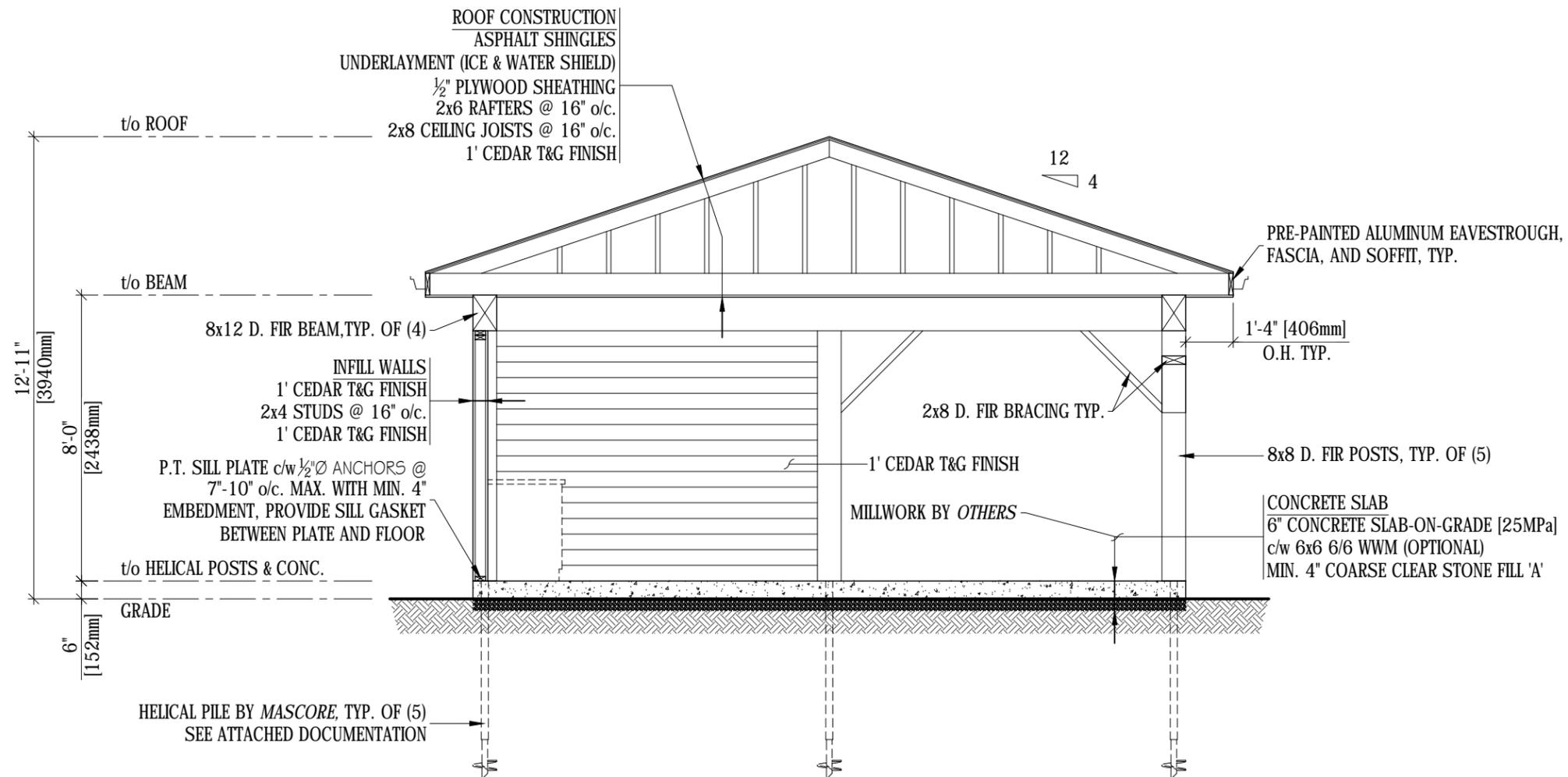
REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	MAR. 30/21

client
HOMEOWNER

project
**2 BLUEHERON LANE
CARLISLE, ONTARIO**
PROJECT No. 21-001

title
EAST ELEVATION

drawn	G.D.	checked	-
date	MARCH 2021	scale	1/4" = 1'-0"
revision number	0	drawing number	A2.04



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REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	MAR. 30/21

client
 HOMEOWNER

project
 2 BLUEHERON LANE
 CARLISLE, ONTARIO
 PROJECT No. 21-001

title
 CROSS SECTION

drawn	G.D.	checked	-
date	MARCH 2021	scale	1/4" = 1'-0"
revision number	0	drawing number	A4.01

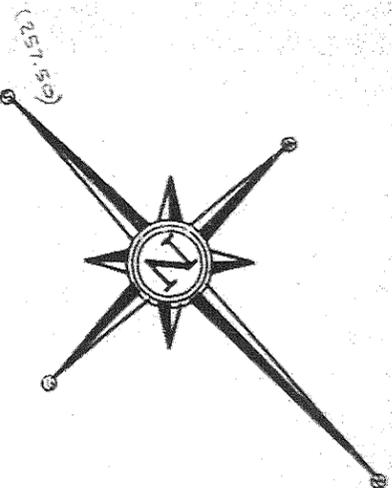
PROPOSED BUILDING LOCATION OF
LOT 16
 REGISTERED PLAN 62M-
 RIVERWALK
TOWN OF FLAMBOROUGH
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE - 1 : 300

0m 3 6 9 12m

© **YATES & YATES LIMITED**
 ONTARIO LAND SURVEYORS
 1989

Blueheron Lane



INST. 367429AB
 PART 1
 PLAN 62R-2090

INST. 239096HL

INST. 2786470D

BEARING NOTE-

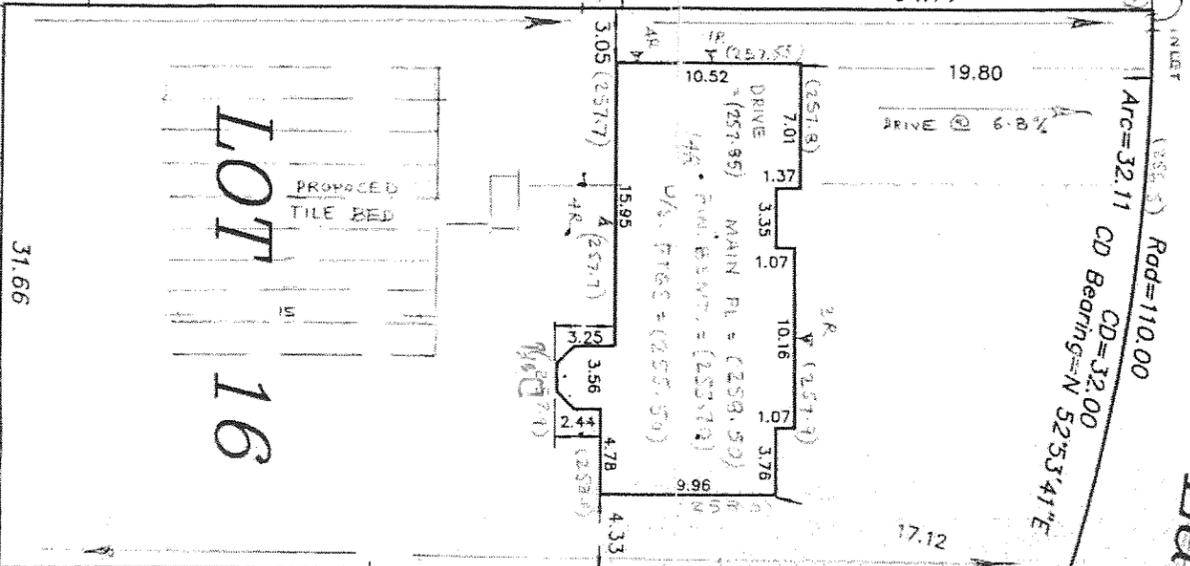
FOR - PARKSHORE HOMES

METRIC-DISTANCES SHOWN ON THIS PLAN ARE IN METRES
 AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LOT 15

LOT 16

LOT 17



- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - SIB - DENOTES STANDARD IRON BAR
 - SSIB - DENOTES SHORT STANDARD IRON BAR
 - CM - DENOTES CONCRETE MONUMENT
 - CC - DENOTES CUT CROSS
 - IB - DENOTES IRON BAR
 - RIB - DENOTES ROUND IRON BAR
 - WIT - DENOTES WITNESS

DATE

ONTARIO LAND SURVEYOR

YATES & YATES LIMITED
 ONTARIO LAND SURVEYORS
 Records of Sewell & Sewell
 817 BRANT STREET
 BURLINGTON, ONT. L7R 2J4
 (416) 639-1375

NOTE
 NO ONE MAY COPY, REPRODUCE,
 DISTRIBUTE OR ALTER THIS PLAN
 WITHOUT THE WRITTEN PERMISSION
 OF YATES & YATES LIMITED,
 ONTARIO LAND SURVEYORS.

DRAWN -

W.O.

The CITY OF HAMILTON disclaims any liability as to the current accuracy of the contents of this document and advises that no reliance can be placed upon the current accuracy of the contents herein.



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	Butler, Andrea & Trent		
Applicant(s)*	GRAHAM DAY		
Agent or Solicitor			Phone:
			E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
 None

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

4. Nature and extent of relief applied for:
 PROPOSED ACCESSORY STRUCURE IN REAR YARD
 1. 1.18m SIDE YARD SETBACK
 2. 2.52m REAR YARD SETBACK
5. Why it is not possible to comply with the provisions of the By-law?
 BY-LAW STATES ACCESSORY BUILDINGS GREATER THAN 18m² MUST COMPLY WITH PARENT DWELLING TYPE.
 3.0m SIDE YARD
 *3.0m REAR YARD
 *(4.7 REDUCTION OF YARDS FOR NON-CONFORMING LOTS)
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
 2 BLUEHERON LANE, CARLISLE (TOWN OF FLAMBOROUGH)
 LOT 16, REGISTERED PLAN 62M
 S1 - SETTLEMENT RESIDENTIAL
7. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
 Agricultural Vacant
 Other _____
- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?
 HOMEOWNER'S KNOWLEDGE & GOOGLE MAPS

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

MARCH 31, 2021

 Date



 Signature Property Owner
 Butler, Andrea & Trent

 Print Name of Owner

10. Dimensions of lands affected:
 Frontage 32.09m
 Depth 64.77m
 Area 2004.93m²
 Width of street 9m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:_
 DWELL. = 254.2m², (1) STOREY, W = 24.3m, L = 13.6m, H = ±7.0m

Proposed
 ACC STRUCT. - GFA = 37.16m², W = 6.1m, L = 6.1m, H = 3.94m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:
 DWELL. = FRONT = 19.8m, REAR = 31.3m, SIDE = 4.3m, SIDE = 3.05m

Proposed:
 ACC. STRUCT. = REAR = 2.52m, SIDE = 1.18m, SIDE = 24.11m

13. Date of acquisition of subject lands:
September 9, 2019
-
14. Date of construction of all buildings and structures on subject lands:
~1990
-
15. Existing uses of the subject property:
SINGLE FAMILY DWELLING
16. Existing uses of abutting properties:
SINGLE FAMILY DWELLING
17. Length of time the existing uses of the subject property have continued:
~30 years
18. Municipal services available: (check the appropriate space or spaces)
Water YES Connected YES
Sanitary Sewer _____ Connected _____
Storm Sewers YES
19. Present Official Plan/Secondary Plan provisions applying to the land:
S1 - SETTLEMENT RESIDENTIAL
05-200 / 15-173
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-20:95

SUBJECT PROPERTY: 136 Upper Mt. Albion, Stoney Creek

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

APPLICANT(S): Agent Bousfields Inc. c/o D. Falletta
 Owner 2178872 Ontario Inc. c/o L. Kelso

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land (shown as Part 5) on the attached survey and the establishment of two (2) access and servicing easements (shown as Parts 2 and 3) on the attached survey.

Severed lands:
 90.03m[±] x 57.92m[±] and an area of 5,150.4m^{2±}

Retained lands:
 46m[±] x 57.8m[±] and an area of 2,792m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, May 20th , 2021
TIME: 1:15 p.m.
PLACE: Via video link or call in (see attached sheet for details)

To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

SC/B-20:95
PAGE 2

MORE INFORMATION

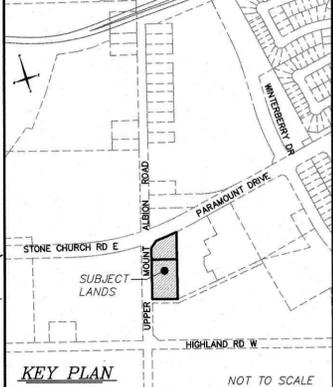
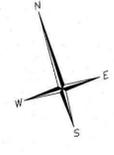
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

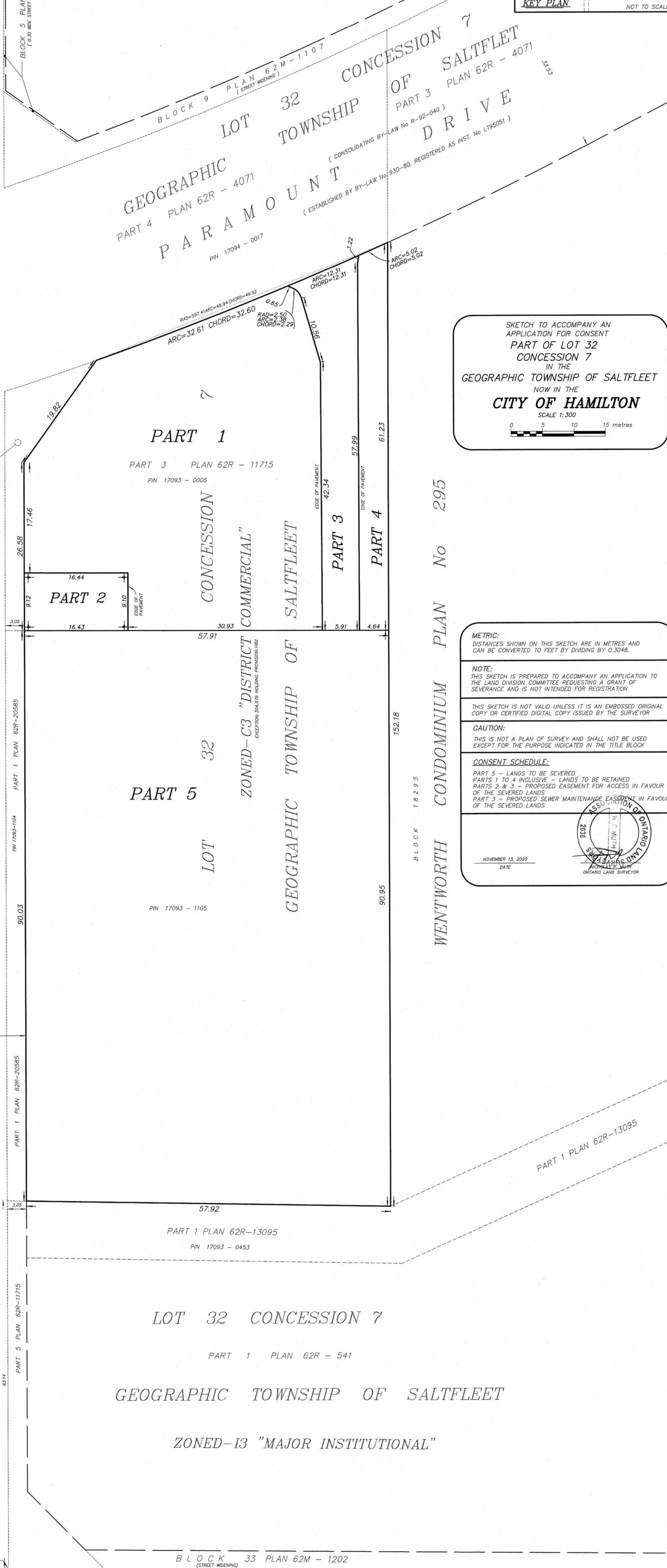
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



UPPER MOUNT ALBION ROAD
(ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 32 AND 33)
FORMERLY MOUNT ALBION ROAD NAME CHANGED BY BY-LAW No R80-079

UPPER MOUNT ALBION ROAD
(ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 32 AND 33)
FORMERLY MOUNT ALBION ROAD NAME CHANGED BY BY-LAW No R80-079

BLOCK 1
PLAN 62M - 1107



SKETCH TO ACCOMPANY AN APPLICATION FOR CONSENT
PART OF LOT 32
CONCESSION 7
IN THE
GEOGRAPHIC TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
SCALE 1:300
0 5 10 15 metres

METRIC:
DISTANCES SHOWN ON THIS SKETCH ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE:
THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

CAUTION:
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

CONSENT SCHEDULE:
PART 5 - LANDS TO BE SEVERED
PARTS 1 TO 4 INCLUSIVE - LANDS TO BE RETAINED
PARTS 2 & 3 - PROPOSED EASEMENT FOR ACCESS IN FAVOUR OF THE SEVERED LANDS
PART 3 - PROPOSED SEWER MAINTENANCE EASEMENT IN FAVOUR OF THE SEVERED LANDS

NOVEMBER 13, 2020
DATE

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com



Project No. 16228

December 8, 2020

Morgan Evans
Committee of Adjustment
City of Hamilton – Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Dear Ms. Evans:

Re: *Consent Application*
136, 144, and 146 Upper Mount Albion Road, Hamilton

Overview

On behalf of our client, 2178872 Ontario Inc., the owners of the property municipally known as 136, 144, and 146 Upper Mount Albion Road (the “subject site”), we are pleased to submit this Consent application to slit the existing lot into two, as well as to grant one access easement and one maintenance easement. The purpose of this letter is to provide a brief planning justification for the consent application which will facilitate the creation of two lots, one being severed, and one being retained.

Site and Surroundings

The subject site is generally comprised of a rectangular shaped parcel of land with an area of approximately 5,665 square metres (0.56 hectares) located at the southwest corner of Paramount Drive and Upper Mount Albion Road. The subject site has frontage of 116.61 metres along Upper Mount Albion Road and approximately 50 metres of frontage along Paramount Drive and a depth of approximately 58 meters. The northern portion of the subject site is currently occupied by a 1- storey motor vehicle service station (Mr. Lube).

The subject site is surrounded by existing low-rise local commercial establishments to the north and west. To the east of the subject site is an existing townhouse development containing 2- storey townhouse dwellings and to the south is vacant land. The subject site is also designated “Neighbourhoods” as



shown in Schedule E-1 Urban Land Use Designations of the Urban Hamilton Official Plan and is zoned C3 – District Commercial, Exception 304 and 579, Holding 82 within the Hamilton Zoning By-law 05-200.

Proposal

As noted above, the consent application is to facilitate the subdivision of the subject site into two parcels of land, as well as the creation of two easements. As shown on the attached sketch (see **Attachment 1**), prepared by A.J. Clarke and Associates and dated November 13, 2020, Parts 1 – 4 are the lands to be retained, with Part 5 to be the lands to be severed. Parts 2 and 3 shown on the survey are proposed easements for access and servicing in favour of the severed lands.

Planning Opinion of Proposed Consent

We have reviewed the proposed consent application in the context of the relevant provisions of Section 51(24) of the *Planning Act* that the proposal conforms to and does not conflict with the criteria set out in 51(24) of the *Planning Act* regarding a consent. In my opinion, the proposed consent application complies to the following Section 51(24) provisions of the *Planning Act* as follows:

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

Response: The proposal has regard for the matters of provincial interest as it is an appropriate location of growth and development. The consent application is to allow for the retention of the existing Mr. Lube on a separate lot and the creation of a new lot for a future development. In this regard, the existing Mr. Lube is a permitted use, and the future development of the new lot will be provided in conformity with the applicable provincial and local policy planning framework.

(b) Whether the proposed subdivision is premature or in the public interest;

Response: The proposal is in the public interest and will allow for the development of a vacant and underutilized site within the City's built boundary.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;



Response: The proposed consent application conforms to the Urban Hamilton Official Plan (the “UHOP”), in particular the policies related to lot creation set out in F.1.14.3.3 and policy 7.6.3.2 of the West Mountain/Heritage Green Secondary Plan (the “Secondary Plan”).

(d) the suitability of the land for the purposes for which it is to be subdivided;

Response: The proposed severed lot is approximately 5,211 square metres (1.3 acres) in size with a frontage of approximately 90.03 metres, which is suitable for the range of commercial and mixed uses permitted in the applicable official plan policies and zoning. Furthermore, the existing Mr. Lube shop and its operational requirements fit comfortably on the lands to be retained.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Response: Not applicable

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

Response: The subject site was reviewed as part of site plan application DA-16-139, where detailed engineering related to, among other elements, the existing street network and connections and the adequacy of them. In this regard, site plan approval was obtained for the Mr. Lube (Phase 1) and the redevelopment of the remainder of the site (Phase 2) received conditional site plan approval, which confirmed the feasibility of development related to the transportation network.

(f) the dimensions and shapes of the proposed lots;

Response: The proposed severed and retained lots are suitable for local commercial establishments and are in keeping with the surrounding lot fabric.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;



Response: Easements are proposed to allow for the orderly development of both parcels, which will include vehicular, pedestrian and servicing connections between both parcels.

(h) conservation of natural resources and flood control;

Response: The subject site is not regulated by any natural resources or floor control. Furthermore, through the review and approval of site plan application DA-16-139, a stormwater management report and grading plan were prepared to ensure stormwater management is provided in accordance with the City's standards.

(i) the adequacy of utilities and municipal services;

Response: The subject site is fully serviced by municipal services. A functional servicing report was prepared as part of site plan application DA-16-139, which confirmed that the existing utilities and municipal services are adequate to accommodate the redevelopment of the severed lands.

(j) the adequacy of school sites;

Response: There are several schools nearby. As part of the redevelopment of the severed lands, the local school boards will be engaged to ensure the adequacy of schools as part of any redevelopment plans.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Response: Not applicable

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use, and conservation of energy; and

Response: The proposal seeks to create a separate lot for the undeveloped portion of the subject site to facilitate its future redevelopment. In this regard, the redevelopment of the vacant portion of the subject site optimizes land within the urban boundary and built boundary.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is



also located within a site plan control area designated under subsection 41 (2) of this Act

Response: The development of the proposed severed parcel will be subject to site plan control, where site plan matters will be addressed.

Planning Analysis

From a land use perspective, the proposed consent is conforms with the urban structure policies related to “Community Nodes” and “Neighbourhoods” of the UHOP and will allow for the development of the vacant portion of the subject site within a developed neighbourhood. In this regard, the proposed consent is appropriate and a desirable use for the subject site as it will provide additional opportunity for intensification within the Built-up Area and on underutilized land. The proposed consent meets the criteria for lot creation for mixed uses, commercial, institutional or open space in the Neighbourhoods designation as per Policy 1.14.3.3 as follows:

a) the lots comply with the policies of this Plan including secondary plans, where one exists;

Response: The lots will comply with the policies set out in the UHOP, since they will facilitate the maintenance of the existing commercial building (Mr. Lube) and the future development of the vacant portion of the site in accordance with the applicable UHOP policies. In this regard, there are no policies related to minimum lot sizes for the subject site.

b) The lots are in conformity with the Zoning By-law or a minor variance is approved;

Response: The lots will comply with the Zoning By-law. In this regard, there is no minimum lot frontage or area for the subject site in the C3, Exceptions 304, 579 Zone.

c) the lots are fully serviced by municipal water and wastewater systems; and,

Response: The lots are fully serviced by municipal services.

d) the lots have frontage on a public road.



Response: The retained lot will have frontage on Paramount Drive and Upper Mount Albion Road and the severed lot has frontage on Upper Mount Albion Road.

Summary Opinion

Based on the foregoing, it is our opinion that the requested consent is appropriate and desirable, satisfies Section 51(24) of the *Planning Act* as well as the policy for consents found within the UHOP and we respectfully respect that the Committee of Adjustment to approve the application.

A completed application form with signatures and the application fee are provided in **Attachment 2**.

We trust that the foregoing is satisfactory. However, if you have any questions or require additional information, please do not hesitate to contact the undersigned or Joe Buordolone of our office at 905-549-3005.

Yours very truly,
Bousfields Inc.

A handwritten signature in black ink, appearing to read 'David Falletta', is written over the company name.

David Falletta, MCIP, RPP

jb/DF:jobs

Attachments (2)

Cc: Y. Rybensky, City of Hamilton (via e-mail)



Hamilton

Planning and Economic Development Department
Planning Division

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

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

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	2178872 Ontario Inc. c/o Lorraine Kelso	[REDACTED]	Business () Fax: () E-mail:
Applicant(s)*			Business () Fax: () E-mail:
Agent or Solicitor	Bousfields Inc. c/o David Falletta	[REDACTED]	Business () Fax: () E-mail: [REDACTED]

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Stoney Creek	Lot 32	Concession 7	Former Township
Registered Plan N ^o .	Lot(s)	Reference Plan N ^o .	Part(s) 1-5
Municipal Address 136, 144, 146 Upper Mount Albion Road			Assessment Roll N ^o .

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:

Restrictive covenant to the lands as shown as Part 1 and 2 on the submitted survey

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

creation of a new lot

addition to a lot

an easement

Other: a charge

a lease

a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

3.3 If a lot addition, identify the lands to which the parcel will be added:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed:

Frontage (m)	Depth (m)	Area (m ² or ha)
90.03 m	57.92 m	5,150.4 m ²

Existing Use of Property to be severed:

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: None

Proposed: _____

Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.2 Description of land intended to be Retained:

Frontage (m)	Depth (m)	Area (m ² or ha)
46 m	57.8 m	2,792 m ²

Existing Use of Property to be retained:

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input checked="" type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use Mr. Lube/vacant land
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Owners knowledge and Phase 2 environmental report and record site condition
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
 Yes No Grading on the Subject site was due to site plan control application for Mr. Lube

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- Yes No
-

Please refer to planning letter

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Please refer to planning letter

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Please refer to planning letter

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

Please refer to planning letter

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
 (Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

Rural Settlement Area Severance or Lot Addition

Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

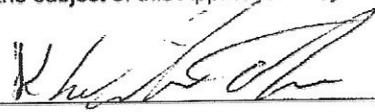
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

- road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Nov 26, 2020
Date


Signature of Owner

14 AFFIDAVIT OR SWORN DECLARATION

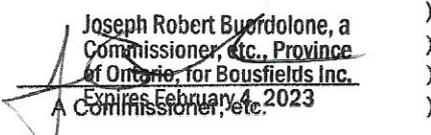
14.1 Declaration For the Prescribed Information

I, David Falletta of the Province of Ontario make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

Sworn (or declared) before me at the

City of Hamilton this)
)
)
8 day of December, 2020)


Applicant's Signature


Joseph Robert Burodolone, a
Commissioner, etc., Province
of Ontario, for Bousfields Inc.
Expires February 4, 2023
A Commissioner, etc.

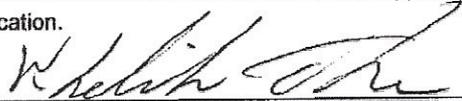
15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

Authorization of Owner for Agent to Provide Personal Information

I, 2178872 Ontario Inc., am the owner of the land that is the subject of this application for consent to sever land and for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I authorize Bousfields Inc., as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Nov 26/2020
Date


Signature of Owner

16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, 2178872 Ontario Inc., the Owner, hereby agree and acknowledge
(*Print name of Owner*)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Nov 24 / 2020
Date


Signature of Owner

17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- The required fee. (**A cheque or money order payable to the City of Hamilton**)

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this ____ day of _____, 20____.

BETWEEN:

Applicant's name(s)
hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20 ____.

WITNESS

Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____, 20____ .

BETWEEN

(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

c/s
Owner:
Title:
I have authority to bind the corporation

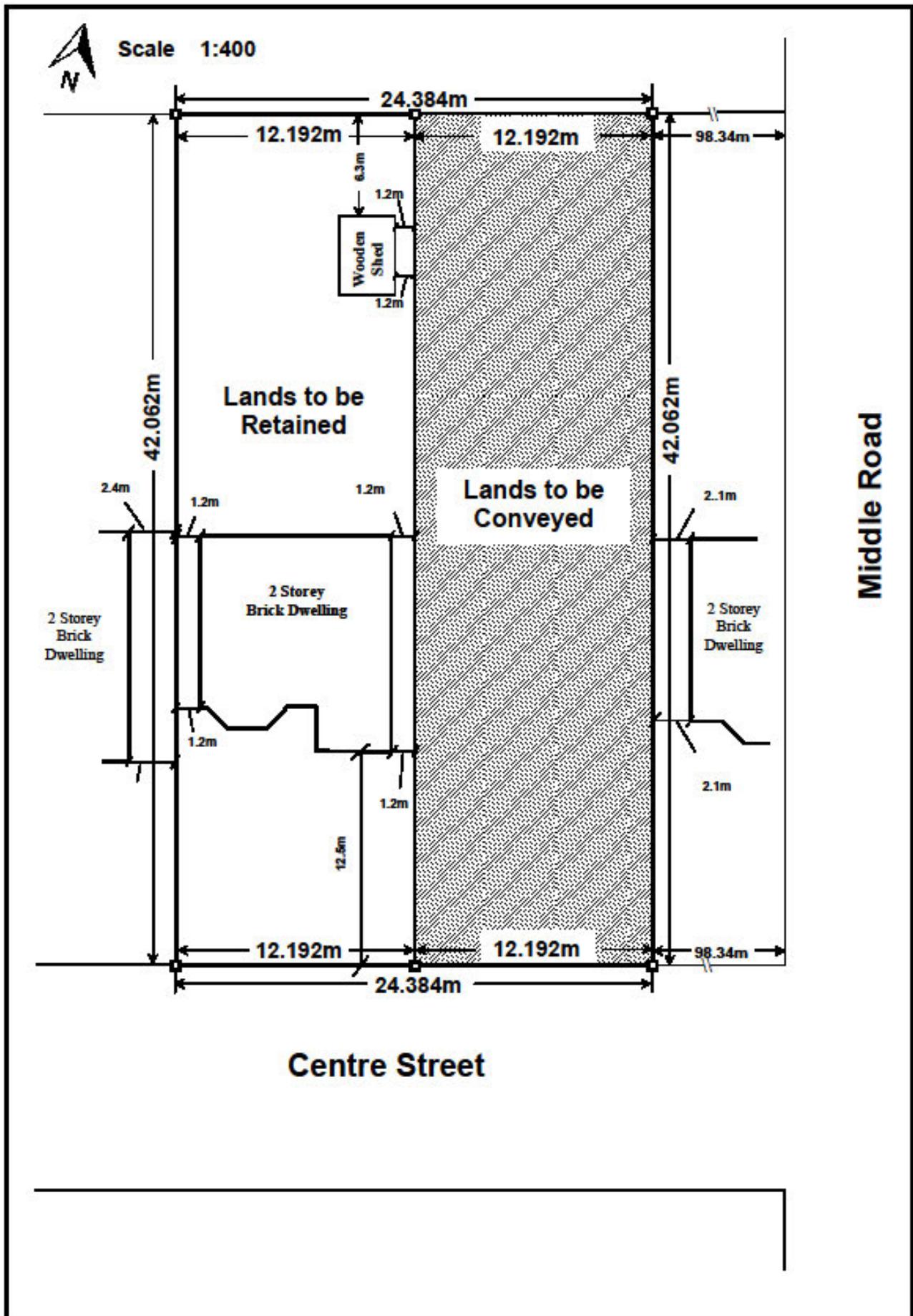
c/s
Assignee:
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk

Sketch Sheet





Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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.: FL/A-21:132

APPLICANTS: Mark Cussons

SUBJECT PROPERTY: Municipal address **618 Millgrove Side Rd., Flamborough**

ZONING BY-LAW: Zoning By-law 05-200, as Amended 15-173

ZONING: "A1 and P8" (Agriculture and Conservation Hazard Lands - Rural P8) Zone

PROPOSAL: To permit the construction of a 116.8m² accessory structure notwithstanding that a maximum height of 6.6m shall be provided instead of the maximum permitted 6.0m.

NOTE:

The proposed accessory structure is accessory to the existing single detached dwelling.

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

DATE: Thursday, May 20th, 2021
TIME: 1:20 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment

FL/A-21:132

Page 2

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.

DRAWING LIST JULY 14 2020

	SURVEY	N.T.S
A1.01	Site Plan/Roof Plan	1/16" = 1'- 0"
A1.02	Ground Floor/Elec. Plan	1/4" = 1'- 0"
A2.01	Roof Framing Plan	1/4" = 1'- 0"
A3.01	Cross Section	1/4" = 1'- 0"
A4.01	East/West Elevations	1/4" = 1'- 0"
A4.02	North/South Elevations	1/4" = 1'- 0"
A6.01	Typical Details	1" = 1'- 0"

ROOF TYPE

- 1 DIMENSION ASPHALT SHINGLE
30LB FELT PAPER
1/2" EXTERIOR PLY T&G SHEATHING
PRE-ENGINEERED ROOF TRUSS (SEE ENGINEERED TRUSS PLANS PER MANUFACTURER FOR EXACT DESIGN)
R40 FG BATT INSULATION
6MIL POLYETHYLENE VABOUR BARRIER
1/2" GWB
CEILING FINISH

WALL TYPES

- 1 1" STONE VENEER
1" AIR SPACE W/ WEeping HOLES AT BASE
GALVANIZED METAL TIES @ 16" O/C HORIZONTAL AND 24" O/C VERTICAL
SPUNBONDED OLEFIN SHEATHING MEMBRANE (AB)
1/2" PLYWOOD SHEATHING
2x6 FRAMING @ 16" O/C C/W R20 FG BATT INSULATION
6 MIL POLY VAPOUR BARRIER (VB)
1/2" GWB
WALL FINISH

- 2 POLYMER MODIFIED (PM) OR TRADITIONAL CEMENT STUCCO (COLOUR TO BE SELECTED BY CLIENT)
SELF FURRING LATH
15LB PERFORATED ASPHALT BUILDING PAPER (MB)
1/2" FIBREBOARD (AB)
SPUNBONDED OLEFIN (AB)
1/2" FIBREBOARD (AB)
2x6 FRAMING @ 16" O/C C/W R20 FG BATT INSULATION
6 MIL POLY VAPOUR BARRIER (VB)
1/2" GWB
WALL FINISH

FLOOR TYPE

- 1 4" POURED CONCRETE SLAB
32MPa @ 28 DAYS
5% - 8% AIR ENTRAPMENT
WELDED WIRE MESH REINFORCING @ CENTRE OF SLAB
6" COMPACTED CRUSHED STONE
UNDISTURBED SOIL

SITE INFORMATION

TOTAL LOT AREA	48048 SQ FT (4463.8m2)
GFA OF EXISTING GARAGE	1071 SQ FT (99.5m2)
GFA OF PROPOSED GARAGE	1276 SQ FT (118.5m2)
PROPOSED HEIGHT OF STRUCTURE	19'-9 1/2" (5.9m2)

PROPOSED GARAGE SETBACKS :

FRONT YARD (WEST)	156'-6" (47.7m)
SIDE YARD (NORTH)	54'-5" (16.6m)
REAR YARD (EAST)	21'-3" (6.5m)
SIDE YARD (SOUTH)	131'-4" (39.9m)

SURVEY INFORMATION

SITE PLAN INFORMATION TAKEN FROM
PLAN OF SURVEY OF PART OF LOT 19, CONCESSION 3, TOWNSHIP OF FLAMBOROUGH,
REGIONAL MUNICIPALITY OF HAMILTON -WENTWORTH
SURVEY BY SEWELL & SEWELL ONTARIO LAND SURVEYOR

GENERAL NOTES:

THESE DRAWINGS ARE PART OF A SET OF CONSTRUCTION DOCUMENTS.
THE CONSTRUCTION DOCUMENTS CONSIST OF ONE OR MORE OF THE FOLLOWING ELEMENTS:

CONSTRUCTION DRAWINGS
SPECIFICATIONS (OWNERS LIST OF PRODUCTS TO BE USED WHEN BUILDING)
CONTRACT FORMS & CONDITIONS
MODIFICATIONS AND REVISIONS

CONTRACTORS, SUBCONTRACTORS, AND OTHERS WHO PROVIDE LABOUR AND/OR MATERIALS REFERENCING THESE DRAWINGS ARE RESPONSIBLE FOR OBTAINING AND REVIEWING ALL CURRENT CONSTRUCTION DOCUMENTS

CONTRACTORS, SUBCONTRACTORS, AND OTHERS ARE TO REPORT ANY DISCREPANCIES OR ERRORS TO THE OWNER AND/OR BUILDER. ANY CHANGES TO THE PROJECT WILL BE VERIFIED WITH THE OWNER AND/OR BUILDER AND REVISIONS MADE. CONTRACTORS ARE NOT TO MAKE ALTERATIONS OF ANY KIND WITHOUT PRIOR WRITTEN CONSENT. DISCREPANCIES NOT REPORTED IMMEDIATELY ARE THE RESPONSIBILITY OF THE CONTRACTOR.

CONTRACTORS SHALL NOT SCALE FROM DRAWINGS.



CUSSONS RESIDENCE

DETACHED GARAGE REPLACEMENT

618 MILLGROVE SIDE ROAD, WATERDOWN, ON

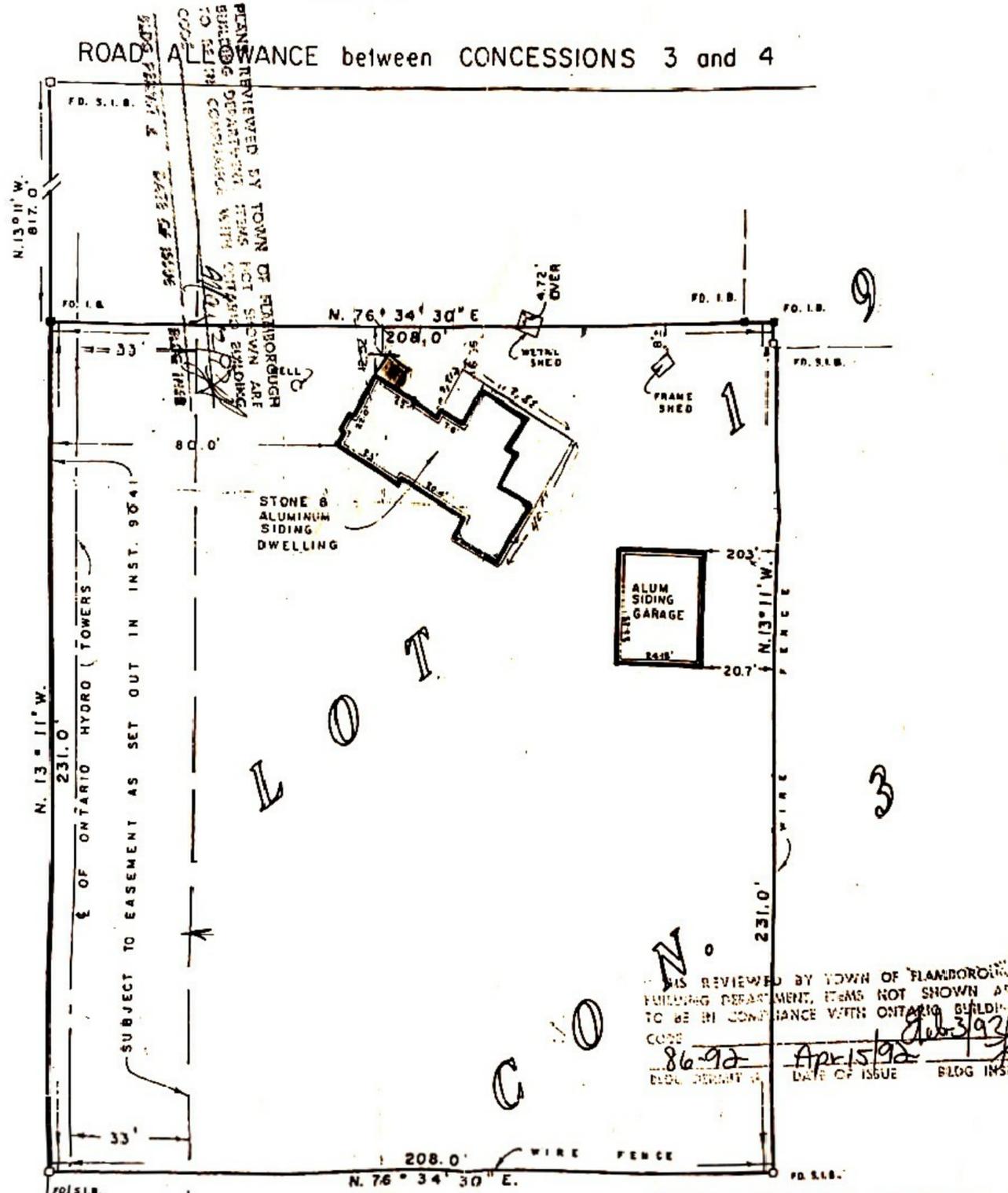
Plan of Survey
 SHOWING
PART OF LOT 19
CONCESSION 3
 (TOWNSHIP OF WEST FLAMBOROUGH)
TOWNSHIP OF FLAMBOROUGH
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

THE CORPORATION OF THE CITY OF HAMILTON
 disclaims any liability as to the current
 accuracy of the contents of this document
 and advises that no reliance can be
 placed upon the current accuracy of the
 contents herein.

SCALE: 1" = 30'

MILLGROVE SIDE ROAD
 (COUNTY ROAD N^o 5)

ROAD ALLOWANCE between CONCESSIONS 3 and 4



PLAN REVIEWED BY TOWN OF FLAMBOROUGH BUILDING DEPARTMENT. ITEMS NOT SHOWN ARE TO BE IN COMPLIANCE WITH ONTARIO BUILDING CODE

86-92-1101-1-1
 April 15 1992
 BLDG PERMIT # _____ DATE OF ISSUE _____ BLDG INS# _____

SEWELL & SEWELL
 484 GUELPH LINE, BURLINGTON
 BURLINGTON 634-9405, 634-9466

- General Notes:
- 1/ These Contract Documents are the property of the Owner. The Owner bears no responsibility for the interpretations of these documents by the Contractor. Upon written application the Owner will provide written/graphic clarification or supplementary information regarding the intent of the Contract Documents. The Owner will review Shop Drawings submitted by the Contractor for design conformance only.
 - 2/ Drawings are not to be scaled for construction. Contractor to verify all existing conditions and dimensions required to perform the Work and report any discrepancies with the Contract Documents to the Owner before commencing work.
 - 3/ Positions of exposed or finished mechanical or electrical devices, fittings, and fixtures are indicated on the Architectural drawings. The locations shown on the Architectural drawings govern over the Mechanical and Electrical drawings. Those items not clearly located will be located as directed by the Owner.

ISSUED FOR PPR 2020 JULY 14

Revision	Issue/Description	Date

CUSSONS RESIDENCE

SCOPE OF WORK: REMOVE AND REPLACE EXISTING 1 STOREY DETACHED GARAGE W/ NEW 1 STOREY DETACHED WOOD FRAME GARAGE

618 MILLGROVE SIDE ROAD
 WATERDOWN, ON
 L8B 0W7

EXISTING SURVEY

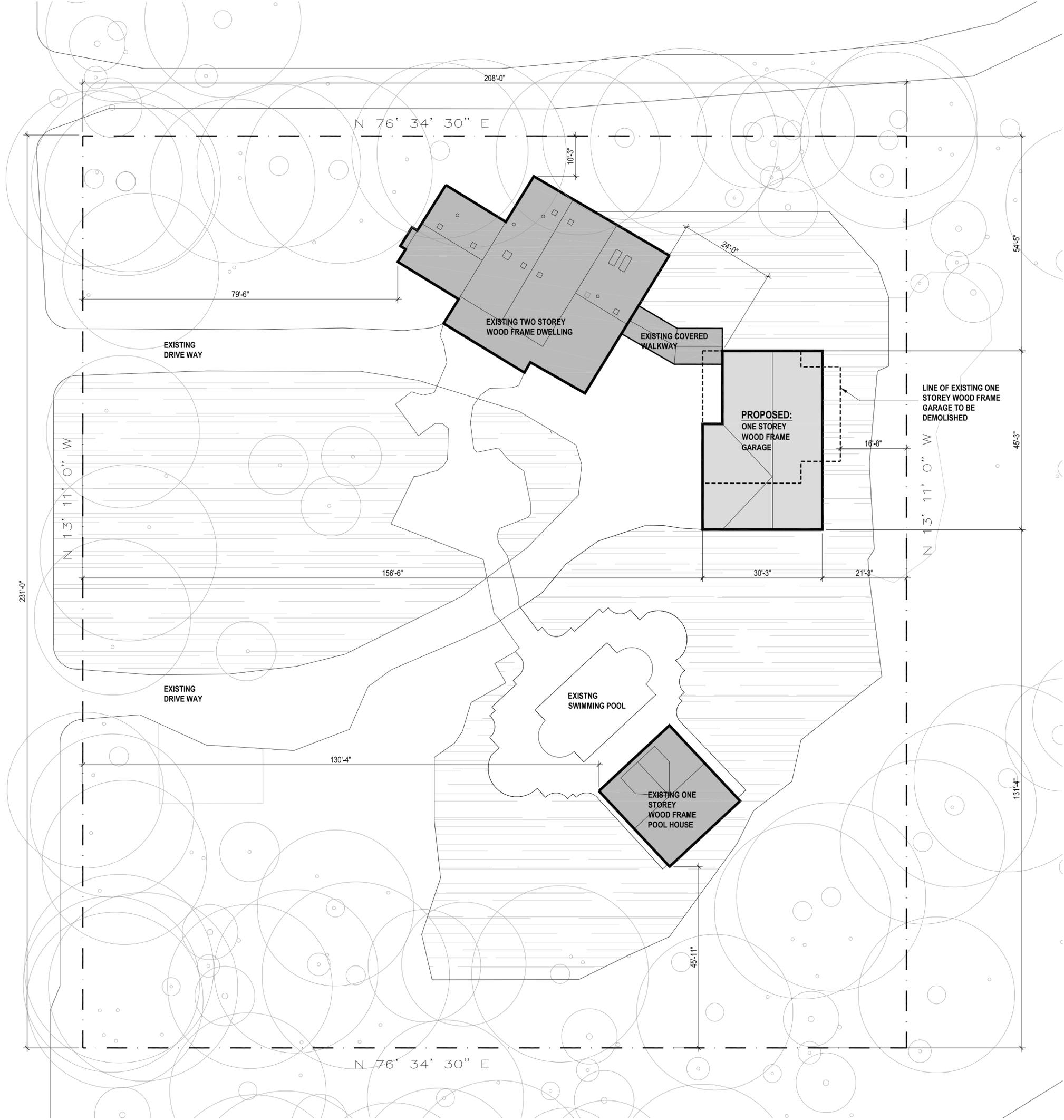
Scale: N.T.S.
 Date: JULY 14 2020

Drawing No.: **A0.00**

General Notes:

- 1/ These Contract Documents are the property of the Owner. The Owner bears no responsibility for the interpretations of these documents by the Contractor. Upon written application the Owner will provide written/graphic clarification or supplementary information regarding the intent of the Contract Documents. The Owner will review Shop Drawings submitted by the Contractor for design conformance only.
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MILLGROVE SIDE ROAD
(COUNTRY ROAD NO. 6)



ISSUED FOR PPR 2020 JULY 14

Revision	Issue/Description	Date

CUSSONS RESIDENCE

SCOPE OF WORK: REMOVE AND REPLACE EXISTING 1 STOREY DETACHED GARAGE W/ NEW 1 STOREY DETACHED WOOD FRAME GARAGE

618 MILLGROVE SIDE ROAD
WATERDOWN, ON
L8B 0W7

SITE PLAN

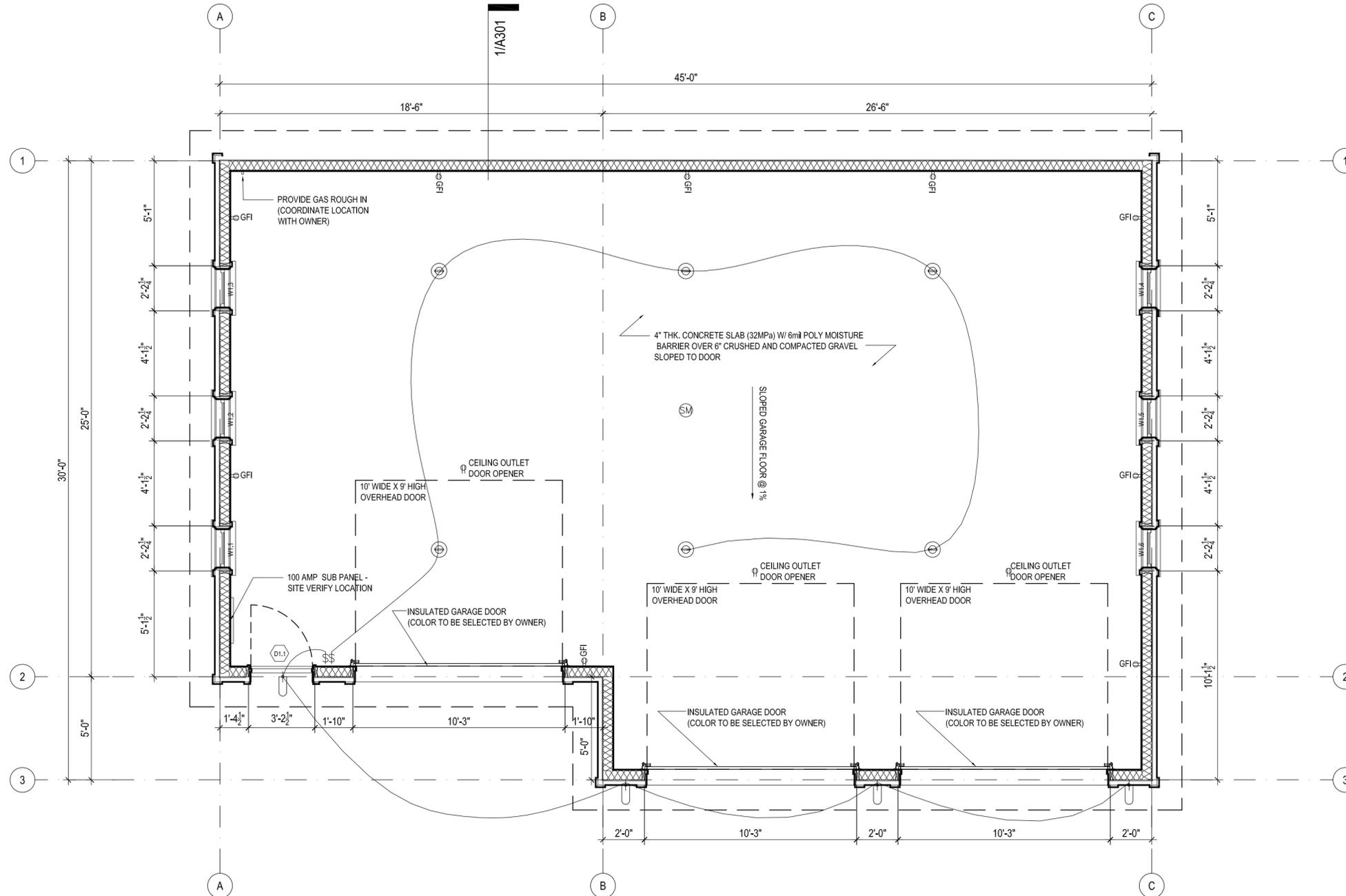
Scale: 1/16" = 1'-0"
Date: JULY 14 2020

Drawing No.: A1.01

SYMBOL	DESCRIPTION	REMARKS
⊕	LIGHTDOLER 82018H * 8750WH MONOPOINT CANOPY	
⏏	RECESSED ROUND COMPACT FLUORESCENT, BROKE MODEL ART 5 4562 BY SIMES @ 1'-2" A.F.F.L.	
⊕	SURFACE MOUNTED INCANDESCENT FIXTURE	
⊕	EXTERIOR MOUNTED FIXTURE	MOTION DETECTOR LOCATIONS TO BE DISCUSSED WITH OWNER
⊕	SMOKE DETECTOR	
⊕	POWER SWITCH	
⊕	TELEPHONE OUTLET	
⊕	DATA OUTLET	
⊕	THERMOSTAT	
⊕	DUPLEX	
⊕	CABLE	
⊕	DUPLEX DEDICATED	
NOTES:	> COORDINATE FIXTURE LOCATIONS WITH OWNER > MOTION DETECTORS WHERE REQUESTED BY OWNER	

General Notes:

- 1/ These Contract Documents are the property of the Owner. The Owner bears no responsibility for the interpretations of these documents by the Contractor. Upon written application the Owner will provide written/graphic clarification or supplementary information regarding the intent of the Contract Documents. The Owner will review Shop Drawings submitted by the Contractor for design conformance only.
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ISSUED FOR PPR 2020 JULY 14

Revision	Issue/Description	Date

CUSSONS RESIDENCE

SCOPE OF WORK: REMOVE AND REPLACE EXISTING 1 STOREY DETACHED GARAGE W/ NEW 1 STOREY DETACHED WOOD FRAME GARAGE

618 MILLGROVE SIDE ROAD
WATERDOWN, ON
L8B 0W7

GROUND AND ELECTRICAL PLAN

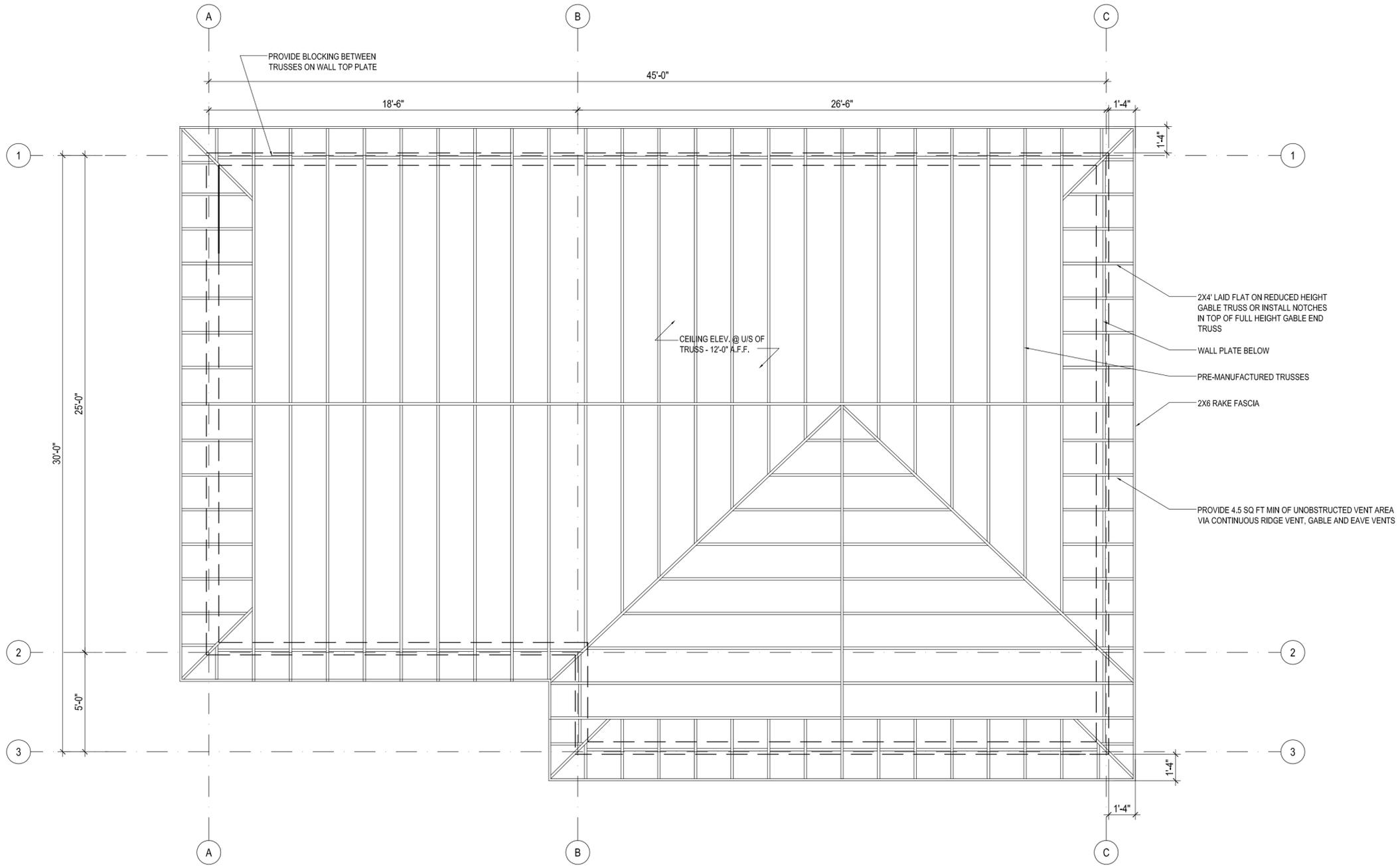
Scale: 1/4" = 1'-0"
Date: JULY 14 2020

Drawing No.:

A1.02

General Notes:

- 1/ These Contract Documents are the property of the Owner. The Owner bears no responsibility for the interpretations of these documents by the Contractor. Upon written application the Owner will provide written/graphic clarification or supplementary information regarding the intent of the Contract Documents. The Owner will review Shop Drawings submitted by the Contractor for design conformance only.
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ISSUED FOR PPR 2020 JULY 14

Revision	Issue/Description	Date

CUSSONS RESIDENCE

SCOPE OF WORK: REMOVE AND REPLACE EXISTING 1 STOREY DETACHED GARAGE W/ NEW 1 STOREY DETACHED WOOD FRAME GARAGE

618 MILLGROVE SIDE ROAD
WATERDOWN, ON
L8B 0W7

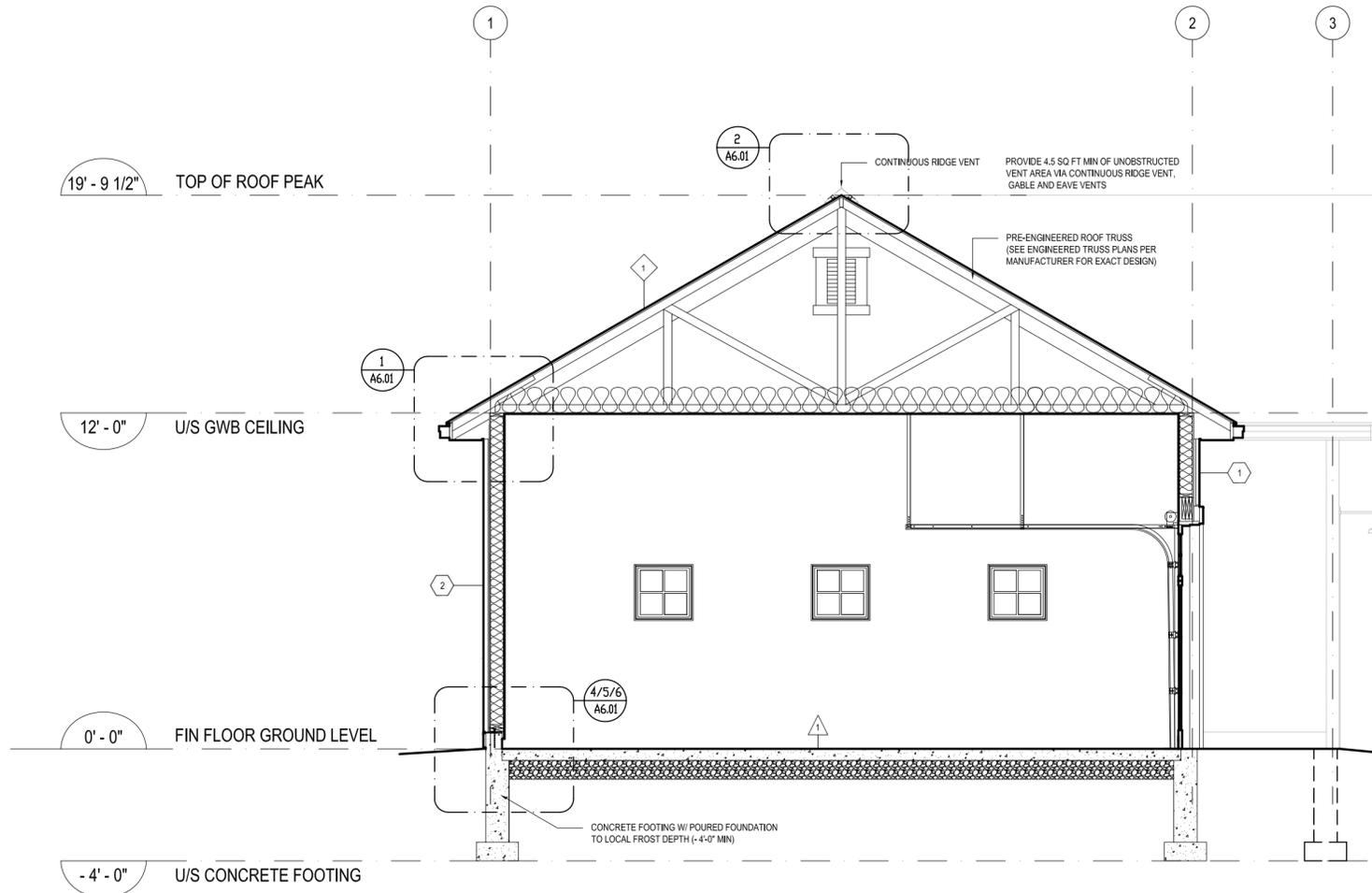
ROOF FRAMING PLAN

Scale: 1/4" = 1'-0"
Date: JULY 14 2020

Drawing No.:

A2.01

- General Notes:**
- 1/ These Contract Documents are the property of the Owner. The Owner bears no responsibility for the interpretations of these documents by the Contractor. Upon written application the Owner will provide written/graphic clarification or supplementary information regarding the intent of the Contract Documents. The Owner will review Shop Drawings submitted by the Contractor for design conformance only.
 - 2/ Drawings are not to be scaled for construction. Contractor to verify all existing conditions and dimensions required to perform the Work and report any discrepancies with the Contract Documents to the Owner before commencing work.
 - 3/ Positions of exposed or finished mechanical or electrical devices, fittings, and fixtures are indicated on the Architectural drawings. The locations shown on the Architectural drawings govern over the Mechanical and Electrical drawings. Those items not clearly located will be located as directed by the Owner.



GENERAL NOTES

1. ALL LUMBER TO BE NO. 1&2 SPRUCE OR BETTER
2. ALL PLYWOOD SHALL BE STAMPED EXTERIOR GRADE
3. ROOF LOAD DESIGN 1.0 kPa OR 1.5 kPa
4. ALL FOOTINGS TO BEAR ON UNDISTURBED SOIL.
5. IF GARAGE WALL IS LESS THAN 600mm TO THE PROPERTY LINE PROVIDE 15.9mm TYPE 'X' DRYWALL INTERIOR SHEATHING. NO WINDOWS ARE PERMITTED IN GARAGE WALLS LESS THAN 1200mm FROM PROPERTY LINE.
6. FOR ONE STOREY WOOD FRAME DETACHED GARAGES LESS THAN 55M². AN ALTERNATE FOOTING MAY BE USED, SEE DETAIL SHEET G02c
7. GARAGE SLAB SHALL BE 32 Mpa CONCRETE W/ 5% - 8% AIR ENTRAINMENT SLOPED TO DRAIN TO THE OUTSIDE.
8. ROOF SHEATHING SHALL BE MIN. 9.5mm PLYWOOD PROVIDE 'H' CLIPS IF RAFTERS OR JOISTS ARE SPACED GREATER THAN 400mm O.C.
9. PROVIDE A LIGHT FIXTURE IN THE GARAGE.
10. STEEL BEAMS TO BE SUPPORTED BY SOLID MASONRY (190mm BEARING ON MASONRY OR 73mm DIA. STEEL COLUMN).
11. LINTELS AND BEAMS TO BE DESIGNED BY A QUALIFIED PERSON FOR SPANS GREATER THAN 4900mm

ISSUED FOR PPR 2020 JULY 14

Revision Issue/Description Date

CUSSONS RESIDENCE

SCOPE OF WORK: REMOVE AND REPLACE EXISTING 1 STOREY DETACHED GARAGE W/ NEW 1 STOREY DETACHED WOOD FRAME GARAGE

618 MILLGROVE SIDE ROAD
WATERDOWN, ON
L8B 0W7

CROSS SECTION

Scale: 1/4" = 1'-0"
Date: JULY 14 2020

Drawing No.: A3.01

ROOF RAFTERS (WHERE NO CEILING IS INSTALLED)

RAFTER SIZE	MAXIMUM CLEAR SPAN (M)					
	ROOF SNOW LOAD 1.0kPa			ROOF SNOW LOAD 1.5kPa		
	RAFTER SPACING (mm) O.C.		RAFTER SPACING (mm) O.C.	RAFTER SPACING (mm) O.C.		RAFTER SPACING (mm) O.C.
	300	400	600	300	400	600
38x89	3.11	2.83	2.47	2.72	2.47	2.16
38x140	4.90	4.45	3.89	4.28	3.89	3.40
38x184	6.44	5.85	5.11	5.62	5.11	4.41
38x235	8.22	7.47	6.38	7.18	6.52	5.39

ROOF JOISTS (WHERE CEILING IS INSTALLED)

JOIST SIZE	MAXIMUM CLEAR SPAN (M)					
	ROOF SNOW LOAD 1.0kPa			ROOF SNOW LOAD 1.5kPa		
	JOIST SPACING (mm) O.C.		JOIST SPACING (mm) O.C.	JOIST SPACING (mm) O.C.		JOIST SPACING (mm) O.C.
	300	400	600	300	400	600
38x140	3.89	3.53	3.08	3.40	3.08	2.69
38x184	5.11	4.64	4.05	4.46	4.05	3.54
38x235	6.52	5.93	5.18	5.70	5.18	4.52

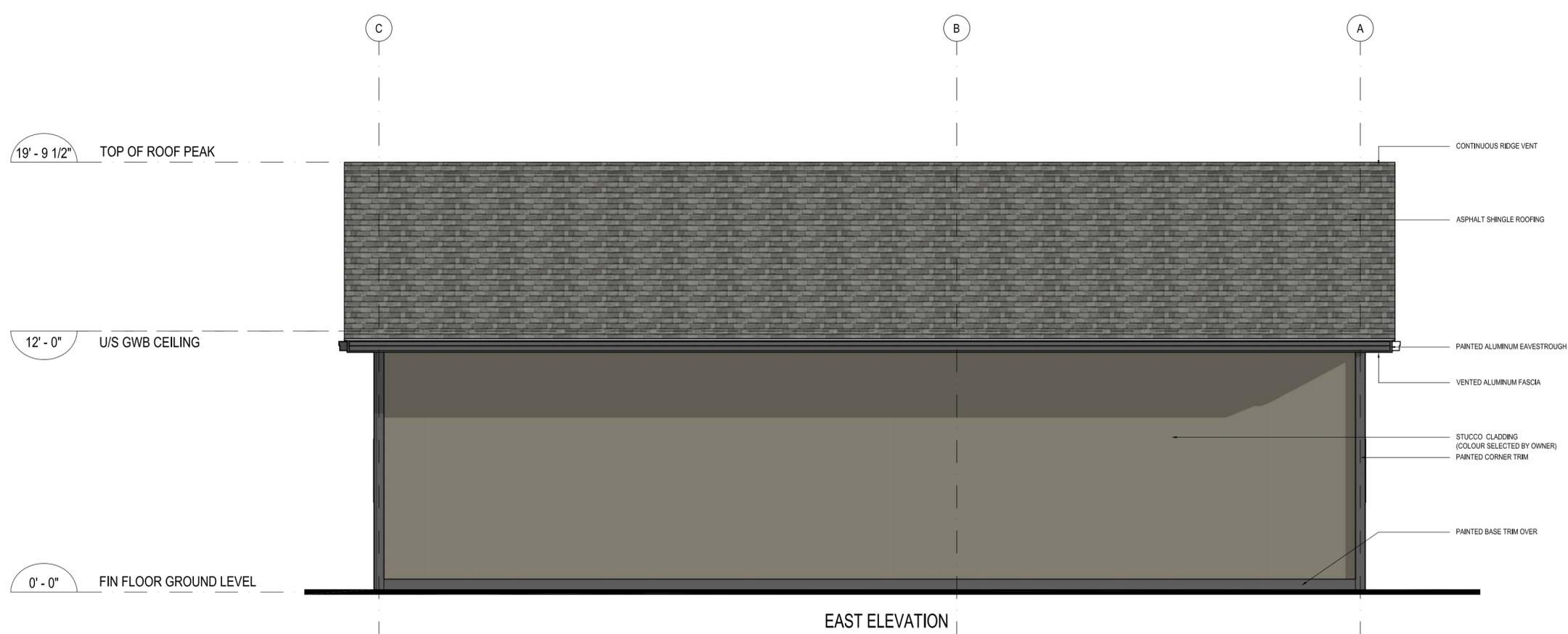
LINTELS (MAXIMUM 1.5 kPa ROOF SNOW LOAD)

DOOR WIDTH	LINTELS FOR WOOD FRAMING		LINTELS FOR BRICK VENEER 90mm		LINTELS FOR SOLID MASONRY 200mm	
	NOT SUPPORTING THE ROOF	SUPPORTING THE ROOF	NOT SUPPORTING THE ROOF	SUPPORTING THE ROOF	NOT SUPPORTING THE ROOF	SUPPORTING THE ROOF
UP TO 3000mm	2/38x184	2/38x286	2/38x184 + ANGLE 125x90x8	2/38x286 + ANGLE 125x90x8	2 ANGLES 150x100x10	W150x22 + PLATE 200x10
UP TO 4900mm	2/38x286	4/38x286 OR 2-45x300 1.9E LVL	W200x27 + PLATE 200x10	W200x27 + PLATE 200x10	MUST BE DESIGNED	MUST BE DESIGNED

- General Notes:**
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WEST ELEVATION



EAST ELEVATION

ISSUED FOR PPR 2020 JULY 14

Revision	Issue/Description	Date

CUSSONS RESIDENCE

SCOPE OF WORK: REMOVE AND REPLACE EXISTING 1 STOREY DETACHED GARAGE W/ NEW 1 STOREY DETACHED WOOD FRAME GARAGE

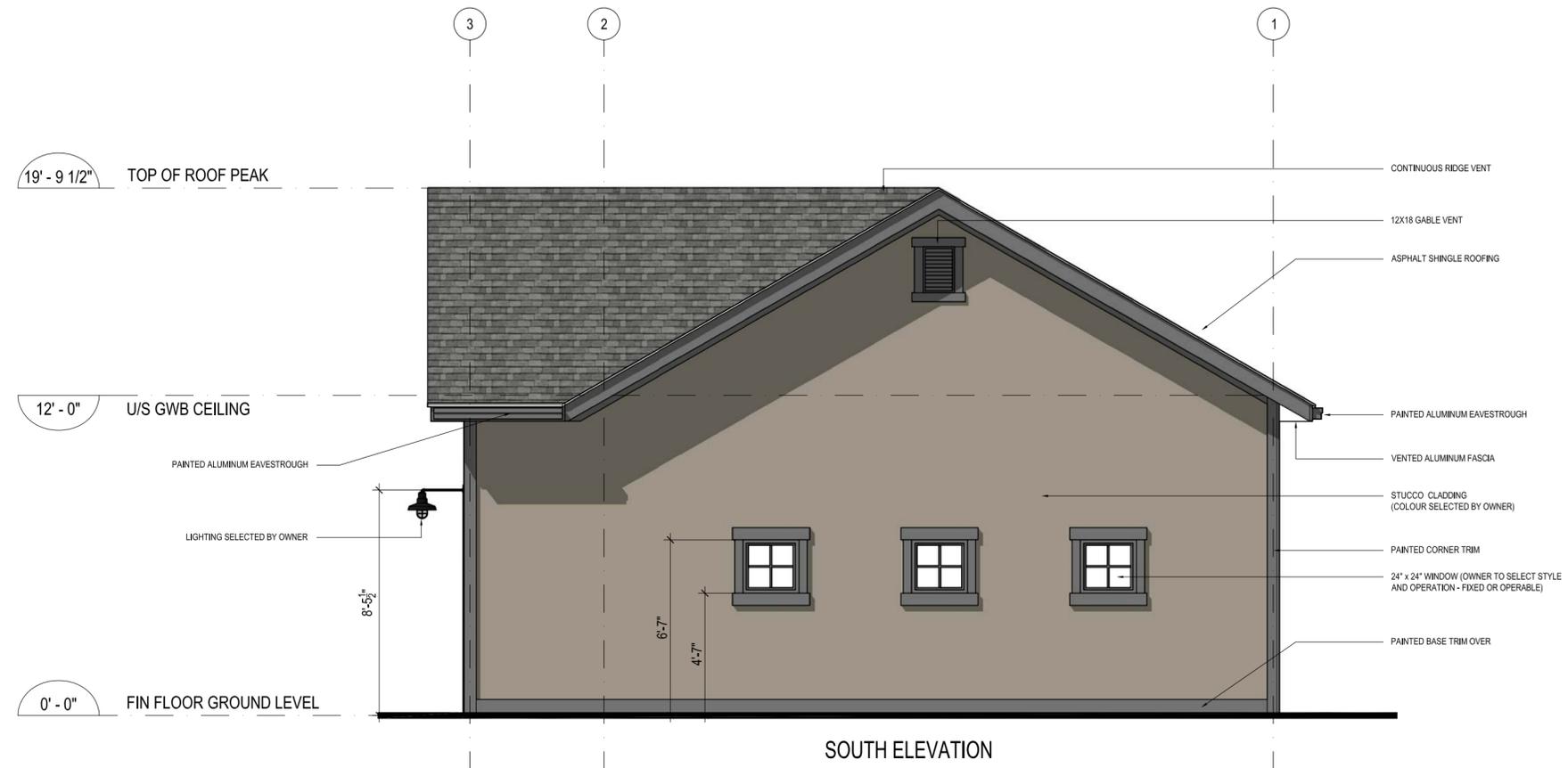
618 MILLGROVE SIDE ROAD WATERDOWN, ON L8B 0W7

EAST AND WEST ELEVATIONS

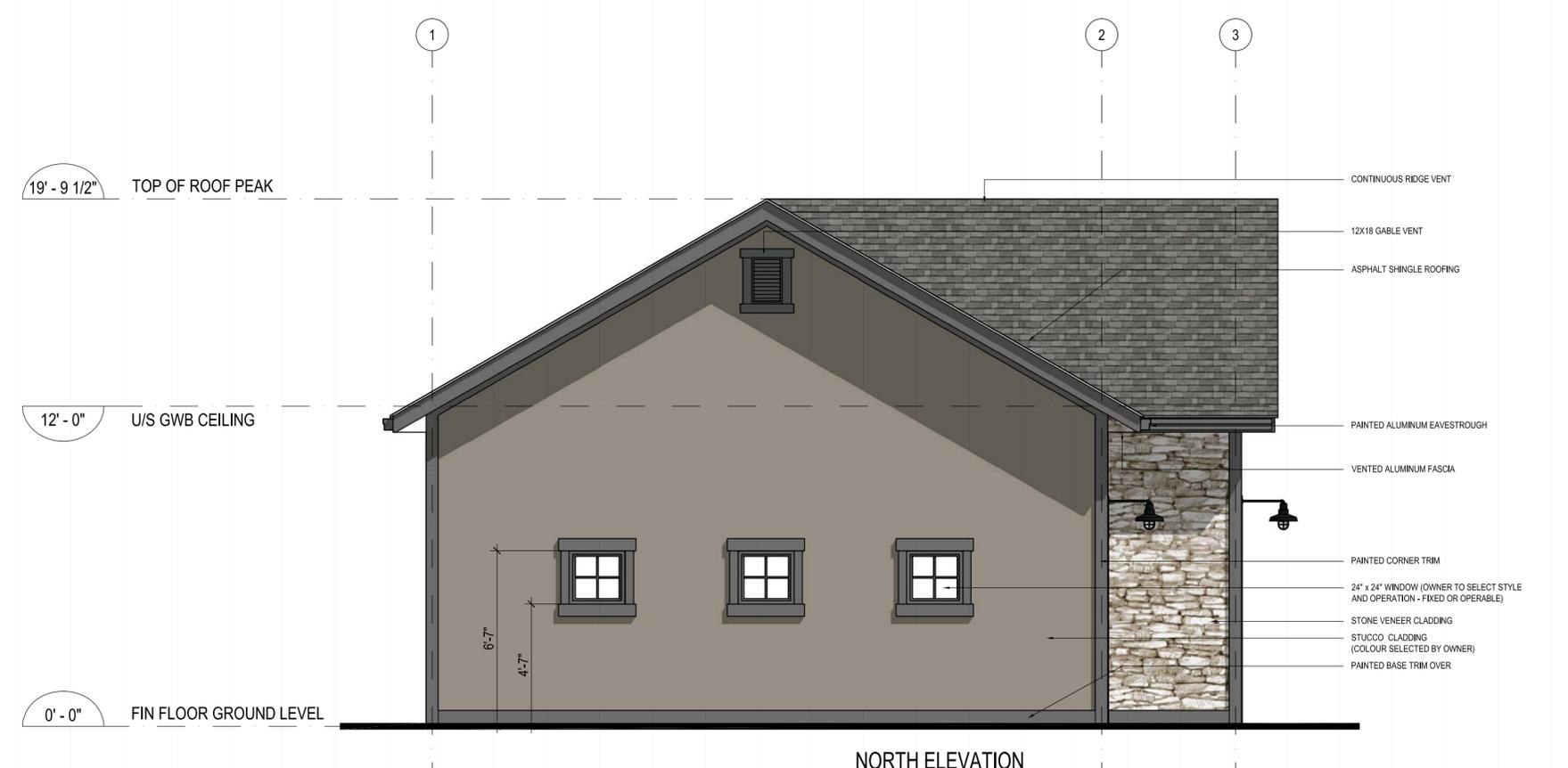
Scale: 1/4" = 1'-0"
Date: JULY 14 2020

Drawing No.: A4.01

- General Notes:**
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SOUTH ELEVATION



NORTH ELEVATION

ISSUED FOR PPR 2020 JULY 14

Revision	Issue/Description	Date

CUSSONS RESIDENCE

SCOPE OF WORK: REMOVE AND REPLACE EXISTING 1 STOREY DETACHED GARAGE W/ NEW 1 STOREY DETACHED WOOD FRAME GARAGE

618 MILLGROVE SIDE ROAD
WATERDOWN, ON
L8B 0W7

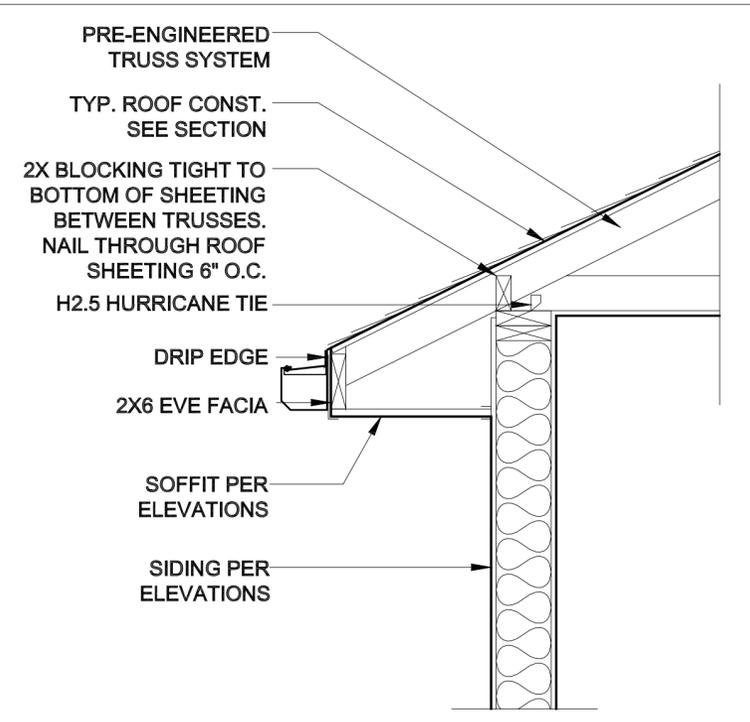
NORTH AND SOUTH ELEVATIONS

Scale: 1/4" = 1'-0"
Date: JULY 14 2020

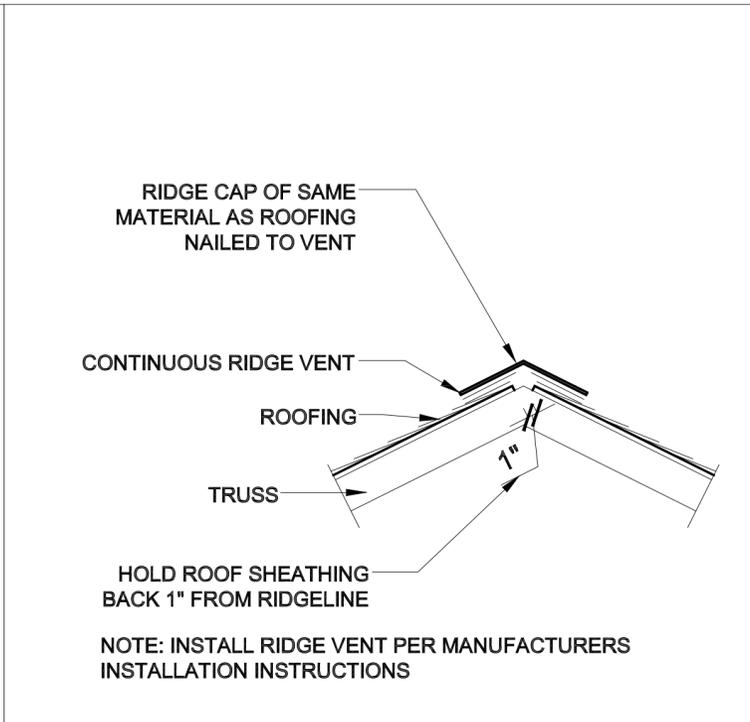
Drawing No.: A4.02

General Notes:

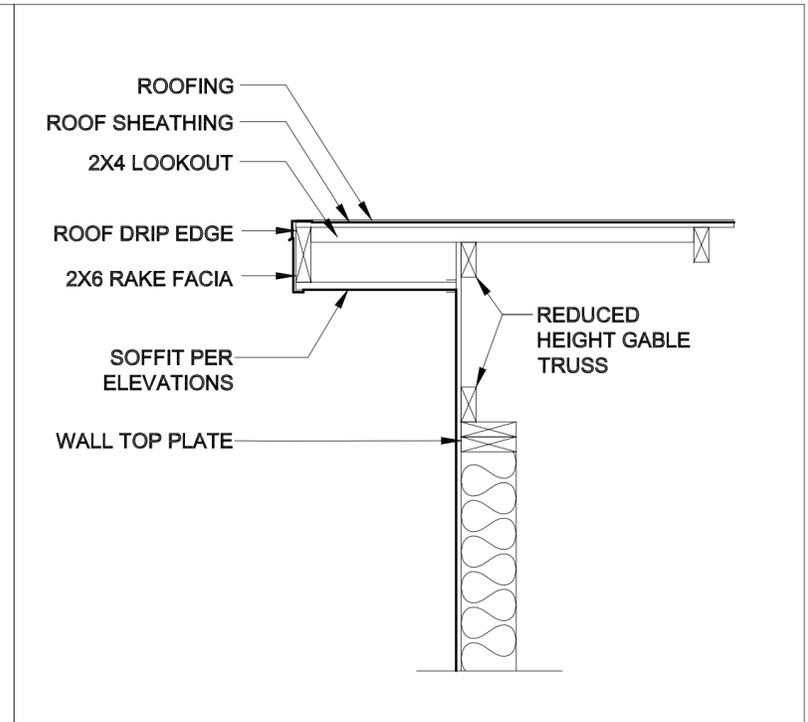
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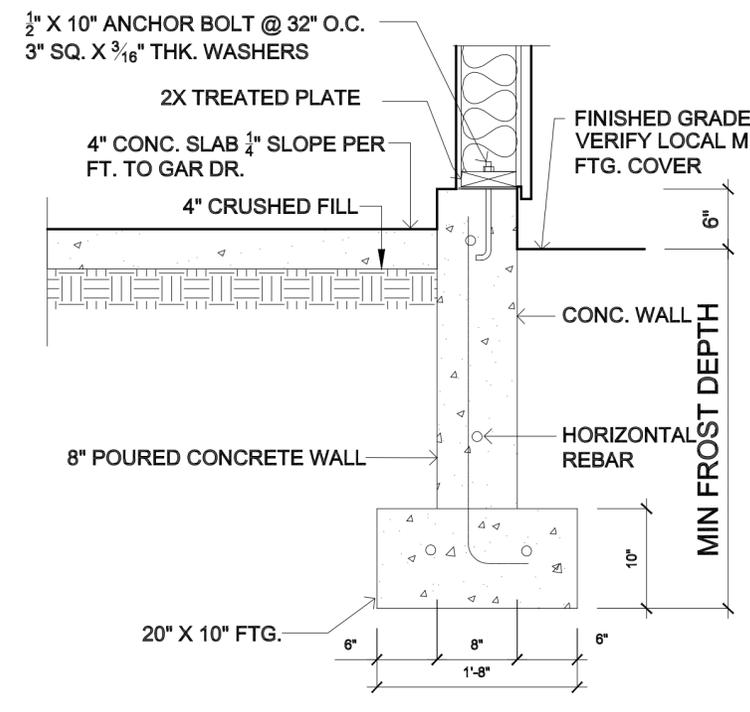
1 TRUSS CONNECTION TO WALL
1" = 1'-0"



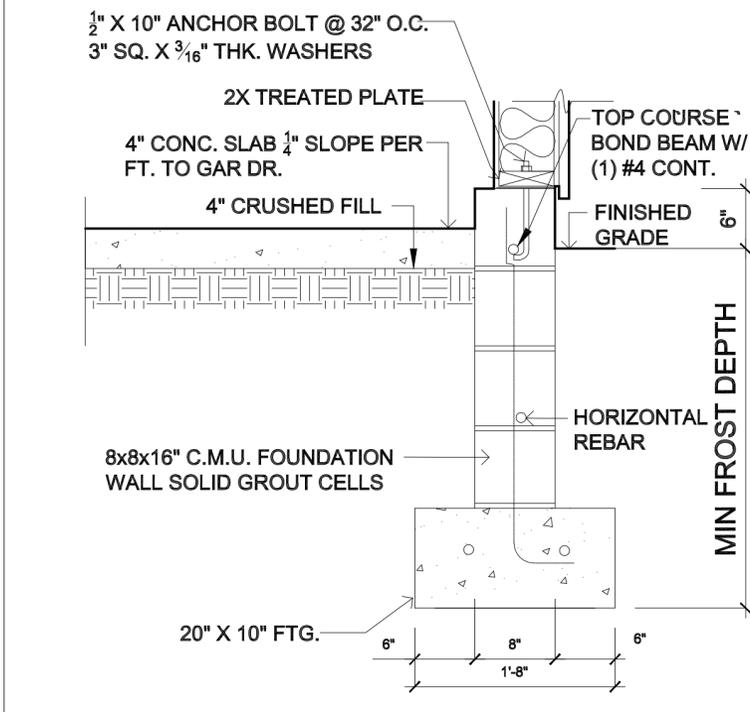
2 RIDGE VENT DETAIL
1" = 1'-0"



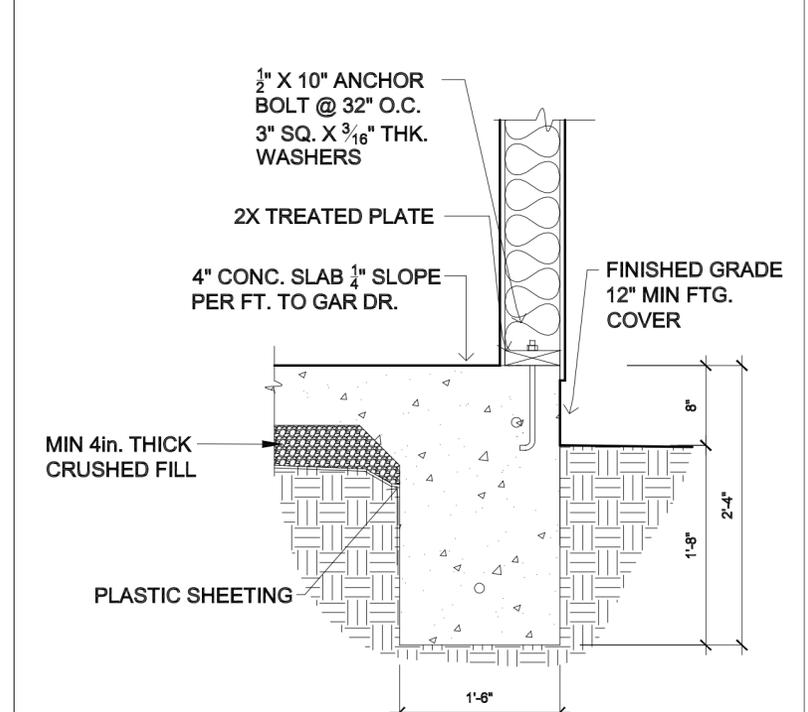
3 ROOF RAKE DETAIL
1" = 1'-0"



4 FOOTING AT GARAGE EXTERIOR
1" = 1'-0"



5 C.M.U. FOOTING AT GARAGE EXTERIOR
1" = 1'-0"



6 MONOLITHIC SLAB WITH FOOTINGS
1" = 1'-0"

ISSUED FOR PPR	2020 JULY 14	
Revision	Issue/Description	Date

CUSSONS RESIDENCE
SCOPE OF WORK: REMOVE AND REPLACE EXISTING 1 STOREY DETACHED GARAGE W/ NEW 1 STOREY DETACHED WOOD FRAME GARAGE

618 MILLGROVE SIDE ROAD
WATERDOWN, ON
L8B 0W7

TYPICAL DETAILS

Scale: 1" = 1'-0"
Date: JULY 14 2020

Drawing No.: A6.01



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	Mark and Nicole Cussons	618 Millgrove side rd Hamilton, ON L8B 0W7	[REDACTED]
Applicant(s)*	Mark Cussons	[REDACTED]	[REDACTED]
Agent or Solicitor			Phone:
			E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
 Scotia Bank mortgage - 76 Dundas Street E, Waterdown, ON L0R 2H2

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

4. Nature and extent of relief applied for:
Garage replacement - increasing size by 16%
5. Why it is not possible to comply with the provisions of the By-law?
We require additional storage space.
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
618 Millgrove side rd, Hamilton, ON, L8B 0W7
7. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Educated guess.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

March 24, 2021
Date

Signature Property Owner

Print Name of Owner

10. Dimensions of lands affected:

Frontage 231ft
Depth 208ft
Area 48048sqft
Width of street approx 30ft

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Front = 154'6"
Side North = 54'5"
Side South = 118'
Rear = 25'

Proposed

Front = 156'6"
Side North = 54'5"
Side South = 131'3"
Rear = 21'3"

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Front = 154'6"
Side North = 54'5"
Side South = 118'
Rear = 25'

Proposed:

Front = 156'6"
Side North = 54'5"
Side South = 131'3"
Rear = 21'3"

13. Date of acquisition of subject lands:
August 2013 _____
14. Date of construction of all buildings and structures on subject lands:
Unknown +30 years _____
15. Existing uses of the subject property:
Residential
16. Existing uses of abutting properties:
South is 40 acre farm with house, North is 7 acre with house
17. Length of time the existing uses of the subject property have continued:
Decades
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
No
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
No
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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.: DN/A-21:134

APPLICANTS: Shane VanBarneveld on behalf of the owners K. & S. Roszell

SUBJECT PROPERTY: Municipal address **39 Hillside Ave. S., Dundas**

ZONING BY-LAW: Zoning By-law 3581-86, as Amended 14-275

ZONING: "R2" (Single Detached Residential) Zone

PROPOSAL: To permit the construction of a second storey addition to the existing single detached dwelling notwithstanding that;

1. A minimum side yard setback of 1.88 metres shall be provided on the southerly side lot line instead of the minimum required side yard setback of 5.0 m on one side of an interior lot upon which there is no garage or carport.
2. A required parking space shall be permitted to be located in a required front yard, instead of the requirement that no required parking space shall be located in a required front yard, except for the access driveway leading to the required parking space.
3. A canopy, eave or gutter shall be permitted to project a maximum of 3.91 metres into the required southerly side yard and may be as close as 1.09 metres to the southerly lot line instead of the maximum 1.0 metre projection permitted.

NOTE:

1. A building permit is required for the proposed addition. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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

DATE: Thursday, May 20th, 2021
TIME: 1:25 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

DN/A-21: 134
Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.

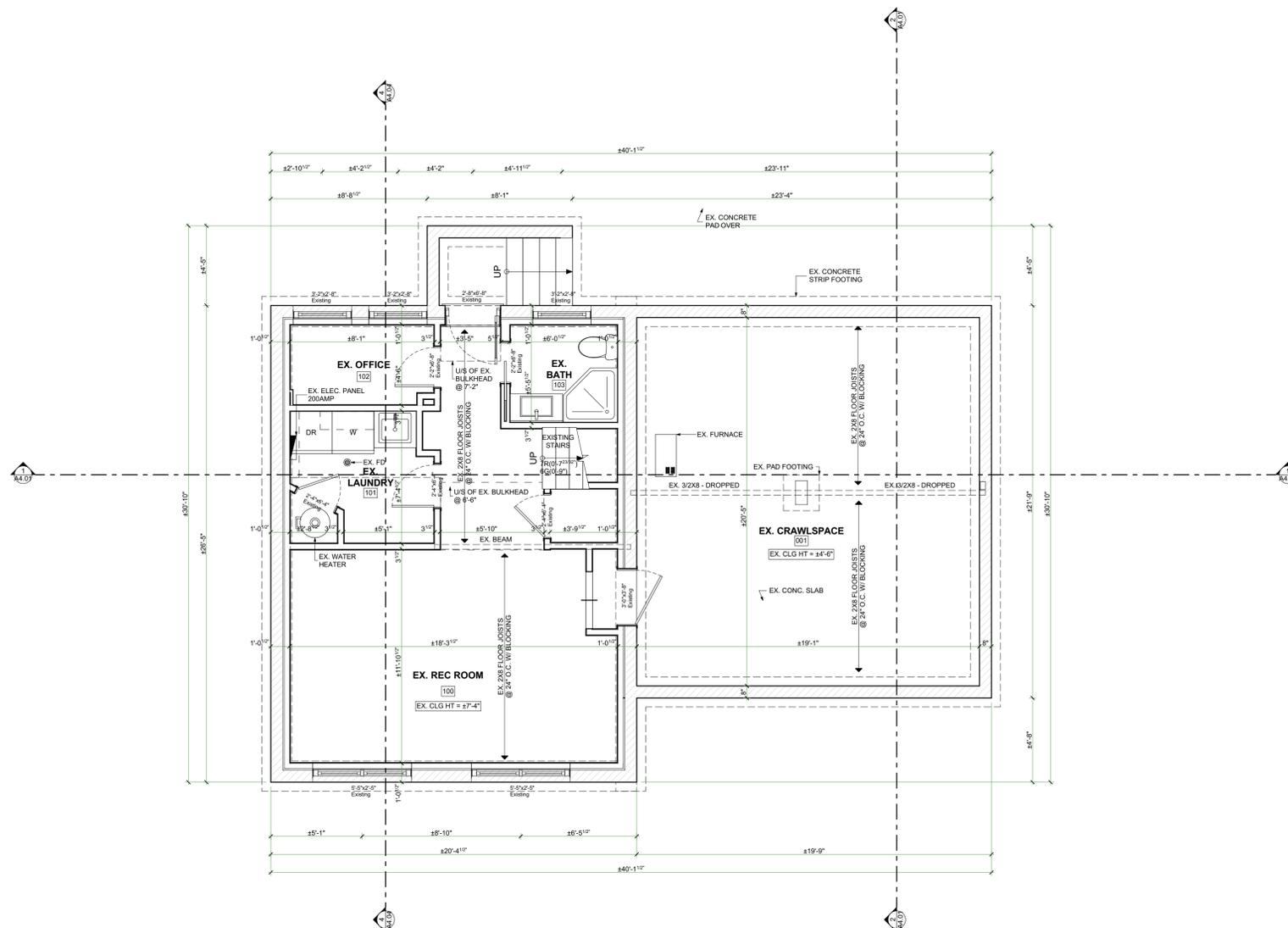
RENOVATION TO:
ROSZELL
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
2		
3		
4		
5		

DRAWING:
**TITLE SHEET / GENERAL
INFO**

PROJECT NAME:
ROSZELL
PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/1/2021	SCALE: AS NOTED	DRAWING NO: A0.01
	PROJECT NO: ---	



1 EXISTING BASEMENT PLAN

SCALE: 1/4" = 1'-0"

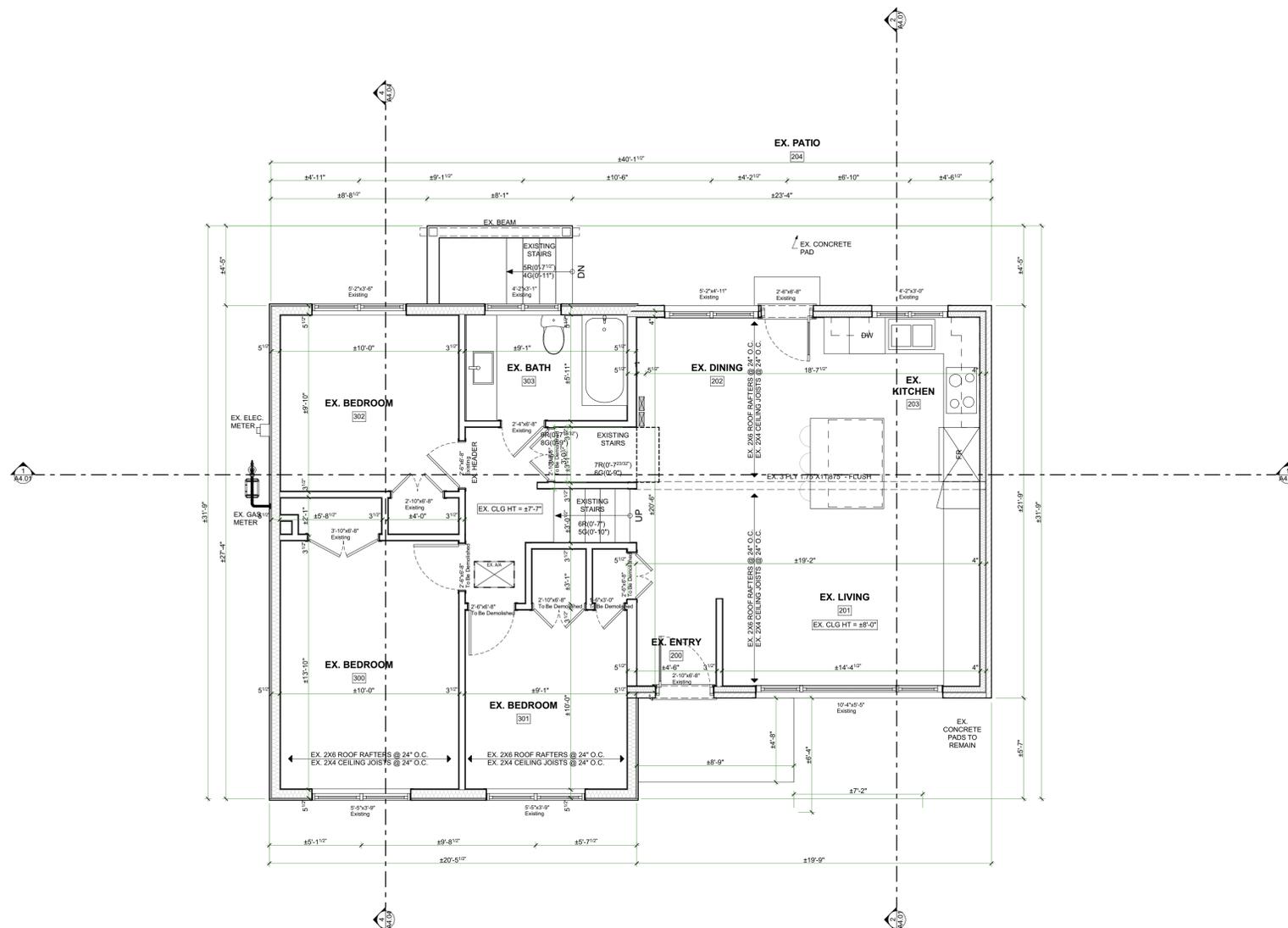
NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
2		
3		
4		
5		

DRAWING:
EXISTING BASEMENT PLAN

PROJECT NAME:
ROSZELL
PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/12/2021	DRAWING NO:
SCALE: AS NOTED	A1.01
PROJECT NO:	

Printed: 4/12/21 @ 1:58 PM



1 EXISTING MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
2		
3		
4		
5		

DRAWING:
EXISTING MAIN FLOOR PLAN

PROJECT NAME:
ROSZELL
PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/12/2021

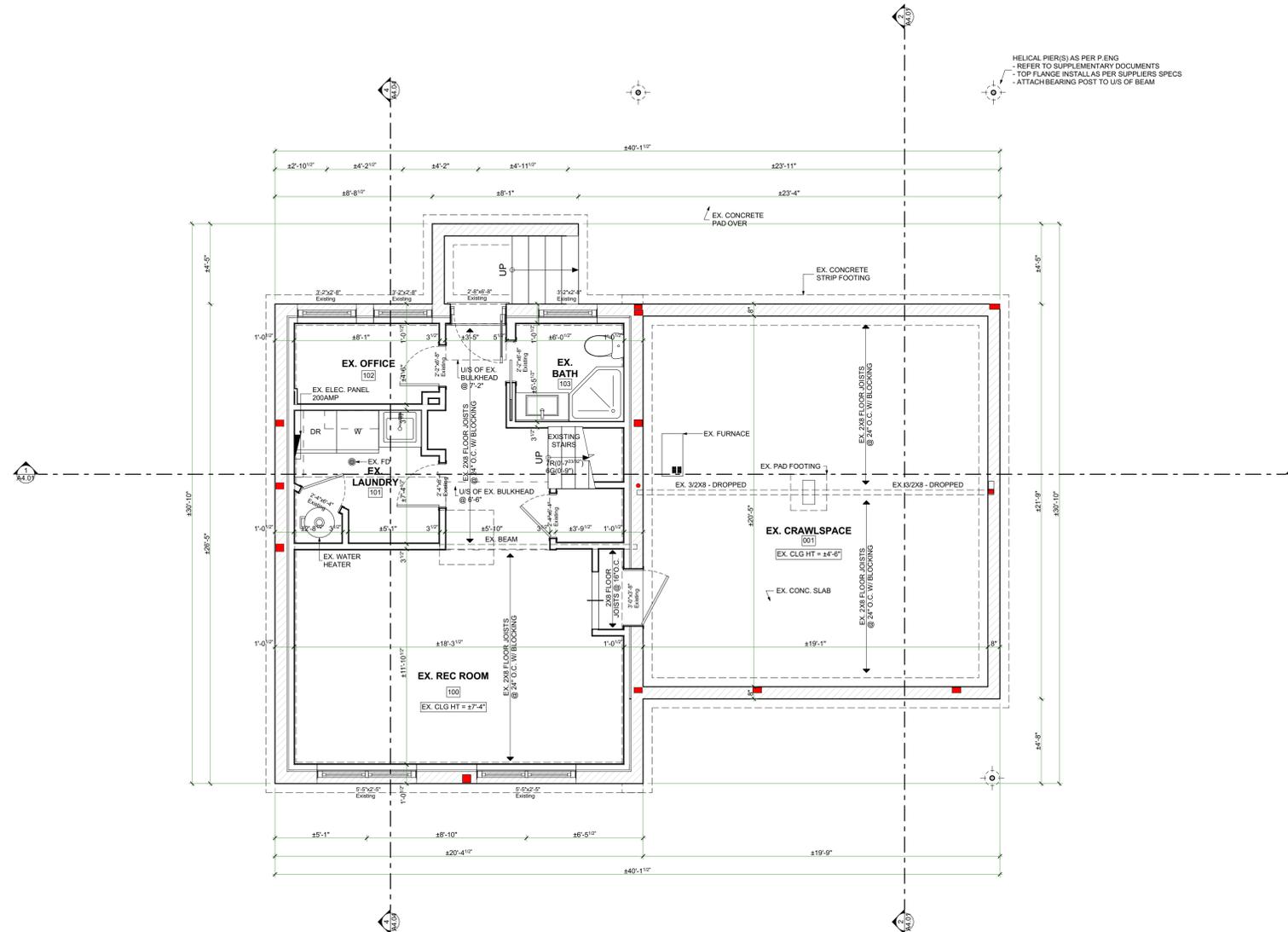
SCALE:
AS NOTED

DRAWING NO:

PROJECT NO:

A1.02

ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE



HELICAL PIER(S) AS PER P.ENG
 REFER TO SUPPLEMENTARY DOCUMENTS
 TOP FLANGE INSTALLED PER SUPPLIERS SPECS
 ATTACH BEARING POST TO US OF BEAM

1 PROPOSED BASEMENT PLAN
 SCALE: 1/4" = 1'-0"

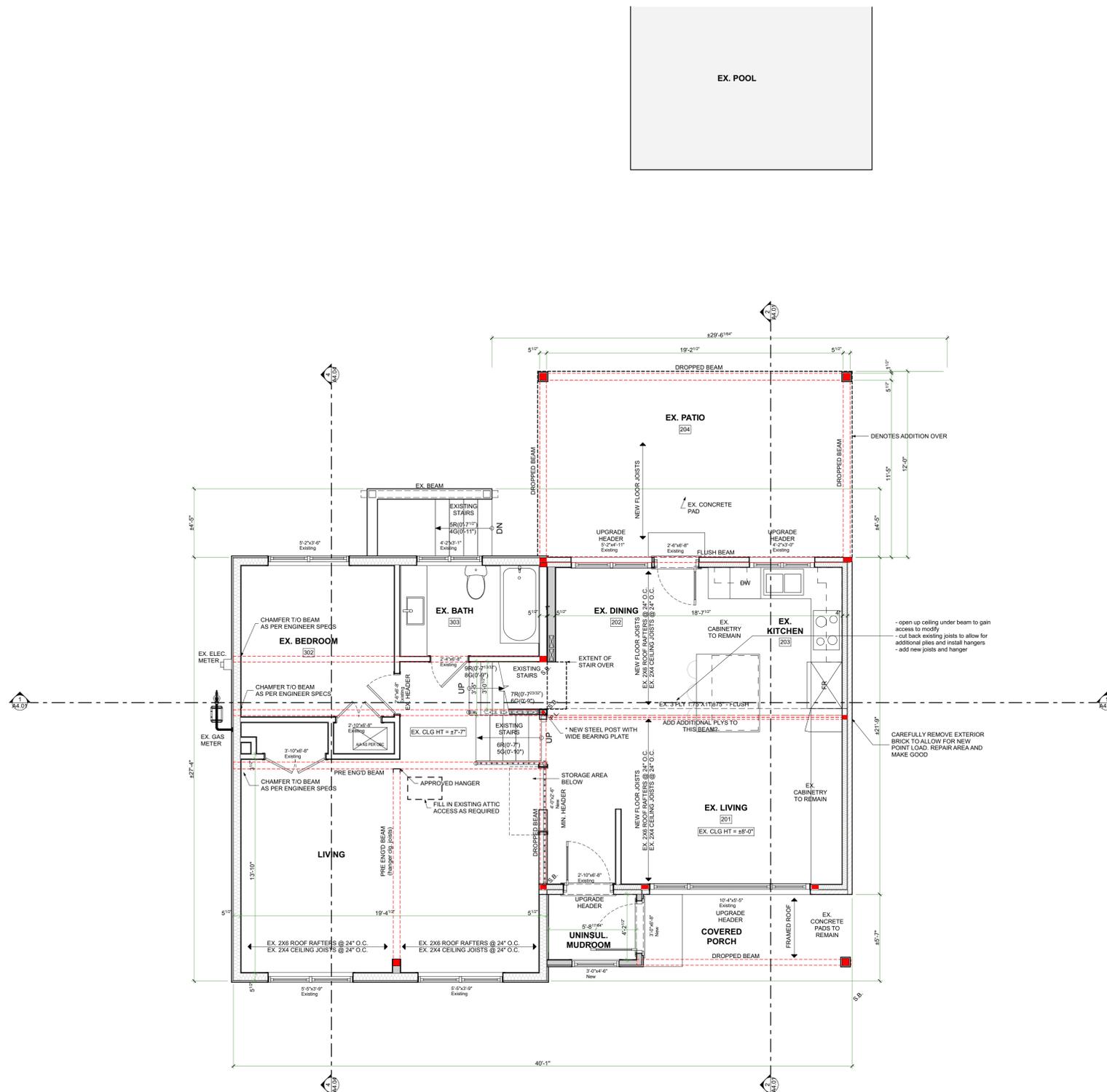
NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
2		
3		
4		
5		

DRAWING:
**PROPOSED BASEMENT
 PLAN**

PROJECT NAME:
ROSZELL
 PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/12/2021	
SCALE: AS NOTED	DRAWING NO: A1.03
PROJECT NO: ---	

ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE



1 PROPOSED MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
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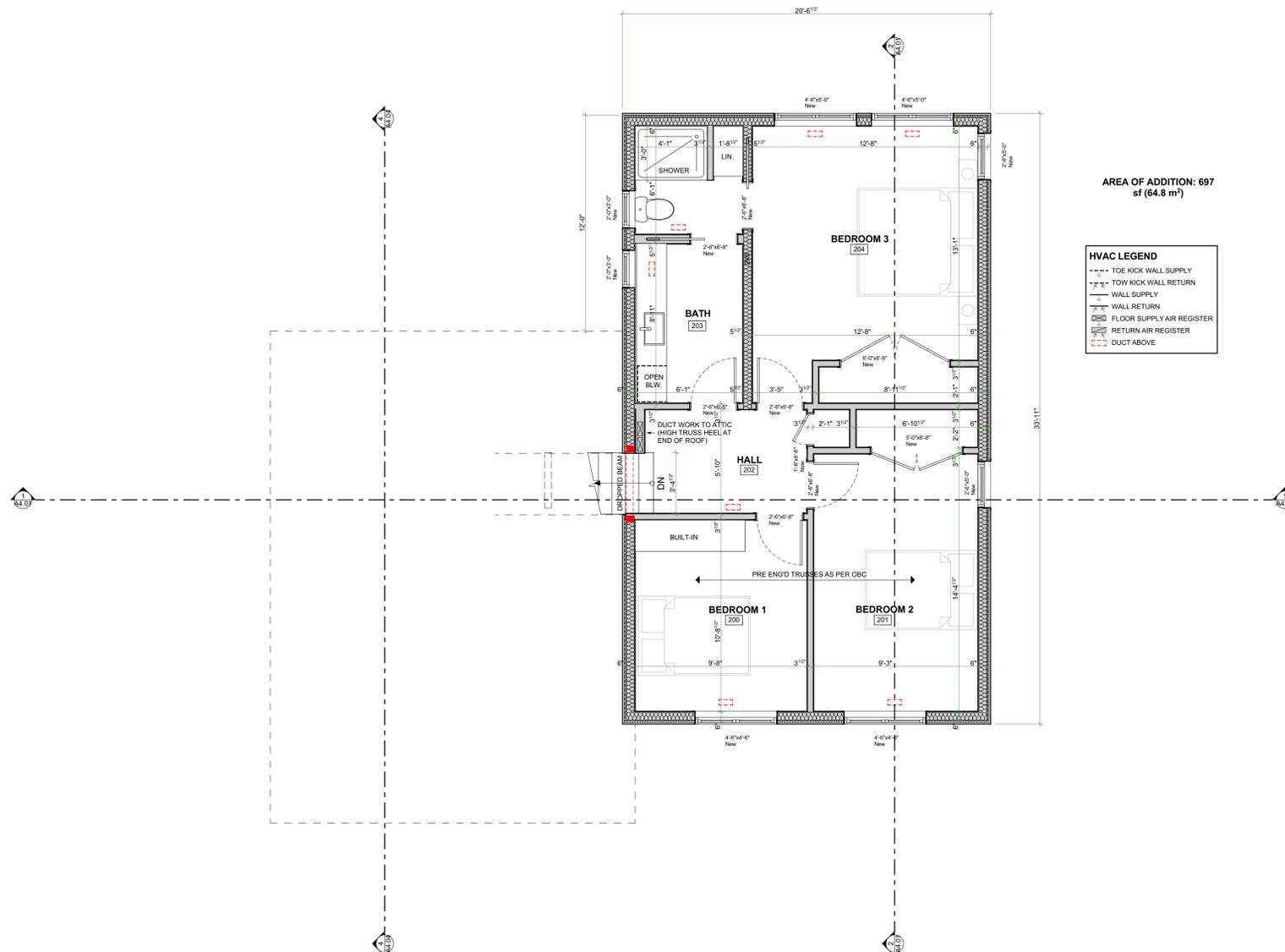
DRAWING:
PROPOSED MAIN FLOOR PLAN

PROJECT NAME:
ROSZELL
PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/12/2021	DRAWING NO:
SCALE: AS NOTED	A1.04
PROJECT NO:	

Printed: 4/12/2021 @ 1:58 PM

ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE



1 PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
2		
3		
4		
5		

DRAWING:
PROPOSED SECOND FLOOR PLAN

PROJECT NAME:
ROSZELL

PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

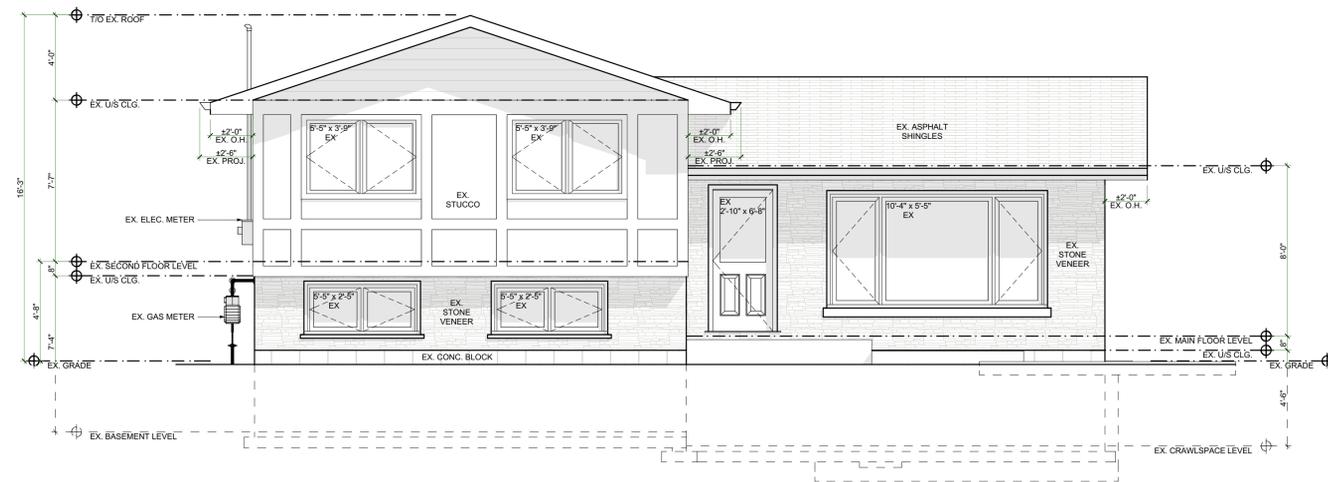
DATE: 4/12/2021

SCALE: AS NOTED

DRAWING NO: **A1.05**

PROJECT NO: ---

Printed: 4/12/2021 @ 1:58 PM



1 EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"

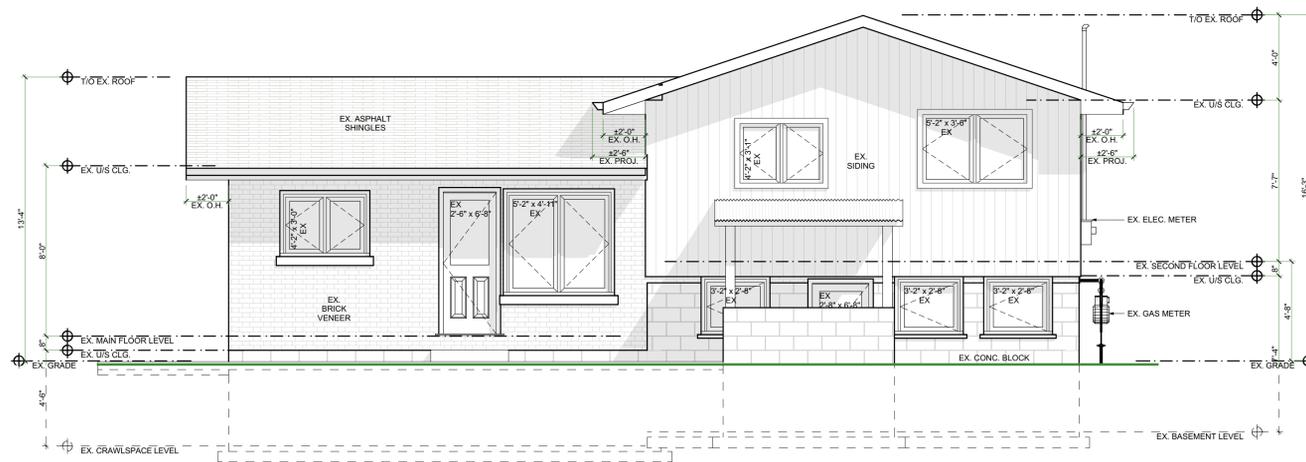
NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
2		
3		
4		
5		

DRAWING:
EXISTING FRONT ELEVATION

PROJECT NAME:
ROSZELL
PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/1/2021	DRAWING NO:
SCALE: AS NOTED	A2.01
PROJECT NO: ---	

Printed: 4/1/2021 @ 1:58 PM



1 EXISTING REAR ELEVATION

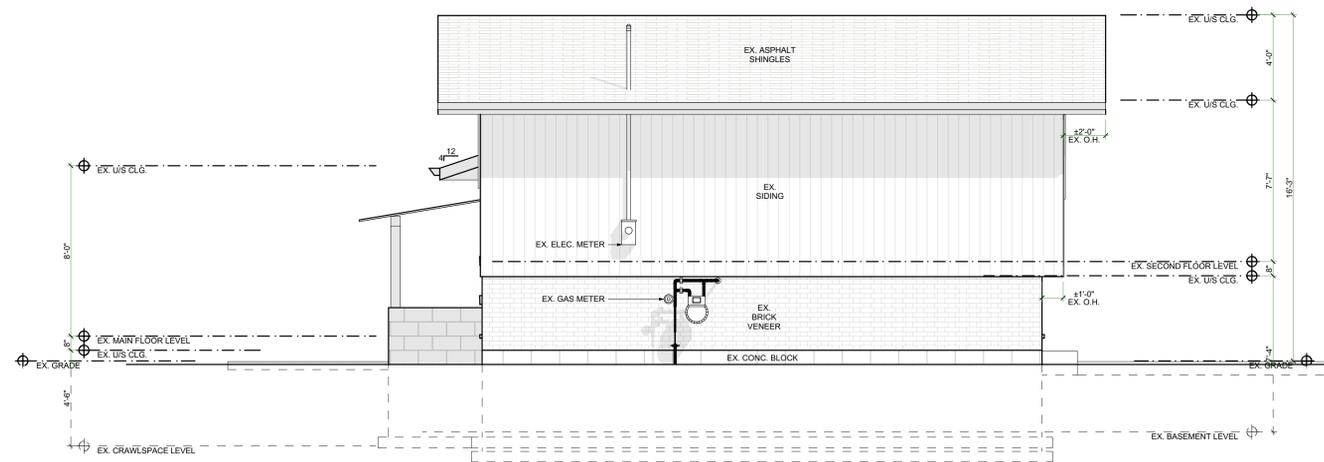
SCALE: 1/4" = 1'-0"

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
2		
3		
4		
5		

DRAWING:
EXISTING REAR ELEVATION

PROJECT NAME:
ROSZELL
PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/1/2021	DRAWING NO:
SCALE: AS NOTED	A2.02
PROJECT NO: ---	



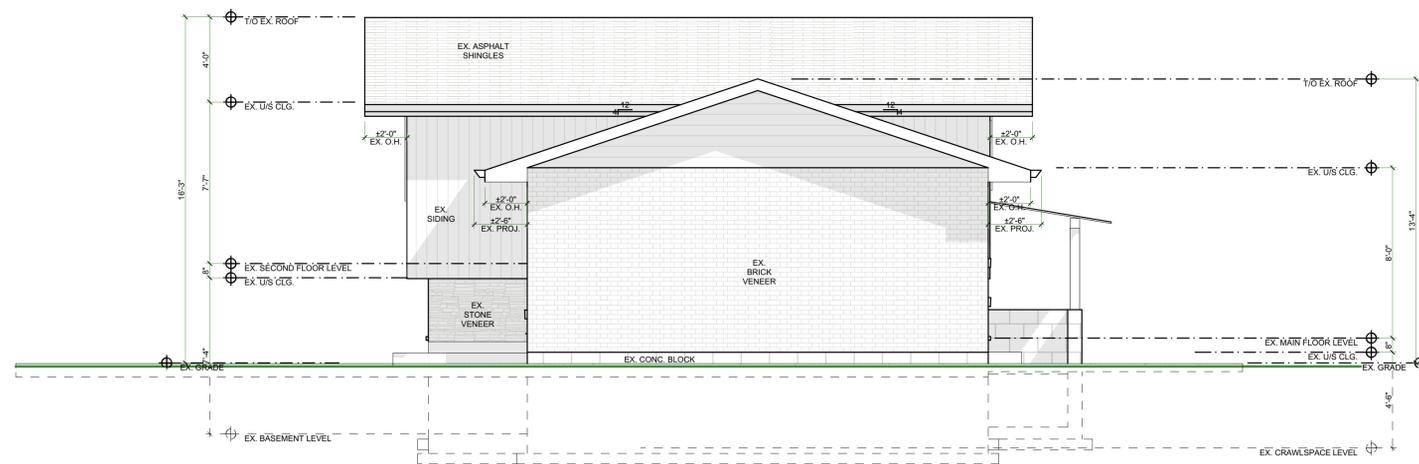
1 EXISTING LEFT ELEVATION
SCALE: 1/4" = 1'-0"

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
2		
3		
4		
5		

DRAWING:
EXISTING LEFT ELEVATION

PROJECT NAME:
ROSZELL
PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/1/2021	SCALE: AS NOTED	DRAWING NO: A2.03
	PROJECT NO: ---	Printed: 4/1/2021 @ 1:58 PM



1 EXISTING RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

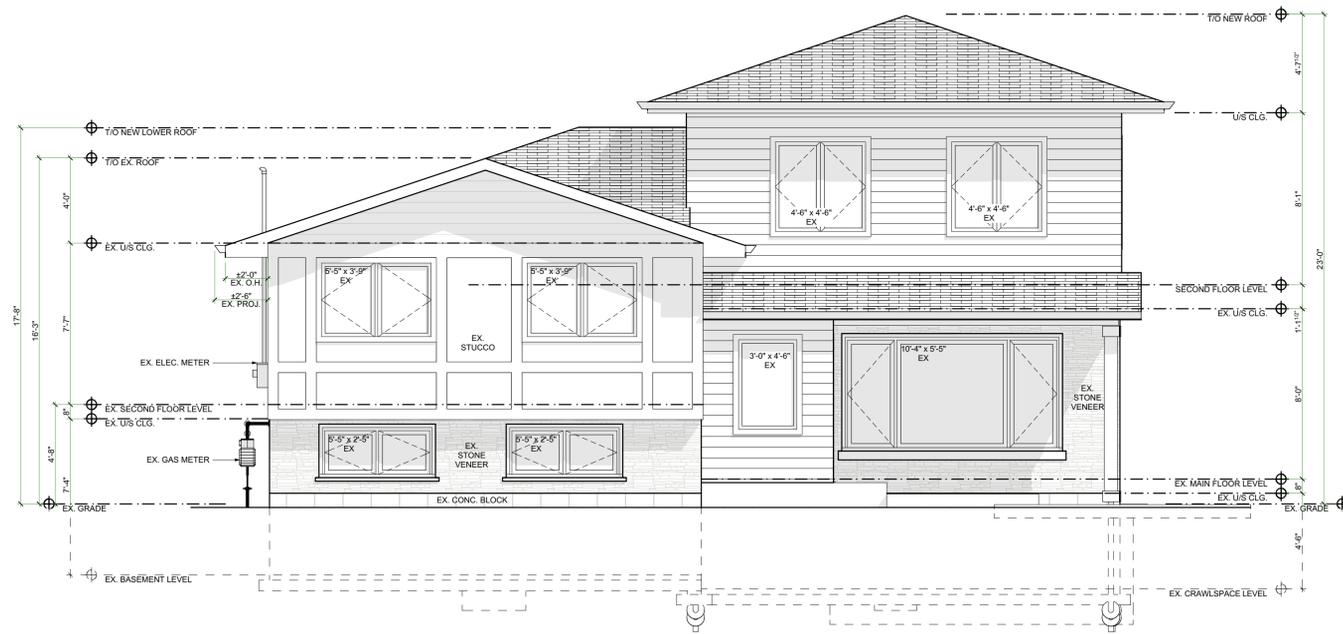
NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
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DRAWING:
EXISTING RIGHT ELEVATION

PROJECT NAME:
ROSZELL

PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/1/2021	DRAWING NO:
SCALE: AS NOTED	A2.04
PROJECT NO: ---	Printed: 4/1/2021 @ 1:58 PM



1 PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"

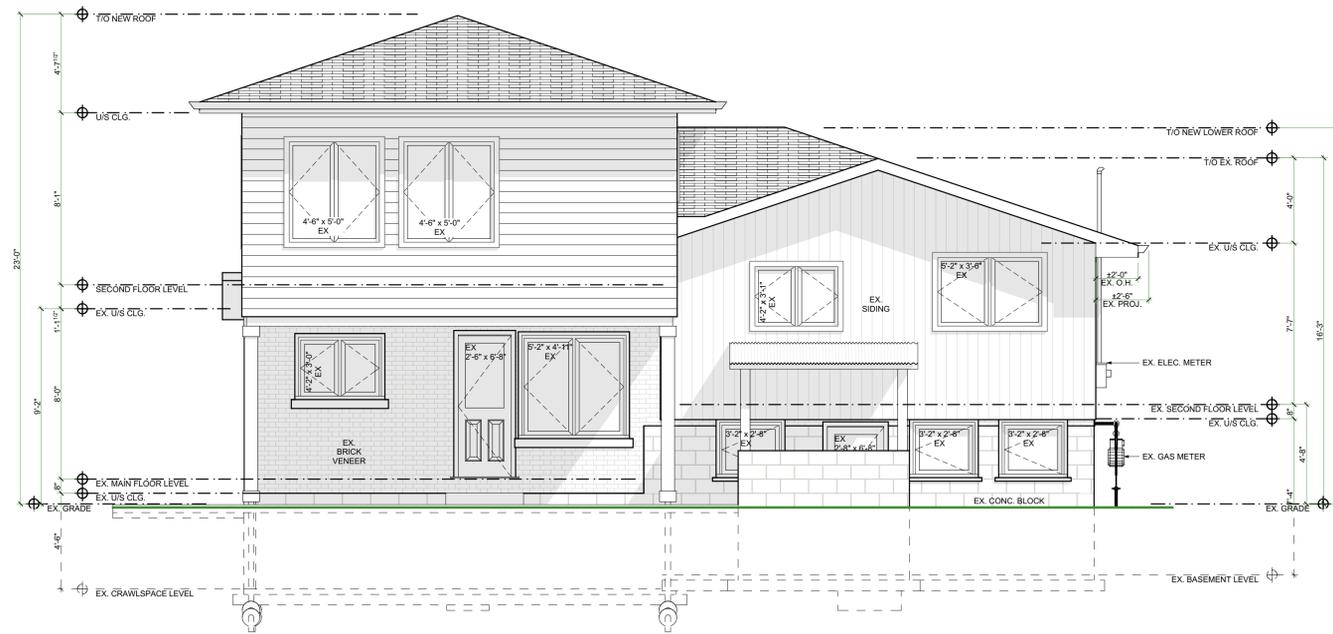
NO.	REVISION	DATE
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DRAWING:
PROPOSED FRONT ELEVATION

PROJECT NAME:
ROSZELL
PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/12/2021	DRAWING NO:
SCALE: AS NOTED	A2.05
PROJECT NO:	

Printed: 4/12/2021 @ 1:58 PM



1 PROPOSED REAR ELEVATION
SCALE: 1/4" = 1'-0"

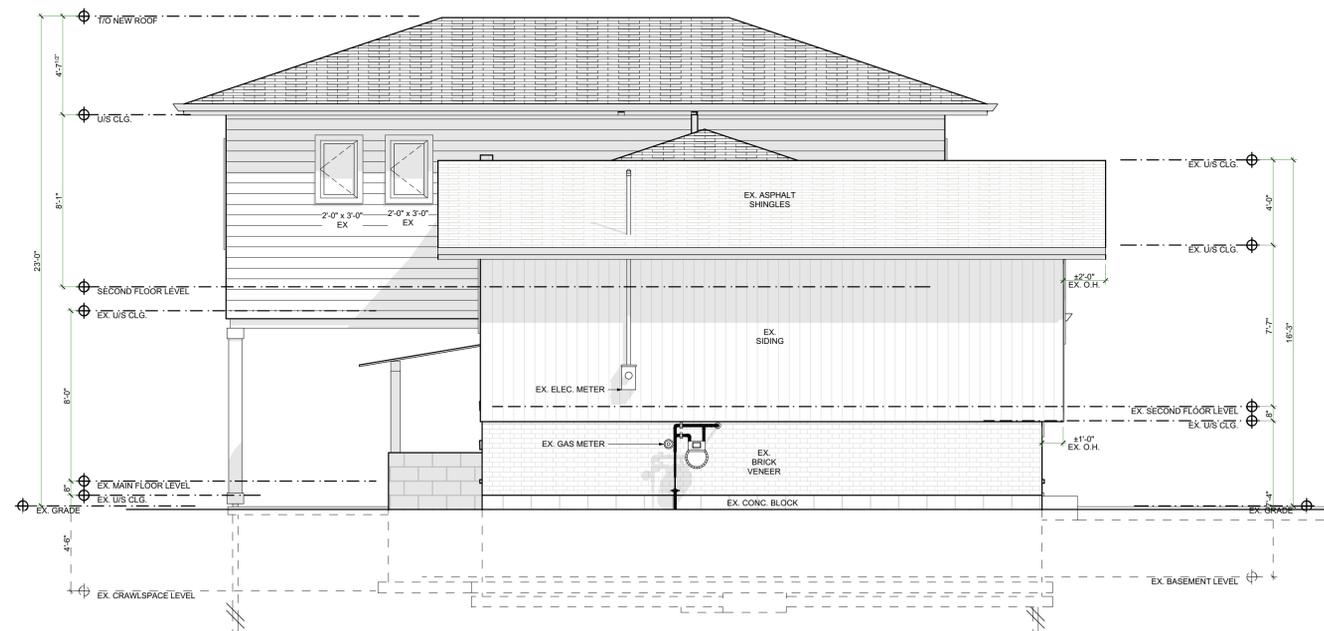
NO.	REVISION	DATE
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DRAWING:
PROPOSED REAR ELEVATION

PROJECT NAME:
ROSZELL
PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/12/2021	DRAWING NO:
SCALE: AS NOTED	A2.06
PROJECT NO: ---	

Printed: 4/12/2021 @ 1:58 PM



1 PROPOSED LEFT ELEVATION
SCALE: 1/4" = 1'-0"

NO.	REVISION	DATE
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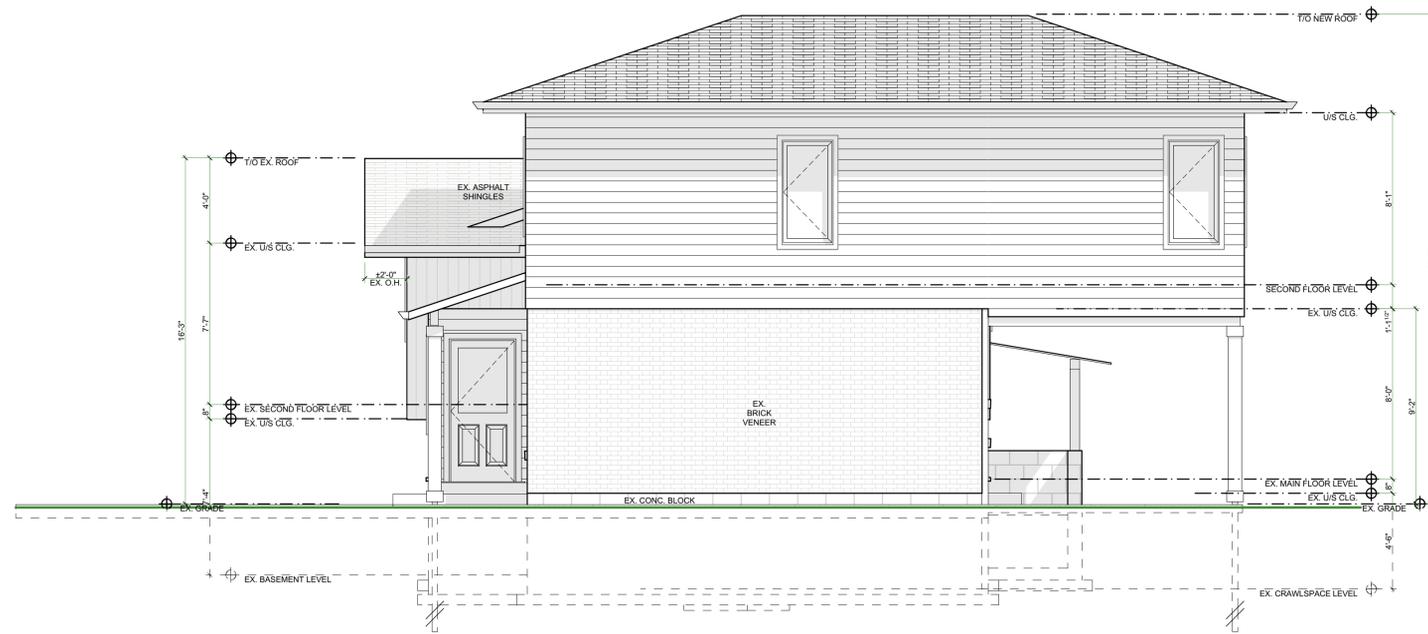
DRAWING:
PROPOSED LEFT ELEVATION

PROJECT NAME:
ROSZELL

PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/1/2021	DRAWING NO:
SCALE: AS NOTED	A2.07
PROJECT NO:	

Printed: 4/1/2021 @ 1:58 PM



1 PROPOSED RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
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DRAWING:
PROPOSED RIGHT ELEVATION

PROJECT NAME:
ROSZELL
PROJECT ADDRESS:
39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/12/2021	DRAWING NO:
SCALE: AS NOTED	A2.08
PROJECT NO: ---	

Printed: 4/12/2021 @ 1:58 PM

SITE INFORMATION Zoning Information taken on: 2021.03.31

ADDRESS: 39 HILLSIDE AVE S
 MUNICIPALITY: DUNDAS
 POSTAL CODE: L9H 4H7

ZONING INFORMATION

PARENT BYLAW #: 3581-06 DUNDAS
 ZONE: R1
 BYLAW EXCEPTION #: N/A

	Required:	Existing:	Proposed:	Variance:
LOT AREA (m2):	450 min	607.03	AS EX	○
LOT WIDTH (m):	15 min	15.24	AS EX	○
LOT DEPTH (m):	N/A	40.41	AS EX	○
LOT FRONTAGE (m):	15 min	15.24	AS EX	○
LOT COVERAGE (%):	N/A	N/A	N/A	○
FLOOR AREA RATIO ¹ :	N/A	N/A	N/A	○
GROSS FLOOR AREA ² :	N/A	N/A	N/A	○
BUILDING HEIGHT (m):	N/A	N/A	N/A	○
PARKING SPACES ³ :	1	1	1	○
Habitable Rooms:	8	6	8	○

SETBACKS (m)	Required:	Existing:	Proposed:	Variance:
FRONT:	6.0	8.5	AS EX	○
REAR:	7.5	23.53	1987	○
SIDE:	1.2	1.10	1.10	○
EXTERIOR SIDE:	5.0	1.88	1.88	●
CORNER:	n/a	n/a	n/a	○

ENCROACHMENTS (m)	Required:	Existing:	Proposed:	Variance:
ROOF PROJECTION:	0.6	0.79	0.79	●
COVERED PORCH:	1.5	N/A	N/A	○
UNCOVERED PORCH:	1.5	N/A	N/A	○
DECK:	1.5	N/A	N/A	○

ACCESSORY BUILDINGS:	Required:	Existing:	Proposed:	Variance:
SIZE:	N/A	10 m ²	AS EX	○
HEIGHT:	N/A	2.4m	AS EX	○

OTHER RESTRICTIONS:

CONSERVATION AUTHORITY	○
NIAGARA ESCARPMENT CONTROL	○
MTO	○
SEPTIC	○
SITE PLAN CONTROL	○
TREE PROTECTION	○

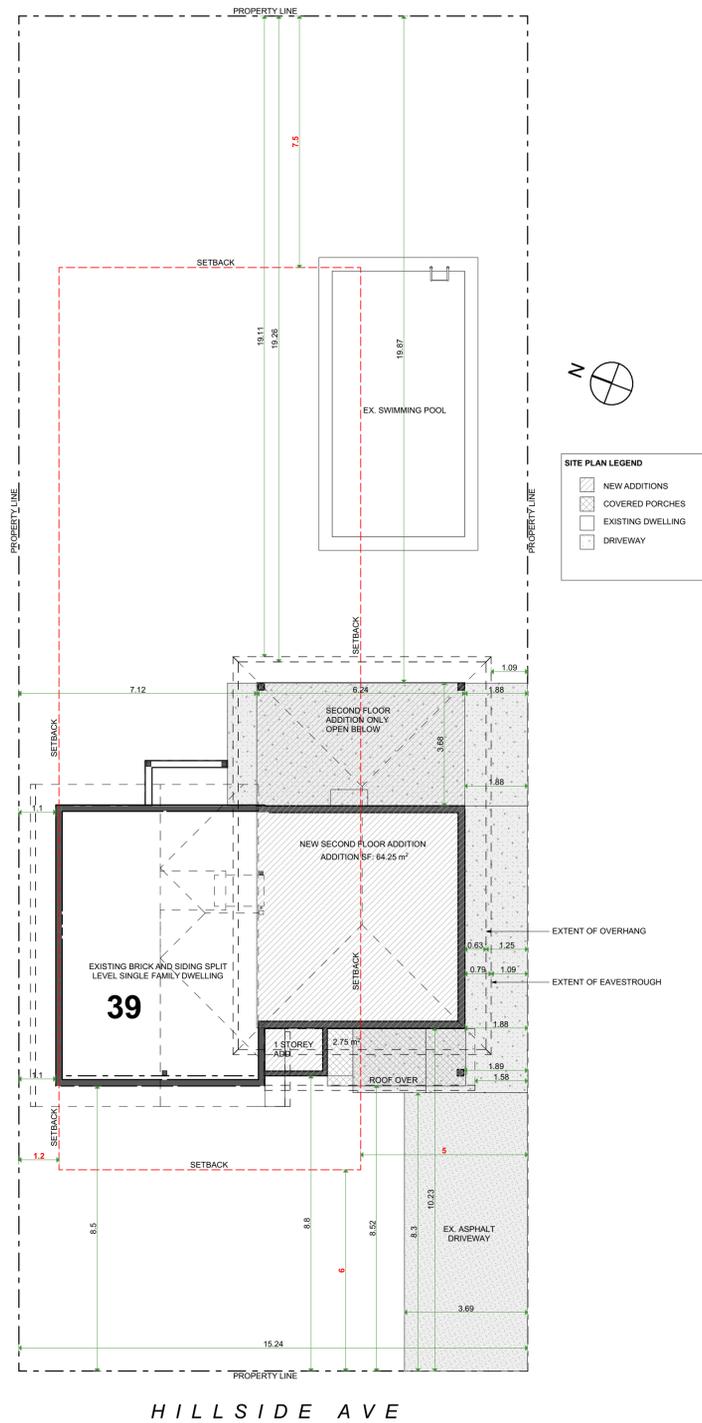
REFERENCES

¹ Proposed lot coverage calculations = Proposed Footprint area / Lot Area

² Floor Area Ratio Calculation: Total GFA / Lot Area

³ Parking space sizing as follows:
 Hamilton: 2.7m x 6.0m
 Burlington: 2.7m x 6.0m

⁴ Area of all floors excluding the following:
 1. 100sf for laundry if possible
 2. 70sf for mechanical if possible
 3. Attic space
 4. Any area that is uninhabitable



1 SITE PLAN
 SCALE: 1:100

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.03.31
2		
3		
4		
5		

DRAWING:
SITE PLAN

PROJECT NAME:
ROSZELL

PROJECT ADDRESS:
 39 HILLSIDE AVE S DUNDAS ON L9H 4H7

DATE: 4/1/2021	SCALE: AS NOTED	DRAWING NO: SP0.01
PROJECT NO: ---		

Printed: 4/1/2021 @ 1:59 PM

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ **DATE APPLICATION RECEIVED** _____

PAID _____ **DATE APPLICATION DEEMED COMPLETE** _____

SECRETARY'S SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS
Registered Owners(s)	MARTIN AND KAITLIN ROSZELL	
Applicant(s)*	SHANE VAN BARNEVELD	
Agent or Solicitor	SHANE VAN BARNEVELD	

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
N/A

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

4. Nature and extent of relief applied for:
1. To permit right yard side setback of 1.88m instead of the required side yard setback 5.0m.
 2. To permit 0.79m right side roof projection instead of the maximum allowable 0.60m roof projection.
5. Why it is not possible to comply with the provisions of the By-law?
The proposed second storey addition will be aligned with the existing non-conforming dwelling right yard setback.
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
39 Hillside Ave S
Dundas, ON L9H 4H7
7. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other N/A
- 8.1 If Industrial or Commercial, specify use N/A
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?
Previous uses of the subjected property.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No **(N/A)**

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

April 1, 2021
Date



Signature Property Owner
Martin and Kaitlin Roszell

Print Name of Owner

10. Dimensions of lands affected:
Frontage 15.24 m
Depth 40.41 m
Area 607.03 m²
Width of street 7.0 m (TO BE CONFIRMED BY PUBLIC WORKS)

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:_

See site plan

Proposed

See site plan

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

See site plan

Proposed:

See site plan

13. Date of acquisition of subject lands:
N/A

14. Date of construction of all buildings and structures on subject lands:
60s

15. Existing uses of the subject property:
RESIDENTIAL

16. Existing uses of abutting properties:
RESIDENTIAL

17. Length of time the existing uses of the subject property have continued:
SINCE BUILT

18. Municipal services available: (check the appropriate space or spaces)
 Water YES Connected -
 Sanitary Sewer YES Connected -
 Storm Sewers YES

19. Present Official Plan/Secondary Plan provisions applying to the land:
N/A

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
N/A

21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
 N/A

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No

23. Additional Information
N/A

24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: DN/B-21:32

SUBJECT PROPERTY: 216 Hatt St., Dundas

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

APPLICANT(S): Agent Batory Management c/o P. Demczak
 Owner 2818716 Ontario Inc.

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land for residential purposes.

Severed lands:

9.48m[±] x 36.62m[±] and an area of 350.01m^{2±}

Retained lands:

9.48m[±] x 36.75m[±] and an area of 324.53m^{2±}

This application will be heard in conjunction with minor variance application DN/A-21:137.

The Committee of Adjustment will hear this application on:

DATE: Thursday, May 20th , 2021

TIME: 1:30 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at

www.hamilton.ca/committeeofadjustment

for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

DN/B-21:32
PAGE 2

MORE INFORMATION

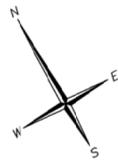
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021

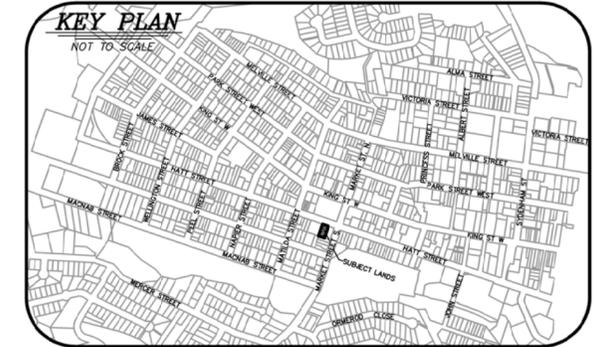
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.



H A T T S T R E E T

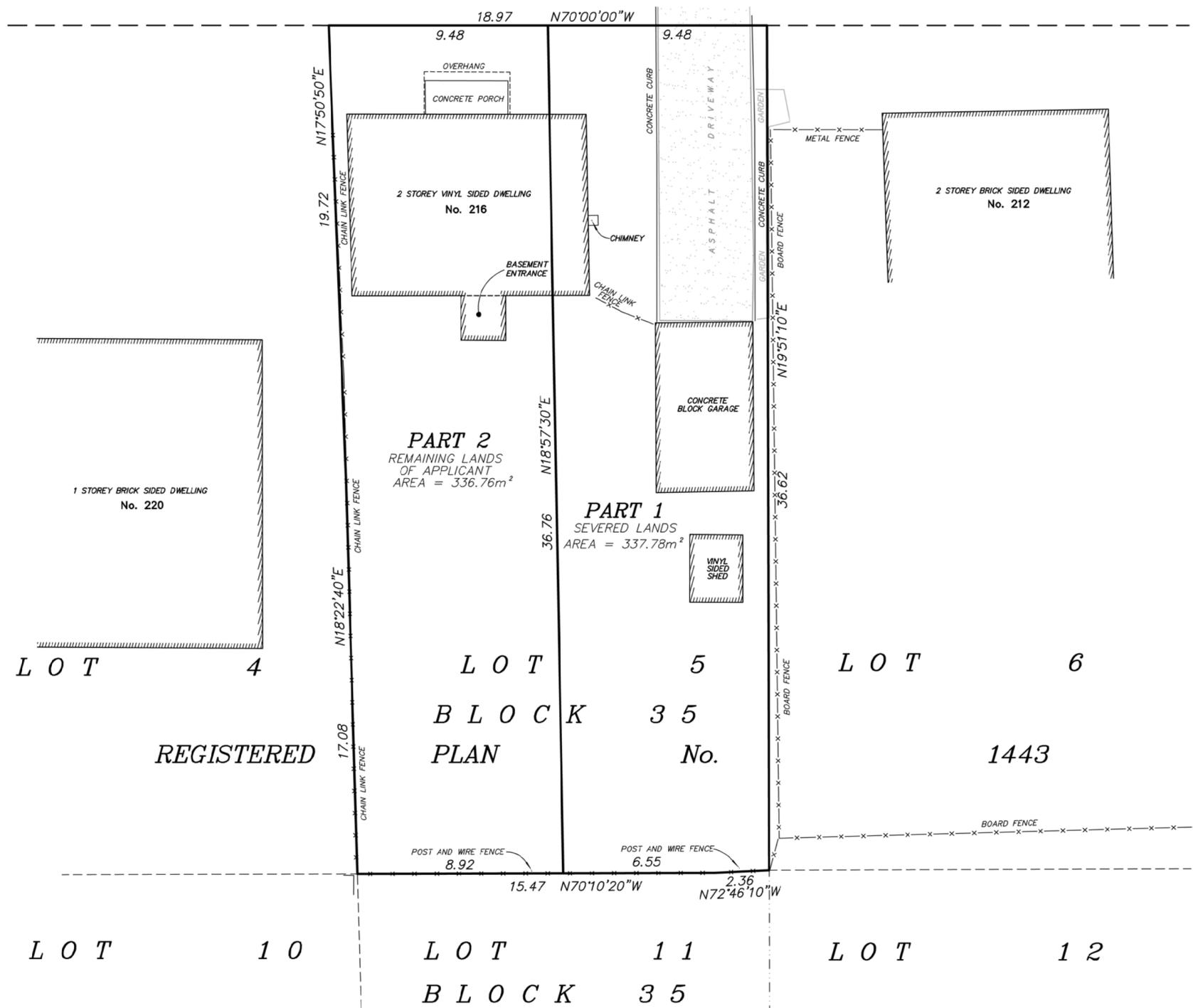
(ESTABLISHED BY REGISTERED PLAN 1443)



T-3228

SKETCH OF
 LOT 5
 BLOCK 35
 REGISTERED PLAN No. 1443
 NOW IN THE
CITY OF HAMILTON
 SCALE 1:150

 G. G. ALDWORTH O.L.S.



METRIC:
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE:
 THIS PLAN IS COMPILED FROM PLANS AND RECORDS
 ON FILE IN THIS OFFICE AND IS NOT BASED ON AN
 ACTUAL FIELD SURVEY.

THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION
 TO THE COMMITTEE OF ADJUSTMENT REQUESTING A GRANT
 OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CAUTION:
 THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
 USED FOR TRANSACTION OR MORTGAGE PURPOSES.

FEBRUARY 26, 2021
 DATE

G. G. ALDWORTH
 ONTARIO LAND SURVEYOR

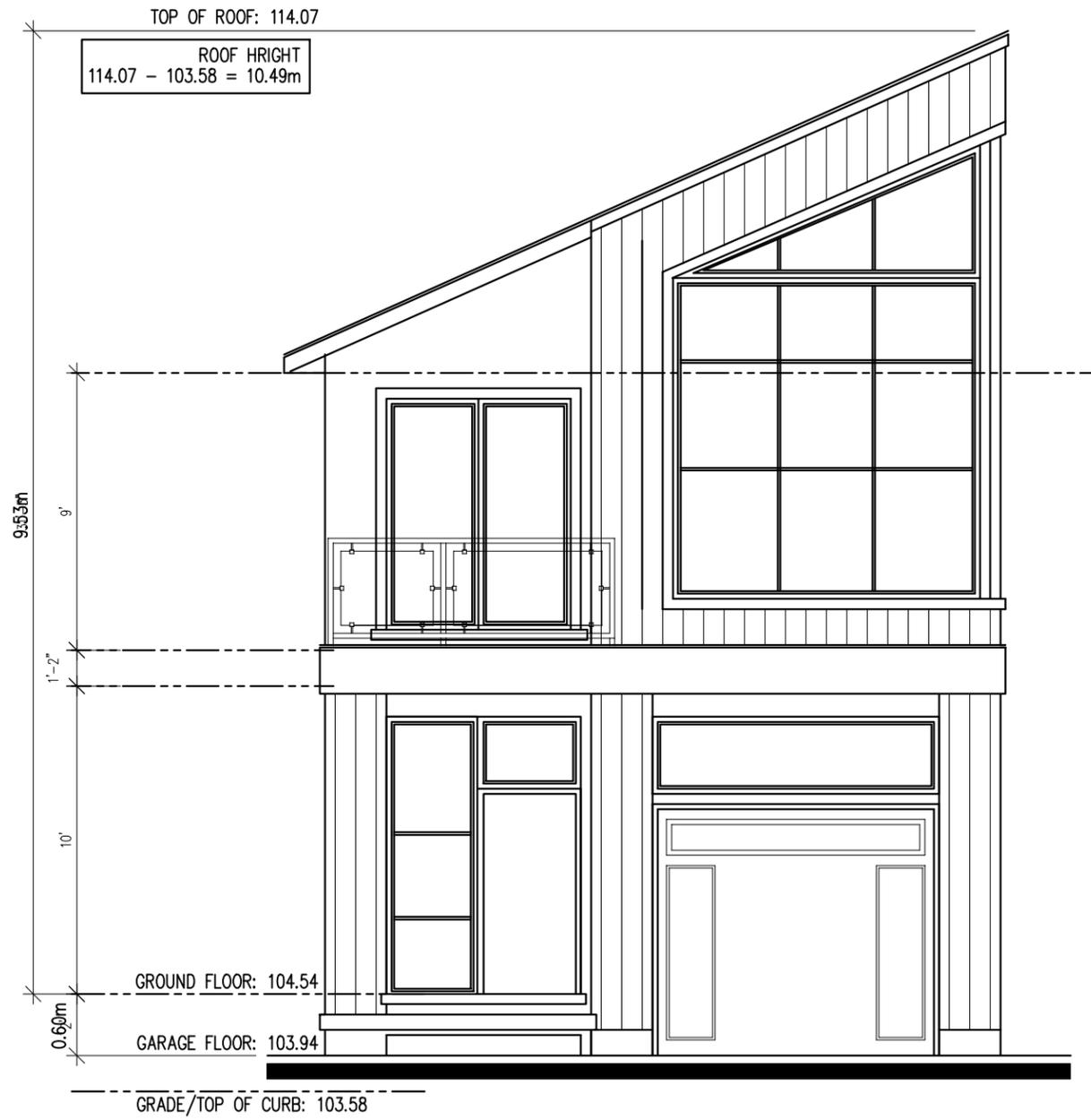
A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: ajc@ajclarke.com

METRIC:
 DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

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PROJECT No 218028R

T-3228



MARCH 23, 2021
3/16"=1'-0"



PLANNING RATIONALE

March 2021

Subject Address:

216 Hatt Street
Hamilton, ON

1.0 Background

1.1 Introduction

Batory Management has been retained by 2818716 Ontario Inc. as the planning consultant for the development at 216 Hatt Street in the City of Hamilton, Ontario.

The following Planning Justification Report provides an overview of the proposed development on the subject lands. This report also provides justification of the consent and minor variance applications needed to facilitate the proposed development of the subject lands.

Located one property west of the corner of Hatt Street and Market Street South, the subject property is a rectangular shaped lot, with one single detached home and detached garage. The landowner seeks to sever the property in order to create one new residential lot. The landowner further seeks to construct a new detached dwelling on the severed lot, as well as a new detached dwelling on the retained lot.

1.2 Location and Site Context

216 Hatt Street is located within the Dundas community Ward 13, in Hamilton's former Town of Dundas. The subject property is an interior lot with 18.96 m of frontage on Hatt Street, and 674.54 sq.m. (7,260.69 sq.ft.) in lot area. The site is currently occupied by one single detached two-storey house, with a detached one-storey garage.

The subject lands are bounded by the following:

- To the north: Hatt Street, Dundas Community Centre and mixed residential and commercial along King Street West.
- To the south: Existing residential neighbourhood.
- To the west: Existing residential neighbourhood.
- To the east: Market Street, existing residential neighbourhood and JL Grightmire Market Square Arena.

The immediate neighbourhood within Dundas is a mixed building typology residential neighbourhood that's been organically developed and is currently changing with a variety of different built forms. Heritage properties are scattered throughout the neighbourhood, both registered under Class IV and V of the Ontario Heritage Act, and properties that are listed in the Municipal Heritage Register. It should be noted that the subject site is not designated as Heritage in either the Ontario Heritage Act and the Municipal Heritage Register. The immediate surrounding area contains a mix of both main street service commercial and office uses along King Street East as well as residential detached one and two storey dwellings, semi detached dwellings, townhouse units and multiple unit dwellings.



Figure 1 – Aerial Photo

Hatt Street travels east-west with two lanes of traffic with permitted lay-by parking on the both lanes except immediately in front of Dundas Lions Memorial Community Centre. Hatt Street is designated as a Collector Road in Schedule C of the Urban Hamilton Official Plan Schedule C; Functional Road Classification.

While Hatt Street is not directly on a Hamilton Bus Route, King Street E one block to the north of the subject site is serviced by the Delaware/Dundas #52 and 5/5E Route that is a dedicated line connecting Dundas to west Hamilton through the King Street East #5 route. The nearest transit stop is approximately 50m north of the subject site, at the corner of King Street West and Market Street South.

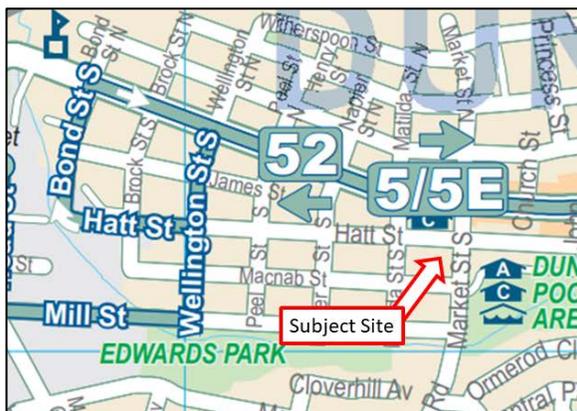


Figure 2 – Hamilton Street Railway System Map;

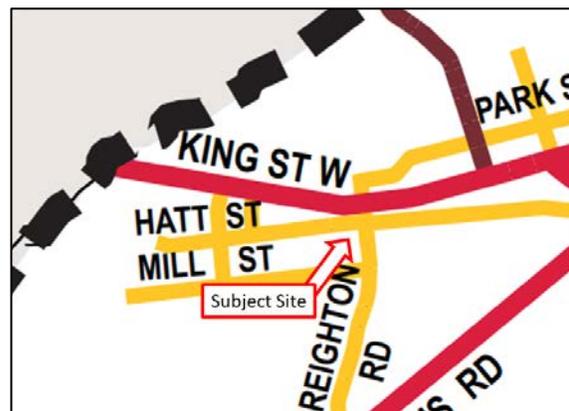


Figure 3 –OP Schedule C: Functional Road Classification

Subject Site:



Figure 4 – Subject Site

Neighbourhood Context:



Figure 5 – Surrounding Context Photos (built form immediately surrounding the site)

1.3 Surrounding Lot Fabric

Hatt Street and the surrounding context in the neighbourhood is predominantly 1-2 storey homes, of varying design styles influenced from its time of construction. Mixed in with new built construction are heritage dwellings, converted dwelling office's, and public infrastructure.

Both Lots and Lot Frontages in the surrounding neighbourhood surrounding the subject are irregular as a result from the growth and change that has occurred. The property is located within a residential neighbourhood characterized by a variety of lot shapes and sizes. The subject area is characterized by an eclectic style of homes with evidence of redevelopment of homes within the neighbourhood. The eclectic nature of the homes includes ranging heights, lotting patterns, architectural styles, exterior colour palettes, and renovations / additions to many of the original dwellings.

The built-form along Hatt Street is made up of dwellings built in various time periods, and are accessed through the front yard with vehicle parking located predominantly in side-yard or on-street. The front face of dwellings are organized close to the street, with street-facing front yard walkways. Front yards consist of landscape sod and driveway pavers of gravel, stone, and asphalt. The front façade of the existing surrounding neighbourhood is generally brick and vinyl siding, in various colours and styles which reflect the growth and change within the neighbourhood. A portion of the newer built and newly renovated homes incorporate wood board and batten cladding. Trees within the neighbourhood are sporadic in growth and size, with species that are generally mature deciduous trees. A dominant evergreen species is located directly to the east of the site.

Surrounding Context:



Figure 6 – Neighbourhood Context Photos (various built forms within 150m of the site)

2.0 Proposed Development Concept

The purpose of this application is to sever the lot to create an additional lot with frontage along Hatt Street. A draft reference plan has been provided in Figure 6 below as part of this report which illustrates the proposed lot configuration.

The applicant intends to construct a detached dwelling on the severed lot and a detached dwelling on the retained lot, which will require a Minor Variance application to bring the built form into conformity with the Zoning By-Law. The proposed dwellings are intended to better reflect the scale and massing of adjacent properties, and provide architectural building materials that complement the architecture on Hatt Street. The landowner also intends to implement potential high performance building standards and/or green standards within the design and construction of the homes.

More detail pertaining to the existing land use policies and zoning regulations applicable to the subject lands are provided in Table 1.

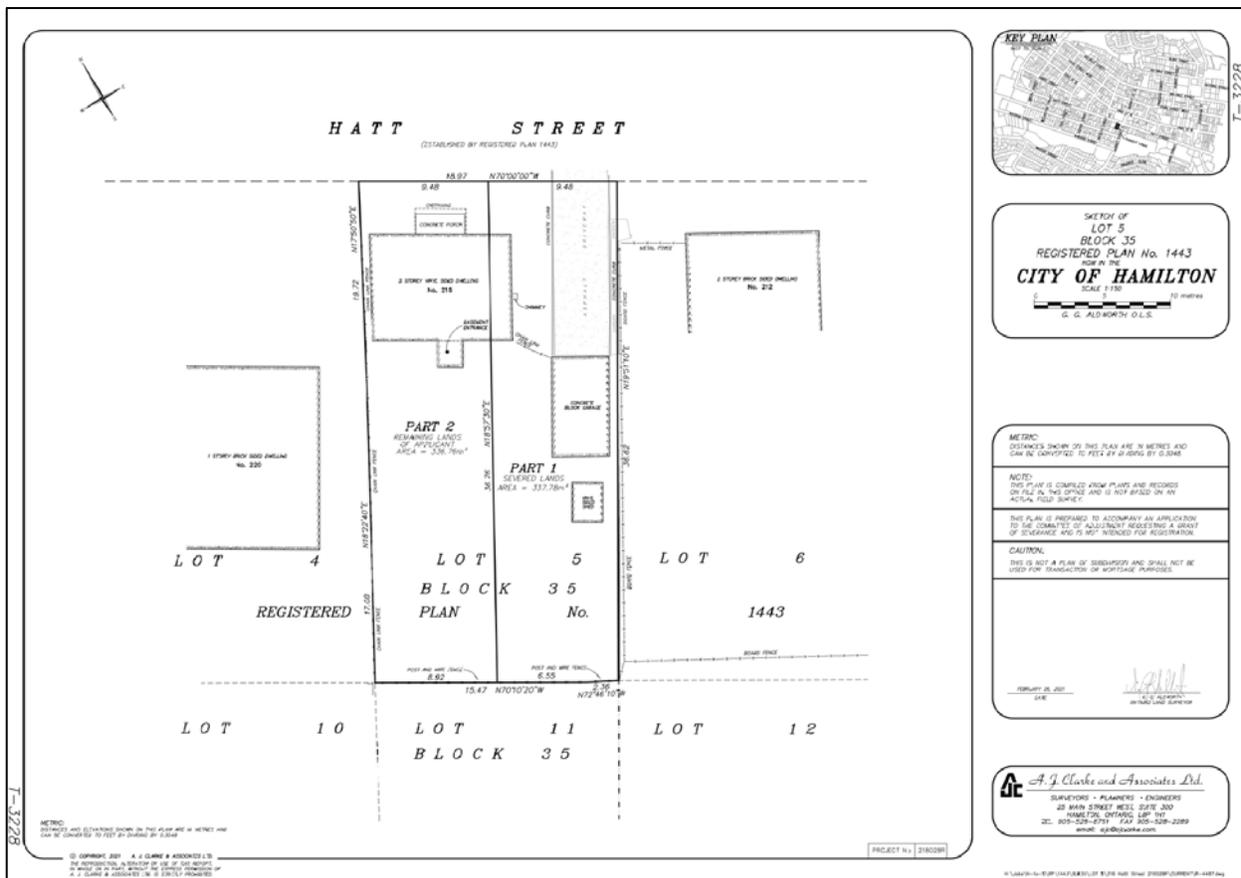


Figure 7 – Severance Survey Plan



Figure 8 – Proposed Conceptual Rendering



3.0 Evaluation of the Proposed Consent Application

All planning decisions made within the Province of Ontario must be consistent and conform to Ontario's planning-system hierarchy. As such, this section will review the proposed consent application as it relates to the relevant planning policies.

3.1 Planning Act Section 51(24)

The *Planning Act of Ontario* provides legal authority relating to planning matters in the Province of Ontario. The proposed consent application meets the applicable subdivision criteria set out in the *Planning Act* as specified by Section 51(24) of the *Planning Act*.

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for person with disabilities and welfare of the present and future inhabitants of the municipality and to;

1. a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
2. b) Whether the proposed subdivision is premature or in the public interest
- d) The suitability of the land for the purposes for which it is to be subdivided;
- f) The dimensions and shapes of the proposed lots;
- i) The adequacy of utilities and municipal services

3.2 Provincial Policy Statement

The subject lands are located within Hamilton’s settlement area. Section 1.1.3.1 of the PPS 2014 notes that “*Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted”.

The consent application has regard to the criteria for land use patterns within settlement areas as outlined in section 1.1.3.2 of the PPS. Specifically, the consent application represents an efficient land use infill development opportunity. Additionally, the proposed lots will be created through the consent process and will be serviced by existing municipal infrastructure such as water and sanitary systems. Accessing the site can efficiently be done both actively as well as by motor vehicles; the subject site is accessed using a municipally serviced road and the subject lands are located within walking distance of main street amenities and the City’s public transportation network. Additionally, the proposed consent application supports the City of Hamilton’s population intensification targets. The consent of the subject lands will not jeopardize any natural heritage, agricultural, archaeological or cultural areas. Additionally, no human-made hazards are located within proximity to the subject lands.

3.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The consent application is supported by the following sections of *A Place to Grow*:

Section 1.2.1 of the Plan provides the guiding principles for how land is to be developed, resources to be managed and protected, and public dollars to be strategically invested according to the following principles:

- Prioritize *intensification* and higher densities in *strategic growth* areas to make efficient use of land and *infrastructure* and support transit viability.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.

Section 2.1 of the Plan provides policies for where and how to grow. Specifically, Section 2.2.1.2 a) states:

the vast majority of growth will be directed to *settlement areas* that:

- i. have a *delineated built boundary*
- ii. have existing or planned *municipal water and wastewater systems*; and
- iii. can support the achievement of *complete communities*

Section 2.1.2 c):

Within *settlement areas*, growth will be focused in:

- i) *delineated built-up areas*;
- ii) *strategic growth areas*;
- iii) locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
- iv) areas with existing or planned *public service facilities*

Section 2.1:

- d) development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise;
- e) development will be generally directed away from *hazardous lands*;

3.4 City of Hamilton Official Plan

The City of Hamilton Official Plan was adopted by Council on July 9, 2002 and is effective August 16, 2013, with the exception of certain policies and land use designations, none of which are applicable to the subject application.

The subject site is currently designated “Neighbourhoods” according to the Urban Hamilton Official Plan Schedule E-1: Urban Land Use Designations

Chapter B of the Hamilton Official Plan introduces Hamilton’s character based on its communities. Communities are described as having four attributes:

- Complete: Opportunities to live, work, learn, shop, and play are provided and are accessible.
- Healthy: Healthy and safe lifestyles are supported by quality built and natural environments.
- Diverse: Neighbourhoods are unique in character and enable a variety of lifestyle choices and housing opportunities for all. and;
- Vibrant: Interesting and creative streetscapes and human scale public places are created through quality design, pedestrian amenities, and attention to land use mix.

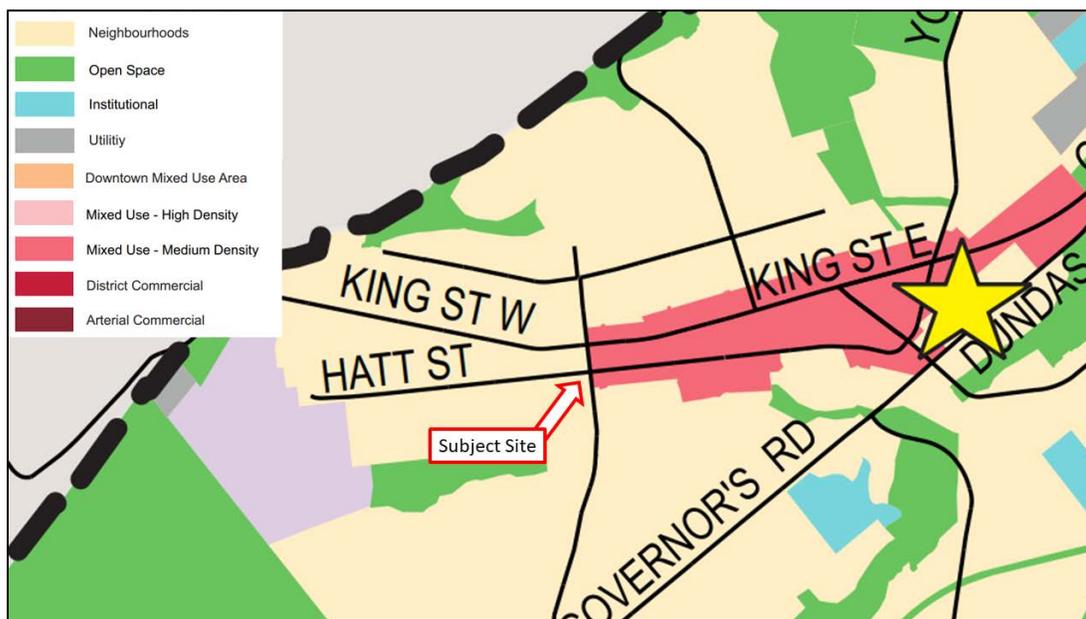


Figure 8 – City of Hamilton Official Plan: Urban Hamilton Schedule E-1 Urban Land Use Designations

Section 2.4 speaks specifically to Residential Intensification as a key component of Hamilton's growth strategy to meet the growth and intensification targets as set by the Province. Residential Intensification contributes to creating and maintaining vibrant neighbourhoods, nodes and corridors and can provide a wider range of housing types to meet the housing needs of Hamilton's current and future population.

The policies within Section 2.4.1. address Residential Intensification;

2.4.1.1.c) states that 40% of residential intensification is anticipated to occur within the Neighbourhoods designation

Policy 2.4.1.4 outlines that Residential Intensification shall be evaluated based on the following criteria;

2.4.1.4.b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form.

2.4.1.4.c) the developments contribution to maintaining and achieving a range of dwelling types and tenures

2.4.1.4.d) the compatible integration of the 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.

2.4.1.4.f) infrastructure and transportation capacity

2.4.1.4.g) the ability of the development to comply with all applicable policies

Policy 2.4.2 speaks specifically to residential intensification within the Neighbourhoods designation;

2.4.2.2.b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects

2.4.2.2.c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings

2.4.2.2.d) the consideration of transitions in height and density to adjacent residential buildings

2.4.2.2.e) the relationship of the proposed lots(s) with the lot pattern and configuration within the neighbourhood

2.4.2.2.g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations

2.4.2.2.h) the ability to complement the existing functions of the neighbourhood

Chapter E addresses the Urban Designations of Hamilton's Neighbourhoods, in which is subject site is currently designated. They are described as diverse, ranging from old, historic area of the City, to newly developed subdivisions.

Chapter E Section 2.6 defines neighbourhoods as a key component of Hamilton's urban structure, representing the concept of complete community at the structural level. They're comprised of a mix of low, medium and high rise residential areas, with various types of roads, parks, open spaces, and commercial areas, institutions such as schools and places of worship. Neighbourhoods are regarded as stable, however it doesn't mean they're static and its anticipated that physical change will occur over time.

Residential intensification within neighbourhoods is stated to be part of the evolution of neighbourhoods and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood.

Section 3.1 speaks to the policy goals that apply to Neighbourhoods land use designation, they are;

- 3.1.1.: Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods
- 3.1.2. Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- 3.1.3. Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- 3.1.4. Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- 3.1.5. Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

Section 3.2 goes on to speak about the function of Neighbourhoods, and outlines the general policies attributed to them:

- 3.2.1. Area 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.

Section 3.2.3 specifically states the uses permitted in Neighbourhoods:

- 3.2.3.a) residential dwellings, including second dwelling units and housing with supports;
- 3.2.3.b) open space and parks
- 3.2.3.c) local community facilities/services; and,
- 3.2.3.d) local commercial uses.

Section 3.4.3 states that the specific uses permitted within Neighbourhoods are single-detached, semi-detached, duplex, triplex, and street townhouse dwellings

Residential Uses are described in Section 3.3, and Low Density Residential developments are described within Section 3.4 of the Official Plan. Both of these policies outline the framework of new development within Neighbourhoods. Section 3.3.1 and 3.3.2 states that, lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas, and Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

Section 3.4.6 states the Design criteria for development in areas dominated by low density residential uses:

- 3.4.6.c) A mix of lot width and sizes *compatible* with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-Law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.

Hatt Street in Dundas – Urban Design Study

In 2005, The Hatt Street Urban Design Study was completed, which is intended to inform and guide urban design strategies on Hatt Street. The report speaks to the history of Hatt Street, principles for place-making, key design elements within the defined precincts, and built form guidelines, among other various urban design components within the study.

The subject property is located within ‘Precinct 4’, which is defined by small-scale residential built form that emerged in the first half of the 19th century as modest worker’s residences. The built form is recognized as having various architectural styles.

The Precinct 4 guidelines speak to infill opportunities on page 17, sidebar, of the guidelines, which states the following: As opportunities arise, residential properties along Hatt Street may also allow infill with a maximum building height of 3 storeys. All infill built-form development should be sympathetic to and consistent with the existing heritage environment in terms of building materials, colour, scale, and massing. This does not mean that the built form must be an exact copy of historic styles on the street, but rather a careful and creative interpretation of it.

3.5 Town of Dundas Zoning By-Law No. 3581-86

The in-force zoning by-law applying to the site is the Town of Dundas (Now City of Hamilton) Zoning By-Law No. 3581-86, as amended, consolidated for May 2017. The Town of Dundas Zoning By-Law is one of the Former Communities of Hamilton which is not subject to the Hamilton Zoning By-Law No. 05-200. The City of Hamilton is currently in the process of replacing the Zoning By-Laws of all of the former municipalities. At the present time of this application, the Town of Dundas By-Law is currently in effect.

The Town of Dundas Zoning By-law 3581-86 zones the subject site Single-Detached Residential (R2). This zoning permits single-detached dwellings, as well as additional uses such as:

- Retirement Home
- Bed and Breakfast Establishment (with conditions)
- Accessory Building, Structure and Uses (incl. 1 Accessory Apartment)
- Urban Farm (with conditions)
- Community Garden (with conditions)

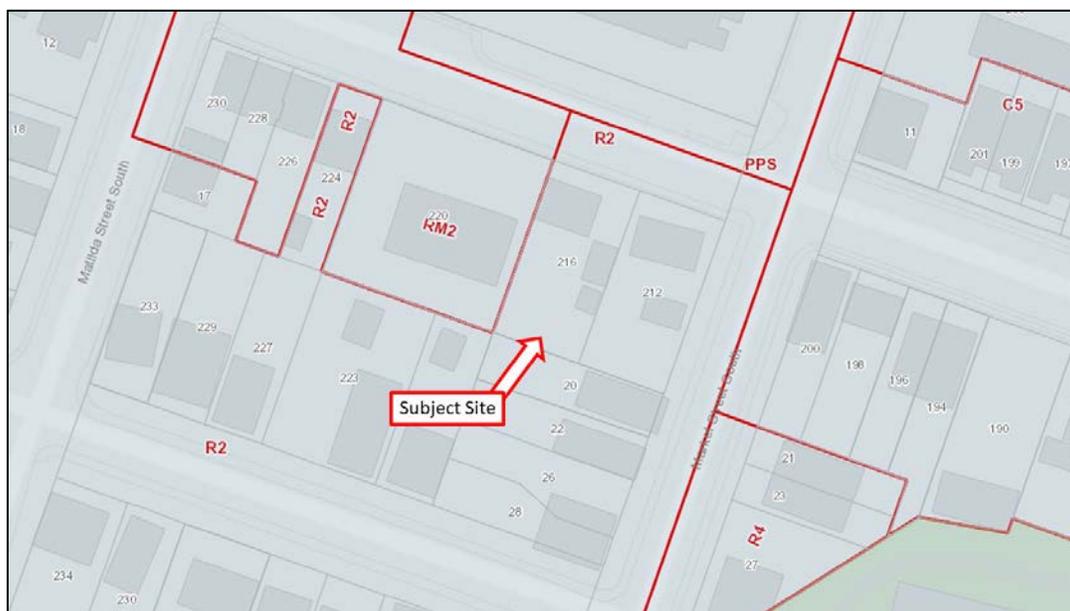


Figure 8 – Zoning Map

- The minimum lot area in the R2 Zone is 450 square metres
- The minimum lot frontage in the R2 Zone is 15 metres.
- The minimum setbacks in the R2 Zone is 6.0 metres for the front yard, 7.5 metres for the rear yard, and 1.2 metres for the side yard.
- The maximum height in the R2 Zone is 10.5 metres
- The minimum parking requirement in the R2 zone is 1.0 spaces per dwelling unit, with a minimum space size of 2.5 metres in width, and 6.7 metres in length.
- The minimum front yard landscape requirement in an R2 Zone is 50%.

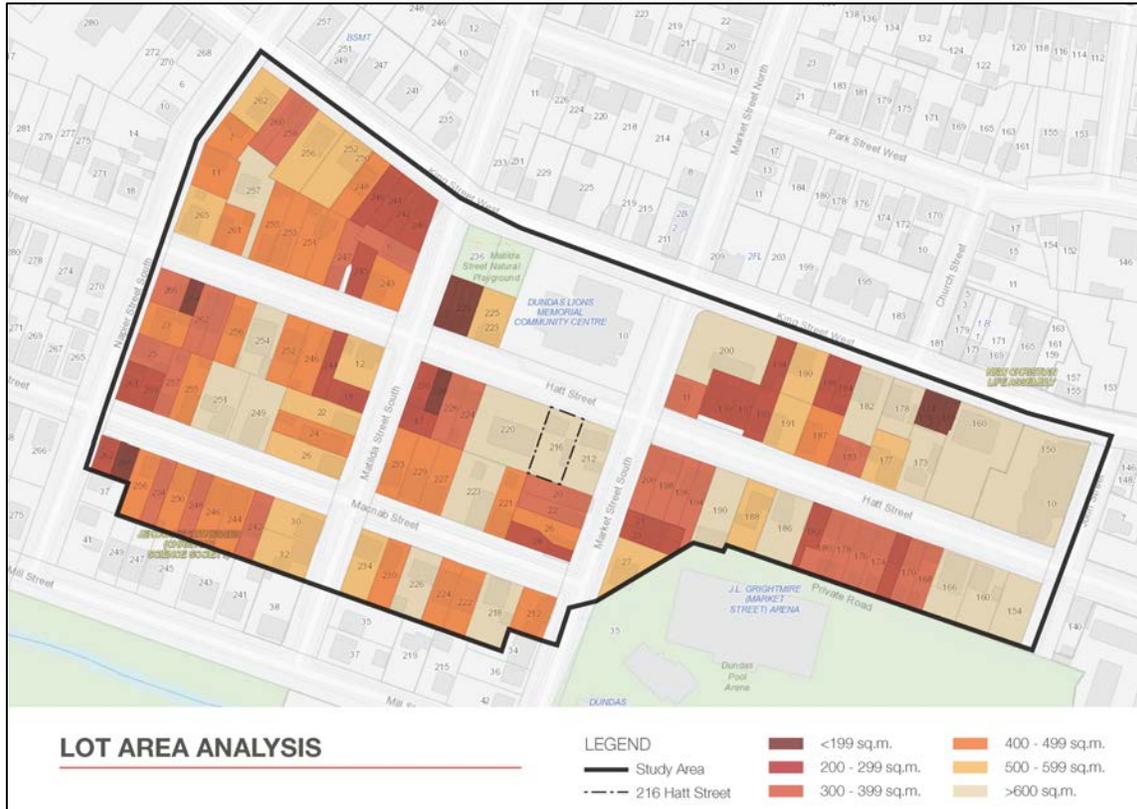
4.0 Neighbourhood Context Analysis:

An analysis of the immediate neighbourhood context and lot fabric was completed as part of this planning analysis, as outlined in Appendix 1. The table in Appendix 1 outlines frontage, depth, and lot area, of all of the lots within the within the immediate neighbourhood bounded by John Street to the east, Hatt Street to the South, King Street W to the north, and Napier Street S to the west. It is noted that the lots within the chosen study area have varied Zoning designations, however the majority of lots sampled permit residential dwellings. A total of 128 lots were analyzed within the study area.

4.1 Neighbourhood Context: Lot Area

The existing site is one of the largest lots in terms of lot area, falling within the 86% percentile of lots examined. It should be noted that over 60%, or 76 lots within the study area, do not comply with the minimum lot area provision of the Town of Dundas Zoning By-Law 3581-86 Single Detached Residential R2, of 450 sq.m.

On review of the proposed severance plan, the proposed lot area of the severed and retained lot will be 337.78 sq.m. and 336.76 sq.m. respectfully. Both Lot Areas of the severed and retained lot will be within the 42nd percentile of lots examined within the study area, meaning just over 40% of the lots within the neighbourhood are similar or smaller in area as the proposed severance application. Further, a total of 27 of the 128 lots, or 21% of the total lots are within a lot area range of 300-400 sq.m.



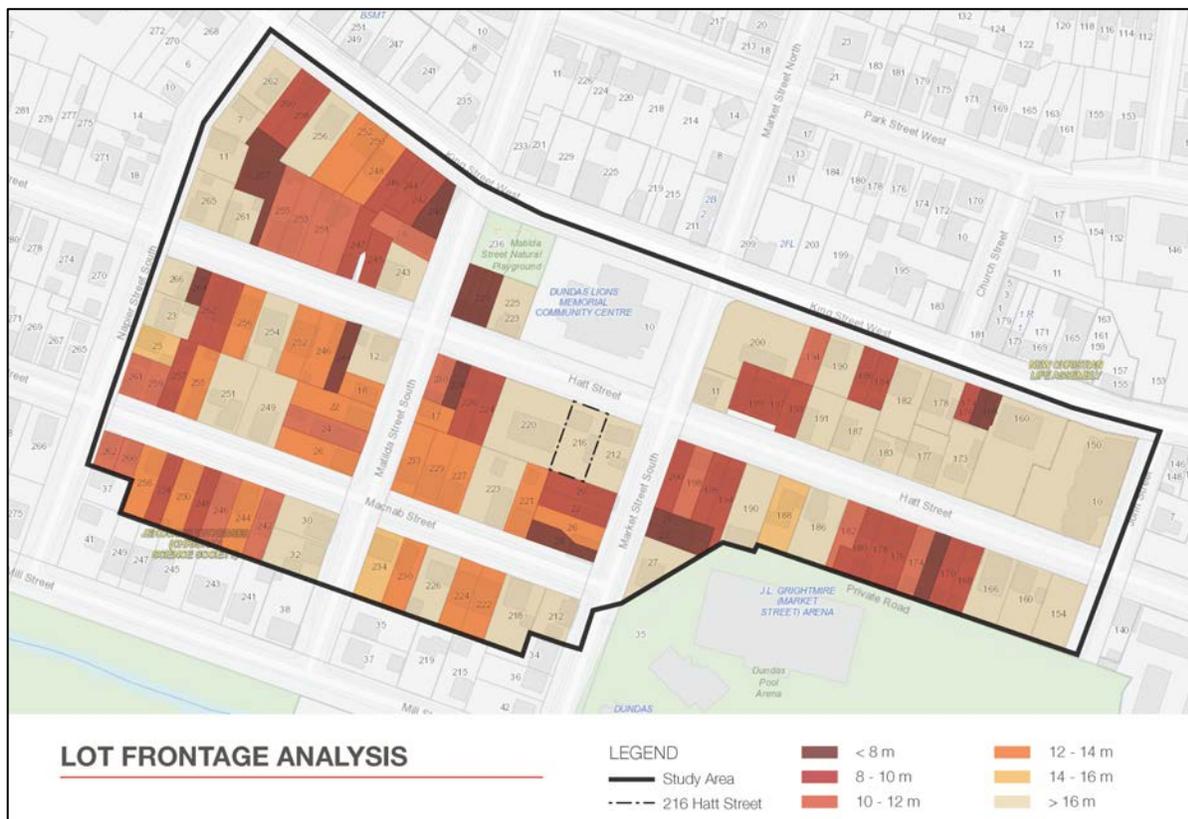
Lot Area Analysis		
Lot Area	Count	Percentage
< 199 sq.m	10	8%
200 - 299 sq.m	25	20%
300 - 399 sq.m.	27	21%
400 - 499 sq. m.	29	23%
500 - 599 sq.m.	16	13%
> 600 sq.m.	21	16%
Total	128	

4.2 Neighbourhood Context: Lot Frontage

The existing site is a relatively large lot in comparison to the surrounding neighbourhood with a frontage of 18.96m, which is in the 85% percentile of lots examined. It should be noted that over 65%, or 83 lots within the study area, do not comply with the minimum lot frontage provision of the Town of Dundas Zoning By-Law 3581-86 Single Detached Residential R2, of 15 m.

On review of the proposed severance plan, both the severed and retained lot have proposed a frontage of 9.48m. The proposed frontage of 9.48 m is within the 33rd percentile of lots examined within the study area, meaning a third of the lots within the neighbourhood have similar or smaller frontages as the proposed severance application. Further, a total of 30 of the 128 lots, or 23% of the total lots are within a lot frontage range of 8 - 10 m.

Lot Frontage Analysis		
Lot Frontage	Count	Percentage
< 8 m	16	13%
8 - 10 m	30	23%
10 - 12 m	17	13%
12 - 14 m	20	16%
14- 16 m	3	2%
> 16 m	42	33%
Total	128	



5.0 Consent Analysis:

The neighbourhood analysis for both Lot Frontages and Lot Area within Section 4.0 was conducted to establish the context of the existing neighbourhood in order to determine if the proposed variances for the Consent application are appropriate in the existing neighbourhood character. The variances will facilitate the creation of one severed lot, and one retained lot, as well as the future construction of two new detached dwellings (one dwelling on each respective lot).

In terms of lot area, the original lot prior to the proposed severance application is one of the larger lots within the existing neighbourhood. The proposed severance application will create two lots of similar size, being 337.78 sq.m. and 336.76 sq.m. and will require variances to the Town of Dundas Zoning By-Law 3561-86 Section 9.2.1.1, as the lot area minimums do not meet the requirements of 450 sq.m. The severed lots are in keeping with the surrounding neighbourhood, as they will fall within the 42nd percentile in terms of size, meaning that 42% of the lots within the neighbourhood are of similar size or smaller than the proposed development.

Also within the study area, the existing site has a frontage which is in the top 80% of lots within the surrounding neighbourhood. The proposed severance application will create two lots, both with frontages of 9.48 m in length, and will require a variance to the Town of Dundas Zoning By-Law 3561-86 Section 9.2.1.2, as the lot frontage does not meet the minimum requirement of 15m. The severed lots are in keeping within the surrounding neighbourhood, as they are in the 33rd percentile, meaning that 33% of the lots within the neighbourhood have similar or smaller frontages than the proposed development.

As such, both the variance for lot area and lot frontage proposed by this severance application are compatible with the neighbourhood. Most notably, the general lotting pattern of the immediate neighbourhood is being maintained in terms of the prevailing size and configuration of lots. Based on the review, the existing neighbourhood character is being maintained and the proposed development is compatible with neighbouring lots and the prevailing building types.

The proposed land division will not restrict development of adjacent lands, and the development is appropriate to the use proposed and is compatible with adjacent lots. Further, the proposed land division will comply with the requirements of the Zoning By-law, as facilitated through the accompanying minor variance application. On this basis, the proposed consent application represents good planning.

From a policy perspective, the proposed consent application meets the criteria for approval as set out in the Planning Act, represents an appropriate infill development opportunity as set in the *Provincial Policy Statement*, and supports the City of Hamilton's development criteria as set out in the Official Plan.

6.0 Evaluation of the Proposed Minor Variances

The application to the City of Hamilton Committee of Adjustment seeks approval of a number of minor variances to permit the severance of the subject site to allow for the creation of one additional residential lot in addition to the retained lot, as well as facilitate the construction of two detached dwellings on the severed and retained lots. As such, the application is evaluated by examining the four tests of minor variance, as set out in the Planning Act:

- 1) Is it in keeping with the purpose and intent of the Official Plan?
- 2) Is it in keeping with the purpose and intent of the Zoning By-law?
- 3) Is the application minor in nature?
- 4) Is it an appropriate and desirable development for the area?

6.1 Proposed Variances

Table 1 - 216 Hatt Street Proposed Variances				
Town of Dundas Zoning By-Law 3581-86: Single-Detached Residential Zone (R2)		Required	Part 1 Provided	Part 2 Provided
1	9.2.1.1 Lot Area Minimum	450 sq.m.	337.78 sq.m.	336.76 sq.m.
	<i>The minimum required lot area shall be 450 square metres</i>			
2	9.2.1.2 Lot Frontage Minimum	15 m	9.48 m	9.48 m
	<i>The minimum required lot frontage shall be 15 metres</i>			
3	9.2.2.2. Side Yard Setback	1.2 m	0.92 m (west property line)	0.92 m (east property line)
	<i>The minimum side yard setback shall be 1.2 metres</i>			

6.2 Intent of The Official Plan

The proposed detached residential dwellings are a permitted land use under the Neighbourhoods land use designation. The proposed detached dwellings respect the existing physical character of the neighbourhood, as outlined in the Neighbourhoods policies within the City of Hamilton Official Plan. The proposed built form is meeting the intent of Chapter E 3.2.1 in contributing a complete community, and in providing adequate dwelling types and densities for local residents. The proposed development also is compatible with the Policies in Chapter B Section 2.4.2, and Chapter E, 3.3.1 with the size and configuration of lots within the immediate neighbourhood; it is consistent with the prevailing building type and prevailing lots; it is consistent with the neighbouring setbacks of buildings from the street and maintains the general prevailing patterns of rear and side yard setbacks and landscaped open space. Also, the proposed development maintains the policies in Chapter B 2.4.2 where adequate privacy, sunlight, and sky views for existing residents through appropriate design and maintaining adequate setback and separation distances. As such, the proposed development meets the general intent of the Official Plan and provides a continuation of built form features that contribute to this specific neighbourhood.

6.3 Minor in Nature

To adequately evaluate whether a proposed By-law variance is minor, the resulting impact, if any, must be determined and considered. While a variance may represent a considerable mathematical deviation from the By-law, it may still be considered minor if the resulting impacts of the variance do not result in significant adverse impacts on the surroundings. These surroundings include neighboring properties as well as the general 'streetscape' of the public realm. In consideration of the proposed minor variance application required to facilitate the proposed development, all of the proposed variances meet the test of being minor in nature.

Minimum Lot Frontage – Both Proposed Lots

A minor variance is required for the lot frontage as Section 9.2.1.2 of the Town of Dundas By-Law 3581-86 states that the minimum required frontage shall be 15m, while 9.48m is proposed. When considering the impacts of this requested variance, an analysis of other lots within the subject site's neighbourhood context was considered as part of Section 4.0 of this report. As noted, a neighbourhood lot fabric analysis was undertaken as part of this planning analysis. Within this analysis, it was found that approximately one third of the lots studied have a frontage of 9.48m or less. It was also found that approximately 23% of the lots within the study area, or 30 of the 128 lots studied, have a frontage which ranges between 8-10m.

The proposed variance will not negatively impact the existing neighbourhood lot fabric. The proposed variances represent frontages that are observed within the neighbourhood fabric and as such are considered minor in nature.

Minimum Lot Area – Both Proposed Lots

A minor variance is required for the minimum lot areas of both of the proposed lots as section 9.2.1.1 of the Town of Dundas By-Law 3581-86 states that the minimum required lot area shall be 450 sq.m., however the proposed lots will be 337.78 sq.m. and 336.76 sq.m. respectfully. As noted previously, a neighbourhood lot analysis was conducted as part of Section 4.0 of this report which surveyed 128 properties within the immediate surrounding neighbourhood for the subject lands. It should be noted that the existing site could be considered as a larger lot in comparison to the existing lot fabric, being within the top 80% in terms of size of the lots analyzed in the study area. The severance application will create two lots which are within the 42nd percentile of the surrounding neighbourhood, meaning just under half of the lots are of similar size and smaller than the proposed severed lots. 21% of the lots within the neighbourhood are within a similar range of 300 sq.m to 400 sq.m. in size.

The proposed severed lots represent lot areas that are prevalent within the existing neighbourhood context and will not create any negative impact to the neighbourhood character. As such, the proposed variances are considered minor in nature.

Minimum Side Yard Setback – Both Proposed Lots

A variance is required for minimum side yard setbacks as the proposed detached dwelling built form does not meet the minimum criteria of 1.2 metres as described in Section 9.2.2.2 of the Town of

Dundas By-Law 3581-86. The variance is required for the mutual property line of the two dwelling units that will be created as part of the severance application. The variance will specifically be required for the west property line of the proposed “Part 1” lot, and the east property line of the proposed “Part 2” lot. It is noted that the proposed side yard setbacks are not out of character with the prevailing setbacks within the immediate neighbourhood, and the proposed massing and impacts to the streetscape will fit harmoniously with the existing character. Further, the proposed side yard setbacks are designed to only impact the proposed dwellings, and the side yard setbacks of the neighbouring dwelling will meet the Zoning By-Law minimum requirement. As such, the proposed variance is considered minor in nature.

6.4 Appropriate and Desirable Development for the Area

The proposed land division and creation of one new lot on the subject lands will create a lot fabric that is appropriate in the immediate neighbourhood context. As outlined in this planning report, many of the existing neighbouring lots that are also Zoned Single Detached Residential Zone R2, do not comply with the minimum lot frontage or lot area requirements of the Zoning By-law. Further, as presented within the Neighbourhood Character Study in Section 4.0 of the Planning Report, the proposed variances are similar to what is already prevalent in the immediate surrounding context and within the neighbourhood. As such, the proposed reduction in lot frontages, lot areas, and the side yard setbacks are not considered to result in a development that is out of character with the surrounding streetscape.

The variances dealing with the proposed detached dwellings will not create negative impacts within the context of the immediate neighbourhood. The prevailing character of building typology is being maintained, and the proposed massing, scale, setbacks, and landscaping are being maintained with no negative impacts to adjacent properties or within the neighbourhood. As such, the proposed development is appropriate and desirable for the area.

6.5 Intent of the Zoning By-law

Minimum Lot Frontage – Both Proposed Lots

The intent of the minimum lot frontage provision of the Town of Dundas Zoning By-law 3581-86 is to ensure that frontage of a lot will not result in a lot that is too narrow and subsequently disrupt the neighbourhood fabric. This provision helps create lots that are similar in shape and cohesive with each other and helps create a consistent streetscape. While the proposed variance represents a numerical deviation from the By-law, it does not represent a deviation from what is already found within the prevailing neighbourhood context, as discussed in Section 4.0 of this Planning report. As such, the proposed reduction to the proposed lot frontage as part of the Severance application meets the intent of the Zoning By-law.

Minimum Lot Area – Both Proposed Lots

The intent of the minimum lot area provision of the Town of Dundas Zoning By-law 3581-86 is to ensure that the size of a lot is adequate relative to neighbourhood lot fabric in an effort to protect the character of a neighbourhood from development that is too dense, or an overdevelopment of an individual lot. The proposed lot areas are not atypical of lot sizing that exist in the immediate

neighbourhood, as discussed in Section 4.0 of this Planning Report, and will not create any negative impact to the prevailing neighbourhood character and lotting patterns. As such, the proposed lot areas are compatible within the immediate neighbourhood and meet the intent of the Zoning By-law.

Minimum Side Yard Setback – Both Proposed Lots

The intent of the minimum side yard setback within the Town of Dundas Zoning By-law 3581-86 are to ensure that the proposed dwellings are compatible with the prevailing character and streetscape of the immediate neighbourhood, and to ensure that new development is not situated undesirably close to an existing structure. It is noted that the proposed side yard setback is not out of character with the prevailing setbacks within the immediate neighbourhood, and the proposed massing and impacts to the streetscape will fit harmoniously with the existing character. As previously noted, the proposed variance to the side yard setbacks are designed to only impact the new proposed dwellings, and the minimum side yard setbacks to the adjacent neighbouring properties are in keeping with the minimum requirements of the Town of Dundas Zoning By-Law. The proposed side yard setbacks are not out of character within the context of the immediate neighbourhood. As such, the proposed variances meet the intent of the Zoning By-law.

7.0 Planning Conclusion

As noted above, this report evaluated the proposed consent application as well the minor variance application as set out in the Planning Act.

The consent application has been reviewed as it relates to consistency of the *Provincial Policy Statement 2014, A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, its consistency with the City of Hamilton Official Plan, and the in-force Town of Dundas Zoning By-law 3581-86. It is of our opinion the consent application adequately responds to these.

The proposed variances are in keeping with the purpose and intent of the Official Plan and Town of Dundas Zoning By-law 3581-86, considered minor in nature and an appropriate and desirable development for the area. On this basis, the proposed development satisfies the four tests required for a minor variance application under the Planning Act and represent good planning.

Respectfully submitted by,



Paul Demczak, MCIP, RPP
Principal, Batory Management

Appendix I – Neighbourhood Lot Analysis

#	Street	Frontage (m)	Depth (m)	Area (sq.m.)
154	Hatt Street	18.29	36.58	687.97
160	Hatt Street	18.29	36.58	647.50
166	Hatt Street	18.29	36.58	687.97
168	Hatt Street	9.14	36.58	323.75
170	Hatt Street	9.14	36.58	323.75
172	Hatt Street	7.72	36.58	283.28
174	Hatt Street	10.21	36.58	364.22
176	Hatt Street	9.50	36.58	364.22
178	Hatt Street	9.14	36.58	323.75
180	Hatt Street	8.23	36.58	364.22
182	Hatt Street	10.06	36.58	283.28
186	Hatt Street	20.88	36.58	728.44
188	Hatt Street	15.70	36.58	566.56
190	Hatt Street	18.29	39.62	687.97
194	Hatt Street	8.93	48.46	323.75
196	Hatt Street	8.44	36.58	323.75
198	Hatt Street	10.36	36.58	364.22
200	Hatt Street	8.84	36.58	323.75
212	Hatt Street	18.29	36.58	687.97
216	Hatt Street	18.29	36.58	687.97
220	Hatt Street	36.58	36.58	1335.47
224	Hatt Street	9.14	36.58	323.75
226	Hatt Street	9.14	36.58	323.75
228	Hatt Street	7.21	23.89	161.87
230	Hatt Street	10.39	23.89	242.81
244	Hatt Street	7.62	36.58	283.28
246	Hatt Street	13.46	36.58	485.62
252	Hatt Street	12.50	36.73	445.16
254	Hatt Street	17.47	36.73	647.50
256	Hatt Street	12.19	36.58	445.16
260	Hatt Street	8.89	36.58	323.75
262	Hatt Street	8.89	36.58	323.75
264	Hatt Street	7.95	18.44	161.87
266	Hatt Street	16.74	18.44	323.75
173	Hatt Street	17.07	36.27	647.50
177	Hatt Street	19.51	277.67	526.09
183	Hatt Street	18.29	18.29	323.75
187	Hatt Street	17.68	28.04	485.62

191	Hatt Street	18.29	28.38	526.09
193	Hatt Street	9.75	24.99	242.81
197	Hatt Street	9.50	25.05	242.81
199	Hatt Street	8.34	25.05	206.39
201	Hatt Street	8.35	25.06	206.39
223	Hatt Street	18.29	28.37	526.09
227	Hatt Street	4.72	28.28	121.41
229	Hatt Street	4.47	28.29	121.41
231	Hatt Street	4.47	28.30	121.41
233	Hatt Street	4.63	28.31	121.41
243	Hatt Street	21.08	25.20	485.62
245	Hatt Street	9.30	30.87	275.19
247	Hatt Street	8.38	36.41	303.52
249	Hatt Street	10.58	38.05	404.69
251	Hatt Street	10.58	38.90	404.69
253	Hatt Street	10.67	42.06	404.69
255	Hatt Street	10.42	43.59	485.62
257	Hatt Street	4.32	43.28	728.44
261	Hatt Street	16.76	23.77	404.69
265	Hatt Street	21.08	24.93	526.09
10	John Street	59.00	46.24	2387.65
160	King Street	35.63	56.52	1780.62
168	King Street	6.82	19.45	121.41
170	King Street	4.58	19.20	80.94
174	King Street	8.06	19.20	121.41
178	King Street	18.29	28.38	687.97
182	King Street	18.59	36.58	679.87
184	King Street	9.14	27.74	242.81
186	King Street	9.14	27.43	242.81
190	King Street	18.29	27.74	526.09
194	King Street	10.67	28.35	283.28
200	King Street	41.13	34.80	1375.94
240	King Street	5.67	32.41	283.28
242	King Street	8.67	31.05	242.81
244	King Street	8.69	32.05	242.81
246	King Street	8.05	36.66	283.28
248	King Street	12.24	37.80	445.16
250	King Street	5.14	38.63	242.81
252	King Street	12.87	41.71	526.09
256	King Street	18.29	44.71	526.09
258	King Street	9.03	38.61	364.22
260	King Street	9.68	37.43	323.75

262	King Street	18.29	28.19	526.09
7	Napier Street	22.71	18.72	404.69
11	Napier Street	22.86	21.28	445.16
23	Napier Street	20.42	24.43	485.62
25	Napier Street	15.24	21.08	323.75
6	Matilda Street	11.89	36.52	364.22
12	Matilda Street	24.38	21.08	526.09
17	Matilda Street	13.41	18.29	242.81
18	Matilda Street	12.19	21.08	242.81
22	Matilda Street	12.80	42.16	526.09
24	Matilda Street	11.58	42.16	485.62
26	Matilda Street	12.19	42.16	526.09
30	Matilda Street	17.37	29.36	526.09
32	Matilda Street	19.20	29.97	566.56
11	Market Street	19.51	18.59	364.22
20	Market Street	8.93	36.58	323.75
21	Market Street	7.77	32.00	246.86
22	Market Street	9.30	36.56	323.75
23	Market Street	7.77	32.46	222.58
26	Market Street	12.19	36.58	445.16
27	Market Street	36.76	46.82	526.09
28	Market Street	6.10	37.03	242.81
212	MacNab Street	18.29	23.16	404.69
218	MacNab Street	21.34	36.58	768.91
221	MacNab Street	12.19	36.58	445.16
222	MacNab Street	12.19	36.58	445.16
223	MacNab Street	24.38	36.58	890.31
224	MacNab Street	12.19	36.58	445.16
226	MacNab Street	18.29	36.58	687.97
227	MacNab Street	12.19	36.58	445.16
229	MacNab Street	12.19	36.58	445.16
230	MacNab Street	12.19	36.58	445.16
233	MacNab Street	36.58	12.19	445.16
234	MacNab Street	15.24	36.58	566.56
242	MacNab Street	10.36	36.59	364.22
244	MacNab Street	12.34	36.59	445.16
246	MacNab Street	11.43	36.59	404.69
248	MacNab Street	8.74	36.59	323.75
249	MacNab Street	21.08	36.58	768.91
250	MacNab Street	12.05	36.59	445.16
251	MacNab Street	21.08	36.58	768.91
254	MacNab Street	8.84	36.58	323.75

255	MacNab Street	12.04	36.58	445.16
256	MacNab Street	12.24	36.58	445.16
259	MacNab Street	10.67	21.34	242.81
260	MacNab Street	10.83	19.29	161.87
261	MacNab Street	10.67	21.34	242.81
262	MacNab Street	10.67	18.29	202.34
Count				128

	Frontage (m)	Depth (m)	Area (sq.m.)
Average	13.92	34.67	444.81
Min	4.319016	12.192	80.9374522
Median	12.045696	36.576	404.687261

		Percentile
Project Statistics		Frontage (m)
Orig. Lot Frontage	18.96	85%
Frontage (m)	9.48	33%
Depth (m)	36.76	84%
Orig. Lot Area	674.54	86%
Area 1 (sq.m)	337.78	42%
Area 2 (sq.m)	336.76	42%

Lot Area Analysis		
Lot Area	Count	Percentage
< 199 sq.m	10	8%
200 - 299 sq.m	25	20%
300 - 399 sq.m.	27	21%
400 - 499 sq. m.	29	23%
500 - 599 sq.m.	16	13%
> 600 sq.m.	21	16%
Total	128	

Lot Frontage Analysis		
Lot Frontage	Count	Percentage
< 8 m	16	13%
8 - 10 m	30	23%
10 - 12 m	17	13%
12 - 14 m	20	16%
14- 16 m	3	2%
> 16 m	42	33%
Total	128	



Hamilton

Committee of AdjustmentCity Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	
Registered Owners(s)	2818716 Ontario Inc.		
Applicant(s)*	Batory Mangement c/o Paul Demczak		
Agent or Solicitor			Phone:
			E-mail:

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot Lot 5, Block 35	Concession	Former Township
Registered Plan N°. 1443	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 216 Hatt Street, Dundas ON L9H 2G8			Assessment Roll N°.

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

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10): creation of a new lotOther: a charge

- addition to a lot
 an easement

- a lease
 a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- creation of a new lot
 creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)
 addition to a lot

- Other: a charge
 a lease
 a correction of title
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

3.3 If a lot addition, identify the lands to which the parcel will be added:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
9.48	36.62	350.01 sq.m.

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
- Commercial
 Vacant
-

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
- Commercial
 Vacant
-

Building(s) or Structure(s):

Existing: One 2-storey residential dwelling, one 1-storey detached garage

Proposed: One 2-storey residential dwelling

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify) _____

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) _____

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
9.48	36.75	324.53 sq.m.

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
- Commercial
 Vacant
-

Proposed Use of Property to be retained:

- Residential
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) _____

Building(s) or Structure(s):

Existing: One 2-storey residential dwelling, one 1-storey detached garage

Proposed: One 2-storey residential dwelling

Type of access: (check appropriate box)

- provincial highway
 right of way
 municipal road, seasonally maintained
 other public road
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify) _____

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) _____

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The proposed detached residential dwellings are a permitted land use under the Neighbourhoods land use designation, and respect the existing physical character of the neighbourhood, as outlined in the Neighbourhoods policies within the City of Hamilton Official Plan.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? Town of Dundas Zoning By-Law No. 3581-86 Single-Detached Residential (R2)

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	

A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
 Site evaluation

- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- Yes No

The consent application meets the criteria of Section 51(24) of the Planning Act with consideration to the subdivision of land

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

The consent application has regard to the criteria for land use patterns within settlement areas as outlined in section 1.1.3.2 of the PPS. Specifically, the consent application represents an efficient land use infill development opportunity that

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

The consent application has regard for Section 1.2.1, and 2.1 on directing intensification to urban settlement areas

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- Yes No
 (Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- Yes No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?

- Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

-
- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

-
- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of

the transferee and the land use.

8.4 How long has the applicant owned the subject land?

8.5 Does the applicant own any other land in the City? Yes No
 If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? Yes No Unknown

If YES, and if known, specify file number and status of the application.

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision? Yes No Unknown

If YES, and if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Rural | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Rural Settlement Area (specify) _____ | _____ | _____ |
| | Settlement Area | Designation |

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

10.2 **Type of Application** (select type and complete appropriate sections)

- | | | |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition | | |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation | | (Complete Section 10.4) |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation | | (Complete Section 10.5) |

10.3 **Description of Lands**

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

 Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

 Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

d) Surplus farm dwelling date of construction:

 Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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.: DN/A-21:137

APPLICANTS: Owner 2818716 Ontario Inc
 Agent Paul Demczak

SUBJECT PROPERTY: Municipal address **216 Hatt St., Dundas**

ZONING BY-LAW: Zoning By-law 3581-86 , as Amended

ZONING: R2 district (Single- detached Residential Zone)

PROPOSAL: To permit the creation of two (2) separate lots in accordance with Consent Application No. DN/B-21:32 and to permit the construction of a new single detached dwelling on each lot notwithstanding that:

Lands to be Severed:

1. A lot area of 337.0m² shall be provided instead of the minimum required lot area of 450.0m².
2. A lot frontage of 9.4m shall be provided instead of the minimum required lot frontage of 15.0m
3. A westerly side yard of 0.9m shall be provided instead of the minimum required 1.2m side yard.

Lands to be Retained:

1. A lot area of 336.0m² shall be provided instead of the minimum required lot area of 450.0m².
2. A lot frontage of 9.4m shall be provided instead of the minimum required lot frontage of 15.0m
3. An easterly side yard of 0.9m shall be provided instead of the minimum required 1.2m side yard.

NOTES:

- i. These variances are necessary to facilitate Consent Application No. DN/B-21:32
- ii. Please be advised that parking for each proposed dwelling shall be provided in accordance with Section 7 of Dundas Zoning By-law 3581-86. At this time, insufficient information has been provided in order to review parking for zoning

DN/A-21: 137

Page 2

compliance. As such, further variances may be required if zoning compliance cannot be achieved.

- iii. The current zone permits a maximum building height of 10.5m. Insufficient information has been provided in order to confirm zoning compliance. As such, further variances may be required if the height of each dwelling does not conform.
- iv. Details respecting any intended yard encroachments (such as eaves and gutters, canopies, porches etc.) have not been provided. As such, zoning compliance could not be confirmed at this time. The owner shall be advised that any intended yard encroachments shall be in accordance with Section 6.6 of Dundas Zoning By-law 3581-86, otherwise further variances may be required.

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

DATE: Thursday, May 20th, 2021
TIME: 1:30 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

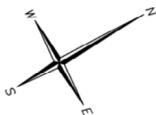
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

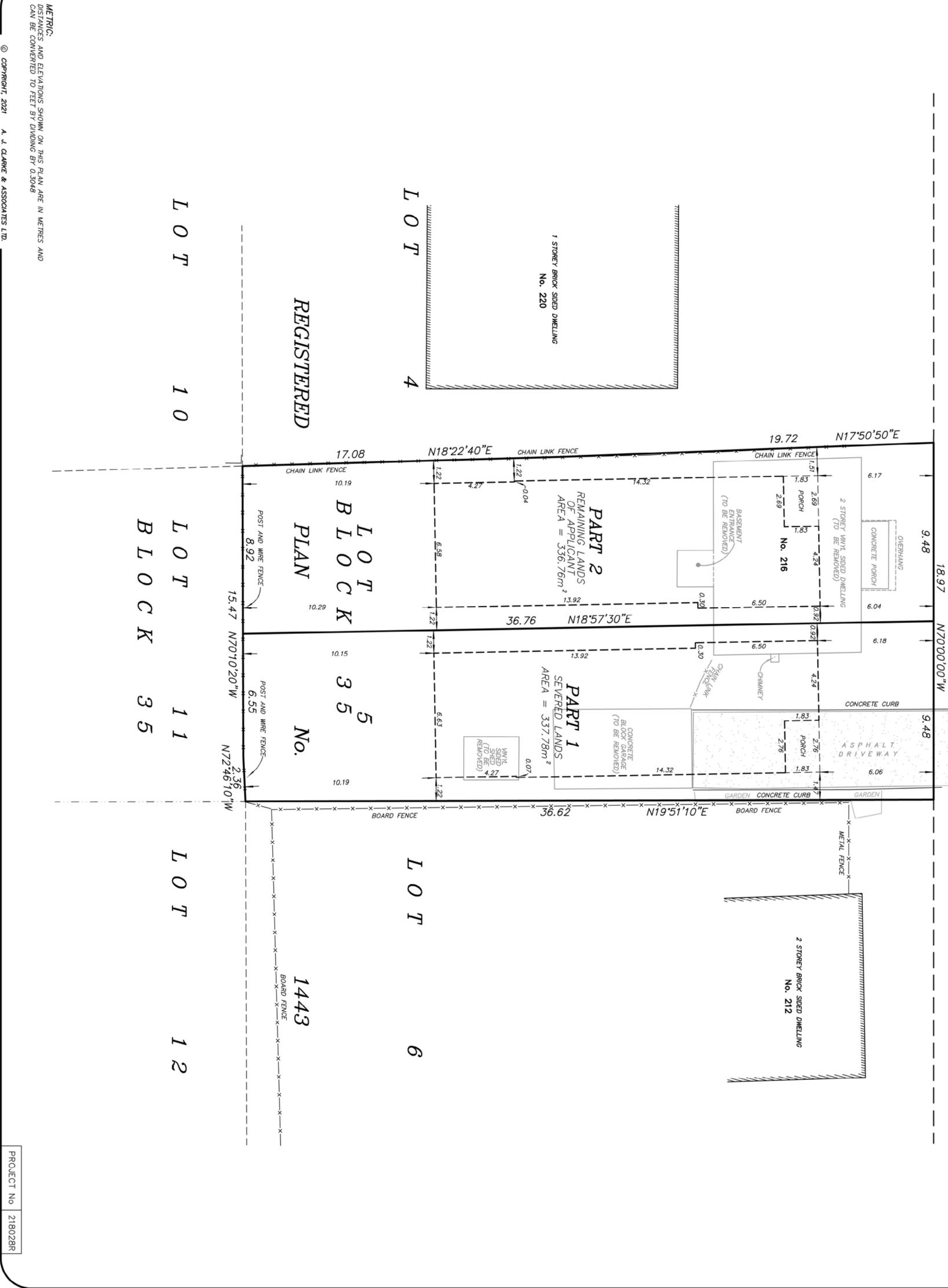
DATED: May 4th, 2021.

Jamila Sheffield,
 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.



HATT STREET
(ESTABLISHED BY REGISTERED PLAN 1443)



METRIC:
DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

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PROJECT NO. 218028R



SKETCH OF
LOT 5
BLOCK 35
REGISTERED PLAN No. 1443
NOW IN THE
CITY OF HAMILTON
SCALE 1:150

G. G. ALDWORTH O.L.S.

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE:
THIS PLAN IS COMPILED FROM PLANS AND RECORDS
ON FILE IN THIS OFFICE AND IS NOT BASED ON AN
ACTUAL FIELD SURVEY.

THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION
TO THE COMMITTEE OF ADJUSTMENT REQUESTING A GRANT
OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
USED FOR TRANSACTION OR MORTGAGE PURPOSES.

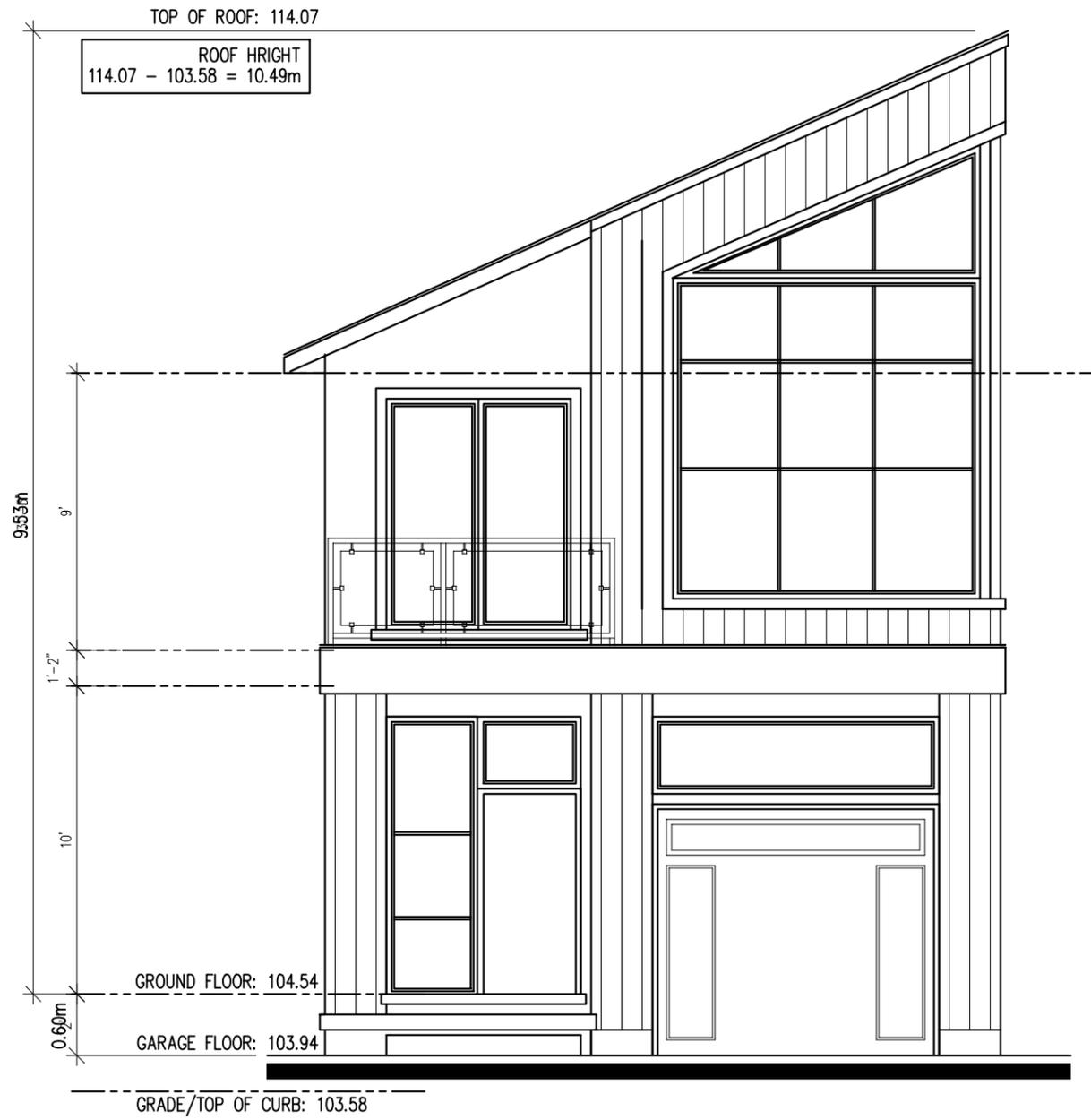
MARCH 3, 2021
DATE

G. G. ALDWORTH
ONTARIO LAND SURVEYOR



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: gfc@ajclarke.com





PLANNING RATIONALE

March 2021

Subject Address:

216 Hatt Street
Hamilton, ON

1.0 Background

1.1 Introduction

Batory Management has been retained by 2818716 Ontario Inc. as the planning consultant for the development at 216 Hatt Street in the City of Hamilton, Ontario.

The following Planning Justification Report provides an overview of the proposed development on the subject lands. This report also provides justification of the consent and minor variance applications needed to facilitate the proposed development of the subject lands.

Located one property west of the corner of Hatt Street and Market Street South, the subject property is a rectangular shaped lot, with one single detached home and detached garage. The landowner seeks to sever the property in order to create one new residential lot. The landowner further seeks to construct a new detached dwelling on the severed lot, as well as a new detached dwelling on the retained lot.

1.2 Location and Site Context

216 Hatt Street is located within the Dundas community Ward 13, in Hamilton's former Town of Dundas. The subject property is an interior lot with 18.96 m of frontage on Hatt Street, and 674.54 sq.m. (7,260.69 sq.ft.) in lot area. The site is currently occupied by one single detached two-storey house, with a detached one-storey garage.

The subject lands are bounded by the following:

- To the north: Hatt Street, Dundas Community Centre and mixed residential and commercial along King Street West.
- To the south: Existing residential neighbourhood.
- To the west: Existing residential neighbourhood.
- To the east: Market Street, existing residential neighbourhood and JL Grightmire Market Square Arena.

The immediate neighbourhood within Dundas is a mixed building typology residential neighbourhood that's been organically developed and is currently changing with a variety of different built forms. Heritage properties are scattered throughout the neighbourhood, both registered under Class IV and V of the Ontario Heritage Act, and properties that are listed in the Municipal Heritage Register. It should be noted that the subject site is not designated as Heritage in either the Ontario Heritage Act and the Municipal Heritage Register. The immediate surrounding area contains a mix of both main street service commercial and office uses along King Street East as well as residential detached one and two storey dwellings, semi detached dwellings, townhouse units and multiple unit dwellings.



Figure 1 – Aerial Photo

Hatt Street travels east-west with two lanes of traffic with permitted lay-by parking on the both lanes except immediately in front of Dundas Lions Memorial Community Centre. Hatt Street is designated as a Collector Road in Schedule C of the Urban Hamilton Official Plan Schedule C; Functional Road Classification.

While Hatt Street is not directly on a Hamilton Bus Route, King Street E one block to the north of the subject site is serviced by the Delaware/Dundas #52 and 5/5E Route that is a dedicated line connecting Dundas to west Hamilton through the King Street East #5 route. The nearest transit stop is approximately 50m north of the subject site, at the corner of King Street West and Market Street South.

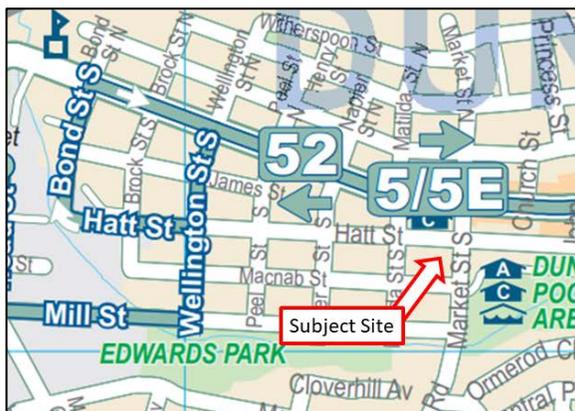


Figure 2 – Hamilton Street Railway System Map;

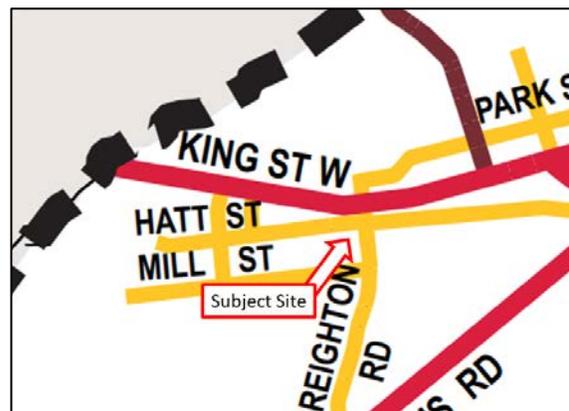


Figure 3 –OP Schedule C: Functional Road Classification

Subject Site:



Figure 4 – Subject Site

Neighbourhood Context:



Figure 5 – Surrounding Context Photos (built form immediately surrounding the site)

1.3 Surrounding Lot Fabric

Hatt Street and the surrounding context in the neighbourhood is predominantly 1-2 storey homes, of varying design styles influenced from its time of construction. Mixed in with new built construction are heritage dwellings, converted dwelling office's, and public infrastructure.

Both Lots and Lot Frontages in the surrounding neighbourhood surrounding the subject are irregular as a result from the growth and change that has occurred. The property is located within a residential neighbourhood characterized by a variety of lot shapes and sizes. The subject area is characterized by an eclectic style of homes with evidence of redevelopment of homes within the neighbourhood. The eclectic nature of the homes includes ranging heights, lotting patterns, architectural styles, exterior colour palettes, and renovations / additions to many of the original dwellings.

The built-form along Hatt Street is made up of dwellings built in various time periods, and are accessed through the front yard with vehicle parking located predominantly in side-yard or on-street. The front face of dwellings are organized close to the street, with street-facing front yard walkways. Front yards consist of landscape sod and driveway pavers of gravel, stone, and asphalt. The front façade of the existing surrounding neighbourhood is generally brick and vinyl siding, in various colours and styles which reflect the growth and change within the neighbourhood. A portion of the newer built and newly renovated homes incorporate wood board and batten cladding. Trees within the neighbourhood are sporadic in growth and size, with species that are generally mature deciduous trees. A dominant evergreen species is located directly to the east of the site.

Surrounding Context:



Figure 6 – Neighbourhood Context Photos (various built forms within 150m of the site)

2.0 Proposed Development Concept

The purpose of this application is to sever the lot to create an additional lot with frontage along Hatt Street. A draft reference plan has been provided in Figure 6 below as part of this report which illustrates the proposed lot configuration.

The applicant intends to construct a detached dwelling on the severed lot and a detached dwelling on the retained lot, which will require a Minor Variance application to bring the built form into conformity with the Zoning By-Law. The proposed dwellings are intended to better reflect the scale and massing of adjacent properties, and provide architectural building materials that complement the architecture on Hatt Street. The landowner also intends to implement potential high performance building standards and/or green standards within the design and construction of the homes.

More detail pertaining to the existing land use policies and zoning regulations applicable to the subject lands are provided in Table 1.

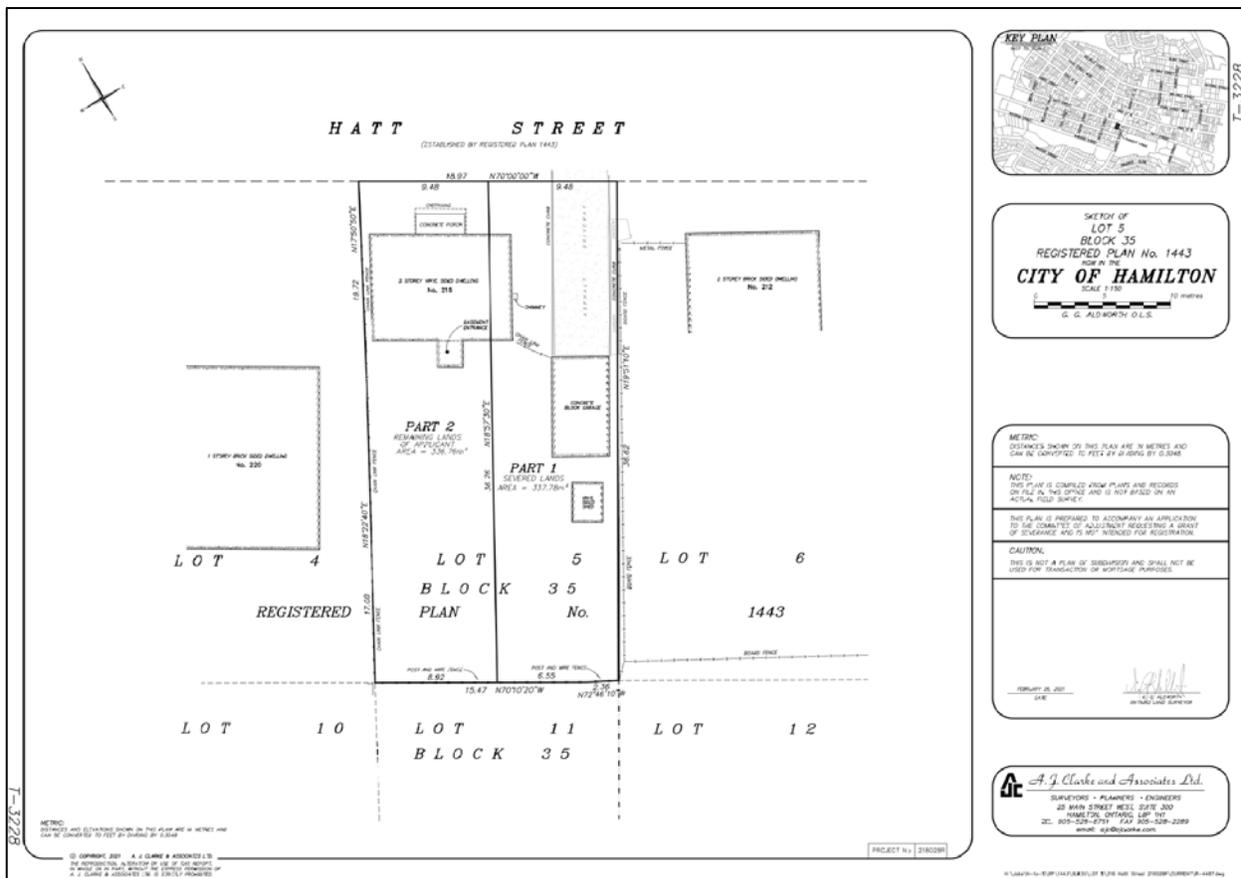


Figure 7 – Severance Survey Plan



Figure 8 – Proposed Conceptual Rendering



3.0 Evaluation of the Proposed Consent Application

All planning decisions made within the Province of Ontario must be consistent and conform to Ontario's planning-system hierarchy. As such, this section will review the proposed consent application as it relates to the relevant planning policies.

3.1 Planning Act Section 51(24)

The *Planning Act of Ontario* provides legal authority relating to planning matters in the Province of Ontario. The proposed consent application meets the applicable subdivision criteria set out in the *Planning Act* as specified by Section 51(24) of the *Planning Act*.

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for person with disabilities and welfare of the present and future inhabitants of the municipality and to;

1. a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
2. b) Whether the proposed subdivision is premature or in the public interest
- d) The suitability of the land for the purposes for which it is to be subdivided;
- f) The dimensions and shapes of the proposed lots;
- i) The adequacy of utilities and municipal services

3.2 Provincial Policy Statement

The subject lands are located within Hamilton's settlement area. Section 1.1.3.1 of the PPS 2014 notes that "*Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted".

The consent application has regard to the criteria for land use patterns within settlement areas as outlined in section 1.1.3.2 of the PPS. Specifically, the consent application represents an efficient land use infill development opportunity. Additionally, the proposed lots will be created through the consent process and will be serviced by existing municipal infrastructure such as water and sanitary systems. Accessing the site can efficiently be done both actively as well as by motor vehicles; the subject site is accessed using a municipally serviced road and the subject lands are located within walking distance of main street amenities and the City's public transportation network. Additionally, the proposed consent application supports the City of Hamilton's population intensification targets. The consent of the subject lands will not jeopardize any natural heritage, agricultural, archaeological or cultural areas. Additionally, no human-made hazards are located within proximity to the subject lands.

3.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The consent application is supported by the following sections of *A Place to Grow*:

Section 1.2.1 of the Plan provides the guiding principles for how land is to be developed, resources to be managed and protected, and public dollars to be strategically invested according to the following principles:

- Prioritize *intensification* and higher densities in *strategic growth* areas to make efficient use of land and *infrastructure* and support transit viability.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.

Section 2.1 of the Plan provides policies for where and how to grow. Specifically, Section 2.2.1.2 a) states:

the vast majority of growth will be directed to *settlement areas* that:

- i. have a *delineated built boundary*
- ii. have existing or planned *municipal water and wastewater systems*; and
- iii. can support the achievement of *complete communities*

Section 2.1.2 c):

Within *settlement areas*, growth will be focused in:

- i) *delineated built-up areas*;
- ii) *strategic growth areas*;
- iii) locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
- iv) areas with existing or planned *public service facilities*

Section 2.1:

- d) development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise;
- e) development will be generally directed away from *hazardous lands*;

3.4 City of Hamilton Official Plan

The City of Hamilton Official Plan was adopted by Council on July 9, 2002 and is effective August 16, 2013, with the exception of certain policies and land use designations, none of which are applicable to the subject application.

The subject site is currently designated “Neighbourhoods” according to the Urban Hamilton Official Plan Schedule E-1: Urban Land Use Designations

Chapter B of the Hamilton Official Plan introduces Hamilton’s character based on its communities. Communities are described as having four attributes:

- Complete: Opportunities to live, work, learn, shop, and play are provided and are accessible.
- Healthy: Healthy and safe lifestyles are supported by quality built and natural environments.
- Diverse: Neighbourhoods are unique in character and enable a variety of lifestyle choices and housing opportunities for all. and;
- Vibrant: Interesting and creative streetscapes and human scale public places are created through quality design, pedestrian amenities, and attention to land use mix.

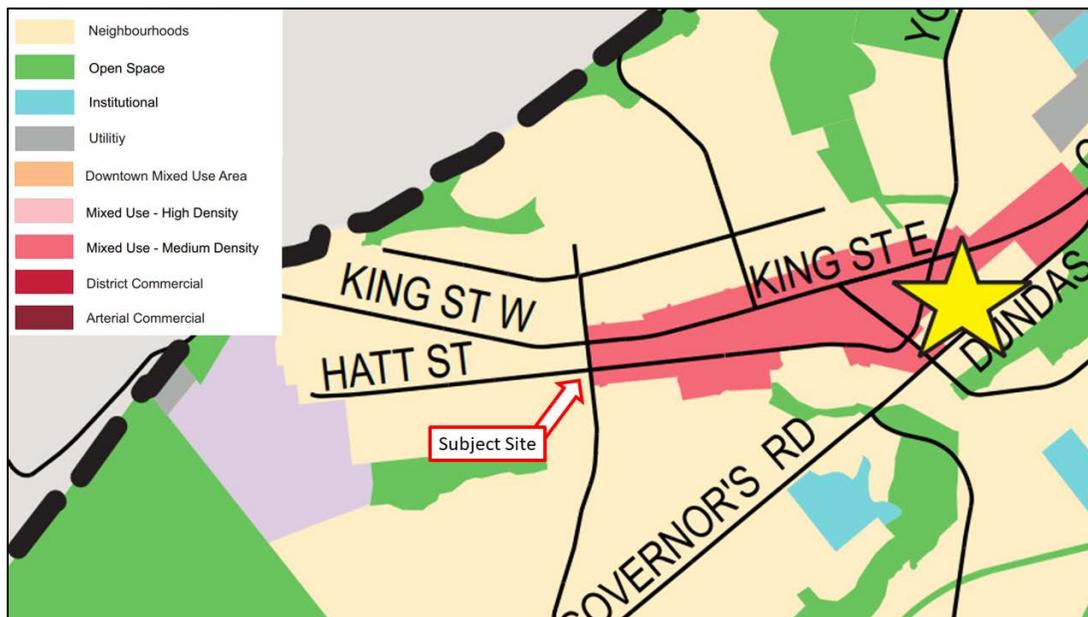


Figure 8 – City of Hamilton Official Plan: Urban Hamilton Schedule E-1 Urban Land Use Designations

Section 2.4 speaks specifically to Residential Intensification as a key component of Hamilton's growth strategy to meet the growth and intensification targets as set by the Province. Residential Intensification contributes to creating and maintaining vibrant neighbourhoods, nodes and corridors and can provide a wider range of housing types to meet the housing needs of Hamilton's current and future population.

The policies within Section 2.4.1. address Residential Intensification;

2.4.1.1.c) states that 40% of residential intensification is anticipated to occur within the Neighbourhoods designation

Policy 2.4.1.4 outlines that Residential Intensification shall be evaluated based on the following criteria;

2.4.1.4.b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form.

2.4.1.4.c) the developments contribution to maintaining and achieving a range of dwelling types and tenures

2.4.1.4.d) the compatible integration of the 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.

2.4.1.4.f) infrastructure and transportation capacity

2.4.1.4.g) the ability of the development to comply with all applicable policies

Policy 2.4.2 speaks specifically to residential intensification within the Neighbourhoods designation;

2.4.2.2.b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects

2.4.2.2.c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings

2.4.2.2.d) the consideration of transitions in height and density to adjacent residential buildings

2.4.2.2.e) the relationship of the proposed lots(s) with the lot pattern and configuration within the neighbourhood

2.4.2.2.g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations

2.4.2.2.h) the ability to complement the existing functions of the neighbourhood

Chapter E addresses the Urban Designations of Hamilton's Neighbourhoods, in which is subject site is currently designated. They are described as diverse, ranging from old, historic area of the City, to newly developed subdivisions.

Chapter E Section 2.6 defines neighbourhoods as a key component of Hamilton's urban structure, representing the concept of complete community at the structural level. They're comprised of a mix of low, medium and high rise residential areas, with various types of roads, parks, open spaces, and commercial areas, institutions such as schools and places of worship. Neighbourhoods are regarded as stable, however it doesn't mean they're static and its anticipated that physical change will occur over time.

Residential intensification within neighbourhoods is stated to be part of the evolution of neighbourhoods and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood.

Section 3.1 speaks to the policy goals that apply to Neighbourhoods land use designation, they are;

- 3.1.1.: Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods
- 3.1.2. Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- 3.1.3. Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- 3.1.4. Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- 3.1.5. Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

Section 3.2 goes on to speak about the function of Neighbourhoods, and outlines the general policies attributed to them:

- 3.2.1. Area 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.

Section 3.2.3 specifically states the uses permitted in Neighbourhoods:

- 3.2.3.a) residential dwellings, including second dwelling units and housing with supports;
- 3.2.3.b) open space and parks
- 3.2.3.c) local community facilities/services; and,
- 3.2.3.d) local commercial uses.

Section 3.4.3 states that the specific uses permitted within Neighbourhoods are single-detached, semi-detached, duplex, triplex, and street townhouse dwellings

Residential Uses are described in Section 3.3, and Low Density Residential developments are described within Section 3.4 of the Official Plan. Both of these policies outline the framework of new development within Neighbourhoods. Section 3.3.1 and 3.3.2 states that, lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas, and Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

Section 3.4.6 states the Design criteria for development in areas dominated by low density residential uses:

- 3.4.6.c) A mix of lot width and sizes *compatible* with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-Law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.

Hatt Street in Dundas – Urban Design Study

In 2005, The Hatt Street Urban Design Study was completed, which is intended to inform and guide urban design strategies on Hatt Street. The report speaks to the history of Hatt Street, principles for place-making, key design elements within the defined precincts, and built form guidelines, among other various urban design components within the study.

The subject property is located within ‘Precinct 4’, which is defined by small-scale residential built form that emerged in the first half of the 19th century as modest worker’s residences. The built form is recognized as having various architectural styles.

The Precinct 4 guidelines speak to infill opportunities on page 17, sidebar, of the guidelines, which states the following: As opportunities arise, residential properties along Hatt Street may also allow infill with a maximum building height of 3 storeys. All infill built-form development should be sympathetic to and consistent with the existing heritage environment in terms of building materials, colour, scale, and massing. This does not mean that the built form must be an exact copy of historic styles on the street, but rather a careful and creative interpretation of it.

3.5 Town of Dundas Zoning By-Law No. 3581-86

The in-force zoning by-law applying to the site is the Town of Dundas (Now City of Hamilton) Zoning By-Law No. 3581-86, as amended, consolidated for May 2017. The Town of Dundas Zoning By-Law is one of the Former Communities of Hamilton which is not subject to the Hamilton Zoning By-Law No. 05-200. The City of Hamilton is currently in the process of replacing the Zoning By-Laws of all of the former municipalities. At the present time of this application, the Town of Dundas By-Law is currently in effect.

The Town of Dundas Zoning By-law 3581-86 zones the subject site Single-Detached Residential (R2). This zoning permits single-detached dwellings, as well as additional uses such as:

- Retirement Home
- Bed and Breakfast Establishment (with conditions)
- Accessory Building, Structure and Uses (incl. 1 Accessory Apartment)
- Urban Farm (with conditions)
- Community Garden (with conditions)



Figure 8 – Zoning Map

- The minimum lot area in the R2 Zone is 450 square metres
- The minimum lot frontage in the R2 Zone is 15 metres.
- The minimum setbacks in the R2 Zone is 6.0 metres for the front yard, 7.5 metres for the rear yard, and 1.2 metres for the side yard.
- The maximum height in the R2 Zone is 10.5 metres
- The minimum parking requirement in the R2 zone is 1.0 spaces per dwelling unit, with a minimum space size of 2.5 metres in width, and 6.7 metres in length.
- The minimum front yard landscape requirement in an R2 Zone is 50%.

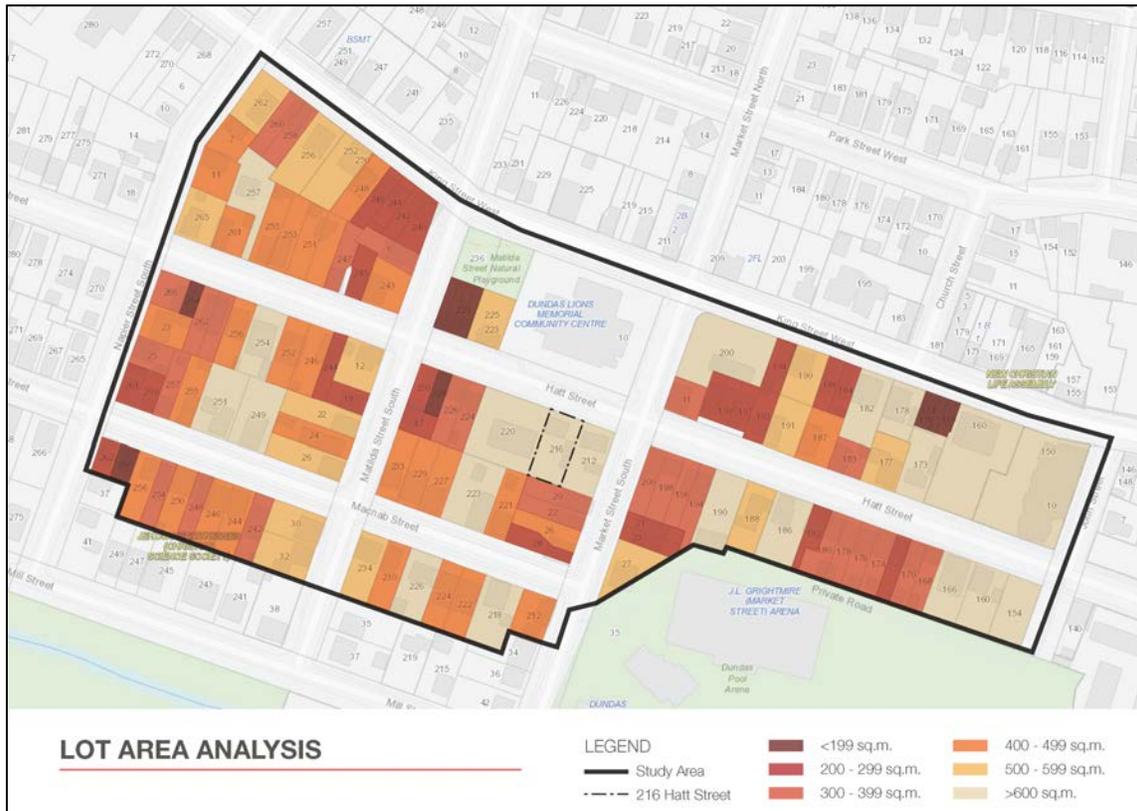
4.0 Neighbourhood Context Analysis:

An analysis of the immediate neighbourhood context and lot fabric was completed as part of this planning analysis, as outlined in Appendix 1. The table in Appendix 1 outlines frontage, depth, and lot area, of all of the lots within the within the immediate neighbourhood bounded by John Street to the east, Hatt Street to the South, King Street W to the north, and Napier Street S to the west. It is noted that the lots within the chosen study area have varied Zoning designations, however the majority of lots sampled permit residential dwellings. A total of 128 lots were analyzed within the study area.

4.1 Neighbourhood Context: Lot Area

The existing site is one of the largest lots in terms of lot area, falling within the 86% percentile of lots examined. It should be noted that over 60%, or 76 lots within the study area, do not comply with the minimum lot area provision of the Town of Dundas Zoning By-Law 3581-86 Single Detached Residential R2, of 450 sq.m.

On review of the proposed severance plan, the proposed lot area of the severed and retained lot will be 337.78 sq.m. and 336.76 sq.m. respectfully. Both Lot Areas of the severed and retained lot will be within the 42nd percentile of lots examined within the study area, meaning just over 40% of the lots within the neighbourhood are similar or smaller in area as the proposed severance application. Further, a total of 27 of the 128 lots, or 21% of the total lots are within a lot area range of 300-400 sq.m.



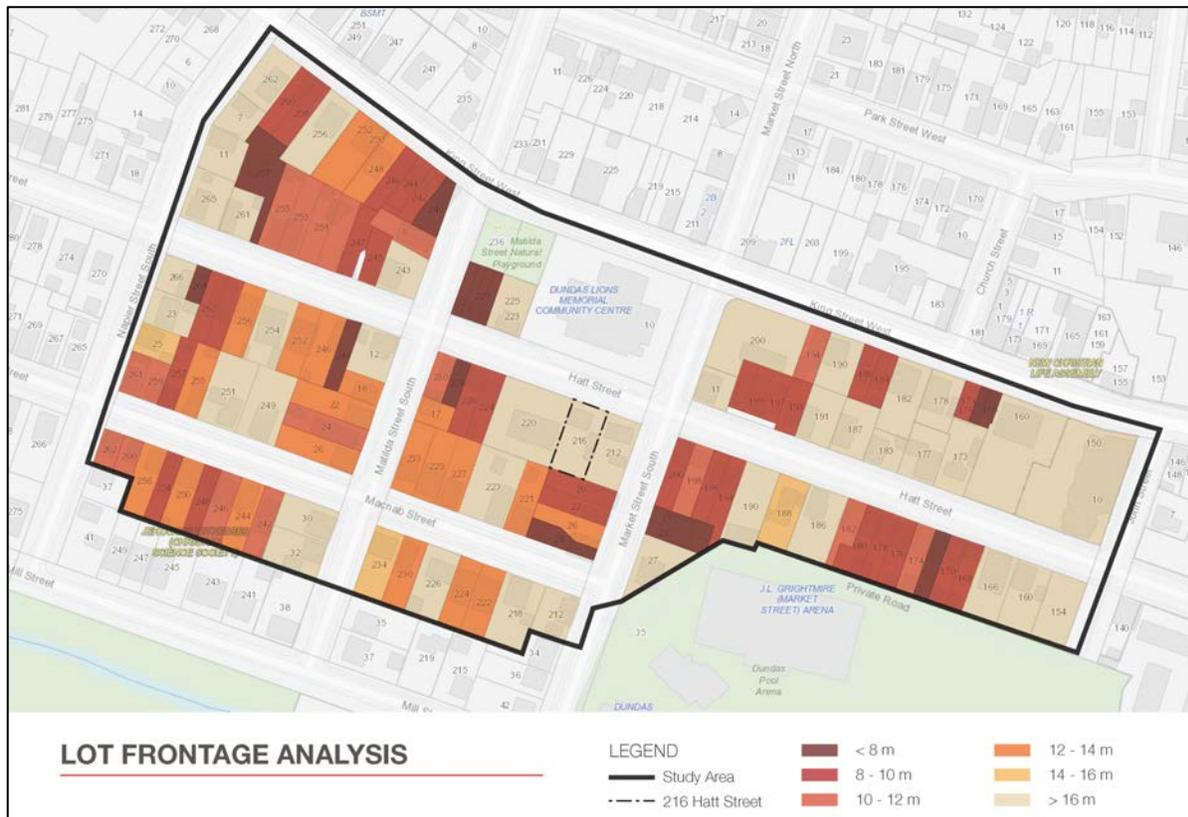
Lot Area Analysis		
Lot Area	Count	Percentage
< 199 sq.m	10	8%
200 - 299 sq.m	25	20%
300 - 399 sq.m.	27	21%
400 - 499 sq. m.	29	23%
500 - 599 sq.m.	16	13%
> 600 sq.m.	21	16%
Total	128	

4.2 Neighbourhood Context: Lot Frontage

The existing site is a relatively large lot in comparison to the surrounding neighbourhood with a frontage of 18.96m, which is in the 85% percentile of lots examined. It should be noted that over 65%, or 83 lots within the study area, do not comply with the minimum lot frontage provision of the Town of Dundas Zoning By-Law 3581-86 Single Detached Residential R2, of 15 m.

On review of the proposed severance plan, both the severed and retained lot have proposed a frontage of 9.48m. The proposed frontage of 9.48 m is within the 33rd percentile of lots examined within the study area, meaning a third of the lots within the neighbourhood have similar or smaller frontages as the proposed severance application. Further, a total of 30 of the 128 lots, or 23% of the total lots are within a lot frontage range of 8 - 10 m.

Lot Frontage Analysis		
Lot Frontage	Count	Percentage
< 8 m	16	13%
8 - 10 m	30	23%
10 - 12 m	17	13%
12 - 14 m	20	16%
14- 16 m	3	2%
> 16 m	42	33%
Total	128	



5.0 Consent Analysis:

The neighbourhood analysis for both Lot Frontages and Lot Area within Section 4.0 was conducted to establish the context of the existing neighbourhood in order to determine if the proposed variances for the Consent application are appropriate in the existing neighbourhood character. The variances will facilitate the creation of one severed lot, and one retained lot, as well as the future construction of two new detached dwellings (one dwelling on each respective lot).

In terms of lot area, the original lot prior to the proposed severance application is one of the larger lots within the existing neighbourhood. The proposed severance application will create two lots of similar size, being 337.78 sq.m. and 336.76 sq.m. and will require variances to the Town of Dundas Zoning By-Law 3561-86 Section 9.2.1.1, as the lot area minimums do not meet the requirements of 450 sq.m. The severed lots are in keeping with the surrounding neighbourhood, as they will fall within the 42nd percentile in terms of size, meaning that 42% of the lots within the neighbourhood are of similar size or smaller than the proposed development.

Also within the study area, the existing site has a frontage which is in the top 80% of lots within the surrounding neighbourhood. The proposed severance application will create two lots, both with frontages of 9.48 m in length, and will require a variance to the Town of Dundas Zoning By-Law 3561-86 Section 9.2.1.2, as the lot frontage does not meet the minimum requirement of 15m. The severed lots are in keeping within the surrounding neighbourhood, as they are in the 33rd percentile, meaning that 33% of the lots within the neighbourhood have similar or smaller frontages than the proposed development.

As such, both the variance for lot area and lot frontage proposed by this severance application are compatible with the neighbourhood. Most notably, the general lotting pattern of the immediate neighbourhood is being maintained in terms of the prevailing size and configuration of lots. Based on the review, the existing neighbourhood character is being maintained and the proposed development is compatible with neighbouring lots and the prevailing building types.

The proposed land division will not restrict development of adjacent lands, and the development is appropriate to the use proposed and is compatible with adjacent lots. Further, the proposed land division will comply with the requirements of the Zoning By-law, as facilitated through the accompanying minor variance application. On this basis, the proposed consent application represents good planning.

From a policy perspective, the proposed consent application meets the criteria for approval as set out in the Planning Act, represents an appropriate infill development opportunity as set in the *Provincial Policy Statement*, and supports the City of Hamilton's development criteria as set out in the Official Plan.

6.0 Evaluation of the Proposed Minor Variances

The application to the City of Hamilton Committee of Adjustment seeks approval of a number of minor variances to permit the severance of the subject site to allow for the creation of one additional residential lot in addition to the retained lot, as well as facilitate the construction of two detached dwellings on the severed and retained lots. As such, the application is evaluated by examining the four tests of minor variance, as set out in the Planning Act:

- 1) Is it in keeping with the purpose and intent of the Official Plan?
- 2) Is it in keeping with the purpose and intent of the Zoning By-law?
- 3) Is the application minor in nature?
- 4) Is it an appropriate and desirable development for the area?

6.1 Proposed Variances

Table 1 - 216 Hatt Street Proposed Variances				
Town of Dundas Zoning By-Law 3581-86: Single-Detached Residential Zone (R2)		Required	Part 1 Provided	Part 2 Provided
1	9.2.1.1 Lot Area Minimum	450 sq.m.	337.78 sq.m.	336.76 sq.m.
	<i>The minimum required lot area shall be 450 square metres</i>			
2	9.2.1.2 Lot Frontage Minimum	15 m	9.48 m	9.48 m
	<i>The minimum required lot frontage shall be 15 metres</i>			
3	9.2.2.2. Side Yard Setback	1.2 m	0.92 m (west property line)	0.92 m (east property line)
	<i>The minimum side yard setback shall be 1.2 metres</i>			

6.2 Intent of The Official Plan

The proposed detached residential dwellings are a permitted land use under the Neighbourhoods land use designation. The proposed detached dwellings respect the existing physical character of the neighbourhood, as outlined in the Neighbourhoods policies within the City of Hamilton Official Plan. The proposed built form is meeting the intent of Chapter E 3.2.1 in contributing a complete community, and in providing adequate dwelling types and densities for local residents. The proposed development also is compatible with the Policies in Chapter B Section 2.4.2, and Chapter E, 3.3.1 with the size and configuration of lots within the immediate neighbourhood; it is consistent with the prevailing building type and prevailing lots; it is consistent with the neighbouring setbacks of buildings from the street and maintains the general prevailing patterns of rear and side yard setbacks and landscaped open space. Also, the proposed development maintains the policies in Chapter B 2.4.2 where adequate privacy, sunlight, and sky views for existing residents through appropriate design and maintaining adequate setback and separation distances. As such, the proposed development meets the general intent of the Official Plan and provides a continuation of built form features that contribute to this specific neighbourhood.

6.3 Minor in Nature

To adequately evaluate whether a proposed By-law variance is minor, the resulting impact, if any, must be determined and considered. While a variance may represent a considerable mathematical deviation from the By-law, it may still be considered minor if the resulting impacts of the variance do not result in significant adverse impacts on the surroundings. These surroundings include neighboring properties as well as the general 'streetscape' of the public realm. In consideration of the proposed minor variance application required to facilitate the proposed development, all of the proposed variances meet the test of being minor in nature.

Minimum Lot Frontage – Both Proposed Lots

A minor variance is required for the lot frontage as Section 9.2.1.2 of the Town of Dundas By-Law 3581-86 states that the minimum required frontage shall be 15m, while 9.48m is proposed. When considering the impacts of this requested variance, an analysis of other lots within the subject site's neighbourhood context was considered as part of Section 4.0 of this report. As noted, a neighbourhood lot fabric analysis was undertaken as part of this planning analysis. Within this analysis, it was found that approximately one third of the lots studied have a frontage of 9.48m or less. It was also found that approximately 23% of the lots within the study area, or 30 of the 128 lots studied, have a frontage which ranges between 8-10m.

The proposed variance will not negatively impact the existing neighbourhood lot fabric. The proposed variances represent frontages that are observed within the neighbourhood fabric and as such are considered minor in nature.

Minimum Lot Area – Both Proposed Lots

A minor variance is required for the minimum lot areas of both of the proposed lots as section 9.2.1.1 of the Town of Dundas By-Law 3581-86 states that the minimum required lot area shall be 450 sq.m., however the proposed lots will be 337.78 sq.m. and 336.76 sq.m. respectfully. As noted previously, a neighbourhood lot analysis was conducted as part of Section 4.0 of this report which surveyed 128 properties within the immediate surrounding neighbourhood for the subject lands. It should be noted that the existing site could be considered as a larger lot in comparison to the existing lot fabric, being within the top 80% in terms of size of the lots analyzed in the study area. The severance application will create two lots which are within the 42nd percentile of the surrounding neighbourhood, meaning just under half of the lots are of similar size and smaller than the proposed severed lots. 21% of the lots within the neighbourhood are within a similar range of 300 sq.m to 400 sq.m. in size.

The proposed severed lots represent lot areas that are prevalent within the existing neighbourhood context and will not create any negative impact to the neighbourhood character. As such, the proposed variances are considered minor in nature.

Minimum Side Yard Setback – Both Proposed Lots

A variance is required for minimum side yard setbacks as the proposed detached dwelling built form does not meet the minimum criteria of 1.2 metres as described in Section 9.2.2.2 of the Town of

Dundas By-Law 3581-86. The variance is required for the mutual property line of the two dwelling units that will be created as part of the severance application. The variance will specifically be required for the west property line of the proposed “Part 1” lot, and the east property line of the proposed “Part 2” lot. It is noted that the proposed side yard setbacks are not out of character with the prevailing setbacks within the immediate neighbourhood, and the proposed massing and impacts to the streetscape will fit harmoniously with the existing character. Further, the proposed side yard setbacks are designed to only impact the proposed dwellings, and the side yard setbacks of the neighbouring dwelling will meet the Zoning By-Law minimum requirement. As such, the proposed variance is considered minor in nature.

6.4 Appropriate and Desirable Development for the Area

The proposed land division and creation of one new lot on the subject lands will create a lot fabric that is appropriate in the immediate neighbourhood context. As outlined in this planning report, many of the existing neighbouring lots that are also Zoned Single Detached Residential Zone R2, do not comply with the minimum lot frontage or lot area requirements of the Zoning By-law. Further, as presented within the Neighbourhood Character Study in Section 4.0 of the Planning Report, the proposed variances are similar to what is already prevalent in the immediate surrounding context and within the neighbourhood. As such, the proposed reduction in lot frontages, lot areas, and the side yard setbacks are not considered to result in a development that is out of character with the surrounding streetscape.

The variances dealing with the proposed detached dwellings will not create negative impacts within the context of the immediate neighbourhood. The prevailing character of building typology is being maintained, and the proposed massing, scale, setbacks, and landscaping are being maintained with no negative impacts to adjacent properties or within the neighbourhood. As such, the proposed development is appropriate and desirable for the area.

6.5 Intent of the Zoning By-law

Minimum Lot Frontage – Both Proposed Lots

The intent of the minimum lot frontage provision of the Town of Dundas Zoning By-law 3581-86 is to ensure that frontage of a lot will not result in a lot that is too narrow and subsequently disrupt the neighbourhood fabric. This provision helps create lots that are similar in shape and cohesive with each other and helps create a consistent streetscape. While the proposed variance represents a numerical deviation from the By-law, it does not represent a deviation from what is already found within the prevailing neighbourhood context, as discussed in Section 4.0 of this Planning report. As such, the proposed reduction to the proposed lot frontage as part of the Severance application meets the intent of the Zoning By-law.

Minimum Lot Area – Both Proposed Lots

The intent of the minimum lot area provision of the Town of Dundas Zoning By-law 3581-86 is to ensure that the size of a lot is adequate relative to neighbourhood lot fabric in an effort to protect the character of a neighbourhood from development that is too dense, or an overdevelopment of an individual lot. The proposed lot areas are not atypical of lot sizing that exist in the immediate

neighbourhood, as discussed in Section 4.0 of this Planning Report, and will not create any negative impact to the prevailing neighbourhood character and lotting patterns. As such, the proposed lot areas are compatible within the immediate neighbourhood and meet the intent of the Zoning By-law.

Minimum Side Yard Setback – Both Proposed Lots

The intent of the minimum side yard setback within the Town of Dundas Zoning By-law 3581-86 are to ensure that the proposed dwellings are compatible with the prevailing character and streetscape of the immediate neighbourhood, and to ensure that new development is not situated undesirably close to an existing structure. It is noted that the proposed side yard setback is not out of character with the prevailing setbacks within the immediate neighbourhood, and the proposed massing and impacts to the streetscape will fit harmoniously with the existing character. As previously noted, the proposed variance to the side yard setbacks are designed to only impact the new proposed dwellings, and the minimum side yard setbacks to the adjacent neighbouring properties are in keeping with the minimum requirements of the Town of Dundas Zoning By-Law. The proposed side yard setbacks are not out of character within the context of the immediate neighbourhood. As such, the proposed variances meet the intent of the Zoning By-law.

7.0 Planning Conclusion

As noted above, this report evaluated the proposed consent application as well the minor variance application as set out in the Planning Act.

The consent application has been reviewed as it relates to consistency of the *Provincial Policy Statement 2014, A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, its consistency with the City of Hamilton Official Plan, and the in-force Town of Dundas Zoning By-law 3581-86. It is of our opinion the consent application adequately responds to these.

The proposed variances are in keeping with the purpose and intent of the Official Plan and Town of Dundas Zoning By-law 3581-86, considered minor in nature and an appropriate and desirable development for the area. On this basis, the proposed development satisfies the four tests required for a minor variance application under the Planning Act and represent good planning.

Respectfully submitted by,



Paul Demczak, MCIP, RPP
Principal, Batory Management

Appendix I – Neighbourhood Lot Analysis

#	Street	Frontage (m)	Depth (m)	Area (sq.m.)
154	Hatt Street	18.29	36.58	687.97
160	Hatt Street	18.29	36.58	647.50
166	Hatt Street	18.29	36.58	687.97
168	Hatt Street	9.14	36.58	323.75
170	Hatt Street	9.14	36.58	323.75
172	Hatt Street	7.72	36.58	283.28
174	Hatt Street	10.21	36.58	364.22
176	Hatt Street	9.50	36.58	364.22
178	Hatt Street	9.14	36.58	323.75
180	Hatt Street	8.23	36.58	364.22
182	Hatt Street	10.06	36.58	283.28
186	Hatt Street	20.88	36.58	728.44
188	Hatt Street	15.70	36.58	566.56
190	Hatt Street	18.29	39.62	687.97
194	Hatt Street	8.93	48.46	323.75
196	Hatt Street	8.44	36.58	323.75
198	Hatt Street	10.36	36.58	364.22
200	Hatt Street	8.84	36.58	323.75
212	Hatt Street	18.29	36.58	687.97
216	Hatt Street	18.29	36.58	687.97
220	Hatt Street	36.58	36.58	1335.47
224	Hatt Street	9.14	36.58	323.75
226	Hatt Street	9.14	36.58	323.75
228	Hatt Street	7.21	23.89	161.87
230	Hatt Street	10.39	23.89	242.81
244	Hatt Street	7.62	36.58	283.28
246	Hatt Street	13.46	36.58	485.62
252	Hatt Street	12.50	36.73	445.16
254	Hatt Street	17.47	36.73	647.50
256	Hatt Street	12.19	36.58	445.16
260	Hatt Street	8.89	36.58	323.75
262	Hatt Street	8.89	36.58	323.75
264	Hatt Street	7.95	18.44	161.87
266	Hatt Street	16.74	18.44	323.75
173	Hatt Street	17.07	36.27	647.50
177	Hatt Street	19.51	277.67	526.09
183	Hatt Street	18.29	18.29	323.75
187	Hatt Street	17.68	28.04	485.62

191	Hatt Street	18.29	28.38	526.09
193	Hatt Street	9.75	24.99	242.81
197	Hatt Street	9.50	25.05	242.81
199	Hatt Street	8.34	25.05	206.39
201	Hatt Street	8.35	25.06	206.39
223	Hatt Street	18.29	28.37	526.09
227	Hatt Street	4.72	28.28	121.41
229	Hatt Street	4.47	28.29	121.41
231	Hatt Street	4.47	28.30	121.41
233	Hatt Street	4.63	28.31	121.41
243	Hatt Street	21.08	25.20	485.62
245	Hatt Street	9.30	30.87	275.19
247	Hatt Street	8.38	36.41	303.52
249	Hatt Street	10.58	38.05	404.69
251	Hatt Street	10.58	38.90	404.69
253	Hatt Street	10.67	42.06	404.69
255	Hatt Street	10.42	43.59	485.62
257	Hatt Street	4.32	43.28	728.44
261	Hatt Street	16.76	23.77	404.69
265	Hatt Street	21.08	24.93	526.09
10	John Street	59.00	46.24	2387.65
160	King Street	35.63	56.52	1780.62
168	King Street	6.82	19.45	121.41
170	King Street	4.58	19.20	80.94
174	King Street	8.06	19.20	121.41
178	King Street	18.29	28.38	687.97
182	King Street	18.59	36.58	679.87
184	King Street	9.14	27.74	242.81
186	King Street	9.14	27.43	242.81
190	King Street	18.29	27.74	526.09
194	King Street	10.67	28.35	283.28
200	King Street	41.13	34.80	1375.94
240	King Street	5.67	32.41	283.28
242	King Street	8.67	31.05	242.81
244	King Street	8.69	32.05	242.81
246	King Street	8.05	36.66	283.28
248	King Street	12.24	37.80	445.16
250	King Street	5.14	38.63	242.81
252	King Street	12.87	41.71	526.09
256	King Street	18.29	44.71	526.09
258	King Street	9.03	38.61	364.22
260	King Street	9.68	37.43	323.75

262	King Street	18.29	28.19	526.09
7	Napier Street	22.71	18.72	404.69
11	Napier Street	22.86	21.28	445.16
23	Napier Street	20.42	24.43	485.62
25	Napier Street	15.24	21.08	323.75
6	Matilda Street	11.89	36.52	364.22
12	Matilda Street	24.38	21.08	526.09
17	Matilda Street	13.41	18.29	242.81
18	Matilda Street	12.19	21.08	242.81
22	Matilda Street	12.80	42.16	526.09
24	Matilda Street	11.58	42.16	485.62
26	Matilda Street	12.19	42.16	526.09
30	Matilda Street	17.37	29.36	526.09
32	Matilda Street	19.20	29.97	566.56
11	Market Street	19.51	18.59	364.22
20	Market Street	8.93	36.58	323.75
21	Market Street	7.77	32.00	246.86
22	Market Street	9.30	36.56	323.75
23	Market Street	7.77	32.46	222.58
26	Market Street	12.19	36.58	445.16
27	Market Street	36.76	46.82	526.09
28	Market Street	6.10	37.03	242.81
212	MacNab Street	18.29	23.16	404.69
218	MacNab Street	21.34	36.58	768.91
221	MacNab Street	12.19	36.58	445.16
222	MacNab Street	12.19	36.58	445.16
223	MacNab Street	24.38	36.58	890.31
224	MacNab Street	12.19	36.58	445.16
226	MacNab Street	18.29	36.58	687.97
227	MacNab Street	12.19	36.58	445.16
229	MacNab Street	12.19	36.58	445.16
230	MacNab Street	12.19	36.58	445.16
233	MacNab Street	36.58	12.19	445.16
234	MacNab Street	15.24	36.58	566.56
242	MacNab Street	10.36	36.59	364.22
244	MacNab Street	12.34	36.59	445.16
246	MacNab Street	11.43	36.59	404.69
248	MacNab Street	8.74	36.59	323.75
249	MacNab Street	21.08	36.58	768.91
250	MacNab Street	12.05	36.59	445.16
251	MacNab Street	21.08	36.58	768.91
254	MacNab Street	8.84	36.58	323.75

255	MacNab Street	12.04	36.58	445.16
256	MacNab Street	12.24	36.58	445.16
259	MacNab Street	10.67	21.34	242.81
260	MacNab Street	10.83	19.29	161.87
261	MacNab Street	10.67	21.34	242.81
262	MacNab Street	10.67	18.29	202.34
Count				128

	Frontage (m)	Depth (m)	Area (sq.m.)
Average	13.92	34.67	444.81
Min	4.319016	12.192	80.9374522
Median	12.045696	36.576	404.687261

		Percentile
Project Statistics		Frontage (m)
Orig. Lot Frontage	18.96	85%
Frontage (m)	9.48	33%
Depth (m)	36.76	84%
Orig. Lot Area	674.54	86%
Area 1 (sq.m)	337.78	42%
Area 2 (sq.m)	336.76	42%

Lot Area Analysis		
Lot Area	Count	Percentage
< 199 sq.m	10	8%
200 - 299 sq.m	25	20%
300 - 399 sq.m.	27	21%
400 - 499 sq. m.	29	23%
500 - 599 sq.m.	16	13%
> 600 sq.m.	21	16%
Total	128	

Lot Frontage Analysis		
Lot Frontage	Count	Percentage
< 8 m	16	13%
8 - 10 m	30	23%
10 - 12 m	17	13%
12 - 14 m	20	16%
14- 16 m	3	2%
> 16 m	42	33%
Total	128	



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)			
Applicant(s)*			
Agent or Solicitor			Phone:
			E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
Canadian Imperial Bank of Commerce

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

4. Nature and extent of relief applied for:

Lot Area Minimum: Required 450 sq.m. Provided 337.78 sq.m. and 336.76 sq.m.
 Lot Frontage Minimum: Required 15m Provided 9.48m (both lots)
 Side Yard Setback: Required 1.2m Provided 0.92m (both interior lot lines)

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

Accompanying Severance Application will create two lots that do not comply with the Dundas Zoning By-Law 3581-86 R2 Zoning designation. The proposed detached dwellings side yard setback does not comply with the Dundas Zoning By-Law 3581086 R2 Zoning designation.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Lot 5, Block 35, Registered Plan 1443, City of Hamilton.
 216 Hatt Street, Dundas, ON L9H 2G8

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Site historical evaluation

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

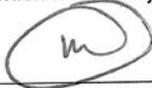
Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

March 31, 2021

Date


Signature Property Owner

2818716 Ontario Inc., Gareth Major

Print Name of Owner

10. Dimensions of lands affected:

Frontage	18.97 m
Depth	36.62 m
Area	674.54
Width of street	

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

One 2-storey residential dwelling, approximately 130 sq.m. GFA in size and one 1-storey detached garage approximately 20 sq.m GFA in size.

Proposed

Sever the subject lands into one severed lot and one retained lot, and to construct one 2-storey detached dwelling approximately 180 sq.m GFA, per lot.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

One 2-storey residential dwelling, approximately 130 sq.m. GFA in size and one 1-storey detached garage approximately 20 sq.m GFA in size.

Proposed:

Sever the subject lands into one severed lot and one retained lot, and to construct one 2-storey detached dwelling approximately 180 sq.m GFA, per lot.

13. Date of acquisition of subject lands:
March 31, 2021
-
14. Date of construction of all buildings and structures on subject lands:
Est. 1960
-
15. Existing uses of the subject property:
 Residential
16. Existing uses of abutting properties:
 Residential
17. Length of time the existing uses of the subject property have continued:
 >60 yrs.
18. Municipal services available: (check the appropriate space or spaces)
 Water Yes Connected Yes
 Sanitary Sewer Yes Connected Yes
 Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 Town of Dundas Zoning By-Law No. 3581-86 Single-Detached Residential (R2)
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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.: FL/A-21:140

APPLICANTS: B. & C. Taugher

SUBJECT PROPERTY: Municipal address **550 Concession 10 E., Flamborough**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "A2" (Rural (A2) Zone)

PROPOSAL: To permit the construction of an addition, with an approximate area 158 square metres, to the existing building which is accessory to an existing single family dwelling, notwithstanding,

1. An accessory building shall be permitted to be located within the front yard whereas the Zoning By-law does not permit an accessory building to be located within a front yard; and,
2. A maximum lot coverage of 342 square metres shall be permitted instead of the maximum permitted lot coverage of 200 square metres.

NOTES:

1. As shown on the submitted drawings, the existing accessory building, including the area of the canopy supported by columns, provides an approximate area of 184 square metres and the proposed addition provides an approximate area of 158 square metres.
2. Please note that the proposed building is permitted to be as an accessory building to the existing single detached dwelling only and cannot be used for human habitation.
3. A further variance will be required should the proposed building height exceed 6.0 metres, provided in accordance with the definition of "Building Height" and "Grade" as defined within the Zoning By-law.

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

DATE: Thursday, May 20th, 2021
TIME: 1:35 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

FL/A-21: 140
Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

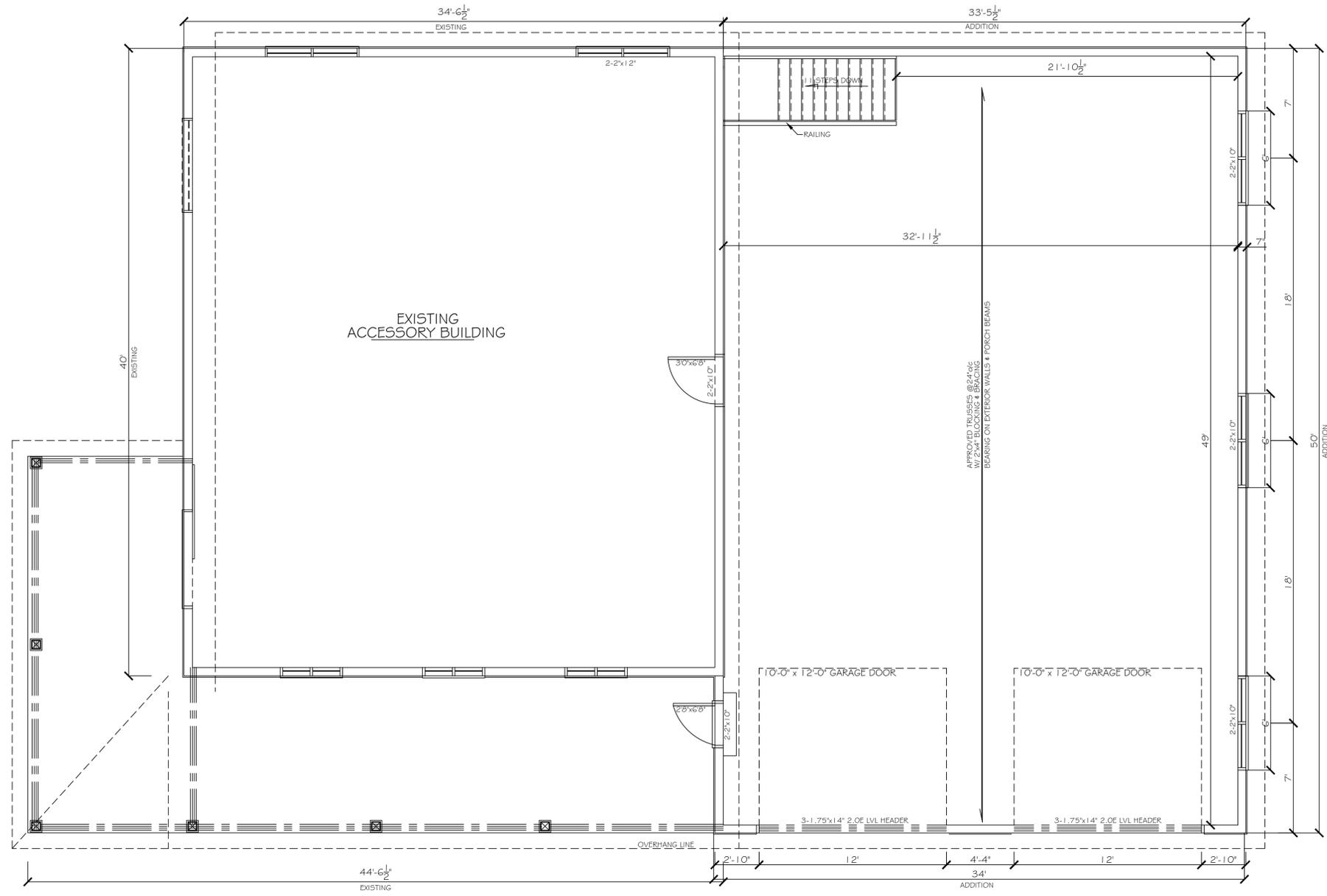
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.



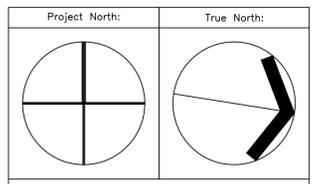
MAIN FLOOR PLAN
SCALE 1/4" = 1'-0"

NOTE:
ALL BUILDING MATERIALS AND CONSTRUCTION METHODS TO COMPLY WITH CURRENT OBC
VERIFY ALL DIMENSIONS BEFORE AND DURING CONSTRUCTION TO CONFIRM ACCURACY
VERIFY ALL DIMENSIONS OF SPECIALTY ITEMS BEFORE ORDERING TO CONFIRM ACCURACY

NOTE:
TRUSS DESIGNS AND LAYOUT PROVIDED BY TRUSS MANUFACTURER

NOTE:
DUE TO THE POSSIBLE VARIANTS ON THE SITE IT IS IMPORTANT FOR THE CONTRACTOR AND TRUSS MANUFACTURER VERIFY ALL DIMENSIONS, BEARING AND ROOF PITCHES OF TRUSSES ON SITE AND ON ALL PAGES OF ARCHITECTURAL DRAWINGS TO ASSURE ACCURACY AND SOFFIT ALIGNMENT

NOTE:
FINAL GRADING WILL DEPEND ON SIGHT AND SOIL CONDITIONS
FINAL DEPTH OF FOUNDATION WILL DEPEND ON SIGHT AND SOIL CONDITIONS



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS AS SET OUT IN THE ONTARIO BUILDING CODE 2.17.4.1 (2) TO BE AN "OTHER DESIGNER"

QUALIFICATION INFORMATION:
RON CRICKMORE BCIN: 41922

Ron Crickmore

Note:

ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED IMMEDIATELY.

FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.

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ALL DRAWINGS AND RELATED DOCUMENTS SHALL REMAIN THE PROPERTY AND COPYRIGHT OF S.D.H. DESIGNS.

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Tel: 905-879-6533

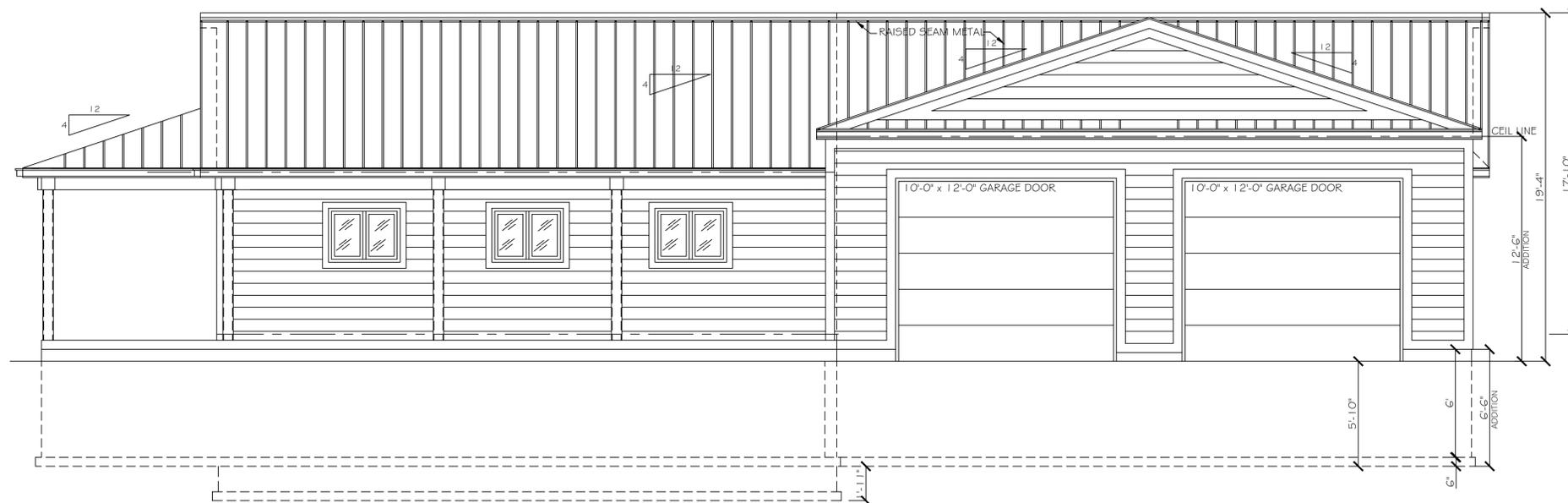
Project:
**TAUGHER CONSTRUCTION
ACCESSORY BUILDING**
550 10TH CONCESSION EAST
FLAMBOROUGH ONTARIO

Sheet Title:
MAIN FLOOR PLAN

Design By: RJC	Drawn By: RJC	Approved By: RJC
Scale: 1/4" = 1'-0"	Date: MAR 2021	Project No.: 19018-S

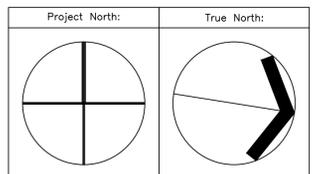
Drawing No:
A2

Drawing Series:



FRONT ELEVATION
SCALE 1/4" = 1'-0"

- NOTE:**
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VERIFY ALL DIMENSIONS BEFORE AND DURING CONSTRUCTION TO CONFIRM ACCURACY
VERIFY ALL DIMENSIONS OF SPECIALTY ITEMS BEFORE ORDERING TO CONFIRM ACCURACY
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QUALIFICATION INFORMATION:
RON CRICKMORE BCIN: 41922

Ron Crickmore

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Tel: 905-470-8533

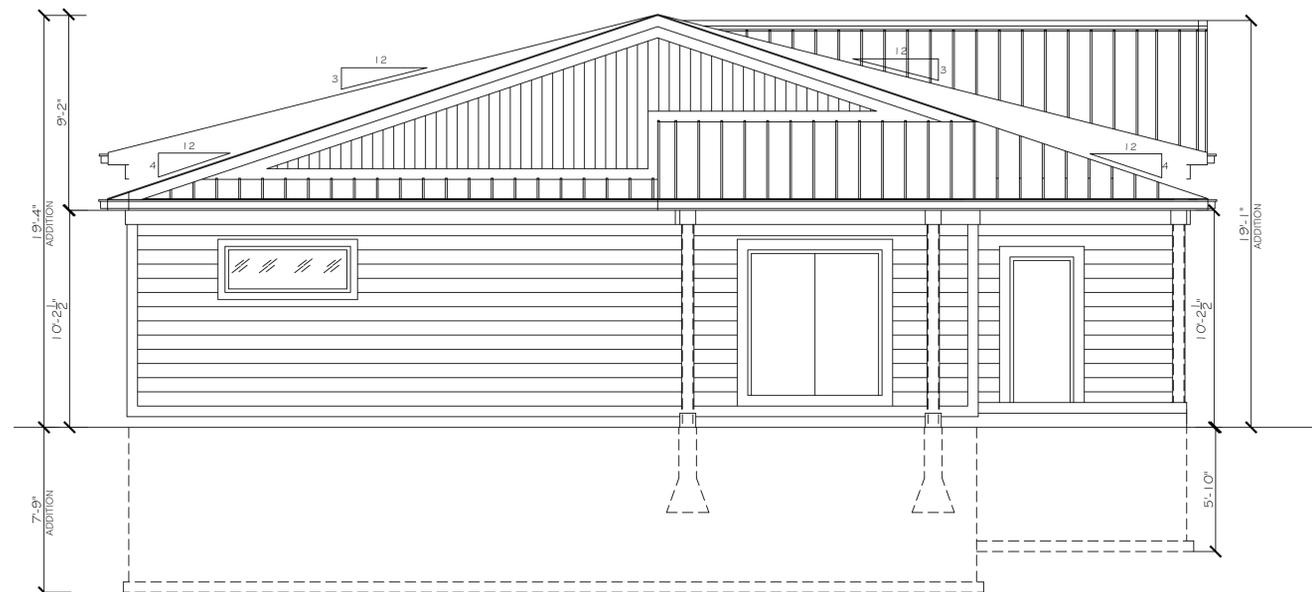
Project:
**TAUGHER CONSTRUCTION
ACCESSORY BUILDING**
550 10TH CONCESSION EAST
FLAMBOROUGH ONTARIO

Sheet Title:
FRONT ELEVATION

Design By: RJC	Drawn By: RJC	Approved By: RJC
Scale: 1/4" = 1'-0"	Date: MAR 2021	Project No.: 19018-S

Drawing No:
A3

Drawing Series:



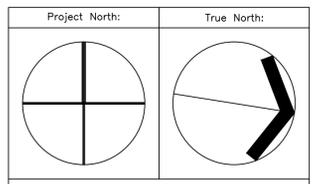
LEFT ELEVATION
SCALE 1/4" = 1'-0"

NOTE:
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Ron Crickmore

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CRICKMORE DESIGN
111 Vauxhall Street, Markham, Ontario, Canada L3R 4Z8
Tel: 905-470-6533

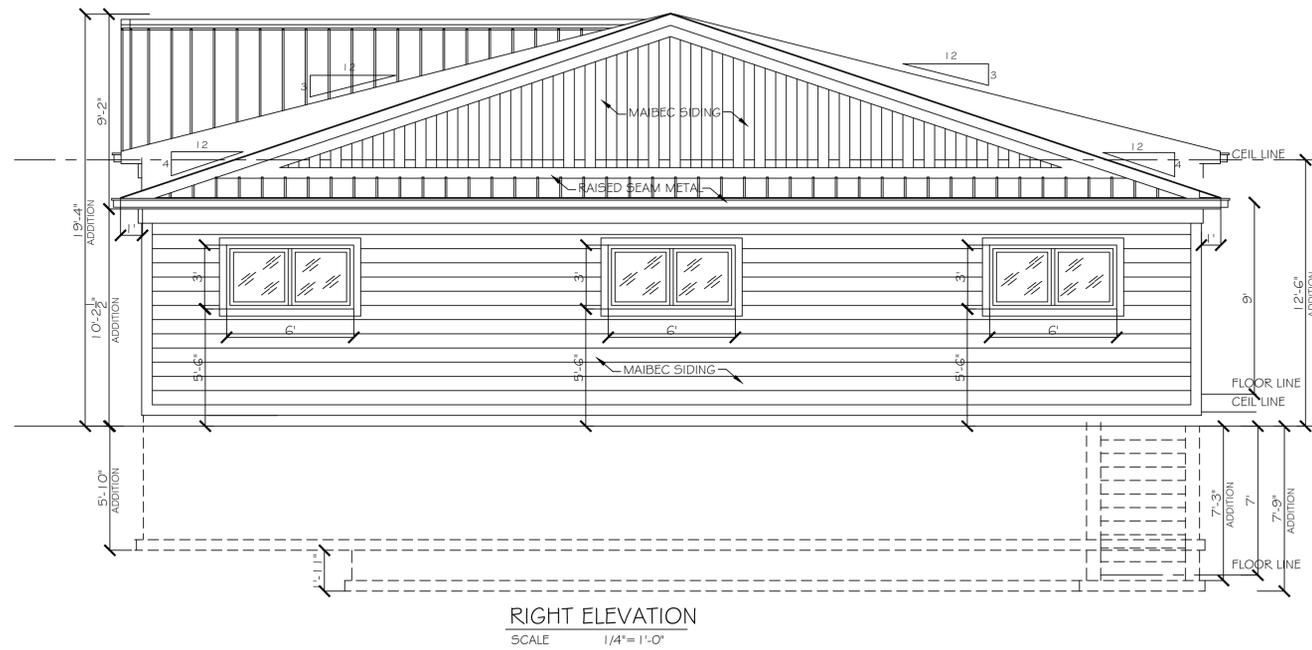
Project:
**TAUGHER CONSTRUCTION
ACCESSORY BUILDING**
550 10TH CONCESSION EAST
FLAMBOROUGH ONTARIO

Sheet Title:
LEFT ELEVATION

Design By: RJC	Drawn By: RJC	Approved By: RJC
Scale: 1/4" = 1'-0"	Date: MAR 2021	Project No.: 19018

Drawing No:
A4-S

Drawing Series:

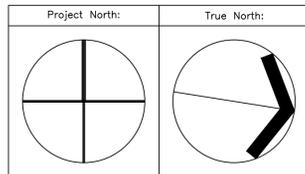


NOTE:
ALL BUILDING MATERIALS AND CONSTRUCTION METHODS TO COMPLY WITH CURRENT OBC
VERIFY ALL DIMENSIONS BEFORE AND DURING CONSTRUCTION TO CONFIRM ACCURACY
VERIFY ALL DIMENSIONS OF SPECIALTY ITEMS BEFORE ORDERING TO CONFIRM ACCURACY

NOTE:
TRUSS DESIGNS AND LAYOUT PROVIDED BY TRUSS MANUFACTURER

NOTE:
DUE TO THE POSSIBLE VARIANTS ON THE SITE IT IS IMPORTANT FOR THE CONTRACTOR AND TRUSS MANUFACTURER VERIFY ALL DIMENSIONS, BEARING AND ROOF PITCHES OF TRUSSES ON SITE AND ON ALL PAGES OF ARCHITECTURAL DRAWINGS TO ASSURE ACCURACY AND SOFFIT ALIGNMENT

NOTE:
FINAL GRADING WILL DEPEND ON SIGHT AND SOIL CONDITIONS
FINAL DEPTH OF FOUNDATION WILL DEPEND ON SIGHT AND SOIL CONDITIONS



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS AS SET OUT IN THE ONTARIO BUILDING CODE 2.17.4.1.(2)(b) TO BE AN "OTHER DESIGNER"

QUALIFICATION INFORMATION:
RON CRICKMORE BCIN: 41922

Ron Crickmore

Note:

ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED IMMEDIATELY.

FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.

UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SHORING, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.

ALL DRAWINGS AND RELATED DOCUMENTS SHALL REMAIN THE PROPERTY AND COPYRIGHT OF S.D.H. DESIGNS.

USE LATEST REVISED DRAWINGS. DO NOT SCALE DRAWINGS.

CRICKMORE DESIGN
111 Valcourt Street, Markham, Ontario, Canada L3R 4Z8
Tel: 905-470-6533

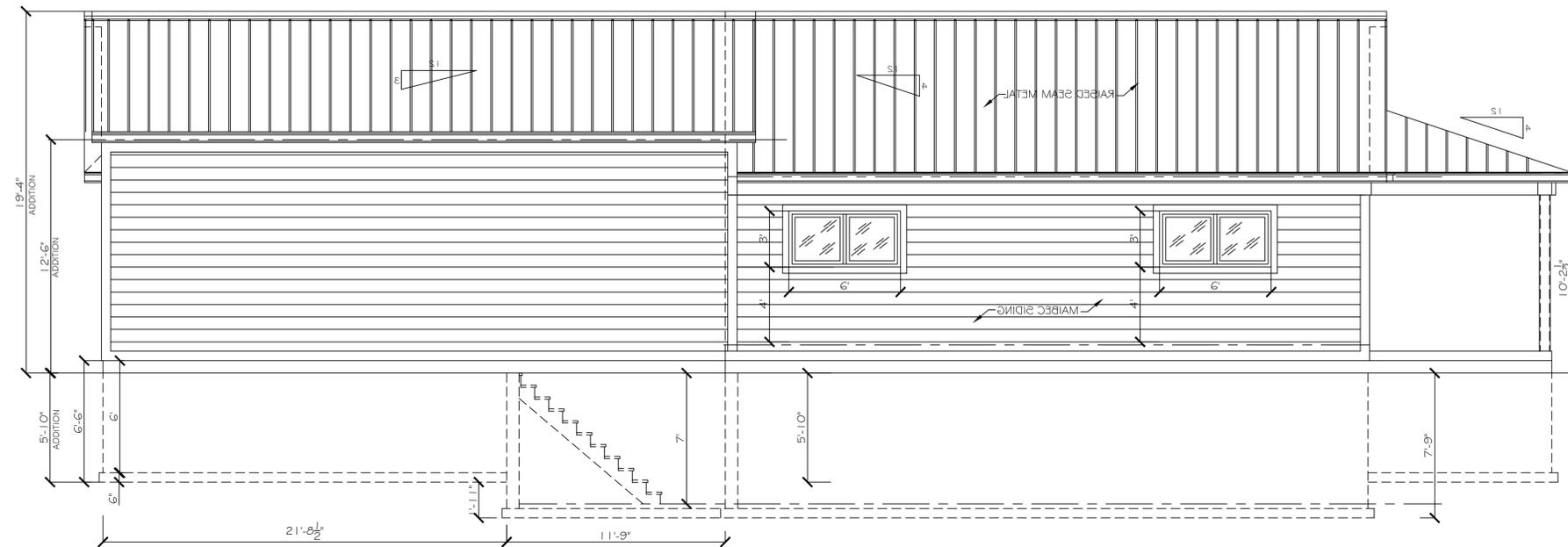
Project:
**TAUGHER CONSTRUCTION
ACCESSORY BUILDING**
550 10TH CONCESSION EAST
FLAMBOROUGH ONTARIO

Sheet Title:
RIGHT ELEVATION

Design By: RJC	Drawn By: RJC	Approved By: RJC
Scale: 1/4" = 1'-0"	Date: MAR 2021	Project No.: 19018-S

Drawing No:
A5

Drawing Series:



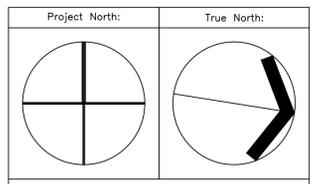
REAR ELEVATION
SCALE 1/4" = 1'-0"

NOTE:
ALL BUILDING MATERIALS AND CONSTRUCTION METHODS TO COMPLY WITH CURRENT OBC. VERIFY ALL DIMENSIONS BEFORE AND DURING CONSTRUCTION TO CONFIRM ACCURACY. VERIFY ALL DIMENSIONS OF SPECIALTY ITEMS BEFORE ORDERING TO CONFIRM ACCURACY.

NOTE:
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QUALIFICATION INFORMATION:
RON CRICKMORE BCIN: 41922

Ron Crickmore

Note:

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CRICKMORE DESIGN
111 Vantage Street, Ancaster, Ontario, Canada L9G 4Z8
Tel: 905-870-6533

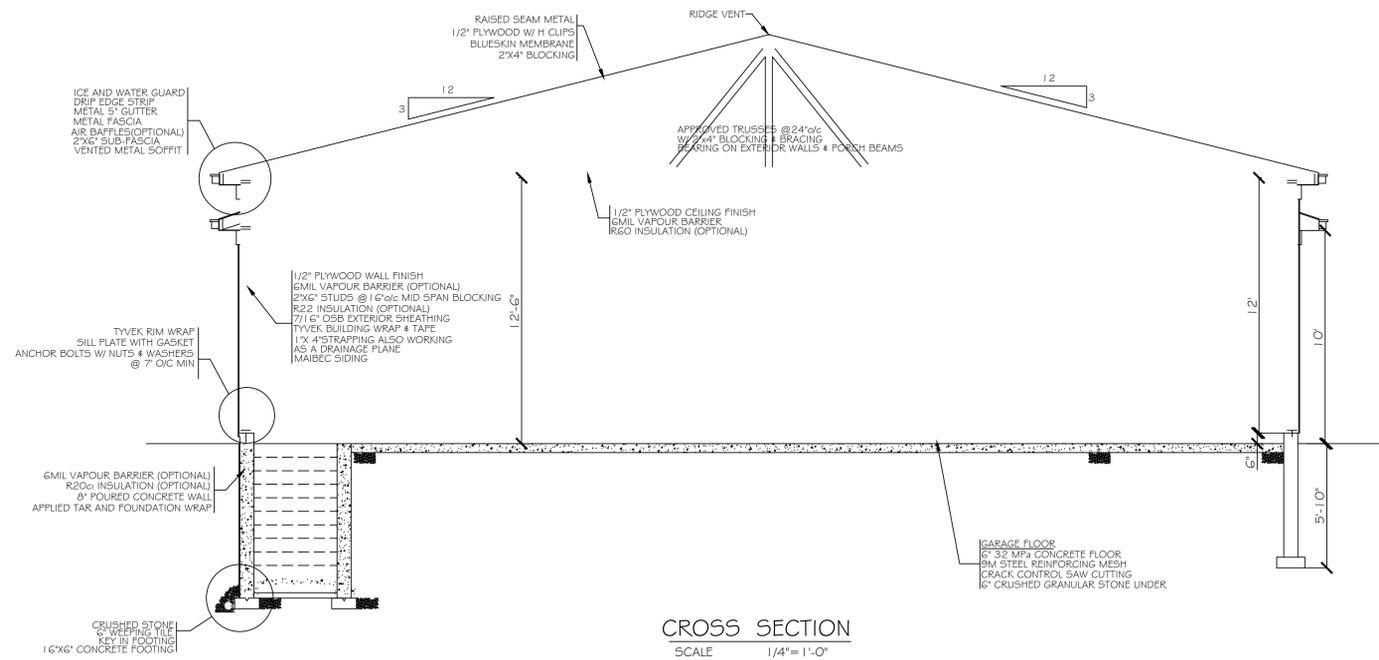
Project:
**TAUGHER CONSTRUCTION
ACCESSORY BUILDING**
550 10TH CONCESSION EAST
FLAMBOROUGH ONTARIO

Sheet Title:
REAR ELEVATION

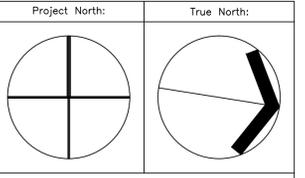
Design By: RJC	Drawn By: RJC	Approved By: RJC
Scale: 1/4" = 1'-0"	Date: MAR 2021	Project No.: 19018-S

Drawing No:
A6

Drawing Series:



CROSS SECTION
SCALE 1/4" = 1'-0"



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS AS SET OUT IN THE ONTARIO BUILDING CODE 5.17.4.1 (2)(b) TO BE AN "OTHER DESIGNER".
QUALIFICATION INFORMATION:
RON CRICKMORE BCIN: 41922

Ron Crickmore

Note:

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CRICKMORE DESIGN
111 Valcourt Street, Markham, Ontario, Canada L3R 4Z8
Tel: 905-470-6533

Project:
**TAUGHER CONSTRUCTION
ACCESSORY BUILDING**
550 10TH CONCESSION EAST
FLAMBOROUGH ONTARIO

Sheet Title:
CROSS SECTION

Design By: RJC	Drawn By: RJC	Approved By: RJC
Scale: 1/4" = 1'-0"	Date: MAR 2021	Project No.: 19018-S

Drawing No:
A7

Drawing Series:



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	COOPER & BRITNEY TAUGHTER	550 CONCESSION RD. 10 EAST.	
Applicant(s)*			Phone: E-mail:
Agent or Solicitor			Phone: E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

RBC ROYAL BANK
 304 DUNDAS ST. EAST
 WATERDOWN, ON.
 LOR 2H0

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

4. Nature and extent of relief applied for:

SIZE OF ACCESSORY BUILDING

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

BY-LAW PROHIBITS ACCESSORY BUILDING BIGGER THAN 200 sq meters.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

*PIN # 175 230 554
ROLL # 251 830 391 025 100
550 CONCESSION RD. 10 EAST. L8B 1H6*

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant

Other _____

- 8.1 If Industrial or Commercial, specify use *N/A*
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

REALTOR, LAWYER & PREVIOUS OWNER

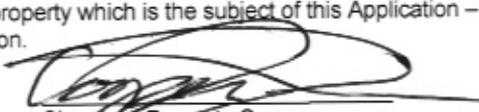
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application - by reason of its approval to this Application.

MR. 2/21
Date


Signature Property Owner
COOPER TAUGER
Print Name of Owner


BRITNEY TAUGER

10. Dimensions of lands affected:

Frontage 39.58 m / 126.57'
Depth 234.76 m / 771.52'
Area 15,761.09 m² / 3.89 ACRES.
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: SINGLE STORY w/ ATTACHED GARAGE
27.3 m x 9.67 m = 266 m²
GROUND FLOOR = 15.8 m x 7.5 m = 133.5 m²
GROSS FLOOR = 267 m² (INCLUDES BASEMENT)
Proposed GARAGE = 8 m x 10.7 m = 85.6 m² HEIGHT = 5.4 m
EXISTING ACCESSORY BUILDING = 12.19 m x 10.66 m = 130.06 m²
HEIGHT = 5.85 m

ADDITION TO ACCESSORY 10.97 m x 15.24 m = 167.22 m²
HEIGHT TO MATCH = 5.85 m

12. Location of all buildings and structures on or proposed for the subject lands: (Specify distance from side, rear and front lot lines)

Existing: REFER TO ATTACHED SURVEY
EXISTING NORTH 78.5 m SOUTH 33 m EXISTING NORTH 24.38 m SOUTH 135
RESIDENCE EAST 23.9 m WEST 25 m ACCESSORY EAST 52.7 m WEST 15.24

Proposed:
ADDITION TO ACCESSORY
NORTH 13.41 m SOUTH 145.87 m
EAST 52.7 m WEST 15.24 m

13. Date of acquisition of subject lands:
FB 1/19
14. Date of construction of all buildings and structures on subject lands:
1985 PRINCIPAL RES. BUILT ACCESSORY BUILT 2020
15. Existing uses of the subject property:
RESIDENTIAL SINGLE FAMILY
16. Existing uses of abutting properties:
RESIDENTIAL
17. Length of time the existing uses of the subject property have continued:
36 YEARS.
18. Municipal services available: (check the appropriate space or spaces)
Water NONE Connected No
Sanitary Sewer NONE Connected No
Storm Sewers NONE
19. Present Official Plan/Secondary Plan provisions applying to the land:
RURAL
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
A-2
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

Date: March 17, 2021

Restricted Land Use Notice

No Prohibition or Risk Management Plan Requirement

Issued under the *Clean Water Act*, Section 59 (2) (a)

Letter Number: HAM-CWE-21-004	
Description and Date of Application / Supporting Documents: 3/16/2021 – Restricted Land Use Submission Form	
Applicant Name: Cooper Taugher	
Telephone: (905) 973-1293	Email address: taugherconstructioninc@gmail.com
Property Address: 550 Concession 10 Rd. E	Town: Carlisle
Province: Ontario	Postal Code: L8B 1H6
Source Protection Plan: Halton-Hamilton	Drinking Water System: Carlisle
WHPA: E	Vulnerability Score: 8.1

This Notice is being issued under subsection 59 2(a) of the *Clean Water Act, 2006* and was prepared in response to an Application (as described above under Description / Supporting Documents) received for the property that is identified above. At the above noted property, one or more of the potential land use activities have been designated as restricted land uses under Section 59 of the *Clean Water Act* and, the application is either for a provision of the *Planning Act* prescribed under Section 62, Ontario Regulation 287/07 of the *Clean Water Act* or for a building permit under the *Ontario Building Code*.

The Application was reviewed in accordance with the *Clean Water Act* and the *Halton-Hamilton Source Protection Plan* which came into effect December 31, 2015 (Amended January 30, 2019). Based on the information submitted as part of the Application, Section 57 (Prohibition) or Section 58 (Risk Management Plan) of the *Clean Water Act* **do not** apply, at this time, to the activities outlined in the Application for the above referenced property.

Rationale: *The applicable policies relate to The Application of Hauled Sewage to Land, Sewage System Or Sewage Works; Application or Storage of Agricultural Source Material (ASM), Non-Agricultural Source Material (NASM) or Biosolids To Land; Application Of Pesticide To Land; Management Or Handling Of Agricultural Source Material - Agricultural Source Material (ASM) Generation (Grazing and pasturing, Yards or confinement). For this Application, based on the information submitted, none of these activities will be occurring. Please note that the future engagement of these activities will require review as they are considered a significant drinking water threat at this property .*

- This Notice is only effective as it relates to the above referenced Application
- Any change to the information submitted under the Application nullifies this Notice, unless otherwise permitted by the Risk Management Official
- This Notice is not valid for any subsequent approvals under the *Planning Act* or building permits under the *Ontario Building Code* for the property. Further Section 59 notices will be required for subsequent applications at the property and a risk management plan may be required
- Pursuant to Section 53 (3), Ontario Regulation 287/07 under the *Clean Water Act*, this notice, once issued, is a public document. All information submitted for development of this notice is subject to the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
- This Notice has been issued under the Authority of the Risk Management Official appointed for the City of Hamilton under by-law 13170. This Notice has been issued in accordance with the *Clean Water Act*, 2006, Section 59, Ontario Regulation 287/07 and the Halton-Hamilton Source Protection Plan, approved August 5, 2015 and effective on December 31, 2015 (Amended January 30, 2019).

If you require further information, please contact the Risk Management Office:

Phone: (905) 546-2424 x 6099

Email: Sourcewater@hamilton.ca

Carmen Vega

Carmen Vega
Risk Management Official
Hamilton Water
City of Hamilton.



Hamilton

Planning and Economic
Development Department

Memorandum

To: George Wong
Acting Manager, Building Engineering and Zoning

From: Cathy Plosz, Natural Heritage Planner (ext. 1231)
Development Planning, Heritage and Design

Melissa Kiddie, Natural Heritage Planner (ext. 1290)
Development Planning, Heritage and Design

Date: March 25, 2021

Subject: **Exemption from Site Plan Control By-law No. 15-176 for 550 Concession 10 East, Flamborough for Development within or adjacent to Core Areas**

In accordance with Section 9.1 of Site Plan Control By-law No. 15-176, Site Plan Control shall apply to *"any buildings or structures, including accessory buildings and structures, decks and additions to existing buildings, situated Adjacent to or within a Core Area (s), except for single detached, duplex, semi-detached or street townhouse dwellings located within a plan of subdivision or plan of condominium draft approved after January 1, 2013"*.

Proposed Development (Please briefly describe proposed development and attach concept plan/map):
Accessory building.

Core Areas include:
Provincially Significant Wetland, Environmentally Significant Area.

Based on a review of the proposed development, the following is applicable:

- Proposed development is located within the footprint of an existing structure.
- Proposed development is located within a disturbed area (i.e. manicured area).
- Proposed development is located at least 30 metres away from the Core Areas.
- Correspondence has been provided by the relevant Conservation Authority (attached).

Therefore, Site Plan Control for the above property is waived.

Notes:

This memo does not exempt the proposal from the requirements of a building permit, nor does it exempt the proposal from the requirements of the Zoning By-law or any further regulations. Please be advised that should the application change, the Planning Division has the right to review the revised submission.

If you have any questions, please contact Catherine Plosz by e-mail at Catherine.Plosz@hamilton.ca.



905.336.1158
 Fax: 905.336.7014
 2596 Britannia Road West
 Burlington, Ontario L7P 0G3
 conservationhalton.ca

Protecting the Natural
 Environment from
 Lake to Escarpment

Letter of Permission in accordance with Ontario Regulation 162/06

October 24, 2019

Cooper & Brittney Taugher
 550 Concession 10 Road East
 Freelon, ON L8B 1H6

BY MAIL AND EMAIL

Dear Mr. and Mrs. Taugher:

**Re: Proposed construction of an accessory building with porch between 30 and 120 metres of a Provincially Significant Wetland
 550 Tenth Concession Road East
 City of Hamilton
 Conservation Halton File: A/19/H/55**

Proposal

The applicant is proposing to construct a new accessory building (garage and storage) having a footprint ± 50 ft. x 74 ft., inclusive of a ± 10 ft. x 34 ft. porch, and a driveway extension to the new structure.

Ontario Regulation 162/06

The subject property is regulated by Conservation Halton (CH) pursuant to *Ontario Regulation 162/06* as it is traversed by a tributary of Bronte Creek and contains a portion of the North Progreston Swamp Provincially Significant Wetland (PSW) Complex. CH regulates a 15 metre regulatory allowance from the greater of the flooding and erosion hazards associated with Bronte Creek, and 120 metres from the limit of a PSW. *Ontario Regulation 162/06* requires that permission be obtained from CH prior to any development, interference with wetlands, and alteration to watercourses and shorelines. Staff note that the proposed development meets Policy 3.38.4 within CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06*, last amended February 25, 2016 as a setback of ± 30 metres from the PSW is maintained at the proposed developments closest point. Staff advise that more accurate delineation of the regulated hazards/features on site may be required at the time of future development proposals.

This Letter of Permission represents CH's consent to undertake the works as shown on the attached drawing stamped, redline revised, and dated October 24, 2019 subject to the following site specific conditions:

Conditions

- a. That disturbed areas be stabilized immediately following the completion of construction to the satisfaction of Conservation Halton.

- b. That effective sediment and erosion control measures be installed prior to starting work, maintained during construction and fully removed once all disturbed areas have been stabilized. That site conditions be monitored and that the sediment and erosion control measures be modified if site conditions warrant it.**
- c. That excess fill (soil or otherwise) generated from the proposed works shall not be stockpiled or disposed of within any area regulated by Conservation Halton, pursuant to Ontario Regulation 162/06.**

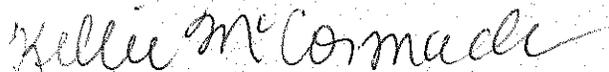
Please be sure that you read and understand the condition listed above. Please also note that contravention of a Letter of Permission, or the terms and conditions of a Letter of Permission, is considered an offence under Section 28(16) of the *Conservation Authorities Act*. It is your responsibility to ensure that any person working under the authority of this Permit is familiar, and complies with, the terms and conditions.

Conservation Halton must be contacted a minimum of 48 hours prior to commencement of construction. This Letter of Permission or a copy thereof as well as all approved drawings must be available at the site. Any changes to the approved design or installation methods must be reviewed and approved by Conservation Halton staff prior to their implementation. This letter of permission is valid for two years from the date of issue.

Please be advised that should you have any objection to any of the conditions of the Letter of Permission, you are entitled to request a hearing before the Authority, in accordance with Section 28(12) of the Conservation Authorities Act. Staff must receive a written notice of your request for a hearing within 30 days of the date of this letter. Please note that if a hearing has been requested, this Letter of Permission is withdrawn until such time as the hearing results have been finalized and commencement of any site alteration must not occur until the results of the Hearing are determined.

We trust the above is of assistance in this matter. Should you require further information, please contact Cassandra Connolly, Regulations Officer, at extension 2301.

Sincerely,



Kellie McCormack, MA, MCIP, RPP
Senior Manager, Planning and Regulations

Encl. 1

Cc: Building Department, City of Hamilton (Letter and Drawing)
Matt Taugher, Agent, taugherconstructioninc@gmail.com (Letter and Drawing)

Dear City of Hamilton By-Law Enforcement Friends,

We are writing this letter in support of the Accessory Building being constructed by the Taugher family at 550 Concession Road 10 East in Freelon.

We understand that due to a complaint the construction has come to a halt. This is very unfortunate, as the direct neighbor to the Taughers (we live at 548) we find it hard to fathom that the building could affect anyone more than it does us. It is barely even noticeable from the road.

The building so far looks awesome and fits with the country feel that we moved out here for. The Taughers have also added about a hundred trees to minimize any impact they thought the construction and structure may have had. They even completed this landscaping before the construction began. The combination of trees, as well as the structure itself actually give much needed privacy between our two properties (We used to stare right into each others yards).

Since the shutdown of work we are now forced to stare at an incomplete construction site that we know will look amazing when finished. It is disappointing that someone is complaining, seemingly for the sake of complaining, causing the delay in improving the view from our yard.

Hopefully, once you approve the building safety (which no doubt is completely up to code) you will allow construction to continue immediately so we can begin enjoying our yard again with the awesome new rustic, forest like view they have worked so hard to make for us.

Thanks,



Daniel and Trisha Morgan
548 Concession Road 10 East
Freelon, ON
L8B1H6
416-602-9747



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:124

APPLICANTS: Owner David Mejia
 Agent Len Angelici

SUBJECT PROPERTY: Municipal address **80 Duncairn Cres., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19-307

ZONING: C/S-1788 district (Urban Protected Residential Etc.)

PROPOSAL: To facilitate the construction of a new roof above the first storey of a single family dwelling with a proposed full second storey, in which the new roof will be supported by columns across the façade, along the length of the dwelling and across the rear wall to provide a roofed-over entrance, carport and a roofed over feature above the rear deck, notwithstanding that:

1. The minimum front yard shall be 4.7 metres to the edge of the eaves instead of the minimum required 6.0 metres.
2. The parking shall consist of two (2) parking spaces instead of the minimum required three (3) parking spaces for a single family dwelling containing nine (9) habitable rooms.

COMMENTS:

1. The variance is written as requested by the applicant.
2. The Zoning By-law defines front yard as

"Yard, Front" shall mean a yard extending across the front of a lot from side lot line to side lot line, and from the front lot line to a principal building or structure, disregarding front steps and unenclosed entrance porches;

Variance 1 applies because the setback for the front yard is measured to the edge of the new roof structure.

3. The submitted plan did not include parking information. Based on the information submitted, tandem parking can be provided and is permitted for two vehicles (2.7m x 6.0m). A side by side parking arrangement would be required to accommodate a third parking space.
4. The applicant has advised that a second kitchen has been provided in the basement of the modified single-family dwelling, but a second dwelling unit has not been created. A building permit is required for a second kitchen.

HM/A-21: 124

Page 2

5. With the exception of the noted modifications to the roof line above the first storey, the second storey that is proposed is consistent with the existing building footprint.
6. The Site-Specific C/S-1788 Zone was created by Amending By-law 19-307. It applies to certain modifications under Section 19 of the Zoning By-law that have been introduced for the conversion of single family dwellings to create second dwelling units. As the proposed changes are for a single family dwelling rather than a converted dwelling, the C District requirements are applicable.

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

DATE: Thursday, May 20th, 2021
TIME: 1:40 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

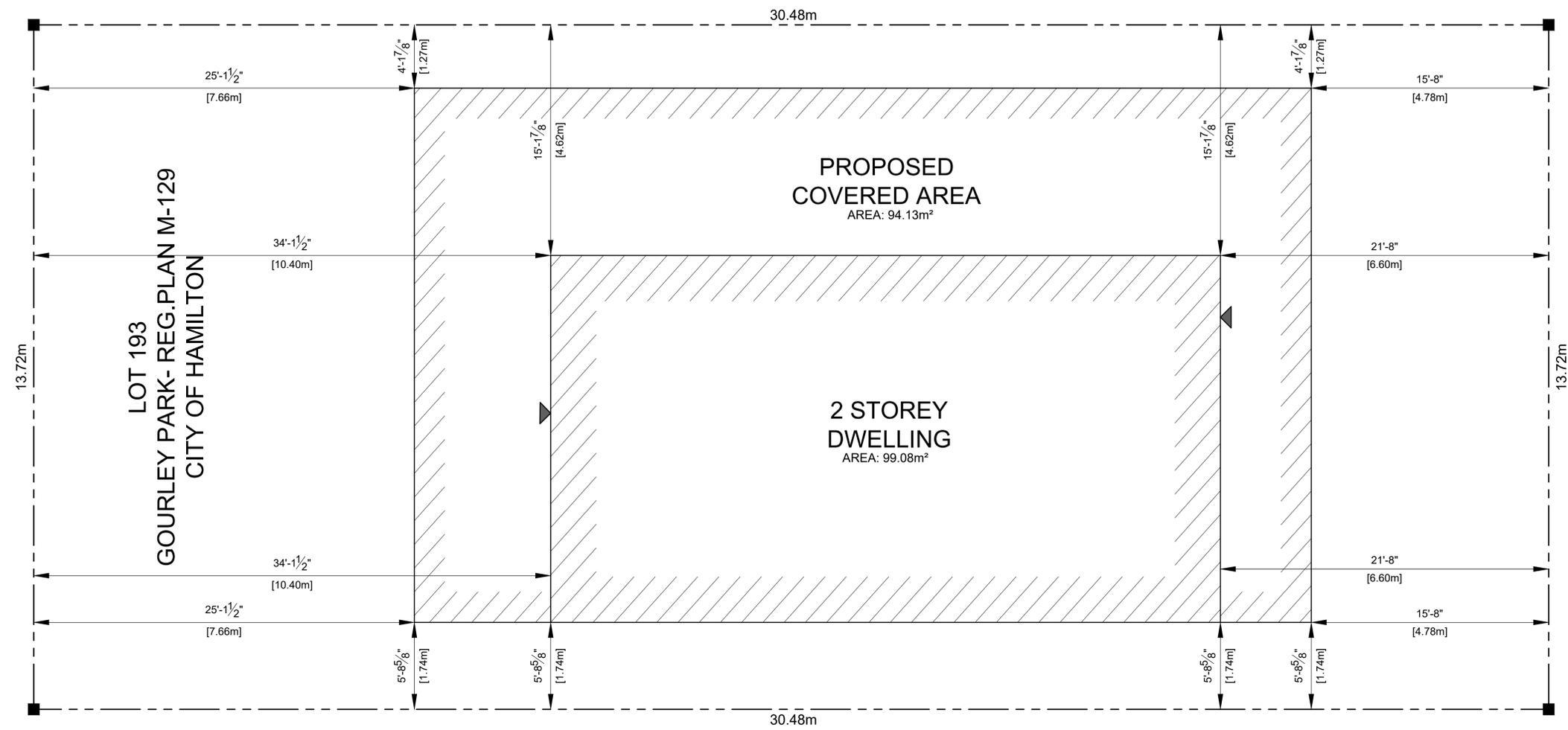
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
 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.



LOT 193
GOURLEY PARK- REG. PLAN M-129
CITY OF HAMILTON

DUNCAIRN CRESCENT

PROPOSED COVERED AREA
 AREA: 94.13m²

2 STOREY DWELLING
 AREA: 99.08m²

SITE DATA	
ZONE:	C
LOT AREA:	418.19m ²
EXISTING DWELLING FOOTPRINT:	99.08m ²
PROPOSED COVERED AREA:	94.13m ²
LOT COVERAGE: COVERED AREA	22.51%
LOT COVERAGE: DWELLING	23.69%
TOTAL LOT COVERAGE:	46.20%
BUILDING HEIGHT	
No. of STOREYS:	2
COVERED AREA SETBACKS	
FRONT:	4.78m
REAR:	7.66m
RIGHT SIDE:	1.27m
LEFT SIDE:	1.74m

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR PERMIT REVIEW	03/23/2021

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
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SEAL

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
 LEONARD ANGELICI 42391
 NAME BCIN
REGISTRATION INFORMATION
 LEN ANGELICI DESIGN 43162
 NAME BCIN
 03/23/2021
 DATE SIGNATURE

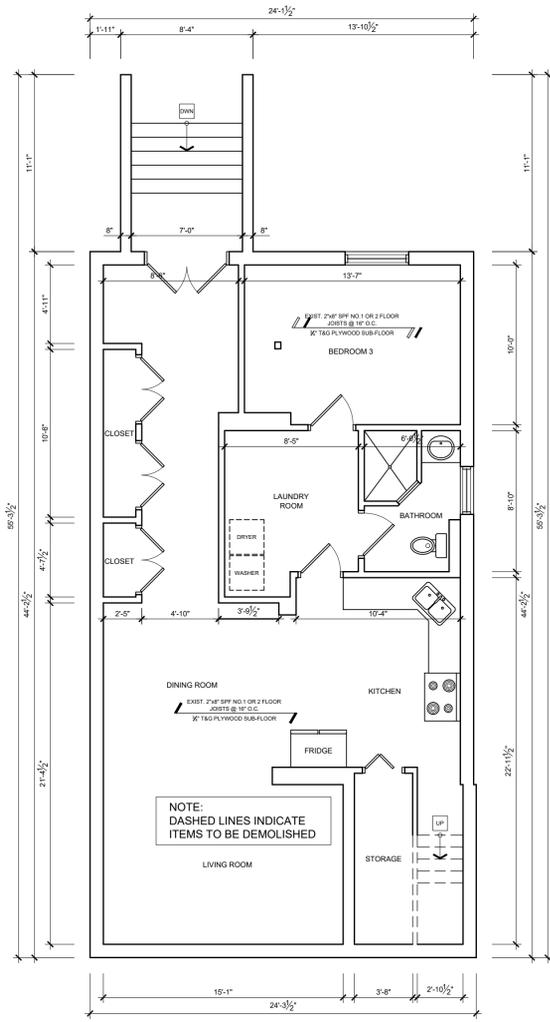
Len Angelici Design
 270 SHERMAN AVE N. UNIT OF-269
 HAMILTON, ON L8L 6N4
 (905) 393-8868
 info@lenangelicidesign.ca

PROJECT
 PROPOSED RESIDENCE
 80 DUNCAIRN CRES,
 HAMILTON, ON,
 L9C 6G1

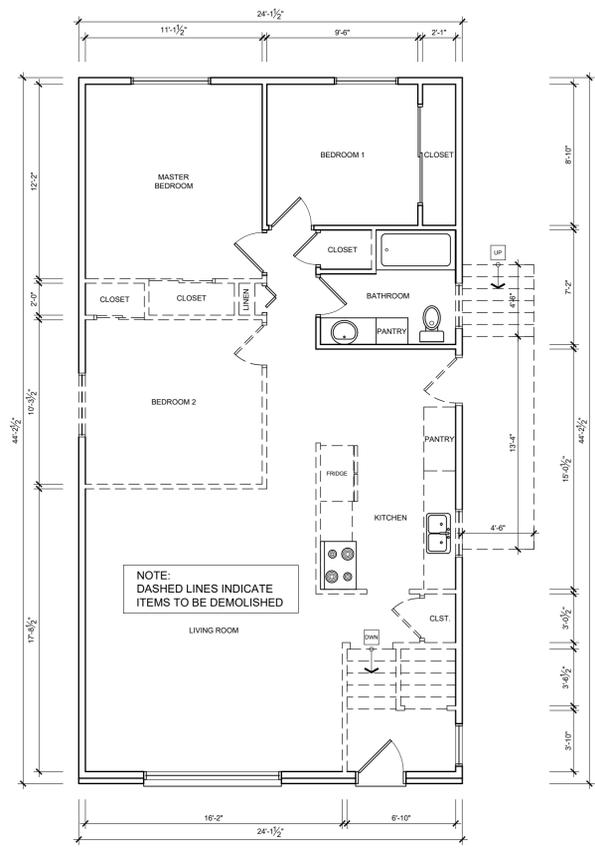
SHEET TITLE
 SITE PLAN

DRAWN BY	L. ANGELICI
DATE	03/23/2021
SCALE	1:50
PROJECT No.	18043

SP1



EXISTING BASEMENT PLAN
SCALE 3/16" = 1' - 0"



EXISTING MAIN FLOOR PLAN
SCALE 3/16" = 1' - 0"

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
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NAME BCIN

REGISTRATION INFORMATION

LEN ANGELICI DESIGN 43162
NAME BCIN

03/23/2021
DATE SIGNATURE

Len Angelici Design

270 SHERMAN AVE N. UNIT OF-269
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info@lenangelicidesign.ca

PROJECT

PROPOSED RESIDENCE
80 DUNCAIRN CRES,
HAMILTON, ON,
L9C 6G1

SHEET TITLE

EXISTING FLOOR PLANS

DRAWN BY	A1
L. ANGELICI	
DATE	
03/23/2021	
SCALE	
3/16"=1'-0"	
PROJECT No.	18043

PROJECT NORTH	TRUE NORTH

01.	DRAWINGS FOR PERMIT REVIEW	03/23/2021
No.	REVISION	DATE

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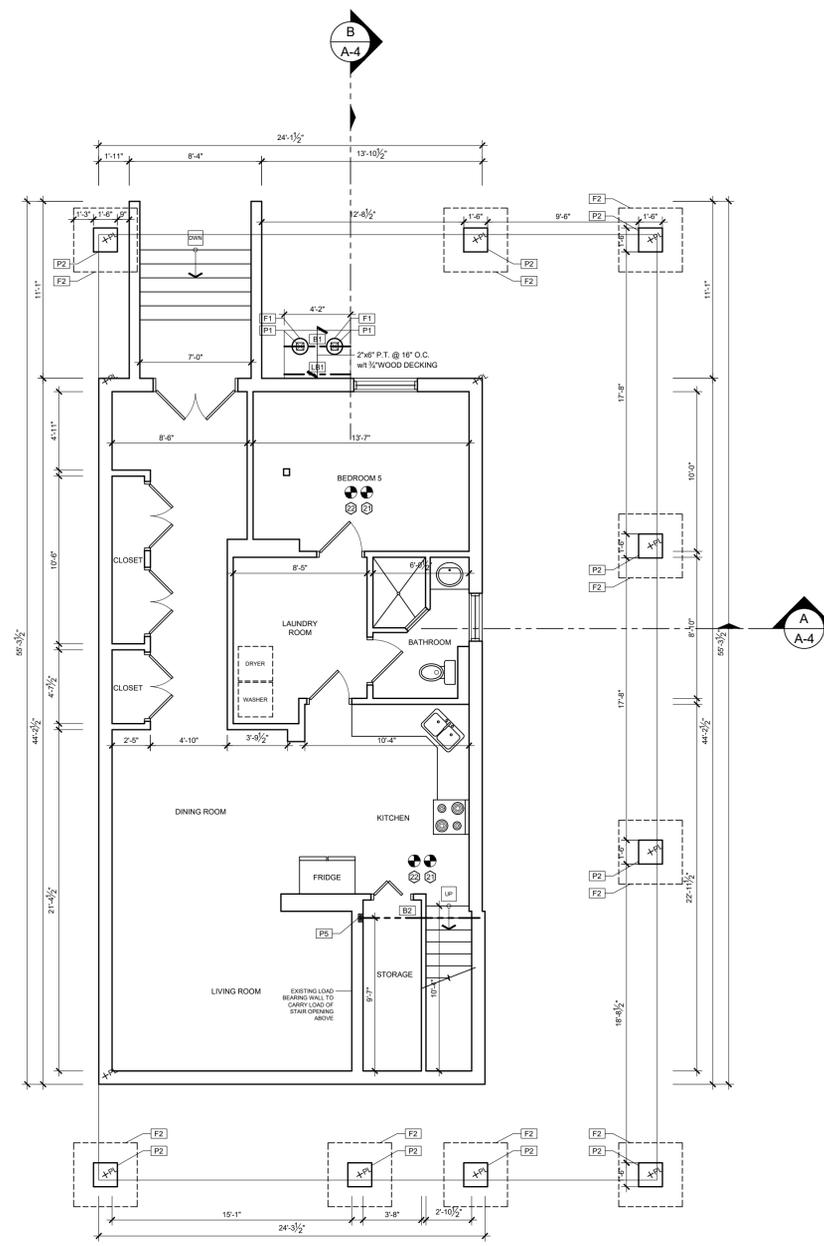
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 HAMILTON, ON,
 L9C 6G1

SHEET TITLE
PROPOSED FLOOR PLANS

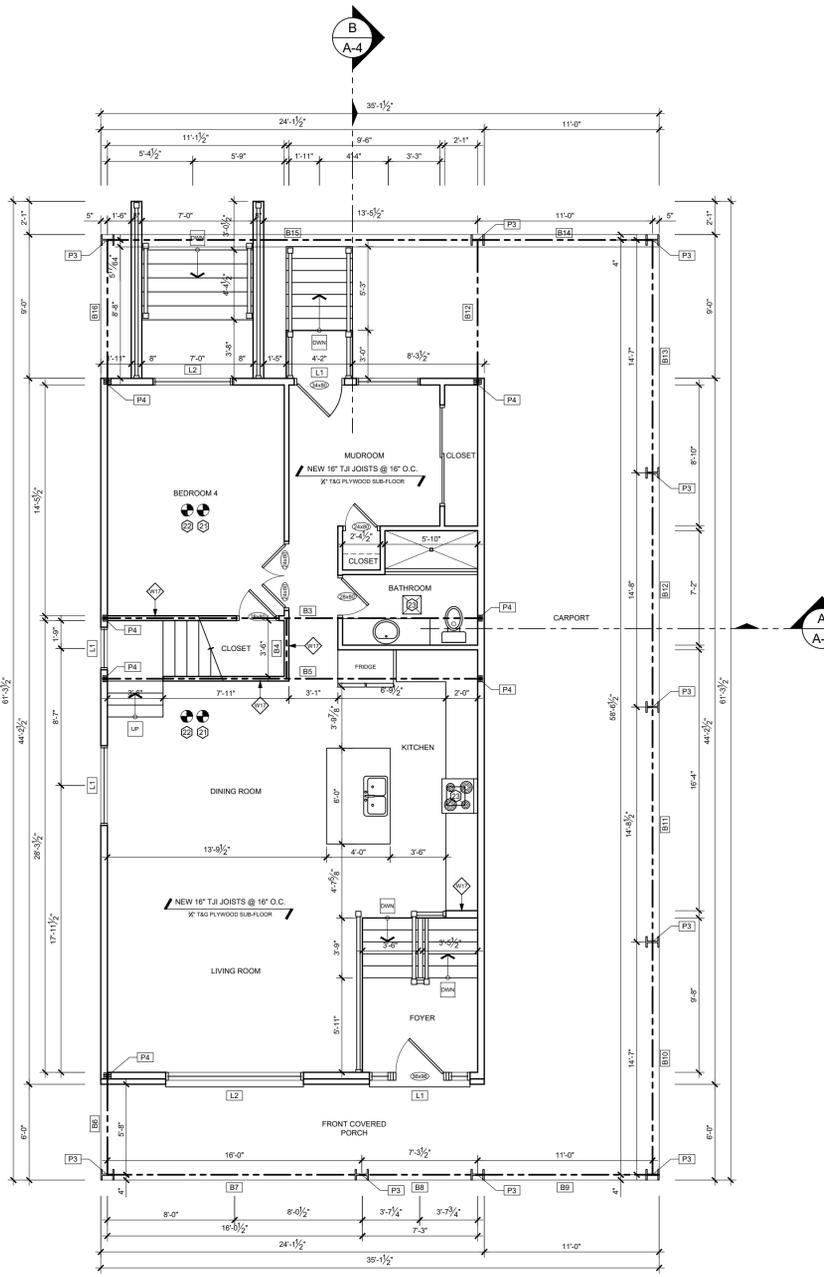
DRAWN BY	L. ANGELICI
DATE	03/23/2021
SCALE	3/16" = 1'-0"
PROJECT No.	18043

A2



PROPOSED BASEMENT PLAN
 SCALE 3/16" = 1' - 0"

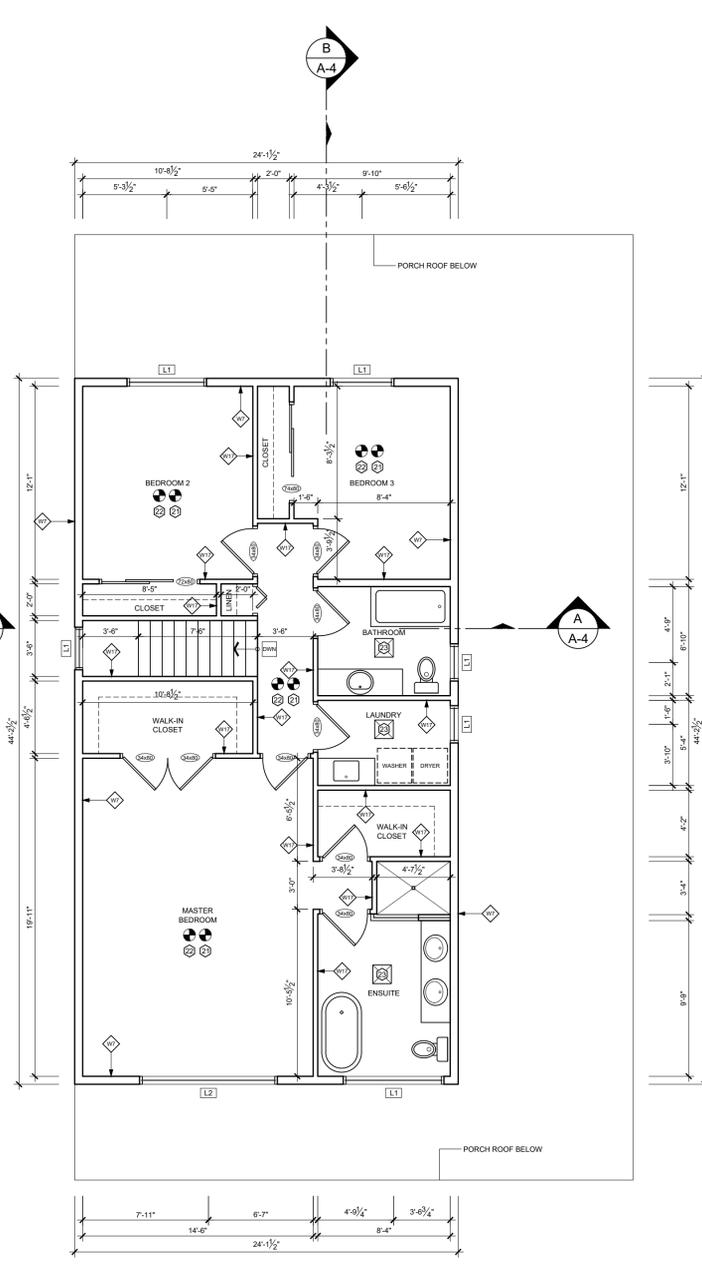
- [B1] 2-2"x8" P.T. WOOD BEAM (DROPPED)
BEAM BY TRUSS COMPANY
- [B2] BEAM BY TRUSS COMPANY
- [P1] 6"x6" P.T. WOOD POST
"SEE DETAIL 2/A5"
- [P2] 18" CONCRETE PIER
25MPa CONCRETE
- [P3] 3-2"x4" SPF No. 1 or 2
LAMINATED TOGETHER
FASTENED TO FOOTING BELOW
- [L1] 1-2"x4" P.T. LEDGER BOARD
FASTENED TO EXTERIOR WALL OF DWELLING
w/ 1/2" LAG BOLTS FASTENED TO RIM JOIST
OF DWELLING WALL @ 16" O.C. STAGGERED
- [F1] 6"x6" P.T. POST w/ 012" SONO-TUBE
SMIRCON STRONG-TIE POST STAND-OFF
BASE BOTTOM OF SONO-TUBE MIN. 4-0"
BELOW GRADE AND MATCH DEPTH OF
HOUSE FOOTING "SEE DETAIL 2/A5"
- [F2] 48"x48"x10" CONCRETE PAD w/ 012"
SONOTUBES 10M BARS @ 6"
O.C. MIN. 3" COVERAGE BARS TO
EXTEND 16" FROM FOOTING
INTO PIER



PROPOSED MAIN FLOOR PLAN
 SCALE 3/16" = 1' - 0"
 MAIN FLOOR AREA: 932.91ft² (86.67m²)
 STAIR OPENING: 70.08ft² (6.5m²)

TOTAL AREA OF WORK:
 INTERIOR: 2005.98ft² (186.36m²)
 EXTERIOR : 1013.17ft² (94.13m²)

- [B3] BEAM BY TRUSS COMPANY
- [B4] BEAM BY TRUSS COMPANY
- [B5] BEAM BY TRUSS COMPANY
- [B6] 3-2"x12" SPF NO. 1 OR 2 LAMINATED TOGETHER
- [B7] 3-2"x12" SPF NO. 1 OR 2 LAMINATED TOGETHER
- [B8] 2-2"x12" SPF NO. 1 OR 2 LAMINATED TOGETHER
- [B9] 3-2"x12" SPF NO. 1 OR 2 LAMINATED TOGETHER
- [B10] 3-2"x12" SPF NO. 1 OR 2 LAMINATED TOGETHER
- [B11] 3-2"x12" SPF NO. 1 OR 2 LAMINATED TOGETHER
- [B12] 3-2"x12" SPF NO. 1 OR 2 LAMINATED TOGETHER
- [B13] 3-2"x12" SPF NO. 1 OR 2 LAMINATED TOGETHER
- [B14] 3-2"x12" SPF NO. 1 OR 2 LAMINATED TOGETHER
- [B15] 3-2"x12" SPF NO. 1 OR 2 LAMINATED TOGETHER
- [B16] 3-2"x12" SPF NO. 1 OR 2 LAMINATED TOGETHER
- [L1] 2-2"x8" SPF No. 1 or 2 LAMINATED TOGETHER
- [L2] 2-2"x10" SPF No. 1 or 2 LAMINATED TOGETHER
- [P3] 18"x18" STEEL BEAM (VERTICAL)
6"x8"x1/2" TOP PLATE FASTENED TO
UNDERSIDE OF BEAM ABOVE
10"x10"x1/2" BOTTOM PLATE FASTENED TO
18" CONCRETE PIER BELOW
- [F1] 3-2"x4" SPF No. 1 or 2 LAMINATED TOGETHER
FASTENED TO FOUNDATION WALL BELOW



PROPOSED SECOND FLOOR PLAN
 SCALE 3/16" = 1' - 0"
 SECOND FLOOR AREA: 964.49ft² (89.60m²)
 STAIR OPENING: 38.50ft² (3.58m²)

- [L1] 2-2"x8" SPF No. 1 or 2 LAMINATED TOGETHER
- [L2] 2-2"x10" SPF No. 1 or 2 LAMINATED TOGETHER

PROJECT NORTH	TRUE NORTH

01.	DRAWINGS FOR PERMIT REVIEW	03/23/2021
No.	REVISION	DATE

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QUALIFICATION INFORMATION

LEONARD ANGELICI 42391
NAME BCIN

REGISTRATION INFORMATION

LEN ANGELICI DESIGN 43162
NAME BCIN

03/23/2021
DATE SIGNATURE

Len Angelici Design

270 SHERMAN AVE N. UNIT OF-269
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT

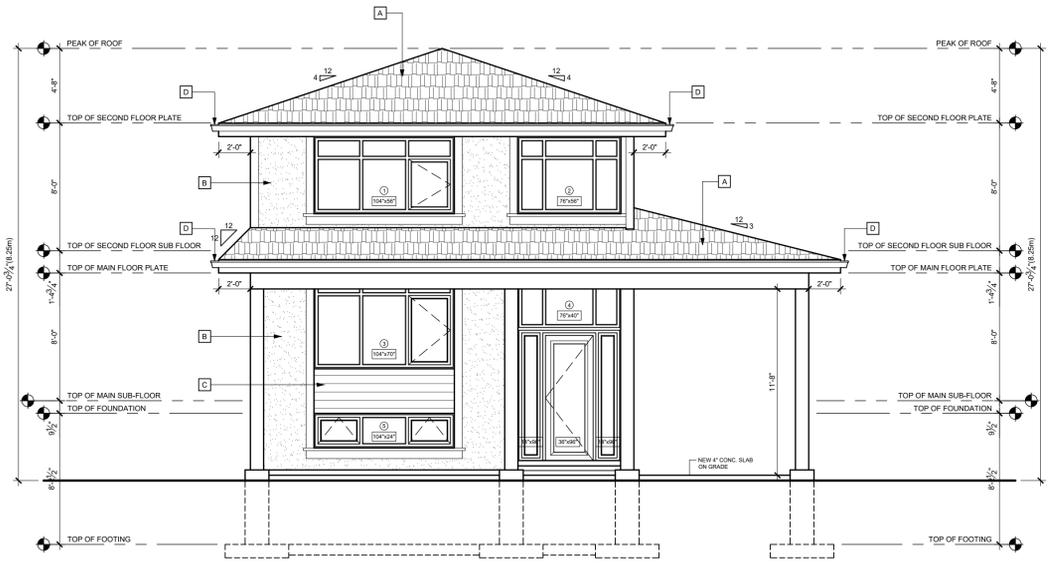
PROPOSED RESIDENCE
80 DUNCAIRN CRES,
HAMILTON, ON.
L9C 6G1

SHEET TITLE

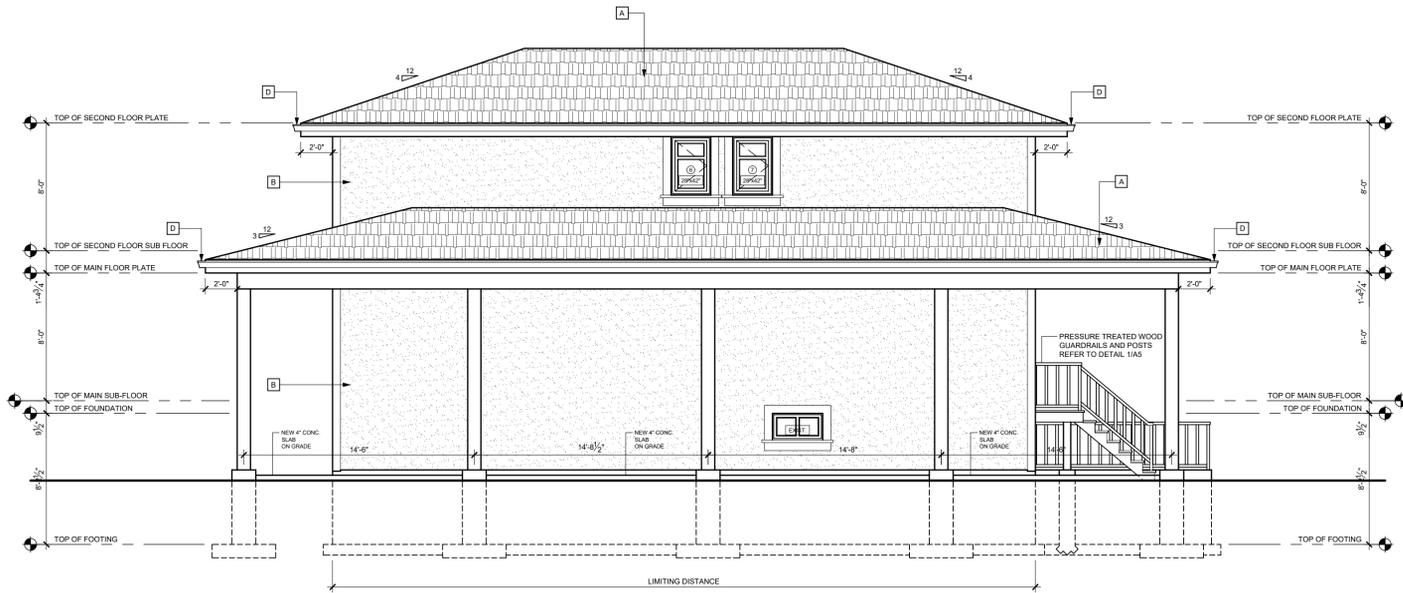
PROPOSED ELEVATIONS

DRAWN BY	L. ANGELICI
DATE	03/23/2021
SCALE	3/16"=1'-0"
PROJECT No.	18043

A3

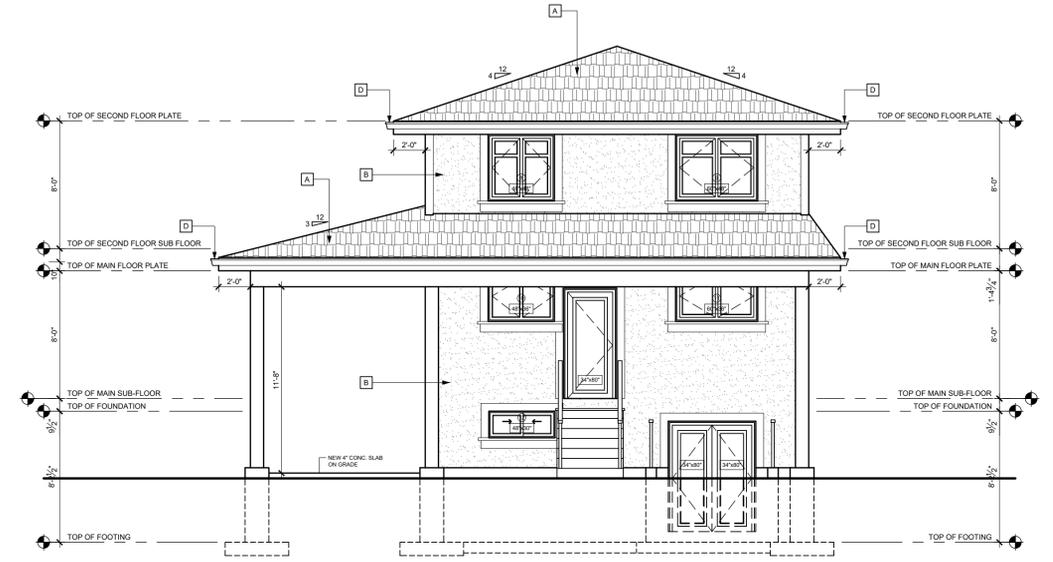


PROPOSED FRONT ELEVATION
SCALE 3/16" = 1' - 0"

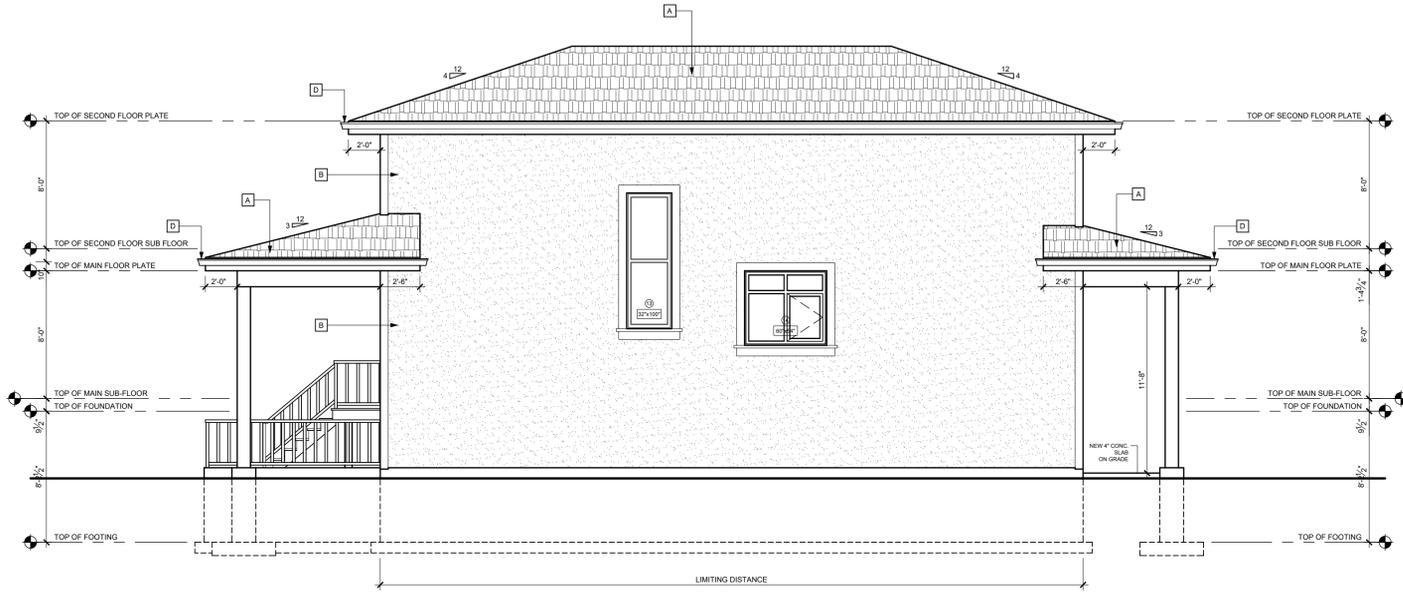


PROPOSED RIGHT ELEVATION
SCALE 3/16" = 1' - 0"

WALL AREA: 67.93m²
WALL SETBACK: 1.27m
UNPROTECTED OPENINGS AREA: 1.11m² = 1.63%
MAXIMUM ALLOWABLE OPENINGS: 7%



PROPOSED REAR ELEVATION
SCALE 3/16" = 1' - 0"



PROPOSED LEFT ELEVATION
SCALE 3/16" = 1' - 0"

WALL AREA: 86.86m²
WALL SETBACK: 1.74m
UNPROTECTED OPENINGS AREA: 3.37m² = 3.87%
MAXIMUM ALLOWABLE OPENINGS: 8%

EXTERIOR FINISH INDEX

- A ASPHALT SHINGLES
- B STUCCO FINISH
- C PRE-FIN. METAL FLASHING (OR) SIDING
- D 5" PRE-FIN. ALUM. EAVETROUGH ON 10" WITH PRE-FIN. ALUM. FASCIA C/W PRE-FIN. ALUM. DOWNSPOUT

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR PERMIT REVIEW	03/23/2021

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QUALIFICATION INFORMATION

LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	43162
NAME	BCIN
03/23/2021	SIGNATURE
DATE	

Len Angelici Design

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PROJECT

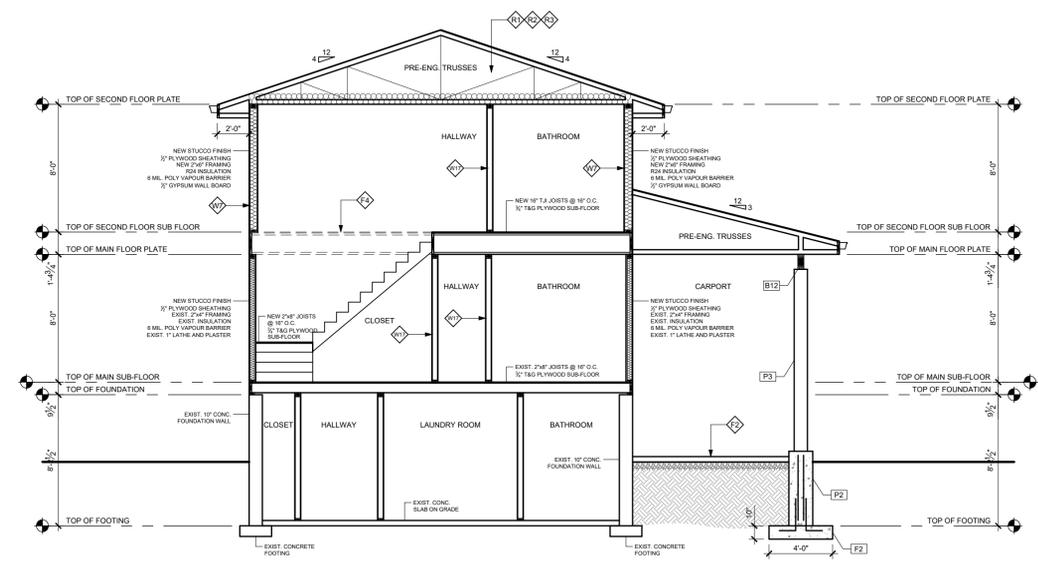
PROPOSED RESIDENCE
80 DUNCAIRN CRES,
HAMILTON, ON,
L9C 6G1

SHEET TITLE

SECTIONS

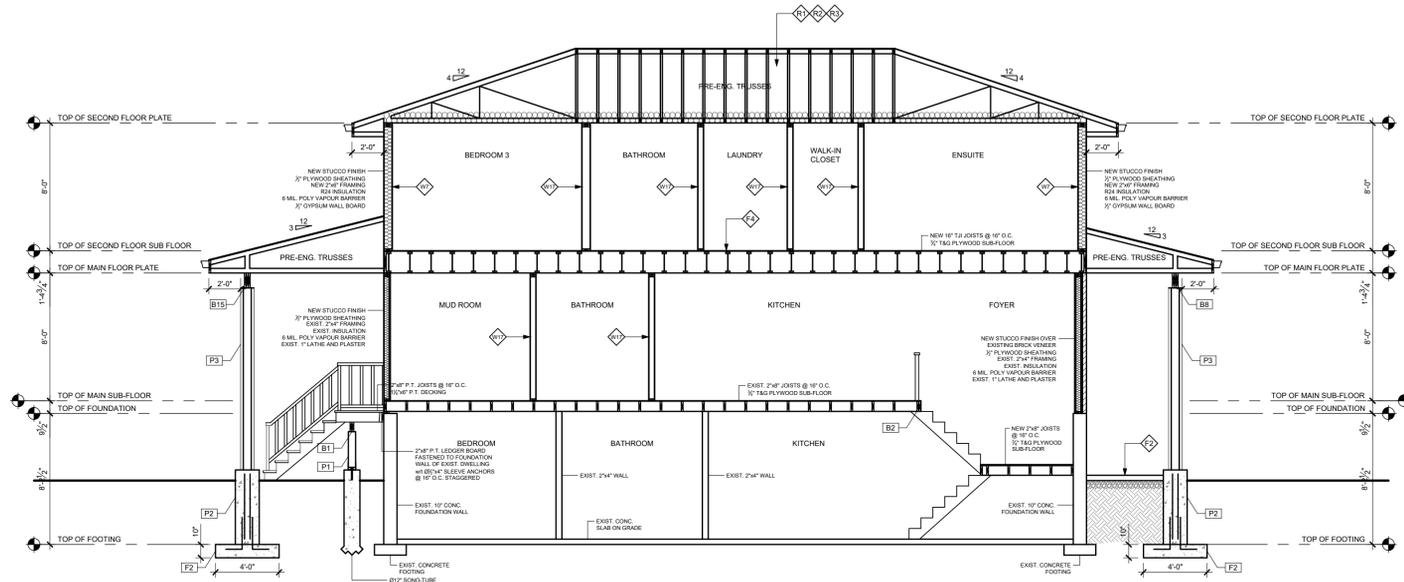
DRAWN BY	L. ANGELICI
DATE	03/23/2021
SCALE	3/16"=1'-0"
PROJECT No.	18043

A4



SECTION A
SCALE 3/16" = 1' - 0"

- [B7] 3/4"x12" SPF NO 1 OR 2 LAMINATED TOGETHER
- [P2] 18" CONCRETE PIER 2500PSI CONCRETE
- [P3] W8x19 STEEL BEAM (VERTICAL) 8"x8" 5/8" TOP PLATE FASTENED TO UNDERSIDE OF BEAM ABOVE 10"x10"x3/4" BOTTOM PLATE FASTENED TO 18" CONCRETE PIER BELOW
- [F2] 48"x48"x12" CONCRETE PAD w/ 6"Ø SCHEDULE 40 BARS @ 8" O.C. MIN. 3" COVERAGE BARS TO EXTEND 18" FROM FOOTING INTO PIER



SECTION B
SCALE 1/8" = 1' - 0"



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS
Registered Owners(s)	David Mejia	
Applicant(s)*	Len Angelici	
Agent or Solicitor		
		Phone:
		E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

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

4. Nature and extent of relief applied for:

Relief from required front yard depth of 6.0m to 4.78m

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

Location of existing dwelling does not allow for a covered area over the front entrance

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

LOT 193

80 DUNCAIRN GRES

GOURLAY PARK - REG. PLAN M-129

CITY OF HAMILTON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

- 8.1 If Industrial or Commercial, specify use _____

- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Area has been residential since construction of subject property

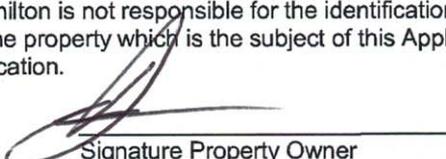
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

March 16, 2021
Date


Signature Property Owner

José David Nidia Blanco
Print Name of Owner

10. Dimensions of lands affected:

Frontage 13.72 m
Depth 30.48 m
Area 418.19 m²
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:
 Ground floor area: 86.67 m² 2 stories
 Second floor area: 89.60 m² width: 7.36 m
 Gross floor area: 176.27 m² length: 13.47 m
 Proposed height: 8.25 m
 Covered Area: 94.13 m²

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:
 Front: 6.60m Rear: 10.40m
 Right side: 4.62m
 Left side: 1.74m
 Proposed:
 Front: 4.78m Rear: 7.66m
 Right Side: 1.27m
 Left Side: 1.74m

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

N/A

15. Existing uses of the subject property:

Single Family Dwelling

16. Existing uses of abutting properties:

Single Family Dwellings

17. Length of time the existing uses of the subject property have continued:

Since Construction

18. Municipal services available: (check the appropriate space or spaces)

Water	<input checked="" type="checkbox"/>	Connected	<input checked="" type="checkbox"/>
Sanitary Sewer	<input checked="" type="checkbox"/>	Connected	<input checked="" type="checkbox"/>
Storm Sewers	<input checked="" type="checkbox"/>		

19. Present Official Plan/Secondary Plan provisions applying to the land:

Gourley Park - Reg. Plan M-129

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

C/S-1788 Urban Protected Residential, Etc

Parent Bylaw Number 6593 Former Hamilton

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

No

23. Additional Information

24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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.: SC/A-21:127

APPLICANTS: Owner 5000933 Ontario Inc.
Agent Allan Buist

SUBJECT PROPERTY: Municipal address **8 Sauvignon Cres., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-law 13-130

ZONING: R3-40 district (Single Residential)

PROPOSAL: To permit the establishment of a new single detached dwelling notwithstanding that:

1. The rear yard shall be 4.9 metres instead of the minimum required 6.0 metres as per Committee of Adjustment Application SC/A-20:198.
2. The maximum lot coverage shall be 48% instead of the maximum required 45% as per Committee of Adjustment Application SC/A-20:198

NOTES:

1. The residential lot known as 8 Sauvignon Crescent was created by Part Lot Control removal under By-law 20-243, and passed by City Council on November 24, 2020. The residential parcel was designated as Part 2 on Reference Plan 62R-21489.
2. The variance was written as requested by the applicant.
3. The property is zoned R3-40 in Stoney Creek Zoning By-law 3692-92. The R3-40 Zone was created under amending Bylaw 13-130 and includes special provisions for the minimum front yard and minimum rear yard.
4. Committee of Adjustment Application SC/A-20:198 was approved October 22, 2020 to permit modifications to the minimum lot areas for interior and corner lots; minimum side yards; maximum lot coverage and the minimum rear yard. The decision is now final and binding.
5. A further variance will be required if a minimum of two (2) parking spaces are not provided for each single detached dwelling. Please note; a minimum parking space size of 2.75 metres in width and 5.8 metres in length is required to be provided except for a parking space contained within a private residential garage is required to provide an unobstructed area measuring 3.0 metres in width and 6.0 metres in length.
6. A further variance will be required if the eaves and gutters project greater than 0.5 metres into any required yard.
7. A further variance will be required if a canopy, unenclosed porch or deck, including steps, project greater than 1.5 metres into a required front yard or 4.0 metres into a required rear yard.

SC/A-21: 127
Page 2

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

DATE: Thursday, May 20th, 2021
TIME: 1:45 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

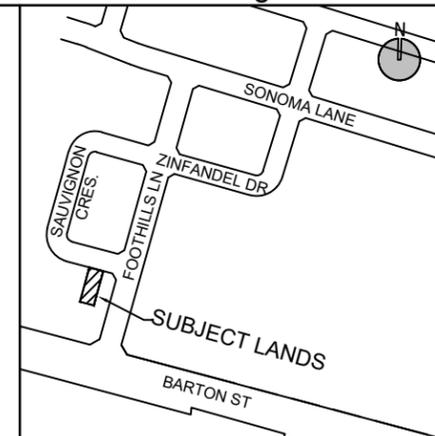
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.



KEY MAP - N.T.S.

SCALE: 1:150
METRES



LEGEND:

- SUBJECT LANDS
- PROPERTY BOUNDARIES

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON

DRAWN BY: L. DRENNAN DATE: MARCH 24, 2021



3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
8 SAUVIGNON CRESCENT
CITY OF HAMILTON

CLIENT:
5000933 ONTARIO INC.

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER:
246-17

SHEET NUMBER:
1

MINOR VARIANCE #1

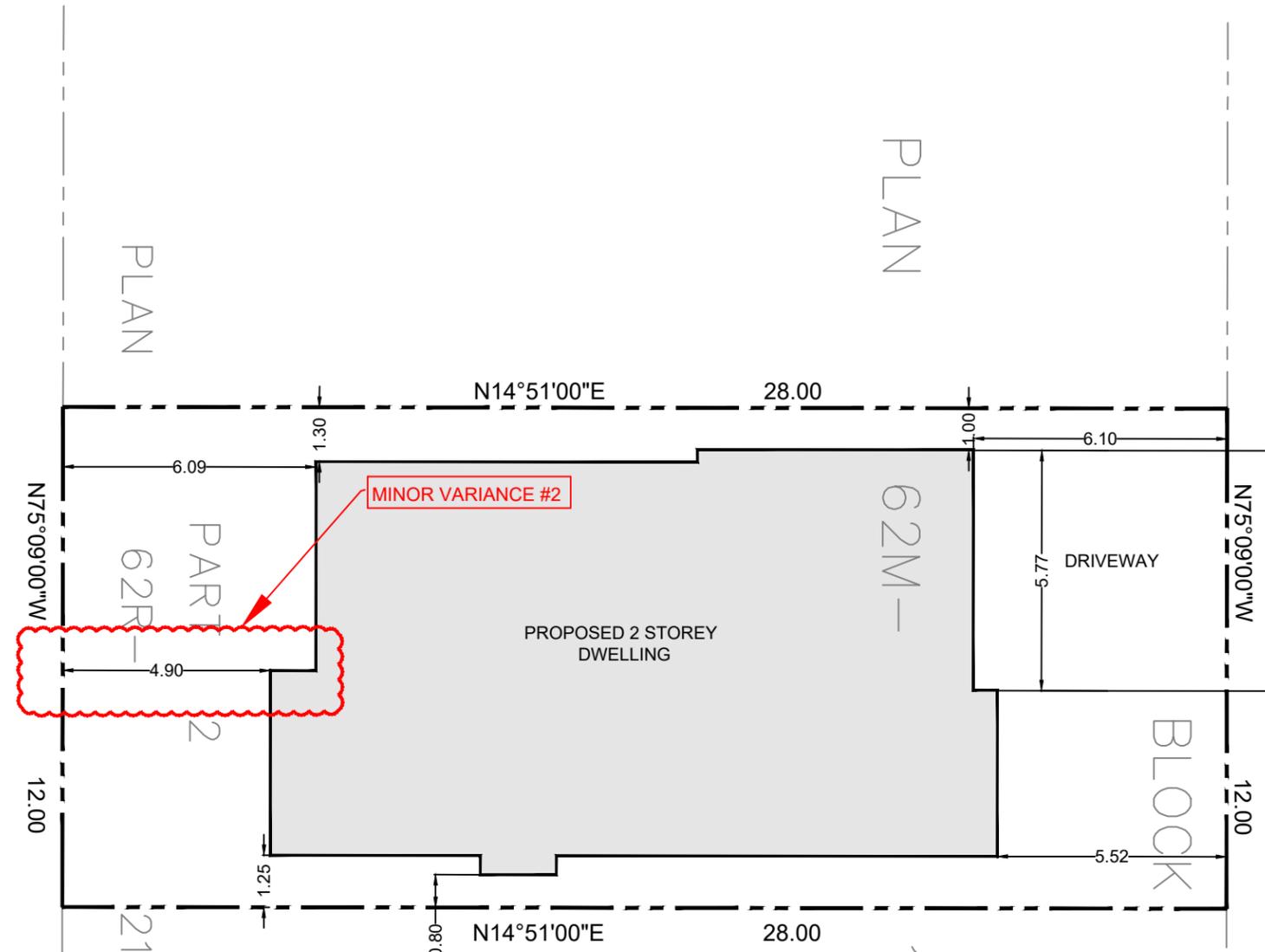
Development Statistics		
Zone: " R3-40" Single Residential-Three		
Item	Required	Proposed
Min. Lot Area	330 m ² *	336.0 m ²
Min. Lot Frontage	12.0 m	12.0 m
Min. Front Yard		
To Dwelling	4.5 m	5.52 m
To Attached Garage	6.0 m	6.10 m
Min. Rear Yard	6.0 m*	4.9 m (MVR)
Min. Side Yard		
To Dwelling	0.8 m*	0.8 m
To Attached Garage	1.0 m	1.0 m
Max. Building Height	11 m	< 11 m
Max. Lot Coverage	45%*	47.44% (MVR)
Parking	2 spaces	2 spaces

* As per SC/A-20:198

REQUIRED VARIANCES:

VARIANCE NO. 1: TO PERMIT A MAXIMUM LOT COVERAGE OF 48% WHEREAS THE MAXIMUM PERMITTED LOT COVERAGE IS 45% AS PER SC/A-20:198.

VARIANCE NO. 2: TO PERMIT A MINIMUM REAR YARD SETBACK OF 4.9 METRES WHEREAS 6.0 METRES IS REQUIRED AS PER SC/A-20:198.



MINOR VARIANCE #2

MINOR VARIANCE #1

B L O C K 1 6

PLAN

PLAN

SAUVIGNON CRESCENT

PART 2

PART 1

B L O C K 1



March 26, 2021

246-17

Via Email

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: 8 Sauvignon Crescent, Hamilton, Ontario
Minor Variance Application**

UrbanSolutions Planning and Land Development (UrbanSolutions) is the authorized planning consultant for the Foothills of Winona Subdivision acting on behalf of the owner, 5000933 Ontario Inc., and applicant DiCenzo & Associates Professional Corporation c/o Allan Buist. We are pleased to submit the enclosed Minor Variance Application in regard to the lands municipally known as 8 Sauvignon Crescent, Hamilton Ontario.

The subject lands are designated “Neighbourhoods” in the Urban Hamilton Official Plan and “Low Density Residential 2” in the Fruitland – Winona Secondary Plan. The subject lands are zoned “Single Residential – Three (R3-40)” in the former City of Stoney Creek Zoning By-law No. 3692-92.

Purpose of the Application

The Minor Variance Application is required to achieve relief on the subject lands within a Single Residential – Three “R3-40” Zone. The following variances are required to facilitate the development of the subject lands:

- To permit a maximum lot coverage of 48% whereas the maximum permitted lot coverage is 45% (per SC/A-20:198); and,
- To permit a minimum rear yard setback of 4.9 metres whereas 6.0 metres is required (per SC/A-20:198).

Section 45(1) of the Planning Act, R.S.O, 1990, as amended, requires a Minor Variance to satisfy four tests. In consideration of the above, the requested variance is technical in nature and does promote good Urban Design principles. Single detached dwellings are a permitted use in the Neighbourhoods designation of the Urban Hamilton Official Plan, the Low Density Residential 2 designation of the Fruitland – Winona Secondary Plan, and the Single Residential – Three “R3-40” Zone of the City of Stoney Creek Zoning By-law No. 3692-92. Based on this, it is our opinion that the application for the above minor variances satisfies the four tests outlined in Section 45(1) of the *Planning Act* as the

requested relief is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

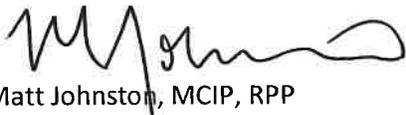
In support of our application, please find enclosed the following documentation:

- One (1) copy of the Committee of Adjustment Sketch prepared by UrbanSolutions for 8 Sauvignon Crescent;
- One (1) copy of the completed Minor Variance application form; and,
- A cheque in the amount of **\$3,320.00** made payable to the City of Hamilton.

We trust the enclosed is in order; however, please feel free to contact the undersigned should you have any questions or concerns or require anything further on this matter.

Regards,

UrbanSolutions


Matt Johnston, MCIP, RPP
Principal


Brandon Petter, MPlan
Planner

cc: 5000933 Ontario Inc.
Mr. Allan Buist, DiCenzo & Associates Professional Corporation



Hamilton

Planning and Economic Development Department
 Planning Division

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

Phone (905) 546-2424 ext.4221
 Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
 RETURN TO THE CITY OF HAMILTON PLANNING
 DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
 COMMITTEE OF ADJUSTMENT
 HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner 5000933 Ontario Inc. _____ 
 FAX NO. _____ E-mail address _____
- Address 1070 Stone Church Road East, Unit 39, Hamilton, Ontario _____
 _____ Postal Code L8W 3K8
- Name of Agent DiCenzo & Associates Professional Corporation c/o Allan Buist _____ 
 FAX NO. _____ E-mail address _____
- Address 1070 Stone Church Road East, Unit 41, Hamilton Ontario _____
 _____ Postal Code L8W 3K8

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances: N/A
 _____ Postal Code _____

 _____ Postal Code _____

6. Nature and extent of relief applied for:

Please refer to cover letter.

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

Please refer to cover letter.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Part of Block 1, Plan 62M-1241

Part 2 of Registered Plan of Subdivision 62R-21489, 8 Sauvignon Crescent.

8 Sauvignon Crescent

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial Agricultural Vacant Other

9.1 If Industrial or Commercial, specify use

N/A

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ___ No X Unknown ___

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ___ No X Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Consultation with the owner.

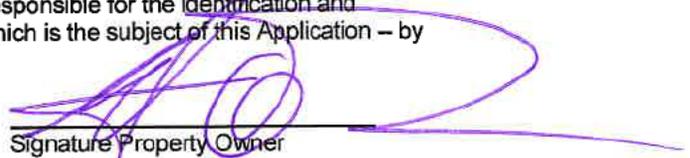
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ___ No X

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

March 15, 2021
Date


Signature Property Owner

Anthony G. DiCenzo
Print Name of Owner

10. Dimensions of lands affected:

Frontage Refer to Plan 62M - 1241 Part 2
Depth _____
Area _____
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: N/A

Proposed: Refer to enclosed Plot Plan

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: N/A

Proposed: Please refer to 11 above.

13. Date of acquisition of subject lands:

Unknown

14. Date of construction of all buildings and structures on subject lands:

N/A

15. Existing uses of the subject property: Vacant

16. Existing uses of abutting properties: North - Residential, East - Future Residential

West - Residential, South - Future Residential

17. Length of time the existing uses of the subject property have continued:

Unknown

18. Municipal services available: (check the appropriate space or spaces)

Water X Connected

Sanitary Sewer X Connected

Storm Sewers X

19. Present Official Plan/Secondary Plan provisions applying to the land:

Secondary Plan - Low Density Residential 2

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

Single Residential - Two "R2-61" in the Stoney Creek By-law No. 3692-92

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly.

Application No. SC/A-20:198 approved on October 22, 2020

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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.: AN/A-21:133

APPLICANTS: Eric Salembier on behalf of the owner New England Homes

SUBJECT PROPERTY: Municipal address **30 Queen St., Ancaster**

ZONING BY-LAW: Zoning By-law 05-200, as Amended 17-254

ZONING: "I2, Exception 644 and P5" (Community Institutional (I2) Zone and Conservation/Hazard Lands (P5) Zone)

PROPOSAL: To permit the construction of a group of eight (8) Street Townhouse dwellings, notwithstanding,

1. The proposed Street Townhouse dwellings, which shall not be provided on separate lots, shall have access to and frontage on a common driveway located on an adjacent lot whereas the Zoning By-law requires Street Townhouse dwellings, each designed to be on a separate lot, to have access to and frontage on a street, laneway or common element condominium driveway;

2. The front lot line shall be the lot line abutting a common driveway located on an adjacent lot whereas the Zoning By-law defines the front lot line to be any lot line abutting a street;

3. A minimum rear yard of 5.8 metres shall be permitted instead on the minimum required rear yard of 7.0 metres;

4. A maximum building height of 11.0 metres shall be permitted instead of the maximum permitted building height of 10.5 metres;

5. The proposed development shall be permitted to be constructed a lot which does not have frontage on a street whereas the Zoning By-law does not permit a lot to be built upon unless it abuts a street for a minimum of 4.5 metres;

6. Decks at the rear of the proposed dwellings shall be permitted to encroach 3.1 metres into the required rear yard instead of the maximum permitted encroachment of 1.5 metres;

7. Balconies at the rear of the proposed dwellings shall be permitted to encroach 3.1 metres into the required rear yard instead of the maximum permitted encroachment of 1.0 metres;

8. A minimum setback of 5.2 metres shall be permitted to a P5 zone boundary instead of the minimum required setback of 7.5 metres to a P5 zone boundary; and,

AN/A-21: 133

Page 2

9. A driveway shall be permitted to lead from a common driveway located on an adjacent lot to a required parking space instead whereas the Zoning By-law requires a driveway to lead from a street to a required parking space.

NOTES:

1. The variances have been written as requested by the applicant. This property is subject to Site Plan Control; to date, a formal site plan review has not been conducted on the most recent submission for site plan application DA-20-079. As such, further variances may be required at such time that a formal zoning review is conducted for the most recent submission of DA-20-079.

2. Vehicular access to the proposed Street Townhouse dwellings is to be gained by a common driveway located on the property known as 357 Wilson Street East Ancaster. Legally established rights of way will be required to be properly registered on title to provide access between properties.

3. The lands are subject to more than one zone. Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions for each of the applicable zones. The proposed development is shown to be located entirely within the portion of the lands zoned I2, Exception 644.

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

DATE: Thursday, May 20th, 2021
TIME: 1:55 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

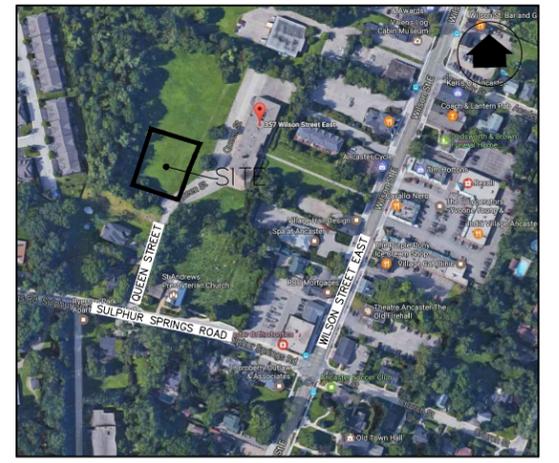
Jamila Sheffield,
 Secretary-Treasurer
 Committee of Adjustment

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.

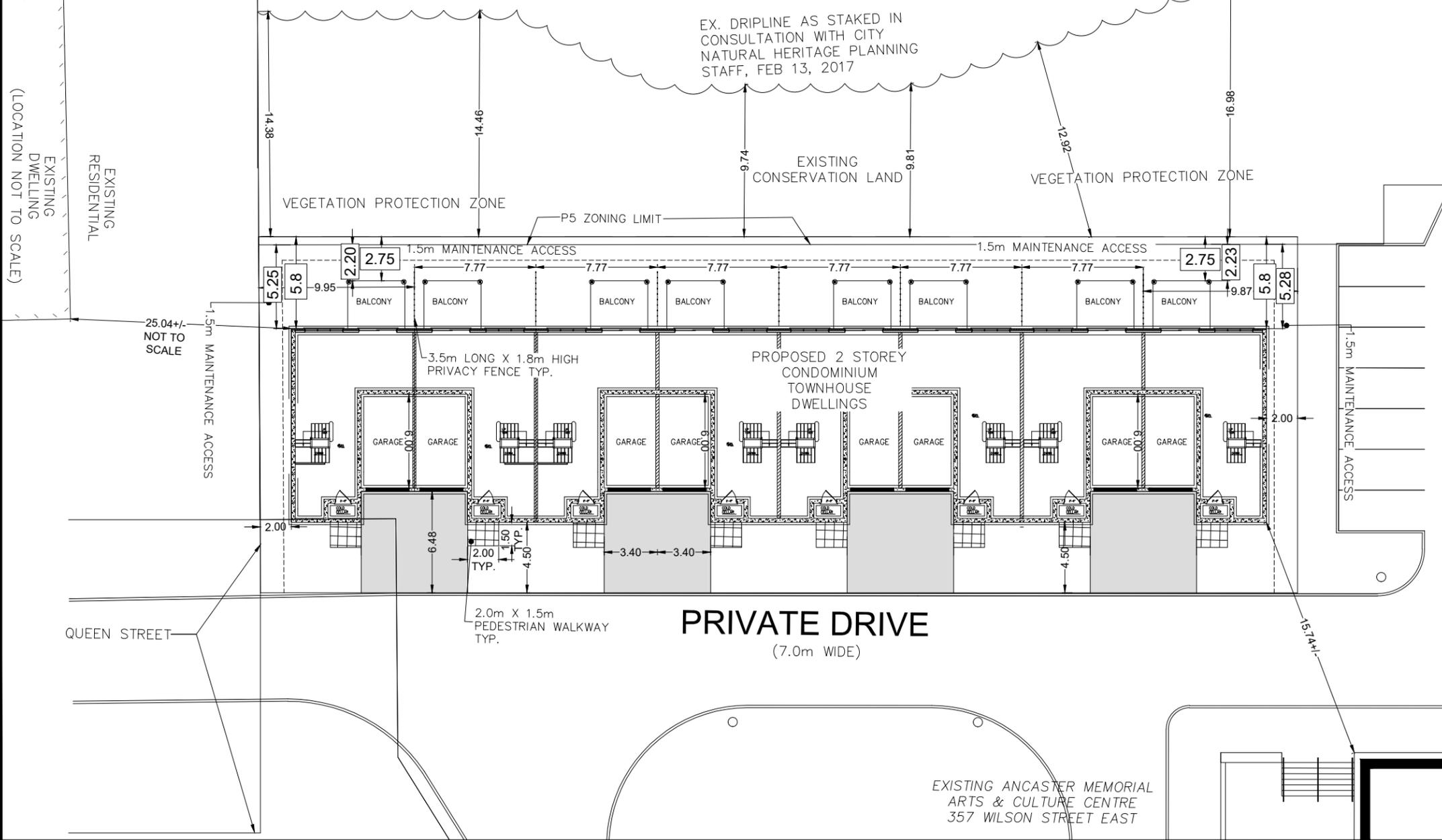
S:\19091\Sketch For Minor Variance\Sketch For Minor Variance Site.dwg

SITE STATISTICS - I2 Zone - Exception 644 & P5

	Required	Provided
Minimum Unit Width	6.0m	7.77m
Minimum Lot Area for Unit	165m ² 195m ² for a corner lot	176m ² n/a
Minimum Front Yard	4.5m 5.8m for attached garage	4.5m 6.48m
Minimum Side Yard	1.2m	2.0m
Minimum Flankage Yard	3.0m	n/a
Minimum Rear Yard	7.0m	5.86m
Maximum Building Height	10.5m	9.36
Parking		2 stalls/unit
Minimum Setback to P5 Zone	7.5m	5.25 to Building 2.20 to Balcony/Deck



KEY MAP
N.T.S.



DA-20-079

SKETCH FOR MINOR VARIANCE
OF PART OF
LOTS 5, 6, 7 & 8
OF PART OF
QUEEN STREET
REGISTERED PLAN 347
IN THE
CITY OF HAMILTON
SCALE: 1:300

PROJECT: 30 QUEEN STREET, ANCASTER ON.
PROJECT No.: 19091



S. LLEWELLYN & ASSOCIATES LIMITED
CONSULTING ENGINEERS

Tel. (905) 631-6978
Fax (905) 631-8927
email: info@sla.on.ca

3228 South Service Road, Suite #105 East Wing, Burlington, Ont., L7N 3H8

4/29/2021 2:22:53 PM - ERIC SALEMBIER

METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

DATE MAY 3, 2018

DAVID A. LAMONT O.L.S. SENIOR PROJECT MANAGER SURVEYS

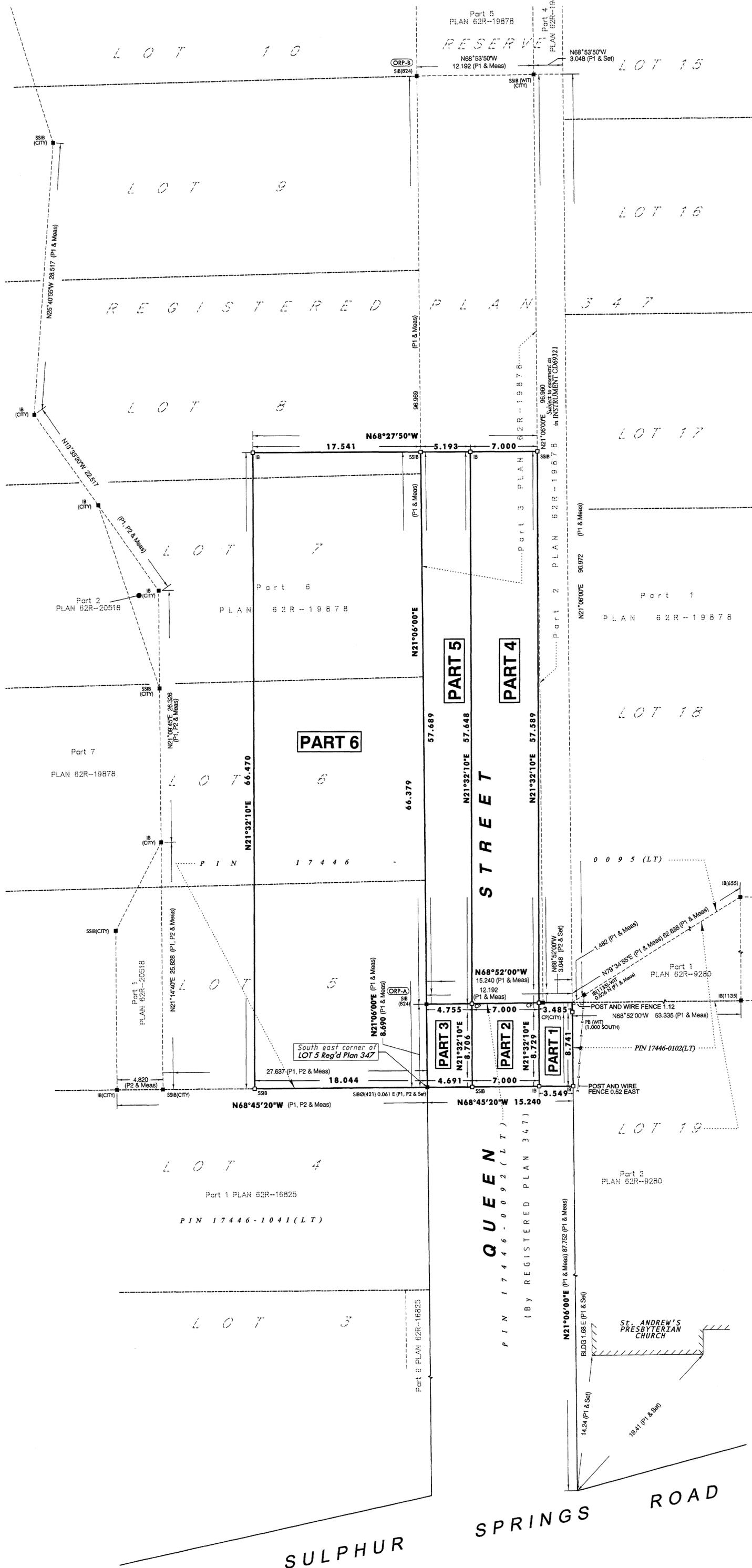
PLAN 62R-20884 RECEIVED AND DEPOSITED

DATE May 8/18

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (62)

SCHEDULE				
PART	LOT	PLAN	PIN	AREA
1	PART OF QUEEN STREET	REG'D PLAN 347	PART OF 17446-0092(LT)	31m ²
2				61m ²
3				41m ²
4	PART OF LOTS 5 to 8		PART OF 17446-0095(LT)	403m ²
5				287m ²
6				1182m ²

CITY OF HAMILTON



PLAN OF SURVEY OF
PART OF LOTS 5, 6, 7 & 8
 and
PART OF QUEEN STREET
 REGISTERED PLAN 347
 IN THE
CITY OF HAMILTON
 SCALE = 1 : 200

5 0 5 10 20 metres

DAVID A. LAMONT ONTARIO LAND SURVEYOR

BEARING AND COORDINATE NOTE

BEARINGS ARE GRID BEARINGS ARE DERIVED FROM GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) OBSERVATIONS FROM OBSERVED REFERENCE POINTS (ORP) A and B SHOWN HEREON HAVING A BEARING OF N21°06'00"E REFERRED TO UTM NAD83 (Original) COORDINATE SYSTEM, ZONE 17, CENTRAL MERIDIAN 81° WEST LONGITUDE.

DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.9996754.

COORDINATES ON THIS PLAN ARE BASED ON GNSS OBSERVATION VERIFIED FROM THE FOLLOWING MONUMENTS:

UTM COORDINATES (Metres)		
Reference Points	Northing	Easting
025760040	4787890.012	583719.473
008860015	4782819.193	579095.172

OBSERVED REFERENCE POINTS (ORP's) as per Section 14(2) of O. Reg. 216/10		
ORP	Northing	Easting
ORP-A	4786561.092	582971.335
ORP-B	4786651.527	583006.235

THESE COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

- LEGEND**
- - DENOTES PLANTED MONUMENT
 - - DENOTES FOUND MONUMENT
 - IB - DENOTES IRON BAR
 - SIB - DENOTES STANDARD IRON BAR
 - SSIB - DENOTES SHORT STANDARD IRON BAR
 - CC - CUT CROSS
 - Ø - ROUND IRON BAR
 - CM - CONCRETE MONUMENT
 - CP - CONCRETE PIN
 - PB - PLASTIC BAR
 - IP - IRON PIPE
 - SM - STONE MONUMENT
 - OU - DENOTES ORIGIN UNKNOWN
 - Reg'd - DENOTES 'REGISTERED'
 - WIT - WITNESS
 - P1 - DENOTES PLAN 62R-19878
 - P2 - DENOTES PLAN 62R-20518

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 30th DAY OF APRIL 2018.

MAY 3, 2018

DATE

DAVID A. LAMONT O.L.S.

Hamilton
 Geomatics and Corridor Management

FIELD BOOK	ANC	FILE No.	Y/nhoods/ANCASTN/01-1192-03	DATE	2018-05-03
SURVEYED BY	SW	CREATED BY	MM	CHECKED BY	D.A.L., O.L.S.

PLAN No. RC-A-947 SURVEYS



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS
Registered Owners(s)	New England Homes	
Applicant(s)*	same as owner	
Agent or Solicitor	S. Llewellyn & Associates Limited	

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
 No Mortgage

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

4. Nature and extent of relief applied for:

- 1, To allow for the interpretation of the proposed building (s) as "Street Townhouse Dwellings", where they have frontage on a common driveway that does not form a street, laneway or common condominium driveway.
- 2, Reduce the minimum rear yard setback to 5.8m from 7.0m
- 3, Reduce the minimum rear yard setback of the balcony/deck to 2.75m from 6.0m
4. Increase the max building height from 10.5m to 11m

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

The property has a depth of 22.734 which is extremely shallow due to keeping the rear property line clear of the Natural Heritage features (ie watercourse, wetland and woodland along with appropriate VPZ. To build standard townhouse relief is required.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Part of lots 5, 6, 7 and 8 and part of Queen Street Registered Plan 347 designated as part 3, 5 and 6 Plan 62R-20864
30 Queen Street

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

- 8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

- 8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Overall Environmental Assessment has been completed

- 8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

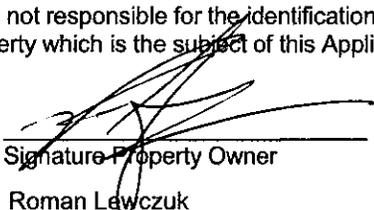
Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

March 10, 2021

Date


Signature - Property Owner

Roman Lewczuk

Print Name of Owner

10. Dimensions of lands affected:

Frontage	66.39m+/-
Depth	22.73m+/-
Area	1509m2 +/-
Width of street	7.0m+/-

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Vacant

Proposed

Front yard setback = 4.5m
Rear yard setback = 5.86m
South side setback = 2.0m
North side setback 2.0m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Vacant

Proposed:

Front yard setback = 4.5m
Rear yard setback = 5.86m
South side setback = 2.0m
North side setback 2.0m

13. Date of acquisition of subject lands:
Jan 29, 2021
-
14. Date of construction of all buildings and structures on subject lands:
Construction will begin as soon as all conditions have been met and a permit can be issued summer 2021
-
15. Existing uses of the subject property:
Vacant
16. Existing uses of abutting properties:
West-Conservation lands, South - Existing residential, East - Private lane, North
17. Length of time the existing uses of the subject property have continued:
10 years plus
18. Municipal services available: (check the appropriate space or spaces)
Water X (on Queen Street) Connected No
Sanitary Sewer X (stubs on property) Connected No.
Storm Sewers No. (storm on lane is private)
19. Present Official Plan/Secondary Plan provisions applying to the land:
Village Core
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
I2 Exception 644
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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.: AN/A-21:152

APPLICANTS: Owners A. & R. Spiteri
 Agent Brent Wybenga

SUBJECT PROPERTY: Municipal address **154 Beverly Crt., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended by By-law 18-105

ZONING: "ER" district Existing Residential

PROPOSAL: To permit the construction of a full two (2) storey addition, along with a proposed roofed over unenclosed front porch, a roofed over unenclosed rear porch and a rear deck to an existing single detached dwelling notwithstanding that;

1. A minimum side yard setback of 1.2 m shall be provided on the westerly side lot line instead of the minimum required of 2.87 m; and
2. A minimum sides yard setback of 1.3 m shall be provided on the easterly side lot line instead of the minimum required of 2.87 m; and
3. A minimum rear yard setback of 6.0 m shall be provided instead of the minimum required rear yard setback of 7.85 m.

Notes:

Variations have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted 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.

A minimum of 1.0 m within the side yard shall be unobstructed and shall not contain structures, walkways, hard surfaced material, and landscaping other than sod. No details have been provided on the submitted sketch; therefore, further variations may be required.

A minimum of 1.0 m within the rear yard shall be unobstructed and shall not contain structures walkways, sidewalks, hard surfaced material, and landscaping other than sod. No details have been provided on the submitted sketch; therefore, further variations may be required.

The maximum building height of two storeys shall not be greater than 9.5 m. The site plan indicated 2 storeys and 9.5 m; however, the proposed total height has not been provided from grade as defined in the zoning by-law; therefore, if the proposed height exceeds the maximum permitted further variations may be required.

AN/A-21: 152
Page 2

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

DATE: Thursday, May 20th, 2021
TIME: 2:00 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

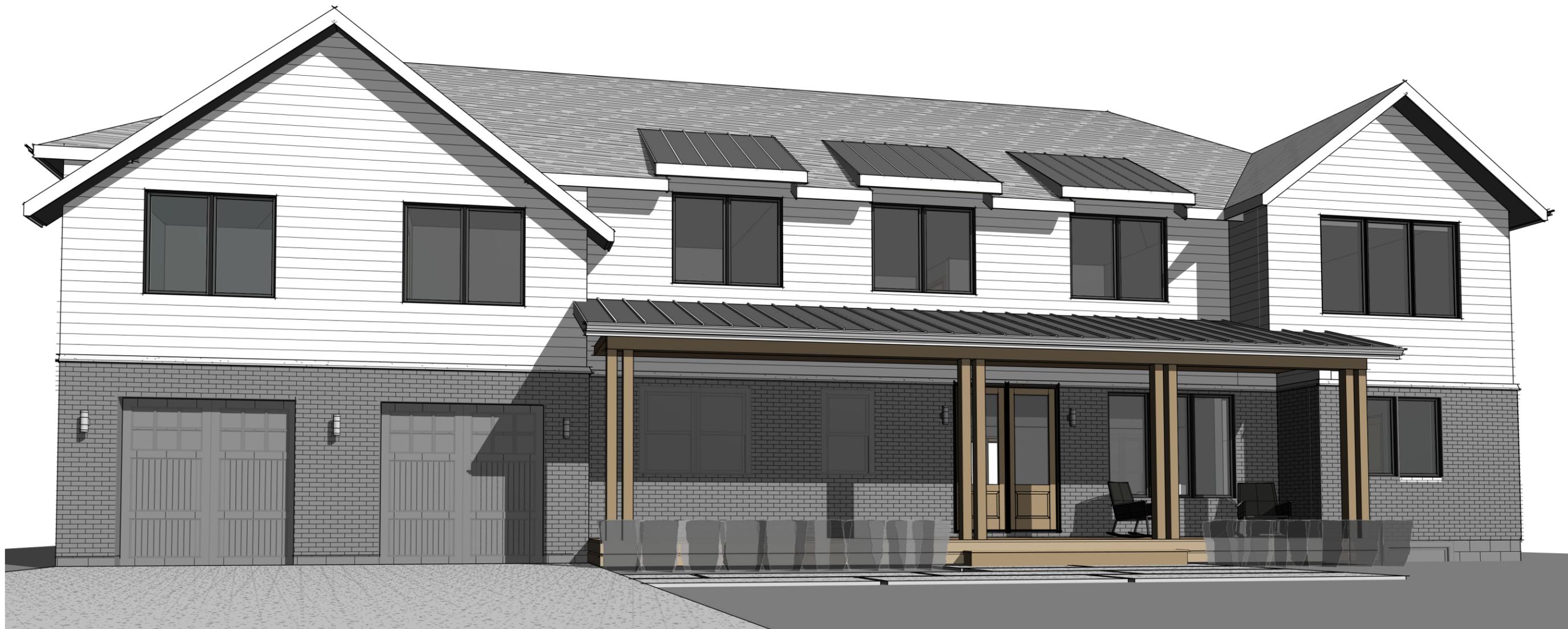
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.



**PARK
EIGHT**
ENG // ARCH

RYAN & ASHLEY SPITERI
154 BEVERLY COURT, ANCASTER

Project No. 21011

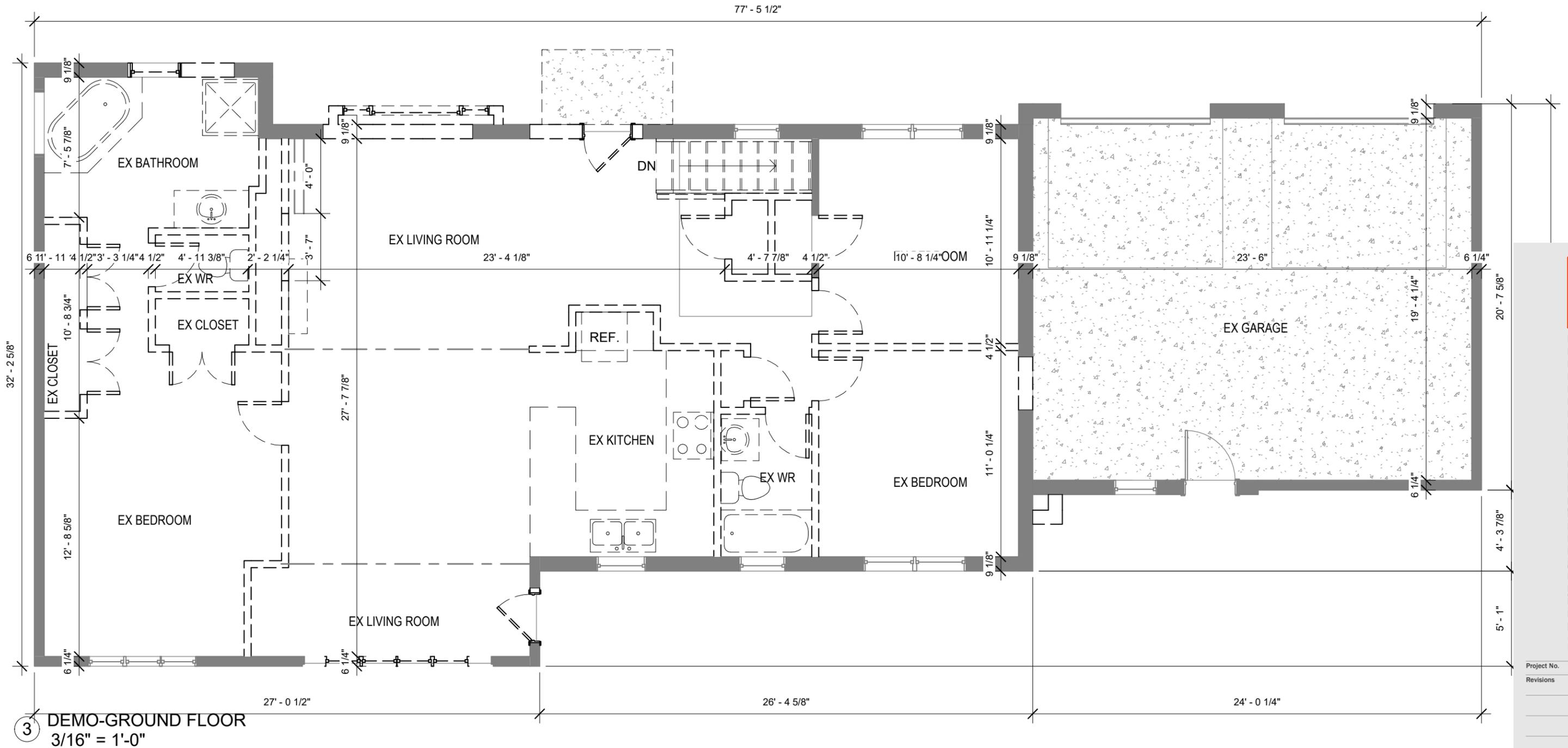
Revisions

Scale

COVER

A0.01

Sheet No. ©2021



3 DEMO-GROUND FLOOR
3/16" = 1'-0"

**PARK
EIGHT**
ENG // ARCH

RYAN & ASHLEY SPITERI
154 BEVERLY COURT, ANCASTER

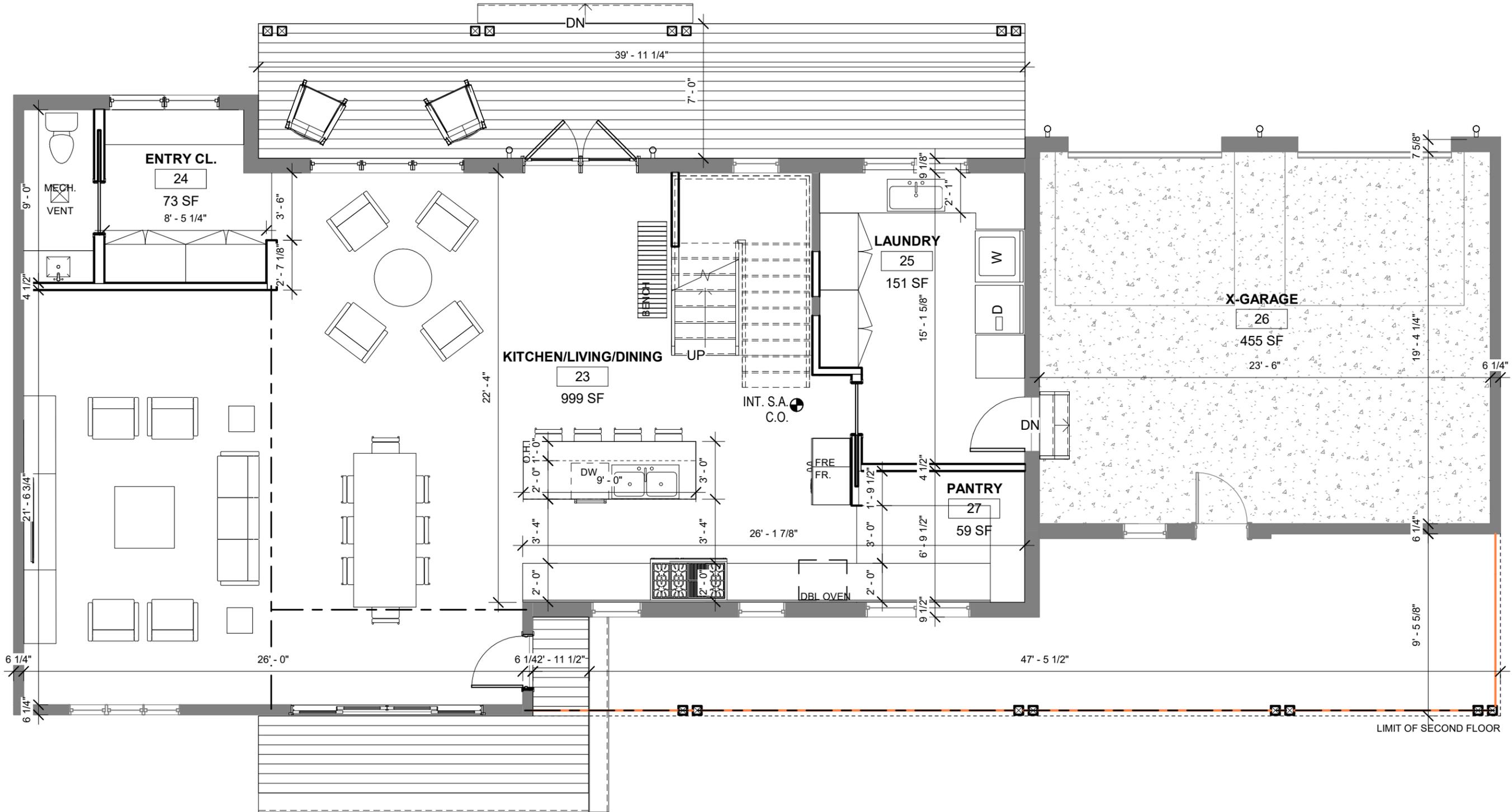
Project No. 21011
Revisions

Scale 3/16" = 1'-0"

DEMO GROUND

A1.01

Sheet No. ©2021



1 PROP. GROUND FLOOR
 3/16" = 1'-0"

**PARK
 EIGHT**
 ENG // ARCH

RYAN & ASHLEY SPITERI
154 BEVERLY COURT, ANCASTER

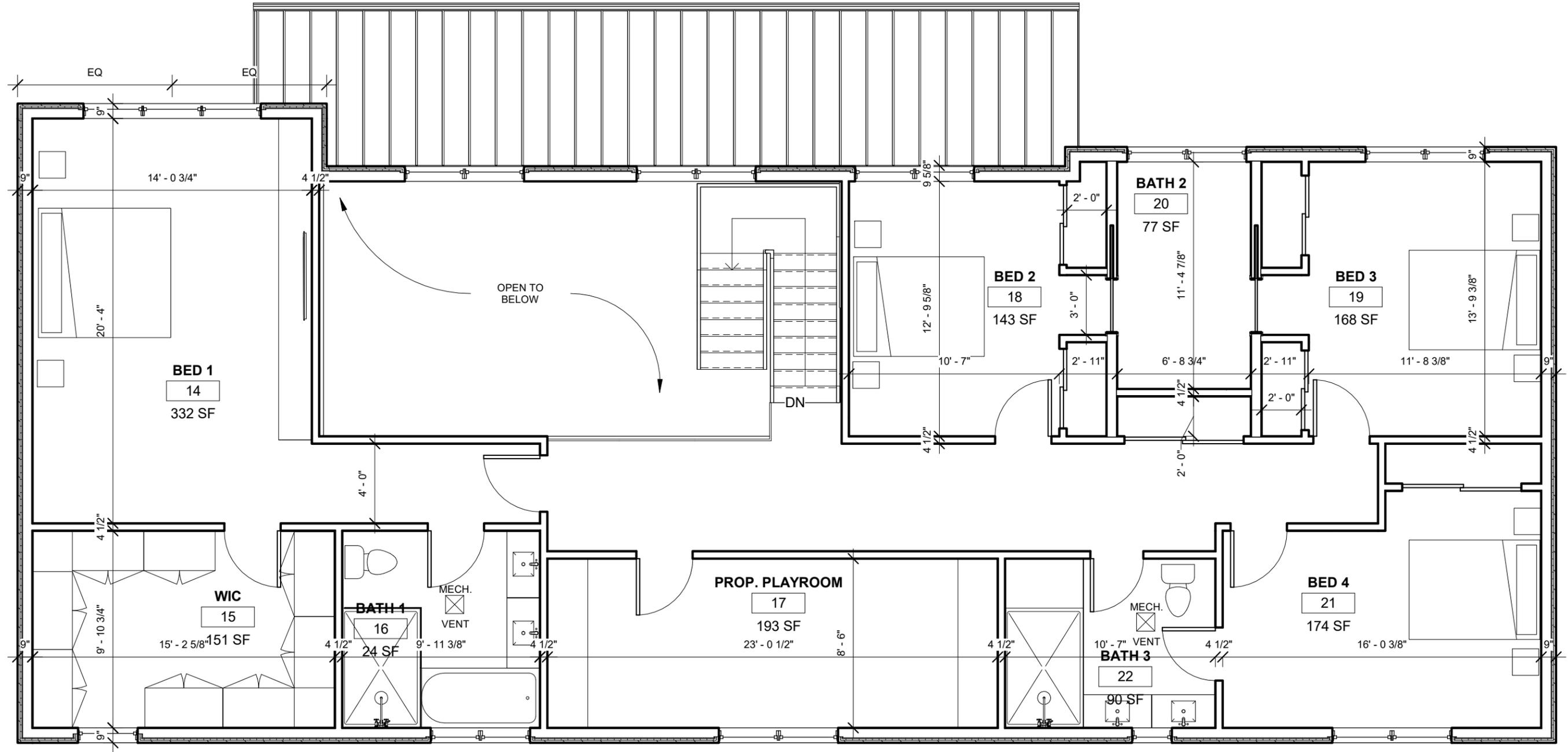
Project No. 21011
 Revisions

Scale 3/16" = 1'-0"

PROP. GROUND

A1.02

Sheet No. ©2021



RYAN & ASHLEY SPITERI
154 BEVERLY COURT, ANCASTER

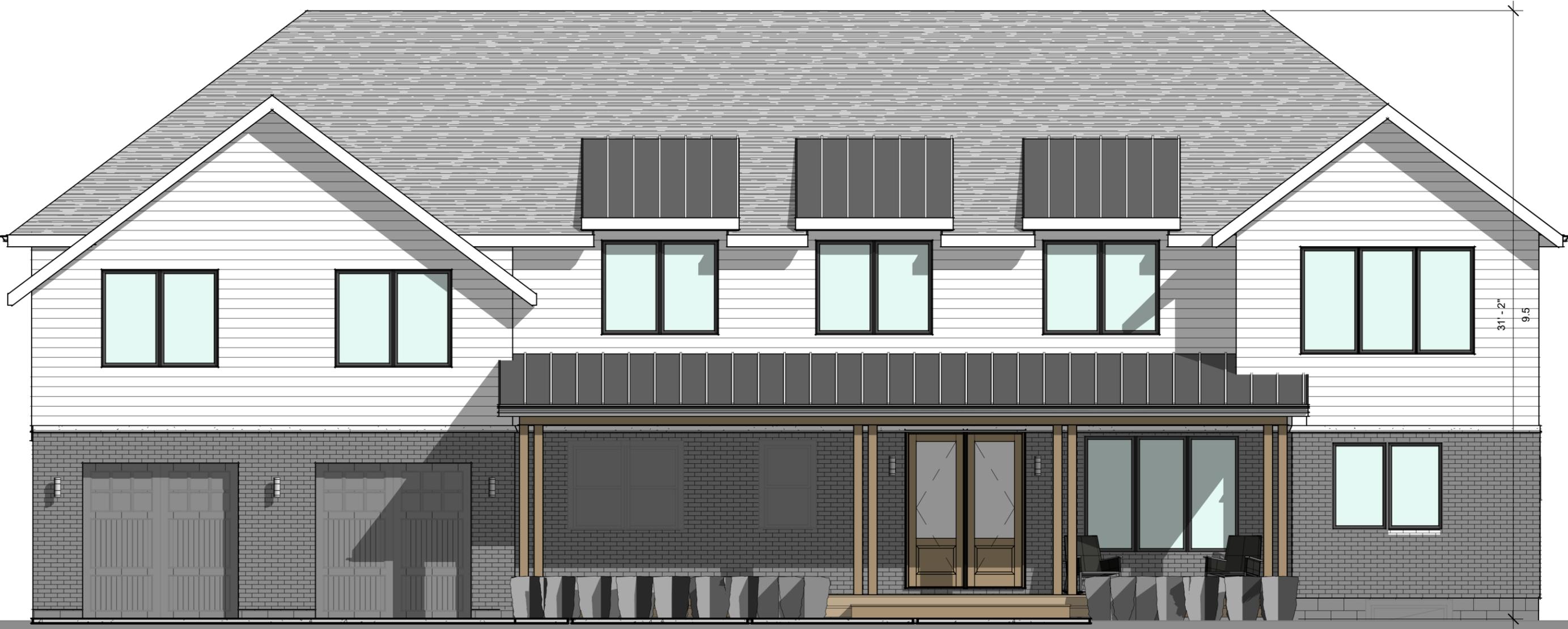
Project No. 21011
 Revisions

Scale 3/16" = 1'-0"

PROP. 2ND FLOOR

A1.03

Sheet No. ©2021



① FRONT
3/16" = 1'-0"

**PARK
EIGHT**
ENG // ARCH

RYAN & ASHLEY SPITERI
154 BEVERLY COURT, ANCASTER

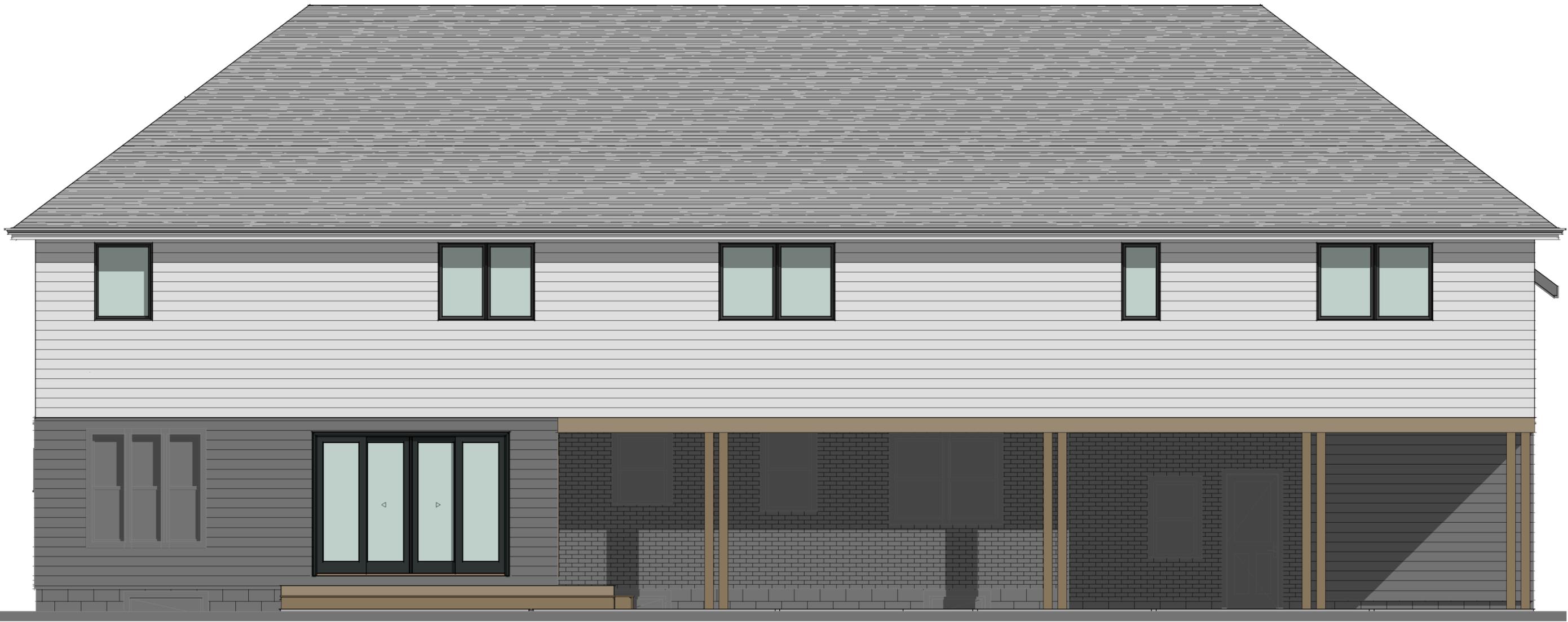
Project No. 21011
Revisions

Scale 3/16" = 1'-0"

FRONT ELEVATION

A2.01

Sheet No. ©2021



① BACK
3/16" = 1'-0"

**PARK
EIGHT**
ENG // ARCH

RYAN & ASHLEY SPITERI

154 BEVERLY COURT, ANCASTER

Project No. 21011

Revisions

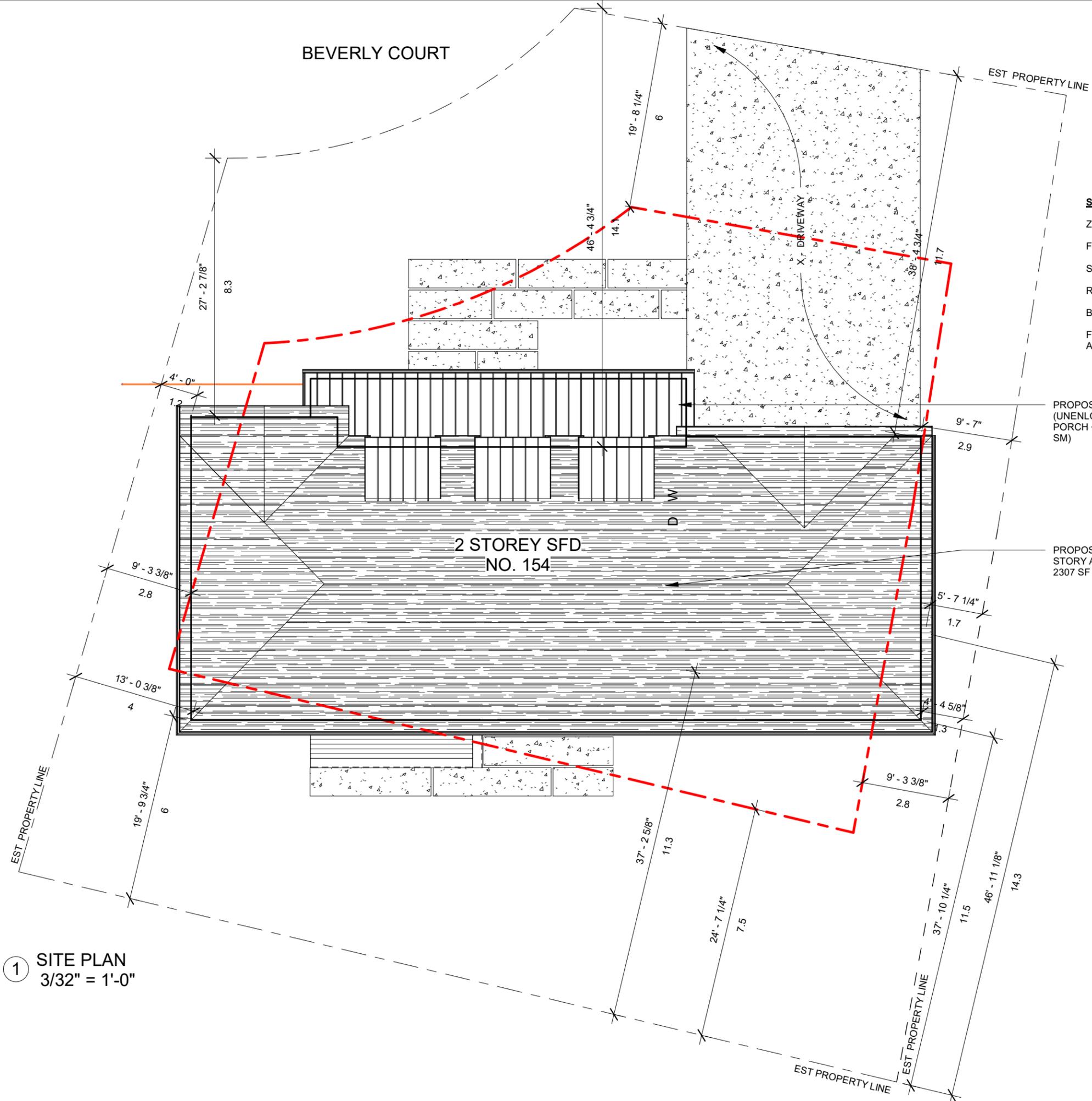
Scale 3/16" = 1'-0"

REAR ELEVATION

A2.02

Sheet No. ©2021

BEVERLY COURT



SITE STATISTICS

ZONING DESIGNATION = C	PERMITTED	PROVIDED
FRONT YARD SETBACK	6.0 m	8.3 m (EXISTING)
SIDE YARD SETBACK	1.2 m	1.2 m / 1.3 m (EXISTING)
REAR YARD SETBACK	7.5 m	6.0 m (EXISTING)
BUILDING HEIGHT	11.0 m	9.5 m (PROPOSED)
FRONT YARD LANDSCAPE AREA	50%	60% (EXISTING)

PROPOSED COVERED (UNENCLOSED) FRONT PORCH ~ 279.55 SF (25.9 SM)

PROPOSED 2nd STORY ADDITION ~ 2307 SF (214.3 SM)

1 SITE PLAN
3/32" = 1'-0"



RYAN & ASHLEY SPITERI
154 BEVERLY COURT, ANCASTER

Project No. 21011
Revisions

Scale 3/32" = 1'-0"

SITE PLAN

SP1

Sheet No. ©2021

Planning and Economic Development
Department
Building Division
Building Engineering and Zoning Section

Committee of Adjustment Comments

TO: Jamila Sheffield
Secretary-Treasurer - Committee of Adjustment
Development Planning

FROM: Maria Romano
(905) 546-2424 Ext. 2722

DATE: April 22, 2021

SUBJECT: **Application:** AN/A-21:152
Folder Number: 21-118820-00 COA
Zoning District: "ER"
Zoning District Description: Existing Residential
Zoning By-Law: Ancaster Zoning By-Law No. 87-57
Amending By-Law Number: 18-105
Address: 154 BEVERLY CRT , ANCASTER
By-Law Section: 3, 7; 9 & 10
Anticipated Hearing Date: June 3, 2021
Comments Due By: May 28, 2021

COMMENTS:

To permit the construction of a full two (2) storey addition, along with a proposed roofed over unenclosed front porch, a roofed over unenclosed rear porch and a rear deck to an existing single detached dwelling notwithstanding that;

1. A minimum side yard setback of 1.2 m shall be provided on the westerly side lot line instead of the minimum required of 2.87 m; and
2. A minimum sides yard setback of 1.3 m shall be provided on the easterly side lot line instead of the minimum required of 2.87 m; and
3. A minimum rear yard setback of 6.0 m shall be provided instead of the minimum required rear yard setback of 7.85 m.

Notes:

Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

A minimum of 1.0 m within the side yard shall be unobstructed and shall not contain structures, walkways, hard surfaced material, and landscaping other than sod. No details have been provided on the submitted sketch; therefore, further variances may be required.

A minimum of 1.0 m within the rear yard shall be unobstructed and shall not contain structures walkways, sidewalks, hard surfaced material, and landscaping other than sod. No details have been provided on the submitted sketch; therefore, further variances may be required.

The maximum building height of two storeys shall not be greater than 9.5 m. The site plan indicated 2 storeys and 9.5 m; however, the proposed total height has not been provided from grade as defined in the zoning by-law; therefore, if the proposed height exceeds the maximum permitted further variances may be required.



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	Ashley Phuong-Spiteri	[REDACTED]	
	Ryan Spiteri		
Applicant(s)*			Phone:
			E-mail:
Agent or Solicitor	<i>PACKEIGHT</i> cb BRENT WURENCA	[REDACTED]	

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
 Ashley Phuong-Spiteri, 154 Beverly Court, Ancaster, ON, L9G 1C1
 Ryan Spiteri, 154 Beverly Court, Ancaster, ON, L9G 1C1

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

4. Nature and extent of relief applied for:

2ND STORY ADDITION

- SIDE YARD SET BACKS

REQ'D: 2.8m / PROPOSED: 1.2m / 1.3m

- REAR YARD SETBACK
REQ'D = 7.5m / Prop. 6.0m

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

PROPOSED 2ND STORY ADDITION ON EXISTING 1 STORY HOUSE
(FOUNDATION / GROUND FLOOR TO REMAIN AS EXISTING)

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

154 BEVERLY COURT ANCASTER ON L9G 1C1

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

EXISTING RESIDENTIAL SUBDIVISION 60+ YEARS

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

March 12/2021
Date

[Signature]
Signature Property Owner

Ashley Phuong-Spiteri
Print Name of Owner

10. Dimensions of lands affected:

Frontage 25.67m
 Depth 24 & 32.3m
 Area 823.5m
 Width of street 6.0m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: GROUND FLOOR AREA: 184.35m LENGTH: 9.8m
 GROSS AREA: 184.35m HEIGHT: 6.5m
 NUMBER OF STORIES: 1
 WIDTH: 23.6m 240.635m

Proposed (INCLUDING FRONT & REAR PORCH) GROUND FLOOR AREA: ~~184.35m~~ LENGTH: 9.8m
 GROSS AREA: 455.735m HEIGHT: 9.5m
 NUMBER OF STORIES: 2
 WIDTH: 23.6m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: FRONT: 8.3m FRONT PORCH: 9.2m
 SIDE: 1.2m / 1.3m
 REAR: 6.0m

Proposed: FRONT: 8.3m PORCH (FRONT): 6.9m
 SIDE: 1.2m / 1.3m SIDE: 4.3m
 REAR: 6.0m

13. Date of acquisition of subject lands:
1-2 YEARS
14. Date of construction of all buildings and structures on subject lands:
ORIGINAL 60/70'S - ADDITION 2000
15. Existing uses of the subject property:
RESIDENTIAL - SFO
16. Existing uses of abutting properties:
RESIDENTIAL - SFO
17. Length of time the existing uses of the subject property have continued:
60+ YEARS
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|----------|-----------|----------|
| Water | <u>✓</u> | Connected | <u>✓</u> |
| Sanitary Sewer | <u>✓</u> | Connected | <u>✓</u> |
| Storm Sewers | <u>✓</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:30

SUBJECT PROPERTY: 65 Seabreeze Crt., Stoney Creek

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

APPLICANT(S): Agent Urban Solutions
 Owner Seabreeze Estates Inc. c/o P. DeSantis

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

Severed lands:
 11.52m[±] x 37.54m[±] and an area of 424.38m^{2±}

Retained lands:
 12.88m[±] x 45.98m[±] and an area of 525.02m^{2±}

This application will be heard in conjunction with Severance Applications SC/B-21:29, SC/B-21:31 and Minor Variance Application SC/A-21:142

The Committee of Adjustment will hear this application on:

DATE: Thursday, May 20th , 2021
TIME: 2:05 p.m.
PLACE: Via video link or call in (see attached sheet for details)

To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

SC/B-21:30
PAGE 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

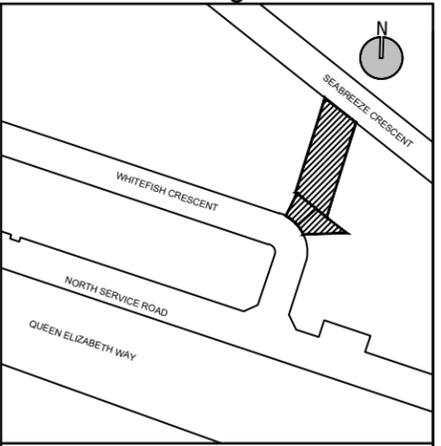
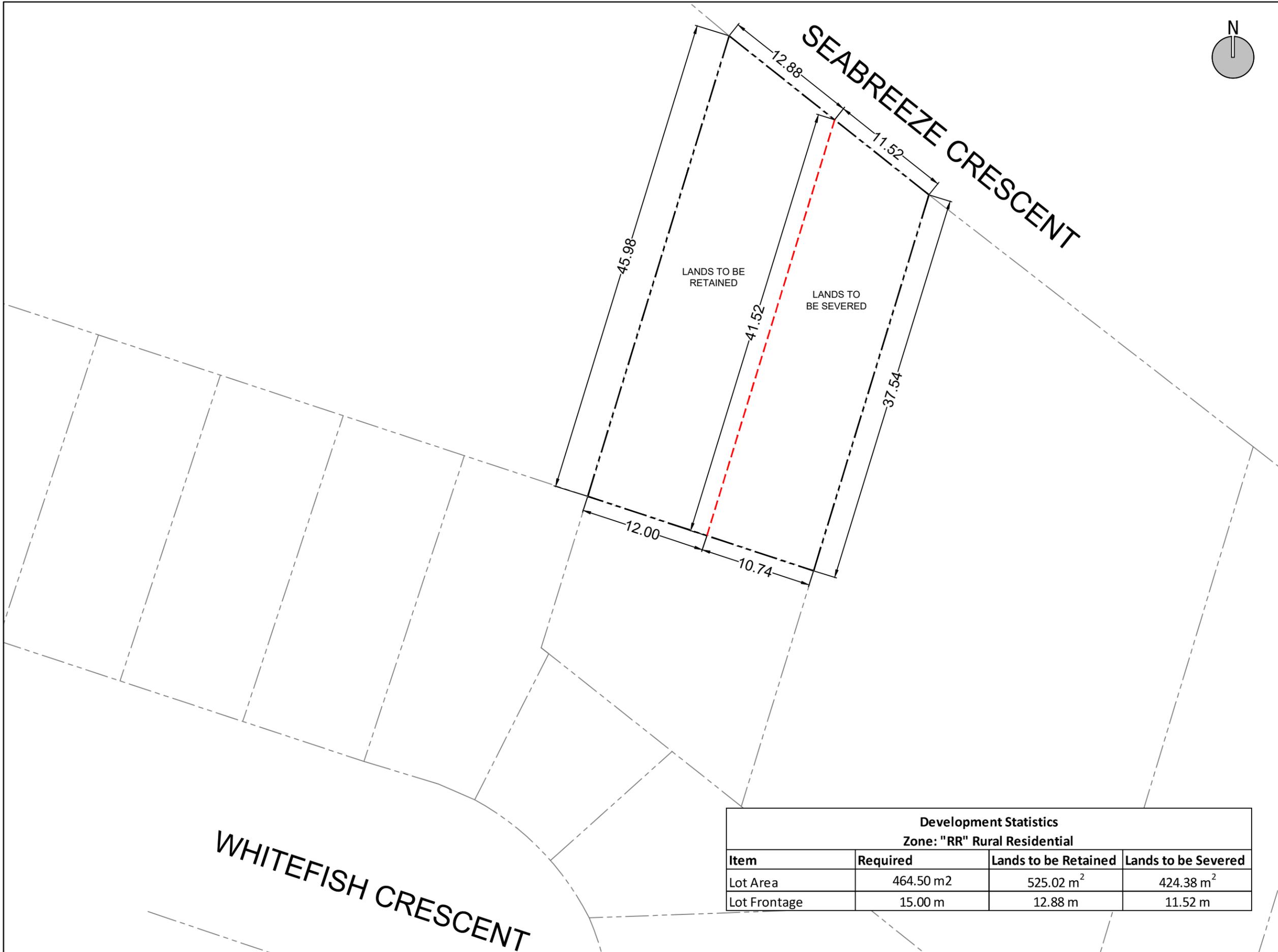
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021

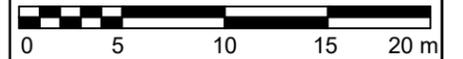
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.



KEY MAP - N.T.S.

SCALE: 1:350
METRES



LEGEND:

- SUBJECT LANDS
- PROPERTY BOUNDARIES
- PROP. SEVERANCE LINE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:

ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON

DRAWN BY: L. DRENNAN DATE: MARCH 23, 2021



3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
65 SEABREEZE CRESCENT
CITY OF HAMILTON

CLIENT:
SEABREEZE ESTATES INC.

TITLE:
SEVERANCE SKETCH NO. 2

U/S FILE NUMBER: 398-21 SHEET NUMBER: 1

Development Statistics			
Zone: "RR" Rural Residential			
Item	Required	Lands to be Retained	Lands to be Severed
Lot Area	464.50 m ²	525.02 m ²	424.38 m ²
Lot Frontage	15.00 m	12.88 m	11.52 m

WHITEFISH CRESCENT



April 1, 2021

398-21

Via Email

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: 65 Seabreeze Crescent, City of Hamilton
Consent to Sever Application No. 2**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Seabreeze Estates Inc., the registered owner of the lands municipally known as 65 Seabreeze Crescent, in the City of Hamilton (subject lands). On behalf of the owner, UrbanSolutions has prepared the enclosed Consent to Sever Application to the City of Hamilton.

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are located in the (Rural Residential) "RR" District in the former City of Stoney Creek Zoning By-law No. 3692-92. The subject lands currently contain a single detached dwelling.

This application is to be heard in conjunction with the Minor Variance Application that has also been submitted for the subject lands; this application is one of three Consent to Sever Applications to be heard in conjunction with one another. The purpose of the Consent to Sever Application No. 2 is to separate the subject lands into two (2) separate parcels. The lands to be severed are proposed to be a single detached dwelling with a total area of approximately 424m². The lands to be retained are proposed to be single detached dwelling and is approximately 525m². Please refer to the Resulting Severance Sketch which illustrates all three Consent to Sever applications.

The Consent to Sever application is in keeping with Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The subject lands will have access to full municipal services and can be considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision.

In support of this application, please find the enclosed:

- One (1) copy of the completed Consent to Sever application;
- One (1) copy of the Severance Sketch No. 2 prepared by UrbanSolutions;
- One (1) copy of the Resulting Severance Sketch prepared by UrbanSolutions and,

- One (1) cheque in the amount of **\$2,860.00** payable to the City of Hamilton for the Consent to Sever application.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Brandon Petter, MPlan
Planner

Cc: Seabreeze Estates Inc.
Mr. Sergio Manchia, UrbanSolutions



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 CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	
Registered Owners(s)	Seabreeze Estates Inc. c/o Peter DeSantis	[REDACTED]	
Applicant(s)*	Same as owner		Phone: E-mail:
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	[REDACTED]	

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 65 Seabreeze Crescent, Hamilton			Assessment Roll N°.

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:

N/A

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

creation of a new lot

Other: a charge

- addition to a lot
- an easement
- a lease
- a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- creation of a new lot
- creation of a new non-farm parcel (i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)
- addition to a lot
- Other: a charge
- a lease
- a correction of title
- an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

N/A

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m) <u>11.52 m</u>	Depth (m) <u>37.54 m</u>	Area (m ² or ha) <u>424.38 squared metres</u>
--------------------------------	-----------------------------	---

Existing Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Building(s) or Structure(s):

Existing: Single detached residential dwelling

Proposed: Single detached residential dwelling

Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well
- lake or other water body
- other means (specify) _____

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) _____

4.2 Description of land intended to be **Retained**:

Frontage (m) <u>12.88 m</u>	Depth (m) <u>45.98 m</u>	Area (m ² or ha) <u>525.02 square metres</u>
--------------------------------	-----------------------------	--

Existing Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be retained:

- Residential
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) _____

Building(s) or Structure(s):

Existing: Single detached residential dwelling.

Proposed: Single detached residential dwelling.

Type of access: (check appropriate box)

- provincial highway
 right of way
 municipal road, seasonally maintained
 other public road
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify) _____

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) _____

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Urban Hamilton Official Plan designation (if applicable): Neighbourhoods

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

Please refer to cover letter.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? "RR" Rural Residential in Stoney Creek Zoning By-law No. 3692-92.

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	N/A
A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	N/A

A provincially significant wetland within 120 metres	<input type="checkbox"/>	N/A
A flood plain	<input type="checkbox"/>	N/A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	N/A
An active railway line	<input type="checkbox"/>	N/A
A municipal or federal airport	<input type="checkbox"/>	N/A

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Consultation with owner.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached? **N/A**
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- Yes No

Please refer to cover letter.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:31

SUBJECT PROPERTY: 65 Seabreeze Crt., Stoney Creek

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

APPLICANT(S): Agent Urban Solutions
 Owner Seabreeze Estates Inc. c/o P. DeSantis

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

Severed lands:

Having a frontage of 12.79m[±] and an area of 509.04m^{2±}

Retained lands:

Having a frontage of 10.86m[±] and an area of 372.55m^{2±}

This application will be heard in conjunction with Severance Applications SC/B-21:29, SC/B-21:30 and Minor Variance Application SC/A-21:142.

The Committee of Adjustment will hear this application on:

DATE: Thursday, May 20th , 2021
TIME: 2:05 p.m.
PLACE: Via video link or call in (see attached sheet for details)

To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

SC/B-21:31
PAGE 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

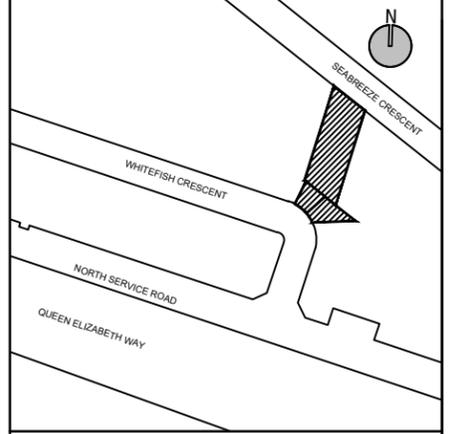
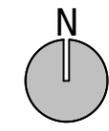
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021

Jamila Sheffield,
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.

Development Statistics			
Zone: "R3" Single Residential			
Item	Required	Lands to be Retained	Lands to be Severed
Lot Area	370 m ²	372.55 m ²	509.04 m ²
Lot Frontage	12.00 m	10.86 m	12.79 m



KEY MAP - N.T.S.

SCALE: 1:350
METRES



LEGEND:

- SUBJECT LANDS
- PROPERTY BOUNDARIES
- PROP. SEVERANCE LINE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN	CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN	DATE: MARCH 23, 2021



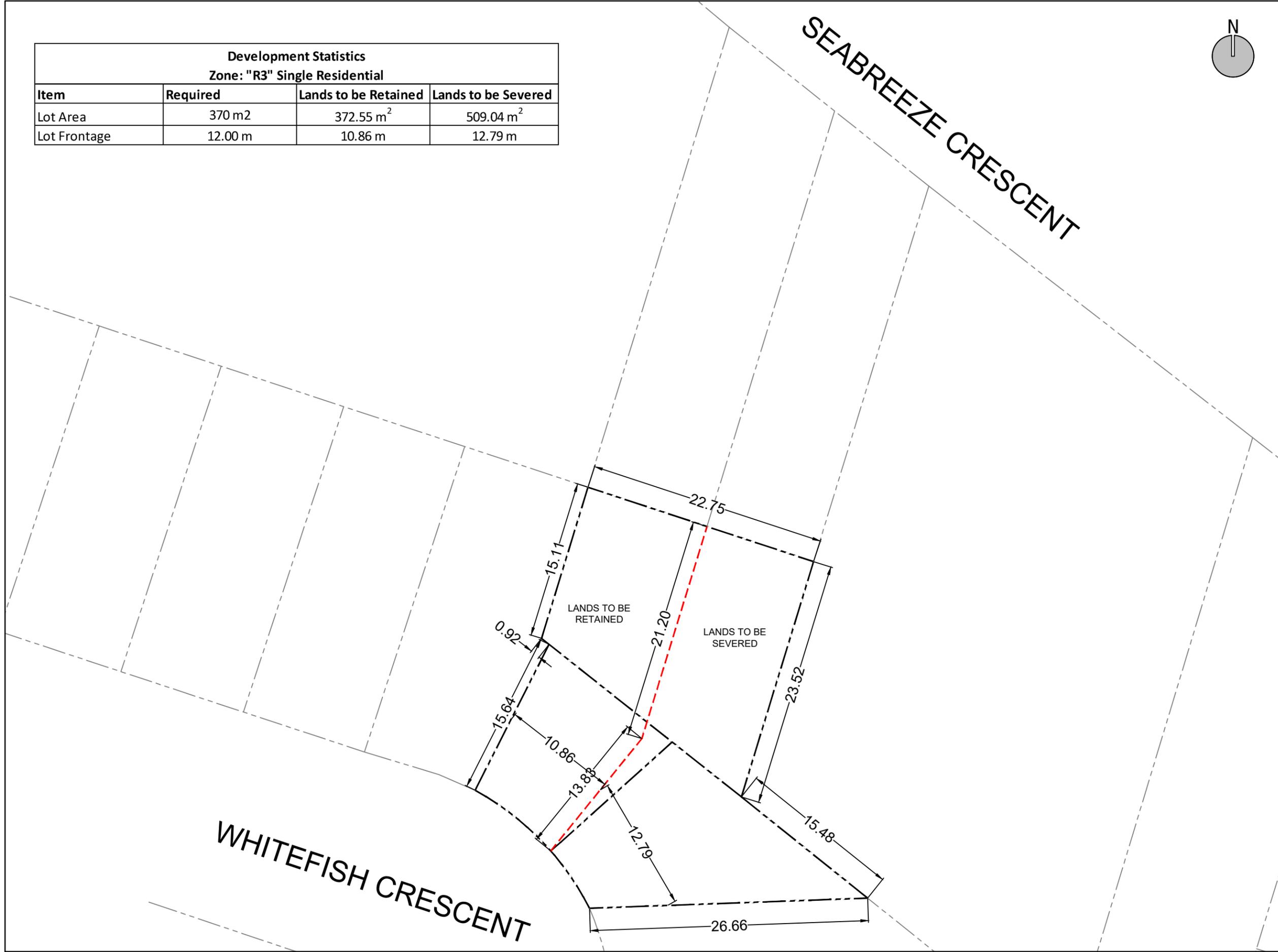
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
65 SEABREEZE CRESCENT
CITY OF HAMILTON

CLIENT:
SEABREEZE ESTATES INC.

TITLE:
SEVERANCE SKETCH NO. 3

U/S FILE NUMBER: 398-21	SHEET NUMBER: 1
----------------------------	--------------------





April 1, 2021

398-21

Via Email

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: 65 Seabreeze Crescent, City of Hamilton
Consent to Sever Application No. 3**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Seabreeze Estates Inc., the registered owner of the lands municipally known as 65 Seabreeze Crescent, in the City of Hamilton (subject lands). Seabreeze Estates Inc. is also the registered owner of the two lots fronting Whitefish Crescent legally described as Block 11 and 12 on Plan 62M1042. On behalf of the owner, UrbanSolutions has prepared the enclosed Consent to Sever Application to the City of Hamilton.

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are in the (Single Residential – Three) “R3” District of the former City of Stoney Creek Zoning By-law No. 3692-92. The subject lands are currently vacant.

This application is to be heard in conjunction with the Minor Variance Application that has also been submitted for the subject lands; this application is one of three Consent to Sever Applications to be heard in conjunction with one another. The purpose of the Consent to Sever Application No. 3 is to separate the subject lands into two (2) separate parcels. The lands to be severed are proposed to be a single detached dwelling with a total area of approximately 509m². The lands to be retained are proposed to be single detached dwelling and is approximately 377m². Please refer to the Resulting Severance Sketch which illustrates all three Consent to Sever applications.

The Consent to Sever application is in keeping with Section 53(1) of the *Planning Act*, R.S.O., 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The subject lands have access to full municipal services and can be considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision.

In support of this application, please find the enclosed:

- One (1) copy of the completed Consent to Sever application;
- One (1) copy of the Severance Sketch No. 3 prepared by UrbanSolutions;
- One (1) copy of the Resulting Severance Sketch prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$2,860.00** payable to the City of Hamilton for the Consent to Sever application.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions


Matt Johnston, MCIP, RPP
Principal


Brandon Petter, MPlan
Planner

Cc: Seabreeze Estates Inc.
Mr. Sergio Manchia, UrbanSolutions



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 CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT
Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2

	NAME	ADDRESS	
Registered Owners(s)	Seabreeze Estates Inc. c/o Peter DeSantis	[REDACTED]	
Applicant(s)*	Same as owner		Phone: E-mail:
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	[REDACTED]	

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 0 Whitefish Crescent, Hamilton			Assessment Roll N°.

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:

N/A

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10): creation of a new lotOther: a charge

- addition to a lot
- an easement
- a lease
- a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- creation of a new lot
- creation of a new non-farm parcel (i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)
- addition to a lot
- Other: a charge
- a lease
- a correction of title
- an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

N/A

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m) <u>12.79 m</u>	Depth (m) <u>Varies</u>	Area (m ² or ha) <u>509.04 squared metres</u>
--------------------------------	----------------------------	---

Existing Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Building(s) or Structure(s):

Existing: The subject lands are currently vacant.

Proposed: Single detached residential dwelling.

Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well
- lake or other water body
- other means (specify) _____

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) _____

4.2 Description of land intended to be **Retained**:

Frontage (m) <u>10.86 m</u>	Depth (m) <u>Varies</u>	Area (m ² or ha) <u>372.55 square metres</u>
--------------------------------	----------------------------	--

Existing Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be retained:

- Residential
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) _____

Building(s) or Structure(s):

Existing: The subject lands are currently vacant.

Proposed: Single detached residential dwelling

Type of access: (check appropriate box)

- provincial highway
 right of way
 municipal road, seasonally maintained
 other public road
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify) _____

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) _____

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Urban Hamilton Official Plan designation (if applicable): Neighbourhoods

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

Please refer to cover letter.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? "R3" Single Residential in Stoney Creek Zoning By-law No. 3692-92.

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	N/A
A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	N/A

A provincially significant wetland within 120 metres	<input type="checkbox"/>	N/A
A flood plain	<input type="checkbox"/>	N/A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	N/A
An active railway line	<input type="checkbox"/>	N/A
A municipal or federal airport	<input type="checkbox"/>	N/A

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Consultation with owner.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached? **N/A**
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- Yes No

Please refer to cover letter.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Please refer to cover letter.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Please refer to cover letter.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- Yes No N/A
 (Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- Yes No (Provide Explanation)

N/A

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?

- Yes No (Provide Explanation)

N/A

8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

N/A

- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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.: SC/A-21:142

APPLICANTS: Owner Seabreeze Estates
 Agent Urban Solutions

SUBJECT PROPERTY: Municipal address **65 Seabreeze Crt. Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: RR and R3 district (Rural Residential and Single Residential)

PROPOSAL: To permit the development of new single detached dwellings for each of four (4) proposed residential lots to be created through concurrent severance applications for lands located at 65 Seabreeze Crescent and part of 125 Whitefish Crescent, notwithstanding that:

Lot A

1. The minimum lot area shall be 372 square metres instead of the minimum required 464.5 square metres for serviced lots in the RR Zone.
2. The minimum lot frontage shall be 10.8 metres instead of the minimum required 15.0 metres for serviced lots in the RR Zone.
3. The minimum front yard shall be 6.0 metres instead of the minimum required 10.0 metres for serviced a lot in the RR Zone.

Lot B

4. The minimum lot frontage shall be 12.7 metres instead of the minimum required 15.0 metres for serviced lots in the RR Zone.
5. The minimum front yard shall be 6.0 metres instead of the minimum required 10.0 metres for serviced a lot in the RR Zone.

Lot C

6. The minimum lot frontage shall be 12.8 metres instead of the minimum required 15.0 metres for serviced lots in the RR Zone.
7. The minimum front yard shall be 6.0 metres instead of the minimum required 10.0 metres for serviced a lot in the RR Zone.

Lot D

8. The minimum lot area shall be 424 square metres instead of the minimum required 464.5 square metres for serviced lots in the RR Zone.
9. The minimum lot frontage shall be 11.5 metres instead of the minimum required 15.0 metres for serviced lots in the RR Zone.

10. The minimum front yard shall be 6.0 metres instead of the minimum required 10.0 metres for serviced a lot in the RR Zone.

NOTES:

1. The proposed lots shown as “A” and “B” on the submitted Sketch are zoned R3 and RR in Zoning By-law 3692-92 and would front onto Whitefish Crescent. The more stringent zoning regulations are applied in such cases. Proposed lots “C” and “D” on the Sketch are zoned RR and are to front onto Seabreeze Crescent.
2. The site sketch did not identify building envelopes. However, the requested setbacks were identified in the in the development tables for the sketch.
3. The proposed severance would require severing part of 125 Whitefish Crescent to add to 65 Seabreeze Crescent to create proper frontage for Lot “B”. Additional lot line adjustments are proposed for the creation of Lots “A” and “B”.
4. A further variance will be required if a minimum of two (2) parking spaces are not provided for each single detached dwelling. The Zoning By-law requires a minimum parking space size of 2.75 metres in width and 5.8 metres in length to be provided except for a parking space contained within a private residential garage is required to provide an unobstructed area measuring 3.0 metres in width and 6.0 metres in length.
5. There are separate regulations applicable to properties in the RR Zone for serviced lots (sanitary sewers and municipal water) and for lots which are not serviced.

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

DATE: Thursday, May 20th, 2021
TIME: 2:05 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
 Secretary-Treasurer
 Committee of Adjustment

SC/A-21: 142

Page 3

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.

REQUIRED VARIANCES:

LOT A
VARIANCE No. 1: TO PERMIT A MINIMUM LOT FRONTAGE OF 10.50 METRES WHEREAS A MINIMUM LOT FRONTAGE OF 12.0 METRES IS REQUIRED.

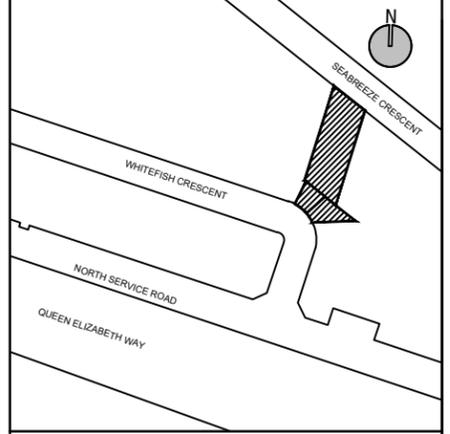
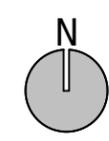
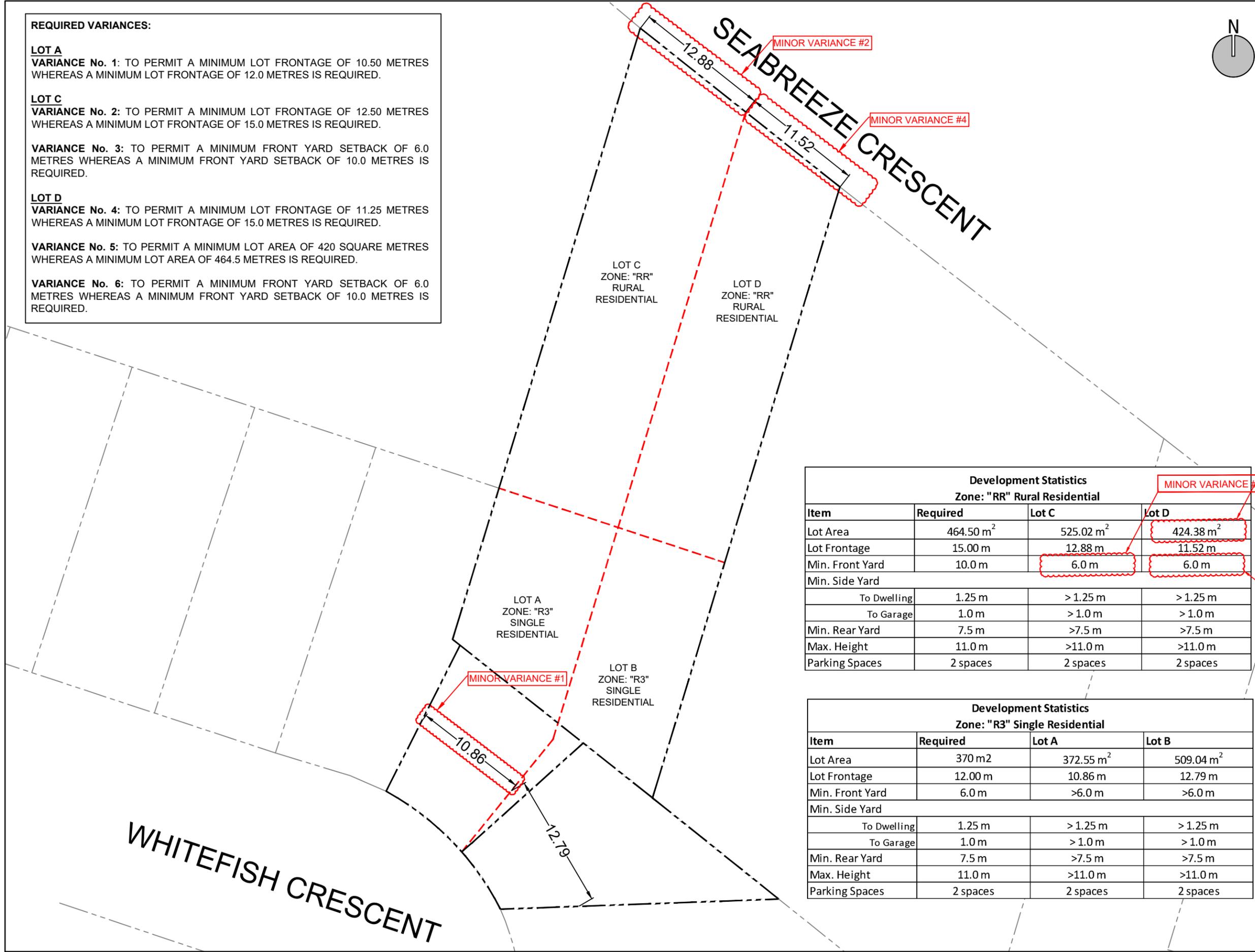
LOT C
VARIANCE No. 2: TO PERMIT A MINIMUM LOT FRONTAGE OF 12.50 METRES WHEREAS A MINIMUM LOT FRONTAGE OF 15.0 METRES IS REQUIRED.

VARIANCE No. 3: TO PERMIT A MINIMUM FRONT YARD SETBACK OF 6.0 METRES WHEREAS A MINIMUM FRONT YARD SETBACK OF 10.0 METRES IS REQUIRED.

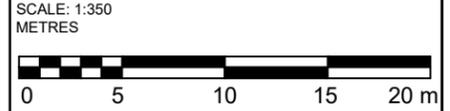
LOT D
VARIANCE No. 4: TO PERMIT A MINIMUM LOT FRONTAGE OF 11.25 METRES WHEREAS A MINIMUM LOT FRONTAGE OF 15.0 METRES IS REQUIRED.

VARIANCE No. 5: TO PERMIT A MINIMUM LOT AREA OF 420 SQUARE METRES WHEREAS A MINIMUM LOT AREA OF 464.5 METRES IS REQUIRED.

VARIANCE No. 6: TO PERMIT A MINIMUM FRONT YARD SETBACK OF 6.0 METRES WHEREAS A MINIMUM FRONT YARD SETBACK OF 10.0 METRES IS REQUIRED.



KEY MAP - N.T.S.



- LEGEND:
- SUBJECT LANDS
 - PROPERTY BOUNDARIES
 - PROP. SEVERANCE LINE

Development Statistics			
Zone: "RR" Rural Residential			
Item	Required	Lot C	Lot D
Lot Area	464.50 m ²	525.02 m ²	424.38 m ²
Lot Frontage	15.00 m	12.88 m	11.52 m
Min. Front Yard	10.0 m	6.0 m	6.0 m
Min. Side Yard			
To Dwelling	1.25 m	> 1.25 m	> 1.25 m
To Garage	1.0 m	> 1.0 m	> 1.0 m
Min. Rear Yard	7.5 m	>7.5 m	>7.5 m
Max. Height	11.0 m	>11.0 m	>11.0 m
Parking Spaces	2 spaces	2 spaces	2 spaces

Development Statistics			
Zone: "R3" Single Residential			
Item	Required	Lot A	Lot B
Lot Area	370 m ²	372.55 m ²	509.04 m ²
Lot Frontage	12.00 m	10.86 m	12.79 m
Min. Front Yard	6.0 m	>6.0 m	>6.0 m
Min. Side Yard			
To Dwelling	1.25 m	> 1.25 m	> 1.25 m
To Garage	1.0 m	> 1.0 m	> 1.0 m
Min. Rear Yard	7.5 m	>7.5 m	>7.5 m
Max. Height	11.0 m	>11.0 m	>11.0 m
Parking Spaces	2 spaces	2 spaces	2 spaces

MINOR VARIANCE #5

MINOR VARIANCE #3

MINOR VARIANCE #6

NOT FOR CONSTRUCTION
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON
 DRAWN BY: L. DRENNAN DATE: MARCH 23, 2021



3 STUDEBAKER PLACE, UNIT 1
 HAMILTON, ON L8L 0C8
 905-546-1087 - urbansolutions.info

PROJECT:
 65 SEABREEZE CRESCENT
 CITY OF HAMILTON

CLIENT:
 SEABREEZE ESTATES INC.

TITLE:
 MINOR VARIANCE SKETCH

U/S FILE NUMBER: 398-21 SHEET NUMBER: 1

WHITEFISH CRESCENT



April 1, 2021

398-21

Via Email

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: 65 Seabreeze Crescent, City of Hamilton
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Seabreeze Estates Inc., the registered owner of the lands municipally known as 65 Seabreeze Crescent, in the City of Hamilton (subject lands). Seabreeze Estates Inc. is also the registered owner of the two lots fronting Whitefish Crescent legally described as Block 11 and 12 on Plan 62M1042. The Blocks are labelled as Lot A and Lot B on the Minor Variance Sketch. On behalf of the owner, UrbanSolutions has prepared the enclosed Minor Variance Application to the City of Hamilton.

65 Seabreeze Crescent is designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are located in the (Rural Residential) "RR" District in the District of the former City of Stoney Creek Zoning By-law No. 3692-92. The subject lands currently contain a single detached dwelling.

The lands fronting Whitefish Crescent are designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are located in the (Single Residential – Three) "R3" District of the former City of Stoney Creek Zoning By-law No. 3692-92. The subject lands are currently vacant.

Purpose of the Application

The purpose of the Minor Variance application is to facilitate the development of four (4) single detached dwelling(s) on the lots illustrated on the Minor Variance Sketch. This Minor Variance application is to be heard in conjunction with the Consent to Sever application(s). The division of lands and the required minor variances are outlined on the enclosed Minor Variance Sketch and outlined below.

Lot A

1. To permit a minimum lot frontage of 10.50 metres whereas a minimum lot frontage of 12.0 metres is required.

Lot C

2. To permit a minimum lot frontage of 12.50 metres whereas a minimum lot frontage of 15.0 metres is required.
3. To permit a minimum front yard setback of 6.0 metres whereas a minimum front yard setback of 10.0 metres is required.

Lot D

4. To permit a minimum lot frontage of 11.25 metres whereas a minimum lot frontage of 15.0 metres is required.
5. To permit a minimum lot area of 420 square metres whereas a minimum lot area of 464.5 metres is required.
6. To permit a minimum front yard setback of 6.0 metres whereas a minimum front yard setback of 10.0 metres is required.

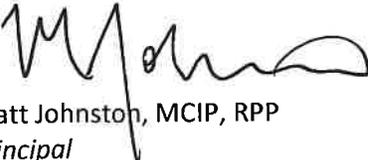
Section 45(1) of the *Planning Act*, R.S.O., 1990, as amended, requires a Minor Variance to satisfy four tests. The proposed Single Detached Dwelling(s) is a permitted use in both the Neighbourhoods designation of the Urban Hamilton Official Plan, the (Rural Residential) "RR" and the (Single Residential – Three) "R3" District of the former City of Stoney Creek Zoning By-law No. 3692-92. The proposed minor variances will allow for the development of four (4) single detached dwellings that is in keeping with the character of the surrounding neighbourhood with similar lot frontages and lot areas and also implements the provincial and local planning policy framework. More specifically, the resulting variances and severances further implement the build-out of this subdivision as contemplated in the City's approved 62M1042.

In support of this application, please find the enclosed:

- One (1) copy of the completed Minor Variance application;
- One (1) copy of the Minor Variance Sketch prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,320.00** payable to the City of Hamilton for the Minor Variance application.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions


Matt Johnston, MCIP, RPP
Principal


Brandon Petter, MPlan
Planner

Cc: Seabreeze Estates Inc.
Mr. Sergio Manchia, UrbanSolutions



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	Seabreeze Estates Inc. c/o Peter DeSantis		
Applicant(s)*	Same as owner		Phone: E-mail:
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston		

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A

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

4. Nature and extent of relief applied for:

Please refer to cover letter and enclosed Minor Variance Sketch for list of required variances.

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

Please refer to cover letter.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

65 Seabreeze Crescent & 0 Whitefish Crescent, Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

- 8.1 If Industrial or Commercial, specify use _____

- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Consultation with owner.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No N/A

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Mar 25-21
Date

[Signature]
Signature Property Owner

Peter De Santos
Print Name of Owner

10. Dimensions of lands affected: Refer to enclosed Minor Variance Sketch

Frontage _____
Depth _____
Area _____
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Single Residential Dwelling

Proposed Single Residential Dwelling

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: Refer to enclosed Minor Variance Sketch

Proposed: Refer to enclosed Minor Variance Sketch

13. Date of acquisition of subject lands:
Unknown
14. Date of construction of all buildings and structures on subject lands:
Unknown
15. Existing uses of the subject property:
Residential
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
Unknown
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected ✓
Sanitary Sewer _____ Connected ✓
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
The subject lands are designated as "Neighbourhoods" in the Urban Hamilton Official Plan.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
The subject lands are zoned "RR" Rural Residential and "R3" Single Residential
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
Concurrent Consent to Sever applications have been submitted to create 4 lots.
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:29

SUBJECT PROPERTY: 65 Seabreeze Crt., Stoney Creek

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

APPLICANT(S): Agent Urban Solutions
 Owner Seabreeze Estates Inc. c/o P. DeSantis

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

Severed lands:

Having a depth of 15.11 - 23.52m[±] and an area of 439.32m^{2±}

Retained lands:

24.0m[±] x 45.98m[±] and an area of 949.40m^{2±}

This application will be heard in conjunction with Severance Applications SC/B-21:30, SC/B-21:31 and Minor Variance Application SC/A-21:142

The Committee of Adjustment will hear this application on:

DATE: Thursday, May 20th , 2021

TIME: 2:05 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

SC/B-21:29
PAGE 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

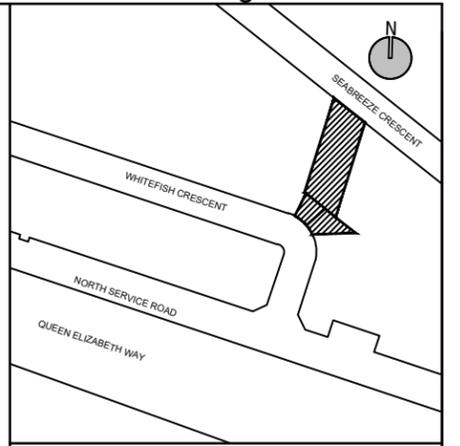
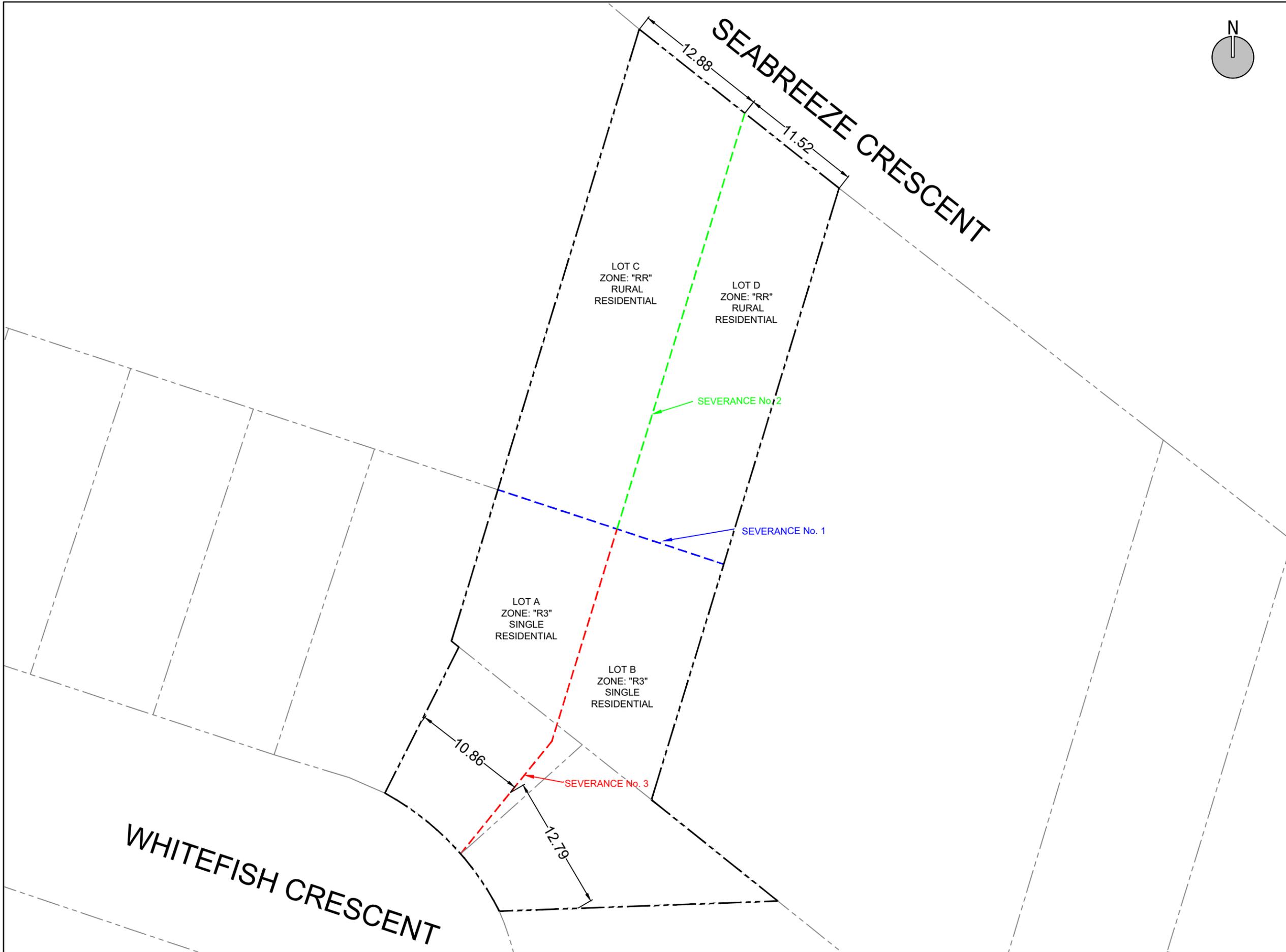
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021

Jamila Sheffield,
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.



KEY MAP - N.T.S.

SCALE: 1:350
METRES



LEGEND:

- SUBJECT LANDS
- PROPERTY BOUNDARIES
- PROP. SEVERANCE LINE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:

ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON

DRAWN BY: L. DRENNAN DATE: MARCH 23, 2021



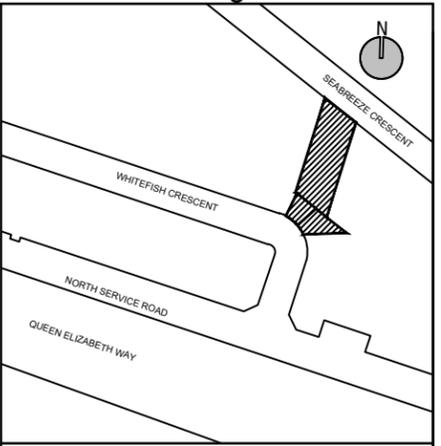
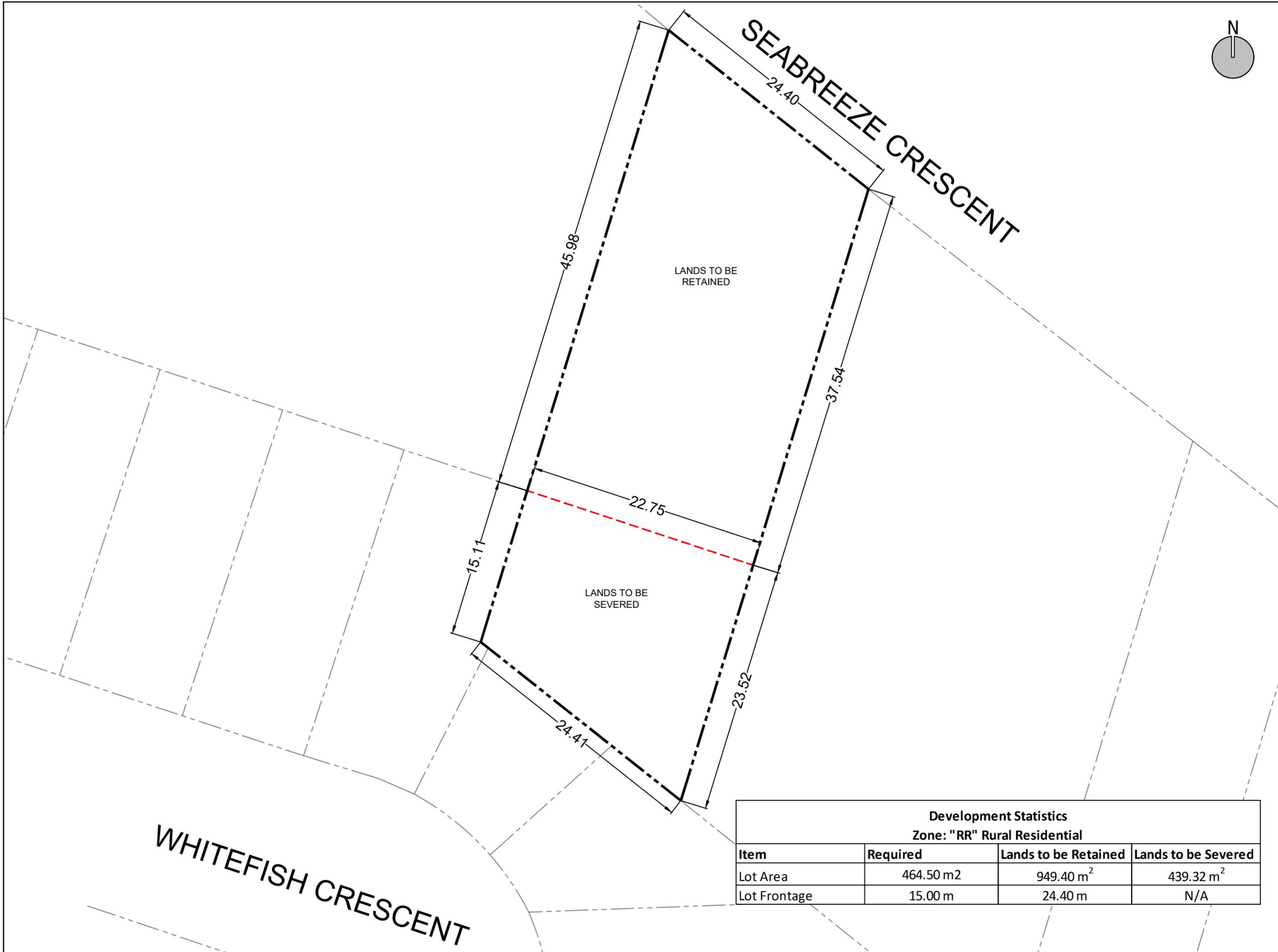
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
65 SEABREEZE CRESCENT
CITY OF HAMILTON

CLIENT:
SEABREEZE ESTATES INC.

TITLE:
RESULTING SEVERANCE SKETCH

U/S FILE NUMBER: 398-21	SHEET NUMBER: 1
----------------------------	--------------------



KEY MAP - N.T.S.

SCALE: 1:350
METRES



LEGEND:

- SUBJECT LANDS
- PROPERTY BOUNDARIES
- PROP. SEVERANCE LINE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON

DRAWN BY: L. DRENNAN DATE: MARCH 23, 2021



3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
65 SEABREEZE CRESCENT
CITY OF HAMILTON

CLIENT:
SEABREEZE ESTATES INC.

TITLE:
SEVERANCE SKETCH NO. 1

U/S FILE NUMBER: 398-21 SHEET NUMBER: 1

Development Statistics			
Zone: "RR" Rural Residential			
Item	Required	Lands to be Retained	Lands to be Severed
Lot Area	464.50 m ²	949.40 m ²	439.32 m ²
Lot Frontage	15.00 m	24.40 m	N/A

WHITEFISH CRESCENT

SEABREEZE CRESCENT

LANDS TO BE RETAINED

LANDS TO BE SEVERED



April 1, 2021

398-21

Via Email

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: 65 Seabreeze Crescent, City of Hamilton
Consent to Sever Application No. 1**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Seabreeze Estates Inc., the registered owner of the lands municipally known as 65 Seabreeze Crescent, in the City of Hamilton (subject lands). On behalf of the owner, UrbanSolutions has prepared the enclosed Consent to Sever Application to the City of Hamilton.

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are located in the (Rural Residential) "RR" District in the former City of Stoney Creek Zoning By-law No. 3692-92. The subject lands currently contain a single detached dwelling.

This application is to be heard in conjunction with the Minor Variance Application that has also been submitted for the subject lands; this application is one of three Consent to Sever Applications to be heard in conjunction with one another. The purpose of the Consent to Sever Application No. 1 is to separate the subject lands into two (2) separate parcels. The lands to be severed is approximately 439m² while the lands to be retained are proposed to be single detached dwellings and is approximately 949m². Please refer to the Resulting Severance Sketch which illustrates all three Consent to Sever applications.

The Consent to Sever application is in keeping with Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The subject lands will have access to full municipal services and can be considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision.

In support of this application, please find the enclosed:

- One (1) copy of the completed Consent to Sever application;
- One (1) copy of the Severance Sketch No. 1 prepared by UrbanSolutions;
- One (1) copy of the Resulting Severance Sketch prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$2,860.00** payable to the City of Hamilton for the Consent to Sever application.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions


Matt Johnston, MCIP, RPP
Principal


Brandon Petter, MPlan
Planner

Cc: Seabreeze Estates Inc.
Mr. Sergio Manchia, UrbanSolutions



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 CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	
Registered Owners(s)	Seabreeze Estates Inc. c/o Peter DeSantis	[REDACTED]	
Applicant(s)*	Same as owner		Phone: E-mail:
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	[REDACTED]	

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 65 Seabreeze Crescent, Hamilton			Assessment Roll N°.

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:

N/A

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

creation of a new lot

Other: a charge

- addition to a lot
 an easement
 a lease
 a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- creation of a new lot
 creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
 addition to a lot
- Other: a charge
 a lease
 a correction of title
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

N/A

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed:

Frontage (m)	Depth (m)	Area (m ² or ha)
<u>N/A</u>	<u>15.11 m - 23.52 m</u>	<u>439.32 squared metres</u>

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: Single detached residential dwelling

Proposed: Lands to be part of future severance to create single detached residential dwelling.

Type of access: (check appropriate box) N/A

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify) _____

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) _____

4.2 Description of land intended to be Retained:

Frontage (m)	Depth (m)	Area (m ² or ha)
<u>24.40 m</u>	<u>45.98 m - 37.54 m</u>	<u>949.40 square metres</u>

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Proposed Use of Property to be retained:

- Residential
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) Please refer to cover letter.

Building(s) or Structure(s):

Existing: Single detached residential dwelling.

Proposed: Lands to be part of future severance to create single detached residential dwelling.

Type of access: (check appropriate box)

- provincial highway
 right of way
 municipal road, seasonally maintained
 other public road
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify) _____

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) _____

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Urban Hamilton Official Plan designation (if applicable): Neighbourhoods

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

Please refer to cover letter.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? "RR" Rural Residential in Stoney Creek Zoning By-law No. 3692-92.

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	N/A
A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	N/A

A provincially significant wetland within 120 metres	<input type="checkbox"/>	N/A
A flood plain	<input type="checkbox"/>	N/A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	N/A
An active railway line	<input type="checkbox"/>	N/A
A municipal or federal airport	<input type="checkbox"/>	N/A

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Consultation with owner.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached? N/A
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- Yes No

Please refer to cover letter.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Please refer to cover letter.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Please refer to cover letter.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- Yes No N/A
 (Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- Yes No (Provide Explanation)

N/A

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?

- Yes No (Provide Explanation)

N/A

8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

N/A

- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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.: SC/A-21:70

APPLICANTS: M. & S. Desai

SUBJECT PROPERTY: Municipal address **1024 Barton St., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended 5068-00

ZONING: "RR" (Rural Residential) district

PROPOSAL: To permit the conversion of the existing single family dwelling to a duplex dwelling, notwithstanding that:

1. The use of a duplex dwelling shall be permitted, instead of the requirement that only single detached dwellings are permitted.
2. Two (2) parking spaces shall be provided in the required front yard, instead of the requirement that a maximum of one (1) parking space is permitted to be located in the required front yard.

NOTE:

1. Specific details regarding the dimensions of the proposed parking spaces have not been provided. Further variances may be required if compliance with Section 4.10.3(a) cannot be achieved.
2. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation at 905-628-3060 for further information.
3. Conversion of the proposed dwelling is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

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

DATE: Thursday, May 20th, 2021
TIME: 2:10 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

SC/A-21: 70
Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.

1024 Barton St

Stoney Creek, ON L8E 5H3

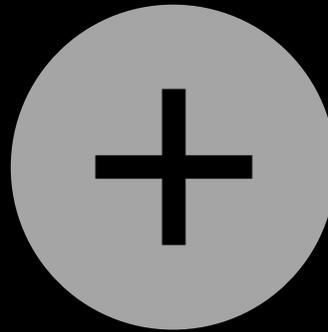
MANISH DESAI & SHILPA DESAI



Proposal for Second Unit



STONE CREEK POPULATION,
DEMOGRAPHIC



AND



RENTAL HOUSING
REQUIERMENTS



Population

TOTAL POPULATION

17,004

MALE

8,405

FEMALE

8,599

MEDIAN AGE

38.1



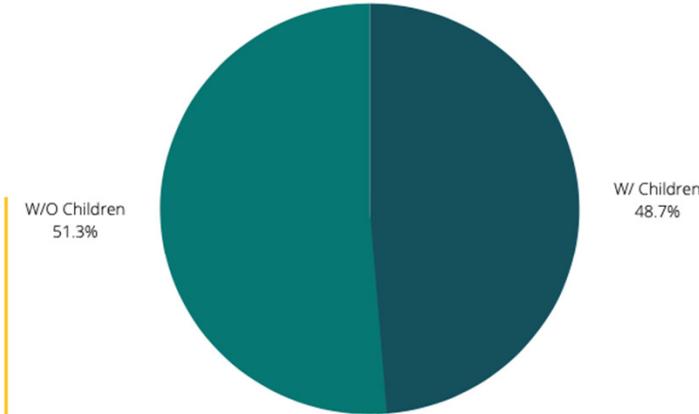
Number of Households

Total Households	5,590
Average Person Per Household	3
Family Households	4,703
Non-Family Households	887



Children

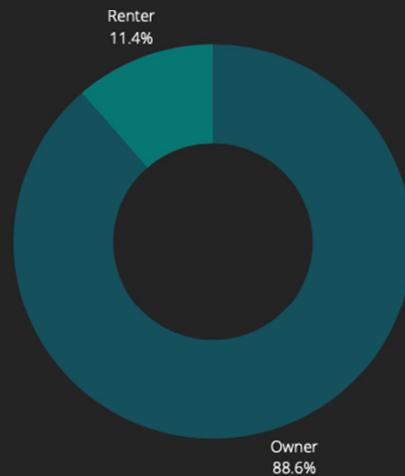
Houses with Children	2,723
Houses without Children	2,867



Income + Housing Statistics

Average Household Income \$135,228.00

Median Househole Income \$120,288.00



5,590 Occupied Housing Units

4,953 Owner Occupied

637 Renter Occupied

Mohawk College

135 Fennell Ave W, Hamilton, ON L9C 0E5

TOTAL ENROLLMENT (2015) 30,066

SPECIALIZATIONS

130 Fulltime Programs & More than 1000 Continuing Education Programs

FACULTY

More than 1000 Members

DISTANCE FROM 1024 BARTON STREET

3.7 KM - 5 Min via Barton Street

OTHER SCHOOLS NEARBY

Wm Farchuk Ukrainian School

Hamilton School of Careers & Hamilton Institute of Technology



A “Secondary Suite” in the Official Plan is defined as:

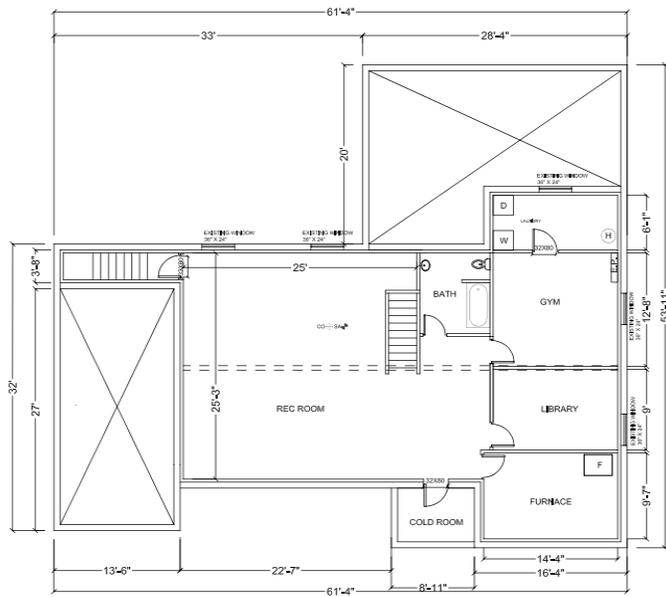
“...a second residential unit in a detached house, semi-detached house or rowhouse that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.”

Ref: <https://www.ontario.ca/page/add-second-unit-your-house>

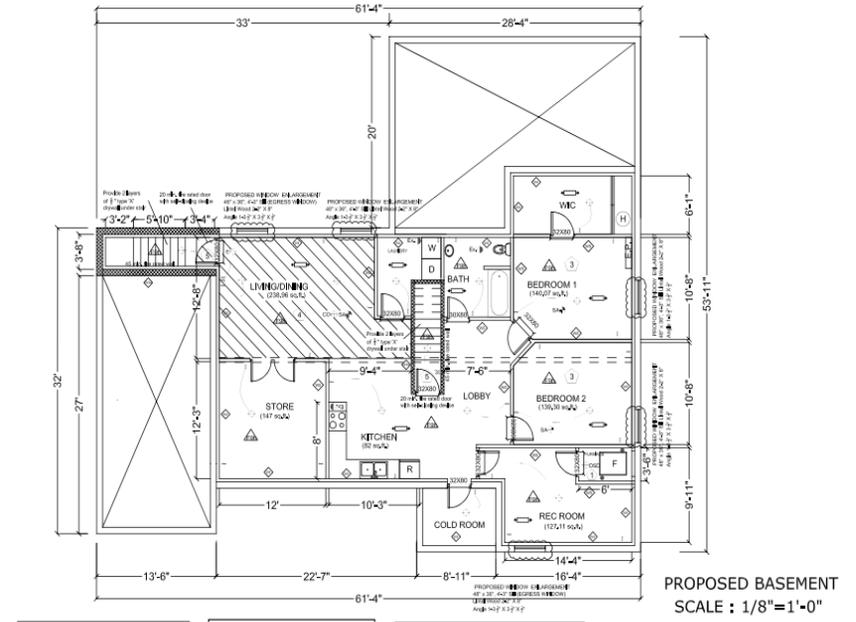
Proposal for Second Unit

- The applicant is requesting permission for a secondary suite to be located in the basement of the existing dwelling.
- The proposal includes an egress window at the west side (rear) of the building, and window enlargements along the west and south sides of the building.
- The proposed secondary suite would have direct and separate access provided by an existing door on the south west side of the building.

Proposal for Second Unit



BASEMENT ASBUILT



PROPOSED BASEMENT
SCALE : 1/8"=1'-0"



A Healthy Watershed for Everyone

BY E-MAIL

February 08, 2021

GC-SC

Manish Desai
1024 Barton Street
Stoney Creek, ON L8E 5H3

Dear Mr. Desai:

RE: Letter of Permission for Basement Renovations to an Existing Dwelling

**Location: 1024 Barton Street
Part Lot 8, Concession 2, City of Hamilton (Stoney Creek)**

Staff of the Hamilton Conservation Authority (HCA) have reviewed the above-noted development including Drawings A0.1, A1.1-A1.3, A2.1-A2.2, and A3.0 prepared by CANAM Engineering, dated January 10, 2021 (attached).

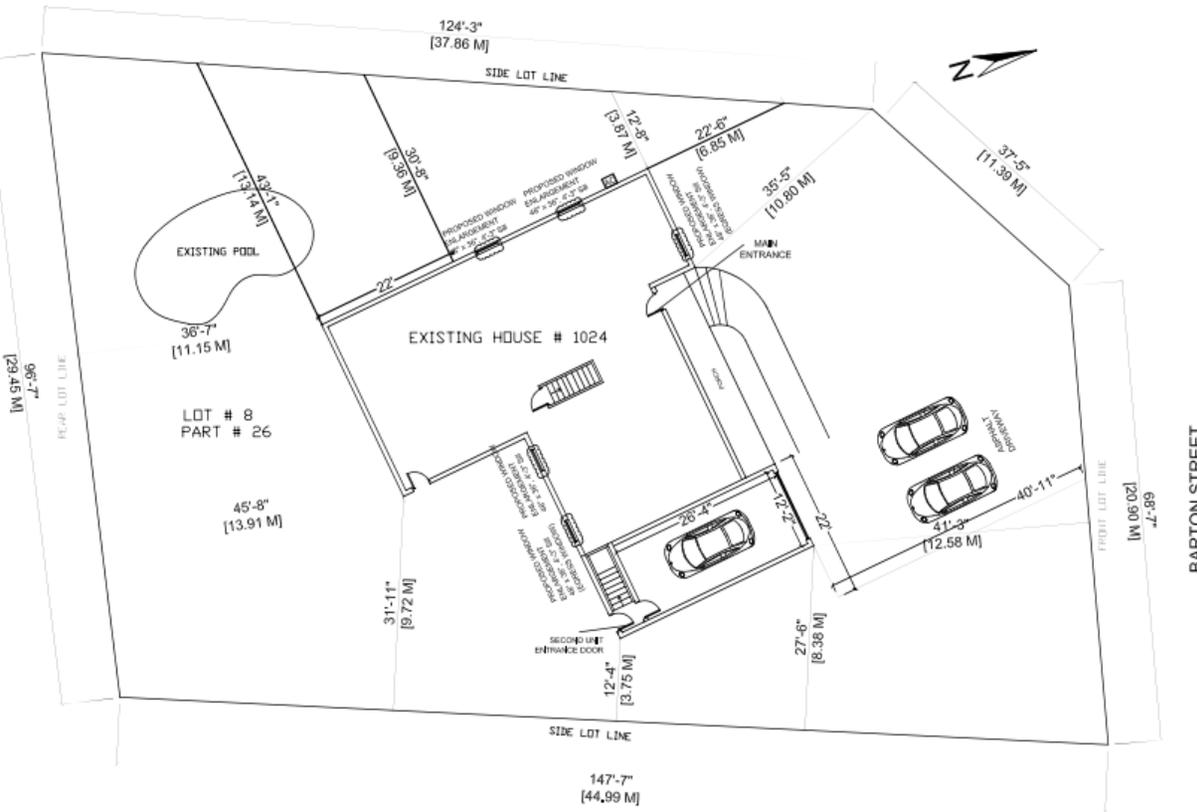
The property is regulated by the HCA pursuant to *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990* due to the presence of Stoney Creek Numbered Watercourse 9 and the potential flooding and erosion hazards associated with this feature. However, the project is located outside of the hazards associated with Stoney Creek Numbered Watercourse 9. Therefore, please accept this correspondence as written permission for the basement renovations on land regulated by HCA. HCA staff have no objection to the issuance of a building permit by the municipality.

If you have any questions regarding the above, please do not hesitate to contact the undersigned at ext. 164.

February 8, 2021
Date

Laura Stinson
Acting Conservation Planner

Encl. approved construction plans
c.c. Chantal Costa, Plan Examination Secretary, City of Hamilton, Building Division (by e-mail)
Parag Murkute, Agent (by e-mail)



SETBACK PLAN

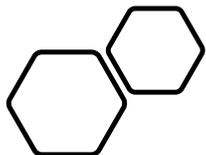
More Homes, More Choice Act, 2019

The *More Homes, More Choice Act, 2019*, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the *Planning Act* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse dwellings, as well as permitting a residential unit in ancillary structures to a detached, semi-detached, or rowhouse dwelling. Under this legislation, “second suites” or “secondary suites” are now referred to as “additional residential units”, and the terms are used synonymously in this memorandum.

Provincial Policies

Vision : All Ontarians can find a home that meets their needs and their budget.

Ref:- <https://www.ontario.ca/page/more-homes-more-choice-ontarios-housing-supply-action-plan>



Provincial Policy Statement 2020

- Section 1.4.3 of the *Provincial Policy Statement, 2020*, requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet the affordable housing needs of current and future residents. amongst other means,
- This can be achieved by permitting and facilitating residential intensification, including additional residential units, and redevelopment by accommodating a significant supply and range of housing options through intensification and redevelopment while taking into account existing building stock.

Ref:- <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>





Parag Murkute

Projects & Business Development

Off - +1 905 890 5999

Cell - +1 647 302 5363

projects@gmglobal.ca

info@gmglobal@gmail.com

www.gmglobal.ca

Manish Desai & Shilpa Desai

MOBILE : + 1 416 731 1660

EMAIL : manishdesai16@gmail.com

To
The committee of Adjustment
Stoney Creek

Date: 5th Feb 2021

Subject: Application for Minor Variance for 1024 Barton St. Stoney Creek

Respected Committee members,

I Manish Desai residing at the address 1024 Barton St. in Stoney Creek would like to apply for Minor variance as the property is located under the Stoney Creek by-law in zone "RR" which does not permit Two Family Dwelling as per current bylaw. I have already applied for Building Permit # 21 101181 000 00 R9 and received comments from Zoning Department.



Due to Covid 19 all our future plans are getting blurry and to have an additional financial source has become a necessity. I have come to know that by creating a legal Second Unit, I can rent the basement officially to manage my economics.

I would request the committee members to consider this minor variance to support affordable housing. Site photos are attached for your ready reference

Thanks

Manish Desai
1024 Barton St.
Stoney Creek ON L8E 5H3
manishdesai16@gmail.com



A Healthy Watershed for Everyone

BY E-MAIL

February 08, 2021

GC-SC

Manish Desai
1024 Barton Street
Stoney Creek, ON L8E 5H3

Dear Mr. Desai:

RE: Letter of Permission for Basement Renovations to an Existing Dwelling

**Location: 1024 Barton Street
Part Lot 8, Concession 2, City of Hamilton (Stoney Creek)**

Staff of the Hamilton Conservation Authority (HCA) have reviewed the above-noted development including Drawings A0.1, A1.1-A1.3, A2.1-A2.2, and A3.0 prepared by CANAM Engineering, dated January 10, 2021 (attached).

The property is regulated by the HCA pursuant to *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990* due to the presence of Stoney Creek Numbered Watercourse 9 and the potential flooding and erosion hazards associated with this feature. However, the project is located outside of the hazards associated with Stoney Creek Numbered Watercourse 9. Therefore, please accept this correspondence as written permission for the basement renovations on land regulated by HCA. HCA staff have no objection to the issuance of a building permit by the municipality.

If you have any questions regarding the above, please do not hesitate to contact the undersigned at ext. 164.

Laura Stinson
Acting Conservation Planner

February 8, 2021
Date

Encl. approved construction plans
c.c. Chantal Costa, Plan Examination Secretary, City of Hamilton, Building Division (by e-mail)
Parag Murkute, Agent (by e-mail)



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	MANISH Y DESAI SHILPABEN DESAI	1024 BARTON ST E STONE CREEK ON	Phone: [REDACTED] E-mail: [REDACTED]
Applicant(s)*			Phone: E-mail:
Agent or Solicitor			Phone: E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

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

4. Nature and extent of relief applied for:

Proposed Second Unit in RR Zone

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

The property is located under the Stoney Creek by-law in zone "RR" which does not permit two family dwellings.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

1024 Barton st Stoney Creek ON L8E 5H3, Lot 8 Part 26, Plan 62R 565

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant

Other _____

- 8.1 If Industrial or Commercial, specify use _____

- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

No change in existing building footprint

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application -- by reason of its approval to this Application.

FEB 1ST 2021

Date


Signature Property Owner

MANISH Y DESAI

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>105.96 Ft = 32.30 M.</u>
Depth	<u>147.00Ft = 44.81 M.</u>
Area	<u>1270.35 Sq. M.</u>
Width of street	<u>120 Ft = 36.58 M.</u>

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Main Unit Are : 1862.48 Sq. Ft. (173.03 Sq.M.)

Gross Floor Area : 1862.48 Sq. Ft. (173.03 Sq.M.)

No of Stories 1 (Bungalow) Length : 61'- 4" Ft Width : 53' -11" Height : As per Zoning By Law

Main Unit Are : 1862.48 Sq. Ft. (173.03 Sq.M.)

Second Unit Area (Basement) : 1458.53 Sq. Ft. (135.50 Sq.M.)

Gross Floor Area : 3321.01 Sq. Ft (308.53 Sq. M.)

No of Stories 1 (Bungalow) Length: 61'-4"Ft., Width : 53'-11" Height : As per Zoning By Law

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Front = 41'3" Ft = 12.58 M.

Left Side : 12'4"Ft. = 3.75 M.

Right Side: 12'8"Ft. =3.87 M.

Rear Side : 36'7"Ft = 11.15M

Proposed:

Front = 41'3" Ft = 12.58 M.

Left Side : 12'4"Ft. = 3.75 M.

Right Side : 12'8"Ft. =3.87 M.

Rear Side : 36'7"Ft = 11.15M

13. Date of acquisition of subject lands:
December 2020
-
14. Date of construction of all buildings and structures on subject lands:
-
15. Existing uses of the subject property:
Single Unit Dwelling
16. Existing uses of abutting properties:
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
Water YES Connected YES
Sanitary Sewer YES Connected YES
Storm Sewers YES
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.
Survey Attached to the application



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:39

APPLICANTS: Agent V. Mohammed on behalf of the owners S. & S. Bagla

SUBJECT PROPERTY: Municipal address **27 Sycamore St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 83-66

ZONING: "C" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the conversion of the existing single family dwelling to a two family dwelling, notwithstanding that:

1. A minimum manoeuvring space width of 5.90 metres shall be provided for one (1) of the two (2) rear parking spaces instead of the minimum required manoeuvring space width of 6.0m;
2. The maneuvering space and accessibility to one (1) of the two (2) rear parking spaces may be obstructed by the dwelling, whereas the By-law requires an unobstructed access to the maneuvering space abutting the required parking space and an unobstructed access to the required parking space.

NOTE:

1. A building permit is required for the conversion of the existing single family dwelling into a two family dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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

DATE: Thursday, May 20th, 2021
TIME: 2:15 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

HM/A-21: 39
Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

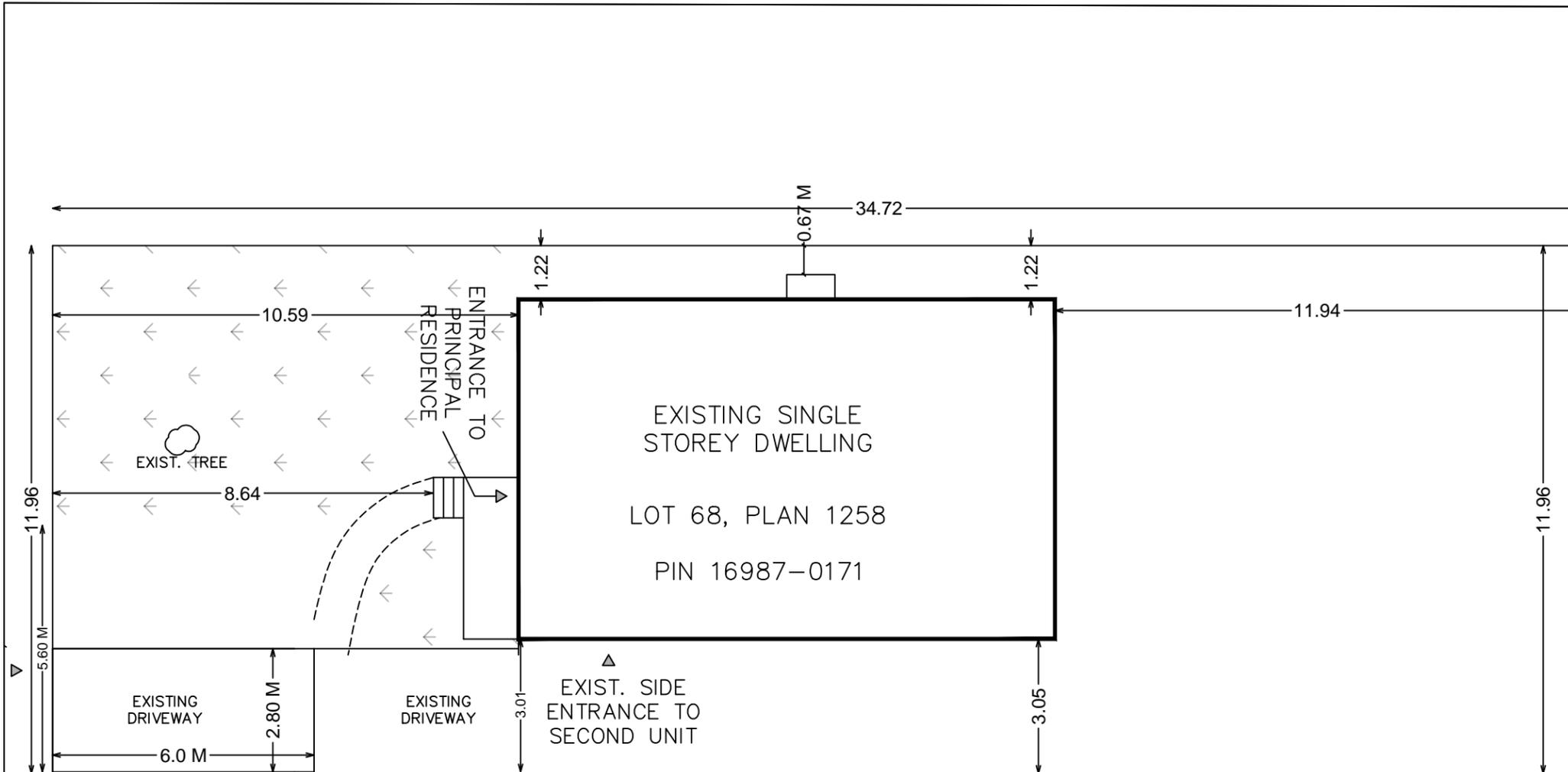
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.



AREA STATISTICS

GROSS FLOOR AREA CALCULATIONS

- A. PRINCIPAL RESIDENCE
EXISTING GROUND FLOOR GFA = 83.97 m²
- B. BASEMENT
PROPOSED BASEMENT APARTMENT GFA = 83.92 m²
ENTRANCE / EGRESS



SCOPE OF WORK

- ① LEGALIZATION OF BASEMENT AS SECOND DWELLING UNIT
- ② PROP. ONE NEW WINDOWS

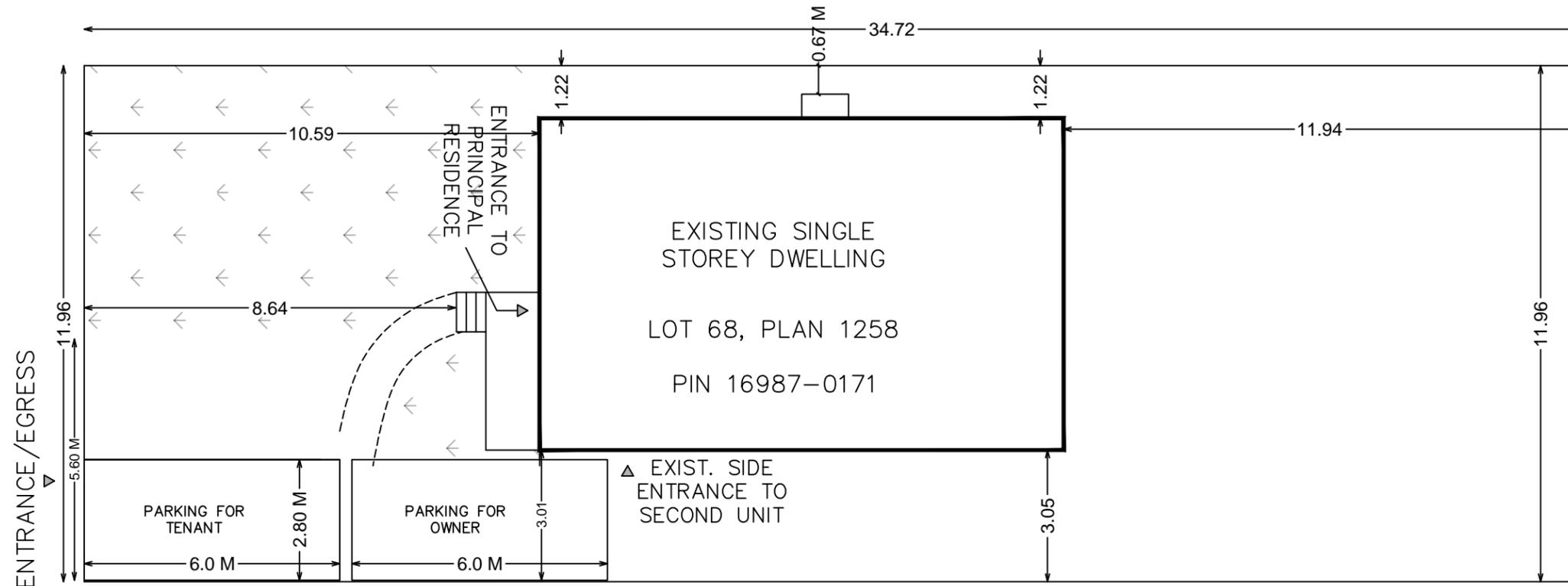
NO.	DESCRIPTION	DATE
1	REVISION	JAN/ 27 / 2021
0	FOR BUILDING PERMIT	

ENGINEER:
 **Mechways Inc.**
 2751 THAMESGATE DR.
 MISSISSAUGA, ON.
 TEL: 905-678-7778
 mechways@gmail.com

PROJECT:
 27, SYCAMORE STREET,
 HAMILTON, ON

TITLE:
EXIST.SITE PLAN

CHECKED: MS	DRAWING:
DRAWN: MA	SP1.01
SCALE: 1:125	
DATE: JAN/ 27 / 2021	



AREA STATISTICS

GROSS FLOOR AREA CALCULATIONS

- A. PRINCIPAL RESIDENCE
EXISTING GROUND FLOOR GFA = 83.97 m²
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PROPOSED BASEMENT APARTMENT GFA = 83.92 m²
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SCOPE OF WORK

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NO.	DESCRIPTION	DATE
1	REVISION	JAN/ 27 / 2021
0	FOR BUILDING PERMIT	

ENGINEER:
 **Mechways Inc.**
 2751 THAMESGATE DR.
 MISSISSAUGA, ON.
 TEL: 905-678-7778
 mechways@gmail.com

PROJECT:
 27, SYCAMORE STREET,
 HAMILTON, ON

TITLE:
PROP.SITE PLAN

CHECKED: MS	DRAWING:
DRAWN: MA	SP1.02
SCALE: 3/32"=1'	
DATE: JAN/ 27 / 2021	



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	SIDDARTH BAGLA SEEMA BAGLA	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Applicant(s)*	VALIUDDIN MOHAMMED	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Agent or Solicitor			Phone: [REDACTED] E-mail: [REDACTED]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

SIDDARTH BAGLA
 SEEMA BAGLA

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

4. Nature and extent of relief applied for:

For proposed Second Dwelling in basement, one more car parking is necessary. Front yard has enough space for 2nd car parking by the side of existing parking. But City inspector objected stating that existing tree roots will be damaged. Hence, we are proposing car parking one behind the other, as a special case we request to agree for

5. Why it is not possible to comply with the provisions of the By-law? minor variance - parking - one car behind other.

For second dwelling, one more parking is essential; as per city inspector, it is not possible due to the roots of tree which are above the ground.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

27 SYCAMORE ST, HAMILTON, ON L8T 3N6

PLAN 1258 LOT 68

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use No

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?
 Information provided by the owner.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan 27, 2021
 Date

Signature Property Owner

SIDDARTH BAGILA / SEEMA BAGILA
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 11.96 m
 Depth 34.72 m
 Area 415.36 m
 Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Dwelling
 Length - 12.46 m
 Width - 7.83 m
 Height - 3.53 m
 Ground Floor Area - 83.97 m
 Gross Floor Area - 83.97 m
 Number of Storeys - 1

Proposed

Same as existing

12. Location of all buildings and structures on or proposed for the subject lands: (Specify distance from side, rear and front lot lines)

Existing: Front yard - 10.59 m
 Rear yard - 11.94 m
 Left side yard - 1.22 m
 Right side yard - 3.01 m.

Proposed:

Same as existing

13. Date of acquisition of subject lands:
Nov 2020
14. Date of construction of all buildings and structures on subject lands:
1967
15. Existing uses of the subject property:
Residential [Single Dwelling unit]
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
Since 1967
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
No.
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

Attached.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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.: SC/A-21:136

APPLICANTS: Agent On the Snap Billiards & Lounge
 Owners Gray 8 Corners

SUBJECT PROPERTY: Municipal address **152 Gray Rd., Hamilton**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-law 17-240

ZONING: C5 district (Mixed Use Medium Density)

PROPOSAL: To permit a permanent outdoor commercial patio comprising 22 square metres in area to be established on a second floor balcony for a commercial recreation use (billiards), notwithstanding that:

1. The outdoor commercial patio shall be permitted to abut a Residential Zone, whereas the Zoning By-law does not permit an outdoor commercial patio to be established on a lot where any lot line abuts a Residential Zone, Downtown D5 or Downtown D6 Zone or where such lot is separated from a Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway.
2. The outdoor commercial patio shall be permitted to be located in the front yard whereas the Zoning By-law only permits a commercial patio to be established in the front yard where only the rear lot line abuts a Residential Zone, Downtown D5 or Downtown D6 Zone or the lot is separated from the Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway.

NOTES:

1. The proposed outdoor commercial patio is intended to be a permanent use and does not fall under the City's Outdoor Commercial Dining District Program, for temporary outdoor patios which was provided in T6 and T7 of Schedule E and established under amending by-laws 20-181 and 20-215. This is due to the requirement for a building permit for a new second storey doorway entrance to the outdoor commercial patio in which it would not be considered a temporary use.
2. The variance was written as requested by the applicant.
3. The setbacks for the C5 zone do not apply as the development on the property is existing.

SC/A-21: 136
Page 2

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

DATE: Thursday, May 20th, 2021
TIME: 2:20 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

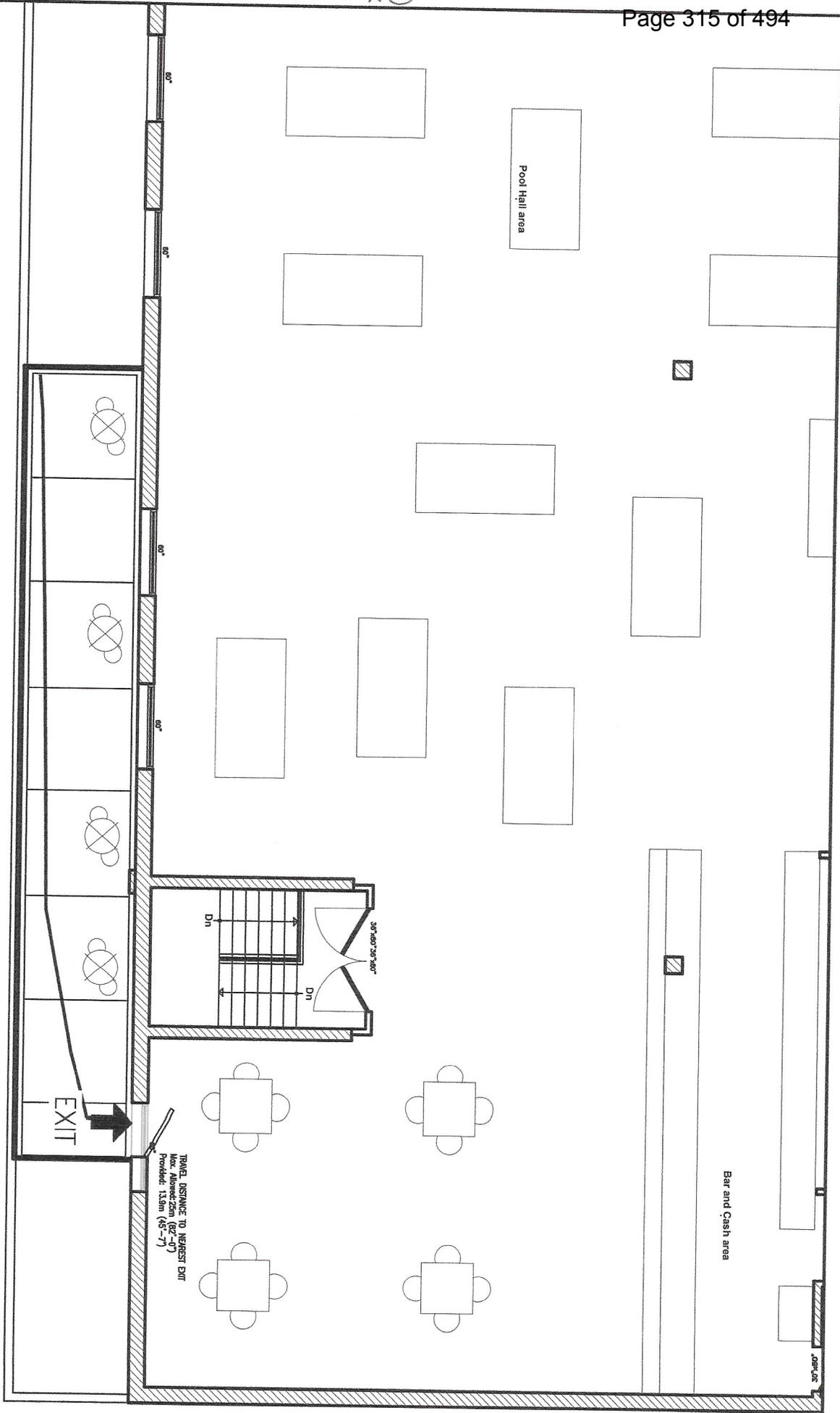
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

A2

Second Floor Plan
 SCALE 1/8" = 1'-0"

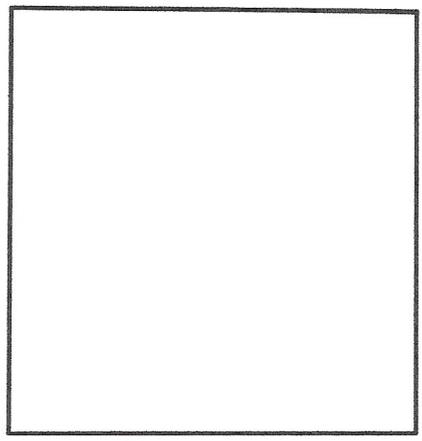
West face of building



South face of building

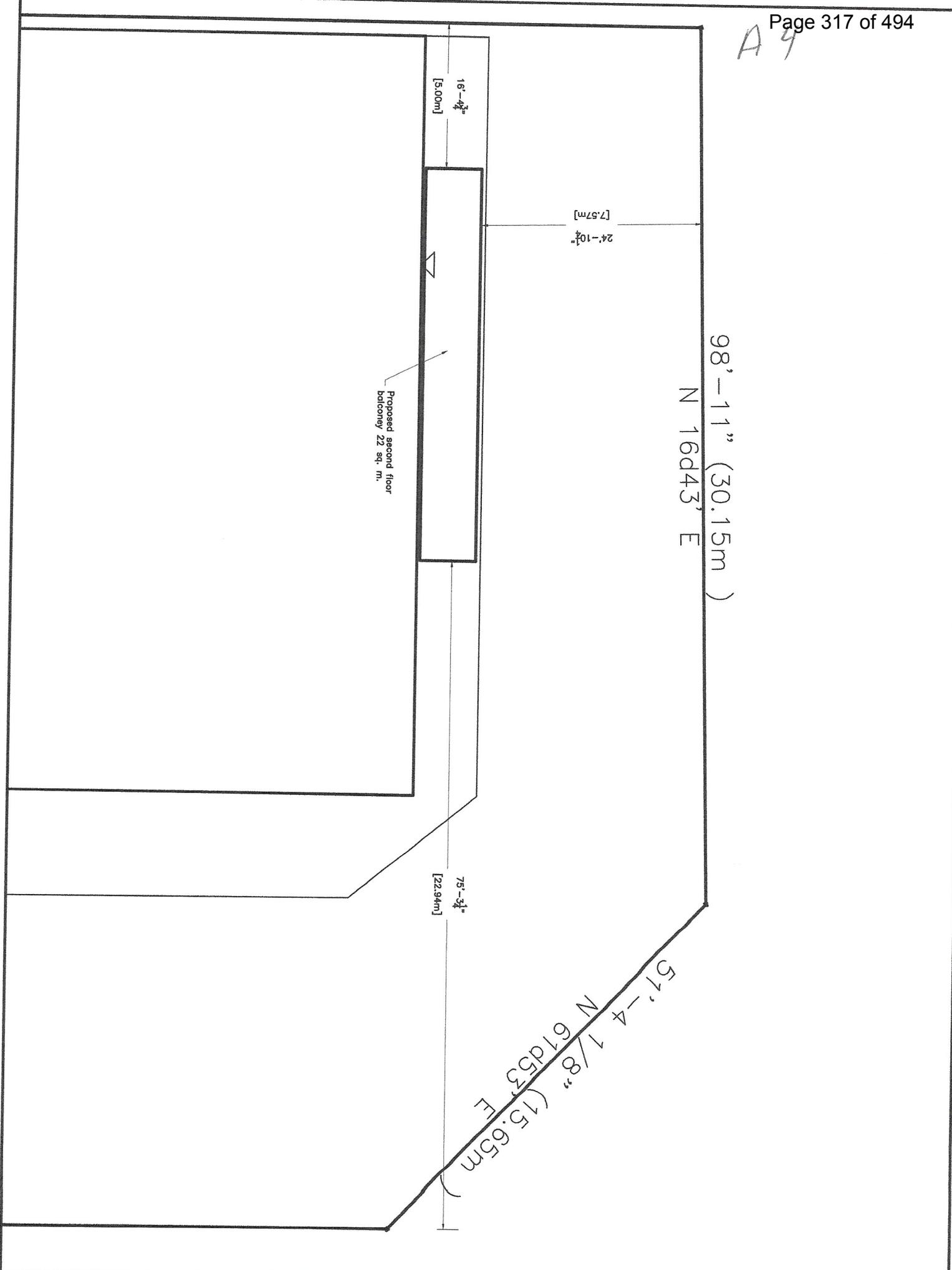
397'-11 5/8" (121.30m)
S 72d2' E

361'-2 5/8" (110.10m)
S 72d7' E



136'-6" (41.61m)
N 16d35' E

A 4





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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

	NAME	ADDRESS	
1, 2			
Registered Owners(s)	GRAY & CORNERS	[REDACTED]	
Applicant(s)*	ON THE SNAP BILLIARDS & LAUNDRY w/ Full Authority of GRAY'S CORNERS		
Agent or Solicitor			Phone: E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if

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

4. Nature and extent of relief applied for:

please see attached sheet A1

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

*existing entrance way falls 7 inches within
5 meter requirement.*

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

*ON THE SNAP BILLIARDS & LOUNGE LTD
152 GRAY Rd, STONEY CREEK L8G 3V2*

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

MAR 4, 2021
Date

[Signature]
Signature Property Owner

gray & corners
Print Name of Owner

10. Dimensions of lands affected:

Frontage _____
Depth _____
Area _____
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Proposed

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:
unknown
15. Existing uses of the subject property:
plaza
16. Existing uses of abutting properties:
streets, commercial, residential
17. Length of time the existing uses of the subject property have continued:
ON THE SNAD HAS BEEN USING PROPERTY FOR LAST 8 yrs.
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
/
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
/
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:128

APPLICANTS: Owners M. McPeak & A. Leggett

SUBJECT PROPERTY: Municipal address **12 Henry St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 13-307

ZONING: "D"/S-1787 district (Urban Protected Residential One and Two Family Dwellings)

PROPOSAL: To permit the construction of a 1rd storey rear addition to the existing single-family dwelling notwithstanding that;

1. A 0.0 m easterly side yard width shall be provided instead of the minimum required side yard width of 1.2 m.

Notes:

Please be advised that no variance will be required for the eaves on the easterly side lot line if variance # 1 for the 0.0 m easterly side yard is approved.

No variance has been triggered for parking as the existing and proposed number of habitable rooms does not exceed a total of 8; therefore, the existing parking shall be maintained

Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot.

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

DATE: Thursday, May 20th, 2021
TIME: 2:35 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you

HM/A-21: 128

Page 2

may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

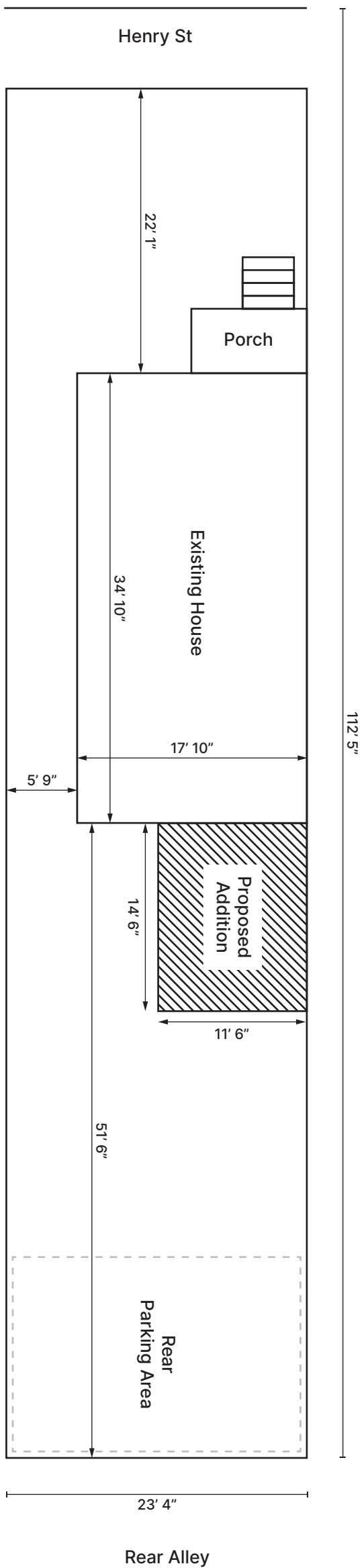
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

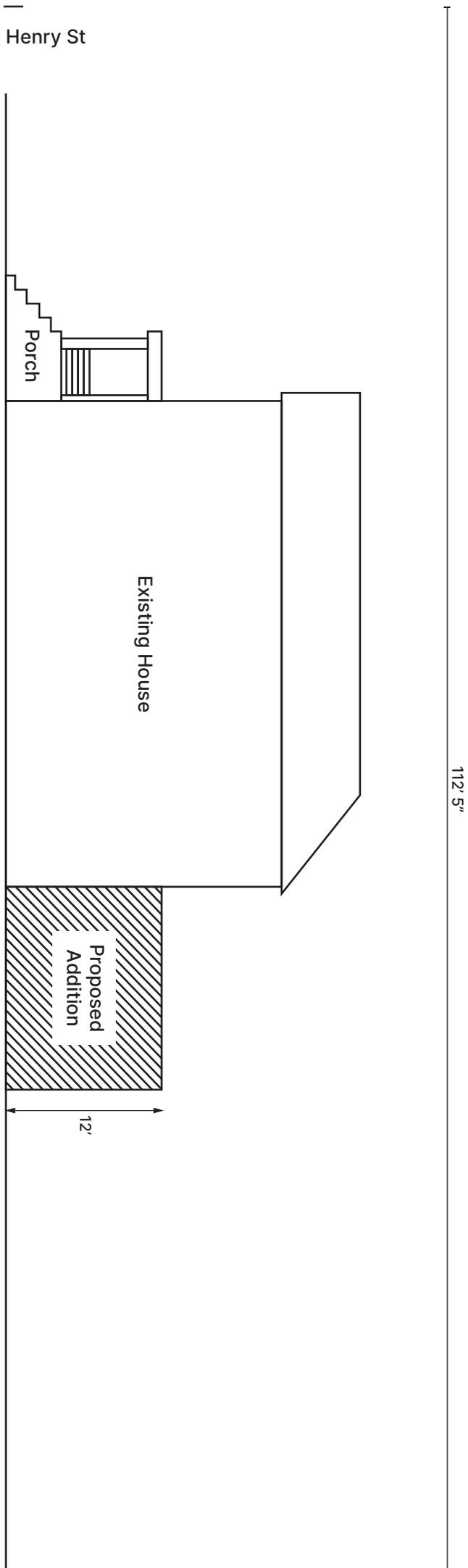
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

Sketch Map
12 Henry St, Hamilton, ON
Scale 10 (1"=10')



Elevation
12 Henry St, Hamilton, ON
Scale 10 (1"=10')





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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)			
Applicant(s)*	Matthew McPeak		
Agent or Solicitor			Phone:
			E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
 First National Financial LP
 100 University Ave
 North Tower, Suite 1200
 Toronto, ON
 M5J 1V6

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

4. Nature and extent of relief applied for:

One-floor addition, off the back of the existing structure (south-east corner)

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

The home is positioned on the east property line. Aligning the proposed structure to the existing structure doesn't allow us to abide by the standard setback.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

PIN: 17141-0096

Lot: 44-45, Plan: 226, as in NS218252

Roll #: 01010103020

Address: 12 Henry St, Hamilton, ON, L8P1G8

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Our knowledge of the neighbourhood; we have owned this property for over 5 years. The house was built in the early 1900s.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

March 22, 2021
Date


Signature Property Owner

Matthew McPeak
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>23'4"</u>
Depth	<u>112'5"</u>
Area	<u>2623 sq ft</u>
Width of street	<u>21'</u>

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:
Ground Floor Area: 621sq ft
Gross Floor Area: 1242 sq ft (2 stories)
Width: 17'10" Length: 34'10" Height: 32'

Proposed
Ground Floor Area: 166 sq ft
Gross Floor Area: 166 sq ft (1 storey)
Width: 11'6" Length: 14'6" Height: 12'

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:
Distance from east lot line: 0'
..from west: 5'9"
..from rear: 51'6"
..from front: 22'1"

Proposed:
Distance from east lot line: 0'
..from west: 12'1"
..from rear: 37'
..from front: 56'11"

13. Date of acquisition of subject lands:
May 29, 2015
14. Date of construction of all buildings and structures on subject lands:
Early 1900s
15. Existing uses of the subject property:
 Residential
16. Existing uses of abutting properties:
 Residential
17. Length of time the existing uses of the subject property have continued:
 100 years
18. Municipal services available: (check the appropriate space or spaces)
 Water _____ Connected _____
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
 B.6.6 / B.6.6.1
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 Residential
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:129

APPLICANTS: Owners E. Duan & K. Hunter
 Agent D. Carrothers

SUBJECT PROPERTY: Municipal address **37 Beulah Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19-307

ZONING: C/S-1787district (Urban Protected Residential, etc.)

PROPOSAL: To permit the construction of a 1.782m x 7.15m one storey southerly addition, a 3.658m x 6.629m first storey rear addition, 3.658m x 4.496m second storey rear addition together with a 2.197m x 4.878m rear second storey balcony and 1.524m x 6.629m rear uncovered porch at the first storey onto a single family dwelling notwithstanding that:

1. A minimum southerly side yard width of 0.9m shall be provided instead of the minimum required side yard width of 0.98m.
2. A minimum northerly side yard width of 0.4m shall be provided instead of the minimum required side yard width of 0.98m.
3. No parking spaces shall be provided instead of the minimum required four (4) parking spaces.

NOTE:

- i) Pursuant to Variance No. 3, a total of 11 habitable rooms are shown within the single family dwelling once the additions are constructed which will require four (4) parking spaces.

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

DATE: Thursday, May 20th, 2021
TIME: 1:40 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

HM/A-21: 129

Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

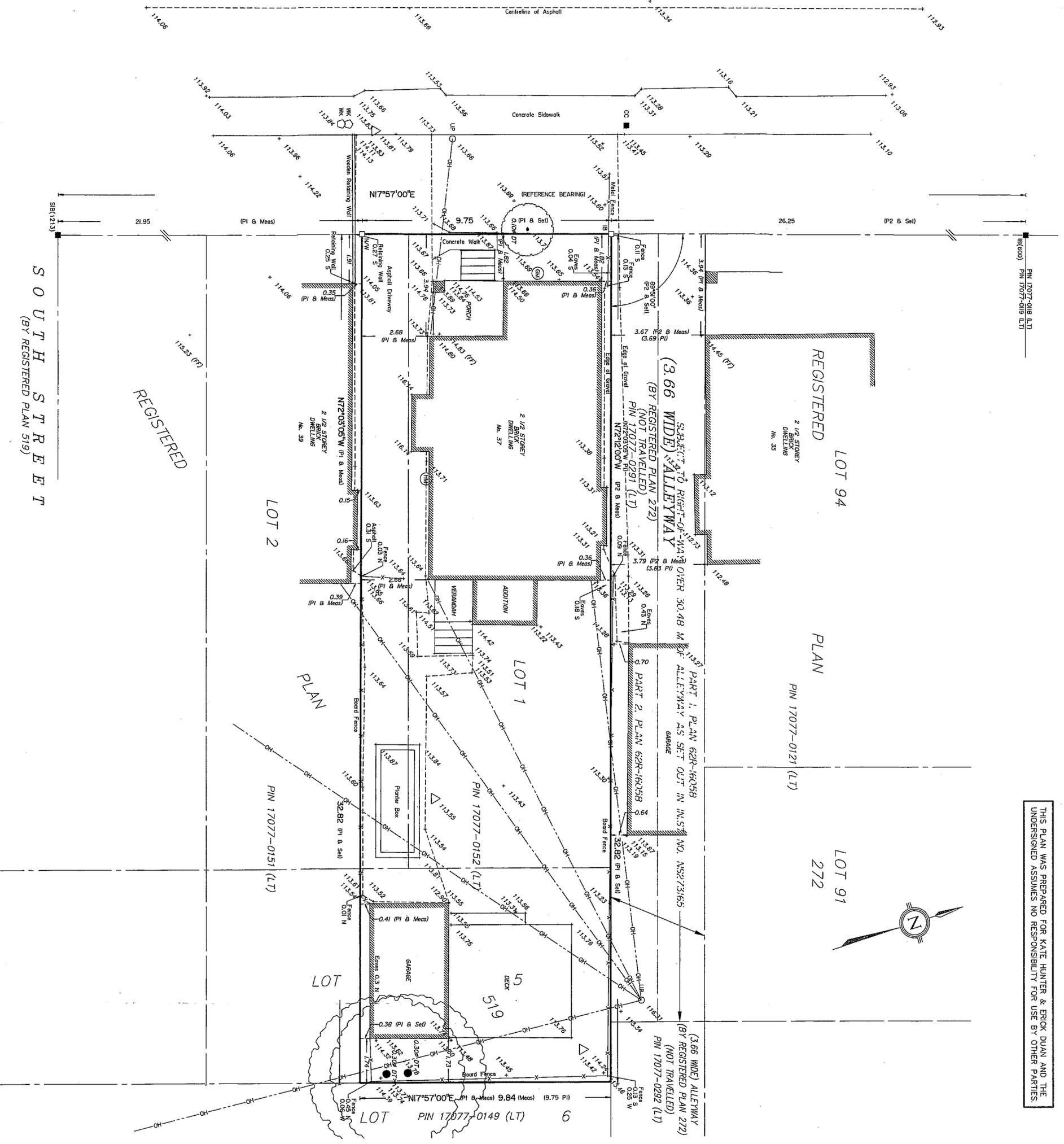
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.

BEULAH AVENUE
(BY REGISTERED PLAN 272)
PIN 17077-0283 (LT)



THIS PLAN WAS PREPARED FOR KATE HUNTER & ERICK DUAN AND THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

PLAN OF TOPOGRAPHY OF
LOT 1 & PART OF LOTS 2 & 5
REGISTERED PLAN 519
IN THE
CITY OF HAMILTON

SCALE & NOTES
Scale 1:100
GUIDO V. CONSOLI
ONTARIO LAND SURVEYOR
© COPYRIGHT 2017

METRIC
DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ELEVATION NOTE
ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928/1978) AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK No. 07720020012 HAVING AN ELEVATION OF 84.543 m.

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF BEULAH AVENUE AS SHOWN ON REGISTERED PLAN 519 HAVING A BEARING OF N17°57'00"E.

- LEGEND
- DENOTES SURVEY MONUMENT FOUND
 - ▣ DENOTES SURVEY MONUMENT PLANTED
 - IB DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - N/W DENOTES SURVEYORS NAIL SET IN WASHER
 - OR DENOTES ORIGIN UNKNOWN
 - S.W. DENOTES S.W. WOODS, O.L.S.
 - J.D. DENOTES J.D. PETERS, O.L.S.
 - 1213 DENOTES REGISTERED PLAN 519
 - RPI DENOTES REGISTERED PLAN 272
 - P1 DENOTES BUILDING LOCATION SURVEY BY GUIDO CONSOLI SURVEYING LTD. DATED JULY 24, 1990
 - P2 DENOTES PLAN 62R-16058
 - D1 DENOTES INSTRUMENT NUMBER WMS5265
 - GM DENOTES GAS METER
 - HM DENOTES HYDRO METER
 - MH DENOTES MANHOLE
 - CB DENOTES CATCHBASIN
 - OH DENOTES OVERHEAD UTILITY CABLES
 - DT DENOTES DECIDUOUS TREE
 - FF DENOTES FINISHED FLOOR ELEVATION
 - FF DENOTES FIRE HYDRANT
 - WD DENOTES SERVICE VALVE
 - WK DENOTES DENOTES

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON OCTOBER 5, 2017.

SEPTEMBER 16, 2017

GUIDO V. CONSOLI
ONTARIO LAND SURVEYOR

Barich Grenkie
Surveying Ltd.
297 HWY No. 8 (Unit 10) - STONEY CREEK, ON
905-882-8767

DWN BY: AWS
CHK BY: SVC
JOB No. 17-2249

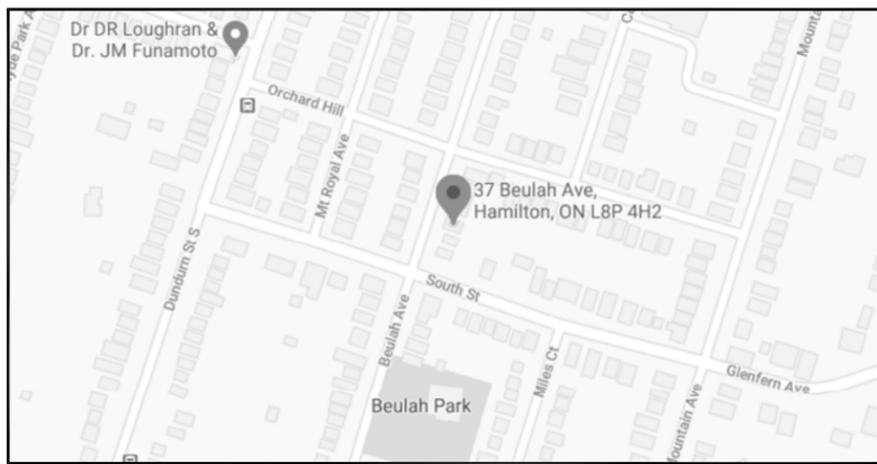
A DIVISION OF GEOMATICS

PRIVATE RESIDENCE

NEW 2 STOREY REAR AND SIDE YARD ADDITION

37 BEULAH AVENUE, HAMILTON, ON. L8P 4H2

ISSUED FOR COMMITTEE OF ADJUSTMENT



LOCATION MAP:

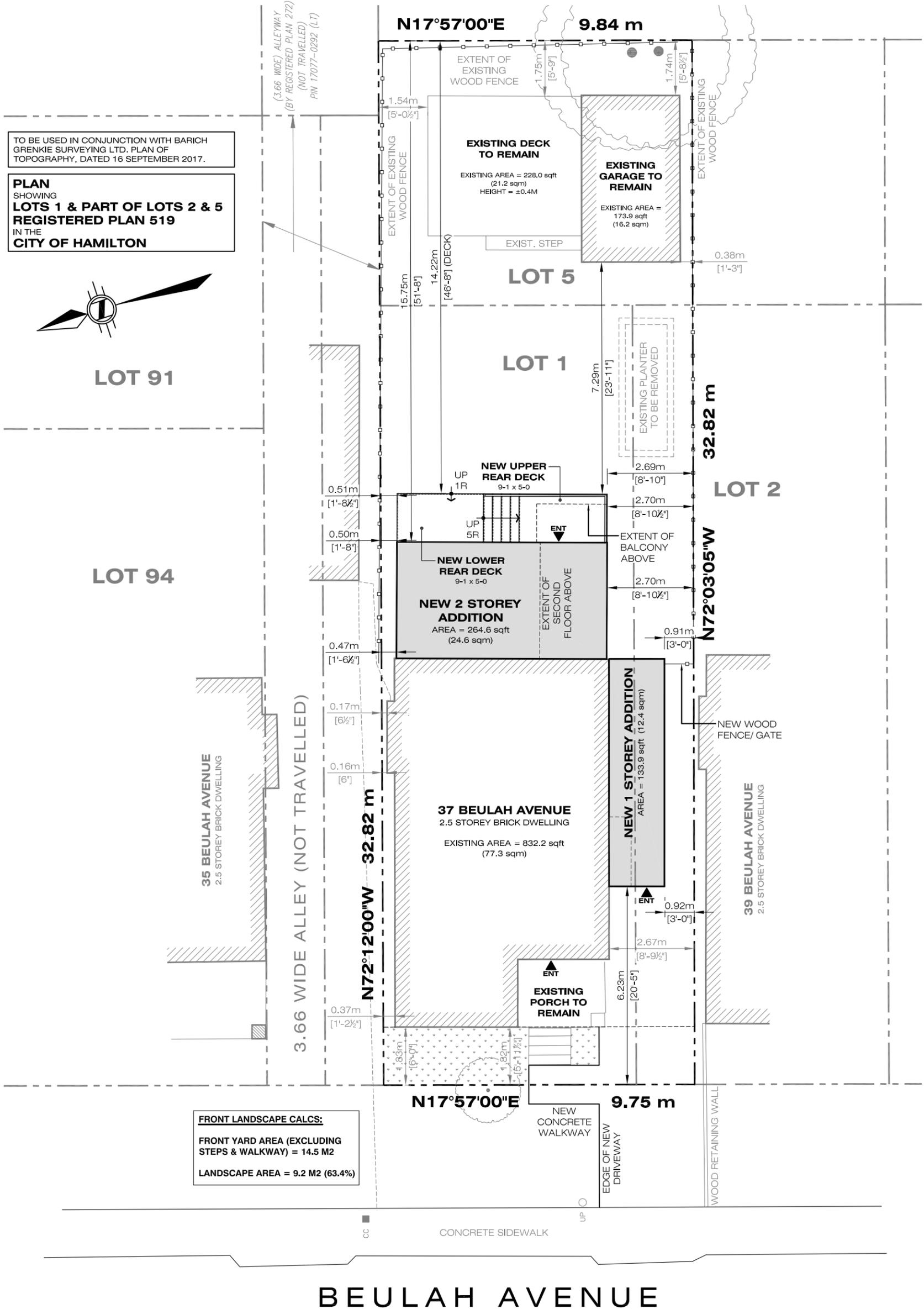
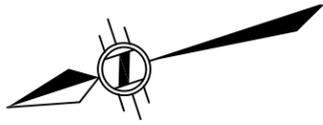
BUILDING STATISTICS:	
BUILDING AREA (EXISTING)	= 832.3 sq.ft (77.3 sqm)
NEW TOTAL ADDITION AREA	= 398.5 sq.ft (37.0 sqm)
TOTAL AREA (PROPOSED)	= 1230.8 sq.ft (114.4 sqm)
NEW TOTAL REAR DECK AREA	= 108.8 sq.ft (10.1 sqm)
NEW MASTER BALCONY AREA	= 116.3 sq.ft (10.8 sqm)

ZONING AND PROPERTY STATISTICS		
DESCRIPTION:	LOT 1, AND PART OF LOTS 2 AND 5 REGISTERED PLAN 519 IN THE CITY OF HAMILTON	
ADDRESS:	37 BEULAH AVENUE, HAMILTON, ON.	
OWNER:	ERICK DUAN AND KATE HUNTER	
	REQUIRED:	PROPOSED:
ZONING DESIGNATION:	C	C (EXISTING)
LOT AREA:	360.0 m2	311.5 m2 (EXISTING)
LOT WIDTH:	12.0 m	9.75 m (EXISTING)
FRONT YARD TO HOUSE:	6.0 m	1.82 m (EXISTING)
REAR YARD TO ADDITION:	7.5 m	15.75 m (PROPOSED)
REAR YARD TO DECK:	7.5 m	14.22 m (PROPOSED)
RIGHT YARD TO ADDITION:	1.2 m	**0.91 m (PROPOSED)
RIGHT YARD TO DECK:	0.5 m	2.69 m (PROPOSED)
RIGHT YARD TO BALCONY:	1.0 m	2.70 m (PROPOSED)
LEFT YARD TO ADDITION:	1.2 m	**0.47 m (PROPOSED)
LEFT YARD TO DECK:	0.5 m	0.5 m (PROPOSED)
BUILDING HEIGHT:	11.0 m	±9.91 m (EXISTING)
BUILDING STOREYS:	2 ½ STOREYS	2 ½ STOREYS (EXISTING)
PARKING SPACES:	2	**0 (EXISTING) EXISTING DRIVEWAY NON CONFORMING
**VARIANCE REQUIRED		

<h3>ISSUED FOR COMMITTEE OF ADJUSTMENT</h3>	Project Name: PRIVATE RESIDENCE NEW 2 STOREY REAR AND SIDE YARD ADDITION 37 BEULAH AVENUE, HAMILTON, ONTARIO	Drawn By: Checked By: Scale: N.T.S. Date: APR 2021 Project No. 2020-35												
	Sheet Title: COVER PAGE AND ZONING STATS	<table border="1"> <tr> <td>No.</td> <td>Date:</td> <td>Issue/Revision</td> <td>By:</td> </tr> <tr> <td>2</td> <td>APR 09/21</td> <td>REVISED FOR C OF A</td> <td></td> </tr> <tr> <td>1</td> <td>FEB 26/21</td> <td>ISSUED FOR C OF A</td> <td></td> </tr> </table>	No.	Date:	Issue/Revision	By:	2	APR 09/21	REVISED FOR C OF A		1	FEB 26/21	ISSUED FOR C OF A	
No.	Date:	Issue/Revision	By:											
2	APR 09/21	REVISED FOR C OF A												
1	FEB 26/21	ISSUED FOR C OF A												

TO BE USED IN CONJUNCTION WITH BARICH GRENKIE SURVEYING LTD. PLAN OF TOPOGRAPHY, DATED 16 SEPTEMBER 2017.

PLAN
SHOWING
LOTS 1 & PART OF LOTS 2 & 5
REGISTERED PLAN 519
IN THE
CITY OF HAMILTON



ISSUED FOR COMMITTEE OF ADJUSTMENT

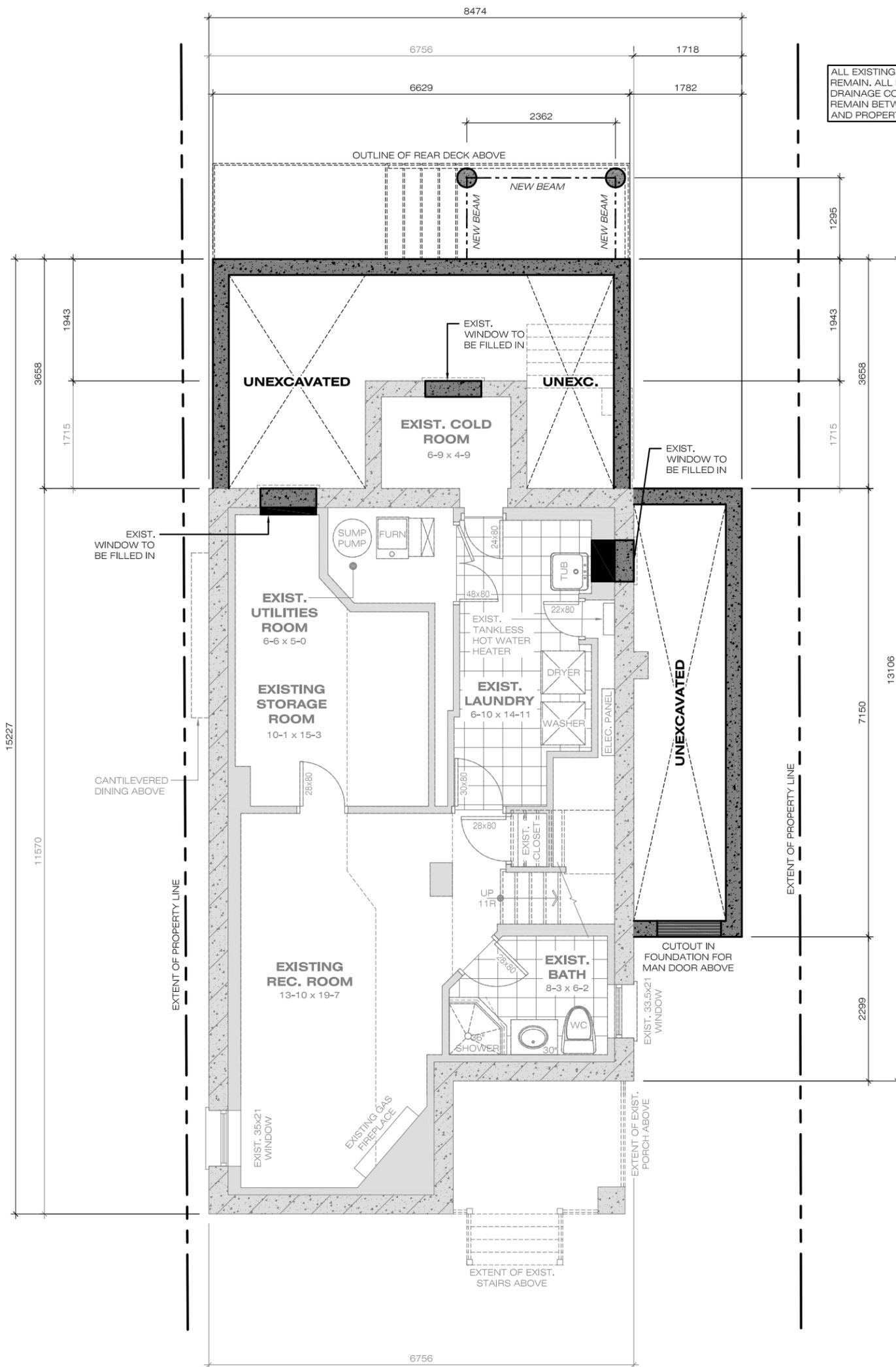
Project Name:
PRIVATE RESIDENCE
NEW 2 STOREY REAR AND SIDE YARD ADDITION
37 BEULAH AVENUE,
HAMILTON, ONTARIO

Sheet Title:
SITE PLAN

No.	Date:	Issue/Revision
2	APR 09/21	REVISED FOR C OF A
1	FEB 26/21	ISSUED FOR C OF A

Drawn By:	
Checked By:	
Scale:	1:125
Date:	APR 2021
Project No.:	2020-35

SP



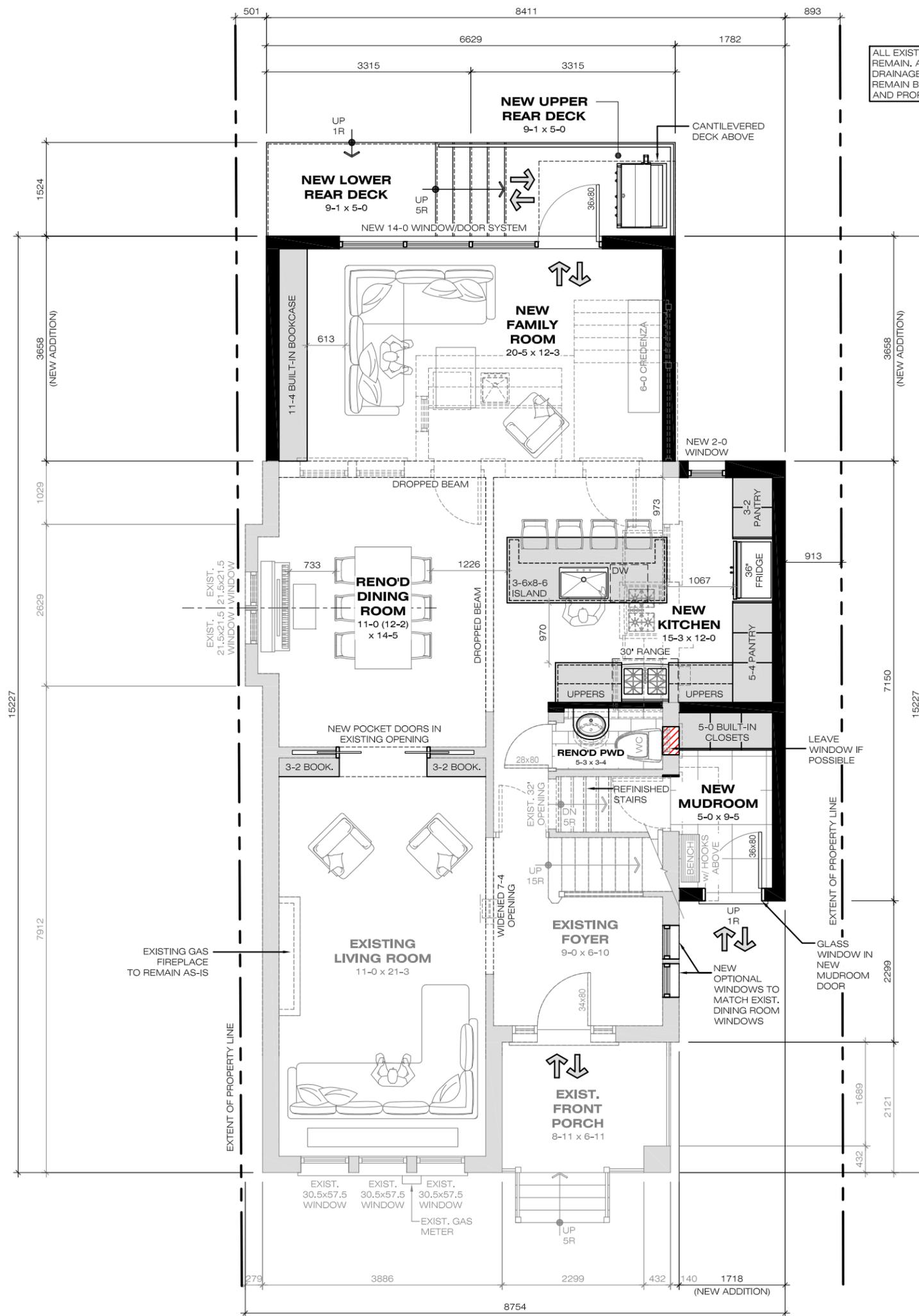
ALL EXISTING GRADING TO REMAIN. ALL EXISTING DRAINAGE CONDITIONS TO REMAIN BETWEEN HOUSE AND PROPERTY LINE

FOUNDATION/ BASEMENT PLAN

AREA = 821.9 sqft (76.4 sqm)
CEILING HEIGHT = 6'-11"

WALL LEGEND	
	EXISTING FOUNDATION WALLS TO REMAIN
	NEW FOUNDATION WALLS
	EXISTING INTERIOR / EXTERIOR WALLS TO REMAIN
	NEW INTERIOR / EXTERIOR WALLS

<h1>ISSUED FOR COMMITTEE OF ADJUSTMENT</h1>	Project Name: PRIVATE RESIDENCE NEW 2 STOREY REAR AND SIDE YARD ADDITION 37 BEULAH AVENUE, HAMILTON, ONTARIO	Drawn By: Checked By: Scale: 1:75 Date: APR 2021 Project No. 2020-35							
	Sheet Title: BASEMENT FLOOR PLAN	<h1>A2</h1>							
	<table border="1"> <thead> <tr> <th>No.</th> <th>Date:</th> <th>Issue/Revision</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>APR 09/21</td> <td>REVISED FOR C OF A</td> </tr> <tr> <td>1</td> <td>FEB 26/21</td> <td>ISSUED FOR C OF A</td> </tr> </tbody> </table>		No.	Date:	Issue/Revision	2	APR 09/21	REVISED FOR C OF A	1
No.	Date:	Issue/Revision							
2	APR 09/21	REVISED FOR C OF A							
1	FEB 26/21	ISSUED FOR C OF A							

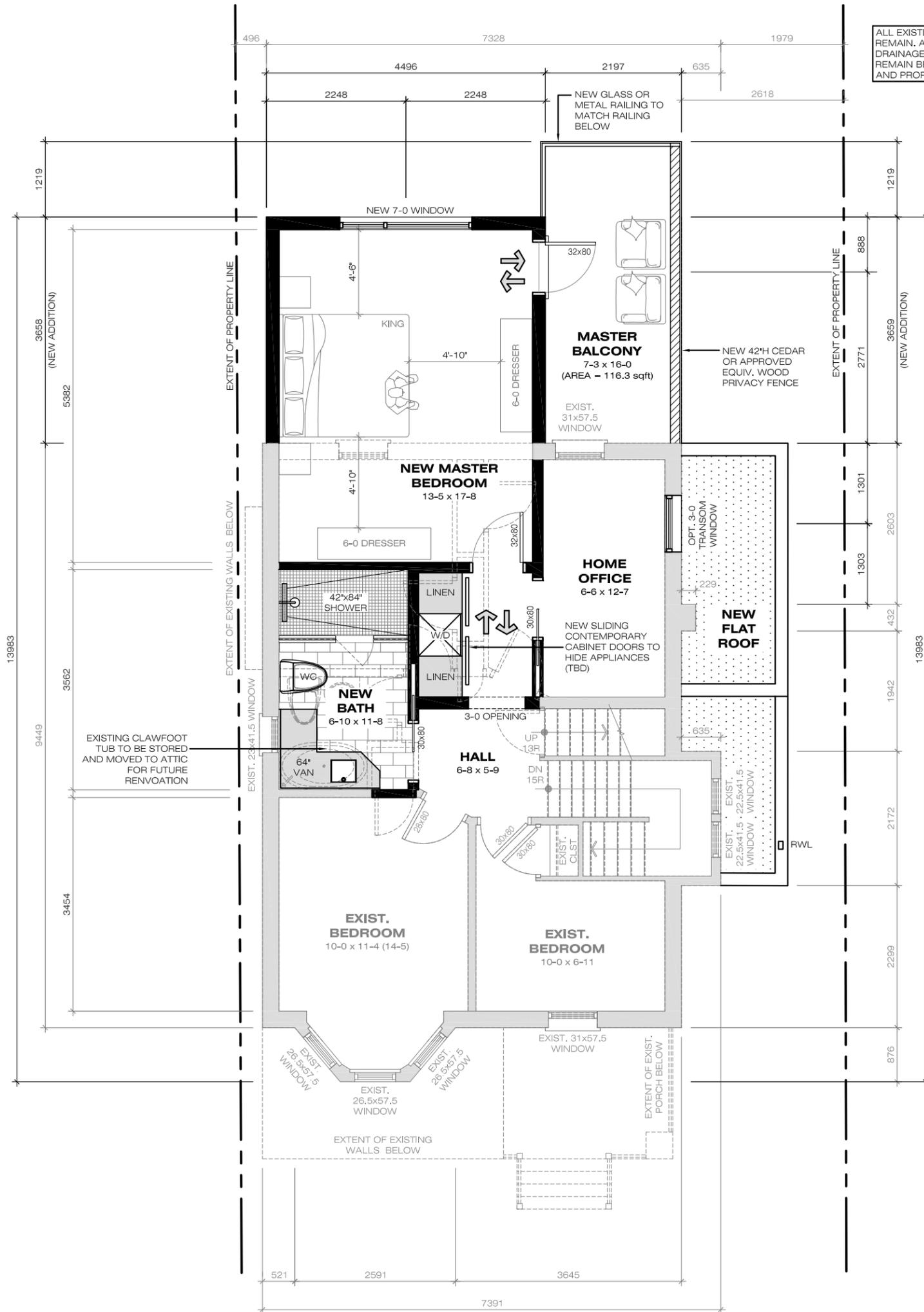


RENOVATED MAIN FLOOR PLAN

EXISTING FLOOR AREA = 832.2 sqft (77.3 sqm)
 EXISTING PANTRY TO BE REMOVED = 47.3 sqft (4.4 sqm)
 NEW ADDITION AREA = 392.2 sqft (36.4 sqm)
 NEW TOTAL MAIN FLOOR AREA = 1177.1 sqft (109.3 sqm)
 CEILING HEIGHT = 9'-0"

WALL LEGEND	
	EXISTING INTERIOR / EXTERIOR WALLS TO REMAIN
	NEW INTERIOR / EXTERIOR WALLS

ISSUED FOR COMMITTEE OF ADJUSTMENT	Project Name:	PRIVATE RESIDENCE	Drawn By:	
	Sheet Title:	NEW 2 STOREY REAR AND SIDE YARD ADDITION 37 BEULAH AVENUE, HAMILTON, ONTARIO	Checked By:	
	Scale:	1:75	Date:	APR 2021
	Project No.:	2020-35	Project No.:	2020-35
			A3	
	No.:	Date:	Issue/Revision	By:



ALL EXISTING GRADING TO REMAIN. ALL EXISTING DRAINAGE CONDITIONS TO REMAIN BETWEEN HOUSE AND PROPERTY LINE

RENOVATED SECOND FLOOR PLAN

EXISTING FLOOR AREA = 722.4 sqft (67.1 sqm)
 NEW ADDITION AREA = 177.0 sqft (16.4 sqm)
 NEW TOTAL SECOND FLOOR AREA = 899.4 sqft (83.5 sqm)
 CEILING HEIGHT = 7'-10"

WALL LEGEND	
	EXISTING INTERIOR / EXTERIOR WALLS TO REMAIN
	NEW INTERIOR / EXTERIOR WALLS

ISSUED FOR COMMITTEE OF ADJUSTMENT

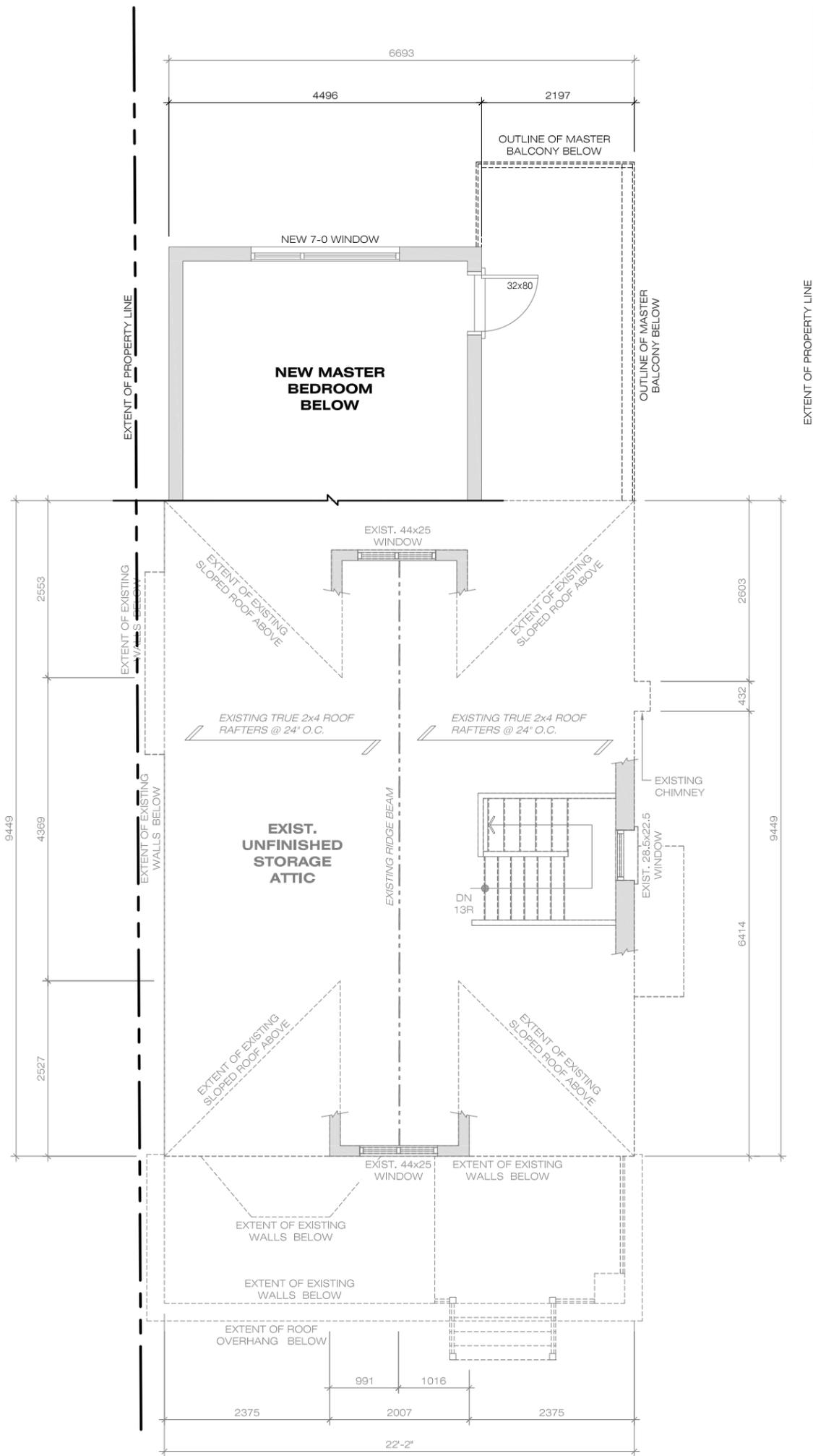
Project Name:
PRIVATE RESIDENCE
 NEW 2 STOREY REAR AND SIDE YARD ADDITION
 37 BEULAH AVENUE,
 HAMILTON, ONTARIO

Sheet Title:
SECOND FLOOR PLAN

No.	Date:	Issue/Revision
2	APR 09/21	REVISED FOR C OF A
1	FEB 26/21	ISSUED FOR C OF A

Drawn By:	
Checked By:	
Scale:	1:75
Date:	APR 2021
Project No.:	2020-35

A4



EXISTING ATTIC FLOOR PLAN

AREA = 576.8 sqft (53.6 sqm)
 U/S RIDGE BEAM = 8'-5"

**ISSUED FOR
 COMMITTEE OF
 ADJUSTMENT**

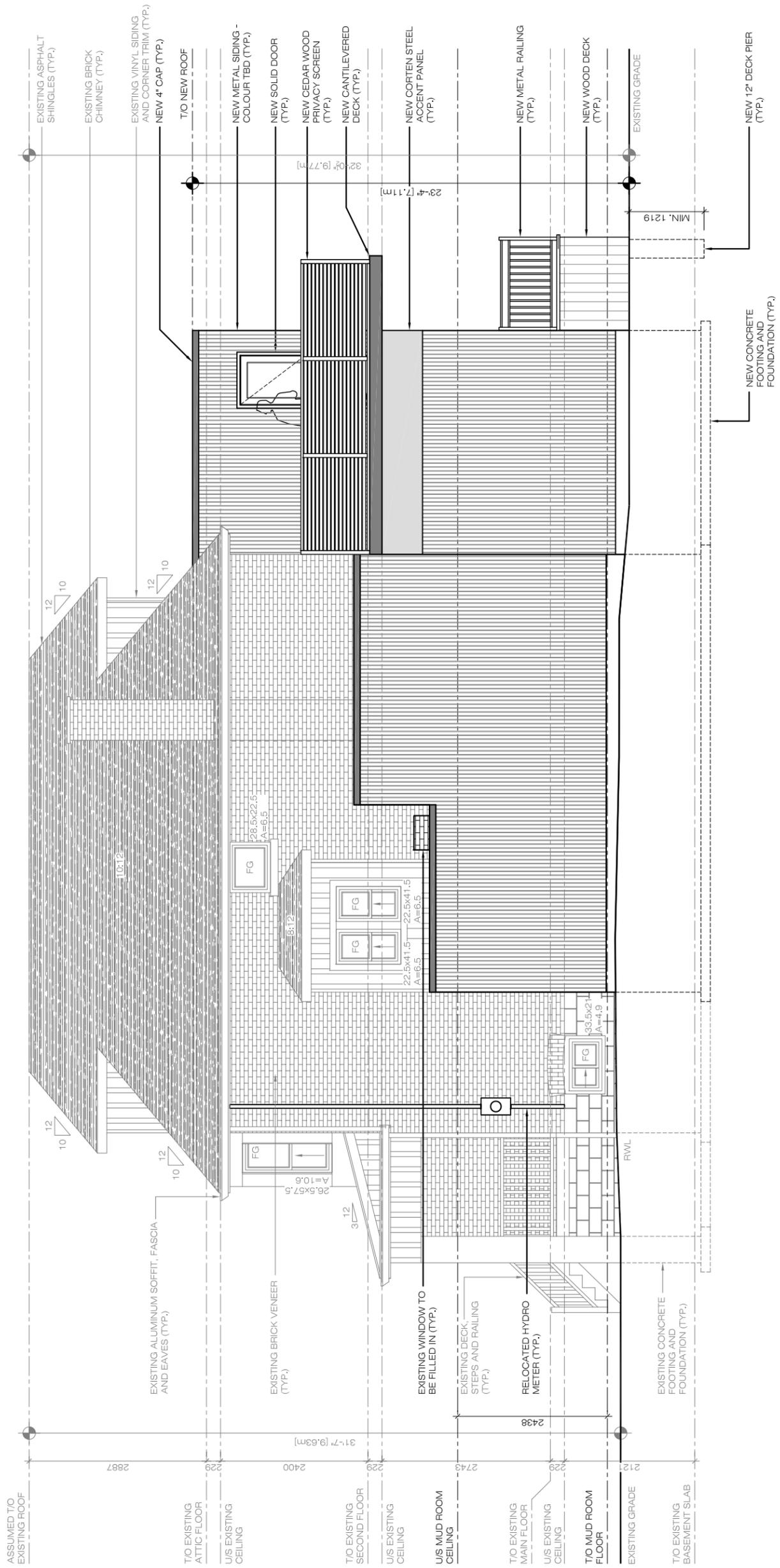
Project Name:
PRIVATE RESIDENCE
 NEW 2 STOREY REAR AND
 SIDE YARD ADDITION
 37 BEULAH AVENUE,
 HAMILTON, ONTARIO

Sheet Title:
ATTIC PLAN

No.	Date:	Issue/Revision
2	APR 09/21	REVISED FOR C OF A
1	FEB 26/21	ISSUED FOR C OF A

Checked By:	
Scale:	1:75
Date:	APR 2021
Project No.	2020-35

A5



ALL EXISTING GRADING TO REMAIN. ALL EXISTING DRAINAGE CONDITIONS TO REMAIN BETWEEN HOUSE AND PROPERTY LINE

RIGHT SIDE ELEVATION

ISSUED FOR COMMITTEE OF ADJUSTMENT

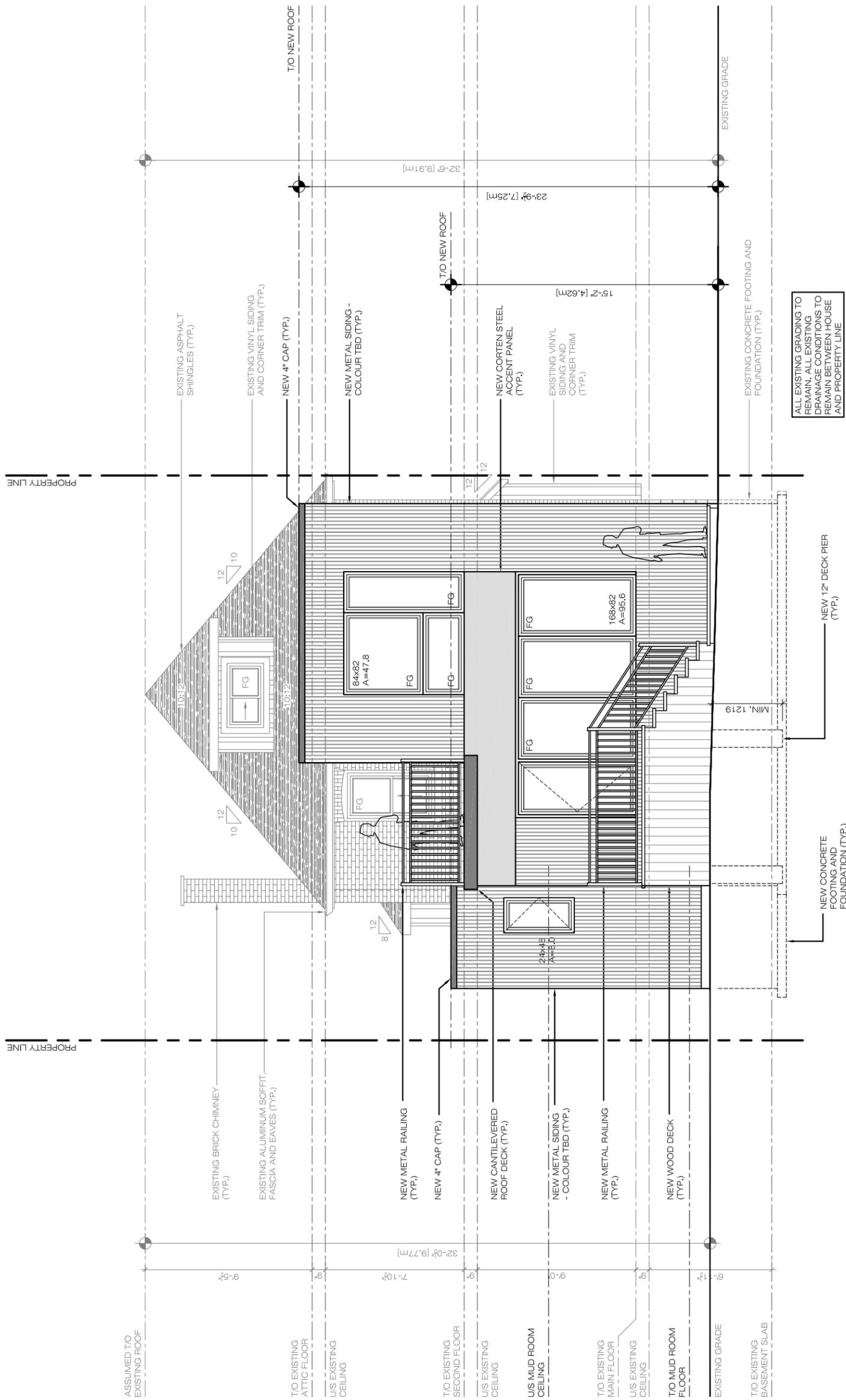
Project Name:
PRIVATE RESIDENCE
 NEW 2 STOREY REAR AND SIDE YARD ADDITION
 37 BEULAH AVENUE,
 HAMILTON, ONTARIO

Sheet Title:
RIGHT SIDE ELEVATION

No.	Date:	Issue/Revision
2	APR 09/21	REVISED FOR C OF A
1	FEB 26/21	ISSUED FOR C OF A

Drawn By:	
Checked By:	
Scale:	1:75
Date:	APR 2021
Project No.	2020-35

A6



REAR ELEVATION

ISSUED FOR COMMITTEE OF ADJUSTMENT

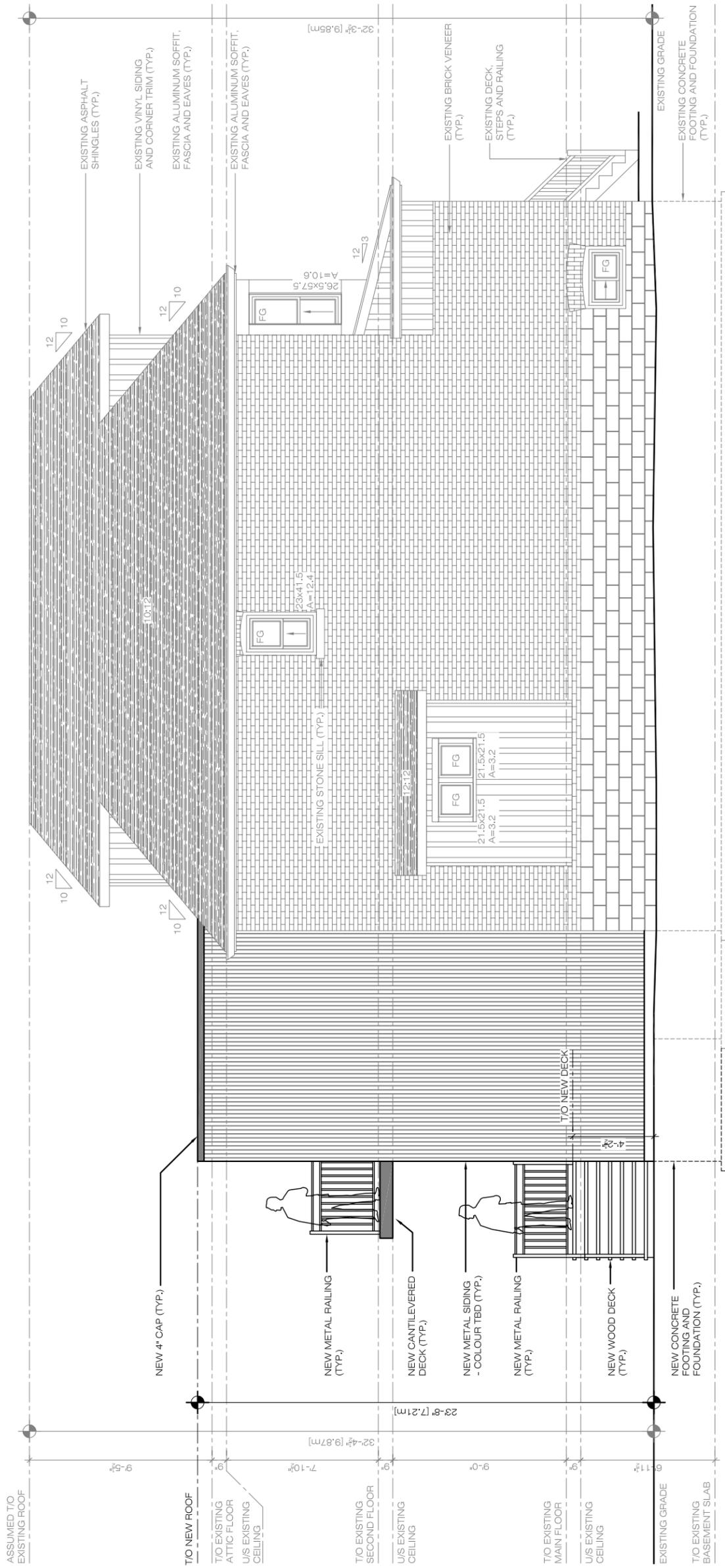
Project Name:
PRIVATE RESIDENCE
 NEW 2 STOREY REAR AND SIDE YARD ADDITION
 37 BEULAH AVENUE,
 HAMILTON, ONTARIO

Sheet Title:
REAR ELEVATION

No.	Date:	Issue/Revision
2	APR 09/21	REVISED FOR C OF A
1	FEB 26/21	ISSUED FOR C OF A

Drawn By:	
Checked By:	
Scale:	1:75
Date:	APR 2021
Project No.	2020-35

A7



ALL EXISTING GRADING TO REMAIN. ALL EXISTING DRAINAGE CONDITIONS TO REMAIN BETWEEN HOUSE AND PROPERTY LINE

LEFT SIDE ELEVATION

ISSUED FOR COMMITTEE OF ADJUSTMENT

Project Name:
PRIVATE RESIDENCE
 NEW 2 STOREY REAR AND SIDE YARD ADDITION
 37 BEULAH AVENUE,
 HAMILTON, ONTARIO

Sheet Title:
LEFT SIDE ELEVATION

No.	Date:	Issue/Revision
2	APR 09/21	REVISED FOR C OF A
1	FEB 26/21	ISSUED FOR C OF A

Drawn By:	
Checked By:	
Scale:	1:75
Date:	APR 2021
Project No.	2020-35

A8



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	Kate Hunter Erick Duan	37 Beulah Avenue Hamilton, ON. L8P 4H2	
Applicant(s)*	Carrothers and Associates (David Carrothers) dcarrothers@carrothersandassociates.com		
Agent or Solicitor			Phone:
			E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

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

4. Nature and extent of relief applied for:

1. Right yard setback to addition of 0.91m in lieu of 1.2m
2. Left yard setback to addition of 0.47m in lieu of 1.2m
3. 0 parking spaces provided in lieu of 2

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

In order to obtain the additional living space required for the growing family of 4, a minor variance is required for the encroachment into the required side yard.
0 Parking – the existing driveway width on the house does not confirm to the current zoning by-law standards.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Lot 1 and Part of Lots 2 and 5, Registered Plan 519
37 Beulah Avenue

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?
As per homeowner

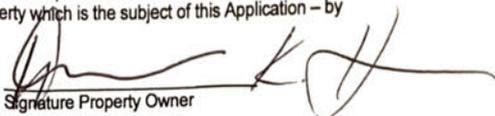
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

February 26, 2021
Date


Signature Property Owner
Kate Hunter and Erick Duan
Print Name of Owner

10. Dimensions of lands affected:

Frontage 9.75 m
Depth 32.82 m
Area 311.5 m²
Width of street N/A

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:
Existing SFD
GFA: 77.3 sqm, Gross Floor Area: 198 sqm
2 1/2 storeys, width 6.8m, length 13.3m, height 9.91m

Proposed
Rear 2 storey addition:
GFA: 24.2 sqm, Gross Floor Area: 40.6 sqm, 2 storeys, width 6.63m, length 3.7m, height 7.25m
Side yard 1 storey addition:
GFA & Gross Floor: 12.2 sqm, 1 storey, width 1.8m, length 7.2m, height 4.62

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:
Existing SFD
Front yard setback 1.82m, right yard setback 2.67m, left yard setback 0.37m

Proposed:
Rear 2 storey addition:
Rear yard setback 15.75m, right yard setback 2.70m, left yard setback 0.47m
Side yard 1 storey addition:
Right yard setback 0.91m

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property:
Residential
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
Water Yes _____ Connected Yes _____
Sanitary Sewer Yes _____ Connected Yes _____
Storm Sewers Yes _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zone C
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:06

APPLICANTS: Owner Isaiah Investments
 Agent Serouj Kaloustian

SUBJECT PROPERTY: Municipal address **86 Case St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: D district (One and Two Family Residential Etc.)

PROPOSAL: To permit dormer additions to an existing 2.5 storey single family dwelling to create a three (3) storey dwelling , notwithstanding that:

1. The minimum front yard shall be 2.5m, except 4.1 metres to the third storey dormer additions instead of the required 6.0m.
2. The minimum easterly side yard shall be 0.4 metres instead of the required 2.7 metres. for a building which is above 2.5 storeys.in height.
3. The minimum westerly side yard shall be 0.4 metres instead of the required 2.7 metres. for a building which is above 2.5 storeys.in height.
4. Eaves and gutters may project into the required easterly side yard for the entire yard width instead of a maximum projection of not more than ½ of its required width or 0.2 metres.
5. Eaves and gutters may project into the required westerly side yard for the entire yard width instead of a maximum projection of not more than ½ of its required width or 0.2 metres.

NOTES:

1. The variances are written as requested by the applicant for the front yard and side yards. Additional variances have been identified through the review to address eave encroachments.
2. The existing single detached dwelling was constructed in1915 based on Building Division records. The dwelling is legal non-complying with respect to the minimum lot area, minimum lot width, and minimum front and side yards.
3. The modified three storey single family dwelling would contain seven (7) habitable rooms and would require two parking spaces having dimensions of 2.7 m x 6.0m.

HM/A-21:06
PAGE 2

4. Parking spaces have not been identified on the submitted site plan. The applicant has advised that parking spaces are provided in the rear yard which are accessible to the adjacent alley. It appears the property has sufficient width to accommodate the 2 required parking spaces. Additionally, the laneway is permitted to be used for the required manoeuvring of vehicles.
5. In consideration of the revised application, the proposed modifications would still have the effect of creating a third storey because the new dormers are greater than 1.2m in length and would create additional floorspace, as opposed to being used for lighting purposes. Accordingly, dwellings exceeding 2.5 storeys in height require 2.7m side yards as noted in Variances #2 and 3.

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

DATE: Thursday, May 20th, 2021
TIME: 2:45 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.

DRAWING 1 / A1

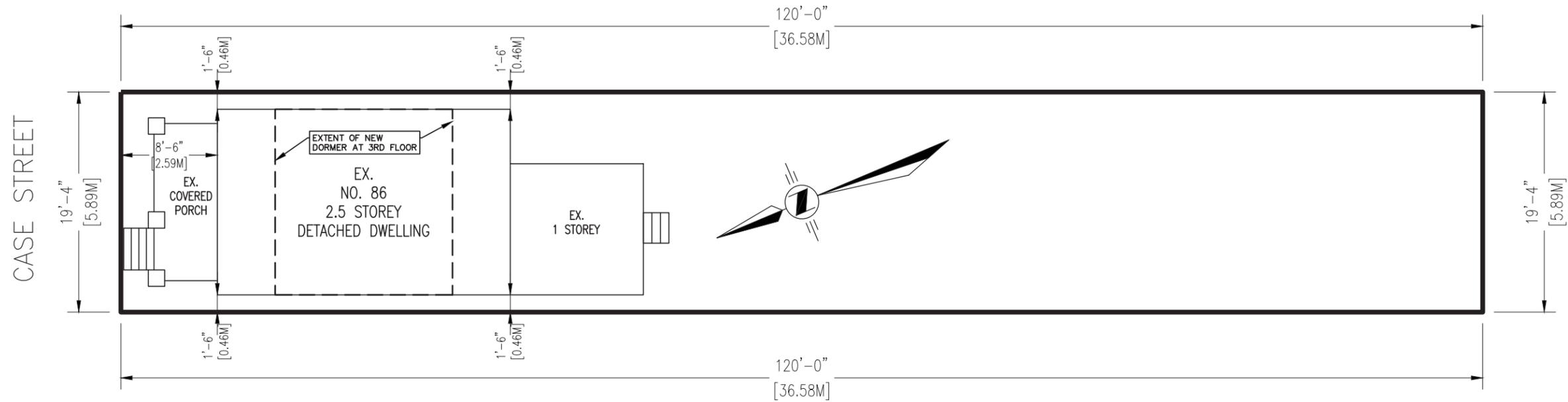
SITE PLAN

SCALE: 3/32" = 1'-0"

SITEPLAN NOTE:

SITEPLAN BASED ON-SITE MEASUREMENTS & HAMILTON GIS MAPS

NO WORK TO ENCR OACH ONTO ADJOINING PROPERTIES



1800A AVENUE ROAD,
TORONTO, ON
M5M-4A3

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THIS DRAWING SHALL REMAIN THE PROPERTY OF THE DESIGNER. THE COPYRIGHT OF THIS DRAWING AND WORK EXECUTED FROM THE SAME BEING RESERVED. THE CONTRACTOR MUST VERIFY AND ACCEPT, RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., ENGINEERING INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING DRAWINGS BEFORE PROCEEDING WITH THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

ALL SUBCONTRACTORS TO EXECUTE THEIR WORK ACCORDING TO SHOP DRAWINGS WHICH MUST BE APPROVED BY THE DESIGNER, AND BE KEPT ON SITE AT ALL TIMES.

THIS DRAWING IS NOT TO BE SCALED.

DRAWING LIST

- A0.01 COVER SHEET & SITE PLAN
- A1.01 EXISTING BASEMENT PLAN
- A1.02 EXISTING GROUND FLOOR PLAN
- A1.03 EXISTING 2ND FLOOR PLAN
- A1.04 EXISTING 3RD FLOOR PLAN
- A1.05 EXISTING ROOF PLAN
- A1.06 PROPOSED 3RD FLOOR PLAN
- A1.07 PROPOSED ROOF PLAN
- A2.01 PROPOSED ELEVATIONS
- A3.01 SPECIFICATIONS
- A3.02 SPECIFICATIONS

3.	MAR 10, 2021	ISSUED FOR PLANNER REVIEW
2.	Sep 29, 2020	ISSUED FOR PERMIT REVIEW
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No.	Date:	Revision / Issued

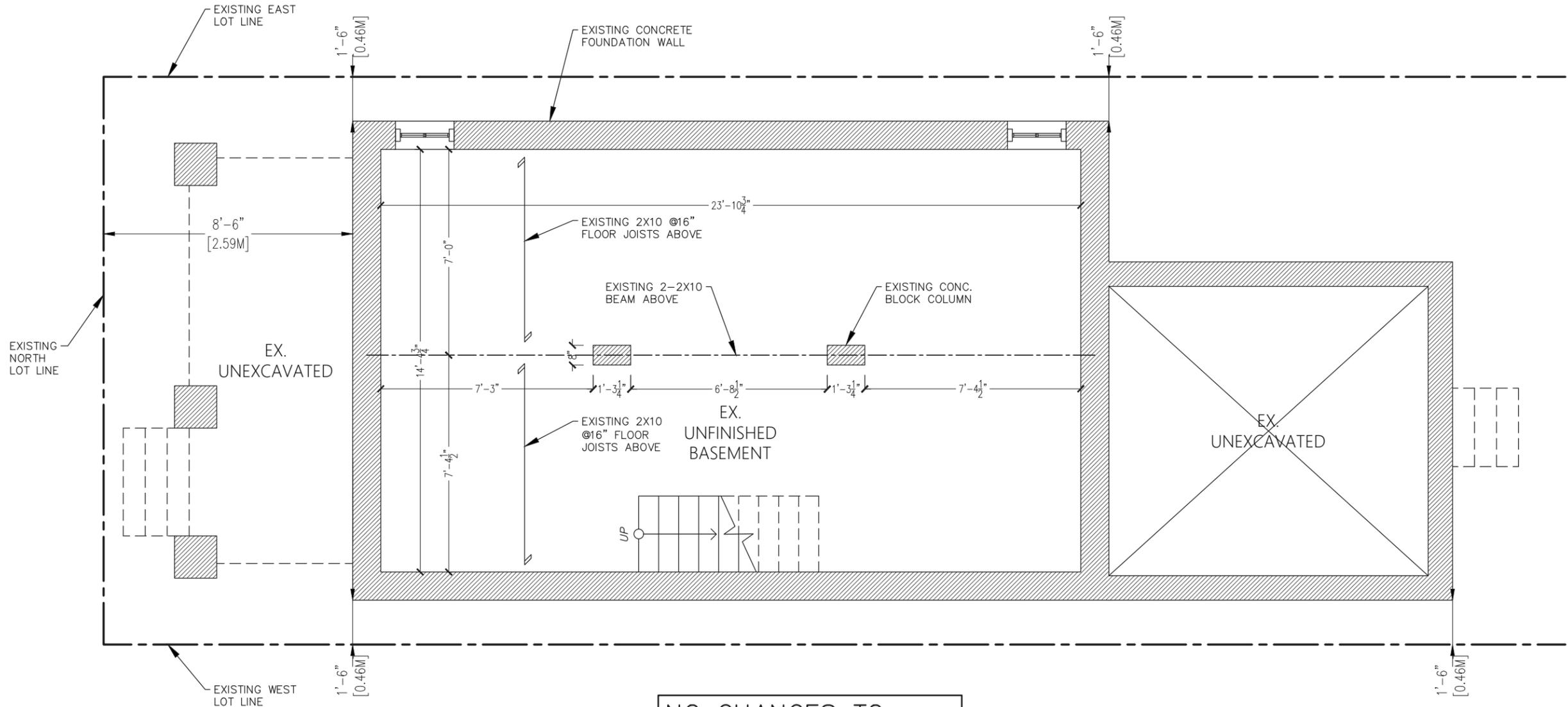
Project
3RD FLOOR ALTERATION

Project
86 Case St
Hamilton, ON L8L 3G9

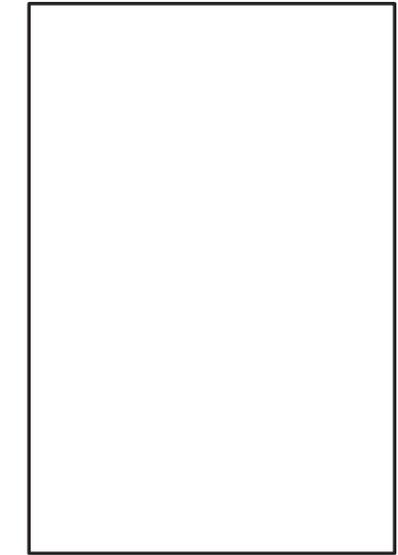
Plot Date
MARCH 10, 2021

COVER SHEET & SITEPLAN **A0.01**

<p>FLOOR AREA: 421.0 ft² [39.11 m²]</p>		<p>WALL LEGEND</p> <p> EXISTING WALLS TO REMAIN</p>
<p>CEILING HEIGHT: 5'-9.5" U.O.N.</p>		



NO CHANGES TO
BASEMENT PLAN, FOR
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ALTERATION**

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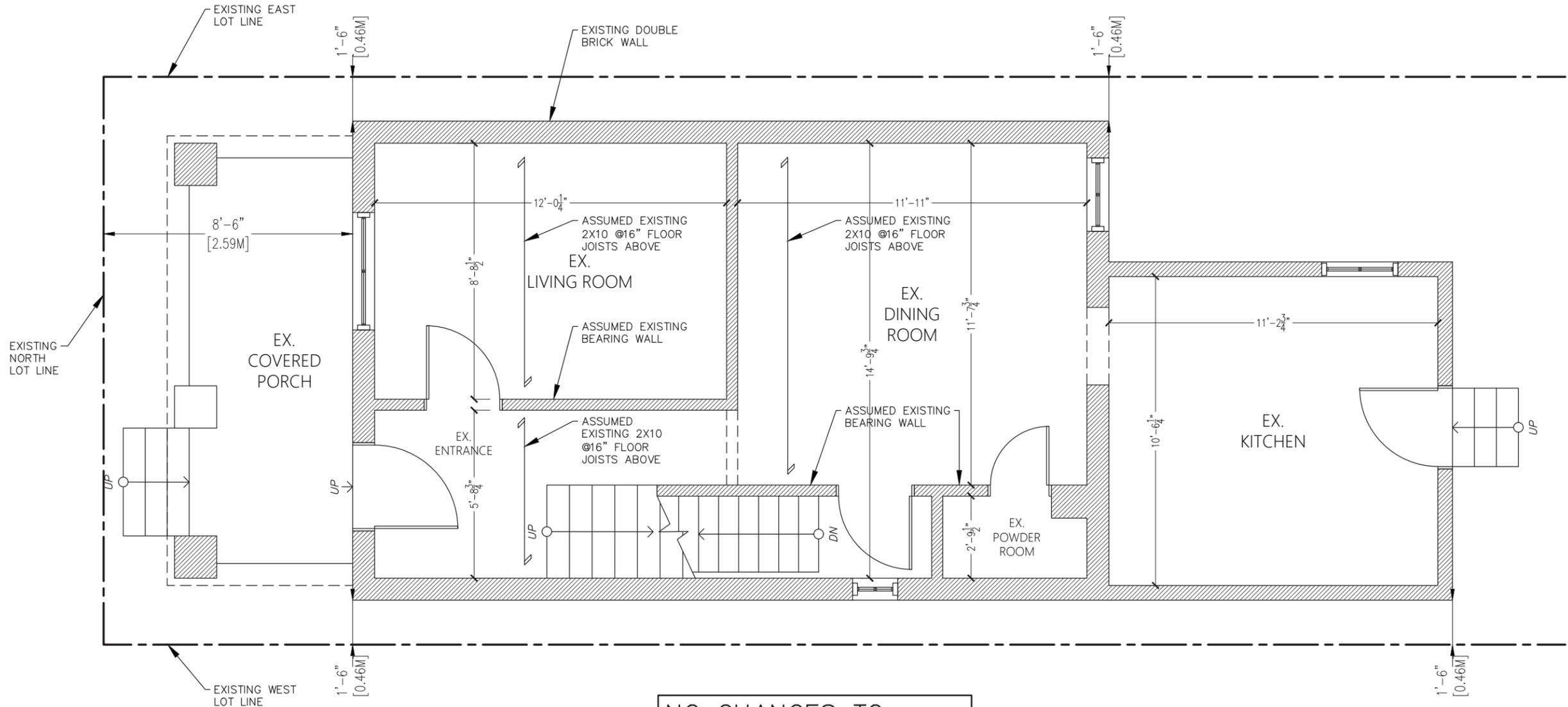
Plot Date
MARCH 10, 2021

SCALE : 1/4" = 1' - 0"

EXISTING
BASEMENT PLAN

A1.01

<p>FLOOR AREA: 556.1 ft² [51.66 m²]</p>		<p>WALL LEGEND</p> <p> EXISTING WALLS TO REMAIN</p>
<p>CEILING HEIGHT: 8'-0" U.O.N.</p>		



NO CHANGES TO
GROUND FLOOR PLAN,
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ALTERATION**

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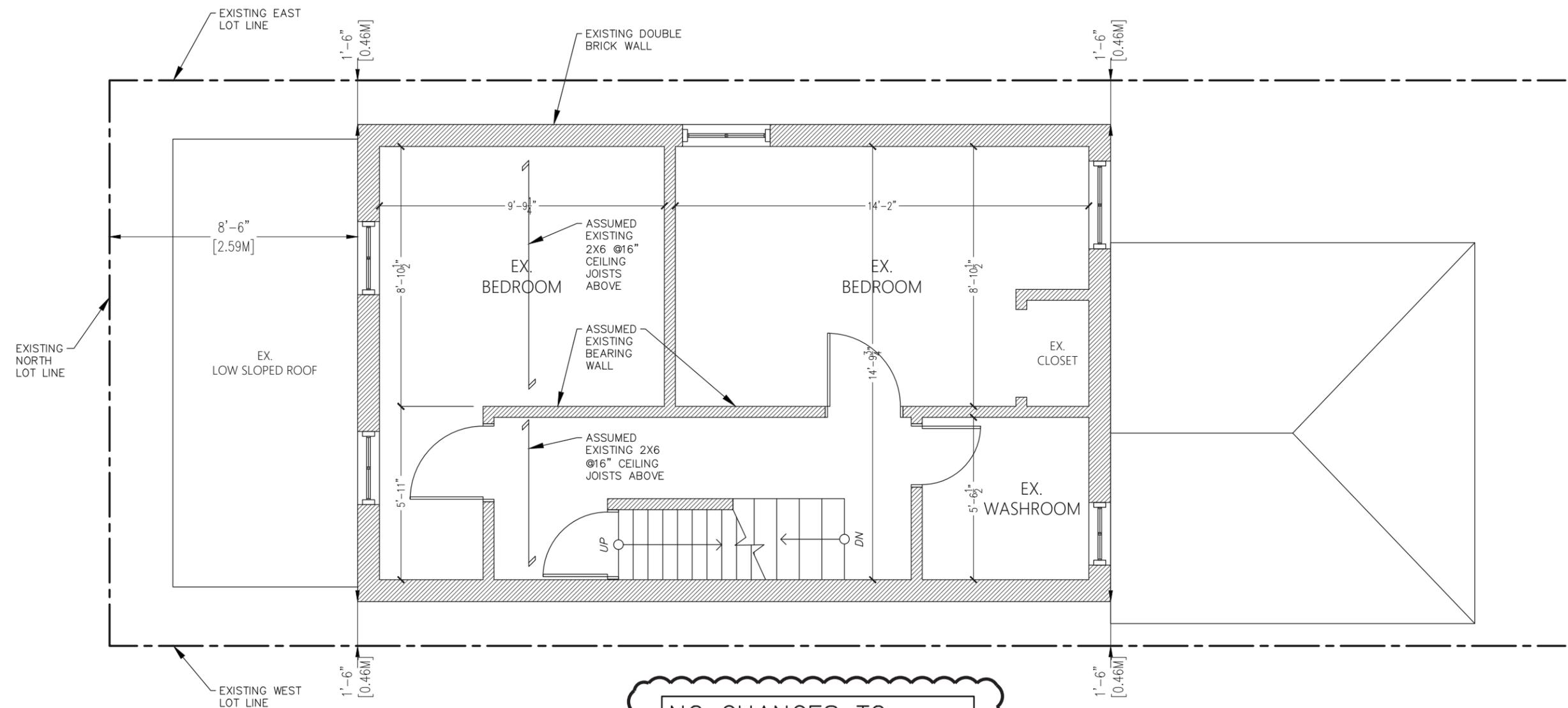
Plot Date
MARCH 10, 2021

SCALE : 1/4" = 1' - 0"

EXISTING
GROUND FLOOR
PLAN

A1.02

<p>FLOOR AREA: 421.0 ft² [39.11 m²]</p>		<p>WALL LEGEND</p> <p> EXISTING WALLS TO REMAIN</p>
<p>CEILING HEIGHT: 7'-10" U.O.N.</p>		



NO CHANGES TO
SECOND FLOOR PLAN,
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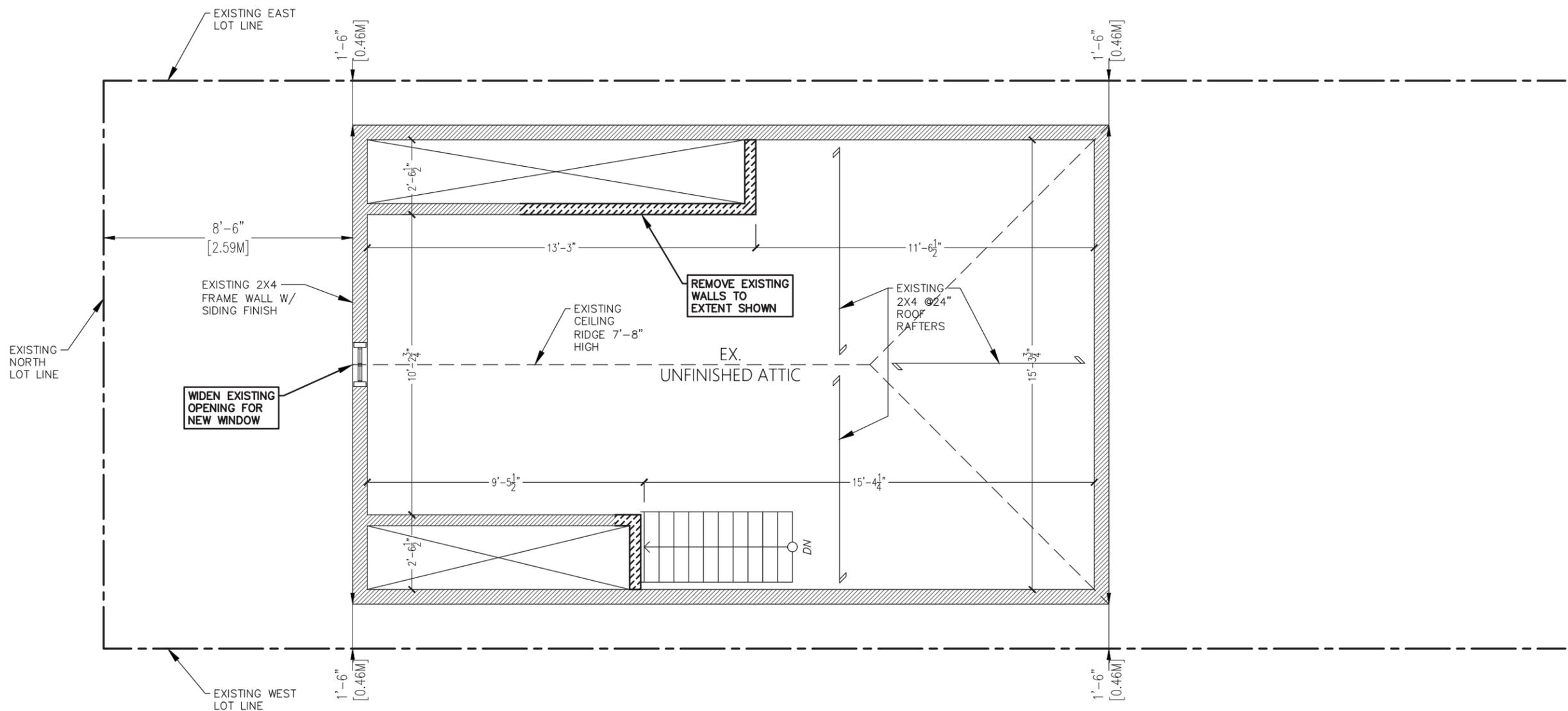
Project
86 Case St
Hamilton, ON L8L 3G9

Plot Date
MARCH 10, 2021

SCALE : 1/4" = 1' - 0"

EXISTING 2ND FLOOR PLAN	A1.03
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<p>FLOOR AREA: 421.0 ft² [39.11 m²]</p>		<p><u>WALL LEGEND</u></p> <p> EXISTING WALLS TO REMAIN</p> <p> EXISTING WALLS TO BE REMOVED</p>
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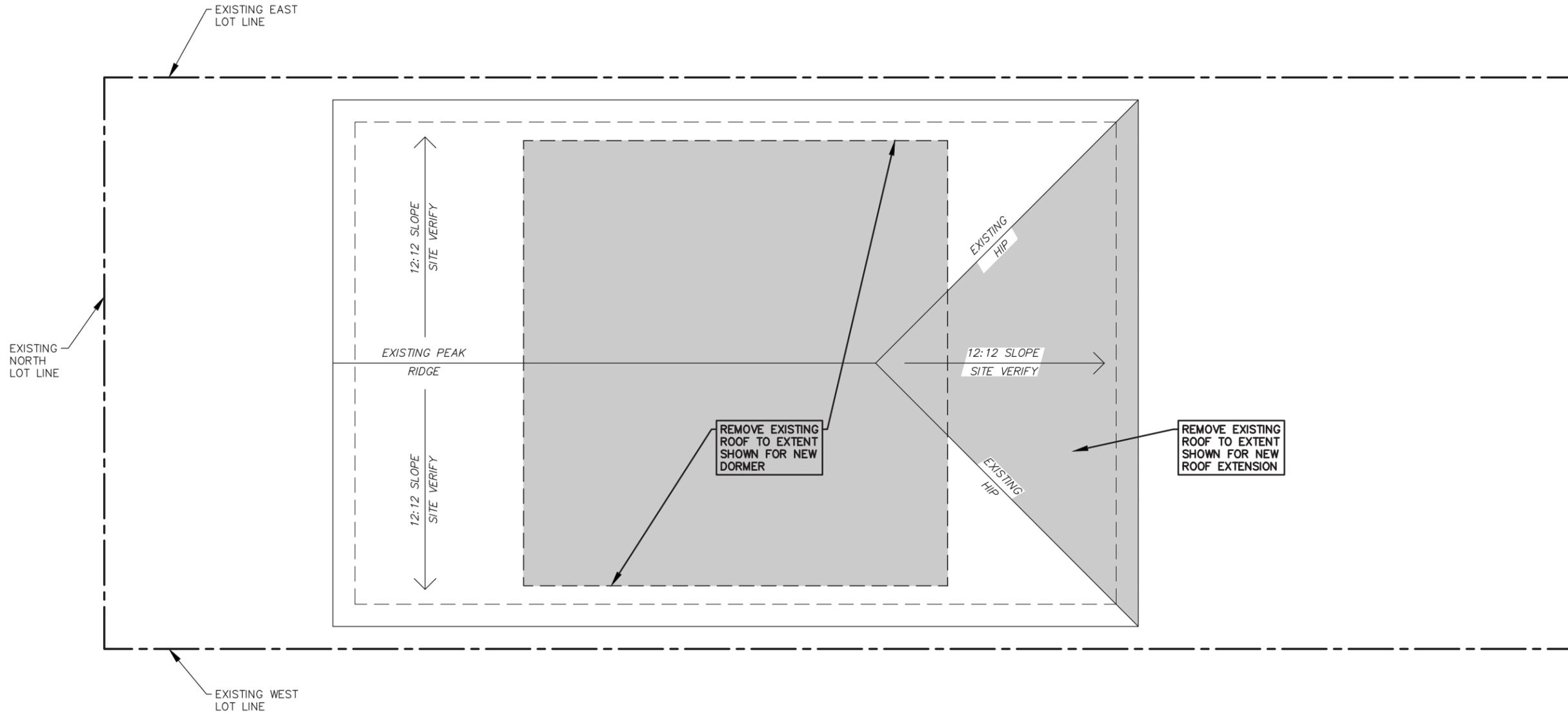
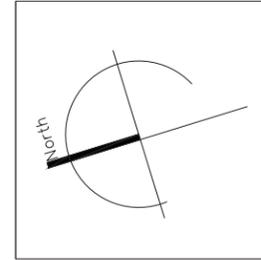
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Plot Date
MARCH 10, 2021

SCALE : 1/4" = 1' - 0"

EXISTING 3RD FLOOR PLAN	A1.04
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SCALE : 1/4" = 1' - 0"

EXISTING
ROOF PLAN

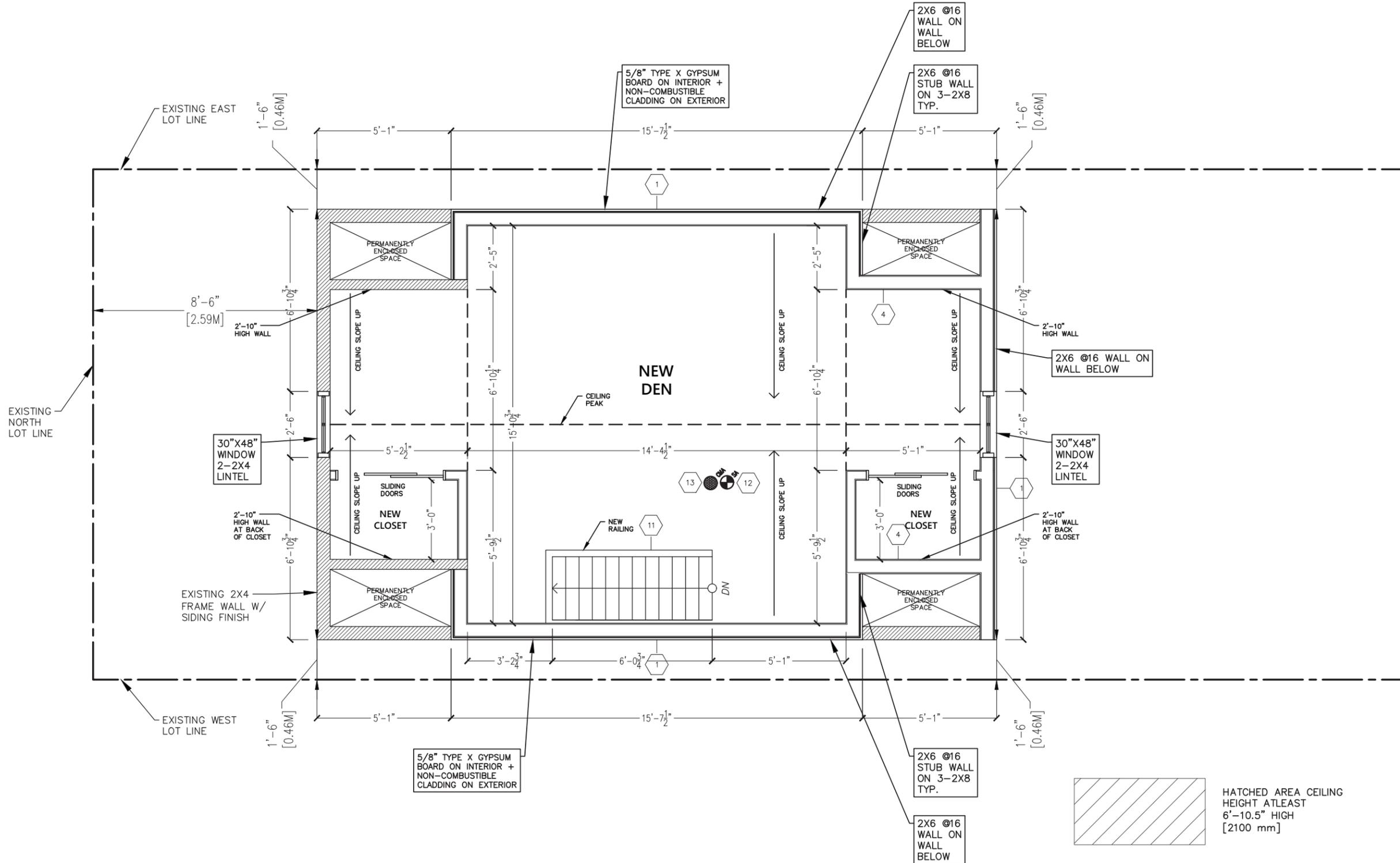
A1.05

PROVIDE LINTELS PER 9.20.5.2., 9.23.12.3. O.B.C AS REQUIRED

PROVIDE DOORS IN COMPLIANCE WITH 9.6.5., 9.6.8., 12.3.2.7. O.B.C.

PROVIDE WINDOWS IN COMPLIANCE WITH 9.7.1.2., 9.7.1.6., 9.7.6., 12.3.2.6. O.B.C.

<p>PLAN LEGEND</p> <p> SMOKE ALARM</p> <p> CARBON MONOXIDE ALARM</p> <p> SPECIFICATION TAG (SEE CORRESPONDING NOTES IN "CONSTRUCTION SPECIFICATIONS" PAGES FOR INFO)</p>		<p>FLOOR AREA:</p> <p>421.0 ft² [39.11 m²]</p>	<p>WALL LEGEND</p> <p> EXISTING WALLS TO REMAIN</p> <p> EXTERIOR STUD WALL W/ SIDING</p> <p> INTERIOR WALLS</p>
<p>KITCHEN ROOM NAME</p>			



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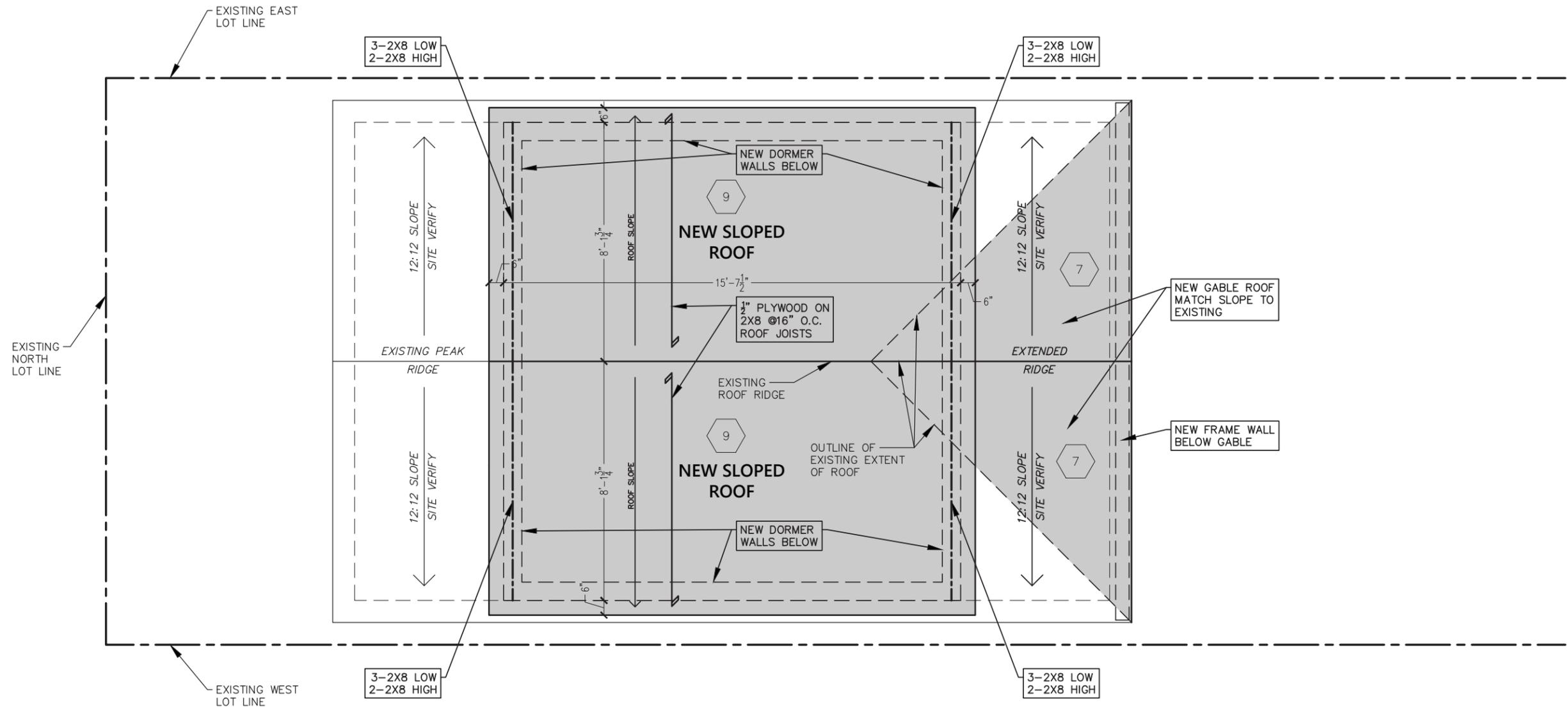
SCALE : 1/4" = 1' - 0"

PROPOSED 3RD FLOOR PLAN **A1.06**

PLAN LEGEND

1

SPECIFICATION TAG
(SEE CORRESPONDING NOTES IN
"CONSTRUCTION SPECIFICATIONS"
PAGES FOR INFO)



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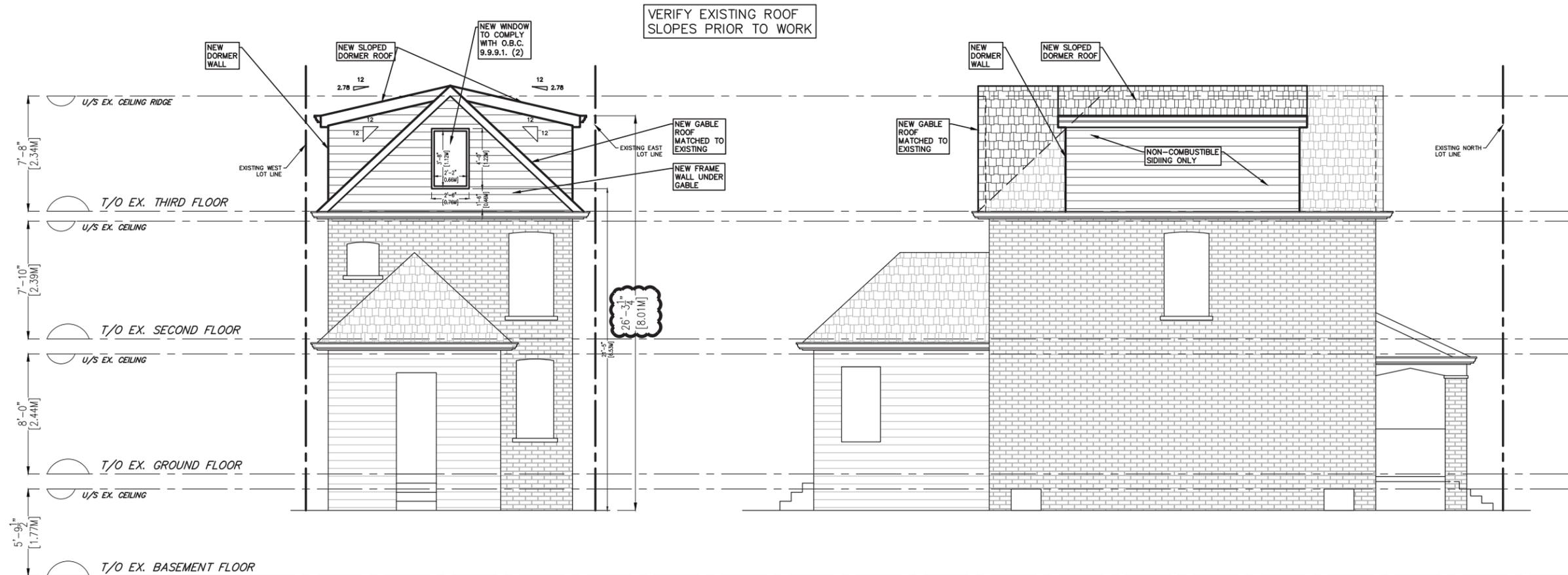
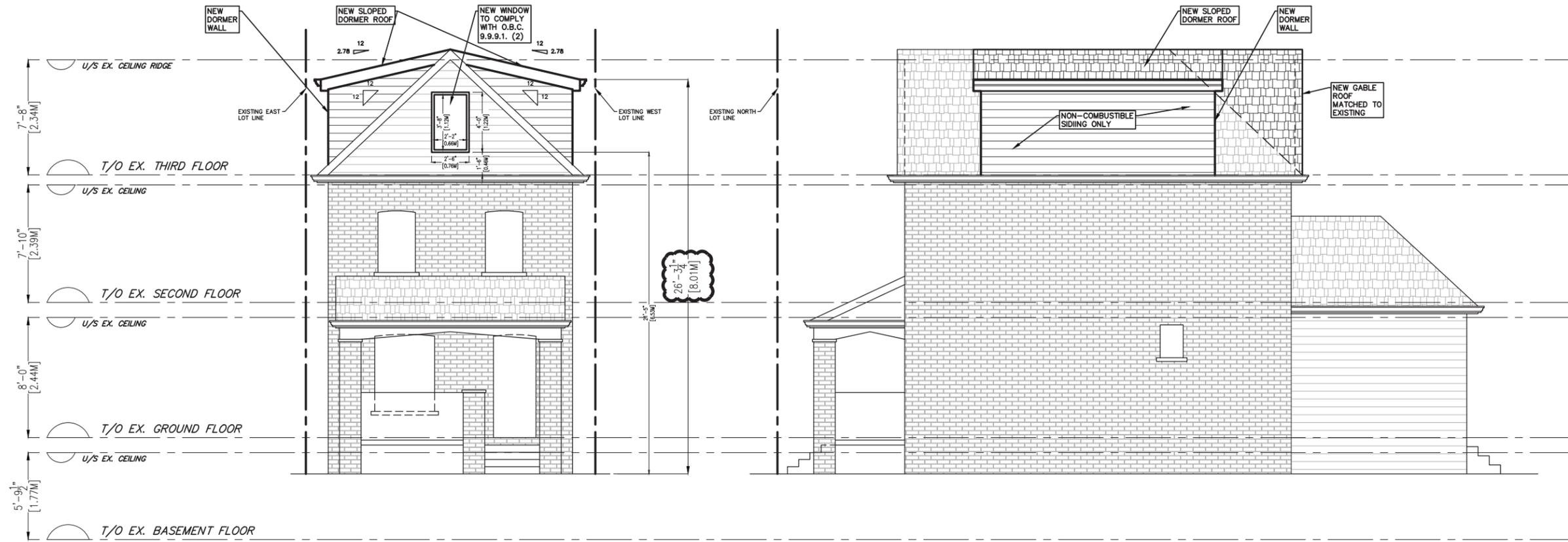
Project
**3RD FLOOR
 ALTERATION**

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Plot Date
 MARCH 10, 2021

SCALE : 1/4" = 1' - 0"

<p>PROPOSED ROOF PLAN</p>	<p style="font-size: 1.5em; font-weight: bold;">A1.07</p>
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Project
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Plot Date
MARCH 10, 2021

SCALE : 1/8" = 1' - 0"

PROPOSED
ELEVATIONS **A2.01**

GENERAL NOTES:

- ALL CONSTRUCTION TO COMPLY TO THE MOST CURRENT ONTARIO BUILDING CODE (O.B.C. – REVISED 2012) AND ALL OTHER CODES AND LOCAL AUTHORITIES HAVING JURISDICTION.
- BUILDING FROM THESE DRAWINGS SHALL PROCEED ONLY WHEN MARKED "ISSUED FOR CONSTRUCTION".
- ALL EXTERIOR DIMENSIONS ARE MEASURED TO MASONRY SURFACES OR FINISHES UNLESS OTHERWISE NOTED.
- ALL INTERIOR DIMENSIONS ARE MEASURED TO FINISHED SURFACES UNLESS OTHERWISE NOTED.
- ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS. ALL WINDOW SILL MEASUREMENTS ARE FROM ADJACENT FLOOR LEVEL – SEE ELEVATIONS
- FOR LOCATION AND TYPE OF EXTERIOR WALL FACING MATERIALS REFER TO ELEVATION DRAWINGS.
- OWNER/CONTRACTOR MUST VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO ORDERING.
- READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS. DRAWINGS MAY CONTAIN STRUCTURAL SPECIFICATIONS AND NOTES, MUST BE SEALED BY ENGINEER PRIOR TO BEING ISSUED FOR CONSTRUCTION.
- SEE ACCOMPANYING ROOF TRUSS DRAWINGS BY MANUFACTURER FOR TRUSS SPECIFICATIONS
- DESIGNER / HSK DESIGN INC. IS NOT RESPONSIBLE FOR THE STRUCTURAL LOAD CALCULATIONS AND METHODS, REFER TO STRUCTURAL ASSESSMENT REPORT AND STRUCTURAL DETAILS.
- ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. ANY INCONSISTENCIES ARE TO BE REPORTED TO THE DESIGNER/HSK DESIGN INC. BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFORM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
- DESIGNER / HSK DESIGN INC. NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.
- THE CONTRACTOR IS TO PROVIDE ALL NECESSARY BRACING AND SHORING REQUIRED DURING CONSTRUCTION. THE CONTRACTOR SHALL ALSO PROVIDE ALL NECESSARY BRACING, SHORING AND OTHER TEMPORARY SUPPORT TO PROTECT ALL EXISTING AND ADJACENT STRUCTURES AFFECTED BY THIS WORK. THE CONTRACTOR SHALL TAKE FULL RESPONSIBILITY FOR ALL SUCH MEASURES
- ASSUMED ALLOWABLE FOOTING DESIGN PRESSURE: 75 kPa U.N.O. THIS IS TO BE CONFIRMED BY A LICENSED SOILS ENGINEER PRIOR TO FOOTING CONSTRUCTION.
- KEEP EXCAVATIONS CONTINUOUSLY DRY BEFORE CONCRETE IS PLACED. REMOVE ANY LOOSE MATERIAL OR SOIL SOFTENED BY WATER PRIOR TO PLACING CONCRETE.
- THE LINE OF SLOPE BETWEEN ADJACENT EXCAVATIONS FOR FOOTINGS OR ALONG STEPPED FOOTINGS OR TRENCHES SHALL NOT EXCEED A RISE OF 7 IN A RUN OF 10. MAXIMUM STEP TO BE 600 mm.
- PROTECT ALL FOOTINGS, WALLS, SLABS ON GRADE AND ADJACENT SOIL AGAINST FROST ACTIONS AND FREEZING AT ALL TIMES DURING CONSTRUCTION.
- DO NOT BACKFILL AGAINST WALLS RETAINING EARTH UNTIL ELEMENTS PROVIDING LATERAL SUPPORT ARE COMPLETE. PLACE BACKFILL SIMULTANEOUSLY ON BOTH SIDES OF OTHER WALLS BELOW GRADE
- IT IS CONTRACTOR'S RESPONSIBILITY TO MAKE SURE THAT EVERY EXCAVATION IS UNDERTAKEN IN SUCH A MANNER AS TO PREVENT MOVEMENT WHICH WOULD CAUSE DAMAGE TO ADJACENT PROPERTY, EXISTING STRUCTURES, UTILITIES, ROADS AND SIDEWALKS AT ALL STAGES OF CONSTRUCTION AND DEMOLITION.
- CONTRACTOR IS RESPONSIBLE IN ENSURING ALL FOOTINGS COMPLY WITH OBC REGULATIONS AND THAT THE BOTTOM OF ALL FOOTINGS ARE MIN. 4"-0" BELOW GRADE.
- CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCED NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
- PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
- BURIED WATER SERVICE PIPE SHALL, EXCEPT AS PERMITTED IN ARTICLE 7.3.5.7. OF THE O.B.C., BE SEPARATED FROM THE BUILDING DRAIN, BUILDING SEWER AND A PRIVATE SEWAGE DISPOSAL SYSTEM, BY NOT LESS THAN 2440 MM (8 FT) MEASURED HORIZONTALLY, OF UNDISTURBED OR COMPACTED EARTH.

- IN COMPLIANCE WITH SENTENCE 9.14.6.1 THE BUILDING SITE SHALL BE SO GRADED THAT DISCHARGED WATER WILL NOT ACCUMULATE AT OR NEAR THE BUILDING AND WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES.
- WHERE GRAVITY DRAINAGE IS NOT PRACTICAL, A COVERED SUMP WITH AN AUTOMATIC PUMP SHALL BE INSTALLED TO DISCHARGE THE WATER INTO A SEWER, DRAINAGE DITCH OR DRY WELL.
- DRY WELLS ARE PERMITTED TO BE USED ONLY WHEN LOCATED IN AREAS WHERE THE NATURAL GROUNDWATER LEVEL IS BELOW THE BOTTOM OF THE DRY WELL.
- DRY WELLS SHALL BE NOT LESS THAN 5M (16 FT 5IN) FROM THE BUILDING FOUNDATION AND LOCATED SO THAT DRAINAGE IS AWAY FROM THE BUILDING
- BRICK VENEER TIES TO BE HOT-DIPPED GALVANIZED.
- STANDARDS REFERENCED IN SECTION 1.3 OF DIVISION B SHALL BE COMPLIED WITH TABLE 1.3.1.2.:
 - WOOD – CAN/CSA-086-01
 - PLAIN AND REINFORCED MASONRY – CAN-S304-M OR CSA-S304.1
 - PLAIN, REINFORCED AND PRE-STRESSED CONCRETE – CAN/CSA-23.3, CAN/CSA-A23.1, CAN/CSA-A23.2
 - STRUCTURAL STEEL – CAN/CSA-S16-01
 - PARKING STRUCTURES – CSA-S413
- EXISTING FOUNDATION SHALL BE VERIFIED BY CONTRACTOR THAT THE EXISTING FOUNDATION IS ADEQUATE TO SUPPORT THE LOADS IMPOSED BY THE NEW CONSTRUCTION.
- NEW FOUNDATION MUST BE TIED TO EXISTING FOUNDATION WITH 1-10M ROAD, 200 MM LONG & MIN. 100 MM INTO WALL EVERY OTHER COARSE FOR BLOCK FOUNDATIONS OR SPACED 400 MM VERTICALLY FOR POURED CONCRETE FOUNDATIONS.
- EVERY WALKING SURFACE SHALL BE PROTECTED BY A WALL OR PROPER GUARD WHERE THE DIFFERENCE IN ELEVATION BETWEEN THE WALKING SURFACE AND THE ADJACENT SURFACE/GRADE EXCEEDS 600 MM O.B.C. 9.8.8.1.(1)(A)
- WATERPROOFING AT BATHROOM TO COMPLY WITH 9.29.2 TYP
- THE CONTINUITY OF THE AIR BARRIER SYSTEM SHALL EXTEND THROUGHOUT THE BASEMENT OF THE BUILDING (WALLS AND FLOORS).
- VAPOUR BARRIER NOTE: LOCATE VAPOUR BARRIERS ON THE WARM SIDE OF THE BUILDING ASSEMBLY
- ROOMS AND SPACES IN RESIDENTIAL BUILDINGS SHALL BE NATURALLY VENTILATED IN ACCORDANCE WITH 9.32.2. OR MECHANICALLY VENTILATED IN ACCORDANCE WITH 9.32.3.*
- CLOTHES DRYER VENTED TO EXTERIOR SEPARATE FROM MECHANICAL SYSTEM.
- ZERO CLEARANCE FIREPLACES SHALL BE LABORATORY LISTED AND INSTALLED WITH COMPATIBLE LABELED CHIMNEYS AND IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.
- PROVIDE COMBUSTION AIR FOR PRE-MANUFACTURED FIREPLACES IN ACCORDANCE WITH 9.22.1.4
- THERMAL RESISTANCE VALUES BASED ON ZONE 1
- ALL INSULATION GUIDELINES SHALL FOLLOW ENERGY EFFICIENCY COMPLIANCE AS SET OUT IN THE SUPPLEMENTARY STANDARD SB-12, DESIGNER WILL PROVIDE COMPLIANCE PACKAGE FOR WORK USING TABLE 3.1.1.2.A FOR NEW CONSTRUCTION AND TABLE 3.1.1.11 FOR ADDITIONS.
- INSULATION, INSTALLERS ARE TO BE CERTIFIED BY THE MANUFACTURER. INSULATION IS TO BE INSTALLED IN ACCORDANCE WITH CAN/ULC-S705.2, THERMAL INSULATION – SPRAY
- APPLIED RIGID POLYURETHANE FOAM, MEDIUM DENSITY, INSTALLER'S RESPONSIBILITIES – SPECIFICATION.*
- UPON COMPLETION OF THE SPRAY FOAM INSTALLATION, THE CERTIFIED INSTALLER OR A PROFESSIONAL ENGINEER MUST SUBMIT TO THE INSPECTOR, VERIFICATION THAT THE INSTALLATION OF THE SYSTEM HAS BEEN COMPLETED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS/STANDARDS.
- FOAMED INSULATION SHALL BE PROTECTED ON INTERIOR SURFACES BY GYPSUM BOARD OR EQUIVALENT.
- ELECTRICAL, GAS AND VENT LOCATIONS ARE SCHEMATIC ONLY, TO BE COORDINATED WITH ELECTRICAL AND MECHANICAL DRAWINGS BY THE CONTRACTOR

- ALL STAIRS, RAMP, HANDRAILS, AND GUARDS MUST COMPLY WITH OBC 9.8.
- SEE ACCOMPANYING FOUNDATION UNDERPINNING DRAWINGS BY ENGINEER FOR UNDERPINNING WORK (IF APPLICABLE)
- ALL DOWNSPOUT (RWL) SHALL BE COORDINATED BETWEEN OWNER, CONTRACTOR AS TO TYPE, LOCATION AND METHOD OF DRAINAGE PRIOR TO START OF CONSTRUCTION
- ALL ROOF OVERHANGS ARE TO EXTEND 12" BEYOND FINISHED EXTERIOR SURFACES U.O.N. EXCLUSIVE OF ANY EAVESTROUGH
- ALL GLASS IN GLASS SHOWER ENCLOSURES AND DOORS TO COMPLY WITH OBC 9.6.1.

DEMOLITION NOTES:

- DISCONNECT AND CAP ALL SERVICES AS NECESSARY.
- BRACE AND REINFORCE AS NECESSARY TO MAINTAIN THE STRUCTURAL INTEGRITY OF THE REMAINING BUILDING.
- IMPLEMENT MEASURES NECESSARY FOR THE PROTECTION OF THE REMAINING BUILDING, AND ADJOINING STRUCTURES, FROM DEMOLITION DAMAGE.
- LIFE SAFETY SYSTEMS IN ALL OCCUPIED SPACES SHALL BE KEPT IN GOOD WORKING ORDER AT ALL TIMES.
- PROTECT REMAINING BUILDING FROM THE ELEMENTS AT ALL TIMES. NEW/UPGRADED WALL ASSEMBLIES TO COMPLY WITH O.B.C. ABOVE AND BELOW GRADE REQUIREMENTS FOR EXTERIOR WALLS.

RENOVATION NOTES:

- PROVIDE ALL BRACING, SHORING AND NEEDLING NECESSARY FOR THE SAFE EXECUTION OF THIS WORK.
- STRUCTURAL ADEQUACY: VERIFY/REINFORCE EXISTING SUPPORT SYSTEM, INCLUDING FOUNDATION, FOR LOADS IMPOSED BY THE PROPOSED CONSTRUCTION
- STRUCTURAL INTEGRITY: ALL MEMBERS SHALL BE SO FRAMED, FASTENED, TIED, BRACED AND ANCHORED TO PROVIDE THE NECESSARY STRENGTH, RIGIDITY AND STABILITY PER O.B.C. 9.23.2.1.
- VAPOUR & AIR BARRIER REQUIRED: THERMALLY INSULATED WALL, CEILING AND FLOOR ASSEMBLIES SHALL BE CONSTRUCTED WITH A CONTINUOUS AIR AND VAPOUR BARRIER SYSTEM AS PER O.B.C. 9.25.3. AND 9.25.4.
- PROVIDE AND REPLACE THERMAL INSULATION AS REQUIRED TO MATCH EXISTING
- VERIFY WALLS TO BE REMOVED AS NON-LOADBEARING PRIOR TO REMOVAL, OTHERWISE SEEK STRUCTURAL ENGINEER APPROVAL
- NON-LOAD BEARING WALLS: REMOVAL OF NON-LOADBEARING INTERIOR WALLS MAY CAUSE AN INCREASED AMOUNT OF DEFLECTION IN THE FLOOR JOISTS, WHICH MAY OR MAY NOT CAUSE AESTHETIC DEFORMATION TO FINISHES.

SMOKE & FIRE PROTECTION:

- ALL FIRE PROTECTION MEASURES MUST COMPLY WITH OBC 9.10.
- ALL FIRE ALARM SYSTEMS IF REQUIRED MUST COMPLY WITH OBC 9.10.18.
- ALL SMOKE ALARMS MUST COMPLY WITH OBC 9.10.19.
- ALL SMOKE ALARMS SHALL BE EQUIPPED WITH A VISUAL SIGNALING COMPONENT THAT MEETS NFPA 72, "NATIONAL FIRE ALARM AND SIGNALING CODE". OBC SECTIONS: 3.2.4.22 "SMOKE ALARMS" & 9.10.19. "SMOKE ALARMS", AND INTEGRAL WITH OR INTERCONNECTED TO THE SMOKE ALARM.
- PROVIDE SMOKE ALARMS ON EVERY FLOOR LEVEL INTERCONNECTED AND CARBON MONOXIDE ALARMS ON ALL FLOORS WHERE THERE IS A FUELED FIRED APPLIANCE AND/OR ATTACHED GARAGE. 1 REQUIRED ADJACENT TO EACH SLEEPING AREA AND 1 REQUIRED WITHIN EACH SLEEPING AREA.
- ALL CARBON MONOXIDE DETECTORS MUST COMPLY WITH OBC 9.33.4.
- ALL CONCEALED AREAS SHALL BE COVERED BY DRYWALL (TYP) FIRESTOPPERS SHALL BE PROVIDED IN CONCEALED SPACES AND IN WALL ASSEMBLIES AS PER OBC
- 45 MINUTE FIRE RESISTANCE RATING AND NONCOMBUSTIBLE CLADDING IS REQUIRED FOR WALL WITHIN 0.6 METERS OF PROPERTY LINE. USE TYPE CONTINUOUS "16MM X" DRYWALL AS INTERIOR WALL MEMBRANE FROM GRADE TO THE HIGHEST FLOOR CEILING O.B.C. 9.10.15.5 (2) (C)
- INSULATION CONFORMING TO CAN/ULC-S-702, "MINERAL FIBRE THERMAL INSULATION FOR BUILDINGS", HAVING A MASS OF NOT LESS THAN 1.22 KG/M2 OF WALL SURFACE" SB-2 2.3.5.

FRAME CONSTRUCTION:

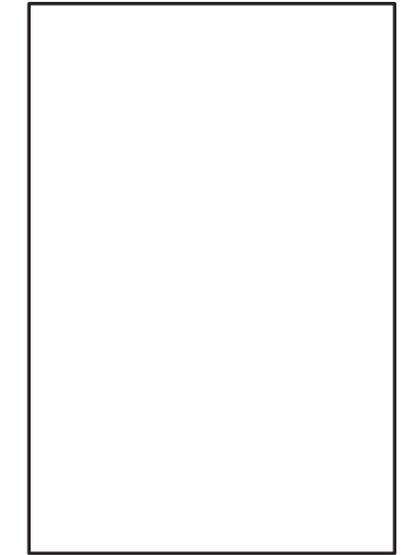
- ALL FRAMING LUMBER TO BE NO.1 AND NO. 2 SPF UNLESS NOTED OTHERWISE.
- ROOF LOADING IS BASED ON 1.5KPA SPECIFIED COMPOSITE SNOW & RAIN LOADS.
- JOISTS TO HAVE MIN. 1-1/2" (38MM) END BEARING
- BEAMS TO HAVE MIN. 3-1/2" (89MM) END BEARING
- DOUBLE STUDS @ OPENINGS
- DOUBLE HEADER JOISTS AROUND FLOOR OPENINGS WHEN THEY ARE BETWEEN 3'-11" (1200MM) AND 10'-6" (3200MM)
- DOUBLE TRIMMER JOISTS WHEN HEADER JOIST LENGTH IS BETWEEN 2'-7" (800MM) AND 6'-7" (2000MM)
- DOUBLE JOISTS OR SOLID BLOCKING UNDER NON-LOAD BEARING PARALLEL PARTITIONS
- BEAMS TO BE PLACED UNDER LOADBEARING WALLS WHEN WALLS ARE PARALLEL TO FLOOR JOISTS
- BEAMS MAY BE A MAX. 24" (600MM) FROM LOADBEARING WALLS WHEN WALLS ARE PERPENDICULAR TO FLOOR JOISTS
- APPROVED METAL HANGERS TO BE USED FOR JOISTS AND BEAMS WHEN THEY FRAME INTO SIDES OF BEAMS, TRIMMERS AND HEADERS
- FLOOR JOISTS SUPPORTING ROOF LOADS SHALL NOT BE CANTILEVERED MORE THAN 15 3/4" (400MM) BEYOND SUPPORTS FOR 2" X 8" (38MM X 194MM)
- FLOOR JOISTS SUPPORTING ROOF LOADS SHALL NOT BE CANTILEVERED MORE THAN 23 5/8" (600MM) BEYOND SUPPORTS FOR 2" X 10" (38MM X 235MM) OR LARGER.
- ALL STRUCTURAL WOOD ELEMENTS SHALL BE PROTECTED AGAINST TERMITES AND DECAY AS PER PROVISIONS OF 9.3.2.9.
- STRUCTURAL INTEGRITY: ALL MEMBERS SHALL BE SO FRAMED, FASTENED, TIED, BRACED AND ANCHORED TO PROVIDE THE NECESSARY STRENGTH, RIGIDITY AND STABILITY PER O.B.C. 9.23.2.1.
- SUPPORT-POST: PROVIDE POSTS UND ALL BEAMS/GIRDER, TRUSSES, ETC. POSTS ARE TO RUN CONTINUOUS TO THE FOUNDATION OR EQUIVALENT SUPPORT. O.B.C. 9.20.8.3., 9.23.8.1., AND 9.23.10.7.
- SUPPORT-LOADS: ALL LOADS MUST BE SUPPORTED AND TRANSFERRED TO FOUNDATION OR ADEQUATE SUPPORT. O.B.C. 9.23.4.2., 9.17.9.15., 9.20.8.3., 9.23.8.1., 9.23.10.7. AND 9.23.9.8.
- ALL WALL BEARING BEAMS SHALL HAVE A MINIMUM BEARING OF 8" UNLESS OTHERWISE NOTED. CONCRETE SLABS SHALL HAVE A MINIMUM BEARING OF 4", VOIDS IN MASONRY UNITS UNDER BEAMS AND JOISTS SHALL BE PRE-FILLED WITH 20 MPA CONCRETE OR GROUT TO A MINIMUM DEPTH OF 8" AND A MINIMUM LENGTH OF 8" BEYOND THE BEARING SURFACE UNLESS OTHERWISE NOTED.
- SPACE ALL FLOOR JOISTS @ 12" O.C. UNDER ALL CERAMIC TILED AREAS

WINDOWS:

- WINDOWS, ANY PART OF WHICH IS LOCATED WITHIN 2M (6FT. 7IN.) OF ADJACENT GROUND LEVEL, SHALL CONFORM TO THE REQUIREMENTS FOR RESISTANCE TO FORCED ENTRY AS DESCRIBED IN CLAUSE 10.13 OF CSA STANDARD A440-M90 "WINDOWS".
- THERMAL RESISTANCE (PERFORMANCE) FOR ALL WINDOWS THAT SEPARATE HEATED SPACE FROM UNHEATED SPACE SHALL HAVE AN ENERGY RATING THAT CONFORMS TO THE TABLE 3.1.1.9. OF O.B.C. SB-12. EXCEPTION: BASEMENT WINDOWS WITH LOADBEARING STRUCTURAL FRAME SHALL COMPLY WITH 3.1.1.9.(3) OF O.B.C. SB-12
- THERMAL PERFORMANCE OF ALL WINDOWS SHALL COMPLY WITH 3.1.1.9. OF O.B.C. SB-12
- ALL WINDOWS MUST COMPLY WITH OBC DIV. B SECTION 9.7. & 9.8.8. [GUARDS]
- WINDOW TYPE, STYLE AND OPERABILITY TO BE COORDINATED WITH OWNER PRIOR TO ORDERING & INSTALLING

EGRESS WINDOW FOR BEDROOMS:

- AS PER SECTION 9.9.10.
- EXCEPT WHERE A DOOR ON THE SAME FLOOR LEVEL AS THE BEDROOM PROVIDES DIRECT ACCESS TO THE EXTERIOR, EVERY FLOOR LEVEL CONTAINING A BEDROOM IN A SUITE SHALL BE PROVIDED WITH AT LEAST 1 OUTSIDE WINDOW THAT:
 - IS OPENABLE FROM THE INSIDE WITHOUT THE USE OF TOOLS,
 - PROVIDES AN INDIVIDUAL, UNOBSTRUCTED OPEN PORTION HAVING A MIN. AREA OF 3.8 ft² WITH NO DIMENSION LESS THAN 16", AND
 - MAINTAINS THE REQUIRED OPENING DESCRIBED IN CLAUSE "b" WITHOUT THE NEED FOR ADDITIONAL SUPPORT
 - WHEN SLIDING WINDOWS ARE USED, THE MINIMUM DIMENSION DESCRIBED IN SENTENCE



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FOR DISCUSSION
PURPOSES ONLY

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2.	Sep 29, 2020	ISSUED FOR PERMIT REVIEW
1.	Sep 2, 2020	ISSUED FOR OWNER REVIEW
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Project 3RD FLOOR ALTERATION		
Project 86 Case St Hamilton, ON L8L 3G9		
Plot Date MARCH 10, 2021		
SPECIFICATIONS & NOTES		A3.01

(1) SHALL APPLY TO THE OPENABLE PORTION OF THE WINDOW
 • WHERE A WINDOW REQUIRED IN ARTICLE 9.7.1.3. OPENS INTO A WINDOW-WELL, A CLEARANCE OF NOT LESS THAN 21'-0" SHALL BE PROVIDED IN FRONT OF THE WINDOW
 • WHERE THE SASH OF A WINDOW REFERRED TO IN SENTENCE (5) SWINGS TOWARDS THE WINDOW-WELL, THE OPERATION OF THE SASH SHALL NOT REDUCE THE CLEARANCE IN A MANNER THAT WOULD RESTRICT ESCAPE IN AN EMERGENCY
 • WHERE A PROTECTIVE ENCLOSURE IS INSTALLED OVER THE WINDOW-WELL REFERRED TO IN SENTENCE (5), SUCH ENCLOSURE SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF KEYS, TOOL OR SPECIAL KNOWLEDGE OF THE OPENING MECHANISM

DOORS:

• EXCEPT FOR DOORS ON ENCLOSED UNHEATED VESTIBULES AND COLD CELLARS, AND EXCEPT FOR GLAZED PORTIONS OF DOORS, ALL DOORS THAT SEPARATE HEATED SPACE FROM UNHEATED SPACE SHALL HAVE A THERMAL RESISTANCE (PERFORMANCE) OF NOT LESS THAN RSI 0.7 WHERE A STORM DOOR IS NOT PROVIDED. O.B.C. SB-12 3.1.1.10.
 • ALL SLIDING GLASS DOORS THAT SEPARATE HEATED SPACE FROM UNHEATED SPACE SHALL HAVE AN ENERGY RATING OF NOT LESS THAN 25 AS PER O.B.C. SB-12 3.1.1.2.

WALL ASSEMBLIES:

1 FRAME WALL CONSTRUCTION:
 O.B.C. 9.23.

• LUMBER SIDING OR STUCCO AS PER ELEVATIONS, MIN. 7/8" (200MM) FROM FINISHED GRADE (O.B.C. 9.28.1.4. & 9.27.)
 • WALL SHEATHING MEMBRANE AS PER O.B.C. 9.27.3.2. AND SHALL CONFORM TO O.B.C. 9.27.3.
 • 1/2" (12.7MM) PLYWOOD (EXTERIOR TYPE) OR EQUIVALENT AS PER O.B.C. 9.23.10.
 • 2" X 6" (38MM X 140MM) WOOD STUDS @ 16" (400MM) O.C. SHALL CONFORM TO O.B.C. 9.23.10.
 • MIN. R22 (RSI 3.87) INSULATION (ZONE 1. O.B.C. SB-12)
 • CONTINUOUS AIR/VAPOUR BARRIER IN CONFORMANCE W/ O.B.C. 9.25.3. & 9.25.4.
 • 1/2" (12.7MM) GYPSUM BOARD
 • SIZE AND SPACING OF STUDS SHALL CONFIRM TO O.B.C. TABLE 9.23.10.1.
 • IF LUMBER SIDING IS INSTALLED IT SHALL CONFORM TO O.B.C. 9.27.6.

FIRE SEPARATION:
 FIRE SEPARATION REQUIREMENTS FOR EXPOSING BUILDING FACES SHALL CONFORM TO O.B.C. 9.10.14. & 9.10.15. & 9.10.15.5.

MUST COMPLY WITH ANY OTHER APPLICABLE PROVISIONS IN THE MOST CURRENT O.B.C.

2 INTERIOR STUD WALLS:
 O.B.C. 9.23.10.1.

• 2" X 4" (38MM X 89MM) WOOD STUDS @ 16" (400MM) O.C. OR
 • 2" X 6" (38MM X 140MM) WOOD STUDS @ 16" (400MM) O.C. W/
 • DOUBLE 2" X 4" OR 2" X 6" TOP PLATES AND SINGLE BOTTOM PLATE
 • 1/2" (12.7MM) GYPSUM BOARD BOTH SIDES.
 MUST COMPLY WITH ANY OTHER APPLICABLE PROVISIONS IN THE MOST CURRENT O.B.C.

3 KNEE WALLS:

• 1/2" (12.7MM) GYPSUM BOARD
 • 6 MIL POLY A/V BARRIER (ON WARM SIDE)
 • MIN. R22 (RSI 3.87) INSULATION (ZONE 1. O.B.C. SB-12)
 • 2" X 6" (38MM X 140MM) WOOD STUDS @ 16" (400MM) O.C. U.O.N.

4 WALLS ADJACENT TO ATTIC SPACE:

• 1/2" (12.7MM) GYPSUM BOARD
 • CONTINUOUS AIR/VAPOUR BARRIER IN CONFORMANCE W/ O.B.C.- 9.25.3. & 9.25.4.
 • 2" X 6" (38MM X 140MM) WOOD STUDS @ 16" (400MM) O.C.
 • MIN. R22 (RSI 3.87) INSULATION (ZONE 1. O.B.C. SB-12)
 • 1/2" (12.7MM) GYPSUM BOARD OR 1/4" (6MM) PLYWOOD SHEATHING ON ATTIC SIDE.
 • ATTIC ACCESS TO BE PROVIDED AS PER O.B.C. 9.19.2.1.

ROOF ASSEMBLIES:

• ROOF VENT AREAS TO BE 1/50 OF INSULATED CEILING AREA. ROOF VENT AREAS TO BE 1/300 OF THE INSULATED CEILING AREA FOR CATHEDRAL CEILINGS OR FOR ROOF SLOPES LESS THAN 1 IN 6. VENTS TO BE UNIFORMLY DISTRIBUTED.

• ROOF AREAS THAT ARE CONSTRICTED IN SPACE FOR PROPER VENTILATION AND "R" VALUES, USE FOAM OR RIGID INSULATION WITH A MIN. OF R31

• THE ROOF SLOPES ON WHICH ROOF COVERINGS MAY BE APPLIED SHALL CONFORM TO TABLE 9.26.3.1. [9.26.3.1 - ROOF SLOPE]

• ALL ROOF FLASHING AT INTERSECTIONS SHALL COMPLY WITH O.B.C. 9.26.4.

• ALL ROOFS TO COMPLY WITH O.B.C. 9.26

5 TYPICAL ROOF:

O.B.C. 9.26.
 • ASPHALT SHINGLES OR AS NOTED ON ELEVATIONS
 • FOR ROOFS BETWEEN 4:12 & 8:12 PITCH PROVIDE EAVES PROTECTION TO EXTEND UP THE ROOF SLOPE MIN. 2'-11" (900MM) FROM EDGE TO A LINE NOT LESS THAN 12" (300MM) PAST THE INSIDE FACE OF EXTERIOR WALL.
 • EAVE PROTECTION TO CONFORM TO O.B.C. 9.26.5.
 • EAVES PROTECTION LAID BENEATH STARTER STRIP.
 • EAVE PROTECTION NOT REQUIRED OVER UNHEATED SPACES.
 • STARTER STRIP AS PER O.B.C. 9.26.7.2.
 • STARTER STRIP NOT REQUIRED AS PER O.B.C. 9.26.7.2.(3)
 • 3/8" (10MM) PLYWOOD SHEATHING OR OSB (0-2 GRADE) WITH "H" CLIPS
 • APPROVED WOOD TRUSSES @ 24" (600MM) O.C. (REFER TO MANUFACTURER'S LAYOUT)
 • TRUSS BRACING AS PER TRUSS MANUFACTURER
 • EAVESTROUGH ON PREFINISHED FASCIA AND VENTED SOFFIT (VINYL OR ALUMINUM)
 • MUST COMPLY WITH ANY OTHER APPLICABLE PROVISIONS IN THE MOST CURRENT O.B.C.

6 CEILING

• R60 (RSI 10.56) INSULATION (ZONE 1. O.B.C. SB-12)
 • CONTINUOUS AIR/VAPOUR BARRIER IN CONFORMANCE W/ O.B.C. 9.25.3. & 9.25.4.
 • 1/2" (12.7MM) GYPSUM BOARD W/ PAINTED CEILING
 • MUST COMPLY WITH ANY OTHER APPLICABLE PROVISIONS IN THE MOST CURRENT O.B.C.

7 VAULTED OR CATHEDRAL CEILING:

O.B.C. 9.26. & TABLE A4
 • ASPHALT SHINGLES OR AS NOTED ON ELEVATIONS
 • FOR ROOFS BETWEEN 4:12 & 8:12 PITCH PROVIDE EAVES PROTECTION TO EXTEND UP THE ROOF SLOPE MIN. 2'-11" (900MM) FROM EDGE TO A LINE NOT LESS THAN 12" (300MM) PAST THE INSIDE FACE OF EXTERIOR WALL.
 • EAVE PROTECTION TO CONFORM TO O.B.C. 9.26.5.
 • EAVES PROTECTION LAID BENEATH STARTER STRIP.
 • EAVE PROTECTION NOT REQUIRED OVER UNHEATED SPACES OR WHERE ROOF SLOPES ARE 8:12 OR GREATER PER O.B.C. 9.26.5.1.
 • STARTER STRIP AS PER O.B.C. 9.26.7.2.
 • STARTER STRIP NOT REQUIRED AS PER O.B.C. 9.26.7.2.(3)
 • 3/8" (10MM) PLYWOOD SHEATHING OR OSB (0-2 GRADE) WITH "H" CLIPS. (OR AS PER STRUCTURAL PLANS)
 • 2"x8" (38MM X 184MM) @ 16" O.C. W/ 2"x2" (38MM X 38MM) CROSS PURLINS @ 24" O.C. MAX. SPAN 13'-3" (4050MM) (OR AS PER STRUCTURAL PLANS) OR
 • 2"x10" (38MM X 235MM) @ 16" O.C. W/ 2"x2" (38MM X 38MM) CROSS PURLINS @ 24" O.C. MAX. SPAN 17'-0" (5180MM) (OR AS PER STRUCTURAL PLANS)
 • R31 (RSI 5.46) INSULATION (ZONE 1. O.B.C. SB-12)
 • MIN. 3" CLEARANCE FROM U/S OF ROOF SHEATHING TO INSULATION
 • CONTINUOUS AIR/VAPOUR BARRIER IN CONFORMANCE WITH O.B.C. 9.25.3. & 9.25.4.
 • 1/2" (12.7MM) GYPSUM BOARD
 • MUST COMPLY WITH ANY OTHER APPLICABLE PROVISIONS IN THE MOST CURRENT O.B.C.

8 CONVENTIONAL FRAMING

O.B.C. TABLE A6 OR A7
 • 2" X 12" SPF NO.2 (38MM X 235MM) RAFTERS @ 16" (400MM) O.C. MAX. SPAN 25'-2" (3890MM) - SNOW LOAD 1.0 KPA TO 2.0 KPA.
 • 2"x4" (38MM X 89MM) COLLAR TIES AT MIDSPANS
 • CEILING JOISTS TO BE 2" X 10" (38MM X 235MM) @ 16" (400MM) O.C. UNLESS OTHERWISE NOTED.
 • HIP & VALLEY RAFTERS TO BE MIN. 2" (50MM) LARGER THAN COMMON RAFTERS & MIN. 1 1/2" (38MM) THICK.
 • MUST COMPLY WITH ANY OTHER APPLICABLE PROVISIONS IN THE MOST CURRENT O.B.C.

9 EXTERIOR FLAT ROOF ASSEMBLY:

• BUILT-UP ROOFING SHALL CONFORM TO O.B.C. 9.26.11.
 • 3 PLY WATERPROOF ROOF MEMBRANE OR EQUIVALENT INSTALLED PER MANUFACTURER'S SPECIFICATIONS.
 • 1/4" EXTERIOR GRADE WOOD PANEL TYPE UNDERLAY TAPERED PURLINS SLOPED MIN. 2% TO ROOF SCUPPER.
 • 3/8" EXTERIOR GRADE PLYWOOD SHEATHING ON (OR AS NOTED ON STRUCTURAL PLAN)
 • 2"x8" ROOF JOISTS @ 12" O.C. (OR AS NOTED ON STRUCTURAL PLAN)

REQUIRED FOR OVER HEATED SPACES:

• ADD 2"x2" (38MM X 38MM) CROSS PURLINS @ 16" (400MM) O.C. FOR VENTILATION OVER JOISTS
 • R31 (RSI 5.46) INSULATION (ZONE 1. O.B.C. SB-12) BETWEEN JOISTS
 • ADD CONTINUOUS AIR/VAPOUR BARRIER IN CONFORMANCE W/ O.B.C. 9.25.3. & 9.25.4.
 • ADD 1/2" (12.7MM) GYPSUM BOARD W/ PAINTED CEILING OR
 • ADD 5/8" (15.9MM) GYPSUM BOARD W/ TEXTURED CEILING (O.B.C. T.9.29.5.3.)
 • MUST COMPLY WITH ANY OTHER APPLICABLE PROVISIONS IN THE MOST CURRENT O.B.C.

GENERAL:

10 STAIRS:

O.B.C. 9.8.4.
 • STAIRS DIMENSIONS, STEP DIMENSIONS AND CONFIGURATIONS SHALL CONFORM TO O.B.C. 9.8.2. & 9.8.3. & 9.8.4
 • HANDRAILS SHALL CONFORM TO O.B.C. 9.8.7
 • MUST COMPLY WITH ANY OTHER APPLICABLE PROVISIONS IN THE MOST CURRENT O.B.C.
 • STAIRS IN THE DWELLING SHALL HAVE A MIN. HEADROOM OF 1.95M, MIN. WIDTH OF 800MM, MAX. RISE OF 200MM, MIN. RUN OF 210MM AND MIN. TREAD OF 235MM. CURVED STAIRS SHALL HAVE A MIN. RUN OF 150MM AND A MIN. AVERAGE RUN OF 200MM.
 • STAIR DIMENSIONS:
 • INTERIOR:
 TREAD SIZE: 11" U/N OTHERWISE
 RUN SIZE: 10" U/N OTHERWISE
 RISER HT: 6"-7 3/8" max.
 • EXTERIOR (CONCRETE POURED):
 TREAD SIZE: 13" U/N OTHERWISE
 RUN SIZE: 12" U/N OTHERWISE
 RISER HT 6" min.-7 3/8" max.
 • HEADROOM (INTERIOR):
 7'-0" min. MEASURED VERTICALLY FROM A LINE DRAWN THROUGH THE OUTER EDGES OF THE NOSING.
 • HEADROOM (EXTERIOR):
 *** 8'-0" min. MEASURED VERTICALLY FROM A LINE DRAWN THROUGH THE OUTER EDGES OF THE NOSING.

11 INTERIOR GUARDS

O.B.C. SB-7 & 9.8.8.
 • GUARDS SHALL CONFORM TO O.B.C. 9.8.8. AND SB-7
 • HEIGHT OF GUARDS SHALL CONFORM TO O.B.C. 9.8.8.3.
 • INTERIOR GUARD DIMENSIONS AND SPECIFICATIONS SHALL CONFORM TO O.B.C. 9.8.8.5.
 • GUARDS SHALL BE DESIGNED NOT TO FACILITATE CLIMBING AS PER O.B.C. 9.8.8.5.
 • GLASS IN GUARDS SHALL CONFORM TO O.B.C. 9.8.8.7.
 • MUST COMPLY WITH ANY OTHER APPLICABLE PROVISIONS IN THE MOST CURRENT O.B.C.
 • GUARDS SHALL HAVE OPENINGS NOT GREATER THAN 100 MM UNLESS PERMITTED UNDER ARTICLE 9.8.8.5. AND NOT BE CLIMBABLE AS PER ARTICLE 9.8.8.6.
 • PROVIDE SHOP DRAWINGS TO THE BUILDING DEPARTMENT FOR APPROVAL ON ALL METAL GUARD/RAILING ATTACHMENTS TO CONCRETE
 • GUARDS TO COMPLY WITH THE PROVISIONS IN DIV. B 9.8.8.6. [GUARDS DESIGNED NOT TO FACILITATE CLIMBING] AND APPENDIX A 9.8.8.6. AND GUARD HEIGHT 9.8.8.3 [HEIGHT OF GUARDS]

12 SMOKE ALARMS

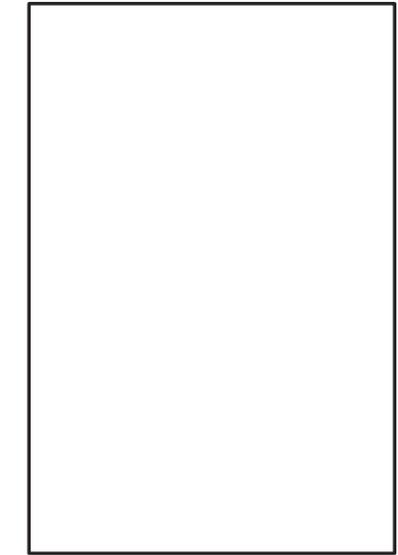
O.B.C. 9.10.19.
 • SMOKE ALARMS SHALL CONFORM TO O.B.C. 9.10.19.
 • SMOKE ALARM, PROVIDE ATLEAST 1 PER FLOOR INCLUDING BASEMENTS NEAR THE STAIRS CONNECTING THE FLOOR LEVELS.
 • PROVIDE 1 IN EACH SLEEPING ROOM
 • PROVIDE 1 IN A LOCATION BETWEEN THE SLEEPING ROOM AND THE REMAINDER OF THE STOREY, AND IF THE SLEEPING ROOMS ARE SERVED BY A HALLWAY, THE SMOKE ALARM SHALL BE LOCATED IN THE HALLWAY
 • ALARMS TO BE CONNECTED IN CIRCUIT AND INTERCONNECTED SO ALL ALARMS WILL BE ACTIVATED IF ANY ONE OF THEM SOUNDS.
 • MUST COMPLY WITH ANY OTHER APPLICABLE PROVISIONS IN THE MOST CURRENT O.B.C.

13 CARBON MONOXIDE ALARMS

O.B.C. 9.33.4.
 • CARBON MONOXIDE DETECTOR (CMD)
 • CMD TO CONFORM TO O.B.C. 9.33.4.
 • WHERE THERE IS A FUEL BURNING APPLIANCE IS INSTALLED IN A SUITE OF RESIDENTIAL OCCUPANCY, A CMD SHALL BE INSTALLED ADJACENT TO EACH SLEEPING AREA IN THE SUITE
 • WHERE A FUEL-BURNING APPLIANCE IS INSTALLED IN A SERVICE ROOM THAT IS NOT IN A SUITE OF RESIDENTIAL OCCUPANCY, A CMD ALARM SHALL BE INSTALLED, ADJACENT TO EACH SLEEPING AREA IN EVERY SUIT OF RESIDENTIAL OCCUPANCY THAT IS ADJACENT TO THE SERVICE ROOM AND IN THE SERVICE ROOM
 • WHERE A STORAGE GARAGE IS LOCATED IN THE BUILDING CONTAINING A RESIDENTIAL OCCUPANCY, A CMD ALARM SHALL BE INSTALLED ADJACENT TO EACH SLEEPING AREA IN EVERY SUITE OF RESIDENTIAL OCCUPANCY THAT IS ADJACENT TO THE STORAGE GARAGE.
 • WHERE A STORAGE GARAGE SERVE ONLY THE DWELLING UNIT TO WHICH IT IS ATTACHED OR BUILT IN, A CMD ALARM SHALL BE INSTALLED ADJACENT TO EACH SLEEPING AREA IN THE DWELLING UNIT.
 • A CMD ALARM SHALL BE MECHANICALLY FIXED, AT THE MANUFACTURER'S RECOMMENDED HEIGHT, OR IN THE ABSENCE OF SPECIFIC INSTRUCTION, ON OR NEAR THE CEILING.
 • CMD ALARM SHALL BE PERMANENTLY CONNECTED TO AN ELECTRICAL CIRCUIT AND SHALL HAVE NO DISCONNECT SWITCH BETWEEN THE OVER CURRENT DEVICE AND THE CMD ALARM
 • CMD TO BE WIRED IN CIRCUIT TO SOUND ALL CMD ALARMS AND SMOKE ALARMS WHEN ACTIVATED.
 • CMD ALARM SHALL BE EQUIPPED WITH AN ALARM THAT IS AUDIBLE WITHIN BEDROOM WHEN THE INTERVENING DOORS ARE CLOSED, WHERE LOCATED ADJACENT TO A SLEEPING AREA AND MUST CONFORM TO O.B.C. 9.33.4.3.(1)(d)

14 EGRESS

• MEANS OF EGRESS SHALL CONFORM TO O.B.C. 9.9.



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Project
3RD FLOOR ALTERATION
 Project
 86 Case St
 Hamilton, ON L8L 3G9

Plot Date
 MARCH 10, 2021

SPECIFICATIONS & NOTES

A3.02



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
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SECRETARY'S SIGNATURE _____	

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner * Mohammed Hanif Telephone No. [REDACTED]
FAX NO. _____ E-mail address * [REDACTED]
- Address * [REDACTED] Postal Code * [REDACTED]
- Name of Agent Serouj Kaloustian Telephone No. [REDACTED]
FAX NO. _____ E-mail address. [REDACTED]
- Address [REDACTED] Postal Code [REDACTED]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
- 1) The proposed third storey addition is 4.14 m away from the front property line where it is required to be a min. of 6m from the front property line as per bylaw 6593 Section 10 (D Zone).
 - 2) The proposed third storey addition is 0.46 m away from the side property lines where it is required to be a min. of 2.7m from the side property line as per bylaw 6593 Section 10 (D Zone).
7. Why it is not possible to comply with the provisions of the By-law?
For both items above: Cannot achieve OBC room height requirement for proposed bedrooms without these variances. The proposed Third floor addition will provide the minimum necessary headroom height. The existing side walls of the house are 0.46 m away from the side property lines, the 3rd floor walls will be lined up to these walls. The existing front wall of the house is 2.59 m.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

86 CASE STREET

9. PREVIOUS USE OF PROPERTY

Residential	<input checked="" type="checkbox"/>	Industrial	<input type="checkbox"/>	Commercial	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	Vacant	<input type="checkbox"/>		
Other	<input type="checkbox"/>				

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Unknown	<input type="checkbox"/>
-----	--------------------------	----	-------------------------------------	---------	--------------------------

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Unknown	<input type="checkbox"/>
-----	--------------------------	----	-------------------------------------	---------	--------------------------

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Unknown	<input type="checkbox"/>
-----	--------------------------	----	-------------------------------------	---------	--------------------------

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Unknown	<input type="checkbox"/>
-----	--------------------------	----	-------------------------------------	---------	--------------------------

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Unknown	<input type="checkbox"/>
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9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Unknown	<input type="checkbox"/>
-----	--------------------------	----	-------------------------------------	---------	--------------------------

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Unknown	<input type="checkbox"/>
-----	--------------------------	----	-------------------------------------	---------	--------------------------

- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes _____ No X Unknown _____
- 9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes _____ No X Unknown _____
- 9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
Reasonable belief prior to purchase of property, purchase and sale agreement, and knowledge of property during ownership
-
- 9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached? Yes _____ No _____

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

* Dec 8, 2020
 Date

* 
 Signature/Property Owner

* Mohammed Hanif
 Print Name of Owner

10. Dimensions of lands affected:
 Frontage 5.89 m
 Depth 36.58 m
 Area 215.53 sq.m
 Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
 Existing: Existing 2.5 storey house, GFA 129.88 sq.m

Proposed: Proposed Third floor addition at existing Attic space, providing dormers to make minimum required headroom space for proposed new bedrooms.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)
 Existing: Existing Front setback 2.59 m
Existing Rear Setback 22.54 m
Existing Side Setbacks from 0.46 m

Proposed: Proposed 3rd floor setbacks will not exceed existing.

* 13. Date of acquisition of subject lands:
Dec 10, 2015

* 14. Date of construction of all buildings and structures on subject lands:
1960's

15. Existing uses of the subject property: Single Family Dwelling Unit, Residential

16. Existing uses of abutting properties: Single Family Dwelling Unit, Residential

17. Length of time the existing uses of the subject property have continued:
Since construction

18. Municipal services available: (check the appropriate space or spaces)
Water X Connected X
Sanitary Sewer X Connected X
Storm Sewers X

19. Present Official Plan/Secondary Plan provisions applying to the land:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zone D

21. Has the owner previously applied for relief in respect of the subject property?
Yes No

If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:130

APPLICANTS: Shawn Cuthill

SUBJECT PROPERTY: Municipal address **73 Ottawa St. S., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "C" (Urban Protected Residential and etc.) district

PROPOSAL: To permit the construction of a dormer addition to the southerly side of the existing single family dwelling, notwithstanding,

1. A minimum northerly side yard width of 0.0 metres and a minimum southerly side yard width of 2.1 metres shall be provided instead of the minimum required side yard width of 2.7 metres; and,

2. A minimum rear yard depth of 10.0 metres shall be provided instead of the minimum required rear yard depth of 10.5 metres.

NOTES:

1. Pursuant to Building Division Policy ZON-021, where a dormer in excess of 1.2 metres is proposed to be added to an existing half-storey, such storey is then deemed to be a full storey.

2. Section 18(2) of the Zoning By-law permits a single family dwelling in a "C" zoning district, where the height is limited to two and a half storeys, to increase the height of the building to three (3) storeys provided that each side yard is increased in width at least 1.5 metres and each rear yard is increased in depth by 3.0 metres beyond the ordinary requirements for the district.

3. Details regarding the number of proposed habitable rooms have not been provided. A further variance(s) will be required should the proposed addition result in greater than eight (8) habitable rooms being contained within the single family dwelling.

4. Details regarding the proposed building height have not been provided. A further variance will be required should the maximum permitted building height of 11.0 metres, provided in accordance with the definition of "Height" and "Grade" as defined within the Zoning By-law, is exceeded.

HM/A-21: 130
Page 2

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

DATE: Thursday, May 20th, 2021
TIME: 2:50 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

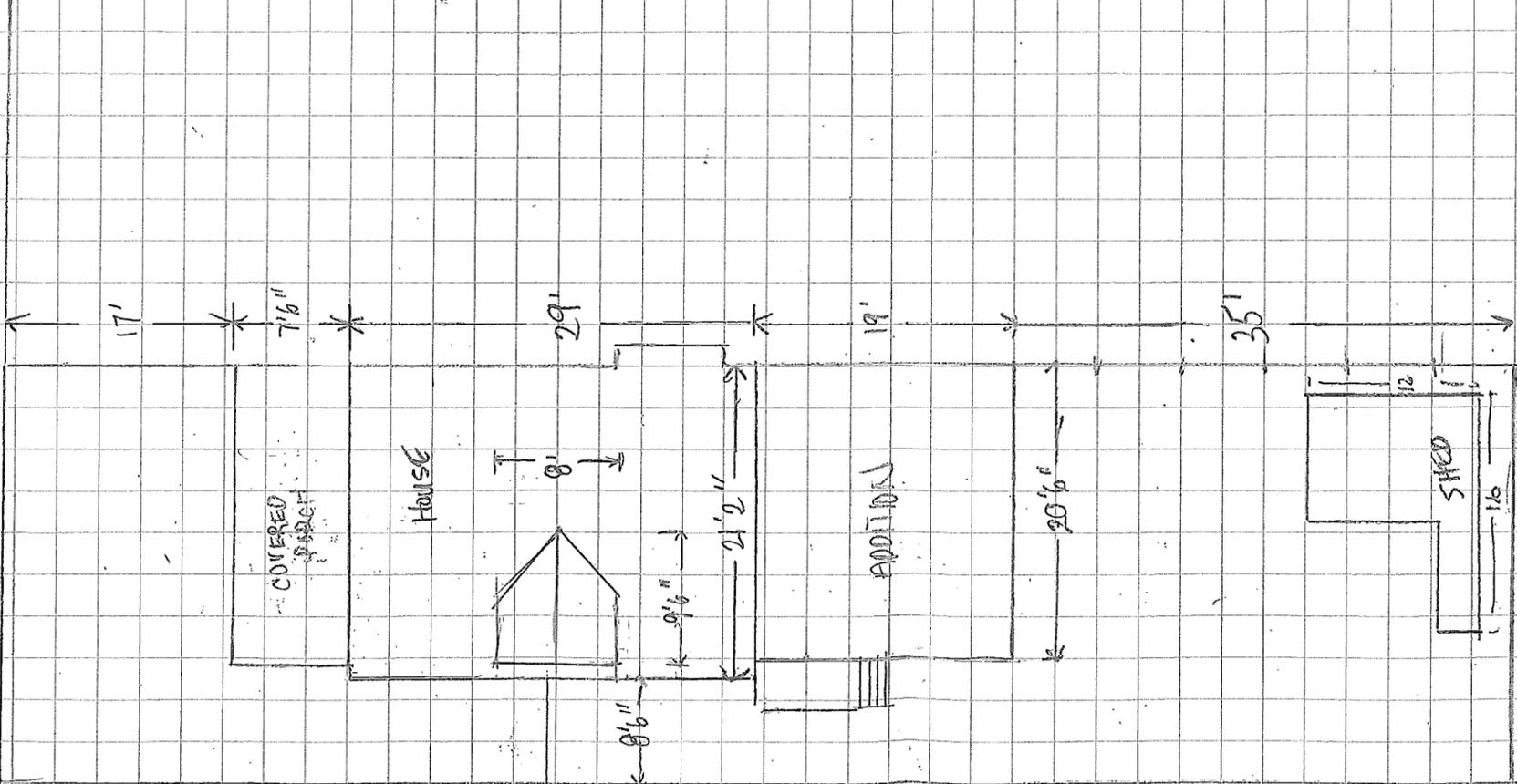
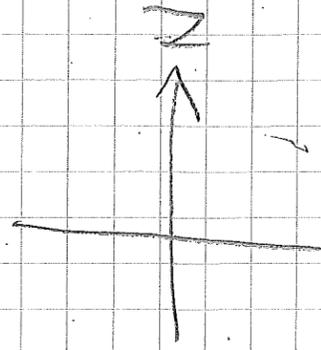
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

73 STANT ST
SOUTH

ROAD

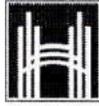
SIDEWALK



→ PROPOSED
DORMER
→ 8'6" from
property
line.

→ TOP OF DORMER
BELOW CURRENT
ROOF PEAK.

→ 8FT WIDE
X 9'6" LONG



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

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

Phone (905) 546-2424 ext. 4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Shawn Cuthill Telephone No. _____
FAX NO. _____ E-mail address _____
- _____

_____ Postal Code _____
- Name of Agent _____ Telephone No. _____
FAX NO. _____ E-mail address _____
- Address _____
_____ Postal Code _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

_____ Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:
 Construct Dormer in attic and
 finish attic ~~for~~ as a bedroom
7. Why it is not possible to comply with the provisions of the By-law?
 You are not allowed to finish
 your 3rd storey in Hamilton
 or build a dormer in attic
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
9. PREVIOUS USE OF PROPERTY
 Residential Industrial Commercial
 Agricultural Vacant
 Other _____
- 9.1 If Industrial or Commercial, specify use _____
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Dec 9
 Date



Signature Property Owner
Shawn Cuthill
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 30 ft.
 Depth 108 ft.
 Area 3240
 Width of street 40 ft.

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: ^{GROUND FLOOR} HOUSE - 984 sq ft.
 2ND FLOOR - ~~609~~ 609 sq ft
 Attic - ~~609~~ 609 sq ft

Proposed: GR FLOOR - 984 sq ft.
 2nd Floor - 609 sq ft
 Attic - 609 sq ft

} UNCHANGED sq ft.
 } - JUST ADDING DORMER TO ATTIC.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: 8'6" to South Property line
 17' to Front
 35' to Back
 0' to North

Proposed: 8'6 to South (Dormer to be 8'6' from Property)
 17' to Front
 35' to Back
 0 to North

13. Date of acquisition of subject lands:
 JAN 4 / 2012

14. Date of construction of all buildings and structures on subject lands:
 Approx 1930's

15. Existing uses of the subject property: Residential

16. Existing uses of abutting properties: Residential

17. Length of time the existing uses of the subject property have continued:
 Since Construction (1930's)

18. Municipal services available: (check the appropriate space or spaces)
 Water Connected
 Sanitary Sewer Connected
 Storm Sewers

19. Present Official Plan/Secondary Plan provisions applying to the land:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

21. Has the owner previously applied for relief in respect of the subject property?
 Yes No

If the answer is yes, describe briefly.
 An addition was constructed on property line. A minor variance was obtained for this

22. Is the subject property the subject of a current application for consent under Section 53 of the Planning Act?
 Yes No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:131
- APPLICANTS:** James Ling on behalf of the owners M. Wexler & M. Goldberg
- SUBJECT PROPERTY:** Municipal address **90 Oak Knoll Dr., Hamilton**
- ZONING BY-LAW:** Zoning By-law 6593, as Amended
- ZONING:** "C/S-1361 & C/S-1788" (Urban Protected Residential) district
- PROPOSAL:** To permit the construction of a new two (2) storey addition in the rear yard of the existing single family dwelling, a new roofed-over unenclosed front porch and a new third storey dormer addition notwithstanding that:
1. A building height of 3 storeys and 9.5m shall be provided instead of the maximum permitted building height of 2 storeys and 9.0m.
 2. A southerly side yard width of 0.3m shall be provided instead of the minimum required side yard width of 1.2m.
 3. Eaves and gutters shall be permitted to project a maximum of 0.3m into the required southerly side yard and may be as close as 0.0m to the southerly side lot line instead of the maximum 0.15m projection permitted.
 4. The roofed-over unenclosed front porch (including associated steps) shall be permitted to project a maximum of 5.9m into the required front yard and provide a minimum setback of 0.1m from the front lot line instead of the maximum 3.0m projection permitted and minimum 1.5m setback required from the front lot line.
 5. A maximum floor area ratio of 0.94 shall be permitted instead of the maximum 0.45 floor area ratio permitted.
 6. Two (2) parking spaces shall be provided on-site instead of the minimum required four (4) parking spaces.
 7. A parking space size of 2.4m x 6.0m shall be provided instead of the minimum required parking space size of 2.7m x 6.0m
 8. The manoeuvring space and accessibility to one (1) parking space may be obstructed by another vehicle whereas the By-law requires an unobstructed manoeuvring aisle having a minimum width of 6.0m and an unobstructed access to the required parking space.

HM/A-21:131

Page 2

9. An access driveway width of 2.4m shall be provided instead of the minimum required 2.8m wide access driveway.

NOTE:

i. The minimum number of required parking spaces for a single family dwelling is calculated at a rate of 2 spaces for the first eight (8) habitable rooms, plus an additional 0.5 spaces for each additional habitable room. Based on the floor plans provided, a total of 11 habitable rooms are proposed which requires a total of four (4) spaces.

ii. The parking spaces have not been illustrated on the submitted site plan, as such variance #6 and #7 have been written as requested by the applicant.

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

DATE: Thursday, May 20th, 2021
TIME: 2:55 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

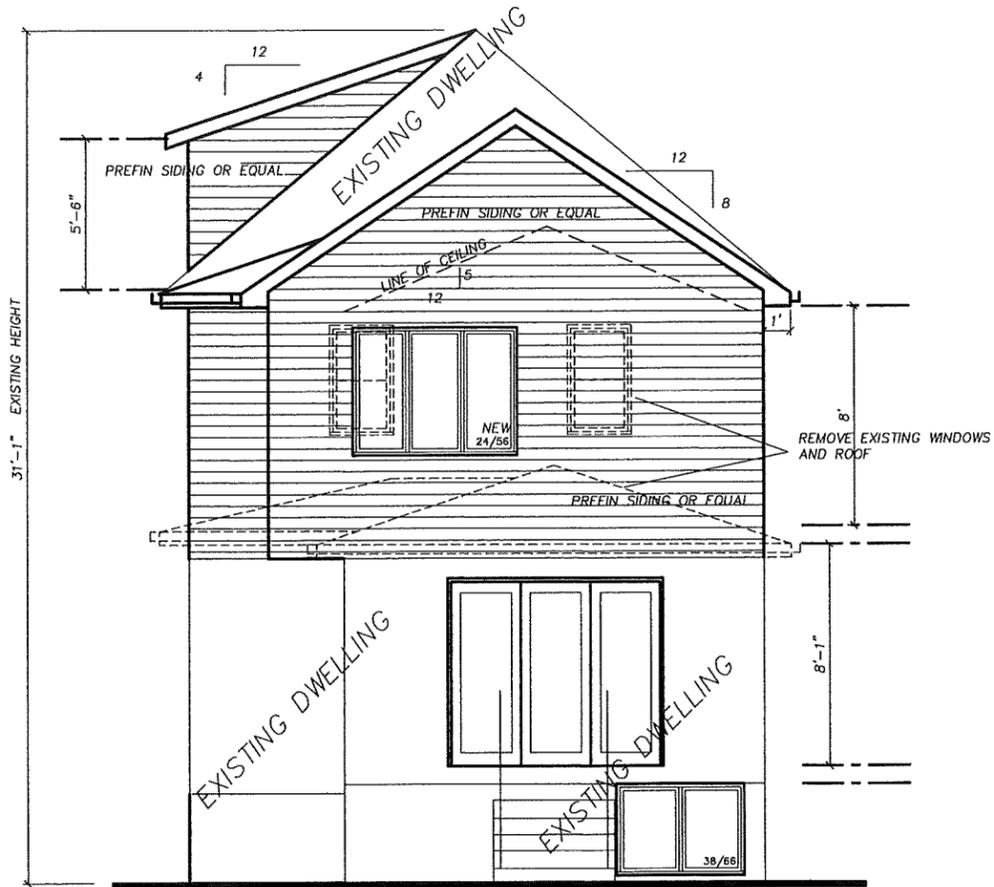
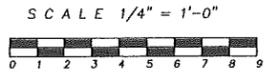
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

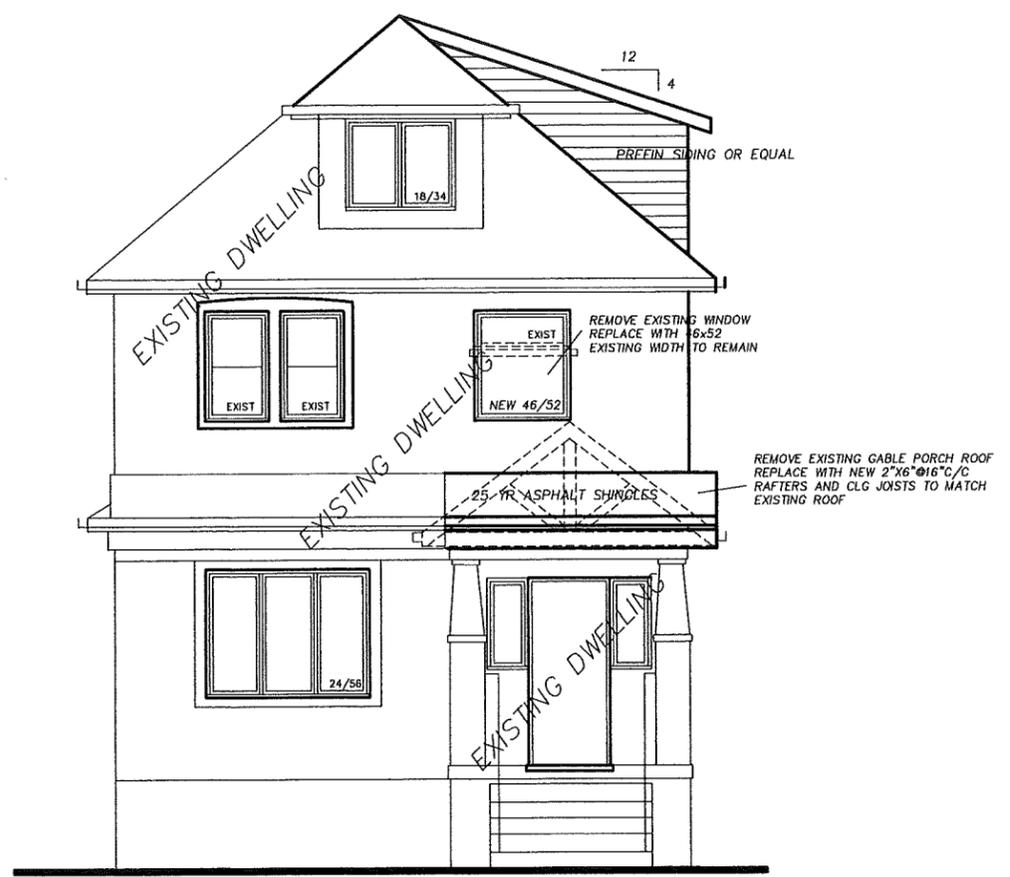
DATED: May 4th, 2021.

Jamila Sheffield,
 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.



Rear Elevation



Front Elev.

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

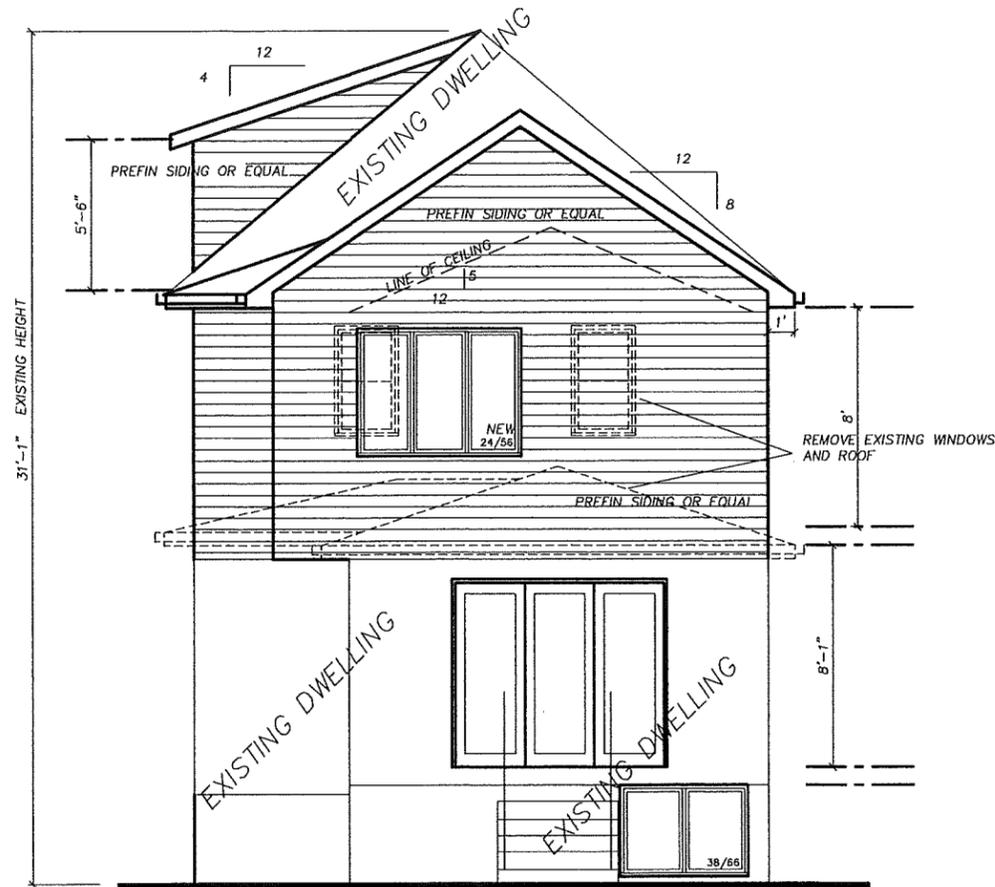
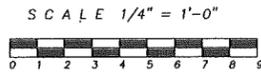
QUALIFICATION INFORMATION
 Required unless design is exempt under DIV. 3.2.5.1 of the building code
 Richard Weatherston
 NAME SIGNATURE BC# 24787

REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.G. CAD SERVICE INC.
 FIRM NAME BC# 28747

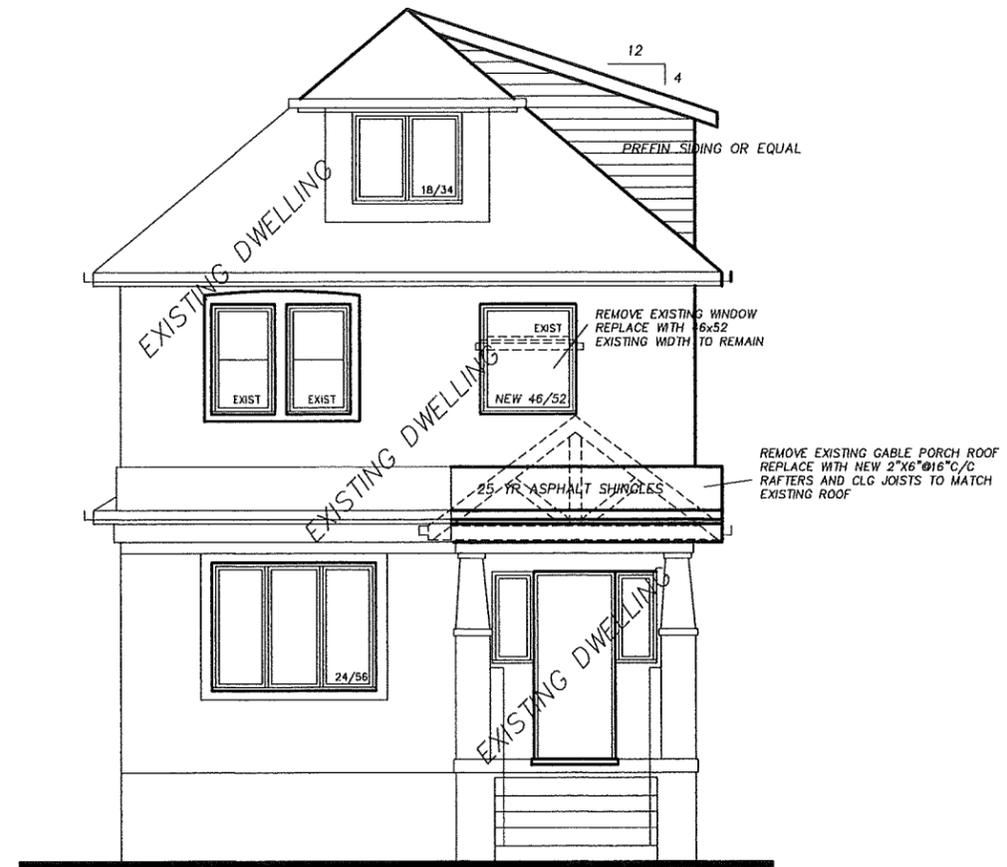
3607A JAN.21
R.G.CAD SERVICE INC.
 226 GREEN RD. STONEY CREEK
 PHONE (905) 664-8061

**PROPOSED SECOND FLOOR ADDITION TO
 90 OAK KNOLL DR.**
 HAMILTON

1



Rear Elevation



Front Elev.

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

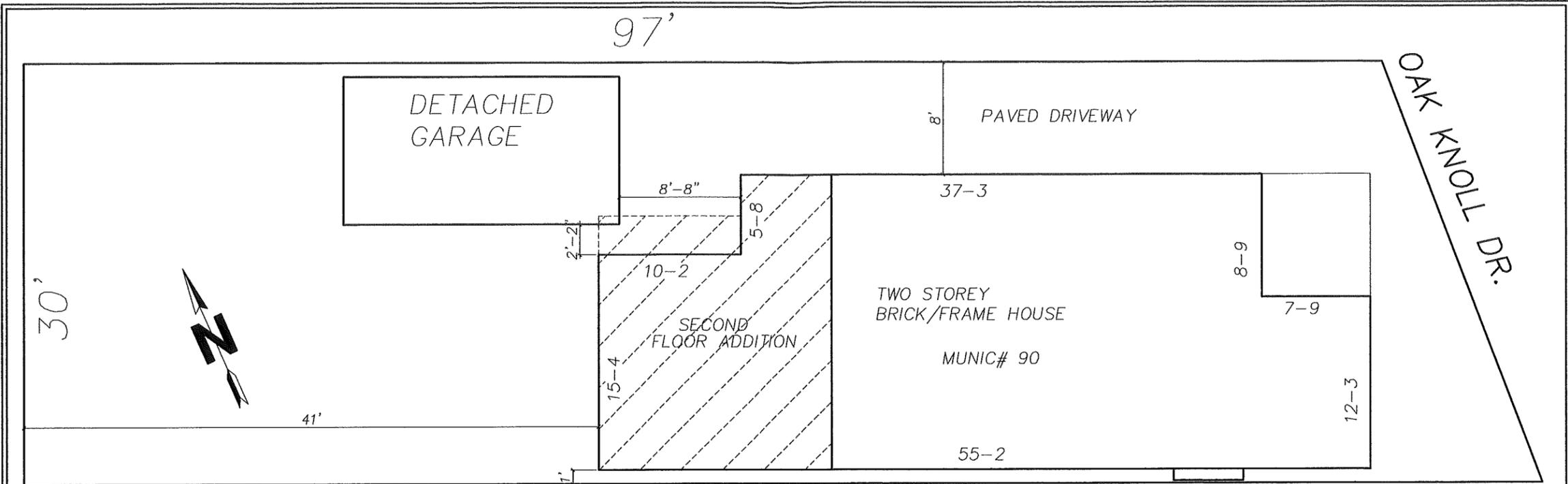
QUALIFICATION INFORMATION
 Required unless design is exempt under DIV. 3.2.5.1 of the building code
 Richard Weatherston 24787
 NAME SIGNATURE BCN

REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.G. CAD SERVICE INC. 28747
 FIRM NAME BCN

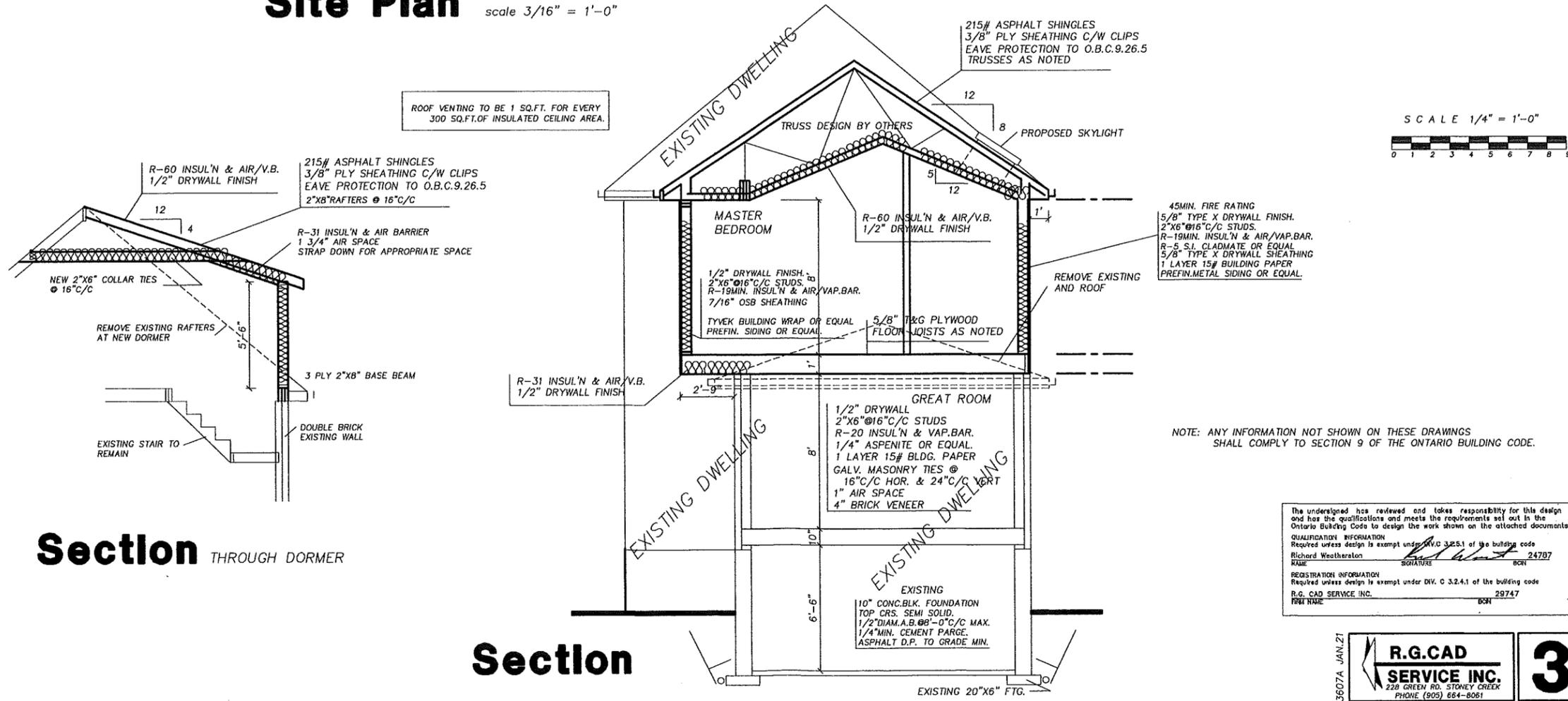
3607A JAN.21
R.G.CAD
SERVICE INC.
 228 GREEN RD. STONEY CREEK
 PHONE (905) 664-8061

PROPOSED SECOND FLOOR ADDITION TO
90 OAK KNOLL DR.
 HAMILTON

1



Site Plan scale 3/16" = 1'-0"



The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

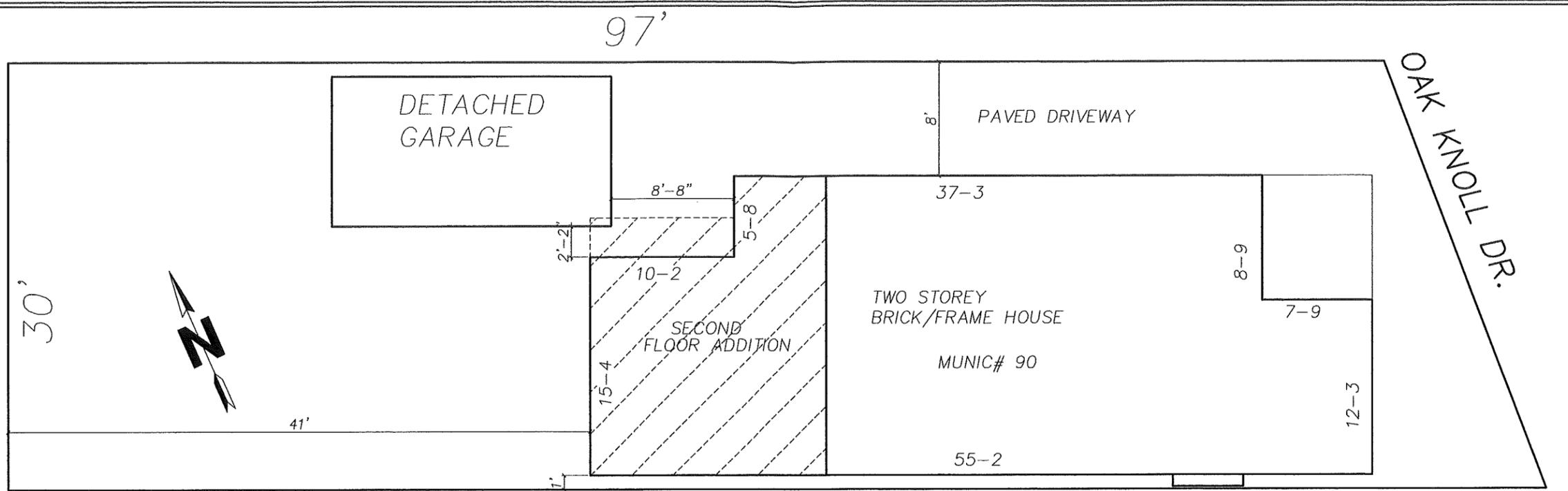
QUALIFICATION INFORMATION
Required unless design is exempt under DIV. 3.2.5.1 of the building code
Richard Weatherston
NAME SIGNATURE BSN 24797

REGISTRATION INFORMATION
Required unless design is exempt under DIV. C 3.2.4.1 of the building code
R.G. CAD SERVICE INC.
FIRM NAME BSN 29747

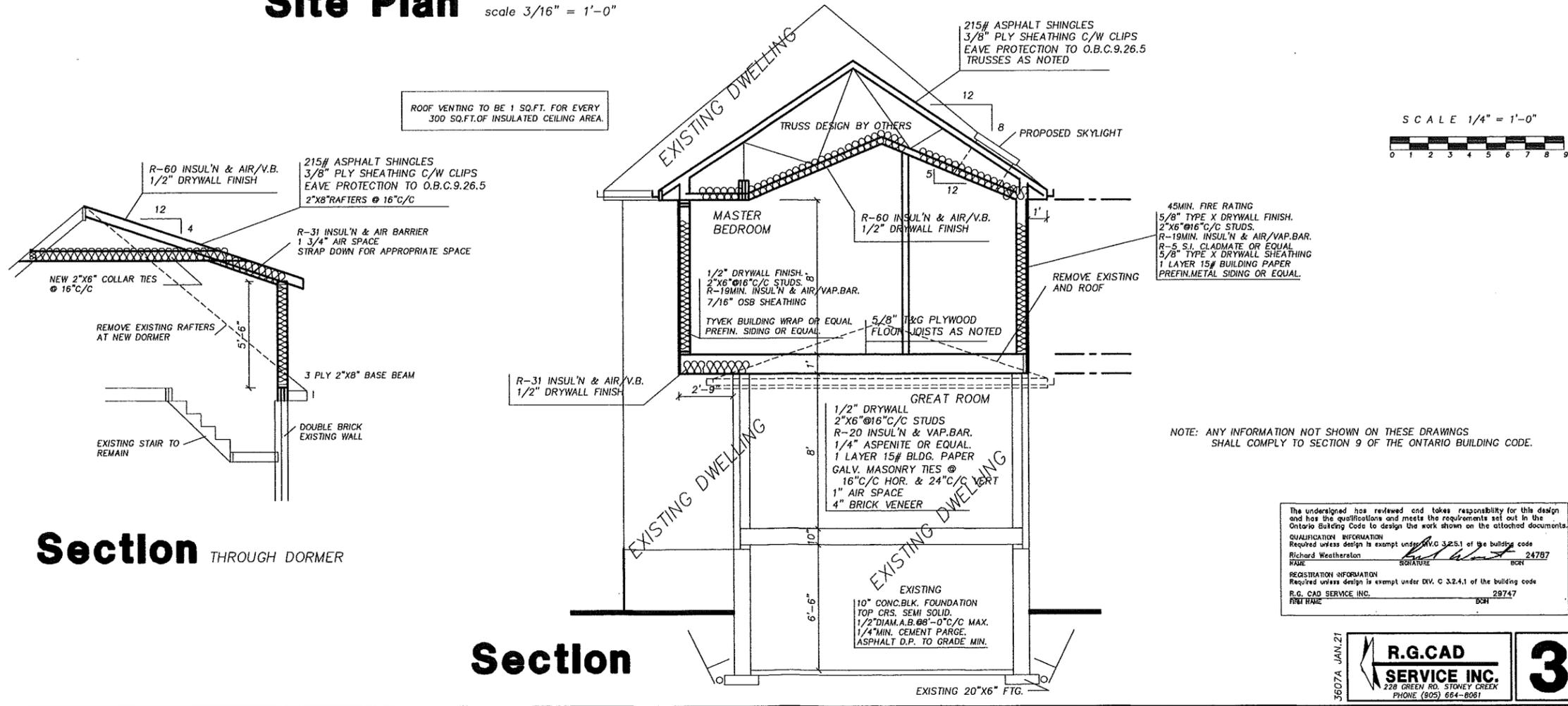
3607A JAN.21

R.G.CAD SERVICE INC.
228 GREEN RD. STONEY CREEK
PHONE (905) 664-8081

3



Site Plan scale 3/16" = 1'-0"



Section THROUGH DORMER

Section

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

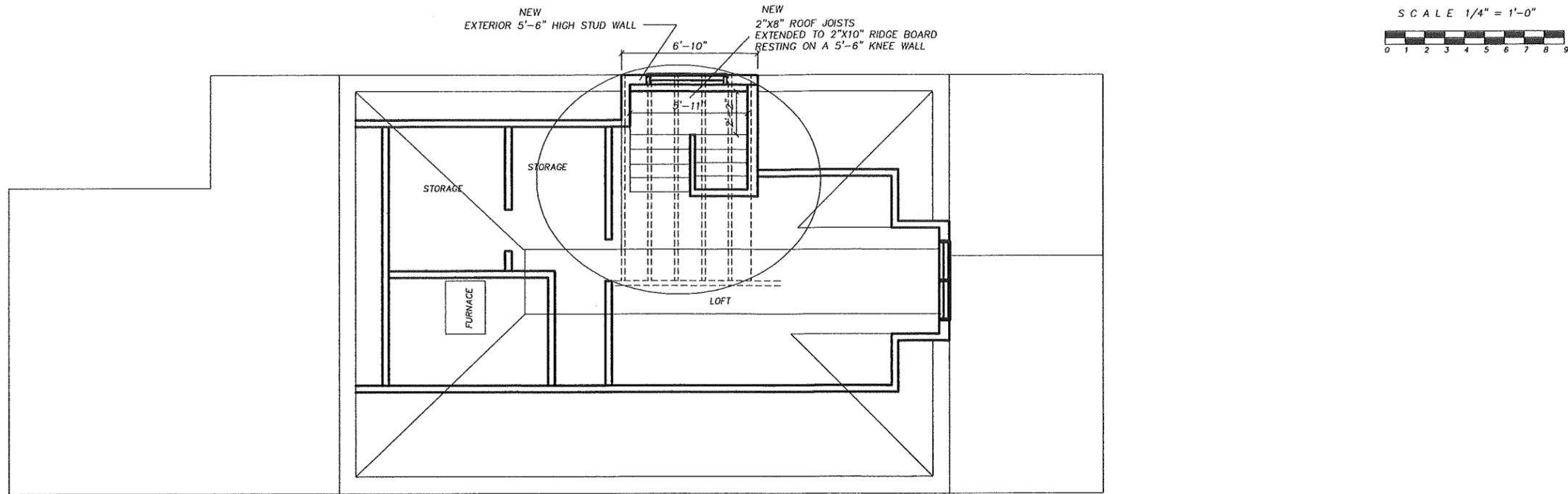
QUALIFICATION INFORMATION
Required unless design is exempt under DIV. C.3.2.5.1 of the building code
Richard Weatherston 24787
NAME SIGNATURE BCN

REGISTRATION INFORMATION
Required unless design is exempt under DIV. C.3.2.4.1 of the building code
R.G. CAD SERVICE INC. 29747
FIRM NAME BCN

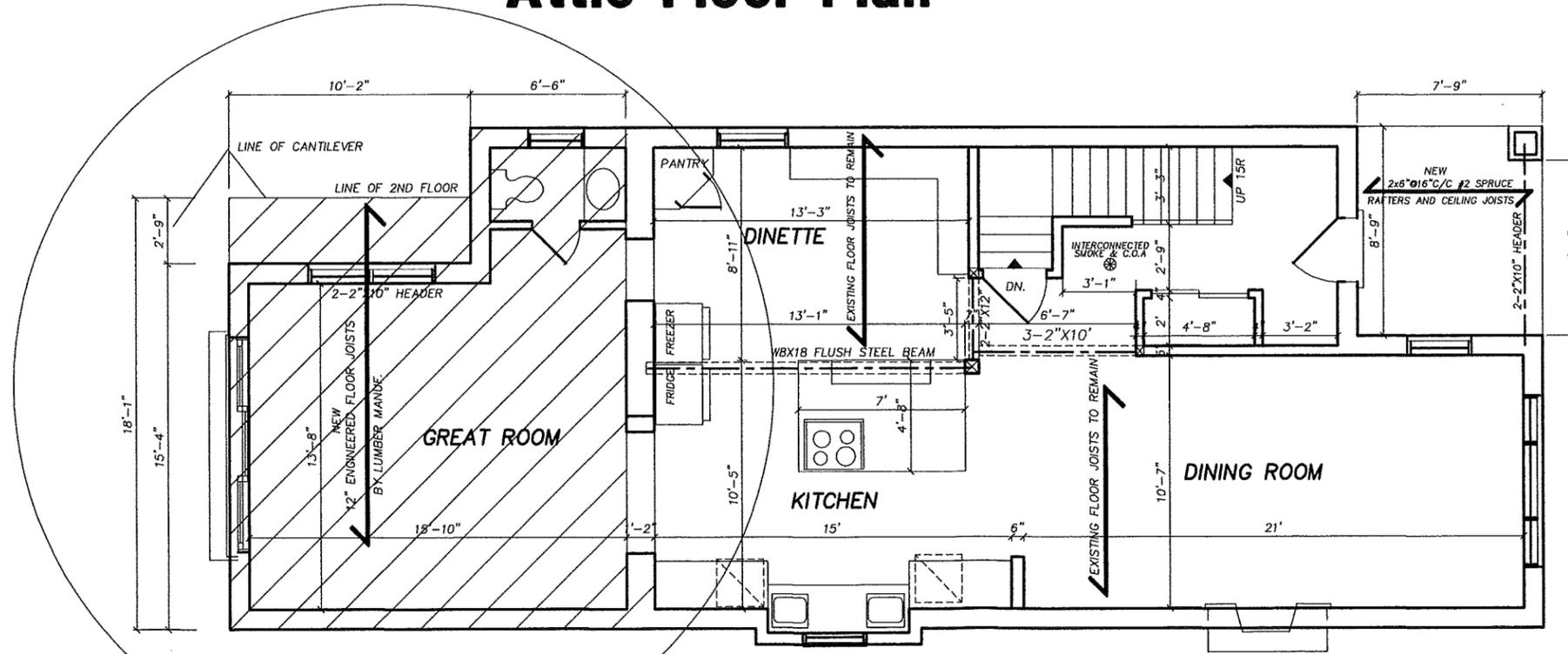
3607A JAN.21

R.G.CAD SERVICE INC.
228 GREEN RD. STONEY CREEK
PHONE (905) 664-8061

3



Attic Floor Plan



First Floor Plan

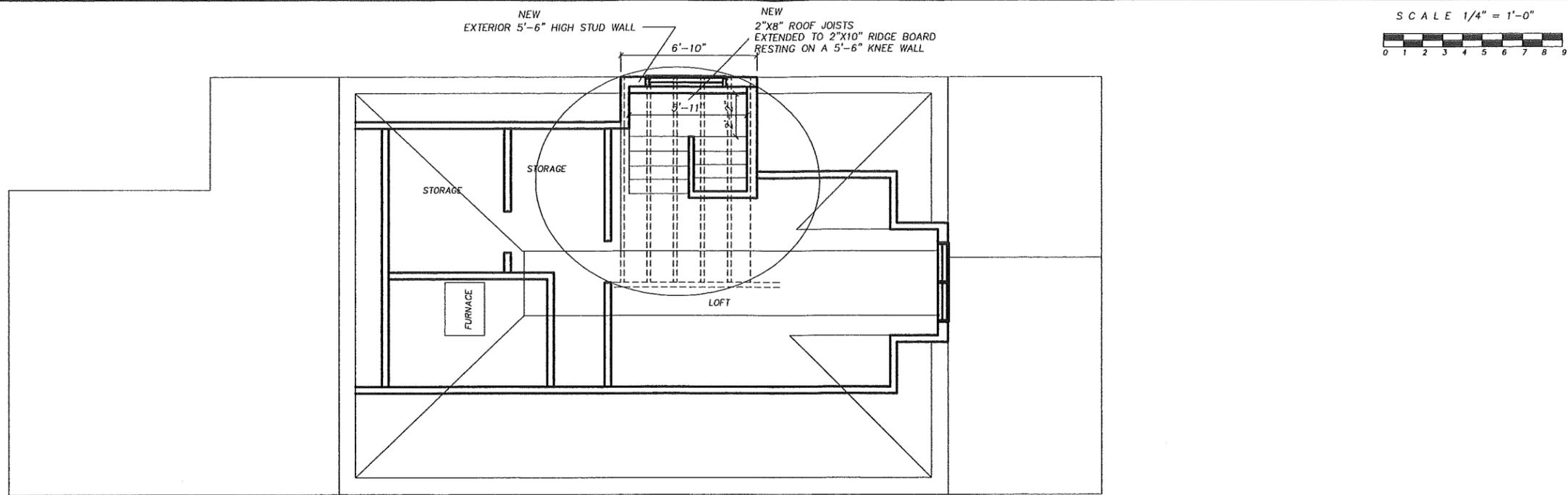
NEW ENGINEERED FLOOR SYSTEM

NOTE: FIRST FLOOR LAYOUT TO REMAIN THE SAME

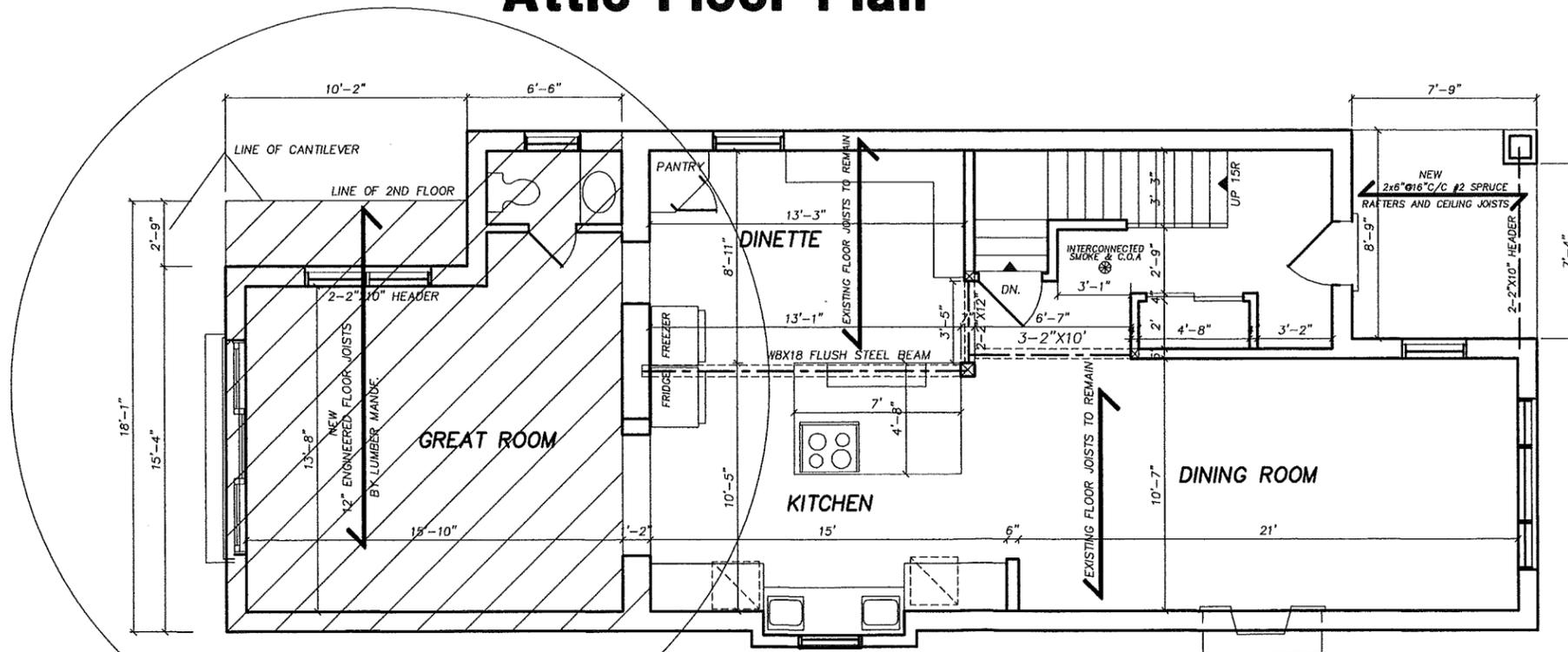
3607A JAN.21

R.G.CAD SERVICE INC.
 228 GREEN RD. STONEY CREEK
 PHONE (905) 664-8061

5



Attic Floor Plan



First Floor Plan

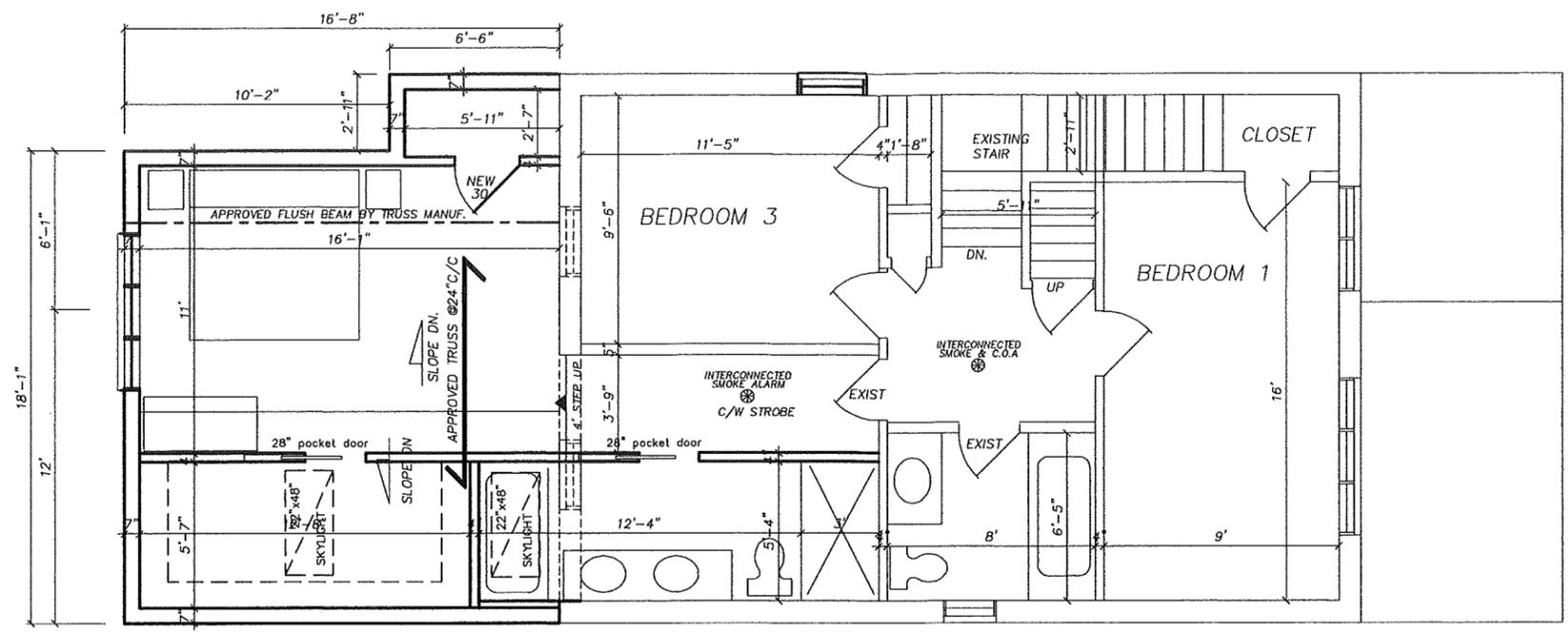
NEW ENGINEERED FLOOR SYSTEM

NOTE: FIRST FLOOR LAYOUT TO REMAIN THE SAME

3607A JAN.21

R.G.CAD
SERVICE INC.
 228 GREEN RD. STONEY CREEK
 PHONE (905) 664-8061

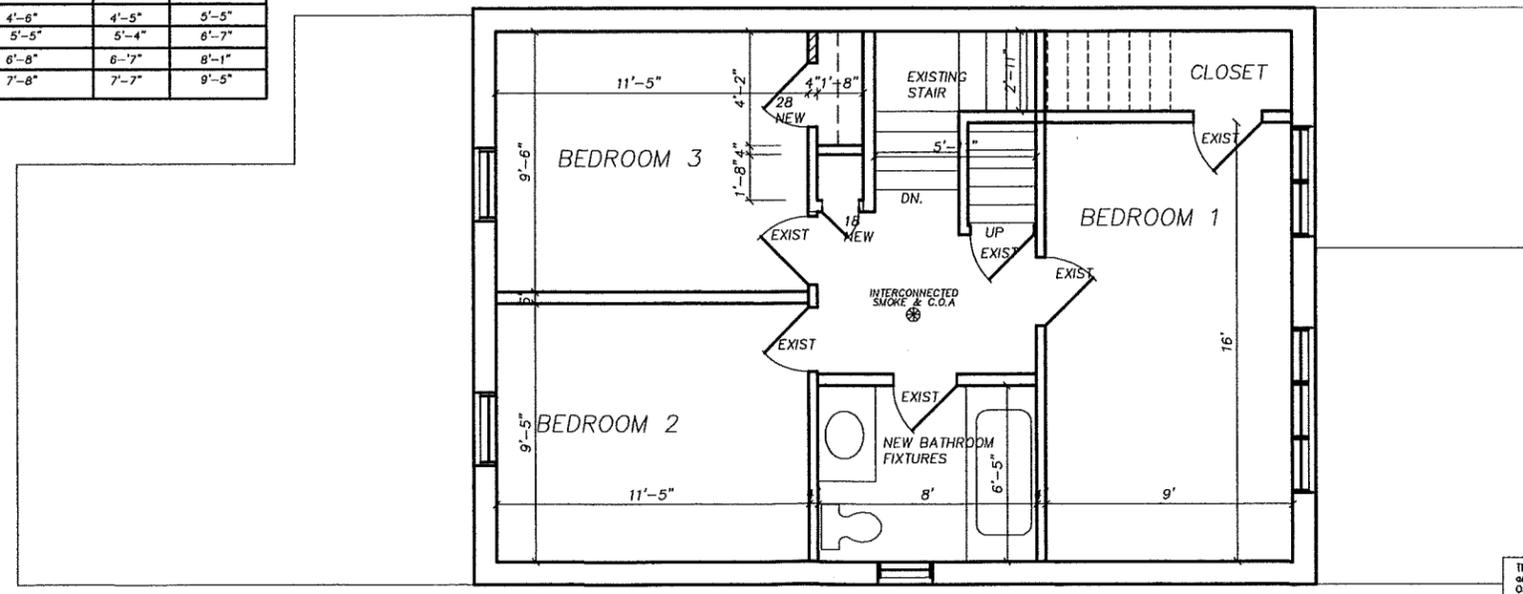
5



PROPOSED
Second Floor Plan

NEW SECOND FLOOR
AREA = 320 SQ.FT.

LINTEL SIZE	SUPPORTING 2 FLOORS + ROOF		SUPPORTING 1 FLOOR + ROOF		SUPPORTING ROOF ONLY	
	EXT. BRG. WALLS	INT. WALLS	EXT. BRG. WALLS	INT. WALLS	EXT. BRG. WALLS	INT. WALLS
2-2"x4"	2'-10"	2'-4"	3'-7"	3'-10"	3'-8"	
2-2"x6"	4'-1"	3'-4"	4'-6"	4'-5"	5'-5"	
2-2"x8"	5'-0"	3'-11"	5'-5"	5'-4"	6'-7"	
2-2"x10"	6'-1"	4'-9"	6'-8"	6'-7"	8'-1"	
2-2"x12"	6'-10"	5'-5"	7'-8"	7'-7"	9'-5"	



EXISTING
Second Floor Plan

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

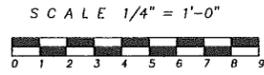
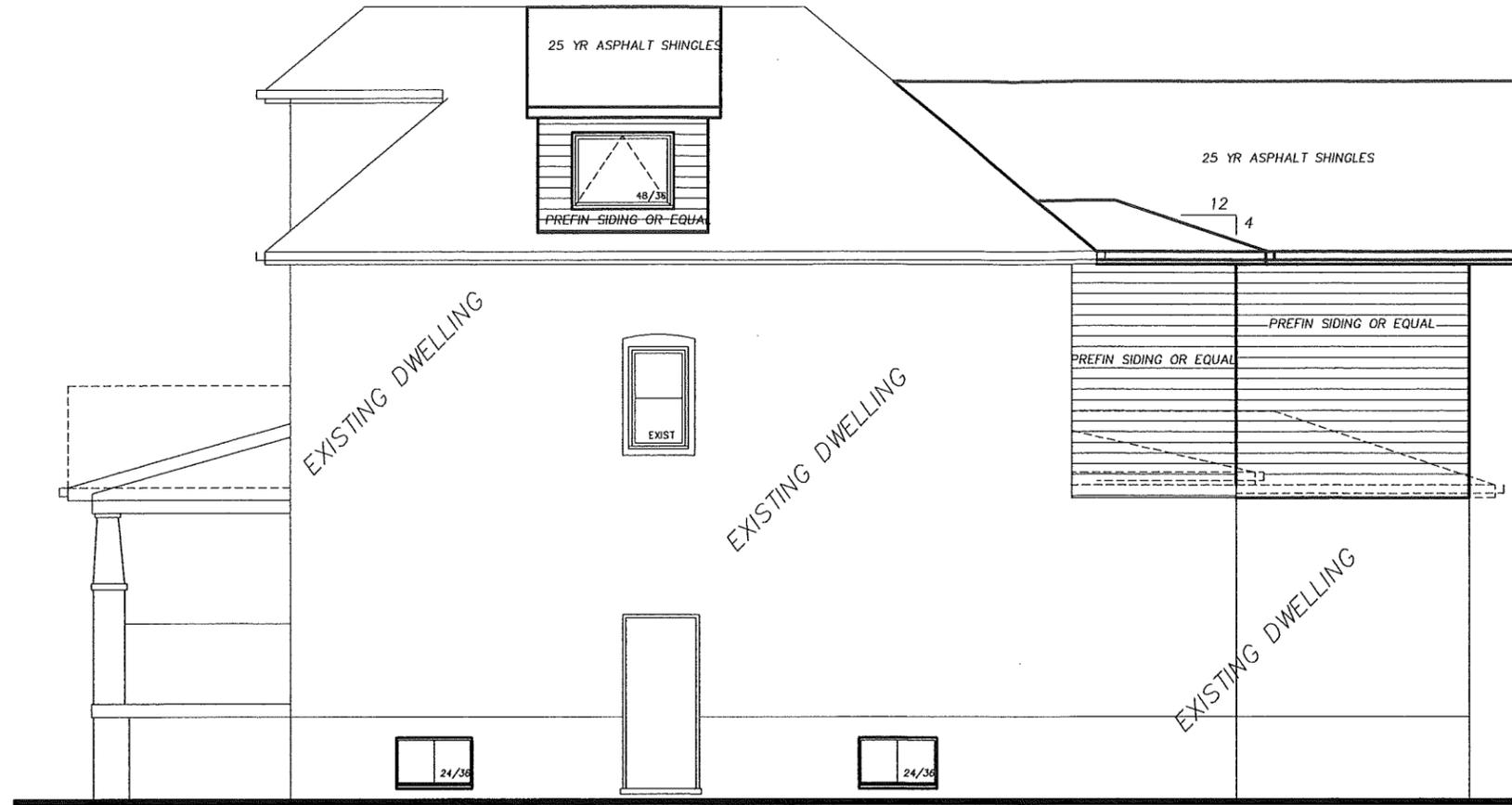
QUALIFICATION INFORMATION
Required unless design is exempt under DIV. 3.2.5.1 of the building code
Richard Weatherston
NAME SIGNATURE BCN 24787

REGISTRATION INFORMATION
Required unless design is exempt under DIV. C 3.2.4.1 of the building code
R.G. CAD SERVICE INC. 29747
FIRM NAME BCN

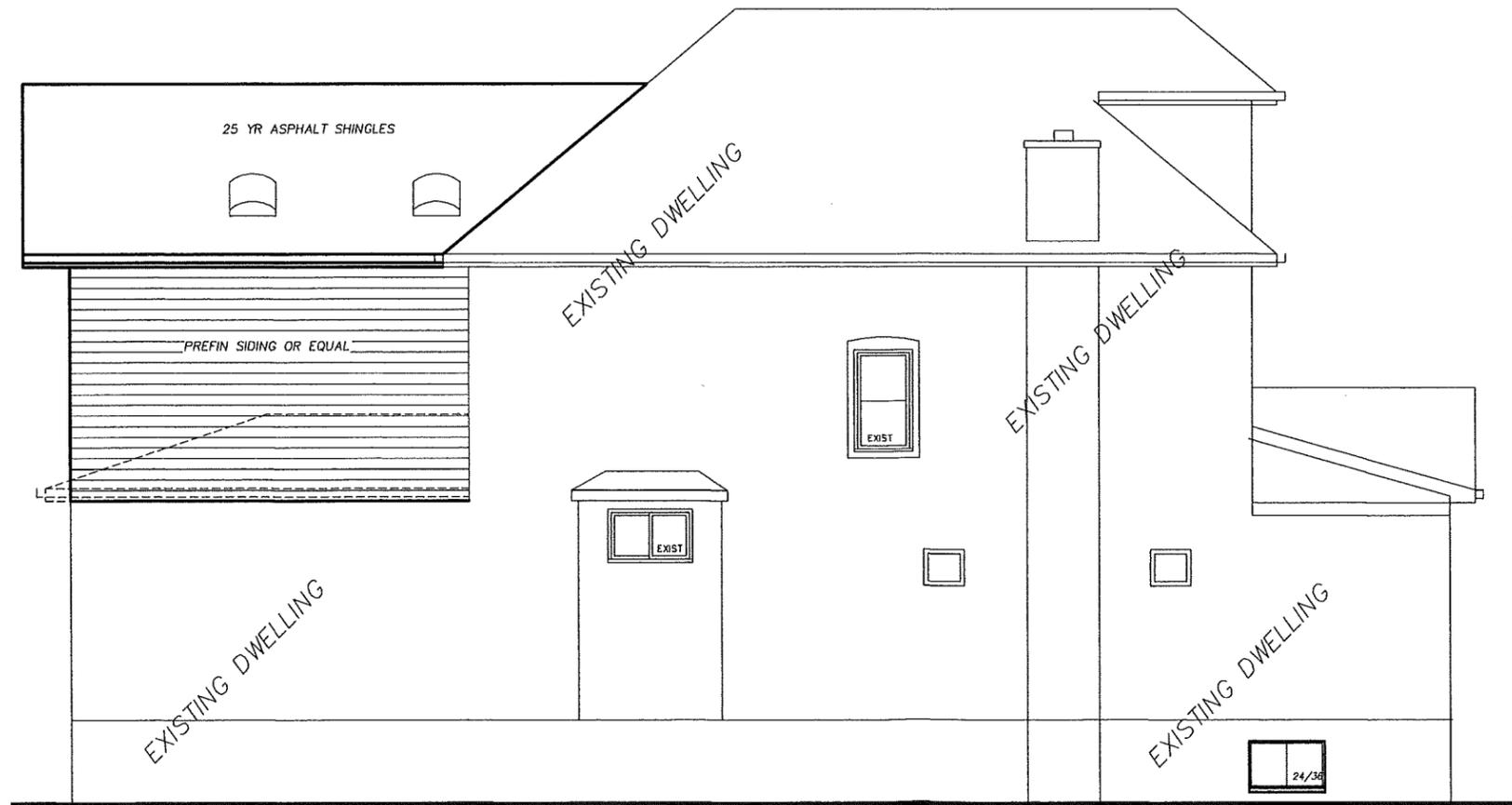
36074 JAN.21

R.G.CAD SERVICE INC.
228 GREEN RD. STONEY CREEK
PHONE (905) 664-8061

4



Right Side Elevation



Left Side

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

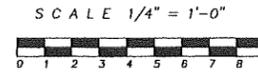
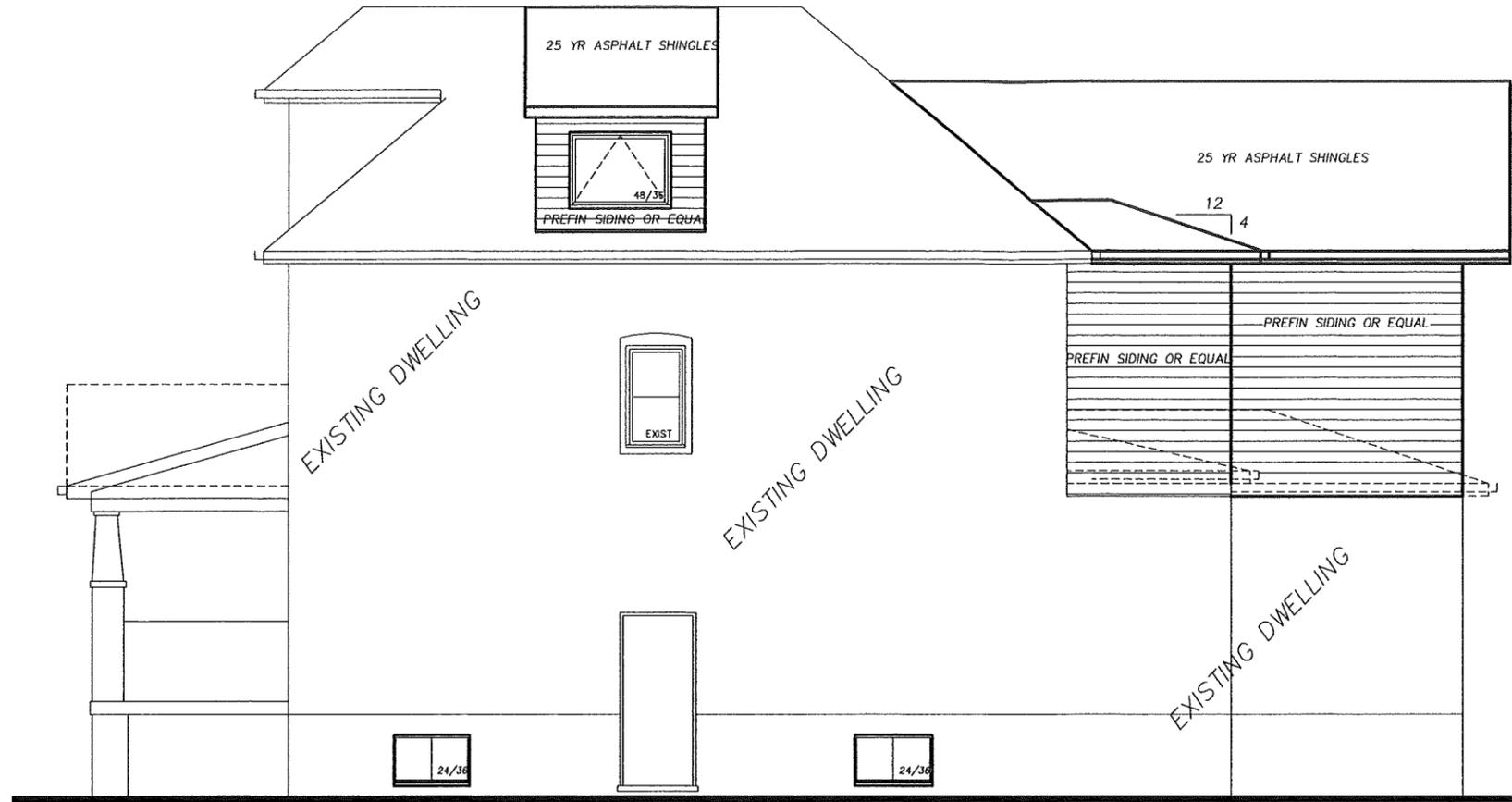
QUALIFICATION INFORMATION
 Required unless design is exempt under M.V.C. 3.2.5.1 of the building code
 Richard Weatherston *Richard Weatherston* 24787
 NAME SIGNATURE BCN

REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.G. CAD SERVICE INC. 29747
 FIRM NAME BCN

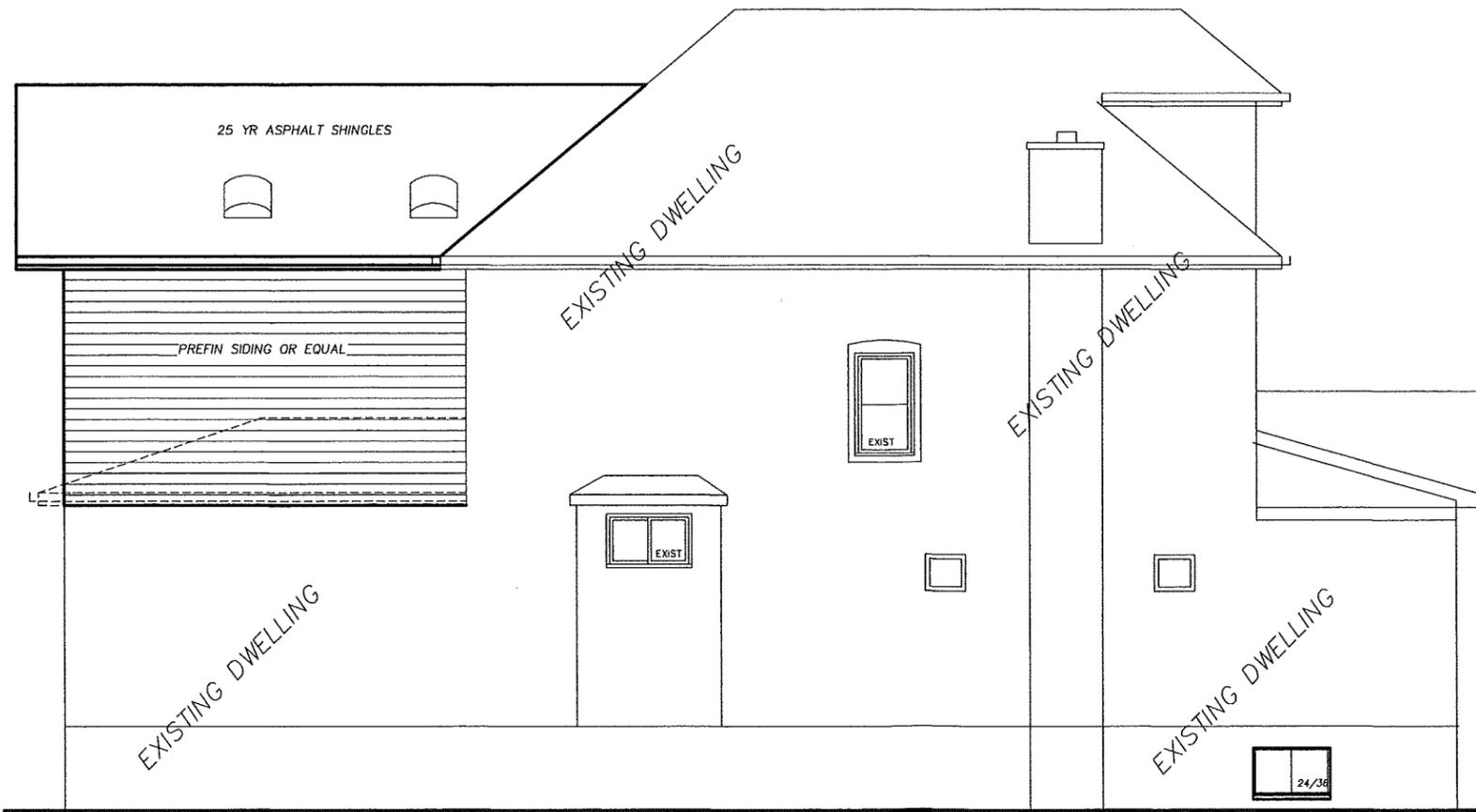
36074 JAN.21

R.G.CAD
SERVICE INC.
 228 GREEN RD. STONEY CREEK
 PHONE (905) 664-8061

2



Right Side Elevation



Left Side

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QUALIFICATION INFORMATION
 Required unless design is exempt under DIV. 3.2.5.1 of the building code
 Richard Weatherston
 NAME SIGNATURE BCN 24787

REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.G. CAD SERVICE INC. 28747
 FIRM NAME BCN

3607A JAN.21

R.G.CAD
SERVICE INC.
 228 GREEN RD. STONEY CREEK
 PHONE (905) 664-8061

2

GENERAL NOTES

FOOTINGS

1. ALL FOOTINGS TO CONFORM TO THE ONTARIO BUILDING CODE SECTION 9.15.
2. ALL FOOTINGS TO BE 20MPa MIN AND BEAR ON SOUND UNDISTURBED SOIL CAPABLE OF SUSTAINING A SAFE BEARING CAPACITY OF 2500 PSF AT A DEPTH OF 4'-0" BELOW THE FINISHED GRADE ELEVATION. IF UPON EXCAVATING A LESSER SOIL BEARING CAPACITY IS ENCOUNTERED, THE ENGINEER IS TO BE NOTIFIED AND A NEW FOOTING DESIGN WILL BE PRODUCED.
3. ALL STEP FOOTINGS TO HAVE A MINIMUM OF 24" HORIZONTAL RUN AND A MAXIMUM VERTICAL STEP OF NOT MORE THAN 24".

SLABS ON GRADE

1. SLABS-ON-GRADE TO CONFORM TO THE ONTARIO BUILDING CODE SECTION 9.16.
2. CONCRETE SLABS BELOW GRADE TO BE 3" THICK MINIMUM AND TO BEAR ON 4" GRANULAR FILL COMPACTED LEVEL WITH TOP OF FOOTINGS.
3. HABITABLE ROOMS LOCATED ON CONCRETE SLABS TO BE DAMPPROOFED WITH 6 MIL POLYETHYLENE.
4. CONCRETE SLABS AT GRADE ELEVATION TO BE A MINIMUM OF 4" THICK AND REINFORCED WITH 6 X 6 -6/8 WWF OR POLYPROPYLENE FIBRES.

CONCRETE FOUNDATION WALLS

1. FOUNDATION WALLS TO CONFORM TO THE ONTARIO BUILDING CODE SECTION 9.15.4. AND BE A MIN OF 20MPa CONCRETE.
2. ALL CONCRETE WALLS TO BE A MINIMUM OF 8" THICK UNLESS NOTED OTHERWISE.
3. FOUNDATION WALLS TO EXTEND A MINIMUM OF 6" ABOVE FINISHED GRADE ELEVATION.
4. BASEMENT WINDOW WITH A WIDTH OF GREATER THAN 4'-0" TO BE REINFORCED WITH 2-10M BARS EXTENDING 12" ON EACH SIDE.
5. ALL FORM THE HOLES TO BE FILLED AND SEALED TO OBC. 9.13.5.1.
6. APPLY A MINIMUM OF ONE HEAVY COAT OF BITUMINOUS OR OTHER APPLICATION OF DAMPROOFING TO GRADE LEVEL.
7. ANCHOR BOLTS FOR SILL PLATES TO BE 1/2" DIAMETER MINIMUM GALVANIZED AND PLACED AT 7'-10" O.C. MAXIMUM.

BASEMENT COLUMNS, BEAMS AND BEARING WALLS

1. STUD BEARING WALLS IN BASEMENTS SUPPORTING NOT MORE THAN 1 FLOOR TO BE A MINIMUM OF 2" X 4" AT 16" O.C. ON 4 MIL POLY VAPOUR BARRIER ON 1 COURSE OF HALF HEIGHT ASHLAR BLOCK AND ANCHORED AT 7'-10" O.C. MAXIMUM.
2. STUD BEARING WALLS IN BASEMENTS SUPPORTING 2 FLOORS TO BE A MINIMUM OF 2" X 4" AT 12" O.C. ON 4 MIL POLY VAPOUR BARRIER ON 1 COURSE OF HALF HEIGHT ASHLAR BLOCK AND ANCHORED AT 7'-10" O.C. MAXIMUM.
3. PIPE COLUMNS SUPPORTING 2 FLOORS TO HAVE A MINIMUM OUTSIDE DIAMETER OF 2'-7/8 AND A MINIMUM WALL THICKNESS OF 3/16" WITH A 6" X 6" X 1/4" MINIMUM STEEL BEARING PLATE AT EACH END.
4. STEEL COLUMN TOP PLATES TO BE CONNECTED TO BEAM WITH 2-1/2" DIA. BOLTS MINIMUM OR WELDED TO BEAM FLANGES.
5. ALL STEEL BEAMS TO BE SHOP PRIMED WITH RED OXIDE PRIMER AND HAVE A MINIMUM END BEARING OF NOT LESS THAN 3-1/2".
6. ALL WOOD BEAMS TO CONFORM TO OBC 9.23.8.
7. WOOD BEAMS FRAMED INTO MASONRY OR CONCRETE AT OR BELOW GRADE LEVEL SHALL BE TREATED TO PREVENT DECAY, OR A 1/2" AIR SPACE SHALL BE PROVIDED AT THE REAR AND SIDES OF THE WOOD BEAM IN ACCORDANCE WITH OBC 9.23.2.2.

ABOVE GRADE MASONRY VENEER

1. WHERE THE TOP OF THE FOUNDATION WALL IS REDUCED IN THICKNESS TO PERMIT INSTALLATION OF BRICK FACING THE BRICK AND CONCRETE BLOCK WALLS TO HAVE APPROVED METAL TIES AT 8" O.C. VERTICAL AND 2'-11" O.C. HORIZONTALLY WITH THE SPACE BETWEEN THE WYTHES SOLIDLY FILLED WITH MORTAR.
2. MAXIMUM CORBEL OVER FOUNDATION WALLS TO BE 1" WHERE MASONRY IS AT LEAST 3-1/2" THICK AND 1/2" WHERE MASONRY IS LESS THAN 3-1/2" THICK.
3. BRICK VENEER TIES TO BE GALVANIZED CORROSION RESISTANT CORRUGATED 22 GA X 7/8" WIDE SPACED IN ACCORDANCE WITH OBC. TABLE 9.20.9.A.
4. PROVIDE FLASHING IN ACCORDANCE WITH OBC SECTION 9.20.13. UNDER STARTER COURSE AND EXTENDED A MINIMUM OF 6" UP THE WALL AND UNDER THE BUILDING PAPER.
5. PROVIDE DRAINAGE WEEP HOLES IN BASE OF STARTER COURSE AT 32" O.C. AND AS INDICATED IN ACCORDANCE WITH OBC SECTION 9.20.13.9.
6. PROVIDE A MINIMUM OF 1" AIR SPACE BETWEEN THE BRICK VENEER AND THE WALL SHEATHING.

WOOD FRAMING

1. ALL WOOD STRUCTURAL MEMBERS HAVE BEEN SELECTED BASED UPON USING NO.2 CONSTRUCTION GRADE SPRUCE UNLESS OTHERWISE NOTED.
2. INSTALL DOUBLE JOISTS UNDER ALL PARALLEL PARTITIONS.
3. INSTALL TRIPLE JOISTS UNDER ALL PARALLEL BEARING PARTITIONS UNLESS OTHERWISE NOTED.
4. ALL FLOOR JOISTS, ROOF JOISTS AND RAFTERS TO HAVE A MINIMUM END BEARING OF 1-1/2".
5. INSTALL METAL JOIST HANGERS FOR SUPPORT OF JOISTS FRAMED INTO SIDES OF WOOD BEAMS, TRIMMERS AND HEADERS WHEN REQUIRED.
6. INSTALL BRIDGING BETWEEN SUPPORTS AT INTERVALS OF NOT MORE THAN 6'-11" OR AS NOTED IN THE PLANS ALSO IN ACCORDANCE WITH OBC 9.23.9.4.
7. ALL HEADER JOISTS AROUND FLOOR OPENINGS TO BE DOUBLED WHEN THEY EXCEED 3'-11" IN LENGTH.
8. LOAD BEARING PARTITION WALLS AT RIGHT ANGLES TO THE FLOOR JOISTS TO BE LOCATED NOT MORE THAN 2'-11" FROM THE JOIST SUPPORT WHEN WALL DOES NOT SUPPORT A FLOOR AND NOT MORE THAN 2'-0" FROM THE JOIST SUPPORT IF IT SUPPORTS ANOTHER FLOOR.
9. STUD BEARING WALLS NOT SHEATHED ON AT LEAST ONE SIDE SHALL HAVE MID HEIGHT BLOCKING OR EQUAL LATERAL SUPPORT.

INSULATION AND VAPOUR BARRIERS

1. THE UPPER PART OF FOUNDATION WALLS ENCLOSING A HEATED AREA SHALL BE INSULATED FROM UNDERSIDE OF THE SUB FLOOR TO NOT MORE THAN 8" FROM BASEMENT FINISHED FLOOR AND PROTECTED WITH A MOISTURE BARRIER AND/OR VAPOUR BARRIER.
2. PROVIDE RIGID PERIMETER INSULATION FOR CONCRETE SLABS ON GRADE WHICH FORM HABITABLE AREAS.
3. MASONRY WALLS OF HOLLOW UNITS WHICH PENETRATE THROUGH THE CEILING SHALL BE CAPPED WITH SOLID MASONRY UNITS OR BE SEALED WITH FLASHING MATERIAL WHICH EXTENDS ACROSS THE FULL WIDTH OF THE MASONRY AT OR NEAR THE CEILING OR ROOF SPACE TO PREVENT MOISTURE WITHIN THE VOIDS FROM ENTERING THE ROOF SPACE.
4. DUCTWORK IN ATTICS OR ROOF SPACES SHALL HAVE ALL JOINTS TAPED OR BE OTHERWISE SEALED TO ENSURE THEY ARE AIRTIGHT THROUGHOUT THEIR LENGTH.

ROOF CONSTRUCTION

1. HIP AND VALLEY RAFTERS TO BE NOT LESS THAN 2" GREATER IN DEPTH THAN THE COMMON RAFTERS AND NOT LESS THAN 1 1/2" THICK.
2. ATTIC ACCESS HATCHES TO BE 22" X 28" MINIMUM WITH BUILT UP SIDES OF 5/8" PLYWOOD WHERE LOOSE INSULATION IS TO BE USED. HATCH COVER IS TO BE INSULATED AND WEATHERSTRIPPED OVER HEATED AREAS.
3. PROVIDE TYPE S ROLL ROOFING EAVE PROTECTION FROM THE EDGE OF THE ROOF FOR A DISTANCE OF NOT LESS THAN 12" BEYOND THE INTERNAL FACE OF THE EXTERIOR WALLS.
4. ROOF AND CEILING FRAMING TO BE DOUBLED ON EACH SIDE OF OPENING GREATER THAN 2 RAFTERS OR JOIST SPACING IN WIDTH.

FLASHING

1. FLASHING BETWEEN ROOF SHINGLES AND WALL SIDING TO EXTEND 3" UP BEHIND SIDING AND 4" HORIZONTALLY.
2. FLASHING REQUIRED AT INTERSECTIONS OF ROOF AND WALLS, VALLEYS AND OVER PARAPET WALLS.
3. FLASH AROUND ALL CHIMNEYS AND PROVIDE CHIMNEY SADDLES ON ALL CHIMNEYS WHERE THE WIDTH EXCEEDS 2'-6".
4. FLASHING IS REQUIRED UNDER ALL MASONRY, WINDOW SILLS AND HEADS OF OPENINGS AND SHALL EXTEND FROM THE FRONT EDGE OF THE MASONRY UP BEHIND THE SILL OR LINTEL.

NATURAL VENTILATION

1. ROOF SPACES OR ATTICS SHALL BE VENTILATED IN ACCORDANCE WITH OBC SECTION 9.19.1 WITH OPENINGS TO THE EXTERIOR HAVING A TOTAL UNOBSTRUCTED AREA OF NOT LESS THAN 1/300 OF THE INSULATED CEILING AREA OF WHICH 50% IS LOCATED IN THE SOFFITS SO AS TO PROVIDE EFFECTIVE AIR CIRCULATION.
2. INSULATION SHALL BE INSTALLED IN MANNER WHICH WILL NOT REDUCE THE FLOW OF AIR THROUGH THE VENTS OR THROUGH ANY PORTION OF THE ROOF SPACE OR ATTIC.
3. MAINTAIN R20 MINIMUM INSULATION AT ROOF AND WALL JUNCTIONS NEAR EAVES.
4. PROVIDE FIBREGLASS VENT PANELS IN ATTIC NEAR WALL/SOFFIT AT EAVES TO ENSURE AIR FLOW.

STAIRS AND HANDRAILS

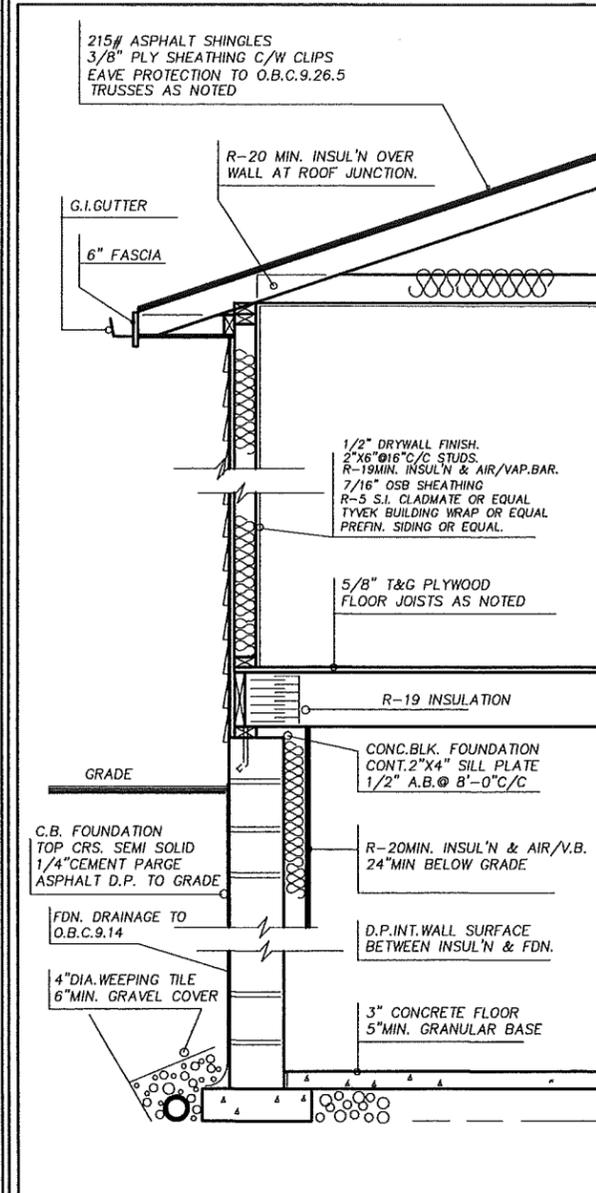
1. EXCEPT TO AREAS USED ONLY AS SERVICE ROOMS, ALL STAIRS SERVING DWELLING UNITS SHALL HAVE A MAXIMUM RISE OF 7'-7/8", A MINIMUM RUN OF 8'-1/4" AND WITH A MINIMUM TREAD WIDTH OF 9'-1/4".
2. HEADROOM FOR STAIRS WITHIN DWELLING UNITS TO BE 6'-5" MINIMUM MEASURED VERTICALLY FROM A LINE DRAWN THROUGH THE FRONT OF THE NOSING.
3. HANDRAILS ARE NOT REQUIRED FOR STAIRS WITHIN A DWELLING UNIT THAT HAS FEWER THAN 3 RISERS.
4. HANDRAILS SHALL BE INSTALLED ON AT LEAST ONE SIDE OF ALL STAIRS LESS THAN 3'-7" IN WIDTH AND SHALL BE 32" TO 36" ABOVE A LINE DRAWN THROUGH THE NOSING.
5. EXTERIOR STAIRS WITH 3 OR MORE RISERS REQUIRED A HANDRAIL ON AT LEAST ONE SIDE.
6. CURVED STAIRS, IF UNSPECIFIED SHALL HAVE A MINIMUM RUN OF 5'-7/8" WITH AN AVERAGE RUN OF NOT LESS THAN 7'-7/8".

WINDOWS AND DOORS

1. WINDOW TO HAVE 10% GLASS AREA OF THE FLOOR AREA SERVED IN LIVING ROOMS, DINING ROOMS AND KITCHENS.
2. WINDOWS TO HAVE 5% MINIMUM GLASS AREA OF THE FLOOR SERVED IN BEDROOM AREAS.
3. HABITABLE ROOMS SHALL HAVE A MINIMUM OF 3 SQUARE FEET OPENING AREA TO PROVIDE NATURAL VENTILATION.
4. ALL WINDOWS AND SLIDING GLASS DOORS TO HAVE DOUBLE GLAZING, THERMAL GLAZING OR BE EQUIPPED WITH STORM DOORS.
5. EXTERIOR DOORS TO HAVE A THERMAL RESISTANCE OF R7 MINIMUM IF NO STORM DOORS ARE PROVIDED.

MISCELLANEOUS

1. WHERE A GARDEN HOSE BIB IS INSTALLED IN A POTABLE WATER SYSTEM TO SUPPLY A 1/2" OR 3/4" HOSE, THE BIB SHALL CONTAIN AN INTEGRATED BACK SIPHONAGE PREVENTOR.
2. CLASS "B" GAS VENTS MUST BE INSTALLED WITH REQUIRED CLEARANCES FROM ALL COMBUSTIBLE MATERIALS IN ACCORDANCE WITH THE O.B.C.
3. THE DESIGNER TAKES NO RESPONSIBILITY UNTIL HE HAS SIGNED THE (SCHEDULE 1) DESIGNERS INFORMATION SHEET FOR THAT SPECIFIED LOT. THIS TAKES AFFECT ON JAN. 1 2006 AS NOTED IN BILL 124.
4. ALL TRUSS DESIGN TO BE SELF SUPPORTED ON EXTERIOR WALLS UNLESS DISCUSSED WITH DESIGNER PRIOR TO PERMIT APPLICATION.
5. TRIPLE STUDS UNDER ALL GIRDER TRUSS AND ROOF POINT LOADS.



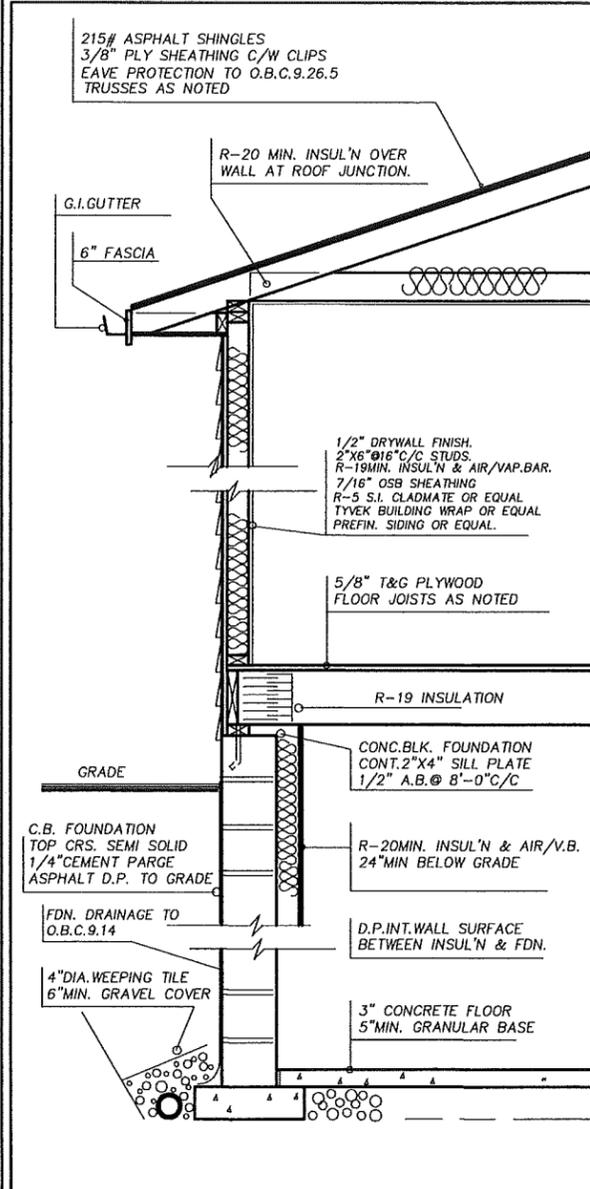
TYPICAL WALL SECTION & DETAILS

STUD WALLS IN THE MAIN BATHROOM SHALL BE REINFORCED TO PERMIT FUTURE INSTALLATION OF GRAB BARS ADJACENT TO WATER CLOSET AND TUB AS INDICATED IN CLAUSE 3.8.3.1(d) AND 3.8.3.13(f).

NOTE: ANY INFORMATION NOT SHOWN ON THESE DRAWINGS SHALL COMPLY TO DIVISION C SECTION 9 OF THE ONTARIO BUILDING CODE.

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

GENERAL NOTES



TYPICAL WALL SECTION & DETAILS

FOOTINGS

1. ALL FOOTINGS TO CONFORM TO THE ONTARIO BUILDING CODE SECTION 9.15.
2. ALL FOOTINGS TO BE 20MPa MIN AND BEAR ON SOUND UNDISTURBED SOIL CAPABLE OF SUSTAINING A SAFE BEARING CAPACITY OF 2500 PSF AT A DEPTH OF 4'-0" BELOW THE FINISHED GRADE ELEVATION. IF UPON EXCAVATING A LESSER SOIL BEARING CAPACITY IS ENCOUNTERED, THE ENGINEER IS TO BE NOTIFIED AND A NEW FOOTING DESIGN WILL BE PRODUCED.
3. ALL STEP FOOTINGS TO HAVE A MINIMUM OF 24" HORIZONTAL RUN AND A MAXIMUM VERTICAL STEP OF NOT MORE THAN 24".

SLABS ON GRADE

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2. CONCRETE SLABS BELOW GRADE TO BE 3" THICK MINIMUM AND TO BEAR ON 4" GRANULAR FILL COMPACTED LEVEL WITH TOP OF FOOTINGS.
3. HABITABLE ROOMS LOCATED ON CONCRETE SLABS TO BE DAMPROOFED WITH 6 MIL POLYETHYLENE.
4. CONCRETE SLABS AT GRADE ELEVATION TO BE A MINIMUM OF 4" THICK AND REINFORCED WITH 6 X 6 -6/6 W/MF OR POLYPROPYLENE FIBRES.

CONCRETE FOUNDATION WALLS

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2. ALL CONCRETE WALLS TO BE A MINIMUM OF 8" THICK UNLESS NOTED OTHERWISE.
3. FOUNDATION WALLS TO EXTEND A MINIMUM OF 6" ABOVE FINISHED GRADE ELEVATION.
4. BASEMENT WINDOW WITH A WIDTH OF GREATER THAN 4'-0" TO BE REINFORCED WITH 2-10M BARS EXTENDING 12" ON EACH SIDE.
5. ALL FORM TIE HOLES TO BE FILLED AND SEALED TO OBC. 9.13.5.1.
6. APPLY A MINIMUM OF ONE HEAVY COAT OF BITUMINOUS OR OTHER APPLICATION OF DAMPROOFING TO GRADE LEVEL.
7. ANCHOR BOLTS FOR SILL PLATES TO BE 1/2" DIAMETER MINIMUM. GALVANIZED AND PLACED AT 7"-10" O.C. MAXIMUM.

BASEMENT COLUMNS, BEAMS AND BEARING WALLS

1. STUD BEARING WALLS IN BASEMENTS SUPPORTING NOT MORE THAN 1 FLOOR TO BE A MINIMUM OF 2" X 4" AT 16" O.C. ON 4 MIL POLY VAPOUR BARRIER ON 1 COURSE OF HALF HEIGHT ASHLAR BLOCK AND ANCHORED AT 7"-10" O.C. MAXIMUM.
2. STUD BEARING WALLS IN BASEMENTS SUPPORTING 2 FLOORS TO BE A MINIMUM OF 2" X 4" AT 12" O.C. ON 4 MIL POLY VAPOUR BARRIER ON 1 COURSE OF HALF HEIGHT ASHLAR BLOCK AND ANCHORED AT 7"-10" O.C. MAXIMUM.
3. PIPE COLUMNS SUPPORTING 2 FLOORS TO HAVE A MINIMUM OUTSIDE DIAMETER OF 2-7/8" AND A MINIMUM WALL THICKNESS OF 3/16" WITH A 6" X 6" X 1/4" MINIMUM STEEL BEARING PLATE AT EACH END.
4. STEEL COLUMN TOP PLATES TO BE CONNECTED TO BEAM WITH 2-1/2" DIA. BOLTS MINIMUM OR WELDED TO BEAM FLANGES.
5. ALL STEEL BEAMS TO BE SHOP PRIMED WITH RED OXIDE PRIMER AND HAVE A MINIMUM END BEARING OF NOT LESS THAN 3-1/2".
6. ALL WOOD BEAMS TO CONFORM TO OBC 9.23.8.
7. WOOD BEAMS FRAMED INTO MASONRY OR CONCRETE AT OR BELOW GRADE LEVEL SHALL BE TREATED TO PREVENT DECAY, OR A 1/2" AIR SPACE SHALL BE PROVIDED AT THE BEAR AND SIDES OF THE WOOD BEAM IN ACCORDANCE WITH OBC 9.23.2.2.

ABOVE GRADE MASONRY VENEER

1. WHERE THE TOP OF THE FOUNDATION WALL IS REDUCED IN THICKNESS TO PERMIT INSTALLATION OF BRICK FACING THE BRICK AND CONCRETE BLOCK WALLS TO HAVE APPROVED METAL TIES AT 8" O.C. VERTICAL AND 2'-11" O.C. HORIZONTALLY WITH THE SPACE BETWEEN THE WYTHES SOLIDLY FILLED WITH MORTAR.
2. MAXIMUM CORBEL OVER FOUNDATION WALLS TO BE 1" WHERE MASONRY IS AT LEAST 3-1/2" THICK AND 1/2" WHERE MASONRY IS LESS THAN 3-1/2" THICK.
3. BRICK VENEER TIES TO BE GALVANIZED CORROSION RESISTANT CORRUGATED 22 GA X 7/8" WIDE SPACED IN ACCORDANCE WITH OBC. TABLE 9.20.9.A.
4. PROVIDE FLASHING IN ACCORDANCE WITH OBC SECTION 9.20.13. UNDER STARTER COURSE AND EXTENDED A MINIMUM OF 6" UP THE WALL AND UNDER THE BUILDING PAPER.
5. PROVIDE DRAINAGE WEEP HOLES IN BASE OF STARTER COURSE AT 32" O.C. AND AS INDICATED IN ACCORDANCE WITH OBC SECTION 9.20.13.9.
6. PROVIDE A MINIMUM OF 1" AIR SPACE BETWEEN THE BRICK VENEER AND THE WALL SHEATHING.

WOOD FRAMING

1. ALL WOOD STRUCTURAL MEMBERS HAVE BEEN SELECTED BASED UPON USING NO.2 CONSTRUCTION GRADE SPRUCE UNLESS OTHERWISE NOTED.
2. INSTALL DOUBLE JOISTS UNDER ALL PARALLEL PARTITIONS.
3. INSTALL TRIPLE JOISTS UNDER ALL PARALLEL BEARING PARTITIONS UNLESS OTHERWISE NOTED.
4. ALL FLOOR JOISTS, ROOF JOISTS AND RAFTERS TO HAVE A MINIMUM END BEARING OF 1'-1/2".
5. INSTALL METAL JOIST HANGERS FOR SUPPORT OF JOISTS FRAMED INTO SIDES OF WOOD BEAMS, TRIMMERS AND HEADERS WHEN REQUIRED.
6. INSTALL BRIDGING BETWEEN SUPPORTS AT INTERVALS OF NOT MORE THAN 6'-11" OR AS NOTED IN THE PLANS ALSO IN ACCORDANCE WITH OBC 9.23.9.4.
7. ALL HEADER JOISTS AROUND FLOOR OPENINGS TO BE DOUBLED WHEN THEY EXCEED 3'-11" IN LENGTH.
8. LOAD BEARING PARTITION WALLS AT RIGHT ANGLES TO THE FLOOR JOISTS TO BE LOCATED NOT MORE THAN 2'-11" FROM THE JOIST SUPPORT WHEN WALL DOES NOT SUPPORT A FLOOR AND NOT MORE THAN 2'-0" FROM THE JOIST SUPPORT IF IT SUPPORTS ANOTHER FLOOR.
9. STUD BEARING WALLS NOT SHEATHED ON AT LEAST ONE SIDE SHALL HAVE MID HEIGHT BLOCKING OR EQUAL LATERAL SUPPORT.

INSULATION AND VAPOUR BARRIERS

1. THE UPPER PART OF FOUNDATION WALLS ENCLOSING A HEATED AREA SHALL BE INSULATED FROM UNDERSIDE OF THE SUB FLOOR TO NOT MORE THAN 8" FROM BASEMENT FINISHED FLOOR AND PROTECTED WITH A MOISTURE BARRIER AND/OR VAPOUR BARRIER.
2. PROVIDE RIGID PERIMETER INSULATION FOR CONCRETE SLABS ON GRADE WHICH FORM HABITABLE AREAS.
3. MASONRY WALLS OF HOLLOW UNITS WHICH PENETRATE THROUGH THE CEILING SHALL BE CAPPED WITH SOLID MASONRY UNITS OR BE SEALED WITH FLASHING MATERIAL WHICH EXTENDS ACROSS THE FULL WIDTH OF THE MASONRY AT OR NEAR THE CEILING OR ROOF SPACE TO PREVENT MOISTURE WITHIN THE VOIDS FROM ENTERING THE ROOF SPACE.
4. DUCTWORK IN ATTICS OR ROOF SPACES SHALL HAVE ALL JOINTS TAPED OR BE OTHERWISE SEALED TO ENSURE THEY ARE AIRTIGHT THROUGHOUT THEIR LENGTH.

ROOF CONSTRUCTION

1. HIP AND VALLEY RAFTERS TO BE NOT LESS THAN 2" GREATER IN DEPTH THAN THE COMMON RAFTERS AND NOT LESS THAN 1 1/2" THICK.
2. ATTIC ACCESS HATCHES TO BE 22" X 28" MINIMUM WITH BUILT UP SIDES OF 5/8" PLYWOOD WHERE LOOSE INSULATION IS TO BE USED. HATCH COVER IS TO BE INSULATED AND WEATHERSTRIPPED OVER HEATED AREAS.
3. PROVIDE TYPE S ROLL ROOFING EAVE PROTECTION FROM THE EDGE OF THE ROOF FOR A DISTANCE OF NOT LESS THAN 12" BEYOND THE INTERNAL FACE OF THE EXTERIOR WALLS.
4. ROOF AND CEILING FRAMING TO BE DOUBLED ON EACH SIDE OF OPENING GREATER THAN 2 RAFTERS OR JOIST SPACING IN WIDTH.

FLASHING

1. FLASHING BETWEEN ROOF SHINGLES AND WALL SIDING TO EXTEND 3" UP BEHIND SIDING AND 4" HORIZONTALLY.
2. FLASHING REQUIRED AT INTERSECTIONS OF ROOF AND WALLS, VALLEYS AND OVER PARAPET WALLS.
3. FLASH AROUND ALL CHIMNEYS AND PROVIDE CHIMNEY SADDLES ON ALL CHIMNEYS WHERE THE WIDTH EXCEEDS 2'-6".
4. FLASHING IS REQUIRED UNDER ALL MASONRY, WINDOW SILLS AND HEADS OF OPENINGS AND SHALL EXTEND FROM THE FRONT EDGE OF THE MASONRY UP BEHIND THE SILL OR LINTEL.

NATURAL VENTILATION

1. ROOF SPACES OR ATTICS SHALL BE VENTILATED IN ACCORDANCE WITH OBC SECTION 9.19.1 WITH OPENINGS TO THE EXTERIOR HAVING A TOTAL UNOBSTRUCTED AREA OF NOT LESS THAN 1/300 OF THE INSULATED CEILING AREA OF WHICH 50% IS LOCATED IN THE SOFFITS SO AS TO PROVIDE EFFECTIVE AIR CIRCULATION.
2. INSULATION SHALL BE INSTALLED IN MANNER WHICH WILL NOT REDUCE THE FLOW OF AIR THROUGH THE VENTS OR THROUGH ANY PORTION OF THE ROOF SPACE OR ATTIC.
3. MAINTAIN R20 MINIMUM INSULATION AT ROOF AND WALL JUNCTIONS NEAR EAVES.
4. PROVIDE FIBREGLASS VENT PANELS IN ATTIC NEAR WALL/SOFFIT AT EAVES TO ENSURE AIR FLOW.

STAIRS AND HANDRAILS

1. EXCEPT TO AREAS USED ONLY AS SERVICE ROOMS, ALL STAIRS SERVING DWELLING UNITS SHALL HAVE A MAXIMUM RISE OF 7-7/8", A MINIMUM RUN OF 8-1/4" AND WITH A MINIMUM TREAD WIDTH OF 9-1/4".
2. HEADROOM FOR STAIRS WITHIN DWELLING UNITS TO BE 6'-5" MINIMUM MEASURED VERTICALLY FROM A LINE DRAWN THROUGH THE FRONT OF THE NOSING.
3. HANDRAILS ARE NOT REQUIRED FOR STAIRS WITHIN A DWELLING UNIT THAT HAS FEWER THAN 3 RISERS.
4. HANDRAILS SHALL BE INSTALLED ON AT LEAST ONE SIDE OF ALL STAIRS LESS THAN 3'-7" IN WIDTH AND SHALL BE 32" TO 36" ABOVE A LINE DRAWN THROUGH THE NOSING.
5. EXTERIOR STAIRS WITH 3 OR MORE RISERS REQUIRED A HANDRAIL ON AT LEAST ONE SIDE.
6. CURVED STAIRS, IF UNSPECIFIED SHALL HAVE A MINIMUM RUN OF 5'-7/8" WITH AN AVERAGE RUN OF NOT LESS THAN 7-7/8".

WINDOWS AND DOORS

1. WINDOW TO HAVE 10% GLASS AREA OF THE FLOOR AREA SERVED IN LIVING ROOMS, DINING ROOMS AND KITCHENS.
2. WINDOWS TO HAVE 5% MINIMUM GLASS AREA OF THE FLOOR SERVED IN BEDROOM AREAS.
3. HABITABLE ROOMS SHALL HAVE A MINIMUM OF 3 SQUARE FEET OPENING AREA TO PROVIDE NATURAL VENTILATION.
4. ALL WINDOWS AND SLIDING GLASS DOORS TO HAVE DOUBLE GLAZING, THERMAL GLAZING OR BE EQUIPPED WITH STORM DOORS.
5. EXTERIOR DOORS TO HAVE A THERMAL RESISTANCE OF R7 MINIMUM IF NO STORM DOORS ARE PROVIDED.

MISCELLANEOUS

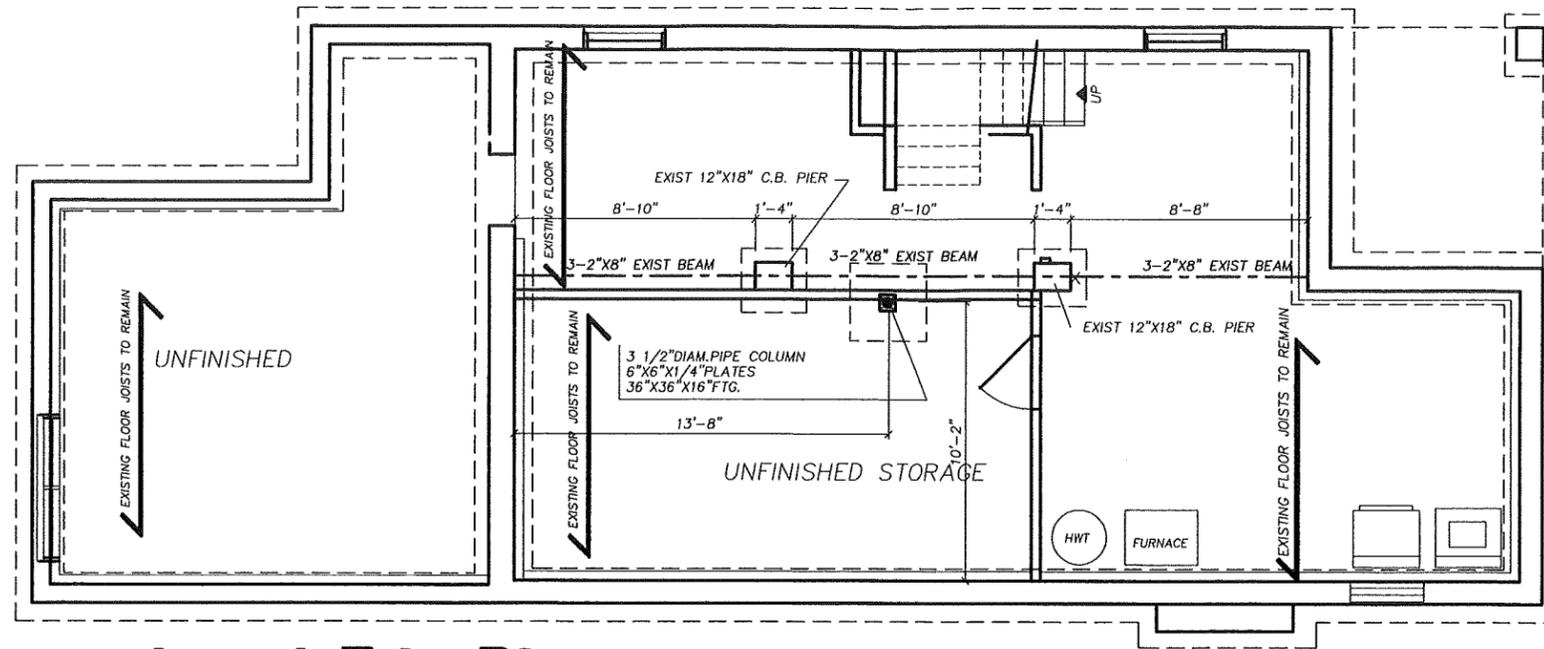
1. WHERE A GARDEN HOSE BIB IS INSTALLED IN A POTABLE WATER SYSTEM TO SUPPLY A 1/2" OR 3/4" HOSE, THE BIB SHALL CONTAIN AN INTEGRATED BACK SIPHONAGE PREVENTOR.
2. CLASS "B" GAS VENTS MUST BE INSTALLED WITH REQUIRED CLEARANCES FROM ALL COMBUSTIBLE MATERIALS IN ACCORDANCE WITH THE O.B.C.
3. THE DESIGNER TAKES NO RESPONSIBILITY UNTIL HE HAS SIGNED THE (SCHEDULE 1) DESIGNERS INFORMATION SHEET FOR THAT SPECIFIED LOT. THIS TAKES EFFECT ON JAN. 1 2006 AS NOTED IN BILL 124.
4. ALL TRUSS DESIGN TO BE SELF SUPPORTED ON EXTERIOR WALLS UNLESS DISCUSSED WITH DESIGNER PRIOR TO PERMIT APPLICATION.
5. TRIPLE STUDS UNDER ALL GIRDER TRUSS AND ROOF POINT LOADS.

STUD WALLS IN THE MAIN BATHROOM SHALL BE REINFORCED TO PERMIT FUTURE INSTALLATION OF GRAB BARS ADJACENT TO WATER CLOSET AND TUB AS INDICATED IN CLAUSE 3.8.3.1.(d) AND 3.8.3.13.(f).

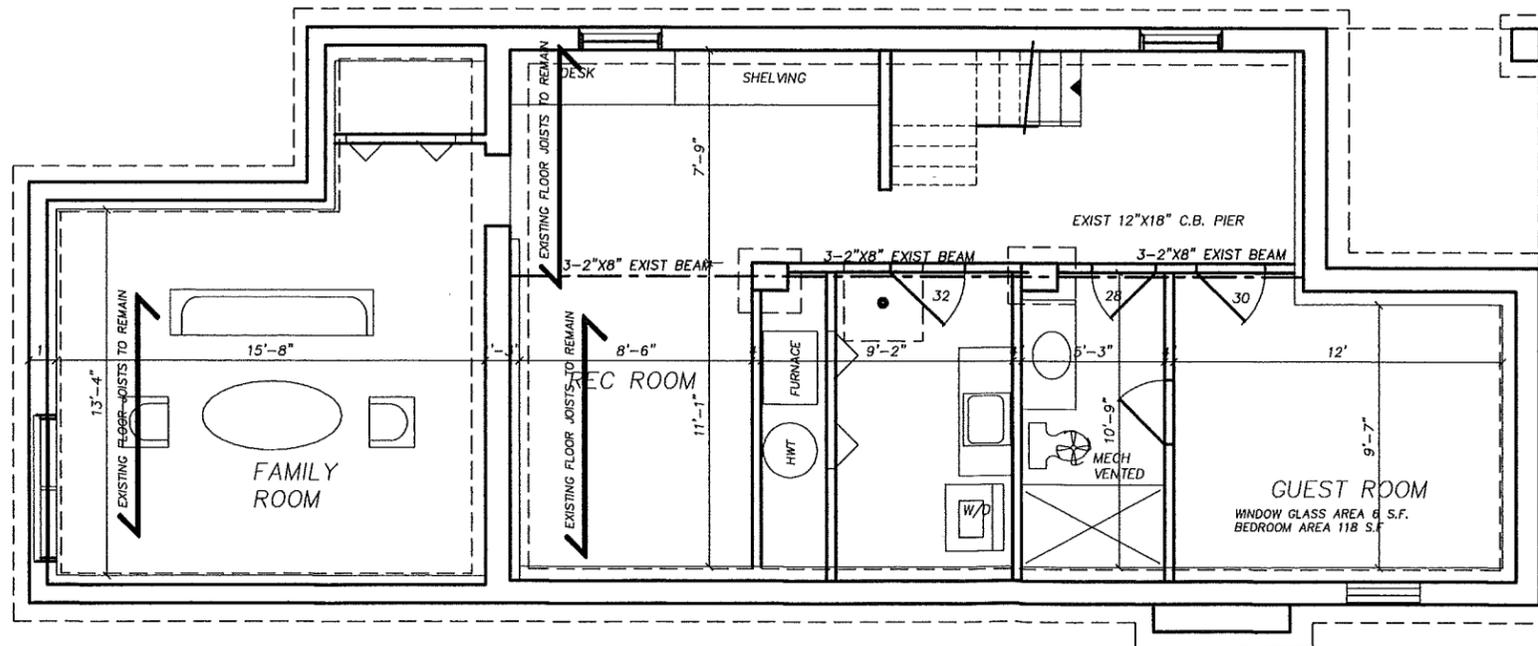
NOTE: ANY INFORMATION NOT SHOWN ON THESE DRAWINGS SHALL COMPLY TO DIVISION C SECTION 9 OF THE ONTARIO BUILDING CODE.

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

SCALE 1/4" = 1'-0"
 0 1 2 3 4 5 6 7 8 9



Basement and Fdn Plan EXISTING



Basement and Fdn Plan PROPOSED

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

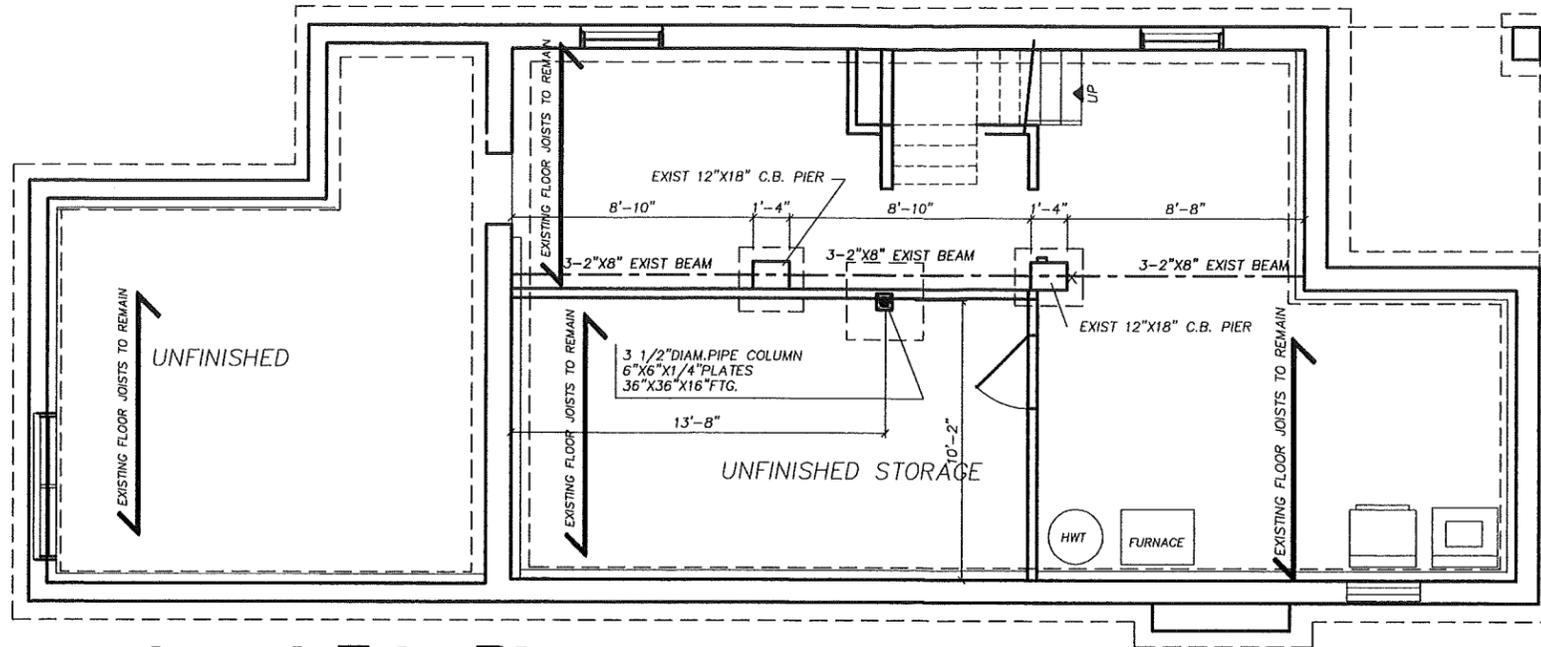
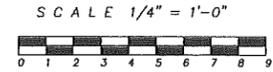
QUALIFICATION INFORMATION
 Required unless design is exempt under R.V.C. 3.2.5.1 of the building code
 Richard Weatherston 24787
 NAME SIGNATURE BOEN

REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.G. CAD SERVICE INC. 28747
 FIRM NAME BOEN

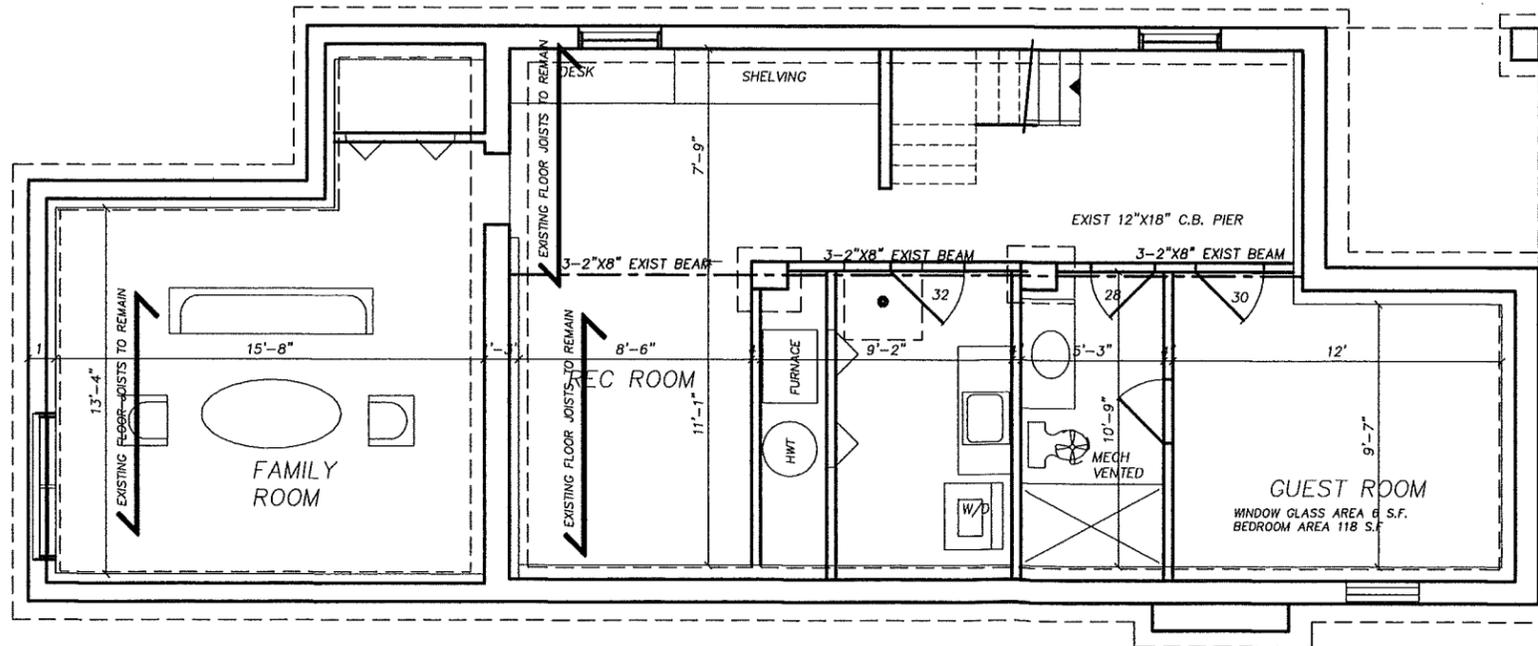
3607A JAN.21

R.G.CAD
SERVICE INC.
 228 GREEN RD. STONEY CREEK
 PHONE (905) 664-6061

3



Basement and Fdn Plan EXISTING



Basement and Fdn Plan PROPOSED

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

QUALIFICATION INFORMATION
 Required unless design is exempt under M.V.C. 3.2.3.1 of the building code
 Richard Weatherston
 NAME: SIGNATURE: DATE: 24/7/17
 R.G. CAD SERVICE INC.
 REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.G. CAD SERVICE INC.
 FIRM NAME: 28747
 BORN

3607A JAN.21

R.G. CAD SERVICE INC.
 228 CREEK RD. STONEY CREEK
 PHONE (905) 664-8081

3

**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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act**Application for Minor Variance or for Permission**

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	Michael J Wexler	90 Oak Knoll Drive Hamilton, Ontario L8S 4C5	Phone: (416)275-6060
			E-mail: wexler.11@gmail.com
Applicant(s)*	Michael J Wexler Mira Goldberg	Currently located at: 1206-393 King Street West, Toronto, Ontario M5V 3G8	Phone: (416)275-6060
			E-mail: wexler.11@gmail.com; mirabgoldberg@gmail.com
Agent or Solicitor	James Ling	27 Cumming Crt. Ancaster, Ontario L9G 1V4	Phone: (289)887-4667
			E-mail: james@jameslinggroup.com

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Mortgage with TD Canada Trust
4720 Tahoe Blvd Mississauga Ont L4W5P2
Canada

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

4. Nature and extent of relief applied for:

See attached sheet

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

House is existing, it was built prior to current by-laws

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

90 Oak Knoll Drive, Hamilton, Ontario, L8S 4C5

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant

Other _____

- 8.1 If Industrial or Commercial, specify use _____

- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

Page 2 # 4.

1. Maximum Building Height (As per Section 9(2) of Hamilton Zoning By-law 6593 and as amended by By-law 96-109)
2 Storey Allowed, Proposed 3 Storey due to Dormer wider than 1.2m.
Allowable Building Height 9.0m, Proposed 9.48m, this is existing.
2. Minimum Side Yard (As per Section 9(3) of Hamilton Zoning By-law 6593). Required ii) 1.2m, Proposed 2nd floor addition South yard to be 0.3m.
3. Encroachments [Section 18(3) of Hamilton Zoning By-law 6593].
Proposed Rear addition eaves and gutters to be on the southerly lot line. 0.0m setback.

Front Porch setback from Front property line is 1.1m

Steps of Porch setback from Front property line is 0.18m

4. Minimum Number of Parking Spaces Section 18A table 1 of Hamilton Zoning By-law 6593. Single Family Dwelling based on
Proposed 11 Habitable Room is 4 Required. Proposed is 1 Spot, with
2nd Spot Tandem.

Minimum Parking Space Size Section 18A(7) of Hamilton Zoning By-law 6593

Proposed 2.44m instead of required 2.7m Width of Park Space Size.

Section 18A(24) of Hamilton Zoning By-law 6593. Required width of Driveway is 2.8m and Proposed is 2.4m.

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Local knowledge of neighborhood

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

March 9, 2021
Date

M. Wexler
Signature Property Owner

Michael J Wexler
Print Name of Owner

10. Dimensions of lands affected:

Frontage 32 FT
Depth 97 FT
Area 3000 SQ FT +/-
Width of street UNKNOWN

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:
Ground floor area 1000 sq ft, width 21 ft
Gross floor area 1600 sq ft, length 55 ft
number of stories: 2.5, height 31 ft

Proposed
Ground floor area 1000 sq ft, width 21 ft
Gross floor area 2300 sq ft, length 55 ft
of stories: 3.0, height 31 ft

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: SEE SITE PLAN
Ground floor area 1000 sq ft, width 21 ft
Gross floor area 1600 sq ft, length 55 ft
number of stories: 2.5, height 31 ft

Proposed:
Ground floor area 1000 sq ft, width 21 ft
Gross floor area 2300 sq ft, length 55 ft
of stories: 3.0, height 31 ft



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:135

APPLICANTS: Agent M. Sabelli on behalf of the owner Shabab Mirza

SUBJECT PROPERTY: Municipal address **65 Arthur St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "D" (Urban Protected Residential - 1 & 2 Family Dwellings, etc.) district

PROPOSAL: To permit the conversion of the existing single family dwelling to contain two dwelling units, notwithstanding that;

1. A minimum lot area of 149.0m² shall be permitted instead of the minimum 270.0m² required.
2. A minimum of one (1) parking space shall be permitted instead of the minimum two (2) parking spaces required.
3. No onsite manoeuvring shall be permitted for the required parking space instead of the requirement that a manoeuvring space abutting and accessory to each required parking space shall be provided and maintained on the lot.
4. The rear exterior exit (open stairway) shall be permitted to be located as close as 2.9m from the rear lot line instead of the minimum 6.5m setback required.

Note: The applicant shall ensure that the minimum 50.0% landscaping required in the front yard and side yard are satisfied. Otherwise, further variances may be required.

The applicant requested a variance to the lot width, the side yards and the rear yard. However, these variances are not required as these are existing conditions.

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

DATE: Thursday, May 20th, 2021
TIME: 3:00 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

HM/A-21: 135

Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

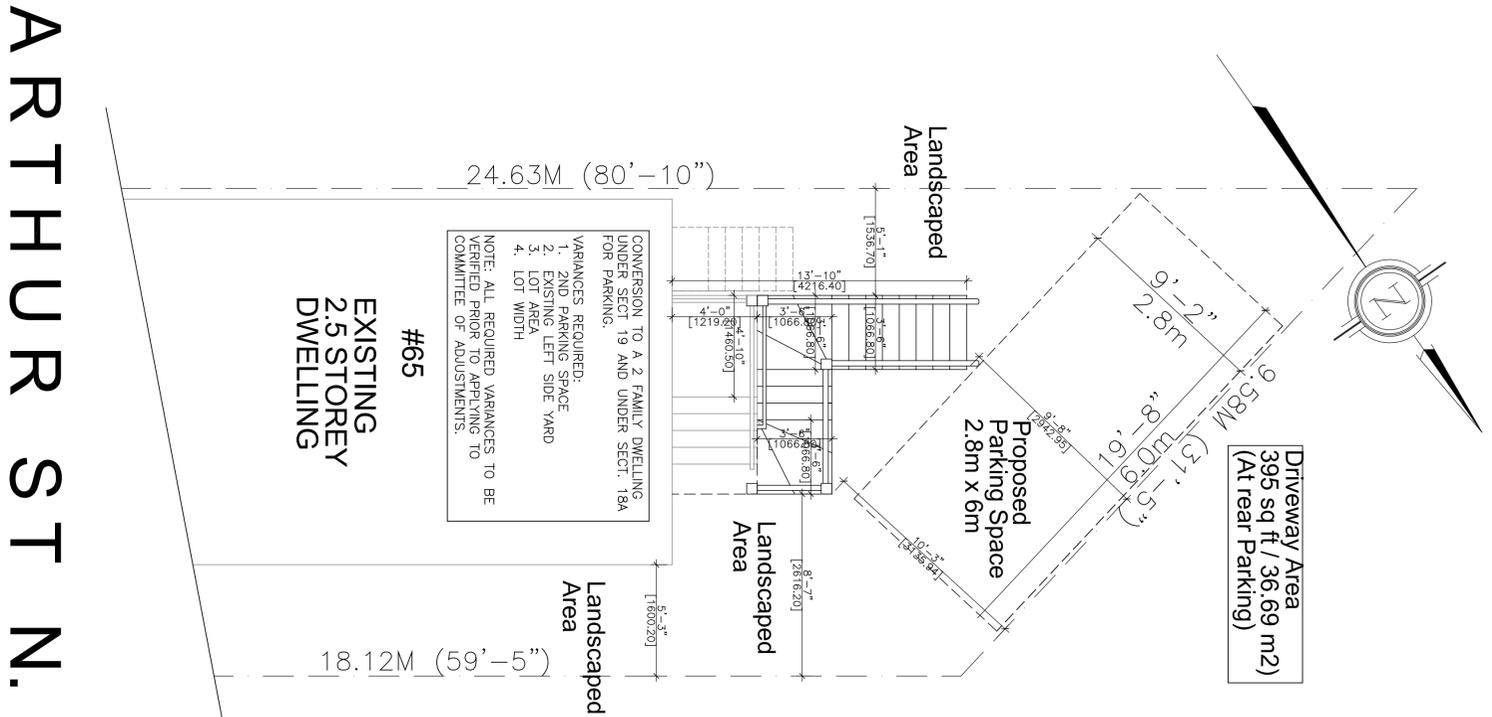
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.

Driveway Area
395 sq ft / 36.69 m²
(At rear Parking)



ARTHUR ST N. PLOT PLAN

#65
EXISTING 2.5 STOREY DWELLING

CONVERSION TO A 2 FAMILY DWELLING UNDER SECT 19 AND UNDER SECT. 18A FOR PARKING:
VARIANCES REQUIRED:
1. 2ND PARKING SPACE
2. EXISTING LEFT SIDE YARD
3. LOT AREA
4. LOT WIDTH

NOTE: ALL REQUIRED VARIANCES TO BE VERIFIED PRIOR TO APPLYING TO COMMITTEE OF ADJUSTMENTS.

STRUCTURAL NOTES

1. ALL MATERIALS AND METHODS OF CONSTRUCTION MUST COMPLY WITH THE TEST METHOD OF THE O.B.C. 2012.
2. SUBMIT STRUCTURAL STEEL SHOP DRAWINGS FOR REVIEW BY THE DESIGNER PRIOR TO FABRICATION. MAKE FIELD MEASUREMENTS NECESSARY FOR FABRICATION AND ERECTION PREPARED BY AN INSPECTION AND TESTING AGENCY ON THE STRUCTURAL STEEL ERECTION AND CONCRETE STRENGTH.
3. SUSTAINING A LOAD OF 4 KSF - STRENGTH IS 20 MPa. ALL CONCRETE EXPOSED TO FREEZE-THAW CYCLES IN A SATURATED CONDITION SHALL BE CLASSIFICATION C-1 TO CSA-A23.1-1990.
4. REINFORCING STEEL: 630/19M GRADE 400R.
5. HSS SECTIONS: 350W CLASS H GRADE 50W.
6. ANCHOR BOLTS: ASTM A53 GRADE 50W.
7. PIPE MATERIAL: ASTM A53 GRADE 50W.
8. LOAD BEARING MASONRY MATERIALS: CSA A185.1M-H/15/N/X SOLID BLOCK.
9. HOLLOW BLOCK: CSA A185.1M-H/15/N/X SOLID BLOCK.
10. REAR GRADE MORTAR: CSA A179M-TYP 3.
11. GROUT FOR BLOCK CORES: CSA A179M-TYP 3.
12. STRUCTURAL LUMBER: ALL LUMBER TO BE KILN-DRIED, GRADE 1, SPF NO.2 UNLESS NOTED OTHERWISE.
13. JOIST MANUFACTURES SPECIFICATIONS.
14. PROVIDE WEB STIFFENERS WHERE T/I JOISTS CONNECTED USING HANGERS.
15. PROVIDE FIRE PROTECTION WHEN WELDING CLOSE TO USING HANGERS.

SITE STATISTICS

MUNICIPAL ADDRESS: 65 ARTHUR ST. N. HAMILTON, ONT.

BUILDING CLASSIFICATION: RESIDENTIAL

ZONING: RESIDENTIAL - "R" DISTRICT SECTION 3, 18, 18A, 19

REQUIREMENTS: MIN. SIDE YARDS: 1.2 M (3.94') MIN. FRONT YARD: 6.0 M (19.69') MIN. REAR YARD: 7.5 M (24.61')

EXISTING YARDS AT DWELLING:
SIDE YARD (LEFT): 0.15 M (6") - EXISTING
SIDE YARD (RIGHT): 1.60 M (5'-3") - EXISTING
FRONT YARD: 6.0 M (19'-8") - EXISTING
REAR YARD: SEE PLAN VARIES - EXISTING

LOT AREA: 149.75 M² (6612 SQ FT)

FRONT YARD - CLAUSE 19(1)(V): 100.89 M² (1086 SQ FT)

SECTION 19 CONVERSION REQUIREMENTS:
MIN LOT WIDTH REQUIRED: 18.0M (59.06') - EXISTING 23'-0" (7.01M)
19(1) - Req'd min unit 65m² : Provided 77.38 m² /102.84m²
19(1) - 540m² min req'd lot area - EXIST 149.75m² (1612 SQ FT)

CONVERSION TO A 2 FAMILY DWELLING UNDER SECT 19 AND UNDER SECT. 18A FOR PARKING:
VARIANCES REQUIRED:
1. 2ND PARKING SPACE
2. EXISTING LEFT SIDE YARD
3. LOT AREA
4. LOT WIDTH

NOTE: ALL REQUIRED VARIANCES TO BE VERIFIED PRIOR TO APPLYING TO COMMITTEE OF ADJUSTMENTS.

NOTES:

THESE NOTES COMPLY WITH THE REQUIREMENTS OF THE ONTARIO BUILDING CODE (REG. 2012) UNLESS SPECIFICALLY ALTERED BY MUNICIPALITY HAVING JURISDICTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER TO VERIFY ALL DIMENSIONS AND MATERIALS BEFORE ORDERING ANY MATERIALS.

NOTE: ALL EXISTING ROOM SIZES, DIMENSIONS TO BE VERIFIED BY THE OWNER/CONTRACTOR/BUILDER PRIOR TO AND DURING CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR/BUILDER TO FIELD VERIFY ALL EXISTING DIMENSIONS BEFORE ORDERING ANY MATERIALS.

NOTE: ALL EXISTING ROOM SIZES, DIMENSIONS TO BE VERIFIED BY THE OWNER/CONTRACTOR/BUILDER PRIOR TO AND DURING CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR/BUILDER TO FIELD VERIFY ALL EXISTING DIMENSIONS BEFORE ORDERING ANY MATERIALS.

NOTE: CONTRACTOR/BUILDER, OWNER TO MAKE ALL NECESSARY PRECAUTIONS WHEN REMOVING EXISTING WALLS AND ADDING NEW BEAM SUPPORTS. MAKE SURE CEILING ON BOTH SIDES ARE SHORED UP PRIOR TO REMOVING ANY LOAD BEARING WALLS.

NOTE: PENETRATIONS OF FIRE SEPARATIONS AS PER O.B.C. 9.10.9.6

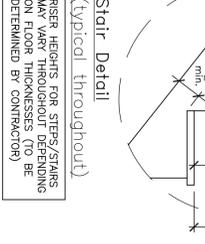
NOTE: PROVIDE FIRE STOPPING IN JOIST SPACE AS REQUIRED. AS PER O.B.C. 3.1.1.1

NOTE: PROVIDE FIRE DAMPERS AS PER O.B.C. 3.1.8.7 AND AS PER O.B.C. 3.1.8.9



WALL TYPE SCHEDULE

- 1. EXISTING PARTITION WALL OR EXT. WALLS
- 2. CORRIDOR (FOYER) PARTITION - 1/2" Gypsum Board (AS MARKED)
- 3. SB-3, 4-1/2" (1HR F.R.R.) STC-51
-2"x4" STUDS @16"O.C.
-99MM THICK ABSORPTIVE MATERIAL
-RESIDENT METAL CHANNELS @16"O.C.
-2 LAYERS 15.9MM TYPE 'X' GYPSUM ONE SIDE
-1 LAYER 15.9MM TYPE 'X' GYPSUM OTHER SIDE
- 4. 5/8" DRYWALL (40 MIN)
2"x4" OR 2"x6" WOOD STUDS AT 16"O.C. (20 MIN)
5/8" DRYWALL (40 MIN)
- 5. EXISTING PARTITION WALL WALL TO BE REMOVED



GENERAL NOTES:

SMOKE ALARMS :	FLOOR PLAN DIMENSIONS :
NOTE: ALL SMOKE ALARMS WITH-IN A SINGLE DWELLING UNIT SHALL BE INTERCONNECTED.	NOTE: ALL DIMENSIONS ON FLOOR PLANS WITH-IN A SINGLE DWELLING UNIT SHALL BE INTERCONNECTED.
	EXTERIOR FINISH MATERIAL.



SECTION NINETEEN
RESIDENTIAL CONVERSION REQUIREMENTS (92-281)

(i) each dwelling unit has a floor area of at least 65 square metres (699.65 square feet), considered within the unit and having a porch, veranda, balcony, terrace, or other such space which is not as living quarters; (15-071)

(ii) The applicable zoning district regulations for a single family detached dwelling shall apply, except the minimum lot area shall be 270m²;

(iii) except as permitted in clause (v), the external appearance and character of the dwelling shall be preserved;

(iv) there shall be no outside stairway other than an exterior exit;

(v) parking spaces, access driveways and landscaping shall be provided in accordance with Section 184, except that parking for only one of the dwelling units may be provided in accordance with the following special provisions:

DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT, AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

THE USE OF THIS DRAWING OR PART THEREOF IS FORBIDDEN WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER.

1.	02.16.21	ISSUED FOR PERMIT
2.	03.14.21	REVISED AS PER COMMENTS
3.		
4.		
5.		
6.		
7.		
8.		

UNIQUE DESIGNS INC.
DRAFTING DESIGN INC.

NEW 1 BEDROOM APARTMENT

PLOT PLAN, SECTIONS, NOTES

MIRZA RESIDENCE

65 ARTHUR ST. N. HAMILTON, ONT

Scale: 1/4"=1'-0"

Date: 02.16.21

Job Number: 011821

A3

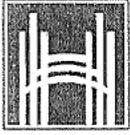
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario QUANTIFICATION INFORMATION.

Required unless design is stamped under Ontario Regulation 22/01 of the Building Code

MAHMOUD FORTUHALI
Signature: [Signature]
15084 BCIN

REGISTRATION INFORMATION
Required unless design is stamped under Ontario Regulation 22/01 of the Building Code

UNIQUE DESIGNS INC.
11900



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner SHABAB MIRZA _____
FAX NO. _____ E-mail address _____
- Address _____
Postal Code _____
- Name of Agent MICHAEL P. SABELLI Telephone No _____
- _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
SCOTIABANK - 3000 THOMAS ST. MISS ON
Postal Code L5M 0R4

Postal Code _____

6. Nature and extent of relief applied for:

- 1) MINIMUM LOT AREA
- 2) REQUIRED PARKING SPACES (1 PROVIDED AT REAR)
- 3) LOT WIDTH
- 4) SIDE YARD 5) REAR EXTERIOR EXIT STAIR

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

EXISTING SITUATION

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

65 ARTHUR STREET NORTH

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant
 Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ___ No Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

PREVIOUS OWNER

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ___ No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

MAR 16 2021
Date

[Signature]
Signature Property Owner
SHARAB MIRZA
Print Name of Owner

10. Dimensions of lands affected:

Frontage 7.01 M
Depth WEST - 24.63m EAST - 18.12m
Area 149.75 m²
Width of street 20.12 M

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: 2.5 STOREY DWELLING

Proposed: NO CHANGE

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: LEFT SIDE YARD - 0.15m
RIGHT SIDE YARD - 1.60m
FRONT YARD - 6.0m
REAR YARD - VARIES (SEE ATTACHED PLAN)

Proposed: NO CHANGE

13. Date of acquisition of subject lands:
FEBRUARY 15, 2021

14. Date of construction of all buildings and structures on subject lands:
MORE THAN 50 YEARS

15. Existing uses of the subject property:
RESIDENTIAL

16. Existing uses of abutting properties:
RESIDENTIAL

17. Length of time the existing uses of the subject property have continued:
MORE THAN 50 YEARS

18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected
Sanitary Sewer _____ Connected
Storm Sewers _____

19. Present Official Plan/Secondary Plan provisions applying to the land:
RESIDENTIAL

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"D" DISTRICT

21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, MICHAEL P. SABELLI of the CITY of HAMILTON in the PROVINCE of ONTARIO

solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the _____ of _____)
at the _____ of _____)
in the _____)
of _____)
this _____ day of _____ A.D. 20 _____)

[Signature]
Applicant

A Commissioner, etc.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) SHABAB MIRZA am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

MICHAEL P. SABELLI of HAMILTON

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE MAR 16/21 SIGNED [Signature]

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, SHABAB MIRZA, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date MAR 16/21 Signature of Owner [Signature]



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:138

APPLICANTS: Kamaway Creek on behalf of the owner Properties Ltd.

SUBJECT PROPERTY: Municipal address **222 Grosvenor Ave. N., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings) district

PROPOSAL: To permit the construction of a proposed rear deck, rear balcony including stairs, and 2 storey rear addition to the existing single-family dwelling following the conversion of the existing single-family dwelling to contain a maximum of two (2) dwelling units under Section 19 notwithstanding that.

1. A minimum side yard width of 0.0 m shall be provided on the southerly side lot line instead of the minimum required side yard width of 1.2 m; and

2. A minimum lot area of 192.0 m² shall be provided instead of the minimum required 270.0 m²

3. A 0.0 m side yard width shall be provided on the southerly side lot line for the proposed roof over unenclosed porch shown at the rear of the proposed 2nd storey addition instead of the minimum required 1.2 m side yard width; and

4. A 0.0 m side yard setback shall be provided on the southerly side lot line for the proposed balcony instead of the requirement in the By-Law which states that a balcony may project into a required side yard not more than one-third of its width (0.4 m), or 1.0 m, whichever is the lesser; and

5. The external appearance of the dwelling shall be altered by the construction of a rear two (2) storey addition, a second storey rear balcony including an open exterior stairs/fire escape and a rear roof over unenclosed porch at the first storey (ground level) instead of the requirement that the external appearance and character of the converted dwelling shall be preserved; and

6. No maneuvering shall be provided on site instead of the requirement that manoeuvring for only one of the dwelling units may be provided off site.

NOTES:

If variance # 1 is approved for 0.0 m northerly side yard width then, no variances would be required for the eaves /gutter encroachment onto the southerly side lot line.

.../2

HM/A-21:138

Page 2

The applicant shall ensure that eaves and gutters do not encroach beyond the property line onto the adjacent private property. Based on the information provided on the application, the applicant shall be required to enter into an encroachment agreement and establish the necessary maintenance easements, which must be properly registered on title with the abutting neighbor.

Please note that the proposed roof over unenclosed porch at the rear is not allowed to encroach onto the side yard; therefore, variance has been written for the minimum required 1.2 m side yard width for the principal building.

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

DATE: Thursday, May 20th, 2021
TIME: 3:05 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
 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.

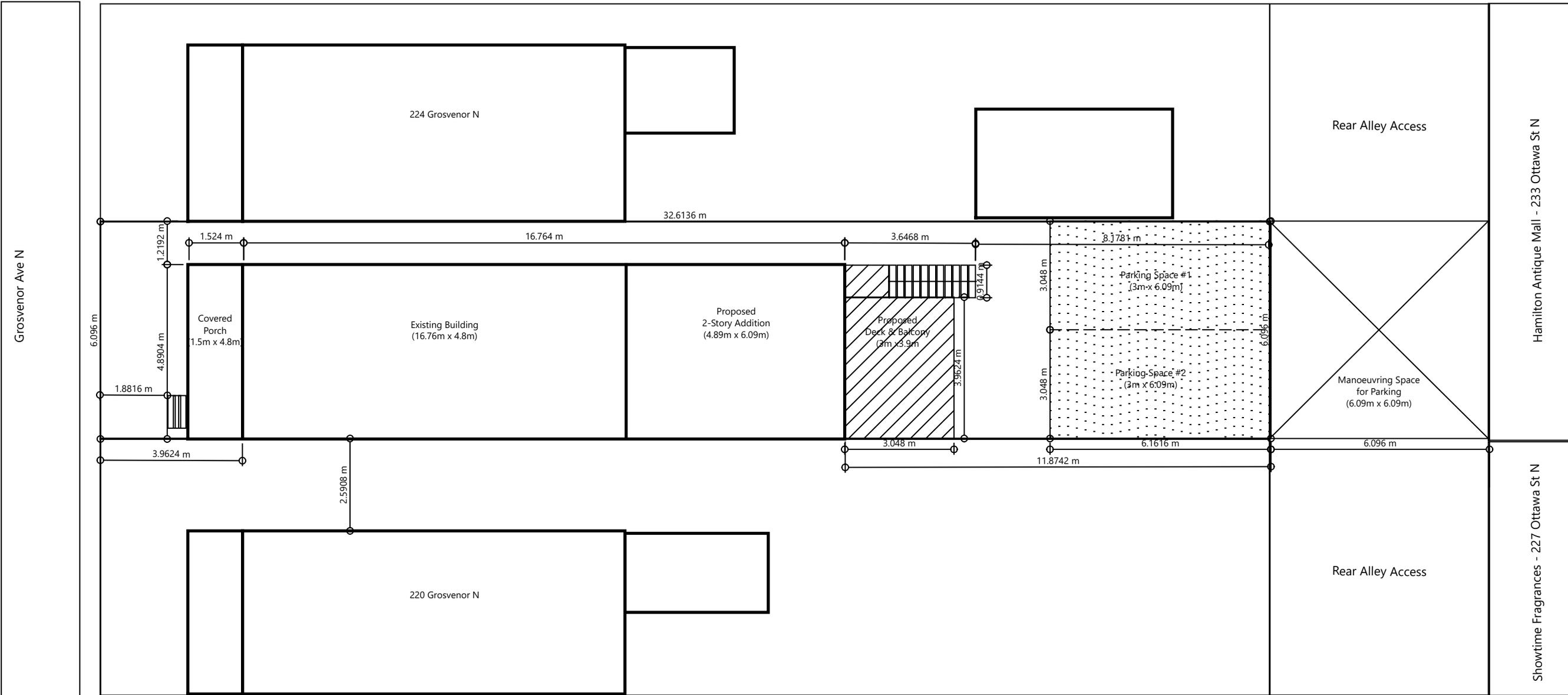
222 Grosvenor Ave N - Proposed Site Plan

Address: 222 Grosvenor Ave N, Hamilton
 Lot Size: 6.09m x 32.61m
 PIN: 17223-0250 LT
 Description: PT LT 151, PL 463, AS IN VM31025; Hamilton
 Scale 1:96

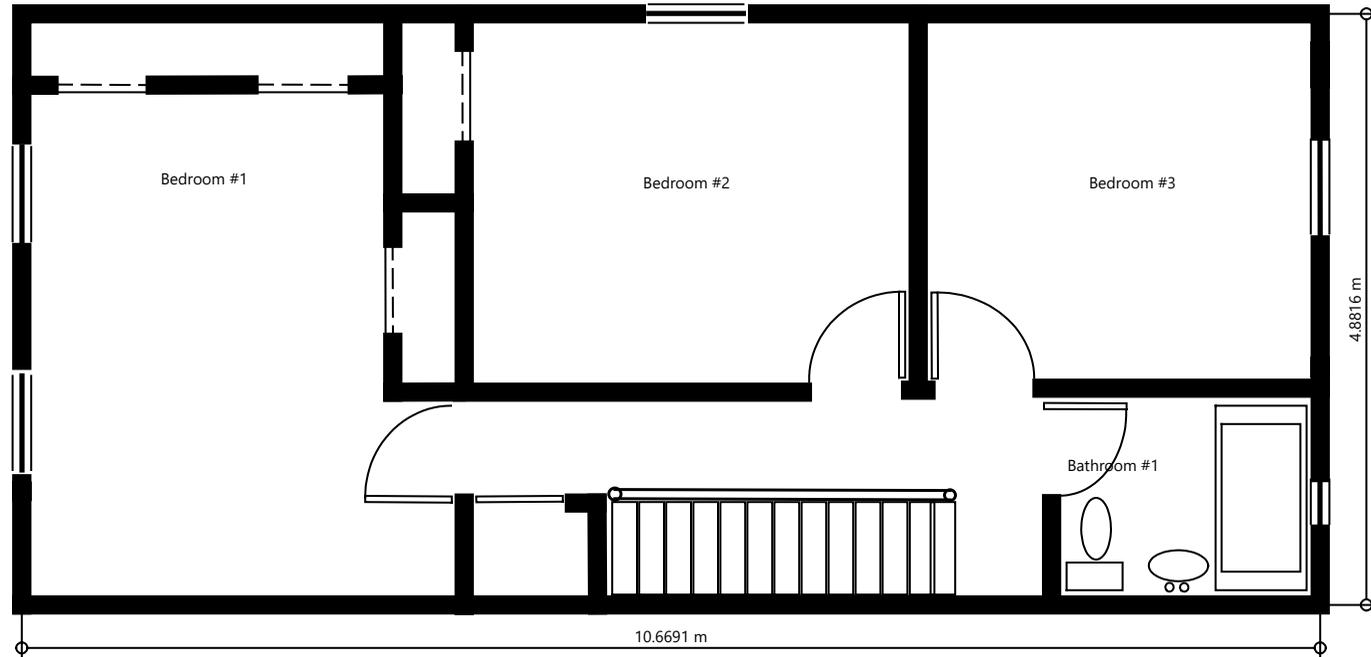
Proposed Setbacks
 - Front Yard - 3.96m
 - North Side Yard - 1.21m
 - South Side Yard - 0m (Distance from 220 Grosvenor - 2.59m)
 - Rear Yard - 11.87m

Front Yard Details
 - Size: W6.09m x 3.96m (from property line to dwelling)
 - Gross landscaped area - 15.8sqm (front lot minus front porch)
 - Allocated landscaped area - 70%

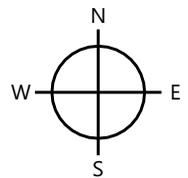
Proposed Parking Details
 - 2 Car Parking: (W3m x L6.09m) x 2
 - Gross parking area - 36sqm
 - Laneway width - 6.09m (to building)
 - Manoeuvring Space - L6.09m x W6.09m



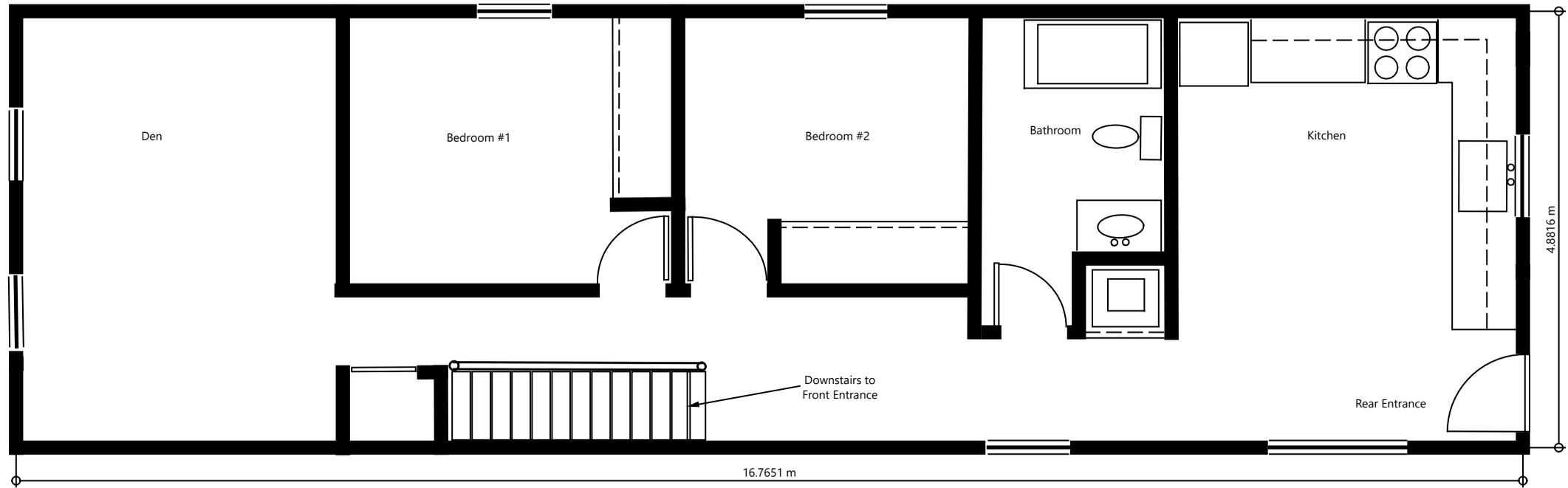
Existing



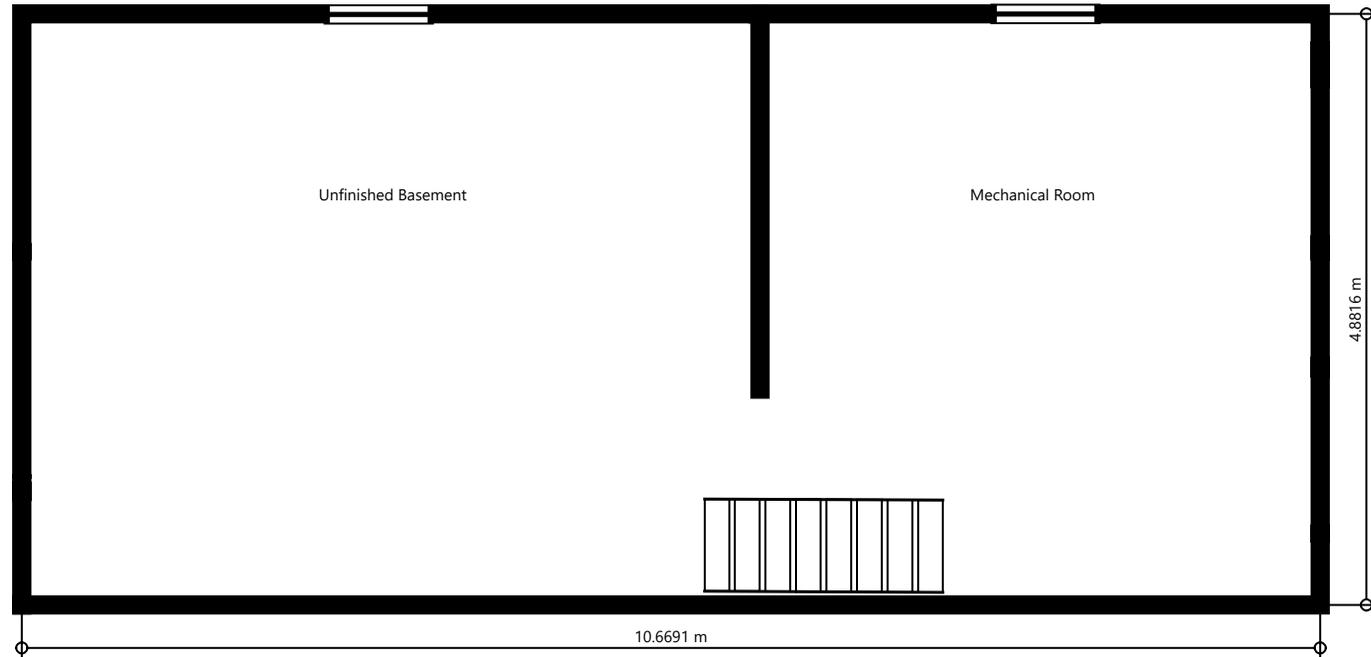
Scale 1:48
- Existing Floor Space:
10.6m x 4.8m = 50.88sqm
- Proposed Floor Space:
16.7m x 4.8m = 80.16sqm



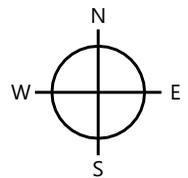
Proposed



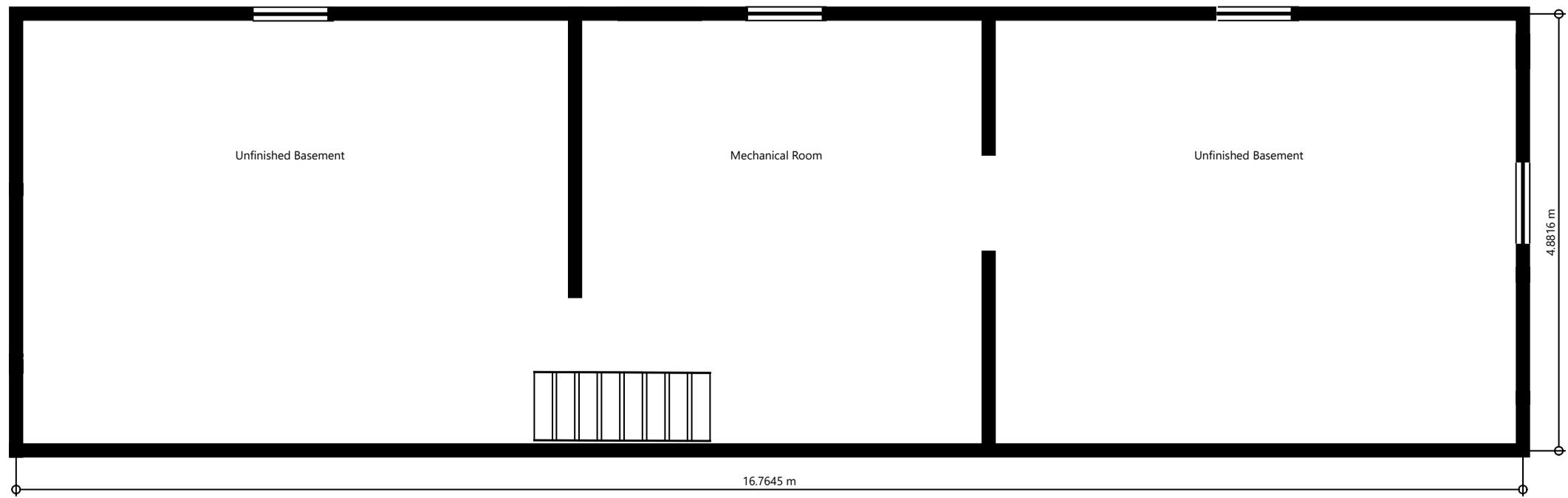
Existing



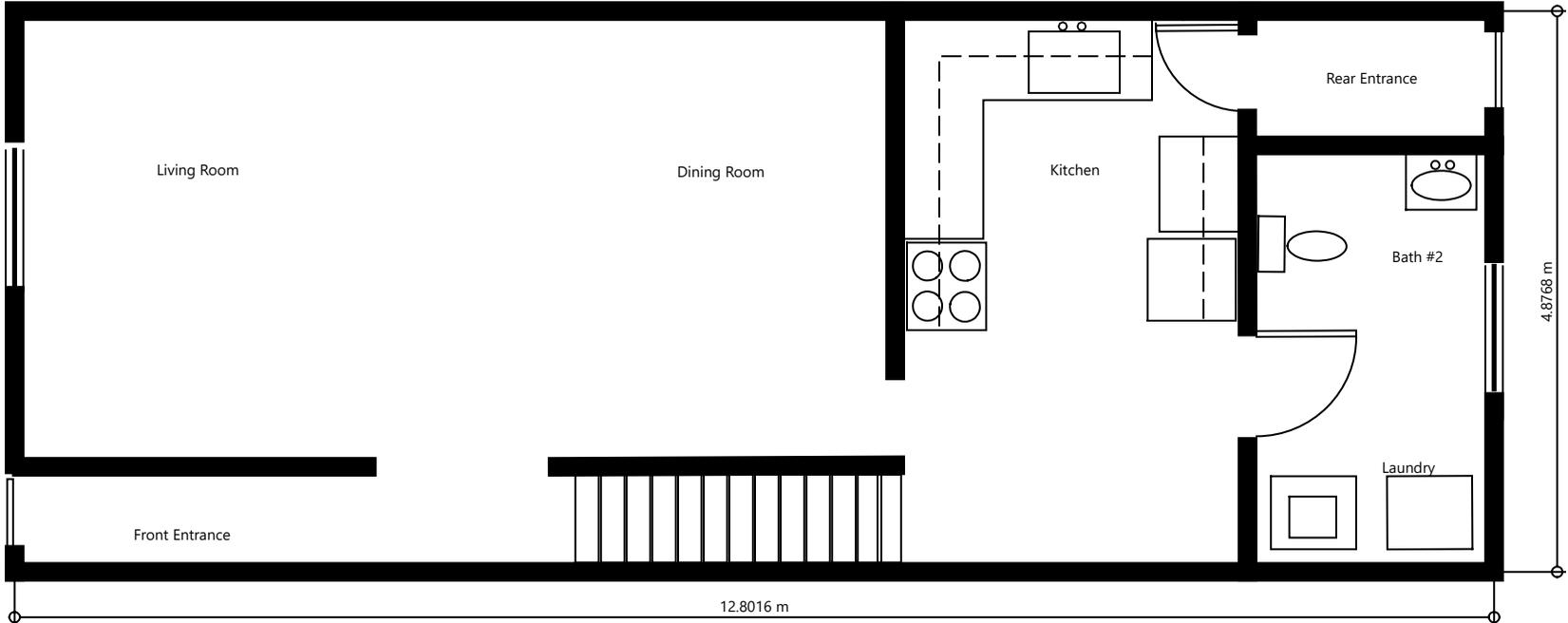
Scale 1:48
- Existing Floor Space:
10.6m x 4.8m = 50.88sqm
- Proposed Floor Space:
16.7m x 4.8m = 80.16sqm



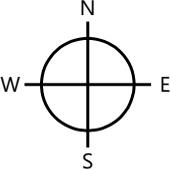
Proposed



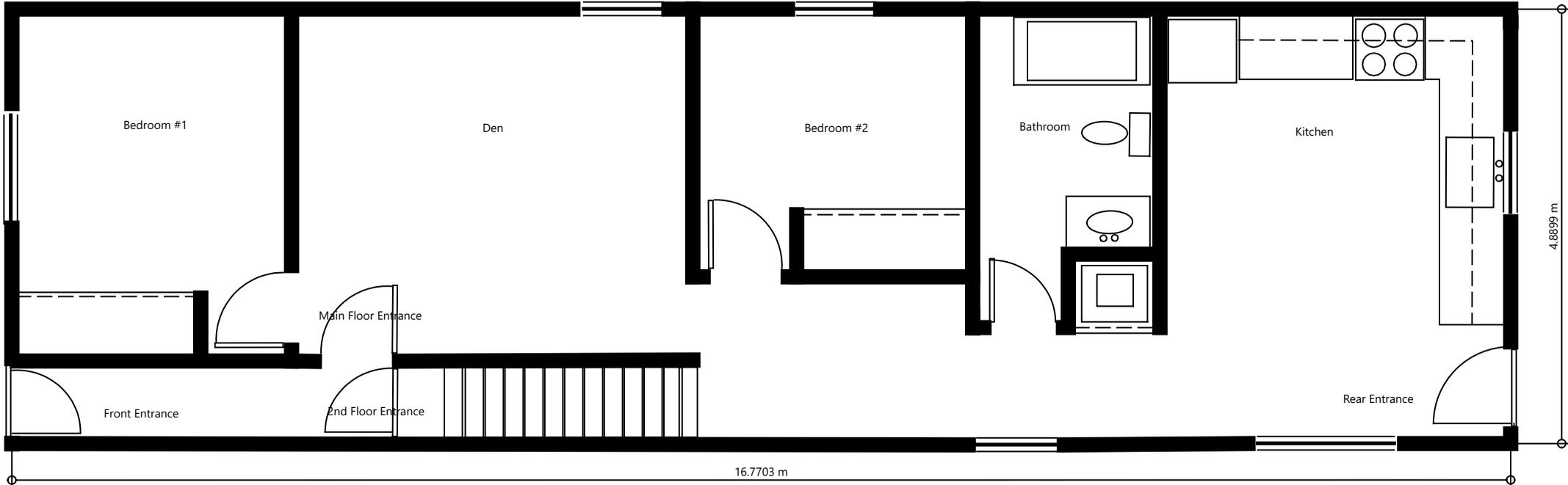
Existing



Scale 1:48
 - Existing Floor Space:
 12.8m x 4.8m = 61.44sqm
 - Proposed Floor Space:
 16.7m x 4.8m = 80.16sqm



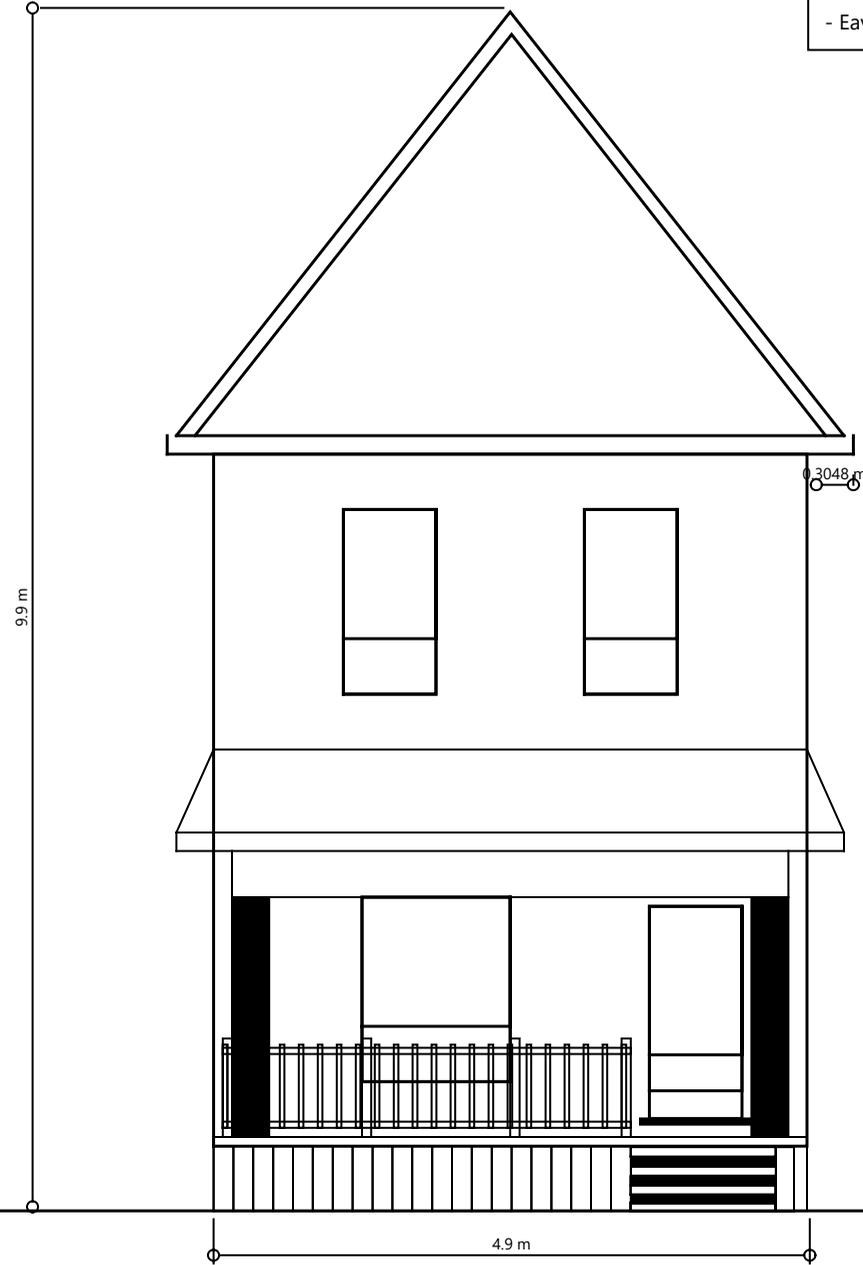
Proposed



Existing



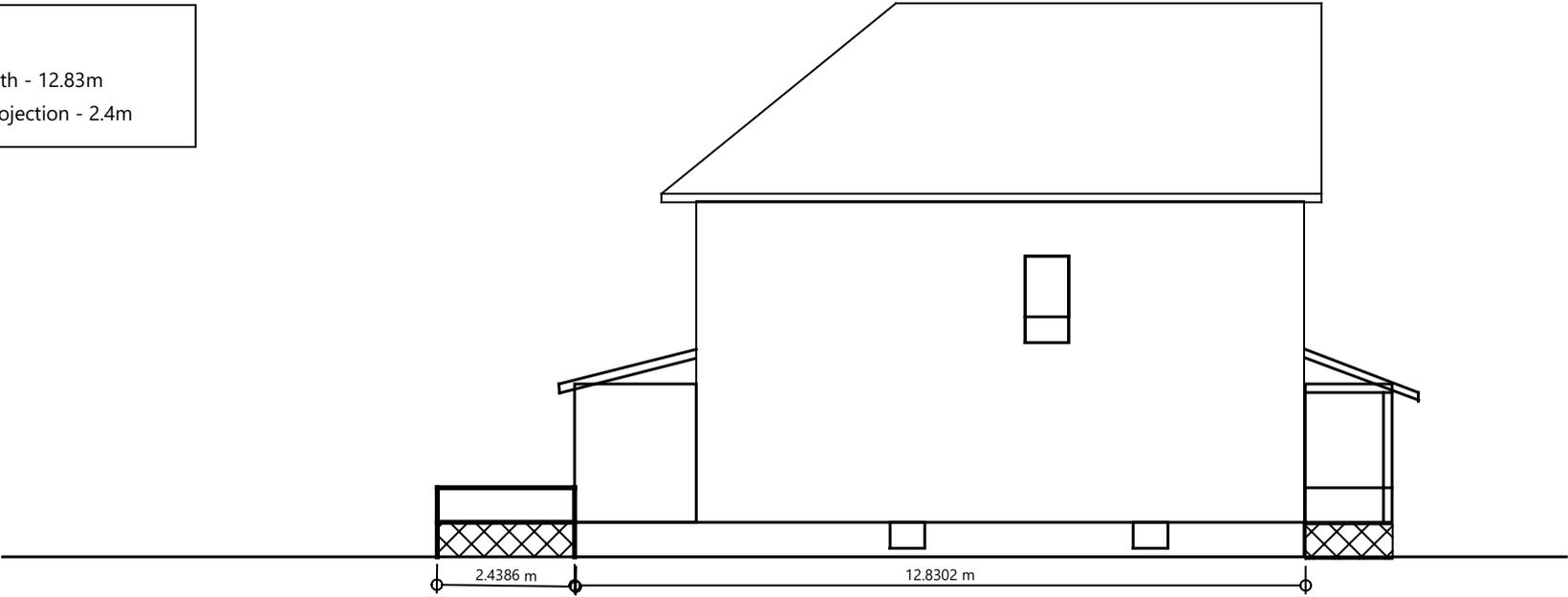
Proposed



Dimensions: Scale 1:48
- Building Width - 4.9m
- Building Height (from grade) - 9.9m
- Eave & Gutter Projection - 30.48cm

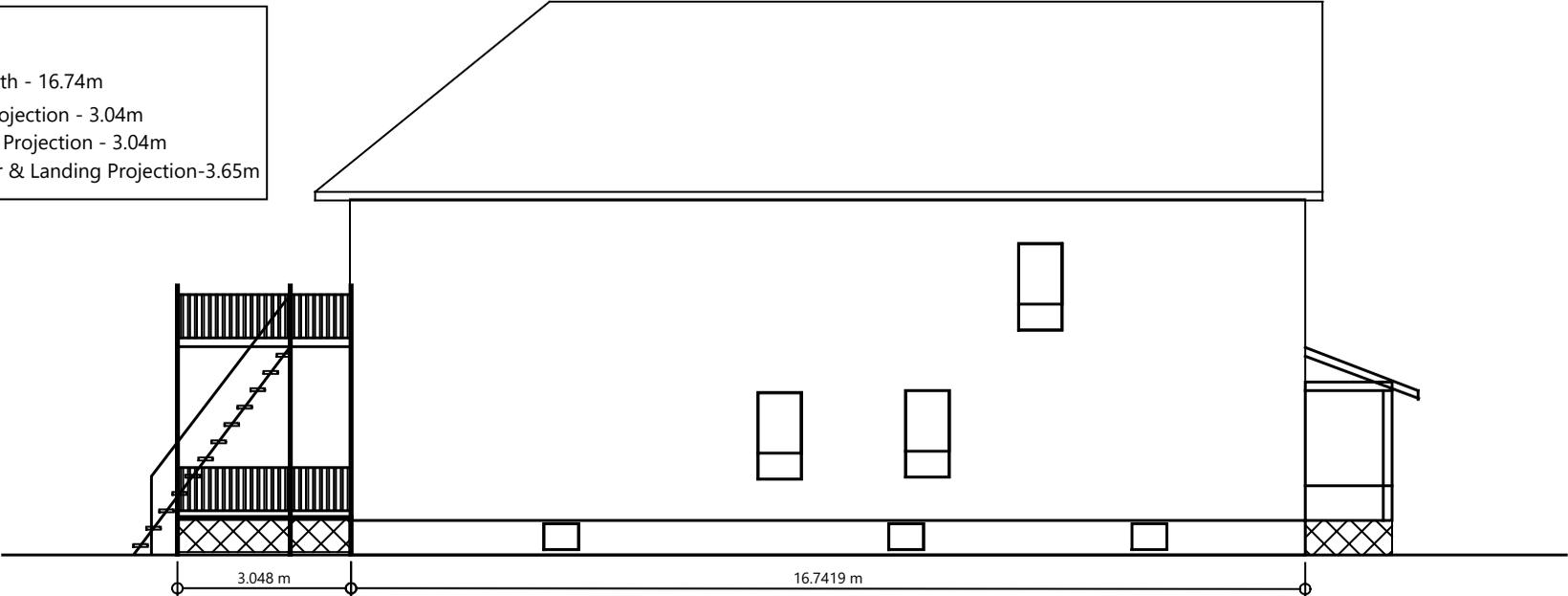
222 Grosvenor Ave N - Proposed Conversion - North Elevation

Scale 1:96
Dimensions:
- Building Depth - 12.83m
- Rear Deck Projection - 2.4m



Existing

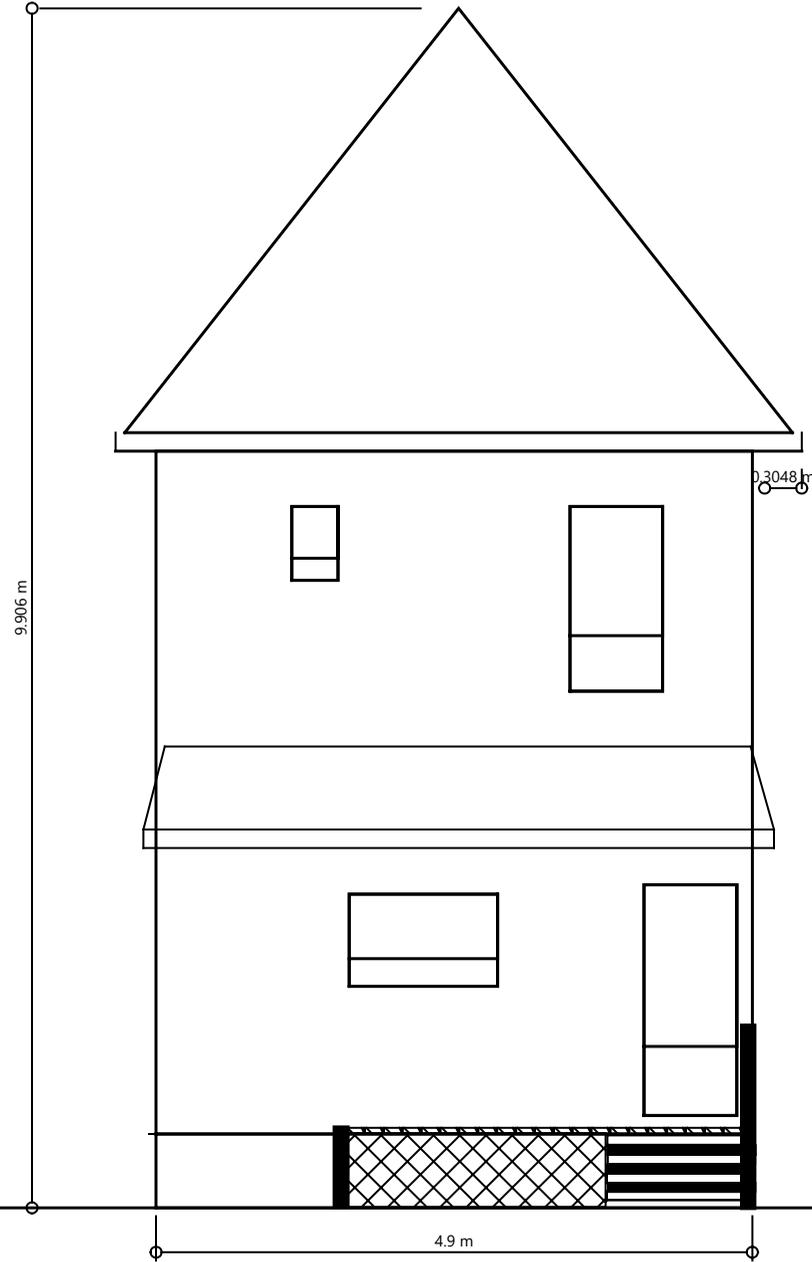
Scale 1:96
Dimensions:
- Building Depth - 16.74m
- Rear Deck Projection - 3.04m
- Rear Balcony Projection - 3.04m
- Balcony Stair & Landing Projection-3.65m



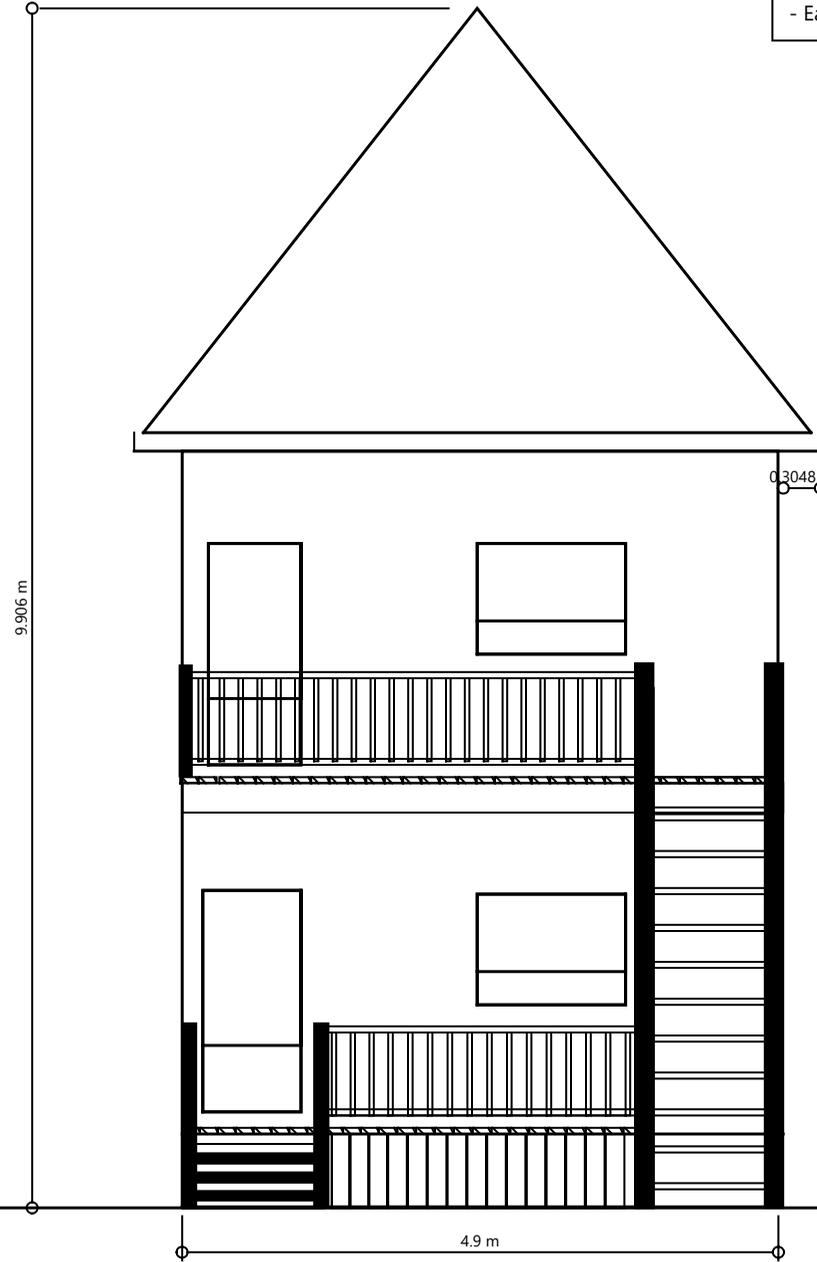
Proposed

Dimensions: Scale 1:48
- Building Width - 4.9m
- Building Height (from grade) - 9.9m
- Eave & Gutter Projection - 30.48cm

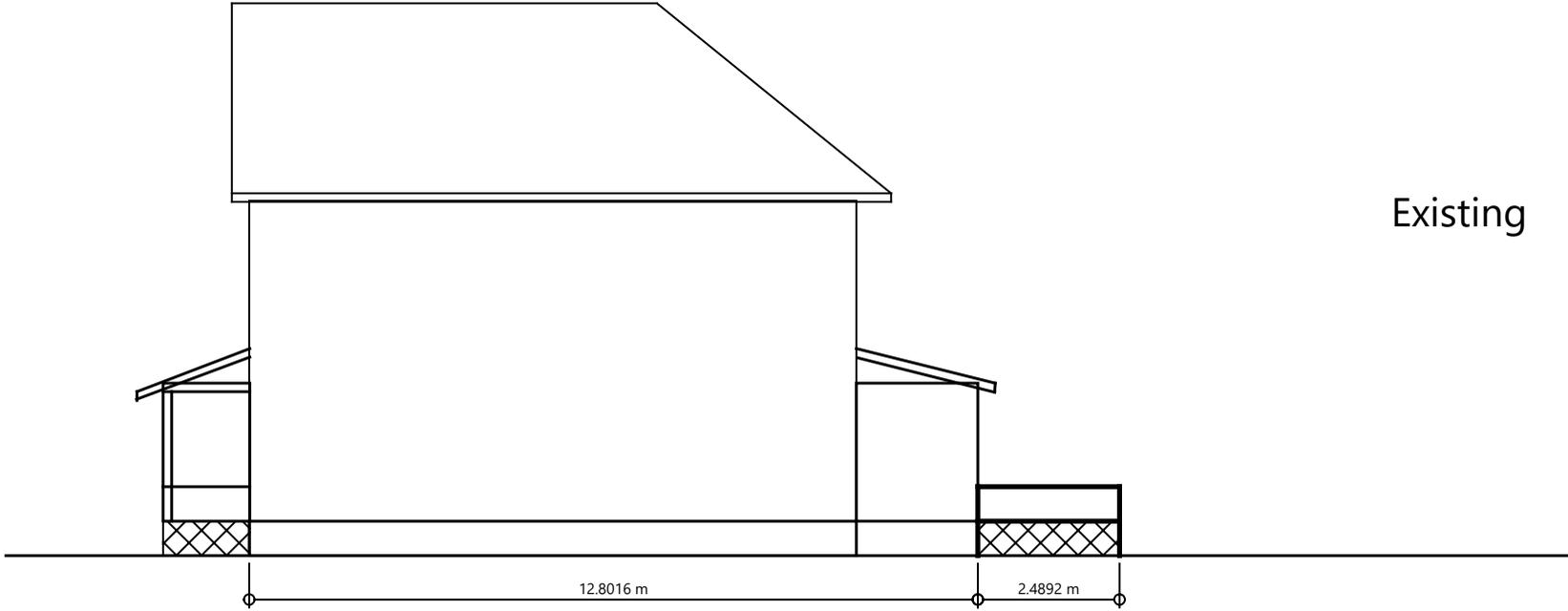
Existing



Proposed

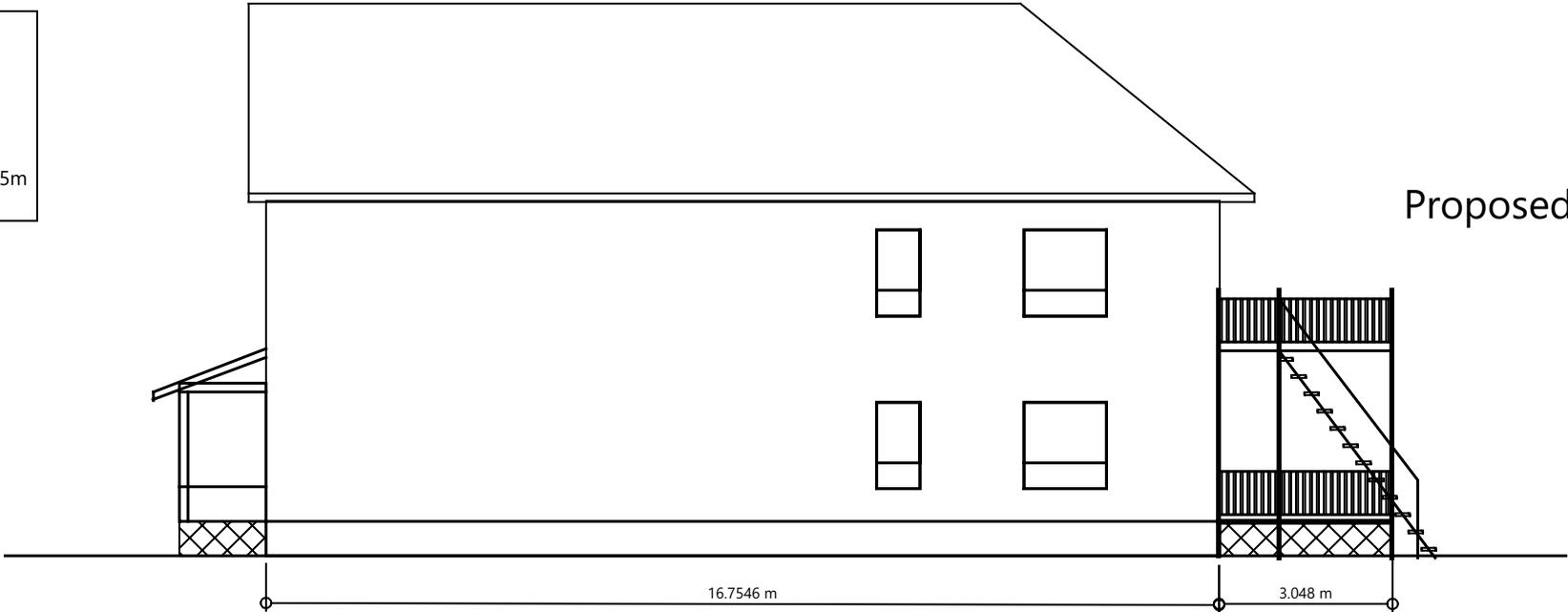


Scale 1:96
 Dimensions:
 - Building Depth - 12.8m
 - Rear Deck Projection - 2.4m



Existing

Scale 1:96
 Dimensions:
 - Building Depth - 16.75m
 - Rear Deck Projection - 3.04m
 - Rear Deck Projection - 3.04m
 - Balcony stair & landing projection - 3.65m



Proposed



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	Kamaway Creek Properties Ltd		
Applicant(s)*	Kamaway Creek Properties Ltd Owners: Greg Thomas Christopher Plock		
Agent or Solicitor			Phone:
			E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Mortgage Holder:
 TD Bank
 3569 Lakeshore Blvd W
 Toronto ON
 M8W 0A7

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

4. Nature and extent of relief applied for:

See appendix A

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

See appendix A

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

222 Grosvenor Ave N

PIN: 17223-0250 LT

Description: PT LT 151, PL 463, AS IN VM31025; Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

- 8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

- 8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Personal knowledge of the property.

- 8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Apr 1, 2021
Date

Greg
Thomas
Digitally signed by Greg
Thomas
Date: 2021.04.01
11:45:24 -04'00'
Signature Property Owner
Kamaway Creek Properties Ltd
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>6.09m</u>
Depth	<u>32.61m</u>
Area	<u>198.59m</u>
Width of street	<u>TBD</u>

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

See appendix A. Refer to drawings for details

Proposed

See appendix A. Refer to drawings for details

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

See appendix A. Refer to drawings for details

Proposed:

See appendix A. Refer to drawings for details

13. Date of acquisition of subject lands:
May 22, 2013
14. Date of construction of all buildings and structures on subject lands:
1920
15. Existing uses of the subject property:
Residential
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
101yrs
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Urban Protected Residential – One and Two Family Dwellings "D" District
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:141

APPLICANTS: Sherri Crawford on behalf of the owner Stalakowski Properties

SUBJECT PROPERTY: Municipal address **584 Main St. E., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 74-60

ZONING: "H" (Community Shopping and Commercial, etc.) district

PROPOSAL: To permit the conversion of the existing residential building containing six (6) dwelling units into a ten (10) unit multiple dwelling building notwithstanding that;

1. An average floor area of 32.20 square metres shall be provided for all dwelling units, instead of the requirement that the average of the floor area of all dwelling units shall be at least 65.0 square metres.
2. A minimum radial separation distance of 0 metres from the lot line to the lot line of a lot occupied by a converted building (i.e. 590 Main Street East) shall be provided instead of the minimum required radial distance separation of 180.0 m.

NOTE:

1. The variance requested to Section 19(3)(iii)(1) related to the radial separation distance to the lot line of a lot occupied by a converted building, has been written as requested by the applicant. Additional variances may be required if other converted buildings as per Section 19(3)(iii) are located within the required radial distance separation of 180.0 metres.
2. A building permit is required for the proposed addition. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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

DATE: Thursday, May 20th, 2021
TIME: 3:15 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

HM/A-21: 141
Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

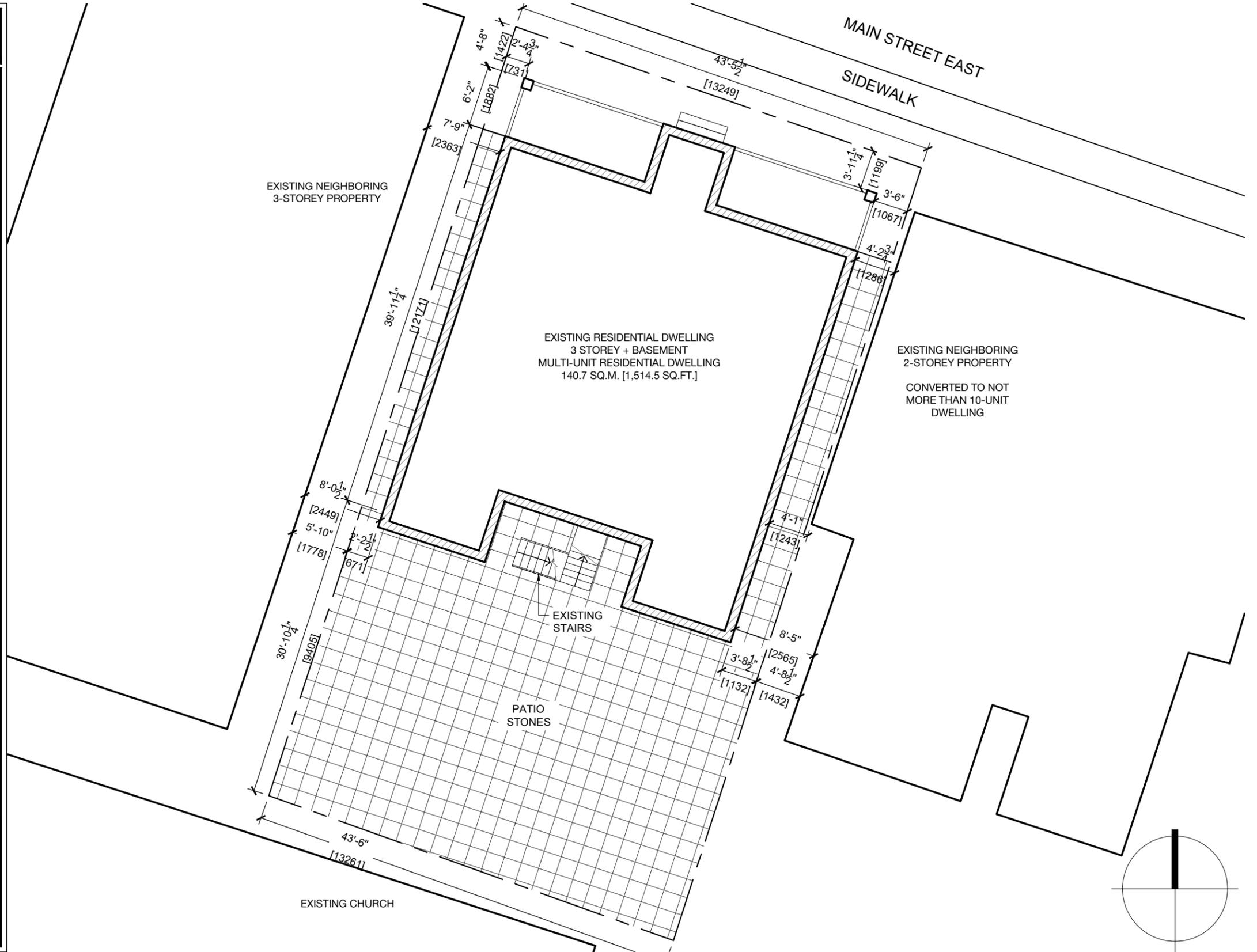
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

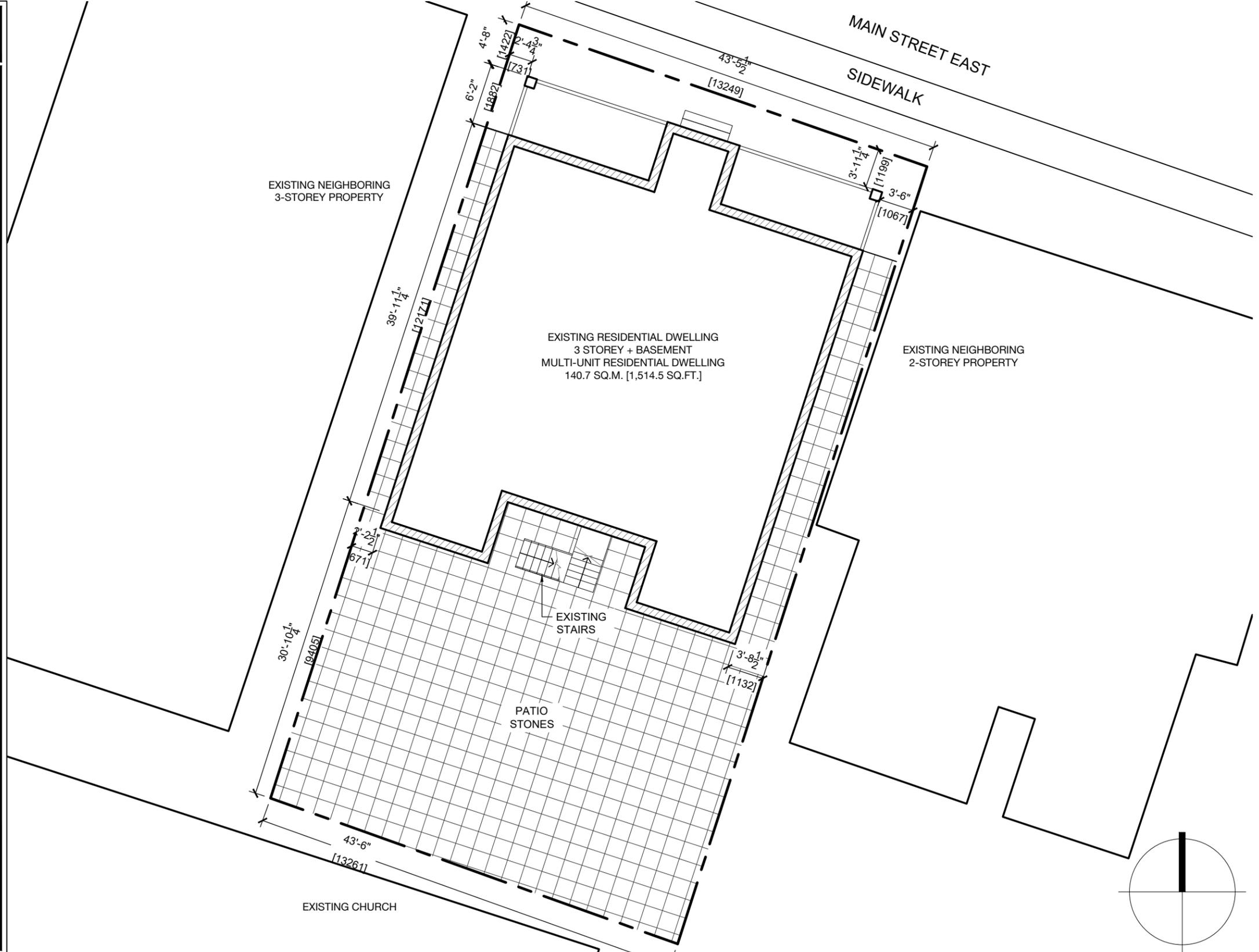
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

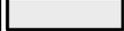
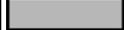
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

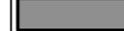
SITE DETAILS		
ITEM	BY LAW	SITE (EXISTING)
ZONING	"H" DISTRICTS - COMMUNITY SHOPPING AND COMMERCIAL	
BLDG. AREA	MAX. 4X LOT AREA (GROSS)	136.3 SQ.M. PER FLOOR 545.2 SQ.M. TOTAL (40% OF LOT AREA)
LOT AREA TOTAL	360 SM (3875.01 SF)	330.43 SQ.M.(356.76 SF)
LOT WIDTH	MIN. 12.0 M. (39.37')	13.2 M. (WIDEST WIDTH)
FRONT YARD	MIN. 4.5 M	1.4 M.
SIDE YARD	MIN. 1.2 M. (3.94')	NORTH WEST SIDE YARD: 0.71 M NORTH EAST SIDE YARD: 1.06 M
REAR YARD	MIN. 7.5 M. (24.61')	9.4 M.
BUILDING HEIGHT	MAX. 4 STOREYS AND NO STRUCTURE SHALL EXCEED 17.0 METRES IN HEIGHT	3 STOREYS ABOVE GRADE 30' (9.14M) HIGH
DRIVEWAY	ONE 6.0 M WIDTH MAX.	NONE
PARKING	1.25 SPACES PER UNIT = 12.5 SPACE VISITOR PARKING 0.25 PER UNIT = 2.5 SPACES 1 LOADING SPACE TOTAL OF 16 SPACES	0 SPACES
RESIDENTIAL UNITS	10 UNITS (SECTION 19)	10 UNITS

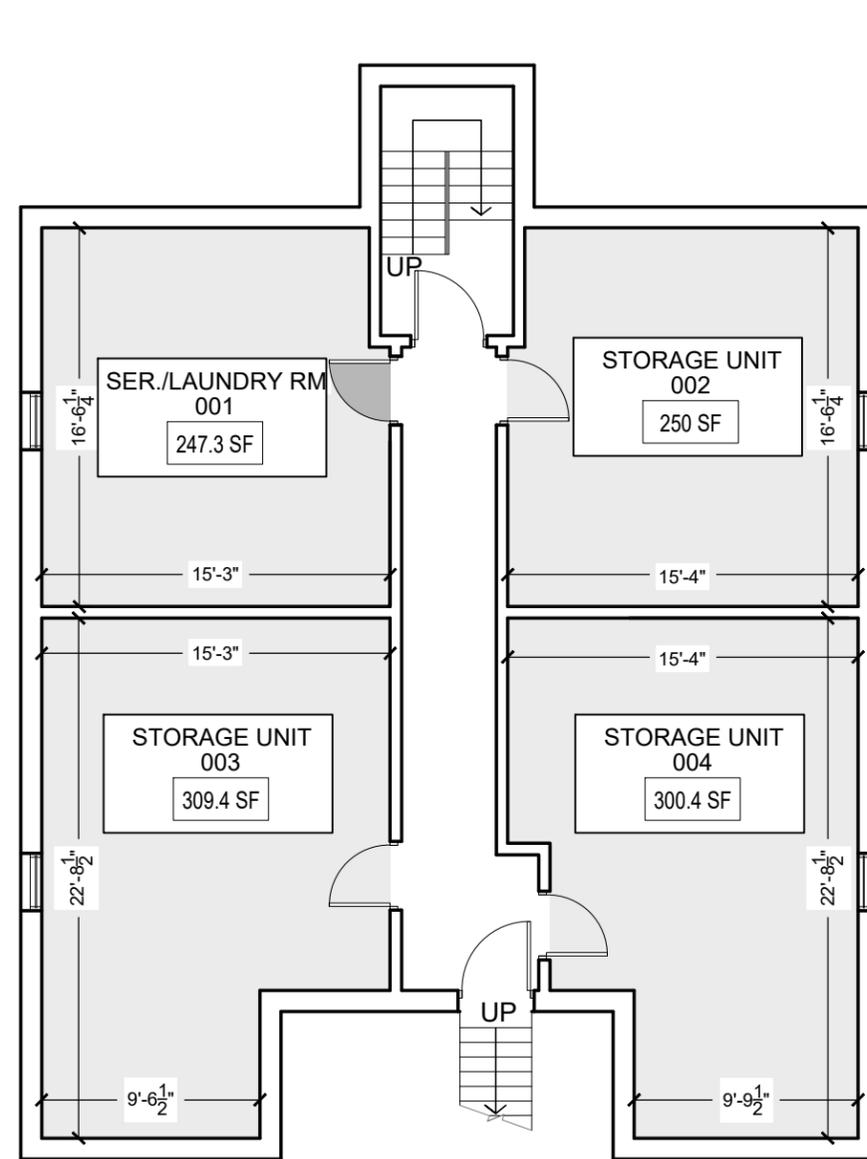


SITE DETAILS		
ITEM	BY LAW	SITE (EXISTING)
ZONING	"H" DISTRICTS - COMMUNITY SHOPPING AND COMMERCIAL	
BLDG. AREA	MAX. 4X LOT AREA (GROSS)	136.3 SQ.M. PER FLOOR 545.2 SQ.M. TOTAL (40% OF LOT AREA)
LOT AREA TOTAL	360 SM (3875.01 SF)	330.43 SQ.M.(356.76 SF)
LOT WIDTH	MIN. 12.0 M. (39.37')	13.2 M. (WIDEST WIDTH)
FRONT YARD	MIN. 4.5 M	1.4 M.
SIDE YARD	MIN. 1.2 M. (3.94')	NORTH WEST SIDE YARD: 0.71 M NORTH EAST SIDE YARD: 1.06 M
REAR YARD	MIN. 7.5 M. (24.61')	9.4 M.
BUILDING HEIGHT	MAX. 4 STOREYS AND NO STRUCTURE SHALL EXCEED 17.0 METRES IN HEIGHT	3 STOREYS ABOVE GRADE 30' (9.14M) HIGH
DRIVEWAY	ONE 6.0 M WIDTH MAX.	NONE
PARKING	1.25 SPACES PER UNIT = 12.5 SPACE VISITOR PARKING 0.25 PER UNIT = 2.5 SPACES 1 LOADING SPACE TOTAL OF 16 SPACES	0 SPACES
RESIDENTIAL UNITS	10 UNITS (SECTION 19)	10 UNITS

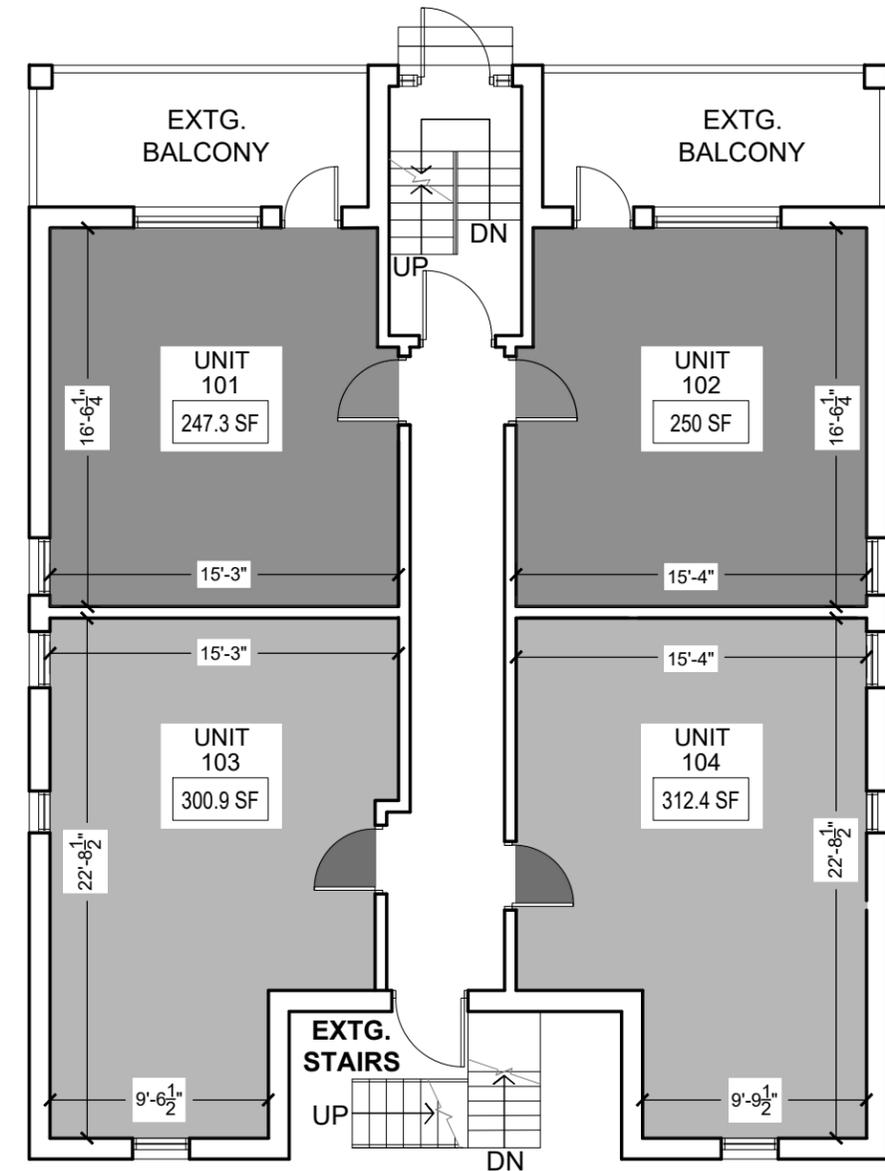


584 MAIN STREET UNIT TYPES	QTY	COLOUR IDEN.
SERVICE/LAUNDRY ROOM	1	
STORAGE UNIT	3	
BACHELOR UNIT	4	
1 BEDROOM UNIT	6	

GROUND FLOOR UNITS	TYPE	SQ.M.	COLOUR IDEN.
UNIT 301	BACHELOR	23	
UNIT 302	BACHELOR	23.22	
UNIT 303	1 BEDROOM	28.7	
UNIT 304	1 BEDROOM	29	



BASEMENT PLAN

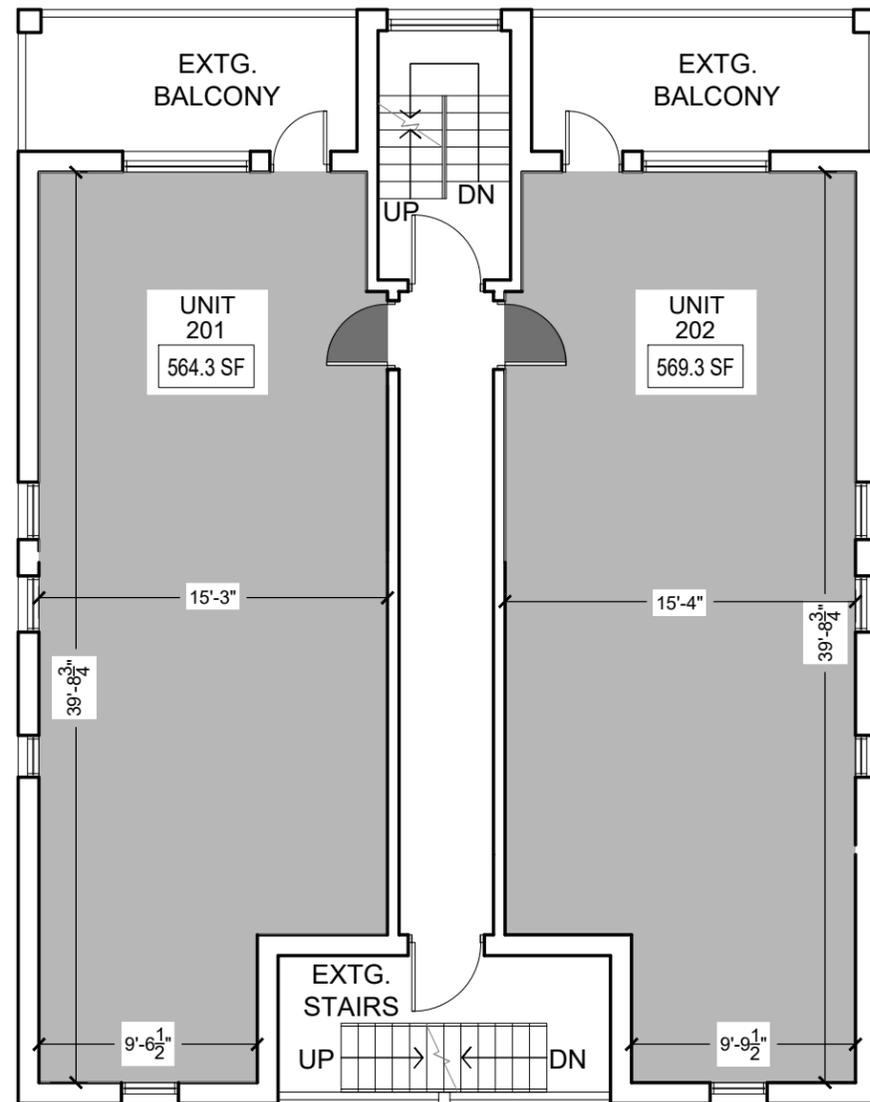


GROUND FLOOR PLAN

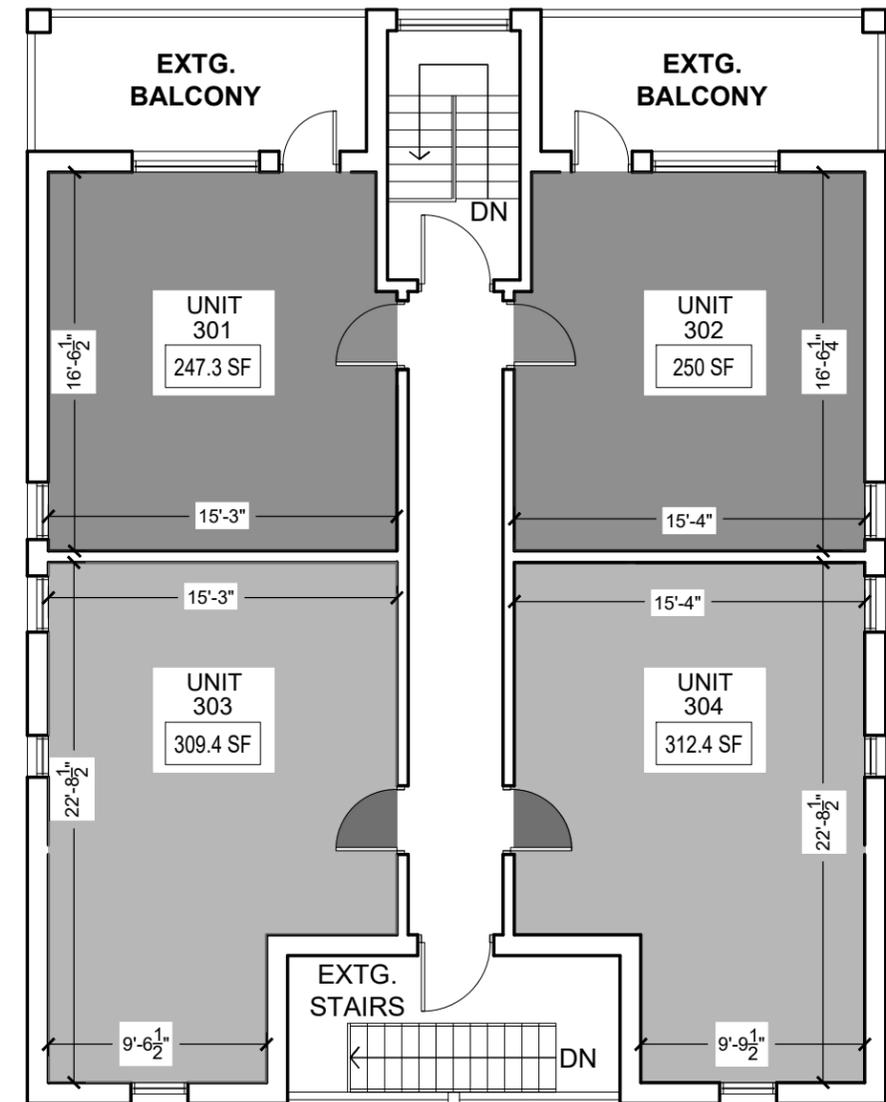
584 MAIN STREET UNIT TYPES	QTY	COLOUR IDEN.
SERVICE/LAUNDRY ROOM	1	
STORAGE UNIT	3	
BACHELOR UNIT	4	
1 BEDROOM UNIT	6	

2ND FLOOR UNITS	TYPE	SQ.M.	COLOUR IDEN.
UNIT 201	1 BEDROOM	52.4	
UNIT 202	1 BEDROOM	52.9	

3RD FLOOR UNITS	TYPE	SQ.M.	COLOUR IDEN.
UNIT 301	BACHELOR	23	
UNIT 302	BACHELOR	23.22	
UNIT 303	1 BEDROOM	28.7	
UNIT 304	1 BEDROOM	29	

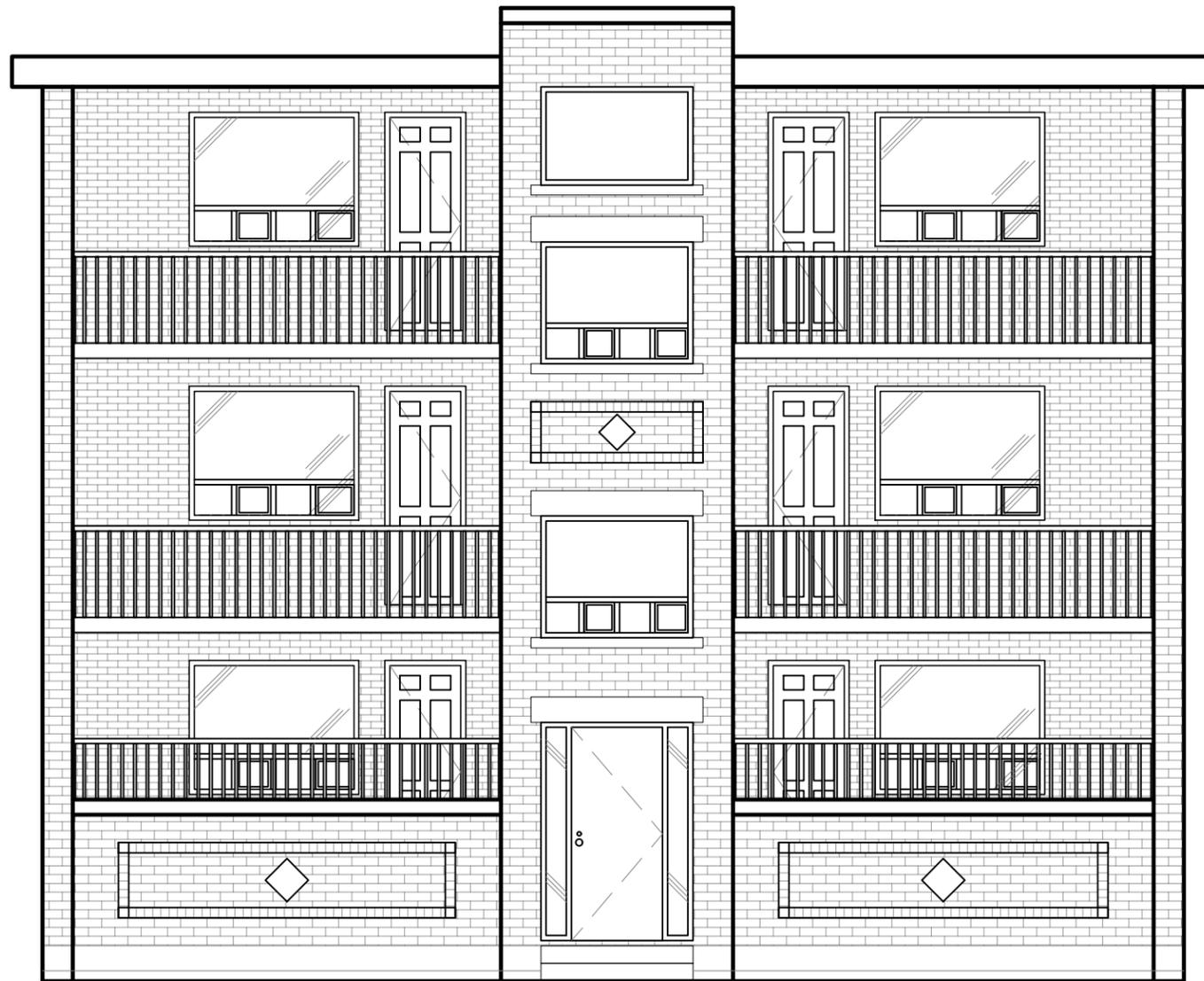


SECOND FLOOR PLAN

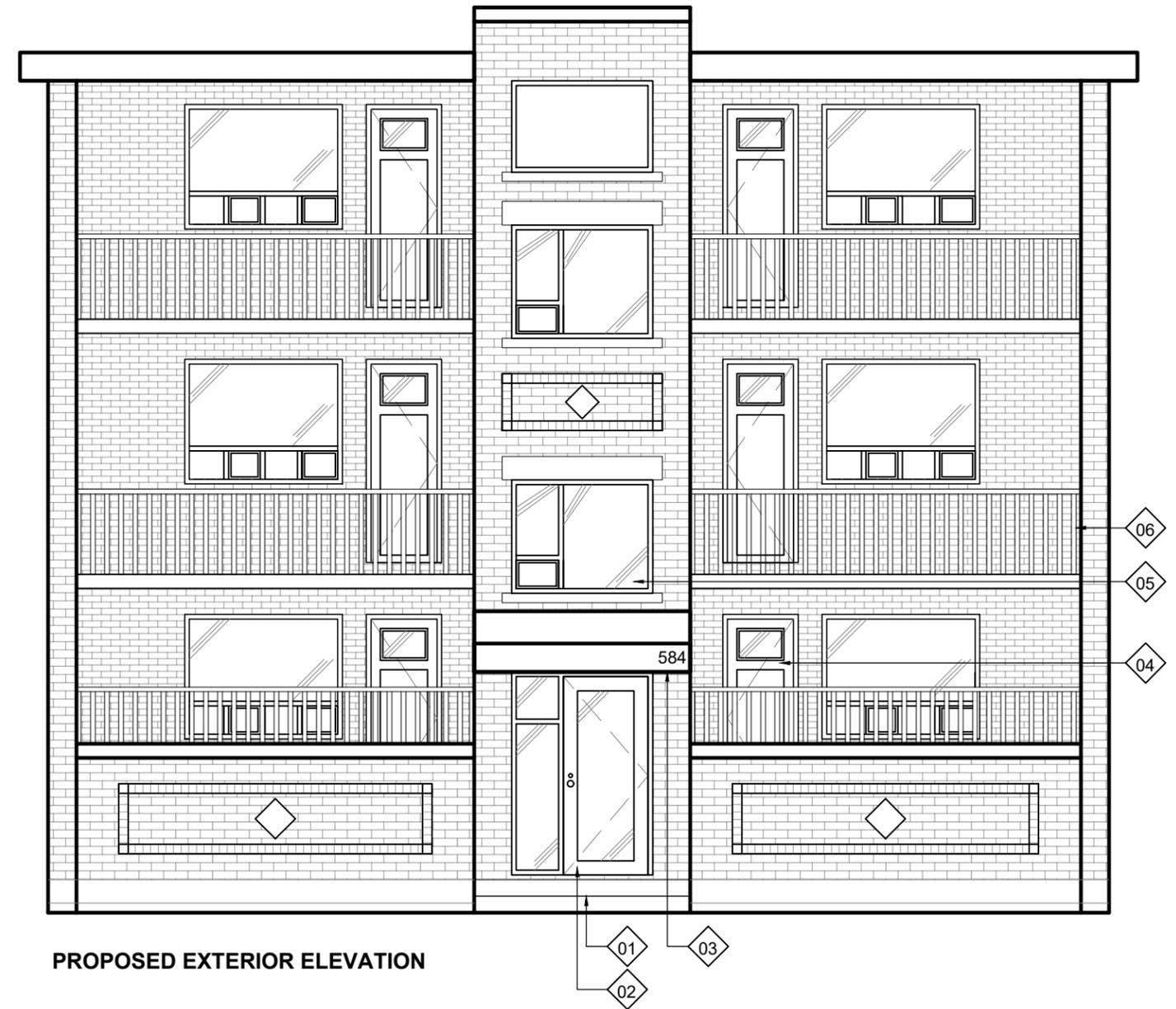


THIRD FLOOR PLAN

EXTERIOR ALTERATIONS	
ITEM NO.	DESCRIPTION
01	EXISTING PORCH STEPS WIDENED.
02	EXISTING ENTRY DOOR & SIDELITE REPLACED WITH NEW.
03	NEW BLACK CANVAS AWNING.
04	EXISTING BALCONY DOORS REPLACED WITH NEW.
05	EXISTING STAIRWELL WINDOWS REPLACED WITH NEW.
06	EXISTING WOOD BALCONY RAILING & SPINDLES REPLACED WITH NEW BLACK METAL SPINDLES AND RAILINGS



EXISTING EXTERIOR ELEVATION



PROPOSED EXTERIOR ELEVATION



Hamilton

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

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS
Registered Owners(s)	Stalakowski Properties LTD.	
Applicant(s)*	Peter Dyakowski, Dave Stala	
Agent or Solicitor	Sheri Crawford X-Design Inc.	

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
1379296 Ontario INC. 80 Devon Rd. Unit 1, Brampton, ON, L6T 5B3

4. Nature and extent of relief applied for:
Reduction of parking spaces in accordance to Section 18A to 0 on-site spaces, maintain residential suites on main floor versus the required commercial uses, increase recognized 6 units to 10 units, relief from the required 180.0m radial separation of a similar converted structure, reduction of the required unit size of 65 s.m. as per Section 19 of the by-law.
5. Why it is not possible to comply with the provisions of the By-law?
The building has existing as a multiple dwelling unit on all levels prior to the by-law. It is recognized as 6 dwelling units, occupying the ground to 3rd floors, with no on-site parking and no area to provide on-site parking. The increase in units is to satisfy the need within the City for habitable spaces and the bachelor style units meet the intent of the occupants.
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
584 Main Street East - PIN 17204-0080
PT LT 11, PL225, as in VM231725 Hamilton

7. PREVIOUS USE OF PROPERTY ■

Residential Industrial Commercial
Agricultural Vacant
Other _____

- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

- 8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

- 8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Information from prior owner and title search.

- 8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

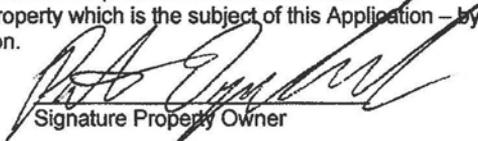
Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

2021-03-22

Date



Signature Property Owner

Peter Dyakowski

Print Name of Owner

10. Dimensions of lands affected:

Frontage	44'
Depth	83'
Area	3652sf
Width of street	67'

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Ground floor area = 136.3 s.m., 4 floors including basement, gross floor area = 545.2 s.m.

Width = 11.2m, Depth = 14.55m

See site plan chart for all details.

Proposed

Same

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

See site plan and related chart for all details.

Proposed:

Same

13. Date of acquisition of subject lands:
March 3rd, 2021
14. Date of construction of all buildings and structures on subject lands:
Prior to 1950
15. Existing uses of the subject property:
 Multi-residential
16. Existing uses of abutting properties:
 multi-residential
17. Length of time the existing uses of the subject property have continued:
 70+ years
18. Municipal services available: (check the appropriate space or spaces)
 Water yes Connected yes
 Sanitary Sewer yes Connected yes
 Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 City of Hamilton By-Law 6593, H Zone
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:143

APPLICANTS: KB Civil Constructors Inc.

SUBJECT PROPERTY: Municipal address **24-26 Graham Ave. N., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "D" (Urban Protected Residential) district

PROPOSAL: To create two separate lots having equal frontage in accordance with Consent Application No. HM/B-21:33 and to permit the construction of a new two (2) storey, two family dwelling on the property known as 24 Graham Avenue North notwithstanding that:

1. A lot area of 342.0m² shall be provided instead of the minimum required lot area of 540.0m²,
2. A lot width of 10.6m shall be provided instead of the minimum required lot width of 18.0m,
3. A side yard width of 0.6m shall be provided instead of the minimum required side yard width of 1.2m,
4. Two (2) parking spaces shall be provided in the front yard whereas the by-law does not permit parking in the front yard within a residential district,
5. No onsite manoeuvring shall be provided for the parking space located within the front yard instead of the minimum required 6.0m manoeuvring aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot,
6. The parking area shall be permitted to occupy 78% of the gross area of the front yard instead of the maximum 50.0% gross area of the front yard permitted for parking purposes
7. The front yard landscaped area shall be a minimum of 23% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.

NOTE:

- i. Variances #1 and #2 are necessary to facilitate Consent Application No. HM/B-21:33

HM/A-21: 143
Page 2

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

DATE: Thursday, May 20th, 2021
TIME: 3:20 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.

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These Contract Documents are the property of the architect. The architect bears no responsibility for the interpretation of these documents by the Contractor. Upon written application the architect will provide written/graphic clarification or supplementary information regarding the intent of the Contract Documents. The architect will review Shop Drawings submitted by the Contractor for design conformance only.

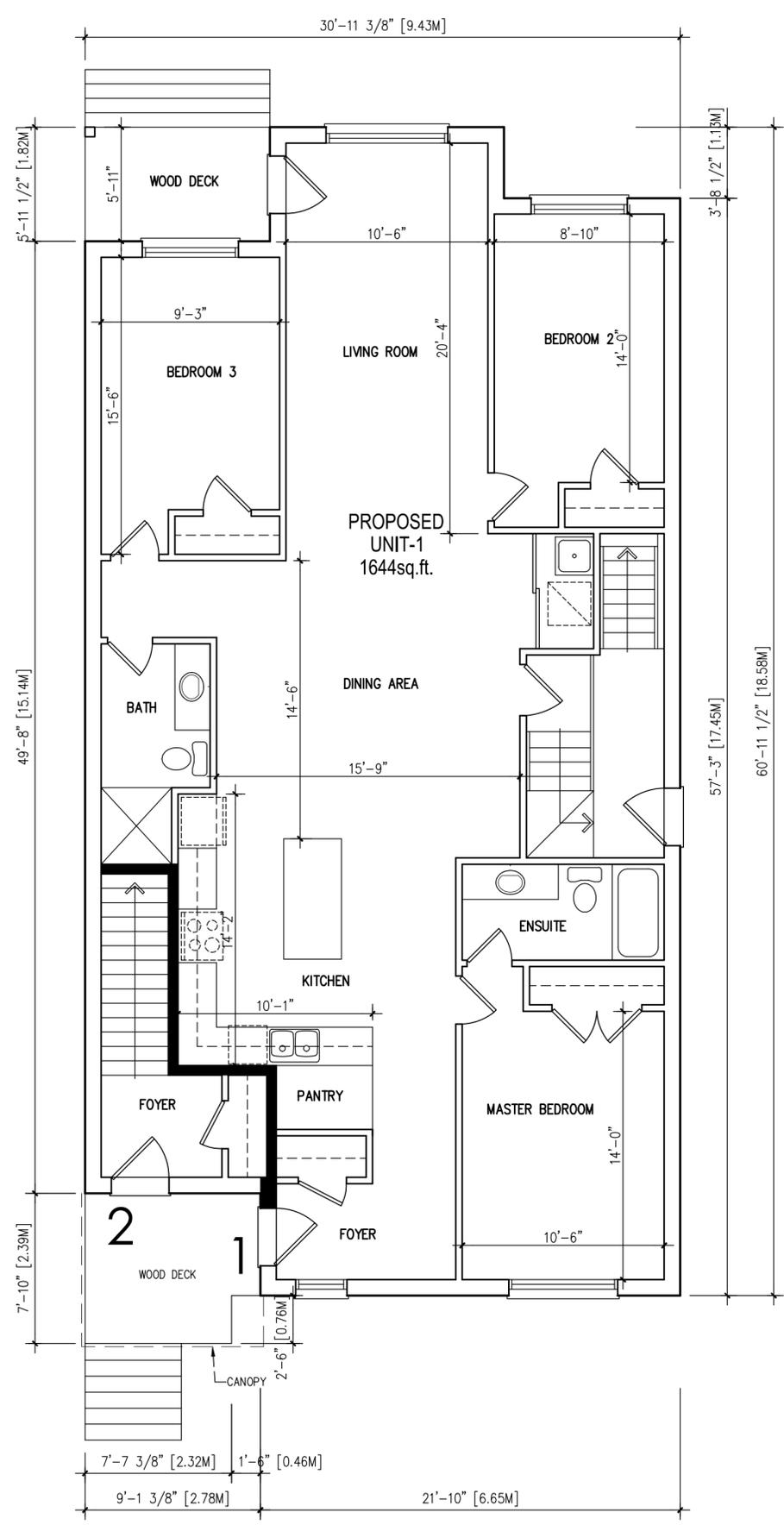
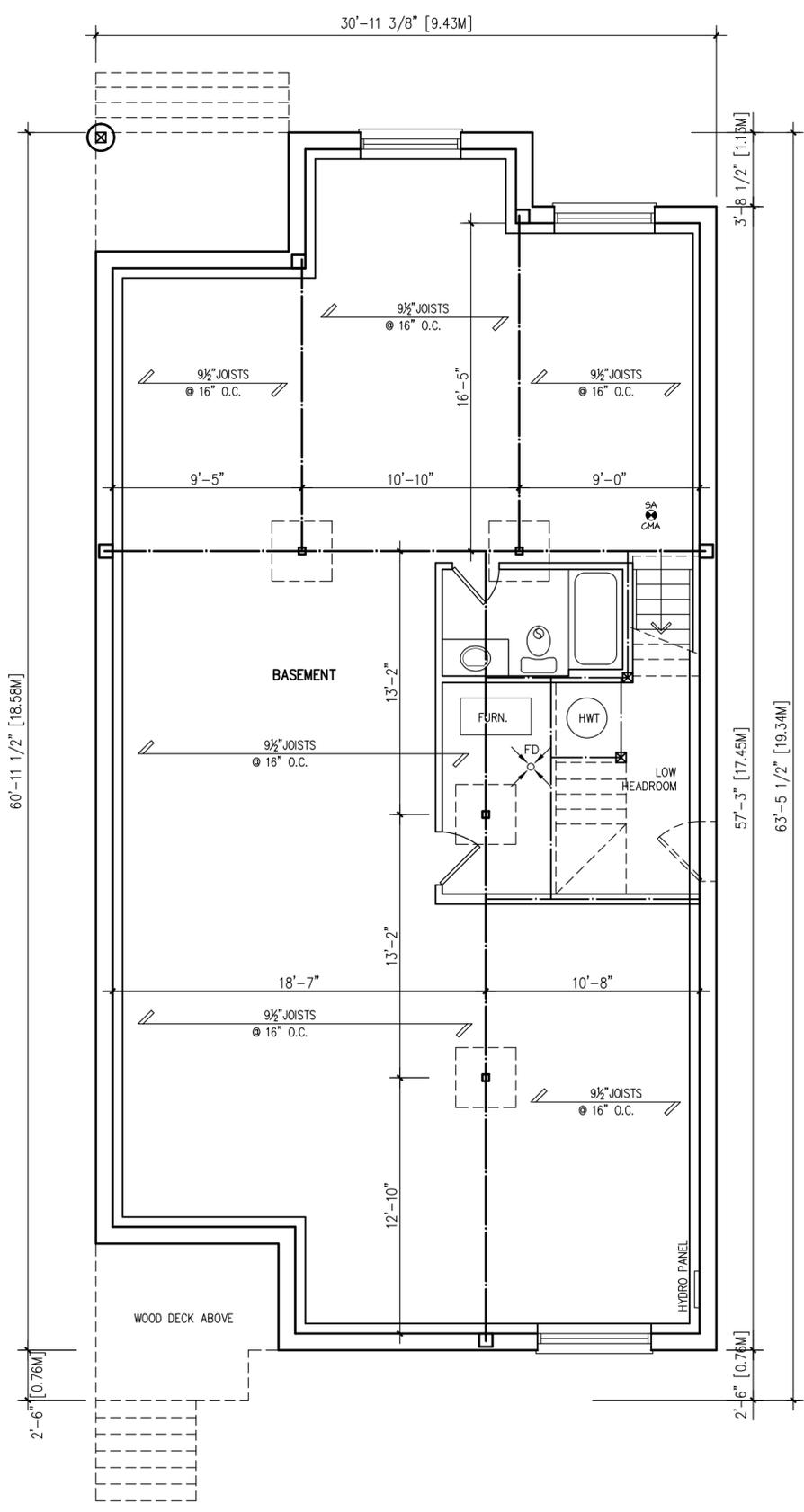
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notes:

- 2 rev. as per city comments
 - 1 issued for review - 1
- revisions: m-d-yr

architectural team :

eduardo ortiz

- planning:
- structural:
- electrical:
- mechanical:
- landscape:
- site services:

owner: family detached hamilton, ontario L8H 4J7

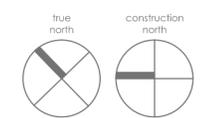
project: graham avenue north hamilton, ontario

basement & main floor layouts

feb. 11, 2021

3/16 : 1'-0"

adg



#24

date: scale: project: drawn by:

drawing number: A301



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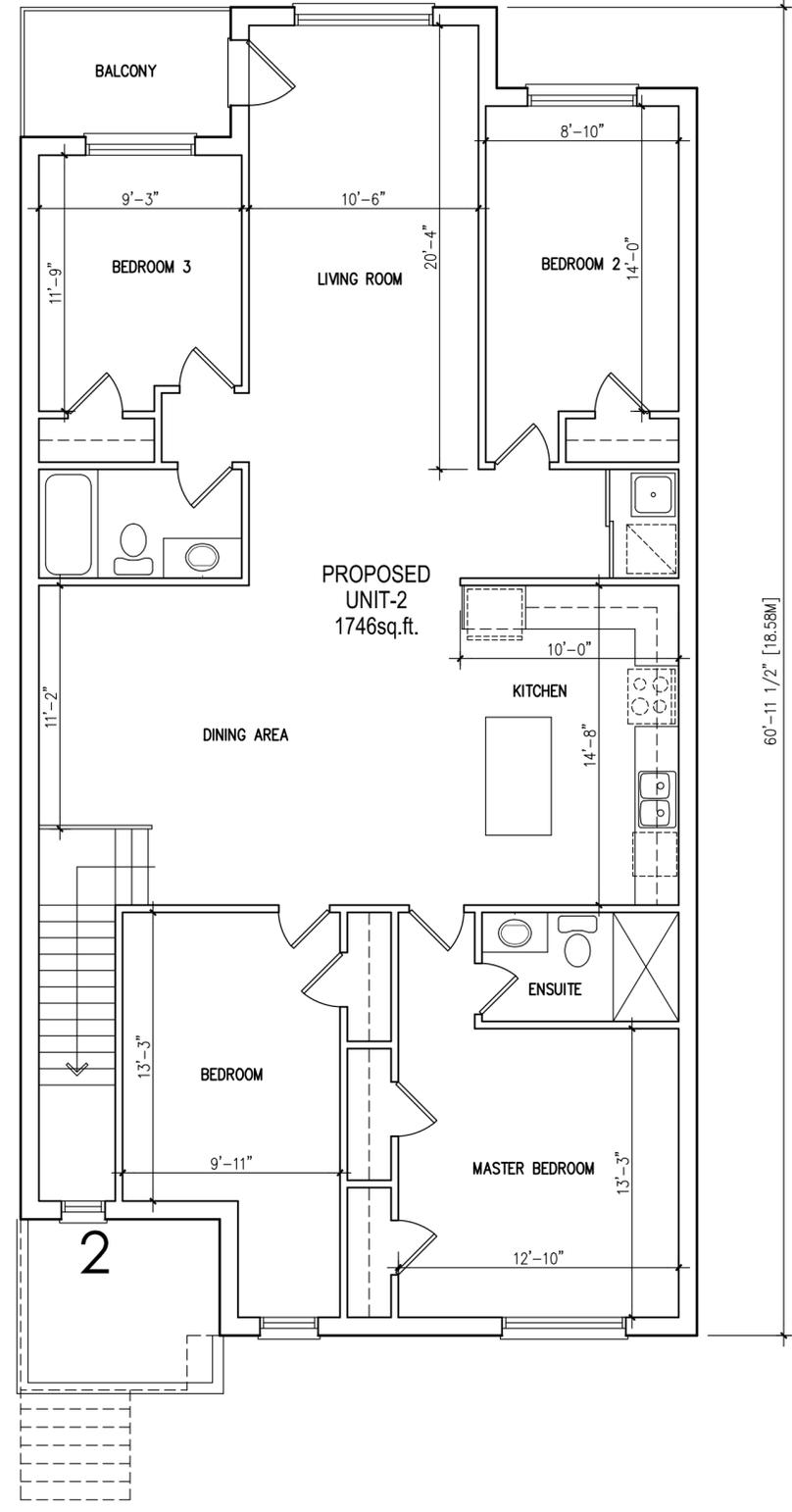
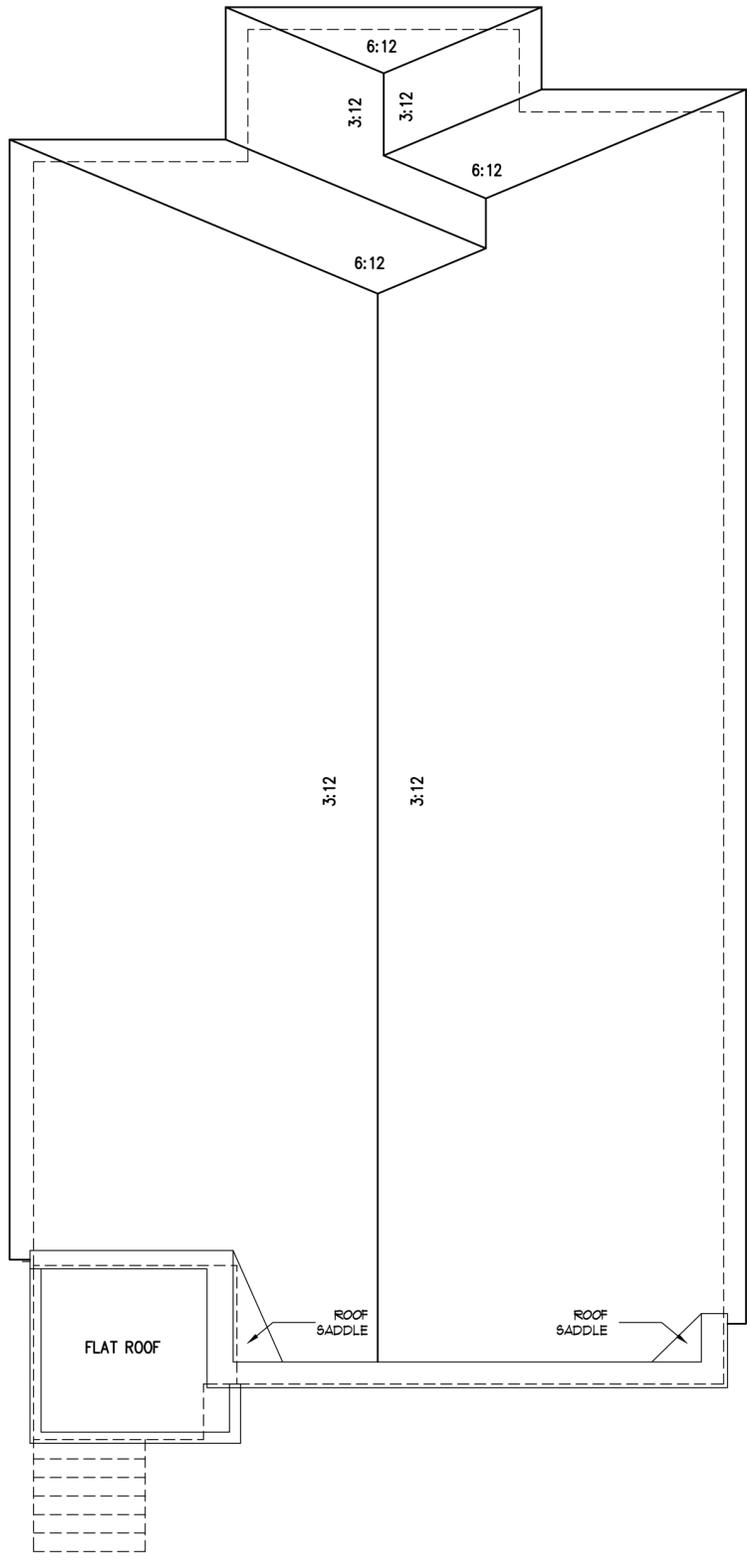
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notes:

2 rev. as per city comments 02-11-21
 1 issued for review - 1 01-19-21
 revisions: m-d-yr

architectural team :

eduardo ortiz

planning:

structural:

electrical:

mechanical:

landscape:

site services:

owner:
 family detached
 hamilton, ontario
 L8H 4J7

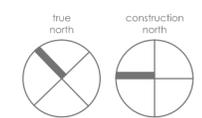
project:
 graham avenue north
 hamilton, ontario

second floor layout &
 roof plan

feb. 11, 2021

3/16 : 1'-0"

adg



#24

date:

scale:

project:

drawn by:

drawing number:

A302

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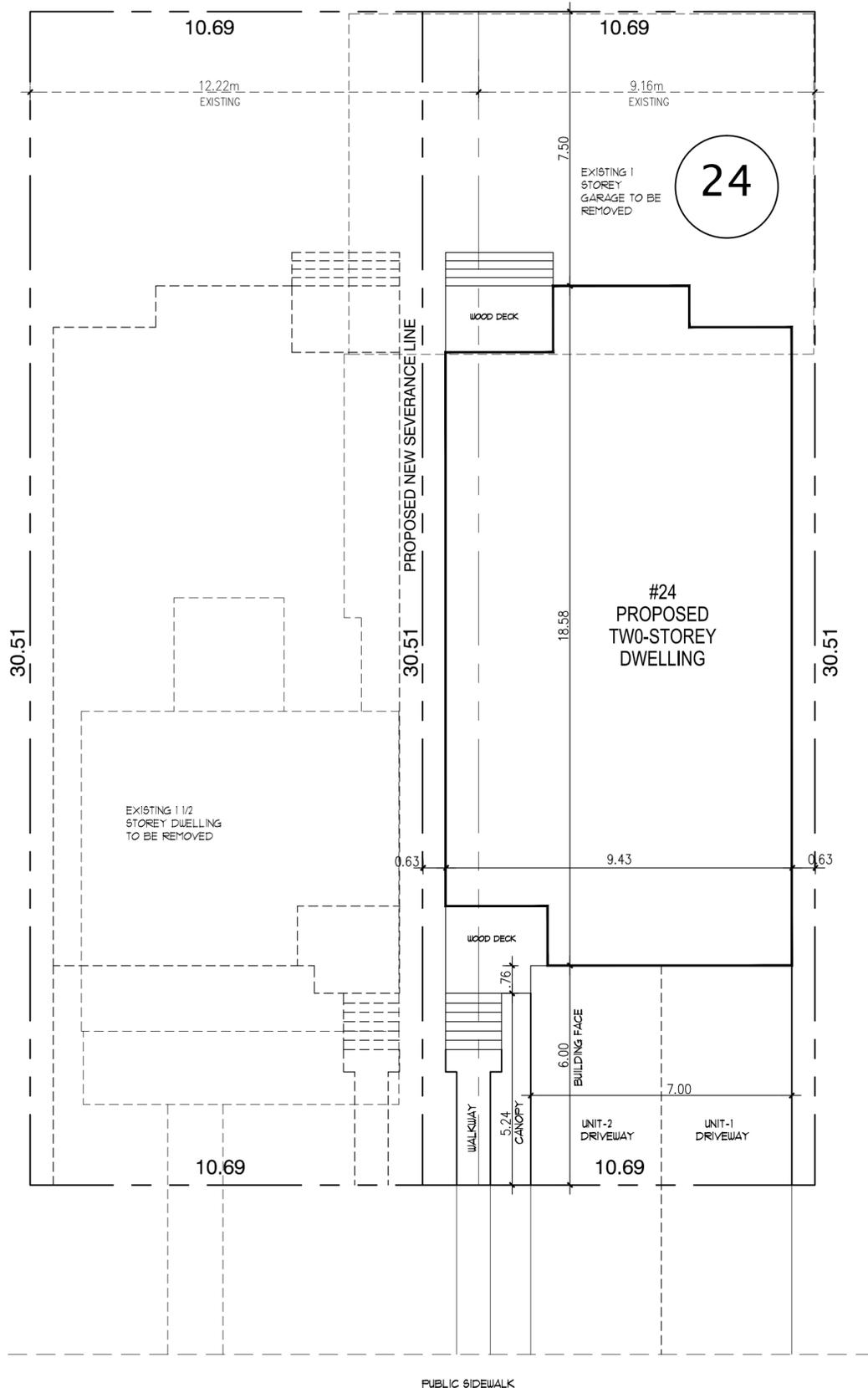
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GRAHAM AVENUE NORTH

PROPOSED SITE STATISTICS:

LOT AREA = 342.89 m2
 BUILDING COVERAGE = 168.52 m2 (INCLUDING PORCH)
 BUILDING COVERAGE = 162.20 m2 (EXCLUDING PORCH)

G.F.A LOT 24 UNIT-1	PROPOSED	
	sq. m.	sq. ft.
BASEMENT (EXEMPT)	162.20	1746
MAIN LEVEL	151.98	1636
TOTAL GFA	151.98	1638

G.F.A LOT 24 UNIT-2	PROPOSED	
	sq. m.	sq. ft.
MAIN LEVEL	10.21	110
UPPER LEVEL	156.44	1684
TOTAL GFA	166.65	1794

notes:

2 rev. as per city comments 02-11-21
 1 issued for review - 1 01-19-21
 revisions: m-d-yr

architectural team :

eduardo ortiz

planning:

structural:

electrical:

mechanical:

landscape:

site services:

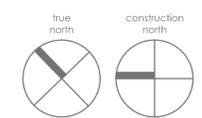
owner:
 family detached
 hamilton, ontario
 L8H 4J7

project:
 graham avenue north
 hamilton, ontario

site plan

feb. 11, 2021

adg



#24

date:
 scale:
 project:
 drawn by:

drawing number:

A101

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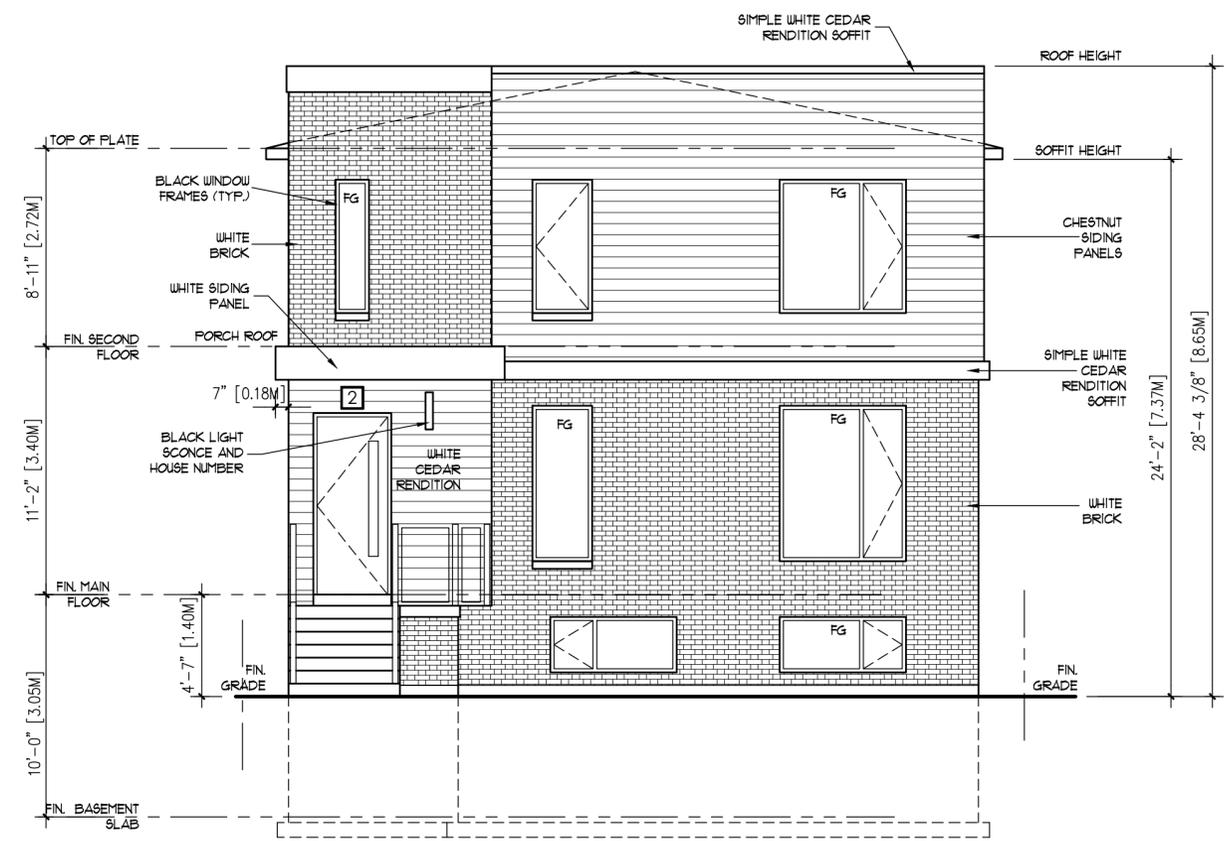
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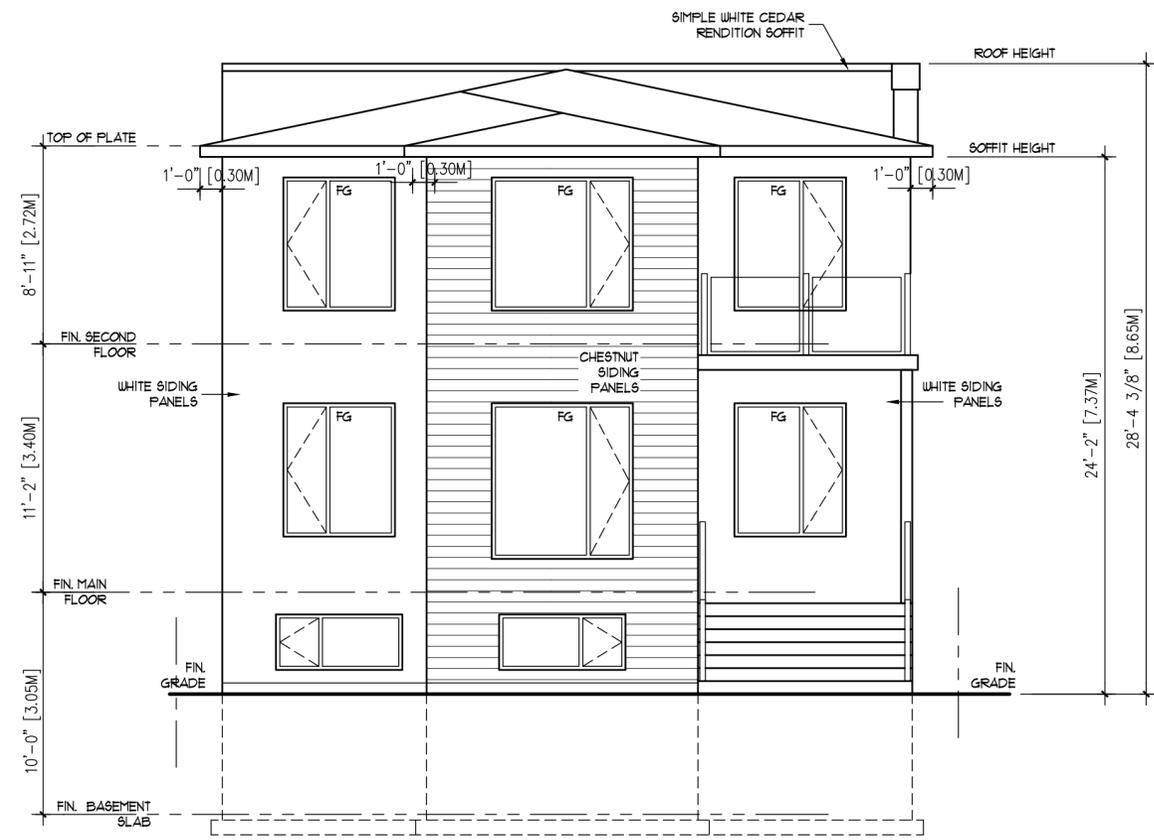
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front elevation



rear elevation

notes:

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revisions:	m-d-yr

architectural team :

eduardo ortiz

planning:

structural:

electrical:

mechanical:

landscape:

site services:

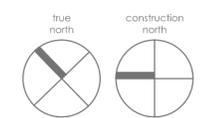
owner:
family detached
hamilton, ontario
L8H 4J7

project:
graham avenue north
hamilton, ontario

feb. 11, 2021

3/16 : 1'-0"

adg



#24

front & rear elevations

date:

scale:

project:

drawn by:

drawing number:

A401

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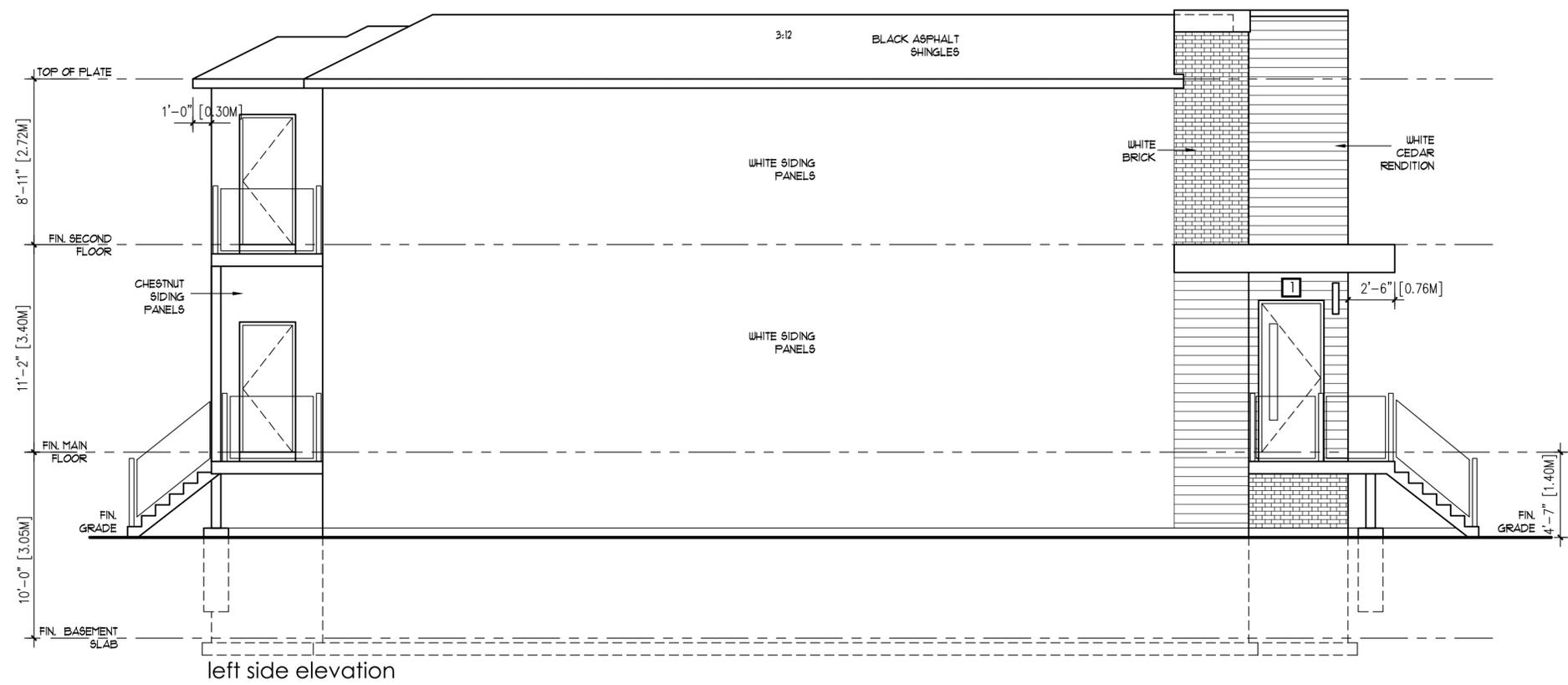
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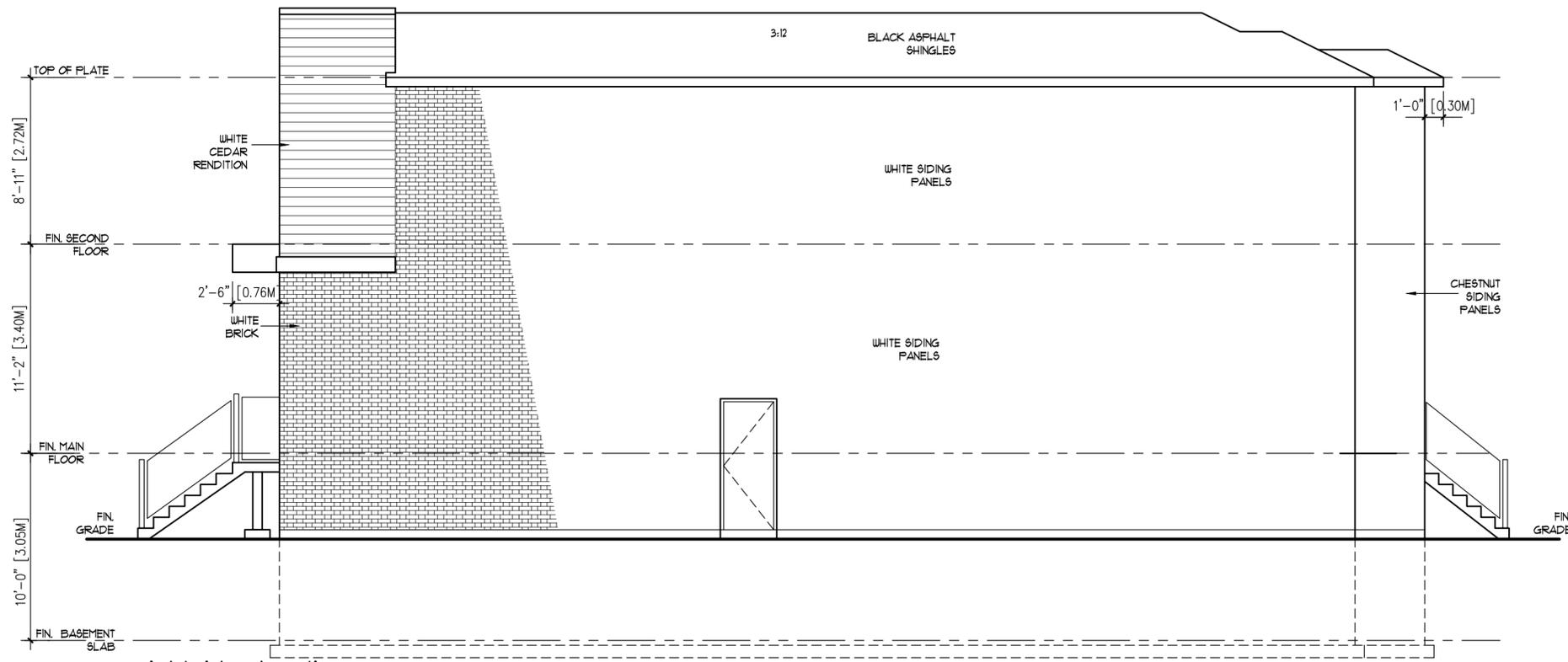
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left side elevation



right side elevation

notes:

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1 issued for review - 1	01-19-21
revisions:	m-d-yr

architectural team :

eduardo ortiz

planning:

structural:

electrical:

mechanical:

landscape:

site services:

owner:
family detached
hamilton, ontario
L8H 4J7

project:
graham avenue north
hamilton, ontario

side elevations

feb. 11, 2021

3/16 : 1'-0"

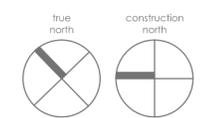
adg

date:

scale:

project:

drawn by:



#24

drawing number:
A402



Hamilton

February 05, 2021

FILE: ALR
 FOLDER: 21-103347-00 ALR
 ATTENTION OF: Matthew Stavroff
 TELEPHONE NO: (905) 546-2424
 EXTENSION: 5716

EDUARDO ORTIZ
 368 DUFFERIN ST
 TORONTO, ON M6K 1Z8

Re: APPLICABLE LAW REVIEW
Present Zoning: 'D' DISTRICT
Address: 24 & 26 GRAHAM AVENUE NORTH, HAMILTON

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

COMMENTS:

1. The applicant is proposing to construct two (2) new residential buildings on two separate lots. Each building is intended to be used as a Two Family Dwelling.
2. The proposed use of a Two Family Dwelling is permitted in the current zoning designation.
3. This existing buildings are intended to be demolished in order to permit the construction of the new building. Please be advised that a demolition permit will be required in the normal manner.
4. A successful severance application to the Committee of Adjustment will be required to create two (2) individual lots each having equal frontage of 10.69m along Graham Avenue North (as shown on the submitted plans).
5. The proposed development for each lot has been reviewed and compared to the standards of the "D" zoning district as indicated in the following chart:

24 GRAHAM AVENUE NORTH:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 10 of Hamilton Zoning By-law 6593			
Maximum Building Height Section 10(2) of	Three (3) Storeys	Two (2) Storeys	Conforms <i>Please note that if less than half of the basement level is</i>

	Required By By-Law	Provided	Conforming/ Non-Conforming
Hamilton Zoning By-law 6593			<i>situated below Grade, the basement will be considered an additional storey. It appears that more than half of the basement is below grade based on the submitted drawings. Therefore, the basement is considered a "cellar" and is not a storey.</i>
	14.0m	8.7m	Appears to Conform
Minimum Front Yard Section 10(3)(i) of Hamilton Zoning By-law 6593	6.0m	Not Indicated. Please note that the front porch appears to have a full concrete foundation which forms part of the principal building. As such, the porch and steps are considered part of the principal building and cannot be considered a yard encroachment/ projection As a result, the front yard distance should be measured from the extent of the steps to the front property line. Based on the above, the front yard setback is less than 6.0m	Non-Conforming
Front Yard Encroachment – Roofed-Over Unenclosed Porch Section 18(3)(vi)(d) of Hamilton Zoning By-law 6593	A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard to a distance of not more than 3.0 metres, and every such projecting porch shall be distant at least 1.5 metres from the front lot line.	The front porch is considered part of the principal building (as per row above)	Not Applicable
Front Yard Encroachment – Front Canopy Section 18(3)(vi)(d) of Hamilton Zoning By-law 6593	A canopy may project into a required front yard not more than 1.5m provided that no such projection is closer to a street line than 1.5m. <i>Therefore; 6.0m – 1.5m = a minimum 4.5m canopy setback is required.</i>	The distance of the canopy has not been indicated.	Unable to Determine Compliance

	Required By By-Law	Provided	Conforming/ Non-Conforming
Minimum Side Yard Section 10(3)(ii) of Hamilton Zoning By-law 6593	1.2m for buildings not over 2½ storeys or 11.0m	0.6m	Non-Conforming
	2.17m for any other buildings		
Eaves & Gutter Projection Section 18(3)(vi)(b) of Hamilton Zoning By-law 6593	Eaves and gutters may project into a required side yard not more than one- half of its width, or 1.0 metre, whichever is the lesser;	The distance of the eaves and gutter projection into the side yard has not been indicated.	Unable to Determine Compliance
Minimum Rear Yard Section 10(3)(iii) of Hamilton Zoning By-law 6593	7.5m	7.5m	Conforms
Minimum Lot Area Section 10(4) of Hamilton Zoning By-law 6593	Two Family Dwelling – 540.0m ²	342.89m ²	Non-Conforming
Minimum Lot Width Section 10(4) of Hamilton Zoning By-law 6593	Two Family Dwelling – 18.0m	10.69m	Non-Conforming
Parking Requirements – Section 18A			
Minimum Number of Parking Spaces Section 18A Table 1 of Hamilton Zoning By-law 6593	A minimum of two (2) parking spaces are required (one space per unit).	Two (2) spaces are provided on site.	Conforms
Minimum Manoeuvring Space Section 18A(1)(f) and Table 6 of Hamilton Zoning By-law 6593	6.0m	0.0m	Non-Conforming
Minimum Parking Space Size Section 18A(7) of Hamilton Zoning By-law 6593	2.7m x 6.0m	3.5m x 6.0m	Conforms
Section 18A(9) of Hamilton Zoning By-law 6593	Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot which the principal use, building or structure is located.	Manoeuvring space is provided off-site (road allowance).	Non-Conforming
Section 18A(14a) of Hamilton Zoning By-law 6593	Except for single family dwellings, two family dwellings and three family dwellings erected prior to December 14, 1971, no part of a required parking space for a single family dwelling, <u>two family dwelling</u> or three family dwelling in a residential district shall be located in a required front	Two (2) parking spaces are provided in the front yard. Front yard landscaping appears to be less than 50%	Non-Conforming

	Required By By-Law	Provided	Conforming/ Non-Conforming
	yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials.		
Section 18A(14g) of Hamilton Zoning By-law 6593	Except as provided for in clauses (14a),(14b) and (14h), no part of the required parking area in a residential district shall be located in a required front yard.	Parking spaces are provided in the front yard.	Non-Conforming
Section 18A(21) of Hamilton Zoning By-law 6593	All required parking spaces and manoeuvring space shall have access by means of one or more access driveways, a) located on the lot, or b) located partly on the lot in the case of a mutual driveway c) by means of a right of way	Access is provided on the lot.	Conforms
Section 18A(24) of Hamilton Zoning By-law 6593	Every parking area for a use where, a) There are <u>five or less</u> parking spaces shall have: not less than one access driveway or one mutual driveway, having a width of at least 2.8m	7.0m	Conforms
Section 18A(31) of Hamilton Zoning By-law 6593	A gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to a single family dwelling, two family dwelling and to a street townhouse dwellings each having separate access driveways.	The surface material of the driveway has not been indicated.	Unable to Determine Compliance

26 GRAHAM AVENUE NORTH:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 10 of Hamilton Zoning By-law 6593			
Maximum Building Height	Three (3) Storeys	Two (2) Storeys	Conforms <i>Please note that if less than half of the</i>

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 10(2) of Hamilton Zoning By-law 6593			<i>basement level is situated below Grade, the basement will be considered an additional storey. It appears that more than half of the basement is below grade based on the submitted drawings. Therefore, the basement is considered a "cellar" and is not a storey.</i>
	14.0m	8.7m	Conforms
Minimum Front Yard Section 10(3)(i) of Hamilton Zoning By-law 6593	6.0m	Not Indicated. Please note that the front porch appears to have a full concrete foundation which forms part of the principal building. As such, the porch and steps are considered part of the principal building and cannot be considered a yard encroachment/ projection. As a result, the front yard distance should be measured from the extent of the steps to the front property line. Based on the above, the front yard setback is less than 6.0m.	Non-Conforming
Front Yard Encroachment – Roofed-Over Unenclosed Porch Section 18(3)(vi)(d) of Hamilton Zoning By-law 6593	A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard to a distance of not more than 3.0 metres, and every such projecting porch shall be distant at least 1.5 metres from the front lot line.	The front porch is considered part of the principal building. (as per row above)	Not Applicable
Front Yard Encroachment – Front Canopy Section 18(3)(vi)(d) of Hamilton Zoning By-law 6593	A canopy may project into a required front yard not more than 1.5m provided that no such projection is closer to a street line than 1.5m. <i>Therefore; 6.0m – 1.5m = a minimum 4.5m</i>	The distance of the canopy has not been indicated.	Unable to Determine Compliance

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<i>canopy setback is required.</i>		
Minimum Side Yard Section 10(3)(ii) of Hamilton Zoning By-law 6593	1.2m for buildings not over 2½ storeys or 11.0m 2.17m for any other buildings	0.6m	Non-Conforming
Eaves & Gutter Projection Section 18(3)(vi)(b) of Hamilton Zoning By-law 6593	Eaves and gutters may project into a required side yard not more than one- half of its width, or 1.0 metre, whichever is the lesser;	The distance of the eaves and gutter projection into the required side yard has not been indicated.	Unable to Determine Compliance
Minimum Rear Yard Section 10(3)(iii) of Hamilton Zoning By-law 6593	7.5m	7.5m	Conforms
Minimum Lot Area Section 10(4) of Hamilton Zoning By-law 6593	Two Family Dwelling – 540.0m ²	342.89m ²	Non-Conforming
Minimum Lot Width Section 10(4) of Hamilton Zoning By-law 6593	Two Family Dwelling – 18.0m	10.69m	Non-Conforming
Parking Requirements – Section 18A			
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Minimum Manoeuvring Space Section 18A(1)(f) and Table 6 of Hamilton Zoning By-law 6593	6.0m	0.0m	Non-Conforming
Minimum Parking Space Size Section 18A(7) of Hamilton Zoning By-law 6593	2.7m x 6.0m	3.5m x 6.0m	Conforms
Section 18A(9) of Hamilton Zoning By-law 6593	Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot which the principal use, building or structure is located.	Manoeuvring space is provided off-site (road allowance).	Non-Conforming
Section 18A(14a) of Hamilton Zoning By-law 6593	Except for single family dwellings, two family dwellings and three family dwellings erected prior to December 14, 1971, no part of a required parking space for a single family dwelling, two family dwelling or three	Two (2) parking spaces are provided in the front yard. Front yard landscaping appears to be less than	Non-Conforming

	Required By By-Law	Provided	Conforming/ Non-Conforming
	family dwelling in a residential district shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials.	50%	
Section 18A(14g) of Hamilton Zoning By-law 6593	Except as provided for in clauses (14a),(14b) and (14h), no part of the required parking area in a residential district shall be located in a required front yard.	Parking spaces are provided in the front yard.	Non-Conforming
Section 18A(21) of Hamilton Zoning By-law 6593	All required parking spaces and manoeuvring space shall have access by means of one or more access driveways, a) located on the lot, or b) located partly on the lot in the case of a mutual driveway c) by means of a right of way	Access is provided on the lot.	Conforms
Section 18A(24) of Hamilton Zoning By-law 6593	Every parking area for a use where, a) There are <u>five or less</u> parking spaces shall have: not less than one access driveway or one mutual driveway, having a width of at least 2.8m	7.0m	Conforms
Section 18A(31) of Hamilton Zoning By-law 6593	A gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to a single family dwelling, two family dwelling and to a street townhouse dwellings each having separate access driveways.	The surface material of the driveway has not been indicated.	Unable to Determine Compliance

6. A building permit will be required in the normal manner to construct each two family dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.
7. All new fences shall conform to the requirements of the Fence By-law.
8. All new signs shall conform to the requirements of the Sign By-law.
9. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

Yours truly

A handwritten signature in black ink, appearing to read "Matt Shumell". The signature is written in a cursive style with a large initial "M".

for the Manager of Building Engineering and Zoning

**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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act**Application for Minor Variance or for Permission**

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	KB CIVIL CONSTRUCTORS INC.		
Applicant(s)*	KB CIVIL CONSTRUCTORS INC.		
Agent or Solicitor			Phone:
			E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

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

4. Nature and extent of relief applied for:
As per Zoning Report attached
5. Why it is not possible to comply with the provisions of the By-law?
Client desire to build affordable market housing
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
24 Graham Avenue North, Hamilton ON
7. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?
property deed, survey and zoning review

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

2021.02.12

Date

Signature Property Owner

KB CIVIL CONSTRUCTORS INC

Print Name of Owner

10. Dimensions of lands affected:

Frontage	10.68
Depth	30.51
Area	342.89
Width of street	

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:
as per survey attached

Proposed
as per site plan attached

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:
as per survey attached

Proposed:
as per site plan attached

13. Date of acquisition of subject lands:
July 2020
14. Date of construction of all buildings and structures on subject lands:
unknown
15. Existing uses of the subject property:
residential
16. Existing uses of abutting properties:
residential
17. Length of time the existing uses of the subject property have continued:
unknown
18. Municipal services available: (check the appropriate space or spaces)
Water yes Connected yes
Sanitary Sewer yes Connected yes
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
n/a
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
n/a
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:144

APPLICANTS: KB Civil Constructors Inc.

SUBJECT PROPERTY: Municipal address **24-26 Graham Ave. N. Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings etc.) district

PROPOSAL: To create two separate lots having equal frontage in accordance with Consent Application No. HM/B-21:33 and to permit the construction of a new two (2) storey, two family dwelling on the property known as 26 Graham Avenue North notwithstanding that:

1. A lot area of 342.0m² shall be provided instead of the minimum required lot area of 540.0m²,
2. A lot width of 10.6m shall be provided instead of the minimum required lot width of 18.0m,
3. A side yard width of 0.6m shall be provided instead of the minimum required side yard width of 1.2m,
4. Two (2) parking spaces shall be provided in the front yard whereas the by-law does not permit parking in the front yard within a residential district,
5. No onsite manoeuvring shall be provided for the parking space located within the front yard instead of the minimum required 6.0m manoeuvring aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot,
6. The parking area shall be permitted to occupy 78% of the gross area of the front yard instead of the maximum 50.0% gross area of the front yard permitted for parking purposes
7. The front yard landscaped area shall be a minimum of 23% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.

NOTE:

Variances #1 and #2 are necessary to facilitate Consent Application No. HM/B-21:33

HM/A-21: 144
Page 2

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

DATE: Thursday, May 20th, 2021
TIME: 3:20 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
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.

The drawings are the property of Architecture Unfolded. The drawings and associated documents are an instrument of service by the Designer. The information contained therein may not be reproduced in whole or in part without prior written permission of the designer.

These Contract Documents are the property of the architect. The architect bears no responsibility for the interpretation of these documents by the Contractor. Upon written application the architect will provide written/graphic clarification or supplementary information regarding the intent of the Contract Documents. The architect will review Shop Drawings submitted by the Contractor for design conformance only.

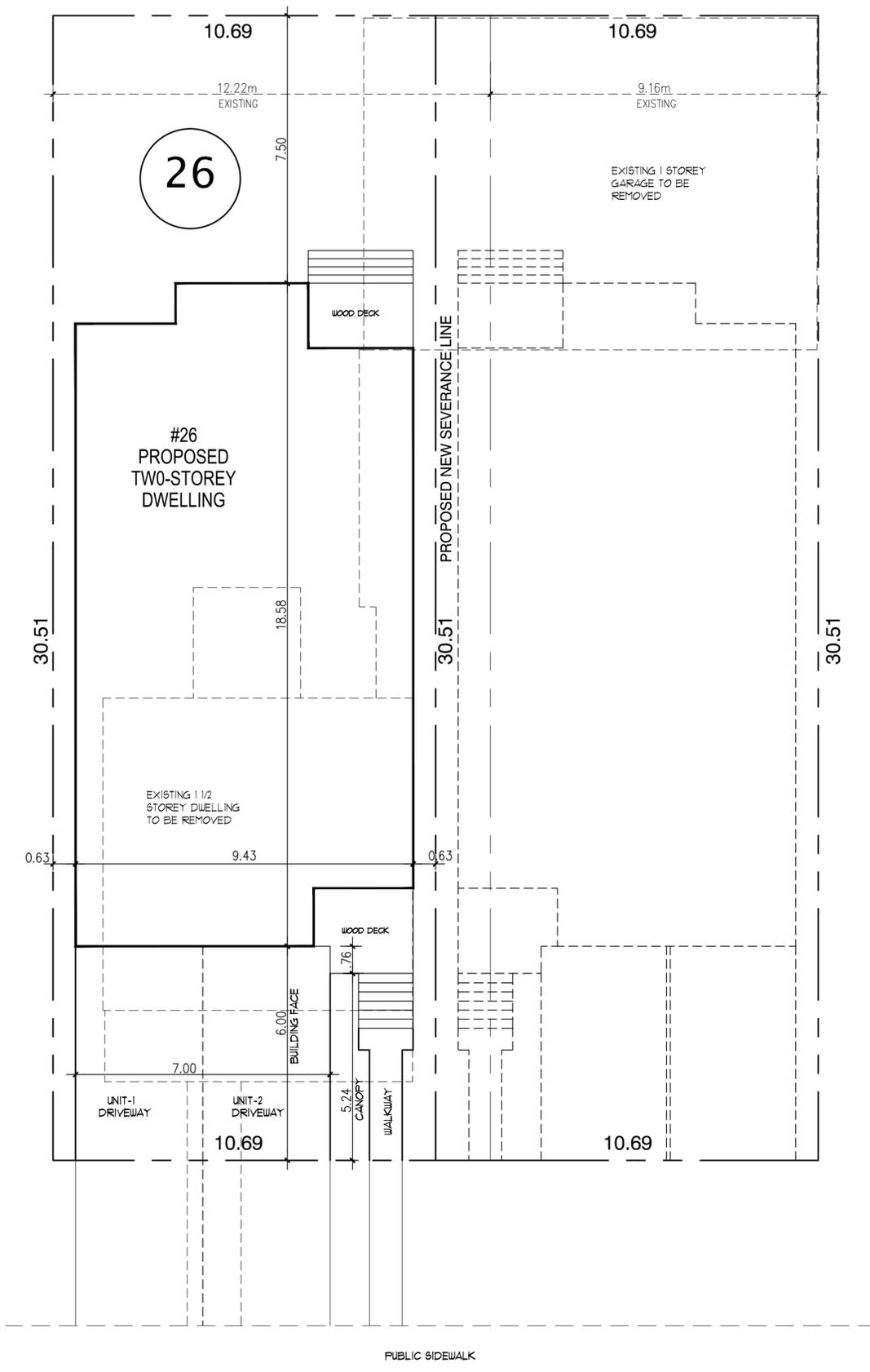
Drawings are not to be scaled for construction. Contractor to verify all existing conditions and dimensions required to perform the work and report any discrepancies with the Contract Documents to the architect before commencing work.

Positions of exposed or finished mechanical or electrical devices, fittings, and fixtures are indicated on architectural drawings. The locations shown on the architectural drawings govern over the Mechanical and Electrical drawings. Those items not clearly located will be located as directed by the architect.

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All work to be carried out in conformance with the Code and bylaws of the authorities having jurisdiction.

The Designer of these plans and specifications gives no warranty or representation to any party about the constructability of the represented by them, all contractors or subcontractors must satisfy themselves when bidding and at all times that they can properly construct the work represented by these plans.



GRAHAM AVENUE NORTH

PROPOSED SITE STATISTICS:

LOT AREA = 342.89 m2
 BUILDING COVERAGE = 168.52 m2 (INCLUDING PORCH)
 BUILDING COVERAGE = 162.20 m2 (EXCLUDING PORCH)

G.F.A LOT 26 UNIT-1	PROPOSED	
	sq. m.	sq. ft.
BASEMENT (EXEMPT)	162.20	1746
MAIN LEVEL	151.98	1636
TOTAL GFA	151.98	1638

G.F.A LOT 26 UNIT-2	PROPOSED	
	sq. m.	sq. ft.
MAIN LEVEL	10.21	110
UPPER LEVEL	156.44	1684
TOTAL GFA	166.65	1794

notes:

2 rev. as per city comments 02-11-21
 1 issued for review - 1 01-19-21
 revisions: m-d-yr

architectural team :

eduardo ortiz

planning:

structural:

electrical:

mechanical:

landscape:

site services:

owner:
 family detached
 hamilton, ontario
 L8H 4J7

project:
 graham avenue north
 hamilton, ontario

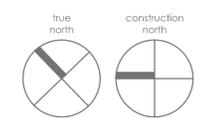


#26

site plan

feb. 11, 2021

adg



date:
 scale:
 project:
 drawn by:

drawing number:

A101

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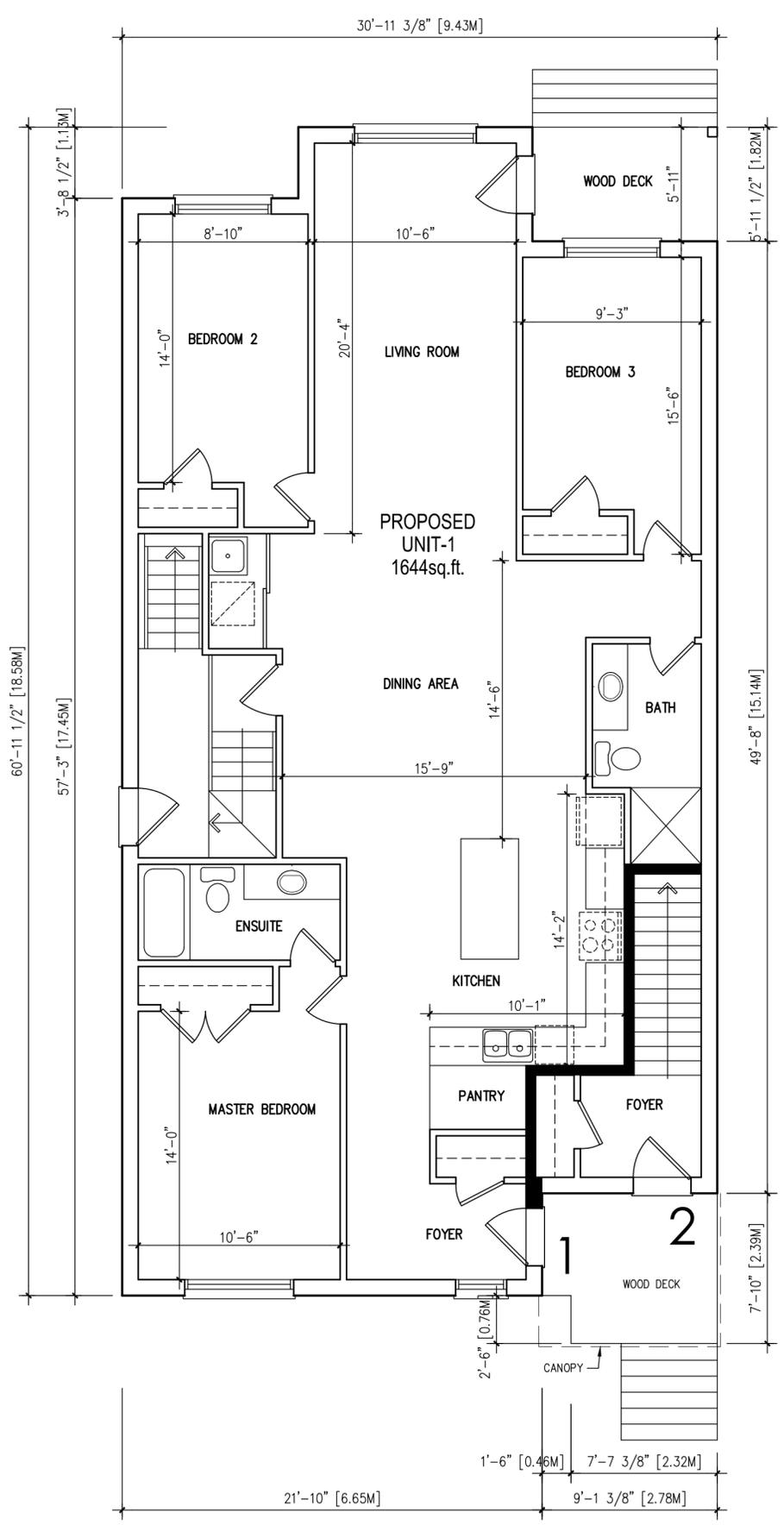
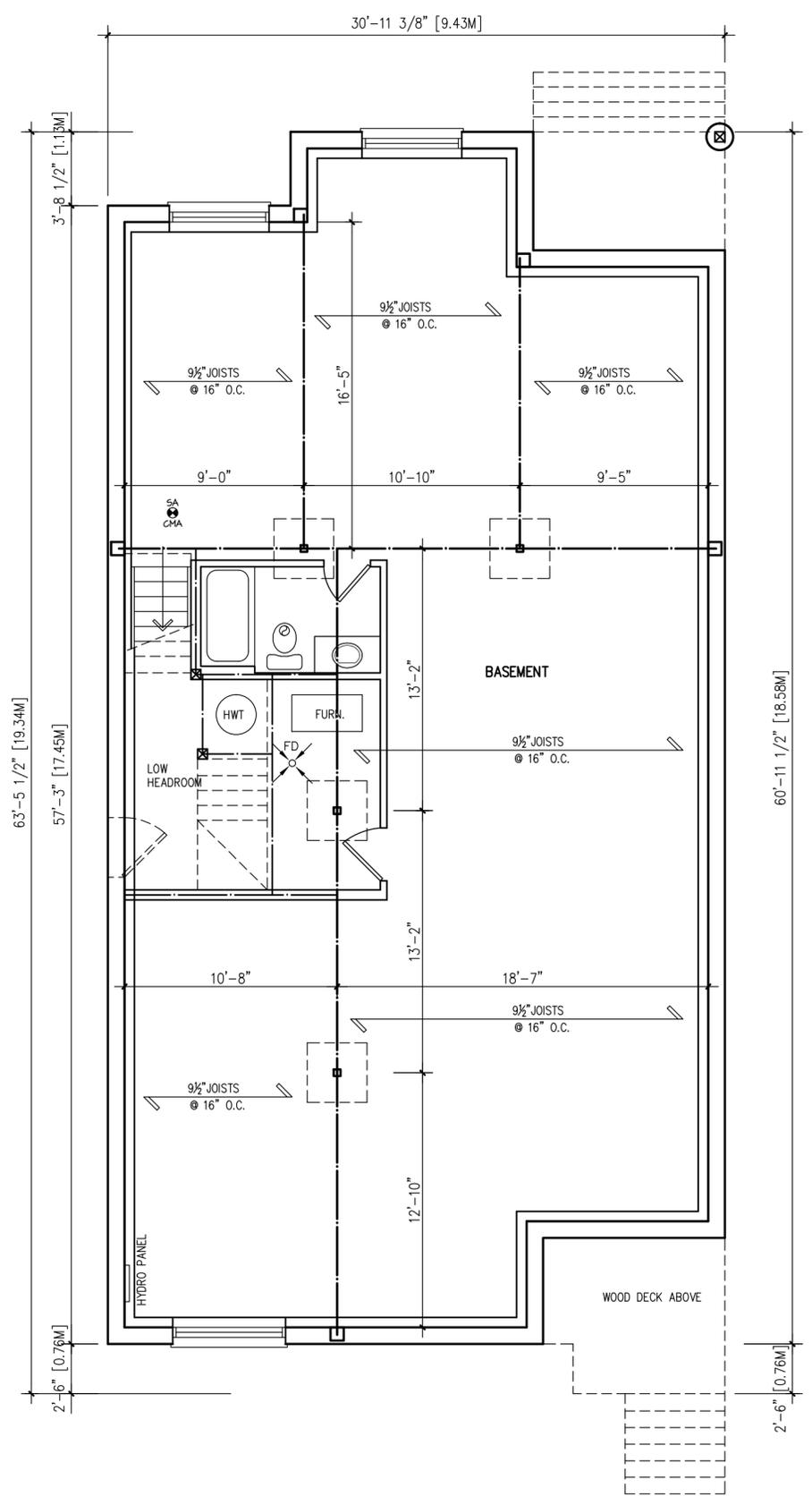
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notes:

- 2 rev. as per city comments
 - 1 issued for review - 1
- revisions: m-d-yr

architectural team :

eduardo ortiz

- planning:
- structural:
- electrical:
- mechanical:
- landscape:
- site services:

owner:
family detached
hamilton, ontario
L8H 4J7

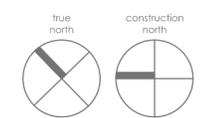
project:
graham avenue north
hamilton, ontario



basement & main floor layouts

feb. 11, 2021
3/16 : 1'-0"

adg



#26

date:
scale:
project:
drawn by:

drawing number:
A301

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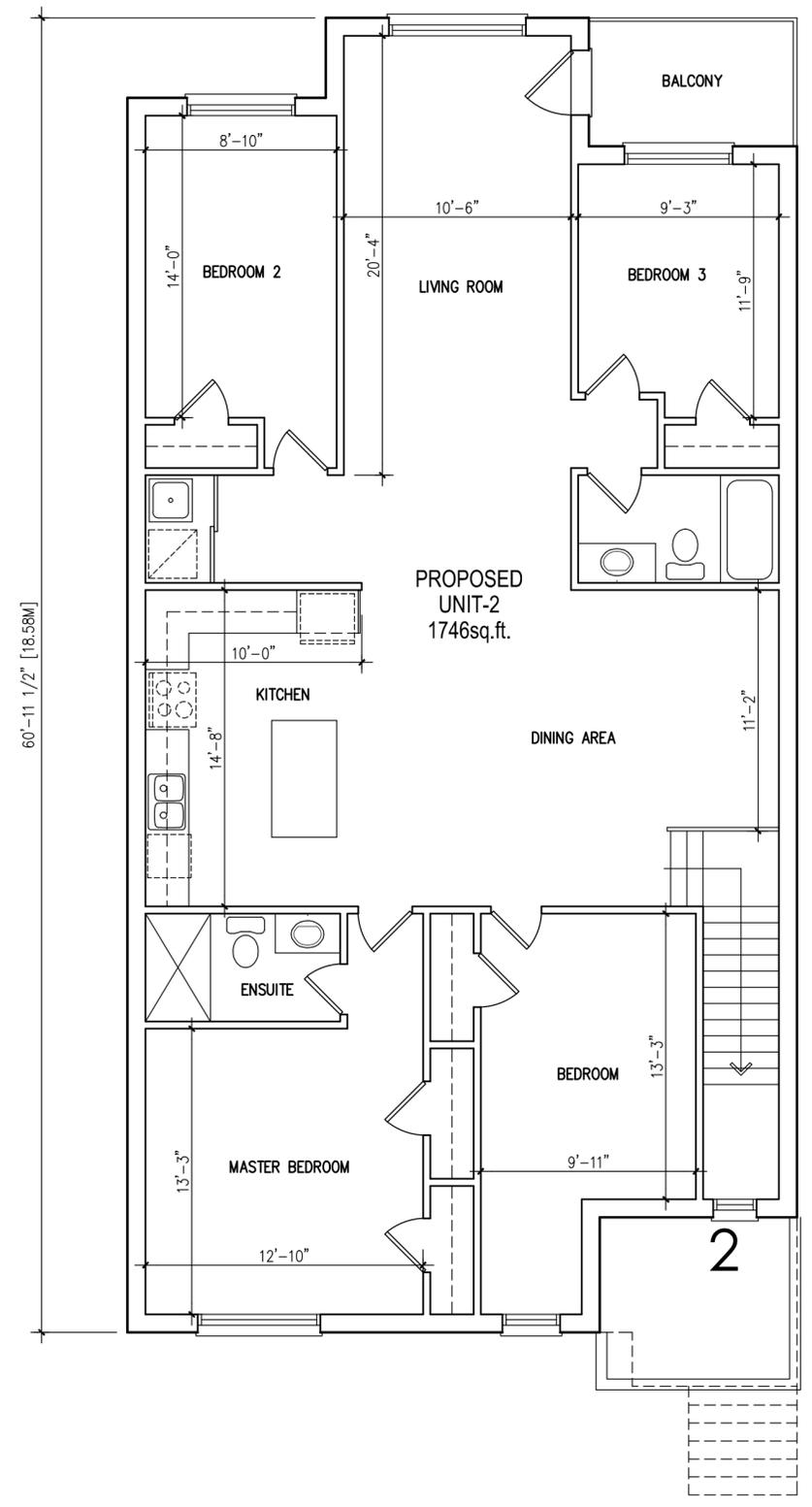
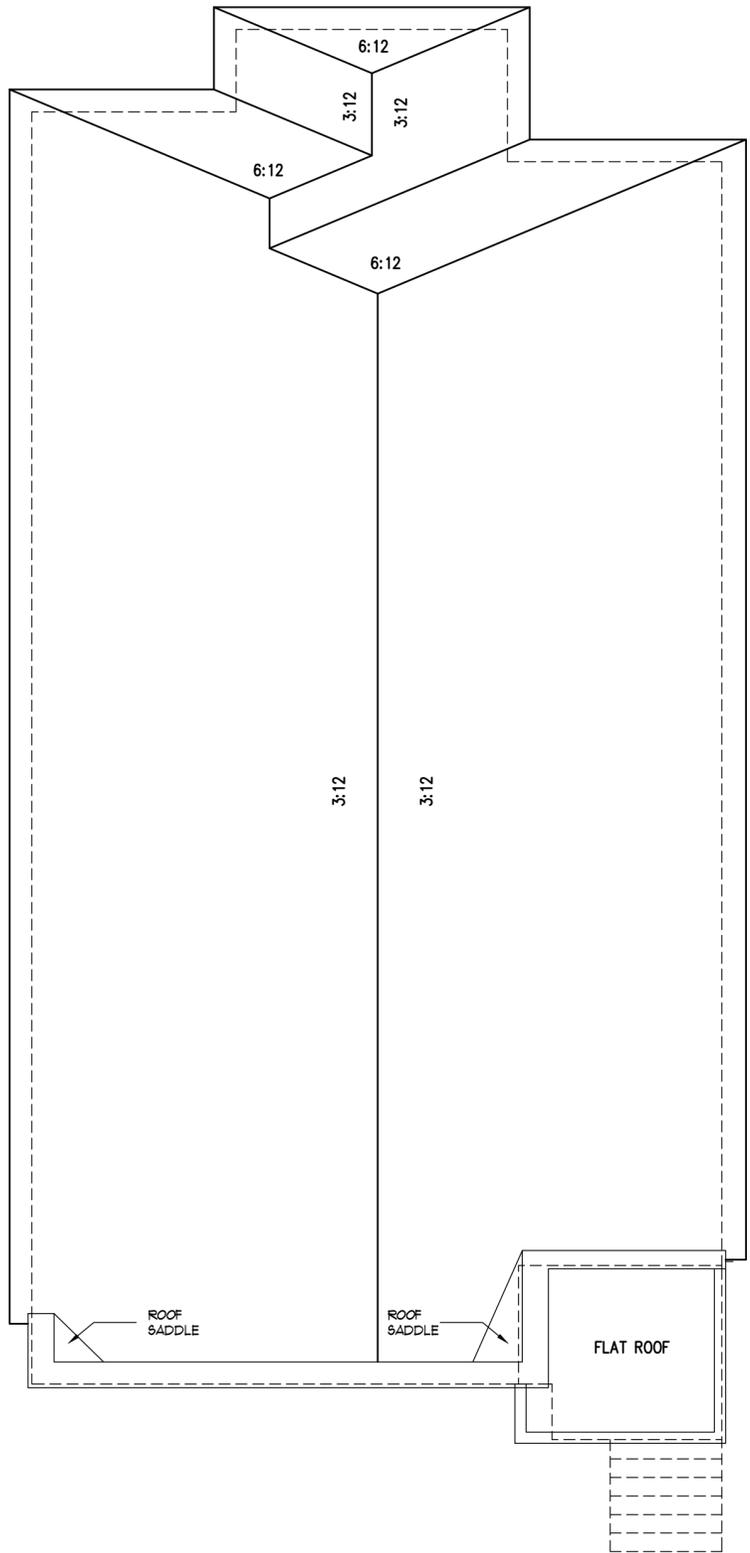
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notes:

- 2 rev. as per city comments 02-11-21
- 1 issued for review - 1 01-19-21
- revisions: m-d-yr

architectural team :

eduardo ortiz

planning:

structural:

electrical:

mechanical:

landscape:

site services:

owner:
family detached
hamilton, ontario
L8H 4J7

project:
graham avenue north
hamilton, ontario

#26

second floor layout & roof plan

feb. 11, 2021

3/16 : 1'-0"

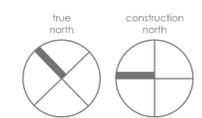
adg

date:

scale:

project:

drawn by:



drawing number:

A302

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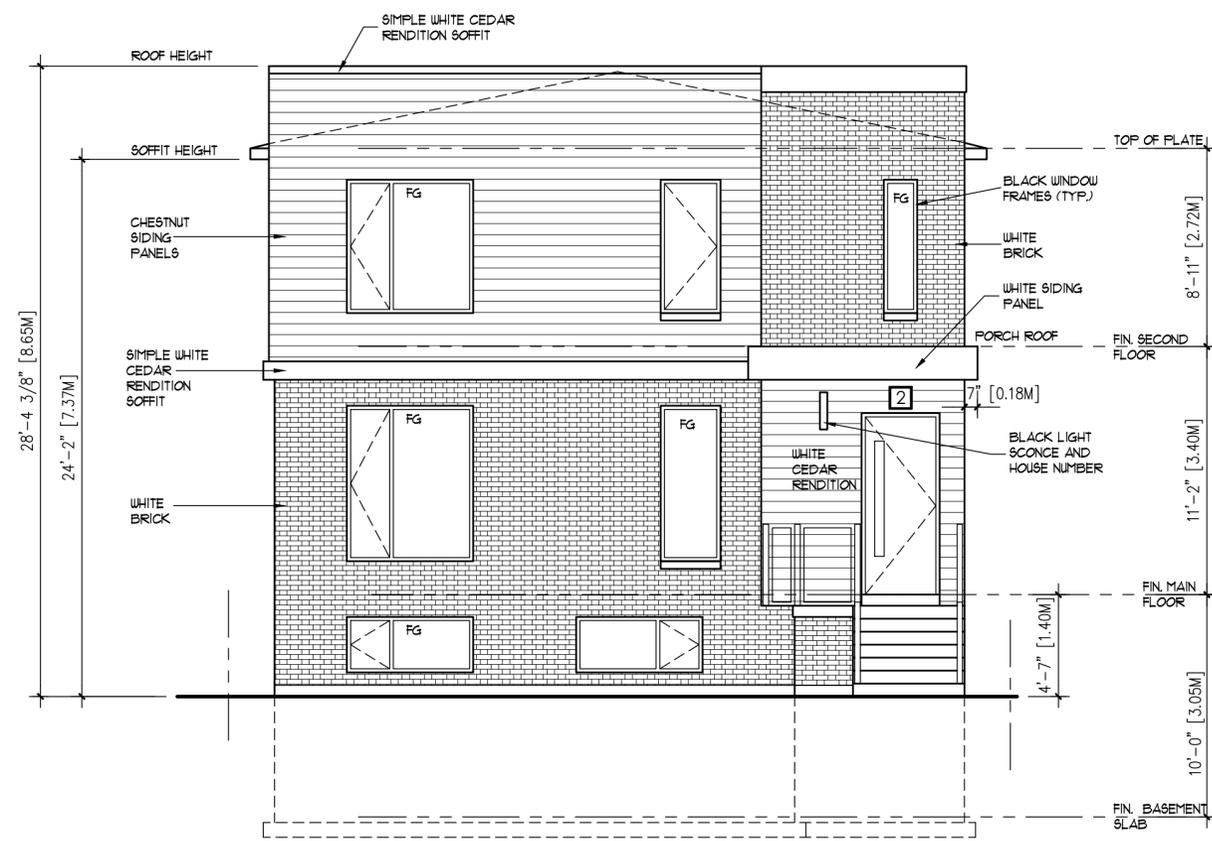
Drawings are not to be scaled for construction. Contractor to verify all existing conditions and dimensions required to perform the work and report any discrepancies with the Contract Documents to the architect before commencing work.

Positions of exposed or finished mechanical or electrical devices, fittings, and fixtures are indicated on architectural drawings. The locations shown on the architectural drawings govern over the Mechanical and Electrical drawings. Those items not clearly located will be located as directed by the architect.

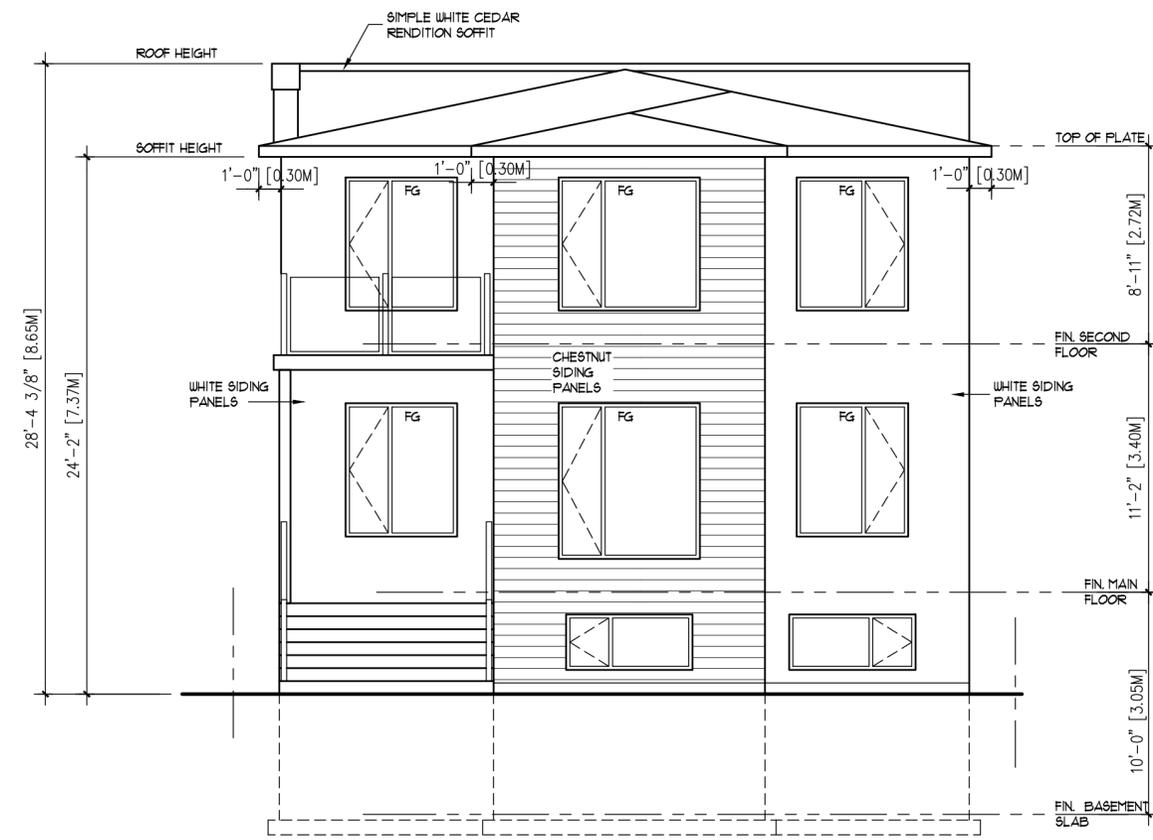
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front elevation



rear elevation

notes:

2 rev. as per city comments	02-11-21
1 issued for review - 1	01-19-21
revisions:	m-d-yr

architectural team :

eduardo ortiz

planning:

structural:

electrical:

mechanical:

landscape:

site services:

owner:
family detached
hamilton, ontario
L8H 4J7

project:
graham avenue north
hamilton, ontario



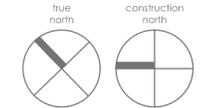
#26

front & rear elevations

feb. 11, 2021

3/16 : 1'-0"

adg



date:
scale:
project:
drawn by:

drawing number:

A401

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notes:

2 rev. as per city comments	02-11-21
1 issued for review - 1	01-19-21
revisions:	m-d-yr

architectural team :

eduardo ortiz

planning:

structural:

electrical:

mechanical:

landscape:

site services:

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family detached
hamilton, ontario
L8H 4J7

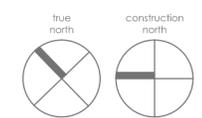
project:
graham avenue north
hamilton, ontario

side elevations

feb. 11, 2021

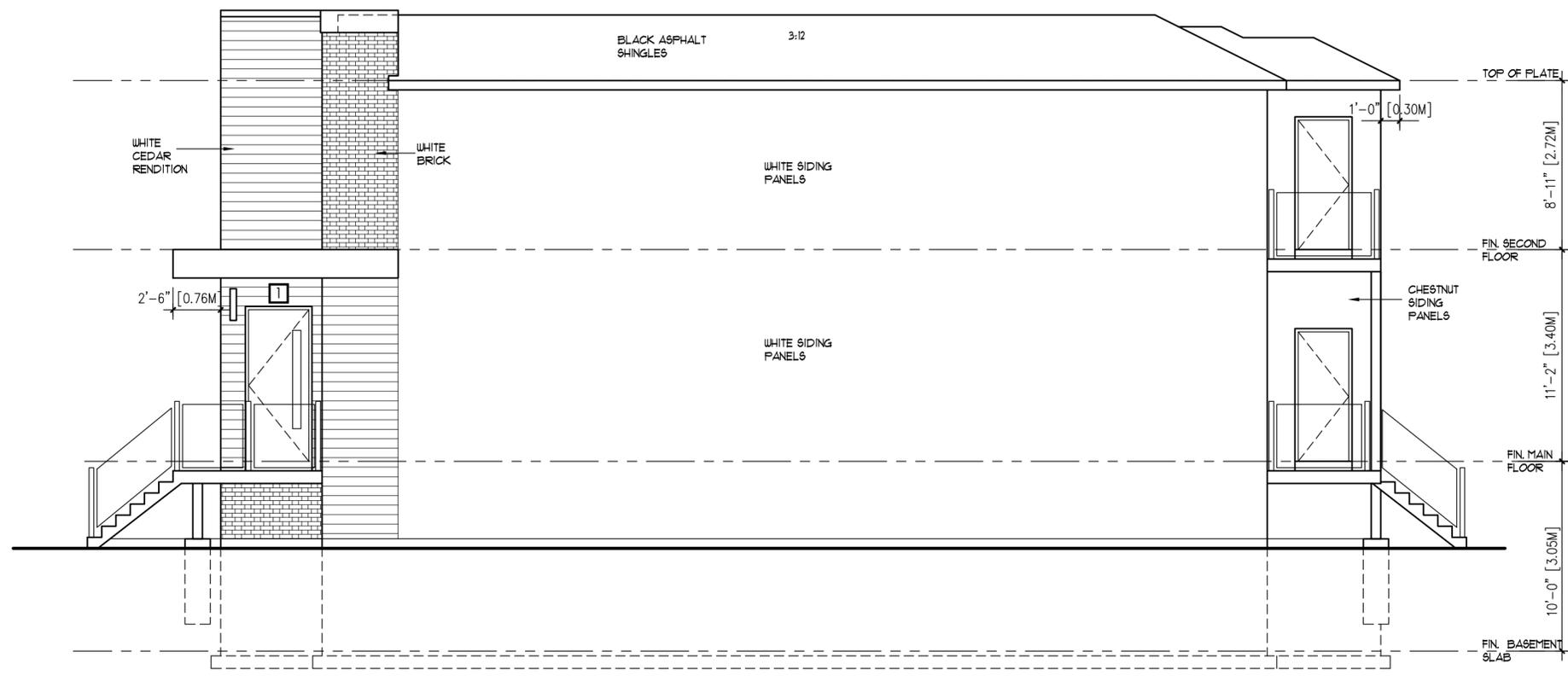
3/16 : 1'-0"

adg

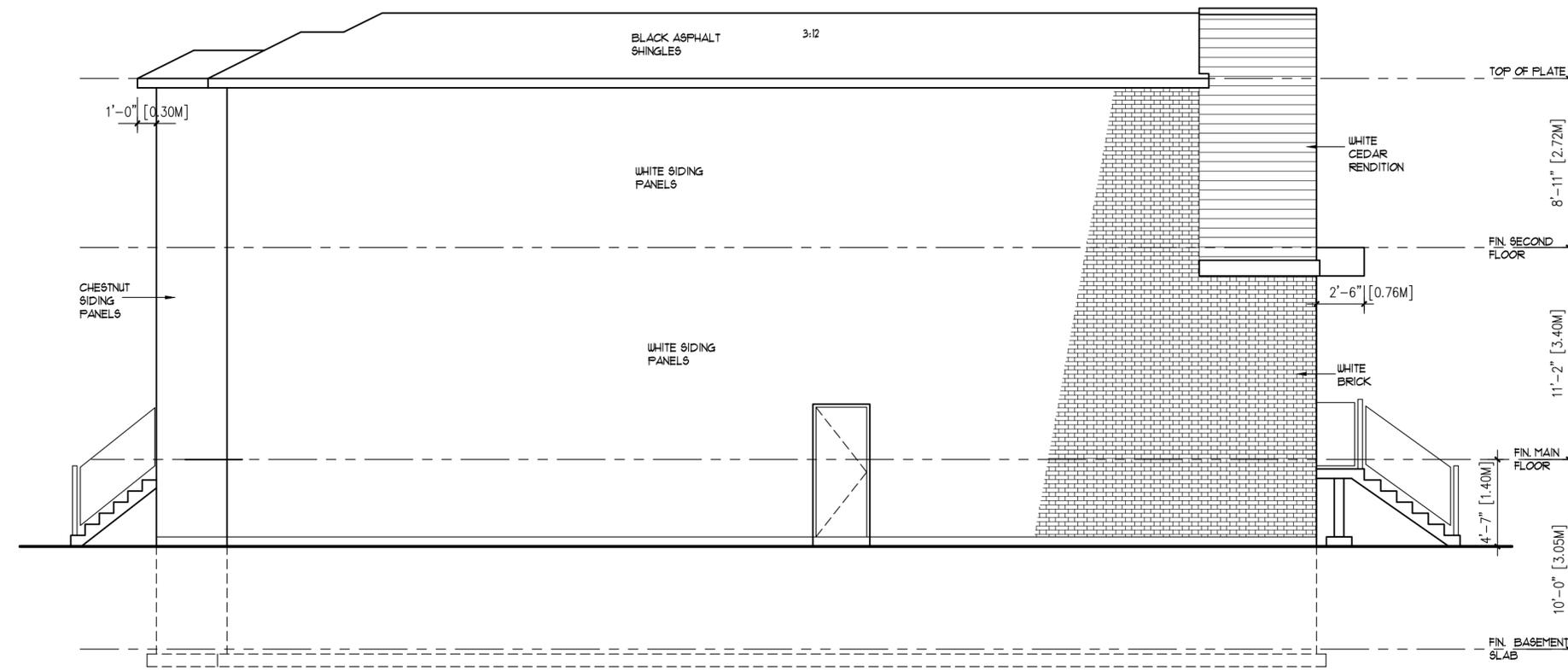


date:
scale:
project:
drawn by:

drawing number:
A402



right side elevation



left side elevation



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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS
Registered Owners(s)	KB CIVIL CONSTRUCTORS INC.	[REDACTED]
Applicant(s)*	KB CIVIL CONSTRUCTORS INC.	
Agent or Solicitor		Phone: _____
		E-mail: _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

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

4. Nature and extent of relief applied for:
As per Zoning Report attached
5. Why it is not possible to comply with the provisions of the By-law?
Client desires to build affordable market housing instead higher priced single family home.
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
26 Graham Avenue North, Hamilton ON
7. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

property deed, survey and zoning review

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

2021.02.12

Date

Signature Property Owner

KB CIVIL CONSTRUCTORS INC

Print Name of Owner

10. Dimensions of lands affected:

Frontage	10.68
Depth	30.51
Area	342.89
Width of street	

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:_
as per survey attached

Proposed
as per site plan attached

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:
as per survey attached

Proposed:
as per site plan attached

13. Date of acquisition of subject lands:
July 2020
-
14. Date of construction of all buildings and structures on subject lands:
unknown
-
15. Existing uses of the subject property:
residential
16. Existing uses of abutting properties:
residential
17. Length of time the existing uses of the subject property have continued:
unknown
18. Municipal services available: (check the appropriate space or spaces)
Water yes Connected yes
Sanitary Sewer yes Connected yes
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
n/a
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
n/a
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
THIS APPLICATION IS TO BE EVALUATED AS PART OF SEVERANCE AND MINOR VARIANCE APPLICATIONS FOR 24 & 26 GRAHAM AVE NORTH.
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:33

SUBJECT PROPERTY: 24-26 Graham Ave. Hamilton

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

APPLICANT(S): KB Civil Constructors Inc., owner

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to be added to adjacent property (Lot 24) as shown on the attached sketch. Proposal is to construct 2 new residential dwelling on two separate lots. Each building is intended to be used as a Two-Family Dwelling.

Severed lands:

12.21m[±] x 30.51m[±] and an area of 372.23m^{2±}

Retained lands:

9.16m[±] x 30.51m[±] and an area of 279.47m^{2±}

This application will be heard in conjunction with minor variance applications HM/A-21:143 & HM/A-21:144.

The Committee of Adjustment will hear this application on:

DATE: Thursday, May 20th , 2021

TIME: 3:20 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at

www.hamilton.ca/committeeofadjustment

for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

HM/B-21:33
PAGE 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021

Jamila Sheffield,
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.

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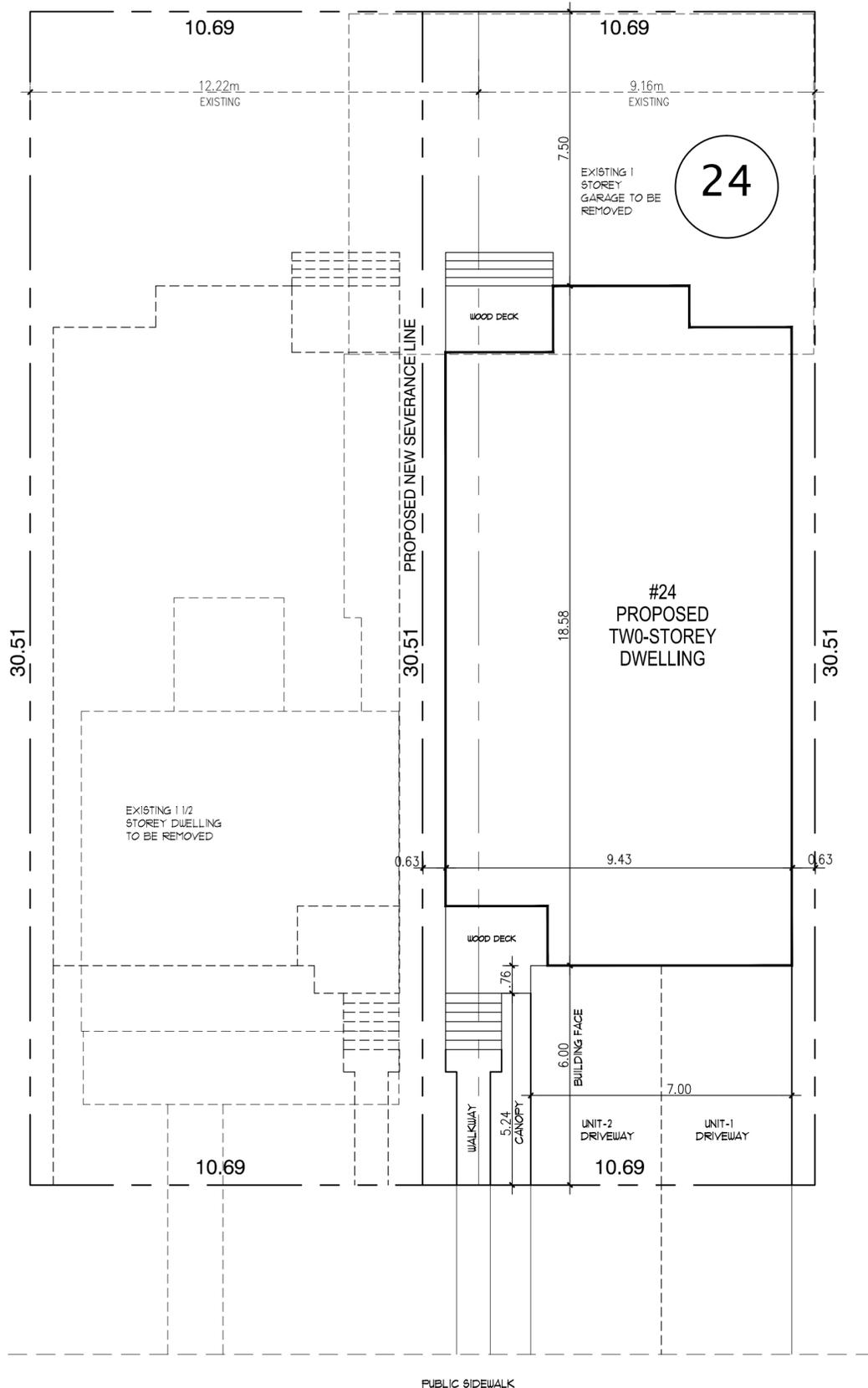
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PROPOSED SITE STATISTICS:

LOT AREA = 342.89 m2
 BUILDING COVERAGE = 168.52 m2 (INCLUDING PORCH)
 BUILDING COVERAGE = 162.20 m2 (EXCLUDING PORCH)

G.F.A LOT 24 UNIT-1	PROPOSED	
	sq. m.	sq. ft.
BASEMENT (EXEMPT)	162.20	1746
MAIN LEVEL	151.98	1636
TOTAL GFA	151.98	1638

G.F.A LOT 24 UNIT-2	PROPOSED	
	sq. m.	sq. ft.
MAIN LEVEL	10.21	110
UPPER LEVEL	156.44	1684
TOTAL GFA	166.65	1794

notes:

2 rev. as per city comments 02-11-21
 1 issued for review - 1 01-19-21
 revisions: m-d-yr

architectural team :

eduardo ortiz

planning:

structural:

electrical:

mechanical:

landscape:

site services:

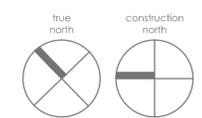
owner:
 family detached
 hamilton, ontario
 L8H 4J7

project:
 graham avenue north
 hamilton, ontario

site plan

feb. 11, 2021

adg



#24

date:
 scale:
 project:
 drawn by:

drawing number:

A101

GRAHAM AVENUE NORTH



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 CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	
Registered Owners(s)	KB CIVIL CONSTRUCTORS INC.	24 GRAHAM AVE N	Phone: 4166978507 E-mail: JKOCIU@KBCIV.COM
Applicant(s)*	KB CIVIL CONSTRUCTORS INC.	171 RIDGEFIELD CREST	Phone: 41666978507 E-mail: JKOCIU@KBCIV.COM
Agent or Solicitor			Phone: E-mail:

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 24 GRAHAM AVE N, HAMILTON ON			Assessment Roll N°.

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

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10): creation of a new lotOther: a charge

- addition to a lot
- an easement
- a lease
- a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- creation of a new lot
- creation of a new non-farm parcel (i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)
- addition to a lot
- Other: a charge
- a lease
- a correction of title
- an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

KB CIVIL CONSTRUCTORS INC.

3.3 If a lot addition, identify the lands to which the parcel will be added:

PART OF LOT 26 WILL BE ADDED TO LOT 24

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
12.21	30.51	372.23

Existing Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Building(s) or Structure(s):

Existing: 1 1/2 STOREY RESIDENTIAL DWELLING

Proposed: TWO STOREY TWO-FAMILY DWELLING

Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well
- lake or other water body
- other means (specify) _____

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) _____

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
9.16	30.51	279.47

Existing Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be retained:

- Residential
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) _____

Building(s) or Structure(s):

Existing: RESIDENTIAL GARAGE STRUCTURE

Proposed: TWO STOREY TWO-FAMILY DWELLING

Type of access: (check appropriate box)

- provincial highway
 right of way
 municipal road, seasonally maintained
 other public road
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify) _____

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) _____

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable): NEIGHBOURHOODS

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

PROPOSED USE COMPLIES TO DEFINITION OF NEIGHBOURHOODS

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? RESIDENTIAL 'D' DISTRICT

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	

A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input checked="" type="checkbox"/>	EMPLOYMENT
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
property deed, survey and zoning review
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- Yes No

PROPOSED USE SUPPORTS POLICY FOR URBAN GROWTH CLOSE TO AN EMPLOYMENT DISTRICT

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

PROPOSED USE SUPPORTS POLICY FOR URBAN GROWTH CLOSE TO AN EMPLOYMENT DISTRICT

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

PROPOSED USE SUPPORTS POLICY FOR URBAN GROWTH CLOSE TO AN EMPLOYMENT DISTRICT

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- Yes No
 (Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- Yes No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?

- Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

-
- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

-
- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:14

SUBJECT PROPERTY: 43-47 Emerald St. N. Hamilton

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

APPLICANT(S): Tony Hozjan on behalf of the owners G. & M. Tutolo

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

Severed lands:

63.4m[±] x 37.32m[±] and an area of 697.6m^{2±}

Retained lands:

10.96m[±] x 37.32m[±] and an area of 412m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, May 20th , 2021

TIME: 3:25 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at

www.hamilton.ca/committeeofadjustment

for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

HM/B-21:14
PAGE 2

MORE INFORMATION

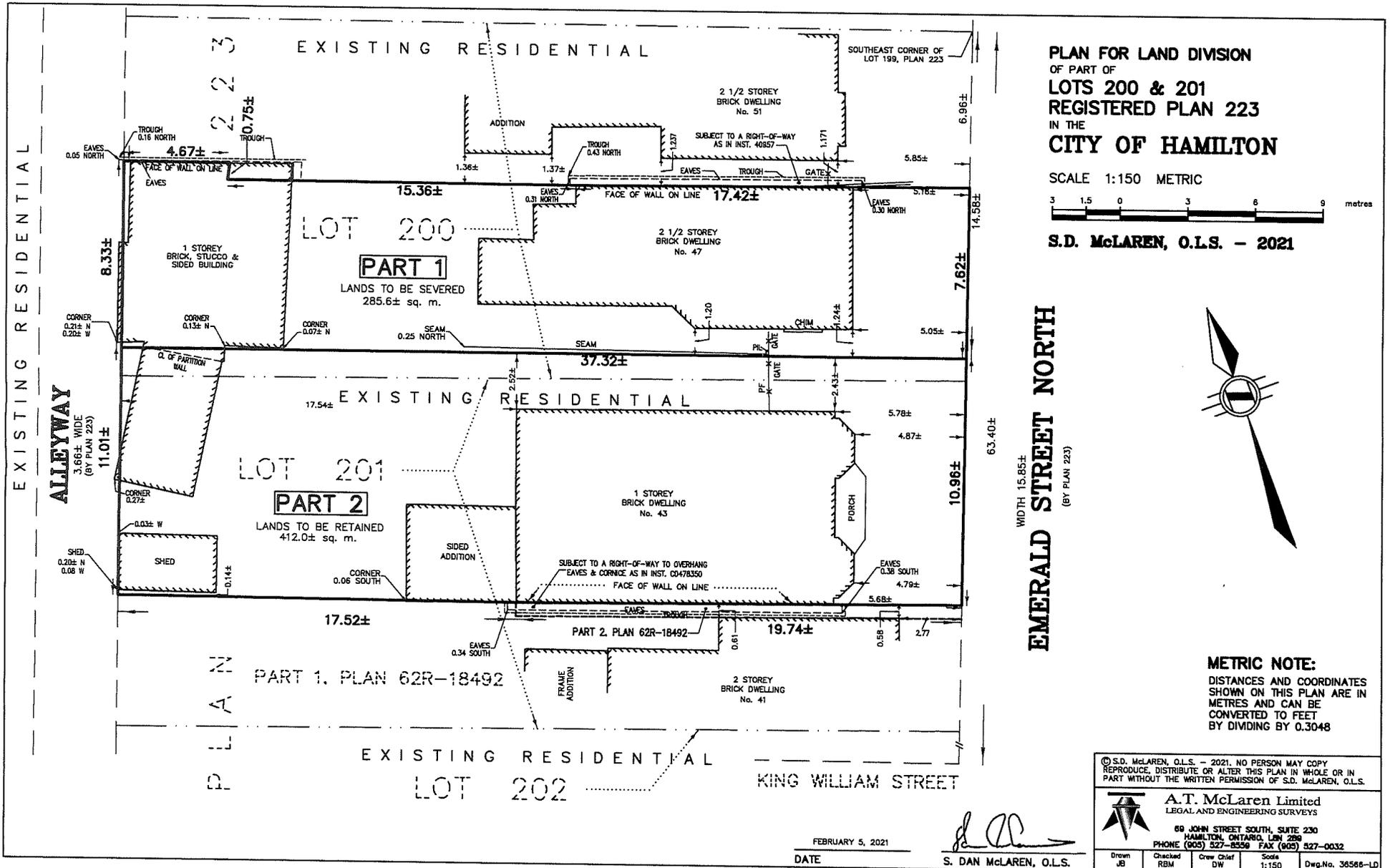
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021

Jamila Sheffield,
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.



**PLAN FOR LAND DIVISION
OF PART OF
LOTS 200 & 201
REGISTERED PLAN 223
IN THE
CITY OF HAMILTON**

SCALE 1:150 METRIC



S.D. McLAREN, O.L.S. - 2021



EMERALD STREET NORTH
WIDTH 15.85±
(BY PLAN 223)

METRIC NOTE:
DISTANCES AND COORDINATES
SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE
CONVERTED TO FEET
BY DIVIDING BY 0.3048

© S.D. McLAREN, O.L.S. - 2021. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

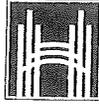
A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L9N 2S9
PHONE (905) 527-8350 FAX (905) 527-0032

Drawn JB	Checked RBM	Crew Chief DW	Scale 1:150	Dwg.No. 36566-LD
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FEBRUARY 5, 2021
DATE

S. Dan McLaren
S. DAN McLAREN, O.L.S.



Hamilton

Planning and Economic Development Department
Planning Division

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

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

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	ELIHO TU TOLO MARIA TU TOLO		
Applicant(s)*			
Agent or Solicitor	TONY HOZJAN		

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
HAMILTON	200		
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
223	201		
Municipal Address	43 EMERALD ST N		Assessment Roll N°.
47 EMERALD ST. N.			25180302/650460 25180302/650490

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

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

 creation of a new lot addition to a lot an easementOther: a charge a lease a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- creation of a new lot
 creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)
 addition to a lot
- Other: a charge
 a lease
 a correction of title
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

REMAIN THE SAME NO CHANGE OF OWNERSHIP

3.3 If a lot addition, identify the lands to which the parcel will be added:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
63.4	37.32	697.6

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: 2 HOMES

Proposed: SAME

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify) _____

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) _____

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
10.96	37.32	412

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Proposed Use of Property to be retained:

- Residential
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) _____

Building(s) or Structure(s):

Existing: SINGLE FAMILY DWELLING

Proposed: SAME

Type of access: (check appropriate box)

- provincial highway
 right of way
 municipal road, seasonally maintained
 other public road
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify) _____

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) _____

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable): _____

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

47 EMERALD ST. N. BUILT 1895 OWNED SINCE 1958
43 EMERALD ST. N. BUILT 1900 OWNED SINCE 1980
SAME OWNER

5.2 What is the existing zoning of the subject land? D

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? D

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
SAME OWNER SINCE 1958 - MATURE RESIDENTIAL AREA
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- Yes No

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- Yes No
 (Provide Explanation)

HOMES HAVE BEEN AROUND SINCE 1900.

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- Yes No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?

- Yes No (Provide Explanation)

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1) <u>7.62</u>	Area (m ² or ha): (from in Section 4.1) <u>205.6</u>
---	--

Existing Land Use: RESIDENTIAL Proposed Land Use: RESIDENTIAL

b) Lands to be Retained:

Frontage (m): (from Section 4.2) <u>10.96</u>	Area (m ² or ha): (from Section 4.2) <u>412</u>
--	---

Existing Land Use: RESIDENTIAL Proposed Land Use: RESIDENTIAL

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004
- After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

see attached

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

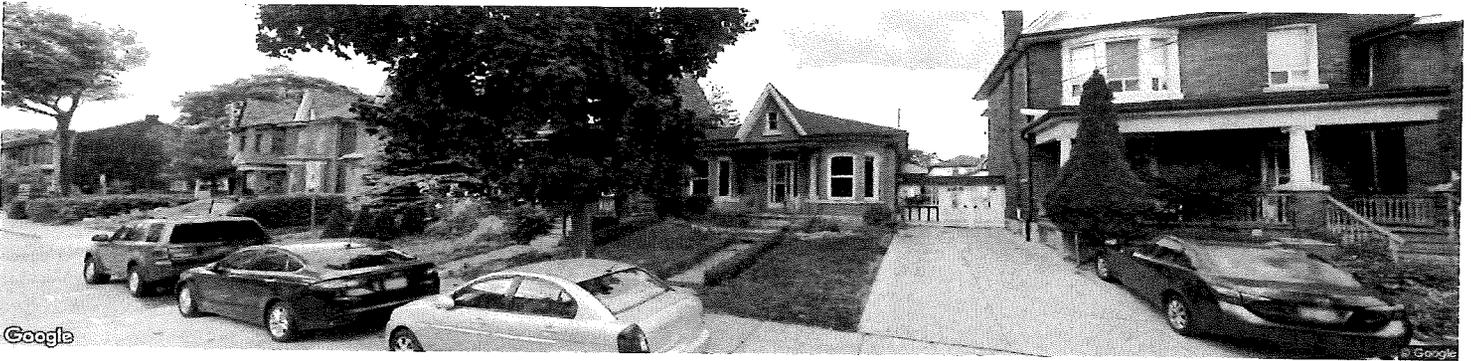


43 Emerald St N, Hamilton, L8L5K2 [Suggest an address correction](#)

 Owner Name TUTOLO, MARY; TUTOLO, GUIDO	 Last Sale \$34,000 Oct 06, 1988	 Lot Size 36.52 ft 121.00 ft Frontage Depth <small>Measurements Available (See Site & Structure)</small>		 Assessed Value \$211,000 Based on Jan 1, 2016	 Phased-In Value \$211,000 2021 Tax Year
--	---	--	--	---	---

Legal Description
 PT LTS 200 & 201, PL 223 , N/S OF KING ST, AS IN CD478350, T/W CD478350 ; HAMILTON

Property Details



GeoWarehouse Address
 43 EMERALD ST N, HAMILTON, L8L5K2

Land Registry Office
 Hamilton Wentworth (62)

Owner Names
 TUTOLO, MARY; TUTOLO, GUIDO

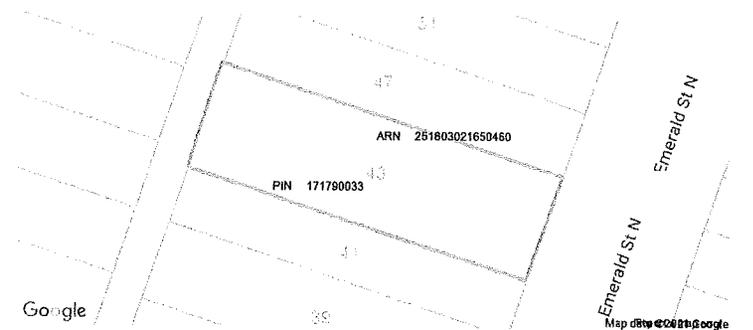
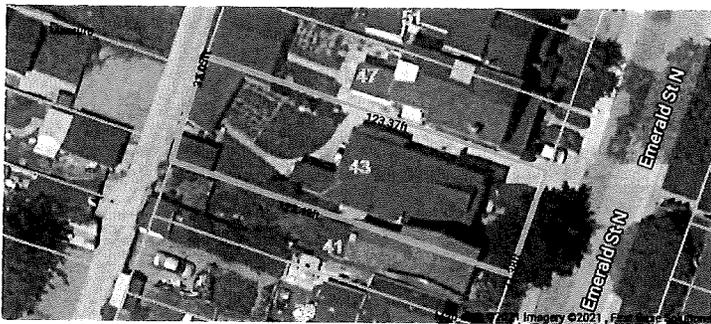
Ownership Type
 Freehold

Registration Type
 Certified (Land Titles)

Land Registry Status
 Active

PIN
 171790033

Site & Structure



Lot Size Area: 4,596.19 ft² (0.106 ac) Perimeter: 318.24 ft
 Measurements: 123.37 ft x 5.07 ft x 32.05 ft x 122.49 ft x 37.38 ft
 Lot Measurement Accuracy: HIGH

Assessment 1 ARN : 251803021650460

Site Frontage: 36.50 ft Depth: 121.00 ft

Structure Property Description: Single-family detached (not on water) Property Code: 301



47 Emerald St N, Hamilton, L8L5K2 [Suggest an address correction](#)

 Owner Name TUTOLO, MARY; TUTOLO, GUIDO	 Last Sale \$1 Mar 10, 1958	 Lot Size 24.51 ft 121.00 ft Frontage Depth <small>Measurements Available (See Site & Structure)</small>		 Assessed Value \$239,000 Based on Jan 1, 2016	 Phased-In Value \$239,000 2021 Tax Year
--	--	--	--	---	---

Legal Description
 PT LT 200, PL 223 , N/S OF KING ST, AS IN HL40957, T/W HL40957 ; HAMILTON

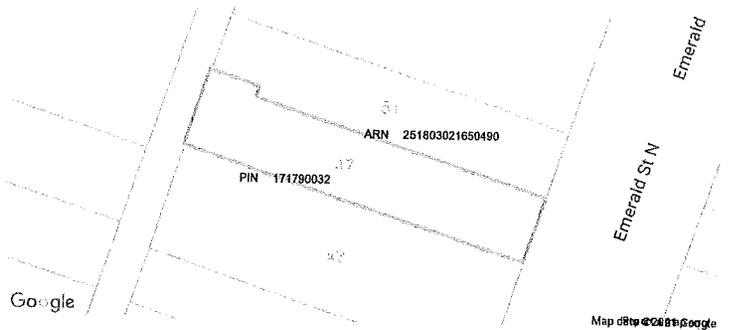
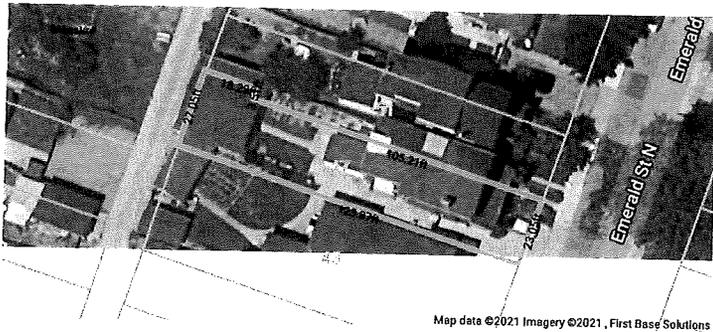
Property Details



GeoWarehouse Address
 47 EMERALD ST N, HAMILTON, L8L5K2
Land Registry Office
 Hamilton Wentworth (62)
Owner Names
 TUTOLO, MARY; TUTOLO, GUIDO

Ownership Type Freehold	Registration Type Certified (Land Titles)
Land Registry Status Active	PIN 171790032

Site & Structure



Lot Size **Area:** 2,938.54 ft² (0.067 ac) **Perimeter:** 298.56 ft
Measurements: 27.05 ft x 123.37 ft x 23.05 ft x 105.21 ft x 3.51 ft x 18.23 ft
Lot Measurement Accuracy: HIGH

Assessment 1 **ARN :** 251803021650490

Site **Frontage:** 24.50 ft **Depth:** 121.00 ft

Structure **Property Description:** Single-family detached (not on water) **Property Code:** 301



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@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-21:157
APPLICANTS:	Owner 121 King (Hamilton) GP Inc. Agent TCA/Their+Curran Architects Inc.
SUBJECT PROPERTY:	Municipal address 121-125 King St. E., Hamilton
ZONING BY-LAW:	Zoning By-law 05-200, as Amended 18:114
ZONING:	D and H21 district (Downtown Prime Retail Street)
PROPOSAL:	To permit the establishment of a multiple dwelling containing six (6) dwelling units on the ground floor of the existing building notwithstanding that: <ol style="list-style-type: none"> 1. A multiple dwelling is not permitted within the ground floor, except for access, accessory office and utility areas; 2. No short-term bicycle parking spaces shall be provided instead of the minimum required five (5) short term bicycle parking spaces; and, 3. No long-term bicycle parking spaces shall be provided instead of the minimum required three (3) long-term bicycle parking spaces.

AND That the application is subject to the following Condition:

1. That the ground floor units fronting onto King St. E. shall be for non-residential uses.

NOTES:

No parking spaces are required for any use, except a medical clinic, located in an existing building within the Downtown Mixed Use zone, provided that the existing number of parking spaces which existed on the effective date of the By-law shall continue to be maintained.

The applicant has described the proposed use as live/work units where each unit will consist of both the residence and the business as the principle use. Please note that live/work units are not permitted in this zone. However, a home business may be conducted in a dwelling unit which is secondary to the use of a dwelling unit as a private residence.

HM/A-21: 157

Page 2

A home business is subject to compliance with the requirements Section 4.21 c) and d) “Home Business” of the Hamilton Zoning By-law 05-200, (i.e. type of home business, maximum gross floor areas, outdoor storage, etc.). However, insufficient information was provided from which to confirm compliance; as such, further variances may be required.

This property is included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest as a non-designated property.

The lands are subject to “H21” holding provision.

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

DATE: Thursday, May 20th, 2021
TIME: 3:30 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021.

Jamila Sheffield,
 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.



THIER+CURRAN ARCHITECTS INC.
thoughtful buildings + interiors

Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 Ext. 4221

April 16, 2021

Attention: Samantha Costa, Development Clerk – Committee of Adjustment
By Email: CofA@hamilton.ca

RE: Revised Minor Variance Form for 121-125 King Street East, Hamilton

Dear Ms. Costa,

Please find enclosed a Minor Variance Application for 121-125 King Street East, Hamilton to allow for ground floor residential units facing Catharine Street North only. This is a revision of our November, 2020 application that was approved by the Committee, but appealed by the City due to a concern regarding ground floor residential use along King Street East.

As stated in our original Application and Drawing, it was never the intent to have ground floor residential facing King Street East, only on the 6 specific units facing Catharine Street North.

However, we recognize that as written, the Committee's approval letter is not consistent with our Application and would allow that. As discussed between our client (David Horwood of Effort Trust) and Jason Thorne, City of Hamilton General Manager of Planning and Economic Development, we are submitting a revised Minor Variance Application with stronger language regarding our intent to maintain a Commercial use along King Street East as per the existing D2 zoning and the intent of the Official Plan.

As also discussed by Mr. Horwood and Mr. Thorne, the intent is to expedite this process for inclusion at the April 20th Committee of Adjustment meeting with fees waived for this revised Minor Variance application.

Please don't hesitate to contact us should you need anything further.

Sincerely,

William J.E. Curran, OAA, FRAIC, LEED™ AP
Principal

CC: Tyler Ross, President, Scholar Properties
Jessica Caplan, Vice President and General Counsel, Scholar Properties
Maria Durdan, Partner, Simpson Wigle Law
David Horwood, Vice President, Effort Trust Company
Jason Thorne, General Manager of Planning and Economic Development, City of Hamilton
Jason Farr, Ward 2 Councillor, City of 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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS
Registered Owners(s)	121 King (Hamilton) GP Inc.	
Applicant(s)*	121 King (Hamilton) GP Inc.	
Agent or Solicitor	TCA/Thier+Curran Architects Inc.	

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
 TD Bank, 100 King St W., 4th Fl, Hamilton, ON L8P 1A2

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

4. Nature and extent of relief applied for:

Permit multiple dwelling use and live/work units at portions of ground floor facing Catharine St N only.

Note that only retail will be permitted along King St. E including at the Catharine St. N corner (refer to the enclosed sketch showing commercial unit remaining at King St E and Catharine St. N and 6 residential units along Catharine St. N (units 103-109)).

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

The commercial market in downtown Hamilton remains very soft, has been significantly worsened by Covid and no tenants have been engaged in the last 24 months since marketing began.

The owners remain committed to commercial space along King Street.

Allowing residential or live/work uses along Catherine Street will make them viable and will avoid more empty storefronts downtown. Should market conditions change, the commercial uses could resume.

There remains a significant demand for housing and these small units will serve an affordable market segment.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

121 & 125 King street East, 7 & 11 Catharine Street North, Hamilton,
Part of Lot 12, Nathaniel Hughson Survey (Unregistered) City of Hamilton, 2017.

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

ESA Ph 1 & ESA Ph 2

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. **ACKNOWLEDGEMENT CLAUSE**

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

April 15 2021
Date

[Signature]
Signature Property Owner

Tyler Ross
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>15.29 m</u>
Depth	<u>41.99 m</u>
Area	<u>582.86 sqm</u>
Width of street	<u>+/- 14.8 m</u>

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

570 m² ground floor area
2855 m² gross floor area
5 storeys
15.3 m W x 42 m L (irregular) x 19.15m H

Proposed

570 m² ground floor area
4043 m² gross floor area
6 storeys
15.3 m W x 42 m L (irregular) x 22.8m H

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Front: 121 King: -0.2m (façade encroachment), 125 King: 0.08m
Side: 0m (west, centreline of party-wall), -0.05m (east, Catharine st cladding encroachment)
Rear: 121 King: -0.82m_(stair encroachment), 125 King: 0.03m

Proposed:

Front: 121 King: -0.2m (façade encroachment), 125 King: 0.08m
Side: 0m (west, centreline of party-wall), -0.05m (east, Catharine st cladding encroachment)
Rear: 121 King: -0.82m_(stair encroachment), 125 King: 0.03m

