



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 21-19
Date: October 7, 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. 4144
cofa@hamilton.ca

Pages

1. PREVIOUSLY TABLED

2. RURAL

2.1. 1:15 p.m.SC/A-21:337892 Green Mountain Rd. E., Stoney Creek (Ward 9) 5

Agent KCMC Design Build Inc. c/o Don Curran
Owner Richard Filka

2.2. 1:20 p.m.FL/A-21:3291314 Concession Rd. 6 W., Flamborough (Ward 13) 21

Agent Gordon Griffiths
Owners Paul & Kerry Johnson

- 2.3. 1:25 p.m. Validation of Title FL/B-21:77 0 Hwy #8, Flamborough(Ward 13) 29
Agent Simpson Wigle Law c/o T. Bullock
Owners Paul & Heather Pollex
- 2.4. 1:30 p.m.FL/A-21:33012 Meander Close, Flamborough (Ward 15) 35
Agent Taugher Construction Inc.
Owner Robert Hickey
- 2.5. 1:35 p.m.FL/B-21:832254 Hwy 5, Flamborough (Ward 12) 43
Agent A.J. Clarke & Associates c/o Miles Weekes
Owner Stacey Ciancone
- 2.6. 1:35 p.m.FL/B-21:872246 Hwy 5, Flamborough (Ward 12) 59
Agent A.J. Clarke & Associates c/o Miles Weekes
Owner Jason Smith

3. SUBURBAN

- 3.1. 1:40 p.m.HM/A-21:32438 East 16th St., Hamilton (Ward 7) 73
Agent Kevn Webster
Owner Marek Krzyzewski
- 3.2. 1:45 p.m.SC/A-21:3261 West Ave., Stoney Creek (Ward 10) 85
Agent Len Angelici
Owner Wojciech Rafalowski
- 3.3. 1:50 p.m.AN/B-21:74130 Fiddlers Green Rd., Ancaster (Ward 12) 97
Owners Leo & Julia Ferreira
- 3.4. 2:00 p.m.HM/B-21:78132 Stone Church Rd. E., Hamilton (Ward 8) 115
Agent John Stirling
Owner Margaret Mulchyckyj
- 3.5. 2:05 p.m.HM/B-21:79727 Rymal Rd. E., Hamilton (Ward 8) 127
Agneta GSP c/o Joseph Liberatore
Owners M. Khera & P. Saini

- 3.6. 2:10 p.m.HM/B-21:80182 West 2nd St., Hamilton (Ward 8) 151
Agent Nick DeFilippis
Owner H. Singh Randahawa
- 3.7. 2:10 p.m.HM/A-21:331182 West 2nd St., Hamilton (Ward 8) 163
Agent Nick DeFilippis
Owner H. Singh Randahawa
- 3.8. 2:15 p.m.HM/A-21:2509 Lister Ave., Hamilton (Ward 8) 171
Agent Matthew Ribau
Owner Chad Lyder
- 3.9. 2:20 p.m.HM/A-21:333777 Upper James St., Hamilton (Ward 8) 185
Agent Rutledge Development Consulting c/o Ian Rutledge
Owner Canadian Tire c/o Ian Rutledge
- 3.10. 2:25 p.m.HM/A-21:336197 Kings Forest Dr., Hamilton (Ward 6) 199
Agent Brent Wybenga
Owner Nick, Amanda & Richard Mancini
- 3.11. 2:30 p.m.AN/B-21:82122 Martindale Crescent, Ancaster (Ward 12) 209
Agent James Webb Consulting Inc.
Owner Canadian Commercial (Acquisitions) Inc. c/o Home Depot

4. URBAN

- 4.1. 2:45 p.m.HM/B-21:7388 Lock St. N., Hamilton (Ward 1) 225
Agent Ken Bekendam
Owner Locke St. N. Holdings
- 4.2. 2:45 p.m.HM/A-21:32588 & 92 Locke St. N., Hamilton (Ward 1) 239
Agent Ken Bekendam
Owner Locke St. N. Holdings
- 4.3. 2:55 p.m.HM/A-21:328524-526 Upper James St., Hamilton (Ward 8) 257
Agent Urban in Mind c/o Terrance Glover
Owner Oriyomi Holdings Inc.

- 4.4. 3:00 p.m.HM/B-21:75494 Dundurn St. S., Hamilton (Ward 1) 319
Agent Steve Pongracz
Owners J. & S. Stanicak
- 4.5. 3:00 p.m.HM/B-21:76498 Dundurn St. S., Hamilton (Ward 1) 331
Agent Steve Pongracz
Owners J. & S. Stanicak
- 4.6. 3:05 p.m.HM/A-21:222111 Gibson Ave., Hamilton (Ward 3) 343
Agent Edward Wong
Owner Xingwen Guo
- 4.7. 3:10 p.m.HM/A-21:21930 Balsam Ave. S., Hamilton (Ward 3) 357
Agent Len Angelici
Owner Alvin Milinkovic
- 4.8. 3:15 p.m.GL/A-21:3329255 Airport Rd., Glanbrook (Ward 11) 369
Agent Michael Hannay
Owner Cachet MDRA (Mount Hope) Inc.
- 4.9. 3:20 p.m.HM/A-21:33415 Alexander St., Hamilton (Ward 1) 385
Agent Hickory Dickory Decks c/o S. Halcrow
Owner Peggy & Brian Webber
- 4.10. 3:25 p.m.HM/B-21:8183 Melbourne St., Hamilton (Ward 1) 401
Agent A.J. Clarke & Associates c/o Franz Kloibhofer
Owner Joseph Marchese
- 4.11. 3:25 p.m.HM/A-21:33583 Melbourne St., Hamilton (Ward 1) 419
Agent A.J. Clarke & Associates c/o Franz Kloibhofer
Owner Joseph Marchese

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
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-21:337

APPLICANTS: Agent KCMC Design Build Inc. c/o Don Curran
 Owner Richard Filka

SUBJECT PROPERTY: Municipal address **892 Green Mountain Rd. E., Stoney Creek**

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

ZONING: "A1" (Agriculture) district

PROPOSAL: To permit the construction of one (1) storey 576 square metre addition to the existing single detached dwelling notwithstanding that:

1. A minimum rear yard of 2.80 metres shall be permitted, instead of the minimum 10.0 metre rear yard setback required.

NOTE:

1. Specific details regarding the projection of window sills, cornices, eaves, troughs and other similar architectural features for the proposed addition were not indicated on the submitted site plan. Please note that should the variance requested to permit a reduced minimum rear yard setback be approved, as per Section 4.6(a), sills, cornices, bay windows etc. shall be permitted to project into the new minimum rear yard a distance of not more than 0.60 metres, or to a maximum of half the distance of the required yard, whichever is lesser. Please note that additional variances may be required if compliance with Section 4.6(a) is not possible.

2. From the elevation drawings provided, it appears that an exterior staircase or porch/deck is proposed on the easterly elevation, that is not indicated on the submitted site plan. Please note that an exterior staircase or porch/deck is permitted to encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser. Additional variances may be required if compliance is not possible.

3. Specific details regarding parking on the lot were not indicated on the submitted site plan. Please note that additional variances may be required if compliance with Section 5 is not possible.

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

SC/A-21:337

Page 2

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

DATE: Thursday, October 7th, 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.

MORE INFORMATION

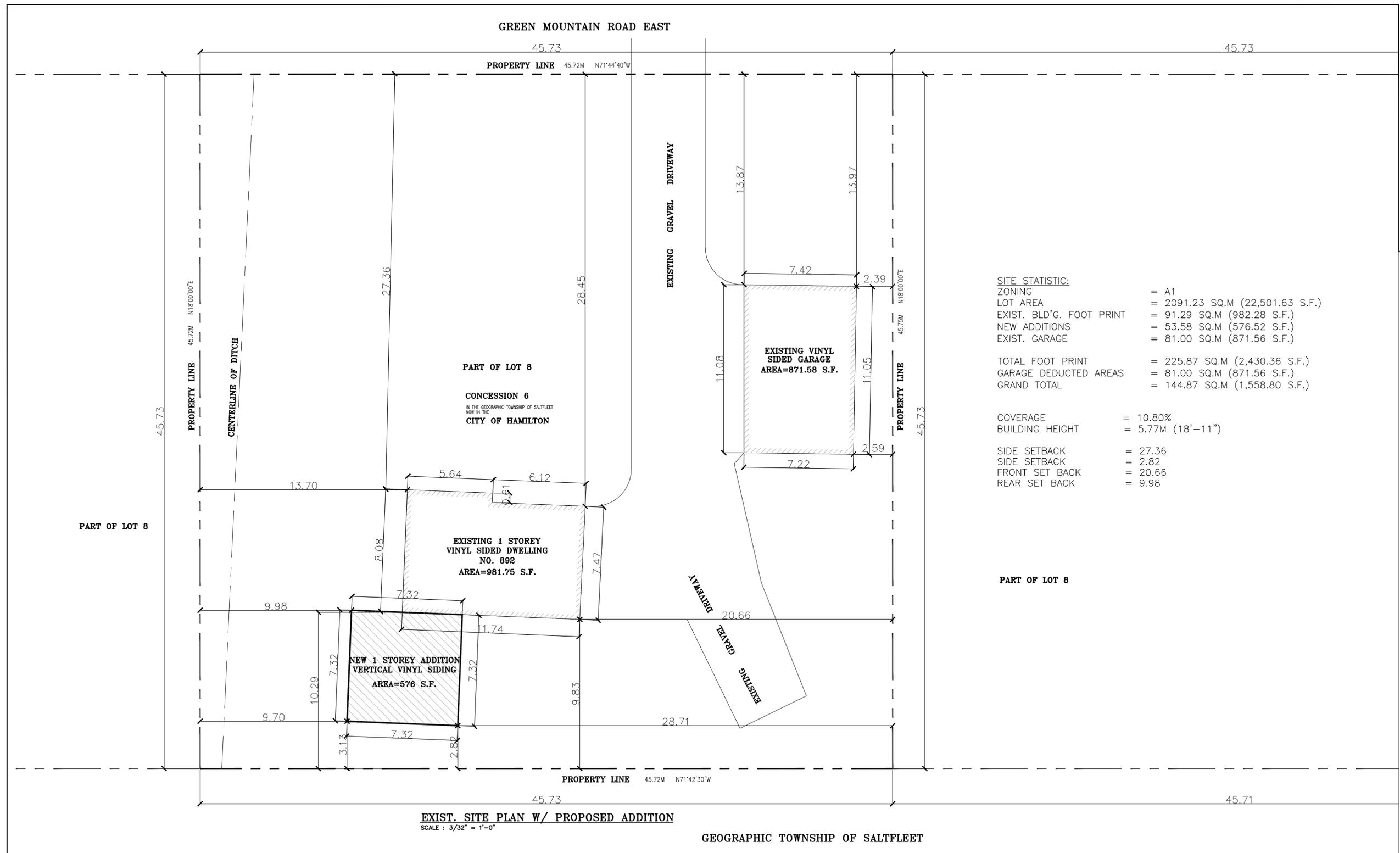
For more information on this matter, including access to drawings illustrating this request:

- 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: September 21st, 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 STATISTIC:

ZONING	= A1
LOT AREA	= 2091.23 SQ.M (22,501.63 S.F.)
EXIST. BLD'G. FOOT PRINT	= 91.29 SQ.M (982.28 S.F.)
NEW ADDITIONS	= 53.58 SQ.M (576.52 S.F.)
EXIST. GARAGE	= 81.00 SQ.M (871.56 S.F.)
TOTAL FOOT PRINT	= 225.87 SQ.M (2,430.36 S.F.)
GARAGE DEDUCTED AREAS	= 81.00 SQ.M (871.56 S.F.)
GRAND TOTAL	= 144.87 SQ.M (1,558.80 S.F.)
COVERAGE	= 10.80%
BUILDING HEIGHT	= 5.77M (18'-11")
SIDE SETBACK	= 27.36
SIDE SETBACK	= 2.82
FRONT SET BACK	= 20.66
REAR SET BACK	= 9.98



EXIST. SITE PLAN W/ PROPOSED ADDITION
SCALE : 3/32" = 1'-0"

GEOGRAPHIC TOWNSHIP OF SALTFLEET

GENERAL NOTES

THE CONTRACTOR SHALL VERIFY ALL DIMENSION ON SITE AND REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK. DO NOT SCALE DRAWINGS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ARRANGEMENT OF ALL NECESSARY INSPECTIONS. ALL WORKS ARE TO COMPLY WITH REGULATIONS AND BY-LAWS SET FORTH BY THE AUTHORITIES HAVING JURISDICTIONS.

THE CONTRACTOR AND HIS SUB-TRADES SHALL FOLLOW THE INSTRUCTIONS AND SCHEDULES SET FORTH BY THE OWNER OF THE PROPERTY.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING BASE BUILDING SYSTEMS AND EQUIPMENTS DURING CONSTRUCTION.

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ENGINEER'S AND/OR OTHER CONSULTANT'S DRAWINGS & SPECIFICATIONS WHERE APPLICABLE. REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK.

REFER TO THE ENGINEER'S DRAWINGS FOR FIRE PREVENTION, HEALTH AND SAFETY SYSTEMS WHERE APPLICABLE.

ALL DIMENSIONS ARE FROM FACES OF FINISHED PARTITIONS (UNLESS OTHERWISE INDICATED).

FLAME SPREAD RATING AND SMOKE DEVELOPED CLASSIFICATION FOR ALL INTERIOR FINISHING MATERIALS NOT TO EXCEED THE MAXIMUM AS SPECIFIED IN THE ONTARIO BUILDING CODE.

REVISION	
1	
2	
3	
4	
5	

Client:
KCMC PROJECT DESIGN

Project Name:
SINGLE STOREY HOUSE ADDITIONS

Project Address:
RICHARD FILKA
892 GREEN MOUNTAIN RD.
STONEY CREEK
HAMILTON, ON. L8J 3A9

Sheet Title:
SITE PLAN

Scale:
3/32" = 1'-0"

Date:
JULY 2021

Drawn by:
MJU

Date Revised:
-

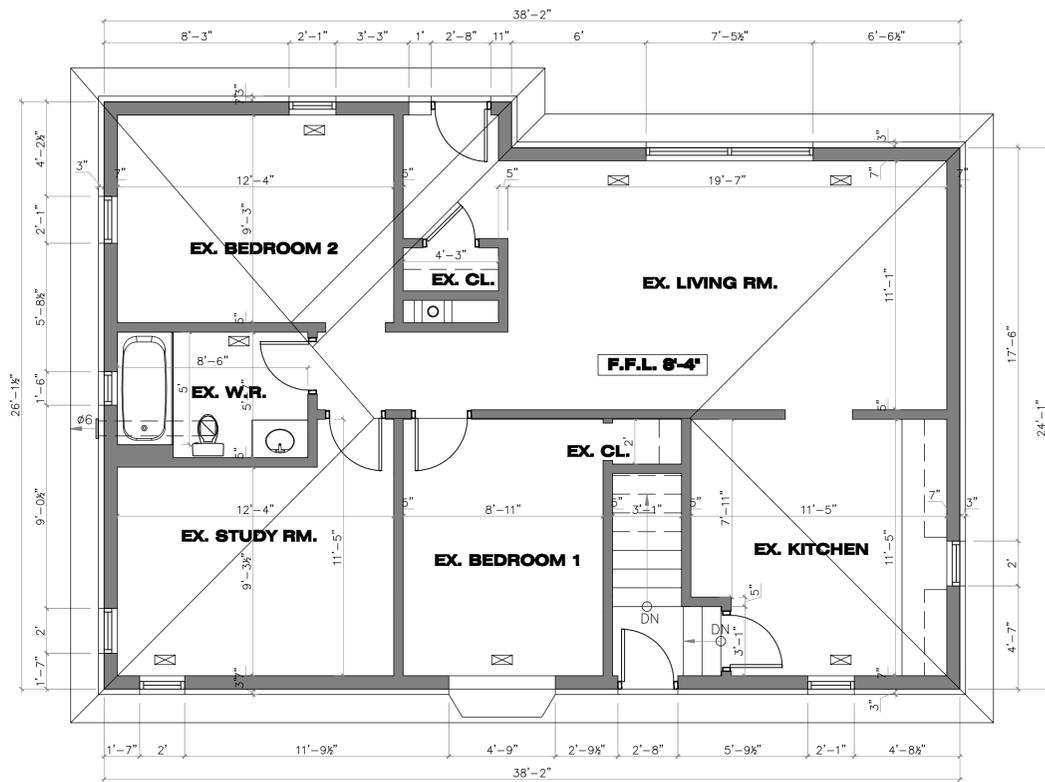
Project Coordinator:

217 ANTHONY AVE.
MISSISSAUGA, ON.
L4Z 3V4
TEL.: 416-879.6463
abmjashim@gmail.com
www.metrocandb.com

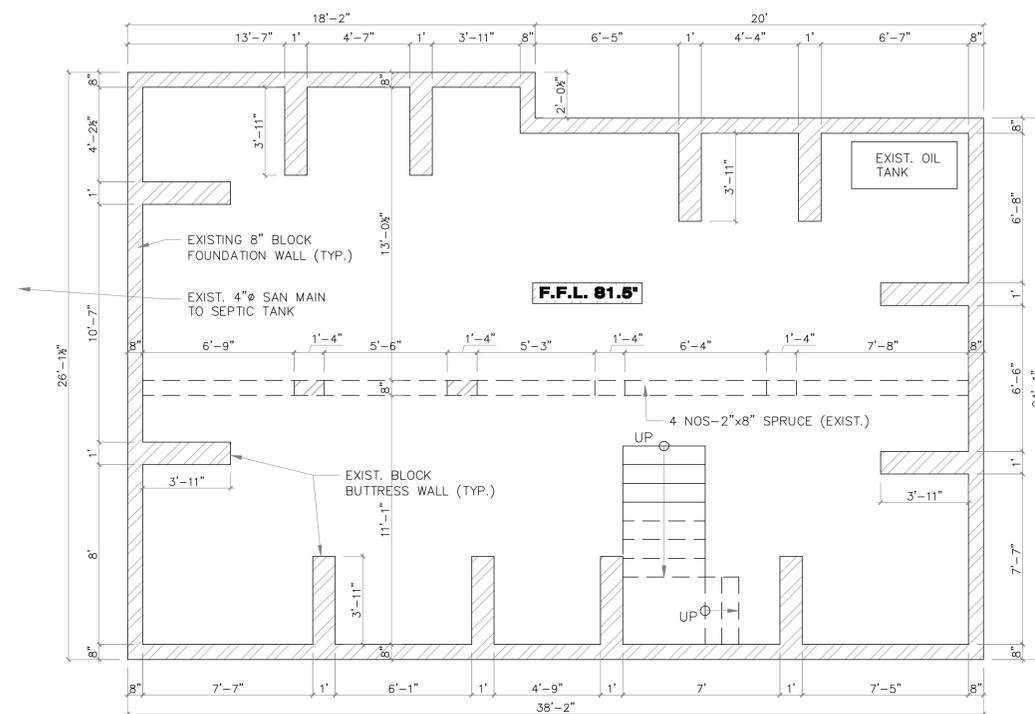
Project No.: -

File: -

Drawing No.: A101



EXIST. GROUND FLOOR
SCALE : 1/4" = 1'-0"



EXIST. BASEMENT
SCALE : 1/4" = 1'-0"

GENERAL NOTES

THE CONTRACTOR SHALL VERIFY ALL DIMENSION ON SITE AND REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK. DO NOT SCALE DRAWINGS.
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ARRANGEMENT OF ALL NECESSARY INSPECTIONS. ALL WORKS ARE TO COMPLY WITH REGULATIONS AND BY-LAWS SET FORTH BY THE AUTHORITIES HAVING JURISDICTIONS.
THE CONTRACTOR AND HIS SUB-TRADES SHALL FOLLOW THE INSTRUCTIONS AND SCHEDULES SET FORTH BY THE OWNER OF THE PROPERTY.
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING BASE BUILDING SYSTEMS AND EQUIPMENTS DURING CONSTRUCTION.

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ENGINEER'S AND/OR OTHER CONSULTANT'S DRAWINGS & SPECIFICATIONS WHERE APPLICABLE. REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK.
REFER TO THE ENGINEER'S DRAWINGS FOR FIRE PREVENTION, HEALTH AND SAFETY SYSTEMS WHERE APPLICABLE.
ALL DIMENSIONS ARE FROM FACES OF FINISHED PARTITIONS (UNLESS OTHERWISE INDICATED).
FLAME SPREAD RATING AND SMOKE DEVELOPED CLASSIFICATION FOR ALL INTERIOR FINISHING MATERIALS NOT TO EXCEED THE MAXIMUM AS SPECIFIED IN THE ONTARIO BUILDING CODE.

REVISION

1	
2	
3	
4	
5	

Client:
KCMC PROJECT DESIGN
Project Name:
SINGLE STOREY HOUSE ADDITIONS
Project Address:
RICHARD FILKA
892 GREEN MOUNTAIN RD.
STONEY CREEK
HAMILTON, ON. L8J 3A9

Sheet Title
EXISTING BASEMENT & GROUND FLOOR PLANS
Scale:
1/4" = 1'-0"
Date:
JULY 2021
Drawn by:
MJU
Date Revised:
-

Project Coordinator:
**217 ANTHONY AVE.**
MISSISSAUGA, ON.
L4Z 3V4
TEL.: 416-879.6463
abmjashim@gmail.com
www.metrocandb.com
Project No. - **File:** - **Drawing No.** A102





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



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



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



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



GENERAL NOTES

THE CONTRACTOR SHALL VERIFY ALL DIMENSION ON SITE AND REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK. DO NOT SCALE DRAWINGS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ARRANGEMENT OF ALL NECESSARY INSPECTIONS. ALL WORKS ARE TO COMPLY WITH REGULATIONS AND BY-LAWS SET FORTH BY THE AUTHORITIES HAVING JURISDICTIONS.

THE CONTRACTOR AND HIS SUB-TRADES SHALL FOLLOW THE INSTRUCTIONS AND SCHEDULES SET FORTH BY THE OWNER OF THE PROPERTY.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING BASE BUILDING SYSTEMS AND EQUIPMENTS DURING CONSTRUCTION.

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ENGINEER'S AND/OR OTHER CONSULTANT'S DRAWINGS & SPECIFICATIONS WHERE APPLICABLE. REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK.

REFER TO THE ENGINEER'S DRAWINGS FOR FIRE PREVENTION, HEALTH AND SAFETY SYSTEMS WHERE APPLICABLE.

ALL DIMENSIONS ARE FROM FACES OF FINISHED PARTITIONS (UNLESS OTHERWISE INDICATED).

FLAME SPREAD RATINGS AND SMOKE DEVELOPED CLASSIFICATION FOR ALL INTERIOR FINISHING MATERIALS NOT TO EXCEED THE MAXIMUM AS SPECIFIED IN THE ONTARIO BUILDING CODE.

REVISION

1	
2	
3	
4	
5	

Client:
KCMC PROJECT DESIGN

Project Name:
SINGLE STOREY HOUSE ADDITIONS

Project Address:
RICHARD FILKA
892 GREEN MOUNTAIN RD.
STONEY CREEK
HAMILTON, ON. L8J 3A9

Sheet Title
EXISTING AND NEW ELEVATIONS

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

Date:
JULY 2021

Drawn by:
MJU

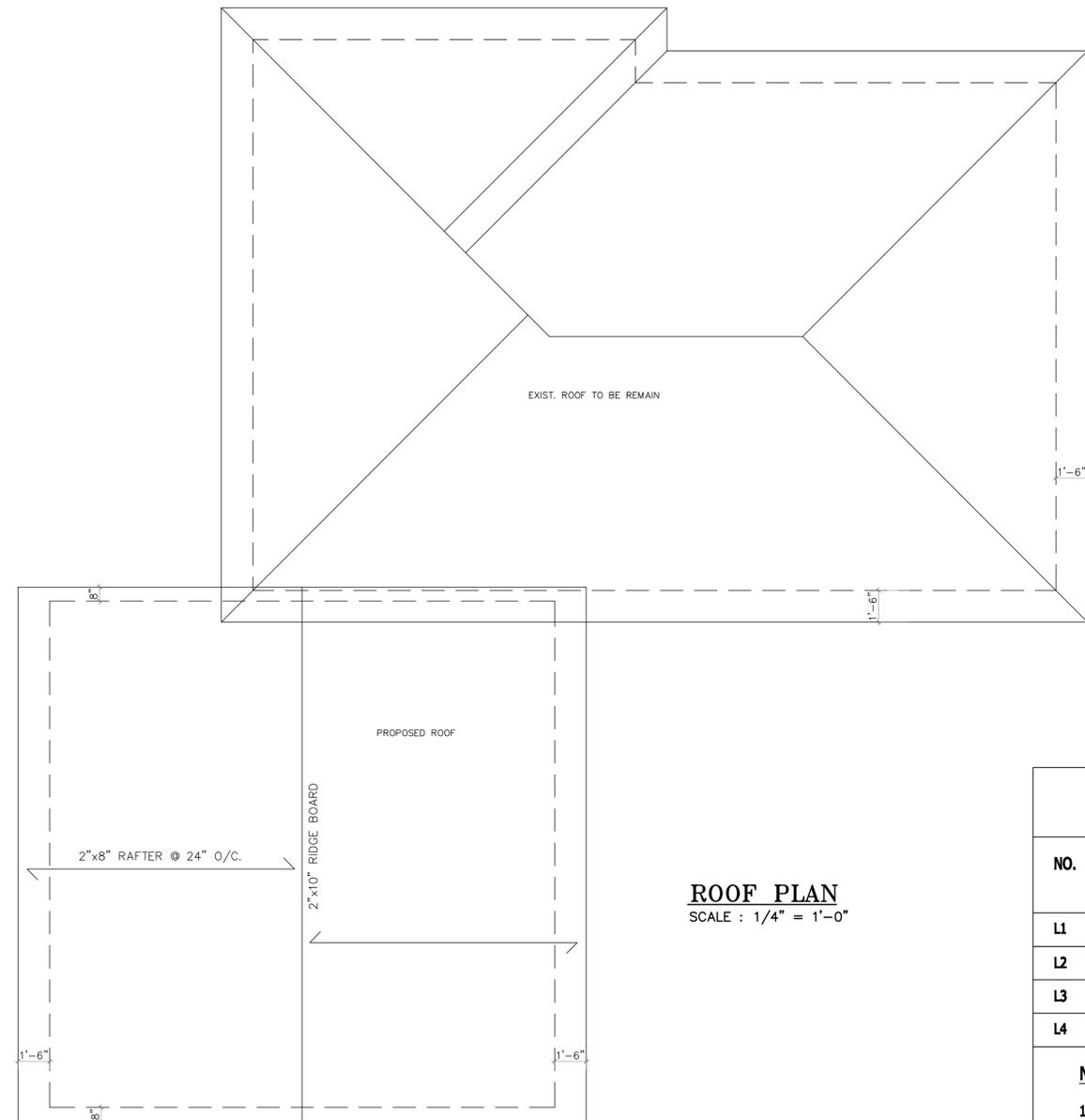
Date Revised:

Project Coordinator:

MCDB
MetroCan Design & Build

217 ANTHONY AVE.
MISSISSAUGA, ON.
L4Z 3V4
TEL.: 416-879.6463
abmjashim@gmail.com
www.metrocandb.com

Project No. **File:** **Drawing No.**
A105



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

LINTEL SCHEDULE BASED ON OBC TABLE 9.20.5.2A & TABLE A-15				
NO.	LINTEL SIZE (WOOD)	LINTEL SIZE (STEEL) (FOR BRICKS)	LINTEL SIZE (STEEL) (FOR SOTNE)	MAX. SPAN
L1	2-2"x6"	L 3 1/2"x3 1/2"x1/4"	L 5"x3 1/2"x5/8"	4'-7"
L2	2-2"x8"	L 4"x3 1/2"x5/8"	L 5"x5"x5/8"	6'-5"
L3	2-2"x10"	L 4"x3 1/2"x5/8"	L 5"x5"x5/8"	7'-4"
L4	3-2"x12"	L 5"x3 1/2"x5/8"	L 5"x5"x1/2"	10'-0"

NOTES:

1. INTERIOR WALL WOOD LINTELS ONLY AND EXTERIOR WALL WOOD + STEEL LINTELS
2. BOLT STEEL TO WOOD LINTEL AT 24" O.C. PROVIDE A MIN. 6" BEARING AT EACH END



GENERAL NOTES

THE CONTRACTOR SHALL VERIFY ALL DIMENSION ON SITE AND REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK. DO NOT SCALE DRAWINGS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ARRANGEMENT OF ALL NECESSARY INSPECTIONS. ALL WORKS ARE TO COMPLY WITH REGULATIONS AND BY-LAWS SET FORTH BY THE AUTHORITIES HAVING JURISDICTIONS.

THE CONTRACTOR AND HIS SUB-TRADES SHALL FOLLOW THE INSTRUCTIONS AND SCHEDULES SET FORTH BY THE OWNER OF THE PROPERTY.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING BASE BUILDING SYSTEMS AND EQUIPMENTS DURING CONSTRUCTION.

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ENGINEER'S AND/OR OTHER CONSULTANT'S DRAWINGS & SPECIFICATIONS WHERE APPLICABLE. REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK.

REFER TO THE ENGINEER'S DRAWINGS FOR FIRE PREVENTION, HEALTH AND SAFETY SYSTEMS WHERE APPLICABLE.

ALL DIMENSIONS ARE FROM FACES OF FINISHED PARTITIONS (UNLESS OTHERWISE INDICATED).

FLAME SPREAD RATINGS AND SMOKE DEVELOPED CLASSIFICATION FOR ALL INTERIOR FINISHING MATERIALS NOT TO EXCEED THE MAXIMUM AS SPECIFIED IN THE ONTARIO BUILDING CODE.

REVISION

NO.	DESCRIPTION
1	
2	
3	
4	
5	

Client:
KCMC PROJECT DESIGN

Project Name:
SINGLE STOREY HOUSE ADDITIONS

Project Address:
RICHARD FILKA
892 GREEN MOUNTAIN RD.
STONEY CREEK
HAMILTON, ON. L8J 3A9

Sheet Title
EXISTING AND NEW ROOF PLAN

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

Date:
JULY 2021

Drawn by:
MJU

Date Revised:

Project Coordinator:

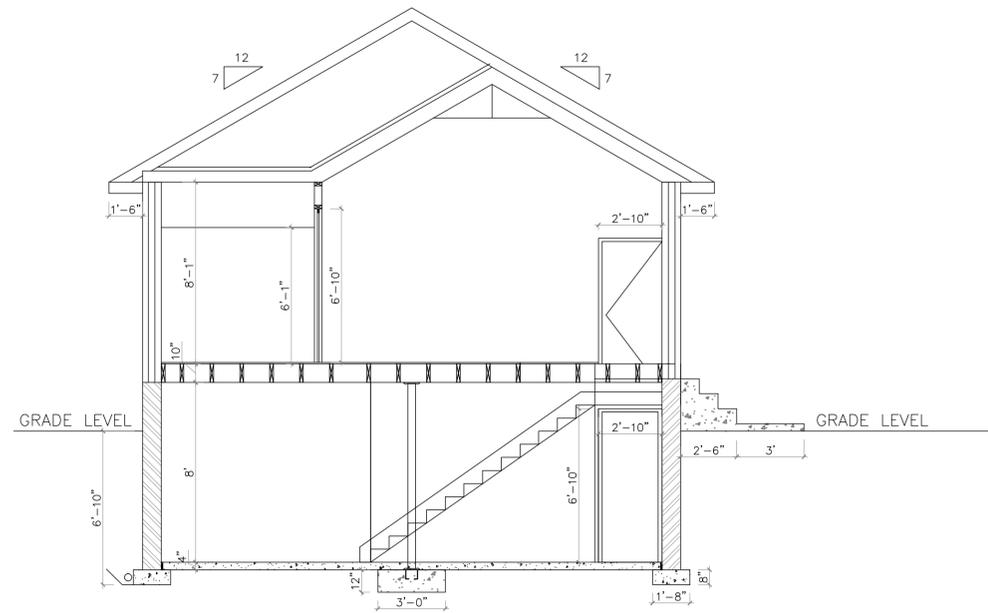
MCDB
MetroCan Design & Build

217 ANTHONY AVE.
MISSISSAUGA, ON.
L4Z 3V4
TEL.: 416-879.6463
abmjashim@gmail.com
www.metrocandb.com

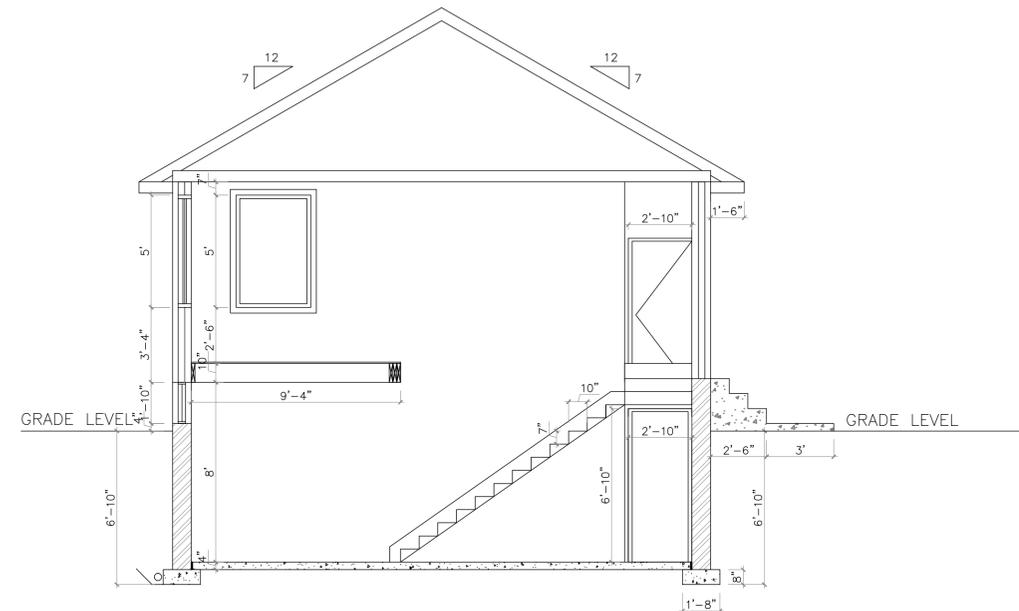
Project No. **File:** **Drawing No.**
A104

892 GREEN MOUNTAIN RD E

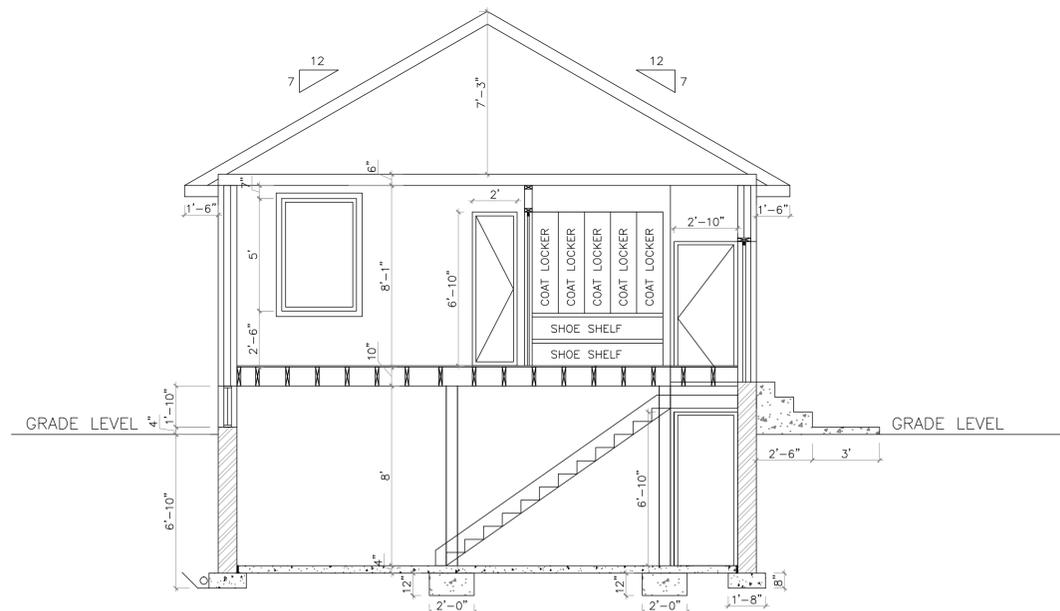
22'x34'



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



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



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



GENERAL NOTES

THE CONTRACTOR SHALL VERIFY ALL DIMENSION ON SITE AND REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK. DO NOT SCALE DRAWINGS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ARRANGEMENT OF ALL NECESSARY INSPECTIONS. ALL WORKS ARE TO COMPLY WITH REGULATIONS AND BY-LAWS SET FORTH BY THE AUTHORITIES HAVING JURISDICTIONS.

THE CONTRACTOR AND HIS SUB-TRADES SHALL FOLLOW THE INSTRUCTIONS AND SCHEDULES SET FORTH BY THE OWNER OF THE PROPERTY.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING BASE BUILDING SYSTEMS AND EQUIPMENTS DURING CONSTRUCTION.

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ENGINEER'S AND/OR OTHER CONSULTANT'S DRAWINGS & SPECIFICATIONS WHERE APPLICABLE. REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK.

REFER TO THE ENGINEER'S DRAWINGS FOR FIRE PREVENTION, HEALTH AND SAFETY SYSTEMS WHERE APPLICABLE.

ALL DIMENSIONS ARE FROM FACES OF FINISHED PARTITIONS (UNLESS OTHERWISE INDICATED).

FLAME SPREAD RATINGS AND SMOKE DEVELOPED CLASSIFICATION FOR ALL INTERIOR FINISHING MATERIALS NOT TO EXCEED THE MAXIMUM AS SPECIFIED IN THE ONTARIO BUILDING CODE.

REVISION

1	
2	
3	
4	
5	

Client:
KCMC PROJECT DESIGN

Project Name:
SINGLE STOREY HOUSE ADDITIONS

Project Address:
RICHARD FILKA
892 GREEN MOUNTAIN RD.
STONEY CREEK
HAMILTON, ON. L8J 3A9

Sheet Title
SECTIONS A-A, B-B & C-C

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

Date:
JULY 2021

Drawn by:
MJU

Date Revised:

Project Coordinator:

MCDB
MetroCan Design & Build

217 ANTHONY AVE.
MISSISSAUGA, ON.
L4Z 3V4
TEL.: 416-879.6463

abmjashim@gmail.com
www.metrocandb.com

Project No. **File:** **Drawing No.**
A106

WOOD FRAME CONSTRUCTION & INSULATION SPECIFICATIONS:

Wood Frame Construction

- All lumber shall be spruce-pine-fir No. 1 & 2, and shall be identified by a grade stamp
- Maximum moisture content 19% at time of installation
- Wood framing members which are supported on concrete in direct contact with soil shall be separated from the concrete with 6 mil polyethylene

Walls

- Exterior walls shall consist of:
 - cladding
 - sheathing paper lapped 4" at joints
 - 3/8" fibreboard or gypsum board or 3/8" MN. 1/2" plywood sheathing
 - 2x6 studs @ 16" o.c.
 - 2x6 bottom plate and double 2x6 top plate
 - 2x6 studs @ 16" o.c. can be utilized provided the combined R value of the SATT insulation and exterior rigid insulation achieves R-19+5ci
 - Interior loadbearing walls shall consist of:
 - 2x4 studs @ 16" o.c.
 - 2x4 bottom plate and double 2x4 top plate
 - 2x4 mid-girts if not sheathed
 - 1/2" gypsum board sheathing

Floors

- See A103 & A104 for floor joist size and spacing requirements
- Joists to have minimum 1 1/2" of end bearing
- Joists shall bear on a sill plate fixed to foundation with 1/2" anchor bolts @ 7'-10" o.c.
- Header joists between 3'-11" and 10'-6" in length shall be doubled. Header joists exceeding 10'-6" shall be sized by calculation
- Trimmer joists shall be doubled when supported header is between 2'-7" and 6'-7" Trimmer joists shall be sized by calculation when supported header exceeds 6'-7"
- 2x2 cross bridging required not more than 6'-11" from each support and from other rows of bridging
- Joists shall be supported on joist hangers at all flush beams, trimmers, and headers
- Joists located under parallel non-loadbearing partitions shall be doubled
- See S101 for subflooring requirements

Roof & Ceilings

- See A103 & A104 for rafter, roof joist and ceiling joist size and spacing requirements
- Hip and valley rafter shall be 2" deeper than common rafters
- 2x6 collar ties @ rafter spacing with 1x4 continuous brace at mid span if collar tie exceeds 7'-10" in length
- See S101 for roof sheathing requirements

Notching & Drilling of Trusses, Joists, Rafters

- Holes in floor, roof and ceiling members to be maximum 1/4 x actual depth of member and not less than 2" from edge
- Notches in floor, roof and ceiling members to be located on top of the member within 1/2 the actual depth from the edge of bearing and not greater than 1/3 joist depth
- Wall studs may be notched or drilled provided that no less than 2/3 the depth of the stud remains, if load bearing, and 1 9/16" if non-load bearing
- Roof truss members shall not be notched, drilled or weakened unless accommodated in the design

Roofing

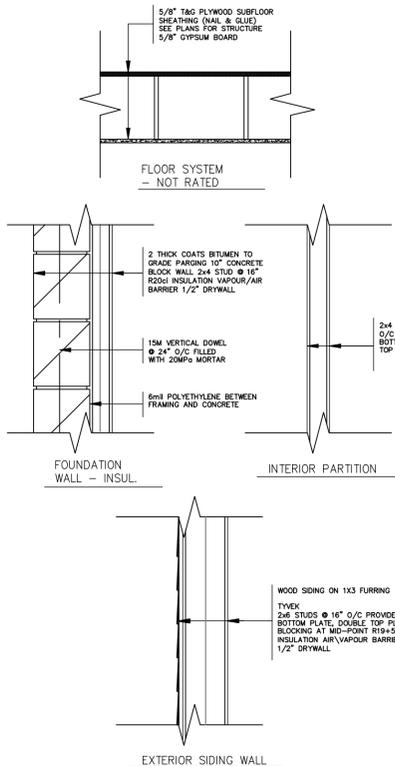
- Fasteners for roofing shall be corrosion resistant. Roofing nails shall penetrate through or at least 1/2" into roof sheathing
- Every asphalt shingle shall be fastened with at least 4 nails
- Eave protection shall extend 2'-11" up the roof slope from the edge and at least 11 3/4" from the inside face of the exterior wall, and shall consist of Type M or Type S Roll Roofing laid with minimum 4" head and end laps cemented together, or glass Fibre or Polyester Fibre coated base sheets, or self-sealing composite membranes consisting of modified bituminous coated material. Eave protection is not required for unheated buildings, for roofs exceeding a slope of 1 in 1.5, or where a low slope asphalt shingle application is provided
- Open valleys shall be flashed with 2 layers of roll roofing, or 1 layer of steel metal min. 23 5/8" wide
- Flashing shall be provided at the intersection of shingle roofs with exterior walls and chimneys
- Sheet metal flashing shall consist of not less than 1/16" steel lead, 0.013" galvanized steel, 0.018" copper, 0.018" zinc, or 0.019" aluminium

Columns, Beams & Lintels

- Steel beams and columns shall be shop primed.
- Minimum 3 1/2" end bearing for wood and steel beams, with 7 7/8" solid masonry beneath the beam.
- Steel columns to have minimum outside diameter of 2 7/8" and minimum wall thickness of 3/16"
- Wood columns for carports and garages shall be minimum 3 1/2" x 3 1/2", in all other cases either 5 1/2" x 5 1/2" or 7 1/4" round, unless calculations based on actual loads show lesser sizes are adequate. All columns shall be not less than the width of the supported member
- Masonry columns shall be a minimum of 11 3/8" x 11 3/8" or 8 1/2" x 15"
- Provide solid blocking the full width of the supported member under all concentrated loads

Insulation & Weatherproofing

- Ceiling with attic R-60
- Ceiling without attic R-31
- Walls above grade R-19 + 5ci
- Basement wall R-20c
- Exposed floor R-31
- Slabs on grade R-10 (unheated)
- Slabs on grade R-10 (heated)
- Supply Ducts in unheated space R-12
- Insulation shall be protected with gypsum board or an equivalent interior finish, except for unfinished basements where 6 mil poly is sufficient for fiberglass type insulations
- Ducts passing through unheated space shall be made airtight with tape or sealant
- Caulking shall be provided for all exterior doors and windows between the frame and the exterior cladding
- Weatherproofing shall be provided on all doors and access hatches to the exterior, except doors from a garage to the exterior
- Exterior walls, ceilings and floors shall be constructed so as to provide a continuous barrier to the passage of water vapour from the interior and to the leakage of air from the exterior



NOTE: ALL REFERENCES TO ONTARIO BUILDING CODE (OBC) REFER TO 2012 BUILDING CODE COMPENDIUM

ASPHALT SHINGLES ON MIN. 5/8" PLYWOOD DECKING ON APPROVED ROOF TRUSSES OR WOOD RAFTERS (SEE PLANS) USE "H"-CLIPS IF 24" O.C. SPACING

EAVE PROTECTION TO EXTEND FROM THE EDGE OF THE ROOF, 36" UP THE SLOPE BUT NOT LESS THAN 12" BEYOND THE INT. FACE OF THE EXTERIOR WALL

EAVESTROUGH, RWL VENTIA BOARD & FACED SOFFIT FINISH AS PER THE ELEVATIONS

FRAME WALL CONSTRUCTION: WOOD SIDING -INSTALL ACCORDING TO OBC DIV.B 9.27.1. AND 9.27.6 ON 1x3 FURRING @ 16" O.C. -OBC DIV. B 9.27.3. AND MANUFACTURER'S INSTRUCTIONS. PROVIDE CAULKING ACCORDING TO OBC DIV B 9.27.4. SHEATHING PAPER CONFORMING TO CAN/CGSB-51.32-M MEMBRANE SHEATHING MEMBRANE BREATHER TYPE. EXTERIOR TYPE SHEATHING 2X6 WOOD STUDS @ 16" O.C. R19+5ci INSULATION IN CONTINUOUS CONTACT W/ SHEATHING & CONTINUOUS VAPOUR/AIR BARRIER DOUBLE PLATE @ TOP SOLE PLATE @ BOTTOM 1/2" G.W.B.

ROOF VENTILATION 1:300 OF THE INSULATED CEILING AREA UNIFORMLY DISTRIBUTED

CARRY MIN. R31 INSULATION TO COVER INTERIOR FACE OF EXTERIOR WALL

INTERIOR CEILING FINISH CONT. AIR/VAPOUR BARRIER W/ MINIMUM R31 INSULATION

INSTALL WATER/ICE MEMBRANE ALONG THE EDGES OF ALL ROOFS & IN THE VALLEYS (TYP.) REFER TO OBC DIV. B 9.26.4.3 FOR VALLEYS AND 9.26.5.1. FOR EAVES WITH MATERIAL CONFORMING TO OBC DIV.B 9.26.2.

FLOOR FINISH 5/8" T&G PLYWOOD SUBFLOOR SHEATHING (NAIL & GLUE) OR APPROVED EQUAL ON FLOOR JOISTS SOLID BLOCKING AT MID-SPAN

ACQUSTIC SEALANT

2X6 WOOD SILL PLATE FASTENED TO FOUNDATION WALL W/ MINIMUM 1/2" DIAMETER ANCHOR BOLTS EMBEDDED MIN. 4" IN CONCRETE @ 7'-10" O.C. MAX. & PROVIDE CAULKING OR GASKET BETWEEN PLATE & FOUNDATION WALL

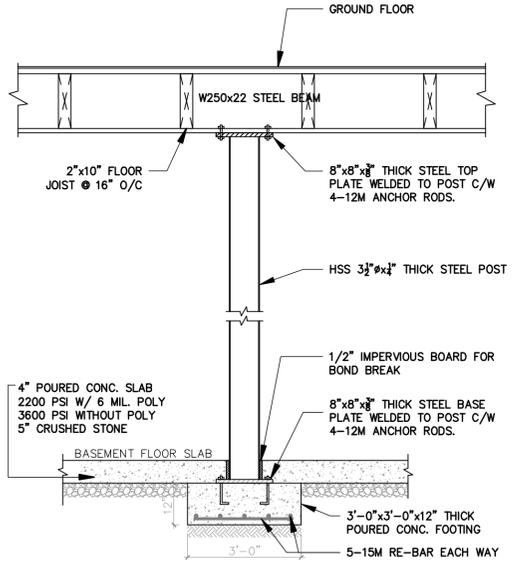
TOP BLOCK COURSE FILLED W/ MORTAR OR CONCRETE

BITUMINOUS DAMPPROOFING TO NEW WALLS: TO CONFORM TO MATERIAL STANDARDS - OBC DIV. B, 9.13.2.1. ON MINIMUM 1/4" PARING ON CONCRETE BLOCK FDN. WALL

20"X8" DEEP POURED CONC. FOOTING (TYPICAL) WITH 2-15M CONT. RE-BAR ON UNDISTURBED SOIL

4" DIA. WEEPING TILE W/ 6" CRUSHED STONE COVER

TYP. WALL SECTION
N.T.S.



TYP. STEEL COLUMN SECTION
N.T.S.

GENERAL INFORMATION ELECTRICAL & MECHANICAL SPECIFICATIONS:

Natural Ventilation

- Every roof space above an insulated ceiling shall be ventilated with unobstructed openings equal to not less than 1/200 of insulated area
- Insulated roof spaces not located over an attic shall be ventilated with unobstructed openings equal to not less than 1/150 of insulated area
- Roof walls shall be uniformly distributed and designed to prevent the entry of rain, snow or insects
- Unheated crawl spaces shall be provided with 1.1 ft² of ventilation for each 538 ft²
- Minimum natural ventilation areas, where mechanical ventilation is not provided, are:
 - Bathrooms: 0.97 ft²
 - Other rooms: 3 ft²
- Unfinished basement: 0.25 of floor area
- Doors and Windows**
 - Every floor level containing a bedroom and not served by an exterior door shall contain at least 16" and no dimension less than 15", which is operable from the inside without tools
 - Exterior house doors and windows within 6"-7" from grade shall be constructed to resist forced entry. Doors shall have a deadbolt lock
 - The principal entry door shall have either a door viewer, transparent glazing or a sidelight
- Exterior Walls**
 - No windows or other unprotected openings are permitted in exterior walls less than 3'-11" from property lines
 - 5/8" fire rated drywall shall be installed on the inside face of attached garage exterior walls and gable ends of roofs which are less than 3'-11" from property lines
 - Non combustible cladding shall be installed on all exterior walls less than 23 5/8" from property lines

Ceramic Tile

- When ceramic floor tile applied to a mortar base the base shall be a minimum of 1/2" thick & reinforced with galvanized diamond mesh laid, applied over polyethylene or 6" o.c. subflooring on joists at no more than with at least 2 rows cross bridging
- The mortar base cementitious material shall consist of 1 part Portland cement to not more than one-quarter part by volume (9.29.12 (1)-OBC 2012). The finished shall be water resistant. (9.29.12 (1)-OBC 2012)
- Adhesive to attach ceramic tile to wall shall be applied to the gypsum board with even surface (9.29.10.3 (1)-OBC 2012)
- Access to Attics and Crawl Spaces**
 - Access hatch minimum 19 3/4" x 2'-4" to be provided to every crawl space and every roof space which is 108 ft² or more in area and more than 23 5/8" in height

Garage Gasproofing

- The walls and ceiling of an attached garage shall be constructed and sealed so as to provide an effective barrier to exhaust fumes
- All plumbing and other penetrations through the walls and ceiling shall be caulked
- Doors between the dwelling and attached garage may not open into a bedroom and shall be weatherstripped and have a self-closer

Alarms and Detectors

- At least one smoke alarm shall be installed on or near the ceiling on each floor basement level 2'-11" or more above an adjacent level
- Smoke alarms shall be interconnected and located such that one is within 6'-5" of every bedroom door and no more than 49'-3" travel distance from any point on a floor
- A carbon monoxide detector shall be installed on or near the ceiling in every room containing a solid fuel burning fireplace or stove

Stairs

- Maximum Rise 7 7/8" (200 mm)
- Minimum Run 8 1/4" (210 mm)
- Minimum Tread 9 1/4" (235 mm)
- Minimum Width 2'-10" (863 mm)
- Minimum Head Room 6'-5"
- Curved stairs shall have a min. run of 5 7/8" at any point and a minimum average run of 7 7/8"
- The mortar base cementitious material shall consist of 1 part Portland cement to not more than one-quarter part by volume (9.29.12 (1)-OBC 2012). The finished shall be water resistant. (9.29.10.3 (1)-OBC 2012)
- Adhesive to attach ceramic tile to wall shall be applied to the gypsum board with even surface (9.29.10.3 (1)-OBC 2012)
- Access to Attics and Crawl Spaces**
 - Access hatch minimum 19 3/4" x 2'-4" to be provided to every crawl space and every roof space which is 108 ft² or more in area and more than 23 5/8" in height

Handrails and Guards

- A handrail is required for interior stairs containing more than 3 risers and exterior stairs containing more than 3 risers
- Guards are required around every accessible surface which is more than 23 5/8" above the adjacent level
- Interior and exterior guards min. 2'-11" high. Exterior guards shall be 3'-6" high where height above adjacent surface exceeds 5'-11"
- Guards shall have no openings greater than 4", and no member between 4" and 2'-11" that will facilitate climbing
- Stair wall reinforcement shall be provided as per 2012 OBC Div B article 9.5.2.3 for the grab bar in the washrooms.

Plumbing

- Every dwelling requires a kitchen sink, laundry, water closet, Bath or shower stall and the installation or availability of laundry facilities
- A floor drain shall be installed in the basement, and connected to the sanitary sewer where gravity drainage is possible. In other cases, it shall be connected to a storm drainage system, ditch or dry well

Electrical

- An exterior light controlled by an interior switch is required at every entrance
- A light controlled by a switch is required in every kitchen, bedroom, living room, utility room, laundry room, dining room, bathroom, vestibule, hallway, garage and carport. A switched receptacle may be provided instead of a light in bedrooms and living rooms
- Stairs shall be lighted, and except where serving an unfinished basement shall be controlled by a key switch at the head and foot of the stairs
- Basements require a light for each 323 ft², controlled by a switch at the head of the stairs
- Mechanical Ventilation**
 - A mechanical ventilation system is required with a total capacity at least equal to the sum of:
 - 10 cfm each for basement and master bedroom
 - 5 cfm for each other room
 - A principal dwelling exhaust fan shall be installed and controlled by a centrally located switch identified as such
 - Supplemental exhaust shall be installed so that the total capacity of all kitchen, Bathroom and other exhausts, less the principal exhaust, is not less than the total required capacity
 - A Heat Recovery Ventilator may be employed in lieu of exhaust to provide ventilation. An HRV is required if any solid fuel burning appliances are installed
 - Supply air intakes shall be located so as to avoid contamination from exhaust outlets



GENERAL NOTES

THE CONTRACTOR SHALL VERIFY ALL DIMENSION ON SITE AND REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK. DO NOT SCALE DRAWINGS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ARRANGEMENT OF ALL NECESSARY INSPECTIONS. ALL WORKS ARE TO COMPLY WITH REGULATIONS AND BY-LAWS SET FORTH BY THE AUTHORITIES HAVING JURISDICTIONS.

THE CONTRACTOR AND HIS SUB-TRADEES SHALL FOLLOW THE INSTRUCTIONS AND SCHEDULES SET FORTH BY THE OWNER OF THE PROPERTY.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING BASE BUILDING SYSTEMS AND EQUIPMENTS DURING CONSTRUCTION.

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ENGINEER'S AND/OR OTHER CONSULTANTS' DRAWINGS & SPECIFICATIONS WHERE APPLICABLE. REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK.

REFER TO THE ENGINEER'S DRAWINGS FOR FIRE PREVENTION, HEALTH AND SAFETY SYSTEMS WHERE APPLICABLE

ALL DIMENSIONS ARE FROM FACES OF FINISHED PARTITIONS (UNLESS OTHERWISE INDICATED)

FLAME SPREAD RATINGS AND SMOKE DEVELOPED CLASSIFICATION FOR ALL INTERIOR FINISHING MATERIALS NOT TO EXCEED THE MAXIMUM AS SPECIFIED IN THE ONTARIO BUILDING CODE.

REVISION	Client:
1	KCMC PROJECT DESIGN
2	Project Name: SINGLE STOREY HOUSE ADDITIONS
3	Project Address: RICHARD FILKA 892 GREEN MOUNTAIN RD. STONEY CREEK HAMILTON, ON. L8J 3A9
4	
5	

Sheet Title	Scale:	Date:
WALL DETAILS & SPEC.	1/4" = 1'-0"	JULY 2021

Project Coordinator:	Drawn by:	Date Revised:	Project No.	File:	Drawing No.
 MetroCan Design & Build	MJU				S101

CONSTRUCTION GENERAL NOTES:

- AS PER ONT. REG. 2012, ALL CONSTRUCTION TO CONFORM TO THE ONTARIO BUILDING CODE (OBC) & ALL OTHER CODES & LOCAL AUTHORITIES HAVING JURISDICTION
 - ALL CONSTRUCTION IS TO ADHERE TO THESE PLANS & SPECIFICATIONS
 - ALL DIMENSIONS GIVEN FIRST IN IMPERIAL FOLLOWED BY METRIC
- 1) **TYPICAL STRIP FOOTINGS**
- BASED ON 16"-1" (4.9m) MAX. SUPPORTED JOIST LENGTH
 - MIN. 2200psi (15MPa) CONCRETE AFTER 28 DAYS
 - SHALL REST ON UNDISTURBED SOIL, ROCK OR COMPACTED GRANULAR FILL W/ MIN. 10.9psi (75kPa) BEARING CAPACITY
 - FTG. TO HAVE CONTINUOUS KEY
 - FTG. TO EXTEND 4'-0" (1200) BELOW FINISHED GRADE
 - SIZES AS FOLLOWS:

- 1 STOREY SUPPORTED; 16" WIDE x6" DEEP
- 2 STOREYS SUPPORTED; 20" WIDE x6" DEEP
- 3 STOREYS SUPPORTED; 24" WIDE x 8" DEEP

- 2) **STEPS FOOTINGS**
- SIZES AS PER NOTE 1
 - 2'-0" (600) MAX. RISE FOR FIRM SOIL
 - 2'-0" (600) MIN. HORIZ. RUN

- 3) **DRAINAGE TILE OR PIPE**
- MATERIALS SHALL CONFORM TO OBC - 9.14.3
 - 4" (100) MIN.
 - LAID ON UNDISTURBED OR WELL COMPACTED SOIL
 - TOP OF TILE OR PIPE TO BE BELOW BTM. OF FLOOR SLAB OR CRAWL SPACE & TO BE COVERED W/ 6" (150) OF CRUSHED STONE OR OTHER COURSE CLEAN GRANULAR MATERIAL
 - TILE SHALL DRAIN TO SEWER, DRAINAGE DITCH OR DRY WELL

- 4) **BASEMENT GARAGE / EXTERIOR SLAB ON GROUND (OBC 9.16)**
- MIN. 4" (100) CONCRETE SLAB ON 4" (100) OF COURSE GRANULAR FILL SLOPED TO FRONT 1/2 MIN.
 - 4650psi (32MPa) AFTER 28 DAYS (IN GARAGE ONLY)
 - DAMPROOF BELOW SLAB W/ MIN. .0006" (.15mm) POLYETHYLENE OR TYPE S ROLL ROOFING W/ 12" (300mm) LAPPED JOINTS
 - THE CONCRETE COMPRESSIVE STRENGTH WHERE DAMPROOFING IS PROVIDED IS 15MPa (2200psi).
 - DAMPROOFING MAY BE OMITTED IF CONCRETE HAS MIN. 3600psi (25MPa) COMPRESSIVE STRENGTH AFTER 28 DAYS
 - PROVIDE BOND BREAKING MATERIAL BETWEEN SLAB & FTG.
 - PERIMETER OF SLAB & ANY PENETRATIONS OF THE SLAB TO BE SEALED AGAINST SOIL GAS LEAKAGE W/ FLEXIBLE SEALANT CONFORMING TO OBC 9.13
 - WHERE SLAB IS REQ. TO BE WATERPROOFED, IT SHALL CONFORM TO OBC 9.13.3
 - ANY FILL PLACED UNDER SLAB, OTHER THAN CLEAN GRANULAR FILL SHALL BE COMPACTED

- 5) **PORCH SLAB ABOVE COLD CELLAR (OBC 9.40.1.4)**
- THE SLAB SHALL BE NOT LESS THAN 4 7/8" (125mm) THICK
 - THE SLAB SHALL BE REINFORCED WITH 10M BARS SPACED NOT MORE THAN 7 7/8" (200mm) O.C. IN EACH DIRECTION, WITH 1 1/4" (30mm) CLEAR COVER FROM THE BOTTOM OF THE SLAB TO THE FIRST LAYER OF BARS, AND THE SECOND LAYER OF BARS LAID DIRECTLY ON TOP OF THE LOWER LAYER IN THE OPPOSITE DIRECTION.
 - THE SLAB SHALL BEAR NOT LESS THAN 3" (75mm) ON THE SUPPORTING FOUNDATION WALLS AND BE ANCHORED TO THE WALLS WITH 23 5/8" x 23 5/8" (600mm x 600mm) 10M BENT DOWELS SPACED AT NOT MORE THAN 23 5/8" (600mm) O.C.
 - EXPOSED SLABS SHALL BE SLOPED TO EFFECTIVELY SHED WATER AWAY FROM THE EXTERIOR WALL.
 - AIR ENTRAINMENT OF 5 TO 8%

- 6) - 7 7/8"x7 7/8" (200x200) NIB WALL (SEE OBC 9.17.6.2) OR
- 4" (100) DEEP POCKET
 - MIN. WIDTH TO MATCH BEAM SIZE (+ 1/2" CLEARANCE ON EITHER SIDE)

- 7) **WOOD COLUMNS (OBC 9.17.4) SUPPORTING STAIR LANDINGS**
- 5 1/2"x5 1/2" (140x140) BUILT-UP WOOD POST
 - PAD SIZE 24" x 24" x 6" (OBC 9.15.3.4)

- 8) **STEEL BASEMENT COLUMNS (OBC 9.17.3)**
- STEEL PIPE COLUMNS SHALL HAVE AN OUTSIDE DIAMETER OF NOT LESS THAN 2 7/8" (73mm) AND A WALL THICKNESS OF NOT LESS THAN 3/16" (4.76mm)
 - STEEL COLUMNS SHALL BE FITTED WITH NOT LESS THAN 4" (100mm) x 4" (100mm) x 1/4" (6.35mm) THICK STEEL PLATES AT EACH END, AND WHERE THE COLUMN SUPPORTS A WOODEN BEAM, THE TOP PLATE SHALL EXTEND ACROSS THE FULL WIDTH OF THE BEAM
 - THE TOP PLATE REQUIRED NEED NOT BE PROVIDED WHERE A COLUMN SUPPORTS A STEEL BEAM AND PROVISION IS MADE FOR THE ATTACHMENT OF THE COLUMN TO THE BEAM
 - WHERE THE IMPOSED LOAD DOES NOT EXCEED 36KN (8093 LBS), ADJUSTABLE STEEL COLUMNS SHALL CONFORM TO CAN/CSSB-7.2, "ADJUSTABLE STEEL COLUMNS"
 - ADJUSTABLE STEEL COLUMNS OTHER THAN THOSE DESCRIBED SHALL BE DESIGNED IN ACCORDANCE TO PART 4.

COLUMN SPACING	PAD (INCH & MM) (WOOD OR STL.)
2 STOREY	34"x34"x15" (860x860x380) 44"x44"x20" (1120x1120x510)
3 STOREY	40"x40"x18" (1010x1010x460) 50"x50"x23" (1280x1280x590)

- 9) **WHERE STEEL COLUMNS REST ON FOUNDATION WALL, USE 4"x8"x5/8" (100x200x16) STL. PLT. ANCHORED W/ TWO 5/8" (16) ANCHOR BOLTS**
- 10) **FOUNDATION WALL**
- FOR WALLS NOT EXCEEDING 8'-2" (2.5m) IN UNSUPPORTED HEIGHT (OBC 9.15.4.3)
 - 8" (200mm) MIN. SOLID 2900psi (20MPa) CONCRETE
 - MAX. UNSUPPORTED HEIGHT OF 3'-11" (1200) & MAX. SUPPORTED HEIGHT OF 6'-11" (2300), MEASURED FROM FIN. GRADE TO FIN. SLAB
 - FOR CONDITIONS EXCEEDING THESE MAXIMUMS, AN ALTERNATIVE IN CONFORMANCE TO OBC 9.15.4 SHALL BE USED, OR IT SHALL BE DESIGNED UNDER OBC PART 4
 - WALL SHALL EXTEND 5 7/8" (150mm) ABOVE FIN. GRADE
 - FULL HEIGHT INSULATE W/ R12 (RSI 2.11) ALONG INSIDE OF WALL & BACKFILL W/ NON-FROST SUSCEPTIBLE SOIL
 - FULL HGT. INSUL. @ COLD CELLAR REDUCTION IN THICKNESS (OBC 9.15.4.7)
 - WHERE THE TOP OF A FOUNDATION WALL IS REDUCED IN THICKNESS TO PERMIT THE INSTALLATION OF FLOOR JOISTS, THE REDUCED SECTION SHALL BE NOT MORE THAN 13 3/4" (350mm) HIGH AND NOT LESS THAN 3 1/2" (90mm) THICK
 - WHERE THE TOP OF THE FOUNDATION WALL IS REDUCED IN THICKNESS TO PERMIT THE INSTALLATION OF A MASONRY EXTERIOR FACING, THE REDUCED SECTION SHALL BE:

- NOT LESS THAN 3 1/2" (90mm) THICK, AND
- TIED TO THE FACING MATERIAL WITH METAL TIES CONFORMING TO SENTENCE 9.20.9.4. (3) SPACED NOT MORE THAN,
- 7 7/8" (200mm) O.C. VERTICALLY, AND
- 2'-11" (900mm) O.C. HORIZONTALLY
- THE SPACE BETWEEN WALL AND FACING SHALL BE FILLED WITH MORTAR DAMPROOFING & WATERPROOFING
- DAMPROOF THE EXTERIOR FACE OF WALL BELOW GRADE AS PER OBC 9.13
- WHERE INSULATION EXTENDS TO MORE THAN 2'-11" (900) BELOW GRADE, A FDTN. WALL DRAINAGE LAYER SHALL BE PROVIDED AS PER OBC 9.14.2
- FINISHED BASEMENTS SHALL HAVE INTERIOR DAMPROOFING FROM FIN. SLAG TO FIN. GRADE & SHALL CONFORM TO OBC 9.13.3.3
- WHERE HYDROSTATIC PRESSURE OCCURS, FDTN. WALL SHALL BE WATERPROOFED AS PER OBC 9.13.3
- DAMPROOFING IS NOT REQUIRED WHEN WALLS ARE WATERPROOFED

- 10) **FOUNDATION WALL @ STAIR/SUNKEN AREAS**
- 2-20W BARS IN TOP OF WALL W/ 2" MIN. CONC. COVER.
 - BARS TO EXTEND MIN. 2'-0" (600) BEYOND OPENING EACHWAY

- 11) **SILL PLATE**
- 2"x4" (38x89) PLATE
 - 1/2" (12.7mm) ANCHOR BOLT @ 7'-10" (2.4m) O.C., EMBEDDED NOT LESS THAN 4" (89) INTO FDTN. WALL
 - SILL PLATE TO BE CAULKED OR PLACED ON A FOAM GASKET 1" (25) BEFORE COMPRESSION

- 12) **BRICK VENEER WALL CONSTRUCTION W/ 2"x6"**
- 3 1/2" (90)FACE BRICK OR 4"(100)STONE @ 36"-1"(11m)MAX. HEIGHT
 - MIN. 0.03" (0.76) THICK, 1 7/8" (22) CORROSION RESISTANT STRAPS @ MAX. 16" (400) O.C. HORIZ. & 24" (600) O.C. VERT. SPACING
 - PROVIDE WEEP HOLES @ 2'-6" (800) O.C. @ BTM. COURSE & OVER OPENINGS
 - BASE FLASHING UP TO 6" (150) BEHIND WALL SHEATHING
 - 1" (25) AIR SPACE
 - 1/4" (6) EXT. TYPE PLYWOOD OR EQUIVALENT AS PER OBC 9.23.16.2
 - 2"x6" (38x140) WOOD STUDS @ 16" (400) O.C.
 - MIN R19 (RSI 3.34) AS PER (OBC TABLE 12.3.2.1)
 - CONT. AIR/VAPOUR BARRIER AS PER OBC 9.25.3 & 9.25.4
 - 1/2" (13) GYPSUM BOARD INT. FINISH OR 5/8"(15.9)TYPE"X" GYPSUM BOARD FOR LIMITING DISTANCES LESS THAN 3'-11"(1200)

- 12a) **BRICK VENEER WALL CONSTRUCTION W/ 2"x4" @ GARAGE**
- 3 1/2" (90)FACE BRICK OR 4"(100)STONE @ 36"-1"(11m)MAX.HEIGHT
 - MIN. 0.03" (0.76) THICK, 1 7/8" (22) CORROSION RESISTANT STRAPS @ MAX. 16" (400) O.C. HORIZ. & 24" (600) O.C. VERT. SPACING
 - PROVIDE WEEP HOLES @ 2'-6" (800) O.C. @ BTM. COURSE & OVER OPENINGS
 - BASE FLASHING UP TO 6" (150) BEHIND WALL SHEATHING
 - 1" (25) AIR SPACE
 - 1/4" (6) EXT. TYPE PLYWOOD OR EQUIVALENT AS PER OBC 9.23.16.2
 - 2"x4" (38x89) WOOD STUDS @ 16" (400) O.C.
 - CONT. AIR BARRIER AS PER OBC 9.25.3
 - 5/8"(15.9)TYPE"X" GYPSUM BOARD FOR LIMITING DISTANCES LESS THAN 3'-11"(1200)

- 13) **SIDING WALL CONSTRUCTION W/ 2"x6"**
- SIDING AS PER ELEVATION, MIN. 6" (140) ABOVE GRADE
 - 1/4" (6) EXT. TYPE PLYWOOD OR EQUIVALENT AS PER OBC 9.23.16.2
 - 2"x4" (38x89) WOOD STUDS @ 16" (400) O.C.
 - CONT. AIR BARRIER AS PER OBC 9.25.3
 - 2"x6" (38x140) WOOD STUDS @ 16" (400) O.C.
 - MIN R19 (RSI 3.34) AS PER (OBC TABLE 12.3.2.1)
 - CONT. AIR/VAPOUR BARRIER AS PER OBC 9.25.3 & 9.25.4
 - 1/2" (13) GYPSUM BOARD INT. FINISH OR 5/8" (15.9) TYPE "X" GYPSUM BOARD FOR LIMITING DISTANCES LESS THAN 3'-11" (1200)
 - VINYL SIDING PERMITTED FOR 2'-0" (600) LIMITING DISTANCE PROVIDING IT MEETS OBC 9.10

- 13a) **SIDING WALL CONSTRUCTION W/ 2"x4" @ GARAGE**
- SIDING AS PER ELEVATION, MIN. 6" (140) ABOVE GRADE
 - 2"x4" (38x89) WOOD STUDS @ 16" (400) O.C.
 - APPR. DIAGONAL BRACING FOR FULL LENGTH OF WALL
 - 5/8" (15.9) TYPE "X" GYPSUM BOARD FOR LIMITING DISTANCES LESS THAN 3'-11" (1200)
 - VINYL SIDING PERMITTED FOR 2'-0" (600) LIMITING DISTANCE PROVIDING IT MEETS OBC 9.10

- 14) **STUCCO WALL CONSTRUCTION W/ 2"x6"**
- STUCCO AS PER ELEVATION, MIN. 7 7/8" (200mm) ABOVE GRADE & CONFORMING TO OBC 9.27 & 9.28 & MANUF. SPECIFICATIONS
 - 1" (25) EXTRUDED OR EXPANDED RIGID POLYSTYRENE
 - 1/2" (12.7) EXT. TYPE SHEATHING OR EQUIVALENT AS PER OBC 9.23.16.2
 - 2"x6" (38x140) WOOD STUDS @ 16" (400) O.C.
 - MIN R19 (RSI 3.34) AS PER OBC 9.25.2
 - PLUS R5 RIGID CONTINUOUS INSULATION
 - CONT. AIR/VAPOUR BARRIER AS PER OBC 9.25.3 & 9.25.4
 - 2X6 STUDS @16" O.C.
 - 1/2" (13) GYPSUM BOARD INT. FINISH OR 5/8" (15.9) TYPE "X" GYPSUM BOARD FOR LIMITING DISTANCES LESS THAN 3'-11" (1200)
 - STUCCO PERMITTED FOR 2'-0" (600) LIMITING DISTANCE PROVIDING IT MEETS OBC 9.10

- 14a) **STUCCO WALL CONSTRUCTION W/ 2"x4" @ GARAGE**
- STUCCO AS PER ELEVATION, MIN. 8" (200mm) ABOVE GRADE & CONFORMING TO OBC 9.27 & 9.28
 - 1" (25) EXTRUDED OR EXPANDED RIGID POLYSTYRENE
 - 1/2" (12.7) EXT. TYPE SHEATHING OR EQUIVALENT AS PER OBC 9.23.16.2
 - 2"x4" (38x89) WOOD STUDS @ 16" (400) O.C.
 - APPR. DIAGONAL BRACING FOR FULL LENGTH OF WALL
 - CONT. AIR/VAPOUR BARRIER AS PER OBC 9.25.3 & 9.25.4
 - 1/2" (13) GYPSUM BOARD INT. FINISH OR 5/8" (15.9) TYPE "X" GYPSUM BOARD FOR LIMITING DISTANCES LESS THAN 3'-11" (1200)
 - STUCCO PERMITTED FOR 2'-0" (600) LIMITING DISTANCE PROVIDING IT MEETS OBC 9.10

- 15) **STUD PARTITIONS**
- 2"x4" (38x89) OR 2"x6" (38x140) @ 16" (400) O.C.
 - DOUBLE TOP PLATE & SINGLE BOTTOM PLATE
 - 1/2" (13) INT. TYPE GYPSUM BOARD EACH SIDE
 - EXTENDED WALL LENGTHS (OBC 9.23.10.1)
 - REFER TO TABLES A30 TO A33

- 16) **WALLS ADJACENT TO ATTIC SPACE**
- 2"x6" (38x140) WOOD STUDS @ 16" (400) O.C.
 - MIN R19 (RSI 3.34) AS PER OBC 9.25.3 & 9.25.4
 - CONT. AIR/VAPOUR BARRIER AS PER OBC 9.25.3 & 9.25.4
 - 1/2" (13) GYPSUM BOARD INT. FINISH

- 17) **BEARING STUD PARTITIONS (BASEMENT)**
- 2"x4" (38x89) OR 2"x6" (38x140) @ 12" (300) O.C.
 - DOUBLE TOP PLATE & SINGLE BOTTOM PLATE ON DAMPPROOFING MATERIAL W/ 1/2"x6" (13) ANCHOR BOLTS, 8" (200) LONG, EMBEDDED 4" (89) @ 8'-0" (2.4m) O.C.
 - PROVIDE MID-BLOCKING IF UNFINISHED
 - 4" CONC. CURB & FOOTING SIZE AS FOLLOWS:

SUPPORTING	FOOTING SIZE
2 STOREY	20"x6" (500x140)
3 STOREY	20"x9" (500x230)

- 18) **FLOOR ASSEMBLY**
- 5/8" (400mm) O.C. TAG SUBFLOOR
 - FLOOR JOISTS AS PER PLAN
 - SEE OBC 9.30.6 FOR CERAMIC TILE APPLICATION
 - a) - STRAPPING;
 - 1"x3" (19x64) NAILED TO U/S OF JOISTS @ 6'-11" (2.1m) O.C. MAX. FASTEN TO SILL OR HEADER @ ENDS
 - b) - BRIDGING;
 - 1"x3" (19x64) OR 2"x2" (38x38) CROSS BRIDGING @ 6'-11" (2.1m) O.C. MAX.
 - c) - BRIDGING & STRAPPING
 - a) & b) TOGETHER OR
 - 1 1/2" (38) SOLID BLOCKING @ 6'-11" (2.1m) O.C. MAX. USED W/ STRAPPING (a)

- 19) **EXPOSED FLOOR ASSEMBLY**
- FLOOR AS PER NOTE #18
 - CONT. AIR/VAPOUR BARRIER AS PER OBC 9.25.3 & 9.25.4
 - R31 W/ FINISHED SOFFIT

- 20) **GARAGE WALL & CEILING**
- 1/2"(13) GYPSUM BOARD ON BOTH SIDES OF WALL & ON CEILING
 - TAPE & SEAL ALL JOINTS GAS TIGHT
 - R31 INSUL. OR CLOSED CELL SPRAY FOAM
 - CONT. AIR/VAPOUR BARRIER AS PER OBC 9.25.3 & 9.25.4

- 21) **CEILING**
- R60 BLOWN INSULATION
 - CONT. AIR/VAPOUR BARRIER AS PER OBC 9.25.3 & 9.25.4
 - 1/2" (13) INT. GYPSUM BOARD

- 22) **TYPICAL ROOF ASSEMBLY**
- No. 210 (30.5 KG/m2) ASPHALT SHINGLES
 - FOR ROOFS BETWEEN 4:12 & 8:12 PITCH, PROVIDE EAVE PROTECTION. PROTECTION TO EXTEND UP THE ROOF MIN. 2'-11" (900) FROM EDGE TO A LINE NOT LESS THAN 12" (300) PAST THE INSIDE FACE OF EXT. WALL
 - EAVE PROTECTION LAID BENEATH STARTER STRIP
 - STARTER STRIP NOT REQ. IF TYPE M ROLL ROOFING IS USED AS EAVE PROTECTION
 - 3/8" (10) PLYWOOD SHTG OR OSB (0-2 GRADE) W/ "H" CLIPS
 - APPR. ROOF TRUSSES @ 16" (600) O.C.
 - BRACE TRUSS AS PER MANUFACTURER
 - PREFIN. ALUM. EAVESTROUGH, FASCIA, R.W.L. & VENTED SOFFIT
 - ATTIC VENTILATION OF 1:300 OF INSULATED CEILING AREA W/ 50% AT SOFFIT, R60 ATTIC BLOWN INSULATION

- 23) **VAULTED OR CATHEDRAL CEILING**
- No. 210 (30.5 KG/m2) ASPHALT SHINGLES
 - FOR ROOFS BETWEEN 4:12 & 8:12 PITCH, PROVIDE EAVE PROTECTION. PROTECTION TO EXTEND UP THE ROOF MIN. 2'-11" (900) FROM EDGE TO A LINE NOT LESS THAN 12" (300) PAST THE INSIDE FACE OF EXT. WALL
 - EAVE PROTECTION LAID BENEATH STARTER STRIP
 - STARTER STRIP NOT REQ. IF TYPE M ROLL ROOFING IS USED AS EAVE PROTECTION
 - 3/8" (10) PLYWOOD SHTG OR OSB (0-2 GRADE) W/ "H" CLIPS
 - 2"x10" (38x235) NOTCHED OR
 - 2"x8" (38x184) W/ 2"x2" (38x38) CROSS PURLINS
 - R28 (RSI 4.93) INSUL. W/ MIN. 3" (80) CLEARANCE TO U/S OF ROOF SHEATHING
 - CONT. AIR/VAPOUR BARRIER AS PER OBC 9.25.3 & 9.25.4
 - 1/2" (13) INT. GYPSUM BOARD

- 24) **ATTIC ACCESS HATCH**
- 21 5/8"x35" (550x750) ATTIC HATCH W/ WEATHER STRIPPING & BACKED W/ R60 INSUL.

- 25) **STAIRS (INTERIOR & EXTERIOR) - OBC 9.8**
- MAX RISE = 7 7/8" (200)
 - MIN. RUN = 8 1/4" (210)
 - MIN. TREAD = 9 1/4" (235)
 - MAX. NOSING = 1" (25)
 - MIN. HEADROOM = 6'-5" (1950)
 - RAIL @ LGDG. = 2'-11" (900)
 - RAIL @ STAIR = 2'-8" (800)
 - MIN. WIDTH = 2'-10" (860)
 - (BETWEEN WALL FACES)

- 26) **GUARDS/RAILING - OBC 9.8.7 & 9.8.8**
- GUARD TO BE 3'-6" (1070) HIGH FOR FLOOR TO FLOOR/GRADE HEIGHTS GREATER THAN 5'-11" (1.8m)
 - GUARDS TO BE 2'-11" (900) FOR HEIGHTS LESS THAN 5'-11" (1.8m)
 - PICKETS TO HAVE MAX. 4" (100) SPACING
 - GUARDS TO MEET OBC DETAIL SB-7

- 27) **PRECAST CONC. STEP OR WOOD STEP WHERE NOT EXPOSED TO WEATHER.**
- MAX. RISE = 7 7/8" (200), MIN. TREAD = 9 1/2" (235)
 - 2 RIS. MAX. PERMITTED TO BE LAID ON GROUND

- 28) **CAPPED DRYER VENT TO EXTERIOR**

- 29) **DIRECT VENT FURNACE TERMINAL MIN. 3'-0" (915) FROM A GAS REGULATOR, MIN. 12" (305) ABOVE FIN. GRADE, ALL OPENINGS, & OTHER VENTS & INTAKES. HRV INTAKE TO BE 6'-0" (1830) FROM ALL EXHAUST TERMINALS. REFER TO GAS UTILIZATION CODE**

- 30) **DIRECT VENT GAS FIREPLACE VENT MIN. 12" (305) ABOVE FIN. GRADE, ALL OPENINGS & OTHER VENTS & INTAKES. REFER TO GAS UTILIZATION CODE**

- 31) **MECH. EXHAUST FAN, VENTED TO EXTERIOR & TO PROVIDE AT LEAST ONE AIR CHANGE PER HOUR.**
- ALSO BATHROOM WALLS TO CONFORM TO OBC 9.5.2.3

- 32) **SMOKE ALARM - OBC 9.10.19**
- PROVIDE ONE PER FLOOR NEAR THE STAIRS (MAX. 16'-5" (5m) FROM BEDROOMS) CONNECTING FLOOR LEVELS
 - ALARMS TO BE CONNECTED IN CIRCUIT AND INTERCONNECTED SO ALL ALARMS SOUND WHEN ONE SOUNDS

GENERAL NOTES

- LUMBER**
- A) ALL LUMBER TO BE SPF No. 2 OR BETTER (UNLESS NOTED OTHERWISE)
 - B) STUDS SHALL BE STUD GRADE SPRUCE (UNLESS NOTED OTHERWISE)
 - C) LUMBER EXPOSED TO EXTERIOR TO BE EITHER CEDAR OR PRESSURISE TRATED (UNLESS NOTED OTHERWISE)
 - D) JOISTS TO HAVE MIN. 1 1/2" (38) END BEARING AND BEAMS TO HAVE MIN. 3 1/2" (89) END BEARING
 - E) WOOD FRAMING MEMBERS SUPPORTED ON CONCRETE IN CONTACT WITH GROUND OR FILL SHALL BE PRESSURE TREATED OR SEPARATED FROM CONCRETE W/ 6mil PLOYETHYLENE OR No. 15 ROLL ROOFING
 - F) DOUBLE STUDS @ OPENINGS & DOUBLE RIM JOISTS WHICH SUPPORT LINTELS IN EXT. WALLS
 - G) DOUBLE HEADER JOIST AROUND FLOOR OPENINGS WHEN THEY ARE BETWEEN 3'-11" (1.2m) & 10'-6" (3.2m)
 - H) DOUBLE TRIMMER JOISTS WHEN HEADER JOIST LENGTH IS BETWEEN 2'-7" (800) & 6'-7" (2.0m)
 - I) DOUBLE JOIST UNDER PARALLEL PARTITIONS
 - J) BEAM MAY BE 24" (600) FROM A LOADBEARING WALL WITH NO POINTLOADS WHEN THAT WALL IS PERPENDICULAR TO FLOOR JOISTS
 - K) METAL HANGERS TO BE USED FOR JOISTS & BEAMS WHEN THEY FRAME INTO SIDES OF BEAMS, TRIMMERS, & HEADERS
 - L) FLOOR JOISTS SUPPORTING ROOF LOADS SHALL NOT BE CANTILEVERED MORE THAN 15 3/4" (400) BEYOND SUPPORTS FOR 2"x8" (38x184) & 23 5/8" (600) FOR 2"x10" (38 235) OR LARGER
 - M) LVL BEAMS TO GRADE 1.9E OR BETTER
 - N) ALL LVL BEAMS, GROSS TRUSSES AND HANGER DETAILS SUPPORTING ROOF OR FLOOR FRAMING TO BE DESIGNED BY TRUSS/FLOOR MANUFACTURER

- STRUCTURAL COLUMNS**
- SIZES BASED ON COLUMNS SUPPORTING BEAMS CARRYING LOADS FROM NOT MORE THAN 2 WOOD FRAME FLOORS, WHERE THE LENGTH OF JOISTS CARRIED BY SUCH BEAMS DO NOT EXCEED 16'-5" (5.0m) AND THE LIVE LOAD ON ANY FLOOR DOES NOT EXCEED 50psf (2.4kPa)

- STEEL**
- A) STRUCTURAL STEEL SHALL CONFORM TO CAN/CSA-C40-21 GRADE 350W HOLLOW STRUCTURAL SECTIONS SHALL CONFORM TO CAN/CSA-C40-21 GRADE 350W CLASS "H"
 - B) REINFORCING STEEL SHALL CONFORM TO GRADE 400 IN CAN/CSA-G30-18M GRADE 400R

- MECHANICAL**
- A) MECHANICAL VENTILATION IS REQUIRED TO PROVIDE 0.3 AIR CHANGES PER HOUR AVERAGED OVER 24 HOURS. REFER TO MECHANICAL DRAWINGS

- FLASHINGS**
- A) FLASHING MATERIALS AND INSTALLATION SHALL CONFORM TO OBC 9.20.13 & 9.27.3

- 33) **CARBON MONOXIDE ALARM - OBC 9.33.4**
- WHERE THERE IS A SOLID FUEL BURNING APPLIANCE A CMA SHALL BE INSTALLED ADJACENT TO EACH SLEEPING AREA
 - CMA TO BE WIRED SO WHEN ACTIVATED, THE SMOKE ALARM WILL SOUND

- 34) **MAIN DOOR TO BE OPERABLE FROM INSIDE W/O KEY**
- PROVIDE A WEAVER OR TRANSPARENT GLAZING OR SIDELIGHT
 - DEADBOLT LOCK TO BE PROVIDED WITH A CYLINDER HAVING NO FEWER THAN 5 PINS AND A BOLT THROW NOT LESS THAN 25mm (1"). PROTECTED WITH A SOLID OR HARDENED FREE-TURNING RING OR BEVELLED CYLINDER HOUSING

- 35) **LIGHTING OF ENTRANCES - OBC 9.34.2.1**
- AN EXTERIOR LIGHTING OUTLET WITH FIXTURE CONTROLLED BY A WALL SWITCH LOCATED WITHIN THE BUILDING SHALL BE PROVIDED AT EVERY ENTRANCE TO BUILDINGS OF RESIDENTIAL OCCUPANCY

- 36) **HEIGHT OF WINDOW SILLS ABOVE FLOORS OR GROUND 9.7.1.6.**
- TO PROVIDE A MINIMUM DISTANCE OF 480mm (19") BETWEEN THE TOP SURFACE OF THE WINDOW SILL AND THE FLOOR FINISH OF THE SECOND FLOOR.

GENERAL NOTES

THE CONTRACTOR SHALL VERIFY ALL DIMENSION ON SITE AND REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK. DO NOT SCALE DRAWINGS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ARRANGEMENT OF ALL NECESSARY INSPECTIONS.

ALL WORKS ARE TO COMPLY WITH REGULATIONS AND BY-LAWS SET FORTH BY THE AUTHORITIES HAVING JURISDICTIONS.

THE CONTRACTOR AND HIS SUB-TRADES SHALL FOLLOW THE INSTRUCTIONS AND SCHEDULES SET FORTH BY THE OWNER OF THE PROPERTY.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING BASE BUILDING SYSTEMS AND EQUIPMENTS DURING CONSTRUCTION.

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ENGINEER'S AND/OR OTHER CONSULTANT'S DRAWINGS & SPECIFICATIONS WHERE APPLICABLE. REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH WORK.

REFER TO THE ENGINEER'S DRAWINGS FOR FIRE PREVENTION, HEALTH AND SAFETY SYSTEMS WHERE APPLICABLE

ALL DIMENSIONS ARE FROM FACES OF FINISHED PARTITIONS (UNLESS OTHERWISE INDICATED).

FLAME SPREAD RATING AND SMOKE DEVELOPED CLASSIFICATION FOR ALL INTERIOR FINISHING MATERIALS NOT TO EXCEED THE MAXIMUM AS SPECIFIED IN THE ONTARIO BUILDING CODE.

REVISION		Client:	Sheet Title		Project Coordinator:			
1		KCMC PROJECT DESIGN	CONSTRUCTION GENERAL NOTES		-			
2		Project Name:	SINGLE STOREY HOUSE ADDITIONS		-			
3		Project Address:	RICHARD FILKA 892 GREEN MOUNTAIN RD. STONEY CREEK HAMILTON, ON. L8J 3A9		Scale:	3/32" = 1'-0"	Drawn by:	MJU
4					Date:	JULY 2021	Date Revised:	-
5					Project No.:	-	File:	-
					Drawing No.:	A100		



217 ANTHONY AVE.
MISSISSAUGA, ON.
L4Z 3V4
TEL.: 416-879.6463

MCDB
MetroCan Design & Build

abmjashim@gmail.com
www.metrocandb.com



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	MAILING ADDRESS
Registered Owners(s)	RICHARD FILKA	[REDACTED]
Applicant(s)*	Richard Filka	
Agent or Solicitor	Don Curran KCMC design build inc	

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

X 3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

BANK of Nova Scotia - (Scotia Bank)
859 UPPER. Wentworth st. HAMILTON.
CAMERON. M'Dowell. MANAGER

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 reduced rear yard setback 2.82m instead of required 10m as per zoning by laws. Setback by laws 107-1999
- Secondary Dwelling Unit Reconstruction of Existing Dwelling
5. Why it is not possible to comply with the provisions of the By-law?
Prevailing zoning by laws does not support the proposal
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**):
Plan R-4559, Part of Lot 8, Concession 6, City of Hamilton.
892 Green Mountain Road East
7. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant Other
- 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 8.1 to 8.10 above?

Information taken from the Surveyor ****

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

AUG. 23, 2021
Date

Richard Filka
Signature Property Owner(s)
RICHARD FILKA
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>7.32m</u>
Depth	<u>7.32m</u>
Area	<u>53.58 m2</u>
Width of street	<u>n/a</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:
Vacant area beside Existing One storie Dwelling

ADDITION. PROPOSED:-
ADDITION. G.F.A. = 576.52 SFT. NUMBER OF STORIES = 1
ADDITION. GROSS F.A. = 576.52 Width = 24' Length = 24' height = 18'-9" c/a

Proposed
Ground Floor Area 53.58 m2, Gross Floor Area 53.58 m2, One storie, Width 7.32m, Length 7.32m, Hight 5.77 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:
Distance from Side 13.70m, Rear 10.29m, and front 27.36m

Proposed:
Distance from Side 9.70m, Rear 2.82m, and front 27.36m

13. Date of acquisition of subject lands: DEC 12th 2017.
14. Date of construction of all buildings and structures on subject lands: 1957.
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single Family ✓
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single Family ✓
17. Length of time the existing uses of the subject property have continued:
64 YEARS
18. Municipal services available: (check the appropriate space or spaces)
 Water N/A Connected N/A
 Sanitary Sewer N/A Connected N/A
 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.
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 PERMIT FOR A NEW ADDITION
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. ✓

PART 28 PERMISSION TO ENTERDate: AUG. 23, 2021

Secretary/Treasurer
 Committee of Adjustment
 City of Hamilton,
 City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 892 GREEN MOUNTAIN ROAD
 (Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



 Signature of Owner or Authorized agent

RICHARD FILKA

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 29 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.



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-21:329

APPLICANTS: Agent Gordon Griffths
 Owner Paul & Kerry Johnson

SUBJECT PROPERTY: Municipal address **1314 Concession Rd. 6 W., Flamborough**

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

ZONING: "S1" (Settlement Residential) district

PROPOSAL: To permit the construction of a new 123.2m² accessory building in the rear yard of the existing Single Detached Dwelling notwithstanding that:

1. A total gross floor area of 138.0m² shall be provided for all accessory buildings instead of the maximum permitted aggregate gross floor area of 45.0m².
2. A minimum side yard setback of 0.6m shall be provided instead of the minimum required 1.2m side yard setback.

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

DATE: Thursday, October 7th, 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.

FL/A-21: 329
Page 2

MORE INFORMATION

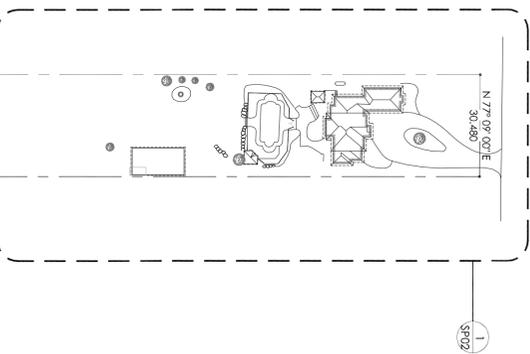
For more information on this matter, including access to drawings illustrating this request:

- 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

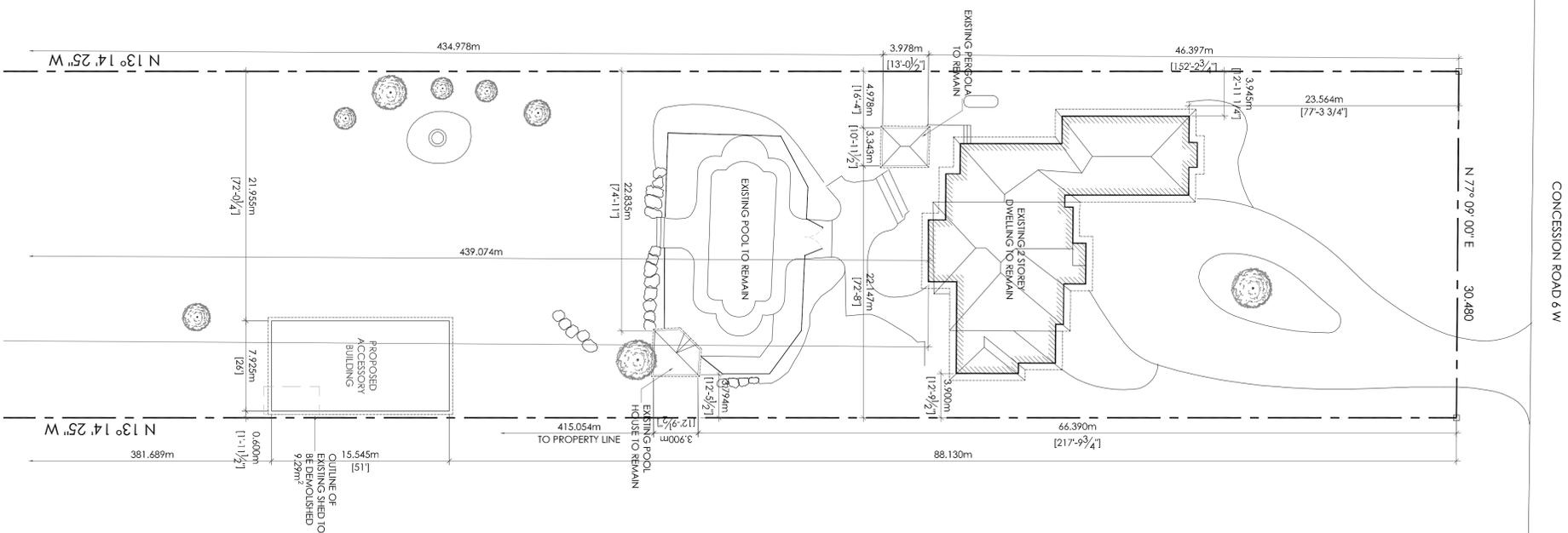
DATED: September 21st, 2021.

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.



1 SURVEY SKETCH
SCALE: 1:1000



2 SITE PLAN DETAIL
SCALE: 1:250

PROPERTY STATISTICS:	
LEGAL DESCRIPTION:	LOT 10 CITY OF HAMILTON
MUNICIPAL ADDRESS:	1314 CONCESSION ROAD 6 WEST HAMILTON, ONTARIO L9R 1V0
REGISTERED OWNERS:	PAUL & KERRY JOHNSON
BUILDING CODE ANALYSIS:	
FLOOR AREA:	287.43 m ² (3,094 ft ²) First Floor 130.18 m ² (1,401 ft ²) Second Floor TOTAL: 417.61 m ² (4,495 ft ²)
NUMBER OF STORES:	2 STOREY
MAJOR OCCUPANCY:	GROUP C
FACING STREETS:	1 STREET
O.B.C. SECTION:	PART 9 Housing and Small Buildings
CONSTRUCTION TYPE:	COMBUSTIBLE

ZONING STATISTICS:	
EXISTING ZONING:	S1
PERMITTED ZONING:	0.4m MIN.
PROPOSED ZONING:	S1
EXISTING SITE AREA:	1.47ha
PROPOSED SITE AREA:	1.47ha
EXISTING BUILDING AREA:	287.43 m ² (3,094 ft ²)
PROPOSED BUILDING AREA:	287.43 m ² (3,094 ft ²)
EXISTING LOT COVERAGE:	1.94%
PROPOSED LOT COVERAGE:	2.78%
EXISTING LOT FRONTAGE:	30.48m
PROPOSED LOT FRONTAGE:	30.48m
EXISTING FRONT YARD:	22.8m
PROPOSED FRONT YARD:	7.5m
EXISTING SIDE YARD:	3.9m
PROPOSED SIDE YARD:	3.0m ONE SIDE
EXISTING REAR YARD:	4.9m
PROPOSED REAR YARD:	4.9m
EXISTING ACCESSORY BUILDING:	(4.8, 1.1) (BYLAW 05-200)
PROPOSED ACCESSORY BUILDING:	0.60m*
EXISTING REAR YARD:	-
PROPOSED REAR YARD:	1.2m
EXISTING FLOOR AREA:	14.04
PROPOSED FLOOR AREA:	137.24m ²
EXISTING HEIGHT:	-
PROPOSED HEIGHT:	4.5m

* REQUIRES MINOR VARIANCE

client: JOHNSON RESIDENCE

designer: GG+A

date drawn: 16.10.2020

drawn by: WJP

checked by: G9

file name: GG+A_24x36

project no.: 21032

scale: as noted



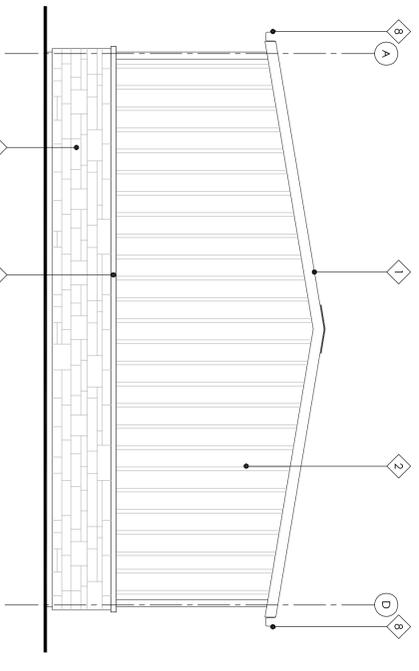
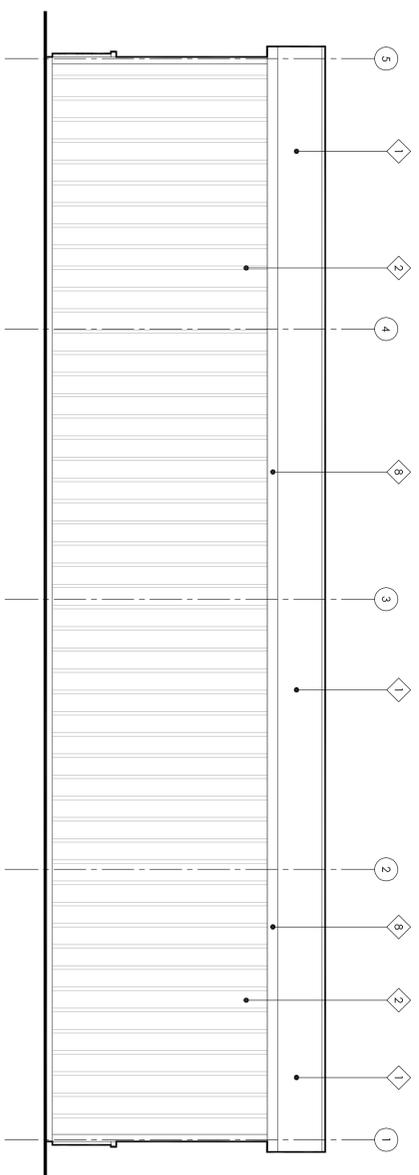
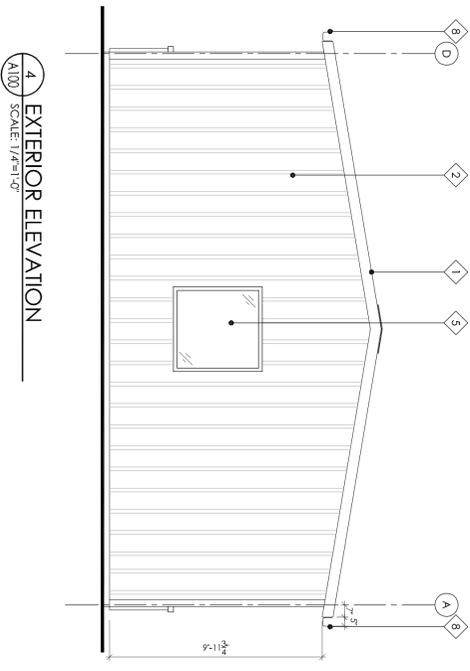
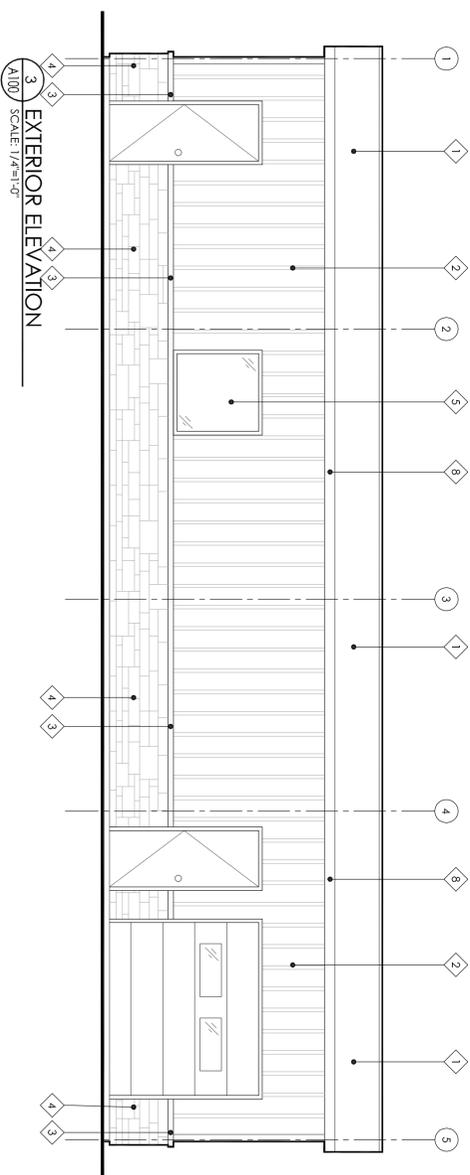
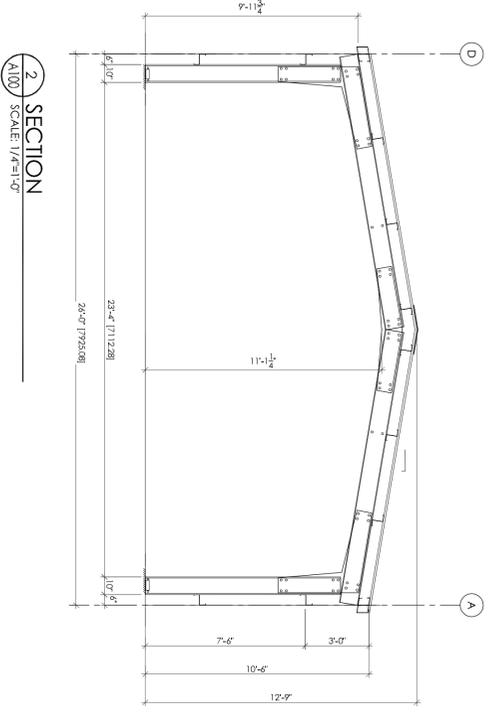
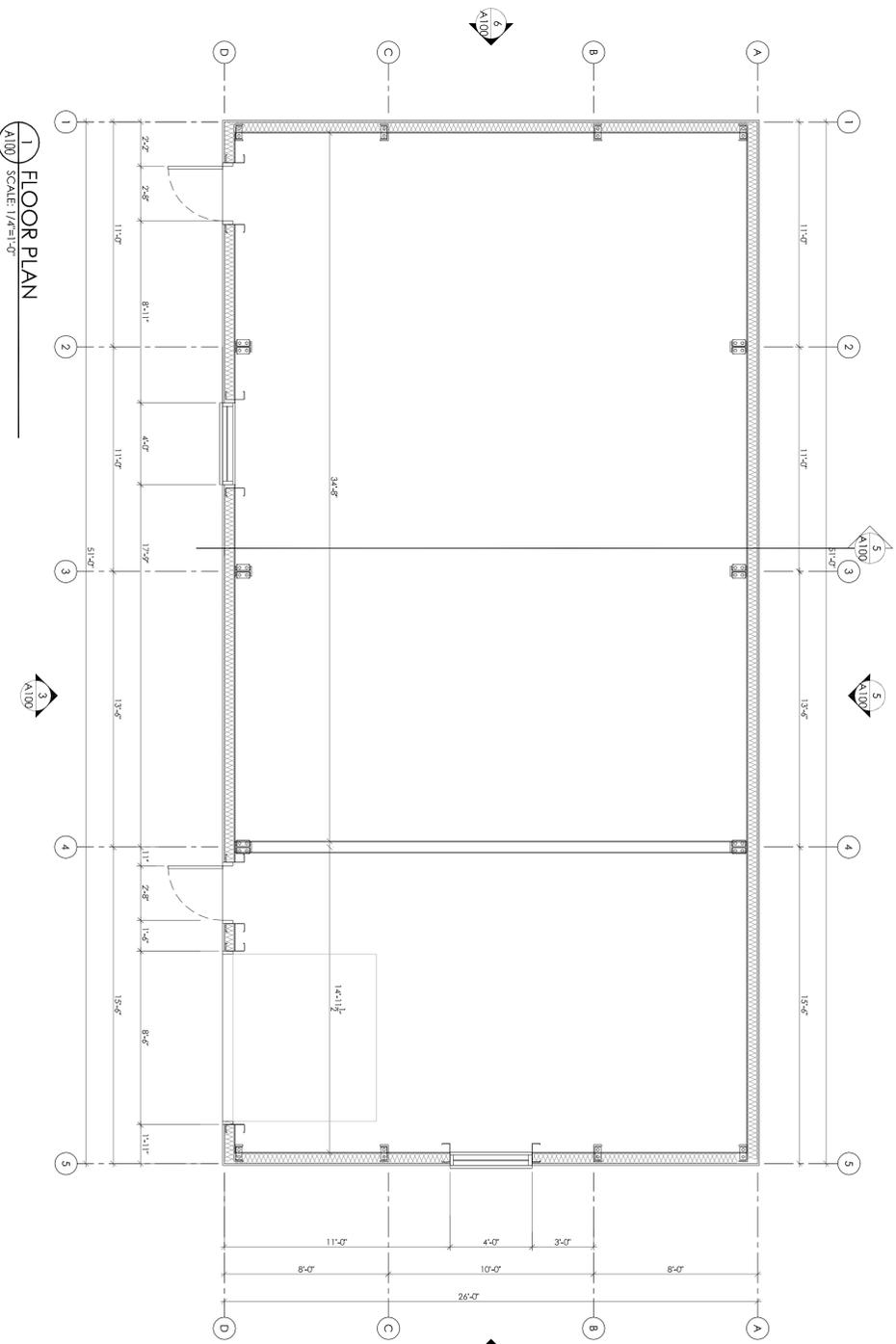
3 AERIAL PHOTO
SCALE: N/S

GG+A logo and contact information.

1314 CONCESSION ROAD 6 WEST
HAMILTON, ONTARIO L9R 1V0

GG+A 24x36
21032

as noted



- EXTERIOR ELEVATION NOTES**
- 1 2x GAUGE PURLIN BEARING 19R ROOF PANELS. COLOUR: TBD.
 - 2 SILICONE POLYESTER COATED RIBBED WALL PANELS. COLOUR: TBD.
 - 3 WATER TABLE STONE CAP COLOUR: TBD.
 - 4 FAUX STONE EXTERIOR VENER (3'-0" HIGH). COLOUR: TBD.
 - 5 NEW ANODIZED ALUMINIUM WINDOW & FRAMES.
 - 6 NEW 2'-0" x 7'-0" METAL DOOR & HOLLOW METAL DOOR FRAME. COLOUR: TBD.
 - 7 NEW 7'-0" x 8'-0" INSULATED ROLL-UP OVERHEAD DOOR & FRAME. COLOUR: TBD.
 - 8 PREFINISHED METAL CAP FLASHING. COLOUR: TBD.

designer



G GRIFFITHS + ASSOCIATES LTD.
development • design • management

1691 Dundas Street East, Suite C-1, Vaughan, ON L4R 2C8
T: 905.853.0755
www.gg+a.com



QUALIFICATION INFORMATION
REGULATED PROFESSIONAL ENGINEERS
DIVISION 'C' SECTION 3.2 OF THE O.A.C.

Paul Griffin
Gordon Griffiths
B.O.M.

THE PROFESSIONAL ENGINEER AND ARCHITECT HAS REVIEWED THIS DRAWING AND CONFIRMS THAT THE DESIGNER HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS OF THE BUILDING CODE TO BE A DESIGNER.

REGISTRATION INFORMATION
REQUIRED UNDER DESIGN IS EXEMPT UNDER
G. Griffiths & Associates Ltd. 115901
FCIM VAVE BCIN/BCCN

client

sheet - dty - province - postal code

Do not scale drawings. Use only drawings marked with a scale. All dimensions and annotations on site refer to existing conditions and dimensions on site refer to existing conditions. Notary architect and/or designer responsibility of any errors, omissions, or discrepancies in drawings remain.

Issued for: 08.23.2021



revised

1 minor variance 08.23.2021

JOHNSON RESIDENCE

address
1314 concession road 6 west
hamilton, ontario L9R 1V0

issued for permit / tender / const.

drawing title
floor plan,
section &
elevations

date drawn 16.10.2020
drawn by wh
checked by gg
file name GG+A_24x36
project no. 21032
scale as noted

drawing no.

A100



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	MAILING ADDRESS
1, 2 Registered Owners(s)	Paul and Kerry Johnson	
Applicant(s)*	Paul and Kerry Johnson	
Agent or Solicitor	Gordon Griffiths	

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:

ROYAL BANK
 10 York Mills Road, 3rd Floor
 Toronto, Ontario
 M2P 0A2

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:

New Accessory Building (S1 - Settlement Zone) (bylaw 05-200):

4.8.1.(a) Max. Total Accessory Building footprint- 45 sq.m - request 137.24 sq.m.

4.8.1 (d)(ii) Side Yard Setback - 1.2 m min. - request 0.600m.

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

In order to maintain maximum site lines and visibility of the entire lot from the dwelling, the proposed building is requested to be positioned as close to the property line as the existing smaller accessory building which is to be demolished. The proposed accessory building is being constructed for general storage with a separate area for storage of lawn and garden equipment. In order for the proposed building to serve it's designed use, it needs to be larger than the permitted 45m²

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**):

1314 Concession 6 West, Hamilton, Ontario, L8B 1N1
PLAN 62M -1120 - Lot 10

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

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 X Unknown _____

8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

Request to Develop the site was submitted to the City of Hamilton and approved in 2009/2010. It is assumed the original developer submitted required information to the City of Hamilton and was subsequently approved. The approved Residential use has not changed since approved.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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

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.

August 23, 2021

Date



Signature Property Owner(s)

Paul Johnson / Kerry Johnson

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>30.480 m</u>
Depth	<u>335.364 m</u>
Area	<u>10,221.89 m²</u>
Width of street	<u>33.53 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:

	<u>Floor Area</u>	<u>Storeys</u>	
Main Dwelling (to remain)		2	
Ground Floor	287.43 m ²		
Second Floor	116.61 m ²		
Pergolla (to remain)	13.13 m ²	1	
Pool House (to remain)	14.04 m ²	1	
Storage Shed (to be demolished)	9.29 m ²	1	1

Proposed:

	<u>Floor Area</u>	<u>Storeys</u>	<u>Height</u>
New Accessory Building	123.2 m ²	1	3.886 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:

	<u>Front Yard</u>	<u>Side Yard (East)</u>	<u>Side Yard (West)</u>	<u>Height</u>
Main Dwelling (to remain)	22.835	3.896	3.850	2 Storey
Pergolla (to remain)	46.397	22.147	4.978	1 Storey
Pool House (to remain)	66.390	3.794	22.835	1 Storey
Storage Shed (to be demolished)	99.509	0.600	27.73	1 Storey

Proposed:

	<u>Front Yard</u>	<u>Side Yard (East)</u>	<u>Side Yard (West)</u>	<u>Height</u>
New Accessory Building	88.130	0.600	22.835	3.886

13. Date of acquisition of subject lands:
Building and lands purchased by current owners on 2014/08/29
14. Date of construction of all buildings and structures on subject lands:
Construction of the existing 2 storey dwelling took place between 2009 and 2010, by previous owners.
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Residential - Single Family Dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Residential use to the east and west of the property.
A1 - Agricultural zone to the south of the property (30.48 m of Frontage)
17. Length of time the existing uses of the subject property have continued:
Property was developed for residential used 2009/2010.
Property has been used for continual residential occupancy from inception.
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|--------------------------|-----------|--------------------------|
| Water | <input type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers | <input 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

Application for Consent/Land Severance

APPLICATION NUMBER: FL/B-21:77

SUBJECT PROPERTY: 0 Highway No. 8, Flamborough

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 Tim Bullock
 Owners Paul & Heather Pollex

PURPOSE OF APPLICATION: To validate the title of a parcel of land under the provisions of Section 57(1) of the Planning Act:

1. Notwithstanding the Applicants' position that there has not been a contravention of the Act, the City of Hamilton and the Land Registry Office for Hamilton Wentworth appear to believe otherwise;
2. The Applicants have incurred significant expense associated with a string of failed sale transactions, each of which would have closed but for clear evidence of compliance with the Act; and
3. Any further development of the Property will require the City of Hamilton's consent, and that consent does not appear to be forthcoming so long as the Property is not a "lot of record".

Lands for Validation: Part 2 on attached sketch

BACKGROUND: See attached Schedule

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 7th, 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

FL/B-21: 77
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: September 9th, 2021

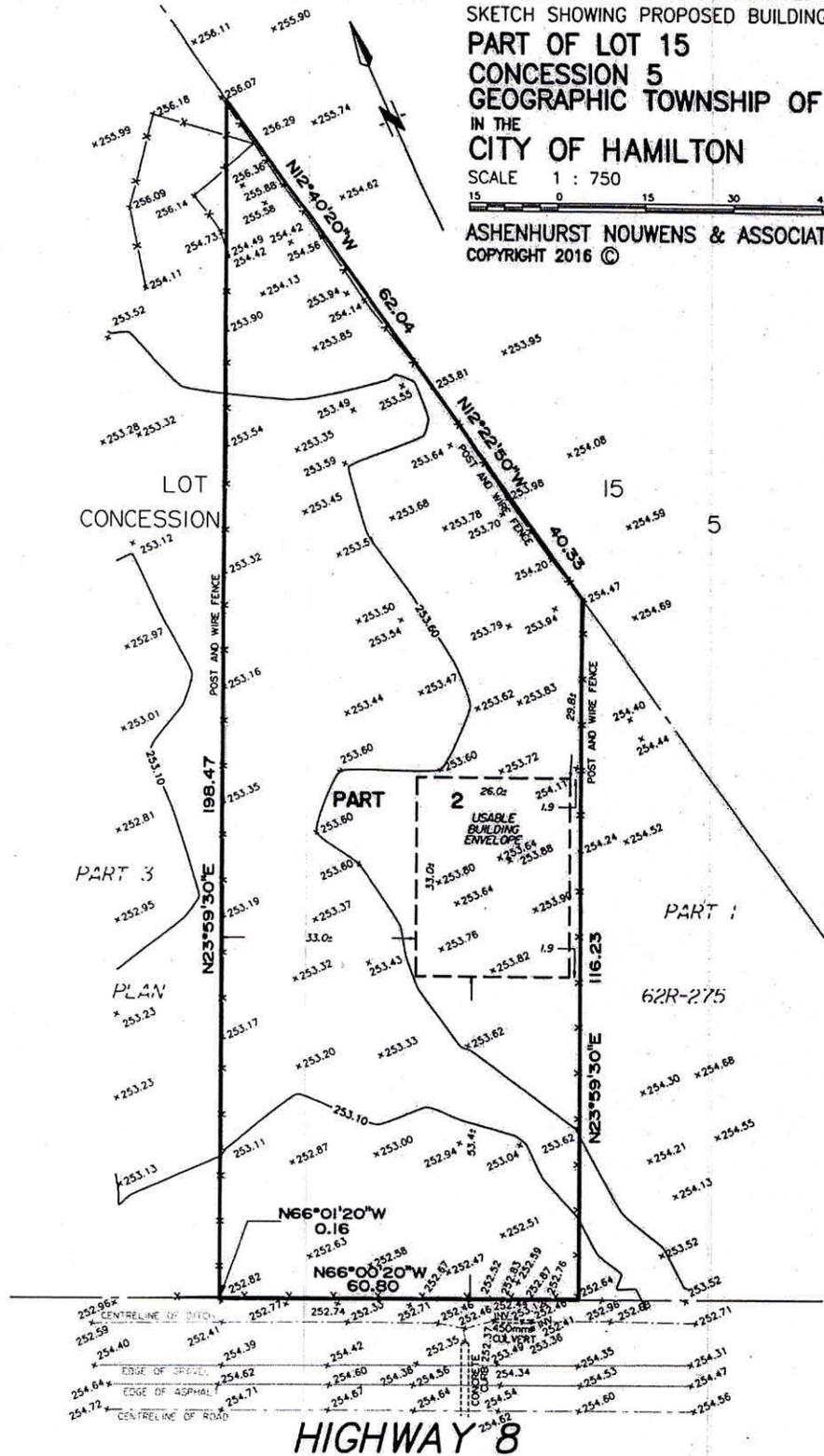
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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 SHOWING PROPOSED BUILDING AREA
PART OF LOT 15
CONCESSION 5
GEOGRAPHIC TOWNSHIP OF FLAMBOROUGH
IN THE
CITY OF HAMILTON

SCALE 1 : 750

ASHENHURST NOUWENS & ASSOCIATES INC.
 COPYRIGHT 2016 ©



TEMPORARY BENCHMARK NOTE:
 CENTRELINE OF ROAD AT THE INTERSECTION OF HIGHWAY 8 AND
 DRIVEWAY ON 1007 HIGHWAY 8
 ELEVATION: 253.45

ASHENHURST NOUWENS & ASSOCIATES INC.

PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
 225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1

TELEPHONE: (905) 529-6316

(905) 529-4314

FAX: (905) 529-6651

e-mail: anl@AshenurstNouwens.com



DRAWN BY
 E.W.A.

CHK'D BY
 H.K.

FILE No.

16037 TOPO

FIELD WORK COMPLETED ON THE 11th DAY OF APRIL, 2016.

APRIL 20, 2016
 DATE

HARRY KALANTZAKOS
 ONTARIO LAND SURVEYOR

SCHEDULE**APPLICATION FOR A CERTIFICATE OF VALIDATION****PAUL POLLEX AND HEATHER POLLEX**

The Applicants have been the legal and beneficial owners of the Property since April 22, 1974 and have paid municipal property taxes since that date. The Applicants now wish to sell the Property however their most recent purchasers were concerned about a potential contravention of the Act in June 1970. To avoid complications with the eventual sale of the Property, the Applicants are requesting a Certificate of Validation in respect of the Property.

Background

The subject lands were originally part of a large parcel of land owned by Mr. Angus MacInnes. On June 24, 1970 Mr. MacInnes severed the large parcel into smaller lots with the commonly used (and at that time legal) process known as "checkerboarding". Checkerboarding allowed an owner to subdivide their land into blocks, much like a checkerboard, and to simultaneously convey the lots to 2 different transferees, so that each transferee would receive a block of land that was not adjacent to any other block owned by them. The Applicants were not involved in the checkerboarding transaction.

The *Planning Act* (the "Act") was amended on June 26, 1970 to close the checkerboarding exemption to the usual subdivision control provisions of the Act. Note that checkerboarding was an accepted legal strategy for subdividing land when the subject property was severed, and the Act did not restrict the practice until 2 days after the checkerboarding was complete.

Mr. MacInnes' lawyer incorrectly described the subject property in the transfer that facilitated the checkerboarding process, and that error was rectified on March 10, 1971 by the registration of a correcting deed as instrument no. AB198162. It is the Applicants' position that the 1971 transfer was not a contravention of the Act, because it merely granted proper title to the Applicants' predecessor in title who was otherwise entitled to clean title when she acquired the land on June 24, 1970. We are prepared to make further legal submissions to the Committee on this point if required.

Basis for this Application

The Applicants have continuously owned the Property since April 22, 1974, and since then they have diligently paid all property taxes levied against the Property. They now wish to sell the Property as part of their retirement plan. The Property has been "sold" to several purchasers over the years, but each purchaser has terminated their Agreement of Purchase and Sale because of confusion around the validity of checkerboarding as a method of severing land in June 1970.

One of the purchasers terminated their Agreement of Purchase and Sale when they learned that the Property was not a "lot of record" with the City of Hamilton's planning

department. Apparently, the City does not recognize the Property as a legal lot, although it has been collecting tax from the Applicants since 1974.

Further, this Property shares a single parcel register and PIN (17541-0084) with the other lots severed from the original parcel. The Property was never converted from the registry system, presumably due to confusion in the Land Registry Office about the validity of the checkerboarding which was completed.

The Applicants request a Certificate of Validation pursuant to section 57(1) of the Act, on the grounds that:

1. Notwithstanding the Applicants' position that there has not been a contravention of the Act, the City of Hamilton and the Land Registry Office for Hamilton Wentworth appear to believe otherwise;
2. The Applicants have incurred significant expense associated with a string of failed sale transactions, each of which would have closed but for clear evidence of compliance with the Act; and
3. Any further development of the Property will require the City of Hamilton's consent, and that consent does not appear to be forthcoming so long as the Property is not a "lot of record".

The Applicants are not seeking to avoid the City of Hamilton's planning process. On the contrary, they merely need to show prospective purchasers that the City will consider applications in respect of the Property, which is not currently the case when the Property is not a "lot of record".

A Certificate of Validation remains the most effective way to address the City of Hamilton's and the Land Registry Office's confusion around title to the Property.



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-21:330

APPLICANTS: Agent Taugher Construction Inc.
 Owner Robert Hickey

SUBJECT PROPERTY: Municipal address **12 Meander Close, Flamborough**

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

ZONING: "S1" (Settlement Residential (S1) Zonedistrict

PROPOSAL: To permit the construction of an accessory building which is incidental, subordinate and exclusively devote to the existing single detached dwelling, notwithstanding,

1. The accessory structure shall be permitted to be used for human habitation, whereas the Zoning By-law does not allow an accessory building to be used for human habitation; and,

2. A maximum lot coverage of 66 square metres shall be provided for all accessory buildings instead of the maximum permitted lot coverage of 45 square metres for all accessory buildings.

NOTES:

1. A portion of the proposed accessory building is proposed to be used for recreation purposes, which is deemed to be habitable space; as such, variance 1 is required.

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

DATE: Thursday, October 7th, 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.

FL/A-21: 330
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: September 21st, 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.



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	MAILING ADDRESS
Registered Owners(s)	Robert Hickey	[REDACTED]
Applicant(s)		[REDACTED]
Agent or Solicitor	Taughes Construction INC.	[REDACTED]

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

5. Names and addresses of any mortgages, 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:

increased sqft for rec room

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

not enough sqft for required use.

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**):

12 Meander Close CARLISLE.

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant Other

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 8.1 to 8.10 above?

It's a ~~subdivision~~
Subdivision

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

Date: THURSDAY August 19th 2021.
Signature Property Owner(s): Robert Hickey.
Print Name of Owner(s): Robert Hickey.

10. Dimensions of lands affected:

Frontage: 25.45 m
Depth: 100.34 m
Area: 2553.65 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: 2600.00 sqft

Proposed

54 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: House is 3.9 m off side lot lines and 20.5 m off front lot line

Proposed:

Outbuilding is 1.2 m off side lot lines and 1.2 m off rear lot line.

13. Date of acquisition of subject lands:
Aug 20 / 2020

14. Date of construction of all buildings and structures on subject lands:
1989

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SINGLE FAMILY.

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE FAMILY

17. Length of time the existing uses of the subject property have continued:
31 years

18. Municipal services available: (check the appropriate space or spaces)

Water Connected
Sanitary Sewer Connected
Storm Sewers Septic

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:

S1

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: FL/B-21:83

SUBJECT PROPERTY: 2254 Hwy 5, Flamborough

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 A.J. Clarke & Associates c/o Miles Weekes
 Owner Stacey Ciancone

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to be added to the property known as 2246 Hwy 5 (Part 4).

Severed lands (Part 2):
 104 m[±] x 1 km[±] and an area of 198,051 m^{2±}

Retained lands (Part 1):
 90 m[±] x 46 m[±] and an area of 4,048 m^{2ha±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 7th, 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

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/B-21: 83
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

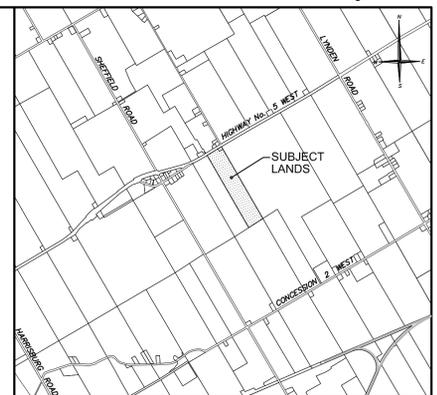
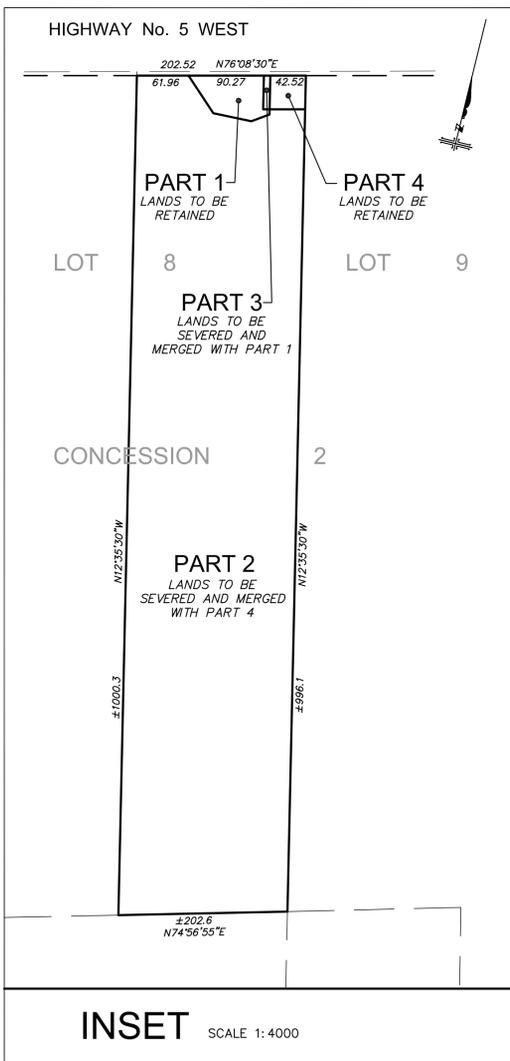
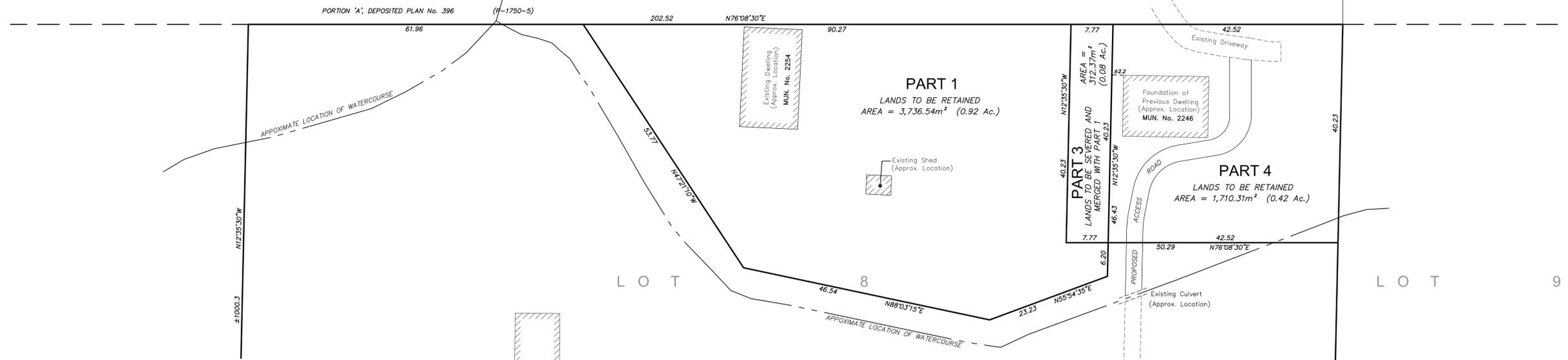
DATED: September 22, 2021

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.

HIGHWAY No. 5 WEST

ROAD ALLOWANCE BETWEEN CONCESSIONS 2 & 3



KEYPLAN

PART OF LOT 8
CONCESSION 2
(TOWNSHIP OF BEVERLY)
CITY OF HAMILTON

REVISIONS		
No.	Revision	Date
1.	ADDITIONAL PARTS AND DIMENSIONS ADDED.	SEP. 21/21

ENGINEER

PROJECT OWNER:
JASON SMITH

NOT ISSUED FOR CONSTRUCTION

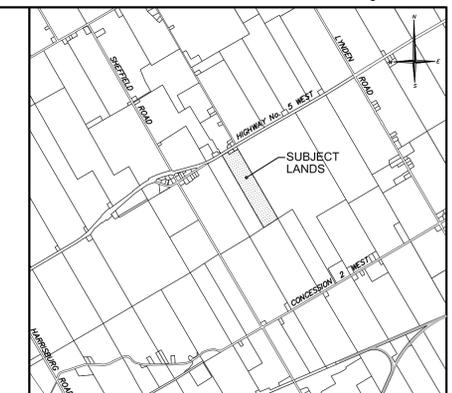
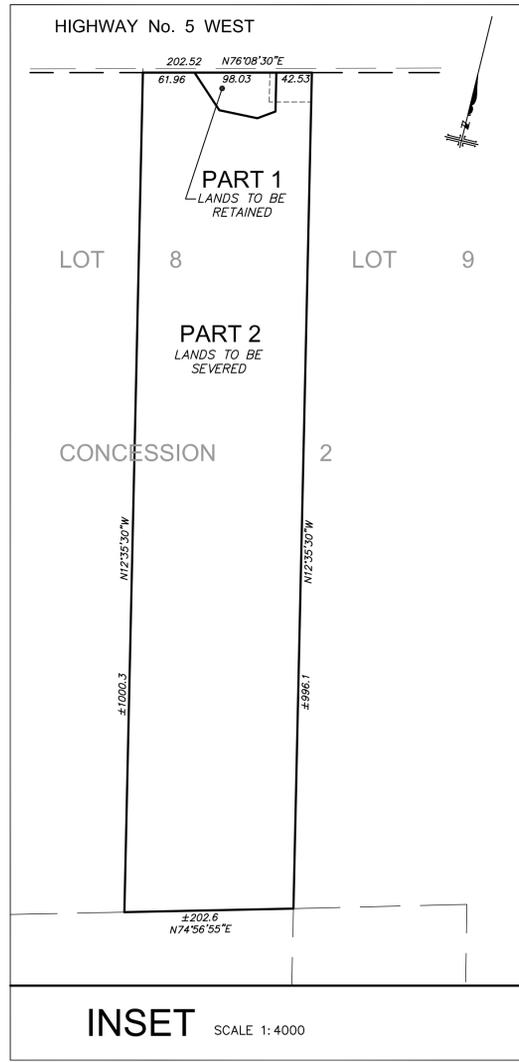
MUNICIPALITY:
**CITY OF HAMILTON
(BEVERLY)**

PROJECT NAME:
2254 HIGHWAY No. 5 WEST

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

TITLE:
SEVERANCE SKETCH

SCALE: 1:400	DATE: AUG. 2021
DESIGN:	DRAWN: L.H.
DWG: 208171	SHT:



KEYPLAN

PART OF LOT 8
CONCESSION 2
(TOWNSHIP OF BEVERLY)
CITY OF HAMILTON

No.	Revision	By	Date

REVISIONS			

ENGINEER

PROJECT OWNER:
JASON SMITH

NOT ISSUED FOR CONSTRUCTION

MUNICIPALITY:
**CITY OF HAMILTON
(BEVERLY)**

PROJECT NAME:
2254 HIGHWAY No. 5 WEST

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

TITLE:
SEVERANCE SKETCH

SCALE: 1:400	DATE: AUG. 2021
DESIGN: L.H.	DRAWN: L.H.
DWG: 208171	SHT:

**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
Registered Owners(s)	Stacey Ciancone
Applicant(s)*	(same as owner)
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Miles Weekes

* Owner's auth

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 Pt Lt 8	Concession 2	Former Township Beverly
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 2254 Highway 5			Assessment Roll N°. 253010021033200

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:

Jason Smith

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

To add the agricultural lands to 2246, and limit the extents of the 2254 property.

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)
104.49 m	1 km	198,051.3 sq m

Existing Use of Property to be severed: Part 2 (as shown on the severance sketch)

- 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 burnt down dwelling (foundation remaining), one barn, two accessory storage sheds.

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) _____

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: Part 1 (as shown on the severance sketch)

Frontage (m)	Depth (m)	Area (m ² or ha)
98.03 m	46.43 m	4,048.9 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 single detached dwelling, and one shed.

Proposed: none

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): Agriculture

Urban Hamilton Official Plan designation (if applicable): N/A

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

The proposed boundary adjustment will not affect the existing character of the neighbourhood, nor will it increase the residential density as no development is proposed.

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? "A1 - Agriculture"

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 checked="" type="checkbox"/>	on-site
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?
Online mapping.
- 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 boundary adjustment will not affect the existing character of the neighbourhood, nor will it increase the residential density as no development is proposed.

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

The proposed boundary adjustment will not affect the existing character of the neighbourhood, nor will it increase the residential density as no development is proposed.

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

The proposed boundary adjustment will not affect the existing character of the neighbourhood, nor will it increase the residential density as no development is proposed.

- 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

Greenbelt Plan: "Protected Countryside" and "Natural Heritage System" designations as per Map 105.

- 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)

N/A

- 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)

The proposed boundary adjustment will not affect the existing character.

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

the transferee and the land use.

N/A

8.4 How long has the applicant owned the subject land?

Unknown

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.

N/A

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.

N/A

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

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.

N/A

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) 104.49 m	Area (m ² or ha): (from in Section 4.1) 198,051.3 sq m
--	--

Existing Land Use: Agriculture/Residential Proposed Land Use: Agriculture/Residential

b) Lands to be Retained:

Frontage (m): (from Section 4.2) 98.03 m	Area (m ² or ha): (from Section 4.2) 4,048.9 sq m
---	---

Existing Land Use: Residential/Agriculture Proposed Land Use: Residential/Agriculture

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.

See attached severance sketch and cover letter.

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

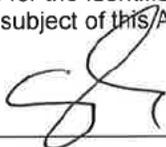
12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (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 or 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.

September 1, 2021
Date


Signature of Owner



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

September 2, 2021

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

Delivered via email

Attn: Jamila Sheffield
Secretary-Treasurer

**Re: Severance Application (Boundary Adjustment)
2254 Highway 5, Township of Troy (Hamilton)**

Dear Ms. Sheffield,

On behalf of our client, Stacey Ciancone, we are pleased to provide you with the enclosed submission in support of an application for consent to sever for the subject lands. Please find the following enclosed materials:

1. One (1) cheque in the amount of \$3,250.00 made payable to the City of Hamilton, in payment of the requisite severance application fee;
2. One (1) electronic copy of the completed and signed severance application form;
3. One (1) electronic copy of the signed authorization letter for 2246 Highway 5;
4. One (1) electronic copy of the severance sketch;
5. One (1) electronic copy of the severance sketch with aerial overlay;

The subject lands are designated "Agriculture" on Schedule D of the Rural Hamilton Official Plan and are zoned "A1 - Agriculture" in the City of Hamilton Zoning By-law 05-200. The subject lands are currently occupied by a single detached dwelling.

The subject lands are comprised of two (2) separate parcels, 2246 Highway 5 and 2254 Highway 5. The lands located at 2246 Highway 5 feature approximately ± 50.3 metres of frontage, an approximate depth of ± 35.2 metres, and an approximate area of $\pm 1,764.1$ square metres. Currently, the site is occupied by one (1) residential dwelling that was previously burnt down and only the foundation remains at this time, one (1) existing barn, and two (2) accessory storage sheds.

The lands located at 2254 Highway 5 features an approximate frontage of ± 151.2 metres, an approximate depth of ± 996.2 metres, and an approximate area of ± 19.7 hectares. Currently the site is occupied by one (1) single detached dwelling which operates on private water and wastewater servicing systems, and one (1) existing shed.



As per the attached Severance Sketch, there is a watercourse which runs throughout the subject site (through 2246 Highway 5). The watercourse extends across the site to the rear of the existing dwelling, and further connects to a regulated watercourse at the western edge of the property. The proposed boundary adjustment follows the existing watercourse, as to not disturb/affect any related environmental concerns. Additionally, there are two existing culverts which are utilized to transverse the watercourse for access to the agricultural lands.

The proposed development consists of a severance application to adjust the shared boundary of the two parcels, by effectively adding the majority of the agricultural lands to the 2246 Highway 5 property. The proposed severed and retained parcels are identified as Part 1 (2254 Hwy. 5) & Part 2 (2246 Hwy. 5) on the enclosed severance sketch. The existing single-detached dwelling on Part 1 of the subject lands will be retained.

Proposed Boundary Adjustment

The subject lands are designated "Agriculture" and are subject to the lot creation policies outlined under Section F.1.14.2.1 of the Rural Hamilton Official Plan (RHOP). Policy F.1.14.2.1 d) provides policy direction for all proposed lot additions. No new development is proposed on either parcel, which complies with the general intent of the Rural Hamilton Official Plan. The proposed boundary adjustment will not further fragment or disrupt the viable agricultural portions of the subject lands, and as such will not hinder future agricultural operations. As no new development is proposed on either parcel, the proposed boundary adjustment is keeping within the general intent of the Zoning By-law. Additionally, the proposed adjustment is in keeping with the intent of the Zoning By-law as both the future severed and retained parcels exceed the minimum lot area and lot frontage requirements. Furthermore, the proposed boundary adjustment would improve the existing situation wherein the lands known as 2246 Highway 5 are currently undersized by both Zoning and Official Plan standards. The proposed lots following the boundary adjustment would bring the subject lands into conformity with the requirements established by the City of Hamilton. Policy F.1.14.2.1.d.iv states that all proposed lot additions shall "only be permitted when both lots will retain frontage on a public road". The proposed boundary adjustment will adhere to this requirement, as both lots will continue to have frontage onto a public road.

The proposed severance will adjust the boundary between the two parcels (2246 & 2254 Highway 5) such that the agricultural lands will be added to the 2254 Highway 5 (Part 1) property. Part 2 (2246 Highway 5) features an approximate frontage of ± 42.53 metres (± 19.8 hectares in area), and 2254 Highway 5 features an approximate frontage of ± 98.03 metres (± 4.0 hectares in area).

Both lands will keep separate driveways, however, the driveway from 2246 will be extended to connect with the existing culvert that transverses the watercourse, providing access to the agricultural lands to the south. The proposed access will make use of the existing culvert and will utilize one entry point.

No new construction of any structures is proposed on either parcel at this time. It is further noted that no new lots will be created as a result of the proposed application. The areas of the proposed lots are consistent with the surrounding lotting patterns and exceed the minimum 0.4 hectare area requirement,



as per Section F.1.14.2.5 of the RHOP. Accordingly, the proposed development satisfies the criteria outlined in Policy C.3.1.4 (permitted uses in Agriculture, Specialty Crop, and Rural Designations).

In our opinion, the proposed severance has regard for the matters under Section 53 of the *Planning Act*, represents good planning and should be approved.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'Miles Weekes'.

Miles Weekes, MCIP, RPP
A. J. Clarke and Associates Ltd.

Encl.

Copy: Stacey Ciancone



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: FL/B-21:87

SUBJECT PROPERTY: 2246 Hwy 5, Flamborough

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 A.J. Clarke & Associates c/o Miles Weekes
 Owner Jason Smith

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to be added to the property known as 2254 Hwy 5 (Part 1).

Severed lands (Part 3):
 7.8 m[±] x 40.2 m[±] and an area of 312 m^{2±}

Retained lands (Part 4):
 42.5 m[±] x 40.2 m[±] and an area of 1710 m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 7th, 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

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/B-21: 87
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: September 22nd, 2021

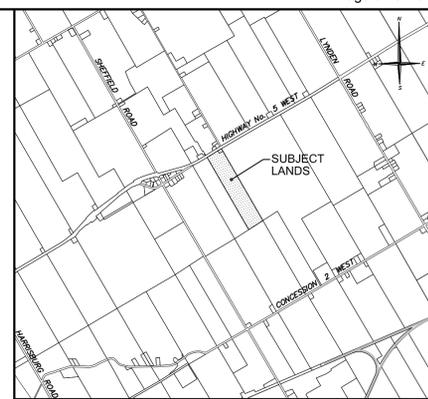
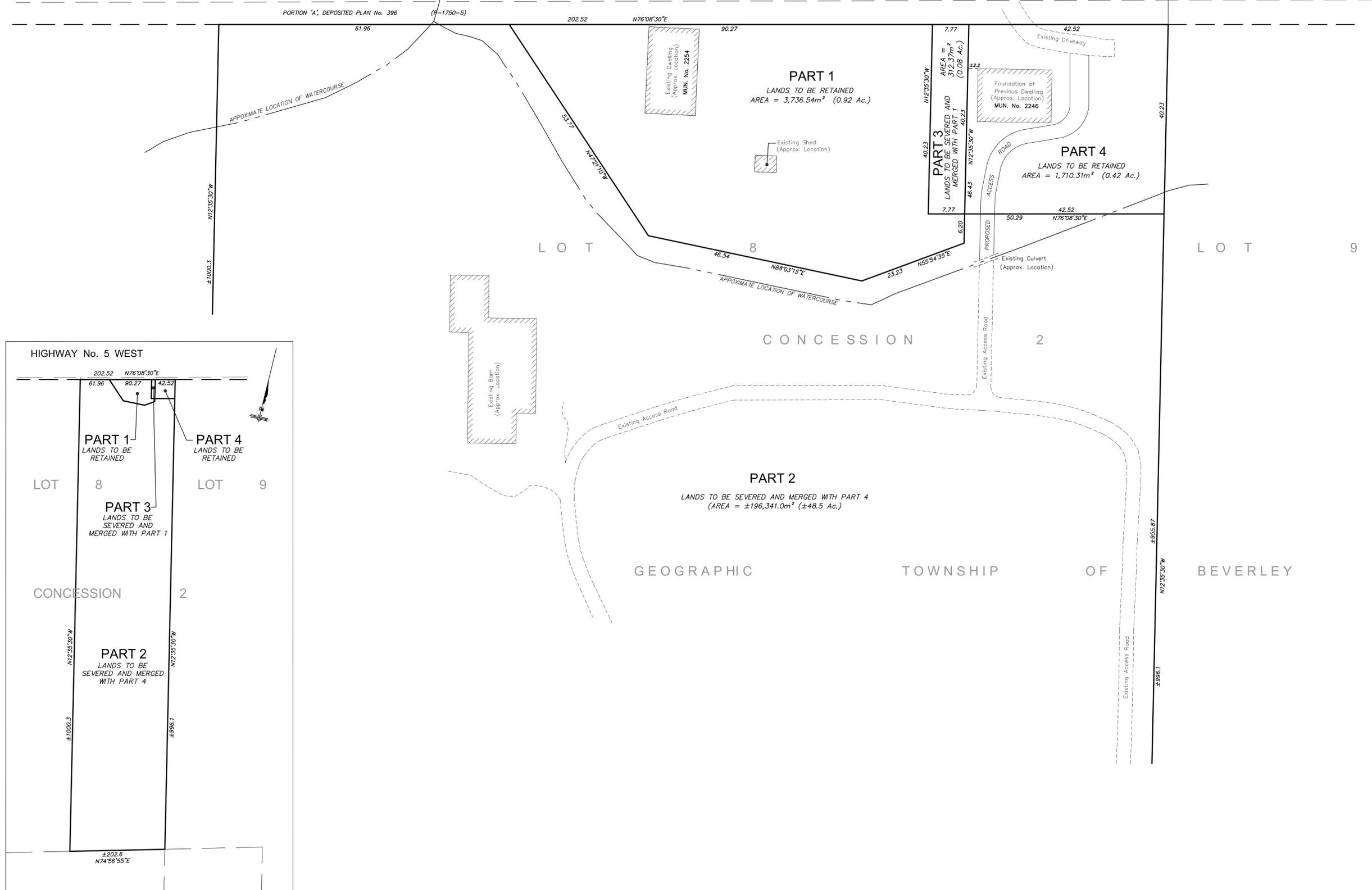
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

2254 HIGHWAY No. 5 WEST

HIGHWAY No. 5 WEST

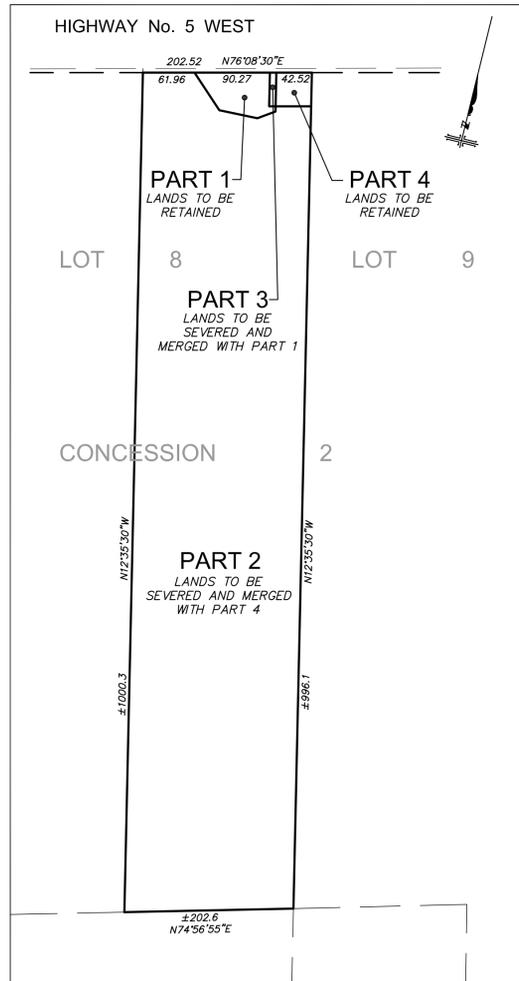
ROAD ALLOWANCE BETWEEN CONCESSIONS 2 & 3



**PART OF LOT 8
CONCESSION 2
(TOWNSHIP OF BEVERLY)
CITY OF HAMILTON**

No.	Revision	By	Date
1.	ADDITIONAL PARTS AND DIMENSIONS ADDED.	MW	SEPT. 21/21

REVISIONS



ENGINEER

PROJECT OWNER:
JASON SMITH

NOT ISSUED FOR CONSTRUCTION

MUNICIPALITY:
**CITY OF HAMILTON
(BEVERLY)**

PROJECT NAME:
2254 HIGHWAY No. 5 WEST

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

TITLE:
SEVERANCE SKETCH

SCALE: 1:400	DATE: AUG. 2021
DESIGN:	DRAWN: L.H.
DWG: 208171	SHT:

2254 HIGHWAY No. 5 WEST

H:\Jobs\2021 Projects\218171 (2254 Hwy 5) Planning Concepts\SEVERANCE SKETCH.dwg, Model

**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)	Jason Smith	
Applicant(s)*	(same as owner)	
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Miles Weekes	

* 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 Pt Lt 8	Concession 2	Former Township Beverly
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 2246 Highway 5	Assessment Roll N°. 253010021033200		

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:
Stacey Ciancone (2254 Highway 5)

3.3 If a lot addition, identify the lands to which the parcel will be added:
To add the agricultural lands to 2246, and limit the extents of the 2254 property.

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**: Part 3 on severance sketch

Frontage (m) 7.77 m	Depth (m) 40.23 m	Area (m ² or ha) 312.37 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: N/A

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) _____

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**: Part 4 on severance sketch

Frontage (m) 42.52 m	Depth (m) 40.23 m	Area (m ² or ha) 1,710.31 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: Dwelling foundation (burnt down) and two accessory storage sheds

Proposed: none

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): Agriculture

Urban Hamilton Official Plan designation (if applicable) N/A

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

The proposed boundary adjustment will not affect the existing character of the neighbourhood, nor will it increase the residential density as no development is proposed.

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? "A1 - Agriculture"

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 checked="" type="checkbox"/>	Adjacent lands
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?
Online mapping.
- 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 boundary adjustment will not affect the existing character of the neighbourhood, nor will it increase the residential density as no development is proposed.

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

The proposed boundary adjustment will not affect the existing character of the neighbourhood, nor will it increase the residential density as no development is proposed.

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

The proposed boundary adjustment will not affect the existing character of the neighbourhood, nor will it increase the residential density as no development is proposed.

- 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

Greenbelt Plan: "Protected Countryside" and "Natural Heritage System" designations as per Map 105.

- 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)

N/A

- 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)

The proposed consent will not result in the creation of any new residential lots.

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

b) Lands to be Retained: **Part 4 on severance sketch**

Frontage (m): (from Section 4.2) 42.52 m	Area (m ² or ha): (from Section 4.2) 1,710.31 sq m
---	--

Existing Land Use: Residential/Agriculture Proposed Land Use: Residential/Agriculture

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.

See attached severance sketch and cover letter.

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:

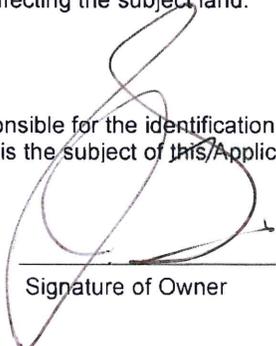
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of 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.

September 16, 2021

 Date



 Signature of Owner



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

September 21, 2021

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

Delivered via email

Attn: Jamila Sheffield
Secretary-Treasurer

**Re: Severance Application (Boundary Adjustment)
2256 Highway 5, Township of Troy (Hamilton)**

Dear Ms. Sheffield,

On behalf of our client, Jason Smith, we are pleased to provide you with the enclosed submission in support of an application for consent to sever for the subject lands, located at 2246 Highway 5. Please note that this application is to be reviewed in conjunction with a concurrent application for severance for the lands known as 2254 Highway 5 (FL/B-21:83).

Please find the following enclosed materials in support of the application:

1. One (1) cheque in the amount of \$3,250.00 made payable to the City of Hamilton, in payment of the requisite severance application fee;
2. One (1) electronic copy of the completed and signed severance application form;
3. One (1) electronic copy of the severance sketch;

The subject lands are described as Parts 3 & 4 on the enclosed severance sketch, whereas the adjacent property known as 2254 Highway 5 is described as Parts 1 & 2 on the sketch.

The proposed development consists of an application for severance to sever Part 3 and transfer ownership to the owner of 2254 Highway 5 (Part 1 on the enclosed sketch). Part 4 will be retained.

In a concurrent process (file no. FL/B-21:83) it is proposed that the lands known as 2254 Highway 5 (Parts 1 & 2 on the severance sketch) also be severed. Part 2 will be merged with the lands known as 2246 Highway 5 (Part 4). Part 1 will be retained.

Should the applications be approved, the subject lands would be described as follows:

- 2246 Highway 5 Parts 2 & 4 on the enclosed severance sketch
- 2254 Highway 5 Parts 1 & 3 on the enclosed severance sketch



Proposed Boundary Adjustment

The subject lands are designated “Agriculture” and are subject to the lot creation policies outlined under Section F.1.14.2.1 of the Rural Hamilton Official Plan (RHOP). Policy F.1.14.2.1 d) provides policy direction for all proposed lot additions. No new development is proposed on either parcel, which complies with the general intent of the Rural Hamilton Official Plan. The proposed boundary adjustment will not further fragment or disrupt the viable agricultural portions of the subject lands, and as such will not hinder future agricultural operations. As no new development is proposed on either parcel, the proposed boundary adjustment is keeping within the general intent of the Zoning By-law. Additionally, the proposed adjustment is in keeping with the intent of the Zoning By-law as both the future severed and retained parcels exceed the minimum lot area and lot frontage requirements. Furthermore, the proposed boundary adjustment would improve the existing situation wherein the lands known as 2246 Highway 5 are currently undersized by both Zoning and Official Plan standards. The proposed lots following the boundary adjustment would bring the subject lands into conformity with the requirements established by the City of Hamilton. Policy F.1.14.2.1.d.iv states that all proposed lot additions shall “only be permitted when both lots will retain frontage on a public road”. The proposed boundary adjustment will adhere to this requirement, as both lots will continue to have frontage onto a public road.

The proposed severance will adjust the boundary between the two parcels (2246 & 2254 Highway 5) such that the agricultural lands will be added to the 2254 Highway 5 (Part 1) property. Part 2 (2246 Highway 5) features an approximate frontage of ± 42.53 metres (± 19.8 hectares in area), and 2254 Highway 5 features an approximate frontage of ± 98.03 metres (± 4.0 hectares in area).

Both lands will keep separate driveways, however, the driveway from 2246 will be extended to connect with the existing culvert that transverses the watercourse, providing access to the agricultural lands to the south. The proposed access will make use of the existing culvert and will utilize one entry point.

No new construction of any structures is proposed on either parcel at this time. It is further noted that no new lots will be created as a result of the proposed application. The areas of the proposed lots are consistent with the surrounding lotting patterns and exceed the minimum 0.4 hectare area requirement, as per Section F.1.14.2.5 of the RHOP. Accordingly, the proposed development satisfies the criteria outlined in Policy C.3.1.4 (permitted uses in Agriculture, Specialty Crop, and Rural Designations).

In our opinion, the proposed severance has regard for the matters under Section 53 of the *Planning Act*, represents good planning and should be approved. I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'Miles Weekes'.

Miles Weekes, MCIP, RPP

A. J. Clarke and Associates Ltd.

Encl.





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-21:324

APPLICANTS: Agent Kevin Webster
 Owner Marek Krzyzewski

SUBJECT PROPERTY: Municipal address **38 East 16th St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "C" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the construction of a full second storey addition and a two storey addition into the rear yard that will increase the floor area for a single family dwelling from 58.49 square metres to 226.1 square metres, notwithstanding that:

1. The minimum front yard shall be 5.6 metres instead of the minimum required 6.0 metre front yard;
2. The minimum southerly side yard shall be 0.59 metres instead of the required 1.2 metre minimum side yard;
3. The required parking shall consist of 2 parking spaces instead of 3 parking spaces for a single family dwelling comprised of 10 habitable rooms;
4. The minimum width of a driveway parking space size shall be 2.4 metres instead of the required 2.7 metre minimum parking space width.

NOTES:

1. The variances are written as requested by the applicant. However, the variance requested to permit the front stairs for an unenclosed porch to be 4.5 metres from the street line was determined not to be required.
2. The Zoning By-law permits the projection of eaves not more than one-half of the side yard width. As the eave projection for the proposed addition was not identified on the submitted elevations, additional variances may apply if the eaves projections into the side yards exceed 0.64 metres for the northerly side yard and 0.29 metres for the southerly side yard.
3. It appears that the property is an existing lot of record as the lot width is 9,1 metres and contains an existing single family dwelling, whereas the minimum lot width for the "C" District is 12 metres. If the property is not a lot of record and was not constructed prior to 1950, a further variance shall be required.

HM/A-21: 324
Page 2

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

DATE: Thursday, October 7th, 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

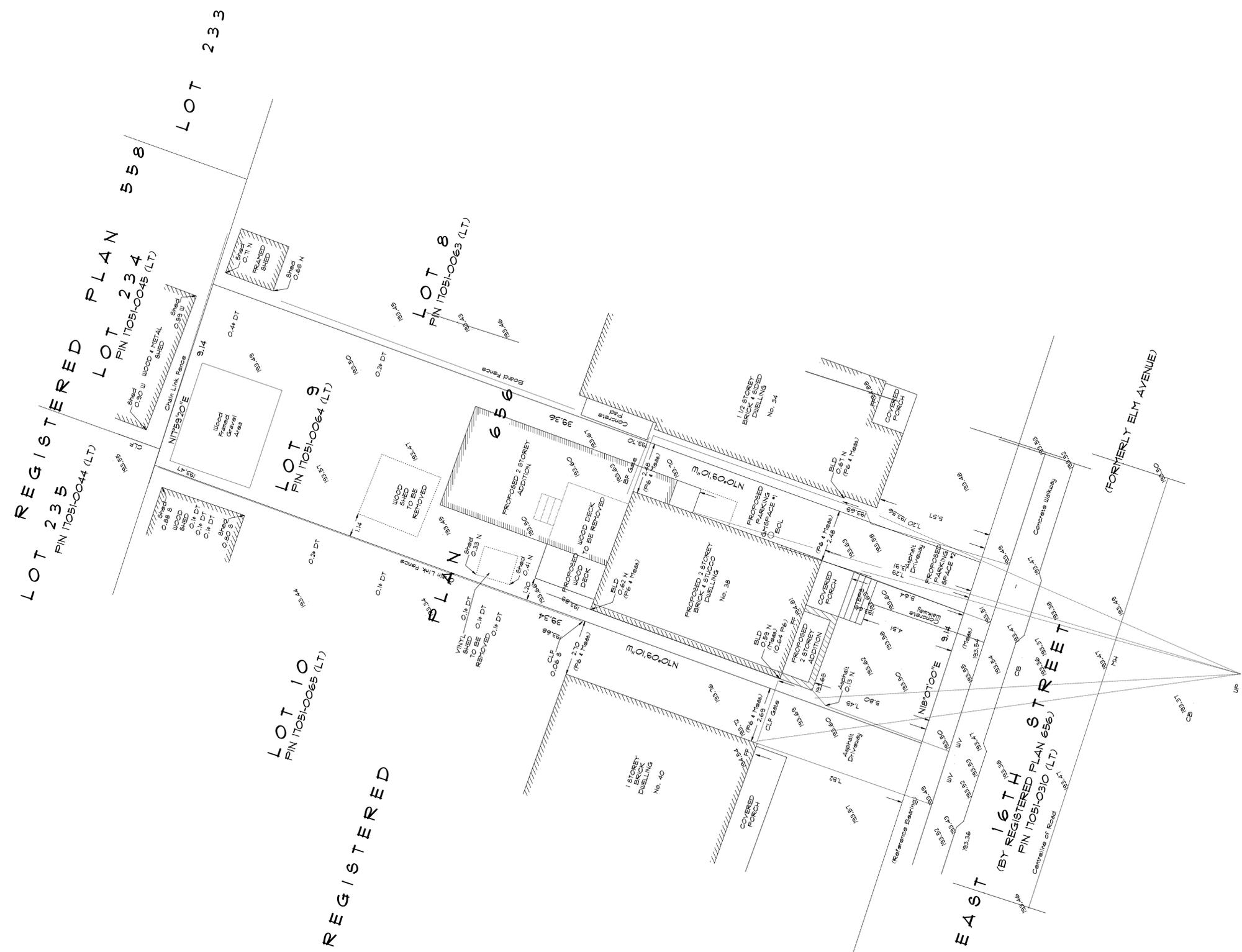
For more information on this matter, including access to drawings illustrating this request:

- 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: September 21st, 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 Plan
SCALE: 1:100

PROJECT NO: 20217	DRAWN BY: KW	CHECKED BY: KW
DATE: AUG 1 2021	DRAWING: 38 EAST 16TH ST HAMILTON, ONT.	
PAGE NO: SP1		

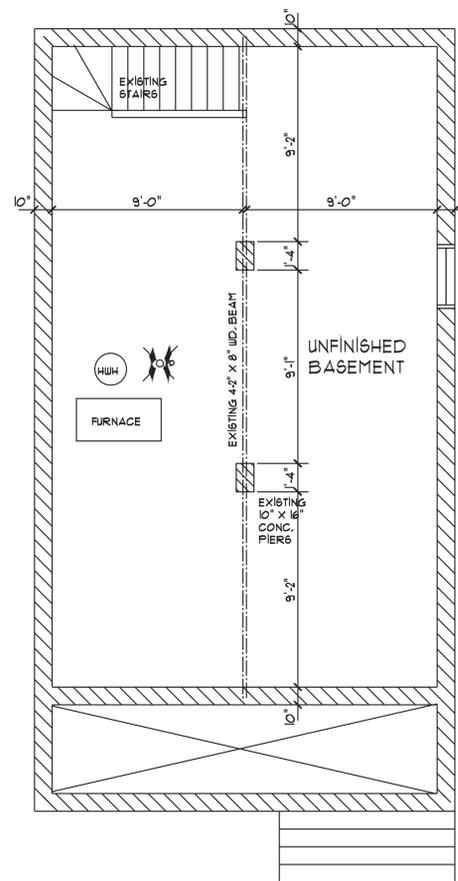
KEVIN WEBSTER
DESIGNS INC.

68 NORTH VALLEY DR.,
WELLAND, ONT.
L3C 7L6
905.639.2009
kevin@kwdesigns.ca

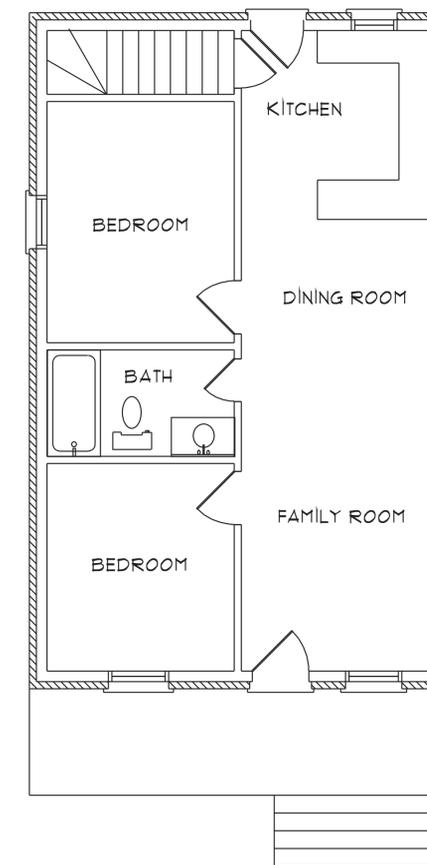
REVISIONS NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR C OF A	08/01/21	KW

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS SET OF ARCHITECTURAL DRAWINGS AND ASSURES THAT THE SAME COMPLY WITH ALL APPLICABLE REGULATIONS AND STANDARDS OF THE PROFESSION OF ARCHITECTS OF ONTARIO. I AM A MEMBER OF THE ARCHITECTS ASSOCIATION OF ONTARIO (A.A.O.) AND THE ARCHITECTS ASSOCIATION OF CANADA (A.A.C.).

NAME: KEVIN WEBSTER FIRM: KEVIN WEBSTER DESIGNS INC.
ADDRESS: 68 NORTH VALLEY DRIVE, WELLAND, ONTARIO L3C 7L6
PHONE: 905.639.2009 FAX: 905.639.2009 EMAIL: kevin@kwdesigns.ca



EXISTING BASEMENT FLOOR PLAN



EXISTING GROUND FLOOR PLAN

1	ISSUED FOR REVIEW	04/30/21	K.W.
NO.	DESCRIPTION	DATE	BY

REVISIONS

Kevin Webster Designs Inc.
 RESIDENTIAL & COMMERCIAL
 DESIGN, DRAFTING & CONSULTING
 68 North Valley Dr., Welland, Ontario L3c 7L6
 (905)639-2009 Fax (905)689-9773

PROJECT NO. 202127	DATE JUNE 2021
-----------------------	-------------------

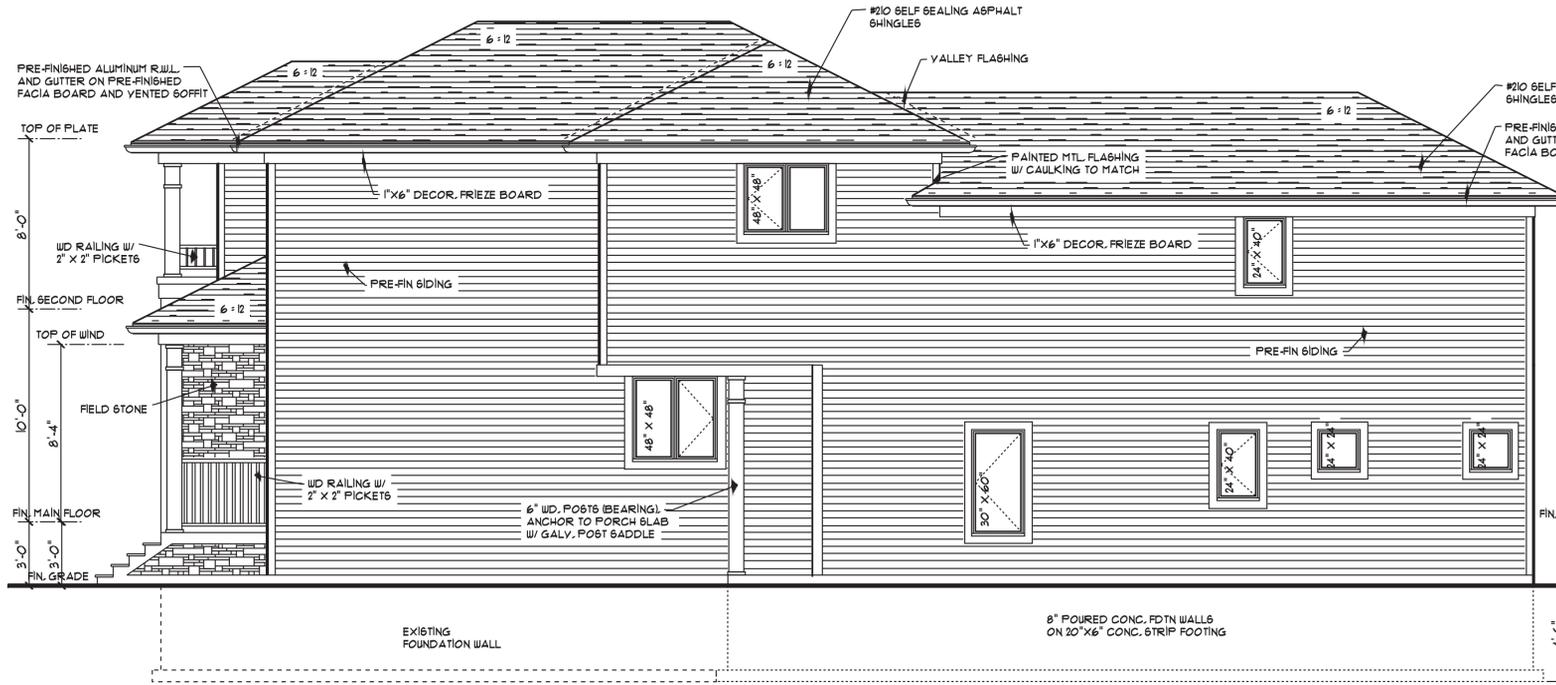
BUILDER:
 PROJECT NAME:
 38 EAST 16TH ST.
 HAMILTON, ONT.

MODEL:
 DRAWING:

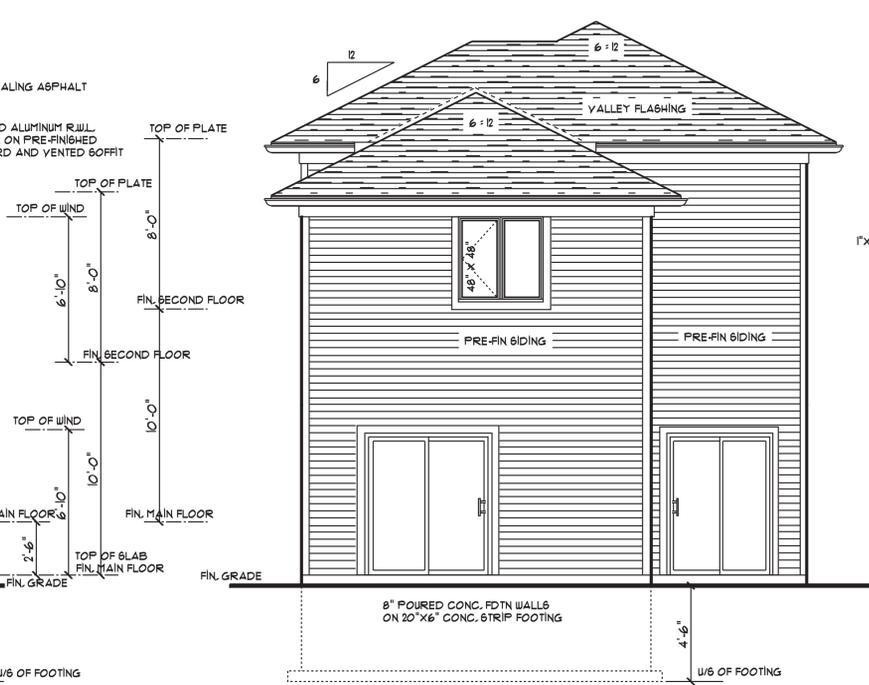
EXISTING FLOOR PLANS

DRAWN BY: K.W.	CHECKED BY: K.W.
-------------------	---------------------

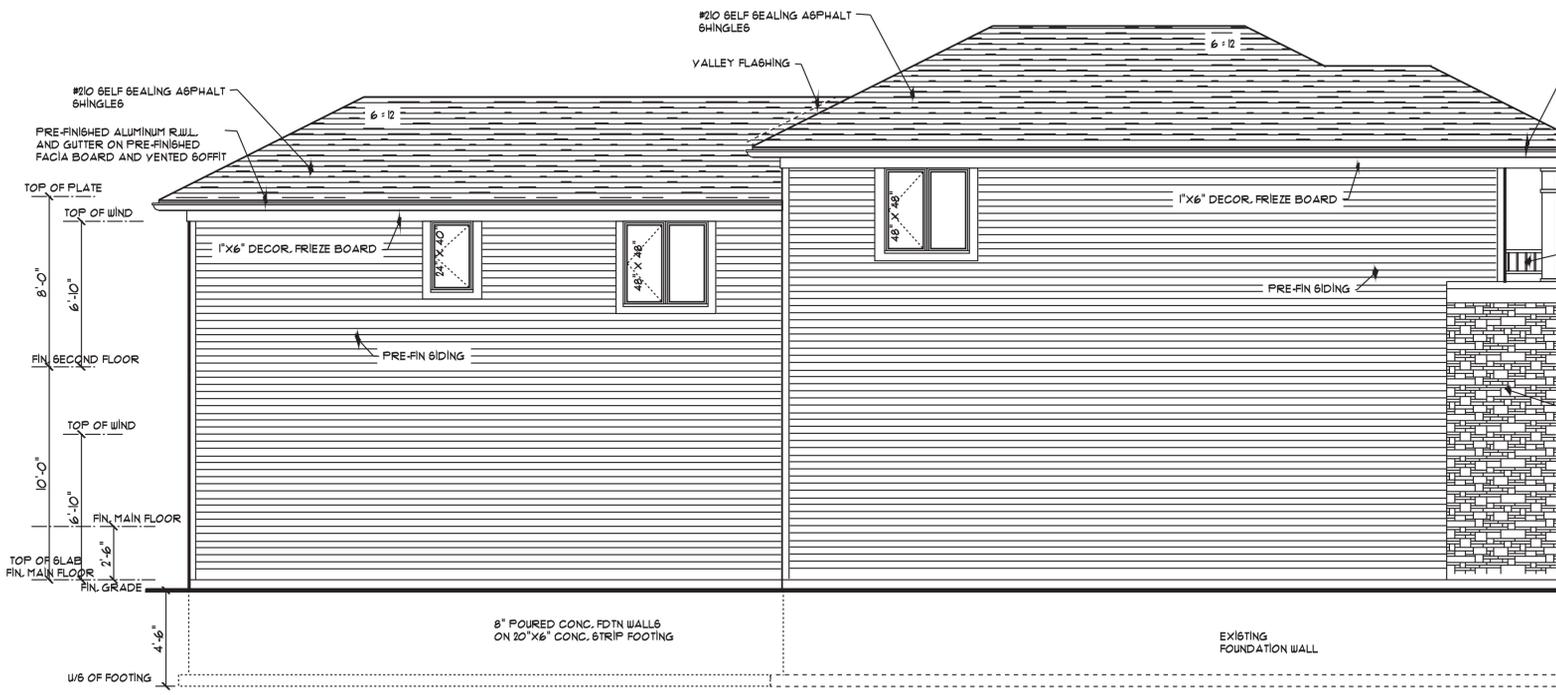
SCALE: 1/4" = 1'0"	PAGE: 1
-----------------------	------------



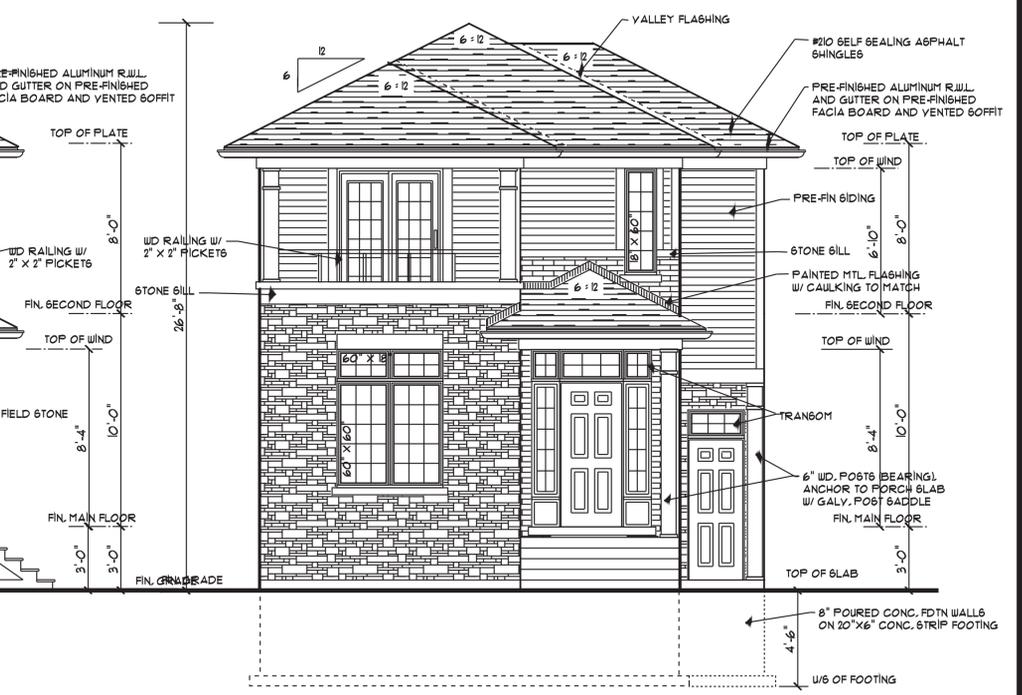
RIGHT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



FRONT ELEVATION

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR REVIEW	04/30/21	K.W.

REVISIONS

NO.	DESCRIPTION	DATE	BY
-----	-------------	------	----

Kevin Webster Designs Inc.
RESIDENTIAL & COMMERCIAL
DESIGN, DRAFTING & CONSULTING

68 North Valley Dr., Welland, Ontario L3c 7L6
(905)639-2009 Fax (905)689-9773

PROJECT NO. 202127	DATE JUNE 2021
-----------------------	-------------------

BUILDER:

PROJECT NAME:
38 EAST 16TH ST.
HAMILTON, ONT.

MODEL:
DRAWING:

PROPOSED ELEVATIONS

DRAWN BY: K.W.	CHECKED BY: K.W.
SCALE: 1/4" = 1'0"	PAGE: 3



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	MAILING ADDRESS
Registered Owners(s)	ELIZABETH MOSKAL MAREK KRZYZEWSKI	
Applicant(s)*	KEVIN WEBSTER	
Agent or Solicitor	KEVIN WEBSTER	

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:
 X ① LEFT SIDE INTERIOR SETBACK REQUIRE 0.59m EXIST.
 ② REDUCE WIDTH OF PARKING SPACE TO 2.48m
 SEE ATTACHED SHEET FOR ADDITIONAL VARIANCES

Secondary Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
 EXISTING DWELLING DOES NOT MEET EXISTING ZONING SETBACKS

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 9
 REGISTERED PLAN 656
 IN THE CITY OF HAMILTON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant Other

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

SECTION 4. CONTINUED

③ - ALLOW FRONT YARD SETBACK OF 5.64m REQUIRED
6.0 m ALLOWED



④ - TO ALLOW ONLY 2 PARKING SPACES
WHERE 4.5 ARE REQUIRED

⑤. ALLOW SETBACK TO STAIRS TO BE 4.51m

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 8.1 to 8.10 above?
COMMON KNOWLEDGE

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

Aug. 2/21
 Date

E. Moskwa / Krzyzewski
 Signature Property Owner(s)
ELIZABETH MOSKAL,
 Print Name of Owner(s)
MAREK KRZYZEWSKI

10. Dimensions of lands affected:

Frontage 9.14 m
 Depth 39.34 m
 Area 354.06 sq. m
 Width of street 6 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: 1 STOREY
58.49 sq. m GROUND FLOOR
58.49 sq. m GROSS FLOOR
9.68 m LENGTH, 6.05 m WIDTH, 5.2 m HEIGHT
 Proposed: 2 STOREY
109.48 sq. m GROUND FLOOR AREA
226.07 sq. m GROSS FLOOR AREA.
19.7 m LENGTH, 7.26 m WIDTH, 8.13 m HEIGHT

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

Existing:	<u>HOUSE</u>	<u>VINYL SIDED</u>	<u>WOOD SHED</u>
	<u>FRONT 5.64 m</u>	<u>FRONT 22.32</u>	<u>FRONT 30.0</u>
	<u>REAR 24.01 m</u>	<u>REAR 14.0</u>	<u>REAR 8.0</u>
	<u>LEFT INT. SIDE 0.59 m</u>	<u>LEFT 0.33</u>	<u>LEFT 1.05</u>
	<u>RIGHT INT. SIDE 2.48 m</u>	<u>RIGHT 6.41</u>	<u>RIGHT 5.0</u>
Proposed:	<u>HOUSE</u>	<u>VINYL SIDED</u>	<u>WOOD SHED</u>
	<u>FRONT 5.64 m</u>	<u>TO BE REMOVED</u>	<u>TO BE REMOVED</u>
	<u>REAR 14.00 m</u>		
	<u>LEFT 0.59 m</u>		
	<u>RIGHT 1.29</u>		

13. Date of acquisition of subject lands:
2010
-
14. Date of construction of all buildings and structures on subject lands:
1960 +/-
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SINGLE FAMILY
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE FAMILY
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 | <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:
SINGLE FAMILY RESIDENTIAL
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
ZONE '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.



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-21:326

APPLICANTS: Agent Len Angelici
 Owner Wojciech Rafalowski

SUBJECT PROPERTY: Municipal address **1 West Ave., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "R2" (Single Residential) district

PROPOSAL: To permit the construction of a new 2 storey single detached dwelling notwithstanding that;

1. A minimum front yard setback of 5.0 m shall be provided instead of the minimum required front yard setback of 6.0 m; and

Notes:

Please note that a variance for a minimum of 7.04 m rear yard has been requested by the applicant; however, the setback provided to the closes part of the building is 10.37 m; therefore, this variance is not required.

Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres; therefore, the proposed roofed over unenclosed rear porch only encroaches 0.46m into the required rear yard setback which conforms.

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

DATE: Thursday, October 7th, 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.

SC/A-21: 326

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

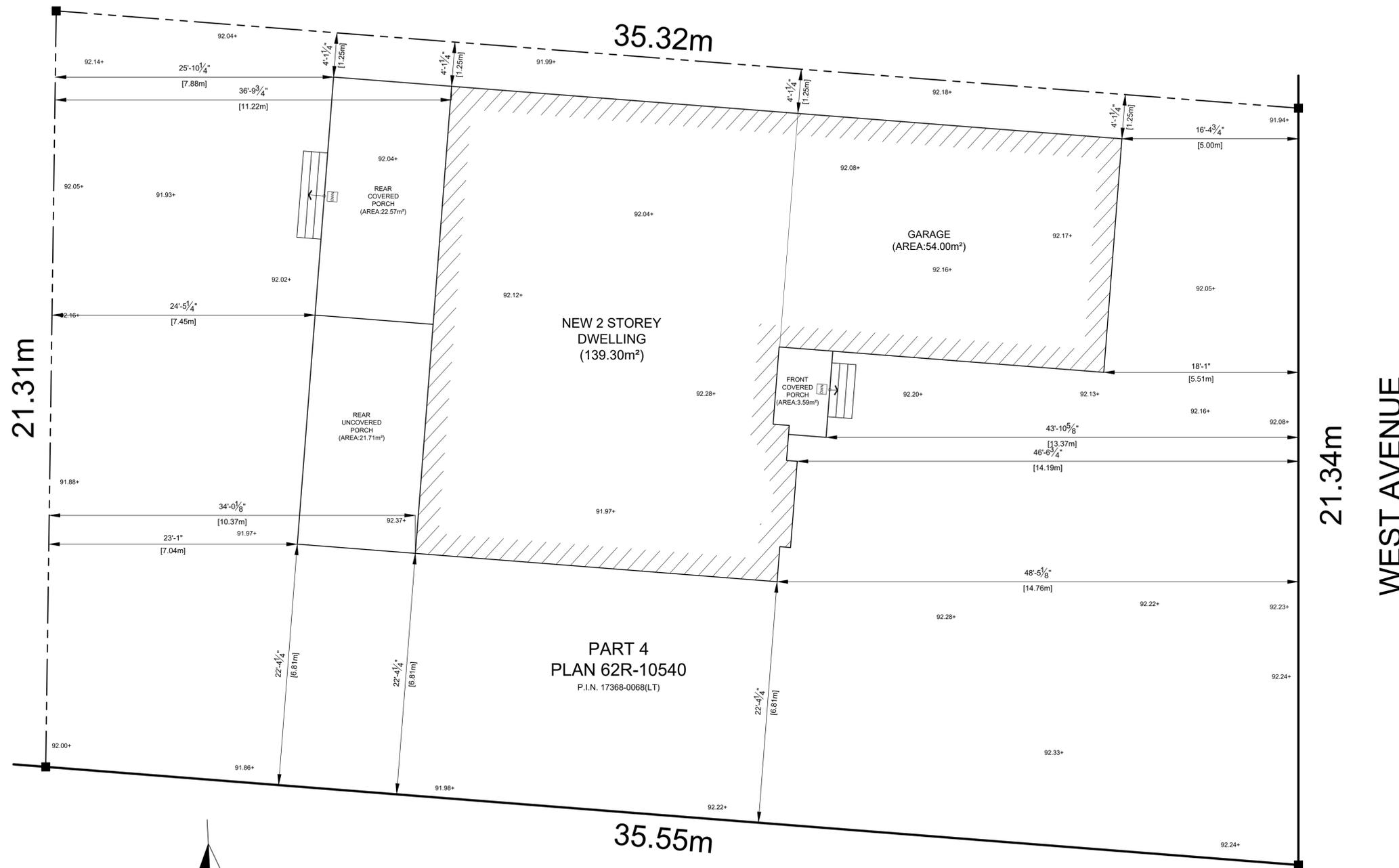
For more information on this matter, including access to drawings illustrating this request:

- 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: September 21st, 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.



21.31m

35.32m

21.34m

WEST AVENUE

NEW 2 STOREY DWELLING (139.30m²)

GARAGE (AREA: 54.00m²)

REAR COVERED PORCH (AREA: 22.57m²)

REAR UNCOVERED PORCH (AREA: 21.71m²)

FRONT COVERED PORCH (AREA: 3.59m²)

PART 4 PLAN 62R-10540 P.I.N. 17368-0068(LT)

35.55m

BARTON



SITE DATA	
ZONE:	R2
LOT AREA:	753.55m²
PROPOSED DWELLING AREA:	139.30m²
GARAGE AREA:	54.00m²
REAR COVERED PORCH AREA:	22.57m²
REAR UNCOVERED PORCH AREA:	21.71m²
TOTAL FLOOR AREA:	237.58m²
LOT COVERAGE:	31.52%
BUILDING HEIGHT	
No. of STOREYS:	2

SETBACKS	
FRONT (PORCH):	13.37m
FRONT (HOUSE):	5.00m
REAR (PORCH):	7.04m
REAR (HOUSE):	10.37m
LEFT SIDE:	6.81m
RIGHT SIDE:	1.25m

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	08/17/2021

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
- THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
- REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
- CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
- DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

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

08/17/2021
DATE SIGNATURE

Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT

PROPOSED RESIDENCE
1 WEST AVE,
HAMILTON, ON.

SHEET TITLE

PROPOSED SITE PLAN

DRAWN BY	L. ANGELICI
DATE	08/17/2021
SCALE	3/8"=1'-0"
PROJECT No.	2021

SP1



FRONT ELEVATION
SCALE $\frac{3}{16}'' = 1' - 0''$



REAR ELEVATION
SCALE $\frac{3}{16}'' = 1' - 0''$

EXTERIOR FINISH INDEX

- A PRE-FIN. WOOD SIDING
- B STONE VENEER
- C VERTICAL BOARD & BATTEN SIDING
- D ASPHALT SHINGLES
- E 5" PRE-FIN. ALUM. EAVETROUGH ON 8" WITH PRE-FIN. ALUM. FASCIA CW PRE-FIN. ALUM. DOWNSPOUT
- F STANDING SEAM METAL ROOF

PROJECT NORTH	TRUE NORTH

01.	DRAWINGS FOR VARIANCE	08/17/2021
No.	REVISION	DATE

1. ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
2. THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
3. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
4. CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
5. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
6. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
7. DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
8. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

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
08/17/2021	
DATE	SIGNATURE

Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT

PROPOSED RESIDENCE
1 WEST AVE,
HAMILTON, ON.

SHEET TITLE

PROPOSED FRONT &
REAR ELEVATIONS

DRAWN BY	L. ANGELICI
DATE	08/17/2021
SCALE	$\frac{3}{16}'' = 1' - 0''$
PROJECT No.	2021

A1



RIGHT SIDE ELEVATION
SCALE 3/16" = 1' - 0"



LEFT SIDE ELEVATION
SCALE 3/16" = 1' - 0"

EXTERIOR FINISH INDEX

- A PRE-FIN. WOOD SIDING
- B STONE VENEER
- C VERTICAL BOARD & BATTEN SIDING
- D ASPHALT SHINGLES
- E 5" PRE-FIN. ALUM. EAVETROUGH ON 8" WITH PRE-FIN. ALUM. FASCIA CW PRE-FIN. ALUM. DOWNSPOUT
- F STANDING SEAM METAL ROOF

PROJECT NORTH	TRUE NORTH

01.	DRAWINGS FOR VARIANCE	08/17/2021
No.	REVISION	DATE

1. ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
2. THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
3. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
4. CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
5. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
6. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
7. DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
8. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

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

08/17/2021
DATE SIGNATURE

Len Angelici Design

270 SHERMAN AVE. N. UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT

PROPOSED RESIDENCE
1 WEST AVE,
HAMILTON, ON.

SHEET TITLE

PROPOSED RIGHT & LEFT SIDE ELEVATIONS

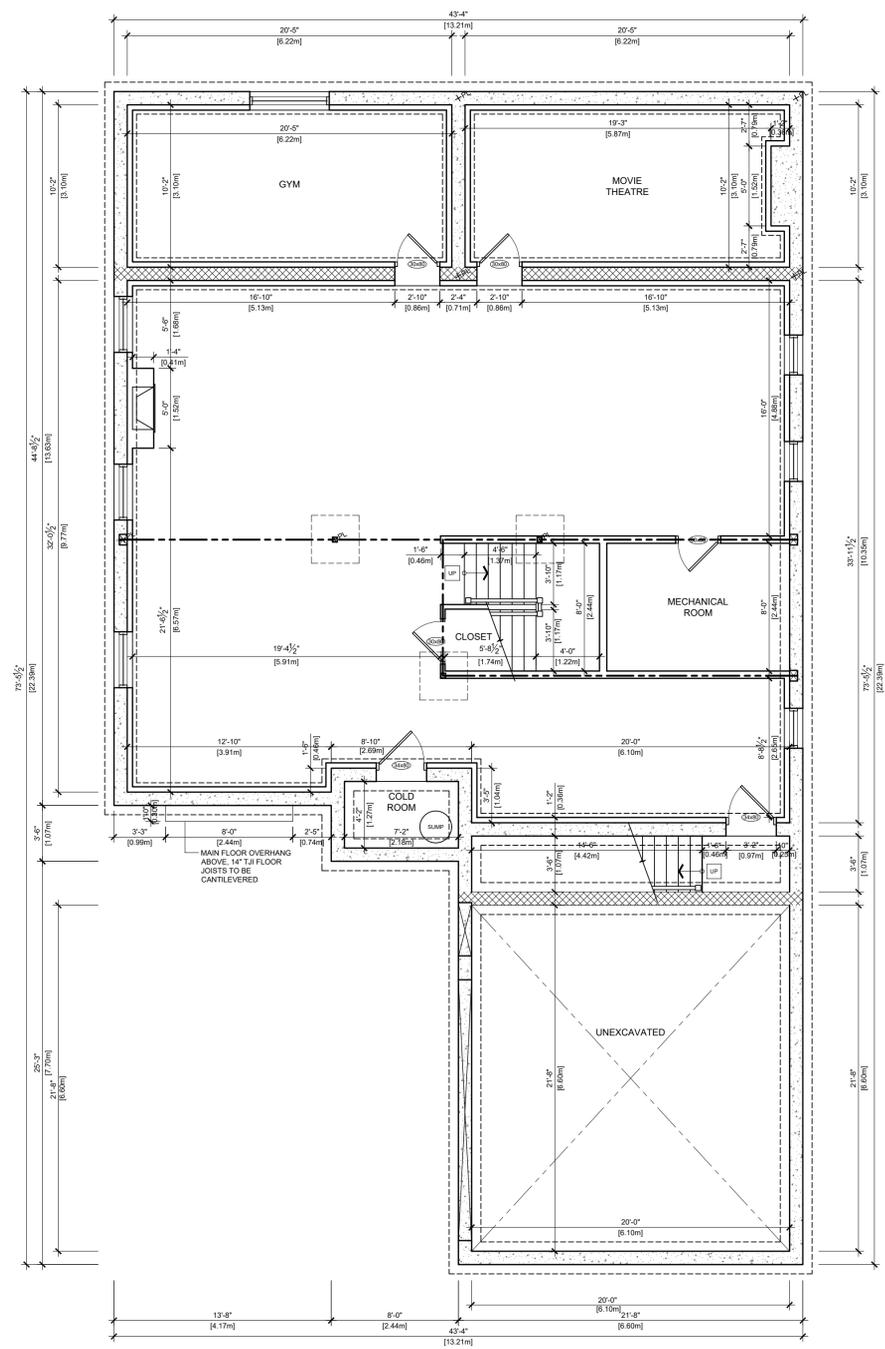
DRAWN BY
L. ANGELICI

DATE
08/17/2021

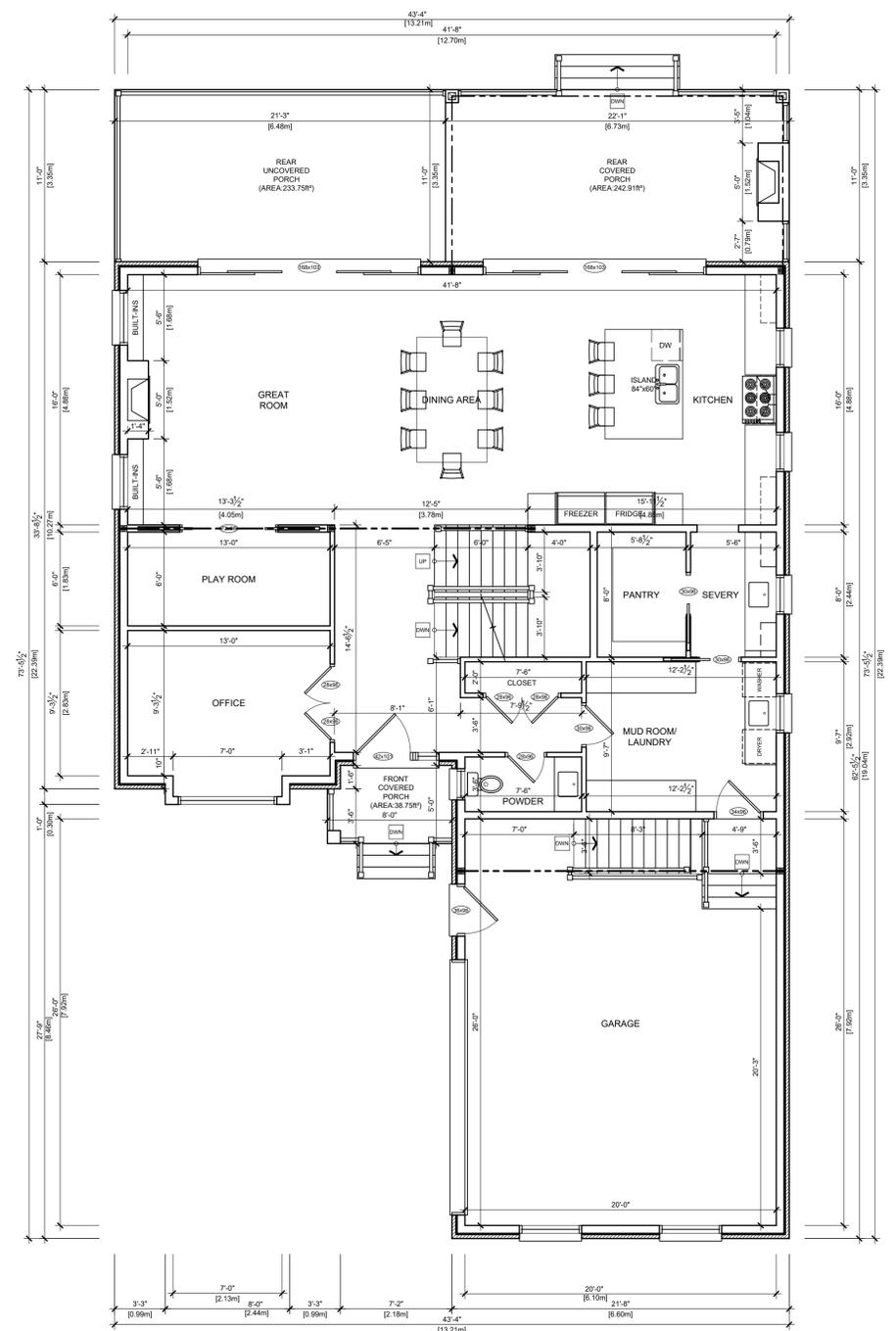
SCALE
3/16"=1'-0"

PROJECT No.
2021

A2



PROPOSED FOUNDATION PLAN
SCALE 3/16" = 1' - 0"



PROPOSED MAIN FLOOR PLAN
SCALE 3/16" = 1' - 0"

MAIN FLOOR AREA: 1499.47ft²
 GARAGE AREA: 581.34ft²
 FRONT PORCH AREA: 38.75ft²
 REAR UNCOVERED PORCH AREA: 233.75ft²
 REAR COVERED PORCH AREA: 242.91ft²

TOTAL LOT AREA: 8111.15ft²
 TOTAL RFA: 2961.99ft² =37.54%
 TOTAL LOT COVERAGE: 2362.47ft²=29.94%

PROJECT NORTH	TRUE NORTH
---------------	------------

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	08/17/2021

1. ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
2. THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
3. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
4. CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
5. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
6. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
7. DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
8. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

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 BCN

REGISTRATION INFORMATION
 LEN ANGELICI DESIGN 43162
 NAME BCN

08/17/2021
 DATE SIGNATURE

Len Angelici Design

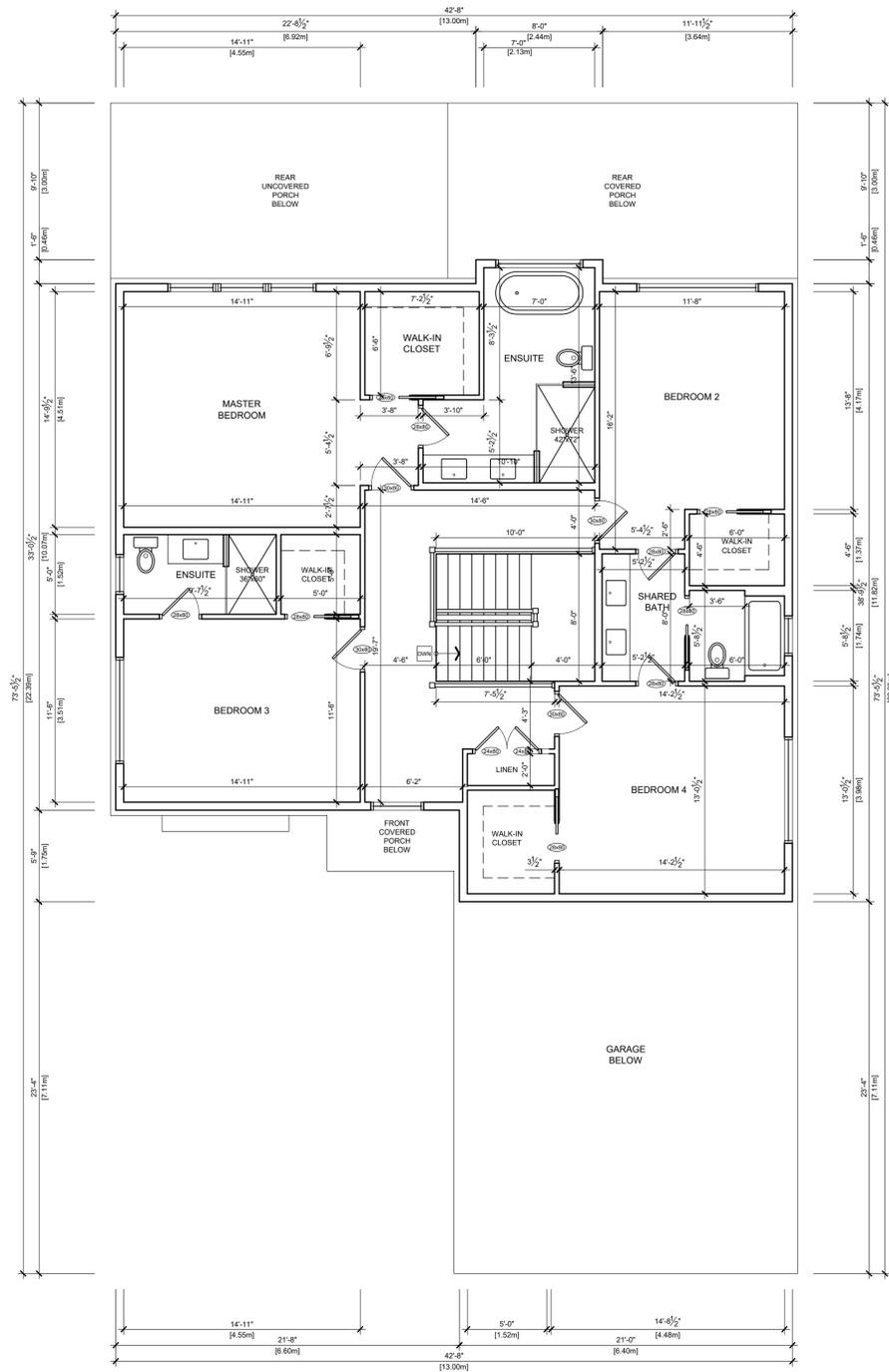
270 SHERMAN AVE N. UNIT MILL-125
 HAMILTON, ON L8L 6N4
 (905) 393-8868
 info@lenangelicidesign.ca

PROJECT
 PROPOSED RESIDENCE
 1 WEST AVE,
 HAMILTON, ON.

SHEET TITLE
 PROPOSED FOUNDATION & MAIN FLOOR PLANS

DRAWN BY
 L. ANGELICI
 DATE
 08/17/2021
 SCALE
 3/16"=1'-0"
 PROJECT No.
 2021

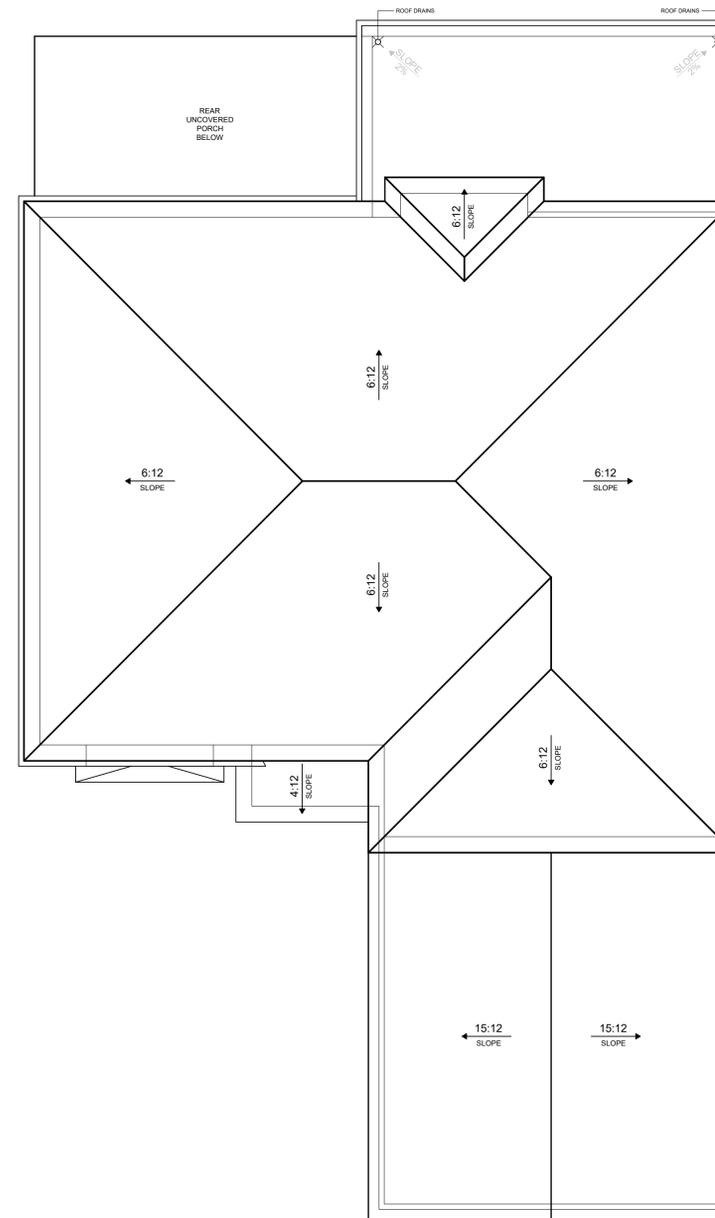
A3



PROPOSED SECOND FLOOR PLAN

SCALE 3/16" = 1' - 0"

SECOND FLOOR AREA: 1462.52ft²
STAIR OPENING AREA: 80.0ft²



PROPOSED ROOF PLAN

SCALE 3/16" = 1' - 0"

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	08/17/2021

1. ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
2. THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
3. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
4. CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
5. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
6. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
7. DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
8. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

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	BCN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	43162
NAME	BCN
08/17/2021	
DATE	SIGNATURE

Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE
**1 WEST AVE,
HAMILTON, ON.**

SHEET TITLE
PROPOSED SECOND FLOOR & ROOF PLANS

DRAWN BY	L. ANGELICI
DATE	08/17/2021
SCALE	3/16"=1'-0"
PROJECT No.	2021

A4



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)	WOJCIECH RAFALOWSKI	
Applicant(s)*	LEN ANGELICI	
Agent or Solicitor		

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 BACK YARD SETBACK OF 7.5m TO PROPOSED 7.04m
& RELIEF FROM REQUIRED FRONT YARD SETBACK OF 6m TO PROPOSED
5.00m
5. Why it is not possible to comply with the provisions of the By-law?
SMALL SIZE OF LOT DOES NOT ALLOW FOR A REASONABLY SIZED REAR
PORCH
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**):
PLAN 62R-10540
P.I.N. 17368-0068(LT)
1 WEST AVE
STONE CREEK, ON
L8E 5L5
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

13. Date of acquisition of subject lands:
APRIL 18, 2016
-
14. Date of construction of all buildings and structures on subject lands:
-
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 | ✓ | Connected | ✓ |
| Sanitary Sewer | ✓ | Connected | ✓ |
| Storm Sewers | ✓ | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
PLAN 62R-10540
P.I.N. 17368-0068(LT)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
ZONE R2: Single Residential - Two
PARENT BY-LAW NUMBER: 3692-92 Stoney Creek
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.

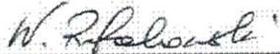
PART 28 PERMISSION TO ENTERDate: 08/12/2021

Secretary/Treasurer
 Committee of Adjustment
 City of Hamilton,
 City Hall

Dear Secretary/Treasurer;
 Re: Application to Committee of Adjustment

Location of Land: 1 WEST AVE
 (Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

WOJCIECH RAFALOWSKI

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 29 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.



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-21:74

SUBJECT PROPERTY: 130 Fiddlers Green Rd., 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): Owners L. and J. Ferreira

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of land for residential purposes and establish easements for vehicular/pedestrian access and to retain two (2) parcel of land for residential purposes and establish easement for pedestrian/vehicular access. Single family dwelling on retained lands to remain. Accessory structure on retain lands to be removed.

Re-application of AN/B-07:67.

Severed lands: Part 1,2, 3, 6 & 8 (Lot 2)

6.00m[±] x 57.61m[±] and an area of 837.84m^{2±}

Retained lands: Part 6 & 7 (Lot 1)

21.53m[±] x 34.75m[±] and an area of 1,860.32m^{2±}

Retained lands: Part 4,5 & 9 (Lot 3)

6.00m[±] x 80.47m[±] and an area of 1.860.32m^{2±}

Easement lands: Part 1

4.50m[±] x 28.81m[±] and an area of 129.65m^{2±}

Easement lands: Part 2 & 3

1.5m[±] x 51.07m[±] and an area of 77.51m^{2±}

Easement lands: Part 4 & 5

4.50m[±] x 51.67m[±] and an area of 232.52m^{2±}

The Committee of Adjustment will hear this application on:

AN/B-21: 74
PAGE 2

DATE: Thursday, October 7th , 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:

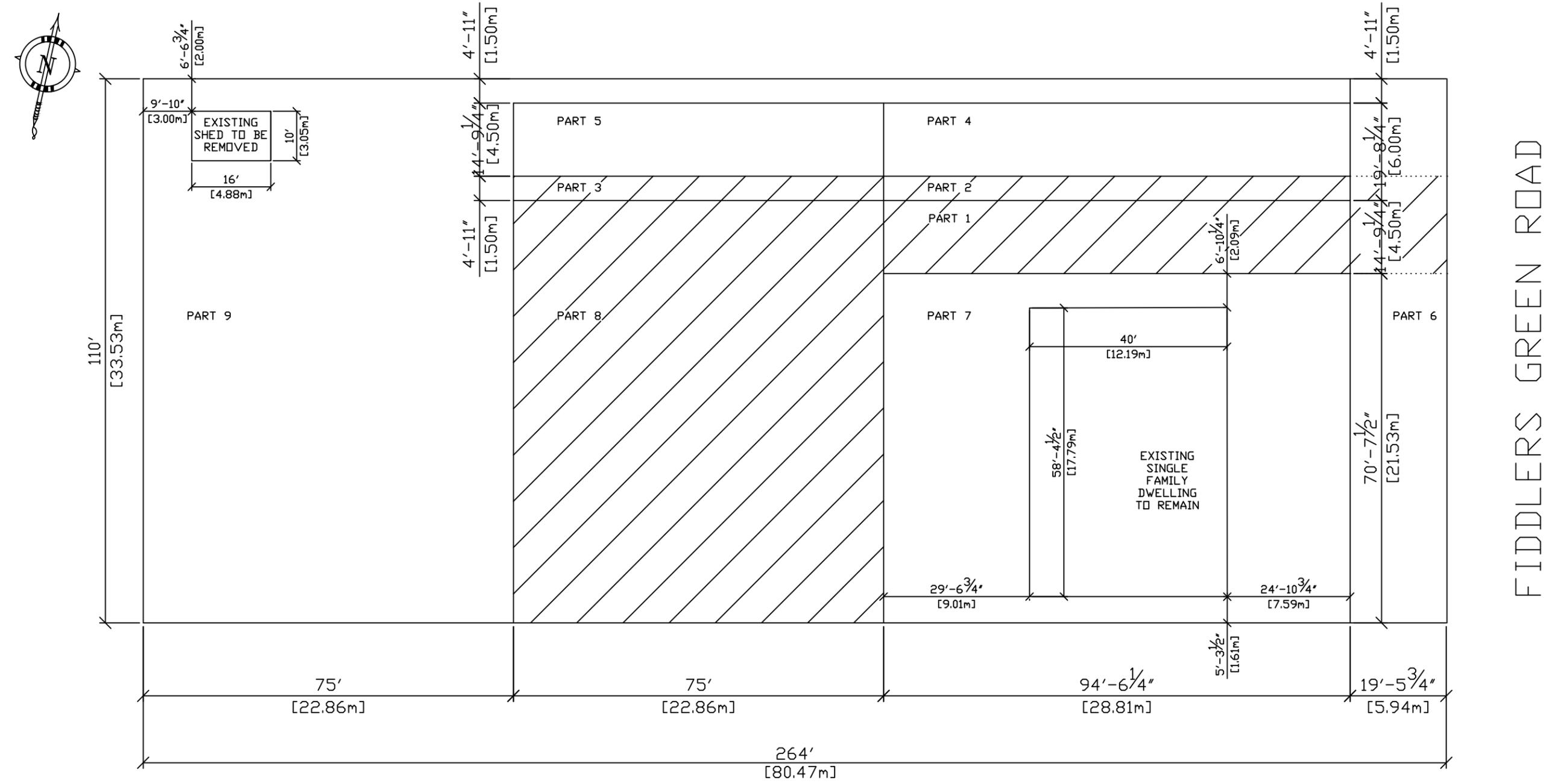
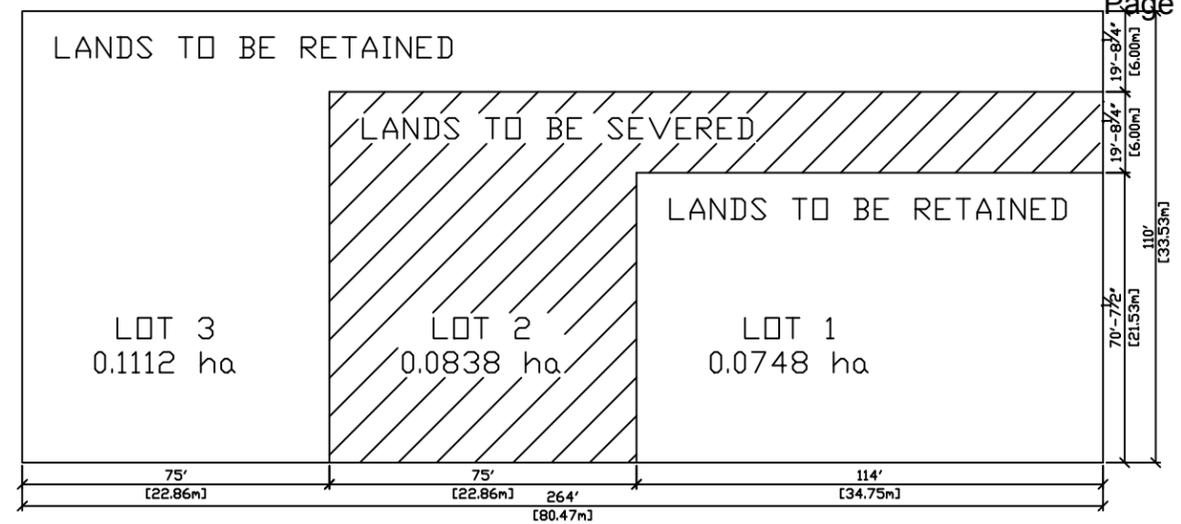
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: September 21st, 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.

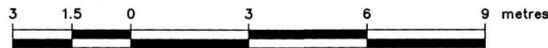
Lot	Zone	Part	Description	Current Use	Proposed Use	Area (m ²)
1	ER	Partial 6	21.53m x 5.94m	Vacant	Road Widening Dedication	127.89
		7	21.53m x 28.81m	Single Family Dwelling	Same	620.28
2	ER-565	Partial 6	6m x 5.94m	Vacant/Drive Aisle	Road Widening Dedication	35.64
		1	4.5m x 28.81m	Vacant/Drive Aisle	Easement in Favour of Lot 1	129.65
		2	1.5m x 28.81m	Vacant/Drive Aisle	Easement in Favour of Lots 1 & 3	43.22
		3	1.5m x 22.86m	Vacant	Easement in Favour of Lot 3	34.29
		8	(21.53m + 4.5m) x 22.86m	Vacant	Single Family Dwelling	595.05
3	ER-566	Partial 6	6m x 5.94m	Vacant/Drive Aisle	Road Widening Dedication	35.64
		4	4.5m x 28.81m	Vacant/Drive Aisle	Easement in Favour of Lots 1 & 2	129.65
		5	4.5m x 22.86m	Vacant	Easement in Favour of Lot 2	102.87
		9	(1.5m x (28.81m + 22.86m)) + 33.53m x 22.86m	Accessory Structure	Single Family Dwelling	844.00
Total						2698.16



SURVEYOR'S REAL PROPERTY REPORT

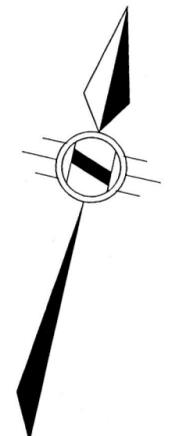
PART 1, PART OF
LOT 42
CONCESSION 3
 GEOGRAPHIC
TOWNSHIP OF ANCASTER
 IN THE
CITY OF HAMILTON

SCALE 1:150 METRIC

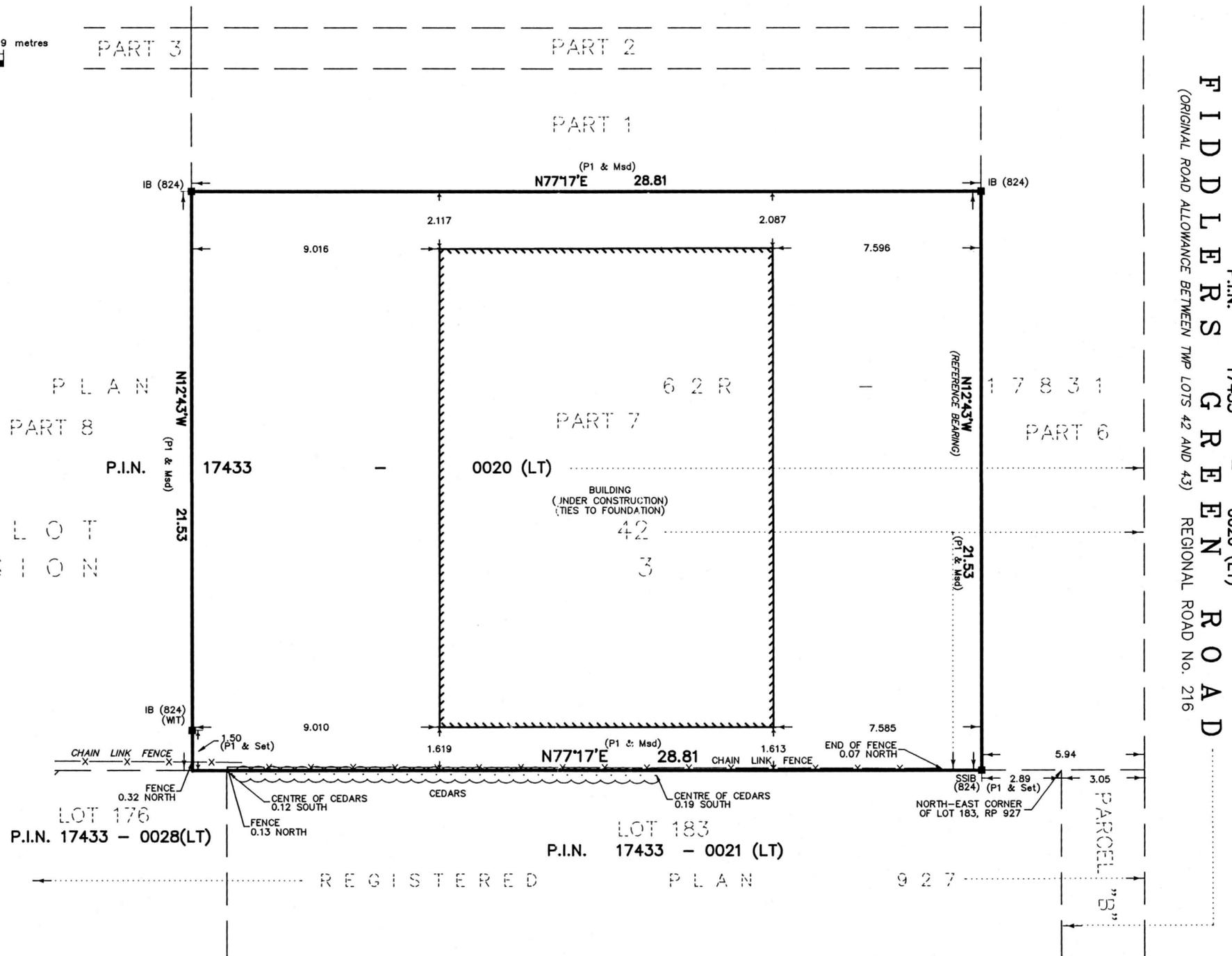


S.D. McLAREN, O.L.S. - 2008

PART 2
 THIS PLAN MUST BE READ IN
 CONJUNCTION WITH SURVEY REPORT
 DATED MAY 12, 2008
 THIS PLAN WAS PREPARED FOR
 KARAF DESIGN & CO



PLAN
 PART 8
 P.I.N. 17433
 LOT
 CONCESSION



**ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 1694438**

THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMBOSSED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR
 in accordance with
 Regulation 1026, Section 29(3).

LEGEND:

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- IB " IRON BAR
- SSIB " STANDARD IRON BAR
- SSIB " SHORT STANDARD IRON BAR
- 824 " A.T. McLAREN, O.L.S.
- 912 " A.J. CLARKE, O.L.S.
- 600 " S.W. WOODS, O.L.S.
- OU " ORIGIN UNKNOWN
- Msd " MEASURED
- P1 " 62R - 17831

METRIC NOTE

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

BEARING NOTE:

BEARINGS ARE ASTRONOMIC AND ARE
 REFERRED TO THE EASTERLY LIMIT OF
 PART 7, PLAN 62R-17831, BEING
 N12°43'W

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 THE 11th DAY OF JANUARY, 2008

MAY 12, 2008
 DATE

S.D. McLaren
 S.D. McLAREN, O.L.S.

© S.D. McLAREN, O.L.S. - 2008. 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, L8N 2B9
 PHONE (905) 527-8559 FAX (905) 527-0032

Drawn BK Checked BRM Scale 1:150 Dwg.No. 32023



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)	LEONEL FERREIRA & JULIE FERREIRA	
Applicant(s)*	LEONEL FERREIRA	
Agent or Solicitor	LEONEL FERREIRA	

* 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 42	Concession 3	Former Township ANCASTER
Registered Plan N°. 927	Lot(s)	Reference Plan N°. 62R17831	Part(s) 1 TO 9
Municipal Address 130 FIDDLERS GREEN ROAD			Assessment Roll N°. 140340028000000

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)
LOT 2 - 6.00m	57.61m	837.84m ²

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) EASEMENTS FOR VEHICULAR/PEDESTRIAN ACCESS
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: NONE

Proposed: DETACHED SINGLE 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)
LOT 1 - 21.53m LOT 3 - 6.00m	LOT 1 - 34.75 LOT 3 - 80.47m	1,860.32m ²

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) LOT 3 - PART DRIVE AISLE
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Proposed Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) EASEMENTS FOR VEHICULAR/PEDESTRIAN ACCESS
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: LOT 1 - DETACHED SINGLE FAMILY DWELLING (TO REMAIN) LOT 3 - ACCESSORY STRUCTURE (SHED) (TO BE REMOVED)

Proposed: LOT 3 - DETACHED SINGLE FAMILY DWELLING; EASEMENTS FOR PEDESTRIAN/VEHICULAR ACCESS

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): NOT 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.

LOCATED WITHIN UPTOWN CORE BOUNDARY OF ANCASTER WILSON STREET SECONDARY PLAN AND IDENTIFIED AS LOW DENSITY RESIDENTIAL 3; CURRENT ZONING (ER WITH SITE-SPECIFIC EXCEMPTIONS ER-565 & ER-566) CONFORMS; NO CHANGE IS PROPOSED

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? ER, ER-565, ER-566

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"/>	ABUTTING COMMERCIAL ZONE C5
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?
PERSONAL KNOWLEDGE, PAST AND PRESENT ZONING, & AERIAL IMAGERY
- 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

PER PREVIOUS APPROVAL "the proposal is consistent with Policy 1.1.1 a), which promotes efficient development patterns, and Policy 1.1.3.3 which speaks to promoting intensification within settlement areas."

THOSE REFERENCES WERE UNCHANGED BETWEEN THE 2005 AND 2020 PPS PUBLICATIONS AND THUS REMAIN VALID

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

PROPERTY IS WITHIN URBAN AREA WITH FULL MUNICIPAL SERVICES AVAILABLE. PROPOSAL TO CREATE INFILL LOTS FOR DETACHED SINGLE FAMILY DWELLINGS IS AN APPROPRIATE FORM OF INTENSIFICATION.

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

PROPOSAL SEEKS TO INTENSIFY UNDER UTILIZED LAND IN KEEPING WITH INTENT OF HOUSING POLICIES

- 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

GROWTH PLAN - SEE ABOVE

- 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.

AN/B-07:67 CONDITIONALLY APPROVED; AN/B-06:55 CONDITIONALLY APPROVED

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

NEW OWNER

- 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?

5 + YEARS

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:

Leonel & Julie Ferreira
130 Fiddlers Green Road
Ancaster ON L9G 1W3

August 23, 2021

By Email Only: cofa@hamilton.ca

City of Hamilton
Planning & Economic Development Department
Committee of Adjustment
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield, Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Consent – Lot Creation
130 Fiddlers Green Road, Ancaster, City of Hamilton

This application represents a renewed interest in a previously (conditionally) approved application (AN/B-07:67, lapsed) and is submitted by the new and current Owners of the subject property.

The property is a rectangular lot having an approximate area of 2698.16 square metres with 33.53 metres of frontage onto Fiddlers Green Road. The property is presently occupied by a detached single family dwelling (located within Lot 1) that is proposed to remain and an accessory structure (shed) (located within Lot 3) that is proposed to be removed.

The proposal (unchanged) aims to create two (2) additional 'L' shaped lots fronting onto Fiddlers Green Road to permit the construction of two (2) additional detached single family dwellings.

The proposed lots will be created by severing the middle Lot (2) (0.0838 ha) and retaining Lots 1 (0.0748 ha) & 3 (0.1112 ha) where easements (private road) provide vehicular/pedestrian access, see Site Sketch and Table below for reference.

Lot	Zone	Part	Description	Current Use	Proposed Use	Area (m ²)	
1	ER	Partial 6	21.53m x 5.94m	Vacant	Road Widening Dedication	127.89	748.17
		7	21.53m x 28.81m	Single Family Dwelling	Same	620.28	
2	ER-565	Partial 6	6m x 5.94m	Vacant/Drive Aisle	Road Widening Dedication	35.64	837.84
		1	4.5m x 28.81m	Vacant/Drive Aisle	Easement in Favour of Lot 1	129.65	
		2	1.5m x 28.81m	Vacant/Drive Aisle	Easement in Favour of Lots 1 & 3	43.22	
		3	1.5m x 22.86m	Vacant	Easement in Favour of Lot 3	34.29	
		8	(21.53m + 4.5m) x 22.86m	Vacant	Single Family Dwelling	595.05	
3	ER-566	Partial 6	6m x 5.94m	Vacant/Drive Aisle	Road Widening Dedication	35.64	1112.16
		4	4.5m x 28.81m	Vacant/Drive Aisle	Easement in Favour of Lots 1 & 2	129.65	
		5	4.5m x 22.86m	Vacant	Easement in Favour of Lot 2	102.87	
		9	(1.5m x (28.81m + 22.86m)) + 33.53m x 22.86m	Accessory Structure	Single Family Dwelling	844.00	
						Total	2698.16

The property is currently **ZONED** ER (bound by Lot 1) with site specific exceptions ER-565 (bound by Lot 2) and ER-566 (bound by Lot 3).

In our view, the subject site remains under utilized; we calculate a current lot coverage of approximately 8 percent.

In keeping with the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan, the proposal will allow modest intensification at an “Uptown Core” site targeted for such.

The resulting **DENSITY** of 3 units / 0.269816 ha = 11 being well below that permissible by the site’s Low Density Residential 3 designation.

Per the Official Plan, **CONSENTS** for new lot creation for both the severed and retained lands shall be permitted provided the following conditions are met:

- a) The lots comply with the Policies of the Plan, including Secondary Plans where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.

We have considered the above criteria and opine that the proposal conforms in all regards.

The property is now subject to **SITE PLAN CONTROL** per By-Law 15-176; in our view, this need not be a condition of Consent.

With respect to **SERVICING**, the lands front onto an open municipal road and will connect to the existing municipal services. We understand that S. Llewellyn & Associates had previously prepared Grading, Site Servicing, Erosion & Sediment Control, and Storm Sewer Extension Plans to satisfy the requirements of the DA-07-125 application. Coincidentally, S. Llewellyn & Associates completed the proposed Storm Sewer Extension (mostly) in December 2020 to facilitate the development of the similarly sized site across the street at 121 Fiddlers Green Road, the future site of five (5) detached single family dwellings (currently under construction). We expect any further storm sewer extension to be minimal, if required, and the subject of Consent Agreements that will be required as Conditions of Approval.

Regarding **ROAD ALLOWANCE WIDENING**, the property to the immediate south (140 Fiddlers Green Road), is set back approximately 3.05m; the property directly across (131 Fiddlers Green Road) appears to have had a road widening dedication of approximately 3.17m as part of its development circa 2007; the property to the immediate north (124 Fiddlers Green Road) has no such allowance. In our view, the proposed 5.94m dedication, representing a 7.38% lot size reduction, is sufficient.

Trusting you will find the enclosed materials complete and suitable for the purpose of processing this application, please contact me immediately should you have any questions or require additional information in support of this submission.

Sincerely,



Leo Ferreira, P. Eng., PMP



Julie Ferreira

Attachments

1. Application for Consent to Sever Land
2. Site Sketch
3. Plan of Survey (April 11, 2007)
4. Surveyor's Real Property Report (May 12, 2008)
5. Certificate of Zoning Verification and Property Report (August 12, 2021)
6. Interactive Zoning Map w 2019 Airphoto (August 20, 2021)



Planning and Economic Development Department
 Building Division
 71 Main Street West, 3rd Floor
 Hamilton, Ontario, L8P 4Y5
 Phone: 905-546-2720 Fax: 905-546-2764
 Email: building@hamilton.ca

Hamilton

CERTIFICATE OF ZONING VERIFICATION AND PROPERTY REPORT

ATTENTION OF: LEONEL FERREIRA

PROPOSED USE: Single Family Dwelling

ADDITIONAL ONLINE PROPOSED USE: Sever into three lots for Single Family Dwellings

ISSUED BY: Joseph Sanseverino

TELEPHONE: (905) 546-2424 ext. 2356

CERTIFICATE NO. 21-142920 01 ZR1

130 FIDDLERS GREEN RD, ANCASTER

ISSUE DATE: AUG 12, 2021

ZONING DISTRICT:

EXISTING RESIDENTIAL (ER-564, ER-565, ER-566) Zone

SECTION 10 & 34 OF ANCASTER ZONING BY-LAW 87-57 AS AMENDED BY 07-209, 18-105

SITE PLAN CONTROL: DA-07-125

COMMITTEE OF ADJUSTMENT: AN/B-06:55, AN/B-07:67

THE PROPOSED USE IS:

SEE COMMENTS

COMMENTS:

Our records indicate that the recognized use is a single detached dwelling which is permitted.

It may be possible to sever the subject lands in accordance with site specific Zoning By-law 07-209 for the purposes of constructing single detached dwellings. However, a successful application to the Committee of Adjustment for is required. For further information, please contact (905) 546-2424 extension 4221.

The construction of a single detached dwelling on the proposed vacant parcels is to Site Plan Control. As such, development or redevelopment may require application to the Development Planning Division. For further information, please contact (905) 546-2424 extension 1355 or email pd.generalinquiry@hamilton.ca.

Tenant improvements, change of use, conversions, renovations, alterations, additions or new buildings are subject to the issuance of a building permit from the Building Division.

No survey submitted showing actual conditions.

PROPERTY REPORT

Building Division records indicate the following:

No outstanding work orders.

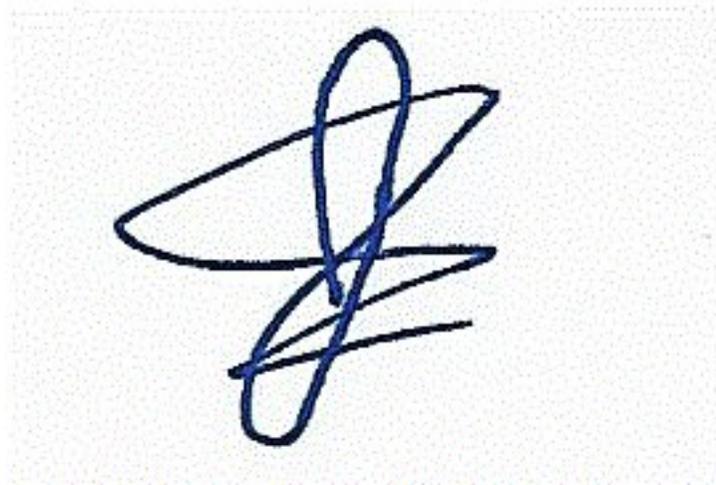


Planning and Economic Development Department
Building Division
71 Main Street West, 3rd Floor
Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2720 Fax: 905-546-2764
Email: building@hamilton.ca

Hamilton

NOTE:
PROPERTY REPORTS PERTAIN TO BUILDING DIVISION FILES ONLY AND RELATE TO ENFORCEMENT PROCEEDINGS COMMENCED BY THIS DIVISION. OTHER DIVISIONS/DEPARTMENTS, INCLUDING BUT NOT LIMITED TO THE PARKING AND BY-LAW ENFORCEMENT DIVISION, FIRE DEPARTMENT, PUBLIC HEALTH SERVICES DEPARTMENT AND PUBLIC WORKS DEPARTMENT MAY HAVE COMMENCED ENFORCEMENT PROCEEDINGS. TO OBTAIN INFORMATION CONCERNING ANY SUCH ENFORCEMENT PROCEEDINGS, YOU MUST CONTACT THOSE DIVISIONS/DEPARTMENTS YOURSELF. ALSO NOTE THAT THIS DOES NOT IMPLY THAT A FIELD INSPECTION HAS BEEN CARRIED OUT.

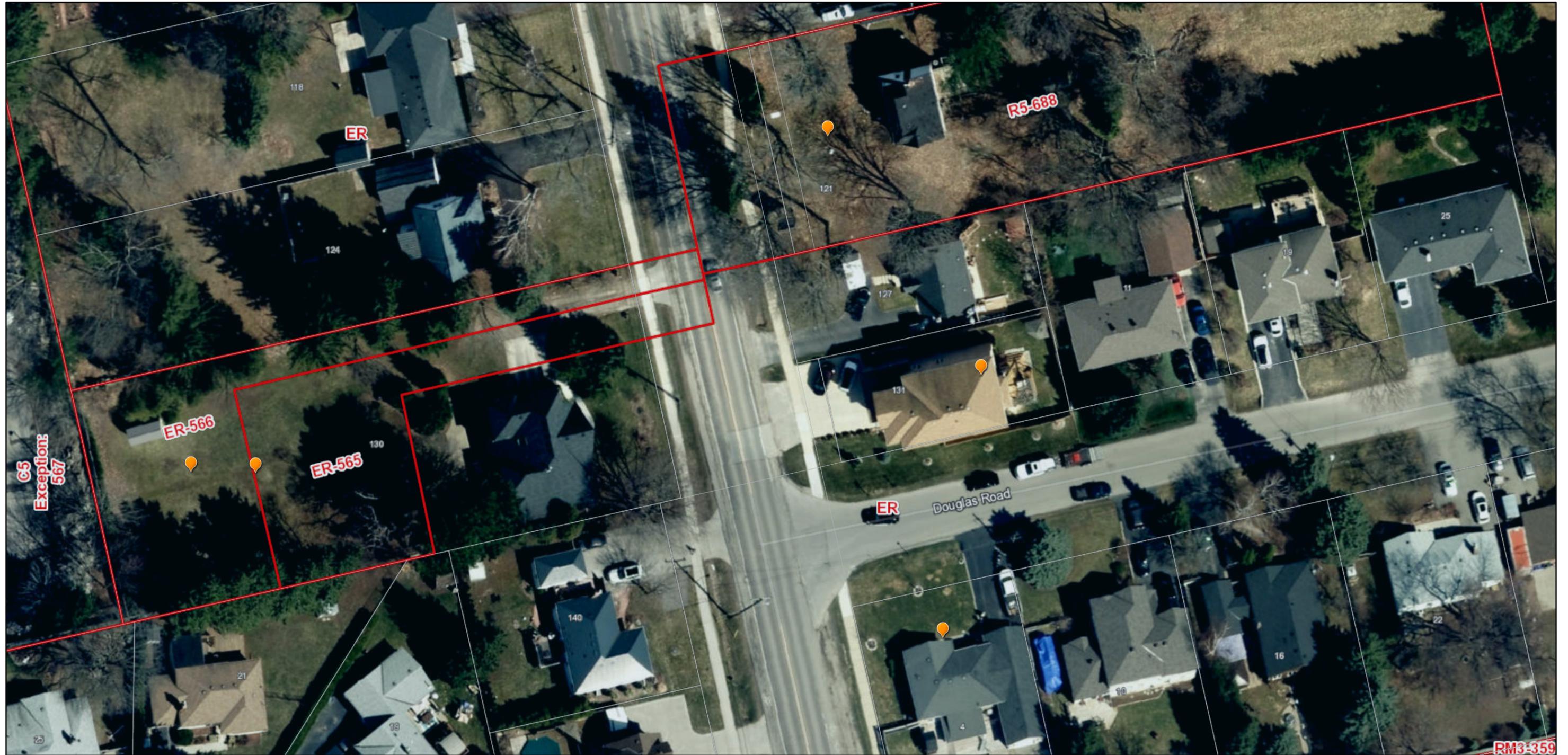
IMPORTANT:
THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS TO THE REQUIREMENTS OF APPLICABLE BY-LAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, OR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE.



FOR DIRECTOR OF BUILDING DIVISION

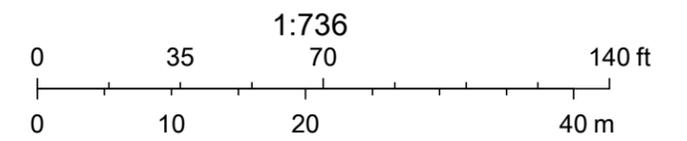
*** THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OF HAMILTON OR ITS OFFICIALS ***

Interactive Zoning



8/20/2021, 7:14:08 AM

-  Committee of Adjustment
-  Ward Boundary
-  Community Boundary
-  City Boundary
-  Urban Boundary
-  Property Parcels
-  Zoning Boundaries
-  Council Approved - Zoning Boundaries
-  Interim Control Bylaw Zone



Maxar, Microsoft, City of Hamilton



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-21:78

SUBJECT PROPERTY: 132 Stone Church Rd. E., 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): Owner Margaret Mulchickyj
 Agent John Stirling

PURPOSE OF APPLICATION: To permit the conveyance of two (2) parcel of land shown as Part 2 & Part 3 on the attached sketch for single family residential purposes and to retain a parcel of land shown as Part 1 on the attached sketch for residential purposes. Existing dwelling to remain.

Severed lands: Part 2
 12.19m[±] x 33.50m[±] and an area of 408.37m^{2±}

Severed lands: Part 3
 12.19m[±] x 33.50m[±] and an area of 408.37m^{2±}

Retained lands: Part 1
 24.38m[±] x 57.16m[±] and an area of 1393.20m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 7th , 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.

HM/B-21: 78
PAGE 2

MORE INFORMATION

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

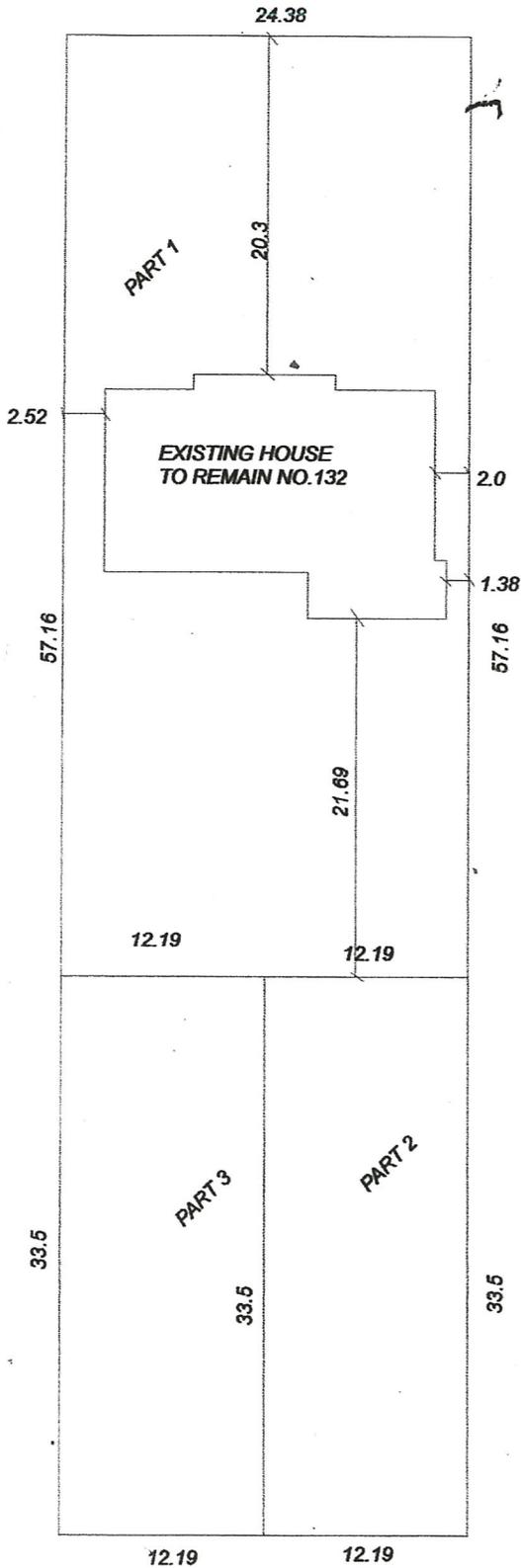
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: September 7th, 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.

STONE CHURCH ROAD EAST



SITE PLAN
132 STONE CHURCH ROAD EAST
HAMILTON, ONTARIO

SCOPE:
TO DIVIDE A SINGLE LOT INTO 3 LOTS

LOT 1) WITH THE ORIGINAL HOUSE WOULD BE 1,393.195

LOT 3) 408.365 SQ. M

CIELO COURT



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)	MAR GARET. KOLCHYCKYJ	[REDACTED]
Applicant(s)*		
Agent or Solicitor	JOHN STIRLING.	

* Owner's author

1.3 All correspondence should be sent to

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality HAMILTON	Lot PART 13	Concession 8	Former Township BARTON
Registered Plan N°.	Lot(s) 6.	Reference Plan N°.	Part(s)
Municipal Address 132 270 NE CHURCH RD. E.			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 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: _____

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)
12.19	33.5	408.365

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 SINGLE FAMILY DWELLING

Proposed: NEW LOT FOR SINGLE 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)
24.38	57.16	1393.185

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: 1 SINGLE FAMILY DWELLING
 Proposed: 1 NEW SINGLE 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): R AGRICULTURAL

Urban Hamilton Official Plan designation (if applicable) _____

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

OFFICIAL

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? R

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"/>	<u>No</u>
A land fill	<input type="checkbox"/>	<u>No</u>
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	<u>No</u>
A provincially significant wetland	<input type="checkbox"/>	<u>No</u>

A provincially significant wetland within 120 metres	<input type="checkbox"/>	No
A flood plain	<input type="checkbox"/>	No
An industrial or commercial use, and specify the use(s)	<input checked="" type="checkbox"/>	Commercial
An active railway line	<input type="checkbox"/>	No
A municipal or federal airport	<input type="checkbox"/>	No

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?
ARCHIVES
- 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

NO FIL DEVELOPMENT
HIGHER DENSITY

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

2020 1.4.3 (b) (2) RESIDENTIAL IN TENTATIVE

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

GROWTH WITHIN EXISTING 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?

1970's

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: _____

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.

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.

f July 16/21
Date

Margaret Kalchaykyj
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.

x I, MARGARET K Kulechyskyj 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.

y July 16/21
Date

Margaret Kulechyskyj
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.



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-21:79

SUBJECT PROPERTY: 727 Rymal Rd. E., 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): Owners M. Khera & P. Saini
 Agnet GSP c/o Joseph Liberatore

PURPOSE OF APPLICATION: To permit the creation of three (3) lots to allow for the future construction of single detached residential dwelling uses.

Severed lands: Severed Lot 1
 14.12m[±] x 27.45m[±] and an area of 365.63m^{2±}

Retained lands: Retained Lot 2
 27.34m[±] x 49.82m[±] and an area of 1,363.14m^{2±}

Retained lands: Retained Lot 1
 12.57m[±] x 27.45m[±] and an area of 368.24m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 7th , 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.

HM/B-21:79
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: September 21st, 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.



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)	Manpreet Khara, Harkamal Saini and Parvinder Saini	
Applicant(s)*	GSP Group Inc. c/o Joseph M. Liberatore	
Agent or Solicitor		

* Owner's auth

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 PT of LT 8	Concession Concession 8	Former Township Barton
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 727 Rymal Road East			Assessment Roll N°. 251807074108180

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

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: Unknown

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) ±27.34m	Depth (m) ±79.55m	Area (m ² or ha) ±2,097.28m ²
-------------------------	----------------------	--

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): 1 storey single detached dwelling

Existing: _____

Proposed: 2 storey single detached 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) ±27.34m ±12.57m	Depth (m) ±49.82m ±27.45m	Area (m ² or ha) ±1,363.14m ² ±368.24m ²
--------------------------------------	-----------------------------------	--

Existing Use of Property to be retained:

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

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"/>	Located ±100m west of the Subject Site
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) Historic Road Allowance for Eleanor Avenue

- 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?
Owner's Knowledge, Historical Aerial Imagery
- 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 Refer to Planning Justification Brief.

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

Refer to Planning Justification Brief.

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

Refer to Planning Justification Brief.

- 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?
 1 year

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 N/A

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:

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.

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 an 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.

08/20/2021 08/19/2021 08/19/2021

 Date

Authentisign Authentisign Authentisign

 08/20/2021 10:00:19 AM EDT 08/19/2021 4:30:28 PM EDT 08/19/2021 4:18:17 PM EDT
 Signature of Owner

Planning Justification Brief

727 RYMAL ROAD EAST CITY OF HAMILTON

Application for Consent

August 2021

Prepared for:

Manpreet Khera,
Harkamal Saini and
Parvinder Saini
5 Jardine Street
Brampton ON L6P 3L3

Prepared by:

GSP Group Inc.
162 Locke Street South, Suite 200
Hamilton ON L8P 4A9



Table of Contents

1.	INTRODUCTION	1
2.	PROPOSED SEVERANCE	2
3.	PROVINCIAL PLANNING POLICIES	3
4.	URBAN HAMILTON OFFICIAL PLAN POLICIES	5
5.	RECOMMENDATIONS	9

List of Figures

Figure 1:	Site Location	1
Figure 2:	Urban Hamilton Official Plan - Urban Structure Schedule E	5
Figure 3:	Urban Hamilton Official Plan - Urban Land Use Designations Schedule E-1	5

1. INTRODUCTION

Background

Manpreet Khera, Harkamal Saini and Parvinder Saini own the property known as 727 Rymal Road East, referred to herein as the “Site/Subject Lands”.

The Site is located on the Hamilton Mountain, within Ward 6, generally north of Rymal Road East, east of Upper Sherman Avenue, south of Stone Church Road East and west of Upper Gage Avenue. More specifically, the Site is located southwest of Eleanor Avenue and north of north of Rymal Road East. The location of the Subject Lands is shown in **Figure 1**.

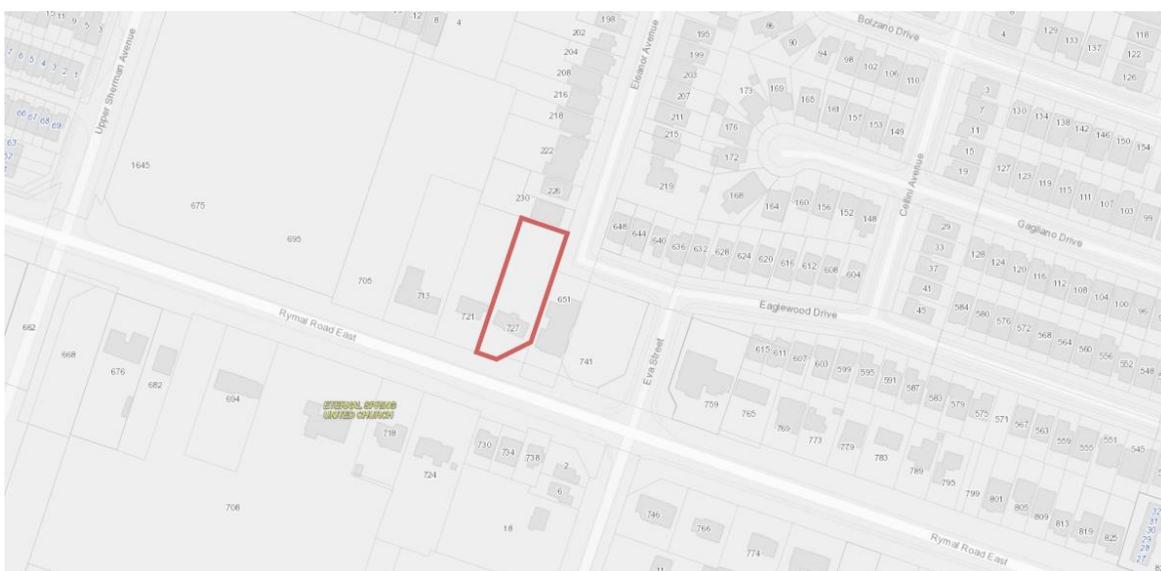


Figure 1: Site Location (Source: City of Hamilton Interactive Mapping)

The Site has an area of $\pm 2,097.3\text{m}^2$ and frontage of $\pm 27.34\text{m}$ along Rymal Road East. The Site is a lot located on the north side of Rymal Road East, approximately 200m from Upper Sherman Avenue. The Site directly abuts a former road allowance for Eleanor Avenue, which was closed in 1993 and proportionately sold to the Hamilton YWCA Non-Profit Housing Corporation in 2006, which is now municipally known as 651 Eaglewood Drive.

The Owners have applied to sever a portion of the Site in the middle of the property, shown as Severed Lot 1 on the Consent Sketch. This severance results in the creation of 3 lots, two will have frontage toward Eleanor Avenue and 1 will maintain frontage on Rymal Road East. Accordingly, this daylighting triangle is no longer associated with any currently existing intersection.

2. PROPOSED SEVERANCE

The Owners propose to sever a central portion of Site which will effectively create 3 lots. 2 of the lots proposed Retained Lot 1 and Severed Lot 1 are presently located in the existing rear yard of the single detached dwelling on the Site. These 2 new lots are intended to be used for future single detached dwellings that will have direct access onto Eleanor Drive. Retained Lot 2 is not intended to undergo any alteration as part of this application.

The existing driveway on the south side of the existing dwelling will be maintained with no additional accesses proposed along Rymal Road East. The two new lots along Eleanor Avenue will require two new curb cut accesses for each of the dwellings' respective driveways. All lots are proposed to feature front yard, rear yard and side yards that are compliant with the zoning by-law as is prevailing on many single detached residential dwelling units in the surrounding area. As such, no minor variances are required to facilitate this new lotting pattern.

Zoning By-law 6593, as discussed in more detail in the following section of this report, that each lot have a minimum width of 12.0 metres and a minimum area of 360 square metres, as per the applicable "C" District.

3. PROVINCIAL PLANNING POLICIES

This section provides a review of the relevant policies of the Provincial Policy Statement 2020 (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020.

Provincial Policy Statement, 2020

The consent application is consistent with Policy 1.1.3.1 of the PPS, which states that settlement areas shall be the focus of growth and development. The Site is in Hamilton's Urban Boundary and Designated Greenfield Area as identified on *Appendix G—Boundaries Map* of the Urban Hamilton Official Plan (UHOP).

Further, the consent application is consistent with the PPS as it will:

- result in more efficient development and land use patterns (Policy 1.1.1.a);
- promote cost-effective development patterns and minimize land consumption and servicing costs (Policy 1.1.1.e);
- make land available through intensification within a settlement area (Policy 1.1.2);
- efficiently use land and resources within a settlement area (Policy 1.1.3.2.a.1);
- efficiently use the infrastructure and public service facilities in the area (Policy 1.1.3.2.a.2);
- provide an opportunity for intensification where it can be accommodated considering the availability of existing infrastructure and public service facilities (Policy 1.1.3.3);
- facilitate intensification in a compact form while avoiding risks to public health and safety (Policy 1.1.3.4);
- promote the efficient use and optimization of existing municipal water and sanitary services (Policy 1.6.6.1.a.1); and

Based upon a review of the 2020 PPS, the application for consent facilitates the construction of a new single-detached dwelling on an infill basis and is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)

Section 2 of the Growth Plan, Where and How to Grow states: “To support the achievement of complete communities, this Plan establishes minimum intensification and density targets that recognize the diversity of communities across the GGH.” The Growth Plan also states:

Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including

urban growth centres and major transit station areas, as well as brownfield sites and greyfields. (Words and phrases in italics are defined in the Growth Plan)

Intensification is defined in the Growth Plan as “*The development of a property, site or area at a higher density than currently exists through:*

- a) redevelopment, including the reuse of brownfield sites;*
- b) the development of vacant and/or underutilized lots within previously developed areas;*
- c) infill development; and*
- d) the expansion or conversion of existing buildings.”*

Although located in a Designated Greenfield Area, the Site is fully serviced, is completely surrounded by urban development, has access to existing transit and is along a future Potential Rapid Transit Corridor (Rymal Road East).

The Growth Plan also states: “*Compact built form and intensification efforts go together with more effective transit and active transportation networks and are fundamental to where and how we grow.*” The Growth Plan supports intensification and optimizing the use of existing urban land. The Growth Plan directs municipalities to develop an intensification strategy that encourages intensification within the settlement area.

Section 2.2.1 - Managing Growth of the Growth Plan states that the 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.*

The Site is located within Hamilton’s Urban Boundary and has access to existing municipal water and wastewater services. Policy 2.2.1.2.c) iv of the Growth Plan states that within settlement areas, growth will be focused in “areas with existing or planned public service facilities”. The area surrounding the Site contains several public service facilities, including parks, schools, and service commercial uses.

As such, the proposed consent application results in an efficient use of land in the built boundary of the City and utilizes an underutilized lot by proposing to create additional lots that will increase the existing density of the Site, while respecting the surrounding single detached built form in proximity to the Site.

4. URBAN HAMILTON OFFICIAL PLAN POLICIES

Volume 1, Section F.1.14.3.1 titled Lot Creation – Urban Area of the Urban Hamilton Official Plan (UHOP) contains six (6) conditions [a) through f)] that must be met for consents. Each condition/policy is stated below followed by a response. The response to Condition a) is lengthy as it addresses the applicable policies related in infill lots and intensification.

- a) **The lots comply with the policies of this Plan, including secondary plans, where one exists.**

The Site is identified within the “Secondary Corridors” Urban Structure element, as shown on Schedule E – Urban Structure of the UHOP and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of UHOP.

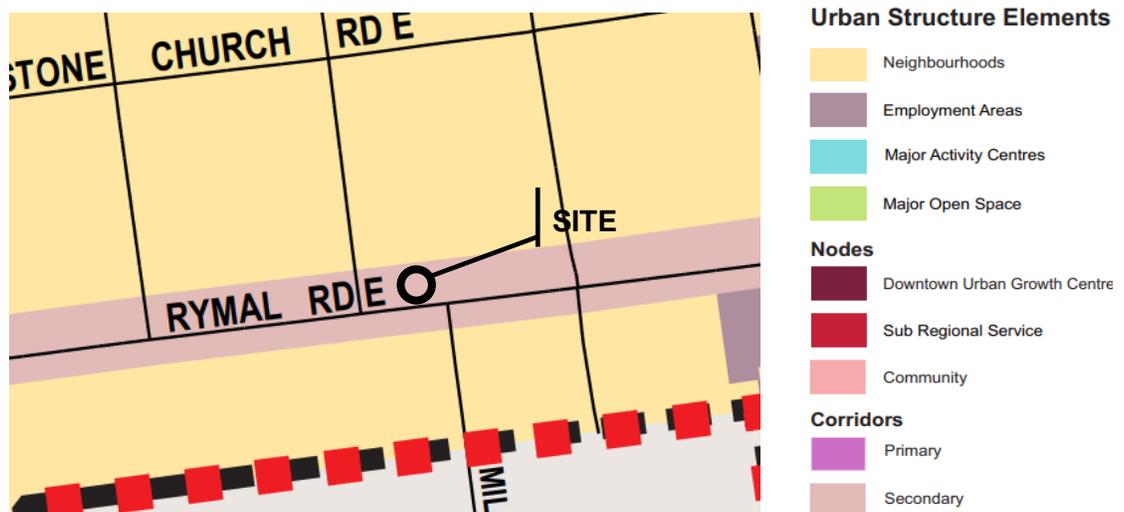


Figure 2: Urban Hamilton Official Plan - Urban Structure Schedule E (Source: UHOP Volume 1, 2020)

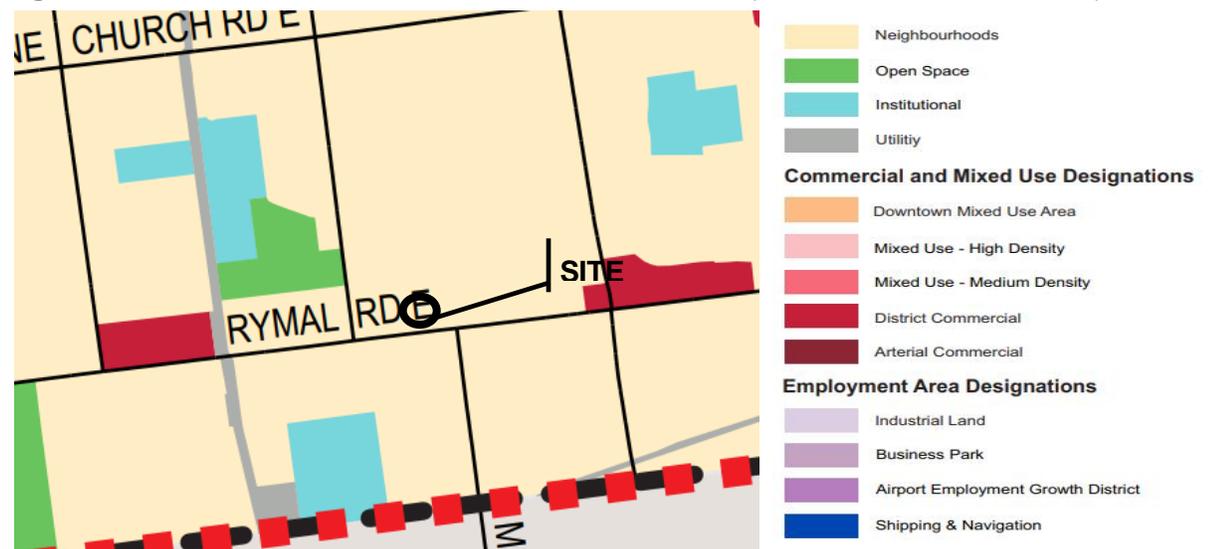


Figure 3: Urban Hamilton Official Plan - Urban Land Use Designations Schedule E-1 (Source: UHOP Volume 1, 2020)

The creation of an enlarged lot for construction is infill in an established neighbourhood as well as intensification. In this regard, new lots must comply with the UHOP policies found in Chapter B – Communities, specifically Section B.2.4 – Residential Intensification and Chapter E – Urban Systems and Designations, specifically Section E.3.0 – Neighbourhoods Designation.

Section E.3.2.13 of the UHOP states:

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

Section B.2.4

The preamble within Section B.2.4 states:

Residential intensification is a key component of Hamilton’s growth strategy and is essential to meet our growth and employment targets. Intensification ensures land, urban services and the transportation network are used more efficiently and sufficient population is maintained to support existing community facilities. Successfully accommodating more residents within the existing built-up area reduces the need for development of greenfield lands and urban boundary expansions.

General Residential Intensification Policies in Section 2.4.1 state:

2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

Section 2.4.1.3 c) states: “40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.”

The Subject Lands are within the Urban Boundary of the City and 40% of all expected intensification has been allocated to Neighbourhoods.

Section 2.4.2 is titled Residential Intensification in the Neighbourhoods Designation and Section 2.4.2.2 lists the matters to be evaluated when considering an application for residential intensification:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.

Generally, the matters listed in Section/Policy B.2.4.1.4 include the statement that intensification must build upon the established patterns and built form while also achieving a range of dwelling types and tenures. The use, scale, form, and character of intensification must be compatible with the area and the City encourages innovative and creative urban design techniques to implement intensification. There must also be sufficient infrastructure and transportation capacity for the intensification, and it must comply with all applicable policies.

The intensification proposed is for the creation of 3 lots to allow for the construction 2 new single detached dwellings. The existing lot is over sized for only 1 existing single detached dwelling, with a total depth of 79.55m and two frontages (one is along Rymal Road, the other along Eleanor Avenue). The by-law allows for 1 single detached dwelling per 360m² of lot area. With an existing lot area of 2,097.3m² for one existing dwelling, the land consumption is 580% larger than otherwise permitted in the by-law which is a highly in-efficient use of land within an urban area with access to transit, schools and commercial destinations, as well as full municipal servicing.

The scale of the proposed intensification will not create nuisance effects or compatibility issues pertaining to shadowing, overlook, noise, lighting, or traffic.

The new lots proposed will be fully compliant in width and area with the requirements of the applicable "C" District Zone, similarly to many single detached residential lots that surround the Site.

In our opinion, the proposed redistribution of land through the severance meets the policies within both Section B.2.4.1.4 and B.2.4.2.2 of the UHOP, thereby satisfying Section F.1.14.3.1 a) of the UHOP. In our opinion, the application for consents meets all the applicable policies in the UHOP.

The remaining lot creation policies in Section F.1.14.3.1 are quoted below in bold and include:

b) The lots comply with existing Neighbourhood Plans;

The Subject Lands are identified as Single and Double in the Neighbourhood Plan.

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

As mentioned above, the lot size requirements in the applicable “C” District zone under By-law 6593 requires a minimum lot width of 12m and a minimum lot area of 360m². The lot sizes that will be created as a result of this severance are as follows:

	Severed Lot 1	Retained Lot 1	Retained Lot 2
Required Lot Width	12m	12m	12m
Provided Lot Width	14.12m	12.57m	27.34m
Lot Width Compliance	Complies	Complies	Complies
Required Lot Area	360m ²	360m ²	360m ²
Provided Lot Area	365.63m ²	368.24m ²	1,363.41m ²
Lot Area Compliance	Complies	Complies	Complies

It is noted that as per the definition for the measurement of lot width in By-law 6593, the lot width is to be measured 9m from the front lot line which has been shown on the Consent Sketch.

Accordingly, the proposed lot configuration complies with the requirements of the Zoning By-law as noted above.

d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

The scale of the area is generally composed of 2 storey single detached dwellings that contain an assortment of setbacks approximately 6m from the front lot lines. The scale of the lots are similarly sized as those permitted in the by-law, which is comparable to the sizes of lots being proposed herein which will front Eleanor Avenue. Additionally, this will provide a continuation of a lotting pattern established along the street that are oriented with the access being along the east elevation. The character of the area is

composed primarily of single detached dwellings on approximately 12m wide lots. The proposed lotting pattern is compatible with the size of lots that presently composed much of the broader neighbourhood.

Overall, it is our conclusion that the new lots do reflect the general development pattern in the area. The new dwellings will be set back a similar distance from the front lot line as other dwellings along the street, and the building height and lot coverage will be similar to the existing dwellings.

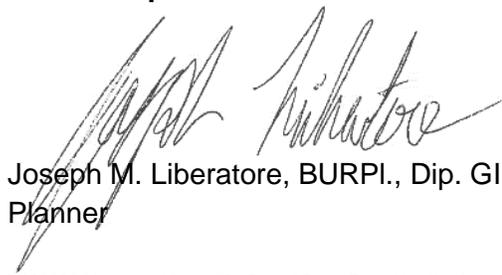
- e) **The lots are fully serviced by municipal water and wastewater systems; and,**
Servicing exists adjacent to the Site, individual connections will be sought through detailed design following conditional approval of this Consent Application.
- f) **The lots have frontage on a public road.**
The lots have frontage on a public road (Rymal Road East and Eleanor Avenue) and the new lots can be fully serviced with municipal water and wastewater.

Based on the foregoing, the proposed lot creation meets policies a) through f) of Section F.1.14.3.1 of the UHOP (urban lot creation policies).

5. RECOMMENDATIONS

The severance application satisfies the City's conditions/policies in the UHOP regarding the creation of new lots in the urban area. Approval of the proposed consent to sever will facilitate infill/intensification and maintain the general intent and purpose of the UHOP and Zoning By-law 6593. The application is desirable for the appropriate use of the underutilized lot and the impact on the surrounding area will be minimal and considered minor in nature. Based on the review and analysis of various land use planning policies, in our opinion, the severance application has regard for the matters under Section 51 (24) of the *Planning Act*, represents good planning and should be approved.

Respectfully submitted,
GSP Group Inc.



Joseph M. Liberatore, BURPI., Dip. GIS & Pl.
Planner

P:\21161-Manpreet Khara-727 Rymal Road East, Hamilton\reports\PJR_August 27_2021.docx



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-21:80

SUBJECT PROPERTY: 182 West 2nd St., 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): Owner H. Singh Randhawa
 Agent Nick DeFilippis

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for a two-storey single family dwelling and to retain a parcel for two-storey single family dwelling. Existing single family dwelling to be demolished.

To be heard in conjunction with HM/A-21:331

Severed lands:
 7.60m[±] x 48.20m[±] and an area of 366.30m^{2±}

Retained lands:
 7.60m[±] x 48.20m[±] and an area of 366.30m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 7th , 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.

HM/B-21:80
PAGE 2

MORE INFORMATION

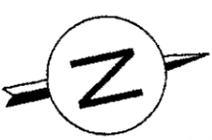
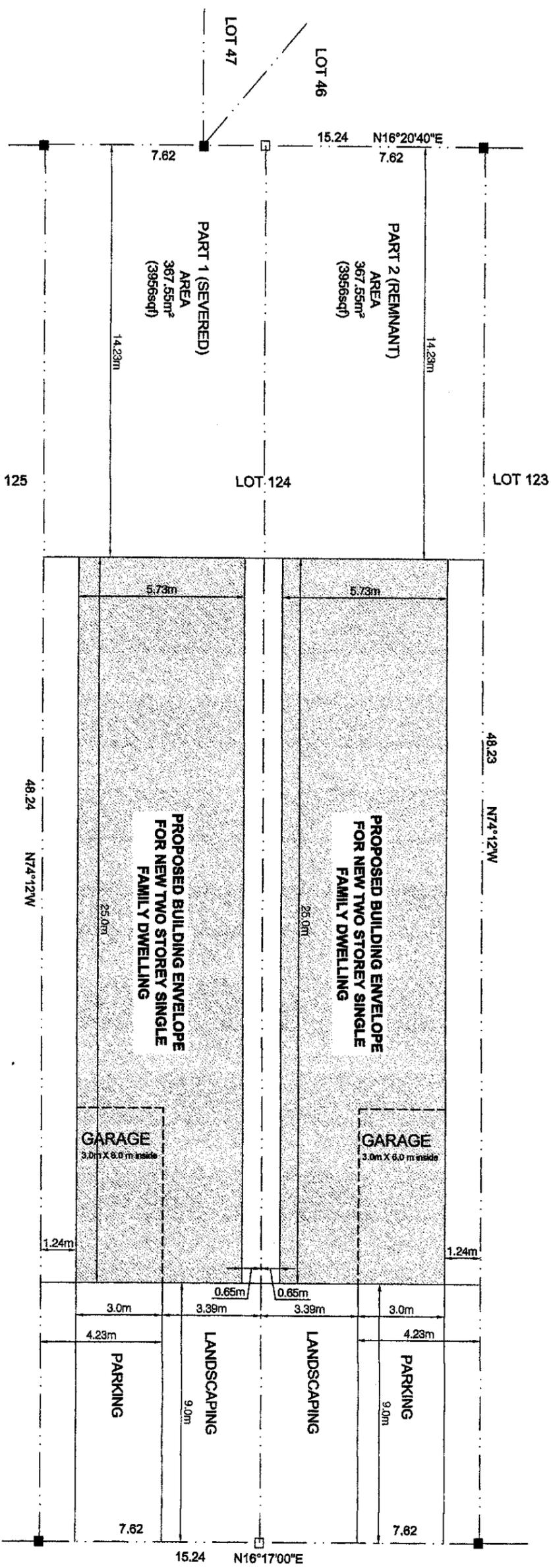
For more information on this matter, including access to drawings illustrating this request:

- 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: September 21st , 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.



WEST 2nd STREET

SITE STATISTICS

TOTAL EXISTING LOT AREA	7912 sqft (735.1 m ²)
PART 1 (SEVERED LAND)	
PROPOSED DWELLING	3956 sqft (367.55 m ²)
FRONT YARD	1542 sqft (143.25 m ²)
FRONT YARD LANDSCAPING	738 sqft (68.58 m ²)
	328 sqft (30.51 m ²)
	44.48%
PART 2 (REMNANT LAND)	
PROPOSED DWELLING	3956 sqft (367.55 m ²)
FRONT YARD	1542 sqft (143.25 m ²)
FRONT YARD LANDSCAPING	738 sqft (68.58 m ²)
	328 sqft (30.51 m ²)
	44.48%

3		
2		
1	DATE	MAY, 2021
	REV.	
	JOB NO.	
	CHKD BY	
	DRN. BY	
	DATE	JUNE, 2021
	SCALE	N.T.S.
	DWG NO.	SP-1

DE FILIPPIS DESIGN
 687 BARTON STREET, SUITE 201
 STONEY CREEK, ONTARIO L9E 5L6
 (905) 643-2250 FAX (905) 643-1055

HARNEK SINGH
 182 WEST 2nd STREET
 HAMILTON, ONTARIO

SITE PLAN

This drawing is the property of DE FILIPPIS DESIGN and is not to be copied, reproduced or used without the express written consent of the designer.



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)	HARNEL SINGH RINDHAWA	[REDACTED]
Applicant(s)*	SAME AS	
Agent or Solicitor	DEFILIPPIS DESIGN	

* Owner's author

1.3 All correspondence should be sent to

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
HAMILTON			
Registered Plan N°	Lot(s)	Reference Plan N°	Part(s)
279	124 (BLOCK 6)		
Municipal Address	Assessment Roll N°		
182 WEST 2 ND ST, HAMILTON.			

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

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: PENDING

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: PART 1

Frontage (m) <u>7.6</u>	Depth (m) <u>48.2</u>	Area (m ² or ha) <u>366.3 sqm</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: SFD TO BE DEMOLISHED

Proposed: SINGLE FAMILY TWO STOREY

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: PART 2

Frontage (m) <u>7.6</u>	Depth (m) <u>48.2</u>	Area (m ² or ha) <u>366.3 sqm</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
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: SFD TO BE DEMOLISHED

Proposed: SINGLE FAMILY TWO STOREY

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) _____

4.3 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): NA

Urban Hamilton Official Plan designation (if applicable): URBAN SETTLEMENT

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

INTENSIFICATION WITHIN EXISTING URBAN FABRIC

5.2 What is the existing zoning of the subject land? C-RESIDENTIAL
 If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? _____

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 N/A
- 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?
SINGLE FAMILY USE IN EXCESS OF 60 years
- 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

INTENSIFY WITHIN ESTABLISHED EXISTING URBAN AREA, UTILIZING EXISTING INFRA STRUCTURE.

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

INTENSIFY EXISTING URBAN AREA

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

INTENSIFY EXISTING URBAN AREA

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.
No

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? since 2017

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.

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.

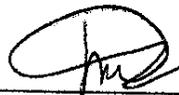
13 ACKNOWLEDGEMENT CLAUSE

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.

Date

AUGUST 15/2021

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.: HM/A-21:331

APPLICANTS: Agent Nick DeFilippis
 Owner H. Singh Randahawa

SUBJECT PROPERTY: Municipal address **182 West 2nd St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 87-09

ZONING: "C" (Urban Protected Residential, etc.) district

PROPOSAL: To facilitate the creation of two (2) lots in conjunction with Severance Application HM/B-21:80, and the construction of two single family dwellings, notwithstanding that:

1. A minimum northerly side yard width of 0.65 metres shall be provided for the portion of the lands to be severed, and a minimum southerly side yard width of 0.65 metres shall be provided for the portion of the lands to be retained, instead of the minimum required side yard width of 1.2 metres.
2. A minimum lot width of 7.62 metres shall be provided for the portion of the lands to be severed and the portion of the lands to be retained, instead of the minimum required lot width of 12.0 metres.
3. A minimum lot area of 367.55 square metres shall be provided for the portion of the lands to be severed and the portion of the lands to be retained, instead of the minimum required lot area of 360.0 square metres.
4. The front yard landscaped area shall be a minimum of 44 percent of the gross area of the front yard instead of the minimum 50.0 percent of the gross area of the front yard required.

NOTE:

1. Please note this application is to be heard in conjunction with Severance Application HM/B-21:80.
2. The submitted application indicates the proposed single family dwellings are to be storey storey's. Please note that detailed elevation drawings have not been provided to confirm the height of the proposed single family dwellings. As per Section 9(2), no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres in height. Additional variances may be required if compliance with Section 9(2) is not possible.

HM/A-21:331

Page 2

3. Specific details regarding parking space(s) on each lot have not been provided to confirm zoning compliance. From the materials provided, it appears a minimum of two (2) parking spaces can be accommodated on each lot. Please note that additional variances may be required if compliance with Section 18A is not possible.
4. Please note that as per Section 18A(1)(a), for a single family dwelling a minimum of two (2) parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit are required, plus 0.5 parking spaces for each additional habitable room. Detailed floor plans have not been provided to confirm the total number of required parking spaces. From the materials provided, it appears a minimum of two (2) parking spaces can be accommodated on each lot. Please note that additional variances may be required if compliance with Section 18A is not possible.
5. Specific details regarding proposed yard encroachments and other supplementary requirements as established by Section 18, were not included as part of this application. Further variances may be required if compliance with Section 18 cannot be achieved.
6. Construction of the proposed development 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, October 7th, 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

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

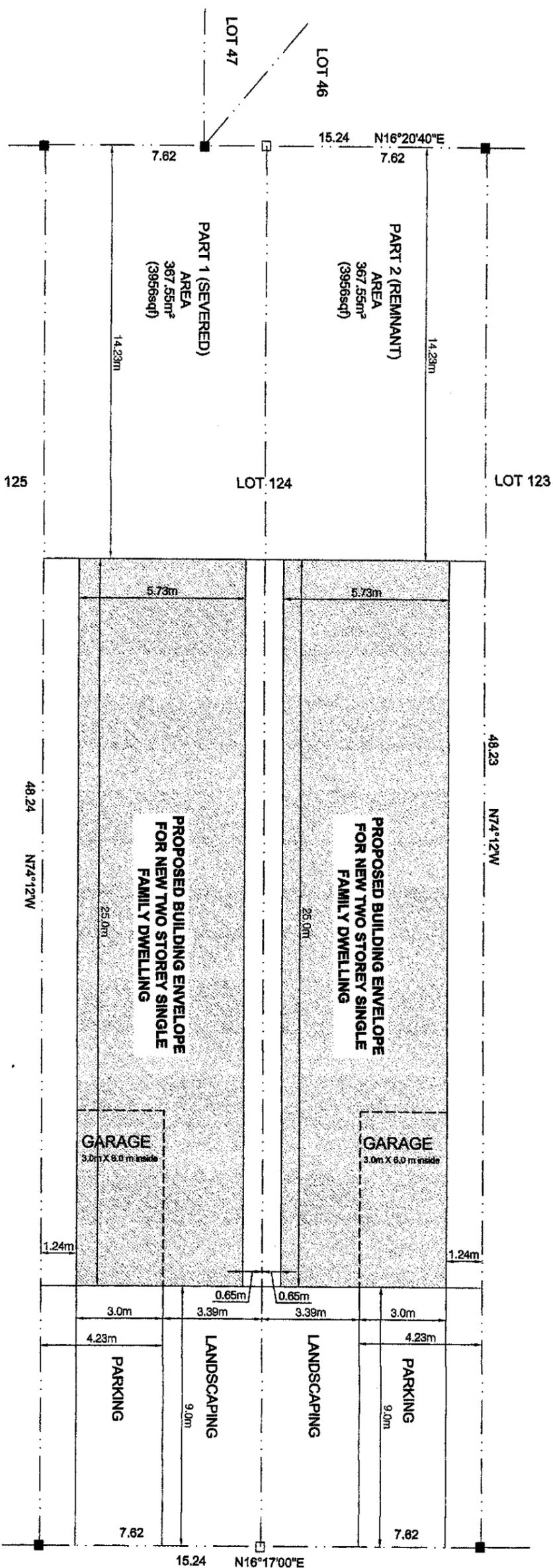
For more information on this matter, including access to drawings illustrating this request:

- 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: September 21st, 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.



WEST 2nd STREET

SITE STATISTICS

TOTAL EXISTING LOT AREA	7912 sqf	(735.1 m ²)
PART 1 (SEVERED LAND)	3956 sqf	(367.55 m ²)
PROPOSED DWELLING	1542 sqf	(143.25 m ²)
FRONT YARD	738 sqf	(68.58 m ²)
FRONT YARD LANDSCAPING	328 sqf	(30.51 m ²)
44.48%		
PART 2 (REMNANT LAND)	3956 sqf	(367.55 m ²)
PROPOSED DWELLING	1542 sqf	(143.25 m ²)
FRONT YARD	738 sqf	(68.58 m ²)
FRONT YARD LANDSCAPING	328 sqf	(30.51 m ²)
44.48%		

3		
2		
1	MAVY, 2021	
REV.	DATE	
JOB NO.		
CHKD BY		
DRN. BY		
DATE	JUNE, 2021	
SCALE	N.T.S.	
DWG NO.	SP-1	

HARNEK SINGH
182 WEST 2nd STREET
HAMILTON, ONTARIO

DEFILIPPIS DESIGN
697 BARTON STREET, SUITE 201
STONEY CREEK, ONTARIO L9E 5L6
(905) 643-2250 FAX (905) 643-1055

SITE PLAN

This drawing is the property of DEFILIPPIS DESIGN and is not to be copied, reproduced or used without the express written consent of the designer.



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

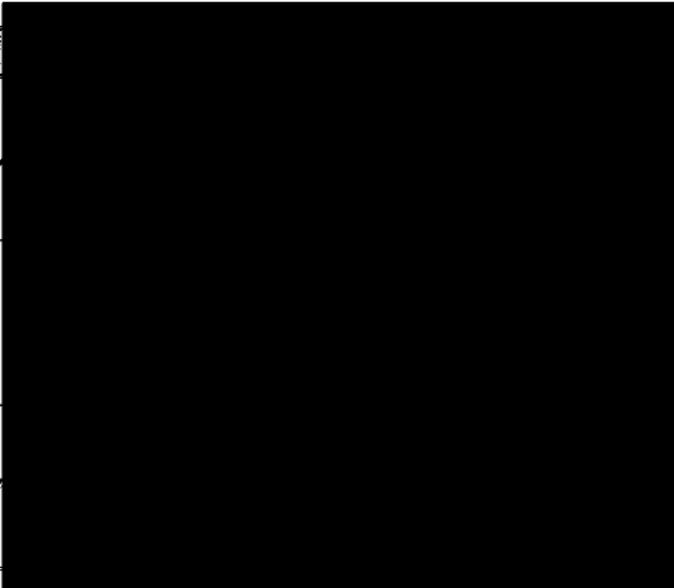
FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

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
Registered Owners(s)	HARNEK SINGH BANSAL
Applicant(s)*	SAME
Agent or Solicitor	DEFILIAPIS DESIGN



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:

PART 1 NORTH SIDE YARD OF 0.65m instead of 1.2m
 PART 2 SOUTH SIDE YARD OF 0.65 instead of 1.2m
 PARTS 1 & 2 LOT FRONTAGE OF 7.6m instead of 12.0m

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

MAINTAINS MIN LOT AREA, ALLOWS FOR ADEQUATE DRAINAGE AND MAINTENANCE BTW BLDGS, MAINTAINS SINGLE FAMILY CHARACTER AND CONFORMS WITH EXISTING URBAN STREETSCAPE

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):

182 West 2nd St. Hamilton.
 Lot 124, Reg Plan 279

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?

SINGLE FAMILY USE ON PROPERTY IN EXCESS OF 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.

AUG 15/2021
Date

[Signature]
Signature Property Owner
HARNEER SINGH RANDHAWA
Print Name of Owner

10. Dimensions of lands affected: *(INDIVIDUAL PLOTS)*

Frontage *7.6 m*
Depth *48.2 m*
Area *366 sq m ±*
Width of street *20 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: *SINGLE FAMILY TO BE DEMOLISHED*

Proposed: *TWO STOREY SINGLE FAMILY DWELLING (SEE SITE SKETCH)*

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

Existing: *SINGLE FAMILY TO BE DEMOLISHED*

Proposed: *TWO STOREY SFD SEE SITE SKETCH.*

13. Date of acquisition of subject lands: 2017

14. Date of construction of all buildings and structures on subject lands: FALL 2021

15. Existing uses of the subject property: SINGLE FAMILY

16. Existing uses of abutting properties: SINGLE FAMILY

17. Length of time the existing uses of the subject property have continued: 60 years plus

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: URBAN SETTLEMENT

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land: C - 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: CONCURRENT

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-21:250

APPLICANTS: Agent Matthew Ribau
 Owner Chad Lyder

SUBJECT PROPERTY: Municipal address **9 Lister Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 21-076

ZONING: "B" (Suburban Agriculture and Residential and etc.) district

PROPOSAL: To permit the construction of a 7.95m x 11.07m easterly one (1) storey rear addition; a northerly 6.5m x 13.62m one (1) storey side addition which will attach the existing one storey 6.10m (20'0") x 7.24m (23'9") accessory building (labelled as the "casita") onto the dwelling; a southerly open stairway and a front porch onto an existing single family dwelling and to establish a Secondary Dwelling Unit within an existing Single Family Dwelling notwithstanding that:

1. A minimum front yard depth of 7.0m shall be provided instead of the minimum required front yard depth of 12.0m.
2. A minimum southerly side yard width of 2.0m shall be provided instead of the minimum required side yard width of 3.0m.
3. An open stairway/fire escape shall be permitted to project into the minimum required southerly side yard a maximum of 1.1m so that the open stairway/fire escape shall be as close as 0.9m to the southerly side lot line instead of the requirement that an open fire escape or open stairway may project into a required side yard not more than one-third of its width (being 0.66m).
4. A minimum of 45% of the gross area of the front yard shall be provided as landscaped area instead of the requirement that 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.
5. The parking area shall be permitted to occupy a maximum of 55% of the gross area of the front yard instead of the requirement that the area for parking shall not occupy more than 50% of the gross area of the front yard.

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

.../2

HM/A-21:250
Page 2

DATE: Thursday, October 7th, 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.

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

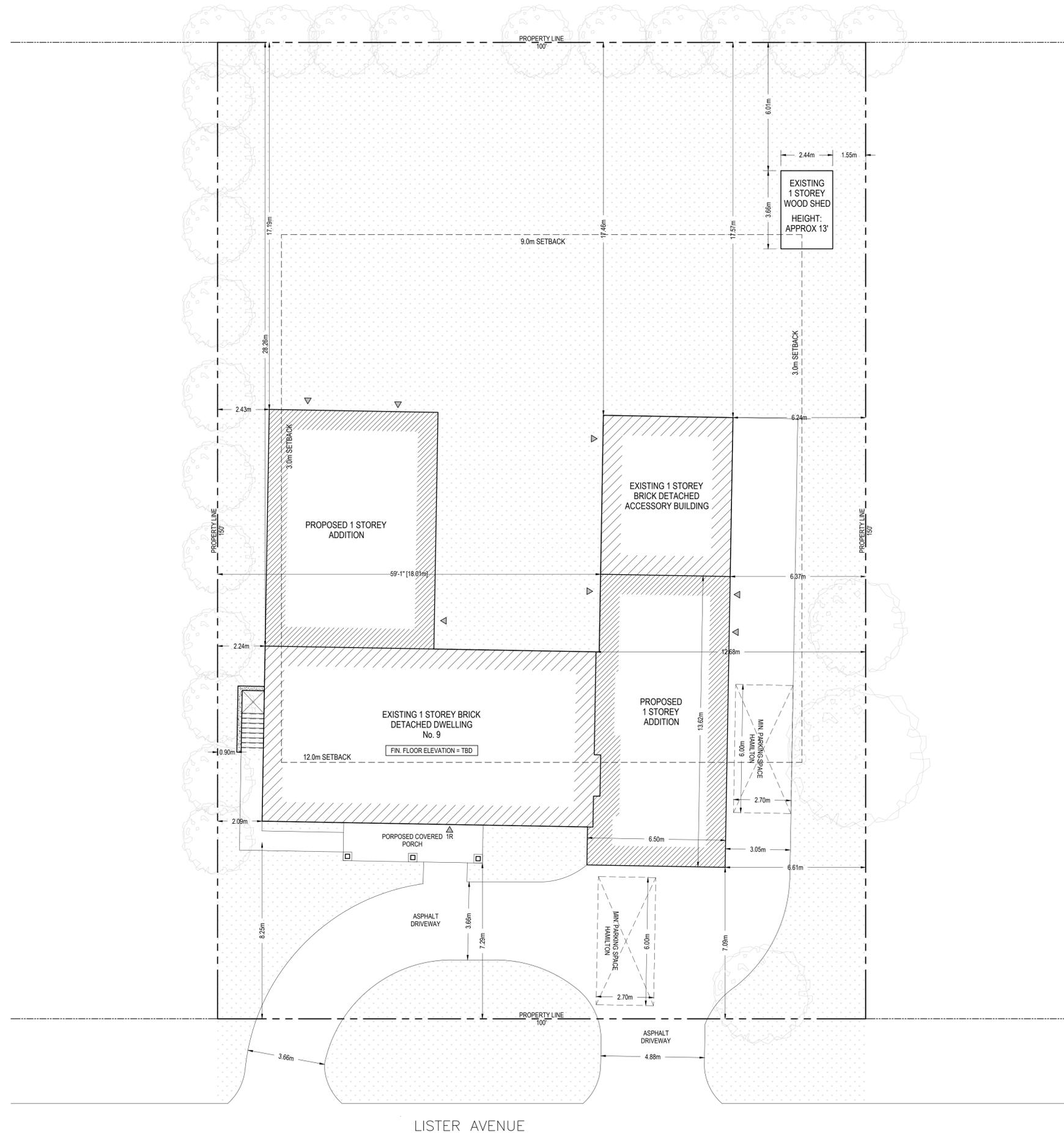
For more information on this matter, including access to drawings illustrating this request:

- 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

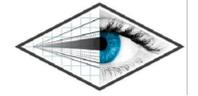
DATED: September 21st, 2021.

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.



PROJECT STATISTICS				
ADDRESS: 9 LISTER AVENUE				
ZONING: B/S-1788				
LOT AREA	15000.00	ft ²	1393.55	m ²
LOT FRONTAGE	100.00	ft	30.48	m
GROSS FLOOR AREA				
	%		EXISTING	
MAIN FLOOR	9.2	1380.00	ft ²	128.21 m ²
TOTAL GROSS FLOOR AREA	9.2	1380.00	ft²	128.21 m²
	%		PROPOSED	
MAIN FLOOR	24.8	3725.00	ft ²	346.06 m ²
TOTAL GROSS FLOOR AREA	24.8	3725.00	ft²	346.06 m²
LOT COVERAGE				
	%		EXISTING	
DWELLING FOOTPRINT	9.2	1380.00	ft ²	128.21 m ²
DETACHED GARAGE FOOTPRINT	3.3	488.00	ft ²	45.34 m ²
SHED FOOTPRINT	0.6	96.00	ft ²	8.92 m ²
TOTAL LOT COVERAGE	13.1	1964.00	ft²	182.46 m²
	%		PROPOSED	
DWELLING FOOTPRINT	24.8	3725.00	ft ²	346.06 m ²
SHED FOOTPRINT	0.6	96.00	ft ²	8.92 m ²
TOTAL LOT COVERAGE	25.5	3821.00	ft²	354.98 m²
LANDSCAPED AREA				
	%		PROPOSED	
FRONT YARD AREA	-	2326.00	ft ²	216.09 m ²
ASPHALT AREA	55.0	1279.00	ft ²	118.82 m ²
LANDSCAPED AREA	45.0	1047.00	ft²	97.27 m²



126 CATHARINE STREET N
HAMILTON ON L8R 1J4
e. info@perspectiveviews.com p.289.389.4502

GENERAL NOTES:
DRAWINGS MUST NOT BE SCALED
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL NOTES AND THE O.B.C.
All drawings & information shown on these drawings must be checked & verified on site prior to construction or fabrication of its components.
Unless noted otherwise, 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 construction.
All dimensions are given in imperial units unless otherwise indicated.
All drawings are the property of the Architect / Designer & must be returned upon request.



No.	REVISION	DATE
1	ISSUED FOR MINOR VARIANCE	21/06/17
2	RESUBMITTED FOR MINOR VARIANCE	21/06/29
3	RESUBMITTED FOR MINOR VARIANCE	21/06/17

PROJECT: CHAD AND TINA LYDER
ADDITION & INTERIOR ALTERATION
8 LISTER AVENUE
HAMILTON, ON

DRAWING: SITE PLAN
DESIGN DRAWINGS

SCALE: 1/16" = 1'-0"

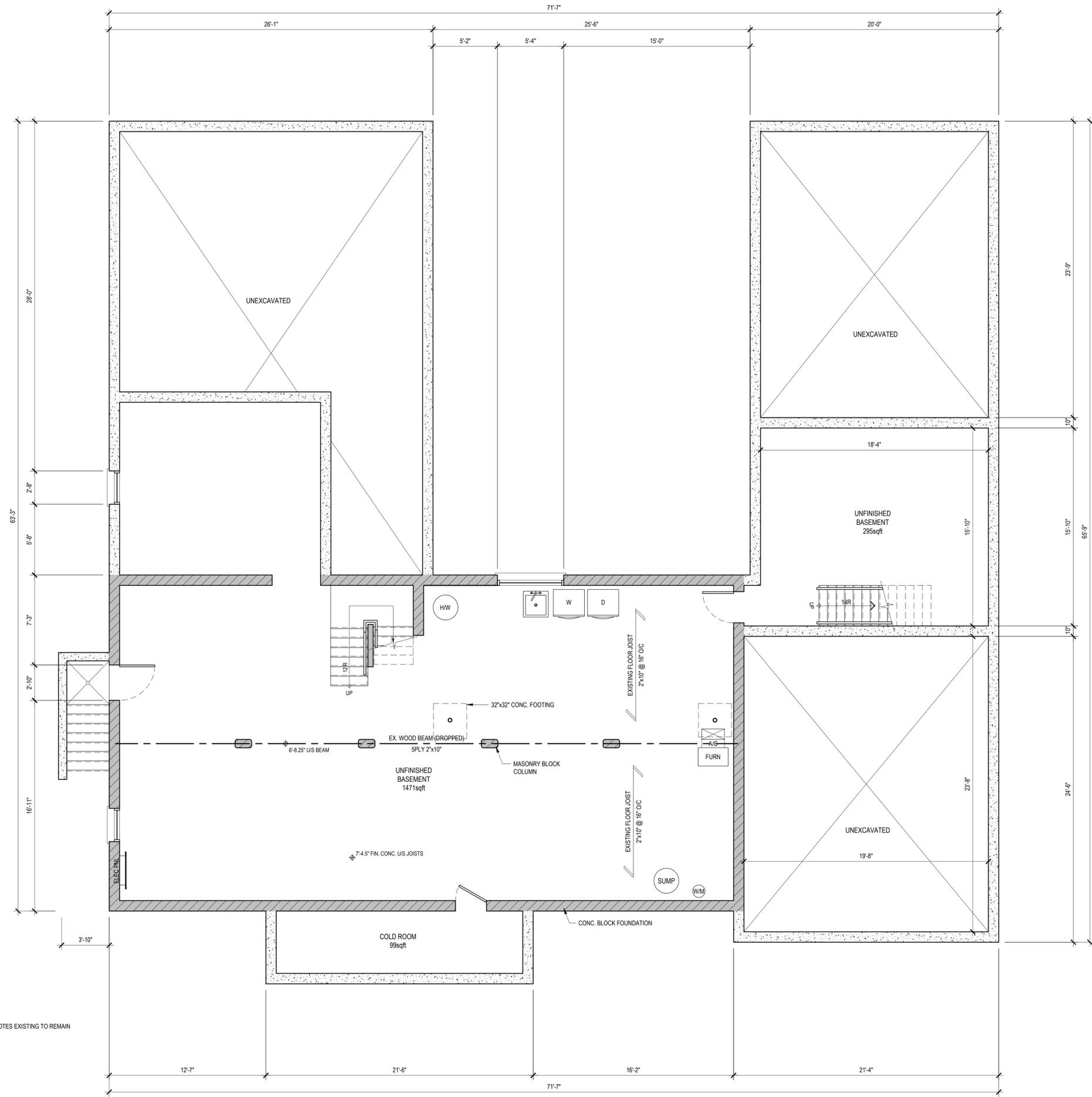
DATE: AUG 17, 2021

DRWN BY: ADRIANO PASSARELLO

CHKD BY: MATTHEW RIBAU

PROJECT No: PV21-010

DRAWING No: **SP1**



■ DENOTES EXISTING TO REMAIN



126 CATHARINE STREET N
HAMILTON ON L8R 1J4
e. info@perspectiveviews.com p.289.389.4502

GENERAL NOTES:
DRAWINGS MUST NOT BE SCALED
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL NOTES AND THE O.B.C.
All drawings & information shown on these drawings must be checked & verified on site prior to construction or fabrication of its components.
Unless noted otherwise, 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 construction.
All dimensions are given in imperial units unless otherwise indicated.
All drawings are the property of the Architect / Designer & must be returned upon request.



No.	REVISION	DATE
1	ISSUED FOR MINOR VARIANCE	21/06/17
2	RESUBMITTED FOR MINOR VARIANCE	21/06/29
3	RESUBMITTED FOR MINOR VARIANCE	21/06/17

PROJECT: CHAD AND TINA LYDER
ADDITION & INTERIOR ALTERATION
8 LISTER AVENUE
HAMILTON ON

DRAWING: PROPOSED BASEMENT PLAN
DESIGN DRAWINGS

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

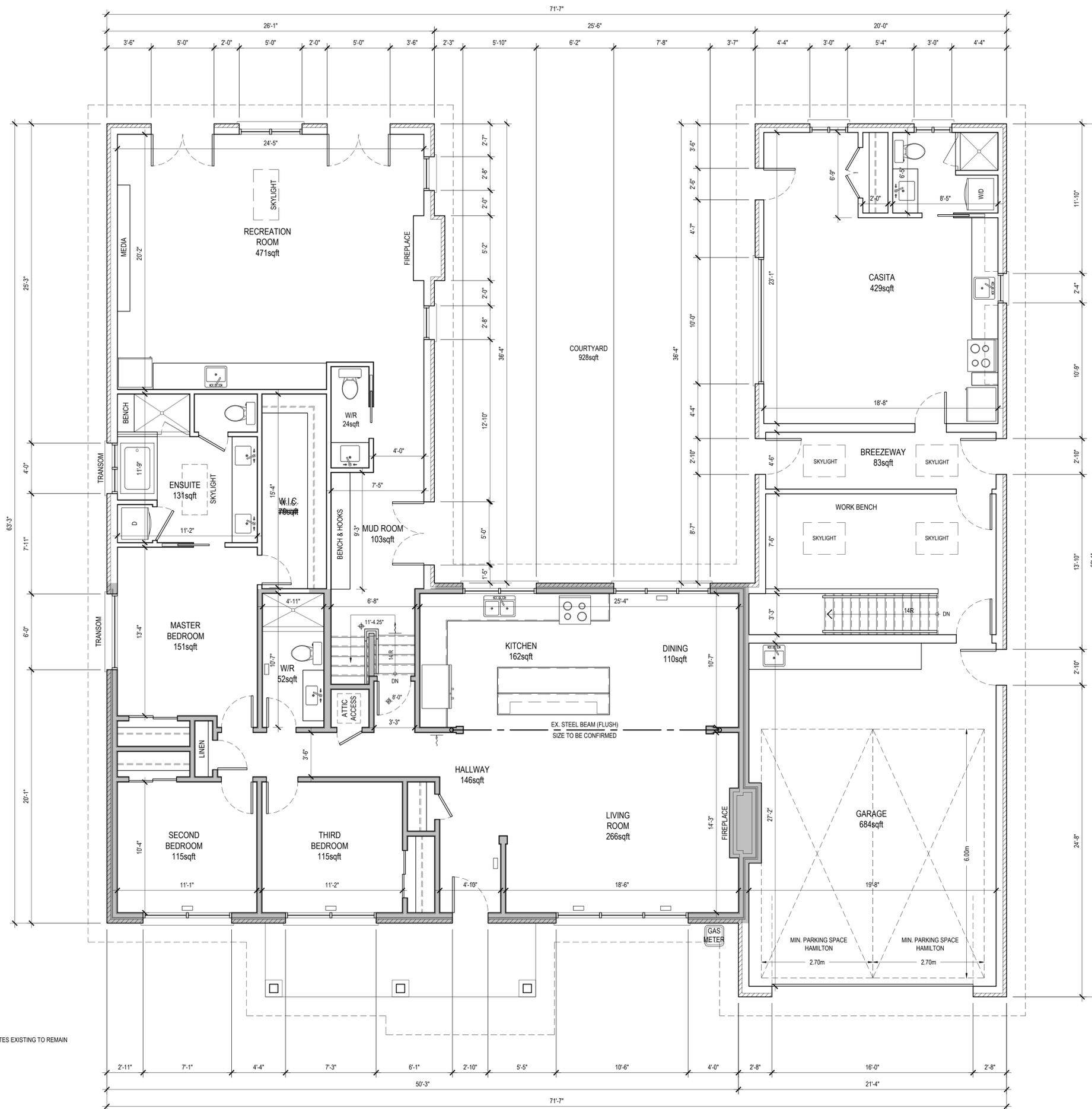
DATE: AUG 17, 2021

DRWN BY: ADRIANO PASSARELLO

CHKD BY: MATTHEW RIBAU

PROJECT No: PV21-010

DRAWING No: **A01.1**



■ DENOTES EXISTING TO REMAIN



126 CATHARINE STREET N
HAMILTON ON L8R 1J4
e. info@perspectiveviews.com p.289.389.4502

GENERAL NOTES:
DRAWINGS MUST NOT BE SCALED
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL NOTES AND THE O.B.C.
All drawings & information shown on these drawings must be checked & verified on site prior to construction or fabrication of its components.
Unless noted otherwise, 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 construction.
All dimensions are given in imperial units unless otherwise indicated.
All drawings are the property of the Architect / Designer & must be returned upon request.



No.	REVISION	DATE
1	ISSUED FOR MINOR VARIANCE	21/06/17
2	RESUBMITTED FOR MINOR VARIANCE	21/06/29
3	RESUBMITTED FOR MINOR VARIANCE	21/08/17

PROJECT: CHAD AND TINA LYDER
ADDITION & INTERIOR ALTERATION
8 LISTER AVENUE
HAMILTON, ON
DRAWING: PROPOSED MAIN FLOOR PLAN
DESIGN DRAWINGS
SCALE: 1/4" = 1'-0"
DATE: AUG 17, 2021
DRWN BY: ADRIANO PASSARELLO
CHKD BY: MATTHEW RIBAU
PROJECT No: PV21-010
DRAWING No: A01.2



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	MAILING ADDRESS
Registered Owners(s)	Chad Lyder	
Applicant(s)*	Matthew Ribau	
Agent or Solicitor		
		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:
Minimum setback requirements

Secondary Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
The existing home encroaches on the current setback requirements.

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 26 of Registered Plan 1013 in the township of Glanford
9 Lister Avenue, Hamilton, Ontario

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

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 8.1 to 8.10 above?

Review of zoning, existing surveys and site assessment

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

June 7, 2021

Date

Signature

Chris Lyden

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	100 ft
Depth	150 ft
Area	15000 sf
Width of street	20m

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 House: 1380 SF, 1 storey, 51 ft wide, 27 ft deep, approx 14 ft high
 Existing detached garage: 488 SF, 1 storey, 20 ft wide, 25 ft deep, approx 12 ft high.

Proposed

Proposed house: 3730 SF, 1 storey, 71 ft wide, 63 ft deep, approx 14 ft high

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

Existing:

House: front=8.98m, left flank=2.09, right flank=12.68, rear=28.26
 Detached Garage: front=20.71m, left flank=18.01m, right flank=6.24m, rear=17.46m

Proposed:

House: front=7.09m, left flank=2.09m, right flank=6.24m, rear=17.46m

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:
1957

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
single family home
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
single family homes
17. Length of time the existing uses of the subject property have continued:
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 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-21:333

APPLICANTS: Owner Canadian Tire c/o Ian Rutledge
 Agent Rutledge Development Consulting c/o Ian Rutledge

SUBJECT PROPERTY: Municipal address **777 Upper James Street, Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 17-240

ZONING: C6 district (District Commercial)

PROPOSAL: To permit the construction of a new 242.0m² restaurant with associated drive-through facility on the subject lands notwithstanding that:

Hamilton Zoning By-law 05-200

1. No maximum building setback shall apply from Mohawk Road East whereas the by-law permits a maximum building setback of 14.5m from a street line.
2. The width of the ground floor building façade shall equate to less than 50% of the total length of all lot lines abutting a street whereas the by-law requires the width of the ground floor building façade to be at least 50% of the measurement of all lot lines abutting a street.
3. An aisle (associated with the drive-through facility) shall be located between the building façade and a street line whereas the by-law prohibits any parking, stacking lanes, or aisles from being located between the building façade and a street line.
4. No Planting Strip shall be provided abutting a Residential Zone whereas the by-law requires a minimum 1.5m wide Planting Strip to be provided where a property line abuts a Residential or Institutional Zone.
5. A drive-through facility shall provide ten (10) stacking spaces instead of the minimum required 12 stacking spaces.
6. An Accessory Building (in the form of a Molok/Earth Bin Garbage System), shall be located within a yard abutting a street whereas the by-law prohibits accessory structures from being located within a front or flankage yard.

Previous Hamilton Zoning By-law 05-200 Requirements (Prior to the passing of By-law 17-240):

1. A total of 467 parking spaces shall be provided instead of the minimum required 668 parking spaces.

Former Hamilton Zoning By-law 6593

1. A front yard depth of 8.6m shall be provided (from Upper James Street), instead of the minimum required depth of 11.0m.

HM/A-21: 333

Page 2

NOTES:

- i. These variances are necessary to facilitate Site Plan Control Application No. SPA-20-062.
- ii. This property abuts a Residential Zone to the North and East side.
- iii. Be advised that By-law Amendments have been passed by City Council to amend various sections of Hamilton Zoning By-law 05-200, including adding or amending commercial zones. However, there are portions of Amending By-law No. 17-240 which are still under appeal to the Local Appeal Planning Tribunal (LPAT); therefore, it is not yet final. As such, the proposed development is reviewed under the regulations contained within Hamilton Zoning By-law 05-200, except the regulations that are still under appeal by By-law No. 17-240, in which case both the existing and proposed Zoning By-law regulations will be examined with the more restrictive zoning regulation being applied. An exception to this policy is for Building Permits, which are reviewed under the former Zoning By-law regulation until such time that Amending By-law No. 17-240 comes fully into force. Once By-law No. 17-240 is approved in its entirety by the Local Appeal Planning Tribunal (LPAT), the zoning and regulations under this By-law will be applicable.

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

DATE: Thursday, October 7th, 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: September 21st, 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.

TURNER FLEISCHER

Turner Fleischer Architects Inc.
67 Lesmill Road
Toronto, ON, M5B 2T8
1-416-423-2222
turnerfleischer.com

This drawing, as an instrument of service, is provided by and is the property of Turner Fleischer Architects Inc. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify Turner Fleischer Architects Inc. of any variations from the supplied information. This drawing is not to be scaled. The architect is not responsible for the accuracy of survey, structural, mechanical, electrical, etc. information shown on this drawing. Refer to the appropriate consultants' drawings before proceeding with the work. Construction must conform to all applicable codes and regulations in effect at the time of construction. The contractor working from drawings not specifically marked "For Contractor" must assume full responsibility and bear costs for any corrections or damages resulting from their work.

The site plan prepared by Turner Fleischer is based on a legal survey showing the boundaries of the lands together with the current location of any existing buildings, features or encroachments prepared by J.S. BARNES, dated 2019-10-08 as provided by CT REIT.

LEGEND

- PROPOSED PRINCIPAL ENTRANCE
 - PROPOSED SECONDARY ENTRANCE AND/OR EXIT
 - PROPOSED FIRE & TRUCK ROUTE (HEAVY DUTY ASPHALT)
 - PROPOSED CONCRETE
- ### SIGN LEGEND
- STOP SIGN (REFER TO DETAIL A002/2)
 - ACCESSIBLE PARKING SIGN (REFER TO DETAIL A002/2)
 - FIRE ROUTE SIGN (REFER TO DETAIL A002/2)
 - LOADING AREA SIGN (REFER TO DETAIL A002/2)

ZONING AND REGULATION COMPLIANCE SCHEDULE

ZONE: C6	REQUIRED	PROVIDED
PARKING REQUIREMENTS		
OVERALL SITE PARKING REQUIRED	MIN. 530 CARS	476 CARS
OVERALL SITE PARKING PROVIDED		476 CARS
SITE A PARKING PROVIDED		178 CARS
SITE B1 PARKING PROVIDED		273 CARS
SITE B2 PARKING PROVIDED		25 CARS
SPA SITE PARKING SPACE	MIN. 3.0M X 5.8M	3.0M X 5.8M
STANDARD PARKING SPACE	MIN. 4.4M X 5.8M	4.4M X 5.8M
ACCESSIBLE PARKING SPACE		
4.25 a) - b) DRIVE-THROUGH FACILITY		
NUMBER OF STACKING UNITS	MIN. 12 CARS	10 CARS
STACKING UNIT DIMENSIONS	MIN. 2.6M X 6.0M	2.6M X 6.0M
10.6.3 a) - c) SETBACKS		
BUILDING SETBACK FROM A STREET LINE	MIN. 1.5 M MAX. 4.5 M	10.9 M
MINIMUM REAR YARD (ABUTTING RESIDENTIAL ZONE)	MIN. 7.5 M	9.6 M
MINIMUM INTERIOR YARD (ABUTTING RESIDENTIAL ZONE)	MIN. 4.5 M	9.1 M
10.6.3 d) BUILDING HEIGHT		
	MAX. 14.0 M	5.3 M
10.6.3 f) MAXIMUM GROSS FLOOR AREA FOR COMMERCIAL USE	MAX. 10,000 S.M.	231 S.M.

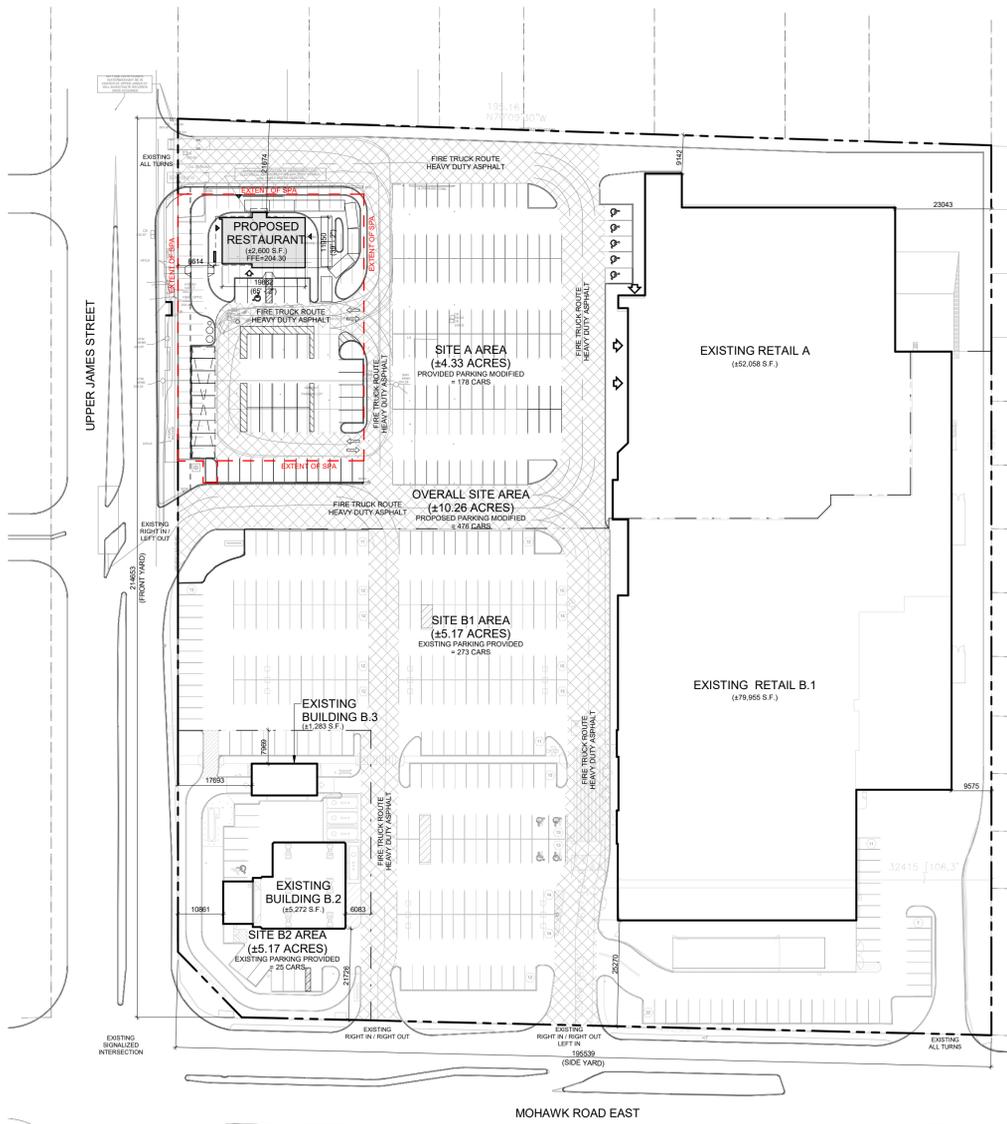
3 KEY PLAN
A001 N.T.S

STATISTICS

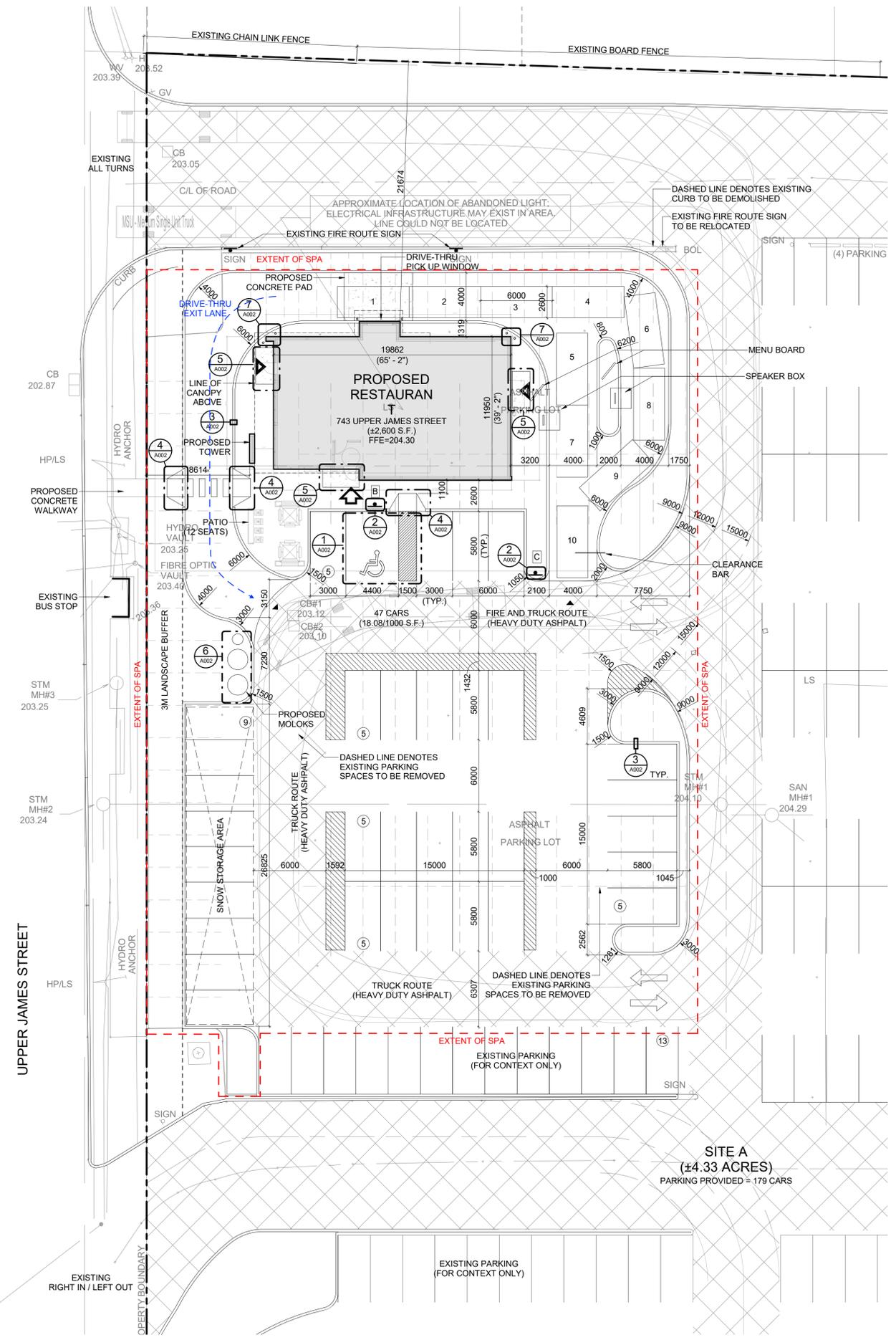
NO.	NAME	%	AREA	UNIT	AREA	UNIT
1	SITE A AREA		4.33 ACRES		1.75 HA.	
2	SITE B1 AREA		5.17 ACRES		2.09 HA.	
3	SITE B2 AREA		0.76 ACRES		0.31 HA.	
	TOTAL SITE AREA		10.26 ACRES		3.84 HA.	

EXISTING BUILDING B1 STATISTICS

4	CT RETAIL GROUND	81%	43,972 S.F.		4,085 S.M.	
5	CT WAREHOUSE GROUND		15,231 S.F.		1,415 S.M.	
6	CT WAREHOUSE MEZZANINE		13,048 S.F.		1,212 S.M.	
7	CT WAREHOUSE TOTAL	39%	28,277 S.F.		2,627 S.M.	
8	CT OFFICE GROUND		0 S.F.		0 S.M.	
9	CT OFFICE MEZZANINE		2,713 S.F.		252 S.M.	
10	CT OFFICE TOTAL		2,713 S.F.		252 S.M.	
11	CT SERVICE CENTRE GROUND		10,936 S.F.		1,016 S.M.	
12	CT SERVICE CENTRE MEZZANINE		119 S.F.		11 S.M.	
13	CT SERVICE CENTRE TOTAL		11,055 S.F.		1,027 S.M.	
14	GARDEN CENTRE GROUND		4,676 S.F.		434 S.M.	
15	TOTAL CANADIAN TIRE BUILDING AREA (4+7+10+13+14)		90,693 S.F.		8,426 S.M.	
16	TOTAL GROUND FLOOR COVERAGE (4+5+8+11+14)	39.67%	74,815 S.F.		6,951 S.M.	
17	CT BUILDING STRUCTURE (4+5+10+13+14)		77,647 S.F.		7,214 S.M.	
18	CT BUILDING FUNCTIONAL (4+7+10+13+14)		90,693 S.F.		8,426 S.M.	
19	CT GARDEN CENTRE COMPOUND		2,872 S.F.		267 S.M.	
20	EXISTING RETAIL A (SITE A)		52,058 S.F.		4,836 S.M.	
21	EXISTING GAS BAR B2 (SITE B2)		5,272 S.F.		490 S.M.	
22	EXISTING RETAIL B3 (SITE B2)		1,283 S.F.		119 S.M.	
23	PROPOSED RESTAURANT(SITE A)		2,800 S.F.		242 S.M.	
20	TOTAL SITE AREA		10.26 ACRES		3.84 HA.	
21	TOTAL GROUND FLOOR AREA (18+20+21+22+23)	30.44%	136,028 S.F.		12,637 S.M.	
22	TOTAL BUILDING AREA (15+20+21+22+23)		151,906 S.F.		14,113 S.M.	
23	TOTAL PARKING PROVIDED (17+20+21+22+23, 139,126 S.F.)		476 CARS		3.43 /1,000 S.F.	3.69 /100 S.M.



2 OVERALL SITE PLAN
A001 1: 800



1 SITE PLAN
A001 1: 200

#	DATE	DESCRIPTION	BY
11	2021-04-26	ISSUED FOR COORDINATION	JHL
10	2021-01-29	ISSUED FOR REVIEW	JHL
9	2020-12-08	ISSUED FOR SPA	JHL
8	2020-12-02	ISSUED FOR COORDINATION	JHL
7	2020-11-04	ISSUED FOR COORDINATION	JHL
6	2020-10-15	ISSUED FOR REVIEW	JHL
5	2020-10-09	ISSUED FOR REVIEW	JHL
4	2020-08-24	ISSUED FOR REVIEW	JHL
3	2020-07-17	ISSUED FOR SPA	JHL
2	2020-07-03	ISSUED FOR SPA	JHL
1	2020-03-13	ISSUED FOR SPA	KYO



PROJECT
743 UPPER JAMES STREET

HAMILTON, ON
SPA-20-062

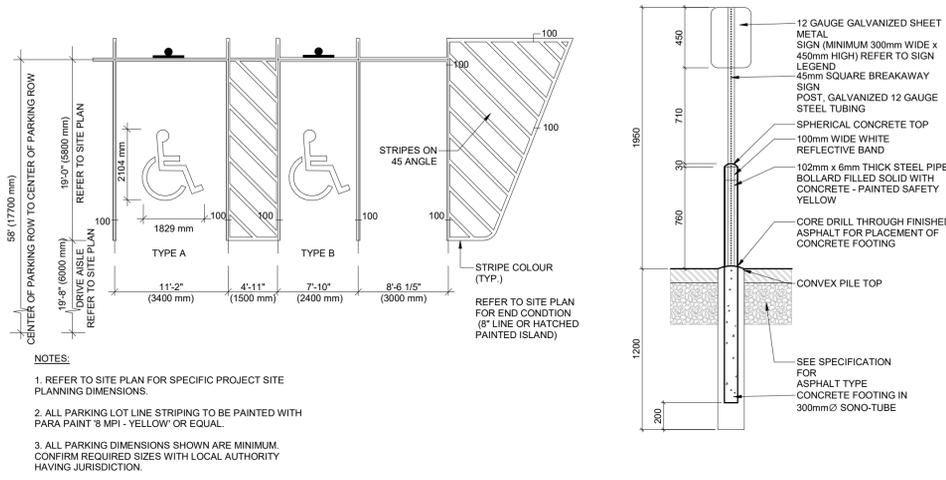
SITE PLAN

PROJECT NO.
19.354
PROJECT DATE
2020-02-27
DRAWN BY
JHL
CHECKED BY
RAD
SCALE
As indicated

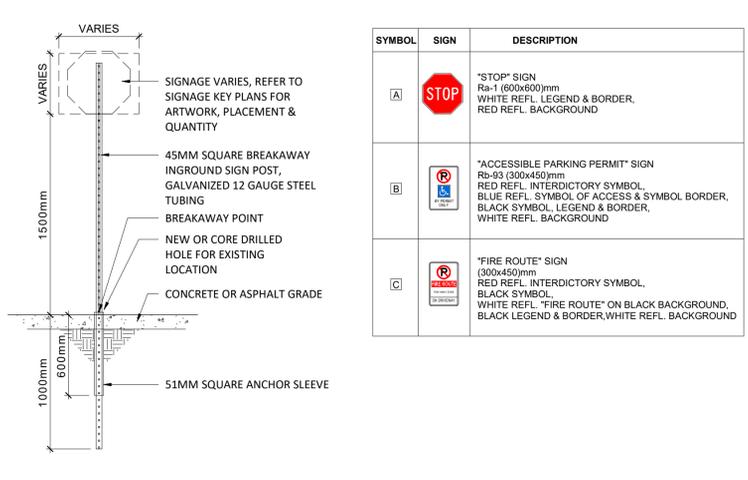
DRAWING NO.
A001

This drawing, as an instrument of service, is provided by and is the property of Turner Fleischer Architects Inc. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify Turner Fleischer Architects Inc. of any variations from the accepted information. This drawing is not to be scaled. The architect is not responsible for the accuracy of survey, structural, mechanical, electrical, etc. information shown on this drawing. Refer to the appropriate consultant drawings before proceeding with the work. Contractor must conform to all applicable codes and requirements of authority having jurisdiction. The contractor working from drawings not specifically marked "for Contractor" must assume full responsibility and bear costs for any corrections or damages resulting from this work.

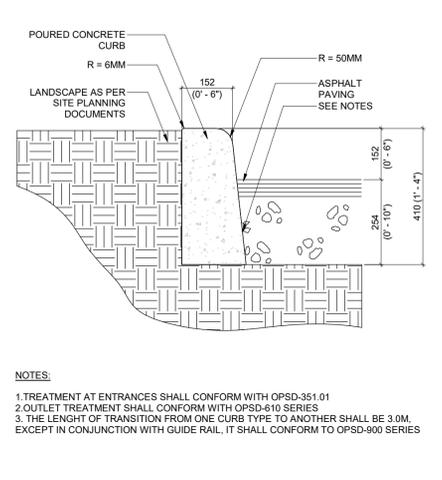
The site plan developed by Turner Fleischer is subject to a legal survey showing the boundaries of the lands together with the current location of any existing buildings, features or encroachments approved by... J.S. BARNES, dated 2019-10-08 as provided by CT REIT.



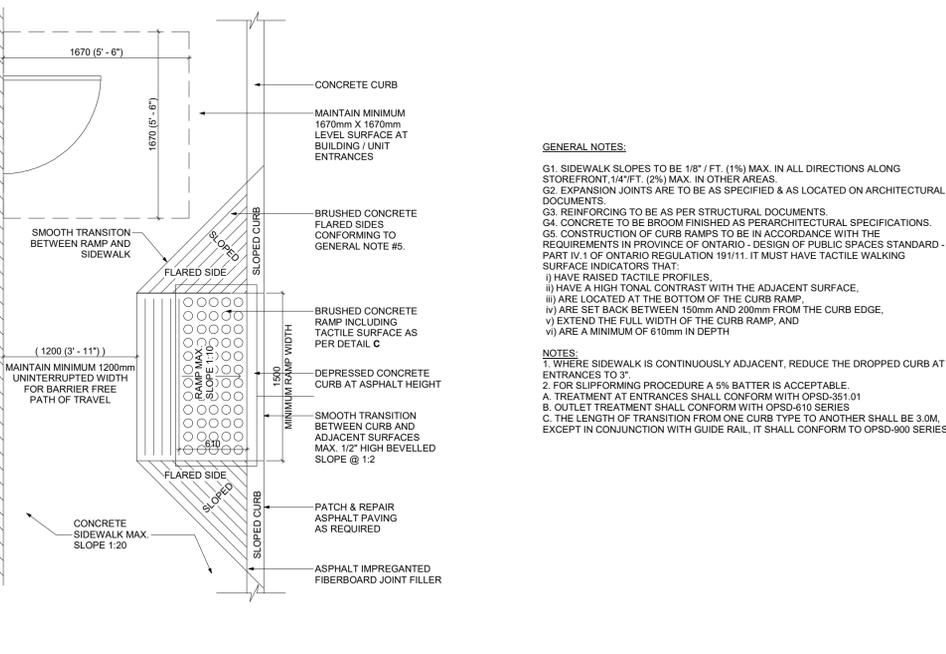
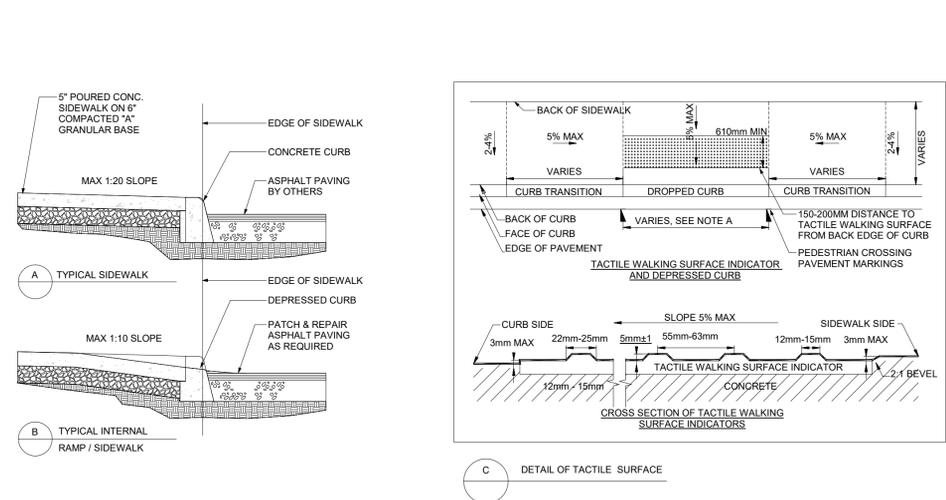
1 STANDARD PARKING DETAIL (AODA)
A002 1:100



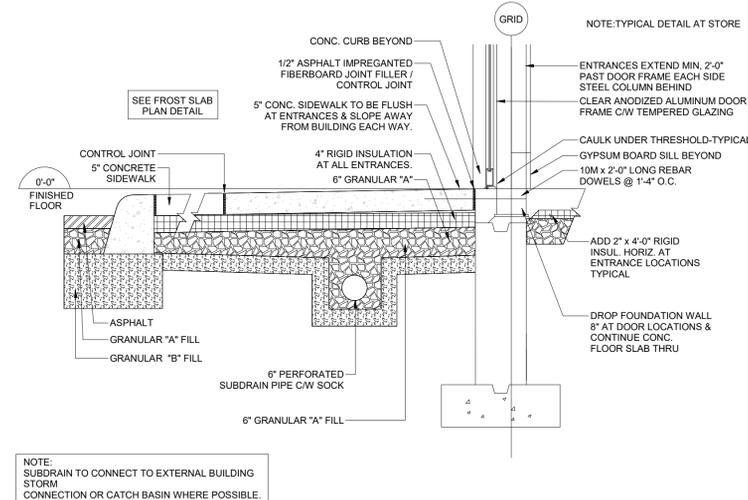
2 TRAFFIC SIGN
A002 1:25



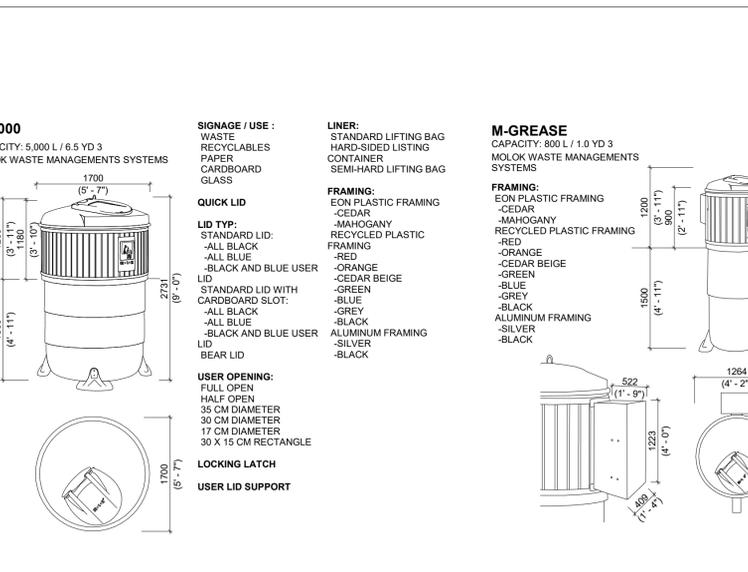
3 CONCRETE CURB SECTION
A002 1:10



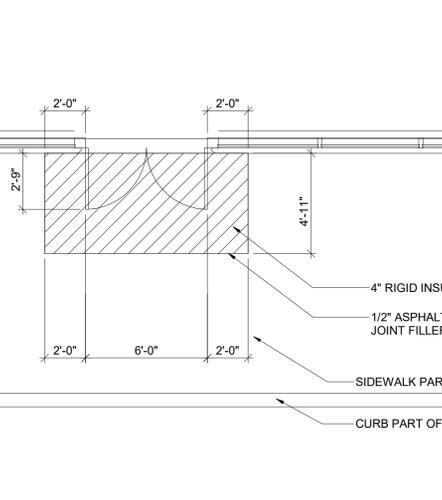
4 CURB RAMP WITH TACTILE PLATES
A002 1:30



5 FROST SLAB SECTION
A002 1:20



6 MOLOK DETAIL
A002 1:50



7 BOLLARD DETAIL
A002 1:20

#	DATE	DESCRIPTION	BY
11	2021-04-26	ISSUED FOR COORDINATION	JHL
10	2021-01-29	ISSUED FOR REVIEW	JHL
9	2020-12-08	ISSUED FOR SPA	JHL
8	2020-12-02	ISSUED FOR COORDINATION	JHL
7	2020-11-04	ISSUED FOR COORDINATION	JHL
6	2020-10-15	ISSUED FOR REVIEW	JHL
5	2020-10-09	ISSUED FOR REVIEW	JHL
4	2020-08-24	ISSUED FOR REVIEW	JHL
3	2020-07-17	ISSUED FOR SPA	JHL
2	2020-07-03	ISSUED FOR SPA	JHL
1	2020-03-13	ISSUED FOR SPA	KYO



PROJECT
743 UPPER JAMES STREET
HAMILTON, ON
SPA-20-062

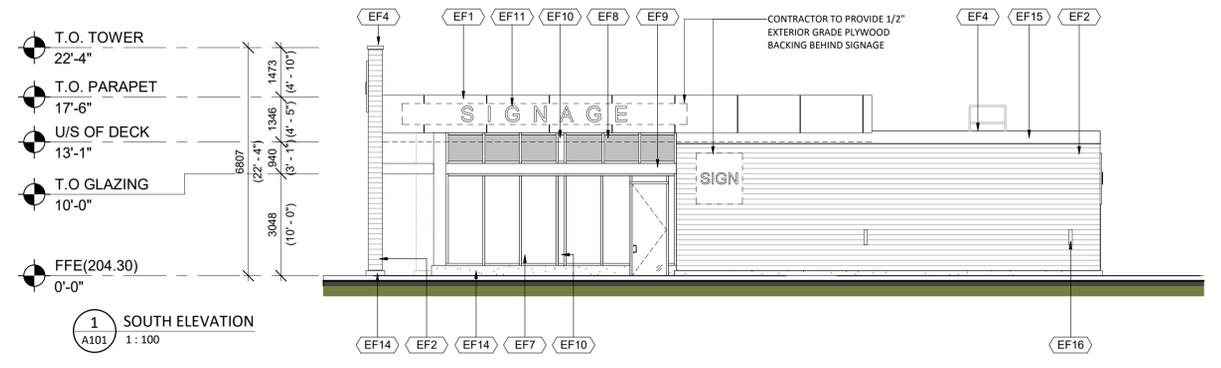
SITE DETAILS

PROJECT NO.	19.354
PROJECT DATE	2020-02-27
DRAWN BY	KYO
CHECKED BY	PAP
SCALE	As indicated

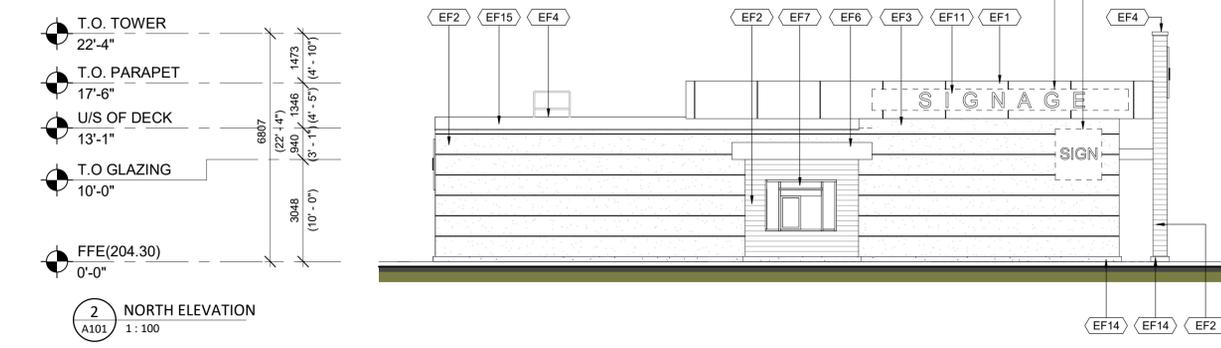
DRAWING NO.
A002

This drawing, as an instrument of service, is provided by and is the property of Turner Fleischer Architects Inc. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify Turner Fleischer Architects Inc. of any variations from the supplied information. This drawing is not to be scaled. The architect is not responsible for the accuracy of survey, structural, mechanical, electrical, etc. information shown on this drawing. Refer to the appropriate consultant drawings before proceeding with the work. Contractor must conform to all applicable codes and requirements of authority having jurisdiction. The contractor working from drawings not specifically marked "For Contractor" must assume full responsibility and bear costs for any corrections or damages resulting from this work.

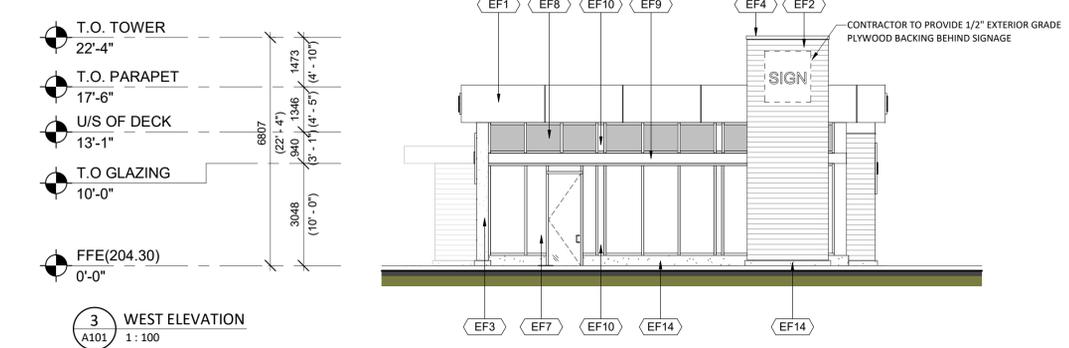
The site plan prepared by Turner Fleischer is based on a legal survey showing the boundaries of the lands together with the current location of any existing buildings, features or encroachments prepared by J.S. BARNES, dated 2016-10-05 as provided by CT REIT.



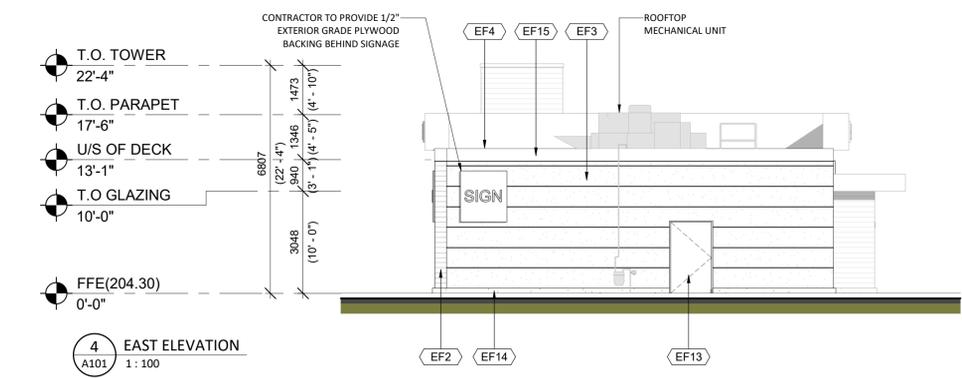
1 SOUTH ELEVATION
A101 1:100



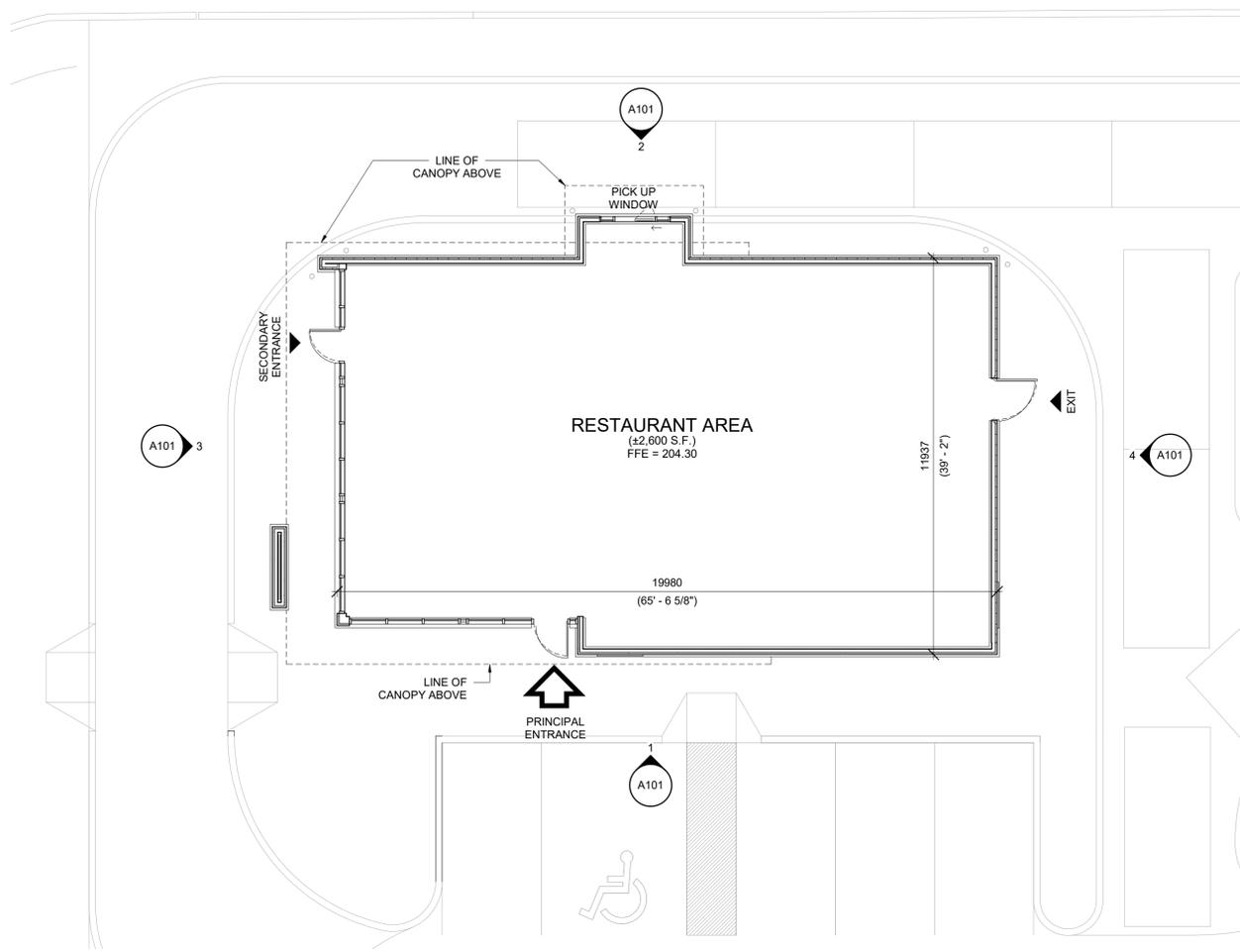
2 NORTH ELEVATION
A101 1:100



3 WEST ELEVATION
A101 1:100



4 EAST ELEVATION
A101 1:100



5 FLOOR PLAN
A101 1:100

EXTERIOR FINISH SCHEDULE	
MATERIAL	DESCRIPTION
EF1	PRE-FINISHED ALUMINUM COMPOSITE PANELS: COLOUR: SILVER SPECIFICATION: SYSTEM 3, DRY JOINT CONTRACTOR TO PROVIDE COLOUR/FINISH SAMPLE FOR OWNER APPROVAL PRIOR TO ORDERING OF MATERIALS
EF2	FIBRE CEMENT PANELS: NICHIIA PROFILE: VINTAGEWOOD C/W MATCHING TRIMS/FLASHING COLOUR: EF762 "CEDAR" CONTRACTOR TO PROVIDE COLOUR/FINISH SAMPLE FOR OWNER APPROVAL PRIOR TO ORDERING OF MATERIALS
EF3	EXTERIOR INSULATED FINISH SYSTEM (EIFS) SPECIFICATION: T.B.D. COLOUR: GREY CONTRACTOR TO PROVIDE COLOUR/FINISH SAMPLE FOR OWNER APPROVAL PRIOR TO ORDERING OF MATERIALS
EF4	PREFINISHED METAL CAP FLASHING: COLOUR: MATCH FIBRE CEMENT PANELS
EF5	PREFINISHED METAL CAP FLASHING: COLOUR: RED
EF6	PREFINISHED METAL COVER AT DRIVE-THRU CANOPY: COLOUR: RED
EF7	ANODIZED ALUMINUM DOOR & WINDOW: C/W CLEAR GLAZING THERMALLY BROKEN ALUMINUM FRAMES
EF8	ANODIZED ALUMINUM DOOR & WINDOW: C/W SPANDREL GLAZING THERMALLY BROKEN ALUMINUM FRAMES
EF9	PREFINISHED METAL BAND: COLOUR: RED
EF10	ANODIZED ALUMINUM COLUMN COVER:
EF11	INDIVIDUAL ILLUMINATED LETTERS: SUPPLIED AND INSTALLED BY OTHERS. GENERAL CONTRACTOR TO PROVIDE POWER.
EF12	PRE-FINISHED METAL BEAM COVER: COLOUR: RED
EF13	HOLLOW METAL DOOR C/W HOLLOW METAL FRAME: COLOUR: GREY
EF14	LIGHT SAND BLASTED CONCRETE CURB w/ 1" CHAMFER: COLOUR: NATURAL CONCRETE COLOUR
EF15	LIGHT BAND: SUPPLIED BY OTHERS AND INSTALLED BY THE GENERAL CONTRACTOR (SEE ELECTRICAL)
EF16	EXTERIOR WALL MOUNTED LIGHT SCONCE:

#	DATE	ISSUED FOR	DESCRIPTION	BY
6	2021-05-05	ISSUED FOR COORDINATION		JHL
5	2020-12-08	ISSUED FOR SPA		JHL
4	2020-11-04	ISSUED FOR COORDINATION		JHL
3	2020-10-06	ISSUED FOR REVIEW		JHL
2	2020-08-25	ISSUED FOR SPA		JHL
1	2020-03-13	ISSUED FOR SPA		KYO



PROJECT
743 UPPER JAMES STREET
HAMILTON, ON
SPA-20-062

DRAWING
FLOOR PLAN & ELEVATIONS

PROJECT NO.
19.354SD
PROJECT DATE
2021-05-05
DRAWN BY
JHL
CHECKED BY
RAD
SCALE
As indicated



REGISTERED PLAN 551

LOT 23

LOT 24

LOT 69

ALLENBY AVENUE

PLAN SHOWING TOPOGRAPHY OF
CANADIAN TIRE - HAMILTON
777 UPPER JAMES STREET
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HALTON

SCALE 1 : 300



J. D. BARNES LIMITED

© COPYRIGHT 2019

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

NOTES

1. UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).
2. DISTANCES SHOWN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999667.
3. ELEVATIONS ARE OF GEODETIC ORIGIN (CGVD-1928:78), AND ARE DERIVED FROM GNSS OBSERVATIONS AND NATURAL RESOURCES CANADA'S GEOD MODEL HT2.0.

BOUNDARY NOTE

BOUNDARY INFORMATION IS COMPILED FROM AVAILABLE RECORDS AND HAS NOT BEEN VERIFIED BY ACTUAL FIELD MEASUREMENTS

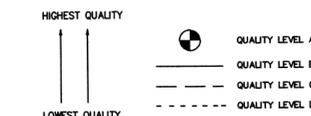
SEWER INVERT DATA TABLE

MH/CB	DIRECTION	DIAMETER	INVERT
CB#1	FULL OF WATER; MEASUREMENTS COULD NOT BE OBTAINED		
CB#2	OBSTRUCTED; MEASUREMENTS COULD NOT BE OBTAINED		
SAN MH#1	E	250	2.40
	SE	200	2.43
	W	250	2.46
STM MH#1	E	800	4.40
	S	800	4.45
	W	900	4.62
STM MH#2	E	±900	N/A
	S	N/A	6.95
STM MH#3	N	800	5.80
	S	900	5.96

UNDERGROUND UTILITY NOTES

THE UTILITY DATA DEPICTED ON THIS DRAWING WERE ACQUIRED IN ACCORDANCE WITH ASCE STANDARD 38-02. THE INFORMATION IS SHOWN BY ATTRIBUTED QUALITY LEVELS WHICH ARE DEFINED AS FOLLOWS:

DATA QUALITY LEVEL



QUALITY LEVEL "A" - INFORMATION OBTAINED BY ACTUAL PHYSICAL EXPOSURE OF TARGETED UTILITIES AND SUBSEQUENT MEASUREMENT OF THE EXPOSED PRECISE HORIZONTAL AND VERTICAL POSITION.

QUALITY LEVEL "B" - INFORMATION OBTAINED USING GEOPHYSICAL LOCATE TECHNIQUES TO IDENTIFY THE EXISTENCE AND APPROXIMATE HORIZONTAL POSITION OF THE DESIGNATED UTILITIES.

QUALITY LEVEL "C" - INFORMATION OBTAINED BY SURVEYING AND PLOTTING VISIBLE UTILITY FEATURES AND BY USING PROFESSIONAL JUDGMENT IN CORRELATING THIS INFORMATION TO THE QUALITY "D" INFORMATION OBTAINED.

QUALITY LEVEL "D" - INFORMATION DERIVED FROM UTILITY RECORDS OR VERBAL RECOLLECTIONS

ALL SERVICES ARE QUALITY "D" UNLESS NOTED OTHERWISE. LEVEL "D" RECORD INFORMATION SHOWN ON THIS PLAN HAVE BEEN PLOTTED APPROXIMATELY AS PER THE RECORDS FOUND AND COULD NOT BE FIELD VERIFIED WITHIN THE SCOPE OF THIS PROJECT. IF FURTHER VERIFICATION IS REQUIRED, IT IS SUGGESTED THAT LEVEL "A" METHODOLOGIES BE EMPLOYED.

CAUTION: CALL BEFORE YOU DIG

THIS PLAN IS INTENDED FOR DESIGN PURPOSES ONLY. OTHER BURIED UTILITIES MAY EXIST WHICH ARE NOT SHOWN DUE TO INSUFFICIENT INFORMATION OR IMPROPER INSTALLATION. CONTACT ALL POTENTIAL OWNERS OF UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION OR BREAKING GROUND. IT IS THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER TO ENSURE THE APPROPRIATE LEGAL REQUIREMENTS ARE MET.

SUBSURFACE UTILITY FIELD WORK WAS COMPLETED ON THE 9TH DAY OF AUGUST, 2019

THE SURVEY WAS COMPLETED ON AUGUST 18, 2019.

10/08/2019
DATE

[Signature]
SUNIL PERERA
ONTARIO LAND SURVEYOR

J.D. BARNES SURVEYING
LIMITED MAPPING
GIS

LAND INFORMATION SPECIALISTS
401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY: JO	CHECKED BY: SP	REFERENCE NO.: 19-30-429-00
FILE: G:\19-30-429\00\Drawing\2D\19-30-429-00-2D.dwg DATED: 09/05/2019		

PLOTTED: 10/8/2019



NO TONE ON FETAURES; WATERMAIN MAY BE IN CENTER OF UPPER JAMES ST. WILL INVESTIGATE RECORDS ONCE ACQUIRED

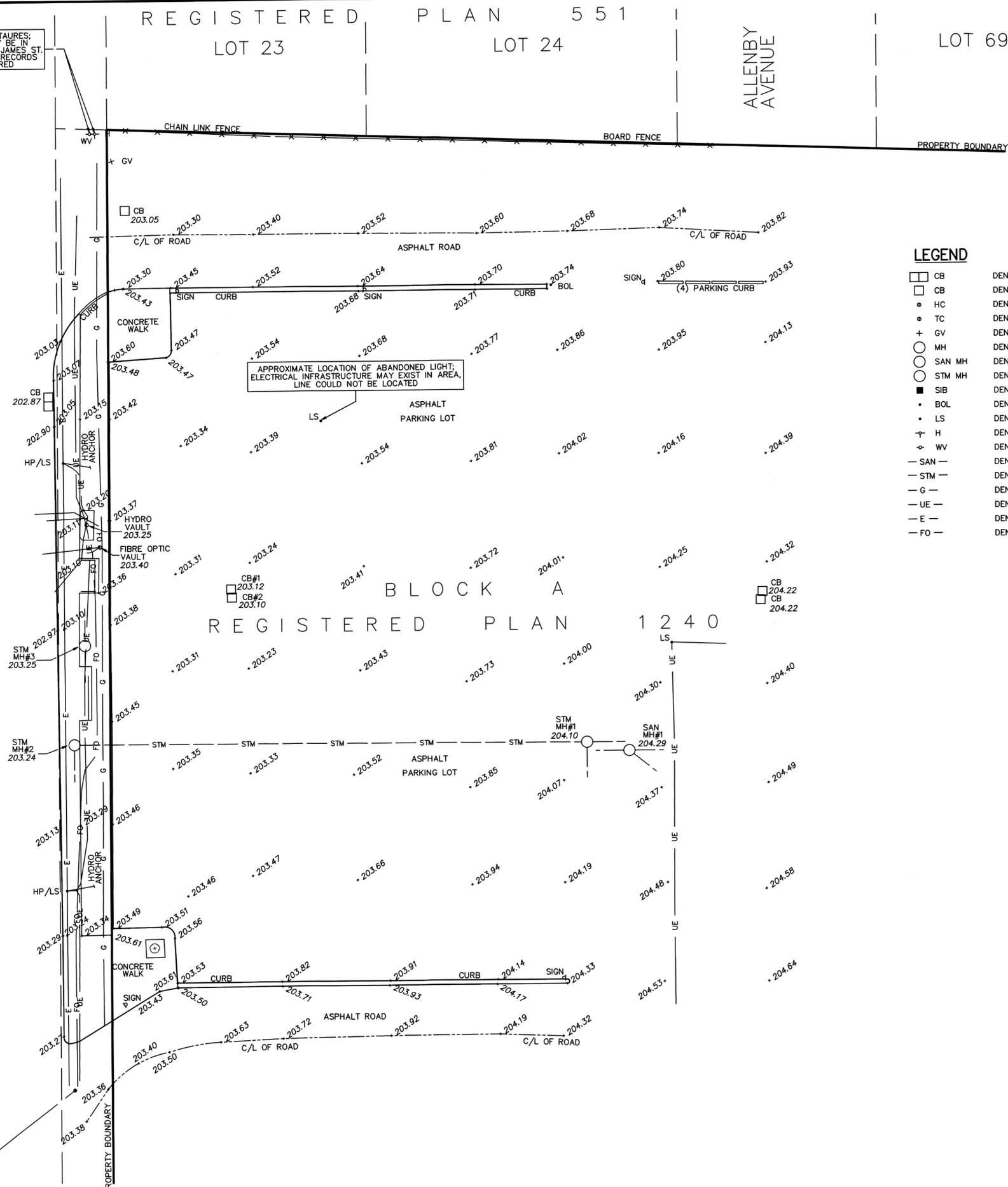
MISC PLAN 335 (P1459-3)

UPPER JAMES STREET

ASPHALT ROAD

ASPHALT ROAD

PROPERTY BOUNDARY



LEGEND

- CB DENOTES DOUBLE CATCHBASIN
- CB DENOTES CATCHBASIN
- HC DENOTES HYDRO CHAMBER
- TC DENOTES TELEPHONE CHAMBER
- + GV DENOTES GAS VALVE
- MH DENOTES MANHOLE
- SAN MH DENOTES SANITARY MANHOLE
- STM MH DENOTES STORM MANHOLE
- SIB DENOTES STANDARD IRON BAR
- BOL DENOTES BOLLARD
- LS DENOTES LIGHT STANDARD
- H DENOTES FIRE HYDRANT
- WV DENOTES WATER VALVE
- SAN — DENOTES UNDERGROUND SANITARY SEWER
- STM — DENOTES UNDERGROUND STORM SEWER
- G — DENOTES UNDERGROUND GAS LINE
- UE — DENOTES UNDERGROUND HYDRO LINE
- E — DENOTES OVERHEAD ELECTRICAL
- FO — DENOTES UNDERGROUND FIBRE OPTIC LINE

RUTLEDGE DEVELOPMENT CONSULTING

647-302-4416 ianrutledge@rutledgeconsulting.com 2751 Bloor Street W, Toronto, ON, M8X 1A6

September 1, 2021

Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th floor
Hamilton, ON
L8P 4Y5

Attention: Samantha Costa, Development Clerk, Committee of Adjustment

Re: Minor Variance Application
 Canadian Tire Properties Inc.
 777 Upper James Street
 Hamilton, Ontario

On behalf of Canadian Tire Properties Inc. (CTPI), Rutledge Development Consulting is pleased to submit an application for Minor Variance for the above noted lands. The site is municipally known as 777 Upper James Street and is located at the north east corner of Mohawk Road East and Upper James Street. The subject lands comprise an area of approximately 10.3 acres (3.8 ha) and contain an existing Canadian Tire retail store, a food store and a gas bar.

Under the Hamilton Zoning By-law 05, 200, as amended, the subject lands are zoned C6 (District Commercial). A restaurant with accessory drive-through facility is permitted in the C6 zone.

Proposal

CTPI is proposing to develop the northerly portion of the site with a 242 sq. m (2,600 sq. ft.) restaurant with drive-through facility. Surface parking, areas of soft landscaping as well as pedestrian connections/walkways are also proposed. The development area is within an under-utilized portion of the site currently used for parking. No changes are proposed to the site accesses.

A Site Plan Approval application for the proposed development has been submitted and is currently under review (File no: SPA-20-062). This minor variance application is in response

to zoning comments provided by Building Engineering and Zoning dated August 5, 2021 and to facilitate the completion of the site plan approval process.

Requested Variances

We kindly request the Committee of Adjustment to grant the following minor variances:

Hamilton Zoning By-law 05-200, as amended:

- Section 10.6.3a)ii) Section currently under appeal: Maximum building setback from a street line of 4.5 m.

We are requesting a building setback from a street line (Mohawk Road East and Upper James Street) that is greater than 4.5 m.

- Section 10.6.3g)iii) Section currently under appeal: For a corner lot the width of the ground floor façade facing a front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street and shall exclude access driveways and lands within a required yard.

We are requesting that the width of the ground floor façade facing a front lot line and flankage lot line is less than 50%.

- Section 10.6.3g.vi) Section currently under appeal: No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.

We are requesting that a drive-through exit lane be permitted between the required building facade and the flankage lot line (Upper James Street).

- Section 10.6.3h): Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.

We are requesting that the existing landscaped area (consisting mostly of grass and small shrubs) that is located along the north and east property lines (that abuts the Residential Zone), be recognized as a Planting Strip.

- Section 4.25a)i): A restaurant drive through shall provide a minimum of 12 stacking spaces from the service window.

We are requesting 10 stacking spaces from the service window.

- Section 4.25c)ii): No Drive-Through Facility stacking lane shall be permitted between the street and the building.

We are requesting that a drive-through facility stacking lane (labeled as drive-through exit lane on the Site Plan) be permitted between the street and the building.

- Section 4.8b): Accessory buildings are not permitted in a front or flankage yard.

We are requesting that Molok or Earth Bin garbage containers be permitted within the front or the flankage yards.

Former Hamilton Zoning By-law 6593, as amended:

- Section 13A (4)(a): Where any such building or structure is no more than 12.0 metres in height, a front yard of a depth of at least 11.0 m is required.

We are requesting a front yard depth of +/- 8.6 m from Upper James Street.

- Minimum number of parking spaces [Per Committee Decision HM/A-02:137]: This site was required to provide a minimum of 530 parking spaces for the overall site based on approved Committee Decision HM/A-02:137.

We are proposing a total of 476 parking spaces for the overall site (of which 9 spaces are shown to form part of the snow storage area within the proposed development area).

Discussion

The variances sought are mostly technical adjustments needed to facilitate the proposed site plan design. The variances were discussed in detail with Planning Staff, who were satisfied with the layout and design of the proposed site plan. It is in our opinion that the variances sought are minor in nature and maintain the general intent of the By-law.

Under the Urban Hamilton Official Plan Policies, the site is designated as District Commercial. This designation permits a variety of commercial related uses including drive through restaurants. The District Commercial designation is intended to provide service commercial uses which cater to the weekly and daily shopping needs of residents in the surrounding neighbourhoods. As such, the proposed use and development as contemplated is consistent with the intent of the Urban Hamilton Official Plan.

The proposed development of the subject lands is appropriate and desirable. The location of the restaurant and associated drive-through are intended to further enhance the shopping activities within the existing shopping centre and along the Upper James Street corridor.

As per the electronic submission requirements, please find enclosed the following:

- Completed Application Form;
- Topographic Survey of the proposed development area;
- Architectural drawings containing a cover page, site plan, site plan details and elevations;
- Scanned copy of the the \$3,320 cheque for the Minor Variance application fee (sent by courier to Samantha Costa); and
- Zoning comments associated with the Site Plan Approval application (SPA-20-062) provided by Building Engineering and Zoning dated August 5, 2021.

We trust that the enclosed information is satisfactory and we look forward to continuing to work with Staff on this file. If you have any questions or require further information, please feel free to give me a call.

Yours very truly,

RUTLEDGE DEVELOPMENT CONSULTING

A handwritten signature in black ink, appearing to be 'Ian Rutledge', is written over a horizontal line. The signature is stylized and somewhat abstract.

Ian Rutledge

Cc: Mark Andrews, 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
Registered Owners(s)	Canadian Tire Properties Inc.
Applicant(s)*	Canadian Tire Properties Inc.
Agent or Solicitor	Ian Rutledge (Rutledg Development Consulting)

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 see attached cover letter.

Secondary Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
Please see attached 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**):
777 Upper James Street BLOCK A Registered Plan 1240

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

Other We are not changing the use. We are adding restaurant use to the property.

- 8.1 If Industrial or Commercial, specify use Current uses: Retail/Gas Bar. Proposed 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 8.1 to 8.10 above?

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

July 27, 2021

Date



Signature Property Owner(s)

Kevin Salsberg

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	+/-214 m Upper James Frontage
Depth	+/-195 m
Area	3.84 ha
Width of street	+/-24 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: _

Canadian Tire / Food Basics - GFA +/- 8,246 sq m, 1 storey plus mezzanine. See site plan for other details.

Gas Bar - GFA +/- 490 sq m, 1 storey. See site plan for other details.

Proposed

Restaurant - GFA +/- 242 sq m, 1 storey, +/- 5.3m height, building dimensions +/-19.8 by 11.9m

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 for building locations and setbacks.

Proposed:

Setbacks: +/- 181 m from Mohawk Rd East; +/- 8.6 m from Upper James; +/- 21.6 m from Interior side yard; +/- 168 m from rear yard.

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 (single family, duplex, retail, factory etc.):
Commercial: Retail / Gas Bar
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Commercial to the south and west, single family residential to the north and east.
17. Length of time the existing uses of the subject property have continued:
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:
Urban Hamilton Official Plan - District Commercial
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Hamilton Zoning By-law No. 05-200 - C6 (District Commercial) Zoning
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
The proposal is currently being review under SPA application number SPA-20-0
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-21:336

APPLICANTS: Agent Brent Wybenga
 Owners Nick, Amanda & Richard Mancini

SUBJECT PROPERTY: Municipal address **197 Kings Forest Dr., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "C" (Urban Protected Residential) district

PROPOSAL: To permit the construction of a new one storey addition and covered porch in the rear yard of the existing single family dwelling notwithstanding that:

1. A southerly side yard width of 0.6m shall be provided instead of the minimum required side yard width of 1.2m.
2. A rear yard depth of 2.7m shall be provided instead of the minimum required 7.5m rear yard depth.

NOTES:

1. Please be advised that parking for a single family dwelling is required at a rate of two (2) parking spaces for the first eight (8) habitable rooms, plus an additional 0.5 spaces for each additional habitable room. Insufficient information has been provided to determine how many total habitable rooms are intended within the dwelling. The applicant shall be advised that further variances may be required if more than eight (8) habitable rooms are intended.
2. Please be advised that the roofed-over and screened portion of the proposed rear yard deck is considered to be enclosed and as such, has been reviewed against the same yard requirements as the principal building. These variances have been written accordingly.

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

DATE: Thursday, October 7th, 2021
TIME: 2:25 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

HM/A-21: 336

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:

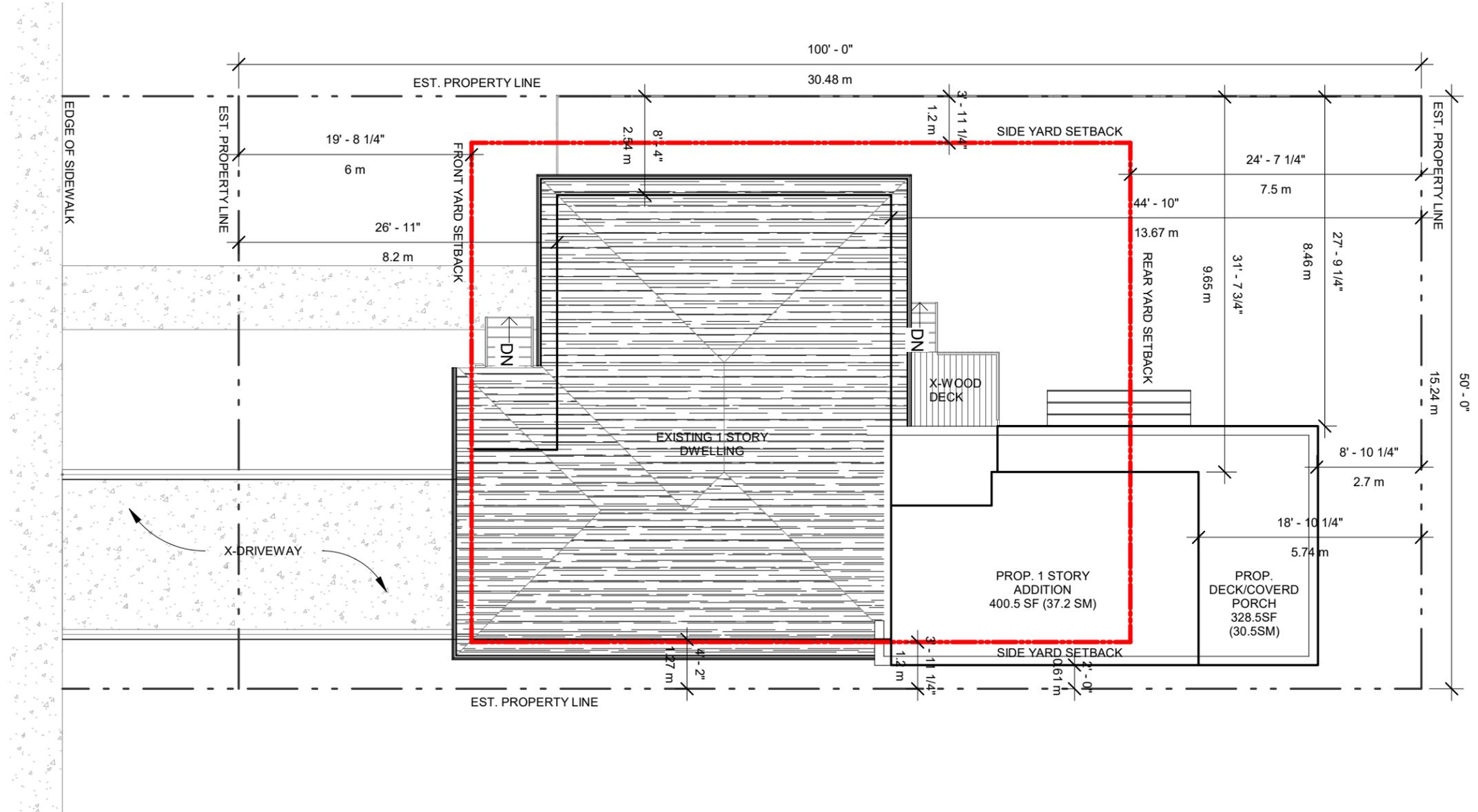
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: September 21st, 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.

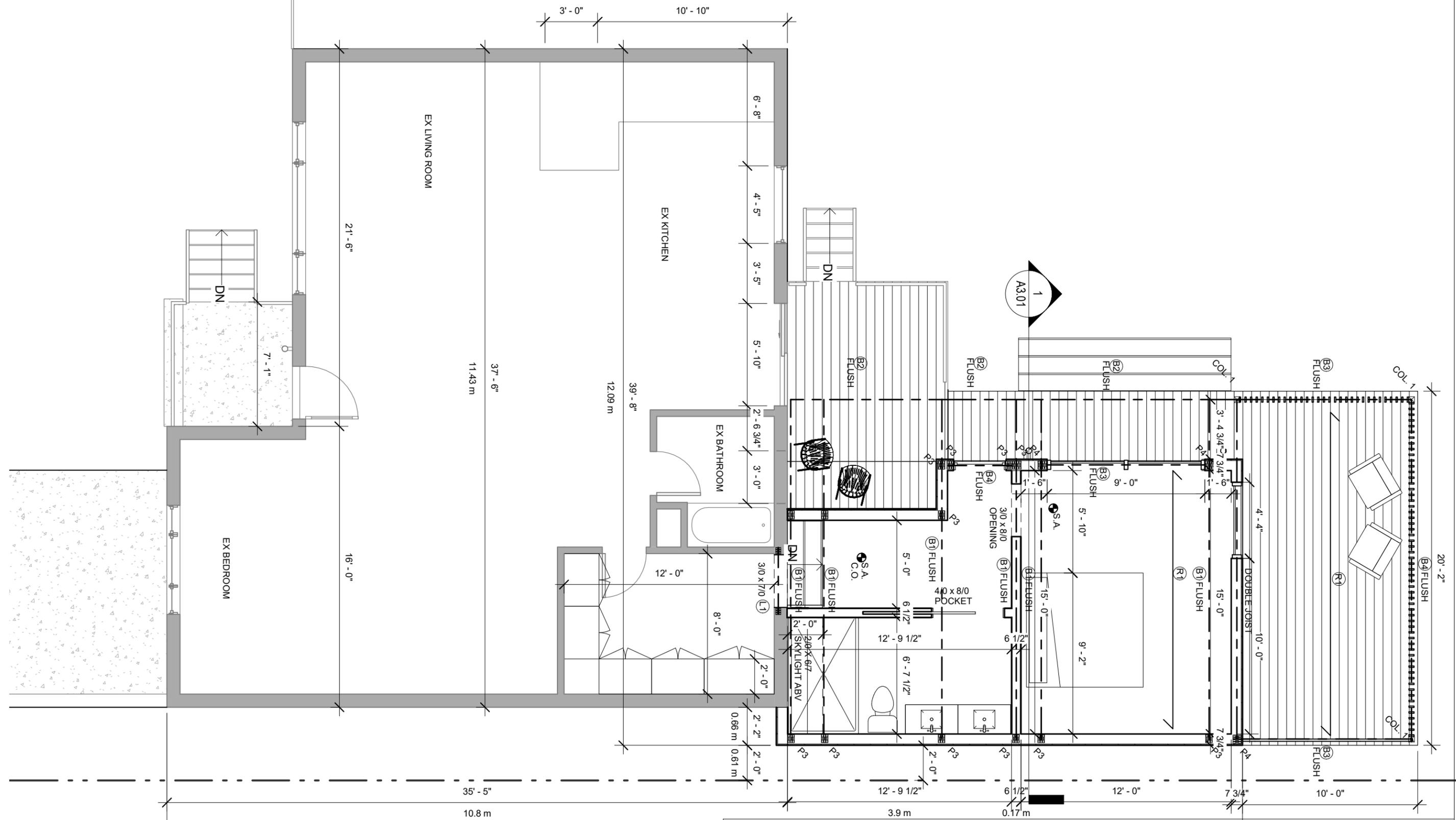
3/32" = 1'-0"
 1
 SITE PLAN



197 KINGS FOREST DR., HAMILTON
 PROPOSED ADDTION & PORCH
 NICK AND AMANDA MANCINI

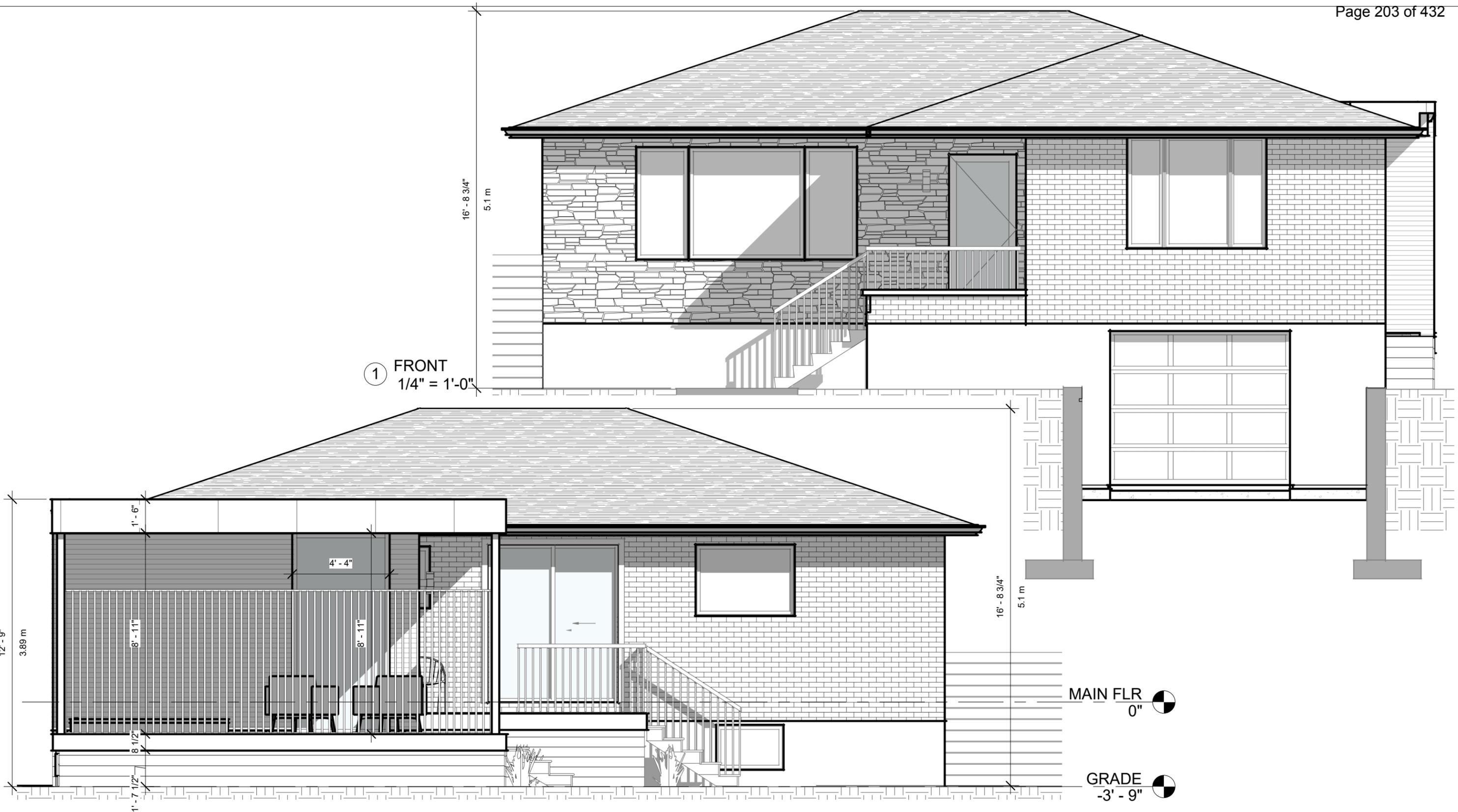
SITE PLAN		SP.01
Project number	21059	
Date	21/06/23	
Drawn by	Author	
Checked by	Checker	Scale 3/32" = 1'-0"

3/16" = 1'-0"
1
 PROP. - GROUND FLOOR



197 KINGS FOREST DR., HAMILTON
 PROPOSED ADDTION & PORCH
 NICK AND AMANDA MANCINI

PROPOSED GROUND		A1.01
Project number	21059	
Date	21/06/23	
Drawn by	B.M.W.	
Checked by	B.M.W.	Scale 3/16" = 1'-0"

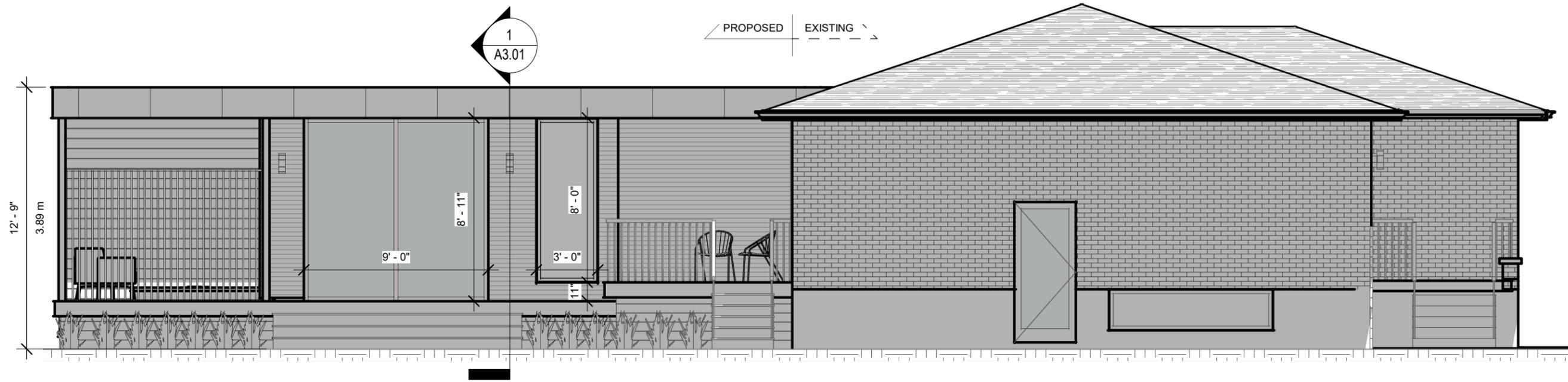


① FRONT
1/4" = 1'-0"

② BACK
1/4" = 1'-0"

197 KINGS FOREST DR., HAMILTON
 PROPOSED ADDTION & PORCH
 NICK AND AMANDA MANCINI

ELEVATIONS		A2.01
Project number	21059	
Date	21/06/23	
Drawn by	B.M.W.	
Checked by	B.M.W.	
Scale		1/4" = 1'-0"



② SIDE
3/16" = 1'-0"

INTERIOR WALL TYPE LEGEND

ALL INTERIOR WALLS TO BE 'N-1' CONSTRUCTION, UNLESS OTHERWISE NOTED

- ONE LAYER 1/2" GWB
- 2X4 OR 2X6 SPRUCE STUDS @ 16" o.c.
- ONE LAYER 1/2" GWB
- *** SOUND INSULATION IN WALLS AS PER OWNER

ROOF TYPE LEGEND

- 2-PLY ASPHALT BASED MEMBRANE ROOF SYSTEM - TORCH APPLIED - CCMC TO PROTECTION BOARD ON
- TAR PRIMER COAT AS PER CGSB "37-GP-52M"
- 3/4" SPF T&G PLYWOOD SHEATHING (GLUED AND SCREWED)
- 2X4 SPRUCE CUT FOR A MIN. 2% SLOPE TO DRAINS OR EDGE
- ROOF JOISTS AS PER PLANS
- R31 ROCKWOOL BATT INSULATION OR 5" CLOSED CELL SPRAY FOAM
- 6 MIL. POLY VAPOUR BARRIER (FOR BATT INSULATION)
- 1/2" GYPSUM BOARD (FURRING CHANNELS AS PER OWNER)

EXTERIOR WALL TYPE LEGEND

- ONE LAYER 1/2" GWB
- 6 MIL. CONT. VAPOR BARRIER
- 2X6 SPRUCE STUDS @ 16" o.c. (U.O.N.)
- ROXUL (R24) BATT INSULATION
- 1/2" SPRUCE PLYWOOD SHEATHING c/w AIR BARRIER
- 1" THICK CONT. RIGID INSULATION (R5 CONT.) TAPED JOINTS, MECHANICALLY ATTACHED
- CLADDING - COLOUR BY OWNER, W/ GALV. NAILS ON 1" x 4" WOOD FURING STRIPS @ 16" O/C (DOUBLE STRAP FOR VERTICAL SIDING)

FLOOR TYPE LEGEND

- 3/4" EDGE GOLD OR EQ. SUBFLOOR (GLUE AND SCREW TO WOOD FLOOR JOISTS)
- 12" JOISTS (REFER TO FLOOR PLANS FOR SIZES)
- 1 ROW OF SOLID BLOCKING
- 1/2" GYPSUM BOARD CEILING

○ ASSEMBLY LEGEND
1/2" = 1'-0"

197 KINGS FOREST DR., HAMILTON
PROPOSED ADDTION & PORCH
NICK AND AMANDA MANCINI

ELEVATIONS		A2.02
Project number	21059	
Date	21/06/23	
Drawn by	Author	
Checked by	Checker	
		Scale As indicated



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)	NICK MANCINI	[REDACTED]
Applicant(s)*	BRENT WMBENGA	
Agent or Solicitor	--	

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:

NICK MANCINI , 197 KINGS FOREST DR. HAMULTON L8T 4K2

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

VARIANCE
 * ADDITION REAR YARD SETBACK (5.74)
 * ADDITION SIDEYARD SETBACK (0.61m)
 * REAR PORCH REAR YARD (2.7m)
 * REAR PORCH SIDE (0.61m)

4. Nature and extent of relief applied for:

- PROPOSED 1 STORY REAR YARD ADDITION & COVERED PORCH
 - EXISTING WINDOWS / BATHROOM WINDOW TO REMAIN

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

- EXISTING SMALL LOT & EXISTING HOUSE & PORCH TO REMAIN

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):

~~XXXXXXXXXX~~ 197 KINGS FOREST DR. HAMILTON ON
 LBT 4K2

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?

EXISTING RESIDENTIAL FOR 60+ YEARS

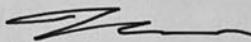
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

May 20 2021
Date


Signature Property Owner

Nicholas Mancini
Print Name of Owner

10. Dimensions of lands affected:

Frontage 15.24m
Depth 30.48m
Area 464.5 sm
Width of street 8.25m

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: 1224 SF (113.7sm) WIDTH: 37'-6" (11.43m)
GROSS FLOOR AREA: 1224 SF (113.7sm) LENGTH: 35'-5" (10.8m)
NUMBER OF STORES: 1 HEIGHT: 16'-8 3/4" (5.1m)

Proposed

GROUND FLOOR AREA: 1953 SF (181.4sm) WIDTH: 39'-8" (12.09m)
GROSS FLOOR AREA: 1953 SF (181.4sm) LENGTH: 61'-4 3/4" (18.71m)
OF STORES: (1) HEIGHT: 16'-8 3/4" (5.1m)

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: 8.2m
SIDE: 1.7m / 2.54m
REAR: 13.67m

Proposed:

FRONT: 8.2m
SIDE: 2.54m / 0.61m
REAR: 5.74m

REAR PORCH: 2.7m
SIDE PORCH: 0.61m / 8.46m

13. Date of acquisition of subject lands:
April 2015
14. Date of construction of all buildings and structures on subject lands:
1970'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:
60+ YEARS
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|----------|-----------|----------|
| Water | <u>X</u> | Connected | <u>X</u> |
| Sanitary Sewer | <u>X</u> | Connected | <u>X</u> |
| Storm Sewers | <u>+</u> | | |
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

Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-21:82

SUBJECT PROPERTY: 122 Martindale Crescent, 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 James Webb Consulting Inc.
 Owner Canadian Commercial (Acquisitions) Inc. c/o
 Home Depot

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain a parcel of land for Commercial purposes and to establish an easement for access and servicing.

Severed lands:
 47.4m[±] x 44.1m[±] and an area of 2,546.8m^{2±}

Retained lands:
 108.6m[±] x 270.4m[±] and an area of 40,203.3m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 7th , 2021
TIME: 2:30 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.

AN/B-21: 82
PAGE 2

MORE INFORMATION

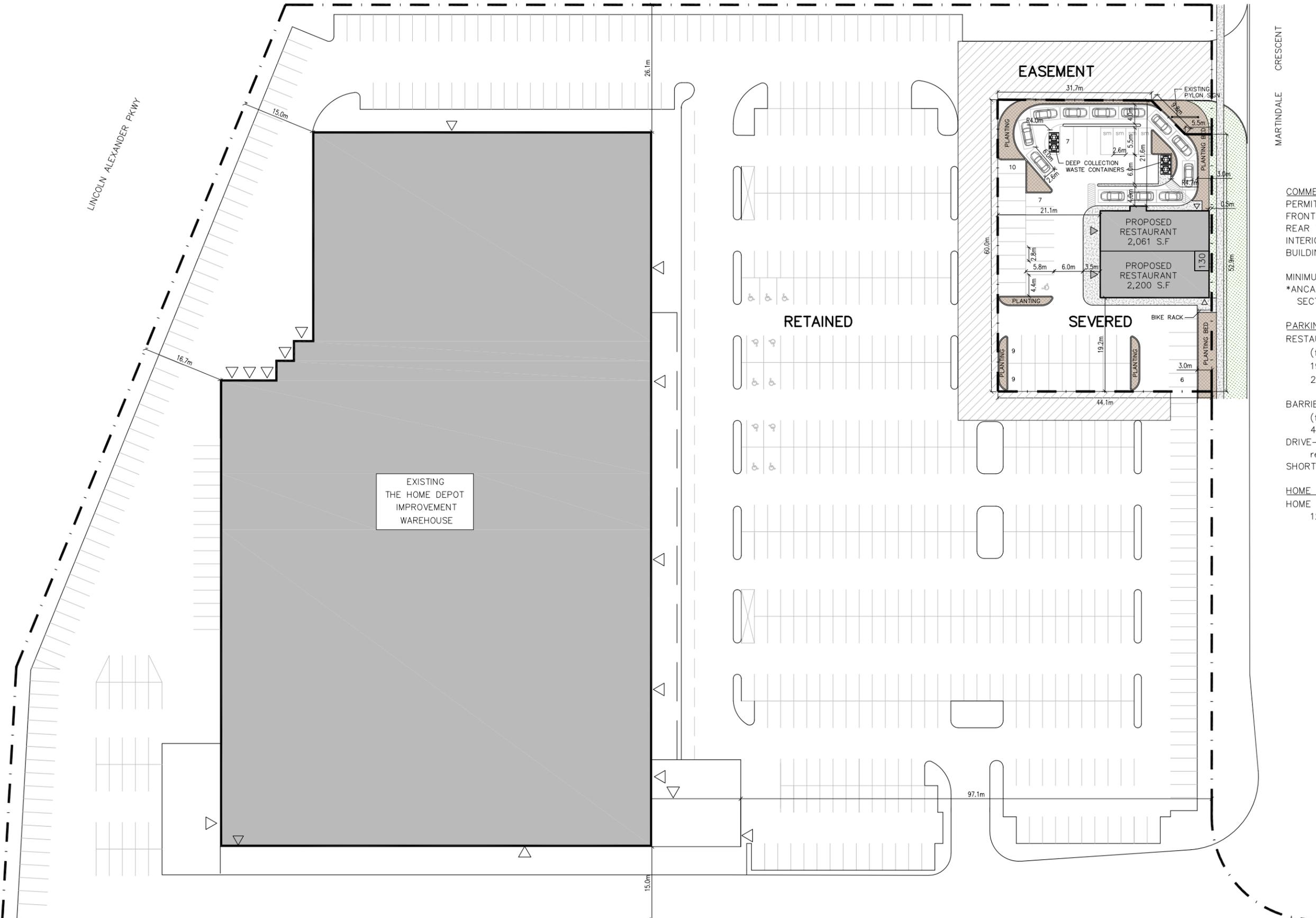
For more information on this matter, including access to drawings illustrating this request:

- 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: September 21st, 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.



COMMERCIAL (C5)
 PERMITTED USES = RESTAURANT
 FRONT YARD MAX. = 4.5m 0.5m prov.
 REAR YARD MIN. = 7.5m 21.1m prov.
 INTERIOR YARD MIN. = 0.0m 19.2m prov.
 BUILDING HEIGHT MIN. = 7.5m 8.0m prov.

MINIMUM FRONT YARD* = 25.0m 0.5m prov.
 *ANCASTER ZONING BY-LAW 87-57
 SECTION 22.2, TABLE 2 - SECTION 5, C2

PARKING
 RESTAURANT 1/8.0sm OF GFA
 (fractions rounded down)
 191.5sm (2,061sf) = 23
 204.4sm (2,200sf) = 25
 = 48 48 prov.
 BARRIER FREE 50-100 4% OF TOTAL
 (fractions rounded down)
 48 std. required = 1 1 prov.
 DRIVE-THRU STACKING
 restaurants = 12 12 prov.
 SHORT-TERM BICYCLE = 5 5 prov.

HOME DEPOT PARKING
 HOME IMPROVEMENT SUPPLY 1/50sm of GFA
 12,270.4sm = 245 613 prov.
 (455 front field)

DETAILS	No.	REVISIONS	DATE
DESIGNED BY: AV	1.	NOTE	DT
DRAWN BY: AV			
CHECKED BY:			
DATE:			

CONSULTANT OR DIVISION
 THIS DRAWING HAS BEEN PREPARED FOR USE OF CANADIAN COMMERCIAL DEVELOPMENT'S CLIENT AND MAY NOT BE USED, REPRODUCED OR RELIED UPON BY THIRD PARTIES, EXCEPT AS AGREED BY CCD AND ITS CLIENT, AS REQUIRED BY LAW OR FOR USE BY GOVERNMENTAL REVIEWING AGENCIES. CCD ACCEPTS NO RESPONSIBILITY, AND DENIES ANY LIABILITY WHATSOEVER, TO ANY PARTY THAT MODIFIES THIS DRAWING WITHOUT CCD'S EXPRESS WRITTEN CONSENT. DO NOT SCALE THIS DOCUMENT. ALL MEASUREMENTS MUST BE OBTAINED FROM STATED DIMENSIONS.



122 MARTINDALE CR., ANCASTER
 SITE DEVELOPMENT

SITE PLAN

SCALE	DATE	SHEET No.
---	SEP 1, 2021	SP1

INTEGRATION:

BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS v6) EPOCH 2010.00.

DISTANCES ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999660384.

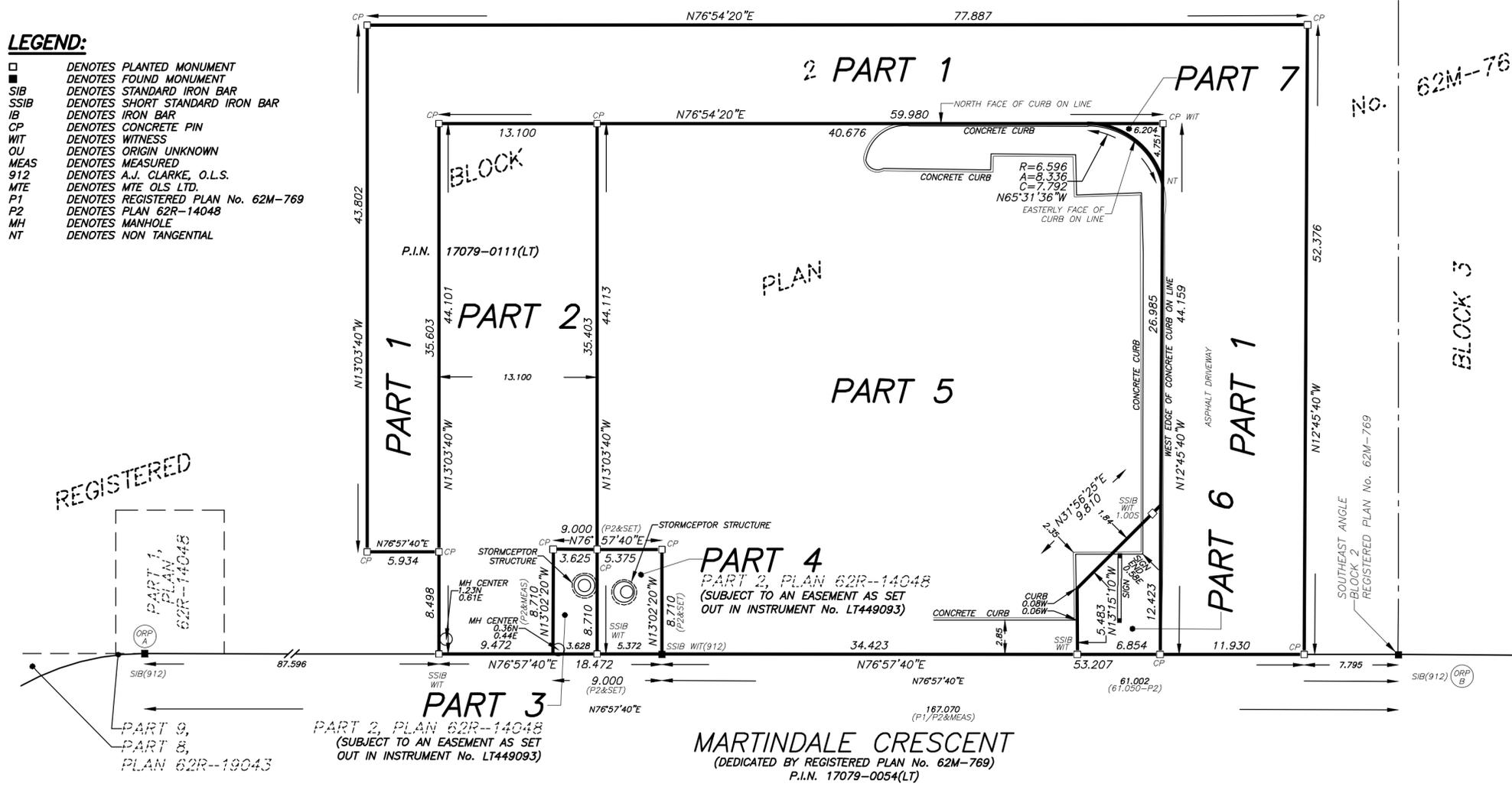
ALL COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS v6) EPOCH 2010.00 TO AN URBAN ACCURACY IN ACCORDANCE WITH SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4786784.758	585668.718
ORP B	4786822.416	585831.447

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

LEGEND:

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- CP DENOTES CONCRETE PIN
- WIT DENOTES WITNESS
- OU DENOTES ORIGIN UNKNOWN
- MEAS DENOTES MEASURED
- 912 DENOTES A.J. CLARKE, O.L.S.
- MTE DENOTES MTE OLS LTD.
- P1 DENOTES REGISTERED PLAN No. 62M-769
- P2 DENOTES PLAN 62R-14048
- MH DENOTES MANHOLE
- NT DENOTES NON TANGENTIAL



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

PLAN 62R-

RECEIVED AND DEPOSITED

DATE _____

DATE _____

PATRICK WOOLLEY, O.L.S.

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

SCHEDULE

PART	BLOCK	PLAN	P.I.N.	AREA (m ²)
1	PART OF 2	62M-769	PART OF 17079-0111(LT)	1377.0
2				546.2
3				31.6
4				46.8
5				1947.5
6				61.7
7				8.0

PARTS 1, 2, 3, 4, 5, 6, AND 7 COMPRISE PART OF P.I.N. 17079-0111(LT). PARTS 3 AND 4 ARE SUBJECT TO AN EASEMENT AS SET OUT IN INSTRUMENT No. LT449093.

PLAN OF SURVEY OF PART OF BLOCK 2 REGISTERED PLAN No. 62M-769 CITY OF HAMILTON

SCALE 1:300



MTE OLS LTD. ONTARIO LAND SURVEYORS

METRIC:

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

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 XTH DAY OF AUGUST, 2021.

DATE _____ PATRICK WOOLLEY ONTARIO LAND SURVEYOR

MTE MTE ONTARIO LAND SURVEYORS LTD.
1016 SUTTON DRIVE, UNIT A
BURLINGTON, ONTARIO, L7L 6B8
TEL: 905-639-2552

Cad File: P:\P\37661\200\37661-200-R1.DWG	COGO: 37661-200-UTMGROUND.CSV
Drawn By: D. DINIZ	Checked By: P. WOOLLEY
File No: 37661-200-R1(M)	

LAST PLOT DATE: September 1, 2021



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)	Home Depot Holdings Inc.	
Applicant(s)*	Canadian Commercial Management Inc.	
Agent or Solicitor	James Webb	

* 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 attached	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 122 Martindale Crescent, Ancaster, 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:

No hardware sales, future easements for access and servicing

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:

Canadian Commercial (Ancaster) Inc.

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)
47.4	44.1	2,546.8m ²

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: parking lot

Proposed: single multi-tenant building

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)
108.6	270.4	40,203.3m ²

Existing Use of Property to be retained:

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

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"/>	various big box commercial uses
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 Home Depot
- 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?

- 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

Growth Plan for the Greater Golden Horseshoe - Proposal Conforms

- 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.

Approved Plan of Subdivision (Plan 62M-769)

- 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?

Home Depot has owned since 1993

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.

To clarify, this applies to Canadian Commercial. (Home Depot owns their property at 350 Centennial Parkway North)

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 pending variance for development standards - does not impact severance 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:

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.

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.

September 3, 2021

Date

★ *Suzanne Russo*

Signature of Owner

September 8, 2021
email

submitted via

City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5
cofa@hamilton.ca

**Re: Application for Consent
Canadian Commercial Management Inc.
122 Martindale Crescent
Ancaster, ON**

Canadian Commercial Management Inc. is pleased to submit an Application for Consent for the lands at 122 Martindale Crescent in Ancaster (the “subject lands”). The purpose of the application is to sever approximately 2,546.8 s.m. from the subject lands and retain approximately 40,203.3 s.m. per the attached severance sketch.

The legal description of the subject lands is as follows:

**BLKS 1 AND 2, PLAN 62M769; SAVE AND EXCEPT PARTS 5,6,7,8 AND 9 ON
62R 19043; S/T LT377105; S/T BLK 1 PLAN 62M769 IN FAVOUR OF LTS 1 AND 2
62M697 AS IN LT377108; S/T LT377037 ANCASTER; CITY OF HAMILTON**

THE SUBJECT LANDS

The subject lands are comprised of a single parcel located along Martindale Crescent.

The subject lands are currently a Home Depot retail store.

The subject lands are designated “Mixed Use Medium Density” in the City of St. Hamilton Official Plan, and are currently zoned “C5 - Mixed Use Medium Density” in the City of Hamilton Zoning By-law.

PROPOSED DEVELOPMENT

The lands to be severed are proposed to be a single building, consisting of two restaurants with one featuring a drive through facility. No other development is proposed for the retained lands at this time.

PROPOSED CONSENT TO SEVER AND EASEMENT APPLICATIONS

In order to facilitate the proposed development, the lands are proposed to be severed as follows:

- Sever approximately 2,546.8 s.m. with a frontage of approximately 47.4 m on Martindale Crescent and a depth of approximately 44.1 m. These lands are shown as Parts 2, 3, 4 & 5 on the attached draft R-Plan; and,
- Retain approximately 40,203.3 s.m. with a frontage of approximately 108.6 m on Martindale Crescent and a depth of approximately 270.4 m.

PART DESCRIPTIONS

The attached consent sketch is based on a draft Reference Plan. The plan shows the lands to be severed as Parts 2,3,4 & 5 The lands to be retained are not identified as a part specifically for this plan; they can be seen on the severance sketch plan.

The parts on the severed lands each have their own specific purpose and are described as follows:

Part	Description	Area (s.m.)
1	Remains part of the retained lands but has a vehicular easement for the severed lands	1,377.0
2	A part of the severed lands but subject to an easement in favour of the retained lands for servicing	546.2
3	A part of the severed lands but subject to an easement in favour of the retained lands for servicing	31.6
4	A part of the severed lands but subject to an easement in favour of the retained lands for servicing	46.8
5	A part of the severed lands	1,947.5
6	Remains part of the retained lands and is the location of a pylon sign	61.8
7	A part of the severed lands but has a vehicular easement for the retained lands	8.0

As per the required submission materials, please find attached the following electronic documents:

- Completed Application for Consent, signed and commissioned;
- Severance Sketch;
- Draft R-Plan

In addition to the above, the required application fee will be submitted to the City separately via credit Card.

We trust that the enclosed information is complete and satisfactory and we look forward to a timely approval process. Home Depot requires the proposed severance to occur in 2021. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

Canadian Commercial Management Inc.



Lee Greenwood
Vice-President



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-21:73

SUBJECT PROPERTY: 88 Locke 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): Agent Ken Bekendam
 Owner Locke St. N. Holdings

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

Severed lands:
 12.538m[±] x 38.20m[±] and an area of 387.06m^{2±}

Retained lands:
 11.23m[±] x 37.88m[±] and an area of 425.39m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 7th , 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.

HM/B-21: 73
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: September 21st, 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 INFORMATION & STATISTICS

ADDRESS	88 STREET N. - HAMILTON - ON.
ZONING TYPE	D/S 1787
LOT AREA	3729.04 SQ FT (346.44 SQ M)
LOT FRONTAGE	36.84' (11.23m)

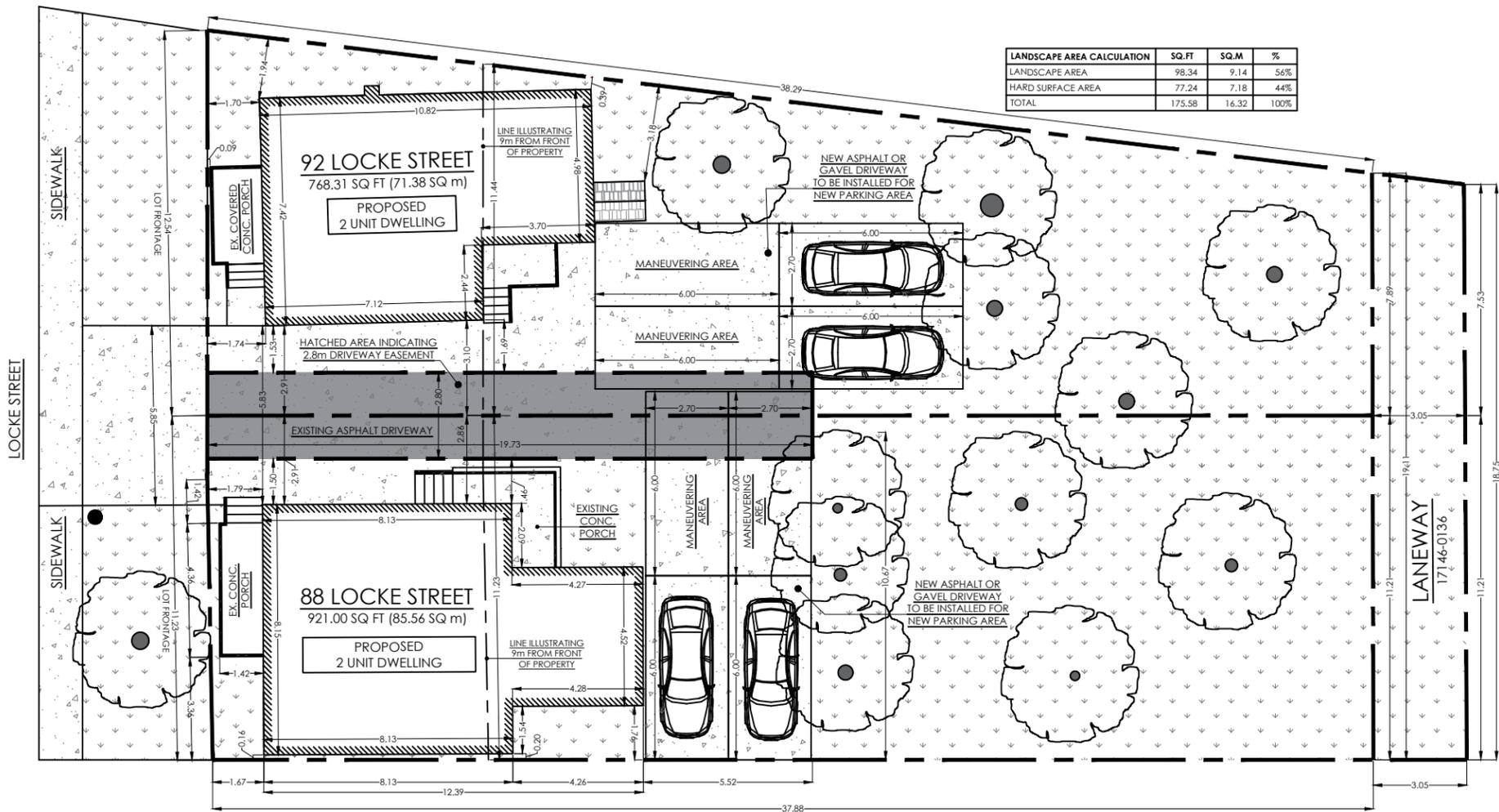
GENERAL NOTES:

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. 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 CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

SITE PLAN:

BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS.
THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES.
NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES

LANDSCAPE AREA CALCULATION	SQ.FT	SQ.M	%
LANDSCAPE AREA	98.34	9.14	56%
HARD SURFACE AREA	77.24	7.18	44%
TOTAL	175.58	16.32	100%



LANDSCAPE AREA CALCULATION	SQ.FT	SQ.M	%
LANDSCAPE AREA	80.46	7.47	60%
HARD SURFACE AREA	52.71	4.90	40%
TOTAL	133.17	12.37	100%

EXISTING STRUCTURE NOTE:

OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

BUILDING CODE COMPLIANCE NOTE:

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.



LEAD DESIGNER & CONSULTANT

Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

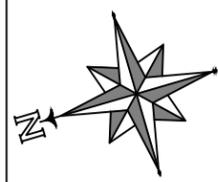
LEAD ENGINEER

Robert Mendez P. Eng 100054193
robertmendez@yahoo.com
cell: 416.807.1572

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.



NORTH POSITION:



ADDRESS: **88 LOCKE STREET, N HAMILTON, ON.**

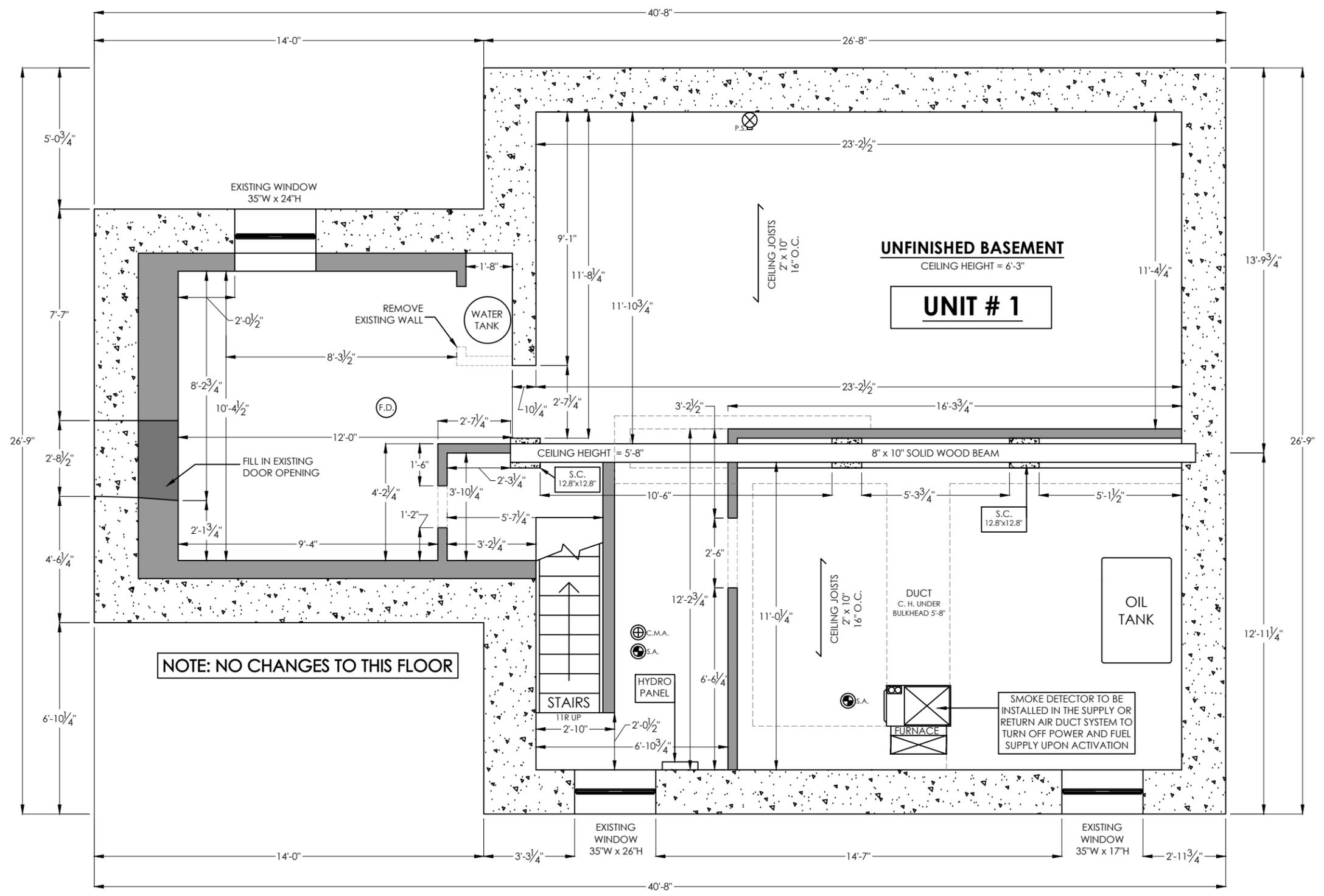
SUBJECT: **SITE PLAN**

PROJECT: **SECONDARY DWELLING UNIT**

SCALE: **1/16" = 1'**

DATE: **AUG 2021**

SHEET#: **SP 1.01**



NOTE: NO CHANGES TO THIS FLOOR

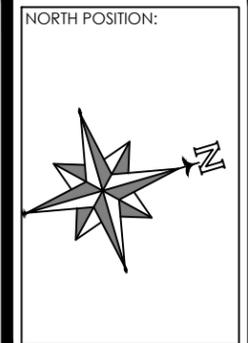
PLANS LEGEND	
[BATH]	ROOM NAME
[E.F.]	EXHAUST FAN
[2]	SPECIFICATION TAG
[S.A.]	SMOKE ALARM
[C.M.A.]	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
[STRUCTURAL BEAM OR WALL]	STRUCTURAL BEAM OR WALL
[P.S.]	PLUMBING STACK
[WATER METER]	WATER METER
[F.D.]	FLOOR DRAIN
[S.C.]	STRUCTURAL COLUMN
[FOUNDATION WALL]	FOUNDATION WALL
[EXISTING EXTERIOR WALLS]	EXISTING EXTERIOR WALLS
[NEW EXTERIOR WALLS]	NEW EXTERIOR WALLS
[EXISTING INTERIOR WALLS]	EXISTING INTERIOR WALLS
[NEW INTERIOR WALLS]	NEW INTERIOR WALLS
[STRUCTURAL WALLS]	STRUCTURAL WALLS
[NEW STRUCTURAL BEAMS]	NEW STRUCTURAL BEAMS
[WINDOWS]	WINDOWS
[SUPPLY REGISTER]	SUPPLY REGISTER
[RETURN GRILLE]	RETURN GRILLE
DOOR LEGEND	
[A]	DOOR TYPE
[30x60]	DOOR SIZE
A.	PANEL DOOR
B.	FIRE DOOR w/ SELF CLOSER (45 MIN)
C.	FIRE DOOR w/ SELF CLOSER (20 MIN)
D.	EXTERIOR DOOR
E.	BIFOLD CLOSET
F.	SLIDING DOOR
G.	POCKET DOOR



LEAD DESIGNER & CONSULTANT
Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER
Robert Mendez P. Eng 100054193
robertmendez@yahoo.com
cell: 416.807.1572

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.



ADDRESS: **88 LOCKE STREET, N
HAMILTON, ON.**

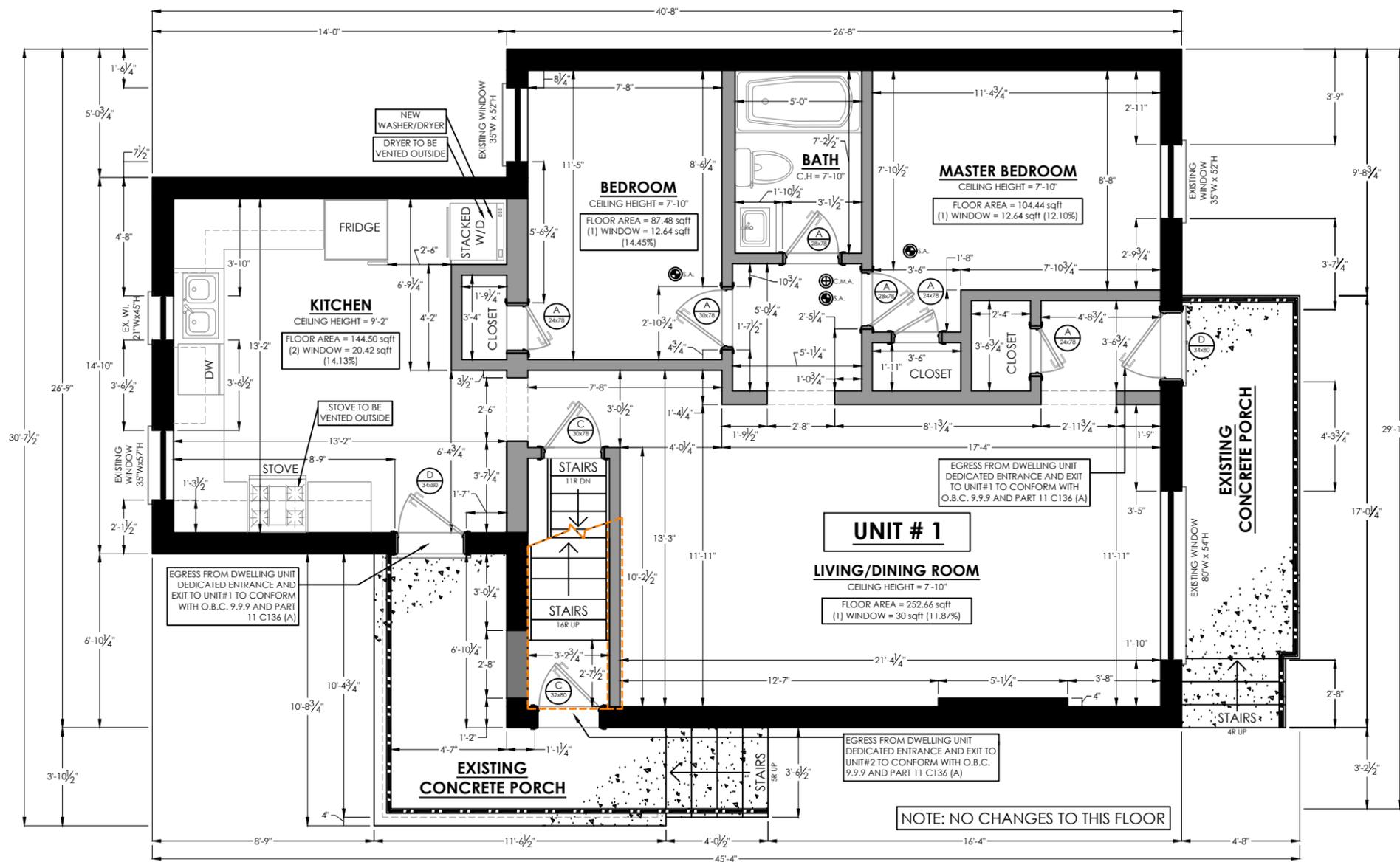
SUBJECT: **EXISTING/PROPOSED BASEMENT**

PROJECT: **SECONDARY DWELLING UNIT**

SCALE: **1" = 1'**

DATE: **AUG 2021**

SHEET#: **A 1.01**



SEPARATION BETWEEN SUITES:
 SEPARATION BETWEEN SUITES TO HAVE A FIRE RESISTANCE RATING OF **30 MINS** AS PER O.B.C. 9.10.9.14 (1), PART 11 C152 (q) AND PART 9.11.2.1(1) - STC 50. REFER TO SB3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)
 - NEW 2 x 4 STUD WALL SPACED 16" O.C.
 - 3.5" THICK ABSORPTIVE MATERIAL
 - RESILIENT METAL CHANNELS SPACED 24" O.C.
 - 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
 - 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

HORIZONTAL PARTITION (CEILING) - F8D (30MIN FRR, STC50)
 -EX. WOOD JOISTS @ 16" O.C.
 -6" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN 90mm & MIN. SURFACE AREA MASS OF 2.8 KG/SQ. M)
 -RESILIENT METAL CHANNELS SPACED @ 24" O.C.

FOR PIPE AND WIRE PENETRATIONS:
 - USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILTI FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

FOR HVAC DUCTING:
 - ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
 - SEE NOTE NEAR FURNACE ON FLOOR PLAN

FOR SERVICE ITEMS IN FIRE SEPARATION (VALVES, METERS, ELECTRICAL BOXES, ETC.):
 - USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)

PLANS LEGEND	
[BATH]	ROOM NAME
[E.F.]	EXHAUST FAN
[2]	SPECIFICATION TAG
[S.A.]	SMOKE ALARM
[C.M.A.]	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
[S.B.]	STRUCTURAL BEAM OR WALL
[P.S.]	PLUMBING STACK
[W.M.]	WATER METER
[F.D.]	FLOOR DRAIN
[S.C.]	STRUCTURAL COLUMN
[F.W.]	FOUNDATION WALL
[E.E.W.]	EXISTING EXTERIOR WALLS
[N.E.W.]	NEW EXTERIOR WALLS
[E.I.W.]	EXISTING INTERIOR WALLS
[N.I.W.]	NEW INTERIOR WALLS
[S.W.]	STRUCTURAL WALLS
[N.S.B.]	NEW STRUCTURAL BEAMS
[W.]	WINDOWS
[S.R.]	SUPPLY REGISTER
[R.G.]	RETURN GRILLE

DOOR LEGEND	
[A]	DOOR TYPE
[30x60]	DOOR SIZE
A.	PANEL DOOR
B.	FIRE DOOR w/ SELF CLOSER (45 MIN)
C.	FIRE DOOR w/ SELF CLOSER (20 MIN)
D.	EXTERIOR DOOR
E.	BIFOLD CLOSET
F.	SLIDING DOOR
G.	POCKET DOOR

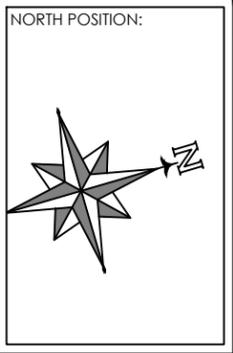
NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED WITHIN DWELLING UNITS

UNIT #1 - 892 sqft

legal second suites.com

LEAD DESIGNER & CONSULTANT
 Ken Bekendam B.A. BUSCOM, L.T.
 kenbekendam@gmail.com
 office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER
 Robert Mendez P. Eng 100054193
 robertmendez@yahoo.com
 cell: 416.807.1572



ADDRESS: **88 LOCKE STREET, N HAMILTON, ON.**

SUBJECT: **PROPOSED MAIN FLOOR UNIT #1**

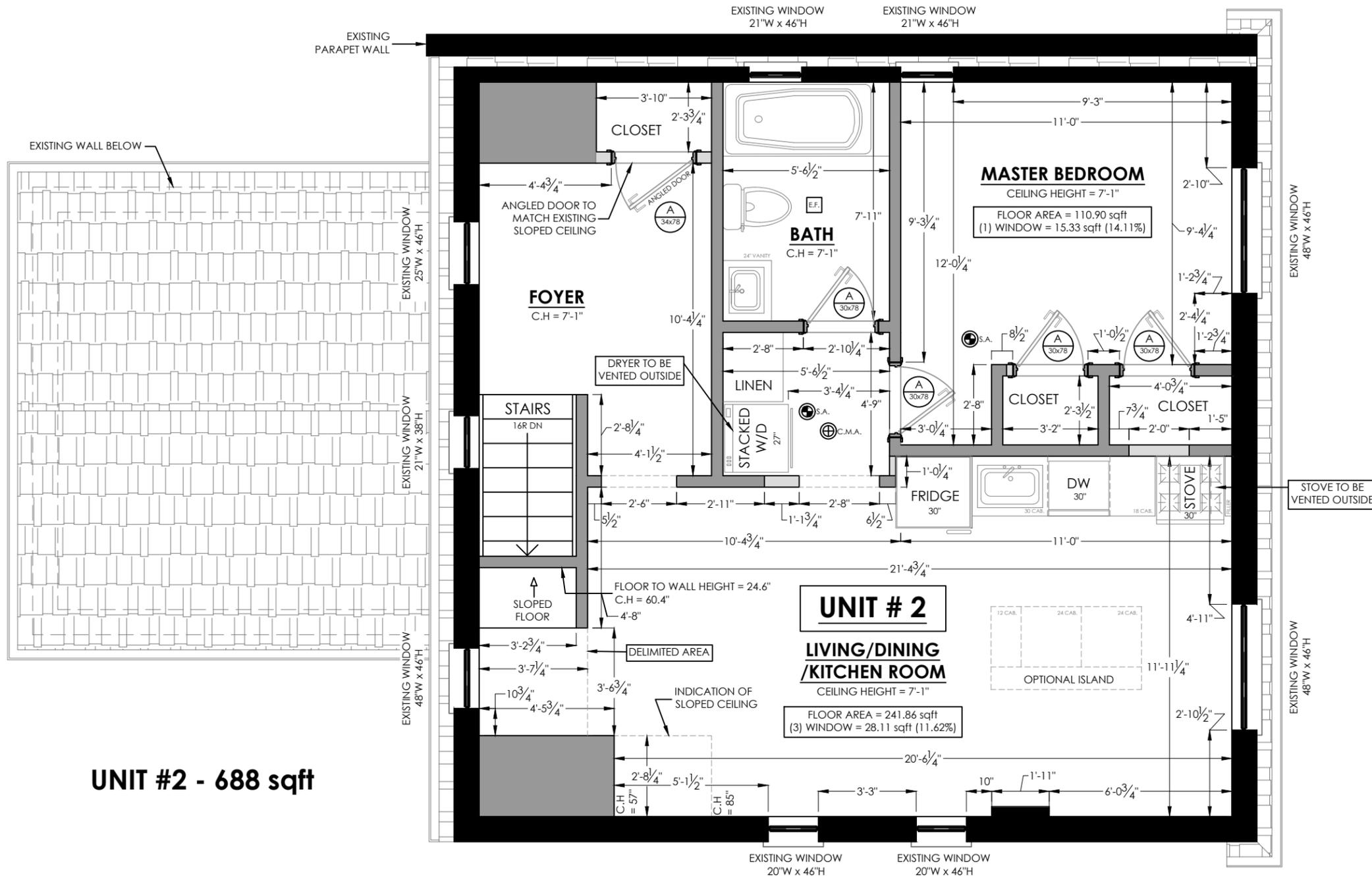
PROJECT: **SECONDARY DWELLING UNIT**

SCALE: **3/16" = 1'**

DATE: **AUG 2021**

SHEET#: **A 1.04**

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.



UNIT #2 - 688 sqft

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED WITHIN DWELLING UNITS

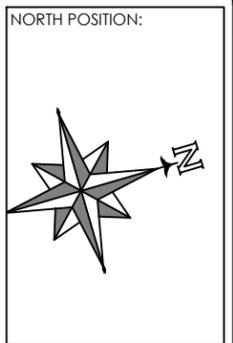
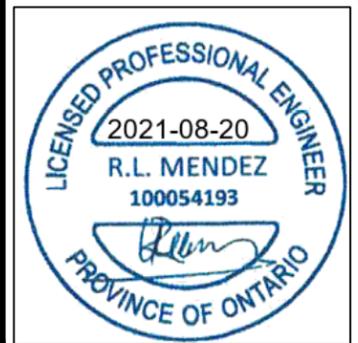
PLANS LEGEND	
BATH	ROOM NAME
	EXHAUST FAN
	SPECIFICATION TAG
	SMOKE ALARM
	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
	STRUCTURAL BEAM OR WALL
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING INTERIOR WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	NEW STRUCTURAL BEAMS
	WINDOWS
	SUPPLY REGISTER
	RETURN GRILLE

DOOR LEGEND	
	DOOR TYPE
	DOOR SIZE
A.	PANEL DOOR
B.	FIRE DOOR w/ SELF CLOSER (45 MIN)
C.	FIRE DOOR w/ SELF CLOSER (20 MIN)
D.	EXTERIOR DOOR
E.	BIFOLD CLOSET
F.	SLIDING DOOR
G.	POCKET DOOR

legal second suites.com

LEAD DESIGNER & CONSULTANT
Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER
Robert Mendez P. Eng 100054193
robertmendez@yahoo.com
cell: 416.807.1572



ADDRESS: **88 LOCKE STREET, N HAMILTON, ON.**

SUBJECT: **PROPOSED SECOND FLOOR UNIT #2**

PROJECT: **SECONDARY DWELLING UNIT**

SCALE: **1/4" = 1'**

DATE: **AUG 2021**

SHEET#: **A 1.05**

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.





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)	Locke Street North Holdings Inc	
Applicant(s)*	Ken Bekendam	
Agent or Solicitor		

* 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 5	Concession	Former Township
Registered Plan N°. 150	Lot(s) 5	Reference Plan N°.	Part(s)
Municipal Address 88 Locke St.N			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:

NA

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

NA

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)
12.538	38.20	387.06

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 storey stucco house

Proposed: 1 storey stucco house (Proposed 2 unit 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)
11.23	37.88	425.39

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

Building(s) or Structure(s):

Existing: 2 storey siding house

Proposed: 2 storey siding house (Proposed 2 unit 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.

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? D/S 1787

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?

- 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)
- 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.

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

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)**

- 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.

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.

July 20, 2021
Date

[Signature]
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.: HM/A-21:325

APPLICANTS: Agent Ken Bekendam
 Owner Locke St. N. Holdings

SUBJECT PROPERTY: Municipal address **88 & 92 Locke St. 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 permit the creation of two (2) lots, each consisting of an existing single-family dwelling, and the establishment of a secondary dwelling unit within each of the single-family dwellings upon severing the lands, notwithstanding,

1. A minimum lot width of 11.2 metres shall be provided for the property identified as 88 Locke Street North and a minimum lot width of 11.4 metres shall be provided for the property identified as 92 Locke Street North instead of the minimum required lot width of 12.0 metres; and,

2. A portion of the required 6.0 metre wide manoeuvring space for the two (2) parking spaces on the property identified as 88 Locke Street South shall be permitted to be located on the adjacent property identified as 92 Locke Street South instead of providing the minimum required manoeuvring space entirely within the limits of the property on which the parking is provided.

NOTES:

1. The variance is required to facilitate land severance application HM/B-21:73 which is to be heard in conjunction with this application.

2. Legally established rights of ways shall be properly registered on title to provide access between properties and the sharing of the mutual driveway.

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

DATE: Thursday, October 7th, 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

HM/A-21: 325

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: September 21st, 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 INFORMATION & STATISTICS

ADDRESS	88 STREET N. - HAMILTON - ON.
ZONING TYPE	D/S 1787
LOT AREA	3729.04 SQ FT (346.44 SQ M)
LOT FRONTAGE	36.84' (11.23m)

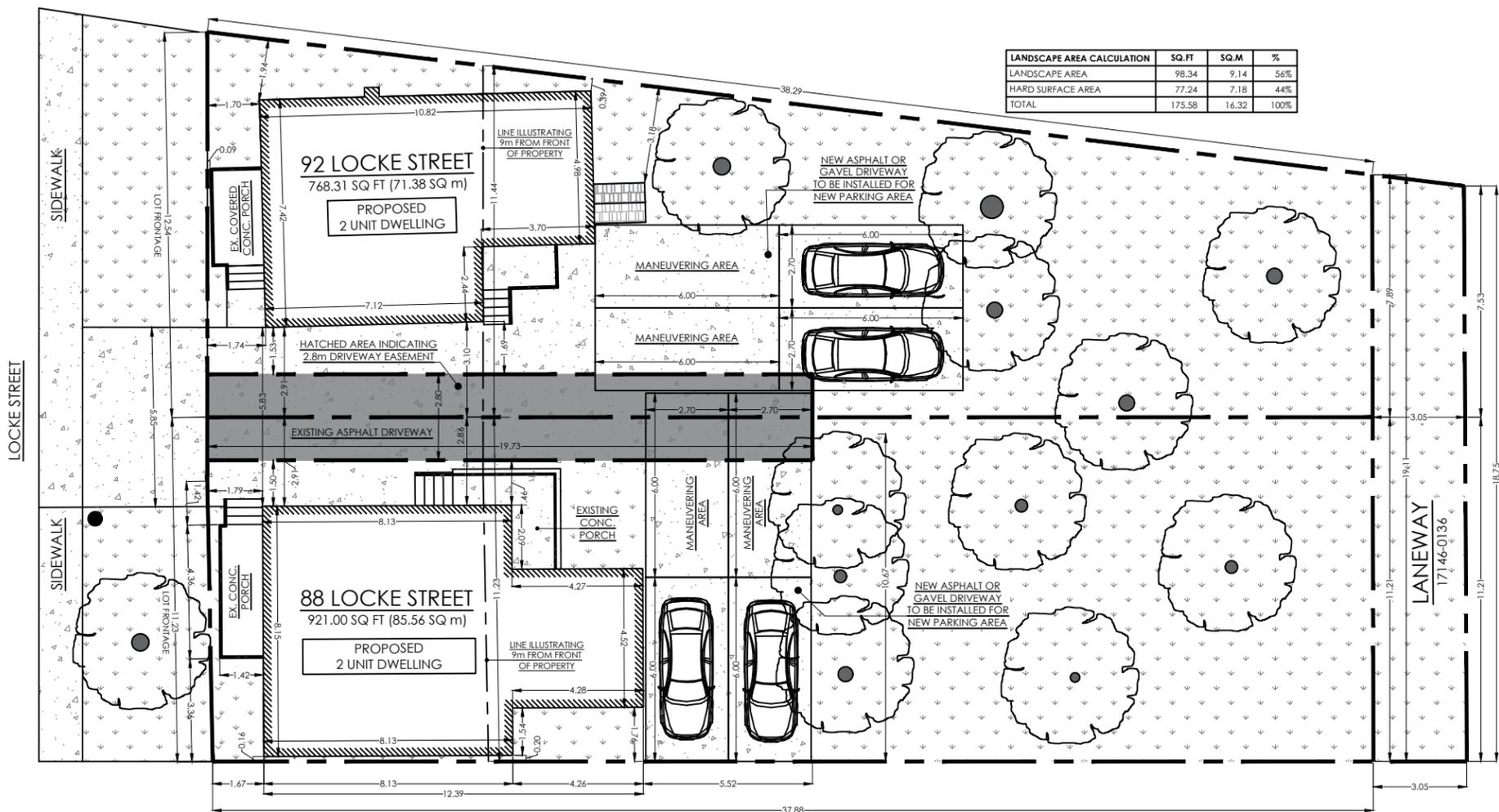
GENERAL NOTES:

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. 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 CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

SITE PLAN:

BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS.
THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES.
NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES

LANDSCAPE AREA CALCULATION	SQ.FT	SQ.M	%
LANDSCAPE AREA	98.34	9.14	56%
HARD SURFACE AREA	77.24	7.18	44%
TOTAL	175.58	16.32	100%



LANDSCAPE AREA CALCULATION	SQ.FT	SQ.M	%
LANDSCAPE AREA	80.46	7.47	60%
HARD SURFACE AREA	52.71	4.90	40%
TOTAL	133.17	12.37	100%

EXISTING STRUCTURE NOTE:

OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

BUILDING CODE COMPLIANCE NOTE:

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.



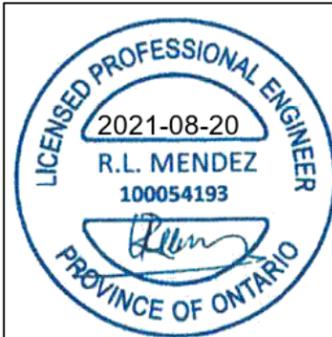
LEAD DESIGNER & CONSULTANT

Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER

Robert Mendez P. Eng 100054193
robertmendez@yahoo.com
cell: 416.807.1572

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.



NORTH POSITION:



ADDRESS:

**88 LOCKE STREET, N
HAMILTON, ON.**

SUBJECT:

SITE PLAN

PROJECT:

SECONDARY DWELLING UNIT

SCALE:

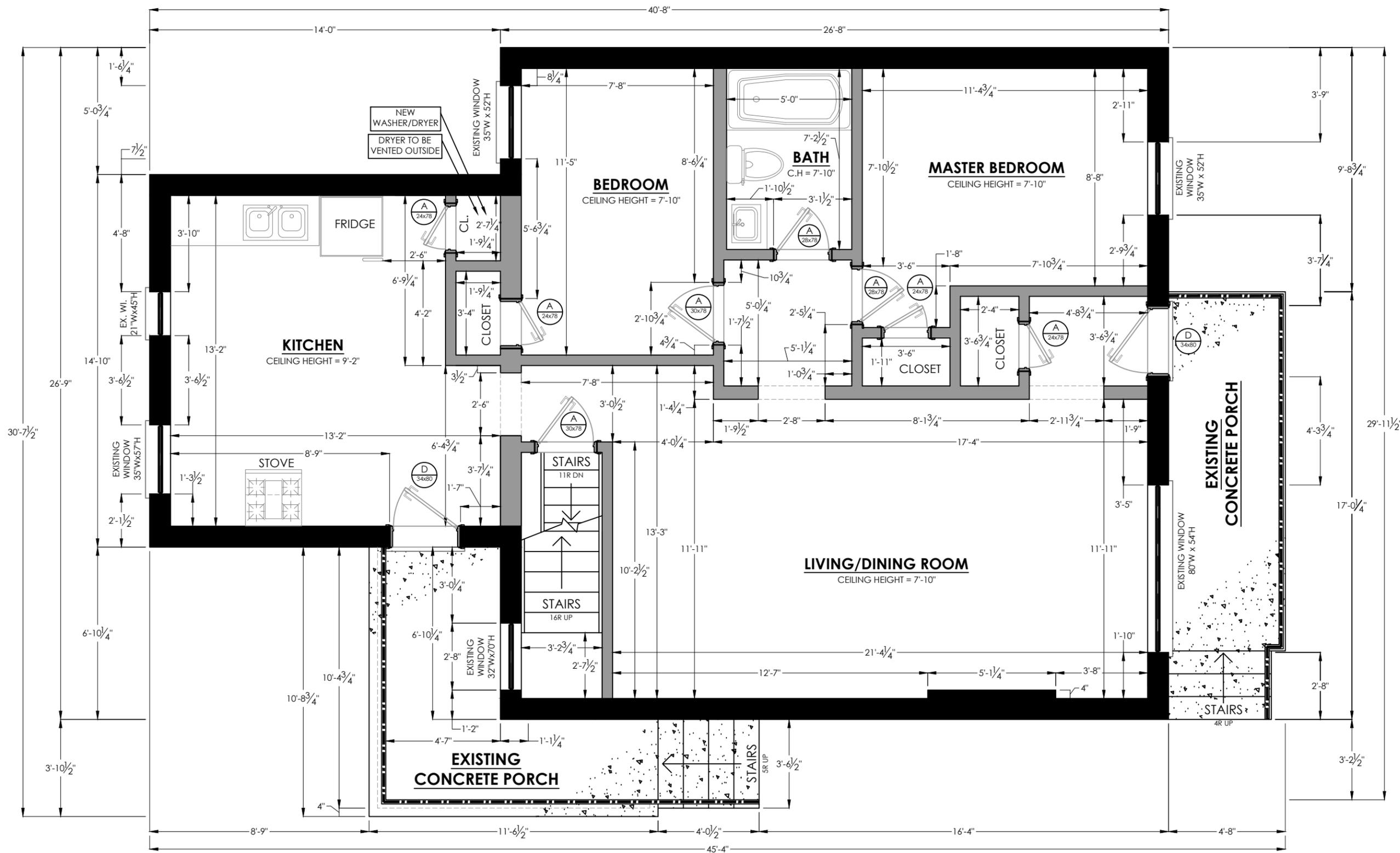
1/16" = 1'

DATE:

AUG 2021

SHEET#:

SP 1.01



PLANS LEGEND	
BATH	ROOM NAME
E.F.	EXHAUST FAN
2	SPECIFICATION TAG
S.A.	SMOKE ALARM
C.M.A.	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
Structural Beam or Wall	STRUCTURAL BEAM OR WALL
P.S.	PLUMBING STACK
Water Meter	WATER METER
F.D.	FLOOR DRAIN
Structural Column	STRUCTURAL COLUMN
Foundation Wall	FOUNDATION WALL
Existing Exterior Walls	EXISTING EXTERIOR WALLS
New Exterior Walls	NEW EXTERIOR WALLS
Existing Interior Walls	EXISTING INTERIOR WALLS
New Interior Walls	NEW INTERIOR WALLS
Structural Walls	STRUCTURAL WALLS
New Structural Beams	NEW STRUCTURAL BEAMS
Windows	WINDOWS
Supply Register	SUPPLY REGISTER
Return Grille	RETURN GRILLE

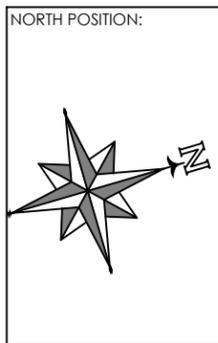
DOOR LEGEND	
A	DOOR TYPE
30x60	DOOR SIZE
A	PANEL DOOR
B	FIRE DOOR w/ SELF CLOSER (45 MIN)
C	FIRE DOOR w/ SELF CLOSER (20 MIN)
D	EXTERIOR DOOR
E	BIFOLD CLOSET
F	SLIDING DOOR
G	POCKET DOOR



LEAD DESIGNER & CONSULTANT
Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER
Robert Mendez P. Eng 100054193
robertmendez@yahoo.com
cell: 416.807.1572

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.



ADDRESS: **88 LOCKE STREET, N
HAMILTON, ON.**

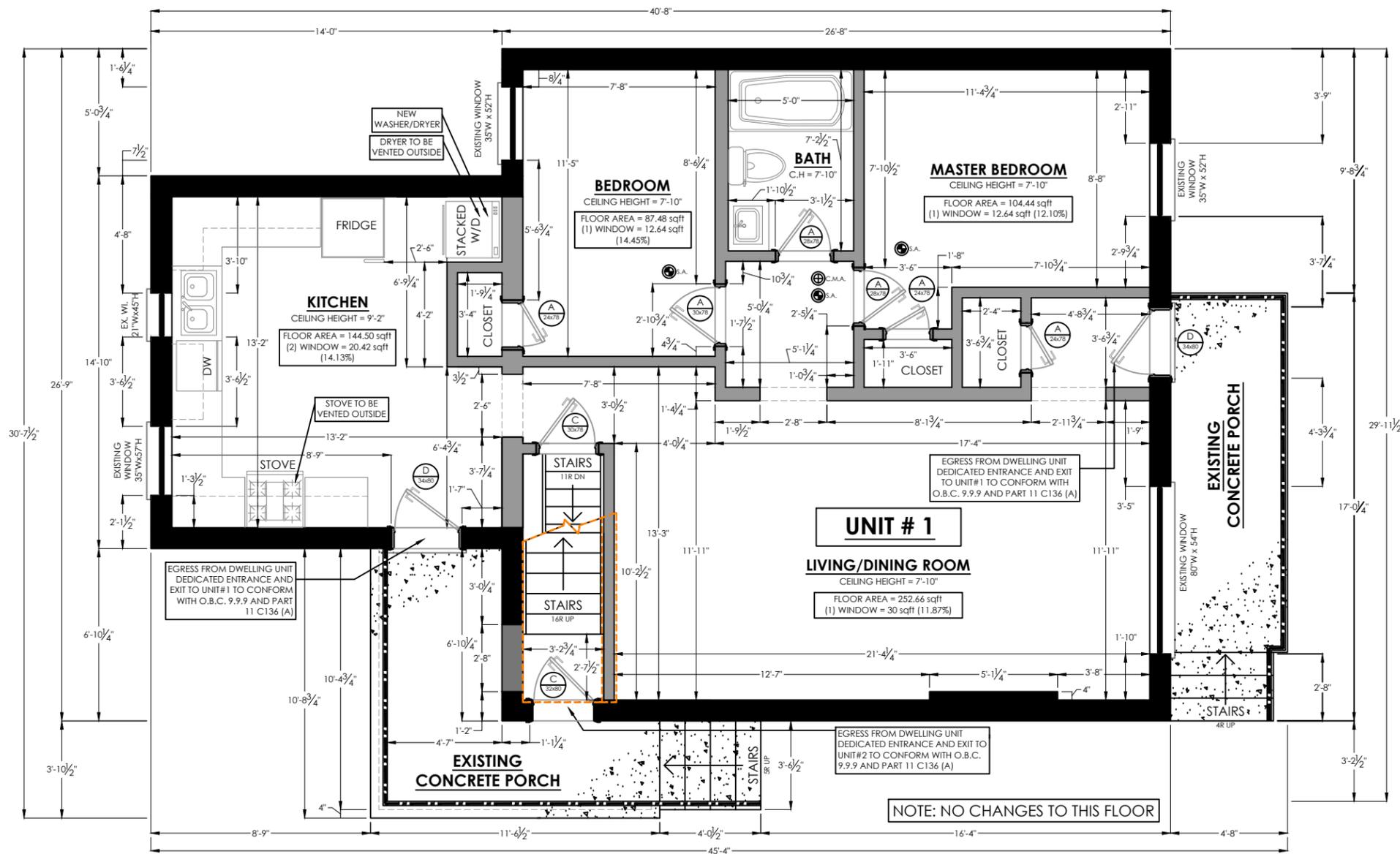
SUBJECT: **EXISTING GROUND FLOOR**

PROJECT: **SECONDARY DWELLING UNIT**

SCALE: **1" = 1'**

DATE: **AUG 2021**

SHEET#: **A 1.02**



UNIT #1 - 892 sqft

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED WITHIN DWELLING UNITS

SEPARATION BETWEEN SUITES:
 SEPARATION BETWEEN SUITES TO HAVE A FIRE RESISTANCE RATING OF **30 MINS** AS PER O.B.C. 9.10.9.14 (1), PART 11 C152 (q) AND PART 9.11.2.1(1) - STC 50. REFER TO SB3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)

- NEW 2 x 4 STUD WALL SPACED 16" O.C.
- 3.5" THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS SPACED 24" O.C
- 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

HORIZONTAL PARTITION (CEILING) - F8D (30MIN FRR, STC50)

- EX. WOOD JOISTS @ 16" O.C.
- 4" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN 90mm & MIN. SURFACE AREA MASS OF 2.8 KG/SQ. M
- RESILIENT METAL CHANNELS SPACED @ 24" O.C.

FOR PIPE AND WIRE PENETRATIONS:

- USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILTI FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

FOR HVAC DUCTING:

- ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
- SEE NOTE NEAR FURNACE ON FLOOR PLAN

FOR SERVICE ITEMS IN FIRE SEPARATION (VALVES, METERS, ELECTRICAL BOXES, ETC.):

- USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)

PLANS LEGEND	
BATH	ROOM NAME
E.F.	EXHAUST FAN
2	SPECIFICATION TAG
S.A.	SMOKE ALARM
C.M.A.	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
[Symbol]	STRUCTURAL BEAM OR WALL
[Symbol]	PLUMBING STACK
[Symbol]	WATER METER
[Symbol]	FLOOR DRAIN
[Symbol]	STRUCTURAL COLUMN
[Symbol]	FOUNDATION WALL
[Symbol]	EXISTING EXTERIOR WALLS
[Symbol]	NEW EXTERIOR WALLS
[Symbol]	EXISTING INTERIOR WALLS
[Symbol]	NEW INTERIOR WALLS
[Symbol]	STRUCTURAL WALLS
[Symbol]	NEW STRUCTURAL BEAMS
[Symbol]	WINDOWS
[Symbol]	SUPPLY REGISTER
[Symbol]	RETURN GRILLE

DOOR LEGEND	
[Symbol]	DOOR TYPE
[Symbol]	DOOR SIZE
A.	PANEL DOOR
B.	FIRE DOOR w/ SELF CLOSER (45 MIN)
C.	FIRE DOOR w/ SELF CLOSER (20 MIN)
D.	EXTERIOR DOOR
E.	BIFOLD CLOSET
F.	SLIDING DOOR
G.	POCKET DOOR

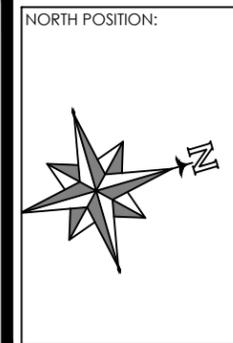


LEAD DESIGNER & CONSULTANT

Ken Bekendam B.A. BUSCOM, L.T.
 kenbekendam@gmail.com
 office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER

Robert Mendez P. Eng 100054193
 robertmendez@yahoo.com
 cell: 416.807.1572



ADDRESS: **88 LOCKE STREET, N HAMILTON, ON.**

SUBJECT: **PROPOSED MAIN FLOOR UNIT #1**

PROJECT: **SECONDARY DWELLING UNIT**

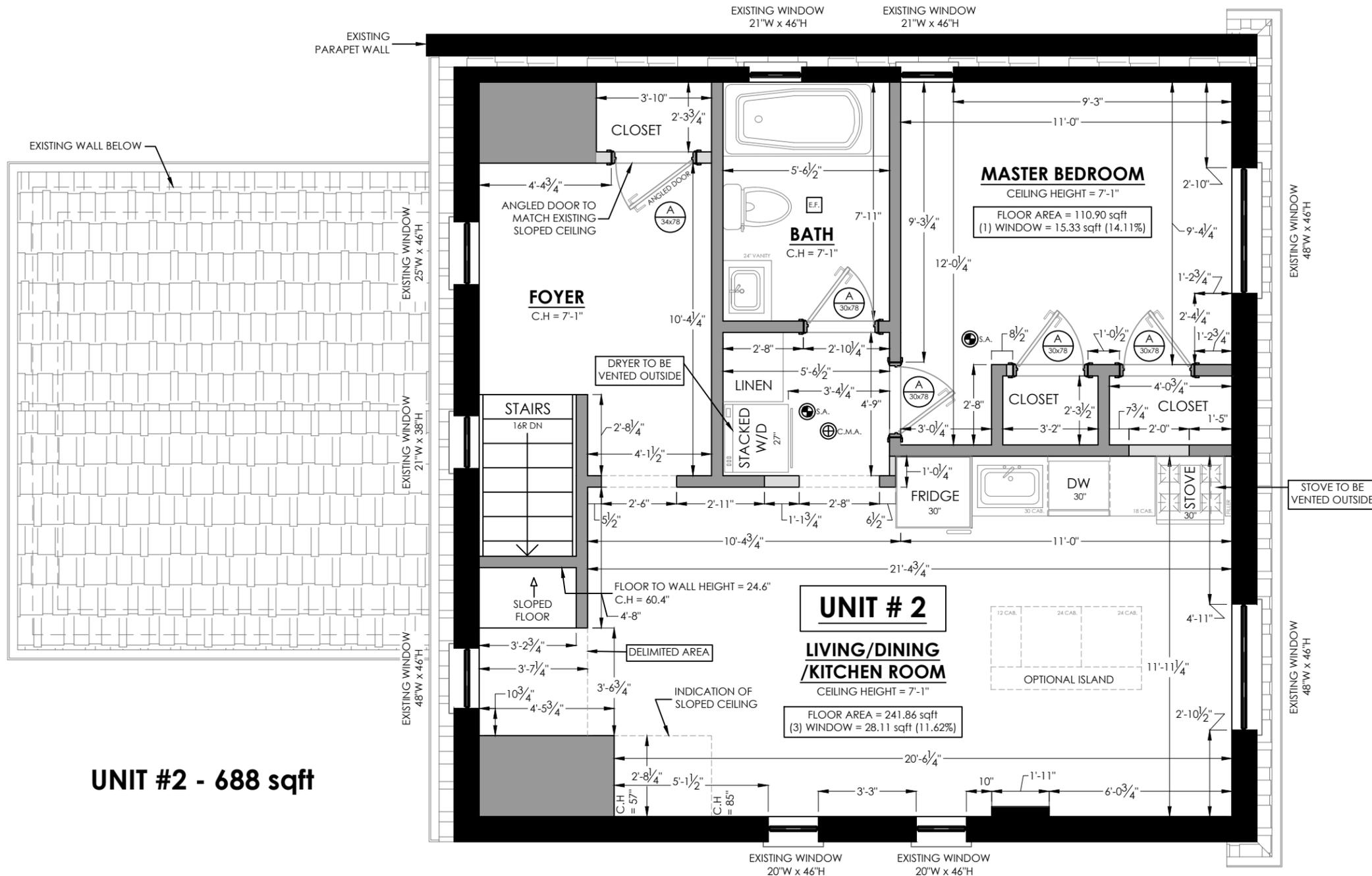
SCALE: **3/16" = 1'**

DATE: **AUG 2021**

SHEET#: **A 1.04**

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.





UNIT #2 - 688 sqft

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED WITHIN DWELLING UNITS

PLANS LEGEND	
	BATH
	EXHAUST FAN
	SPECIFICATION TAG
	SMOKE ALARM
	CARBON MONOXIDE ALARM
	CEILING HEIGHT
	STRUCTURAL BEAM OR WALL
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING INTERIOR WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	NEW STRUCTURAL BEAMS
	WINDOWS
	SUPPLY REGISTER
	RETURN GRILLE

DOOR LEGEND	
	DOOR TYPE DOOR SIZE
A.	PANEL DOOR
B.	FIRE DOOR w/ SELF CLOSER (45 MIN)
C.	FIRE DOOR w/ SELF CLOSER (20 MIN)
D.	EXTERIOR DOOR
E.	BIFOLD CLOSET
F.	SLIDING DOOR
G.	POCKET DOOR

**legal
second
suites.com**

LEAD DESIGNER & CONSULTANT
Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER
Robert Mendez P. Eng 100054193
robertmendez@yahoo.com
cell: 416.807.1572

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.

LICENSED PROFESSIONAL ENGINEER
2021-08-20
R.L. MENDEZ
100054193
PROVINCE OF ONTARIO

NORTH POSITION:

ADDRESS: **88 LOCKE STREET, N
HAMILTON, ON.**

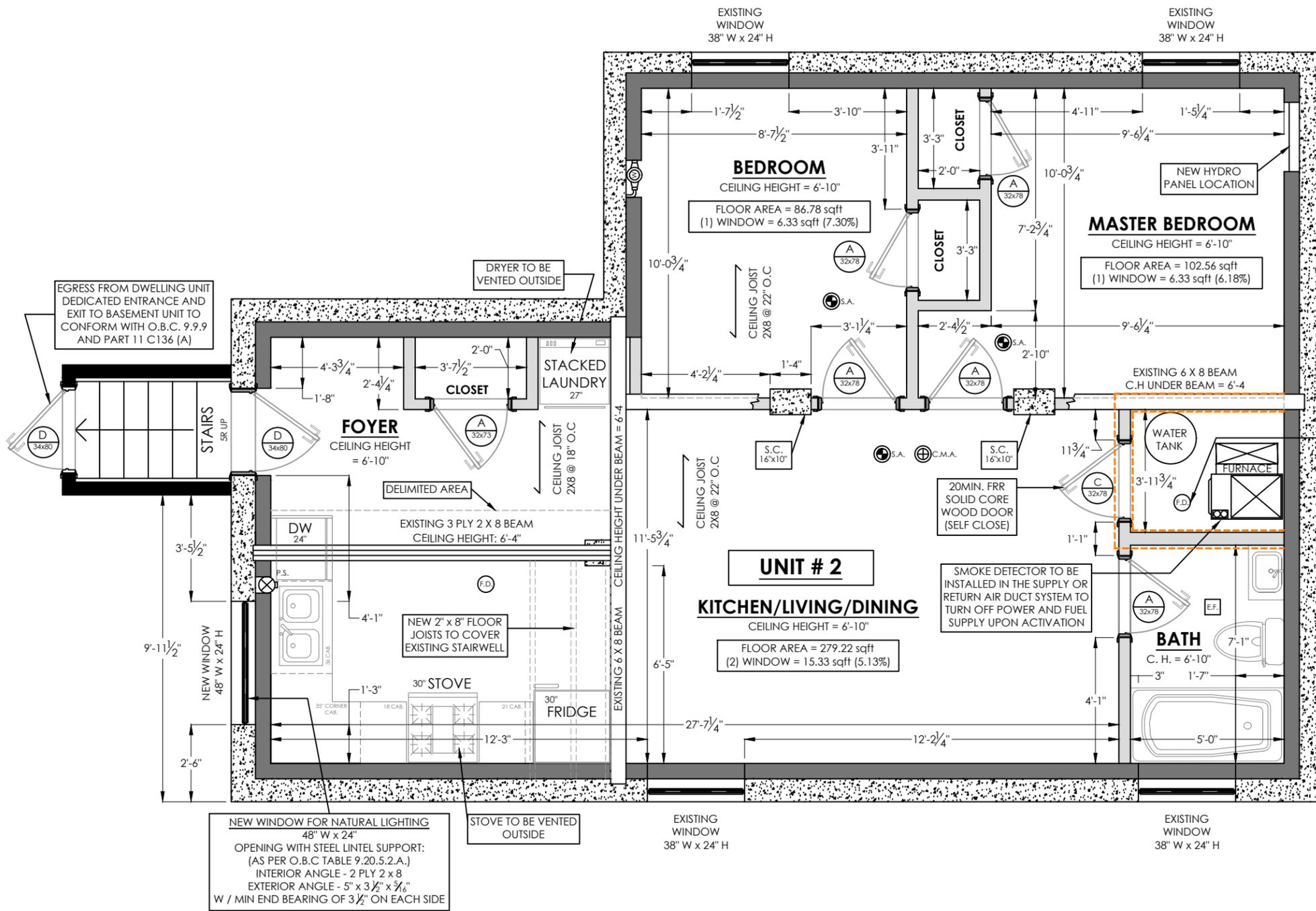
SUBJECT: **PROPOSED SECOND FLOOR
UNIT #2**

PROJECT: **SECONDARY DWELLING UNIT**

SCALE: **1/4" = 1'**

DATE: **AUG 2021**

SHEET#: **A 1.05**



SEPARATION BETWEEN SUITES:
SEPARATION BETWEEN SUITES TO HAVE A FIRE RESISTANCE RATING OF **30 MINS** AS PER O.B.C. 9.10.9.14 (1), PART 11 C152 (g) AND PART 9.11.2.1(1) - STC 50. REFER TO SB3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)
- NEW 2 x 4 STUD WALL SPACED 16" O.C.
- 3.5" THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS SPACED 24" O.C.
- 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

HORIZONTAL PARTITION (CEILING) - F8D (30MIN FRR, STC50)
- EX. WOOD JOISTS @ 16" O.C.
- 4" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN 90mm & MIN. SURFACE AREA MASS OF 2.8 KG/SQ. M)
- RESILIENT METAL CHANNELS SPACED @ 24" O.C.

FOR PIPE AND WIRE PENETRATIONS:
- USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILTI FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

FOR HVAC DUCTING:
- ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
- SEE NOTE NEAR FURNACE ON FLOOR PLAN

FOR SERVICE ITEMS IN FIRE SEPARTION (VALVES, METERS, ELECTRICAL BOXES, ETC.):
- USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)

SEPARATION OF SERVICE ROOM
- SERVICE ROOM TO CONFORM WITH O.B.C PART 9.10.10.3 AND 9.10.10.4 (c) and PART 11 C153 (a). **30 MINS** FRR IS ACCEPTABLE FOR VERTICAL AND HORIZONTAL PARTITIONS. REFER TO SB3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)
- NEW 2 x 4 STUD WALL SPACED 16" O.C.
- 3.5" THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS SPACED 24" O.C.
- 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

HORIZONTAL PARTITION (CEILING) - UNFINISHED
- CEILING TO REMAIN UNFINISHED AND FORM PART OF THE MAIN FLOOR RESIDENTIAL SUITE.
- GYPSUM BOARD INSIDE SERVICE ROOM TO EXTEND INTO JOIST CAVITY AND BUTTED TIGHTLY AGAINST FLOOR JOISTS AND SUBFLOOR ABOVE
- SMALL GAPS TO BE CAULKED WITH FIRE BARRIER SEALANT IN ACCORDANCE WITH CAN/ULC/ S115 IMPORTANT
- ADEQUATE COMBUSTION AIR NEEDED FOR APPLIANCES

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED WITHIN DWELLING UNITS

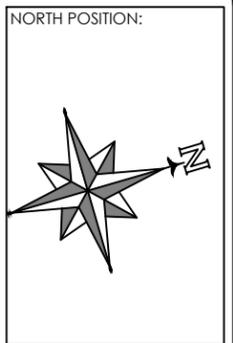
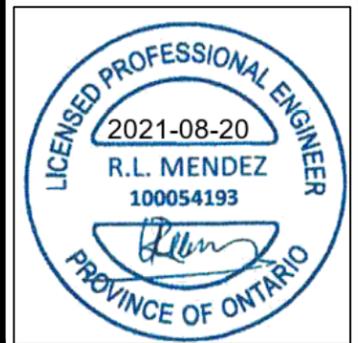
PLANS LEGEND	
[Symbol]	BATH
[Symbol]	ROOM NAME
[Symbol]	EXHAUST FAN
[Symbol]	SPECIFICATION TAG
[Symbol]	SMOKE ALARM
[Symbol]	CARBON MONOXIDE ALARM
[Symbol]	C.E.H. = 8'-10"
[Symbol]	CEILING HEIGHT
[Symbol]	STRUCTURAL BEAM OR WALL
[Symbol]	PLUMBING STACK
[Symbol]	WATER METER
[Symbol]	FLOOR DRAIN
[Symbol]	STRUCTURAL COLUMN
[Symbol]	FOUNDATION WALL
[Symbol]	EXISTING EXTERIOR WALLS
[Symbol]	NEW EXTERIOR WALLS
[Symbol]	EXISTING INTERIOR WALLS
[Symbol]	NEW INTERIOR WALLS
[Symbol]	STRUCTURAL WALLS
[Symbol]	NEW STRUCTURAL BEAMS
[Symbol]	WINDOWS
[Symbol]	SUPPLY REGISTER
[Symbol]	RETURN GRILLE

DOOR LEGEND	
[Symbol]	DOOR TYPE
[Symbol]	DOOR SIZE
[Symbol]	A. PANEL DOOR
[Symbol]	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
[Symbol]	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
[Symbol]	D. EXTERIOR DOOR
[Symbol]	E. BIFOLD CLOSET
[Symbol]	F. SLIDING DOOR
[Symbol]	G. POCKET DOOR

legal
second
suites.com

LEAD DESIGNER & CONSULTANT
Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER
Robert Mendez P. Eng 100054193
robertmendez@yahoo.com
cell: 416.807.1572



ADDRESS:
92 LOCKE ST. N HAMILTON

SUBJECT:
PROPOSED BASEMENT UNIT #2

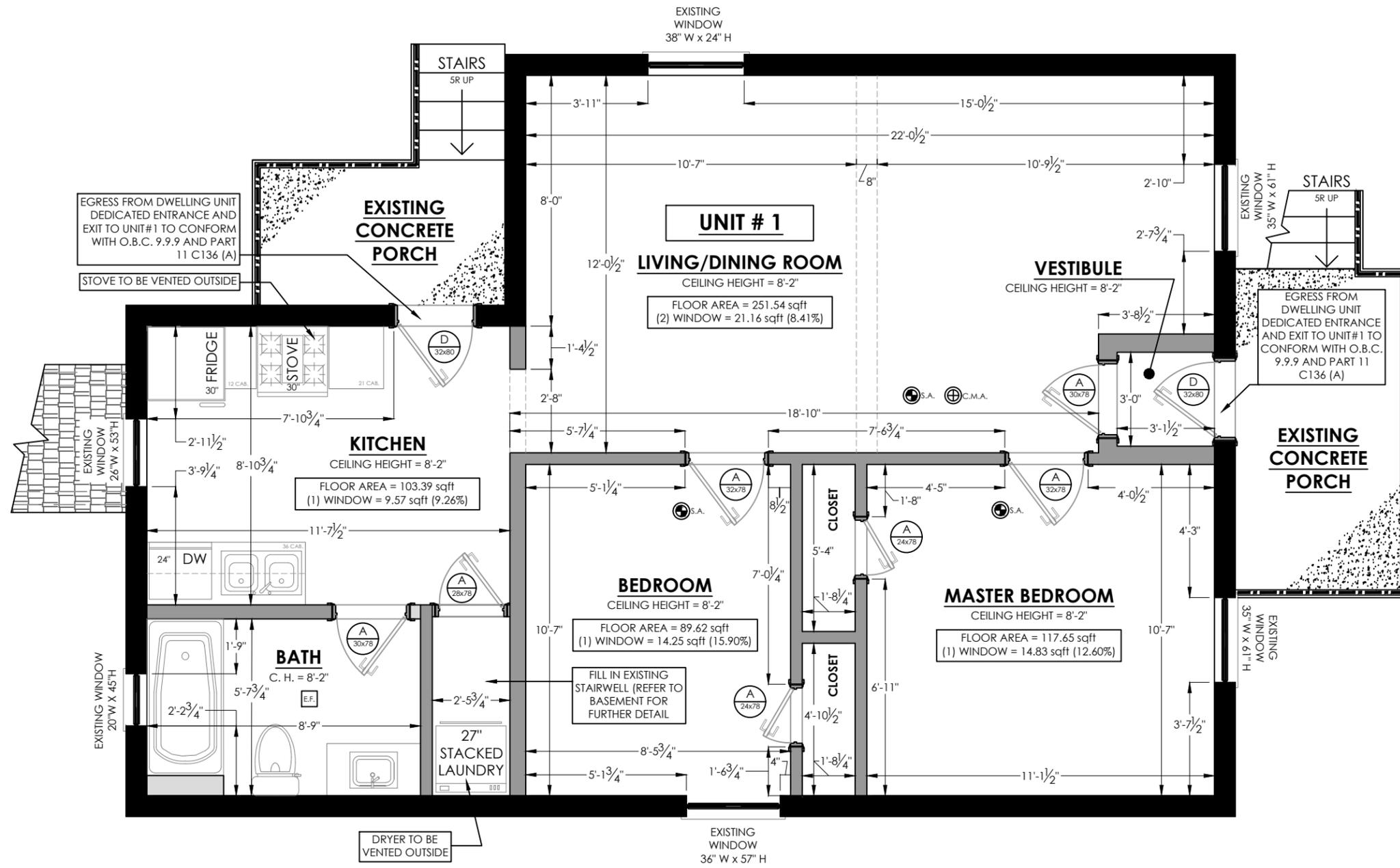
PROJECT:
SECONDARY DWELLING UNIT

SCALE:
1/4" = 1'

DATE:
AUG 2021

SHEET#:
A 1.03

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.



SEPARATION BETWEEN SUITES:
 SEPARATION BETWEEN SUITES TO HAVE A FIRE RESISTANCE RATING OF 30 MINS AS PER O.B.C. 9.10.9.14 (1), PART 11 C152 (g) AND PART 9.11.2.1(1) - STC 50. REFER TO SB3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)
 - NEW 2 x 4 STUD WALL SPACED 16" O.C.
 - 3.5" THICK ABSORPTIVE MATERIAL
 - RESILIENT METAL CHANNELS SPACED 24" O.C.
 - 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
 - 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

HORIZONTAL PARTITION (CEILING) - F8D (30MIN FRR, STC50)
 - EX. WOOD JOISTS @ 16" O.C.
 - 4" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN 90mm & MIN. SURFACE AREA MASS OF 2.8 KG/SQ. M)
 - RESILIENT METAL CHANNELS SPACED @ 24" O.C.

FOR PIPE AND WIRE PENETRATIONS:
 - USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILTI FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

FOR HVAC DUCTING:
 - ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
 - SEE NOTE NEAR FURNACE ON FLOOR PLAN

FOR SERVICE ITEMS IN FIRE SEPARTION (VALVES, METERS, ELECTRICAL BOXES, ETC.):
 - USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)

PLANS LEGEND	
[Symbol]	BATH
[Symbol]	EXHAUST FAN
[Symbol]	SPECIFICATION TAG
[Symbol]	SMOKE ALARM
[Symbol]	CARBON MONOXIDE ALARM
[Symbol]	CEILING HEIGHT
[Symbol]	STRUCTURAL BEAM OR WALL
[Symbol]	PLUMBING STACK
[Symbol]	WATER METER
[Symbol]	FLOOR DRAIN
[Symbol]	STRUCTURAL COLUMN
[Symbol]	FOUNDATION WALL
[Symbol]	EXISTING EXTERIOR WALLS
[Symbol]	NEW EXTERIOR WALLS
[Symbol]	EXISTING INTERIOR WALLS
[Symbol]	NEW INTERIOR WALLS
[Symbol]	STRUCTURAL WALLS
[Symbol]	NEW STRUCTURAL BEAMS
[Symbol]	WINDOWS
[Symbol]	SUPPLY REGISTER
[Symbol]	RETURN GRILLE

DOOR LEGEND	
[Symbol]	DOOR TYPE
[Symbol]	DOOR SIZE
[Symbol]	A. PANEL DOOR
[Symbol]	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
[Symbol]	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
[Symbol]	D. EXTERIOR DOOR
[Symbol]	E. BIFOLD CLOSET
[Symbol]	F. SLIDING DOOR
[Symbol]	G. POCKET DOOR

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED WITHIN DWELLING UNITS

legal second suites.com

LEAD DESIGNER & CONSULTANT
 Ken Bekendam B.A. BUSCOM, L.T.
 kenbekendam@gmail.com
 office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER
 Robert Mendez P. Eng 100054193
 robertmendez@yahoo.com
 cell: 416.807.1572

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.

NORTH POSITION:

ADDRESS:
92 LOCKE ST. N HAMILTON

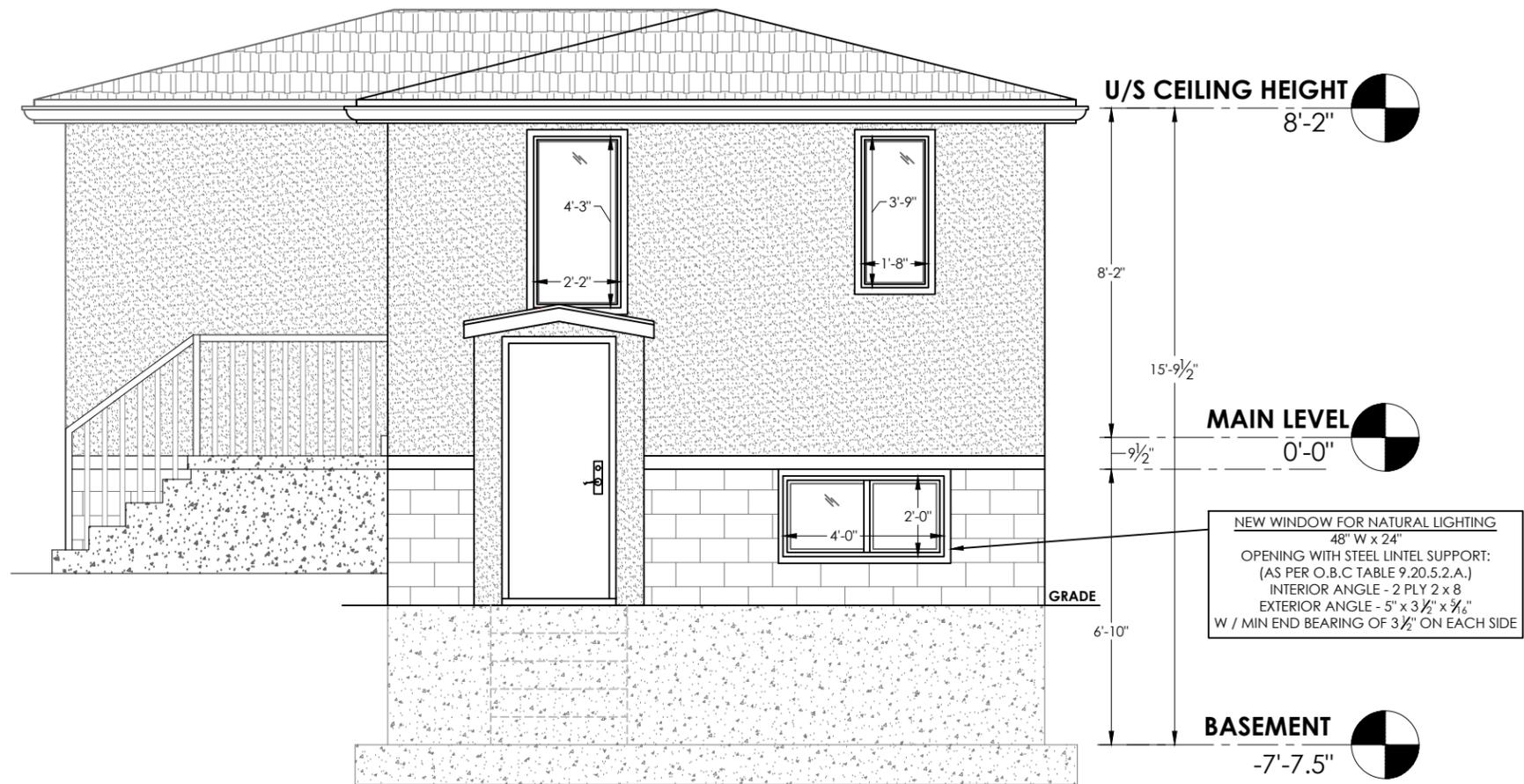
SUBJECT:
PROPOSED GROUND FLOOR UNIT#1

PROJECT:
SECONDARY DWELLING UNIT

SCALE:
1/4" = 1'

DATE:
AUG 2021

SHEET#:
A 1.04



NEW WINDOW FOR NATURAL LIGHTING
48" W x 24"
OPENING WITH STEEL LINTEL SUPPORT:
(AS PER O.B.C TABLE 9.20.5.2.A.)
INTERIOR ANGLE - 2 PLY 2 x 8
EXTERIOR ANGLE - 5" x 3 1/2" x 3/4"
W / MIN END BEARING OF 3 1/2" ON EACH SIDE



LEAD DESIGNER & CONSULTANT

Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER

Robert Mendez P. Eng 100054193
robertmendez@yahoo.com
cell: 416.807.1572

Legal Second Suites architectural and engineering service
is owned by and operated in affiliation with King Homes Inc.



NORTH POSITION:

ADDRESS:

92 LOCKE ST. N HAMILTON

SUBJECT:

NORTHEAST ELEVATION

PROJECT:

SECONDARY DWELLING UNIT

SCALE:

1/4" = 1'

DATE:

AUG 2021

SHEET#:

A 2.01



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

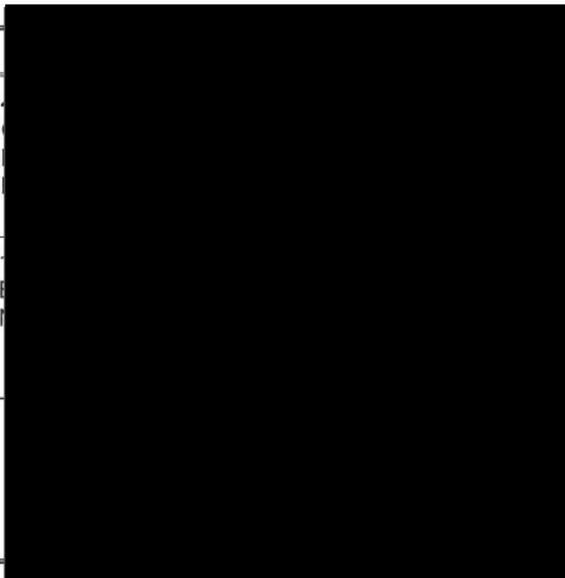
FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

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
Registered Owners(s)	Locke Street North Holdings Inc.
Applicant(s)*	Ken Bekendam
Agent or Solicitor	



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:
To permit a reduced lot width of 11.23m whereas bylaw Section 10(4)(i) requires 12m
5. Why it is not possible to comply with the provisions of the By-law?
Existing lot width
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**):
88 Locke St N, 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?

Existing residential use

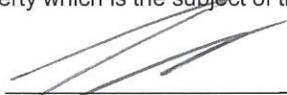
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

July 20, 2021
Date


Signature Property Owner

Avignon Bayliss - Louise Street North Holdings Inc.
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>11.23</u>
Depth	<u>37.88</u>
Area	<u>425.39</u>
Width of street	<u>unknown</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 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:
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:
neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D/s -1787 - One and Two Family Dwelling
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.



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

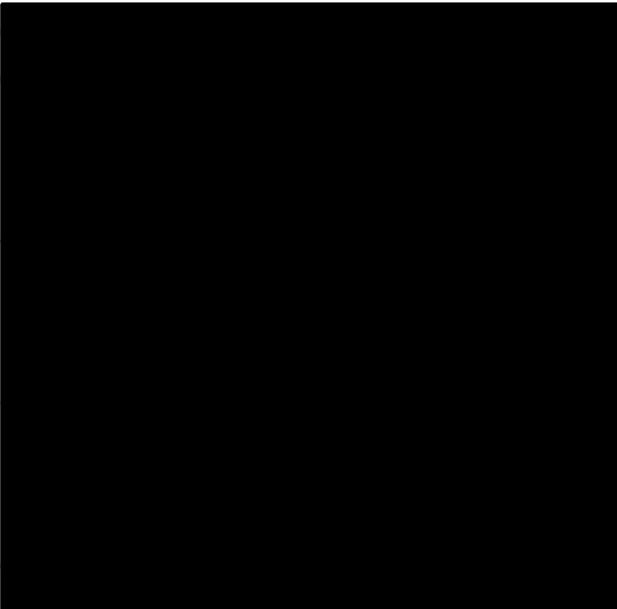
FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

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
Registered Owners(s)	Locke Street North Holdings Inc.
Applicant(s)*	Ken Bekendam
Agent or Solicitor	



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:
To permit a reduced lot width of 11.44m whereas bylaw Section 10(4)(i) requires 12m
5. Why it is not possible to comply with the provisions of the By-law?
Existing lot width
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**): 92 Locke St N, 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?

Existing residential use

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.

July 29, 2021
Date


Signature Property Owner

Arinash Bajkumar - Locke Street North Holding Inc.
Print Name of Owner

10. Dimensions of lands affected:

Frontage	12.538
Depth	38.20
Area	387.06
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: _

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:
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:
neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D/s -1787 - One and Two Family Dwelling
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-21:328

APPLICANTS: Agent Urban in Mind c/o Terrance Glover
 Owner Oriyomi Holdings Inc.

SUBJECT PROPERTY: Municipal address **524-526 Upper James St. Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "DE" (Low Density Multiple Dwellings) district

PROPOSAL: To permit the construction of a new three (3) storey multiple dwelling comprising six (6) dwelling units for development as a future condominium, notwithstanding that:

1. The minimum front yard shall be 4.8 metres instead of the minimum required 6.0m front yard;
2. The minimum southerly yard shall be 2.0 metres instead of the minimum required 3.0m side yard for a multiple dwelling;
3. The minimum lot width shall be 17.4 metres instead of the minimum required 24.0 metres for a multiple dwelling;
4. The minimum lot area per dwelling unit shall be 130 square metres instead of the minimum required 160 square metres for up to six dwelling units;
5. No loading spaces shall be provided instead of the minimum requirement of 1 loading space having dimensions of 3.0m (w) x 9.0m(l) x 4.3m(h) for a multiple dwelling consisting of between 5 and 30 units;
6. The parking area boundary for the abutting residential district to the west shall be 1.0 metres instead of the minimum required 1.5 metres.
7. A balcony shall be permitted to project 0.8 metres into a required side yard instead of the maximum of 0.6 metres or one third of its width for a 2.0 metre side yard.
8. A maximum of 6 parking spaces shall be provided instead of the required eight parking spaces for a six unit multiple dwelling.

NOTES:

1. The variances are written as requested by the applicant.

HM/A-21: 328

Page 2

2. A Formal Consultation was reviewed in March 2021 for the subject property based on a proposed 3 storey multiple dwelling consisting of eight dwelling units and a different building design. Site Plan Control is required for the proposed multiple dwelling. To date, a Site Plan Control application has not been submitted for review. Additional variances may therefore be required.
3. Insufficient information was provided with respect to visual barrier requirements, the designation of visitor parking spaces and manoeuvrability for the proposed parking space near the northerly property line. These matters are to be addressed as part of the formal Site Plan review required for the proposed multiple dwelling.
4. The submitted concept was not legible in terms of building setbacks and parking requirements. The variances have been based on the information provided in the applicant's Planning Justification Report.
5. Variance #8 was provided based on the variances identified in the applicants Planning Justification Report. However, if sufficient parking can be accommodated within the building to allow for the provision of eight parking spaces, this variance will not be required.

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

DATE: Thursday, October 7th, 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

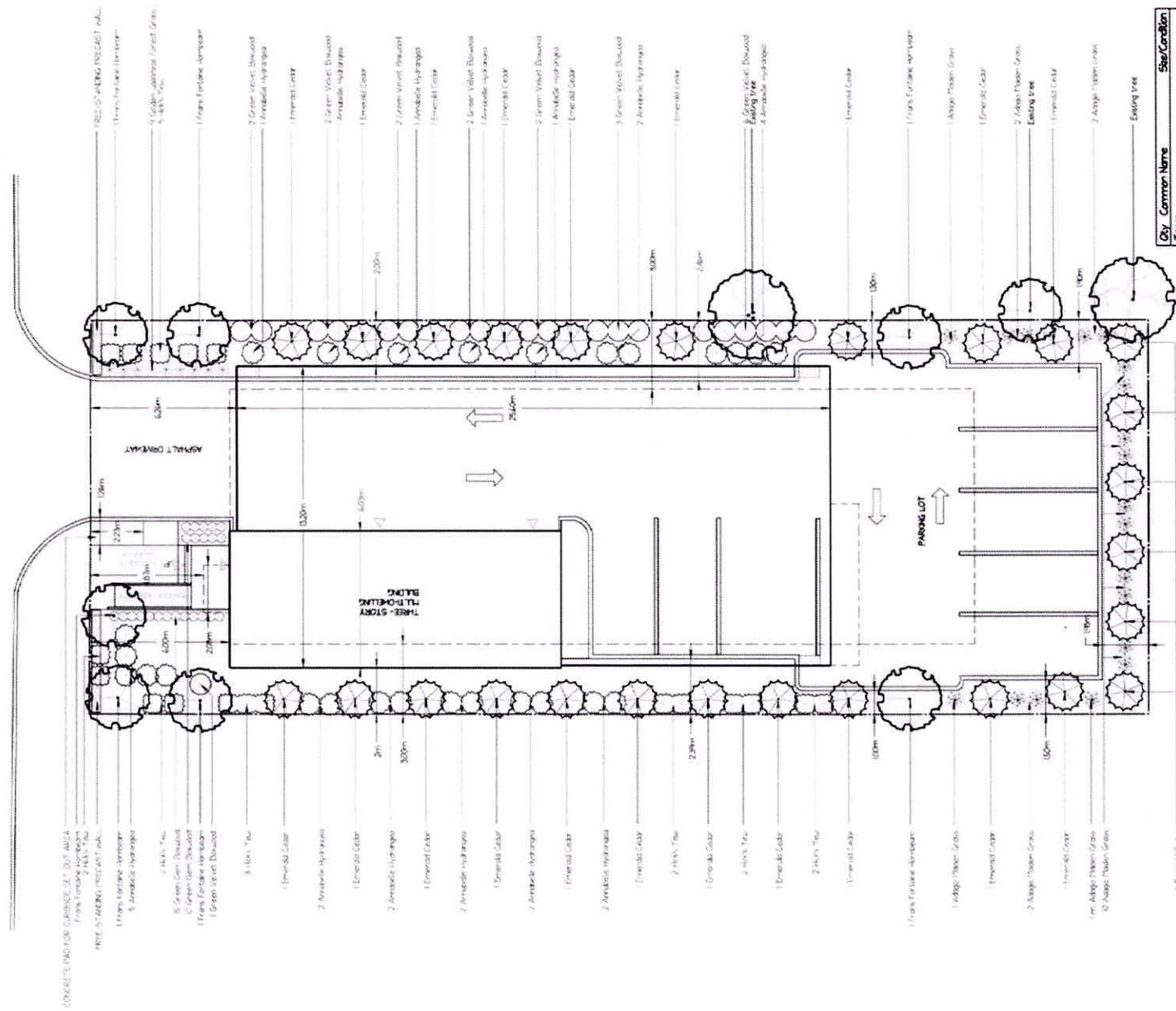
DATED: September 21st, 2021.

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.

Figure 11: Landscape Plan

UPPER JAMES STREET



Qty	Common Name	Size/Condition
Trees		
7	Fraxinus excelsior Hornbeam	200cm High
26	Emerald Cedar	200cm High
Shrubs		
10	Green Gum Bouleard	10d
21	Green Virest Bouleard	40cm 3rd
27	Anacardic hydrangea	2nd
11	H&S Yew	80cm B&C
Ornamental Grasses		
10	Golden Japanese Forest Grass	10d
10	Adagio Modern Grass	10d

Figure 10: Elevations





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

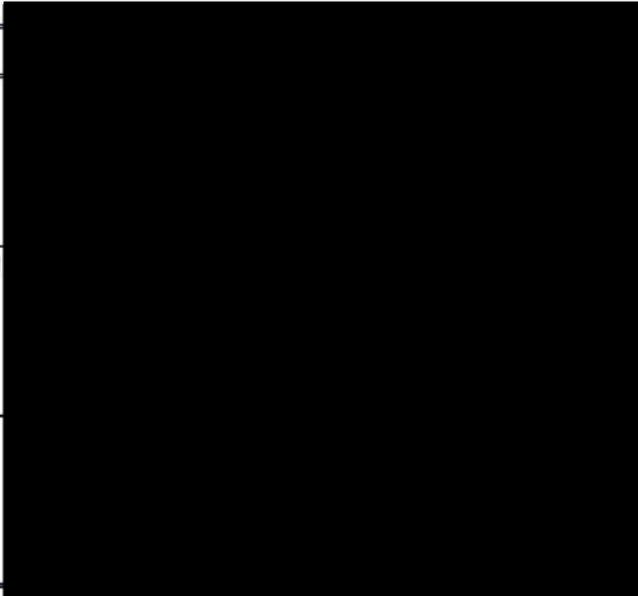
FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	Aug 24

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
Registered Owners(s)	Oriyomi Holdings Inc.
Applicant(s)*	Urban in Mind Planning Consultants, C/O Terrance Glover
Agent or Solicitor	Terrance Glover, CPT, RPP



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:
 George and Hess Properties
 c/o Paul Ciardullo
 120 Highgate Drive, Stoney Creek, ON L8J 3P2

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:

To redevelop the site with a new 3 storey 'Multiple Dwelling' building that will accommodate 6 residential units.

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

Minor adjustments need to be made to the existing zoning standards under Hamilton's Former Zoning By-Law to reflect today's expectations for a 'Multiple Dwelling' building on a primary corridor.

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**):

524-526 Upper James Street Hamilton, ON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant Other

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 8.1 to 8.10 above?

DSS identified potentially hazardous materials on site, residential neighbourhood

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

2021/08/16
Date


Signature Property Owner(s)
Oriyomi Holdings Inc
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>17.2 m</u>
Depth	<u>45.1 m</u>
Area	<u>784.91 sq.m</u>
Width of street	<u>20.0 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:
One storey former Triplex - approximately 170 sq.m. Building is an irregular shape roughly 14m x 14 m and +/- 3.5m tall

Building has been Condemned by the City

Proposed
3 Storey (11 m) 6 unit Residential Development with 6 parking spaces.
Ground Floor Area = 86.41m² Gross Floor Area = 737.23 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:
One Building on the existing Lot. Front yard Setback = 4.88m, North Interior Side = 0.3m, South interior Side Yard = 3.1m , Rear Yard = 25.09 m

Proposed:
One (1) - 3 Storey Building. Front yard Setback = 4.84m, North Interior Side = 2m, South interior Side Yard = 2.0m , Rear Yard = 12.53 m

13. Date of acquisition of subject lands:

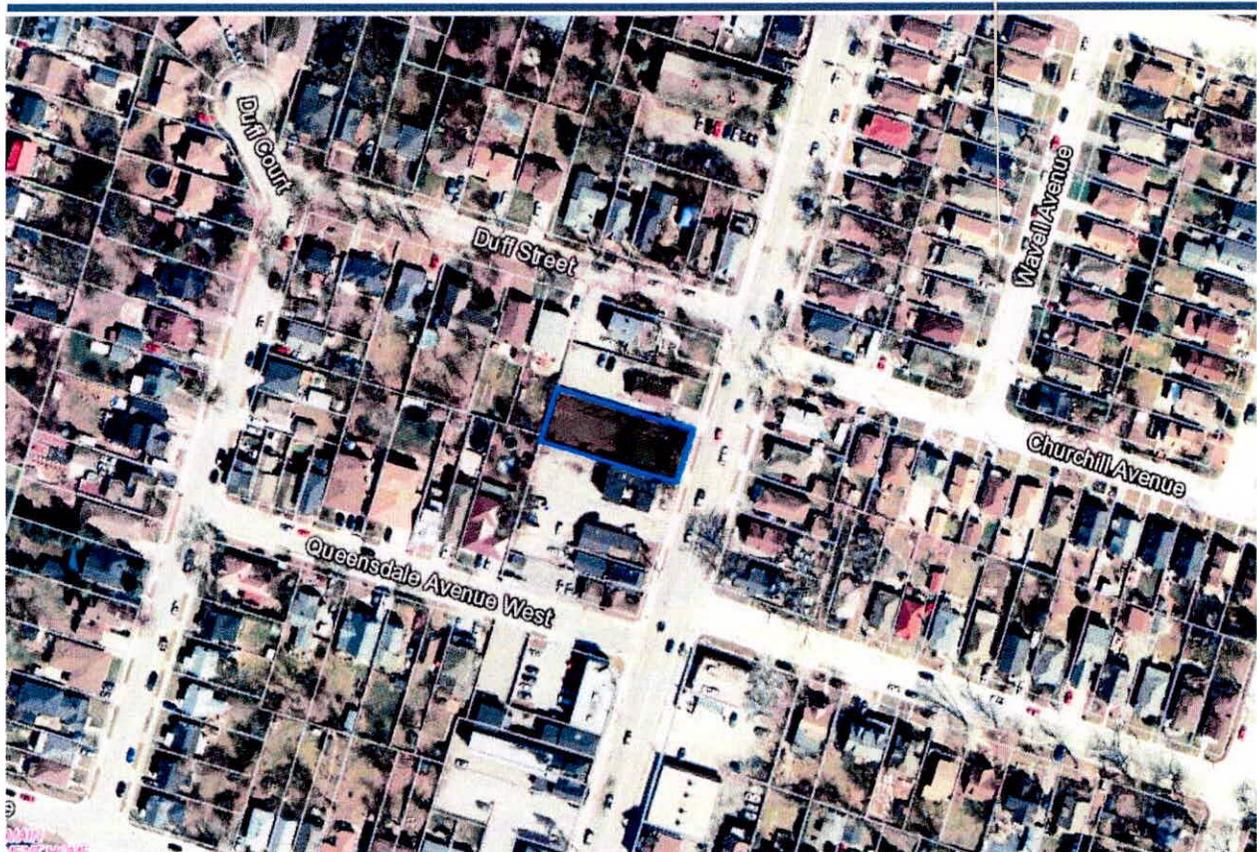
14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
City Condemed Triplex
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Commercial Salon (South)
Multi-unit Residential (North)
17. Length of time the existing uses of the subject property have continued:
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:
UHOP Designations - Neighbourhoods and along a Primary Corridor
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
ZB 6953 Zoned DE 'S-1788'
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
Subsequent Site Plan & Plan of Condominium Applications will be submitted alk
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.

PLANNING JUSTIFICATION REPORT MINOR VARIANCE, SITE PLAN & PLAN OF CONDOMINIUM APPLICATIONS

AUGUST 13, 2021

524-526 UPPER JAMES STREET, HAMILTON, ON



— Subject Property

Prepared by:

**Urban in Mind,
Professional Urban Planning, Land Development & CPTED Consultants**

www.UrbanInMind.ca

(905) 320-8120



TABLE OF CONTENTS

1.0 INTRODUCTION.....	4
1.1 Purpose of the Report.....	4
2.0 SUBJECT PROPERTY AND SURROUNDING AREA.....	4
2.1 Site Overview.....	4
2.2 Neighbourhood Character.....	7
2.3 Transportation.....	8
3.0 PROPOSED DEVELOPMENT & PLANNING APPLICATIONS.....	8
3.1 Impact of the Proposed Development.....	14
4.0 PLANNING POLICY REVIEW.....	15
4.1 Planning Act, R.S.O. 1990, c. P.13.....	15
4.2 Provincial Policy Statement (PPS) (2020).....	16
4.3 Growth Plan for the Greater Golden Horseshoe (2019).....	20
4.4 Greenbelt Plan (2017).....	23
4.5 Niagara Escarpment Plan (2017).....	23
4.6 Hamilton Conservation Authority	23
4.7 Hamilton Official Plan (2013).....	23
4.8 Zoning By-Law No.6953.....	37
5.0 FOUR TESTS OF A MINOR VARIANCE.....	40
5.1 Variance 1: Reduction to the Required Minimum Front Yard Setback.....	40
5.2 Variance 2: Reduction to the Required Minimum Side Yard Setback.....	41
5.3 Variance 3: Reduction to the Required Minimum Lot Width.....	42
5.4 Variance 4: Reduction to the Required Minimum Area for Each Dwelling Unit.....	43
5.5 Variance 5: Increase to the Permitted Maximum Encroachment into a Side Yard for Balconies.....	43
5.6 Variance 6: Reduction to the Minimum Distance Required Between the Boundary of a Parking Area and the Adjoining Residential Boundary.....	44
5.7 Variance 7: Reduction to the Minimum Required Number of Parking Spaces..	44
5.8 Variance 8: Reduction to the Minimum Required Number of Loading Spaces..	45
6.0 CONCLUSION.....	45

LIST OF TABLES

Table 1 – Proposed Variances, Zoning By-Law No. 6953.....	9
---	---

LIST OF FIGURES

Figure 1 – Aerial View of 524-526 Upper James Street – <i>Subject Property</i>	4
Figure 2 – Street View of 524-526 Upper James Street – <i>Subject Property</i>	5
Figure 3 – 520 Upper James Street, Abutting Property (North).....	6
Figure 4 – Upper James Streetscape, Properties Across the Street (East).....	6
Figure 5 – 528 Upper James Street, Abutting Property (South).....	6
Figure 6 – Mid-Century Modern Buildings – Comparables (631-633 Upper James)	7
Figure 7 – Rear Yards, Properties Behind the Subject Property (West).....	7
Figure 8 – Site Plan.....	10
Figure 9 – Conceptual Architectural Rendering.....	11
Figure 10 – Elevations.....	12
Figure 11 – Landscape Plan.....	13

LIST OF APPENDICES

Appendix ‘A’ – Places to Grow – Schedule 4, Urban Growth Centres.....	47
Appendix ‘B’ – Niagara Escarpment Commission – Interactive Mapping.....	48
Appendix ‘C’ – Hamilton Conservation Authority – Interactive Mapping.....	49
Appendix ‘D’ – Hamilton Urban Official Plan – Schedule C, Functional Road Classification.....	50
Appendix ‘E’ – Hamilton Urban Official Plan – Schedule E, Urban Structure.....	51
Appendix ‘F’ – Hamilton Urban Official Plan – Schedule E-1, Urban Land Use Designation.....	52
Appendix ‘G’ – Hamilton Urban Official Plan – Appendix F-4, Archaeological Potential.....	53
Appendix ‘H’ – Hamilton Urban Official Plan – Appendix B, Major Transportation Facilities and Routes	54
Appendix ‘I’ – City of Hamilton – Interactive Zoning Map.....	55

1.0 INTRODUCTION:

Urban in Mind has been retained by the applicant to obtain Minor Variance, Site Plan & Plan of Condominium approvals for the property municipally known as 524-526 Upper James Street (“subject property”) in Hamilton, Ontario.

The intention is to redevelop the site with a new 3 storey ‘Multiple Dwelling’ building that will accommodate 6 residential units under ‘Standard Condominium’ ownership.

1.1 Purpose of the Report:

The purpose of this **Planning Justification Report** is to provide an analysis of the subject property, and to evaluate the proposal in context with the applicable planning policies, thereby providing a sound argument for the approval of the planning applications.

2.0 SUBJECT PROPERTY AND SURROUNDING AREA:

2.1 Site Overview:

Figure 1: Aerial View of 524-526 Upper James Street – **Subject Property** (City of Hamilton)



Figure 2: Street View of 524-526 Upper James Street – **Subject Property** (Google Maps)



The subject property (**Figure 1 & 2**) is a rectangular shaped lot that fronts on to the west side of Upper James Street, just north of Queensdale Avenue and south of Duff Street in Hamilton Ontario. The site has a frontage of 17.2 m (56.43 ft) with vehicular access on to Upper James Street and a total lot area of 784.91 m² (0.079 ha/0.194 ac). The property has a generally flat topography with few trees. Currently, there is an older one-storey semi-attached (triplex) building (*that has been 'condemned' by the City*) on the site which has also been ordered to be demolished. This in turn allows for the timely redevelopment of the property.

The immediate surrounding area includes the following:

- | | |
|---|--|
| Figure 3: 520 Upper James Street, | <u>Abutting Property (North)</u> |
| Figure 4: Upper James Streetscape, | <u>Properties Across the Street (East)</u> |
| Figure 5: 528 Upper James Street, | <u>Abutting Property (South)</u> |
| Figure 6: 631-633 Upper James St, | Comparable Buildings on Upper James |
| Figure 7: Rear Yards, | <u>Properties Behind the Subject Property (West)</u> |

Figure 3: 520 Upper James Street, Abutting Property (North) (Google Maps)



Figure 4: Upper James Streetscape, Properties Across the Street (East) (Google Maps)

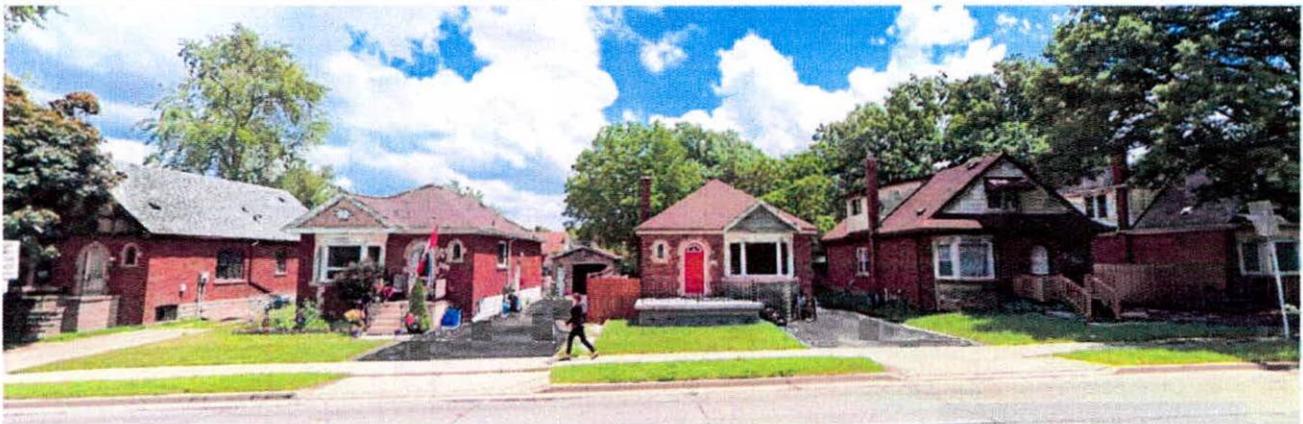


Figure 5: 528 Upper James Street, Abutting Property (South) (Google Maps)

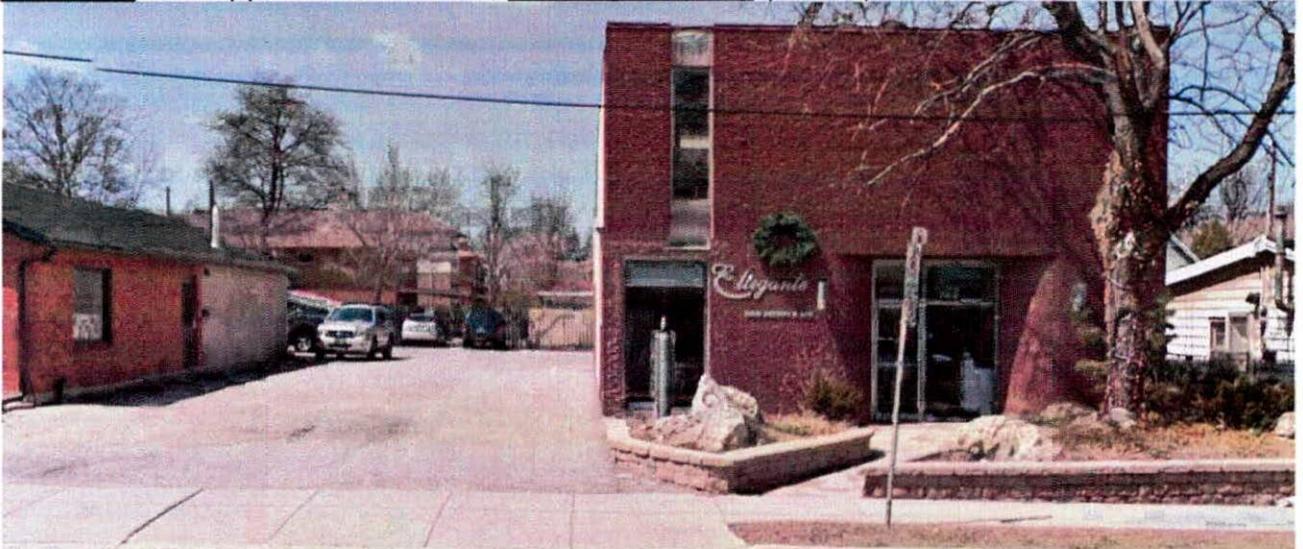


Figure 6: Mid-Century Modern Designs – Comparables (631-633 Upper James St)
(South of Subject Property) (Google Maps)

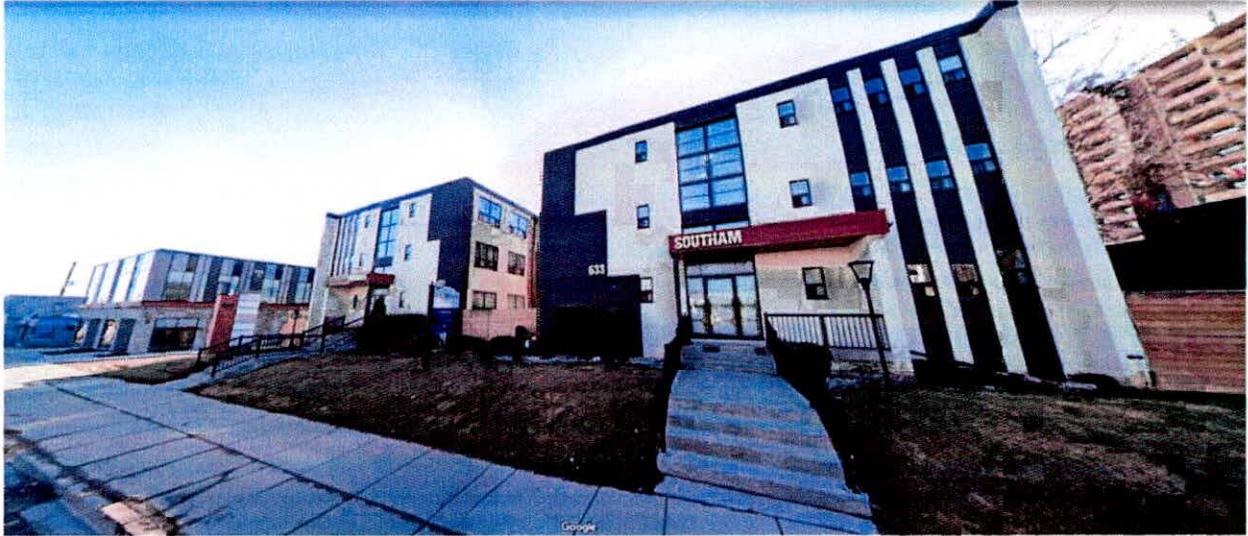
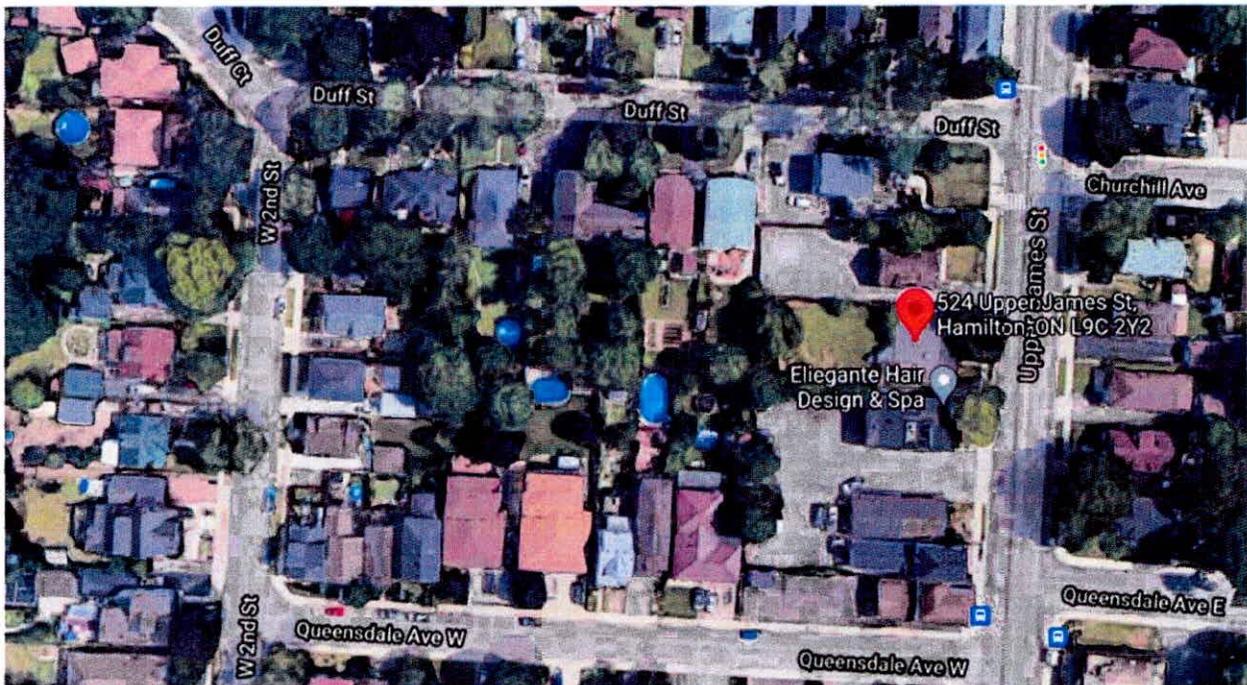


Figure 7: Rear Yards, Properties Behind the Subject Property (West) (Google Maps)



2.2 Neighbourhood Character:

The subject property is located within an older established neighbourhood that is situated near the Niagara Escarpment and within walking distance to significant commercial, educational, religious, and recreational facilities. The property is also a short bus-ride from Downtown Hamilton. While the interior of the surrounding neighbourhood is

predominately comprised of low-density residential uses (i.e. singles, semis, duplexes). Nonetheless, exceptions are provided for the properties that have frontage on to Upper James Street, which maintains a 'traditional main street character' that can be contributed to its higher densities, mix of uses and overall walkability of the area. As mentioned, a significant commercial area just south of the subject property (along Upper James Street) is comprised of many large and small retail options that serve the local community and is also walkable from the subject property.

In terms of streetscape character, the neighbourhood is quite compact (for a traditional neighbourhood). Buildings are sited closed to the street with relatively small front and side yard setbacks. Parking is generally provided in the rear/side for the properties that front onto to Upper James Street. As a comparable to the proposed development, an existing 3-storey apartment building located a block away at 500 Upper James Street which maintains a higher residential unit count and building area than what is being proposed on the subject property. Furthermore, most of the buildings within the area feature traditional architectural styles and materials. However, things are expected to change as more redevelopment occurs within the neighbourhood, and Upper James Street enhances its 'Main Street Character'. This can be seen with the clinic situated at 540 Upper James Street, and the salon which abuts the subject property, which both maintain a more modern architectural style, and provides a stylish juxtaposition to the older architectural details of the rear/interior neighbourhood.

2.3 Transportation:

The segment of Upper James Street that abuts the subject property is classified as a 'Major Arterial Road' with an 'Existing Right-of-Way' of 20 m. The City's Transportation Department confirmed in the pre-consultation meeting that no further land dedication for road Right-of-Way, will be required along the frontage of the subject property, and further, that a Transportation Impact Study would not be required for the proposed redevelopment.

The subject property is located within close proximity (fully walkable) to a 'Future Rapid Transit Line (B.L.A.S.T)', which could encourage greater redevelopment of the surrounding area. Nevertheless, the subject property is already well serviced by local buses such as route 21 & 27, which provide convenient access to both the City Centre and Hamilton Go rail within less than 20 minutes. The site is also located in a very bikeable/walkable area due to its location in an older part of the city. The proposed development will also provide for an adequate amount of parking spaces to meet the requirements as set forth in the applicable Zoning By-Law.

3.0 PROPOSED DEVELOPMENT & PLANNING APPLICATIONS:

It is the intent of the applicant to redevelop the subject property to better address the needs of today's housing market. The proposed development involves demolishing the existing 'condemned' and long vacant triplex to facilitate a new 3-storey 'Multiple Dwelling' building that will accommodate 6-residential standard condominium units.

The proposed development will require the following planning approvals:

- Minor Variance
- Site Plan
- Plan of Condominium

Each of these applications will be submitted by the applicant as part of the required approval process.

The subject property is currently zoned as '**Low Density Multiple Dwellings (DE)**' under the City of Hamilton's Former Zoning By-Law No. 6593. The following variances are being requested as described in Table 1 below:

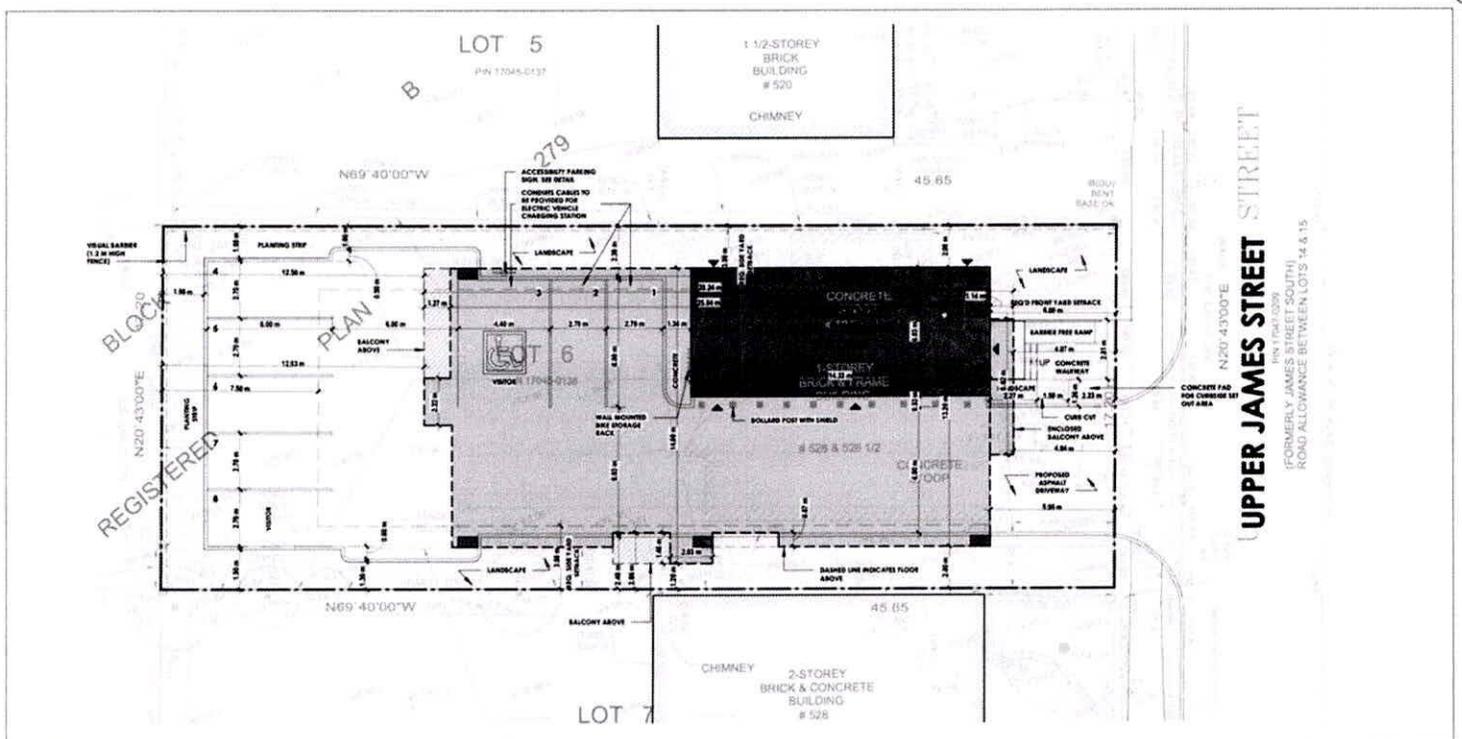
Table 1: Proposed Variances to Zoning By-law No. 6953

'DE' District	Required	Proposed
'Use'	Multiple Dwelling (permitted)	Multiple Dwelling
MAX HEIGHT	3 Storeys/11 m	3 Storeys/11 m
MIN FRONT YARD	6 m	4.87 m
MIN SIDE YARD	3 m	2m
MIN REAR YARD	7.5 m	12.53 m
LOT WIDTH	24 m	17.2 m (existing)
MIN LOT AREA (CLASS A DWELLING UNITS)	160 m ²	130 m²
MIN LANDSCAPED AREA	25% (196.22 m ²)	31.9% (250.37 m ²)
MAX ENCROACHMENT INTO FRONT YARD FOR BALCONIES Section 18(3)(vi)(cc)(i)	Into a required front yard not more than 1.0 metre, provided that no such projection shall be closer to a street line than 1.5 metres	N/A (<i>balcony enclosed</i>)
MAX ENCROACHMENT INTO SIDE YARD FOR BALCONIES Section 18(3)(vi)(cc)(iii)	Into a required side yard not more than one-third of its width, or 1.0 m whichever is less	0.8 m encroachment into the required side yard (i.e. 2m side yard)
PARKING AREA BOUNDARY Section 18A(11)(a)	A minimum distance of 1.5 m is required from the adjoining residential boundary	1.0 m (<i>due to maneuvering</i>)
REQUIRED PARKING	1.25 spaces per 'Class A' dwelling unit + 0.25 for visitor per 'Class A' dwelling unit (6 dwelling units = 9 spaces)	1.00 space per dwelling unit + 0.25 spaces for visitor per dwelling unit (6 dwelling units = 8 spaces)
REQUIRED LOADING	1 (space)	0 (space)

- Variance 1:** Reduction to the Required Minimum Front Yard Setback from 6m to 4.87m.
- Variance 2:** Reduction to the Required Minimum Side Yard Setback from 3m to 2m.
- Variance 3:** Reduction to the Required Minimum Lot Width from 24m to 17.2m.
- Variance 4:** Reduction to the Required Minimum Lot Area from 160m² to 130m² (for Each Dwelling Unit)
- Variance 5:** Increase to the Permitted Maximum Encroachment into a Side Yard for Balconies from 1/3 of setback (1.0m) with to 0.8m
- Variance 6:** Reduction to the Minimum Distance Required Between the Boundary of a Parking Area and the Adjoining Residential Boundary from 1.5m to 1.0m
- Variance 7:** Reduction to the Minimum Required Parking Spaces from 7.5 spaces to 6 spaces
- Variance 8:** Reduction to the Minimum Required Number of Loading Spaces from 1 to 0.

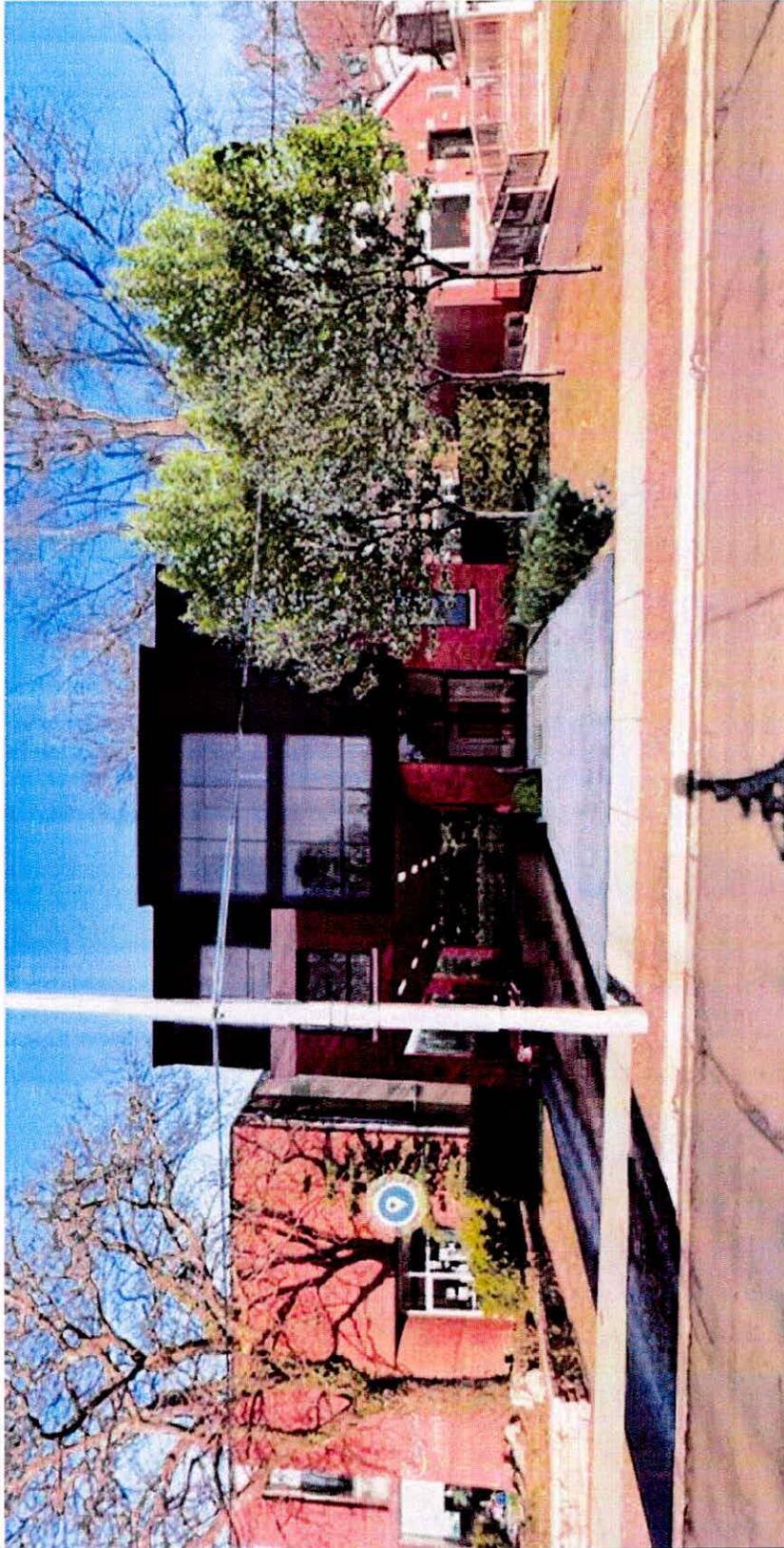
PLEASE NOTE: The justification for each of the above requested variances are described in **SECTION 5.0** of this Report.

Figure 8: Site Plan (LIMA ARCHITECTS INC.)



1 SITE PLAN
A-13 1:150

Figure 9: Conceptual Architectural Rendering



3.1 Impact of the Proposed Development:

The proposed development will provide for an opportunity to reinvigorate an underutilized and 'condemned' parcel of land with new infill development which will increase the number (and variety) of housing options in the area. The proposed 6 residential dwelling units will also help the City meet its housing and density requirements via the Provincial Growth Plan and Official Plan policies. Furthermore, the subject property is located in a highly walkable, bikeable, and transit supported area, where ease of movement is a major asset to the proposed development's success.

In terms of building design, the architectural features of the proposed building will add juxtaposition enhancements to the abutting blank wall commercial building (salon) to the south, while also slightly softening the building to better reflect the residential character of the abutting dwelling to the north. The building will offer considerable glazing facing Upper James, to promote both visual interest *from the street*, as well as 'eye's on the street' (CPTED) *from the views of building*. The building incorporates cantilevered construction which sees only a portion of the building's main floor. This cantilevered design feature allows for a pedestrian oriented / human scale open-air feel, while also facilitating the location of 3 covered parking spaces. The proposed building incorporates other features such as projecting balconies, different cladding materials which will blend into the surrounding neighbourhood character (**Figure 10**). The proposed 3-storey building represents a gentle increase in height from the abutting 1.5-storey single-detached home situated to the north (**Figure 3**) and the abutting 2-storey hair salon situated to the south (**Figure 5**), but meets similar height building characteristics along Upper James Street, such as the 3-storeys buildings at 631 & 633 Upper James Street (**Figure 6**).

The proposed front and side yard setbacks are generally consistent with many of the other residential / commercial lots found within the neighbourhood, and further supports the 'Main Street Character' sought after by the City along this stretch of Upper James. As well, a significant number of new trees and shrubs will be planted along the street edge and the perimeter of the site to create a gentle softening of the development and resultant buffer between the proposed use and adjacent lots. Furthermore, a 1.2 m high fence will surround the site to add additional buffer/privacy. (**Figure 8**).

The proposed development fits nicely into the Upper James streetscape character, while also providing for additional local residents to support neighbourhood shops, local churches and schools, and enhance municipal transit viability.

Overall, the proposed development will play an important role in setting the tone for higher-level redevelopment along Upper James Street, while also contributing to the visual diversity found along the streetscape character.

4.0 PLANNING POLICY REVIEW:

4.1 Planning Act, R.S.O. 1990, c. P.13:

The Planning Act is the leading provincial legislation that sets out the rules for land use planning in Ontario. The Planning Act ensures that matters of provincial interest are met and guides planning policy to protect citizen rights and the natural environment.

Applicable provisions from the Planning Act have been included as follows:

Powers of Committee

45 (1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).”

Summary:

Section 45(1) of the Planning Act allows for the Committee of Adjustment to permit variances from the provisions of the Zoning By-Law. The criteria used to evaluate variances are based on the following four tests:

- 1) Do the requested variances maintain the general intent and purpose of the Official Plan?
- 2) Do the requested variances maintain the general intent and purpose of the Zoning By-Law?
- 3) Are the requested variances desirable and appropriate for the lands?
- 4) Are the requested variances minor in nature?

The proposed Minor Variance Application will be judged against the ‘Four Tests’ and an explanation as to how each of these tests are met is described in **Section 5.0** of this Report.

4.2 Provincial Policy Statement (PPS) (2020):

The Provincial Policy Statement (PPS) for the Province of Ontario was recently updated in May 2020. It provides the provincial policy direction on matters of provincial interest related to land development provided under Section 3 of the *Planning Act*. The goal of the PPS is to enhance the quality of life for all people living, working and/or playing in Ontario.

Applicable excerpts from the Provincial Policy Statement are as follows:

“Part V: Policies

1.0 Building Strong Healthy Communities

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a)** promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b)** accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c)** avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d)** avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e)** promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect

resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.4 Housing

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:
 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.6 Infrastructure and Public Service Facilities

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

- a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
 1. municipal sewage services and municipal water services;
- c) promote water conservation and water use efficiency;
- d) integrate servicing and land use considerations at all stages of the planning process; and
- e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and

- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

1.6.7 Transportation Systems

- 1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

1.6.8 Transportation and Infrastructure Corridors

- 1.6.8.3 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

1.7 Long-Term Economic Prosperity

- 1.7.1 Long-term economic prosperity should be supported by:
 - a) promoting opportunities for economic development and community investment-readiness;
 - c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
 - d) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;
 - e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

1.8 Energy Conservation, Air Quality and Climate Change

- 1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:
 - a) promote compact form and a structure of nodes and corridors;
 - b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
 - c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
 - e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion”

Summary:

The proposed development is well aligned with the policies of the Provincial Policy Statement (PPS) because it efficiently uses land and infrastructure (1.1.3.2 a) by directing new housing options to an existing lot that can support a higher residential density to meet the needs of current and future residents (1.4 c).

4.3 Growth Plan for the Greater Golden Horseshoe (2019):

The Places to Grow Act, 2005, S.O. 2005, c. 13, is legislation that enables the “Growth Plan for the Greater Golden Horseshoe” policy. The Growth Plan for the Greater Golden Horseshoe (Growth Plan) is a provincial policy that aims to control growth and development within the Greater Golden Horseshoe Area in a way that supports economic prosperity, protects the environment and improves the quality of life for all residents. The Growth Plan also encourages intensification by directing a significant portion of new growth to the built-up areas of communities, thus protecting agricultural areas from encroaching development and incompatible land uses.

The Growth Plan sets regional standards for growth and development that must be incorporated into municipal planning documents. The City of Hamilton has already incorporated Growth Plan (2006) policies into its Official Plan document, and is currently in the process of updating its Official Plan to reflect the new Growth Plan (2019) and PPS (2020) policies.

The subject property is defined as being within the ‘Built-Up Area’ designation (**Appendix ‘A’**) of the Growth Plan. *Applicable policies from the Growth Plan have been included as follows:*

“2 Where and How to Grow**2.1 Context**

To support the achievement of complete communities, this Plan establishes minimum intensification and density targets that recognize the diversity of communities across the GGH.

Building compact and complete communities, and protecting agricultural lands, water resources and natural areas will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change.

2.2 Policies for Where and How to Grow**2.2.1 Managing Growth**

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) 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;
 - 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;
- 3. Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:
 - b) be supported by planning for infrastructure and public service facilities by considering the full life cycle costs of these assets and developing options to pay for these costs over the long-term;
 - c) provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;
- 4. Applying the policies of this Plan will support the achievement of complete communities that:
 - a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
 - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
 - c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
 - d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - e) provide for a more compact built form and a vibrant public realm, including public open spaces;

2.2.2 Delineated Built-up Areas

- 1. By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:
 - a) A minimum of **50 per cent** of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, **Hamilton**, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area; and

3. All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:
 - a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
 - b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
 - c) encourage intensification generally throughout the delineated built-up area;
 - d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
 - f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

2.2.6 Housing

1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
 - a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and
 2. Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:
 - a) planning to accommodate forecasted growth to the horizon of this Plan;
 - b) planning to achieve the minimum intensification and density targets in this Plan;
 - c) considering the range and mix of housing options and densities of the existing housing stock; and
 - d) planning to diversify their overall housing stock across the municipality.
3. To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.”

Summary:

The proposed development is well-aligned with the policies of the Growth Plan as it will direct new housing to a built-up area to help support the City of Hamilton’s minimum intensification target (2.2.2 1.a). Furthermore, it will also provide for a more compact built form in a transit supportive location to optimize municipal infrastructure investments (2.2.1 3.c). In addition, it will help to diversify the housing stock within the area by

providing for a smaller residential unit sizes to better address the needs of current and future residents (2.2.6 2. d).

4.4 Greenbelt Plan (2017):

The 'Greenbelt Act' is legislation that enables the 'Greenbelt Plan'. The Greenbelt Plan is a Provincial Policy that aims to preserve agricultural lands and environmental natural areas to encourage a prosperous and sustainable Ontario.

The Greenbelt Plan works together with the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, and the Growth Plan for the Greater Golden Horseshoe.

The subject property is **not located** within the 'Greenbelt Area' (**Appendix 'A'**) and as such the policies of the Greenbelt Plan **do not apply**.

4.5 Niagara Escarpment Plan (2017):

The 'Niagara Escarpment Planning & Development Act' is legislation that enables the 'Niagara Escarpment Plan'. In 1990, the Niagara Escarpment was recognized as a "World Biosphere Reserve" by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The Niagara Escarpment Plan aims to maintain the Niagara Escarpment and land in its vicinity as a continuous natural environment and to ensure that only development that is compatible with that natural environment is permitted.

The subject property **is not located** within the 'Niagara Escarpment Plan Area' (**Appendix 'B'**) and as such the policies of the 'Niagara Escarpment Plan' **do not apply**.

4.6 Hamilton Conservation Authority:

The subject property is located within the jurisdiction of the Hamilton Conservation Authority. However, no portion of the subject property is located in an area that is regulated by the Conservation Authority. As such a **Conservation Development Permit will not be required** for the redevelopment of the subject property (**Appendix 'C'**).

4.7 City of Hamilton Official Plan (2013):

The current version City of Hamilton Official Plan (OP) has been in effect since 2013. Since this time, the OP has been amended several times to ensure consistency with the policies of the Provincial Plans.

The OP is the leading planning document for guiding growth, land use and development within the City of Hamilton. The document addresses matters such as infrastructure, population growth, servicing, transit, natural heritage, cultural heritage, and administrative municipal policies.

The following “Urban” Hamilton Official Plan designations apply to the subject property:

- The subject property fronts onto Upper James Street which is classified as a **‘Major Arterial Road’ (Appendix ‘D’)**. There are no planned future Right-of-Way widenings for the segment of Upper James Street that abuts the subject property.
- The subject property is located within the **‘Primary Corridor’ Urban Structure Element (Appendix ‘E’)**.
- The subject property is located within the **‘Neighbourhoods’ Land Use Designation (Appendix ‘F’)**.
- The subject property is considered to be on lands that have **‘Archaeological Potential’ (Appendix ‘G’)**.
- The subject property is located within close proximity to the planned **‘BLAST Potential Transit Line’** and the **‘Mohawk College Future Mobility Hub’ (Appendix ‘H’)**.

Applicable excerpts from the City of Hamilton Official Plan have been included as follows:

“Chapter B – Communities

B.2.0 DEFINING OUR COMMUNITIES

2.4 Residential Intensification

2.4.1 General Residential Intensification Policies

2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.

2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.

2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

a) a balanced evaluation of the criteria in b) through g), as follows;

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;

- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- 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;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

2.4.2 Residential Intensification in the Neighbourhoods Designation

2.4.2.1 Residential intensification within lands designated Neighbourhoods identified on Schedule E-1 - Urban Land Use Designations shall comply with Section E.3.0 – Neighbourhoods Designation.

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

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- j) infrastructure and transportation capacity and impacts.

Facilitating Residential Intensification

2.4.4 The City, when reviewing or developing new secondary plans or corridor studies, shall identify opportunities for residential intensification to support the intensification targets and related policies.

2.4.5 The City shall establish zoning that permits residential intensification generally throughout the built-up area, in accordance with this Plan.

B.3.0 QUALITY OF LIFE AND COMPLETE COMMUNITIES

3.2 Housing Policies

3.2.4 General Policies for Urban Housing

3.2.4.1 The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities.

3.2.4.2 The development of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the City. Where there are documented unmet needs for housing tenure, affordability levels or support services, priority shall be given to development applications that help meet those needs. Housing with a full range of tenure, affordability and support services in a full range of built housing forms means both ownership and primary rental housing with a full range of affordability, social housing, rent-geared-to-income housing, lodging houses, shared and/or congregate-living housing arrangements, housing with supports, emergency and transitional housing, and housing that meets all needs.

3.3 Urban Design Policies

3.3.1 Urban Design Goals

The following goals shall apply in the urban area:

3.3.1.1 Enhance the sense of community pride and identification by creating and maintaining unique places.

3.3.1.2 Provide and create quality spaces in all public and private development.

3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.

3.3.1.4 Create communities that are transit-supportive and promote active transportation.

3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.

3.3.1.6 Create places that are adaptable and flexible to accommodate future demographic and environmental changes.

3.3.1.7 Promote development and spaces that respect natural processes and features and contribute to environmental sustainability.

3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.

3.3.2 General Policies and Principles

3.3.2.1 The physical design of a site shall:

- a)** relate to its role in the overall urban structure of the City;
- b)** enhance the function of the applicable urban structure element described in Section E.2.0 – Urban Structure; and,

3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable.

Principles

3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a)** respecting existing character, development patterns, built form, and landscape;
- b)** promoting quality design consistent with the locale and surrounding environment;
- c)** recognizing and protecting the cultural history of the City and its communities;
- f)** demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g)** contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;

3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:

- a)** organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b)** recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- c)** using materials that are consistent and compatible with the surrounding context in the design of new buildings;

- 3.3.2.5** Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:
- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
 - b) providing connections and access to all buildings and places for all users, regardless of age and physical ability;
 - c) ensuring building entrances are visible from the street and promoting shelter at entrance ways;
 - e) providing appropriate way-finding signage considering size, placement, and material that clearly identifies landmarks, pathways, intersections, cycling and transit routes, and significant natural and cultural heritage features;
 - f) providing pedestrian-scale lighting;
 - g) designing streets and promoting development that provides real and perceived safety for all users of the road network;
- 3.3.2.6** Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:
- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
 - d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
 - e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.
- 3.3.2.8** Urban design should promote environmental sustainability by:
- a) achieving compact development and resulting built forms;
- 3.3.3 Built Form**
- 3.3.3.2** New development shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.
- 3.3.3.3** New development shall be massed to respect existing and planned street proportions.

3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.

3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.

3.3.9 Access and Circulation

3.3.9.3 To ensure safety and promote their priority over vehicular traffic, pedestrian walkways shall differ in material and appearance from driving surfaces.

3.3.9.4 Landscaped walkways shall be provided along buildings, particularly in areas with high levels of pedestrian traffic. Walkways shall be connected to other pedestrian routes on the site and linked to pedestrian entry points at the street, and where appropriate to adjacent developments.

3.3.9.5 Pedestrian walkways shall be made continuous across driving aisles as well as across driveway entrances at the street where appropriate.

3.3.10 Parking

3.3.10.1 To create and enhance safe, attractive pedestrian oriented streetscapes, surface parking shall be discouraged, and parking located below grade or in parking structures shall be encouraged.

3.3.10.4 Where surface parking is proposed, it should be located to the sides or rear of buildings to enable the development of a continuous street edge and the creation of quality urban spaces consistent with Section B.3.3.2 – General Policies and Principles.

3.3.10.5 Parking areas shall be connected to the street through safe, landscaped pedestrian walkways.

3.3.10.6 Perimeters of surface parking lots shall be landscaped with appropriate materials that allow visibility from the public realm to the interior of the parking area.

- 3.3.10.8** Parking lots shall be paved with hard surfaces to reduce dust and promote improved air quality. The use of permeable pavement systems or other low impact development practices is encouraged for storm water management, when technically possible.
- 3.3.10.9** Parking lots shall be lit with sufficient light for safety. On surface parking lots, lighting shall be internally oriented so as not to cause glare on adjacent properties or public roads. Outdoor lighting fixtures that reduce energy consumption and direct light away from the night sky are encouraged.

3.4 Cultural Heritage Resources Policies

3.4.3 General Cultural Heritage Policies for Urban Areas

Established Historical Neighbourhoods

Established historical neighbourhoods are neighbourhoods that were substantially built prior to 1950. These neighbourhoods exhibit unique character, provide examples of historical development patterns, and contain concentrations of cultural heritage resources.

- 3.4.3.6** The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.

3.4.4 Archaeology Policies

The City shall require the protection, conservation, or mitigation of sites of archaeological value and areas of archaeological potential as provided for under the Planning Act, R.S.O., 1990 c. P.13, the Environmental Assessment Act, the Ontario Heritage Act, the Municipal Act, the Cemeteries Act, or any other applicable legislation.

Archaeological Assessment Requirements

- 3.4.4.5** Prior to site alteration or soil disturbance relating to a Planning Act, R.S.O., 1990 c. P.13 application, any required archaeological assessment must be approved, in writing by the City, indicating that there are no further archaeological concerns with the property or concurring with the final resource management strategy to be implemented. The City may also require a higher standard of conservation, care and protection for archaeological resources based on prevailing conditions and circumstances within the City and the results of any dialogue with First Nations and their interests.

CHAPTER C – CITY WIDE SYSTEMS AND DESIGNATIONS

C.4.0 INTEGRATED TRANSPORTATION NETWORK

4.5 Roads Network Functional Classification

4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

c) Major arterial roads, subject to the following policies:

- iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications.

Parking and Loading

4.5.15 Parking and loading requirements regulated through the Zoning By-Law or site plan approval shall ensure adequate parking for the site, while avoiding excess parking supply that can discourage transit use and active transportation choices.

4.5.18 The negative impacts of parking on urban environments and pedestrian activity shall be minimized through:

- a) placement of parking and loading areas at the rear of buildings where feasible;
- b) use of alternative paving materials such as but not limited to permeable pavement systems;
- c) alternative surface water management in parking areas such as urban swales, and ditches;
- e) landscaping treatments in accordance with Section B.3.3.10 and the Zoning By-Law; and,
- f) other applicable design guidelines and design policies of Volume 1, including Section B.3.3 – Urban Design Policies and Chapter E - Urban Systems and Designations.

4.5.19 New development on properties adjacent to major arterial and minor arterials and where necessary, collector roads, shall include provisions for sufficient parking, loading, manoeuvring and off-street parking.

C.5.0 INFRASTRUCTURE

5.3 Lake-Based Municipal Water and Wastewater Systems

5.3.5 All new development and redevelopment within the urban area shall be connected to the City's water and wastewater system.

- 5.3.10** The City shall discourage changes in land use designation and zoning which would result in the underutilization of previously planned and/or constructed water and wastewater systems.
- 5.3.11** The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.
- 5.3.12** Water and wastewater systems shall be designed and constructed in accordance with the specifications and standards of the City, provincial guidelines, and other applicable standards, regulations and guidelines.
- 5.3.15** The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.

5.4 Storm Water Management Facilities

- 5.4.2** Any new development that occurs shall be responsible for submitting a detailed storm water management plan prior to development to properly address on site drainage and to ensure that new development has no negative impact on off-site drainage.
- 5.4.9** All land designated on Schedule E-1 – Urban Land Use Designations shall meet the following conditions:
- a)** development and/or redevelopment shall be connected to, or serviced by, a storm water drainage system or other appropriate system such as ditches, or any other techniques acceptable to the City, Conservation Authorities, or the Province and/or detailed in a Storm Water Master Plan or other relevant study;
 - b)** development shall be in accordance with the system capacity for drainage and storm water management and where relevant, will conform to storm water site management plans, a Storm Water Master Plan, site plans and/to other relevant studies, guidelines or regulations; and,
 - c)** storm water systems shall be designed and constructed, in accordance with the City' standards and guidelines, provincial guidelines, storm water master plans, master drainage plans and any other relevant study or legislation.

CHAPTER E – URBAN SYSTEMS AND DESIGNATIONS

E.2.0 URBAN STRUCTURE

2.4 Urban Corridors Function

- 2.4.3** Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.

- 2.4.4** Primary Corridors shall serve to link two or more nodes, major activity centres, or employment areas.
- 2.4.6** Urban Corridors shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to a broader regional market may be also permitted.
- 2.4.8** Primary Corridors shall be served by the higher order of transit service. Secondary Corridors may be served by a higher order transit service.

Scale

- 2.4.10** The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.
- 2.4.11** Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.

Design

- 2.4.14** Urban Corridors shall provide a comfortable and attractive pedestrian experience.
- 2.4.16** New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- 2.4.17** Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes.

E.3.0 NEIGHBOURHOODS DESIGNATION

3.2 Neighbourhoods Designation – General Policies Function

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

3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

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

Scale and Design

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

3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- e) Development shall improve existing landscape features and overall landscape character of the surrounding area.
- e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

3.2.11 To maintain existing neighbourhood character and to provide for pedestrian friendly environments, reduced right-of-way widths may be permitted in accordance with Section C.4.5 – Roads Network.

3.2.12 Innovative neighbourhood designs incorporating energy and environmental design standards and the conservation of natural resources shall be promoted in accordance with Section B.3.3 – Urban Design Policies and Section B.3.7 – Energy and Environmental Design Policies.

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

3.3 Residential Uses – General Policies

Three categories of residential land use are described in this section but are not designated on Schedule E-1 - Urban Land Use Designations. These residential categories provide general location, scale, and design directions for

the purposes of secondary planning and zoning. These categories may also be applied in the redevelopment of larger sites.

3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

3.3.2 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.

3.5 Medium Density Residential Function

3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

3.5.2 Uses permitted in medium density residential areas **include multiple dwellings except street townhouses.**

3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.

3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.

Scale

3.5.7 For medium density residential uses, the net residential density **shall be greater than 60 units per hectare and not greater than 100 units per hectare.**

3.5.8 For medium density residential uses, the **maximum height shall be six storeys.**

Design

3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:

- a)** Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.

- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.

CHAPTER F – IMPLEMENTATION

F.1.0 PLANNING ACT IMPLEMENTATION TOOLS

1.7 Site Plan Control

Site plan control is an important means of encouraging well-designed, functional and universally accessible development in Hamilton. The City shall review and approve plans that show the location, design and massing of buildings, the relationship to adjacent streets and buildings, public access areas, the layout of parking and service areas, site landscaping and other aspects of development.

- 1.7.1 Site plan control shall be used to achieve the following planning objectives:
 - a) minimize the impact of development on adjacent properties;
 - c) promote pedestrian scale development and land use compatibility;
 - d) enhance the public realm and create a functional and distinctive streetscape through high quality building design;
 - f) integrate ecologically important features into site designs to protect and enhance their functions; and,
 - g) ensure accessibility for people with a range of abilities through safe and efficient pedestrian and vehicular circulation.
- 1.7.5 To achieve the objectives in Policy F.1.7.1, the City shall, as part of the site plan approval:
 - a) consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and sustainable design features of buildings;

- b) require sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities be provided;
- c) require facilities designed for people with a range of abilities;”

Summary:

The proposed development is well-aligned with the policies of the Official Plan because it will provide for a density, building typology and height that is appropriate for the Residential Function of the Neighborhood Land Use Designation (**E.3.5**).

Given the property’s location along a ‘Primary Corridor’ (i.e. Upper James Street), the site is an optimal candidate for intensification (**B.2.4.1.3 b**). The intensity of the proposed development in addition to its distinctive site layout and building design will have a significant positive impact on the Upper James Streetscape in its ability to enhance the public realm and promote a pedestrian-friendly environment. These positive attributes will be secured through the Site Plan Approval Process (**F.1.7.1**), and should translate into an expectation of future development quality along this corridor.

4.8 Zoning By-Law No. 6953

The subject property is currently zoned as ‘**DE**’ (Low Density Multiple Dwellings) under the former City of Hamilton **Zoning By-law No. 6953 (Appendix ‘I’)**.

The site is also subject to the ‘**S-1788**’ Site-Specific Provisions listed under **By-Law No. 19-307**, which speaks to second dwelling permissions (**Appendix ‘I’**). However, the regulations of By-Law 19-307 do not apply to the proposed development because second dwellings are not permitted within ‘Multiple Dwellings’.

Applicable excerpts from Zoning By-law No. 6593 are as follows:

“CITY OF HAMILTON ZONING BY-LAW NO. 6593

SECTION TEN A "DE" DISTRICTS

(LOW DENSITY MULTIPLE DWELLINGS)

RESIDENTIAL USES

- (ii) A two family dwelling or three family dwelling, together with the accommodation of lodgers to the number of not more than three in each Class A dwelling unit;
- (iv) **A multiple dwelling**, together with the accommodation of lodgers to the number of not more than three in each Class A dwelling unit; (See Section 18(8) for Special Requirements for Groups of Multiple Dwellings)

(viii) An emergency shelter for the accommodation of not more than six residents.

HEIGHT REQUIREMENTS

(2) In a "DE" District, no building shall exceed three storeys, and no structure shall exceed **11.0 metres** (36.09 feet) in height.

AREA REQUIREMENTS

(3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "DE" District:

- (i) A front yard of a depth of at least **6.0 metres** (19.69 feet);
- (ii) (c) for a multiple dwelling, a side yard along each side lot line of a width of at least **3.0 metres** (9.84 feet).
- (iii) A rear yard of a depth of at least **7.5 metres** (24.61 feet).

INTENSITY OF USE

(4) Every lot or tract of land upon which a dwelling is erected, converted or reconstructed in a "DE" District shall have within the district:

- (iii) (b) for a multiple dwelling, consisting of more than four dwelling units and not more than six dwelling units, a width of at least **24.0 metres** (78.74 feet) and an area of at least **160.0 square metres (1,722.28 square feet)** for each Class A dwelling unit;

LANDSCAPED AREA

(5) For every building or structure in a "DE" District there shall be provided and maintained on the lot and within the district at **least one-quarter of the area** of the lot on which it is situated as landscaped area unused for access or manoeuvring space or parking space or for any other purpose other than landscaped area including a playground.

SECTION EIGHTEEN SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS

SUPPLEMENTARY AREA REQUIREMENTS AND MODIFICATIONS

(vi) **Encroachments on Yards:** Every part of a required yard shall be unobstructed from its lowest level upwards, except that

- (a) A chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project not more than 0.5 metres (1.64 feet) into a required side yard, and not more than 1.0 metre (3.28 feet) into any other required yard;
- (b) A canopy, cornice, eave or gutter may project,
 - (i) into a required front yard not more than 1.5 metre (4.92 feet) provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet);
 - (ii) into a required rear yard not more than 1.5 metre (4.92 feet);

- (iii) into a required side yard not more than one-half of its width, or 1.0 metre (3.28 feet), whichever is the lesser;
- (cc) A bay, **balcony** or dormer may project
 - (i) into a required front yard not more than 1.0 metre (3.28 feet), provided that no such projection shall be closer to a street line than 1.5 metres
 - (ii) into a required rear yard not more than 1.0 metre (3.28 feet); or
 - (iii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser,

SECTION EIGHTEEN A PARKING AND LOADING REQUIREMENTS

MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS

- (7) Every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 6.0 metres long.
- (11) The boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed,
 - (a) not less than 1.5 metres from the adjoining residential district boundary; and
 - (b) not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0 metres of a residential district.
- (12) For every parking area and loading space referred to in subsection 11, there shall be provided and maintained,
 - (a) between the boundary of the parking area and the residential district, an area landscaped with a planting strip; and
 - (b) between the boundary of the loading area and the residential district, an area landscaped with a planting strip; and
 - (c) a visual barrier along the boundary of the lot abutting the residential district not less than 1.2 metres in height and not greater than 2.0 metres in height.

TABLE 1 - MINIMUM REQUIRED PARKING FOR, RESIDENTIAL, INSTITUTIONAL, PUBLIC AND COMMERCIAL USES

1. Residential Uses

- (g) **Multiple dwelling;** (g) 1.25 spaces per Class A dwelling unit except as follows:
 - (ii) 1 space per Class A dwelling unit within area "B", shown on Schedule "H";

TABLE 2 - MINIMUM REQUIRED RESIDENTIAL VISITOR PARKING

- 3. Multiple dwellings not in 0 dwelling areas referred to in paragraphs 1 and 2.
0.25 of a space per Class A dwelling unit.

TABLE 3 - MINIMUM REQUIRED LOADING SPACE - MULTIPLE DWELLINGS

<u>Number of Dwelling Units</u>	<u>Minimum Number of Required Loading spaces</u>
5 to 30:	1- Minimum Size: Length: 9.0m, Width: 3.7m, Height: 4.3m”

Summary:

The proposed development, being ‘infill’, in and itself implies that all current zoning standards cannot be fully met, as ‘infill’ is a new type/form of development not originally anticipated when the initial zoning by-law was established (i.e. 1950).

The intensification of the property will ultimately require eight (8) minor variances to fine-tune the site permissions, and facilitate the required subsequent Site Plan Approval.

Justification for each minor variance is provided in Section 5.0 of this report.

5.0 PLANNING JUSTIFICATION**5.0 FOUR TESTS OF A MINOR VARIANCE**

Section 45(1) of the Planning Act states that the Committee of Adjustment may authorize variances from the provisions of the Zoning By-Law provided that the ‘Four Tests’ are satisfied. This section provides an analysis that evaluates the proposal’s required variances within the context of the four tests as follows:

1. ***Do the requested variances maintain the general intent and purpose of the Official Plan?***
2. ***Do the requested variances maintain the general intent and purpose of the Zoning By-Law?***
3. ***Are the requested variances desirable and appropriate for the lands?***
4. ***Are the requested variances minor in nature?***

5.1 VARIANCE 1: REDUCTION TO THE REQUIRED MINIMUM FRONT YARD SETBACK**Variance 1: Reduction to the Required Minimum Front Yard Setback**

As per Section 10A(3)(i) of Former Hamilton Zoning By-law 6593,
The Minimum Required Front Yard Setback is 6 m.
The Proposed Front Yard Setback is 4.87 m.

The requested reduction to the required minimum front yard setback is largely attributed to street frontage and urban design of the block face at achieve a ‘Main Street Character’. The setback is generally required to allow the distance of the front balconies area of the building face to the street. The balconies provide enhanced glazing for street

animation/interest, enhanced architectural detail of the building, and also allows for 'Eye's on the street' (CPTED) from the site.

The main wall on the ground level will maintain a front yard setback of 5.95 m which represents a minor (0.05m) deviation from the required 6 m standard. The balconies (2nd & 3rd storeys) will add enclosed living space to the units, thus, they must also meet the required front yard setback.

The impact of the variance on the functionality of the front yard amenity space will be minimal. In accordance with the policies in the Official Plan, Urban Corridors shall provide for a comfortable and attractive pedestrian experience (**E.2.4.14**), and compliment the character of the area. Given the site's location on to a 'Primary Corridor', the requested variance to reduce the required front yard setback is appropriate for the lands given that it will bring the proposed building closer to the streetscape to help contribute to Upper James Street's pedestrian friendly environment (**B.3.3.1.3**). Furthermore, as you head south towards the Upper James commercial district, the majority of the buildings have smaller front yard setbacks than what is being proposed on the subject lands. This includes 536 & 538 Upper James Street, two nearby residential properties located on the same side of the street as the subject property.

In general, the requested variance meets the intent and purpose of the Official Plan and Zoning By-Law, as it respects and maintains compatible development patterns in the front yard of the site. Also, the request variance is minor in nature, appropriate and desirable, since its impacts actually improve the character and function of the property and overall streetscape.

- As such Variance #1, meets the four (4) tests of minor variance.

5.2 VARIANCE 2: REDUCTION TO THE REQUIRED MINIMUM SIDE YARD SETBACK

Variance 2: Reduction to the Required Minimum Side Yard Setback

As per Section 10A(3)(ii)(c) of Former Hamilton Zoning By-law 6593,
The Minimum Required Side Yard Setback is 3.0 m.
The Proposed Side Yard Setback is 2.0 m.

In accordance with the policies in the Official Plan for the Neighbourhood Land Use Designation, applications for residential intensification shall be evaluated on the ability to respect and maintain existing streetscape patterns including setbacks and building separations (**B.2.4.2.2 g**). Given that many of the residential lots that front on to Upper James Street have side yard setbacks that are less than 3.0m, the requested reduction to the required minimum side yard setback is appropriate for the lands as it would still maintain an overall sense of compatibility and design consistency with the local and surrounding environment (**3.3.2.3 b**). In addition, proposed enhanced landscaping and fencing will further mitigate the slight setback reduction. The proposed reduction is a result of the existing narrow lot, and the practical approach of providing appropriate intensification on the site.

As such, the requested variance meets the general intent and purpose of the Zoning By-Law, which encourages intensification that maintains/improves the character of the area/streetscape. Furthermore, the requested variance is minor in nature since it has been both mitigated by enhanced landscaping, and is comparable to other setbacks along Upper James Street. Finally, the requested variance is appropriate and desirable, since it facilitates a redevelopment that will improve the property function/efficiency, streetscape view, as well as provide needed new housing opportunities for the area.

- As such Variance #2, meets the four (4) tests of minor variance.

5.3 VARIANCE 3: REDUCTION TO THE REQUIRED MINIMUM LOT WIDTH

Variance 3: Reduction to the Required Minimum Lot Width

As per Section 10A(4)(iii)(b) of Former Hamilton Zoning By-law 6593.

The Minimum Required Lot Width is 27 m.

The Proposed Lot Width is 17.2 m.

In accordance with the policies in the Official Plan for the Neighbourhood Land Use Designation, applications for residential intensification shall be evaluated on the proposed lot's relationship with the existing lot pattern and configuration found within the neighbourhood (**B.2.4.2.2 e**). The subject property is an existing lot that maintains a width that is compatible with the other residential lots found within the area. As such, the requested minor variance for a reduced lot width is considered minor in nature, as it is actually an existing situation.

The existing lot (with its existing frontage) is technically able to support a higher residential density given its location on a 'Primary Corridor' (under current Official Plan policies 8 units and up to 6-storeys is possible – *but not proposed*). Under the Official Plan, 'Primary Corridors' should be designed with higher residential densities on narrow lots to support a comfortable and attractive pedestrian experience (**E.2.4.14**). Given the intensification and housing policies of the Official Plan, the requested variance is appropriate for the lands because it will provide for a higher residential unit count in a building that makes an appropriate and innovative use of the site (**B.3.3.1.8**). Minimum lot width zoning regulations are created for the purposes of ensuring there is enough space on the property to accommodate an orderly development and to provide for a harmonious lot pattern along the streetscape. Since the lot already exists and that the depth of the lot allows for an orderly site layout with respect to vehicular access and rear yard parking, the proposed development meets the purpose and general intent of the Zoning By-Law. The site is also technically able to have increased density (8 units) and height (6-storeys), although only 6 units and 3 storeys are being proposed under this application. Finally, since the lot frontage is existing, we are only bringing the grandfathered situation into modern conformity. Again, this 1950's zoning by-law did not anticipate modern development plans or techniques.

- As such Variance #3, meets the four (4) tests of a minor variance.

5.4 VARIANCE 4: REDUCTION TO THE REQUIRED MINIMUM LOT AREA FOR EACH DWELLING UNIT

Variance 4: Reduction to the Required Minimum Area for Each Dwelling Unit

As per Section 10A(4)(iii)(b) of Former Hamilton Zoning By-law 6593.

The Minimum Required Area for Each Class A Dwelling Unit is: 160m².

The Proposed Area for Each Class A Dwelling Unit is: 130m².

In accordance with the policies of the Official Plan, applications for residential intensification shall be evaluated based on the development's contribution to achieving a full range of housing forms, types and densities (**B.2.4.1.4 c**) & **B.3.2.4.1**). The requested reduction to the required minimum area for Class A dwelling units is appropriate for the lands given the increasing demand for more affordable smaller sized units in addition to the changing housing needs of current and future residents. Given that the surrounding established neighborhood is primarily dominated by traditional low-density residential buildings such as single-detached homes on large underutilized lots, the proposed development will help to diversify the number and type of housing options that are available within the area (and along Upper James and within the 'Main Street' corridor). It is important to remember that the Former City of Hamilton Zoning-By-Law-6593 was created at a time where there weren't many incentives available to allow for multiple dwelling uses within established neighbourhoods, and that Upper James was a minor collector road feeding the relatively new subdivisions on the Hamilton Mountain. In general, the proposed variance for a smaller dwelling unit size is considered minor in nature when assessing the state of the today's housing market, affordability, and the increasing housing needs of Hamilton's citizens. Finally, the minor adjustment from the historic lot area requirements is appropriate to allow for complimentary intensification of the site. The proposed variance also represents a minor change that will truly not even be noticed by pedestrians, or adjacent neighbours. Finally, the site is located on a major arterial road which is encouraged to be designed to accommodate higher densities (**E.3.3.1**).

- As such Variance #4, meets the four (4) tests of a minor variance.

5.5 VARIANCE 5: INCREASE TO THE PERMITTED MAXIMUM ENCROACHMENT INTO A SIDE YARD FOR BALCONIES

Variance 5: Increase to the Permitted Maximum Encroachment into a Side Yard for Balconies

As per Section 18(3)(vi)(cc)(iii) of Former Hamilton Zoning By-law 6593.

The Maximum Permitted Encroachment is: 1/3 of required side yard (0.66m).

The Proposed Encroachment is: 0.8 m into the required side yard setback of 2.0m.

The requested increase to the permitted maximum encroachment into a side yard for balconies meets the general intent and purpose of the Official Plan as it would provide for an adequately sized outdoor private amenity space (**B.2.4.2.2**). In addition, the

balconies complement the character of the proposed multi-dwelling building by adding architectural interest, and help to promote a safer community (CPTED) by increasing opportunities for 'eyes on the street' on to the landscaped areas (**B.3.3.2.3**). The intent and purpose of the Zoning By-Law is not to restrict balconies, but rather to ensure that projections into side yards are reasonable enough to avoid any potential negative impacts on abutting properties and safety concerns. The proposed side yard balconies will be located on the south side of the property abutting the 2-storey hair studio/spa (**Figure 5**). For privacy reasons, there will not be any balconies located on the north side of the property which abuts the 1.5 storey single-detached home (**Figure 3**). As such, the proposed variance is appropriate for the lands, and very minor in both zoning text deviation and actual physical impact. In general, the proposed variance is considered to be minor in nature given that it will only result in the establishment of two minor balconies that visual attractiveness to the appearance of the building.

- As such Variance #5, meets the four tests of a minor variance.

5.6 VARIANCE 6: REDUCTION TO THE MINIMUM DISTANCE REQUIRED BETWEEN THE BOUNDARY OF A PARKING AREA AND THE ADJOINING RESIDENTIAL BOUNDARY

Variance 6: Reduction to the Minimum Distance Required Between the Boundary of a Parking Area and the Adjoining Residential Boundary

As per Section 18A(11)(a) of Former Hamilton Zoning By-law 6593.

The Required Minimum Distance is: 1.5m.

The Proposed Minimum Distance is: 1.0m.

In accordance with the Urban Design policies of the Official Plan, redevelopment should connect the public and private realms by organizing space in a logical manner through the design and placement of buildings and landscaping. (**B.3.2.4 a**). The requested reduction to the required minimum distance between the proposed parking area and the adjoining residential lot to the north is a result of the vehicle maneuvering area and NOT parking area. The area will by its nature hardly be used, and is a technical requirement of the parking design. As such, the proposed variance meets the general intent of the Official Plan and Zoning By-Law, which ensure an orderly development that promotes the safe and efficient movement of vehicles. Furthermore, the slight deviation from 1.5m to 1m for maneuvering only if both minor and appropriate given the positive design results. Finally, enhanced landscaping will be included along with full privacy fencing to further mitigate any concerns.

- As such Variance #6, meets the four (4) tests of a minor variance.

5.7 VARIANCE 7: REDUCTION TO THE MINIMUM REQUIRED NUMBER OF PARKING SPACES

Variance 7: Reduction to the Minimum Required Number of Parking Spaces

As per Section 18A (11) (a), of the Former Hamilton Zoning By-law 6593.

The Minimum Required Number of Parking Spaces is: 1.25/Class A unit.
The Proposed Number of Parking Spaces is: 1.0 / Unit.

In accordance with the City of Hamilton's Intensification and Housing policies, the requested reduction to the Zoning By-Law's parking space requirement would allow for the proposed development (being on smaller unit sizes). With the existing public transit lines, high walkability and bikeability, as well as the likelihood of lower vehicle ownership due to unit size/occupancy, the slight reduction of 0.25 spaces / unit is both minor, appropriate and meets the general intent of the Official Plan and Zoning By-law.

- As such Variance #7, meets the four (4) tests of a minor variance.

5.8 VARIANCE 8: REDUCTION TO THE MINIMUM REQUIRED NUMBER OF LOADING SPACES

Variance 8: Reduction to the Minimum Required Number of Loading Spaces (9.0m x 3.7m x 4.3m)

As per Section 18A, Table 3 of Former Hamilton Zoning By-law 6593.

The Minimum Required Number of Loading Spaces is: 1.

The Proposed Number of Loading Spaces is: 0.

In accordance with the City of Hamilton's Intensification and Housing policies, the requested reduction to the Zoning By-Law's loading space requirement would allow for the proposed development to provide for a higher residential unit count that is necessary to support the efficient redevelopment of the Upper James Street 'Primary & Main Street Corridor'. The proposed variance is appropriate for the lands given that a loading space should not be necessary for a simple 6 unit dwelling development with street garbage pick-up, especially when considering the size of the units that are being proposed. Furthermore, the existing width of the property would not physically allow for require turning movements for the loading space. There are examples of multiple dwellings with 5 or more units across the City that do not have a loading space and function fine. By reducing the required number of loading spaces, the site can then accommodate redevelopment that better suits the City's housing and intensification needs, while also respecting the 'Main Street Character' that is being sought. Therefore, the proposed reduction in loading spaces is both minor and appropriate, while also meeting the general intent of the Official Plan and Zoning policies.

- As such Variance #8, meets the four (4) tests of a minor variance.

6.0 CONCLUSION

Given the analysis presented in this Planning Justification Report, it is in the Author's professional planning opinion that there is enough merit to support the eight (8) requested minor variances, which individually and collectively meet the general intent

and purpose of the Official Plan, meet the general intent and purpose of the Zoning By-Law, are desirable and appropriate for the lands and minor in nature which therefore meet the 'Four Tests' prescribed under Section 45(1) of the Planning Act.

Overall, the proposed development is considered to be of '**Good Planning**,' in the '**Public Interest**', and in generally conformity with the intent of the applicable planning policies. It will also facilitate the improvement of an often overlooked and sometimes neglected section Upper James Street.

As such, the Planning Applications for the above evaluated minor variances **should be approved**.

I hereby certify that this Planning Justification Report was prepared and reviewed by Registered Professional Planner (RPP), within the meaning of the Canadian Institute of Planners and the *Ontario Professional Planners Institute Act, 1994*.



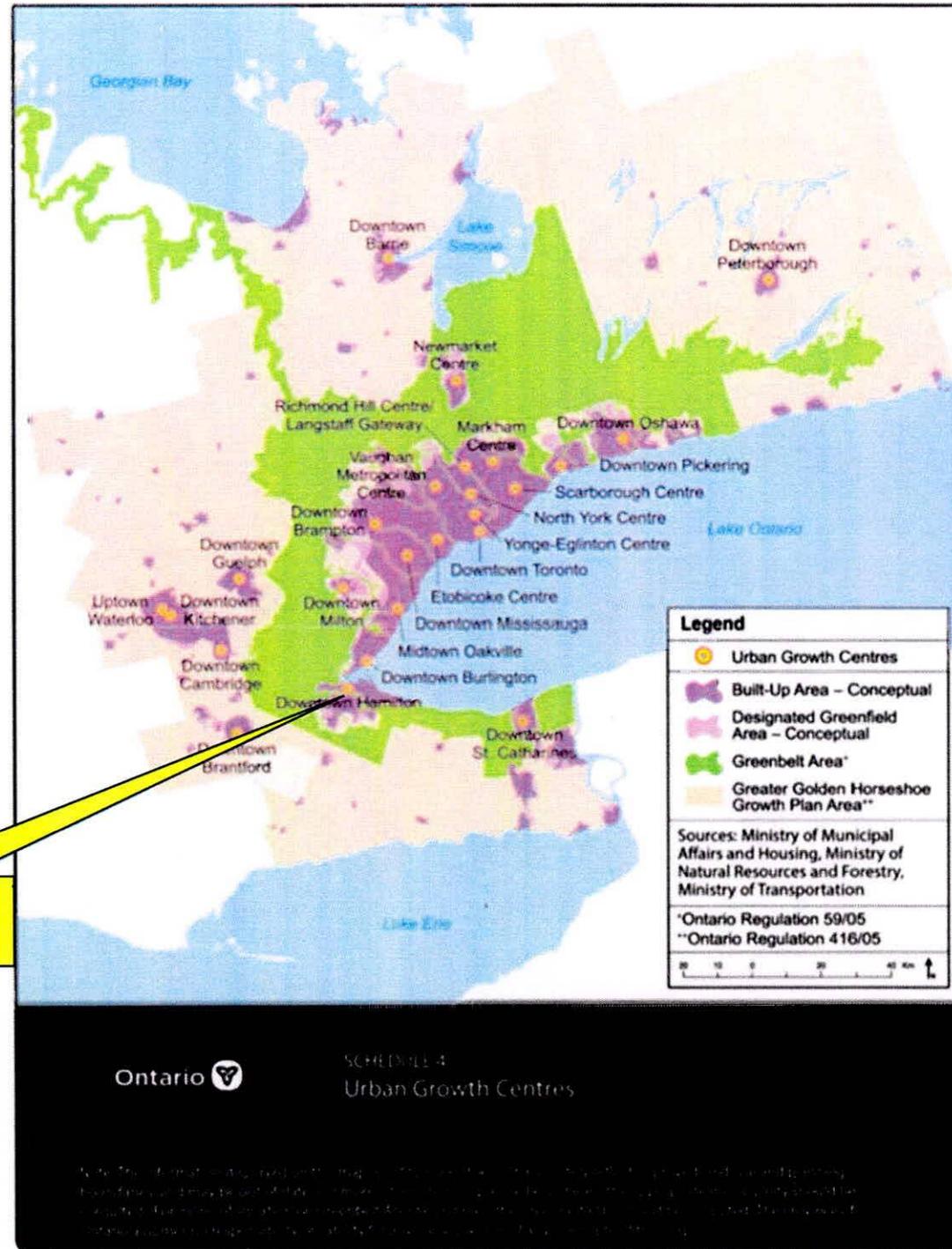
Terrance Glover, RPP, CPT

Principal

Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants

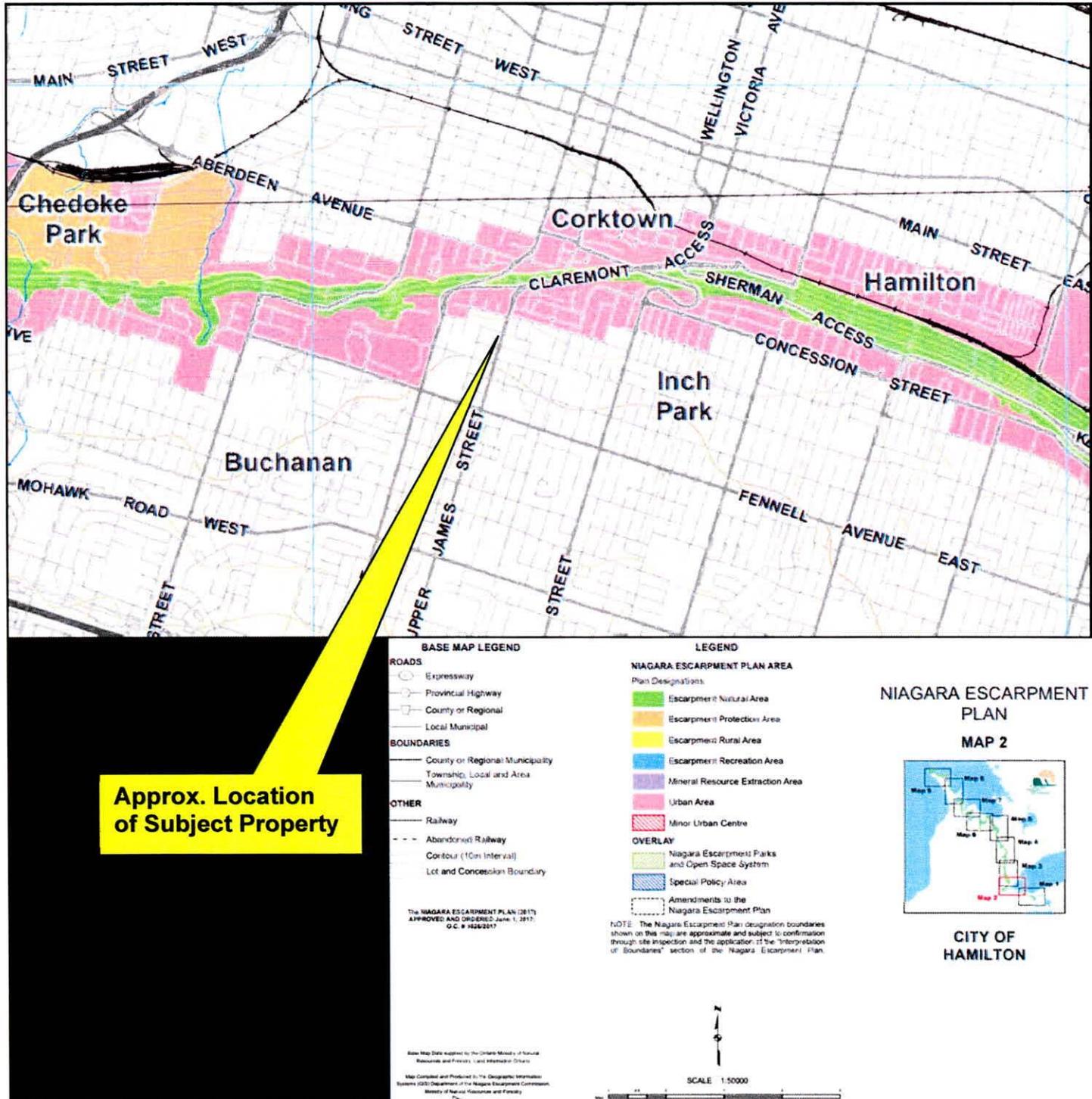


Appendix 'A'
(Places to Grow – Schedule 4, Urban Growth Centres)



**Approx. Location
of Subject Property**

Appendix 'B'
(Niagara Escarpment Commission – Interactive Mapping)

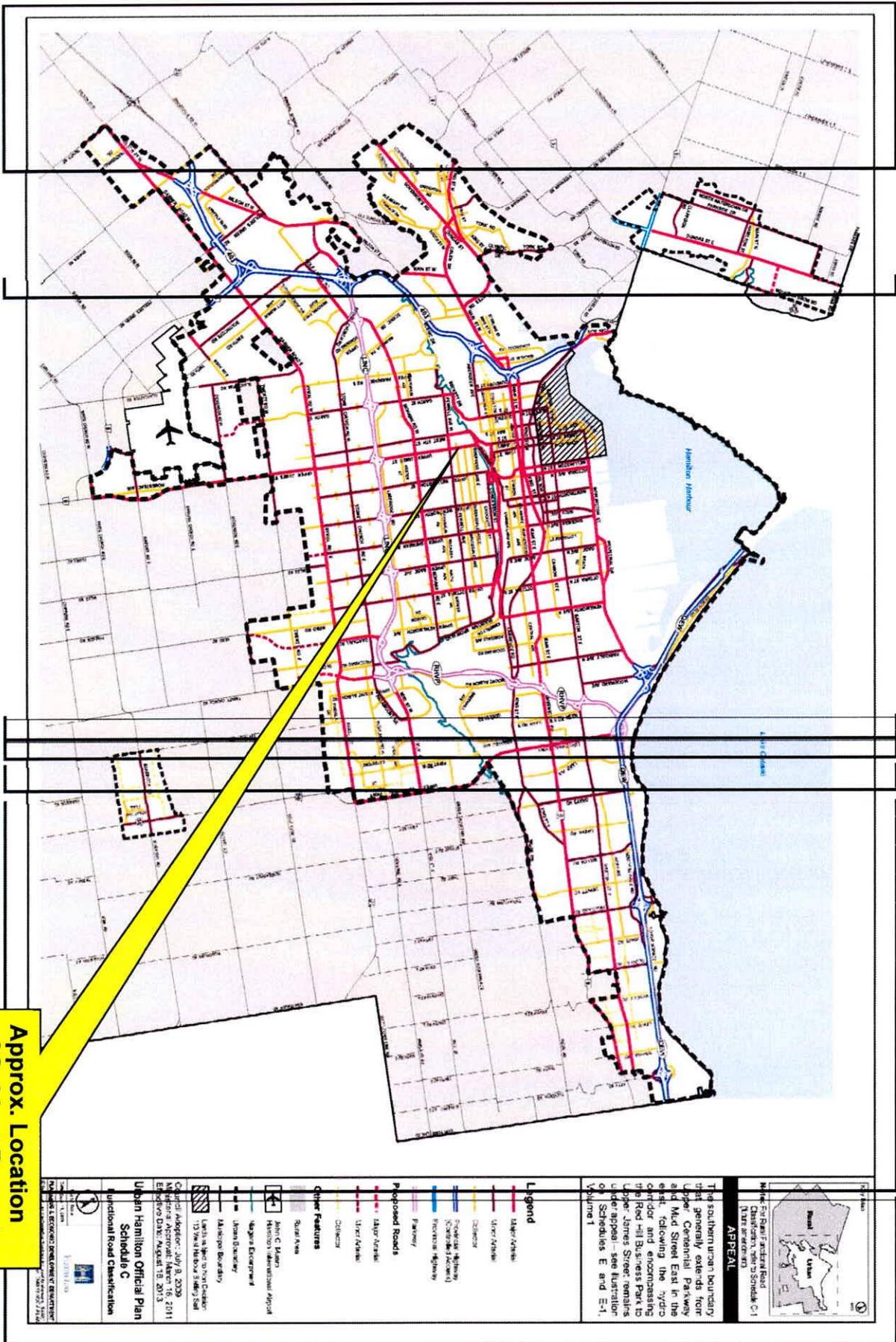


Appendix 'C'
(Hamilton Conservation Authority – Interactive Mapping)



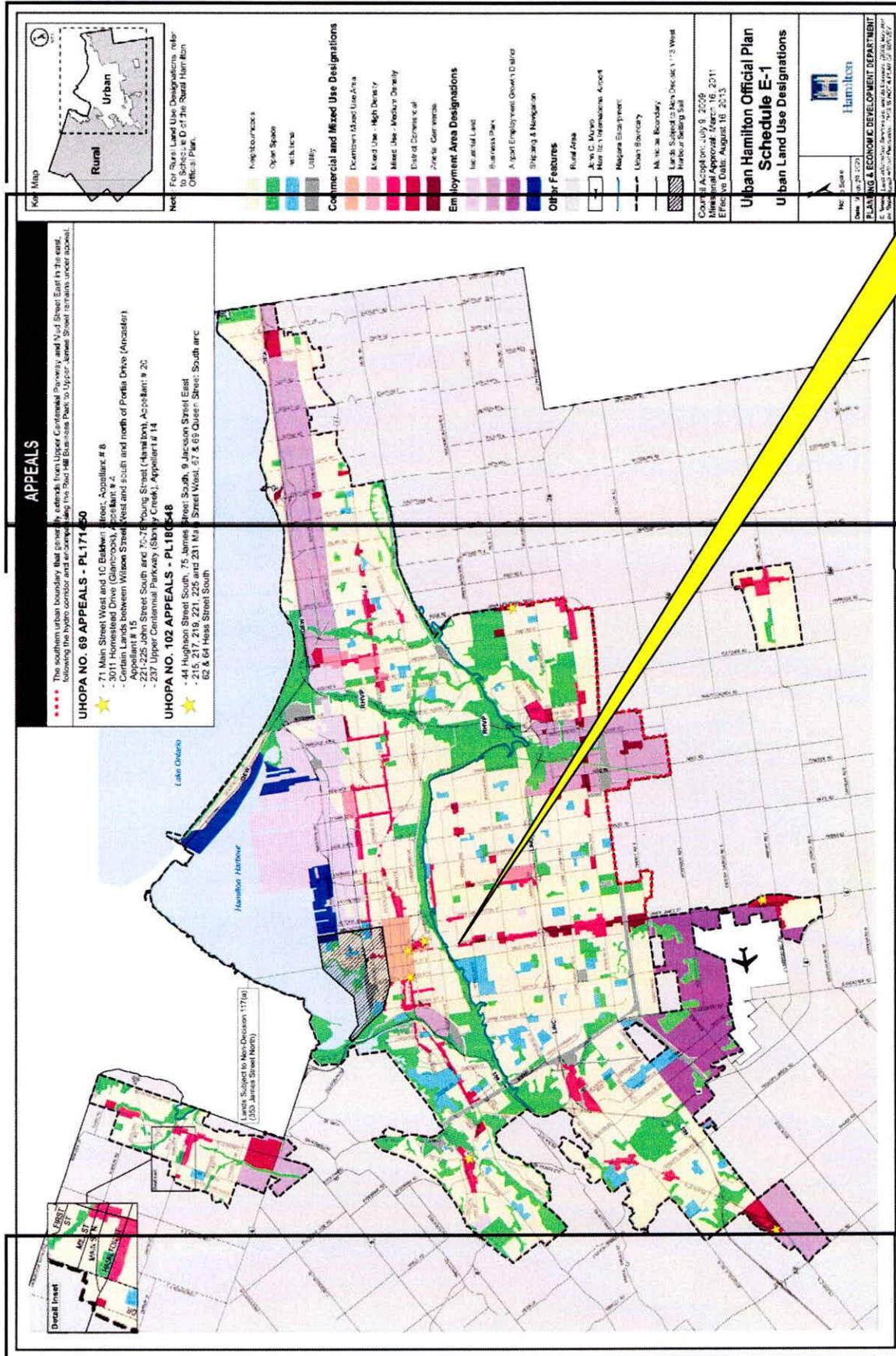
Subject Property

Appendix 'D'
 (City of Hamilton Urban Official Plan – Schedule C, Functional Road Classification)



Approx. Location
 of Subject Property

Appendix 'F' (Hamilton Urban Official Plan – Schedule E-1, Urban Land Use Designation)



Approx. Location of Subject Property

APPEALS

- The southern urban boundary that covers the lands from Upper Courtland Parkway and Wood Street East to the east, following the hydro corridor and easement along the Road 448 Business Park to Upper James Street remains under appeal.

UHOPA NO. 69 APPEALS - PL171420

- ★ 71 Main Street West and 10 Barkin Street, Applicant # 8
- ★ 3011 Homestead Drive (Glencreek), Applicant # 4
- ★ Certain Lands between Wilson Street West and south and north of Portia Drive (Ancaster)
- ★ 1111 Upper Courtland Parkway (Stoney Creek), Applicant # 20
- ★ 231-235 John Street South and 75-77 Young Street (Headton), Applicant # 20
- ★ 237 Upper Courtland Parkway (Stoney Creek), Applicant # 14

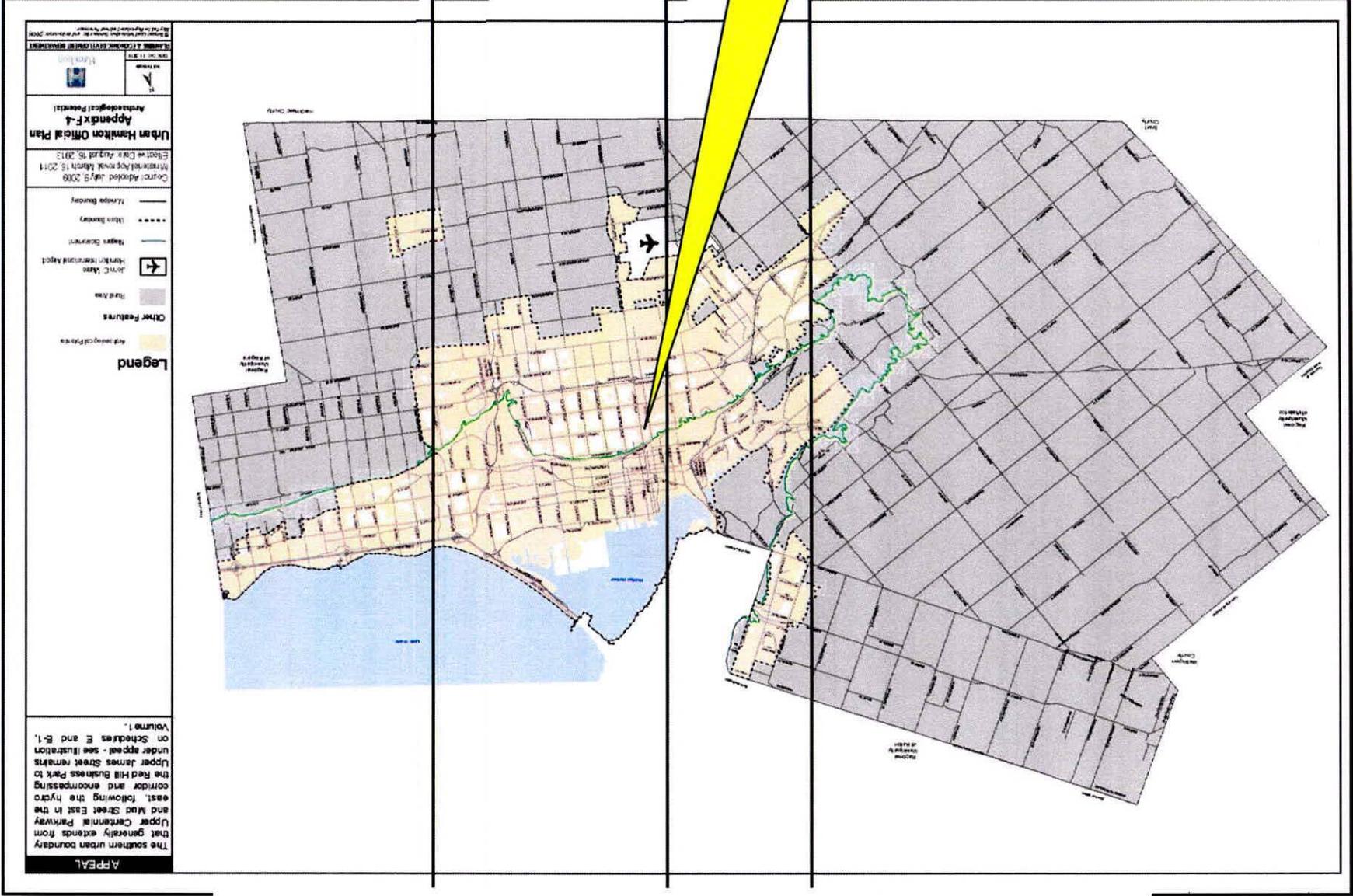
UHOPA NO. 102 APPEALS - PL180348

- ★ 44 Hughson Street South, 75 James Street South, 9 Jackson Street East
- ★ 15, 21, 219, 221, 226 and 231 Main Street West, 57 & 69 Queen Street South and 62 & 64 Peppas Street South

Small Inset

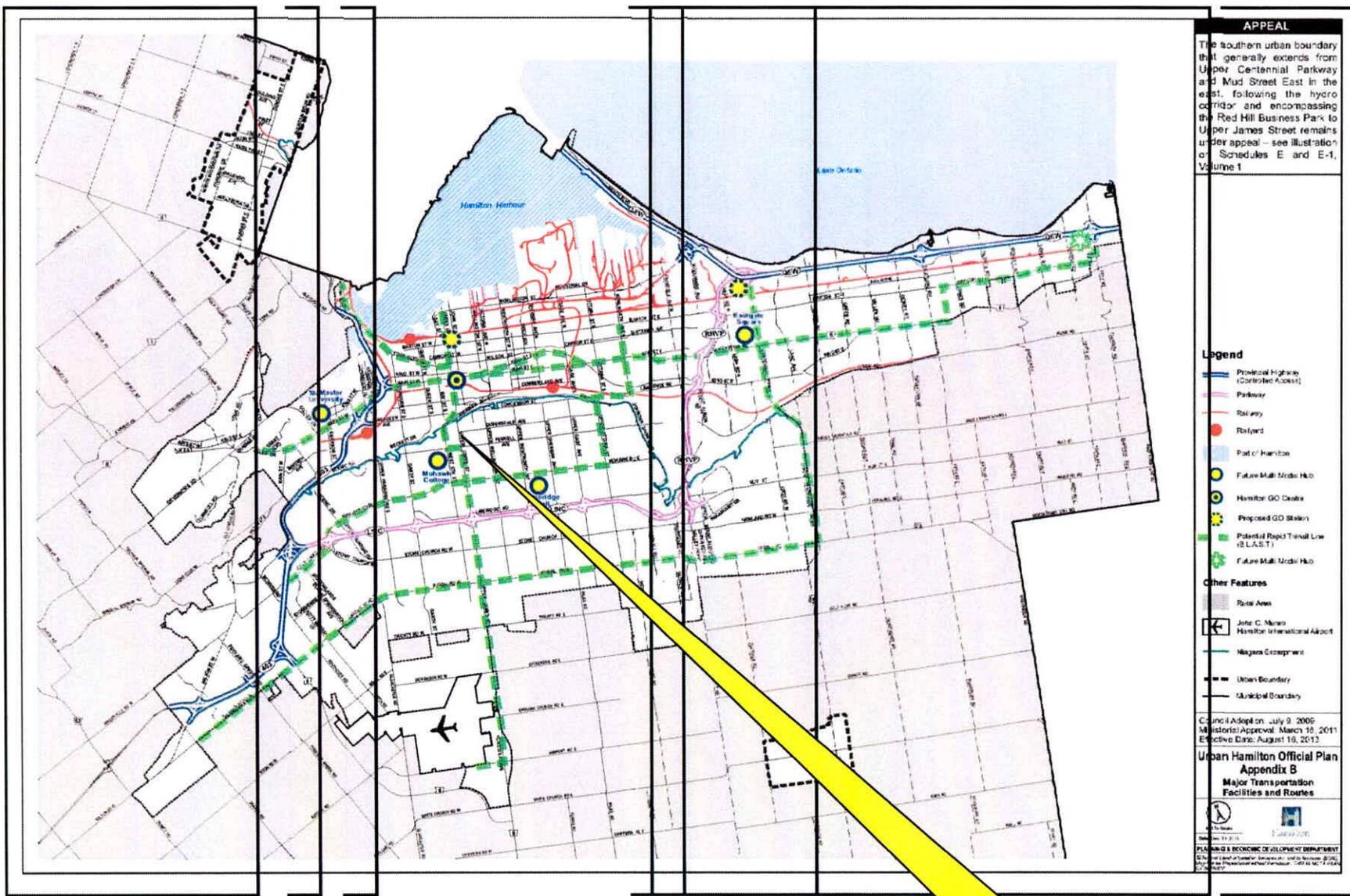
LANDS SUBJECT TO MUNICIPAL DECISION 11/13 (350 James Street North)

Appendix 'G'
(Hamilton Urban Official Plan – Appendix F-4, Archaeological Potential)



Approx. Location of Subject Property

Appendix 'H'
(Hamilton Urban Official Plan – Appendix B, Major Transportation Facilities and Routes)



APPEAL
 The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal – see illustration of Schedules E and E-1, Volume 1

- Legend**
- Provincial Highway (Controlled Access)
 - Parkway
 - Railway
 - Rail yard
 - Part of Harbour
 - Future Multi-Modal Hub
 - Hamilton GO Centre
 - Proposed GO Station
 - Potential Rapid Transit Line (ELAST)
 - Future Multi-Modal Hub

- Other Features**
- Rural Area
 - John C. Munro Hamilton International Airport
 - Niagara Corridorway
 - Urban Boundary
 - Municipal Boundary

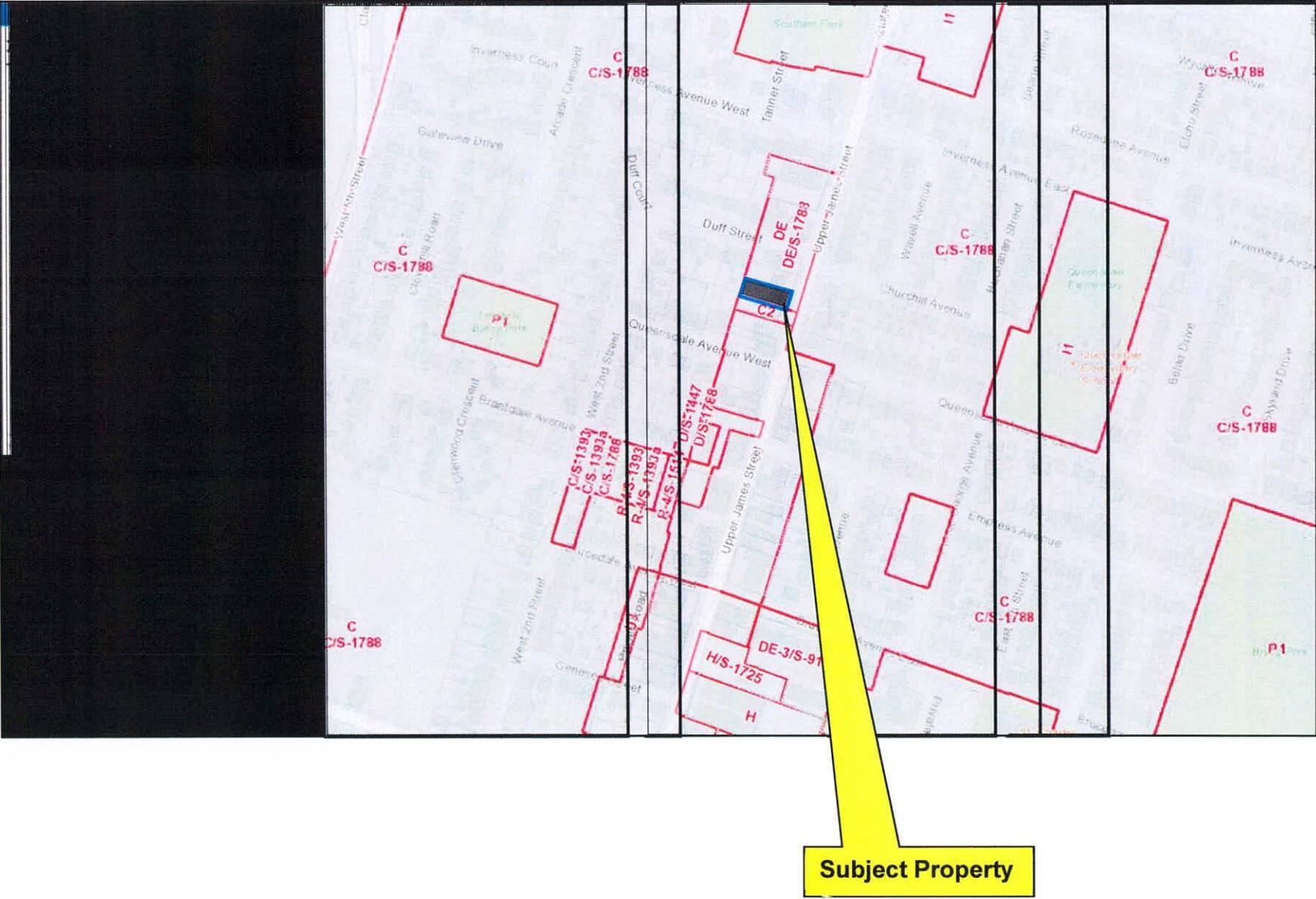
Council Adoption: July 9, 2009
 Ministerial Approval: March 10, 2011
 Effective Date: August 10, 2012

**Urban Hamilton Official Plan
 Appendix B
 Major Transportation
 Facilities and Routes**

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
 100 King Street West, Hamilton, Ontario L8N 2K5
 905.571.2200
 www.hamilton.ca

**Approx. Location
 of Subject Property**

Appendix 'I'
(City of Hamilton – Interactive Zoning Map)





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-21:75

SUBJECT PROPERTY: 494 Dundurn St. S., 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): Owners J. & S. Stanicak
 Agent Steve Pongracz

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to be added to property known as 490 Dundurn St. S..

To be heard in conjunction with Application HM/B-21:76.

Severed lands:

10.16m[±] x 24.53m[±] and an area of 250.05m^{2±}

Retained lands:

10.16m[±] x 40.70m[±] and an area of 414.43m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 7th , 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.

HM/B-21:75
PAGE 2

MORE INFORMATION

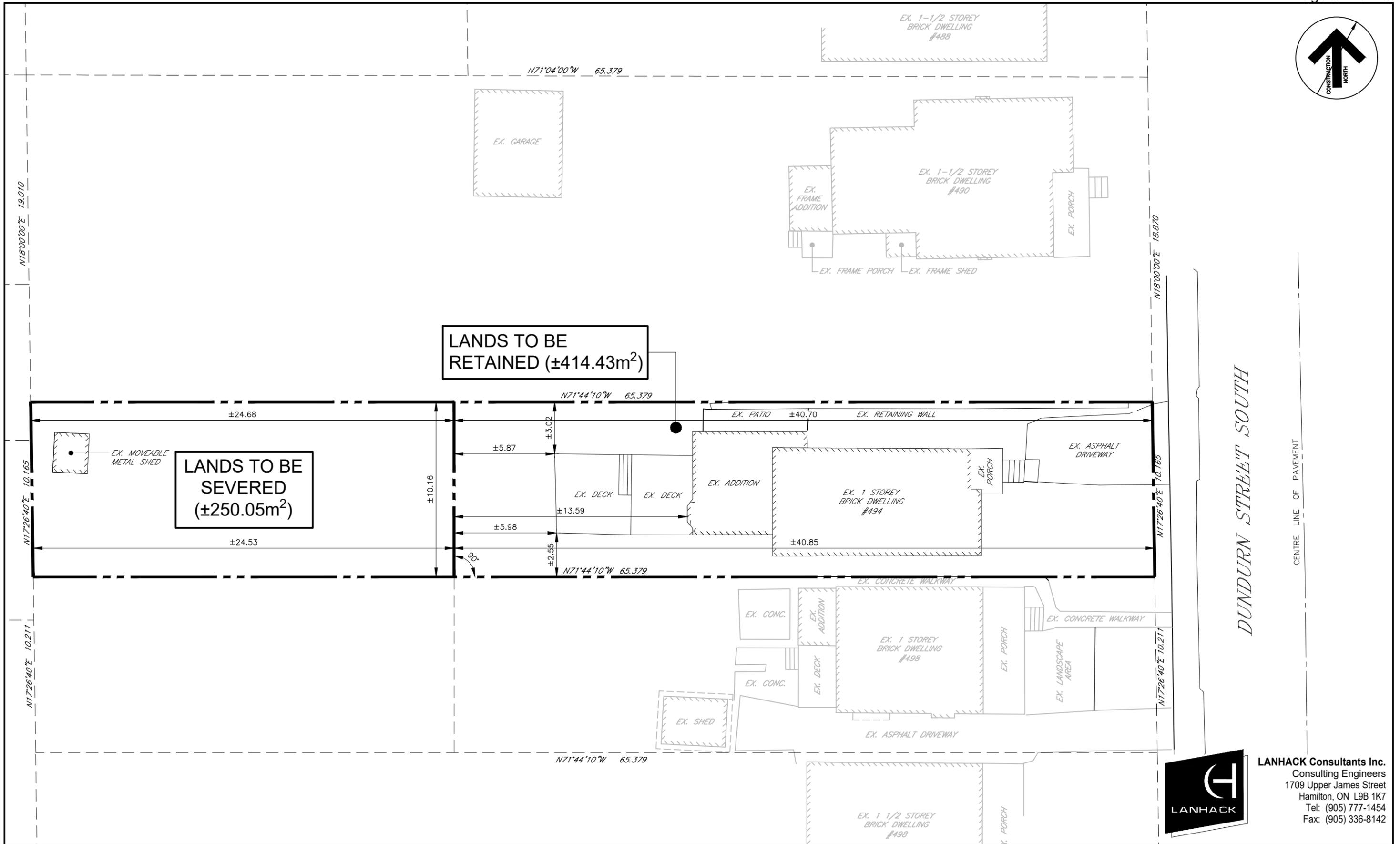
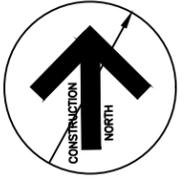
For more information on this matter, including access to drawings illustrating this request:

- 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: September 21st, 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.



DUNDURN STREET SOUTH

CENTRE LINE OF PAVEMENT



LANHACK Consultants Inc.
 Consulting Engineers
 1709 Upper James Street
 Hamilton, ON L9B 1K7
 Tel: (905) 777-1454
 Fax: (905) 336-8142



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)	Jason Stanicak Sandra Stanicak	
Applicant(s)*	same as above	
Agent or Solicitor	LanhackConsultants Inc. c/o Steve Pongracz	

* Owner's author

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 19	Concession 4	Former Township Barton
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 494 Dundurn Street South			Assessment Roll N°. 251801008203150

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

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:

Mr. Joe Stanicak

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

490 Dundurn St. South, Mr. Joe Stanicak

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed:

Frontage (m) Width - 10.16m +/-	Depth (m) 24.53m +/-	Area (m ² or ha) 250.05 s.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: vacant

Proposed: vacant

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) Width - 10.16m +/-	Depth (m) 40.70m +/-	Area (m ² or ha) 414.43 s.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: Residential
 Proposed: Residential

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): Neighbourhood

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

This consent application is to sever approximately 24.38m from the rear yard of the subject lands and add the severed parcel of land to 490 Dundurn St. S. 490 Dundurn St. S. is zoned the same as the subject lands. No additional lot(s) are being created.

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? C/C/S 1787

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?
 General knowledge of the 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)

A new lot is not being created and there will be no new development.

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

A new lot is not being created and there will be no new development.

- 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?
 Since July 4 2017

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.

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.

8 August 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

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:76

SUBJECT PROPERTY: 498 Dundurn St. S., 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):

Agent Steve Pongracz
 Owners J. & S. Stanicak

PURPOSE OF APPLICATION:

To permit the conveyance of a parcel of land to be added to property known as 490 Dundurn St. S.

Severed lands:

10.21m[±] x 24.38m[±] and an area of 249.74m^{2±}

Retained lands:

10.21m[±] x 40.85m[±] and an area of 417.82m^{2±}

This application will be heard in conjunction with Severance Application HM/B-21:75

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 7th , 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

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: 76
PAGE 2

MORE INFORMATION

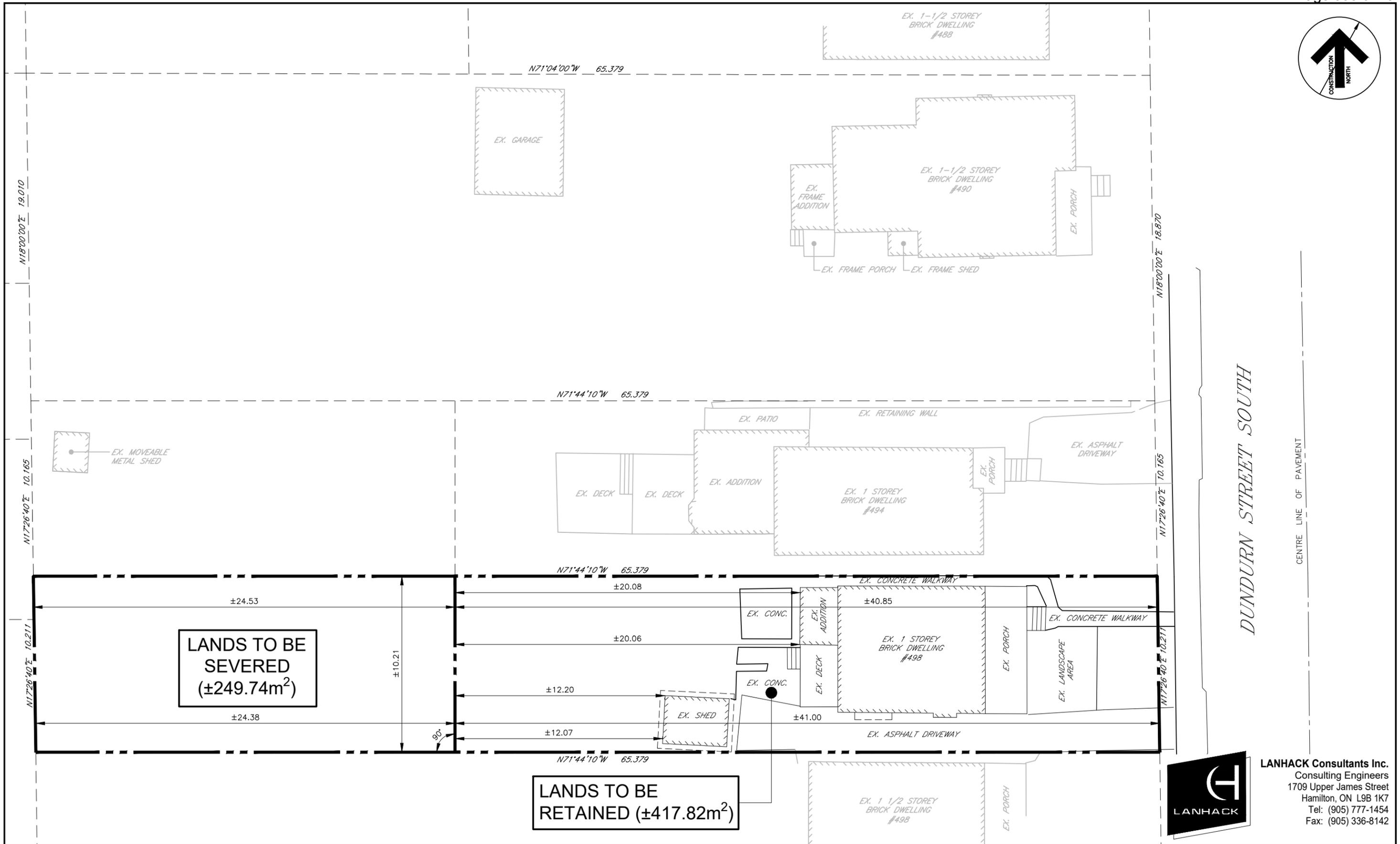
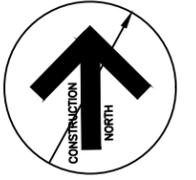
For more information on this matter, including access to drawings illustrating this request:

- 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: September 21st, 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.

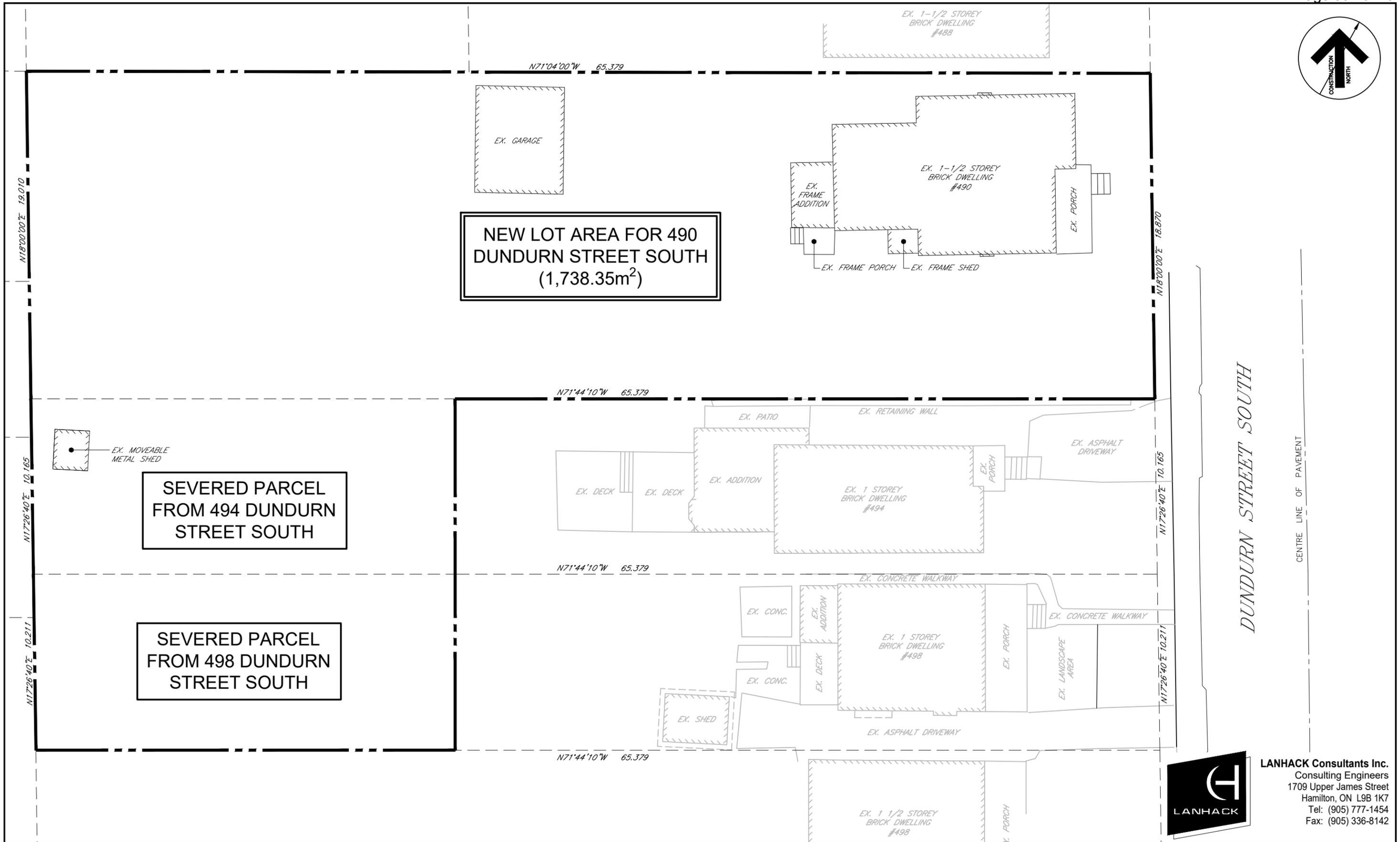
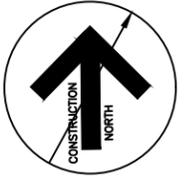


DUNDURN STREET SOUTH

CENTRE LINE OF PAVEMENT



LANHACK Consultants Inc.
 Consulting Engineers
 1709 Upper James Street
 Hamilton, ON L9B 1K7
 Tel: (905) 777-1454
 Fax: (905) 336-8142



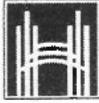
**NEW LOT AREA FOR 490
DUNDURN STREET SOUTH
(1,738.35m²)**

**SEVERED PARCEL
FROM 494 DUNDURN
STREET SOUTH**

**SEVERED PARCEL
FROM 498 DUNDURN
STREET SOUTH**



LANHACK Consultants Inc.
Consulting Engineers
1709 Upper James Street
Hamilton, ON L9B 1K7
Tel: (905) 777-1454
Fax: (905) 336-8142



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)	Patricia Margaret Stanicak	
Applicant(s)*	same as above	
Agent or Solicitor	LanhackConsultants Inc. c/o Steve Pongracz	

* 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 19	Concession 4	Former Township Barton
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 498 Dundurn Street South	Assessment Roll N°. 251801008203180		

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:

Mr. Joe Stanicak

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

490 Dundurn St. South, Mr. Joe Stanicak

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed:

Frontage (m) Width - 10.21m +/-	Depth (m) 24.38m +/-	Area (m ² or ha) 249.74 s.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: vacant

Proposed: vacant

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) Width - 10.21m +/-	Depth (m) 40.85m +/-	Area (m ² or ha) 417.82 s.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
 Agriculture (includes a farm dwelling)
 Other (specify) _____
 Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: Residential

Proposed: Residential

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) Neighbourhood

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

This consent application is to sever approximately 24.38m from the rear yard of the subject lands and add the severed parcel of land to 490 Dundum St. S. 490 Dundum St. S. is zoned the same as the subject lands. No additional lot(s) are being created.

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? C C/S 1787

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?
General knowledge of the 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)

A new lot is not being created and there will be no new development.

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

A new lot is not being created and there will be no new development.

- 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)

- 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

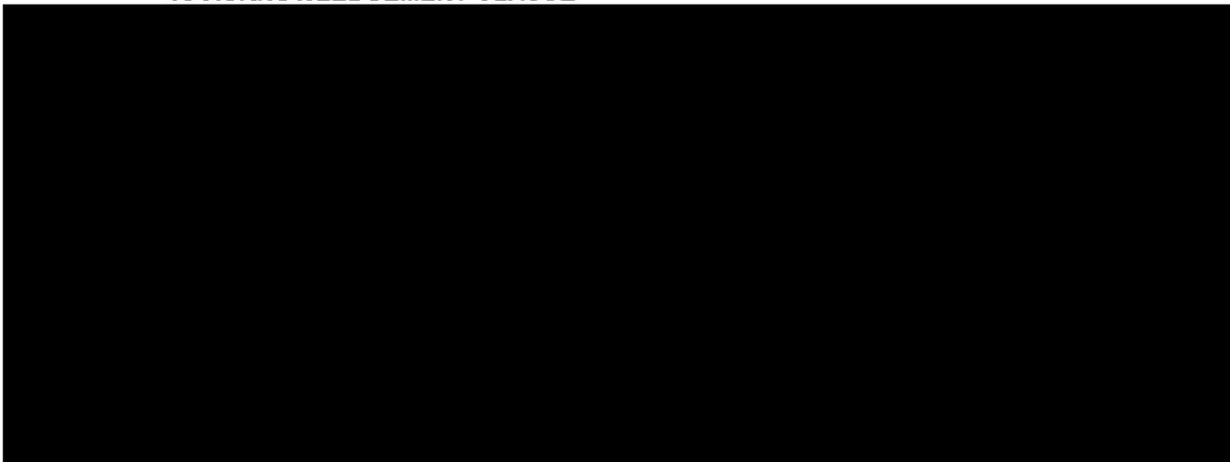
Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

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





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-21:222

APPLICANTS: Agent Edward Wong
 Owner Xingwen Guo

SUBJECT PROPERTY: Municipal address **111 Gibson Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 74-60

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district

PROPOSAL: To permit the conversion of the existing single family dwelling to a two family dwelling, notwithstanding that:

1. A minimum lot width of 7.6 metres shall be provided instead of the minimum required lot width of 18.0 metres for a two family dwelling.
2. A minimum lot area of 241 square metres shall be provided instead of the minimum required lot area of 540 square metres for a two family dwelling.
3. A minimum parking space size of 2.7 metres wide by 5.93 metres long shall be provided for one (1) parking space, and a minimum parking space size of 2.69 metres wide by 5.99 metres long shall be provided for one (1) parking space, instead of the minimum required parking space size of 2.7 metres wide by 6.0 metres long.
4. The accessibility to the one of the rear parking spaces may be obstructed by another vehicle whereas the By-law requires an unobstructed access to the parking space.
5. A bay window shall be permitted to project a maximum of 1.2 metres into the required northerly side yard, and may be as close as 0 metres to the northerly lot line, instead of the maximum permitted projection of 0.4 metres.

NOTE:

1. Please note that Variance No. 5, as it relates to Section 18(3)(vi)(cc) and the projection of a bay window into the northerly side yard has been written as requested by the applicant. As per the email dated May 11th, 2021, the applicant has advised that no changes to the exterior of the existing dwelling have been proposed; therefore, the existing site/building conditions appear to be legally non-complying. Should changes to the exterior of the dwelling be proposed, resulting in an increase in the height, area or volume of the building or structure, further variances may be required.

HM/A-21:222

Page 2

2. The applicant shall ensure that the appropriate access/maintenance agreements are registered on title if the bay window and eaves and gutters encroach onto the adjacent property.

3. A building permit is required for the conversion of the existing single family dwelling to 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, October 7th, 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: September 21st, 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.

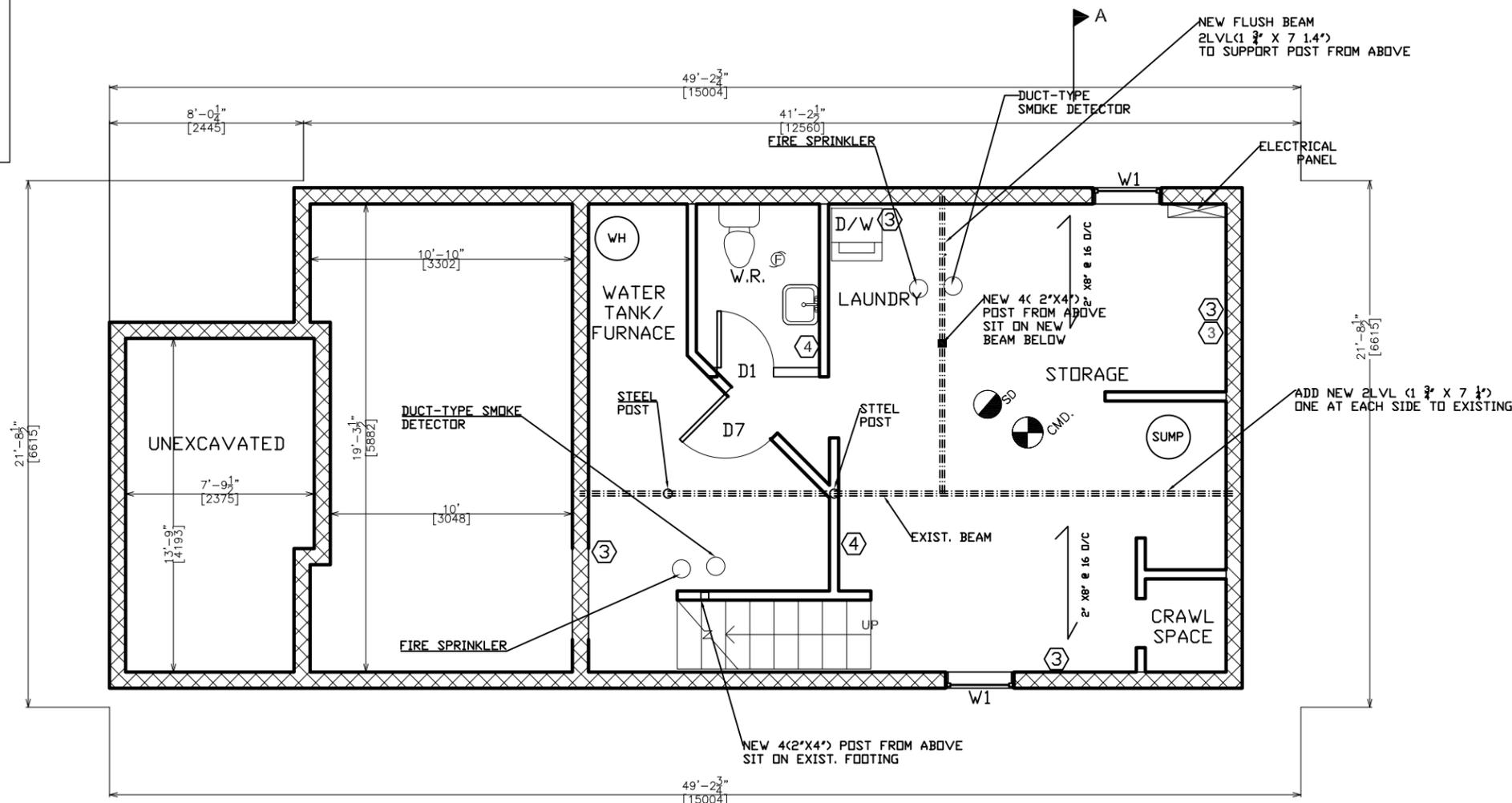
GENERAL NOTES:

1. THE EDWARD WONG & ASSOCIATES INC. IS REFERRED AS THE DESIGNER.
2. ALL DRAWINGS AND RELATED DOCUMENTS ARE THE PROPERTY OF THE DESIGNER AND MUST BE RETURNED UPON REQUEST. ANY REPRODUCTION OF DRAWINGS, UNAUTHORIZED USE FOR ANY OTHER PURPOSE AND ANY OTHER ADDRESS BY ANY OTHER PERSON WITHOUT WRITTEN PERMISSION IS PROHIBITED.
3. THIS DRAWING IS NOT TO BE SCALED.
4. ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES MUST BE NOTIFIED THE DESIGNER.
5. THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITIES FOR DIMENSIONS AND JOB SITE CONDITIONS PRIOR TO CONSTRUCTION. ALSO CONFIRM APPLICABLE BY-LAW AND OBC.
6. ANY CHANGES MUST BE REPORTED TO DESIGNER AND APPROVED BY MUNICIPAL PRIOR TO CONSTRUCTION.
7. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY, MECHANICAL, ELECTRICAL AND ETC. INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING/CONSULTANT DRAWINGS BEFORE PROCEEDING WITH WORK.
8. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SEALED AND SIGNED BY THE DESIGNER.
9. USE ONLY THE LATEST REVISION OF DRAWINGS OR MARKED "ISSUED FOR CONSTRUCTION".



LEGEND

- ⊕ FD FLOOR DRAIN
- ⊗ SD SMOKE DETECTOR
- ⊗ CO CO DETECTOR
- ⊗ MV MECHANICAL VENTILATION
- ⊗ EFOR EXHAUST FAN OVER RANGE
- HWT HOT WATER TANK
- F FURNACE
- E ELECTRICAL PANEL
- D WATER IN



4	COMMITTEE OF ADJUSTMENT	AUG 20, 2021
3	ISSUED FOR CLIENT REVIEW	AUG 9, 2021
2	ISSUED FOR PERMIT APPLICATION	MAY 05, 2021
1	ISSUED FOR CLIENT REVIEW	MAR 22, 2021
REV.	ISSUED FOR:	DATE

EDWARD WONG
 EDWARD WONG & ASSOCIATES INC.
 441 ESNA PARK DR. UNIT 19
 MARKHAM, ON L3R 1H7
 TEL: (416) 903-4288
 E-MAIL: ED@EDWARDWONGASSOCIATES.COM
 WWW.EDWARDWONGASSOCIATES.COM

PROJECT AND LOCATION:
CONVERSION OF SINGLE-FAMILY DWELLING TO DUPLEX
 111 GIBSON AVENUE
 HAMILTON, ONTARIO

Project No.: Ma005997a
 Date: 2021-3-12
 DRAWN BY: M.L CHECKED BY: EW
 DESIGNED BY: SCALE: 1:75

SHEET TITLE:
PROPOSED BASEMENT FLOOR PLAN

SHEET NUMBER:
A5

1 PROPOSED BASEMENT FLOOR PLAN
 A5 SCALE: 1:75

GENERAL NOTES:

1. THE EDWARD WONG & ASSOCIATES INC. IS REFERRED AS THE DESIGNER.
2. ALL DRAWINGS AND RELATED DOCUMENTS ARE THE PROPERTY OF THE DESIGNER AND MUST BE RETURNED UPON REQUEST. ANY REPRODUCTION OF DRAWINGS, UNAUTHORIZED USE FOR ANY OTHER PURPOSE AND ANY OTHER ADDRESS BY ANY OTHER PERSON WITHOUT WRITTEN PERMISSION IS PROHIBITED.
3. THIS DRAWING IS NOT TO BE SCALED.
4. ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES MUST BE NOTIFIED THE DESIGNER.
5. THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITIES FOR DIMENSIONS AND JOB SITE CONDITIONS PRIOR TO CONSTRUCTION, ALSO CONFIRM APPLICABLE BY-LAW AND OBC.
6. ANY CHANGES MUST BE REPORTED TO DESIGNER AND APPROVED BY MUNICIPAL PRIOR TO CONSTRUCTION.
7. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY, MECHANICAL, ELECTRICAL AND ETC. INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING/CONSULTANT DRAWINGS BEFORE PROCEEDING WITH WORK.
8. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SEALED AND SIGNED BY THE DESIGNER.
9. USE ONLY THE LATEST REVISION OF DRAWINGS OR MARKED 'ISSUED FOR CONSTRUCTION'.



4	COMMITTEE OF ADJUSTMENT	AUG 20, 2021
3	ISSUED FOR CLIENT REVIEW	AUG 9, 2021
2	ISSUED FOR PERMIT APPLICATION	MAY 05, 2021
1	ISSUED FOR CLIENT REVIEW	MAR 22, 2021
REV.	ISSUED FOR:	DATE

EDWARD WONG
 EDWARD WONG & ASSOCIATES INC.
 441 ESNA PARK DR. UNIT 19
 MARKHAM, ON L3R 1H7
 TEL: (416) 903-4288
 E-MAIL: ED@EDWARDWONGASSOCIATES.COM
 WWW.EDWARDWONGASSOCIATES.COM

PROJECT AND LOCATION:
 CONVERSION OF SINGLE-FAMILY DWELLING TO DUPLEX
 111 GIBSON AVENUE
 HAMILTON, ONTARIO

Project No.: Ma005997a
 Date: 2021-3-12
 DRAWN BY: M.L CHECKED BY: EW
 DESIGNED BY: SCALE: 1:75

SHEET TITLE:
 PROPOSED GROUND FLOOR PLAN
 SHEET NUMBER:
A6

33 HANDRAILS:
 O.B.C. 9.8.7
 -ONE HANDRAIL REQUIRED WHERE STAIR WIDTH IS LESS THAN 3'-7" (1100mm)
 -TWO HANDRAILS REQUIRED WHERE STAIR WIDTH EXCEEDS 3'-7" (1100mm)
 -ONE HANDRAIL IS REQUIRED ON CURVED STAIRS OF ANY WIDTH WITHIN DWELLING UNITS
 -HANDRAILS ARE TO BE CONTINUOUS EXCEPT WHERE INTERRUPTED BY DOORWAYS, LANDINGS OR POSTS AT CHANGES IN DIRECTION

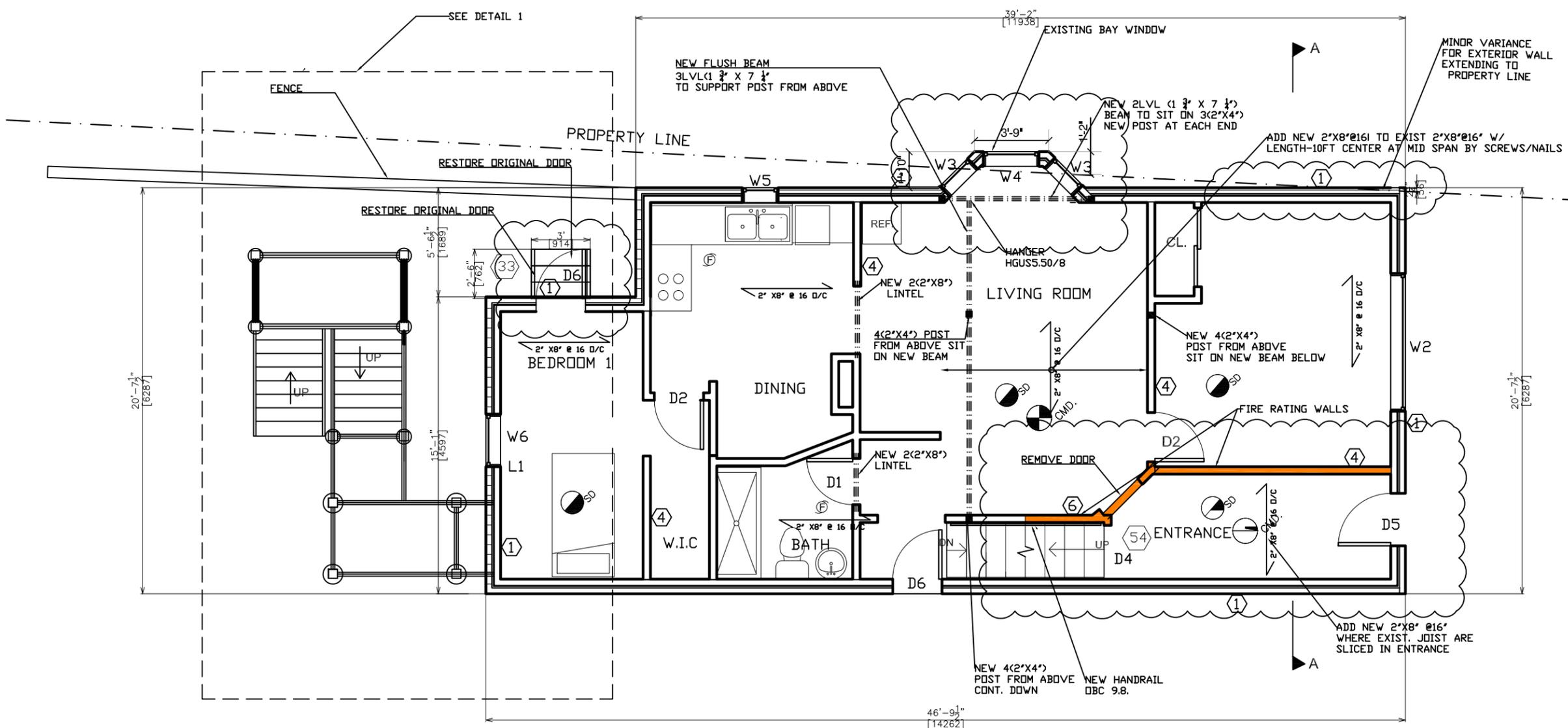
Provide continuous fire separation at the floors and walls separating the two suites.

Proposed 1hour fire resistance rating assemblies between suits

6 New fire rated min. 45 minutes with 5/8" type x drywall each side of existing 2"x4" wood studs @16"o.c. 2 top plates & 1 bottom plate. provide sound attenuation insulation such as roxu, safe'n' sound stc=50

SCOPE OF WORK

1. Restore original exterior door on bedroom 4, ground floor.
2. Remove front entrance access to ground floor. Remove common area.
3. Added smoke and carbon monoxide alarms on each room.
4. Convert to secondary unit.



1 PROPOSED GROUND FLOOR PLAN
 SCALE: 1:75

54 FRR DOOR
 DOOR 36"x80"x13/4" (OR AS PER PLAN) SOLID WOOD DOOR WITH SOLID 11/2" WOOD FRAME, SELF CLOSER, LOCKSET, 20 MIN. FRR.

GENERAL NOTES:

1. THE EDWARD WONG & ASSOCIATES INC. IS REFERRED AS THE DESIGNER.
2. ALL DRAWINGS AND RELATED DOCUMENTS ARE THE PROPERTY OF THE DESIGNER AND MUST BE RETURNED UPON REQUEST. ANY REPRODUCTION OF DRAWINGS, UNAUTHORIZED USE FOR ANY OTHER PURPOSE AND ANY OTHER ADDRESS BY ANY OTHER PERSON WITHOUT WRITTEN PERMISSION IS PROHIBITED.
3. THIS DRAWING IS NOT TO BE SCALED.
4. ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES MUST BE NOTIFIED THE DESIGNER.
5. THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITIES FOR DIMENSIONS AND JOB SITE CONDITIONS PRIOR TO CONSTRUCTION. ALSO CONFIRM APPLICABLE BY-LAW AND OBC.
6. ANY CHANGES MUST BE REPORTED TO DESIGNER AND APPROVED BY MUNICIPAL PRIOR TO CONSTRUCTION.
7. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY, MECHANICAL, ELECTRICAL AND ETC. INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING/CONSULTANT DRAWINGS BEFORE PROCEEDING WITH WORK.
8. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SEALED AND SIGNED BY THE DESIGNER.
9. USE ONLY THE LATEST REVISION OF DRAWINGS OR MARKED 'ISSUED FOR CONSTRUCTION'.



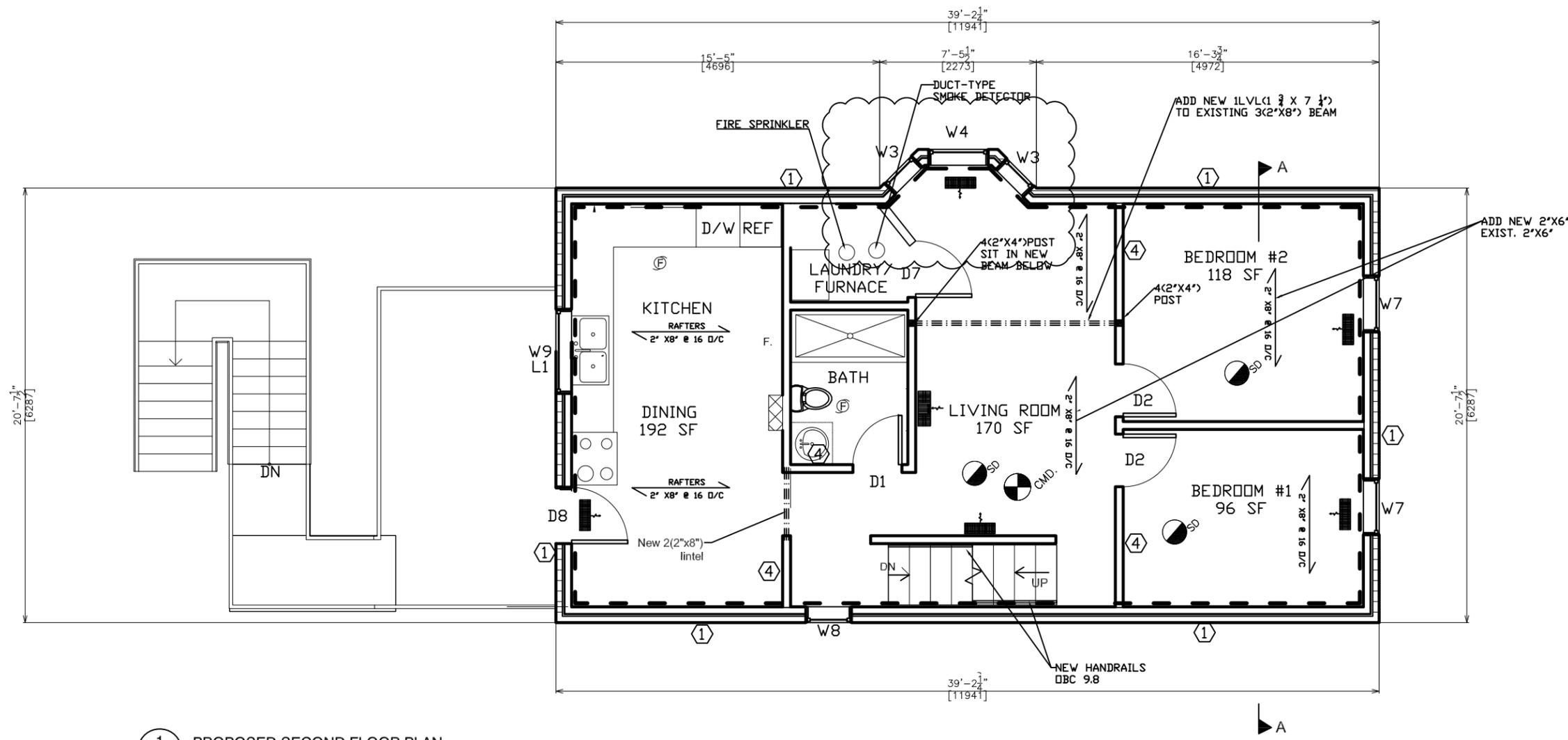
4	COMMITTEE OF ADJUSTMENT	AUG 20, 2021
3	ISSUED FOR CLIENT REVIEW	AUG 9, 2021
2	ISSUED FOR PERMIT APPLICATION	MAY 05, 2021
1	ISSUED FOR CLIENT REVIEW	MAR 22, 2021
REV.	ISSUED FOR:	DATE

EDWARD WONG
 EDWARD WONG & ASSOCIATES INC.
 441 ESNA PARK DR. UNIT 19
 MARKHAM, ON L3R 1H7
 TEL: (416) 903-4288
 E-MAIL: ED@EDWARDWONGASSOCIATES.COM
 WWW.EDWARDWONGASSOCIATES.COM

PROJECT AND LOCATION:
CONVERSION OF SINGLE-FAMILY DWELLING TO DUPLEX
 111 GIBSON AVENUE
 HAMILTON, ONTARIO

Project No.: Ma005997a
 Date: 2021-3-12
 DRAWN BY: M.L CHECKED BY: EW
 DESIGNED BY: SCALE: 1:75

SHEET TITLE:
PROPOSED SECOND FLOOR PLAN
 SHEET NUMBER:
A7

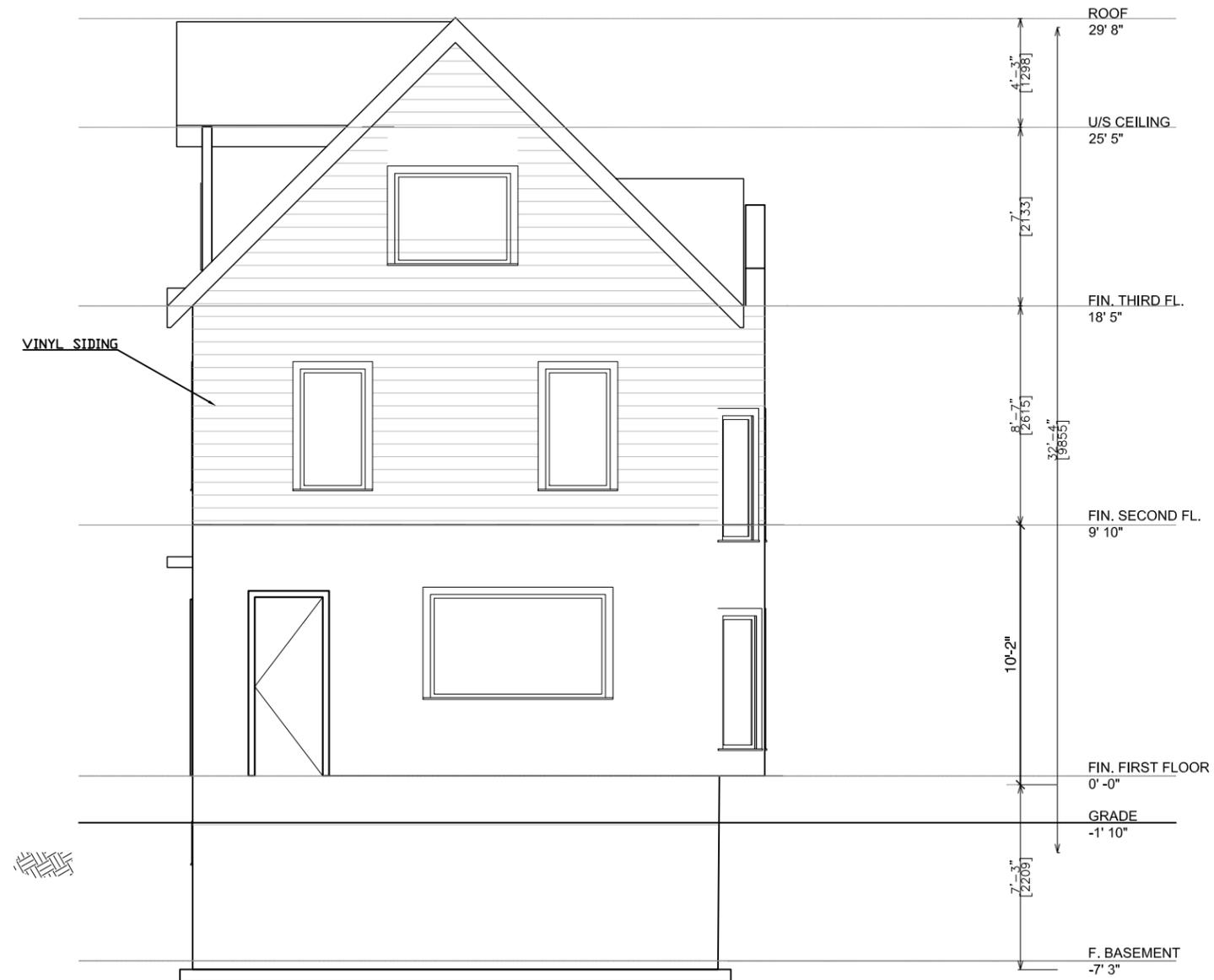


1 PROPOSED SECOND FLOOR PLAN
 A7 SCALE: 1:75

ROOMS	FLOOR AREA	MIN. AREA OBC, PART 9	WINDOW AREA PROVIDED	%MIN.(AREA SQFT) REQUIRED, OBC PART 11
LIVING	170 SQFT (15.8 M ²)	145 SQFT (13.40 M ²)	25 SQFT (14.7%)	5% (7.25 SQFT)
DINING/ KITCHEN	192 SQFT (17.8 M ²)	80 SQFT 7.40 M ²)	25 SQFT (13%)	5% (4.00 SQFT)
BEDROOM #1	96 SQFT (8.9 M ²)	75 SQFT (6.90 M ²)	10.5 SQFT (10.90%)	2.5% (2.4 SQFT)
BEDROOM #2	118 SQFT (10.9 M ²)	75 SQFT (6.90 M ²)	10.50 SQFT (8.8%)	2.5% (2.4 SQFT)
BEDROOM #3	173 SQFT (16.07 M ²)	75 SQFT (6.90 M ²)	14.44 SQFT (8.3 %)	2.5% (2.4 SQFT)

GENERAL NOTES:

1. THE EDWARD WONG & ASSOCIATES INC. IS REFERRED AS THE DESIGNER.
2. ALL DRAWINGS AND RELATED DOCUMENTS ARE THE PROPERTY OF THE DESIGNER AND MUST BE RETURNED UPON REQUEST. ANY REPRODUCTION OF DRAWINGS, UNAUTHORIZED USE FOR ANY OTHER PURPOSE AND ANY OTHER ADDRESS BY ANY OTHER PERSON WITHOUT WRITTEN PERMISSION IS PROHIBITED.
3. THIS DRAWING IS NOT TO BE SCALED.
4. ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES MUST BE NOTIFIED THE DESIGNER.
5. THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITIES FOR DIMENSIONS AND JOB SITE CONDITIONS PRIOR TO CONSTRUCTION. ALSO CONFIRM APPLICABLE BY-LAW AND OBC.
6. ANY CHANGES MUST BE REPORTED TO DESIGNER AND APPROVED BY MUNICIPAL PRIOR TO CONSTRUCTION.
7. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY, MECHANICAL, ELECTRICAL AND ETC. INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING/CONSULTANT DRAWINGS BEFORE PROCEEDING WITH WORK.
8. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SEALED AND SIGNED BY THE DESIGNER.
9. USE ONLY THE LATEST REVISION OF DRAWINGS OR MARKED 'ISSUED FOR CONSTRUCTION'.



REV.	ISSUED FOR:	DATE
4	COMMITTEE OF ADJUSTMENT	AUG 20, 2021
3	ISSUED FOR CLIENT REVIEW	AUG 9, 2021
2	ISSUED FOR PERMIT APPLICATION	MAY 05, 2021
1	ISSUED FOR CLIENT REVIEW	MAR 22, 2021

EDWARD WONG
 EDWARD WONG & ASSOCIATES INC.
 441 ESNA PARK DR. UNIT 19
 MARKHAM, ON L3R 1H7
 TEL: (416) 903-4288
 E-MAIL: ED@EDWARDWONGASSOCIATES.COM
 WWW.EDWARDWONGASSOCIATES.COM

PROJECT AND LOCATION:

CONVERSION OF SINGLE-FAMILY DWELLING TO DUPLEX
 111 GIBSON AVENUE
 HAMILTON, ONTARIO

Project No.: Ma005997a

Date: 2021-3-12

DRAWN BY: M.L. CHECKED BY: EW

DESIGNED BY: SCALE: 1:75

SHEET TITLE:
 PROPOSED EAST ELEVATION

SHEET NUMBER:
A10

1 PROPOSED EAST ELEVATION
 A10 SCALE: 1:75

GENERAL NOTES:

1. THE EDWARD WONG & ASSOCIATES INC. IS REFERRED AS THE DESIGNER.
2. ALL DRAWINGS AND RELATED DOCUMENTS ARE THE PROPERTY OF THE DESIGNER AND MUST BE RETURNED UPON REQUEST. ANY REPRODUCTION OF DRAWINGS, UNAUTHORIZED USE FOR ANY OTHER PURPOSE AND ANY OTHER ADDRESS BY ANY OTHER PERSON WITHOUT WRITTEN PERMISSION IS PROHIBITED.
3. THIS DRAWING IS NOT TO BE SCALED.
4. ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES MUST BE NOTIFIED THE DESIGNER.
5. THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITIES FOR DIMENSIONS AND JOB SITE CONDITIONS PRIOR TO CONSTRUCTION, ALSO CONFIRM APPLICABLE BY-LAW AND OBC.
6. ANY CHANGES MUST BE REPORTED TO DESIGNER AND APPROVED BY MUNICIPAL PRIOR TO CONSTRUCTION.
7. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY, MECHANICAL, ELECTRICAL AND ETC. INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING/CONSULTANT DRAWINGS BEFORE PROCEEDING WITH WORK.
8. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SEALED AND SIGNED BY THE DESIGNER.
9. USE ONLY THE LATEST REVISION OF DRAWINGS OR MARKED "ISSUED FOR CONSTRUCTION".



4	COMMITTEE OF ADJUSTMENT	AUG 20, 2021
3	ISSUED FOR CLIENT REVIEW	AUG 9, 2021
2	ISSUED FOR PERMIT APPLICATION	MAY 05, 2021
1	ISSUED FOR CLIENT REVIEW	MAR 22, 2021
REV.	ISSUED FOR:	DATE

EDWARD WONG
 EDWARD WONG & ASSOCIATES INC.
 441 ESNA PARK DR. UNIT 19
 MARKHAM, ON L3R 1H7
 TEL: (416) 903-4288
 E-MAIL: ED@EDWARDWONGASSOCIATES.COM
 WWW.EDWARDWONGASSOCIATES.COM

PROJECT AND LOCATION:
CONVERSION OF SINGLE-FAMILY DWELLING TO DUPLEX
 111 GIBSON AVENUE
 HAMILTON, ONTARIO

Project No.: Ma005997a

Date: 2021-3-12

DRAWN BY: M.L CHECKED BY: EW

DESIGNED BY: SCALE: 1:75

SHEET TITLE:
PROPOSED NORTH ELEVATION

SHEET NUMBER:
A11



1 PROPOSED NORTH ELEVATION
 A11 SCALE: 1:75

GENERAL NOTES:

1. THE EDWARD WONG & ASSOCIATES INC. IS REFERRED AS THE DESIGNER.
2. ALL DRAWINGS AND RELATED DOCUMENTS ARE THE PROPERTY OF THE DESIGNER AND MUST BE RETURNED UPON REQUEST. ANY REPRODUCTION OF DRAWINGS, UNAUTHORIZED USE FOR ANY OTHER PURPOSE AND ANY OTHER ADDRESS BY ANY OTHER PERSON WITHOUT WRITTEN PERMISSION IS PROHIBITED.
3. THIS DRAWING IS NOT TO BE SCALED.
4. ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES MUST BE NOTIFIED THE DESIGNER.
5. THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITIES FOR DIMENSIONS AND JOB SITE CONDITIONS PRIOR TO CONSTRUCTION. ALSO CONFIRM APPLICABLE BY-LAW AND OBC.
6. ANY CHANGES MUST BE REPORTED TO DESIGNER AND APPROVED BY MUNICIPAL PRIOR TO CONSTRUCTION.
7. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY, MECHANICAL, ELECTRICAL AND ETC. INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING/CONSULTANT DRAWINGS BEFORE PROCEEDING WITH WORK.
8. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SEALED AND SIGNED BY THE DESIGNER.
9. USE ONLY THE LATEST REVISION OF DRAWINGS OR MARKED 'ISSUED FOR CONSTRUCTION'.



REV.	ISSUED FOR:	DATE
4	COMMITTEE OF ADJUSTMENT	AUG 20, 2021
3	ISSUED FOR CLIENT REVIEW	AUG 9, 2021
2	ISSUED FOR PERMIT APPLICATION	MAY 05, 2021
1	ISSUED FOR CLIENT REVIEW	MAR 22, 2021
REV.	ISSUED FOR:	DATE

EDWARD WONG
 EDWARD WONG & ASSOCIATES INC.
 441 ESNA PARK DR. UNIT 19
 MARKHAM, ON L3R 1H7
 TEL: (416) 903-4288
 E-MAIL: ED@EDWARDWONGASSOCIATES.COM
 WWW.EDWARDWONGASSOCIATES.COM

PROJECT AND LOCATION:

CONVERSION OF SINGLE-FAMILY DWELLING TO DUPLEX
 111 GIBSON AVENUE
 HAMILTON, ONTARIO

Project No.: Ma005997a

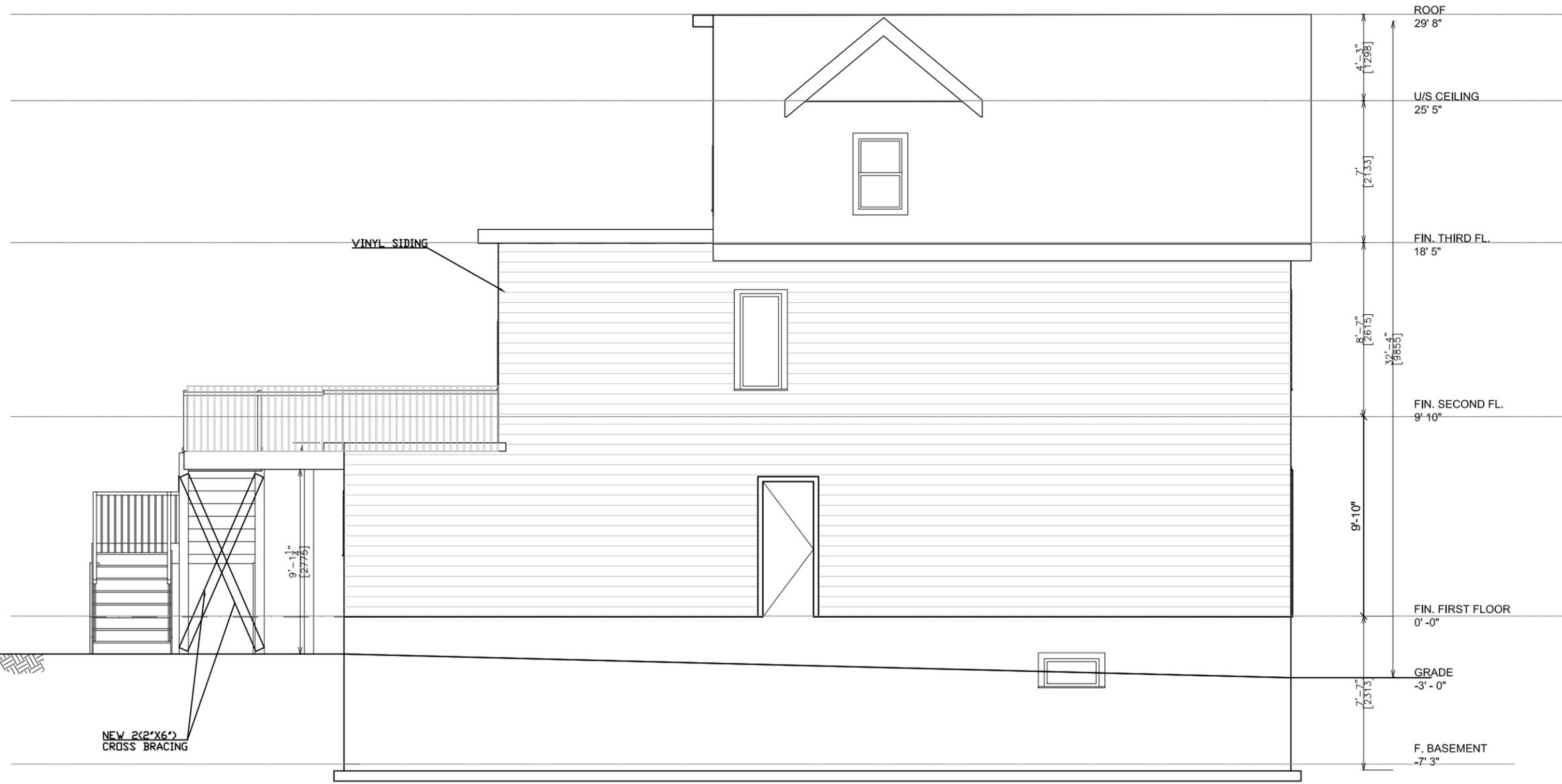
Date: 2021-3-12

DRAWN BY: M.L. CHECKED BY: EW

DESIGNED BY: SCALE: 1:75

SHEET TITLE:
 PROPOSED SOUTH ELEVATION

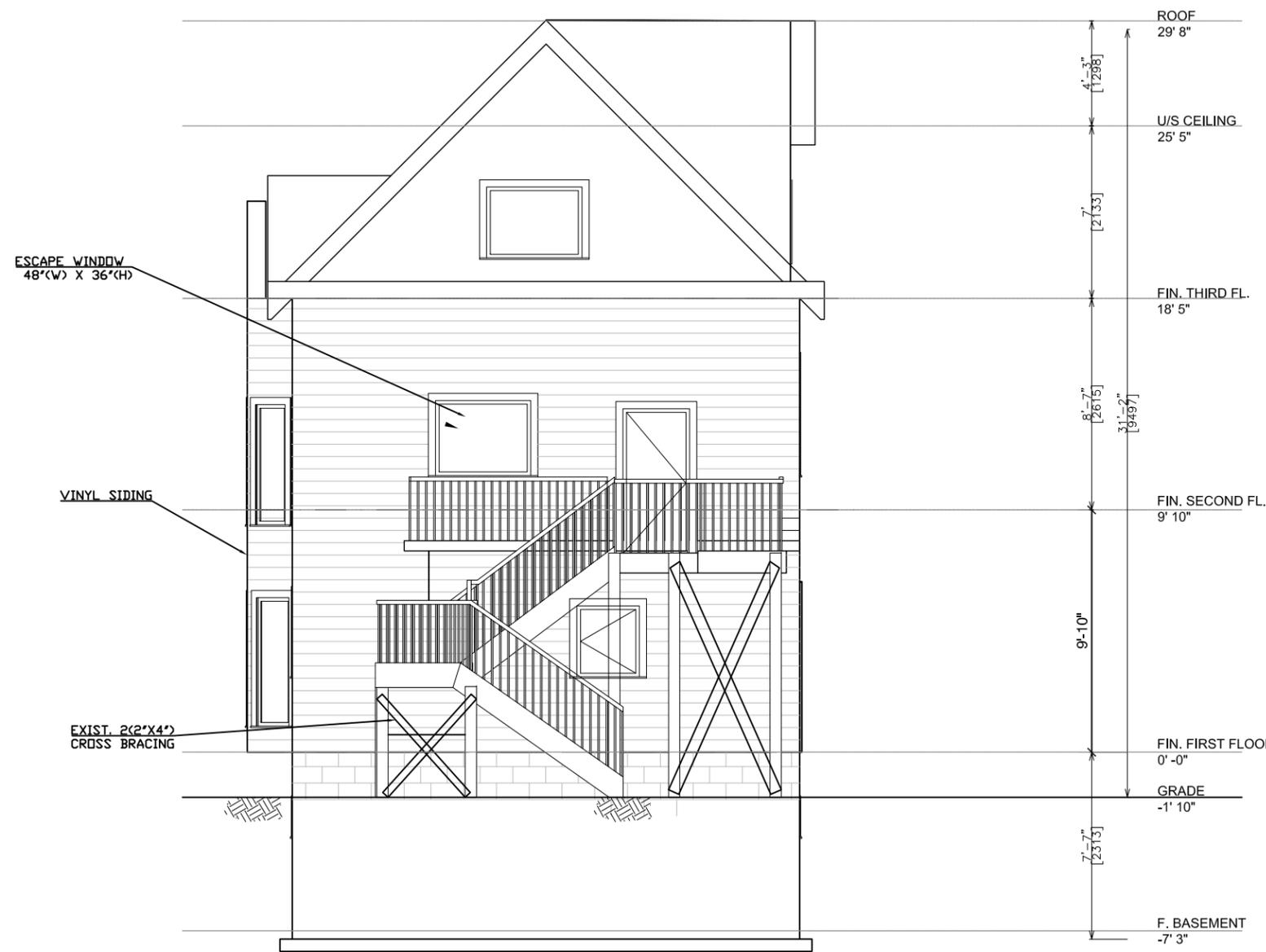
SHEET NUMBER:
A12



1 PROPOSED SOUTH ELEVATION
 A12 SCALE: 1:75

GENERAL NOTES:

1. THE EDWARD WONG & ASSOCIATES INC. IS REFERRED AS THE DESIGNER.
2. ALL DRAWINGS AND RELATED DOCUMENTS ARE THE PROPERTY OF THE DESIGNER AND MUST BE RETURNED UPON REQUEST. ANY REPRODUCTION OF DRAWINGS, UNAUTHORIZED USE FOR ANY OTHER PURPOSE AND ANY OTHER ADDRESS BY ANY OTHER PERSON WITHOUT WRITTEN PERMISSION IS PROHIBITED.
3. THIS DRAWING IS NOT TO BE SCALED.
4. ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES MUST BE NOTIFIED THE DESIGNER.
5. THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITIES FOR DIMENSIONS AND JOB SITE CONDITIONS PRIOR TO CONSTRUCTION. ALSO CONFIRM APPLICABLE BY-LAW AND OBC.
6. ANY CHANGES MUST BE REPORTED TO DESIGNER AND APPROVED BY MUNICIPAL PRIOR TO CONSTRUCTION.
7. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY, MECHANICAL, ELECTRICAL AND ETC. INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING/CONSULTANT DRAWINGS BEFORE PROCEEDING WITH WORK.
8. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SEALED AND SIGNED BY THE DESIGNER.
9. USE ONLY THE LATEST REVISION OF DRAWINGS OR MARKED 'ISSUED FOR CONSTRUCTION'.



4	COMMITTEE OF ADJUSTMENT	AUG 20, 2021
3	ISSUED FOR CLIENT REVIEW	AUG 9, 2021
2	ISSUED FOR PERMIT APPLICATION	MAY 05, 2021
1	ISSUED FOR CLIENT REVIEW	MAR 22, 2021
REV.	ISSUED FOR:	DATE

EDWARD WONG

EDWARD WONG & ASSOCIATES INC.
 441 ESNA PARK DR. UNIT 19
 MARKHAM, ON L3R 1H7
 TEL: (416) 903-4288
 E-MAIL: ED@EDWARDWONGASSOCIATES.COM
 WWW.EDWARDWONGASSOCIATES.COM

PROJECT AND LOCATION:

CONVERSION OF SINGLE-FAMILY DWELLING TO DUPLEX
 111 GIBSON AVENUE
 HAMILTON, ONTARIO

Project No.: Ma005997a

Date: 2021-3-12

DRAWN BY: M.L CHECKED BY: EW

DESIGNED BY: SCALE: 1:75

SHEET TITLE:

PROPOSED WEST ELEVATION

SHEET NUMBER:

A13

1 PROPOSED WEST ELEVATION
 A13 SCALE: 1:75



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	MAILING ADDRESS
Registered Owners(s)	Guo, Xingwen	
Applicant(s)*	Guo, Xingwen	
Agent or Solicitor	Edward Wong & Associates 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:

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:

The bay window and corner of the southside of the property are 1'6" and 2" off the property line respectively. Convert existing house to duplex.

- Secondary Dwelling Unit Reconstruction of Existing Dwelling Convert Existing House to Duplex.

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

The above noted bay windows and building corner had been constructed years ago. They are existing construction.

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):

111 Gibson Avenue, Hamilton, Ontario.
Two storey- Duplex.

7. PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
Agricultural Vacant Other

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 8.1 to 8.10 above?

Field observations and discussions with property owners.

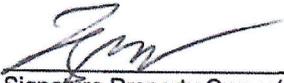
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

Aug 22, 2024
Date


Signature Property Owner(s)
Guo, Xingwen
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 6'10" (Bay window) and 7'6"(corner) of southside
 Depth 1'6" (Bay window) and 2" (corner) of southside.
 Area 7.7 ft2
 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: _

Two- storey Duplex- Primary unit (Basement + first floor) -1342ft2
 -Secondary Unit (Second + Attic)- 1099 ft2
 -Total lot are = 2597 ft2

Proposed

Restore rear door on the ground floor, Remove front entrance access door to ground floor. (The entrance is only for the second floor access.
 No changes on the exterior that affects the length, width and height of the existing building.

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

Existing:

Northside- 3'3 3/4" away from property line
 South West side- 10 1/4" away from property line
 East Side- 11'-3" away from property line.
 West Side- 1' 4" away from property line.
 South(Mid)- 1'6" off the property line.
 South(East) -2" off from the property.

Proposed:

No changes

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 (single family, duplex, retail, factory etc.):
Residential
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Residential, Laneway.
17. Length of time the existing uses of the subject property have continued:
Over 50 years
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:
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.: HM/A-21:219

APPLICANTS: Agent Len Angelici
 Owner Alvin Milinkovic

SUBJECT PROPERTY: Municipal address **30 Balsam Ave. S., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 21-076

ZONING: "C" (Urban Protected Residential and etc.) district

PROPOSAL: To establish a Secondary Dwelling Unit within an existing Single Family Dwelling notwithstanding that:

1. The separate entrance and exit to the Secondary Dwelling Unit shall be permitted to be oriented toward the front lot line as its entrance/exit is from the front door instead of the requirement that any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
2. A minimum of 15% of the gross area of the front yard shall be provided as landscaped area instead of the minimum required 50% of the gross area of the front yard, which shall be used as landscaped area.

NOTE:

- i) The Secondary Dwelling Unit is the smaller unit which is located on the 2nd floor and attic and the Single Family Dwelling is the larger unit which is located on the 1st floor and basement/cellar.
- ii) The "Rec Room" on the 2nd Floor and the "Den" and "Living Room" on the Proposed Attic Plan (per Drawing A2 – Proposed Floor Plans & Section, Revision 1 dated 09/13/2021) in the Secondary Dwelling Unit shall not be used as a "Bedroom" as a maximum of 2 dwelling units are permitted in a secondary dwelling unit. Be advised that more than 2 bedrooms will require a further application to the Committee of Adjustment for a Minor Variance.

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

DATE: Thursday, October 7th, 2021
TIME: 3:10 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

HM/A-21:219

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

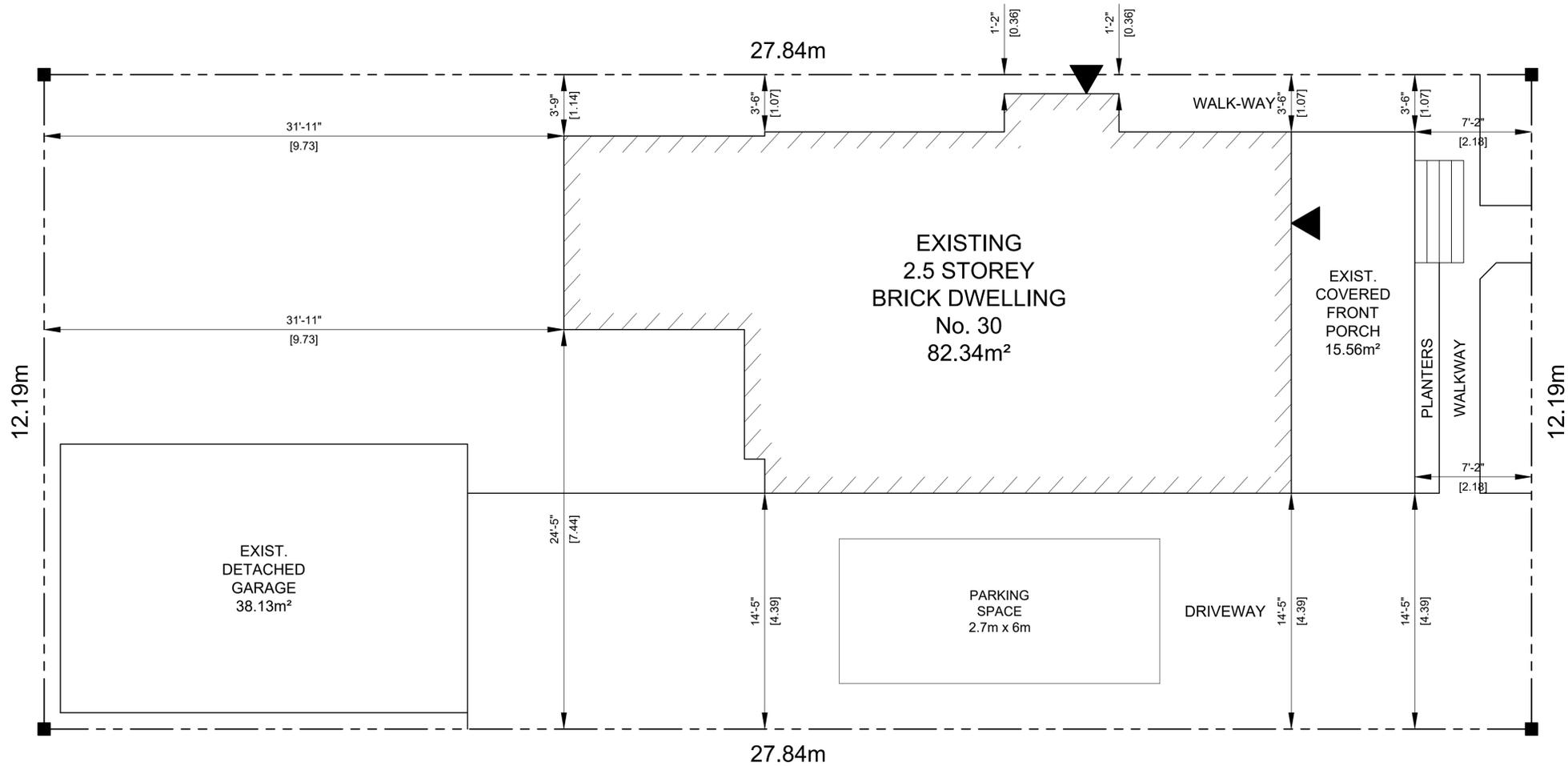
For more information on this matter, including access to drawings illustrating this request:

- 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: September 21st, 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.



BALSAM AVE. S

SITE DATA	
ZONE:	C
LOT AREA:	339.40m ²
EXISTING DWELLING FOOTPRINT:	82.34m ²
EXISTING FRONT COVERED PORCH:	15.56m ²
EXISTING DETACHED GARAGE:	38.13m ²
LOT COVERAGE:	40.08%
BUILDING HEIGHT	
No. of STOREYS:	3
SETBACKS	
FRONT:	2.18m
REAR:	9.73m
LEFT SIDE:	4.39m
RIGHT SIDE:	0.36m
LANDSCAPING	
FRONT YARD GROSS AREA:	54.81m ²
EXISTING FRONT PORCH/ FRONT STEPS:	17.30m ²
EXISTING DRIVEWAY:	19.76m ² (36.05%)
EXISTING WALKWAY:	9.34m ²
TOTAL LANDSCAPED AREA:	8.41m ² (15.34%)

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR PERMIT REVIEW	09/15/2021

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
- THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
- REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
- CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
- DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

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

09/15/2021
DATE SIGNATURE

Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT

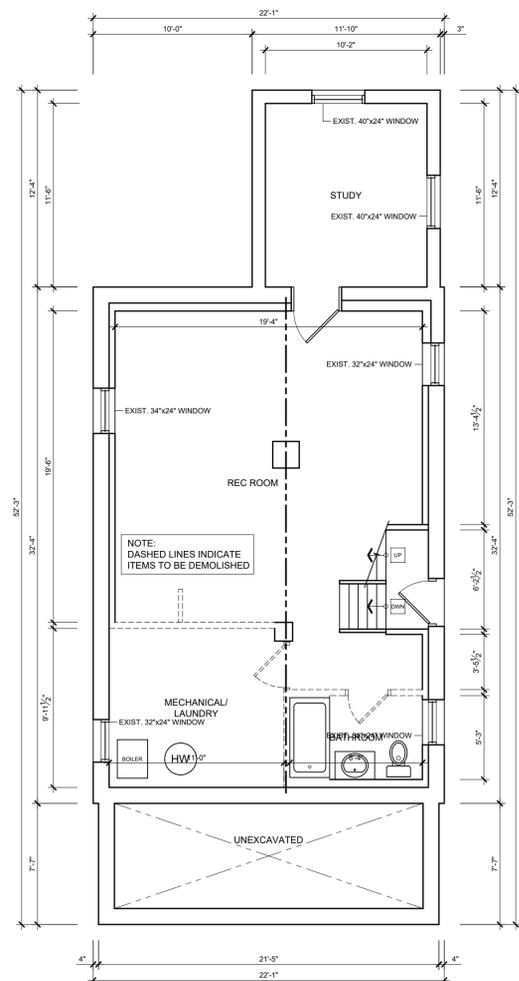
PROPOSED RESIDENCE
30 BALSAM AVE,
HAMILTON ON.

SHEET TITLE

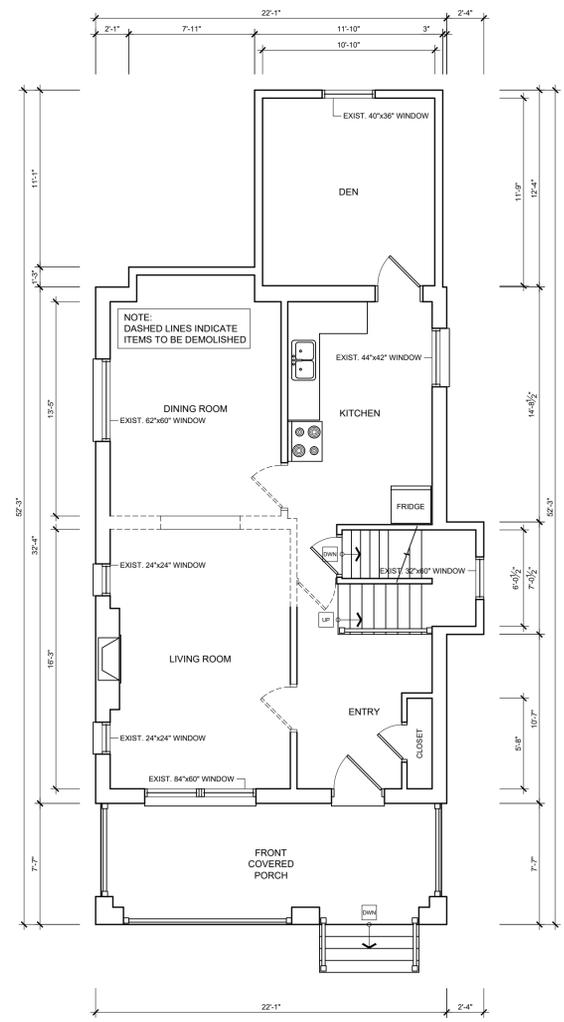
SITE PLAN

DRAWN BY	L. ANGELICI
DATE	09/15/2021
SCALE	1:50
PROJECT No.	2021

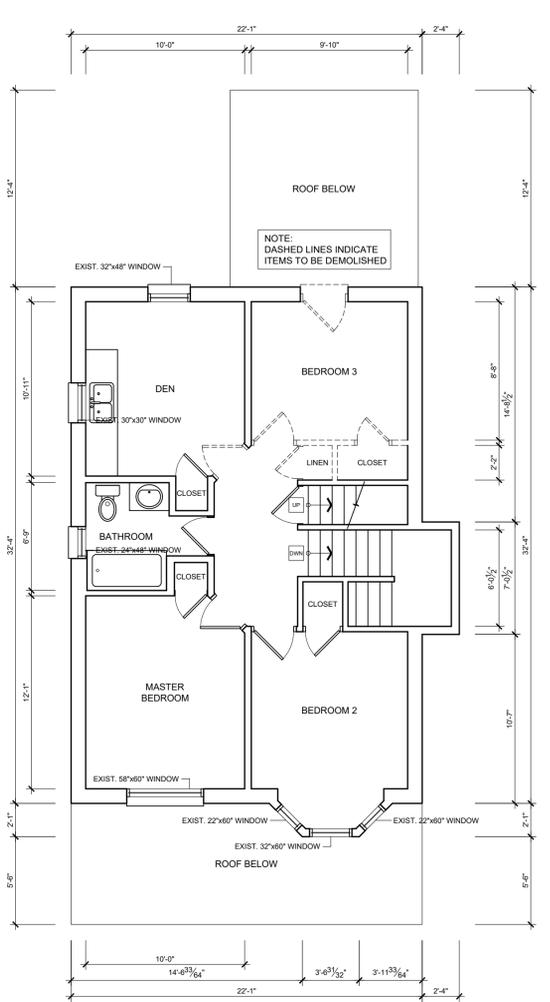
SP1



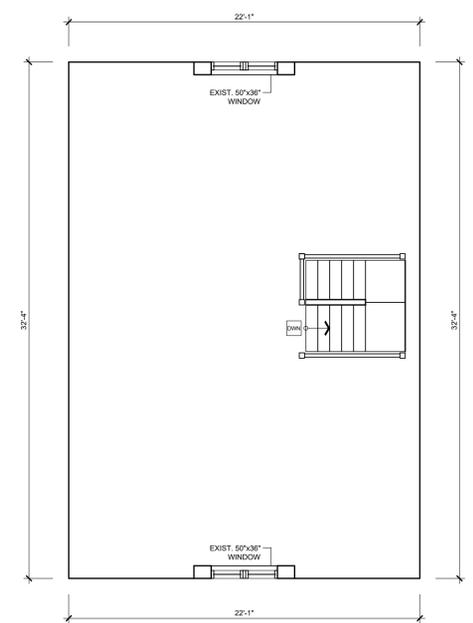
EXISTING BASEMENT PLAN
SCALE 3/16" = 1' - 0"



EXISTING MAIN FLOOR PLAN
SCALE 3/16" = 1' - 0"



EXISTING SECOND FLOOR PLAN
SCALE 3/16" = 1' - 0"



EXISTING ATTIC PLAN
SCALE 3/16" = 1' - 0"

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR PERMIT REVIEW	09/15/2021

1. ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
2. THIS DRAWING IS NOT TO BE SCALED, ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
3. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
4. CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
5. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
6. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
7. DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
8. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

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

09/15/2021
DATE SIGNATURE

Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT

PROPOSED RESIDENCE
30 BALSAM AVE,
HAMILTON ON.

SHEET TITLE

EXISTING FLOOR PLANS

DRAWN BY
L. ANGELICI

DATE
09/15/2021

SCALE
3/16"=1'-0"

PROJECT No.
2021

A1

Len Angelici Design

Len Angelici Design Inc.
270 Sherman Ave N, Unit Mill-125
Hamilton, ON
L8L 6N4

August 24, 2021.

City of Hamilton
Committee of Adjustment
71 Main St W – 5th Floor
Hamilton, Ontario
L8P 4Y5

Attn: Committee of Adjustment Staff;
Kim Roberts
Zoning Examiner

Re: 30 Balsam Ave S,
Hamilton, ON.
Application Number: HM/A-21:219

Dear City of Hamilton Committee of Adjustment Staff,

In response to the Zoning staff comments of their report dated July 22nd, 2021, we deferred presenting our application to the Committee of Adjustment to revise our drawings and application with the following changes:

Variance 1

We have reduced the total number of bedrooms in the secondary unit to two, thereby removing the variance 1 altogether. Please see revised Proposed Second Floor Plan, and revised Proposed Attic Plan on page A2 of drawings dated 08/12/2021.

Variance 2

Variance 2 is to remain unchanged.

Variance 3

Variance 3 is to remain unchanged.

Variance 4

The existing driveway, combined with the detached garage collectively meets the parking and maneuverability requirement of two parking spaces for the primary dwelling unit. We would like Variance 4 to be revised for relief from sentence 5.2(C). The existing detached garage and isle way configuration is not proposed to change and has demonstrated a safe method of egress for a multiple car dwelling.

The revised proposal demonstrates compliance with:

- Section 5.1(b) [i,ii,iii,iv]
- Stall sizes comply with section 5.2 b) [i]
- Section 5.6 (a) - Secondary Dwelling Unit [Column 2] ^ Zoning Bylaw 05-200
- 2.4.1.1 - Residential Intensification of the Official Plan,
- Chapter E - Urban Systems - City of Hamilton is committed to managing urban growth and development that is sustainable, comprehensive, and recognizes a balance between the economy, environment, and the community's social needs.
- Section E.1.0 - Goals (e) (f) (g) (h)
- Sec. 3.2.2 (d) (OPA 142)
- Sec. 4.5.15 (avoiding excess parking supply)
- Sec. 2.3.3.20 (automobile access) ^ Official Plan

Main Thrust / Thesis Statement:

1. The intent of OPA 142 and Sec. 5.2 (c) of the Zoning Bylaw is to deter new intensification / development from providing tandem parking configurations in a manner that could congest the public right of way (i.e. cars backing out and queueing).
2. The current proposal seeks to recognize the existing driveway configuration and its access to the detached garage. A pattern of queuing that matches the existing single family home's minor dilemma whenever someone had to exit the garage while another car was parked behind it.
3. The higher order policies of the Official Plan, Provincial Policy Statement, and Places to Grow is to adopt a balanced approach to residential intensification. One whereby the need for affordable housing, encouragement of active transportation, and lack of disturbance to the environment are taken into account alongside minor relief from parking.
4. Prioritizing tandem parking as a means of refusing a minor variance denies the remaining test requirements under the Planning Act. No additional hard surface creation is proposed (on a lot with an existing throated drive aisle to its detached garage) is good planning, and does not deny the intent of the relevant policies we seek relief from.
5. Affordable housing and active transportation are more important tenets of Urban Hamilton than the ostensible theory of cars stuck in an existing driveway. Which has in practice been demonstrated to function well under a single family with multiple cars.

Please do not hesitate to contact me via phone or email if you have any additional questions.

Yours,

A handwritten signature in black ink, appearing to read 'Len Angelici', with a stylized flourish at the end.

Len Angelici, Principal
Owner & Principal, Len Angelici Design Inc.
BCIN 42391
(416) 206-4675
len@lenangelicdesign.ca

August 24, 2021.
Date



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)	AVAN MILINKOVIC	[REDACTED]	Phone: _____
			E-mail: _____
Applicant(s)*	LEN ANGELICI		[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:

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 ON-SITE PARKING FOR PROPOSED SECOND DWELLING UNIT

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

SIZE OF LOT OF SUBJECT PROPERTY DOES NOT ALLOW FOR ON-SITE PARKING THAT MEETS SPATIAL AND MANEUVERABILITY REQUIREMENTS

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**):

30 BALSAM AVE S
HAMILTON, ON
L8M 3B1
ZONE: C

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

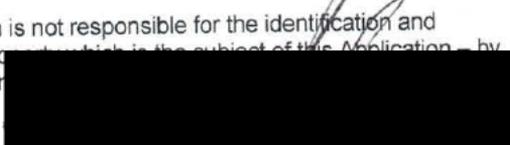
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

May 12 2021
 Date


 Signature Property Owner
Wan (John) Milinkovic
 Print Name of Owner

10. Dimensions of lands affected:
 Frontage 12.19m
 Depth 27.84m
 Area 339.40m²
 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: 82.34m² Width: 6.7m
 2nd Floor: 64.13m² Length: 15.9m
 Attic: 62.53m²
 2 1/2 Stories
 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:
 Front: 2.18m
 Right Side: 0.36m
 Left Side: 4.39m
 Rear: 9.73m
 Proposed:

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:
SINGLE FAMILY DWELLING
16. Existing uses of abutting properties:
SINGLE AND MULTI-UNIT 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 _____ 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:
ZONE C: Urban Protected Residential, Etc.
PARENT BY-LAW 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.: GL/A-21:332

APPLICANTS: Agent Michael Hannay
 Owner Cachet MDRA (Mount Hope) Inc.

SUBJECT PROPERTY: Municipal address **9255 Airport Rd., Glanbrook (Block 353 on Draft Plan of Subdivision File No. 25T 200723**

ZONING BY-LAW: Zoning By-law 464, as Amended 14-243 & 18-014

ZONING: "Rm3-284(B) (Residential Multiple (RM3) Zone

PROPOSAL: To permit the development of Block 353 on Draft Plan of Subdivision File No. 25T-200723 (Blocks 1 to 16 shown on the Site Plan submitted) for Block Townhouse Dwellings notwithstanding that:

1. A minimum of 2 parking spaces for each dwelling unit plus 0.38 visitor parking spaces for each dwelling unit shall be provided for a block townhouse dwelling instead of the minimum required 2 parking spaces for each dwelling unit plus 0.5 visitor parking spaces for each dwelling unit for a block townhouse dwelling.
2. A maximum lot coverage of 38% shall be permitted instead of the maximum required lot coverage of 35%.

NOTE:

i) Variance Nos. 1 and 2 are intended to apply to Blocks 1 to 16 to be developed as a block townhouse units on the Site Plan submitted and not to Blocks 17 to 19 as these blocks are intended as freehold (street townhouse) units pursuant to a letter dated September 14, 2021 from MBTW/WAI.

ii) If Variance No. 1 is granted, a total of 34 visitor parking spaces will be required and have been provided for the 89 block townhouse units within townhouse Blocks 1 to 16 as shown on the Site Plan submitted.

Two (2) parking spaces are required and have been provided in the attached garage and driveway for each of the 89 block townhouse dwelling units (for a total of 178 parking spaces) within townhouse Blocks 1 to 16 as shown on the Site Plan submitted.

If Variance No. 1 is granted, a total of 2 parking spaces for the physically handicapped are required and have been provided within the 34 visitor parking spaces as part of the minimum required 212 parking spaces (composed of: 178 spaces for the block townhouse dwelling units and 34 visitor parking spaces) for the 89 block townhouse dwelling units within townhouse Blocks 1 to 16.

GL/A-21:332

Page 2

iii) 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.

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

DATE: Thursday, October 7th, 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

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: September 21st, 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.

**PLANNING JUSTIFICATION LETTER –
MOUNT HOPE BLOCK 353 MINOR VARIANCE APPLICATION****Date: August 25, 2021****To: Secretary-Treasurer**
Committee of Adjustment
Planning and Economic Development Department, City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5**Re: Planning Justification Letter - Mount Hope Minor Variance Application**

Dear Committee,

This Planning Justification Letter is for the Mount Hope Community in the City of Hamilton and is in support of a Minor Variance to Residential Block 353. The following provides an introduction to the subject lands and description of the proposed development, a review of the requested minor variances, and an analysis of the four main criteria for evaluating a minor variance.

1.0 INTRODUCTION

The Mount Hope Community is bound by Airport Road West to the north, an existing subdivision to the east, White Church Road West to the south and agricultural lands to the west, which have been identified as being within the Airport Employment Growth District Secondary Plan area. Highway 6 intersects the subject lands and separates the lands into two parts. The majority of the lands are within the Mount Hope Secondary Plan area.

The Mount Hope Community will be a complete community, providing a balance of services and facilities to meet the needs of people at all stages of life. The community will consist of a predominately residential character with a proposed commercial development to the north, adjacent to Airport Road West, and a neighbourhood park central within the community. The lands located to the west of Highway 6 are proposed to be used as a storage pond that will accommodate stormwater resulting from major events. The proposed Mount Hope Community is integrated with the existing Mount Hope neighbourhood to the east by connecting with Provident Way and Rosebury Way.

Housing typologies within the proposed development include single-detached homes, traditional townhouses, and rear lane townhouses. The medium density built form is proposed and strategically located at the northern extent of the site in proximity to Airport Road West, the district commercial area to the north, and potential future transit routes.

The Mount Hope Community, once complete, will consist of up to 647 units of which 207 are single-detached dwellings. This Planning Justification Letter and the proposed Minor Variance Application focus specifically on medium density residential Block 353 with regards to visitor parking and maximum lot coverage requirements. Block 353 was initially identified in the community plan and approved Draft Plan as an Institutional Block for a future Elementary School. In case the institutional site was deemed not

required, a residential alternative concept plan was considered within the approved Urban Design Guidelines, Planning Justification Report, Official Plan Amendment, and Zoning By-Law Amendment. The alternative concept plan included the provision for a variety of medium density townhouse forms so that when a residential site plan was submitted the ultimate proposed site design would reflect the current market demands and maintain an appropriate relationship with the surrounding existing built and future context.

Residential Block 353 includes 89 condominium townhouses made up primarily of traditional front-loaded townhouses accessed from an internal condo road. The plan includes 8 rear lane townhouses that front directly onto Provident Way. This block orientation is consistent with the site plan directly across Provident Way completing the envisioned positive, pedestrian focused, and uninterrupted streetscape along this primary street in the north section of the proposed community.

The total area of applicable condominium development within Block 353 is 2.07ha. The Zoning By-Law permits a maximum allowable density of 100 units per hectare (uph). The total density of the site is currently 43 uph.

A separate part lot control application is to also be submitted, which will separate the condo block (89 units) and the freehold units of Blocks 4, 5 and 6. The subject variance application only applies to the condo block of 89 units. By separating the two blocks and developing the 89 units as condominium townhouses on a private road, the RM3-284 zone provisions and standards continue to apply, and further, as Blocks 4, 5 and 6 will become freehold units on a public right-of-way, the provisions of the RM2 Zone will there apply.

The requested variances are intended to allow for the proposed built form to be implemented while maintaining the original community vision as well as its goals and objectives.

2.0 MINOR VARIANCE REVIEW

2.1 Requested Variances

A minor variance for the medium density residential Block 353 within the Mount Hope Community is requested to allow for the proposed detailed site plan to be implemented. The following section provides a brief description of the extent of each minor variance request.

Visitor Parking – reduce the required visitor parking from 0.5 per unit to 0.38 per unit.

The proposed site plan provides a total of 212 parking spaces (a ratio of 2.38 per unit). This includes 178 spaces for residential parking, whereby each townhouse unit provides two parking spaces per unit with one space located in the garage and the second on a private driveway. The remaining 34 parking spaces are for visitor parking and are located strategically within the proposed site plan. The proposed visitor parking ratio is 0.38 spaces per residential unit. The current required visitor parking standard of 0.5 per residential unit would require a total of 45 spaces based on the proposed 89 townhouse units.

The City of Hamilton is currently conducting a review and realignment of its zoning policies to include a collective set of regulations. The new Zoning By-Law No. 05-200 will be implemented in phases and as such the Mount Hope Community contains a combination of uses that are either zoned within the new No.05-200 By-Law or the older Glanbrook No.464 By-Law. The current focus for the realignment is on the consolidation of Residential Zones, however, Section 5: Parking Regulation was last updated in January 2021. Section 5.6 subsection c) provides a parking schedule for all Zones, except the Downtown Zones. The

parking rates within the schedule outline the total required parking, which includes the provision of visitor parking. Identified in the schedule, the residential use of “Multiple Dwelling Street Townhouse Dwelling” outlines the following parking regulations:

“1 per unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit.”

The maximum parking regulation, for residential uses, within the parking schedule, is 1.25 spaces per unit. Therefore, if the maximum rate of 1.25 spaces per unit was considered for the proposed Block 353 site plan, an additional 100 parking spaces would be provided, which is over and above the requirement. At a rate of 0.25 visitor parking spaces per unit, the proposed Block 353 site plan would provide 11 additional parking spaces, which is again over and above the requirement. Therefore, the proposed visitor parking ratio modification seeks to provide a visitor parking ratio consistent with more modern parking standards within the new Zoning By-law No.05-200.

In addition, Residential Block 353 is less than 500 metres from Airport Road, which has been identified as a “Potential Rapid Transit Line” in Appendix B in the Official Plan. Additionally, the immediately adjacent block in the subdivision is zoned for, and planned to provide small scale commercial and retail uses. Therefore, future residents will be in walking distance to a range of amenities such as rapid transit and commercial uses, which will reduce the need for car ownership, which is in line with Provincial policy and the City’s vision of a complete community.

Maximum Lot Coverage – Increase the maximum lot coverage from 35% to 38%

The proposed minor variance requests a maximum lot coverage of 38% from 35%, which is what is currently permitted in the Residential Multiple “RM3-284” Zone. As discussed in the introduction, the permitted density for the site is 100 units per hectare (uph), however, the proposed site plan provides a density of approximately 43 uph. As described in the City of Hamilton Planning Recommendation Letter (PED18034)¹ “the intent of creating a maximum lot coverage for a property is so that the site is not overbuilt and can properly accommodate drainage, amenity space, and accessory structures”. The proposed site plan introduces 89 townhouses units that are distributed throughout the site within blocks ranging from four to seven units per block. The proposed increase in lot coverage does not impact the plan’s ability to maintain the required amenity space, front and rear yard setbacks for the subject site.

The requested maximum lot coverage will allow the site plan to achieve policy requirements set out in the Provincial Policy Statement, Urban Hamilton Official Plan and the Mount Hope Secondary Plan, which encourage compact forms of development that allow for efficient use of land, infrastructure and public service facilities (PPS 1.1.3.6). The mix of townhouse uses, and compact form also contribute to providing affordable housing options for people at all stages in life (PPS, 1.4.3 f). The proposed development is designated “Neighbourhoods” in the Urban Hamilton Official Plan. Chapter E, policy 3.7.4 states that the City may consider alternative development standards in new residential developments. Policy 3.7.4 c) speaks to the use of public lanes, private lanes, and on-street parking to promote more compact residential development and to provide more attractive streetscapes. A series of condo roads have been proposed, in addition to compact townhouse built form that includes driveways that have been paired in order to

¹ Feb 6, 2018, Planning and Economic Development Recommendation Letter (PED18034), prepared by Alaina Baldassarra

minimize interruption to the sidewalk and streetscape. Policy 3.7.4 d) states that greater reliance on common open space areas may be considered if it facilitates more compact development patterns.

The proposed development is within 100 metres (2 minute walk) to the community's Neighbourhood Park. Therefore, the increase in maximum lot coverage facilitates compact development patterns and does not significantly impact outdoor amenity space for future residents. It is in our opinion that the increase in lot coverage is compatible and complementary with the character of the existing and planned neighbourhood.

2.2 Is The Variance Minor?

Visitor Parking

The following list describes why the reduction of visitor parking from 0.5 per unit to 0.38 per unit is minor:

- The City's goal is to provide a consolidation of all zoning categories into this new Zoning By-Law in a phased process. The currently approved maximum parking standard within the new Hamilton Zoning By-Law No.05-200 for any residential zone is a total of 1.25 parking space per unit.
- As described in Section 2.1 above, the proposed site plan for Block 353 greatly exceeds the maximum parking standards that have been established in the new By-Law.
- The total proposed parking ratio for visitor and residential is 2.38 spaces per unit.
- The proposed reduction is not seeking to change the primary residential parking calculation of two space per unit.
- At 0.25 visitor spaces per unit, the total amount required would be 23 versus the 34 that are currently proposed.
- The remainder of the Mount Hope Community conforms to or exceeds the parking requirements within the proposed residential private driveways. Curbside parking is permitted within the community on the surrounding streets, which provide additional visitor parking opportunities in excess of requirements for the balance of the Mount Hope Community

Maximum Lot Coverage

The following list describes why the increase in maximum lot coverage from 35% to 38% is minor:

- The proposed site plan is designated "Neighbourhoods" in the City of Hamilton's Official Plan, which has policy goals to promote and support residential intensification of appropriate scale and develop compact, complete communities.
- The request for a maximum lot coverage increase from 35% to 38% does not significantly impact scale and density, furthermore the site plan is able to maintain other zoning requirements such as front and rear yard setbacks for the subject site.
- The proposed maximum lot coverage achieves compact residential intensification that is compatible with and complementary to the character of the existing and planned neighbourhood.

2.3 Is the variance desirable for the appropriate development or use of the land, building or structure?

The requested minor variances are desirable and appropriate and will not have an adverse impact on the existing or future homes within the community.

Visitor Parking

- The proposed visitor parking reduction aligns with the new Urban Hamilton Zoning Bylaw No. 05-200 regulations, which have been deemed appropriate and currently in force.
- Other residential developments within Glanbrook have implemented parking standards that are consistent with the Urban Hamilton Zoning regulations.
- Visitor parking is appropriately placed in logical and desirable locations throughout the site plan. An increase in the amount of visitor parking would require a reduction in units which would be contrary to the community objective of providing a medium density, compact development that increases the variety and affordability of units within the community.

Maximum Lot Coverage

- The proposed increase in maximum lot coverage, from 35% to 38%, is comparable to other lot coverages achieved in nearby townhouse developments and within Glanbrook.
- The proposed maximum lot coverage achieves a compact, medium density built form which aligns with the Hamilton Official Plan and Mount Hope Secondary plan goals for new development within the area.
- The minor increase in maximum lot coverage does not significantly impact the scale of the proposed site plan as the townhouse blocks still achieve all other development standards.

2.4 Does the proposal maintain the general intent and purpose of the Zoning By-law?

The requested minor variances maintain the general intent and purpose of the Zoning By-law while also fully complying with all other regulations. As the block was initially envisioned as an Institutional use with a residential alternative, a detailed site plan was not prepared. The intent for zoning in this block was to provide medium density residential forms that logically and appropriately transition from the district commercial block to the balance of the community plan.

Visitor Parking

- The proposed development continues to provide both residential and visitor parking.
- The proposed reduction in visitor parking ratio will ensure that the proposed development is consistent with the modern parking standards in the new Urban Hamilton Zoning By-Law No.05-200.
- The proposed reduction in visitor parking ratio aligns with the intent of the new Urban Hamilton Zoning By-Law No.05-200.
- The adjusted visitor parking ratio is consistent with approved exceptions that have been granted for similar developments within the area (RM3-002, RM3-157 (A), RM3-162, RM3-173 (A), RM3-173 (B), RM4-251, and RM3-253).

Maximum Lot Coverage

- The proposed development achieves all other zoning regulations required for the development.
- The proposed maximum lot coverage does not adversely impact the proposal's ability to meet the general intent of the Zoning By-law for the development, in that the use and intensity of the development is maintained.
- Similar exemptions for maximum lot coverage have been granted for other developments within Glanbrook and Urban Hamilton, while maintaining the general intent and purpose of the Zoning By-law.

2.5 Does the proposal maintain the general intent and purpose of the Official Plan?

The requested minor variances maintain the general intent and purpose of the Official Plan. The proposal introduces a residential intensification, which contributes to creating a compact and vibrant community within the City of Hamilton's urban boundary, which facilitates achieving the City's growth strategy and targets outlined in the Official Plan. The requested minor variances do not adversely impact the proposal's ability to provide a compatible development that sensitively integrates with the existing and future context of the neighbourhood.

Visitor Parking

- On-street visitor parking is proposed throughout the development, which meets policy 3.3.2.10 Chapter B of the Official Plan which states that streets shall be designed not only as a transportation network but also as an important public space and shall have on-street parking.
- Shared parking facilities are encouraged (Chapter B, 3.3.10.2), as such visitor parking is shared throughout the development.
- Parking areas are connected to the condo road through safe pedestrian walkways (Chapter B, 3.3.10.5)
- Garages, parking areas and driveways within the development are not dominant and have been sensitively designed to minimize interruption to the flow of pedestrian and vehicular movement (Chapter E, 3.2.7)

Maximum Lot Coverage

- The Official Plan does not specifically speak to maximum lot coverage.
- Considering maximum lot coverage with relation to scale of development, policy 2.4.1.4 in Chapter B, states that residential intensification developments should be compatible with the surrounding area in terms of use, scale, form and character. The requested maximum lot coverage does not adversely impact the proposal's ability to provide a compatible development in terms of use, scale, form or character and therefore meets the general intent of the policy.
- The compact nature of the townhouse development provides a sensitive transition in scale between the commercial uses to the north and the Neighbourhood residential areas surrounding the subject site (Chapter B, 3.3.3.2)
- Chapter E, 2.6.7 states that changes compatible with the existing character and function of the neighbourhood shall be permitted. It is in our opinion that the requested maximum lot coverage meets the general intent of the policy and provides a compatible character and function when compared to the existing and planned context in the neighbourhood.

3.0 ANALYSIS AND CONCLUSION

Residential Block 353 promotes the efficient development and creation of a compact and complete community. The requested minor variances do not alter the community vision but enable the development to maximize the residential potential while being sensitive to the existing built form typologies that surround the block and the greater community. A minor variance is requested for a decrease in visitor parking requirements and a minor increase in maximum lot coverage. Both minor variances work to ensure that the proposed development aligns with the intent, policies, and regulations outlined throughout provincial and municipal planning legislations. The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area. It is our professional opinion, that the requested minor variances for Residential Block 353 constitutes good planning by providing a compact and efficient urban form, which provides alternative, affordable housing and supports the development of a complete community. In addition, the proposal meets the four main criteria for the evaluation of a minor variance application.

Regards,



Michael C. Hannay MCIP RPP | Principal, MBTW | WAI

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal – see illustration on Schedules E and E-1, Volume 1



Legend

- Provincial Highway (Controlled Access)
- Parkway
- Railway
- Railyard
- Port of Hamilton
- Future Multi Modal Hub
- Hamilton GO Centre
- Proposed GO Station
- Potential Rapid Transit Line (B.L.A.S.T.)
- Future Multi Modal Hub

Other Features

- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Appendix B
 Major Transportation
 Facilities and Routes**

Not To Scale

Date: Dec. 11, 2019

Hamilton

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

© Teranel Land Information Services Inc. and its licensors, [2009] May Not be Reproduced without Permission. THIS IS NOT A PLAN OF SURVEY



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	MAILING ADDRESS
Registered Owners(s)	Cachet MDRE (Mount Hope) Inc.	
Applicant(s)*	Cachet MDRE (Mount Hope) Inc.	
Agent or Solicitor	Michael Hannay, MBTW	

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) the maximum lot coverage of 35% - requesting 38%
 2) Visitor parking requirement rate of 0.50 spaces per Unit - requesting 0.38 spaces per unit

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to planning justification letter prepared by MTBW on August 25, 2021.

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**):

Address: 9255 Airport Road, Hamilton (Mount Hope)

Legal Description: PART OF LOT 4, CONCESSION 5 REGISTERED PLAN 62R-1653
 TOWNSHIP OF GLANFORD CITY OF HAMILTON

Block 353 on approved draft plan of subdivision # 25T-200723

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant Other

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 8.1 to 8.10 above?

Phase 1 Environmental Site Assessment Report by Soil-Mat Engineers & Consultant Ltd., dated January 12, 2017.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

August 25, 2021
Date

[Signature]
Signature Property Owner(s)

PAULSEY SHARREN
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage See Attached Plans
Depth See Attached Plans
Area See Attached Plans
Width of street See Attached Plans

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

See Attached Plans

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:

See Attached Plans

13. Date of acquisition of subject lands:
January 10, 2019
-
14. Date of construction of all buildings and structures on subject lands:
Not yet constructed
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Agricultural
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Residential and Agricultural
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|--------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Institutional, Site Specific Policy Area H - where multiple dwellings may also be permitted with a maximum building height of four storeys.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
By-Law RM3-284 (B)
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
- If the answer is yes, describe briefly.
Approved Official Plan Amendment and Zoning By-Law Amendment Applications to permit the uses currently contemplated for the property.
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-21:334

APPLICANTS: Agent Hickory Dickory Decks c/o S. Halcrow
 Owner Peggy & Brian Webber

SUBJECT PROPERTY: Municipal address **15 Alexander St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district

PROPOSAL: To permit the construction of an 18.6 square metre roof section for an existing rear porch for a single family dwelling, notwithstanding that:

1. The minimum easterly side yard shall be 0.8 metres to the eaves instead of the minimum required 1.2 metres for a side yard for a building or structure not over two and a half storeys or 11.0 metres in height.

NOTES:

1. The variance is written as requested by the applicant, except that the variance has been taken to the eaves (the closest part of the dwelling to the side lot line) instead of the edge of roof for measuring the reduced side yard.

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

DATE: Thursday, October 7th, 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.

HM/A-21: 334

Page 2

MORE INFORMATION

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

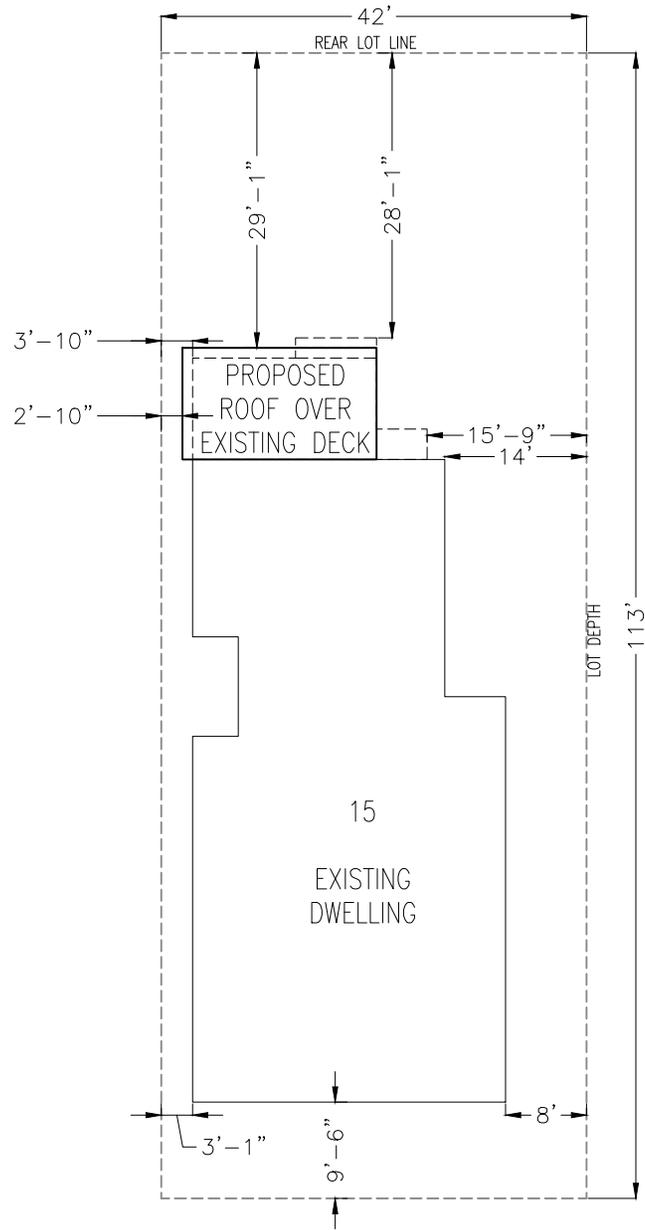
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: September 21st, 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.

COPYRIGHT 2020 HICKORY DICKORY DECKS



1 SITE PLAN
 1 N.T.S.
 ALEXANDER STREET

HICKORY DICKORY DECKS
 Head Office
 115 Dundas St. W.
 Highway #5, Flamborough L9H 7L6
 P: 905.689.4774
 E: hddoffice@gmail.com

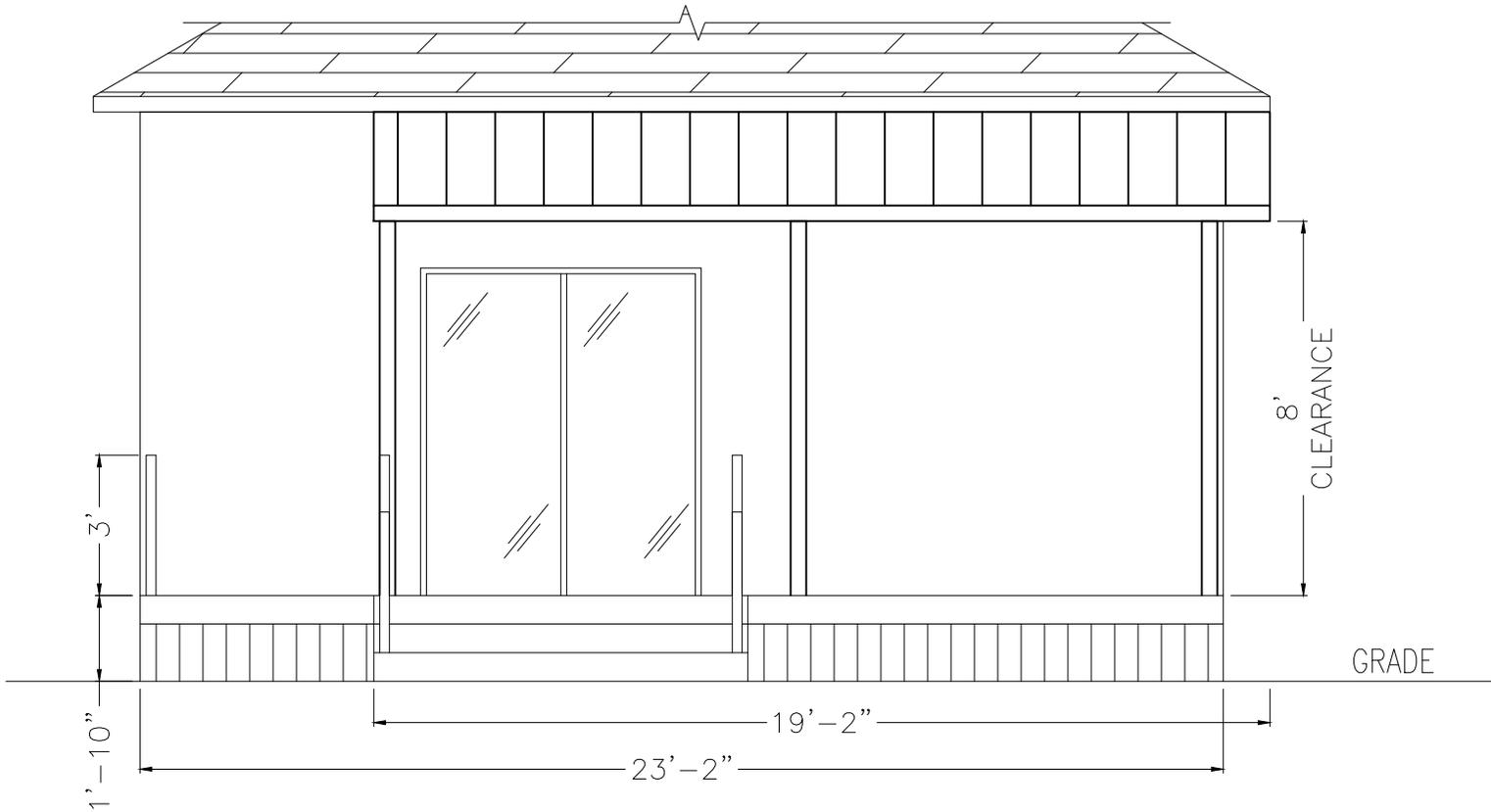
Project:
 PEGGY & BRYAN
 WEBBER

Job address:
 15 ALEXANDER ST
 HAMILTON, ON L8P 2B1

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
 Name: Brad Arnold (BCIN # 24758)
 Signature:

Drawing by: STEPHANIE HALCROW	TO
Date drawn: JULY 29th, 2021	SP101

COPYRIGHT 2020 HICKORY DICKORY DECKS



1 ELEVATION
 Scale: 1/4" = 1'

HICKORY DICKORY DECKS
 Head Office
 115 Dundas St. W.
 Highway #5, Flamborough L9H 7L6
 P: 905.689.4774
 E: hddoffice@gmail.com

Project:
 PEGGY & BRYAN
 WEBBER

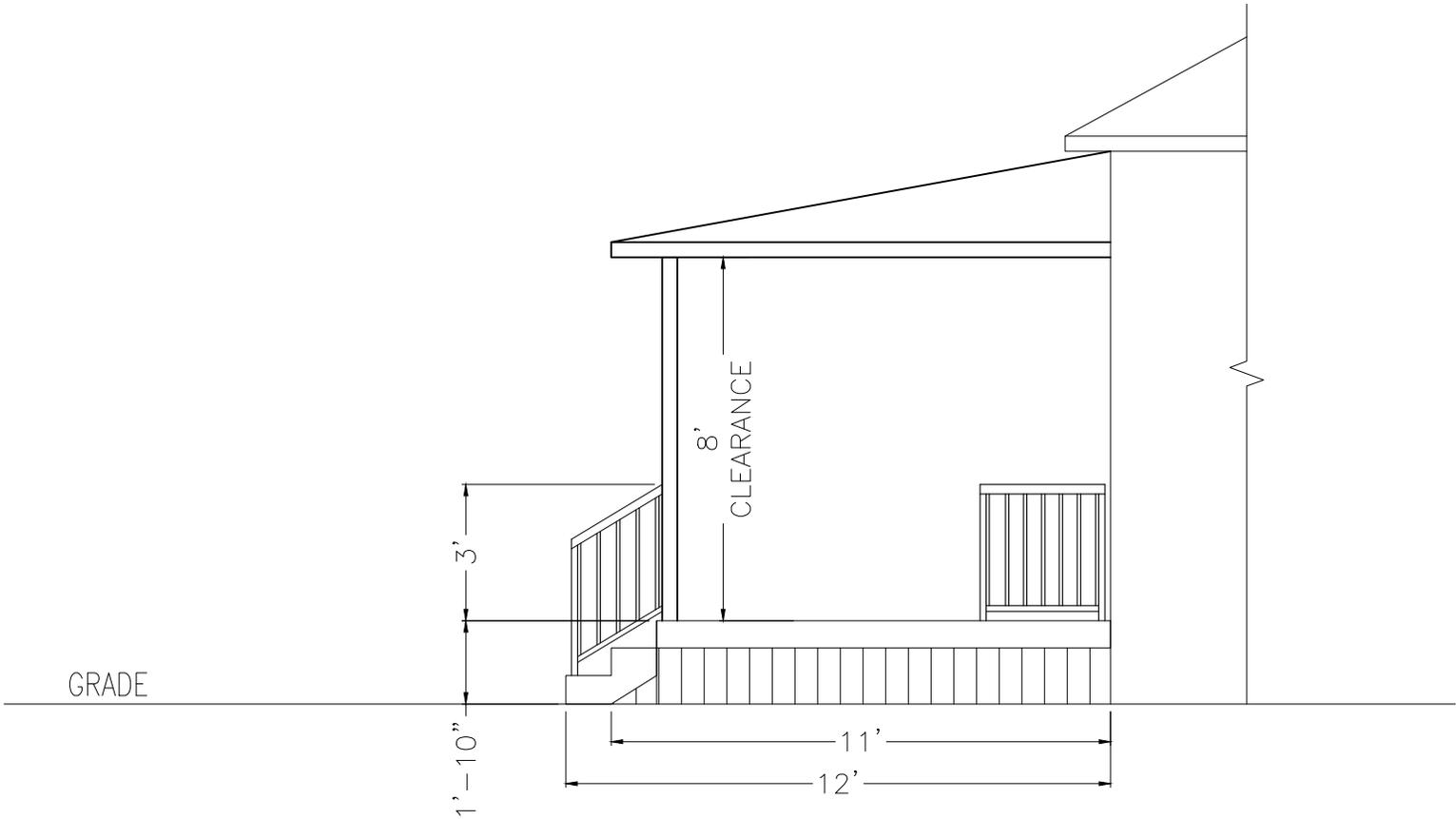
Job address:
 15 ALEXANDER ST
 HAMILTON, ON L8P 2B1

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.

Name: Brad Arnold (BCIN # 24758)
 Signature:

Drawing by STEPHANIE HALCROW	A2 01
Date drawn: JULY 29th, 2021	

COPYRIGHT 2020 HICKORY DICKORY DECKS



1 ELEVATION
 Scale: 1/4" = 1'

HICKORY DICKORY DECKS
 Head Office
 115 Dundas St. W.
 Highway #5, Flamborough L9H 7L6
 P: 905.689.4774
 E: hddoffice@gmail.com

Project:
 PEGGY & BRYAN
 WEBBER

Job address:
 15 ALEXANDER ST
 HAMILTON, ON L8P 2B1

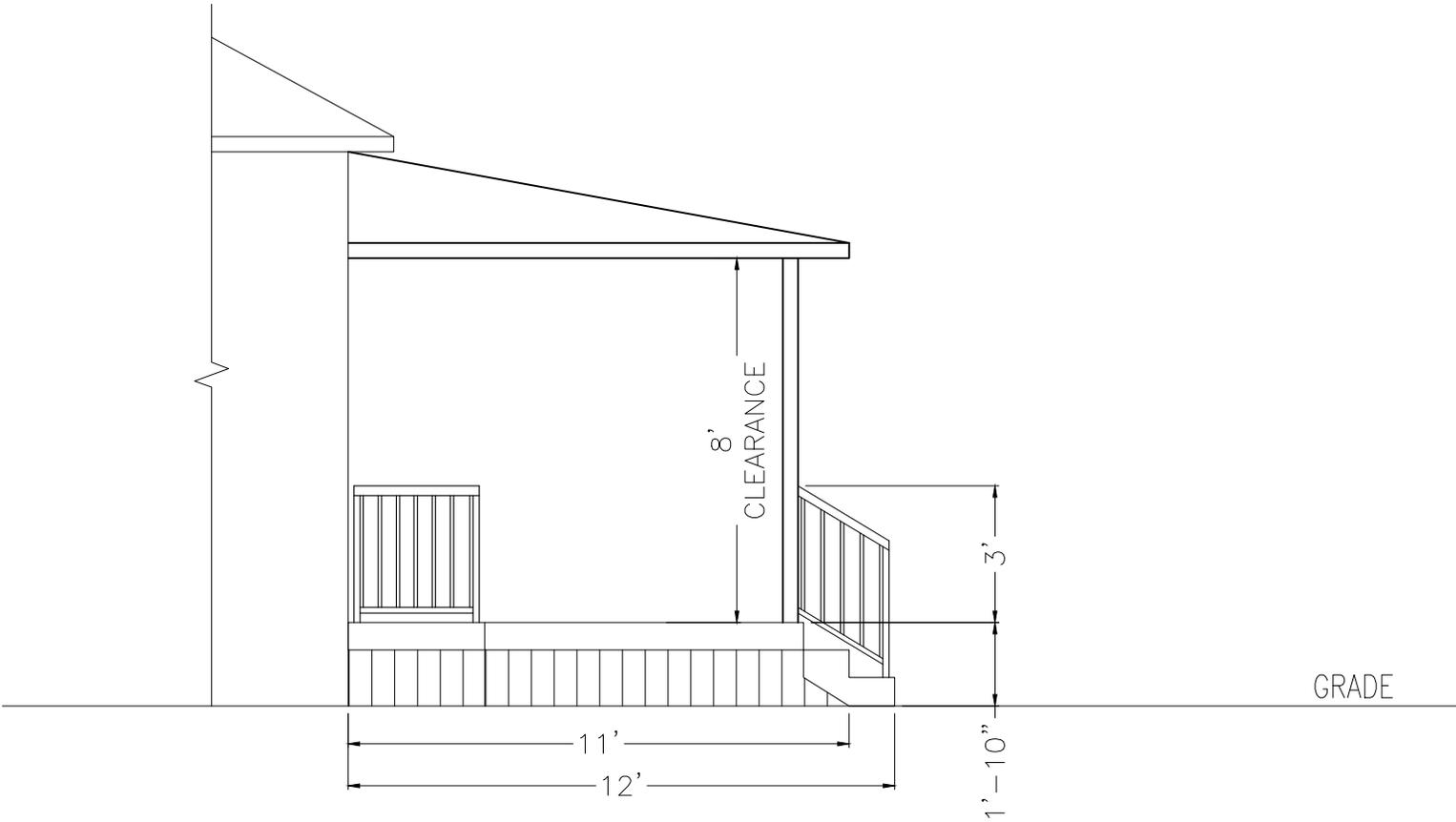
I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.

Name: Brad Arnold (BCIN # 24758)
 Signature:

Drawing by:
 STEPHANIE HALCROW 03

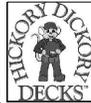
Date drawn:
 JULY 29th, 2021 A2

COPYRIGHT 2020 HICKORY DICKORY DECKS



1 ELEVATION

Scale: 1/4" = 1'



Head Office
 115 Dundas St. W.
 Highway #5, Flamborough L9H 7L6
 P: 905.689.4774
 E: hddoffice@gmail.com

Project:

PEGGY & BRYAN
 WEBBER

Job address:

15 ALEXANDER ST
 HAMILTON, ON L8P 2B1

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.

Name: Brad Arnold (BCIN # 24758)
 Signature:

Drawing by

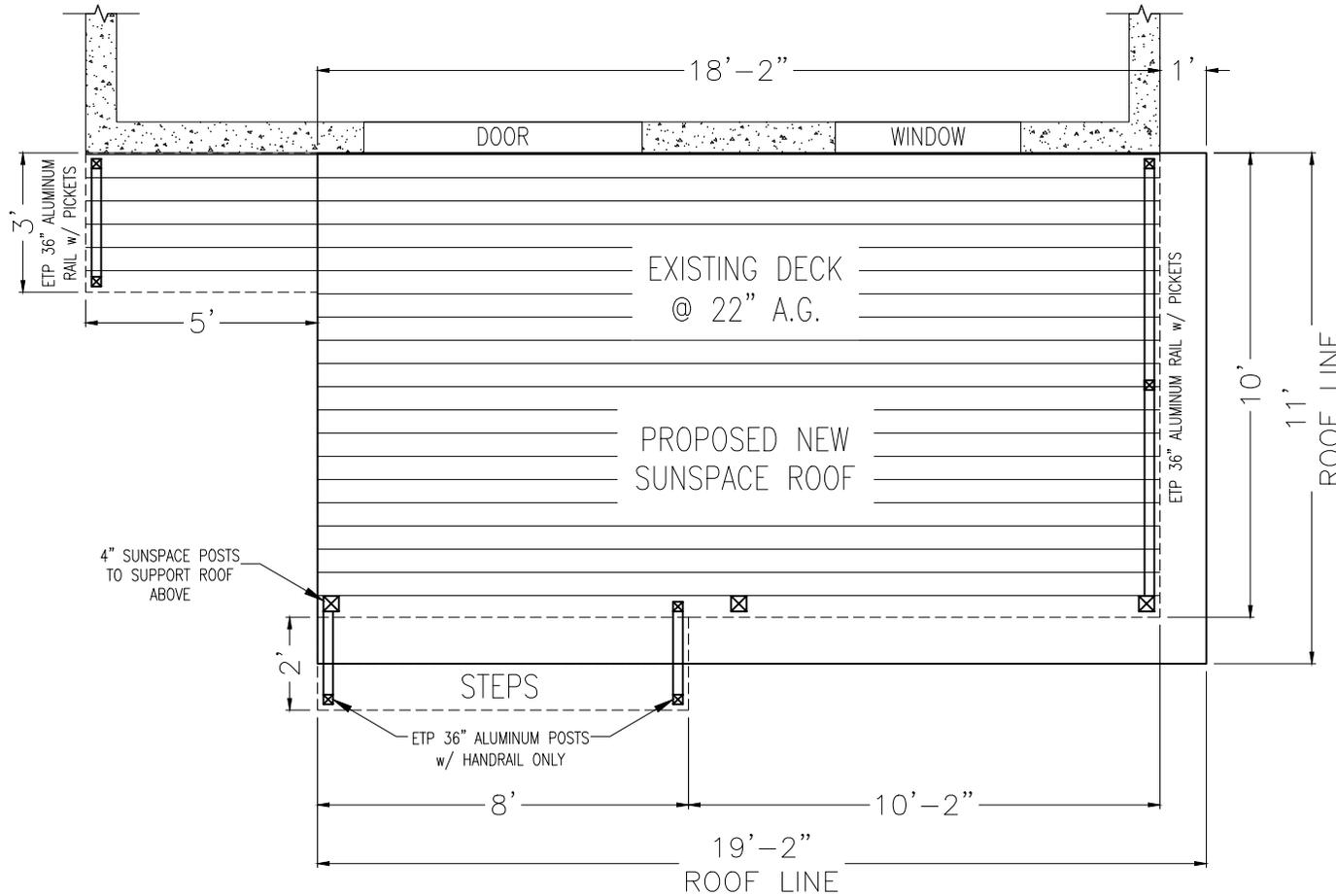
STEPHANIE HALCROW

02

Date drawn:

JULY 29th, 2021

A2



1 ROOF PLAN
 Scale: 1/4" = 1'

HICKORY DICKORY DECKS
 Head Office
 115 Dundas St. W.
 Highway #5, Flamborough L9H 7L6
 P: 905.689.4774
 E: hddoffice@gmail.com

Project:
 PEGGY & BRYAN
 WEBBER

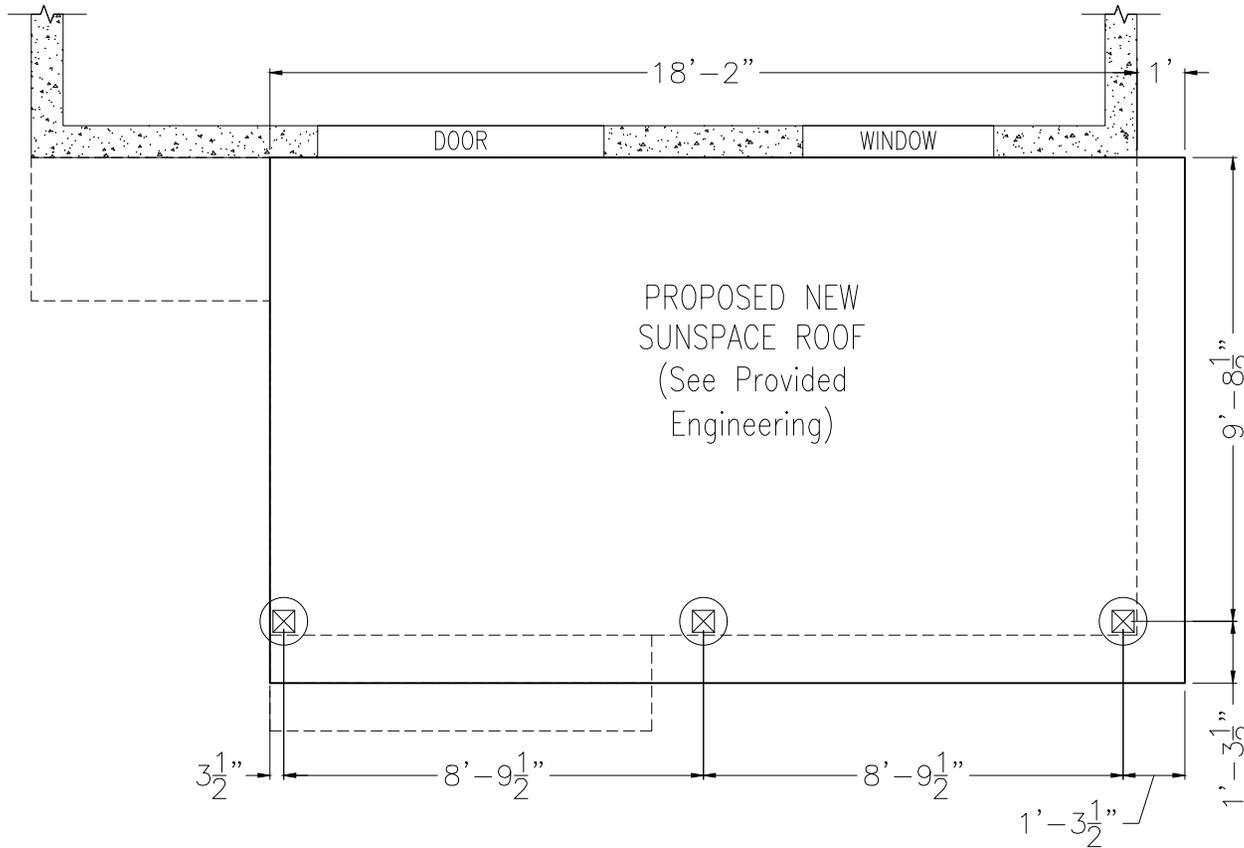
Job address:
 15 ALEXANDER ST
 HAMILTON, ON L8P 2B1

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.

Name: Brad Arnold (BCIN # 24758)
 Signature: *BA*

Drawing by STEPHANIE HALCROW	A1 01
Date drawn: JULY 29th, 2021	A1 01

COPYRIGHT 2020 HICKORY DICKORY DECKS



	Head Office
	115 Dundas St. W.
	Highway #5, Flamborough L9H 7L6
	P: 905.689.4774 E: hddoffice@gmail.com

Project:
PEGGY & BRYAN WEBBER

Job address:
 15 ALEXANDER ST
 HAMILTON, ON L8P 2B1

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.

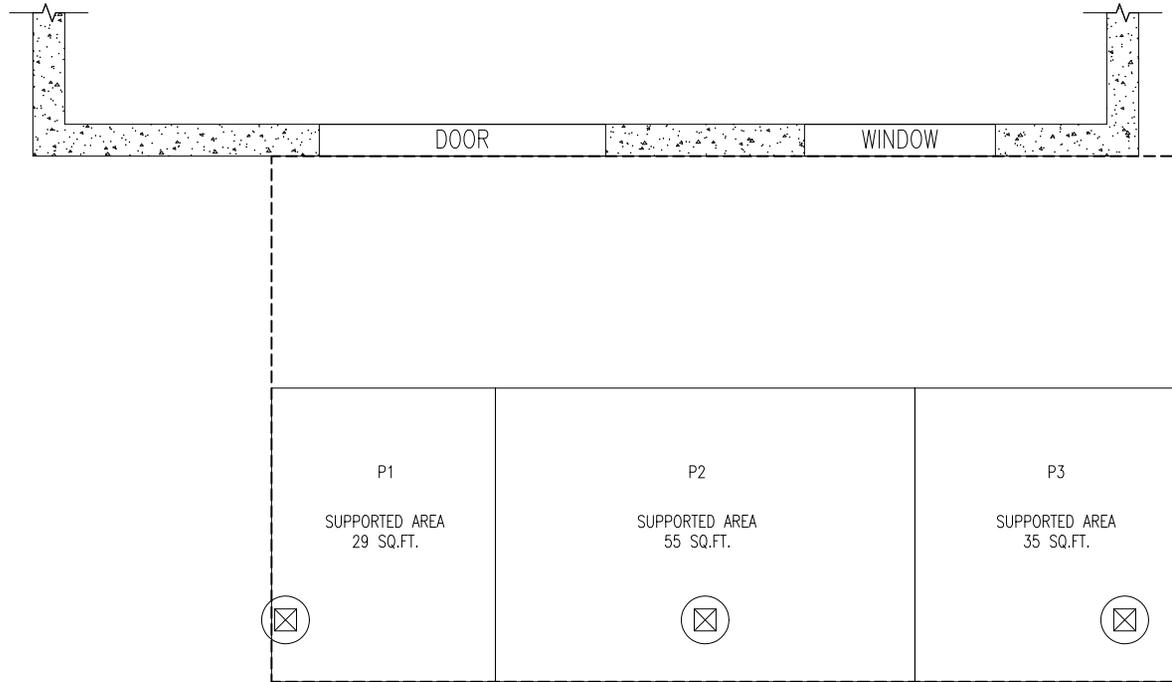
Name: Brad Arnold (BCIN # 24758)
 Signature:

Drawing by STEPHANIE HALCROW	101
Date drawn: JULY 29th, 2021	11

4X4 SUNSPACE ALUMINUM POST ON HELICAL PIERS (5' BELOW GRADE)

1 FOUNDATION PLAN
 Scale: 1/4" = 1'

COPYRIGHT 2020 HICKORY DICKORY DECKS




Head Office
115 Dundas St. W.
Highway #5, Flamborough L9H 7L6
P: 905.689.4774
E: hddoffice@gmail.com

Project:
**PEGGY & BRYAN
WEBBER**

Job address:
**15 ALEXANDER ST
HAMILTON, ON L8P 2B1**

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.

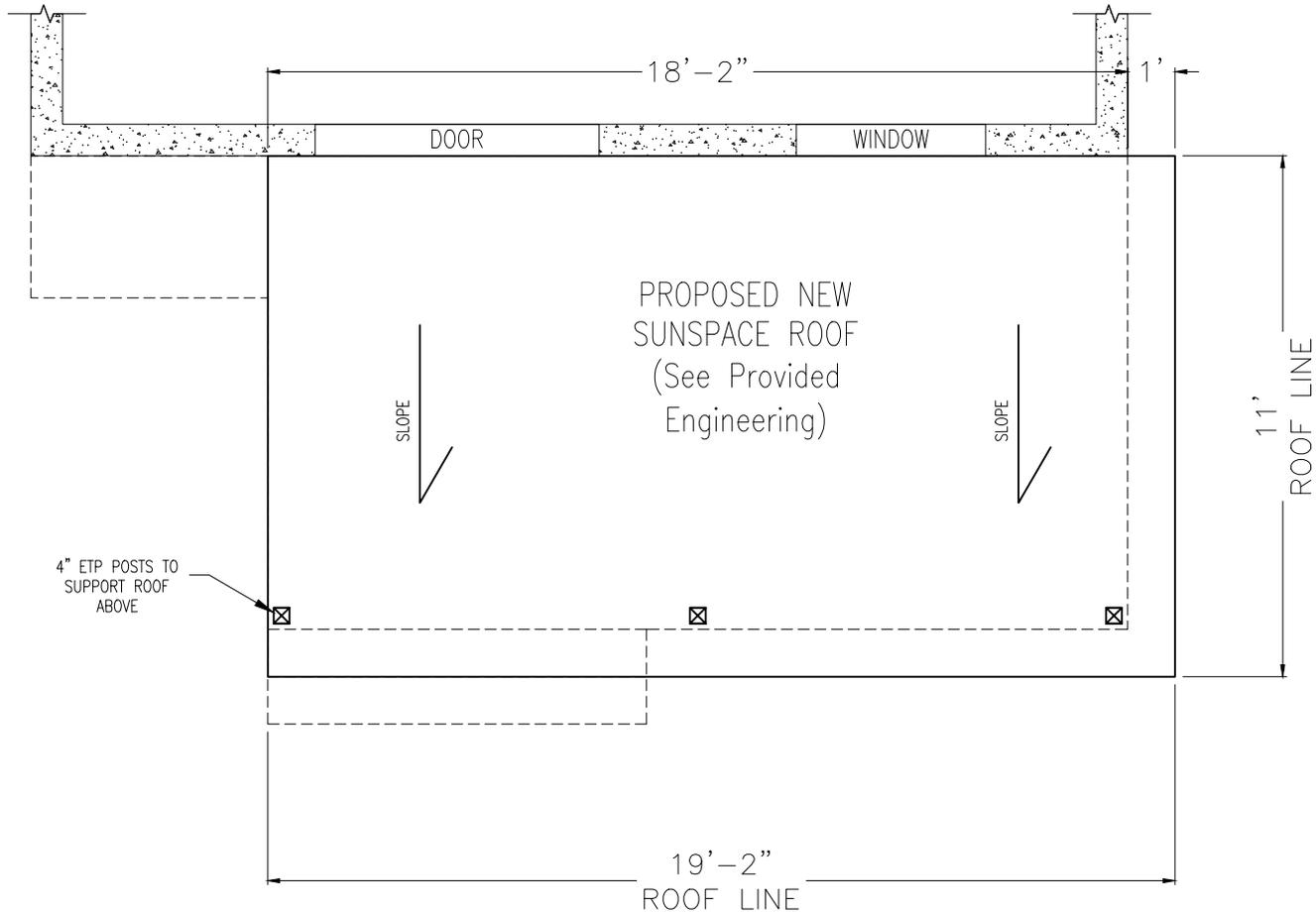
Name: Brad Arnold (BCIN # 24758)
Signature: 

Drawing by STEPHANIE HALCROW	10
Date drawn: JULY 29th, 2021	11

1 HELICAL PLAN
Scale: 1/4" = 1'

 4X4 SUNSPACE ALUMINUM POST ON HELICAL PIERS (5' BELOW GRADE)

COPYRIGHT 2020 HICKORY DICKORY DECKS



4" ETP POSTS TO SUPPORT ROOF ABOVE

PROPOSED NEW SUNSPACE ROOF
(See Provided Engineering)

SLOPE

SLOPE

DOOR

WINDOW

19'-2"
ROOF LINE

11'
ROOF LINE

18'-2"

1'

1 SUBSTRUCTURE PLAN

Scale: 1/4" = 1'



4X4 SUNSPACE ALUMINUM POST ON HELICAL PIERS (5' BELOW GRADE)

HICKORY DICKORY DECKS
 Head Office
 115 Dundas St. W.
 Highway #5, Flamborough L9H 7L6
 P: 905.689.4774
 E: hddoffice@gmail.com

Project:
PEGGY & BRYAN WEBBER

Job address:
 15 ALEXANDER ST
 HAMILTON, ON L8P 2B1

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
 Name: Brad Arnold (BCIN # 24758)
 Signature:

Drawing by STEPHANIE HALCROW	TO
Date drawn: JULY 29th, 2021	ST



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

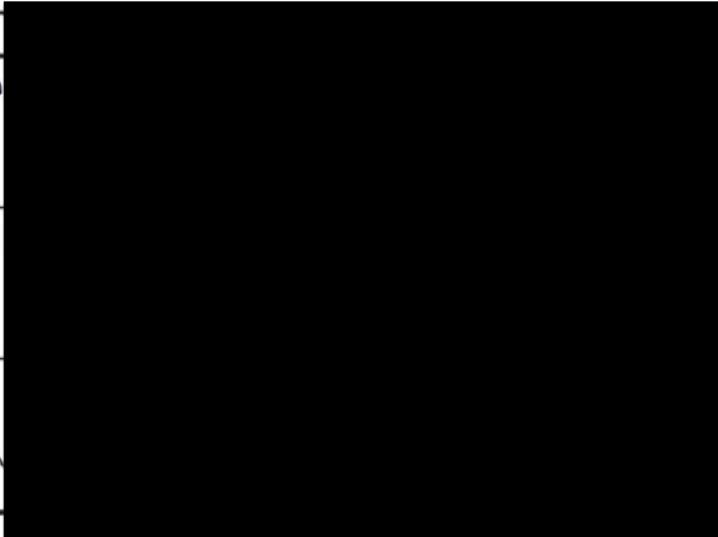
FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

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
Registered Owners(s)	Peggy + Bryan Webber
Applicant(s)*	Peggy + Bryan Webber
Agent or Solicitor	Stephanie Holcrow Hickory Dickson Decks



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:

To construct an unenclosed roof over existing deck, with a side yard setback of 3'-10" to side of roof / 2'-10" to overhang. Current setback restriction of 4'.

- Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

Proposed roof to be in line with edge of house and existing deck location.

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):

Single Family Dwelling.
15 Alexander St, Hamilton on L8P 2B1

7. PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
Agricultural Vacant Other

Other _____

- 8.1 If Industrial or Commercial, specify use NA
- 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 8.1 to 8.10 above?

Knowledge from residents of surrounding area.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.



Aug 20/2021
Date

Peggy Webber
Signature Property Owner(s)

Peggy Webber
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>42'</u>	<u>12.8 m</u>
Depth	<u>113'</u>	<u>34.4 m</u>
Area	<u>4746 SF</u>	<u>441 m²</u>
Width of street	<u>20'</u>	<u>6.1 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: House Ground Floor Area = 1774 SF 165 m²
 Gross Floor Area = 1774 SF 165 m²
 Stories = 1
 Dimensions = 31' x 64' (Width x Depth) 9.4 m x 19.5 m

Proposed: House + Roof Ground Floor Area = 1985 SF 184 m²
 Gross Floor Area = 1985 SF 184 m²
 Stories = 1
 Dimensions = 31' x 75' (Width x Depth) 9.4 m x 22.9 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: House Front: 9'-6" 2.9 m
 Side: 3'-10" / 8' 1.1 m / 2.4 m
 Rear: 40' 12.2 m

Proposed: House + Roof Front: 9'-6" 2.9 m
 Side: 3'-10" / 8' 1.1 m / 2.4 m
 Rear: 29' 8.8 m

13. Date of acquisition of subject lands: Jan 26/2018 ~~#8~~

14. Date of construction of all buildings and structures on subject lands: 1885

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single Family Dwelling.

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single Family Dwellings.

17. Length of time the existing uses of the subject property have continued:
continuous to present.

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:
Urban Protected Residential

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
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.
See Attached

PART 25 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, Stephanie Halcrow 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
at the City of Hamilton)
in the Province)
of Ontario)
this 14 day of September A.D. 2021)

[Signature]
A Commissioner, etc.

[Signature]
Stephanie Halcrow)
Applicant

Loren Isabel Kolar,
a Commissioner, etc.,
Province of Ontario, for the City of Hamilton.
Expires November 2, 2021.

PART 26 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Bryan + Peggy Webber am the registered Owner(s) 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:

Stephanie Halcrow of Hickory Dickory Decks

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 Aug 20, 2021

SIGNED [Signature] Peggy Webber

PART 27 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, Bryan Webber
Peggy Webber, the Owner(s), hereby agree and acknowledge
(Print name of Owner(s))

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 Aug 20, 2021

[Signature] Bryan Webber
[Signature] Peggy Webber
Signature of Owner(s)



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-21:81

SUBJECT PROPERTY: 83 Melbourne St., 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): Agent A.J. Clarke & Associates c/o F. Kloibhofer
 Owner Joseph Marchese

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

Severed lands:
 7.39m[±] x 46.21m[±] and an area of 341.49m^{2±}

Retained lands:
 7.39m[±] x 46.21m[±] and an area of 341.49m^{2±}

**This application will be heard in conjunction with
 Minor Variance Application HM/A-21:335**

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 7th , 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: 81
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

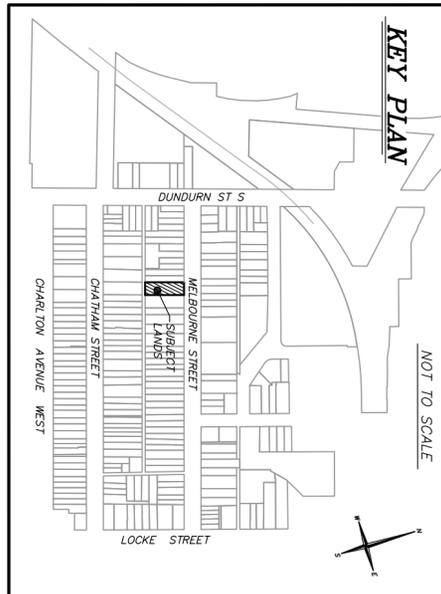
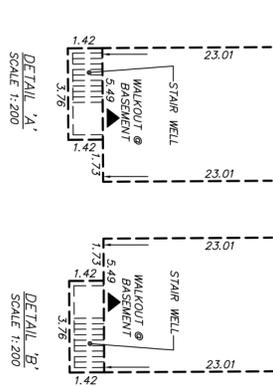
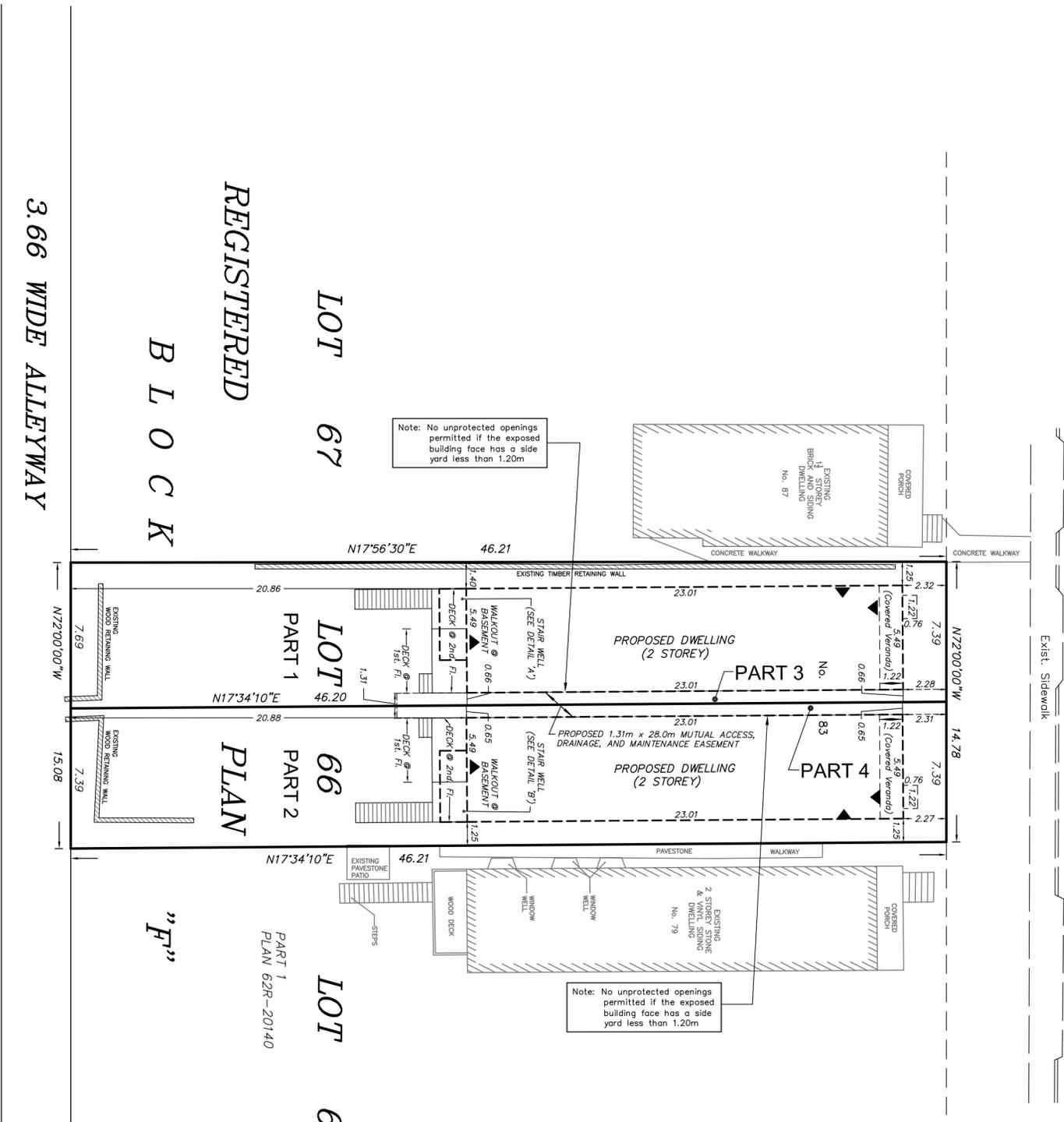
DATED: September 21st, 2021

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.

CONSENT SKETCH OF
LOT 66
BLOCK "F"
 REGISTERED PLAN No. 253
 IN THE
CITY OF HAMILTON

SCALE 1:200
 0 5 10 metres
 A. J. CLARKE O.L.S.



NOTE:
 THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH
 ARE BASED ON A TOPOGRAPHIC SURVEY BY TARASICK MCILLAN KUBICKI LTD.
 DATED JUNE 10, 2021

PROJECT No 218185

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L9P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: ajc@ajclarke.com

AUGUST 18, 2021
 DATE



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

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

September 2, 2021

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 83 Melbourne Street
Minor Variance and Severance Application Submission**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Falcon Manor Homes for the purposes of submitting the enclosed Minor Variance and Consent Applications for the subject lands, municipally known as 83 Melbourne Street.

The subject site is located on the southern portion of Melbourne Street, in the City of Hamilton. The property is proposed to be redeveloped into two separate dwellings, each containing two dwelling units. A number of variances are required to facilitate the desired built form for the development. An application for severance is required to facilitate conveyance of this portion of the subject lands. A general concept of the proposal is concurrently submitted.

The following supporting materials are submitted to your attention, in support of the subject application:

- 1) One (1) copy of the required filled and signed Minor Variance Application Form;
- 2) One (1) copy of the required filled and signed Severance Application Form;
- 3) One (1) digital copy of the Concept Plan.
- 4) One (1) digital copy of the Consent Plan.
- 5) One (1) cheque made out to the City of Hamilton, in the amount of \$3,230.00 in payment of the Consent Application fee.
- 6) One (1) cheque made out to the City of Hamilton, in the amount of \$2,860.00 in payment of the Minor Variance Application fee.

The subject lands are designated “Neighbourhoods” on Schedule E-1 in the Urban Hamilton Official Plan. The Neighbourhoods designation permits a range of residential uses.

The lands municipally known as 83 Melbourne Street are zoned “D/S-1787 – Urban Protected Residential – One and Two Family Dwellings, Etc.” in City of Hamilton Zoning By-law No. 6593. This zone permits residential uses such as a two family dwelling, institutional uses, and public uses.



Minor Variance

A number of variances are required to facilitate the proposed development. The variances are as follows:

For lands identified as Part 1 (Westerly Lot) on the attached Concept Sketch:

1. To permit a minimum lot width of 7.3 metres; whereas, a lot width of 18.0 m is required for a two-family dwelling;
2. To permit a minimum lot area of 335 square metres; whereas, a lot area of 540 square metres is required for a two-family dwelling;
3. To permit a minimum front yard depth of 2.25m; whereas, 6.0 metres is required;
4. An uncovered porch (being the steps to the front porch) shall be at least 1.2m from the street line, instead of the requirement that an uncovered porch which does not extend more than 1.0m above the floor level of the first storey, may project into a required yard if distant at least 1.5m from the nearest street line;
5. To permit a minimum easterly side yard width of 0.40m; whereas, a minimum side yard width of 1.2m is required;
6. Eaves or gutters shall be permitted to project 0.40m into the required 0.40m side yard so that the eaves and gutters may be as close as 0.0m to the easterly side lot line, instead of the requirement that an eave or gutter may project into the required side yard not more than ½ of its required width (being 0.2m);
7. To permit a minimum front yard landscaped area of 30%; whereas, a minimum of 50% of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials;
8. No on-site manoeuvring space shall be provided instead of the requirement that the manoeuvring space shall be provided and maintained only on the lot on which the principal use, building or structure is located;

For lands identified as Part 2 (Easterly Lot) on the attached Concept Sketch:

1. To permit a minimum lot width of 7.3 metres; whereas, a lot width of 18.0 m is required for a two-family dwelling;
2. To permit a minimum lot area of 335 square metres; whereas, a lot area of 540 square metres is required for a two-family dwelling;
3. To permit a minimum front yard depth of 2.25m; whereas, 6.0 metres is required;
4. An uncovered porch (being the steps to the front porch) shall be at least 1.2m from the street line, instead of the requirement that an uncovered porch which does not extend more than 1.0m above the floor level of the first storey, may project into a required yard if distant at least 1.5m from the nearest street line;
5. To permit a minimum westerly side yard width of 0.40m; whereas, a minimum side yard width of 1.2m is required;
6. Eaves or gutters shall be permitted to project 0.40m into the required 0.40m side yard so that the eaves and gutters may be as close as 0.0m to the easterly side lot line, instead of the



- requirement that an eave or gutter may project into the required side yard not more than ½ of its required width (being 0.2 m);
7. To permit a minimum front yard landscaped area of 30%; whereas, a minimum of 50% of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials;
 8. No on-site manoeuvring space shall be provided instead of the requirement that the manoeuvring space shall be provided and maintained only on the lot on which the principal use, building or structure is located;

New reciprocal easements proposed over Parts 3 and 4 on Consent Sketch for drainage, access, and maintenance.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits two family dwellings. The proposed two family dwellings will assist in the diversification of the available housing stock within the neighbourhood, while also capitalizing on an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 58.56 units per hectare on each future parcel, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

The proposed development includes two parking spaces located in the rear yard and accessed off a public alleyway, which is compliant with the ZBL parking requirement of one space per dwelling unit. The location of these parking spaces will help to maintain the original character of the neighbourhood, which was characterized by homes located close to Melbourne Street and parking provided in the rear yard. It is acknowledged that this characteristic has waned over several years, as many surrounding properties have successfully obtained Boulevard Parking Agreements from the City of Hamilton.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. It is our professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Do the proposed variances maintain the intent and purpose of the City of Hamilton Zoning By-law No. 6593.

The required variances to City of Hamilton Zoning By-law No. 6593 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.



Front Yard

A variance is required to the minimum front yard setback for the proposed development (from 6.0 metres to 2.25 metres). The surrounding neighbourhood is characterized by dwellings which have minimal front yards and dwellings that face the street. Further, despite the reduction, there remains room for a combination of plantings along the Melbourne Street frontage. Accordingly, the proposed reduction in front yard setback is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.

Side Yard/Lot Width/Lot Area

A reduction in required side yard, lot width, and lot area are required to facilitate the construction on the subject lands. The purpose of these reductions is to permit two - two-family dwellings on the subject site, with associated parking at the rear. The development balances the need for housing, on-site amenity, and parking. Accordingly, the intent of the Zoning By-law is maintained.

Front Yard Encroachment

A variance is required to permit the uncovered porch to encroach into the front yard (from 1.5 metres from the street line to 1.2 metres from the street line). The surrounding neighbourhood and neighbouring properties include dwellings which have uncovered porches which encroach into the front yard. Despite the reduction from 1.5 metres to 1.2 metres, the majority of the front yard will remain untouched. Accordingly, the proposed reduction in front yard encroachment is appropriate and maintains the intent of the Zoning By-law.

3. Are the proposed variances appropriate for the development of the subject lands?

As noted above, the variances are intended to facilitate a desirable built form within an inner-city urban neighbourhood. As noted above, the proposed variances are consistent with the established character of the neighbourhood. The variances are therefore appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the front yard, side yard, lot width, lot area, or front yard encroachment, as they are in keeping with the general built form and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is our professional planning opinion that the variances are minor in nature.

Severance

The proposed severance application will result in the creation of two parcels, having an area of 340m² and a frontage of 7.35m along Melbourne Street. A severance and minor variance application are concurrently



submitted in order to facilitate the development of the proposed lots. Accordingly, the following policies are applicable to the proposed severance:

Policy F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- b) The lots comply with existing Neighbourhood Plans;*
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- e) The lots are fully serviced by municipal water and wastewater systems; and,*
- f) The lots have frontage on a public road.*

In accordance with the above criteria, variances to permit modified frontage and lot area provisions will be necessary to facilitate the creation of the lots. The existing building on the subject lands is proposed for demolition to facilitate the concept before Committee. The lot is in keeping with the typical lot sizes and frontages in the immediate vicinity. Although the proposed development does not meet the lot standards prescribed in the Zoning By-law, the proposed minor variances will provide relieve from these minor zoning deficiencies.

As such, the proposed lot is appropriate for the development of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the Planning Act.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Franz Kloibhofer, MCIP, RPP
Principal Planner
A. J. Clarke and Associates Ltd.



Encl.

Cc: Joseph Marchese, Owner
Falcon Manner Homes c/o Mike Vasallo



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)	Joseph Marchese	[REDACTED]
Applicant(s)*		
Agent or Solicitor	A.J. Clarke & Associates Ltd c/o Franz Kloibhofer	

* Owner's authentication 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 18	Concession 3	Former Township Barton
Registered Plan N°. 253	Lot(s) 66 Block F	Reference Plan N°.	Part(s)
Municipal Address 83 Melbourne Street			Assessment Roll N°. 251801009155560

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:

Unknown

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) +- 7.39 m	Depth (m) +- 46.21 m	Area (m ² or ha) +- 341.49 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 single detached dwelling (to be demolished)

Proposed: One two family dwelling per lot

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) +- 7.39 m	Depth (m) +- 46.21 m	Area (m ² or ha) +- 341.49 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 single detached dwelling (to be demolished)

Proposed: One two family dwelling per lot

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.

The proposed severance is keeping in character with the surrounding neighbourhood, and does not present a proposed use that is prohibited.

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? No Minister's Zoning Order. "D/S-1787" Zone.

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 N/A
- 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?
Online mapping and discussion with lawyer.
- 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 severance is keeping in character with the surrounding neighbourhood, and does not present a proposed use that is prohibited.

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

The proposed severance is keeping in character with the surrounding neighbourhood.

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

The proposed severance will assist in the intensification of the surrounding neighbourhood.

- 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)

N/A

- 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

the transferee and the land use.

N/A

8.4 How long has the applicant owned the subject land?

1 month.

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.

Unknown.

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.

N/A

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.

See attached Concept Sketch and Consent Sketch.

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

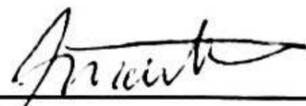
12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (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.

Sept 10 / 2021
Date


Signature of Owner

16 CONSENT OF THE OWNER

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

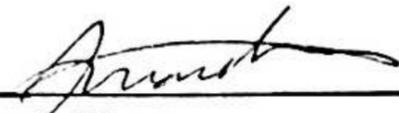
Consent of Owner to the Disclosure of Application Information and Supporting Documentation

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, Joseph Marchese, 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.

Sept. 01, 2021
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.



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-21:335

APPLICANTS: Agent A.J. Clarke & Associates c/o F. Kloibhofer
 Owner Joseph Marchese

SUBJECT PROPERTY: Municipal address **83 Melbourne St., 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 creation of two (2) lots through land severance application HM/B-21: 81 and to permit the construction of a new two (2) family dwelling on each lot, notwithstanding that;

Lands Identified as Part 1: (Westerly Lot)

1. A minimum lot width of 7.3 m shall be provided instead of the minimum required 18.0 m; and
2. A minimum lot area of 335.0 m² shall be provided instead of the minimum required of 450.0 m²; and
3. A minimum front yard depth of 2.25 m shall be provided instead of the minimum required 6.0 m; and
4. A minimum easterly side yard width of 0.4 m shall be provided instead of the minimum required side yard width of 1.2 m; and
5. A minimum front yard landscaped area of 30% shall be provided instead of the requirement in the By-Law, which states that no 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 material; and
6. No on-site manoeuvring space shall be provided instead of the requirement that the manoeuvring space shall be provided and maintained only on the lot on which the principal use, building or structure is located;
7. Eaves or gutters shall be permitted to project 0.40m into the required 0.40m side yard so that the eaves and gutters may be as close as 0.0m to the easterly side lot line, instead of the requirement that an eave or gutter may project into the required side yard not more than ½ of its required width (being 0.2m);

HM/A-21:335

Page 2

8. An uncovered porch (being the steps to the front porch) shall be at least 1.2m from the street line, instead of the requirement that an uncovered porch which does not extend more than 1.0m above the floor level of the first storey, may project into a required yard if distant at least 1.5m from the nearest street line;

Lands Identified as Part 2: (Easterly Lot)

1. A minimum lot width of 7.3 m shall be provided instead of the minimum required 18.0 m; and

2. A minimum lot area of 335.0 m² shall be provided instead of the minimum required lot area of 450.0 m²; and

3. A minimum front yard depth of 2.25 m shall be provided instead of the minimum required 6.0 m; and

4. A minimum westerly side yard width of 0.4 m shall be provided instead of the minimum required side yard width of 1.2 m; and

5. A minimum front yard landscaped area of 30% shall be provided instead of the requirement in the By-Law, which states that no 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 material; and

6. No on-site manoeuvring space shall be provided instead of the requirement that the manoeuvring space shall be provided and maintained only on the lot on which the principal use, building or structure is located; and

7. Eaves or gutters shall be permitted to project 0.40m into the required 0.40m side yard so that the eaves and gutters may be as close as 0.0m to the westerly side lot line, instead of the requirement that an eave or gutter may project into the required side yard not more than ½ of its required width (being 0.2m); and

8. An uncovered porch (being the steps to the front porch) shall be at least 1.2m from the street line, instead of the requirement that an uncovered porch which does not extend more than 1.0m above the floor level of the first storey, may project into a required yard if distant at least 1.5m from the nearest street line;

NOTES:

Please note that reciprocal easements are also being proposed over Part 3 & 4 as shown on the submitted site plan for drainage, access and maintenance purposes.

Variances have been written as requested by the applicant.

These variances are necessary to facilitate Land Severance Application HM/B-21: 81.

Please note that the proposed height has not been provided for Part 1 & Part 2. If the proposed height exceeds the maximum permitted; further variances shall be required.

No parking details (i.e. location, size and required number of spaces) have been provided on the Concept Sketch under PART 1 & Part 2. Therefore, further variance shall be required.

Please note that no encroachments are permitted onto the side yard for the roofed over unenclosed porch and the minimum required side yard width for the principal building would apply; however, if the requested easterly and westerly side yard variances are approved, the proposed covered porch would not be encroaching into the new required easterly and westerly side yard and the roofed over unenclosed porches would be in compliance

HM/A-21:335
Page 3

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

DATE: Thursday, October 7th, 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.

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: September 21st, 2021.

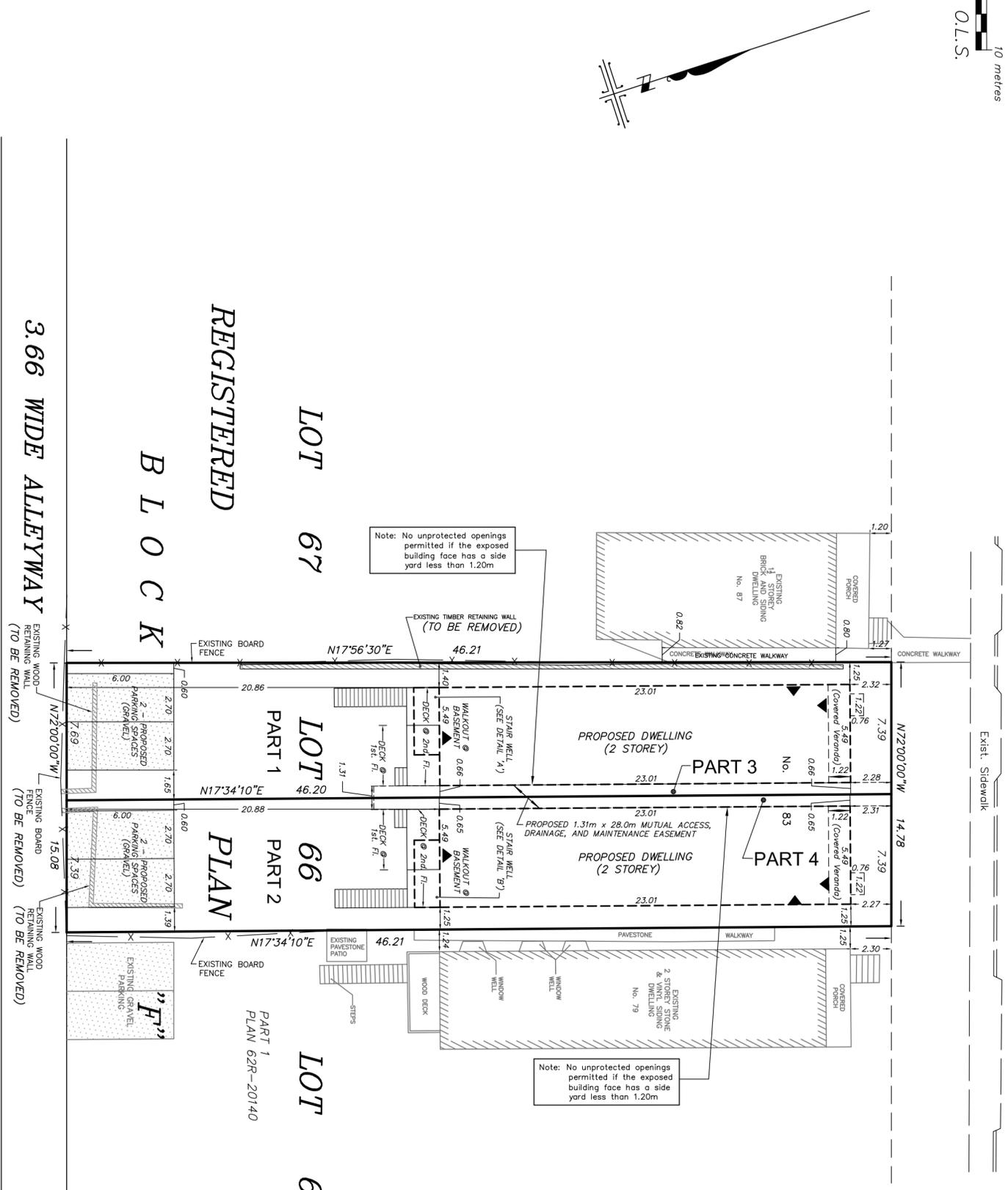
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

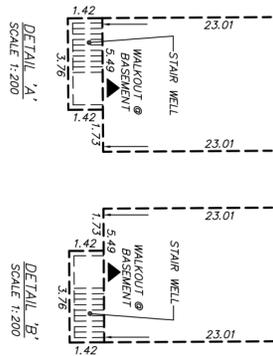
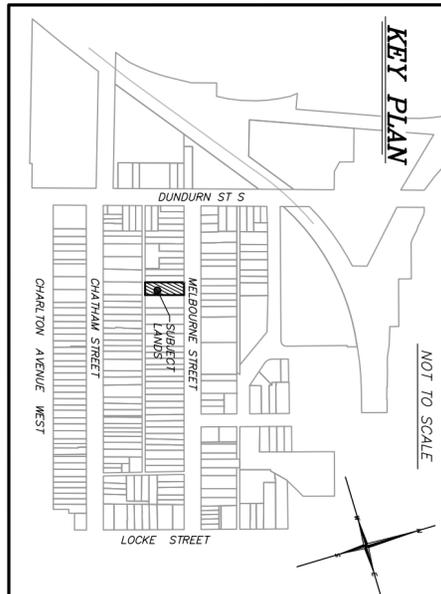
CONCEPT SKETCH OF
LOT 66
BLOCK "F"
 REGISTERED PLAN No. 253
 IN THE
CITY OF HAMILTON

SCALE 1:200
 0 5 10 metres
 A. J. CLARKE O.L.S.

MELBOURNE STREET



REGISTERED
B L O C K
LOT 67
LOT 66
PLAN
LOT 65
253
3.66 WIDE ALLEYWAY
 (TO BE REMOVED)



NOTE:
 THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH
 ARE BASED ON A TOPOGRAPHIC SURVEY BY TARASICK MCILLAN KUBICKI LTD.
 DATED JUNE 10, 2021

PROJECT No 218185

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L9P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: ajc@ajclarke.com

AUGUST 18, 2021
 DATE



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

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

September 2, 2021

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 83 Melbourne Street
Minor Variance and Severance Application Submission**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Falcon Manor Homes for the purposes of submitting the enclosed Minor Variance and Consent Applications for the subject lands, municipally known as 83 Melbourne Street.

The subject site is located on the southern portion of Melbourne Street, in the City of Hamilton. The property is proposed to be redeveloped into two separate dwellings, each containing two dwelling units. A number of variances are required to facilitate the desired built form for the development. An application for severance is required to facilitate conveyance of this portion of the subject lands. A general concept of the proposal is concurrently submitted.

The following supporting materials are submitted to your attention, in support of the subject application:

- 1) One (1) copy of the required filled and signed Minor Variance Application Form;
- 2) One (1) copy of the required filled and signed Severance Application Form;
- 3) One (1) digital copy of the Concept Plan.
- 4) One (1) digital copy of the Consent Plan.
- 5) One (1) cheque made out to the City of Hamilton, in the amount of \$3,230.00 in payment of the Consent Application fee.
- 6) One (1) cheque made out to the City of Hamilton, in the amount of \$2,860.00 in payment of the Minor Variance Application fee.

The subject lands are designated “Neighbourhoods” on Schedule E-1 in the Urban Hamilton Official Plan. The Neighbourhoods designation permits a range of residential uses.

The lands municipally known as 83 Melbourne Street are zoned “D/S-1787 – Urban Protected Residential – One and Two Family Dwellings, Etc.” in City of Hamilton Zoning By-law No. 6593. This zone permits residential uses such as a two family dwelling, institutional uses, and public uses.



Minor Variance

A number of variances are required to facilitate the proposed development. The variances are as follows:

For lands identified as Part 1 (Westerly Lot) on the attached Concept Sketch:

1. To permit a minimum lot width of 7.3 metres; whereas, a lot width of 18.0 m is required for a two-family dwelling;
2. To permit a minimum lot area of 335 square metres; whereas, a lot area of 540 square metres is required for a two-family dwelling;
3. To permit a minimum front yard depth of 2.25m; whereas, 6.0 metres is required;
4. An uncovered porch (being the steps to the front porch) shall be at least 1.2m from the street line, instead of the requirement that an uncovered porch which does not extend more than 1.0m above the floor level of the first storey, may project into a required yard if distant at least 1.5m from the nearest street line;
5. To permit a minimum easterly side yard width of 0.40m; whereas, a minimum side yard width of 1.2m is required;
6. Eaves or gutters shall be permitted to project 0.40m into the required 0.40m side yard so that the eaves and gutters may be as close as 0.0m to the easterly side lot line, instead of the requirement that an eave or gutter may project into the required side yard not more than $\frac{1}{2}$ of its required width (being 0.2m);
7. To permit a minimum front yard landscaped area of 30%; whereas, a minimum of 50% of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials;
8. No on-site manoeuvring space shall be provided instead of the requirement that the manoeuvring space shall be provided and maintained only on the lot on which the principal use, building or structure is located;

For lands identified as Part 2 (Easterly Lot) on the attached Concept Sketch:

1. To permit a minimum lot width of 7.3 metres; whereas, a lot width of 18.0 m is required for a two-family dwelling;
2. To permit a minimum lot area of 335 square metres; whereas, a lot area of 540 square metres is required for a two-family dwelling;
3. To permit a minimum front yard depth of 2.25m; whereas, 6.0 metres is required;
4. An uncovered porch (being the steps to the front porch) shall be at least 1.2m from the street line, instead of the requirement that an uncovered porch which does not extend more than 1.0m above the floor level of the first storey, may project into a required yard if distant at least 1.5m from the nearest street line;
5. To permit a minimum westerly side yard width of 0.40m; whereas, a minimum side yard width of 1.2m is required;
6. Eaves or gutters shall be permitted to project 0.40m into the required 0.40m side yard so that the eaves and gutters may be as close as 0.0m to the easterly side lot line, instead of the



- requirement that an eave or gutter may project into the required side yard not more than ½ of its required width (being 0.2 m);
7. To permit a minimum front yard landscaped area of 30%; whereas, a minimum of 50% of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials;
 8. No on-site manoeuvring space shall be provided instead of the requirement that the manoeuvring space shall be provided and maintained only on the lot on which the principal use, building or structure is located;

New reciprocal easements proposed over Parts 3 and 4 on Consent Sketch for drainage, access, and maintenance.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits two family dwellings. The proposed two family dwellings will assist in the diversification of the available housing stock within the neighbourhood, while also capitalizing on an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 58.56 units per hectare on each future parcel, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

The proposed development includes two parking spaces located in the rear yard and accessed off a public alleyway, which is compliant with the ZBL parking requirement of one space per dwelling unit. The location of these parking spaces will help to maintain the original character of the neighbourhood, which was characterized by homes located close to Melbourne Street and parking provided in the rear yard. It is acknowledged that this characteristic has waned over several years, as many surrounding properties have successfully obtained Boulevard Parking Agreements from the City of Hamilton.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. It is our professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Do the proposed variances maintain the intent and purpose of the City of Hamilton Zoning By-law No. 6593.

The required variances to City of Hamilton Zoning By-law No. 6593 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.



Front Yard

A variance is required to the minimum front yard setback for the proposed development (from 6.0 metres to 2.25 metres). The surrounding neighbourhood is characterized by dwellings which have minimal front yards and dwellings that face the street. Further, despite the reduction, there remains room for a combination of plantings along the Melbourne Street frontage. Accordingly, the proposed reduction in front yard setback is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.

Side Yard/Lot Width/Lot Area

A reduction in required side yard, lot width, and lot area are required to facilitate the construction on the subject lands. The purpose of these reductions is to permit two - two-family dwellings on the subject site, with associated parking at the rear. The development balances the need for housing, on-site amenity, and parking. Accordingly, the intent of the Zoning By-law is maintained.

Front Yard Encroachment

A variance is required to permit the uncovered porch to encroach into the front yard (from 1.5 metres from the street line to 1.2 metres from the street line). The surrounding neighbourhood and neighbouring properties include dwellings which have uncovered porches which encroach into the front yard. Despite the reduction from 1.5 metres to 1.2 metres, the majority of the front yard will remain untouched. Accordingly, the proposed reduction in front yard encroachment is appropriate and maintains the intent of the Zoning By-law.

3. Are the proposed variances appropriate for the development of the subject lands?

As noted above, the variances are intended to facilitate a desirable built form within an inner-city urban neighbourhood. As noted above, the proposed variances are consistent with the established character of the neighbourhood. The variances are therefore appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the front yard, side yard, lot width, lot area, or front yard encroachment, as they are in keeping with the general built form and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is our professional planning opinion that the variances are minor in nature.

Severance

The proposed severance application will result in the creation of two parcels, having an area of 340m² and a frontage of 7.35m along Melbourne Street. A severance and minor variance application are concurrently



submitted in order to facilitate the development of the proposed lots. Accordingly, the following policies are applicable to the proposed severance:

Policy F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- b) The lots comply with existing Neighbourhood Plans;*
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- e) The lots are fully serviced by municipal water and wastewater systems; and,*
- f) The lots have frontage on a public road.*

In accordance with the above criteria, variances to permit modified frontage and lot area provisions will be necessary to facilitate the creation of the lots. The existing building on the subject lands is proposed for demolition to facilitate the concept before Committee. The lot is in keeping with the typical lot sizes and frontages in the immediate vicinity. Although the proposed development does not meet the lot standards prescribed in the Zoning By-law, the proposed minor variances will provide relieve from these minor zoning deficiencies.

As such, the proposed lot is appropriate for the development of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the Planning Act.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Franz Kloibhofer, MCIP, RPP
Principal Planner
A. J. Clarke and Associates Ltd.



Encl.

Cc: Joseph Marchese, Owner
Falcon Manner Homes c/o Mike Vasallo



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)	Joseph Marchese	[REDACTED]
Applicant(s)*		
Agent or Solicitor	A.J. Clarke & Associates Ltd c/o Franz Kloibhofer	

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:
See attached cover letter for details.

5. Why it is not possible to comply with the provisions of the By-law?
See attached cover letter for details.

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**):

83 Melbourne Street. Hamilton

Lot 66 Block F

Registered Plan 253

Assessment Roll Number: 251801009155560

Lot 18 Concession 3 - Former Township of Barton

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?

Online mapping.

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.

Sept. 01. 2021
Date


Signature Property Owner
Joseph Marchese
Print Name of Owner

10. Dimensions of lands affected:

Frontage	+ 14.78 m
Depth	+ 46.21 m
Area	+ 682.98 sq m
Width of street	+ 11.68 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: _

One single detached dwelling with associated parking (located north east on site).

Proposed

One single detached dwelling (per lot) (see concept 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:

One single detached dwelling with associated parking (located north east on site).

Proposed:

One single detached dwelling (per lot) (see concept plan).

13. Date of acquisition of subject lands:
2021
-
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 _____
Sanitary Sewer Yes Connected _____
Storm Sewers Yes _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Neighbourhoods" designation.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"D/S-1787" zone.
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
New reciprocal easements proposed over Parts 3 and 4 for drainage, access, and maintenance.
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.