



**City of Hamilton**  
**COMMITTEE OF ADJUSTMENT**  
**AGENDA**

**Meeting #:** 22-04  
**Date:** February 24, 2022  
**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](mailto:cofa@hamilton.ca)

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	<b>Pages</b>
<b>1. PREVIOUSLY TABLED</b>	
<b>2. SUBURBAN</b>	
2.1. 1:15 p.m.HM/A-21:433536 Upper Paradise Road, Hamilton (Ward 14)  Agent Urban Solutions c/o M. Johnston Owner Liuna Local 837 c/o R. Persi	5
2.2. 1:20 p.m.AN/A-21:434586 Tradewind Dr., Ancaster (Ward 12)  Agent Lanca Contracting Ltd. P. Bisanti Owner 1978771 Ontario Inc. S. Modi	19
2.3. 1:25 p.m.SC/A-19:184501 Barton St., Stoney Creek (Ward 10)  Owner Kuldip Singh Rehsi	29

- |       |   |     |
|-------|---|-----|
| 2.4.  | 1:30 p.m.AN/A-21:439163 Falling Brook Dr., Ancaster (Ward 12)<br><br>Owner Monica Bradshaw  | 35  |
| 2.5.  | 1:35 p.m.AN/A-21:44052 Jerseyville Rd. E., Ancaster (Ward 12)<br><br>Agent Scott Wood<br>Owner Gazmend Berisha  | 43  |
| 2.6.  | 1:40 p.m.GL/A-21:44173 Aeropark Boulevard, Glanbrook (Ward 11)<br><br>Agent T. Johns Consulting Group K. Gillis<br>Owner OBB Properties Inc. F. Morison | 59  |
| 2.7.  | 1:45 p.m.SC/A-21:442244 Federal St., Stoney Creek (Ward 10)<br><br>Agent A.J. Clarke & Associates F. Kloibhofer<br>Owner Miranda Muraca                 | 71  |
| 2.8.  | 1:50 p.m.HM/A-21:446982 West 5th St., Hamilton (Ward 8)<br><br>Owner Rob Lalli  | 85  |
| 2.9.  | 1:55 p.m.SC/A-21:44710 Community Ave., Stoney Creek (Ward 10)<br><br>Agent Urban Solutions M. Johnston<br>Owner 2790097 Ontario Inc. D. Tome            | 93  |
| 2.10. | 2:00 p.m.SC/B-21:11961 Upper Mount Albion Rd., Stoney Creek (Ward 9)<br><br>Agent MHBC Planning D. Aston<br>Owner 2324780 Ontario Inc.                  | 105 |
| 2.11. | 2:00 p.m.SC/A-21:44861 Upper Mount Albion Rd., Stoney Creek (Ward 9)<br><br>Agent MHBC Planning D. Aston<br>Owner 2324780 Ontario Inc.                  | 121 |
| 2.12. | 2:05 p.m.HM/B-21:123541 Stone Church Rd. W., Hamilton (Ward 14)<br><br>Agent Lanhack S. Pongracz<br>Owner 1371981 Ontario Inc.                          | 129 |

- 2.13. 2:05 p.m.HM/A-21:452541 Stone Church Rd. W., Hamilton (Ward 14) 141  
 Agent Lanhack S. Pongracz  
 Owner 1371981 Ontario Inc.

### 3. URBAN

- 3.1. 2:15 p.m.HM/A-21:436183 Iona Ave., Hamilton (Ward 1) 149  
 Agent Len Angelici Design  
 Owner M. Meade & S. Ferri
- 3.2. 2:45 p.m.HM/A-21:449275 Huxley Ave. S., Hamilton (Ward 4) 159  
 Agent Property Pathways  
 Owner Alicia Morey
- 3.3. 2:50 p.m.HM/A-21:450142 Barclay St., Hamilton (Ward 1) 171  
 Agent David Carrothers & Associates  
 Owner F. Brown & K. Fairweather

### 4. RURAL

- 4.1. 2:55 p.m.FL/A-21:4321205 Centre Road, Flamborough (Ward 15) 187  
 Owner Albert Hordyk
- 4.2. 3:00 p.m.FL/A-21:43529 Oak Avenue, Flamborough (Ward 13) 195  
 Agent JB Drafting J. Bognar  
 Owner Alison & Tyler Boehme
- 4.3. 3:05 p.m.FL/A-21:3291314 Concession 6 West, Flamborough (Ward 13) 207  
 Agent Gordon Griffiths  
 Owner Paul Johnson
- 4.4. 3:10 p.m.FL/B-21:11859 Brian Boulevard, Flamborough (Ward 15) 215  
 Agent T. Johns Consulting Group c/o K. Gillis  
 Owner Northern Cardinal Developments Ltd. c/o Agro Development  
 Corp. A. Roberts

4.5. 3:10 p.m.FL/A-21:44559 Brian Boulevard, Flamborough (Ward 15)

239

Agent T. Johns Consulting Group c/o K. Gillis  
Owner Northern Cardinal Developments Ltd. c/o Agro Development  
Corp. A. Roberts

5. **CLOSED**

6. **ADJOURNMENT**



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> 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](mailto: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-21:433

**APPLICANTS:** Agent Urban Solutions c/o M. Johnston  
 Owner Luina Local 837 c/o R. Persi

**SUBJECT PROPERTY:** Municipal address **536 Upper Paradise Rd., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 01-197

**ZONING:** "DE/S-1449" (Low Density Multiple Dwellings) district

**PROPOSAL:** To permit a proposed 160 m<sup>2</sup> General Office or Medical Office (to be located in the northeast corner) within the existing building known as Regina Gardens Long Term Care Residence (located on Block 3 & 4 of By-Law 01-097) notwithstanding that;

1. The proposed use of a stand-alone general office or medical office shall be permitted notwithstanding that the uses are not permitted in the current zoning designation; and
2. A minimum of zero parking spaces shall be permitted instead of the minimum required 9 parking spaces for a medical clinic.

Notes; Variances have been written as requested by the applicant. Please note that a General Office less than 450 .0 m<sup>2</sup> in GFA does not require parking

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

**DATE:** Thursday, February 24th, 2022

**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](http://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: 433

Page 2

## MORE INFORMATION

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

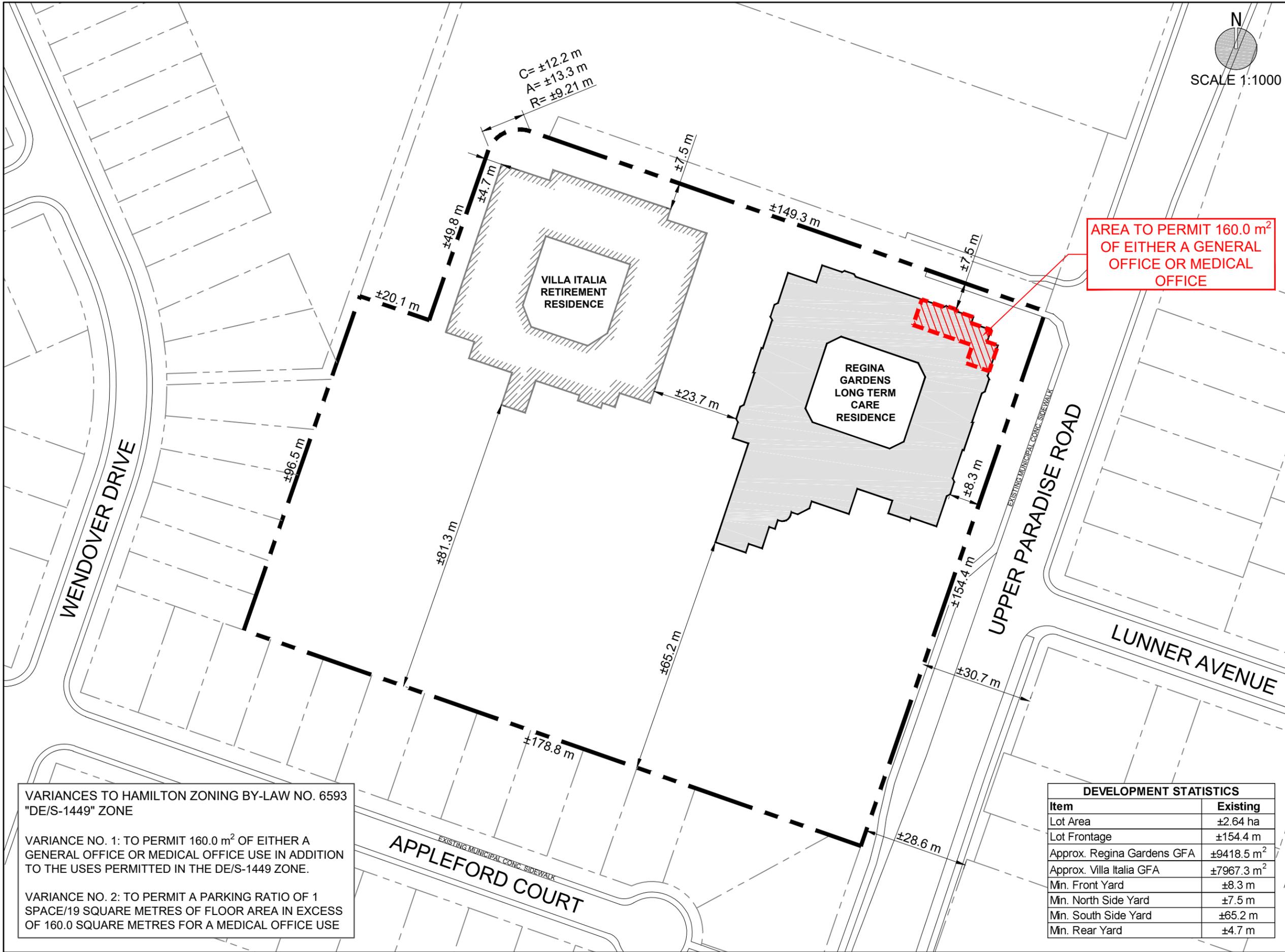
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022.

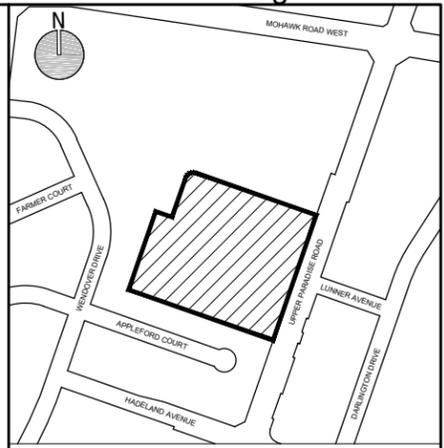
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***



N  
 SCALE 1:1000



KEY MAP - N.T.S.

SCALE: 1:1000 METRES  
 0 5 10 20 30

- LEGEND:
- SUBJECT LANDS
  - - - PROPERTY BOUNDARIES
  - ▒ SUBJECT BUILDING
  - ▨ EXISTING BUILDING
  - ▧ INTERIOR AREA SUBJECT TO MINOR VARIANCE

NOT FOR CONSTRUCTION  
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: S. ERICKSON      CHECKED BY: M. JOHNSTON  
 DRAWN BY: S. ERICKSON      DATE: NOVEMBER 30, 2021



3 STUDEBAKER PLACE, UNIT 1  
 HAMILTON, ON L8L 0C8  
 905-546-1087 - urbansolutions.info

PROJECT:  
**536 UPPER PARADISE ROAD**  
 CITY OF HAMILTON

CLIENT:  
**LIUNA LOCAL 837 NURSING HOME II LIMITED PARTNERSHIP**

TITLE:  
**MINOR VARIANCE SKETCH**

U/S FILE NUMBER: 421-21      SHEET NUMBER: 1

**VARIANCES TO HAMILTON ZONING BY-LAW NO. 6593 "DE/S-1449" ZONE**  
 VARIANCE NO. 1: TO PERMIT 160.0 m<sup>2</sup> OF EITHER A GENERAL OFFICE OR MEDICAL OFFICE USE IN ADDITION TO THE USES PERMITTED IN THE DE/S-1449 ZONE.  
 VARIANCE NO. 2: TO PERMIT A PARKING RATIO OF 1 SPACE/19 SQUARE METRES OF FLOOR AREA IN EXCESS OF 160.0 SQUARE METRES FOR A MEDICAL OFFICE USE

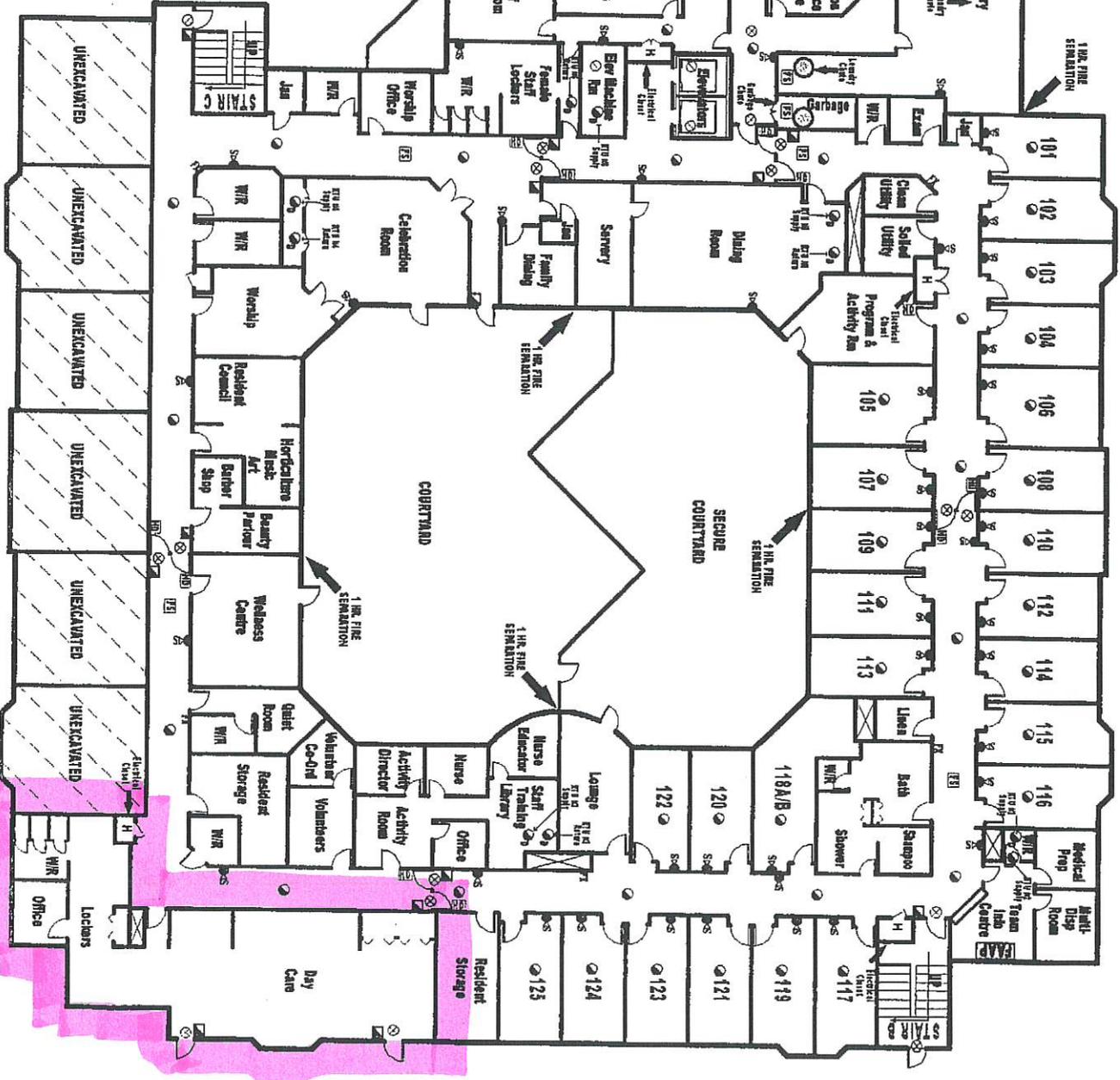
DEVELOPMENT STATISTICS	
Item	Existing
Lot Area	±2.64 ha
Lot Frontage	±154.4 m
Approx. Regina Gardens GFA	±9418.5 m <sup>2</sup>
Approx. Villa Italia GFA	±7967.3 m <sup>2</sup>
Min. Front Yard	±8.3 m
Min. North Side Yard	±7.5 m
Min. South Side Yard	±65.2 m
Min. Rear Yard	±4.7 m

**UNA GARDENS  
LONG TERM CARE FACILITY**  
526 UPPER PARADISE ROAD  
530 1ST FLOOR PLAN



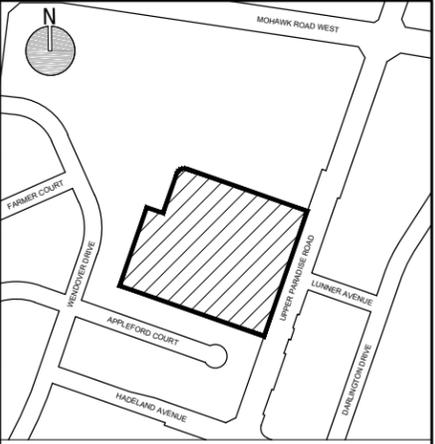
**SCHEMATIC LEGEND**

- Fire Alarm Annunciator Panel [FANP]
- Fire Alarm Control Panel [FACP]
- Heat Detector [HD]
- Smoke Detector [SD]
- Buct Type Smoke Detector [BTD]
- Sprinkler Flow Switch [SFS]
- Fire Alarm Manual Pull Station [FAPS]
- Fire Alarm Audible Device [FAD]
- Fire Alarm Audible Device with Strobo [FADSD]
- Magnetic Hold Open Device [MHD]
- Exit Sign [ES]
- Fire Extinguisher [FX]
- Fixed Exting. System Manual Pull [FESMP]
- Kitchen Back-up Fire Extinguisher [KBFE]
- Fire Department Staircase Connection [FDSC]
- Sprinkler/Standpipe Control Valve [SPSCV]
- Fire Hydrant [FH]
- Hydra Shut Off [HSO]
- Material Gas Shut Off [MGSO]
- Domestic Water Shut Off [DWSO]
- Security Key Box [SKB]





N  
SCALE 1:1000



KEY MAP - N.T.S.

SCALE: 1:1000 METRES  
0 5 10 20 30

- LEGEND:
- SUBJECT LANDS
  - PROPERTY BOUNDARIES
  - SUBJECT BUILDING
  - EXISTING BUILDING
  - INTERIOR AREA SUBJECT TO MINOR VARIANCE

NOT FOR CONSTRUCTION  
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: S. ERICKSON	CHECKED BY: M. JOHNSTON
DRAWN BY: S. ERICKSON	DATE: NOVEMBER 30, 2021



3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

PROJECT:  
536 UPPER PARADISE ROAD  
CITY OF HAMILTON

CLIENT:  
LIUNA LOCAL 837 NURSING HOME  
II LIMITED PARTNERSHIP

TITLE:  
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 421-21	SHEET NUMBER: 1
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VARIANCES TO HAMILTON ZONING BY-LAW NO. 6593 "DE/S-1449" ZONE

VARIANCE NO. 1: TO PERMIT 160.0 m<sup>2</sup> OF EITHER A GENERAL OFFICE OR MEDICAL OFFICE USE IN ADDITION TO THE USES PERMITTED IN THE DE/S-1449 ZONE.

VARIANCE NO. 2: TO PERMIT A PARKING RATIO OF 1 SPACE/19 SQUARE METRES OF FLOOR AREA IN EXCESS OF 160.0 SQUARE METRES FOR A MEDICAL OFFICE USE

DEVELOPMENT STATISTICS

Item	Existing
Lot Area	±2.64 ha
Lot Frontage	±154.4 m
Approx. Regina Gardens GFA	±9418.5 m <sup>2</sup>
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Min. Front Yard	±8.3 m
Min. North Side Yard	±7.5 m
Min. South Side Yard	±65.2 m
Min. Rear Yard	±4.7 m



December 2, 2021

421-21

**Via Email and Delivered**

Ms. Jamila Sheffield  
Secretary-Treasurer, Committee of Adjustment

City of Hamilton,  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: 536 Upper Paradise Road, Hamilton  
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), has been retained to act as the authorized planning consultant for LiUNA Local 837 Nursing Home II Limited Partnership, registered owner of the lands known municipally as 536 Upper Paradise Road, in the City of Hamilton. On behalf of the owners, has prepared the enclosed Minor Variance application for the City of Hamilton.

The subject lands share the property with the Villa Italia Retirement Residence and the Regina Gardens Long Term Care Residence, which opened its doors in 2004. The Regina Gardens Long Term Care Residence is specifically the subject of the Minor Variance application. The building is home to 128 residents requiring 24-hour nursing care. The initial structure contained a 150.0 m<sup>2</sup> daycare in the northeast wing of the building, which was later used by Affiliated Services for Children and Youth as a professional office for children's mental health from 2013 onwards as indicated on the enclosed Floor Plans. During the COVID-19 pandemic, Affiliated Services for Children and Youth could no longer afford to use the space as their office. Now the Regina Gardens Long Term Care Residence is seeking to expand the permitted uses applicable to the subject lands to accommodate a different office use. This will help to utilize the existing office space which is currently vacant and mitigate the financial implications of losing the Affiliated Services for Children and Youth as a tenant.

The subject lands are designated as "Neighbourhoods" in the Urban Hamilton Official Plan. Additionally, the property is located in the Low Density Multiple Dwellings, Etc. "DE/S-1449" District in the City of Hamilton Zoning By-law No. 6593. A site specific Zoning by-law No. 01-097 also applies to the lands which was passed on May 29, 2001 to facilitate the proposed built form on site and to allow for a professional office for children's mental health as a permitted use. The site specific Zoning By-law accommodated the previous tenants of the space subject to this application.

The Minor Variance application is required to permit a proposed office use within the existing building on the subject lands. This Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law No. 6593 with respect to the Low Density Multiple Dwellings “DE/S-1449” District as follows:

- **Variance No. 1:** To permit 160.0 m<sup>2</sup> of either a General Office or Medical Office use in addition to the uses permitted in the DE/S-1449 Zone.
- **Variance No. 2:** To permit a parking ratio of 1 space/19 square metres of floor area in excess of 160.0 square metres for a Medical Office use.

To assist in the evaluation of this application, please refer to the enclosed Committee of Adjustment Sketch.

In accordance with Section 45(2)(a)(ii) of the *Planning Act*, the Committee may permit the use of a building for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the day the applicable by-law was passed. The first proposed variance regarding permitted uses should accordingly be evaluated against Section 45(2)(a)(ii) of the *Planning Act*. The proposed variance would permit uses which are similar in nature to the professional office for children’s mental health that was approved to be permitted on the subject lands through Zoning By-law No. 01-197. Further, the Medical Office use specifically aligns with the health-focused function of the existing Regina Gardens Long Term Care facility and would be a compatible and appropriate accessory use.

Justification for the second proposed variance has been provided below in accordance with Section 45(1) of the *Planning Act*:

**1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?**

The subject lands are designated as “Neighbourhoods” in the Urban Hamilton Official Plan which permits the proposed use of the lands. Chapter E, Section 3.1.2 indicates that one of the policy goals of the Neighbourhoods designation is to develop neighbourhoods as complete communities where people can live, work, shop, learn and play. As outlined in Chapter E, Section 3.2.3(d) of the Official Plan, local commercial uses are permitted within lands designated as Neighbourhoods. Further, Chapter E, Section 3.2.15 of the UHOP encourages the adaptive reuse of the existing building stock for appropriate land uses. The intent of these policies is to encourage and accommodate compatible forms of land uses, including commercial uses, within existing building stock which is exemplified in the subject application. The Minor Variance related to the required parking ratio for a Medical Office use aids in facilitating the adaptive reuse of an unused portion of the Regina Gardens facility. As such, the variance being requested is in keeping with the purpose and intent of the Urban Hamilton Official Plan.

**2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?**

The subject property is located in the Low Density Multiple Dwellings “DE/S-1449” District, in Zoning By-law No. 6593.

The variance requested is to permit a minimum parking ratio of 1 space per 19 square metres of floor area in excess of 160.0 square metres for a Medical Office use within the existing building located on the subject lands. The intent of Section 18A, Table 1 of Zoning By-law No. 6593, as it relates to this application, is to ensure General Office uses provide parking spaces for the floor area in excess of 450.0 square metres and to provide parking spaces at a rate of 1 per 19 square metres of Medical Office floor area. As the site presently contains a surface parking lot to accommodate the residents and employees of Regina Gardens, there is some parking available should the proposed use(s) require. Additionally, due to the modest size of the proposed office use, it is not anticipated to generate a parking demand that the existing surface parking on site could not accommodate. The proposal requests a parking ratio is similar to that which is attributed to a General Office use and conforms to all other zoning provisions and therefore the overall intent of the Zoning By-law is maintained.

### **3. Is the proposed minor variance minor in nature?**

The proposed variance is minor in nature as the existing built form on site is not proposed to be altered and the requested Medical Office parking ratio is similar to that which is applicable to a General Office use. However, rather than requiring parking spaces for floor area beyond 450.0 m<sup>2</sup> like the General Office use, the variance we are requesting would require parking at the applicable rate for any floor area beyond 160.0 m<sup>2</sup> to ensure a level of control for the proposed Medical Office use. This variance will permit the existing condition of built form which is not proposed to be altered. Further, the space allocated to the proposed office uses is 150.0 m<sup>2</sup> and will not result in a large increase in parking demand on site. Given that all other regulations of the By-law remain and the existing built form is not set to change, the request is consistent with the Zoning By-law and is considered to be minor in nature.

### **4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?**

The requested variance will provide greater flexibility to the registered owner in order to lease the underutilized space within their existing building. As the proposed office uses are similar in nature to the permitted professional office for children’s mental health use, the built form and land use will be in keeping with the character of the surrounding area and represents a use of land that is maintains the intent of the Urban Hamilton Official Plan and Zoning By-law 6593. Additionally, the variance to the parking ratio applicable to the Medical Office use is desirable as the modest size of the office space is not anticipated to generate a parking demand that cannot be accommodated by the existing parking facilities on site. Therefore, the application is desirable and appropriate for the subject lands.

As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of our Minor Variance application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Regina Gardens Long Term Care Facility 1<sup>st</sup> Floor Plan;
- One (1) copy of the Aerial Minor Variance Sketch completed by UrbanSolutions;
- One (1) copy of the Minor Variance Sketch completed by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,320.00** made payable to the City of Hamilton.

We look forward to working with City staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Scott Beedie, BURPI  
*Planner*

cc: LiUNA Local 837 Nursing Home II Limited Partnership  
Mr. Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc.  
Councillor Terry Whitehead, Ward 14, City of Hamilton



**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

<b>FOR OFFICE USE ONLY.</b>	
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)	[REDACTED]	
Applicant(s)*		
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:

Please refer to 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 refer to cover letter.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

536 Upper Paradise Road, Hamilton, ON, L9C 5E3

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
 Agricultural       Vacant       Other

Other Residential: Long Term Care Residence // Commercial: Professional office for children's mental health

- 8.1 If Industrial or Commercial, specify use Refer to above
- 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?

Consultation with owner.

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.

Nov 26/21  
Date

  
Signature Property Owner(s)

Riccardo Persi  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>+/- 152.60 metres</u>
Depth	<u>+/- 177.10 metres</u>
Area	<u>+/- 25,846.30 square metres</u>
Width of street	<u>+/- 28.40 metres</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: \_

2-storeys, +/- 3,746.3 square metres, +/- 61.2 metres in width  
+/- 79.7 metres in length (at longest point), +/- 54.7 metres in length (at shortest point)

Proposed N/A

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

Existing: +/- 7.5 metres from front lot line, +/- 65.8 metres from southern side lot line  
+/- 86.6 metres from rear lot line, +/- 8.3 metres from northern side lot line

Proposed: N/A

13. Date of acquisition of subject lands:  
Unknown
- 
14. Date of construction of all buildings and structures on subject lands:  
2003
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Long Term Care Residence
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Long Term Care Residence (Villa Italia)  
Children's Residence (Affiliated Services for Children and Youth)
17. Length of time the existing uses of the subject property have continued:  
17 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:  
Neighbourhoods designation in Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Low Density Multiple Dwellings "DE/S-1449" in City of Hamilton Zoning By-law No. 6593
21. Has the owner previously applied for relief in respect of the subject property?  
Yes  No
- If the answer is yes, describe briefly.
- HMA-04:296 - To permit two signs on the property whereas only one is permitted. - APPROVED January 12, 2005
- HMA-05:107 - To permit a day nursery to be located on the subject lands, which fall within the minimum separation distance of 180 metres of another day nursery. - APPROVED May 18, 2005
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  
Please refer to cover letter.
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, 5<sup>th</sup> 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](mailto: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

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**APPLICATION NO.:** AN/A-21:434

**APPLICANTS:** Agent Lanca Contracting Ltd. c/o P. Bisanti  
 Owner 1978771 Ontario Inc. c/o S. Modi

**SUBJECT PROPERTY:** Municipal address **586 Tradewind Dr., Ancaster**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 10-128 and 18-219

**ZONING:** "M3, 678 and M3 and 377 and 678" (Prestige Business Park) district

**PROPOSAL:** To permit the development of the lands through the construction of two (2) multi-tenanted industrial buildings as per Site Plan application DA-18-156, notwithstanding that;

1. A landscaped area having a minimum width of 3.2m shall be permitted to be provided and maintained abutting a street, except for points of ingress and egress instead of the minimum 6.0m wide landscaped area required abutting a street.

Notes: The Zoning By-law also requires a minimum 3.0m wide planting strip between parking spaces and aisles or driveways and a street which may be located within the required landscaped area, except for points of ingress and egress. Please note that the required planting strips or landscaped areas have not been clearly labelled or indicated on the submitted Site Plan from which to determine compliance; therefore, further variances may be required.

The zoning By-law permits a maximum combined gross floor area of 25% of the principle use or 500.0m<sup>2</sup> whichever is the lesser for accessory retail, showroom area and tasting room. Insufficient details were provided from which to determine compliance; therefore, further variances may be required.

The lands are subject to Site Plan Control application DA-18-156.

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

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**DATE:** Thursday, February 24th, 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

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AN/A-21: 434  
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](http://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](mailto:cofa@hamilton.ca)

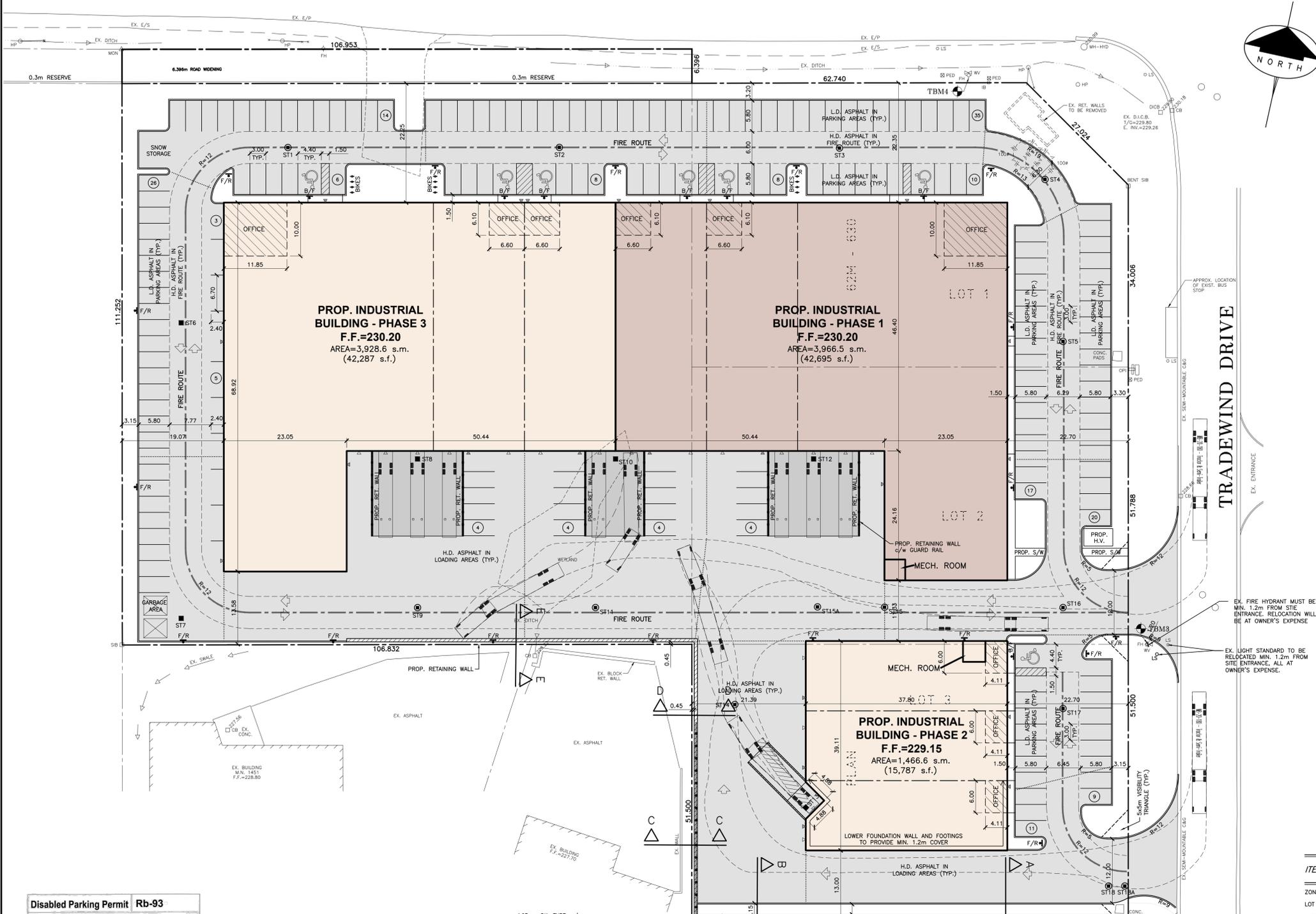
DATED: February 8th, 2022.

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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.***

WILSON STREET



**SPECIAL CONDITION #1 (PRIOR TO THE APPLICATION OF ANY BUILDING PERMIT)**  
 THAT PRIOR TO THE APPLICATION OF A BUILDING PERMIT, THE OWNER/APPLICANT PROVIDE EVIDENCE IN THE FORM OF E-MAIL CORRESPONDENCE OR WRITTEN LETTER FROM THE MANAGER OF DEVELOPMENT PLANNING, HERITAGE & DESIGN.

**SPECIAL CONDITION #2 (PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT)**  
 THAT PRIOR TO ANY ON-SITE WORKS, THE OWNER/APPLICANT PROVIDE EVIDENCE IN THE FORM OF E-MAIL CORRESPONDENCE OR WRITTEN LETTER FROM THE MANAGER OF DEVELOPMENT PLANNING, HERITAGE AND DESIGN, THAT THE PROPOSED DEVELOPMENT WOULD NOT IMPACT HABITAT FOR SPECIES AT RISK (SAR).

**STANDARD CONDITION 2 (b)-TREE MANAGEMENT**  
 TO PREPARE AND IMPLEMENT A TREE PRESERVATION/ENHANCEMENT PLAN AS PART OF THE REQUIRED LANDSCAPE PLAN HEREINAFTER DESCRIBED IN SECTION 3(c), SHOWING THE LOCATION OF DRIP LINES, EDGES AND EXISTING PLANTINGS, THE LOCATION OF ALL EXISTING TREES AND THE METHODS TO BE EMPLOYED IN RETAINING TREES REQUIRED TO BE PROTECTED, TO OBTAIN APPROVAL THEREOF FROM THE CITY'S MANAGER OF DEVELOPMENT PLANNING, HERITAGE AND DESIGN AND TO IMPLEMENT ALL APPROVED TREE SAVING MEASURES. THE IMPLEMENTATION OF THE PLAN SHALL INCLUDE A VERIFICATION OF TREE PROTECTION LETTER, PREPARED BY A QUALIFIED PROFESSIONAL AND APPROVED TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER.

**STANDARD CONDITION 3 (e)**  
 TO PREPARE A LANDSCAPE PLAN SHOWING PLANTING AND SURFACE DETAILS FOR ALL AREAS NOT COVERED BY BUILDINGS, STRUCTURES, LOADING AREAS OR PARKING AREAS, AND TO OBTAIN APPROVAL THEREOF FROM THE CITY'S MANAGER OF DEVELOPMENT PLANNING, HERITAGE AND DESIGN.



**UNDERTAKING**  
 RE: 1492 WILSON STREET WEST & 586 TRADEWIND DRIVE, HAMILTON (DA-18-156)  
 I, (WE) \_\_\_\_\_, THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION: \_\_\_\_\_

(A) TO COMPLY WITH ALL THE CONTENTS OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;

(B) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(c) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWING(S) IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL AS SET OUT IN THE LETTERS OF APPROVAL DATED \_\_\_\_\_;

(C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(c) OF THE SAID ACT, SHOWN ON THIS PLAN AND DRAWING, INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS; AND,

(D) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED \_\_\_\_\_, THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FILED TO OBTAIN COMPLIANCE WITH THIS PLAN.

(E) THAT THE OWNER ACKNOWLEDGE "THE SUBJECT PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHAEOLOGICAL POTENTIAL. IT IS REASONABLE TO EXPECT THAT ARCHAEOLOGICAL RESOURCES MAY BE ENCOUNTERED DURING ANY DEMOLITION, GRADING, CONSTRUCTION ACTIVITIES, LANDSCAPING, STAKING, STOCKING OR OTHER DISTURBANCES AND THE PROPONENT IS ADVISED TO CONDUCT AN ARCHAEOLOGICAL ASSESSMENT PRIOR TO SUCH IMPACTS IN ORDER TO ADDRESS THESE CONCERNS AND MITIGATE THROUGH PRESERVATION OR RESOURCES REMOVAL AND DOCUMENTATION, ADVERSE IMPACTS TO ANY SIGNIFICANT ARCHAEOLOGICAL RESOURCES FOUND. MITIGATION, BY AN ONTARIO LICENSED ARCHAEOLOGIST, MAY INCLUDE THE MONITORING OF ANY MECHANICAL EXCAVATION ARISING FROM THIS PROJECT. IF ARCHAEOLOGICAL RESOURCES ARE IDENTIFIED ON SITE, FURTHER STAGE 3 SITE SPECIFIC ASSESSMENT AND STAGE 4 MITIGATION OF DEVELOPMENT IMPACTS MAY BE REQUIRED AS DETERMINED BY THE ONTARIO MINISTRY OF TOURISM, CULTURE AND SPORT. ALL ARCHAEOLOGICAL REPORTS SHALL BE SUBMITTED TO THE CITY OF HAMILTON FOR APPROVAL CONCURRENT WITH THEIR SUBMISSION TO THE MINISTRY OF TOURISM, CULTURE AND SPORT."

(F) SHOULD DEEPLY BURIED ARCHAEOLOGICAL MATERIALS BE FOUND ON THE PROPERTY DURING ANY OF THE ABOVE DEVELOPMENT ACTIVITIES THE ONTARIO MINISTRY OF TOURISM, CULTURE AND SPORT (MTC) SHOULD BE NOTIFIED IMMEDIATELY (416-314-7143). IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE PROPONENT SHOULD IMMEDIATELY CONTACT BOTH MTC AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE CEMETERIES REGULATION UNIT OF THE MINISTRY OF SMALL BUSINESS AND CONSUMER SERVICES (416-326-8392).

(G) THAT THE OWNER AGREES TO DISPLAY THE MUNICIPAL NUMBER (1475) OR FULL ADDRESS (1475 SANDHILL DRIVE) ON A SIGN NEAR THE FRONT EASTERN ENTRANCE IN A MANNER THAT IS VISIBLE FROM THE STREET.

(H) THE OWNER SHALL COMPLETE TO THE SATISFACTION OF THE DIRECTOR OF ENGINEERING OF THE CITY OF HAMILTON AND CANADA POST:

(i) INCLUDE ON ALL OFFERS OF PURCHASE AND SALE A STATEMENT THAT ADVISES THE PROSPECTIVE PURCHASER:

i) THAT THE HOME/BUSINESS MAIL DELIVERY WILL BE FROM A DESIGNATED CENTRALIZED MAIL BOX.

ii) THAT THE DEVELOPERS/OWNERS BE RESPONSIBLE FOR OFFICIALLY NOTIFYING THE PURCHASER OF THE EXACT CENTRALIZED MAIL BOX LOCATIONS PRIOR TO THE CLOSING OF ANY HOME SALES.

(j) THE OWNER FURTHER AGREES TO:

i) WORK WITH CANADA POST TO DETERMINE AND PROVIDE TEMPORARY SUITABLE CENTRALIZED MAIL BOX LOCATION WHICH MAY BE UTILIZED BY CANADA POST UNTIL THE CURB, BOULEVARDS AND SIDEWALK ARE IN PLACE IN THE REMAINDER OF THE SUBDIVISION.

ii) INSTALL A CONCRETE PAD IN ACCORDANCE WITH THE REQUIREMENTS OF AND IN LOCATIONS TO BE APPROVED BY CANADA POST TO FACILITATE THE PLACEMENT OF COMMUNITY MAIL BOXES.

iii) IDENTIFY THE PADS ABOVE ON THE ENGINEERING SERVICES DRAWINGS SAID PADS ARE TO BE POURED AT THE TIME OF THE SIDEWALK AND/OR CURB INSTALLATION WITH EACH PHASE OF THE PLAN OF SUBDIVISION.

iv) DETERMINE THE LOCATION OF ALL CENTRALIZED MAIL DELIVERY FACILITIES IN COOPERATION WITH CANADA POST AND TO INDICATE THE LOCATION OF THE CENTRALIZED MAIL BOX ASSEMBLY ON APPROPRIATE MAPS, INFORMATION BOARDS AND PLANS MAPS ARE ALSO TO BE PROMINENTLY DISPLAYED IN THE SALES OFFICE(S) SHOWING SPECIFIC CENTRALIZED MAIL FACILITY.

(k) CANADA POST MULTI-UNIT POLICY, WHICH REQUIRES THAT THE OWNER/DEVELOPER PROVIDE CENTRALIZED MAIL FACILITY (UNIT BOX ASSEMBLY) FOR THEIR OWN EXPOSED (LESS THAN 100 UNITS) WILL REQUIRE A FRONT LOADING LOCK BOX ASSEMBLY & MORE THAN 100 UNITS WILL REQUIRE A DEEPER "REAR" LOADING LOCK BOX ASSEMBLY. A MAIL ROOM WILL BE IN AFFECT FOR BUILDINGS AND COMPLEXES WITH A COMMON LOBBY, COMMON INDOOR OR SHELTERED SPACE.

(l) EX. FIRE HYDRANT MUST BE MIN. 1.2m FROM SITE ENTRANCE. RELOCATION WILL BE AT OWNER'S EXPENSE.

(m) EX. LIGHT STANDARD TO BE RELOCATED MIN. 1.2m FROM SITE ENTRANCE. ALL AT OWNER'S EXPENSE.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

WITNESS (SIGNATURE) \_\_\_\_\_ OWNER(S) (SIGNATURE) \_\_\_\_\_

WITNESS (PRINT) \_\_\_\_\_ OWNER(S) (PRINT) \_\_\_\_\_

ADDRESS OF WITNESS \_\_\_\_\_

**SITE STATISTICS**

ITEM	PROPOSAL	ZONING BYLAW REQUIREMENTS
ZONING CATEGORY	M3	M3
LOT AREA (sq. m.)	24,507	4,000 MIN.
YARD ABUTTING A STREET (m)	22.25 (WILSON ST.) 22.70 (TRADEWIND DR.) 22.70 (TRADEWIND DR.)	6.0 MIN. & 25.0 MAX.
MIN. YARD ABUTTING A RESIDENTIAL OR INSTITUTIONAL ZONE	N/A	N/A
BUILDING HEIGHT (m)	8.84	11.00 MAX.
GROUND FLOOR AREA (sq.m.)	- PHASE 1 OFFICE 199.0 - PHASE 1 PLANT 3,767.5 - PHASE 2 OFFICE 74.0 - PHASE 2 PLANT 1,392.6 - PHASE 3 OFFICE 199.0 - PHASE 3 PLANT 3,729.6	N/A
GROSS FLOOR AREA (sq. m.)	- PHASE 1 OFFICE 199.0 - PHASE 1 PLANT 3,767.5 - PHASE 2 OFFICE 74.0 - PHASE 2 PLANT 1,392.6 - PHASE 3 OFFICE 199.0 - PHASE 3 PLANT 3,729.6	N/A
NUMBER OF PARKING SPACES	188	188 *
NUMBER OF BARRIER FREE PARKING SPACES	7	7
NUMBER OF LOADING SPACES	9	N/A
PARKING STALL DIMENSIONS (m)	3.00 x 5.80	3.00 x 5.80
PARKING STALL DIMENSIONS-PARALLEL (m)	2.40 x 6.70	2.40 x 6.70
BARRIER FREE PARKING STALL DIMENSIONS (m)	4.40 x 5.80	4.40 x 5.80

\* CALCULATION IS BASED ON PLANNED BUSINESS CENTRE = 1 PARKING SPACE FOR EVERY 50 sq.m. OF GROSS FLOOR AREA.  
 \*\* CALCULATION BASED ON 1 + 3% REQUIRED SPACES

**LEGEND:**

- EXISTING ELEVATIONS
- PROPOSED ELEVATIONS
- PROPOSED SWALE ELEVATIONS
- PROPOSED SWALE
- GENERAL DRAINAGE
- DENOTES MANDOUR
- DENOTES OVERHEAD DOOR
- BARRIER FREE PARKING SIGN
- FIRE ROUTE/NO PARKING SIGN
- PAINTED HANDICAPPED SYMBOL TO MEET MUNICIPAL REQUIREMENTS
- SITE PROPERTY LINE
- FIRE ROUTE
- PARKING COUNT BUBBLE

T.B.M. No. 3 ELEV. = 229.09m (GEO)  
 TOP NUT OF FIRE HYDRANT ON THE WEST SIDE OF TRADEWIND DRIVE AS SHOWN.

T.B.M. No. 4 ELEV. = 231.70m (GEO)  
 TOP NUT OF FIRE HYDRANT ON THE SOUTH SIDE OF HWY. No. 2 AS SHOWN.

NO.	REVISION	DATE (MM/DD/YY)	BY
4	TRANSFORMER RELOCATION	09/15/21	S.J.S.
3	ROAD WIDENING	08/10/21	S.J.S.
2	AS PER CITY COMMENTS	06/10/21	S.J.S.
1	AS PER CITY COMMENTS	05/18/21	K.P.B.

**J.H. COHOON ENGINEERING LIMITED**  
 CONSULTING ENGINEERS

440 HARDY ROAD, UNIT #1, BRANTFORD - ONTARIO, N3T 5L8  
 TEL. (519) 753-2656 FAX. (519) 753-4263 www.cohooneg.com

PROJECT: **PROPOSED INDUSTRIAL DEVELOPMENT**  
 1492 WILSON STREET WEST & 586 TRADEWIND DRIVE  
 CITY OF HAMILTON

CLIENT: **LANCA CONTRACTING**

**SITE PLAN (DA-18-156)**

DESIGN:	R.W.P.	SCALE:	1:400
DRAWN:	K.P.B.	JOB No:	<b>12921</b>
CHECKED:	R.W.P.	DWG. No:	<b>12921-1</b>
SHEET:	1 of 5		
DATE:	JAN. 25/21		

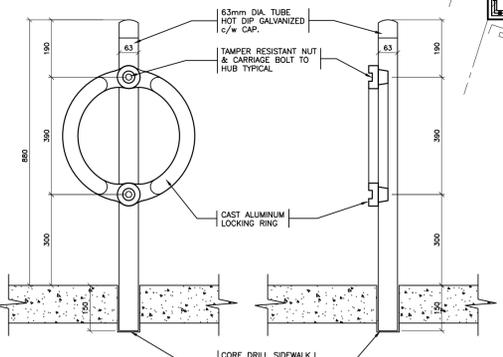
**Disabled Parking Permit Rb-93**

Sign No. & Cut Image Ref. Blank Special Notes  
 Rb-93 (9509 & 9409) 87 Must comply with HTA and Regulations. For Biological version, see Rb-93 (95).

Sign Element	Colour	Min. Ref. (mm)	Font	All dimensions in millimetres unless otherwise specified.
Background	White	None	Type 1	Series "C"
Border/Inner Color	Black	None	Type 1	None
Text	Black	None	Type 11/Type 1	None
Symbol	Black/Red/Blue	None	Type 11/Type 1	None

**FIRE ROUTE SIGN DETAIL**

N.T.S.



**BARRIER FREE PARKING SIGN DETAIL**

N.T.S.

**FIRE ROUTE SIGN DETAIL**

N.T.S.

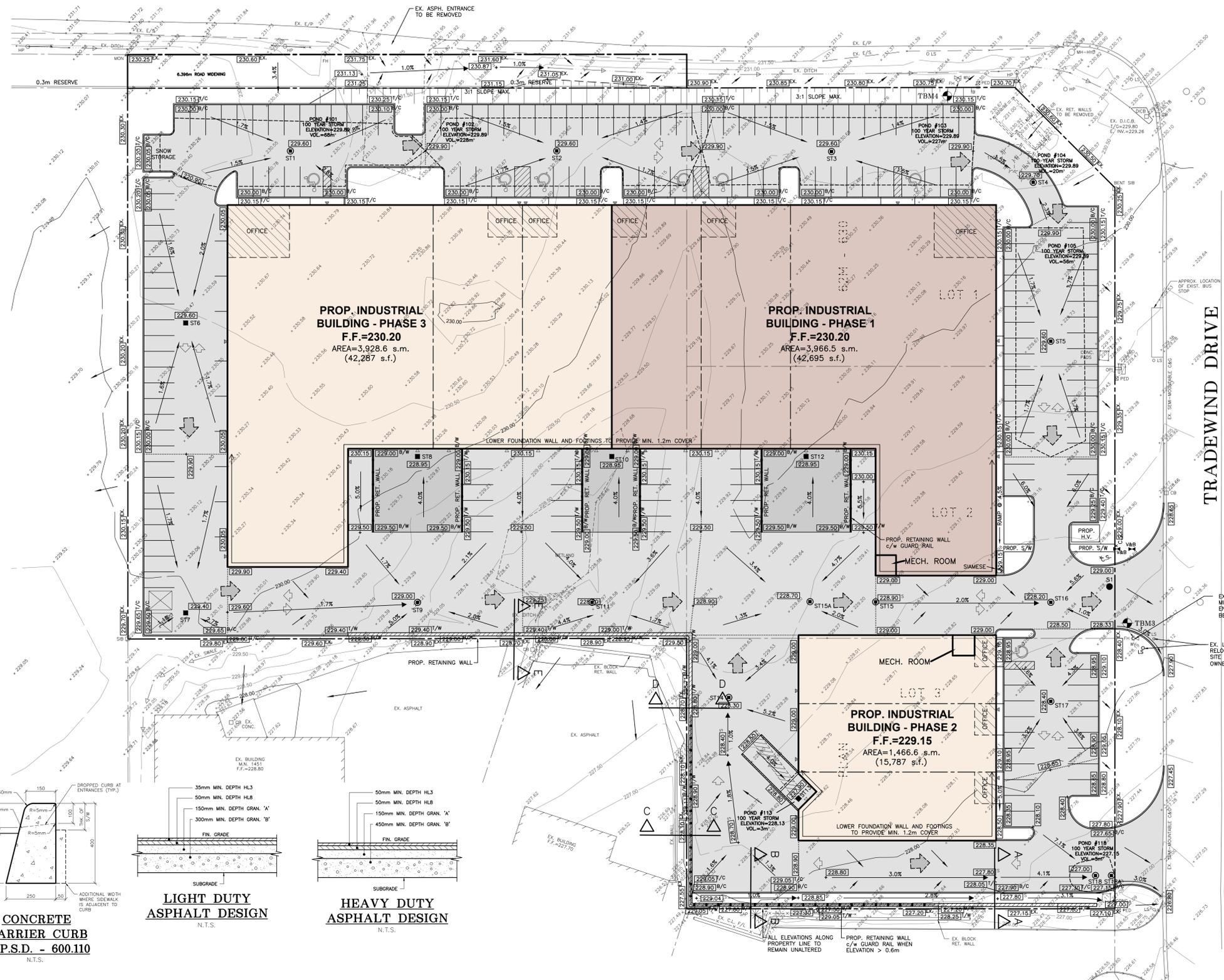
**BICYCLE RACK DETAIL**

N.T.S.



# WILSON STREET

# TRADEWIND DRIVE

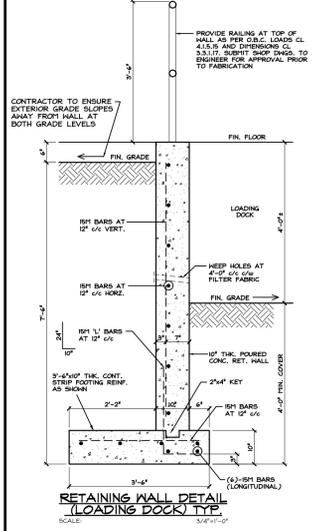
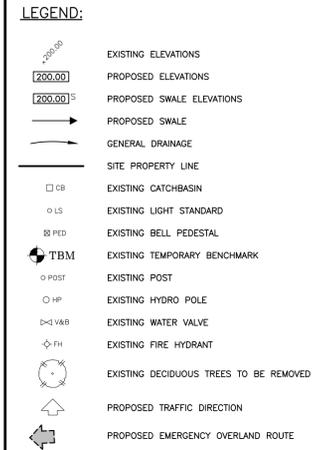


**GRADING NOTES:**

1. ANY CHANGES IN GRADES AND/OR CATCHBASINS, REQUIRE THE APPROVAL OF THE DIRECTOR, DEVELOPMENT DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT.
2. ALL ELEVATIONS MUST BE TO GEODETIC DATUM AND A DESCRIPTION OF THE GEODETIC BENCHMARK USED TO ESTABLISH THE ELEVATIONS MUST BE INDICATING ON THE GRADING PLAN.
3. THE SITE MUST BE DEVELOPED IN ACCORDANCE WITH THE CURRENT CITY OF HAMILTON "STORM DRAINAGE POLICY" AND THE "GUIDELINES FOR STORM WATER INFRASTRUCTURE DESIGN".
4. IF THE DEVELOPER IS PROPOSING TO ALTER THE GRADING ON ADJACENT LANDS WHICH THEY DO NOT OWN, THE DEVELOPER IS REQUIRED TO OBTAIN WRITTEN PERMISSION FROM THE OWNER OF THE AFFECTED LANDS PERMITTING THIS WORK TO OCCUR. A COPY OF THIS WRITTEN PERMISSION MUST BE FORWARDED TO THE DEVELOPMENT DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT, DEVELOPMENT AND REAL ESTATE DIVISION, PRIOR TO APPROVAL OF THE GRADING PLAN.
5. ANY EXISTING DRAINAGE COURSES, SEWERS OR CULVERTS TRAVERSING THE SITE MUST BE INTERCEPTED AND INCORPORATED INTO THE DESIGN OF THE PROPOSED DEVELOPMENT. DRAINAGE COMING FROM ADJACENT LANDS MUST NOT BE BLOCKED.
6. THE DRAINAGE FOR THE DEVELOPMENT MUST BE REDESIGNED SUCH THAT THERE IS NO NEGATIVE IMPACT ON SURROUNDING LANDS, ROADS AND SEWERS.

**GENERAL NOTES:**

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
2. BUILDER/OWNER TO VERIFY COMPLIANCE WITH ZONING BYLAWS (i.e. SIDEYARDS, SETBACKS, REARYARDS ETC.)
3. BUILDING TO BE EQUIPPED WITH WALL MOUNTED LIGHTING.
4. ALL FILL PLACED ON SITE SHALL BE COMPACTED TO A MINIMUM OF 95% MODIFIED PROCTOR DENSITY. A SUFFICIENT NUMBER OF TESTS SHALL BE TAKEN AT VARIOUS LEVELS SATISFACTORY TO THE DIRECTOR OF ENGINEERING. TEST RESULTS SHALL BE SENT TO THE TOWN WITH A LETTER SIGNED AND STAMPED BY A SOILS ENGINEER, STATING THAT A SUFFICIENT NUMBER OF TEST HAVE BEEN TAKEN AND THAT A MIN. DEGREE OF COMPACTION HAS BEEN ACHIEVED.
5. ALL GARBAGE TO BE COLLECTED AND STORED INTERNALLY. THIS PROPERTY IS INELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE COLLECTION. GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE MUST BE PROVIDED THROUGH A PRIVATE WASTE HAULER(S). RECYCLING IS STRONGLY ENCOURAGED.
6. ALL ASPHALT PARKING STALLS ARE TO BE DELINEATED BY LINE PAINTING.
7. HANDICAP PARKING SPACES SHALL BE SIGNED AS PER THE CURRENT MINISTRY CRITERIA.
8. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPT. AND AT THE EXPENSE OF THE OWNER.
9. ALL SIGNAGE TO BE IN COMPLIANCE WITH THE CITY OF HAMILTON BY-LAW No. 10-197.
10. A STOP SIGN IS TO BE PROVIDED AT THE EXIT OF THE SITE WITHIN THE PROPERTY BOUNDARY. (NOT IN THE ROAD ALLOWANCE)
11. VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS TO BE PROVIDED: 5.0m x 5.0m IN WHICH THE MAXIMUM HEIGHT OF ANY SUBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70m ABOVE THE CORRESPONDING PERPENDICULAR CENTERLINE ELEVATION OF THE ADJACENT STREET.
12. MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
13. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
14. ALL DRIVEWAY APPROACHES ARE TO BE A MINIMUM 2.5m AWAY FROM EACH SIDE PROPERTY LINE WHEN A PLANT IS LOCATED.
15. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
  - BUILDING PERMITS
  - ROAD CUT PERMITS
  - APPROACH APPROVAL PERMITS
  - COMMITTEE OF ADJUSTMENT
  - SEWER & WATER PERMITS
  - RELOCATION OF SERVICES
  - ENCROACHMENT AGREEMENTS (IF REQUIRED)
16. APPROVAL OF THIS DRAWING IS FOR MATERIAL ACCEPTABILITY WITH MUNICIPAL AND PROVINCIAL SPECIFICATIONS AND STANDARDS ONLY. APPROVAL AND INSPECTION BY THE CITY OF THE WORKS DOES NOT CERTIFY THE LINE AND GRADE OF THE WORKS AND IT IS THE OWNER'S RESPONSIBILITY TO HAVE THEIR ENGINEER CERTIFY THIS ACCORDINGLY.
17. ALL EXPOSED AREAS NOT SUBJECT TO ACTIVE CONSTRUCTION WITHIN 30 DAYS ARE TO BE REVEGETATED AS PER O.P.S.S. 572 IMMEDIATELY UPON COMPLETION OF AREA GRADING.
18. OWNER/CONTRACTOR TO MAINTAIN EROSION CONTROL MEASURES THROUGHOUT SITE UNTIL A COMPLETE GRASS/VEGETATION COVER IS ACHIEVED.
19. ALL PLANT MATERIAL IS TO CONFORM TO THE CANADIAN NURSERY TRADES ASSOCIATION SPECIFICATIONS & STANDARDS.
20. ALL SOD IS TO CONFORM TO THE CANADIAN NURSERY SOD GROWERS' SPECIFICATIONS.
21. LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS. MUST PROVIDE "HOUSE SHIELDS" WHERE NEEDED, TO COMPLETELY ELIMINATE GLARE TO ADJACENT PROPERTIES.
22. BOULEVARD RESTORED WITH SOD AT THE OWNERS EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS.
23. THE OWNER AGREES TO AFFIX THE PHYSICAL MUNICIPAL NUMBER TO THE BUILDING OR AT THE DRIVEWAY ENTRANCE.
24. ALL, IF ANY, ABANDONED ACCESSES MUST BE RESTORED AT THE OWNER'S EXPENSE.
25. ALL NEW SIGNS PROPOSED FOR THIS DEVELOPMENT MUST COMPLY WITH THE REGULATIONS CONTAINED IN SIGN BY-LAW 10-197.
26. ALL NEW FENCES PROPOSED FOR THIS DEVELOPMENT MUST COMPLY WITH THE REGULATIONS CONTAINED IN FENCE BY-LAW 10-142.



T.B.M. No. 3 ELEV. = 229.09m (GEO)  
TOP NUT OF FIRE HYDRANT ON THE WEST SIDE OF TRADEWIND DRIVE AS SHOWN.

T.B.M. No. 4 ELEV. = 231.70m (GEO)  
TOP NUT OF FIRE HYDRANT ON THE SOUTH SIDE OF HWY. No. 2 AS SHOWN.

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CONSULTING ENGINEERS

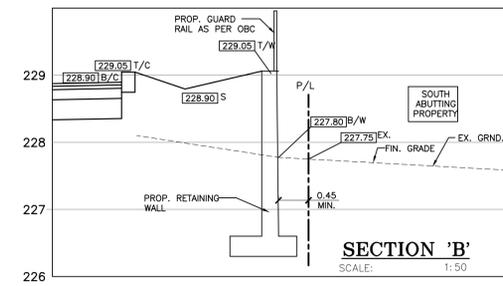
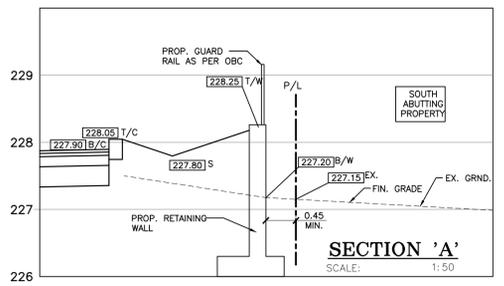
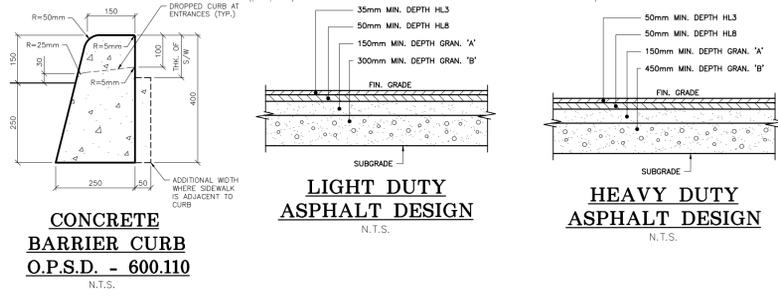
440 HARDY ROAD, UNIT #1, BRANTFORD - ONTARIO, N3T 5L8  
TEL: (519) 753-2656 FAX: (519) 753-4263 www.cohooneg.com

**PROPOSED INDUSTRIAL DEVELOPMENT**  
1492 WILSON STREET WEST & 586 TRADEWIND DRIVE  
CITY OF HAMILTON

CLIENT: LANCA CONTRACTING

**GRADING PLAN (DA-18-156)**

DESIGN: R.W.P.	SCALE: 1:400
DRAWN: K.P.B.	JOB No: 12921
CHECKED: R.W.P.	DWG. No: 12921-2
SHEET: 2 of 5	
DATE: JAN. 25/21	



# WILSON STREET

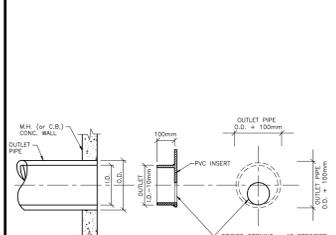
NOTE: APPROVAL OF THIS DRAWING IS FOR MATERIAL ACCEPTABILITY AND COMPLIANCE WITH MUNICIPAL AND PROVINCIAL SPECIFICATIONS AND STANDARDS ONLY. APPROVAL AND INSPECTION BY THE CITY OF HAMILTON DOES NOT CERTIFY THE LINE AND GRADE OF THE WORKS AND IT IS THE OWNER'S RESPONSIBILITY TO HAVE THEIR ENGINEER CERTIFY THIS ACCORDINGLY.



STORM SYSTEM			
MH No.	DESCRIPTION	T/G	INVERTS
ST1	1.5m <sup>2</sup> P/C CB/MH	229.80	E 227.63
ST2	1.5m <sup>2</sup> P/C CB/MH	229.60	W 227.42 E 227.40 S 227.50
ST3	1.5m <sup>2</sup> P/C CB/MH	229.60	W 227.20 E 227.18 S 227.28
ST4	1.5m <sup>2</sup> P/C CB/MH	229.70	W 227.08 S 227.00
ST5	1.5m <sup>2</sup> P/C CB/MH C/W ORIFICE #1	229.60	N 226.88 S 226.86
ST6	1.2m <sup>2</sup> P/C CB/MH	229.60	S 227.63
ST7	0.6x0.6x1.52m P/C CB	229.40	N 227.41 E 227.39
ST8	0.6x0.6x1.52m P/C CB	228.95	S 227.58
ST9	1.2m <sup>2</sup> P/C CB/MH	229.00	W 226.79 E 226.77 N 226.87
ST10	0.6x0.6x1.52m P/C CB	228.95	S 227.58
ST11	1.2m <sup>2</sup> P/C CB/MH	228.70	W 226.55 E 226.53
ST12	0.6x0.6x1.52m P/C CB	228.95	S 227.58
ST13	0.6x0.6x1.52m P/C CB	227.90	NW 226.53
ST14	1.2m <sup>2</sup> P/C CB/MH	228.30	SE 226.43 NE 226.41
ST15	1.2m <sup>2</sup> P/C CB/MH C/W ORIFICE #2	228.90	W 225.62 E 225.60 S 225.68
ST16	1.2m <sup>2</sup> P/C CB/MH	228.20	W 225.41 S 225.35 N 225.49
ST17	1.2m <sup>2</sup> P/C CB/MH	228.40	N 225.06 S 225.04
ST18	1.2m <sup>2</sup> P/C CB/MH C/W ORIFICE #3	227.00	N 224.53 E 224.40
ST15A	1.2m <sup>2</sup> P/C CB/MH	228.70	W 225.69 E 225.67
ST18A	JELLYFISH FILTER JFT10-11-3	227.10	W 224.23 E 224.21

**LEGEND:**

- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING WATERMAIN
- EXISTING LIGHT STANDARD
- EXISTING BELL PEDESTAL
- EXISTING TEMPORARY BENCHMARK
- EXISTING POST
- EXISTING HYDRO POLE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT



**FLOW CONTROL DEVICE ORIFICE PLATE w/ SNOOT**

**SANITARY SYSTEM**

MH No.	DESCRIPTION	T/G	INVERTS
S1	1.2m <sup>2</sup> P/C MH	228.97	W 224.74 SW 224.24 E 224.14

**C.B. ORIFICE PLATE SIZING**

ORIFICE PLATE CONFIGURATION NUMBER	DIAMETER OF ORIFICE PLATE OPENING
1	100mm
2	125mm
3	160mm

**WATERMAIN SUMMARY - JOINT RESTRAINTS**

LOCATION / DESCRIPTION	LENGTH TO BE RESTRAINED (L <sub>r</sub> )
300x300x150mm PVC - TEE	L <sub>r</sub> = MAIN LINE - 1.5m L <sub>r</sub> = BRANCH LINE - 3.0m

T.B.M. No. 3 ELEV. = 229.09m (GEO)  
TOP NUT OF FIRE HYDRANT ON THE WEST SIDE OF TRADEWIND DRIVE AS SHOWN.

T.B.M. No. 4 ELEV. = 231.70m (GEO)  
TOP NUT OF FIRE HYDRANT ON THE SOUTH SIDE OF HWY. No. 2 AS SHOWN.

NO.	REVISION	DATE (MM/DD/YY)	BY
4	TRANSFORMER RELOCATION	09/15/21	S.J.S.
3	ROAD WIDENING	08/10/21	S.J.S.
2	AS PER CITY COMMENTS	06/08/21	S.J.S.
1	AS PER CITY COMMENTS	05/18/21	K.P.B.

**J.H. COHOON ENGINEERING LIMITED**  
CONSULTING ENGINEERS

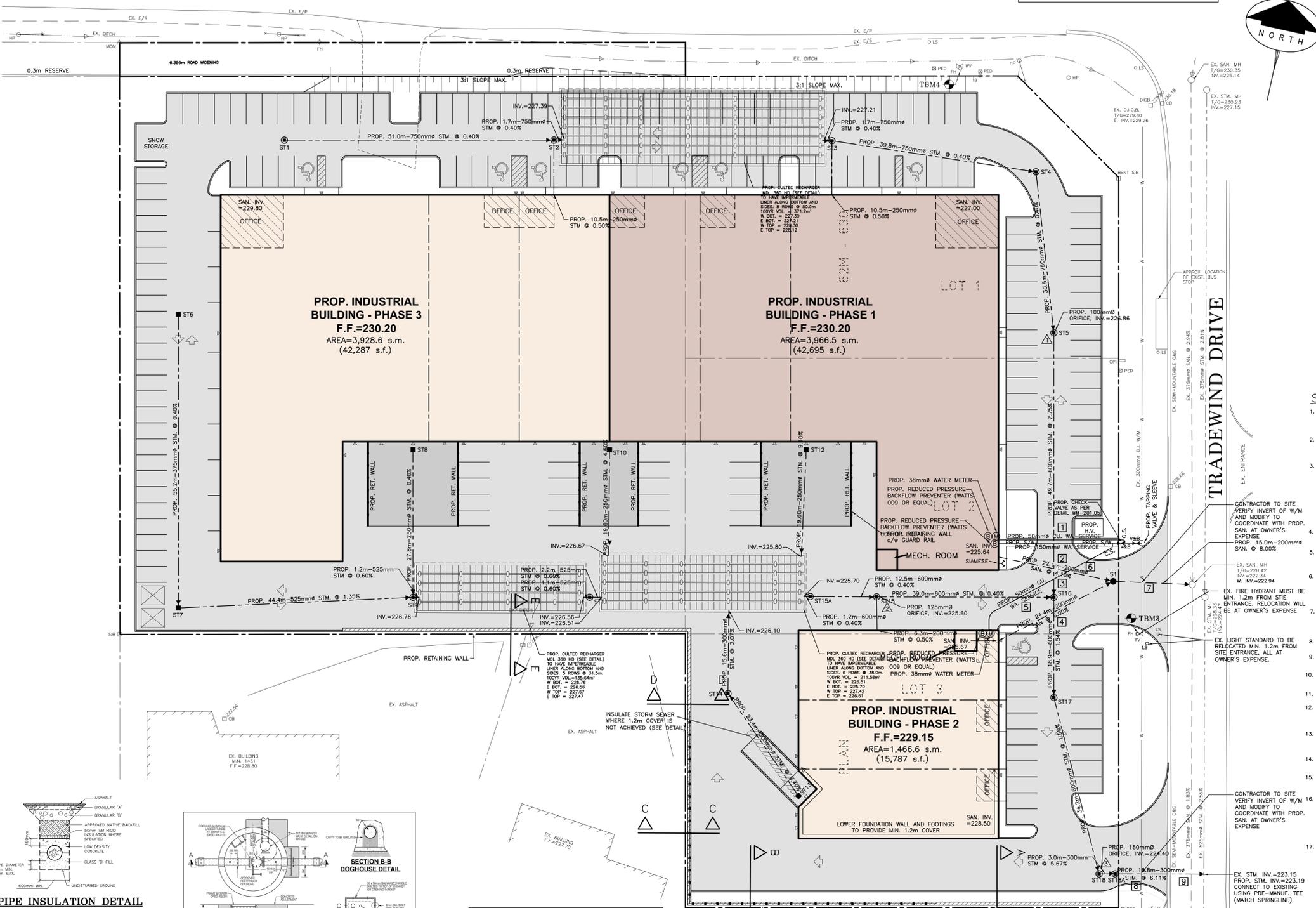
440 HARDY ROAD, UNIT #1, BRANTFORD - ONTARIO, N3T 5L8  
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**PROPOSED INDUSTRIAL DEVELOPMENT**  
1492 WILSON STREET WEST & 586 TRADEWIND DRIVE  
CITY OF HAMILTON

CLIENT: LANCA CONTRACTING

**SERVICING PLAN (DA-18-156)**

DESIGN:	R.W.P.	SCALE:	1:400
DRAWN:	K.P.B.	JOB No.:	12921
CHECKED:	R.W.P.	DWG. No.:	12921-3
SHEET:	3 of 5	DATE:	JAN. 25/21



**SERVICING NOTES:**

- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE SENIOR DIRECTOR, GROWTH MANAGEMENT, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- ALL SERVICES TO BE INSTALLED AS PER CITY OF HAMILTON CONSTRUCTION AND MATERIALS STANDARDS AND SPECIFICATIONS MANUAL (LATEST EDITION) AND THE MINISTRY OF ENVIRONMENT GUIDELINES (LATEST EDITION).
- MINIMUM HORIZONTAL SEPARATION BETWEEN WATER SERVICES AND SEWER DRAINS AND/OR MUNICIPAL SEWER MAINS SHALL BE 2.0m MEASURED FROM THE CLOSEST PIPE EDGE TO CLOSEST PIPE EDGE. VERTICAL SEPARATION WHERE A WATER SERVICE PASSES OVER A SEWER DRAIN AND/OR MUNICIPAL SEWER MAINS MUST BE A MINIMUM OF 0.15m UNLESS GREATER SEPARATION IS REQUIRED TO PROVIDE FOR PROPER BEDDING AND STRUCTURAL SUPPORT. WATER SERVICES PASSING UNDER SEWER DRAINS AND/OR MUNICIPAL SEWER MAINS MUST HAVE A SEPARATION OF 0.50m BETWEEN THE INVERT OF THE SEWER DRAIN AND/OR MUNICIPAL SEWER MAIN AND THE CROWN OF WATERMAIN.
- PROPOSED STORM SEWER SHALL BE PVC SDR35 (RIBBED OR PROFILE PIPE) MAY NOT BE USED FOR PRIVATE DRAIN OR CATCH BASIN INSTALLATIONS.
- ANY CHANGES IN GRADES AND CATCH BASINS REQUIRE THE APPROVAL OF THE SENIOR DIRECTOR, GROWTH MANAGEMENT, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- CATCHBASINS SHALL BE AS PER OPSD 705.010 AND MUST BE MODIFIED WITH A GOSS TRAP AS PER SEW-304. ALL PRIVATE PROPERTY CATCHBASINS ARE TO INCLUDE A SLUMP. PROVIDE SILT SACK IN CATCHBASINS DURING CONSTRUCTION AND UNTIL GROUND COVER IS ESTABLISHED.
- SEWERS TO BE INSTALLED WITH A MIN. COVER OF 2.20m AT THE PROPERTY LINE BELOW FLOOR GRADE OR AT SUCH HIGHER ELEVATION ONLY AS MAY BE NECESSITATED BY THE ELEVATION OF THE MAIN SEWER. ON PRIVATE PROPERTY THE MINIMUM COVER IS TO BE NO LESS THAN 1.2m.
- PROPOSED SANITARY SEWER SHALL BE PVC SDR28 FOR 150mm AND SDR35 FOR OTHER SIZES.
- PROPOSED SANITARY SEWER MANHOLE TO BE IN ACCORDANCE WITH O.P.S.D. 701.010 (NO Sumps).
- SEWER BEDDING AND COVER TO BE AS PER O.P.S.D. 802.010 WITH GRANULAR 'A' FOR BOTH BEDDING AND COVER.
- ALL MANHOLES TO CONFORM TO OPSD 701.01 & 701.03.
- MINIMUM SIZE OR STORM AND SANITARY DRAINS LOCATED WITHIN THE ROAD ALLOWANCE TO BE 150mm IN THE ORIGINAL CITY OF HAMILTON AND 125mm IN THE OTHER AREA MUNICIPALITIES NOW COMPRISING THE NEW CITY.
- RESTORATION OF ROAD OVER UTILITY CUTS IN HAMILTON TO BE AS PER STANDARD DRAWINGS RD-100.01 AND RD-100.02, WITH GRANULAR 'A' BEDDING.
- MAINTENANCE HOLES ARE REQUIRED AT ALL CHANGES IN PIPE SIZE, CHANGES IN PIPE DIRECTION, ENDS OF PIPE RUNS AND AS CLEANOUTS.
- ANCHOR OR THRUST BLOCKS ARE TO BE INSTALLED AT ALL WATER SERVICE ELBOWS, TEES, PLUGS ETC. FOR 300mm DIAMETER WATER SERVICES AND SMALLER. ANCHOR BLOCKS ARE TO BE AS PER WM-204.01.
- WATERMAIN BEDDING AND COVER MATERIAL TO BE INSTALLED AS PER WM-203.01 (CONCRETE AND PVC WATERMANS AND SERVICES) AND WM-203.02 (DUCTILE IRON WATERMANS AND SERVICES) WITH GRANULAR 'A' FOR BEDDING AND COVER. BEDDING AND COVER FOR SMALL DIAMETER SERVICES (i.e. 50mm and UNDER) TO BE AS PER WM-200.01 WITH GRANULAR 'D' FOR BOTH BEDDING AND COVER. WATER SERVICES TO BE INSTALLED WITH A MINIMUM COVER OF 1.6m.
- ALL BACKFLOW PREVENTION DEVICES MUST BE SELECTED, INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CITY OF HAMILTON'S BACKFLOW PREVENTION BY-LAW # 10-103, INCLUDING THE MANUFACTURER'S SPECIFICATIONS FOR INSTALLATION ETC., AND THE GUIDELINES SET OUT IN THE MOST RECENT VERSIONS OF THE 'AWWA CANADIAN CROSS CONNECTION CONTROL MANUAL AND THE CSA 694-10/07/04, 10.1-07 STANDARDS'. IN SELECTING A BACKFLOW DEVICE FOR A PROPERTY, CONSIDERATION MUST BE GIVEN TO FUTURE POSSIBLE USES OF THE SITE WHICH COULD RESULT IN A HIGHER RISK TO THE MUNICIPAL DRINKING WATER SYSTEM, THIS MAKING THE DEVICE INITIALLY CHOSEN INADEQUATE FOR THE NEW PURPOSE AND REQUIRING FUTURE CHANGE OUT AT THE OWNER'S EXPENSE.
- PROVIDE A WATER BACKFLOW PREVENTOR FOR FIRE SERVICES, REQUIRED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE, SHALL BE LOCATED AT THE SERVICE POINT OF ENTRY TO EACH BUILDING.
- IF A SERVICE IS TO BE RE-USED THE APPLICANT/OWNER MUST ASSURE THEMSELVES THAT THE EXISTING SERVICE IS ADEQUATE TO MEET THEIR PROPOSED USES AND ARE IN GOOD WORKING CONDITION.
- INTERNAL WATER METER INSTALLATIONS TO BE AS PER WM-210 AND THE METER IS TO BE INSTALLED AT FLOOR LEVEL.
- ALL EXISTING UNUSED WATER SERVICES TO THE SITE MUST BE ABANDONED. SERVICES GREATER THAN 50mm MUST BE COMPLETELY REMOVED FROM THE ROAD ALLOWANCE WITH AN APPROPRIATE REPAIR TO THE MUNICIPAL MAIN.
- CURB STOPS (VALVES) LESS THAN 300mm TO BE INSTALLED WITH A BOX AS PER WM-202.
- SHUTDOWN OF A CITY WATERMAIN WILL BE AT THE DISCRETION OF THE CITY AND IS SUBJECT TO THE FOLLOWING REQUIREMENTS, WHICH SHOULD BE NOTED ON THE PLAN.
  - (a) MAXIMUM 4 HOUR SHUTDOWN OF EXISTING MAIN AT A TIME CONVENIENT TO THE CITY OF HAMILTON AND ABUTTING USERS.
  - (b) CONTRACTOR TO GIVE 48 HOUR PRIOR NOTIFICATION USING THE "CITY OF HAMILTON NOTICE OF SHUTDOWN" FOR ALL AFFECTED AREAS.
  - (c) IN THE EVENT OF A SCHEDULED SHUTDOWN IS CANCELLED BY THE CITY OF HAMILTON, THE CONTRACTOR SHALL HAVE NO CLAIMS AGAINST THE CITY.
- ANY CHANGES IN GRADES AND CATCH BASINS REQUIRE THE APPROVAL OF THE SENIOR DIRECTOR OF DEVELOPMENT ENGINEERING.
- ALL EXISTING UNUSED WATER SERVICES MUST BE REMOVED FROM THE ROAD ALLOWANCE WITH APPROPRIATE REPAIR TO THE AND MUNICIPAL WATERMAIN AS PER CITY OF HAMILTON STANDARD REQUIREMENTS.
- PVC WATER SERVICE/MAIN MATERIAL, CATHODIC PROTECTION, TRACER WIRE ETC. MUST BE AS PER FORM 400.

**SEWER CROSSINGS**

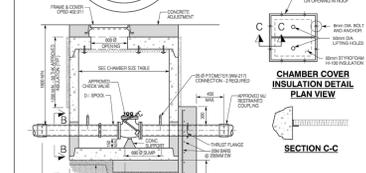
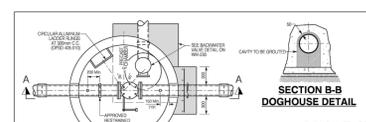
LOCATION	STM. INV.	STM. OBV.	W/M INV.	W/M OBV.
1	225.76	226.06	224.96	225.11
3	225.57	225.87	224.87	224.92
5	225.44	225.74	224.74	224.79
8	223.94	224.24	UNKNOWN	UNKNOWN

**SEWER CROSSINGS**

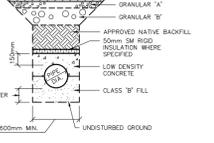
LOCATION	STM. INV.	STM. OBV.	SAN. INV.	SAN. OBV.
2	225.68	225.98	225.20	225.40
4	225.30	225.60	224.96	225.16
9	223.34	223.64	221.34	221.72

**SEWER CROSSINGS**

LOCATION	SAN. INV.	SAN. OBV.	W/M INV.	W/M OBV.
6	225.09	225.29	224.87	224.92
7	223.66	223.86	UNKNOWN	UNKNOWN



CITY OF HAMILTON Public Works Department  
CHECK VALVE AND CHAMBER 150mm DIA. TO 300mm DIA. WATERMANS  
WM-201.05



TYP. PIPE INSULATION DETAIL N.T.S.





Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto: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)		
Applicant(s)*		
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:

Relief for zoning requirements on size of landscaping buffers.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

The site has an irregular property line that would not yield an economical footprint for an industrial facility as currently zoned and designated.

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**):

62R-1976 Instrument No 283476 AB/482027CD Part 1  
62M-630 Lots 1, 2, and 3

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?

Geotechnical, Archaeological, and Environmental reporting conducted by third parties

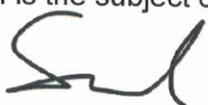
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

2021-11-11  
Date

  
Signature Property Owner(s)  
Sanjay Modi  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>137.294m</u>
Depth	<u>Irregular</u>
Area	<u>24,507 square meters</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: \_

none

Proposed

9,361.7 square meter ground floor single storey. Multiple buildings, see attached.

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

Existing:

Proposed:

22.70m setback from Tradewind, 22.35m setback from Wilson, 11.58m setback from rear property line (at narrowest point, site is irregular)

13. Date of acquisition of subject lands:  
2018
- 
14. Date of construction of all buildings and structures on subject lands:  
n/a
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
vacant land
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
industrial
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:  
"Industrial Land"
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
M3 - Prestige Business Park - Exceptions 377, 678
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

## SCCOMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> 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](mailto: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-19:184

**APPLICANTS:** Owner Kuldip & Tej Renhsi

**SUBJECT PROPERTY:** Municipal address **501 Barton St., Stoney Creek**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 18-219

**ZONING:** "M3" (Prestige Business Park) district

**PROPOSAL:** To permit the expansion of a legal non-conforming use by 26.3% to facilitate a rear addition consisting of 46.3 square metres of gross floor area on two floors for an existing 176.1 square metre two storey single detached dwelling, notwithstanding that:

1. A legal non-conforming single detached dwelling shall be expanded without requiring the restoration and repair of the dwelling and the dwelling shall be permitted to be increased in terms of its height, volume and lot coverage, whereas the Zoning By-law permits a legal non-conforming single detached dwelling to be repaired and restored to a safe condition and that such restoration and/or repair shall not increase the height, volume and lot coverage of the dwelling.

**NOTES:**

1. An Applicable Law Review undertaken July 4, 2018 and December 12, 2018 has identified the existing single detached dwelling as being a legally established non-conforming use. It is further noted that the existing 60 year old dwelling was initially constructed as a 1.5 storey single detached dwelling. Over time with dormer additions to the front and rear second floors, this use is now being recognized for the purpose of this application as a legal non-conforming two storey single detached dwelling.

2. The application has been revised for the October 2021 submission and new drawings have been provided based on a new proposed expansion for the legal non-conforming single detached dwelling. Accordingly, based on the information, it has been determined that the existing single detached dwelling comprises a gross floor area of 176.1 square metres on 2 floors. However, previously the gross floor area of this dwelling without the additions was incorrectly identified in the Notice as comprising 88.64 square metres of gross floor area.

3. Legal non-conforming uses are regulated in Section 1.1 of the Zoning By-law.

4. Site Plan Amendment application SPA-19-112 was submitted May 22, 2019 to address the former minor variance to expand the legal non-conforming single detached dwelling and to permit an expansion to the existing tradesperson's (machinist) shop. An updated site plan has not been submitted for the proposed expansion of the legal non-conforming single detached dwelling.

SC/A-19: 184  
Page 2

5. The M3 Zone identifies dwelling unit as a prohibited use, even as an accessory use. However, a legally established non-conforming single detached dwelling would be permitted to remain on a property in the M3 Zone.

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

---

**DATE:** Thursday, February 24th, 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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#### **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](http://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](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022.

---

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 PREPARED ON THE BASE OF SURVEY PLAN PREPARED BY:

**MacKAY & MacKAY & PETERS.**  
LAND SURVEYOR'S  
PLAN OF LOT 17 - CONCESSION 1  
TOWNSHIP OF SALT FLEET

*Bldg floor area*

	Existing	Proposed
1st FLOOR	1072 sq.f. - 99.6 sq.m.	1219 sq.f. - 113.2 sq.m.
2nd FLOOR	823 sq.f. - 76.5 sq.m.	1174 sq.f. - 109.1 sq.m.

*Addition floor area*

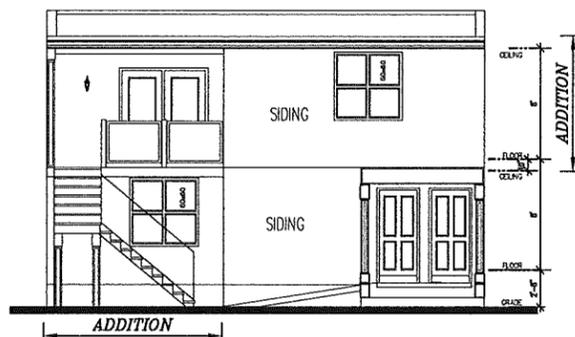
	Proposed
1st FLOOR	147 sq.f. - 13.7 sq.m.
2nd FLOOR	351 sq.f. - 32.6 sq.m.
TOTAL	498 sq.f. - 46.3 sq.m.

**EXTERIOR STAIRS**

MAX. RISE 200mm (7 7/8")  
MIN. RUN 210mm (8 1/4")  
MIN. TREAD 235mm (9 1/4")  
NOSING 25mm (1")

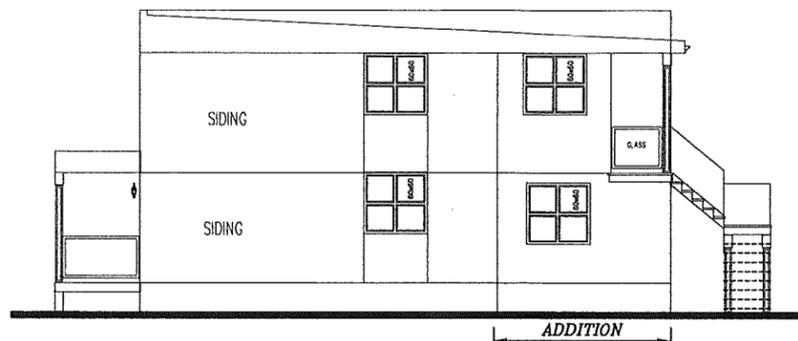
**GUARD HEIGHT:**

GREATER THAN 2'-0" ABOVE GRADE = 900mm (35")  
GREATER THAN 5'-11" ABOVE GRADE = 1070mm (42")

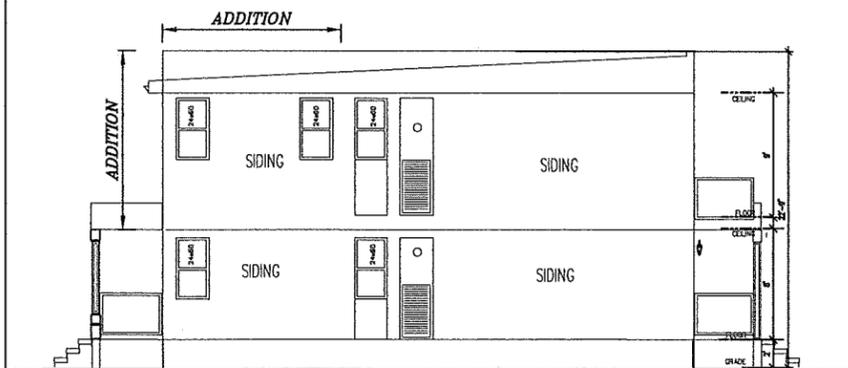


REAR ELEVATION

NOTE:  
WINDOW SIZES SHOWN ARE APPROXIMATE.  
EXACT ROUGH OPENINGS TO BE DETERMINED  
BY WINDOW MANUFACTURERS SPECIFICATIONS.



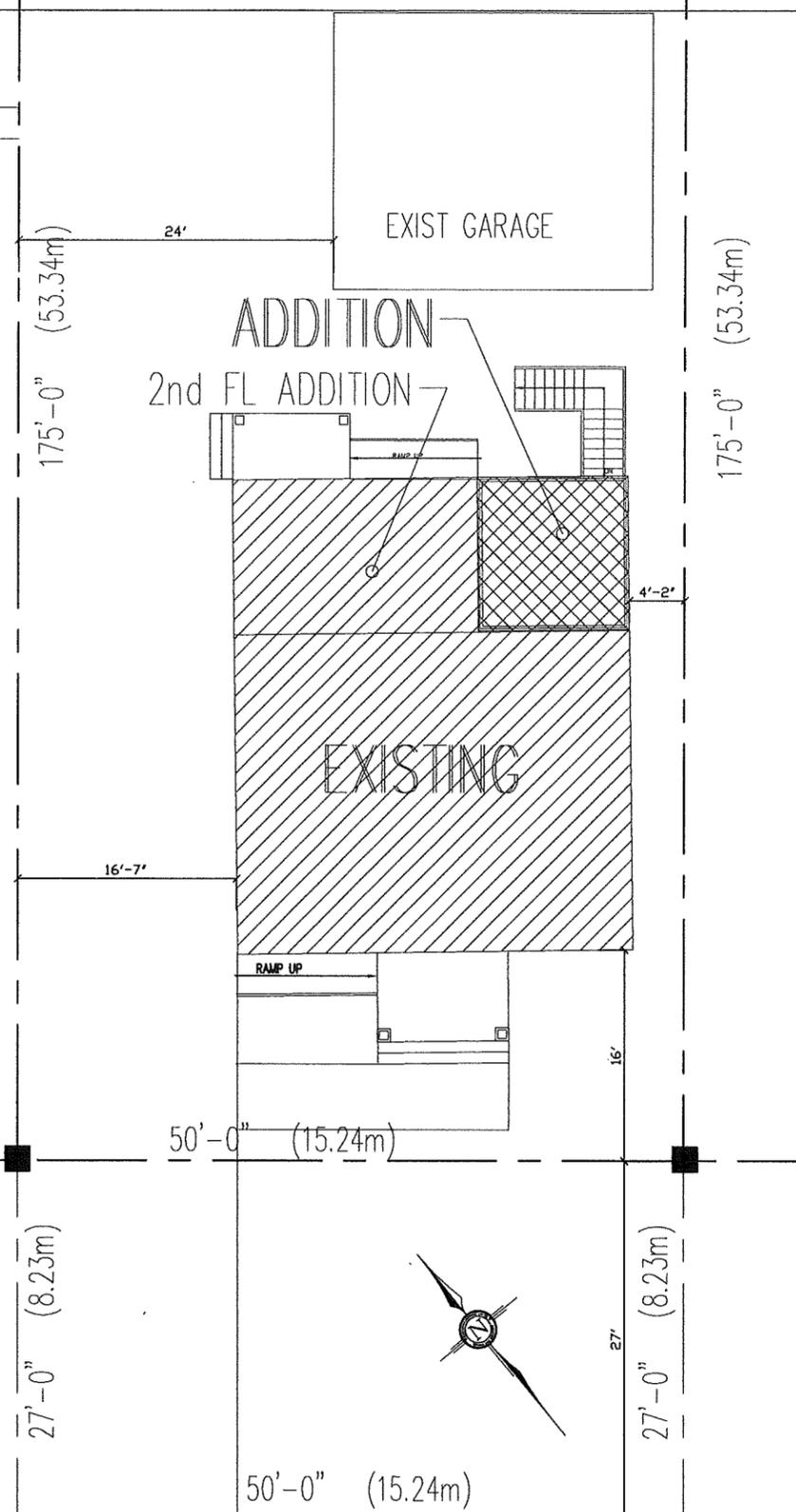
SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



BARTON Street

REFER TO APPROPRIATE SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, LANDSCAPE, ETC. CONSULTANT DRAWINGS BEFORE PROCEEDING WITH THE WORK.  
CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.  
THE CONTRACTOR SHALL VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND SHALL NOTIFY THE APPROPRIATE CONSULTANT OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. THIS DRAWING IS NOT TO BE SCALED.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the 3.2.4 CS - 2012 O.B.C. to be a designer.  
**QUALIFICATION INFORMATION**  
Gregory Spurnik ARCHITECT 22220  
NAME SIGNATURE BCIN  
**REGISTRATION INFORMATION**  
Gregory Spurnik ARCHITECT 22220  
FIRM NAME BCIN



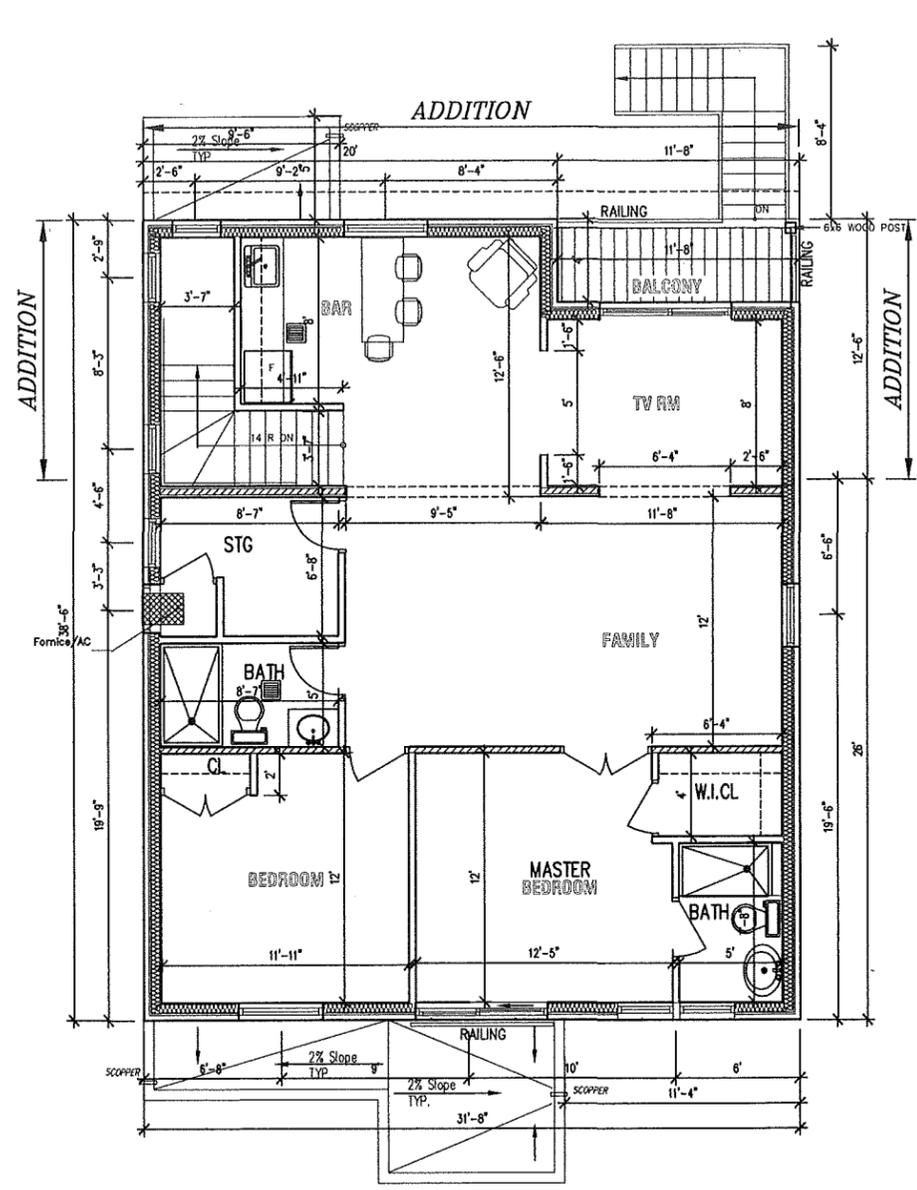
NO	DATE	DESCRIPTIONS
3.		
2.	Sept. 25, 2021	Bldg Permit Application comments Review Letter - September 3, 2021
1.	July 05 2021	Bldg Permit Application comments Review Letter - June 24, 2021
REVISIONS		

PROJECT:  
**ALTERATION & ADDITION**  
501 BARTON Street  
STONEY CREEK, Hamilton

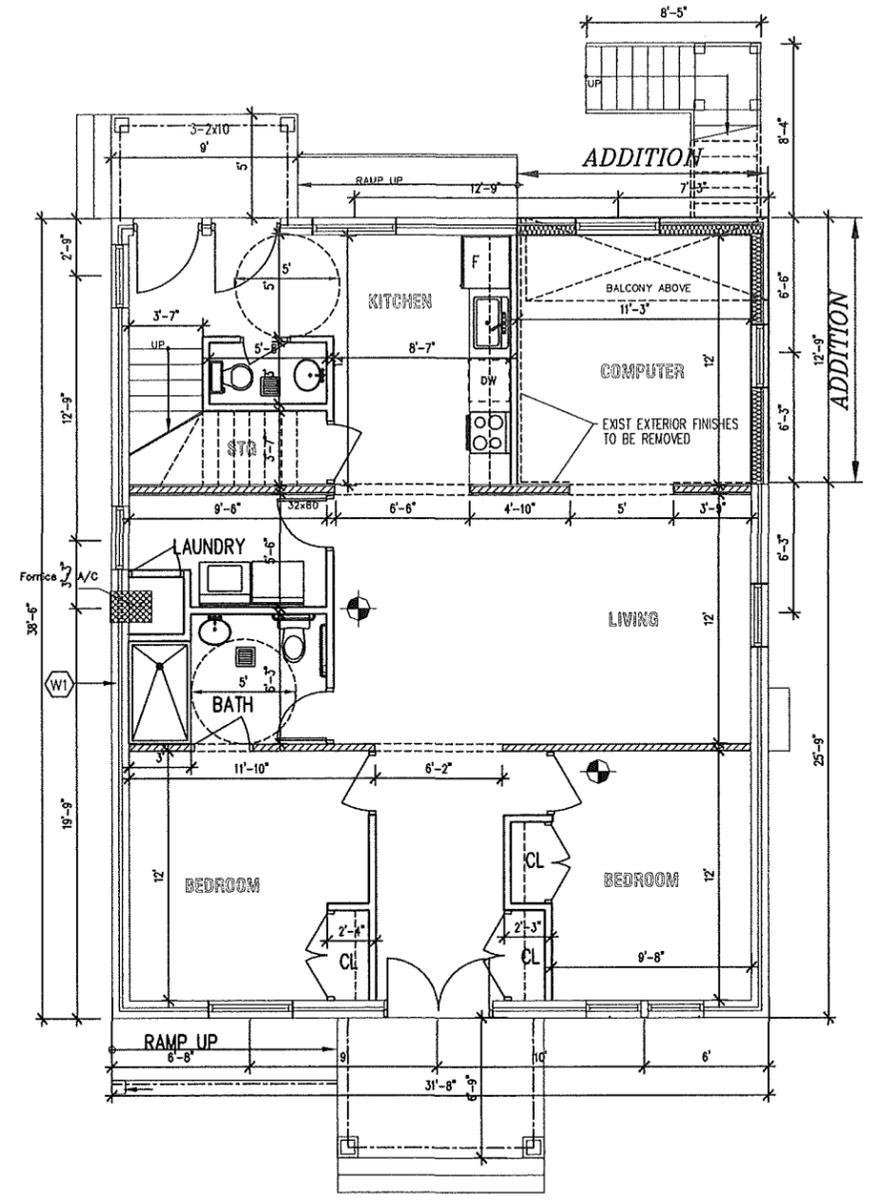
DATE: May, 2021  
DESIGN: G.S.  
DRAFTING: G.S.  
ISSUED:  
ACAD: SAM  
SCALE: 1/8"=1'-0"

DRAWING:  
-  
SITE PLAN  
ELEVATIONS

DRAWING No.  
**A-01**



**2nd FLOOR**  
1174 sq.f. – 109.1 sq.m.



**1st FLOOR**  
1219 sq.f. – 113.2 sq.m.

REFER TO APPROPRIATE SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, LANDSCAPE, ETC., CONSULTANT DRAWINGS BEFORE PROCEEDING WITH THE WORK.  
CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.  
THE CONTRACTOR SHALL VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND SHALL NOTIFY THE APPROPRIATE CONSULTANT OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. THIS DRAWING IS NOT TO BE SCALED.

The undersigned has reviewed and taken responsibility for this design, and has the qualifications and capacity to be a designer.  
The undersigned has reviewed and taken responsibility for this design, and has the qualifications and capacity to be a designer.

**QUALIFICATION INFORMATION**  
Gregory Spurdz 22286  
NAME SIGNATURE DC24

**REGISTRATION INFORMATION**  
Gregory Spurdz c/o ARCHGATE 22286  
FIRM NAME DC24



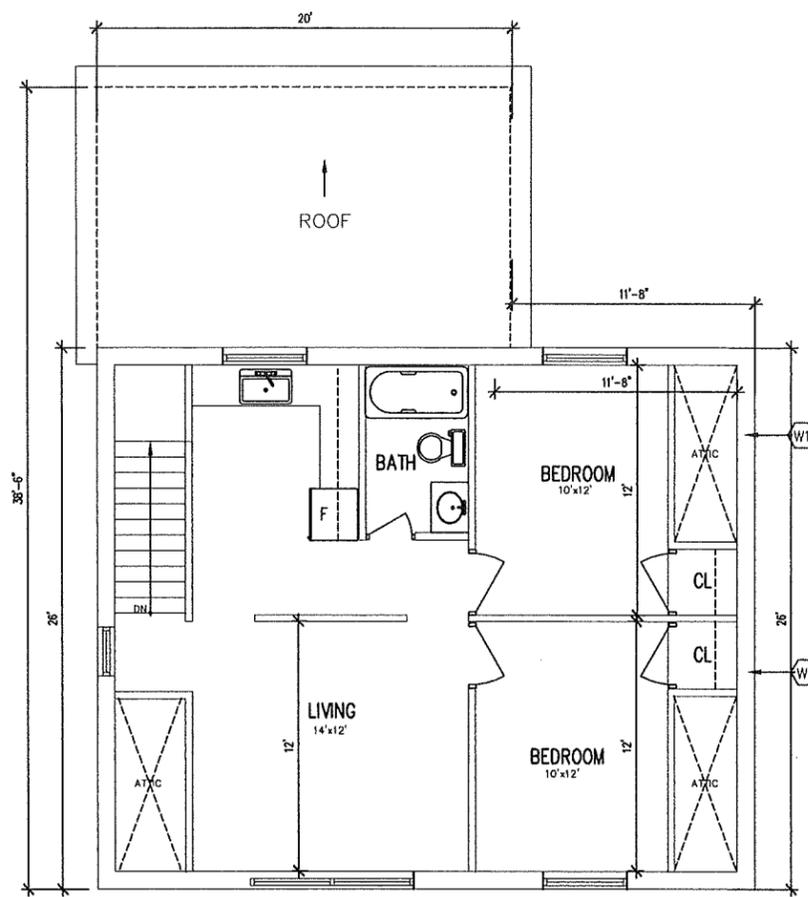
NO	DATE	DESCRIPTIONS
1.	July 05 2021	Bldg Permit Application comments Review Letter – June 24, 2021
2.		
3.		

PROJECT:  
**ALTERATION & ADDITION**  
501 BARTON Street  
STONE CREEK, Hamilton

DATE: May, 2021  
DESIGN: G.S.  
DRAFTING: G.S.  
ISSUED:  
ACAD: SAM  
SCALE: 3/16"=1'-0"

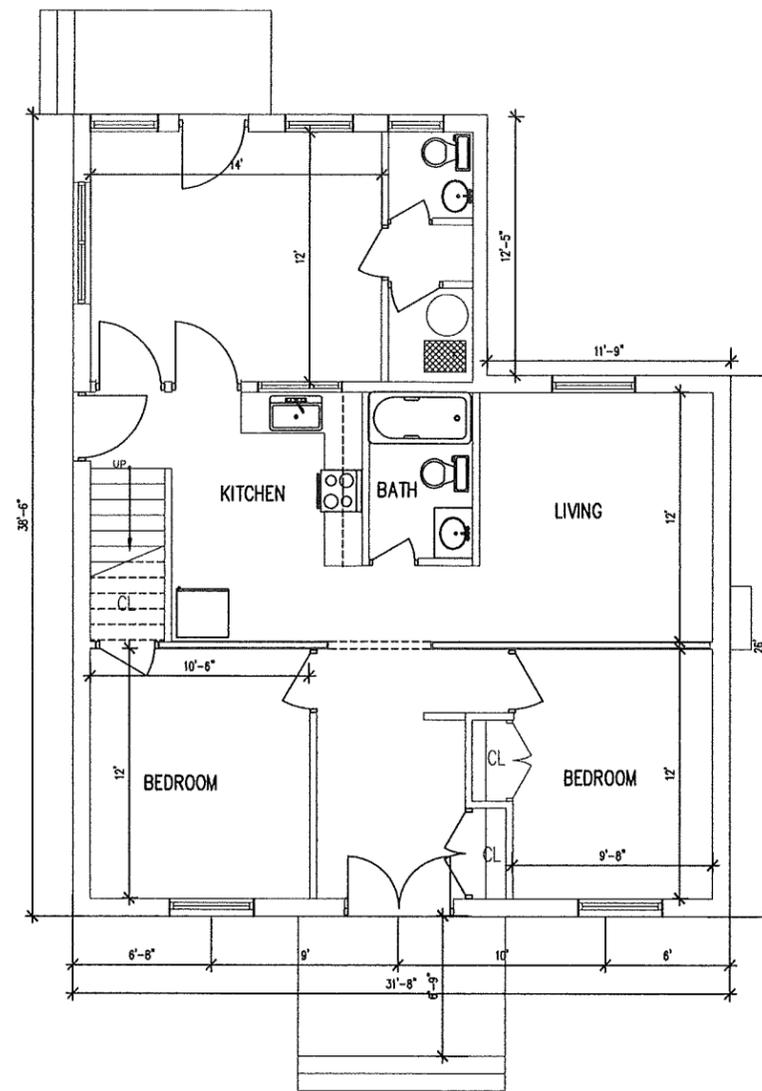
DRAWING:  
-  
**FLOOR PLAN**  
-

DRAWING No.  
**A-02**



### 2nd FLOOR

823 sq.f. - 76.5 sq.m.



### 1st FLOOR

1072 sq.f. - 99.6 sq.m.

REFER TO APPROPRIATE SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, LANDSCAPE, ETC. CONSULTANT DRAWINGS BEFORE PROCEEDING WITH THE WORK.  
CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.  
THE CONTRACTOR SHALL VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND SHALL NOTIFY THE APPROPRIATE CONSULTANT OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. THIS DRAWING IS NOT TO BE SCALED.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the 1.2.4 O.S. - 2012 O.B.C. to be a designer.

**QUALIFICATION INFORMATION**  
 Gregor Spurek 22286  
 NAME SIGNATURE BORN

**REGISTRATION INFORMATION**  
 Gregor Spurek, aka ARCHGATE 22222  
 FIRM NAME BORN



NO	DATE	DESCRIPTIONS
3.		
2.		
1.	July 05 2021	Bldg Permit Application comments Review Letter - June 24, 2021

REVISIONS

PROJECT :  
**ALTERATION & ADDITION**  
 501 BARTON Street  
 STONEY CREEK, Hamilton

DATE: May, 2021  
 DESIGN: G.S.  
 DRAFTING: G.S.  
 ISSUED:  
 ACAD: SAM  
 SCALE: 1/8"=1'-0"

DRAWING:  
**EXISTING FLOOR PLAN**

DRAWING No.  
**A-03**





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

**APPLICATION NO.:** AN/A-21:439

**APPLICANTS:** Owner Monica Bradshaw

**SUBJECT PROPERTY:** Municipal address **163 Falling Brook Dr., Ancaster**

**ZONING BY-LAW:** Zoning By-law 87-87, as Amended by By-law No. 18-105

**ZONING:** ERdistrict (Existing Residential)

**PROPOSAL:** To permit the expansion of an existing 216 square metre single detached dwelling to allow for a 195.2 square metre addition on two floors which include an attached garage and additional living space and to allow for changes to the front entrance including the front porch and stairs and to permit a 11.5 square metre rear deck, notwithstanding that:

1. The easterly side yard shall be 1.6 instead of the required 2.0 metres for an interior side yard for a lot with less than 23 metres of lot frontage.

**NOTES:**

1. The requested variance is written as requested by the applicant.
2. The eaves projection into the minimum easterly side yard will conform providing the requested variance is approved.
3. Parking spaces have not been identified on the submitted plans but it appears that a driveway parking space and enclosed (garage) parking space can be easily provided based on the available space to meet the required parking.

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

---

**DATE:** Thursday, February 24th, 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

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AN/A-21: 439

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](http://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](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022.

---

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.***

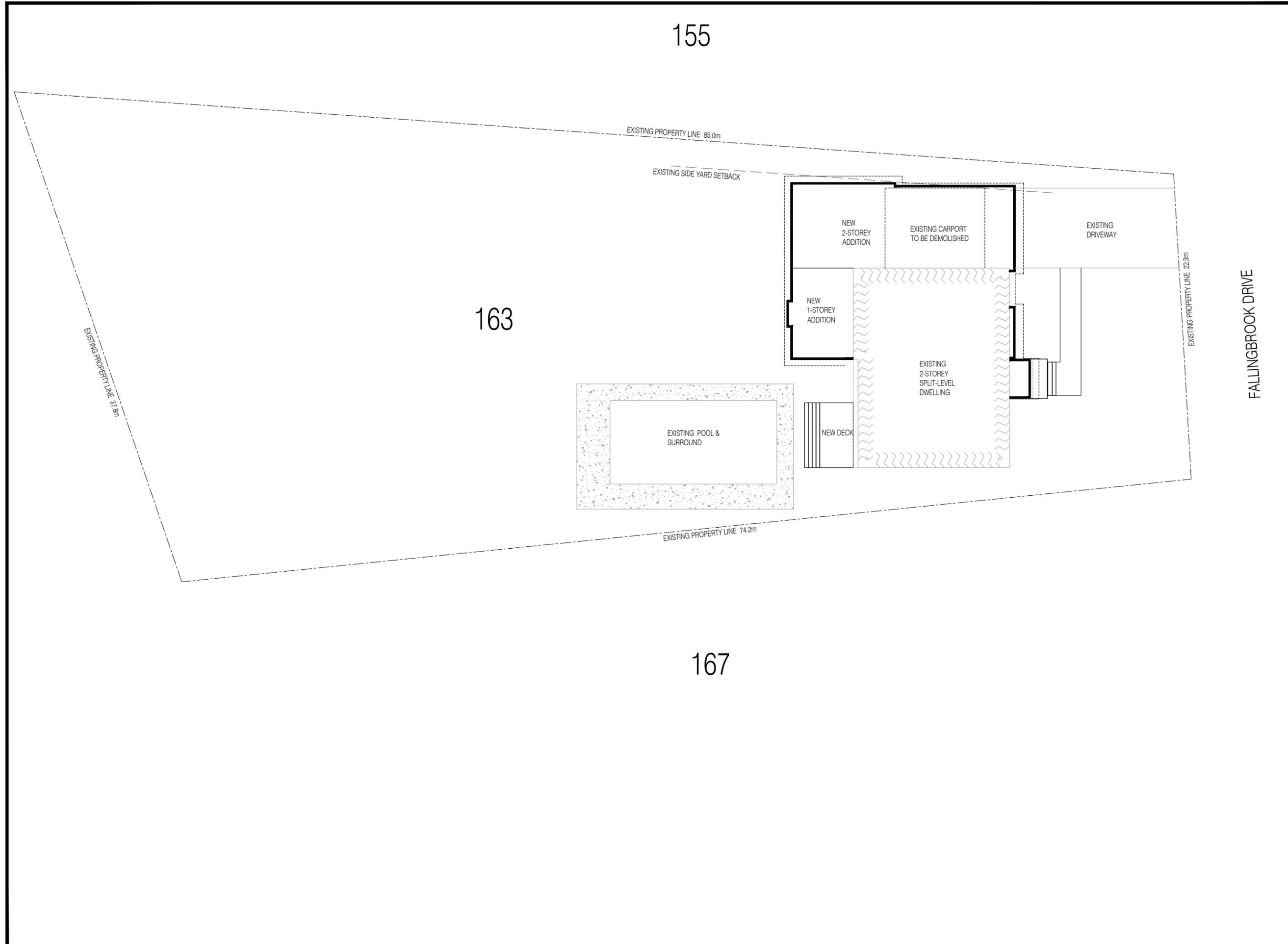
Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

These drawings are the property of "Blair Haines Design" and cannot be duplicated in anyway, without consent from "Blair Haines Design".

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.

**REGISTRATION & QUALIFICATION INFORMATION**  
 Required unless design is exempt under Part 2.17.5.1 and/or Part 2.17.4.1 of the Ontario Building Code.

**BLAIR HAINES**  
 Name: **46942** Signature: **36156**  
 Firm BCIN: Individual BCIN:



FALLINGBROOK DRIVE

No.	Date:	Description:
3	2021-11-29	ISSUED FOR MINOR VARIANCE
2	2021-11-24	RE-ISSUED FOR PRE-CONSULT
1	2021-11-19	ISSUED FOR PRE-CONSULT

REVISIONS

**BLAIR HAINES**  
 DESIGN

519.732.5055 blairhainesdesign@gmail.com  
 16 Augustus Street, Scollard, On, N0E 1R0

Project:  
**NEW ADDITION**  
 163 FALLINGBROOK DRIVE  
 ANCASTER, ONTARIO

Sheet Title: **SITE PLAN FULL**

Drawn By: BH  
 Date: NOV 2021  
 Scale: N.T.S.

Sheet No.: **A1.0**

Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

These drawings are the property of "Blair Haines Design" and cannot be duplicated in anyway, without consent from "Blair Haines Design".

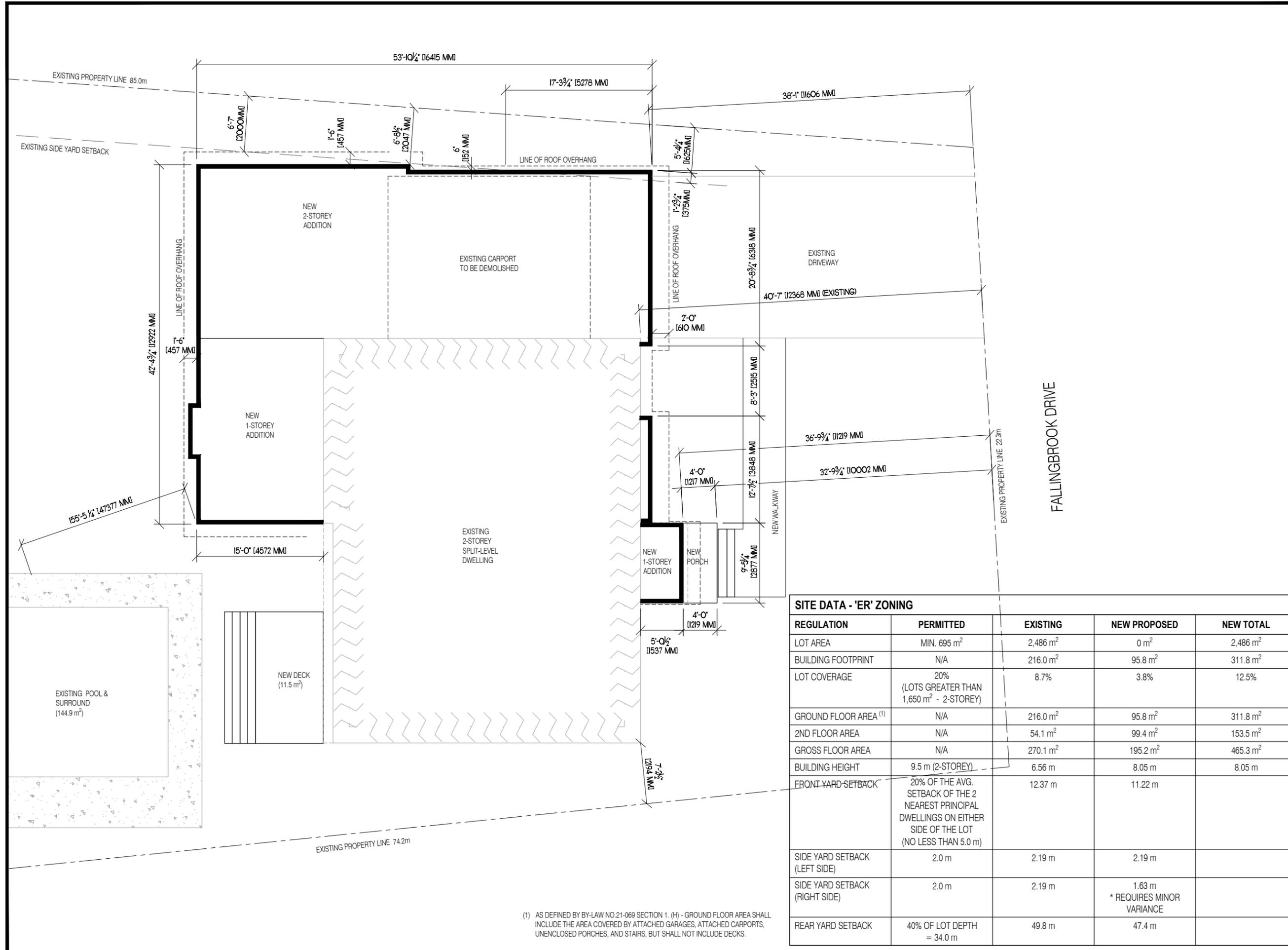
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

**REGISTRATION & QUALIFICATION INFORMATION**

Required unless design is exempt under Part 2.17.5.1 and/or Part 2.17.4.1 of the Ontario Building Code.

BLAIR HAINES

Name: 46942  
Signature: 36156  
Firm BCIN: Individual BCIN



SITE DATA - 'ER' ZONING				
REGULATION	PERMITTED	EXISTING	NEW PROPOSED	NEW TOTAL
LOT AREA	MIN. 695 m²	2,486 m²	0 m²	2,486 m²
BUILDING FOOTPRINT	N/A	216.0 m²	95.8 m²	311.8 m²
LOT COVERAGE	20% (LOTS GREATER THAN 1,650 m² - 2-STOREY)	8.7%	3.8%	12.5%
GROUND FLOOR AREA <sup>(1)</sup>	N/A	216.0 m²	95.8 m²	311.8 m²
2ND FLOOR AREA	N/A	54.1 m²	99.4 m²	153.5 m²
GROSS FLOOR AREA	N/A	270.1 m²	195.2 m²	465.3 m²
BUILDING HEIGHT	9.5 m (2-STOREY)	6.56 m	8.05 m	8.05 m
FRONT YARD SETBACK	20% OF THE AVG. SETBACK OF THE 2 NEAREST PRINCIPAL DWELLINGS ON EITHER SIDE OF THE LOT (NO LESS THAN 5.0 m)	12.37 m	11.22 m	
SIDE YARD SETBACK (LEFT SIDE)	2.0 m	2.19 m	2.19 m	
SIDE YARD SETBACK (RIGHT SIDE)	2.0 m	2.19 m	1.63 m * REQUIRES MINOR VARIANCE	
REAR YARD SETBACK	40% OF LOT DEPTH = 34.0 m	49.8 m	47.4 m	

(1) AS DEFINED BY BY-LAW NO.21-069 SECTION 1. (H) - GROUND FLOOR AREA SHALL INCLUDE THE AREA COVERED BY ATTACHED GARAGES, ATTACHED CARPORTS, UNENCLOSED PORCHES, AND STAIRS, BUT SHALL NOT INCLUDE DECKS.

No.	Date:	Description:
3	2021-11-29	ISSUED FOR MINOR VARIANCE
2	2021-11-24	RE-ISSUED FOR PRE-CONSULT
1	2021-11-19	ISSUED FOR PRE-CONSULT

**REVISIONS**

**BLAIR HAINES DESIGN**  
 519.732.5055 blairhainesdesign@gmail.com  
 16 Augustus Street, Scolland, On, N0E 1R0

Project:  
**NEW ADDITION**  
 163 FALLINGBROOK DRIVE  
 ANCASTER, ONTARIO

Sheet Title: **SITE PLAN PARTIAL**  
 Drawn By: BH  
 Date: NOV 2021  
 Scale: 3/32" = 1'-0"

Sheet No.: **A1.1**



Hamilton

Page 39 of 245  
Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto: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)		
Applicant(s)*		
Agent or Solicitor		

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

- Names and addresses of any mortgagees, holders of charges or other encumbrances:  
Royal Bank of Canada - 100 King St West, Hamilton, ON L8P 1A2

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

4. Nature and extent of relief applied for:

Requesting relief of the Minimum Side Yard requirement of 2.0m. Our new addition will encroach on the Side yard setback by 0.375m, for a Proposed Side Yard of 1.625m

- Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

As the new addition contains a Garage on the Ground Floor, the small encroachment is required to ensure there is adequate room for 2 cars to park side by side within the garage. The concern is that without the small encroachment it will be extremely tight within the garage, and would prevent it from being efficiently utilized.

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**):

163 Fallingbrook Drive, Ancaster, 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?

Information that was provided from previous owner, realtor and lawyer.

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.

Dec. 6 2021  
Date

  
Signature Property Owner(s)

Monica Bradshaw  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>22.3 m</u>
Depth	<u>85.0 m</u>
Area	<u>2,486 m2</u>
Width of street	<u>6.0</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: \_

Existing Dwelling: Ground floor area = 216.0m2, Gross floor area = 270.1m2, 2-stories, Width = 20.37m, Length = 11.43m, Height = 6.55m  
Existing Pool and Patio: 144.9m2

Proposed

New Addition: Ground floor area = 95.8m2, Gross floor area = 195.2m2, 2-stories, Width = 6.05m, Length = 16.42m, Height = 8.05m

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 = 12.36m, Right Side = 2.0m, Left Side = 2.19m, Rear = 49.81m

Proposed:

Front = 10.0m, Right Side = 1.625m, Left Side = 2.19m, Rear = 47.37m

13. Date of acquisition of subject lands:  
June 23, 2021
- 
14. Date of construction of all buildings and structures on subject lands:  
1964
- 
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 Dwelling
17. Length of time the existing uses of the subject property have continued:  
Since Construction
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input 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:  
Zoned as Existing Residential (ER)
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, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING Minor Variance

**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

**APPLICATION NO.:** AN/A-21:440

**APPLICANTS:** Agent Scott Wood  
 Owner Gazmend Berisha

**SUBJECT PROPERTY:** Municipal address **52 Jerseyville Rd. E., Ancaster**

**ZONING BY-LAW:** Zoning By-law 87-57, as Amended

**ZONING:** "ER" (Existing Residential) district

**PROPOSAL:** To permit the construction of a new accessory structure in the rear yard of the existing Single Detached Dwelling notwithstanding that:

1. A side yard setback of 0.9m shall be provided instead of the minimum required 1.5m side yard setback for an accessory structure.
2. A maximum total lot coverage of 39% shall be provided instead of the maximum permitted lot coverage of 35%.
3. Eaves and gutters associated with the proposed structure may project a maximum of 46 centimetres into the minimum required side yard instead of the maximum permitted 30 centimetre projection.

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

---

**DATE:** Thursday, February 3rd, 2022  
**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](http://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/A-21: 440  
Page 2

## MORE INFORMATION

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

- Visit [www.hamilton.ca/committeeofadjustment](http://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](mailto:cofa@hamilton.ca)

DATED: January 18th, 2021.

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

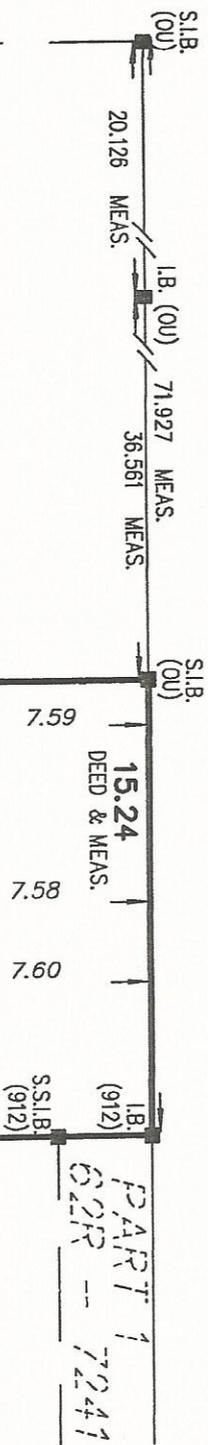
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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



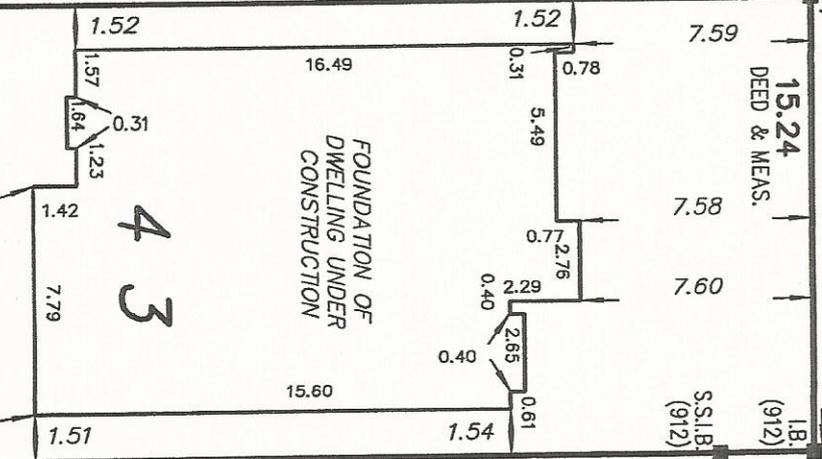
# JERSEYVILLE ROAD EAST

(ROAD ALLOWANCE BETWEEN CONCESSION 2 & 3)  
P.I.N. 17445-0152(LT)

REFERENCE BEARING N 76°49'40"E PLAN & MEAS.



P.I.N. 17435-0008(LT)  
N 13°10'20"W MEAS. 40.90 DEED & SET  
N13°37'00" DEED



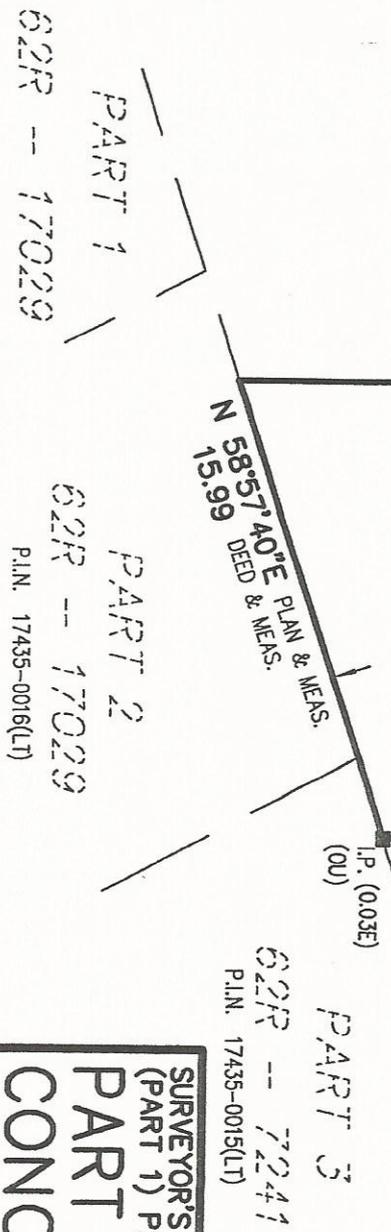
N 13°10'20"W 35.99 PLAN & MEAS.

PART 1  
62R -- 7241

PART 2  
62R -- 7241  
P.I.N. 17435-0010(LT)

LOT 43  
CONCESSION

3



TOP OF FOUNDATION WALL ELEVATION = 251.13 m

**SURVEYOR'S REAL PROPERTY REPORT**

**PART 1**  
**PART 2** THIS PLAN MUST BE READ IN CONJUNCTION WITH THE SURVEY REPORT DATED

**ASSOCIATION OF ONTARIO LAND SURVEYORS**  
**PLAN SUBMISSION FORM**  
**1669253**



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**

- S.I.B. - STANDARD IRON BAR
- I.B. - IRON BAR
- C.C. - CUT CROSS
- W.T. - WITNESS
- U.O. - UNKNOWN ORIGIN
- - FOUND
- - PLANTED

PLAN-REG'D PLAN 62R-7241

**THIS REPORT WAS PREPARED FOR: AARON D'ANGELO**

THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES  
 © THIS PLAN IS PROTECTED BY COPYRIGHT

**BEARING NOTE:** BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF JERSEYVILLE ROAD EAST, WHICH HAS A BEARING OF N76°49'40"E, AS SHOWN ON REG'D PLAN 62R-7241.

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

**ASHENHURST NOUWENS LIMITED**

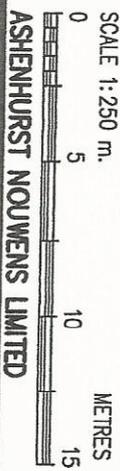
**Professional Engineers & Ontario Land Surveyors**

315 YORK BOULEVARD, SUITE 201, HAMILTON, ONTARIO L8R 3K5  
 (905) 529-6316 (905) 529-4314 1-800-824-6224  
 FAX: (905) 529-6651 e-mail: [anl@ashenhurstnouwens.com](mailto:anl@ashenhurstnouwens.com)

**SURVEYOR'S REAL PROPERTY REPORT (PART 1) PLAN OF**

**PART OF LOT 43 CONCESSION 3**

IN THE  
 GEOGRAPHIC TOWNSHIP OF ANCASTER  
 NOW IN THE  
**CITY OF HAMILTON**



**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 LAND TITLES ACT, AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 4th. DAY OF OCTOBER, 2007.

DATE Oct 19/07 *[Signature]*  
 P.R.P. NOUWENS P.E.N.G.  
 Ontario Land Surveyor

DRAWN BY R.P.	CALC'D BY	CHK'D BY J.P.N.
DATE	FILE No.	
DWG. OCT. 18, 2007	27067_BLS	





**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

<b>FOR OFFICE USE ONLY.</b>	
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)		
Applicant(s)*		
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:

ACCESSORY STRUCTURE EXTENDS INTO MIN. SIDE YARD SET BACKS FROM 1.5m TO 0.9m AND EXCEEDS MAX. LOT COVERAGE FROM 35% TO 38%

Secondary Dwelling Unit  Reconstruction of Existing Dwelling

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

DOESN'T WORK WITH THE DESIGN OF THE STRUCTURE AND LAYOUT OF THE REAR YARD

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):

52 JERSEYVILLE ROAD E, ANCASTER, ONTARIO, L9G 1K1

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?  
**EXISTING SUBDIVISION, FENCES AND GRADES FROM DEVELOPER.**

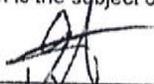
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

X 30.NOV.2021  
 Date

X   
 Signature Property Owner(s)

X GABRIEL BERISHA.  
 Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 15.24m  
 Depth 40.9m  
 Area 585.7m<sup>2</sup>  
 Width of street 7.0m

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

Existing:  
 (SFD) GROUND FLOOR AREA: 201.9m<sup>2</sup>, (SFD) NUMBER OF STORIES: 2  
 (SFD) WIDTH: 12.2m, (SFD) LENGTH: 17.9m, (SFD) HEIGHT: 10.4m

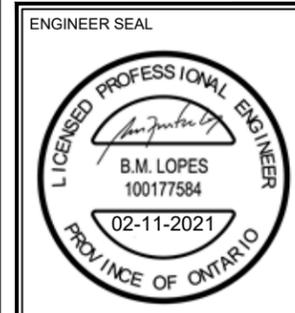
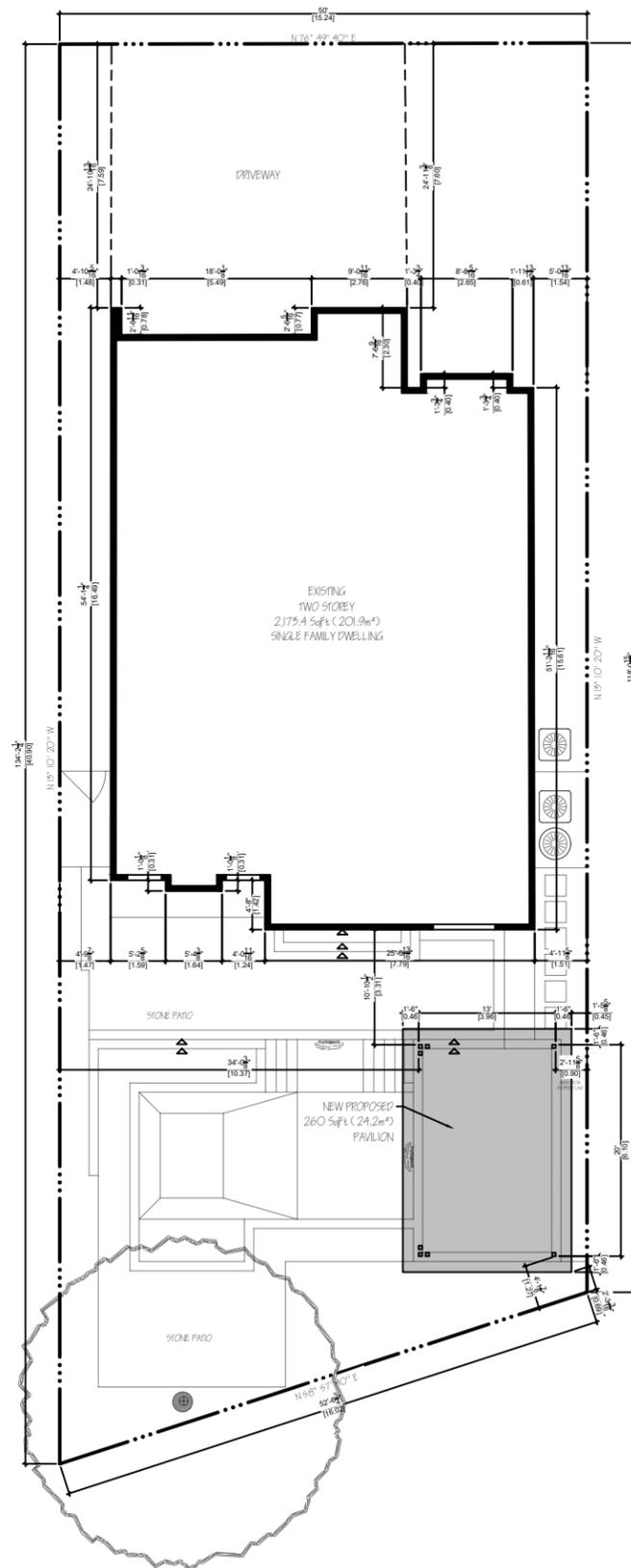
Proposed  
 (AS) GROUND FLOOR AREA: 24.2m<sup>2</sup>, (AS) NUMBER OF STORIES: 1  
 (AS) WIDTH: 3.9m, (AS) LENGTH: 6.1m, (AS) HEIGHT: 3.15m

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

Existing:  
 (SFD) FRONT: 7.6m  
 SIDE: 1.59m / 1.48m  
 REAR: 12.5m

Proposed:  
 (AS) FRONT: 28.4m  
 SIDE: 0.9m / 10.37m  
 REAR: 1.27m

13. Date of acquisition of subject lands:  
\_\_\_\_\_
14. Date of construction of all buildings and structures on subject lands:  
10-20 YEARS
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
RESIDENTIAL (SFD)
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
RESIDENTIAL (SFD)
17. Length of time the existing uses of the subject property have continued:  
10-20 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:
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.



REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10.25.2021
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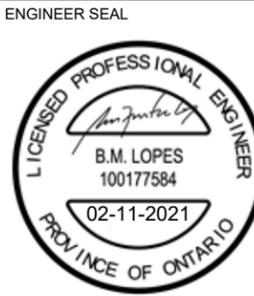
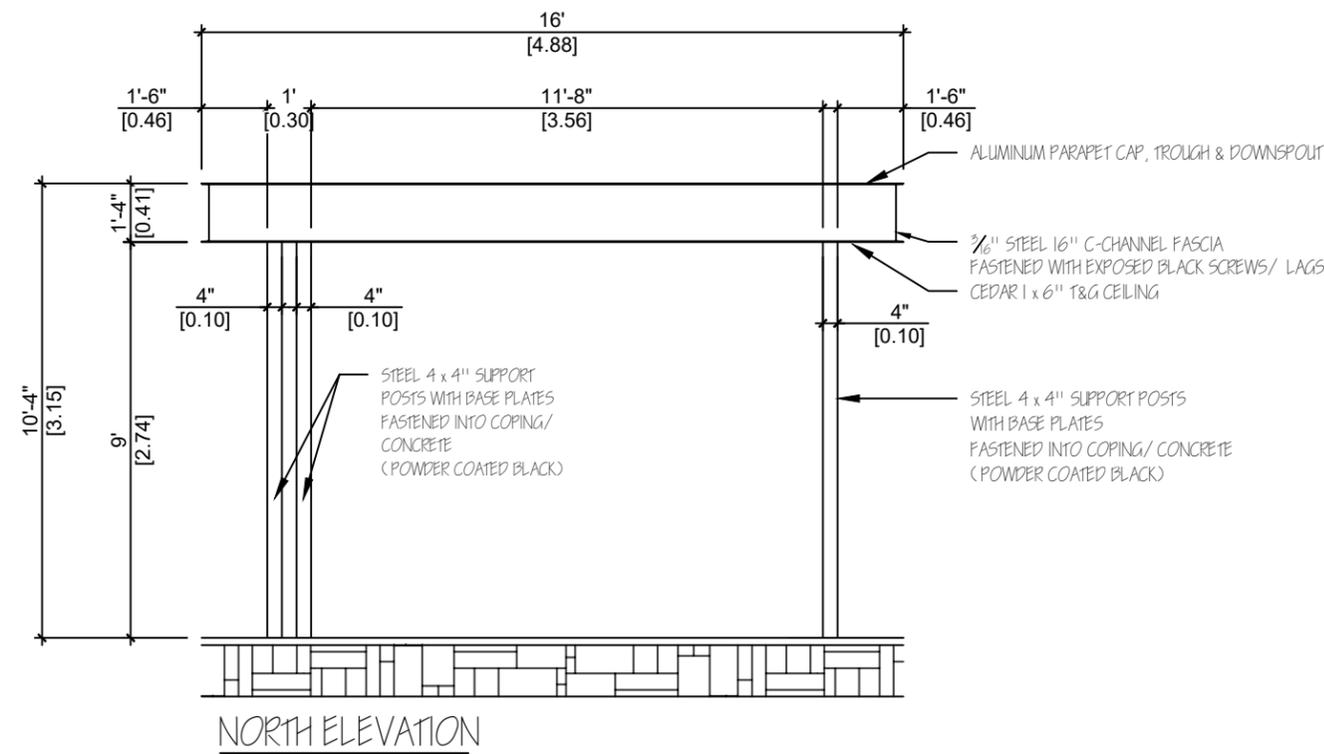
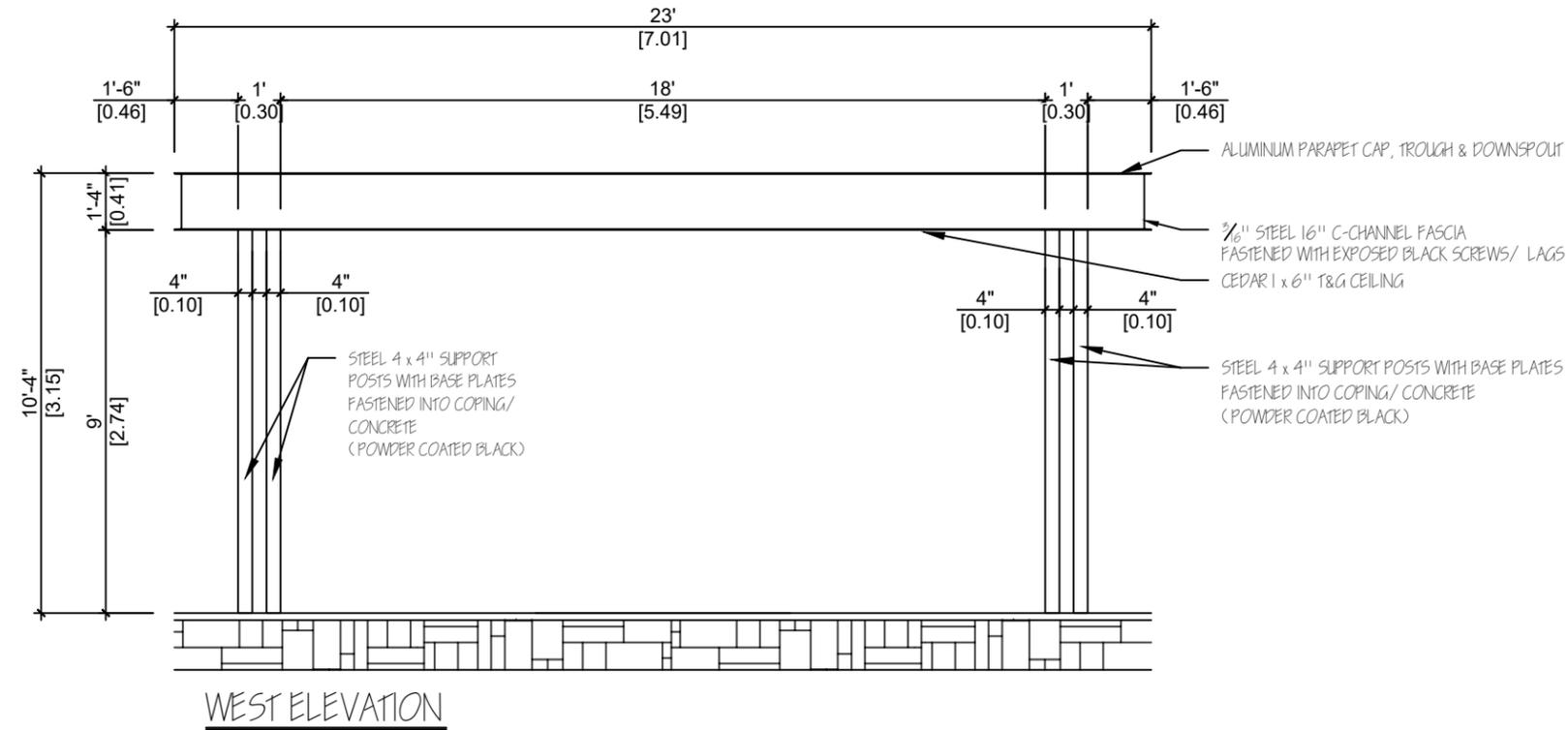
FOR BUILDING PERMIT

ZONE "ER" EXISTING RESIDENTIAL	
LOT AREA:	585.7m <sup>2</sup> (6,304.42 Sqft)
LOT FRONTAGE:	7.6m
MAXIMUM HEIGHT:	10.9m
MAX. LOT COV. 35%:	34.47%
MAX G.F.A. 65%:	201.9m <sup>2</sup> (2,173.4 Sqft)
MIN FRONT SETBACK:	4.5m
MIN SIDE SETBACK:	1.5m
MIN REAR SETBACK:	7.5m
MAX ROOF HEIGHT:	10.9m
PROPOSED ACCESSORY STRUCTURE	
PROPOSED LOT COV. (GARAGE & PORCHES INCL'D):	226.1m <sup>2</sup> (38.6%)
G.F.A.:	24.2m <sup>2</sup> (260 Sqft)
PROPOSED ROOF HEIGHT:	3.15m
SIDE SETBACK:	0.9m

PROJECT:  
**BERISHA RESIDENCE**  
52 JERSEYVILLE ROAD E  
ANCASTER, ON

DRAWING:  
**SITE PLAN PROPOSED**

SCALE: 1/8"=1'-0"	PROJECT NO. <b>BR2021</b>
DATE: OCT 18-21	
DRAWN BY: S. WOOD	SHEET NO. <b>SP1.01</b>
CHECKED BY: B. LODDER	



REVISIONS		
NO.	DESCRIPTION	DATE
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FOR BUILDING PERMIT

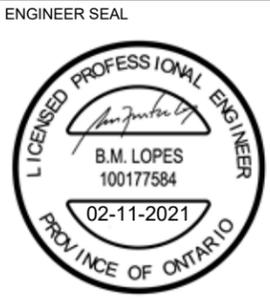
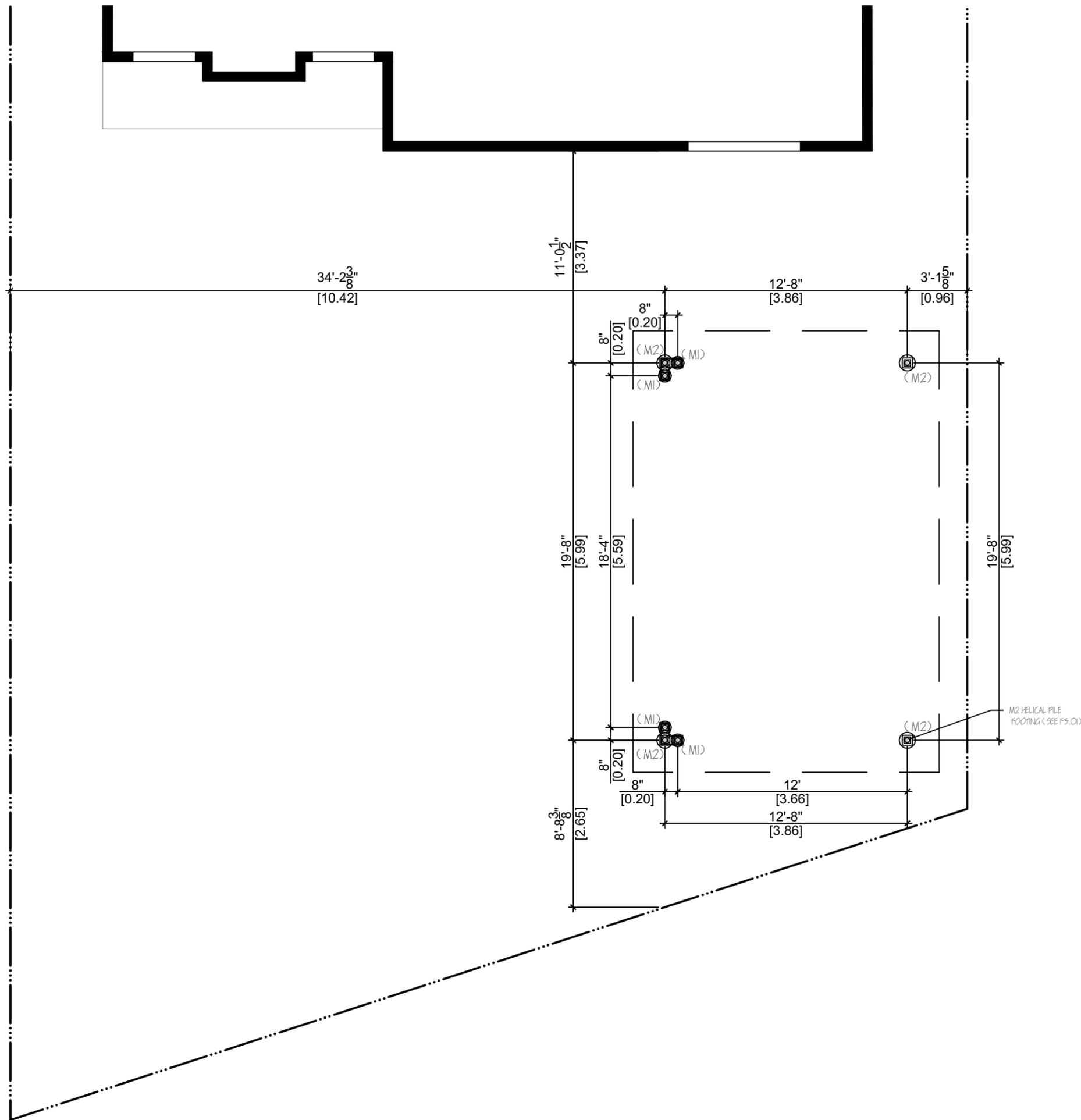
PROJECT:  
**BERISHA RESIDENCE**  
52 JERSEYVILLE ROAD E  
ANCASTER, ON

DRAWING:  
ELEVATIONS

SCALE: 1/2"=1'-0"	PROJECT NO. BR2021
DATE: OCT 18-21	
DRAWN BY: S. WOOD	SHEET NO. A1.01
CHECKED BY: B. LODDER	

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PROJECT NORTH



REVISIONS

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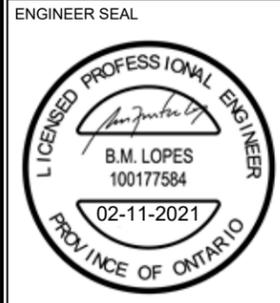
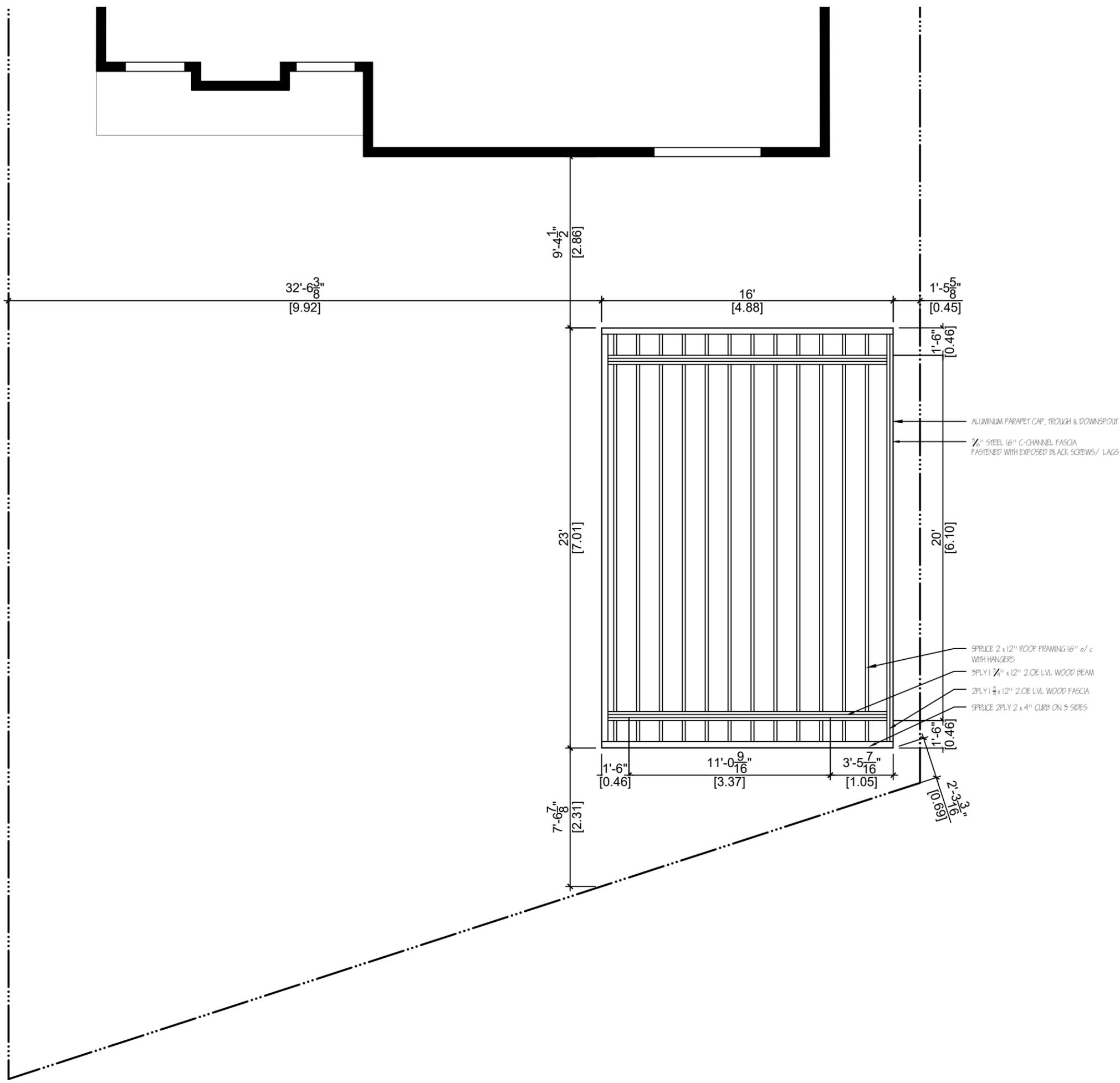
FOR BUILDING PERMIT

PROJECT:  
**BERISHA RESIDENCE**  
 52 JERSEYVILLE ROAD E  
 ANCASTER, ON

DRAWING:  
 FOOTING LAYOUT

SCALE: 3/8"=1'-0"	PROJECT NO. BR2021
DATE: OCT 18-21	
DRAWN BY: S. WOOD	SHEET NO. F1.01
CHECKED BY: B. LODDER	

PROJECT NORTH



REVISIONS

NO.	DESCRIPTION	DATE
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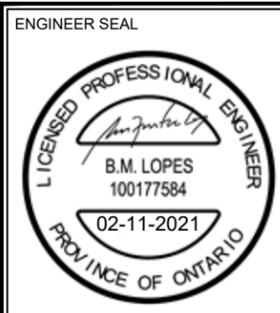
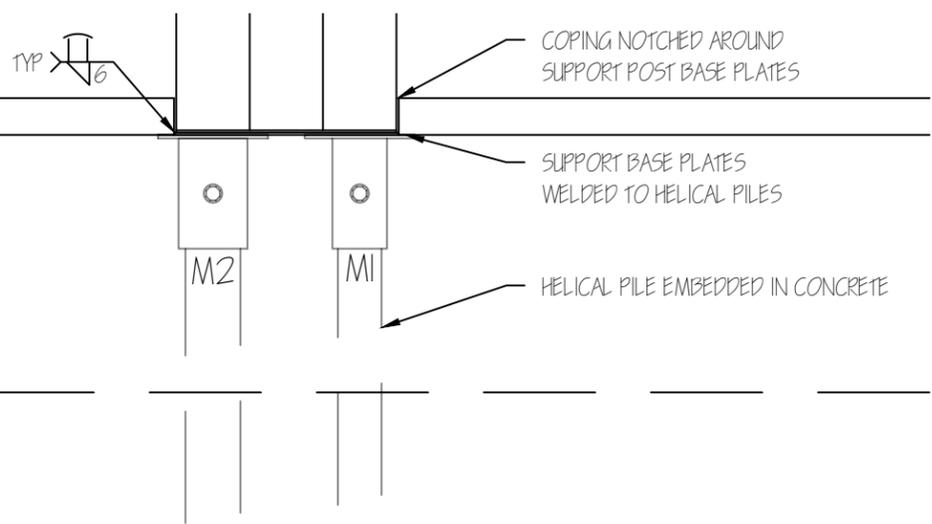
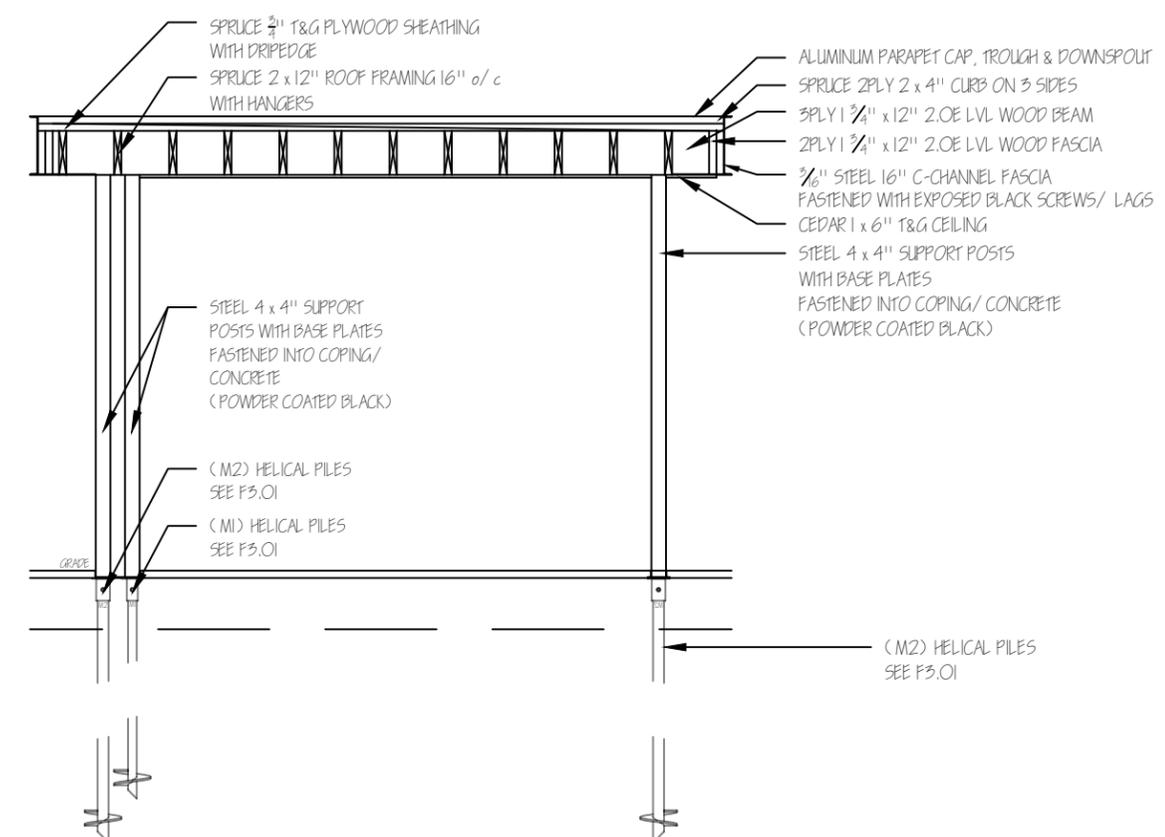
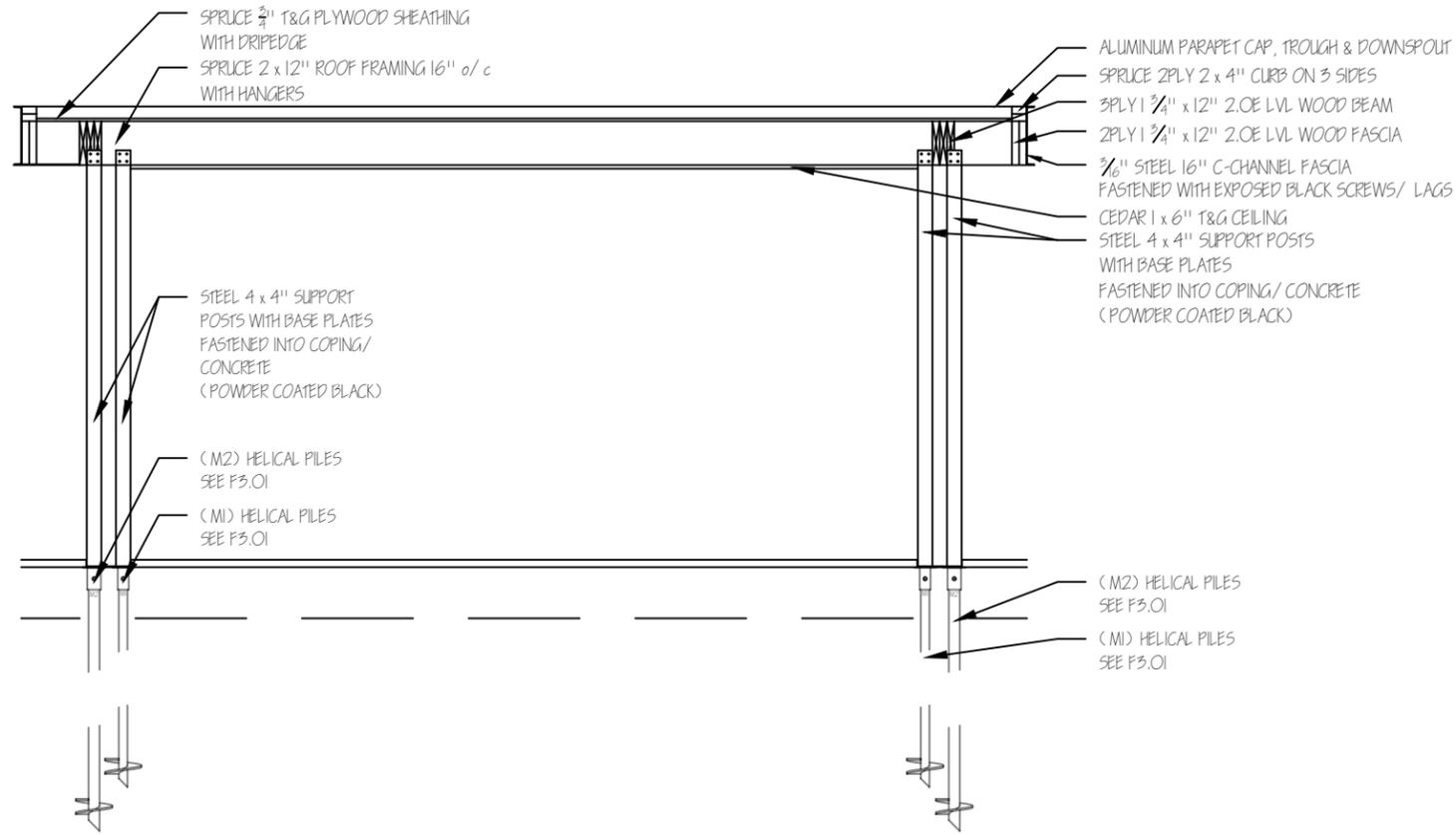


FOR BUILDING PERMIT

PROJECT:  
**BERISHA RESIDENCE**  
 52 JERSEYVILLE ROAD E  
 ANCASTER, ON

DRAWING:  
**ROOF FRAMING**

SCALE: 3/8"=1'-0"	PROJECT NO. <b>BR2021</b>
DATE: OCT 18-21	
DRAWN BY: S. WOOD	SHEET NO. <b>F1.02</b>
CHECKED BY: B. LODDER	
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REVISIONS

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FOR BUILDING PERMIT

PROJECT:  
**BERISHA RESIDENCE**  
 52 JERSEYVILLE ROAD E  
 ANCASTER, ON

DRAWING:  
**PAVILION FRAMING**

SCALE: 1/2"=1'-0"	PROJECT NO. <b>BR2021</b>
DATE: OCT 18-21	
DRAWN BY: S. WOOD	SHEET NO. <b>F1.03</b>
CHECKED BY: B. LODDER	

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**NOTES:**

**1. GENERAL:**

- 1.1 THE DESIGN, FABRICATION AND INSTALLATION OF PILES SHALL BE GOVERNED BY THE FOLLOWING CODES, STANDARD AND REGULATIONS:
  - 1.1.1 CSA G40.21 STRUCTURAL QUALITY STEEL.
  - 1.1.2 2012 ONTARIO BUILDING CODE.
  - 1.1.3 CSA W48-18 FILLER METALS AND ALLIED MATERIAL FOR METAL ARC WELDING.
  - 1.1.4 CSA W47.1 CERTIFICATION OF COMPANIES FOR FUSION WELDING OF STEEL STRUCTURES.
  - 1.1.5 ASTM A252 WELDED AND SEAMLESS STEEL PIPE PILES.
  - 1.1.6 ASTM A53 WELDED AND SEAMLESS STEEL PIPE.
  - 1.1.7 PROVINCIAL HEALTH AND SAFETY REGULATIONS.
- 1.2 PILE SHAFT DIAMETER, WALL THICKNESS AND HELIX PLATE THICKNESS SHALL NOT BE LESS THAN MINIMUM SPECIFIED IN PILE SCHEDULE.

**2. MATERIALS:**

- 2.1 STEEL PIPE PILE MATERIALS SHALL CONFORM TO ASTM A500, GRADE B OR ASTM A252 (GRADE 3) MINIMUM.
- 2.2 HELICES SHALL CONFORM TO CSA-G40.21, GRADE 300W.
- 2.3 HELICES SHALL BE WELDED TO THE PIPE SECTION USING A CONTINUOUS FILLET WELD ON BOTH SIDES OF THE HELIX-PIPE CONNECTION. HELICES SHALL HAVE MINIMUM THICKNESS AS SPECIFIED.
- 2.4 SACRIFICIAL STEEL THICKNESS HAS BEEN PROVIDED TO ACCOUNT FOR CORROSION. AS PER ONTARIO BUILDING CODE SECTION 4.2.3.10.
- 2.5 ALL WELDS SHALL BE MIN. 6MM FILLET WELDS, UNLESS NOTED OTHERWISE.
- 2.6 WELD TENSILE STRENGTH = 480MPA.
- 2.7 WELDING ELECTRODES SHALL CONFORM TO CSA W48.1.

**3. DESIGN:**

- 3.1 PILES DESIGN LOAD IS BASED ON THE EXISTING STRUCTURAL DRAWING.
- 3.2 ANY CHANGES TO THE PILE LAYOUT SHALL BE REVIEWED BY CONSULTANT ENGINEER FOR APPROVAL.
- 3.3 DUE TO NO GEOTECHNICAL INFO AVAILABLE, SOIL PROPERTY IS ASSUMED BASED ON ADJACENT PROJECT, OWNER AND CONTRACTOR'S DESCRIPTION, ANY UNFORESEEABLE GEOTECHNICAL CHANGES WILL BE THE RESPONSIBILITY OF OWNER.

**4. CONSTRUCTION:**

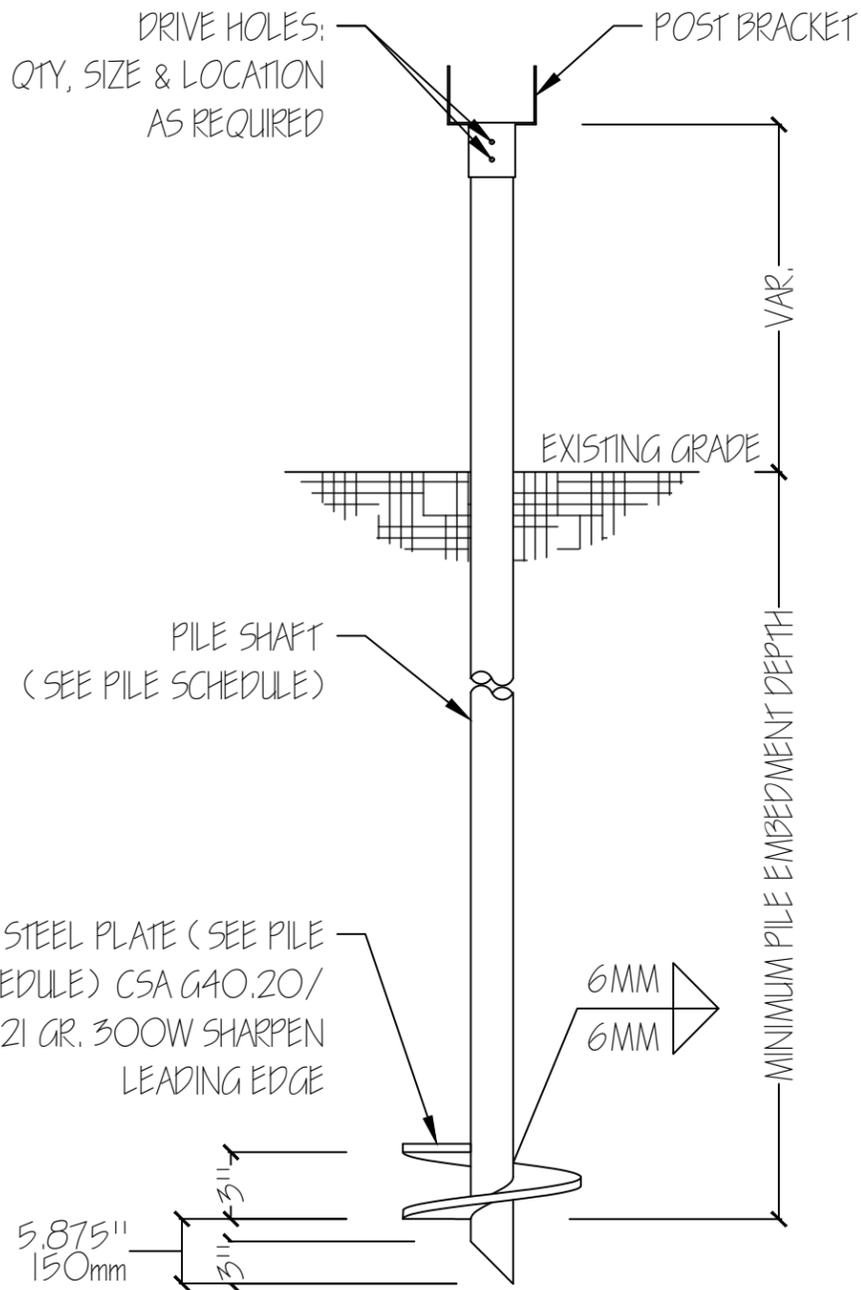
- 4.1 PILES SHALL BE INSTALLED OPEN ENDED; AND ENDS SHALL BE CUT AS 45 DEGREES.
- 4.2 PILES SHALL BE INSTALLED CONTINUOUSLY WITHOUT INTERRUPTION TO THE MINIMUM EMBEDMENT DEPTH AND MINIMUM INSTALLATION TORQUE INDICATED ON THE PILE SCHEDULE.
- 4.3 PILE INSTALLATION RECORDS SHALL BE DOCUMENTED BY A QUALIFIED PILING INSPECTOR REPRESENTING THE GEOTECHNICAL ENGINEER.
- 4.4 FABRICATION SHALL BE CARRIED OUT IN ACCORDANCE WITH STANDARD PRACTICES AND APPLICABLE CODES.
- 4.5 PILE EMBEDMENT DEPTHS INDICATED IN THE PILE SCHEDULE ARE HELIX DEPTH FROM THE EXISTING GRADE. STICKUP AND TIP PROJECTION LENGTHS SHALL BE ADDED TO THE PILE LENGTH AS REQUIRED.
- 4.6 INSTALL PILES VERTICALLY AND ENSURE THE RATE OF ADVANCEMENT INTO THE SOIL PER REVOLUTION IS EQUAL TO THE HELIX PITCH.

**5. TOLERANCES:**

- 5.1 PILE SHALL BE INSTALLED TO THE FOLLOWING TOLERANCES:
  - 5.1.1 TOP OF PILE WITHIN 75MM OUT OF ALIGNMENT.
  - 5.1.2 NOT MORE THAN 2% INCLINATION FROM VERTICAL.
- 5.2 ANY GAP AROUND INSTALLED PILE MUST BE BACKFILLED WITH CRUSHED STONES OR APPROVED EQUIVALENT.
- 5.3 WHERE PILES DEVIATE FROM ABOVE TOLERANCE AND DESIGN REQUIREMENTS, THE CONDITION OF THE FOUNDATION SHALL BE ASSESSED BY THE ENGINEER AND WHERE REQUIRED, CORRECTIONS SHALL BE MADE.

**6. ACCEPTANCE:**

- 6.1 BOTH MINIMUM TOP HELIX EMBEDMENT DEPTH AND MINIMUM INSTALLATION TORQUE MUST BE ACHIEVED FOR PILE ACCEPTANCE.

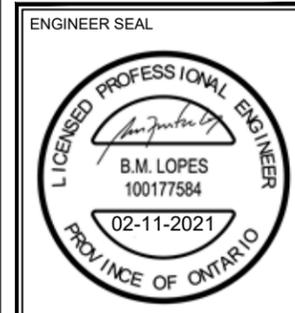


FOR INFORMATION ONLY

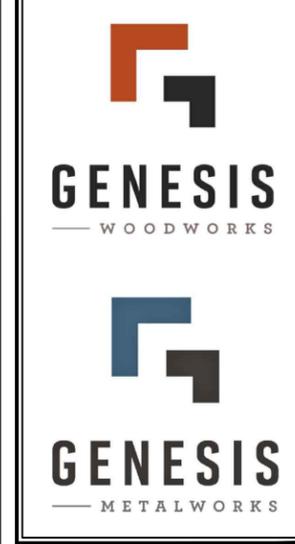


MASSCORE INC.  
BRANTFORD, ON

HELICAL PILE SCHEDULE (FOR PRELIMINARY GUIDE ONLY) <sup>1</sup>									
PILE TYPE	QUANTITY	FACTURED ULTIMATE AXIAL CAPACITY KN (KIP) <sup>2</sup>		AXIAL STRUCTURAL CAPACITY KN (KIP) <sup>4</sup>	SHAFT SIZE MM (INCH)	HELIX SIZE MM (INCH)	TOP HELIX MIN. EMBEDMENT	NO. OF HELIX	MAX. TORQUE KN-M (FT-LBS)
		COMPRESSION	TENSION <sup>3</sup>						
M1	4	50 (11)	35 (8)	220 (49)	60.3 x 4.76 (2 3/8 x 3/16)	203 x 9.53 (8 x 3/8)	SEE NOTE 5	1	5 (3,700)
M2	4	85 (19)	60 (13)	280 (63)	76.2 x 4.76 (3 x 3/16)	254 x 9.53 (10 x 3/8)	SEE NOTE 5	1	8.3 (6,200)



REVISIONS		
NO.	DESCRIPTION	DATE
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FOR BUILDING PERMIT

PROJECT:		<b>BERISHA RESIDENCE</b>	
		52 JERSEYVILLE ROAD E ANCASTER, ON	
DRAWING:			
HELICAL PILE SPECIFICATIONS			
SCALE:	N.T.S.	PROJECT NO.	BR2021
DATE:	OCT 18-21		
DRAWN BY:	S. WOOD	SHEET NO.	F3.01
CHECKED BY:	B. LODDER		
			6 of 6





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto: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-21:441

**APPLICANTS:** Agent T. Johns Consulting Group c/o K. Gillis  
 Owner OBB Properties Inc. c/o F. Morison

**SUBJECT PROPERTY:** Municipal address **73 Aeropark Blvd., Glanbrook**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 16-165

**ZONING:** "M11" (Airport Prestige Business (M11) Zone

**PROPOSAL:** To permit the construction of an office building in order to facilitate Site Plan File No. DA-21-114 notwithstanding that:

1. No maximum yard setback shall be required abutting the Aeropark Boulevard street line instead of the requirement that a maximum yard abutting a street shall be 27.0m.
2. An existing hydro transformer shall be permitted within the required 6.0m landscaped area abutting the Aeropark Boulevard street line instead of the requirement that a transformer is not permitted within a required landscaped area.
3. The existing hydro transformer located within the required front yard shall be permitted to be setback a minimum of 1.5m from the Aeropark Boulevard street line, shall be permitted to be 0.0m from the northerly side lot line and shall not be required to be screened from the Aeropark Boulevard street line by an enclosure or landscaping instead of the requirement that mechanical and unitary equipment within a required front yard shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping.

NOTE:

- i) The variances have been written as requested by the applicant. The lands are subject to DA-21-114. Further variances will be required if compliance with all other zone regulations cannot be complied with.

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

---

**DATE:** Thursday, February 24th, 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

GL/A-21: 441  
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](http://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](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022

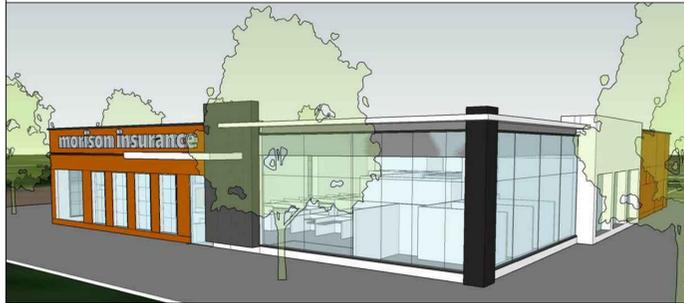
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***



INVIZIJ ARCHITECTS INC  
185 YOUNG STREET, HAMILTON, ON L8N 1V9  
T: 905 525 9000 | F: 905 523 7600 | invizij.ca



**73 AEROPARK BOULEVARD, HAMILTON**  
AIRPORT PRESTIGE BUSINESS (M11) ZONE OF ZONING BY-LAW NO. 05-200

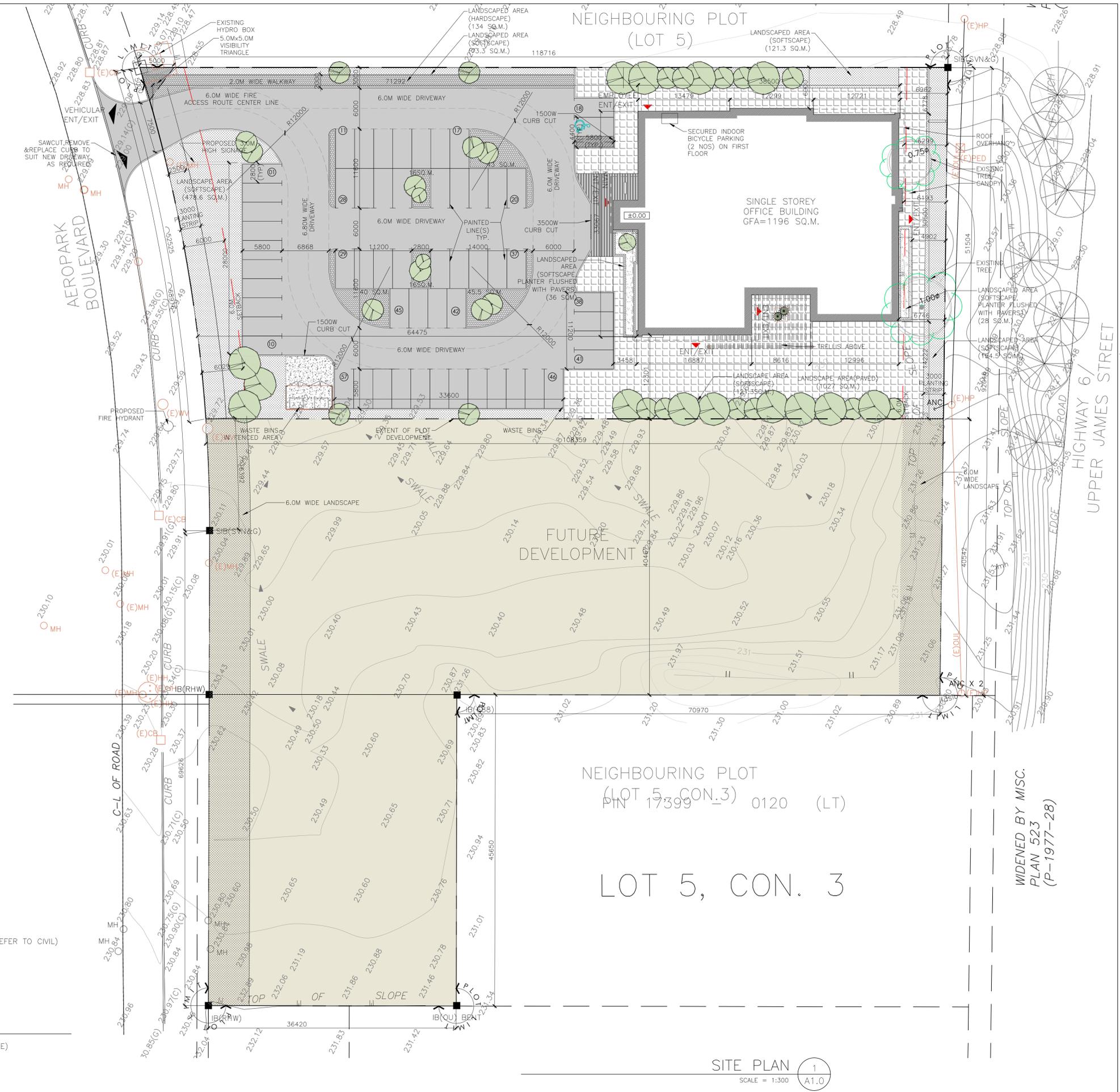
PROVISION	REQUIRED	PROPOSED	CONFORMITY
PERMITTED USES	OFFICE	OFFICE	YES
MINIMUM LOT AREA	4,000.0m <sup>2</sup>	TOTAL = 11,809.71m <sup>2</sup> PHASE 1 = 5,796.03m <sup>2</sup>	YES
YARD ABUTTING A STREET	MIN 6.0m MAX 27.0m	MIN 6.2m MAX 64.0m	YES
MAX BUILDING HEIGHT	ALL DEVELOPMENT IN THE CITY OF HAMILTON SHALL COMPLY WITH THE HAMILTON AIRPORT ZONING (HEIGHT) REGULATIONS ESTABLISHED BY TRANSPORT CANADA, WHICH ARE REGISTERED AT THE LOCAL LAND TITLES OFFICE AND WHICH MAY BE AMENDED FROM TIME TO TIME.	8.2m	YES
MAX GFA FOR OFFICE USE WITHIN AN INDIVIDUAL BUILDING	3,000m <sup>2</sup>	1,196.0m <sup>2</sup>	YES
MIN LANDSCAPED AREA	1,771.5m <sup>2</sup> (15% TOTAL LOT AREA) 869.4m <sup>2</sup> (15% PHASE 1 AREA)	2,005.0m <sup>2</sup> (17.0% TOTAL) 2,005.0m <sup>2</sup> (34.6% PHASE 1)	YES
	6.0m WIDE LANDSCAPED AREA ABUTTING A STREET	6.0m	YES

GENERAL PROVISIONS			
MAX ENCROACHMENT OF WINDOWSILLS, EAVES ETC. INTO A REQUIRED YARD	0.6m	0.0m	YES
MAX ENCROACHMENT OF A PORCH, DECK OR CANOPY INTO A REQUIRED YARD	1.5m	0.0m	YES
MIN SETBACK OF MECHANICAL EQUIPMENT	3.0m FROM STREET LINE 0.6m FROM SIDE LOT LINE	0.0m 0.0m	NO (EXISTING)

PARKING AND LOADING REQUIREMENTS			
REGULATION	REQUIRED	PROPOSED	CONFORMITY
MIN PARKING AISLE WIDTH	6.0m	6.0m	YES
MIN PARKING SPACES	39 SPACES (1 PER 30m <sup>2</sup> OF GFA)	57	YES
MIN PARKING SPACE DIMENSION	2.8m WIDE 5.8m LONG	5.8m WIDE 5.8m LONG	YES
MIN BARRIER FREE PARKING SPACES	1 SPACE	1 SPACE	YES
MIN PARKING SPACE DIMENSION FOR BARRIER FREE	4.4m WIDE 5.8m LONG	4.4m WIDE 5.8m LONG	YES
MIN LONG-TERM BICYCLE PARKING	2 SPACES	2 SPACES	YES

**SITE PLAN LEGEND**

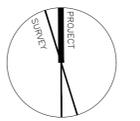
(E)	EXISTING	CBHM	CATCH BASIN MANHOLE (REFER TO CIVIL)
○ FH	FIRE HYDRANT	○ "STOP" SIGN	
▶	BUILDING ENTRANCE/EXIT	○ BL	BOLLARD
○ HP	HYDRO POLE	000.00	ELEVATION DATUM
⊠ CB	CATCH BASIN (REFER TO CIVIL)	ASPHALT PAVING	
○ MH	SANITARY MANHOLE (REFER TO CIVIL)	CONC PAVING	
○ MH	STORM MANHOLE (REFER TO CIVIL)	SOD (REFER TO LANDSCAPE)	
		NOT USED	
		SIDEWALK	



**SITE PLAN**  
SCALE = 1:300

**WORK IN PROGRESS**

REV.	DESCRIPTION	DATE
06	ISSUED FOR MINOR VARIANCE	2021/11/15
05	ISSUED FOR SPA	2021/09/15
04	ISSUED FOR CLIENT REVIEW	2021/08/25
03	ISSUED FOR COORDINATION	2021/08/13
02	ISSUED FOR COORDINATION	2021/07/14
01	ISSUED FOR SPA	2021/06/23



DO NOT SCALE DRAWING. DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON SITE. ALL DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS IN WHOLE OR IN PART IS STRICTLY FORBIDDEN WITHOUT THE ARCHITECT'S WRITTEN PERMISSION. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS CONTRADICTED BY INVIZIJ ARCHITECTS INC.

PROJECT NAME:	OFFICE BUILDING FOR MORISON INSURANCE
PROJECT ADDRESS:	73 AEROPARK BLVD, HAMILTON, ONTARIO
PROJECT NO.:	19-033
DRAWING TITLE:	SITE PLAN
PLOT DATE:	15-Nov-21
DRWN.:	NN
CHKD.:	EC
DATE:	JANUARY, 2020
SCALE:	1:300
DRAWING NO.:	<b>A1.0</b>



Hamilton

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto: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	
Registered Owners(s)	
Applicant(s)*	
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:

Business Development Bank of Canada  
1900-25 Main Street West  
Hamilton, ON L8P 1H1

**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 require no maximum yard abutting the Aeropark Boulevard street line, whereas a maximum of 27 metres is required. To permit the existing hydro box location, whereas a hydro box is not permitted within the required 6.0 metre landscape area, 3.0 metre planting strip, 3.0 metres from the street line, 0.6 metres from a side lot line, and is required to be screened from the street.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

See the Minor Variance Rationale.

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 4  
Plan 62M-1229  
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



13. Date of acquisition of subject lands:  
January 17th, 2019
- 
14. Date of construction of all buildings and structures on subject lands:  
N/A, Vacant
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Vacant, former agricultural lands and golf course.
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Vacant, former agricultural lands to the north, west and east, single detached dwellings to the south, and commercial to the east
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          | <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:  
"Airport Prestige Business" designation in both the Urban Hamilton Official Plan and the Airport Employment Growth District Secondary Plan.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Airport Prestige Business (M11) Zone in the City of Hamilton Zoning By-law No. 05-200
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  
Proposed development is subject to Site Plan Control (DA-21-114). This is a phased development and will be followed by an application for Part Lot Control to permit the creation of two (2) separate parcels.
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.



December 13<sup>th</sup>, 2021

*Via Email*

**ATTN:** Jamila Sheffield, Secretary-Treasurer  
City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: 73 Aeropark Boulevard, Hamilton  
Committee of Adjustment - Minor Variance Application**

---

**T. Johns Consulting Group** (“T. Johns”) was retained by Schilthuis Construction Inc., on behalf of OBB Properties Inc., the landowners of 73 Aeropark Boulevard, Hamilton (“subject lands”) to submit the following Minor Variance application on their behalf.

#### **Site Description**

73 Aeropark Boulevard is located in North Glanford, legally described as Lot 4, 62M-1229 in the City of Hamilton, Regional Municipality of Hamilton-Wentworth, now the City of Hamilton. The lands are bound by Aeropark Boulevard (local road) to the west and Upper James Street (major arterial) to the east. The subject lands are irregular in shape with an area of 1.18 hectares (2.9 acres). The subject lands have an approximate frontage of 138.5 metres along Aeropark Boulevard and 92.06 metres along Upper James Street.

#### **Planning Status**

The *Urban Hamilton Official Plan Volume 1* designates the subject lands “Airport Employment Growth District” which permits office uses. The *Urban Hamilton Official Plan, Volume 2, Airport Employment Growth District Secondary Plan* designates the subject lands “Airport Prestige Business”. Office uses are permitted.

The City of Hamilton Zoning By-law No. 05-200 zones the subject lands “M11” (Airport Prestige Business) Zone. The “M11” Zone permits office buildings.

#### **Proposed Variances**

The proposed development is on the northern portion of the property, being an area of approximately 0.58ha (1.4 acres). A one (1) storey office building proposed with a gross floor area of 1,196.0 m<sup>2</sup>, that will be supported by fifty-seven (57) parking spaces and one (1) barrier free parking space. To facilitate the proposed development, two (2) Minor Variances are being sought from the City of Hamilton Zoning By-law No. 05-200 Airport Prestige Business (M11) Zone. The first required variance is to permit no maximum yard abutting the Aeropark Boulevard street line, whereas a maximum setback of 27 metres abutting a street line is required. The second required



variance is to permit the existing hydro box as existing, whereas a hydro box is not permitted within the required 6.0 metre landscape area, 3.0 metre planting strip, 3.0 metres from the street line, 0.6 metres from a side lot line, and is required to be screened from the street.

Refer to the Site Plan and Appendix A: Planning Rationale dated December 13<sup>th</sup>, 2021 for more details.

T. Johns respectfully requests the circulation of this letter along with the enclosed documents in support of Minor Variance.

Please find the enclosed:

- Minor Variance application with signatures;
- Copy of the cheque in the amount of \$3,320.00 to satisfy the application fee;
- Appendix A: Planning Rationale;
- Site Plan;
- Phase I & Phase II Environmental Site Assessment reports; and,
- Risk Evaluation report.

Due to the current COVID-19 pandemic situation, the application and all required documents have been submitted electronically, save and except the cheque that was submitted to the City of Hamilton December 13, 2021.

Please do not hesitate to contact Katelyn Gillis at 905-574-1993 ext. 207 with any questions.

Respectfully submitted,

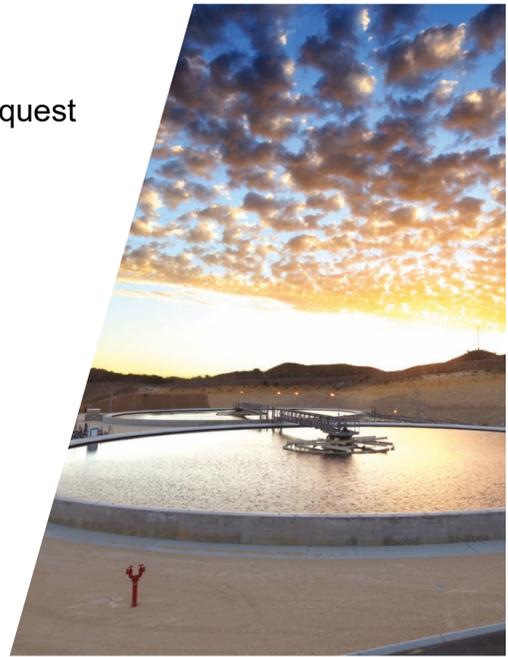
**T. Johns Consulting Group Ltd.**

A handwritten signature in black ink that reads "Katelyn Gillis". The signature is written in a cursive, flowing style.

**Katelyn Gillis, BA**  
Intermediate Planner



Complete report available upon request



# Phase I Environmental Site Assessment

Hamilton Airport Lands Limited Partnership and  
GreyCan 8 Properties Limited Partnership,  
Upper James Street and Dickenson Road West  
Hamilton, Ontario

Panattoni Development Company





Complete report available upon request

October 25, 2018

Reference No. 11188118

Ms. Rebecca Orig  
Risk Manager  
Panattoni Development Company, Inc.  
7887 E. Belleview Avenue, Suite 475  
Denver, Colorado  
80111

Dear Ms. Orig:

**Re: Phase II Environmental Site Assessment  
Hamilton Airport Lands Limited Partnership and GreyCan 8 Properties Limited Partnership  
Upper James Street and Dickenson Road West  
Hamilton, Ontario (Site or Property)**

## 1. Introduction

GHD was retained by Panattoni Development Company (Panattoni) to complete a Phase II Environmental Site Assessment (ESA) of the above-referenced Site. The Property is currently owned by 1463851 Ontario Inc. and Orlick Industries Ltd. It is GHD's understanding that the Phase II ESA is being completed as part of due diligence to support the potential purchase of the Property.

The Site is approximately 33.2 hectares (82.1 acres) in size and is comprised of eight land parcels (Parcels 1 through 8). The Site is currently vacant with no buildings or structures. The northern portion of the Site had been utilized for rural residential and agricultural purposes since as early as 1934 until the early 1990s; and the southern portion of the Site consisted of agricultural fields and/or vacant land since as early as 1934 until the early 1960s when it was developed as a golf course. The golf course was reportedly operated on the southern portion of the Site between the early 1960s until mid to late 1980s. The Site is located in an area of Hamilton that has been developed for mixed agricultural, residential and industrial/commercial purposes since the early 1960s.

A Site Location Map and a Site Plan are provided on Figure 1 and Figure 2, respectively. Compass directions (north, east, south, and west) described in this report are referenced to "Project North", which is oriented parallel to Upper James Street. Site access is provided from Aeropark Boulevard and Wetenhall Court. The properties that comprise the Site are not currently serviced by any access roads but there are some rough graded roads on some areas of the Site. At the time of the Phase I Site inspection, GHD observed several stockpiles and mounds across the Site. Site personnel indicated that the stockpiles and mounds consisted of surficial material/top soil sourced on Site that was excavated for the purposes of grading in anticipation of future development of the Site. In general, the exterior surfaces of the Site consist of grass, shrubs and trees.





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto: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-21:442

**APPLICANTS:** Agent A.J. Clarke & Associates c/o F. Kloibhofer  
 Owner Miranda Muraca

**SUBJECT PROPERTY:** Municipal address **244 Federal St., Stoney Creek**

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

**ZONING:** "R6" (Residential "R6" Zone)

**PROPOSAL:** To permit a lot to be conveyed (Part 1) and to permit a lot to be retained (Part 2) with each lot to contain a single detached dwelling in order to facilitate Consent File No. SC/B-21:21 notwithstanding that:

1. A minimum lot frontage of 9.1m shall be provided for an interior lot instead of the minimum required minimum lot frontage of 10.0m for an interior lot.
2. A minimum side yard of 0.9m shall be permitted instead of the minimum required side yard of 1.25m.
3. Eaves or gutters, for other than an accessory building, shall be permitted to project into any required yard a distance of not more than 0.6m instead of the requirement that eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.5m
4. A maximum lot coverage of 47% shall be permitted instead of the maximum required lot coverage of 40%.

**NOTE:**

- i) The variances are necessary to facilitate Consent File No. SC/B-21:21.

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

---

**DATE:** Thursday, February 24th, 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

---

SC/A-21: 442  
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](http://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](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022

---

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.***

# CITY OF HAMILTON (STONEY CREEK)

## 244 FEDERAL STREET, STONEY CREEK SEVERANCE (SC/B-21:24)

CONSENT AGREEMENT SUBMISSION: NOVEMBER 23, 2021  
APPLICATION No. SC/B-21:24  
PROJECT No. 208185

### LIST OF DRAWINGS

- 1. SERVICING PLAN
- 2. GRADING & ESC PLAN
- 3. STORM DRAINAGE AREA PLAN



N.T.S.

PETER MURACA

 *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

244 FEDERAL STREET, STONEY CREEK, HAMILTON

**WATER SERVICES NOTE**  
All backflow prevention devices must be selected, installed and maintained in accordance with the City of Hamilton's backflow prevention by-law # 10-103, including the manufacturer's specifications for installation etc., and guidelines set out in the most recent versions of 'AWWA Canadian Cross Connection Control Manual' CSA B64.10/07/B64.10.1-07 standards'. In selecting a backflow device for a property, consideration must be given to future possible uses of the site which could result in a higher risk to municipal drinking water system, thus making the device initially chosen inadequate for new purpose and requiring future change out at the owner's expense.

**GENERAL SERVICES NOTE**  
Minimum horizontal separation between water services/main and sewer drains and municipal sewer main shall be 2.5m measured from the closest pipe edge to closest pipe edge. Vertical separation where water service/main passes over a sewer drain or municipal sewer main must be a minimum of 0.25m unless greater separation is required to provide for proper bedding and structural support. Water services/main passing under sewer drains or municipal mains must have a separation of 0.5m between the invert of the sewer main/drain and the crown of the water service/main. All water services to be installed with a minimum cover of 1.6m to the pipe obvert. Sewer drains to be installed with a minimum cover of 2.20m at the property line below the final road grade or at such higher elevation only as may be necessitated by the level of the main sewer. On private property the minimum cover for sewer drains is to be no less than 1.2m.

All services to be installed as per City of Hamilton construction and material specifications manual (latest edition) and Ministry of the Environment Conservation and Parks Guidelines (latest edition).

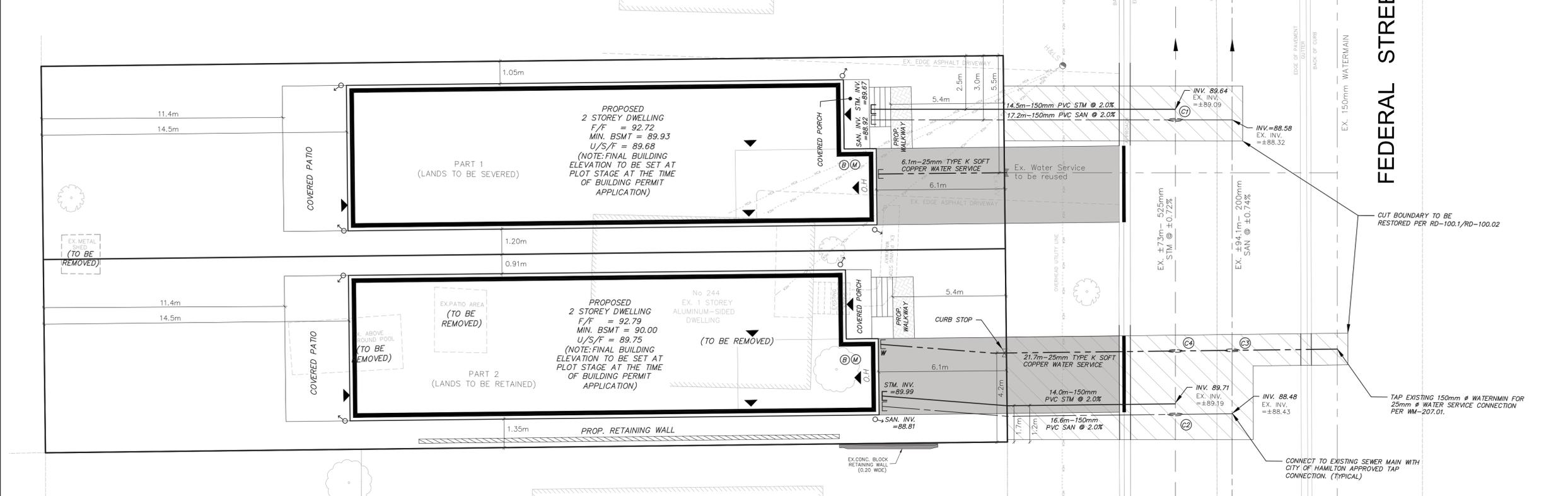
**EXISTING SERVICES NOTE**  
The reuse of existing water services on private property is at the owner's sole risk and responsibility. Water services within the municipal road allowance or within municipal easements may be reused if in good working condition, meet by-law requirements and are of adequate capacity to meet the requirements of the site. Contact Planning and Economic Development Department, Growth Management Division, Development Engineering Construction section at (905)546-2424 x7860 to arrange for an inspection.

All existing unused sewer drains, servicing a property being redeveloped in whole or in part must be removed from municipal property i.e. road allowance, etc. with an appropriate repair to the municipal sewer main to which they connect, and either removed from private property or abandoned in accordance with City minimum requirements i.e. plugging at either end with a minimum 300mm concrete.

**EXISTING SERVICING NOTE**  
Existing water service shall be inspected and confirmed to be in good condition for re-use. Otherwise, a new water service shall be provided.

**EXISTING SERVICES NOTE**  
If the applicant/owner intends to reuse an existing water service it must be in good working condition, of acceptable material (re-use of lead services is not permitted) and adequately sized to handle the requirements of the site. If the existing service to be reused has a nominal size of 12 mm or 16 mm, which is less than the standard 20mm By-law requirement, and a service flow exceeding 0.3 l/s, then the applicant/owner may connect to it or reuse it, subject to them entering into a 'Special Private Water Service Agreement' with the City and registering this Agreement on title.

All existing unused sewer drains, servicing a property being redeveloped in whole or in part must be removed from municipal property i.e. road allowance, etc. with an appropriate repair to the municipal sewer main to which they connect, and either removed from private property or abandoned in accordance with City minimum requirements i.e. plugging at either end with a minimum 300mm concrete.



**KEY PLAN** N.T.S.

**SITE BENCH MARK**  
City of Hamilton  
Monument No: 07720100036  
Elevation: 86.893m CGVD:78  
Description: RB with brass cap  
Monument is located at the East side of Mahony Park, 90m North of the centerline of Barton Street East, 15m North of the Centerline of Goggin Avenue and 16m West of the Centerline of Adeline Avenue

No.	Revision	By	Date
2.	REISSUED FOR CONSENT AGREEMENT		M.D. NOV 23, 2021
1.	CONSENT AGREEMENT SUBMISSION		M.D. OCT 18, 2021

REVISIONS

- GENERAL NOTES**
- TENDERERS SHALL SATISFY THEMSELVES AS TO THE NATURE OF THE GROUND AND BID ACCORDINGLY.
  - ALL ROCK LINE INDICATIONS SHOWN ON THE PLAN MUST BE VERIFIED BY THE CONTRACTOR.
  - CONTRACTOR SHALL VERIFY LOCATIONS AND INVERTS OF ALL EXISTING SANITARY AND STORM SEWERS AND WATERMANS, PRIVATE SEWER DRAINS AND WATER SERVICES, GASMAINS, CABLE TV, HYDRO AND TELEPHONE DUCTS, ETC., AT START OF CONSTRUCTION.

ENGINEER

PROJECT OWNER:  
**PETER MURACA**

NOT ISSUED FOR CONSTRUCTION

MUNICIPALITY:  
**CITY OF HAMILTON (STONEY CREEK)**

PROJECT NAME:  
**244 FEDERAL STREET, STONEY CREEK SEVERANCE (SC/B-21:24)**

**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

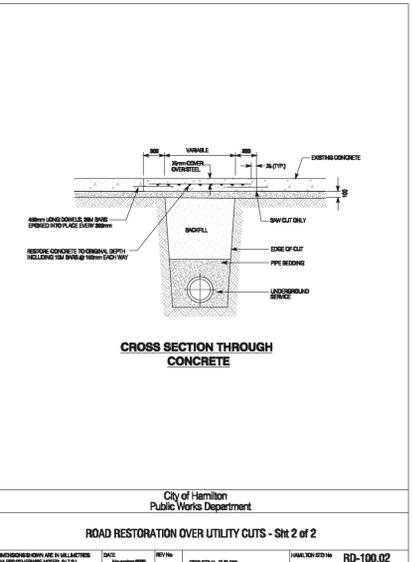
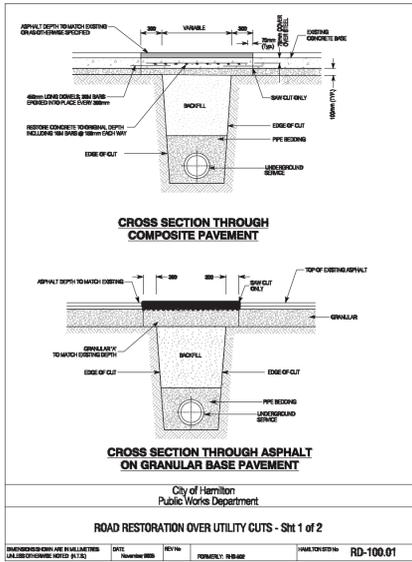
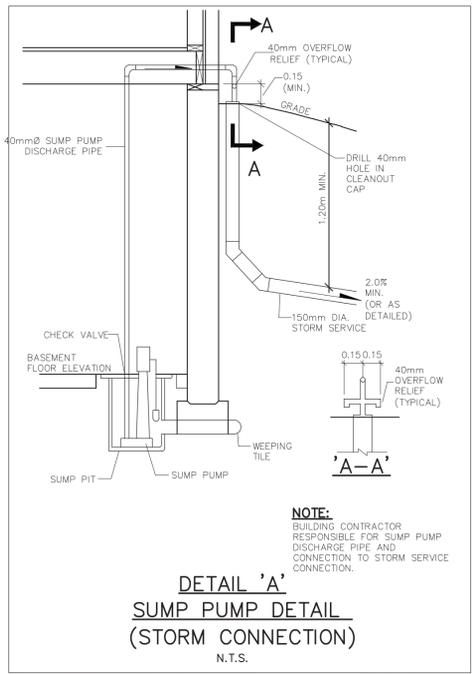
TITLE:  
**SERVICING PLAN**

SCALE: 1:100	DATE: JUNE 2021
DESIGN: A.C./M.D.	DRAWN: S.S./M.M
DWG: 208185	SHT: 1

- STANDARD NOTES**
- A. PRIVATE DRAINS**
- Private drains to be 150mm dia. PVC pipe, CSA B182.1 M-1983, SDR 28 as per Form 500. Storm pipe shall be white in colour. Sanitary shall be any colour other than white. Wood marking at end of sanitary private drains shall be painted red.
  - Cover and bedding material for private drains shall be Granular 'A' installed as per OPSD 802.010 and per SEW-302.
  - Minimum fall for private drains to be 2.0%.
  - Minimum horizontal distance between storm and sanitary laterals shall be 0.45m.
  - Sanitary and storm private drains shall be installed to 1.0m inside the property line and capped for future extension.
- B. WATERMANS AND WATER SERVICES**
- 1. WATER SERVICES**
- 'W' denotes water service connection (25mm dia. Type 'K' soft copper) as per WM-207.01.
  - Piping arrangements are to be as per WM-207.01 for 25mm services.
  - Curb stops are to be installed on all water services at the property line where noted.
  - Granular bedding as per WM-200.01 to be Granular 'D' as per Form 600.
  - Water services to be installed with a minimum cover of 1.6m or as detailed.
  - All Backflow Prevention Devices must be selected, installed and maintained in accordance with the City of Hamilton's Backflow Prevention By-law # 10-103, including the manufacturer's specifications for installation etc., and guidelines set out in the most recent versions of the 'AWWA Canadian Cross Connection Control Manual' and the 'CSA B64.10 / 07 / B64.10.1-07 Standards'. In selecting a backflow device for a property, consideration must be given to future possible uses of the site which could result in a higher risk to the municipal drinking water system, thus making the device initially chosen inadequate for the new purpose and requiring future change out at the Owner's expense.
  - All existing water meter on systems to be abandoned must be removed and salvaged by the City of Hamilton, the servicing contractor should contact the water and wastewater section, public works department at 905-546-4426 to arrange for the work.
- C. ROAD WORKS**
- Road restorations shall be as per City of Hamilton Standards RD-100.01 & RD-100.02 & City of Hamilton Road Cut permit.
  - Driveway aprons shall as per City of Hamilton standard driveway RD-106.
- D. COMPACTION REQUIREMENTS**
- All bedding and backfill material, road sub-grades and generally all material used for lot grading and fill sections, etc., shall be compacted to min. 100% SPD (unless otherwise recommended by the geotechnical engineer). All material shall be placed in layers not exceeding 300mm lifts.
  - All granular road base materials shall be compacted to 100% SPD.

**SERVICING CROSSING SCHEDULE**

CROSSING No.	BOTTOM OF PIPE	TOP OF PIPE	DIFFERENCE	W/M LOWERING REQUIRED
C1	89.00 (EX. STM)	88.79 (SAN. LAT.)	0.21m	N/A
C2	89.11 (EX. STM)	88.87 (SAN. LAT.)	0.24m	N/A
C3	89.64 (WM)	88.61 (EX. SAN.)	1.03m	NO
C4	89.08 (EX. STM)	88.58 (WM)	0.50m	YES



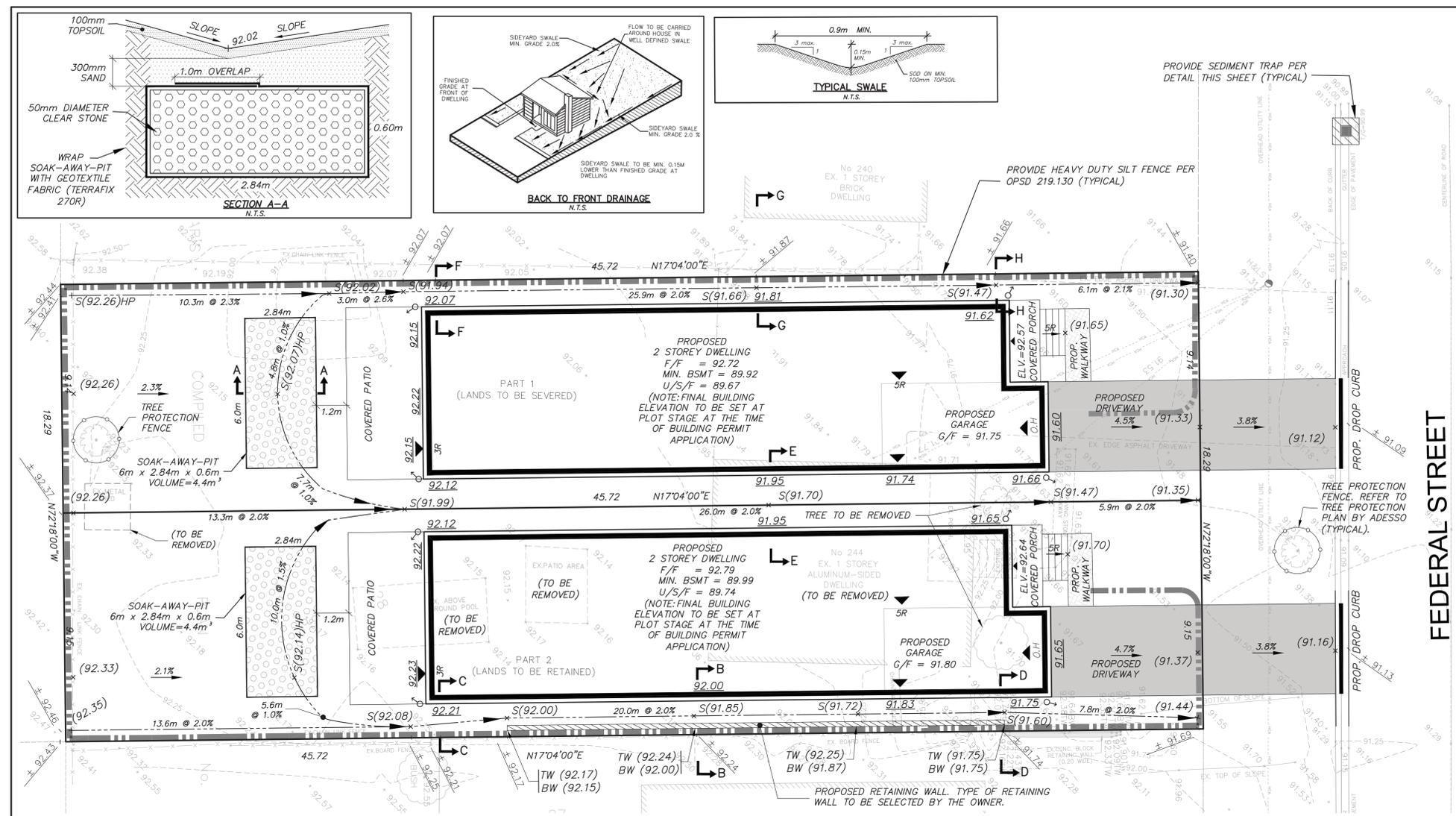
- LEGEND**
- PROPOSED ROOF LEADER PLUG (PROPOSED / EXISTING)
  - EXISTING WATER VALVE
  - PROPOSED WATER VALVE AND BOX/CURB STOP
  - EXISTING CURB & GUTTER
  - EXISTING FENCE
  - EXISTING DECIDUOUS TREE WITH TREE TRUNK # IN MILLIMETRES
  - PROPOSED WATER SERVICE LATERAL
  - EXISTING STORM MANHOLE
  - EXISTING SANITARY MANHOLE
  - PROPOSED FIRST FLOOR ELEVATION
  - BSMT
  - PROPOSED BASEMENT FLOOR ELEVATION
  - EXISTING HYDRO POLE & LIGHT STANDARD
  - PROPOSED SANITARY LATERAL PIPE
  - PROPOSED STORM LATERAL PIPE
  - EXISTING WATERMAIN
  - EXISTING SANITARY SEWER
  - EXISTING STORM SEWER
  - PROPOSED 25mm WATER METER
  - PROPOSED 25mm BACKFLOW PREVENTER

244 FEDERAL STREET, STONEY CREEK, HAMILTON

**GENERAL NOTE**  
Approval of this drawing is for material acceptability and compliance with municipal and provincial specifications and standards only. Approval and inspection by the City of the works does not certify the line and grade of the works and it is the owner's responsibility to have their Engineer certify this accordingly.

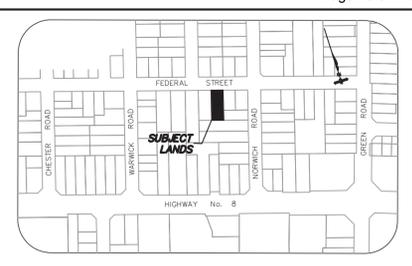
All services to be installed as per City of Hamilton construction and material specifications manual (latest edition) and Ministry of the Environment Conservation and Parks Guidelines (latest edition).

244 FEDERAL STREET, STONEY CREEK, HAMILTON



- GENERAL GRADING NOTES**
- Along adjoining properties grade to meet existing or proposed elevations with sodded slopes (min. 3H to 1V) and/or retaining walls as specified.
  - Slopes of swales for both "back to front" and "split" drainage shall be no less than 2.0% grade and no greater than 3.0% grade (3:1 slopes).
  - When matching to existing properties where a 2.0% grade cannot be achieved, a 1.5% grade is permitted provided a 150mm sub-drain is installed below the bottom of the swale and drained to a suitable outlet, (with a minimum 0.3m cover over the sub-drain), or other mitigation measures.
  - Minimum grade for a wrap-around swale in the backyard shall be 1.0%.
  - Unless otherwise noted, the ground between proposed elevations on side lots shall be graded as a straight line.
  - Top of foundation walls for buildings shall be 150mm (min) above finished grade.
  - Driveway slopes shall not be less than 2% and not more than 7.0%. Reversed sloped driveways in new developments are not permitted.
  - Garage floor elev. to be set minimum 0.3m higher than back of walk, unless otherwise specified.
  - All fill placed on lots shall be compacted to a minimum 95% SPD (unless otherwise recommended by the geotechnical engineer). All material shall be placed in layers not exceeding 300mm lifts.
  - For delineation of tree protection zones, buffers, removals and protection schematics, etc., refer to Tree Protection Plan.
  - If grading is required on lands adjacent to the development which are not owned by the developer, then the developer must obtain written permission from the adjacent property owner to allow the developer to grade on the adjacent lands, otherwise retaining walls must be used.
  - The written permission required from the adjacent landowner shall be obtained prior to entering the lands. Should permission not be obtained or withdrawn prior to commencing the work, then the developer shall limit his activities to the limits of the development site.
  - Driveway and driveway approaches shall be located such that hydro vaults and other street furniture are a min. of 1.2m from the projections of the outside garage walls.
- BACKYARD GRADING NOTES**
- Definition: "Required back yard" shall mean the distance regulated by the zoning by-law or 6m.
  - The maximum slope in the back yard adjacent to the building for a distance equal to the required back yard shall be 5%, except as set out in items below.
  - The 5% restriction shall not apply to the sides of a swale along the sides or back of the lot, providing the total width of the swale shall not exceed one (1) metre on each lot.
  - Where the 5% restriction on the backyard grades results in elevation differences between different properties, retaining walls shall be constructed along the sides and the back of the lot. Slopes with a maximum of three horizontal to one vertical may replace the walls where the difference in elevation is less than 0.3m.
  - Generally, slopes shall be placed on the lower lot, whereas retaining walls shall be placed on the higher lands.
  - The 5% restriction does not preclude retaining walls in the required backyards providing the terraces are maintained to the 5% grade as set out in item b) above. The intention of this provision is to provide flexibility of house construction.
  - There is no control on the steepness of the slopes in side yards, front yards and back yards, outside the area defined in a) above, providing the slopes are stable for the soils of the area (minimum 3H:1V).
- SUMP PUMPS**  
Sump pumps with check valves are to be installed in each dwelling to pump the weeping tiles to the storm private drain. The sump outlet shall extend a minimum of 150mm above the proposed grade at the dwelling (basement ceiling) prior to discharging to the storm private drain.
- ROOFWATER LEADERS**  
Roofwater leaders for all lots shall drain onto the ground via concrete splash pads, and then to grassed areas at least 0.6m from dwelling face.
- FOUNDATION DRAINS**  
Weeping tiles shall drain to sump pit and be pumped to storm sewer via sump pump with back-flow preventer (see detail this sheet).

- EROSION AND SEDIMENT CONTROL NOTES**
- All erosion and sediment control measures (temporary sediment control fences, storm sewer bulkheads, work limit fences, sediment basins, etc.) must be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated. All ESC measures shall be installed as detailed on engineering drawings and as per 'Erosion & Sediment Control Guidelines for Urban Construction', GGHA CAs, December 2006.
  - Sediment control fences shall consist of non-woven filter cloth (Terrafix 270R or approved equivalent) buried 0.2m in the ground, 0.6m high and secured to "T" posts at min. 2.4m centres as per OPSD 219.130 and shall be placed where detailed. If excessive sediment buildup/blockage occurs (visual inspection) then replacement of the filter cloth is required.
  - Cut-off swales to be constructed where specified and periodically inspected to ensure that erosion does not occur.
  - Catch basin sediment control device, i.e. "Siltsock" by ACF Environmental or approved equivalent, to be placed as per manufacturer's recommendations (see Detail 'B'). Regular maintenance is required ("Siltsock" sumps shall be inspected for sediment accumulation and filter cloth blockage on a weekly basis). These sediment traps are not to be removed until the curbs have been constructed and the boulevards sodded.
  - Regular maintenance for all catch basins (street & rear lot) is required (sediment traps and sumps shall be inspected for sediment accumulation, trash build-up and filter cloth blockage on a weekly basis and after any major rainfall event). Accumulated sediment shall be removed by mechanical means. Flushing of sediment into the storm sewer system is prohibited. If standing water remains in the catch basin 24 hours (minimum) after a storm then cleaning or replacement of the filter cloth is required.
  - Topsoil piles shall also be temporarily seeded to prevent erosion. Placement of vegetation shall be in accordance with OPSD 803. Where required, erosion control blankets shall be placed as per OPSD 804, at the direction of the City Engineer.
  - All erosion and siltation control measures shall be inspected weekly in addition to inspection after each rainfall event. All deficiencies shall be remedied to the satisfaction of the Engineer.
  - Any disturbed areas not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction.
  - All disturbed external areas shall be revegetated with permanent cover (as detailed) within 7 days of the completion of that particular phase of construction.
  - Work limit snow fence shall consist of plastic snow fence supported by steel "T" posts at min. 2.4m centres.
  - Additional erosion and sediment control locations/measures may be required as determined by the City Engineer.



**SITE BENCH MARK**  
City of Hamilton  
Monument No: 07720100036  
Elevation: 86.893m CGVD:78  
Description: RIB with brass cap  
Monument is located at the East side of Mahony Park, 90m North of the centerline of Barton Street East, 15m North of the Centerline of Goggin Avenue and 16m West of the Centerline of Adeline Avenue

REVISIONS			
No.	Revision	By	Date
2.	REISSUED FOR CONSENT AGREEMENT	M.D.	NOV 23, 2021
1.	CONSENT AGREEMENT SUBMISSION	M.D.	OCT 18, 2021

GENERAL NOTES			
1.	TENDERS SHALL SATISFY THEMSELVES AS TO THE NATURE OF THE GROUND AND BID ACCORDINGLY.		
2.	ALL ROCK LINE INDICATIONS SHOWN ON THE PLAN MUST BE VERIFIED BY THE CONTRACTOR.		
3.	CONTRACTOR SHALL VERIFY LOCATIONS AND INVERTS OF ALL EXISTING SANITARY AND STORM SEWERS AND WATERMANS, PRIVATE SEWER DRAINS AND WATER SERVICES, GASMANS, CABLE TV, HYDRO AND TELEPHONE DUCTS, ETC., AT START OF CONSTRUCTION.		

**ENGINEER**  
M.J. BISSONNETTE  
L.P. 4850 PROFESSIONAL ENGINEER  
NOV. 23, 2021  
PROVINCE OF ONTARIO

**PROJECT OWNER:**  
PETER MURACA

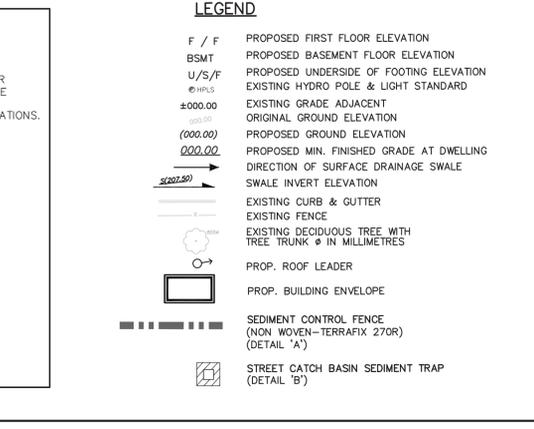
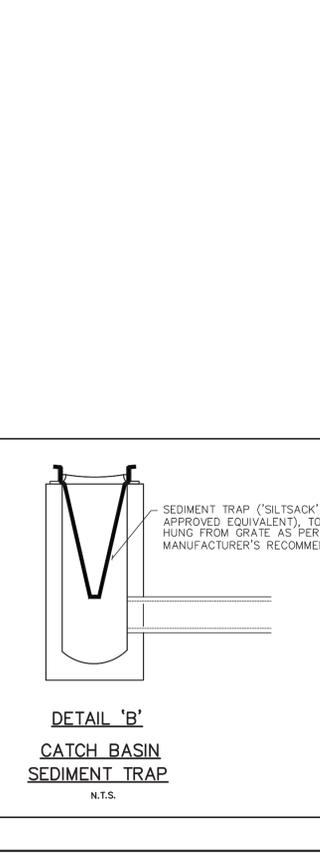
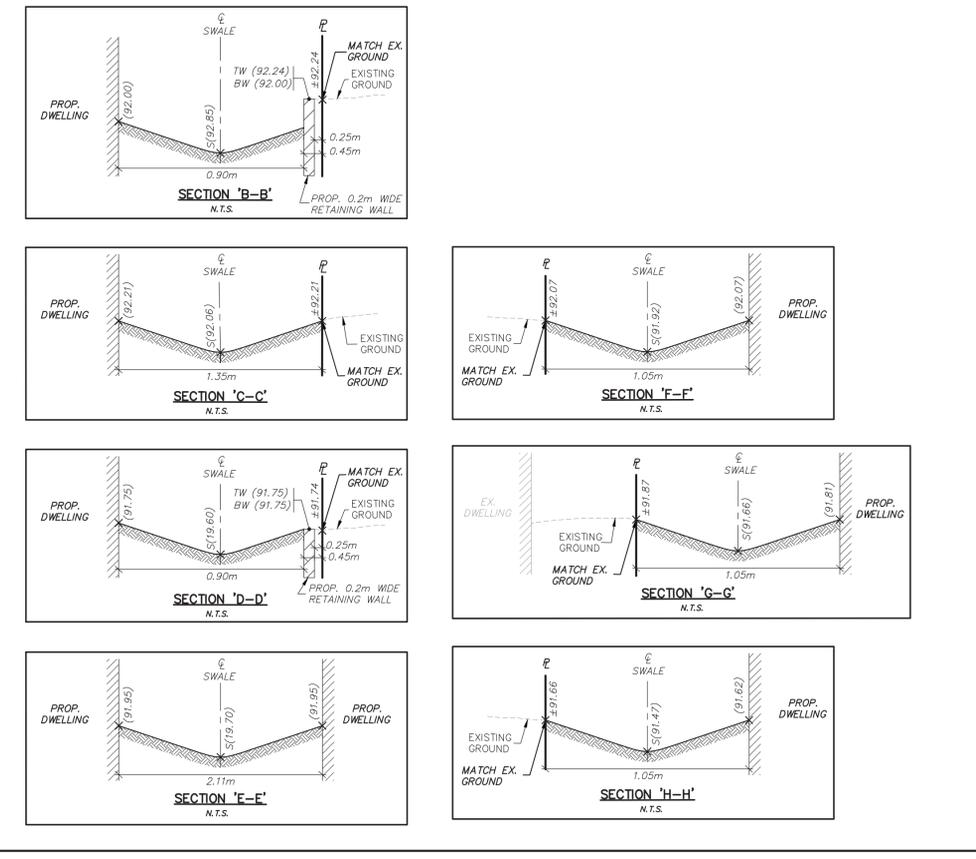
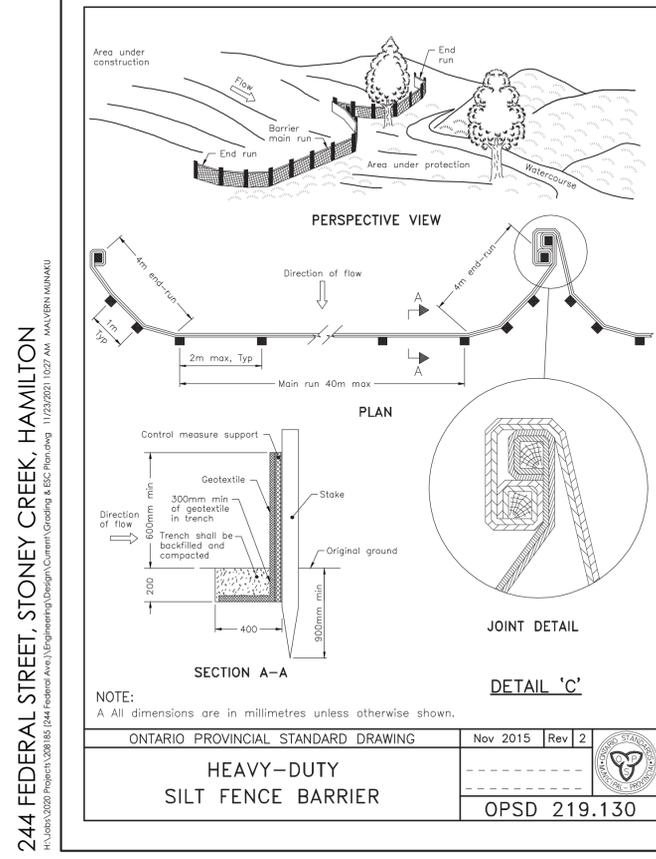
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**MUNICIPALITY:**  
CITY OF HAMILTON (STONEY CREEK)

**PROJECT NAME:**  
244 FEDERAL STREET, STONEY CREEK SEVERANCE (SC/B-21:24)

**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

<b>TITLE:</b> GRADING AND ESC PLAN	<b>SCALE:</b> 1:100	<b>DATE:</b> JUNE 2021
<b>DESIGN:</b> A.C./M.D.	<b>DRAWN:</b> S.S./M.M.	<b>DWG:</b> 208185
<b>SHT:</b> 2		

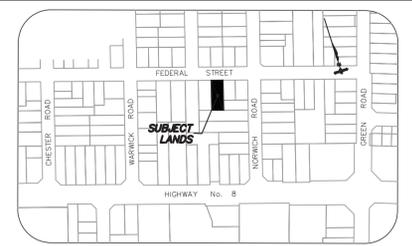
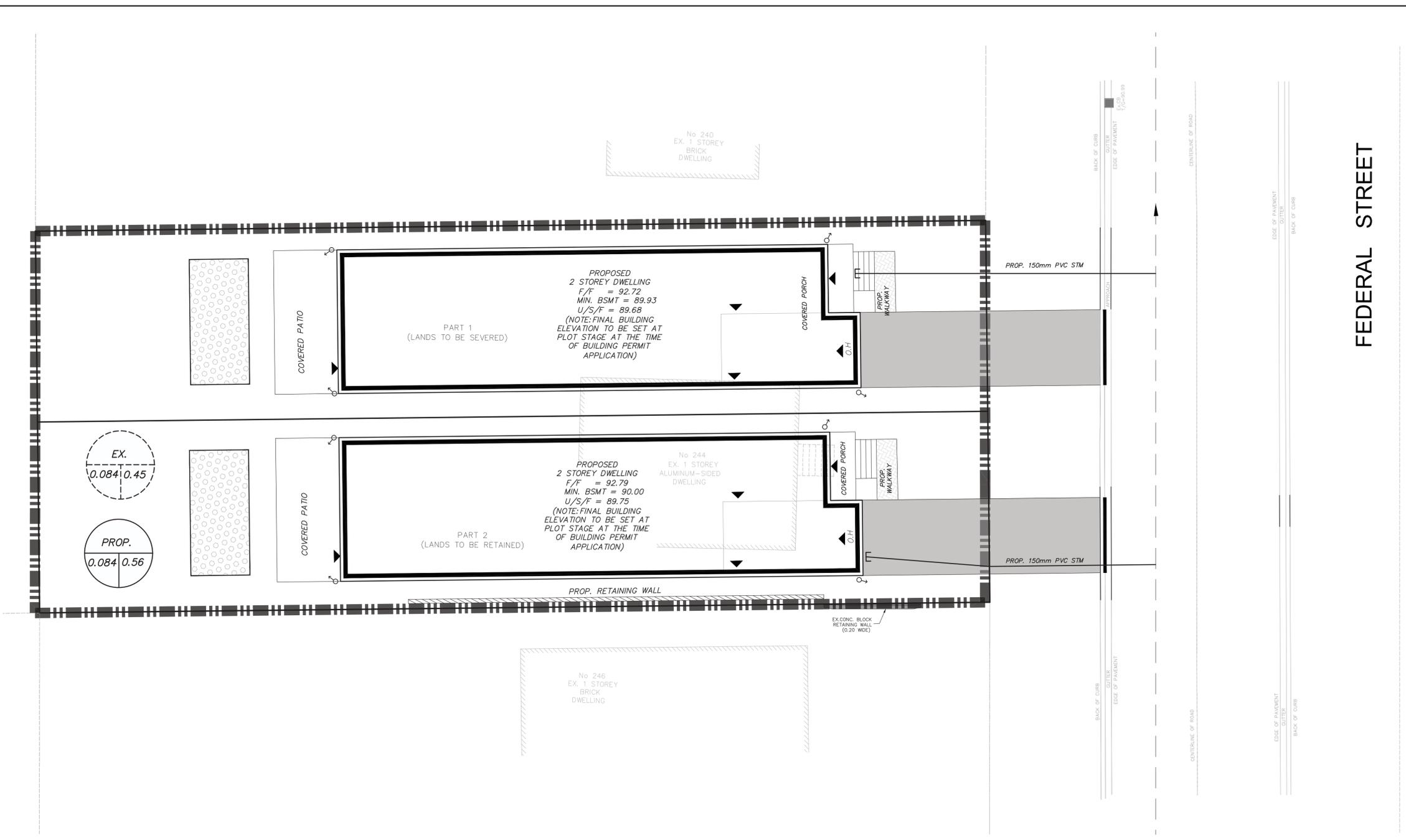


ONTARIO PROVINCIAL STANDARD DRAWING  
Nov 2015 Rev 2  
HEAVY-DUTY SILT FENCE BARRIER  
OPSD 219.130

244 FEDERAL STREET, STONEY CREEK, HAMILTON

244 FEDERAL STREET, STONEY CREEK, HAMILTON

244 FEDERAL STREET, STONEY CREEK, HAMILTON  
 H:\Jobs\2020 Projects\208185 (244 Federal Street)\Current\Site\Scoping & DAP\Plan\dwg\_11/23/2021\_10:25.dwg MALVERN MUNAKU



KEY PLAN N.T.S.

**SITE BENCH MARK**  
 City of Hamilton  
 Monument No: 07720100036  
 Elevation: 86.893m CGVD:78  
 Description: RB with brass cap  
 Monument is located at the East side of Mahony Park, 90m North of the centerline of Barton Street East, 15m North of the Centerline of Goggin Avenue and 16m West of the Centerline of Adeline Avenue

REVISIONS			
No.	Revision	By	Date
2.	REISSUED FOR CONSENT AGREEMENT	M.D.	NOV 23, 2021
1.	CONSENT AGREEMENT SUBMISSION	M.D.	OCT 18, 2021

- GENERAL NOTES**
- TENDERERS SHALL SATISFY THEMSELVES AS TO THE NATURE OF THE GROUND AND BID ACCORDINGLY.
  - ALL ROCK LINE INDICATIONS SHOWN ON THE PLAN MUST BE VERIFIED BY THE CONTRACTOR.
  - CONTRACTOR SHALL VERIFY LOCATIONS AND INVERTS OF ALL EXISTING SANITARY AND STORM SEWERS AND WATERMANS, PRIVATE SEWER DRAINS AND WATER SERVICES, GASMAINS, CABLE TV, HYDRO AND TELEPHONE DUCTS, ETC., AT START OF CONSTRUCTION.

ENGINEER

PROJECT OWNER:  
**PETER MURACA**

NOT ISSUED FOR CONSTRUCTION

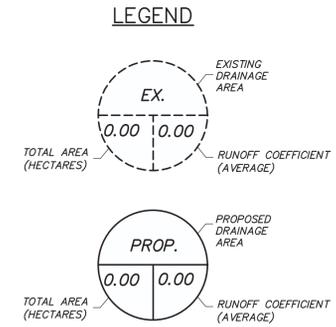
MUNICIPALITY:  
**CITY OF HAMILTON (STONEY CREEK)**

PROJECT NAME:  
**244 FEDERAL STREET, STONEY CREEK SEVERANCE (SC/B-21:24)**

**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:  
**STORM DRAINAGE AREA PLAN**

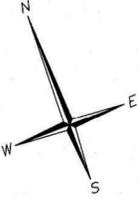
SCALE: 1:100	DATE: JUNE 2021
DESIGN: A.C./ M.D.	DRAWN: S.S./ M.M.
DWG: 208185	SHT: 3



SKETCH SHOWING EXISTING CONDITIONS OVER  
244 FEDERAL STREET  
IN THE  
**CITY OF HAMILTON**

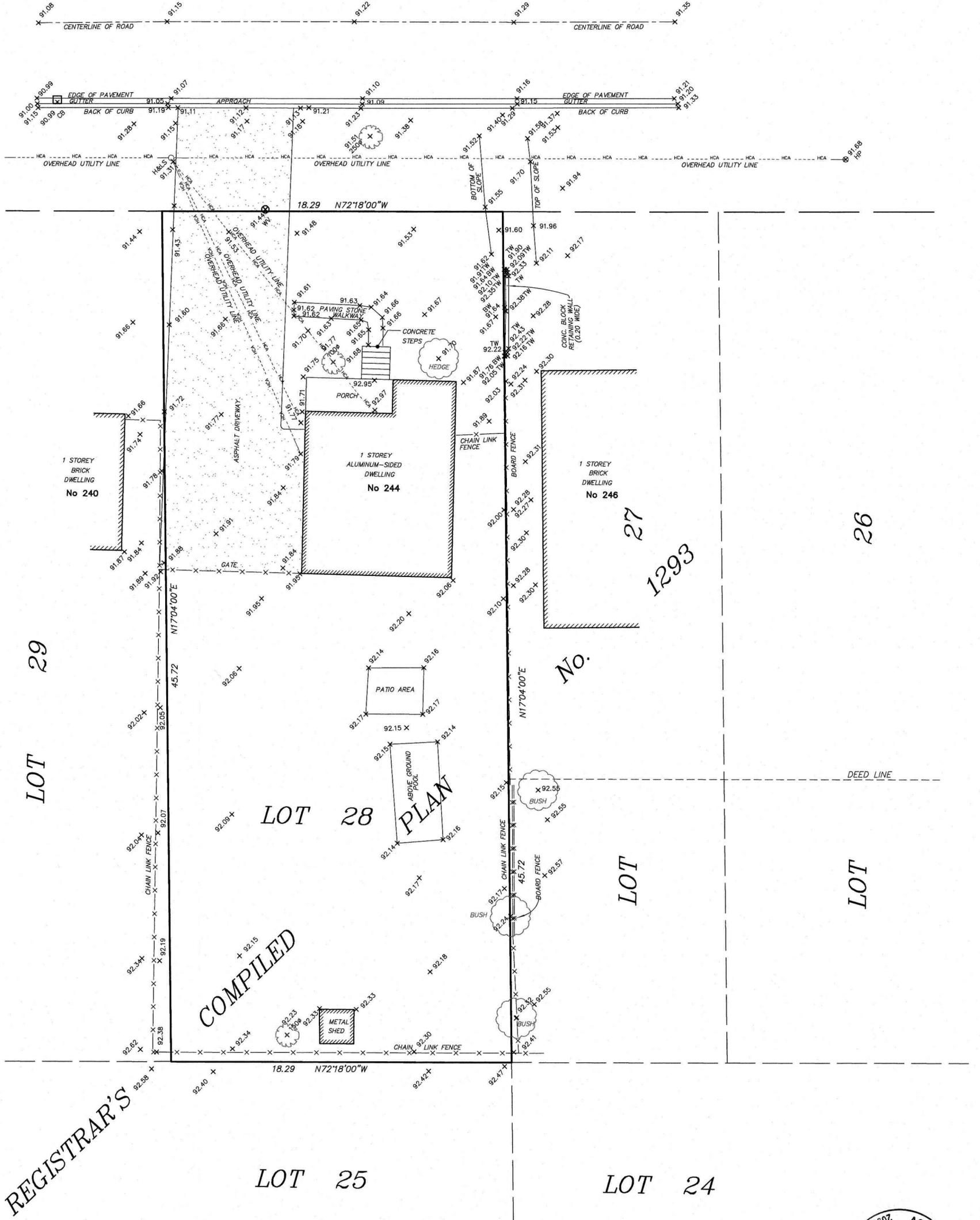
SCALE 1:150  
0 5 10 metres

NOTE  
THE ABOVE NOTED LANDS ARE LOT 28, REGISTRAR'S COMPILED PLAN No. 1293



# FEDERAL STREET

( ESTABLISHED BY BY-LAW No. 2261 SALTFLUET AS REGISTERED INST. No. 287425 H.L. )



**LEGEND:**  
 TW DENOTES TOP OF WALL  
 BW DENOTES BOTTOM OF WALL  
 CB DENOTES CATCH BASIN  
 200φ DENOTES TREE DIAMETER  
 WY DENOTES WATER VALVE  
 H&LS DENOTES HYDRO & LIGHT STANDARD  
 HP DENOTES HYDRO POLE

**BENCH MARK**  
 CITY OF HAMILTON  
 MONUMENT No: 07720100036

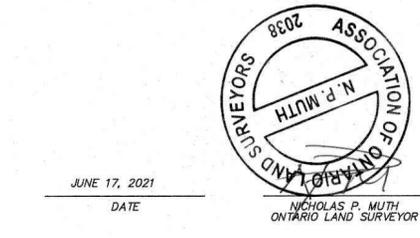
RIB WITH BRASS CAP  
 MONUMENT IS LOCATED AT THE EAST SIDE OF MAHONY PARK, 90m NORTH OF  
 THE CENTERLINE OF BARTON STREET EAST, 15m NORTH OF THE CENTERLINE  
 OF GOGGIN AVENUE AND 16m WEST OF THE CENTERLINE OF ADELIN AVENUE.  
 ELEVATION= 86.893m CGVD28-78

**BEARING NOTE**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE  
 SOUTHERLY LIMIT OF FEDERAL STREET AS SHOWN ON  
 REGISTERED PLAN No. 724 AS N72°18'00"W

**NOTE**  
 THE INFORMATION SHOWN ON THIS SKETCH IS BASED ON A FIELD SURVEY  
 COMPLETED ON THE 27th DAY OF MAY 2021

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

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

PROJECT No 208185R

R-4444B



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

The City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5th Floor  
Hamilton, ON L8P 4Y5

December 2, 2021

**Attn:** Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment

**Re: Minor Variance Application**  
**244 Federal Street**

On behalf of our client, Miranda Muraca, we are pleased to provide you with the enclosed submission in support of an application for minor variance for the subject lands. Please find the following enclosed materials:

1. One (1) cheque in the amount of \$3,320.00 made payable to the City of Hamilton, in payment of the requisite application fee;
2. One (1) digital copy of the signed and completed application form;
3. One (1) digital copy of Reference Plan 62R-21749, prepared by A.J. Clarke & Associates Ltd., dated August 25, 2021;
4. One (1) digital copy of Plan of Survey R-4444B, prepared by A.J. Clarke & Associates Ltd., dated June 17, 2021;
5. One (1) digital copy of the Engineering Drawing Package, prepared by A.J. Clarke & Associates Ltd., dated November 23, 2021;
6. One (1) digital copy of the Preliminary Floor Plans & Elevations, prepared by Constant Shape Design Studio;

The proposed minor variance application is required as a condition of consent approval for severance application SC/B-21:24. The subject lands are zoned Residential (R6) Zone under former City of Stoney Creek Zoning By-law 3692-92. The following table summarizes the required variances which are anticipated to facilitate the conditionally approved severance:

Section	Provision (R6 Zone)	Requirement	Proposed	Compliance?
6.7.2	Permitted Uses	Single Detached	Single Detached	Yes
6.7.3 (A.1)	Minimum Lot Area	310 m <sup>2</sup>	418.02 m <sup>2</sup>	Yes
6.7.3 (A.2)	Minimum Lot Frontage	10 m	9.10 m	No
6.7.3 (A.3)	Minimum Front Yard	6 m	6.10 m	Yes
6.7.3 (A.4.i)	Minimum Side Yard	1.25 m, except an attached garage may be not less than 1 m from a side lot line	0.9 m, except an attached garage may be not less than 1 m from a side lot line	No
6.7.3 (A.5)	Minimum Rear Yard	7.5 m	14.50 m	Yes
6.7.3 (A.6)	Maximum Height	11 m	8.28 metres	Yes



6.7.3 (A.7)	Maximum Lot Coverage	40%	41% (171.40 m <sup>2</sup> )	No
6.7.4	Parking	2 spaces per dwelling unit, of which only one may be provided in the required front yard. Tandem parking is permitted.	2 spaces, one of which is located in front yard	Yes

Based on the foregoing table, a total of three (3) variances are anticipated to provide relief from the regulations of the R6 Zone under Zoning By-law 3692-92. The proposed variances are as follows:

1. A minimum lot frontage of 9.10 metres shall be required, whereas a minimum lot frontage of 10 metres is required.
2. A minimum side yard setback of 0.9 metres shall be required, whereas a minimum of 1.25 metres is required. No variance to the garage-side setback is proposed.
3. A maximum lot coverage of 41% (171.40 m<sup>2</sup>) shall be required, whereas a maximum lot coverage of 40% is required.

Regarding the proposed variance to the side yard setback (#2), the reduction is required in order to accommodate technical design matters which arose through the detailed engineering design of for the future homes. Along the eastern lot line, a small retaining wall is required for grading purposes. The retaining wall requires additional separation to be provided the property line to meet City engineering standards. Accordingly, the opposite side yard is proposed to be reduced to 0.91 metres – however, it should be noted that sufficient side yard setbacks continue to be provided along all sides to meet City engineering standards, and to allow sufficient space for access and maintenance between dwellings.

Based on the foregoing, it is our opinion that the requested variances are all minor in nature and consistent with the character of the streetscape. The requested variances maintain the general intent of the Zoning By-law and will implement the conditionally approved severance as originally intended.

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,

Franz Kloibhofer, B.E.S (Hons), MCIP, RPP  
**A. J. Clarke and Associates Ltd.**

Encl.

Copy: Miranda Muraca



**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto: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

MAILING ADDRESS

**Registered  
Owners(s)**

**Applicant(s)\***

**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:

Reduction of minimum required lot frontage from 10m to 9.1m.

Reduction of minimum require side yard setback from 1.25m to 0.9m.

Increase of maximum lot coverage from 40% to 41%.

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 enclosed covering 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**):

244 Federal Street, Stoney Creek (Hamilton)

Lot 28, Plan No. 1293

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?

Owner knowledge and historical context.

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.

Dec. 7, 2021  
Date

Miranda Muraca  
Signature Property Owner(s)

Miranda Muraca  
Print Name of Owner(s)

10. Dimensions of lands affected: Parts 1 & 2 as per Reference Plan 62R-21749.

Frontage	<u>18.29 m</u>
Depth	<u>45.75 m</u>
Area	<u>836.30 sq m</u>
Width of street	<u>+20 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: \_

Please refer to enclosed Topographic Survey R-4444B.

Proposed

Please refer to enclosed Engineering Drawing Package, Floor Plans, and Elevations.

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

Existing:

Please refer to enclosed Topographic Survey.

Proposed:

Please refer to enclosed Engineering Drawing Package, Floor Plans, and Elevations.

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.):

Single Family Dwelling

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:

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:

Neighbourhoods (Schedule E-1)

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

Residential 6 (R6) Zone - Zoning By-law 3692-92

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly.

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

Existing conditional approval of severance application SC/B-21:24

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, 5<sup>th</sup> 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](mailto: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-21:446

**APPLICANTS:** Owner Rob Lalli

**SUBJECT PROPERTY:** Municipal address **982 West 5<sup>th</sup> St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 10-503

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

**PROPOSAL:** To allow for a future addition to the existing single family dwelling, notwithstanding that:

1. A minimum northerly side yard width of 1.2 metres shall be provided instead of the minimum required side yard width of 3.0 metres.

**NOTE:**

1. Please note this application is subsequent to Severance Application No. HM/B-11:03, and Minor Variance Application No. HM/A-99:261.
2. Please note that specific details (i.e. elevation drawing, site plan, floor plans etc.) regarding any proposed development on the subject lot have not been indicated to confirm zoning compliance. As such, the variance has been written as requested by the applicant.
3. 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, February 24th, 2022  
**TIME:** 1:50 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
**To be streamed at**  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
**for viewing purposes only**

**PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

HM/A-21: 446

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](http://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](mailto:cofa@hamilton.ca)

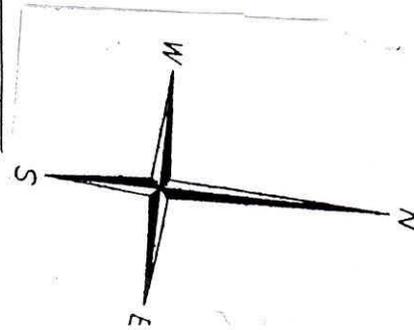
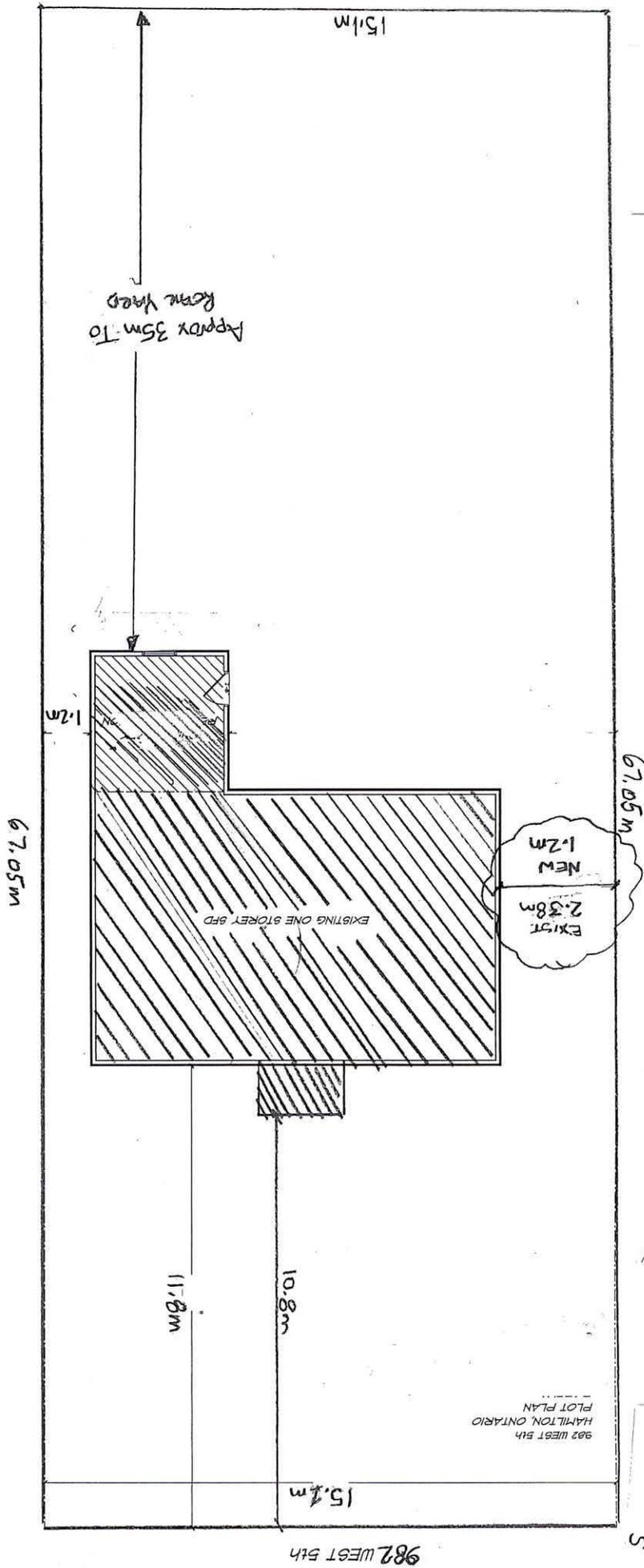
DATED: February 8th, 2022.

---

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.***

NOT TO SCALE





**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto: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)		
Applicant(s)*		
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:

Applying for the relief of northerly side yard setback of 1.2m instead of the required 3.0m as set by the zone. Please see below in Question #5 for rationale.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

This should be considered a housekeeping amendment as the notice and decision of 1999 CofA 99:261 only stated the southerly side yard setback relief of 1.2 m instead of the required 3.0m. It is clear on the application that I submitted that I was requesting both the northerly and southerly side yard relief of 1.2m.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Part of Lot 16, Concession 7  
982 West 5th Street

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?

Previous Committee of Adjustment application.

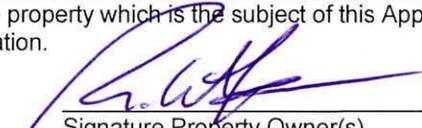
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

Dec 7, 2021  
Date

  
Signature Property Owner(s)  
Rozon Lalli  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>15.250m</u>
Depth	<u>67.056m</u>
Area	<u>1005m2</u>
Width of street	<u>unknown (3lanes)</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: \_

Approximately 100 m2 one storey single family dwelling. (see attached sketch).

Proposed

Approximately 100 m2 one storey single family dwelling. (see attached sketch).  
No changes to the existing dwelling at this time.

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

Existing:

No changes to the 100m2 one storey dwelling.

Proposed:

Same as above.

13. Date of acquisition of subject lands:  
2006
- 
14. Date of construction of all buildings and structures on subject lands:  
1950's +/-
- 
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 Dwelling
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:  
Residential
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
B Zone - 99:261
21. Has the owner previously applied for relief in respect of the subject property?  
Yes  No   
If the answer is yes, describe briefly.  
1999 application (99:261). Reduced side yard and lot width as result of an *application for severance.*
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, 5<sup>th</sup> 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](mailto: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-21:447

**APPLICANTS:** Agent Urban Solutions M. Johnston  
 Owner 2790097 Ontario Inc. D. Tome

**SUBJECT PROPERTY:** Municipal address **10 Community Ave, Stoney Creek**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended by By-law No. 18-266

**ZONING:** M2district (General Business Park)

**PROPOSAL:** To permit the development of a two storey multi-tenant industrial building which is a planned business centre comprising approximately 1,147.6 square metres of gross floor area, notwithstanding that:

1. A minimum 3.0 metre wide landscaped area shall be permitted for a yard abutting a street in which parking spaces or a driving aisle are provided instead of the minimum required 6.0m wide landscape area.
2. A parking area consisting of 14 parking spaces shall be permitted instead of the minimum required 22 parking spaces

NOTES:

1. The variances are written as requested by the applicant.
2. The variances are being requested to address zoning issues that were identified for the review of Site Plan Application DA-21-149. The site plan was submitted to the City of Hamilton on September 29, 2021 and remains under review.
3. With respect to Variance #2, the proposed use is considered to be a planned business centre within an industrial zone and is subject to the requirement of 1 parking space per 50 square metres of gross floor area. Zoning By-law 05-200 defines a Planned Business Centre as:

***Planned Business Centre** shall mean a group of business establishments within an Industrial Zone which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy, but shall not be considered as a Shopping Centre*

4. The proposed floor area includes a mezzanine comprising 326.8 square metres of gross floor area.
5. The intended use for the propose planned business centre is for the development of four (4) separate contracting establishments.

SC/A-21: 447  
Page 2

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

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**DATE:** Thursday, February 24th, 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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#### **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**

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- Visit [www.hamilton.ca/committeeofadjustment](http://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](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022.

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

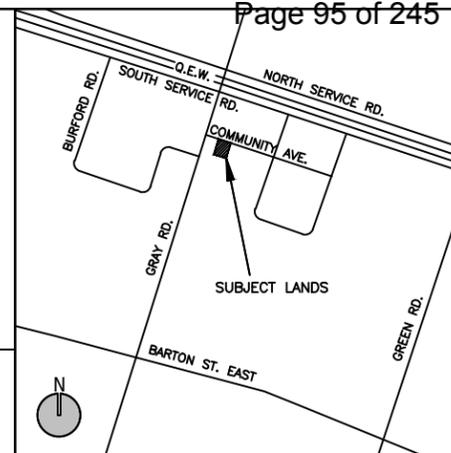
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

COMMUNITY AVENUE

VARIANCES TO ZONING BY-LAW NO. 05-200  
GENERAL BUSINESS PARK (M2) ZONE

VARIANCE #1: A 3.0m BUFFER AREA WITH RAIN GARDENS SHALL BE PROVIDED WHEREAS A 6.0m LANDSCAPE AREA INCLUDING A 3.0 m PLANTING STRIP IS REQUIRED WHERE A PARKING SPACE, AISLE OR DRIVEWAY IS LOCATED IN A YARD ABUTTING A STREET.

VARIANCE #2: 14 PARKING SPACES SHALL BE PROVIDED WHEREAS 22 PARKING SPACES ARE REQUIRED WITHIN A PLANNED BUSINESS CENTRE IN AN INDUSTRIAL ZONE.



SCALE: 1:1,500

- LEGEND:
- SUBJECT LANDS
  - PROPOSED BUILDINGS
  - EXISTING BUILDINGS

NOT FOR CONSTRUCTION  
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: A. BARNETT      CHECKED BY: M. JOHNSTON  
DRAWN BY: A. BARNETT      DATE: NOVEMBER 26, 2021

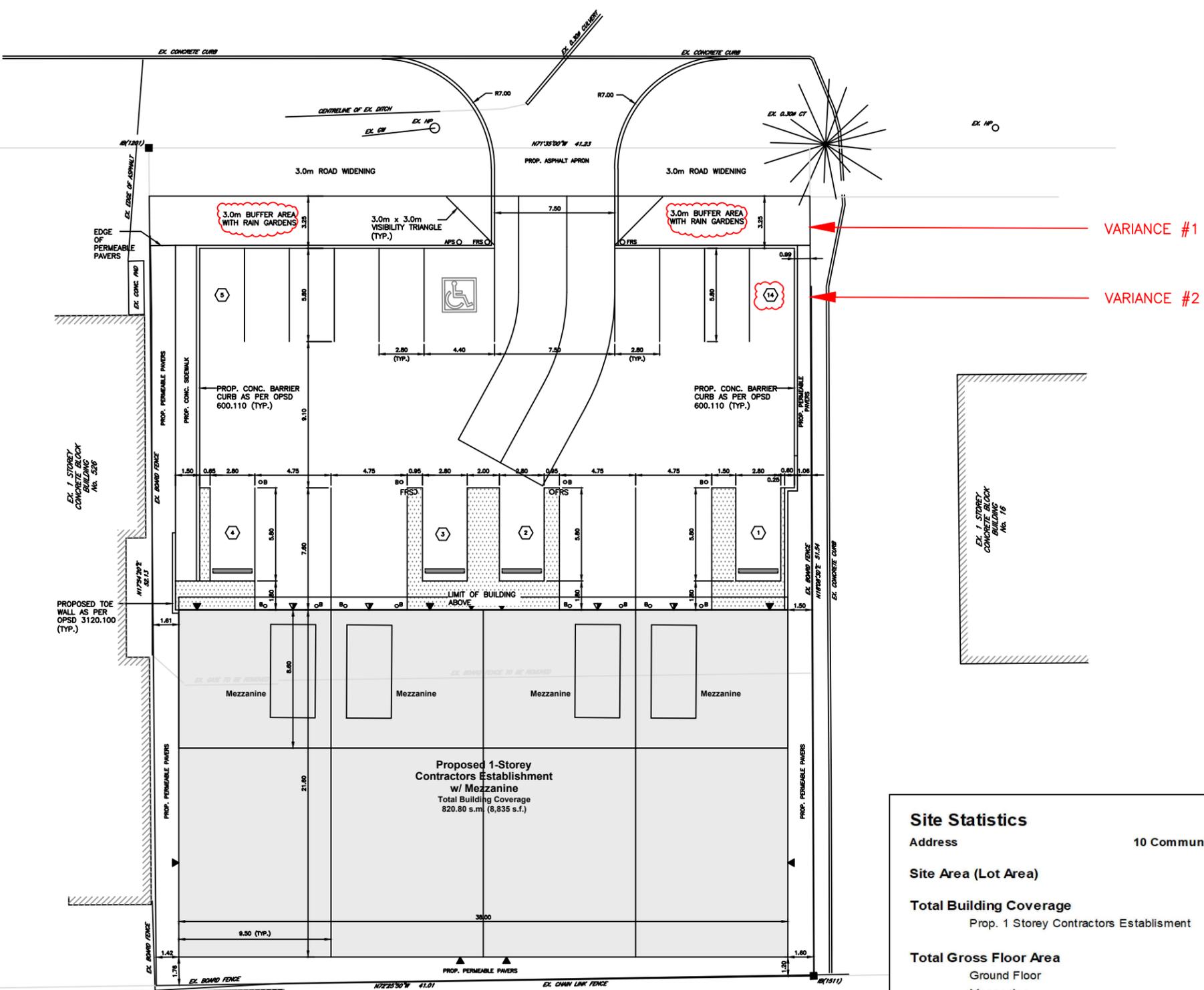
3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

PROJECT:  
**10 Community Avenue**  
CITY OF HAMILTON

CLIENT:  
**Tome Roofing Ltd.**

TITLE:  
COMMITTEE OF  
ADJUSTMENT SKETCH

US FILE NUMBER: 404-21      SHEET NUMBER: 1



Site Statistics

Address	10 Community Avenue		
Site Area (Lot Area)	21,608 s.f.	2,007.45 s.m.	
Total Building Coverage	Prop. 1 Storey Contractors Establishment		
	8,835 s.f.	820.80 s.m.	
Total Gross Floor Area	Prop. 1 Storey Contractors Establishment		
Ground Floor	8,835 s.f.	820.80 s.m.	
Mezzanine	3,518 s.f.	326.80 s.m.	
	12,353 s.f.	1,147.60 s.m.	

Parking Requirements  
(Zoning By-Law 2020)

	Area	Required	Provided
Planned Business Centre	1 Space/50.0m <sup>2</sup>	1,147.60 s.m.	22.00 Spaces
Total Parking Spaces (Inc. Barrier Free)		22.00 Spaces	14.0 Spaces
Barrier Free Spaces		1.00 Spaces	1.0 Spaces

EX. 2 STOREY CONCRETE BLOCK BUILDING No. 480

EX. 1 STOREY CONCRETE BLOCK BUILDING No. 16

EX. 1 STOREY CONCRETE BLOCK BUILDING No. 536



**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

<b>FOR OFFICE USE ONLY.</b>	
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		<b>MAILING ADDRESS</b>
<b>Registered Owners(s)</b>	[REDACTED]	
<b>Applicant(s)*</b>		
<b>Agent or Solicitor</b>		

**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:
- a) That a Landscape Area with Planting Strip not be required, whereas a 6.0m Landscape Area is required including a 3.0m Planting Strip where a parking space, aisle or driveway is located in a Yard abutting a Street.
- b) To permit 14 parking spaces including 1 barrier free space, whereas 22 parking spaces including 1 barrier free space is required within a Planned Business Centre within an Industrial Zone.
- Secondary Dwelling Unit       Reconstruction of Existing Dwelling      N/A
5. Why it is not possible to comply with the provisions of the By-law?  
Please refer to cover letter.
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):  
Lot 103, Registered Plan 647A, City of Hamilton.  
Municipal address: 10 Community Avenue.
7. PREVIOUS USE OF PROPERTY
- Residential       Industrial       Commercial   
Agricultural       Vacant       Other   
Other N/A
- 8.1 If Industrial or Commercial, specify use N/A
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?  
Yes       No       Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?  
Yes       No       Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
Yes       No       Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
Yes       No       Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?  
Yes       No       Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
Yes       No       Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
Yes       No       Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?  
Yes       No       Unknown

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

Yes  No  Unknown

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

Consultation with owner.

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.

12/8/21

Date



Signature Property Owner(s)

2790097 Ontario Inc. c/o Danny Tome

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	41.23 metres
Depth	51.54 metres
Area	0.2 ha
Width of street	Currently 20m (road widening of +/- 3m required)

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 lands with no standing structures.

Proposed

Four 1-storey Contractors Establishments with mezzanine, and 14 parking stalls.  
This is in keeping with DA-21-149.

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

Existing:

N/A

Proposed:

Please refer to cover letter.





December 15, 2021

404-21

**Via Email and Delivered**

Ms. Jamila Sheffield  
Secretary-Treasurer, Committee of Adjustment

City of Hamilton,  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: 10 Community Avenue, Stoney Creek  
Minor Variance Application  
(DA-21-149)**

UrbanSolutions Planning & Land Development Consultants (UrbanSolutions) has been retained to act as the authorized planning consultant for 2790097 Ontario Ltd., owner, of the lands known municipally as 10 Community Avenue in the City of Hamilton. We are pleased to submit this Minor Variance application on their behalf.

The subject lands are designated "Employment Areas" on Schedule "E"- Urban Structure, and "Business Park" on Schedule "E-1" Urban Land Use Designations in the Urban Hamilton Official Plan. In addition to the land use designation, the subject lands are located in the General Business Park "M2" Zone in City of Hamilton Zoning By-law 05-200.

Site Plan Control application DA-21-149 was deemed complete on November 19, 2021. The lands are proposed to be developed with one 2-storey industrial building with a total of four (4) units. Total gross floor area proposed is 1,147.60 sq m (12,353 sq ft) along with 14 parking spaces, including 1 barrier free.

As noted in Special Condition No. 2, this Minor Variance application is required to facilitate the proposed industrial development and will bring the Site Plan into conformity with the site-specific zoning applicable to the subject lands.

This Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law No. 05-200 with respect to the Business Park "M2" Zone as follows:

- *“That a Landscape Area with Planting Strip not be required, whereas a 6.0 m Landscape Area is required including a 3.0 m Planting Strip where a parking space, aisle or driveway is located in a Yard abutting a Street”.*
- *“To permit 14 parking spaces including 1 barrier free space, whereas 22 parking spaces including 1 barrier free space is required within a Planned Business Centre within an Industrial Zone”.*

To assist in the evaluation of this application, please refer to the enclosed Committee of Adjustment Sketch. Justification for the proposed variances has been provided below in accordance with Section 45 of the *Planning Act*:

**1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?**

As identified on Schedule E – Urban Structures, the subject property is designated Employment Areas, and on Schedule E-1 – Urban Land Use Designations, the subject property is designated Business Park in the Urban Hamilton Official Plan. As outlined in Section E.2.7 of the UHOP, Employment Areas are the primary employment generators in the City and shall be retained (E.2.7.4). Furthermore, Section E.5.4.3 notes that the current use is permitted within lands designated Employment Area – Business Park, and Section E.5.4.7 directs that new development of existing sites shall contribute to a quality image in those areas adjacent to public roads.

The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application. The requested variances will facilitate Site Plan approval, which represents a permitted use, and the proposed industrial development is in keeping with the existing and planned land uses in the surrounding area. Therefore, the requested variances meet the general purpose and intent of the Official Plan.

**2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?**

The subject lands are located in the General Business Park “M2” Zone in City of Hamilton Zoning By-law 05-200.

The zoning provision regarding Landscape Area is intended to ensure there is a sufficient buffer between the property line and parking spaces. The City of Hamilton has requested a road widening along Community Avenue thereby reducing the proposed front yard from 6.0 metres to 3.0 metres. The Site Plan currently proposes a 3.0 metre buffer between the revised property line and proposed parking spaces. In order to reduce irrigation and encourage ground water recharging on site, Rain Gardens and Infiltration Galleries are proposed within this 3.0 metre buffer area. As this space is still proposed to be landscaped, the effect of adequate buffering between the property line and parking spaces is still achieved. This proposed landscaping is secured through the concurrent Site Plan process and will ensure a 3.0 metre buffer between the property line and proposed parking.

The zoning provision regarding required parking applies to a **Planned Business Centre**, which means a group of business establishments within an Industrial Zone which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy. The proposed industrial development is considered a **Contractor's Establishment** within a Planned Business Centre, which means the use of land, building, structure or part thereof, by a contractor, for the storage and maintenance of equipment used by the contractor. The required number of parking spaces for a Contractor's Establishment with the gross floor area proposed is 9, whereas the parking layout illustrates 14 spaces. For the proposed Contractor's Establishment use the proposed parking space count is considered to be in excess of what will actually be required.

The proposal conforms to all other zoning provisions and therefore the overall intent of the Zoning By-law is maintained.

### **3. Is the proposed minor variance minor in nature?**

The proposed variances are minor in nature and necessary to facilitate Site Plan approval. The intent of this application is to request reductions to two zoning provisions, and will allow a permitted use. Given that all other regulations of the By-law remain, the request is consistent with the Zoning By-law and is considered to be minor in nature.

### **4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?**

The requested variances will facilitate Site Plan approval, which will result in a form of development that is in keeping with the character of the surrounding area, and represents a use of land that is permitted in the Urban Hamilton Official Plan and Zoning By-law 05-200. Therefore, the application is desirable and appropriate for the development of the lands.

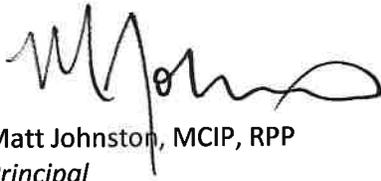
As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of our Minor Variance application, please find enclosed the following:

- Two (2) copies of the completed Minor Variance application form;
- Two (2) copies of the Minor Variance Sketch completed by UrbanSolutions; and
- One (1) cheque in the amount of \$3,320.00 made payable to the City of Hamilton.

We look forward to working with City staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Ava Barnett, BA (Hons), CPT  
*Planning Technician*

cc: 2790097 Ontario Ltd. c/o Danny Tome, Owner  
Cllr Pearson, Ward 10





Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:119

SUBJECT PROPERTY: 61 Upper Mount Albion Rd., Stoney Creek

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

**APPLICANT(S):** Agent MHBC Planning c/o D. Aston  
 Owner 2324780 Ontario Inc.

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

**Severed lands:**  
 15.305m<sup>±</sup> x 63.48m<sup>±</sup> and an area of 966.1m<sup>2±</sup>

**Retained lands:**  
 15.175m<sup>±</sup> x 63.329m<sup>±</sup> and an area of 962.9m<sup>2±</sup>

**This application will be heard in conjunction with  
 Minor Variance Application SC/A-21:448**

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, February 24th , 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

### PUBLIC INPUT

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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

SC/B-21: 119  
PAGE 2

## MORE INFORMATION

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

- Visit [www.hamilton.ca/committeeofadjustment](http://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](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022

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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.***

**NOTES:**

1. THIS PLAN MUST BE READ IN CONJUNCTION WITH THE APPROVED LOT GRADING PLAN.
2. LOT DIMENSIONS ARE AS SHOWN ON REGISTERED PLAN 62M-1250 AND HAVE NOT BEEN VERIFIED BY SURVEY. PROPOSED BUILDING POSITIONED BY CALCULATION, NOT BY ACTUAL SURVEY.
3. THE POSITION OF ALL POLE LINES, CONDUITS, WATER MAINS, SEWERS AND OTHER UNDERGROUND AND OVERHEAD UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THIS PLAN, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES, AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
4. ELEVATIONS SHOWN HEREON ARE IN ACCORDANCE WITH THE LOT GRADING PLAN FOR REGISTERED PLAN 62M-1250 AND ARE PROPOSED.

300.00 DENOTES PROPOSED GRADE BY BSR&D  
 300.00 DENOTES EXISTING ELEVATION  
 DENOTES DIRECTION OF DRAINAGE  
 DENOTES IRON PIN TO BE SET ON SITE  
 DENOTES TOP OF FOUNDATION  
 T.F. DENOTES UNDERSIDE OF FOOTINGS  
 U.S.F. DENOTES BASEMENT FLOOR  
 B.F. DENOTES FINISHED FLOOR  
 F.F. DENOTES TO BE REMOVED  
 TBR DENOTES HYDRO POLE  
 HP DENOTES FIRE HYDRANT  
 H DENOTES WATER VALVE  
 WV DENOTES OVERHEAD ELECTRICAL WIRE  
 E DENOTES GAS PIPELINE  
 G DENOTES SANITARY MANHOLE  
 SAN MH

CB DENOTES CATCHBASIN  
 MH DENOTES MANHOLE

**PLAN**

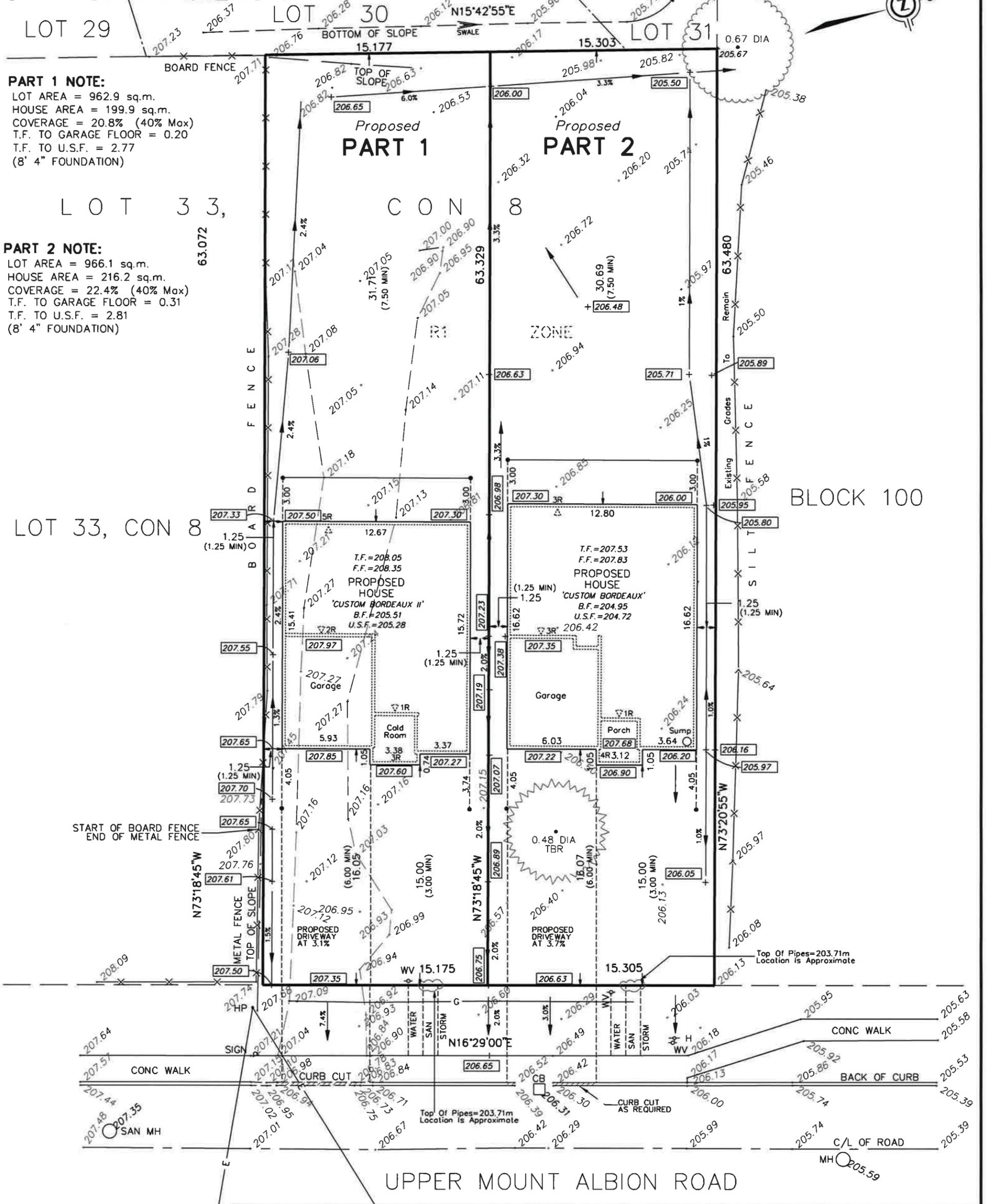
PREPARED FOR BUILDING PERMIT APPLICATION  
 SCALE 1 : 250



METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048  
 CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

**CITY OF HAMILTON**

REGISTERED PLAN 62M-1250



**PART 1 NOTE:**  
 LOT AREA = 962.9 sq.m.  
 HOUSE AREA = 199.9 sq.m.  
 COVERAGE = 20.8% (40% Max)  
 T.F. TO GARAGE FLOOR = 0.20  
 T.F. TO U.S.F. = 2.77  
 (8' 4" FOUNDATION)

**PART 2 NOTE:**  
 LOT AREA = 966.1 sq.m.  
 HOUSE AREA = 216.2 sq.m.  
 COVERAGE = 22.4% (40% Max)  
 T.F. TO GARAGE FLOOR = 0.31  
 T.F. TO U.S.F. = 2.81  
 (8' 4" FOUNDATION)

LOT 33, CON 8

BLOCK 100

REVISIONS			
NO.	DATE	BY	DESCRIPTION
1.	OCT 1/21	RA	Move Houses To 15m From Streetline
2.	OCT 7/21	RA	General Revisions

THIS PLAN WAS PREPARED FOR LOSANI HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

*Kerry F. Hillis*  
 KERRY F. HILLIS  
 ONTARIO LAND SURVEYOR

© COPYRIGHT 2021: REPRODUCTION, DISTRIBUTION OR ALTERATION OF THIS PLAN, IN WHOLE OR IN PART, WITHOUT THE WRITTEN PERMISSION OF BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED IS STRICTLY PROHIBITED.

**BSR&D** ONTARIO LAND SURVEYORS SURVEYING URBAN & RURAL PLANNERS MAPPING A wholly owned subsidiary of J.D. Barnes Ltd. G.I.S.

RPA	DRAWN
CY	CHECKED
DATED: OCT 7, 2021	
Ref. No. 17-14-593-09 BPA 2	

257 WOODLAWN ROAD WEST #101, GUELPH, ON N1H 8J1  
 T: (519) 822-4031 F: (519) 822-1220 www.jdbarnes.com



Hamilton

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto: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)	[REDACTED]	
Applicant(s)*		
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 33	Concession 8	Former Township Saltfleet
Registered Plan N°.	Lot(s)	Reference Plan N°. 62R-18987	Part(s) 3
Municipal Address 61 Upper Mount Albion Road, City of Hamilton			Assessment Roll N°. 251800385091400

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:

N/A

---

**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

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

Frontage (m) 15.305	Depth (m) ± 63.48	Area (m <sup>2</sup> or ha) ± 966.1
------------------------	----------------------	--

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: Existing dwelling (to be demolished)

---

Proposed: Residential

---

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) 15.175	Depth (m) ± 63.329	Area (m <sup>2</sup> or ha) ±962.9
------------------------	-----------------------	---------------------------------------

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: Residential dwelling (to be demolished)

Proposed: To be determined

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify) \_\_\_\_\_

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

- electricity
  telephone
  school bussing
  garbage collection

## 5 CURRENT LAND USE

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

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

Urban Hamilton Official Plan designation (if applicable): Neighbourhoods

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

Please refer to attached application covering letter.

5.2 What is the existing zoning of the subject land? R1 - Single Residential One

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? N/A

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"/>	

<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<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?  
Information from owner.  
\_\_\_\_\_
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
Is the previous use inventory attached?  
 Yes       No

**7 PROVINCIAL POLICY**

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

Please refer to attached application covering letter.

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

Please refer to attached application covering letter.

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

Please refer to attached application covering letter.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

Yes       No

Please refer to attached application covering letter.

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

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

Yes       No

(Provide Explanation)

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

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

Yes       No      (Provide Explanation)

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

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

Yes       No      (Provide Explanation)

## 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.

**SC/B-18:132 (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.

**Yes - No change to 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?

<4 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.

Losani Homes owns various land throughout the City.

**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 Application submitted concurrently

Status Ongoing

---

**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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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.

Please refer to attached application covering 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.

2021-12-07

\_\_\_\_\_  
Date



\_\_\_\_\_  
Signature of Owner



KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

December 16, 2021

Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario, L8P 4Y5

**RE: Consent and Minor Variance Application – 61 Upper Mount Albion Road, Stoney Creek  
OUR FILE 14196BJ**

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On behalf of our client, 2324780 Ontario Inc., we are pleased to submit applications to the Committee of Adjustment for a Consent and Minor Variance for the property located at 61 Upper Mount Albion Road, Stoney Creek, herein referred to as the “subject lands”. The subject lands are legally described as Part of Lot 33, Concession 8, Geographic Township of Saltfleet, in the City of Hamilton.

The subject lands currently contain an existing single detached dwelling and accessory garage. A demolition permit was recently issued (Permit No. 21 138350 00 DP) for the removal of the existing dwelling and accessory garage. The purpose of the applications is to facilitate the creation of one new lot, and the development of two single detached dwellings.

**Consent Application**

The proposal is to sever the subject lands into two lots and develop two single-detached residential dwellings, one on the retained parcel (Part 1) and one on the severed parcel (Part 2). The proposed severed and retained lots will maintain frontage onto a public road (Upper Mountain Albion Road), and have full municipal water and wastewater system connections.

The Urban Hamilton Official Plan (UHOP) provides policies for lot creation. Section 1.14.3.1 states that for new residential lots within the Neighbourhoods designation, the following conditions must be met:

- a) The lots comply with the policies of this Plan, including secondary plans;
- 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.

The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan (UHOP) and are identified as 'Low Density Residential 1' in the Trinity West Secondary Plan. The Neighbourhoods designation intends to provide for a range of ground-related housing options, including single-detached dwellings. The Trinity West Secondary Plan designates the lands as Low Density Residential 1 and permits only single-detached dwellings. The proposed consent will facilitate the severance and creation of a new residential parcel, which is a permitted use in the Neighbourhoods and Low Density Residential 1 designation. The severed and retained residential lots will provide for the development of two single-detached dwellings and contribute to intensification in the built up area of the City.

The proposed retained and severed parcel generally comply with the provisions of the zoning by-law. A minor variance application is required to permit the proposed lot frontage. The retained parcel (Part 1) is proposed to have a lot area of 962.9 square metres and 15.175 metres of frontage on Upper Mount Albion Road. The severed parcel (Part 2) is proposed to have an area of 966.1 square metres and 15.305 metres of frontage on Upper Mount Albion Road. The requested reduction in lot frontage for the retained lot (Part 1) and the severed lot (Part 2) is compatible with the general character and scale of other residential lots in the surrounding area. Various residential lot frontages on Upper Mount Albion Road range from 14.5 meters to 30 metres. The lots are proposed to be fully serviced by existing municipal water and sanitary services.

The proposed consent application satisfies the lot creation requirements in Section 1.14.3.1 of the UHOP.

The lands were subject to a previous severance application (SC/B-18:132), which was approved in December, 2018. The conditions of the severance were not satisfied within one year of the decision and the severance lapsed. The previous Staff Report with conditions is attached for reference.

### **Minor Variance Application**

The requested variance is required to permit a reduction in the minimum required lot frontage to facilitate the proposed severance application. The requested minor variance is required to permit the lot frontage as follows:

- To permit a reduction in lot frontage for the retained lot (Part 1) to 15.175 metres, whereas a minimum frontage of 18 metres is required in the Single Residential One "R1" Zone.
- To permit a reduction in lot frontage for the severed lot (Part 2) to 15.305 metres, whereas a minimum frontage of 18 metres is required in the Single Residential One "R1" Zone.

Section 45(1) of the Planning Act identifies the tests for a minor variance. The following is an analysis of the tests.

### ***Meets the purpose and intent of the Official Plan***

The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan (UHOP) and are identified as 'Low Density Residential 1' in the Trinity West Secondary Plan. The Neighbourhoods designation intends to provide for a range of ground-related housing options, including single-detached dwellings. The Trinity West Secondary Plan designates the lands as Low Density Residential 1 and permits only single-detached dwellings.

The proposed application will facilitate the severance and creation of a new residential parcel, which is a permitted use in the Neighbourhoods and Low Density Residential 1 designation. The severed and

retained residential lots will provide for the development of single-detached dwellings and contribute to intensification in the built up area of the City. The proposed application maintains the intent of the UHOP and Trinity West Secondary Plan.

***Meets the purpose and intent of the Zoning By-law***

The subject lands are zoned Single Residential One "R1" in the City of Stoney Creek Zoning By-law 3692-92 (as amended). The R1 zone permits single-detached dwellings and requires a minimum frontage of 18 metres for interior lots.

The proposed reduction in lot frontage from 18 metres to  $\pm 15$  metres will facilitate the severance of the subject lands and allow for the development of two single detached dwellings. Sufficient frontage is maintained on Upper Mount Albion Road for both the severed and retained lots and adequate separation distance will be maintained between the proposed lots and adjacent residential uses. The proposed severed and retained lots conform to all other zoning requirements of the Single Residential One "R1" Zone.

In summary, the proposed frontage for the severed and retained lots maintain the intent of the by-law, provide sufficient access along Upper Mount Albion Road, maintain separation distance between adjacent lots, and conform to all other zoning provisions for the R1 zone. Therefore, the general intent of the zoning by-law is maintained.

***Desirable for the appropriate development of the land***

The lands are designated and zoned for residential use. The proposed variances are desirable to permit the severance of a parcel of land and create an additional parcel of land for residential purposes and allow for minor intensification within the built boundary in an area with sufficient infrastructure and services.

***Minor in Nature***

The lands are zoned to permit single-detached dwellings and there is no change to the permitted uses. The requested reduction in lot frontage to 15.175 metres for the retained lot (Part 1) and 15.305 metres for the severed lot (Part 2) is compatible with the general character and scale of other residential lots in the surrounding area. Various residential lot frontages on Upper Mount Albion Road range from 14.5 meters to 30 metres. The proposed frontage maintains adequate area on a public road and provides a sufficient area to accommodate future residential uses. Sufficient separation distances between the interior side yards of adjacent lots is provided and adequate buffer space between lots is maintained. The requested frontage is considered to be compatible with the surrounding area. The variances are therefore minor in nature.

In addition to this letter and in support of our applications, please find enclosed the following:

- Completed and signed Consent Application Form;
- Completed and signed Minor Variance Application Form;
- Severance & Minor Variance Sketch, prepared by J.D. Barnes, dated October 7, 2021;
- 1 cheque in the amount of \$3,320.00 for the Minor Variance Application fee (to be delivered under separate cover);
- 1 cheque in the amount of \$2,860.00 for the Consent Application fee (to be delivered under separate cover), and;

- A copy of the previously prepared Staff Report for the conditionally approved severance, dated December 6, 2018.

We kindly ask that this application be considered at the next available Committee of Adjustment meeting. If you have any questions regarding the application, please do not hesitate to contact the undersigned.

Yours truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'DAA', followed by a long horizontal line extending to the right.

Dave Aston, MSc, MCIP, RPP  
Vice President / Partner

A handwritten signature in blue ink, appearing to read 'Liam Murphy'.

Liam Murphy, BES  
Planner

*cc. Marib Pirzada, Myles Smith*





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto: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-21:448

**APPLICANTS:** Agent MHBC Planning c/o D. Aston  
 Owner 2324780 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **61 Upper Mount Albion Rd., Stoney Creek**

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

**ZONING:** "R1" (Single Residential) district

**PROPOSAL:** To permit the creation of two (2) residential lots (Part 1 and Part 2) as per Consent Application SC/B-21:119, for single detached dwelling purposes, notwithstanding that;

1. A minimum lot frontage of 15.1m shall be permitted for Part 1 and a minimum lot frontage of 15.3m shall be permitted for Part 2 instead of the minimum 18.0m lot frontage required.

Notes: This application is to be heard in conjunction with Consent Application SC/B-21:119.

No elevation plans were provided from which to determine compliance; therefore, further variances may be required.

The zoning By-law requires a minimum parking space size of 3.0m x 6.0m for one parking space within a private residential garage. Insufficient details were provided from which to determine compliance; therefore, further variance may be required.

The shall ensure that any proposed encroachment i.e. eaves, porches etc., shall conform to the requirements of Section 4.19.1 of the Stoney Creek Zoning By-law 3692-92.

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

**DATE:** Thursday, February 24th, 2022

**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](http://www.hamilton.ca/committeeofadjustment)

for viewing purposes only

SC/A-21: 448  
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](http://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](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022.

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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.***

**NOTES:**

1. THIS PLAN MUST BE READ IN CONJUNCTION WITH THE APPROVED LOT GRADING PLAN.
2. LOT DIMENSIONS ARE AS SHOWN ON REGISTERED PLAN 62M-1250 AND HAVE NOT BEEN VERIFIED BY SURVEY. PROPOSED BUILDING POSITIONED BY CALCULATION, NOT BY ACTUAL SURVEY.
3. THE POSITION OF ALL POLE LINES, CONDUITS, WATER MAINS, SEWERS AND OTHER UNDERGROUND AND OVERHEAD UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THIS PLAN, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES, AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
4. ELEVATIONS SHOWN HEREON ARE IN ACCORDANCE WITH THE LOT GRADING PLAN FOR REGISTERED PLAN 62M-1250 AND ARE PROPOSED.

300.00 DENOTES PROPOSED GRADE BY BSR&D  
 300.00 DENOTES EXISTING ELEVATION  
 DENOTES DIRECTION OF DRAINAGE  
 DENOTES IRON PIN TO BE SET ON SITE  
 DENOTES TOP OF FOUNDATION  
 T.F. DENOTES UNDERSIDE OF FOOTINGS  
 U.S.F. DENOTES BASEMENT FLOOR  
 B.F. DENOTES FINISHED FLOOR  
 F.F. DENOTES TO BE REMOVED  
 TBR DENOTES HYDRO POLE  
 HP DENOTES FIRE HYDRANT  
 H DENOTES WATER VALVE  
 WV DENOTES OVERHEAD ELECTRICAL WIRE  
 E DENOTES GAS PIPELINE  
 G DENOTES SANITARY MANHOLE  
 SAN MH

CB DENOTES CATCHBASIN  
 MH DENOTES MANHOLE

**PLAN**

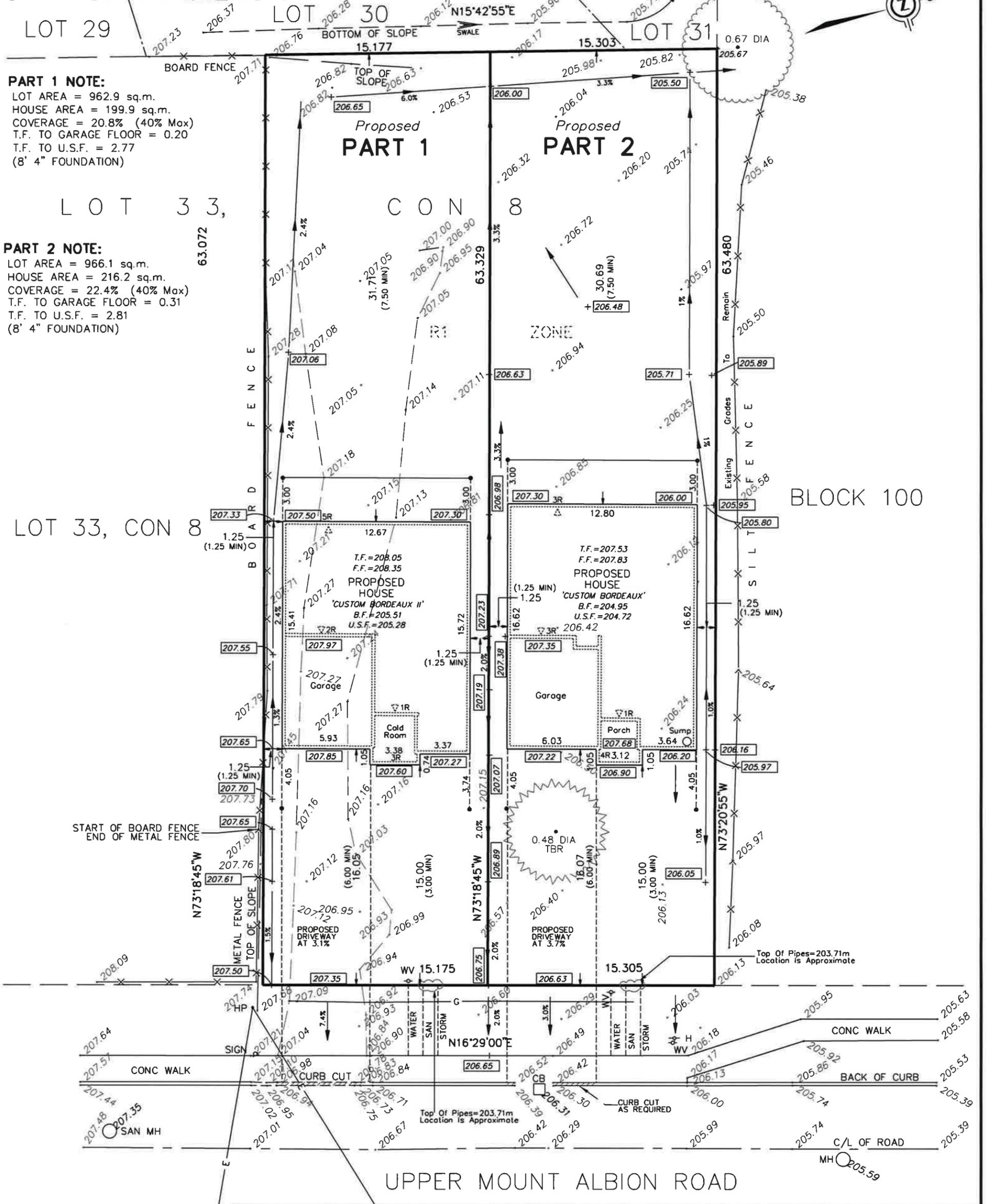
PREPARED FOR BUILDING PERMIT APPLICATION  
 SCALE 1 : 250



METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048  
 CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

**CITY OF HAMILTON**

REGISTERED PLAN 62M-1250



**PART 1 NOTE:**  
 LOT AREA = 962.9 sq.m.  
 HOUSE AREA = 199.9 sq.m.  
 COVERAGE = 20.8% (40% Max)  
 T.F. TO GARAGE FLOOR = 0.20  
 T.F. TO U.S.F. = 2.77  
 (8' 4" FOUNDATION)

**PART 2 NOTE:**  
 LOT AREA = 966.1 sq.m.  
 HOUSE AREA = 216.2 sq.m.  
 COVERAGE = 22.4% (40% Max)  
 T.F. TO GARAGE FLOOR = 0.31  
 T.F. TO U.S.F. = 2.81  
 (8' 4" FOUNDATION)

LOT 33, CON 8

BLOCK 100

REVISIONS			
NO.	DATE	BY	DESCRIPTION
1.	OCT 1/21	RA	Move Houses To 15m From Streetline
2.	OCT 7/21	RA	General Revisions

THIS PLAN WAS PREPARED FOR LOSANI HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

*[Signature]*  
 KERRY F. HILLIS  
 ONTARIO LAND SURVEYOR

© COPYRIGHT 2021: REPRODUCTION, DISTRIBUTION OR ALTERATION OF THIS PLAN, IN WHOLE OR IN PART, WITHOUT THE WRITTEN PERMISSION OF BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED IS STRICTLY PROHIBITED.

**BSR&D** ONTARIO LAND SURVEYORS SURVEYING URBAN & RURAL PLANNERS MAPPING A wholly owned subsidiary of J.D. Barnes Ltd. G.I.S.

RPA	DRAWN
CY	CHECKED
DATED: OCT 7, 2021	
Ref. No. 17-14-593-09 BPA 2	

257 WOODLAWN ROAD WEST #101, GUELPH, ON N1H 8J1  
 T: (519) 822-4031 F: (519) 822-1220 www.jdbarnes.com



Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### APPLICATION FOR A MINOR VARIANCE

<b>FOR OFFICE USE ONLY.</b>	
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)		
Applicant(s)*		
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:

Relief is requested from the frontage requirement of 18 metres for an interior lot in the Single Residential "R1" Zone to accommodate lots with a frontage of  $\pm 15.305$  metres (severed) and  $\pm 15.175$  (retained).

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

An application to sever the subject lands is being submitted concurrently with this application. The proposed severance results in lots with a frontage of  $\pm 15.305$  metres (severed) and  $\pm 15.175$  (retained), whereas the 'Single Residential "R1" Zone' requires a minimum frontage of 18 metres for an interior.

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**):

The subject lands are legally described as Part of Lot 33 Concession 8 Geographic Township of Saltfleet, City of Hamilton. The lands are municipally known as 61 Upper Mount Albion Road, Stoney Creek.

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?

Information from owner.

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.

2021-12-07  
Date

*M. B. B.*  
Signature Property Owner(s)

2324780 Ontario Inc.  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage ±30.48 metres  
 Depth ±63.329 m to ±63.480 metres  
 Area ±1,929 sq. m (962.9 sq. m retained / 966.1 m severed)  
 Width of street 20.117 metres

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  
 Future residential.

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:  
 Future residential.

13. Date of acquisition of subject lands:  
 <4 years
- 
14. Date of construction of all buildings and structures on subject lands:  
 N/A
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
 Single Family / Vacant
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
 Single Family / Vacant
17. Length of time the existing uses of the subject property have continued:  
 <5 years
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:  
 Neighbourhoods - Urban Hamilton Official Plan  
 Low Density Residential 1 - Trinity West Land Use Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
 Single Residential "R1" Zone - Stoney Creek Zoning By-law 3692-92
21. Has the owner previously applied for relief in respect of the subject property?  
 Yes  No   
 If the answer is yes, describe briefly.
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  
 Please refer to attached application covering letter.
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, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:123

SUBJECT PROPERTY: 541 Stone Church Rd. W., 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 Lanhack c/o S. Pongracz  
 Owner 2324780 Ontario Inc.

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

**Severed lands:**  
 11.6m<sup>±</sup> x 29.8m<sup>±</sup> and an area of 348m<sup>2±</sup>

**Retained lands:**  
 11.6m<sup>±</sup> x 29.8m<sup>±</sup> and an area of 335m<sup>2±</sup>

**This application will be heard in conjunction with  
 Minor Variance Application HM/A-21:452**

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, February 24th , 2022  
**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](http://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: 123  
PAGE 2

## MORE INFORMATION

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

- Visit [www.hamilton.ca/committeeofadjustment](http://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](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022

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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.***



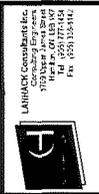
These drawings are the property of the Engineer and shall remain his property. The Engineer shall not be held responsible for any errors or omissions in these drawings. The drawings shall be used only for the purpose for which they were prepared and shall not be used for any other purpose without the written consent of the Engineer. The drawings shall be used only for the purpose for which they were prepared and shall not be used for any other purpose without the written consent of the Engineer.

CONTRACT - UNIVAC CONSULTANTS INC.  
1150 W. 10th Avenue  
Hamilton, Ontario  
L8S 4K1

Issue Record	No.	Description	Date
A	1	PRELIMINARY SURVEY	12/15/21

Issue Record	No.	Description	Date
A	1	PRELIMINARY SURVEY	12/15/21

UNIVAC CONSULTANTS INC.  
1150 W. 10th Avenue  
Hamilton, Ontario  
L8S 4K1  
Tel: (905) 771-1104  
Fax: (905) 771-1104



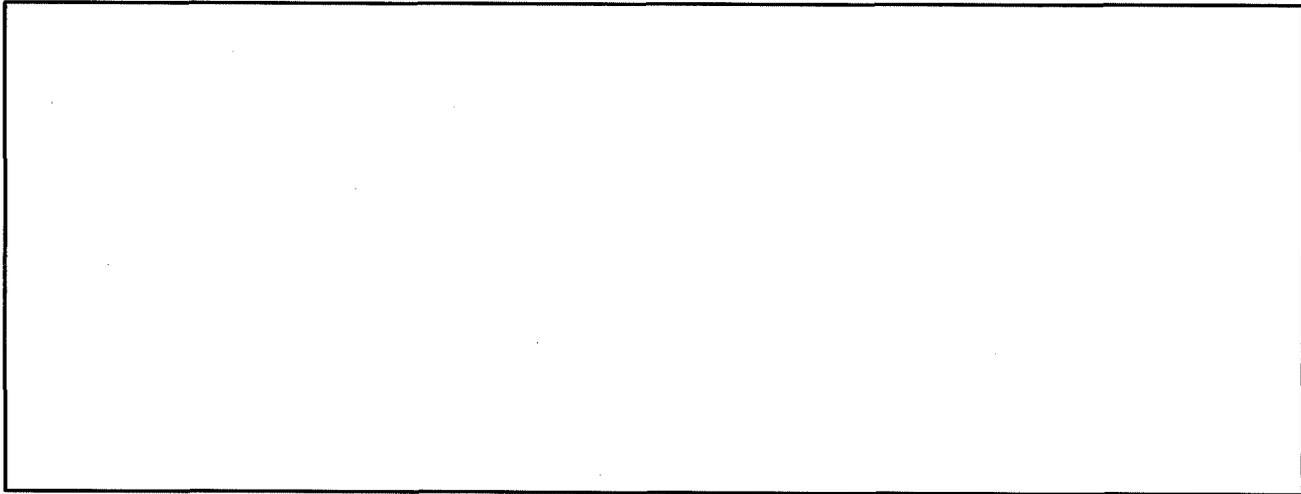
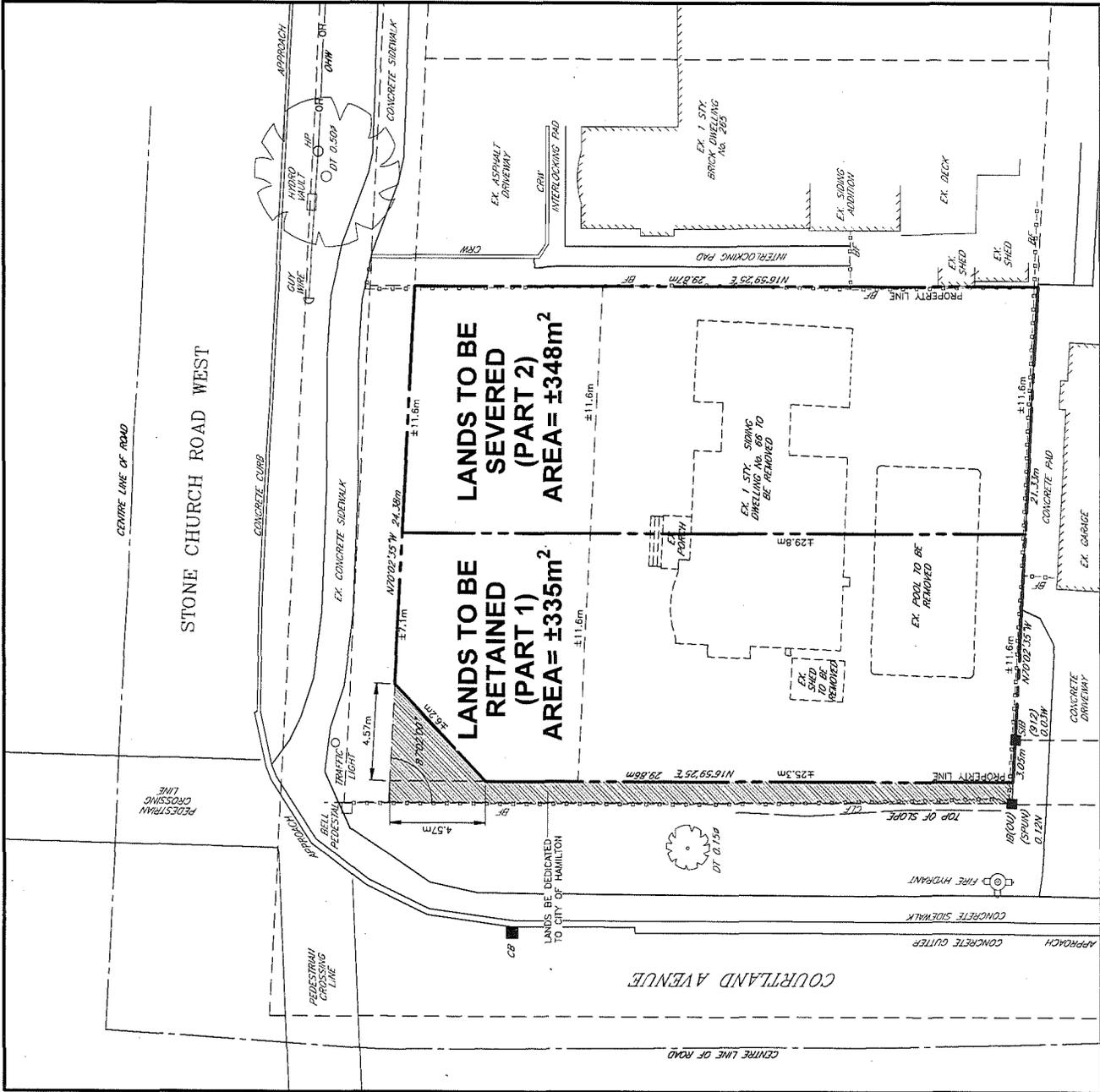
**541 Stonechurch Road West**

HAMILTON, ON  
DECEMBER 2021

Drawn By: GRY  
Checked By: SWP  
Scale: 1 : 200

**Severance Sketch**

Project No: 21044B  
Drawing No: SSK-1





Hamilton

## Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto: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)	[REDACTED]	
Applicant(s)*		
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	Concession	Former Township
Registered Plan N°. 921	Lot(s)	Reference Plan N°.	Part(s) Part of Lot 18
Municipal Address 541 Stone Church Rd W, Hamilton, ON L9B 1A5			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:

Subhash Bhalla 1371981 Ontario 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 <sup>2</sup> or ha)
+/-11.6m	+/-29.8m	+/-348m <sup>2</sup>

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: single family dwelling with attached garage, shed and pool (all to be demoished/ removed offsite)

Proposed: Two single family dwellings

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 <sup>2</sup> or ha)
+/-11.6m	+/-29.8m	+/-335m <sup>2</sup>

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: Single family dwelling (to be demolished)

Proposed: Two 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): \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Urban protected residential, one / two family dwellings

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

The lands are to remain Urban Protected Residential

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 198 & D/S-1788 Urban Protected Residential (By-law 6593)

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?  
Neighbour consultation and review of Historic on line data
- 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

Single family residential use will be maintained.

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

Single family residential use will be maintained.

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

Single family residential use will be maintained.

- 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.

The consent application HM-B-17-108 was approved and lapsed during Covid. Owner thought the application was not going lapse during Covid.

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

The proposed buildings will be single family detached vs. single family attached

- 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?

3 plus 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)

- 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**11 OTHER INFORMATION**

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

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

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

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

**13 ACKNOWLEDGEMENT CLAUSE**

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

Nov. 22/2021  
Date

Sibby Blin - President  
Signature of Owner  
I have the authority to bind the Corporation





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto: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-21:452

**APPLICANTS:** Agent Lanhack c/o S. Pongracz  
 Owner 1371981 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **541 Stone Church Rd. W., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 71-111

**ZONING:** "D/S-198" (Urban Protected Residential – One and Two Family Dwellings) district

**PROPOSAL:** To permit the creation of two lots through land severance application HM/B-21: 123 notwithstanding that;

**LANDS TO BE RETAINED (PART 1):**

1. A minimum lot width of  $\pm 11.6$  m shall be provided instead of the minimum required 12.0 m; and
2. A minimum lot area of  $\pm 335.0$  m<sup>2</sup> shall be provided instead of the minimum required lot area of 360.0 m<sup>2</sup>; and

**LANDS TO BE SEVERED (PART 2):**

3. A minimum lot width of  $\pm 11.6$  m shall be provided instead of the minimum required 12.0 m; and
4. A minimum lot area of  $\pm 348.0$  m<sup>2</sup> shall be provided instead of the minimum required lot area of 360.0 m<sup>2</sup>; and

Notes: Variances have been written as requested by the applicant. These variances are necessary to facilitate Land Severance Application HM/B-21: 123

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

---

**DATE:** Thursday, February 24th, 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

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HM/A-21: 452

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## **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](http://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](mailto:cofa@hamilton.ca)

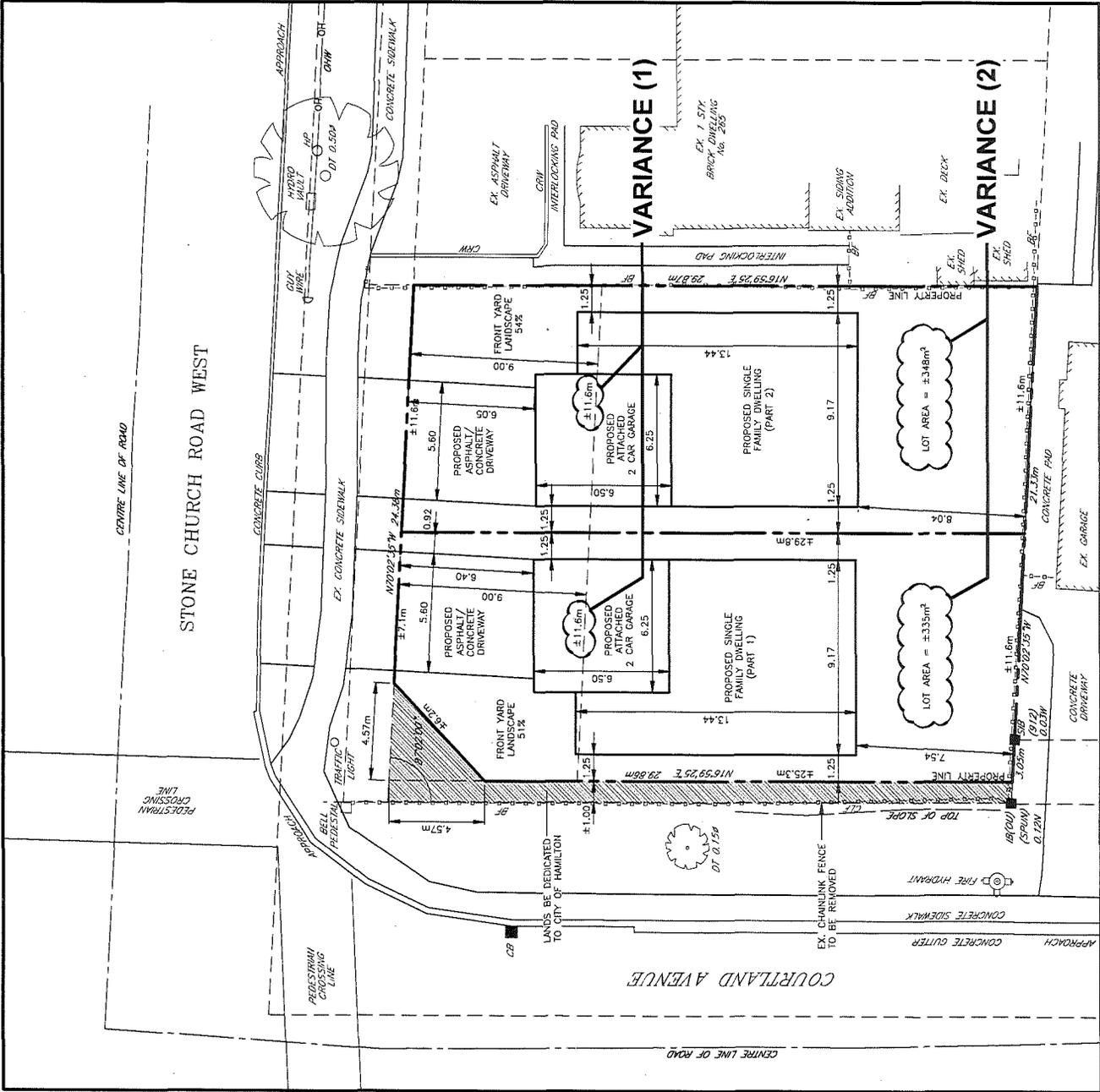
DATED: February 8th, 2022.

---

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.***

VARIANCE (1)	TO PERMIT A MIN. LOT WIDTH OF ±11.6m WHEREAS A MIN. OF 12.0m IS REQUIRED
VARIANCE (2)	TO PERMIT A MIN. LOT AREA OF ±335m <sup>2</sup> WHEREAS A MIN. OF 360m <sup>2</sup> IS REQUIRED



Professional seal of architect or engineer is required for all drawings. The Project Engineer and Project Architect are responsible for the accuracy of the drawings. The Project Engineer is responsible for the accuracy of the calculations. The Project Architect is responsible for the accuracy of the drawings. The Project Engineer and Project Architect are responsible for the accuracy of the drawings. The Project Engineer is responsible for the accuracy of the calculations. The Project Architect is responsible for the accuracy of the drawings.

Issue Record	
No.	Date
A	14/10/21
DESIGNED FOR: MINOR VARIANCE APPLICATION	

LANDMARK CONSULTANTS INC.  
 CONSULTING ENGINEERS  
 1000 SHEPPARD AVENUE EAST  
 SUITE 1000  
 SCARBOROUGH, ONTARIO M1S 1T6  
 TEL: (416) 291-1111

**541 Stonechurch Road West**

HAMILTON, ON  
 DECEMBER 2021

Drawn By: GUY  
 Checked By: SJP  
 Scale: 1:200

Minor Variance Sketch

Project No: 21044B  
 Drawing No: MVSKT-1



Committee of Adjustment  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto: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

Registered Owners(s)
Applicant(s)*
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:  
 None

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

4. Nature and extent of relief applied for:

Variance #1, To permit a min lot width of 11.6m+/- whereas a min. of 12.0m is required.  
Variance #2, To permit a min lot area of 335m<sup>2</sup>+/- whereas a min. of 360m<sup>2</sup> is required.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

The existing lot width and area is slightly less than required to create two detached single family lots.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

541 Stone Church Road West.  
Part of Lot 18  
Registered Plan no. 921

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?

Neighbour consultation and review of Historic on line data

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.

Nov 23/2021  
Date

Subhash Bhalia  
Signature Property Owner(s)

Subhash Bhalia  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>+/-24.38m before road widening</u>
Depth	<u>+/-29.8m</u>
Area	<u>+/- 727m2 before road widening</u>
Width of street	<u>+/-30m on Stonechurch Rd. W. and +/-23m on Courtland Ave</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 attached

Proposed

See attached

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

Existing:

See attached

Proposed:

See attached

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
17. Length of time the existing uses of the subject property have continued:
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 protected residential, one and two family dwellings
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
D/S 198 & D/S-1788 Urban Protected Residential (By-law 6593)
21. Has the owner previously applied for relief in respect of the subject property?  
 Yes  No   
 If the answer is yes, describe briefly.  
 Owner applied for a severance for a semi-detached building which has
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  
 Owner has made arrangements with Forestry to remove the existing street tree:
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, 5<sup>th</sup> 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](mailto: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-21:436

**APPLICANTS:** Agent Len Angelici Design  
 Owners M. Meade & S. Ferri

**SUBJECT PROPERTY:** Municipal address **183 Iona Ave., Hamilton**

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

**ZONING:** "C/S-1335 & C/S-1335a" (Urban Protected Residential) district

**PROPOSAL:** To permit the construction of a new second storey addition and a roofed-over unenclosed porch in the rear yard of the existing single family dwelling notwithstanding that:

1. A maximum floor area ratio of 0.64 shall be permitted instead of the maximum 0.45 floor area ratio permitted.

**NOTES:**

i. A variance was also been requested in order to permit the construction of a new roofed-over porch in the rear yard. However pursuant to Subsection 18(3)(vi)(d), a roofed-over unenclosed porch is permitted to project into a minimum required rear yard setback (7.5m) to a maximum of 3.0m. Therefore, a roofed-over unenclosed porch shall provide a rear yard setback of at least 4.5m. As such, the location of the proposed porch conforms and a variance is not required.

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

---

**DATE:** Thursday, February 24th, 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

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**PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

HM/A-21: 436

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**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](http://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](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022

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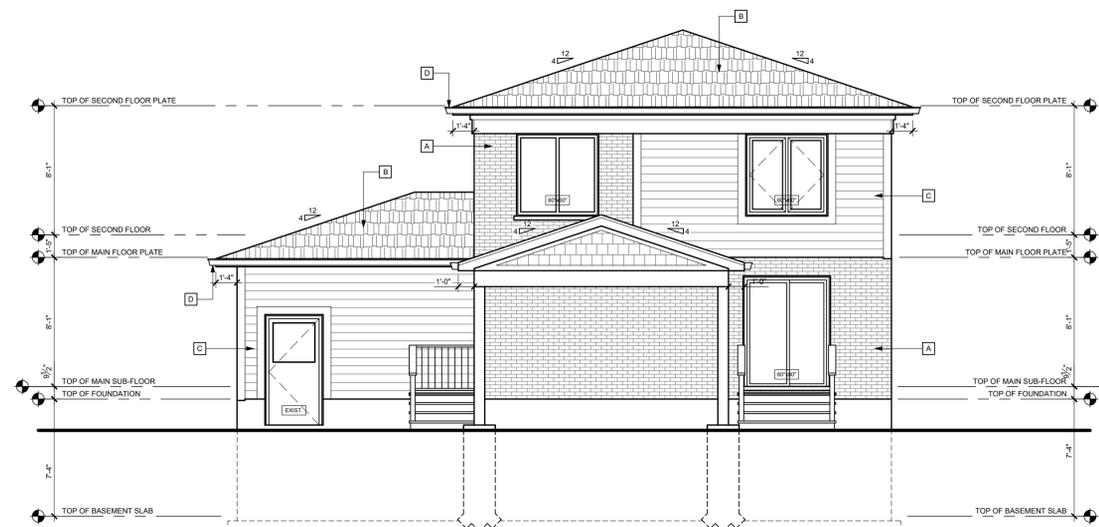
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***





PROPOSED FRONT ELEVATION  
SCALE 3/16" = 1'-0"



PROPOSED REAR ELEVATION  
SCALE 3/16" = 1'-0"

EXTERIOR FINISH INDEX

- [A] BRICK VENEER
- [B] ASPHALT SHINGLES
- [C] PRE-FIN. VINYL SIDING
- [D] 5" PRE-FIN. ALUM. EAVETROUGH ON 6" WITH PRE-FIN. ALUM. FASCIA CW PRE-FIN. ALUM. DOWNSPOUT

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	12/06/2021

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

12/06/2021  
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  
183 IONA AVE,  
HAMILTON, ON.

SHEET TITLE

PROPOSED FRONT &  
REAR ELEVATIONS

DRAWN BY

L. ANGELICI

DATE

12/06/2021

SCALE

3/16"=1'-0"

PROJECT No.

2021-001

A3





Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### APPLICATION FOR A MINOR VARIANCE

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

#### The Planning Act

#### Application for Minor Variance or for Permission

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

	NAME	ADDRESS
1, 2		
Registered Owners(s)		
Applicant(s)*		
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:

PROPOSED RELIEF OF REAR YARD SETBACK OF 7.5m TO 4.71m TO FACILITATE A COVERED PATIO AREA

PROPOSED RELIEF FROM SITE SPECIFIC BY-LAW S-1335/S1225a OF FLOOR AREA RATIO OF 45% TO 62.11%

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

SIZE OF BACKYARD DOES NOT ALLOW FOR A DECENT SIZED COVERED PATIO AREA

SIZE OF LOT DOES NOT ALLOW FOR A SECOND STOREY ADDITION TO COMPLY WITH REQUIRED FLOOR AREA RATIO OF 45%

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**):

183 IONA AVE  
HAMILTON, ON  
L8S 2M1

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.

Nov 26 2021  
Date

X Sarah Ferni Mark Meade  
Signature Property Owner

X [Signature]  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 16.00m  
Depth 30.50m  
Area 487.94m<sup>2</sup>  
Width of street \_\_\_\_\_

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

Existing:  
GROUND FLOOR AREA: 108.36m<sup>2</sup>  
STORIES: 1  
WIDTH: 12.55m  
LENGTH: 15.38m

Proposed  
GROSS FLOOR AREA: 303.05m<sup>2</sup>  
STORIES: 2

PATIO WIDTH: 4.88m  
PATIO LENGTH: 4.88m  
PATIO AREA: 23.78m<sup>2</sup>

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

Existing:  
LEFT SIDE: 1.68m  
RIGHT SIDE: 1.77m  
FRONT: 6.53m  
REAR: 9.60m

Proposed:  
PATIO:  
LEFT SIDE: 4.80m  
RIGHT SIDE: 6.32m  
REAR: 4.71m

13. Date of acquisition of subject lands:  
N/A
- 
14. Date of construction of all buildings and structures on subject lands:  
N/A
- 
15. Existing uses of the subject property:  
SINGLE FAMILY DWELLING
16. Existing uses of abutting properties:  
SINGLE FAMILY DWELLINGS
17. Length of time the existing uses of the subject property have continued:  
SUBJECT PROPERTY HAS BEEN RESIDENTIAL 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:  
C C/S-1335 C/S-1335a Urban Protected Residential, Etc.  
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, 5<sup>th</sup> 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](mailto: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-21:449

**APPLICANTS:** Agent Property Pathway  
 Owner Alicia Morey

**SUBJECT PROPERTY:** Municipal address **275 Huxley Ave. S., Hamilton**

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

**ZONING:** "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) district

**PROPOSAL:** To permit the creation of a secondary dwelling unit in the existing single family dwelling on a residential parcel of land, notwithstanding that:

1. A minimum parking space size of 2.4 metres wide and 6.0 metres long shall be provided instead of the minimum required parking space size of 2.7 metres wide and 6.0 metres long.

NOTE:

1. 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, February 24th, 2022

**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](http://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: 449  
Page 2

## MORE INFORMATION

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DATED: February 8th, 2022

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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.***

- This single family dwelling is greater than 5 years old, alternative designs that comply with Part 11 of the Ontario Building Code will apply.
- Rooms Required (9.31.4.)
  - Each suite shall be equipped with a kitchen sink, a wash basin, a bathtub or a shower and a toilet. Each suite shall be equipped with laundry facilities, or have ready access to a common space for laundry facilities.
- Window Natural Light Requirement (C107):
  - Proposed Living rooms, and Dining rooms may be reduced the a minimum window glazed area from 10% of the floor area served to 5%, and from 5% of the floor area served to 2.5% for bedrooms where the windows are not needed as a means of egress and where they are not required for ventilation. The well must provide 550mm (1ft-10in) clearance when the window is fully open.
- Egress Window Requirement (C136), 9.9.10.1.(1), 9.9.10.1.(5)
  - if the exit door is not at the same level as the bedroom, one window for egress must openable from the inside without tools, provides an individual, unobstructed open portion having a minimum area of 0.35 m<sup>2</sup>
  - (3.8 ft<sup>2</sup>) with no dimension less than 380mm (15") and does not require additional support to keep it open, Only openable portion of slider can be used for these dimensions, removable panels are not accepted.
  - Window well to be minimum 21 5/8"
- Unit Entry Door (9.6.8.8.)
  - Main entry doors to each suite shall be provided with a door viewer, door window or sidelight.
- Stairs landing and Guardrail (C109)
  - Replacement or extension of an existing stair system shall be exempt from the standards, provided that they have a minimum width between wall faces of 700mm (2ft-4in), and a minimum clear height over tread nosing or landing of 1800mm (5ft 11in).
- Exit Doors (C118)
  - Existing exit and access to exit shall have a clear height of not less than 1950mm (6ft-5in).

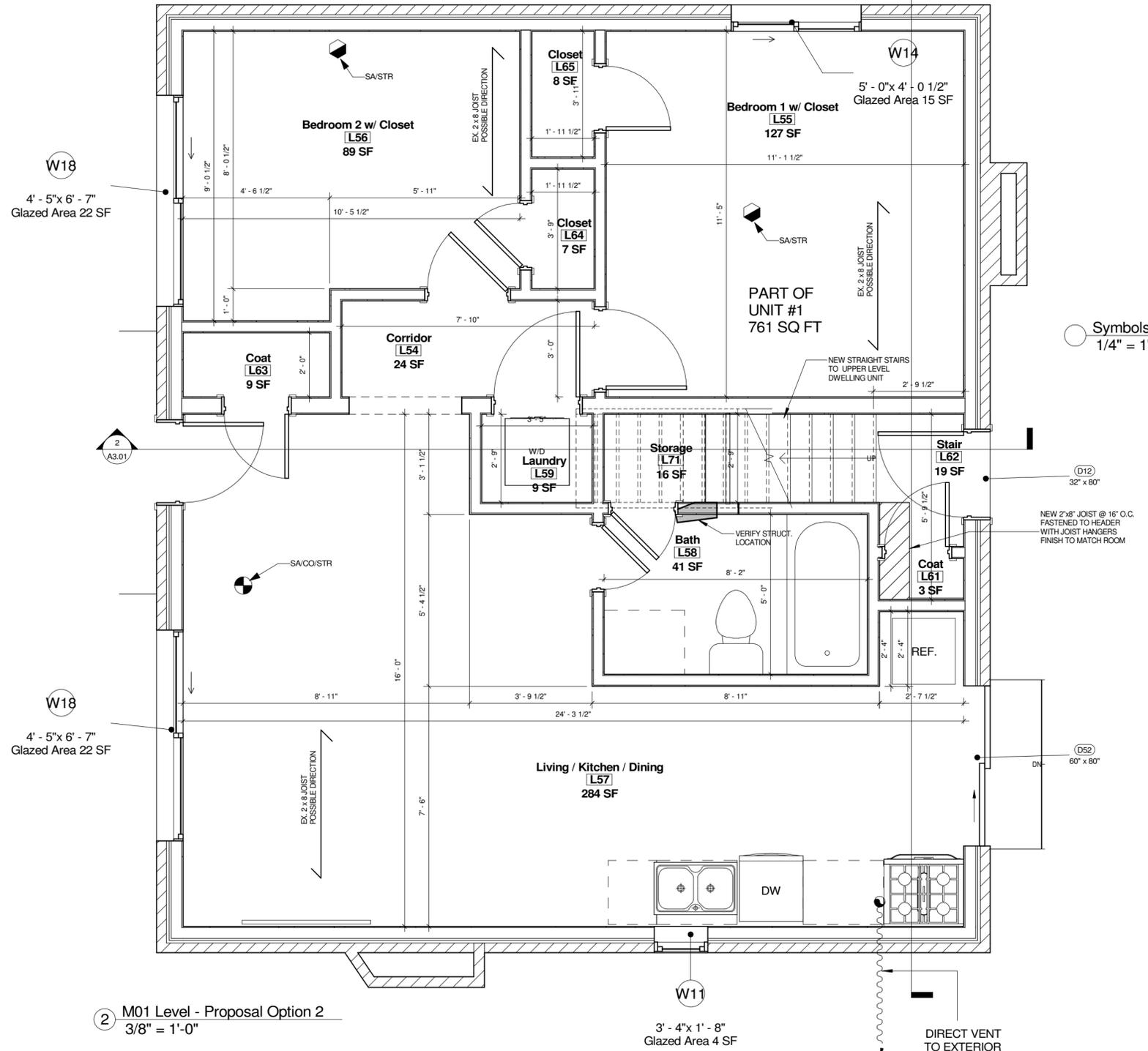
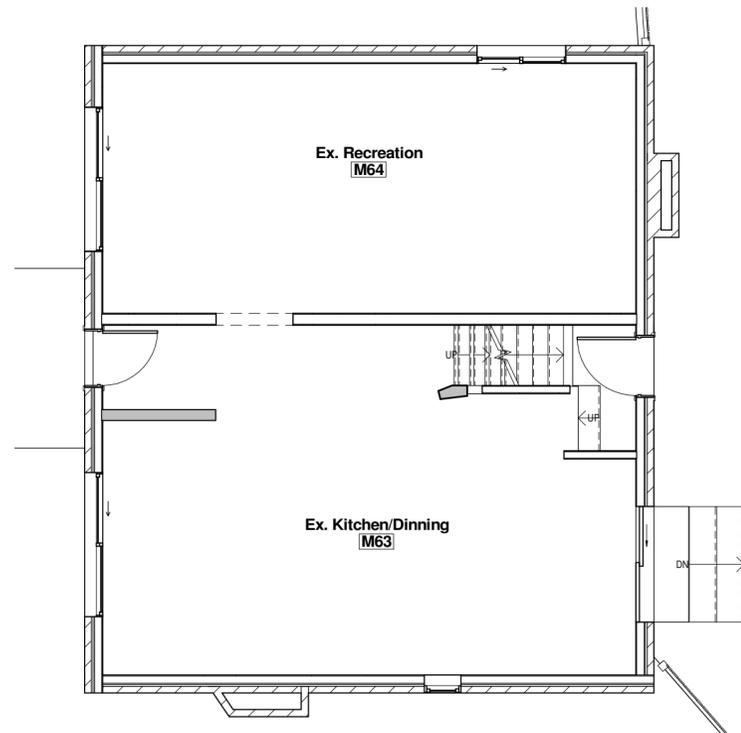
- Horizontal Fire Separation (C147)
  - 30 minute fire separation acceptable between units, however horizontal fire separations are permitted to be further reduced to 15 minute fire resistance rating, where interconnected hardwired smoke alarms are installed in every suite and in common area. This floor assembly is a SB 3 - F8d
- Vertical Fire Separation of Residential Suite (C152)
  - 30 minute fire separation acceptable between common area and common egress, however vertical fire separations are permitted to be further reduced to 15 minute fire resistance rating, where interconnected hardwired smoke alarms are installed in every suite and in common area.
  - Horizontal fire separation terminate at 30 min vertical fire separation and all penetrations through the vertical fire separations to be fire caulked.
  - These wall assemblies are SB 3 - W4a for wall separating the furnace room and common areas from the dwelling unit and W1c partition within the dwelling unit
  - 1 layer of 5/8" type "X" GWB to extend to the underside of the subfloor in furnace room and fire caulk joint.
- Fire Rated Door (C153)
  - Solid core wood doors, 45 mm thickness, are permitted to be used to achieve a 20 minute fire protection rating provided it is labeled as conforming. Unrated wood door frame is acceptable where it is used to achieve a 20 minute fire protection rating and is a minimum 38mm (1.5in) thick.

- Path of Egress (C102)
  - Minimum 1950 mm (6'-5") over the required floor area or minimum room height not less than 2030 mm (6'-8") over at least 50% of the required floor area
- Smoke Alarm (9.10.19) (C167)
  - Must be hardwired in bedroom within each unit,
  - Must be hardwired common egress, common area and furnace room.
  - Carbon Monoxide (9.33.4.)
  - Must be hardwired in hallways leading to bedroom within each unit.
  - Smoke Detector (C195)
  - Existing heating or air-conditioning system may be altered to serve more than one suite provided smoke alarms are installed in each suite and provided a smoke detector is installed in the supply or return air duct system serving the entire building which would turn off the fuel supply and electrical power to the heating system upon activation of such detectors.
- Firestopping (9.10.16.2.)
  - Fire stops shall be provided between every concealed horizontal space including all direct exterior vents that penetrate joist cavity.
  - All existing and new penetrations in fire separations to be fire caulked.

Provide adequate access to water meter for maintenance

Water shutt off 7.6.1.6  
Separate water supply shut offs are required in both dwelling units

Cooktop 9.10.22.2.(1), 9.10.22.3.(3)  
Cooktop clearance from cabinet to be 17 3/4" min. and protected vertically with a rangehood be 29 1/2" min. from cabinet.



1. The Contractor shall check the drawings and verify all dimensions of the work and shall report promptly all discrepancies, errors and omissions to the Designer at least one week before ordering or installing construction materials or making any material changes to the work involving such discrepancies, errors or omissions. Should the Contractor fail to observe these conditions, the additional expense for remedial work shall not become the responsibility of the Designer under any circumstance.  
2. Read all drawings in conjunction with the General Notes and Specifications.  
3. Drawings are not to be scaled.

**PROPERTY PATHWAYS**  
OUR PATH, YOUR WAY

Designer: Ronald De Coteau  
Phone: 647-870-1701  
Email: assistant@propertypathways.com  
Website: propertypathways.com

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  
Required unless design is exempt under 2.17.5.1. of the building code

RONALD DE COTEAU 38419

NAME SIGNATURE BCIN

No.	Description	Date

Checked By: Checker  
Project Number: 20210512  
Date: 2021-06-15  
Drawn by: Author  
Scale: As indicated

**Secondary Suite**  
**Proposed Layout**  
275 Huxley Ave. South, Hamilton

**A1.01**

2021-08-03 6:30:04 PM

- This single family dwelling is greater than 5 years old, alternative designs that comply with Part 11 of the Ontario Building Code will apply.
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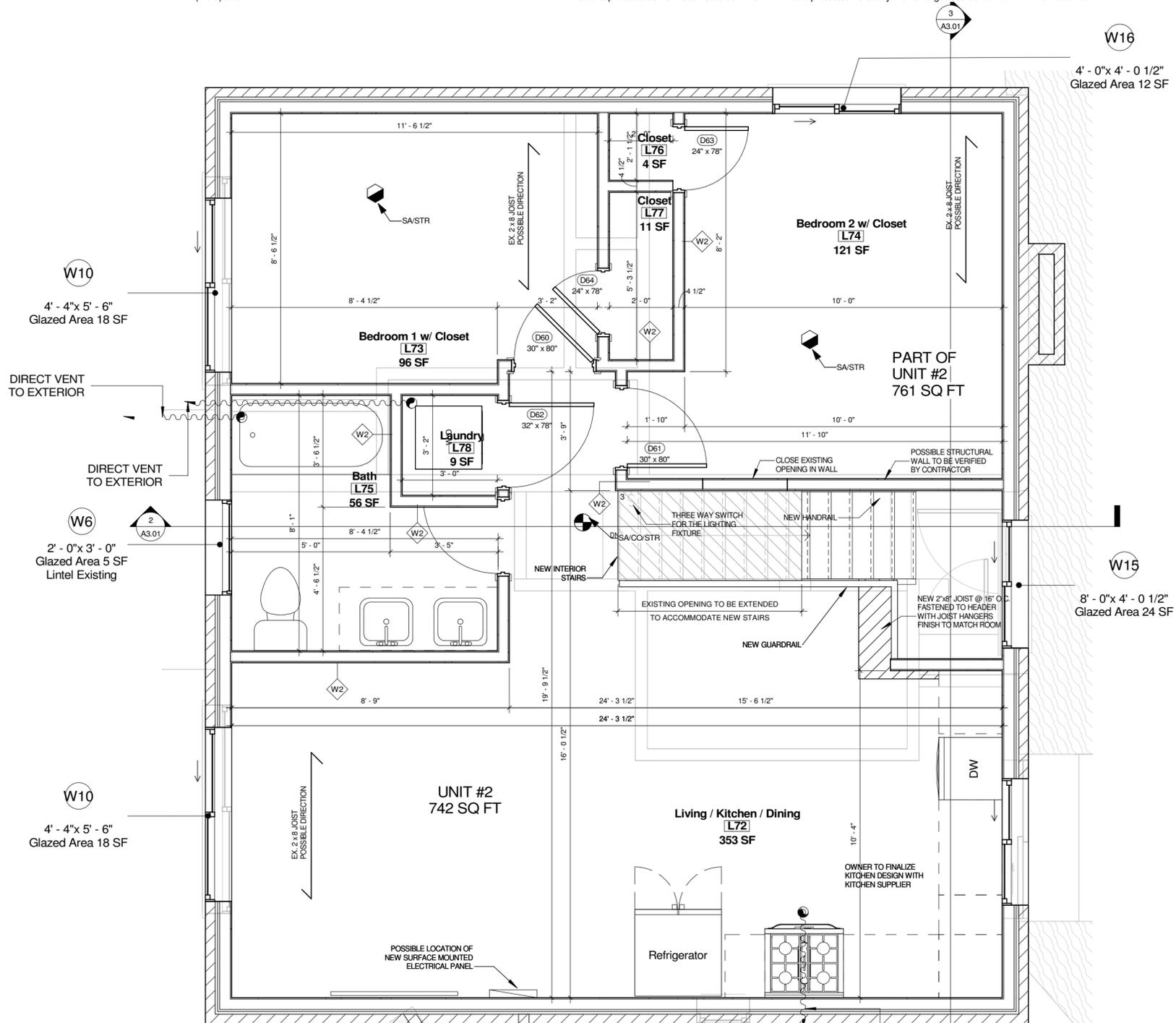
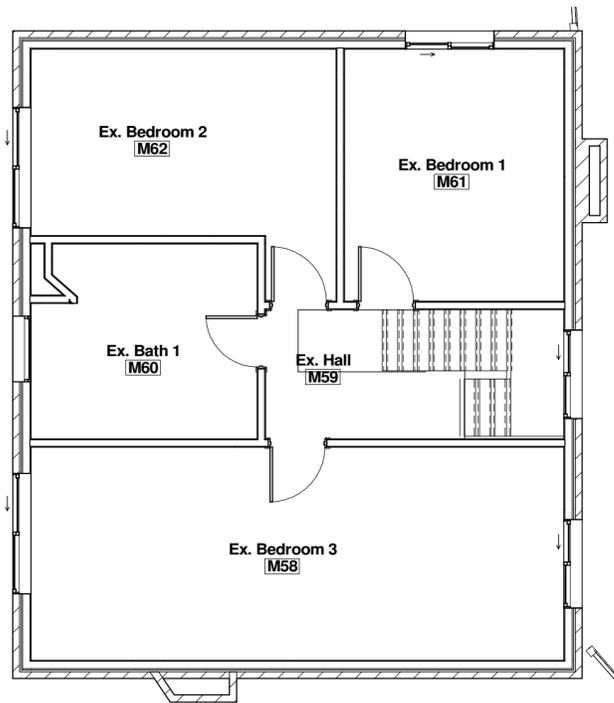
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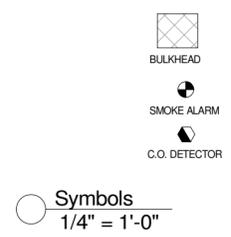
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1 U01 Level - Existing  
3/16" = 1'-0"

2 U01 Level - Proposal Option 1  
3/8" = 1'-0"



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2. Read all drawings in conjunction with the General Notes and Specifications.  
3. Drawings are not to be scaled.

**PROPERTY PATHWAYS**  
OUR PATH, YOUR WAY

Designer: Ronald De Coteau  
Phone: 647-870-1701  
Email: assistant@propertypathways.com  
Website: propertypathways.com

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  
Required unless design is exempt under 2.17.5.1. of the building code

RONALD DE COTEAU 38419

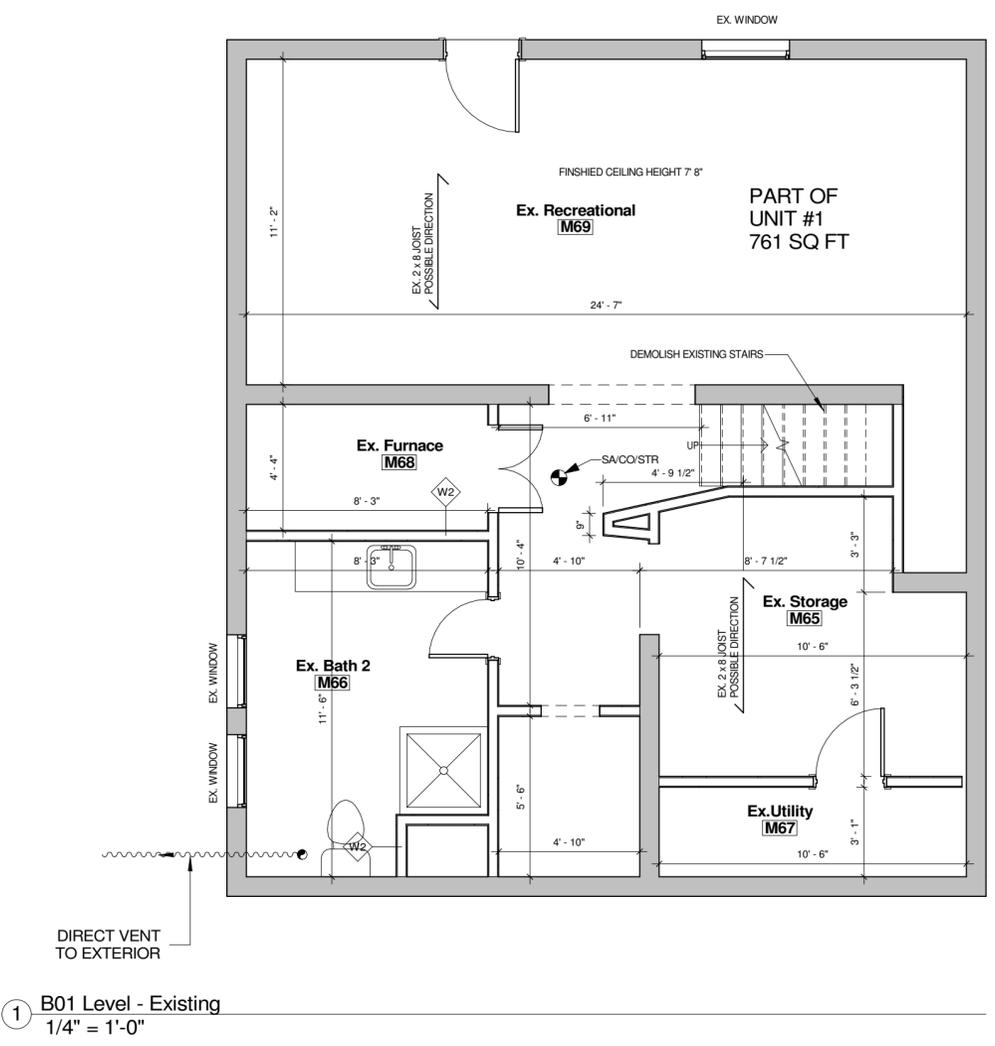
NAME SIGNATURE BCIN

No.	Description	Date

Checked By: **Checker**  
Project Number: 20210512  
Date: 2021-06-15  
Drawn by: **Author**  
Scale: As indicated

**Secondary Suite**  
**Proposed Layout**  
275 Huxley Ave. South, Hamilton

**A1.02**



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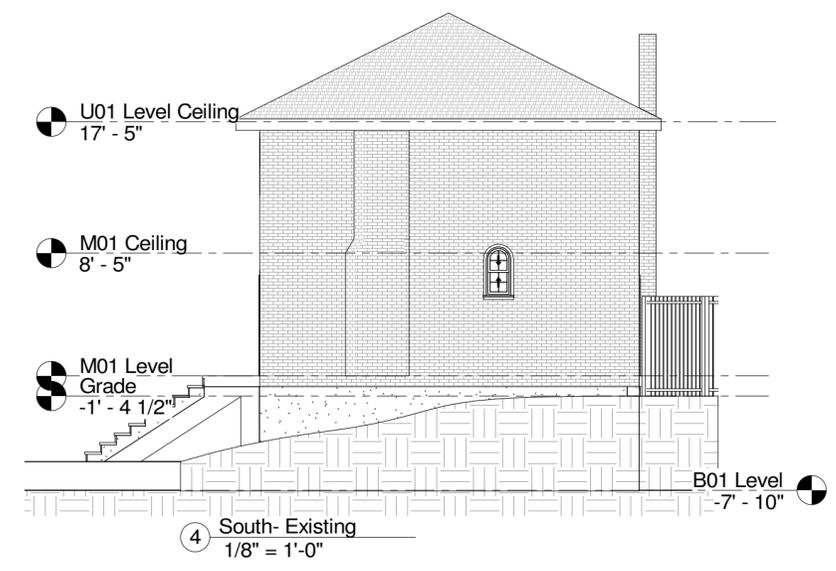
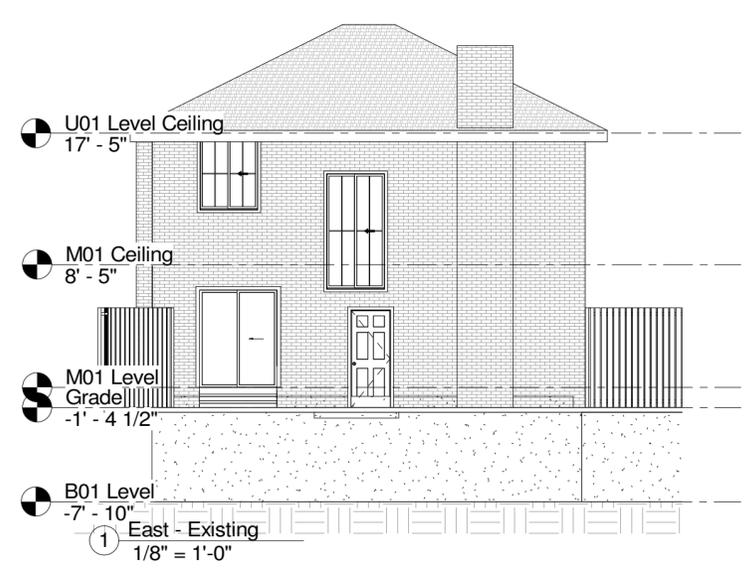
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RONALD DE COTEAU *[Signature]* 38419  
 NAME SIGNATURE BCIN

No.	Description	Date

**Secondary Suite**  
**Proposed Layout**  
 275 Huxley Ave. South, Hamilton

Checked By	Checker
Project Number	20210512
Date	2021-06-15
Drawn by	Author
Scale	1/4" = 1'-0"
	<b>A1.03</b>



1. The Contractor shall check the drawings and verify all dimensions of the work and shall report promptly all discrepancies, errors and omissions to the Designer at least one week before ordering or installing construction materials or making any material changes to the work involving such discrepancies, errors or omissions. Should the Contractor fail to observe these conditions, the additional expense for remedial work shall not become the responsibility of the Designer under any circumstance.  
 2. Read all drawings in conjunction with the General Notes and Specifications.  
 3. Drawings are not to be scaled.

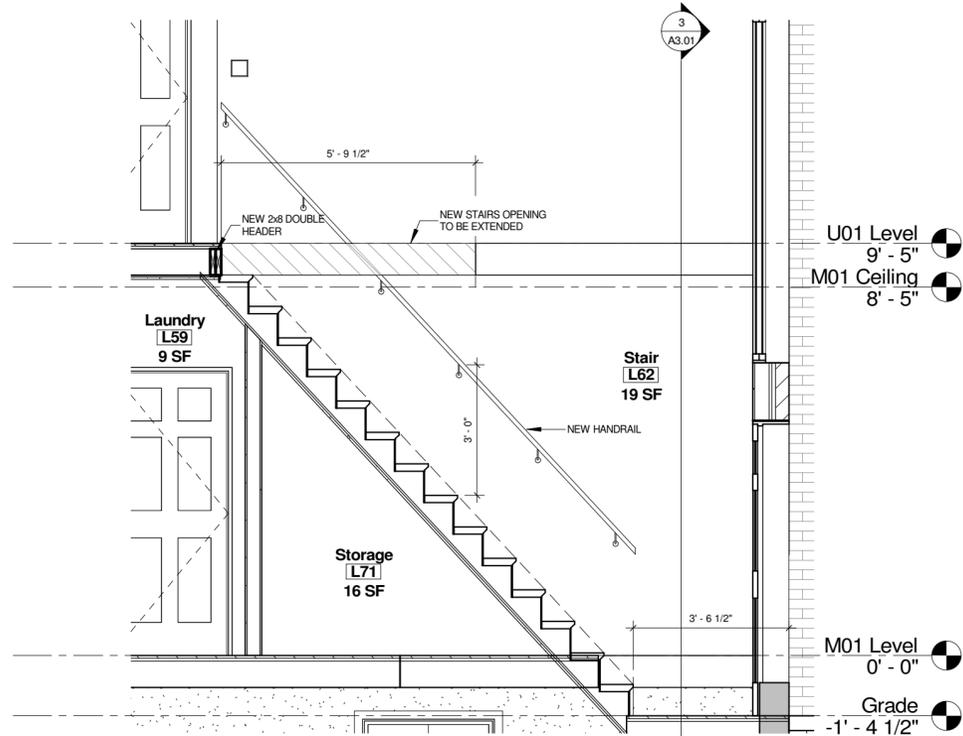
**PROPERTY PATHWAYS**  
 OUR PATH, YOUR WAY  
 Designer: Ronald De Coteau  
 Phone: 647-870-1701  
 Email: assistant@propertypathwayz.com  
 Website: propertypathwayz.com

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  
 Required unless design is exempt under 2.17.5.1. of the building code  
 RONALD DE COTEAU 38419  
 NAME SIGNATURE BCIN

No.	Description	Date

**Secondary Suite**  
**Proposed Layout**  
 275 Huxley Ave. South, Hamilton

Checked By	Checker
Project Number	20210512
Date	2021-06-15
Drawn by	Author
Scale	As indicated
	<b>A2.01</b>



1 Section 2 - Callout 1  
3/8" = 1'-0"

**STAIRS**

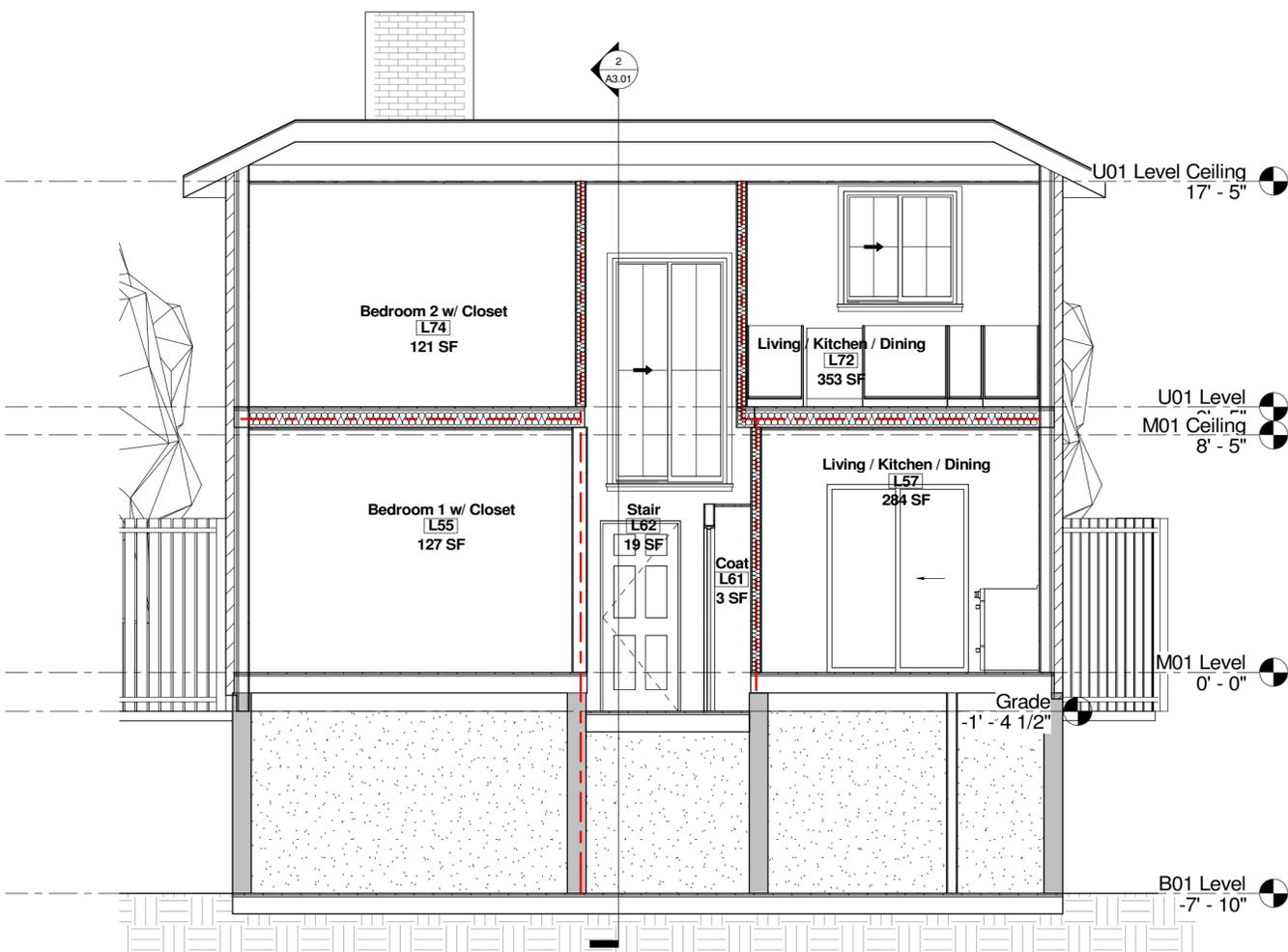
- MAXIMUM RISE - 7 7/8" MINIMUM - 4 15/16"
- MAXIMUM RUN - 14" MINIMUM - 10 1/16"
- MINIMUM HEAD ROOM - 6' 4 3/4"
- MINIMUM WIDTH - 2' 9 7/8"
- A LANDING IS REQUIRED AT THE TOP OF ANY STAIR LEADING TO THE PRINCIPAL ENTRANCE TO A DWELLING AND OTHER EXTERIOR ENTRANCES WITH MORE THAN 5 RISERS

**HANDRAILS AND GUARDS**

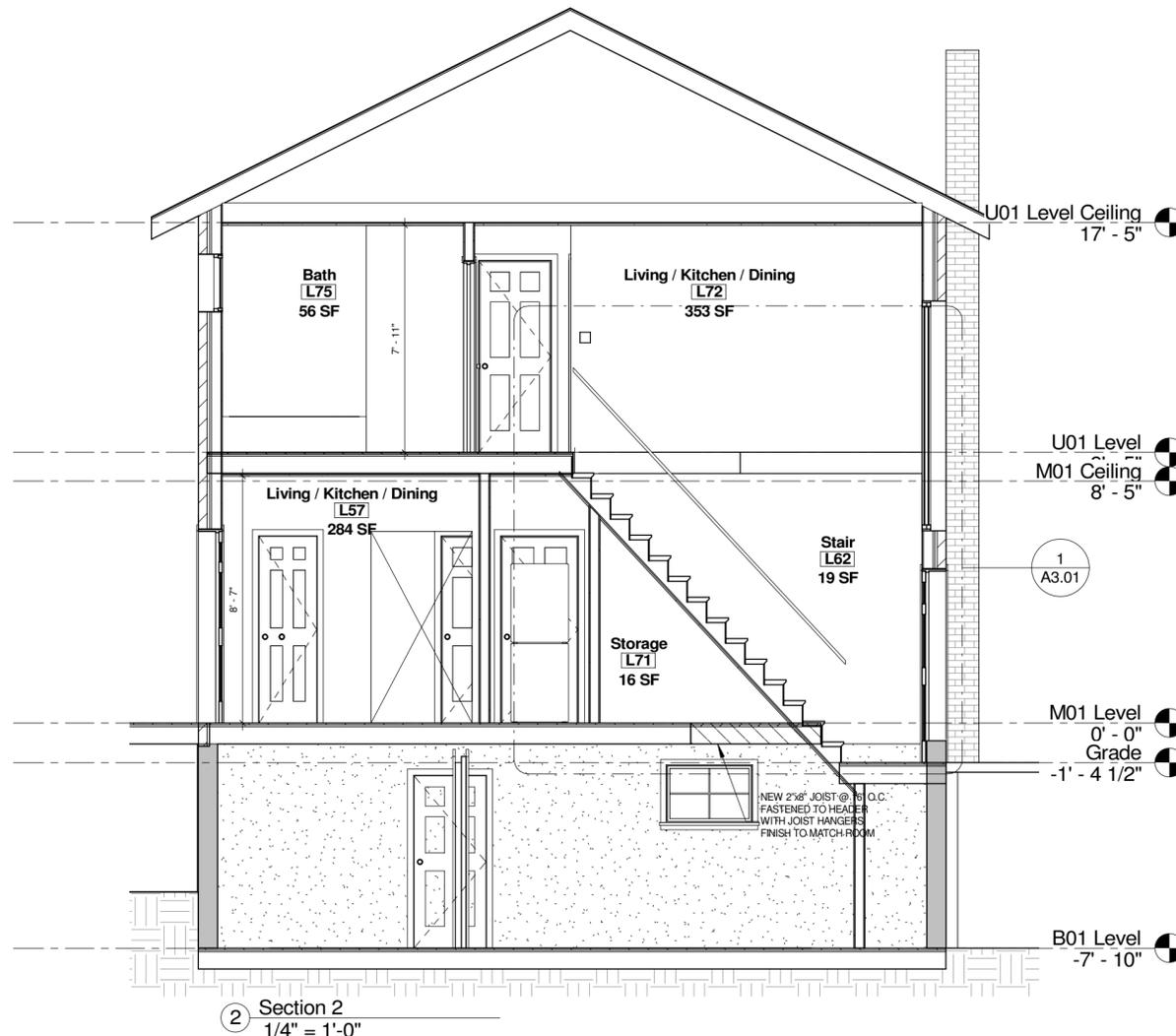
- A HANDRAIL IS REQUIRED FOR INTERIOR STAIRS CONTAINING MORE THAN 2 RISERS AND EXTERIOR STAIRS CONTAINING MORE THAN 3 RISERS GUARDS ARE REQUIRED AROUND EVERY ACCESSIBLE
- SURFACE WHICH IS MORE THAN 600MM ABOVE THE ADJACENT LEVEL AND WHERE THE ADJACENT SURFACE HAS A SLOPE MORE THAN 3' 11 1/4"
- INTERIOR AND EXTERIOR GUARDS MIN. 900MM HIGH EXTERIOR GUARDS SHALL BE 3' 3 3/4" HIGH WHERE HEIGHT ABOVE ADJACENT SURFACE EXCEEDS 5' 10 7/8" GUARDS SHALL HAVE OPENINGS SMALLER THAN 100MM
- AND NO MEMBER BETWEEN 5 1/2" AND 2' 11 7/16" THAT WILL FACILITATE CLIMBING

**FLOORS**

- JOISTS TO HAVE MINIMUM 2" OF END BEARING
- JOISTS SHALL BEAR ON A SILL PLATE FIXED TO FOUNDATION WITH 1/2" ANCHOR BOLTS @ 8' O.C.
- HEADER JOISTS BETWEEN 4'-0" AND 7'-6" IN LENGTH SHALL BE DOUBLED. HEADER JOISTS EXCEEDING 7'-6" SHALL BE SIZED BY CALCULATIONS
- TRIMMER JOISTS SHALL BE DOUBLED WHEN SUPPORTED HEADER IS BETWEEN 4'-0" AND 6'-6". TRIMMER JOISTS SHALL BE SIZED BY CALCULATIONS WHEN SUPPORTED HEADER EXCEEDS 6'-6"
- 2 X 2 CROSS BRIDGING REQUIRED NOT MORE THAN 6' 10" FROM EACH SUPPORT AND FROM OTHER ROWS OF BRIDGING
- JOISTS SHALL BE SUPPORTED ON JOIST HANGERS AT ALL FLUSH BEAMS, TRIMMERS, AND HEADERS.
- NON-LOADBEARING PARTITIONS SHALL BE SUPPORTED ON A JOIST OR ON BLOCKING BETWEEN JOISTS.
- JOIST LOCATED UNDER PARALLEL NON LOADBEARING PARTITION SHALL BE DOUBLED



3 Section 3  
1/4" = 1'-0"



2 Section 2  
1/4" = 1'-0"

1. The Contractor shall check the drawings and verify all dimensions of the work and shall report promptly all discrepancies, errors and omissions to the Designer at least one week before ordering or installing construction materials or making any material changes to the work involving such discrepancies, errors or omissions. Should the Contractor fail to observe these conditions, the additional expense for remedial work shall not become the responsibility of the Designer under any circumstance.  
2. Read all drawings in conjunction with the General Notes and Specifications.  
3. Drawings are not to be scaled.

**PROPERTY PATHWAYS**  
OUR PATH, YOUR WAY

Designer: Ronald De Coteau  
Phone: 647-870-1701  
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Required unless design is exempt under 2.17.5.1. of the building code

RONALD DE COTEAU 38419

NAME SIGNATURE BCIN

No.	Description	Date

**Secondary Suite**  
**Proposed Layout**  
275 Huxley Ave. South, Hamilton

Checked By: Checker  
Project Number: 20210512  
Date: 2021-06-15  
Drawn by: Author  
Scale: As indicated  
A3.01



**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

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

**The Planning Act**

**Application for Minor Variance or for Permission**

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

1, 2	NAME	ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

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

- Names and addresses of any mortgagees, holders of charges or other encumbrances:  
 Alicia Morey  
 356 twindle place  
 Oakville Ont  
 L6L4v8

**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:

Based on the year the house was built, only one parking space is required for a two-unit dwelling.  
1. Our request is to reduce parking space for secondary unit to 2.4m in width along the north property line.

5. Why it is not possible to comply with the provisions of the By-law?  
It is a built environment where neighbouring properties exist.

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**):

275 Huxley Ave s  
Hamilton Ont  
L8k 2r5

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?  
Previous use of the subject property aided in determining the above answers.

- 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.

11/4/2021  
Date

  
Signature Property Owner

Alicia Morey  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 12.42 m  
Depth 31.0 m  
Area 370.0 sq. m  
Width of street 8.48m

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 - 766 sq. f  
Gross Floor Area - 1532sq. f.  
Number of Storeys - 2  
Width of Building - 29' 7"  
Length of Building - 25' 11"  
Height of Building - 26' 3"

Proposed

Ground Floor Area - 766 sq. f  
Gross Floor Area - 1532sq. f.  
Number of Storeys - 2  
Width of Building - 29' 7"  
Length of Building - 25' 11"  
Height of Building - 26' 3"

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

Existing:

Left (north setback) - 2.4m  
Right (South setback) - 0.6m  
Front (West setback) - 4.7m  
Rear (East setback) - 16.1m

Proposed:

Left (north setback) - 2.4m  
Right (South setback) - 0.6m  
Front (West setback) - 4.7m  
Rear (East setback) - 16.1m

13. Date of acquisition of subject lands:  
08/4/2021
- 
14. Date of construction of all buildings and structures on subject lands:  
1950
- 
15. Existing uses of the subject property:  
Two-family dwelling
16. Existing uses of abutting properties:  
Residential and Commercial
17. Length of time the existing uses of the subject property have continued:  
Since date built
18. Municipal services available: (check the appropriate space or spaces)  
Water Yes Connected Yes  
Sanitary Sewer Yes Connected Yes  
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:  
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
N/A
21. Has the owner previously applied for relief in respect of the subject property?  
 Yes  No  
If the answer is yes, describe briefly.  
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
 Yes  No
23. Additional Information  
N/A
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto: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-21:450

**APPLICANTS:** Agent David Carrothers & Associates  
 Owner F. Brown & K. Fairweather

**SUBJECT PROPERTY:** Municipal address **142 Barclay St, Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended by By-law No.96-109

**ZONING:** C/S-1361 district (Urban Protected Residential with Special Exceptions)

**PROPOSAL:** To construct a 229.1 square metre full two storey rear addition for a two storey single family dwelling having 138.4 square metres of gross floor area and a new 7.8 square metre rear deck, notwithstanding that:

1. The floor area ratio for a single family dwelling shall be 1.15 instead of the maximum floor area ratio of 0.45 for property that is zoned C/S-1361 District.
2. The minimum easterly side yard shall be 1.1 metres instead of the minimum required 1.2 metre side yard for a single family dwelling not over 2.5 storeys in height.
3. The minimum westerly side yard shall be 1.0 metre instead of the minimum required 1.2 metre side yard for a single family dwelling not over 2.5 storeys in height.
4. The minimum rear yard shall be 4.6 metres instead of the minimum required 7.5 metres rear yard for a single family dwelling in the C District.
5. No (0) parking space shall be provided for the expanded single family dwelling instead of the minimum required two parking spaces for a single family dwelling having not more than eight (8) habitable rooms.

**NOTES:**

1. The C/S-1361 Zoning that was created under By-law 96-109 (passed June 25, 1996) provides special zoning provisions for the Westdale South Neighbourhood to address floor area ratio, ceiling height with respect to gross floor area, the height above grade for an attached garage and the maximum height of a single family dwelling.

HM/A-21: 450

Page 2

2. The variances were written as requested by the applicant. An additional variance was requested for the rear deck but is not required because the deck would maintain the required separation from the side and rear lot lines.

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

---

**DATE:** Thursday, February 24th, 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
**for viewing purposes only**

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#### **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](http://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](mailto:cofa@hamilton.ca)

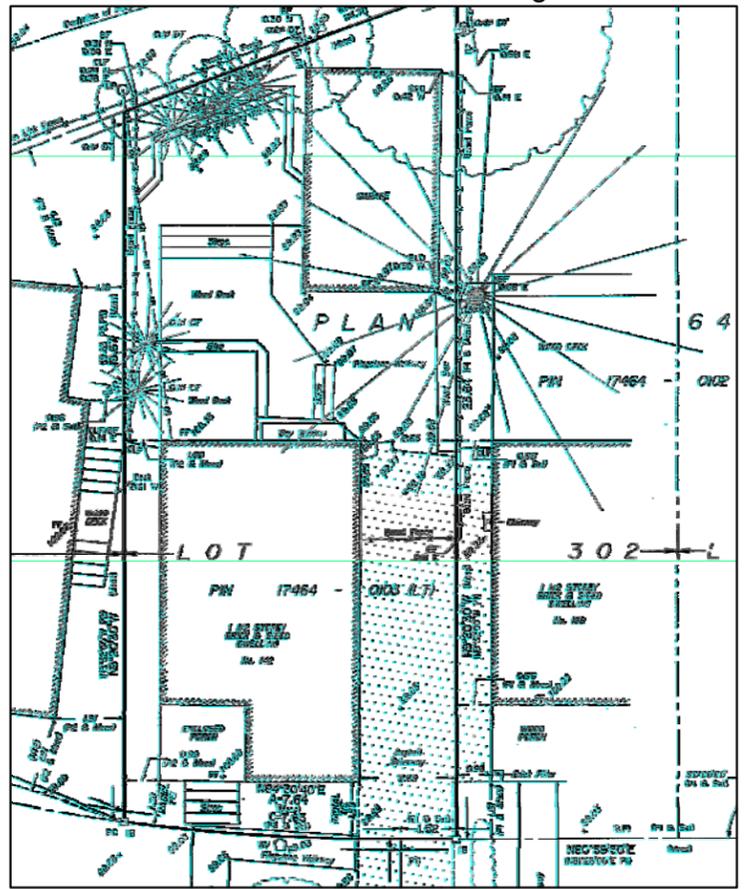
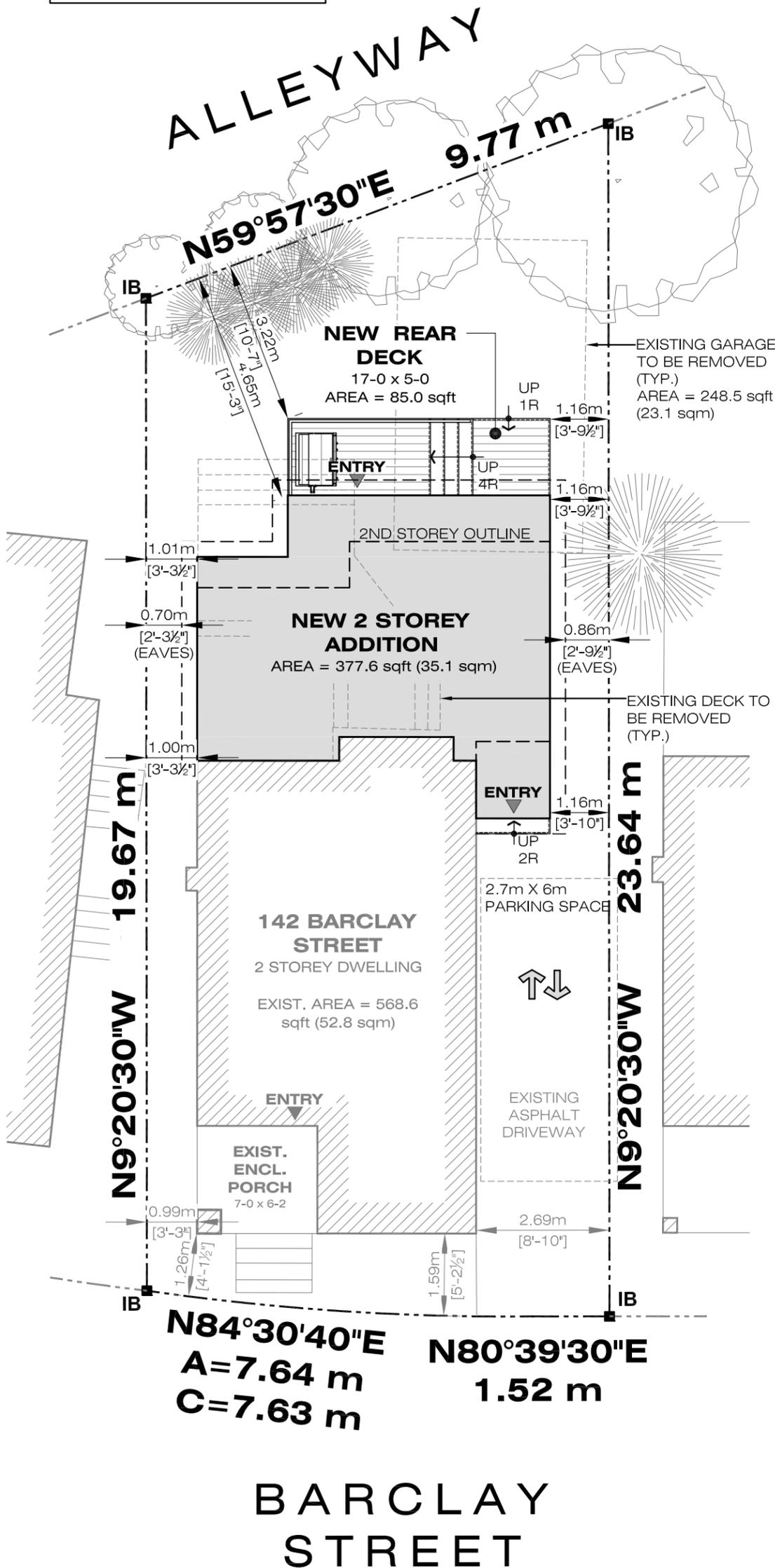
DATED: February 8th, 2022

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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.***

**\*\*NO LOT GRADING CHANGES WILL BE AFFECTED DUE TO THIS ADDITION AND RENOVATION. ALL EXISTING LOT DRAINAGE TO REMAIN UNCOMPROMISED\*\***



TO BE USED IN CONJUNCTION WITH TOPOGRAPHIC PLAN PREPARED BY BARICH GRENKIE SURVEYING LTD. DATED SEPTEMBER 14, 2020

**PLAN**  
SHOWING PART OF  
**LOT 302**  
**REGISTERED PLAN 646**  
IN THE  
**CITY OF HAMILTON**  
REGIONAL MUNICIPALITY OF HAMILTON



<b>ZONING AND PROPERTY STATISTICS</b>			
<b>DESCRIPTION:</b>	PART OF LOT 302, REGISTERED PLAN 646 IN THE REGIONAL MUNICIPALITY OF HAMILTON		
<b>ADDRESS:</b>	142 BARCLAY STREET, HAMILTON, ON.		
	<b>REQUIRED:</b>	<b>PROPOSED:</b>	
<b>ZONING DESIGNATION:</b>	C/S-1788. S-1361	C/S-1788. S-1361 (EXISTING)	
<b>LOT AREA:</b>	360.0 m <sup>2</sup>	199.0 m <sup>2</sup> (EXISTING)	
<b>LOT WIDTH:</b>	12.0 m	9.14 m (EXISTING)	
<b>GROSS FLOOR AREA:</b>	45% MAX	66.3% (EXISTING)	<b>**115.1% (PROPOSED)</b>
<b>COVERAGE:</b>	N/A	44.2% (PROPOSED)	
<b>FRONT YARD TO HOUSE:</b>	6.0 m	1.26 m (EXISTING)	
<b>REAR YARD TO ADDITION:</b>	7.5 m	<b>**4.65 m (PROPOSED)</b>	
<b>REAR YARD TO DECK:</b>	7.5 m	<b>**3.22 m (PROPOSED)</b>	
<b>RIGHT YARD TO HOUSE:</b>	1.2 m	2.69 m (EXISTING)	
<b>RIGHT YARD TO ADDITION:</b>	1.2 m	<b>**1.16 m (PROPOSED)</b>	
<b>RIGHT YARD TO DECK:</b>	0.5 m	1.16 m (PROPOSED)	
<b>LEFT YARD TO HOUSE:</b>	1.2 m	0.99 m (EXISTING)	
<b>LEFT YARD TO ADDITION:</b>	1.2 m	<b>**1.0 m (PROPOSED)</b>	
<b>BUILDING HEIGHT:</b>	9.0 m	±7.38 m (EXISTING)	
<b>BUILDING HEIGHT:</b>	2 STOREYS	2 STOREYS (EXISTING)	
<b>PARKING SPACES:</b>	2	<b>**0 (PROPOSED)</b>	
<b>** VARIANCE REQUIRED</b>			

<b>GFA CALCULATIONS:</b>	
EXISTING BASEMENT:	501.5 sqft (46.6 sqm)
EXISTING MAIN FLOOR:	514.0 sqft (47.8 sqm)
EXISTING SECOND FLOOR:	473.8 sqft (44.0 sqm)
NEW BASEMENT:	380.8 sqft (35.4 sqm)
NEW ADDITION MAIN FLOOR:	377.6 sqft (35.1 sqm)
NEW SECOND FLOOR:	288.0 sqft (26.8 sqm)
MECHANICAL NOT INCLUDED:	70.0 sqft (6.5 sqm)
<b>TOTAL GFA AREA:</b>	<b>2465.7 sqft (229.1sqm)</b>

**ISSUED FOR COMMITTEE OF ADJUSTMENT**

Project Name:  
**PRIVATE RESIDENCE**  
REAR ADDITION & INTERIOR RENOVATIONS  
142 BARCLAY STREET,  
HAMILTON, ONTARIO. L8S 1P5

Sheet Title:  
**SITE PLAN & ZONING STATS.**

No.	Date:	Issue/Revision
2	DEC 16/21	ISSUED FOR COFA
1	DEC 01/21	ISSUED FOR REVIEW

Drawn By:  
Checked By:  
Scale: 1:100  
Date: DEC 2021  
Project No. 2020-101

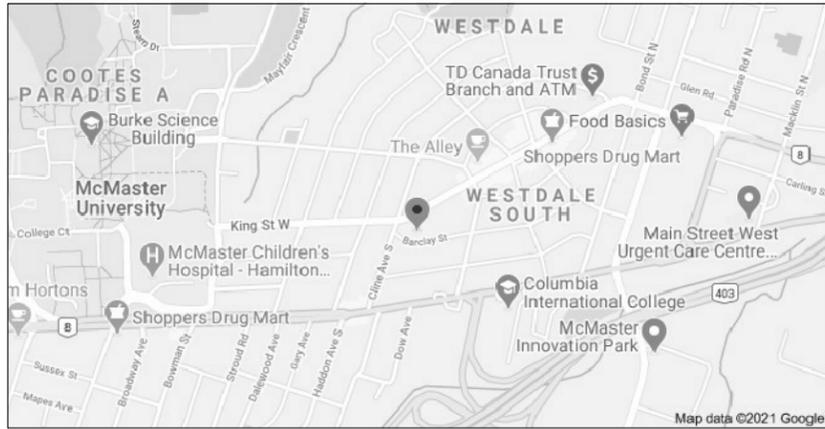
**SP**

# PRIVATE RESIDENCE

## REAR ADDITION & INTERIOR RENOVATIONS

142 BARCLAY STREET, HAMILTON, ONTARIO. L8S 1P5

ISSUED FOR COMMITTEE OF ADJUSTMENT



LOCATION MAP:



EXISTING REAR ELEVATION: (FOR REF. ONLY)

BUILDING STATISTICS:	
BASEMENT PLAN	= 882.3 sq.ft (82.0 m2)
MAIN FLOOR PLAN	= 891.6 sq.ft (82.9 m2)
2ND FLOOR PLAN	= 761.8 sq.ft (70.8 m2)
<b>TOTAL GFA</b>	<b>= 2465.7 sq.ft (229.1 m2)</b>
FRONT PORCH	= 54.5 sq.ft. (5.1 m2)
REAR DECK	= 85.0 sq.ft. (7.9 m2)



REAR ELEVATION RENDERING: (FOR REF. ONLY)

ISSUED FOR COMMITTEE OF ADJUSTMENT

Project Name:  
**PRIVATE RESIDENCE**  
 REAR ADDITION &  
 INTERIOR RENOVATIONS  
 142 BARCLAY STREET,  
 HAMILTON, ONTARIO. L8S 1P5

Sheet Title:  
 COVER PAGE AND ZONING

No.	Date:	Issue/Revision
2	DEC 16/21	ISSUED FOR COFA
1	DEC 01/21	ISSUED FOR REVIEW

Drawn By:	
Checked By:	
Scale:	N.T.S.
Date:	DEC 2021
Project No.:	2020-101

**A1**

# TOPOGRAPHIC PLAN OF PART OF LOT 302 REGISTERED PLAN 646 IN THE CITY OF HAMILTON

SCALE & NOTES  
Scale 1:100

**BARICH GRENKIE SURVEYING LTD.**  
A DIVISION OF GEOMAPLE  
© COPYRIGHT 2020

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

**ELEVATION NOTE**  
ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928:1978) AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK No. 0011965U022 HAVING AN ELEVATION OF 98.156 m.

**BEARING NOTE**  
BEARINGS ARE UTM GRID, REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° 00' WEST LONGITUDE) NAD83 (CSRS) (2010.0).

**HORIZONTAL DATUM NOTE**  
PROJECTION: UNIVERSAL TRANSVERSE MERCATOR  
(UTM, ZONE 17, CM 81°00'W)

DATUM: NAD83 (CSRS)(2010.0)

**GRID SCALE CONVERSION**  
DISTANCES ON THIS PLAN MAY BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999681.

**NOTE**  
BEARING COMPARISONS SHOWN ARE WITH ASTRONOMIC BEARINGS ON UNDERLYING PLANS.

**LEGEND**

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
CC	DENOTES	CUT CROSS
OU	DENOTES	ORIGIN UNKNOWN
824	DENOTES	A.T. McLAREN, O.L.S.
912	DENOTES	A.J. CLARKE, O.L.S.
655	DENOTES	J.T. PETERS, O.L.S.
MMP	DENOTES	MACKAY, MACKAY & PETERS, O.L.S.
871	DENOTES	D.A. HARRINGTON, O.L.S.
P1	DENOTES	PLAN BY A. T. McLAREN LTD. DATED NOVEMBER 22, 1991
P2	DENOTES	PLAN BY A. J. CLARKE & ASSOCIATES LTD. DATED JULY 20, 1976
P3	DENOTES	REGISTERED PLAN 646
P4	DENOTES	PLAN 62R-6551
CALC	DENOTES	CALCULATION DERIVED FROM P3 & P4
NTS	DENOTES	NOT TO SCALE
WIT	DENOTES	WITNESS
MH	DENOTES	MANHOLE
GUT	DENOTES	GUTTER ELEVATION
BC	DENOTES	BOTTOM OF CURB ELEVATION
OH	DENOTES	OVERHEAD UTILITY CABLES
DT	DENOTES	DECIDUOUS TREE
CT	DENOTES	CONIFEROUS TREE
UP	DENOTES	UTILITY POLE
FF	DENOTES	FINISHED FLOOR ELEVATION
GF	DENOTES	GARAGE FLOOR ELEVATION
TNFH	DENOTES	TOP NUT OF FIRE HYDRANT
BF	DENOTES	BOARD FENCE
CLF	DENOTES	CHAIN LINK FENCE
PC	DENOTES	POINT OF CURVE
WV	DENOTES	WATER VALVE
Ø	DENOTES	DIAMETER

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
**2131750**



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
in accordance with  
Regulation 1926, Section 29(3)

THIS PLAN WAS PREPARED FOR KAREN FAIRWEATHER AND THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

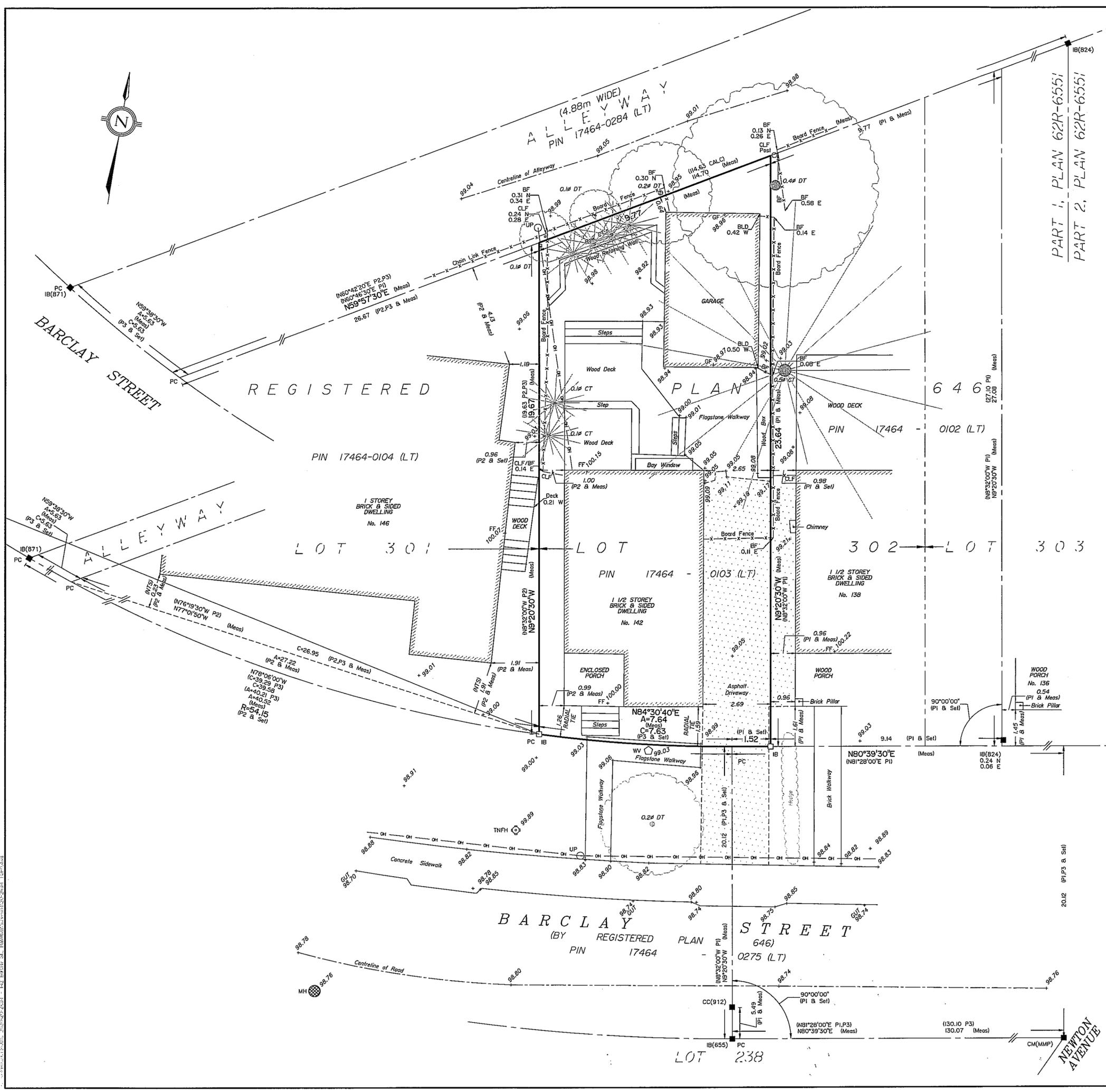
**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON AUGUST 21, 2020.

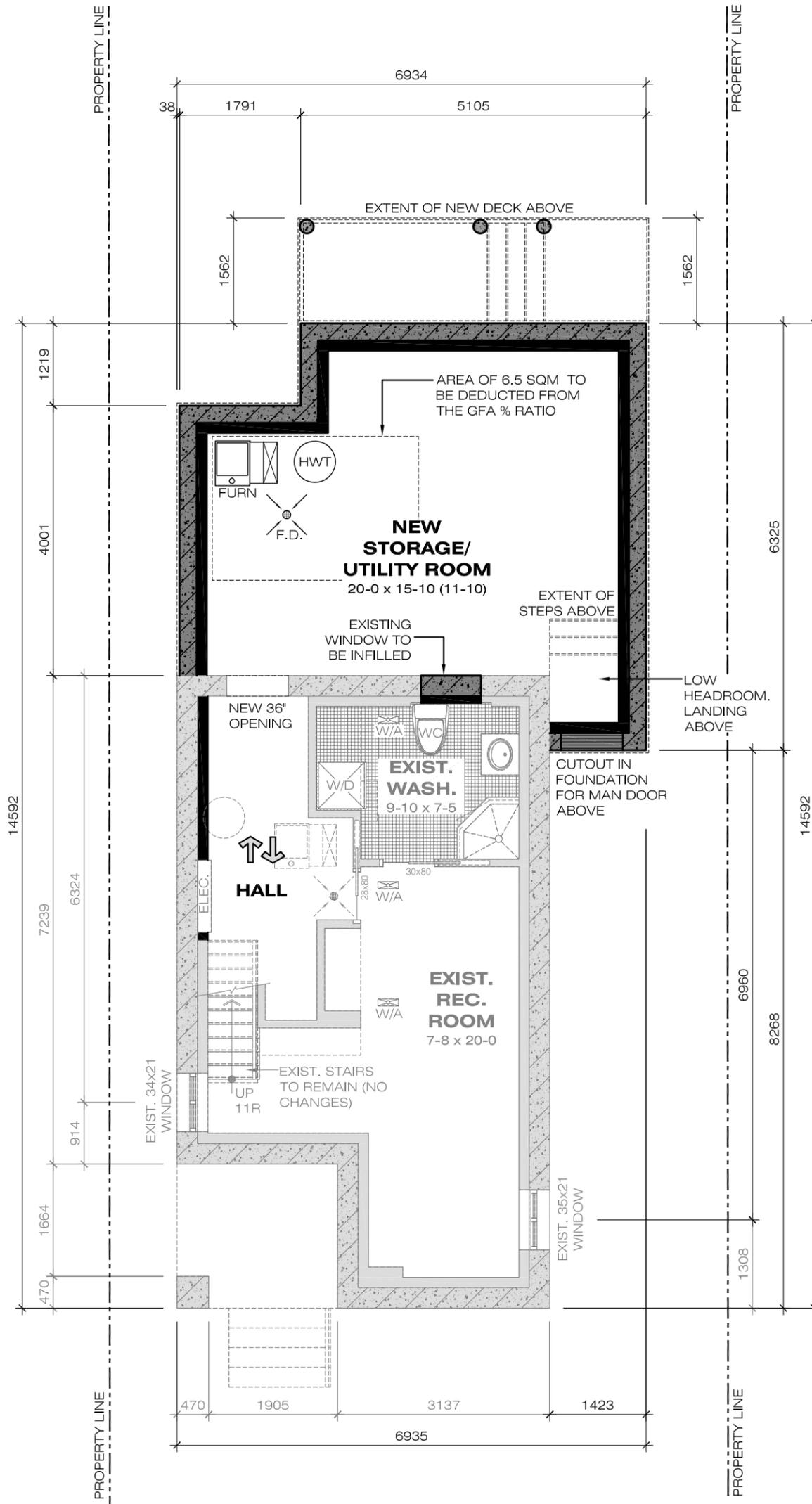
SEPTEMBER 14, 2020  
*Matthew Di Cosmo*  
MATTHEW DI COSMO  
ONTARIO LAND SURVEYOR

**Barich Grenkie**  
Surveying Ltd.  
297 HWY No. 8 (UNIT 10) - STONEY CREEK, ON  
L8G 1E5 (405) 662-6767

DWN BY: EWA  
CHK BY: MD  
JOB No. 20-2694

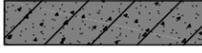
A DIVISION OF GEOMAPLE





**FOUNDATION/ BASEMENT PLAN**  
 EXISTING FLOOR AREA = 501.5 sqft (46.6 sqm)  
**ADDITION FLOOR AREA = 380.8 sqft (35.4 sqm)**  
 CEILING HEIGHT = 6'-6" U.N.O.  
 HABITABLE ROOMS = 1

**WALL LEGEND**

-  EXISTING FOUNDATION WALLS TO REMAIN
-  NEW FOUNDATION WALLS
-  EXISTING INTERIOR / EXTERIOR WALLS TO REMAIN
-  NEW INTERIOR / EXTERIOR WALLS

**ISSUED FOR COMMITTEE OF ADJUSTMENT**

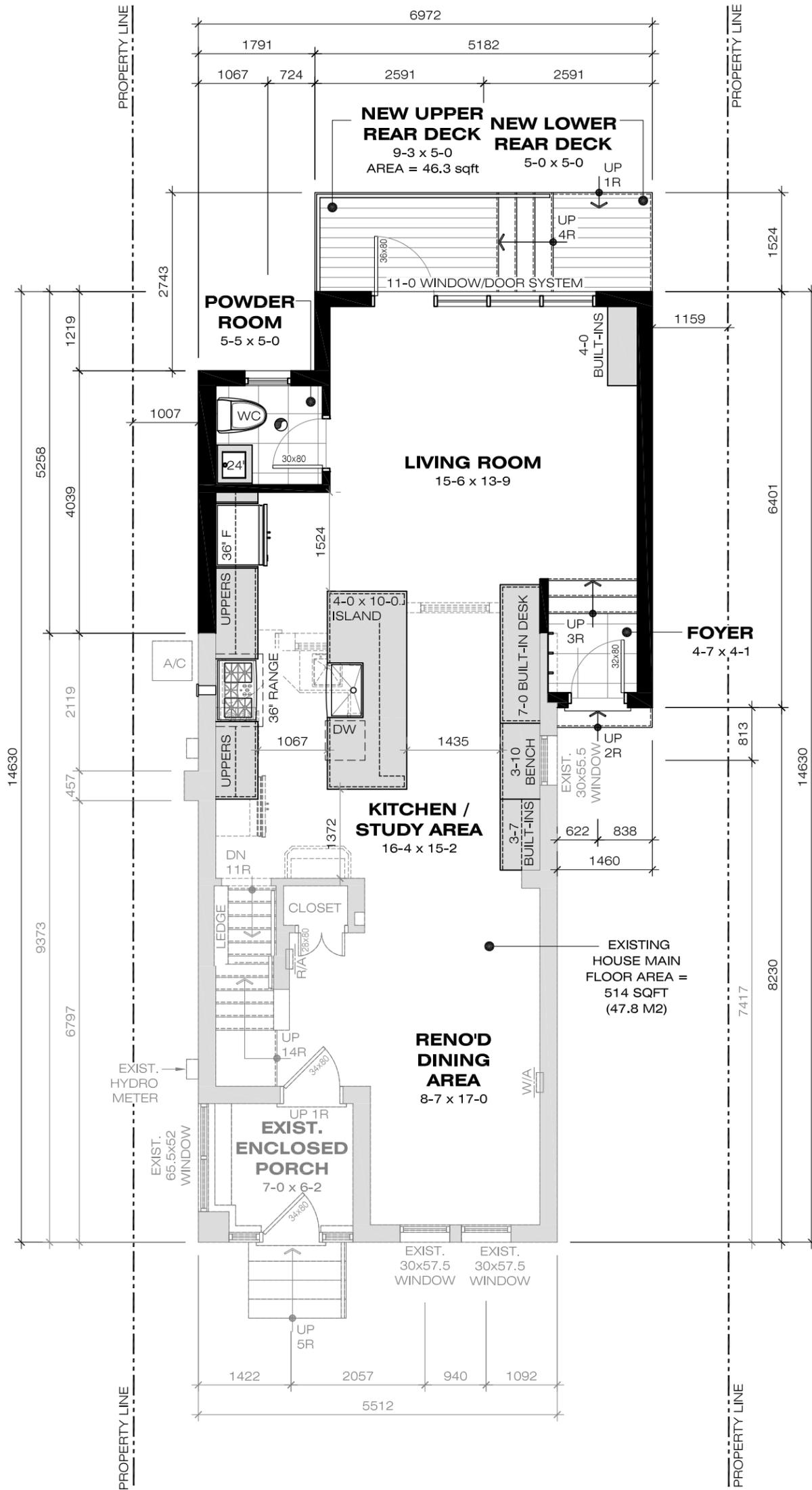
Project Name:  
**PRIVATE RESIDENCE**  
 REAR ADDITION &  
 INTERIOR RENOVATIONS  
 142 BARCLAY STREET,  
 HAMILTON, ONTARIO. L8S 1P5

Sheet Title:  
**BASEMENT FLOOR PLAN**

No.	Date:	Issue/Revision
2	DEC 16/21	ISSUED FOR COFA
1	DEC 01/21	ISSUED FOR REVIEW

Drawn By:	
Checked By:	
Scale:	1:75
Date:	DEC 2021
Project No.	2020-101

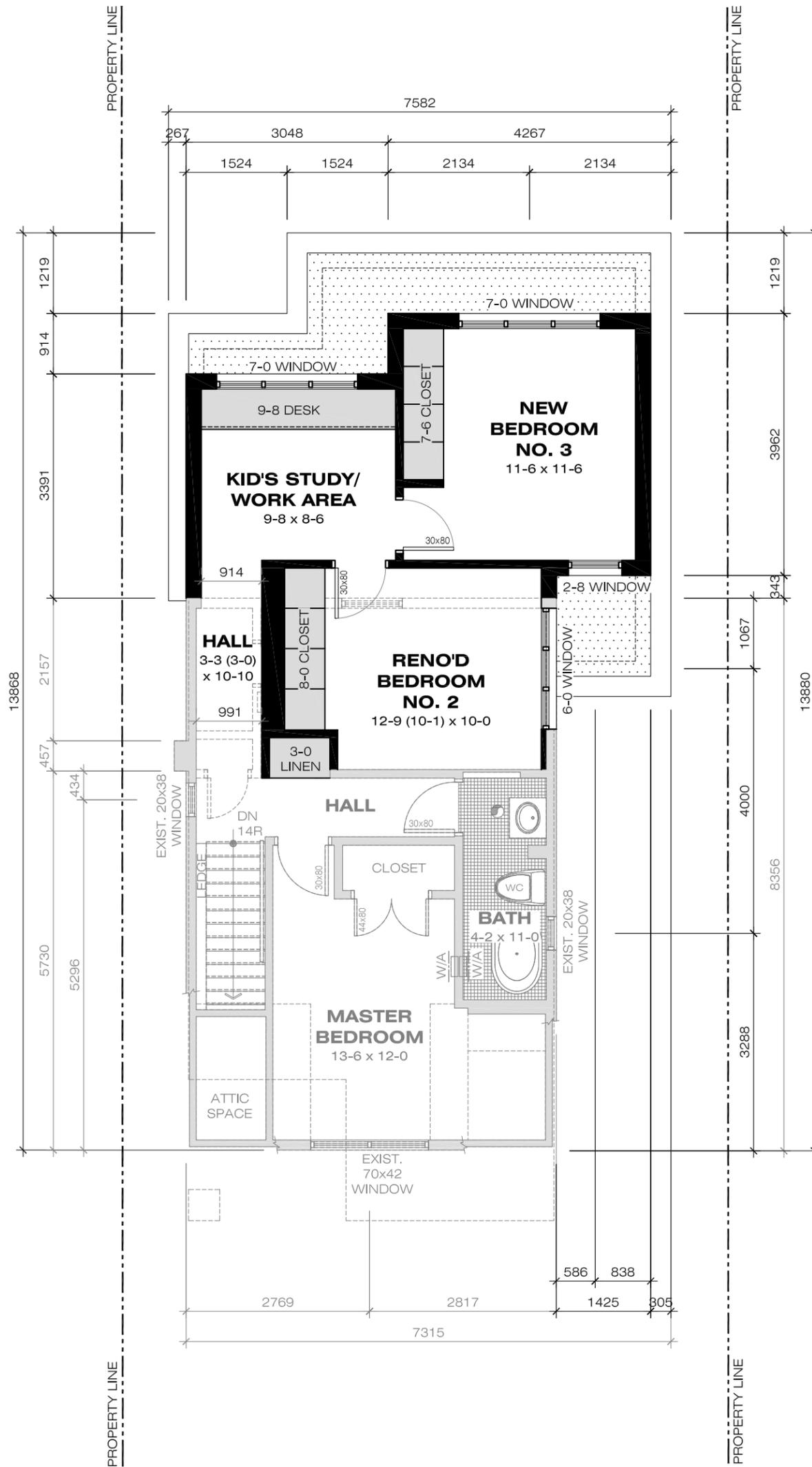
**A2**



**MAIN FLOOR PLAN**  
 EXISTING FLOOR AREA = 514.0 sqft (47.8 sqm)  
**ADDITION AREA = 377.6 sqft (35.1 sqm)**  
 CEILING HEIGHT = 7'-11"  
**HABITABLE ROOMS = 3**

WALL LEGEND	
	EXISTING INTERIOR / EXTERIOR WALLS TO REMAIN
	NEW INTERIOR / EXTERIOR WALLS
	EXISTING INTERIOR / EXTERIOR WALLS TO BE REMOVED

<b>ISSUED FOR COMMITTEE OF ADJUSTMENT</b>	Project Name: <b>PRIVATE RESIDENCE REAR ADDITION &amp; INTERIOR RENOVATIONS 142 BARCLAY STREET, HAMILTON, ONTARIO. L8S 1P5</b>	<table border="1"> <tr><td>No.</td><td>Date:</td><td>Issue/Revision</td><td>By:</td></tr> <tr><td>2</td><td>DEC 16/21</td><td>ISSUED FOR COFA</td><td></td></tr> <tr><td>1</td><td>DEC 01/21</td><td>ISSUED FOR REVIEW</td><td></td></tr> </table>	No.	Date:	Issue/Revision	By:	2	DEC 16/21	ISSUED FOR COFA		1	DEC 01/21	ISSUED FOR REVIEW		Drawn By: Checked By: Scale: 1:75 Date: DEC 2021 Project No. 2020-101
	No.		Date:	Issue/Revision	By:										
2	DEC 16/21	ISSUED FOR COFA													
1	DEC 01/21	ISSUED FOR REVIEW													
Sheet Title: <b>MAIN FLOOR PLAN</b>	<b>A3</b>														



**SECOND FLOOR PLAN**

EXISTING FLOOR AREA = 473.8 sqft (47.7 sqm)

**ADDITION AREA = 288.0 sqft (26.8 sqm)**

CEILING HEIGHT = 7'-8" U.N.O.

**HABITABLE ROOMS = 4**

**WALL LEGEND**

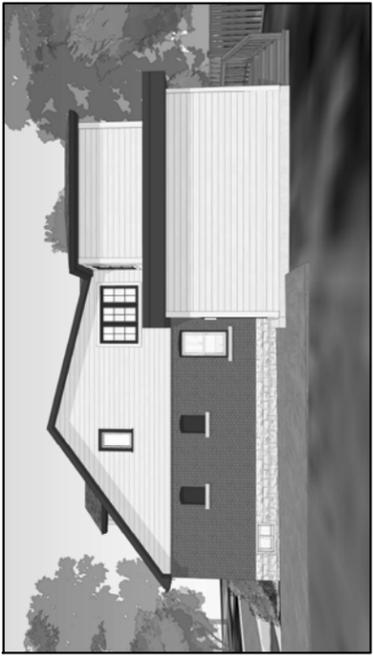
-  EXISTING INTERIOR / EXTERIOR WALLS TO REMAIN
-  NEW INTERIOR / EXTERIOR WALLS
-  EXISTING INTERIOR / EXTERIOR WALLS TO BE REMOVED
-  NEW LOW SLOPED ROOF BELOW

**ISSUED FOR COMMITTEE OF ADJUSTMENT**

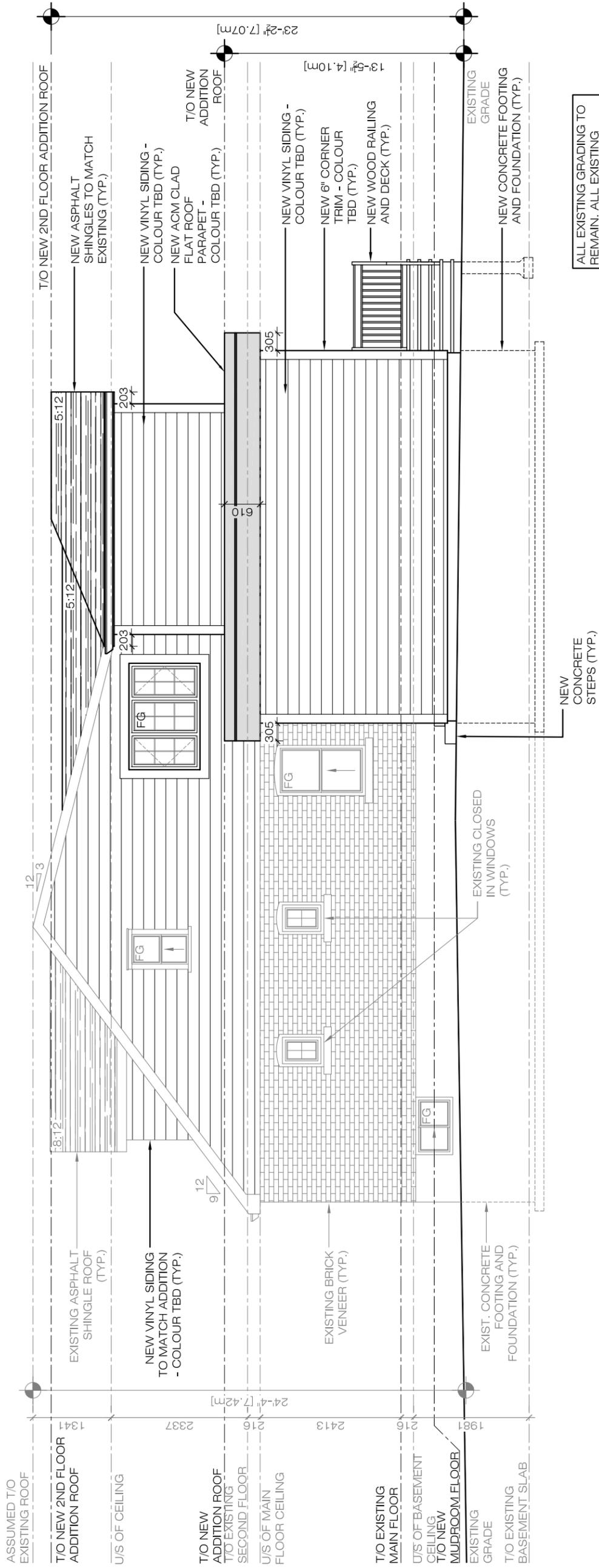
Project Name:  
**PRIVATE RESIDENCE**  
 REAR ADDITION &  
 INTERIOR RENOVATIONS  
 142 BARCLAY STREET,  
 HAMILTON, ONTARIO. L8S 1P5

Sheet Title:  
**SECOND FLOOR PLAN**

Drawn By:	
Checked By:	
Scale:	1:75
Date:	DEC 2021
Project No.:	2020-101
<b>A4</b>	
No.	Date: Issue/Revision
2	DEC 16/21 ISSUED FOR COFA
1	DEC 01/21 ISSUED FOR REVIEW



RIGHT SIDE RENDERING: (FOR REF. ONLY)



**RIGHT SIDE ELEVATION**

**ISSUED FOR COMMITTEE OF ADJUSTMENT**

Project Name:  
**PRIVATE RESIDENCE**  
 REAR ADDITION &  
 INTERIOR RENOVATIONS  
 142 BARCLAY STREET,  
 HAMILTON, ONTARIO. L8S 1P5

Sheet Title:  
**RIGHT SIDE ELEVATION**

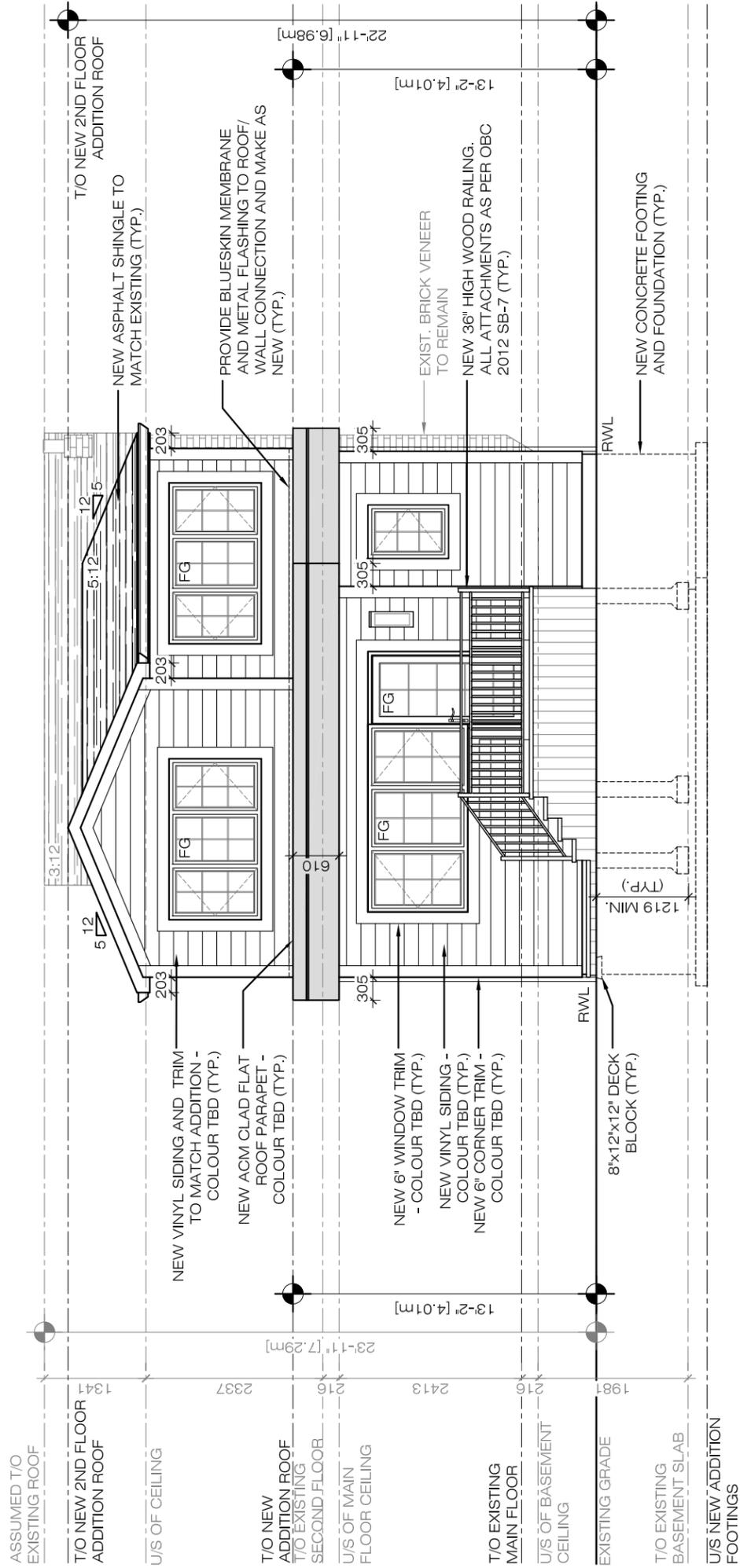
No.	Date:	Issue/Revision
2	DEC 16/21	ISSUED FOR COFA
1	DEC 01/21	ISSUED FOR REVIEW

Drawn By:	
Checked By:	
Scale:	1:75
Date:	DEC 2021
Project No.	2020-101

**A5**



REAR RENDERING: (FOR REF. ONLY)



**REAR ELEVATION**

**ISSUED FOR COMMITTEE OF ADJUSTMENT**

Project Name:  
**PRIVATE RESIDENCE**  
 REAR ADDITION &  
 INTERIOR RENOVATIONS  
 142 BARCLAY STREET,  
 HAMILTON, ONTARIO. L8S 1P5

Sheet Title:  
**REAR ELEVATION**

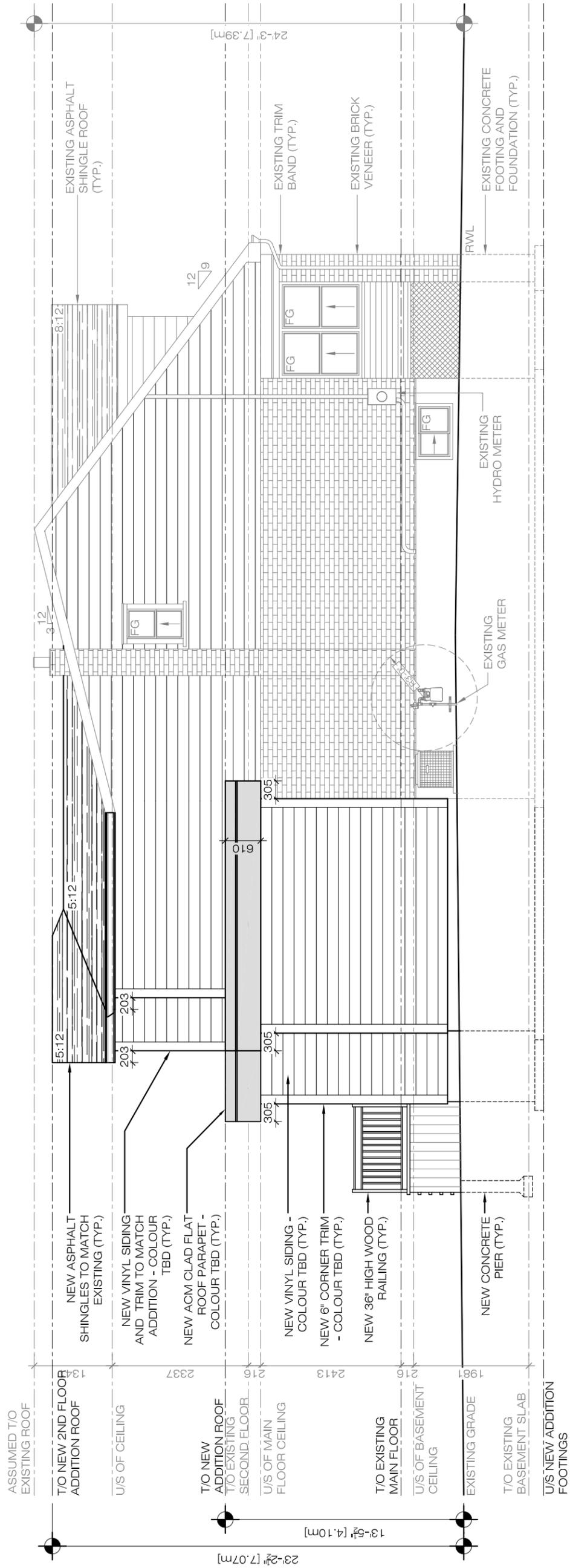
No.	Date:	Issue/Revision
2	DEC 16/21	ISSUED FOR COFA
1	DEC 01/21	ISSUED FOR REVIEW

Drawn By:	
Checked By:	
Scale:	1:75
Date:	DEC 2021
Project No.	2020-101

**A6**



LEFT SIDE RENDERING: (FOR REF. ONLY)



ALL EXISTING GRADING TO REMAIN. ALL EXISTING DRAINAGE CONDITIONS TO REMAIN BETWEEN HOUSE AND PROPERTY LINE

**LEFT SIDE ELEVATION**

**ISSUED FOR COMMITTEE OF ADJUSTMENT**

Project Name:  
**PRIVATE RESIDENCE**  
 REAR ADDITION &  
 INTERIOR RENOVATIONS  
 142 BARCLAY STREET,  
 HAMILTON, ONTARIO. L8S 1P5

Sheet Title:  
**LEFT SIDE ELVATION**

No.	Date:	Issue/Revision
2	DEC 16/21	ISSUED FOR COFA
1	DEC 01/21	ISSUED FOR REVIEW

Drawn By:	
Checked By:	
Scale:	1:75
Date:	DEC 2021
Project No.	2020-101

**A7**



**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

<b>FOR OFFICE USE ONLY.</b>	
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

<b>Registered Owners(s)</b>	
<b>Applicant(s)*</b>	
<b>Agent or Solicitor</b>	

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

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

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

4. Nature and extent of relief applied for:

Proposed 115.1% GFA where max. 45% is permitted. Proposed 4.65m rear yard to house where 7.5m is allowed. Proposed 3.22m rear yard to deck where 7.5m is allowed. Proposed 1.16m right yard to house where 1.2m is allowed. Proposed 1.0m left yard to house where 1.2m is allowed. Proposed 0 parking spaces where min. 2 are required.

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

This design is required to accommodate a growing single family dwelling. The addition will allow them to stay in Westdale, as their roots are in the community. The design will allow them to have the required space to raise their family here, as the existing house size exceeds max GFA ratio. Any addition size will trigger a variance. With the design requirements for the addition we are not able to meet the required 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 302, Registered Plan 646  
142 Barclay Street, Hamilton, ON. L8S 1P5

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial

Agricultural  Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use \_\_\_\_\_

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes  No  Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes  No  Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes  No  Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes  No  Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes  No  Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes  No  Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes  No  Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes  No  Unknown

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

Yes  No  Unknown

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

Homeowner

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.

Dec 7, 2021

Date

 & Kari Fairweather

Signature Property Owner

Fraser Brown & Kari Fairweather

Print Name of Owner

10. Dimensions of lands affected.

Frontage	<u>9.14 m</u>
Depth	<u>21.85 m</u>
Area	<u>199.0 m<sup>2</sup></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: \_

Existing SFD: Ground floor area 47.8 m<sup>2</sup>, Gross floor area 134.6 m<sup>2</sup>, 2 Storeys, Width 5.51m, Length 9.37m, Height 7.38 m

Existing Detached Garage: Ground and Gross floor area 23.1 m<sup>2</sup>, 1 Storey, Width 3.73m, Length 6.19m

Proposed

Rear yard addition: Ground floor area 35.1m<sup>2</sup>, Second floor area: 47.7m<sup>2</sup>, 2 Storey, Width 6.97m, Length 6.40m, Height 7.07m

Rear yard deck: Total area 7.9m<sup>2</sup>, Width 5.18m, Length 1.52m

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

Existing:

Existing SFD: Front yard 1.26m, Right yard 2.69m, Left yard 0.99m

Existing Detached Garage: Right yard 0.42m, Rear yard 0.64m

Proposed:

Rear yard addition: Right yard 1.16m, Left yard 1.00m, Rear yard 4.65m

Rear yard deck: Right yard 1.16m, Rear yard 3.22m

13. Date of acquisition of subject lands:  
\_\_\_\_\_
14. Date of construction of all buildings and structures on subject lands:  
\_\_\_\_\_
15. Existing uses of the subject property:  
Residential
16. Existing uses of abutting properties:  
Residential
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)  
Water  \_\_\_\_\_ Connected  \_\_\_\_\_  
Sanitary Sewer  \_\_\_\_\_ Connected  \_\_\_\_\_  
Storm Sewers  \_\_\_\_\_
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:  
C/S-1788, S-1361
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, 5<sup>th</sup> 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](mailto: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-21:432

**APPLICANTS:** Owner Albert Hordyk

**SUBJECT PROPERTY:** Municipal address **1205 Centre Rd., Flamborough**

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

**ZONING:** "A1" (Agricultural) district

**PROPOSAL:** To permit the construction of a new two (2) storey addition in the side yard of the existing Single Detached Dwelling notwithstanding that:

1. A rear yard setback of 7.5m shall be provided instead of the minimum required rear yard setback of 10.0m.

NOTES:

- i. Please be advised that a maximum building height of 10.5m is permitted. Elevation plans have not been provided in order to confirm zoning compliance. Further variances may be required if zoning compliance cannot be achieved.
- ii. Eaves and gutters associated with the proposed addition are permitted to project into a required yard not more than 0.6m. Details have not been provided to determine zoning compliance.

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

**DATE:** Thursday, February 24th, 2022

**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](http://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: 432

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](http://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](mailto:cofa@hamilton.ca)

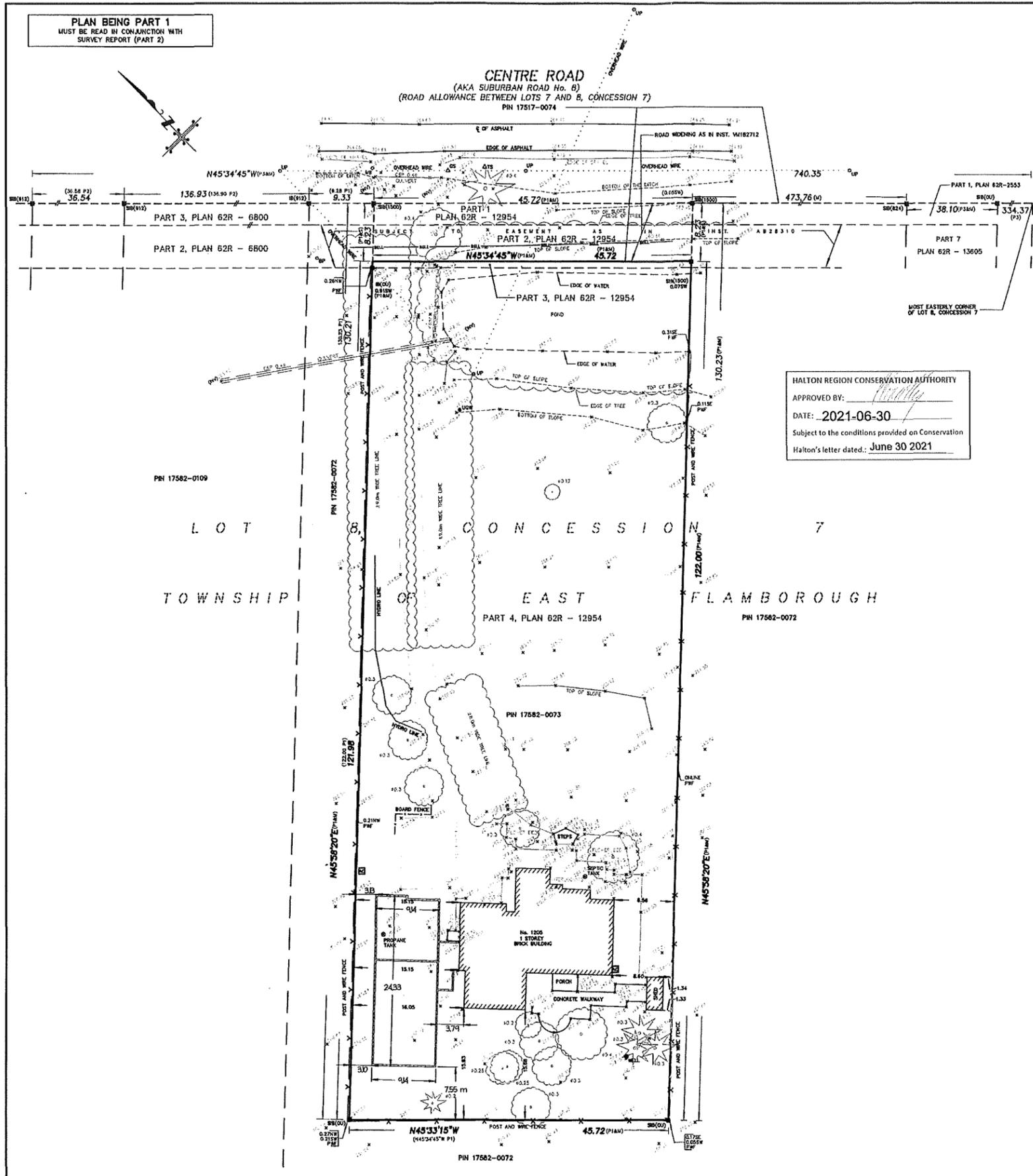
DATED: February 8th, 2022

---

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.***

RECEIVED  
CONSERVATION  
HALTON  
JUN 22 2021



PLAN BEING PART 1  
MUST BE READ IN CONJUNCTION WITH  
SURVEY REPORT (PART 2)

**SURVEYOR'S REAL PROPERTY REPORT**  
PLAN OF OF SURVEY SHOWING TOPOGRAPHY OF  
**PART OF LOT 8**  
**CONCESSION 7**  
IN THE  
GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH  
**CITY OF HAMILTON**

SCALE 1 : 300  
0 5 10 15 20 25 30 metres

MockAY, MockAY & PETERS LIMITED - ONTARIO LAND SURVEYORS  
© 2021

KNOWN AS MUNICIPAL No. 1205 CENTRE ROAD

REPORT SUMMARY (PART 2) ( to be read in conjunction with Part 1 )  
LAND REGISTRY OFFICE TITLE INFORMATION ON SUBJECT PROPERTY INCLUDING  
BOUNDARIES, EASEMENTS AND RIGHT OF WAYS - MARCH 24, 2021

REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:  
SUBJECT TO EASEMENT AS IN INST. No. A338310

ADDITIONAL REMARKS:  
REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES AND UTILITIES.

**Note**  
MockAY, MockAY & PETERS LIMITED grants BARRY HORTON ("The Client(s)"), their solicitor and other  
related parties permission to use "Original Copies" of the Surveyor's Real Property Report in  
transitions involving "The Client(s)".

HALTON REGION CONSERVATION AUTHORITY  
APPROVED BY: *[Signature]*  
DATE: 2021-06-30  
Subject to the conditions provided on Conservation  
Halton's letter dated: June 30 2021

**Benchmark Note**  
CITY OF HAMILTON BENCHMARK No. C011878/102  
ELEVATION = 258.107 METRES CVD 1928.1878 ADJUSTMENT  
HAMILTON-NORTHWEST FLAMBOROUGH CENTRE SENIOR SCHOOL, ALONG CENTRE ROAD, 4.3 KM NORTHWEST OF  
INTERSECTION WITH HIGHWAY NO. 8, 0.3 KM SOUTHEAST OF EAST FLAMBOROUGH CONCESSION 16, TABLE IN  
NORTHWEST CORNER FOUNDATION 1.41 M FROM WEST CORNER BEHIND DOOR, 9 CM BELOW BROADWAY.

**Legend**

■	DENOTES	A SURVEY MONUMENT FOUND
□	DENOTES	A SURVEY MONUMENT PLANNED
SR	DENOTES	STANDARD IRON BAR
WB	DENOTES	WOOD BARR
#	DENOTES	ROAD
WT	DENOTES	WITNESS MONUMENT
PH	DENOTES	PROPERTY IDENTIFICATION NUMBER
CL	DENOTES	CENTRE LINE
P1	DENOTES	PLAN 62R - 12954
P2	DENOTES	PLAN 62R-6800
P3	DENOTES	PLAN 62R-13605
UP	DENOTES	UTILITY POLE
WB	DENOTES	WALL MARK
TS	DENOTES	TRAFFIC SIGN
MB	DENOTES	MAIL BOX
PF	DENOTES	POST AND WIRE FENCE
AC	DENOTES	ART CORNER/NER
BP	DENOTES	BELL PEDESTAL
UW	DENOTES	UTILITY GUY WIRE
SBW	DENOTES	STONE BOUNDING WALL
○	DENOTES	DEODOROUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES
⊗	DENOTES	CONFERIOUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES

BUILDING TIES ARE TO THE FOUNDATION UNLESS OTHERWISE NOTED.

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2146399  
  
THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
in accordance with  
Regulation 1026, Section 29(3)

**Bearing Reference**  
BEARINGS ARE ASTROLOGICAL AND ARE REFERRED TO THE SOUTH WESTERLY LIMIT OF CENTRE ROAD AS SHOWN ON  
PLAN 62R-12954, HAVING A BEARING OF N45°34'45\"/>

**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 14 DAY OF APRIL, 2021

MAY 17, 2021  
DATE  
AISAR BHERI  
ONTARIO LAND SURVEYOR  
FOR MOCKAY, MOCKAY & PETERS LIMITED

CAD FILE: E:\1823\_Hamilton-Wellton\0\1707 FLAMBOROUGH EAST\001 LOT 8\21-099.dwg  
3380 South Service Road  
Unit 101  
Burlington, ON  
L7R 3K5  
(905) 639-1375  
hamton@mmplimited.com  
mmp@vpsnet.ca  
mmplocators.ca

DATE: 21-099  
PART: 021  
CHK: A-P  
PROJECT NO: 21-099

**MMP**  
Mockay, Mockay & Peters Limited  
LAND SURVEYORS & MAPPERS  
SINCE 1906



**Hamilton**

Planning and Economic Development Department  
Planning Division

**Committee of Adjustment**  
City Hall  
5<sup>th</sup> floor 71 Main Street West  
Hamilton, Ontario L8P 4Y5

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

**PLEASE FILL OUT THE FOLLOWING PAGES AND  
RETURN TO THE CITY OF HAMILTON PLANNING  
DEPARTMENT.**

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

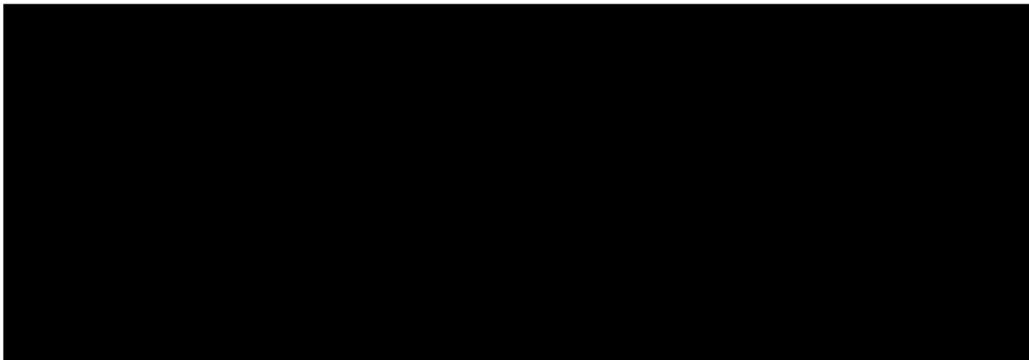
**CITY OF HAMILTON  
COMMITTEE OF ADJUSTMENT  
HAMILTON, ONTARIO**

**The Planning Act**

**Application for Minor Variance or for Permission**

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

- 1.
- 2.
- 3.
- 4.



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

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

NONE

\_\_\_\_\_ Postal Code \_\_\_\_\_

\_\_\_\_\_ Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:

ADDITION SETBACK 7.5m FROM BACK  
PROPERTY LINE, INSTEAD OF 10m AS PER  
AI ZONING.

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

IF SETBACK IS 10M WE WOULD HAVE  
TO REMOVE A MATURE NATIVE RED MAPLE.  
AT 7.5M WE CAN SAVE THE MAPLE  
AT THE FRONT OF THE ADDITION

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

1205 CENTRE RD  
PART OF LOT 9, CONVESSION 7  
PLAN 62R 12954

9. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial

Agricultural  Vacant

Other \_\_\_\_\_

9.1 If Industrial or Commercial, specify use

\_\_\_\_\_

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes  No  Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes  No  Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes  No  Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes  No  Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes  No  Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes  No  Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes  No  Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes  No  Unknown

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

Yes  No  Unknown

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

HAS BEEN PRIVATE RESIDENCE SINCE 1994

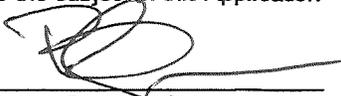
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes  No

**ACKNOWLEDGEMENT CLAUSE**

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

NOV. 5, 2021  
Date

  
Signature Property Owner  
ALBERT (BARRY) HORDYK  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 45.72 meters  
Depth 122.00 meters  
Area 5577.84 m<sup>2</sup>  
Width of street 13 meters

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

Existing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed: 2 CAR GARAGE WITH HOME OFFICE ABOVE;  
INDOOR POOL BEHIND GARAGE  
TOTAL AREA: 24.33m x 9.14m = 222.38 m<sup>2</sup> 234.24  
ROOF HEIGHT: 7.85m BREEZEWAY 11.86m<sup>2</sup>

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

Existing: SIDE: 8.56m + 15.15m  
BACK: 15.68m  
FRONT: 87m

Proposed: SIDE: 3.10m  
BACK: 7.5m  
FRONT: 92m

13. Date of acquisition of subject lands:  
OCTOBER 30, 2020
14. Date of construction of all buildings and structures on subject lands:  
OCTOBER 1994
15. Existing uses of the subject property: RESIDENTIAL
- 
16. Existing uses of abutting properties: ORCHARD / AGRICULTURAL  
+ RESIDENTIAL
17. Length of time the existing uses of the subject property have continued:  
27 YEARS
18. Municipal services available: (check the appropriate space or spaces) NONE  
 Water \_\_\_\_\_ Connected \_\_\_\_\_  
 Sanitary Sewer \_\_\_\_\_ Connected \_\_\_\_\_  
 Storm Sewers \_\_\_\_\_
19. Present Official Plan/Secondary Plan provisions applying to the land:  
RESIDENTIAL
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
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. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

**NOTE:** It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto: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-21:435

**APPLICANTS:** Agent JB Drafting J. Bognar  
 Owners Alison & Tyler Boehme

**SUBJECT PROPERTY:** Municipal address **29 Oak Ave., Flamborough**

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

**ZONING:** "S1" (Settlement Residential (S1) Zone)

**PROPOSAL:** To permit construction of a 5.18m (17'0") x 9.144m (30'0") detached building (proposed garage) accessory to the existing single detached dwelling notwithstanding that:

1. A maximum accessory building height of 6.4m shall be provided for the proposed accessory building (proposed garage) instead of the maximum required accessory building height of 4.5m.
2. A maximum aggregate gross floor area of 100m<sup>2</sup> shall be provided for all accessory buildings instead of the requirement that the aggregate gross floor area of all accessory buildings shall not exceed 45m<sup>2</sup>.
3. Eaves and gutters for the proposed accessory building (proposed garage) shall be permitted to encroach into any required yard to a maximum of 0.6m instead of the requirement that an eave or gutter of any accessory building may encroach into any required yard to a maximum of 0.45 metres.

NOTE:

- i) The Agent has confirmed that the workshop on the 2nd floor is a personal workshop intended for a single family residential hobby use only and not for commercial or industrial uses.

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

**DATE:** Thursday, February 24th, 2022

**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](http://www.hamilton.ca/committeeofadjustment)

for viewing purposes only

FL/A-21: 435  
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](http://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](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022

---

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 AREA: 2227.49 SQ. M.  
 EXISTING (SHED) ACCESSORY BUILDING: 17.80 SQ. M.  
 PROPOSED ACCESSORY BUILDING FIRST FLOOR AREA: 46.13 SQ. M.  
 PROPOSED ACCESSORY AGGREGATE FLOOR AREA: 80.99 SQ. M.  
 PROPOSED ACCESSORY BUILDING TOTAL LOT COVERAGE: 63.93 SQ. M. = 2.87%

**THE BOEHME RESIDENCE**  
 29 OAK AVENUE  
 GREENSVILLE, ON  
 L9H 4Z1

**drafting + design**

- 193 East 43rd Street
- Hamilton, ON L8T 3C3
- 905.517.6027
- jbdraftinganddesign@live.ca

**PRELIMINARY**  
 01.11.22 signature required  
 Jennifer Bognar reviews and takes responsibility for the design work described in this document  
 firm bcin 103416 individual bcin 33001

DATE	ISSUE DESCRIPTION
09.19.21	ISSUED FOR REVIEW
10.29.21	ISSUED FOR REVIEW
11.01.21	ISSUED FOR C.O.F.A.
01.11.22	RE-ISSUED FOR C.O.F.A.

ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED IMMEDIATELY. THE DESIGNER IS NOT LIABLE FOR ANY CHANGES MADE BY THE CONTRACTOR WITHOUT THE DESIGNER'S KNOWLEDGE AND PERMISSION.

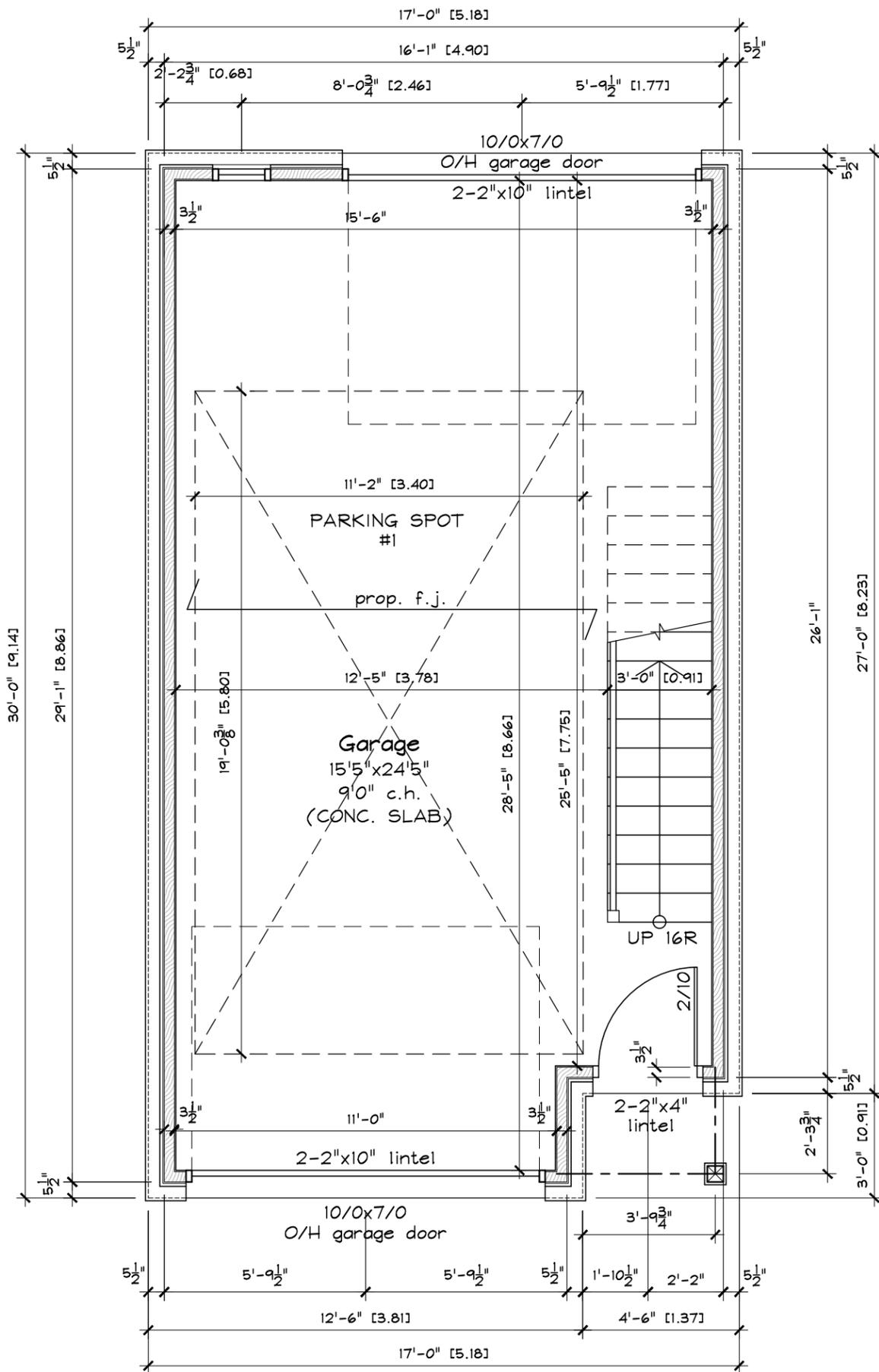
FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.

UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SHORING, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.

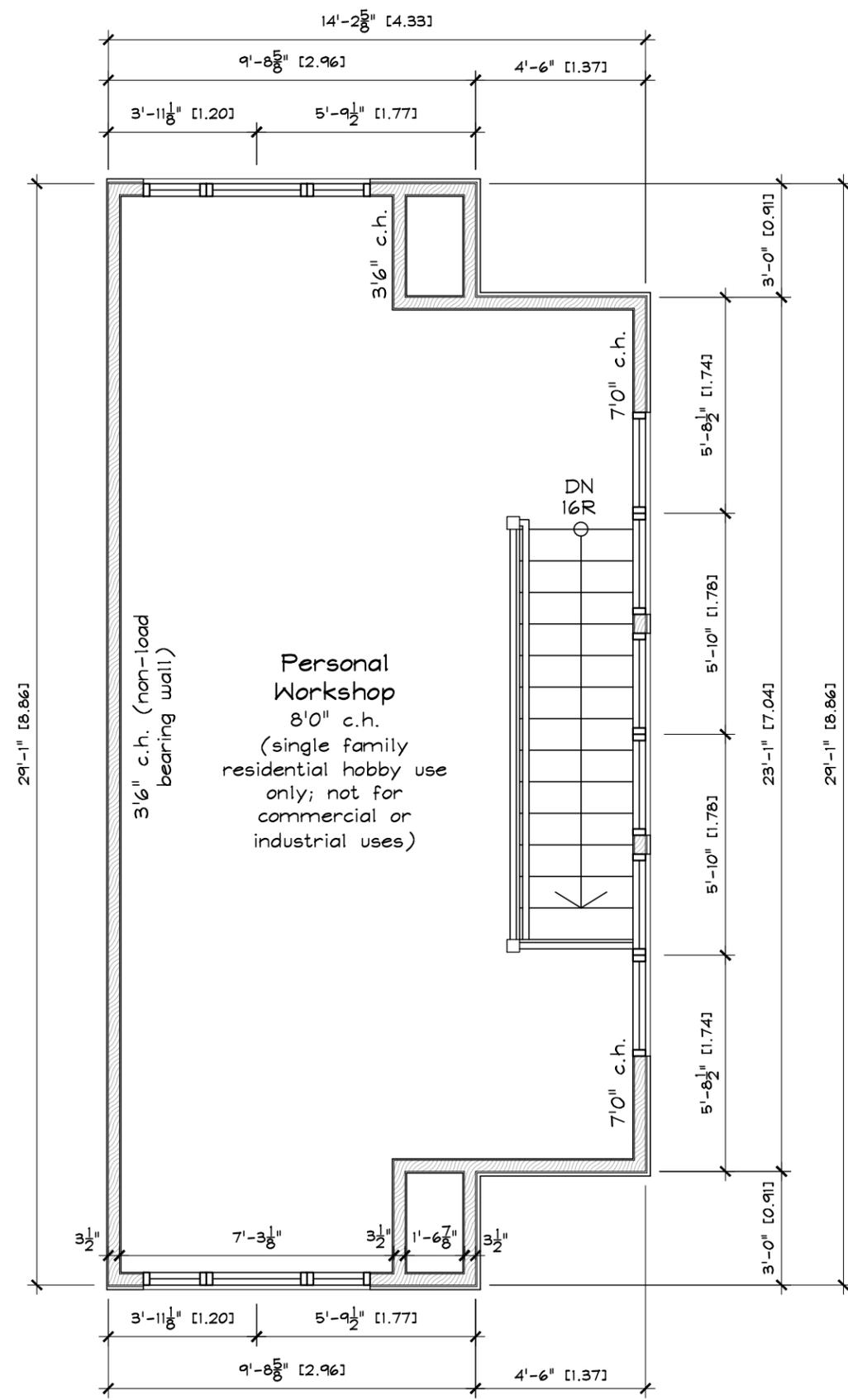
ALL DRAWINGS AND RELATED DOCUMENTS SHALL REMAIN THE PROPERTY AND COPYRIGHT OF JB DRAFTING AND DESIGN. USE LATEST REVISED DRAWINGS. DO NOT SCALE DRAWINGS.

SITE PLAN  
 1:200

SHEET  
**A1**  
 OF 8



Floor Area: 496.50 sq. ft. (46.13 sq. m.)



Floor Area: 375.22 sq. ft. (34.86 sq. m.)

THE BOEHME RESIDENCE  
 29 OAK AVENUE  
 GREENSVILLE, ON  
 L9H 4Z1

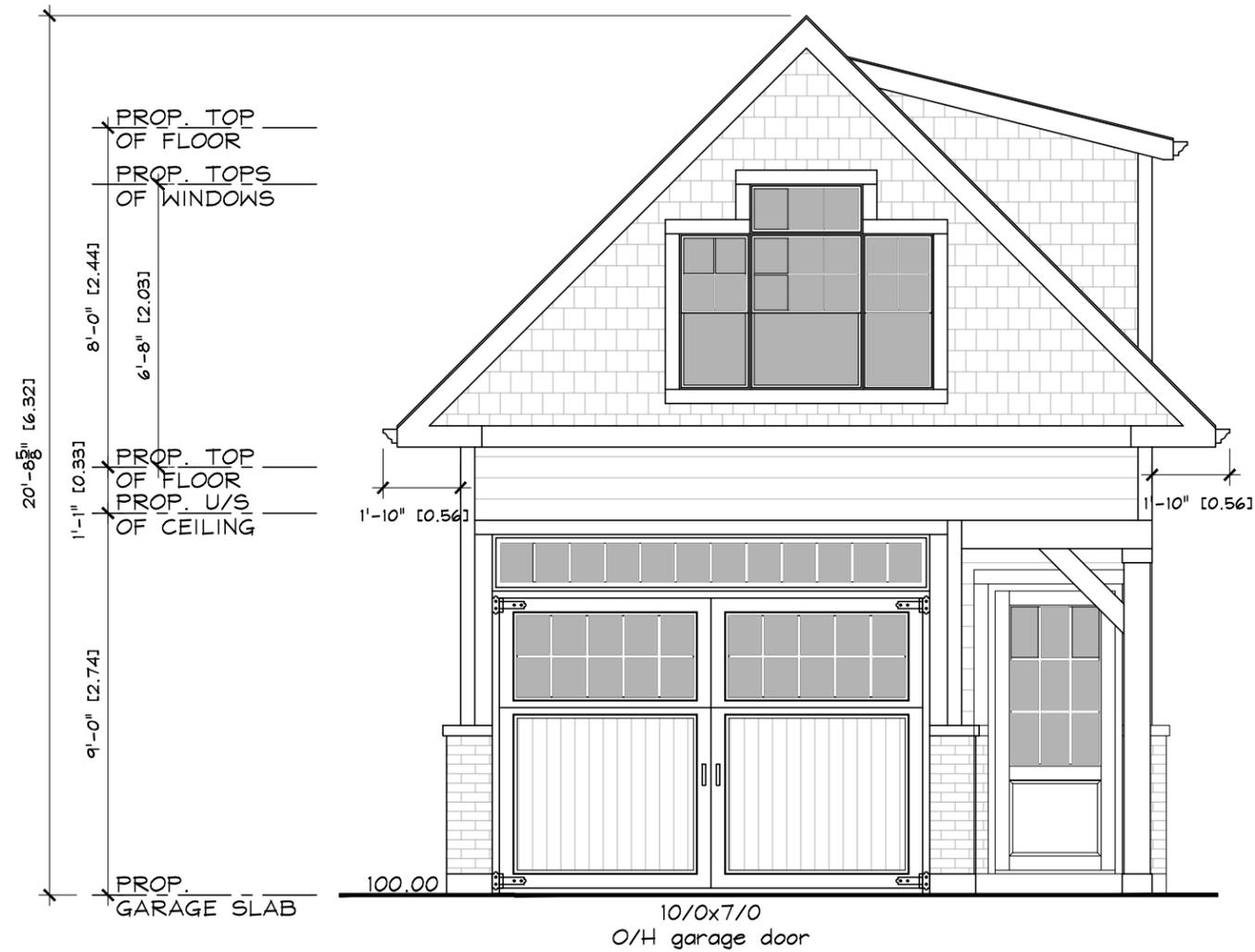
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 ■ jbdraftinganddesign@live.ca ■  
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FLOOR PLANS  
 1/4" = 1'-0"  
 SHEET  
**A2**  
 OF 8



**THE BOEHME RESIDENCE**  
 29 OAK AVENUE  
 GREENSVILLE, ON  
 L9H 4Z1

**drafting + design**

193 East 43rd Street  
 Hamilton, ON L8T 3C3  
 jbdraftinganddesign@live.ca  
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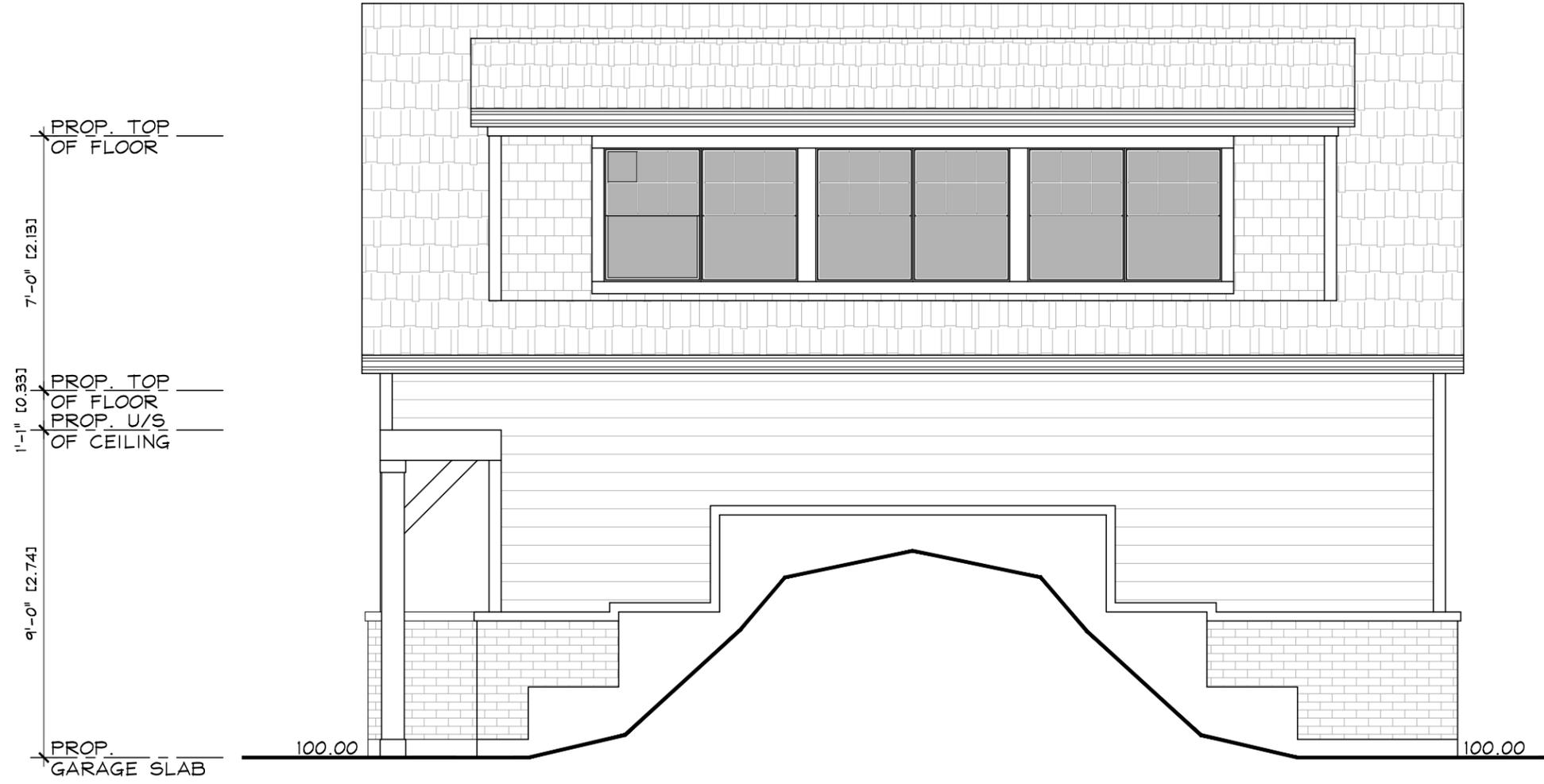
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**FRONT ELEVATION**  
 1/4" = 1'-0"

SHEET  
**A3**  
 OF 8



**THE BOEHME  
RESIDENCE**  
29 OAK AVENUE  
GREENSVILLE, ON  
L9H 4Z1

**drafting  
+ design**

193 East 43rd Street  
Hamilton, ON L8T 3C3  
jbdraftinganddesign@live.ca  
905.517.6027

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firm bcin 103416 individual bcin 33001

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01.11.22	RE-ISSUED FOR C. OF A.

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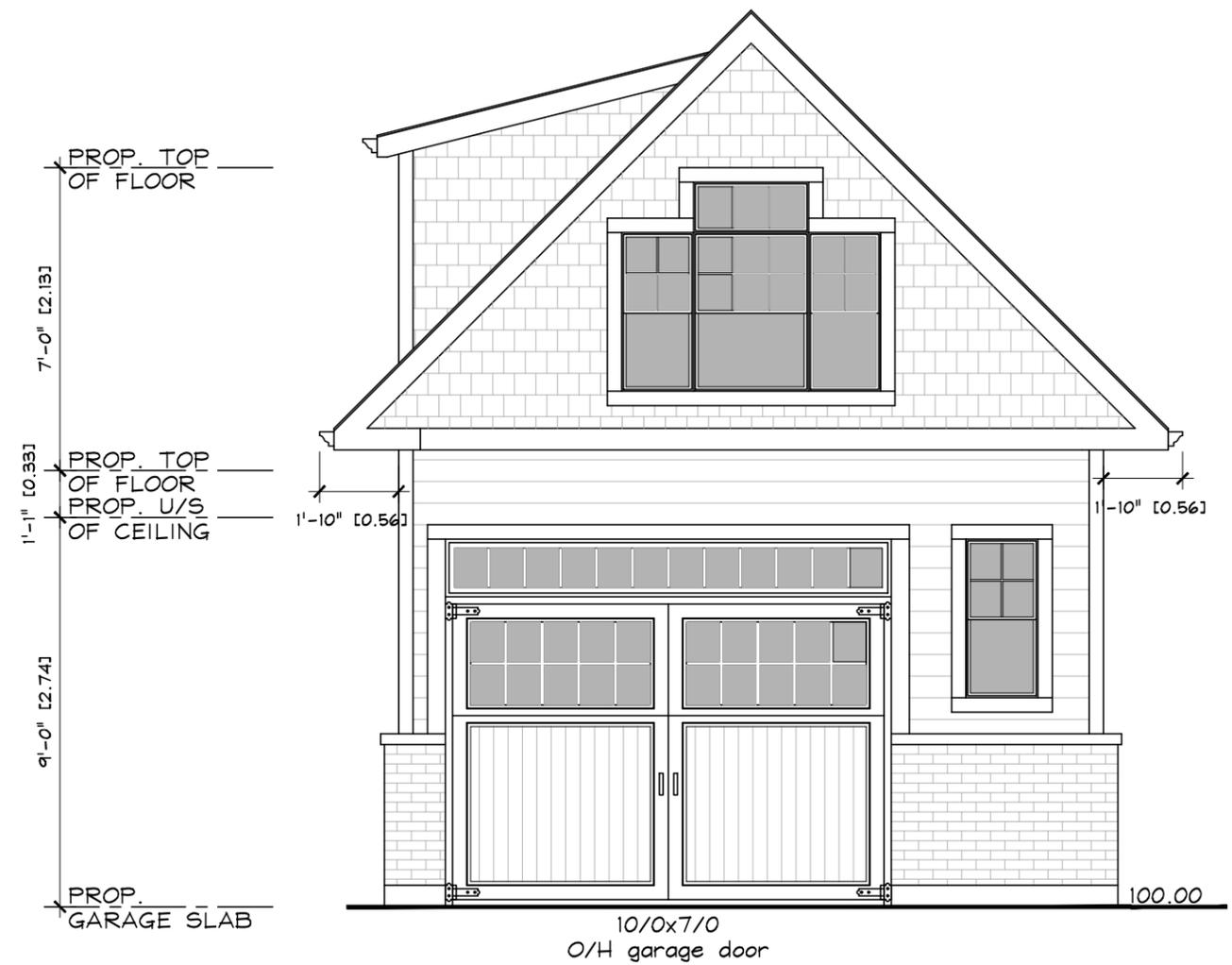
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**RIGHT  
SIDE ELEVATION**  
1/4" = 1'-0"

SHEET **A4** OF 8



**THE BOEHME RESIDENCE**  
 29 OAK AVENUE  
 GREENSVILLE, ON  
 L9H 4Z1

**drafting + design**

193 East 43rd Street  
 Hamilton, ON L8T 3C3  
 jbdraftinganddesign@live.ca  
 905.517.6027

**PRELIMINARY**  
 01.11.22 signature required  
 Jennifer Bognar reviews and takes responsibility for the design work described in this document  
 firm bcin 103416 individual bcin 33001

DATE	ISSUE DESCRIPTION
09.19.21	ISSUED FOR REVIEW
10.29.21	ISSUED FOR REVIEW
11.01.21	ISSUED FOR C. OF A.
01.11.22	RE-ISSUED FOR C. OF A.

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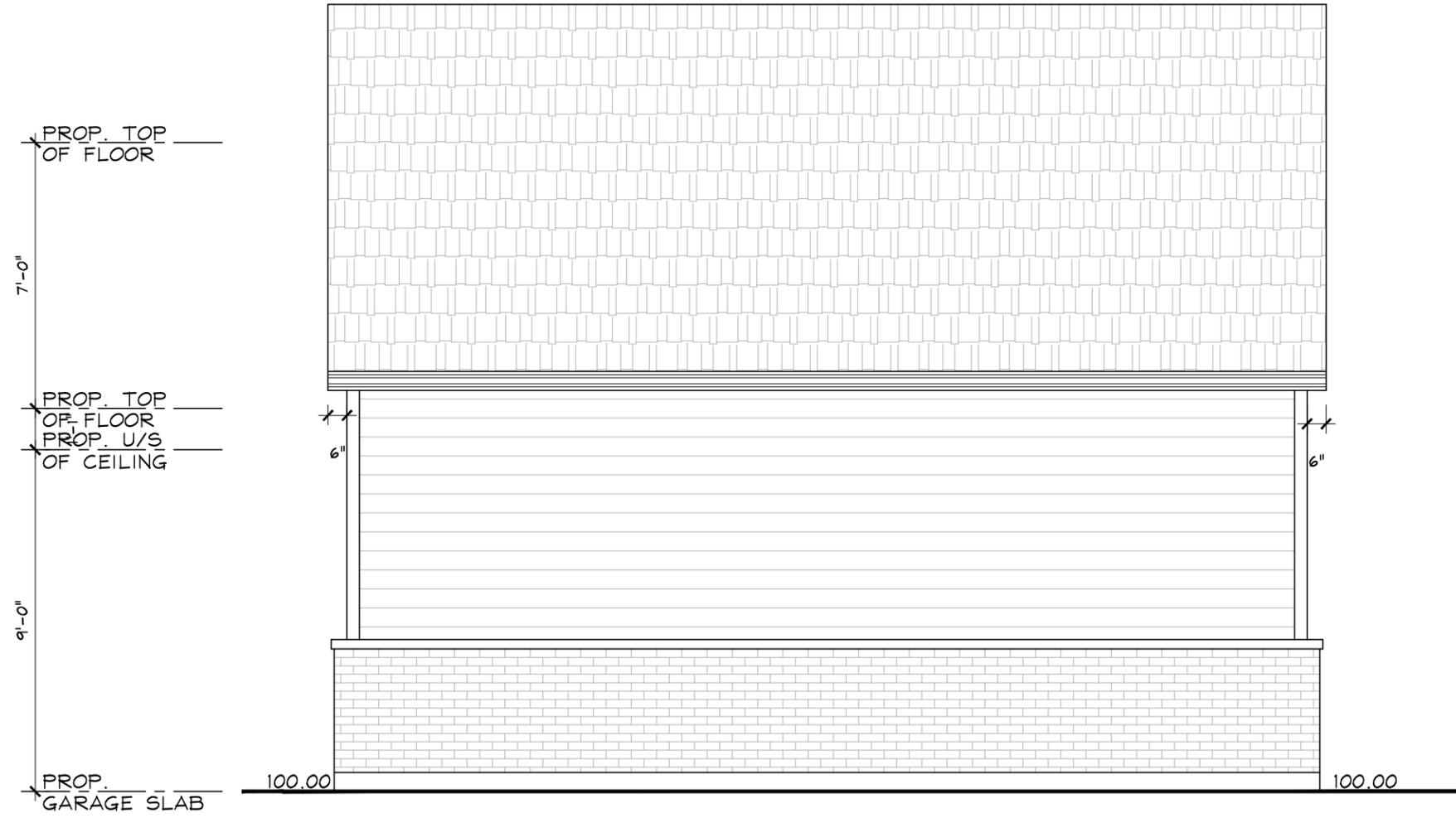
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**REAR ELEVATION**  
 1/4" = 1'-0"

SHEET **A5** OF 8



**THE BOEHME  
RESIDENCE**  
29 OAK AVENUE  
GREENSVILLE, ON  
L9H 4Z1

**drafting  
+ design**

193 East 43rd Street  
Hamilton, ON L8T 3C3  
jbdraftinganddesign@live.ca  
905.517.6027

**PRELIMINARY**  
01.11.22 signature required  
Jennifer Bognar reviews and takes responsibility for the design work described in this document  
firm bcin 103416 individual bcin 33001

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10.29.21	ISSUED FOR REVIEW
11.01.21	ISSUED FOR C. OF A.
01.11.22	RE-ISSUED FOR C. OF A.

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LEFT SIDE  
ELEVATION  
1/4" = 1'-0"

SHEET  
**A6**  
OF 8



Hamilton

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### APPLICATION FOR A MINOR VARIANCE

<b>FOR OFFICE USE ONLY.</b>	
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)		
Applicant(s)*		
Agent or Solicitor		

Note: Unless otherwise requested all communications will be sent to the agent, if any. *Please include Alison Boehme (email above) on all communication*

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

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:  
 \*Variance for height of 5.96 m. instead of req'd 4.5m.  
 \*Variance for overhang encroachment of 0.56 m. instead of max. 0.45 m.  
 \*Variance for Gross Floor Area of 99.57 sq. m. (of all floors of all accessory buildings on lot) instead of req'd 45 sq. m.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

See attached

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**):

29 Oak Avenue, Dundas 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?

known history of 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.

Nov. 12/2021  
Date

A. Bohmer + T. Bohmer  
Signature Property Owner(s)

Alison + Tyler Boehmer  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>36.58 m.</u>
Depth	<u>60.96 m.</u>
Area	<u>2227.49 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: \_

Existing dwelling: 2 stories, 12.93 m. x 11.21 m., 107.20 sq. m. ground floor area

Proposed

Proposed 2 story detached garage, 46.13 sq. m. ground floor area, 80.99 sq. m. gross floor area, 5.96 m. 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:

Existing dwelling: 7.74 m. front, 8.51 m. right side

Proposed:

Proposed Garage: 9.73 m. front, 1.22 m. left side, 41.80 m. rear

13. Date of acquisition of subject lands: August, 2018
14. Date of construction of all buildings and structures on subject lands:  
House - 1956      Shed - 2017
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 dwelling**
17. Length of time the existing uses of the subject property have continued:  
**Always**
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:  
**Rural Settlement Area**
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
**Zone 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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
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**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 Griffiths  
 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 90m<sup>2</sup> accessory building in the rear yard of the existing Single Detached Dwelling notwithstanding that:

1. A total gross floor area of 100.0m<sup>2</sup> shall be provided for all accessory buildings instead of the maximum permitted aggregate gross floor area of 45.0m<sup>2</sup>.

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

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**DATE:** Thursday, February 24th, 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

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**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](http://www.hamilton.ca/committeeofadjustment)

FL/A-21: 329

Page 2

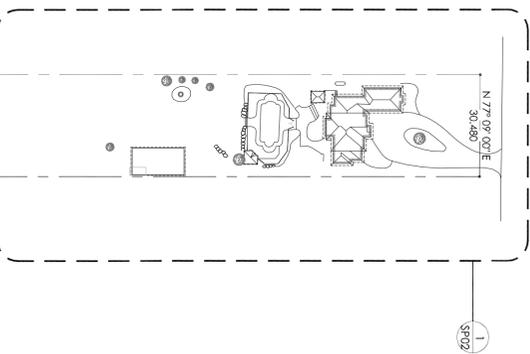
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022

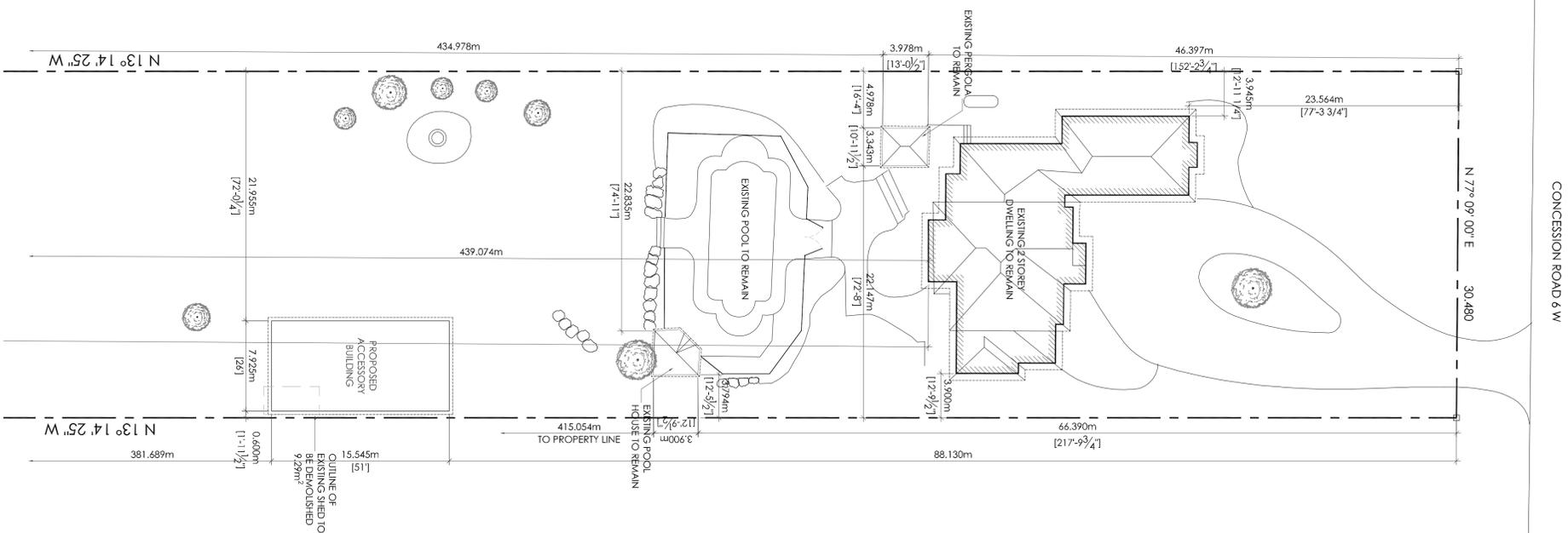
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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:		ZONING STATISTICS:	
LEGAL DESCRIPTION:	LOT 10 CITY OF HAMILTON	EXISTING ZONING:	S1
MUNICIPAL ADDRESS:	1314 CONCESSION ROAD 6 WEST HAMILTON, ONTARIO L9R 1V0	PERMITTED ZONING:	-
REGISTERED OWNERS:	PAUL & KERRY JOHNSON	EXISTING SITE AREA:	1.47ha
BUILDING CODE ANALYSIS:		PERMITTED SITE AREA:	0.4ha MIN.
FLOOR AREA:	287.43 m <sup>2</sup> (3,094 ft <sup>2</sup> ) First Floor 130.18 m <sup>2</sup> (1,401 ft <sup>2</sup> ) Second Floor TOTAL: 417.61 m <sup>2</sup> (4,495 ft <sup>2</sup> )	EXISTING BUILDING AREA:	287.43 m <sup>2</sup> (3,094 ft <sup>2</sup> )
NUMBER OF STORES:	2 STOREY	PERMITTED BUILDING AREA:	287.43 m <sup>2</sup> (3,094 ft <sup>2</sup> )
MAJOR OCCUPANCY:	GROUP C	EXISTING LOT COVERAGE:	1.94%
FACING STREETS:	1 STREET	PERMITTED LOT COVERAGE:	2.78%
O.B.C. SECTION:	PART 9 Housing and Small Buildings	LOT FRONTAGE:	30.48m
CONSTRUCTION TYPE:	COMBUSTIBLE	FRONT YARD:	22.8m
		SIDE YARD:	3.9m
		REAR YARD:	439m
		ACCESSORY BUILDING: (4.8.1.1) (BYLAW 05-200)	7.5m
		SIDE YARD:	1.2m
		REAR YARD:	1.2m
		FLOOR AREA: (Aeq. Breakdown)	14.04
		Pool House	14.04m <sup>2</sup>
		Proposed Accessory Building	45.0 m <sup>2</sup>
		HEIGHT:	4.5m
			3.89m

\* REQUIRES MINOR VARIANCE



3 AERIAL PHOTO  
SCALE: N/S

client

client name - city - province - postal code

Do not scale drawings. Use only drawings marked with a red 'X'. All dimensions and dimensions on site refer to existing conditions and dimensions on site refer to proposed conditions. Notary architect and/or designer responsible for drawings shown.

Issued for: 1 minor variance 08.23.2021

revised

project d m y

JOHNSON  
RESIDENCE

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

issued for permit / tender / const.

drawing title  
site plan

date drawn 16.10.2020  
drawn by whp  
checked by gg  
file name GG+A\_24x36  
project no. 21032  
scale as noted





**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto: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 <b>Registered Owners(s)</b>	Paul and Kerry Johnson	
<b>Applicant(s)*</b>	Paul and Kerry Johnson	
<b>Agent or Solicitor</b>	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 45m<sup>2</sup>

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  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

**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	30.480 m
Depth	335.364 m
Area	10,221.89 m <sup>2</sup>
Width of street	33.53 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:

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

Proposed:

	Floor Area	Storeys	Height
New Accessory Building	123.2 m <sup>2</sup>	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:

	Front Yard	Side Yard (East)	Side Yard (West)	Height
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:

	Front Yard	Side Yard (East)	Side Yard (West)	Height
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, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**

**Application for Consent/Land Severance**

**APPLICATION NUMBER: FL/B-21:118**

**SUBJECT PROPERTY: 59 Brian Boulevard, 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 T. John Consulting Group c/o K. Gillis  
 Owner Northern Cardinal Developments Ltd. c/o  
 Agro Developments Corp. c/o A. Roberts

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

**Severed lands:**  
 15.07m<sup>±</sup> x 30.48m<sup>±</sup> and an area of 459.3m<sup>2±</sup>

**Retained lands:**  
 15.33m<sup>±</sup> x 30.48m<sup>±</sup> and an area of 468.4m<sup>2±</sup>

**This application will be heard in conjunction with  
 Minor Variance Application FL/A-21:445**

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, February 24th , 2022  
**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](http://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: 118  
PAGE 2

## MORE INFORMATION

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

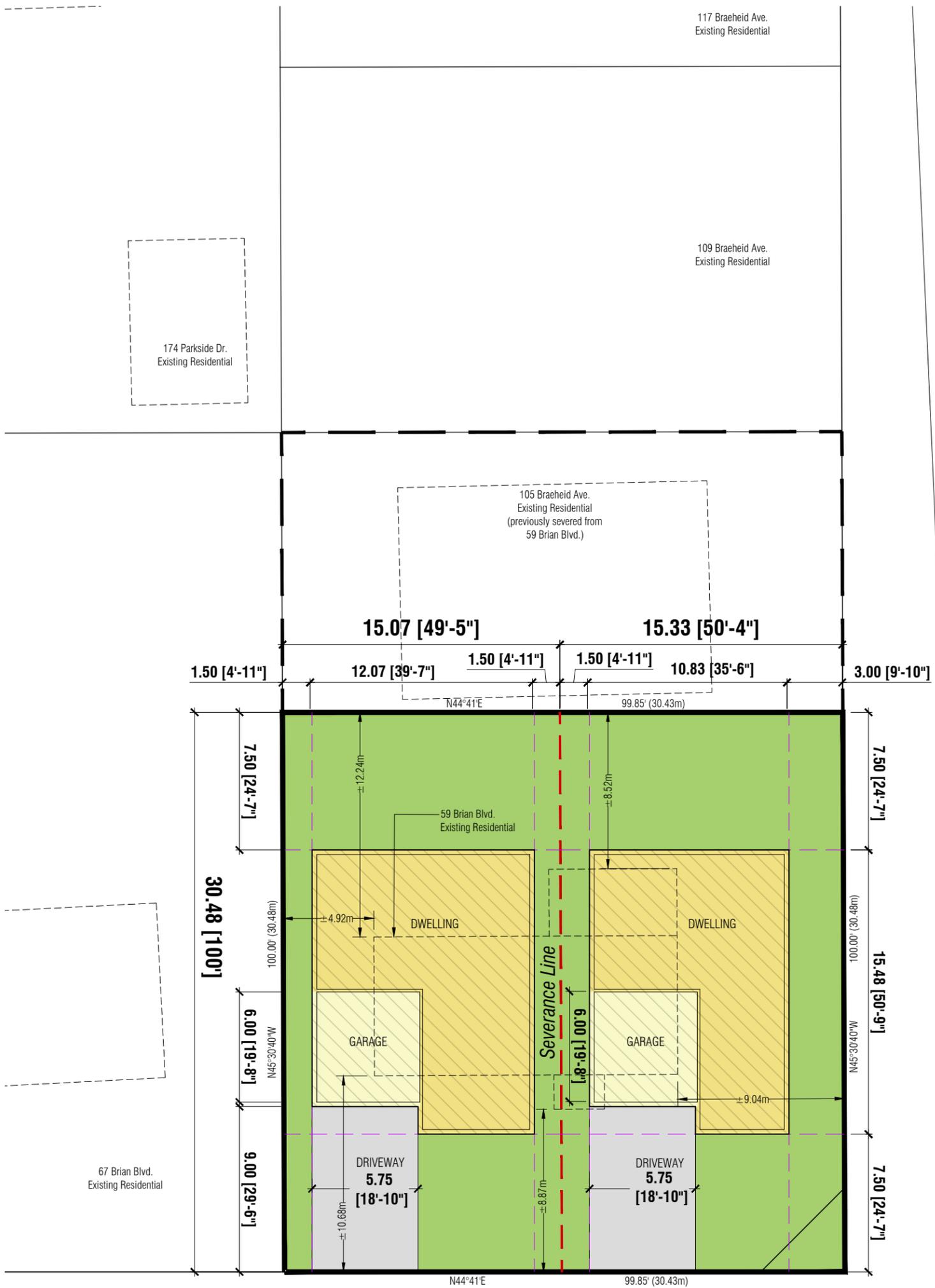
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022

---

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 AREA	459.3 m <sup>2</sup>	LOT AREA	468.4 m <sup>2</sup>
FOOTPRINT	178.2 sq.ft.	FOOTPRINT	159.0 sq.ft.
COVERAGE	38.8% (MAX 40%)	COVERAGE	34.0% (MAX 40%)

BRIAN BOULEVARD  
(20.0m Public Right-of-Way)

GFA (2 STOREY WITH 2 CAR GARAGE)

	m <sup>2</sup>	sq.ft.
GROUND FLOOR	141.66	1524.8
SECOND FLOOR	178.22	1918.3
<b>TOTAL GFA</b>	<b>319.87</b>	<b>3443.1</b>

GFA (2 STOREY WITH 2 CAR GARAGE)

	m <sup>2</sup>	sq.ft.
GROUND FLOOR	122.46	1318.2
SECOND FLOOR	159.02	1711.7
<b>TOTAL GFA</b>	<b>281.48</b>	<b>3029.9</b>



**DRAFT**

- All Units In Metric Unless Otherwise Noted.
- Base on Survey Prepared by L.G. Woods Surveying Inc. dated April 21, 2001.
- Schedule / Plan Information Is Conceptual And Requires Verification by Appropriate Agency.
- Edge of Pavement/Edge of Curb Location is Approximate.





December 14<sup>th</sup>, 2021

*Via Email*

City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

**ATTENTION:** Jamila Sheffield, Secretary-Treasurer

**RE: 59 Brian Boulevard, Waterdown  
Consent to Sever and Minor Variance Applications**

---

Dear Ms. Sheffield,

T. Johns Consulting Group Ltd. (“T. Johns Consulting”) was retained by Argo Development Corporation on behalf of Northern Cardinal Developments, the landowner of 59 Brian Boulevard, Waterdown (“**subject lands**”). T. Johns Consulting respectfully submits the enclosed Consent to Sever and Minor Variance applications.

#### **Site Description**

The subject lands are located in Waterdown on the north side of Brian Boulevard (**Refer to Figure 1 - Site Location**). The subject lands are a corner lot and are rectangular in shape with an approximate site area of 1,022.7 m<sup>2</sup> and 30.44 metres of frontage on Brian Boulevard and a depth of 31.91 metres. The site is an existing residential lot of record and occupied by one (1) detached dwelling (**Refer to the submitted Survey Plan**).

#### **Planning Status**

The *Urban Hamilton Official Plan, Volume 1* designates the subject lands “Neighbourhoods” (Schedule E-1). The subject lands make up part of the City’s “Neighbourhoods” urban structure and are within proximity to a “Community Node” (Schedule E). The subject lands are within the boundaries of Volume 2, Chapter B-4, West Waterdown Secondary Plan which designates the subject lands “Low Density Residential 2e” (Map B.4.1-1). Single detached dwellings up to a maximum density of 26 units per net residential hectare are permitted.

The former Town of Flamborough Zoning By-law No, 90-145-Z zones the subject lands “R1-25” Urban Residential (Single Detached) Zone, Modified. Single family dwellings are a permitted use.

#### **Proposed Development**

The landowner proposes to demolish the existing dwelling on the subject lands to facilitate the creation of one (1) new lot for a total of two (2) lots suitable for detached dwellings. The owner/applicant of the application will construct new two-storey single detached dwellings. A Preliminary Servicing Sketch prepared by MTE Consultants Inc. has been provided to demonstrate that the proposed lots are serviceable.

## Implementation

A Minor Variance and Consent to Sever applications are required to facilitate the proposed redevelopment of the subject lands.

### *Consent to Sever*

In summary, the Consent to Sever proposes the following:

- Sever Part 1 being  $\pm 459.3\text{m}^2$  with  $\pm 15.07\text{m}$  frontage (Interior Lot)
- Retain Part 2 being  $\pm 468\text{m}^2$  with  $\pm 15.33\text{m}$  frontage (Corner Lot)

Please refer to the submitted Concept Plan for further details.

### *Minor Variance*

- Refer to Appendix A: Planning Rationale for further detail.

T. Johns respectfully requests for the circulation of this letter along with the following enclosed documents in support of the related Consent to Sever and Minor Variance applications.

#### **Please find the enclosed electronic documents:**

- One (1) Consent to Sever application complete with signatures;
- One (1) Minor Variance application complete with signatures;
- One (1) Planning Rationale Report (Appendix "A");
- One (1) cheque in the total amount of \$6,180.00 to satisfy the Consent to Sever (\$2,860.00) and Minor Variance (\$3,320.00) application fees;
  - Note the cheque delivered to City Hall December 14<sup>th</sup>, 2021.
- One (1) Survey Plan;
- One (1) Servicing Strategy Sketch;
- One (1) Concept Plan.

Please do not hesitate to contact Katelyn Gillis at 905-574-1993 ext. 207 with any questions.

Respectfully submitted,

**T. Johns Consulting Group Ltd.**



**Katelyn Gillis, BA**  
Intermediate Planner



**Terri Johns, MCIP, RPP**  
President

Cc: Argo Developments c/o Mr. K. Singh



Hamilton

**Committee of Adjustment**City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto: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

<b>Registered Owners(s)</b>	
<b>Applicant(s)*</b>	
<b>Agent or Solicitor</b>	

\* 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 Waterdown	Lot 25	Concession	Former Township Town of Flamborough
Registered Plan N°. 1084 (Backdale Addition)	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 59 Brian Boulevard, Hamilton			Assessment Roll N°. 30339020600

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) ± 15.07 m	Depth (m) ± 30.48 m	Area (m <sup>2</sup> or ha) ± 459.3 m <sup>2</sup>
---------------------------	------------------------	---

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 storey residential dwelling

---

Proposed: Two, two-storey dwellings on two new lots

---

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) ± 15.33m	Depth (m) ± 30.48 m	Area (m <sup>2</sup> or ha) ± 468.4 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 storey residential dwelling

Proposed: Two new, two-storey dwellings on two new lots

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify) \_\_\_\_\_

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

- electricity
  telephone
  school bussing
  garbage collection

## 5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The lands will remain residential and will stay in line with the Neighbourhood policies of the UHOP. The proposed consent and development of two new dwellings provides gentle intensification while maintains the form and function of the surrounding neighbourhood.

5.2 What is the existing zoning of the subject land? "R1-25" Urban Residential (Single Detached) Zone in Flamborough ZBL No. 90-145-Z  
 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"/>	

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

Provides residential infill development that is compatible with the surrounding neighbourhood and will be serviced by existing municipal infrastructure.

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

Provides residential infill development that is compatible with the surrounding neighbourhood and will be serviced by existing municipal infrastructure.

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

Provides residential infill development within the delineated built-up area of Hamilton that is compatible with the surrounding neighbourhood and will be serviced by existing municipal infrastructure.

- 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.

Application file unknown; By-law No. 2000-115-Z 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.

- 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?  
August 23<sup>rd</sup>, 2021

---

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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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.

2021/11/30

Date

*Amy Roberts*

Signature of Owner

REV. 0.3.11.08.25  
FILE: P:\P\00004\01\00004-100-11.dwg last saved by SWS, plotted: 11/27/2021 3:55:53 PM on paper size CUSTOM 1: 9140000 MM (LANDSCAPE)

**PLAN OF SURVEY AND TOPOGRAPHY**  
OF PART OF  
**LOT 25**  
**REGISTERED PLAN NO. 1084**  
**CITY OF HAMILTON**

SCALE 1:150  
0 1 2 3 4 5 METRES

**MTE OLS LTD.**  
ONTARIO LAND SURVEYORS

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

**LEGEND**

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- IB# DENOTES ROUND IRON BAR
- CC DENOTES CUT CROSS
- CM DENOTES CONCRETE MONUMENT
- OU DENOTES ORIGIN UNKNOWN
- NTS DENOTES NOT TO SCALE
- WIT DENOTES WITNESS
- M, MEAS DENOTES MEASURED
- P.I.N. DENOTES PROPERTY IDENTIFICATION NUMBER
- (LT) DENOTES LAND TITLES
- MTE DENOTES MTE OLS LTD.
- P1 DENOTES REGISTERED PLAN NO. 1029
- P2 DENOTES REGISTERED PLAN NO. 1084
- P3 DENOTES REGISTERED PLAN NO. 1163
- P4 DENOTES PLAN 62R-19932
- P5 DENOTES PLAN 62R-15836
- EC DENOTES EDGE OF CONCRETE
- EP DENOTES EDGE OF PAVEMENT
- CSW DENOTES CONCRETE SIDEWALK
- GM DENOTES GAS METER
- DSP DENOTES DOWNSPOUT
- TB DENOTES TOP OF EMBANKMENT
- BB DENOTES BOTTOM OF EMBANKMENT
- RS DENOTES ROAD SIGN
- FH DENOTES FIRE HYDRANT
- GM DENOTES GAS METER
- CB DENOTES CATCHBASIN
- HM DENOTES HYDRO METER
- SAN DENOTES SANITARY
- STM DENOTES STORM
- LS DENOTES LIGHT STANDARD
- HP DENOTES HYDRO POLE
- HR DENOTES HAND RAIL
- SC DENOTES SHRUB CONIFEROUS
- MH DENOTES MANHOLE
- T/G DENOTES TOP OF GRATE
- ▷ DENOTES FENCE GATE
- ⊕ DENOTES CONIFEROUS TREE
- ⊙ DENOTES DECIDUOUS TREE
- ⊕ DENOTES EXISTING ELEVATION

**BENCH MARK:**

CITY OF HAMILTON BENCHMARK No. 07720020057  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO A BRASS RIB WITH CAP AT THE ROYAL CANADIAN LEGION No. 551, 79 HAMILTON STREET NORTH WATERDOWN.

ELEVATION = 234.008

⊕ SITE BENCHMARKS IS SHOWN ON THE FACE OF THIS PLAN.

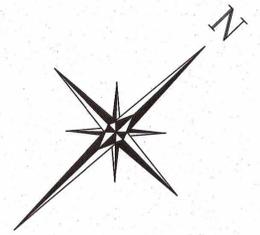
**NOTES:**

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 0.99966447.

FOR BEARING COMPARISON, A ROTATION OF 0°0'0" HAS BEEN APPLIED TO PLAN 01R-12345 (P1) TO CONVERT TO GRID BEARINGS

**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 27TH DAY OF OCTOBER, 2021.



LOT 12  
P.I.N. 17561-0212(LT)

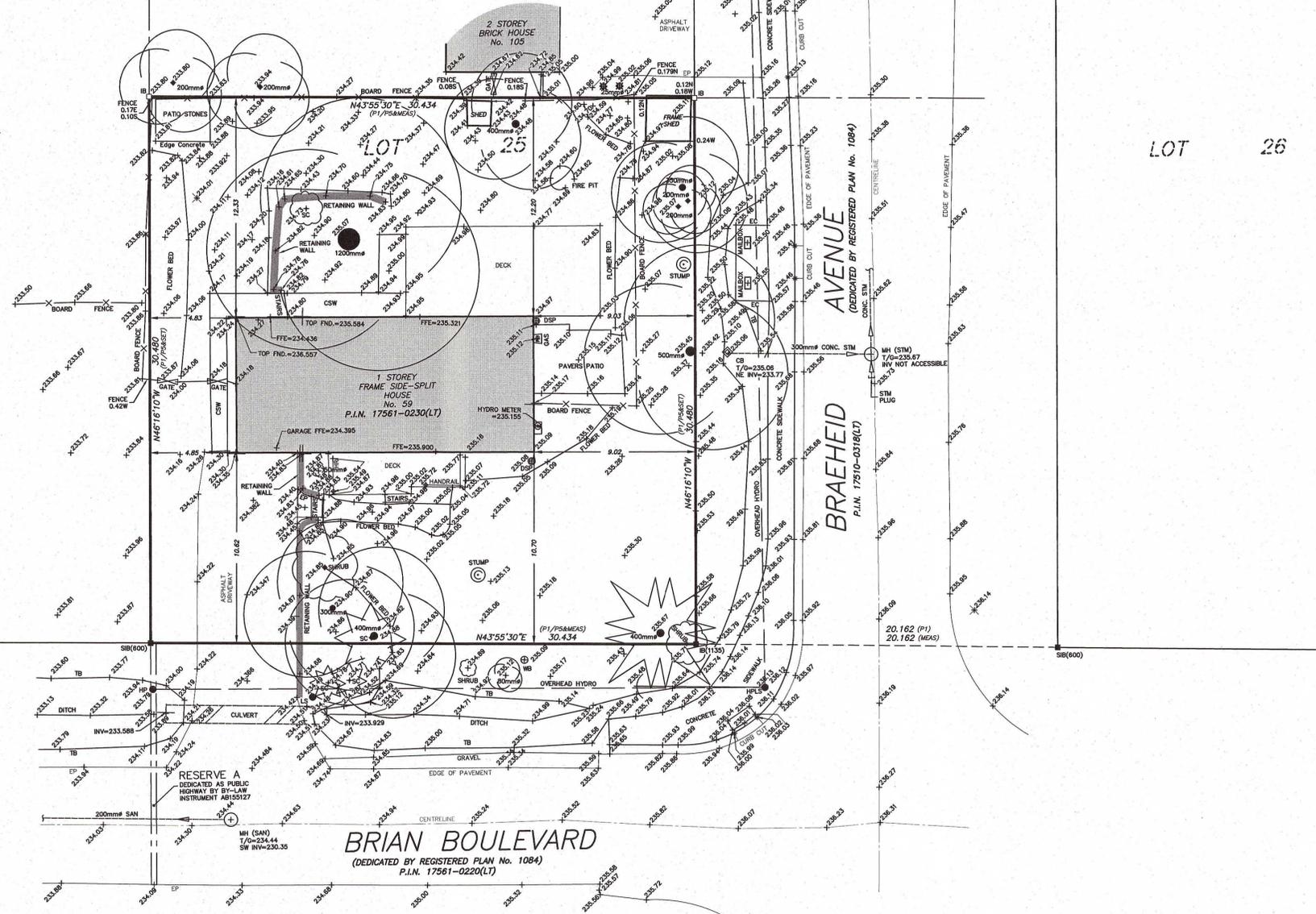
LOT 13  
PART 1, PLAN 62R-19932

REGISTERED PLAN NO. 1029

REGISTERED PLAN NO. 1084  
PART 1, PLAN 62R-15836  
P.I.N. 17561-0229(LT)

REGISTERED PLAN NO. 1163  
LOT 36  
P.I.N.17561-0215(LT)

LOT 26



**BRIAN BOULEVARD**  
(DEDICATED BY REGISTERED PLAN No. 1163)  
P.I.N. 17561-0220(LT)

**BRAEHEID AVENUE**  
(DEDICATED BY REGISTERED PLAN No. 1084)  
P.I.N. 17561-0220(LT)

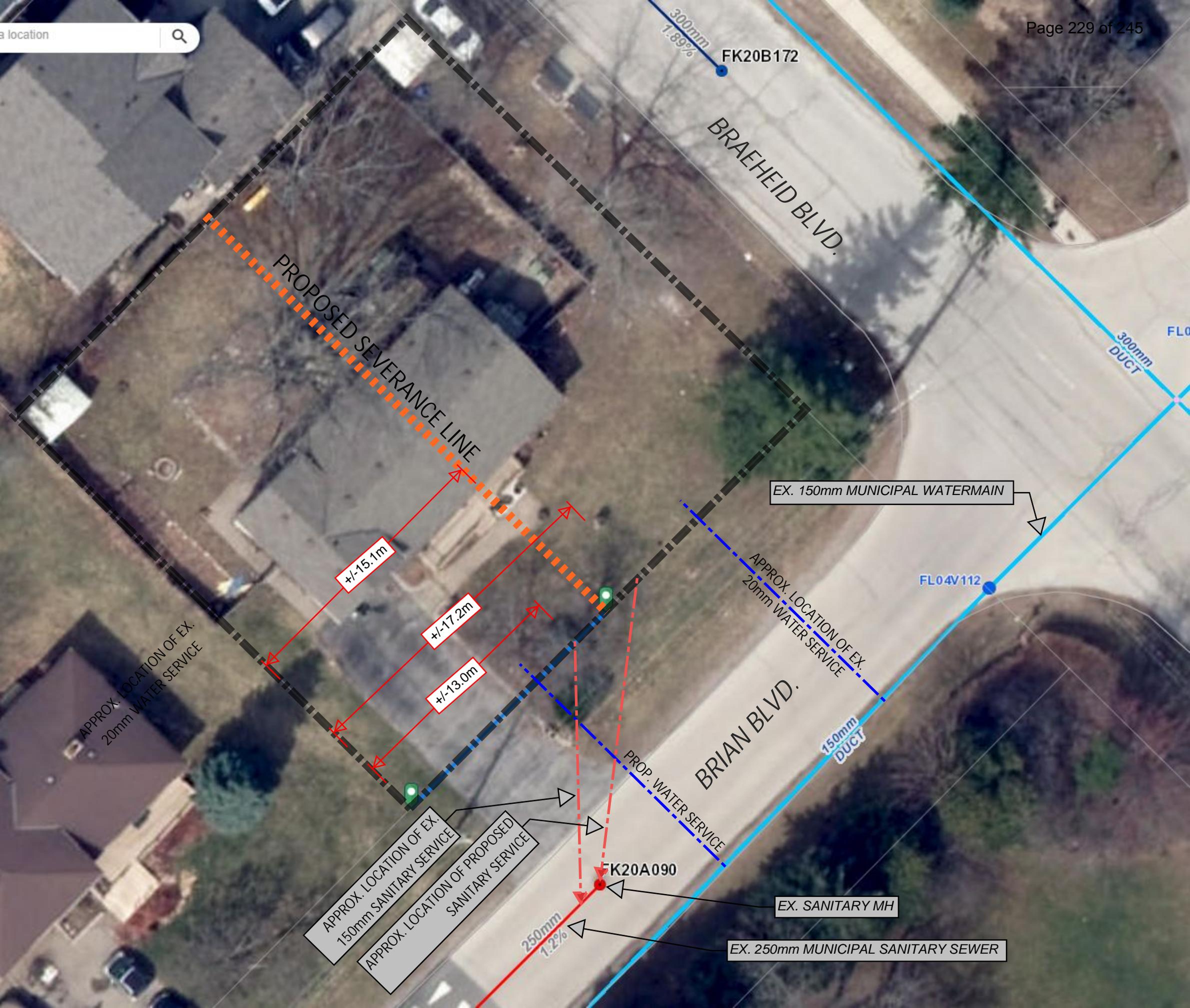
ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2147476

November 3, 2021  
DATE  
*Patrick Woolley*  
PATRICK WOOLLEY  
ONTARIO LAND SURVEYOR

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

**MTE** MTE ONTARIO LAND SURVEYORS LTD.  
1015 SUTTON DRIVE, UNIT A  
BURLINGTON, ONTARIO, L7L 6S8  
TEL: (905) 639-2552

Location



BRAEHEID BLVD.

BRIAN BLVD.

PROPOSED SEVERANCE LINE

APPROX. LOCATION OF EX. 20mm WATER SERVICE

EX. 150mm MUNICIPAL WATERMAIN

APPROX. LOCATION OF EX. 20mm WATER SERVICE

APPROX. LOCATION OF EX. 150mm SANITARY SERVICE

APPROX. LOCATION OF PROPOSED SANITARY SERVICE

EX. SANITARY MH

EX. 250mm MUNICIPAL SANITARY SEWER

+/-15.1m

+/-17.2m

+/-13.0m

FK20A090

FK20B172

FL04V112

FL0

300mm 1.89%

300mm DUCT

150mm DUCT

250mm 1.2%

THE REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH  
DEPARTMENT OF ENGINEERING

FLAMBOROUGH  
Page 230 of 245

Private Sewer Inspector's Report

F2000635

Construction Section

Street and Number 59 BRIAN BLVD.

Sketch

Between OFF BRAHEID

Side of Street NORTH Lot Number

Permit Number RSD 05930

Owner BERT TOLDI

Site 150mm SDR Length 11.3m

Contractor OWNER

Minimum Grade -1/8" - 1'

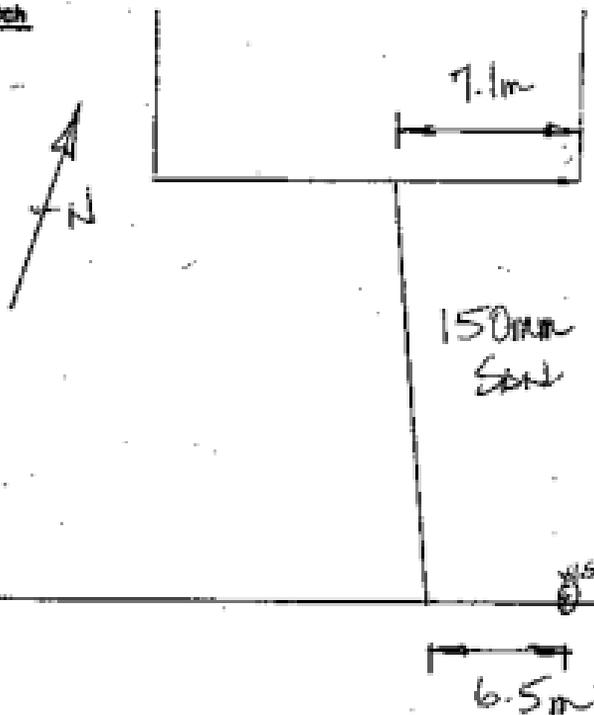
Back Traps PVC SDR-28

Depth and Nature of Ground CLAY

Date APRIL 7 19 95

Sewer Inspector J. W. L.

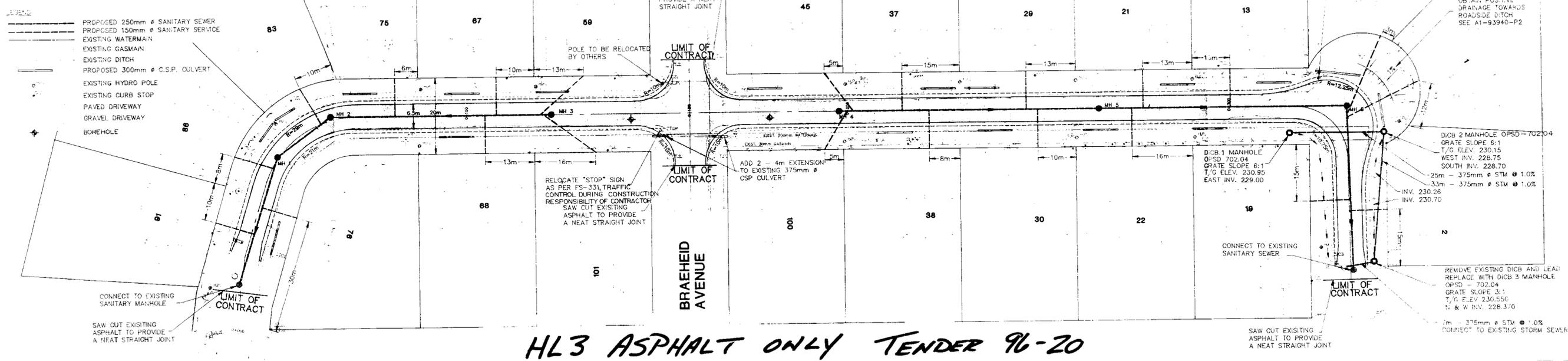
Remarks



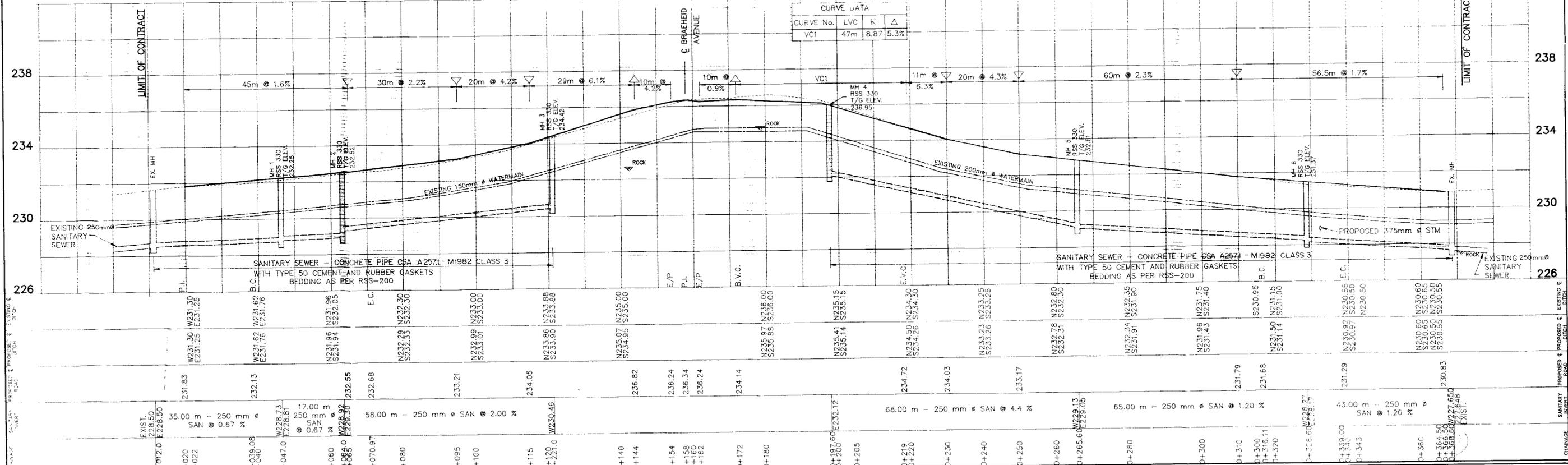


1. SANITARY CONNECTORS - 150mm  $\phi$  - CONCRETE 45M  $\phi$  4.5. WITH TYPE 50 CEMENT AND RUBBER GASKET JOINTS. SEE PER 201 FOR INSTALLATION DETAILS. MINIMUM COVER AT STREETLINE 2.2m RELATIVE TO CENTER LINE ROAD ELEVATION.
2. SANITARY SERVICE IN-ENT AND LOCATION AT PROPERTY LINE TO BE VERIFIED BY ENGINEER IF PROPOSED LOCATION VARIES FROM LOCATION ON PLAN.
3. SANITARY CONNECTIONS TO BE MINIMUM 15m OFFSET FROM EXISTING WATER SERVICE.
4. INSTALL 150mm  $\phi$  SANITARY SERVICE TO PROPERTY LINE.
5. DRIVEWAY APPROACH SHALL BE 50mm H.3 ASPHALT 150mm GRANULAR "A".

# BRIAN BOULEVARD

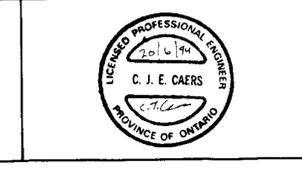


**HL3 ASPHALT ONLY TENDER 96-20**



1. FOR DETAIL SOILS INFORMATION REFER TO GEOTECHNICAL REPORT PREPARED BY SOIL-MAT ENG. AND CONSULTANTS.
2. THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWERS AND OTHER UNDERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
3. 6M - 20mm HEXAGON STAINLESS STEEL BOLT LOCATED ON NORTH EAST GUIDRILL WALL ON BRIDGE STRUCTURE ON LONGYEAR DR. BOLT LOCATED ON WEST SIDE OF CONG. WALL APPROX. 150mm ABOVE SIDEWALK. ELEV. 230.00m

No.	Revision	Date	Initial
1	ISSUED FOR CONSTRUCTION	JUNE 1994	R.M.
0	ISSUED FOR ENGINEERING REVIEW	MARCH, '94	F.F.



**Town of Flamborough**  
**BRIAN BOULEVARD**  
 ROAD RECONSTRUCTION

PLAN AND PROFILE

**PROCTOR & REDFERN LIMITED**  
 Consulting Engineers & Planners  
 Hamilton

Scale: HORIZ. 1:500, VERT. 1:100

Drawn by: C.J.C.  
 Ckd. by: F.A.F.  
 Date: Feb, 1994

Project No. A1-93940-P1



Measurement

🏠 ↔ 📄

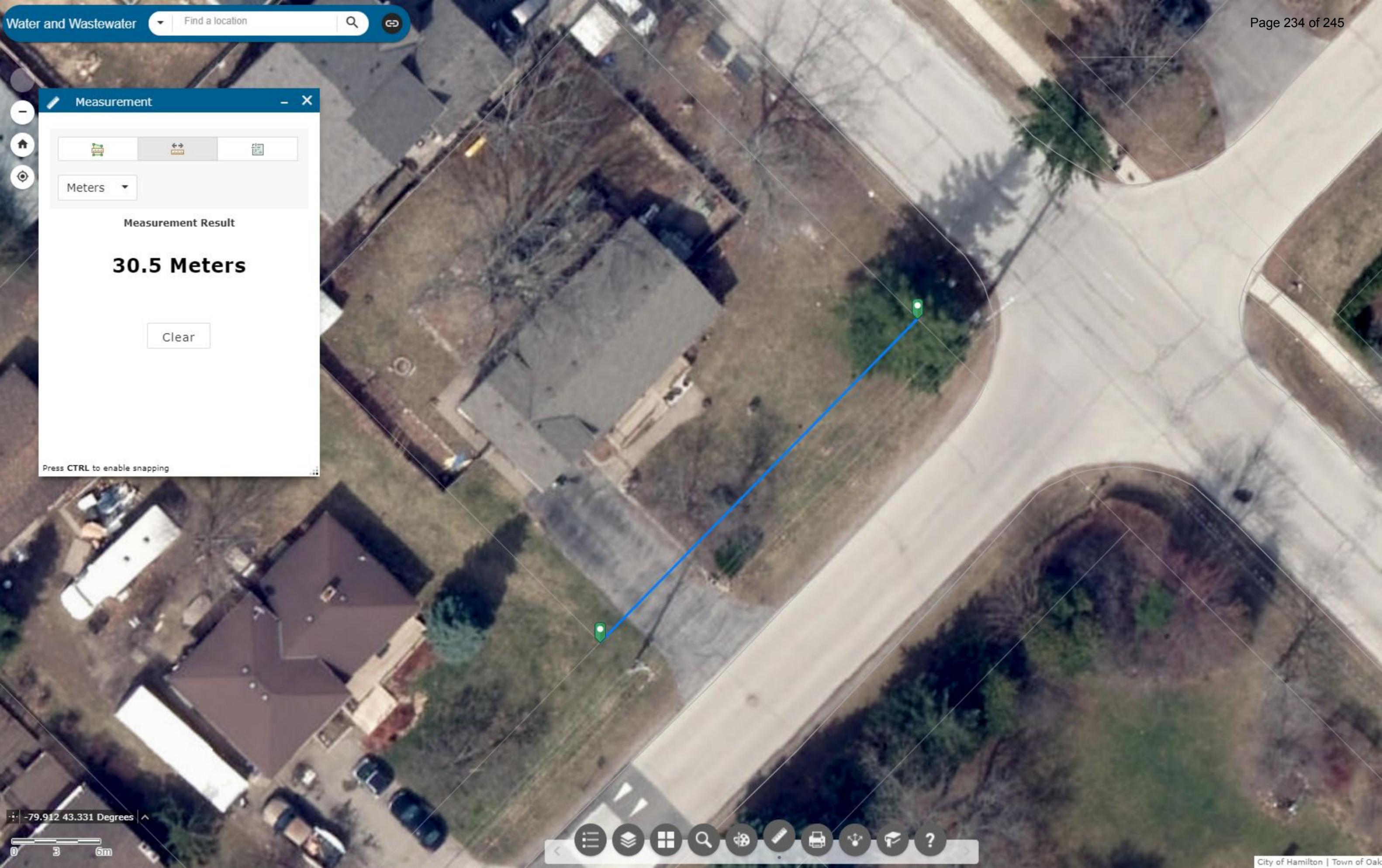
Meters ▾

Measurement Result

**30.5 Meters**

Clear

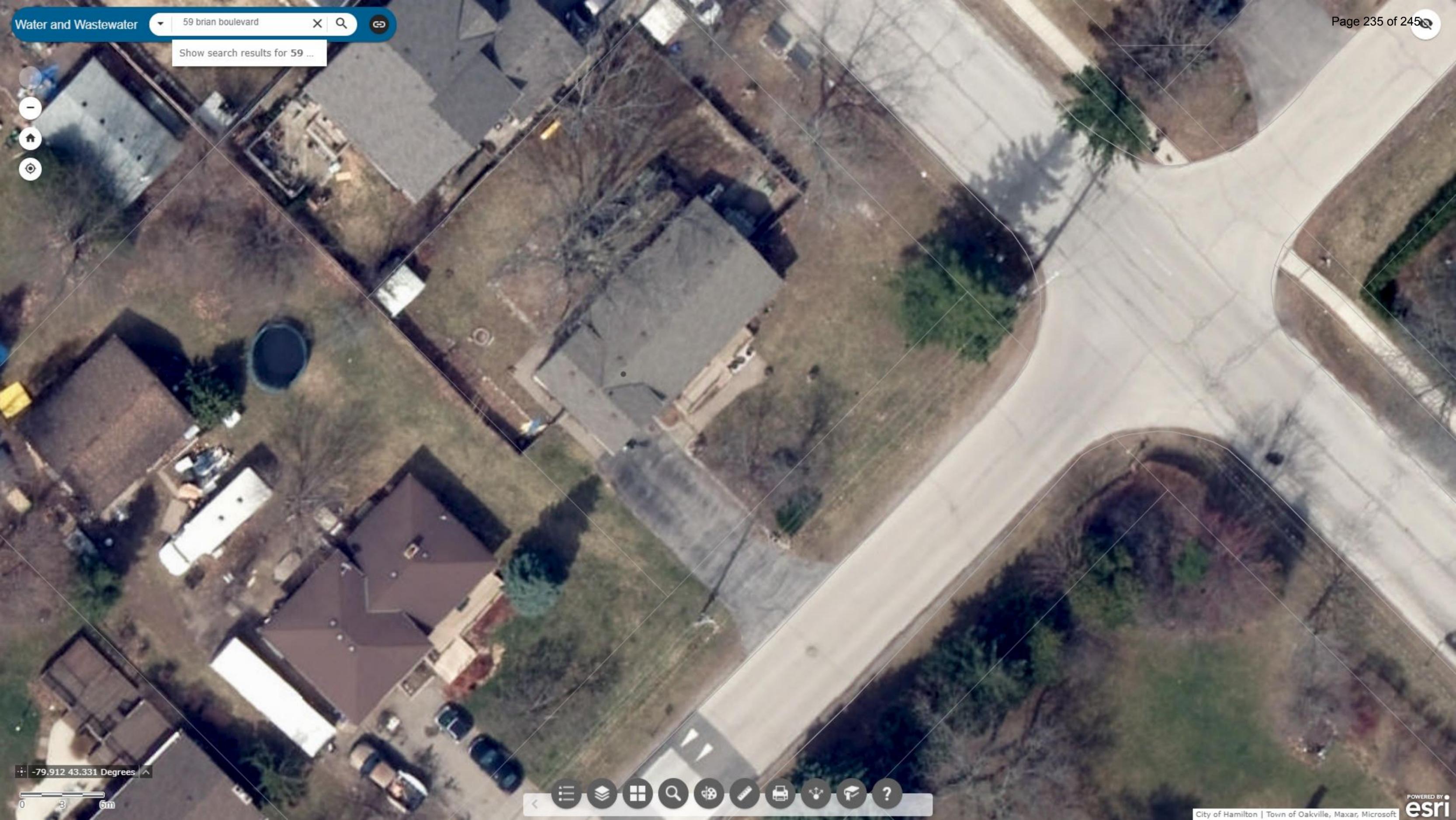
Press CTRL to enable snapping



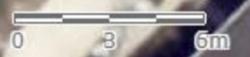
-79.912 43.331 Degrees



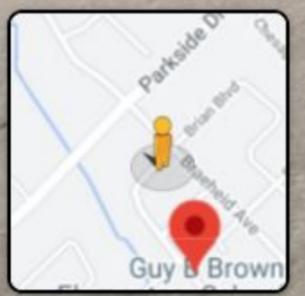
Show search results for 59 ...



-79.912 43.331 Degrees



59 Brian Blvd  
Hamilton, Ontario  
Google  
Street View - May 2015

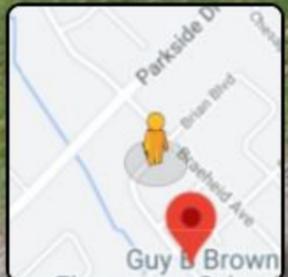


Google

**68 Brian Blvd**  
 Hamilton, Ontario

Google

Street View - May 2015



Google





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto: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-21:445

**APPLICANTS:** Agent T. Johns Consulting Group c/o K. Gillis  
 Owner Northern Cardinal Developments Ltd. c/o Agro  
 Development Corp. Att: A. Roberts

**SUBJECT PROPERTY:** Municipal address **59 Brian Blvd., Flamborough**

**ZONING BY-LAW:** Zoning By-law 90-145z, as Amended 00-115z

**ZONING:** "R1-25" (Urban Residential (Single Detached) Zone

**PROPOSAL:** To permit the severance of lands in order to create a total of two (2) lots (Part 1 and Part 2) as per Consent Application FL/B-21:118, for single detached dwelling purposes; notwithstanding that;

1. A minimum lot area of 459.0m<sup>2</sup> shall be permitted for Part 1 instead of the minimum 460.0m<sup>2</sup> lot area required.
2. A maximum height of 9.5m shall be permitted for both Part 1 & Part 2 instead of the maximum 8.2m height permitted.
3. A maximum lot coverage of 39% shall be permitted for Part 1 and maximum lot coverage of 35% shall be permitted for Part 2 instead of the maximum 30.0% lot coverage permitted.
4. A minimum exterior side yard of 3.0m shall be permitted for Part 2 instead of the minimum 5.0m exterior side yard required.

Notes: This application is to be heard in conjunction with Consent Application FL/B-21:118.

The applicant requested a variance to permit 6.0m to the hypotenuse of the daylight triangle. However, per previous interpretations, the hypotenuse of the daylight triangle is considered part of the exterior side lot line. Therefore, a variance is not required as the minimum exterior side yard to the hypotenuse will be met based on the 6.0m setback proposed.

No elevation plans were provided from which to confirm that the requested height variance is accurate; therefore, further variances may be required.

The applicant shall ensure that the minimum required 50.0% of the front yard shall be maintained as landscaped open space; otherwise, further variances shall be required.

FL/A-21:445

Page 2

The zoning By-law requires a minimum parking space size of 2.6m x 5.8m. No details were provided from which to determine compliance; therefore, further variance may be required.

The applicant shall ensure that any proposed encroachments i.e. eaves gutters, unenclosed porches etc., shall conform to Section 5.30 of the Flamborough Zoning By-law; otherwise, further variances shall be required.

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

---

**DATE:** Thursday, February 24th, 2022  
**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](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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#### **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](http://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](mailto:cofa@hamilton.ca)

DATED: February 8th, 2022

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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.***

REV. 0.3.11.08.25  
FILE: P:\P\0004\01\0004-100-11.dwg last saved by: SWS, plotted: 11/27/2021 3:55:53 PM on paper size: CUSTOM, L: 914.0000, W: 610.0000

**PLAN OF SURVEY AND TOPOGRAPHY**  
OF PART OF  
**LOT 25**  
**REGISTERED PLAN NO. 1084**  
**CITY OF HAMILTON**  
SCALE 1:150  
**MTE OLS LTD.**  
**ONTARIO LAND SURVEYORS**

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

**LEGEND**

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- IB# DENOTES ROUND IRON BAR
- CC DENOTES CUT CROSS
- CM DENOTES CONCRETE MONUMENT
- OU DENOTES ORIGIN UNKNOWN
- NTS DENOTES NOT TO SCALE
- WIT DENOTES WITNESS
- M, MEAS DENOTES MEASURED
- P.I.N. DENOTES PROPERTY IDENTIFICATION NUMBER
- (LT) DENOTES LAND TITLES
- MTE DENOTES MTE OLS LTD.
- P1 DENOTES REGISTERED PLAN NO. 1029
- P2 DENOTES REGISTERED PLAN NO. 1084
- P3 DENOTES REGISTERED PLAN NO. 1163
- P4 DENOTES PLAN 62R-19932
- P5 DENOTES PLAN 62R-15836
- EC DENOTES EDGE OF CONCRETE
- EP DENOTES EDGE OF PAVEMENT
- CSW DENOTES CONCRETE SIDEWALK
- GM DENOTES GAS METER
- DSP DENOTES DOWNSPOUT
- TB DENOTES TOP OF EMBANKMENT
- BB DENOTES BOTTOM OF EMBANKMENT
- RS DENOTES ROAD SIGN
- FH DENOTES FIRE HYDRANT
- GM DENOTES GAS METER
- CB DENOTES CATCHBASIN
- HM DENOTES HYDRO METER
- SAN DENOTES SANITARY
- STM DENOTES STORM
- LS DENOTES LIGHT STANDARD
- HP DENOTES HYDRO POLE
- HR DENOTES HAND RAIL
- SC DENOTES SHRUB CONIFEROUS
- MH DENOTES MANHOLE
- T/G DENOTES TOP OF GRATE
- ▷ DENOTES FENCE GATE
- ⊙ DENOTES CONIFEROUS TREE
- ⊙ DENOTES DECIDUOUS TREE
- ⊙ DENOTES EXISTING ELEVATION

**BENCH MARK:**

CITY OF HAMILTON BENCHMARK No. 07720020057  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO A BRASS RIG WITH CAP AT THE ROYAL CANADIAN LEGION No. 551, 79 HAMILTON STREET NORTH WATERDOWN.

ELEVATION = 234.008

⊙ SITE BENCHMARKS IS SHOWN ON THE FACE OF THIS PLAN.

**NOTES:**

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 0.99966447.

FOR BEARING COMPARISON, A ROTATION OF 0°0'0" HAS BEEN APPLIED TO PLAN 01R-12345 (P1) TO CONVERT TO GRID BEARINGS

**SURVEYOR'S CERTIFICATE:**

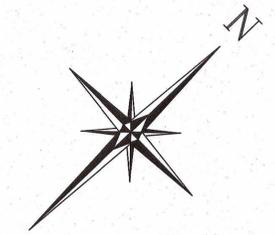
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 27TH DAY OF OCTOBER, 2021.

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2147476

November 3, 2021  
DATE  
*Patrick Woolley*  
PATRICK WOOLLEY  
ONTARIO LAND SURVEYOR

**MTE** MTE ONTARIO LAND SURVEYORS LTD.  
1015 SUTTON DRIVE, UNIT A  
BURLINGTON, ONTARIO, L7L 6S8  
TEL: (905) 639-2552

Drawn: S. DU Checked: P. WOOLLEY Project Number: 50094-101



LOT 12  
P.I.N. 17561-0212(LT)

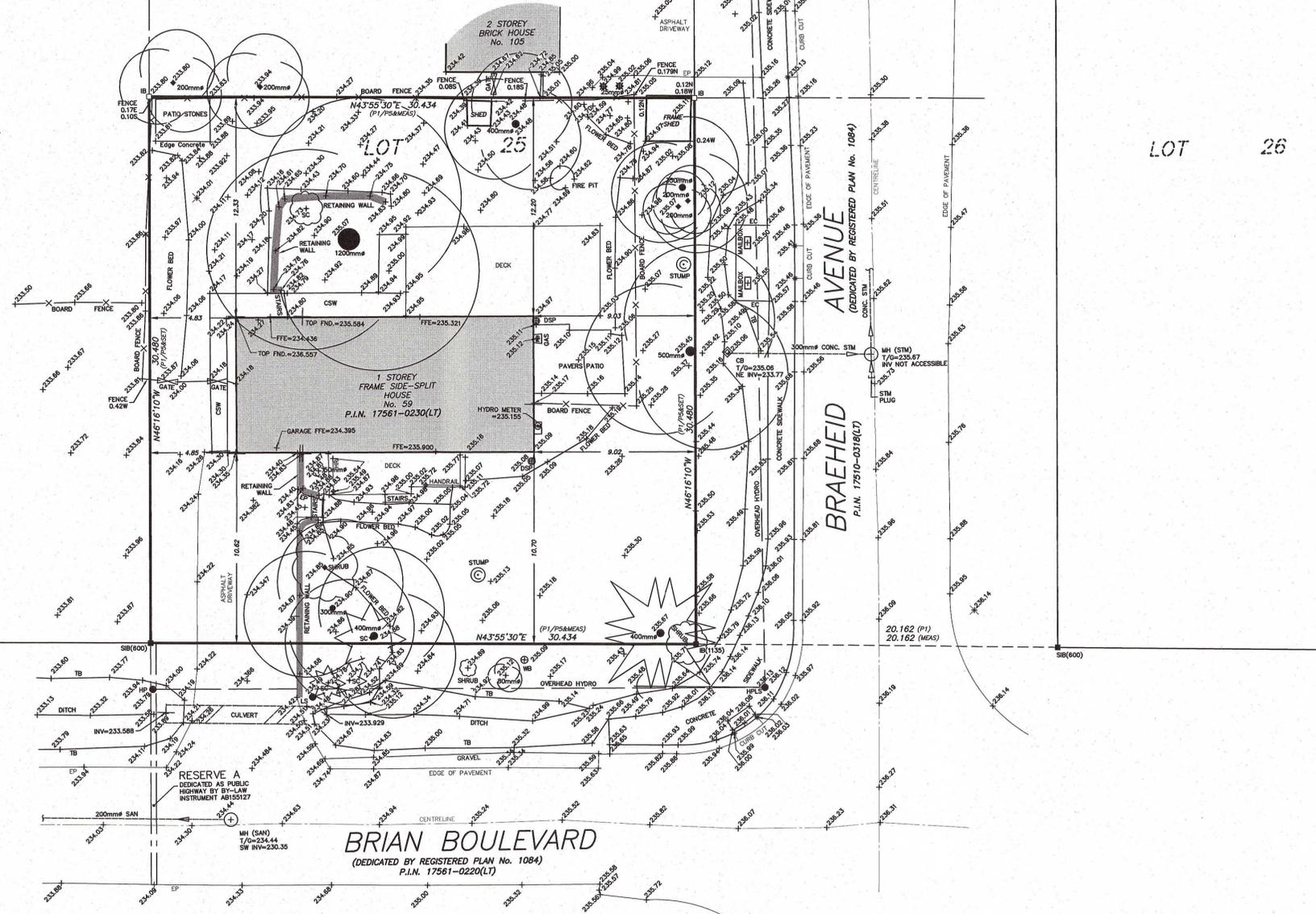
LOT 13  
PART 1, PLAN 62R-19932

REGISTERED PLAN NO. 1029

REGISTERED PLAN NO. 1084  
PART 1, PLAN 62R-15836  
P.I.N. 17561-0229(LT)

REGISTERED PLAN NO. 1163  
LOT 36  
P.I.N.17561-0215(LT)

LOT 26



BRIAR BOULEVARD  
(DEDICATED BY REGISTERED PLAN No. 1163)  
P.I.N. 17561-0220(LT)

BRIAR BOULEVARD  
(DEDICATED BY REGISTERED PLAN No. 1084)  
P.I.N. 17561-0220(LT)

⊙ FH=233.055



**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

<b>FOR OFFICE USE ONLY.</b>	
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	
<b>Registered Owners(s)</b>	
<b>Applicant(s)*</b>	
<b>Agent or Solicitor</b>	

**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:

The Bank of Nova Scotia  
5075 Yonge Street, 2<sup>nd</sup> Floor  
Toronto, ON M2N 6C6

**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:
- Corner Lot Coverage: 35%
  - Interior Lot Coverage: 39%
  - Corner Min. Lot Front Yard Setback of 7.5m except 6.0m to the hypoteneuse of a required Daylight Triangle Lot
  - Interior Lot Min. Lot Area of 459sq.m.
  - Maximum Height of 9.5m
  - Min. Exterior Side Yard of 3.0m

Secondary Dwelling Unit

Reconstruction of Existing Dwelling

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

Please see Appendix "A": Planning Rationale

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 25 of Registered Plan No. 1084 (Blackdale Addition), formerly in the Town of Flamborough now in the City of Hamilton, municipally known as 59 Brian Boulevard, Waterdown

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?

Owner's 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.

2021/11/30  
Date

Amy Roberts  
Signature Property Owner(s)  
Northern Cardinal Developments Ltd. c/o  
Amy Roberts, Argo Development Corp.  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	Submitted with Consent application; See Appendix "A": Planning Rationale for details.
Depth	
Area	
Width of street	

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

Existing:             
 Stories: 1  
 Width: ± 17.41 m  
 Length: ± 11.82 m  
 Ground Floor Area: ± 167.41 m<sup>2</sup>

Proposed

See Appendix "A": Planning Rationale and Concept Plan attached.

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

Existing:  
 Rear: + 8.95 m  
 Front: + 11.2 m  
 Side (interior): + 5.19 m  
 Side (exterior): + 7.85 m

Proposed:

See Appendix "A": Planning Rationale and Concept Plan attached.

13. Date of acquisition of subject lands:  
August 23<sup>rd</sup>, 2021
- 
14. Date of construction of all buildings and structures on subject lands:  
Approx. 1960s
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single family residential
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single family residential
17. Length of time the existing uses of the subject property have continued:  
Since construction
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <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:  
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"R1-25" Urban Residential (Single Detached) Zone in Flamborough ZBL No. 90-145-Z
21. Has the owner previously applied for relief in respect of the subject property?  
Yes  No   
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes  No
23. Additional Information  
This application is to be submitted concurrently with an application for consent to divide the property into two individual lots for the creation of two new single family detached dwellings.
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.