



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

**Meeting #:** 22-17  
**Date:** September 8, 2022  
**Time:** 1:00 p.m.  
**Location:** Room 264, 2nd Floor, City Hall (hybrid) (RM)  
71 Main Street West

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 4144  
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.AN/A-22:260243 Diorio Circle, Ancaster (Ward 12) Agent – Lukac Igor Owner – Atul Arora	5
2.2. 1:20 p.m.SC/A-22:269 219 Jones Road, Stoney Creek (Ward 10) Owner – John & Barbara Day	25
<b>3. RURAL</b>	
3.1. 1:25 p.m.FL/B-22:8493 Concession 7 East, Flamborough (Ward 15) Agent – Andrew & Cheryl Bradshaw Owner – Urmas Soomet & Barbara Kerr	37
3.2. 1:30 p.m.FL/A-22:2711044 Garden Lane, Flamborough (Ward 15) Owner – Zahira Khalid	63
3.3. 1:35 p.m.FL/A-22:2727 Savona Crescent, Flamborough (Ward 15) Owner – Mike & Suzanne Hubbs	81

- 3.4. 1:40 p.m.FL/A-22:266 1885 Concession 8 West, Flamborough (Ward 13) 93  
Owner – Doug & Christina Fairchild
- 3.5. 1:45 p.m.GL/A-22:2612575 Regional Road 56, Glanbrook (Ward 11) 103  
Agent – Steve Kowalyshyn  
Owner – Michael Friday
- 3.6. 1:50 p.m.FL/B-22:821738 Highway 5, Flamborough (Ward 12) 121  
Agent – A.J. Clarke – S. Fraser  
Owner – Herman & Evelyn Vander Meulen
- 3.7. 1:55 p.m.FL/B-22:831742 Highway 5, Flamborough (Ward 12) 135  
Agent – A.J. Clarke – S. Fraser  
Owner – Illya Matviyenko & T. Mejia

#### 4. URBAN

- 4.1. 2:00 p.m.HM/B-22:8586 Sherman Avenue South, Hamilton (Ward 3) 149  
Agent – A.J. Clarke and Associates Ltd. – S. Fraser  
Owner – EBM Construction Solutions Inc.
- 4.2. 2:05 p.m.HM/B-22:80\*Validation of Title24 Kinrade Avenue, Hamilton (Ward 3) 163  
Agent – Davis Webb; Ellen Pefany  
Owner – Ukrainian Credit Union Ltd.
- 4.3. 2:05 p.m.HM/B-22:81\*Validation of Title26 Kinrade Avenue, Hamilton (Ward 3) 173  
Agent – Davis Webb; Ellen Pefany  
Owner – Ukrainian Credit Union Ltd.
- 4.4. B R E A K
- 4.5. 2:20 p.m.HM/B-22:86196 Stanley Avenue, Hamilton (Ward 1) 183  
Agent – IBI Group – M. Crough  
Owner – 1970705 Ontario Inc.

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|-------|--|-----|
| 4.6.  | 2:20 p.m.HM/A-22:270196 Stanley Avenue, Hamilton (Ward 1)<br><br>Agent – IBI Group – M. Crough<br>Owner – 1970705 Ontario Inc.                               | 233 |
| 4.7.  | 2:25 p.m.HM/A-22:154 39 Florence Street, Hamilton (Ward 1)<br><br>Agent – Christine Brown<br>Owner – Brent Wathen  | 279 |
| 4.8.  | 2:30 p.m.HM/A-22:26493 Cline Avenue North, Hamilton (Ward 1)<br><br>Agent – Team Shane – L. Sayegh<br>Owner – Leonard Kofman & S. O’Neill                    | 293 |
| 4.9.  | 2:35 p.m.HM/A-22:2658 & 10 Devonport Street, Hamilton (Ward 1)<br><br>Agent – Lucy Shaw<br>Owner – Ahmed Dirani  | 319 |
| 4.10. | 2:40 p.m.HM/A-22:239118 Cope Street, Hamilton (Ward 4)<br><br>Agent – Lee Paule<br>Owner – Mohrab Al Naif  | 331 |
| 4.11. | 2:45 p.m.HM/A-22:262 11 Archibald Street, Hamilton (Ward 4)<br><br>Agent – Matthew Fratarcangeli<br>Owner – Spencer Patterson                                | 339 |
| 4.12. | 2:50 p.m.HM/A-22:253 20 Reid Avenue, Hamilton (Ward 4)<br><br>Agent – Urban Solutions<br>Owner – Roxborough Park   | 353 |
| 4.13. | 2:55 p.m.HM/A-22:26358 Barton Street West, Hamilton (Ward 2)<br><br>Agent – CGS – Bill Curran<br>Owner – CGS – Bill Curran                                   | 367 |
| 4.14. | 3:00 p.m.HM/A-22:267 395 Queen Street South, Hamilton (Ward 2)<br><br>Agent – LandArt – Devon Kleinjan<br>Applicant – Richard Wynia<br>Owner – Tammy Phinney | 385 |

- 4.15. 3:05 p.m.HM/A-22:268100 Charlton Avenue West, Hamilton (Ward 2) 401  
Agent – WEBB Planning Consultants  
Owner – Fortino Properties Inc.
- 4.16. 3:10 p.m.HM/A-22:190330 Dundurn St. S., Hamilton (Ward 1) 417  
Agent SRM Architect Inc.  
Owner 2178940 Ontario Inc. – Lev Development

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

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

<b>APPLICATION NO.:</b>	<b>AN/A-22:260</b>	<b>SUBJECT PROPERTY:</b>	243 DIORIO CIRCLE, ANCASTER
<b>ZONE:</b>	"R4-481" (Residential 4)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended 02- 319

**APPLICANTS:** Owner – Atul Arora  
Agent – Lukac Igor

The following variances are requested:

1. A maximum lot coverage of 46% shall be permitted, instead of the permitted maximum lot coverage of 35% for a two (2) storey dwelling.
2. A minimum northerly side yard of 1.0 metres shall be permitted, instead of the minimum required side yard of 1.20 metres.

**PURPOSE & EFFECT:** To permit the construction of a one-storey 40 square metre addition in the rear yard of the existing single-family dwelling on a residential parcel of land, notwithstanding that:

**Notes:**

1. Please note that under Ancaster Zoning By-law No. 87-57, a roofed-over terrace (i.e. the proposed covered patio cabana) at the rear of the dwelling is considered to be part of the principle dwelling. Therefore, a variance has been included to permit a reduced northerly side yard of 1.0 metres, whereas 1.20 metres is required.
2. Please note that a roofed-over terrace, although considered part of the principle building for establishing required setbacks, shall not be counted towards lot coverage. Therefore, Variance No.1 has been written as requested by the applicant, as it appears the total lot coverage is approximately 37% as opposed to the 46% lot coverage requested in the submitted application, if the area of the roofed-over terrace is not counted towards total lot coverage. The applicant shall confirm that lot coverage has been indicated as per the definition provided in Ancaster Zoning By-law No. 87-57.

**AN/A-22:260**

3. Please note the it appears stairs associated with the proposed building addition extend into the rear yard, but which have not been indicated on the submitted Site Plan. Additional variances may be required if compliance with Section 9.10 is not possible.
4. The projection of eaves/gutters for the proposed building addition have not been indicated. Additional variances may be required if compliance with Section 7.12(b) is not possible.
5. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>1:15 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

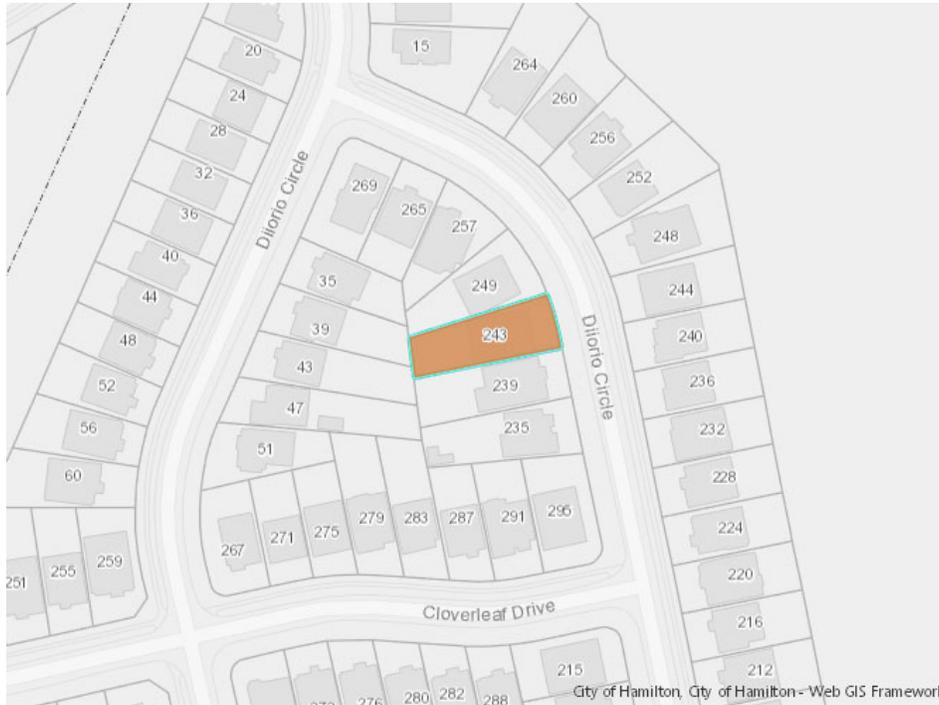
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

AN/A-22:260



DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



Hamilton  
Conservation  
Authority

A Healthy Watershed for Everyone

**BY E-MAIL**

July 20, 2022

GC-ANC

Atul Arora  
243 Diiorio Circle  
Hamilton, ON L9K 1S9

Dear Mr. Arora:

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**RE: Letter of Permission for Construction of an Addition and Covered Patio/Cabana to the Rear of an Existing Dwelling**

**Location: 243 Diiorio Circle  
Part Lot 53, Concession 3, City of Hamilton (Ancaster)**

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Staff of the Hamilton Conservation Authority (HCA) have reviewed the above-noted development including drawing package prepared by Kingswood Engineers, dated July 01, 2022, which includes drawings A0.01 'Site Plan', A2.01 'West Elevations', A2.02 'Proposed Elevations' (attached).

The entire property is regulated by the HCA pursuant to *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990* due to the presence of Tiffany Creek Provincially Significant Wetland Complex (PSW). HCA regulates 120m from the PSW boundary. However, the proposed development has little potential to impact the form and function of this PSW. Therefore, please accept this correspondence as written permission for the construction of an addition and covered patio/cabana to the rear of an existing dwelling on lands regulated by HCA. We do not have any objection to the issuance of a permit by the municipality.

If you have any questions regarding the above, please do not hesitate to contact the undersigned at ext. 164.

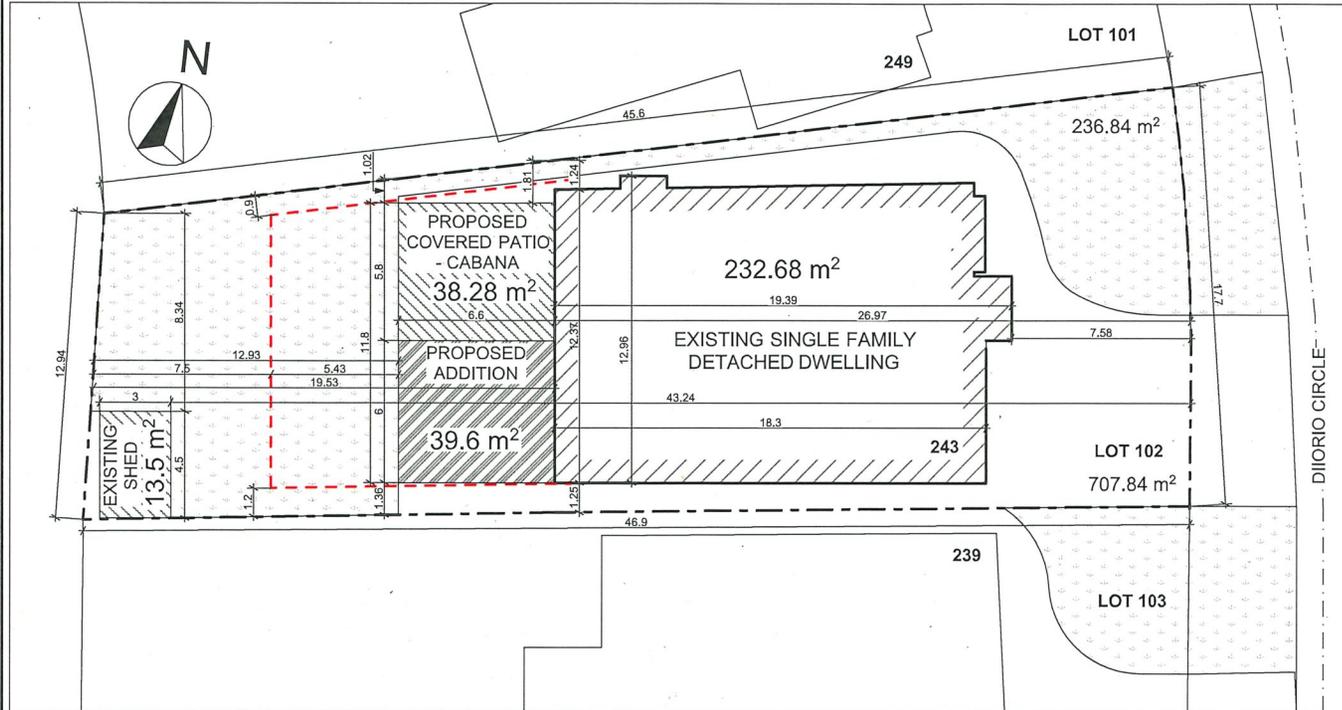
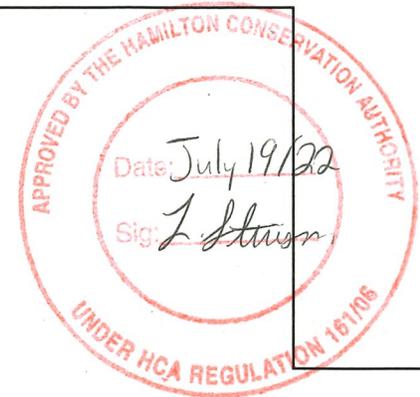
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Laura Stinson  
Conservation Planner

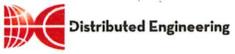
July 20, 2022  
Date

Encl. approved drawing package

c.c. Chantal Costa, Plan Examination Secretary, City of Hamilton, Building Division (by e-mail)  
Lukac Igor, Applicant/Agent, Kingswood Engineers (by e-mail)



TOWN OF ANCASTER-HAMILTON ZONING BY-LAW NO. 87-57 RESIDENTIAL 4 ZONE				
	EXISTING	PROPOSED	REQUIRED	COMPLIANT
LOT AREA	707.84 m <sup>2</sup> 7619.16 sq.ft.	NO CHANGES	MIN. 400m <sup>2</sup>	YES
LOT COVERAGE	246.18 m <sup>2</sup> 2649.85 sq.ft. 34.78 %	324.06 m <sup>2</sup> 3488.15 sq.ft. 45.78 %	35%	NO
LOT FRONTAGE	58'-7/8" 17.7 m		MIN. 39'-4 1/2" 12 m	YES
LOT DEPTH	153'-10 1/2" 46.9 m	NO CHANGES	/	N/A
FRONT YARD SETBACK - EAST	24'-10 5/8" 7.58 m		22'-11 5/8" 7 m	YES
REAR YARD SETBACK - WEST	64'-7/8" 19.53 m	42'-5" 12.93 m	24'-7 1/4" 7.5 m	YES
INTERIOR YARD SETBACK - SOUTH	4'-1 1/4" 1.25 m	NO CHANGES	3'-11 1/4" 1.2 m	YES
INTERIOR YARD SETBACK - NORTH	4'-7/8" 1.24 m	3'-4 3/8" 1.02 m	2'-11 3/8" 0.9 m	YES

PROJECT NUMBER	22-KNG-116	DESIGN FIRM	CLIENT	PROJECT	TITLE	DATE	7/1/2022		
DRAFTER / DATE	EL / 7/1/2022	Oakville, Ontario, Canada +1.905.399.3671 www.distengserv.com  	Atul Arora	PROPOSED ADDITION TO SINGLE FAMILY DETACHED DWELLING 243 Diorio Circle, Hamilton, ON L9K 1S9	SITE PLAN	PAPER SIZE	TABLOID		
REV 1						SCALE	1:200	SHEET	A0.01
REV 2									
REV 3									
REV 4									

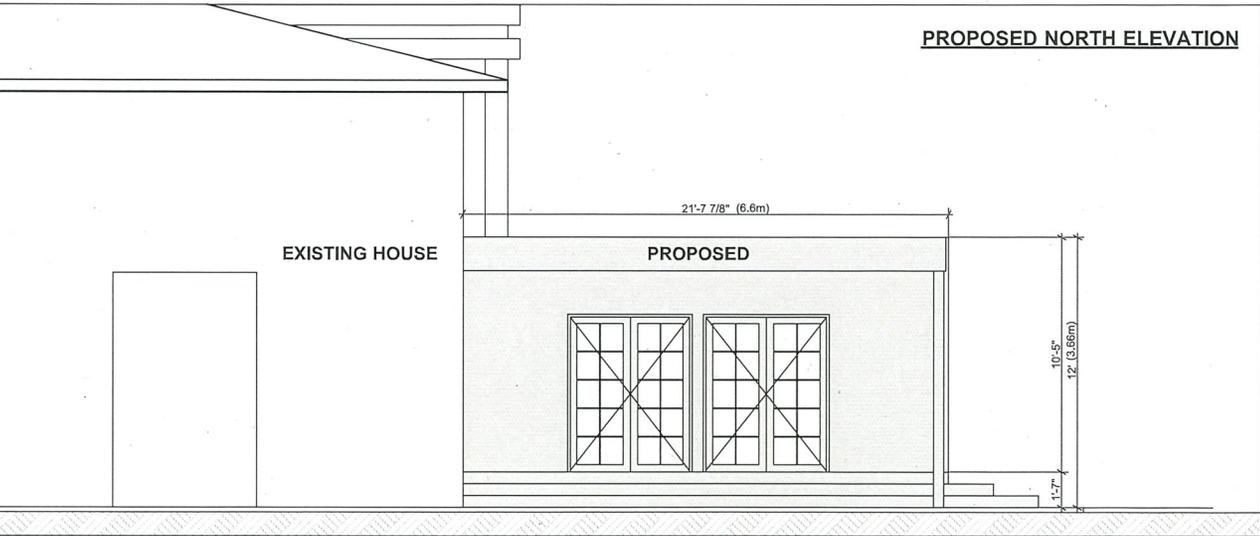
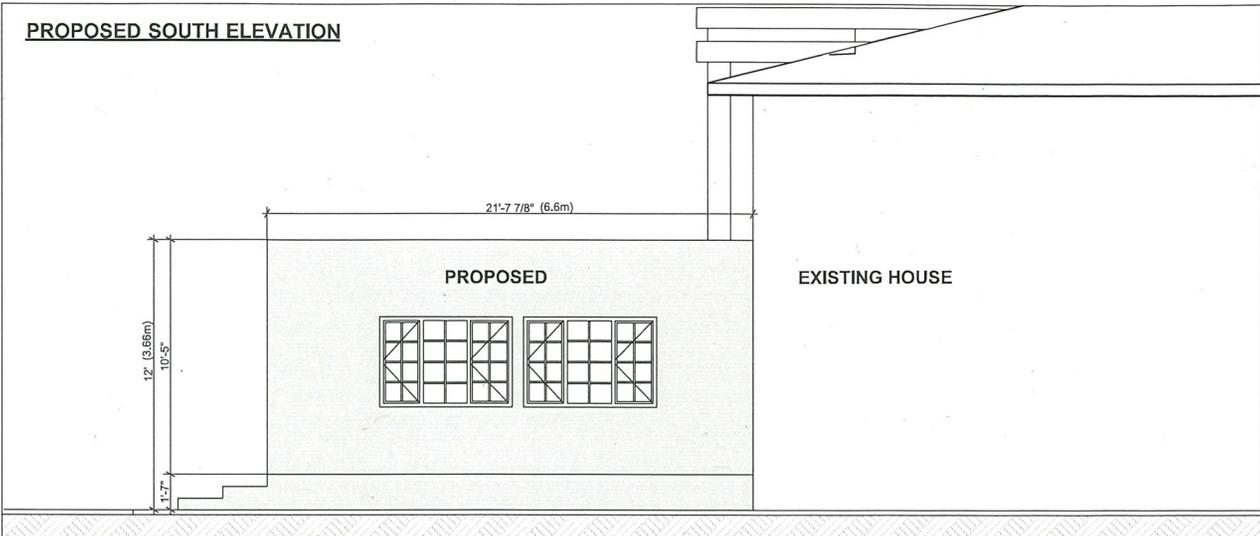
EXISTING WEST ELEVATION 1/8" = 1'-0"



PROPOSED WEST ELEVATION 3/16" = 1'-0"



PROJECT NUMBER	22-KNG-116	DESIGN FIRM	CLIENT	PROJECT	TITLE	DATE	7/1/2022		
DRAFTER / DATE	EL/ 7/1/2022	Oakville, Ontario, Canada +1.905.399.3671 www.distengserv.com  	Atul Arora	<b>PROPOSED ADDITION TO                  SINGLE FAMILY DETACHED                  DWELLING</b> 243 Diorio Circle, Hamilton, ON L9K 1S9	<b>WEST ELEVATIONS</b>	PAPER SIZE	TABLOID		
REV 1						SCALE	1/8" = 1'-0", 3/16" = 1'-0"	SHEET	A2.01
REV 2									
REV 3									
REV 4									



PROJECT NUMBER	22-KNG-116	DESIGN FIRM	CLIENT	PROJECT	TITLE	DATE	7/1/2022		
DRAFTER / DATE	EL/ 7/1/2022	Oakville, Ontario, Canada +1.905.399.3671 www.distengserv.com  	Atul Arora	<b>PROPOSED ADDITION TO SINGLE FAMILY DETACHED DWELLING</b> 243 Diorio Circle, Hamilton, ON L9K 1S9	<b>PROPOSED ELEVATIONS</b>	PAPER SIZE	TABLOID		
REV 1						SCALE	3/16" = 1'-0"	SHEET	A2.02
REV 2									
REV 3									
REV 4									



Hamilton

Committee of Adjustment  
Page 13 of 42  
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 \_\_\_\_\_

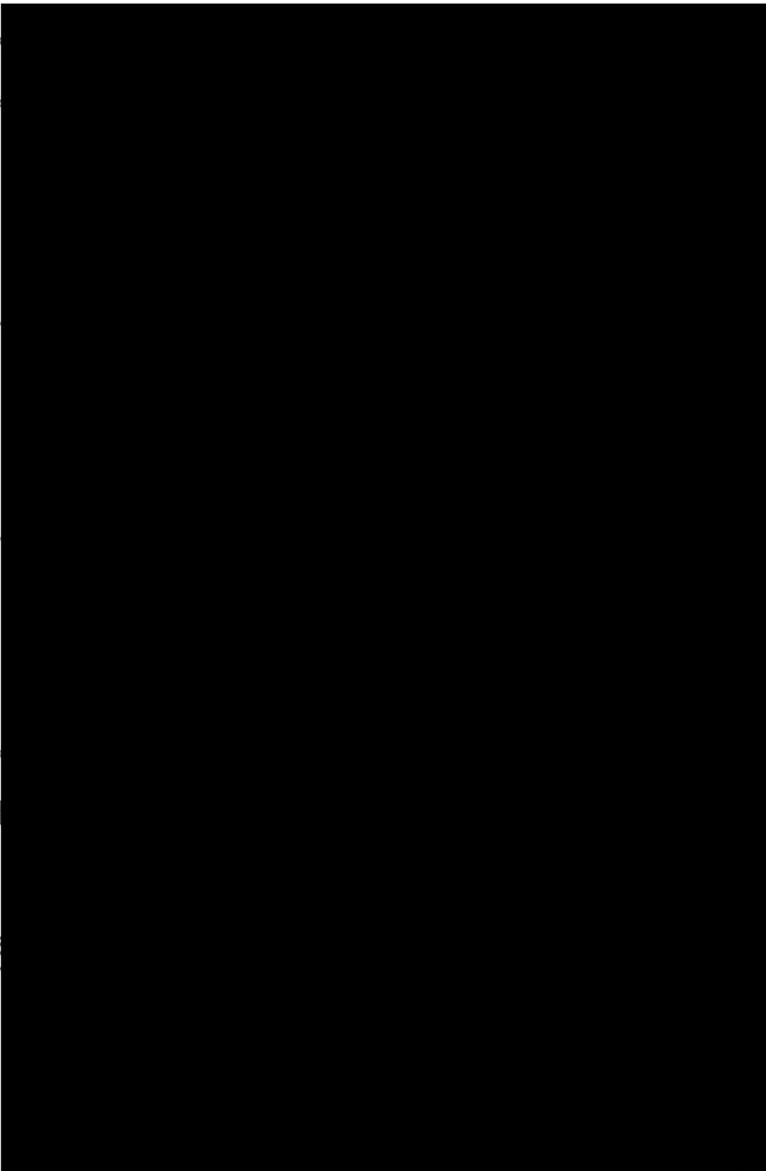
SECRETARY'S SIGNATURE \_\_\_\_\_

#### 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
Registered Owners(s)	Atul Arora
Applicant(s)*	Lukac Igor
Agent or Solicitor	



Note: Unless otherwise requested and approved, no fee is required for any.

3. Names and addresses of any mortgage

N/A

4. Nature and extent of relief applied for:

To permit lot coverage 46 %

- Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

Maximum lot coverage for Residential 4 zone is 35 %

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**):

243 Diiorio Cir, ON L9K 1S9, lot 102, Registered Plan No:62M-1017

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 uses on the site or adjacent sites? Page 15 of 427

Yes  No  Unknown

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

the knowledge of the 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.

July 6/2022  
Date

[Signature]  
Signature Property Owner(s)

ATUL ANORA  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 17.7m  
Depth 46.9m  
Area 707.84  
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:\_\_\_

	Main house:	Shed:
- ground floor area:	232.68m <sup>2</sup>	13.5m <sup>2</sup>
- number of stories:	2	1
- W x L x H:	12.96 x 19.39 x 7.50m	3 x 4.5 x 2.5m

Proposed

	Addition:	Cabana:
- ground floor area:	39.6m <sup>2</sup>	38.28m <sup>2</sup>
- number of stories:	1	1
- W x L x H:	6.6 x 6 x 3.66m	6.6 x 5.8 x 3.66m

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

Existing:

Distance	Main house:	Shed:
- side:	1.25 / 1.24m	0 / 8.34m
- rear:	19.53m	0m
- front:	7.58m	43.24m

Proposed:

Distance	Addition:	Cabana:
- side:	1.36 / 6.82m	1.02 / 7.36m
- rear:	12.93m	12.93m
- front:	26.97m	26.97m

13. Date of acquisition of subject lands:

2015

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

May 2016

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

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

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

16 yrs

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

Water  Connected

Sanitary Sewer  Connected

Storm Sewers  Sump Pump

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

TOWN OF ANCASTER-HAMILTON ZONING BY-LAW NO. 87-57

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

"R4-481" pursuant to Section 12 ("R4" zone) and 34 (Special Exception R4-481)

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

Yes  No

If yes, please provide the file number:

21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes  No

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

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 include separate sheet if needed)

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.

This declaration to be sworn by a Commissioner of Oaths.

I, Igor Lukac of the Regional Municipality of Halton in the City of Burlington solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the  
at the Region of Halton)  
)  
in the City)  
)  
of Burlington)  
)  
this 26<sup>th</sup> day of July A.D. 20 22)

[Signature]  
A Commissioner, etc.

[Signature])  
Applicant  
Kevin Klingenberg, Manager of  
Records and Information,  
Deputy Clerk  
The Corporation of the City of  
Burlington, Region of Halton  
A Commissioner of Oaths pursuant  
to s.228(4) of the Municipal Act

PART 26 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Atul Arora am the registered Owner(s) of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Igor Lukac of Oakville

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE July 6/2022 SIGNED [Signature]

PART 27 CONSENT OF THE OWNER

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

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

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

I, Atul Arora, the Owner(s), hereby agree and acknowledge  
(Print name of Owner(s))

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

July 6/2022  
Date

[Signature]  
Signature of Owner(s)

Date: \_\_\_\_\_

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

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 243 Diiorio Cir, Ancaster, Hamilton, ON L9K 1S9  
(Municipal address)

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



\_\_\_\_\_  
Signature of Owner or Authorized agent

Atul Arora

\_\_\_\_\_  
Please print name

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

**PART 29 COLLECTION OF INFORMATION**

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



Hamilton

CITY OF HAMILTON  
**COST ACKNOWLEDGEMENT AGREEMENT**

This Agreement made this 20<sup>th</sup> day of July, 20 22.

BETWEEN:

Igor Lukac  
Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

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

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

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

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

1. In this Agreement:

- (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated \_\_\_\_\_ with respect to the lands described in Schedule "A" hereto.
- (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Land Tribunal by a party other than the developer; and (c) the City appears before the Ontario Land Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses

2. The City agrees to process the application and, where the application is approved by the City but appealed to the Ontario Land Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.

3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Ontario Land Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Ontario Land Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.

17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

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

DATED at 3:32 PM this 20<sup>th</sup> day of July, 2022.

Elwyn  
WITNESS

[Signature]  
Per: ICOR LUKAC  
I have authority to bind the corporation.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Per:  
I have authority to bind the corporation

DATED at Hamilton, Ontario this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

City of Hamilton

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Clerk



**SCHEDULE "B"**  
**FORM OF ASSUMPTION AGREEMENT**

**THIS AGREEMENT** dated the 07. day of July 20 22.

**BETWEEN**

Atul Arora  
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

Igor Lukac  
(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON  
(hereinafter called the "Municipality")

OF THE THIRD PART

**WHEREAS** the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated Jul 20 2022.

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

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

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

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

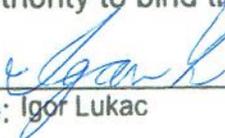
**IN WITNESS WHEREOF** the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

**SIGNED, SEALED AND DELIVERED**



c/s

Owner: Atul Arora  
Title:  
I have authority to bind the corporation



c/s

Assignee: Igor Lukac  
Title:  
I have authority to bind the corporation

**CITY OF HAMILTON**

\_\_\_\_\_

Mayor

\_\_\_\_\_

Clerk



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

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

<b>APPLICATION NO.:</b>	<b>SC/A-22:269</b>	<b>SUBJECT PROPERTY:</b>	219 JONES ROAD, STONEY CREEK,
<b>ZONE:</b>	"RR" (Rural Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:** Owner – John & Barbara Day

The following variances are requested:

1. A maximum accessory building height of 5.7m shall be permitted instead of the 4.5 metre maximum accessory building height permitted.
2. An eave or gutter on an accessory building shall be permitted to project a maximum of 0.28m into the required northerly side yard instead of the of the maximum 0.25m projection permitted.

**PURPOSE & EFFECT:** To permit the construction of a 71.5m<sup>2</sup> garage addition to the north side of an existing garage.

**Notes:**

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>1:20 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

**SC/A-22:269**

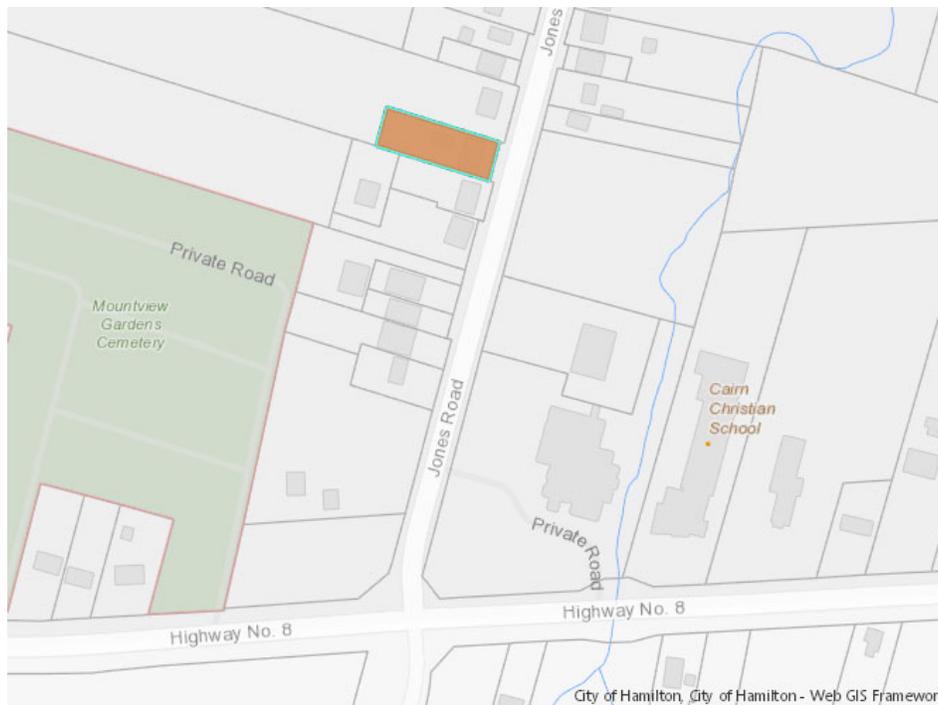
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 **Subject Lands**

DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

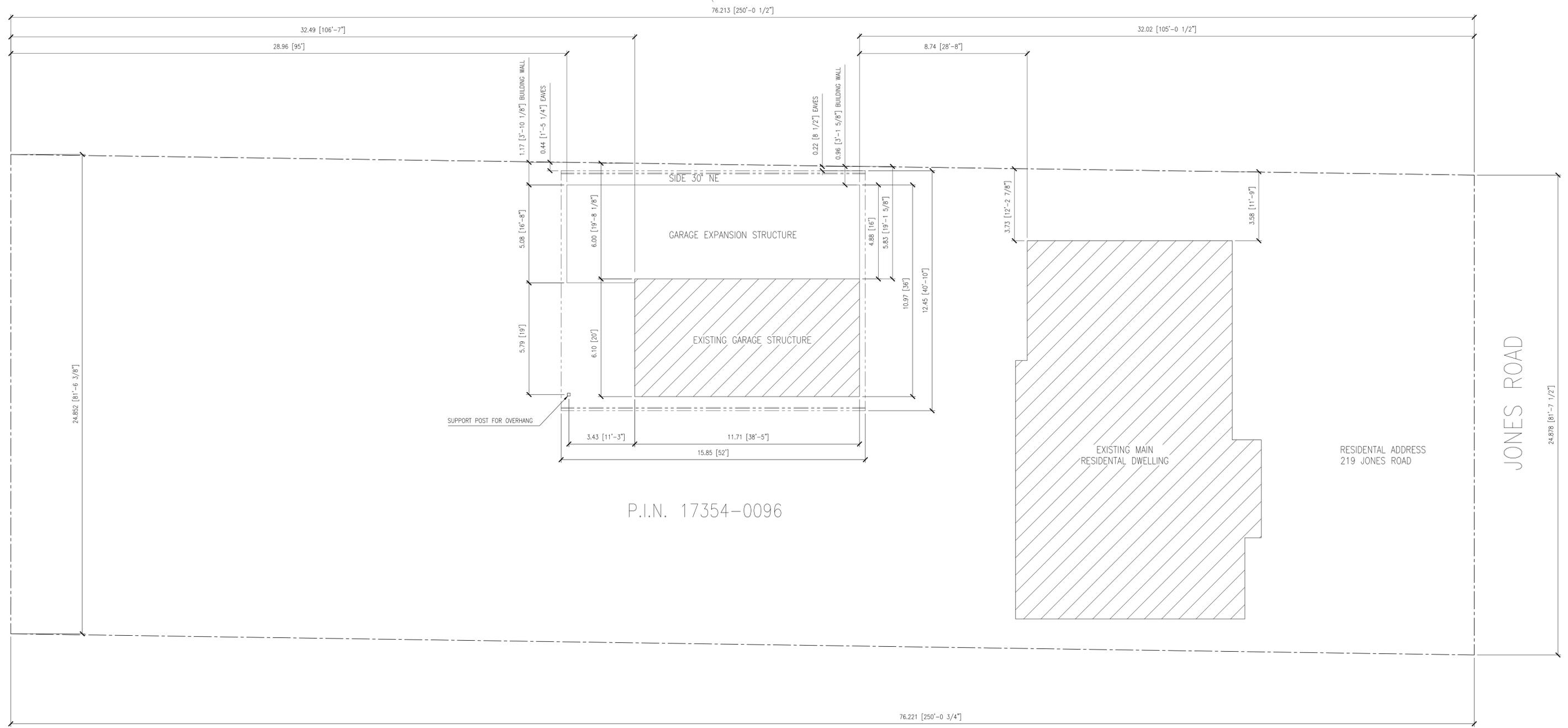
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

CITY OF HAMILTON BY-LAW FOR RURAL RESIDENTIAL ZONES  
 SECTION 6.1.4 ACCESSORY BUILDINGS IN RESIDENTIAL ZONES

- 8 METRES FROM FRONT LINE
- 0.5 METRES FROM ANY OTHER LOT LINE
- MAXIMUM BUILDING HEIGHT OF 4.5 METRES
- ACCESSORY BUILDING NOT TO EXCEED 10% LOT COVERAGE - 10% IS 188.4M2 AND GARAGE COVERAGES IS 145.6M2.



P.I.N. 17354-0096

RESIDENTIAL ADDRESS  
 219 JONES ROAD

JONES ROAD

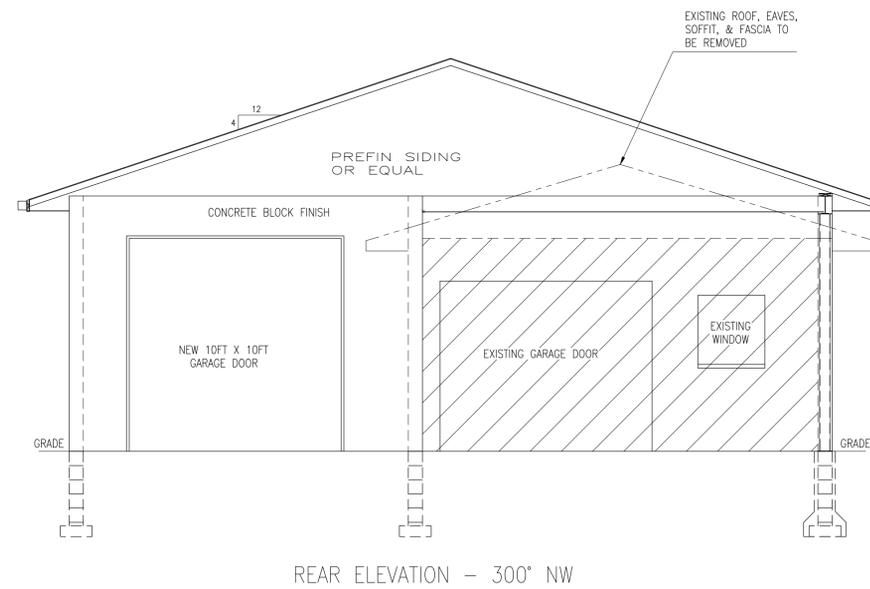
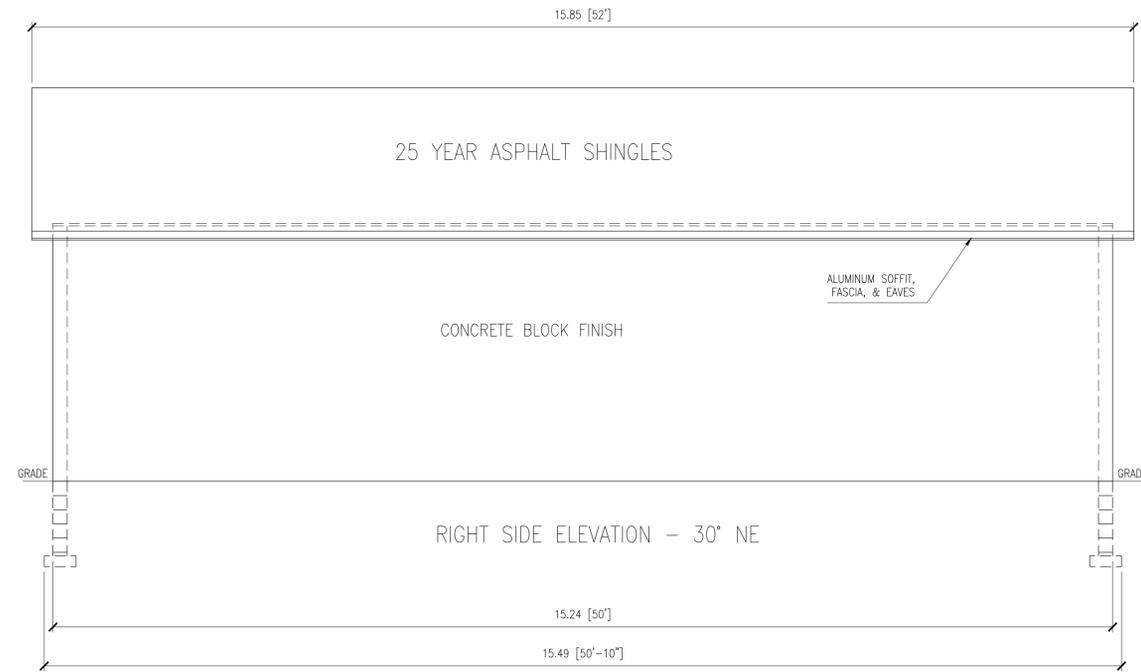
ALL DIMENSIONS SHOWN ARE IN METERS WITH SECONDARY DIMENSION IN FEET.

DRAWING TITLE		SCALE : 1:96	
GARAGE EXPANSION - LOT SURVEY - SHEET 1 OF 4		DRAWN : JD	2022/06/09
		CHECKED : --	--
		APPROVED : --	--
		DRAWING NUMBER	REV.
		D - 17354-0096	0

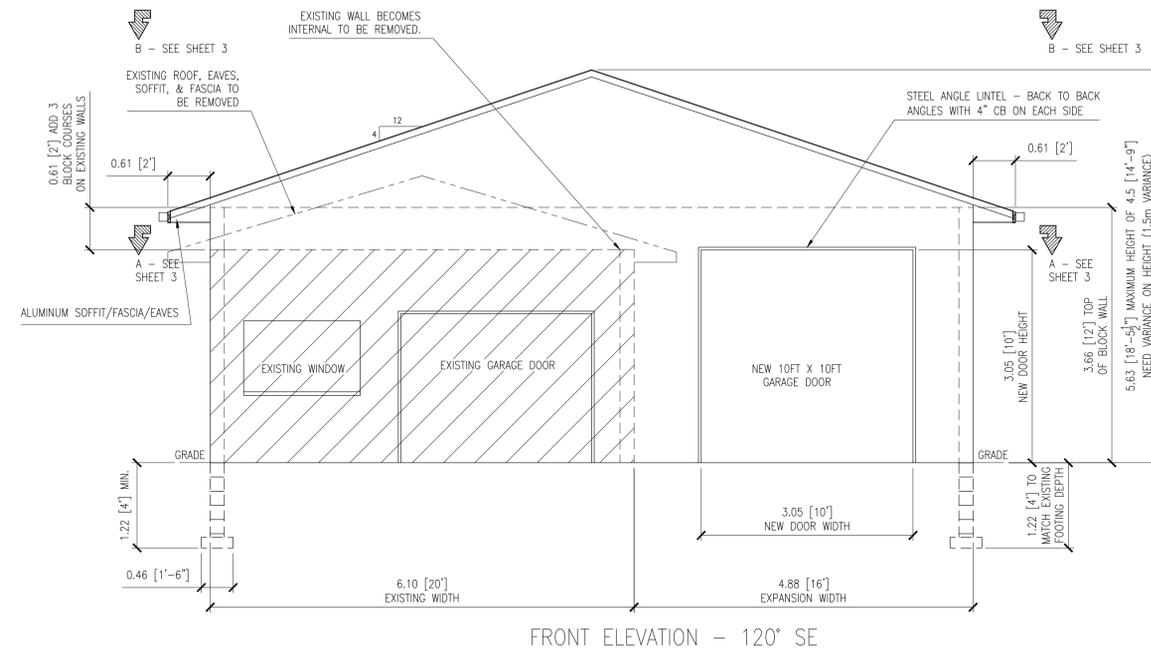
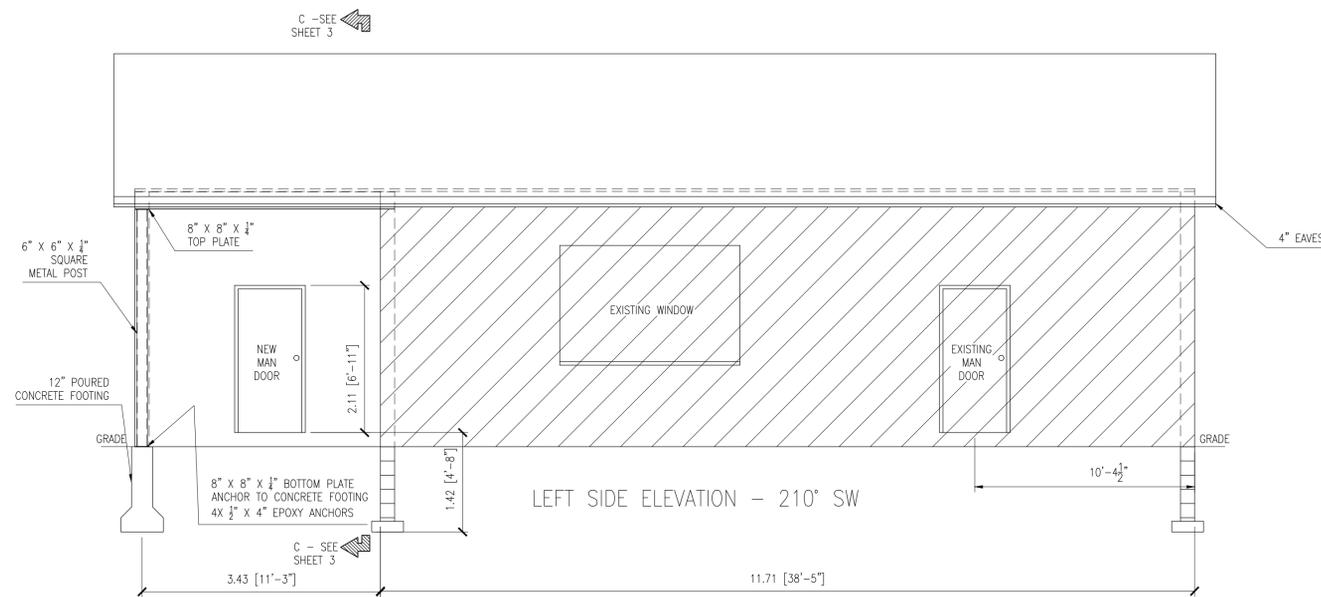
REV	REVISION DESCRIPTION	BY	YYYY/MM/DD

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

AUTOCAD



STEEL LINTEL SCHEDULE			
LINTEL SIZE	GARAGE DOOR FRONT	GARAGE DOOR LEFT SIDE	MAN DOOR LEFT SIDE
	10FT X 10FT	10FT X 10FT	3FT X 7FT
BACK TO BACK ANGLES 5" X 3-1/2" X 5/16"	2X 12'-0" LG.	2X 12'-0" LG.	2X 4'-0" LG.



ALL DIMENSIONS SHOWN ARE IN METERS WITH SECONDARY DIMENSION IN FEET.

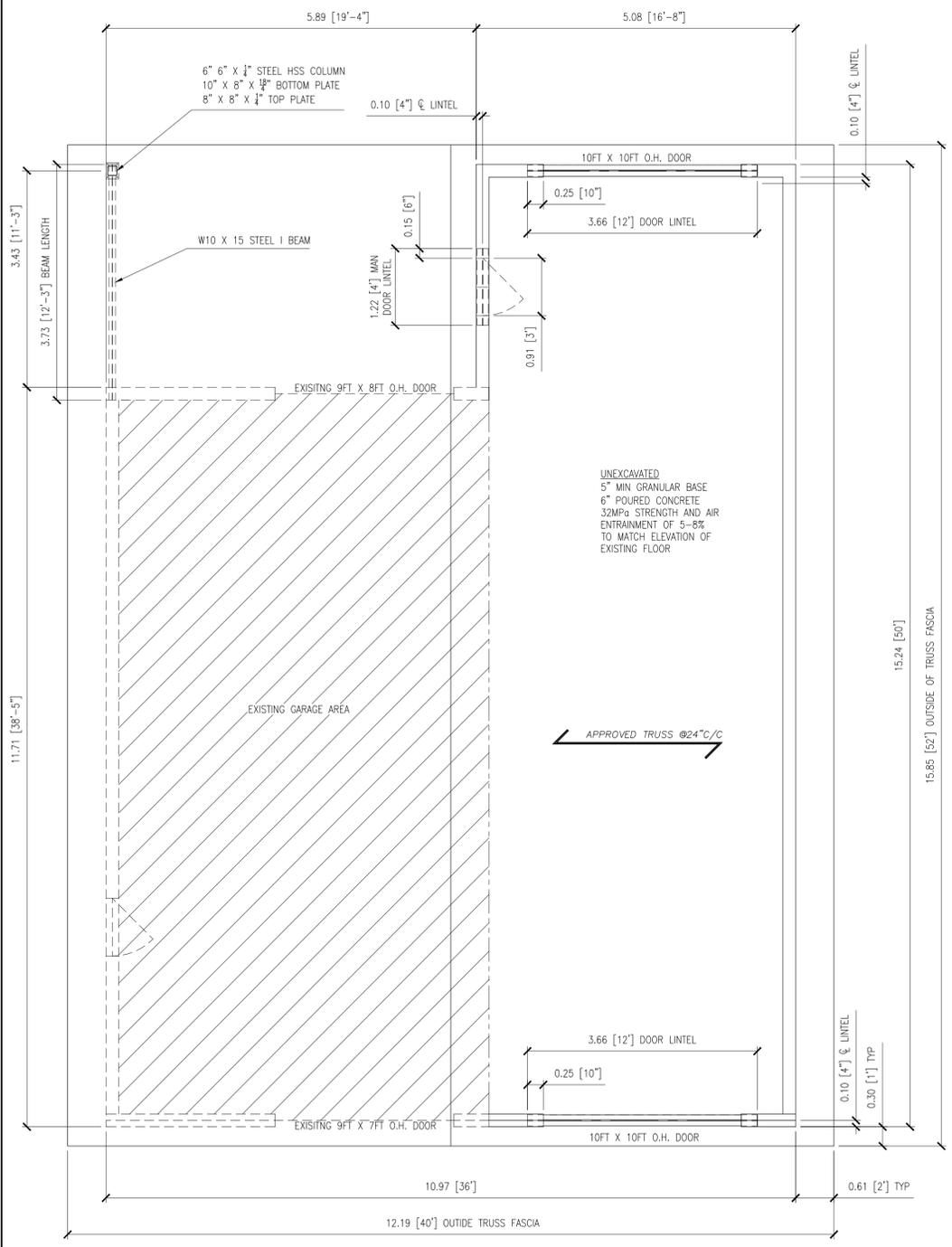
DRAWING TITLE  
GARAGE EXPANSION - PLAN & ELEVATION - SHEET 2 OF 4

REV	REVISION DESCRIPTION	BY	YYYY/MM/DD

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

SCALE :	1:48	DRAWING NUMBER D - 17354-0096	REV. 0
DRAWN :	JD		
CHECKED :	--		
APPROVED :	--		

AUTOCAD



PLAN VIEW B-B TOP

### GENERAL NOTES

**FOOTINGS**

- ALL FOOTINGS TO CONFORM TO THE ONTARIO BUILDING CODE SECTION 9.15
- ALL FOOTINGS TO BE 20MPa MIN AND BEAR ON SOUND UNDISTURBED SOIL CAPABLE OF SUSTAINING A SAFE BEARING CAPACITY OF 2500 PSF AT A DEPTH OF 4'-0" BELOW THE FINISHED GRADE ELEVATION. IF UPON EXCAVATING A LESSER SOIL BEARING CAPACITY IS ENCOUNTERED, THE ENGINEER IS TO BE NOTIFIED AND A NEW FOOTING DESIGN WILL BE PRODUCED.
- ALL STEP FOOTINGS TO HAVE A MINIMUM OF 24" HORIZONTAL RUN AND A MAXIMUM VERTICAL STEP OF NOT MORE THAN 24".

**SLABS ON GRADE**

- SLABS-ON-GRADE TO CONFORM TO THE ONTARIO BUILDING CODE SECTION 9.16.
- CONCRETE SLABS BELOW GRADE TO BE 3" THICK MINIMUM AND TO BEAR ON 4" GRANULAR FILL COMPACTED LEVEL WITH TOP OF FOOTINGS.
- HABITABLE ROOMS LOCATED ON CONCRETE SLABS TO BE DAMPROOFED WITH 6 MIL POLYETHYLENE.
- CONCRETE SLABS AT GRADE ELEVATION TO BE A MINIMUM OF 4" THICK AND REINFORCED WITH 6 X 6 - 8/8 WWF OR POLYPROPYLENE FIBRES.

**CONCRETE FOUNDATION WALLS**

- FOUNDATION WALLS TO CONFORM TO THE ONTARIO BUILDING CODE SECTION 9.13.4, AND BE A MIN OF 20MPa CONCRETE.
- ALL CONCRETE WALLS TO BE A MINIMUM OF 8" THICK UNLESS NOTED OTHERWISE.
- FOUNDATION WALLS TO EXTEND A MINIMUM OF 6" ABOVE FINISHED GRADE ELEVATION.
- BASEMENT WINDOW WITH A WIDTH OF GREATER THAN 4'-0" TO BE REINFORCED WITH 2-10M BARS EXTENDING 12" ON EACH SIDE.
- ALL FORM THE HOLES TO BE FILLED AND SEALED TO OBC 9.13.5.1.
- APPLY A MINIMUM OF ONE HEAVY COAT OF BITUMINOUS OR OTHER APPLICATION OF DAMPROOFING TO GRADE LEVEL.
- ANCHOR BOLTS FOR SILL PLATES TO BE 1/2" DIAMETER MINIMUM, GALVANIZED AND PLACED AT 7"-10" O.C. MAXIMUM.

**COLUMNS, BEAMS AND BEARING WALLS**

- STEEL COLUMN TOP PLATES TO BE CONNECTED TO BEAM WITH 2-1/2" DIA. BOLTS MINIMUM OR WELDED TO BEAM FLANGES.
- ALL STEEL BEAMS TO BE SHOP PRIMED WITH RED OXIDE PRIMER AND HAVE A MINIMUM END BEARING OF NOT LESS THAN 3-1/2".

**ABOVE GRADE MASONRY VENEER**

- WHERE THE TOP OF THE FOUNDATION WALL IS REDUCED IN THICKNESS TO PERMIT INSTALLATION OF BRICK FACING THE BRICK AND CONCRETE BLOCK WALLS TO HAVE APPROVED METAL TIES AT 8" O.C. VERTICAL AND 2'-11" O.C. HORIZONTALLY WITH THE SPACE BETWEEN THE WYTHES SOLIDLY FILLED WITH MORTAR.
- MAXIMUM CORBEL OVER FOUNDATION WALLS TO BE 1" WHERE MASONRY IS AT LEAST 3-1/2" THICK AND 1/2" WHERE MASONRY IS LESS THAN 3-1/2" THICK.
- BRICK VENEER TIES TO BE GALVANIZED CORROSION RESISTANT CORRUGATED 22 GA X 7/8" WIDE SPACED IN ACCORDANCE WITH OBC TABLE 9.20.9.A.
- PROVIDE FLASHING IN ACCORDANCE WITH OBC SECTION 9.20.13. UNDER STARTER COURSE AND EXTENDED A MINIMUM OF 6" UP THE WALL AND UNDER THE BUILDING PAPER.
- PROVIDE DRAINAGE WEEP HOLES IN BASE OF STARTER COURSE AT 32" O.C. AND AS INDICATED IN ACCORDANCE WITH OBC SECTION 9.20.13.9.
- PROVIDE A MINIMUM OF 1" AIR SPACE BETWEEN THE BRICK VENEER AND THE WALL SHEATHING.

**ROOF CONSTRUCTION**

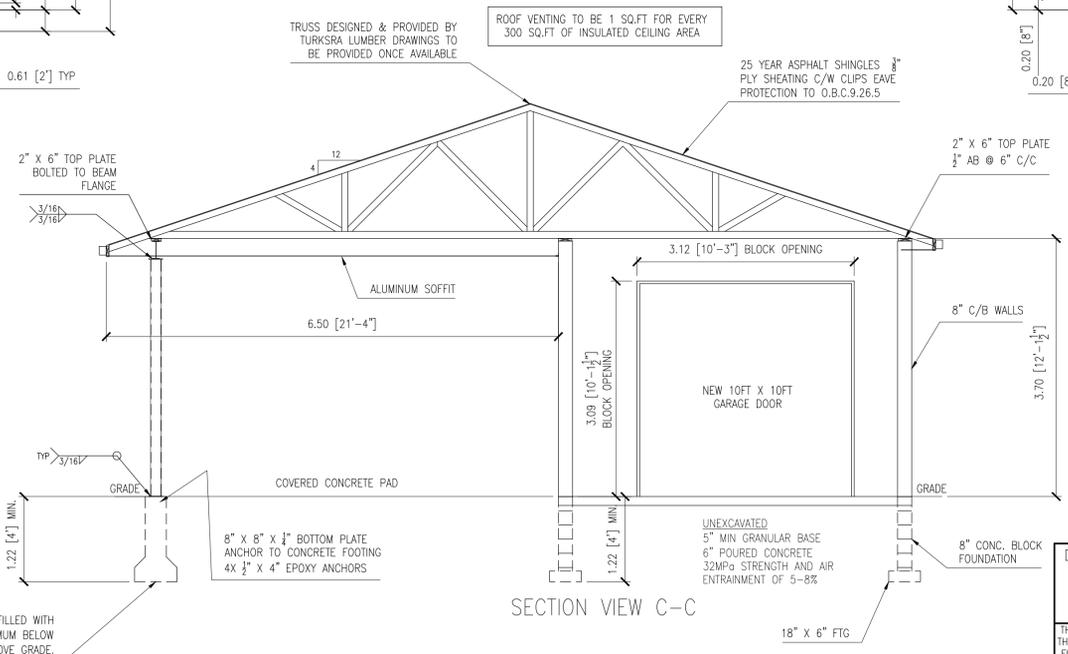
- HIP AND VALLEY RAFTERS TO BE NOT LESS THAN 2" GREATER IN DEPTH THAN THE COMMON RAFTERS AND NOT LESS THAN 1 1/2" THICK.
- ATTIC ACCESS HATCHES TO BE 22" X 28" MINIMUM WITH BUILT UP SIDES OF 5/8" PLYWOOD WHERE LOOSE INSULATION IS TO BE USED. HATCH COVER IS TO BE INSULATED AND WEATHERSTRIPPED OVER HEATED AREAS.
- PROVIDE TYPE S ROLL ROOFING EAVE PROTECTION FROM THE EDGE OF THE ROOF FOR A DISTANCE OF NOT LESS THAN 12" BEYOND THE INTERNAL FACE OF THE EXTERIOR WALLS.
- ROOF AND CEILING FRAMING TO BE DOUBLED ON EACH SIDE OF OPENING GREATER THAN 2 RAFTERS OR JOIST SPACING IN WIDTH.

**FLASHING**

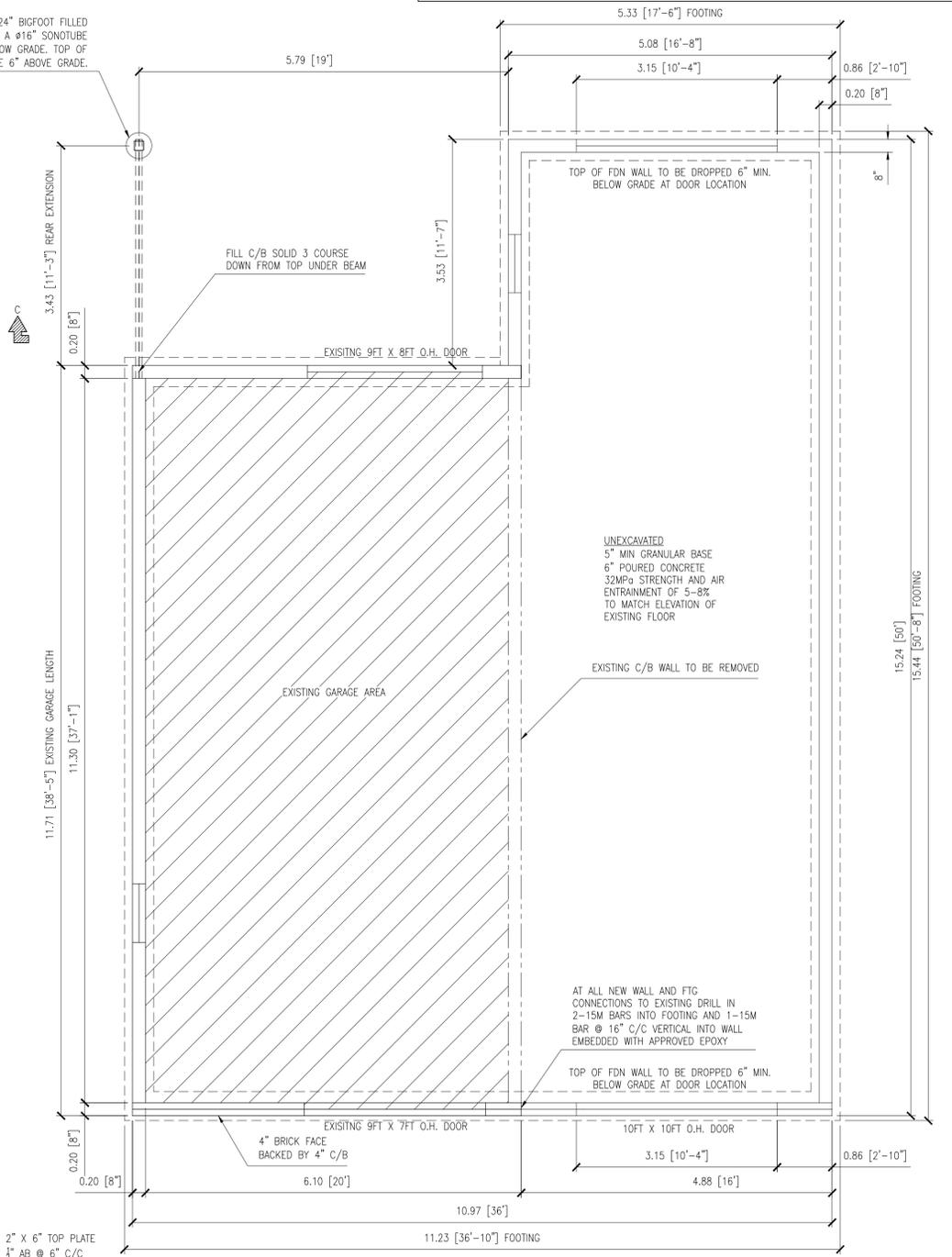
- FLASHING BETWEEN ROOF SHINGLES AND WALL SIDING TO EXTEND 3" UP BEHIND SIDING AND 4" HORIZONTALLY.
- FLASHING REQUIRED AT INTERSECTIONS OF ROOF AND WALLS, VALLEYS AND OVER PARAPET WALLS.
- FLASH AROUND ALL CHIMNEYS AND PROVIDE CHIMNEY SADDLES ON ALL CHIMNEYS WHERE THE WIDTH EXCEEDS 2'-6".
- FLASHING IS REQUIRED UNDER ALL MASONRY, WINDOW SILLS AND HEADS OF OPENINGS AND SHALL EXTEND FROM THE FRONT EDGE OF THE MASONRY UP BEHIND THE SILL OR LINTEL.

**NOTE:** ANY INFORMATION NOT SHOWN ON THESE DRAWINGS SHALL COMPLY TO DIVISION C SECTION 9 OF THE ONTARIO BUILDING CODE.

LINTEL SIZE	SPAN FROM FRONT	SPAN FROM REAR	SPAN FROM BOTH SIDES
BACK TO BACK ANGLES 5" X 3-1/2" X 5/16"	2X 12'-0" LG.	2X 12'-0" LG.	2X 4'-0" LG.
BACK TO BACK ANGLES 3-1/2" X 3-1/2" X 5/16"			



SECTION VIEW C-C



PLAN FOUNDATION LAYOUT - VIEW A-A

- FOUNDATION WALLS ARE POURED CONCRETE UNLESS OTHERWISE NOTED.
- ALL FOOTINGS TO BE 4'-0" MINIMUM BELOW THE FINAL GRADE & TO MATCH EXISTING.
- ALL FOOTINGS TO BE PLACED ON UNDISTURBED SOIL.
- DOUBLE JOISTS UNDER ALL PARALLEL PARTITIONS.
- #1 GRADE SPRUCE SPECIFICATION IS ASSUMED 50% #1 AND #2 MIXED, AND SPANS HAVE BEEN CALCULATED ACCORDINGLY.
- ALL FOOTINGS ARE 18"x6" UNLESS OTHERWISE NOTED.

ALL DIMENSIONS SHOWN ARE IN METERS WITH SECONDARY DIMENSION IN FEET.

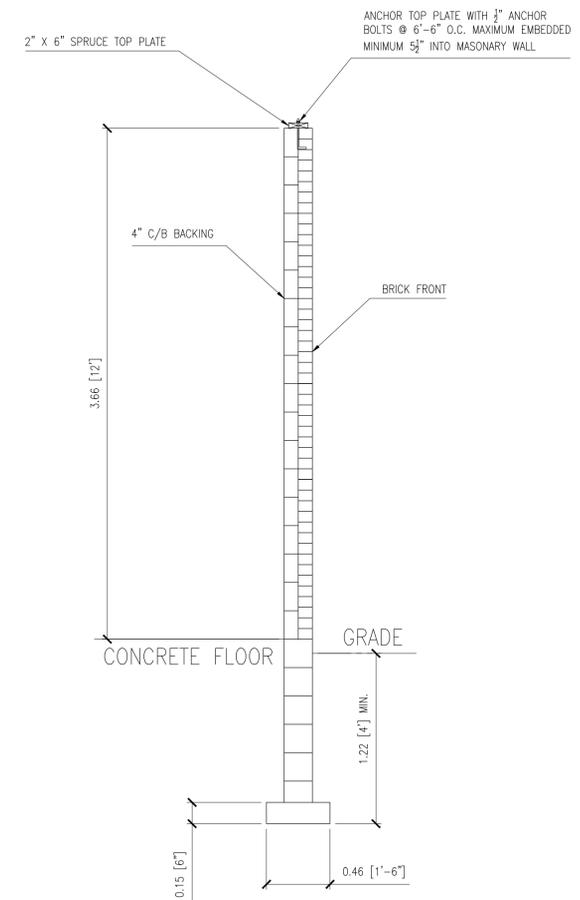
DRAWING TITLE  
GARAGE EXPANSION - PLAN & ELEVATION - SHEET 3 OF 4

REV	REVISION DESCRIPTION	BY	YYYY/MM/DD

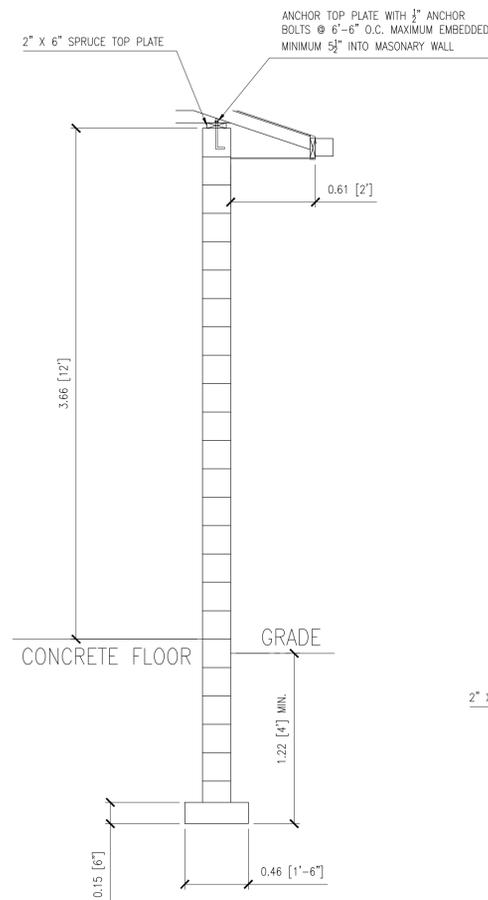
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

THIS DRAWING & DESIGN ARE PROPRIETARY TO JOHN DAY. ALL RIGHTS RESERVED. NEITHER THE DRAWING OR DESIGN MAY BE COPIED OR OTHERWISE DISSEMINATED IN ANY MANNER OR FORM, IN WHOLE OR IN PART, WITHOUT, IN EACH INSTANCE, THE PRIOR WRITTEN CONSENT OF JOHN DAY. UNAUTHORIZED REPRODUCTION OF THESE DRAWINGS IS PROHIBITED.

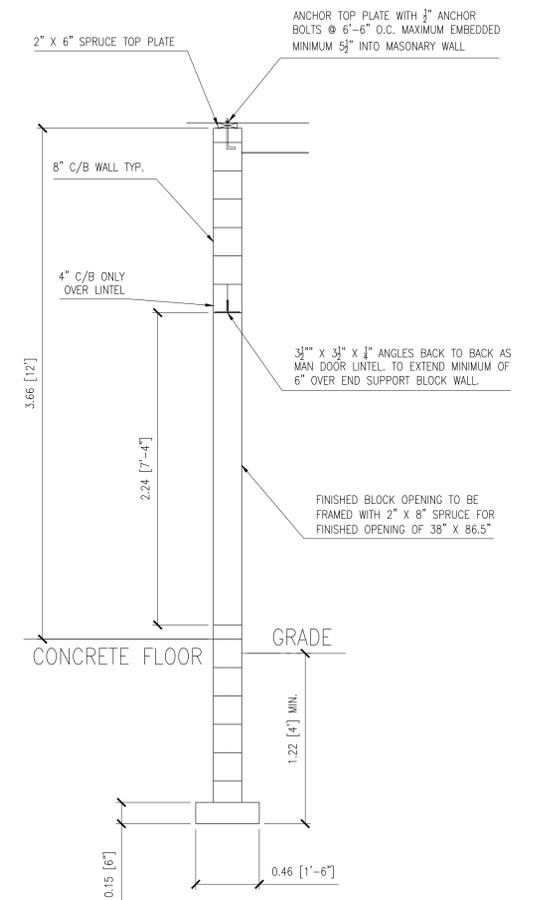
SCALE :	1:48	DRAWN :	JD	2022/06/09	DRAWING NUMBER	D - 17354-0096	REV.	0
CHECKED :	--	APPROVED :	--	--				



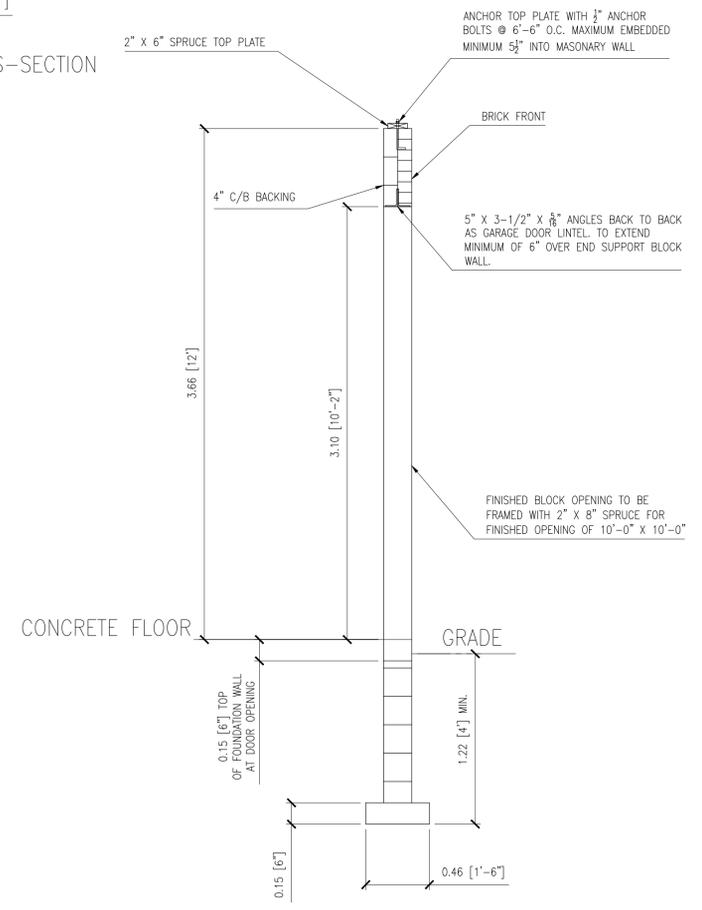
FRONT WALL TYPICAL CROSS-SECTION



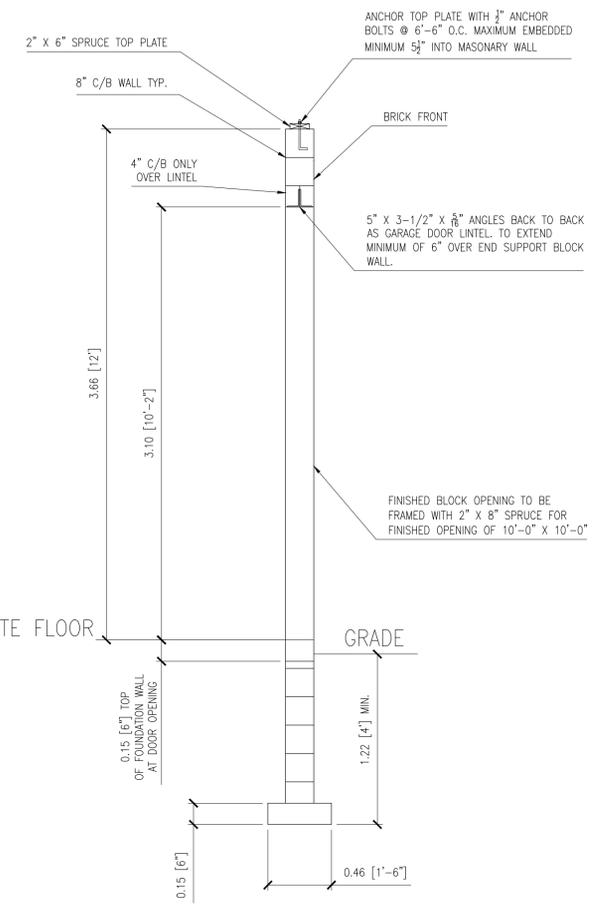
SIDE WALL TYPICAL CROSS-SECTION



SIDE WALL @ MAN DOOR CROSS-SECTION



FRONT WALL @ GARAGE DOOR CROSS-SECTION



BACK WALL @ GARAGE DOOR CROSS-SECTION

STEEL LINTEL SCHEDULE			
LINTEL SIZE	GARAGE DOOR FRONT	GARAGE DOOR LEFT SIDE	MAN DOOR
	10FT X 10FT	10FT X 10FT	3FT X 7FT
BACK TO BACK ANGLES 5" X 3-1/2" X 5/16"	2X 12'-0" LG.	2X 12'-0" LG.	
BACK TO BACK ANGLES 3-1/2" X 3-1/2" X 1/4"			2X 4'-0" LG.

ALL DIMENSIONS SHOWN ARE IN METERS WITH SECONDARY DIMENSION IN FEET.

DRAWING TITLE		SCALE : 1:24	
GARAGE EXPANSION - WALL SECTIONS - SHEET 4 OF 4		DRAWN : JD	2022/06/09
		CHECKED : --	--
		APPROVED : --	--
		DRAWING NUMBER	REV.
		D - 17354-0096	0

REV	REVISION DESCRIPTION	BY	YYYY/MM/DD



**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)	John Day Barbara Day	
Applicant(s)*	John Day Barbara Day	
Agent or Solicitor	John Day Barbara Day	

**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 of Canada  
 917 Queenston Road  
 Stoney Creek  
 L8G 1B8

**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 to 6.1.4(a) maximum building height shall be 4.5metres for accessory building. Looking for a variance to 5.7m.

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

To allow for car lifting equipment in the garage requires 12 foot ceilings. Along with install 10 foot tall doors and utilizing a standard pitch roof of 4/12 the restriction of 4.5metres is not reasonable. Will require variance up to 5.7m as shown on the provided drawings.

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**):

219 Jones Road, Stoney Creek, Ontario, L8E 5J4  
P.I.N. 17354-0096

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 8.1 to 8.10 above?

Past knowledge from previous owner along with neighbours.

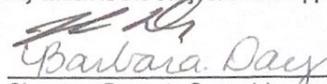
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

5-AUG-2022  
Date

  
Signature Property Owner(s)  
John Day  
Barbara Day  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 24.87m  
Depth 76.2m  
Area 1,896m<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:  
Main dwelling area 229.5m<sup>2</sup>, width 19.6m, depth 11.9m, height 7.2m  
Raised ranch 2 storey on ground dwelling  
Garage 71.5m<sup>2</sup>, width 6.1m, depth 11.7m, height 4.2m

Proposed  
Garage addition of 74.3m<sup>2</sup> to the north side of the existing garage. Increase height of garage to utilize 12 foot walls and 4/12 pitch roof will require 1.2m increase in height allowance. Total height from grade to peak not to exceed 5.7m

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

Existing:  
Accessory building north side line - front corner wall 5.83m , back corner wall 6m  
Front property line to front of building wall 32.02m  
Rear property line to back of building wall 32.49m

Proposed:  
Accessory building north side line - front corner wall 0.96m , back corner wall 1.17m  
Front property line to front of building wall 32.02m  
Rear property line to back of building wall 28.96m

13. Date of acquisition of subject lands:  
May 2013
14. Date of construction of all buildings and structures on subject lands:  
1999/2000
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
single family
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
single family
17. Length of time the existing uses of the subject property have continued:  
+23 years
18. Municipal services available: (check the appropriate space or spaces)  
Water Yes Connected Yes  
Sanitary Sewer Yes Connected Yes  
Storm Sewers \_\_\_\_\_
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Fruitland Winona Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Residential Rural "RR" Zone
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No
- If yes, please provide the file number:  
\_\_\_\_\_
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 Yes  No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)  
\_\_\_\_\_
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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>FL/B-22:84</b>	<b>SUBJECT PROPERTY:</b>	<b>93 CONCESSION 7 E, FLAMBOROUGH</b>
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**APPLICANTS:** Owner – Urmas Soomet & Barbara Kerr  
Agent – Andrew & Cheryl Bradshaw

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to be added to property known municipally as 99 Concession 7 E. as shown on the attached sketch.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	15 m <sup>±</sup>	52.4 (IREG) m <sup>±</sup>	0.07 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	96 m <sup>±</sup>	884 m <sup>±</sup>	14.8 ha <sup>±</sup>

Associated Planning Act File(s): N/A

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>1:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

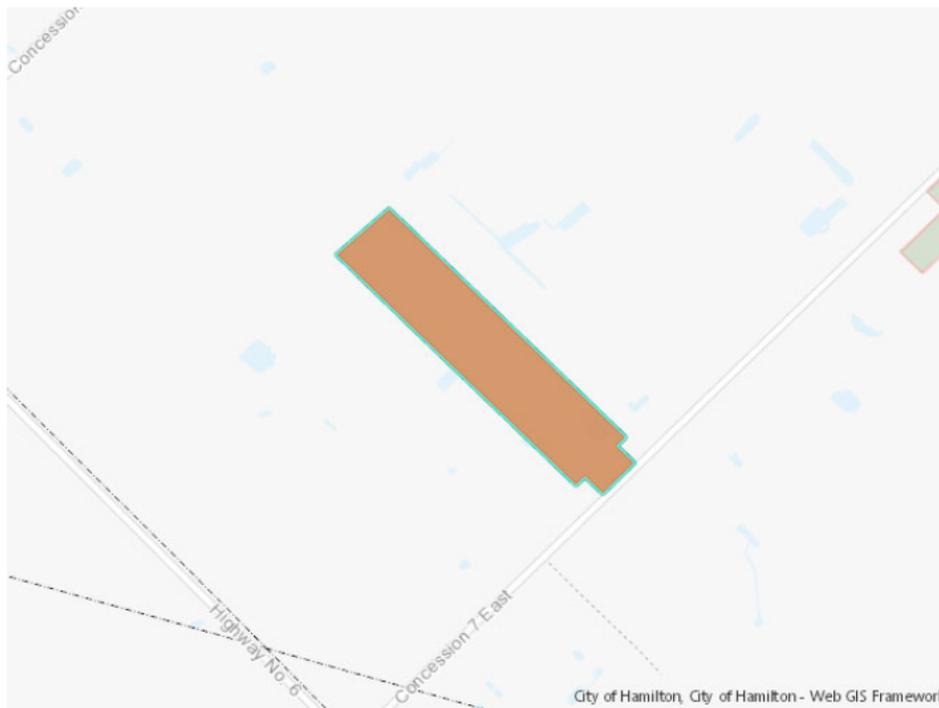
FL/B-22:84

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: August 23, 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, and may include posting electronic versions..

**FL/B-22:84**

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

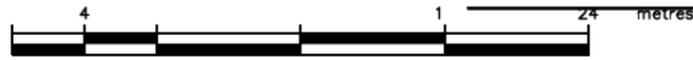
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

KENTVILLE ILLUSTRATIVE LAND DIVISION

NE 1 N 7 EAST

IN THE CITY OF HAMILTON

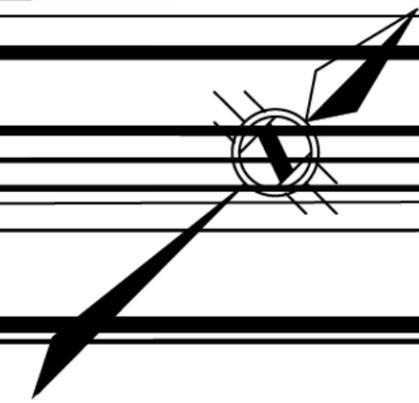
SCALE 1:4 METRES



A.T. McLAREN, L.L.B. - 2022

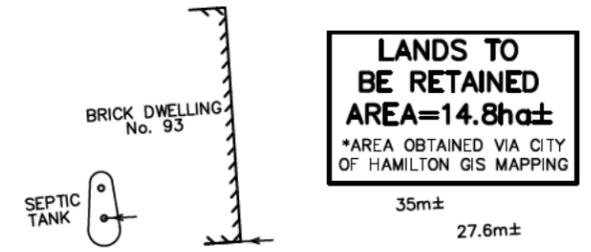
CONCESSION

LOT



LOT 11  
LOT 12

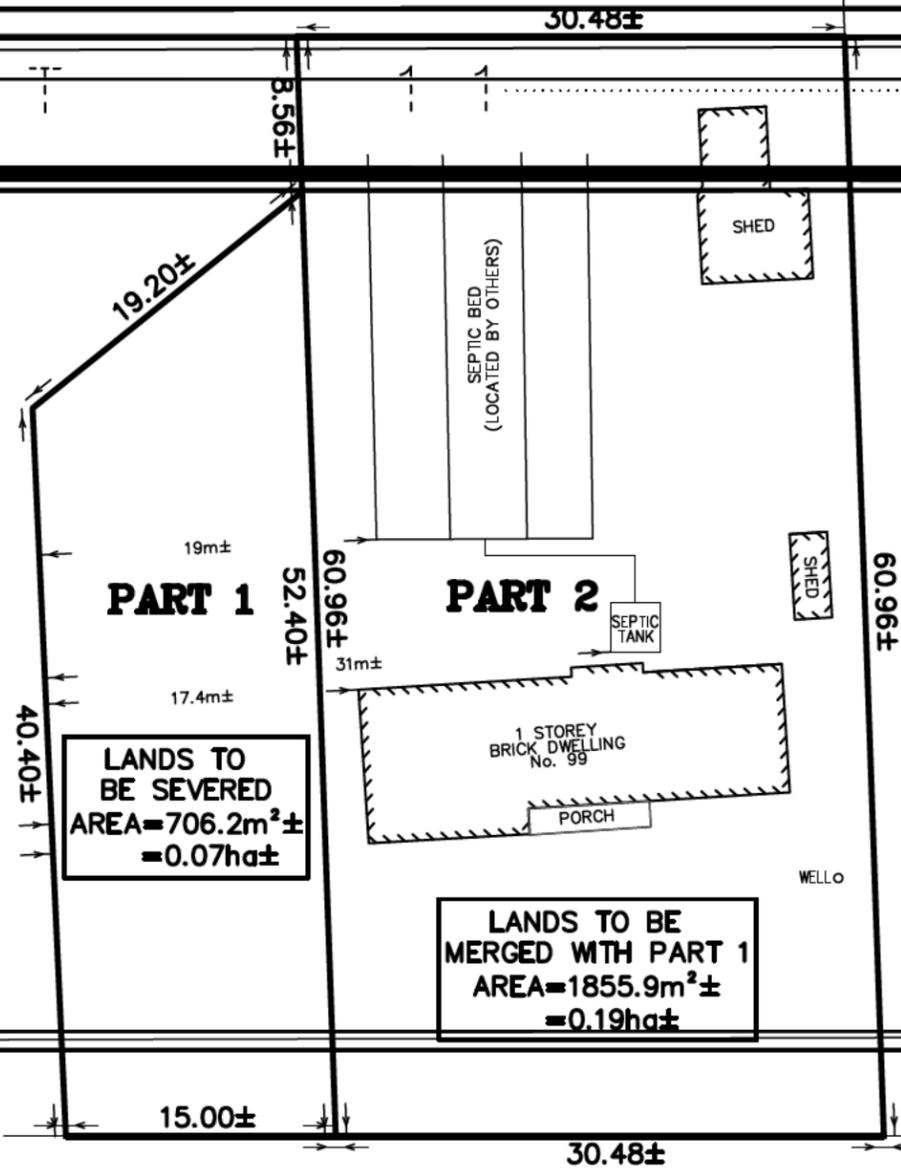
M.T. UTHERLY CORNER OF LOT 11, NE 1 N 7 EAST



**LANDS TO BE RETAINED**  
AREA=14.8ha±  
\*AREA OBTAINED VIA CITY OF HAMILTON GIS MAPPING

**LANDS TO BE SEVERED**  
AREA=706.2m<sup>2</sup>±  
=0.07ha±

**LANDS TO BE MERGED WITH PART 1**  
AREA=1855.9m<sup>2</sup>±  
=0.19ha±



**CONCESSION 7 EAST**  
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 6 & 7)

**AUTHOR:**  
A.T. McLaren Limited  
SURVEY AND MAPPING  
UNIVERSITY OF GUELPH  
UNIVERSITY OF GUELPH

**NOTE:**  
DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN BY A.T. McLAREN LTD. DATED MAY 30, 2022

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

**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

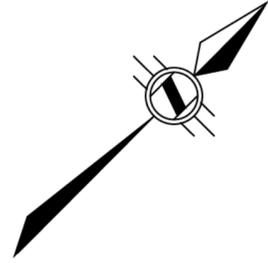
Drawn JC	Checked RAM	Crew Chief	Scale 1:400	Dwg.No. 36970-SK
-------------	----------------	------------	----------------	------------------

JUNE 17, 2022  
DATE

SKETCH TO ILLUSTRATE LAND DIVISION  
OF  
93 CONCESSION 7 EAST  
IN THE  
CITY OF HAMILTON  
SCALE 1:400 METRIC



R.A. McLAREN, O.L.S. - 2022



823.3±

175±

112.7±

13.2±

200.7±

LOT 12

LOT 11

359.9±

30±

61±

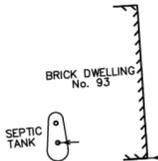
14.0±

C O N C E S S I O N

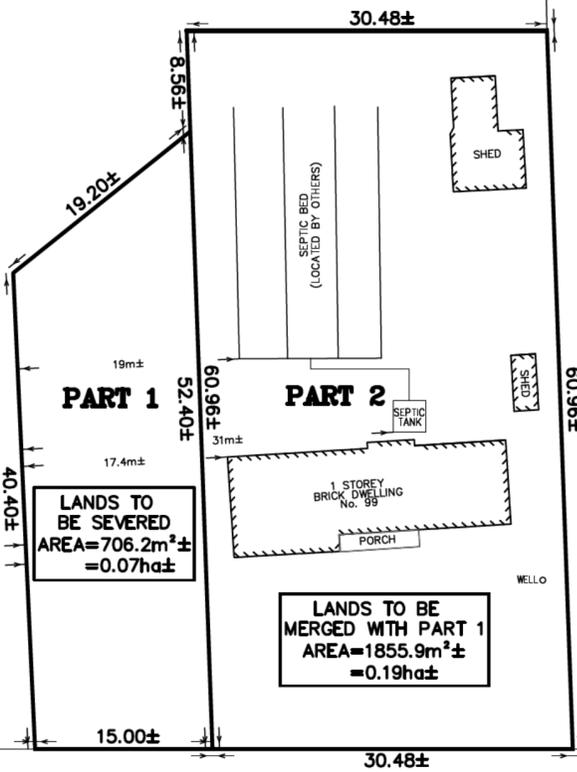
7

292.9±

MOST SOUTHERLY CORNER OF  
LOT 11, CONCESSION 7



**LANDS TO BE RETAINED**  
AREA=14.8ha±  
\*AREA OBTAINED VIA CITY OF HAMILTON GIS MAPPING



**LANDS TO BE SEVERED**  
AREA=706.2m<sup>2</sup>±  
=0.07ha±

**LANDS TO BE MERGED WITH PART 1**  
AREA=1855.9m<sup>2</sup>±  
=0.19ha±

**CAUTION:**

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

B) THIS PLAN IS PROTECTED BY COPYRIGHT ©

**NOTE:**

DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN BY A.T. McLAREN LTD. DATED MAY 30, 2022 AND PLAN BY A.T. McLAREN LTD. DATED JANUARY 2, 2020.

DISTANCES FOR MUNICIPAL ADDRESS No. 93 CONCESSION 7 WERE DERIVED FROM THE CITY OF HAMILTON GIS MAPPING.

**CONCESSION 7 EAST**  
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 6 & 7)

**METRIC NOTE:**

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

JULY 21, 2022  
DATE

**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn JC	Checked RAM	Crew Chief MWJ	Scale 1:400	Dwg.No. 36970-SK
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**SURVEYOR'S REAL PROPERTY REPORT**

PLAN OF SURVEY OF  
**PART OF LOT 11  
 CONCESSION 7**  
 GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH  
 BEING IN THE  
**CITY OF HAMILTON**

SCALE 1 : 200



**MacKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS**  
 © 2019

**KNOWN AS MUNICIPAL No. : 99 7th CONCESSION ROAD EAST**

**REPORT SUMMARY BEING 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 - DATE OCTOBER 9, 2019.

**REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:**  
 NONE

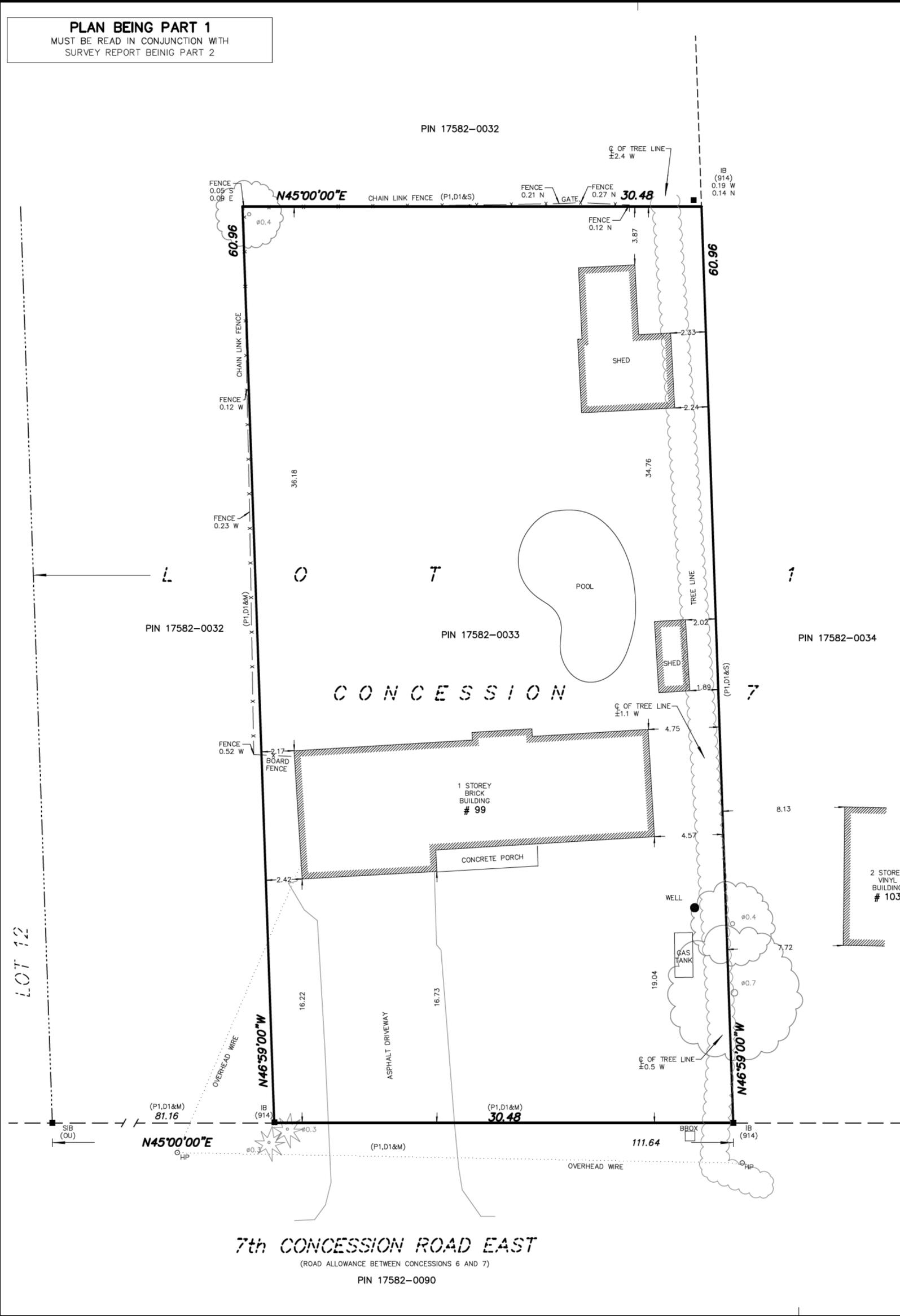
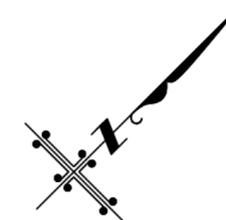
**ADDITIONAL REMARKS:**

REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES AND UTILITIES.

*Note :*

MacKAY, MacKAY & PETERS LIMITED grants CHERYL AND ANDREW BRADSHAW ["The Client(s)"], their solicitor and other related parties permission to use "Original Copies" of the Surveyor's Real Property Report in transactions involving "The Client(s)".

**"METRIC"** DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



**Legend :**

- DENOTES A SURVEY MONUMENT FOUND
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- OU DENOTES ORIGIN UNKNOWN
- ⊙ DENOTES CENTRE LINE
- PIN DENOTES PROPERTY IDENTIFICATION NUMBER
- ⊙ DENOTES ROUND
- HP DENOTES HYDRO POLE
- BBOX DENOTES BELL BOX
- P1 DENOTES PLAN BY PETER DEWHIRST, OLS DATED AUGUST 16, 1968
- D1 DENOTES INST. No. AB107125

ALL TIES ARE TO FOUNDATION UNLESS OTHERWISE NOTED

**Bearing Reference :**

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF 7th CONCESSION ROAD EAST, AS SHOWN ON P1, HAVING A BEARING OF N45°00'00\"/>

**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 11th DAY OF OCTOBER, 2019.

OCTOBER 23, 2019  
 DATE

*Roy C. Mayo*  
**ROY C. MAYO**  
 ONTARIO LAND SURVEYOR  
 FOR MACKAY, MACKAY & PETERS LIMITED

**ASSOCIATION OF ONTARIO  
 LAND SURVEYORS**

PLAN SUBMISSION FORM  
**2102777**



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

CAD FILE: E:\E:\(62) Hamilton-Wentworth\TWP) FLAMBOROUGH EAST\CON 7\LOT 11\19-243\19-243.dwg

**MMP**  
 MacKay, MacKay & Peters Limited  
 LAND SURVEYORS & MAPPERS  
 SINCE 1906

3380 South Service Road  
 Unit 101  
 Burlington, ON  
 L7N 3J5  
 (905) 639-1375  
 halton@mmplimited.com  
 mmpsurveyors.ca  
 mmplocators.ca

DRAWN BY: A.S.  
 PARTY CHIEF: A.C.  
 CHECKED BY: *FRM*  
 PROJECT NO.:  
**19-243**

**PLAN BEING PART 1**  
 MUST BE READ IN CONJUNCTION WITH  
 SURVEY REPORT BEING PART 2

**7th CONCESSION ROAD EAST**

(ROAD ALLOWANCE BETWEEN CONCESSIONS 6 AND 7)

PIN 17582-0090



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

	NAME
Purchaser*	Andrew Bradshaw Cheryl Bradshaw
Registered Owners(s)	Urmas Soomet Barbara Kerr
Applicant(s)**	Andrew Bradshaw Cheryl Bradshaw
Agent or Solicitor	

\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)

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

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

## 2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Flamborough	Lot 11	Concession 7 E	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 93 Concession 7 E, Millgrove ON L8B1T7			Assessment Roll N°. 2518303710518000000



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 (remainder)**:

Frontage (m) 96.0	Depth (m) 884.0	Area (m <sup>2</sup> or ha) 14.8 ha
----------------------	--------------------	--

Certificate Request for Retained Lands:  Yes\*

\* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: House

Proposed: None

Existing structures to be removed: None

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

4.3 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): Agricultural

Urban Hamilton Official Plan designation (if applicable): \_\_\_\_\_

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

Does not negatively affect the agricultural resources in the area as the subject lands are vacant and not currently used for agricultural purposes.

## 5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? A1

## 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"/>	270m
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	30m
A provincially significant wetland within 120 metres	<input checked="" type="checkbox"/>	30m
A flood plain	<input type="checkbox"/>	15m
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"/>	

\*Complete MDS Data Sheet if applicable

## 6 PREVIOUS USE OF PROPERTY

- Residential       Industrial       Commercial  
 Agriculture       Vacant       Other (specify)

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

- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
 Yes  No  Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
 Personal knowledge and that of the current owner of the subject lands.
- 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  
 Conforms with the official plans and is compatible with neighbouring uses of land.
- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes  No (Provide explanation)  
 This application complies with the rural lands permitted uses of the PPS section 1.1.5 and will not negatively impact residential growth as set out in section 1.4.1.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes  No (Provide explanation)  
 Subject land is not serviced by existing or planned municipal water/wastewater and would not be used for future housing development.
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes  No
- e) Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes  No  
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?  
 Yes  No  
 (Provide Explanation)  
 N/A
- f) Are the subject lands subject to the Parkway Belt West Plan?  
 Yes  No  
 If yes, is the proposal in conformity with the Parkway Belt West Plan?  
 Yes  No (Provide Explanation)  
 N/A
- g) Are the subject lands subject to the Greenbelt Plan?  
 Yes  No

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

Not creating a new lot. Not a specialty crop area. Conforms to the policies for lands within the Protected Country Side.

**8 HISTORY OF THE SUBJECT LAND**

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

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

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

n/a

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

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

n/a

8.4 How long has the applicant owned the subject land?

8.5 Does the applicant own any other land in the City?       Yes       No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

**9 OTHER APPLICATIONS**

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

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

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes       No       Unknown

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

File number \_\_\_\_\_ Status \_\_\_\_\_

**10 RURAL APPLICATIONS**

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

Agricultural       Rural       Specialty Crop

Mineral Aggregate Resource Extraction       Open Space       Utilities

Rural Settlement Area (specify) \_\_\_\_\_ A1 \_\_\_\_\_

Settlement Area      Designation

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

N/A

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

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

10.3 **Description of Lands**

a) Lands to be Severed:

Frontage (m): (from Section 4.1) 15	Area (m <sup>2</sup> or ha): (from in Section 4.1) 0.07 ha
--	---

Existing Land Use: VACANT Proposed Land Use: RESIDENTIAL

b) Lands to be Retained:

Frontage (m): (from Section 4.2) 66.16	Area (m <sup>2</sup> or ha): (from Section 4.2) 14.8 ha
---	--

Existing Land Use: RESIDENTIAL Proposed Land Use: RESIDENTIAL

10.4 **Description of Lands (Abutting Farm Consolidation)**

a) Location of abutting farm:

\_\_\_\_\_  
 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m <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: \_\_\_\_\_

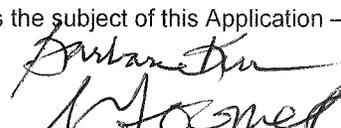
**11 OTHER INFORMATION**

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 ACKNOWLEDGEMENT CLAUSE**

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

Aug 01, 2022  
 \_\_\_\_\_  
 Date

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

**13 AFFIDAVIT OR SWORN DECLARATION**

13.1 Declaration For the Prescribed Information

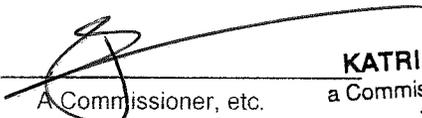
I, Andrew Bradshaw of the City of Hamilton  
of the Province of Ontario make oath and  
say (or solemnly declare) that the information contained in this application is true and that the  
information contained in the documents that accompany this application in respect of the  
application is true.

Sworn (or declared) before me at the

City of Hamilton this

2nd day of August, 2022

  
Applicant's Signature

  
A Commissioner, etc.

**KATRINA JAMILA SHEFFIELD,**  
a Commissioner, etc., Province of Ontario,  
for the City of Hamilton.  
Expires July 30, 2025.

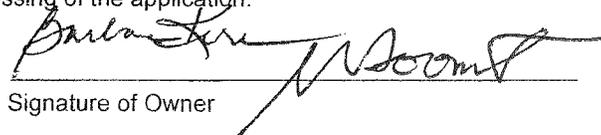
**14 AUTHORIZATIONS**

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

**Authorization of Owner for Agent to Provide Personal Information**

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

Aug 01, 2022  
Date

  
Signature of Owner

**15 CONSENT OF THE OWNER**

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

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

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

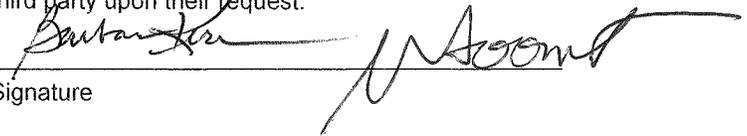
I, Urmas Soomet & Barbara Kerr, the Owner(s),  
 (Print name) (purchaser, owner, etc.)

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

Aug 01, 2022

Date

Signature


**16 COLLECTION OF INFORMATION**

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

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

**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)

CITY OF HAMILTON  
**COST ACKNOWLEDGEMENT AGREEMENT**

This Agreement made this 2nd day of August, 2022.

## BETWEEN:

Andrew Bradshaw & Cheryl Bradshaw

Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

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

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

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

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

1. In this Agreement:
  - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated \_\_\_\_\_ with respect to the lands described in Schedule "A" hereto.
  - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Land Tribunal by a party other than the developer; and (c) the City appears before the Ontario Land Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Ontario Land Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole

discretion, of taking no further steps in supporting the Developer's application before the Ontario Land Tribunal.

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

transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

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

DATED at <sup>99 Concession 7 E Millgrove ON</sup> this 01 day of August, 2022.

Urmas Soomet

WITNESS





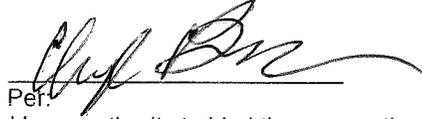
Per:

I have authority to bind the corporation.

Barbara Kerr

WITNESS





Per:

I have authority to bind the corporation

DATED at Hamilton, Ontario this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

City of Hamilton

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Clerk

Schedule "A"  
Description of Lands

See drawings attached

**SCHEDULE "B"**  
**FORM OF ASSUMPTION AGREEMENT**

THIS AGREEMENT dated the 01 day of August, 2022.

**BETWEEN**

Urmas Soomet & Barbara Kerr  
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

Andrew Bradshaw & Cheryl Bradshaw  
(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON  
(hereinafter called the "Municipality")

OF THE THIRD PART

**WHEREAS** the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated Aug 01, 2022

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

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

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

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

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

**SIGNED, SEALED AND DELIVERED**

Urmas Soomet & Barbara Kerr <sup>c/s</sup>

Owner: \_\_\_\_\_  
Title: *Urmas Soomet Barbara Kerr*  
I have authority to bind the corporation

Andrew Bradshaw & Cheryl Bradshaw <sup>c/s</sup>

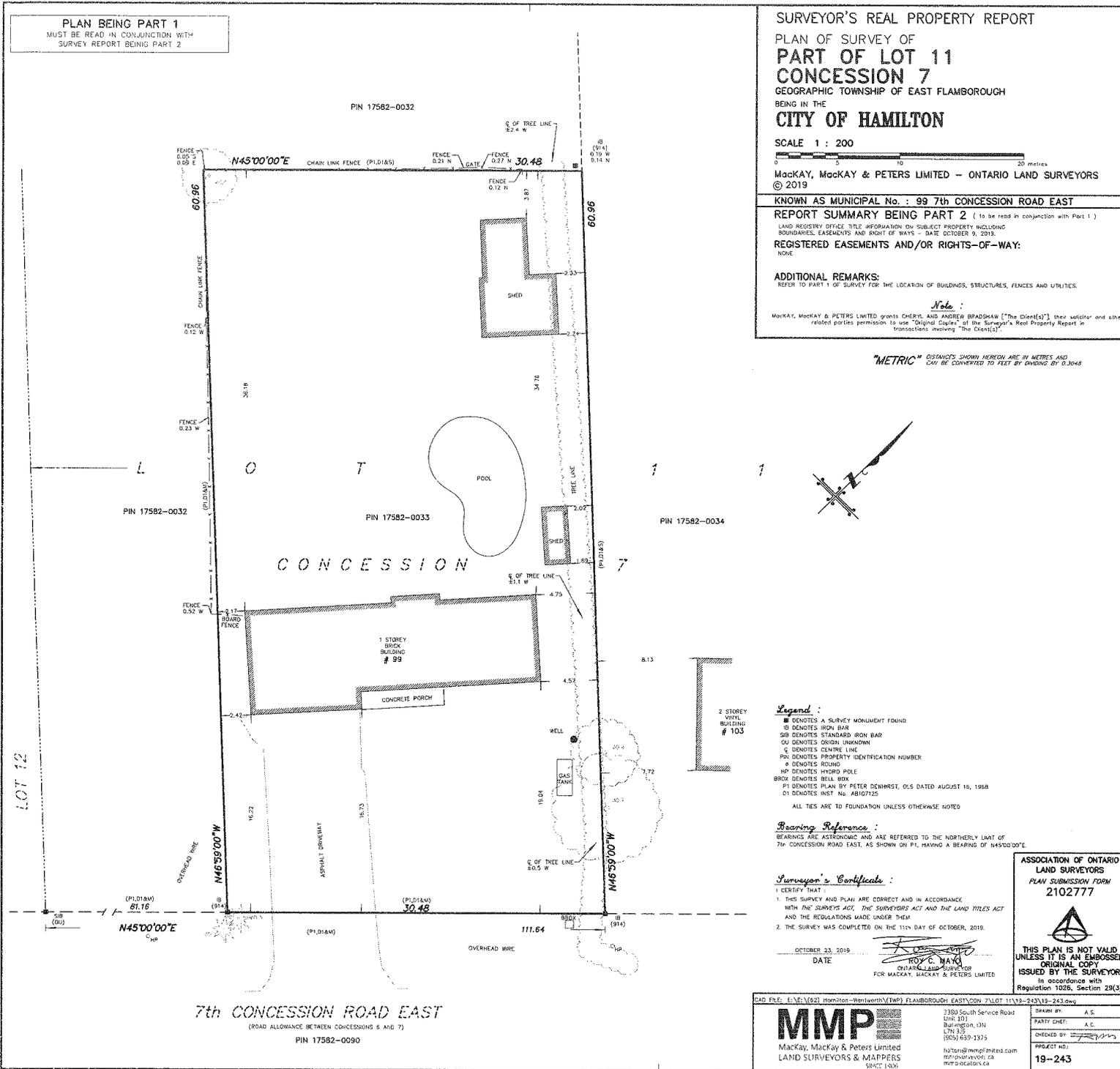
Assignee: \_\_\_\_\_  
Title: *Andrew Bradshaw Cheryl Bradshaw*  
I have authority to bind the corporation

**CITY OF HAMILTON**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



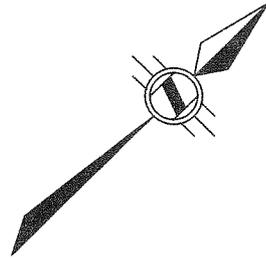


SKETCH TO ILLUSTRATE LAND DIVISION  
OF  
93 CONCESSION 7 EAST  
IN THE  
CITY OF HAMILTON

SCALE 1:400 METRIC



R.A. McLAREN, O.L.S. - 2022



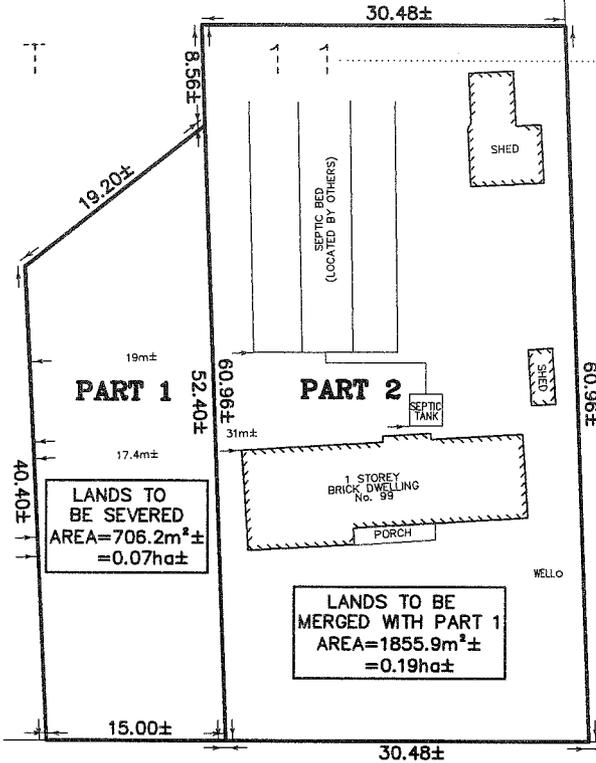
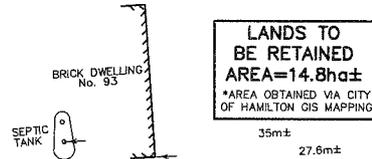
CONCESSION

LOT

7

LOT 11

MOST SOUTHERLY CORNER OF  
LOT 11, CONCESSION 7



LANDS TO  
BE SEVERED  
AREA=706.2m<sup>2</sup>±  
=0.07ha±

LANDS TO BE  
MERGED WITH PART 1  
AREA=1855.9m<sup>2</sup>±  
=0.19ha±

CONCESSION 7 EAST  
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 6 & 7)

CAUTION:

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

B) THIS PLAN IS PROTECTED BY COPYRIGHT ©

NOTE:

DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN BY A.T. McLAREN LTD. DATED MAY 30, 2022

METRIC NOTE:

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

JUNE 17, 2022

DATE



A.T. McLaren Limited  
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn JC	Checked RAM	Crew Chief	Scale 1:400	Dwg.No. 36970-SK
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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

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

<b>APPLICATION NO.:</b>	FL/A-22:271	<b>SUBJECT PROPERTY:</b>	1044 GARDEN LANE, FLAMBOROUGH
<b>ZONE:</b>	"A1,P7 & P8" (Conservation Hazard Land and Agriculture)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05- 200, as Amended

**APPLICANTS:** Owner – Zahira Khalid

The following variances are requested:

1. The proposed accessory building (greenhouse for personal use) shall be permitted to be located in the front yard as close as 65.0m from the front lot line whereas the zoning By-law states that accessory buildings shall not be permitted within a front or flankage yard.
2. A maximum building height of 4.7m shall be permitted for the proposed accessory building (greenhouse for personal use) instead of the maximum 4.5m height permitted.

**PURPOSE & EFFECT:** To facilitate the construction of a new accessory building to be used as a greenhouse for personal use (hobby farming) for the existing single detached dwelling on the farm.

**Notes:**

The applicant shall ensure that the height dimension as requested in Variance #2, is determined from grade as defined in the Zoning by-law to the uppermost point of the building. Otherwise, further variance may be required.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

**FL/A-22:271**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>1:30 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

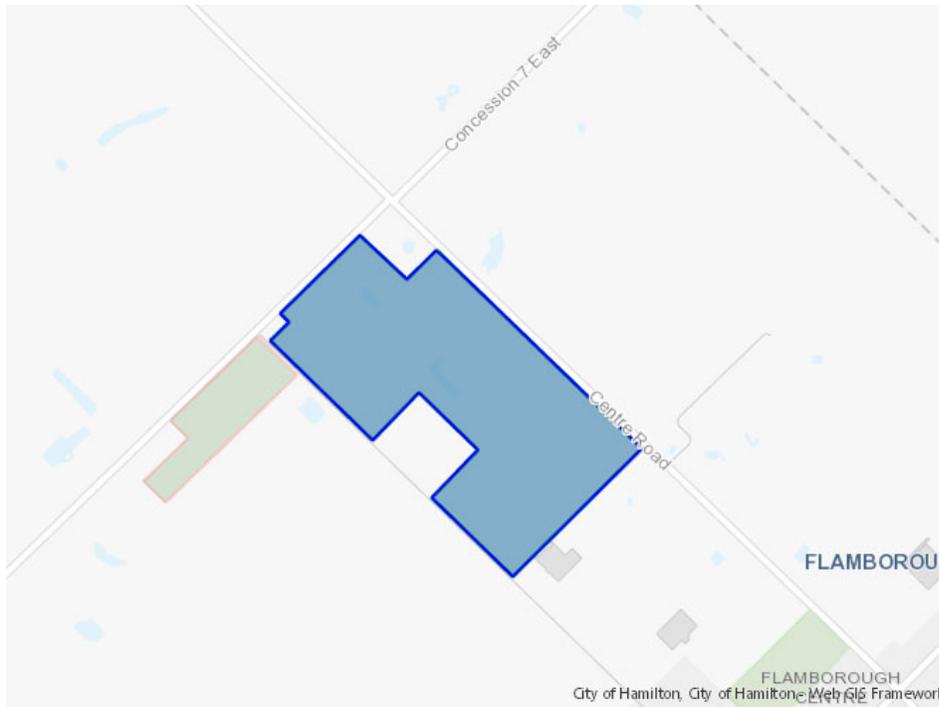
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FL/A-22:271



DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

Please find enclosed

2 copies of minor variance Application

2 copies of Site Plan drawing

2 copies of greenhouse (proposed) engineering drawing.

2 copies of letters from Site Plan & Conservation

Authority

Thankyou.

Zahra Khalid  
9 0551 8844,



**Hamilton**

Planning and Economic  
Development Department

## Memorandum

**To:** Dio Ortiz  
Manager, Building Engineering and Zoning

**From:**  Jessica Abrahamse M.E.S., Natural Heritage Planner (ext. 1231)  
Heritage and Urban Design

Melissa Kiddie, Natural Heritage Planner (ext. 1290)  
Heritage and Urban Design

**Date:** May 18, 2022

**Subject:** **Exemption from Site Plan Control By-law No. 15-176 for 1044 Garden Lane for Development within or adjacent to Core Areas**

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In accordance with Section 9.1 of Site Plan Control By-law No. 15-176, Site Plan Control shall apply to *“any buildings or structures, including accessory buildings and structures, decks and additions to existing buildings, situated Adjacent to or within a Core Area (s), except for single detached, duplex, semi-detached or street townhouse dwellings located within a plan of subdivision or plan of condominium draft approved after January 1, 2013”*.

Proposed Development (Please briefly describe proposed development and attach concept plan/map):

New greenhouse

Core Areas include:

An adjacent ESA, Provincially Significant Woodlands and Provincially Significant Wetlands and a watercourse

Based on a review of the proposed development, the following is applicable:

- Proposed development is located within the footprint of an existing structure.
- Proposed development is located within a disturbed area (i.e. manicured area).
- Proposed development is located at least X metres away from the Core Areas.
- Correspondence has been provided by the relevant Conservation Authority (attached).

Therefore, Site Plan Control for the above property is waived.

**Notes:**

Additional Comments

- 2 -

This memo does not exempt the proposal from the requirements of a building permit, nor does it exempt the proposal from the requirements of the Zoning By-law or any further regulations. Please be advised that should the application change, the Planning Division has the right to review the revised submission.

If you have any questions, please contact Tiffany Singh, Planner I @ ext. 1221

May 16, 2022

Zahira Khalid  
1044 Garden Lane  
Hamilton, Ontario L8B 1P1

**BY EMAIL ONLY ([Zahira.khalid@medportal.ca](mailto:Zahira.khalid@medportal.ca))**

To Zahira Khalid:

**Re: Construction of a ±33 ft greenhouse for personal use on a property partially regulated by Conservation Halton  
1044 Garden Lane  
City of Hamilton**



Planning & Watershed Management  
905.336.1158 | Fax: 905.336.6684  
2596 Britannia Road West  
Burlington, Ontario L7P 0G3  
[conservationhalton.ca](http://conservationhalton.ca)

The applicant is proposing to construct a ±33 ft geodesic dome greenhouse for personal use. The greenhouse will be anchored on a 36 ft concrete foundation, serviced by water and electricity from the existing dwelling. Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The property, 1044 Garden Lane, Hamilton, is traversed by a tributary of Grindstone Creek and contains the flooding and erosion hazards associated with that watercourse. Additionally, the property contains Provincially Significant Wetland (PSW). CH regulates those hazards/features, plus a 15m allowance from the creek hazards, and 120m from the PSW for this particular site. Permission is required from CH prior to undertaking development within CH's regulated area and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06*.

**Staff has reviewed the submission and note that the proposed works are to occur outside of the portion of the property which is regulated by CH. As such, CH has no objection to the proposed development as shown on the attached plans date stamped May 16, 2022.**

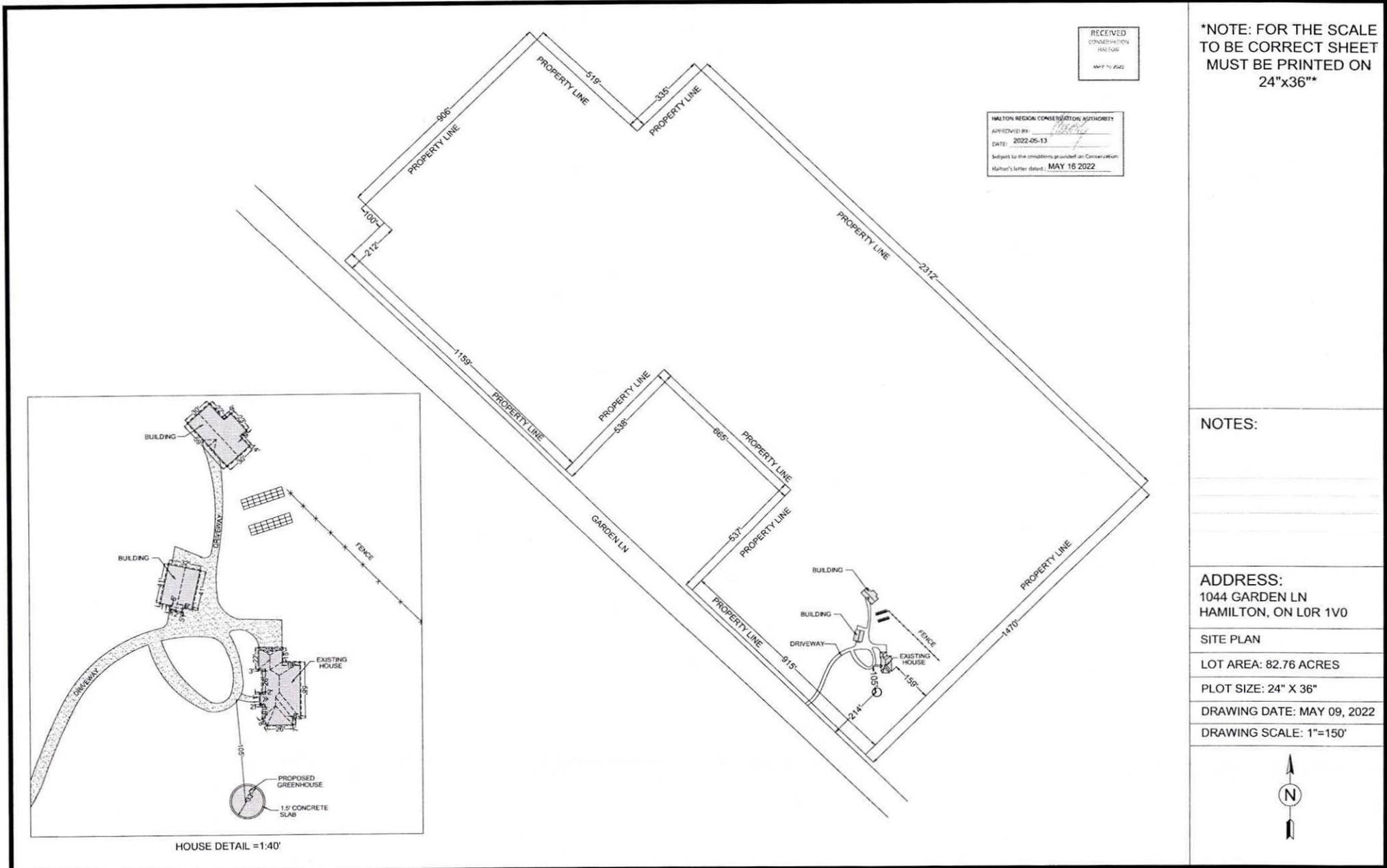
Please note that, separate from any review pursuant to Ontario Regulation 162/06, CH provides peer review advice to the City of Hamilton through our Memorandum of Agreement (MOA) on issues related to natural heritage and environmental features, as well as the Provincial Policy Statement (PPS). The above comments relate strictly to CH's review under Ontario Regulation 162/06 and comments related to the MOA and/or the PPS will be provided when requested by the City of Hamilton, as part of any *Planning Act* application review in the future. Please note that the City of Hamilton may collect fees for Conservation Halton, related to our review of *Planning Act* applications.

If you have any further questions, please contact the undersigned at [cconnolly@hrca.on.ca](mailto:cconnolly@hrca.on.ca).

Yours truly,

Cassandra Connolly  
Regulations Officer

Cc: City of Hamilton, Building Department, By Email: [building@hamilton.ca](mailto:building@hamilton.ca)



RECEIVED  
CONSERVATION  
HAMILTON  
MAY 10 2022

HALTON REGION CONSERVATION AUTHORITY  
APPROVED BY: [Signature]  
DATE: 2022-05-13  
Subject to the conditions provided on Conservation  
Authority's letter dated: MAY 16 2022

\*NOTE: FOR THE SCALE  
TO BE CORRECT SHEET  
MUST BE PRINTED ON  
24"x36"\*

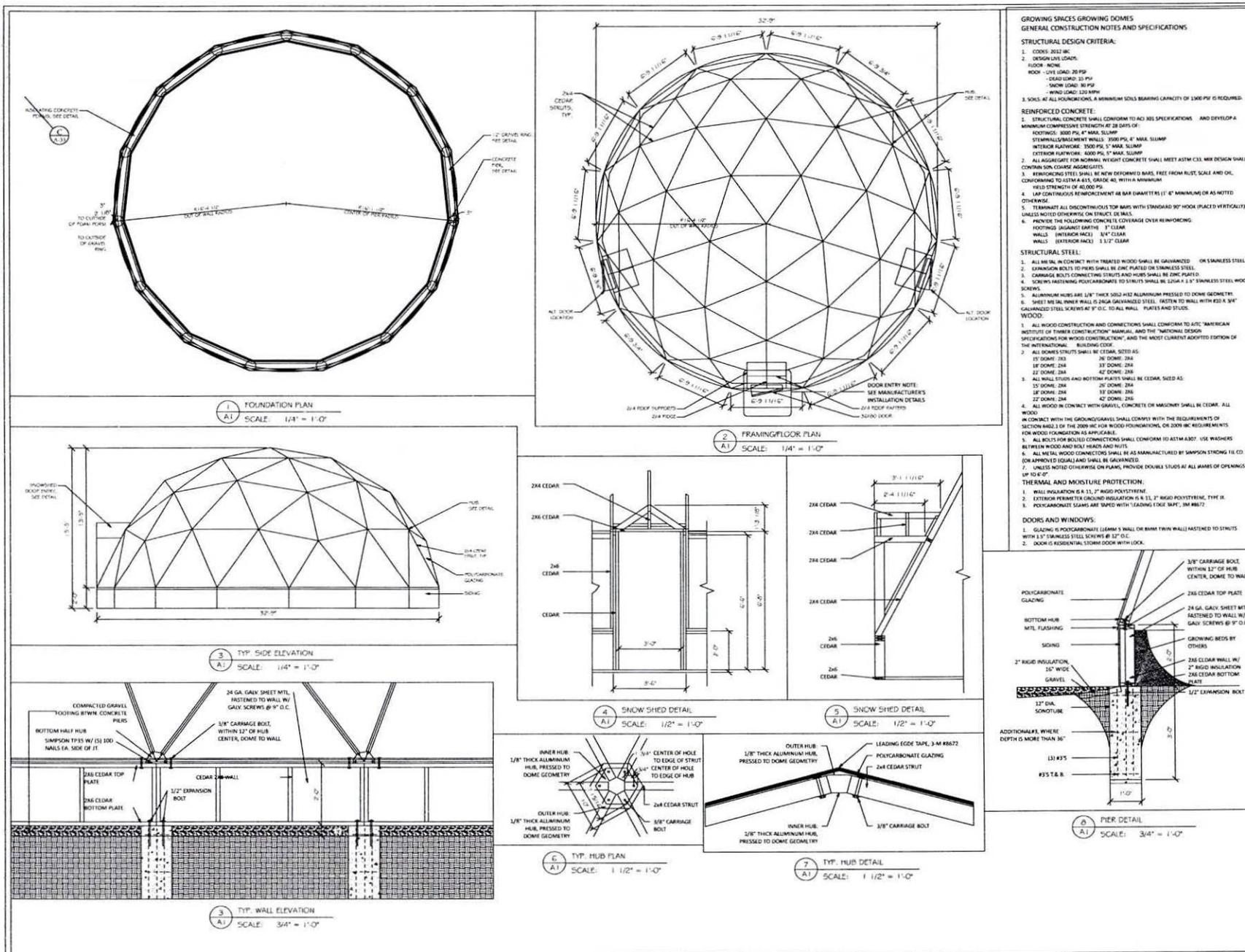
NOTES:

ADDRESS:  
1044 GARDEN LN  
HAMILTON, ON L0R 1V0

SITE PLAN  
LOT AREA: 82.76 ACRES  
PLOT SIZE: 24" X 36"  
DRAWING DATE: MAY 09, 2022  
DRAWING SCALE: 1"=150'







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COPYRIGHT PROPERTY OF E. R. TROUGHT  
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OR IN PART WITHOUT THE EXPRESS  
WRITTEN CONSENT OF THE ENGINEER.

NO.	DATE	DESCRIPTION	BY
REVISIONS			

THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE. THESE PLANS FORM THE BASIS FOR PERMIT SUBMISSION AND ANY DEVIATIONS FROM THESE PLANS AND DETAILS, INCLUDING THE VENTILATION SYSTEM, HEATING SYSTEM, PROTECTIVE FIBERGLASS DECKS, BALCONIES AND FINISHED BASEMENTS, WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.

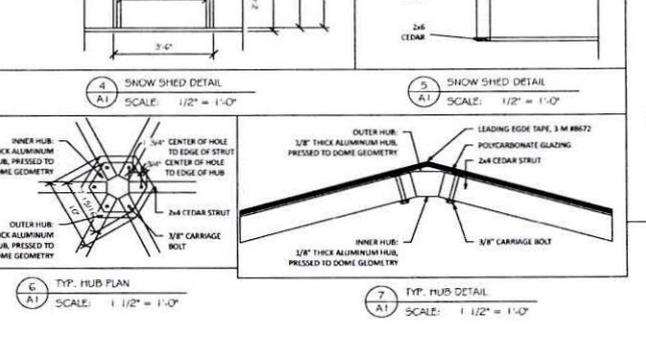
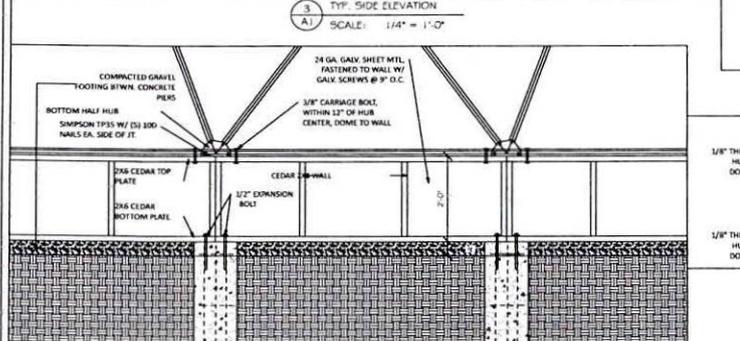
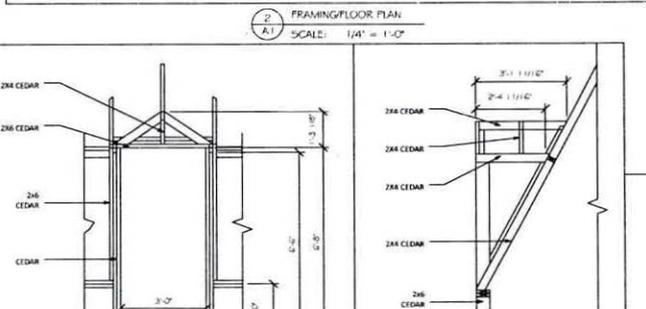
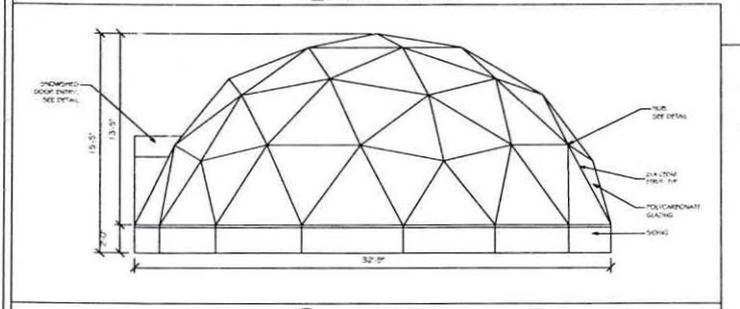
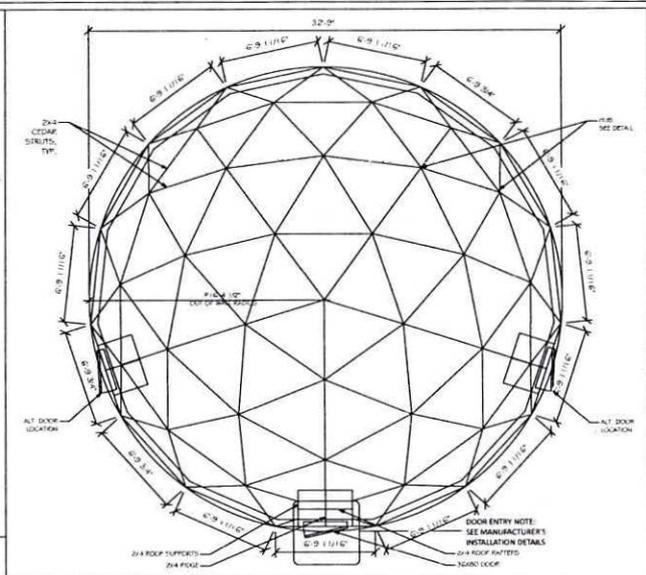
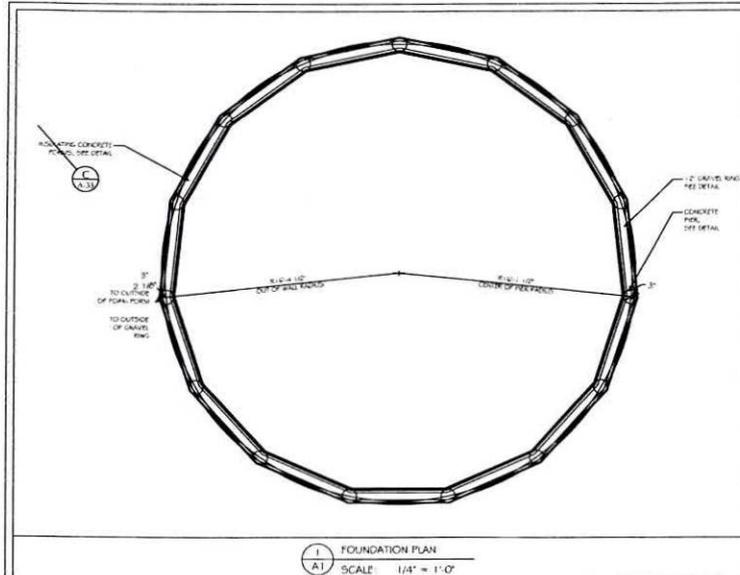
PROJECT:  
**PROPOSED 33' DOME**

LOCATION:  
1044 GARDEN LN, HAMILTON, ON

FOR:  
ARCTICACRES

DRAWING:  
DOME FLOOR PLANS  
DOME DETAILS

REVIEWED BY	SCALE	DRAWING NO.
DEPT. NAME	AS SHOWN	A1
ARCH. CD		
STR. ET		
REC. ET	DATE:	
ELE. CD	Issue: May 13, 2022	
JOB #	SHEET 1 of 1	22137



**GROWING SPACES GROWING DOMES**  
GENERAL CONSTRUCTION NOTES AND SPECIFICATIONS.

**STRUCTURAL DESIGN CRITERIA:**

- CODES: 2012 IRC
- DESIGN LIVE LOADS:  
FLOOR: NONE  
ROOF: LIVE LOAD: 20 PSF  
DEAD LOAD: 15 PSF  
WIND LOAD: 120 MPH
- SOILS: AT ALL FOUNDATIONS, A MINIMUM SOILS BEARING CAPACITY OF 1500 PSF IS REQUIRED.

**REINFORCED CONCRETE:**

- STRUCTURAL CONCRETE SHALL CONFORM TO ACI 308 SPECIFICATIONS, AND DEVELOP A MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS OF:  
FOOTINGS: 3000 PSI, 4" MAX. SLUMP  
INTERIOR FLOORWALL: 3000 PSI, 4" MAX. SLUMP  
INTERIOR FLOORWALL: 3000 PSI, 5" MAX. SLUMP  
EXTERIOR FLOORWALL: 3000 PSI, 5" MAX. SLUMP
- ALL AGGREGATE FOR NORMAL WEIGHT CONCRETE SHALL MEET ASTM C33, MAX DESIGN SIZE: 1 1/2" DIA. MAX. COARSE AGGREGATE.
- REINFORCING STEEL SHALL BE NEW DEFORMED BARS, FREE FROM RUST, SCALE AND OIL, CONFORMING TO ASTM A 615, GRADE 60, WITH A MINIMUM YIELD STRENGTH OF 60,000 PSI.
- LAP CONTINUOUS REINFORCEMENT 60 BAR DIAMETERS 11" MINIMUM OR AS NOTED OTHERWISE.
- TERMINATE ALL DISCONTINUOUS TOP BARS WITH STANDARD 90° HOOK (PLACED VERTICALLY) UNLESS NOTED OTHERWISE ON DRAWING OR TABLE.
- PROVIDE THE FOLLOWING CONCRETE COVERAGES OVER REINFORCEMENT:  
FOOTINGS (AGAINST EARTH): 4" CLEAR  
WALLS (INTERIOR FACES): 3/4" CLEAR  
WALLS (EXTERIOR FACES): 1 1/2" CLEAR

**STRUCTURAL STEEL:**

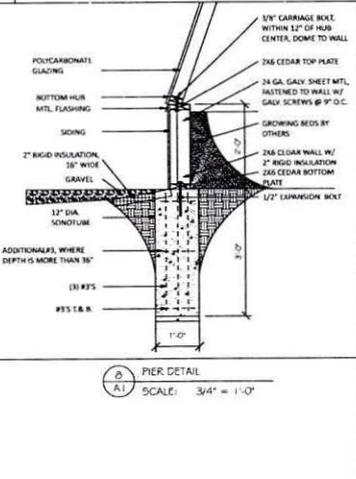
- ALL METAL IN CONTACT WITH TREATED WOOD SHALL BE GALVANIZED OR STAINLESS STEEL. CARBON STEEL BOLTS TO HUBS SHALL BE ZINC PLATED OR STAINLESS STEEL.
- CARRIAGE BOLTS CONNECTING STRUTS AND HUBS SHALL BE ZINC PLATED.
- SCREWS HOLDING POLYCARBONATE TO STRUTS SHALL BE 1/2" X 1 1/2" STAINLESS STEEL WOOD SCREWS.
- ALUMINUM HUBS ARE 1/2" THICK 3003 H14 ALUMINUM PRESSED TO DOME GEOMETRY. SHEET METAL INNER WALL IS 16 GA. GALVANIZED STEEL, FASTEN TO WALL WITH 818 X 1/4" GALVANIZED STEEL SCREWS AT 9" O.C. TO ALL WALL PLATES AND STRUTS.
- ALL WOOD IN CONTACT WITH GRAVEL, CONCRETE OR MASONRY SHALL BE CEDAR. ALL WOOD IN CONTACT WITH THE GROUND/GRAVEL SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 602.1 OF THE 2009 IRC FOR WOOD FOUNDATIONS, OR 2009 IRC REQUIREMENTS FOR WOOD FOUNDATION AS APPLICABLE.
- ALL BOLTS FOR WOOD CONNECTIONS SHALL CONFORM TO ASTM A307. USE WASHERS IN WOOD AND SOLE HEADS AND NUTS.
- ALL METAL WOOD CONNECTIONS SHALL BE AS MANUFACTURED BY HAMPSON STRONG T.C. CO. (OR APPROVED EQUAL) AND SHALL BE GALVANIZED.
- UNLESS NOTED OTHERWISE ON PLANS, PROVIDE DOUBLE STUDS AT ALL EDGES OF OPENINGS 16" TO 4'-0".

**THERMAL AND MOISTURE PROTECTION:**

- WALL INSULATION IS R-11, 2" RIGID POLYSTYRENE, TYPE III.
- EXTERIOR FLOOR FLOORING INSULATION IS R-11, 2" RIGID POLYSTYRENE, TYPE III.
- POLYCARBONATE SEAMS ARE SEALED WITH "LEADING EDGE TAPE", 3/8" WIDE.

**DOORS AND WINDOWS:**

- GLAZING IS POLYCARBONATE (LEADS 3 WALL OR BARR THIN WALL FASTENED TO STRUTS WITH 1 1/2" STAINLESS STEEL SCREWS @ 27" O.C.
- DOOR IS RESIDENTIAL STORM DOOR WITH LOCK.



**E.R. TROUGHT DESIGN INC.**  
31 MILDENARE AVE. TEL: 613 531-7873  
HAMILTON, ONTARIO L8N 4M1 CAN. FAX: 613 531-0602

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WRITTEN CONSENT OF THE ENGINEER.

No.	DATE	DESCRIPTION	BY

REVISIONS

**PROJECT**  
PROPOSED 33' DOME

**LOCATION:**  
1044 GARDEN LN., HAMILTON, ON

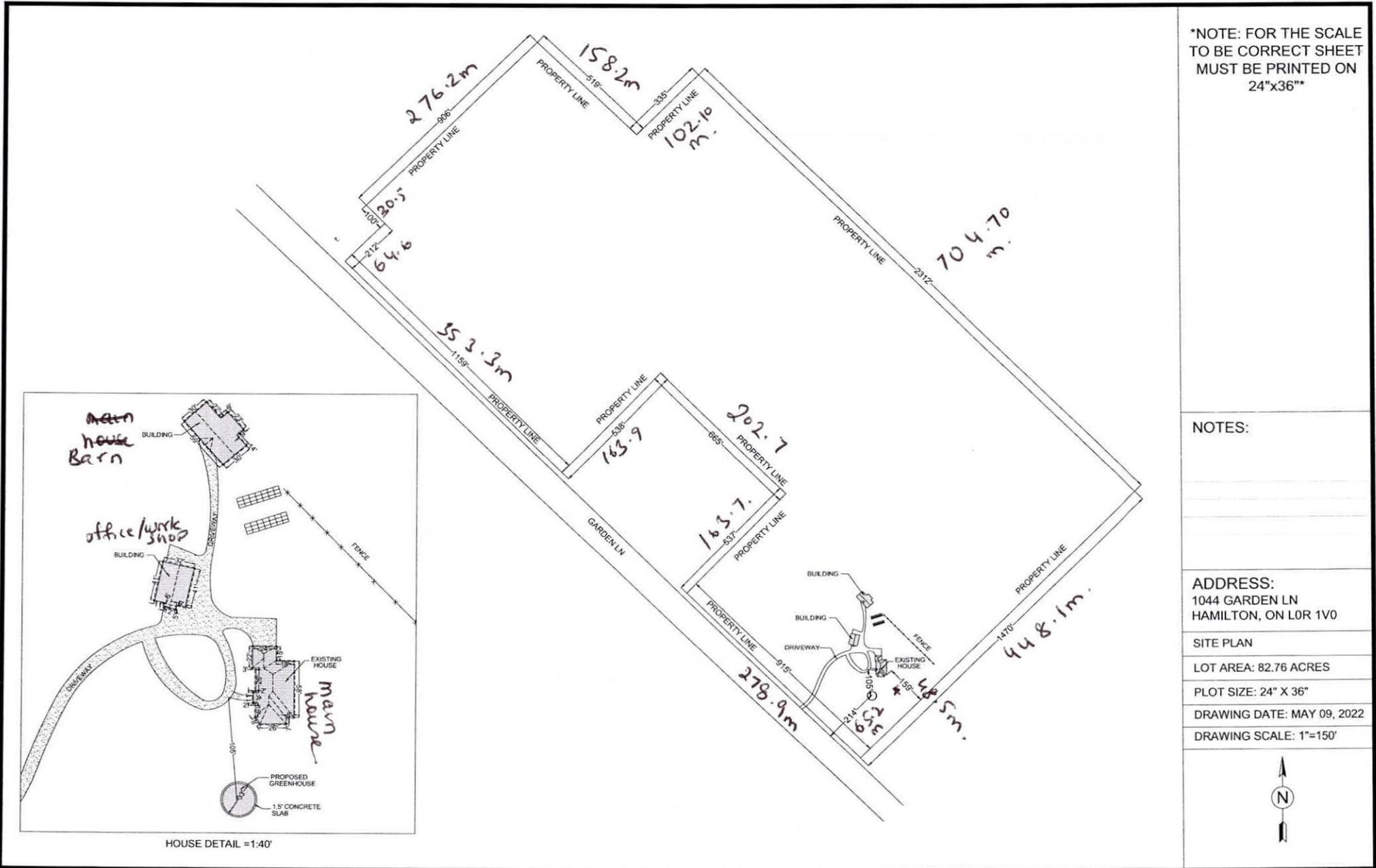
**FOR:**  
ARCTIC ACRES

**DRAWING:**  
DOME FLOOR PLANS  
DOME DETAILS

REVIEWED BY	SCALE	DRAWING No.
ASCH, CD	AS SHOWN	A1
STR, ET		
MEC, ET	DATE	
ELE, CD	Friday, May 13, 2022	
JOB #	22137	SHEET 1 of 1
		22137

DRAWINGS MUST NOT BE SCALED  
CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE  
FOR ALL DIMENSIONS AND SHALL REPORT ANY DIS-  
CREPANCY TO THE ENGINEER BEFORE PROCEEDING  
WITH ANY WORK.

THESE PLANS WERE DESIGNED IN ACCORDANCE  
WITH THE OSARIO BUILDING CODE. THESE PLANS  
FORM THE BASIS FOR PERMIT ACQUISITION AND ANY  
DEVIATION FROM THESE PLANS AND DETAILS,  
INCLUDING THE VENTILATION SYSTEM, HEATING  
SYSTEM, WOODSTONE, FIREPLACES, DECKS,  
BALCONIES AND FINISHED BASEMENTS, WILL REQUIRE  
A REVISION DRAWING AND CLEARANCE BY THE  
BUILDING DEPARTMENT.



HOUSE DETAIL =1:40'



**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)	Zahira Khalid		
Applicant(s)*	Zahira Khalid		
Agent or Solicitor			Phone:
			E-mail:

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

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

Zahira Khalid, 1044 Garden Lane, ON,L8B1P1
--

**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:

Application to construct a greenhouse (for hobby farming and recreation) in front area of the house (on the side) where previously was a tree nursery to allow for winter/greenhouse gardening.

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

The structure cannot be built behind the house because of the conservation area

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**):

PT LOT 8, CON 6, EAST FLAMBOROUGH AS IN VM124783, SAVE AND EXCEPT RP Parts 1 & 2, 62R15907; S/T EF 29906, HL 8489, AB395794, IF ANY, CITY OF HAMILTON 1044 Garden Lane, Millgrove, ON, L8B1P1

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 8.1 to 8.10 above?

my own observation and information relayed by tenant farmer and previous 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.

2022/08/04

Date

*Zahira Khalid*

Signature Property Owner(s)

Zahira Khalid

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 2073.06 ft  
 Depth 1470 ft  
 Area 82.76 acres  
 Width of street 6.5 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: \_

Main house- bungalow (basement and main storey)-1550-200sq ft  
 Barn-35ftX60 ft  
 Office building/workshop- 600 sq ft  
 Solar panels-13 m long and 5 m wide (2 panels)

Proposed

Proposed green house- 33 ft diameter, 850 square ft green house. (will be on 35 ft concrete base)

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

Existing:

Main House-321 ft from front lot line, 159 ft from side lot line (south side), approx 1100 sq ft from rear lot line  
 Office building-313 ft from front lot line, 323 ft from side lot line (south side), approx 1120 sq ft from rear lot line  
 Barn- 476 ft from front lot line, 423 ft from side lot line and 994 ft from rear lot line

Proposed:

Greenhouse- 105 ft south from house, 214 ft from front lot line, 100 ft from south side line. approx 1200 sq ft from rear lot line

\* Barn - 476 ft from front, 423 ft from s. side lot line, 994 ft from rear.  
 - Solar panels - 430 ft from front, 300 ft from s. side line, 996 ft from rear side line.

13. Date of acquisition of subject lands:  
Oct 20,2020

14. Date of construction of all buildings and structures on subject lands:  
unknown atleast 18 years.

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
personal use- single family

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

17. Length of time the existing uses of the subject property have continued:  
minimum 2 years

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

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

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Agriculture A1 zone / Conservation / Hazard Land P7/P8 zone

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No

If yes, please provide the file number:  
\_\_\_\_\_

21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 Yes  No

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

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 include separate sheet if needed)  
\_\_\_\_\_

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

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

<b>APPLICATION NO.:</b>	<b>FL/A-22:272</b>	<b>SUBJECT PROPERTY:</b>	7 SAVONA CRESCENT, FLAMBOROUGH
<b>ZONE:</b>	"S1" (Settlement Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 15-173

**APPLICANTS:** Owner – Mike & Suzanne Hubbs

The following variances are requested:

1. A maximum gross floor area of 69 m<sup>2</sup> shall be provided instead of the maximum required gross floor area of 45 m<sup>2</sup>.

**PURPOSE & EFFECT:** So as to permit the construction of a detached garage and carport in the rear yard of an existing Single Detached Dwelling notwithstanding that:

**Notes:**

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>1:35 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

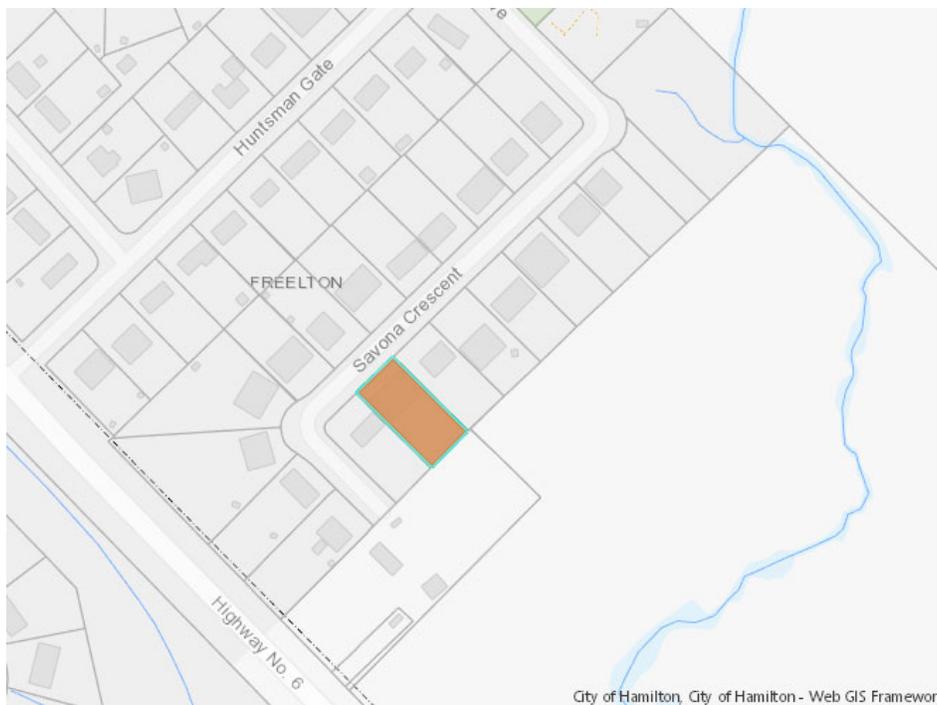
**FL/A-22:272**

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

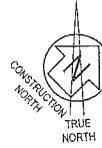
#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

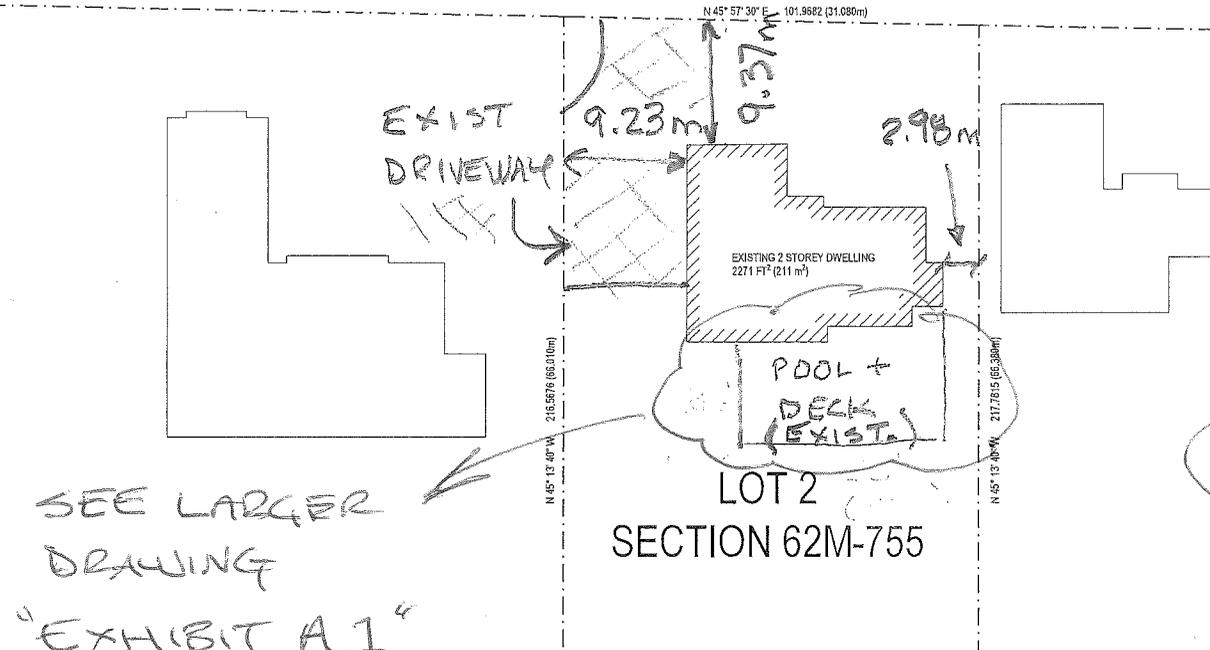
PART 1 PLAN OF  
 LOT 2  
 PLAN 62M-755  
 IN THE  
 TOWN OF  
 FLAMBOROUGH  
 REGIONAL MUNICIPALITY OF  
 HAMILTON - WENTWORTH  
 SCALE 1/16" = 1'-0"



REFERENCE:

- THIS SITE PLAN IS BASED ON REGISTERED PLAN OF SURVEY DRAWN BY A. T. MLAREN LTD. ENGINEERS AND SURVEYORS, DATED SEPTEMBER 29, 1994.

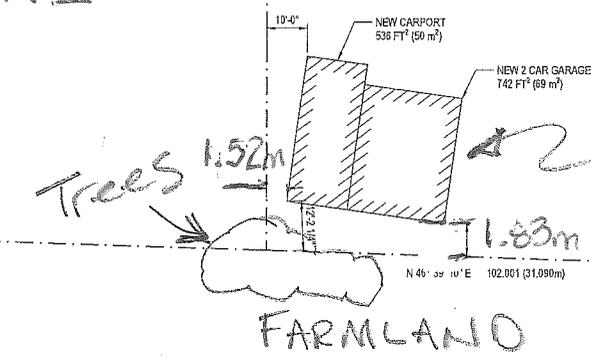
SAVONA CRES.



SEE LARGER  
 DRAWING  
 "EXHIBIT A 1"

RELEVANT SITE DEVELOPMENT DETAILS:	
MAJOR OCCUPANCY:	C (RESIDENTIAL OCCUPANCY)
TABLE 3.1.2.1 OF 2012 OBC AND IN ACCORDANCE WITH DEFINITIONS FOR "RESIDENTIAL OCCUPANCY" PER ARTICLE 1.4.1.2 DIVISION A OF 2012 OBC	
BUILDING CLASSIFICATION:	ARTICLE 3.2.2.47 GROUP C, UP TO 3 STOREYS
NEW GARAGE ACCESSORY BUILDING AREA:	742 Ft² (69 m²)
NEW CARPORT ACCESSORY BUILDING AREA:	536 Ft² (50 m²)
ACCESSORY BLDG AGGREGATE FLOOR AREA:	742 Ft² (69 m²)
ZONING-MAX.:	45 m²
TOTAL LOT COVERAGE:	5.77%
ZONING-MAX.:	7.5%
NEW ACCESSORY BUILDING HEIGHT:	14'-7 1/2" (4.46 m)
ZONING-MAX.:	4.5 m
SIDE YARD SETBACK - ACTUAL:	4'-0" (1.22 m)
ZONING - MIN.:	3.94' (1.2 m)
REAR YARD SETBACK - ACTUAL:	4'-0" (1.22 m)
ZONING - MIN.:	3.94' (1.2 m)
NUMBER OF STREETS/ACCESS ROUTES:	1
EXISTING FIRE HYDRANT:	< 90m

EXHIBIT A



PROPOSED GARAGE

EXIST 10'x10' SHED (3m x 3m)  
 TO BE REMOVED AFTER  
 COMPLETION OF NEW GARAGE

FARMLAND

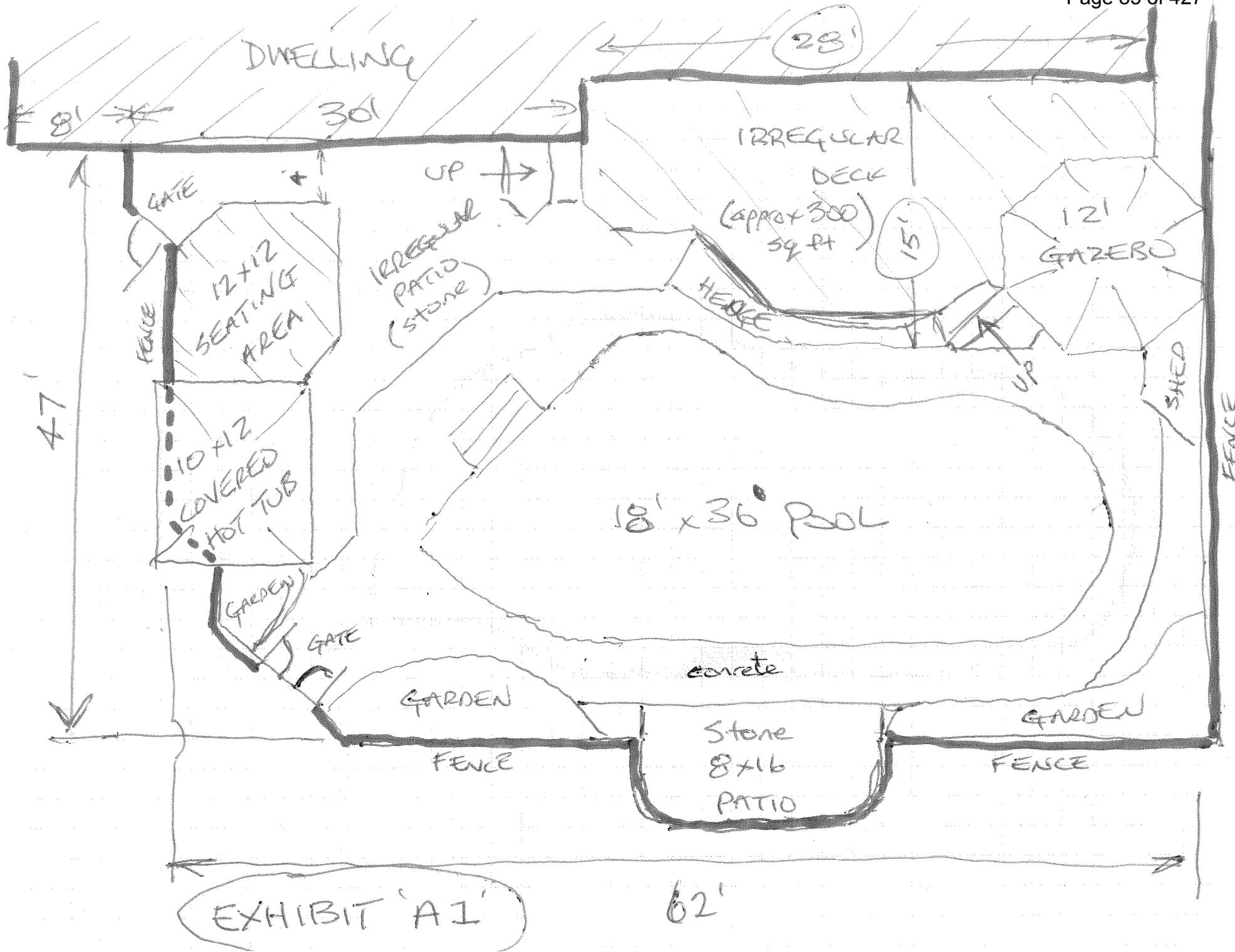
SITE PLAN  
 1/16" = 1'-0"



REV	DESCRIPTION	REVISED BY	DATE	CHECKED BY	REV	DESCRIPTION	REVISED BY	DATE	CHECKED BY	DATE	PROJECT TITLE	PROJECT FILE
0	ISSUED FOR PERMIT						B.S.	JUL. 29, 2022	J.K.		SP1.01 SITE PLAN	7 SAVONA CRESCENT HAMILTON, ONTARIO GARAGE ADDITION

Professional Engineers AN ISO 9001:2015 REGISTERED COMPANY www.jneconsulting.com		SONGER		SITE PLAN		7 SAVONA CRESCENT HAMILTON, ONTARIO GARAGE ADDITION	
DATE	FEB. 11, 2022	DISCIPLINE	CIVIL	SCALE	1/16" = 1'-0"	PROJECT NO.	03-66-2239-00
DRAWN BY	J.K.	APPROVED BY	M.S.	DRAWING NO.	60223900-6001	REV. NO.	0



# SAVONA CRESCENT (PLAN 62 M-755)

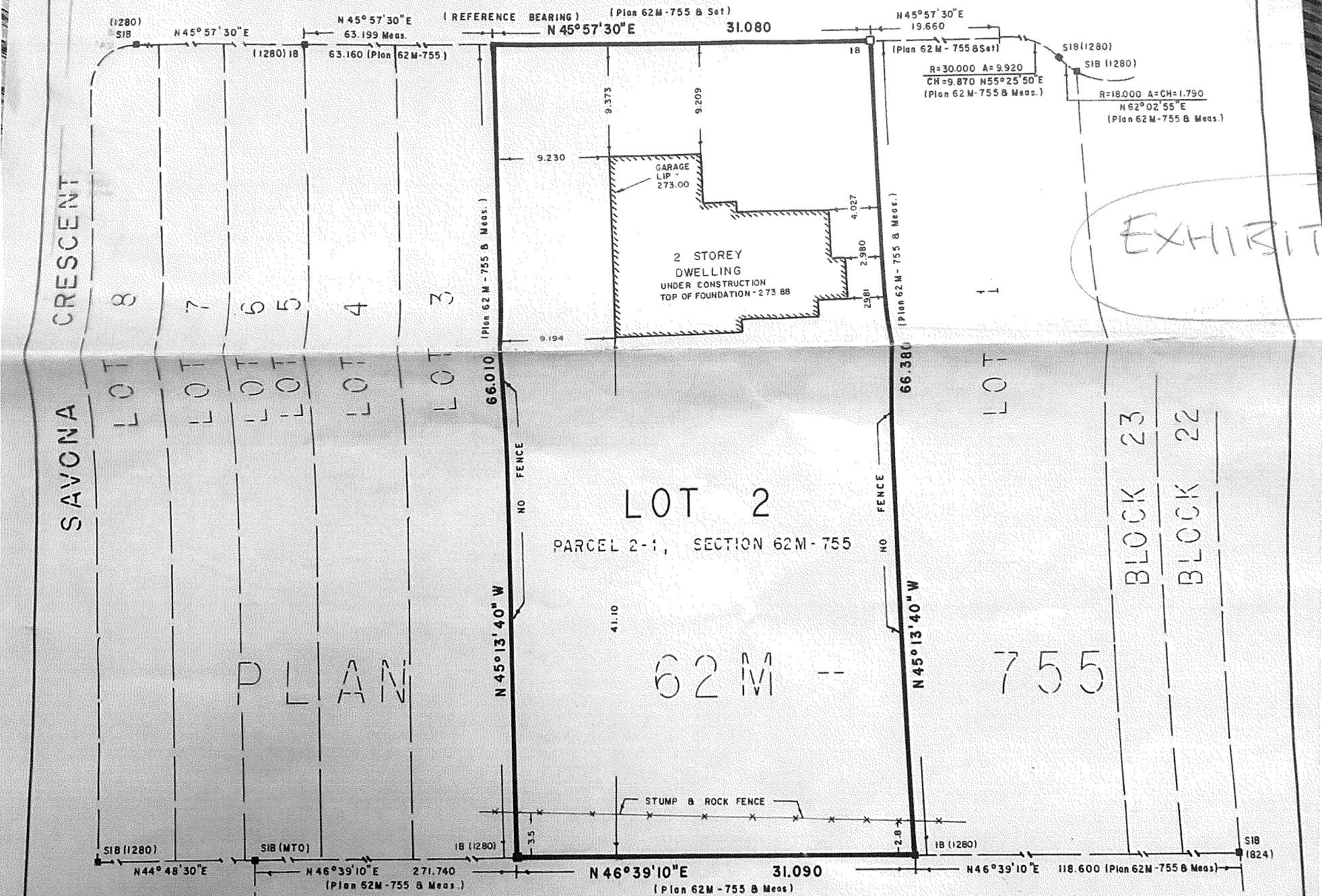


EXHIBIT B

PLAN

62 M - 755

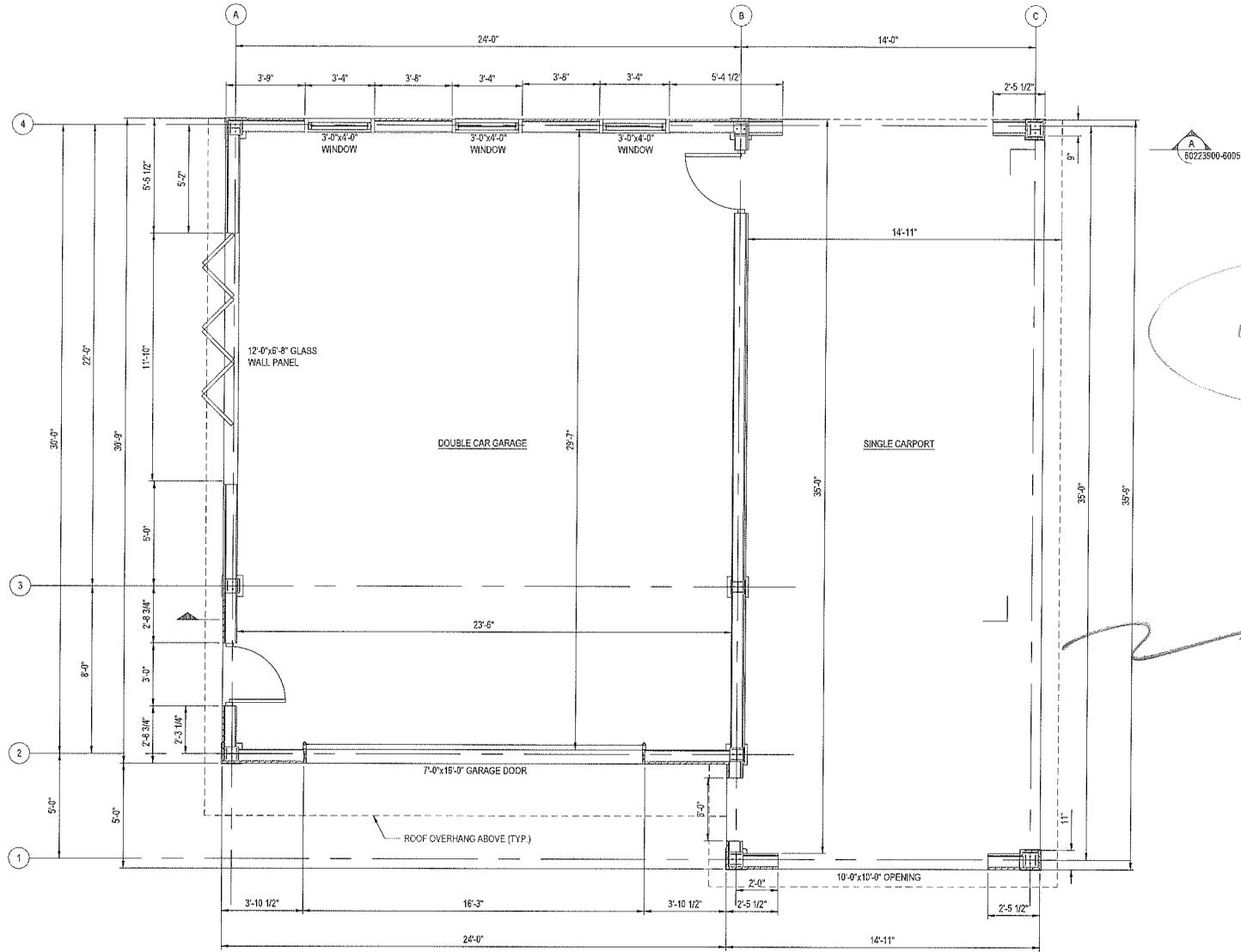
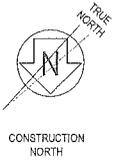


EXHIBIT C

EAVE PROJECTION 10" SIDES (30" OVER garage door)

FRAMING PLAN  
3/8" = 1'-0"

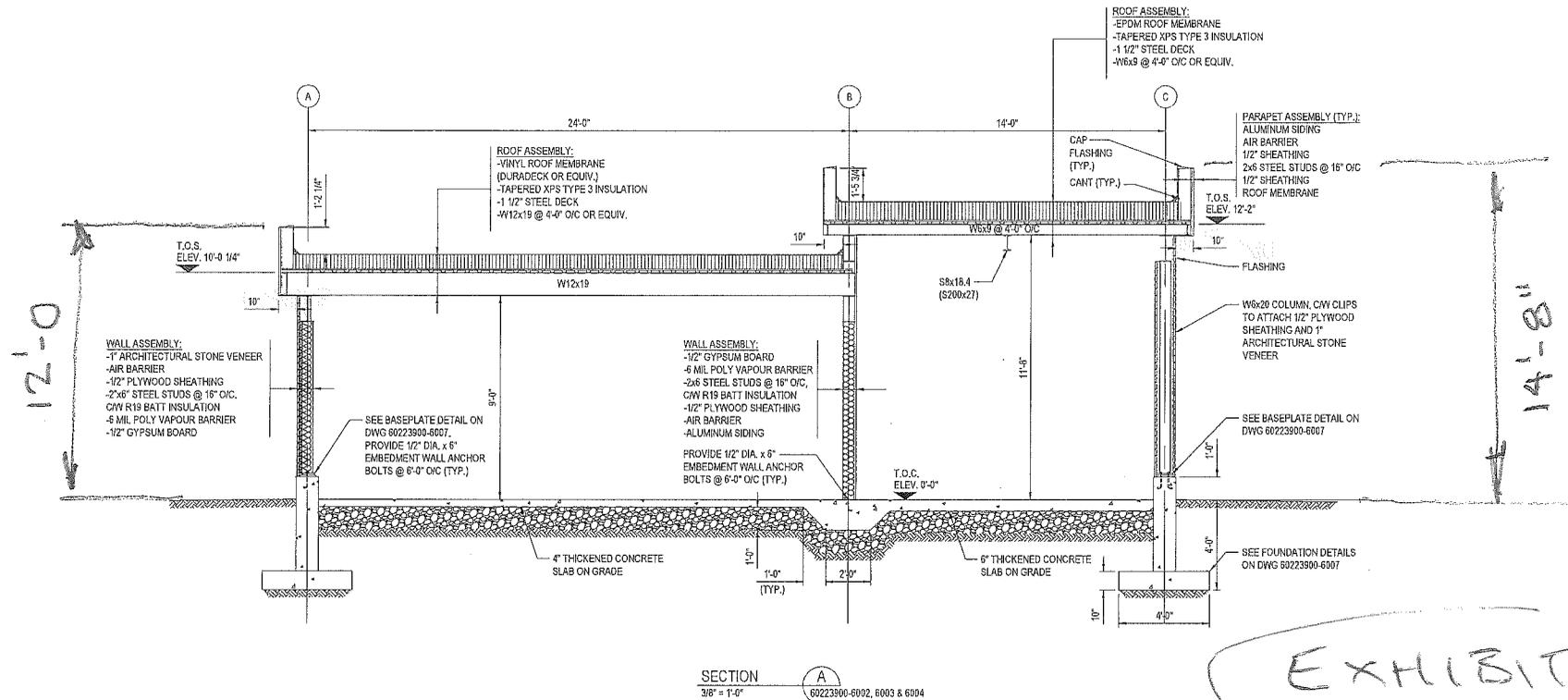


A1.01 FLOOR PLAN

REV	DESCRIPTION	REVISED BY	DATE	CHECKED BY	REV	DESCRIPTION	REVISED BY	DATE	CHECKED BY	DATE	PROJECT	SCALE	NO.	DATE	NO.
0	ISSUED FOR PERMIT	B.S.	JUL 29, 2022	J.K.											

		Professional Engineers	FLOOR PLAN		7 SAVONA CRESCENT HAMILTON, ONTARIO GARAGE ADDITION	
AN ISO 9001:2015 REGISTERED COMPANY www.jnegroup.com	DRAFTSMAN B.S.	DATE FEB. 11, 2022	CHECKED BY J.K.	APPROVED BY M.S.	DISCIPLINE CIVIL	SCALE 3/8" = 1'-0"
PROJECT NO. 03-50-2239-00	DRAWING NO. 60223900-6002	SHEET NO. 0				



REV	DESCRIPTION	REVISED BY	DATE	CHECKED BY	REV	DESCRIPTION	REVISED BY	DATE	CHECKED BY
0	ISSUED FOR PERMIT	B.S.	JUL. 29, 2022	J.K.					

		Professional Engineers	DATE: FEB. 11, 2022
PROJECT:	B.S.	DATE:	FEB. 11, 2022
DRAWN BY:	J.K.	APPROVED BY:	M.S.
DISCIPLINE:	CIVIL	SCALE:	3/8" = 1'-0"
PROJECT NO.:	03-60-2238-00	DWG. NO.:	60223900-6006
REV. NO.:	0		

A4.01 SECTION	
7 SAVONA CRESCENT HAMILTON, ONTARIO GARAGE ADDITION	



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	
<b>Registered Owners(s)</b>	Mike and Suzanne Hubbs		
<b>Applicant(s)*</b>	Same		Phone:
			E-mail:
<b>Agent or Solicitor</b>			Phone:
			E-mail:

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

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

None

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

4. Nature and extent of relief applied for:

Seperate garage - over allowed sq. m

Allowable; 45 sq m. Request to build; 69 sq m (see attached 'exhibits' A ,B, C, D)

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Want a garage large enough (depth) for my vehicles (extended cab long box pick up with room at the front, and second vehicle), plus a carport for a trailer

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 2, Plan 62M-755 Town of Flamborough  
7 Savona Cres., Hamilton, Ontario, L8N 2Z7

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 8.1 to 8.10 above?

Resident for 27 years and has always been farmed with crops

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

Is the previous use inventory attached? Yes  No

**9. ACKNOWLEDGEMENT CLAUSE**

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

Aug 9, 2022  
Date

*x Mike Hubbs x Suzanne Hubbs*  
Signature Property Owner(s)

Mike & Suzanne Hubbs  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 31.08 m  
Depth 66.01 m  
Area approx. 1/2 acre  
Width of street 20 m

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

Existing: \_

The location of proposed garage is vacant (on the lot with an existing dwelling), see Exhibit A

Proposed

Detached double car garage with attached carport. Garage 7.38m W x 9.23m D x 3.66m H, carport 4.27m W x 310.67 D x 4.47m H. Single floor, does not exceed allowable height (Exhibit D). Distance from side lot 1.54m minimum at closets point, from back lot 1.54m at closest point (Exhibit 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:

as per attached survey (Exhibit A and B)

Proposed:

new garage as described above (Exhibit A)

13. Date of acquisition of subject lands:  
1994
- 
14. Date of construction of all buildings and structures on subject lands:  
1994/95
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single family dwelling
- 
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
single family dwellings (side), farmland (rear)
- 
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)  
Water yes Connected yes  
Sanitary Sewer no Connected N/A  
Storm Sewers ditch to retention pond
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Freelton Rural Settlement Area - Settlement Residential
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Settlement Residential (S1) Zone
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No  
If yes, please provide the file number:  
\_\_\_\_\_
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 Yes  No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)  
Building Permit has been applied for on ePLANS prior to this application. Process was unknown at time of submission. Contact made with Morgan Gowans at time of design (April 2022) to see if a variance would be considered. Email of that conversation attached as Exhibit E.
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

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Telephone (905) 546-2424, ext. 4221, 3935

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

<b>APPLICATION NO.:</b>	<b>FL/A-22:266</b>	<b>SUBJECT PROPERTY:</b>	1885 CONCESSION 8 W, FLAMBOROUGH
<b>ZONE:</b>	“S1 Exception 213” (Settlement Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner – Doug & Christina Fairchild

The following variances are requested:

1. The aggregate gross floor area of all accessory buildings shall be permitted to be 52 square metres instead of the 45 square metre maximum aggregate gross floor area permitted.

**PURPOSE & EFFECT:** To permit the construction of a new pool gazebo with the proposed area of 33.8m<sup>2</sup>

**Notes:**

1. Variances have been written exactly as requested by the applicant. Please be advised, the lands may be subject to a Site Plan Control Application. As of today's date, a Site Plan Application has not been submitted.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>1:40 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

**FL/A-22:266**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
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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.

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 **Subject Lands**

DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

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Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

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#### 1. Virtual Oral Submissions

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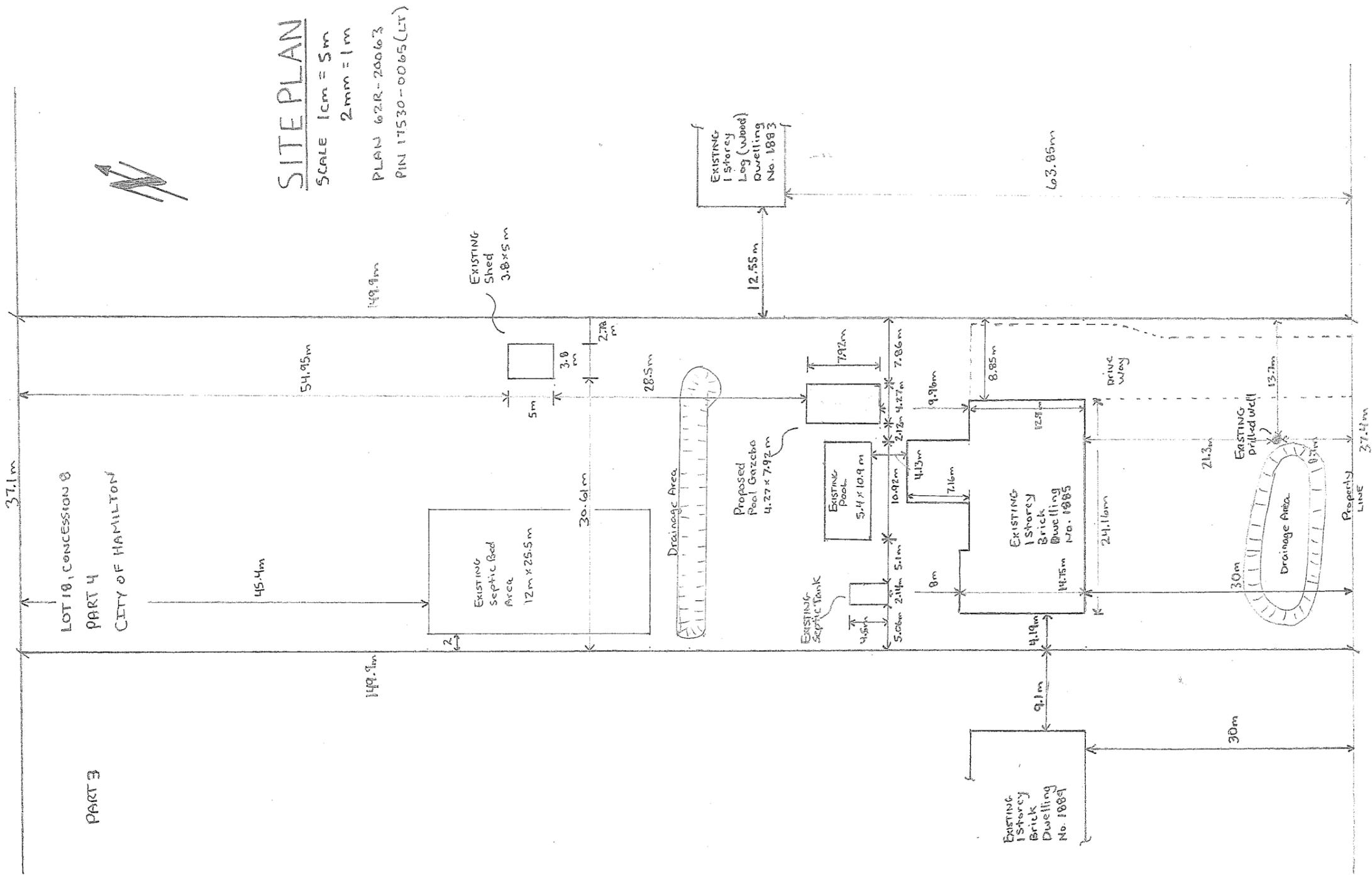
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

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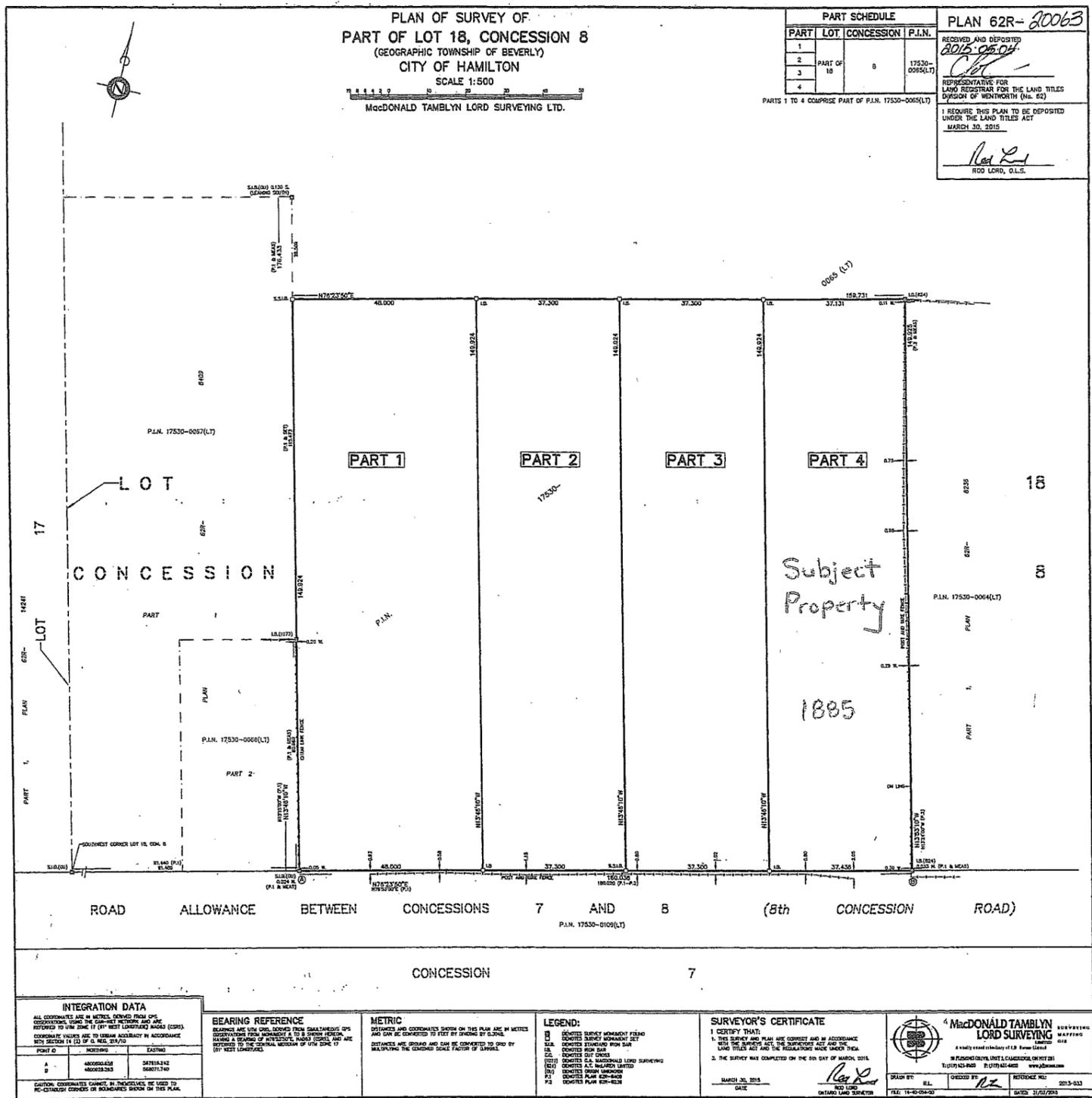
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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Previous Shed Permit No. 19 108604 00 R9 Issued: March 13, 2019  
 Previous Pool Permit No. 19 131479 00 R9 Issued: July 2, 2019

Lot 18, Part 4, 1885 Concession 8 West, Hamilton						
Lot Area: 5606 m2	Lot Frontage: 37.4 m		Lot Depth: 149.9 m			
Lot Coverage	Lot Set Backs	Front	Rear	West	East	
Existing Dwelling	Existing Dwelling	30 m	99.17 m	4.19 m	8.85 m	
Existing Shed	Existing Shed	89.28 m	54.95 m	30.61 m	2.78 m	
Proposed Gazebo	Proposed Gazebo	52.86 m	88.45 m	25.34 m	7.86 m	



PROJECT DESCRIPTION	
POOL GAZEBO	
LOCATION	
1885 CONCESSION 8 WEST HAMILTON, ON, N1R5S2	
DRAWN BY:	SCALE
DOUG FAIRCHILD (HOME OWNER)	NTS
DRAWING NUMBER:	





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)	Doug & Christina Fairchild		
Applicant(s)*	Doug Fairchild		
Agent or Solicitor	N/A		Phone:
			E-mail:

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

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

Meridian Credit Union  
 125 Dundas Street North, Cambridge  
 Ontario, N1R 5N6

**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:

Seeking a minor variance as my combined total area of accessory structures exceeds 45 s.m. as per by-law 05-200. Existing shed is 17.8 s.m. Proposed pool gazebo is 33.8 s.m. Total accessory structures would be 51.6 s.m. I exceed the maximum by 6.6 s.m.

Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

My preference is to build the pool gazebo to the proposed size of 33.8 s.m. I have already submitted my plans to the building department. Permit Application No. 2213124300R9

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**):

1885 Concession 8 W., Hamilton, ON, Canada  
Plan 62R-20063  
Part of Lot 18, Concession 8. Part 4

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 8.1 to 8.10 above?

Local knowledge of the area residents, the house builder, the Realtor and former land owners.

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

Is the previous use inventory attached? Yes  No

**9. ACKNOWLEDGEMENT CLAUSE**

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

Aug 2, 2022  
Date

*Doug Fairchild, Christine Fairchild*  
Signature Property Owner(s)

Doug Fairchild and Christine Fairchild  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>37.4 meters</u>
Depth	<u>149.9 meters</u>
Area	<u>5606 square meters</u>
Width of street	<u>22 meters from property line to property line</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: \_

Single Story Dwelling; gross area = 369.2 m<sup>2</sup>, width = 24.16 m, length = 20.6 m, height = 9.1 m.  
Shed; gross area = 17.8 m<sup>2</sup>, width = 3.8 m, length = 5.0 m, height = 3.7 m.

Proposed

Pool Gazebo; gross area = 33.8 m<sup>2</sup>, width = 4.27 m, length = 7.92 m, height = 4.3 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:

Single Story Dwelling; Front = 30 m, Rear = 99.17 m, Side (West) = 4.19 m, Side (East) = 8.85 m  
Shed; Front = 89.28 m, Rear = 54.95 m, Side (West) = 30.61 m, Side (East) = 2.78 m

Proposed:

Pool Gazebo; Front = 52.86 m, Rear = 88.45 m, Side (West) = 25.34 m, Side (East) = 7.86 m

13. Date of acquisition of subject lands:  
 Oct 31, 2017

14. Date of construction of all buildings and structures on subject lands:  
 Oct 31, 2017 (House), Fall of 2019 (Shed)

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
 Single Family House built new. Moved in Oct 31, 2017

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
 Single Family Homes

17. Length of time the existing uses of the subject property have continued:  
 5 years this October. New house built. Moved in Oct 31, 2017

18. Municipal services available: (check the appropriate space or spaces)  
 Water Well Water Connected N/A  
 Sanitary Sewer Septic System Connected N/A  
 Storm Sewers \_\_\_\_\_

19. Present Official Plan/Secondary Plan provisions applying to the land:  
 \_\_\_\_\_

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

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

Yes  No

If yes, please provide the file number:

N/A

21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes  No

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

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 include separate sheet if needed)  
 \_\_\_\_\_

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

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

<b>APPLICATION NO.:</b>	<b>GL/A-22:261</b>	<b>SUBJECT PROPERTY:</b>	2575 REGIONAL ROAD 56, GLANBROOK
<b>ZONE:</b>	"C5a", "570" (Mixed Use Medium Density – Pedestrian Focus Zone)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 17-240

**APPLICANTS:** Owner – Michael Friday  
Agent – Steve Kowalyszyn

The following variances are requested:

1. The proposed addition shall be permitted to have a maximum Gross Floor Area of 127.5% (being 122.91m<sup>2</sup>) of the existing building Gross Floor Area whereas the zoning By-law requires that the increase shall not exceed a maximum of 10.0% of the Gross Floor Area of the building existing at the date of the passing of the By-law.
2. The proposed addition shall be permitted to maintain a reduced southerly side yard and therefore, shall be located as close as 2.4m from the southerly lot line whereas the zoning By-law requires that the side yard setback shall be maintained for the addition.

**PURPOSE & EFFECT:** To facilitate the expansion of the existing legally established non-conforming single detached dwelling through the construction of a southerly addition.

**Notes:**

The private driveway was not clearly illustrated or dimensioned on the plan. Therefore, the applicant shall ensure that the driveway width does not exceed the width of the attached garage; otherwise further variance shall be required.

The applicant shall ensure that all other portions of the front yard shall be maintained as landscaping where a driveway is located in the front yard.

The zoning By-law requires that parking spaces shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone or grave, and shall

**GL/A-22:261**

be maintained in a dust free condition. No details were provided from which to determine compliance. Therefore, further variances may be required.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>1:45 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

GL/A-22:261



 Subject Lands

DATED: August 23, 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, and may include posting electronic versions.



Hamilton

## COMMITTEE OF ADJUSTMENT

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Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

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**AR1030**  
 CUSTOM ADDITION / RENOVATION  
 1323 SQ. FT.  
 PROJECT ADDRESS  
 2575 HWY 56  
 BINBROOK, ON  
 DESIGN BY: NAUTA HOME DESIGNS

TABLE OF CONTENTS	
COVER PAGE	1
GENERAL NOTES PAGE	2
SITE PLAN	3
FRONT-LEFT ELEVATION	4
REAR-RIGHT ELEVATION	5
BASEMENT PLAN	6
FLOOR PLAN	7
CROSS SECTION A-A	8
STANDARD DETAILS	9
WALL ASSEMBLIES	10

THESE PLANS FORM THE BASIS FOR PERMIT ISSUANCE. ANY DEVIATIONS FROM THESE PLANS AND DETAILS INCLUDING THE WEIGHT FROM SYSTEM HEATING WATER COOLING SYSTEMS, SMOKE EXHAUSTERS AND FINISHED FASSEMBLIES, WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.

### ENGINEERING CHECKLIST

ALL STRUCTURAL APPLICATIONS OUTSIDE OF PART 9 OF THE OBC REQUIRE ENGINEERING DETAILS AND / OR NOTES THAT ARE TO BE SIGNED AND SEALED BY A QUALIFIED STRUCTURAL ENGINEER THAT IS LICENSED TO CONSULT IN THE PROVINCE OF ONTARIO.

ITEMS REQUIRED FOR PERMIT INDICATED BY:

1.  STEEL BEAMS NOT IN COMPLIANCE WITH PART 9 SPAN TABLES OF THE OBC.
2.  STEEL BEAMS WITH CONCENTRATED POINT LOADS
3.  REBAR REINFORCEMENT OR LATERALLY UNSUPPORTED FOUNDATION WALLS AS DEFINED BY PART 9.5.4.3. OF THE OBC.
4.  RETAINING WALLS
5.  TIMBER POST AND BEAM SIZES
6.  TIMBER POST AND BEAM CONNECTIONS
7.  TALL WALL DESIGN FOR WALLS EXCEEDING 8'4" IN HEIGHT.
8.  SUSPENDED CONCRETE SLABS NOT IN COMPLIANCE WITH O.B.C. 9.3.1.4 WITH SPANS EXCEEDING 30'
9.  H.S.B. STEEL COLUMNS AND CONNECTIONS
10.  "THIN" WALL CONSTRUCTION AS PER 9.3.10.4. (NON-CONTINUOUS STRIPS FOR A RILL STRENGTH)
11.  LVL OR PARALLEL BEAMS AND HEADERS
12.  PRE-ENGINEERED FLOOR SYSTEMS (WOOD FS OR FLOOR TRUSSES)
13.  PRE-ENGINEERED ROOF TRUSSES
14.  OTHER STRUCTURAL APPLICATIONS OUTSIDE OF PART 9 OF THE OBC SPECIFY.

### PERMIT DOCUMENTATION REQUIRED

CONSULT WITH LOCAL MUNICIPALITIES AND ALL OTHER GOVERNMENT AGENCIES OR CONSERVATION AGENCIES PRIOR TO APPLYING FOR A BUILDING PERMIT. CONSULT WITH BUILDING DEPARTMENT FOR A COMPREHENSIVE LIST OF ALL DOCUMENTATION REQUIRED FOR A BUILDING PERMIT. 3 COPIES OF ALL OR SOME OF THE DOCUMENTS LISTED BELOW REQUIRED FOR PERMIT APPLICATION. DOCUMENTS REQUIRED FOR PERMIT ARE NOT LIMITED TO THE ITEMS LISTED BELOW.

- 1) BLUEPRINTS  
ONTARIO BUILDING CODE COMPLIANT SET OF CONSTRUCTION BLUEPRINTS.
- 2) HVAC REPORT  
PROVIDES HEAT LOSS/GAIN CALCULATIONS, VENTILATION AND DUCT DESIGN AND REQUIRED EFFICIENCIES FOR HEATING AND COOLING EQUIPMENT.
- 3) STRUCTURAL ENGINEERING  
ALL STRUCTURAL APPLICATIONS OUTSIDE OF PART 9 OF THE OBC REQUIRE ENGINEERING DETAILS OR NOTES THAT ARE TO BE SIGNED AND SEALED BY A QUALIFIED STRUCTURAL ENGINEER LICENSED TO CONSULT IN THE PROVINCE OF ONTARIO.
- 4) LEGAL GRADE SURVEY / SITE PLAN  
SHOWS THE LOCATION OF THE HOUSE ON THE PROPERTY AND THE EXISTING AND PROPOSED GRADES. GRADING PLAN TO BE COMPLETED BY A LICENSED ONTARIO LAND SURVEYOR OR OTHER QUALIFIED DESIGNER.
- 5) PRE-ENGINEERED WOOD PRODUCTS  
INCLUDES TRUSS DRAWINGS AND TRUSS LAYOUT, LVL OR GLULAM BEAMS, WOOD FLOOR SYSTEMS, FLOOR TRUSS SYSTEMS, LVL HEADERS OR FLOOR BEAMS, AND PARALLEL STUDS.
- 6) SEPTIC PERMIT  
ONLY REQUIRED WHEN MUNICIPAL SEWER SERVICES ARE NOT AVAILABLE.
- 7) MINOR VARIANCE / RE-ZONING APPROVALS  
ONLY REQUIRED WHEN ZONING AND BY-LAW REQUIREMENTS ARE NOT MET. CONSULT WITH LOCAL MUNICIPALITY FOR APPROVAL REQUIREMENTS.
- 8) CONSERVATION AUTHORITY APPROVALS  
ONLY REQUIRED WHEN CONSERVATION AGENCIES HAVE JURISDICTION ON THE PROPERTY. CONSULT WITH LOCAL CONSERVATION AGENCIES FOR BOUNDARIES OF AUTHORITY AND POSSIBLE APPROVAL REQUIREMENTS.
- 9) FILLED APPLICATION FORMS & FEES  
ALL NECESSARY APPLICATION FORMS ARE TO BE FILLED OUT WITH ALL REQUIRED INFORMATION AND FEES TO BE PAID AS DEEMED NECESSARY BY THE BUILDING DEPARTMENT.

### 88-12 ENERGY EFFICIENCY DESIGN SUMMARY

ZONE 1				88-12 PRESCRIPTIVE PACKAGE *			
ELEVATION	TOTAL AREA OF EXPOSED WALLS	TOTAL AREA OPENINGS					
FRONT	N/A	N/A					
LEFT	N/A	N/A					
REAR	N/A	N/A					
RIGHT	N/A	N/A					
TOTAL	N/A	N/A					
TOTAL % OF OPENINGS IN EXPOSED WALLS		N/A					

### LIMITING DISTANCE CALCULATIONS

LEFT ELEVATION	EXPOSED BUILDING FACE PERCENT OF EXPOSED WALLS	N/A	RIGHT ELEVATION	EXPOSED BUILDING FACE PERCENT OF EXPOSED WALLS	1689 SF.	DATE :	PAGE:
	N/A			N/A	0 SF.	JULY 2022	1 OF 10

#### GENERAL NOTES

1. ALL WORK PERFORMED AND MATERIAL SUPPLIED SHALL COMPLY TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE.
2. NAUTA HOME DESIGNS IS NOT LIABLE FOR ANY ERRORS OR OMISSIONS FOUND IN THESE BLUEPRINTS.
3. DO NOT SCALE BLUEPRINTS.

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 IT IS LEGAL TO COPY THIS PLAN IN WHOLE OR IN PART FOR YOUR OWN USE ONLY.  
 NO OTHER REPRODUCTION IS PERMITTED WITHOUT THE WRITTEN PERMISSION OF NAUTA HOME DESIGNS.

#### REVISIONS

DATE	ITEM

#### QUALIFICATION INFORMATION

**Ontario** (Seal of Member of Professional Engineering Ontario)

**Hank Nauta**  
 ENGINEER  
 REG. NO. 22863

REGISTRATION INFORMATION  
 NAME: **Nauta Home Designs**  
 NO. 29258

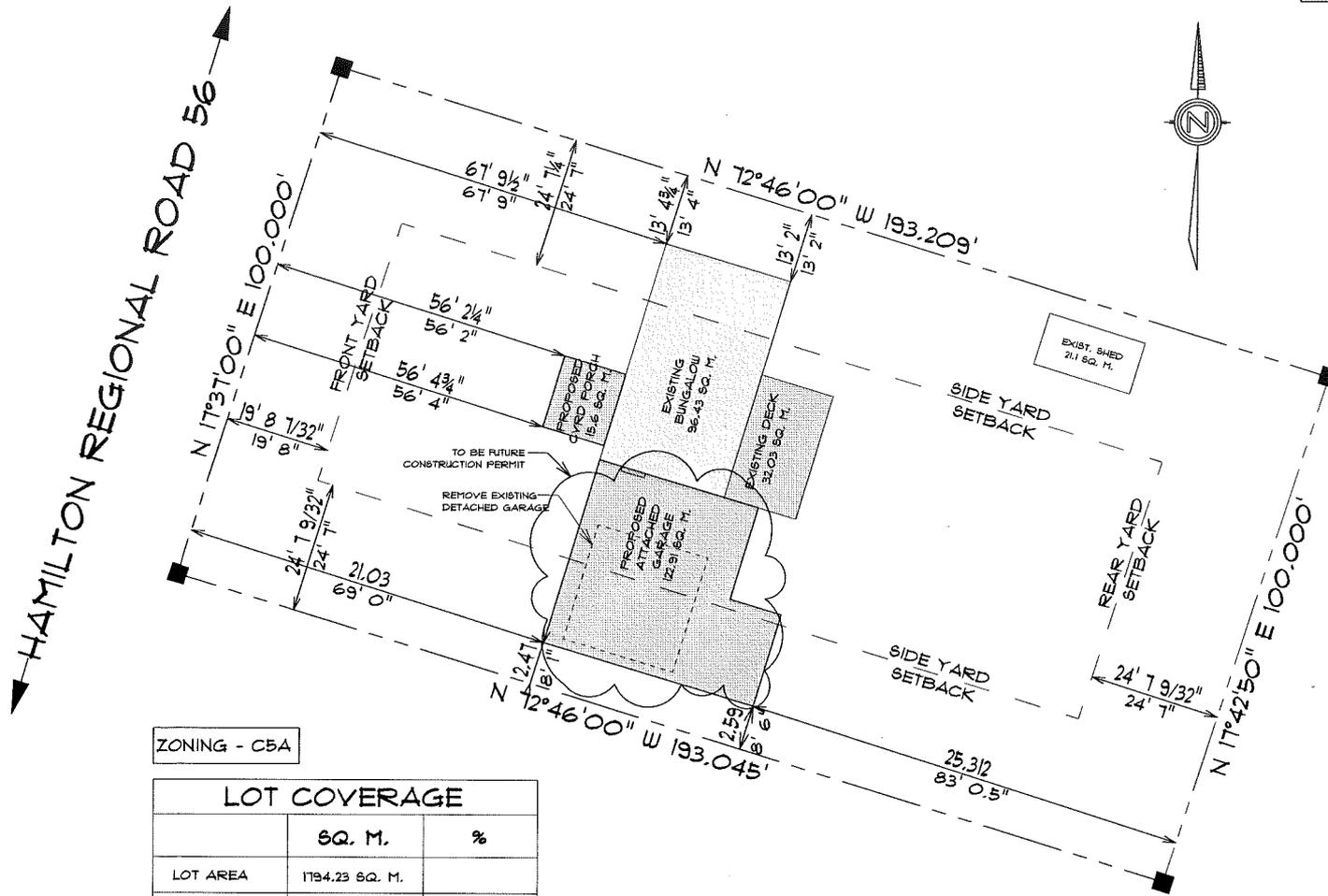
**NAUTA HOME DESIGNS**  
 1-866-474-4320  
 1789 MERRITTVILLE HWY  
 WELLSAND, ON L3B 5N5

PLAN NUMBER: **AR1030**  
 CONTRACT NUMBER: 2020-342  
 PROJECT: **ADDITION**  
 1929 SQ. FT.  
 WIDTH: 76' 6"  
 DEPTH: 53' 0"  
 LOCATION: 2575 HWY 56 BINBROOK, ON

TITLE: **COVER PAGE**

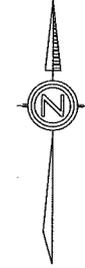
ISSUED FOR: DATE: MAY 3, 22  
 REVISED: DATE: JAN 5, 22  
 DRAIN BY: P.C.  
 CHECKED BY: H.N.





THESE PLANS FORM THE BASIS FOR PERMIT ISSUANCE. ANY DEVIATIONS FROM THESE PLANS AND DETAILS INCLUDING THE VENTILATION SYSTEMS, WINDOW, DOOR, ROOF, SLOPE, CHIMNEY, BALCONY AND FINISHED BASEMENTS SHALL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.

REFER TO GENERAL NOTES PAGE FOR STANDARD SITE AND GRADING CONSTRUCTION NOTES, OBC REQUIREMENTS AND TYPICAL CONSTRUCTION ASSEMBLIES. REFER TO STANDARD DETAIL PAGE FOR CONSTRUCTION DETAILS.



ZONING - C5A

LOT COVERAGE		
	SQ. M.	%
LOT AREA	1194.23 SQ. M.	
PROPOSED LOT COVERAGE	138.51 SQ. M.	1.1%
MAX LOT COVERAGE		N/A

ALL MEASUREMENTS IN METERS AND FEET.

SURVEY PROVIDED BY RASCH & HYDE LTD.  
SURVEY NUMBER: 21-010

2575 HAMILTON REGIONAL RD. 56  
BINBROOK, ON.

# SITE PLAN N.T.S.

July 12, 2022 P.C. 02:28 PM

WWW.NAUTAHOMEDESIGNS.COM 1-866-474-4320  
SEARCH OVER 1000 HOUSE PLANS ONLINE,  
CUSTOM DESIGNS, ADDITIONS, & RENOVATIONS.

**GENERAL NOTES**

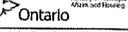
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**REVISIONS**

DATE	ITEM

**QUALIFICATION INFORMATION**



REGISTERED PROFESSIONAL ENGINEER  
IN THE PROVINCE OF ONTARIO

**Hanka Nauta**  
NAME

22863  
OEN

REGISTRATION INFORMATION  
REGISTERED PROFESSIONAL ENGINEER

**Nauta Home Designs**  
NAME

29258  
OEN

REGISTRATION INFORMATION  
REGISTERED PROFESSIONAL ENGINEER

**NAUTA HOME DESIGNS**

1-866-474-4320

1789 MERRITTVILLE HWY  
WELLAND, ON L3B 5N5

PLAN NUMBER:  
**AR1030**

CONTRACT NUMBER:  
2020-342

PROJECT:  
ADDITION  
1929 SQ. FT.

WIDTH: 78' 6"

DEPTH: 53' 0"

LOCATION:  
2575 HWY 56  
BINBROOK, ON

TITLE:  
SITE PLAN

ISSUED FOR: DATE  
REVISED: MAY 3, 22

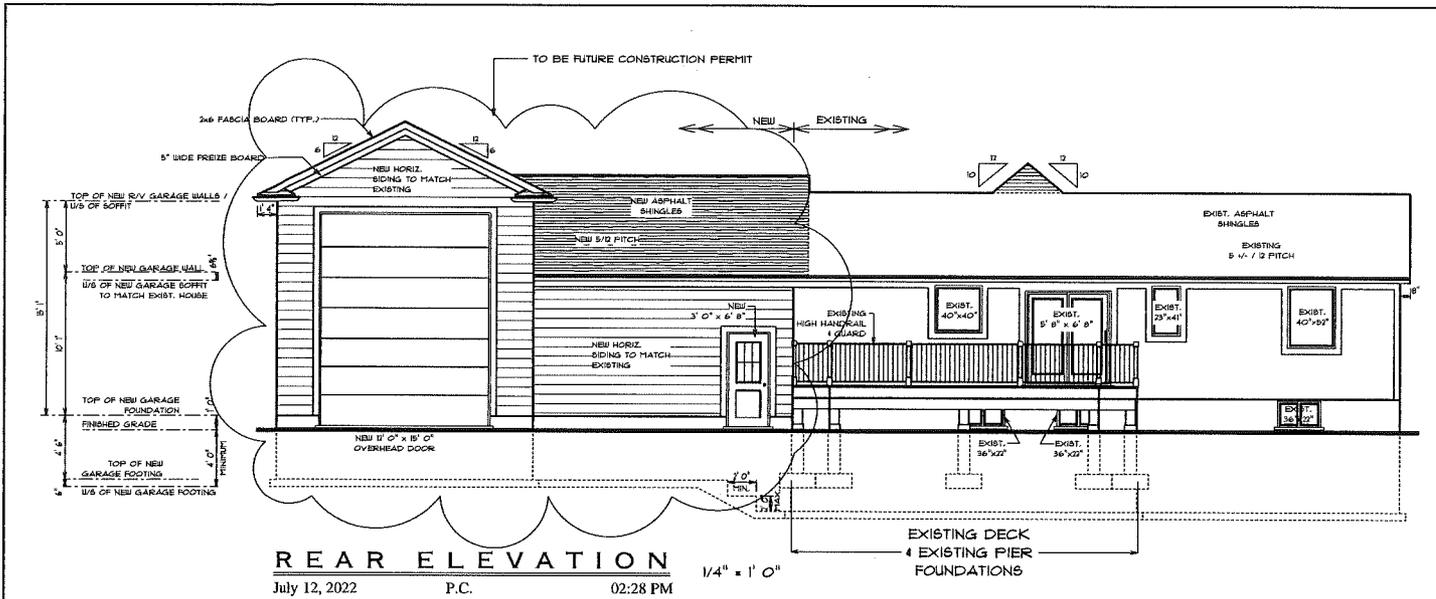
NO. REVISED: JAN 12, 22

DRAWN BY: P.C.

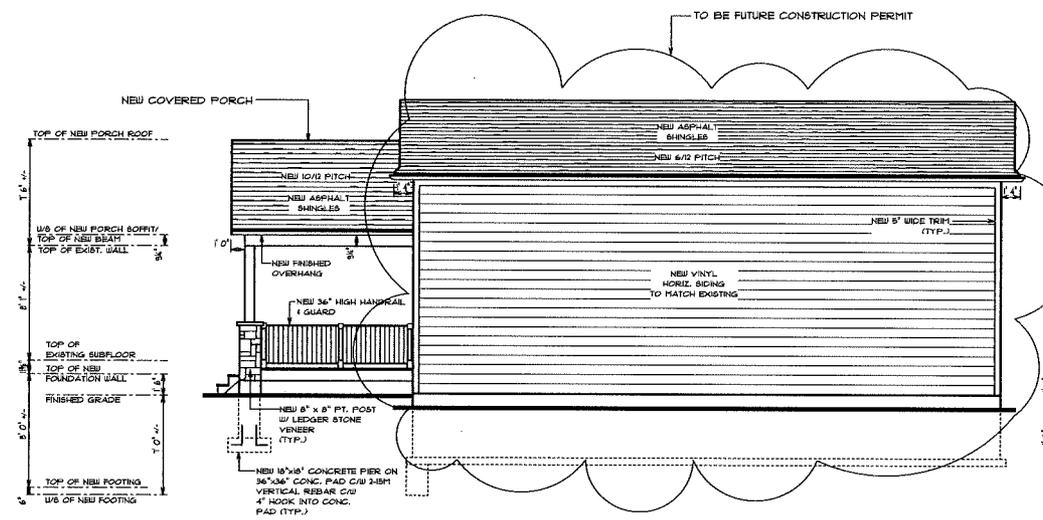
CHECKED BY: H.N.

DATE: PAGE:  
JULY 2022 3 OF 10





**REAR ELEVATION**  
 July 12, 2022 P.C. 02:28 PM 1/4" = 1' 0"



**RIGHT ELEVATION**  
 July 12, 2022 P.C. 02:28 PM 1/4" = 1' 0"

THESE PLANS FORM THE BASIS FOR PERMIT REVIEW. ANY DEVIATIONS FROM THESE PLANS AND DETAILS INCLUDING THE VENTILATION SYSTEM, HEATING SYSTEMS, DECKS, BALCONIES AND FINISHED BASEMENTS, WILL REQUIRE A REVISION DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.

**FULL / PARTIAL WALKOUT BASEMENT NOTES**  
 STEP ALL CONCRETE FOOTINGS DOWN TO 40" MINIMUM BELOW FINISHED GRADE. ALL EXISTING AND FINISHED GRADES ARE TO BE CONFIRMED ON SITE BY THE CONTRACTOR. ANY LATERALLY UNSUPPORTED FOUNDATION WALLS ARE TO BE REINFORCED WITH PERMANENT REQUIREMENTS TO BE DESIGNED BY A STRUCTURAL ENGINEER.

**EXTERIOR PATIO AND TERRACE DOORS**  
 ALL PATIO OR TERRACE DOORS WITH TERRASSELS EXCEEDING 23 5/8" TO FINISHED GRADE TO HAVE A GRADE CONFORMING TO 88-1.

**DECKS AND PATIOS ABOVE GRADE**  
 PROVIDE GUARD CONFORMING TO 88-1 ON ALL PATIOS AND DECKS THAT HAVE A FINISHED HEIGHT OF 30 5/8" ABOVE FINISHED GRADE.

**WINDOW SIZES AND R.O. FRAMING**  
 ALL WINDOW AND DOOR SIZES ARE ILLUSTRATIVE ONLY. REFER TO WINDOW AND DOOR MANUFACTURER'S SCHEDULE FOR EXACT OPENING SIZES. HEIGHT OF ALL WINDOWS FROM THE TOP OF SUBFLOOR TO BE CONFIRMED WITH CONTRACTOR ON SITE.

**WINDOW WELLS (WHERE REQUIRED)**  
 ALL WINDOW WELLS ARE TO BE CONSTRUCTED OF 2"X4" GALVANIZED CORRUGATED METAL AND BOLTED TO FACE OF CONCRETE WALL. WINDOW WELLS ARE TO HAVE 4" O.C. INSULATION WITH FIBER GLASS BATT INSULATION VERTICALLY FROM BOTTOM OF WINDOW WELL. TYPICAL OF ABOVE HORIZONTAL WELLS AT BASEMENT FOOTING LEVEL. THAT IS BEHIND THE PERIMETER OF THE FOUNDATION WALL. ALL PER 134.4.3 OF THE CODE. REBAR SHALL BE UNCOIL STEEL BARS HAVE A MINIMUM CLEARANCE OF 2" AS PER 134.4.1(3) OF THE CODE.

REFER TO GENERAL NOTES PAGE FOR STANDARD ELEVATION CONSTRUCTION NOTES, CODE REQUIREMENTS AND TYPICAL CONSTRUCTION ASSEMBLIES. REFER TO STANDARD DETAIL PAGE FOR CONSTRUCTION DETAILS.

**GENERAL NOTES**

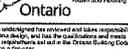
- ALL WORK PERFORMED AND MATERIALS SPECIFIED SHALL CONFORM TO THE LATEST EDITION OF THE CANADIAN BUILDING CODE.
- NAUTA HOME DESIGNS IS NOT LIABLE FOR ANY ERRORS OR OMISSIONS FOUND IN THESE BLUEPRINTS.
- DO NOT SCALE BLUEPRINTS.

1/4" = 1' 0" (1/8" = 1' 0" WITH PERMIT PREPARATION OF LAYOUT - SEE DESIGN)

**REVISIONS**

DATE	ITEM

**QUALIFICATION INFORMATION**



**Hank Nauta**  
 22863  
 REG. NO.

**REGISTRATION INFORMATION**  
 Nauta Home Designs  
 29258  
 REG. NO.

WWW.NAUTAHOMEDESIGNS.COM 1-866-474-4320  
 SEARCH OVER 1000 HOUSE PLANS ONLINE,  
 CUSTOM DESIGNS, ADDITIONS, & RENOVATIONS.

DATE	PAGE
JULY 2022	5 OF 10





WWW.NAUTAHOMEDESIGNS.COM 1-866-474-4320  
 SEARCH OVER 1000 HOUSE PLANS ONLINE,  
 CUSTOM DESIGN, ADDITION, & RENOVATIONS.

DATE: JULY 2022  
 PAGE: 8 OF 10

DESIGN BY: H.N.  
 REVIEW: JAMES  
 REVISIONS:  
 DATE: MAY 23  
 REASON FOR: A-A  
 SECTION: A-A

TITLE: CROSS SECTION A-A

LOCATION: 2575 HWY 86  
 BRIMBROOK, ON

DEPTH: 53' 0"  
 WIDTH: 18' 6"  
 ADDITION: 1923 SQ. FT.

PROJECT: ARI030  
 CONTRACT NUMBER: 2020-342  
 PLAN NUMBER: 1789 MERRITVILLE HWY  
 WILLOW, ON L8B 5N5

1-866-474-4320  
 HOME DESIGNS

NAUTA  
 Nautia Home Designs  
 29258

REGISTRATION INFORMATION  
 22863

Hank Nautia  
 22863

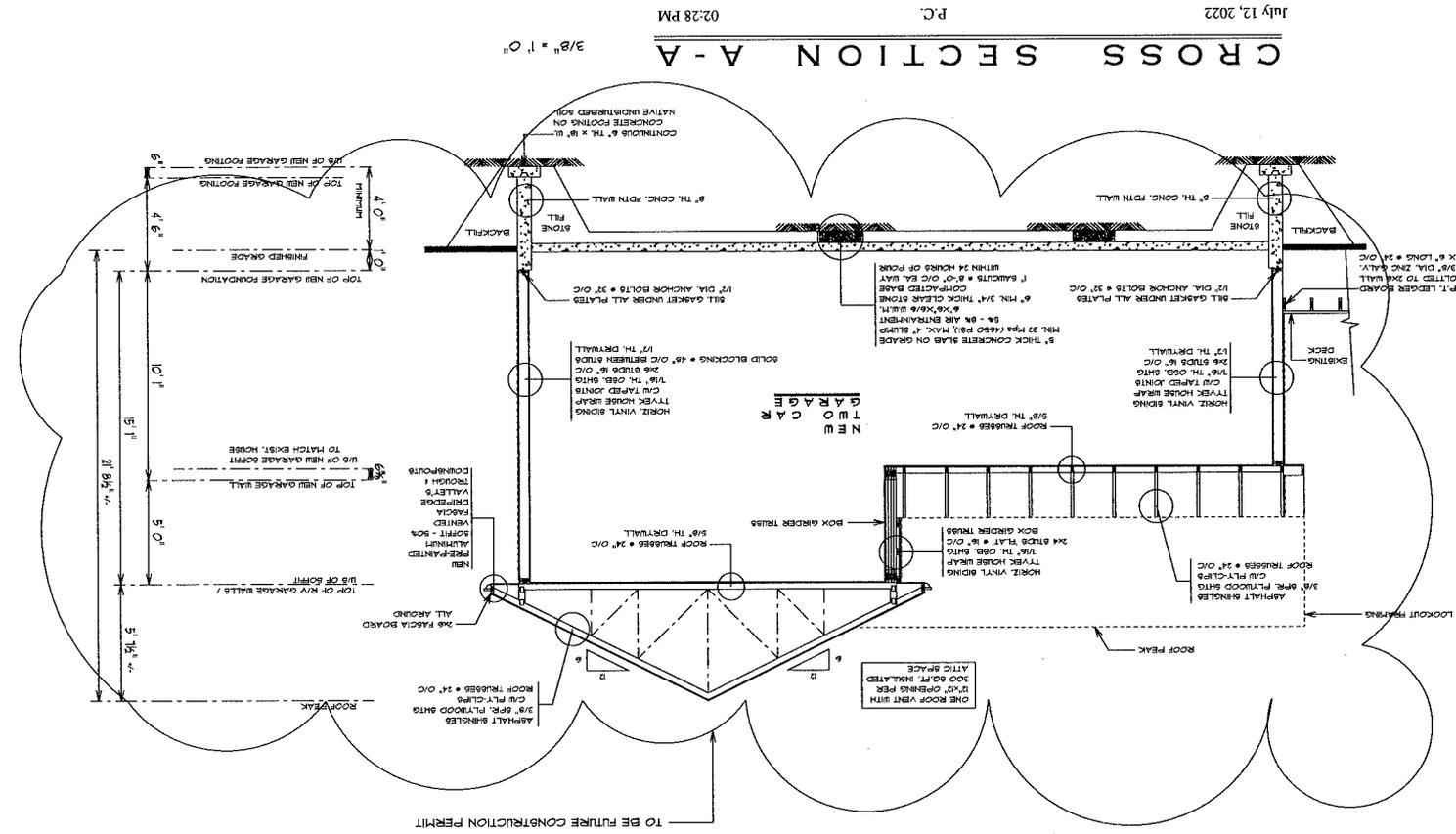
Ontario

QUALIFICATION INFORMATION

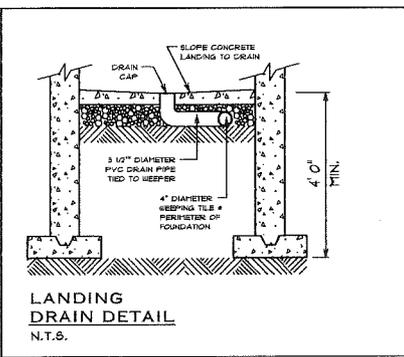
REVISIONS

GENERAL NOTES

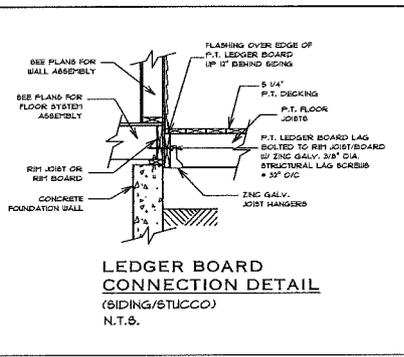
1. ALL WORK SHALL BE ACCORDING TO THE NATIONAL BUILDING CODE AND ALL APPLICABLE REGULATIONS.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND PROVIDING A REPORT THEREON.  
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.  
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES.  
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ALL DEBRIS AND WASTE.  
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING LANDSCAPE AND PLANTING.  
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.  
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE.  
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.



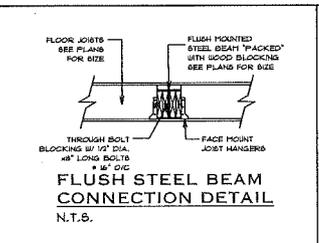
CROSS SECTION A-A  
 3/8\" = 1\"  
 P.C. July 12, 2022 02:28 PM



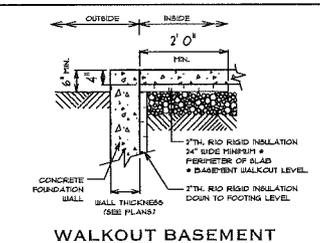
**LANDING DRAIN DETAIL**  
N.T.S.



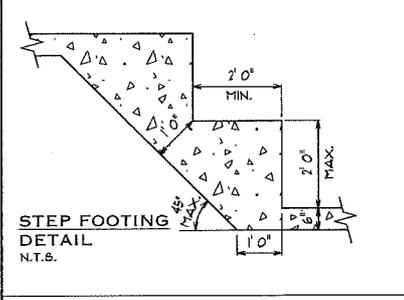
**LEDGER BOARD CONNECTION DETAIL (SIDING/STUCCO)**  
N.T.S.



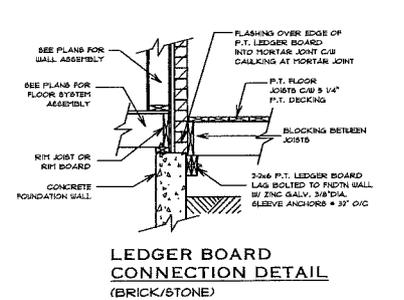
**FLUSH STEEL BEAM CONNECTION DETAIL**  
N.T.S.



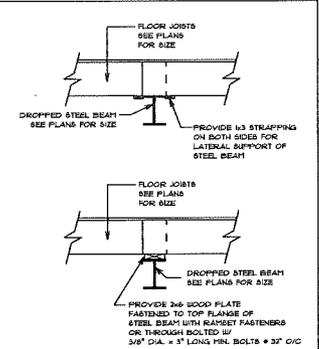
**WALKOUT BASEMENT FLOOR SLAB DETAIL**  
N.T.S.



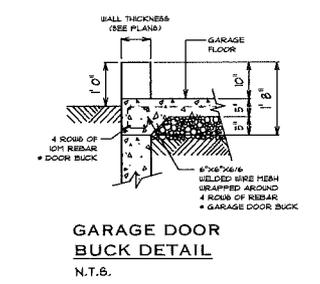
**STEP FOOTING DETAIL**  
N.T.S.



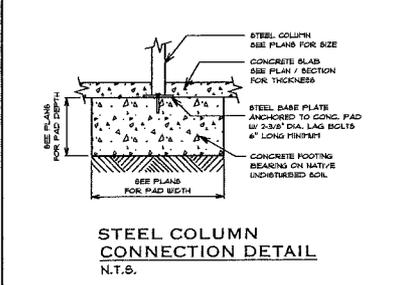
**LEDGER BOARD CONNECTION DETAIL (BRICK/STONE)**  
N.T.S.



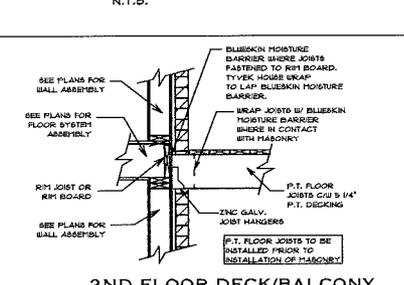
**DROPPED STEEL BEAM CONNECTION DETAILS**  
N.T.S.



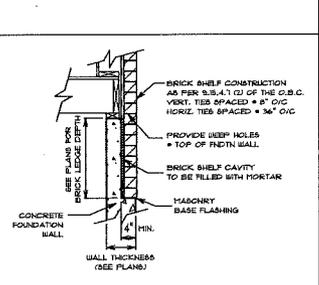
**GARAGE DOOR BUCK DETAIL**  
N.T.S.



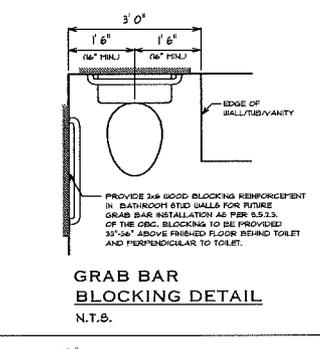
**STEEL COLUMN CONNECTION DETAIL**  
N.T.S.



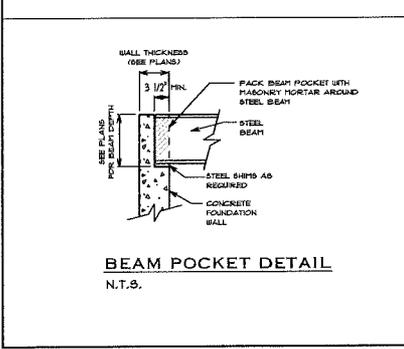
**2ND FLOOR DECK/BALCONY CONNECTION DETAIL (BRICK/STONE)**  
N.T.S.



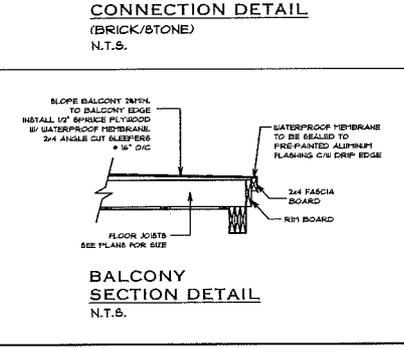
**BRICK/STONE LEDGE SECTION DETAIL**  
N.T.S.



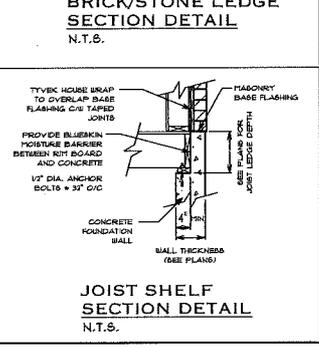
**GRAB BAR BLOCKING DETAIL**  
N.T.S.



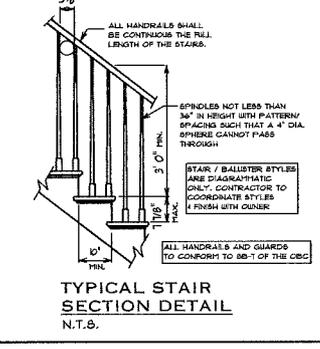
**BEAM POCKET DETAIL**  
N.T.S.



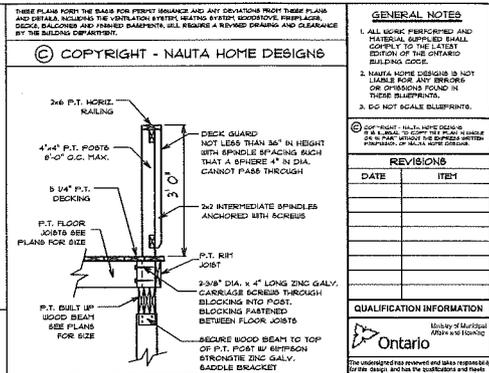
**BALCONY SECTION DETAIL**  
N.T.S.



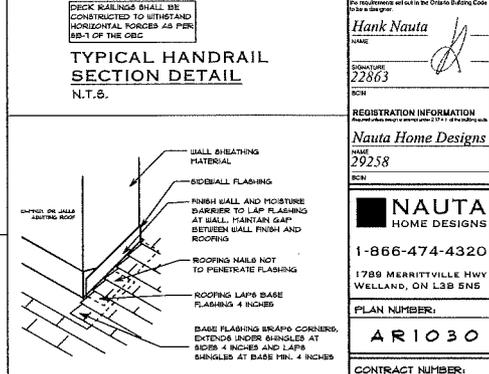
**JOIST SHELF SECTION DETAIL**  
N.T.S.



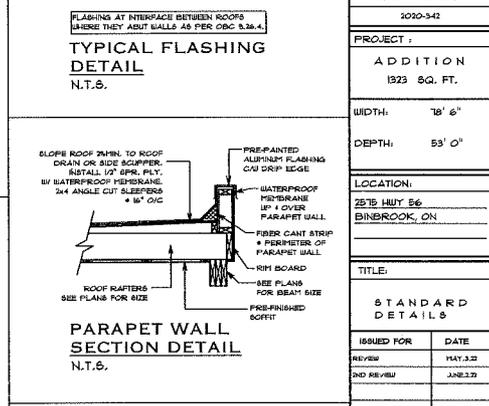
**TYPICAL STAIR SECTION DETAIL**  
N.T.S.



**TYPICAL HANDRAIL SECTION DETAIL**  
N.T.S.



**TYPICAL FLASHING DETAIL**  
N.T.S.



**PARPET WALL SECTION DETAIL**  
N.T.S.

**STANDARD DETAILS**

1. ALL DETAILS SHOWN ARE STANDARD AND ARE ILLUSTRATIVE ONLY.
2. NOT ALL STANDARD DETAIL APPLICATIONS ARE APPLICABLE TO THESE PLANS.
3. BUILDER TO VERIFY ALL DETAILS THAT APPLY TO THESE PLANS.
4. ANY ALTERNATIVE SOLUTIONS TO ANY OF THESE DETAIL APPLICATIONS MUST CONFORM TO THE ONTARIO BUILDING CODE.

WWW.NAUTAHOMEDESIGNS.COM 1-866-474-4320  
SEARCH OVER 1000 HOUSE PLANS ONLINE, CUSTOM DESIGNS, ADDITIONS, & RENOVATIONS.

GENERAL NOTES	
1. ALL WORK PERFORMED AND MATERIAL SUPPLIED SHALL COMPLY TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE.	
2. NAUTA HOME DESIGNS IS NOT LIABLE FOR ANY BREAKS OR OMISSIONS FOUND IN THESE BLUEPRINTS.	
3. DO NOT SCALE BLUEPRINTS.	
<p>© 2024 NAUTA HOME DESIGNS ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF NAUTA HOME DESIGNS.</p>	
REVISIONS	
DATE	ITEM
QUALIFICATION INFORMATION	
HANK NAUTA ARCHITECT 22863 RCN	Nauta Home Designs 29258 RCN
REGISTRATION INFORMATION	
HANK NAUTA ARCHITECT 22863 RCN	Nauta Home Designs 29258 RCN
<p><b>NAUTA HOME DESIGNS</b></p> <p>1-866-474-4320</p> <p>1789 MERRITTVILLE HWY WELLAND, ON L3B 5N5</p> <p>PLAN NUMBER: <b>AR1030</b></p> <p>CONTRACT NUMBER: 3020-343</p> <p>PROJECT: ADDITION 1923 SQ. FT.</p> <p>WIDTH: 78' 6"</p> <p>DEPTH: 53' 0"</p> <p>LOCATION: 2875 HWY 56 BIBROOK, ON</p> <p>TITLE: <b>STANDARD DETAILS</b></p> <p>ISSUED FOR: DATE</p> <p>REVIEW: MAY.23</p> <p>2ND REVIEW: JAN.23</p> <p>DRAWN BY: P.C.</p> <p>CHECKED BY: H.N.</p> <p>DATE: JULY 2022</p> <p>PAGE: 9 OF 10</p>	





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	NAME	MAILING ADDRESS
Registered Owners(s)	Michael Friday	[REDACTED]
Applicant(s)*		
Agent or Solicitor	Steve Kowalyshyn Dynda Poutchey	

**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:

*expansion to existing Non Conforming Legal*

- Second Dwelling Unit
- Reconstruction of Existing Dwelling

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

*- We are looking to Build a large Garage*

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**):

*2575 Regional RD. #56  
BinBrook On LOR 100*

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 8.1 to 8.10 above?

General 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.

Date 07/27/2022

Signature Property Owner(s)

Michael Friday

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage \_\_\_\_\_  
Depth \_\_\_\_\_  
Area \_\_\_\_\_  
Width of street \_\_\_\_\_

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

Existing: \_

Refer to Submitted Plans

Proposed

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

Existing:

Proposed:

13. Date of acquisition of subject lands:  
May 31 / 2003

14. Date of construction of all buildings and structures on subject lands:  
1956

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

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

17. Length of time the existing uses of the subject property have continued:  
Since New

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:  
Mixed Use - Medium Density

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Mixed use Medium Density - Pedestrian Focus (C5a) zone

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

Yes  No

If yes, please provide the file number:

\_\_\_\_\_

21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes  No

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

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 include separate sheet if needed)

\_\_\_\_\_

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>FL/B-22:82</b>	<b>SUBJECT PROPERTY:</b>	<b>1738 HWY 5 W, FLAMBOROUGH</b>
-------------------------	-------------------	--------------------------	----------------------------------

**APPLICANTS:** Owner - Herman & Evelyn Vander Meulen  
Agent - A. J. Clarke & Associates – S. Fraser

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to be added to property known municipally as 1742 Highway 5 W. as shown on the attached sketch.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	3.66 m <sup>±</sup>	48.77 m <sup>±</sup>	119 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	291.5 m <sup>±</sup>	516 m <sup>±</sup>	202,714 m <sup>2</sup> ±

Associated Planning Act File(s): FL/B-22:83

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>1:50 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

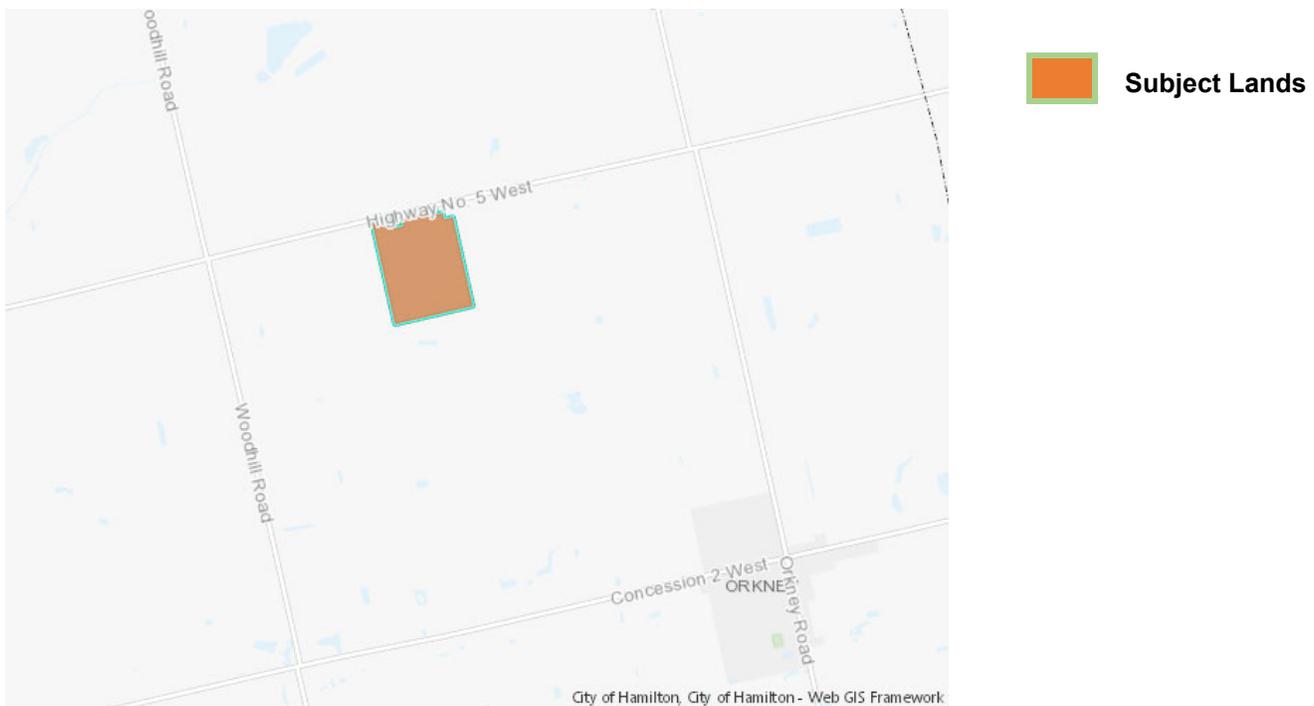
**FL/B-22:82**

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: August 23, 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, and may include posting electronic versions..

**FL/B-22:82**

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



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

July 29, 2022

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

***Delivered via e-mail***

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

**Re: Severance Application Submission  
1738 Highway 5, Troy**

---

Dear Madam,

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

1. A cheque in the amount of \$3,390.00 made payable to the City of Hamilton, in payment of the requisite application fees.
2. One (1) Electronic copy of the filled and signed Severance (Consent) Application Form.
3. One (1) Electronic copy of a Severance Sketch, Prepared by A.J. Clarke and Associates Ltd.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter.

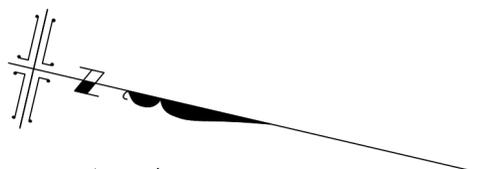
We look forward to being scheduled for the next available Committee date. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

Stephen Fraser, MCIP, RPP  
Principal, Planner  
**A.J. Clarke and Associates Ltd.**  
Encl.

Copy via email: Mr. Herman Vandermeulen

---



WIDENING BY PLAN 390 MISC. (P-1750-6)

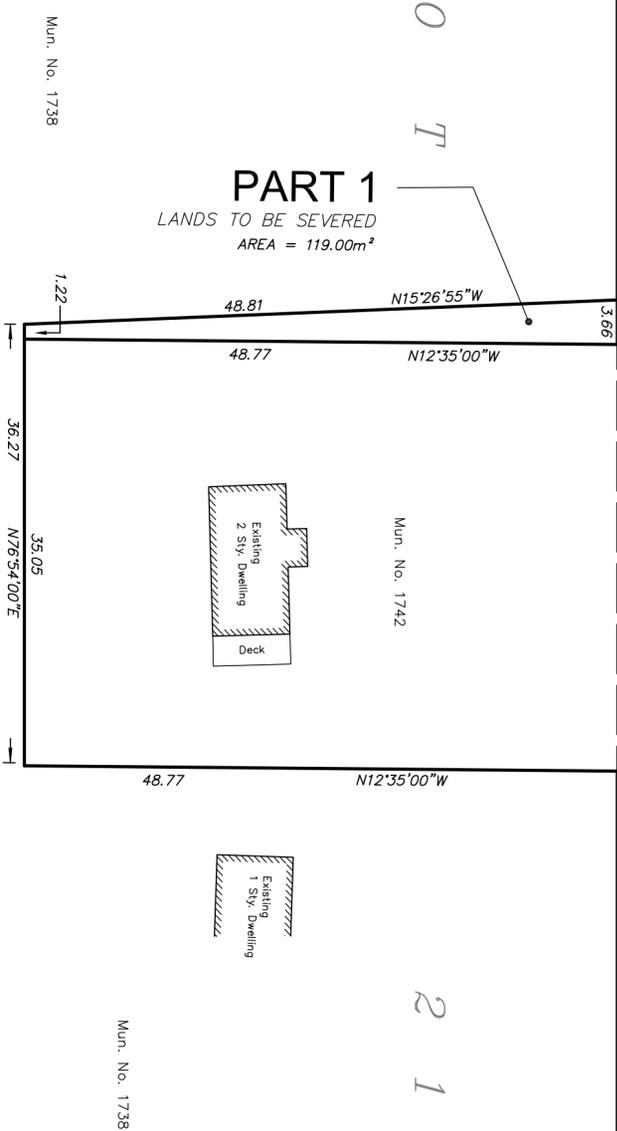
# HIGHWAY 5 WEST

(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3)  
(FORMERLY THE KING'S HIGHWAY No. 5, PART 1, PLAN P-1750-025A TRANSFERRED BY ORDER IN COUNCIL OO-2258/97, AMENDED BY OC-2164/98, REGISTERED AS INST. NO. L1525931)

WIDENING BY PLAN 390 MISC. (P-1750-6)

N76°54'00"E

N76°54'00"E

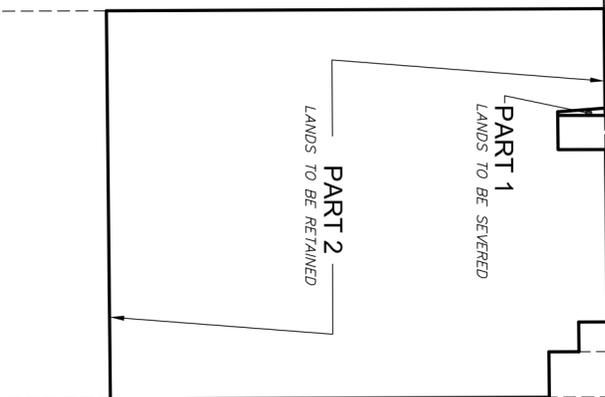


**PART 1**  
LANDS TO BE SEVERED  
AREA = 119.00m<sup>2</sup>

**PART 2**  
LANDS TO BE RETAINED  
AREA = ±202,714.00m<sup>2</sup>

Geographic Township of Beverly

C O N C E S S I O N 2



INSET  
N.T.S.

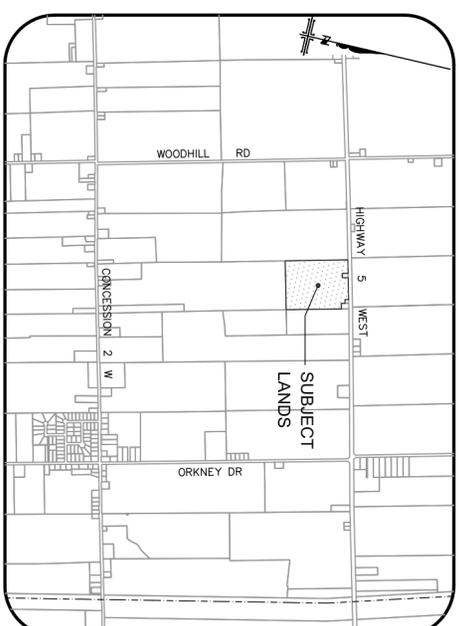
HIGHWAY No. 5 WEST

Mun. No. 1738

Mun. No. 1742

Mun. No. 1738

PROJECT No. 228075P



## 1738 HIGHWAY No. 5 WEST CITY OF HAMILTON



THE ABOVE NOTED LANDS ARE  
PART OF LOT 21  
CONCESSION 2  
GEOGRAPHIC TOWNSHIP OF BEVERLY

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

**NOTE:**  
THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH  
ARE APPROXIMATE AND ARE COMPILED FROM PLANS ON FILE IN  
OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

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

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION  
TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT  
OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.  
**CONSENT SCHEDULE:**  
PART 1 (PROPOSED SEVERANCE) AREA = 119.0m<sup>2</sup>  
PART 2 (LANDS TO BE RETAINED) AREA = ±202,714.0m<sup>2</sup>

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

MAY 18, 2022  
DATE  
NICHOLAS P. WUTH  
ONTARIO LAND SURVEYOR



*A.J. Clarke and Associates Ltd.*

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



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**

	NAME	MAILING ADDRESS	
<b>Purchaser*</b>			Phone:
			E-mail:
<b>Registered Owners(s)</b>			
<b>Applicant(s)**</b>			
<b>Agent or Solicitor</b>			

**\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

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

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

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Flamborough	Lot Pt Lt 21	Concession 2	Former Township Beverly
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 1738 Highway 5 West, Troy, ON			Assessment Roll N°.

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

### 3 PURPOSE OF THE APPLICATION

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

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

creation of a new lot

addition to a lot

an easement

Other:  a charge

a lease

a correction of title

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

Illya, Matviyenko & Tania Mejia

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

1742 Highway 5 W, Troy, ON (PT LT 21, CON 2 BEVERLY , AS IN HL89009 ; FLAMBO

### 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
3.66	48.77	119 sq m

Existing Use of Property to be severed:

Residential

Agriculture (includes a farm dwelling)

Other (specify) \_\_\_\_\_

Industrial

Agricultural-Related

Commercial

Vacant

Proposed Use of Property to be severed:

Residential

Agriculture (includes a farm dwelling)

Other (specify) \_\_\_\_\_

Industrial

Agricultural-Related

Commercial

Vacant

Building(s) or Structure(s):

Existing: none

Proposed: no change

Existing structures to be removed: none

Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

Type of water supply proposed: (check appropriate box)

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
+ - 291.5	+ - 516 m	+ - 202,714 sq m

Certificate Request for Retained Lands:  Yes\*

\* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: single detached dwelling, pool, equipment storage facility, shed

Proposed: no change

Existing structures to be removed: none

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity       telephone       school bussing       garbage collection

**5 CURRENT LAND USE**

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

Rural Hamilton Official Plan designation (if applicable): Agriculture, as per Schedule D

Urban Hamilton Official Plan designation (if applicable): \_\_\_\_\_

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

RHOP, Vol. 1, Section F.1.14.2.6 Minor Lot Line Adjustments/Minor Boundary Adjustments in All Designations (Amended by OPA 18). The proposed severance is to merely adjust property lines to allow an existing, necessary gravel driveway access to be entirely located within 1738 Highway 5 property. This severance is to balance the lands severed from 1742 Highway 5 in a separate consent application, submitted concurrently

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? "A1 – Agriculture" and "P7 – Conservation/Hazard Land" as per the City of Hamilton Zoning By-law 05-200.

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input checked="" type="checkbox"/>	
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 checked="" 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"/>	

\*Complete MDS Data Sheet if applicable

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?  

municipal digital mapping and owner information
- 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  

Items of provincial interest that may be applicable are (b) the protection of the agricultural resources of the Province, and (n) the resolution of planning conflicts involving public and private interests. Aligning property to allow proper sized drive
- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes      No     (Provide explanation)  

2.3.4.2: Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes      No     (Provide explanation)  

4.2.6.4 4. The geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network will be maintained and enhanced. Proposed consent will have no change to land use.
- 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 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) 3.66	Area (m <sup>2</sup> or ha): (from in Section 4.1) 119 sq m
--	--

Existing Land Use: Agricultural Proposed Land Use: Agricultural

### b) Lands to be Retained:

Frontage (m): (from Section 4.2) 219.5	Area (m <sup>2</sup> or ha): (from Section 4.2) 202,714 sq m
---	---

Existing Land Use: Agricultural Proposed Land Use: Agricultural

## 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.

This is a simple lot line adjustment to add the balance of the lands proposed to be severed (188.99 sq m) from 1742 Highway 5 W, in a concurrently submitted consent application.

**12 ACKNOWLEDGEMENT CLAUSE**

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

July 15, 2022  
 \_\_\_\_\_  
 Date

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



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>FL/B-22:83</b>	<b>SUBJECT PROPERTY:</b>	1742 HWY 5 W, FLAMBOROUGH
-------------------------	-------------------	--------------------------	---------------------------

**APPLICANTS:** Owner – Illya Matviyenko & T. Mejia  
Agent – A.J. Clarke & Associates – S. Fraser

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to be added to property known municipally as 1738 Highway 5 W. as shown on the attached sketch.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	1.22 m <sup>±</sup>	48.77 m <sup>±</sup>	118.99 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	33.83 m <sup>±</sup>	48.77 m <sup>±</sup>	1,590.24 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): FL/B-22:82

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>1:55 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

**FL/B-22:83**

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: August 23, 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, and may include posting electronic versions..

**FL/B-22:83**

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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

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#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

July 29, 2022

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

***Delivered via e-mail***

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

**Re: Severance Application Submission  
1742 Highway 5, Troy**

---

Dear Madam,

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

1. A cheque in the amount of \$3,390.00 made payable to the City of Hamilton, in payment of the requisite application fees.
2. One (1) Electronic copy of the filled and signed Severance (Consent) Application Form.
3. One (1) Electronic copy of a Severance Sketch, Prepared by A.J. Clarke and Associates Ltd.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter.

We look forward to being scheduled for the next available Committee date. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

Stephen Fraser, MCIP, RPP  
Principal, Planner  
**A.J. Clarke and Associates Ltd.**  
Encl.

Copy via email: Mr. Illya Matviyenko

---



WIDENING BY PLAN 390 M.S.C. (P-1750-6)

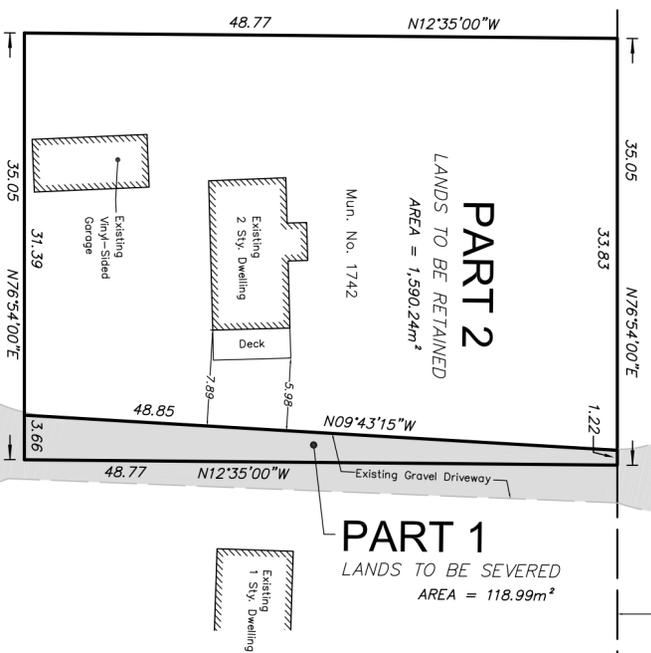
# HIGHWAY 5 WEST

(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3)  
 (FORMERLY THE KING'S HIGHWAY No. 5, PART 1, PLAN P-1750-025A TRANSFERRED BY ORDER IN COUNCIL OC-2258/97, AMENDED BY OC-2164/98, REGISTERED AS INST. NO. L1525931)

WIDENING BY PLAN 390 M.S.C. (P-1750-6)

L O T

2 1

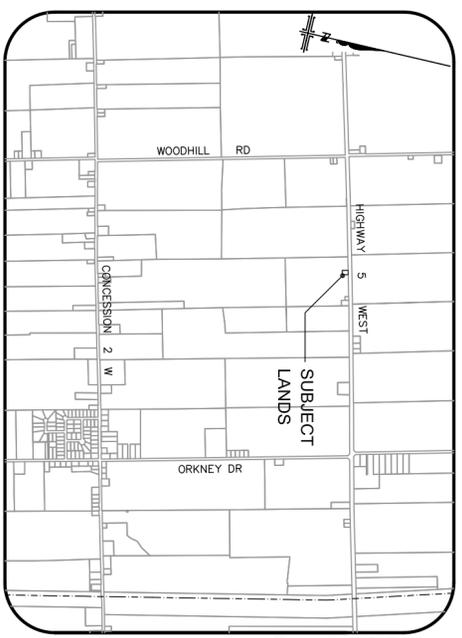


C O N C E S S I O N 2

Geographic Township of Beverly

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 A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.

PROJECT No. 228064P



SKETCH FOR CONSENT TO SEVER  
**1742 HIGHWAY No. 5 WEST**  
**CITY OF HAMILTON**



THE ABOVE NOTED LANDS ARE  
 PART OF LOT 21  
 CONCESSION 2  
 GEOGRAPHIC TOWNSHIP OF BEVERLY

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

**NOTE:**  
 THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH  
 ARE APPROXIMATE AND ARE COMPILED FROM PLANS ON FILE IN  
 OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

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

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION  
 TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT  
 OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.  
**CONSENT SCHEDULE:**  
 PART 1 (PROPOSED SEVERANCE) AREA = 118.99m<sup>2</sup>  
 PART 2 (LANDS TO BE RETAINED) AREA = 1,590.24m<sup>2</sup>

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

MAY 18, 2022  
 DATE  
 NICHOLAS P. WUTH  
 ONTARIO LAND SURVEYOR

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



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**

	NAME	MAILING ADDRESS	
<b>Purchaser*</b>			Phone:
			E-mail:
<b>Registered Owners(s)</b>			
<b>Applicant(s)**</b>			
<b>Agent or Solicitor</b>			

**\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

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

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

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Flamborough	Lot Pt Lt 21	Concession 2	Former Township Beverly
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 1742 Highway 5 W, Troy, Ontario			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

addition to a lot

an easement

Other:  a charge

a lease

a correction of title

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

Herman John Vander Meulen

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

1738 Highway 5 W, Troy, ON (Pt Lt 21 Con 2 Beverly, As In Ab158132 ; Flamborough ;

### 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
1.22 m	48.77 m	118.99 sq m

Existing Use of Property to be severed:

Residential

Agriculture (includes a farm dwelling)

Other (specify) \_\_\_\_\_

Industrial

Agricultural-Related

Commercial

Vacant

Proposed Use of Property to be severed:

Residential

Agriculture (includes a farm dwelling)

Other (specify) \_\_\_\_\_

Industrial

Agricultural-Related

Commercial

Vacant

Building(s) or Structure(s):

Existing: none

Proposed: no change

Existing structures to be removed: none

Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

Type of water supply proposed: (check appropriate box)

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
33.83 m	48.77	+1,590.24 sq m

Certificate Request for Retained Lands:  Yes\*

\* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: Single detached dwelling, accessory building

Proposed: no change

Existing structures to be removed: none

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity  telephone  school bussing  garbage collection

## 5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): Agriculture, as per Schedule D

Urban Hamilton Official Plan designation (if applicable): \_\_\_\_\_

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

RHOP, Vol. 1, Section F.1.14.2.6 Minor Lot Line Adjustments/Minor Boundary Adjustments in All Designations (Amended by OPA 18). The proposed severance is to merely adjust property lines to allow an existing, necessary gravel driveway access to be entirely located within 1738 Highway 5's property. The same balance of land (118.99 sq m) will be added to western property line of 1742 in a separate consent application that will be requested concurrently with this one

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? Agriculture (A1) Zone

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	0 metres: Surrounded by 1738 crop farming.
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"/>	+- 370 metres
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"/>	

\*Complete MDS Data Sheet if applicable

**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?  

municipal digital mapping and owner information
- 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  

Items of provincial interest that may be applicable are (b) the protection of the agricultural resources of the Province, and (n) the resolution of planning conflicts involving public and private interests. Aligning property to allow proper sized drive
- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes       No      (Provide explanation)  

2.3.4.2: Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes       No      (Provide explanation)  

4.2.6.4 4. The geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network will be maintained and enhanced. Proposed consent will have no change to land use.
- 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)

4.6.1(e) "Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas..." may be permitted

**8 HISTORY OF THE SUBJECT LAND**

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

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

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

n/a

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

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

8.4 How long has the applicant owned the subject land?

**2018/11/01**

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

will be submitted concurrently with separate consent application

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) 1.22	Area (m <sup>2</sup> or ha): (from in Section 4.1) 118.99 sq m
--	---

Existing Land Use: Agricultural Proposed Land Use: Agricultural

b) Lands to be Retained:

Frontage (m): (from Section 4.2) 33.83	Area (m <sup>2</sup> or ha): (from Section 4.2) 1,590.24 sq m
---	--

Existing Land Use: Residential Proposed Land Use: Residential

**10.4 Description of Lands (Abutting Farm Consolidation)**

a) Location of abutting farm:

\_\_\_\_\_  
 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m <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.

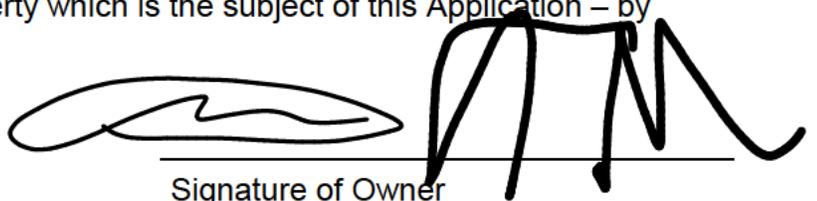
This is a simple lot line adjustment to allow for an existing gravel drive being used for farm equipment access in the neighbouring lot (1738 HWY 5).

**12 ACKNOWLEDGEMENT CLAUSE**

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

July 15, 2022 \_\_\_\_\_

Date

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



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>HM/B-22:85</b>	<b>SUBJECT PROPERTY:</b>	86 SHERMAN AVENUE S, HAMILTON
-------------------------	-------------------	--------------------------	----------------------------------

**APPLICANTS:** Owner – EBM Construction Services Inc.  
Agent – Urban Solutions – S. Fraser

**PURPOSE & EFFECT:** To permit the conveyance of a one half of a semi-detached dwelling currently under construction and to retain one half of a semi-detached dwelling.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	8.84 m <sup>±</sup>	31.09 m <sup>±</sup>	274.66 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	8.84 m <sup>±</sup>	31.09 m <sup>±</sup>	274.66 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): N/A

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:00 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

## HM/B-22:85

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: August 23, 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, and may include posting electronic versions..

**HM/B-22:85**

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton Planning and Development  
City Hall 5<sup>th</sup> Floor  
71 Main St W, Hamilton, ON L8P 4Y5

August 4, 2022

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment  
via email: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca)

**Re: 86 Sherman Avenue South – Severance Application Submission**

---

Dear Madam:

A.J. Clarke and Associates Ltd. has been retained by EBM Construction Solutions Inc., owner of 86 Sherman Avenue South, for the purposes of submitting the enclosed Severance Application. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the Severance (Consent) Application.
- One (1) cheque in the amount of \$2,985.00 representing the required application fee.
- One (1) electronic copy of Draft Reference Plan.

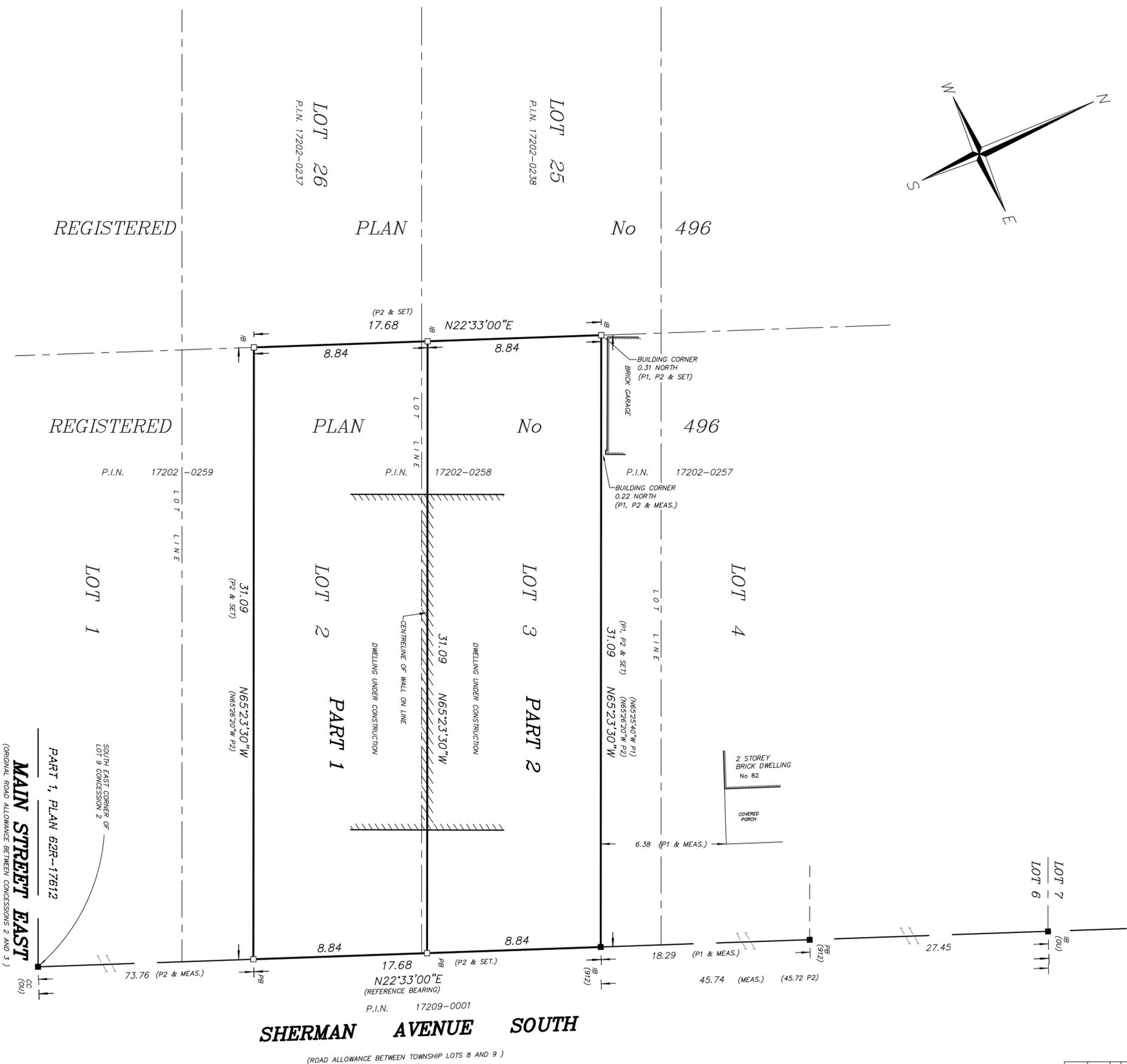
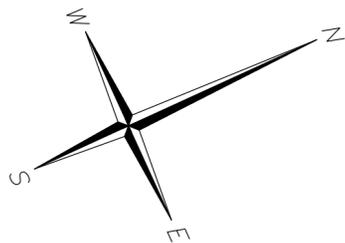
The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan and are zoned “D” District (Urban Protected Residential - One and Two Family Dwellings, Etc.) Zone in City of Hamilton Zoning By-law No. 6593. The subject lands are currently under construction for a two family dwelling. The intent of the application is to facilitate a severance to create two (2) separate residential lots so each parcel can be conveyed/sold.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available meeting date. If you have any questions or require additional information, please do not hesitate to contact this office.

Yours truly,

Stephen Fraser MCIP, RPP  
Principal, Planner  
**A. J. Clarke and Associates Ltd.**

Copy via email: EBM Construction Solutions Inc.



SCHEDULE				
PART	LOT	PLAN	PIN	AREA
1	LOTS 2 & 3	REGISTERED PLAN No. 496	17202-0258	274.66m <sup>2</sup>
2	LOT 3	REGISTERED PLAN No. 496	17202-0259	274.66m <sup>2</sup>

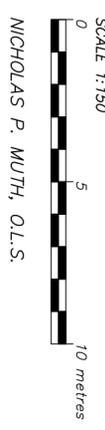
**PLAN 62R-**  
RECEIVED AND DEPOSITED:

DATE \_\_\_\_\_ REPRESENTATIVE FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE \_\_\_\_\_ NICHOLAS P. MUTH, O.L.S.

PLAN OF SURVEY OF  
PART OF LOTS 2 & 3  
REGISTERED PLAN No. 496  
IN THE  
**CITY OF HAMILTON**



NICHOLAS P. MUTH, O.L.S.

**LEGEND:**

- DENOTES A SURVEY MONUMENT PLANTED
- DENOTES A SURVEY MONUMENT FOUND
- IB DENOTES IRON BAR
- CC DENOTES CUT GROSS
- PB DENOTES PLASTIC BAR
- (912) DENOTES A.J. CLARKE & ASSOCIATES LTD.
- (OU) DENOTES ORIGIN UNKNOWN
- P1 DENOTES PLAN OF SURVEY BY A.J. CLARKE & ASSOCIATES LTD. DATED NOV. 1, 2021 (FILE R-4597).
- P2 DENOTES BUILDING LOCATION SURVEY BY A.J. CLARKE & ASSOCIATES LTD. DATED MARCH 26, 1986 (INDEXED E-7039)

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF SHERMAN AVENUE SOUTH AS SHOWN ON REGISTERED PLAN No. 496 HAVING A BEARING OF N22°33'00"E.

**SURVEYOR'S CERTIFICATE:**

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 6TH DAY OF JUNE, 2022.

JUNE 22, 2022  
DATE \_\_\_\_\_ NICHOLAS P. MUTH  
ONTARIO LAND SURVEYOR

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

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

PROJECT No. 198247R



## 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**

	NAME	MAILING ADDRESS	
Purchaser*	(same as Owner)		Phone:
			E-mail:
Registered Owners(s)	EBM Construction Solutions Inc.		
Applicant(s)**	(same as Owner)		
Agent or Solicitor	A.J. Clarke and Associates Ltd. c/o Stephen Fraser		

\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)

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

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

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township Hamilton
Registered Plan N°. 496	Lot(s) Pt Lts 2, 3	Reference Plan N°.	Part(s)
Municipal Address 86 Sherman Avenue South			Assessment Roll N°.

## 2.2 Are there any easements or restrictive covenants affecting the subject land?

 Yes  No

If YES, describe the easement or covenant and its effect:

N/A

**3 PURPOSE OF THE APPLICATION**

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

a) **Urban Area Transfer (do not complete Section 10):** creation of a new lot addition to a lot an easementOther:  a charge a lease a correction of titleb) **Rural Area / Rural Settlement Area Transfer (Section 10 must also 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 lotOther:  a charge a lease a correction of title an easement

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

Unknown.

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

N/A

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

## 4.1 Description of land intended to be Severed (lease, easement, charge etc.):

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
+/- 8.84 m	+/- 31.09 m	+/- 274.66 sq m

## Existing Use of Property to be severed:

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

## Proposed Use of Property to be severed:

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

## Building(s) or Structure(s):

Existing: None

Proposed: One semi-detached dwelling, with associated paved parking.

Existing structures to be removed: None

## Type of access: (check appropriate box)

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

## Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be Retained (remainder):

Frontage (m) +- 8.84 m	Depth (m) +- 31.09 m	Area (m <sup>2</sup> or ha) +- 274.66 sq m
---------------------------	-------------------------	---

Certificate Request for Retained Lands:  Yes\*

\* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: None

Proposed: One semi-detached dwelling, with associated paved parking.

Existing structures to be removed: None

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

4.3 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) <sup>\*Neighbourhoods\* UHOP</sup> \_\_\_\_\_

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

Please see Cover Letter.

## 5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? "D - Urban Protected Residential, One and Two Family Dwellings" ZBL 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"/>	

\*Complete MDS Data Sheet if applicable

## 6 PREVIOUS USE OF PROPERTY

- Residential       Industrial       Commercial  
 Agriculture       Vacant       Other (specify)

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

- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
 Yes  No  Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
 Property owner's information and previous approvals.
- 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 see Cover Letter.
- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes  No (Provide explanation)  
 Please see Cover Letter.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes  No (Provide explanation)  
 Please see Cover Letter.
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes  No
- e) Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes  No  
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?  
 Yes  No  
 (Provide Explanation)  
 N/A
- f) Are the subject lands subject to the Parkway Belt West Plan?  
 Yes  No  
 If yes, is the proposal in conformity with the Parkway Belt West Plan?  
 Yes  No (Provide Explanation)  
 N/A
- g) Are the subject lands subject to the Greenbelt Plan?  
 Yes  No

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

Yes  No (Provide Explanation)

N/A

**8 HISTORY OF THE SUBJECT LAND**

8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes  No  Unknown

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

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

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

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

8.4 How long has the applicant owned the subject land?

Since early 2022

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 HM/A-19:429 Status Approved.

**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.

Please see Cover Letter.
--------------------------

#### 12 ACKNOWLEDGEMENT CLAUSE

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

June 21, 2022  
 \_\_\_\_\_  
 Date

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



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>HM/B-22:80</b>	<b>SUBJECT PROPERTY:</b>	24 KINRADE AVENUE, HAMILTON
-------------------------	-------------------	--------------------------	--------------------------------

**APPLICANTS:** Owner – Brian Robert Gilkes  
Agent – **Davis Webb**

**PURPOSE & EFFECT:** To validate the title of a parcel of land under the provisions of Section 57(1) of the Planning Act, correcting a Planning Act Validation that occurred during a past mortgage transaction on the subject property.

**SUBJECT LANDS:** Shown as 24 Kinrade Avenue on attached sketch.

**BACKGROUND:** See attached cover letter.

Associated Planning Act File(s): HM/B-22:81

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:05 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

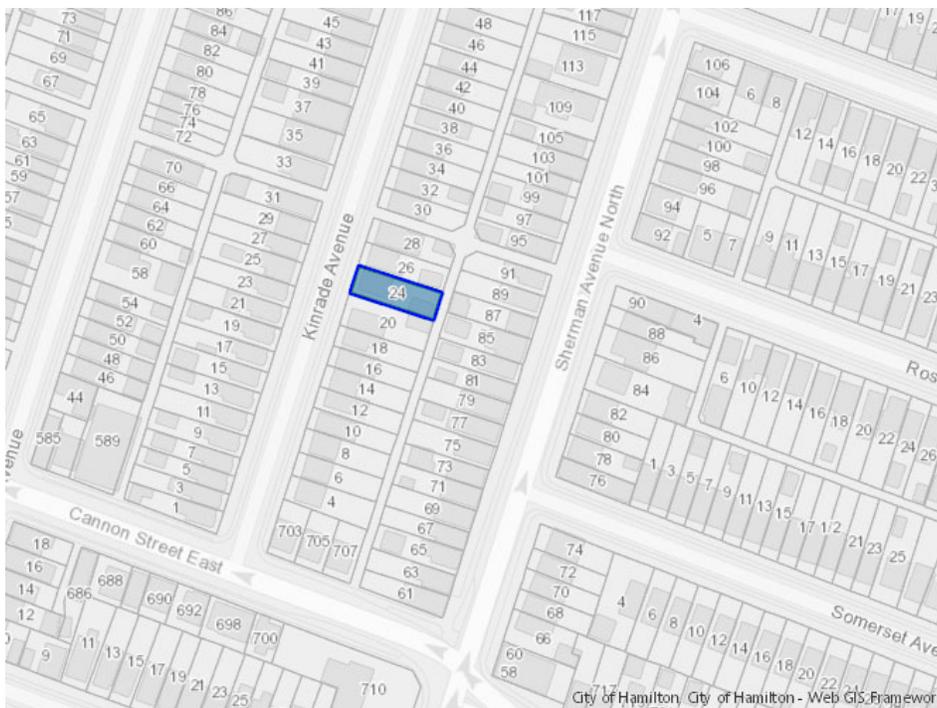
**HM/B-22:80**

- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**Subject Lands**

DATED: August 23, 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, and may include posting electronic versions..

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of

**HM/B-22:80**

Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

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**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

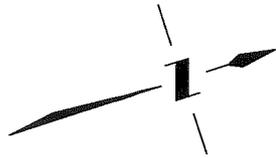
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



**KINRADE AVENUE** PIN 17197-0377  
(BY REGISTERED PLAN 76)

SKETCH TO ILLUSTRATE EXISTING CONDITIONS AT  
**24 KINRADE AVENUE**  
BEING  
PART OF LOT 99  
REGISTERED PLAN 76  
CITY OF HAMILTON

SCALE 1 : 150



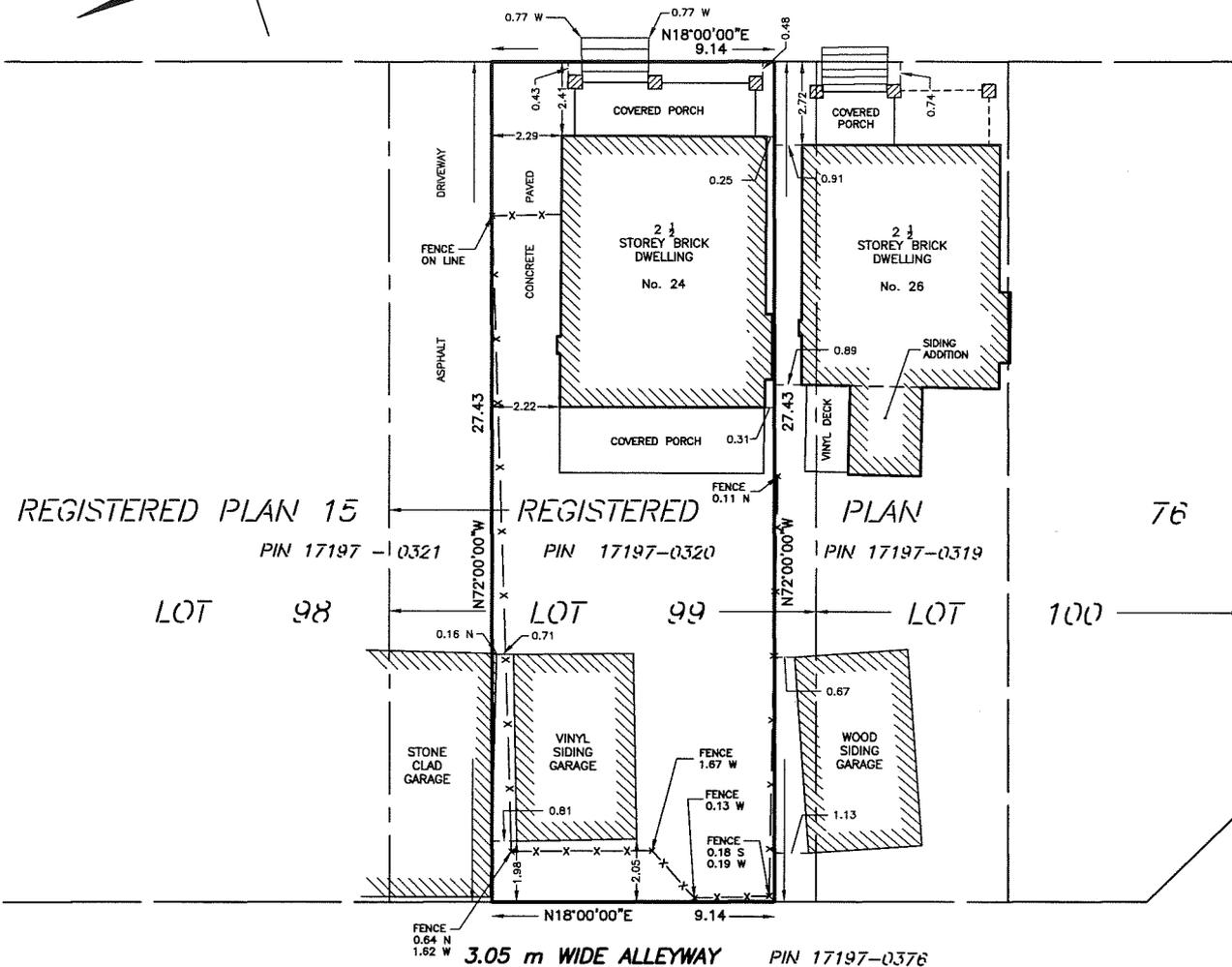
© COPYRIGHT, 2022

**CAUTION**

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

INFORMATION SHOWN ON THIS SKETCH WAS SURVEYED IN THE FIELD ON MARCH 1, 2022.

3.66 m WIDE ALLEYWAY



REGISTERED PLAN 15

PIN 17197-0321

LOT 98

REGISTERED

PIN 17197-0320

LOT 99

PLAN

PIN 17197-0319

LOT 100

76

3.05 m WIDE ALLEYWAY PIN 17197-0376

DATE: MARCH 24, 2022  
FILE No. 9351-SK

**TARASICK McMILLAN KUBICKI LIMITED**  
ONTARIO LAND SURVEYORS  
4181 SLADEVIEW CRESCENT, UNIT 42  
MISSISSAUGA ON L5L 5R2  
TEL. 905-569-8849 FAX 905-569-3160  
E-MAIL: office@tmksurveyors.com



24 Queen Street East  
Suite 800  
Brampton, Ontario, L6V 1A3  
Canada  
Internet: DavisWebb.com  
Fax: 905.454.1876  
Telephone: 905.451.6714

**ESTABLISHED IN 1916**  
Grenville Davis QC (1916-1973)  
Hon. William G. Davis PC CC QC (1955-2021)  
Ronald K. Webb QC  
Neil G. Davis  
Christopher L. Moon  
Ronald S. Sleightholm  
Ellen S. Pefhany  
Barbara Skupien  
James S.G. Macdonald  
Melisa Rupoli  
Rida Anmol  
Marko Ivanisevic

064741-033

June 27<sup>th</sup>, 2022

**Delivered by Courier**

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

Dear Sir/Madam:

**RE: UKRAINIAN CREDIT UNION LIMITED**  
**Application for Validation of Title**  
**24 Kinrade Avenue, Part of Lot 99, Plan 76, City of Hamilton (the "Property")**

In connection with the above-noted Application please find enclosed the following:

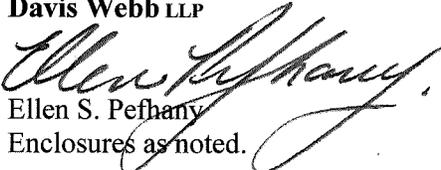
1. Application for Validation of Title;
2. Sketch; and
3. Our cheque in the sum of \$475.00 representing the application fee.

By way of background, Brian Robert Gilkes purchased the Property on May 27<sup>th</sup>, 2013. On January 15<sup>th</sup>, 2019 Mr. Gilkes acquired title to the lands abutting the Property municipally known as 26 Kinrade Avenue. On January 31<sup>st</sup>, 2019, Mr. Gilkes granted a Charge/Mortgage over the Property in favour of Ukrainian Credit Union Limited. Unfortunately, since at the time Mr. Gilkes granted the Charge/Mortgage over the Property he was also the owner of the abutting property at 26 Kinrade Avenue, the Charge/Mortgage contravened the *Planning Act*. This Application for Validation of Title is to cure that *Planning Act* contravention. Ukrainian Credit Union Limited is also making a companion Application for Validation of Title with respect to a Charge/Mortgage it has over 26 Kinrade Avenue, Hamilton.

As the writer is going to be out of the country for the period July 22<sup>nd</sup>, 2022 to August 23<sup>rd</sup>, 2022, we would ask that the hearing of these matters not be scheduled within this timeframe.

Yours very truly,

Davis Webb LLP

  
Ellen S. Pefhany  
Enclosures as noted.



Committee of Adjustment  
 City Hall, 5<sup>th</sup> floor, 71 Main Street West  
 Hamilton, ON L8P 4Y5  
 Phone: 905-546-2424, ext. 4144  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

APPLICATION FOR VALIDATION OF TITLE  
 Under Section 57 of the *Planning Act*, 1996

Office Use Only
Application No. _____
Date Received: _____

1. Name  
 Address  
 Telephone  
 Name  
 or address  
 Address  
 Telephone  
 Please

Owner  Solicitor  Agent

2. In whose name is the property registered?  
Brian Robert Gilkes
3. When was the property purchased? May 27th, 2013
4. LOCATION OF LAND:
- Geographic or  
 Municipality Hamilton Former Township \_\_\_\_\_  
 Lot(s) No. \_\_\_\_\_ and Concession No. \_\_\_\_\_  
 Registered Plan No. 76 Lot(s) No. Part of Lot 99  
 Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_  
 Street No. 24 Street Name Kinrade Avenue
5. Description of land:  
 Frontage 9.14 metres Depth 27.43 metres Area 250.8 sq. m  
 Existing Use Residential Proposed Use Residential
6. Has a building permit been issued? Not Applicable
7. (a) Has construction commenced? Not Applicable  
 (b) Number and type of buildings and structures. (Please indicate those buildings or structures to be demolished).  
 Existing One 2.5 storey brick dwelling and one vinyl siding garage  
 Proposed No change

M.

8. Are there any existing restrictions affecting the land holding (i.e. covenants, rights-of-way, easements, etc., or any proposed reservations of interest that will affect the subject land?)

Yes  No

If "yes", the details of all such existing restrictions and proposed reservations must be shown on the plan.

---

9. Did the previous owner retain any interest in the subject land?

Yes  No

If "yes", please give details.

---

10. Do you have any interest in any abutting parcel of land?

Yes  No

If "yes", details must be shown on the plan. Applicant is also the mortgagee of 26 Kinrade

11. Type of road access (specify) Municipal

---

12. What type of **water supply** is proposed? (Check appropriate box)

Municipally owned and operated pipe water supply  Lake   
Well

Other (Specify) \_\_\_\_\_

---

13. What type of **sewage disposal** is proposed? (Check appropriate box)

Municipally owned and operated sanitary sewers  Septic tank   
Pit privy

Other (Specify) \_\_\_\_\_

---

14. When will water supply and sewage disposal services be available? currently

---

15. (a) Has the owner severed any land from this holding? Yes  No

(b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed.

Grantee's name \_\_\_\_\_

Relationship (if any) to owner \_\_\_\_\_

Use of parcel \_\_\_\_\_ Date parcel created \_\_\_\_\_

---

16. Why do you consider your title may require validation?

At the time the mortgage on the property was granted the registered owner of the property also owned the adjoining lands at 26 Kinrade Avenue which were not included in the mortgage and therefore, the mortgage contravened the Planning Act

---

17. Is the subject parcel located within or adjacent to an Environmentally Sensitive Area? Yes  No

18. Affidavit or sworn declaration  
 Taras Pidzamecky &

We, Bradley Sutherland of the City of Toronto

in the CEO and CFO respectively of Ukrainian Credit Union Limited

solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of **The Canada Evidence Act.**

SEVERALLY DECLARED before me at the

CITY of TORONTO

in the PROVINCE of ONTARIO

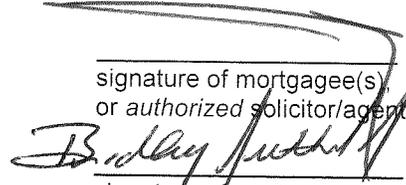
this 18<sup>TH</sup> day of June, 2022



**MICHAEL P. MYCHAILYSHYN**  
**BARRISTER & SOLICITOR**  
**A COMMISSIONER, ETC.**

A Commissioner, etc.

**NOTARY PUBLIC IN AND FOR THE**  
**PROVINCE OF ONTARIO**

signature of mortgagee(s),  
 or authorized solicitor/agent  
  
 signature of mortgagee(s),  
 or authorized solicitor/agent

**NOTE:** If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application. If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

**APPLICANT'S CHECKLIST**

Have you remembered to attach:

- 1 copy of the completed application form and a detailed history of why you are applying to have the title validated?  
 (Ensure you have a copy for yourself)
- 1 copy of the prescribed sketch or survey?
- 1 copy of all supporting materials indicating the contravention of the Planning Act including PIN print outs and other items deemed necessary.
- 1 copy of a letter of authorization, if required. (See note above)
- The required fee? **(A cheque or money order in the amount of \$475.00 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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>HM/B-22:81</b>	<b>SUBJECT PROPERTY:</b>	<b>26 KINRADE AVENUE, HAMILTON</b>
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**APPLICANTS:** Owner – Ukrainian Credit Union Limited  
Agent – **Davis Webb**

**PURPOSE & EFFECT:** To validate the title of a parcel of land under the provisions of Section 57(1) of the Planning Act, correcting a Planning Act Validation that occurred during a past mortgage transaction on the subject property.

**SUBJECT LANDS:** Shown as 26 Kinrade Avenue on Attached Sketch.

**BACKGROUND:** See attached cover letter.

Associated Planning Act File(s): HM/B-22:80

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:05 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

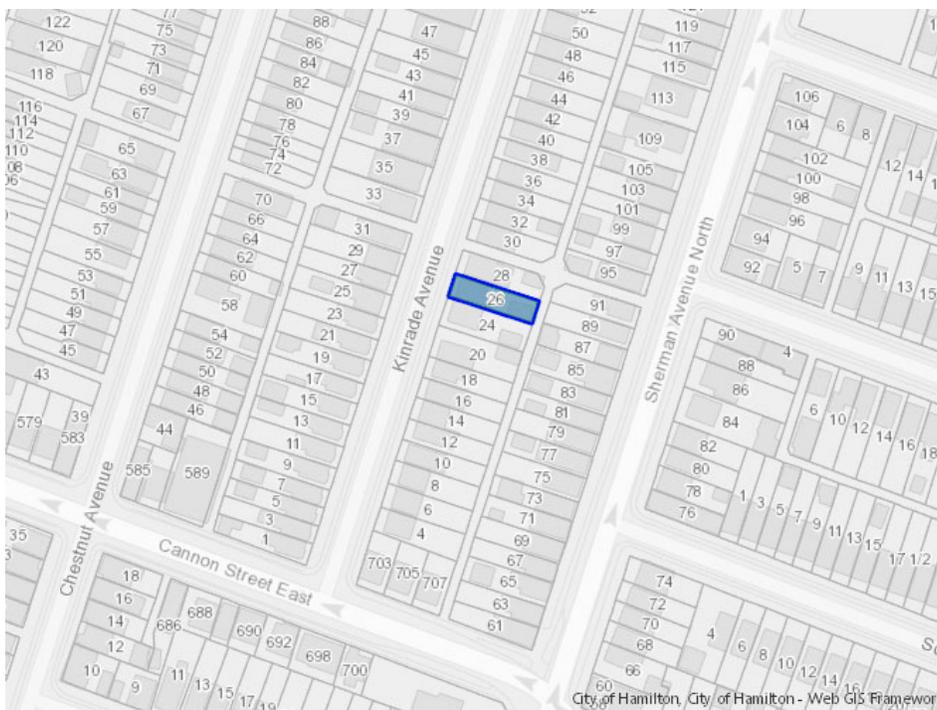
**HM/B-22:81**

- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**Subject Lands**

DATED: August 23, 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, and may include posting electronic versions..

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of

**HM/B-22:81**

Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



24 Queen Street East  
Suite 800  
Brampton, Ontario, L6V 1A3  
Canada

Internet: DavisWebb.com  
Fax: 905.454.1876  
Telephone: 905.451.6714

**ESTABLISHED IN 1916**  
Grenville Davis QC (1916-1973)  
Hon. William G. Davis PC CC QC (1955-2021)

Ronald K. Webb QC  
Neil G. Davis  
Christopher L. Moon  
Ronald S. Sleightholm  
Ellen S. Pefhany  
Barbara Skupien  
James S.G. Macdonald  
Melisa Rupoli  
Rida Anmol  
Marko Ivanisevic

064741-034

June 27<sup>th</sup>, 2022

**Delivered by Courier**

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

Dear Sir/Madam:

**RE: UKRAINIAN CREDIT UNION LIMITED**  
**Application for Validation of Title**  
**26 Kinrade Avenue, Part of Lots 99 & 100, Plan 76, City of Hamilton (the "Property")**

In connection with the above-noted Application please find enclosed the following:

1. Application for Validation of Title;
2. Sketch; and
3. Our cheque in the sum of \$475.00 representing the application fee.

By way of background, on January 15<sup>th</sup>, 2019 Mr. Gilkes acquired title to the Property. At the time he acquired title to the Property, he was also the registered owner of the abutting property at 24 Kinrade Avenue having purchased that property on May 27<sup>th</sup>, 2013. On January 15<sup>th</sup>, 2019, Mr. Gilkes granted a Charge/Mortgage over the Property in favour of Ukrainian Credit Union Limited. Unfortunately, since at the time Mr. Gilkes granted the Charge/Mortgage over the Property he was also the owner of the abutting property at 24 Kinrade Avenue, the Charge/Mortgage contravened the *Planning Act*. This Application for Validation of Title is to cure that *Planning Act* contravention. Ukrainian Credit Union Limited is also making a companion Application for Validation of Title with respect to a Charge/Mortgage it has over 24 Kinrade Avenue, Hamilton.

As the writer is going to be out of the country for the period July 22<sup>nd</sup>, 2022 to August 23<sup>rd</sup>, 2022, we would ask that the hearing of these matters not be scheduled within this timeframe.

Yours very truly,

Davis Webb LLP

Ellen S. Pefhany  
Enclosures as noted.





Hamilton

Committee of Adjustment  
 City Hall, 5<sup>th</sup> floor, 71 Main Street West  
 Hamilton, ON L8P 4Y5  
 Phone: 905-546-2424, ext. 4144  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

APPLICATION FOR VALIDATION OF TITLE  
 Under Section 57 of the *Planning Act*, 1996

Office Use Only

Application No. \_\_\_\_\_

1. Name of  
 Address  
 Telephone  
 Name of  
 or auth  
 Address  
 Telephone

Please copy to whom all communications should be sent.

Owner  Solicitor  Agent

2. In whose name is the property registered?  
Brian Robert Gilkes
3. When was the property purchased? January 15th, 2019
4. LOCATION OF LAND:
- Geographic or  
 Municipality Hamilton Former Township \_\_\_\_\_  
 Lot(s) No. \_\_\_\_\_ and Concession No. \_\_\_\_\_  
 Registered Plan No. 76 Lot(s) No. Pt Lts 99 & 100  
 Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_  
 Street No. 26 Street Name Kinrade Avenue
5. Description of land:  
 Frontage 7.60 metres Depth 27.43 metres Area 208.4 sq. m  
 Existing Use Residential Proposed Use Residential
6. Has a building permit been issued? Not Applicable
7. (a) Has construction commenced? Not Applicable  
 (b) Number and type of buildings and structures. (Please indicate those  
 buildings or structures to be demolished).  
 Existing One 2.5 storey brick dwelling, one wood siding garage & deck  
 Proposed No change

M

8. Are there any existing restrictions affecting the land holding (i.e. covenants, rights-of-way, easements, etc., or any proposed reservations of interest that will affect the subject land?)  
 Yes  No   
 If "yes", the details of all such existing restrictions and proposed reservations must be shown on the plan.  
 \_\_\_\_\_
9. Did the previous owner retain any interest in the subject land?  
 Yes  No   
 If "yes", please give details.  
 \_\_\_\_\_
10. Do you have any interest in any abutting parcel of land?  
 Yes  No   
 If "yes", details must be shown on the plan. Applicant is also the mortgagee of 24 Kinrade
11. Type of road access (specify) Municipal
12. What type of **water supply** is proposed? (Check appropriate box)  
 Municipally owned and  operated pipe water supply  
 Lake   
 Well   
 Other (Specify) \_\_\_\_\_
13. What type of **sewage disposal** is proposed? (Check appropriate box)  
 Municipally owned and  operated sanitary sewers  
 Septic tank   
 Pit privy   
 Other (Specify) \_\_\_\_\_
14. When will water supply and sewage disposal services be available? currently
15. (a) Has the owner severed any land from this holding? Yes  No   
 (b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed.  
 Grantee's name \_\_\_\_\_  
 Relationship (if any) to owner \_\_\_\_\_  
 Use of parcel \_\_\_\_\_ Date parcel created \_\_\_\_\_
16. Why do you consider your title may require validation?  
At the time the mortgage on the property was granted the registered owner of the property also owned the adjoining lands at 24 Kinrade Avenue which were not included in the mortgage and therefore, the mortgage contravened the Planning Act  
 \_\_\_\_\_
17. Is the subject parcel located within or adjacent to an Environmentally Sensitive Area?  
 Yes  No

M

18. Affidavit or sworn declaration  
Taras Pidzamecky &

We, Bradley Sutherland of the City of Toronto

in the CEO and CFO respectively of Ukrainian Credit Union Limited

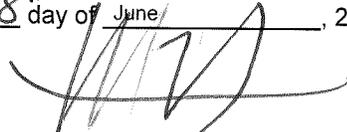
solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of **The Canada**

SEVERALLY DECLARED before me at the

CITY of TORONTO

in the PROVINCE of ONTARIO

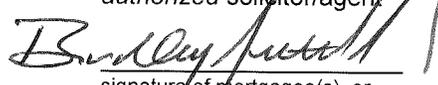
this 18<sup>TH</sup> day of June, 2022



**MICHAEL P. MYCHAILYSHYN**  
**BARRISTER & SOLICITOR**  
**A COMMISSIONER, ETC.**

**NOTARY PUBLIC IN AND FOR THE**  
**PROVINCE OF ONTARIO**

signature of mortgagee(s), or  
authorized solicitor/agent



signature of mortgagee(s), or  
authorized solicitor/agent

**NOTE:** If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application. If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

**APPLICANT'S CHECKLIST**

Have you remembered to attach:

- 1 copy of the completed application form and a detailed history of why you are applying to have the title validated?  
(Ensure you have a copy for yourself)
- 1 copy of the prescribed sketch or survey?
- 1 copy of all supporting materials indicating the contravention of the Planning Act including PIN print outs and other items deemed necessary.
- 1 copy of a letter of authorization, if required. (See note above)
- The required fee? **(A cheque or money order in the amount of \$475.00 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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>HM/B-22:86</b>	<b>SUBJECT PROPERTY:</b>	196 STANLEY AVENUE, HAMILTON,
-------------------------	-------------------	--------------------------	----------------------------------

**APPLICANTS:** Owner – 1970705 Ontario Inc.  
Agent – IBI Group – M. Crough

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling will be demolished to facilitate this application.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	7.71 m <sup>±</sup>	37.82 m <sup>±</sup>	291.95 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	7.71 m <sup>±</sup>	37.82 m <sup>±</sup>	291.95 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): HM/A-22:270

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:20 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

## HM/B-22:86

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 Subject Lands

DATED: August 23, 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, and may include posting electronic versions..

**HM/B-22:86**

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



**IBI GROUP**  
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Hamilton ON L8L 1H5 Canada  
tel 905 546 1010  
[ibigroup.com](http://ibigroup.com)

August 8, 2022

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

**RE: CONSENT AND MINOR VARIANCE APPLICATION - 196 STANLEY AVENUE,  
HAMILTON**

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

- A completed Consent Application Form;
- A completed Minor Variance Application Form;
- A Survey, prepared by A.T. McLaren Limited;
- Elevation and Floor Plans, prepared by Kimberley Lalonde Home Design;
- A combined Consent and Minor Variance Sketch, prepared by IBI Group; and
- A Planning Justification Brief, prepared by IBI Group

Subsequent to the submission of this Application, Grading and Servicing Plans will be provided once received from MTE Consultants.

We trust this will allow our application to be circulated for review and scheduled for a Committee meeting as soon as possible.

Thanks very much.

A handwritten signature in black ink, appearing to read 'Mike Crough'.

Mike Crough RPP MCIP  
Associate Director - Practice Lead, Planning

A handwritten signature in black ink, appearing to read 'Isabelle Ilagan'.

Isabelle Ilagan  
Planning Student

Planning Justification Brief

# 196 Stanley Avenue Hamilton, ON

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Proposed Consent to Sever and Minor Variance for a Semi-Detached Two-Storey Dwelling with Internal and Detached Secondary Dwelling Units



Prepared for 1970705 Ontario Inc.  
by IBI Group  
August 8, 2022

# Document Control Page

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<b>CLIENT:</b>	1970705 Ontario Inc.
<b>PROJECT NAME:</b>	196 Stanley Avenue
<b>REPORT TITLE:</b>	Planning Justification Brief
<b>IBI REFERENCE:</b>	139133
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## 1 Introduction

IBI Group has been retained by the Owner to provide an independent planning opinion on the current applications to the City of Hamilton Committee of Adjustment pertaining to 196 Stanley Avenue. The applications propose a consent to sever the existing land from one lot into two and the construction a two-storey semi-detached dwelling, divided by the proposed common lot line, with one internal and detached Secondary Dwelling Unit (“SDU”) per lot, with associated minor variances for lot size and other dwelling-specific performance standards. This report provides the required analysis, including a review of provincial and local policy, and the final recommendation that the applications should be approved by the Committee.

## 2 Planning Applications

The current application for consent is to sever the existing lot from one lot into two, to allow for the construction of a proposed two-storey semi-detached dwelling, divided by the proposed common lot line, with one internal and detached SDU per lot. The consent to sever application is being made to the City of Hamilton Committee of Adjustment under subsection 53(12) of the *Planning Act*, which provides the powers to the Committee to make decisions with respect to severing lots.

Concurrently with the consent to sever application, a minor variance application is being made to the City of Hamilton Committee of Adjustment under Subsection 45(1) of the *Planning Act*, which provides the powers to the Committee to make decisions with respect to minor variances to the Zoning By-law. A detailed discussion of the Powers of the Committee under 53(12) & 45(1) of the *Planning Act*, as well as how the proposed development falls within those power is provided later in the report under subsection 5.1. The variance application is required to address performance standards for lot width, dwelling setbacks, and parking areas.

## 3 Site Location and Context

The subject lands are legally described as Lot 228, Block “C”, Registered Plan 253 and known municipally as 196 Stanley Avenue, in the City of Hamilton. The site is located on the north side of Stanley Avenue, just east of Dundurn Street South and west of Locke Street South. The current lot consists of a 1 and a 1/2-storey brick dwelling, side deck, and detached shed. The lot has frontage on Stanley Street of approximately 15.4 m, with a total area of approximately 583 m<sup>2</sup>.

Along the rear of the site is a paved public laneway that is approximately 3.66 m in width, providing access from Locke Street South to Dundurn Street South. There are numerous dwellings in the area that have access to, and appear to use, the public laneway to get to rear yard detached garages and parking areas.

Air photos illustrating this context are presented in **Figures 3.1 & 3.2** below. A survey plan illustrating the existing conditions is provided in **Figure 3.3** below.

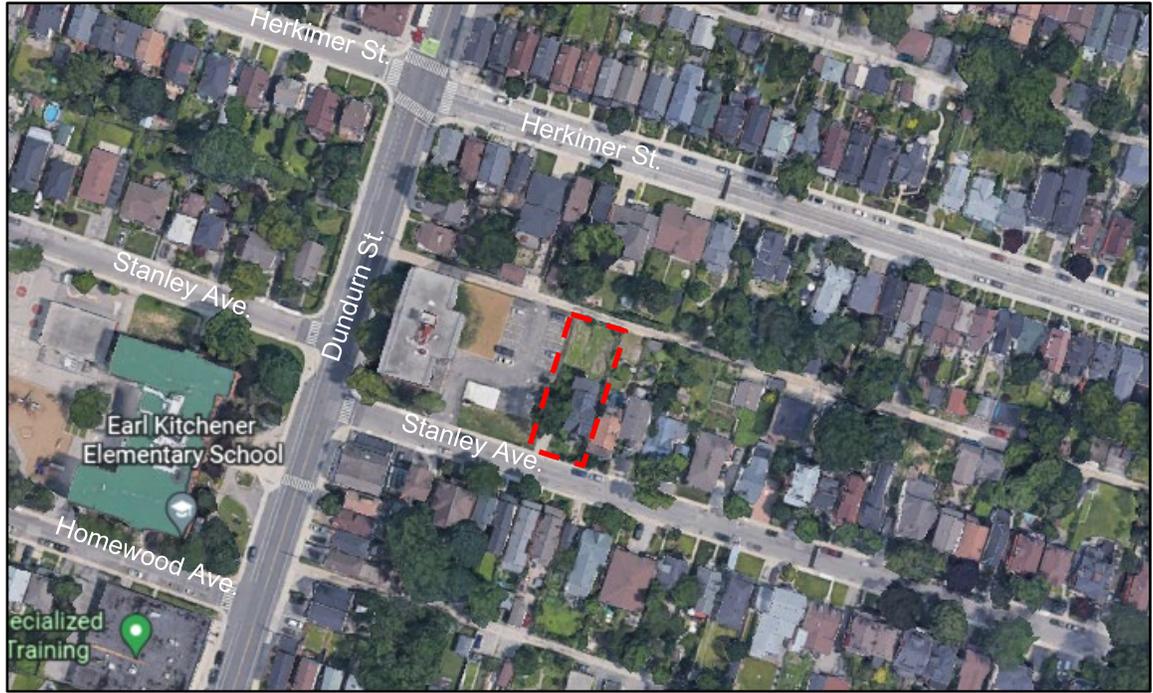


Figure 3.1 – Google Air photo of the subject lands (subject lands in red).



Figure 3.2 – City of Hamilton online air photo, parcel and zoning map (subject lands in yellow).

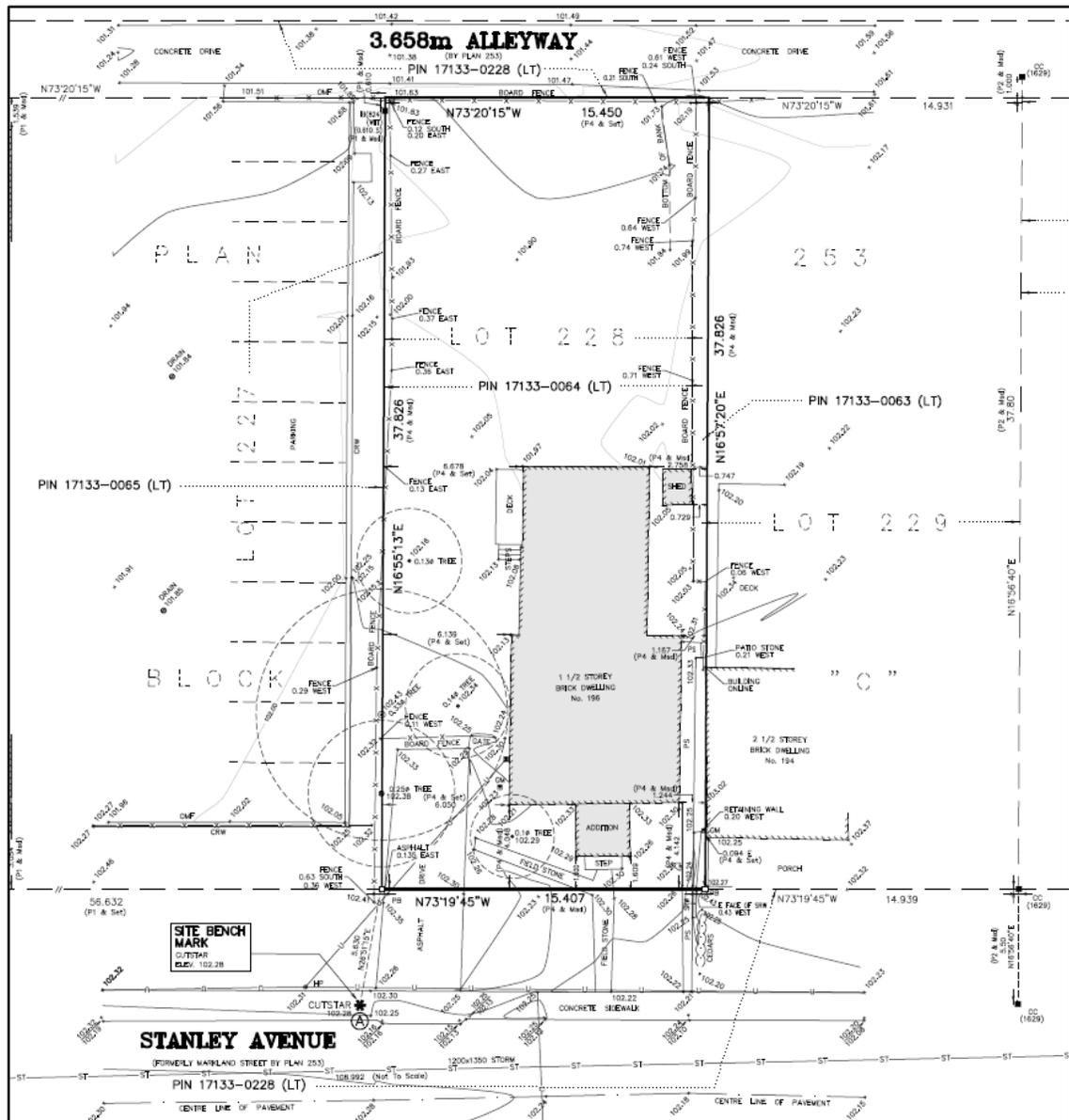


Figure 3.3 – Survey plan of existing conditions

In terms of surrounding context, the site is located in an area of the City that provides a variety of dwelling sizes, types and densities, as well as a range of amenities, services and other land uses. Higher density building forms can be seen along the main streets within the 500 m radius circle of the subject lands. For instances, there is an 8-storey apartment building immediately adjacent, at the corner of Dundurn Street South and Stanley Avenue, a 7-storey apartment building at the corner of Dundurn Street South and Aberdeen Avenue, and a 3-storey apartment building on the corner of Dundurn Street South and Chatham Street (see Figure 3.5). In contrast, lower density development along Homewood Avenue, Stanley Avenue, Herkimer Street, Charlton Avenue and Chatham Street exhibits a mix of semi-detached and single-detached dwellings of various height, style, and materials (see Figures 3.6 – 3.9). A list of nearby facilities and uses within an approximately 500 m radius of the site includes (see Figure 3.4 for a surrounding use map):

- Two Schools:
  - Earl Kitchener Public School
  - St. Joseph Catholic Elementary School
- Six Places of Worship:
  - Stanley Avenue Baptist Church
  - Melrose United Church
  - St. Joseph's Parish Church
  - St. John the Evangelist
  - Beth Jacob Synagogue
- Two Parks:
  - H.A.A. Grounds
  - Hill Street Park/Dog Park
- Hamilton Public Library – Locke Library
- A range of existing residential uses
- A range of local commercial uses (i.e. coffee shops, variety stores, pharmacy, health services, etc.)
- Active railway
- Regular transit service on Dundurn Street South, Aberdeen Avenue and Locke Street South

The existing urban fabric, mix of dwelling types and uses, nearby green spaces, and provision of transit makes the subject site a logical choice for some increased density as it is highly walkable and diverse. The nature of the proposed changes (a two-storey semi-detached dwelling with one internal and detached SDU per lot), will ensure that the visual character of the site and area is maintained by providing compatibility with existing conditions, particularly along Stanley Avenue.



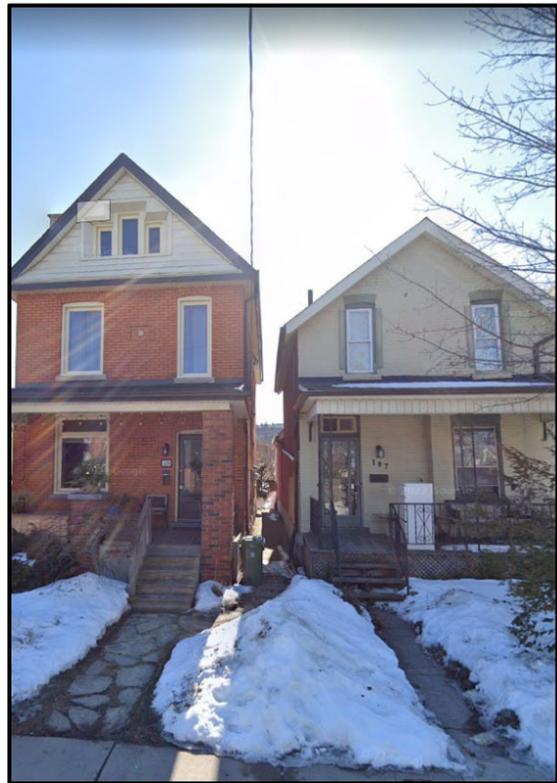
**Figure 3.4** – Surrounding uses within 500 m of subject lands, retrieved from GeoWarehouse



**Figure 3.5** – From the left - 8-storey apartment building on the corner of Dundurn St. S. and Stanley Ave., 7-storey apartment building on the corner of Dundurn St. S. and Aberdeen Ave. and 3-storey apartment building on the corner of Dundurn St. S. and Chatham St.



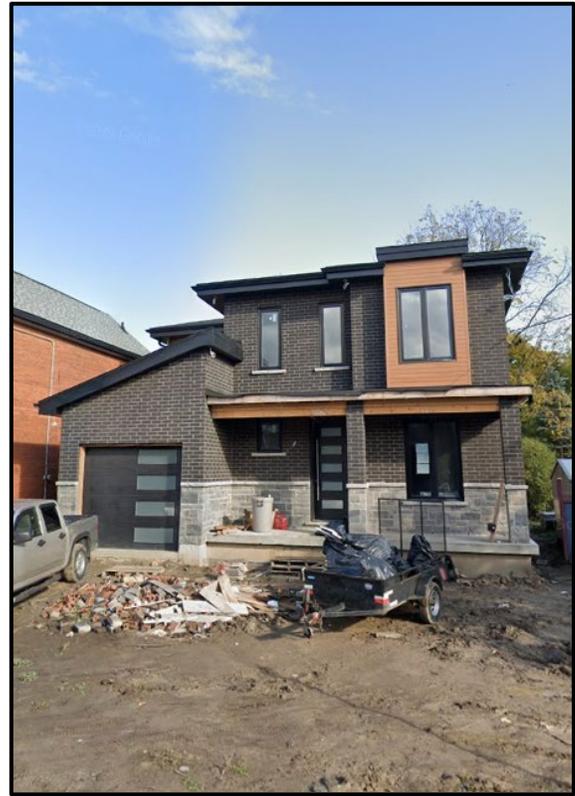
**Figure 3.6** – Existing dwelling to the east of the subject lands



**Figure 3.7** – Existing dwellings south of the subject lands



**Figure 3.8** – Existing dwelling south of the subject lands



**Figure 3.9** – Surrounding context exhibiting a variety of housing types

## 4 Proposed Development

The current development proposal is to sever the existing lot at 196 Stanley Avenue into two lots, both with the frontage of approximately 7.71 m and an area of approximately 291.95 m<sup>2</sup>. This will require the existing buildings and structures on the property to be demolished, which consists of the 1 and a 1/2-storey brick dwelling, a side deck and a detached shed, in order to construct a two-storey semi-detached dwelling, divided by the proposed common lot line, with one internal and detached SDU per lot, with associated minor variances for lot size and other dwelling-specific performance standards. A further description of the required land division (see subsection 4.1 below) and a breakdown and justification of the required minor variances (see subsection 4.2 below) have been provided.

### 4.1 Land Division

The existing lot has a frontage of approximately 15.4 m, a lot depth of approximately 37.83 m, and a lot area of approximately 583 m<sup>2</sup>, with street access to Stanley Avenue (measuring at 20.12 m in ROW width) and laneway access in the rear by an approximately 3.66 m public alley. The development proposal is to sever the existing lot in half, creating two equally sized lots with an approximate frontage of 7.71 m, lot depth of 37.83 m and lot area of 291.59 m<sup>2</sup>. The lots will maintain the public alleyway access and frontage on Stanley Avenue.

A lot analysis on the existing lot fabric was done for Stanley Avenue (between Dundurn Street South and Locke Street South). As exhibited in **Figure 4.1** (below), the majority of the lot frontages are between 6 and 9.99 m; 18 of which are 7-7.99 m. The lot depths along both sides of Stanley

Avenue are approximately  $37.87 \pm$  m. Therefore, providing lots with 7.71 m frontage, consistent depth, and an approximate lot area of  $291.95 \pm$  m<sup>2</sup> is consistent and compatible with this context.

This range of different lot sizes that are currently existing along Stanley Avenue contribute to the mix of dwelling types and sizes. It is also important to note that 30% of the existing lots between Dundurn Street South and Locke Street South on Stanley Avenue have lot frontages within the range of 7.0 – 7.99 m, which provides support for the proposed severance of the subject lands as it emulates the surrounding lot frontages producing no drastic change for the neighbourhood.

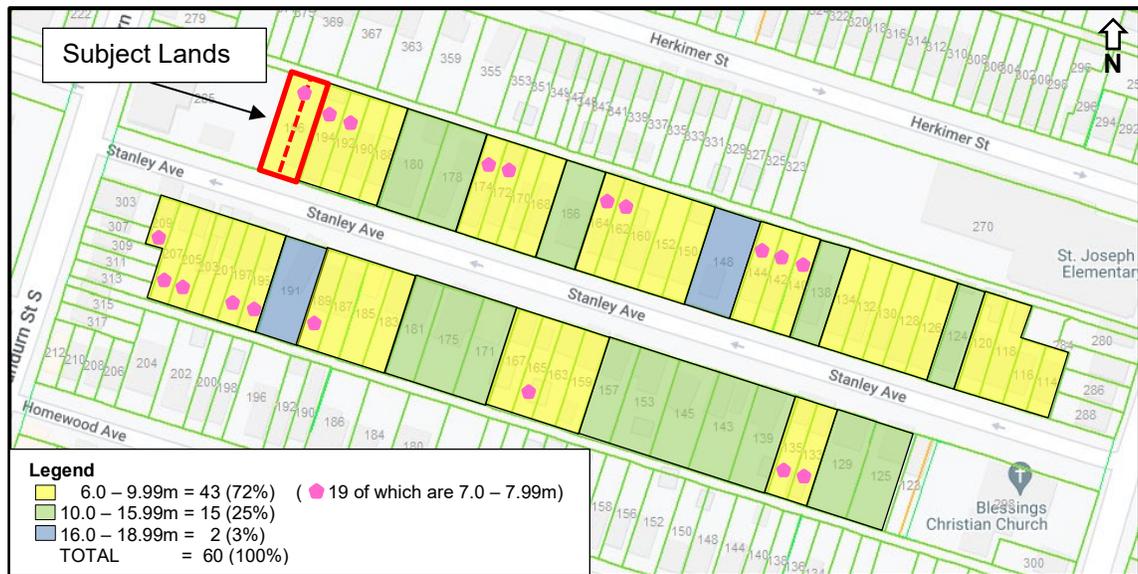


Figure 4.1 – Stanley Ave. (between Dundurn St. S. & Locke St. S.) Lot Analysis

## 4.2 Minor Variances

In the context of establishing the two-storey semi-detached dwelling, we have identified the following required minor variances:

### 1 Front Yard Setback Requirements

Current zoning requires a minimum front yard setback of 6 m; while the current development proposal is requesting to allow for a 4.3 m front yard setback.

### 2 Lot Width Requirements

Current zoning requires a minimum lot area of 540.0 m<sup>2</sup> for a two-family dwelling (270 m<sup>2</sup> per lot); while the current development proposal is requesting to allow for a lot area of 583.9 m<sup>2</sup> (291.95 m<sup>2</sup>). The zoning also requires a minimum frontage of 18 m, translates to 9 m per lot for semi-detached dwellings, whereas the proposal provides approximately 7.71 m per lot based on the existing overall lot width of approximately 15.4 m.

### 3 Interior Side Yard Setback

It is our interpretation that a semi-detached dwelling is a permitted use under the definition of a Two-Family Dwelling, and that a minimum interior side yard setback should not be required. Nonetheless, the proposal provides a 0 m interior side yard setback, where the basic zone requirement is 1.2 m.

**NOTE: Zoning By-law defines a Two Family Dwelling as: "Dwelling, Two Family" shall mean a building comprising two self-contained Class A dwelling units, whether or not a private garage or other accessory building is attached to the same, and which may**

*also contain such lodgers' rooms as may be permitted under the provisions of this By-Law in the district in which it is situate, and shall include a pair of **semi-detached single family dwellings**".*

4 Reduced Parking Stall Size

Current zoning requires a minimum parking stall size of 2.7 m x 6 m. The current development proposal provides a parking stall size of 2.7 m x 5.7 m for the front yard parking space for each semi-detached dwelling unit.

5 No Manoeuvring Space

Current zoning requires the provision of a separate manoeuvring space for vehicles, and that such space be a minimum of 6 m in width. The proposed development provides parking spaces which are directly accessed from either Stanley Avenue or the rear public laneway, which provide the manoeuvring space.

6 Parking Space Location

Current zoning does not permit parking spaces within a required front yard. The proposed development provides parking spaces which will be partially in the front yard, as amended.

In the context of establishing the SDUs, we have identified the following two required minor variances:

1 Interior Side Yard Setback Requirements

Current zoning requires a minimum interior side yard setback of 1.2 m; while the current development proposal is requesting to allow for an internal side yard setback of 0.6 m.

2 Rear Yard Setback Requirements

Current zoning requires a minimum rear yard setback of 1.2 m; while the current development proposal is requesting to allow for a rear yard setback of 0.88 m to the second floor overhang only.

3 Distance Between Rear Façade of Principal Dwelling and Secondary Dwelling Unit – Detached

Current zoning requires a minimum distance between rear façade of principal dwelling and secondary dwelling unit – detached of 7.5 m; while the current development proposal is requesting to allow for a 4.5 m distance to account for internal dwelling space that is below the proposed decks.

The *Planning Act* requires that minor variance applications meet the four tests within Section 45, to ensure good planning to support requested variances. In our opinion this proposal does maintain the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate development and land use and that proposal is minor in nature. A more in-depth explanation, based on applicable legislation, policy and contextual information, is provided below to support our opinion.

## 5 Applicable Planning Policy and Legislation

The property is subject to several provincial and local policy and legislative documents with respect to land use planning. These will be dealt with in subsections below.

## 5.1 Ontario Planning Act

The Powers of the Committee of Adjustment with respect to consent to sever applications are provided by subsection 53(12) of the *Planning Act*, which states the following:

- (12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent.

The severance application meets the required criteria for land division. The proposed development provides additional residential dwelling units in keeping with the character of the area. The surrounding land uses (as seen in **Section 3** of this report) provide adequate services, schools and transportation options. Overall, this land division is within the public interest and conforms to the criteria for land division specified in the *Planning Act*.

The Powers of the Committee of Adjustment with respect to minor variances are provided by subsection 45 (1) of the *Planning Act*, which states the following:

- (1) Powers of committee – The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

It is our opinion that the potential impacts from changing the single family dwelling lot to 2 lots to facilitate a semi-detached dwelling lots, and associated massing (See **Appendix B** – for Elevations and Floor Plans), will not introduce any adverse impacts to the adjacent properties or the neighbourhood. In terms of scale and intensity, the introduction of a two-storey semi-detached dwelling will change the visual character of the dwelling and lot but will fit within the existing context by providing elevations and built form that are similar to the surrounding neighbourhood and maintain low density residential character. Further, the site is surrounded by a range of community services, including parkland, schools, transit, etc., and to which future occupants can easily reach by foot. Access and parking have been considered and will be provided for the additional units.

As for compatibility, the proposed development is compatible with the uses currently permitted under the Zoning By-law, including one- or two-family dwellings. The proposed lot widths, areas and setbacks meet or are close to the requirements. The various pictures provided in this report provide visual evidence of the character of the area and the diversity of dwelling types. It is our opinion that the proposed two-storey semi-detached dwelling is completely compatible with surrounding properties and that there will be no negative impacts to the neighbourhood.

## 5.2 Provincial Policy Statement 2020

The Provincial Policy Statement 2020 (PPS) was issued under Section 3 of the *Planning Act*, and came into effect May 1, 2020. It applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after this date. Planning decisions are to be consistent with the PPS. Therefore, the proposed application is subject to it, including the following:

### 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

**1.1.3 Settlement Areas**

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

**1.4 Housing**

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:
  - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of

housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The current development proposal will provide intensification in the form of additional dwelling units by introducing a two-storey semi-detached dwelling on both the severed and retained parcels of land, while also providing one internal and detached SDU per lot. In addition, it will provide a compatible residential development within an existing and mature neighbourhood while maintaining an appropriate lot size that keeps with the character of the area. Permitting the requested minor variances will allow for the construction of additional residential units, contributing to the mix of unit types and sizes in the neighbourhood. Lastly, the proposed unit increase will contribute to meeting planned intensification targets while providing additional rental housing.

### 5.3 Growth Plan for the Greater Golden Horseshoe

A Place to Grow, the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides the framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the region to 2051. The 2019 version of the growth was amended, taking effect August 28, 2020. Section 5(b) of the *Planning Act* requires decisions that affect planning matters shall conform to provincial plans, including the Growth Plan, or shall not conflict with them, as the case may be. Section 2.2.1 of the Growth Plan provides policy direction as to where and how the municipalities should grow. The proposed application is subject to the Growth Plan, including the following:

#### 2.2.1 Managing Growth

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:
  - a) the vast majority of growth will be directed to settlement areas that:
    - i. have a delineated built boundary;
    - ii. have existing or planned municipal water and wastewater systems; and
    - iii. can support the achievement of complete communities;
  - c) within settlement areas, growth will be focused in:
    - i. delineated built-up areas;
    - ii. strategic growth areas;
    - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
    - iv. areas with existing or planned public service facilities;
  - d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;
4. Applying the policies of this Plan will support the achievement of complete communities that:
  - a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
  - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
  - c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;

### 2.2.2 Delineated Built-up Areas

2. Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.

### 2.2.6 Housing

1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
  - a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
    - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and

As noted, the proposed development meets the criteria to be considered intensification, as it provides additional residential units within the built boundary, while contributing to the range of dwelling types provided in this area. Further, the proposal is compatible with the existing and mature neighbourhood in terms of use and scale. While the total lot count and unit count within the proposed dwellings will increase, the development is appropriate for this location.

## 5.4 Urban Hamilton Official Plan

The City of Hamilton's Urban Hamilton Official Plan (UHOP) was adopted by Council on July 9, 2009 and was declared to be in force and effect by the Ontario Municipal Board on August 16<sup>th</sup>, 2013 (with some outstanding appeals).

In terms of land use designations, the property is designated as "Neighbourhoods" on Schedule E – Urban Structure and is also designed "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations. Chapter E of the UHOP contains the goals, principles and policies pertaining to the "Neighbourhoods" designations. In terms of the urban structure, Section 2.6 provides applicable policies to this element, which include the following:

### 2.6 Neighbourhoods

Hamilton's neighbourhoods are, by and large, regarded as stable. However, that does not mean these areas are static. These neighbourhoods will see some physical change over time. Neighbourhoods will evolve as older residents move out, younger residents and families move in, homes are renovated or rebuilt, infill development occurs, commercial areas are invigorated, or underutilized commercial areas redeveloped

#### Function

**2.6.2** Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.

**2.6.3** The Neighbourhood element of the urban structure shall be implemented through land use designations shown on Schedule E-1 – Urban Land Use Designations.

**2.6.4** The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

#### Scale

**2.6.7** Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

The proposed development conforms to and meets the intent of these policies, as the proposed use and scale is similar to the existing uses and fully compatible and in keeping with the character of the neighbourhood. The proposed severance and minor variances for the two-storey semi-detached dwelling is consistent with the expected evolution of Neighbourhoods in general; as the increase in density is a minor change to the existing context and will not negatively impact the relationship of the site with its surroundings. Sufficient parking will be provided in the form of a double carport for each lot in the rear yard accessed by the public alleyway.

With respect to the “Neighbourhoods” designation shown on Schedule E-1, the applicable goals and policies are provided in Section E 3.0 and the various subsections. Applicable policies include:

### **E.3.0 NEIGHBOURHOODS DESIGNATION**

#### **3.1 Policy Goals**

The following goals apply to the Neighbourhoods land use designation:

**3.1.3** Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

**3.1.4** Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.

#### **3.2 Neighbourhoods Designation – General Policies Function**

**3.2.1** Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

**3.2.3** The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

a) residential dwellings, including second dwelling units and housing with supports;

#### **Scale and Design**

**3.2.4** The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

#### **3.3 Residential Uses – General Policies**

Three categories of residential land use are described in this section but are not designated on Schedule E-1 - Urban Land Use Designations. These residential categories provide general location, scale, and design directions for the purposes of secondary planning and zoning. These categories may also be applied in the redevelopment of larger sites.

**3.3.1** Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

**3.3.2** Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

### **3.4 Low Density Residential**

#### **Function**

**3.4.1** The preferred location for low density residential uses is within the interior of neighbourhoods.

**3.4.2** Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.

**3.4.3** Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.

#### **Scale**

**3.4.4** For low density residential areas the maximum net residential density shall be 60 units per hectare.

**3.4.5** For low density residential areas, the maximum height shall be three storeys.

The proposed development conforms to or meets the intent of the above-noted policies. The built form and height meet the criteria specified, while the density maintains the intent of the criteria specified. The proposed development represents a minor amount of intensification and provides a context-sensitive increase in density that will complement the existing land uses and development patterns of this area. In terms of neighbourhood character, it has already been established that there is variety in apparent density, use and form in this location. Once again, the proposed development will contribute to the full range of housing options as envisioned for the City's existing neighbourhoods.

In terms of rental housing, the following policy is also relevant to the proposed development:

### **Chapter B of Volume 1:**

#### **3.2.1 Urban Housing Goals**

**3.2.1.5** Maintain a balance of primary rental and ownership housing stock as outlined in the Affordable Housing Strategy

The change from one single family dwelling to a 2-storey semi detached dwelling with one internal and detached SDU per lot introduces the addition of at least 4 total rental units (SDU's) that would further contribute to achieving this goal, which is partly the intent behind the as-of-right SDU permissions.

The continued and slightly intensified residential use, unit count, built form and density maintain the general intent and purpose of the UHOP. This is established by conforming to the range of housing, intensification, density and compatibility goals and policies found throughout the Plan, which has been demonstrated by the analysis provided above.

## 5.5 Zoning By-law 6593

The Zoning By-law applicable to the subject lands is By-law No. 6593, that being the Zoning By-law of the former City of Hamilton. Currently, the site is zoned “D – Urban Protected Residential”, which allows for the permitted use of one- and two- family dwellings with a variety of provisions.

Several variances have been identified based on the provisions of this By-law:

- 1 To permit a reduced total lot width for a proposed two-family dwelling of +/- 15.4 m instead of the minimum 18 m, and to permit a reduced lot width per divided lot for a proposed two-family dwelling of +/- 7.7 m per lot, instead of the minimum 9 m per lot;
- 2 To permit a reduced front yard setback of 4.3 m, instead of the minimum 6 m;
- 3 To permit a reduced internal side yard setback of 0 m instead of the minimum required 1.2 m (if required);
- 4 To provide no separate manoeuvring space on the subject lands, so that all parking spaces directly access adjacent public roads;
- 5 To permit parking without a required 6 m manoeuvring aisle width;
- 6 To permit a reduced parking stall size of 2.7 m x 5.7 m;
- 7 To permit parking spaces to be required within the front yard (as modified);

**Are the Variances Minor In Nature, meet the General Intent and Purpose of the Official Plan, meet the General Intent and Purpose of the Zoning By-law, and desirable for the appropriate development or use of the subject lands?**

Individually, each of the variances represent minor numerical deviations from the By-law requirements, with no negative impacts.

The variance for lot width is based partly in the existing condition of the lot, which is oversized in comparison to others on the street but is deficient for a two-family dwelling. The proposed lot widths for the divided semi-detached lots are in keeping with most of the dwellings on the street, which provide similar widths. Further, but providing a semi-detached dwelling form, it reduces the need for an internal side yard setback and maximizes the provided side yard setback on either side to allow for grading and drainage works and a clear path to the rear yard. This is outlined in the accompanying preliminary engineering work provided by MTE. Note that a variance for a 0 m side yard setback for the internal common lot line has been identified in the event it is technically needed.

The variance for front yard setback pertains only to a portion of each semi-detached dwelling. Space has been provided for a vehicular parking space. While each space would technically be located partially in the required front yard, as amended, each is also partially setback from the front dwelling elevation, and location party to the side. This condition matches parking as provided for other dwellings along the street. Further, while these spaces and the ones within the carport that are access from the alleyway, do not provide separate manoeuvring space, such space is provided on the abutting public ROWs, and thus are fully accessible and functional.

Lastly, the variance for reduced parking stall size applies to each front yard parking space, which is only slightly deficient due to dwelling design, and one space within the carport provided with the SDU, which is only partly impacted by one internal stair. In each case, the spaces are fully accessible and functional, and will not result in parked vehicle overhanging into the adjacent ROW.

The development proposal is completely within character for the surrounding neighbourhood, and will contribute to the variety of dwelling sizes, styles and shapes in this area of the City. As noted, it appears that there are existing residential lots along Stanley Avenue that are also covered by same “D” zone, and which provide similar built form and density to the proposal, which have

informed the design of the proposed lots and dwellings, and which allow for consideration of relief of various provisions within the By-law as proposed. Based on site visits, this area contains a variety of uses and building forms, with which the proposed development will be compatible.

### 5.5.1 By-Law No. 22-137

Zoning By-law 22-137 was passed by Council, and amends By-law 6593 to permit and regulate SDU's. It contains provisions for use permissions, size, parking, location, and other elements. The intent of the regulations is to allow simplified yet compatible implementation of SDU's within the By-law area. While it has been incorporated in By-law 6593, it is addressed separately with respect to the proposed SDU's.

Two variances have been identified based on the provisions of this By-law:

- 1 To permit a reduced side yard setback of 0.6 m along the common internal lot line;
- 2 To permit a reduced rear yard setback of 0.8 m to the second floor overhang; and
- 3 To permit a reduced setback of 4.5 m between the SDU and the rear wall of the main dwelling

**Are the Variances minor in nature, meet the general intent and purpose of the official plan, do the variances meet the general intent and purpose of the Zoning By-law, and are the desirable for the appropriate development or use of the subject lands?**

Individually, each of the variances represent minor numerical deviations from the By-law requirements, with no negative impacts.

The variance for reduced side yard setback allows for a Detached SDU design that provides a functional and safe internal layout, provides access and setback requirements for the opposite side yard condition, works with the proposed semi-detached dwelling form, and allows the provision of an internal carport which provides 2 vehicular parking spaces to support the internal and detached SDUs, such that each proposed dwelling unit has a dedicated parking space. Further, as noted by the accompanying MTE analysis, the side yard setback conditions are functional and allow for proper grading and drainage.

With respect to the reduced setback between the detached SDU and the main dwelling, it applies only to the partially raised basement area of the semi-detached, and not to the main dwelling superstructure above, which meets the required 7.5 m setback. The basement has been extended in length from the main dwelling to allow for more living space and is partly above grade to allow for windows and below-grade access, making the unit overall more liveable, bright, and open. This feature has been maximized by placing a proposed deck on the roof of the basement area only, providing amenity space for the main dwelling unit. In effect, the space between the detached SDU and main dwelling provides split-level separation and amenity area, with part being located on the deck and part being located on the rear yard landscape area. Note that no variance is required for rear yard landscape space.

For the proposed rear yard setback, it is intended to be applied to the second floor overhang only, as the at-grade portion of the carport meets the required 1.2 m setback. So while a variance is technically required, the intent and purpose of the By-law is maintained. Further, this setback will be compatible with the alleyway condition, and will be consistent with setbacks for other detached structures which abut the laneway.

## 6 Conclusion and Recommendation

The proposed development conforms to, is consistent with, and/or maintains the intent and purpose of the applicable planning policy and legislative documents and is compatible with the

existing neighbourhood. The Committee of Adjustment has power under subsection 53(12) to make decisions with respect to severing lots, and by doing so in this case will allow the creation of two lots with the associated development proposal. Also, under subsection 45(1) the Committee of Adjustment has the powers to make decisions with respect to minor variances to the Zoning By-law. In doing so, the Committee must find the proposed development represents good planning principles and does not introduce any adverse impacts, through the application of the four tests. It is our opinion that the proposed development conforms to all of these requirements and the applications should be approved.



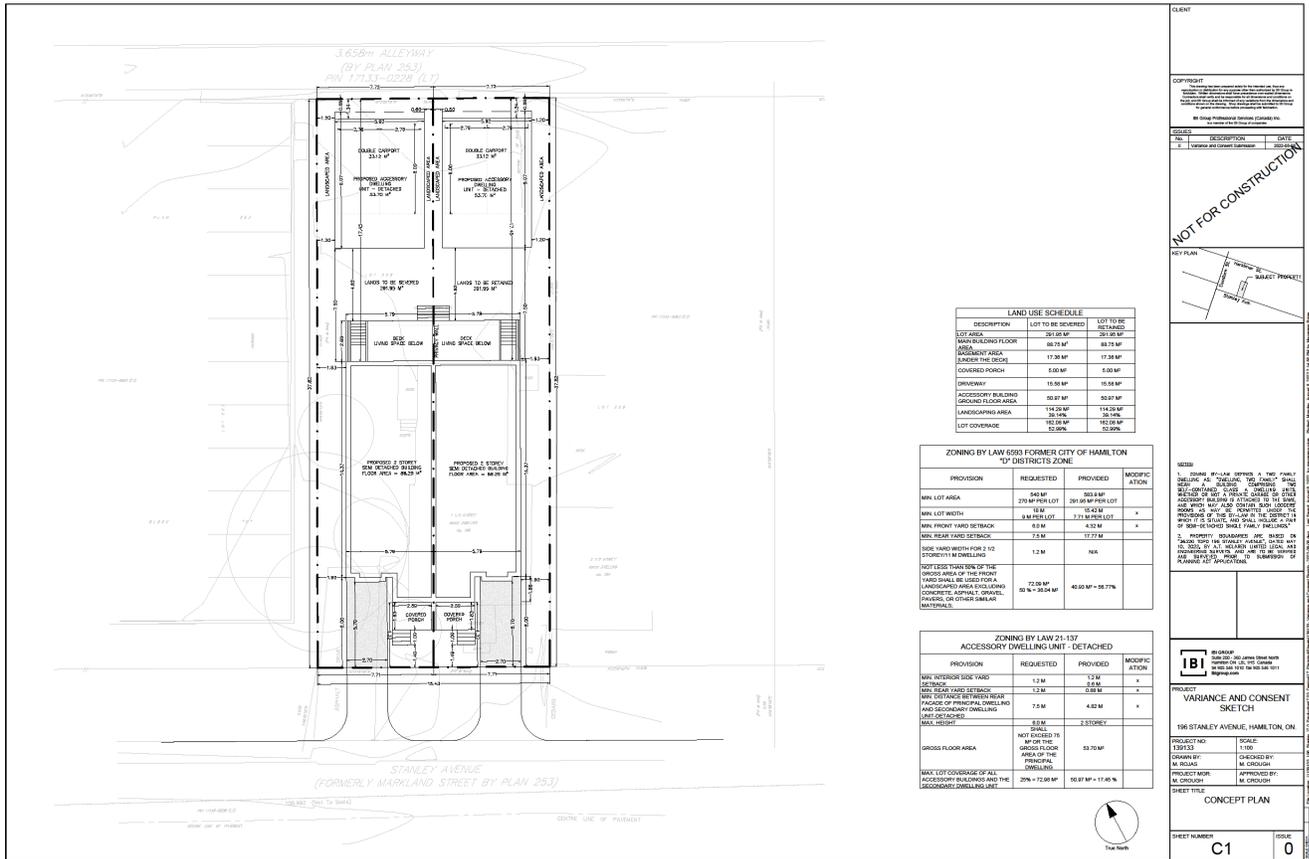
Mike Crough MCIP RPP  
Associate Director - Practice Lead, Planning



Isabelle Ilagan  
Planning Student

## Appendix A – Combined Consent and Minor Variance Sketch

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LAND USE SCHEDULE		
DESCRIPTION	LOT TO BE PROVIDED	LOT TO BE PROVIDED
LOT AREA	281.05 MP	281.05 MP
BASE BUILDING FLOOR AREA	88.79 MP	88.79 MP
ACCESSORY AREA (UNDER THE DECK)	17.38 MP	17.38 MP
COVERED PORCH	8.00 MP	8.00 MP
DRIVEWAY	18.58 MP	18.58 MP
ACCESSORY BUILDING	55.87 MP	55.87 MP
GROUND FLOOR AREA	134.29 MP	134.29 MP
LANDSCAPING AREA	15.10 MP	15.10 MP
LOT COVERAGE	47.82%	47.82%

ZONING BY LAW 6563 FORMER CITY OF HAMILTON "D" DISTRICTS ZONE				
PROVISION	REQUESTED	PROVIDED	MODIFIC ATION	
MIN. LOT AREA	845 MP	883 MP		
MIN. FRONT YARD SETBACK	3.0 M	3.0 M		
MIN. REAR YARD SETBACK	3.0 M	4.32 M	*	
MIN. SIDE YARD SETBACK	0.9 M	1.2 M		
MAX. GROSS FLOOR AREA OF THE PRINCIPAL DWELLING	55.87 MP	55.87 MP		
MAX. LOT COVERAGE IN ALL ACCESSORY BUILDINGS AND THE SECONDARY DWELLING UNIT	20% = 56.22 MP	55.87 MP = 19.53%		

ZONING BY LAW 21-137 ACCESSORY DWELLING UNIT - DETACHED				
PROVISION	REQUESTED	PROVIDED	MODIFIC ATION	
MIN. REAR YARD SETBACK	1.2 M	3.0 M	*	
MIN. FRONT YARD SETBACK	3.0 M	3.0 M		
MIN. DISTANCE BETWEEN REAR YARD OF PRINCIPAL DWELLING AND SECONDARY DWELLING UNIT DETACHED	1.2 M	4.0 M	*	
MIN. DISTANCE BETWEEN REAR YARD OF PRINCIPAL DWELLING AND SECONDARY DWELLING UNIT DETACHED	1.2 M	4.0 M	*	
MAX. GROSS FLOOR AREA OF THE PRINCIPAL DWELLING	55.87 MP	55.87 MP		
MAX. LOT COVERAGE IN ALL ACCESSORY BUILDINGS AND THE SECONDARY DWELLING UNIT	20% = 56.22 MP	55.87 MP = 19.53%		

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NOT FOR CONSTRUCTION

KEY PLAN

IBI GROUP

VARIANCE AND CONSENT SKETCH

196 STANLEY AVENUE, HAMILTON, ON

PROJECT NO.

PROJECT NAME

SHEET TITLE

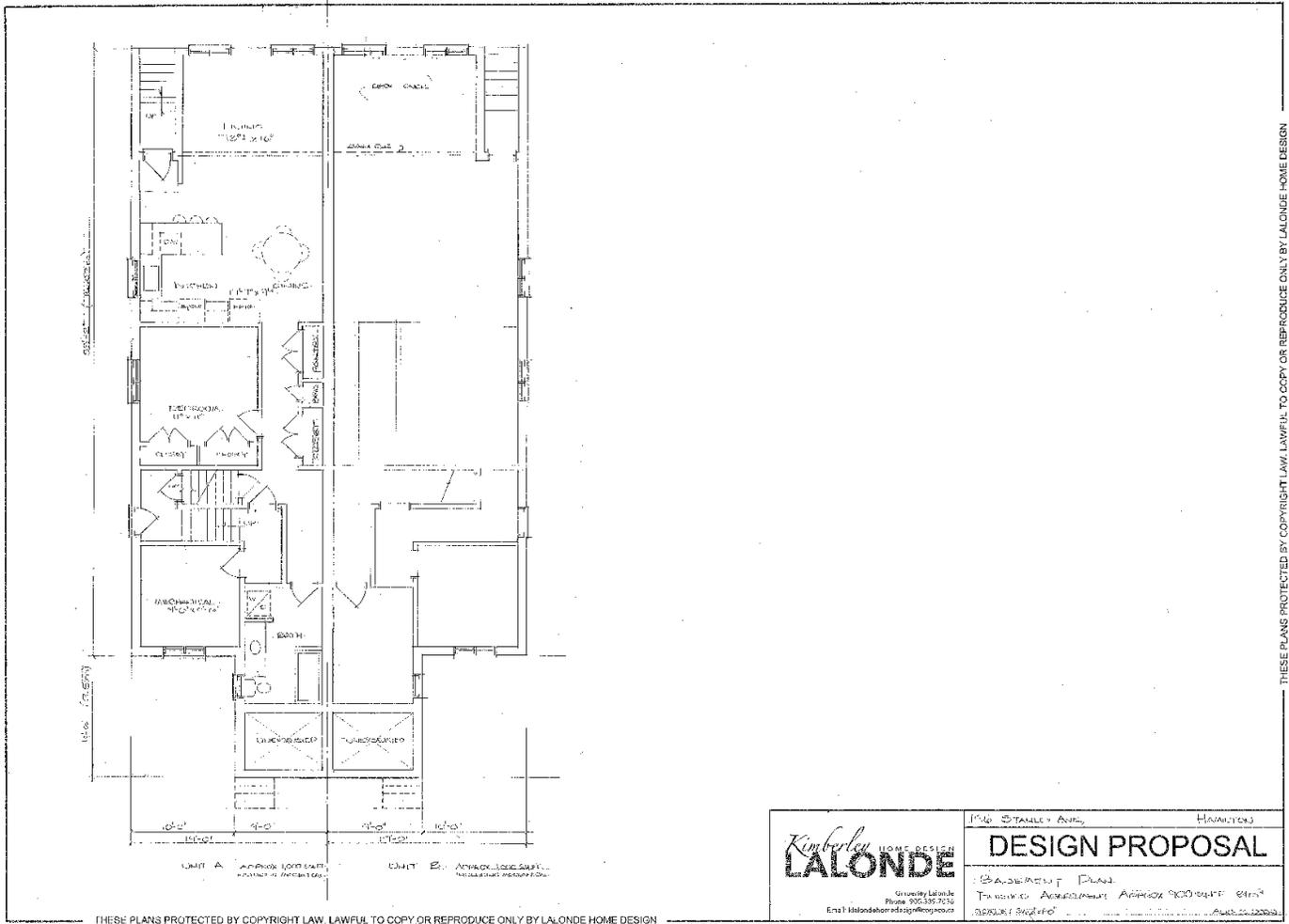
SHEET NUMBER

DATE

## Appendix B – Elevations & Floor Plans

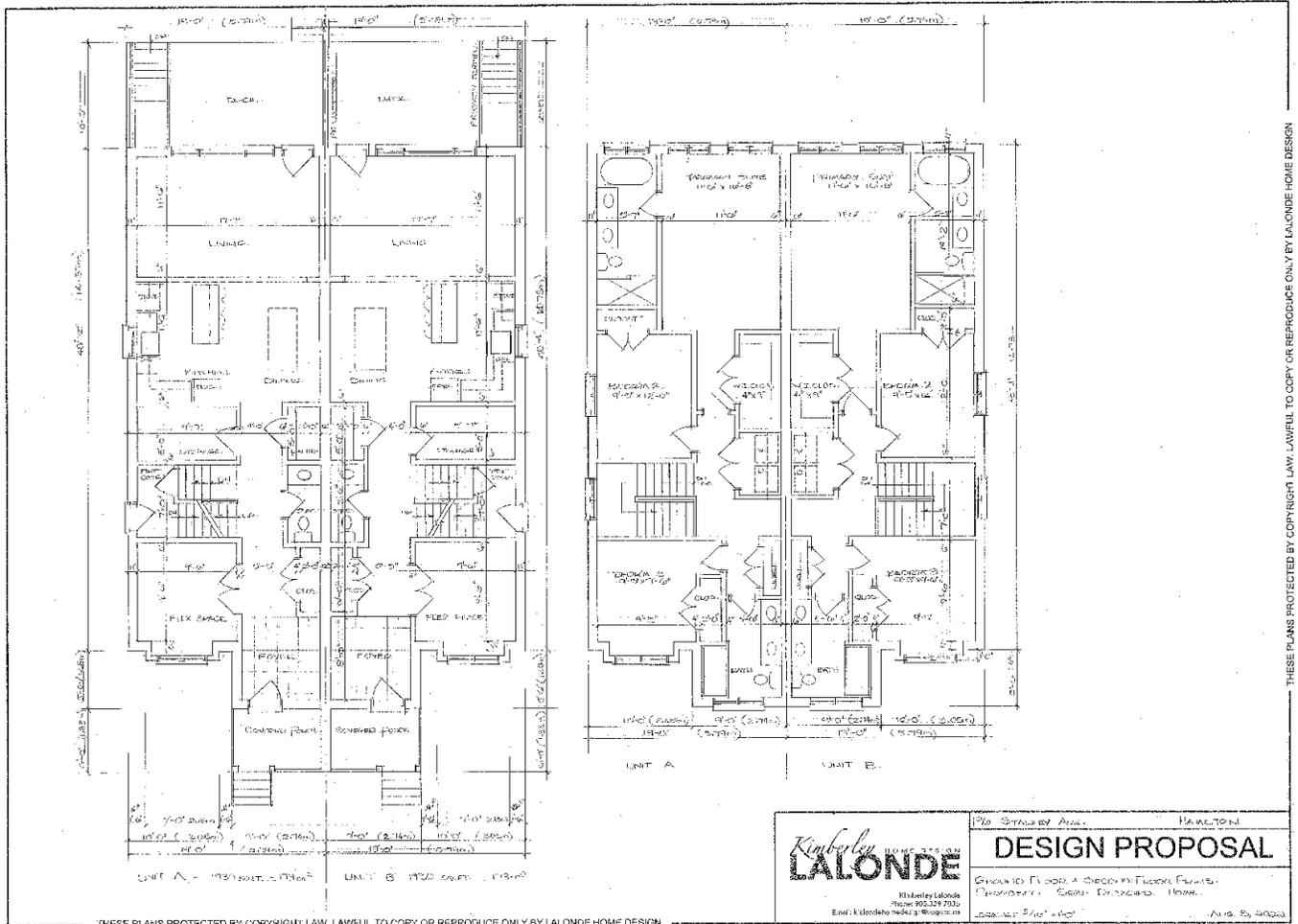
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MTE Consultants

1016 Sutton Dr., Unit A, Burlington, Ontario L7L 6B8

August 9, 2022

MTE File No.: 51912-100

Ms. Tasha Mazza  
1970705 Ontario Inc.  
69 Markland Street  
Hamilton, ON L8P 2J8  
Email: tasha@goldcourtdevelopments.com

Dear Tasha:

**RE: New Semi-Detached Structure and Secondary Dwelling Units, Civil Works  
196 Stanley Avenue, Hamilton – Proposed Servicing Concept**

MTE Consultants Inc. (MTE) understands that 1970705 Ontario Inc. wishes to sever the existing property at 196 Stanley Avenue, Hamilton, ON, L8P 2L4. The existing single family dwelling on the lot would be demolished and the property severed down the middle with the new lot line running north-south. It is proposed to construct a new semi-detached structure and secondary dwelling unit on each severed lot located as per the architectural site plans. This letter of opinion and accompanying attachment advises whether or not it is technically feasible to service the proposed development with storm, sanitary and watermain municipal services.

As shown on the topographic survey, the site currently does not have any underground storm infrastructure such as catch basins, maintenance manholes, etc. Therefore, stormwater runs off the site. The site has a high point located approximately in the middle of the property with stormwater runoff flowing to north or south to the existing alleyway or Stanley Avenue respectively. This stormwater runoff eventually enters the existing municipal storm services. The proposed development grading and stormwater management strategy can match the existing drainage patterns with minimal cut and fill changes while respecting the nearby grades. Side lot swales or the appropriate grading along the west and east property lines will be required to ensure the current drainage patterns are maintained. It was noted, that as per the City of Hamilton's guidelines and zoning, the proposed development likely exceeds the minimum landscape area provided because the total area of imperviousness has increased due to the new rooftops and other hard surfaces. The developer should confirm with the Architect the minimum landscape area required to be compliant with the City of Hamilton's guidelines and zoning requirements.

Along Stanley Avenue there is an existing combined sanitary and storm sewer that is over 3 metres below grade. The proposed development can connect to the existing combined sewer without crossing interferences with the existing municipal services via a sanitary sewer lateral. Given the depth along the west property line, shoring construction maybe required. The sanitary laterals could be constructed at a lower depth with maintenance manholes located at the property line with internal drop structures or a municipal connection per the City of Hamilton standards. The cost of these options would be analyzed. The selected option would be confirmed in the detailed design phase. Other potential crossing interferences with utilities are

unknown at this time; however, none are expected given other nearby services and connections currently in place.

The existing watermain is also along Stanley Avenue. At this time the depth of the watermain is unknown and would have to be confirmed. As per the City of Hamilton guidelines, it can be assumed the depth of the watermain is 1.6 to 1.8 metres (average 1.7 metres) below grade. With the assumed depth of 1.7 metres, the proposed development can connect to the existing watermain without crossing interferences via copper watermain laterals. Water services to the secondary units to the north would be serviced via watermain laterals from the semi-detached structure. Other potential crossing interferences with utilities are unknown at this time; however, none are expected given the watermain lateral is a pressurized system and has flexibility to be constructed at various depths.

In conclusion, it is in our opinion that the site can be serviced from a technical perspective based on the information provided to date and the preliminary concept design completed with minor site challenges and one compliance item. The challenges include: selecting the appropriate sanitary sewer design depth that is economical, continues to be feasible with the finished floor elevations, and that excavation does not negatively impact the adjacent properties. Compliance with the City of Hamilton zoning should be verified to confirm lot coverage is not exceeded and if so, alternative storm water management solutions will be required.

Please see the attached drawing C2.1 with a title "CONCEPTUAL SITE SERVICING PLAN" dated August 8, 2022.

Yours truly,

**MTE Consultants Inc.**



**Daniel Kneblewski, P. Eng.**

Manager, Civil Engineering

905-639-2552 Ext. 2483

[dkneblewski@mte85.com](mailto:dkneblewski@mte85.com)

DBK:qda

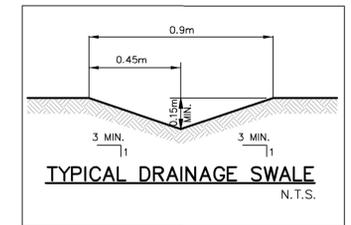
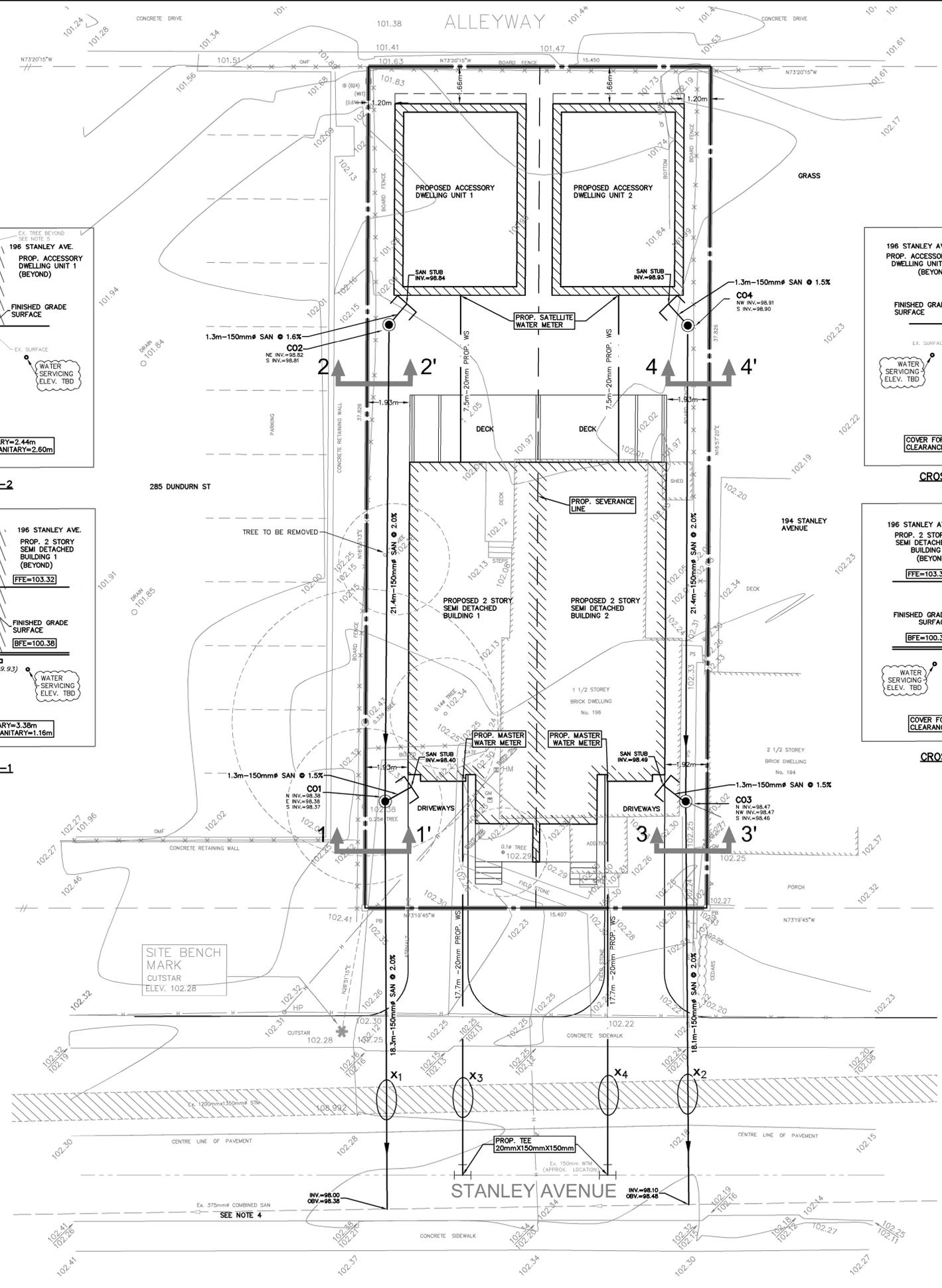
Encl. Conceptual Site Servicing Plan

cc: Mike Crough – IBI Group

M:\51912\100\Pre-Design Phase Letter\MTE Proposed Servicing Concept Letter - 196 Stanley Ave Severance - Updated.docx

P:\P\51912\100\WRE\CONCEPT\FIGURES\51912-100-C2 (CONCEPTUAL 2022-07-13)

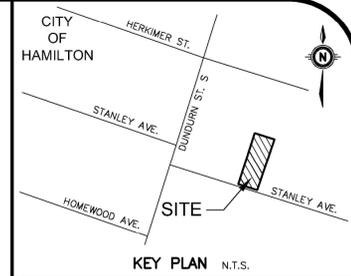
August 9, 2022 - 11:05:16 AM - Plotted By: Chirog Maniyo



**SEWER CROSSING CHART**

NOTE:  
1) Maintain minimum 0.5m vertical clearance between all water mains and sewers. Where watermain is deflected, ensure 2.0m cover is achieved or watermain is installed.  
2) Maintain vertical clearance at all other crossings.  
3) Existing and proposed watermain depths are approximate only. Notify Design Engineer of any discrepancies.  
4) Contractor to verify all existing inverts prior to product ordering. Notify Design Engineer of any discrepancies.

CROSSING #	SEWER TYPE	SEWER SIZE (mm)	CROSSING ELEVATION	NOTES
X1	SAN	150mm	INV=-98.10	INVERT LOCATIONS OF EX-STM SEWER ARE BASED CITY OF HAMILTON DWG. 88-H-15(TYP.)
	STM	1200x1350 mm	OBV=95.50	
X2	SAN	150mm	INV=-98.20	INVERT LOCATIONS OF EX-STM SEWER ARE BASED CITY OF HAMILTON DWG. 88-H-15(TYP.)
	STM	1200x1350 mm	OBV=95.55	
X3	WTM	20mm	INV=100.54	WATER MAIN DEPTH ASSUMED AT 1.7m BELOW GRADE
	STM	1200x1350 mm	OBV=95.51	
X4	WTM	20mm	INV=100.55	WATER MAIN DEPTH ASSUMED AT 1.7m BELOW GRADE
	STM	1200x1350 mm	OBV=95.54	



GEODETIC BM ELEV. = N/A/m  
SITE BENCHMARK ELEV. = 102.28m  
OUTSTAR

**NOTE TO CONTRACTOR :**  
DO NOT SCALE DRAWINGS.  
CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.  
ALL DRAWINGS REMAIN THE PROPERTY OF THE ENGINEER AND SHALL NOT BE REPRODUCED OR REUSED WITHOUT THE ENGINEER'S WRITTEN PERMISSION.  
THE OWNER/ARCHITECT/CONTRACTOR IS ADVISED THAT M.T.E. CONSULTANTS INC. CANNOT CERTIFY ANY COMPONENT OF THE SITE WORKS NOT INSPECTED DURING CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO NOTIFY M.T.E. CONSULTANTS INC. PRIOR TO COMMENCEMENT OF CONSTRUCTION TO ARRANGE FOR INSPECTION.

**NOTE:**  
1. PROPERTY LINE IS APPROXIMATE ONLY.  
2. EXISTING TOPOGRAPHICAL INFORMATION PROVIDED BY A.T. McLAREN LIMITED.  
3. INVERTS DENOTED WITH "±" ARE TAKEN FROM AS-RECORDED PLAN AND PROFILE DRAWINGS COMPLETED BY DEPARTMENT OF ENGINEERING OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AND ARE CONSIDERED APPROXIMATE ONLY. CONTRACTOR TO FIELD VERIFY AND REPORT ANY DISCREPANCIES TO ENGINEER.  
4. THE LOCATION AND ALIGNMENT OF THE 375MMØ COMBINED SANITARY SEWER, UNDER STANLEY AVENUE, IS LOCATED AS PER THE EXISTING TOPOGRAPHICAL SURVEY. NOTE THIS LOCATION OF THIS SEWER DIFFERS AND DOES NOT MATCH MATCH THE CITY DRAWING 88-H-15 AS NOTED ABOVE.  
5. OWNER/CONTRACTOR TO COORDINATE WITH PROPERTY OWNER AT 285 DUNDURN ST FOR TREE REMOVAL.

8.		
7.		
6.		
5.		
4.		
3.		
2.		
1.	ISSUED FOR REVIEW	DBK 2022-08-08
No.	REVISION	BY YYYY-MM-DD



905-639-2552

CLIENT: 1970705 ONTARIO INC.  
69 MARKLAND STREET HAMILTON, ON  
PROJECT: 196 STANLEY AVE SEVERANCE  
DRAWING: 196 STANLEY AVE. HAMILTON, ON

**CONCEPTUAL SITE SERVICING PLAN**

**LEGEND OF EXISTING FEATURES**

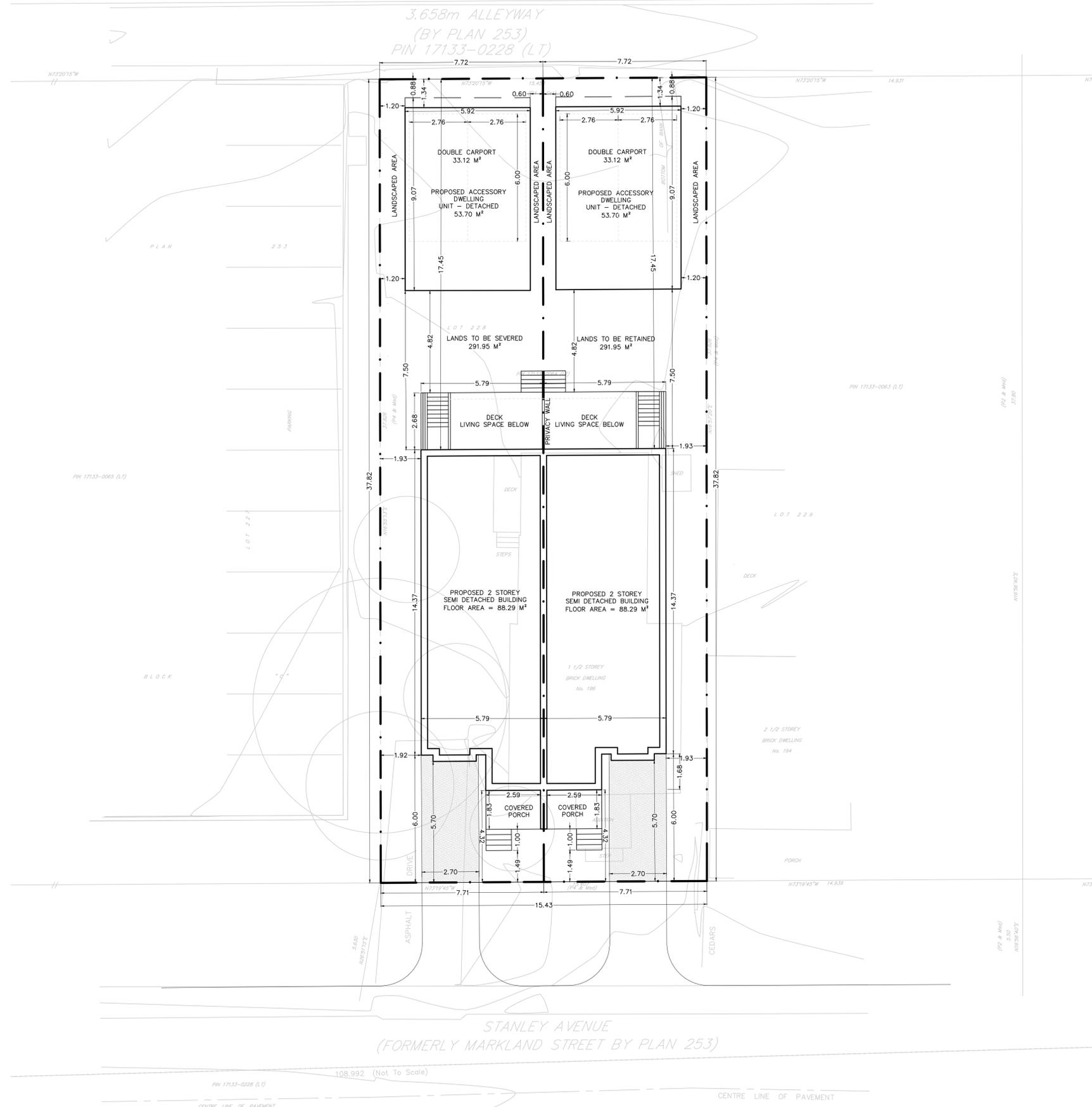
- SITE BOUNDARY
- EXISTING SPOT ELEVATIONS/CONTOURS
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING BUILDING
- EXISTING FENCE
- EXISTING WATERMAIN

**LEGEND OF PROPOSED FEATURES**

- ± (326.00) T/G=326.00 FFE=326.00
- MH 14.6m-200mmØ SAN @ 1.5%
- 200mmØ WTM
- SANITARY SEWER
- WATERMAIN
- PROPOSED BUILDING
- SEWER CROSSING (REFER TO CROSSING CHART)

NOT FOR CONSTRUCTION

Project Manager	M.GOJSIC	Project No.	51912-100
Design By	QDA	Checked By	DBK
Drawn By	SRB	Checked By	MJG
Surveyed By	OTHERS	Drawing No.	C2.1
Date	Jul.26/22	Scale	1:100
Sheet	1 of 1		



LAND USE SCHEDULE		
DESCRIPTION	LOT TO BE SEVERED	LOT TO BE RETAINED
LOT AREA	291.95 M <sup>2</sup>	291.95 M <sup>2</sup>
MAIN BUILDING FLOOR AREA	88.75 M <sup>2</sup>	88.75 M <sup>2</sup>
BASEMENT AREA (UNDER THE DECK)	17.36 M <sup>2</sup>	17.36 M <sup>2</sup>
COVERED PORCH	5.00 M <sup>2</sup>	5.00 M <sup>2</sup>
DRIVEWAY	15.58 M <sup>2</sup>	15.58 M <sup>2</sup>
ACCESSORY BUILDING GROUND FLOOR AREA	50.97 M <sup>2</sup>	50.97 M <sup>2</sup>
LANDSCAPING AREA	114.29 M <sup>2</sup> 39.14%	114.29 M <sup>2</sup> 39.14%
LOT COVERAGE	162.08 M <sup>2</sup> 52.99%	162.08 M <sup>2</sup> 52.99%

ZONING BY LAW 6593 FORMER CITY OF HAMILTON "D" DISTRICTS ZONE			
PROVISION	REQUESTED	PROVIDED	MODIFICATION
MIN. LOT AREA	540 M <sup>2</sup> 270 M <sup>2</sup> PER LOT	583.9 M <sup>2</sup> 291.95 M <sup>2</sup> PER LOT	
MIN. LOT WIDTH	18 M	15.42 M	x
MIN. FRONT YARD SETBACK	6.0 M	4.32 M	x
MIN. REAR YARD SETBACK	7.5 M	17.77 M	
SIDE YARD WIDTH FOR 2 1/2 STOREY/11 M DWELLING	1.2 M	N/A	
NOT LESS THAN 50% OF THE GROSS AREA OF THE FRONT YARD SHALL BE USED FOR A LANDSCAPED AREA EXCLUDING CONCRETE, ASPHALT, GRAVEL, PAVERS, OR OTHER SIMILAR MATERIALS.	72.09 M <sup>2</sup> 50 % = 36.04 M <sup>2</sup>	40.93 M <sup>2</sup> = 56.77%	

ZONING BY LAW 21-137 ACCESSORY DWELLING UNIT - DETACHED			
PROVISION	REQUESTED	PROVIDED	MODIFICATION
MIN. INTERIOR SIDE YARD SETBACK	1.2 M	1.2 M	x
MIN. REAR YARD SETBACK	1.2 M	0.88 M	x
MIN. DISTANCE BETWEEN REAR FACADE OF PRINCIPAL DWELLING AND SECONDARY DWELLING UNIT-DETACHED	7.5 M	4.82 M	x
MAX. HEIGHT	6.0 M	2 STOREY	
GROSS FLOOR AREA	NOT EXCEED 75 M <sup>2</sup> OR THE GROSS FLOOR AREA OF THE PRINCIPAL DWELLING	53.70 M <sup>2</sup>	
MAX. LOT COVERAGE OF ALL ACCESSORY BUILDINGS AND THE SECONDARY DWELLING UNIT	25% = 72.98 M <sup>2</sup>	50.97 M <sup>2</sup> = 17.45 %	

CLIENT

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is a member of the IBI Group of companies

**ISSUES**

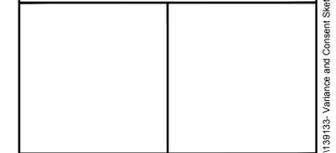
No.	DESCRIPTION	DATE
0	Variance and Consent Submission	2022-08-08

**NOT FOR CONSTRUCTION**

**KEY PLAN**

**NOTES:**

- ZONING BY-LAW DEFINES A TWO FAMILY DWELLING AS: "DWELLING, TWO FAMILY" SHALL MEAN A BUILDING COMPRISING TWO SELF-CONTAINED CLASS A DWELLING UNITS, WHETHER OR NOT A PRIVATE GARAGE OR OTHER ACCESSORY BUILDING IS ATTACHED TO THE SAME, AND WHICH MAY ALSO CONTAIN SUCH LOGGERS' ROOMS AS MAY BE PERMITTED UNDER THE PROVISIONS OF THIS BY-LAW IN THE DISTRICT IN WHICH IT IS SITUATE, AND SHALL INCLUDE A PAIR OF SEMI-DETACHED SINGLE FAMILY DWELLINGS.
- PROPERTY BOUNDARIES ARE BASED ON "S6320 TOPO 196 STANLEY AVENUE", DATED MAY 10, 2022, BY A.T. MCLAREN LIMITED LEGAL AND ENGINEERING SURVEYS, AND ARE TO BE VERIFIED AND SURVEYED PRIOR TO SUBMISSION OF PLANNING ACT APPLICATIONS.



**PROJECT**  
VARIANCE AND CONSENT SKETCH

196 STANLEY AVENUE, HAMILTON, ON.

PROJECT NO: 139133  
SCALE: 1:100

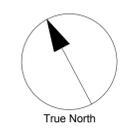
DRAWN BY: M. ROJAS  
CHECKED BY: M. CROUGH

PROJECT MGR: M. CROUGH  
APPROVED BY: M. CROUGH

SHEET TITLE  
**CONCEPT PLAN**

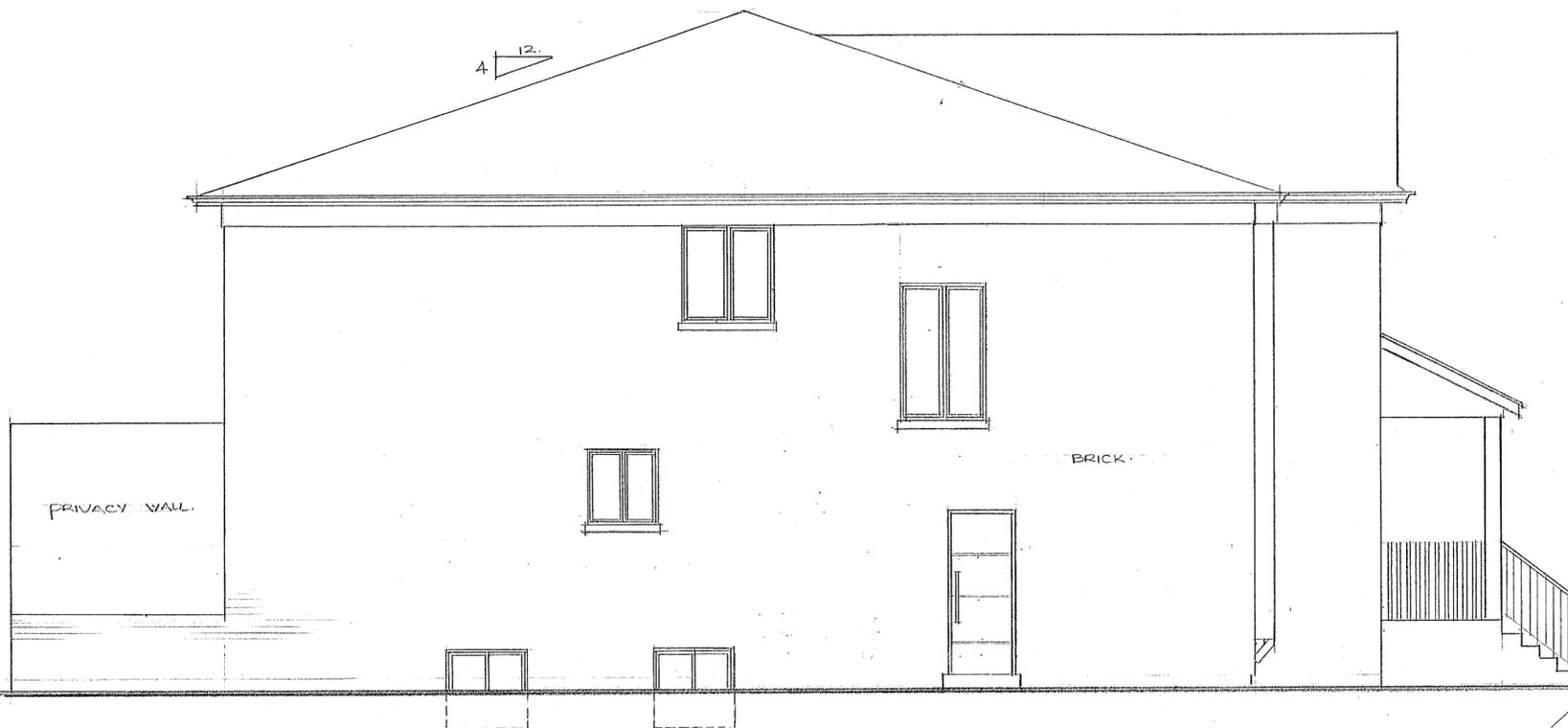
SHEET NUMBER  
**C1**

ISSUE  
**0**



File Location: I:\19133\_196\_Stanley\_17\_0\_Production\17\_03\_Design\17\_Planning\Sheet\19133\_Variance and Consent Sketch - 2022-08-08.dwg  
 Last Saved: August 8, 2022, 2:14:55 PM by Macarena Rojas  
 Plotted: Monday, August 8, 2022, 2:14:55 PM by Macarena Rojas  
 Scale: 1:100

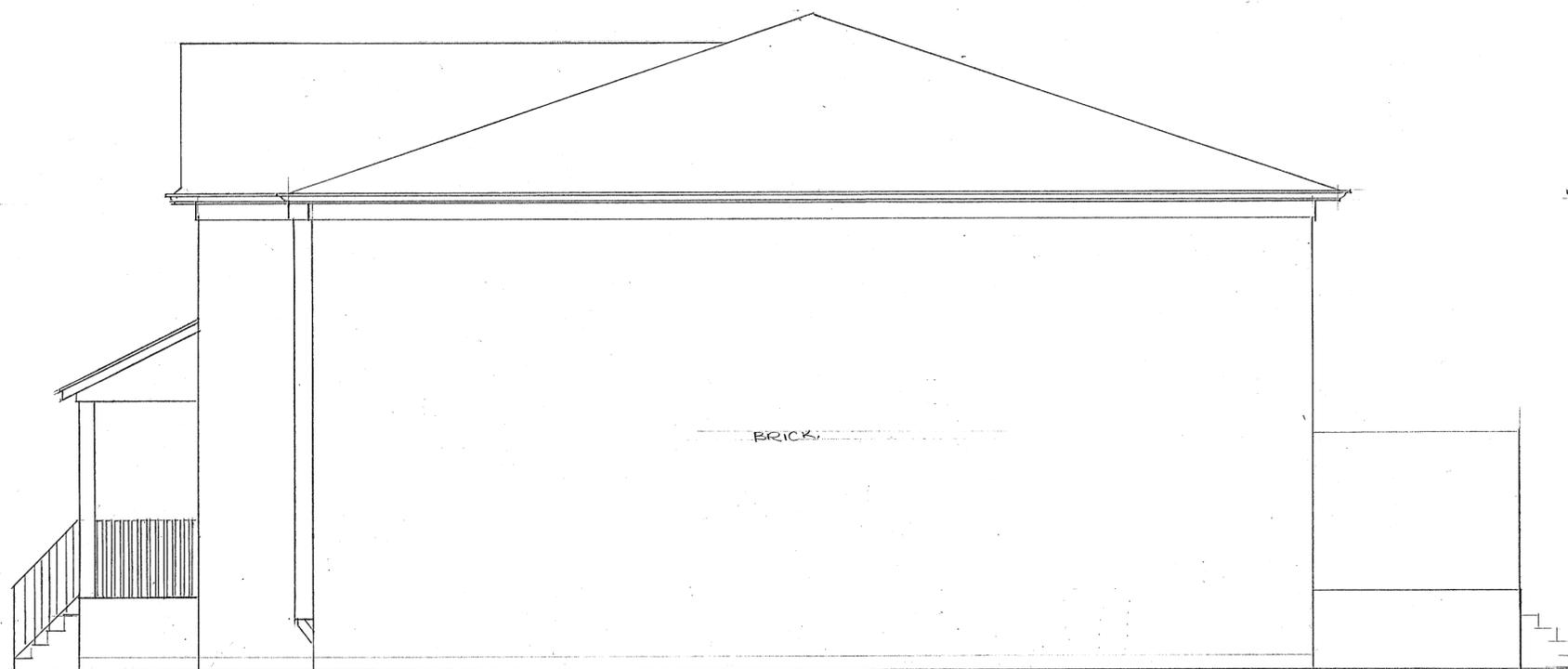




EXTERIOR SIDE ELEVATION.



FRONT ELEVATION: BRICK/STONE/METAL PANEL OR HARDIE BRD.



INTERIOR SIDE ELEVATION.



REAR ELEVATION.

Kimberley HOME DESIGN  
**LALONDE**

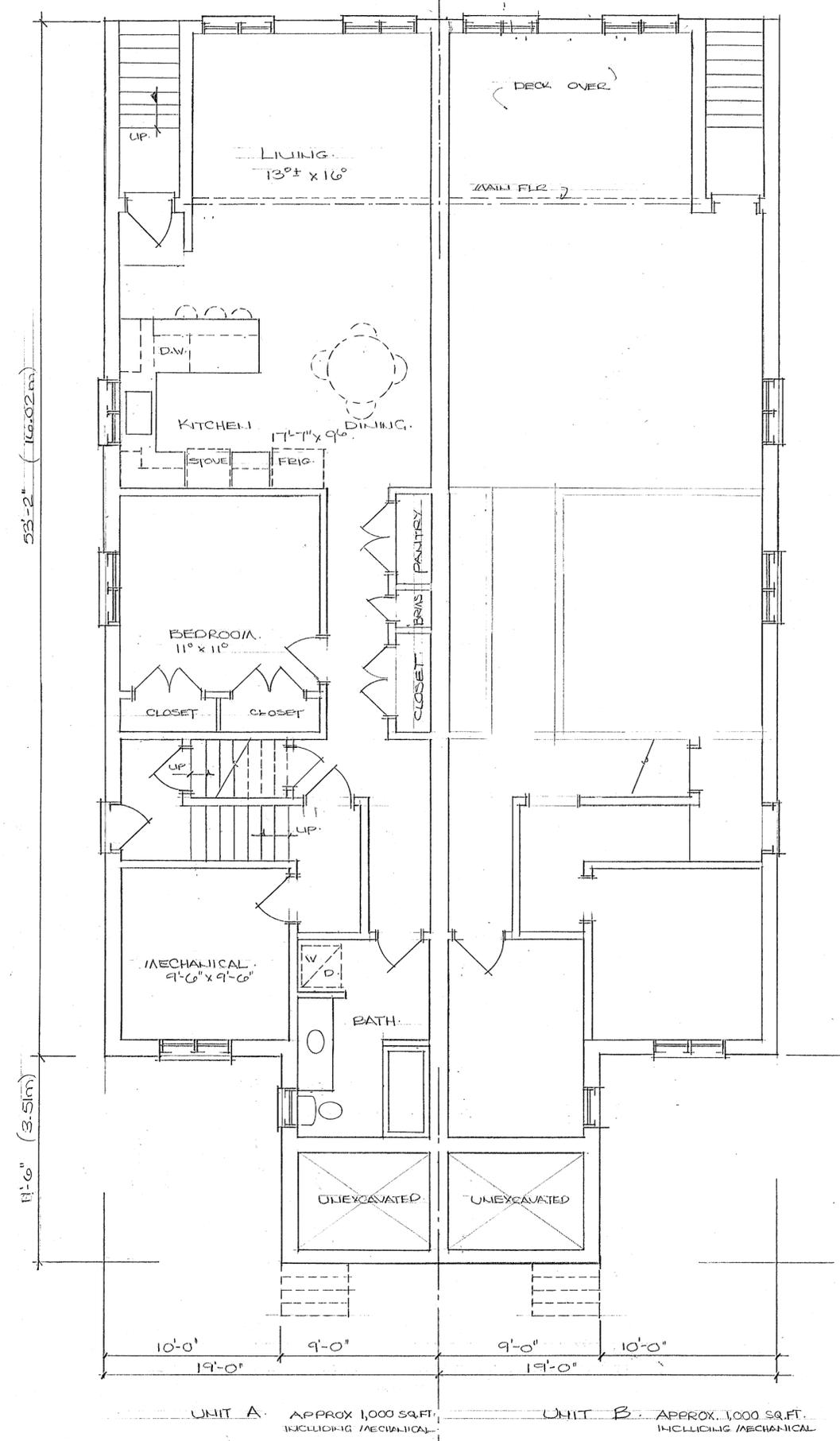
Kimberley Lalonde  
 Phone: 905.339.7036  
 Email: klalondhomedesign@cogeco.ca

196 STANLEY AVE, HAMILTON.

# DESIGN PROPOSAL

ELEVATIONS.  
 PROPOSED SEMI DETACHED HOME.

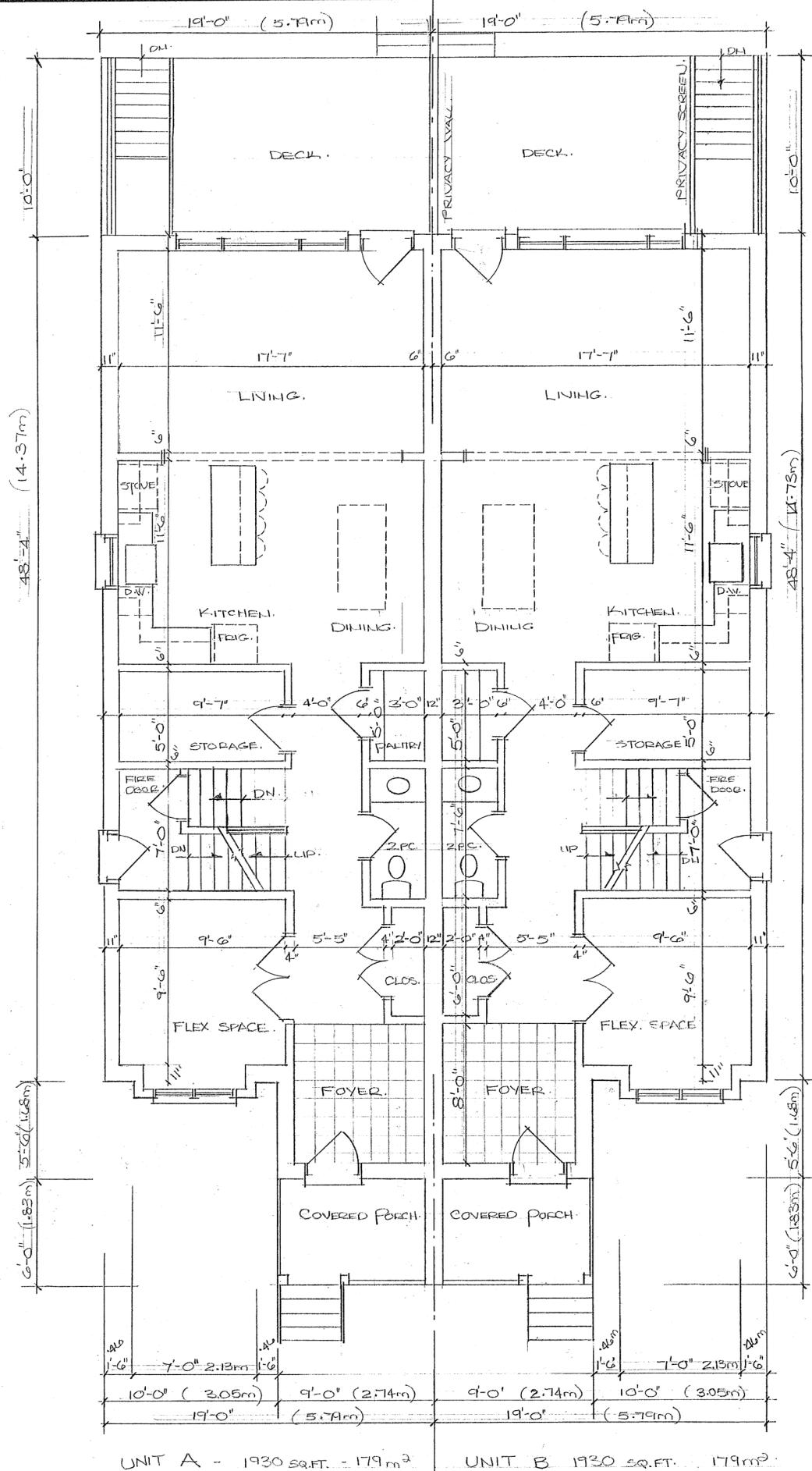
SCALE: 3/16" = 1'-0" AUG. 9, 2022



UNIT A - APPROX. 1,000 SQ.FT. INCLUDING MECHANICAL

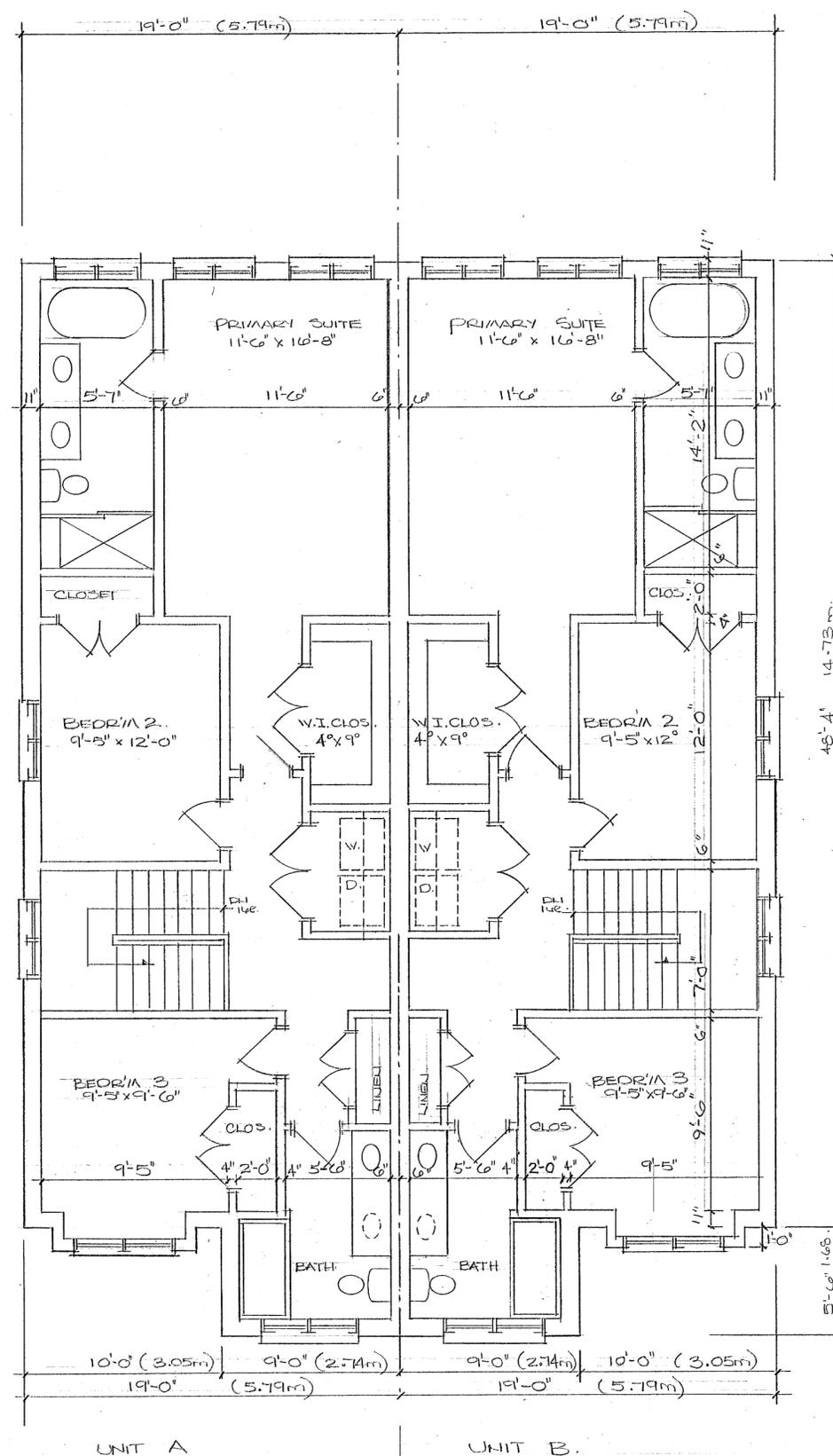
UNIT B - APPROX. 1,000 SQ.FT. INCLUDING MECHANICAL

<p>Kimberley Lalonde Phone: 905.339.7036 Email: klalondehomedesign@cogeco.ca</p>	196 STANLEY AVE., HAMILTON
	<b>DESIGN PROPOSAL</b>
	BASEMENT PLAN. FINISHED APARTMENT APPROX 900 SQ.FT. 84m <sup>2</sup> SCALE: 3/16"=1'-0" AUG. 2, 2009.



UNIT A - 1930 sq.ft. - 179m<sup>2</sup>

UNIT B 1930 sq.ft. - 179m<sup>2</sup>

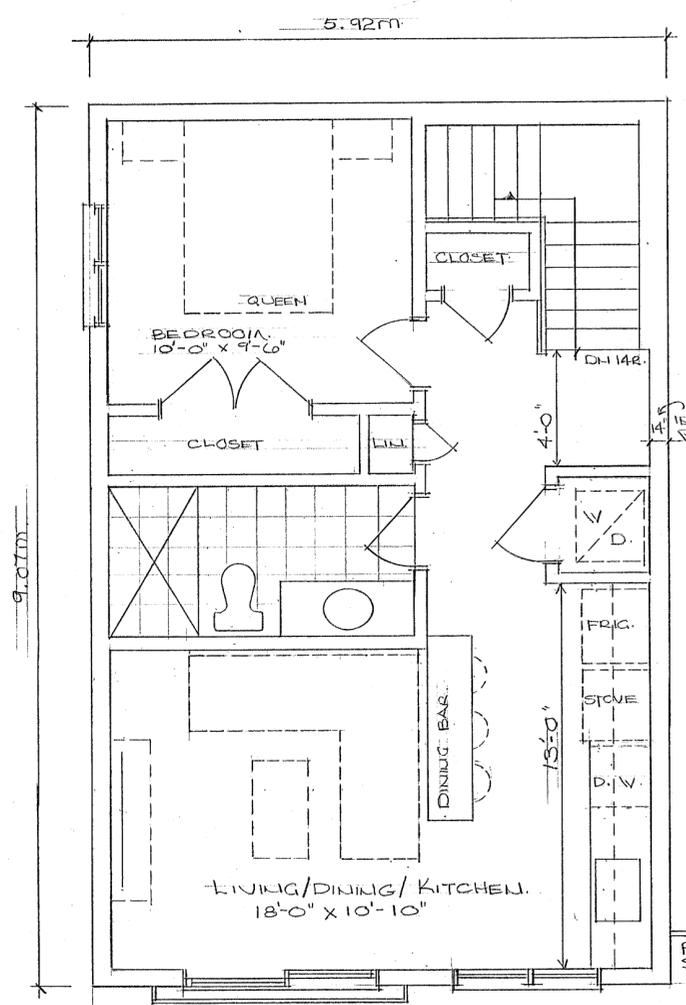


UNIT A

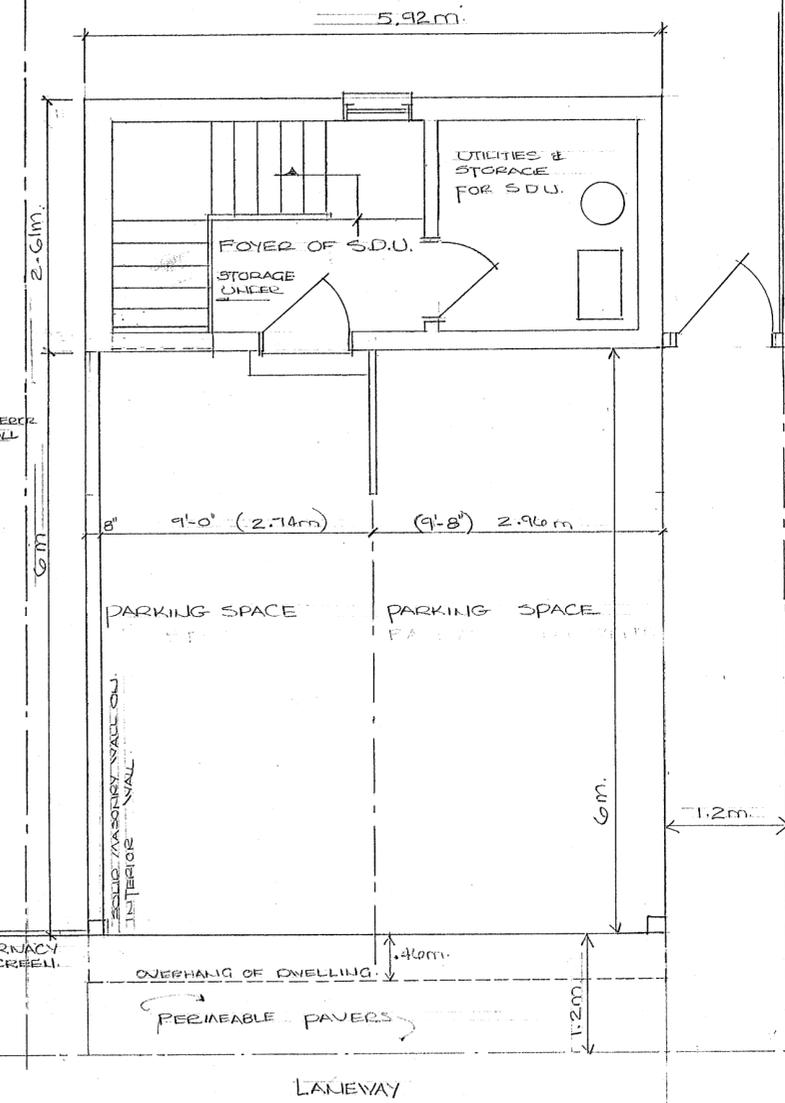
UNIT B

<p>Kimberley Lalonde Phone: 905.339.7036 Email: klalondedesign@cogeco.ca</p>	196 STANLEY AVE. HAMILTON.
	<b>DESIGN PROPOSAL</b>
	GROUND FLOOR & SECOND FLOOR PLANS. PROPOSED SEMI-DETACHED HOME.

SCALE: 3/16" = 1'-0"      AUG. 3, 2023



MAIN FLOORPLAN - SDU  
53.70m<sup>2</sup>



CARPORT & GROUND LEVEL SDU  
15.92m<sup>2</sup> FINISHED AREA

THESE PLANS PROTECTED BY COPYRIGHT LAW. LAWFUL TO COPY OR REPRODUCE ONLY BY LALONDE HOME DESIGN

<p>Kimberley Lalonde Phone: 905.339.7036 Email: klalondehomedesign@cogeco.ca</p>	196 STANLEY AVE., HAMILTON.
	<b>DESIGN PROPOSAL</b>
	CARPORT WITH ONE BEDROOM DWELLING OVER.
SCALE: 1/4" = 1'-0"	JUNE 2022



**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**

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	1970705 ONTARIO INC.		
Applicant(s)**	IBI Group c/o Mike Crough		
Agent or Solicitor			Phone:
			E-mail:

\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)

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

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

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Hamilton	Lot 228, BLK C	Concession	Former Township
Registered Plan N°. 253	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 196 Stanley Avenue			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  
 addition to a lot  
 an easement
- Other:  a charge  
 a lease  
 a correction of title

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

- creation of a new lot  
 creation of a new non-farm parcel  
 ( i.e. a lot containing a surplus farm dwelling  
 resulting from a farm consolidation)  
 addition to a lot
- Other:  a charge  
 a lease  
 a correction of title  
 an easement

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

Unknown

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

### 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed (lease, easement, charge etc.):

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
±7.71m	±37.82m	±291.95 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: 1 and a 1/2-storey brick dwelling, side deck, detached shed

Proposed: 2-storey semi detached dwelling with internal and detached secondary dwelling ur

Existing structures to be removed: 1 and a 1/2-storey brick dwelling, side deck, detached shed

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 (remainder)**:

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
+/-7.71m	37.82m	+/-291.95 m <sup>2</sup>

Certificate Request for Retained Lands:  Yes\*

\* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: 1 and a 1/2-storey brick dwelling, side deck, detached shed

Proposed: 2-storey semi detached dwelling with internal and detached secondary dwelling unit.

Existing structures to be removed: 1 and a 1/2-storey brick dwelling, side deck, detached shed

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity       telephone       school bussing       garbage collection

**5 CURRENT LAND USE**

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

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 see Cover Letter/Planning Justification Brief

## 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?  - Urban Protected Residential

## 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"/>	coffee shops, variety stores
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

\*Complete MDS Data Sheet if applicable

## 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?  
 Correspondence with Owner
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
 Is the previous use inventory attached?  
 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 see Cover Letter/Planning Justification Brief
- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes  No (Provide explanation)  
 Please see Cover Letter/Planning Justification Brief
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes  No (Provide explanation)  
 Please see Cover Letter/Planning Justification Brief
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes  No  
 Growth Plan for the Greater Golden Horseshoe - Please see Cover Letter/Planning Justification Brief.
- e) Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes  No  
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?  
 Yes  No  
 (Provide Explanation)
- f) Are the subject lands subject to the Parkway Belt West Plan?  
 Yes  No  
 If yes, is the proposal in conformity with the Parkway Belt West Plan?  
 Yes  No (Provide Explanation)
- g) Are the subject lands subject to the Greenbelt Plan?  
 Yes  No

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

**8 HISTORY OF THE SUBJECT LAND**

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

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

---

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

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

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

8.4 How long has the applicant owned the subject land?

Acquired May 20, 2022

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: \_\_\_\_\_

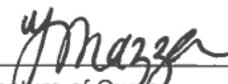
**11 OTHER INFORMATION**

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 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 3, 2022  
 \_\_\_\_\_  
 Date

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





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

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:270</b>	<b>SUBJECT PROPERTY:</b>	196 STANLEY AVENUE, HAMILTON
<b>ZONE:</b>	“D” (Urban Protected Residential – One- and Two-Family Dwellings Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 87-173

**APPLICANTS:** Owner – 1970705 Ontario Inc.  
Agent – IBI Group – M. Crough

The following variances are requested:

1. A minimum front yard depth of 4.30 metres shall be permitted for both the portion of the lands to be retained/severed, instead of the minimum required front yard depth of 6.0 metres.
2. A minimum easterly side yard of 0.0 metres shall be permitted for the portion of the lands to be severed, and a minimum westerly side yard of 0.0 metres shall be permitted for the portion of the lands to be retained, instead of the minimum required side yard of 1.20 metres.
3. A minimum lot width of 7.71 metres shall be provided for one-half of a semi-detached dwelling for both the portion of the lands to be retained/severed, instead of the minimum required lot width of 9.0 metres for one-half of a semi-detached dwelling.
4. A roofed-over but otherwise unenclosed porch at the first storey-level, shall be permitted to be located 1.49 metres from the front lot line on both the portion of the lands to be retained/severed, instead of the requirement that a roofed-over but otherwise unenclosed porch shall be distant at least 1.5 metres from the front lot line.
5. No onsite manoeuvring shall be provided for the two (2) required parking spaces provided in the front yard on both the portion of the lands to be retained/severed, instead of the requirement that a manoeuvring space shall be provided and maintained abutting and accessory to each required parking space on the lot.
6. Two (2) required parking spaces provided in the front yard shall be permitted to be a minimum of 2.7 metres in width and 5.7 metres in length on both the portion of the lands to be retained/severed,

**HM/A-22:270**

instead of the minimum required dimensions of 2.7 metres in width and 6.0 metres in length.

7. Two (2) required parking spaces shall be permitted to be located in the required front yard on both the portion of the lands to be retained/severed, instead of the requirement that no part of a required parking space for a two-family dwelling shall be located in a required front yard.
8. An access driveway shall be permitted to have a minimum width of 2.70 metres on both the portion of the lands to be retained/severed, instead of the requirement that every parking area for a use where there are five or less parking spaces shall have no less than one access driveway having a width of at least 2.80 metres.
9. A minimum easterly side yard of 0.6 metres shall be permitted for the Secondary Dwelling Unit – Detached for the portion of the lands to be severed, and a minimum westerly side yard of 0.6 metres shall be permitted for the Secondary Dwelling Unit – Detached for the portion of the lands to be retained, instead of the minimum required side yard of 1.20 metres.
10. A minimum rear yard of 0.88 metres shall be permitted for the Secondary Dwelling Unit – Detached for both the portion of the lands to be retained/severed, instead of the minimum required rear yard of 0.88 metres.
11. A privacy screen and gate shall be permitted between the street line and the entrance of the Secondary Dwelling Unit – Detached on both the portion of the lands to be retained/severed, instead of the requirement that an unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Secondary Dwelling Unit - Detached shall be provided and maintained.
12. A minimum distance of 4.80 metres shall be provided between the rear wall of the principle dwelling and the rear wall of the Secondary Dwelling Unit on both the portion of the lands to be retained/severed, instead of the minimum 7.5 metres required.
13. A balcony shall be permitted to be located at the second-floor level of the Secondary Dwelling Unit on both the portion of the lands to be retained/severed, instead of the requirement that a balcony shall be prohibited above the first-floor level.

**PURPOSE & EFFECT:** So as to facilitate the creation of two (2) lots in conjunction with Severance Application No. HM/B-22:86, and the development of a pair of semi-detached dwelling each of which is to contain one (1) secondary dwelling unit and one (1) detached secondary dwelling unit on each lot, notwithstanding that:

**Notes:**

1. It is unclear from the Elevation Drawings provided if the lower level of the principle dwelling shall be considered a “storey” as per the definition of “basement” provided in Hamilton Zoning By-law 6593. Therefore, the number of storeys being proposed could not be confirmed. Note that as per Section 10(2), in a "D" District, no building shall exceed three storeys, and no structure shall exceed 14.0 metres (45.93 feet), in height.

**HM/A-22:270**

2. Please note that the distance the eaves/gutters encroach into a required yard was not indicated for either the principle dwelling or the Secondary Dwelling Unit – Detached, on the submitted Site Plan. Additional variance(s) may be required if compliance with Section 18(3)(vi)(b) is not possible.
3. The projection of the balcony at the second-storey level of the Secondary Dwelling Unit – Detached, has not been indicated. Please note that additional variances may be required if compliance with Section 18(3)(vi)(cc) is not possible. Note that the Variance No. 10 has requested a reduced rear yard of 0.88 metres for the Secondary Dwelling Unit – Detached.
4. The height of the Secondary Dwelling Unit – Detached was not indicated on the Elevation Drawing provided. Please note that a maximum height of 6.0 metres shall be permitted. Additional variances may be required if compliance with Section 19(1)(2)(x) is not possible.
5. Please note that the ground floor area of the principle dwelling was not identified on the Site Plan provided. Note that the ground floor area of a Secondary Dwelling Unit – Detached shall not exceed 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres. Additional variances may be required if compliance with Section 19(1)(2)(xi)(b) is not possible.
6. A landscaped area has not been indicated in the rear yard on the Site Plan provided. Please note that for a Secondary Dwelling Unit – Detached, a minimum landscaped area of 12.0m<sup>2</sup> shall be provided and maintained within the rear yard. Additional variances may be required if compliance with Section 19(1)(2)(xii) is not possible.
7. Please note this application is to be heard in conjunction with Severance Application HM/B-22:86.
8. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:20 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

**HM/A-22:270**

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 **Subject Lands**

DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



**IBI GROUP**  
200 East Wing – 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010  
[ibigroup.com](http://ibigroup.com)

August 8, 2022

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

**RE: CONSENT AND MINOR VARIANCE APPLICATION - 196 STANLEY AVENUE,  
HAMILTON**

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

- A completed Consent Application Form;
- A completed Minor Variance Application Form;
- A Survey, prepared by A.T. McLaren Limited;
- Elevation and Floor Plans, prepared by Kimberley Lalonde Home Design;
- A combined Consent and Minor Variance Sketch, prepared by IBI Group; and
- A Planning Justification Brief, prepared by IBI Group

Subsequent to the submission of this Application, Grading and Servicing Plans will be provided once received from MTE Consultants.

We trust this will allow our application to be circulated for review and scheduled for a Committee meeting as soon as possible.

Thanks very much.

A handwritten signature in black ink, appearing to read 'Mike Crough'.

Mike Crough RPP MCIP  
Associate Director - Practice Lead, Planning

A handwritten signature in black ink, appearing to read 'Isabelle Ilagan'.

Isabelle Ilagan  
Planning Student

Planning Justification Brief

# 196 Stanley Avenue Hamilton, ON

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Proposed Consent to Sever and Minor Variance for a Semi-Detached Two-Storey Dwelling with Internal and Detached Secondary Dwelling Units



Prepared for 1970705 Ontario Inc.  
by IBI Group  
August 8, 2022

## Document Control Page

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<b>CLIENT:</b>	1970705 Ontario Inc.
<b>PROJECT NAME:</b>	196 Stanley Avenue
<b>REPORT TITLE:</b>	Planning Justification Brief
<b>IBI REFERENCE:</b>	139133
<b>VERSION:</b>	1.0
<b>DIGITAL MASTER:</b>	
<b>ORIGINATOR:</b>	
<b>REVIEWER:</b>	
<b>AUTHORIZATION:</b>	
<b>CIRCULATION LIST:</b>	
<b>HISTORY:</b>	

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## 1 Introduction

IBI Group has been retained by the Owner to provide an independent planning opinion on the current applications to the City of Hamilton Committee of Adjustment pertaining to 196 Stanley Avenue. The applications propose a consent to sever the existing land from one lot into two and the construction a two-storey semi-detached dwelling, divided by the proposed common lot line, with one internal and detached Secondary Dwelling Unit (“SDU”) per lot, with associated minor variances for lot size and other dwelling-specific performance standards. This report provides the required analysis, including a review of provincial and local policy, and the final recommendation that the applications should be approved by the Committee.

## 2 Planning Applications

The current application for consent is to sever the existing lot from one lot into two, to allow for the construction of a proposed two-storey semi-detached dwelling, divided by the proposed common lot line, with one internal and detached SDU per lot. The consent to sever application is being made to the City of Hamilton Committee of Adjustment under subsection 53(12) of the *Planning Act*, which provides the powers to the Committee to make decisions with respect to severing lots.

Concurrently with the consent to sever application, a minor variance application is being made to the City of Hamilton Committee of Adjustment under Subsection 45(1) of the *Planning Act*, which provides the powers to the Committee to make decisions with respect to minor variances to the Zoning By-law. A detailed discussion of the Powers of the Committee under 53(12) & 45(1) of the *Planning Act*, as well as how the proposed development falls within those power is provided later in the report under subsection 5.1. The variance application is required to address performance standards for lot width, dwelling setbacks, and parking areas.

## 3 Site Location and Context

The subject lands are legally described as Lot 228, Block “C”, Registered Plan 253 and known municipally as 196 Stanley Avenue, in the City of Hamilton. The site is located on the north side of Stanley Avenue, just east of Dundurn Street South and west of Locke Street South. The current lot consists of a 1 and a 1/2-storey brick dwelling, side deck, and detached shed. The lot has frontage on Stanley Street of approximately 15.4 m, with a total area of approximately 583 m<sup>2</sup>.

Along the rear of the site is a paved public laneway that is approximately 3.66 m in width, providing access from Locke Street South to Dundurn Street South. There are numerous dwellings in the area that have access to, and appear to use, the public laneway to get to rear yard detached garages and parking areas.

Air photos illustrating this context are presented in **Figures 3.1 & 3.2** below. A survey plan illustrating the existing conditions is provided in **Figure 3.3** below.

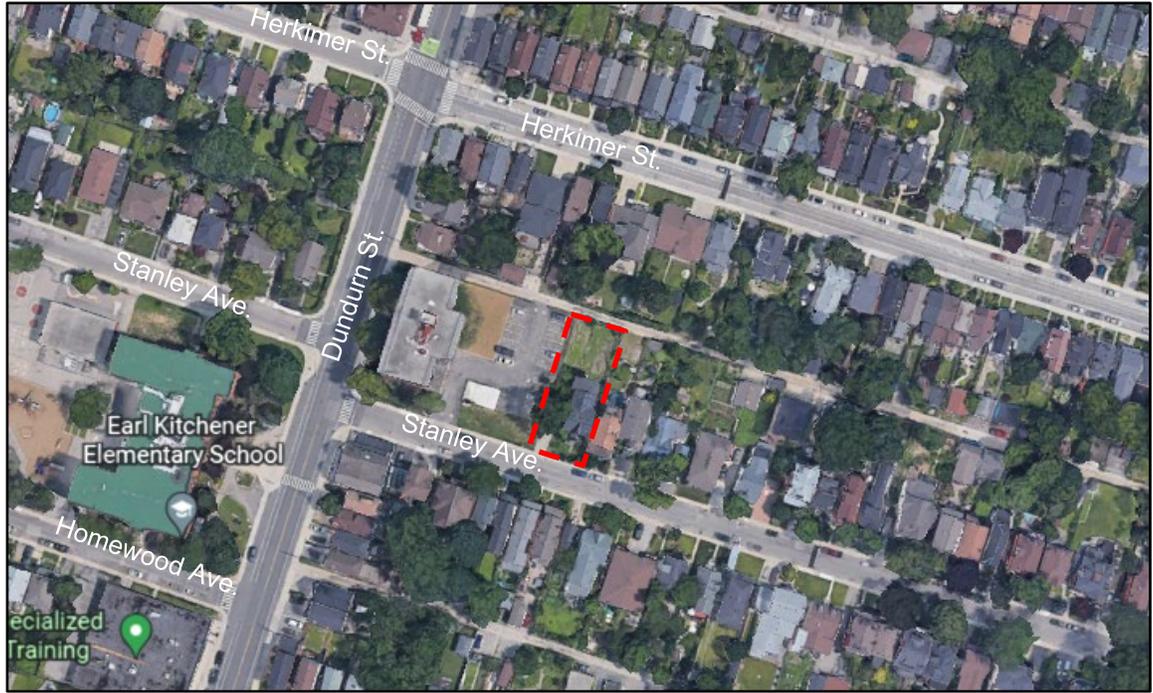
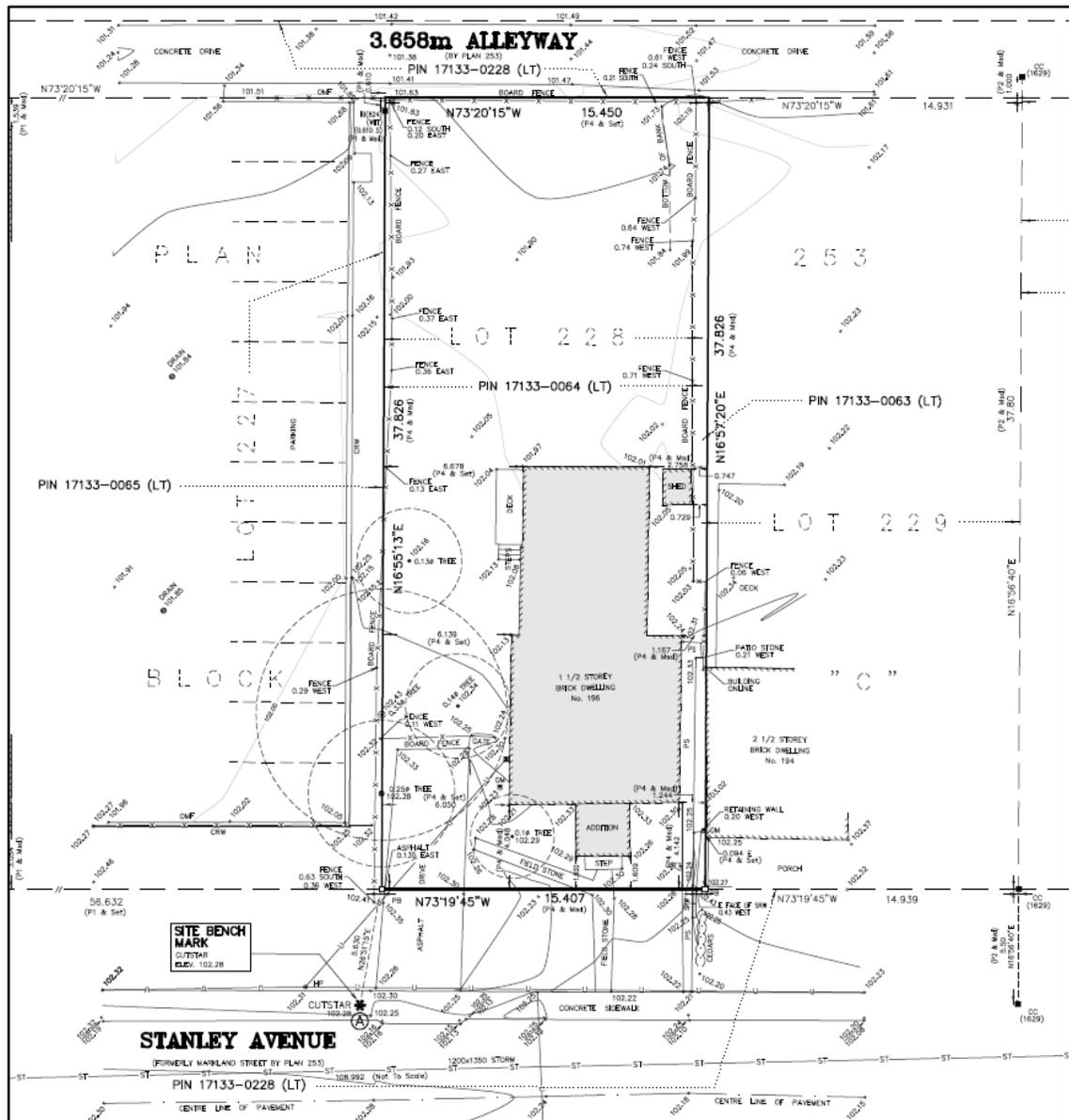


Figure 3.1 – Google Air photo of the subject lands (subject lands in red).



Figure 3.2 – City of Hamilton online air photo, parcel and zoning map (subject lands in yellow).



**Figure 3.3 – Survey plan of existing conditions**

In terms of surrounding context, the site is located in an area of the City that provides a variety of dwelling sizes, types and densities, as well as a range of amenities, services and other land uses. Higher density building forms can be seen along the main streets within the 500 m radius circle of the subject lands. For instances, there is an 8-storey apartment building immediately adjacent, at the corner of Dundurn Street South and Stanley Avenue, a 7-storey apartment building at the corner of Dundurn Street South and Aberdeen Avenue, and a 3-storey apartment building on the corner of Dundurn Street South and Chatham Street (see **Figure 3.5**). In contrast, lower density development along Homewood Avenue, Stanley Avenue, Herkimer Street, Charlton Avenue and Chatham Street exhibits a mix of semi-detached and single-detached dwellings of various height, style, and materials (see **Figures 3.6 – 3.9**). A list of nearby facilities and uses within an approximately 500 m radius of the site includes (see **Figure 3.4** for a surrounding use map):

- Two Schools:
  - Earl Kitchener Public School
  - St. Joseph Catholic Elementary School
- Six Places of Worship:
  - Stanley Avenue Baptist Church
  - Melrose United Church
  - St. Joseph's Parish Church
  - St. John the Evangelist
  - Beth Jacob Synagogue
- Two Parks:
  - H.A.A. Grounds
  - Hill Street Park/Dog Park
- Hamilton Public Library – Locke Library
- A range of existing residential uses
- A range of local commercial uses (i.e. coffee shops, variety stores, pharmacy, health services, etc.)
- Active railway
- Regular transit service on Dundurn Street South, Aberdeen Avenue and Locke Street South

The existing urban fabric, mix of dwelling types and uses, nearby green spaces, and provision of transit makes the subject site a logical choice for some increased density as it is highly walkable and diverse. The nature of the proposed changes (a two-storey semi-detached dwelling with one internal and detached SDU per lot), will ensure that the visual character of the site and area is maintained by providing compatibility with existing conditions, particularly along Stanley Avenue.



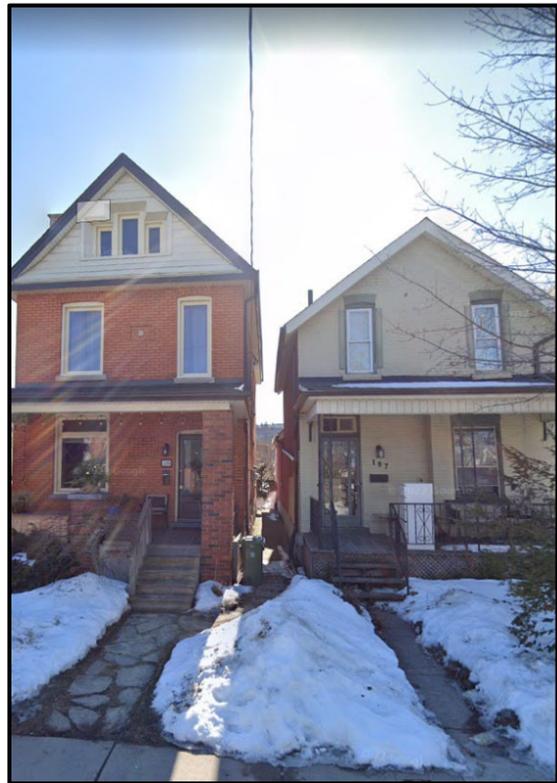
Figure 3.4 – Surrounding uses within 500 m of subject lands, retrieved from GeoWarehouse



**Figure 3.5** – From the left - 8-storey apartment building on the corner of Dundurn St. S. and Stanley Ave., 7-storey apartment building on the corner of Dundurn St. S. and Aberdeen Ave. and 3-storey apartment building on the corner of Dundurn St. S. and Chatham St.



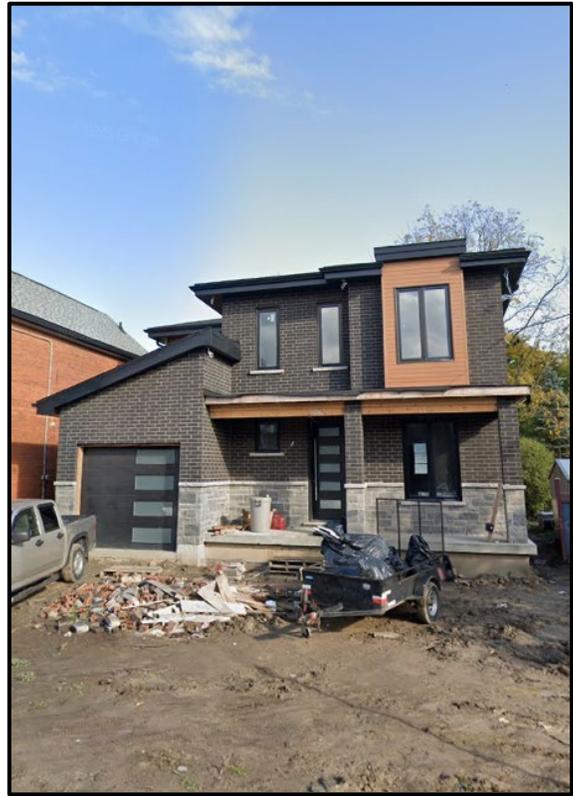
**Figure 3.6** – Existing dwelling to the east of the subject lands



**Figure 3.7** – Existing dwellings south of the subject lands



**Figure 3.8** – Existing dwelling south of the subject lands



**Figure 3.9** – Surrounding context exhibiting a variety of housing types

## 4 Proposed Development

The current development proposal is to sever the existing lot at 196 Stanley Avenue into two lots, both with the frontage of approximately 7.71 m and an area of approximately 291.95 m<sup>2</sup>. This will require the existing buildings and structures on the property to be demolished, which consists of the 1 and a 1/2-storey brick dwelling, a side deck and a detached shed, in order to construct a two-storey semi-detached dwelling, divided by the proposed common lot line, with one internal and detached SDU per lot, with associated minor variances for lot size and other dwelling-specific performance standards. A further description of the required land division (see subsection 4.1 below) and a breakdown and justification of the required minor variances (see subsection 4.2 below) have been provided.

### 4.1 Land Division

The existing lot has a frontage of approximately 15.4 m, a lot depth of approximately 37.83 m, and a lot area of approximately 583 m<sup>2</sup>, with street access to Stanley Avenue (measuring at 20.12 m in ROW width) and laneway access in the rear by an approximately 3.66 m public alley. The development proposal is to sever the existing lot in half, creating two equally sized lots with an approximate frontage of 7.71 m, lot depth of 37.83 m and lot area of 291.59 m<sup>2</sup>. The lots will maintain the public alleyway access and frontage on Stanley Avenue.

A lot analysis on the existing lot fabric was done for Stanley Avenue (between Dundurn Street South and Locke Street South). As exhibited in **Figure 4.1** (below), the majority of the lot frontages are between 6 and 9.99 m; 18 of which are 7-7.99 m. The lot depths along both sides of Stanley

Avenue are approximately  $37.87 \pm$  m. Therefore, providing lots with 7.71 m frontage, consistent depth, and an approximate lot area of  $291.95 \pm$  m<sup>2</sup> is consistent and compatible with this context.

This range of different lot sizes that are currently existing along Stanley Avenue contribute to the mix of dwelling types and sizes. It is also important to note that 30% of the existing lots between Dundurn Street South and Locke Street South on Stanley Avenue have lot frontages within the range of 7.0 – 7.99 m, which provides support for the proposed severance of the subject lands as it emulates the surrounding lot frontages producing no drastic change for the neighbourhood.

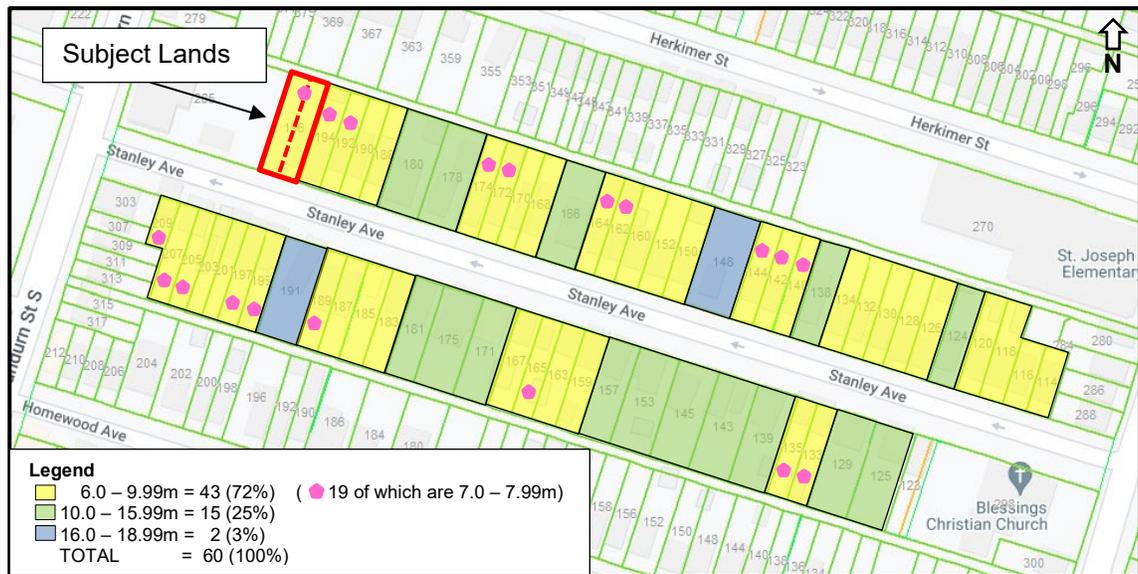


Figure 4.1 – Stanley Ave. (between Dundurn St. S. & Locke St. S.) Lot Analysis

## 4.2 Minor Variances

In the context of establishing the two-storey semi-detached dwelling, we have identified the following required minor variances:

### 1 Front Yard Setback Requirements

Current zoning requires a minimum front yard setback of 6 m; while the current development proposal is requesting to allow for a 4.3 m front yard setback.

### 2 Lot Width Requirements

Current zoning requires a minimum lot area of 540.0 m<sup>2</sup> for a two-family dwelling (270 m<sup>2</sup> per lot); while the current development proposal is requesting to allow for a lot area of 583.9 m<sup>2</sup> (291.95 m<sup>2</sup>). The zoning also requires a minimum frontage of 18 m, translates to 9 m per lot for semi-detached dwellings, whereas the proposal provides approximately 7.71 m per lot based on the existing overall lot width of approximately 15.4 m.

### 3 Interior Side Yard Setback

It is our interpretation that a semi-detached dwelling is a permitted use under the definition of a Two-Family Dwelling, and that a minimum interior side yard setback should not be required. Nonetheless, the proposal provides a 0 m interior side yard setback, where the basic zone requirement is 1.2 m.

**NOTE: Zoning By-law defines a Two Family Dwelling as: "Dwelling, Two Family" shall mean a building comprising two self-contained Class A dwelling units, whether or not a private garage or other accessory building is attached to the same, and which may**

*also contain such lodgers' rooms as may be permitted under the provisions of this By-Law in the district in which it is situate, and shall include a pair of **semi-detached single family dwellings**".*

4 Reduced Parking Stall Size

Current zoning requires a minimum parking stall size of 2.7 m x 6 m. The current development proposal provides a parking stall size of 2.7 m x 5.7 m for the front yard parking space for each semi-detached dwelling unit.

5 No Manoeuvring Space

Current zoning requires the provision of a separate manoeuvring space for vehicles, and that such space be a minimum of 6 m in width. The proposed development provides parking spaces which are directly accessed from either Stanley Avenue or the rear public laneway, which provide the manoeuvring space.

6 Parking Space Location

Current zoning does not permit parking spaces within a required front yard. The proposed development provides parking spaces which will be partially in the front yard, as amended.

In the context of establishing the SDUs, we have identified the following two required minor variances:

1 Interior Side Yard Setback Requirements

Current zoning requires a minimum interior side yard setback of 1.2 m; while the current development proposal is requesting to allow for an internal side yard setback of 0.6 m.

2 Rear Yard Setback Requirements

Current zoning requires a minimum rear yard setback of 1.2 m; while the current development proposal is requesting to allow for a rear yard setback of 0.88 m to the second floor overhang only.

3 Distance Between Rear Façade of Principal Dwelling and Secondary Dwelling Unit – Detached

Current zoning requires a minimum distance between rear façade of principal dwelling and secondary dwelling unit – detached of 7.5 m; while the current development proposal is requesting to allow for a 4.5 m distance to account for internal dwelling space that is below the proposed decks.

The *Planning Act* requires that minor variance applications meet the four tests within Section 45, to ensure good planning to support requested variances. In our opinion this proposal does maintain the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate development and land use and that proposal is minor in nature. A more in-depth explanation, based on applicable legislation, policy and contextual information, is provided below to support our opinion.

## 5 Applicable Planning Policy and Legislation

The property is subject to several provincial and local policy and legislative documents with respect to land use planning. These will be dealt with in subsections below.

## 5.1 Ontario Planning Act

The Powers of the Committee of Adjustment with respect to consent to sever applications are provided by subsection 53(12) of the *Planning Act*, which states the following:

- (12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent.

The severance application meets the required criteria for land division. The proposed development provides additional residential dwelling units in keeping with the character of the area. The surrounding land uses (as seen in **Section 3** of this report) provide adequate services, schools and transportation options. Overall, this land division is within the public interest and conforms to the criteria for land division specified in the *Planning Act*.

The Powers of the Committee of Adjustment with respect to minor variances are provided by subsection 45 (1) of the *Planning Act*, which states the following:

- (1) Powers of committee – The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

It is our opinion that the potential impacts from changing the single family dwelling lot to 2 lots to facilitate a semi-detached dwelling lots, and associated massing (See **Appendix B** – for Elevations and Floor Plans), will not introduce any adverse impacts to the adjacent properties or the neighbourhood. In terms of scale and intensity, the introduction of a two-storey semi-detached dwelling will change the visual character of the dwelling and lot but will fit within the existing context by providing elevations and built form that are similar to the surrounding neighbourhood and maintain low density residential character. Further, the site is surrounded by a range of community services, including parkland, schools, transit, etc., and to which future occupants can easily reach by foot. Access and parking have been considered and will be provided for the additional units.

As for compatibility, the proposed development is compatible with the uses currently permitted under the Zoning By-law, including one- or two-family dwellings. The proposed lot widths, areas and setbacks meet or are close to the requirements. The various pictures provided in this report provide visual evidence of the character of the area and the diversity of dwelling types. It is our opinion that the proposed two-storey semi-detached dwelling is completely compatible with surrounding properties and that there will be no negative impacts to the neighbourhood.

## 5.2 Provincial Policy Statement 2020

The Provincial Policy Statement 2020 (PPS) was issued under Section 3 of the *Planning Act*, and came into effect May 1, 2020. It applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after this date. Planning decisions are to be consistent with the PPS. Therefore, the proposed application is subject to it, including the following:

### 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

**1.1.3 Settlement Areas**

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

**1.4 Housing**

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:
  - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of

housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The current development proposal will provide intensification in the form of additional dwelling units by introducing a two-storey semi-detached dwelling on both the severed and retained parcels of land, while also providing one internal and detached SDU per lot. In addition, it will provide a compatible residential development within an existing and mature neighbourhood while maintaining an appropriate lot size that keeps with the character of the area. Permitting the requested minor variances will allow for the construction of additional residential units, contributing to the mix of unit types and sizes in the neighbourhood. Lastly, the proposed unit increase will contribute to meeting planned intensification targets while providing additional rental housing.

### 5.3 Growth Plan for the Greater Golden Horseshoe

A Place to Grow, the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides the framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the region to 2051. The 2019 version of the growth was amended, taking effect August 28, 2020. Section 5(b) of the *Planning Act* requires decisions that affect planning matters shall conform to provincial plans, including the Growth Plan, or shall not conflict with them, as the case may be. Section 2.2.1 of the Growth Plan provides policy direction as to where and how the municipalities should grow. The proposed application is subject to the Growth Plan, including the following:

#### 2.2.1 Managing Growth

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:
  - a) the vast majority of growth will be directed to settlement areas that:
    - i. have a delineated built boundary;
    - ii. have existing or planned municipal water and wastewater systems; and
    - iii. can support the achievement of complete communities;
  - c) within settlement areas, growth will be focused in:
    - i. delineated built-up areas;
    - ii. strategic growth areas;
    - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
    - iv. areas with existing or planned public service facilities;
  - d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;
4. Applying the policies of this Plan will support the achievement of complete communities that:
  - a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
  - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
  - c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;

### 2.2.2 Delineated Built-up Areas

2. Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.

### 2.2.6 Housing

1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
  - a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
    - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and

As noted, the proposed development meets the criteria to be considered intensification, as it provides additional residential units within the built boundary, while contributing to the range of dwelling types provided in this area. Further, the proposal is compatible with the existing and mature neighbourhood in terms of use and scale. While the total lot count and unit count within the proposed dwellings will increase, the development is appropriate for this location.

## 5.4 Urban Hamilton Official Plan

The City of Hamilton's Urban Hamilton Official Plan (UHOP) was adopted by Council on July 9, 2009 and was declared to be in force and effect by the Ontario Municipal Board on August 16<sup>th</sup>, 2013 (with some outstanding appeals).

In terms of land use designations, the property is designated as "Neighbourhoods" on Schedule E – Urban Structure and is also designed "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations. Chapter E of the UHOP contains the goals, principles and policies pertaining to the "Neighbourhoods" designations. In terms of the urban structure, Section 2.6 provides applicable policies to this element, which include the following:

### 2.6 Neighbourhoods

Hamilton's neighbourhoods are, by and large, regarded as stable. However, that does not mean these areas are static. These neighbourhoods will see some physical change over time. Neighbourhoods will evolve as older residents move out, younger residents and families move in, homes are renovated or rebuilt, infill development occurs, commercial areas are invigorated, or underutilized commercial areas redeveloped

#### Function

**2.6.2** Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.

**2.6.3** The Neighbourhood element of the urban structure shall be implemented through land use designations shown on Schedule E-1 – Urban Land Use Designations.

**2.6.4** The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

#### Scale

**2.6.7** Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

The proposed development conforms to and meets the intent of these policies, as the proposed use and scale is similar to the existing uses and fully compatible and in keeping with the character of the neighbourhood. The proposed severance and minor variances for the two-storey semi-detached dwelling is consistent with the expected evolution of Neighbourhoods in general; as the increase in density is a minor change to the existing context and will not negatively impact the relationship of the site with its surroundings. Sufficient parking will be provided in the form of a double carport for each lot in the rear yard accessed by the public alleyway.

With respect to the “Neighbourhoods” designation shown on Schedule E-1, the applicable goals and policies are provided in Section E 3.0 and the various subsections. Applicable policies include:

### **E.3.0 NEIGHBOURHOODS DESIGNATION**

#### **3.1 Policy Goals**

The following goals apply to the Neighbourhoods land use designation:

**3.1.3** Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

**3.1.4** Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.

#### **3.2 Neighbourhoods Designation – General Policies Function**

**3.2.1** Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

**3.2.3** The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

a) residential dwellings, including second dwelling units and housing with supports;

#### **Scale and Design**

**3.2.4** The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

#### **3.3 Residential Uses – General Policies**

Three categories of residential land use are described in this section but are not designated on Schedule E-1 - Urban Land Use Designations. These residential categories provide general location, scale, and design directions for the purposes of secondary planning and zoning. These categories may also be applied in the redevelopment of larger sites.

**3.3.1** Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

**3.3.2** Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

### **3.4 Low Density Residential**

#### **Function**

**3.4.1** The preferred location for low density residential uses is within the interior of neighbourhoods.

**3.4.2** Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.

**3.4.3** Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.

#### **Scale**

**3.4.4** For low density residential areas the maximum net residential density shall be 60 units per hectare.

**3.4.5** For low density residential areas, the maximum height shall be three storeys.

The proposed development conforms to or meets the intent of the above-noted policies. The built form and height meet the criteria specified, while the density maintains the intent of the criteria specified. The proposed development represents a minor amount of intensification and provides a context-sensitive increase in density that will complement the existing land uses and development patterns of this area. In terms of neighbourhood character, it has already been established that there is variety in apparent density, use and form in this location. Once again, the proposed development will contribute to the full range of housing options as envisioned for the City's existing neighbourhoods.

In terms of rental housing, the following policy is also relevant to the proposed development:

### **Chapter B of Volume 1:**

#### **3.2.1 Urban Housing Goals**

**3.2.1.5** Maintain a balance of primary rental and ownership housing stock as outlined in the Affordable Housing Strategy

The change from one single family dwelling to a 2-storey semi detached dwelling with one internal and detached SDU per lot introduces the addition of at least 4 total rental units (SDU's) that would further contribute to achieving this goal, which is partly the intent behind the as-of-right SDU permissions.

The continued and slightly intensified residential use, unit count, built form and density maintain the general intent and purpose of the UHOP. This is established by conforming to the range of housing, intensification, density and compatibility goals and policies found throughout the Plan, which has been demonstrated by the analysis provided above.

## 5.5 Zoning By-law 6593

The Zoning By-law applicable to the subject lands is By-law No. 6593, that being the Zoning By-law of the former City of Hamilton. Currently, the site is zoned “D – Urban Protected Residential”, which allows for the permitted use of one- and two- family dwellings with a variety of provisions.

Several variances have been identified based on the provisions of this By-law:

- 1 To permit a reduced total lot width for a proposed two-family dwelling of +/- 15.4 m instead of the minimum 18 m, and to permit a reduced lot width per divided lot for a proposed two-family dwelling of +/- 7.7 m per lot, instead of the minimum 9 m per lot;
- 2 To permit a reduced front yard setback of 4.3 m, instead of the minimum 6 m;
- 3 To permit a reduced internal side yard setback of 0 m instead of the minimum required 1.2 m (if required);
- 4 To provide no separate manoeuvring space on the subject lands, so that all parking spaces directly access adjacent public roads:
- 5 To permit parking without a required 6 m manoeuvring aisle width;
- 6 To permit a reduced parking stall size of 2.7 m x 5.7 m;
- 7 To permit parking spaces to be required within the front yard (as modified);

**Are the Variances Minor In Nature, meet the General Intent and Purpose of the Official Plan, meet the General Intent and Purpose of the Zoning By-law, and desirable for the appropriate development or use of the subject lands?**

Individually, each of the variances represent minor numerical deviations from the By-law requirements, with no negative impacts.

The variance for lot width is based partly in the existing condition of the lot, which is oversized in comparison to others on the street but is deficient for a two-family dwelling. The proposed lot widths for the divided semi-detached lots are in keeping with most of the dwellings on the street, which provide similar widths. Further, but providing a semi-detached dwelling form, it reduces the need for an internal side yard setback and maximizes the provided side yard setback on either side to allow for grading and drainage works and a clear path to the rear yard. This is outlined in the accompanying preliminary engineering work provided by MTE. Note that a variance for a 0 m side yard setback for the internal common lot line has been identified in the event it is technically needed.

The variance for front yard setback pertains only to a portion of each semi-detached dwelling. Space has been provided for a vehicular parking space. While each space would technically be located partially in the required front yard, as amended, each is also partially setback from the front dwelling elevation, and location party to the side. This condition matches parking as provided for other dwellings along the street. Further, while these spaces and the ones within the carport that are access from the alleyway, do not provide separate manoeuvring space, such space is provided on the abutting public ROWs, and thus are fully accessible and functional.

Lastly, the variance for reduced parking stall size applies to each front yard parking space, which is only slightly deficient due to dwelling design, and one space within the carport provided with the SDU, which is only partly impacted by one internal stair. In each case, the spaces are fully accessible and functional, and will not result in parked vehicle overhanging into the adjacent ROW.

The development proposal is completely within character for the surrounding neighbourhood, and will contribute to the variety of dwelling sizes, styles and shapes in this area of the City. As noted, it appears that there are existing residential lots along Stanley Avenue that are also covered by same “D” zone, and which provide similar built form and density to the proposal, which have

informed the design of the proposed lots and dwellings, and which allow for consideration of relief of various provisions within the By-law as proposed. Based on site visits, this area contains a variety of uses and building forms, with which the proposed development will be compatible.

### 5.5.1 By-Law No. 22-137

Zoning By-law 22-137 was passed by Council, and amends By-law 6593 to permit and regulate SDU's. It contains provisions for use permissions, size, parking, location, and other elements. The intent of the regulations is to allow simplified yet compatible implementation of SDU's within the By-law area. While it has been incorporated in By-law 6593, it is addressed separately with respect to the proposed SDU's.

Two variances have been identified based on the provisions of this By-law:

- 1 To permit a reduced side yard setback of 0.6 m along the common internal lot line;
- 2 To permit a reduced rear yard setback of 0.8 m to the second floor overhang; and
- 3 To permit a reduced setback of 4.5 m between the SDU and the rear wall of the main dwelling

**Are the Variances minor in nature, meet the general intent and purpose of the official plan, do the variances meet the general intent and purpose of the Zoning By-law, and are the desirable for the appropriate development or use of the subject lands?**

Individually, each of the variances represent minor numerical deviations from the By-law requirements, with no negative impacts.

The variance for reduced side yard setback allows for a Detached SDU design that provides a functional and safe internal layout, provides access and setback requirements for the opposite side yard condition, works with the proposed semi-detached dwelling form, and allows the provision of an internal carport which provides 2 vehicular parking spaces to support the internal and detached SDUs, such that each proposed dwelling unit has a dedicated parking space. Further, as noted by the accompanying MTE analysis, the side yard setback conditions are functional and allow for proper grading and drainage.

With respect to the reduced setback between the detached SDU and the main dwelling, it applies only to the partially raised basement area of the semi-detached, and not to the main dwelling superstructure above, which meets the required 7.5 m setback. The basement has been extended in length from the main dwelling to allow for more living space and is partly above grade to allow for windows and below-grade access, making the unit overall more liveable, bright, and open. This feature has been maximized by placing a proposed deck on the roof of the basement area only, providing amenity space for the main dwelling unit. In effect, the space between the detached SDU and main dwelling provides split-level separation and amenity area, with part being located on the deck and part being located on the rear yard landscape area. Note that no variance is required for rear yard landscape space.

For the proposed rear yard setback, it is intended to be applied to the second floor overhang only, as the at-grade portion of the carport meets the required 1.2 m setback. So while a variance is technically required, the intent and purpose of the By-law is maintained. Further, this setback will be compatible with the alleyway condition, and will be consistent with setbacks for other detached structures which abut the laneway.

## 6 Conclusion and Recommendation

The proposed development conforms to, is consistent with, and/or maintains the intent and purpose of the applicable planning policy and legislative documents and is compatible with the

existing neighbourhood. The Committee of Adjustment has power under subsection 53(12) to make decisions with respect to severing lots, and by doing so in this case will allow the creation of two lots with the associated development proposal. Also, under subsection 45(1) the Committee of Adjustment has the powers to make decisions with respect to minor variances to the Zoning By-law. In doing so, the Committee must find the proposed development represents good planning principles and does not introduce any adverse impacts, through the application of the four tests. It is our opinion that the proposed development conforms to all of these requirements and the applications should be approved.



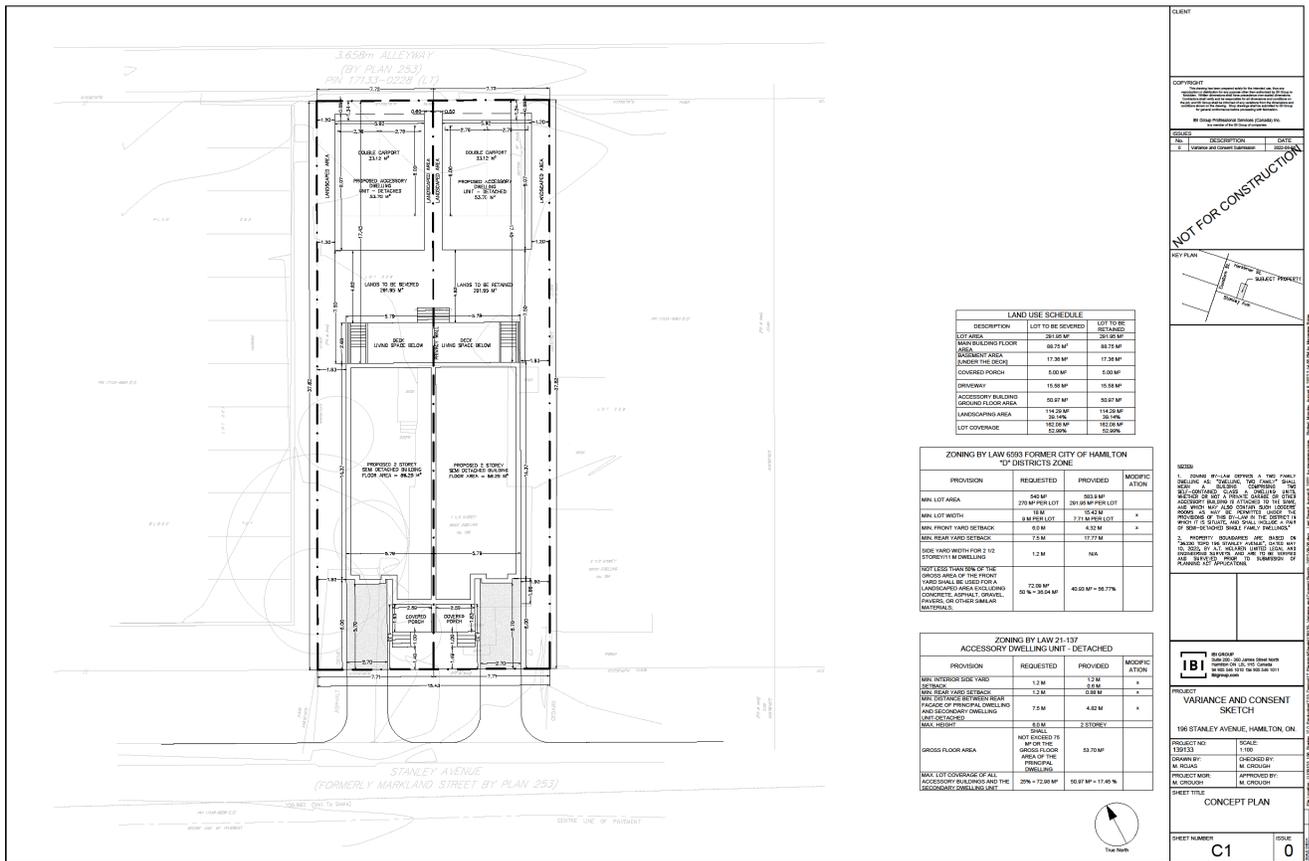
Mike Crough MCIP RPP  
Associate Director - Practice Lead, Planning



Isabelle Ilagan  
Planning Student

# Appendix A – Combined Consent and Minor Variance Sketch

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LAND USE SCHEDULE		
DESCRIPTION	LOT TO BE PROVIDED	LOT TO BE DEMAND
LOT AREA	281.05 MP	281.05 MP
BASE BUILDING FLOOR AREA	88.79 MP	88.79 MP
ACCESSORY AREA (UNDER THE DECK)	11.38 MP	11.38 MP
COVERED PORCH	8.00 MP	8.00 MP
DRIVEWAY	18.58 MP	18.58 MP
ACCESSORY BUILDING (GROUND FLOOR AREA)	55.87 MP	55.87 MP
LANDSCAPING AREA	134.29 MP	134.29 MP
LOT COVERAGE	61.88%	61.88%

ZONING BY LAW 6563 FORMER CITY OF HAMILTON "D" DISTRICTS ZONE				
PROVISION	REQUESTED	PROVIDED	MODIFIC	ATION
MIN. LOT AREA	845 M <sup>2</sup>	883 M <sup>2</sup>		
MIN. FRONT YARD SETBACK	3.0 M	3.0 M		
MIN. REAR YARD SETBACK	3.0 M	4.32 M		
MIN. SIDE YARD SETBACK	1.2 M	1.2 M		
MAX. GROSS FLOOR AREA OF THE PRINCIPAL DWELLING	55.87 MP	55.87 MP		
MAX. LOT COVERAGE IN ALL ACCESSORY BUILDINGS AND THE SECONDARY DWELLING UNIT	20% = 56.21 MP	55.87 MP = 58.77%		

ZONING BY LAW 21-137 ACCESSORY DWELLING UNIT - DETACHED				
PROVISION	REQUESTED	PROVIDED	MODIFIC	ATION
MIN. REAR YARD SETBACK	1.2 M	1.2 M		
MIN. FRONT YARD SETBACK	3.0 M	3.0 M		
MIN. DISTANCE BETWEEN REAR YARD OF PRINCIPAL DWELLING AND SECONDARY DWELLING UNIT DETACHED	1.2 M	4.0 M		
MIN. DISTANCE BETWEEN REAR YARD OF PRINCIPAL DWELLING AND SECONDARY DWELLING UNIT DETACHED	1.2 M	4.0 M		
MAX. GROSS FLOOR AREA OF THE PRINCIPAL DWELLING	55.87 MP	55.87 MP		
MAX. LOT COVERAGE IN ALL ACCESSORY BUILDINGS AND THE SECONDARY DWELLING UNIT	20% = 56.21 MP	55.87 MP = 58.77%		

CLIENT

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IBI GROUP

NOT FOR CONSTRUCTION

KEY PLAN

IBI GROUP

VARIANCE AND CONSENT SKETCH

196 STANLEY AVENUE, HAMILTON, ON

PROJECT NO.

PROJECT NAME

SHEET TITLE

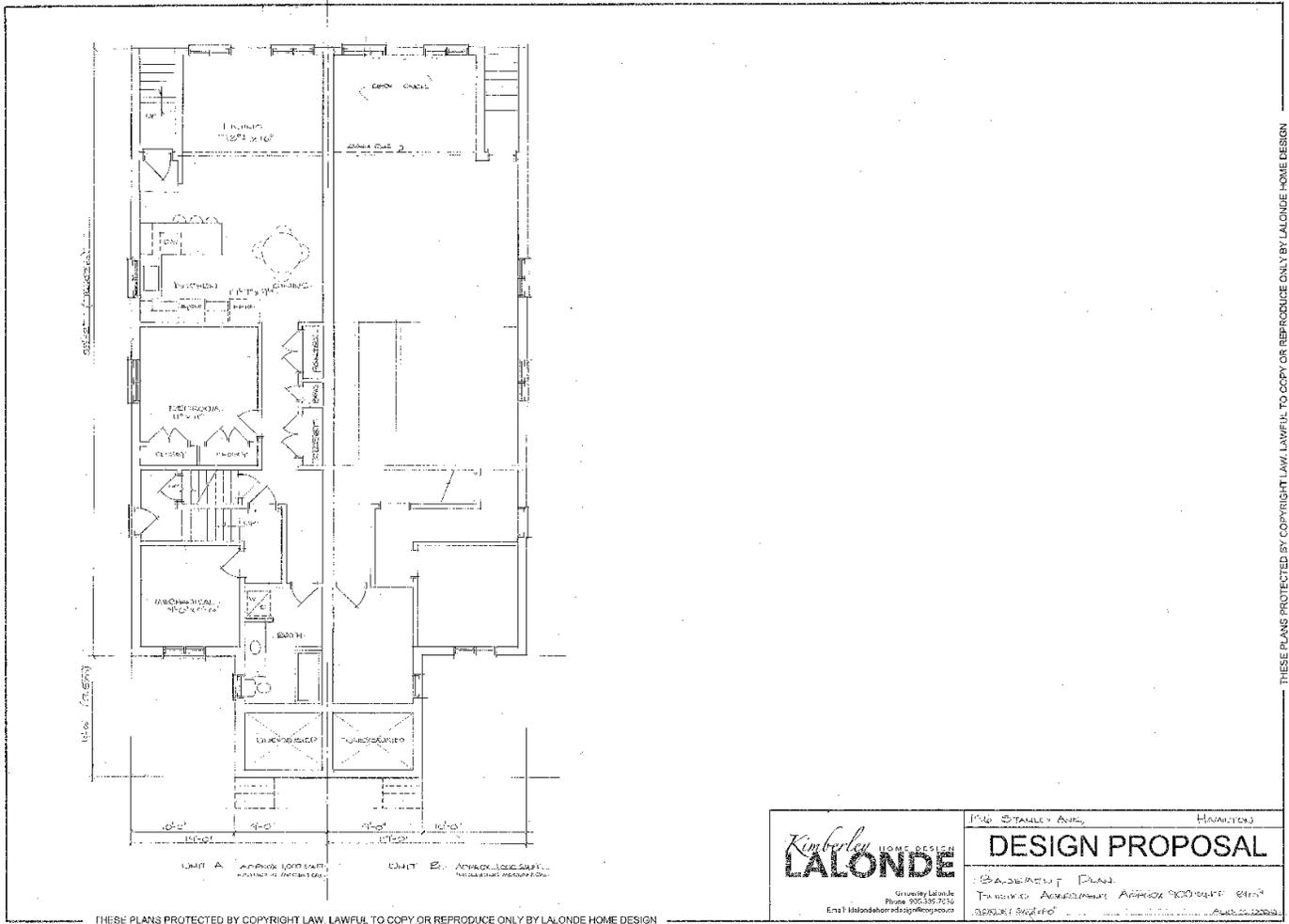
SHEET NUMBER

DATE

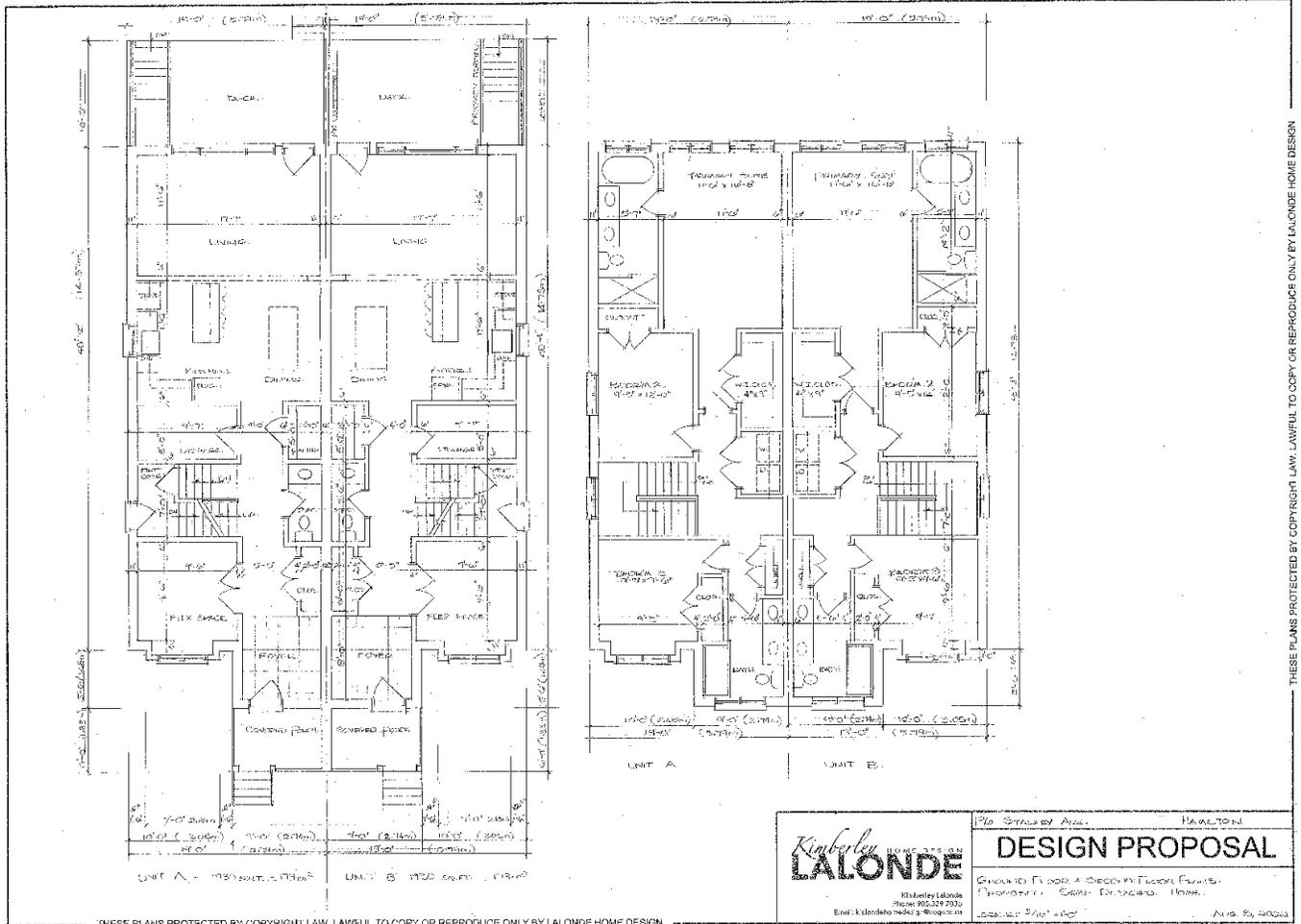
## Appendix B – Elevations & Floor Plans

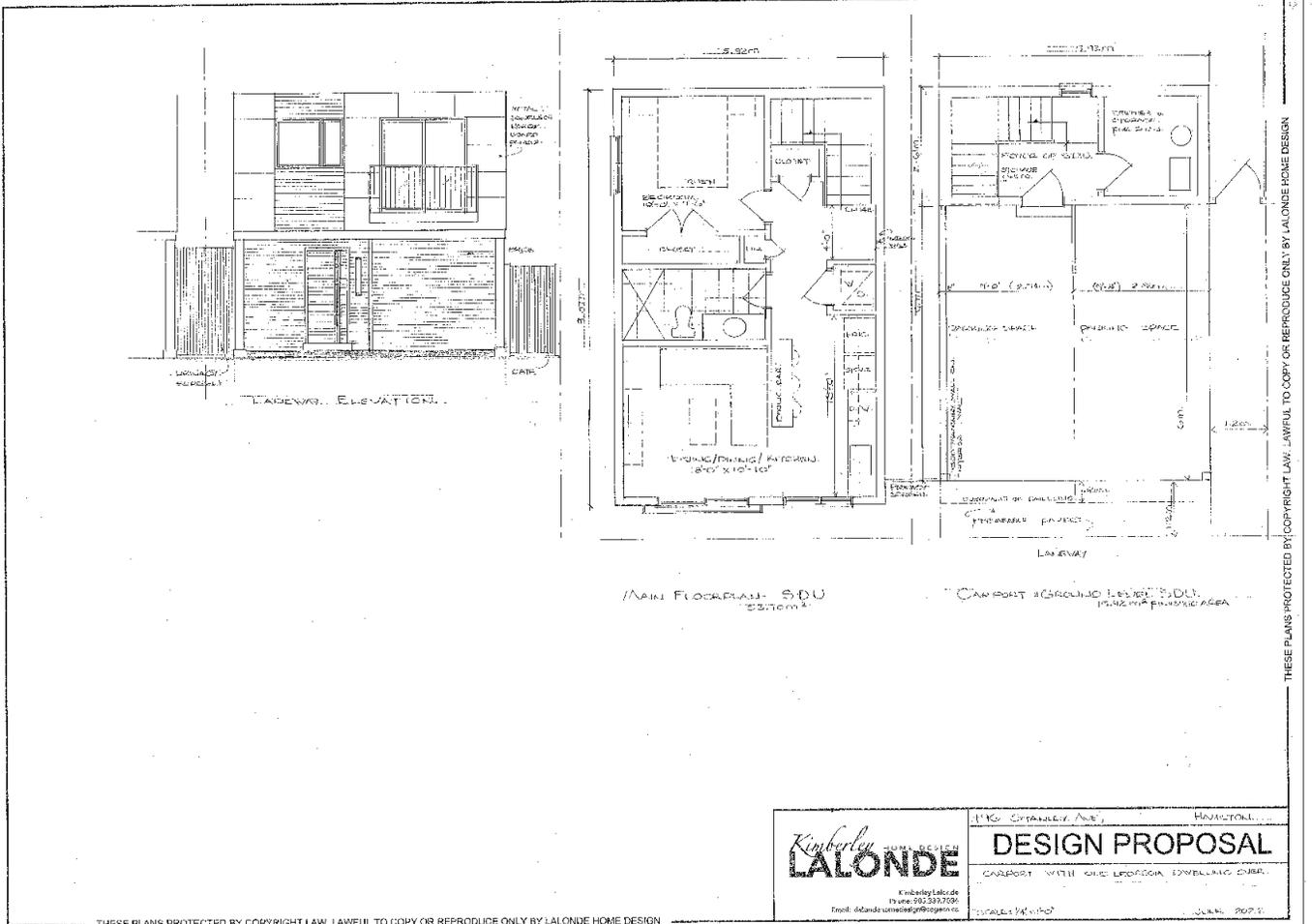
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MTE Consultants

1016 Sutton Dr., Unit A, Burlington, Ontario L7L 6B8

August 9, 2022

MTE File No.: 51912-100

Ms. Tasha Mazza  
1970705 Ontario Inc.  
69 Markland Street  
Hamilton, ON L8P 2J8  
Email: tasha@goldcourtdevelopments.com

Dear Tasha:

**RE: New Semi-Detached Structure and Secondary Dwelling Units, Civil Works  
196 Stanley Avenue, Hamilton – Proposed Servicing Concept**

MTE Consultants Inc. (MTE) understands that 1970705 Ontario Inc. wishes to sever the existing property at 196 Stanley Avenue, Hamilton, ON, L8P 2L4. The existing single family dwelling on the lot would be demolished and the property severed down the middle with the new lot line running north-south. It is proposed to construct a new semi-detached structure and secondary dwelling unit on each severed lot located as per the architectural site plans. This letter of opinion and accompanying attachment advises whether or not it is technically feasible to service the proposed development with storm, sanitary and watermain municipal services.

As shown on the topographic survey, the site currently does not have any underground storm infrastructure such as catch basins, maintenance manholes, etc. Therefore, stormwater runs off the site. The site has a high point located approximately in the middle of the property with stormwater runoff flowing to north or south to the existing alleyway or Stanley Avenue respectively. This stormwater runoff eventually enters the existing municipal storm services. The proposed development grading and stormwater management strategy can match the existing drainage patterns with minimal cut and fill changes while respecting the nearby grades. Side lot swales or the appropriate grading along the west and east property lines will be required to ensure the current drainage patterns are maintained. It was noted, that as per the City of Hamilton's guidelines and zoning, the proposed development likely exceeds the minimum landscape area provided because the total area of imperviousness has increased due to the new rooftops and other hard surfaces. The developer should confirm with the Architect the minimum landscape area required to be compliant with the City of Hamilton's guidelines and zoning requirements.

Along Stanley Avenue there is an existing combined sanitary and storm sewer that is over 3 metres below grade. The proposed development can connect to the existing combined sewer without crossing interferences with the existing municipal services via a sanitary sewer lateral. Given the depth along the west property line, shoring construction maybe required. The sanitary laterals could be constructed at a lower depth with maintenance manholes located at the property line with internal drop structures or a municipal connection per the City of Hamilton standards. The cost of these options would be analyzed. The selected option would be confirmed in the detailed design phase. Other potential crossing interferences with utilities are

unknown at this time; however, none are expected given other nearby services and connections currently in place.

The existing watermain is also along Stanley Avenue. At this time the depth of the watermain is unknown and would have to be confirmed. As per the City of Hamilton guidelines, it can be assumed the depth of the watermain is 1.6 to 1.8 metres (average 1.7 metres) below grade. With the assumed depth of 1.7 metres, the proposed development can connect to the existing watermain without crossing interferences via copper watermain laterals. Water services to the secondary units to the north would be serviced via watermain laterals from the semi-detached structure. Other potential crossing interferences with utilities are unknown at this time; however, none are expected given the watermain lateral is a pressurized system and has flexibility to be constructed at various depths.

In conclusion, it is in our opinion that the site can be serviced from a technical perspective based on the information provided to date and the preliminary concept design completed with minor site challenges and one compliance item. The challenges include: selecting the appropriate sanitary sewer design depth that is economical, continues to be feasible with the finished floor elevations, and that excavation does not negatively impact the adjacent properties. Compliance with the City of Hamilton zoning should be verified to confirm lot coverage is not exceeded and if so, alternative storm water management solutions will be required.

Please see the attached drawing C2.1 with a title "CONCEPTUAL SITE SERVICING PLAN" dated August 8, 2022.

Yours truly,

**MTE Consultants Inc.**



**Daniel Kneblewski, P. Eng.**

Manager, Civil Engineering

905-639-2552 Ext. 2483

[dkneblewski@mte85.com](mailto:dkneblewski@mte85.com)

DBK:qda

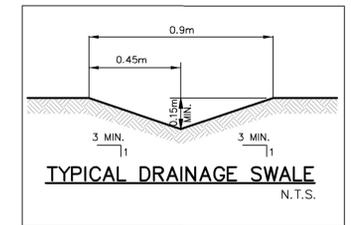
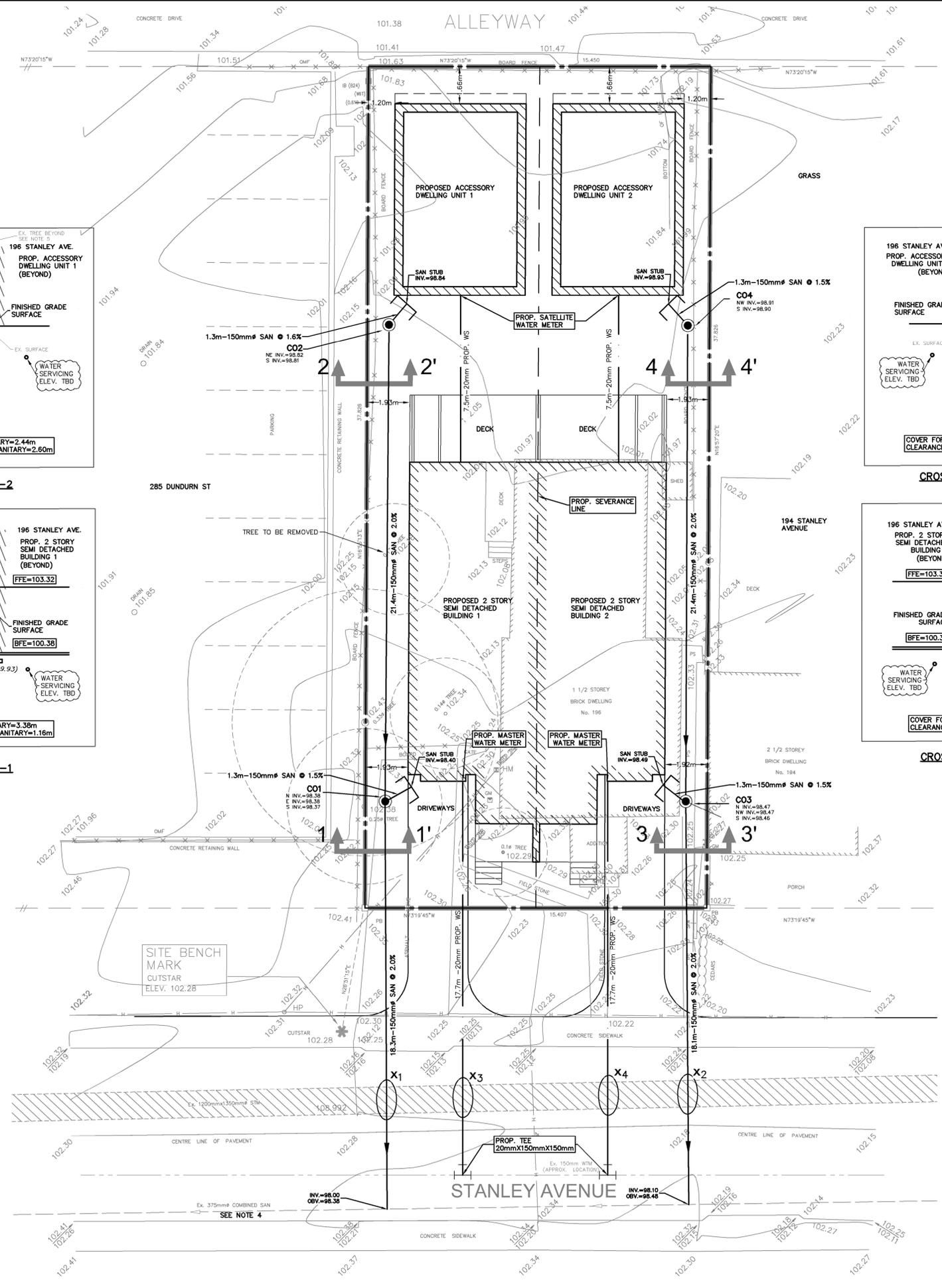
Encl. Conceptual Site Servicing Plan

cc: Mike Crough – IBI Group

M:\51912\100\Pre-Design Phase Letter\MTE Proposed Servicing Concept Letter - 196 Stanley Ave Severance - Updated.docx

P:\P\51912\100\WRE\CONCEPT\FIGURES\51912-100-C2 (CONCEPTUAL 2022-07-13)

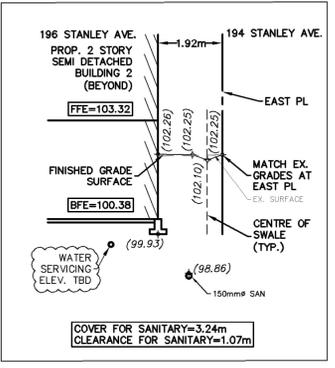
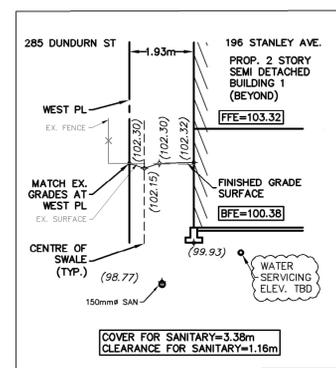
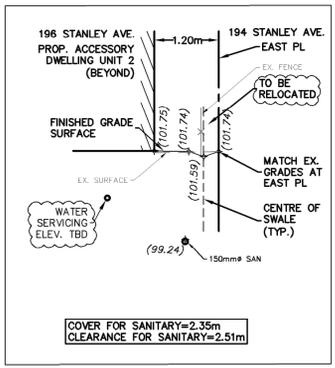
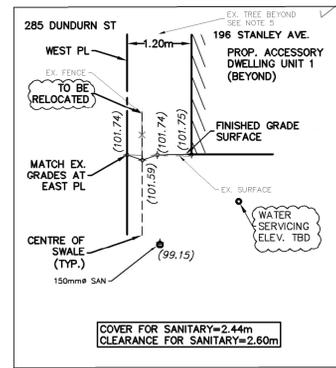
August 9, 2022 - 11:05:16 AM - Plotted By: Chirog Maniyo



**SEWER CROSSING CHART**

NOTE:  
 1) Maintain minimum 0.5m vertical clearance between all watermains and sewers. Where watermain is deflected, ensure 2.0m cover is achieved or watermain is installed.  
 2) Maintain vertical clearance at all other crossings.  
 3) Existing and proposed watermain depths are approximate only. Notify Design Engineer of any discrepancies.  
 4) Contractor to verify all existing inverts prior to product ordering. Notify Design Engineer of any discrepancies.

CROSSING #	SEWER TYPE	SEWER SIZE (mm)	CROSSING ELEVATION	NOTES
X1	SAN	150mm	INV=-98.10	INVERT LOCATIONS OF EX-STM SEWER ARE BASED CITY OF HAMILTON DWG. 88-H-15(TYP.)
	STM	1200x1350 mm	OBV=95.50	
X2	SAN	150mm	INV=-98.20	INVERT LOCATIONS OF EX-STM SEWER ARE BASED CITY OF HAMILTON DWG. 88-H-15(TYP.)
	STM	1200x1350 mm	OBV=95.55	
X3	WTM	20mm	INV=100.54	WATER MAIN DEPTH ASSUMED AT 1.7m BELOW GRADE
	STM	1200x1350 mm	OBV=95.51	
X4	WTM	20mm	INV=100.55	WATER MAIN DEPTH ASSUMED AT 1.7m BELOW GRADE
	STM	1200x1350 mm	OBV=95.54	



GEODETIC BM ELEV. = N/A/m

SITE BENCHMARK ELEV. = 102.28m

**NOTE TO CONTRACTOR :**  
 DO NOT SCALE DRAWINGS.  
 CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.  
 ALL DRAWINGS REMAIN THE PROPERTY OF THE ENGINEER AND SHALL NOT BE REPRODUCED OR REUSED WITHOUT THE ENGINEER'S WRITTEN PERMISSION.  
 THE OWNER/ARCHITECT/CONTRACTOR IS ADVISED THAT M.T.E. CONSULTANTS INC. CANNOT CERTIFY ANY COMPONENT OF THE SITE WORKS NOT INSPECTED DURING CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO NOTIFY M.T.E. CONSULTANTS INC. PRIOR TO COMMENCEMENT OF CONSTRUCTION TO ARRANGE FOR INSPECTION.

**NOTE:**  
 1. PROPERTY LINE IS APPROXIMATE ONLY.  
 2. EXISTING TOPOGRAPHICAL INFORMATION PROVIDED BY A.T. McLAREN LIMITED.  
 3. INVERTS DENOTED WITH "±" ARE TAKEN FROM AS-RECORDED PLAN AND PROFILE DRAWINGS COMPLETED BY DEPARTMENT OF ENGINEERING OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AND ARE CONSIDERED APPROXIMATE ONLY. CONTRACTOR TO FIELD VERIFY AND REPORT ANY DISCREPANCIES TO ENGINEER.  
 4. THE LOCATION AND ALIGNMENT OF THE 375MMØ COMBINED SANITARY SEWER, UNDER STANLEY AVENUE, IS LOCATED AS PER THE EXISTING TOPOGRAPHICAL SURVEY. NOTE THIS LOCATION OF THIS SEWER DIFFERS AND DOES NOT MATCH MATCH THE CITY DRAWING 88-H-15 AS NOTED ABOVE.  
 5. OWNER/CONTRACTOR TO COORDINATE WITH PROPERTY OWNER AT 285 DUNDURN ST FOR TREE REMOVAL.

8.			
7.			
6.			
5.			
4.			
3.			
2.			
1.	ISSUED FOR REVIEW	DBK	2022-08-08
No.	REVISION	BY	YYYY-MM-DD



905-639-2552

NOT FOR CONSTRUCTION

CLIENT: 1970705 ONTARIO INC.  
 69 MARKLAND STREET HAMILTON, ON  
 PROJECT: 196 STANLEY AVE SEVERANCE  
 196 STANLEY AVE. HAMILTON, ON  
 DRAWING

CONCEPTUAL SITE SERVICING PLAN

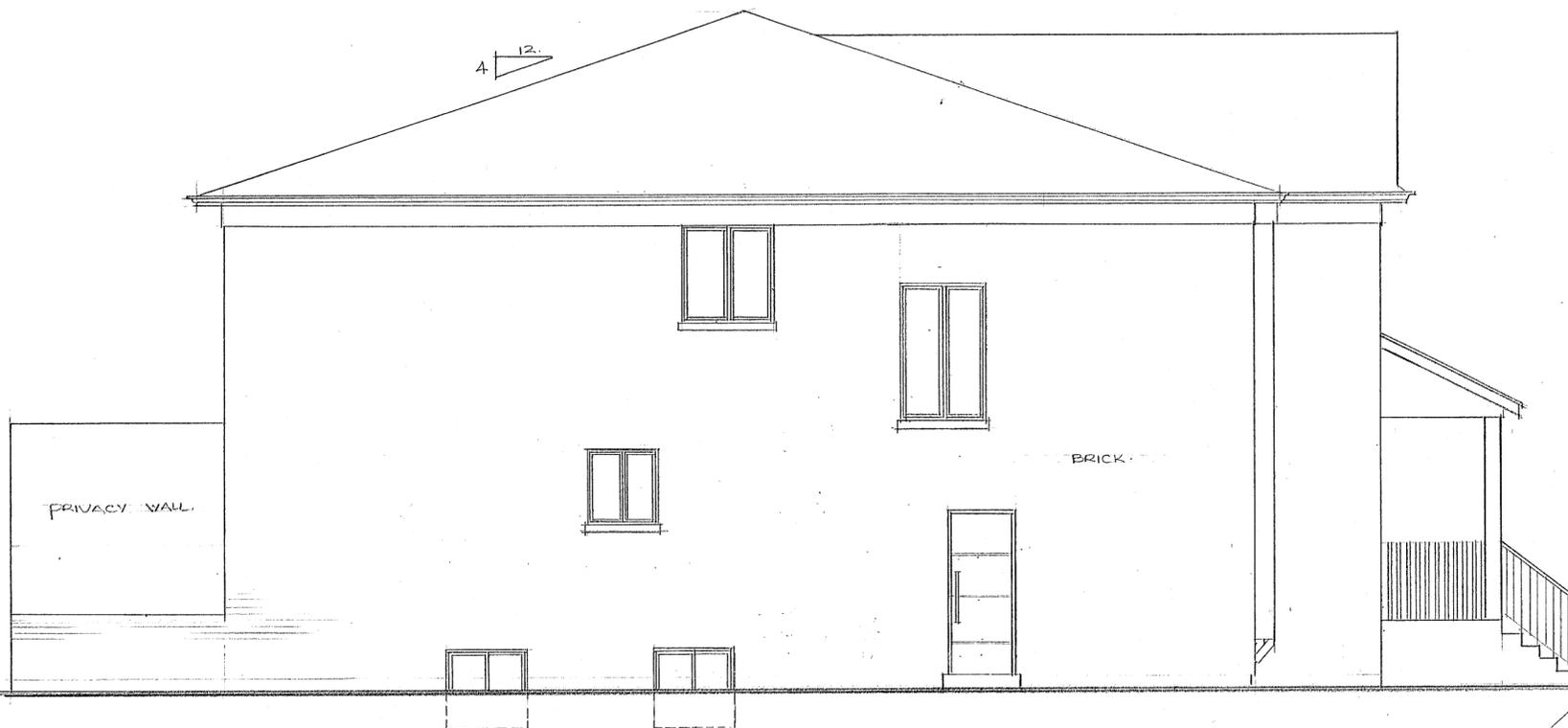
LEGEND OF EXISTING FEATURES

- SITE BOUNDARY
- EXISTING SPOT ELEVATIONS/CONTOURS
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING BUILDING
- EXISTING FENCE
- EXISTING WATERMAIN

LEGEND OF PROPOSED FEATURES

- ± (326.00) T/G=326.00 FFE=326.00
- MH 14.6m-200mm SAN @ 1.5%
- 200mm WTM
- SANITARY SEWER
- WATERMAIN
- PROPOSED BUILDING
- SEWER CROSSING (REFER TO CROSSING CHART)

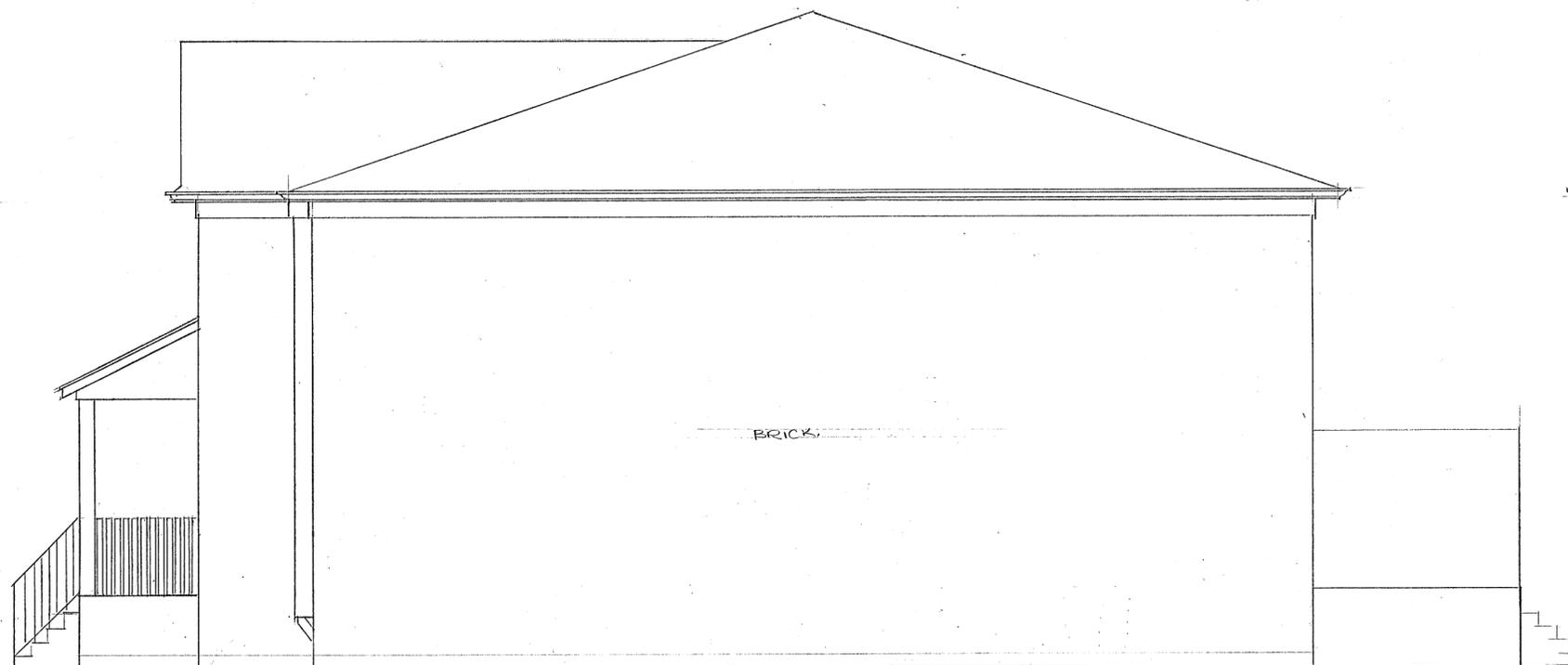
Project Manager	M.GOJSIC	Project No.	51912-100
Design By	QDA	Checked By	DBK
Drawn By	SRB	Checked By	MJG
Surveyed By	OTHERS	Drawing No.	C2.1
Date	Jul.26/22	Scale	1:100
Scale	1:100	Sheet	1 of 1



EXTERIOR SIDE ELEVATION.



FRONT ELEVATION: BRICK/STONE/METAL PANEL OR HARDIE BRD.



INTERIOR SIDE ELEVATION.



REAR ELEVATION.

*Kimberley* HOME DESIGN  
**LALONDE**

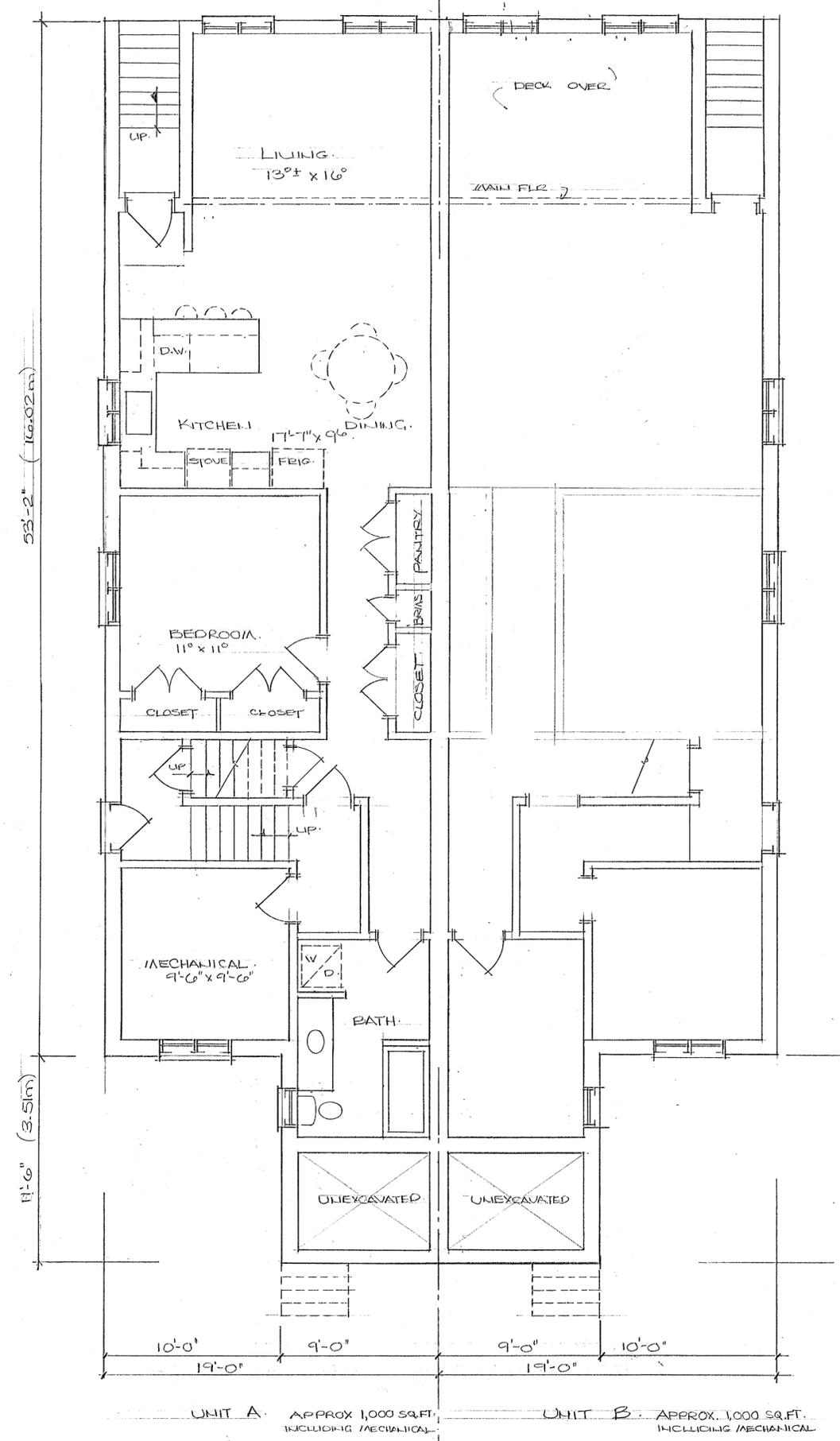
Kimberley Lalonde  
 Phone: 905.339.7036  
 Email: klalondedesign@cogeco.ca

196 STANLEY AVE, HAMILTON.

# DESIGN PROPOSAL

ELEVATIONS.  
 PROPOSED SEMI DETACHED HOME.

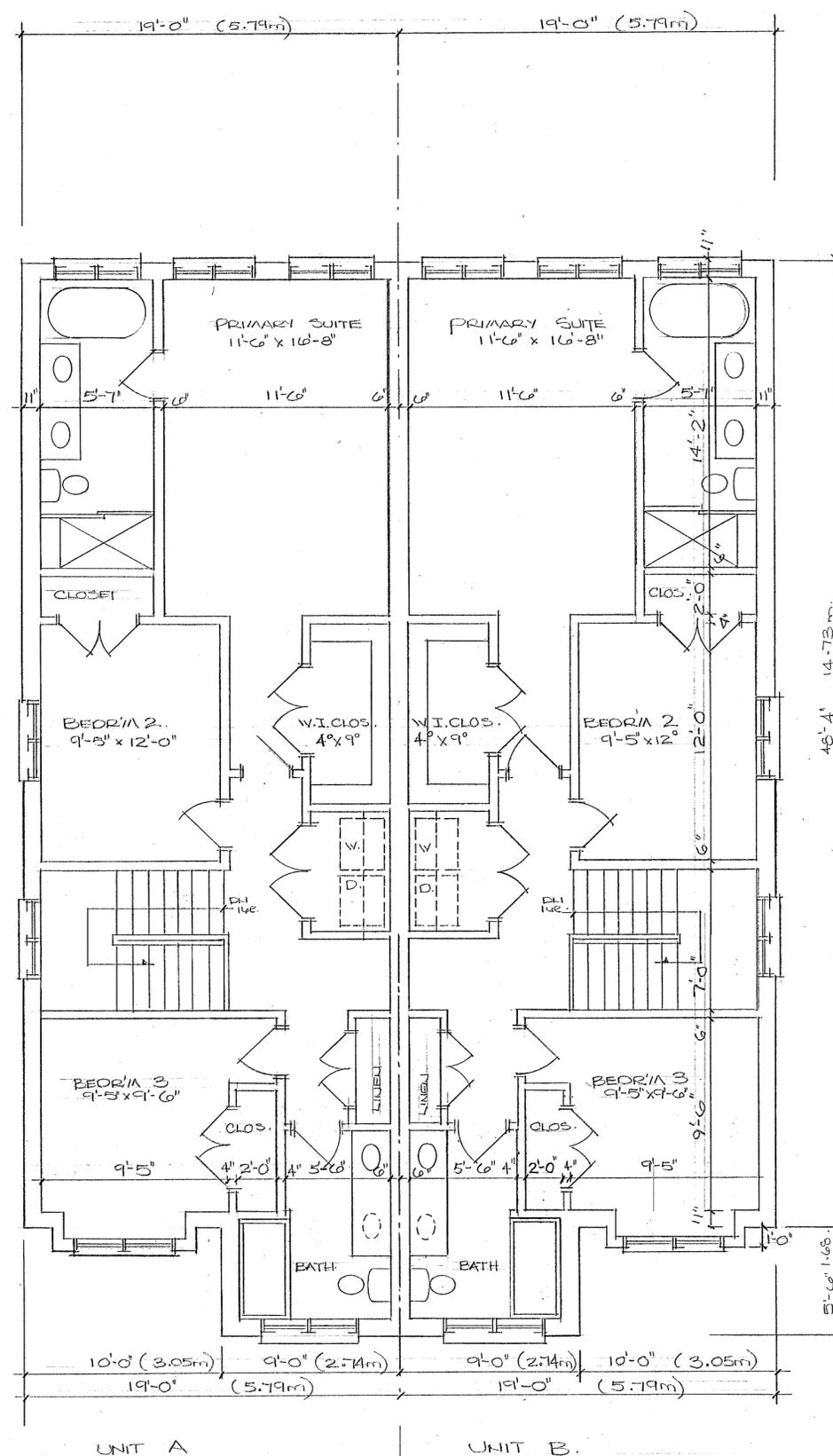
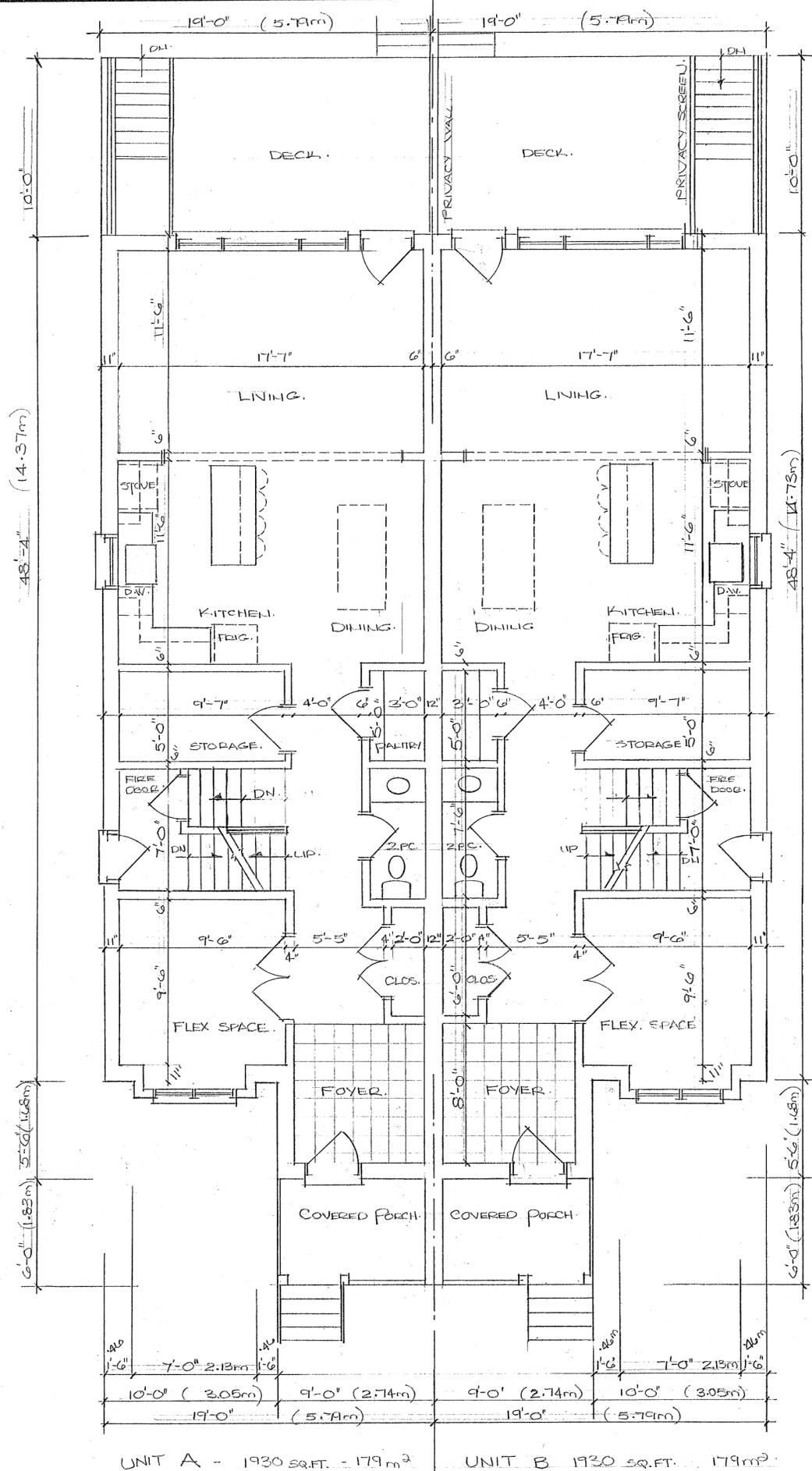
SCALE: 3/16" = 1'-0" AUG. 9, 2022.



UNIT A - APPROX. 1,000 SQ.FT. INCLUDING MECHANICAL

UNIT B - APPROX. 1,000 SQ.FT. INCLUDING MECHANICAL

<p>Kimberley Lalonde Phone: 905.339.7036 Email: klalondehomedesign@cogeco.ca</p>	196 STANLEY AVE., HAMILTON
	<b>DESIGN PROPOSAL</b>
	BASEMENT PLAN. FINISHED APARTMENT APPROX 900 SQ.FT. 84m <sup>2</sup> SCALE: 3/16"=1'-0" AUG. 2, 2009

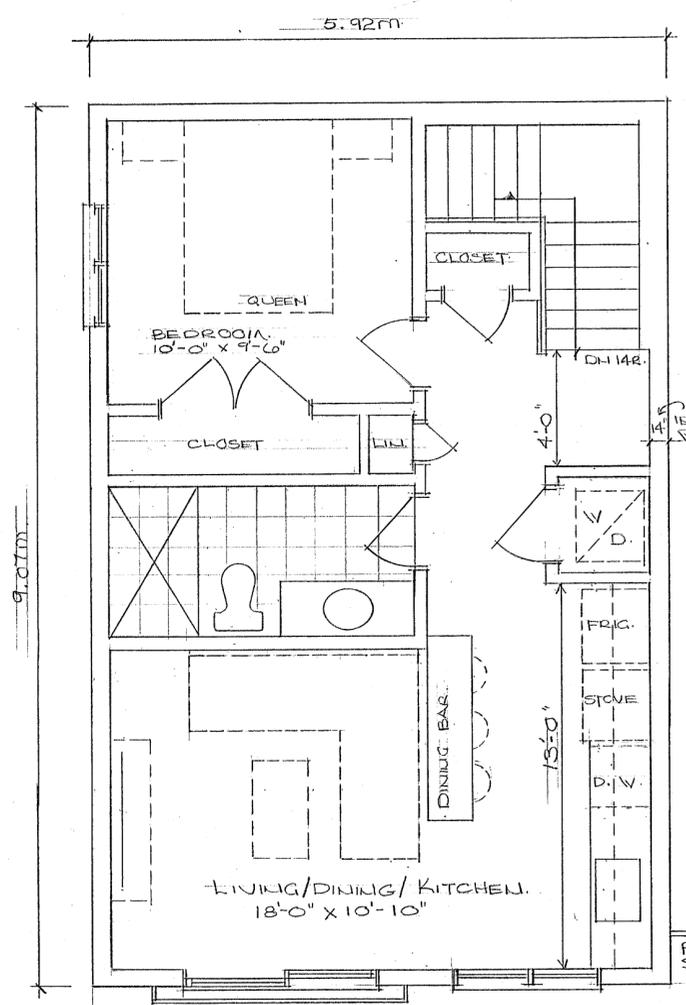


UNIT A - 1930 sq.ft. - 179m<sup>2</sup>

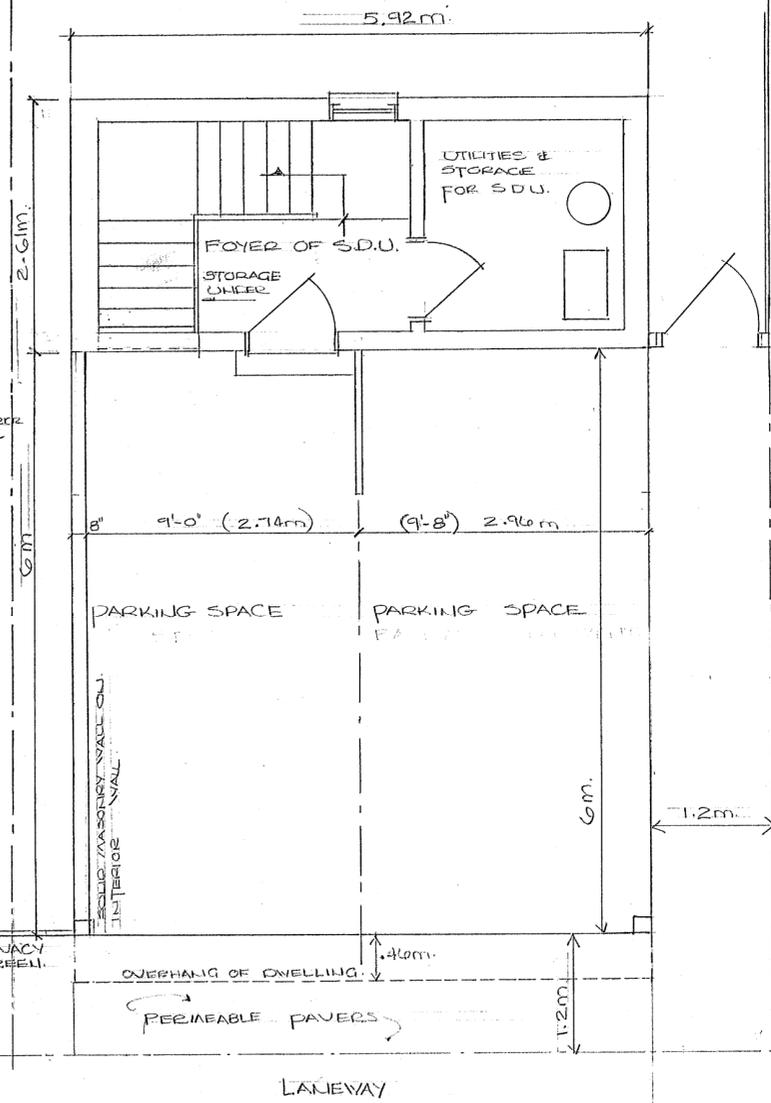
UNIT B 1930 sq.ft. - 179m<sup>2</sup>

<p>Kimberley Lalonde Phone: 905.339.7036 Email: klalondehomedesign@cogeco.ca</p>	196 STANLEY AVE. HAMILTON.
	<b>DESIGN PROPOSAL</b>
	GROUND FLOOR & SECOND FLOOR PLANS. PROPOSED SEMI-DETACHED HOME.

SCALE: 3/16" = 1'-0"      AUG. 3, 2023



MAIN FLOORPLAN - SDU 53.70m<sup>2</sup>



CARPOT & GROUND LEVEL SDU 15.92m<sup>2</sup> FINISHED AREA

THESE PLANS PROTECTED BY COPYRIGHT LAW. LAWFUL TO COPY OR REPRODUCE ONLY BY LALONDE HOME DESIGN

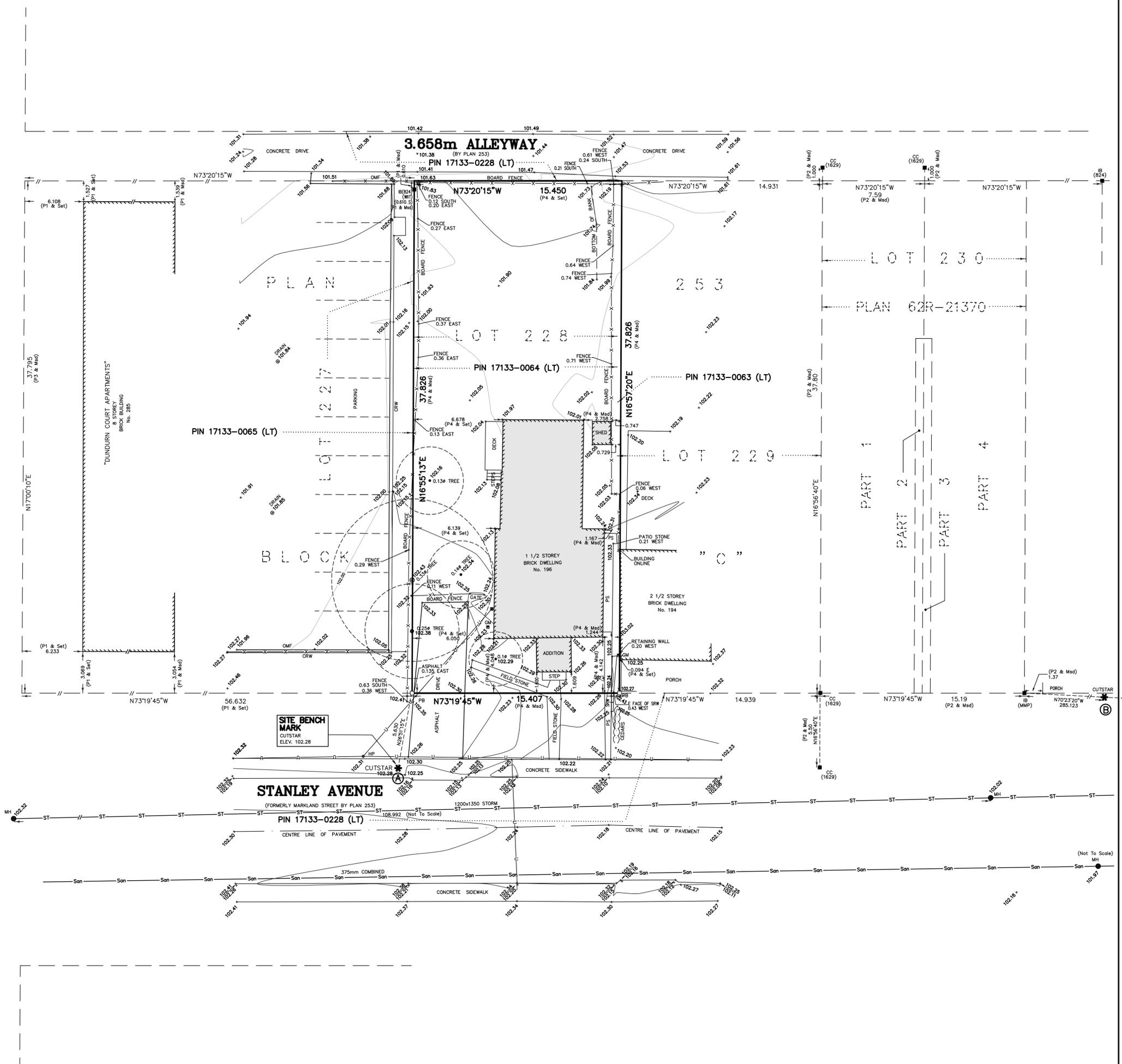
<p>Kimberley Lalonde Phone: 905.339.7036 Email: klalondehomedesign@cogeco.ca</p>	196 STANLEY AVE., HAMILTON.
	<b>DESIGN PROPOSAL</b>
	CARPOT WITH ONE BEDROOM DWELLING OVER.
SCALE: 1/4" = 1'-0"	JUNE 2022

**TOPOGRAPHIC SURVEY**  
OF  
**LOT 228, BLOCK "C"**  
**REGISTERED PLAN 253**  
IN THE  
**CITY OF HAMILTON**

SCALE 1:150 METRIC



**S.D. McLAREN, O.L.S. - 2020**



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

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999686436

**INTEGRATION DATA**

POINT ID	NORTHING	EASTING
ORP (A)	4789459.511	590001.491
ORP (B)	4789355.784	590316.228

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

- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - IRON BAR
  - PLASTIC BAR
  - ⊕ CUT CROSS
  - ⊙ STANDARD IRON BAR
  - ⊘ SHORT STANDARD IRON BAR
  - ⊙ A.T. McLAREN, O.L.S.
  - ⊙ B. JACOBS, O.L.S.
  - ⊙ MACKAY MACKAY & PETERS
  - ⊙ ORIGIN UNKNOWN
  - ⊙ WITNESS
  - ⊙ MEASURED
  - PLAN BY A.T. McLAREN, O.L.S. DATED JULY 14, 1971 FILE H2-279-1-A
  - P2 PLAN 62R-23170
  - P3 PLAN 253
  - P4 PLAN BY A.J. CLARKE AND ASSOCIATES DATED MAY 14, 1996 FILE E-14406
  - STONE RETAINING WALL
  - CONCRETE RETAINING WALL
  - GAS METER
  - HYDRO POLE
  - OVERHEAD UTILITIES
  - BENCH MARK
  - DIAMETER

**BENCHMARK:**  
MONUMENT 0011965U645  
CITY OF HAMILTON BENCH MARK,  
SOUTHEAST CORNER OF INTERSECTION OF HILL STREET, PLATE IN NORTH BRICK WALL AT WESTERLY CORNER.  
ELEVATION: 100.143 METRES CGVD-1928:1978

**NOTE:**  
UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE LOCATED REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH DRAWING No. 94-W-37 (SHEET 1 OF 1)  
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION

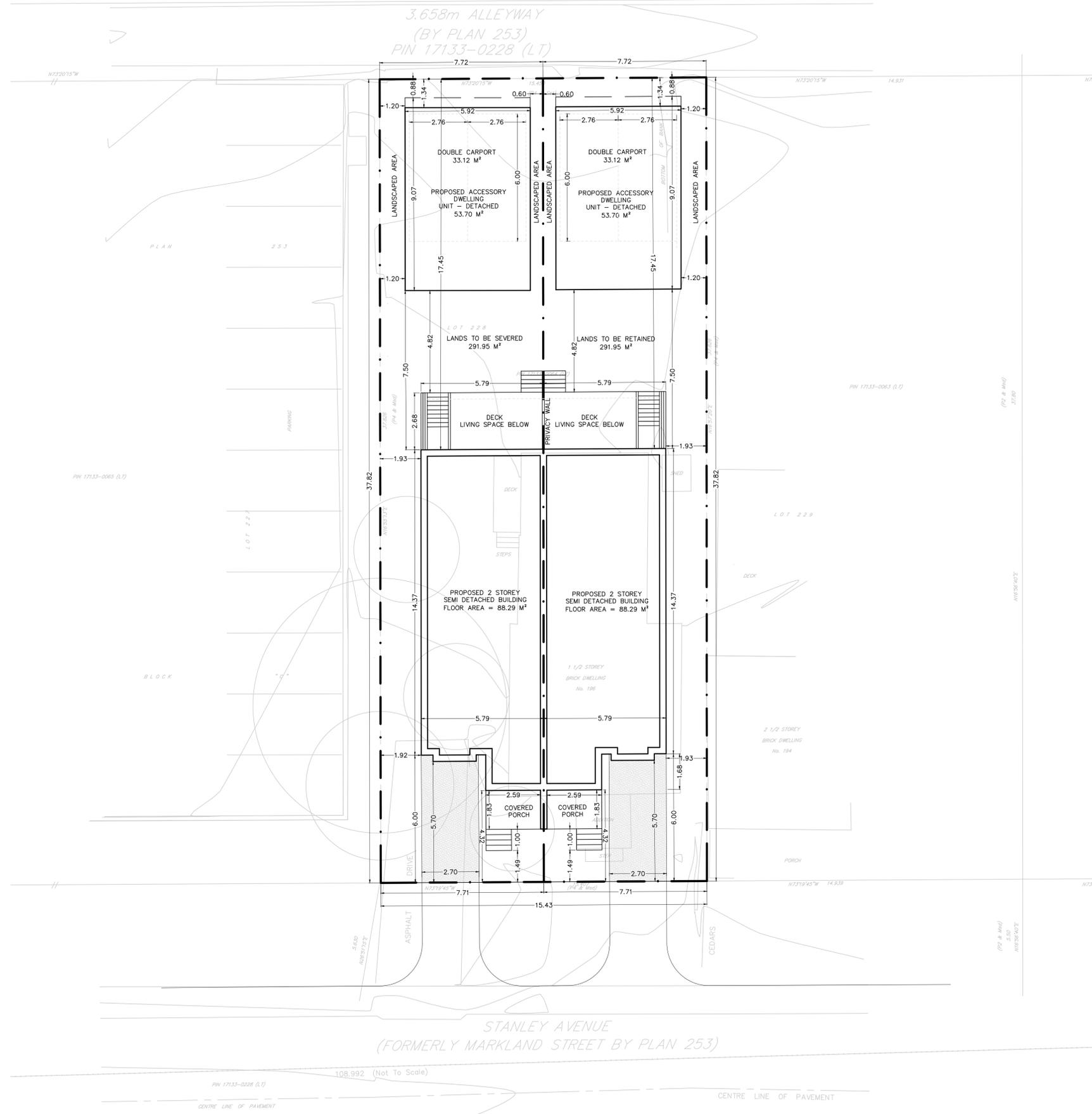
**METRIC NOTE:**  
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM  
2. THE SURVEY WAS COMPLETED ON 30th APRIL, 2020  
DATE: AUGUST 7, 2020  
S. DAN McLAREN, O.L.S.

© S.D. McLAREN, O.L.S. - 2020. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn: J.B. Checked: RBM/AM. Crew Chief: DW. Scale: 1:150. Dwg. No. 36320



LAND USE SCHEDULE		
DESCRIPTION	LOT TO BE SEVERED	LOT TO BE RETAINED
LOT AREA	291.95 M <sup>2</sup>	291.95 M <sup>2</sup>
MAIN BUILDING FLOOR AREA	88.75 M <sup>2</sup>	88.75 M <sup>2</sup>
BASEMENT AREA (UNDER THE DECK)	17.36 M <sup>2</sup>	17.36 M <sup>2</sup>
COVERED PORCH	5.00 M <sup>2</sup>	5.00 M <sup>2</sup>
DRIVEWAY	15.58 M <sup>2</sup>	15.58 M <sup>2</sup>
ACCESSORY BUILDING GROUND FLOOR AREA	50.97 M <sup>2</sup>	50.97 M <sup>2</sup>
LANDSCAPING AREA	114.29 M <sup>2</sup> 39.14%	114.29 M <sup>2</sup> 39.14%
LOT COVERAGE	162.08 M <sup>2</sup> 52.99%	162.08 M <sup>2</sup> 52.99%

ZONING BY LAW 6593 FORMER CITY OF HAMILTON "D" DISTRICTS ZONE			
PROVISION	REQUESTED	PROVIDED	MODIFICATION
MIN. LOT AREA	540 M <sup>2</sup> 270 M <sup>2</sup> PER LOT	583.9 M <sup>2</sup> 291.95 M <sup>2</sup> PER LOT	
MIN. LOT WIDTH	18 M	15.42 M	x
MIN. FRONT YARD SETBACK	6.0 M	4.32 M	x
MIN. REAR YARD SETBACK	7.5 M	17.77 M	
SIDE YARD WIDTH FOR 2 1/2 STOREY/11 M DWELLING	1.2 M	N/A	
NOT LESS THAN 50% OF THE GROSS AREA OF THE FRONT YARD SHALL BE USED FOR A LANDSCAPED AREA EXCLUDING CONCRETE, ASPHALT, GRAVEL, PAVERS, OR OTHER SIMILAR MATERIALS.	72.09 M <sup>2</sup> 50 % = 36.04 M <sup>2</sup>	40.93 M <sup>2</sup> = 56.77%	

ZONING BY LAW 21-137 ACCESSORY DWELLING UNIT - DETACHED			
PROVISION	REQUESTED	PROVIDED	MODIFICATION
MIN. INTERIOR SIDE YARD SETBACK	1.2 M	1.2 M	x
MIN. REAR YARD SETBACK	1.2 M	0.88 M	x
MIN. DISTANCE BETWEEN REAR FACADE OF PRINCIPAL DWELLING AND SECONDARY DWELLING UNIT-DETACHED	7.5 M	4.82 M	x
MAX. HEIGHT	6.0 M	2 STOREY	
GROSS FLOOR AREA	NOT EXCEED 75 M <sup>2</sup> OR THE GROSS FLOOR AREA OF THE PRINCIPAL DWELLING	53.70 M <sup>2</sup>	
MAX. LOT COVERAGE OF ALL ACCESSORY BUILDINGS AND THE SECONDARY DWELLING UNIT	25% = 72.98 M <sup>2</sup>	50.97 M <sup>2</sup> = 17.45 %	

CLIENT

**COPYRIGHT**  
This drawing has been prepared solely for the intended use. This any reproduction or distribution for any purpose other than authorized by IBI Group is prohibited. While dimensions shall have precedence over stated dimensions, contractors shall verify and be responsible for all dimensions and conditions on the job, and IBI Group shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to IBI Group for general performance before proceeding with fabrication.

IBI Group Professional Services (Canada) Inc.  
is a member of the IBI Group of companies

**ISSUES**

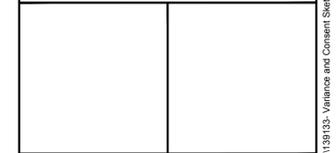
No.	DESCRIPTION	DATE
0	Variance and Consent Submission	2022-08-08

**NOT FOR CONSTRUCTION**

**KEY PLAN**

**NOTES:**

- ZONING BY-LAW DEFINES A TWO FAMILY DWELLING AS: "DWELLING, TWO FAMILY" SHALL MEAN A BUILDING COMPRISING TWO SELF-CONTAINED CLASS A DWELLING UNITS, WHETHER OR NOT A PRIVATE GARAGE OR OTHER ACCESSORY BUILDING IS ATTACHED TO THE SAME, AND WHICH MAY ALSO CONTAIN SUCH LOGGERS' ROOMS AS MAY BE PERMITTED UNDER THE PROVISIONS OF THIS BY-LAW IN THE DISTRICT IN WHICH IT IS SITUATE, AND SHALL INCLUDE A PAIR OF SEMI-DETACHED SINGLE FAMILY DWELLINGS.
- PROPERTY BOUNDARIES ARE BASED ON "S6320 TOPO 196 STANLEY AVENUE", DATED MAY 10, 2022, BY A.T. MCLAREN LIMITED LEGAL AND ENGINEERING SURVEYS, AND ARE TO BE VERIFIED AND SURVEYED PRIOR TO SUBMISSION OF PLANNING ACT APPLICATIONS.



**PROJECT**  
**VARIANCE AND CONSENT SKETCH**  
196 STANLEY AVENUE, HAMILTON, ON.

PROJECT NO: 139133  
SCALE: 1:100

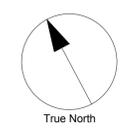
DRAWN BY: M. ROJAS  
CHECKED BY: M. CROUGH

PROJECT MGR: M. CROUGH  
APPROVED BY: M. CROUGH

SHEET TITLE  
**CONCEPT PLAN**

SHEET NUMBER  
**C1**

ISSUE  
**0**



File Location: I:\1198103\_196\_Stanley\_17\_0\_Production\17\_03\_Design\17\_Planning\Sheet\196103\_Variance and Consent Sketch - 2022-08-08.dwg  
 Last Saved: August 8, 2022, 2:14:55 PM by Macarena Rojas  
 Plotted: Monday, August 8, 2022, 2:14:55 PM by Macarena Rojas



**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)	1970705 ONTARIO INC.		
Applicant(s)*	IBI Group c/o Mike Crough		
Agent or Solicitor			Phone:
			E-mail:

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

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

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

4. Nature and extent of relief applied for:

Please see Cover Letter/Planning Justification Brief

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

Please see Cover Letter/Planning Justification Brief

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 228, Block C, Registered Plan No. 253; Hamilton  
196 Stanley Avenue

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?  
Yes       No       Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?  
Yes       No       Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
Yes       No       Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
Yes       No       Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?  
Yes       No       Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
Yes       No       Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
Yes       No       Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?  
Yes       No       Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
 Yes  No  Unknown

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

August 3, 2022  
 Date

  
 Signature Property Owner(s)  
 1970705 ONTARIO INC.  
 Print Name of Owner(s)

10. Dimensions of lands affected:  
 Frontage ±15.42 m (To be severed; +/- 7.71 m per lot)  
 Depth ±37.87m  
 Area ±583.9 m<sup>2</sup> (To be severed; 291.95 m<sup>2</sup> per lot)  
 Width of street ± 20 m (Stanley Ave)

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

Existing:  
 1 and a 1/2-storey brick dwelling  
 Side deck  
 Detached shed  
 \*Please see submitted Survey by AT McLaren, dated August 7, 2020)

Proposed  
 2-storey semi-detached dwelling, each unit with one internal and one detached Secondary Dwelling Unit (i.e. 3 dwelling units per semi-detached lot)  
 Two (2) decks  
 \* Please see submitted Consent/Minor Variance Sketch/Concept Site Plan

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

Existing:  
 1 and a 1/2-storey brick dwelling  
 Side deck  
 Detached shed  
 \*Please see submitted survey

Proposed:  
 2-storey semi-detached dwelling, each unit with one internal and one detached Secondary Dwelling Unit (i.e. 3 dwelling units per semi-detached lot)  
 Two (2) decks  
 \* Please see submitted Consent/Minor Variance Sketch/Concept Site Plan

13. Date of acquisition of subject lands:  
May 20, 2022
14. Date of construction of all buildings and structures on subject lands:  
Unknown
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 to east, multiple dwelling to west
17. Length of time the existing uses of the subject property have continued:  
Unknown
18. Municipal services available: (check the appropriate space or spaces)  
Water  \_\_\_\_\_ Connected \_\_\_\_\_  
Sanitary Sewer  \_\_\_\_\_ Connected \_\_\_\_\_  
Storm Sewers  \_\_\_\_\_
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
D – Urban Protected Residential
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No  
If yes, please provide the file number:  
\_\_\_\_\_
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 Yes  No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)  
Please see Cover Letter/Planning Justification Brief
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

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:154</b>	<b>SUBJECT PROPERTY:</b>	39 FLORENCE STREET, HAMILTON
<b>ZONE:</b>	"D" (Urban Protected Residential – One- and Two-Family Dwellings and Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      Owner – Brent Wathen  
                                 Agent – Christine Brown

The following variances are requested:

1. A rear yard setback of 5.31m shall be provided instead of the minimum required 7.5m rear yard setback.
2. A side yard setback of 0.91m shall be provided instead of the minimum required 1.2m rear yard setback.

**PURPOSE & EFFECT:**      So as to permit an addition in the rear yard of an existing single-family dwelling notwithstanding that:

**Notes:**

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b>

HM/A-22:154

<a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>
--

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

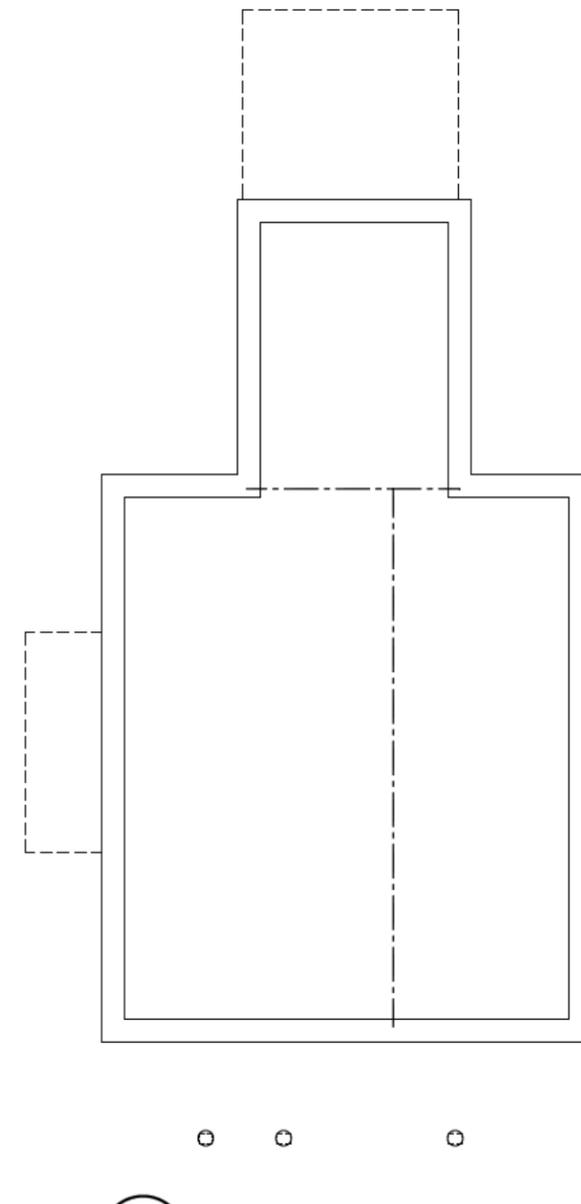
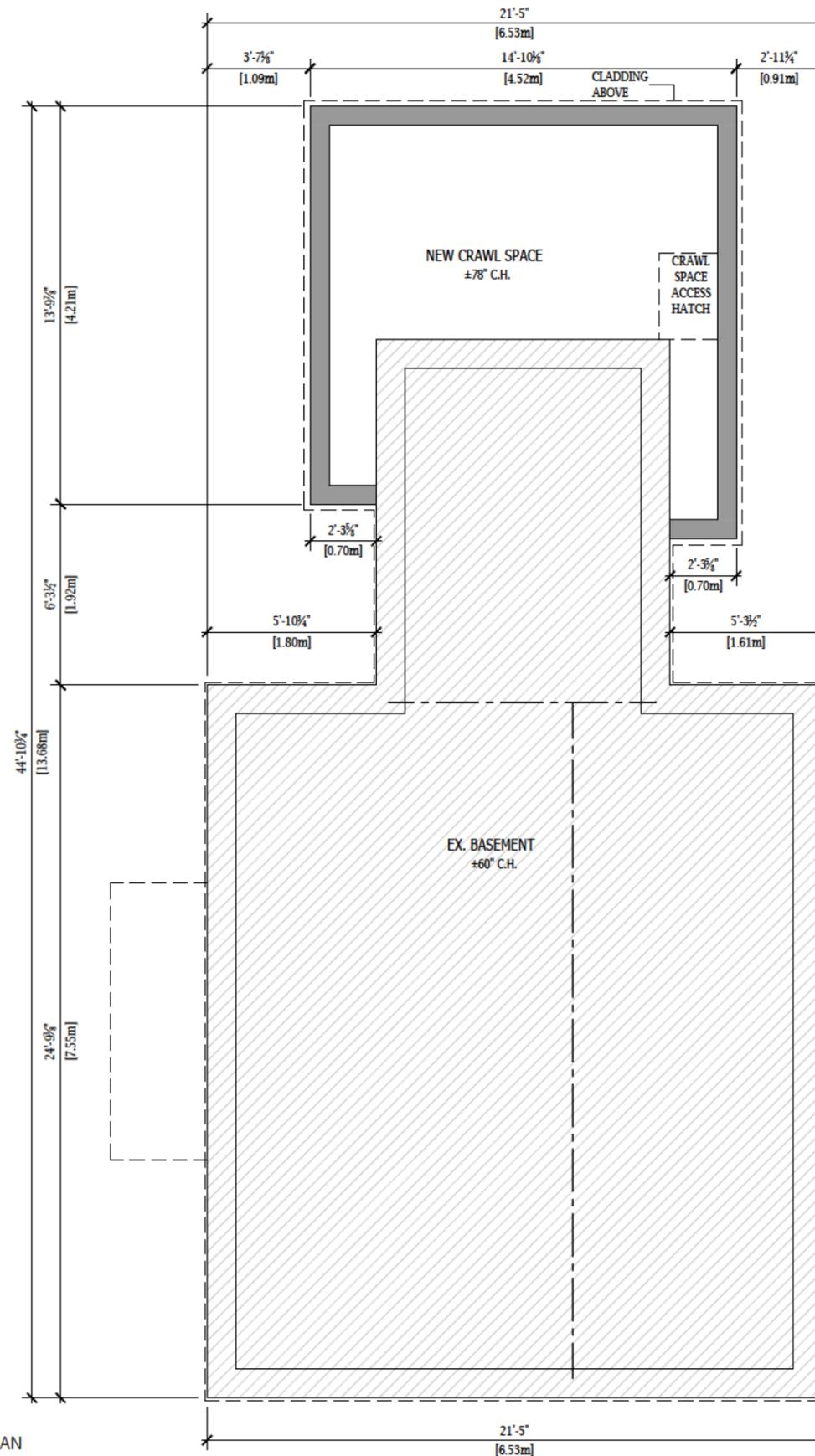
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

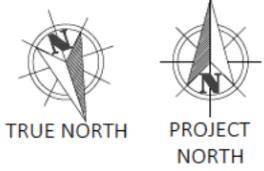


2 EX. FDN. PLAN  
A1.01 1/8" = 1'-0"

1 PROPOSED FOUNDATION PLAN  
A1.01 3/16" = 1'-0"

■ PROPOSED  
▨ EXISTING

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REF.	DATE	DESCRIPTION
4	08.01.22	REVISED FOR COA RESUBMISSION
3	04.28.22	ISSUED FOR COA
2	03.18.22	ISSUED FOR DESIGNS
1	01.01.22	ISSUED FOR ASBUILTS

RESIDENTIAL DESIGN AND DRAFTING SERVICES

CHRISTINE BROWN  
Architectural Technologist  
905.802.5272  
444 UPPER GAGE AVE.  
HAMILTON, ON L8V 4H9  
cbrown@friendlycadmonkey.com

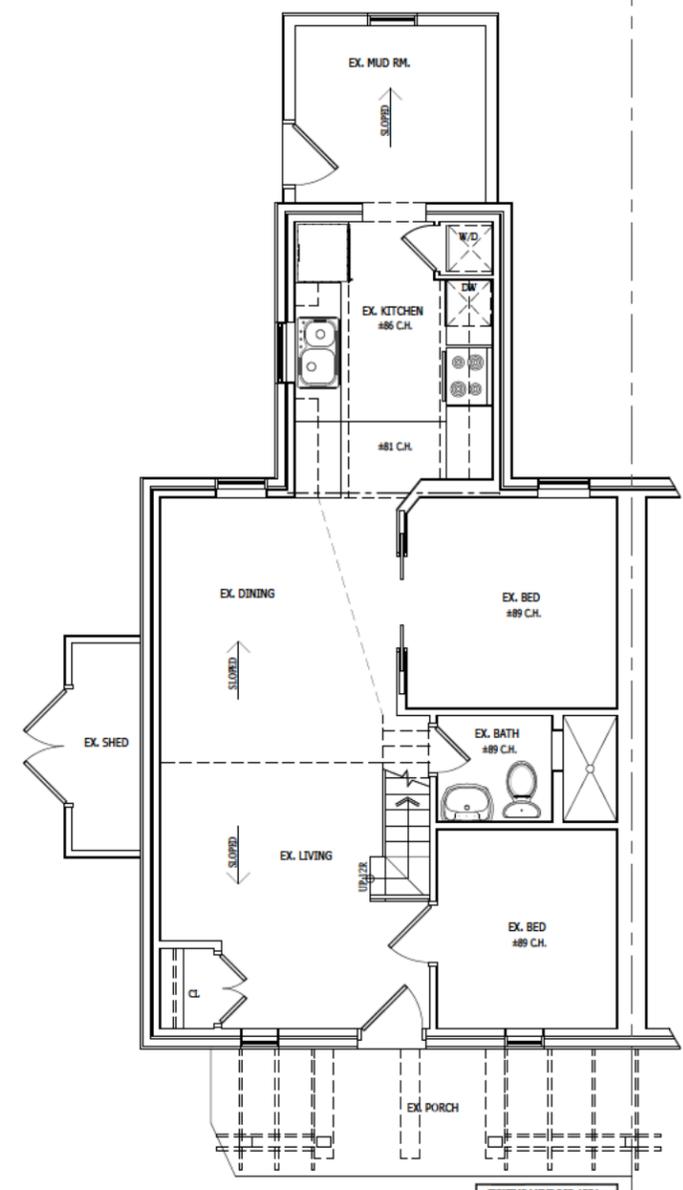
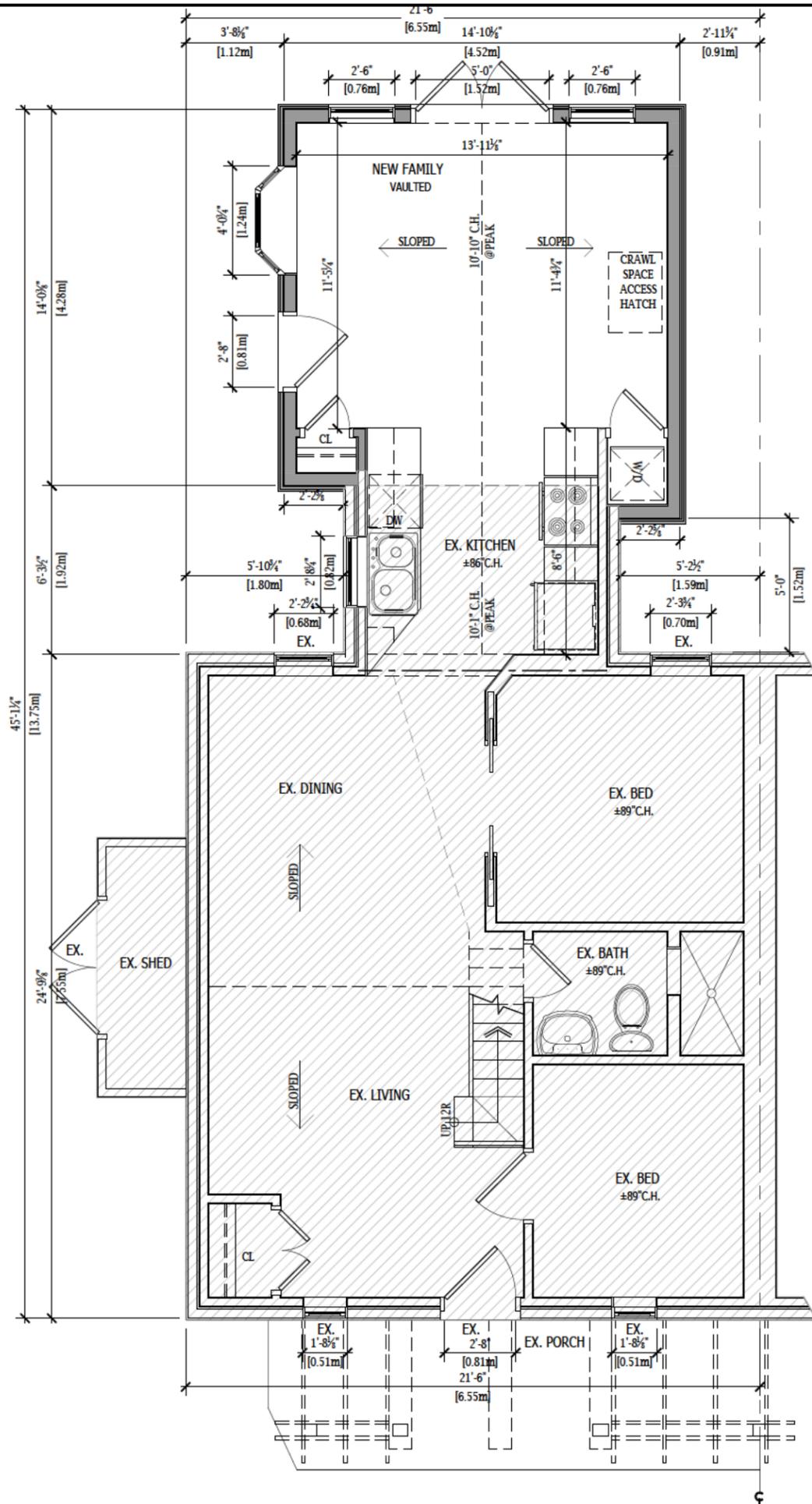
CLIENT:  
**WATHEN RESIDENCE**

Ministry of Municipal Affairs and Housing  
**QUALIFICATION INFORMATION**  
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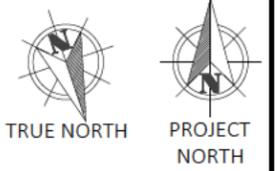
ADDRESS: 39 FLORENCE STREET  
CITY: HAMILTON, ONTARIO, L8R 1W5  
DRAWING TITLE:  
**EXIST./PROP. FOUNDATION PLAN**

CHRISTINE BROWN BCIN 37240  
MY HOUSE DESIGNS BCIN 113120

DRAWN: CB  
DATE: Aug 1, 22  
JOB NO.: 21-090  
SCALE: AS NOTED  
SHEET: A1.01 of 1



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**MY HOUSE DESIGNS**  
 RESIDENTIAL DESIGN AND DRAFTING SERVICES

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CLIENT:  
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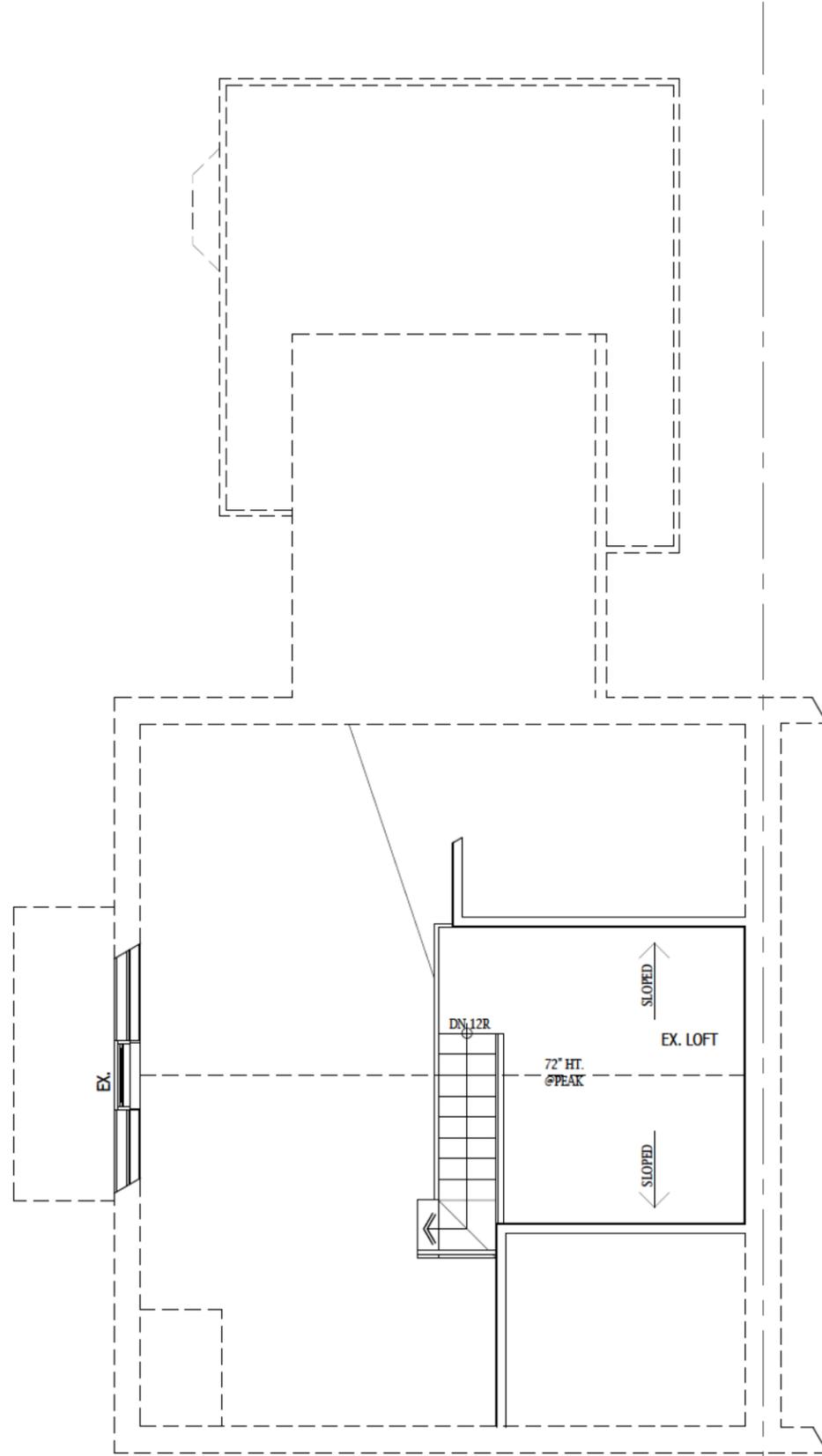
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ADDRESS: 39 FLORENCE STREET  
 CITY: HAMILTON, ONTARIO, L8R 1W5

DRAWING TITLE:  
**PROPOSED 1ST FLOOR PLAN**

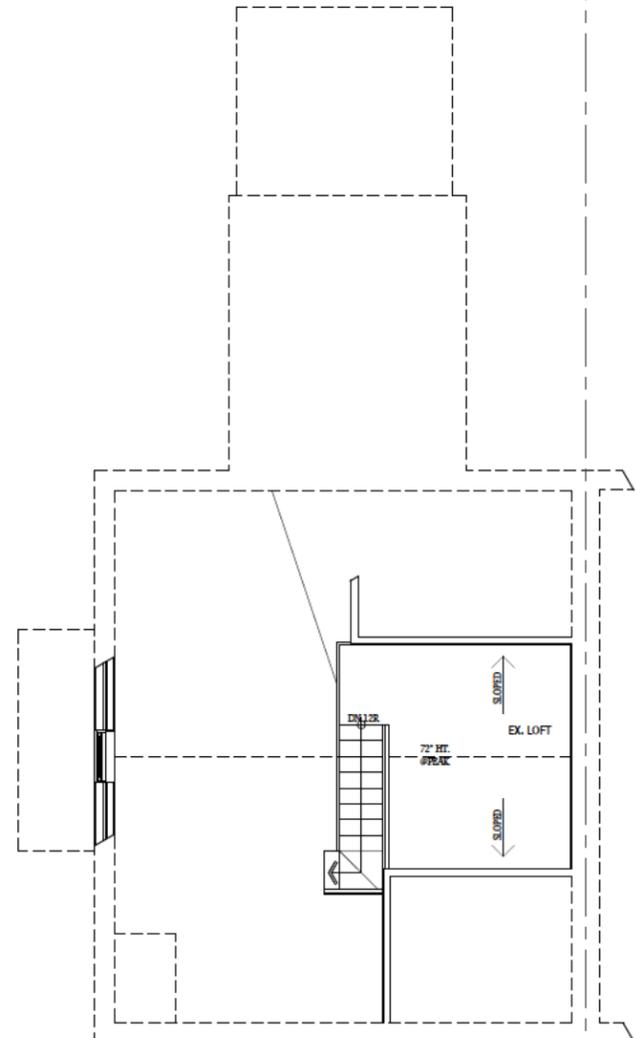
CHRISTINE BROWN BCIN 37240  
 MY HOUSE DESIGNS BCIN 113120

DRAWN: CB  
 DATE: Aug 1, 22  
 JOB NO.: 21-090  
 SCALE: AS NOTED  
 SHEET: A1.02 of 4



1 PROPOSED LOFT PLAN  
A1.03 3/16" = 1'-0"

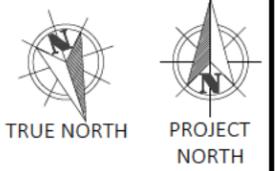
EXISTING LOFT FLOOR AREA:  
87.0ft² (8.1m²)



EXISTING LOFT FLOOR AREA:  
87.0ft² (8.1m²)

2 EX. LOFT PLAN  
A1.03 1/8" = 1'-0"

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RESIDENTIAL  
DESIGN AND  
DRAFTING SERVICES

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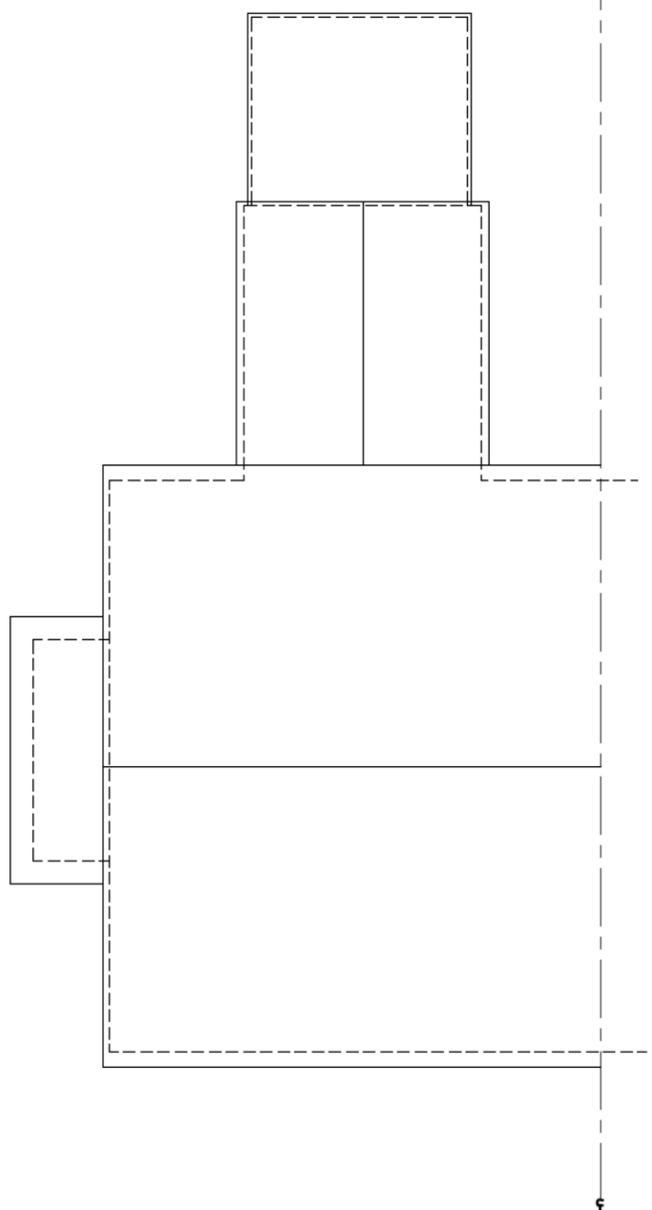
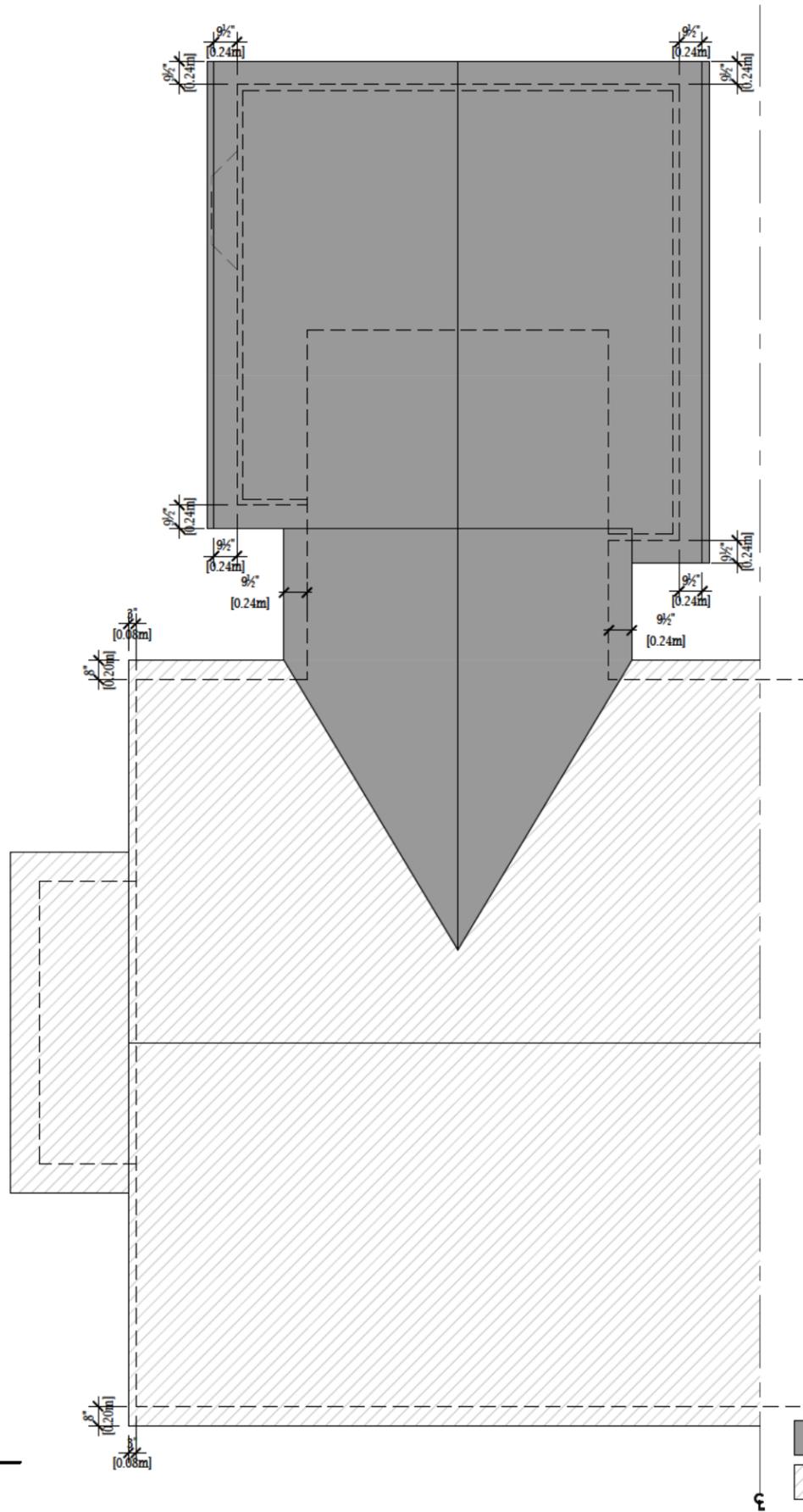
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BCIN 37240  
CHRISTINE BROWN  
BCIN 113120  
MY HOUSE DESIGNS

ADDRESS: 39 FLORENCE STREET  
CITY: HAMILTON, ONTARIO, L8R 1W5

DRAWING TITLE:  
EXIST./PROP. LOFT PLAN

DRAWN: CB  
DATE: Aug 1, 22  
JOB NO.: 21-090  
SCALE: AS NOTED  
SHEET: A1.03 of 1

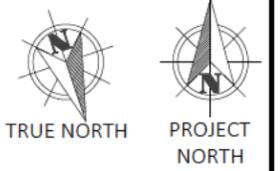


1 PROPOSED ROOF PLAN  
A1.05 3/16" = 1'-0"

2 EX. ROOF PLAN  
A1.05 1/8" = 1'-0"

PROPOSED  
EXISTING

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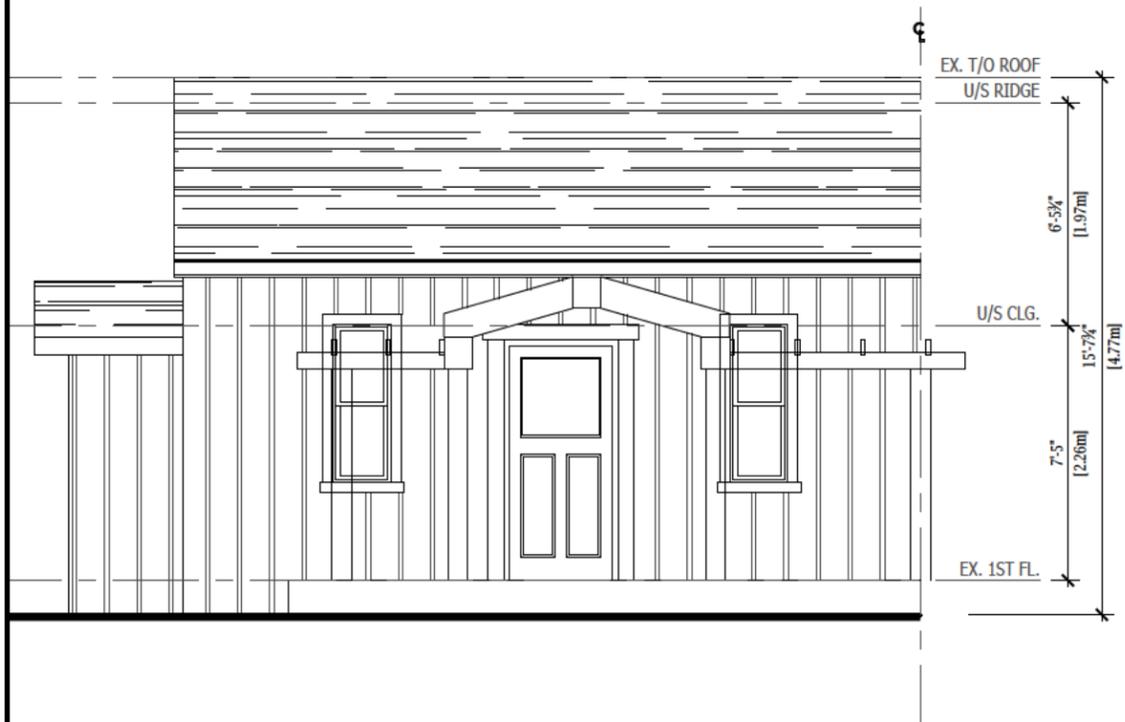
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CITY: HAMILTON, ONTARIO, L8R 1W5

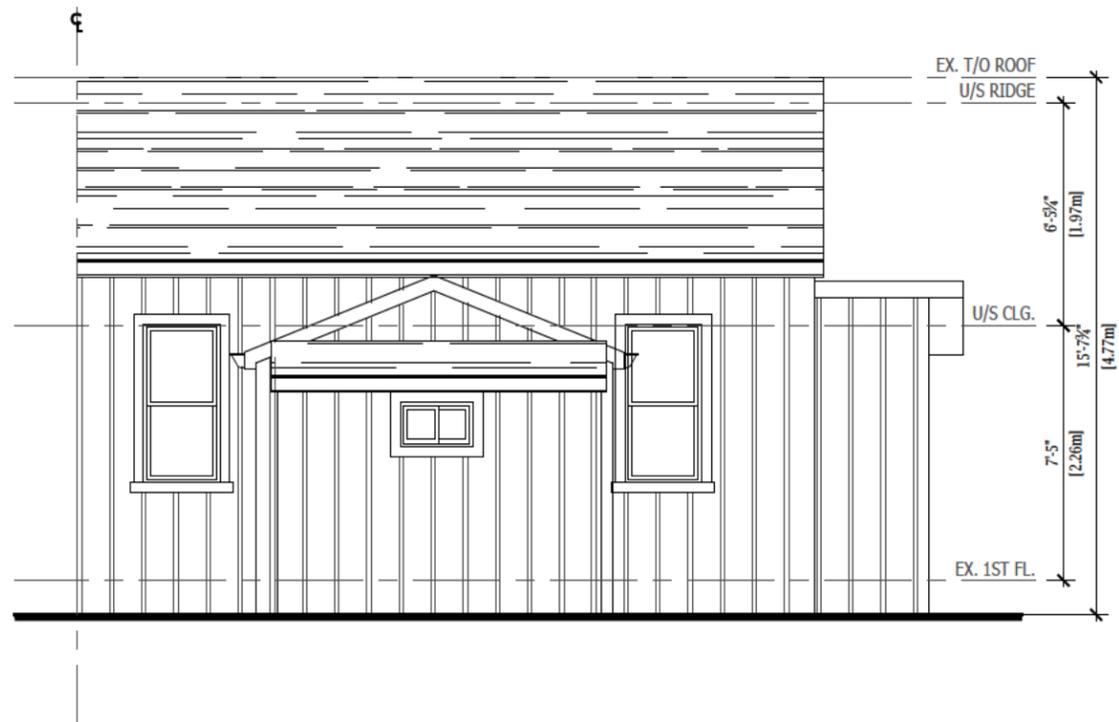
DRAWING TITLE:  
EXIST./PROP. ROOF PLAN

CHRISTINE BROWN BCIN 37240  
MY HOUSE DESIGNS BCIN 113120

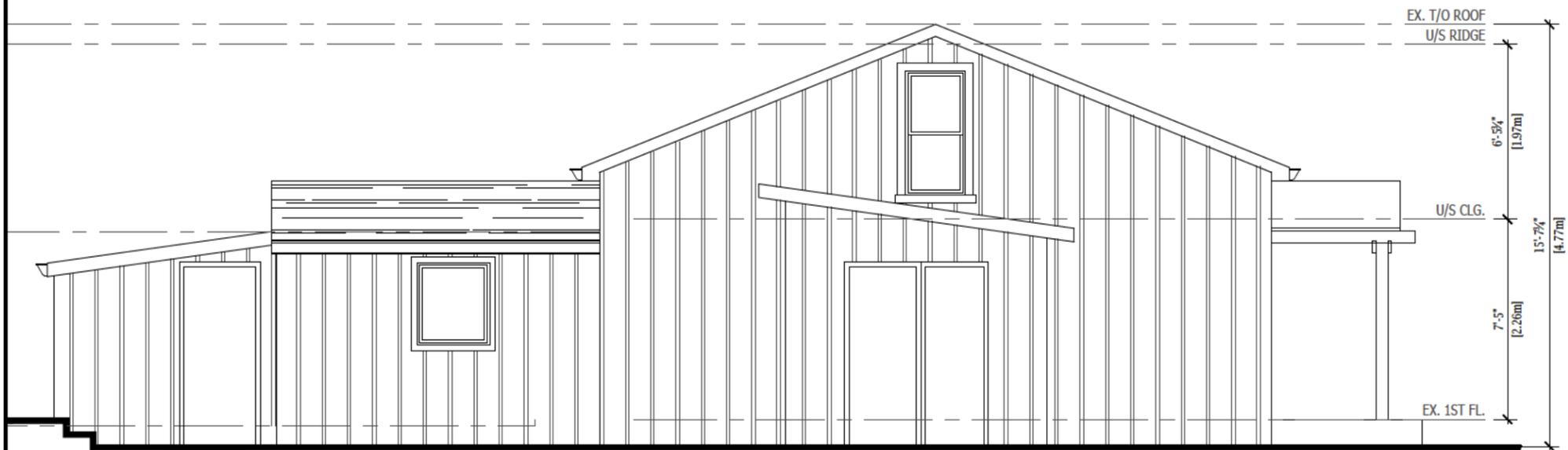
DRAWN: CB  
DATE: Aug 1, 22  
JOB NO.: 21-090  
SCALE: AS NOTED  
SHEET: A1.05 of 4



1 EXIST. FRONT ELEVATION  
A2.01 3/16" = 1'-0"



2 EXIST. REAR ELEVATION  
A2.01 3/16" = 1'-0"



3 EXIST. LEFT SIDE ELEVATION  
A2.01 3/16" = 1'-0"

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RESIDENTIAL  
DESIGN AND  
DRAFTING SERVICES



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cbrown@friendlycadmonkey.com

CLIENT:  
WATHEN RESIDENCE

ADDRESS: 39 FLORENCE STREET  
CITY: HAMILTON, ONTARIO, L8R 1W5

DRAWING TITLE:  
EXISTING ELEVATIONS

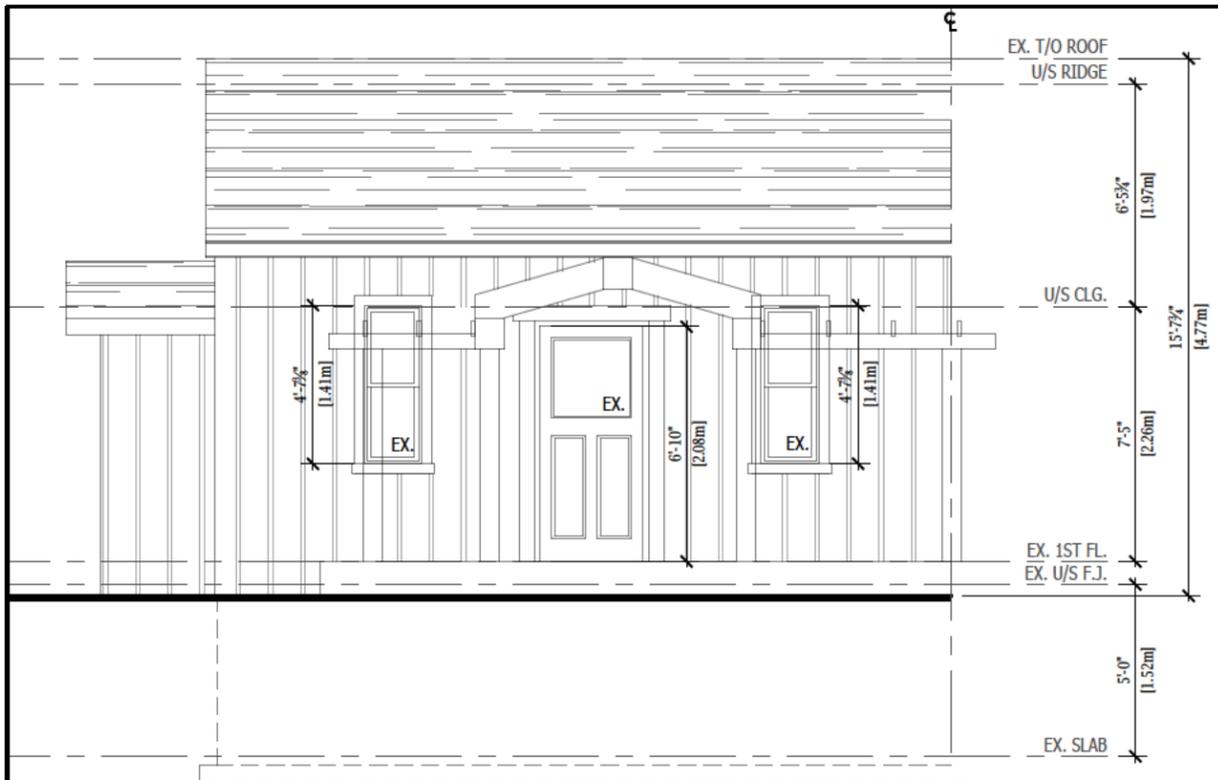
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CHRISTINE BROWN  
BCIN 37240

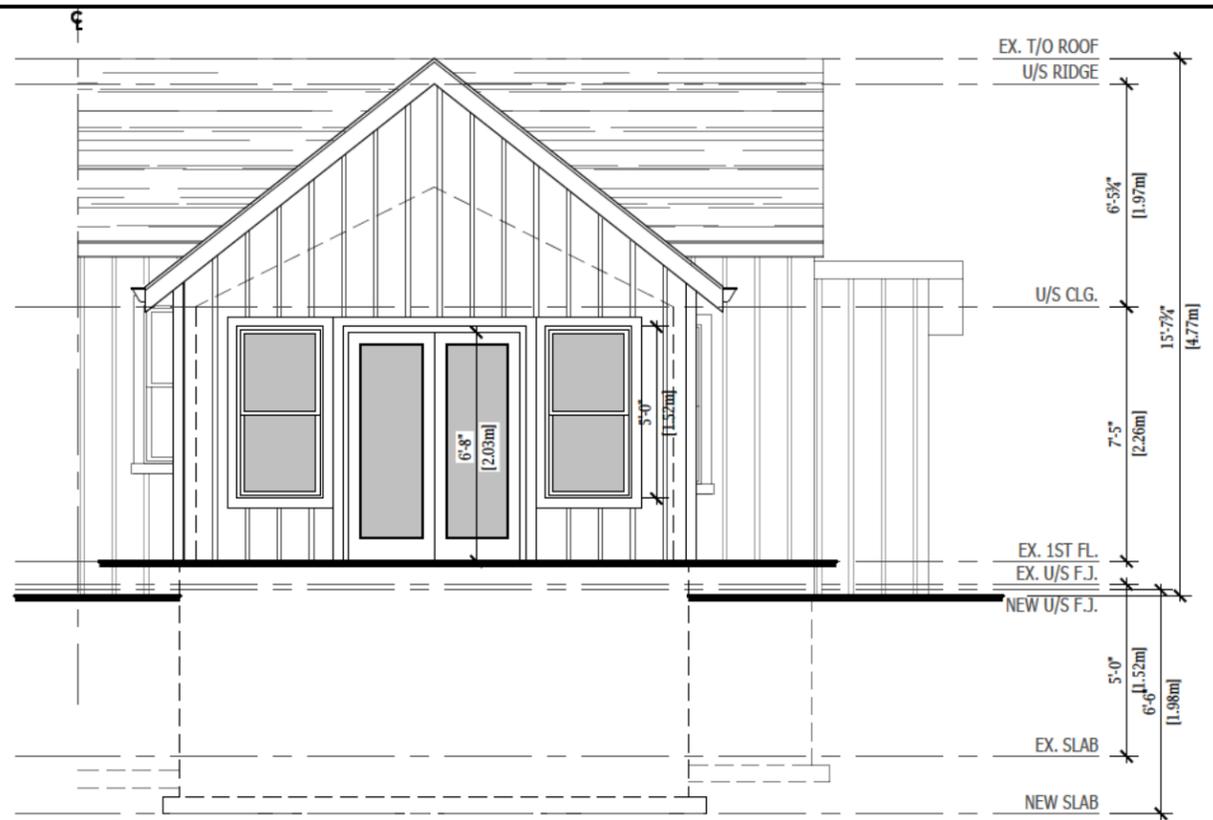
MY HOUSE DESIGNS  
BCIN 113120

DRAWN: CB  
DATE: Aug 1, 22  
JOB NO.:  
SCALE: AS NOTED  
SHEET:

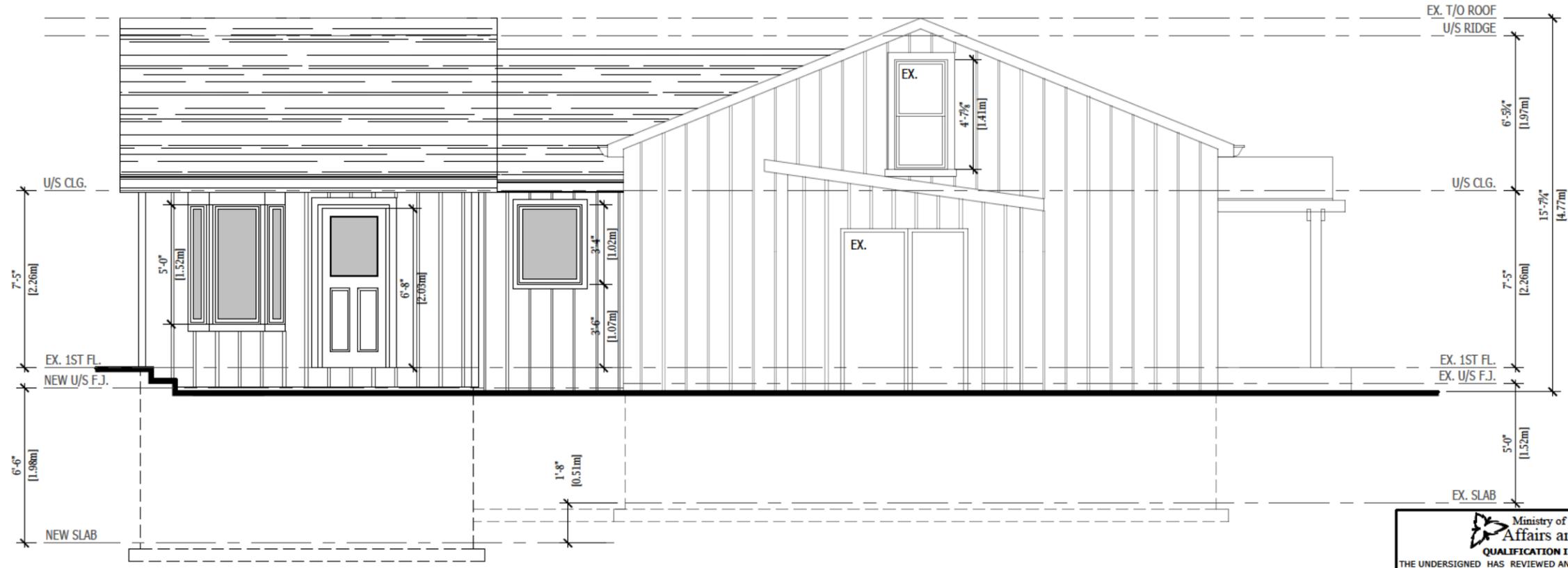
21-090  
A2.01 of 4



1 EXIST. FRONT ELEVATION  
A2.02 3/16" = 1'-0"



2 PROP. REAR ELEVATION  
A2.02 3/16" = 1'-0"



3 PROP. LEFT SIDE ELEVATION  
A2.02 3/16" = 1'-0"

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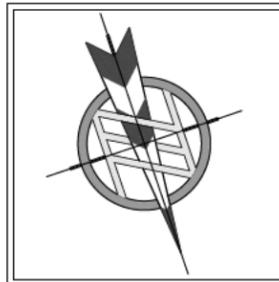
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ADDRESS: 39 FLORENCE STREET  
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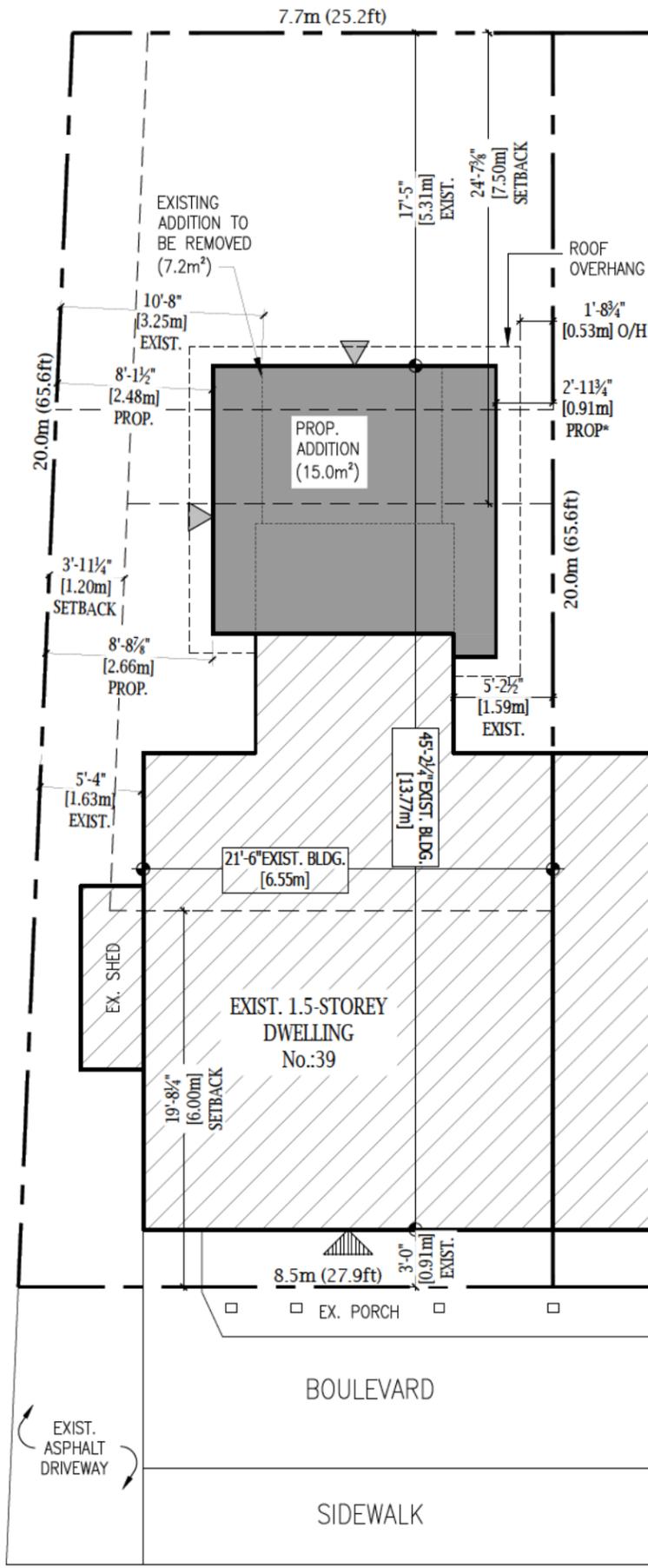
DRAWING TITLE:  
**PROPOSED ELEVATIONS**

CHRISTINE BROWN	BCIN 37240	DRAWN: CB	SCALE: AS NOTED
		DATE: Aug 1, 22	SHEET:
MY HOUSE DESIGNS	BCIN 113120	JOB NO.: 21-090	A2.02 of 4



**SITE PLAN LEGEND:**

---	PROPERTY LINE
- - - -	BUILDING ENVELOPE
---	EXISTING TO BE REMOVED
---	PROPOSED SOLID HOARDING
---	PROPOSED FRAMED HOARDING
---	NEW WATER LINE
---	NEW SANITARY LINE
---	NEW NATURAL GAS LINE
---	NEW BURIED HYDRO VAULT
---	NEW SUMP LINE TO GRADE
---	CONSTRUCTION ACCESS
---	EXISTING GRADE
---	PROPOSED FINISHED GRADE
---	MAIN ENTRY, FRONT DOOR
---	SECONDARY ENTRANCE
---	EXISTING BUILDING TO REMAIN
---	PROPOSED NEW CONSTRUCTION
---	PROPOSED NEW DRIVEWAY
---	EXISTING TREE TO REMAIN
---	EXISTING TREE TO BE REMOVED
---	RAIN WATER LEADERS



ITEMS MARKED WITH '\*' REQUIRE VARIANCES

<b>PROJECT ADDRESS/OWNER:</b>	<b>DESIGNER/APPLICANT:</b>
Brent Wathen	Christine Brown
39 Florence Street	My House Designs
Hamilton, Ontrio, L8R 1W5	444 Upper Gage Avenue
	Hamilton, Ontario, L8V 4H9

**SITE STATISTICS:**

<b>ZONING (FORMER HAMILTON):</b> 6593	<b>D</b>
---------------------------------------	----------

LOT INFORMATION:	METRIC	IMPERIAL
MIN. LOT AREA:	360.00	3875 00
ACTUAL LOT AREA:	162 20	1745.96
MIN. LOT FRONTAGE:	12.00	39.37
ACTUAL LOT FRONTAGE:	8.50	27.89
LOT DEPTH	20.00	65.62

SETBACK INFORMATION:	METRIC	IMPERIAL
MINIMUM FRONT YARD SETBACK:	6.00	19.69
EXISTING:	0.91	2.99
MINIMUM REAR YARD SETBACK:	7.50	24.61
EXISTING:	5.31	17.42
PROPOSED TO ADDITION:	*COA*	5.31
MIN. R SIDE YARD SETBACK:	1.20	3.94
EXIST. R SIDE YARD SETBACK:	0.00	0.00
PROP. R SIDE YARD SETBACK TO ADDITION:	*COA*	0.61
MIN. L SIDE YARD SETBACK:	1.20	3.94
EXIST. L SIDE YARD SETBACK:	1.63	5.35
PROP. L SIDE YARD SETBACK TO ADDITION:	2.18	7.15

GROSS FLOOR AREA:	METRIC	IMPERIAL
EXISTING 1st FLOOR AREA:	68.64	738.80
EXISTING 1st FLOOR AREA (to be removed):	7.24	77.90
PROPOSED ADDITION:	17.32	186.40
EXISTING LOFT AREA:	8.08	87.00

HEIGHT CALCULATIONS	METRIC	IMPERIAL
MAX. ALLOWABLE HEIGHT	14.00	45.93
EXISTING HEIGHT:	4.77	15.65
PROPOSED HEIGHT:	4.77	15.65

2 N.T.S.  
SP1.01 1:100

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HAMILTON, ON L8V 4H9  
cbrown@friendlycadmonkey.com

CLIENT:  
**WATHEN RESIDENCE**

ADDRESS: 39 FLORENCE STREET  
CITY: HAMILTON, ONTARIO, L8R 1W5

DRAWING TITLE:  
**SITE PLAN & SITE STATS**

**Ministry of Municipal Affairs and Housing**  
**QUALIFICATION INFORMATION**

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BCIN 37240	CHRISTINE BROWN
BCIN 113120	MY HOUSE DESIGNS

DRAWN: CB	SCALE: AS NOTED
DATE: Aug 1, 22	SHEET: SP1.01
JOB NO.: 21-090	

1 SITE PLAN  
SP1.01 1:100



**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
Registered Owners(s)	Brent Wathen
Applicant(s)*	
Agent or Solicitor	Christine Brown

**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:

to permit a rear yard setback of 5.31m where a minimum 7.5m is required. 5.31m is the existing rear yard setback. To propose a westerly (Right) sideyard setback of 0.91m

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

the nature of the neighbourhood is such that the lots are very small and legal non-conforming. There is an existing rear addition with a setback of 5.31m. The dwelling is very small so to permit a slightly larger addition would benefit the property.

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

39 Florence Street

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_

- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes       No       Unknown

- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes       No       Unknown

- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes       No       Unknown

- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes       No       Unknown

- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes       No       Unknown

- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes       No       Unknown

- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes       No       Unknown

- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes       No       Unknown

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

Yes  No  Unknown

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

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

Is the previous use inventory attached? Yes  No

## 9. ACKNOWLEDGEMENT CLAUSE

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

\_\_\_\_\_

Date

\_\_\_\_\_

Signature Property Owner(s)

\_\_\_\_\_

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>8.5m</u>
Depth	<u>20.0m</u>
Area	<u>162.2s.m.</u>
Width of street	<u>7.0m</u>

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

Existing: \_

ground floor area: 68.6s.m.  
 gross floor area: 76.7s.m.  
 stories: 1.5  
 width: 6.55m, length: 13.77m, height: 4.77m

Proposed

ground floor area: 83.6s.m.  
 gross floor area: 91.7s.m.  
 stories: no change  
 width: no change, length: 15.13m, height: no change

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

Existing:

Front: 0.91m  
 Rear: 5.31m  
 L side: 1.63m  
 R side: 0m (semi detached)

Proposed:

Front: no change  
 Rear: 5.31m  
 L side: 2.5m to addition  
 R side: 0.91m to addition





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

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:264</b>	<b>SUBJECT PROPERTY:</b>	93 CLINE AVENUE N, HAMILTON
<b>ZONE:</b>	"C/S-1361" (Urban Protected Residential Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 96-109

**APPLICANTS:** Owner – Leonard Kofman & S. O'Neill  
Agent – Team Shane – L. Sayegh

The following variances are requested:

1. A maximum floor area ratio factor of 0.82 shall be permitted, permitting a maximum gross floor area of 250 square metres, instead of the permitted maximum floor area ratio factor of 0.45, allowing a maximum gross floor area of 137.96 square metres.
2. A maximum building height of three (3) storeys and a 10.80 metres shall be permitted, instead of the requirement that no building or structure shall exceed 2 storeys and 9.0 metres in height.
3. A minimum front yard depth of 3.80 metres shall be permitted, instead of the minimum required front yard depth of 6.0 metres.
4. A minimum westerly side yard of 0.40 metres shall be permitted, instead of the minimum required side yard of 0.9 metres.
5. An uncovered porch which does not extend more than 1.0 metres above the first floor level, shall be permitted to project into the required front yard and distant 1.16 metres from the street line, instead of the requirement that an uncovered porch may project into a required yard if distant at least 1.5 metres from the street line.
6. One (1) parking space shall be provided, instead of the four (4) parking spaces required.
7. An eave/gutter may project 0.41 metres into the required westerly side yard and extend right to the westerly lot line, instead of the requirement that an eave/gutter may project into a required side yard not more than one-half of its width (i.e. 0.45 metres), or 1.0 metre, whichever is the lesser.

HM/A-22:264

**PURPOSE & EFFECT:** Proposal to construct a third-storey addition with a gross floor area of 60.50 square metres and the reconstruction of an uncovered porch in the front yard of the existing single-family dwelling, notwithstanding that:

**Notes:**

1. It is unclear from the Elevation Drawings provided if the lower level of the principle dwelling shall be considered a “storey” as per the definition of “basement” provided in Hamilton Zoning By-law 6593. Therefore, the number of storeys being proposed could not be confirmed and variance No. 1 has been written as requested by the applicant. Note that as per By-law No. 96-109, no building shall exceed two (2) storeys, and 9.0 metres in height.
2. Please note that the subject lot is a lot of record, as defined in Hamilton Zoning By-law No. 6593. Therefore, as per Section 18(3)(v) the minimum required westerly side yard is 0.9 metres, as opposed to the 1.2 metre side yard indicated in the submitted application.
3. Please note that should Variance No. 4 be granted to allow for a minimum westerly side yard of 0.40 metres, as per Section 18(3)(vi)(b), an eave/gutter would be permitted to project 0.20 metres into the westerly side yard. Therefore, variance No. 7 has been included to allow for a projection of 0.41 metres for the eave/gutter as indicated on the submitted Site Plan. The applicant shall ensure that eaves and gutters do not encroach beyond the property line onto the adjacent private property. Otherwise, the applicant shall be required to enter into an encroachment agreement and establish the necessary maintenance easements, which must be properly registered on title with the abutting neighbour.
4. Please note that the percentage of the gross area of the front yard that is landscaping has not been indicated. As per Section 18(14)(i) and 18A(14a), not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials. Additional variances may be required if compliance with Section 18(14)(i) and 18A(14a), is not possible.
5. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:30 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

**HM/A-22:264**

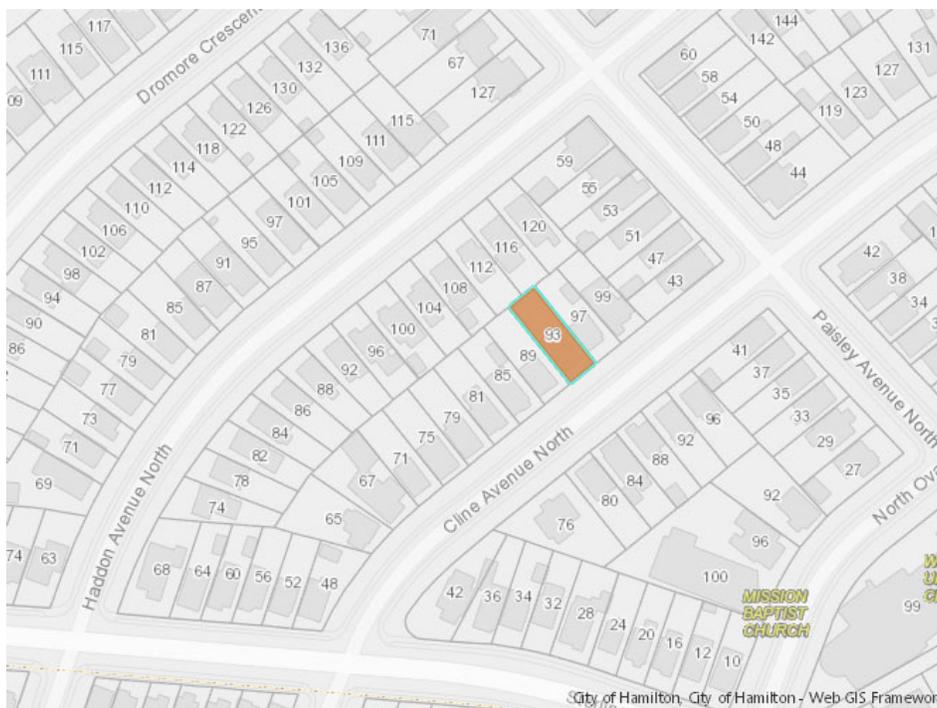
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

# RENOVATION TO: KOFMAN

## 93 Cline Avenue N Hamilton ON L8S 3Z5

**Scope of work:**  
1. Proposing a third level addition to accommodate additional bedrooms, one ensuite bathroom and office space.

**GENERAL NOTES**

- O.B.C. TO BE UNDERSTOOD AS ONTARIO BUILDING CODE 2012 LATEST EDITION AND AMENDMENTS.
- ALL STAGES OF CONSTRUCTION SHALL CONFORM WITH O.B.C.
- DO NOT SCALE DRAWINGS.
- CONTRACTOR TO REVIEW AND VERIFY ALL DIMENSIONS PRIOR TO AND DURING CONSTRUCTION. ALL DISCREPANCIES TO BE REPORTED TO DESIGNER.
- ALL WALL & CEILINGS BETWEEN DWELLING UNIT AND GARAGE ARE TO BE GAS PROOFED AND INSULATED TO ENERGY EFFICIENCY SUMMARY
- SEE ELEVATIONS AND FLOOR PLANS FOR WALL AND CEILING HEIGHTS. ANY DISCREPANCIES TO BE REPORTED TO DESIGNER.
- WOOD IN CONTACT WITH CONCRETE OR MASONRY TO BE SEPARATED WITH MINIMUM 2 MIL. POLY UNLESS OTHER WISE NOTED ON DRAWINGS.
- SMOKE AND CO DETECTORS TO BE LOCATED AT EACH LEVEL. SMOKE ALARMS LOCATED IN EACH BEDROOM AND ARE TO BE INTERCONNECTED AS PER 9.10.19, 9.33.4.
- ALL LIGHTING AND ELECTRICAL AS PER O.B.C. 9.34.
- ATTIC ACCESS TO BE INSULATED MIN. R20 AND WEATHER STRIPPED.
- WHERE CERAMIC FLOORING IS INSTALLED THE SUB-FLOOR SHALL BE REINFORCED AS PER O.B.C. 9.30.3.3.
- PROVIDE MIN. 6"-5" HEADROOM BELOW ALL BEAMS & DUCTWORK.
- STUD WALL REINFORCEMENT SHALL BE INSTALLED IN "MAIN BATHROOMS" WITHIN A DWELLING UNIT ACCORDING TO OBC 9.5.2.3
- BLOCKING IN WALLS - WHERE INDICATED, BLOCKING IS TO BE INSTALLED BETWEEN OR AGAINST STUDS IN THE WALLS ADJACENT TO THE TOILET, SHOWER AND/OR BATH/TUB TO SUPPORT INSTALLATION OF GRAB BARS IN ACCORDANCE WITH OBC 9.5.2.3.
- BLOCKING LOCATION IN WALLS TO BE IN ACCORDANCE WITH GRAB BAR REQUIREMENTS OF OBC 9.3.

**MECHANICAL**

- ALL EXHAUST FANS TO BE VENTED TO EXTERIOR. EXHAUST FAN DUCT SIZE AS PER OBC 9.32 OR PART 6 (F306 STANDARD). VENTED RANGE HOODS TO BE VENTED TO EXTERIOR WITH NON-COMBUSTIBLE DUCTING.
- DRYER VENTING AS PER OBC 9.32.1.4.
- HVAC DRAWINGS TO BE DESIGNED BY OTHERS AS PER OBC DRAWINGS TO BE PROVIDED TO TBOUMA DESIGN AND DRAFTING PRIOR TO FINALIZED WORKING DRAWINGS. DRAWINGS NOT FOR APPROVAL JUST TO BE PROPERLY INCORPORATED INTO PLANS AND ON RECORD.
- HRV / ERV TO BE BALANCED POST CONSTRUCTION
- UNLESS EXEMPT BY ENERGY AUDIT, EACH DWELLING MUST HAVE A DRAIN WATER HEAT RECOVERY AS PER ENERGY EFFICIENCY PACKAGE SELECTED. ENSURE A MIN. OF (2) SHOWER DRAIN INTO ONE UNIT.
- EVERY STOREY WHERE PLUMBING IS OR MAY BE INSTALLED INCLUDING THE BASEMENT OF HOUSE EXTEND VENTING FOR FUTURE CONNECTIONS PROVIDE A VENT PIPE AT LEAST 1 1/2" IN SIZE AS PER OBC 13.5.5.4.(2)
- BACKWATER VALVE REQUIRED TO BE INSTALLED ON THE SANITARY BUILDING DRAIN AS PER OBC 7.4.6.4. (MAINLINE ADAPT-A-VALVE OR APPROVED EQUAL)
- PROVIDE SUMP PIT AND SEALED COVER FOR DRAINAGE AS PER OBC 9.14

**DESIGNER**

- REGISTRATION NAME OF REGISTRATION FIRM TBOUMA DESIGN INC. REGISTRATION NUMBER ASSIGNED BY DIRECTOR 104857
- CONTRACTOR IS TO OBTAIN QUALIFIED DESIGNERS FOR ALL ENGINEERS, STRUCTURAL MEMBERS AND SYSTEMS WHERE INDICATED DESIGNED BY OTHERS ON DRAWINGS
- DESIGNER ASSUMES NO RESPONSIBILITY FOR FAILURE OF THE CONTRACTOR OR SUB-CONTRACTOR TO CARRY OUT THE WORK IN ACCORDANCE WITH THESE DRAWINGS
- SINGLE PAGES OF THESE DRAWINGS NOT TO BE READ INDEPENDENTLY OF ALL PAGES OF THE WHOLE DRAWING SET.
- CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON THE WORKING DRAWING SET. ANY DISCREPANCIES ARE TO BE REPORTED TO THE DESIGNER PRIOR TO COMMENCEMENT OF WORK.
- ANY MODIFICATIONS TO THE DESIGN SHALL NOT BE MADE WITHOUT AGREEMENT BETWEEN DESIGNER AND CONTRACTOR. DOCUMENTATION SHALL BE THE ONLY FORM OF ACCEPTANCE.
- WHEN DRAWINGS ARE TO BE MODIFIED OR CHANGES ARE TO BE MADE THE BUILDING DEPARTMENT WILL BE NOTIFIED FOR PURPOSE OF REVIEW PRIOR TO CONSTRUCTION.
- UNDER NO CIRCUMSTANCE SHALL THE CONTRACTOR OR SUB-CONTRACTOR PROCEED IF THERE IS ANY UNCERTAINTY. DESIGNER SHALL BE CONTACTED.
- THE DRAWINGS THAT ARE APPROVED AND STAMPED BY THE BUILDING DEPARTMENT ARE TO BE THE ONLY TRUE DRAWINGS AND ARE TO BE ACCESSIBLE TO ALL CONTRACTORS AND SUB-CONTRACTORS AT ALL TIMES WITHIN THE JOB SITE TILL ALL WORK IS COMPLETED.

**STAIRS**

STAIR TYPE	RISE		RUN		TREAD DEPTH		STAIR HEAD WIDTH ROOM	
	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN
PRIVATE	7' 7 1/2"	5"	14"	10"	14"	9 1/4"	33 7/8"	6'-5"
PUBLIC	7"	5"	N/A	11"	N/A	11"	35 1/2"	6'-9"

- ALL STAIR COMPONENTS TO CONFORM TO O.B.C. STANDARDS.
- MAX. NOSING = 1" UNIFORM RUN / RISE
- GUARDS
  - MIN HEIGHT = 36"
  - 4" MAXIMUM OPENINGS
  - NON-CRIMBLEABLE

- EXTERIOR GUARDS:  
 - 2'4" TO 5'-11" ABOVE FINISHED GRADE MIN. HEIGHT = 36"  
 - OVER 5'-11" ABOVE GRADE MIN. HEIGHT = 42"
- ALL GUARDS TO BE CONSTRUCTED TO O.B.C. STANDARDS

FLOOR AREA CALCULATION		
LEVEL	AREA	STATUS
BASEMENT	90.42	Existing
MAIN FLOOR	90.21	Existing
SECOND FLOOR	52.47	Existing
THIRD FLOOR	53.37	New
	<b>246.47 m<sup>2</sup></b>	

**DOORS AND WINDOWS**

- ALL EXTERIOR DOORS TO BE METAL INSULATED OR WOOD WITH STORM DOOR WITH WEATHER STRIPPING
- DOOR BETWEEN GARAGE AND DWELLING TO BE WEATHER STRIPPED AND GAS TIGHT EXTERIOR TYPE DOOR WITH SELF CLOSING DEVICE.
- DOOR AT COLD STORAGE TO BE EXTERIOR TYPE DOOR.
- ALL WINDOWS AND DOORS AS PER ENERGY EFFICIENCY DESIGN SUMMARY OR ATTACHED BOP BY OTHERS.
- ALL EXTERIOR DOORS AND WINDOWS TO COMPLY WITH FORCED ENTRY REQUIREMENTS. O.B.C. 9.7.5.2. AND 9.7.6.
- FLOOR LEVELS CONTAINING BEDROOMS TO HAVE ONE OPERABLE WINDOW WITH A MINIMUM UNOBSTRUCTED OPEN AREA OF 3.8 SQ. FT. WITH NO DIMENSION LESS THAN 15"
- MAIN ENTRANCE DOORS TO HAVE DOOR VIEWER UNLESS TRANSPARENT GLAZING IS PROVIDED IN DOOR OR A SIDELIGHT.
- UNDERCUT ALL DOORS TO ROOMS WITHOUT RETURN AIR INLET.
- EGRESS WINDOWS / WELLS SHALL BE AS PER OBC 9.9.10.1

**STRUCTURAL**

- ALL LUMBER TO COMPLY WITH O.B.C SPECIFICATIONS AND STANDARDS.
- ALL STRUCTURAL LUMBER TO BE OF SPRUCE #2 OR BETTER.
- ALL PRE-ENGINEERED FLOOR AND ROOF TRUSS DESIGN AND LAYOUT TO BE DESIGNED BY OTHERS AND CONFORM TO O.B.C SPECIFICATIONS ALL DRAWINGS TO BE PROVIDED TO TBOUMA DESIGN AND DRAFTING, NOT FOR APPROVAL JUST TO BE PROPERLY INCORPORATED INTO PLANS AND ON RECORD.
- AS NOTED ON DRAWINGS STUDS TO BE USED AS BEARING POINTS WHERE IT IS APPLICABLE.
- ALL BEAMS TO HAVE MINIMUM 3 1/2" BEARING AT BOTH ENDS BEARING TO BE CONTIGUOUS TO FOUNDATION
- DOUBLE JOISTS AROUND STAIRWELL UNLESS OTHER WISE NOTED BY PRE-ENGINEERED FLOOR DESIGNER.
- TRUSS FABRICATORS ENGINEER CERTIFIED DRAWINGS REQUIRED FOR APPROVAL BY BUILDING DEPARTMENT
- SOLID BLOCKING TO BEARING BELOW TO BE PROVIDED AT ALL GIRDER TRUSS AND BEAM LOCATIONS (IN WIDTH EQUAL TO WIDTH OF BEARING POINT OVER) VERIFY WITH TRUSS DRAWINGS

**FOUNDATION**

- CONTRACTOR TO VERIFY SOIL CONDITIONS PRIOR TO PLACING OF FOOTINGS. ANY ABNORMALITIES TO BE REPORTED TO DESIGNER
- STEP FOOTINGS TO BE DESIGNED AS PER O.B.C. 9.15.3.9.
  - MAX RISE SHALL NOT EXCEED 23 5/8"
  - MIN RUN SHALL NOT BE LESS THAN 23 5/8"
- ALL FOOTINGS TO BEAR ON FIRM UNDISTURBED SOIL MIN. 4'-0" BELOW FINISHED GRADE AND MIN. BEARING CAPACITY OF 75 KPa
- WALL HEIGHTS AND THICKNESS TO CONFORM TO O.B.C. 9.15.4.

**MASONRY**

- ALL FLASHING TO CONFORM TO O.B.C. 9.20.13
- ALL BRICK OR STONE SILLS TO BE FLASHED IN ACCORDANCE WITH THE O.B.C.
- ALL STEEL LINTELS FOR MASONRY TO HAVE MINIMUM 6" BEARING EACH END AND SUPPORTED BACK TO FOUNDATION
- WHERE NEW POINT LOAD(S) FROM ABOVE BEAR ON EXISTING BLOCK WALLS. FILL TOP COARSE SOLID MIN. 7 1/2" DEEP AS PER 9.15.5.2.

**ENERGY EFFICIENCY COMPLIANCE DESIGN**

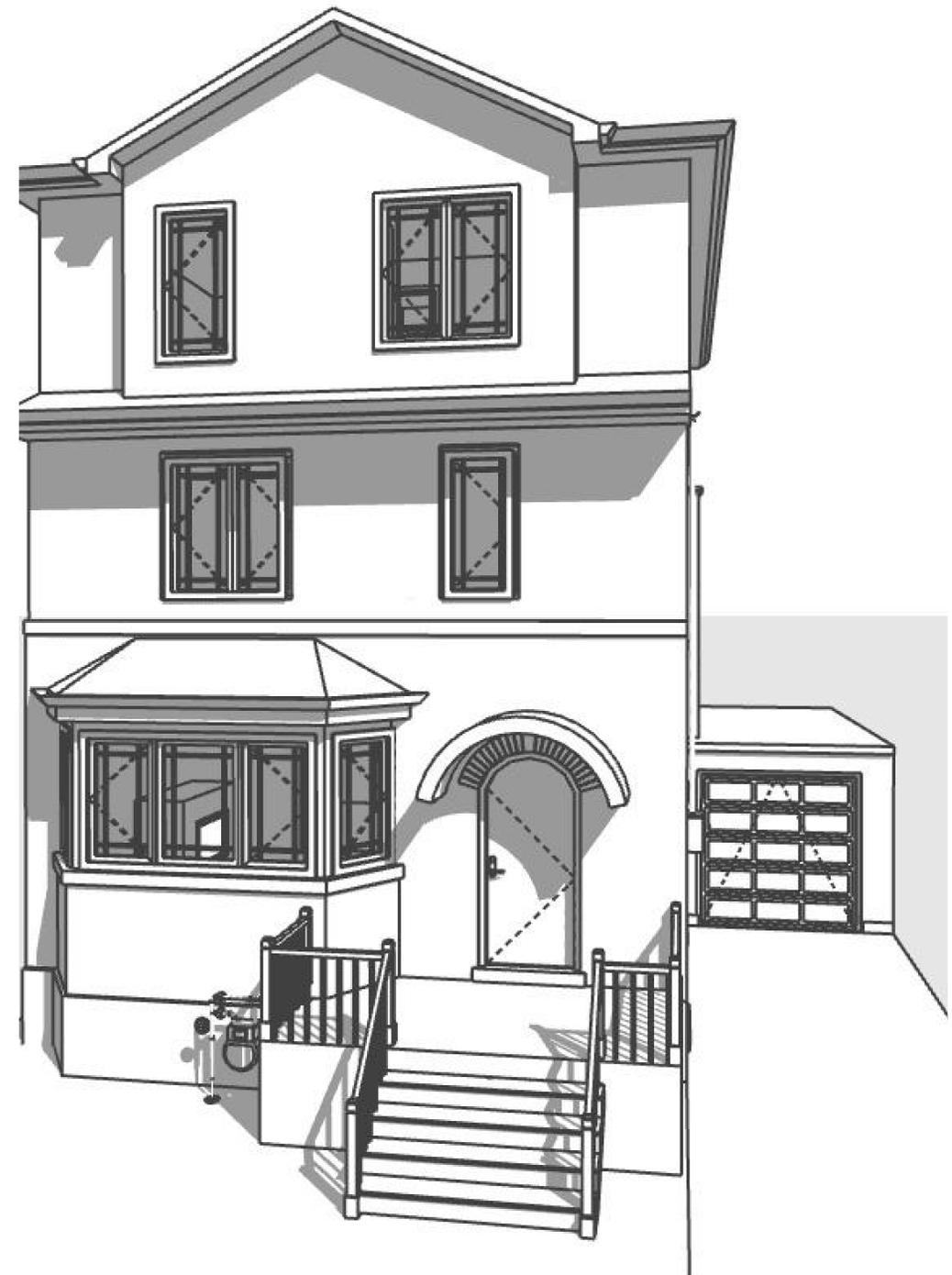
SB-12, TABLE 3.1.1.21. (IP) (ZONE 1)  
 THERMAL PERFORMANCE REQUIREMENTS FOR ADDITIONS TO EXISTING BUILDINGS FOR HEATING OTHER THAN ELECTRIC SPACE HEATING

CEILING WITH ATTIC SPACE	R80
CEILING WITHOUT ATTIC SPACE	R51
EXPOSED FLOOR	R31
WALLS ABOVE GRADE	R19 + R6d
BASEMENT WALLS	R20d or R12 + R10d
BELOW GRADE SLAB	R5
EDGE OF BELOW GRADE SLAB	R10
HEATED SLAB	R10
WINDOWS AND SLIDING GLASS DOORS	MAX U-VALUE 1.6 ENERGY RATING 25
SKYLIGHTS	MAX U-VALUE 2.8
SPACE HEATING EQUIPMENT	MIN. AFUE 80%
HRV	MIN. SRE 75%
DOMESTIC HOT WATER HEATER	MIN. EFF. 80%

AREA CALCULATIONS: CONFORMING TO OBC 3.1.1.(7).  
 TOTAL PROPOSED GROSS AREA OF WALLS:  
 TOTAL PROPOSED GLAZING:  
 RATIO(%):

- NOTES:  
 1. WHERE A MINIMUM R VALUE, MAXIMUM U VALUE, OR MINIMUM EFFECTIVE R VALUE ARE SPECIFIED FOR A COMPONENT, THE COMPONENT ONLY NEEDS TO CONFIRM TO ONE OF THE REQUIREMENTS  
 2. d) MEANS CONTINUOUS INSULATION  
 3. WHERE A DWELLING UNIT HAS A WALKOUT BASEMENT, THE THERMAL PERFORMANCE OF THE EXTERIOR BASEMENT WALL SHALL BE NOT LESS THAN THAT REQUIRED FOR THE ABOVE GRADE WALL FOR:  
 a) THE BASEMENT WALL CONTAINING THE DOOR OPENING AND  
 b) ANY BASEMENT WALL THAT HAS AN EXPOSED WALL ABOVE THE GROUND LEVEL EXCEEDING 50% OF THAT BASEMENT WALL AREA.

- FOR HOMES OLDER THAN 5 YEARS**
- THE ENERGY EFFICIENCY OF EXISTING BUILDINGS SHALL COMPLY WITH PART 11 OF DIVISION B OF THE BUILDING CODE FOR RENOVATION SB-12, 11.1.1. ENERGY EFFICIENCY
  - CONSTRUCTION MAY BE CARRIED OUT TO MAINTAIN THE EXISTING PERFORMANCE LEVEL OF ALL OR PART OF AN EXISTING BUILDING, BY THE REUSE, RELOCATION OR EXTENSION OF THE SAME OR SIMILAR MATERIALS OR COMPONENTS, TO RETAIN THE EXISTING CHARACTER, STRUCTURAL UNIQUENESS, HERITAGE VALUE, OR AESTHETIC APPEARANCE OF ALL OR PART OF THE BUILDING, IF THE CONSTRUCTION WILL NOT ADVERSELY AFFECT THE EARLY WARNING AND EVACUATION SYSTEMS, FIRE SEPARATIONS OR THE STRUCTURAL ADEQUACY OR WILL NOT CREATE AN UNHEALTHY ENVIRONMENT IN THE BUILDING, AS PER 11.3.3.1. BASIC RENOVATION (SEE APPENDIX A)
  - WHERE THE FRAMING SYSTEMS ARE BEING ALTERED TO MATCH EXISTING FRAMING, LESSER AMOUNTS AND EXTENT OF INSULATION AND VAPOR BARRIER IS ACCEPTABLE. PART 11 COMPLIANCE ALTERNATIVE, TABLE 11.5.1.1.C. (CONT'D), C199 - 12.2.1.1. (3)



1  
A0.01 3D PROPOSED FRONT  
SCALE: 3/16" = 1'-0"



**HABITABLE ROOMS CHART**

	EXISTING	PROPOSED
BASEMENT	7	7
MAIN FLOOR	7	7
SECOND FLOOR	7	7
THIRD FLOOR	7	7
TOTALS	28	28

THIS CHART RELATES TO THE CITY OF HAMILTON'S 6593 ZONING BY-LAW FOR PARKING SPACES IN DESIGNATED URBAN AREAS. FOR EVERY 8 HABITABLE ROOMS, 3 PARKING SPACES IS REQUIRED (2 IN X 6.0M). EVERY ADDITIONAL ROOMS REQUIRED 0.5 PARKING SPACES (ROUNDED UP). PLEASE NOTE THAT A VARIANCE WILL BE REQUIRED IF THE PARKING REQUIREMENT IS NOT MET



KEY PLAN

TEAM SHANE

790 SHAVER RD. ANCASTER  
L6G 3K9 ON

**NOT FOR CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

DRAWING:  
TITLE SHEET / GENERAL INFO

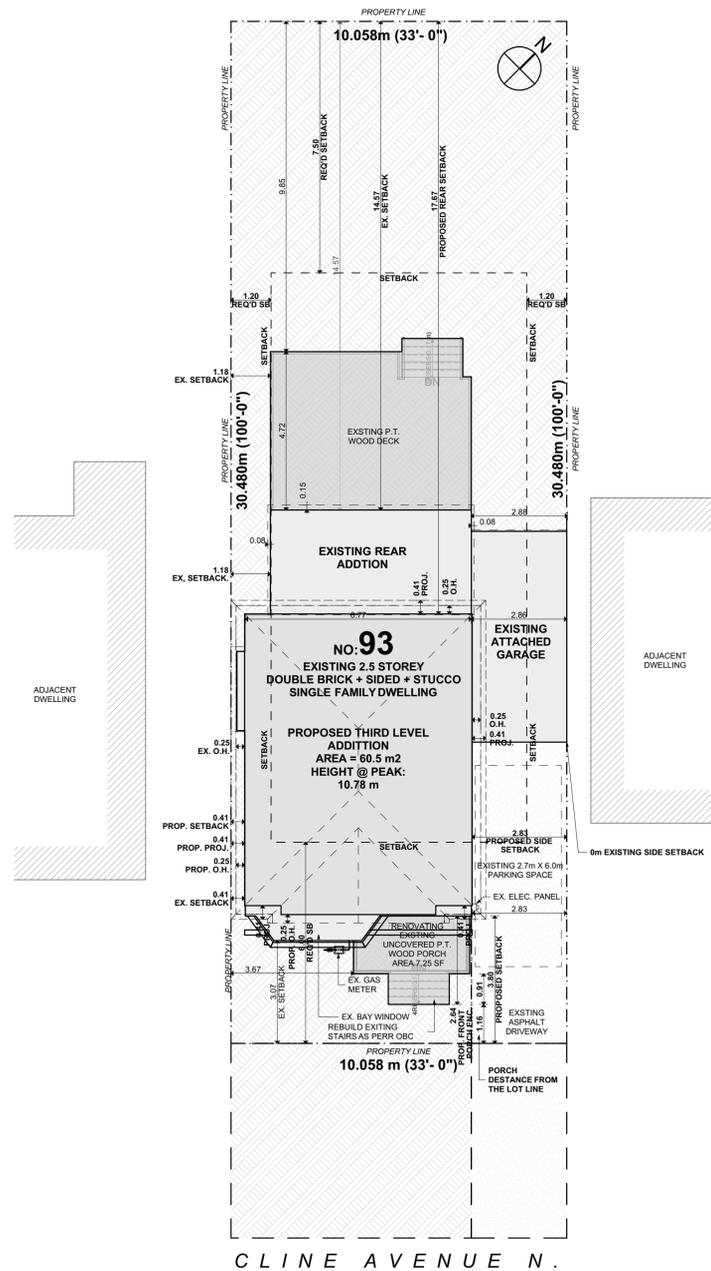
PROJECT:  
KOFMAN

PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29	DRAWING NO:
SCALE: AS NOTED	A0.01
PROJECT NO: ---	

**SITE PLAN LEGEND**

	EXISTING DWELLING
	NEW ADDITIONS
	COVERED PORCHES
	DECK / PATIO
	LANDSCAPE AREA
	HARDSCAPE AREA
	DRIVEWAY
	MUNICIPAL SETBACKS
	PROPERTY LINE
	EXISTING TO BE REMOVED



C L I N E   A V E N U E   N .

**SITE STATS**

PROJECT NAME: KOFMAN  
 ADDRESS: 93 Cline Avenue N  
 POSTAL CODE: L8S 3Z5  
 MUNICIPALITY: HAMILTON  
 MINOR VARIANCE # TBD

BYLAW #	COMMUNITY	ZONING	EXCEPTION	C
6593	HAMILTON	SINGLE FAMILY DWELLING	S-1361	

LOT INFO	Allowable	Existing	Proposed	VARIANCE
LOT AREA (m <sup>2</sup> )	360	306.57	AS EX	
LOT FRONTAGE	12	10.058	AS EX	
LOT WIDTH (m)	12	10.058	AS EX	
LOT DEPTH (m)	N/A	30.480	AS EX	

AREA CALCULATIONS	Allowable	Existing	Proposed	VARIANCE
GROSS FLOOR AREA (m <sup>2</sup> )	137.95	222.75	249.56	
Basement area	45.50	45.50		
First floor area	82.50	82.50		
Second floor area	61	61		
Allowed floor area	33.75	60.50		

FLOOR AREA RATIO(%)	45%	72.66%	81.39%	VARIANCE
Ground Floor Area / Lot Area				

GROUND FLOOR AREA (m <sup>2</sup> )	Allowable	Existing	Proposed	VARIANCE
LOT COVERAGE (%)	N/A	100.25	AS EX	
	N/A	0.32701	AS EX	

SETBACKS	Allowable	Existing	Proposed	VARIANCE
FRONT (m)	6.00	3.07	3.89	
REAR (m)	7.50	14.57	17.67	
LEFT (m)	1.2	0.41	0.41	
RIGHT (m)	1.2	0.00	2.83	

ENCROACHMENTS	Allowable	Existing	Proposed	VARIANCE
ROOF PROJECTION (m)	1.5	0.41	0.41	
FRONT	1	0.41	0.41	
REAR				
SIDE				

UNCOVERED FRONT PORCH	Allowable	Existing	Proposed	VARIANCE
FRONT PORCH SETBACK	3	2.64	2.64	
	1.5	1.16	1.16	

LANDSCAPING	Allowable	Existing	Proposed	VARIANCE
LANDSCAPE AREA (%)	50%	60%	AS EX	
STREET WIDTH (m)	7.00		AS EX	
DRIVEWAY WIDTH (m)	2.70	2.83	AS EX	

PARKING	Required	Existing	Proposed	VARIANCE
Habitable Rooms	3	9	11	

ACCESSORY BUILDINGS	Allowable	Existing	Proposed	VARIANCE
SIZE (m <sup>2</sup> )	N/A	N/A	N/A	
HEIGHT (m)	4	N/A	N/A	
SIDE/REAR SETBACK (m)	0.45	N/A	N/A	
COVERAGE (%)	N/A	N/A	N/A	



790 SHAVER RD. ANCASTER  
 L9G 3K9 ON

**NOT FOR CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

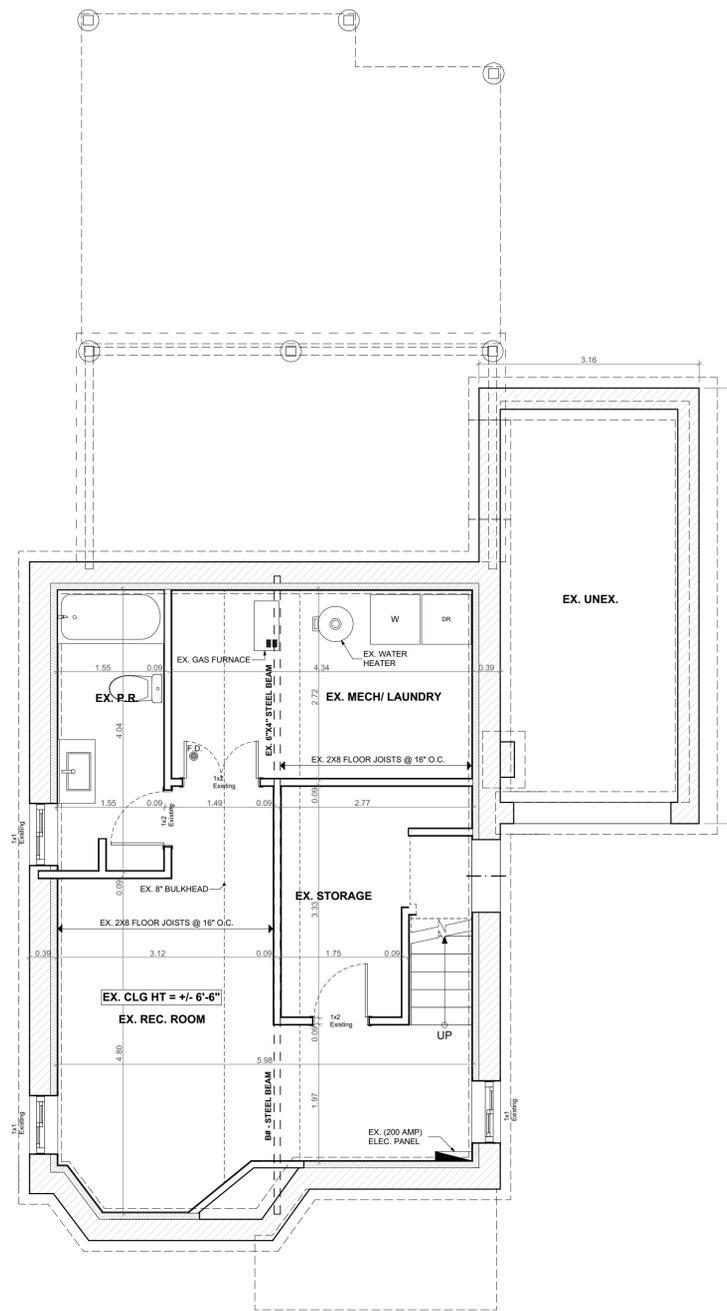
DRAWING:  
**SITE PLAN**

PROJECT:  
**KOFMAN**

PROJECT ADDRESS:  
 93 Cline Avenue N Hamilton ON L8S 3Z5

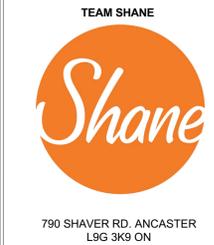
**1 SITE PLAN**  
 SCALE: 1:100

DATE: 2022-07-29	SCALE: AS NOTED	DRAWING NO: <b>SP0.01</b>
	PROJECT NO: ---	



**1 EXISTING BASEMENT PLAN**

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



**NOT FOR  
CONSTRUCTION**

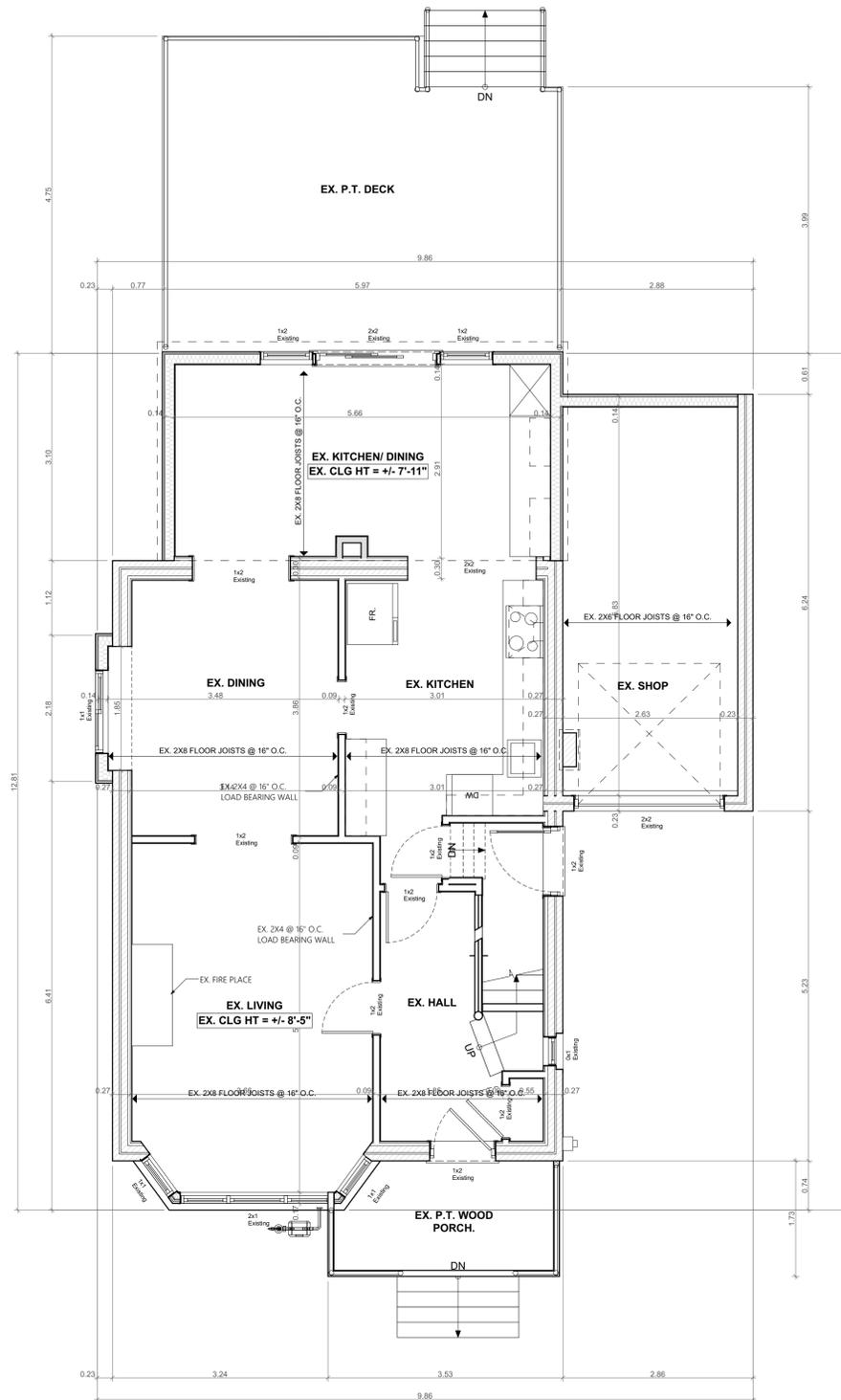
NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

DRAWING:  
**EXISTING BASEMENT PLAN**

PROJECT:  
**KOFMAN**

PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29	SCALE: AS NOTED	DRAWING NO: <b>A1.01</b>
	PROJECT NO: ---	



**1** EXISTING MAIN FLOOR PLAN

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

TEAM SHANE

790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

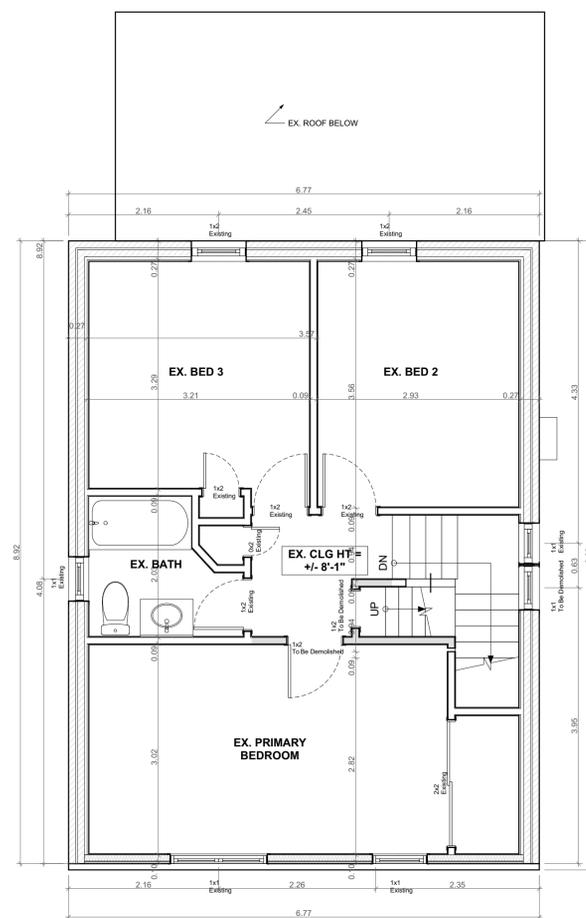
NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

DRAWING:  
**EXISTING MAIN FLOOR  
PLAN**

PROJECT:  
**KOFMAN**

PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29	SCALE: AS NOTED	DRAWING NO: <b>A1.02</b>
	PROJECT NO: ---	



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

TEAM SHANE

790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

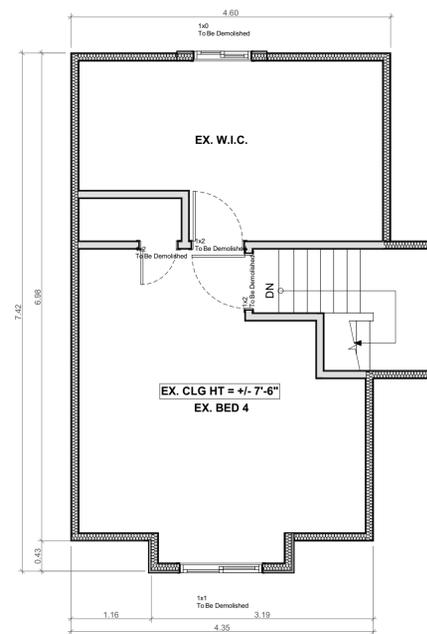
NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

DRAWING:  
**EXISTING SECOND FLOOR PLAN**

PROJECT:  
**KOFMAN**

PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29	SCALE: AS NOTED	DRAWING NO: <b>A1.03</b>
	PROJECT NO: ---	



**1** EXISTING ATTIC PLAN

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

TEAM SHANE



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

**DRAWING:  
EXISTING ATTIC FLOOR  
PLAN**

**PROJECT:  
KOFMAN**

**PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5**

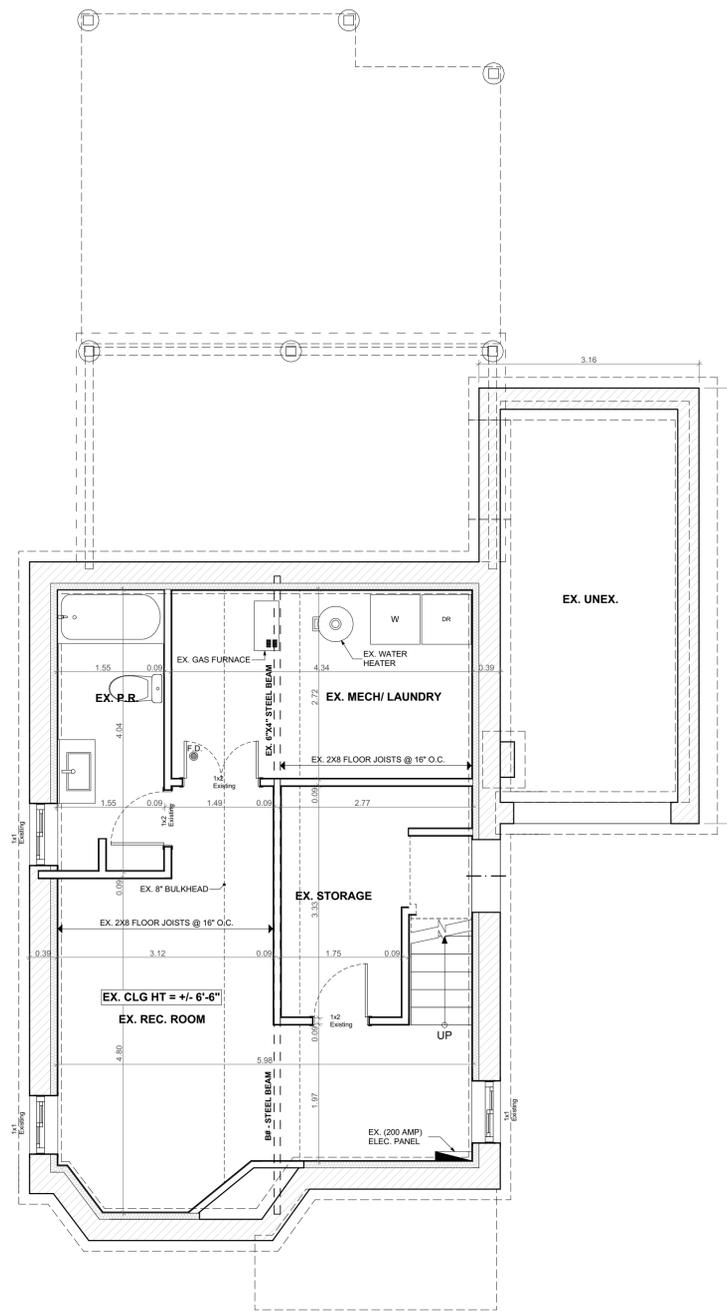
DATE: 2022-07-29

SCALE:  
AS NOTED

PROJECT NO:  
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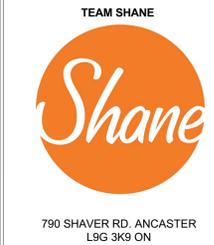
DRAWING NO:  
**A1.04**

Printed: 2022-07-29 @ 10:15 AM



**1 PROPOSED BASEMENT PLAN**

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



**NOT FOR  
CONSTRUCTION**

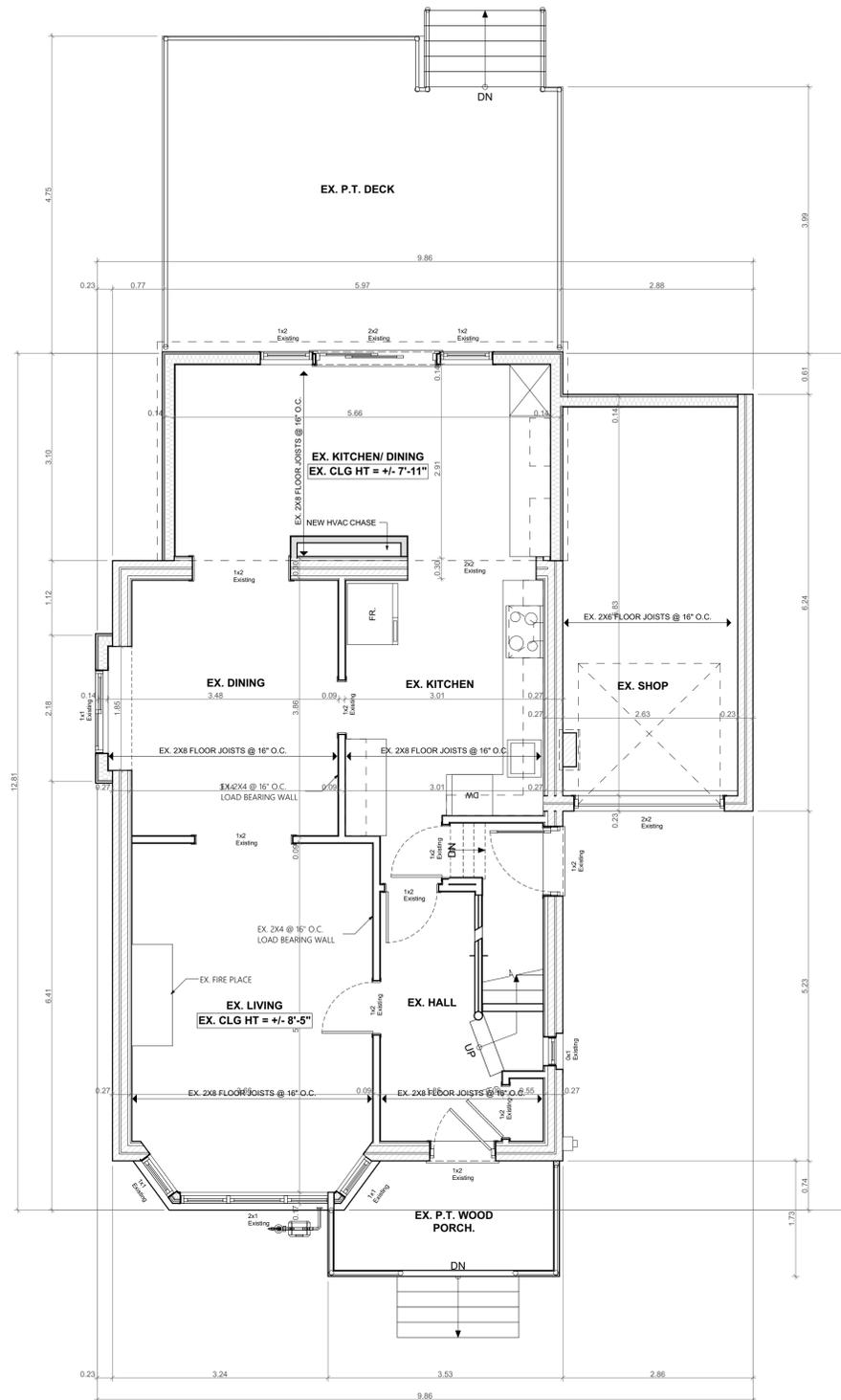
NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

DRAWING:  
**PROPOSED BASEMENT  
PLAN**

PROJECT:  
**KOFMAN**

PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29	SCALE: AS NOTED	DRAWING NO: <b>A1.05</b>
	PROJECT NO: ---	



**1 PROPOSED MAIN FLOOR PLAN**

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

TEAM SHANE



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

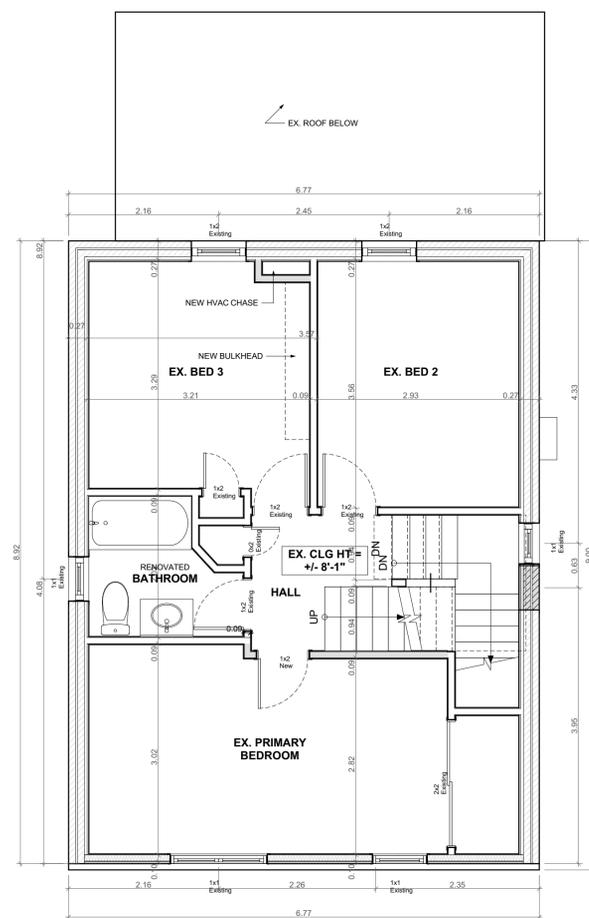
NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

DRAWING:  
**PROPOSED MAIN FLOOR  
PLAN**

PROJECT:  
**KOFMAN**

PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29	SCALE: AS NOTED	DRAWING NO: <b>A1.06</b>
	PROJECT NO: ---	



**1 PROPOSED SECOND FLOOR PLAN**

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

TEAM SHANE



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

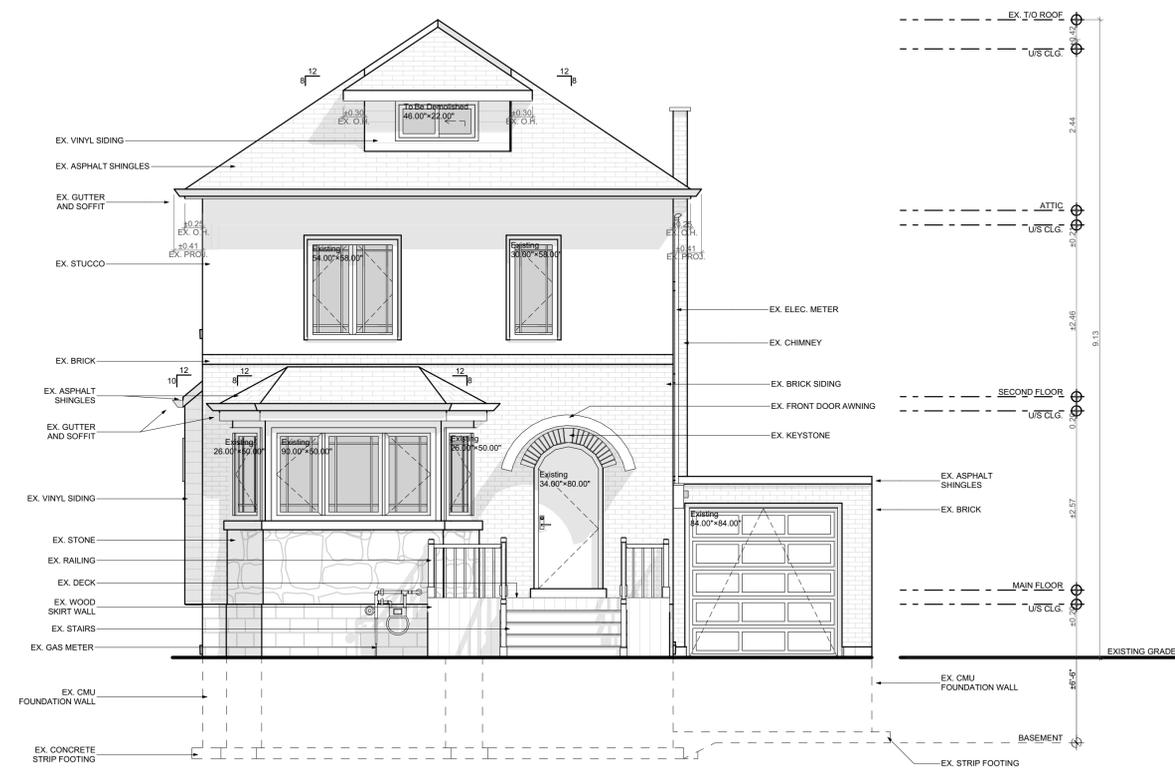
DRAWING:  
**PROPOSED SECOND  
FLOOR PLAN**

PROJECT:  
**KOFMAN**

PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29	SCALE: AS NOTED	DRAWING NO: <b>A1.07</b>
	PROJECT NO: ---	





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



**NOT FOR CONSTRUCTION**

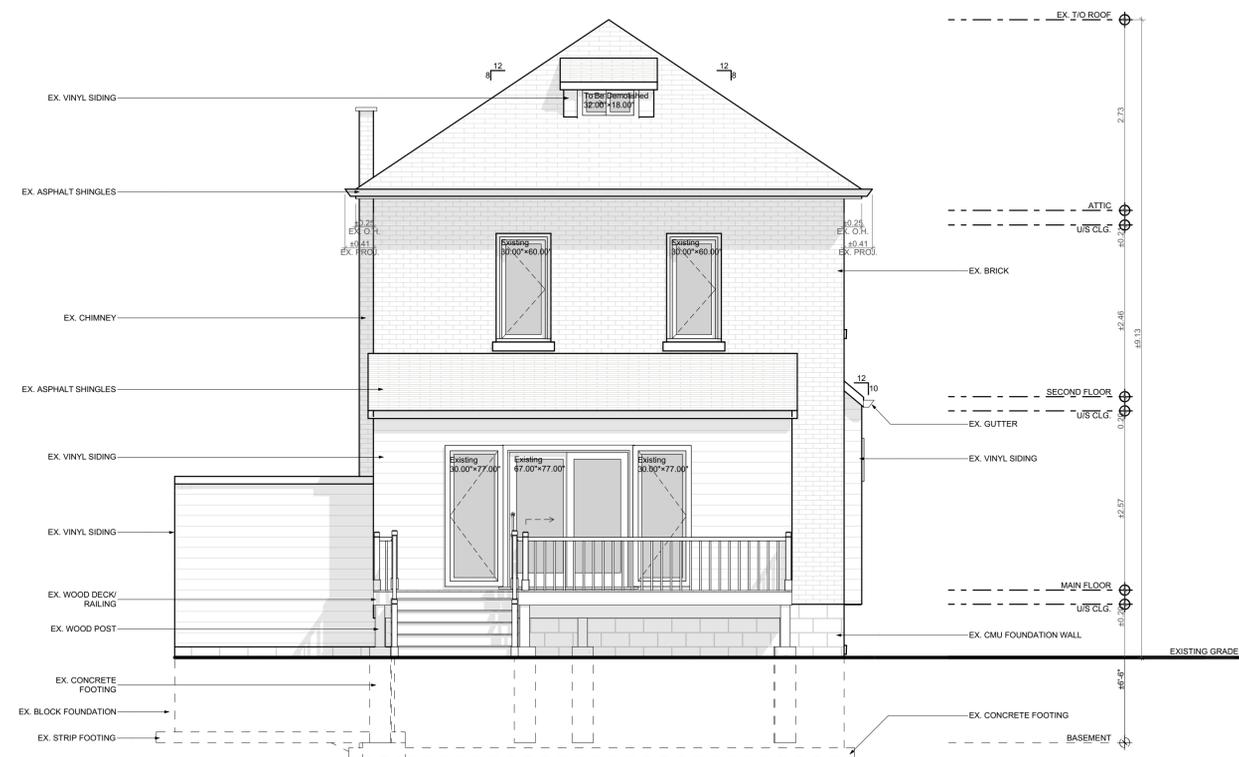
NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

DRAWING:  
**EXISTING FRONT ELEVATION**

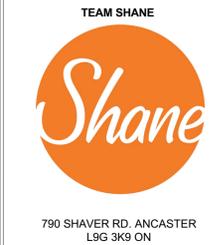
PROJECT:  
**KOFMAN**

PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29	SCALE: AS NOTED	DRAWING NO: <b>A2.01</b>
PROJECT NO: ---		



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



**NOT FOR  
CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

DRAWING:  
**EXISTING REAR ELEVATION**

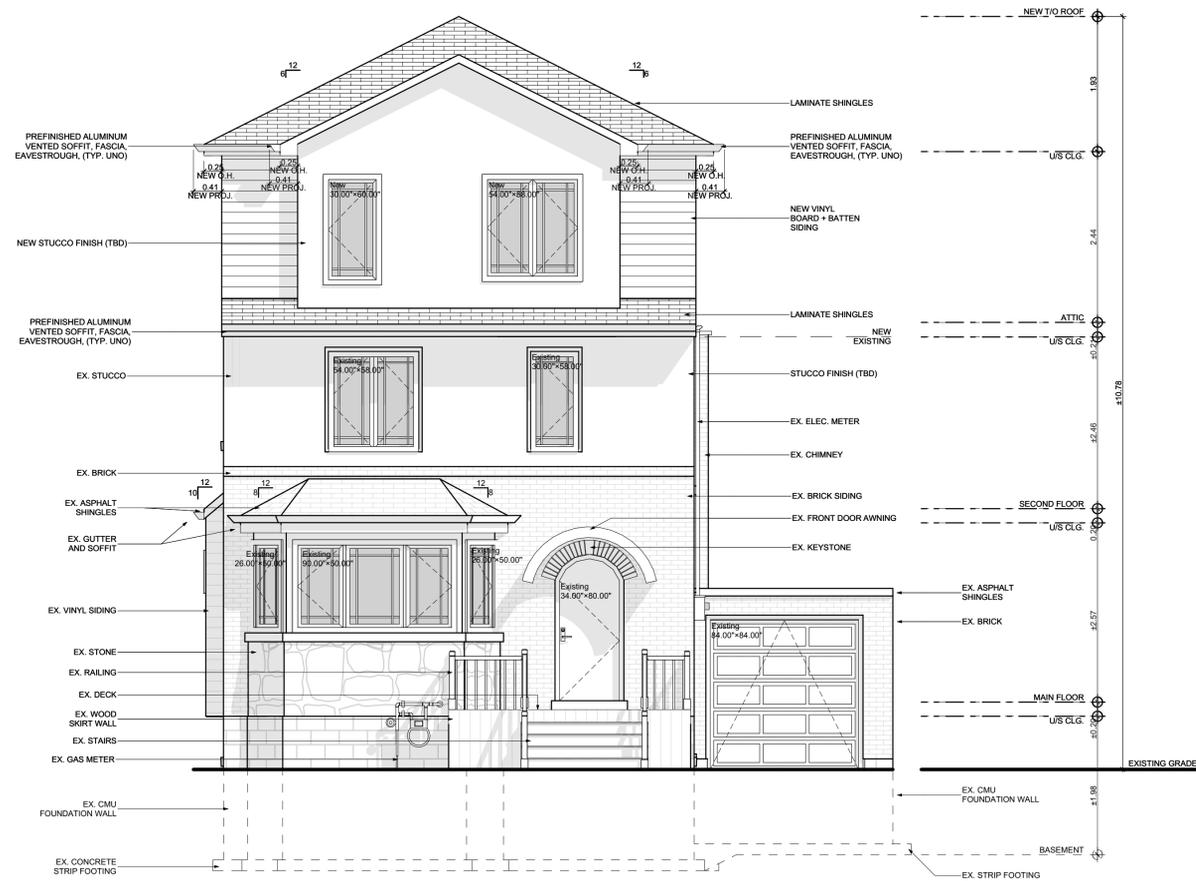
PROJECT:  
**KOFMAN**

PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29	SCALE: AS NOTED	DRAWING NO: <b>A2.02</b>
	PROJECT NO: ---	







**1 PROPOSED FRONT ELEVATION**

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



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

DRAWING:  
**PROPOSED FRONT  
ELEVATION**

PROJECT:  
**KOFMAN**

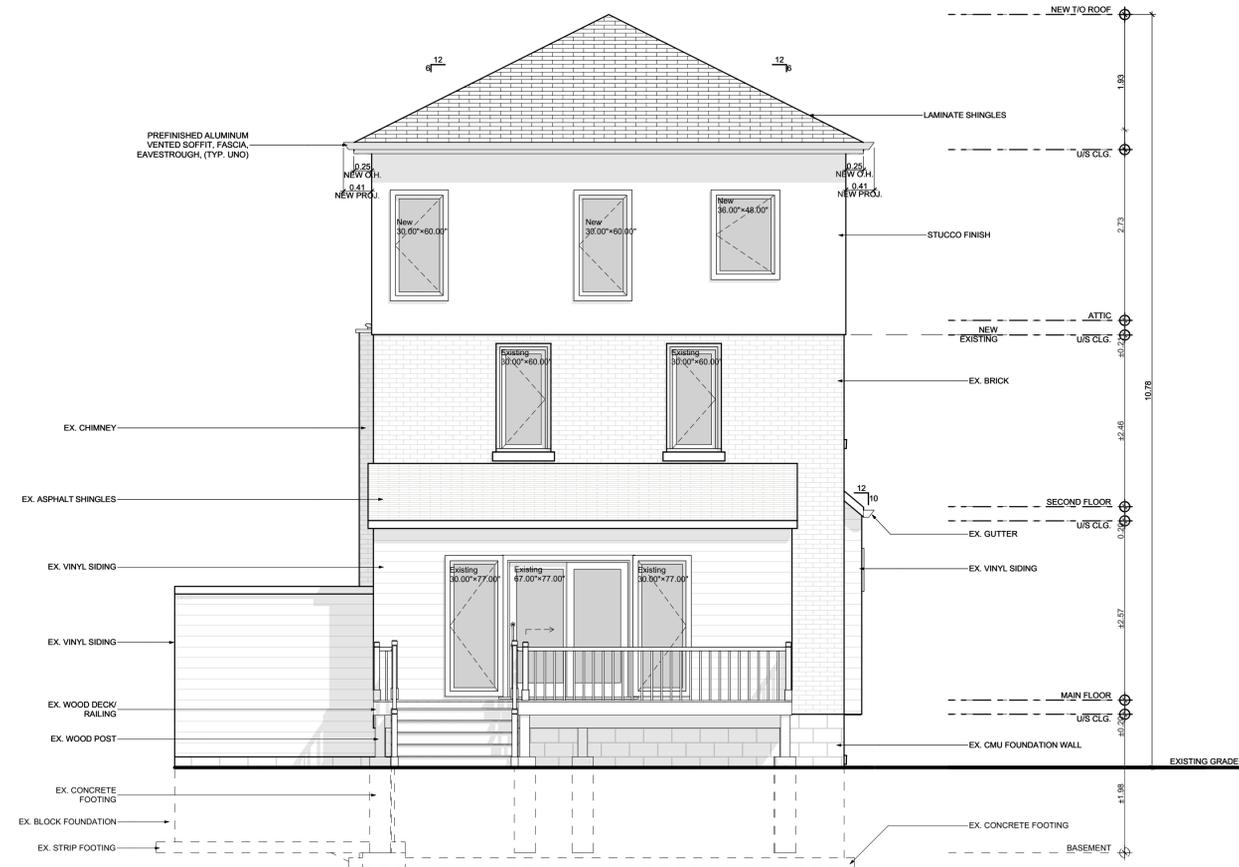
PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29

SCALE:  
AS NOTED

PROJECT NO:  
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DRAWING NO:  
**A2.05**



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



**NOT FOR  
CONSTRUCTION**

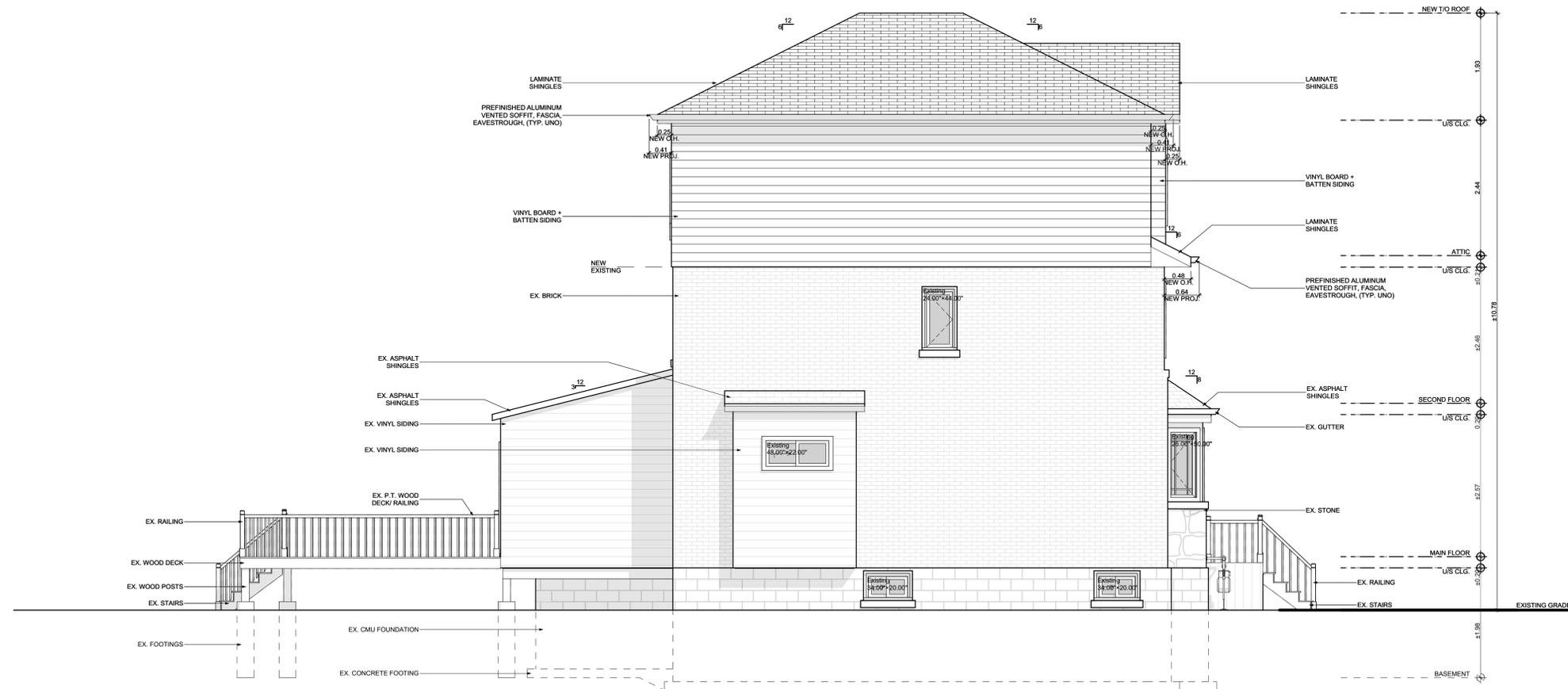
NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

DRAWING:  
**PROPOSED REAR  
ELEVATION**

PROJECT:  
**KOFMAN**

PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29	SCALE: AS NOTED	DRAWING NO: <b>A2.06</b>
	PROJECT NO: ---	



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

**DRAWING:  
PROPOSED LEFT  
ELEVATION**

**PROJECT:  
KOFMAN**

**PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5**

DATE: 2022-07-29

SCALE:  
AS NOTED

PROJECT NO:  
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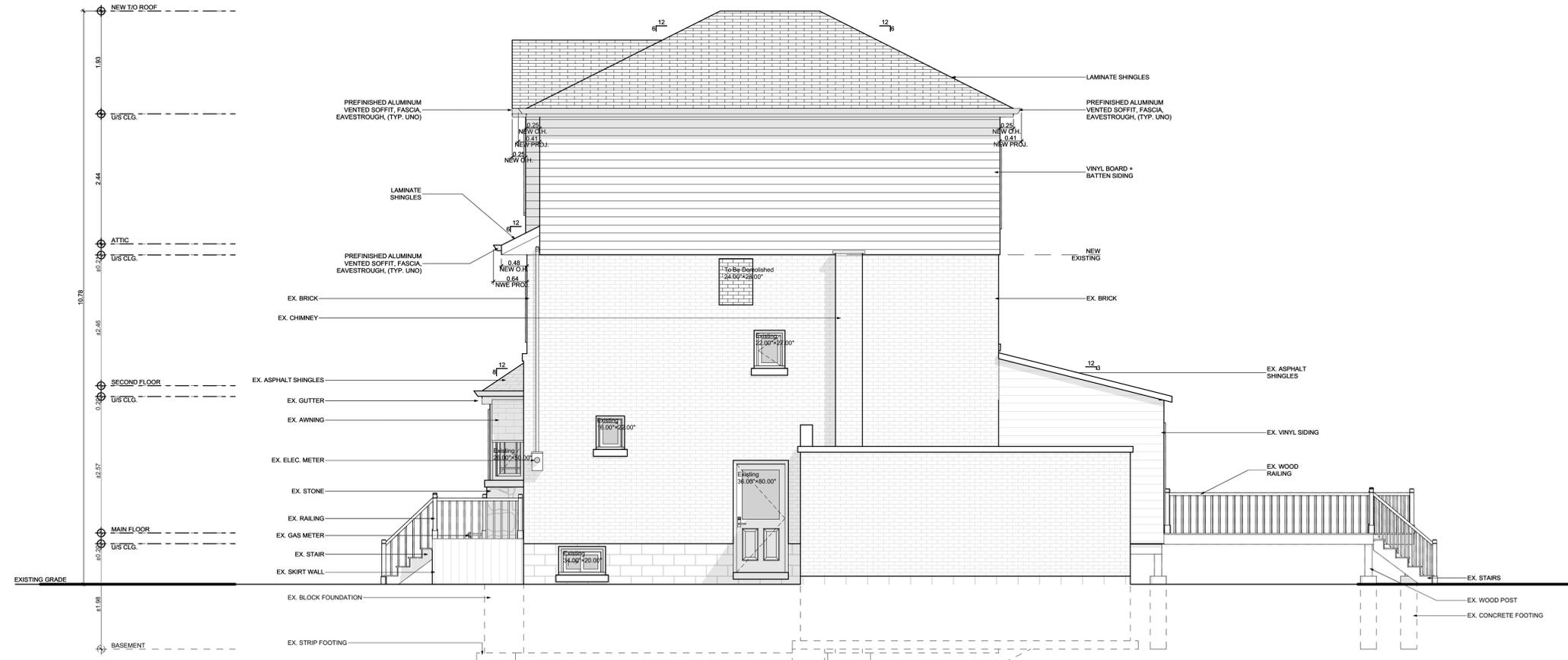
DRAWING NO:  
**A2.07**

Printed: 2022-07-29 @ 10:15 AM

1

**PROPOSED LEFT ELEVATION**

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



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



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.2	2022.07.04
2	ISSUED FOR MINOR VARIANCE	2022.07.29

DRAWING:  
**PROPOSED RIGHT  
ELEVATION**

PROJECT:  
**KOFMAN**

PROJECT ADDRESS:  
93 Cline Avenue N Hamilton ON L8S 3Z5

DATE: 2022-07-29	SCALE: AS NOTED	DRAWING NO: <b>A2.08</b>
PROJECT NO: ---		



**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	
<b>Registered Owners(s)</b>	LEONARD KOFMAN AND SONJA O'NEIL (OWNERS)	
<b>Applicant(s)*</b>	LOUIE SAYEGH (TEAM SHANE)	
<b>Agent or Solicitor</b>	LOUIE SAYEGH (TEAM SHANE)	

**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:

BMO Bank of Montreal  
100 King St W,  
Toronto ON  
M5X 1A3

**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 allow a GFA of 81.39% instead of 45% as we are only increasing 8.75% from the existing non-conforming GFA of 72.66%. • To allow a max. number of stories of 3 instead of the required 2.5 stories. • To allow for the front (southerly) side setback to be 3.80 instead of the required 6.0 with its 0.43m roof projection • To allow for the left (westerly) side setback to be 0.43m instead of the required 1.2m and its 0.43m roof projection • Relief of front porch setback 1.16m instead of the min. required 1.50m • Allow maintaining 1 parking spot instead of the required 3 parking spots • Add any other required variances as per the site plan submitted with this application.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The existing single family dwelling cannot comply with the current zoning by-law regulations due to the existing non-confirming condition.

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**):

93 CLINE AVE N  
PT LOTS 826 & 827 PLAN 652, AS IN VM223462  
PIN #174630169

7. PREVIOUS USE OF PROPERTY

Residential

Industrial

Commercial

Agricultural

Vacant

Other N/A

8.1 If Industrial or Commercial, specify use N/A

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes  No  Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes  No  Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes  No  Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes  No  Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes  No  Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes  No  Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes  No  Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes  No  Unknown

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

Yes  No  Unknown

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

Previous uses of the subjected property.

8.12 If previous use of property is industrial or commercial or if YES to any of 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  (N/A)

**9. ACKNOWLEDGEMENT CLAUSE**

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

July 20, 2022  
Date

[Signature]  
Signature Property Owner(s)

Seija O'Neill Len Kofman  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 10.058 meters  
Depth 30.480 meters  
Area 306.57 meters  
Width of street To be confirmed by the city.

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

Existing:

See site plan.

Proposed

See site plan.

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

Existing:

See site plan.

Proposed:

See site plan.

13. Date of acquisition of subject lands:  
2014
- 
14. Date of construction of all buildings and structures on subject lands:  
1928
- 
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 being 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:  
Bylaw #6593, Zone C
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No  
If yes, please provide the file number:  
N/A
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 N/A  Yes  No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)  
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

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:265</b>	<b>SUBJECT PROPERTY:</b>	8 & 10 DEVONPORT STREET, HAMILTON
<b>ZONE:</b>	"D" (Urban Protected Residential One and Two Family Dwellings)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner – Ahmed Dirani  
Agent – Lucy Shaw

The following variances are requested:

***LANDS TO BE SEVERED:***

1. A minimum lot frontage of 7.1 m shall be provided instead of the minimum required lot frontage of 12.0 m; and
2. A minimum lot area of 336.0 m<sup>2</sup> shall be provided instead of the minimum required 360.0 m<sup>2</sup>; and
3. A minimum northerly side yard width of 0.2 m shall be provided for the proposed new 2 storey single family dwelling instead of the minimum required side yard width of 1.2 m; and
4. Eaves and gutters shall be permitted to encroach the entire width of the northerly side yard and be 0.0 m from the northerly side lot line instead of the requirement that an eave or gutter may project into the required side yard not more than ½ of its required width.
5. A minimum southerly side yard width of 0.8 m shall be provided for the proposed new 2 storey single family dwelling instead of the minimum required side yard width of 1.2 m; and
6. Eaves and gutters shall be permitted to encroach the entire width of the southerly side yard and be 0.0 m from the southerly side lot line instead of the requirement that an eave or gutter may project into the required side yard not more than ½ of its required width.

**HM/A-22:265****LANDS TO BE RETAINED:**

7. A minimum lot frontage of 9.5 m shall be provided instead of the minimum required lot frontage of 12.0 m; and
8. A minimum front yard depth of 2.2 m shall be provided instead of the minimum required 6.0 m front yard depth; and
9. A minimum northerly side yard width of 0.0 m shall be provided where the new lot line is to be created notwithstanding that a minimum side yard width of 1.2 m is required to be provided; and
10. Eaves and gutters shall be permitted to encroach the entire width of the northerly side yard and be 0.0 m from the northerly side lot line instead of the requirement that an eave or gutter may project into the required side yard not more than  $\frac{1}{2}$  of its required width.
11. A minimum southerly side yard width of 0.5 m shall be provided instead of the minimum required side yard width of 1.2 m; and
12. Eaves and gutters shall be permitted to encroach the entire width of the southerly side yard and be 0.0 m from the southerly side lot line instead of the requirement that an eave or gutter may project into the required side yard not more than  $\frac{1}{2}$  of its required width.

**PURPOSE & EFFECT:** To facilitate the creation of two lots through land severance application HM/B-21:113 including a 62.7 m<sup>2</sup> second storey addition to the existing dwelling located on the lands to be retained and a new 2 storey single family dwelling on the lands to be severed notwithstanding that;

**Notes:**

- i. These variances are necessary to facilitate land severance application HM/B-21: 113.
- ii. Please be advised that no site plan has been provided showing the new setback to the new lot line to be created on the northerly side for the existing dwelling shown on the lands to be retained; therefore, variance # 9 has been included for 0.0 m northerly side yard width.
- iii. No floor plans have been submitted with this application to show the total number of habitable rooms (new on 2nd storey addition and existing) to determine parking compliance to the existing dwelling located on the lands to be retained; therefore, further variances shall be required.
- iv. Variance # 8 has been included as no elevations or site plan showing the location of the proposed 2nd storey addition in relation to the front lot line have been provided for the lands to be retained.
- v. No elevations have been provided with this application indicating the new proposed height for the lands to be retained; therefore, further variances may be required.
- vi. No elevations have been provided with this application indicating the height for the lands to be severed; therefore, further variances may be required.
- vii. No details provided indicating if the covered porch shown on the lands to be retained is being

**HM/A-22:265**

reconstructed same size and location or if its being increased; therefore, further variances shall be required.

- viii. Variance # 2 for the lands to be severed has been written based on the lot area of 336.0 m<sup>2</sup> as requested on the application.
- ix. Variances have been written based on the information provided by the applicant. If the information provided is inaccurate then further variances may be required.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:35 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:265



DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

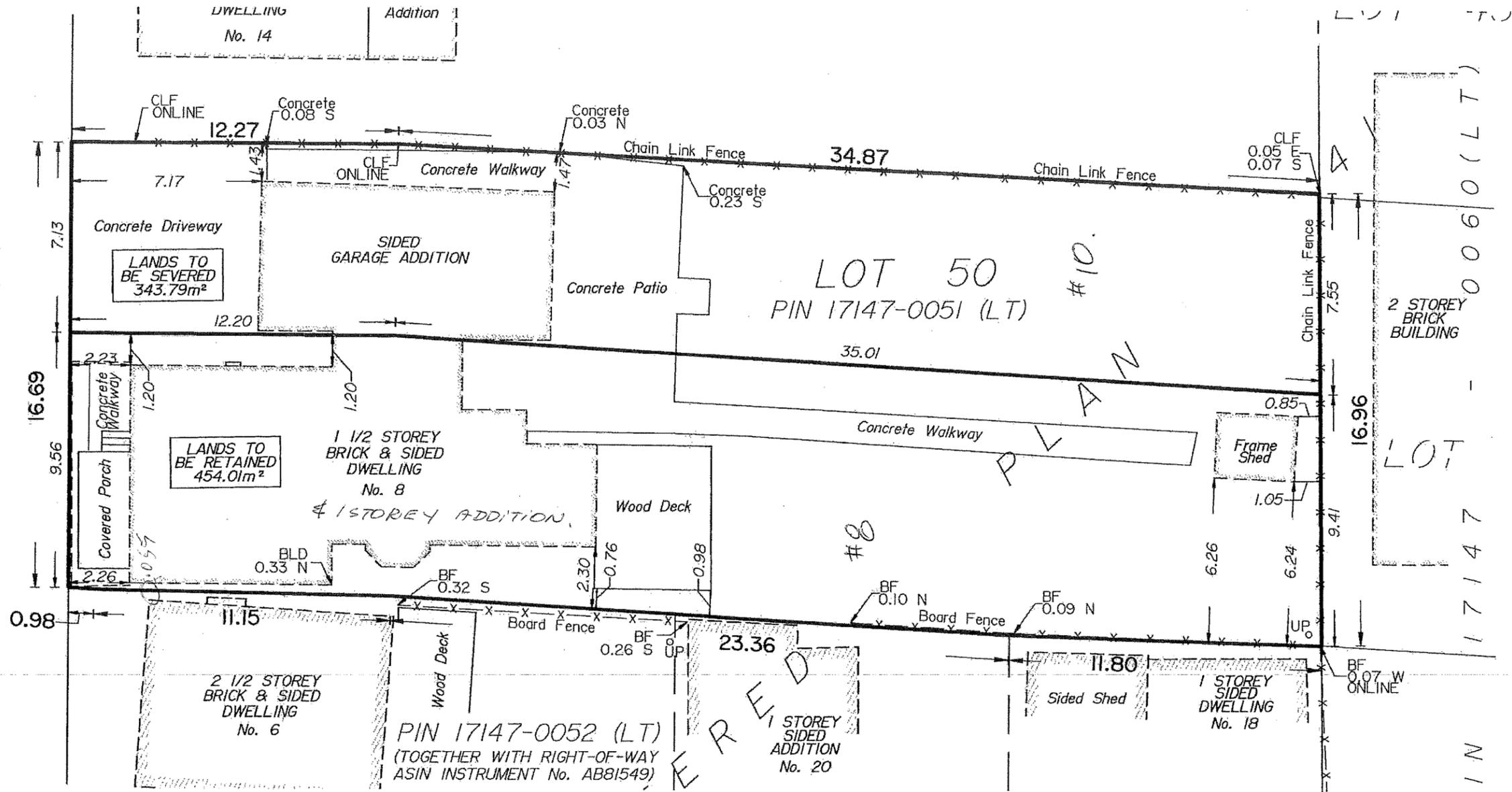
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

21-2867

8 & 10 DEVONPORT STREET

(BY REGISTERED PLAN 41)  
PIN 17147-0044 (LT)



REFERENCE  
PLAN

**GENERAL NOTES**

- THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION UNTIL SEALED BY THE ENGINEER AND INDICATED ISSUED FOR CONSTRUCTION OR FOR RECORD.
- THIS PLAN IS NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF BARICH GRENKIE SURVEYING LIMITED.
- INFORMATION REGARDING ANY EXISTING SERVICES AND/OR UTILITIES SHOWN ON THE APPROVED SET OF CONSTRUCTION DRAWINGS ARE FOR INFORMATION ONLY. THE CONTRACTOR SHALL VERIFY THE INFORMATION AS SHOWN BY THE UNDERSTANDING THAT THE OWNER AND HIS AGENTS DISCLAIM ALL RESPONSIBILITY FOR ITS ACCURACY AND FOR SUFFICIENCY. THE CONTRACTOR SHALL ASSUME LIABILITY FOR ANY DAMAGE TO EXISTING WORKS.
- A SITE PLAN INFORMATION TAKEN FROM SURVEY BY BARICH GRENKIE SURVEYING LTD. PLAN NO. 21-2867 DATED APRIL 5, 2022.
- THIS PLAN IS NOT TO BE USED FOR SERVING AND GRADING ONLY. FOR BUILDING LOCATION REFER TO THE SITE PLAN.
- MUNICIPAL APPROVAL OF THESE DRAWINGS IS FOR MATERIAL AND COMPLIANCE WITH CITY/TOWN STANDARDS AND PROVISIONAL SPECIFICATIONS AND STANDARDS ONLY. APPROVAL AND INSPECTION OF THE WORKS BY THE CITY/TOWN STAFF DOES NOT CERTIFY THE LINE AND GRADE OF THE WORKS NOR RELIEVE THE CONTRACTOR OF CERTIFICATION OF ALL WORKS BY THE OWNER'S ENGINEER.
- ALTERNATE MATERIALS MAY BE ACCEPTABLE PROVIDED WRITTEN APPROVAL HAS BEEN OBTAINED FROM THE CITY OF HAMILTON AND THE ENGINEER.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S DESIGN 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:
  - ROAD CUT PERMITS
  - SEWER PERMITS
  - APPROACH APPROVAL PERMITS
  - RELOCATION OF SERVICES
  - COMMITTEE OF ADJUSTMENT
  - ENFORCEMENT AGREEMENTS
- PRIOR TO CONSTRUCTION THE CONTRACTOR MUST:
  - CHECK AND VERIFY ALL DIMENSIONS AND EXISTING ELEVATIONS WHICH INCLUDE BUT ARE NOT LIMITED TO THE PERFORMANCE ELEVATIONS, EXISTING INVENTS AND REPORTING IN WRITING TO THE ENGINEER.
  - OBTAIN ALL UTILITY LOCATIONS AND REQUIRED PERMITS AND LICENSES.
  - VERIFY ALL FINISHED FLOOR ELEVATIONS AND BASEMENT FLOOR ELEVATIONS WHICH MAY APPEAR ON THESE PLANS COMPLY WITH THE FINAL ARCHITECTURAL DRAWINGS.
  - VERIFY THE PLANS COMPLY WITH THE MOST RECENT REVISION.
  - NOTIFY THE ENGINEER OF THE PROPOSED CONSTRUCTION SCHEDULE FOR COORDINATION OF NECESSARY INSPECTIONS.
- THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE ENGINEER 48 HOURS PRIOR TO THE COMMENCED SITE WORKS TO ARRANGE FOR INSPECTION. THE ENGINEER SHALL DETERMINE THE EXTENT OF INSPECTION AND TESTING REQUIRED FOR CERTIFICATION OF THE UNDERGROUND SERVICE INSTALLATION AS MANDATED BY THE ONTARIO BUILDING CODE DIVISION C, PART 1, SECTION 1.3.2. GENERAL REVIEW FAILURES TO HAVE SATISFACTORILY ARRANGEMENTS FOR INSPECTION WILL LEAD TO POST CONSTRUCTION TESTING AND INSPECTION AS DETERMINED BY THE ENGINEER. THE COSTS OF WHICH INCLUDING ANY DELAYS IN CONSTRUCTION SHALL BE BORNE BY THE CONTRACTOR. FULL PAYMENT FOR UNINSPECTED WORKS MAY BE WITHHELD UNTIL THE COMPLETION OF THE POST CONSTRUCTION INSPECTION AND TESTING TO THE SATISFACTION OF THE ENGINEER.
- INSPECTION BY THE ENGINEER IS FOR CERTIFICATION AND GENERAL CONFORMANCE PURPOSES AND DOES NOT CERTIFY LINE AND GRADE OR IMPLY AN ASSURANCE OF QUALITY CONTROL. THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE THE INSTALLATION OF THE WORKS TO PROPER LINE, GRADE AND QUALITY TO CURRENT INDUSTRY STANDARDS.
- ANY UTILITY RELOCATIONS AND RESTORATIONS DUE TO THE DEVELOPMENT TO BE UNDERTAKEN AT THE DISCRETION OF THE OWNER/DEVELOPER AND SHALL BE COORDINATED BY THE CONTRACTOR.
- ALL RESTORATIONS AND RECONSTRUCTIONS SHALL BE COMPLETED TO MATCH EXISTING CONDITIONS OR BETTER AND ARE TO BE PERFORMED TO THE SATISFACTION OF THE ENGINEER AND THE CITY/TOWN STANDARDS.
- SERVICING CONTRACTOR TO MAINTAIN A "CONFINED FRENCH CONDITION" IN ALL SEWER AND WATERMAIN INSTALLATION TRENCHES.
- THE SITE SERVICING CONTRACTOR SHALL TERMINATE ALL SERVICES 1.0m FROM THE BUILDING FACE.
- NO BLASTING WILL BE PERMITTED.

**SEWERS**

**1. STORM SEWERS**

- CONSTRUCTION OF STORM SEWERS SHALL BE IN ACCORDANCE WITH CITY STANDARDS & SPECIFICATIONS (LATEST EDITION) AND MINISTRY OF ENVIRONMENT (MSE) GUIDELINES (LATEST EDITION).
- COVER AND BEDDING MATERIAL FOR PVC PIPE SHALL BE GRANULAR "A" MATERIAL AS PER OPS 802.010 OR 802.013.
- PVC PIPE SHALL REQUIRE SPECIAL CONSTRUCTION PROCEDURES AS PER CITY SPECIFICATIONS.
- ALL SEWERS TO BE VEDGED INSPECTED.
- ALL SEWERS TO BE FINISHED PRIOR TO VIDEO INSPECTION.
- STORM SEWERS 250mm TO 600mm IN DIAMETER SHALL BE PVC PIPE, CSA B182.1, SDR-35.
- PROPOSED PRIVATE REAR LOT CATCH BASINS (CBCS) ARE TO BE AS PER OPS 705.010 COMPLETE WITH BRICKWORK FRAME AND GRADE AS PER OPS 705.010. REAR LOT CATCH BASINS ARE TO BE SUMPLESS.
- ALL PVC SEWERS ARE TO BE TESTED FOR OBTENTION (MANHOLE PASSAGE) AFTER INSTALLATION.

**2. STORM AND SANITARY PRIVATE DRAINS**

- CONSTRUCTION OF PRIVATE DRAINS SHALL BE IN ACCORDANCE WITH CITY STANDARDS & SPECIFICATIONS (LATEST EDITION) AND MINISTRY OF ENVIRONMENT (MSE) GUIDELINES (LATEST EDITION).
- PRIVATE DRAINS TO BE 150mm PVC PIPE, CSA B182.1-1983, SDR 28 AS PER FORM 500. STORM PIPE SHALL BE WHITE AND SANITARY SHALL BE ANY COLOUR OTHER THAN WHITE. WOOD MARKING AT END OF SANITARY PRIVATE DRAIN SHALL BE PAINTED RED.
- COVER AND BEDDING MATERIAL FOR PRIVATE DRAINS SHALL BE GRANULAR "A" INSTALLED AS PER OPS 802.010 OR 802.013.
- MINIMUM FALL FOR PRIVATE DRAINS TO BE 2.0%.
- TOP OF SANITARY PRIVATE DRAINS AT STREET LINE TO BE 2.0m (MIN) BELOW CENTERLINE ROAD ELEVATION AT THAT POINT OR AS DETAIL.
- TOP OF STORM PRIVATE DRAINS AT STREET LINE TO BE 1.5m (MIN) BELOW CENTERLINE ROAD ELEVATION AT THAT POINT OR AS DETAIL.
- BUILDING BARRIERS LEAKERS SHALL NOT BE CONNECTED TO THE STORM PRIVATE DRAIN BUT SHALL DISCHARGE TO LANDSCAPED SURFACES VIA SPLASH PADS.
- SUMP PUMPS WITH CHECK VALVES SHALL BE INSTALLED IN EACH CELLING TO PUMP THE BUILDING WEEPING TILES TO THE STORM PRIVATE DRAINS. THE SUMP OUTLET PIPE SHALL EXTEND A MINIMUM OF 150mm ABOVE THE PROPOSED GRADE AT THE CELLING (BASEMENT CEILING) PRIOR TO DISCHARGING TO THE STORM PRIVATE DRAIN. SEE DETAIL 5.

**RESTORATIONS**

- ALL TRENCH EXCAVATION WITHIN EXISTING ROAD ALLOWANCES SHALL BE BACKFILLED WITH GRANULAR "A", COMPACTED TO 98% S.D. PAVEMENT RESTORATION SHALL BE PERFORMED AS PER PD-100.01 & 100.02.
- ALL BOLLIVARDS TO BE RESTORED WITH #1 NURSERY SOD ON 100mm MINIMUM THICK SELECT TOPSOIL.
- BEDDING MATERIALS TO BE AS PER FORM 500. COMPACTION TO BE AS PER FORM 500.

**REMOVALS & ABANDONMENTS**

- COMPLETELY REMOVE ABANDONED SEWER/WATERMAIN WHERE POSSIBLE AND/OR AS DIRECTED BY THE CITY OF HAMILTON. IF MAINS TO BE ABANDONED IN PLACE, SPECIFY IN NOTES.
- WHERE ABANDONING A WATER SERVICE CONNECTION OR WATERMAIN CONNECTED TO A LIVE MAIN, THE PREFERRED METHOD IS TO REMOVE THE CURB STOP AND STEEL SHUT OFF MAIN STOP AND DISCONNECT/CUT WATER SERVICE AT MAIN STOP.

**GRADING NOTES**

- GENERAL GRADING
- ALONG ADJOINING PROPERTIES GRADE TO MEET EXISTING OR PROPOSED ELEVATIONS WITH SLOPED SLOPES (MIN. 3% TO 4%) AND/OR RETAINING WALLS AS SPECIFIED.
- ALL RETAINING WALLS, WALLWAYS, CURBS, ETC. SHALL BE PLACED A MIN. OF 0.45m OFF THE PROPERTY LINE. ALL WALLS 1.0m OR HIGHER SHALL BE DESIGNED BY A P.E.
- SHOULD A RETAINING WALL BE REQUIRED, THE TOP OF WALL ELEVATIONS SHALL BE SET 150mm ABOVE THE PROPOSED SIDE YARD SWALES.
- RETAINING WALLS 0.6m IN HEIGHT OR GREATER REQUIRE CONSTRUCTION OF A FENCE OR GUARD RAIL AT THE TOP OF THE WALL. GUARDS FOR RETAINING WALLS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING GUARDS AS CONTAINED IN THE ONTARIO BUILDING CODE.
- TOP OF FOUNDATION WALLS FOR BASEMENTS 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.
- 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 GRAB 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. PERMISSION SHOULD BE OBTAINED OR 15 WORKDAYS PRIOR TO COMMENCING THE WORK. THEN THE DEVELOPER SHALL LIMIT HIS ACTIVITIES TO THE LIMITS OF THE DEVELOPMENT SITE.
- TOP OF DRIVEWAY APPROACHES SHALL BE LOCATED SUCH THAT HYDRO WALLS AND OTHER STREET FURNITURE ARE A MIN. OF 1.0m FROM THE PROJECTIONS OF THE OUTSIDE GARAGE WALLS.
- ANY CHANGES IN GRADES AND CATCH BASINS REQUIRE THE APPROVAL OF THE CITY'S MANAGER OF DEVELOPMENT ENGINEERING.
- MINIMUM GRADE FOR WRAP AROUND SWALE IN BACKYARDS SHALL BE 1.0%.
- WHEN MATCHING TO EXISTING PROPERTIES WHERE A 2.0% GRADE CANNOT BE ACHIEVED, A 1.5% GRADE IS PERMITTED, PROVIDED A 150mm SUBDRAIN IS INSTALLED BELOW THE BOTTOM OF THE SWALE AND DRAINED TO A SATISFACTORILY OUTLET (WITH A MINIMUM 0.3m COVER OVER THE SUBDRAIN), OR OTHER MITIGATION MEASURES.
- MINIMUM GRADE FOR WRAP AROUND SWALE IN BACKYARDS SHALL BE 1.0%.
- UNLESS OTHERWISE NOTED, THE GROUND BETWEEN PROPOSED ELEVATIONS ON SIDE LOTS SHALL BE GRADED IN A STRAIGHT LINE.
- GARAGE FLOOR ELEVATIONS TO BE SET 0.3m HIGHER THAN BACK OF WALK, UNLESS OTHERWISE SPECIFIED.
- ALL FILL PLACED ON LOTS SHALL BE COMPACTED TO A MINIMUM 95% S.P.A. (UNLESS OTHERWISE RECOMMENDED BY THE GEOTECHNICAL ENGINEER). ALL MATERIAL SHALL BE PLACED IN LIFTS NOT EXCEEDING 300mm.

**2. BACKYARD GRADING**

- DEFINITION: "REQUIRED BACK YARD" SHALL MEAN THE LESSER OF THE DISTANCE REGULATED BY THE ZONING BY-LAW OR 1.0m.
- THE MAXIMUM 5.0% RESTRICTION SHALL NOT APPLY TO THE SIDES OF A SWALE ALONG THE BACK OF THE LOT, PROVIDING THE TOTAL WIDTH OF THE SWALE DOES NOT EXCEED 1.0m ON EACH LOT.
- WHERE THE 5.0% RESTRICTION ON BACKYARD GRADES RESULTS IN ELEVATION DIFFERENCES BETWEEN DIFFERENT PROPERTIES, RETAINING WALLS SHALL BE CONSTRUCTED ALONG THE SIDES AND BACK OF THE LOT. 3.1 SLOPES CAN 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.
- THERE IS NO CONTROL ON THE STEEPNESS OF THE SLOPES IN SIDE YARDS, FRONT YARDS, AND BACK YARDS, OUTSIDE THE AREAS DENIED IN ITEM "A" ABOVE, PROVIDING THE SLOPES ARE STABLE FOR THE SOLES OF THE AREA (2:1 MAXIMUM).

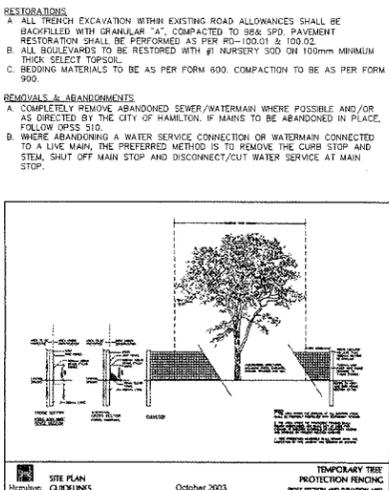
**3. COMPACTED REVISIONS**

UNLESS OTHERWISE NOTED OR DIRECTED BY THE GEOTECHNICAL CONSULTANT, THE FOLLOWING SHALL APPLY:

- 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. 95% S.P.A. ALL MATERIAL SHALL BE PLACED IN LAYERS NOT EXCEEDING 300mm LIFTS.
- ALL GRANULAR ROAD BASE MATERIALS SHALL BE COMPACTED TO 95% S.P.A.
- FOR ALL SEWERS AND WATERMANS IN FILL SECTIONS, THE COMPACTION SHALL BE CERTIFIED BY A GEOTECHNICAL ENGINEER PRIOR TO LAYING OF PIPE.

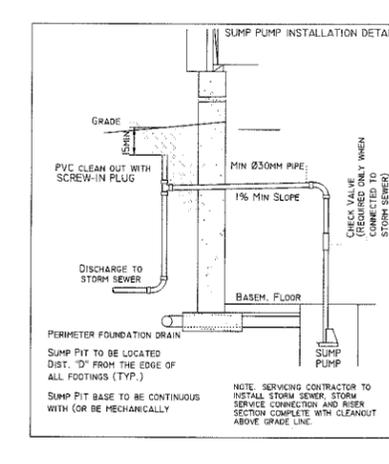
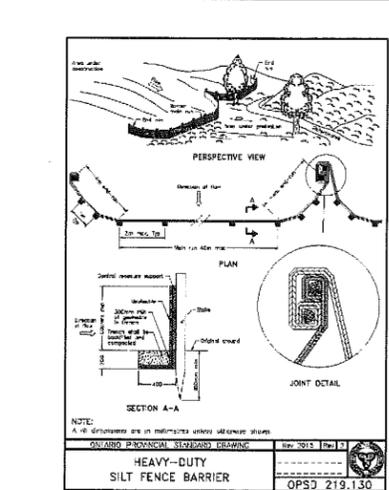
**SILTATION AND EROSION CONTROL**

- SILTATION CONTROL BARRIERS SHALL BE PLACED AS DETAIL.
- ALL SILTATION CONTROL MEASURES SHALL BE CLEANED AND MAINTAINED AFTER EACH RAINFALL, AS DIRECTED AND TO THE SATISFACTION OF THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.
- ADDITIONAL SILT CONTROL LOCATIONS MAY BE REQUIRED AS DETERMINED BY THE ENGINEER, THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.



**Table 1 - Tree Protection Zones**

Trunk Diameter (DBH)²	Tree Protection Zone (TPZ) Minimum Protection Distances Required¹	Critical Root Zone (CRZ) Distances Required²,³,⁴
<10 cm	1.8 m	1.8 m
11-40 cm	2.4 m	4.0 m
41-50 cm	3.0 m	5.0 m
51-60 cm	3.6 m	6.0 m
61-70 cm	4.2 m	7.0 m
71-80 cm	4.8 m	8.0 m
81-90 cm	5.4 m	9.0 m
91-100+ cm	6.0 m	10.0 m



**MUNICIPAL ADDRESS**  
10 DEVONPORT ST., HAMILTON

**LEGAL DESCRIPTION**  
LOT 50 REGISTERED PLAN 41  
CITY OF HAMILTON

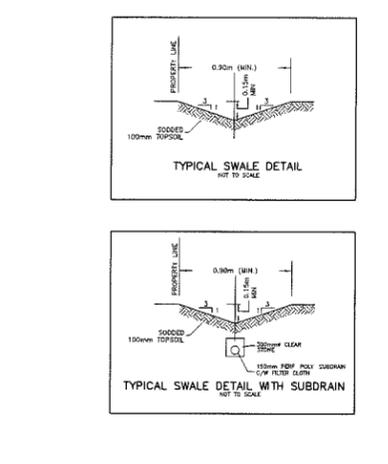
**ZONING**  
D - URBAN PROTECTED RESIDENTIAL

SITE STATISTICS	BY-LAW	PROPOSED
LOT AREA	360.0 m²	344.38 m²*
FRONT YARD SETBACK (WEST)	6.0 m	6.05 m
REAR YARD SETBACK (EAST)	7.5 m	22.90 m
SIDE YARD SETBACK (NORTH)	1.2 m	0.28 m*
SIDE YARD SETBACK (SOUTH)	1.2 m	0.84 m*
HEIGHT (PEAK OF ROOF)	14.0 m	6.59 m
LOT FRONTAGE	12.0 m	7.14 m*

\*APPLYING FOR MINOR VARIANCE WITH THE CITY OF HAMILTON'S COMMITTEE OF ADJUSTMENTS

AVERAGE GRADE AS PER CITY OF HAMILTON ZONING BY-LAW (HEIGHT DEFINITION)  
GRADE =  $111.36 + 111.50 + 111.50 + 111.60 + 111.60 = 111.49$

AREA	PERCENTAGES
FRONT YARD AREA	43.99 m² 100%
HARD SURFACE AREA	19.30 m² 43.9%
LANDSCAPING AREA	24.69 m² 56.1%



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



Hamilton

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)	Ahmed Dirani	[REDACTED]
Applicant(s)*	SAME AS ABOVE	
Agent or Solicitor	LUCY SHAW, P. ENG	

**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 810 Upper Gage
------------------------------

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

4. Nature and extent of relief applied for:

FOR SEVERED LOT

FOR EXIST. LOT

MINOR VARIANCE for severed lot  
 ① - LOT AREA 336 m<sup>2</sup>  
 ② - NORTH SETBACK .28 m  
 ③ - LOT FRONTAGE - 7.14 m  
 ④ SOUTH SET BACK .84 (FRONT)  
 ⑤ setback from exist. building to property line on south side = .055 m.

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

CONSTRUCT NEW building for severed lot.

because of size of a severed lot of size of building proposed.

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**):

10 DEVONPORT ST., HAMILTON  
 18 DEVONPORT ST. ---  
 Reg Plan 41 LOT 50

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 8.1 to 8.10 above?

*discussed with neighbours.*

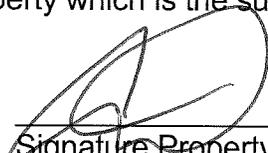
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes  No

**9. ACKNOWLEDGEMENT CLAUSE**

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

July 29 / 2022  
Date

  
Signature Property Owner(s)

ADIRANI  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 7.14 m  
Depth 47.34 m  
Area 343.79 m<sup>2</sup>  
Width of street 7 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: SEE REFERENCE PLAN & SITE & GRADING PLAN

*NONE*

Proposed

<i>GFA = 112.11 m<sup>2</sup></i>	<i>W = 5.49 m</i>
<i>gross FFA = 112.11 m<sup>2</sup></i>	<i>L = 17.84 m</i>
<i># of stories = 2</i>	<i>h = 6.88 m</i>

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:

*D<sub>side</sub> = 8.8 m*  
*D<sub>rear</sub> = 8.4 m*  
*D<sub>FRONT</sub> = 6.05 m*

13. Date of acquisition of subject lands:  
July 7, 2021

14. Date of construction of all buildings and structures on subject lands:  
CONSTRUCTION NOT DONE YET - NEW BUILDINGS

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

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

17. Length of time the existing uses of the subject property have continued:  
Since 1900

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:  
SCH. E & E1 - NEIGHBOURHOODS STRATHCONA SECONDARY PLAN - Low density Residential R3

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
R "URBAN PROTECTED RESIDENTIAL - ONE OF 2 FAMILY DWELLING"

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No

If yes, please provide the file number:

21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 Yes  No N/A.

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

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 include separate sheet if needed)

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:239</b>	<b>SUBJECT PROPERTY:</b>	118 COPE STREET, HAMILTON
<b>ZONE:</b>	"C" (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner – Mohrab Al Naif  
Agent – Lee Paule

The following variances are requested:

1. A minimum 0.5m northerly side yard width and a minimum 0.7m southerly side yard width shall be permitted instead of the minimum 0.9m side yard width required.
2. A minimum 7.0m rear yard depth shall be permitted instead of the minimum 7.5m rear yard depth required.
3. No onsite parking spaces shall be permitted instead of the minimum two (2) parking spaces required.
4. An eave or gutter shall be permitted to project into the entire southerly and northerly side yard and therefore may be located as close as 0.0m to a side lot line whereas the zoning by-law permits a maximum ½ of the side yard or 1.0m whichever is the lesser into a required side yard.
5. A terrace, uncovered porch, platform shall be permitted to be located as close as 0.0m to the southerly side lot line instead of the minimum 0.5m setback required.

**PURPOSE & EFFECT:** To recognize the existing rear addition and rear deck for the for the existing single-family dwelling.

**Notes:**

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

HM/A-22:239

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:40 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## **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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:239



DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

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**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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**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)	Moharab Al Naif	
Applicant(s)*	LEE PAULE	
Agent or Solicitor		

Phone: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

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

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

Mortgage Account:  
 BMO Bank of Montreal  
 Brown's Line & Evans Ave.  
 863 Brown's Line  
 Etobicoke, ON M8W 3V7

**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 ALLOW 0.53m AND 0.76m SIDE YARD SETBACK AND 7.07m REAR YARD SETBACK OF A 1-STOREY ADDITION.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

THE ADDITION HAS BEEN CONSTRUCTED.

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**):

118 COPE ST.

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 8.1 to 8.10 above?

BASED ON ASSUMPTION.

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.

2022-06-20  
Date

  
Signature Property Owner(s)  
Moharab Al Naif  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>7.62m</u>
Depth	<u>28m</u>
Area	<u>214 sqm</u>
Width of street	<u>+/- 7.0m</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: \_

1 STOREY SINGLE FAMILY  
G.F.A. = 102.4 sqm  
WIDTH = 6.3m, LENGTH = 16.15m, HEIGHT = 5.6m  
NORTH SETBACK = 0.46m, SOUTH = 0.77m, WEST = 5.02m, EAST = 12.98m

Proposed

NORTH SETBACK = 0.53m, SOUTH = 0.76m, WEST = 5.02m, EAST = 7.07m

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

Existing:

NORTH SETBACK = 0.46m, SOUTH = 0.77m, WEST = 5.02m, EAST = 12.98m

Proposed:

NORTH SETBACK = 0.53m, SOUTH = 0.76m, WEST = 5.02m, EAST = 7.07m

13. Date of acquisition of subject lands:  
UNKNOWN
- 
14. Date of construction of all buildings and structures on subject lands:  
UNKNOWN
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
SINGLE FAMILY
- 
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
SINGLE FAMILY
- 
17. Length of time the existing uses of the subject property have continued:  
UNKNOWN
- 
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:  
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? (Zoning By-law Amendment or Minor Variance)
- Yes       No 
- If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
- Yes       No 
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
- 
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

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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

<b>APPLICATION NO.:</b>	<b>HM/A-22:262</b>	<b>SUBJECT PROPERTY:</b>	11 ARCHIBALD STREET, HAMILTO
<b>ZONE:</b>	"C" (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner – Spencer Patterson  
Agent – Matthew Fratarcangeli

The following variances are requested:

1. A northly side yard width of 0.75m shall be provided instead of the minimum required 1.2m side yard width.
2. A southerly side yard width of 0.8m shall be provided instead of the minimum required 1.2m side yard width.
3. A roofed over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters shall be permitted to project into a required front yard 4.35m, instead of the maximum 3.0m encroachment permitted.

**PURPOSE & EFFECT:** To permit the construction of a new front yard unenclosed porch, replacing the existing unenclosed front yard porch.

**Notes:**

1. An eave/gutter may project a maximum of one half of a side yard or 1.0m whichever is the lesser amount. If the requested side yard variances are approved, an eave/gutter may project a maximum of 0.375m into the required northerly side yard and 0.4m into the required southerly side yard.
2. Details for the proposed covered porch have not been provided for the Minor Variance application to address the setback/ encroachment details for the stairs provided in the required front yard, as such, further variances may be required at such a time that a complete review of the front yard encroachments

HM/A-22:262

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:45 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## **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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:262



 Subject Lands

DATED: August 23, 2022

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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1 AREA MAP  
A0.01 NTS



2 11 ARCHIBALD STREET  
A0.01 NTS



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

**QUALIFICATION INFORMATION**  
MATTHEW FRATARCANGELI  
BCIN#:44839

*Matthew Fratarcangeli*

**REGISTRATION INFORMATION**  
TENHOUSE BUILDING WORKSHOP  
BCIN#:112916

NO.	DATE	REVISION/ISSUE
0	07-11-2022	FOR PERMIT APPLICATION

**PROJECT:**  
REBUILD FRONT PORCH  
AT 11 ARCHIBALD STREET,  
HAMILTON, ON

**PROJECT DESCRIPTION:**

- THESE DRAWINGS OUTLINE A RENOVATION OF A FRONT PORCH AT 11 ARCHIBALD STREET, HAMILTON, ONTARIO.
- THERE ARE NO CHANGES TO THE EXISTING BUILDING OR SITE CONDITIONS UNLESS OTHERWISE NOTED ON THE SITE PLAN.
- EXISTING SITE DRAINAGE PATTERNS TO REMAIN UNCHANGED. MINIMUM 24" AROUND PROPERTY LINE TO REMAIN UNCHANGED - GRADES TO MATCH.

**PROJECT NOTES:**

- ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT O.B.C. AND THE ONTARIO CONSTRUCTION SAFETY ACT.
- CONTRACTOR TAKE NECESSARY PRECAUTIONS TO COMPLY WITH LOCAL SAFETY AUTHORITIES HAVING JURISDICTION (I.E. OCCUPATIONAL HEALTH AND SAFETY ACT).
- CHECK ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE OWNER BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE FROM DRAWINGS.
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY'S ENGINEERING DEPARTMENT.
- THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT THERE IS NO INTERRUPTION OF ANY SURFACE OR SUBSURFACE DRAINAGE FLOW THAT WOULD ADVERSELY AFFECT NEIGHBORING PROPERTIES.
- ALL EXISTING UNDERGROUND UTILITIES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LOCATED AND MARKED. ANY DAMAGED OR DISTURBED UTILITIES SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE GOVERNING BODY AT THE CONTRACTORS EXPENSE.
- SAFEGUARD ALL EXISTING STRUCTURES, SERVICES, AND ADJACENT PROPERTY AFFECTED BY THE CONSTRUCTION.
- ALL CONCRETE WORK, INCLUDING FORMING, REINFORCING, PREPARATION, MIXING, PLACING, CURING AND FINISHING SHALL CONFORM TO CSA CAN 3-A23.1-M90 (M94).
- ALL MASONRY WORK TO BE DONE IN ACCORDANCE WITH CAN3-5304-M90.
- IF THERE ARE ANY DEVIATIONS NOTED FROM WHAT IS DEPICTED ON THESE DRAWINGS, THE CONTRACTOR IS TO NOTIFY TENHOUSE BUILDING WORKSHOP AND SEEK INSTRUCTION BEFORE PROCEEDING.
- DEMOLITION SHALL BE PERFORMED IN COMPLIANCE WITH CSA S350-M1980(R2003) AND MINISTRY OF LABOUR REQUIREMENTS.
- IF REQUIRED, CONTRACTOR IS TO PROVIDE SUPPORTS OR SHORING WHERE NECESSARY, BEFORE ANY CLEANUP, DEMOLITION, OR REPAIR ACTIVITIES.
- ALL DIMENSIONS ARE IN IMPERIAL UNLESS OTHERWISE NOTED.
- ALL DIMENSION LUMBER TO BE SPRUCE, PINE, FIR (SPF) NO. 1 OR NO. 2 GRADE.
- THE CONTRACTOR SHALL SEEK FURTHER DIRECTION, IF REQUIRED, REGARDING DETAILS OR MATERIAL SELECTION. TENHOUSE BUILDING WORKSHOP DOES NOT TAKE RESPONSIBILITY FOR DETAILS NOT INCLUDED IN THESE DRAWINGS.
- ALL SPECIFICATIONS AND MATERIALS PROPOSED BY ENGINEERS SHALL BE USED IN PLACE OF SPECIFICATIONS AND MATERIALS IDENTIFIED IN THE CONSTRUCTION NOTES.
- ALL MANUFACTURED ITEMS TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS PRINTED INSTRUCTIONS. SUBMIT ALL INSTALLATION INSTRUCTIONS TO OWNER UPON COMPLETION OF JOB.
- ALL HAZARDOUS MATERIALS TO BE IDENTIFIED BY THE CONTRACTOR AND PROPERLY DISPOSED OF.
- ALL WORK AND TRADES SHALL BE COORDINATED BY THE GENERAL CNTRACTOR TO ENSURE ALL WORK IS COMPLETED TO THE HIGHEST LEVEL OF STANDARD.
- GENERAL CONTRACTOR IS RESPONSIBLE OF OBTAIN ALL NESSCESSARY AND REQUIRED INSPECTIONS.
- ALL MATERIALS TO BE NEW AND FREE OF DEFECTS.

ABBREVIATIONS:			
AFF	ABOVE FINISHED FLOOR	GWB	GYPSUM WALL BOARD
ALUM	ALUMINUM	HB	HOSE BIB
BBSE	BEAM BY STRUCTURAL ENGINEER	INSUL	INSULATED OR INSULATION
BM	BEAM	INT	INTERIOR
CLG	CEILING	JST	JOIST
CRF	CONVENTIONAL ROOF FRAMING	LVL	LAMINATED VENEER LUMBER
CMU	CONCRETE MASONRY UNIT	LSL	LAMINATED STRAND LUMBER
COL	COLUMN	MAX	MAXIMUM
CONC	CONCRETE	MIN	MINIMUM
CONT	CONTINUOUS	MTL	METAL
CW	COMPLETE WITH	OBC	ONTARIO BUILDING CODE
DEMO	DEMOLISH	OC	ON CENTER
DIM	DIMENSION	OSB	ORIENTED STRAND BOARD
DJ	DOUBLE JOIST	OTA	OPEN TO ABOVE
DN	DOWN	OTB	OPEN TO BELOW
DO	DO OVER	PT	PRESSURE TREATED
DR	DOOR	PTD	PAINT OR PAINTED
DROP	DROPPED	REQD	REQUIRED
DS	DOWNSPOUT	RM	ROOM
DWG	DRAWING	RT	ROOF TRUSS
EA	EACH	RWL	RAIN WATER LEADER
EIFS	EXTERIOR INSULATED FINISH SYSTEM	SB	SOLID BEARING
ELEV	ELEVATION	SBFA	SOLID BEARING FROM ABOVE
ENC	ENCLOSED	SJ	SINGLE JOIST
ENG	ENGINEER OR ENGINEERED	SPEC	SPECIFIED OR SPECIFICATION
EQ	EQUAL	SPF	SPRUCE, PINE, FIR
EST	ESTIMATED	STL	STEEL
EXT	EXTERIOR	T&G	TONGUE AND GROOVE
FD	FLOOR DRAIN	TJ	TRIPLE JOIST
FG	FIXED GLASS	T/O	TOP OF
FL	FLUSH	TYP	TYPICAL
FLR	FLOOR	UNO	UNLESS NOTED OTHERWISE
GA	GAUGE	U/S	UNDERSIDE
GALV	GALVANIZED	WIC	WALK-IN CLOSET
		WP	WEATHER PROOF

<b>DRAWN:</b> J.T	<b>APPROVED:</b> M.D.F
<b>FILE NO:</b> 2022-021	<b>CHECKED:</b> M.D.F
<b>REVISION:</b> 0	<b>DATE:</b> 07-11-2022

**GENERAL CONSTRUCTION NOTES:**

**1. CONCRETE**

- 1.1. UNLESS SPECIFIED ELSEWHERE THE COMPRESSIVE STRENGTH OF UNREINFORCED CONCRETE SHALL BE NOT LESS THAN 15 MPA, AFTER 28 DAYS AS PER SENTENCE 9.3.1.6.(1).
  - 1.2. GARAGE FLOORS, CARPORT FLOORS AND ALL EXTERIOR FLATWORK SHALL BE NOT LESS THAN 32 MPA CONCRETE WITH 5 TO 8 PERCENT AIR ENTRAINMENT AS PER SENTENCES 9.3.1.6.(1) AND (2).
  - 1.3. PROVIDE BOND-BREAKING MATERIAL BETWEEN CONCRETE FLOOR SLAB AND FOOTINGS AS PER SENTENCE 9.16.4.4.(1)
  - 1.4. WHERE DAMPPROOFING IS NOT PROVIDED, THE CONCRETE USED FOR FLOORS-ON-GROUND SHALL HAVE A COMPRESSIVE STRENGTH OF NOT LESS THAN 25 MPA AFTER 28 DAYS AS PER SENTENCE 9.16.4.5.(1).
  - 1.5. CONCRETE SLABS IN ATTACHED OR BUILT-IN GARAGES SHALL BE SLOPED TO DRAIN TO THE EXTERIOR AS PER SENTENCE 9.35.2.2.(1).
- 2. EXCAVATION**
- 2.1. EVERY EXCAVATION SHALL BE UNDERTAKEN IN SUCH A MANNER TO PREVENT DAMAGE TO ADJACENT PROPERTY, EXISTING STRUCTURES, UTILITIES, ROADS AND SIDEWALKS AT ALL STAGES OF CONSTRUCTION SEE 9.12.1.4.(1).
  - 2.2. THE TOPSOIL AND VEGETABLE MATTER IN ALL UNEXCAVATED AREAS UNDER A BUILDING SHALL BE REMOVED SEE 9.12.1.1.(1).
  - 2.3. THE BOTTOM OF EVERY EXCAVATION SHALL BE FREE OF ALL ORGANIC MATERIAL SEE 9.12.1.1.(3).
  - 2.4. MATERIAL SHALL NOT BE PLACED NOR SHALL EQUIPMENT BE OPERATED OR PLACED IN OR ADJACENT TO AN EXCAVATION IN A MANNER THAT MAY ENDANGER THE INTEGRITY OF THE EXCAVATION OR ITS SUPPORTS SEE 9.12.1.4.(2).
  - 2.5. BACKFILL SHALL BE GRADED TO PREVENT DRAINAGE TOWARDS THE FOUNDATION AFTER SETTLING SEE 9.12.3.2.(1).
  - 2.6. BACKFILL WITHIN 600 MM OF THE FOUNDATION SHALL BE FREE OF DELETERIOUS DEBRIS AND BOULDERS LARGER THAN 250 MM DIAMETER SEE 9.12.3.3.(1).

**3. DRAINAGE**

- 3.1. THE BUILDING SHALL BE LOCATED OR THE BUILDING SITE GRADED SO THAT WATER WILL NOT ACCUMULATE AT OR NEAR THE BUILDING AND WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES (9.14.6.1).
- 3.2. EVERY WINDOW WELL SHALL BE DRAINED TO THE FOOTING LEVEL OR OTHER SUITABLE LOCATION (9.14.6.2).
- 3.3. WHERE DOWNSPOUTS ARE PROVIDED AND ARE NOT CONNECTED TO A SEWER, EXTENSIONS SHALL BE PROVIDED TO CARRY RAINWATER AWAY FROM THE BUILDING IN A MANNER THAT WILL PREVENT SOIL EROSION (9.26.18.2).

**4. FOUNDATIONS**

- 4.1. FOOTINGS AND FOUNDATIONS SHALL CONFORM TO SECTION 9.15.
- 4.2. PROVIDE 100MM PLASTIC WEEPING TILE WITH FILTER FABRIC AND 150MM CRUSHED STONE COVER.
- 4.3. ALL FOOTINGS SHALL REST ON UNDISTURBED SOILS WITH AN ALLOWABLE BEARING PRESSURE OF 75 KPA OR GREATER FOR BUILDINGS OF WOOD FRAME OR MASONRY CONSTRUCTION (SEE SOILS REPORT WHERE APPLICABLE)
- 4.4. FOOTING SIZES SHALL BE ADJUSTED AS PER SUBSECTION 9.15.3., WHERE APPLICABLE.
- 4.5. WHERE STEP FOOTINGS ARE USED, THE VERTICAL RISE SHALL NOT EXCEED 600 MM, AND THE HORIZONTAL DISTANCE BETWEEN RISERS SHALL BE NOT LESS THAN 600 MM AS PER ARTICLE 9.15.3.9.
- 4.6. MAXIMUM HEIGHT OF BACKFILL FOR FOUNDATION WALLS SHALL CONFORM TO SUBSECTION 9.15.4.
- 4.7. EXTERIOR FOUNDATION WALLS SHALL EXTEND NOT LESS THAN 150 MM ABOVE FINISHED GROUND LEVEL AS PER SENTENCE 9.15.4.6.(1).
- 4.8. EXTERIOR SURFACES OF CONCRETE BLOCK FOUNDATION WALLS SHALL BE PARGED WITH NOT LESS THAN 6 MM OF MORTAR, AND FINISHED AS PER SUBSECTION 9.15.6.
- 4.9. ROOF DRAINS, DOWN SPOUTS (ROOF GUTTERS) SHALL CONFORM TO SUBSECTION 9.26.18 (ALSO SEE DEFINITIONS IN ARTICLE 1.4.1.2. OF DIVISION A - PART 1).
- 4.10.SURFACE AND SUBSURFACE DRAINAGE SHALL CONFORM TO SECTION 9.14.
- 4.11.DRAIN TILES OR PIPES SHALL BE INSTALLED AS PER ARTICLE 9.14.3.3.

**5. MASONRY**

- 5.1. WHERE TOP OF FOUNDATION WALL IS REDUCED IN THICKNESS TO INSTALL MASONRY EXTERIOR FACING, FILL VOIDS BETWEEN WALL AND FACING WITH MORTAR AS PER ARTICLE 9.15.4.7.
- 5.2. MASONRY SUPPORTING BEAMS AND COLUMNS SHALL CONFORM TO ARTICLE 9.20.8.4.
- 5.3. CORBELLING OF SOLID MASONRY UNITS SHALL CONFORM TO SUBSECTION 9.20.12.
- 5.4. PROVIDE WEEP HOLES SPACED NOT MORE THAN 800 MM APART IN MASONRY VENEER WALLS AS REQUIRED IN ARTICLE 9.20.13.8.
- 5.5. EXPOSED FLASHING MATERIALS SHALL CONFORM TO ARTICLE 9.20.13.1. PROVIDE FLASHING FOR WEEP HOLES IN MASONRY VENEER/MASONRY WALLS AS PER ARTICLES 9.20.13.5.
- 5.6. FLASHING BENEATH WEEP HOLES IN MASONRY VENEER OVER WOOD FRAME WALLS SHALL BE INSTALLED SO THAT IT EXTENDS FROM A POINT NOT LESS THAN 5 MM BEYOND THE OUTER FACE OF THE BUILDING ELEMENT BELOW THE FLASHING TO A POINT 150 MM UP THE WOOD FRAME WALL AS PER SENTENCE 9.20.13.6.(2).
- 5.7. PROVIDE DRIP EDGE AT WINDOWS SILLS AS PER ARTICLE 9.20.13.12.
- 5.8. MASONRY AND CONCRETE CHIMNEYS AND FLUES SHALL CONFORM TO SECTION 9.21
- 5.9. PROVIDE LATERAL STABILITY FOR CHIMNEYS PER ARTICLE 9.21.4.5. CHIMNEY CAPS SHALL CONFORM TO ARTICLE 9.21.4.6. BRICK THICKNESS FOR CHIMNEYS SHALL CONFORM TO ARTICLE 9.21.4.8.
- 5.10.MASONRY FIREPLACES CONSTRUCTED ON SITE SHALL CONFORM TO SECTION 9.22.
- 5.11.INTERSECTIONS OF ROOFS AND MASONRY WALLS SHALL CONFORM TO ARTICLES 9.26.4.4. AND 9.26.4.6.

**6. BUILDING STRUCTURE**

- 6.1. UNLESS NOTED OTHERWISE LUMBER AND WOOD PRODUCTS SHALL CONFORM TO SUBSECTION 9.3.2.
- 6.2. BUILT-UP WOOD COLUMNS SHALL CONFORM TO SENTENCE 9.17.4.2.(2).
- 6.3. ALL MEMBERS SHALL BE SO FRAMED, ANCHORED, FASTENED, TIED AND BRACED TO PROVIDE THE NECESSARY STRENGTH AND RIGIDITY. SEE ARTICLE 9.23.2.1.
- 6.4. STEEL BEAMS SHALL AT LEAST MEET THE REQUIREMENTS FOR GRADE 350 W STEEL IN CAN/CSA G40.21, "STRUCTURAL QUALITY STEEL." SEE ARTICLE 9.23.4.3.
- 6.5. PROVIDE LATERAL SUPPORT FOR STEEL BEAMS AS PER SENTENCE 9.23.4.3.(3).
- 6.6. BUILDING FRAMES SHALL BE ANCHORED TO THE FOUNDATION, BY FASTENING THE SILL PLATE WITH 12.7 MM DIAM. ANCHOR BOLTS SPACED MAX. 2.4 M O.C. AND EMBEDDED MINIMUM 100 MM IN THE FOUNDATION. SEE ARTICLE 9.23.6.1.

- 6.7. PROVIDE A CONTINUOUS AIR BARRIER FROM EXTERIOR WALL, BELOW SILL PLATE AND SEALED TO INSIDE FACE OF FOUNDATION WALL.
- 6.8. COLUMNS SHALL BE SECURELY FASTENED TO THE BEAM TO PREVENT LATERAL MOVEMENT. ANCHORAGE OF EXTERIOR COLUMNS AND POSTS SHALL CONFORM TO ARTICLE 9.23.6.2.
- 6.9. PROVIDE ADEQUATE LEVEL BEARING FOR ALL BEAMS AT THE END SUPPORTS AS PER ARTICLE 9.23.8.1.
- 6.10.POSTS SUPPORTING BEAMS SHALL BE PROVIDED WITH CONTINUOUS SOLID SUPPORT TO THE TOP OF FOUNDATION WALL OR FOOTING.
- 6.11.NAILING/BOLTING PATTERNS FOR BUILT-UP WOOD BEAMS SHALL CONFORM TO SENTENCES 9.23.8.3.(7) AND (8).
- 6.12.JOISTS FRAMED INTO THE SIDE OF A STEEL BEAM SHALL CONFORM TO SENTENCES 9.23.9.2.(3),(4),(5).
- 6.13.PROVIDE JOIST TWISTING RESTRAINT AS PER ARTICLE 9.23.9.3.
- 6.14.NON-LOADBEARING WALLS SHALL BE SUPPORTED BY JOISTS BENEATH THE WALL OR ON BLOCKING BETWEEN THE JOISTS AS PER ARTICLE 9.23.9.8.
- 6.15.THE SIZE AND SPACING OF WALL STUDS SHALL CONFORM TO TABLE 9.23.10.1. STUDS FOR WALLS NOT LISTED IN TABLE 9.23.10.1. AND SUPPORTING ROOF LOADS SHALL CONFORM TO TABLES A-30 TO A-33.
- 6.16.PROVIDE CONTINUITY OF STUDS AS PER ARTICLE 9.23.10.4.
- 6.17.PROVIDE EDGE SUPPORT FOR SUBFLOOR AS PER ARTICLE 9.23.14.3.
- 6.18.ROOF SHEATHING SHALL CONFORM TO SUBSECTION 9.23.15, AND WALL SHEATHING SHALL CONFORM TO SUBSECTION 9.23.16.
- 6.19.SHEATHING MEMBRANE SHALL CONFORM TO CAN/CGSB-51.32-M, "SHEATHING, MEMBRANE, BREATHER TYPE" AS PER ARTICLE 9.27.3.2.
- 6.20.INSTALLATION OF ROOF TRUSSES AND/OR ENGINEERED FLOOR FRAMING SYSTEMS SHALL CONFORM TO THE MANUFACTURER'S APPROVED SPECIFICATIONS AND THE OBC.
- 6.21.ALL CONVENTIONAL ROOF FRAMING MEMBERS THAT MEET OR CROSS OVER TRUSSES SHALL DISTRIBUTE THE ROOF LOADS UNIFORMLY TO THE ROOF BELOW AND SHALL BE SPACED AT MAXIMUM 600 MM O.C.
- 6.22.PROVIDE EAVES PROTECTION FOR SHINGLES, SHAKES OR TILE ROOFS AS PER SUBSECTION 9.26.5
- 6.23.WOOD FRAMING NOT TREATED WITH WOOD PRESERVATIVE, OR IN CONTACT WITH CONCRETE SHALL BE SEPARATED FROM THE CONC. BY AT LEAST 2 MIL. POLYETHYLENE FILM NO.50 (45 LBS) ROLL FORMING OR OTHER DAMPPROOFING MATERIAL, EXCEPT WHERE THE WOOD MEMBER IS AT LEAST 150 MM (6") ABOVE THE GROUND.
- 6.24.IN LOCATIONS WHERE TERMITES ARE KNOWN TO OCCUR, CLEARANCE BETWEEN STRUCTURAL WOOD ELEMENTS AND THE FINISHED GROUND LEVEL DIRECTLY BELOW THEM SHALL BE NOT LESS THAN 450MM (17-3/4") AND ALL SIDES OF SUPPORTING ELEMENTS SHALL BE VISIBLE TO INSPECTION.
- 6.25.LUMBER SHALL BE SPF No. 1/2 OR BETTER UNLESS NOTED OTHERWISE. MOISTURE CONTENT SHALL BE 19% OR LESS.
- 6.26.ALL NAILS USED SHALL CONFORM TO STEEL WIRE NAILS AND SPIKES AS DEFINED IN CSA STANDARD B111 "WIRE NAILS, SPIKES AND STAPLES" UNLESS NOTED OTHERWISE.
- 6.27.BOLTED CONNECTIONS SHALL BE MADE USING GRADE A307 BOLTS, UNLESS NOTED OTHERWISE.
- 6.28.ALL STEEL CONNECTORS (UPLIFT CLIPS, BRACKETS, JOIST HANGERS etc.) SHALL BE SIMPSON STRONG TIE CONNECTORS UNLESS NOTED OTHERWISE.

**1. NOTCHING AND DRILLING**

- 1.1. FOR NOTCHING AND DRILLING OF PREMANUFACTURED PRODUCTS, REFER TO MANUFACTURER'S DOCUMENTATION.
- 1.2. HOLES IN FLOOR, ROOF AND CEILING MEMBERS TO BE NOT LARGER THAN 1/4 THE DEPTH OF MEMBER AND NOT LESS THAN 50MM FROM EDGES (9.23.5.1).
- 1.3. NOTCHES IN FLOOR, ROOF AND CEILING FRAMING MEMBERS ARE TO BE LOCATED ON THE TOP OF THE MEMBER WITHIN HALF THE JOIST DEPTH FROM THE EDGE OF BEARING AND IS NOT DEEPER THAN ONE-THIRD THE JOIST DEPTH (9.23.5.2).
- 1.4. WALL STUDS MAY BE NOTCHED OR DRILLED PROVIDED THAT NO LESS THAN 2/3 THE DEPTH OF THE STUD REMAINS, IF LOAD BEARING, AND 40MM IF NON-LOAD BEARING, UNLESS THE WEAKENED STUDS ARE SUITABLY REINFORCED (9.23.5.3).
- 1.5. ROOF TRUSS MEMBERS SHALL NOT BE NOTCHED, DRILLED OR WEAKENED UNLESS ACCOMMODATED IN THE DESIGN. (9.23.5.4.)

**2. DOORS WINDOWS AND INTERIOR FINISHES**

- 2.1. ROOMS AND SPACES SHALL CONFORM TO SECTION 9.5.
- 2.2. FOR DOORS AND WINDOWS RESISTANCE TO FORCED ENTRY SEE ARTICLES 9.7.5.2. AND 9.7.5.3.
- 2.3. FLAME SPREAD RATING SHALL NOT EXCEED 150 ON WALLS AND CEILINGS. SEE ARTICLE 9.10.17.1.
- 2.4. DOORS BETWEEN GARAGES AND DWELLING UNITS SHALL BE TIGHT FITTING, WEATHERSTRIPPED AND HAVE A SELF-CLOSING DEVICE CONFORMING TO SENTENCES 9.10.13.15.(1) AND (2).
- 2.5. WATERPROOF FINISH SHALL BE PROVIDED ON WATER RESISTANT BACKING, AROUND SHOWERS AND BATHTUBS AS PER ARTICLES 9.29.2.2 AND 9.29.10.4.
- 2.6. CERAMIC SHALL BE SET IN A MORTAR BED OR APPLIED TO A SOUND SMOOTH BASE WITH A SUITABLE ADHESIVE AS PER SENTENCE 9.30.6.1.(1)
- 2.7. PANEL-TYPE SUBFLOOR TO WHICH CERAMIC TILE IS TO BE APPLIED WITH ADHESIVE SHALL HAVE ITS EDGES SUPPORTED ACCORDING TO ARTICLE 9.23.14.3.
- 2.8. EXCEPT FOR BATHROOMS OR WATER-CLOSET ROOMS, FINISHED ROOMS SHALL BE PROVIDED WITH A MINIMUM 0.28 M2 UNOBSTRUCTED OPENABLE VENTILATION AREA TO THE OUTDOORS WHERE SUCH ROOMS ARE NOT VENTILATED MECHANICALLY. SEE SUBSECTION 9.32.2. AND TABLE 9.32.2.1.
- 2.9. ALL WINDOW SIZES ON DRAWINGS REFER TO FINISHED DIMENSIONS. PLEASE REFER TO WINDOW MANUFACTURER'S SPECIFICATIONS FOR ALL REQUIRED ROUGH OPENING SIZES.

**3. ELECTRICAL**

- 3.1. ELECTRICAL FACILITIES SHALL CONFORM TO SECTION 9.34.

**4. BEDROOM WINDOWS**

- 4.1. BEDROOMS SHALL HAVE A MINIMUM UNOBSTRUCTED WINDOW GLASS AREA OF 5% OF AREA SERVED AS PER SENTENCE 9.7.2.3.(1) AND TABLE 9.7.2.3.
- 4.2. EXCEPT WHERE A DOOR ON THE SAME FLOOR LEVEL AS THE BEDROOM PROVIDES DIRECT ACCESS TO THE EXTERIOR, EVERY FLOOR LEVEL CONTAINING A BEDROOM IN A SUITE SHALL BE PROVIDED WITH AT LEAST ONE OUTSIDE WINDOW THAT IS OPENABLE FROM INSIDE WITHOUT THE USE OF TOOLS, WITH AN UNOBSTRUCTED OPEN PORTION HAVING A MINIMUM AREA OF 0.35 M<sup>2</sup> WITH NO DIMENSION LESS THAN 380 MM. SEE ARTICLE 9.9.10.1.
- 4.3. PROVIDE A 1000 MM HIGH X 550 MM WIDE WINDOW OPENING WITH A SILL AT MAXIMUM 1000 MM ABOVE THE FLOOR AND MAXIMUM 7.0 M ABOVE THE ADJACENT GROUND LEVEL, WHERE IT IS NECESSARY TO TRAVEL DOWN MORE THAN ONE STOREY TO REACH AN EXIT DOOR FROM THAT STOREY. SEE SENTENCE 9.9.9.1.(2).

**5. GUARDS**

- 5.1. GUARDS SHALL CONFORM TO SUBSECTION 9.8.8.
  - 5.2. GUARDS SHALL BE DESIGNED TO RESIST THE LOADS SPECIFIED IN TABLE 9.8.8.2., OR CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS IN MMAH SUPPLEMENTARY STANDARD SB-7, "GUARDS FOR HOUSING AND SMALL BUILDINGS." SEE SENTENCES 9.8.8.2.(1) AND (5).
  - 5.3. GUARDS SHALL BE NOT LESS THAN 1070 MM HIGH. ALL GUARDS WITHIN DWELLING UNITS SHALL BE NOT LESS THAN 900 MM HIGH. EXTERIOR GUARDS SERVING NOT MORE THAN ONE DWELLING UNIT SHALL BE NOT LESS THAN 900 MM HIGH WHERE THE WALKING SURFACE SERVED BY THE GUARD IS NOT MORE THAN 1 800 MM ABOVE THE FINISHED GROUND LEVEL. GUARDS FOR EXTERIOR STAIRS AND LANDINGS MORE THAN 10 M ABOVE ADJACENT GROUND LEVEL SHALL BE NOT LESS THAN 1500 MM. SEE ARTICLE 9.8.8.3.
  - 5.4. OPENINGS THROUGH ANY GUARD WHICH IS REQUIRED BY ARTICLE 9.8.8.1 SHALL BE OF THE SIZE WHICH WILL PREVENT THE PASSAGE OF A SPHERICAL OBJECT HAVING A DIAMETER OF 100 MM. SEE SENTENCE 9.8.8.5.(1).
- 6. STAIRS (INTERIOR/EXTERIOR)**
- 6.1. AT LEAST ONE STAIR BETWEEN EACH FLOOR LEVEL WITHIN A DWELLING UNIT, AND EXTERIOR STAIRS AND REQUIRED EXIT STAIRS SERVING A SINGLE DWELLING UNIT, SHALL HAVE A WIDTH OF NOT LESS THAN 860 MM. SEE SENTENCE 9.8.2.1.(2).
  - 6.2. MINIMUM HEIGHT OVER STAIRS AND LANDINGS WITHIN DWELLING UNITS SHALL BE 1950 MM.
  - 6.3. SEE SENTENCES 9.8.2.2.(1) AND 9.8.6.4.(1).

INTERIOR/EXTERIOR STAIRS IN SINGLE DWELLING UNITS (TABLE 9.8.4.1.)

	MAX (MM)	MIN (MM)
RISE	200	125
RUN	355	210
TREAD DEPTH	355	235

- 6.4. CURVED STAIRS SHALL HAVE AN AVERAGE RUN OF NOT LESS THAN 200 MM AND A MINIMUM RUN OF 150 MM AS PER SENTENCE 9.8.4.3.(2).
- 6.5. HEIGHT OF HANDRAILS ON STAIRS AND RAMPS SHALL BE NOT LESS THAN 865 MM AND NOT MORE THAN 965 MM AS PER SENTENCE 9.8.7.4.(2).
- 6.6. HEIGHT OF HANDRAILS ON LANDINGS (WHERE GUARDS ARE REQUIRED) SHALL BE NOT MORE THAN 1070 MM AS PER SENTENCE 9.8.7.4.(3).
- 6.7. GUARDS FOR FLIGHTS OF STEPS, EXCEPT IN REQUIRED EXIT STAIRS, SHALL BE NOT LESS THAN 900 MM HIGH AS PER SENTENCE 9.8.8.3.(4).

**7. SMOKE ALARMS AND CARBON MONOXIDE ALARMS**

- 7.1. SMOKE ALARMS CONFORMING TO CAN/ULC-S531, "SMOKE ALARMS" SHALL BE INSTALLED IN EACH DWELLING UNIT, IN EACH SLEEPING ROOM NOT WITHIN A DWELLING UNIT, AND IN EACH INTERIOR SHARED MEANS OF EGRESS AND COMMON AREA IN A HOUSE. WITHIN DWELLING UNITS, THERE SHALL BE AT LEAST ONE SMOKE ALARM ON EACH STOREY, INCLUDING BASEMENTS, AND ON ANY STOREY OF A DWELLING UNIT CONTAINING SLEEPING ROOMS, A SMOKE ALARM IS INSTALLED IN EACH SLEEPING ROOM, AND IN A LOCATION BETWEEN THE SLEEPING ROOMS AND THE REMAINDER OF THE STOREY, AND IF THE SLEEPING ROOMS ARE SERVED BY A HALLWAY, THE SMOKE ALARM SHALL BE LOCATED IN THE HALLWAY. SMOKE ALARMS ARE TO BE CONNECTED TO AN ELECTRICAL CIRCUIT AND INTERCONNECTED SO THAT THE ACTIVATION OF ONE ALARM WILL CAUSE ALL ALARMS WITHIN THE DWELLING UNIT TO SOUND. SMOKE ALARMS ARE REQUIRED TO BE PROVIDED WITH A BATTERY AS AN ALTERNATIVE POWER SUPPLY. SMOKE ALARMS SHALL HAVE A VISUAL SIGNALLING COMPONENT. SEE SUBSECTION 9.10.19.
- 7.2. CARBON MONOXIDE ALARMS CONFORMING TO SUBSECTION 6.2.12 AND/OR SUBSECTION 9.33.4 SHALL BE INSTALLED.

**8. ROOFING**

- 8.1. FASTENERS FOR ROOFING SHALL BE CORROSION RESISTANT. ROOFING NAILS SHALL PENETRATE THROUGH OR AT LEAST 12MM INTO ROOF SHEATHING.
- 8.2. EAVE PROTECTION SHALL BE PROVIDED ON SHINGLE, SHAKE OR TILE ROOFS, EXTENDING FROM THE EDGE OF THE ROOF A MINIMUM OF 900 MM UP THE ROOF SLOPE TO A LINE NOT LESS THAN 300 MM INSIDE THE INNER FACE OF THE EXTERIOR WALL SEE 9.26.5.1.(1).
- 8.3. ASPHALT SHINGLES ON SLOPES OF LESS THAN 1 IN 3 (4:12) SHALL CONFORM TO SECTION 9.26.8.
- 8.4. OPEN VALLEYS SHALL BE FLASHED WITH 2 LAYERS OF ROLL ROOFING, OR 1 LAYER OF SHEET METAL MIN. 600MM WIDE SEE 9.26.4.3.(5).
- 8.5. THE INTERSECTION OF SHINGLE ROOFS AND MASONRY WALLS OR CHIMNEYS SHALL BE PROTECTED WITH FLASHING SHALL CONFORM TO SECTION 9.26.4.4.
- 8.6. THE INTERSECTION OF SHINGLE ROOFS AND WALLS CLAD WITH OTHER THAN MASONRY SHALL BE PROTECTED WITH FLASHING SHALL CONFORM TO SECTION 9.26.4.5.

**9. ROOF SPACES AND VENTILATION**

- 9.1. EXCEPT WHERE IT CAN BE SHOWN TO BE UNNECESSARY, WHERE INSULATION IS INSTALLED BETWEEN A CEILING AND THE UNDERSIDE OF THE ROOF SHEATHING, A SPACE SHALL BE PROVIDED BETWEEN THE INSULATION AND THE SHEATHING, AND VENTS SHALL BE INSTALLED TO PERMIT THE MOVEMENT OF AIR FROM THE SPACE TO THE EXTERIOR. THE UNOBSTRUCTED VENT AREA SHALL BE NOT LESS THAN 1/300 OF THE INSULATED CEILING AREA. WHERE THE ROOF SLOPE IS LESS THAN 1 IN 6 OR IN ROOFS THAT ARE CONSTRUCTED WITH ROOF JOISTS, THE UNOBSTRUCTED VENT AREA SHALL BE NOT LESS THAN 1/150 OF THE INSULATED CEILING AREA. NOT LESS THAN 25% OF THE VENTS SHALL BE LOCATED NEAR THE ROOF RIDGE. SEE ARTICLES 9.19.1.1 AND 9.19.1.2.
- 9.2. PROVIDE A NATURAL VENTILATION AREA OF 0.1M2 PER 50 M2 OF UNHEATED CRAWL SPACE AREA AS PER SENTENCE 9.18.3.1.(2).
- 9.3. PROVIDE MINIMUM 0.2 PER CENT OF UNFINISHED BASEMENT FLOOR AREA, AS UNOBSTRUCTED NATURAL VENTILATION TO THE OUTDOORS AS PER TABLE 9.32.2.1.
- 9.4. ATTIC ACCESS HATCH SHALL BE MINIMUM 0.32 M2 IN AREA WITH NO DIMENSION LESS THAN 545 MM, OR 500 MM X 700 MM. SEE ARTICLE 9.19.2.1.

**10. BASEMENT WALKOUT AND LOOKOUT CONDITIONS**

- 10.1.LATERAL STABILITY TO FOUNDATION WALLS SHALL CONFORM TO ARTICLES 9.15.4.2 AND 9.15.4.3. BRICK VENEER SHALL NOT BE LOADBEARING. PROVIDE A 1070 MM HIGH GUARD. AT WALKOUTS PROVIDE A THREE-WAY SWITCH AT THE BOTTOM OF THE BASEMENT STAIRS AND AT EXTERIOR DOORS. STRIP FOOTINGS SHALL CONFORM TO TABLE 9.15.3.4 AND ARTICLES 9.15.3.4. AND 9.15.3.5. PROVIDE ADEQUATE SIZE OF STEEL COLUMNS ON TOP OF THE FOUNDATION WALLS IN ORDER TO SUPPORT THE STEEL BEAMS. PROVIDE WOOD AND STEEL LINTELS OVER BASEMENT WINDOWS PER ARTICLES 9.23.12.3. AND TABLE 9.20.5.2.B.

**11. STUD WALL REINFORCEMENT**

- 11.1.PROVIDE STUD WALL REINFORCEMENT IN BATHROOMS CONFORMING TO ARTICLE 9.5.2.3 FOR THE INSTALLATION OF GRAB BARS.



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

**QUALIFICATION INFORMATION**

MATTHEW FRATARCANGELI  
BCIN#:44839

**REGISTRATION INFORMATION**

TENHOUSE BUILDING WORKSHOP  
BCIN#:112916

NO.	DATE	REVISION/ISSUE
0	07-11-2022	FOR PERMIT APPLICATION

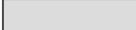
PROJECT:  
REBUILD FRONT PORCH  
AT 11 ARCHIBALD STREET,  
HAMILTON, ON

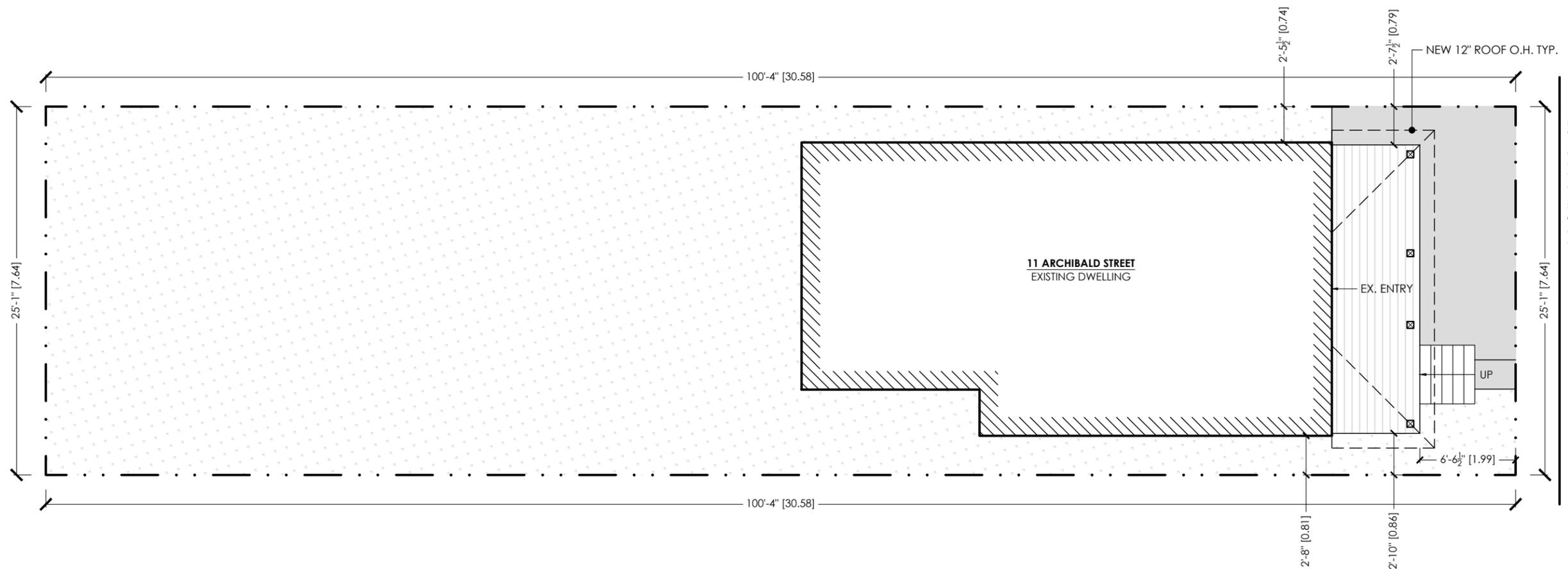
<b>DRAWN:</b> J.T	<b>APPROVED:</b> M.D.F
<b>FILE NO:</b> 2022-021	<b>CHECKED:</b> M.D.F
<b>REVISION:</b> 0	<b>DATE:</b> 07-11-2022

GENERAL CONSTRUCTION NOTES

**A0.02**

**LEGEND:**

-  EXISTING SOFTSCAPE
-  EXISTING HARDSCAPE
-  NEW FRONT PORCH
-  NEW POST



**GENERAL SITE PLAN NOTES:**

1. ONLY SITE WORK RELATED TO THE CONSTRUCTION OF THE SUBJECT FRONT PORCH TO BE CARRIED OUT.
2. EXISTING SITE DRAINAGE PATTERNS TO REMAIN UNCHANGED. MINIMUM 24" AROUND PROPERTY LINE TO REMAIN UNCHANGED - GRADES TO MATCH
3. ALL DOWNSPOUTS ON SITES DRAINS DIRECTLY INTO SOFT LANDING. NO DOWNSPROUTS ARE TO CROSS WALKWAYS OR PATIOS OR DRAIN ONTO/ACROSS WALKWAYS OR PATIOS.

**LOT STATS:**

LOT AREA:	<b>2514.77</b>	<b>SQ. FT.</b>	<b>[233.63</b>	<b>SQ. M.]</b>
HOUSE	<b>684.58</b>	<b>SQ. FT.</b>	<b>[63.60</b>	<b>SQ. M.]</b>
NEW FRONT PORCH	<b>118.83</b>	<b>SQ. FT.</b>	<b>[11.04</b>	<b>SQ. M.]</b>

**1** PROPOSED SITE PLAN  
SP1.01 3/32"=1'-0"



**TENHOUSE**  
BUILDING WORKSHOP

TENHOUSE BUILDING WORKSHOP  
107 GLADSTONE AVENUE  
HAMILTON, ON L8M 2H8  
T: 905-699-7371

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

**QUALIFICATION INFORMATION**  
MATTHEW FRATARCANGELI  
BCIN#:44839

*Matthew Fratarcangeli*

**REGISTRATION INFORMATION**  
TENHOUSE BUILDING WORKSHOP  
BCIN#:112916

NO.	DATE	REVISION/ISSUE
0	07-11-2022	FOR PERMIT APPLICATION

**PROJECT:**

REBUILD FRONT PORCH,  
AT 11 ARCHIBALD STREET,  
HAMILTON, ON

<b>DRAWN:</b> J.T	<b>APPROVED:</b> M.D.F
<b>FILE NO:</b> 2022-021	<b>CHECKED:</b> M.D.F
<b>REVISION:</b> 0	<b>DATE:</b> 07-11-2022

PROPOSED SITE PLAN  
**SP1.01**

**STRUCTURAL FRAMING:**

1. ALL WOOD-FRAME CONSTRUCTION SHALL CONFORM TO OBC 9.23, U.N.O. ON THE DRAWINGS.
2. LUMBER SHALL BE SPF No. 1/2 OR BETTER UNLESS NOTED OTHERWISE. MOISTURE CONTENT SHALL BE 19% OR LESS.
3. LUMBER SHALL NOT BE NOTCHED OR DRILLED IN THE FIELD WITHOUT PERMISSION OF TENHOUSE BUILDING WORKSHOP.
4. ENGINEERED LUMBER (TJI, LVL) MAY BE DRILLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND DETAILS.
5. WOOD IS NOT PERMITTED TO BEAR DIRECTLY ON MASONRY OR CONCRETE WITHOUT PROTECTION. PROVIDE EITHER PRESSURE TREATED LUMBER, SUITABLE WOOD PRESERVATIVE OR 6 MIL (0.152mm) POLYETHYLENE SHEET.
6. SOLID HORIZONTAL BRIDGING SHALL BE PROVIDED AT 1200mm (4'-0") O.C. IN THE FIRST TWO JOIST SPACES ADJACENT TO THE EXTERIOR WALLS. BRIDGING SHALL BE ATTACHED TO THE EXTERIOR WALL TO PROVIDE LATERAL STABILITY.
7. PROVIDE 38mm x 38mm (2X2) DIAGONAL CROSS BRIDGING OR SOLID BLOCKING AT MAXIMUM 2.1m (82") O.C. FOR ALL SAWN JOIST LOCATIONS.
8. PROVIDE SOLID WOOD HORIZONTAL BLOCKING AT MAXIMUM 3.0m (10'-0") O.C. FOR ALL FRAMED WALLS. INSTALL MORE FREQUENTLY WHEN SO NOTED ON THE ARCHITECTURAL OR STRUCTURAL WALL DRAWINGS (EG. FOR BLOCKING OF SHEAR WALLS, OR FOR LATERAL STUD SUPPORT).
9. ALL NAILS USED SHALL CONFORM TO STEEL WIRE NAILS AND SPIKES AS DEFINED IN CSA STANDARD B111 "WIRE NAILS, SPIKES AND STAPLES" UNLESS NOTED OTHERWISE.
10. STEEL BEAMS AND COLUMNS SHALL BE TO ASTM A992/992M, GRADE 50W (F<sub>y</sub> = 345 MPa).
11. ALL STEEL CONNECTORS (UPLIFT CLIPS, BRACKETS, JOIST HANGERS etc.) SHALL BE SIMPSON STRONG TIE CONNECTORS UNLESS NOTED OTHERWISE.
12. FOR SOLID AND BUILT UP MEMBERS (TRUSSES, BEAMS, LINTELS) PROVIDE A BUILT UP POST WITH AN EQUAL OR GREATER THICKNESS UNLESS NOTED OTHERWISE. ALL BUILT UP POSTS TO BE CONTINUOUS (INCLUDING TRANSFER BLOCKING AT FLOORS) DOWN TO THE FOUNDATIONS.
13. ALL BUILT UP MEMBERS TO BE FASTENED TOGETHER WITH TWO 75mm (3") SPIRAL NAILS AT 300mm (12") O.C. FOR EVERY PLY UNLESS NOTED OTHERWISE. MULTI-PLY ENGINEERED LUMBER BEAMS TO BE FASTENED AS PER THE MANUFACTURER'S SPECIFICATIONS.
14. ALL PRE-ENGINEERED STEEL CONNECTORS (EG. SIMPSON STRONG TIE) ARE TO HAVE THE CORRECT NUMBER AND SIZE OF FASTENERS, AS PER THE MANUFACTURER'S PRODUCT CATALOGUE.
15. PROVIDE SOLID BLOCKING OR MECHANICAL CONNECTIONS AT THE TOP AND BOTTOMS OF BEAMS AT BEARING POINTS TO PREVENT MOVEMENT OR ROTATION.

**POST SCHEDULE**

- P1** - 12" Ø POURED CONCRETE PIER  
MIN. 4' DEEP ON UNDISTURBED SOIL
- P2** - PRESSURE TREATED 6" x 6" POST  
PROVIDE METAL POST TO BEAM CONNECTOR AT TOP AND BOTTOM
- P3** - 3-PLY 2" x 4" POST  
W/ TRANSFER BLOCKING TO SOLID CMU FOUNDATION

**PLFA** - POINT LOAD FROM ABOVE

**DECK JOIST SCHEDULE**

- F1** - 2" x 6" PRESSURE TREATED DECK JOISTS AT 16" O.C.  
1 ROW BLOCKING AT MID SPAN  
5/4 DECK BOARDS

**ROOF SCHEDULE**

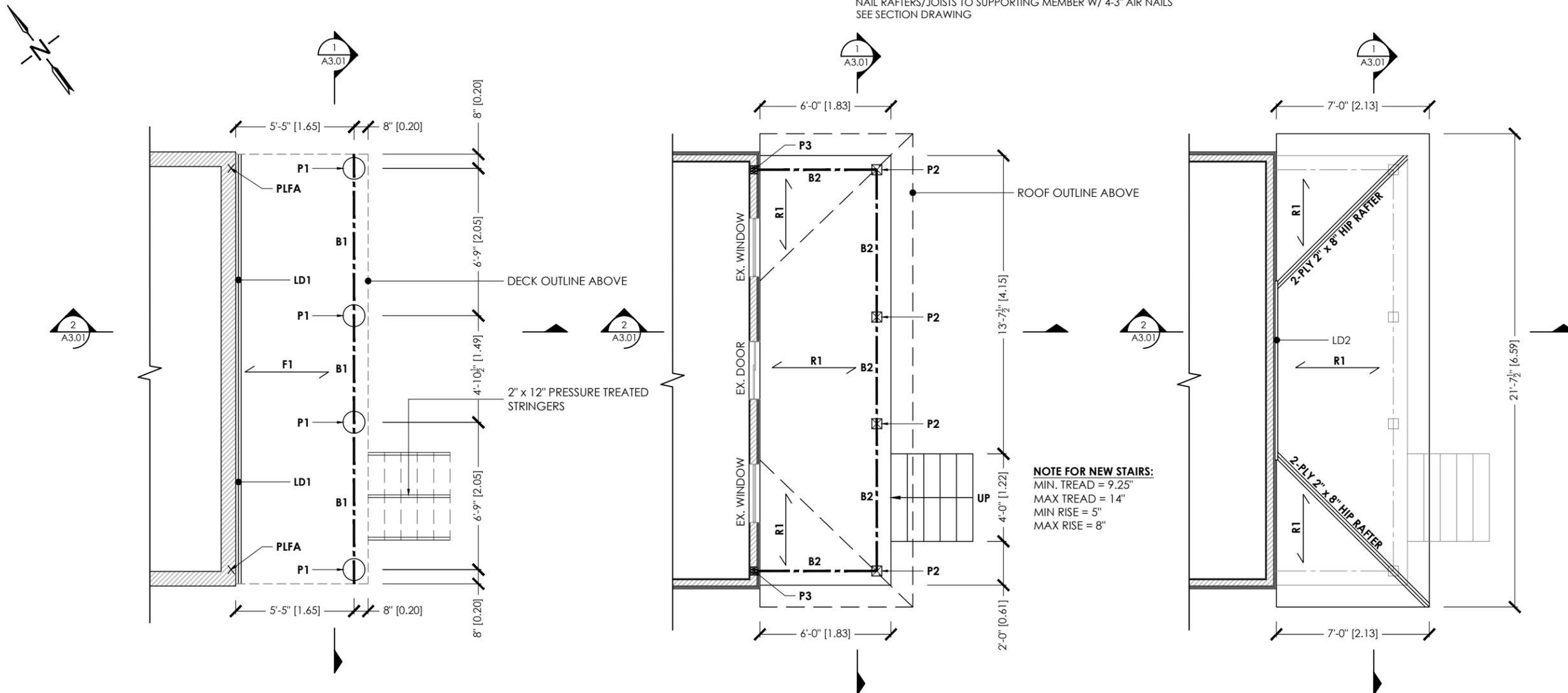
- R1** - ROOF  
ASPHALT SHINGLE W/ SHINGLE UNDERLAYMENT AS PER MANUFACTURER  
1/2" ROOF SHEATHING  
2" x 6" AT 16 O.C ROOF RAFTERS W/ BIRD MOUTH CUT  
2" x 4" AT 16 O.C CEILING JOISTS  
NAIL RAFTERS/JOISTS TO SUPPORTING MEMBER W/ 4-3" AIR NAILS  
SEE SECTION DRAWING

**LEDGER BOARD SCHEDULE**

- LD1** - NEW DROPPED P.T 2-2" x 8" LEDGER BOARD LAG BOLTED W/  
EXPANSION SLEEVE TO EXISTING SOLID CMU FOUNDATION  
W/ 1/2" Ø BOLTS W/ MIN 4" EMBEDMENT  
AT 16" O.C., STAGGERED
- LD2** - NEW 2" x 8" LEDGER BOARD NAILED TO EXISTING WALL FRAMING  
W/ 3 NAILS PER STUD AND MIN 1.5" EMBEDMENT  
PROVIDE METAL JOIST HANGERS FOR ROOF RAFTERS

**BEAM SCHEDULE**

- B1** - DECK BEAM  
PRESSURE TREATED 3-PLY 2" x 8" DROPPED BEAM  
METAL BEAM SADDLE ANCHORED TO CONCRETE PIER  
MIN 4" EMBEDMENT INTO PIER FOR BEAM SADDLE
- B2** - ROOF BEAM  
PRESSURE TREATED 3-PLY 2" x 8" DROPPED BEAM  
PROVIDE METAL POST TO BEAM CONNECTOR



1 FOUNDATION PLAN  
A1.01 1/8"=1'-0"

2 FRAMING PLAN  
A1.01 1/8"=1'-0"

3 ROOF PLAN  
A1.01 1/8"=1'-0"



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

**QUALIFICATION INFORMATION**  
MATTHEW FRATARCANGELI  
BCIN#:44839

*Matthew Fratarcangeli*

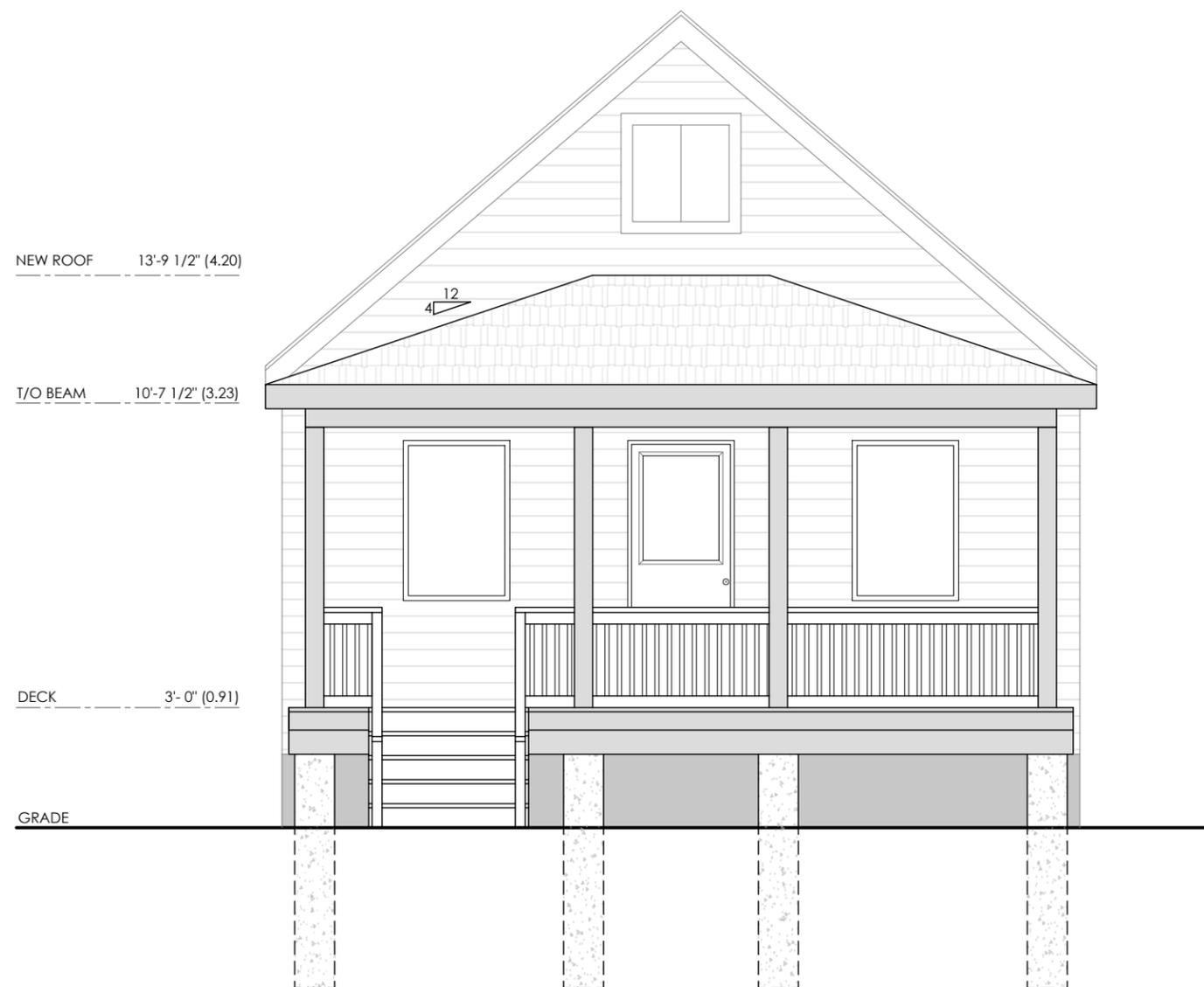
**REGISTRATION INFORMATION**  
TENHOUSE BUILDING WORKSHOP  
BCIN#:112916

NO.	DATE	REVISION/ISSUE
0	07-11-2022	FOR PERMIT APPLICATION

**PROJECT:**  
REBUILD FRONT PORCH  
AT 11 ARCHIBALD STREET,  
HAMILTON, ON

<b>DRAWN:</b> J.T	<b>APPROVED:</b> M.D.F
<b>FILE NO:</b> 2022-021	<b>CHECKED:</b> M.D.F
<b>REVISION:</b> 0	<b>DATE:</b> 07-11-2022

FOUNDATION & FRAMING AND ROOF PLAN  
**A1.01**



1 FRONT ELEVATION  
A2.01 3/8"=1'-0"



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

**QUALIFICATION INFORMATION**  
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BCIN#:44839

*Matthew Fratarcangeli*

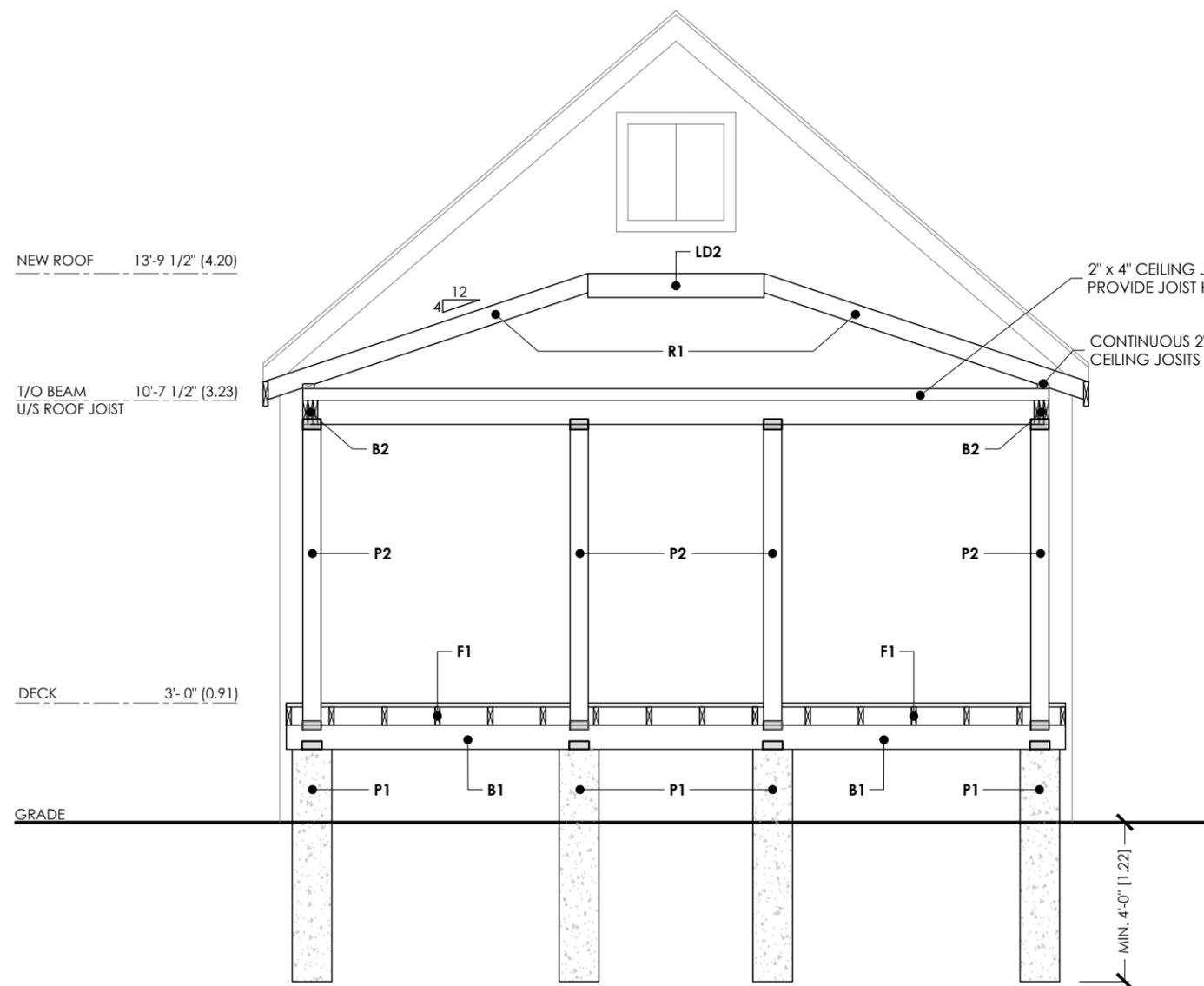
**REGISTRATION INFORMATION**  
TENHOUSE BUILDING WORKSHOP  
BCIN#:112916

NO.	DATE	REVISION/ISSUE
0	07-11-2022	FOR PERMIT APPLICATION

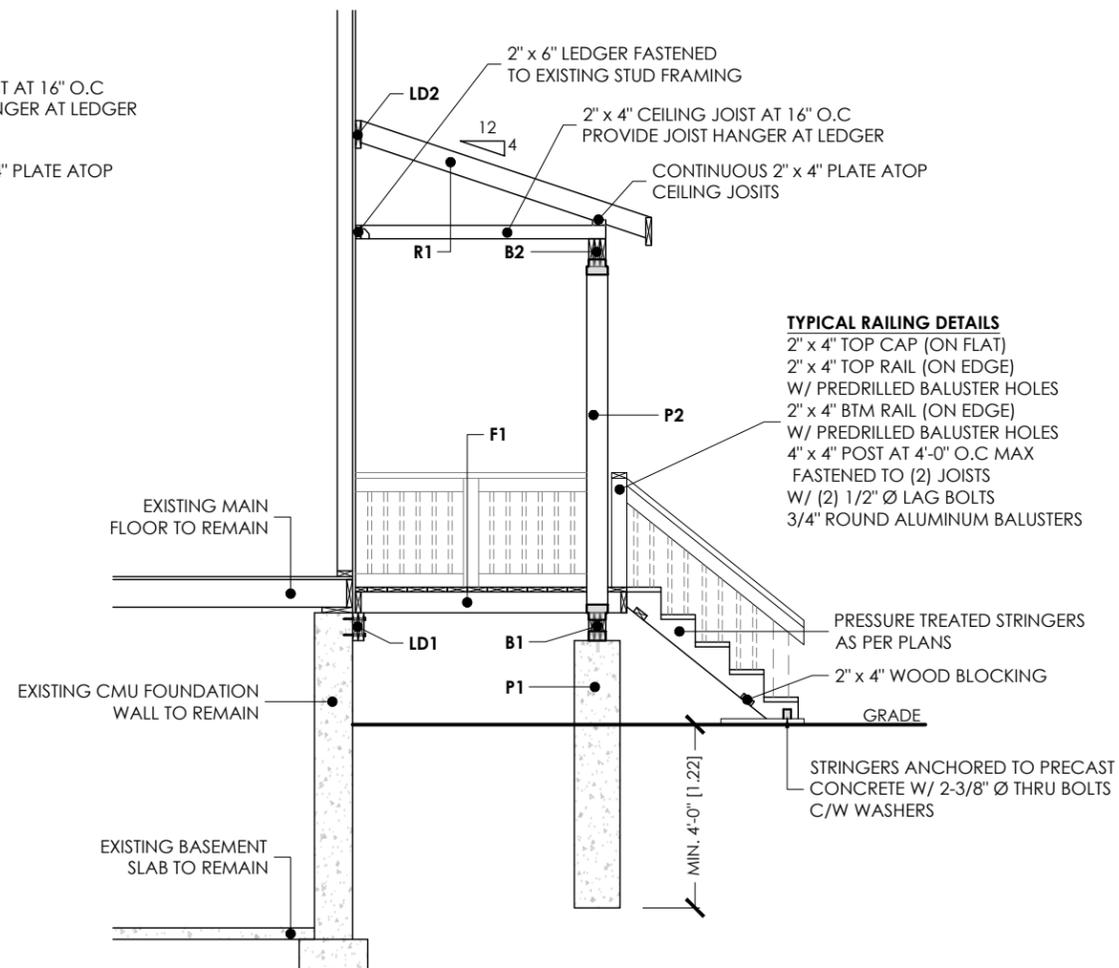
**PROJECT:**  
REBUILD FRONT PORCH  
AT 11 ARCHIBALD STREET,  
HAMILTON, ON

<b>DRAWN:</b> J.T	<b>APPROVED:</b> M.D.F
<b>FILE NO.:</b> 2022-021	<b>CHECKED:</b> M.D.F
<b>REVISION:</b> 0	<b>DATE:</b> 07-11-2022

FRONT ELEVATION  
**A2.01**



1 SECTION A  
A3.01 1/4"=1'-0"



2 SECTION B  
A3.01 1/4"=1'-0"

**TENHOUSE**  
BUILDING WORKSHOP

TENHOUSE BUILDING WORKSHOP  
107 GLADSTONE AVENUE  
HAMILTON, ON L8M 2H8  
T: 905-699-7371

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

**QUALIFICATION INFORMATION**  
MATTHEW FRATARCANGELI  
BCIN#:44839

*Matthew Fratarcangeli*

**REGISTRATION INFORMATION**  
TENHOUSE BUILDING WORKSHOP  
BCIN#:112916

NO.	DATE	REVISION/ISSUE
0	07-11-2022	FOR PERMIT APPLICATION

**PROJECT:**

REBUILD FRONT PORCH  
AT 11 ARCHIBALD STREET,  
HAMILTON, ON

<b>DRAWN:</b> J.T	<b>APPROVED:</b> M.D.F
<b>FILE NO:</b> 2022-021	<b>CHECKED:</b> M.D.F
<b>REVISION:</b> 0	<b>DATE:</b> 07-11-2022

SECTION A & B  
**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	MAILING ADDRESS
<b>Registered Owners(s)</b>	SPENCER PATTERSON	
<b>Applicant(s)*</b>	MATTHEW FRATARCANGELI	
<b>Agent or Solicitor</b>	MATTHEW FRATARCANGELI	

**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:

Tandia Financial Credit Union
-------------------------------

**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:

DECREASE THE MINIMUM FRONT AND SIDE YARD SETBACKS  
MIN.SET BACKS REQUIREMENT: (FRONT: 3 M) (SIDE:1.2)  
PROPOSED SETBACKS: (FRONT:1.99 METERS) (SIDE YARD: 0.79)

- Second Dwelling Unit       Reconstruction of Existing Dwelling

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

THE FRONT PORCH IS EXISTING AND TO BE REBUILT TO CLOSELY MATCH THE CURRENT GEOMETRY DUE TO STRUCTURAL DEFECIENCIES. THE PORCH IS ALSO BEING BUILT SLIGHTLY SMALLER THAN THE EXISTING.

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

11 ARCHIBALD STREET

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_

- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes       No       Unknown

- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes       No       Unknown

- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes       No       Unknown

- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes       No       Unknown

- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes       No       Unknown

- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes       No       Unknown

- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes       No       Unknown

- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes       No       Unknown

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

Yes  No  Unknown

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

LOCATION OF PROPERTY AND HISTORY AS PROVIDED BY 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.

2022-07-25  
Date

*S. Patterson*  
Signature Property Owner(s)

SPENCER PATTERSON  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 7.64 METERS  
Depth 30.58 METERS  
Area 233.63 SQUARE METERS  
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: \_

HOUSE FOOTPRINT: 63.60 SQUARE METERS  
GROSS FLOOR AREA: 127.20 SQUARE METERS  
FRONT PORCH: 12.73 SQUARE METERS

Proposed

NEW FRONT PORCH: FLOOR AREA: 11.04 SQUARE METERS, (1.83 METERS WIDE x 5.98 LONG), (3.00 METERS HIGH)

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

Existing:

HOUSE: LEFT SIDE: 0.74 METERS, RIGHT SIDE: 0.81 METERS, FRONT: 3.82 METERS, REAR: 15.72 METERS  
FRONT PORCH: 0.79 METERS, RIGHT SIDE: 0.86 METERS, FRONT: 1.69 METERS, REAR: 26.76 METERS

Proposed:

NEW FRONT PORCH: LEFT SIDE: 0.79 METERS, RIGHT SIDE: 0.86 METERS, FRONT: 1.99 METERS, REAR: 26.76 METERS

**PART 25 AFFIDAVIT OR SWORN DECLARATION**

This declaration to be sworn by a Commissioner of Oaths.

I, MATTHEW FRATARCANGELI of the CITY of HAMILTON  
in the PROVINCE of ONTARIO solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the  
at the CITY of HAMILTON )  
in the PROVINCE )  
of ONTARIO )  
this 20th day of JULY A.D. 2022 )

  
Applicant

A Commissioner, etc.

Christopher Matthew Newman,  
a Commissioner, etc.,  
Province of Ontario, for the City of Hamilton.  
Expires May 21, 2024

**PART 26 OWNERS AUTHORIZATION**

As of the date of this application, I (NAME) SPENCER PATTERSON am the registered Owner(s) of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

MATTHEW FRATARCANGELI of TENHOUSE BUILDING WORKSHOP

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE 2022-07-25 SIGNED S. Patterson

**PART 27 CONSENT OF THE OWNER**

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

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

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

I, SPENCER PATTERSON, the Owner(s), hereby agree and acknowledge  
(Print name of Owner(s))

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

2022-07-25  
Date

S. Patterson  
Signature of Owner(s)



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

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:253</b>	<b>SUBJECT PROPERTY:</b>	20 REID AVENUE N, HAMILTON
<b>ZONE:</b>	“D6, E696, H74” (Downtown Multiple Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 19-275

**APPLICANTS:** Owner – Roxborough Park  
Agent – Urban Solutions

The following variances are requested:

1. To increase the maximum permitted building height for Block “6” as shown on Figure 20 of Schedule “F” – Special Figures from 41.5 metres to 64 metres.
2. To vary Holding Provision No. 74b(a)(i) to require; The Owner/Applicant submit and implement the following studies demonstrating that a 64.0 metre multiple dwelling complies and implements the Urban Design, Energy and Environmental Design and Health and Public Safety Policies of the Urban Hamilton Official Plan, amongst others, prior to the development to the satisfaction of the Director of Planning and Chief Planner; Urban Design Brief, Visual Impact Assessment; Shadow Impact Study; and Noise Study. Notwithstanding that Holding Provision No. 74b(a)(i) requires said studies for a 41.5 metre multiple dwelling.
3. To increase the maximum number of dwelling units for the lands subject to Special Exception No. 696 from 840 dwelling units to 1,290 dwelling units.
4. To vary Holding Provision No. 74b(a)(ii) to require; The Owner demonstrate that the proposed development does not exceed the maximum density of 254 units per hectare in accordance with Site Specific Policy Rea UHG-25 in Volume 3 of the Urban Hamilton Official Plan and does not exceed 1290 units for the lands zoned Downtown Multiple Residential (D6, 696) Zone, to the satisfaction of the Director of Planning and Chief Planner. Notwithstanding that Holding Provision No. 74b(a)(iii) limits the site to a maximum density of 165 units per hectare and a maximum unit count of 840 units.

**PURPOSE & EFFECT:** To facilitate the development of two (2) multiple dwellings, one of which is to contain eighteen (18) storeys and have maximum height of 64.0 metres

HM/A-22:253

and one of which is to contain sixteen (16) storeys and have a maximum height of 48.5 metres, notwithstanding that:

**Notes:**

1. The lands are subject to Site Plan Control. To date, a Site Plan Control application has not been submitted and a full zoning compliance review has not been completed as part of the submitted minor variance application; therefore, the variances have been written as requested by the applicant. Further variances may be required at such completed at such time as a full zoning compliance review is conducted.
2. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:50 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

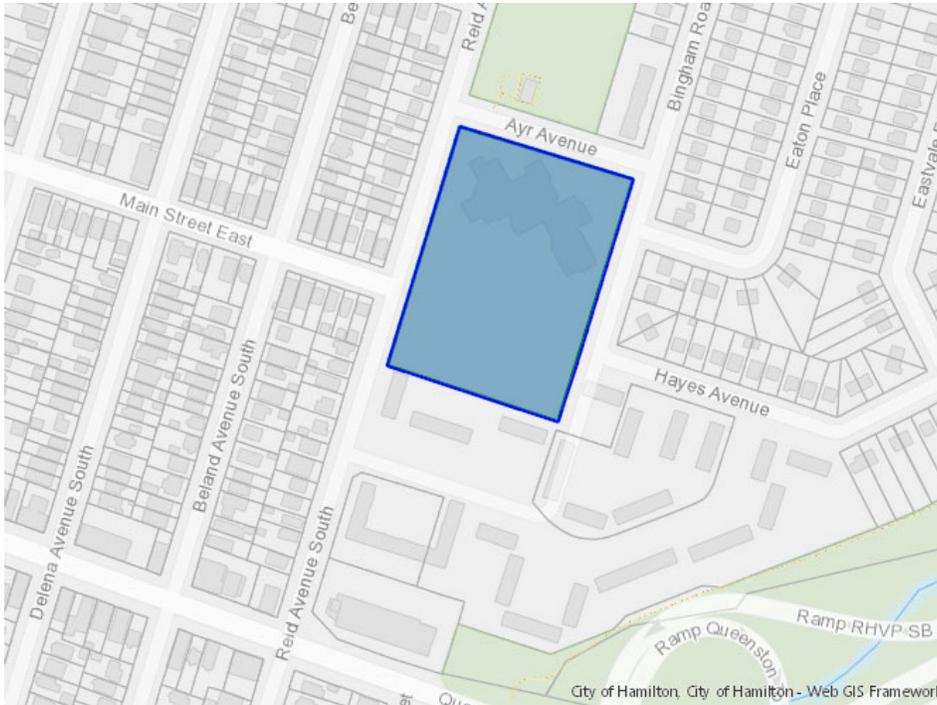
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:253



 Subject Lands

DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



July 22, 2022

146-16

**Via Email & Delivered**

Ms. Jamila Sheffield  
Secretary-Treasurer, Committee of Adjustment

City of Hamilton  
71 Main Street West, 1st Floor  
Hamilton, ON, L8P 4Y5

Dear Ms. Sheffield,

**RE: 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 13, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (25T-201802)  
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant for Roxborough Park Inc., the registered owner of the lands municipally known as 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 13, 14, 16, 18, 20, 22 and 24 Hayes Avenue, in the City of Hamilton.

An Official Plan Amendment application was submitted to the City on March 1<sup>st</sup>, 2022 to increase the maximum permitted density on the subject lands beyond 165 units per hectare. This Official Plan Amendment received approval at the July 5<sup>th</sup>, 2022 Planning Committee Meeting. Additionally, a Motion by Council to permit the submission of the subject Minor Variance application within the 2-year moratorium following approval of a Zoning By-law Amendment for the property was approved at the July 5<sup>th</sup> Planning Committee. Accordingly, we are pleased to submit the enclosed Minor Variance application package, on behalf of the Owner, to bring the applicable site-specific Zoning By-law in alignment with the recently approved Official Plan Amendment No. 178 for the subject lands.

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan and are within a site specific Downtown Multiple Residential (D6, 696, H74) Zone containing a Holding Provision (H74) in the City of Hamilton By-law No. 05-200.

Purpose of the Application

A Minor Variance application is required to facilitate the proposed multiple dwelling contained in Block 6 of the Roxborough Park Subdivision. Accordingly, this Minor Variance application is intended to achieve relief from the Special Exemption No. 696 in Schedule C – Special Exemptions of City of Hamilton Zoning By-law No. 05-200 with respect to the site specific Downtown Multiple Residential (D6, 696, H74) Zone as follows:

- **Variance No. 1:** To increase the maximum permitted building height from 41.5 metres to 64.0 metres.
- **Variance No. 2:** To vary Holding Provision No. 74b(a)(i) to require; The Owner/Applicant submit and implement the following studies demonstrating that a 64.0 metre multiple dwelling complies and implements the Urban Design, Energy and Environmental Design and Health and Public Safety Policies of the Urban Hamilton Official Plan, amongst others, prior to the development to the satisfaction of the Director of Planning and Chief Planner; Urban Design Brief; Visual Impact Assessment; Shadow Impact Study; and, Noise Study. Notwithstanding that Holding Provision No. 74b(a)(i) requires said studies for a 41.5 metre multiple dwelling.
- **Variance No. 3:** To increase the maximum permitted density from 165 units per hectare to 254 units per hectare.
- **Variance No. 4:** To vary Holding Provision No. 74b(a)(ii) to require; The Owner demonstrate that the proposed development does not exceed the maximum density of 254 units per hectare in accordance with Site Specific Policy Area UHN-25 in Volume 3 of the Urban Hamilton Official Plan and does not exceed 1290 units for the lands zoned Downtown Multiple Residential (D6, 696) Zone, to the satisfaction of the Director of Planning and Chief Planner. Notwithstanding that Holding Provision No. 74b(a)(ii) limits the site to a maximum density of 165 units per hectare and a maximum unit count of 840 units.

### Analysis

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(1) of the Planning Act:

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

The requested variances will facilitate the proposed built form contained in Block 6 of the Roxborough Park Subdivision. The proposed variances request an increase to the maximum permitted building height and maximum permitted density. The variance regarding density is required to bring the site specific Zoning in line with Official Plan Amendment No. 178 that was supported and approved by the City of Hamilton on July 5, 2022. As previously mentioned, the proposed built form will be required to be evaluated by a Visual Impact Assessment, Shadow Impact Study, Urban Design Brief and Noise Impact Study to ensure it is compatible with the surrounding area, and devoid of adverse impacts. These supporting studies will provide a fulsome evaluation of the proposed increase in building height from a compatibility perspective as well as a visual and shadow impact perspective. Additionally, the proposed multiple dwellings represent a use of land that is permitted in the Urban Hamilton Official Plan and Zoning By-law 05-200. Accordingly, it can be concluded that the requested variances have the necessary

safeguards to ensure appropriateness of built form and the application can be deemed desirable and suitable for the development of the lands.

**2. 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. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. Chapter B, Section 2.4.1.3(c) indicated that lands designated Neighbourhoods are to accommodate 40% of the City's growth. The intent of these policies is to encourage and accommodate compatible forms of development which is facilitated through the subject application. The Minor Variances being requested are compatible with the surrounding neighbourhood and in keeping with the Official Plan Amendment that removed the density cap, which was approved at the July 5, 2022 Planning Committee meeting. Accordingly, the requested variances can be considered to be in keeping with the purpose and intent of the Urban Hamilton Official Plan.

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

The subject properties are located in a site specific Downtown Multiple Residential (D6, 696, H74) Zone in the City of Hamilton Zoning By-law No. 05-200.

The variances requested are to increase the maximum permitted density on the subject lands and to increase the maximum permitted height established by the site specific Zoning By-law and Holding Provision applied to the site. The intent of the density related provision of the site specific zoning is to ensure the incoming residents can be adequately serviced by the surrounding traffic network and municipal servicing infrastructure. The proposed density can be appropriately accommodated on site as confirmed by the Traffic Impact Study prepared by NexTrans and Functional Servicing Report prepared by S. Llewellyn & Associates in support of the Official Plan Amendment. The recommendation by staff to remove any density cap on the subject lands suggests that the proposed density can be appropriately accommodated on site. Further, the intent of the Zoning By-law regulations respecting height is to mitigate resulting adverse impacts related to compatibility, shadow impacts and visual impacts. As previously stated, the conditions for removal of the Holding Provision applied to the subject lands include the completion of a Visual Impact Assessment, Urban Design Brief, and Sun/Shadow Study which will evaluate any potential for adverse visual, shadow and compatibility impacts. Accordingly, the requested variances will meet the intent of the Zoning By-law.

**4. Are the proposed minor variances minor in nature?**

The requested variances can be considered minor in nature as they are necessary to implement the proposed Official Plan Amendment for the subject property. The City requested the proposed density limit contained in the Official Plan Amendment be revised to remove a density limit on the lands, subject to the fulfillment of the Holding Provision conditions applicable to the lands. As such, the requested

variances represent modest relief from the existing zoning regulations to align the Zoning density limit with the density limit established in the Official Plan and recognize the proposed height of the multiple dwelling proposed on site. Further, the variances regarding density and height will be required to be evaluated through a Visual Impact Assessment, Shadow Impact Study, Urban Design Brief and Noise Impact Study as a result of the applicable conditions to be addressed prior to the Holding Provision's removal. Accordingly, the variances will not facilitate the proposal unless it is demonstrated that it does not generate adverse impacts and maintains the overall intent of the Provincial and local policy framework. Given that all other regulations of the Zoning By-law are achieved, the request is consistent with the Zoning By-law and is considered to be minor in nature.

It is acknowledged that additional relief through a future variance application will be required to facilitate the proposed built form, however it is our intent to first secure approval of the requested variances to ensure the zoning provisions regarding density and height are in conformity and appropriately aligned with the recently approved Official Plan Amendment. Once approved, the Site Plan application process will be utilized to identify the balance of the required Minor Variances.

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

In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Minor Variance Sketch completed by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,465.00** made payable to the City of Hamilton.

We trust that the enclosed is sufficient, however, please feel free to contact us with any questions.

Regards,  
**UrbanSolutions**

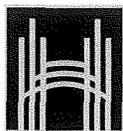


Matt Johnston, MCIP, RPP  
*Principal*



Scott Beedie, BURPI  
*Planner*

cc: Roxborough Park Inc.  
Councillor Sam Merulla, Ward 4, City of Hamilton



City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5  
www.hamilton.ca

# Hamilton

**15. Minor Variance Request for 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Added Item 11.3)**

That the Council of the City of Hamilton provide authorization to the Roxborough Group to apply for minor variances to the zoning by-law for lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, as shown on Appendix "A" attached to Report PED22153, on the following basis:

- (i) That the minor variances provide for a development of not more than 18 storeys and that this increase in height apply only to the lands identified as Block 6 as shown on Appendix "C" attached to Report PED22153.
- (ii) That the minor variances provide for a development having a density of no more than 254 units per hectare across the entire Roxborough site.
- (iii) That the minor variances amend the existing Holding Provision, H74 as required, to provide for a development of no more than 18 storeys on Block 6 and a density of no more than 254 units per hectare across the entire Roxborough site.
- (iv) That the minor variance include a condition of approval applicable to Block 6 restricting development exceeding 12.0 metres in height until such time as an Urban Design Brief, Visual Impact Assessment, Shadow Impact Study and Noise Study have been submitted and implemented to the satisfaction of the Chief Planner.
- (v) That the minor variance include a condition of approval applicable to Block 6 restricting development exceeding 12.0 metres in height, and restricting the overall density of the Roxborough site to not more than 165 units per hectare, until such time as the applicant has submitted the necessary studies to demonstrate the availability of water, wastewater and storm water capacity to the satisfaction of the Director of Growth Management.

I hereby certify the foregoing to be a true copy of Item 15 of Planning Committee Report 22-011, approved by City of Hamilton Council on July 8, 2022.

Dated at the City of Hamilton on this 9<sup>th</sup> day of August, 2022.

A. Holland  
City Clerk

**VARIANCES TO CITY OF HAMILTON ZONING BY-LAW NO. 05-200 (D6, 696, H74) ZONE**

VARIANCE NO. 1: TO INCREASE THE MAXIMUM PERMITTED BUILDING HEIGHT FROM 41.5 METRES TO 64.0 METRES.

VARIANCE NO. 2: TO VARY HOLDING PROVISION NO. 74B(A)(I) TO REQUIRE; THE OWNER/APPLICANT SUBMIT AND IMPLEMENT THE FOLLOWING STUDIES DEMONSTRATING THAT AN 18-STOREY MULTIPLE DWELLING COMPLIES AND IMPLEMENTS THE URBAN DESIGN, ENERGY AND ENVIRONMENTAL DESIGN AND HEALTH AND PUBLIC SAFETY POLICIES OF THE URBAN HAMILTON OFFICIAL PLAN, AMONGST OTHERS, PRIOR TO THE DEVELOPMENT TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER; URBAN DESIGN BRIEF; VISUAL IMPACT ASSESSMENT; SHADOW IMPACT STUDY; AND, NOISE STUDY. NOTWITHSTANDING THAT HOLDING PROVISION NO. 74B(A)(I) REQUIRES SAID STUDIES FOR A 41.5 METRE MULTIPLE DWELLING.

VARIANCE NO. 3: TO INCREASE THE MAXIMUM PERMITTED DENSITY FROM 165 UNITS PER HECTARE TO 254 UNITS PER HECTARE.

VARIANCE NO. 4: TO VARY HOLDING PROVISION NO. 74B(A)(II) TO REQUIRE; THE OWNER DEMONSTRATE THAT THE PROPOSED DEVELOPMENT DOES NOT EXCEED THE MAXIMUM DENSITY OF 254 UNITS PER HECTARE IN ACCORDANCE WITH SITE SPECIFIC POLICY AREA UHN-25 IN VOLUME 3 OF THE URBAN HAMILTON OFFICIAL PLAN AND DOES NOT EXCEED 1290 UNITS FOR THE LANDS ZONED DOWNTOWN MULTIPLE RESIDENTIAL (D6, 696) ZONE, TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER. NOTWITHSTANDING THAT HOLDING PROVISION NO. 74B(A)(II) LIMITS THE SITE TO A MAXIMUM DENSITY OF 165 UNITS PER HECTARE AND A MAXIMUM UNIT COUNT OF 840 UNITS.

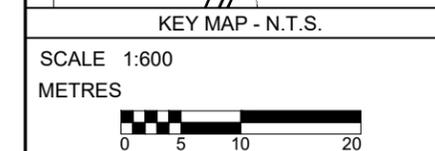
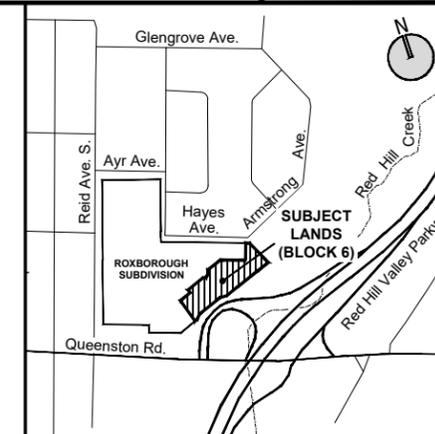
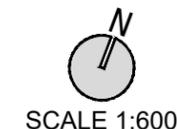
VARIANCE NO. 5: TO INCREASE THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED FROM 840 UNITS TO 1290 UNITS.

DEVELOPMENT STATISTICS		
Downtown Multiple Residential (D6, 696, H74) Zone		
Item	Required	Proposed
Block 6 Unit Total	N/A	597
Subdivision Unit Total	840	1290
Total Density (Units Per Hectare)	165 UPH	254 UPH
Max. Building Height	41.5 m	64.0 m (BLDG. A) 48.5 m (BLDG. B)

VARIANCE NO. 5

VARIANCE NO. 3

VARIANCE NO. 1



- LEGEND**
- SUBJECT LANDS
  - PROPOSED BUILDING
  - TRANSFORMER
  - BUILDING ENTRANCE

**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: SRM ARCHITECTS      CHECKED BY: S. MCKAY  
DRAWN BY: S. ERICKSON      DATE: JULY 21, 2022

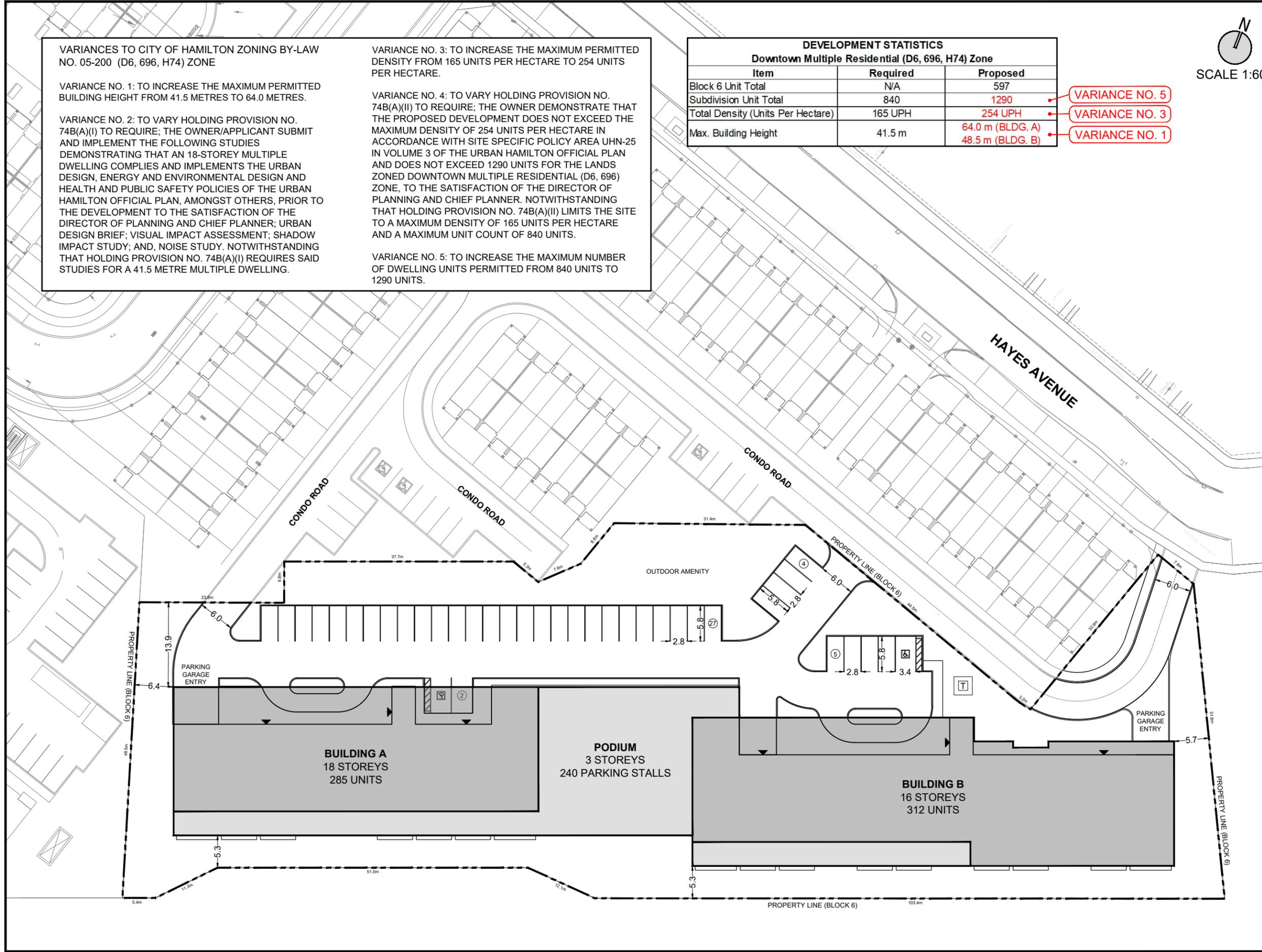
**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT  
3 STUDEBAKER PLACE, SUITE 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

**PROJECT:**  
ROXBOROUGH BLOCK 6  
25T-201802  
CITY OF HAMILTON

**CLIENT:**  
ROXBOROUGH PARK INC.

**TITLE:**  
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 146-16      SHEET NUMBER: 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	NAME	MAILING ADDRESS
Registered Owners(s)	Roxborough Park Inc.	[REDACTED]
Applicant(s)*	Same as above	
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc.	

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

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

N/A
-----

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

4. Nature and extent of relief applied for:

Please refer to cover letter.

- Second 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**):

Plan of Subdivision of Part Lots 31 & 32, Concession 2, Township of Saltfleet and Part of Main Street, and part of Block 'C' Registered Plan 876, and all of Blocks 'A' & 'B' and all of Lang Street Registered Plan 1168 in The City of Hamilton

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

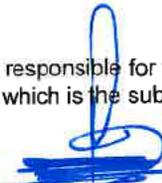
8.11 What information did you use to determine the answers to 8.1 to 8.10 above?  
 Consultation with the client.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
 Is the previous use inventory attached? Yes  No

**9. ACKNOWLEDGEMENT CLAUSE**

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

July 18, 2022  
 Date

  
 Signature Property Owner(s)  
SERGIO MANCHIA  
 Print Name of Owner(s)

10. Dimensions of lands affected:  
 Frontage Varies  
 Depth Varies  
 Area +/- 55,194.48 sq.m.  
 Width of street +/- 18.0 (Roxanne Drive), +/- 20.0 (Hayes Avenue)

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: Please refer to Site Plan.

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

Existing: N/A

Proposed: Please refer to Site Plan.

13. Date of acquisition of subject lands:  
Unknown
14. Date of construction of all buildings and structures on subject lands:  
Varies
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Vacant
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:  
Unknown
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:  
Designated as 'Neighbourhoods' in the Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Site specific Downtown Multiple Residential (D6, 696) Zone in the City of Hamilton Zoning By-law 05-200
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
- Yes     No
- If yes, please provide the file number:  
ZAR-21-034
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
- Yes     No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
- 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

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:263</b>	<b>SUBJECT PROPERTY:</b>	58 BARTON STREET W, HAMILTON
<b>ZONE:</b>	“D” (Urban Protected Residential – Single Family One and Two and Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      Owner – CGS – Bill Curran  
                                 Agent – CGS – Bill Curran

The following variances are requested:

1. A side yard setback of 0.45m shall be provided instead of the minimum required 1.2m side yard setback.
2. A porch extending the entire depth of the front yard to the front lot line shall be permitted instead of the minimum required 0.5 m from the nearest side lot line and at least 1.5 m from the nearest street line.

**PURPOSE & EFFECT:**      So as to permit a porch in the rear yard and an addition in the rear yard of an existing single-family dwelling notwithstanding that:

**Notes:**

- i. Insufficient information has been provided to determine the Front Landscaping area requirements. Should the total Landscaped Area of the Front Yard be less than 50%, an additional variance may be required.
- ii. Insufficient information has been provided to determine the side yard setback to the proposed porch. Should the porch be less than 0.5 metres to the side lot line, an additional variance may be required.
- iii. Insufficient information has been provided to determine the required setbacks for eaves and gutters of the proposed addition in the rear yard. Should any eaves or gutters encroach more than one-half of the width of the required side yard (0.225 metres into required side yard), an additional variance may be required.
- iv. An additional variance may be required as it relates to required parking spaces if the number of

**HM/A-22:263**

habitable rooms within the dwelling is greater than eight (8) as result of the proposed addition.

v. Variance #1 above shall be altered to read "...instead of the required 2.7 m side yard setback." should the proposed addition be over two and a half storeys or 11.0 metres in height.

vi. Variance #2 above shall be altered to read "... instead of the required 3.0 m into a front yard and at least 1.5 m from the front lot line." should the proposed porch be roofed over or screened.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>2:55 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:263



 Subject Lands

DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

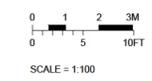
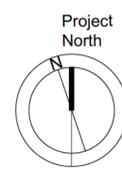
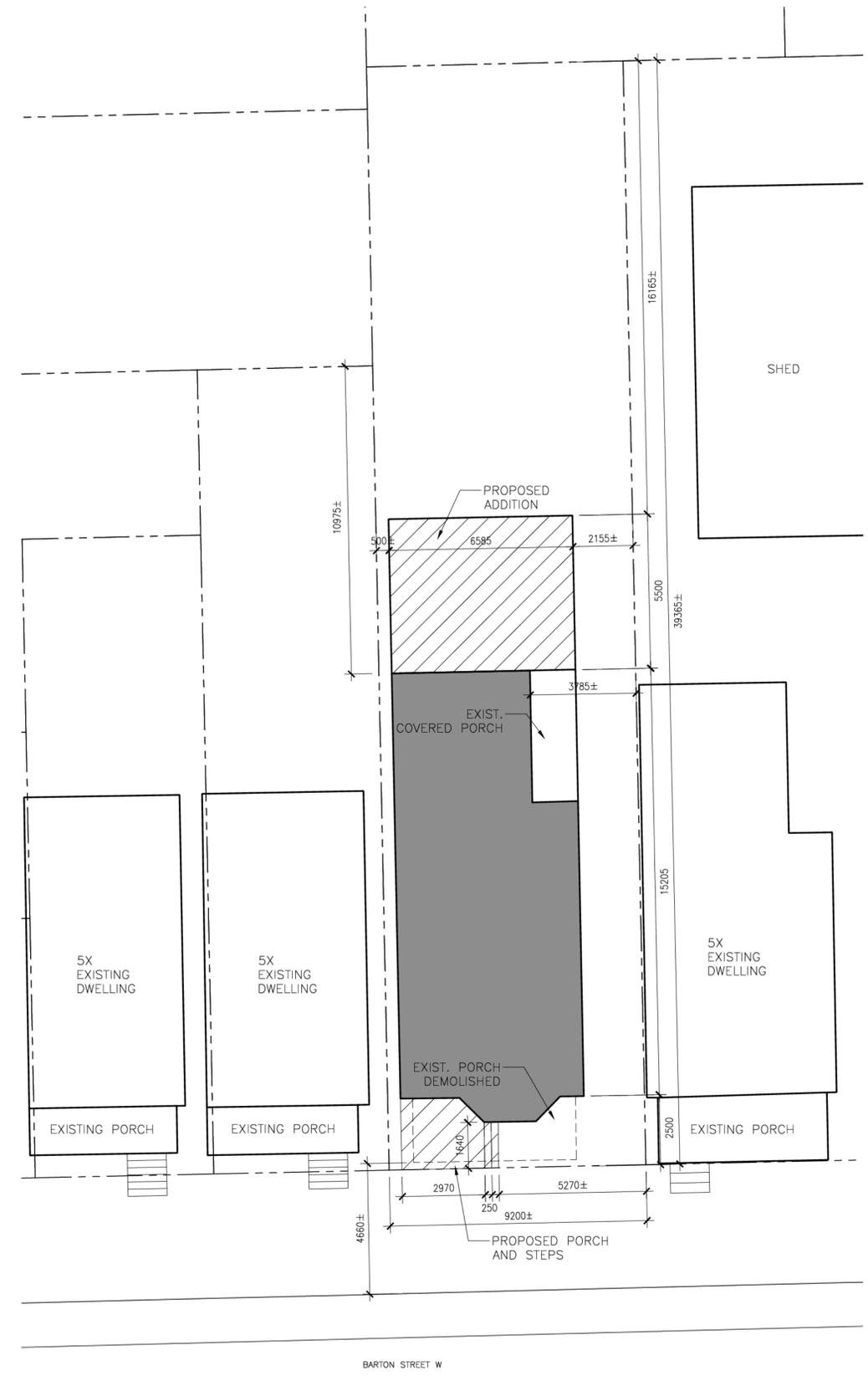
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.  
 CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED WITHOUT AUTHORIZATION. DOCUMENTS ARE TO BE RETURNED UPON COMPLETION OF THE PROJECT.  
 NOTE: DRAWINGS ARE NOT TO BE SCALED.

No	Date	Remarks
1	2022.06.22	Issued Minor Variance

Addition & Renovations to  
**58 Barton Street W**  
 Hamilton, Ontario

Dwg. Title:  
**Site Plan**

Drwn: AB Chkd: WJC  
 Proj. No.: 22020  
 Scale: As noted  
 Date: 2022-07-21

Drawing No.:  
**SP1.0**



**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>	
<b>APPLICATION NO.</b> _____	<b>DATE APPLICATION RECEIVED</b> _____
<b>PAID</b> _____	<b>DATE APPLICATION DEEMED COMPLETE</b> _____
<b>SECRETARY'S SIGNATURE</b> _____	

**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
<b>Registered Owners(s)</b>	Kate Williams and Daniel Case c/o CGS / Curran Gacesa Slote Architects Inc.
<b>Applicant(s)*</b>	Same as Owner
<b>Agent or Solicitor</b>	Bill Curran, OAA CGS / Curran Gacesa Slote Architects Inc.

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

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

TD Canada Trust, 100 King Street West, Hamilton L8P 4W9 (Hamilton Main Branch)
--

**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:

Reduce west yard set back from 1.2m to be 0.45m.  
Reduce front yard setback from 6.0m to be 0m.  
For front porch and rear addition.

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

West and east setbacks on this narrow site will match existing building wall faces.  
The proposed addition is a modest size.  
Porch setback matches existing building face and are consistent with neighbouring dwelling porches. Porch is a replacement and a reduction from existing size.

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

Single family dwelling - 58 Barton Street West, Hamilton, L8L 1A4

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 8.1 to 8.10 above?

Owner since 2020

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

Is the previous use inventory attached? Yes  No

## 9. ACKNOWLEDGEMENT CLAUSE

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

\_\_\_\_\_

Date

\_\_\_\_\_

Signature Property Owner(s)

Kate Williams and Daniel Case

\_\_\_\_\_

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>± 9.2m</u>
Depth	<u>± 39.3m</u>
Area	<u>± 360m<sup>2</sup></u>
Width of street	<u>± 20.03m</u>

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

Existing: \_

Ground Floor Area: 83m<sup>2</sup>  
 Gross Floor Area: 164m<sup>2</sup>  
 # of Storeys: 2  
 Dimensions: 14.63m (depth) x 4.57m (rear) / 6.1m (front)

Proposed

Ground Floor Area: 36.8m<sup>2</sup> (rear addition); 7.6m<sup>2</sup> (front porch, open, no roof)  
 Gross Floor Area: 77.6m<sup>2</sup> (rear addition); 7.6m<sup>2</sup> (front porch)  
 # of Storeys: 2  
 Dimensions: 5.5m x 6.70m (rear addition); +/-1.6m x 3.5m (front porch)

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 Setback: +-1.6m (building), 0m (exist. porch)  
 East Side Yard Setback: +-2.15m  
 West Side Yard Setback: ± 0.50  
 Rear Yard Setback: +-21m

Proposed:

Front Yard Setback: 0m (for front porch)  
 East Side Yard Setback: 2.0m (for rear addition)  
 West Side Yard Setback: 0.40 (for porch and rear addition)  
 Rear Yard Setback: 15.5m (for rear addition)

13. Date of acquisition of subject lands:  
May 1, 2020
- 
14. Date of construction of all buildings and structures on subject lands:  
Circa 1870
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single family residential dwelling
- 
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single family residential dwelling
- 
17. Length of time the existing uses of the subject property have continued:  
Approx. 150 years
- 
18. Municipal services available: (check the appropriate space or spaces)  
Water yes Connected yes  
Sanitary Sewer yes Connected yes  
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Zone D, Urban Protected Residential
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No
- If yes, please provide the file number:  
\_\_\_\_\_
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 Yes  No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)  
\_\_\_\_\_
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

**PART 25 AFFIDAVIT OR SWORN DECLARATION**

This declaration to be sworn by a Commissioner of Oaths.

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_  
in the \_\_\_\_\_ of \_\_\_\_\_ solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the

at the \_\_\_\_\_ of \_\_\_\_\_ )  
) )  
in the \_\_\_\_\_ )  
) )  
of \_\_\_\_\_ ) \_\_\_\_\_ )  
) ) Applicant  
this \_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_ )

\_\_\_\_\_  
A Commissioner, etc.

**PART 26 OWNERS AUTHORIZATION**

As of the date of this application, I (NAME) Kate Williams and Daniel Case am the registered Owner(s) of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

CGS Curran Gacesa Slote Architects of Hamilton, ON

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE July 21, 2022 SIGNED \_\_\_\_\_

**PART 27 CONSENT OF THE OWNER**

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

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

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

I, Kate Williams and Daniel Case, the Owner(s), hereby agree and acknowledge  
(*Print name of Owner(s)*)

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

July 21, 2022  
Date

\_\_\_\_\_  
Signature of Owner(s)

**PART 28 PERMISSION TO ENTER**Date: July 13, 2022

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

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 58 Barton St W, Hamilton, ON  
(Municipal address)

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

---

Signature of Owner or Authorized agentKate Williams and Daniel Case

Please print name

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

**PART 29 COLLECTION OF INFORMATION**

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

**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)

CITY OF HAMILTON  
**COST ACKNOWLEDGEMENT AGREEMENT**

This Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**BETWEEN:**

Kate Williams and Daniel Case

Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

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

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

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

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

1. In this Agreement:
  - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated \_\_\_\_\_ with respect to the lands described in Schedule "A" hereto.
  - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Land Tribunal by a party other than the developer; and (c) the City appears before the Ontario Land Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Ontario Land Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.

3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Ontario Land Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Ontario Land Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.

17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

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

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Per:  
I have authority to bind the corporation.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Per:  
I have authority to bind the corporation

DATED at Hamilton, Ontario this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

City of Hamilton

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Clerk

Schedule "A"  
Description of Lands

**SCHEDULE "B"**  
**FORM OF ASSUMPTION AGREEMENT**

**THIS AGREEMENT** dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

**BETWEEN**

Kate Williams and Danie Case  
\_\_\_\_\_  
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

\_\_\_\_\_  
(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON  
(hereinafter called the "Municipality")

OF THE THIRD PART

**WHEREAS** the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated \_\_\_\_\_.

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

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

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

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

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

**SIGNED, SEALED AND DELIVERED**

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

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

**CITY OF HAMILTON**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk





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

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:267</b>	<b>SUBJECT PROPERTY:</b>	395 QUEEN STREET S, HAMILTON
<b>ZONE:</b>	"C" (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner – Tammy Phinney  
Agent – LandArt – Devon Kleinjan  
Applicant – Richard Wynia

The following variances are requested:

1. Four (4) parking spaces shall be provided instead of the minimum required six (6) parking spaces.
2. Two (2) parking spaces shall be provided in the front yard whereas the by-law permits a maximum of one (1) parking space to be located within the front yard of a single-family dwelling.
3. The parking area shall be permitted to occupy 100% of the gross area of the front yard instead of the maximum 50.0% gross area of the front yard permitted for parking purposes.
4. The gross area of the front yard shall be permitted to contain no landscaped area whereas the zoning By-law requires a minimum 50.0% of the gross area of the front yard to be provided as landscaped area.

**PURPOSE & EFFECT:** So as to permit the construction of a new one (1) storey addition onto the existing single-family dwelling.

**Notes:**

1. Parking for a single-family dwelling is required to be provided at a rate of two (2) parking spaces for the first eight (8) habitable rooms, plus an additional 0.5 spaces for each additional habitable room in excess of eight (8). The minimum number of required parking spaces is based on a total of 15 habitable rooms.

**HM/A-22:267**

2. The Hamilton Zoning By-law 6593 requires at least 50% of the gross front yard area of a single-family dwelling to be maintained as landscaping. The submitted site plan demonstrates some landscaping being provided within the front yard, however the landscaped appears to not appear to be at least 50% of the area. As the exact percentage of the front yard landscaped area has not been indicated, variance #3 and #4 have been written so as to permit the least restrictive front yard landscaping and parking requirements.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>3:00 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:267



DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

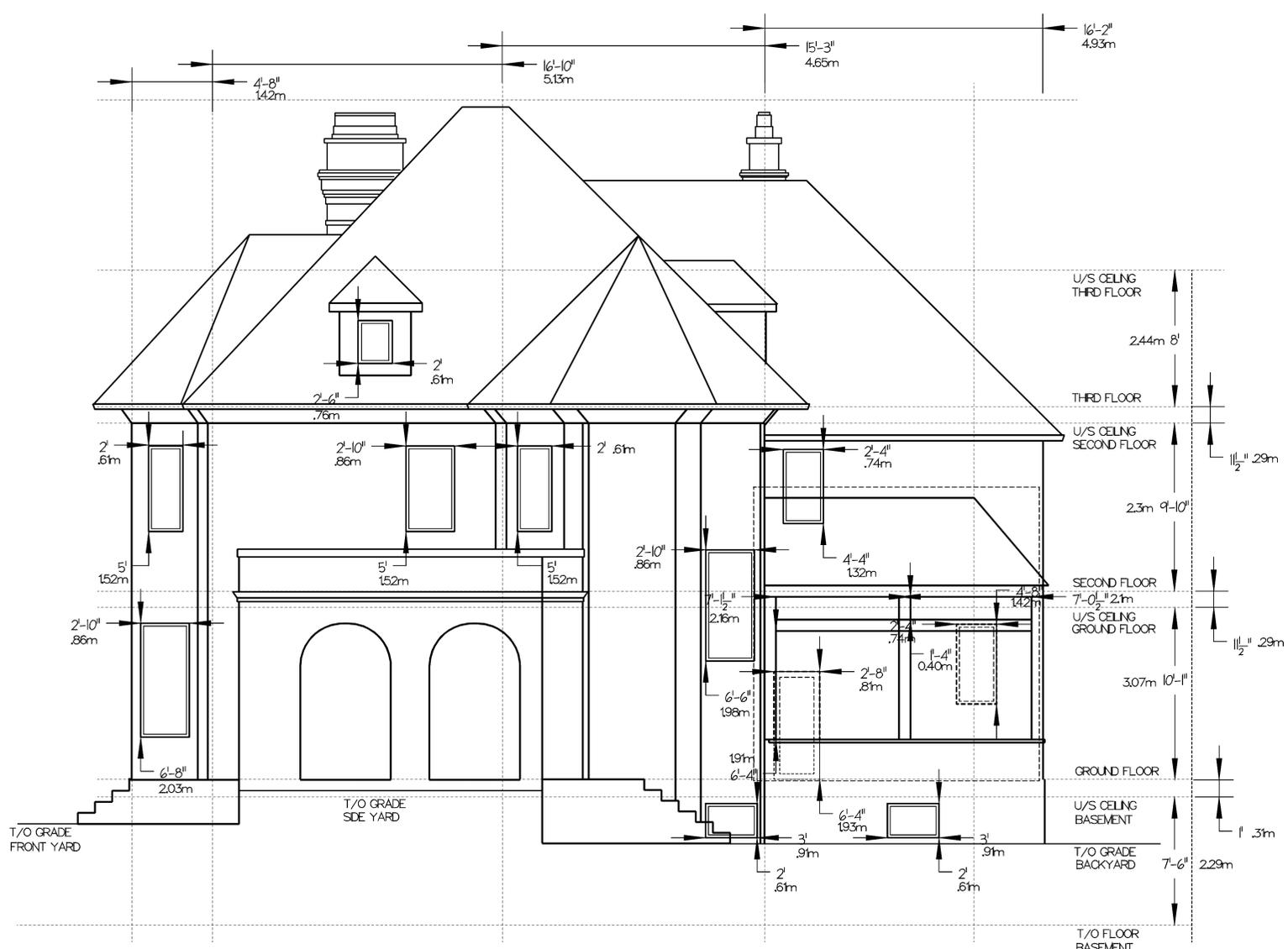
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



**PHINNEY RESIDENCE**  
 395 QUEEN ST. SOUTH  
 SOLARUM PROJECT  
**ELEVATIONS**

DESIGNED BY: DM  
 REVIEWED BY: RW

PAGE SIZE: 24 x 36  
 SCALE: 1/50

**JUNE 22, 2022**  
 REVISIONS

- 1
- 2
- 3

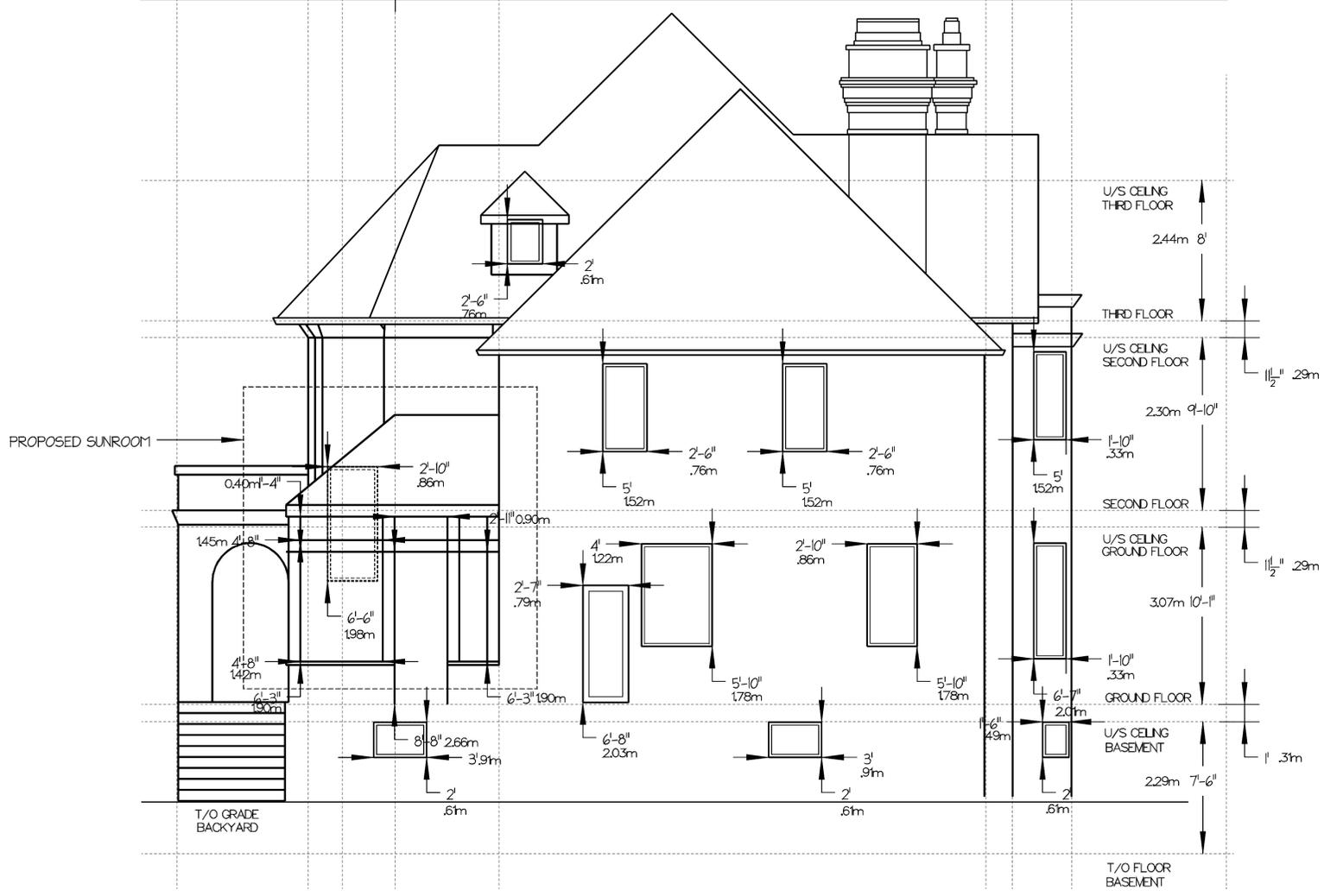
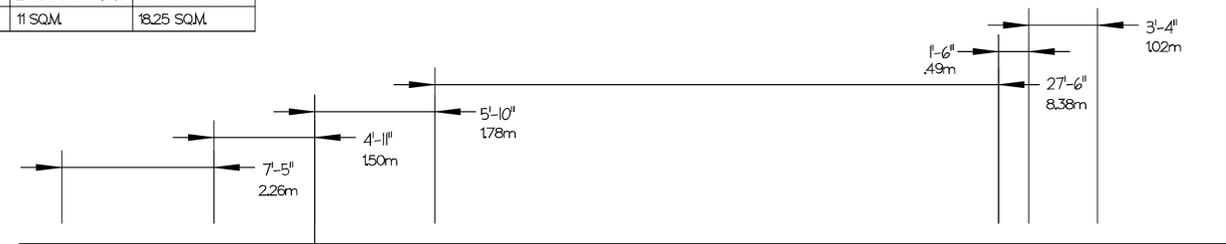
© LandArt 2022 All Rights Reserved

**LEGEND**

- EXISTING ELEVATIONS
- PROPOSED ELEVATIONS
- STAR (ELEVATION CHANGE)
- AIR CONDITIONER
- DOWN SPOUT
- FIRE HYDRANT
- GAS
- HOSE BB
- HYDRO
- LIGHT STANDARD
- WINDOW WELL
- BASEMENT WINDOW
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED

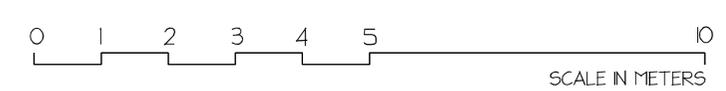
**SOUTH ELEVATION**  
 South Spacial Separation Calculations

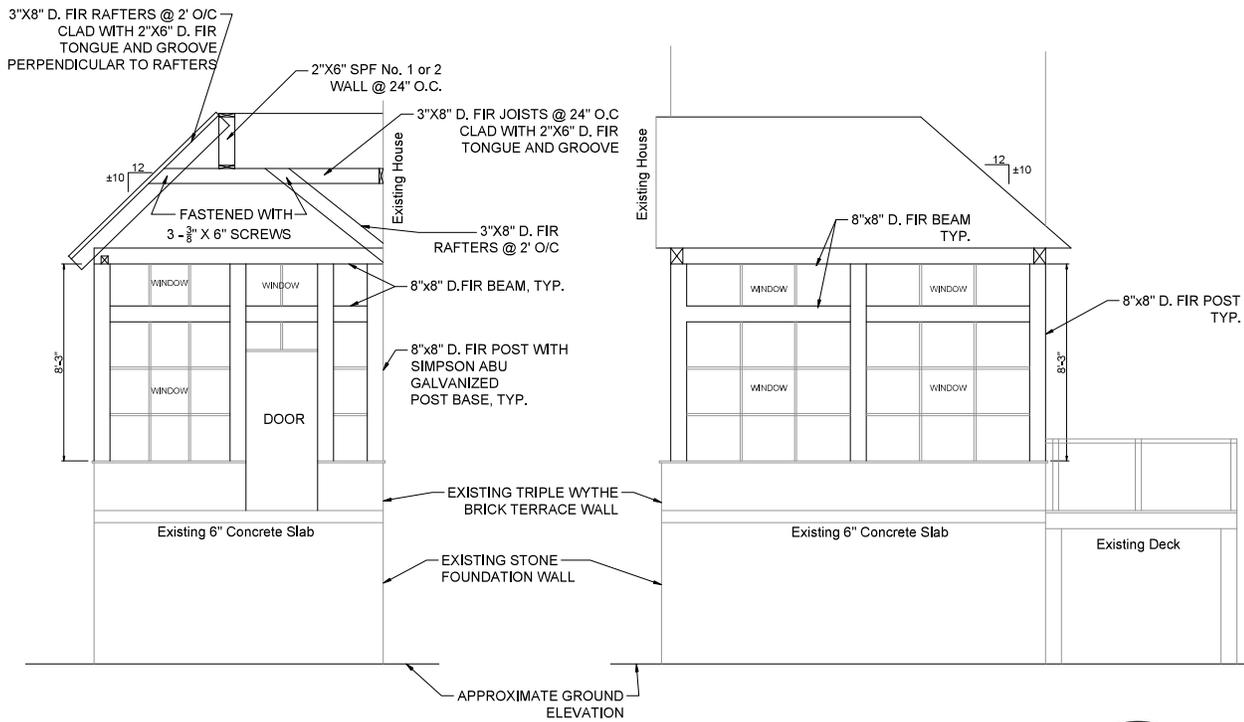
	Existing	Proposed
Limiting Distance	8.78M	8.78M
Exposed Wall	113.5 SQ. M.	113.5 SQ. M.
Allowable Glazing	28% 31.78 SQ. M.	28% 31.78 SQ. M.
Glazing Amount	11 SQ.M.	18.25 SQ.M.



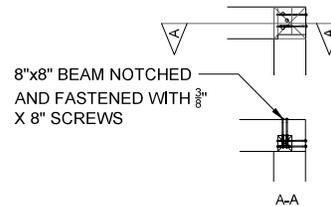
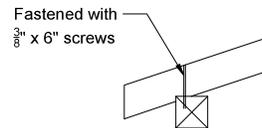
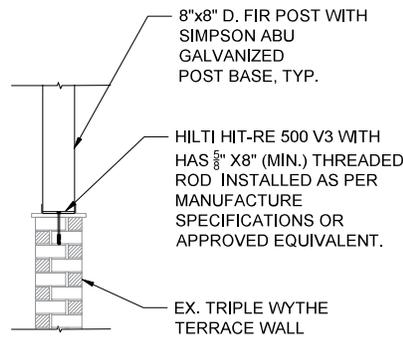
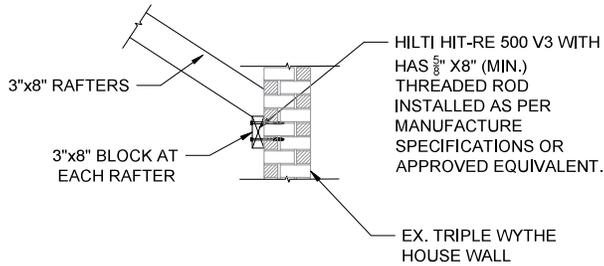
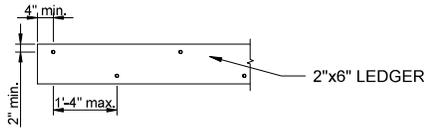
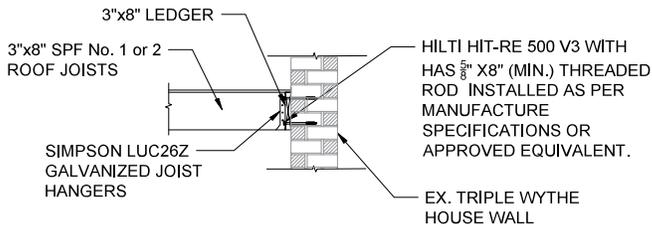
**EAST ELEVATION**  
 East Spacial Separation Calculations

	Existing	Proposed
Limiting Distance	13.56M	13.56M
Exposed Wall	112.75 SQ. M.	112.75 SQ. M.
Allowable Glazing	100% 111.85 SQ. M.	100% 111.85 SQ. M.
Glazing Amount	13.09 SQ. M.	18.59 SQ. M.





REV	DESCRIPTION	BY	DATE
CLIENT	LANDART		
DESIGNER	TREVOR LINDE PEO #: 100199542		
SITE	PHINNEY RESIDENCE 395 QUEEN ST		
TITLE	ELEVATIONS		
SCALE AT AS	DATE	DRAWN	CHECKED
1/8" = 1'	03/24/22	TL	
PROJECT NO.	DRAWING NO.	REGION	
	3		

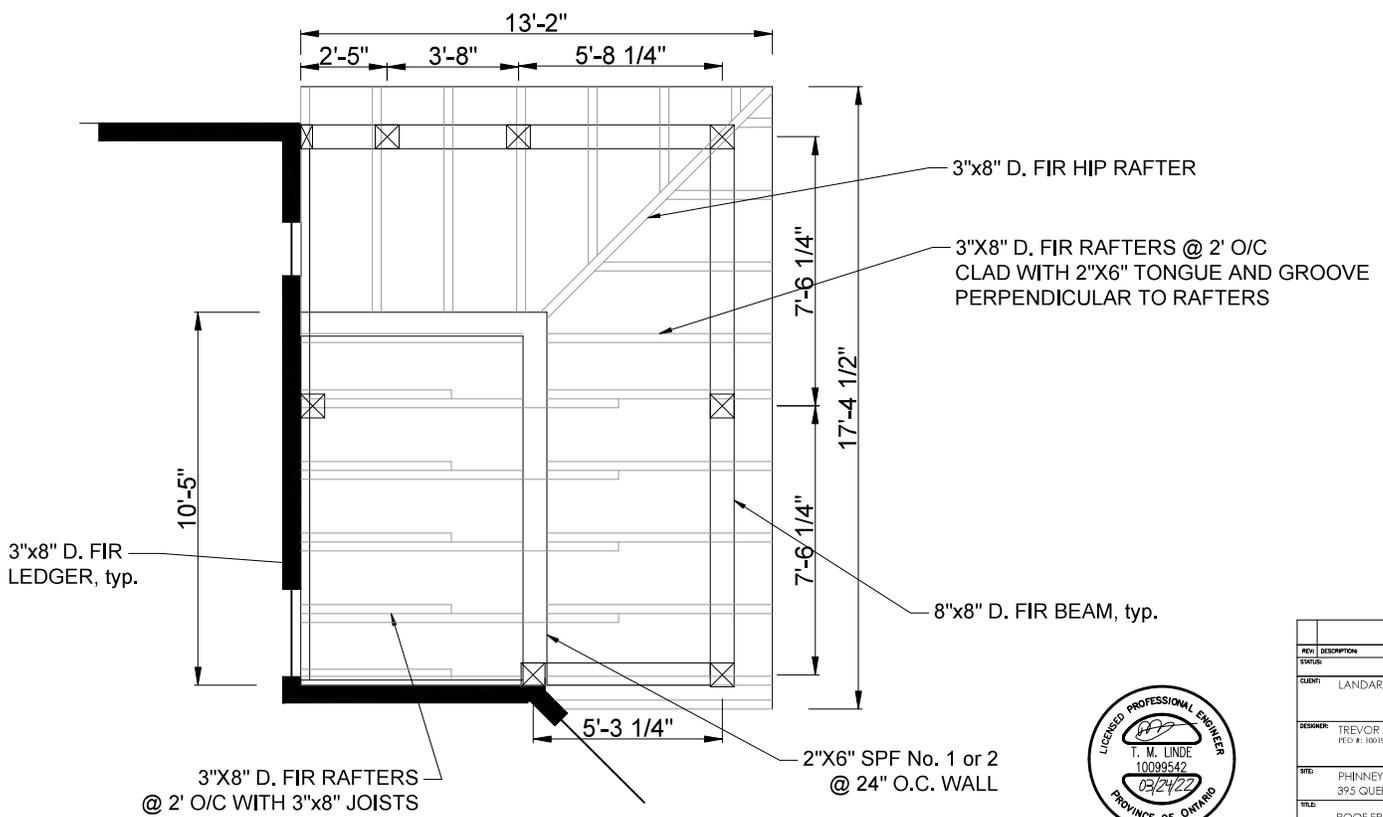


GENERAL NOTES

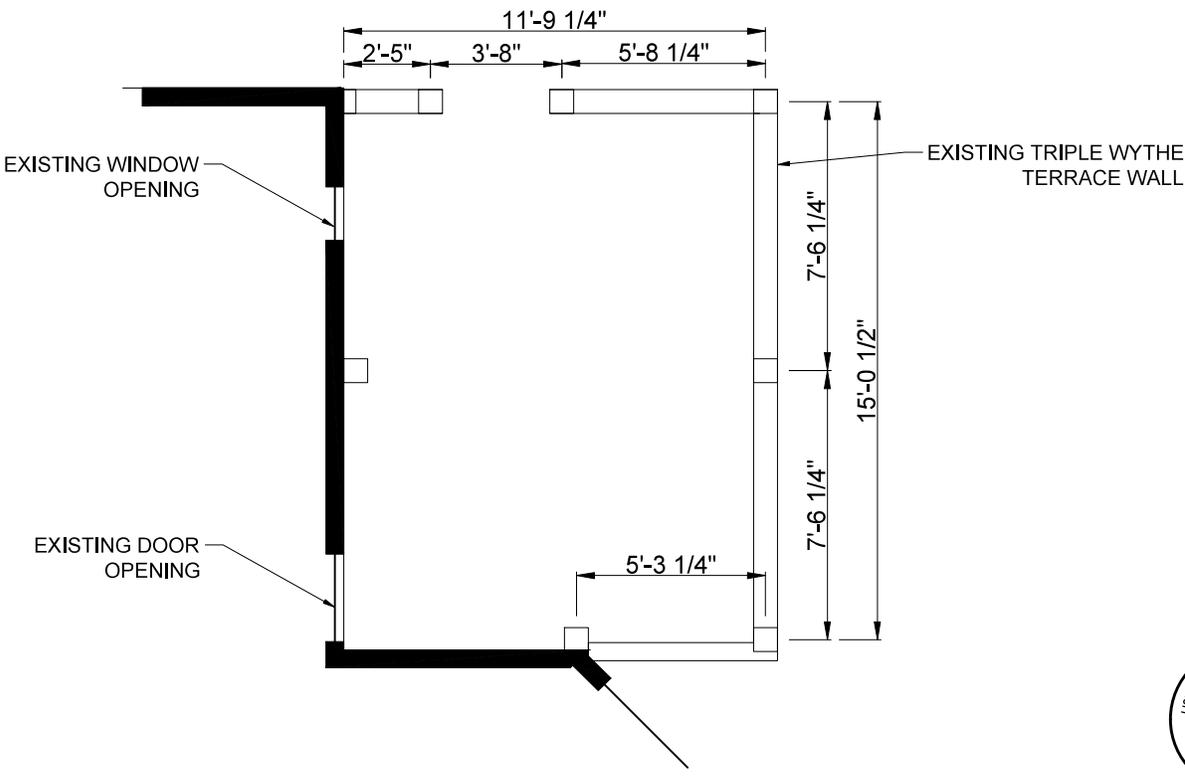
1. ALL CONSTRUCTION TO OBC 2012
2. ALL LUMBER TO BE SPF NO. 1 or No. 2 GRADE OR D.FIR NO. 1
3. ANCHORS INTO EXISTING FOUNDATION TO BE INSPECTED TO CONFIRM MINIMUM TENSION AND SHEAR STRENGTH.
4. SPECIFIED LOADS
  - DEAD - ROOF: 0.50 KPA
  - DEAD - DECK: 0.50 KPA
  - LIVE - ROOF: 1.00 KPA
  - LIVE - DECK: 1.90 KPA
  - SNOW: 1.2 KPA
  - WIND: 0.46 KPA



REV	DESCRIPTION	BY	DATE
CLIENT	LANDART		
DESIGNER	TREVOR LINDE PEO #: 10099542		
SITE	PHINNEY RESIDENCE 395 QUEEN ST		
TITLE	DETAILS		
SCALE AT A-A	DATE	DRAWN	CHECKED
N/A	03/24/22	TL	
PROJECT NO.	DRAWING NO.	REVISION	
	4		



REV	DESCRIPTION	BY	DATE
SYMBOLS			
CLIENT	LANDART		
DESIGNER	TREVOR LINDE P.E.O. # 10089542		
SITE	PHINNEY RESIDENCE 395 QUEEN ST		
TITLE	ROOF FRAMING PLAN		
SCALE AT AS	DATE	DRAWN	CHECKED
3/8" = 1'	03/24/22	TL	
PROJECT NO.	DRAWING NO.	REVISION	
	2		

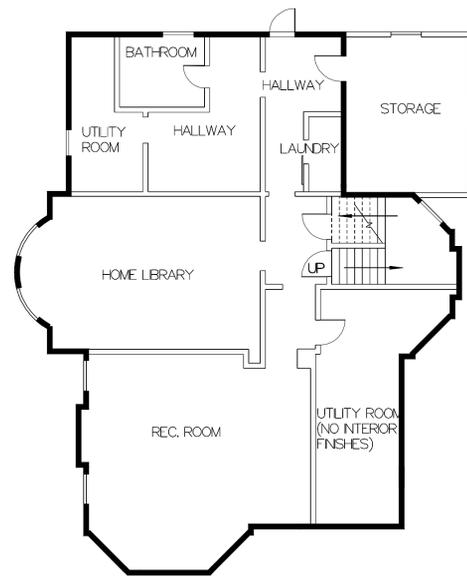


- GENERAL NOTES
1. COLUMNS TO BE PLACED ON EXISTING TRIPLE WYTHE TERRACE WALL
  2. WALL TO BE FULLY GROUTED BELOW COLUMNS

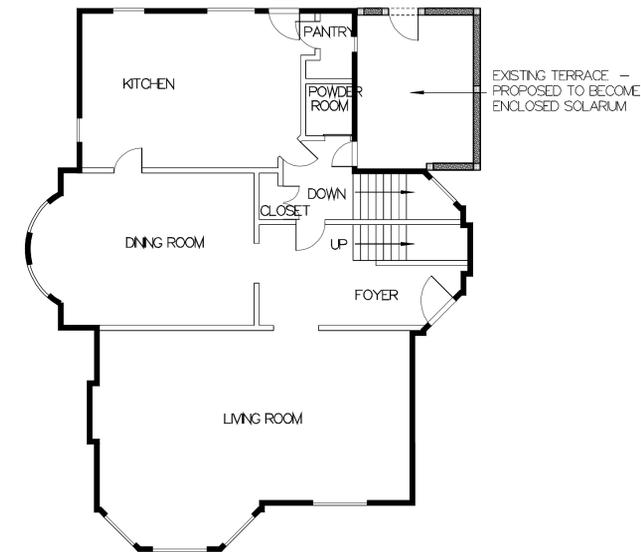
REV	DESCRIPTION	BY	DATE
CLIENT: LANDART			
DESIGNER: TREVOR LINDE PEO #: 100195542			
SITE: PHINNEY RESIDENCE 395 QUEEN ST			
TITLE: FOUNDATION PLAN			
SCALE AT AS	DATE	DRAWN	CHECKED
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PROJECT NO:	DRAWING NO:	REVISION	
	1		



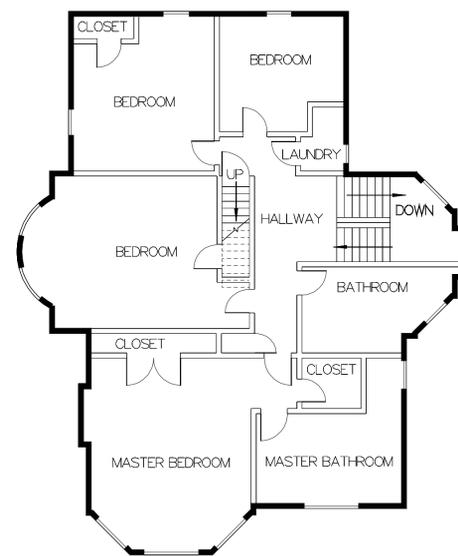
EXISTING BASEMENT LAYOUT



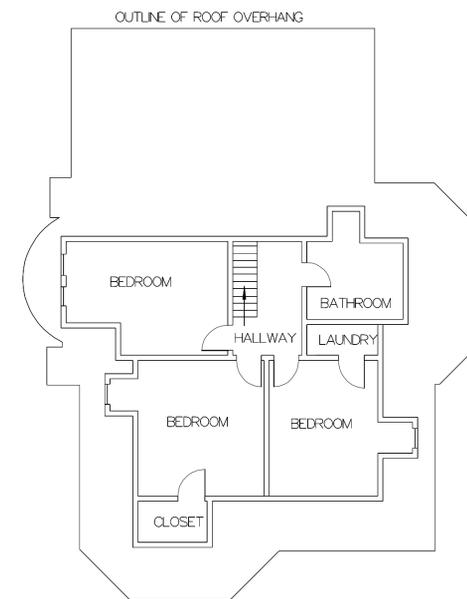
EXISTING FIRST FLOOR LAYOUT



EXISTING SECOND FLOOR LAYOUT



EXISTING THIRD FLOOR LAYOUT (1/2 STOREY)



PHINNEY RESIDENCE

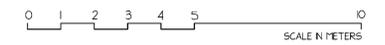
395 QUEEN ST. SOUTH  
SOLARIUM PROJECT

FLOOR PLAN

DESIGNED BY: DM  
REVIEWED BY: RW



PAGE SIZE: 24 x 36  
SCALE: 1/100



MAY 19, 2022

REVISIONS

- 1
- 2
- 3

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- EXISTING ELEVATIONS
- PROPOSED ELEVATIONS
- STAR (ELEVATION CHANGE)
- AIR CONDITIONER
- DOWN SPOUT
- FIRE HYDRANT
- GAS
- HOSE BIB
- HYDRO
- LIGHT STANDARD
- WINDOW WELL
- BASEMENT WINDOW
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED

PAGE 1 / 1



Address: 395 Queen St. South

Municipality: Hamilton

Postal Code: L8P 3T8

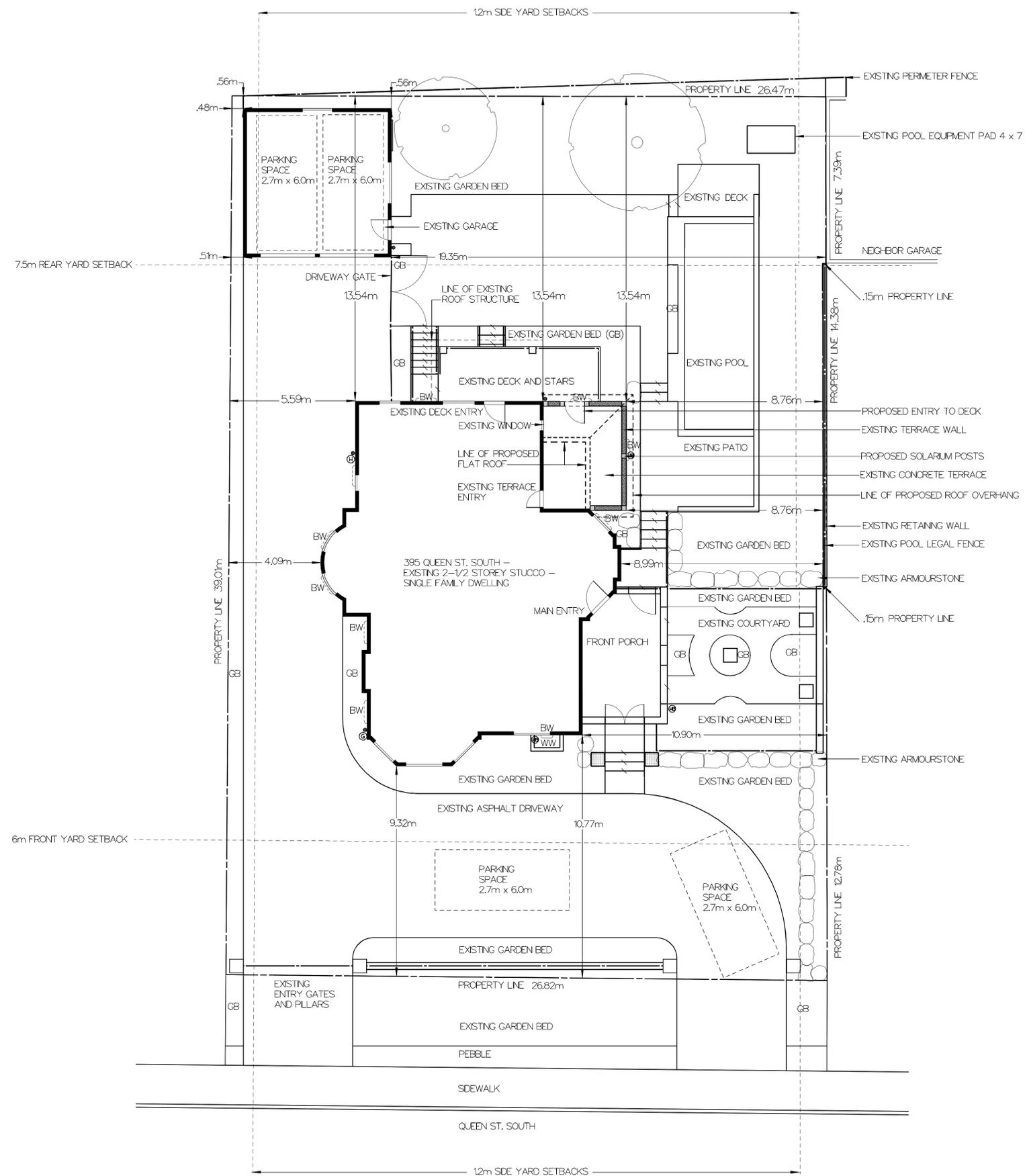
Bylaw No. 6593

Zone: C

Zoning Information	Required	Existing	Proposed
Lot Area (m2)	360	1046	1046
Lot Width (m)	12	26.82	26.82
Lot Depth (m)	n/a	39	39
Lot Frontage	n/a	26.82	26.82
Lot Coverage	n/a	16%	16%
Floor Area Ratio	n/a	39%	39%
Gross Floor Area	n/a	409	409
Ground Floor Area	n/a	169	169
Building Height (m)	11	11	11
Parking Spaces	n/a	4	4
Habitable Rooms		13	14

Setbacks	Required	Existing	Proposed
Front (m)	6	9.37	9.37
Rear (m)	7.5	13.56	13.56
Left Side North (m)	12	4	4
Right Side South (m)	12	8.78	8.78

	Required	Existing	Proposed
Front Yard Area (m2)		250	9.37
Driveway Area (m2)		169	13.56
Left Side North (m)	12	4	4
Right Side South (m)	12	8.78	8.78



# PHINNEY RESIDENCE

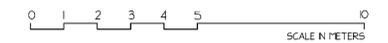
395 QUEEN ST. SOUTH  
SOLARIUM PROJECT

## SITE PLAN

DESIGNED BY: DM  
REVIEWED BY: RW



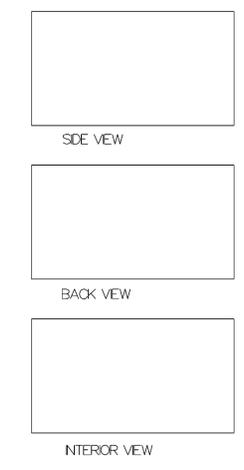
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MAY 19, 2022

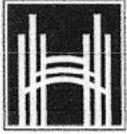
- REVISIONS
- 03.24.2022
  - 05.04.2022
  -

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- EXISTING ELEVATIONS
- PROPOSED ELEVATIONS
- STAR (ELEVATION CHANGE)
- AIR CONDITIONER
- DOWN SPOUT
- FIRE HYDRANT
- GAS
- HOSE BIB
- HYDRO
- LIGHT STANDARD
- WINDOW WELL
- BASEMENT WINDOW
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED





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	NAME	MAILING ADDRESS
Registered Owners(s)	Tammy Phinney	[REDACTED]
Applicant(s)*	Richard Wynia (LandArt)	
Agent or Solicitor	Devon Kleinjan	

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

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

TD Canada Trust.  
 1011 Upper Middle Rd. E.,  
 Oakville ON L6H 4L1. *JP*

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

4. Nature and extent of relief applied for:

To permit the construction of a covered sunroom addition with 4 parking spaces rather than the required 6, as outlined in Section 18a-13 of zoning bylaw 6593

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

We are proposing to cover a terrace on this historic home that was previously had a roof. The large existing driveway and double car garage permit upwards of 12 vehicles to be parked, but they cannot be counted as parking spaces by the zoning bylaw

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**):

395 Queen Street South Hamilton. LT 9, PL 281 ; PT LT 8, PL 281 , AS IN CD447299 ; HAMILTON

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use \_\_\_\_\_

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes       No       Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes       No       Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes       No       Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes       No       Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes       No       Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes       No       Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes       No       Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes       No       Unknown

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

Yes  No  Unknown

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

Owner history and property records.

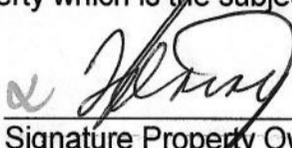
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

07.20.2022  
Date

  
Signature Property Owner(s)

Tammy Phinney  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>26.82M</u>
Depth	<u>39.01M</u>
Area	<u>1046 sq. m.</u>
Width of street	<u>26.82 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:           

Ground Floor Area: 1664 sq.ft. (154sq.m) Gross Floor Area: 4,126 sq.ft. (383 sq.m.) Stories 2 1/2. Width: 50'9" (15.47m) Length: 52'11" (16.13m) Height: 36' (10.97m)

Proposed

Ground Floor Area: 1854 sq.ft. (172.24sq.m) Gross Floor Area: 4,316 sq.ft. (400.97 sq. m.) Stories 2 1/2. Width: 50'9" (15.47m) Length: 52'11" (16.13m) Height: 36' (10.97m)

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

Existing:           

House: 9.32M from front lot line. 4.09m from north lot line. 8.76M from South lot line. 13.54m from Rear lot line.  
Garage: 0.48m from north lot line. 19.35m from South lot line. 0.56m from Rear lot line.

Proposed:           

House: 9.32M from front lot line. 4.09m from north lot line. 8.76M from South lot line. 13.54m from Rear lot line.  
Garage: 0.48m from north lot line. 19.35m from South lot line. 0.56m from Rear lot line.

13. Date of acquisition of subject lands:  
 May 2019

14. Date of construction of all buildings and structures on subject lands:  
 Circa 1870

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

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

17. Length of time the existing uses of the subject property have continued:  
 Est. 150 years

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

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

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

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No

If yes, please provide the file number:  
 \_\_\_\_\_

21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 Yes  No

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

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 include separate sheet if needed)  
 \_\_\_\_\_

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:268</b>	<b>SUBJECT PROPERTY:</b>	100 CHARLTON AVENUE W, HAMILTON,
<b>ZONE:</b>	“E” (Multiple Dwelling, Lodges, Clubs and Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner – Fortino Properties Inc.  
Agent – WEBB Planning Consultants

The following variances are requested:

1. Zero (0) parking space(s) shall be provided instead of the minimum required ten (12) parking spaces for fifteen (15) dwelling units.
2. Zero (0) visitor parking space(s) shall be provided instead of the minimum required three (3) visitor parking spaces for fifteen (15) dwelling units.
3. Zero (0) loading space(s) shall be provided instead of the minimum required one (1) loading space required for a multiple dwelling.

**PURPOSE & EFFECT:** So as to permit six (6) additional units within the existing building envelope of a multiple dwelling (apartment building) notwithstanding that:

**Notes:**

- i. Insufficient information has been provided regarding the proposed Stairwell and Link. It does not appear that the proposed addition extends beyond the rear wall of the existing multiple dwelling, however should the Stairwell and Link further reduce the existing landscaping or create a deficiency which is less than 25% total landscaping, additional variances may be required.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

HM/A-22:268

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>3:05 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## **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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:268



DATED: August 23, 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, and may include posting electronic versions.



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



August 4, 2022

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

Attention: Ms. Jamila Sheffield  
Secretary Treasurer

Dear Ms. Sheffield,

**Re:** Application for Minor Variance – Fortino Properties Inc.  
100 Charlton Avenue West, City of Hamilton

---

WEBB Planning Consultants are retained by Fortino Properties Inc. to co-ordinate the municipal planning approvals required to facilitate the development of the property located at 100 Charlton Avenue West, City of Hamilton. The owners are currently proceeding with plans to upgrade the existing infrastructure within the building including mechanical systems and windows and increasing the number of dwelling units within the established building envelope.

As illustrated by the graphic on the following page, the subject property is located at the intersection of Charlton Avenue West and Bay Street South, within the Durand Neighbourhood of the City. The lands are immediately south of the limits of the City's Downtown core area as regulated by the Downtown Secondary Plan and the Downtown Zoning Regulations.

The property is currently developed with a three and one-half (3 ½) storey apartment building containing a total of 9 rental dwelling units – 2 on each of the upper floors and three units located in the basement. As illustrated by the attached Schematic Site Plan, the building currently abuts the street lot line along Charlton Avenue and Bay Street and has reduced interior side yard setbacks, these conditions deemed to be legal non-conforming. The property also has no on-site parking spaces which is also deemed to be a legal non-conforming condition in relation to the Parking Regulations of the Zoning By-law.

It is noted that the property was added to the City's Municipal Heritage Register in 2017 as a Registered (non-designated) property as an outcome of the Durand Neighbourhood Built Heritage Inventory Project (DNBHI). Listing on the Registry does not prevent interior or exterior alterations or changes to a property, including additions. As part of the Building Permit process, the proposed renovation will not be subject to the issuance of a Heritage Permit.

Lintack Architects are retained by the property owner for the purpose of developing Building Permit plans that will facilitate the planned renovations and increase in the number of dwelling units within the established building envelope. The proposed unit increase will add a total of six (6) additional multiple dwellings, 2 units on each of the upper storeys, for a total of 15 dwelling units. All units are contained within the exiting building envelope, the only addition to the building is a new stairwell and link within the north elevation to maintain Building Code compliance. The additional units do not result in an increase to the gross floor area of the building.

With regard to the Planning Framework, the property is currently designated by the UHOP as Neighbourhoods. The existing and proposed use of the property as a low-rise apartment building complies with the land use policies of the Neighbourhoods designation with respect to permitted uses, scale and form of development. The proposal implements the Intensification Policies of the UHOP as the development maintains compatibility with adjacent land uses and conserves cultural heritage resources, in this case, renovations and updates to a Registered (non-designated) property.

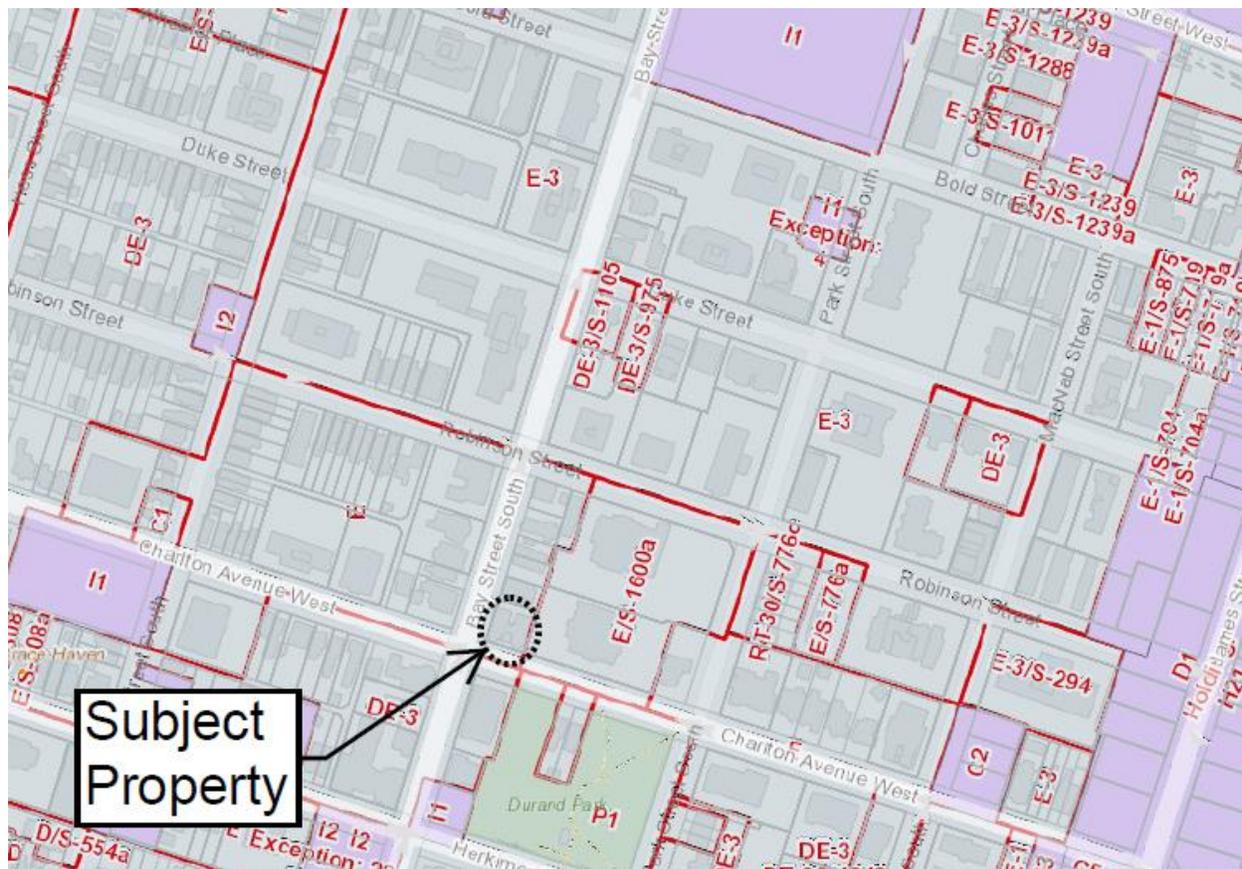


FIGURE 1: SITE LOCATION AND ZONING

With regard to Zoning, the property and adjoining area remain under the jurisdiction of the former City of Hamilton Zoning By-law No. 06593. The property is currently Zoned as “E” District – Multiple Dwellings, Lodges, Clubs Etc. The current use of the property as a 3 ½ storey building containing multiple dwellings complies with the applicable Regulations of the “E” District including permitted uses, lot frontage and area, and building height. The building is legal non-conforming with regard to setbacks and the provision of on-site parking.

The City of Hamilton is presently working on new Zone Regulations for all residential properties in the City. The City will repeal the Regulations of the former Zoning By-laws and incorporating the new Residential Zoning into the City’s comprehensive Zoning By-law No. 05-200. This is relevant to the subject Application as the Parking Regulations of By-law No. 05-200 include specific guidance wherein it is possible to intensify within an existing building with no additional parking being provided. Per Regulation 5.6 (g), provided the existing parking supply is maintained, no additional parking spaces would be required where the added units do not increase the GFA.

In the interim, the proposal to increase the number of dwelling units within the existing building does require additional on-site parking consistent with the Regulations of Section 18A of the former City of Hamilton Zoning By-law. As the site does not have the ability to accommodate any on-site parking, it is necessary to seek a Variance from the applicable Regulations.

To implement the proposed development, the following Variance is proposed:

1. Notwithstanding Regulation 18(A)(1)–(a) & (b), no parking shall be required for the proposed dwelling units to be added to the existing building.

It is our opinion that the proposed Variance is appropriate for the proposed development of the lands. As summarized below, the Variance has been considered in the context of the four tests outlined by Section 45 (1) of the Planning Act and in all respects comply.

**The Variance has been considered in the context of the Official Plan and in our opinion maintain the general purpose and intent.**

The subject lands are designated as Neighbourhoods, there is no Secondary Plan in effect.

Consistent with the discussion above, the proposal to intensify the existing low-rise apartment building conforms to the Policies of the Neighbourhoods Designation with respect to permitted uses, scale and design. The proposal to add additional units within the existing building implements Intensification policies which encourage compatible development and provide for the conservation of cultural heritage resources.

The subject property is located in close proximity to the Downtown area of the City and the available broad range of uses and increased levels of public transit including regular surface transit, GO Bus and GO Rail service. It is noted that the Policies of the Downtown Secondary

support reduced parking supply for new development consistent with Policies of the Provincial Growth Plan that support reduced parking standards where development is proposed in proximity to major transit station areas.

With respect to Policies that encourage active transportation and cycling, it is noted that the development is located within a vibrant neighbourhood adjacent to the Downtown core with established walking and cycling infrastructure.

**The Variance has been considered in the context of the Zoning By-law and in our opinion maintains the general purpose and intent.**

The former City of Hamilton Zoning By-law does include Parking provisions that permit reductions where properties are located within and adjacent to the Downtown Core, Area "A" of Schedule "H". In this context, the required parking supply for multiple dwelling units is reduced compared to other areas of the City, 0.8 spaces per unit rather than 1.25 spaces per unit. With the added requirement for visitor parking, the proposed six dwelling units would necessitate 6 spaces.

Consistent with the established Regulations of the City's new Comprehensive Zoning By-law 05-200, reductions in required parking are carried forward with specific Regulations that would not require any additional parking where dwelling units are added to an existing building with no increase in gross floor area (GFA). This principle would apply to the subject property as the added dwelling units are created within the existing building shell and do not result in an increased GFA.

Recognizing the existing building has never provided on-site parking, it is reasonable to waive the requirement for the added dwelling units to provide parking on the basis of the established legal non-conforming parking Regulation, a location adjacent to the Downtown where parking reductions have historically been provided, and new Zoning Regulations that encourage this form of intensification absent the requirement to provide parking.

While not currently required by the former Zoning Bylaws, it is noted that the City's new Zoning does require long-term bicycle parking as a measure to support active transportation and provide alternative mobility. The proposed renovations will include a dedicated bicycle storage area in the basement of the building with adequate space for a minimum of one bicycle per dwelling unit.

**The Variance is Minor.**

The appropriate test to establish that the Variances are minor is to consider if any adverse or negative impacts arise from the development. It is our opinion that the Variance does not permit an over-intensification of the site or reduction in the performance criteria that are otherwise intended to provide for the appropriate supply and accessibility of on-site parking, cycling infrastructure and appropriate urban design.

Attn.: Ms. Jamila Sheffield  
Re: Application for MV, 100 Charlton Ave. W

August 4, 2022  
Page 5

**The proposed development is desirable for the appropriate development of the lands.**

It is our opinion that the Variance will provide for the desirable and appropriate development of the lands. The proposal to increase the supply of rental housing at a location in immediate proximity to the Downtown core will assist in meeting the housing needs of the City. The proposed building renovations will provide for the necessary updating and reinvestment in a listed heritage property that contributes to the character of the surrounding neighbourhood in a form that is appropriately scaled and compatible.

In summary, it is our opinion that the Variance required to implement the proposal meets the four tests of the Planning Act and will provide for the appropriate development of the development of the property, conserve built heritage and add to the supply of rental housing in proximity to the downtown core.

In keeping with the City's requirements for the submission of an Application for Minor Variance, the following materials are enclosed:

- Application for Minor Variance;
- Application Fee of \$3,465.00 payable to the City of Hamilton;
- Schematic Site Plan, Elevations and Floor Plans, prepared by Lintack Architects;

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Minor Variance. Please contact our office immediately should you have any questions or require additional information in support of this submission.

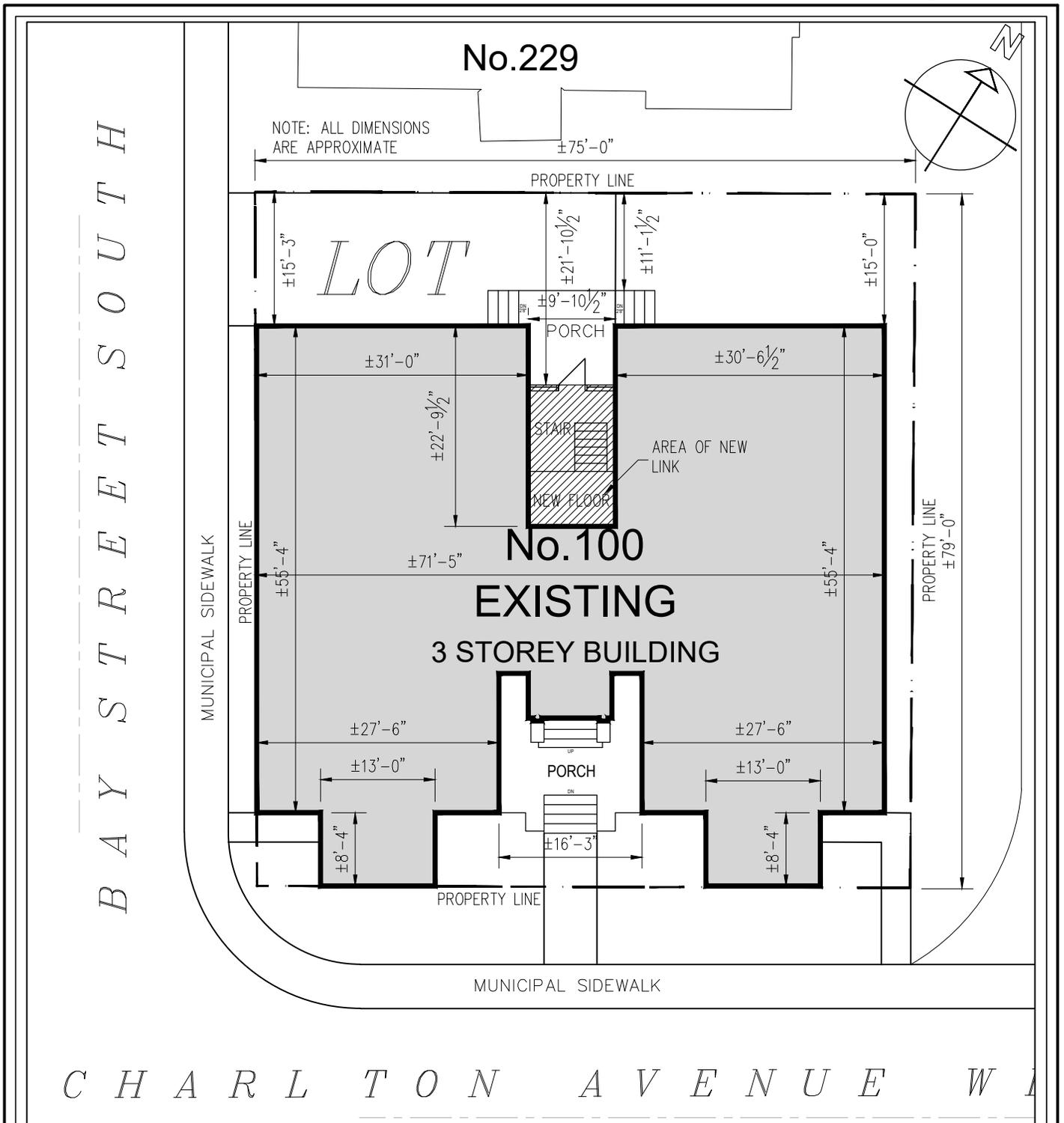
Yours truly,

**WEBB Planning Consultants Inc.**



James Webb, MCIP, RPP

cc: Fortino Properties Inc.



**1** **SCHEMATIC SITE PLAN**

**A1** SCALE: 1/16" = 1'-0"

PROPOSED RENOVATIONS TO:  
**100 CHARLTON**  
**FORTINO BROTHERS**

100 CHARLTON AVENUE WEST, HAMILTON ON

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

DATE:  
 JUNE 2022

**LINTACK ARCHITECTS**

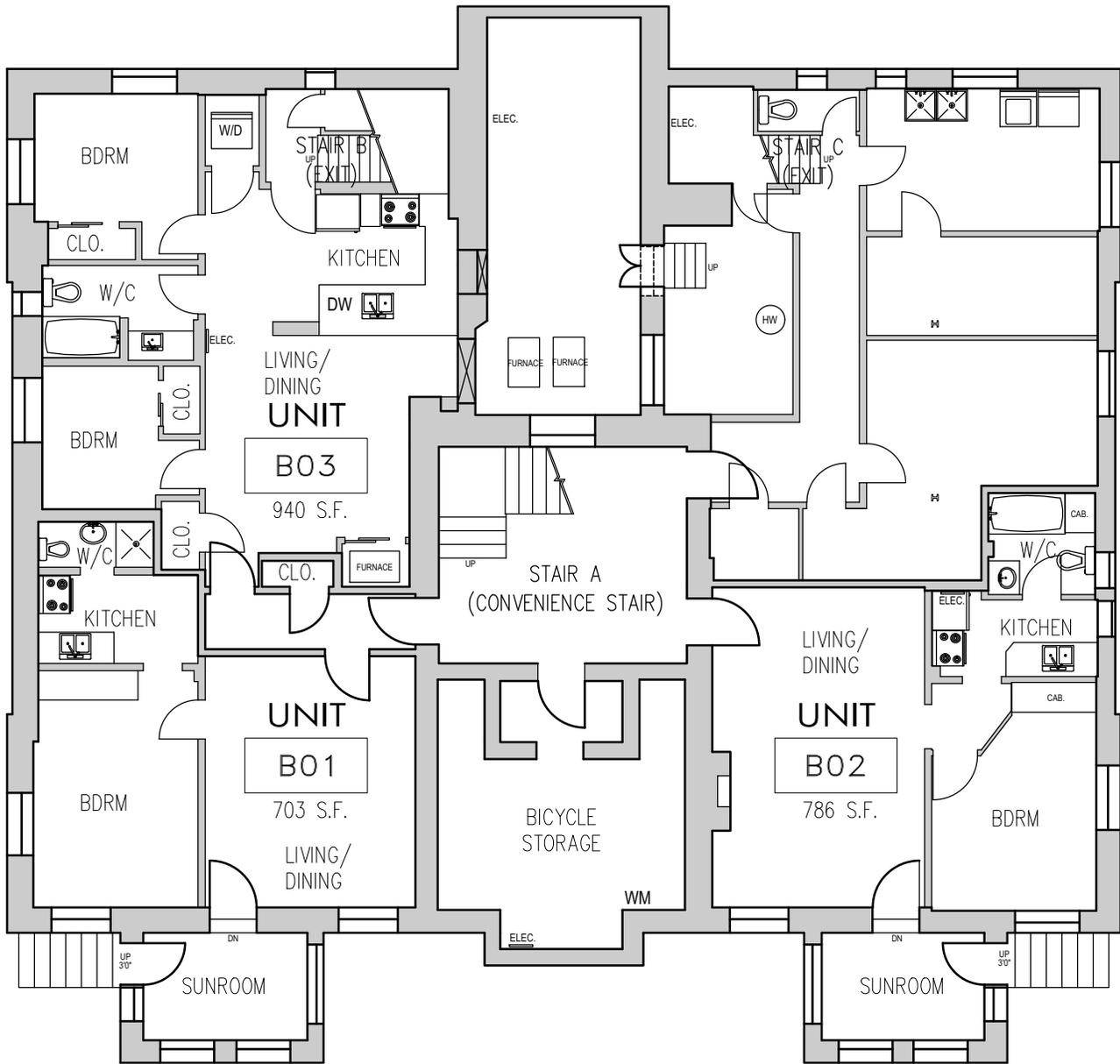
**INCORPORATED**

244 JAMES STREET SOUTH,  
 HAMILTON, ONTARIO, L8P 3B3  
 T: 905.522.6165 • F: 905.522.2209  
 E: information@lintack.com  
 www.lintack.com

**SCHEMATIC SITE PLAN**

JOB No. 21.108

DWG. No. **A0**



PROPOSED RENOVATIONS TO:  
**100 CHARLTON**  
**FORTINO BROTHERS**

100 CHARLTON AVENUE WEST, HAMILTON ON

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

DATE:  
 JUNE 2022

**LINTACK**  
**ARCHITECTS**

**INCORPORATED**  
 244 JAMES STREET SOUTH,  
 HAMILTON, ONTARIO, L8P 3B3  
 T: 905.522.6165 • F: 905.522.2209  
 E: information@lintack.com  
 www.lintack.com

**BASEMENT**  
**FLOOR**  
**PLAN**

JOB No.

21.108

DWG. No.

**A1.0**



**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)	Fortino Properties Inc.	
Applicant(s)*	Fortino Properties Inc.	
Agent or Solicitor	WEBB Planning Consultants	

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

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

Mortgage: First Ontario Credit Union, 1 James St S, Hamilton, ON L8P 4R5
--

**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:

Existing nine (9) unit multiple dwelling building to be intensified by adding six (6) additional units within the established building envelope, no on-site parking shall be required for the additional dwelling units

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

site is presently developed as 3 1/2 storey building with no current opportunities for on-site parking, no ability to accommodate additional parking

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**):

100 Charlton Avenue West, City of Hamilton

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_

- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes       No       Unknown

- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes       No       Unknown

- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes       No       Unknown

- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes       No       Unknown

- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes       No       Unknown

- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes       No       Unknown

- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes       No       Unknown

- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes       No       Unknown

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

Yes  No  Unknown

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

Site inspection, discussion 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.

Date \_\_\_\_\_

Signature Property Owner(s) \_\_\_\_\_

Jordan Fortino

Print Name of Owner(s) \_\_\_\_\_

10. Dimensions of lands affected:

Frontage	Apx. 23 metres (Charlton)
Depth	Apx 24 metres
Area	Apx 550 square metres
Width of street	20.0 m (Charlton Ave.)

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:

3 1/2 storey residential building containing a total of nine (9) dwelling units, specific details of hte

Proposed

There are no changes proposed to the exterior envelope of the building, with exception of interior stairwell, all renovations are within established footprint

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 and Exterior Yards: 0.0 metres, interior SY - East: Apx. 1.0 m, interior SY - North: Apx 3.0 metres

Proposed:

There are no changes to the exterior of the established building envelope

13. Date of acquisition of subject lands:  
May 1, 2019
14. Date of construction of all buildings and structures on subject lands:  
Unknown, in excess of 50 years ago
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
multiple dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
multiple dwellings, open space
17. Length of time the existing uses of the subject property have continued:  
In excess of 50 years
18. Municipal services available: (check the appropriate space or spaces)  
Water yes Connected \_\_\_\_\_  
Sanitary Sewer yes Connected yes  
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"E" District, Former City of Hamilton Zoning By-law 6593
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No  
If yes, please provide the file number:  
\_\_\_\_\_
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
**N/A**  Yes  No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)  
\_\_\_\_\_
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

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:190</b>	<b>SUBJECT PROPERTY:</b>	330 DUNDURN STREET S, HAMILTON
<b>ZONE:</b>	"I3" (Major Institutional)	<b>ZONING BY-LAW:</b>	Zoning By-law 05-200, as Amended 07-101

**APPLICANTS:** Agent SRM Architect Inc.  
**Owner 2178940 Ontario Inc. – Lev Development**

The following variances are requested:

1. A maximum building height of 21.0 metres shall be permitted instead of the requirement contained in Section 8.3.2.2b), and the maximum permitted building height of 18.0 metres.
2. A minimum northerly side yard of 7.2 metres shall be required for any portion of the building equal to or below 21.0 metres, instead of the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement and the minimum 6.0 metre rear yard requirement when abutting a Residential Zone.
3. A minimum northerly side yard of 10.40 metres shall be required for the portion of the building above 21.0 metres, instead the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement and the minimum 6.0 metre rear yard requirement when abutting a Residential Zone.
4. A minimum northerly side yard of 14.0 metres shall be provided for the portion of the building above 24.20 metres, instead the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement when abutting a Residential Zone.
5. A minimum southerly side yard of 5.5 metres and a minimum rear yard of 5.5 metres shall be permitted, instead of the requirement contained in Section 8.3.2.2a) and the minimum required side yard and minimum required rear of 6.0 metres where abutting a Residential Zone.

**HM/A-22:190**

6. No increase in the minimum required southerly side yard and the minimum required rear yard shall be required for the portion of the building equal or above 21.0 metres to a maximum building height of 28 metres instead the requirement contained in Section 8.3.2.2b)ii), that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement when abutting a Residential Zone.
7. A minimum of seventy-five (75) parking spaces shall be provided for the Multiple Dwelling, instead the requirements contained in Section 5.6c) and the minimum eighty-five (85) parking spaces required.
8. A minimum of twenty-two (22) parking spaces shall be provided for the Retirement Home, instead the requirements contained in Section 5.6c) and the minimum thirty-eight (38) parking spaces required.

**PURPOSE & EFFECT:** To facilitate the construction of an eight (8) storey multiple dwelling consisting of 109 dwelling units

**Notes:**

1. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. The requested variances are required to facilitate Site Plan Application No. DA-21-133, which received condition approval on March 16, 2022. Please note that a full zoning compliance review has not been completed as part of the submitted minor variance application; as such, the variances have been written as requested by applicant.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, September 8, 2022</b>
<b>TIME:</b>	<b>3:10 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**HM/A-22:190**

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



 **Subject Lands**

DATED: August 23, 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, and may include posting electronic versions.

SITE DATA		
DATA	REQUIRED	PROVIDED
ZONING	MAJOR INSTITUTIONAL (I3)	
NET LOT AREA	7,555m <sup>2</sup>	
SETBACKS		
FRONT YARD (DUNDURN ST.)	-	N/A
NORTH SIDE YARD	9.2m	7.2m
REAR SIDE YARD	9.2m	5.5m
SOUTH SIDE YARD	9.2m	5.5m

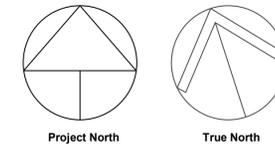
BUILDING DATA		
DATA	REQUIRED	PROVIDED
TOTAL DENSITY		109 UNITS
		87 (80%) - 1 BED/ 1 BED+DEN
		22 (20%) - 2 BED/ 2 BED+DEN
BUILDING AREA		1,390m <sup>2</sup> (14,960 SF)
GROSS CONSTRUCTION AREA		14,084m <sup>2</sup> (151,595 SF)
GROSS FLOOR AREA		8,492 m <sup>2</sup> (91,407 SF)
GFA (CITY OF HAMILTON)		8,313 m <sup>2</sup> (89,480 SF)
NET SALABLE AREA		6,615 m <sup>2</sup> (71,203 SF)
NUMBER OF STOREYS		8
BUILDING HEIGHT (NOT INCL. PH.)	28m MAX.	28m
AMENITY AREA		2,175 SF - INDOOR 3,878 SF - OUTDOOR 6,053 SF - TOTAL

GROSS FLOOR AREA BREAKDOWN		
DATA	REQUIRED	PROVIDED
LEVEL 1		1,102 m <sup>2</sup> (11,862 SF)
LEVEL 2		994 m <sup>2</sup> (10,700 SF)
LEVEL 3		1,246 m <sup>2</sup> (13,412 SF)
LEVEL 4		1,246 m <sup>2</sup> (13,412 SF)
LEVEL 5		921 m <sup>2</sup> (9,913 SF)
LEVEL 6		969 m <sup>2</sup> (10,430 SF)
LEVEL 7		867 m <sup>2</sup> (9,332 SF)
LEVEL 8		807 m <sup>2</sup> (8,688 SF)
MECH. PH.		340 m <sup>2</sup> (3,660 SF)
GFA TOTAL (INCL. SERVICES)		8,492 m <sup>2</sup> (91,407 SF)

SITE COVERAGE DATA		
DATA	REQUIRED	PROVIDED
PROPOSED BUILDING COVERAGE		1,102m <sup>2</sup> (15%)
EXISTING BUILDING COVERAGE		1,860m <sup>2</sup> (25%)
ASPHALT AREA		1,842m <sup>2</sup> (24%)
LANDSCAPING AREA		2,751m <sup>2</sup> (36%)
TOTAL		7,555m <sup>2</sup> (100%)

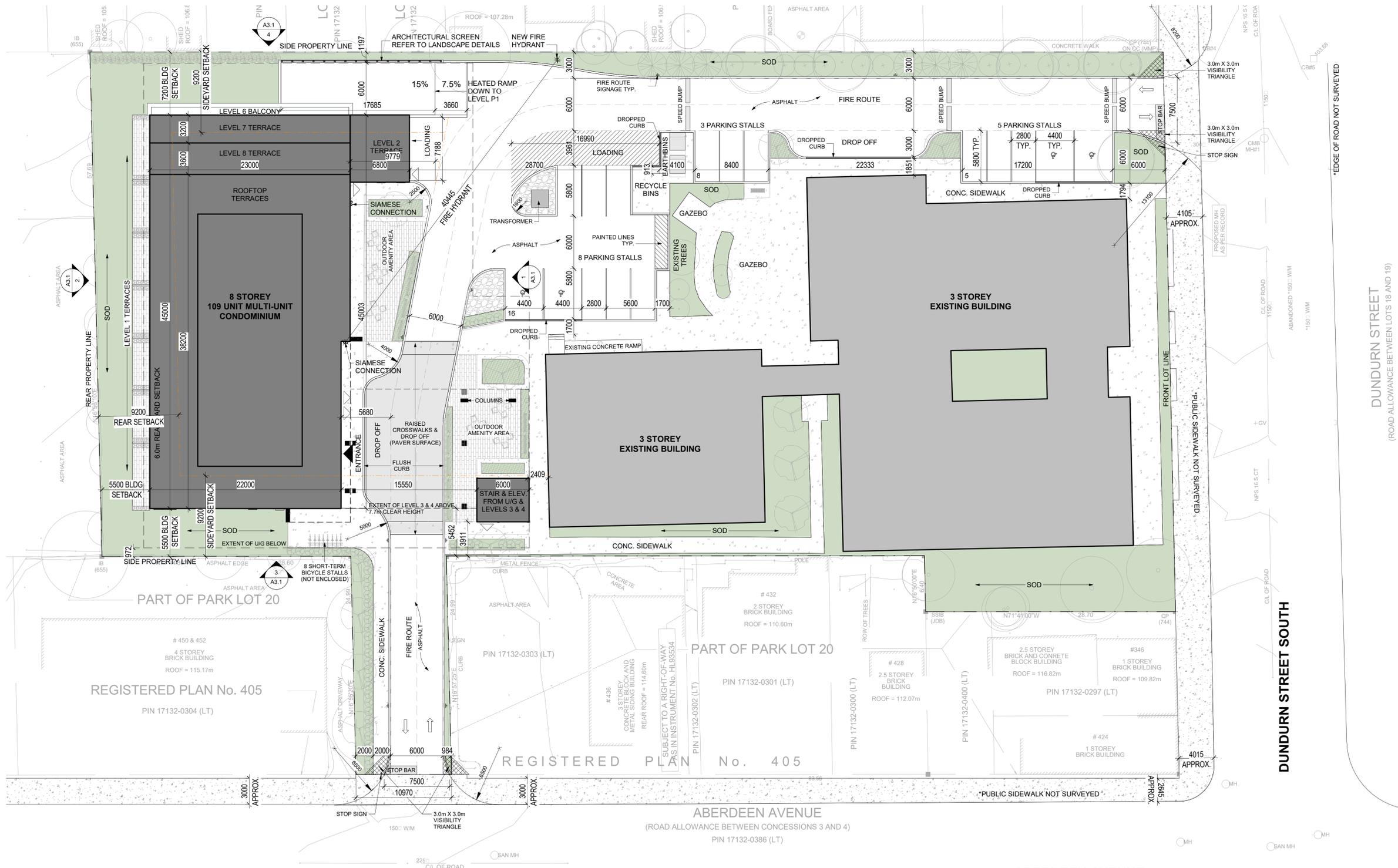
VEHICLE PARKING DATA		
DATA	REQUIRED	PROVIDED
RESIDENTIAL PARKING (s. 5.6(c)(i))	EXISTING RETIREMENT: 115 UNITS, 1/3 PEOPLE = 38 STALLS PROPOSED CONDO: 0.3 X UNIT = 50m <sup>2</sup> = 0.3 X 34 = 10.2 1.0 X UNIT = 50m <sup>2</sup> = 1.0 X 76 = 76 TOTAL = 123	RETIREMENT: 38 CONDO & VISITOR: 59 TOTAL: 97 STALLS
BARRIER FREE PARKING (INCL.)	RETIREMENT = 1 CONDO = 4% = 3.4 TOTAL = 4	4 STALLS (INCL.)
TOTAL PARKING		97 STALLS

BICYCLE & TDM MEASURES DATA		
DATA	REQUIRED	PROVIDED
BICYCLE PARKING		SHORT TERM: (NOT ENCLOSED - OUTDOORS) 8 STALLS LONG TERM: (ENCLOSED - INDOORS LEVELS P1 & P2) 55 STALLS (0.5/UNIT)
ADDITIONAL TDM MEASURES		BIKE SHARE MEMBERSHIP FOR NEW RESIDENTS TO BE OFFERED DURING FIRST YEAR OF OCCUPANCY. TRANSIT INCENTIVES INCLUDING ON-SITE TRANSIT INFO AND PRESTO CARDS. VEHICLE PARKING TO BE UNBUNDLED FROM RESIDENTIAL UNITS



**GENERAL NOTES**

- DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
- ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
- CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
- ALL CONTRACTORS AND SUB-CRONTACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
- ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
- THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGEMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY USE WHICH A THIRD PARTY MAKES OF THE CONTRACT DOCUMENTS, OR ANY RELIANCE ON OR DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH THIRD PARTIES.
- THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.



No.	Date	Revision
7	2022-05-20	ISSUED FOR MINOR VARIANCE
6	2021-11-22	ISSUED FOR SPA 2ND SUBMISSION
5	2021-11-04	ISSUED FOR NEIGHBOURHOOD MEETING
4	2021-07-22	ISSUED FOR SPA 1ST SUBMISSION
3	2021-07-05	ISSUED FOR CLIENT REVIEW
2	2021-06-10	ISSUED FOR COORDINATION
1	2021-04-27	ISSUED FOR CITY REVIEW

**srm** ARCHITECTS INC.

Project No: 21046  
 Project Date: 2021-03-05  
 Drawn by: MES  
 Checked by: EJT  
 Plot Date / Time: 2022-05-20 10:39:59 AM

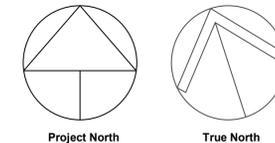
**ABERDEEN CONDOS**  
**330 DUNDURN ST. S.**  
**HAMILTON**

**SITE PLAN**

Ontario Association of Architects  
 EDWARD THOMAS  
 LICENCE 5572

Drawing Scale: As indicated  
 Status: ISSUED FOR MINOR VARIANCE  
 Drawing No.: Revision No.:  
**A1.1 - r7**

C:\Users\czechr\Documents\21046\_Aberdeen\_Condos\_V11\_cblmzehr.rvt



**GENERAL NOTES**

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4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGEMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY USE WHICH A THIRD PARTY MAKES OF THE CONTRACT DOCUMENTS, OR ANY RELIANCE ON OR DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH THIRD PARTIES.
7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.

No.	Date	Revision
6	2022-05-20	ISSUED FOR MINOR VARIANCE
5	2021-11-22	ISSUED FOR SPA 2ND SUBMISSION
4	2021-07-22	ISSUED FOR SPA 1ST SUBMISSION
3	2021-07-05	ISSUED FOR CLIENT REVIEW
2	2021-06-10	ISSUED FOR COORDINATION
1	2021-04-27	ISSUED FOR CITY REVIEW

**srm**  
ARCHITECTS INC.

Project No: 21046  
Project Date: 2021-03-05  
Drawn by: DMX  
Checked by: MES  
Plot Date / Time: 2022-05-20 10:39:59 AM

**ABERDEEN CONDOS  
330 DUNDURN ST. S.  
HAMILTON**

**LEVEL P2 FLOOR PLAN**

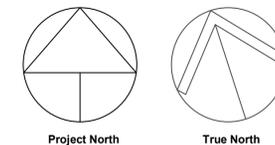
Ontario Association of Architects  
OF ARCHITECTS  
EDWARD THOMAS  
LICENCE 5572

Drawing Scale: 1:125  
Status: ISSUED FOR MINOR VARIANCE  
Drawing No.: A2.1 - r6



**1 LEVEL P2**  
1:125

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**GENERAL NOTES**

1. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
2. ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
3. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
4. ALL CONTRACTORS AND SUB-CRONTACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
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ADJACENT BUILDING

1 LEVEL P1  
1:125

Project No: 21046  
 Project Date: 2021-03-05  
 Drawn by: DMX  
 Checked by: MES  
 Plot Date / Time: 2022-05-20 10:40:00 AM

**ABERDEEN CONDOS  
330 DUNDURN ST. S.  
HAMILTON**

**LEVEL P1 FLOOR PLAN**

Ontario Association of Architects  
 Edward Thomas  
 Licence 5572

Drawing Scale: 1:125  
 Status: ISSUED FOR MINOR VARIANCE  
 Drawing No.: A2.2 - r6

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**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	
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:

BANK OF MONTREAL  
Ryan Bulmer  
100 King Street West, Suite 18th Floor  
Toronto, Ontario M5X 1A1

**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:

Nature and extent of relief being applied for REF. Attached Additional Sheet

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Nature and extent of relief being applied for REF. Attached Additional Sheet

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**):

330 Dundurn Street South

Property Number: 251801009152590

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 8.1 to 8.10 above?

Phase 1 ESA Prepared by Lantek Limited Dated January 2021

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.

May 18 2022  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Signature Property Owner(s)

Yaniv Geler  
 \_\_\_\_\_  
 Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	64.0 m	_____
Depth	123.39 m	_____
Area	7,555.66m <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: \_\_\_\_\_  
 Existing retirement residence (Aberdeen Retirement Residence), a surface parking area, and a storm water management area.

Proposed  
 Removal of existing surface parking stalls and storm water management area on the west side of the property and construct an 8 (eight) storey apartment building with 2 (two) levels of underground parking. 70 parking spaces proposed.

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

Existing:  
 3 (three) storey, 1,860m<sup>2</sup> 113 suite retirement complex.  
 Approx 53m from rear lot line, 4.5m from front lot line,  
 Approx 12.4 m from north lot line, 0.5m from south lot line.

Proposed:  
 8 (eight) storey, 1,102m<sup>2</sup> 109 suite multi-unit Condominium  
 Approx 5.5 rear set back, 82.6m from front lot line,  
 Approx 7.2m from north lot line, and 5.5m for south.

- 13. Date of acquisition of subject lands:  
December 2008

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- 14. Date of construction of all buildings and structures on subject lands:  
1999 and 2015 addition. New build TBD

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- 15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Retirement Home

---

- 16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Urban Residential, Commercial

---

- 17. Length of time the existing uses of the subject property have continued:  
23 YEARS

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

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

Block A&B Registered Plan 1295 and part Park Lot 20 Registered plan NO.405

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

Major institutional (I3)

- 21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

Yes       No

If yes, please provide the file number:

- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 Yes       No

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

- 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 include separate sheet if needed)

- 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.



ARCHITECTS INC.

BUILDING CONFIDENCE

**Attention: City of Hamilton - Committee of Adjustment****City hall, 71 Main St. W.,****Hamilton, ON L8P4Y5****Date: May 12, 2022****Regarding: 21046 – 330 Dundurn St. S, Hamilton****Application for a Minor Variance – Additional Sheet**

To Whom may concern,

The intent of this letter is to apply and receive final approval of a Minor Variance application for the following variances to City of Hamilton Zoning By-law No. 05-200 from the Committee of Adjustment.

Prescribed room on existing application form was insufficient to answer the following questions.

<b>Nature and extent of relief applied for:</b>
<p>a.) Requesting relief to permit a southerly side yard setback of 5.5m whereas a 9.2m setback is required</p> <p>b.) Requesting relief to permit a rear yard setback of 5.5 whereas a 9.2 m of a street line is required.</p> <p>c.) Requesting relief to permit a northerly side yard setback of 7.2 m whereas the By-law requires a setback of 9.2</p> <p>d.) Requesting relief to permit a minimum required parking of 75 parking spaces whereas the by-law requires 85 parking spaces</p> <p>e.) Requesting relief to permit a minimum of 22 parking spaces whereas the minimum required parking is 38 spaces.</p>
<b>Why it is not possible to comply with the provisions of the By-law?</b>
<ul style="list-style-type: none"> <li>Existing 3 (three) storey 113-unit retirement home located on East end of the lot facing Dundurn St, S. is to remain in conjunction with proposed 8 (eight) storey 109-unit condominium located on the West end abutting Aberdeen Ave.</li> <li>Yard setback relief is insurance of site functionality and circulation for all required emergent and non-emergent vehicular access.</li> <li>Proposed development consolidates all parking requirements. Providing a centralized underground parking lot with 16 surface level spots.</li> </ul>