



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 22-19
Date: October 6, 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

	Pages
1. PREVIOUSLY TABLED	
2. SUBURBAN	
2.1. 1:15 p.m.SC/A-22:286210 Millen Road, Stoney Creek (Ward 10) Agent: Nick DeFilippis Owners: Sandy & Marko Radic	3
2.2. 1:20 p.m.AN/A-22:2873 Blasdell Court, Ancaster (Ward 12) Agent: Nick DeFilippis Owners: Cyril & Lynne Persaud	13
2.3. 1:25 p.m.HM/A-22:173225 East 24th Street, Hamilton (Ward 7) Agent: John Stirling Owners: W. Suh & C. Barlettea	23
3. URBAN	
3.1. 1:30 p.m.HM/B-22:934 Turner Avenue, Hamilton (Ward 2) Agent: GSP – Stuart Hastings Owner: Crystal Homes Corporation	33

- 3.2. 1:30 p.m.HM/A-22:2884 Turner Avenue, Hamilton (Ward 2) 77
Agent: GSP – Stuart Hastings
Owner: Crystal Homes Corporation
- 3.3. 1:35 p.m.HM/A-22:280588 Cochrane Road, Hamilton (Ward 4) 117
Agent: Charles Linsey & Associates C/O Lisa Cockwell
Owners: Tyler & Vita Swick
- 3.4. 1:40 p.m.HM/A-22:28443 West Avenue South, Hamilton (Ward 3) 129
Agent: King Homes Inc. – Ken Bekendam
Owner: 2809628 Ontario Inc.
- 3.5. 1:45 p.m.HM/A-22:29147 Whitfield Avenue, Hamilton (Ward 3) 159
Agent: Michael Sabelli
Owner: Manuel Vieira
- 3.6. 1:50 p.m.HM/A-22:285288 Charlton Avenue West, Hamilton (Ward 1) 171
Agent: Team Shane – Louie Sayegh
Owners: Bridget Stark & Bryan Huff

4. CLOSED

5. DELEGATED AUTHORITY

- 5.1. N/AAN/B-22:92110 Martindale Crescent, Ancaster (Ward 12)
Agent: WEBB Planning
Owner: Canadian Commercial (Ancaster) Inc.

6. ADJOURNMENT



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	SC/A-22:286	SUBJECT PROPERTY:	210 MILLEN ROAD, STONEY CREEK
ZONE:	"R2" (Single Residential - Two)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owners: Sandy & Marko Radic
Agent: Nick DeFilippis

The following variances are requested:

1. The maximum lot coverage for all buildings shall be 42.54% instead of the maximum permitted lot cover of 40% for all buildings.

PURPOSE & EFFECT: So as to permit the construction of a new accessory building (pool cabana) in the rear yard of the existing single detached dwelling.

Notes: 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:

DATE:	Thursday, October 6, 2022
TIME:	1:15 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment



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PARTICIPATION PROCEDURES

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1. Virtual Oral Submissions

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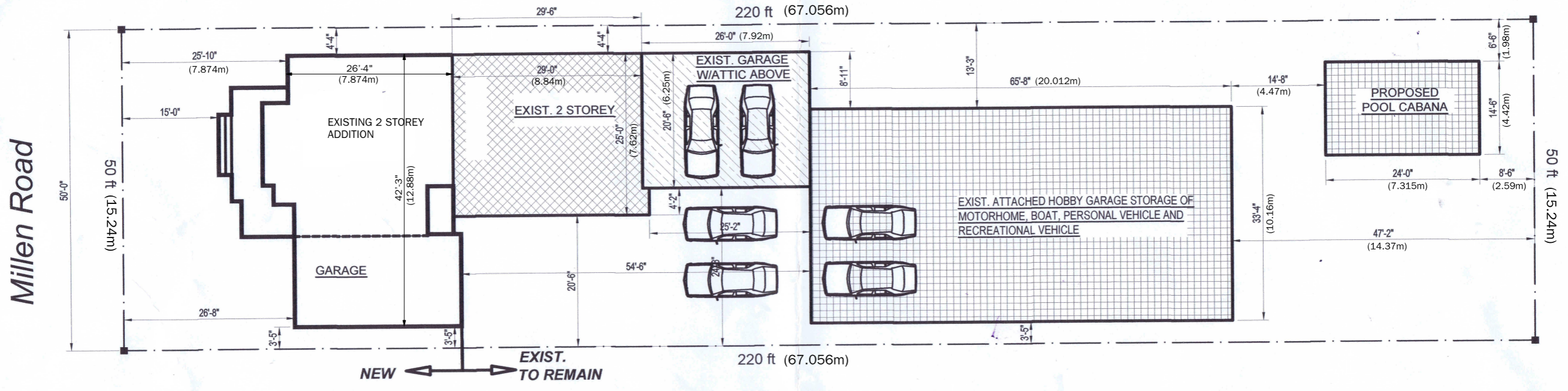
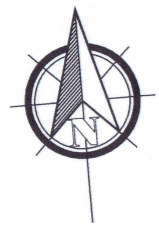
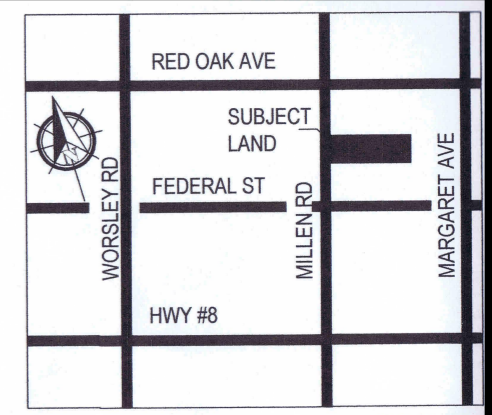
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These drawings are the property of DeFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.



PLOT PLAN SCALE $\frac{1}{8}'' = 1'-0''$

SITE STATISTIC

LOT AREA	11,000 sqf	(1022.305 sq m)
EXISTING & PROPOSED GROUND FLOOR AREA	4,670 sqf	(434.015 sq m)

EXISTING DWELLING TO BE DEMOLISHED 1,062 sqf

EXIST. DWELLING TO REMAIN		
1st FLOOR	708 sqf	(65.80 sq m)
GARAGE	533 sqf	(49.535 sq m)
HOBBY GARAGE	2,189 sqf	(203.44 sq m)
EXIST. GROSS FLOOR AREA:	3,430 sqf	(318.775 sq m)

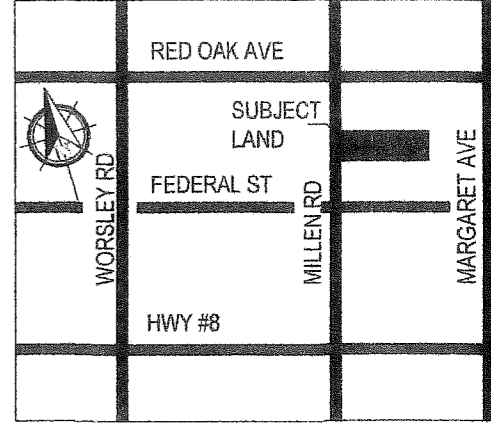
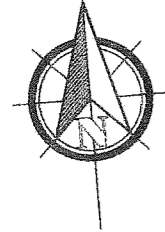
NEW ADDITION		
FIRST FLOOR (W/GARAGE)	789sqf	(73.33 sq m)
SECOND FLOOR	965 sqf	
PORCH	113 sqf	(10.50 sq m)
CABANA	348 sqf	(32.33 sq m)
TOTAL GROSS FLOOR AREA:	5,645 sqf	(116.16 sq m)

GROUND FLOOR AREA (EXISTING AND PROPOSED) : 4680 sq ft (434.94 sq m)
 LOT COVERAGE : 42.545 %

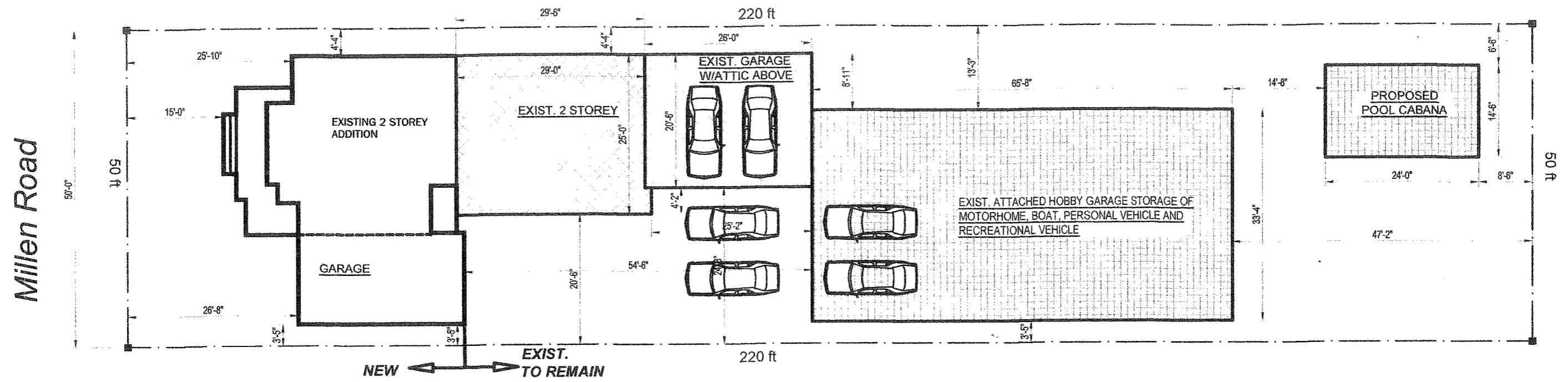
- NOTES:
1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
 2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

3		<p>DeFILIPPIS DESIGN 687 BARTON ST. E., SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095</p>
2		
1	APRIL, 2022	
REV.		
JOB NO.		RESIDENTIAL ADDITION FOR:
CHKD. BY		MARKO RADIC
DRN. BY		210 MILLEN RD
DATE:	MARCH, 2013	STONEY CREEK, ONTARIO
SCALE:	AS NOTED	PLOT PLAN
DWG NO.	SHEET 1 OF 5	

DO NOT SCALE DRAWINGS.



KEY PLAN
NTS



PLOT PLAN SCALE $\frac{1}{8}'' = 1'-0''$

SITE STATISTIC

LOT AREA 11,000 sqf
 EXISTING & PROPOSED GROUND FLOOR AREA 4,670 sqf

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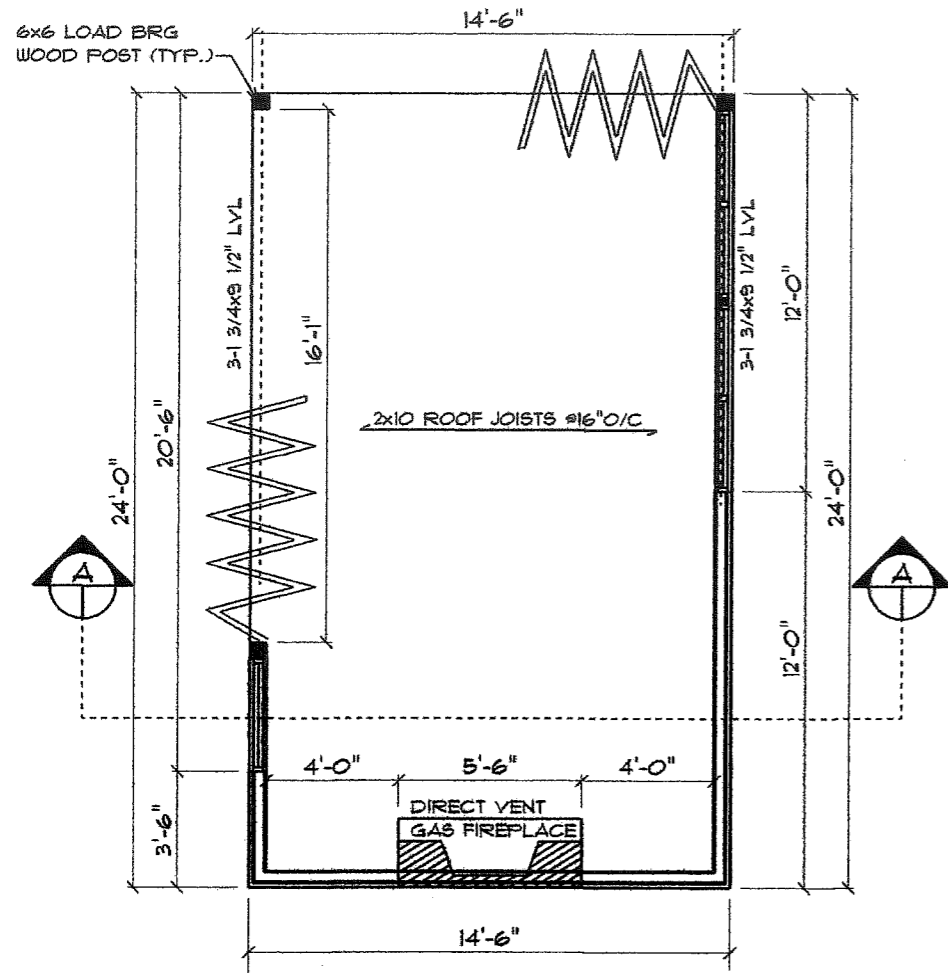
3	
2	
1	APRIL, 2022
REV.	
JOB NO.	
CHKD BY	
DRN BY	
DATE	MARCH, 2013
SCALE	AS NOTED
DWG NO.	SHEET 1 OF 5

DeFILIPPIS DESIGN
 887 BARTON ST. E., SUITE 201
 STONEY CREEK, ONTARIO L8E 5L6
 (905) 643-2250 FAX (905) 643-1095

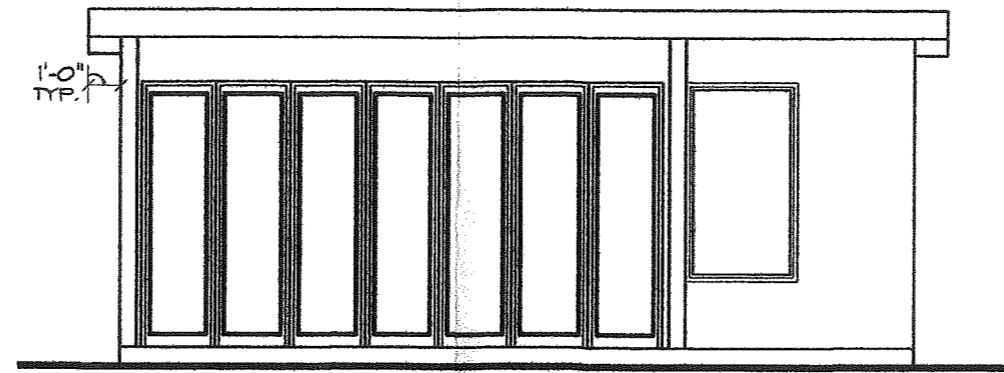
RESIDENTIAL ADDITION FOR:
MARKO RADIC
 210 MILLEN RD
 STONEY CREEK, ONTARIO

PLOT PLAN

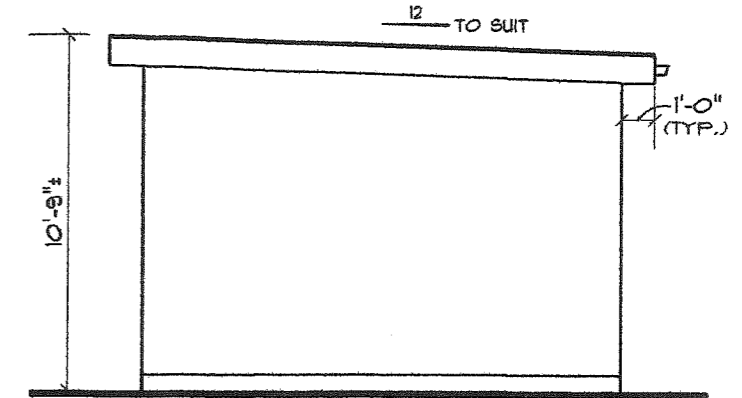
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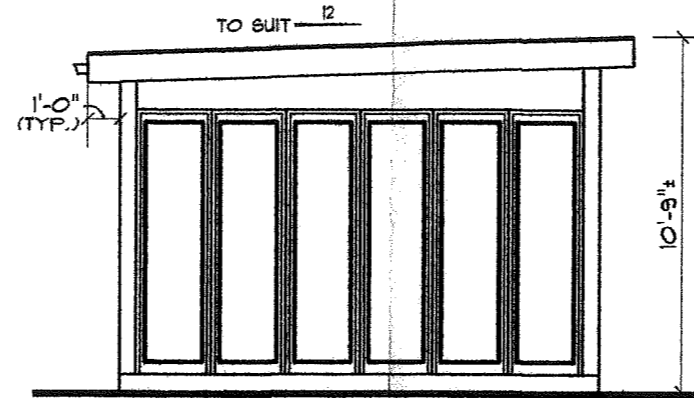
FLOOR PLAN



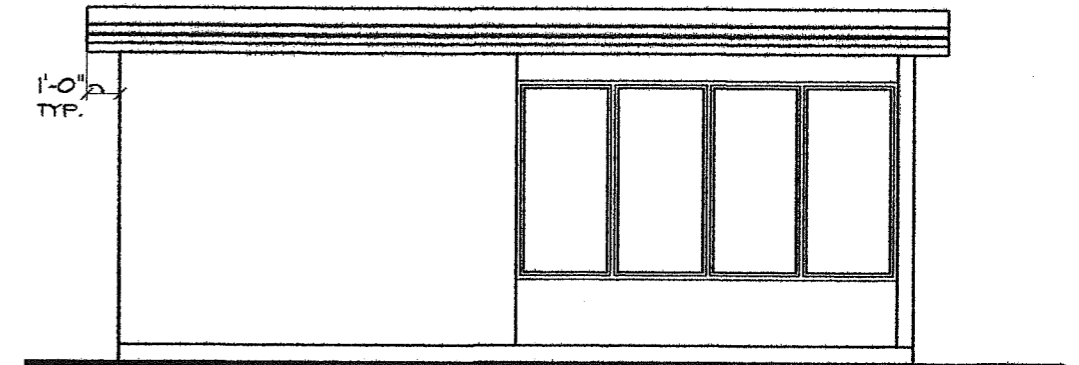
WEST ELEVATION



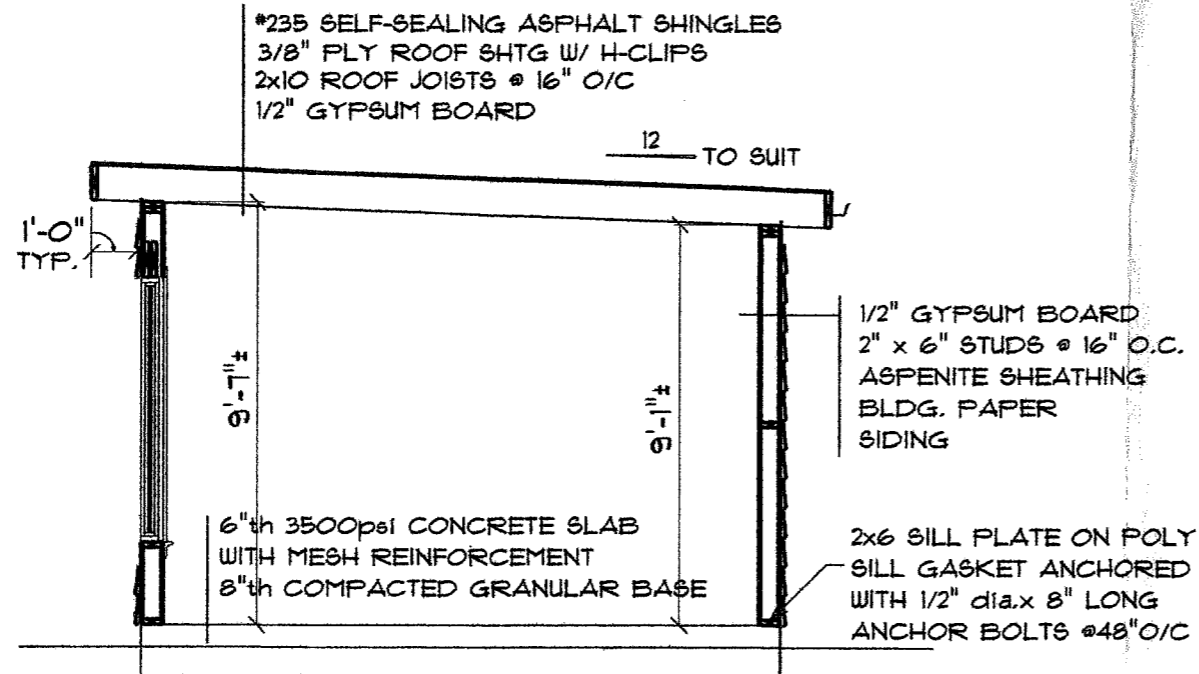
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



SECTION A-A

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

REGISTRATION AND QUALIFICATION INFORMATION

Required unless design is exempt under 2.11.5.1 and/or 2.11.4.1 of the building code.

FIRM BCIN 28635

INDIVIDUAL BCIN 19362


NICK DEFILIPPIS
NAME SIGNATURE

The above signature must be in red to be valid.

NOTE:

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DO NOT SCALE DRAWINGS

 DeFILIPPIS DESIGN 687 BARTON STREET, SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095		
ACCESSORY BUILDING FOR RADIC RESIDENCE		
SCALE: 3/8"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: OCT 21		REVISED:
		DRAWING NUMBER:
SH 1 OF 1		



Hamilton

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

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

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)	SANDY RADIC AND/OR MARKO RADIC	[REDACTED]
Applicant(s)*	SAME	[REDACTED]
Agent or Solicitor	DE FILIPPIS DESIGN	[REDACTED]

Note: Unless otherwise requested all any.

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

NA

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

4. Nature and extent of relief applied for:

LOT COVERAGE TOTAL OF 42.75% INSTEAD OF 40%
 DUE TO A PROPOSED ACCESSORY STRUCTURE OF 32.3 sqm
 (3.3% OF LOT COVER)

Second Dwelling Unit Reconstruction of Existing Dwelling

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

MISCALCULATED TOTAL GROUND FLOOR AREA
 OF EXISTING AND THOUGHT THERE WAS
 MORE COVERAGE AVAILABLE

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):

210 MILLAN RD., STONEY CREEK

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?

BEEN SINGLE FAMILY RESIDENTIAL ON PROPERTY IN EXCESS OF 50 YEARS

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.

AVE / 2022
Date

[Signature]
Signature Property Owner(s)

SANDY RADIC
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 15.24m (50 ft)
Depth 67m (220 ft)
Area 1021sqm (11000 sq ft)
Width of street 26m

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

Existing: See ATTACHED

Proposed One Storey Residential Pool CABANA

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 SKETCH

Proposed: See SITE SKETCH

- 13. Date of acquisition of subject lands: Dyest
- 14. Date of construction of all buildings and structures on subject lands: 2017 AND 2022
- 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: 10 years plus
- 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:

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

Sec. Bylaw
- 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.

N/A
- 22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes No N/A
- 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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You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/A-22:287	SUBJECT PROPERTY:	3 BLASDELL COURT, ANCASTER
ZONE:	"R4" (Residential 4)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: Owner: Cyril & Lynne Persaud
Agent: Nick DeFilippis Design

The following variances are requested:

1. A minimum of 3.3 m rear yard setback shall be provided instead of the minimum required rear yard setback of 7.5 m.

PURPOSE & EFFECT: To facilitate the construction of a One (1) storey covered deck addition to the rear of the existing single detached dwelling notwithstanding that;

Notes:

- i. The variance has been written based on the information provided on the application.
- ii. The proposed one (1) storey covered deck addition does not meet the definition of a deck.
- iii. A roofed-over deck at the rear of a dwelling is considered to be part of the principal building. This is because, per the definition of "Deck", a deck is not permitted to have a roof other than a trellis or a trellis-like structure. It is also not considered an unenclosed porch; per the definition of "Porch, Unenclosed", an unenclosed porch provides access to only the front entrance of a dwelling.
- iv. No details have been provided for the proposed height; therefore, further variances may be required.

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AN/A-22:287

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th 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-22:287



 Subject Lands

DATED: September 20, 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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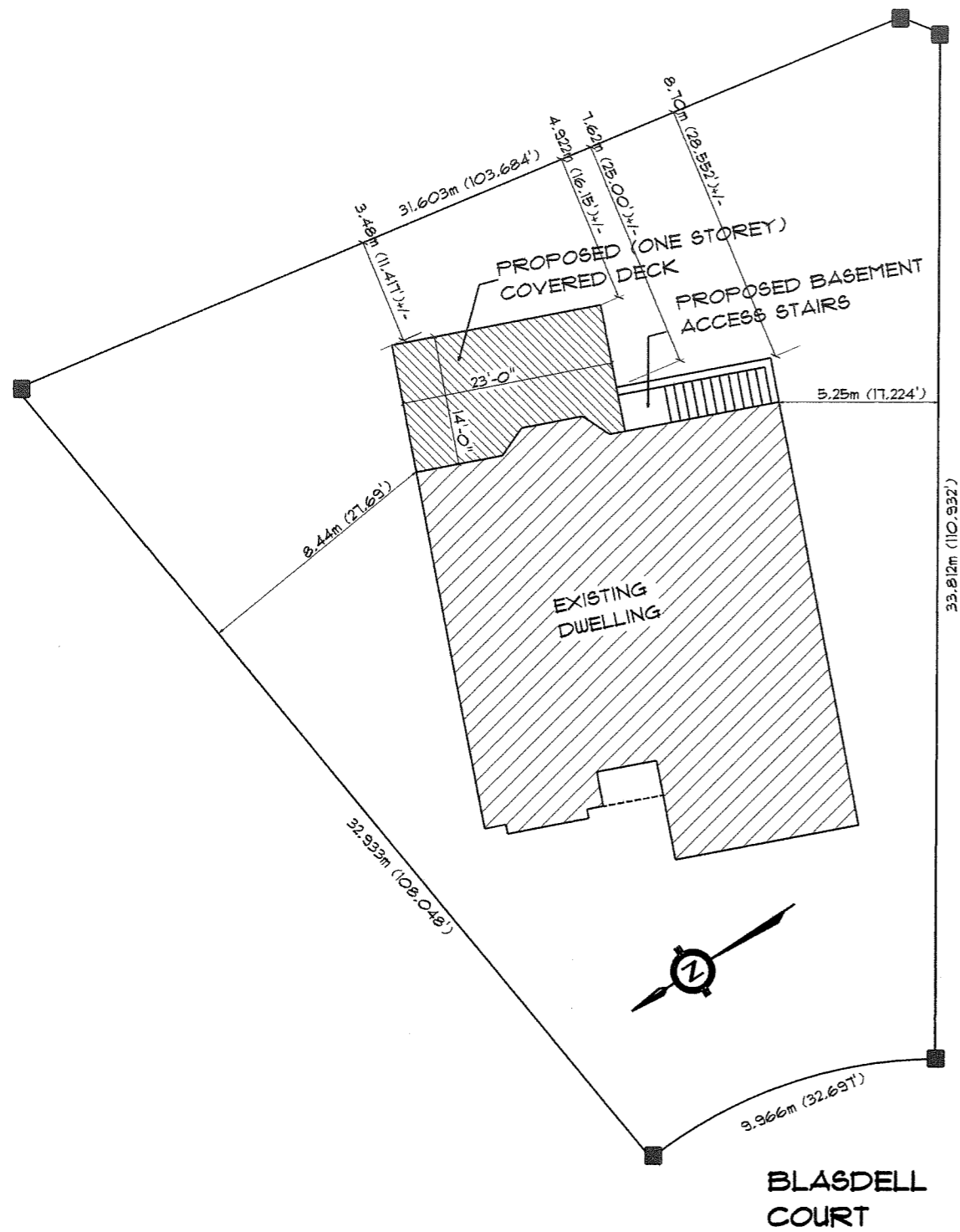
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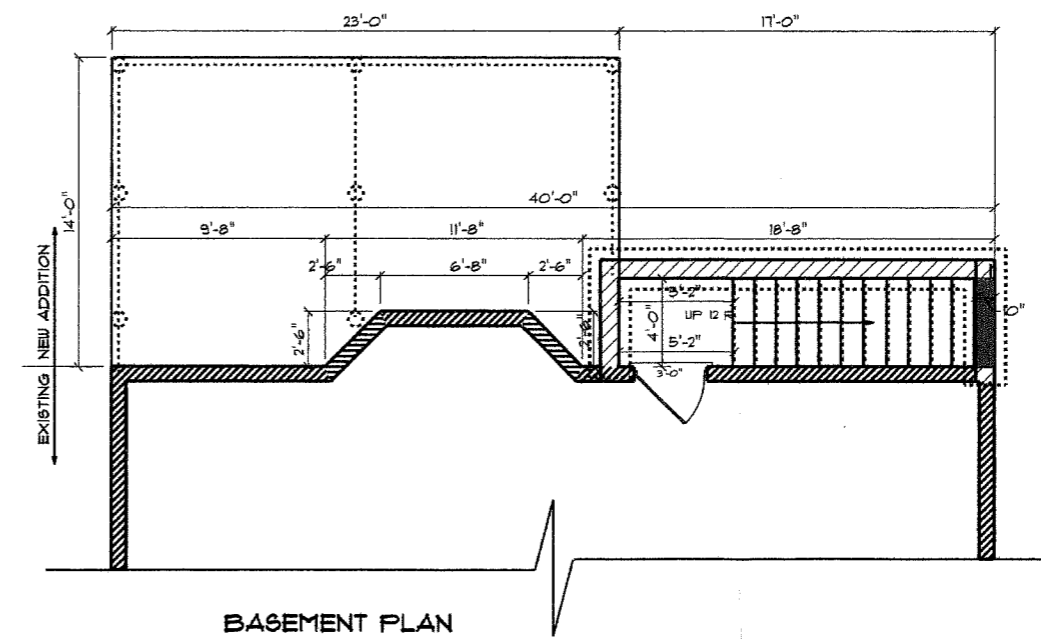
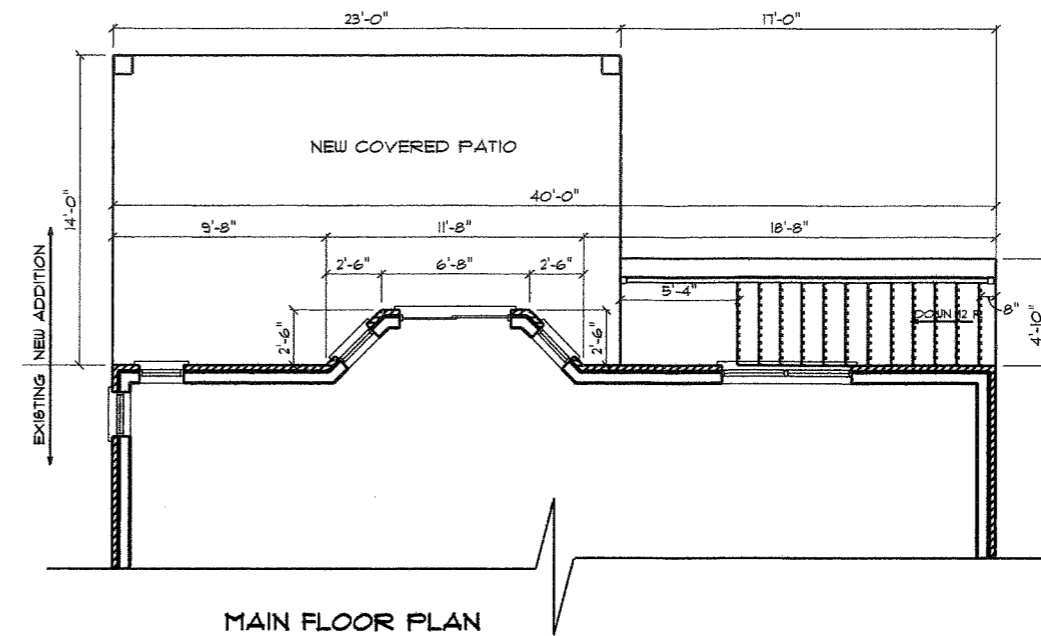
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PLOT PLAN (NTS)


LOT AREA : 7300.00 sq ft
 EXISTING GROUND FLOOR AREA : 1750.00 sq ft
 PROPOSED COVERED PORCH AREA : 322.00 sq ft
 PROPOSED REAR STAIR AREA : 82.17 sq ft
 TOTAL GROUND FLOOR AREA : 2154.17 sq ft
 LOT COVERAGE : 29.51 % (MAX. 35 %)



DO NOT SCALE DRAWINGS

NOTE:

1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

 DeFILIPPIS DESIGN 687 BARTON STREET, SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095		
ADDITION TO PERSAUD RESIDENCE		
SCALE: 1/4"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: AUG. 2022		REVISED:
	3 BLASDELL COURT, ANCASTER, ONTARIO	DRAWING NUMBER:
SH OF 1		



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

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

APPLICATION FOR A MINOR VARIANCE

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

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)	CYRIL & LYNDY PERSAUD	[REDACTED]
Applicant(s)*	SAME	[REDACTED]
Agent or Solicitor	NICK DEFIUAPIS DESIGN	[REDACTED]

Note: Unless otherwise requested all [REDACTED] any.

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

SCOTIA BANK
 COLFINKS,
 ANCASTER

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:

REAR COVERED PORCH ADDITION
REAR YARD OF 3.35M instead of
7.5M

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

SKewed NATURE OF LOT LIMITS
EXPANSION FOR OUTDOOR COVERED
AMMUNITY 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**):

3 BLASPELL COT, ANCASTER
LOT 28 REG PLAN 62M-834

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?

PART OF A RECENT PLAN OF RESIDENTIAL SUBDIVISION

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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

Nov 1 2022
Date

[Signature]
Signature Property Owner(s)
CYRIL PERSAUD / LYANNE PERSAUD
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 9.9m
Depth 33m ± (IRR)
Area 677.50m²
Width of street 20m

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

Existing:
SINGLE FAMILY TWO STOREY DWELL

Proposed:
REAR ADDITION FOR COVERED PORCH AND BASEMENT ACCESS STAIRS

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 SKETCH

Proposed:
SEE SITE SKETCH

13. Date of acquisition of subject lands: 2 years +

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

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

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

Water ✓ Connected ✓

Sanitary Sewer ✓ Connected ✓

Storm Sewers ✓

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

URBAN SETTLEMENT

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

R4 ANCHORED BYLAW 87-57

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)

[Empty box for additional information]

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:173	SUBJECT PROPERTY:	225 EAST 24TH STREET, HAMILTON
ZONE:	“D” (Urban Protected Residential – One- and Two-Family Dwellings and etc.)	ZONING BY-LAW:	Zoning By-law 6593, as Amended

APPLICANTS: Agent J. Stirling
Owner W. Suh

The following variances are requested:

1. Two entrances shall be provided on the front façade instead of the required maximum of one entrance be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit.

PURPOSE & EFFECT: So as to establish a Secondary Dwelling Unit with an entrance facing the front lot line within an existing Single-Family Dwelling notwithstanding that:

Notes:

- i. The variance as requested by the applicant as it pertains to a conversion to a Two-Family Dwelling makes reference to Subsection 19 (1)(iii) of Zoning By- Law Amendment 92-281 regarding the preservation of the external appearance and character of the Single-Family Dwelling. As of May 12, 2021, Subsection Section 19 (1) of Hamilton Zoning By-Law 6593 has been deleted in its entirety and replaced with the provisions of Zoning By-Law Amendment 21-076, 21-167 and 22-137. As such, the proposed dwelling has been reviewed as a Secondary Dwelling Unit and the applicable requirements have been applied. Should the proposed dwelling be considered a Two-Family Dwelling, the requirements of the “D” District (Urban Protected Residential - One- and Two-Family Dwellings, Etc.) shall be applied and further variances may be required.
- ii. The requested variance as it pertains to Subsection 19 (1)(iii) of Zoning By-Law Amendment 92-281 has requested relief from the requirement to preserve the external appearance and character of the dwelling to permit a second entrance oriented towards the front lot line. As per Amending By-Law 21-076, 21-167 and 22-137 the requirement to preserve the external appearance and character of the dwelling has been deleted and replaced with the requirement to orient any

HM/A-22:173

separate entrance and exit toward an Interior Lot Line or Rear Lot Line. As such, a variance has been added to address this requirement.

- iii. The height of the proposed upper deck in the rear yard has not been provided. As per Subsection 18 (3)(vi)(e) a terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre (3.28 feet) above the floor level of the first storey, may project into a required yard, if distant at least 0.5 metres (1.64 feet) from the nearest side lot line. Should the upper deck be higher than 1.0 metre above the first-floor level the requirements of Subsection 18 (3)(vi)(cc) shall apply and 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:

DATE:	Thursday, October 6, 2022
TIME:	1:25 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

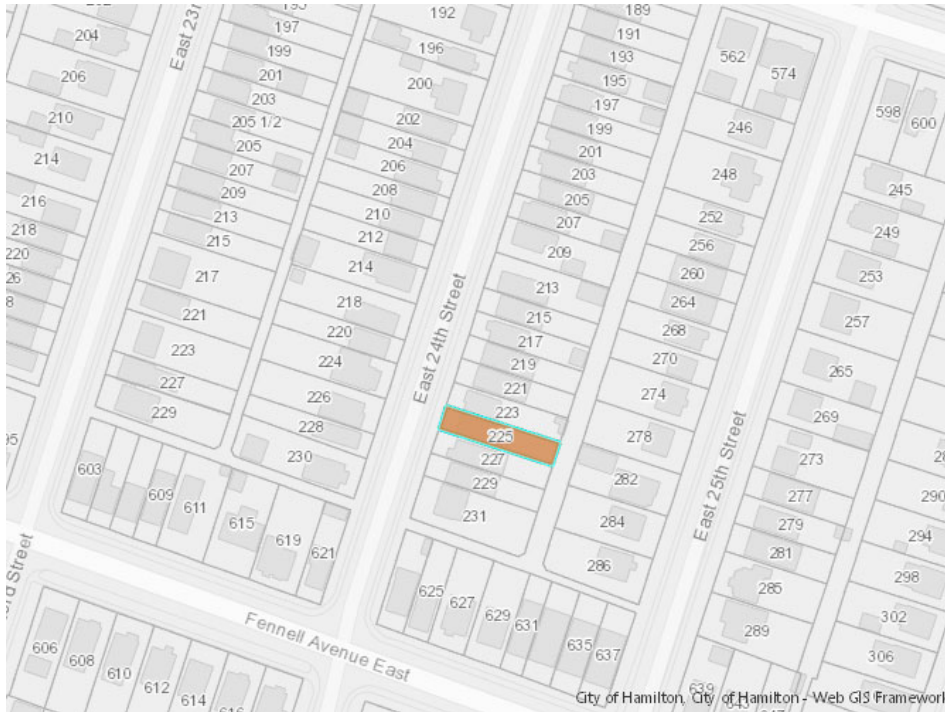
- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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 or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

HM/A-22:173



 Subject Lands

DATED: September 20, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: 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 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.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeefadadjustment

Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via 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.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email 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.

John Stirling
 94 ONTARIO AVE.
 HAMILTON ONTARIO
 L8N 2T2

COA
 CITY OF HAMILTON
 21 MAIN ST W.
 5th FLOOR CITY HALL

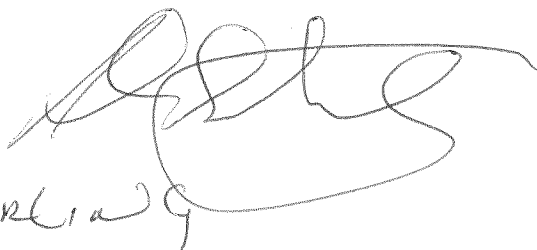
Sept. 6, 2022

RE: 225 EAST 24th ST. HAMILTON
 HELLO,

KNOWING THAT THE CITY DISAPPROVES OF
 TWO DOORS AT THE FRONT OF THE HOUSE,
 DURING THIS TIME THERE WAS ALSO A
 ZONING CHANGE AND DUPLEXES WERE BEING
 CONSIDERED AS ALLEGORY UNITS.

DUE TO THE CONFUSION DURING THIS TIME
 WE WILL BE GOING AHEAD WITH THE
 C.O.M. APPLICATION ON THE NEXT HEARING
 DATE. THERE IS NO CHANGE TO OUR
 APPLICATION.

Sincerely



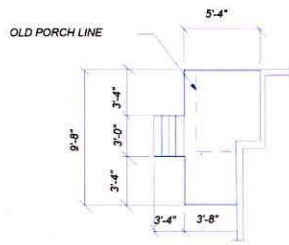
John Stirling
 289 339-4230

PROPOSED RENOVATION OF FRONT PORCH

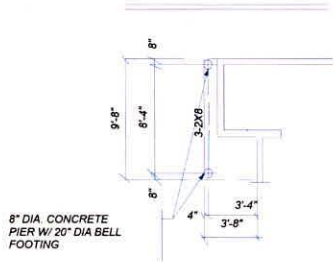
225 EAST 24TH STREET HAMILTON, ONTARIO

NOTES:

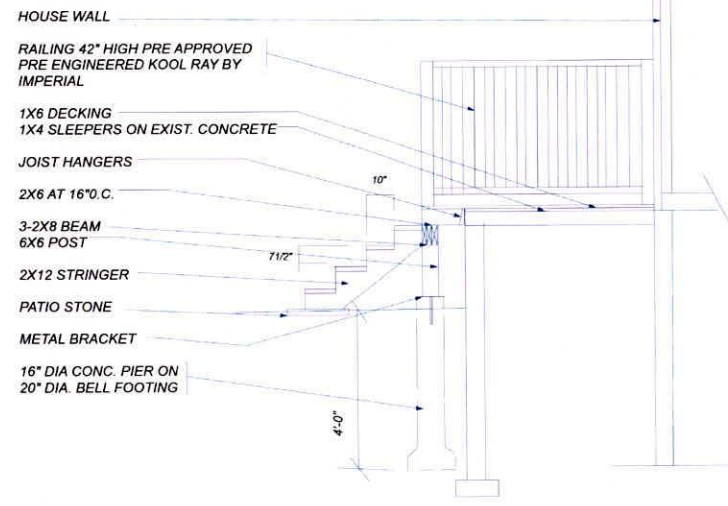
- 1) Contractor is to check all dimensions prior to construction and to report any discrepancies to the designer.
- 2) All construction to conform to the construction requirements of the Ontario Building Code parts 9, 11 and SB-12 latest edition as well as local ordinances. Drawings must not be scaled. Manufactured items and materials must comply with all requirements of the ULC, CSA or any other regulatory bodies as per applicable codes
- 3) site plan is in metric



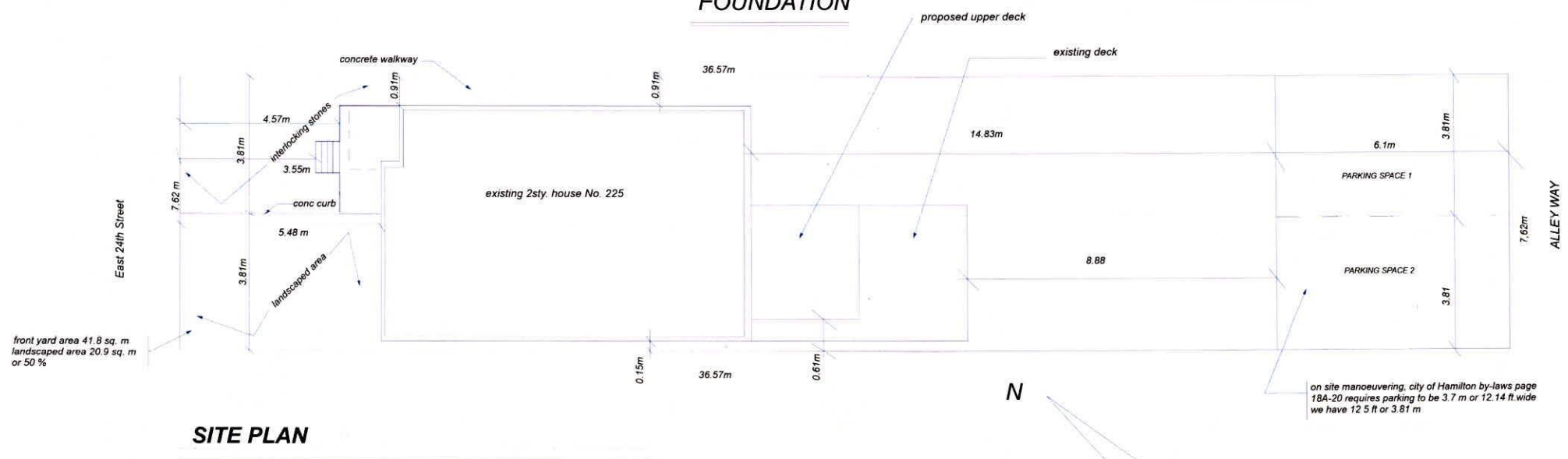
PLAN



FOUNDATION



SECTION



SITE PLAN



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

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

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)	WESLEY SUH	[REDACTED]
Applicant(s)*	RAE KNIGHT CARLO BARLET	
Agent or Solicitor	JOHN STIRLING	

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:

<p>Wesley Suh 117 St Clair Ave 117 St Clair Ave Hamilton ON L8M 2A8</p>
--

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:

TWO DOORS AT THE FRONT OF THE HOUSE
ONE FOR EACH UNIT.

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

APPARENTLY YOU CANNOT HAVE A DOOR AT
THE FRONT OF A HOUSE EVEN THOUGH
THE ARE FOR TWO DIFFERENT UNITS.

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**):

225 EAST 24 TH 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?

CITY DIRECTORIES IN LIBRARY ARCHIVES

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 7 2022
Date

[Signature]
Signature Property Owner(s)

Wesley Suk
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>25'-0"</u>	<u>7.6 m</u>
Depth	<u>120'-0"</u>	<u>36.57 m</u>
Area	<u>3000 sqft</u>	<u>277.93 m²</u>
Width of street	<u>66'-0"</u>	<u>20.12 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: _

2 STORY HOUSE GROSS FLOOR AREA 1932.75 sq ft
GROUND FLOOR AREA 712.75 sqft HEIGHT
24'-7" WIDTH 21.5 FT LENGTH 33.6 FT

Proposed

SAME.

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

Existing:

FRONT YARD SETBACK 16'-0"
REAR YARD SETBACK 49'-2"
NORTH SIDE YARD SETBACK 3'-0"
SOUTH SIDE SETBACK 6"
ERECT YARD SIDE SETBACK 13'-0"

Proposed:

SAME.

13. Date of acquisition of subject lands:
2019

14. Date of construction of all buildings and structures on subject lands:
1950'S

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

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

17. Length of time the existing uses of the subject property have continued:
60-70 YEARS

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

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

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: 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

APPLICATION NO.:	HM/B-22:93	SUBJECT PROPERTY:	4 TURNER AVENUE, HAMILTON
-------------------------	-------------------	--------------------------	----------------------------------

APPLICANTS: Owner: Crystal Homes Corporation – Kathy Di Silvestro
Agent: GSP Group Inc. c/o Stuart Hastings

PURPOSE & EFFECT: To facilitate the conveyance of a parcel of land for residential development and to retain a parcel of land containing an existing single detached dwelling.

	Frontage	Depth	Area
SEVERED LANDS:	12.0 m [±]	32.9 m [±]	398 m ² ±
RETAINED LANDS:	18.48 m [±]	32.9 m [±]	615.5 m ² ±

Associated Planning Act File(s): HM/A-22:288

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:

DATE:	Thursday, October 6, 2022
TIME:	1:30 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

HM/B-22:93

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 or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: 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 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

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. 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 (2nd 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 or by phone at 905-546-2424 ext. 4221.

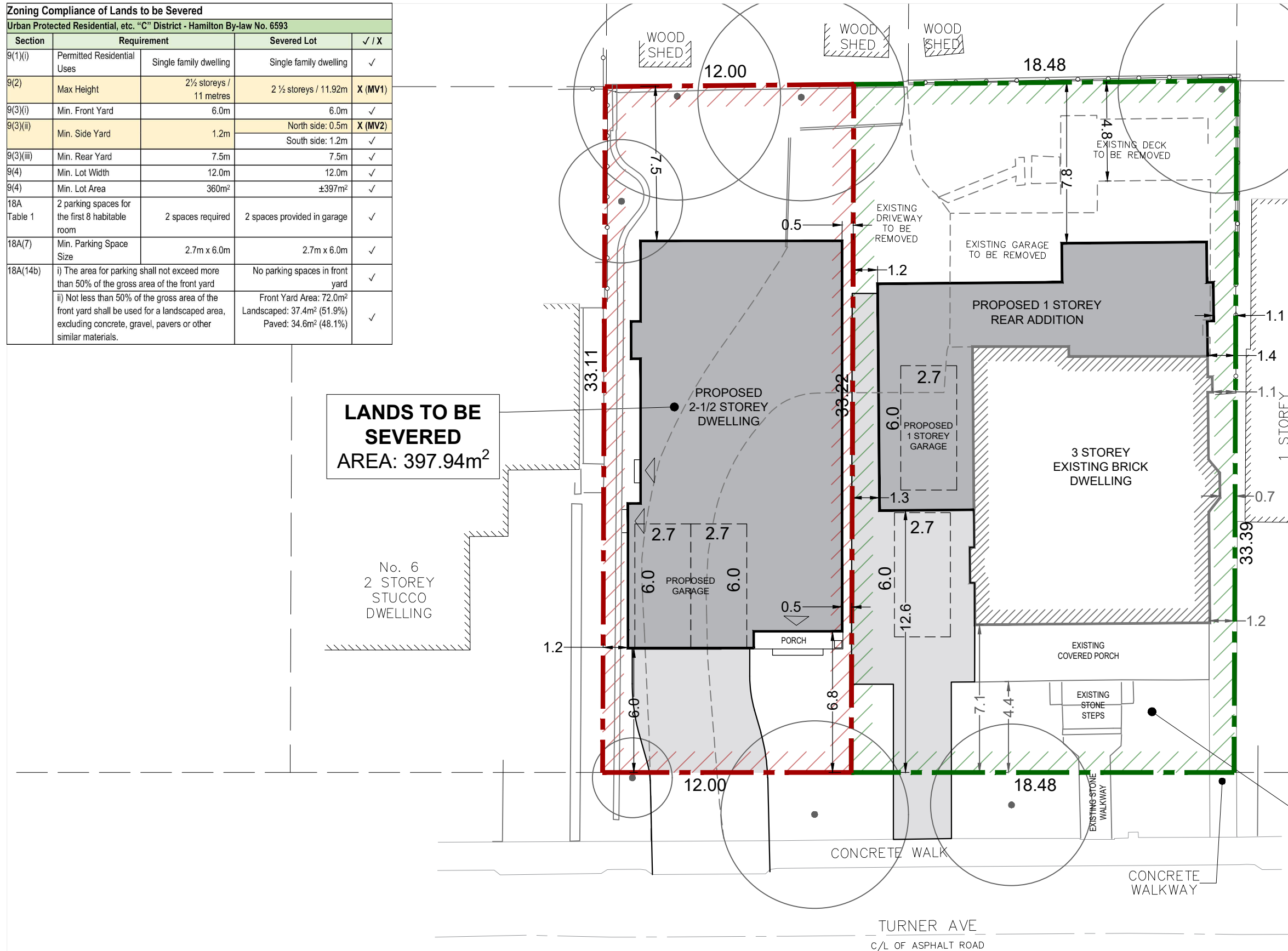
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

Zoning Compliance of Lands to be Severed				
Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593				
Section	Requirement	Severed Lot	✓ / X	
9(1)(i)	Permitted Residential Uses	Single family dwelling	Single family dwelling	✓
9(2)	Max Height	2½ storeys / 11 metres	2 ½ storeys / 11.92m	X (MV1)
9(3)(i)	Min. Front Yard	6.0m	6.0m	✓
9(3)(ii)	Min. Side Yard	1.2m	North side: 0.5m South side: 1.2m	X (MV2)
9(3)(iii)	Min. Rear Yard	7.5m	7.5m	✓
9(4)	Min. Lot Width	12.0m	12.0m	✓
9(4)	Min. Lot Area	360m ²	±397m ²	✓
18A Table 1	2 parking spaces for the first 8 habitable room	2 spaces required	2 spaces provided in garage	✓
18A(7)	Min. Parking Space Size	2.7m x 6.0m	2.7m x 6.0m	✓
18A(14b)	i) The area for parking shall not exceed more than 50% of the gross area of the front yard	No parking spaces in front yard		✓
	ii) Not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, gravel, pavers or other similar materials.	Front Yard Area: 72.0m ² Landscaped: 37.4m ² (51.9%) Paved: 34.6m ² (48.1%)		✓

Zoning Compliance of Lands to be Retained				
Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593				
Section	Requirement	Retained Lot	✓ / X	
9(1)(i)	Permitted Residential Uses	Single family dwelling	Single family dwelling	✓
9(2)	Max Height	2½ storeys / 11 metres	Existing: 3 storeys and 12.1 metres	X (MV3)
9(3)(i)	Min. Front Yard	6.0m	7.13m	✓
9(3)(ii)	Min. Side Yard	1.2m + 1.5m = 2.7m	North side: 0.7m	X (MV4)
18(2)(i)			South side: 1.1m	X (MV5)
9(3)(iii)	Min. Rear Yard	7.5m + 3.0m = 10.5m	7.7m	X (MV6)
9(4)	Min. Lot Width	12.0m	18.48m	✓
9(4)	Min. Lot Area	360m ²	615.5m ²	✓
18A Table 1	2 parking spaces for the first 8 habitable room	2 spaces required	2 spaces provided (1 in garage and 1 in driveway)	✓
18(3)(vii)(d) Encroachments	Front Porch	Can encroach 3.0 meters into front yard, 1.5 meters distant from front lot line	4.4 metres distant from front lot line	✓
18A Table 1	2 parking spaces for the first 8 habitable room, plus 0.5 for each additional room	3 parking spaces required	2 parking spaces	X (MV7)
18A(1)(f) and Table 6	Min. Manoeuvring space	6.0m	6.0m	✓
18A(7b)	Min. finished level of the garage floor	0.3m above grade	0.3m above grade	✓
18A(10)	Only one parking space may be obstructed by another parking space		One parking space in the driveway is obstructing the garage	✓
18A(14b)	i) The area for parking shall not exceed more than 50% of the gross area of the front yard		No parking spaces in front yard	✓
	ii) Not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, gravel, pavers or other similar materials.		< 50% of front yard used for driveway	✓
18A(14h)	i) only one of the required parking spaces may be located in the front yard, and		No parking spaces are located in the front yard	✓
	ii) notwithstanding subsection 10, only one parking space may be obstructed		Only one parking space is obstructed	✓
18A(22)	All manoeuvring space shall be maintained free and clear of all obstructions to permit unobstructed access to and from required parking spaces.		Only one parking space is obstructed, which is permitted	✓

LANDS TO BE SEVERED
AREA: 397.94m²

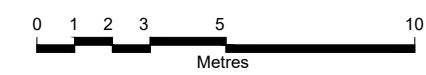
LANDS TO BE RETAINED
AREA: 615.54m²



SEVERANCE SKETCH

4 TURNER AVENUE, HAMILTON

- LANDS TO BE RETAINED
AREA: 615.54m²
- LANDS TO BE SEVERED
AREA: 397.94m²



NOTE: This concept should be considered as a preliminary demonstration model that illustrates an 'order of magnitude' development scenario for the site. The number of units, floor area and parking supply are approximate and subject to more detailed design as well as municipal planning approvals.





SHAPING GREAT COMMUNITIES

September 2, 2022

GSP File No: 20166

Delivered via hard-copy and email

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

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

Re: 4 Turner Avenue, Hamilton ON
Consent to Sever Application and Minor Variance Application

On behalf of our client, the landowner of 4 Turner Avenue, GSP Group is pleased to submit a consent to sever application and a minor variance application for the property known municipally as 4 Turner Avenue (the “subject lands”), legally described as: “All of Lot 16, and Part of Lots 6, 7 and 17, Registered Plan 392”.

Purpose of these Applications

The purpose of the Consent to Sever application is to divide an existing parcel into two parcels in order to facilitate the construction of a two-and-a-half-storey single-detached dwelling on the severed lands, and a 1 storey garage and 1 storey rear addition on the retained lands. The new garage is required on the retained lands because the severance will displace the current driveway/garage configuration.

The Retained Lands: are proposed to have a frontage of 18.48 metres along Turner Avenue and an area of 615.5 square metres.

The Severed Lands: are proposed to have a frontage of 12.0 metres along Turner Avenue and an area of 397.9 square metres.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

Both the lands to be retained and the lands to be severed will comply with the minimum requirements for lot area and lot width per the Urban Protected Residential, etc. "C" District in Hamilton By-law No. 6593.

The purpose of the minor variance application is to address the nonconformities caused by the severance as well as to facilitate the proposed single-detached dwelling to be constructed on the severed lands and the proposed 1 storey garage and 1 storey rear addition to be constructed on the retained lands.

In order to facilitate the proposed single-detached dwelling on the severed lands, the following variances are required:

1. To permit a maximum height of 11.92 metres, whereas 11 metres is required;
2. To permit a northerly minimum side yard of 0.5 metres, whereas 1.2 metres is required.

In order to facilitate the proposed 1 storey garage and 1 storey rear addition on the retained lands, as well as to recognize existing conditions, the following variances are required:

3. To permit a maximum height of 12.1 metres, whereas 11 metres is required;
4. To permit a northerly side yard of 0.7 metres, whereas 2.7 metres is required;
5. To permit a southerly side yard of 1.1 metres, whereas 2.7 metres is required;
6. To permit a minimum rear yard setback of 7.7 metres, whereas 10.5 metres is required.
7. To permit a minimum of two parking spaces; whereas 3 parking spaces are required.

In keeping with the requirements of a Minor Variance application and a Consent to Sever application; and in recognition that the subject lands are listed on the Municipal Heritage Register, please find enclosed the following items:

- One (1) completed and signed Consent to Sever application form;
- One (1) completed and signed Minor Variance application form;
- One (1) Severance Sketch with Minor Variances identified; prepared by GSP Group;
- One (1) Heritage Impact Assessment, prepared by McCallumSather Architects Inc. and dated August 30th, 2022; and
- One (1) cheque made payable to the City of Hamilton in the amount of **\$6,450.00**, representing the combined fee for a Consent to Severance application on a fully serviced lot (\$2,985.00) and the fee for a Minor Variance application (\$3,465.00).

I trust the enclosed is in order; however, should you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Description of Subject Lands

The subject lands currently contain a three-storey single-detached dwelling that was built circa 1903 in the Edwardian style. The southern side yard is currently used as a driveway access for the dwelling. The subject lands are listed in the Municipal Heritage Register; but are not designated under the *Ontario Heritage Act*. The subject lands are characterized by the following attributes:

- Lot Area:** 1,013 square meters (0.1013 hectares)
- Lot Frontage:** 30.48 metres along Turner Avenue
- Lot Depth:** Varies between 33.11 metres - 33.39 metres

Surrounding Land Uses

The subject lands are located in the historic Durand neighbourhood and the immediate surrounding land uses are as follows:

- North:** 2½ storey single-detached dwelling (121 Aberdeen Avenue)
- East:** 3 storey single-detached dwellings (3 and 5 Turner Avenue)
- South:** 2 storey single-detached dwelling (6 Turner Avenue)
- West:** 3 storey single-detached dwellings (1 and 3 Ravenscliffe Avenue)

The adjacent as well as surrounding lands are characterized exclusively by single-detached dwellings. Thus, the proposed single-detached dwelling on the severed lot is contextually in keeping with the surrounding land uses.

Cultural Heritage Considerations

The subject lands are listed in the Municipal Heritage Register; but are not designated under the *Ontario Heritage Act*. As such, a Heritage Impact Assessment has been prepared by McCallum Sather Architects Inc. to explore the impacts and mitigation strategies for the proposed severance as well as the proposed single-detached dwelling on the severed lands. Based on the analysis of McCallumSather Architects, the Heritage Impact Assessment concludes:

- The proposed development will retain the existing heritage property in-situ.
- The proposed development will not result in the loss of the listed and proposed heritage attributes on the subject lands.
- The severance is in line with adjacent and neighbouring lot dimensions.
- The development proposal is clearly legible as a new build that includes sympathetic setbacks to maintain the prominence of the heritage building and has related massing.
- Recommendations on incorporating building materials, design features, architectural proportions and treating the at-grade condition have been made and incorporated into the proposed development to mitigate any issues of transition between the existing heritage building and the proposed development.
- The proposed development will be in keeping with the residential character of the neighbourhood and is distinct of its time as so not to create a false sense of historical development. It features contemporary design aesthetics and materials whilst not competing with the existing building.

The following sections provide an overview of the applicable planning policy framework and provide a policy response where necessary.

Provincial Policy Statement, 2020

All land use decisions are to be consistent with the Provincial Policy Statement (PPS), including applications for Consent to Sever.

Policy 1.1.1 of the Provincial Policy Statement (PPS) states that “Healthy, liveable and safe communities are sustained by” the following applicable policies:

- “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;”
- “e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”
- “h) promoting development and land use patterns that conserve biodiversity;”

Policy Response to the PPS Healthy, Liveable, and Safe Communities policy:

The proposed severance is consistent with the above PPS policies because it will result in a more efficient development and land use pattern that will sustain the financial well-being of the Province and the City of Hamilton over the long term (policy a); accommodate more housing options (policy b); promote a cost-effective development pattern that will minimize land consumption and servicing costs (policy e); and promote a development pattern that will conserve biodiversity (policy h).

Policy 1.1.3.1 of the PPS states that *settlement areas* (which, by definition, include built-up areas) shall be the focus of growth and development. The proposed severance is consistent with this policy as the subject lands are located in Hamilton’s Built-up Area as identified on Appendix G—Boundaries Map of the UHOP. Policy 1.1.3.2 states that within *settlement areas*, land use patterns “shall be based on densities and a mix of 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; [...]”

Policy Response to the PPS Settlement Areas policy:

Consistent with the above policies, the proposed severance represents an efficient use of land and resources (policy a); that will optimize the use of existing infrastructure and public service facilities (policy b).

Based on the above analysis, the proposed severance to facilitate residential intensification within Hamilton’s Built-Up Area is consistent with the PPS.

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

Schedule 3 of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) indicates that Hamilton is forecasted to grow to 820,000 people by 2051.

In November 2021, Hamilton City Council voted against expanding Hamilton’s urban boundary; and therefore, the City is required by the Province to accommodate a net growth of 236,000 people by 2051 within the City’s current urban boundary.

Furthermore, Section 2.2.1 of the Growth Plan, Managing Growth, provides that 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*.”

Policy Response to the Growth Plan:

In conformity with the above policy, the subject lands are located in Hamilton’s delineated built-up area as identified on Appendix G—Boundaries Map of the UHOP (policy i); has access to existing municipal water and wastewater services (policy ii); and is located in the well-established Durand neighbourhood that can support the achievement of a complete community (policy iii).

Furthermore, Policy 2.2.1.2.c.iv of the Growth Plan states that growth within settlement areas will be focused in “areas with existing or planned public service facilities”. The Durand neighbourhood satisfies this policy as it features numerous public services facilities, including local schools, Durand Park, as well as nearby access to major public institutions such as Hamilton City Hall and St. Joseph’s Hospital. Based on the above analysis, the proposed severance would result in the efficient use of land in an area targeted for growth and is therefore in conformity with the Growth Plan. The proposed development is also consistent with the recent direction of Hamilton City Council to accommodate all future growth to 2051 within the existing urban boundary.

Niagara Escarpment Plan, 2017

The subject lands are located within the Niagara Escarpment Plan and designated “Urban Area”. The objective of the Urban Area designation is:

- “1.7.1 To minimize the impact and prevent further encroachment of urban growth on the *Escarpment environment*.”

In addition, Policy 1.7.4 respecting the “Urban Area” of the Niagara Escarpment Plan provides the following:

“Proposed uses and the creation of new lots may be permitted, subject to conformity with Part 2, Development Criteria, the Development Objectives and, where applicable, zoning bylaws that are not in conflict with the Niagara Escarpment Plan.

Changes to permitted uses, expansions and alterations of existing uses or the creation of new lots within the Urban Area designation will not require an amendment to the Niagara Escarpment Plan.”

The general Lot Creation policies of the Niagara Escarpment Plan are contained in Section 2.4; the following of which apply to the proposed development:

- “2. New lots to meet residential needs should be created primarily in designated Urban Areas, Minor Urban Centres and Escarpment Recreation Areas.”

- “5. New lots must:
 - a) maintain and enhance the existing community character and/or open landscape character of the Escarpment; and
 - b) protect and enhance existing natural heritage and hydrologic features and functions.”

- “6. Prior to commenting upon proposals for new lots, the implementing authority shall consider:
 - a) the number, distribution and density of vacant lots in the area;
 - b) the additional lots that may be created in conformity with this Plan;
 - c) the consequences of the development of the lots with regard to the objectives of the designation; and
 - d) providing for or protecting public access to the Niagara Escarpment, including the Bruce Trail corridor.”

Policy Response to “Urban Area” policies of the Niagara Escarpment Plan:

The objective of the Niagara Escarpment Plan is to direct the formation of new lots to those locations that are least environmentally sensitive, such as urban areas.

The subject lands are designated “Urban Area” where proposed uses and the creation of new lots may be permitted without an amendment to the Niagara Escarpment Plan (per policy 1.7.4).

Furthermore, Policy 2.4.2 provides that new lots required to meet residential needs should be created in the Urban Area.

Lastly, the proposed new lot does not offend the criteria provided in neither Policy 2.4.5 nor Policy 2.4.6.

Based on this analysis, the proposed lot creation is in conformity with the Niagara Escarpment Plan.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as Neighbourhoods on Schedule E – Urban Structure; and designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The proposed severance is considered residential intensification, and accordingly, must be evaluated based on the policies of Vol. 1, Sections B.2.4.1.4 and B.2.4.2.2.

General Residential Intensification Policies

Section B.2.4.1.4 provides that residential intensification developments shall be evaluated based on a balanced evaluation of a number of criteria, each of which is provided below followed by a policy evaluation:

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

The existing lotting pattern is shown in Figure 2. Note that the proposed lots are similar to the adjacent lots to the south and southeast (6, 7, and 8 Turner Avenue). The proposed single detached dwelling on the severed lot will maintain the existing neighbourhood character as the surrounding built form consists entirely of single

detached dwellings. In this way the proposed severance has regard for the existing built form and is compatible with the existing neighbourhood.

The proposed severance will also allow the neighbourhood to transition to accommodate more density, allow for residential intensification while building upon the desired lot pattern and enhancing the streetscape.

c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;

By facilitating the development of a new single detached dwelling, the proposed severance will contribute to a modest expansion in the range of available dwellings in the neighbourhood.

d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

The proposed severance will allow the severed lot to be redeveloped for a single detached dwelling. A residential use in the scale and form of a single detached dwellings is consistent with the surrounding area and takes into consideration the use, scale, form and character of the existing neighbourhood.

e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

The subject lands are identified as part of the Neighbourhoods element of Hamilton's urban structure (Vol. 2, E.2.6). The following policies outline the Neighbourhoods function with respect to the proposed severance:

E.2.6.2 The Neighbourhoods shall primarily consist of residential uses [...]

E.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, [...]

As both the severed lot and retained lot are proposed for residential uses in the form of single detached dwellings, the proposed severance is consistent with the Neighbourhoods element of the City's planned urban structure.

f) infrastructure and transportation capacity; and,

The net addition of one dwelling would not be expected to have a major impact on existing infrastructure and transportation capacity. Development Engineering will have an opportunity to review the subject applications with respect to infrastructure and transportation capacity.

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

Upon approval of the requested minor variances, the proposed development will be able to comply with all applicable policies.

Residential Intensification in the Neighbourhoods Designation

The following evaluation criteria applies to residential intensification in the Neighbourhoods designation. Policy B.2.4.2.2 provides a number of matters to be evaluated, each of which is provided below followed by policy response:

a) the matters listed in Policy B.2.4.1.4;

Responses to Policy B.2.4.1.4 are provided on pages 9 to 11 of this brief.

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

The proposed severance will facilitate the development of one single detached dwelling. With the limited scale of the development in mind and considering that single detached dwellings are the least intensive form of residential intensification, the proposed development would not be expected to produce significant shadowing, overlook, noise, lighting, nor traffic nuisance effects.

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

Please refer to pages 23 - 24 of this brief regarding the requested minor variance to the maximum permitted height for a fulsome discussion regarding the relationship of the height of the proposed single detached dwelling to the height of nearby residential buildings.

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

Please refer to pages 23 - 24 of this brief regarding the requested minor variance to the maximum permitted height for a fulsome discussion regarding the relationship of the height of the proposed single detached dwelling to the height of nearby residential buildings.

e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;

Please refer to the discussion regarding the Lot Creation criteria on pages 21 – 23 of this brief for a fulsome analysis of the proposed lots with respect to the surrounding lotting pattern.

f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

Amenity space will be provided in the form of a front yard and rear yard. This provision of amenity space is consistent with the neighbourhood.

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

The proposed severance and proposed single-detached dwelling will maintain and potentially enhance the existing streetscape. Turner Avenue includes a wide variety of housing styles and sizes, as well as a variety of building separations. The proposed development fits within this existing neighbourhood diversity.

h) the ability to complement the existing functions of the neighbourhood;

The existing neighbourhood functions primarily as a residential area in keeping with the planned function of the Neighbourhoods designation, as outlined below:

E.2.6.2 The Neighbourhoods shall primarily consist of residential uses [...]

E.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, [...]

In conformity with these UHOP policies, the proposed severance will facilitate single detached dwellings that will compliment the existing residential function of the surrounding neighbourhood.

i) the conservation of cultural heritage resources; and,

Please refer to “Cultural Heritage Considerations” on page 4 of this brief.

j) infrastructure and transportation capacity and impacts.

The addition of one single detached dwelling would not be expected to have a major impact on existing infrastructure and transportation capacity. Development Engineering and Transportation Planning will have an opportunity to review the subject applications with respect to infrastructure and transportation capacity.

Lot Creation Criteria

The Urban Hamilton Official Plan (UHOP) provides policy guidance for lot creation in Vol. 1, Chapter F, Section 1.14.3.1; which states that consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shall be permitted provided the following conditions are met:

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

A policy response to each of these conditions is provided in the following pages:

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

The subject lands are designated Neighbourhoods on Schedule E Urban Structure and Schedule E-1 Urban Land Use Designations.

As per Policy E.2.6.2 of Vol. 1, “Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents.”

The Neighbourhoods designation permits a wide variety of residential uses and forms, including single-detached dwellings.

As per Policy E.3.2.13 of Vol. 1, “The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.”

Furthermore, Policy E.3.1.5 provides that a policy goal of the Neighbourhoods land use designation is to “Promote and support *residential intensification* of appropriate scale and in appropriate locations throughout the neighbourhoods.”

Furthermore, the subject lands are located within the interior of the Durand neighbourhood, where “lower density residential uses and building forms shall generally be located [...]” (Policy E.3.3.1 of Vol. 1).

The policies outlining the function of Low Density Residential areas are as follows:

“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, semidetached, duplex, triplex, and street townhouse dwellings.”

Policy Response to the Function of Low Density Residential Areas:

The proposed severance will facilitate the construction of a 2½ storey single-detached dwelling (as per Policy 3.4.3 and 3.1.5); which is a grade-oriented built form (as per Policy 3.4.2); and will be located within the interior of the Durand neighbourhood (as per Policy 3.4.1). For these reasons, the proposed development conforms to the planned function of low density residential areas within the Neighbourhoods Designation.

The policies outlining the scale of Low Density Residential areas are as follows:

“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.”

Policy Response to the Scale of Low Density Residential Areas:

The proposed severance will facilitate the construction of single-detached dwelling at a proposed height of two-and-a-half storeys in conformity with the maximum permitted height of three storeys (as per Policy 3.4.5)

The current density of the subject lands is 9.8 units per hectare (1 unit divided by 0.1013 hectares). The proposed severance application and subsequent construction of an additional single-detached dwelling on the severed lands will increase the density to 19.7 units per hectare (2 units divided by 0.1013 hectare); which represents an intensification and optimization of the subject lands without exceeding the maximum net residential density permitted for low density residential areas. For these reasons, the proposed development conforms to the planned scale of low density residential areas within the Neighbourhoods Designation.

The policies outlining the design of Low Density Residential areas are as follows:

“Design

- 3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged. (OPA 142)
 - b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.
 - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.
- [...]

Policy Response to the Design of Low Density Residential Areas:

The retained and severed lands will both have access from Turner Avenue, which is classified as a Local Road; and therefore Policy 3.4.6(a) is not offended. The proposed development will not result in back-lotting along a public street nor in front of a park; and therefore Policy 3.4.6(b) is not offended. The proposed severance will contribute to providing a mix of lot widths and dwelling unit sizes while maintaining the low-rise, single-detached dwelling character of Turner Avenue and the Durand neighbourhood as per Policy 3.4.6(c).

Based on the above analysis, the proposed severance conforms to the policies of the Urban Hamilton Official Plan; and in particular, the Low Density Residential areas of the Neighbourhoods designation.

“b) The lots comply with existing Neighbourhood Plans;”

The subject lands are part of the Durand Neighbourhood Plan, which was adopted by Council on December 18, 1973 (see Figure 1). The subject lands are identified for “Single and Double” residential use.

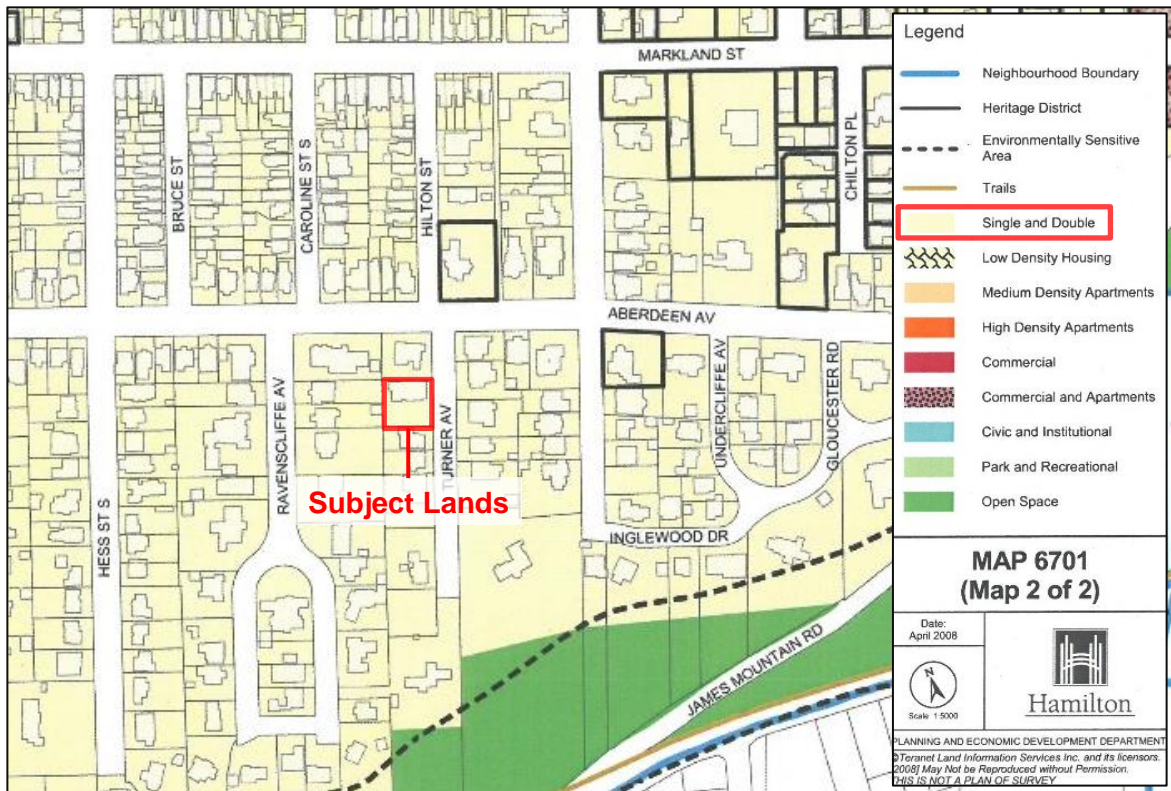


Figure 1: Durand Neighbourhood Plan (Map 6701, Map 2 of 2), approved by Council on December 18, 1973. The subject lands are identified as “Single and Double”.

Policy Response to the Durand Neighbourhood Plan:

The existing use of the retained lands for a single-detached dwelling, as well as the proposed use of the severed lands for single-detached dwelling, complies with the existing Durand Neighbourhood Plan.

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

The subject lands are zoned Urban Protected Residential, etc. “C” District in Hamilton By-law No. 6593. The single detached dwelling proposed on the severed lands is a permitted use in the “C” District. Furthermore, both the severed and retained lands comply with the minimum lot area and lot width requirements of the “C” District.

However, seven minor variances are required to address the nonconformities caused by the severance as well as to facilitate the proposed single-detached dwelling to be constructed on the severed lands and the proposed 1 storey garage and 1 storey rear addition to be constructed on the retained lands.

Note that the existing dwelling is considered a three-storey dwelling per Hamilton Building Division Policy ZON-021, which classifies an upper storey with more than two dormer windows as a full storey.

The zoning compliance of the severed lands and retained lands are outlined in Table 1 and Table 2, respectively.

Table 1 Zoning Compliance of Lands to be Severed

Urban Protected Residential, etc. “C” District - Hamilton By-law No. 6593				
Section	Requirement		Severed Lot	✓ / X
9(1)(i)	Permitted Residential Uses	Single family dwelling	Single family dwelling	✓
9(2)	Max Height	2½ storeys / 11 metres	2 ½ storeys / 11.92m	X (MV1)
9(3)(i)	Min. Front Yard	6.0m	6.0m	✓
9(3)(ii)	Min. Side Yard	1.2m	North side: 0.5m	X (MV2)
			South side: 1.2m	✓
9(3)(iii)	Min. Rear Yard	7.5m	7.5m	✓
9(4)	Min. Lot Width	12.0m	12.0m	✓
9(4)	Min. Lot Area	360m ²	±397m ²	✓

Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593				
Section	Requirement		Severed Lot	✓ / X
18A Table 1	2 parking spaces for the first 8 habitable room	2 spaces required	2 spaces provided in garage	✓
18A(7)	Min. Parking Space Size	2.7m x 6.0m	2.7m x 6.0m	✓
18A(14b)	i) The area for parking shall not exceed more than 50% of the gross area of the front yard		No parking spaces in front yard	✓
	ii) Not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, gravel, pavers or other similar materials.		Front Yard Area: 72.0m ² Landscaped: 37.4m ² (51.9%) Paved: 34.6m ² (48.1%)	✓

Table 2 Zoning Compliance of Lands to be Retained

Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593				
Section	Requirement		Retained Lot	✓ / X
9(1)(i)	Permitted Residential Uses	Single family dwelling	Single family dwelling	✓
9(2)	Max Height	2½ storeys / 11 metres	Existing: 3 storeys and 12.1 metres	X (MV3)
9(3)(i)	Min. Front Yard	6.0m	7.13m	✓
9(3)(ii) 18(2)(i)	Min. Side Yard	1.2m + 1.5m = 2.7m	North side: 0.7m	X (MV4)
			South side: 1.1m	X (MV5)
9(3)(iii) 18(2)(i)	Min. Rear Yard	7.5m + 3.0m = 10.5m	7.7m	X (MV6)
9(4)	Min. Lot Width	12.0m	18.48m	✓
9(4)	Min. Lot Area	360m ²	615.5m ²	✓

Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593				
Section	Requirement		Retained Lot	✓ / X
18A Table 1	2 parking spaces for the first 8 habitable room	2 spaces required	2 spaces provided (1 in garage and 1 in driveway)	✓
18(3)(vi)(d) Encroachments	Front Porch	Can encroach 3.0 meters into front yard, 1.5 meters distant from front lot line	4.4 metres distant from front lot line	✓
18A Table 1	2 parking spaces for the first 8 habitable room, plus 0.5 for each additional room 10 habitable rooms proposed	3 parking spaces required	2 parking spaces	X (MV7)
18A(1)(f) and Table 6	Min. Manoeuvring space	6.0m	6.0m	✓
18A(7b)	Min. finished level of the garage floor	0.3m above grade	0.3m above grade	✓
18A(10)	Only one parking space may be obstructed by another parking space		One parking space in the driveway is obstructing the garage	✓
18A(14b)	i) The area for parking shall not exceed more than 50% of the gross area of the front yard		No parking spaces in front yard	✓
	ii) Not less than 50% of the gross area of the front yard shall be used for a landscaped		< 50% of front yard used for paved area	✓

Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593			
Section	Requirement	Retained Lot	✓ / X
	area, excluding concrete, gravel, pavers or other similar materials.		
18A(14h)	i) only one of the required parking spaces may be located in the front yard, and	No parking spaces are located in the front yard	✓
	ii) notwithstanding subsection 10, only one parking space may be obstructed	Only one parking space is obstructed	✓
18A(22)	All manoeuvring space shall be maintained free and clear of all obstructions to permit unobstructed access to and from required parking spaces.	Only one parking space is obstructed, which is permitted	✓

As outlined in Table 1 and Table 2, seven minor variances are required to address the nonconformities caused by the severance as well as to facilitate the proposed single-detached dwelling to be constructed on the severed lands and the proposed 1 storey garage and rear addition to be constructed on the retained lands. An evaluation of these requested minor variances is provided in subsequent sections of this brief. Upon approval of the requested minor variances, both the retained and severed lot will conform to Zoning By-law No. 6593.

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

The following discussion is provided for each of the criteria listed above:

Lot Frontages and Lot Areas

With respect to the surrounding area, the approximate lot frontages and lot areas along Turner Avenue are provided in Table 3 as follows:

Table 3 Survey of Lot Areas and Frontages along Turner Avenue

Address	Lot Area	Lot Frontage
125 Aberdeen Avenue	±1,001m ²	±30.5m
1 Turner Avenue	±604m ²	±19.0m
3 Turner Avenue	±862m ²	±25.2m
5 Turner Avenue	±994m ²	±24.3m
6 Turner Avenue	±501.7m ²	±15.2m
7 Turner Avenue	±604m ²	±15.2m
8 Turner Avenue	±501.7m ²	±15.2m
9 Turner Avenue	±1,209m ²	±30.6m
10 Turner Avenue	±1,150m ²	±35.0m
18 Turner Avenue	±1,289m ²	±39.4m
Average	±872m ²	±24.3m
Severed Lands	397m ²	12.0m
Retained Lands	615m ²	18.48m

Source: Hamilton's Online Interactive Mapping Software

As demonstrated numerically in Table 3 and illustrated in Figure 2, there is currently a wide variety of lot areas and lot frontages along Turner Avenue. At the smaller end of the spectrum, there are two lots with areas of 501m², and at the larger end, there are four lots over double this size in excess of 1,000m². Lot frontages share this same variation. At the shorter end of the spectrum, there are three lots with a lot frontage of 15.2 metres; and at the longer end, there are four lots over twice that length with frontages over 30 metres.

Despite the wide variety of lot sizes and frontages, a number of general observations can be made. First, the three largest lots (9, 10, and 18 Turner Ave.) are all located at the southern end of the street, closest to the Niagara Escarpment. Second, the three smallest lots, which all have a frontage of 15.2m², are clustered together toward the middle of the street (6, 7, and 8 Turner Ave.). The subject lands are adjacent to this cluster of smaller lots, toward the northern end of the street, and away from the larger lots located closer to the Niagara Escarpment. Based on these observations and the above numerical analysis, the proposed severance will result in a retained lot and severed lot that will fit harmoniously within the diverse range of lot sizes along Turner Avenue.

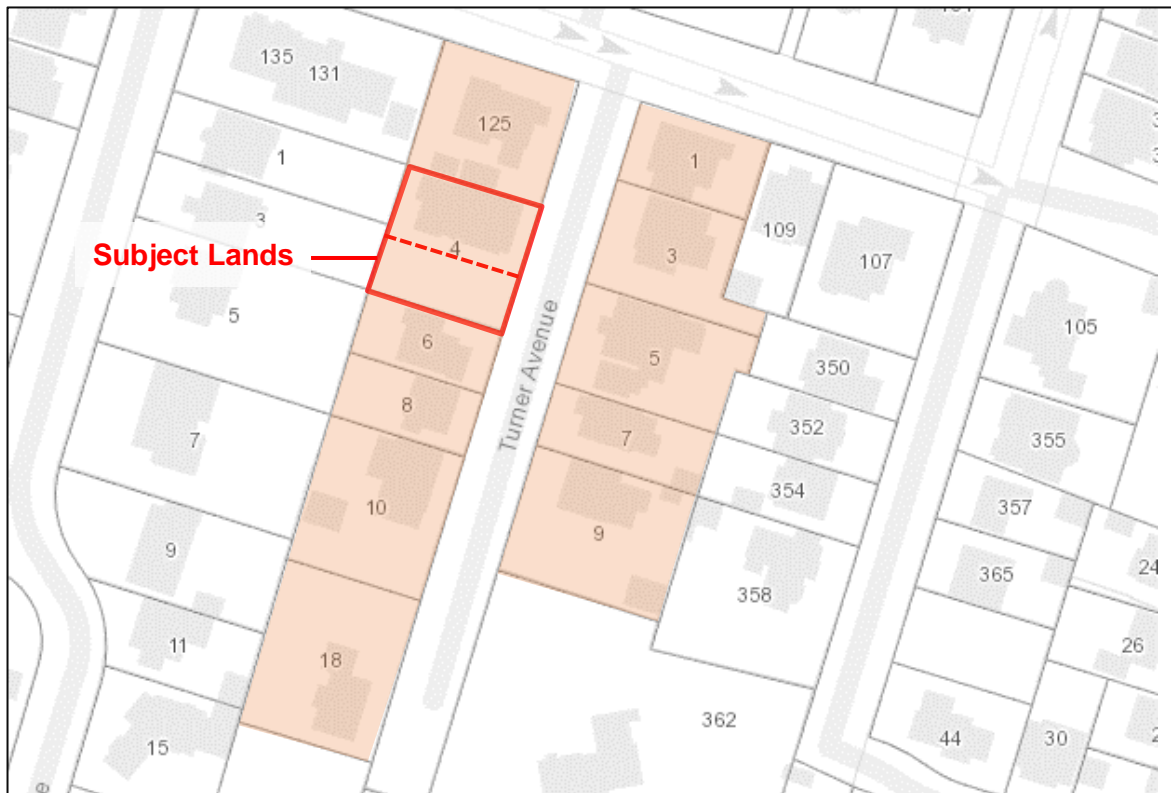


Figure 2: The lots along Turner Avenue are characterized by a variety of sizes and frontages (see Table 3), with the largest lots located toward the south, and the smallest lots clustered in the middle.

Building Heights, Coverage, and Mass

From a policy perspective, the proposed height of the single-detached dwelling is 2½ storeys or 11.92 metres; which is lower than the maximum permitted height of three stories prescribed by the UHOP (E.3.4.5 of Vol. 1).

With respect to the surrounding area, the heights of the single-detached dwellings located along Turner Avenue are provided in Table 3 as follows:

Table 4 Survey of heights of surrounding single-detached dwellings

Address	Height
125 Aberdeen Avenue	3 storeys*
1 Turner Avenue	3 storeys*
3 Turner Avenue	3 storeys*
4 Turner Avenue (existing dwelling)	3 storeys*
5 Turner Avenue	3 storeys*
6 Turner Avenue	2 storeys
7 Turner Avenue	3 storeys*
8 Turner Avenue	2½ storeys
9 Turner Avenue	3 storeys*
10 Turner Avenue	3 storeys*
18 Turner Avenue	2½ storeys

*Note: that any dwelling with more than two dormer windows on the third level is considered a full third-storey per Hamilton Building Division Policy ZON-021.

As outlined above in Table 3, of the 11 single-detached dwellings currently located along Turner Avenue, eight (or 73%) are considered 3 storeys (see above note), two (or 18%) are 2½ storeys, and one (or 9%) is 2 storeys. Based on this numerical analysis, the 2½ storey dwelling proposed to be constructed on the severed lot reflects the general building height of the surrounding area.

From the perspective of massing, Turner Avenue is characterized entirely by single-detached dwellings, most of which are considered 3 storeys. The proposed 2½ storey single-detached dwelling is consistent with the height and form of the existing dwellings along Turner Avenue. With this context in mind, the massing of the proposed development is considered compatible within the existing context.

Furthermore, the Heritage Impact Assessment, prepared by McCallumSather Architects, found that “the development proposal is clearly legible as a new build, that includes sympathetic setbacks to maintain the prominence of the heritage building, and has related massing.” Furthermore, the HIA states on page 36 that “the form and composition of the [proposed dwelling] works well with the surrounding existing neighbourhood character i.e. the rectangular building plan with 3 storey building height.”

For these reasons, the proposed development is considered compatible with the surrounding area with respect to height, coverage, and massing.

Setbacks

With respect to setbacks, four minor variances are required, one of which is to recognize an existing condition. A fulsome discussion on the existing and proposed setbacks is provided in the next section of this brief, which provides an evaluation of these requested minor variances.

Privacy and Overlook

The single-detached proposed to be constructed on the severed lot is 2½ storeys. The proposed height is comparable to the existing dwelling on the subject lands, which is considered 3 storeys, as well as the single-detached dwelling located to the south of the severed lands (6 Turner Avenue), which is 2 storeys. Given that the proposed dwelling would match the approximate height of the existing dwelling to the north and is only half a storey taller than the adjacent dwelling to the south, significant privacy and overlook concerns out-of-the-ordinary for a built-up urban environment would not be expected.

“e) The lots are fully serviced by municipal water and wastewater systems; and,”

Both the severed and retained lots will have full municipal water and wastewater system connections.

“f) The lots have frontage on a public road.”

The retained lands will have a frontage of 19.48 metres along Turner Avenue; and the severed lands will have a frontage of 12.0 metres along Turner Avenue.

Conclusion of policy responses to UHOP Lot Creation Policies:

Based on the above analysis, the proposed consent application satisfies the lot creation policies of Vol. 1, Chapter F, Section 1.14.3.1 of the UHOP.

Requested Minor Variances

The subject lands are zoned Urban Protected Residential, etc. "C" District in Hamilton By-law No. 6593. The zoning compliance of the retained lands and severed lands is outlined in Table 1 and Table 2 of this brief, respectively.

In order to facilitate the proposed single-detached dwelling on the severed lands, the following variances are required:

1. To permit a maximum height of 11.92 metres, whereas 11 metres is required;
2. To permit a northerly minimum side yard of 0.5 metres, whereas 1.2 metres is required.

Secondly, in order to facilitate the proposed 1 storey garage and 1 storey rear addition on the retained lands, as well as to recognize existing conditions, the following variances are required:

3. To permit a maximum height of 12.1 metres, whereas 11 metres is required;
4. To permit a northerly side yard of 0.7 metres, whereas 2.7 metres is required;
5. To permit a southerly side yard of 1.1 metres, whereas 2.7 metres is required;
6. To permit a minimum rear yard setback of 7.7 metres, whereas 10.5 metres is required.
7. To permit a minimum of two parking spaces; whereas 3 parking spaces is required.

Section 45(1) of the *Planning Act* states that the Committee of Adjustment "may authorize such minor variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof" provided the following four tests are met:

1. *Do the minor variances maintain the general intent and purpose of the Official Plan?*

2. *Do the minor variances maintain the general intent and purpose of the Zoning By-law?*
3. *Are the minor variances desirable and appropriate for the lands?*
4. *Are the requested variances minor in nature?*

The analysis that follows demonstrates how the requested variances satisfy the four tests:

1. ***Do the minor variances maintain the general intent and purpose of the Official Plan?***

The subject lands are designated Neighbourhoods on Schedule E Urban Structure and Schedule E-1 Urban Land Use Designations of the Urban Hamilton Official Plan.

Maximum Height (MV1 and MV3)

The purpose of MV3 is to recognize that the height of the existing dwelling (12.1 metres) exceeds the permitted maximum height of 11 metres in the “C” District.

The purpose of MV1 is to permit a new single detached dwelling to be constructed on the severed lands with a height of 11.92 metres, whereas 11 metres is the maximum permitted height.

The maximum height permitted in the Urban Hamilton Official Plan (UHOP) for Low Density Residential Areas in the Neighbourhoods designation is 3 storeys (Policy E.3.4.5 of Vol.1). Both the existing single-detached dwelling (3 storeys) and the proposed single-detached dwelling (2½ storeys) conform to the maximum height permitted in the UHOP. Therefore, the proposed variances maintain the general intent and purpose of the UHOP.

Side Yard and Rear Yard Setbacks (MV2, MV4, MV5, and MV6)

Single-detached dwellings are permitted in the Neighbourhoods designation and the proposed severance would facilitate the construction of a single-detached dwelling. Furthermore, Policy E.3.1.5 of Vol.1 of the UHOP provides a policy goal

to “Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.”

With this policy objective in mind, the requested variances for the side yards and rear yard would recognize existing conditions as well as facilitate the construction of an additional single-detached dwelling at an appropriate scale and location within the Neighbourhoods designation. Therefore, the proposed variances maintain the general intent and purpose of the UHOP to provide for single detached dwellings in low density residential areas.

Parking Requirement (MV7)

The requested reduction from three parking spaces to two parking spaces for the existing single-detached dwelling would not offend the policies of the UHOP.

2. Do the minor variances maintain the general intent and purpose of the Zoning By-law?

The general intent and purpose of the “C” (Urban Protected Residential, etc.) District is to facilitate an urban residential environment consisting largely of single-detached dwellings.

As such, the requested minor variances will maintain this intent and purpose by facilitating the creation of a new building lot upon which a single-detached dwelling will be ultimately constructed. In addition, both the retained lands and severed lands will comply with the minimum lot area and lot frontage requirements of the “C” District.

Based on the above analysis, the requested minor variances maintain the general intent and purpose of the “C” (Urban Protected Residential, etc.) District within Hamilton Zoning By-law 6593.

3. Are the minor variances desirable and appropriate for the lands?

The requested variances are desirable and appropriate for the lands because they would facilitate land division in a manner compatible with the existing diverse lotting pattern along Turner Avenue, as well as enable residential intensification in a form

and density that would fit harmoniously within the established built form of the Durand neighbourhood.

Furthermore, the subject lands are an appropriate location for land division and residential intensification as they are located within Hamilton's built-up area in close proximity to Downtown Hamilton (less than a 15 minute walk away) and are in close proximity to numerous HSR transit routes, public service facilities, schools, and parks.

4. Are the requested variances minor in nature?

Maximum Height (MV1 and MV3)

The purpose of MV3 is to recognize that the height of the existing dwelling (12.1 metres) exceeds the permitted maximum height of 11 metres in the "C" District. This variance is considered minor in nature as it is required to recognize an existing condition.

The purpose of MV1 is to permit a new single detached dwelling to be constructed on the severed lands with a height of 11.92 metres, whereas 11 metres is the maximum permitted height. The proposed height of 11.92 metres is less than that of the existing dwelling on the subject lands, at 12.1 metres. In addition, the proposed dwelling maintains the permitted maximum of 2½ storeys. For these reasons, the requested increase in height of less than 1 metre, from 11 metres to 11.92 metres, is considered minor in nature.

Side Yard and Rear Yard Setbacks (MV2, MV4, MV5, and MV6)

MV2: A 0.5 metre northerly side yard setback is requested on the severed lands in order to accommodate the proposed single-detached dwelling, whereas 1.2 metres is required. Pedestrian access to the rear yard will be provided by the southerly side yard, which will comply with the full 1.2 metre requirement. The proposed setback is similar to the current setback (0.7 metres) between the existing dwelling and the northern lot line. For these reasons, the requested reduction is considered minor.

MV4: The existing northerly side yard setback for the retained lands is 0.7 metres, whereas 2.7 metres is required. The requested minor variance

will recognize an existing condition and is therefore considered minor in nature.

MV5: The creation of the new lot will necessitate the construction of a new garage attached to the south side of the existing dwelling. The current garage is located at the rear of the existing dwelling and is angled in such a way that it would be impossible for vehicles to make the 90 degree turn to enter and exit. Therefore, a new 1 storey garage is required to be positioned at the side of the house to facilitate vehicle movements. Given the constraints created by the position of the existing dwelling and the area required for the internal parking space, a reduced southerly side yard setback is unavoidable. The proposed southerly side yard is 1.2 metres, whereas 2.7 metres is required. The proposed side yard of 1.2 metres is sufficient to allow resident access to the rear yard. Furthermore, the proposed garage will include a back door to create a continuous passageway through the garage. Lastly, for dwellings that are 2½ storeys or less, the standard requirement for a side yard setback in a “C” District is 1.2 metres. The existing dwelling is only considered a 3 storey dwelling on account of having more than two dormer windows. For these reasons, the proposed reduction to the retained lands southerly side yard setback is considered minor in nature.

MV6: The current rear yard setback from the existing garage to the rear lot line is 4.8 metres. The existing rear garage is planned to be demolished and replaced with a garage at the side of the house along with a 1 storey rear addition. In doing so, the proposed rear yard will be increased from the current 4.8 metres to 7.8 metres. However, the by-law requires a 10.5 metre rear yard for dwellings considered 3 storeys. Given that the proposed development will result in a net increase in the rear yard setback; the requested minor variance is considered minor in nature.

Parking Requirement (MV7)

With respect to the requirement for three parking spaces for the existing dwelling, it is my opinion that the parking standards contained in Hamilton’s old Zoning By-law No. 6593 are outdated and out of step with modern planning standards. For example, within the new city-wide zoning By-law No. 05-200, only one (1) parking stall is required for each single-detached dwelling. Therefore, the proposed variance to require two (2) parking spaces for the dwelling would represent an over

supply in comparison to the modern parking requirements already being established across the City of Hamilton. The subject lands are also located in the well-established Durand neighbourhood in close proximity to Downtown Hamilton, transit, employment opportunities, schools, parks, and public amenities. For these reasons, the proposed reduction in the parking requirement from three to two parking spaces is considered minor.

Recommendation

The requested variances represent good land use planning as they satisfy the four tests of Section 45(1) of the *Planning Act*. Approval of the requested variances will continue to maintain the general intent and purpose of the UHOP and Zoning By-law, are desirable for the appropriate use of the land, and are considered minor in nature.

The severance application satisfies the Urban Hamilton Official Plan's criteria for new lot creation for residential uses in the Neighbourhoods designation.

In addition, the Heritage Impact Assessment prepared by McCallumSather Architects determined that the proposed development will not result in significant direct and indirect impacts to the heritage attributes of the heritage building on, or adjacent to, the subject lands.

Based on the forgoing analysis, my recommendation is that the requested variances and severance be approved.

Should you have any questions or require any additional information, please do not hesitate to contact me at 289-778-1410 or via email at shastings@gspgroup.ca.

Yours truly

GSP Group Inc.



Stuart Hastings, MCIP, RPP
Planner

cc. *Kathy Di Silvestro, Crystal Homes Corporation*

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

**APPLICATION FOR 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.:
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1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)			
Applicant(s)**			
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 Owner
 Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township
Registered Plan N°. 392	Lot(s) All of Lot 16 Part of Lots, 6, 7, and 17	Reference Plan N°.	Part(s)
Municipal Address 4 Turner Avenue			Assessment Roll N°. 25 18 020 130 11650

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):

- | | |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |

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

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

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

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 ² or ha)
12.0	32.9	398

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: None

Proposed: Singe-detached dwelling

Existing structures to be removed: None

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

- 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 ² or ha)
18.48	32.9	615.5

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

Proposed: Single-detached dwelling. Attached garage to be relocated to southerly side yard.

Existing structures to be removed: Existing attached garage at rear of house

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): N/A

Urban Hamilton Official Plan designation (if applicable): Neighbourhoods (Schedule E and E-1)

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

Please see attached 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? "C" Urban Protected Residential, etc. District

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Coffee Shop (430m), Convenience Store / Pharmacy (290m)
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?

Owner's Knowledge.
- 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 attached Planning Justification Brief
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Please see attached Planning Justification Brief
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Please see attached 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

Please see attached 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)

Please see attached Planning Justification Brief
- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No
 If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)
- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

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

Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes No Unknown

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

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

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

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

8.4 How long has the applicant owned the subject land?

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

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

5 Turner Avenue

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 Minor Variance Status Submitted Concurrently

10 RURAL APPLICATIONS

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

Agricultural Rural Specialty Crop

Mineral Aggregate Resource Extraction Open Space Utilities

Rural Settlement Area (specify) _____

Settlement Area

Designation

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

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

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

10.3 Description of Lands

a) Lands to be Severed:

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

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

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

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

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

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

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

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

Existing Land Use: _____ Proposed Land Use: _____

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

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

Front yard set back: _____

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

- Habitable Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

- a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

- b) Description of non-abutting farm

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

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

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

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

Front yard set back: _____

- d) Surplus farm dwelling date of construction:

Prior to December 16, 2004 After December 16, 2004

- e) Condition of surplus farm dwelling:

Habitable Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

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

Please see attached Planning Justification Brief.

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 30, 2022 _____

Date



Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:288	SUBJECT PROPERTY:	4 TURNER AVENUE, HAMILTON
ZONE:	"C" (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: Crystal Homes Corporation
Agent: GSP – Stuart Hastings

The following variances are requested:

Severed Lands:

1. A maximum height of 11.95m shall be permitted instead of the maximum 11.0m height permitted.
2. A minimum northerly side yard width of 0.5m shall be permitted instead of the minimum 1.2m side yard width required.
3. An eave or gutter shall be permitted to project into the entire northerly side yard and therefore, may be located as close as 0.0m to the northerly lot line whereas the zoning By-law permits an eave/gutter to project into a required side yard not more than one-half of its width, or 1.0 metre, whichever is the lesser.

Retained Lands:

4. A minimum northerly side yard width of 1.1m shall be permitted instead of the minimum 1.2m side yard width required.
5. A minimum of two (2) parking spaces shall be permitted instead of the minimum three (3) parking spaces required.
6. A minimum access driveway having a width of 2.7m shall be permitted instead of the minimum 2.8m access driveway width required.

PURPOSE & EFFECT: To facilitate the creation of a new lot for single family dwelling purposes through Consent Application HM/B-22:93 and to maintain an existing single-family dwelling on the retained lands.

HM/A-22:288**Notes:**

No elevation plans were provided to confirm that the requested height variance regarding the proposed dwelling on the severed land is correct. Therefore, further variances may be required.

The zoning By-law requires a minimum of 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room for a single-family dwelling. No floor plans were provided from which to confirm the total number of habitable rooms within each dwelling. Therefore, required parking could not be confirmed; as such, further variances may be required.

The applicant requested a variance to permit the height of the existing three (3) storey dwelling. However, the requested variance is not required.

The applicant requested a variance to the southerly side yard and the rear yard of the new proposed one storey addition on the retained lands. However, the requested variance is not required as the location of proposed addition conforms in relation to the required southerly side yard and rear yard.

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:

DATE:	Thursday, October 6, 2022
TIME:	1:30 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th 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-22:288



 Subject Lands

DATED: September 20, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: 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 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

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. 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 (2nd 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 or by phone at 905-546-2424 ext. 4221.

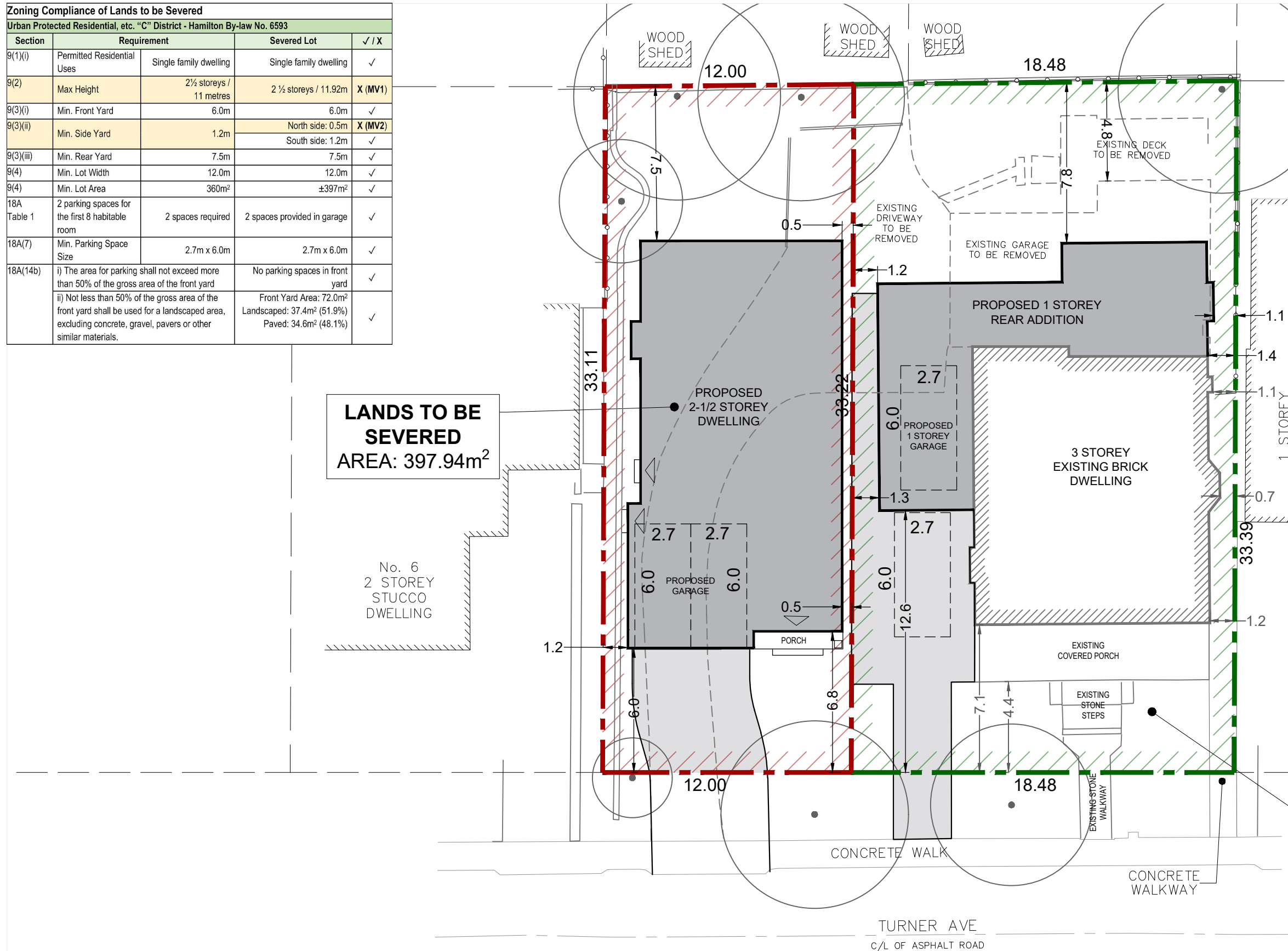
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

Zoning Compliance of Lands to be Severed				
Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593				
Section	Requirement	Severed Lot	✓ / X	
9(1)(i)	Permitted Residential Uses	Single family dwelling	Single family dwelling	✓
9(2)	Max Height	2½ storeys / 11 metres	2 ½ storeys / 11.92m	X (MV1)
9(3)(i)	Min. Front Yard	6.0m	6.0m	✓
9(3)(ii)	Min. Side Yard	1.2m	North side: 0.5m South side: 1.2m	X (MV2)
9(3)(iii)	Min. Rear Yard	7.5m	7.5m	✓
9(4)	Min. Lot Width	12.0m	12.0m	✓
9(4)	Min. Lot Area	360m ²	±397m ²	✓
18A Table 1	2 parking spaces for the first 8 habitable room	2 spaces required	2 spaces provided in garage	✓
18A(7)	Min. Parking Space Size	2.7m x 6.0m	2.7m x 6.0m	✓
18A(14b)	i) The area for parking shall not exceed more than 50% of the gross area of the front yard ii) Not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, gravel, pavers or other similar materials.	No parking spaces in front yard Front Yard Area: 72.0m ² Landscaped: 37.4m ² (51.9%) Paved: 34.6m ² (48.1%)		✓

Zoning Compliance of Lands to be Retained				
Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593				
Section	Requirement	Retained Lot	✓ / X	
9(1)(i)	Permitted Residential Uses	Single family dwelling	Single family dwelling	✓
9(2)	Max Height	2½ storeys / 11 metres	Existing: 3 storeys and 12.1 metres	X (MV3)
9(3)(i)	Min. Front Yard	6.0m	7.13m	✓
9(3)(ii)	Min. Side Yard	1.2m + 1.5m = 2.7m	North side: 0.7m South side: 1.1m	X (MV4)
9(3)(iii)	Min. Rear Yard	7.5m + 3.0m = 10.5m	7.7m	X (MV5)
9(4)	Min. Lot Width	12.0m	18.48m	✓
9(4)	Min. Lot Area	360m ²	615.5m ²	✓
18A Table 1	2 parking spaces for the first 8 habitable room	2 spaces required	2 spaces provided (1 in garage and 1 in driveway)	✓
18(3)(vii)(d) Encroachments	Front Porch	Can encroach 3.0 meters into front yard, 1.5 meters distant from front lot line	4.4 metres distant from front lot line	✓
18A Table 1	2 parking spaces for the first 8 habitable room, plus 0.5 for each additional room	3 parking spaces required	2 parking spaces	X (MV7)
18A(1)(f) and Table 6	Min. Manoeuvring space	6.0m	6.0m	✓
18A(7b)	Min. finished level of the garage floor	0.3m above grade	0.3m above grade	✓
18A(10)	Only one parking space may be obstructed by another parking space		One parking space in the driveway is obstructing the garage	✓
18A(14b)	i) The area for parking shall not exceed more than 50% of the gross area of the front yard ii) Not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, gravel, pavers or other similar materials.		No parking spaces in front yard < 50% of front yard used for driveway	✓
18A(14h)	i) only one of the required parking spaces may be located in the front yard, and ii) notwithstanding subsection 10, only one parking space may be obstructed		No parking spaces are located in the front yard Only one parking space is obstructed	✓
18A(22)	All manoeuvring space shall be maintained free and clear of all obstructions to permit unobstructed access to and from required parking spaces.		Only one parking space is obstructed, which is permitted	✓

LANDS TO BE SEVERED
AREA: 397.94m²

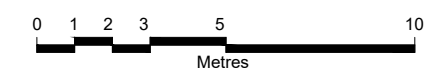
LANDS TO BE RETAINED
AREA: 615.54m²



SEVERANCE SKETCH

4 TURNER AVENUE, HAMILTON

- LANDS TO BE RETAINED
AREA: 615.54m²
- LANDS TO BE SEVERED
AREA: 397.94m²



NOTE: This concept should be considered as a preliminary demonstration model that illustrates an 'order of magnitude' development scenario for the site. The number of units, floor area and parking supply are approximate and subject to more detailed design as well as municipal planning approvals.





SHAPING GREAT COMMUNITIES

September 2, 2022

GSP File No: 20166

Delivered via hard-copy and email

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

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

Re: 4 Turner Avenue, Hamilton ON
Consent to Sever Application and Minor Variance Application

On behalf of our client, the landowner of 4 Turner Avenue, GSP Group is pleased to submit a consent to sever application and a minor variance application for the property known municipally as 4 Turner Avenue (the “subject lands”), legally described as: “All of Lot 16, and Part of Lots 6, 7 and 17, Registered Plan 392”.

Purpose of these Applications

The purpose of the Consent to Sever application is to divide an existing parcel into two parcels in order to facilitate the construction of a two-and-a-half-storey single-detached dwelling on the severed lands, and a 1 storey garage and 1 storey rear addition on the retained lands. The new garage is required on the retained lands because the severance will displace the current driveway/garage configuration.

The Retained Lands: are proposed to have a frontage of 18.48 metres along Turner Avenue and an area of 615.5 square metres.

The Severed Lands: are proposed to have a frontage of 12.0 metres along Turner Avenue and an area of 397.9 square metres.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

Both the lands to be retained and the lands to be severed will comply with the minimum requirements for lot area and lot width per the Urban Protected Residential, etc. "C" District in Hamilton By-law No. 6593.

The purpose of the minor variance application is to address the nonconformities caused by the severance as well as to facilitate the proposed single-detached dwelling to be constructed on the severed lands and the proposed 1 storey garage and 1 storey rear addition to be constructed on the retained lands.

In order to facilitate the proposed single-detached dwelling on the severed lands, the following variances are required:

1. To permit a maximum height of 11.92 metres, whereas 11 metres is required;
2. To permit a northerly minimum side yard of 0.5 metres, whereas 1.2 metres is required.

In order to facilitate the proposed 1 storey garage and 1 storey rear addition on the retained lands, as well as to recognize existing conditions, the following variances are required:

3. To permit a maximum height of 12.1 metres, whereas 11 metres is required;
4. To permit a northerly side yard of 0.7 metres, whereas 2.7 metres is required;
5. To permit a southerly side yard of 1.1 metres, whereas 2.7 metres is required;
6. To permit a minimum rear yard setback of 7.7 metres, whereas 10.5 metres is required.
7. To permit a minimum of two parking spaces; whereas 3 parking spaces are required.

In keeping with the requirements of a Minor Variance application and a Consent to Sever application; and in recognition that the subject lands are listed on the Municipal Heritage Register, please find enclosed the following items:

- One (1) completed and signed Consent to Sever application form;
- One (1) completed and signed Minor Variance application form;
- One (1) Severance Sketch with Minor Variances identified; prepared by GSP Group;
- One (1) Heritage Impact Assessment, prepared by McCallumSather Architects Inc. and dated August 30th, 2022; and
- One (1) cheque made payable to the City of Hamilton in the amount of **\$6,450.00**, representing the combined fee for a Consent to Severance application on a fully serviced lot (\$2,985.00) and the fee for a Minor Variance application (\$3,465.00).

I trust the enclosed is in order; however, should you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Description of Subject Lands

The subject lands currently contain a three-storey single-detached dwelling that was built circa 1903 in the Edwardian style. The southern side yard is currently used as a driveway access for the dwelling. The subject lands are listed in the Municipal Heritage Register; but are not designated under the *Ontario Heritage Act*. The subject lands are characterized by the following attributes:

- Lot Area:** 1,013 square meters (0.1013 hectares)
- Lot Frontage:** 30.48 metres along Turner Avenue
- Lot Depth:** Varies between 33.11 metres - 33.39 metres

Surrounding Land Uses

The subject lands are located in the historic Durand neighbourhood and the immediate surrounding land uses are as follows:

- North:** 2½ storey single-detached dwelling (121 Aberdeen Avenue)
- East:** 3 storey single-detached dwellings (3 and 5 Turner Avenue)
- South:** 2 storey single-detached dwelling (6 Turner Avenue)
- West:** 3 storey single-detached dwellings (1 and 3 Ravenscliffe Avenue)

The adjacent as well as surrounding lands are characterized exclusively by single-detached dwellings. Thus, the proposed single-detached dwelling on the severed lot is contextually in keeping with the surrounding land uses.

Cultural Heritage Considerations

The subject lands are listed in the Municipal Heritage Register; but are not designated under the *Ontario Heritage Act*. As such, a Heritage Impact Assessment has been prepared by McCallum Sather Architects Inc. to explore the impacts and mitigation strategies for the proposed severance as well as the proposed single-detached dwelling on the severed lands. Based on the analysis of McCallum Sather Architects, the Heritage Impact Assessment concludes:

- The proposed development will retain the existing heritage property in-situ.
- The proposed development will not result in the loss of the listed and proposed heritage attributes on the subject lands.
- The severance is in line with adjacent and neighbouring lot dimensions.
- The development proposal is clearly legible as a new build that includes sympathetic setbacks to maintain the prominence of the heritage building and has related massing.
- Recommendations on incorporating building materials, design features, architectural proportions and treating the at-grade condition have been made and incorporated into the proposed development to mitigate any issues of transition between the existing heritage building and the proposed development.
- The proposed development will be in keeping with the residential character of the neighbourhood and is distinct of its time as so not to create a false sense of historical development. It features contemporary design aesthetics and materials whilst not competing with the existing building.

The following sections provide an overview of the applicable planning policy framework and provide a policy response where necessary.

Provincial Policy Statement, 2020

All land use decisions are to be consistent with the Provincial Policy Statement (PPS), including applications for Consent to Sever.

Policy 1.1.1 of the Provincial Policy Statement (PPS) states that “Healthy, liveable and safe communities are sustained by” the following applicable policies:

- “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;”
- “e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”
- “h) promoting development and land use patterns that conserve biodiversity;”

Policy Response to the PPS Healthy, Liveable, and Safe Communities policy:

The proposed severance is consistent with the above PPS policies because it will result in a more efficient development and land use pattern that will sustain the financial well-being of the Province and the City of Hamilton over the long term (policy a); accommodate more housing options (policy b); promote a cost-effective development pattern that will minimize land consumption and servicing costs (policy e); and promote a development pattern that will conserve biodiversity (policy h).

Policy 1.1.3.1 of the PPS states that *settlement areas* (which, by definition, include built-up areas) shall be the focus of growth and development. The proposed severance is consistent with this policy as the subject lands are located in Hamilton’s Built-up Area as identified on Appendix G—Boundaries Map of the UHOP. Policy 1.1.3.2 states that within *settlement areas*, land use patterns “shall be based on densities and a mix of 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; [...]”

Policy Response to the PPS Settlement Areas policy:

Consistent with the above policies, the proposed severance represents an efficient use of land and resources (policy a); that will optimize the use of existing infrastructure and public service facilities (policy b).

Based on the above analysis, the proposed severance to facilitate residential intensification within Hamilton’s Built-Up Area is consistent with the PPS.

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

Schedule 3 of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) indicates that Hamilton is forecasted to grow to 820,000 people by 2051.

In November 2021, Hamilton City Council voted against expanding Hamilton’s urban boundary; and therefore, the City is required by the Province to accommodate a net growth of 236,000 people by 2051 within the City’s current urban boundary.

Furthermore, Section 2.2.1 of the Growth Plan, Managing Growth, provides that 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*.”

Policy Response to the Growth Plan:

In conformity with the above policy, the subject lands are located in Hamilton’s delineated built-up area as identified on Appendix G—Boundaries Map of the UHOP (policy i); has access to existing municipal water and wastewater services (policy ii); and is located in the well-established Durand neighbourhood that can support the achievement of a complete community (policy iii).

Furthermore, Policy 2.2.1.2.c.iv of the Growth Plan states that growth within settlement areas will be focused in “areas with existing or planned public service facilities”. The Durand neighbourhood satisfies this policy as it features numerous public services facilities, including local schools, Durand Park, as well as nearby access to major public institutions such as Hamilton City Hall and St. Joseph’s Hospital. Based on the above analysis, the proposed severance would result in the efficient use of land in an area targeted for growth and is therefore in conformity with the Growth Plan. The proposed development is also consistent with the recent direction of Hamilton City Council to accommodate all future growth to 2051 within the existing urban boundary.

Niagara Escarpment Plan, 2017

The subject lands are located within the Niagara Escarpment Plan and designated “Urban Area”. The objective of the Urban Area designation is:

- “1.7.1 To minimize the impact and prevent further encroachment of urban growth on the *Escarpment environment*.”

In addition, Policy 1.7.4 respecting the “Urban Area” of the Niagara Escarpment Plan provides the following:

“Proposed uses and the creation of new lots may be permitted, subject to conformity with Part 2, Development Criteria, the Development Objectives and, where applicable, zoning bylaws that are not in conflict with the Niagara Escarpment Plan.

Changes to permitted uses, expansions and alterations of existing uses or the creation of new lots within the Urban Area designation will not require an amendment to the Niagara Escarpment Plan.”

The general Lot Creation policies of the Niagara Escarpment Plan are contained in Section 2.4; the following of which apply to the proposed development:

- “2. New lots to meet residential needs should be created primarily in designated Urban Areas, Minor Urban Centres and Escarpment Recreation Areas.”

- “5. New lots must:
 - a) maintain and enhance the existing community character and/or open landscape character of the Escarpment; and
 - b) protect and enhance existing natural heritage and hydrologic features and functions.”

- “6. Prior to commenting upon proposals for new lots, the implementing authority shall consider:
 - a) the number, distribution and density of vacant lots in the area;
 - b) the additional lots that may be created in conformity with this Plan;
 - c) the consequences of the development of the lots with regard to the objectives of the designation; and
 - d) providing for or protecting public access to the Niagara Escarpment, including the Bruce Trail corridor.”

Policy Response to “Urban Area” policies of the Niagara Escarpment Plan:

The objective of the Niagara Escarpment Plan is to direct the formation of new lots to those locations that are least environmentally sensitive, such as urban areas.

The subject lands are designated “Urban Area” where proposed uses and the creation of new lots may be permitted without an amendment to the Niagara Escarpment Plan (per policy 1.7.4).

Furthermore, Policy 2.4.2 provides that new lots required to meet residential needs should be created in the Urban Area.

Lastly, the proposed new lot does not offend the criteria provided in neither Policy 2.4.5 nor Policy 2.4.6.

Based on this analysis, the proposed lot creation is in conformity with the Niagara Escarpment Plan.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as Neighbourhoods on Schedule E – Urban Structure; and designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The proposed severance is considered residential intensification, and accordingly, must be evaluated based on the policies of Vol. 1, Sections B.2.4.1.4 and B.2.4.2.2.

General Residential Intensification Policies

Section B.2.4.1.4 provides that residential intensification developments shall be evaluated based on a balanced evaluation of a number of criteria, each of which is provided below followed by a policy evaluation:

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

The existing lotting pattern is shown in Figure 2. Note that the proposed lots are similar to the adjacent lots to the south and southeast (6, 7, and 8 Turner Avenue). The proposed single detached dwelling on the severed lot will maintain the existing neighbourhood character as the surrounding built form consists entirely of single

detached dwellings. In this way the proposed severance has regard for the existing built form and is compatible with the existing neighbourhood.

The proposed severance will also allow the neighbourhood to transition to accommodate more density, allow for residential intensification while building upon the desired lot pattern and enhancing the streetscape.

c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;

By facilitating the development of a new single detached dwelling, the proposed severance will contribute to a modest expansion in the range of available dwellings in the neighbourhood.

d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

The proposed severance will allow the severed lot to be redeveloped for a single detached dwelling. A residential use in the scale and form of a single detached dwellings is consistent with the surrounding area and takes into consideration the use, scale, form and character of the existing neighbourhood.

e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

The subject lands are identified as part of the Neighbourhoods element of Hamilton's urban structure (Vol. 2, E.2.6). The following policies outline the Neighbourhoods function with respect to the proposed severance:

E.2.6.2 The Neighbourhoods shall primarily consist of residential uses [...]

E.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, [...]

As both the severed lot and retained lot are proposed for residential uses in the form of single detached dwellings, the proposed severance is consistent with the Neighbourhoods element of the City's planned urban structure.

f) infrastructure and transportation capacity; and,

The net addition of one dwelling would not be expected to have a major impact on existing infrastructure and transportation capacity. Development Engineering will have an opportunity to review the subject applications with respect to infrastructure and transportation capacity.

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

Upon approval of the requested minor variances, the proposed development will be able to comply with all applicable policies.

Residential Intensification in the Neighbourhoods Designation

The following evaluation criteria applies to residential intensification in the Neighbourhoods designation. Policy B.2.4.2.2 provides a number of matters to be evaluated, each of which is provided below followed by policy response:

a) the matters listed in Policy B.2.4.1.4;

Responses to Policy B.2.4.1.4 are provided on pages 9 to 11 of this brief.

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

The proposed severance will facilitate the development of one single detached dwelling. With the limited scale of the development in mind and considering that single detached dwellings are the least intensive form of residential intensification, the proposed development would not be expected to produce significant shadowing, overlook, noise, lighting, nor traffic nuisance effects.

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

Please refer to pages 23 - 24 of this brief regarding the requested minor variance to the maximum permitted height for a fulsome discussion regarding the relationship of the height of the proposed single detached dwelling to the height of nearby residential buildings.

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

Please refer to pages 23 - 24 of this brief regarding the requested minor variance to the maximum permitted height for a fulsome discussion regarding the relationship of the height of the proposed single detached dwelling to the height of nearby residential buildings.

e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;

Please refer to the discussion regarding the Lot Creation criteria on pages 21 – 23 of this brief for a fulsome analysis of the proposed lots with respect to the surrounding lotting pattern.

f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

Amenity space will be provided in the form of a front yard and rear yard. This provision of amenity space is consistent with the neighbourhood.

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

The proposed severance and proposed single-detached dwelling will maintain and potentially enhance the existing streetscape. Turner Avenue includes a wide variety of housing styles and sizes, as well as a variety of building separations. The proposed development fits within this existing neighbourhood diversity.

h) the ability to complement the existing functions of the neighbourhood;

The existing neighbourhood functions primarily as a residential area in keeping with the planned function of the Neighbourhoods designation, as outlined below:

E.2.6.2 The Neighbourhoods shall primarily consist of residential uses [...]

E.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, [...]

In conformity with these UHOP policies, the proposed severance will facilitate single detached dwellings that will compliment the existing residential function of the surrounding neighbourhood.

i) the conservation of cultural heritage resources; and,

Please refer to “Cultural Heritage Considerations” on page 4 of this brief.

j) infrastructure and transportation capacity and impacts.

The addition of one single detached dwelling would not be expected to have a major impact on existing infrastructure and transportation capacity. Development Engineering and Transportation Planning will have an opportunity to review the subject applications with respect to infrastructure and transportation capacity.

Lot Creation Criteria

The Urban Hamilton Official Plan (UHOP) provides policy guidance for lot creation in Vol. 1, Chapter F, Section 1.14.3.1; which states that consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shall be permitted provided the following conditions are met:

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

A policy response to each of these conditions is provided in the following pages:

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

The subject lands are designated Neighbourhoods on Schedule E Urban Structure and Schedule E-1 Urban Land Use Designations.

As per Policy E.2.6.2 of Vol. 1, “Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents.”

The Neighbourhoods designation permits a wide variety of residential uses and forms, including single-detached dwellings.

As per Policy E.3.2.13 of Vol. 1, “The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.”

Furthermore, Policy E.3.1.5 provides that a policy goal of the Neighbourhoods land use designation is to “Promote and support *residential intensification* of appropriate scale and in appropriate locations throughout the neighbourhoods.”

Furthermore, the subject lands are located within the interior of the Durand neighbourhood, where “lower density residential uses and building forms shall generally be located [...]” (Policy E.3.3.1 of Vol. 1).

The policies outlining the function of Low Density Residential areas are as follows:

“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, semidetached, duplex, triplex, and street townhouse dwellings.”

Policy Response to the Function of Low Density Residential Areas:

The proposed severance will facilitate the construction of a 2½ storey single-detached dwelling (as per Policy 3.4.3 and 3.1.5); which is a grade-oriented built form (as per Policy 3.4.2); and will be located within the interior of the Durand neighbourhood (as per Policy 3.4.1). For these reasons, the proposed development conforms to the planned function of low density residential areas within the Neighbourhoods Designation.

The policies outlining the scale of Low Density Residential areas are as follows:

“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.”

Policy Response to the Scale of Low Density Residential Areas:

The proposed severance will facilitate the construction of single-detached dwelling at a proposed height of two-and-a-half storeys in conformity with the maximum permitted height of three storeys (as per Policy 3.4.5)

The current density of the subject lands is 9.8 units per hectare (1 unit divided by 0.1013 hectares). The proposed severance application and subsequent construction of an additional single-detached dwelling on the severed lands will increase the density to 19.7 units per hectare (2 units divided by 0.1013 hectare); which represents an intensification and optimization of the subject lands without exceeding the maximum net residential density permitted for low density residential areas. For these reasons, the proposed development conforms to the planned scale of low density residential areas within the Neighbourhoods Designation.

The policies outlining the design of Low Density Residential areas are as follows:

“Design

3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged. (OPA 142)
- b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.
- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.

[...]

Policy Response to the Design of Low Density Residential Areas:

The retained and severed lands will both have access from Turner Avenue, which is classified as a Local Road; and therefore Policy 3.4.6(a) is not offended. The proposed development will not result in back-lotting along a public street nor in front of a park; and therefore Policy 3.4.6(b) is not offended. The proposed severance will contribute to providing a mix of lot widths and dwelling unit sizes while maintaining the low-rise, single-detached dwelling character of Turner Avenue and the Durand neighbourhood as per Policy 3.4.6(c).

Based on the above analysis, the proposed severance conforms to the policies of the Urban Hamilton Official Plan; and in particular, the Low Density Residential areas of the Neighbourhoods designation.

“b) The lots comply with existing Neighbourhood Plans;”

The subject lands are part of the Durand Neighbourhood Plan, which was adopted by Council on December 18, 1973 (see Figure 1). The subject lands are identified for “Single and Double” residential use.

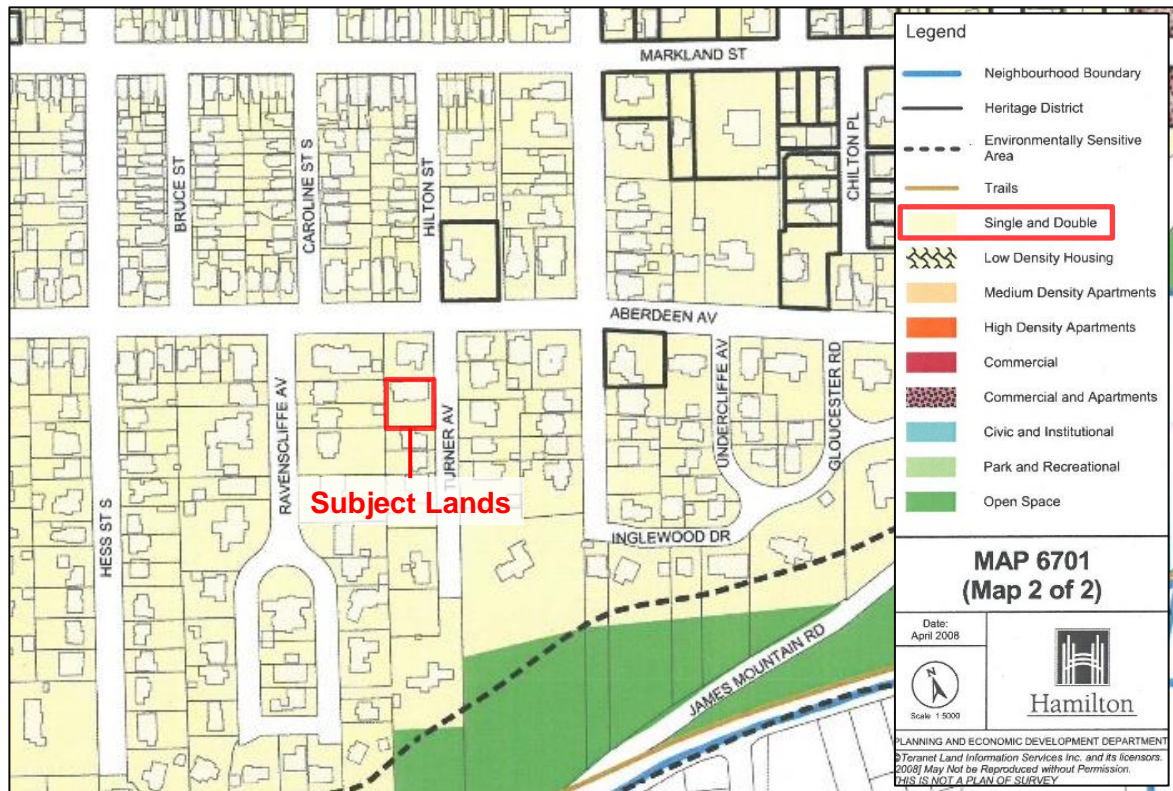


Figure 1: Durand Neighbourhood Plan (Map 6701, Map 2 of 2), approved by Council on December 18, 1973. The subject lands are identified as “Single and Double”.

Policy Response to the Durand Neighbourhood Plan:

The existing use of the retained lands for a single-detached dwelling, as well as the proposed use of the severed lands for single-detached dwelling, complies with the existing Durand Neighbourhood Plan.

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

The subject lands are zoned Urban Protected Residential, etc. “C” District in Hamilton By-law No. 6593. The single detached dwelling proposed on the severed lands is a permitted use in the “C” District. Furthermore, both the severed and retained lands comply with the minimum lot area and lot width requirements of the “C” District.

However, seven minor variances are required to address the nonconformities caused by the severance as well as to facilitate the proposed single-detached dwelling to be constructed on the severed lands and the proposed 1 storey garage and 1 storey rear addition to be constructed on the retained lands.

Note that the existing dwelling is considered a three-storey dwelling per Hamilton Building Division Policy ZON-021, which classifies an upper storey with more than two dormer windows as a full storey.

The zoning compliance of the severed lands and retained lands are outlined in Table 1 and Table 2, respectively.

Table 1 Zoning Compliance of Lands to be Severed

Urban Protected Residential, etc. “C” District - Hamilton By-law No. 6593				
Section	Requirement		Severed Lot	✓ / X
9(1)(i)	Permitted Residential Uses	Single family dwelling	Single family dwelling	✓
9(2)	Max Height	2½ storeys / 11 metres	2 ½ storeys / 11.92m	X (MV1)
9(3)(i)	Min. Front Yard	6.0m	6.0m	✓
9(3)(ii)	Min. Side Yard	1.2m	North side: 0.5m	X (MV2)
			South side: 1.2m	✓
9(3)(iii)	Min. Rear Yard	7.5m	7.5m	✓
9(4)	Min. Lot Width	12.0m	12.0m	✓
9(4)	Min. Lot Area	360m ²	±397m ²	✓

Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593				
Section	Requirement		Severed Lot	✓ / X
18A Table 1	2 parking spaces for the first 8 habitable room	2 spaces required	2 spaces provided in garage	✓
18A(7)	Min. Parking Space Size	2.7m x 6.0m	2.7m x 6.0m	✓
18A(14b)	i) The area for parking shall not exceed more than 50% of the gross area of the front yard		No parking spaces in front yard	✓
	ii) Not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, gravel, pavers or other similar materials.		Front Yard Area: 72.0m ² Landscaped: 37.4m ² (51.9%) Paved: 34.6m ² (48.1%)	✓

Table 2 Zoning Compliance of Lands to be Retained

Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593				
Section	Requirement		Retained Lot	✓ / X
9(1)(i)	Permitted Residential Uses	Single family dwelling	Single family dwelling	✓
9(2)	Max Height	2½ storeys / 11 metres	Existing: 3 storeys and 12.1 metres	X (MV3)
9(3)(i)	Min. Front Yard	6.0m	7.13m	✓
9(3)(ii) 18(2)(i)	Min. Side Yard	1.2m + 1.5m = 2.7m	North side: 0.7m	X (MV4)
			South side: 1.1m	X (MV5)
9(3)(iii) 18(2)(i)	Min. Rear Yard	7.5m + 3.0m = 10.5m	7.7m	X (MV6)
9(4)	Min. Lot Width	12.0m	18.48m	✓
9(4)	Min. Lot Area	360m ²	615.5m ²	✓

Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593				
Section	Requirement		Retained Lot	✓ / X
18A Table 1	2 parking spaces for the first 8 habitable room	2 spaces required	2 spaces provided (1 in garage and 1 in driveway)	✓
18(3)(vi)(d) Encroachments	Front Porch	Can encroach 3.0 meters into front yard, 1.5 meters distant from front lot line	4.4 metres distant from front lot line	✓
18A Table 1	2 parking spaces for the first 8 habitable room, plus 0.5 for each additional room 10 habitable rooms proposed	3 parking spaces required	2 parking spaces	X (MV7)
18A(1)(f) and Table 6	Min. Manoeuvring space	6.0m	6.0m	✓
18A(7b)	Min. finished level of the garage floor	0.3m above grade	0.3m above grade	✓
18A(10)	Only one parking space may be obstructed by another parking space		One parking space in the driveway is obstructing the garage	✓
18A(14b)	i) The area for parking shall not exceed more than 50% of the gross area of the front yard	No parking spaces in front yard		✓
	ii) Not less than 50% of the gross area of the front yard shall be used for a landscaped	< 50% of front yard used for paved area		✓

Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593			
Section	Requirement	Retained Lot	✓ / X
	area, excluding concrete, gravel, pavers or other similar materials.		
18A(14h)	i) only one of the required parking spaces may be located in the front yard, and	No parking spaces are located in the front yard	✓
	ii) notwithstanding subsection 10, only one parking space may be obstructed	Only one parking space is obstructed	✓
18A(22)	All manoeuvring space shall be maintained free and clear of all obstructions to permit unobstructed access to and from required parking spaces.	Only one parking space is obstructed, which is permitted	✓

As outlined in Table 1 and Table 2, seven minor variances are required to address the nonconformities caused by the severance as well as to facilitate the proposed single-detached dwelling to be constructed on the severed lands and the proposed 1 storey garage and rear addition to be constructed on the retained lands. An evaluation of these requested minor variances is provided in subsequent sections of this brief. Upon approval of the requested minor variances, both the retained and severed lot will conform to Zoning By-law No. 6593.

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

The following discussion is provided for each of the criteria listed above:

Lot Frontages and Lot Areas

With respect to the surrounding area, the approximate lot frontages and lot areas along Turner Avenue are provided in Table 3 as follows:

Table 3 Survey of Lot Areas and Frontages along Turner Avenue

Address	Lot Area	Lot Frontage
125 Aberdeen Avenue	±1,001m ²	±30.5m
1 Turner Avenue	±604m ²	±19.0m
3 Turner Avenue	±862m ²	±25.2m
5 Turner Avenue	±994m ²	±24.3m
6 Turner Avenue	±501.7m ²	±15.2m
7 Turner Avenue	±604m ²	±15.2m
8 Turner Avenue	±501.7m ²	±15.2m
9 Turner Avenue	±1,209m ²	±30.6m
10 Turner Avenue	±1,150m ²	±35.0m
18 Turner Avenue	±1,289m ²	±39.4m
Average	±872m ²	±24.3m
Severed Lands	397m ²	12.0m
Retained Lands	615m ²	18.48m

Source: Hamilton's Online Interactive Mapping Software

As demonstrated numerically in Table 3 and illustrated in Figure 2, there is currently a wide variety of lot areas and lot frontages along Turner Avenue. At the smaller end of the spectrum, there are two lots with areas of 501m², and at the larger end, there are four lots over double this size in excess of 1,000m². Lot frontages share this same variation. At the shorter end of the spectrum, there are three lots with a lot frontage of 15.2 metres; and at the longer end, there are four lots over twice that length with frontages over 30 metres.

Despite the wide variety of lot sizes and frontages, a number of general observations can be made. First, the three largest lots (9, 10, and 18 Turner Ave.) are all located at the southern end of the street, closest to the Niagara Escarpment. Second, the three smallest lots, which all have a frontage of 15.2m², are clustered together toward the middle of the street (6, 7, and 8 Turner Ave.). The subject lands are adjacent to this cluster of smaller lots, toward the northern end of the street, and away from the larger lots located closer to the Niagara Escarpment. Based on these observations and the above numerical analysis, the proposed severance will result in a retained lot and severed lot that will fit harmoniously within the diverse range of lot sizes along Turner Avenue.

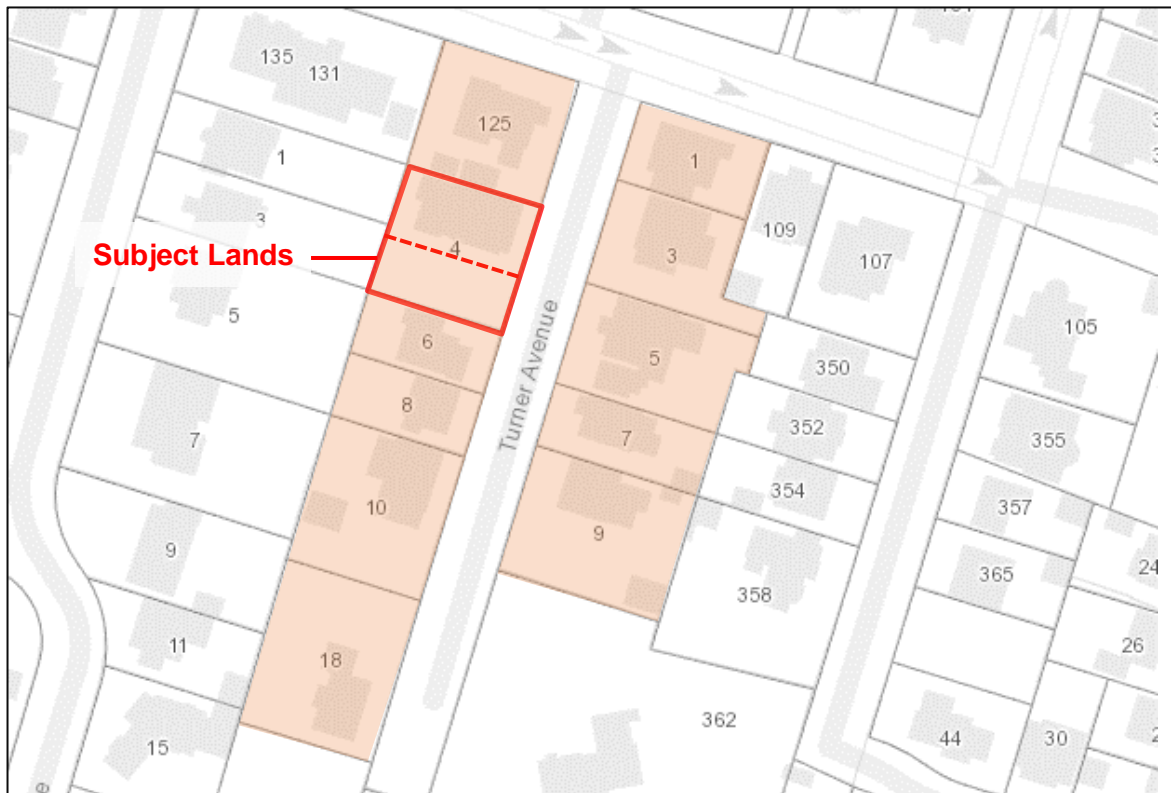


Figure 2: The lots along Turner Avenue are characterized by a variety of sizes and frontages (see Table 3), with the largest lots located toward the south, and the smallest lots clustered in the middle.

Building Heights, Coverage, and Mass

From a policy perspective, the proposed height of the single-detached dwelling is 2½ storeys or 11.92 metres; which is lower than the maximum permitted height of three stories prescribed by the UHOP (E.3.4.5 of Vol. 1).

With respect to the surrounding area, the heights of the single-detached dwellings located along Turner Avenue are provided in Table 3 as follows:

Table 4 Survey of heights of surrounding single-detached dwellings

Address	Height
125 Aberdeen Avenue	3 storeys*
1 Turner Avenue	3 storeys*
3 Turner Avenue	3 storeys*
4 Turner Avenue (existing dwelling)	3 storeys*
5 Turner Avenue	3 storeys*
6 Turner Avenue	2 storeys
7 Turner Avenue	3 storeys*
8 Turner Avenue	2½ storeys
9 Turner Avenue	3 storeys*
10 Turner Avenue	3 storeys*
18 Turner Avenue	2½ storeys

*Note: that any dwelling with more than two dormer windows on the third level is considered a full third-storey per Hamilton Building Division Policy ZON-021.

As outlined above in Table 3, of the 11 single-detached dwellings currently located along Turner Avenue, eight (or 73%) are considered 3 storeys (see above note), two (or 18%) are 2½ storeys, and one (or 9%) is 2 storeys. Based on this numerical analysis, the 2½ storey dwelling proposed to be constructed on the severed lot reflects the general building height of the surrounding area.

From the perspective of massing, Turner Avenue is characterized entirely by single-detached dwellings, most of which are considered 3 storeys. The proposed 2½ storey single-detached dwelling is consistent with the height and form of the existing dwellings along Turner Avenue. With this context in mind, the massing of the proposed development is considered compatible within the existing context.

Furthermore, the Heritage Impact Assessment, prepared by McCallumSather Architects, found that “the development proposal is clearly legible as a new build, that includes sympathetic setbacks to maintain the prominence of the heritage building, and has related massing.” Furthermore, the HIA states on page 36 that “the form and composition of the [proposed dwelling] works well with the surrounding existing neighbourhood character i.e. the rectangular building plan with 3 storey building height.”

For these reasons, the proposed development is considered compatible with the surrounding area with respect to height, coverage, and massing.

Setbacks

With respect to setbacks, four minor variances are required, one of which is to recognize an existing condition. A fulsome discussion on the existing and proposed setbacks is provided in the next section of this brief, which provides an evaluation of these requested minor variances.

Privacy and Overlook

The single-detached proposed to be constructed on the severed lot is 2½ storeys. The proposed height is comparable to the existing dwelling on the subject lands, which is considered 3 storeys, as well as the single-detached dwelling located to the south of the severed lands (6 Turner Avenue), which is 2 storeys. Given that the proposed dwelling would match the approximate height of the existing dwelling to the north and is only half a storey taller than the adjacent dwelling to the south, significant privacy and overlook concerns out-of-the-ordinary for a built-up urban environment would not be expected.

“e) The lots are fully serviced by municipal water and wastewater systems; and,”

Both the severed and retained lots will have full municipal water and wastewater system connections.

“f) The lots have frontage on a public road.”

The retained lands will have a frontage of 19.48 metres along Turner Avenue; and the severed lands will have a frontage of 12.0 metres along Turner Avenue.

Conclusion of policy responses to UHOP Lot Creation Policies:

Based on the above analysis, the proposed consent application satisfies the lot creation policies of Vol. 1, Chapter F, Section 1.14.3.1 of the UHOP.

Requested Minor Variances

The subject lands are zoned Urban Protected Residential, etc. "C" District in Hamilton By-law No. 6593. The zoning compliance of the retained lands and severed lands is outlined in Table 1 and Table 2 of this brief, respectively.

In order to facilitate the proposed single-detached dwelling on the severed lands, the following variances are required:

1. To permit a maximum height of 11.92 metres, whereas 11 metres is required;
2. To permit a northerly minimum side yard of 0.5 metres, whereas 1.2 metres is required.

Secondly, in order to facilitate the proposed 1 storey garage and 1 storey rear addition on the retained lands, as well as to recognize existing conditions, the following variances are required:

3. To permit a maximum height of 12.1 metres, whereas 11 metres is required;
4. To permit a northerly side yard of 0.7 metres, whereas 2.7 metres is required;
5. To permit a southerly side yard of 1.1 metres, whereas 2.7 metres is required;
6. To permit a minimum rear yard setback of 7.7 metres, whereas 10.5 metres is required.
7. To permit a minimum of two parking spaces; whereas 3 parking spaces is required.

Section 45(1) of the *Planning Act* states that the Committee of Adjustment "may authorize such minor variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof" provided the following four tests are met:

1. *Do the minor variances maintain the general intent and purpose of the Official Plan?*

2. *Do the minor variances maintain the general intent and purpose of the Zoning By-law?*
3. *Are the minor variances desirable and appropriate for the lands?*
4. *Are the requested variances minor in nature?*

The analysis that follows demonstrates how the requested variances satisfy the four tests:

1. ***Do the minor variances maintain the general intent and purpose of the Official Plan?***

The subject lands are designated Neighbourhoods on Schedule E Urban Structure and Schedule E-1 Urban Land Use Designations of the Urban Hamilton Official Plan.

Maximum Height (MV1 and MV3)

The purpose of MV3 is to recognize that the height of the existing dwelling (12.1 metres) exceeds the permitted maximum height of 11 metres in the “C” District.

The purpose of MV1 is to permit a new single detached dwelling to be constructed on the severed lands with a height of 11.92 metres, whereas 11 metres is the maximum permitted height.

The maximum height permitted in the Urban Hamilton Official Plan (UHOP) for Low Density Residential Areas in the Neighbourhoods designation is 3 storeys (Policy E.3.4.5 of Vol.1). Both the existing single-detached dwelling (3 storeys) and the proposed single-detached dwelling (2½ storeys) conform to the maximum height permitted in the UHOP. Therefore, the proposed variances maintain the general intent and purpose of the UHOP.

Side Yard and Rear Yard Setbacks (MV2, MV4, MV5, and MV6)

Single-detached dwellings are permitted in the Neighbourhoods designation and the proposed severance would facilitate the construction of a single-detached dwelling. Furthermore, Policy E.3.1.5 of Vol.1 of the UHOP provides a policy goal

to “Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.”

With this policy objective in mind, the requested variances for the side yards and rear yard would recognize existing conditions as well as facilitate the construction of an additional single-detached dwelling at an appropriate scale and location within the Neighbourhoods designation. Therefore, the proposed variances maintain the general intent and purpose of the UHOP to provide for single detached dwellings in low density residential areas.

Parking Requirement (MV7)

The requested reduction from three parking spaces to two parking spaces for the existing single-detached dwelling would not offend the policies of the UHOP.

2. Do the minor variances maintain the general intent and purpose of the Zoning By-law?

The general intent and purpose of the “C” (Urban Protected Residential, etc.) District is to facilitate an urban residential environment consisting largely of single-detached dwellings.

As such, the requested minor variances will maintain this intent and purpose by facilitating the creation of a new building lot upon which a single-detached dwelling will be ultimately constructed. In addition, both the retained lands and severed lands will comply with the minimum lot area and lot frontage requirements of the “C” District.

Based on the above analysis, the requested minor variances maintain the general intent and purpose of the “C” (Urban Protected Residential, etc.) District within Hamilton Zoning By-law 6593.

3. Are the minor variances desirable and appropriate for the lands?

The requested variances are desirable and appropriate for the lands because they would facilitate land division in a manner compatible with the existing diverse lotting pattern along Turner Avenue, as well as enable residential intensification in a form

and density that would fit harmoniously within the established built form of the Durand neighbourhood.

Furthermore, the subject lands are an appropriate location for land division and residential intensification as they are located within Hamilton's built-up area in close proximity to Downtown Hamilton (less than a 15 minute walk away) and are in close proximity to numerous HSR transit routes, public service facilities, schools, and parks.

4. Are the requested variances minor in nature?

Maximum Height (MV1 and MV3)

The purpose of MV3 is to recognize that the height of the existing dwelling (12.1 metres) exceeds the permitted maximum height of 11 metres in the "C" District. This variance is considered minor in nature as it is required to recognize an existing condition.

The purpose of MV1 is to permit a new single detached dwelling to be constructed on the severed lands with a height of 11.92 metres, whereas 11 metres is the maximum permitted height. The proposed height of 11.92 metres is less than that of the existing dwelling on the subject lands, at 12.1 metres. In addition, the proposed dwelling maintains the permitted maximum of 2½ storeys. For these reasons, the requested increase in height of less than 1 metre, from 11 metres to 11.92 metres, is considered minor in nature.

Side Yard and Rear Yard Setbacks (MV2, MV4, MV5, and MV6)

MV2: A 0.5 metre northerly side yard setback is requested on the severed lands in order to accommodate the proposed single-detached dwelling, whereas 1.2 metres is required. Pedestrian access to the rear yard will be provided by the southerly side yard, which will comply with the full 1.2 metre requirement. The proposed setback is similar to the current setback (0.7 metres) between the existing dwelling and the northern lot line. For these reasons, the requested reduction is considered minor.

MV4: The existing northerly side yard setback for the retained lands is 0.7 metres, whereas 2.7 metres is required. The requested minor variance

will recognize an existing condition and is therefore considered minor in nature.

MV5: The creation of the new lot will necessitate the construction of a new garage attached to the south side of the existing dwelling. The current garage is located at the rear of the existing dwelling and is angled in such a way that it would be impossible for vehicles to make the 90 degree turn to enter and exit. Therefore, a new 1 storey garage is required to be positioned at the side of the house to facilitate vehicle movements. Given the constraints created by the position of the existing dwelling and the area required for the internal parking space, a reduced southerly side yard setback is unavoidable. The proposed southerly side yard is 1.2 metres, whereas 2.7 metres is required. The proposed side yard of 1.2 metres is sufficient to allow resident access to the rear yard. Furthermore, the proposed garage will include a back door to create a continuous passageway through the garage. Lastly, for dwellings that are 2½ storeys or less, the standard requirement for a side yard setback in a “C” District is 1.2 metres. The existing dwelling is only considered a 3 storey dwelling on account of having more than two dormer windows. For these reasons, the proposed reduction to the retained lands southerly side yard setback is considered minor in nature.

MV6: The current rear yard setback from the existing garage to the rear lot line is 4.8 metres. The existing rear garage is planned to be demolished and replaced with a garage at the side of the house along with a 1 storey rear addition. In doing so, the proposed rear yard will be increased from the current 4.8 metres to 7.8 metres. However, the by-law requires a 10.5 metre rear yard for dwellings considered 3 storeys. Given that the proposed development will result in a net increase in the rear yard setback; the requested minor variance is considered minor in nature.

Parking Requirement (MV7)

With respect to the requirement for three parking spaces for the existing dwelling, it is my opinion that the parking standards contained in Hamilton’s old Zoning By-law No. 6593 are outdated and out of step with modern planning standards. For example, within the new city-wide zoning By-law No. 05-200, only one (1) parking stall is required for each single-detached dwelling. Therefore, the proposed variance to require two (2) parking spaces for the dwelling would represent an over

supply in comparison to the modern parking requirements already being established across the City of Hamilton. The subject lands are also located in the well-established Durand neighbourhood in close proximity to Downtown Hamilton, transit, employment opportunities, schools, parks, and public amenities. For these reasons, the proposed reduction in the parking requirement from three to two parking spaces is considered minor.

Recommendation

The requested variances represent good land use planning as they satisfy the four tests of Section 45(1) of the *Planning Act*. Approval of the requested variances will continue to maintain the general intent and purpose of the UHOP and Zoning By-law, are desirable for the appropriate use of the land, and are considered minor in nature.

The severance application satisfies the Urban Hamilton Official Plan's criteria for new lot creation for residential uses in the Neighbourhoods designation.

In addition, the Heritage Impact Assessment prepared by McCallumSather Architects determined that the proposed development will not result in significant direct and indirect impacts to the heritage attributes of the heritage building on, or adjacent to, the subject lands.

Based on the forgoing analysis, my recommendation is that the requested variances and severance be approved.

Should you have any questions or require any additional information, please do not hesitate to contact me at 289-778-1410 or via email at shastings@gspgroup.ca.

Yours truly

GSP Group Inc.



Stuart Hastings, MCIP, RPP
Planner

cc. *Kathy Di Silvestro, Crystal Homes Corporation*

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	
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:

First Ontario Bank

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

4. Nature and extent of relief applied for:

Please see attached Planning Justification Brief / 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 see attached 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**):

4 Turner Avenue
All of Lot 16 and Part of Lots 6, 7, and 17 Registered Plan 392.

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's Knowledge


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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

August 30, 2022
Date


Signature Property Owner(s)

Crystal Homes Corporation (Kathy Di Silvestro)
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>30.48m</u>
Depth	<u>32.9m</u>
Area	<u>1013.4 sq. m</u>
Width of street	<u>15.1m</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:
Refer to attached Severance Sketch.

Proposed
Proposed 1 storey rear addition and 1 storey attached garage on the retained lands.
Proposed 2 1/2 storey dwelling on the severed lands.

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

Existing:
Refer to attached Severance Sketch.

Proposed:
Refer to attached Severance Sketch.

13. Date of acquisition of subject lands:
 July 2020
-
14. Date of construction of all buildings and structures on subject lands:
 1903
-
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:
 119 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:
 Neighbourhoods (Schedule E and E-1)
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 Urban Protected Residential, etc. "C" District - Hamilton By-law No. 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?
 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 refer to 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:280	SUBJECT PROPERTY:	588 COCHRANE ROAD, HAMILTON
ZONE:	"C" (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owners: Tyler & Vita Swick
Agent: Charles Linsey & Associates C/O Lisa Cockwell

The following variances are requested:

1. A minimum front yard depth of 5.4m shall be permitted instead of the minimum 6.0m front yard depth required.
2. A minimum northerly side yard width of 0.2m shall be permitted instead of the minimum 1.2m side yard width required.
3. No onsite manoeuvring shall be permitted for each of the parking spaces located in the front yard whereas the zoning By-law states that a manoeuvring space having a minimum aisle width of 6.0m shall be provided abutting upon an accessory to each required parking space.
4. Two (2) parking spaces shall be permitted to be located in the front yard whereas the zoning By-law permits only one of the required parking spaces to be located in the front yard.
5. A minimum of 40% of the gross area of the front yard shall be permitted to be maintained as landscaped area instead of the minimum 50.0% of the gross floor area required as landscaped area.
6. A maximum of 60.0% of the gross area of the front yard shall be permitted to be maintained for parking instead of the maximum 50.0% of the gross floor area permitted as parking.
7. Eaves/gutter shall be permitted to encroach into the entire northerly side yard and therefore may be located as close as 0.0m to the northerly side lot line instead of the Maximum ½ of the side yard or 1.0m whichever is the lesser into a required side yard.
8. An uncovered deck shall be permitted to be located as close as 0.1m from the northerly side line instead of the minimum 0.5m setback required.

HM/A-22:280

PURPOSE & EFFECT: To facilitate the construction of a second storey addition to the existing single-family dwelling as well as the construction of a rear uncovered deck.

Notes:

The applicant shall ensure that the minimum 2.7m (wide) x 6.0m (long) shall be provided and maintained for each of the parking spaces; otherwise, further variances shall be required.

The applicant shall ensure that the proposed roofed-over porch located in the front yard is not enclosed and shall satisfy all other requirements respecting guards, columns, etc. under Section 18(3) (vi)(d) of the Hamilton zoning By-law 6593.

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:

DATE:	Thursday, October 6, 2022
TIME:	1:35 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

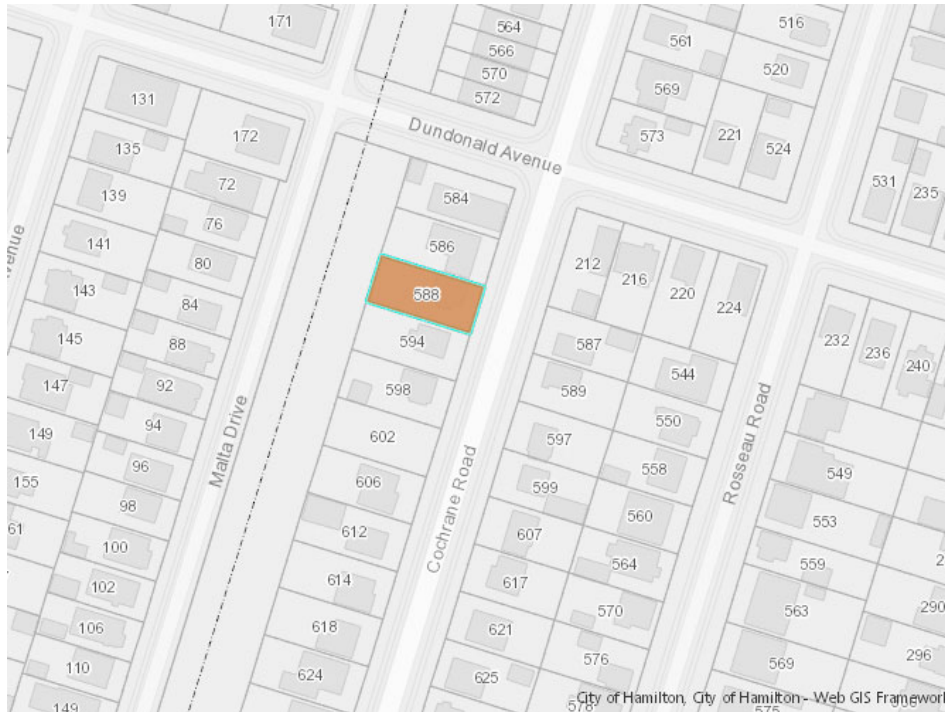
- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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-22:280



 **Subject Lands**

DATED: September 20, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: 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 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

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. 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.

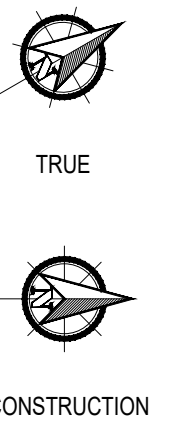
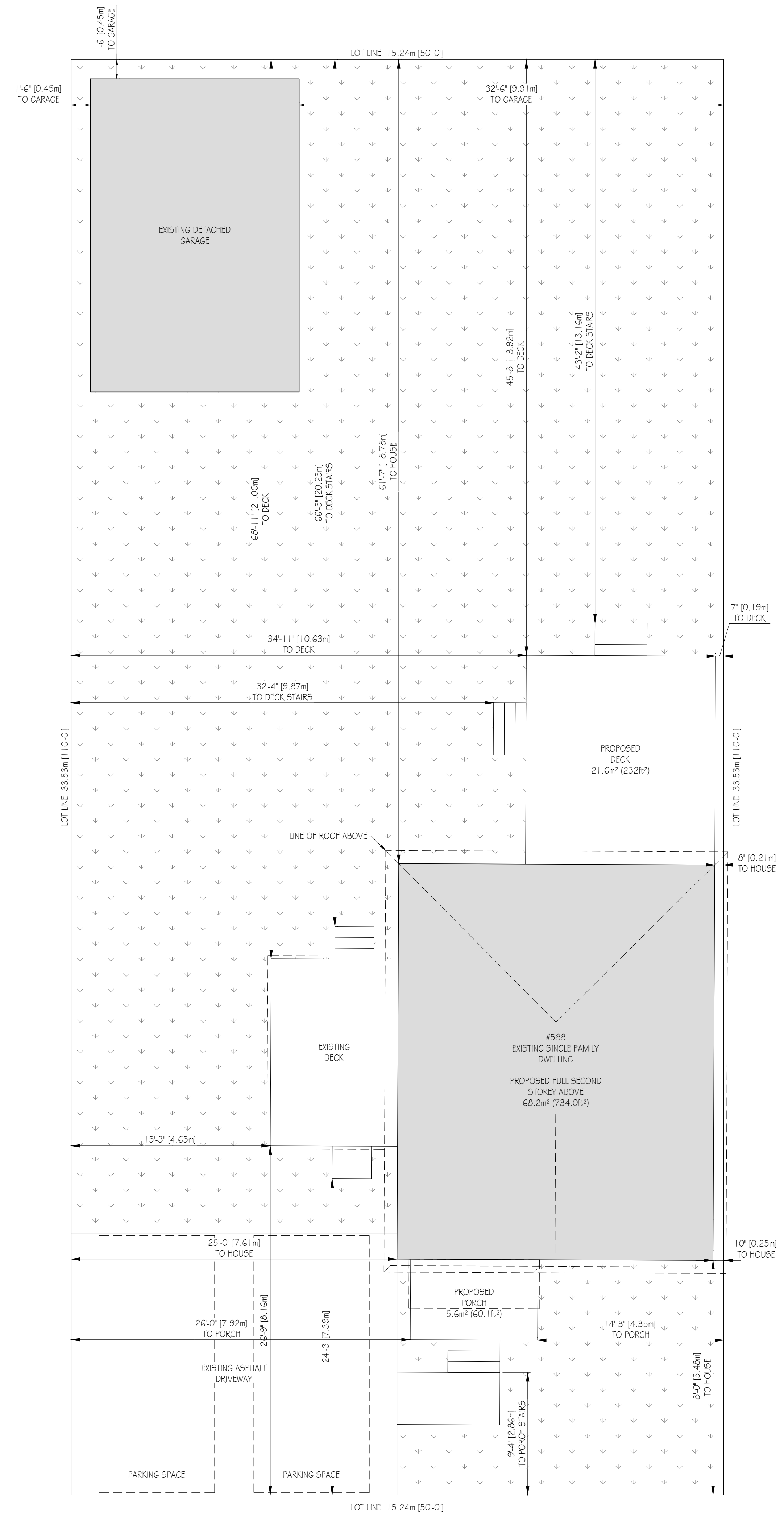
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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 (2nd 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 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.



CHARLES LINSEY & ASSOCIATES LIMITED
 37 Main Street South, PO Box 1479, Waterdown, ON L0R 2H0
 Tel: (905) 548-7507, Info@charleslinsey.com, www.charleslinsey.com

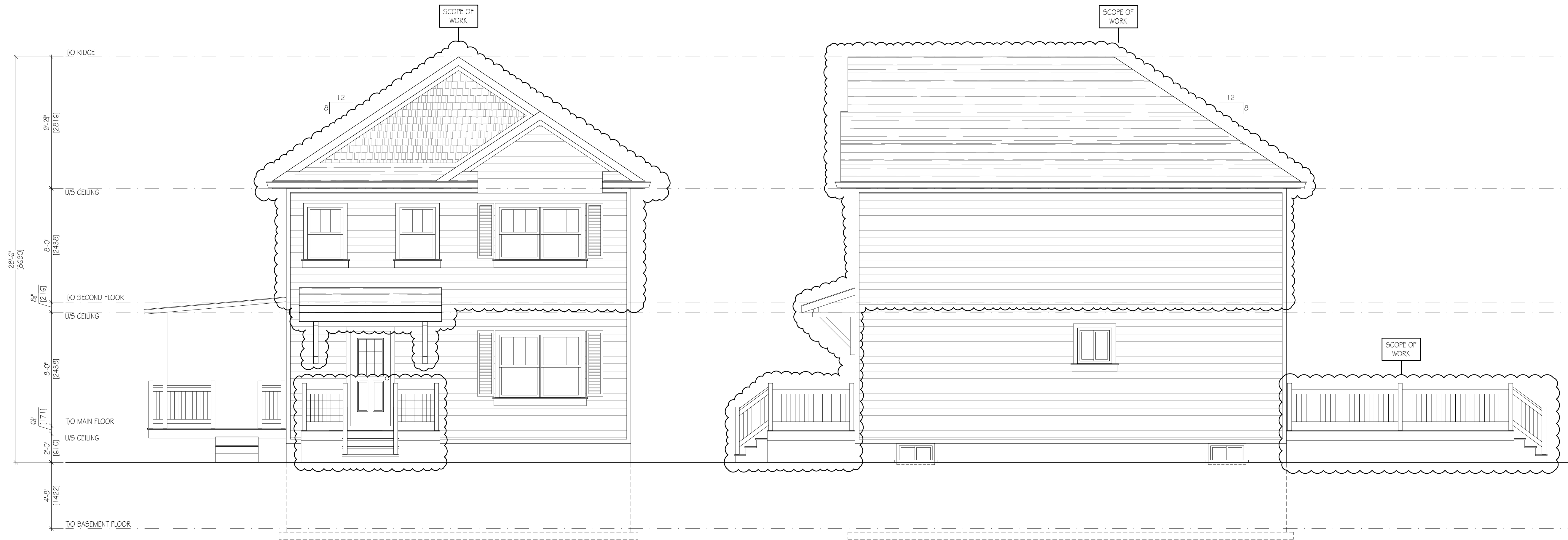
THIS DRAWING IS NOT TO BE USED AS PART OF A BUILDING PERMIT APPLICATION
THIS DRAWING IS FOR DISCUSSION PURPOSES ONLY

REV	DESCRIPTION	DATE
A	FOR DISCUSSION	MAY 31/22
B	FOR DISCUSSION	JUN 09/22
C	FOR MINOR VARIANCE APPLICATION	JUN 20/22

client: HOME OWNER
 project: 588 COCHRANE ROAD, HAMILTON, ONTARIO, PROJECT No. 22-042

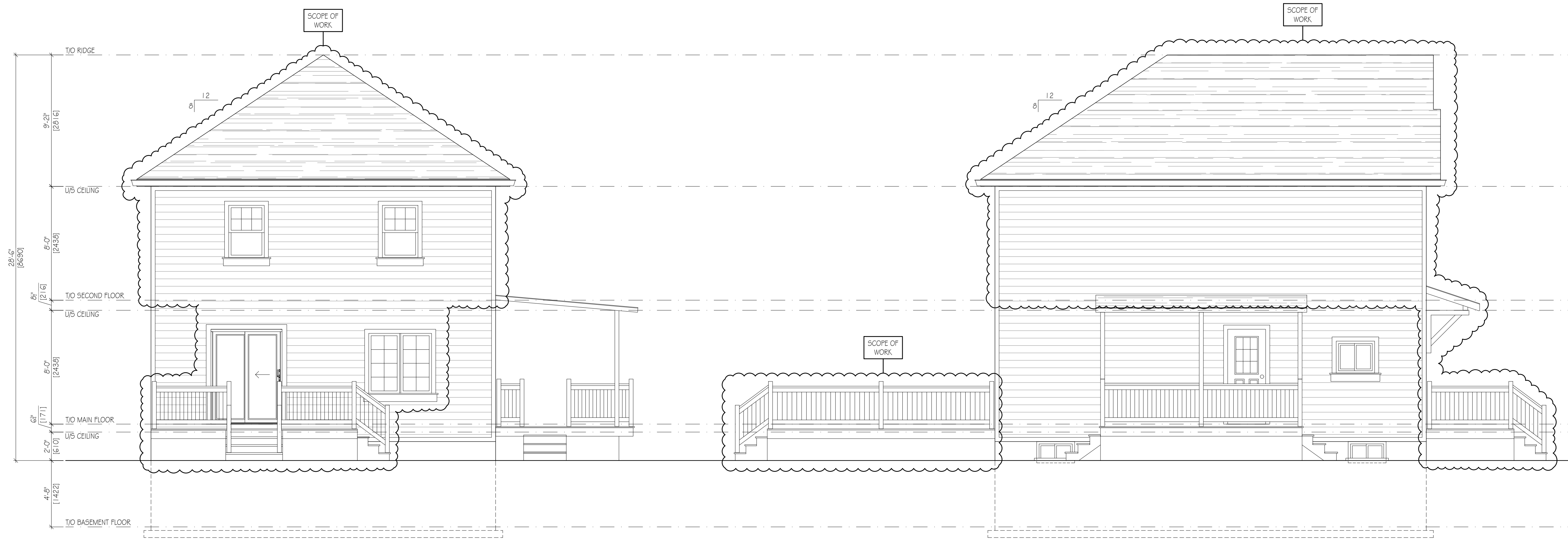
title: SITE PLAN

drawn	checked	date	scale	revision number	drawing number
L.C.	C.M.	MAY 2022	1/8" = 1'-0"	C	SP



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

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



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

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

THIS DRAWING IS NOT TO BE USED AS PART OF A BUILDING PERMIT APPLICATION

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REV	DESCRIPTION	DATE
A	FOR DISCUSSION	MAY 31/22
B	FOR DISCUSSION	JUN 14/22
C	FOR MINOR VARIANCE APPLICATION	JUN 20/22

client	HOME OWNER
project	588 COCHRANE ROAD HAMILTON, ONTARIO PROJECT No. 22-042

title	ELEVATIONS
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drawn	L.C.	checked	C.M.
date	MAY 2022	scale	AS NOTED
revision number	C	drawing number	1



TRUE

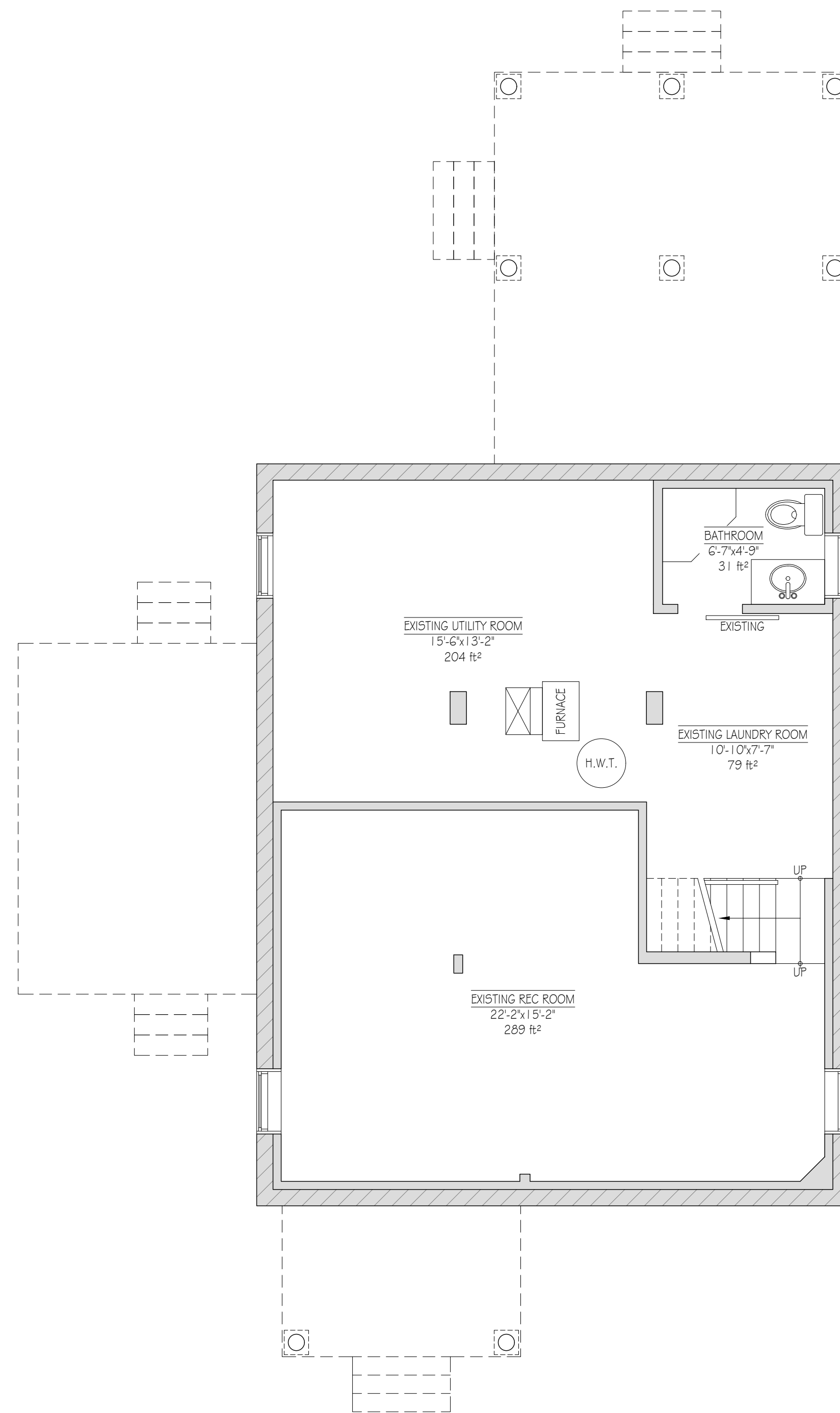


CONSTRUCTION

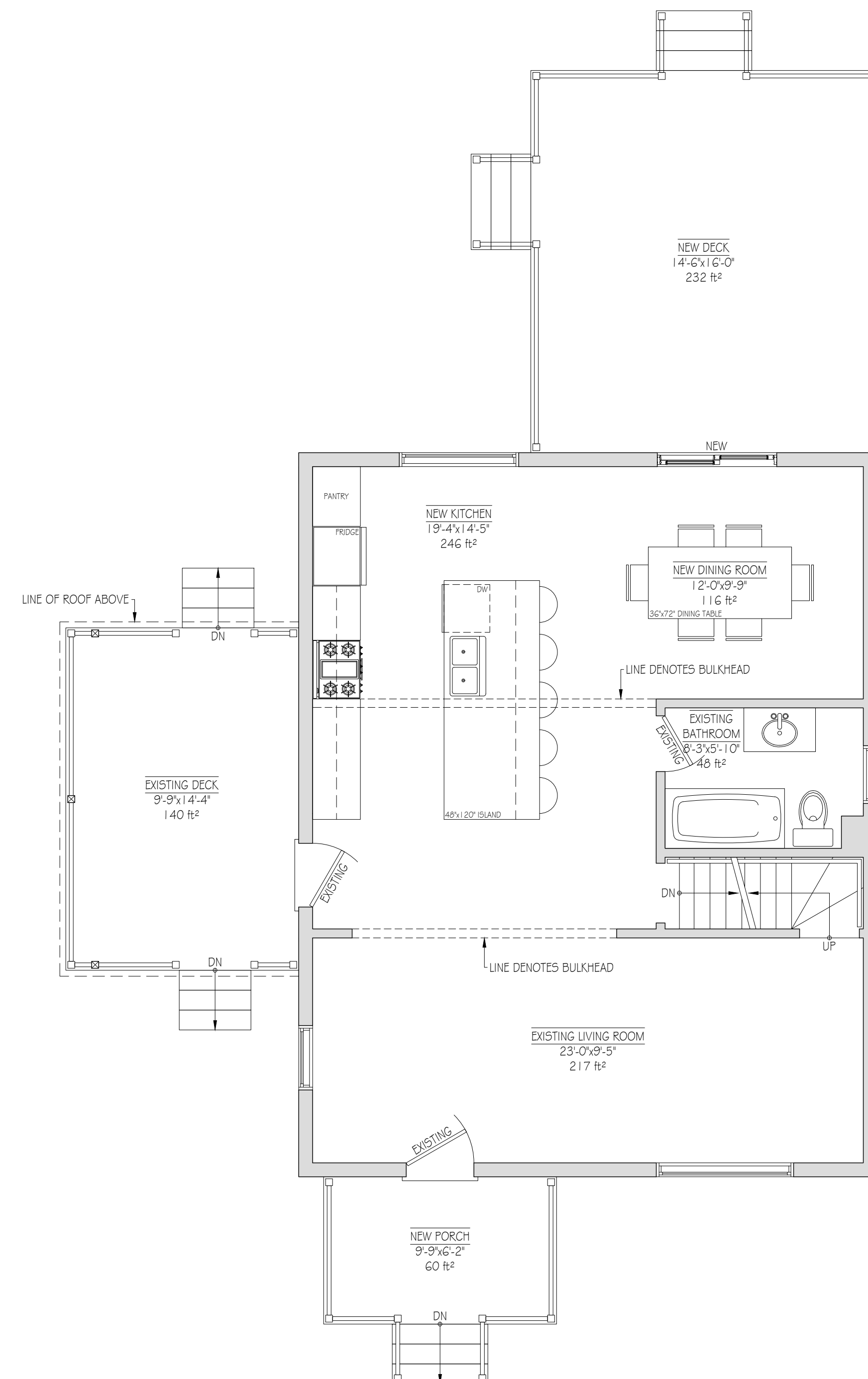
CHARLES LINSEY & ASSOCIATES LIMITED
 37 Main Street South, PO Box 1479, Waterdown, On L0R 2H0
 Tel: (905) 548-7607, info@charleslinsey.com, www.charleslinsey.com

THIS DRAWING IS NOT TO BE USED AS PART OF A BUILDING PERMIT APPLICATION

THIS DRAWING IS FOR DISCUSSION PURPOSES ONLY



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



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

REV	DESCRIPTION	DATE
A	FOR DISCUSSION	MAY 31/22
B	FOR DISCUSSION	JUN 14/22
C	FOR MINOR VARIANCE APPLICATION	JUN 20/22

client: HOME OWNER
 project: 588 COCHRANE ROAD, HAMILTON, ONTARIO, PROJECT No. 22-042

title: PLANS

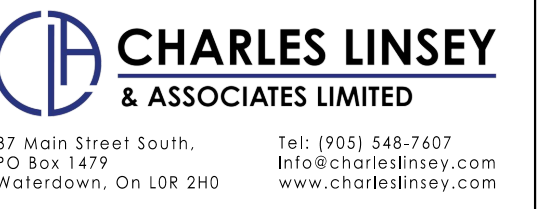
drawn	L.C.	checked	C.M.
date	MAY 2022	scale	AS NOTED
revision number	C	drawing number	2



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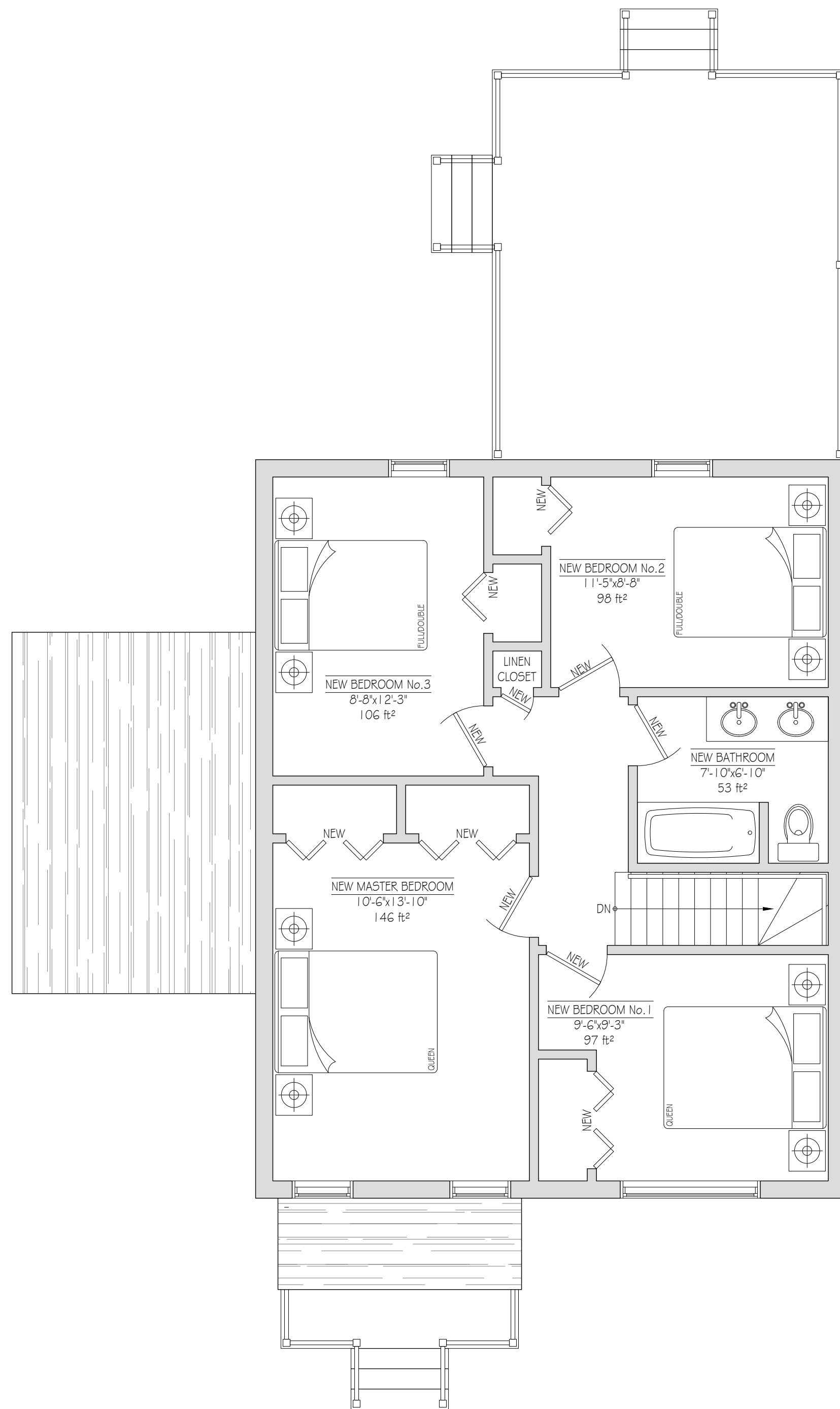


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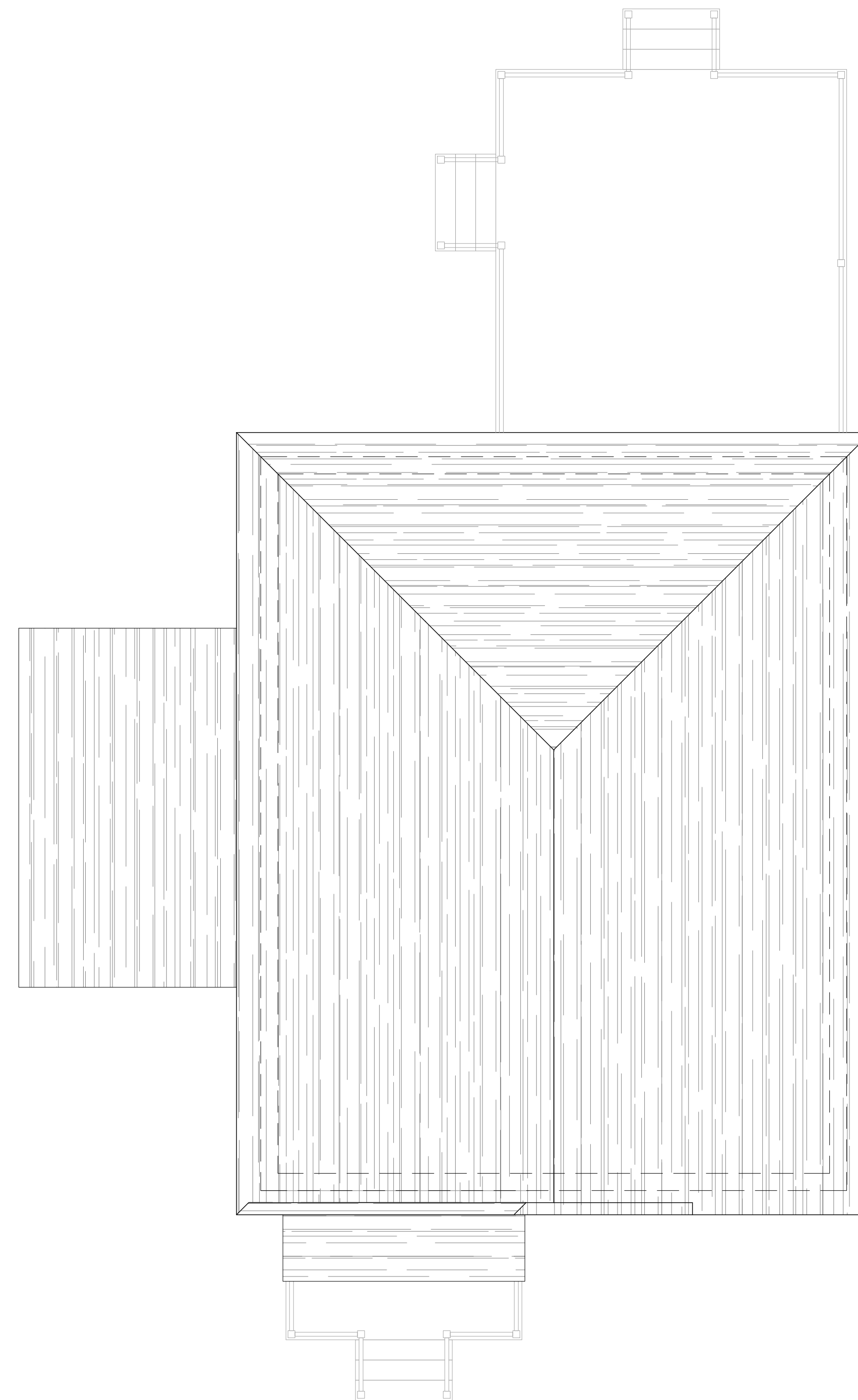


THIS DRAWING IS NOT TO BE USED AS PART OF A BUILDING PERMIT APPLICATION

THIS DRAWING IS FOR DISCUSSION PURPOSES ONLY



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



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

REV	DESCRIPTION	DATE
A	FOR DISCUSSION	MAY 31/22
B	FOR DISCUSSION	JUN 14/22
C	FOR MINOR VARIANCE APPLICATION	JUN 20/22

client	HOME OWNER
project	588 COCHRANE ROAD HAMILTON, ONTARIO PROJECT No. 22-042

title	PLANS
-------	-------

drawn	L.C.	checked	C.M.
date	MAY 2022	scale	AS NOTED
revision number	C	drawing number	3

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	ADDRESS
Registered Owners(s)	Tyler Swick Vita Swick	
Applicant(s)*	Lisa Cockwell	
Agent or Solicitor	Charles MacPhail	

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:

Constructing a full second storey addition and a front and rear deck all of which are fully or partially proposed outside of the current zoning by-law setbacks.

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

A portion of the existing house currently sits outside of the current zoning by-law setbacks.

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

588 Cochrane Road, Hamilton, Ontario

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

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

Yes No Unknown

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

Owner's knowledge.

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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

07 27 2022
Date

Vita Swick
Signature Property Owner

VITA SWICK TYLER SWICK
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>15.24m (50'-0")</u>
Depth	<u>33.53m (110'-0")</u>
Area	<u>511.0m2 (5500.0 ft2)</u>
Width of street	<u>9.8m (32'-0")</u>

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

Existing: _

Ground F.A.: 71.9m2 (773.9 ft2)
Gross F.A.: 178.2m2 (1917.94 ft2)
Stories: 1.5
Width x Length x Height: 7.4m (24'-3") x 9.2m (30'-4") x 4.9m +/- (16'-0" +/-)

Proposed

Ground F.A.: 71.9m2 (773.9 ft2)
Gross F.A.: 204.6m2 (2202.0 ft2)
Stories: 2
Width x Length x Height: 7.4m (24'-3") x 9.2m (30'-4") x 8.7m (28'-6")

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: 0.21m to right side lot line, 7.61m to right side lot line, 5.48m to front lot line, 18.78m to rear lot line.
Front Porch: 4.66m to right side lot line, 7.92m to left side lot line, 2.93m to front lot line.

Proposed:

House: 0.21m to right side lot line, 7.61m to right side lot line, 5.48m to front lot line, 18.78m to rear lot line.
Front Porch: 4.35m to right side lot line, 7.60m to left side lot line, 2.86m to front lot line.
Rear Deck: 0.19 m to right side lot line, 9.87m to left side lot line, 13.61m to rear lot line.

13. Date of acquisition of subject lands:
February 2019
-
14. Date of construction of all buildings and structures on subject lands:
House - 1935, Garage - November 2021
-
15. Existing uses of the subject property:
Residential
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
Always
18. Municipal services available: (check the appropriate space or spaces)
Water YES Connected YES
Sanitary Sewer YES Connected YES
Storm Sewers YES
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"C" DISTRICTS (Urban Protected Residential, etc.)
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:284	SUBJECT PROPERTY:	43 WEST AVENUE S, HAMILTON,
ZONE:	D5 (Downtown Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: 2809628 Ontario Inc.
Agent: King Homes Inc. – Ken Bekendam

The following variances are requested:

1. A minimum lot area of 241.78m² shall be permitted instead if the minimum required 300.0m² required.
2. A minimum lot width of 6.52m shall be permitted instead of the minimum required 12.0m required.
3. A Maximum front yard of 5.06m instead of the maximum 4.5m front yard required.
4. No parking maneuvering space shall be provided instead of the minimum 6.0m maneuvering space for 90-degree parking spaces required.

PURPOSE & EFFECT: To permit the construction of a new 2 storey rear addition, adding 2 dwelling units within the existing building and 3 dwelling units in the new rear addition. Total of 5 units and adding 2 parking spaces off the rear laneway.

Notes:

1. Information regarding mechanical and unitary equipment was not provided, as such additional variances may be required as details of mechanical equipment become available.
2. Variances written exactly as requested by the 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.

HM/A-22:284

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

DATE:	Thursday, October 6, 2022
TIME:	1:40 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th 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-22:284



DATED: September 20, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: 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 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

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. 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

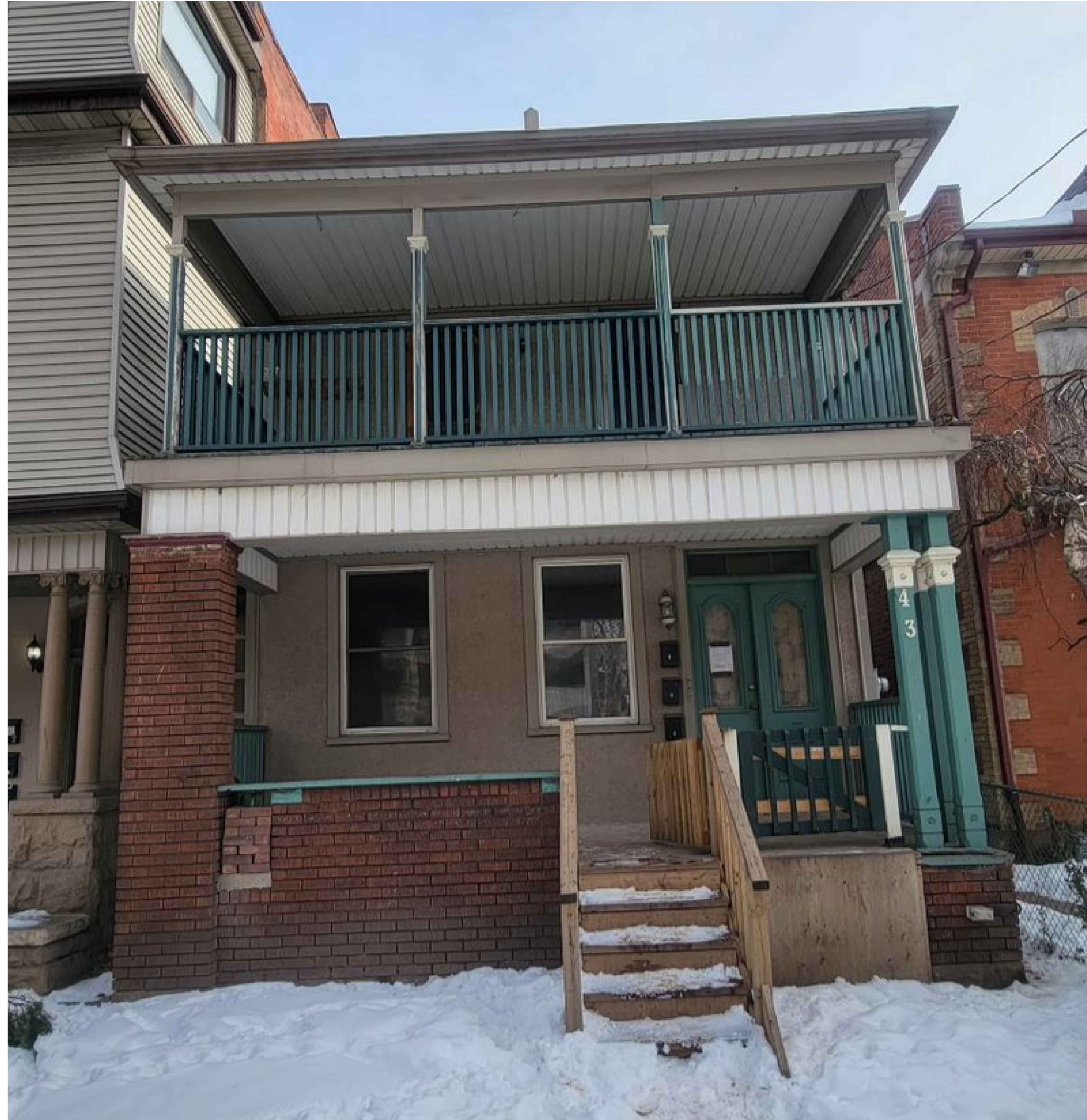
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca 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.

43 WEST AVENUE SOUTH, HAMILTON - ON

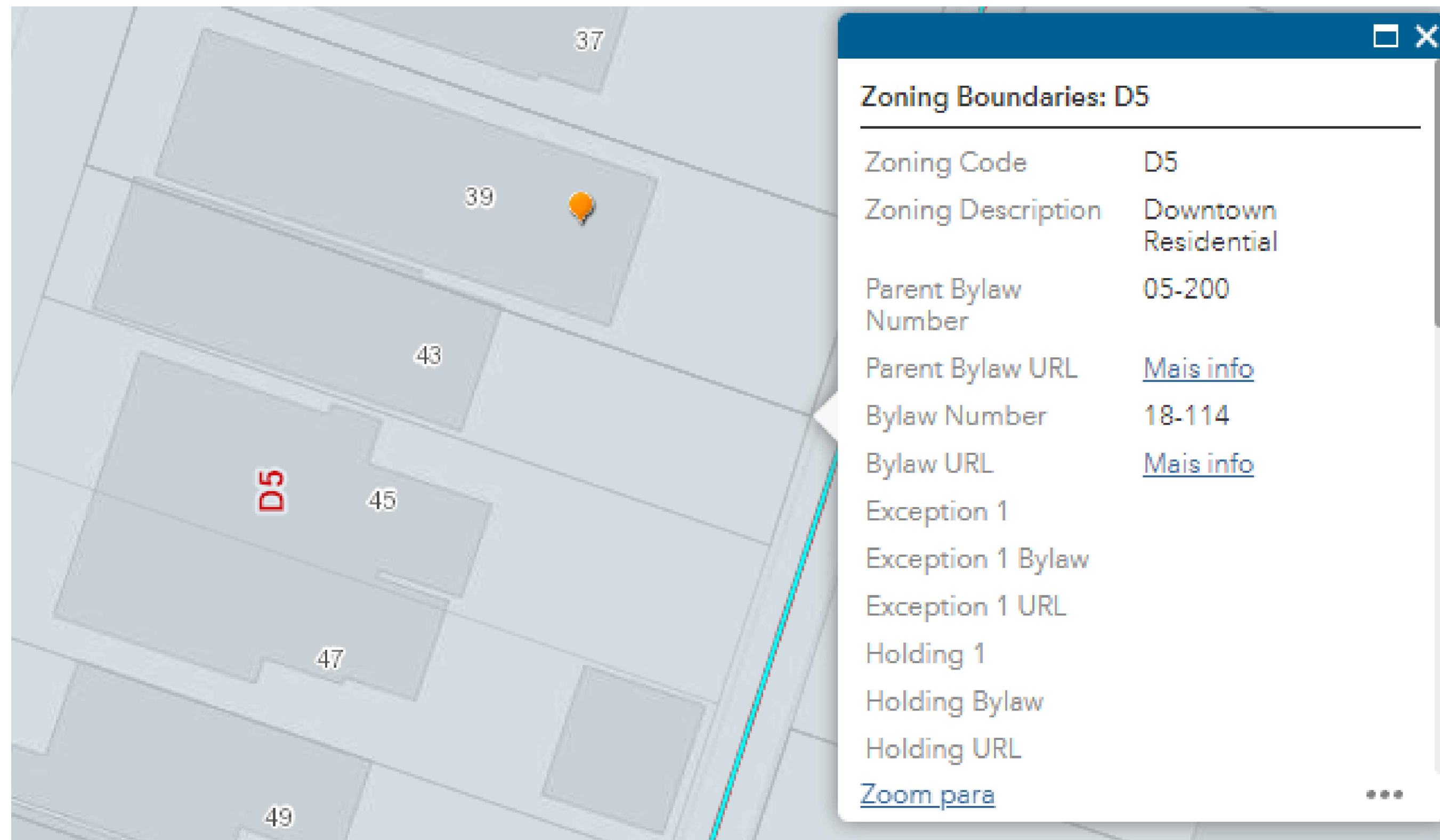
MULTI-UNIT CONVERSION AND REAR ADDITION



EXISTING BUILDING IMAGE



AERIAL MAP



ZONING MAP

(1 de 11)

Location: 43 WEST AVE S

Property Number	251803020201150
Prime Sub	0000
Location	43 WEST AVE S
Municipality	HAMILTON
Units (M=Metre or A=Acres/Feet)	A
Site Area	0,06
Frontage (see Units)	21,42
Depth (see Units)	121,50
Extract Date	20170812

[Zoom para](#)

Zoning Boundaries: D5

Zoning Code	D5
Zoning Description	Downtown Residential
Parent Bylaw Number	05-200
Parent Bylaw URL	Mais info
Bylaw Number	18-114
Bylaw URL	Mais info
Exception 1	
Exception 1 Bylaw	
Exception 1 URL	
Holding 1	
Holding Bylaw	
Holding URL	

[Zoom para](#)

CITY ELECTRONIC STAMP:

LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.

LEAD DESIGNER & CONSULTANT
KEN BEKENDAM, B.A BUSCON, L.T.
kenbekendam@gmail.com

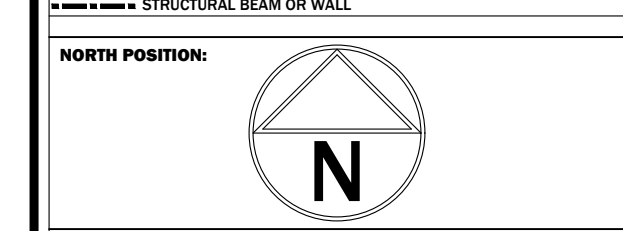
CONTACT INFORMATION:
OFFICE: 973 MAIN ST. E. HAMILTON, ON
OFFICE PHONE: 855-546-4467
CELL PHONE: 905-961-0647

LEAD ENGINEER
ROBERT MENDEZ, P. ENG.
robertmendez@yahoo.com

- GENERAL NOTES:**
- DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
 - ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE LEAD DESIGNER MUST BE NOTIFIED IMMEDIATELY.
 - FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
 - UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SHORINGS, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.
 - USE LATEST REVISED DRAWINGS.
 - ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
 - ALL DRAWINGS, SPECIFICATIONS, RELATED DOCUMENTS AND DESIGN ARE THE COPYRIGHT PROPERTY OF ROJAS EMPIRE OF DESIGN (RED). REPRODUCTION OF THIS PROPERTY IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT RED'S WRITTEN PERMISSION (RED ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THIS PROPERTY UNLESS IT BEARS THE APPROPRIATE BOM NUMBER AND ORIGINAL SIGNATURE.)
 - BUILDING OWNER(S) WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
 - CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

REVISIONS:

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01	DD-MONTH-YYYY	ISSUED FOR DESIGN REVIEW	AM
02			
03			
04			



ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
**43 WEST AVENUE SOUTH,
HAMILTON - ON**

SHEET NAME:
TITLE PAGE

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

PROJECT NO. 22-18	DATE: 25/AUGUST/2022
----------------------	-------------------------

DRAWN BY: DANILO CEOLA	REVIEWED BY: KEN BEKENDAM
---------------------------	------------------------------

SHEET NO.
A0.01

GENERAL NOTES:

- ALL CONSTRUCTION TO COMPLY WITH THE CURRENT ONTARIO BUILDING CODE (REVISED 2012 OBC - DEC 19, 2017).
- ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING, MASONRY, OR CONCRETE SURFACES U.O.N.
- ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENING.
- CONTRACTOR SHALL VERIFY WINDOW OPENINGS WITH THE MANUFACTURER PRIOR TO WORK.
- READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH ELECTRICAL PLANS SUPPLIED BY LICENSED ELECTRICAL CONTRACTOR.
- ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND FIELD CONDITIONS BEFORE COMMENCING FABRICATION.
- THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFORM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
- PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
- CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCE NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
- THE CONTRACTOR IS NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.
- EXISTING DRAINAGE PATTERNS TO REMAIN. ANY NEW SUMP PUMP INSTALLATIONS TO DISCHARGE IN REAR YARD.
- BUILDING FROM THESE SHALL PROCEED ONLY WHEN MARKED "ISSUED FOR CONSTRUCTION."
- EXISTING STRUCTURE NOTE:
- OWNER AND CONTRACTOR ARE FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING GENERAL AND STRUCTURAL CONDITIONS PRIOR TO ANY WORK. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO SUITE ADDITIONS INC. PRIOR TO ANY WORK.
- OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK IF REQUIRED.

CODE REFERENCES AND SPECIFICATIONS

1. FIRE PROTECTION MEASURES
ALL FIRE PROTECTION MEASURES MUST COMPLY WITH OBC 9.10. (U.O.N.)

2. CEILING HEIGHTS
CEILING HEIGHTS SHALL COMPLY WITH OBC 9.5.3.1. AND PART 11 - C102 OF TABLE 11.5.1.1.C.

PART 9:
BASEMENT SPACE - 2 100 mm (6'-10 3/4") over at least 75% of the basement area except that under beams and ducts the clearance is permitted to be reduced to 1 950 mm (6'-4 7/8")

PART 11 (COMPLIANCE ALTERNATIVE):

- In a house,
- (a) minimum room height shall not be less than 1 950 mm (6'-4 7/8") over the required floor area and in any location that would normally be used as a means of egress, or
 - (b) minimum room height shall not be less than 2 030 mm (6'-8") over at least 50% of the required floor area, provided that any part of the floor having a clear height of less than 1 400 mm (4'-7 1/8") shall not be considered in computing the required floor area.

3. EGRESS FROM DWELLING UNIT
EGRESS FROM DWELLING UNIT SHALL COMPLY WITH OBC 9.9.9 AND PART 11 COMPLIANCE - C136 OF TABLE 11.5.1.1.C.

PART 9:

9.9.9.1. Travel Limit to Exits or Egress Doors

- (1) Except as provided in Sentences (2) and (3), every dwelling unit containing more than 1 storey shall have exits or egress doors located so that it shall not be necessary to travel up or down more than 1 storey to reach a level served by,
 - (a) an egress door to a public corridor, enclosed exit stair or exterior passageway, or
 - (b) an exit doorway not more than 1 500 mm above adjacent ground level.
- (2) Where a dwelling unit is not located above or below another suite, the travel limit from a floor level in the dwelling unit to an exit or egress door is permitted to exceed 1 storey where that floor level is served by an operable window or door,
 - (a) providing an unobstructed opening of not less than 1 000 mm in height and 550 mm in width, and
 - (b) located so that the sill is not more than,
 - (i) 1 000 mm above the floor, and
 - (ii) 7 m above adjacent ground level.
- (3) The travel limit from a floor level in a dwelling unit to an exit or egress door is permitted to exceed 1 storey where that floor level has direct access to a balcony.

9.9.9.2. Two Separate Exits

- (1) Except as provided in Sentence 9.9.7.3.(1), where an egress door from a dwelling unit opens onto a public corridor or exterior passageway it shall be possible from the location where the egress door opens onto the corridor or exterior passageway to go in opposite directions to two separate exits unless the dwelling unit has a second and separate means of egress.

9.9.9.3. Shared Egress Facilities

- (1) A dwelling unit shall be provided with a second and separate means of egress where an egress door from the dwelling unit opens onto,
 - (a) an exit stairway serving more than one suite,
 - (b) a public corridor,
 - (c) serving more than one suite, and
 - (d) served by a single exit,
- (2) an exterior passageway,
- (3) serving more than one suite,
- (4) served by a single exit stairway or ramp, and
- (5) more than 1.5 m above adjacent ground level, or
- (6) a balcony,
- (7) serving more than one suite,
- (8) served by a single exit stairway or ramp, and
- (9) more than 1.5 m above adjacent ground level.

PART 11 (COMPLIANCE ALTERNATIVE):

In a house, exit requirements are acceptable if at least one of the following conditions exists:

- (A) a door, including a sliding door, that opens directly to the exterior from a dwelling unit, serves only that dwelling unit and has reasonable access to ground level, and the dwelling units are equipped with smoke alarms installed in conformance with Subsection 9.10.19.,
- (B) an exit that is accessible to more than one dwelling unit and provides the only means of egress from each dwelling unit, provided that the means of egress is separated from the remainder of the building and common areas by a fire separation having a 30 min fire-resistance rating and provided further that the required access to exit from any dwelling unit cannot be through another dwelling unit, service room or other occupancy, and both dwelling units and common areas are provided with smoke alarms that are installed in conformance with Subsection 9.10.19. and are interconnected, or
- (C) access to an exit from one dwelling unit which leads through another dwelling unit where,
 - (i) an additional means of escape is provided through a window that conforms to the following:
 - (A) the sill height is not more than 1 000 mm above or below adjacent ground level,
 - (B) the window can be opened from the inside without the use of tools,
 - (C) the window has an individual unobstructed open portion having a minimum area of 0.38 m² with no dimension less than 460 mm
 - (D) the sill height does not exceed 900 mm above the floor or fixed steps,
 - (E) where the window opens into a window well, a clearance of not less than 1 000 mm shall be provided in front of the window, and
 - (F) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19. and are interconnected,
 - (ii) an additional means of escape is provided through a window that conforms to the following:
 - (A) the window is a casement window not less than 1 060 mm high, 560 mm wide, with a sill height not more than 900 mm above the inside floor,
 - (B) the sill height of the window is not more than 5 m above adjacent ground level, and
 - (C) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19. and are interconnected, or (iii) the building is sprinklered and the dwelling units are equipped with smoke alarms installed in conformance with Subsection 9.10.19.

10. EGRESS FROM BEDROOMS

EGRESS FROM BEDROOMS SHALL COMPLY WITH OBC 9.9.10.1

PART 9:

- (1) 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,
 - (a) is operable from the inside without the use of tools,
 - (b) provides an individual, unobstructed open portion having a minimum area of 0.35 m² with no dimension less than 380 mm, and
 - (c) maintains the required opening described in Clause (b) without the need for additional support.
- (2) Except for basement areas, the window required in Sentence (1) shall have a maximum sill height of

1000 mm above the floor.

- (3) When sliding windows are used, the minimum dimension described in Sentence (1) shall apply to the operable portion of the window.
- (4) Where the sleeping area within a live/work unit is on a mezzanine with no obstructions more than 1 070 mm above the floor, the window required in Sentence (1) may be provided on the main level of the live/work unit provided the mezzanine is not more than 25% of the area of the live/work unit or 20 m², whichever is less, and an unobstructed direct path of travel is provided from the mezzanine to this window.
- (5) Where a window required in Sentence (1) opens into a window well, a clearance of not less than 550 mm shall be provided in front of the window.
- (6) Where the sash of a window referred to in Sentence (5) swings towards the window well, the operation of the sash shall not reduce the clearance in a manner that would restrict escape in an emergency.
- (7) Where a protective enclosure is installed over the window well referred to in Sentence (5), such enclosure shall be operable from the inside without the use of keys, tools or special knowledge of the opening mechanism.

5. SMOKE ALARMS

SMOKE ALARMS SHALL COMPLY WITH OBC 9.10.19. AND PART 11 COMPLIANCE - C175 OF TABLE 11.5.1.1.C.

PART 9:

- 9.10.19.1. Required Smoke Alarms
- (2) Smoke alarms conforming to CAN/ULC-S531, "Smoke Alarms", shall be installed in each dwelling unit and in each sleeping room not within a dwelling unit.
- (3) Smoke alarms required in Sentence (1) shall have a visual signalling component conforming to the requirements in 18.5.3. (Light, Color and Pulse Characteristics) of NFPA 72, "National Fire Alarm and Signaling Code".
- (4) The visual signalling component required in Sentence (2) need not, (a) be integrated with the smoke alarm provided it is interconnected to it, (b) be on battery backup, or (c) have synchronized flash rates, when installed in a dwelling unit.
- (5) The luminous intensity for visual signalling components required in Sentence (2) that are installed in sleeping rooms shall be a minimum of 175 cd.
- (6) Smoke alarms required in Sentence (1) shall be installed on or near the ceiling.
- 9.10.19.3. Location of Smoke Alarms
 - (1) Within dwelling units, sufficient smoke alarms shall be installed so that,
 - (a) there is at least one smoke alarm installed on each storey, including basements, and
 - (b) on any storey of a dwelling unit containing sleeping rooms, a smoke alarm is installed,
 - (i) in each sleeping room, and
 - (ii) 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.
 - (2) Within a house that contains an interior shared means of egress or common area, a smoke alarm shall be installed in each shared means of egress and common area.
 - (3) A smoke alarm required in Sentences (1) and (2) shall be installed in conformance with CAN/ULC-S553, "Installation of Smoke Alarms".
- 9.10.19.1. Power Supply
 - (1) Except as provided in Sentences (2) and (3), smoke alarms required in Sentences 9.10.19.1.(1) and 9.10.19.3.(2) shall,
 - (a) be installed with permanent connections to an electrical circuit,
 - (b) have no disconnect switch between the overcurrent device and the smoke alarm, and
 - (c) in case the regular power supply to the smoke alarm is interrupted, be provided with a battery as an alternative power source that can continue to provide power to the smoke alarm for a period of not less than 7 days in the normal condition, followed by 4 min of alarm.
 - 9.10.19.1. Interconnection of Smoke Alarms
 - (1) Where more than one smoke alarm is required in a dwelling unit, the smoke alarms shall be wired so that the activation of one alarm will cause all alarms within the dwelling unit to sound.

PART 11 (COMPLIANCE ALTERNATIVE):

Smoke alarms may be battery operated.

10. CARBON MONOXIDE ALARMS

CARBON MONOXIDE ALARMS SHALL COMPLY WITH OBC 9.33.4. AND PART 11 COMPLIANCE - C197 OF TABLE 11.5.1.1.C.

PART 9:

- 9.33.4.1. Application
 - (1) This Subsection applies to every building that,
 - (a) contains a residential occupancy, and
 - (b) contains a fuel-burning appliance or a storage garage.
 - 9.33.4.1. Location of Carbon Monoxide Alarms
 - (1) Where a fuel-burning appliance is installed in a suite of residential occupancy, a carbon monoxide alarm shall be installed adjacent to each sleeping area in the suite.
 - (2) Where a fuel-burning appliance is installed in a service room that is not in a suite of residential occupancy, a carbon monoxide alarm shall be installed,
 - (a) adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the service room, and
 - (b) in the service room.
 - (3) Where a storage garage is located in a building containing a residential occupancy, a carbon monoxide alarm shall be installed adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the storage garage.
 - (4) Where a storage garage serves only the dwelling unit to which it is attached or built in, a carbon monoxide alarm shall be installed adjacent to each sleeping area in the dwelling unit.
 - (5) A carbon monoxide alarm shall be mechanically fixed,
 - (a) at the manufacturer's recommended height, or
 - (b) in the absence of specific instructions, on or near the ceiling.
 - 9.33.4.1. Installation and Conformance to Standards
 - (1) The carbon monoxide alarm required by Article 9.33.4.2. shall,
 - (a) except as permitted in Sentence (2), be permanently connected to an electrical circuit and shall have no disconnect switch between the overcurrent device and the carbon monoxide alarm,
 - (b) be wired so that its activation will activate all carbon monoxide alarms within the suite, where located within a suite of residential occupancy,
 - (c) be equipped with an alarm that is audible within bedrooms when the intervening doors are closed, where located adjacent to a sleeping area, and
 - (d) conform to
 - (i) CAN/CSA-6.19, "Residential Carbon Monoxide Alarming Devices", or
 - (ii) UL 2034, "Single and Multiple Station Carbon Monoxide Alarms".
 - (2) Where the building is not supplied with electrical power, carbon monoxide alarms are permitted to be battery operated.

PART 11 (COMPLIANCE ALTERNATIVE):

Carbon monoxide alarms may be battery operated or plugged into an electrical outlet.

10. FIRE-RESISTANCE RATINGS FOR WALLS, COLUMNS AND ARCHES

FIRE-RESISTANCE RATINGS FOR WALLS, COLUMNS AND ARCHES SHALL COMPLY WITH OBC 9.10.8.3 AND PART 11 COMPLIANCE - C147 OF TABLE 11.5.1.1.C.

PART 9:

- (1) Except as otherwise provided in this Subsection, all load bearing walls, columns and arches in the storey immediately below a floor or roof assembly shall have a fire-resistance rating of not less than that required for the supported floor or roof assembly.
- PART 11 (COMPLIANCE ALTERNATIVE):
 - (a) Except as provided in (b) and (c), 30 min rating is acceptable.
 - (b) In a house, 15 min horizontal fire separation is acceptable where,
 - (i) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19. and
 - (ii) smoke alarms are interconnected.
 - (c) In a house, the fire-resistance rating of the fire separation is waived where the building is sprinklered.
11. SEPARATION OF SERVICE ROOMS
SEPARATION OF SERVICE ROOMS SHALL COMPLY WITH OBC 9.10.10.4
- PART 9:
9.10.10.1. Appliances and Equipment to be Located in a Service Room
 - (1) Except as provided in Sentences (2) and (3) and Article 9.10.10.5., fuel-fired appliances shall be located in a service room separated from the remainder of the building by a fire separation having not less than a 1 h fire-resistance rating.
 - (2) Except as required in the appliance installation standards referenced in Sentences 6.2.1.4.(1) and 9.33.1.2.(1), fuel fired spaceheating appliances, space-cooling appliances and service water heaters need not be separated from the remainder of the building as required in Sentence (1) where the equipment serves,
 - (a) not more than one room or suite,
 - (b) a house, or
 - (c) a building, other than a house, with a building area of not more than 400 m² and a building height of not more than 2 storeys.
 - (3) Sentence (1) does not apply to fireplaces and cooking appliances.

9. SEPARATION OF RESIDENTIAL SUITES

SEPARATION OF RESIDENTIAL SUITES SHALL COMPLY WITH OBC 9.10.9.14 AND PART 11 COMPLIANCE - C152 OF TABLE 11.5.1.1.C.

PART 9:

- (1) Except as provided in Sentences (2) and (3) and Article 9.10.21.2., suites in residential occupancies shall be separated from adjacent rooms and suites by a fire separation having a fire-resistance rating of not less than 45 min.
- (2) Sleeping rooms in boarding, lodging or rooming houses where sleeping accommodation is provided for not more than 8 boarders or lodgers shall be separated from the remainder of the floor area by a fire separation having a fire-resistance rating of not less than 30 min where the sleeping rooms form part of the proprietor's residence and do not contain cooking facilities.
- (3) Except as provided in Sentences (4) and (5), dwelling units that contain 2 or more storeys including basements shall be separated from the remainder of the building by a fire separation having a fire-resistance rating of not less than 1 h.
- (4) Except as provided in Sentence (5), dwelling units in a house shall be separated from each other and common areas by a fire separation having a fire-resistance rating of not less than 45 min.
- (5) The fire-resistance rating of the fire separation required in Sentence (4) is permitted to be waived where the house is sprinklered.

PART 11 (COMPLIANCE ALTERNATIVE):

- (a) Except as provided in (b) and (c), 30 min fire separation is acceptable.
- (b) In a house, 15 min horizontal fire separation is acceptable where,
 - (i) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19., and
 - (ii) smoke alarms are interconnected.
- (c) In a house, the fire-resistance rating of the fire separation is waived where the building is sprinklered.

10. CLOSURES (DOORS):

CLOSURES SHALL COMPLY WITH OBC 9.10.13.1 AND PART 11 COMPLIANCE - C155 OF TABLE 11.5.1.1.C.

PART 9:

- (1) Except as provided in Article 9.10.13.2., openings in required fire separations shall be protected with a closure conforming to Table 9.10.13.1. and shall be installed in conformance with NFPA 80 - Fire Doors and Other Opening Protectives, unless otherwise specified in this Part.

PART 11 (COMPLIANCE ALTERNATIVE):

Existing functional closures are acceptable subject to C.A.'s C8 and C156.

- (a) Existing functional and sound doors in existing buildings that are either hollow metal or kalamein and containing wired glass at least 6 mm thick and conforming to Sentence 3.1.8.14.(2) are permitted in lieu of doors not required to exceed 45 min,
- (b) all existing functional and sound hollow metal or kalamein doors which carry existing 1.5 h labels are acceptable in lieu of current 1.5 h labels and may contain wired glass panels not exceeding 0.0645 m², at least 6 mm thick and conforming to Sentence 3.1.8.14.(2), and
- (c) every fire door, window assembly or glass block used as a closure in a required fire separation shall be installed in conformance with good engineering practice. In a house, existing unlabelled doors at least 45 mm solid core wood or metal clad are acceptable. For existing closures, ratings of 20 min will not be required where the entire floor area is sprinklered.

11. LAUNDRY FIXTURES

LAUNDRY FIXTURES SHALL COMPLY WITH OBC 9.31.4.2.

PART 9:

- (1) Laundry facilities or a space for laundry facilities shall be provided in every dwelling unit or grouped elsewhere in the building in a location conveniently accessible to occupants of every dwelling unit.

12. NATURAL VENTILATION

NATURAL VENTILATION SHALL COMPLY WITH OBC 9.32.2.1 AND PART 11 COMPLIANCE - C194 OF TABLE 11.5.1.1.C.

PART 9:

- (1) The unobstructed operable ventilation area to the outdoors for rooms and spaces in a residential occupancy ventilated by natural means shall conform to Table 9.32.2.1.

PART 11 (COMPLIANCE ALTERNATIVE):

In a house, rooms or spaces to be ventilated by natural means in accordance with Subsection 9.32.2.1 or by providing adequate mechanical ventilation.

13. ELECTRICAL FACILITIES

ELECTRICAL FACILITIES SHALL COMPLY WITH OBC 9.34.

14. INTERCONNECTION OF SYSTEMS

INTERCONNECTION OF SYSTEMS SHALL COMPLY WITH OBC 6.2.3.9 AND PART 11 COMPLIANCE - C91 OF TABLE 11.5.1.1.C.

PART 6:

- (1) In a residential occupancy, air from one suite shall not be circulated to any other suite or to a public corridor or public stairway.

PART 11 (COMPLIANCE ALTERNATIVE):

In a building containing not more than four dwelling units or residential suites, the existing heating or air-conditioning system may be altered to serve more than one dwelling unit or suite, provided smoke alarms are installed in each dwelling unit or suite and provided a smoke detector is installed in the supply or return air duct system serving the entire building which would turn off the fuel supply and electrical power to the heating system upon activation of such detector.

15. PENETRATIONS

PIPING, TUBING, DUCTS, CHIMNEYS, WIRING, CONDUIT, ELECTRICAL OUTLET BOXES AND OTHER SIMILAR SERVICE EQUIPMENT THAT PENETRATE A FIRE SEPARATION MUST BE NON COMBUSTIBLE AND FIRE STOPPED.

16. PLUMBING

ALL PLUMBING MUST CONFORM TO O.REG.332/12, DIV. B PART 7 OF THE BUILDING CODE

17. HANDRAILS AND GUARDRAILS

INSTALL HANDRAILS AND GUARDRAILS IN ACCORDANCE WITH 9.8.7. AND 9.8.8 OF THE BUILDING CODE RESPECTIVELY

CITY ELECTRONIC STAMP:



LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES

LEAD DESIGNER & CONSULTANT KEN BEKENDAM, B.A. BUSCON. LT. kenbekendam@gmail.com	CONTACT INFORMATION: OFFICE: 973 MAIN ST. E. HAMILTON, ON OFFICE PHONE: 855-546-4467 CELL PHONE: 905-963-0647
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GENERAL NOTES:

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2. ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE LEAD DESIGNER MUST BE NOTIFIED IMMEDIATELY.
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<input type="checkbox"/> EXHAUST FAN
<input checked="" type="checkbox"/> SMOKE ALARM
<input checked="" type="checkbox"/> CARBON MONOXIDE ALARM
<input type="checkbox"/> PLUMBING STACK
<input type="checkbox"/> WATER METER
<input type="checkbox"/> FLOOR DRAIN
<input type="checkbox"/> STRUCTURAL BEAM OR WALL

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:

**43 WEST AVENUE SOUTH,
HAMILTON - ON**

SHEET NAME:

CONSTRUCTION NOTES

SCALE: 3/32"=1'-0"	
PROJECT NO. 22-18	DATE: 25/AUGUST/2022
DRAWN BY: DANILLO CEOLA	REVIEWED BY: KEN BEKENDAM
SHEET NO.	

A0.02

SITE INFORMATION & STATISTICS	
ADDRESS:	43 WEST AVENUE SOUTH - HAMILTON, ON.
ZONING TYPE:	D5
LOT AREA:	2602.53 SQ FT (241.78 SQ M)
LOT FRONTAGE:	21.42' (6.52m)

GENERAL NOTES:

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING. FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

EXISTING STRUCTURE NOTE:

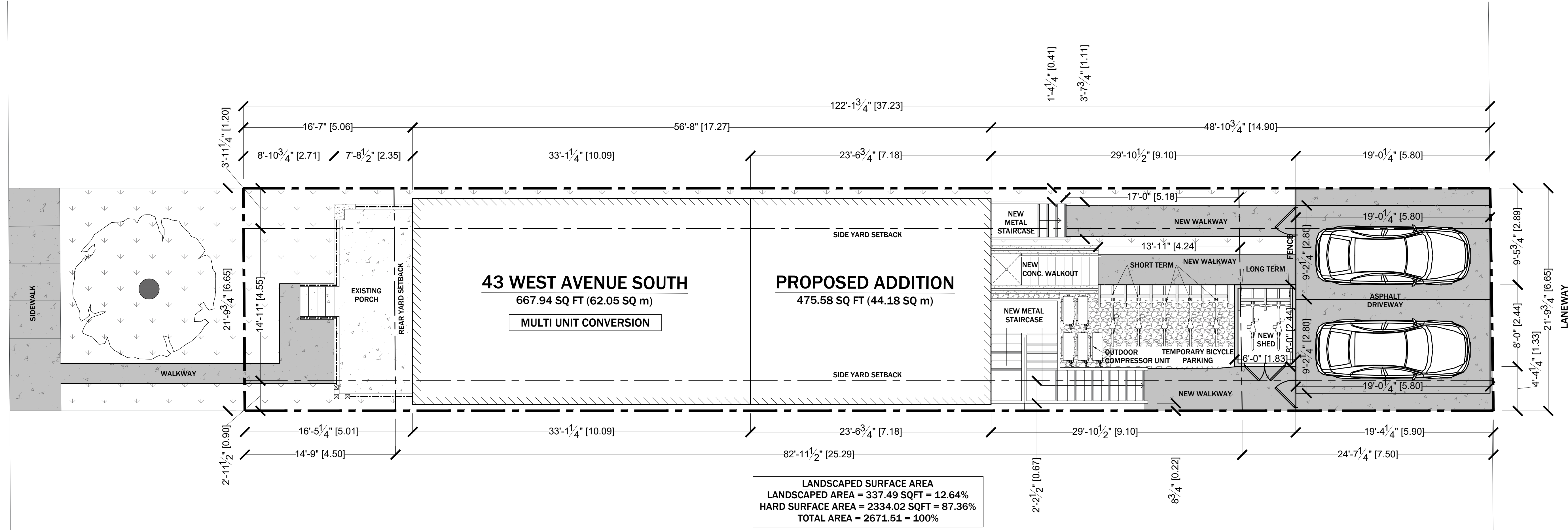
OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

BUILDING CODE COMPLIANCE NOTE:

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

SITE PLAN:

BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES



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ROBERT MENDEZ, P. ENG.
robertmendez@yahoo.com

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LEGEND:

- EXHAUST FAN
- SMOKE ALARM
- CARBON MONOXIDE ALARM
- PLUMBING STACK
- WATER METER
- FLOOR DRAIN
- STRUCTURAL BEAM OR WALL

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
43 WEST AVENUE SOUTH,
HAMILTON - ON

SHEET NAME:
SITE PLAN

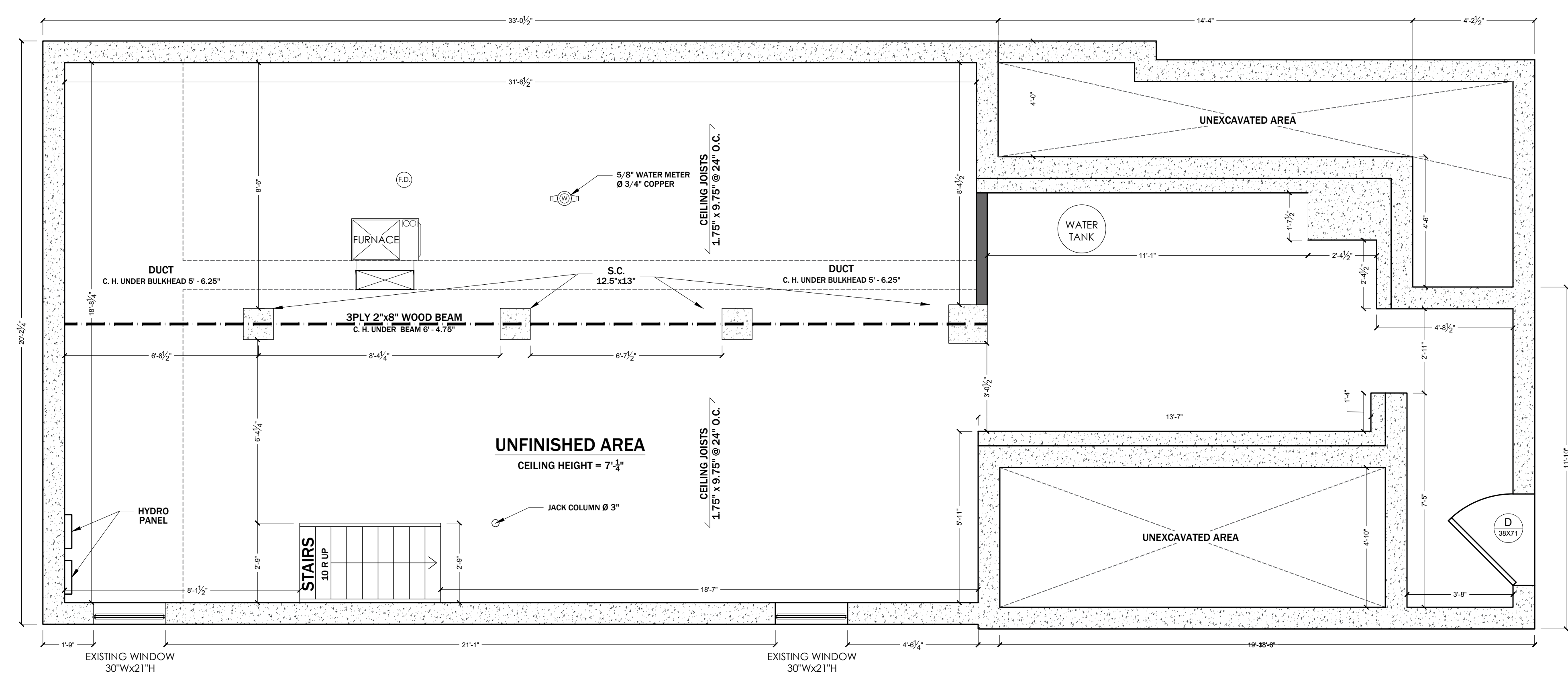
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PROJECT NO.: 22-18 **DATE:** 25/AUGUST/2022

DRAWN BY: DANILLO CEOLA **REVIEWED BY:** KEN BEKENDAM

SHEET NO.:
SP1.01

CITY ELECTRONIC STAMP:



K KING
ROBINS & ASSOCIATES

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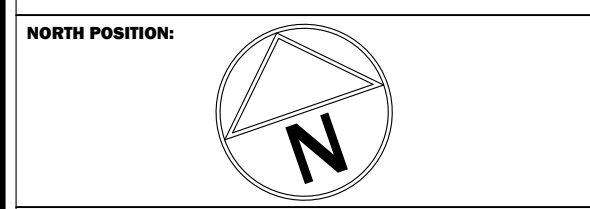
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ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
43 WEST AVENUE SOUTH,
HAMILTON - ON

SHEET NAME:
EXISTING BASEMENT

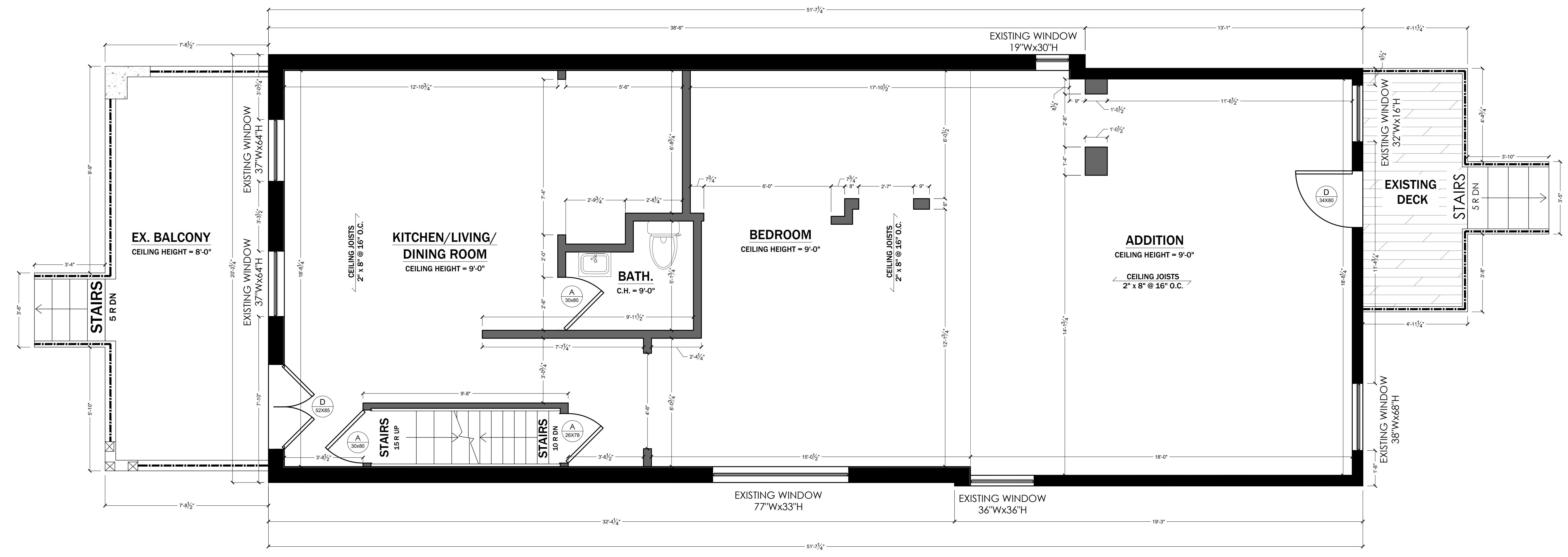
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PROJECT NO.: 22-18 **DATE:** 25/AUGUST/2022

DRAWN BY: DANILLO CEOLA **REVIEWED BY:** KEN BEKENDAM

SHEET NO.:
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CITY ELECTRONIC STAMP:



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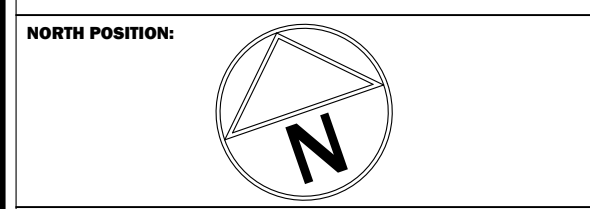
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PROJECT NAME/ADDRESS:
**43 WEST AVENUE SOUTH,
HAMILTON - ON**

SHEET NAME:
EXISTING GROUND FLOOR

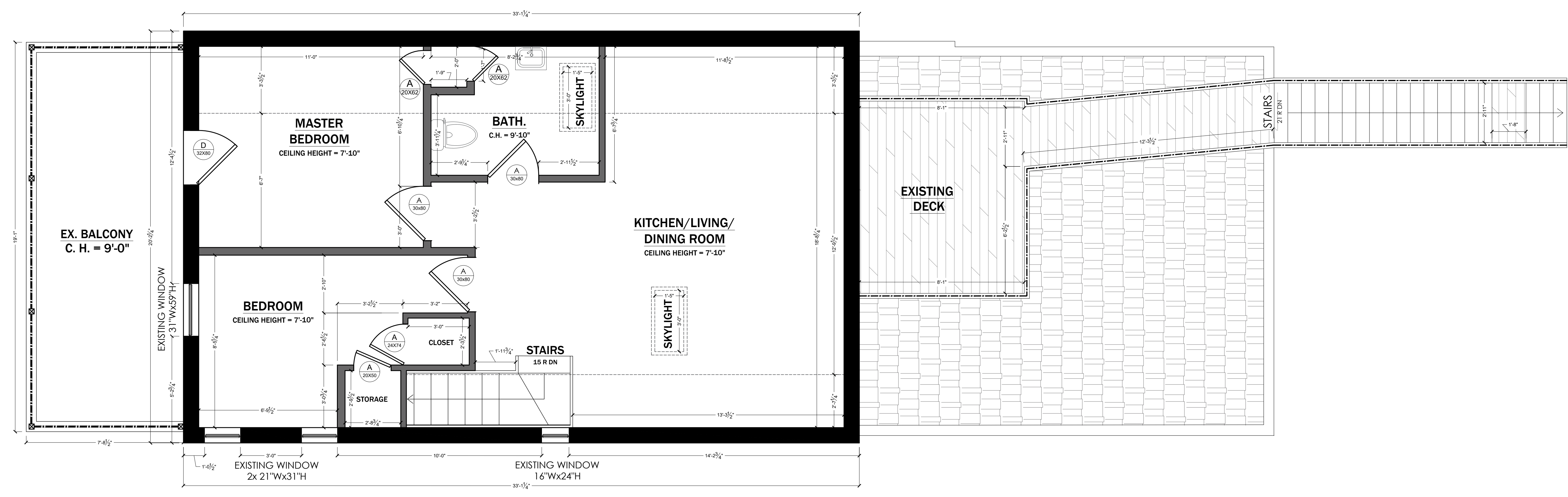
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PROJECT NO. 22-18 DATE: 25/AUGUST/2022

DRAWN BY: DANILLO CEOLA REVIEWED BY: KEN BEKENDAM

SHEET NO.
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CITY ELECTRONIC STAMP:



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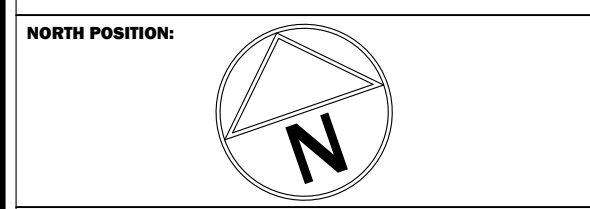
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ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
**43 WEST AVENUE SOUTH,
 HAMILTON - ON**

SHEET NAME:
EXISTING SECOND FLOOR

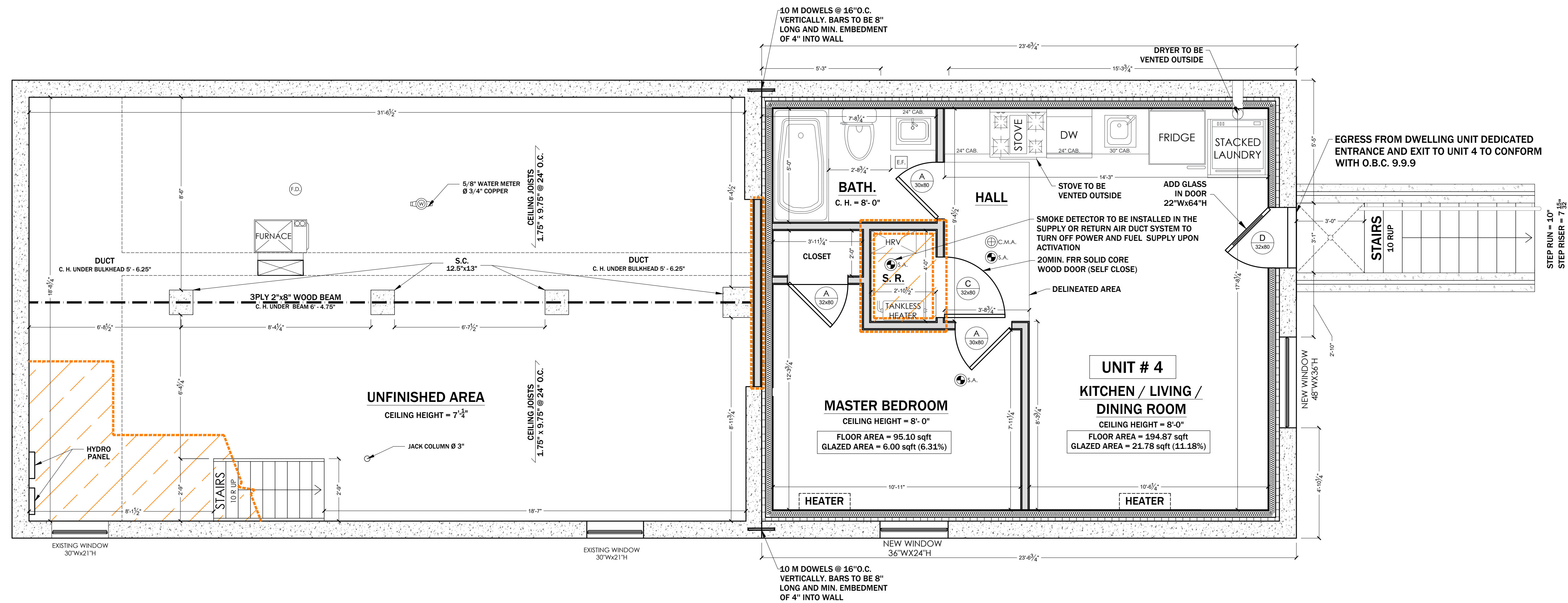
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PROJECT NO. 22-18 DATE: 25/AUGUST/2022

DRAWN BY: DANILLO CEOLA REVIEWED BY: KEN BEKENDAM

SHEET NO.
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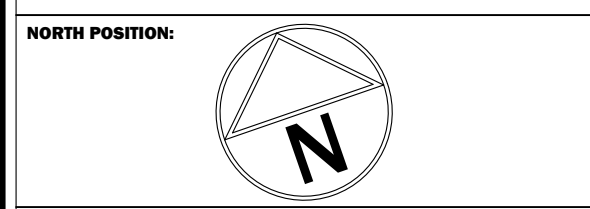
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REVISIONS:

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01	DD MONTH YYYY	ISSUED FOR DESIGN REVIEW	AM
02			
03			
04			

- ⊠ EXHAUST FAN
- ⊠ SMOKE ALARM
- ⊠ CARBON MONOXIDE ALARM
- ⊠ PLUMBING STACK
- ⊠ WATER METER
- ⊠ FLOOR DRAIN
- STRUCTURAL BEAM OR WALL



ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
43 WEST AVENUE SOUTH,
HAMILTON - ON

SHEET NAME:
PROPOSED BASEMENT

SCALE:
3/8"=1'-0"

PROJECT NO.: 22-18
DATE: 25/AUGUST/2022

DRAWN BY: DANILLO CEOLA
REVIEWED BY: KEN BEKENDAM

SHEET NO.:

A1.04



LEGAL DESIGNER & CONSULTANT
 KEN BEKENDAM, B.A. BUSCON, L.T.
 kenbekendam@gmail.com

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 973 MAIN ST. E. HAMILTON, ON
 855-546-4467

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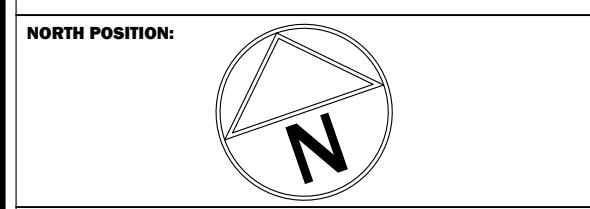
CELL PHONE:
 905-961-0647

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01	00 MONTH YYYY	ISSUED FOR DESIGN REVIEW	AM
02			
03			
04			

- ☐ EXHAUST FAN
- ☉ S.A. SMOKE ALARM
- ☉ C.M.A. CARBON MONOXIDE ALARM
- ☐ F.L.S. FLOORING STACK
- ☐ W.M. WATER METER
- ☐ F.D. FLOOR DRAIN
- STRUCTURAL BEAM OR WALL



ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:

**43 WEST AVENUE SOUTH,
 HAMILTON - ON**

SHEET NAME:
PROPOSED GROUND FLOOR

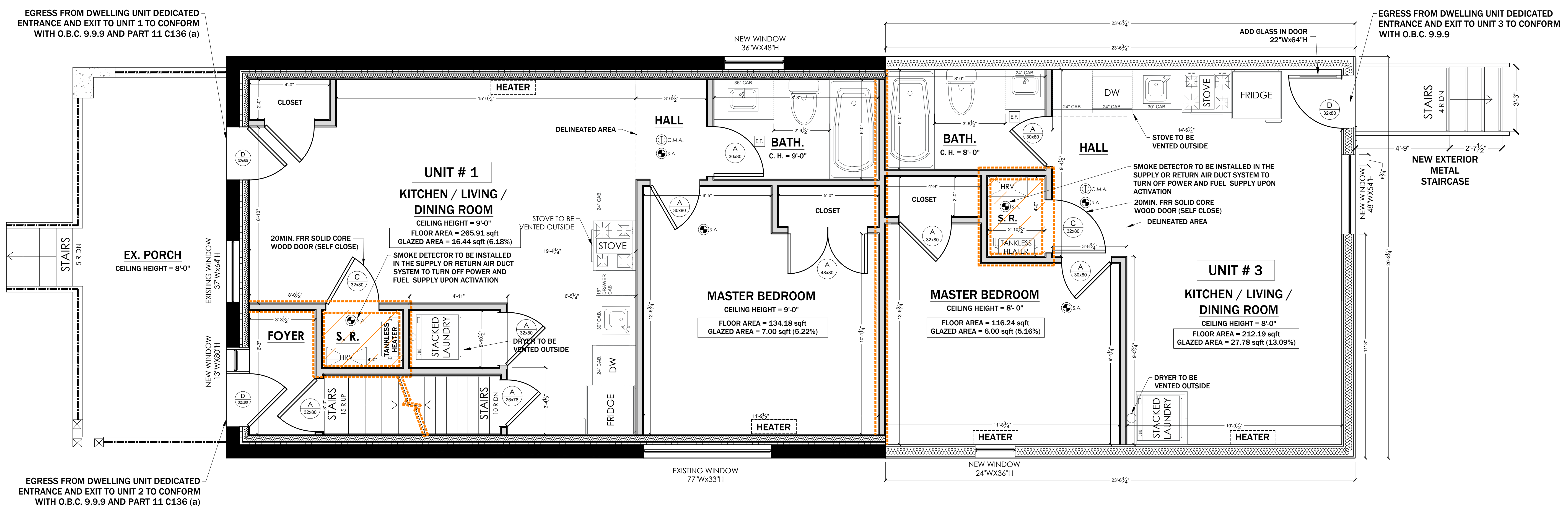
SCALE:
 3/8"=1'-0"

PROJECT NO. 22-18 DATE: 25/AUGUST/2022

DRAWN BY: DANILU CEOLA REVIEWED BY: KEN BEKENDAM

SHEET NO.

A1.05

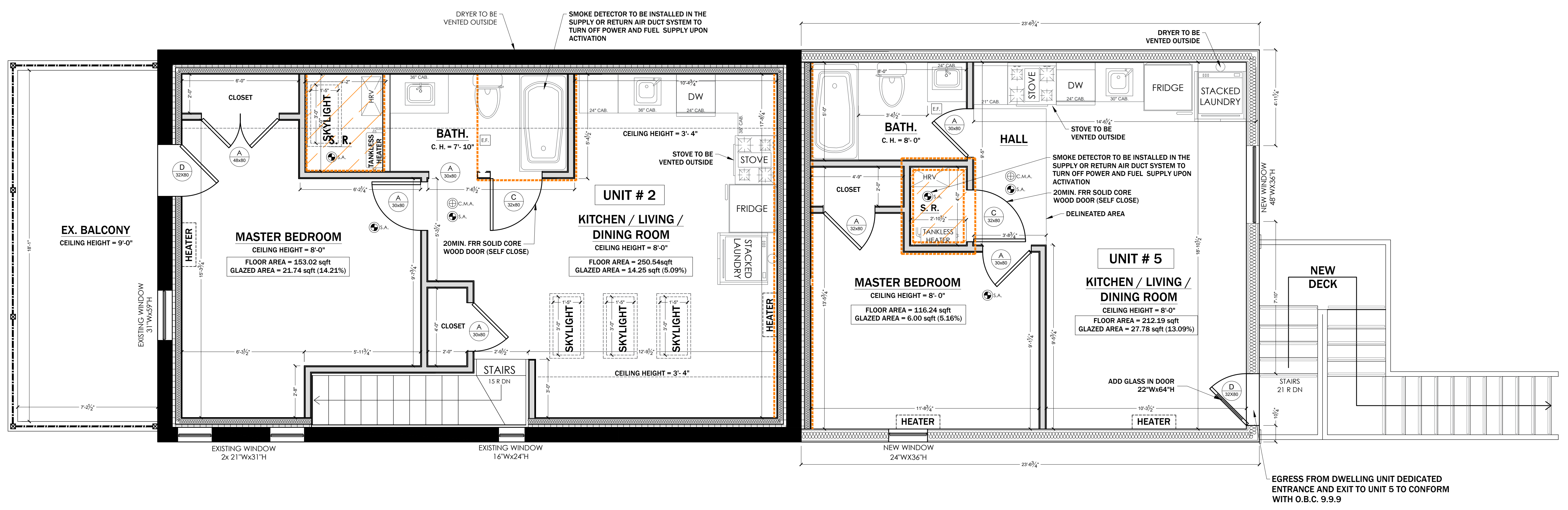


EGRESS FROM DWELLING UNIT DEDICATED ENTRANCE AND EXIT TO UNIT 1 TO CONFORM WITH O.B.C. 9.9.9 AND PART 11 C136 (a)

EGRESS FROM DWELLING UNIT DEDICATED ENTRANCE AND EXIT TO UNIT 2 TO CONFORM WITH O.B.C. 9.9.9 AND PART 11 C136 (a)

EGRESS FROM DWELLING UNIT DEDICATED ENTRANCE AND EXIT TO UNIT 3 TO CONFORM WITH O.B.C. 9.9.9

CITY ELECTRONIC STAMP:



KING
 legal
 second
 suites.com

LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES
 ARE OWNED AND OPERATED BY KING HOMES INC.

LEAD DESIGNER & CONSULTANT
 KEN BEKENDAM, B.A. BUSCON, L.T.
 kenbekendam@gmail.com

CONTACT INFORMATION:
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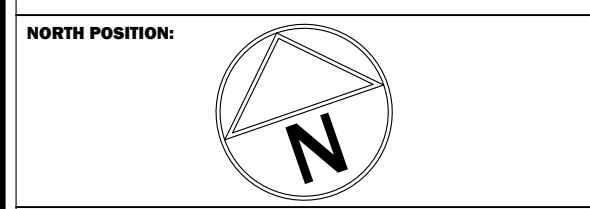
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REVISIONS:

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01	00 MONTH YYYY	ISSUED FOR DESIGN REVIEW	AM
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- ⊙ S.A. SMOKE ALARM
- ⊙ C.M.A. CARBON MONOXIDE ALARM
- ☐ F.L.S. FLOOR DRAIN
- ☐ W.M. WATER METER
- ☐ F.D. FLOOR DRAIN
- ☐ S.B. STRUCTURAL BEAM OR WALL



ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
 43 WEST AVENUE SOUTH,
 HAMILTON - ON

SHEET NAME:
 PROPOSED SECOND FLOOR

SCALE:
 3/8"=1'-0"

PROJECT NO.: 22-18 **DATE:** 25/AUGUST/2022

DRAWN BY: DANILLO CEOLA **REVIEWED BY:** KEN BEKENDAM

SHEET NO.:
A1.06

EGRESS FROM DWELLING UNIT DEDICATED ENTRANCE AND EXIT TO UNIT 5 TO CONFORM WITH O.B.C. 9.9.9

CITY ELECTRONIC STAMP:




LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.

LEAD DESIGNER & CONSULTANT
KEN BEKENDAM, B.A BUSCON, L.T.
kenbekendam@gmail.com

CONTACT INFORMATION:
OFFICE: 973 MAIN ST. E. HAMILTON, ON
OFFICE PHONE: 855-546-4467
CELL PHONE: 905-961-0647

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03			
04			

- ☐ EXHAUST FAN
- ☐ SA SMOKE ALARM
- ☐ CA CARBON MONOXIDE ALARM
- ☐ FLS PLUMBING STACK
- ☐ WM WATER METER
- ☐ FD FLOOR DRAIN
- STRUCTURAL BEAM OR WALL

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
**43 WEST AVENUE SOUTH,
HAMILTON - ON**

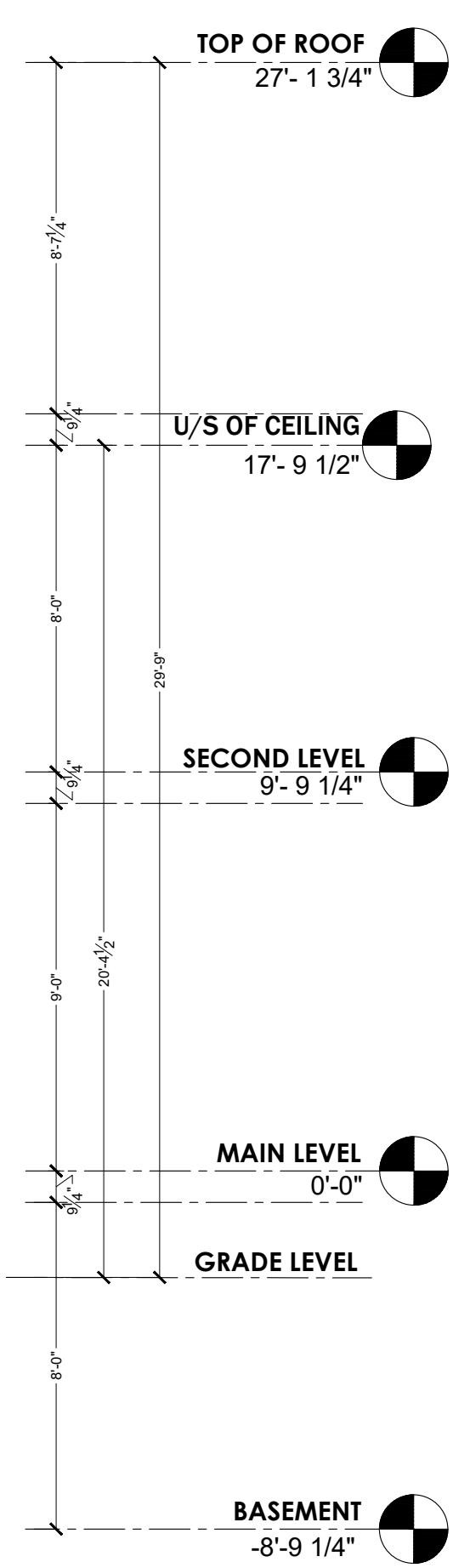
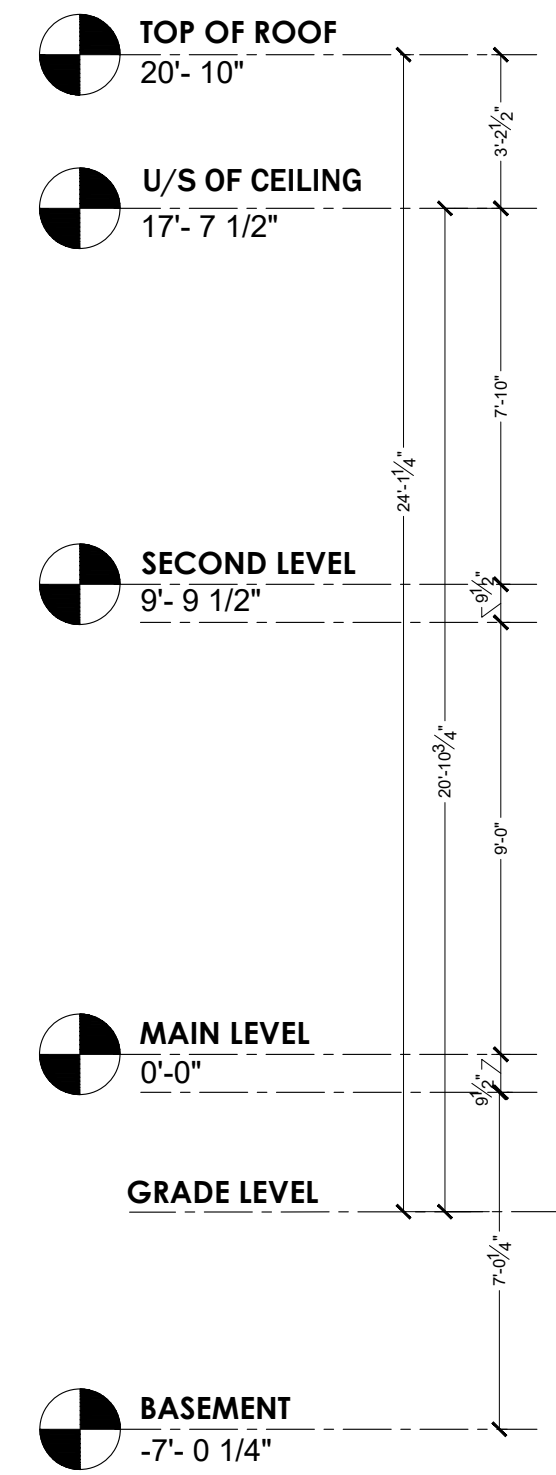
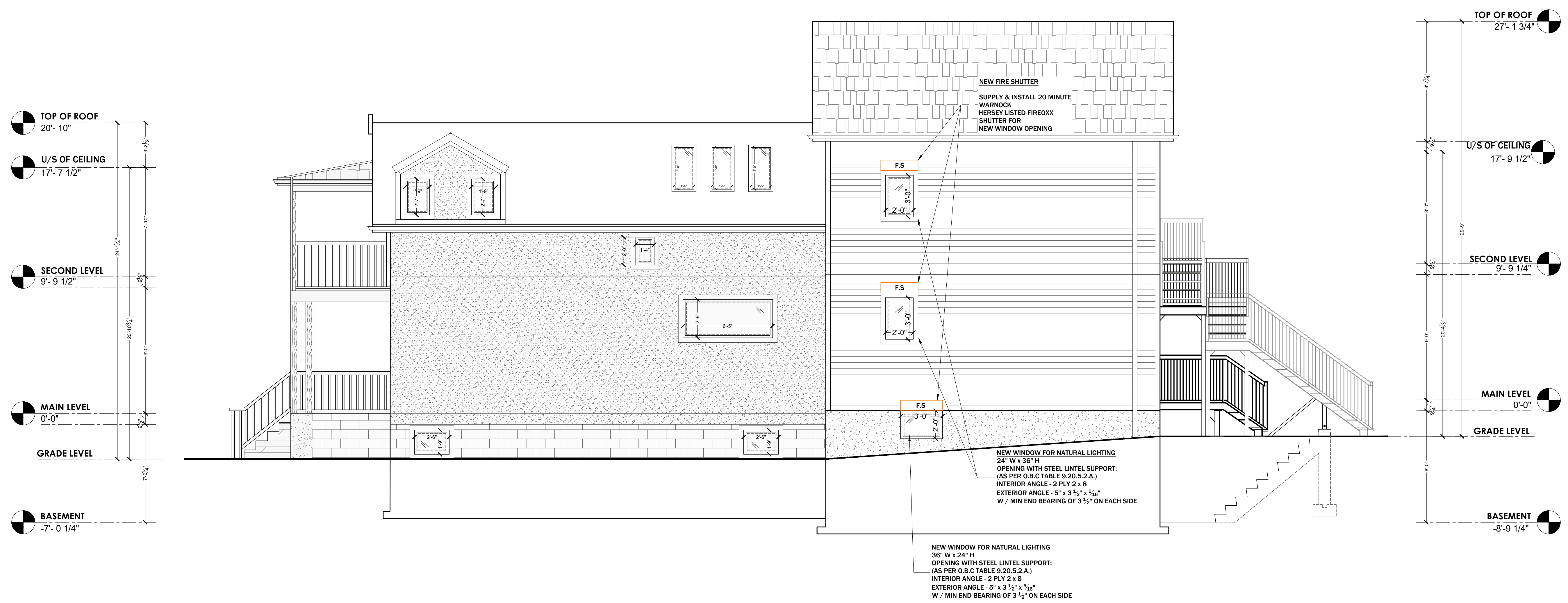
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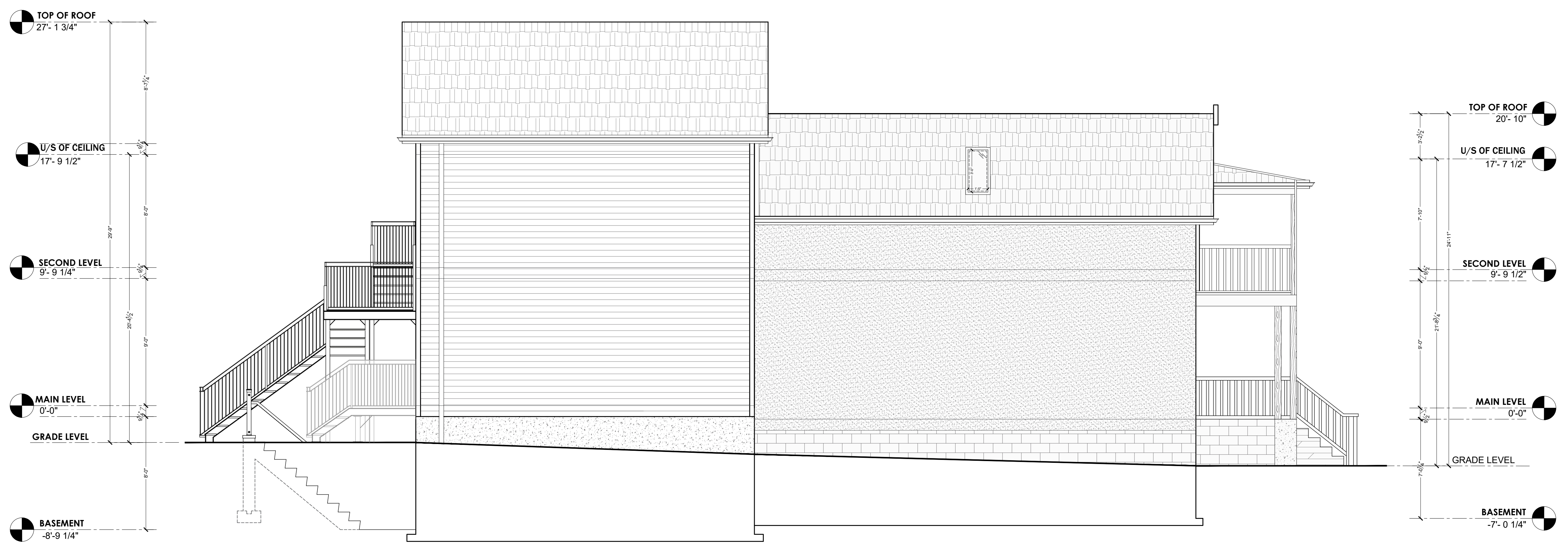
SCALE:
1/4"=1'-0"

PROJECT NO. 22-18 **DATE:** 25/AUGUST/2022

DRAWN BY: DANILLO CEOLA **REVIEWED BY:** KEN BEKENDAM

SHEET NO.
A2.02





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 H O P S I E
legal second suites.com

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LEAD DESIGNER & CONSULTANT
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CONTACT INFORMATION:
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- ☐ SA SMOKE ALARM
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- ☐ FS FLOORING STACK
- ☐ WM WATER METER
- ☐ FD FLOOR DRAIN
- ▬ STRUCTURAL BEAM OR WALL

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
 43 WEST AVENUE SOUTH,
 HAMILTON - ON

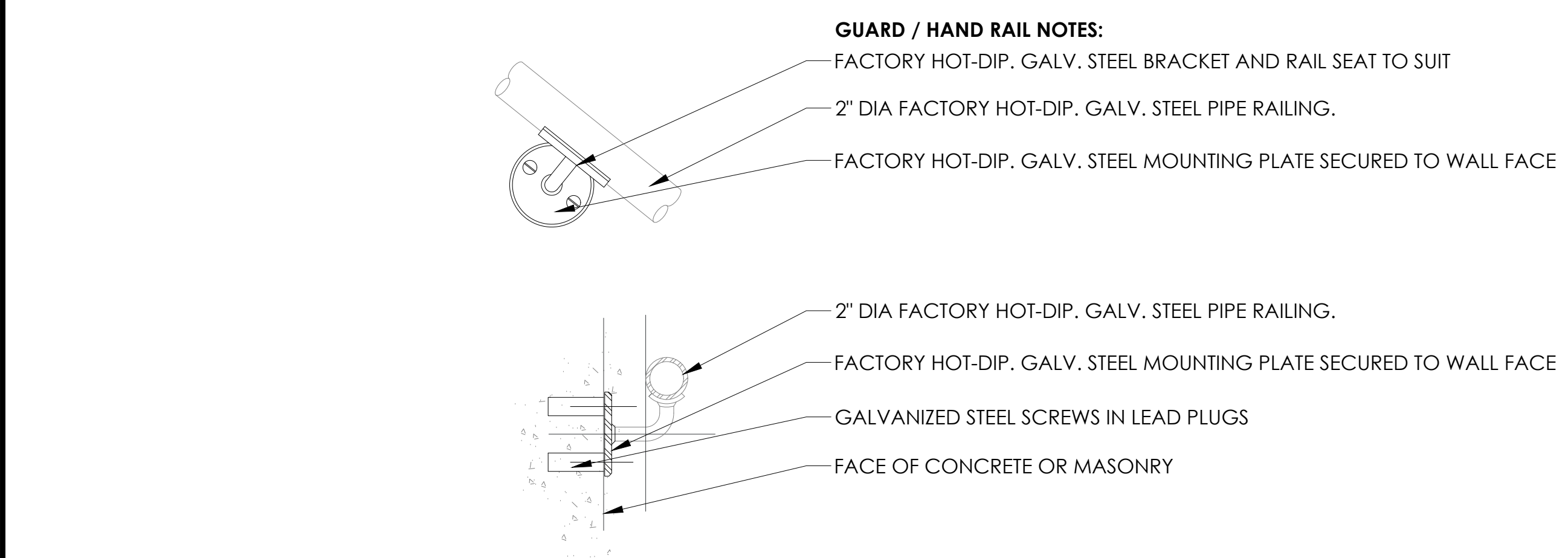
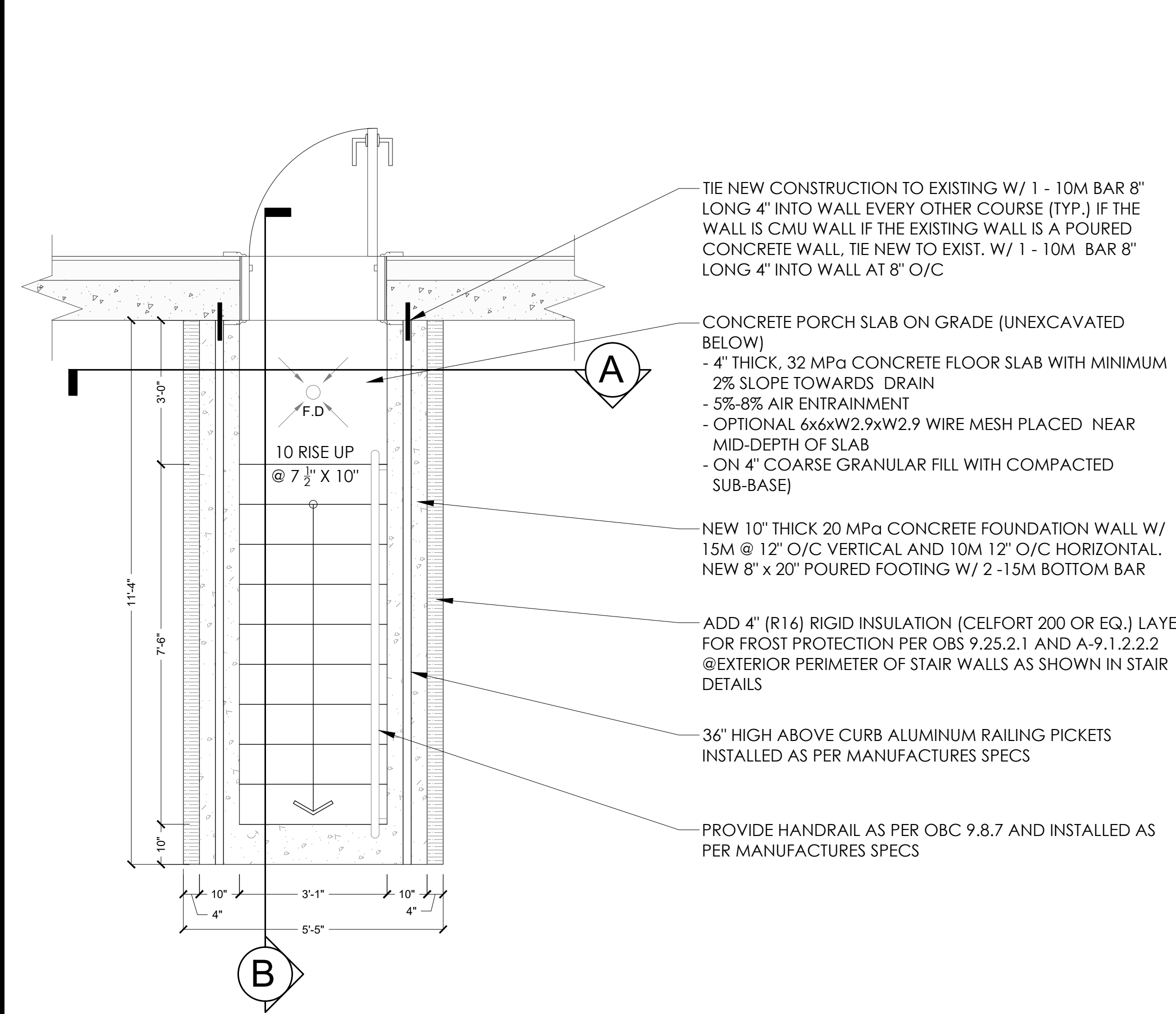
SHEET NAME:
 RIGHT ELEVATION

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

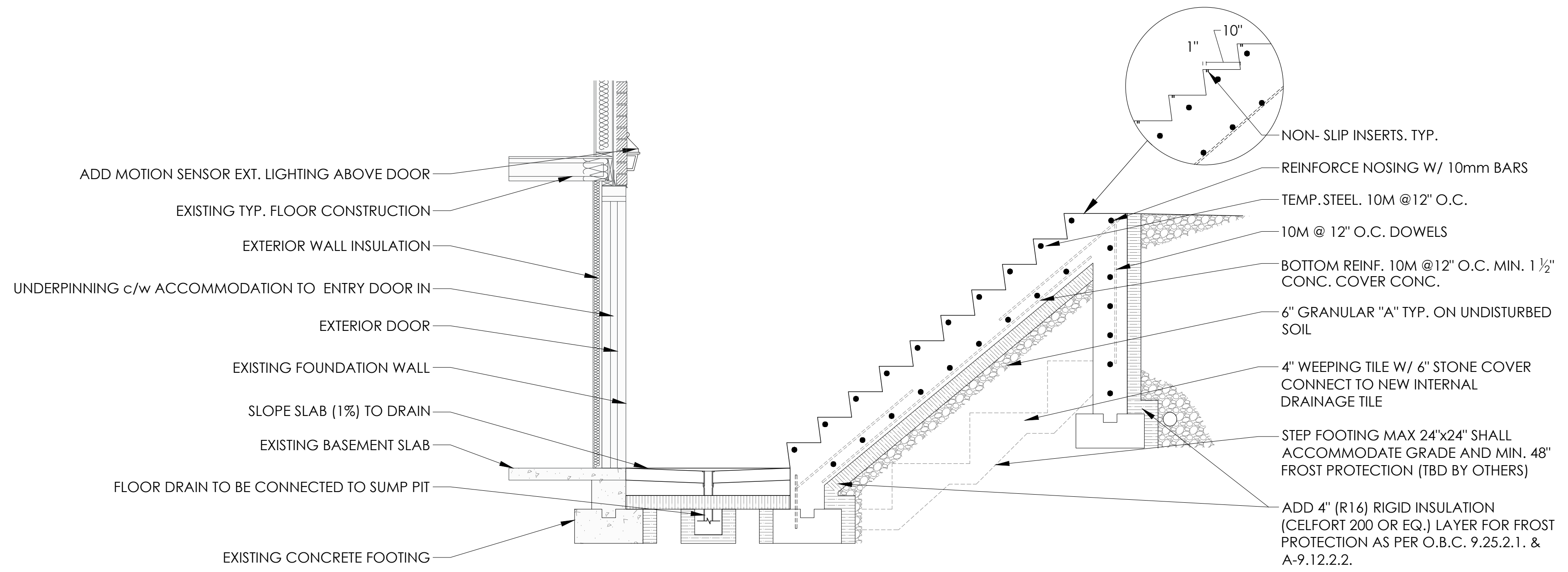
PROJECT NO. 22-18	DATE: 25/AUGUST/2022
DRAWN BY: DANILO CEOLA	REVIEWED BY: KEN BEKENDAM

SHEET NO.
A2.03

CITY ELECTRONIC STAMP:

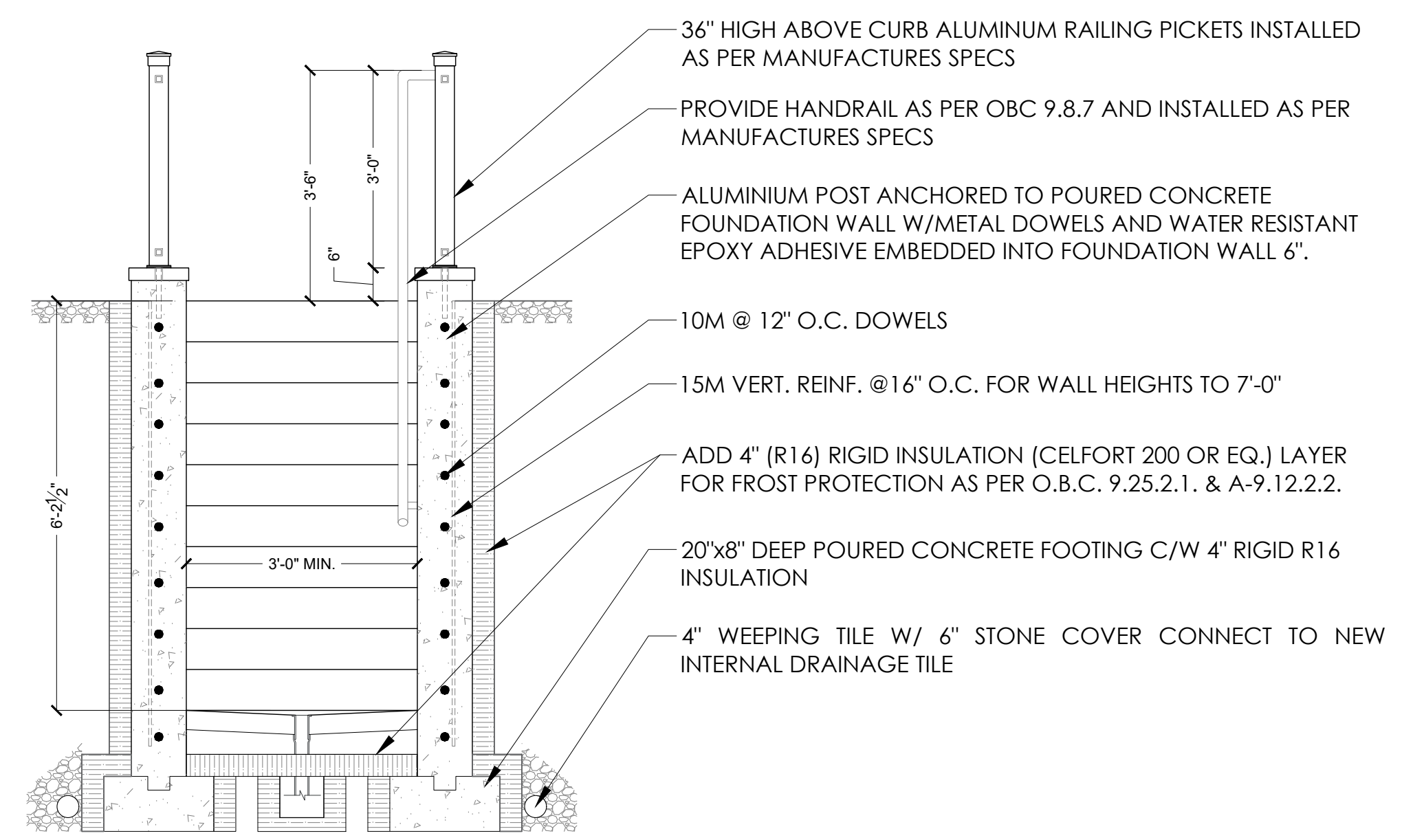


NOTES: 4" MAX SPACE BETWEEN PICKETS, OPENING THROUGH ANY GUARD SHALL BE OF SIZE WHICH WILL PREVENT THE PASSAGE OF A SPHERICAL OBJECT HAVING A DIAMETER OF MORE THAN 4". GUARDS SHALL BE DESIGNED AND INSTALLED SO THAT NO MEMBER ATTACHED ON WALKING SURFACE WILL FACILITATE CLIMBING. GUARDS TO RESIST LOADS AS PER O.B.C. 9.8.7.7.(1)(a)



NEW CONCRETE WALKOUT
 STEP RUN = 10"
 STEP RISER = 6 1/2"

NOTE: POURED CONC. FOOTING ON NATURAL UNDISTURBED SOIL OR COMPACTED ENGINEERED FILL WITH A BEARING CAPACITY OF 75 kPa.
 NOTE: SEE FLOOR PLAN FOR ACCURATE QUANTITY OF RISERS REQUIRED. EXISTING SITE CONDITIONS TO BE REVIEWED TO ENSURE EACH RISER HAS A MAXIMUM RISE ENSURE EACH RISER HAS A MAXIMUM RISE REPORTED TO THE DESIGNER.



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NORTH POSITION:

ENGINEER'S STAMP:

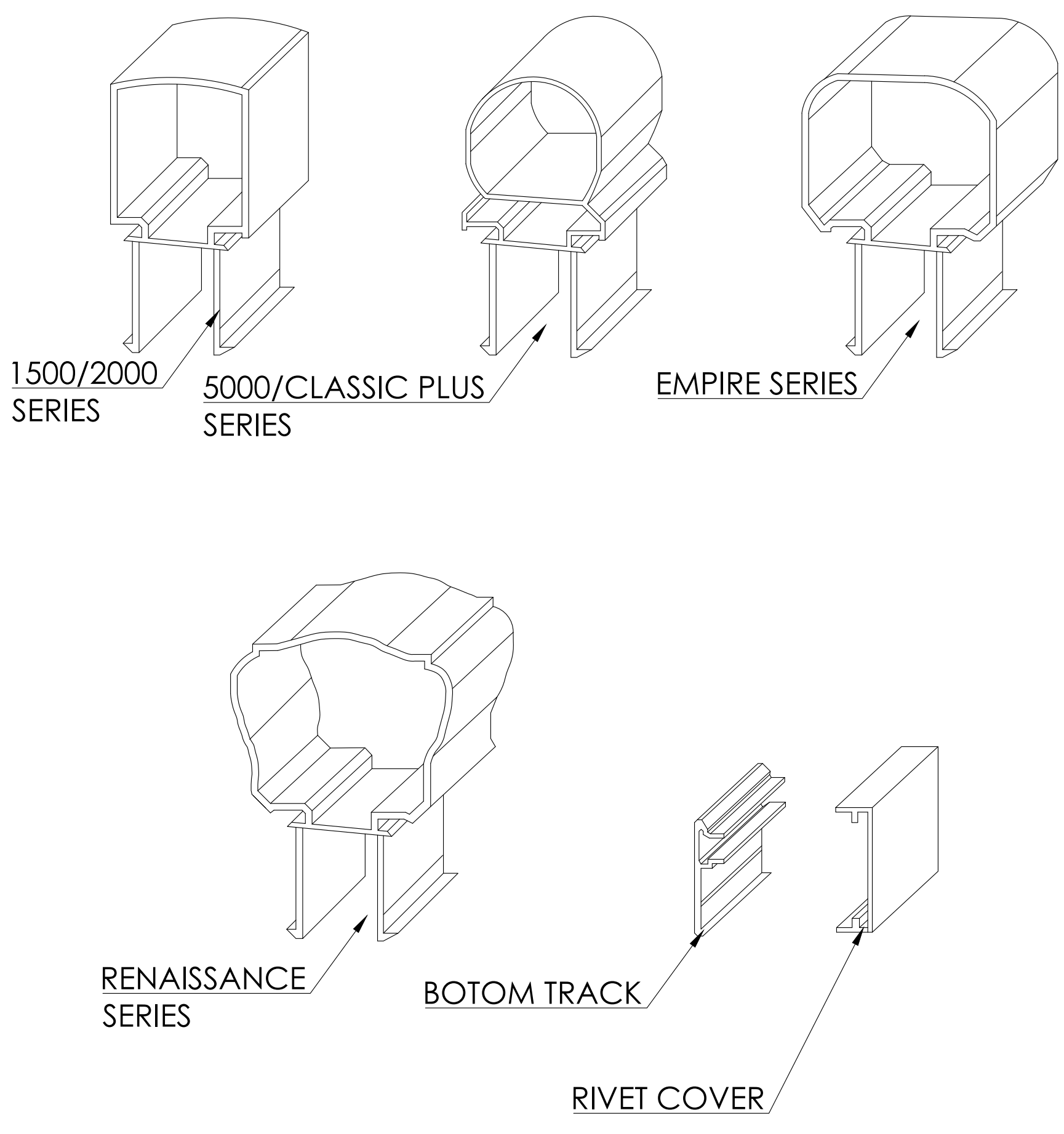
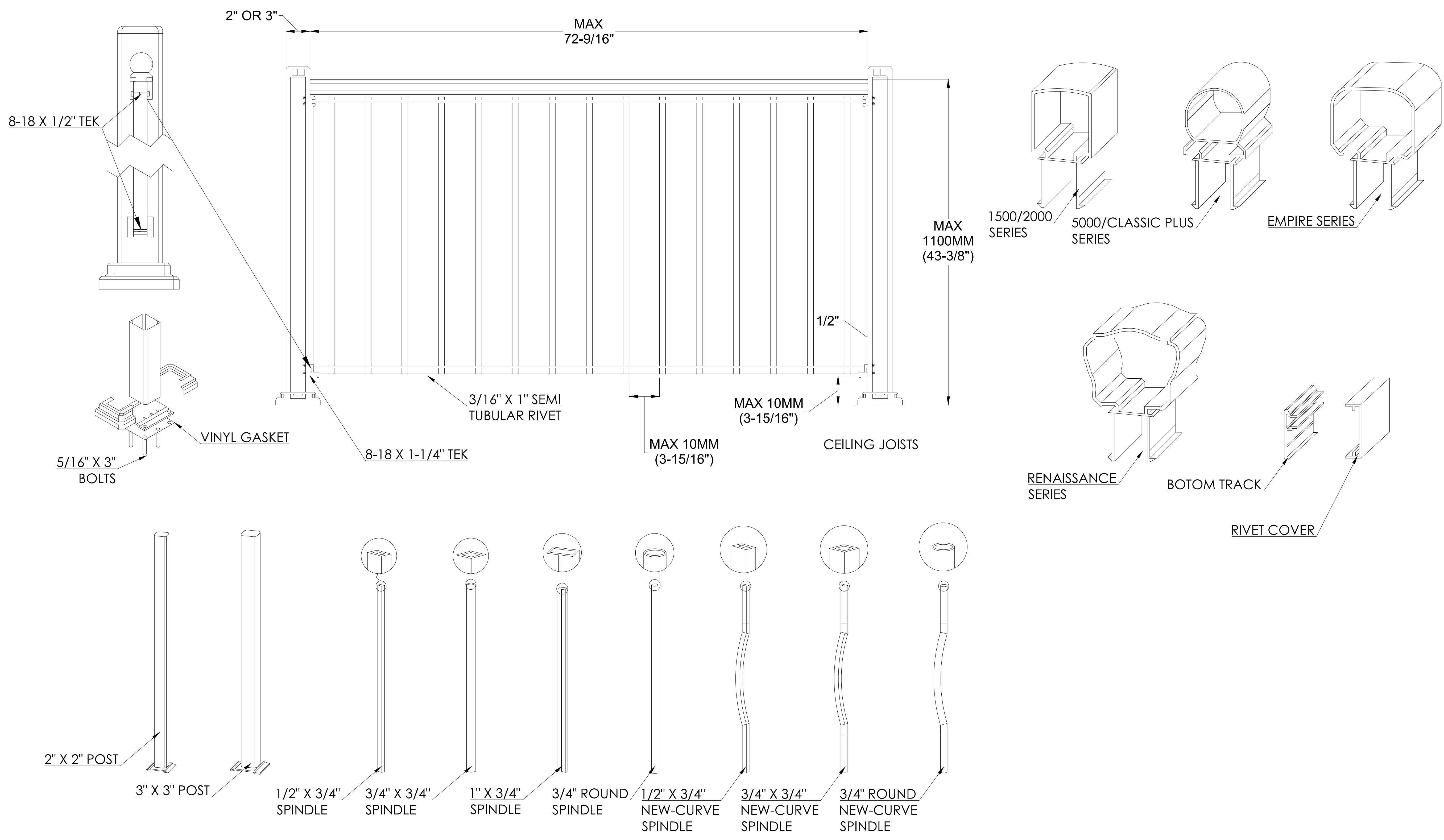
PROJECT NAME/ADDRESS:
43 WEST AVENUE SOUTH, HAMILTON - ON

SHEET NAME:
CONCRETE WALKOUT DETAILS

SCALE: 1/2" = 1'-0"
 PROJECT NO. 22-18 DATE: 25/AUGUST/2022
 DRAWN BY: DANILLO CEOLA REVIEWED BY: KEN BEKENDAM

SHEET NO. **A3.01**

CITY ELECTRONIC STAMP:



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LEAD DESIGNER & CONSULTANT
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43 WEST AVENUE SOUTH,
HAMILTON - ON

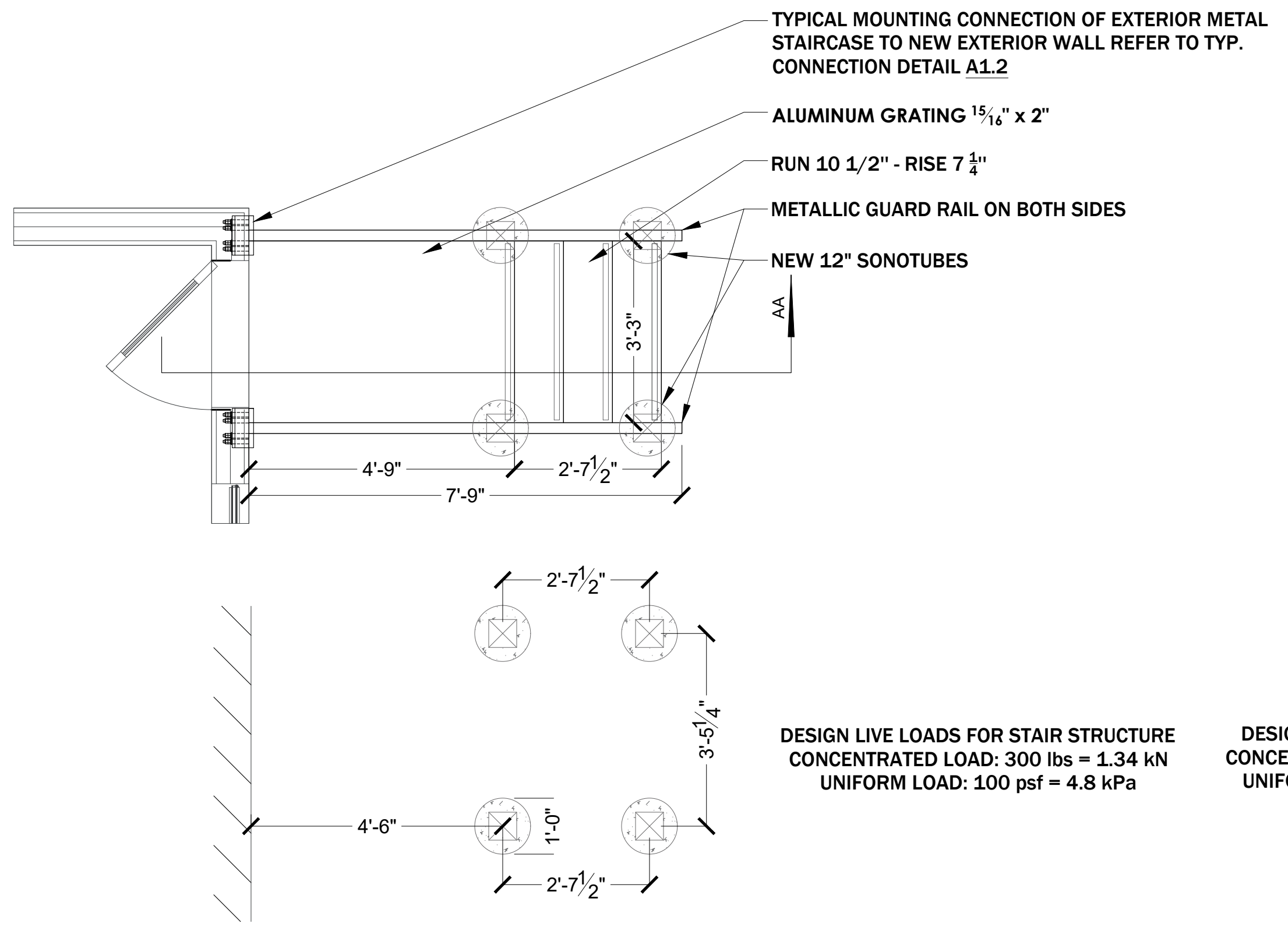
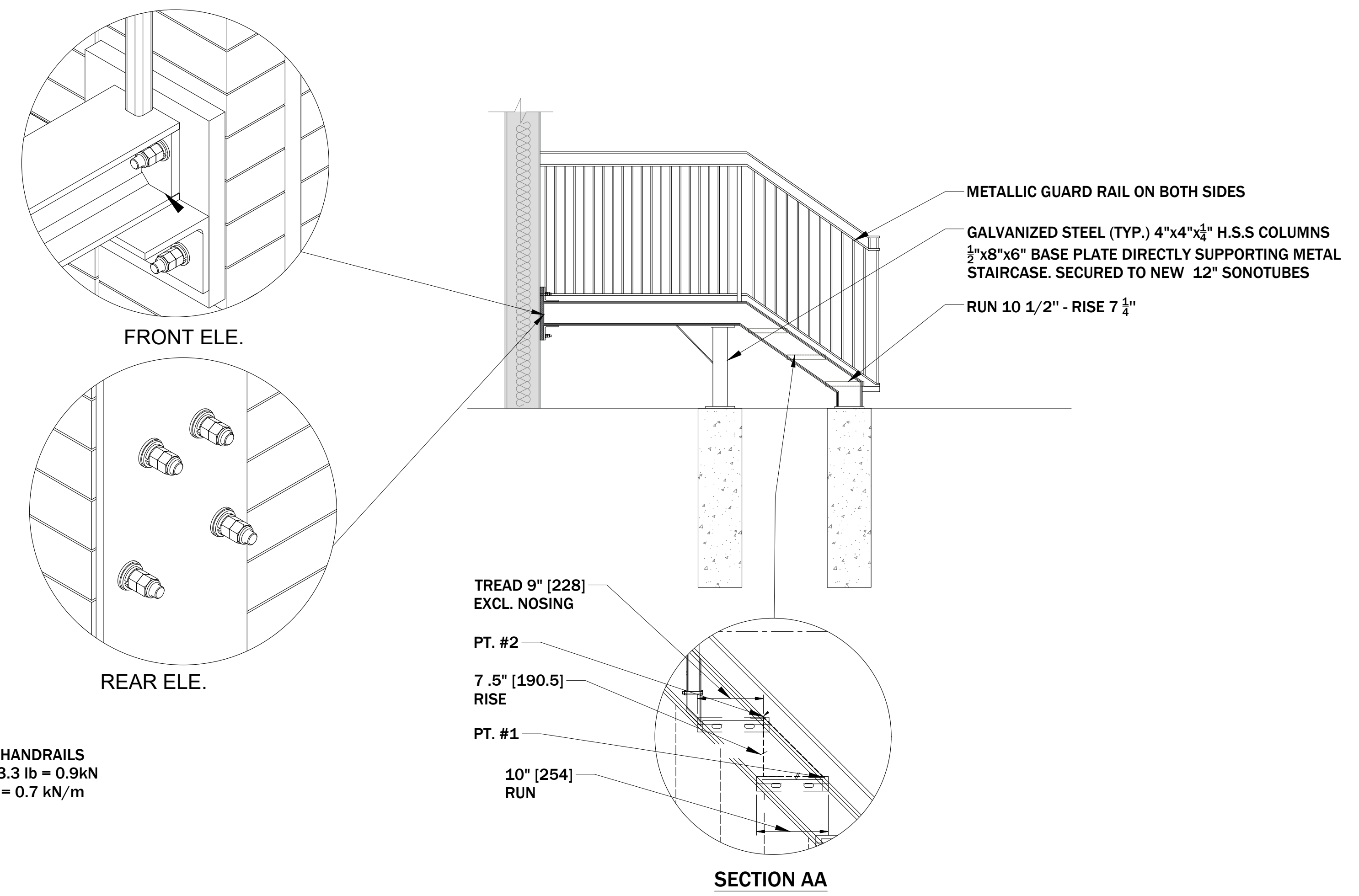
SHEET NAME:
DETAIL PAGE 2

SCALE:
3/8"=1'-0"

PROJECT NO.: 22-18 **DATE:** 25/AUGUST/2022

DRAWN BY: DANILLO CEOLA **REVIEWED BY:** KEN BEKENDAM

SHEET NO.:
A3.02



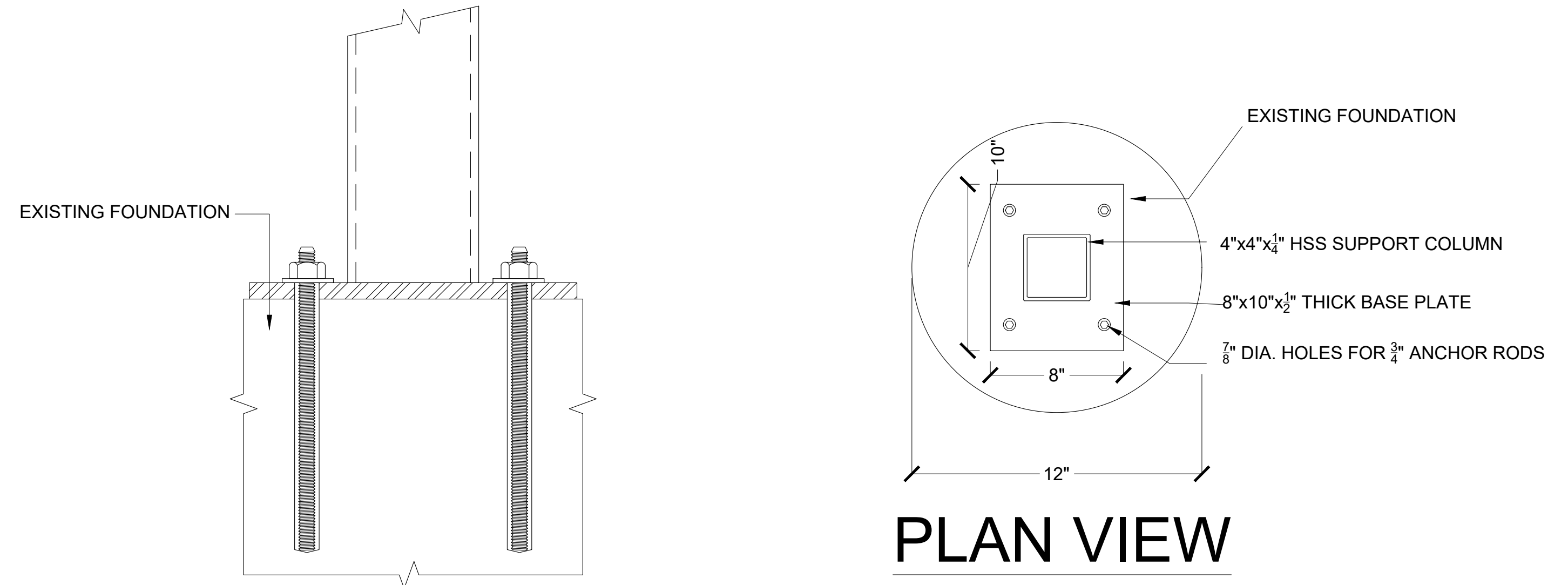
DESIGN LIVE LOADS FOR STAIR STRUCTURE
 CONCENTRATED LOAD: 300 lbs = 1.34 kN
 UNIFORM LOAD: 100 psf = 4.8 kPa

DESIGN LIVE LOADS FOR HANDRAILS
 CONCENTRATED LOAD: 203.3 lb = 0.9kN
 UNIFORM LOAD: 48 lb/ft = 0.7 kN/m

A-A IDENTIFIES THE MOUNTING OF THE METAL STAIRCASE STRUCTURE TO SECURED TO EXTERIOR WALL SEE DETAIL A1.1
 ALUM. GRATING CONT. METAL STAIR FINISH: MILL SECURED TO NEW FLOOR AND NEW WALL
 -BEARING MEM. I BEAM W4x13 (GALV. STEEL)
 C-CHANNEL C6@8.2LB/FT (GALV. STEEL)



TYPICAL FRAME WELDMENT
 SC6@7.8x C-CHANNEL REF.
 WELDED TO 4x4x1/4" H.S.S.TUBE w/ GRATED HD GALV. STEPS 1-1/4"x 3/16" x 9-3/4" TREAD PER 9.8.4.1
 w/ MOUNTING PL.(SIDE) CHECKER PLATE NOSING REFER TO REFERENCE



HSS TO CONCRETE FOUNDATION CONNECTION DETAIL-'D':
 ELEVATION VIEW

CITY ELECTRONIC STAMP:

KING
 H O R N E S

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LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.

LEAD DESIGNER & CONSULTANT: KEN BEKENDAM, B.A BUSCON, L.T. OFFICE: 973 MAIN ST. E. HAMILTON, ON. kenbekendam@gmail.com

LEAD ENGINEER: ROBERT MENDEZ, P. ENG. robertmenendez@yahoo.com

CONTACT INFORMATION: OFFICE: 855-546-4467 CELL PHONE: 905-961-0647

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REVISIONS:

NO.	DATE:	GENERAL DESCRIPTION:	INITIALS:
01			
02			
03			
04			

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
**43 WEST AVENUE SOUTH,
 HAMILTON - ON**

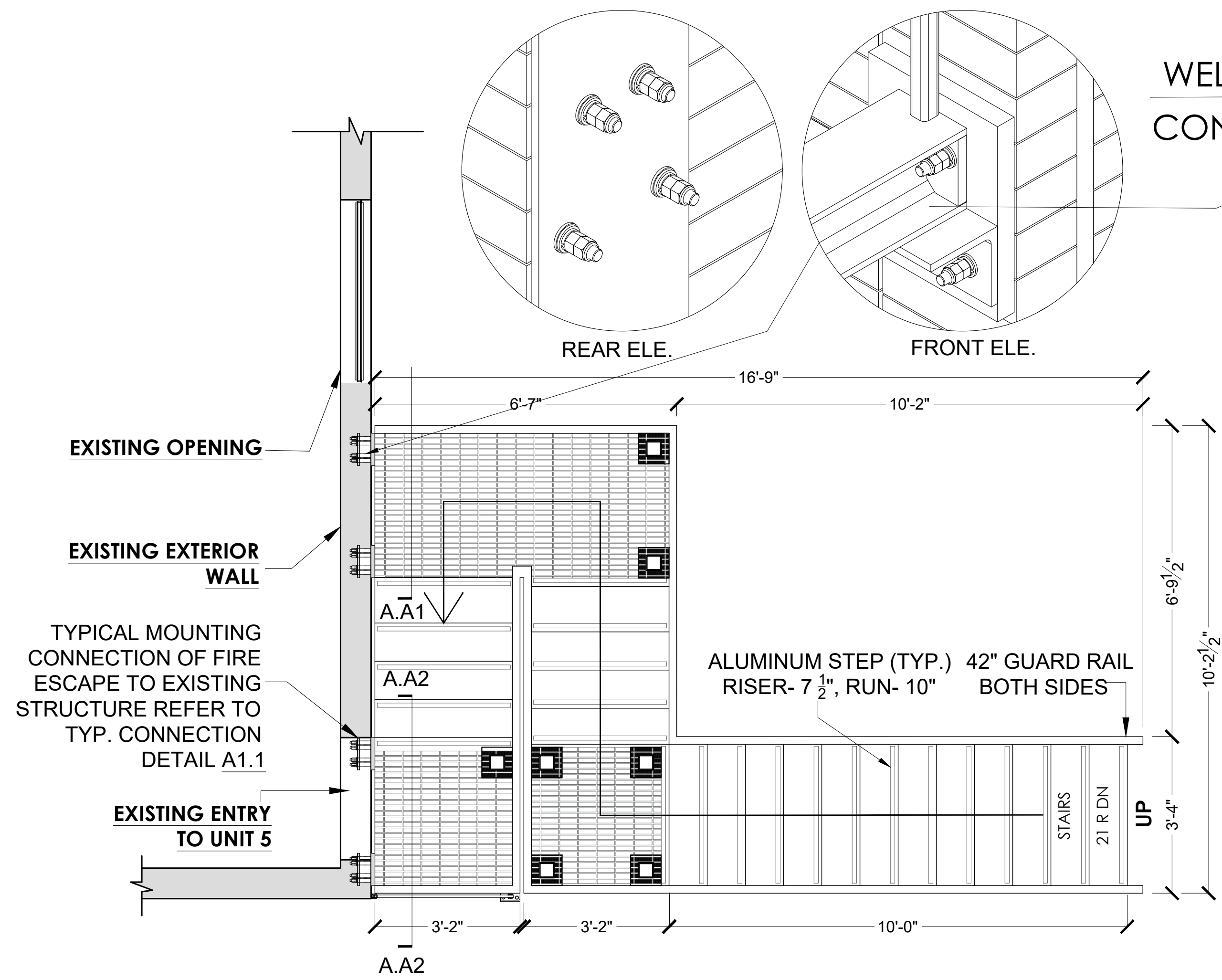
SHEET NAME:
METAL FIRE ESCAPE - PLAN VIEW

SCALE: 1/2"=1'-0"

PROJECT NO. 22-18	DATE: 25/AUGUST/2022
DRAWN BY: DANILO CEOLA	REVIEWED BY: KEN BEKENDAM

SHEET NO.
A3.03

CITY ELECTRONIC STAMP:

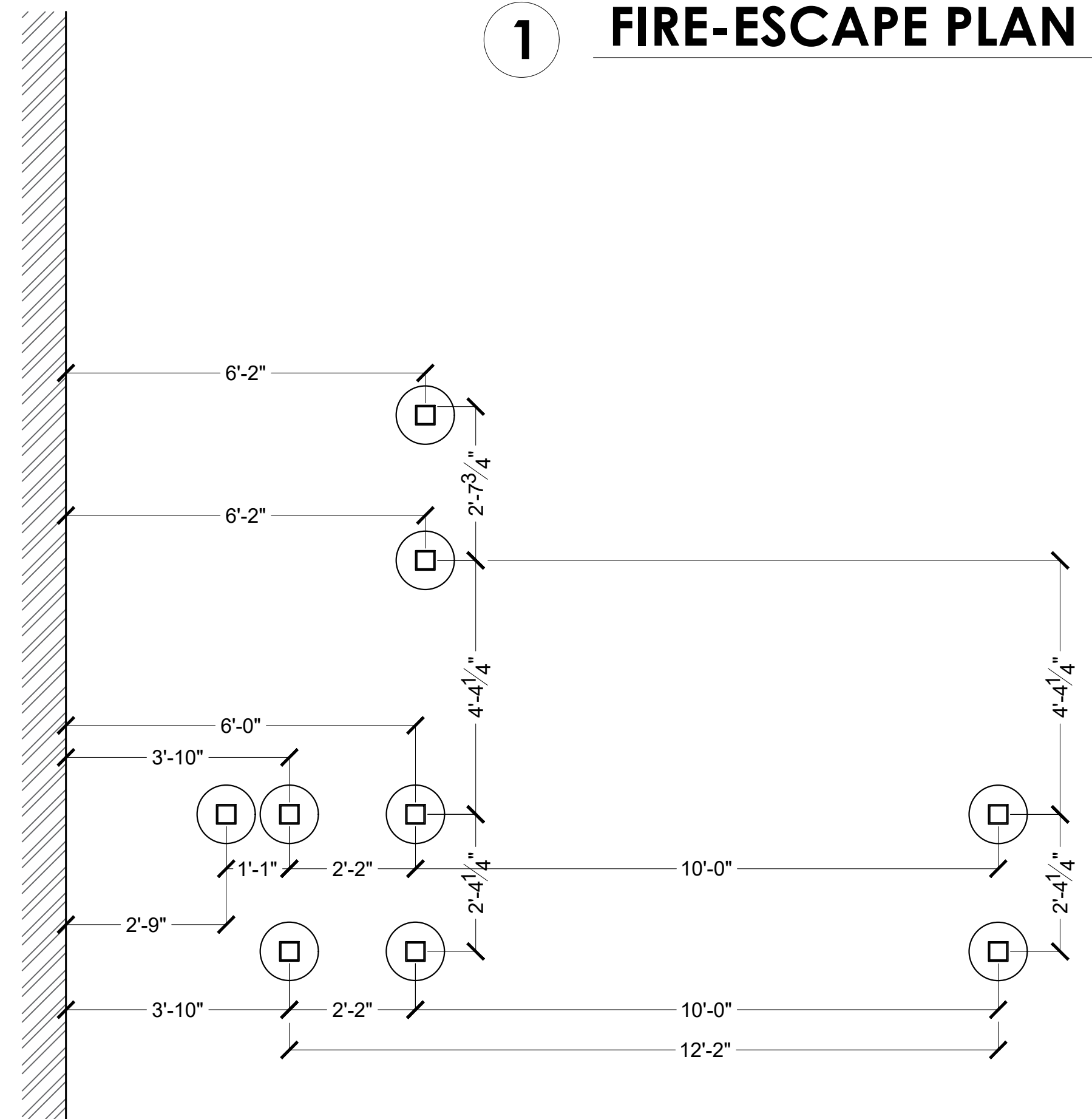


WELD 5/16
CONT.

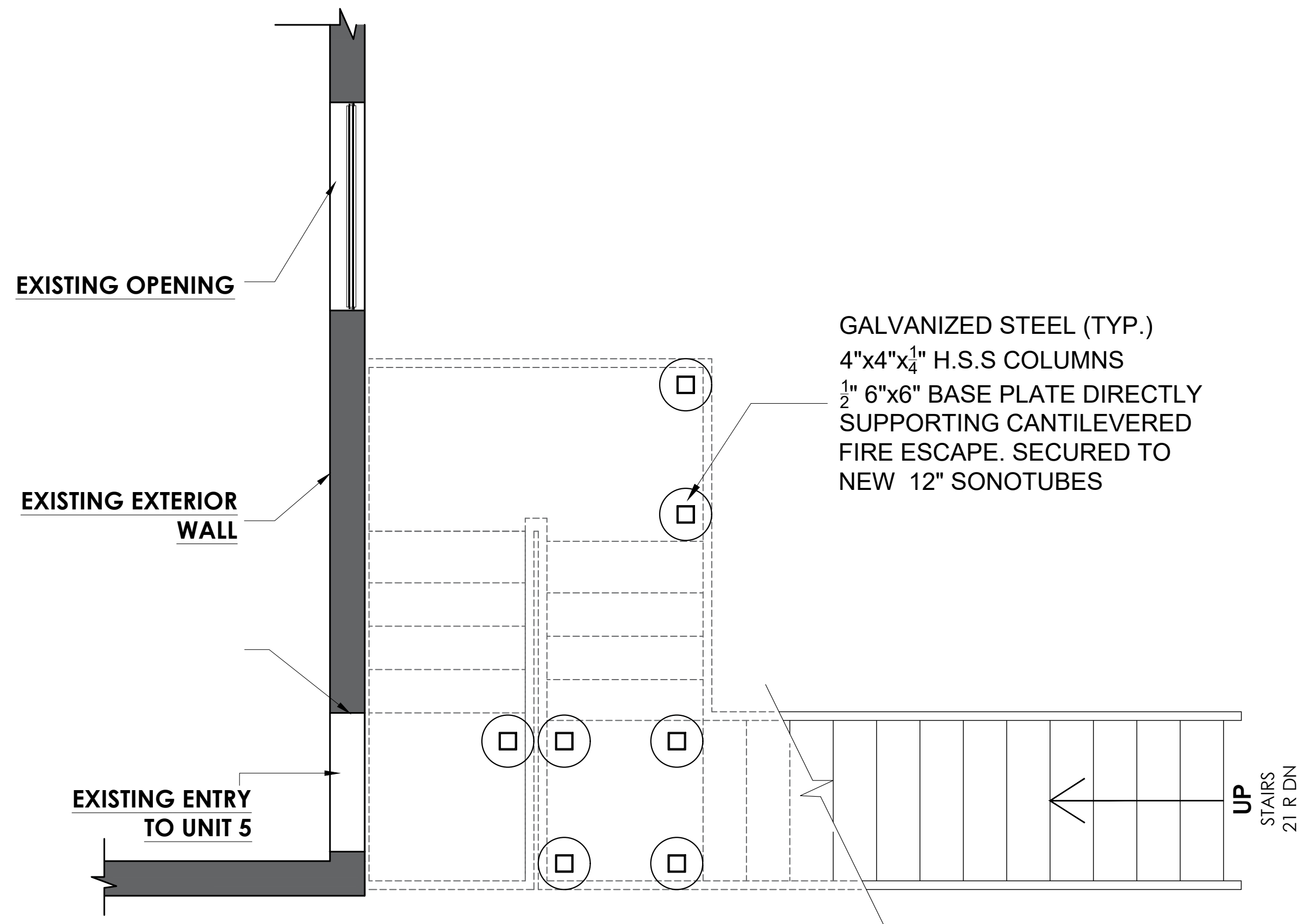


TYPICAL FRAME WELDMENT
SC6@7.8x C-CHANNEL REF.
WELDED TO 4"x4"x¹/₄" H.S.S.TUBE w/ GRATED HD GALV. STEPS
1-1/4"x³/₁₆" x 9-³/₄" TREAD PER 9.8.4.1 w/ MOUNTING PL.(SIDE)
CHECKER PLATE NOSING REFER TO REFERENCE

1 FIRE-ESCAPE PLAN VIEW



2 FOOTING - FIRE-ESCAPE PLAN VIEW



3 GRAD LEVEL - FIRE-ESCAPE PLAN VIEW



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- EXHAUST FAN
- SMOKE ALARM
- CARBON MONOXIDE ALARM
- PLUMBING STACK
- WATER METER
- FLOOR BEAM
- STRUCTURAL BEAM OR WALL

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
43 WEST AVENUE SOUTH,
HAMILTON - ON

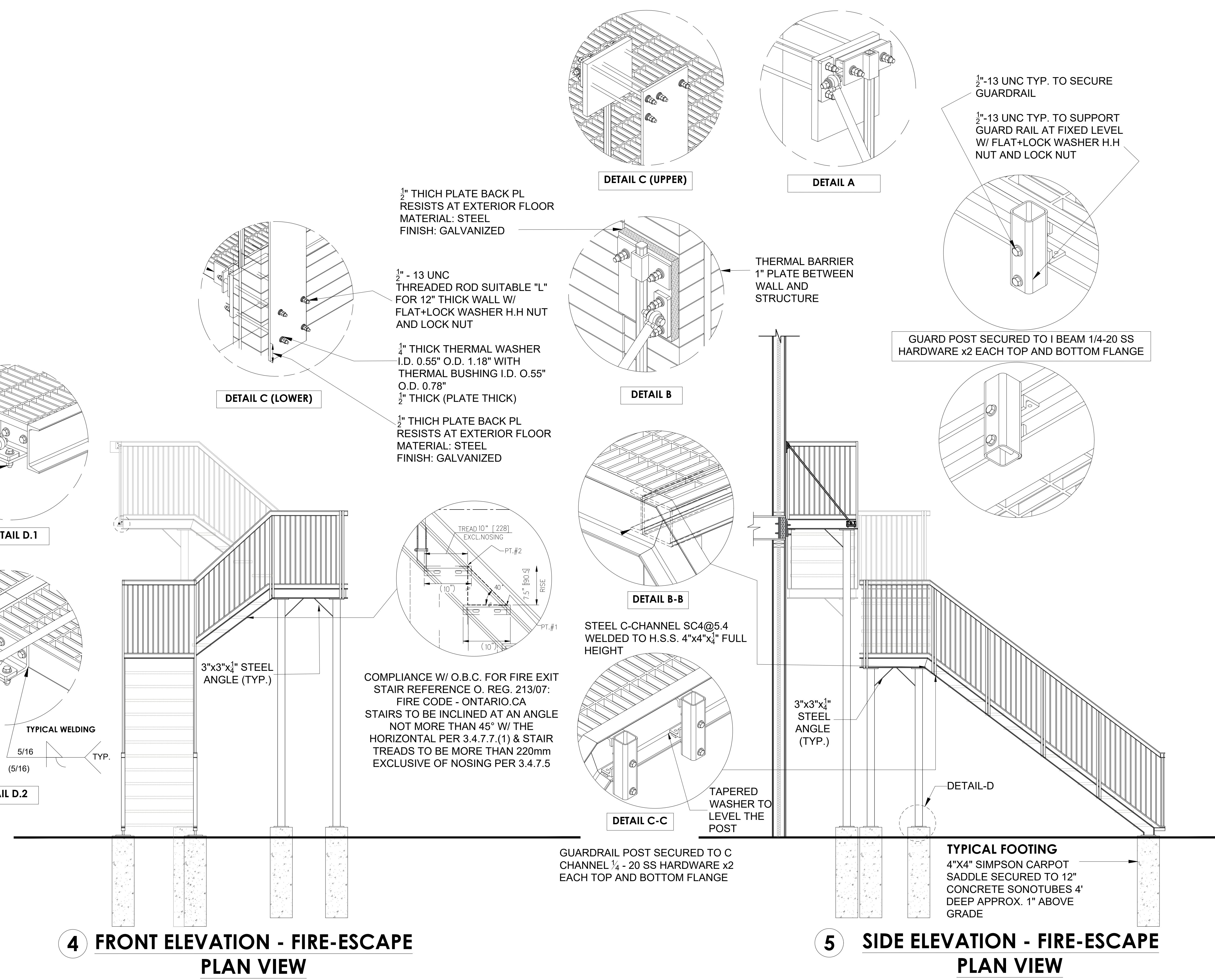
SHEET NAME:
METAL FIRE ESCAPE - PLANS

SCALE:
1/2"=1'-0"

PROJECT NO. 22-18 DATE: 25/AUGUST/2022

DRAWN BY: DANILO CEOLA REVIEWED BY: KEN BEKENDAM

SHEET NO. A3.04



4 FRONT ELEVATION - FIRE-ESCAPE PLAN VIEW

5 SIDE ELEVATION - FIRE-ESCAPE PLAN VIEW



LEAD DESIGNER & CONSULTANT
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 kenbekendam@gmail.com

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- EXHAUST FAN
- SMOKE ALARM
- CARBON MONOXIDE ALARM
- PLUMBING STACK
- WATER METER
- FLOOR DRAIN
- STRUCTURAL BEAM OR WALL

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ ADDRESS:
43 WEST AVENUE SOUTH, HAMILTON - ON

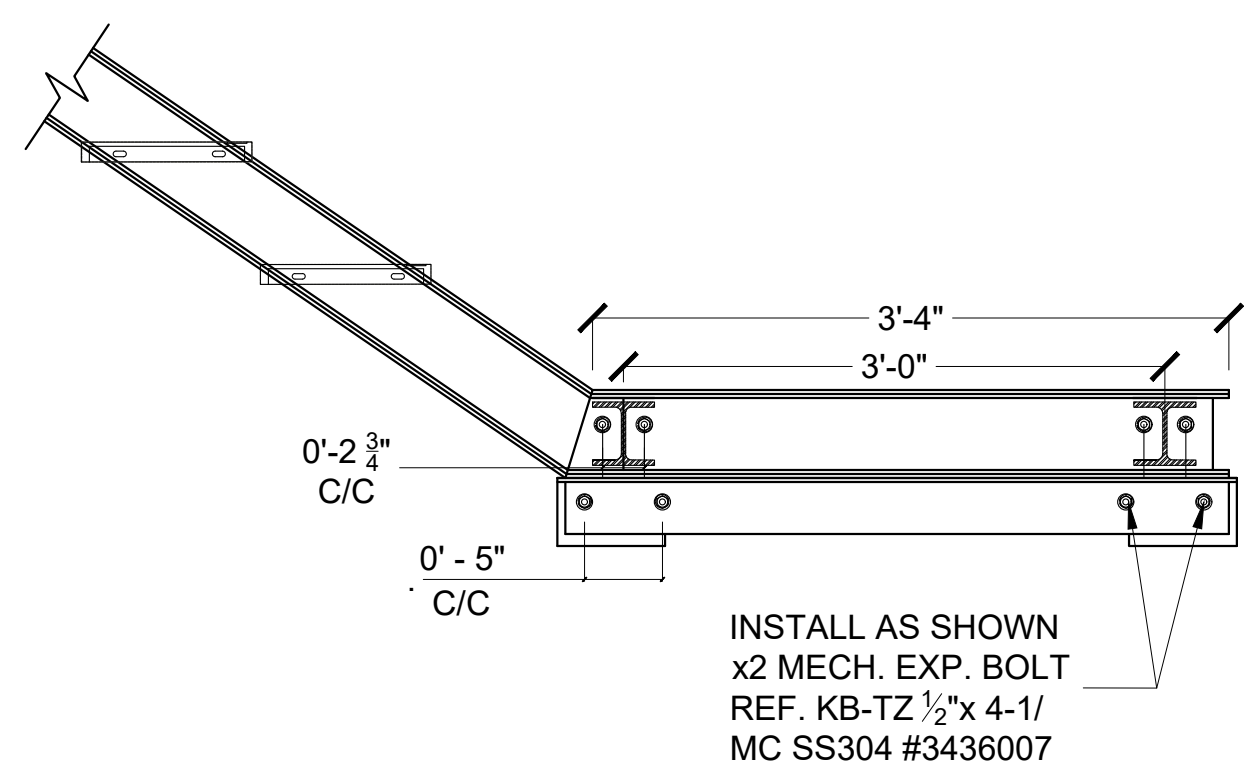
SHEET NAME:
FIRE ESCAPE - DETAILS

SCALE:
 1/2"=1'-0"

PROJECT NO.: 22-38 **DATE:** 25/AUGUST/2022

DRAWN BY: DANILO CEOLA **REVIEWED BY:** KEN BEKENDAM

SHEET NO.:
A3.05

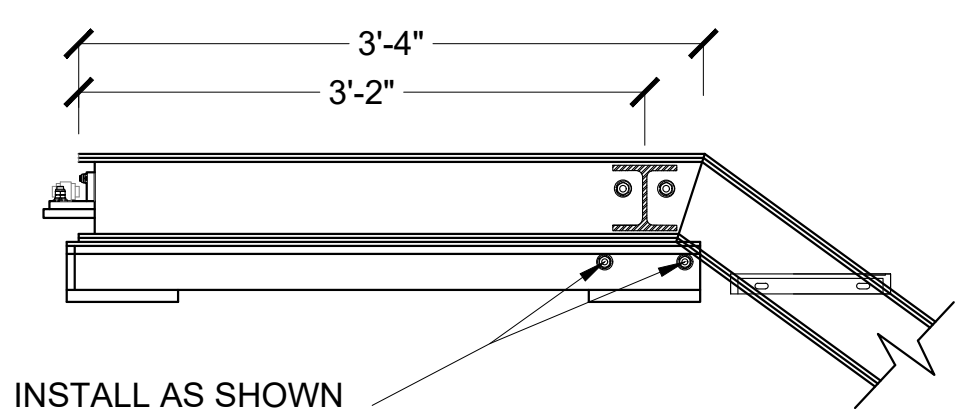


INSTALL AS SHOWN
x2 MECH. EXP. BOLT
REF. KB-TZ 1/2"x 4-1/
MC SS304 #3436007

SECTION A.A1

A-A IDENTIFIES THE MOUNTING OF THE METAL STAIRCASE STRUCTURE TO SECURED TO EXTERIOR WALL SEE DETAIL A1.1

ALUM. GRATING CONT. METAL STAIR FINISH: MILL
SECURED TO NEW FLOOR AND NEW WALL
-BEARING MEM. 1 BEAM W4x13 (GALV. STEEL)
C-CHANNEL C6@8.2LB/FT (GALV. STEEL)

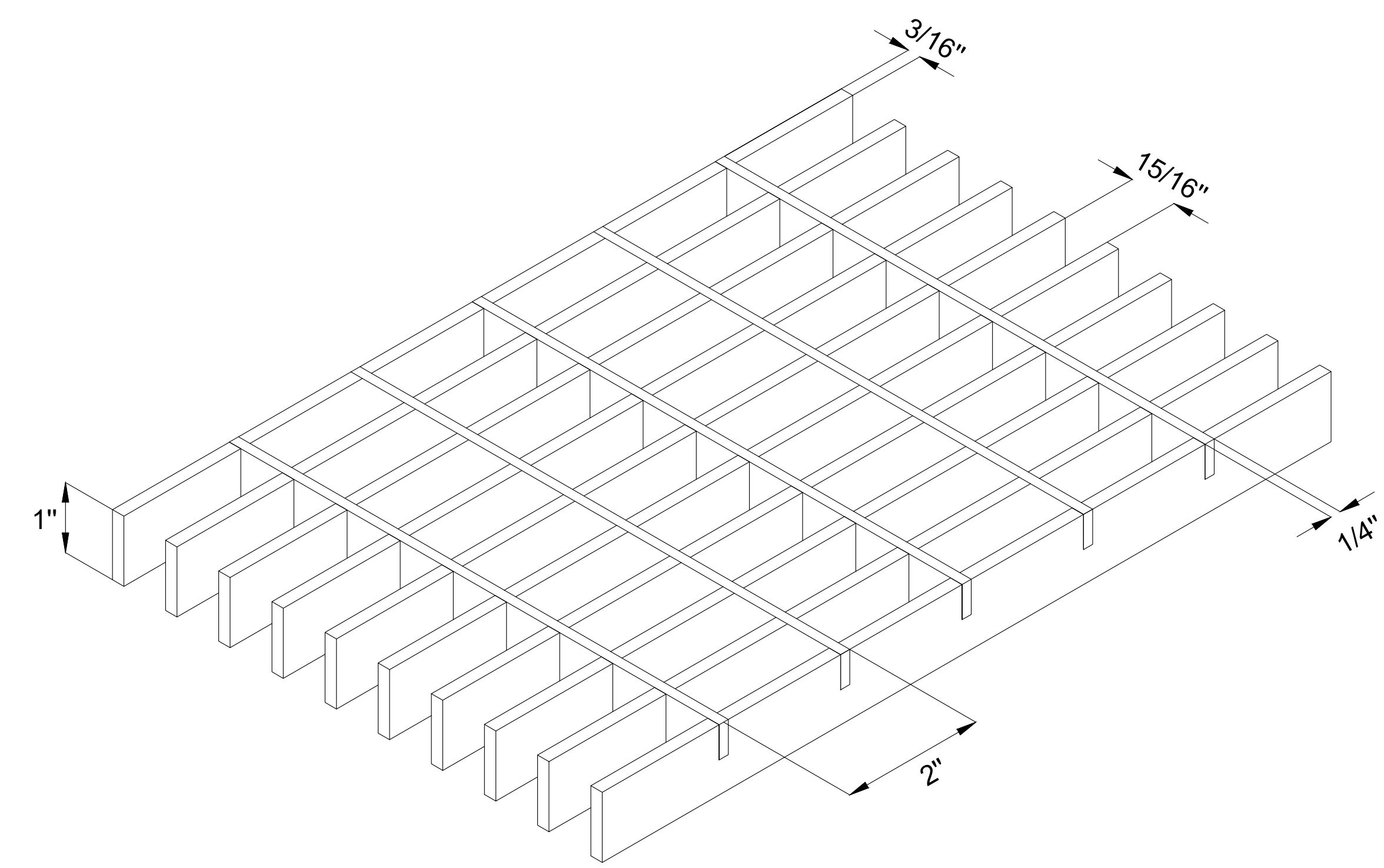


INSTALL AS SHOWN
x2 MECH. EXP. BOLT
REF. KB-TZ 1/2"x 4-1/
MC SS304 #3436007

SECTION A.A2

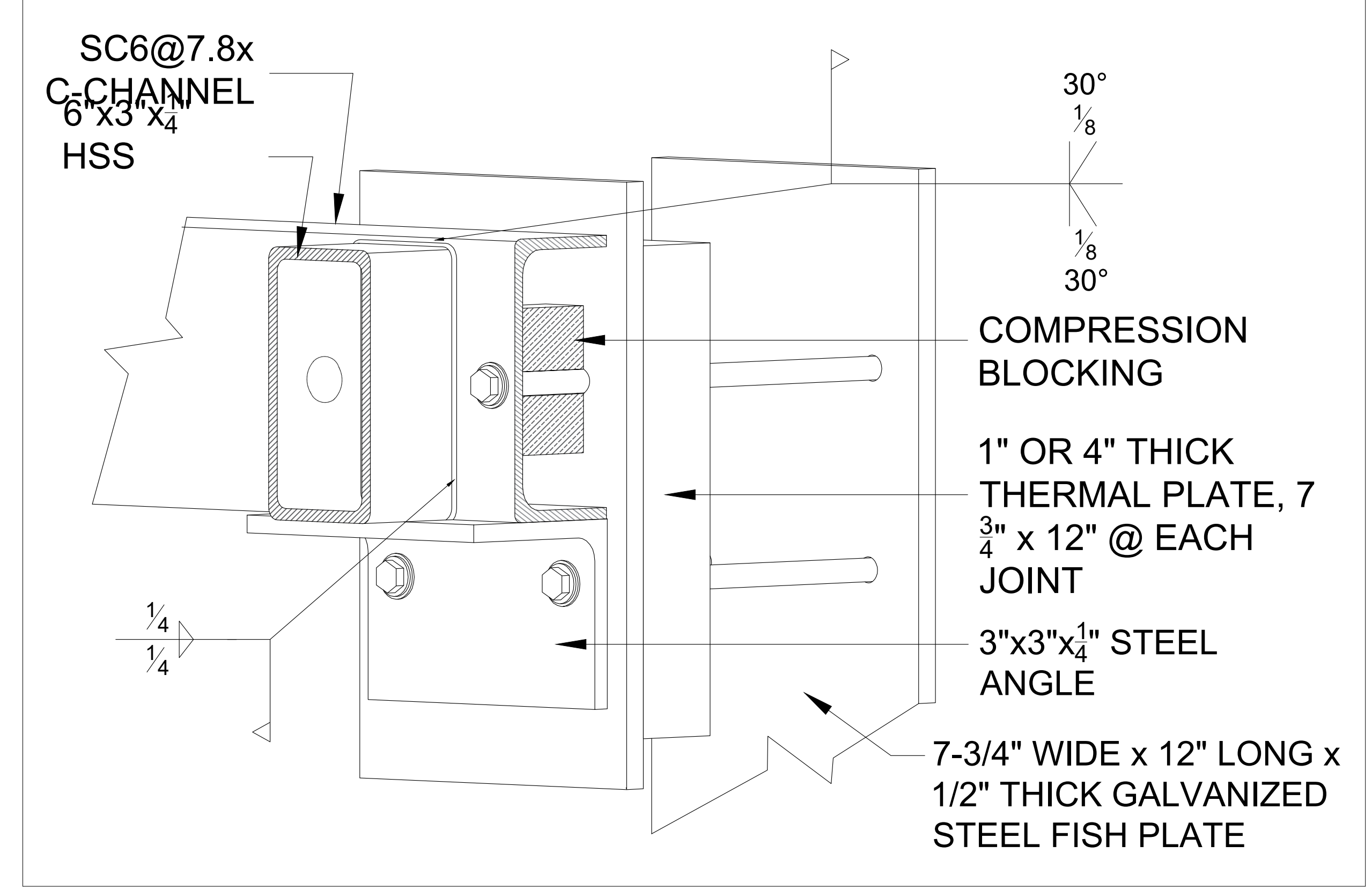
A-A IDENTIFIES THE MOUNTING OF THE METAL STAIRCASE STRUCTURE TO SECURED TO EXTERIOR WALL SEE DETAIL A1.1

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C-CHANNEL C6@8.2LB/FT (GALV. STEEL)

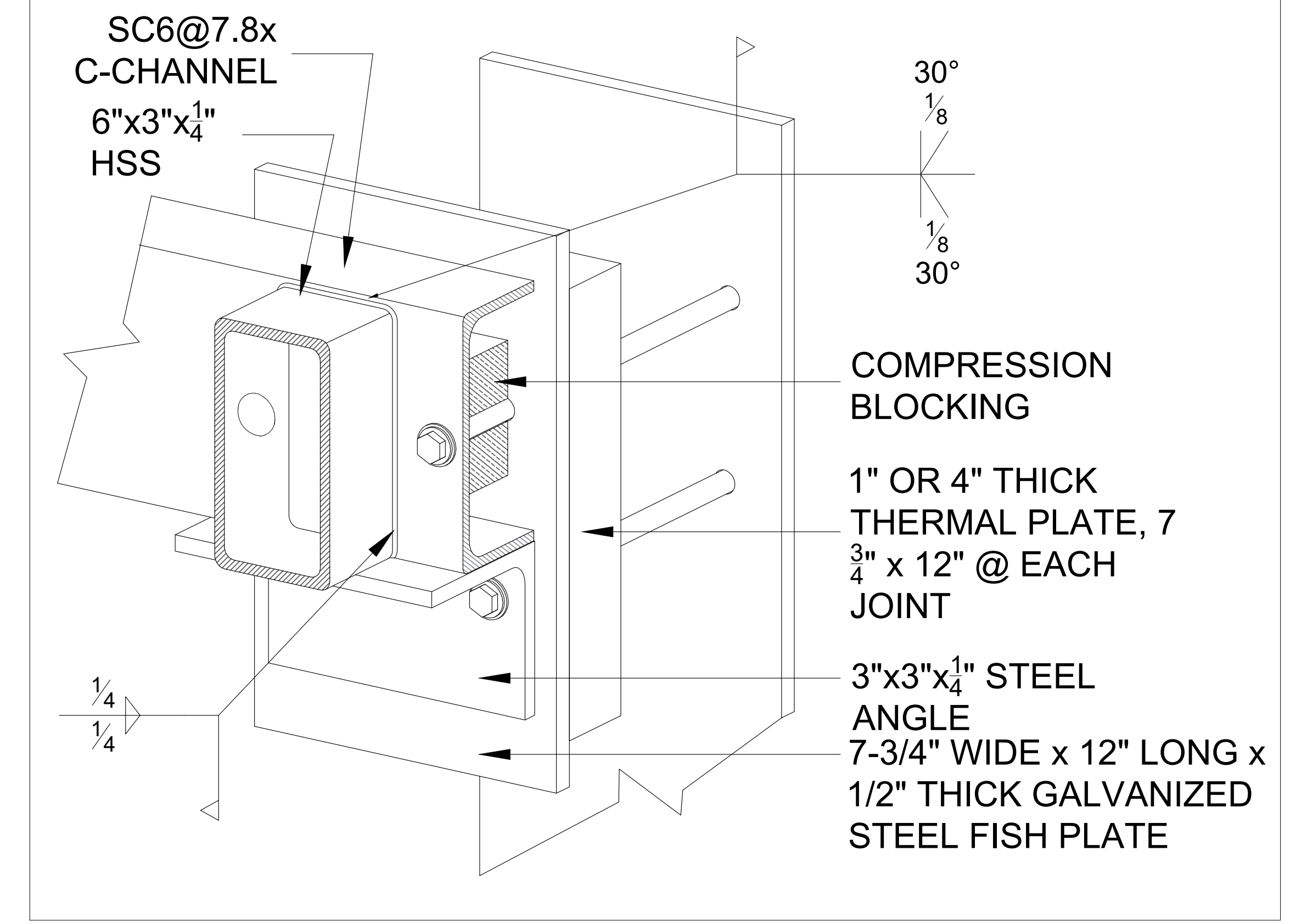


ALUMINUM GRATING 15/16" x 2" CENTERS SMOOTH FINISH
REF: (6701319912) McNICHOLS PRESS LOCKED SMOOTH 6.30 LB/FT

TYPICAL CONNECTION FRONT ELEV. A1.1



TYPICAL CONNECTION FRONT ELEV. A1.2



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- WATER METER
- FLOOR DRAIN
- STRUCTURAL BEAM OR WALL

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ ADDRESS:
**43 WEST AVENUE SOUTH,
HAMILTON - ON**

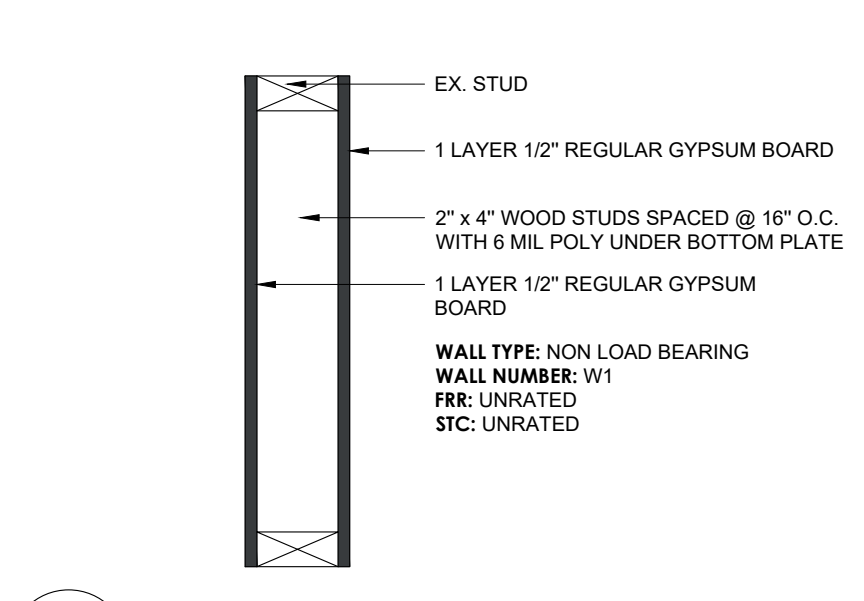
SHEET NAME:
FIRE ESCAPE - DETAILS

SCALE:
1/2"=1'-0"

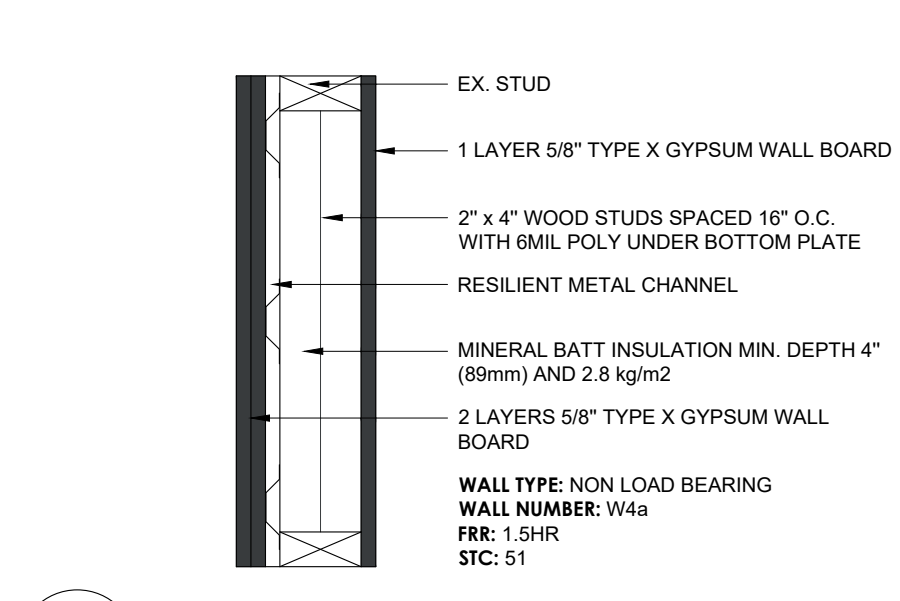
PROJECT NO. DATE
22-38 25/AUGUST/2022

DRAWN BY: REVIEWED BY:
DANILO CEOLA KEN BEKENDAM

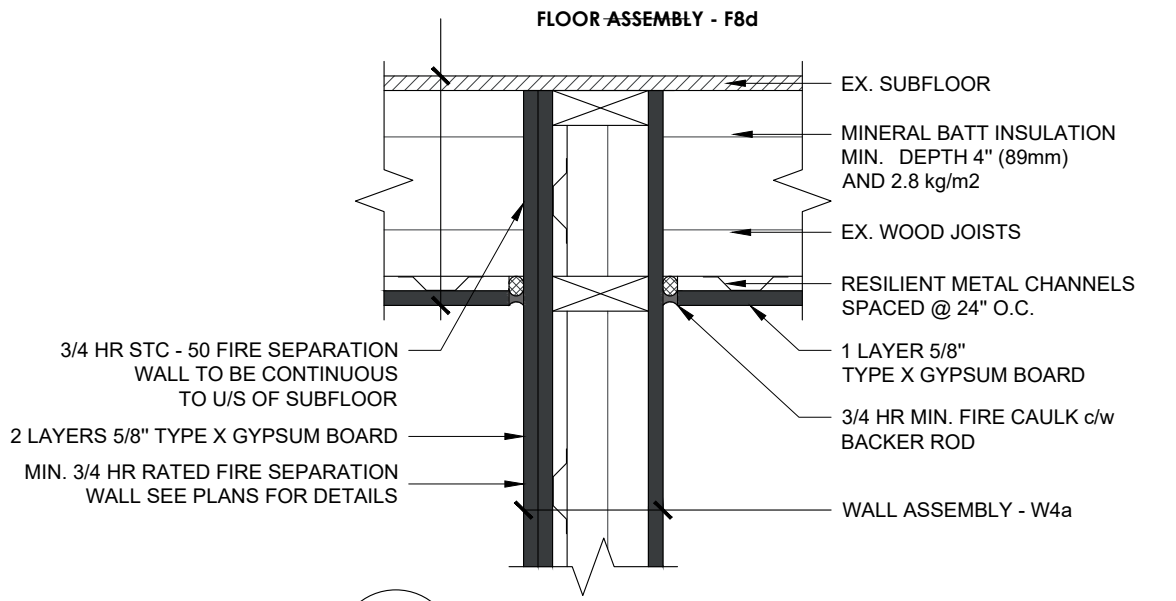
SHEET NO.
A3.06



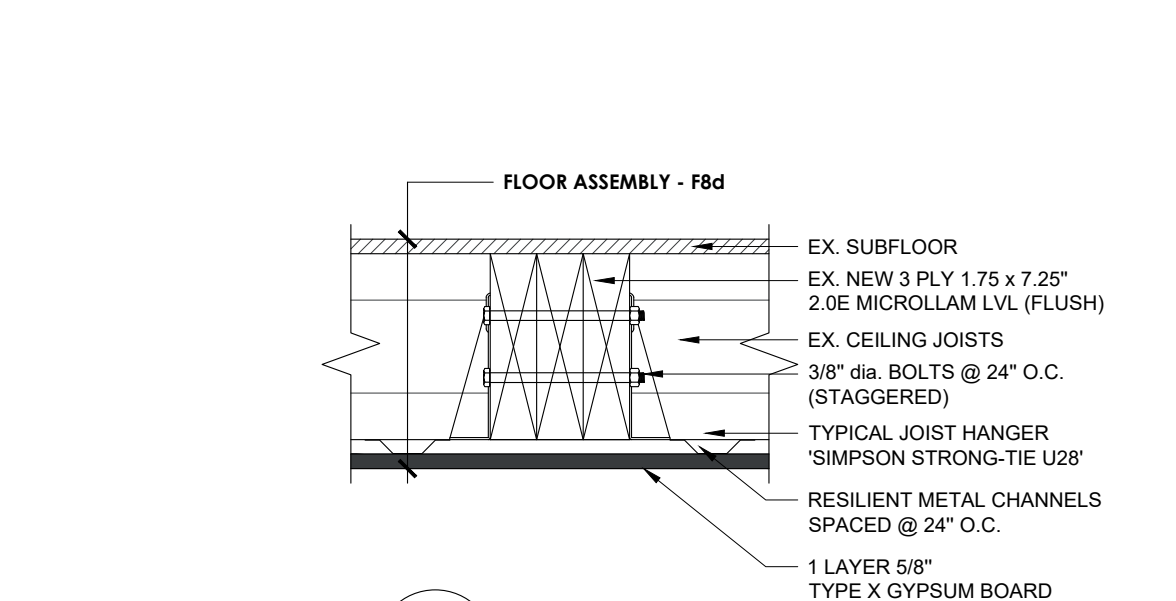
01 NEW: INTERIOR PARTITION WALL WITH GWB BOTH SIDES



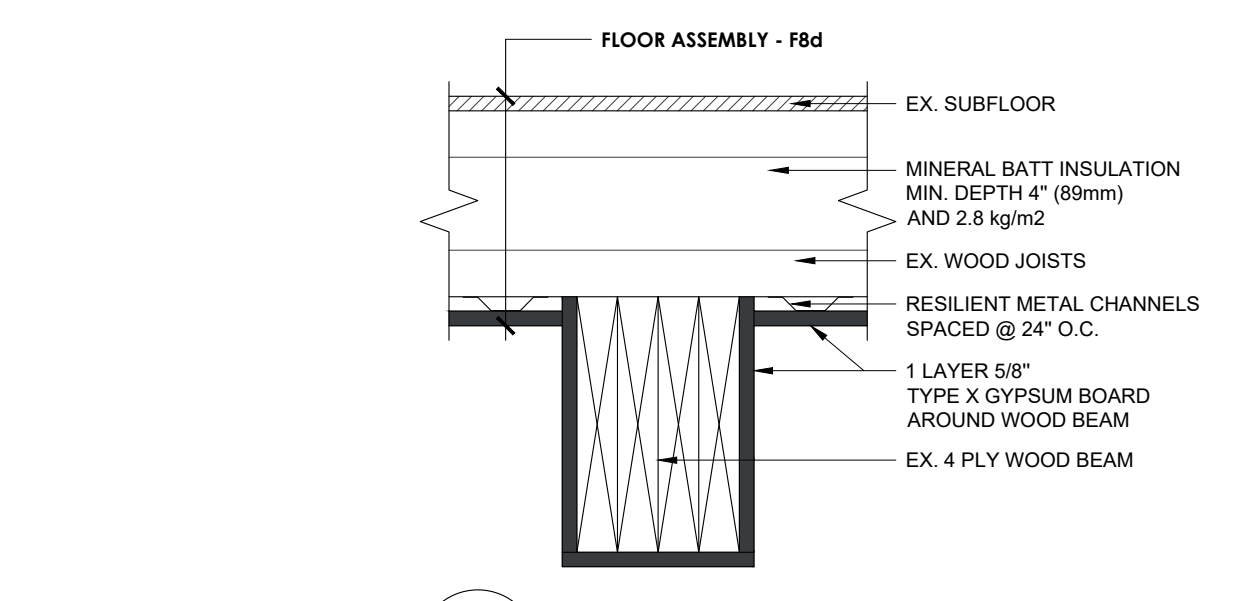
02 NEW: INTERIOR PARTITION WALL WITH 1HR FIRE SEPARATION



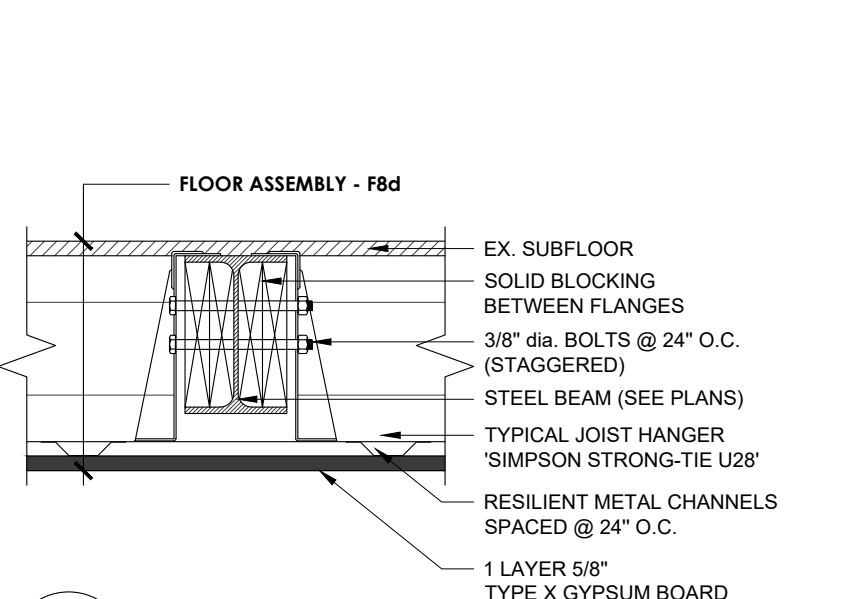
03 VERTICAL FIRE SEPARATION AT CEILING DETAIL



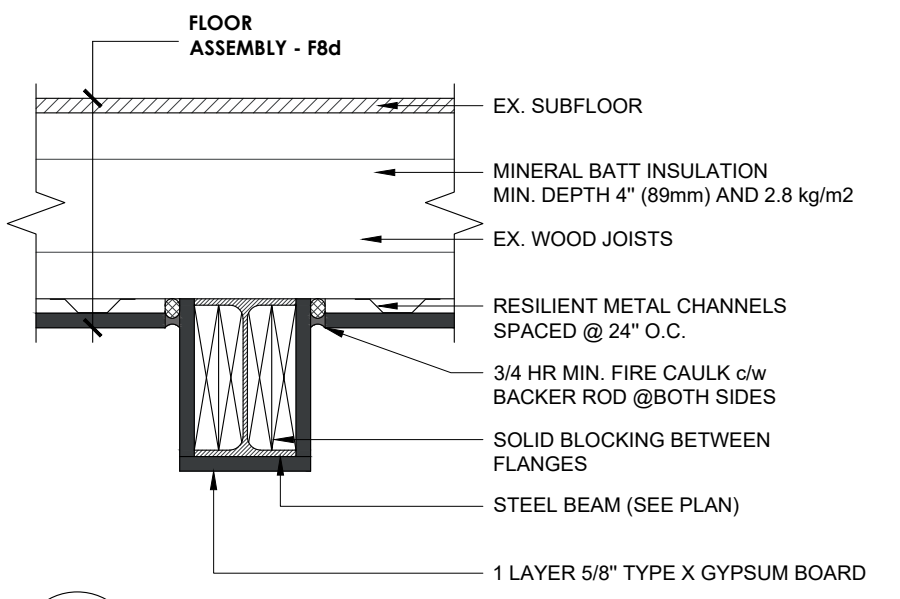
04 LVL BEAM DETAIL FLUSH



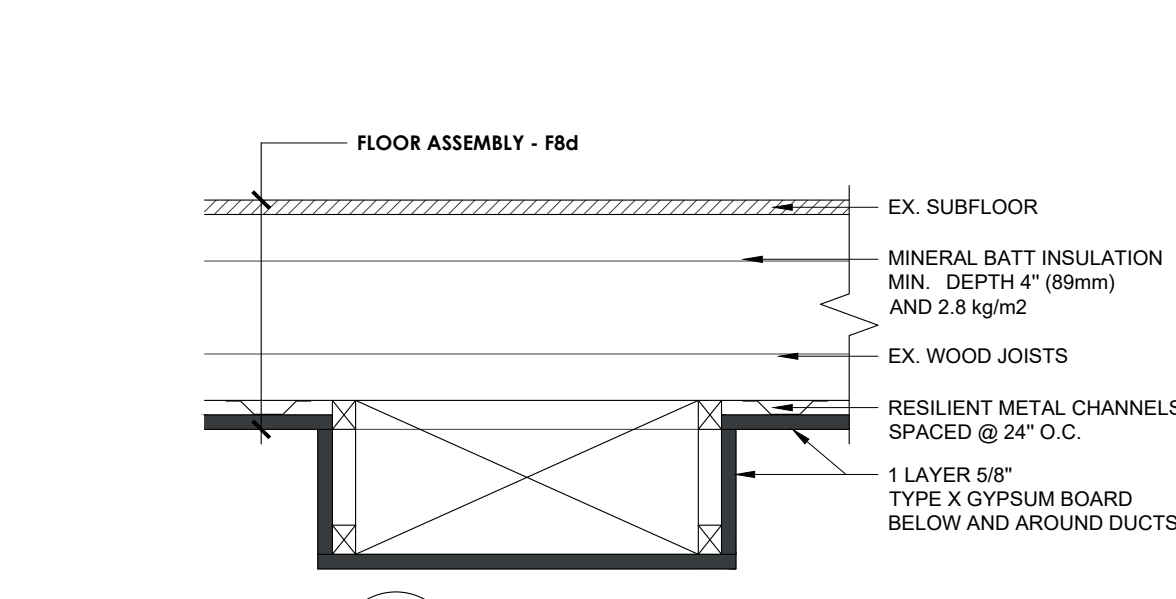
05 WOOD BEAM FIRE RATED DROPPED



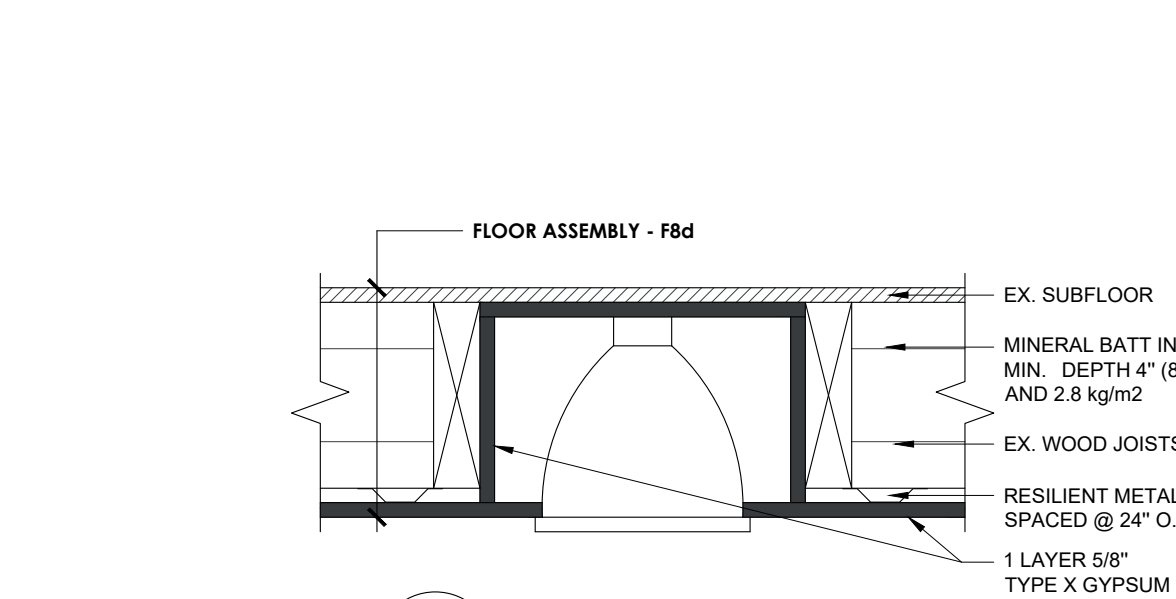
06 STEEL BEAM FIRE RATED FLUSH



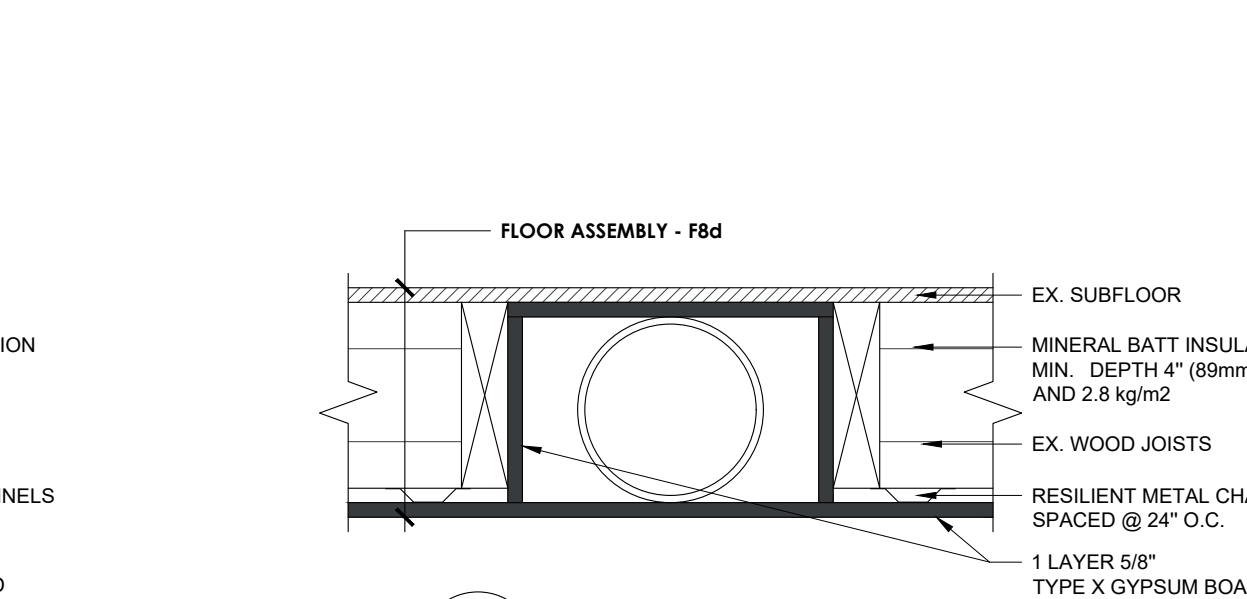
07 STEEL BEAM FIRE RATED DROPPED



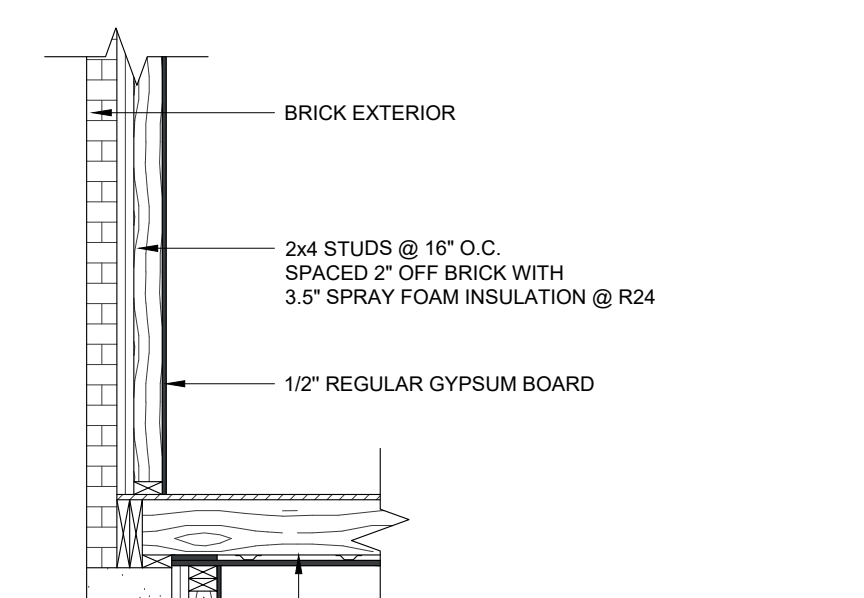
08 DUCTS FIRE RATED



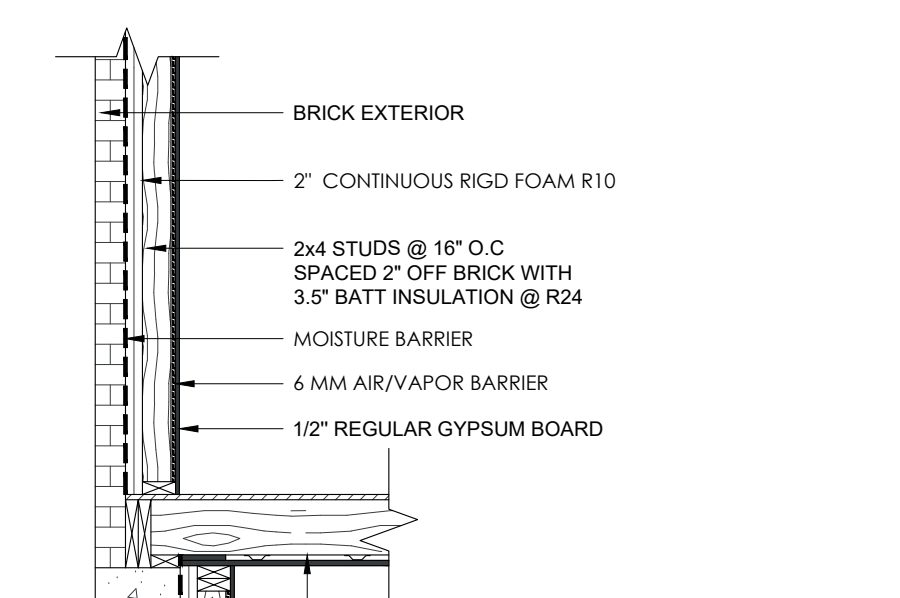
09 RECESSED LIGHTS FIRE RATED



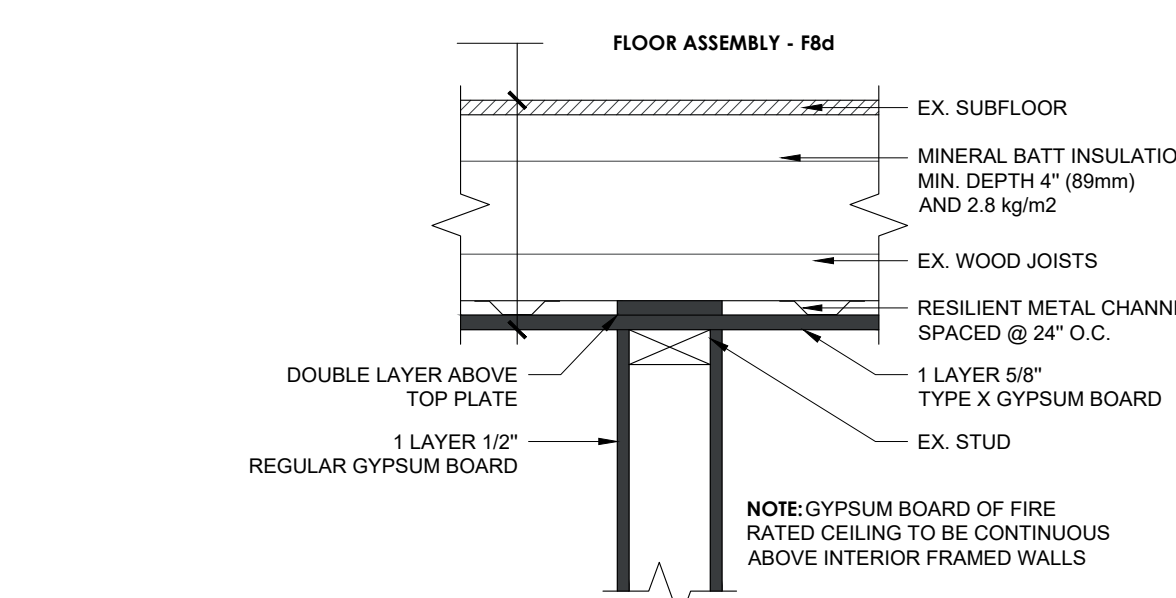
10 VENTS RATED BATH FANS, CLOTHES DRYERS & KITCHEN EXHAUSTS



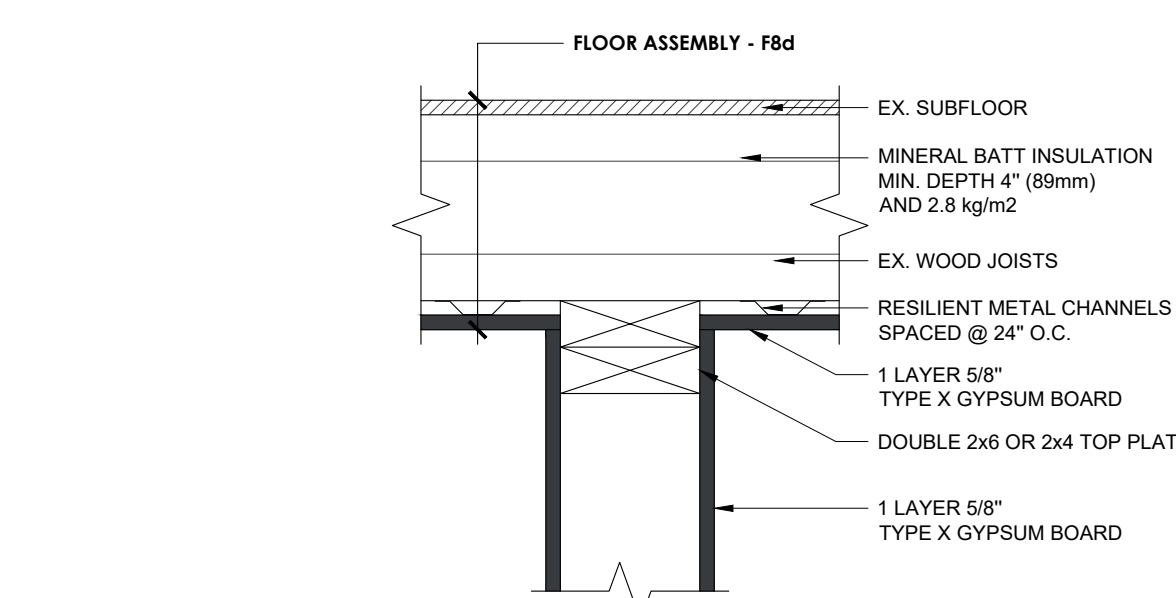
11 EXTERIOR WALL SPRAY FOAM



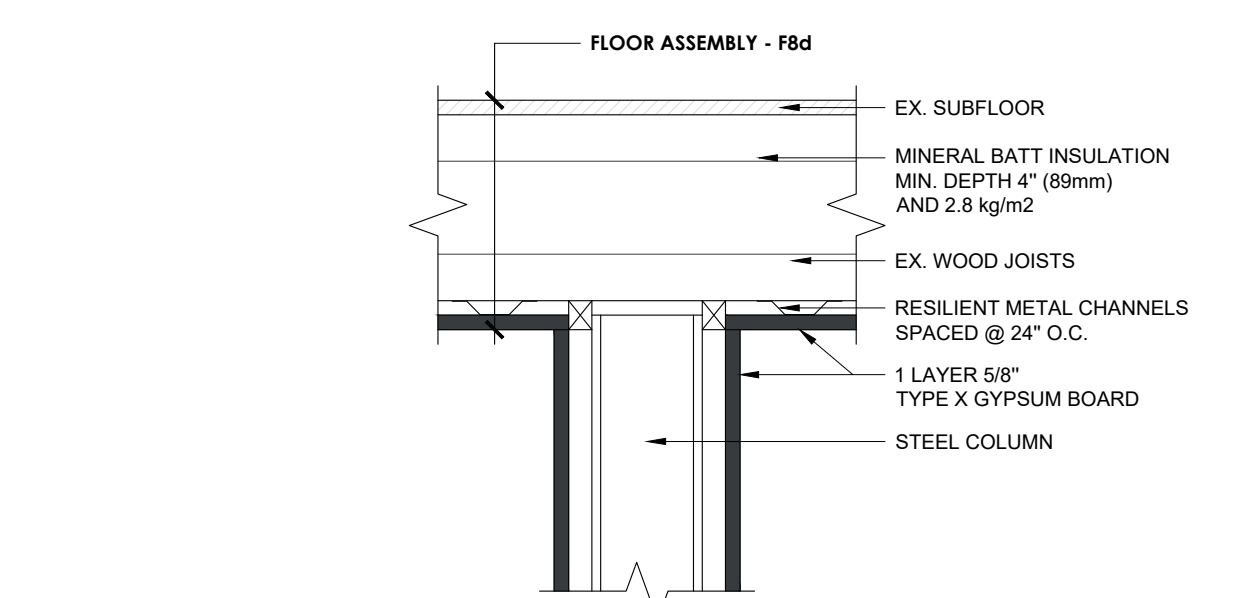
12 EXTERIOR WALL BATT INSULATION



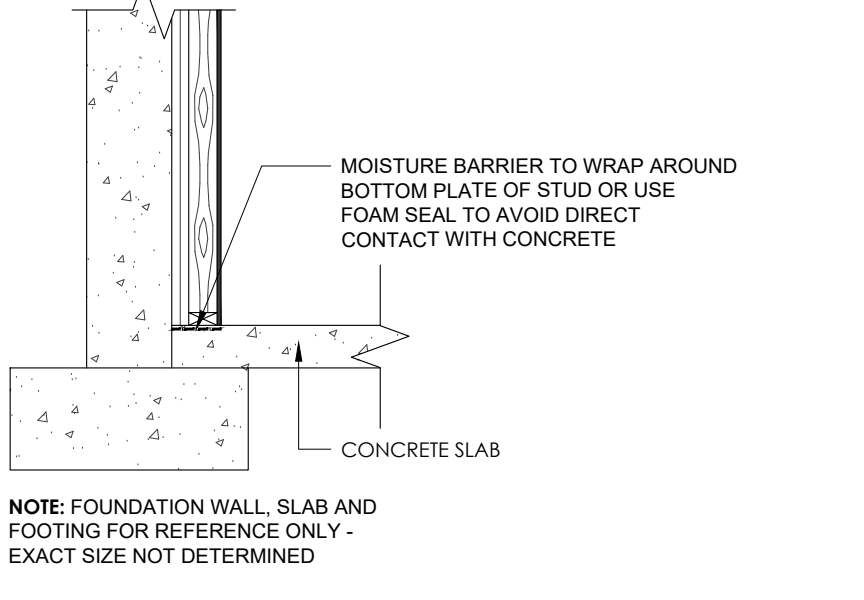
13 INTERIOR WALL - NON LOAD BEARING FIRE SEPARATION



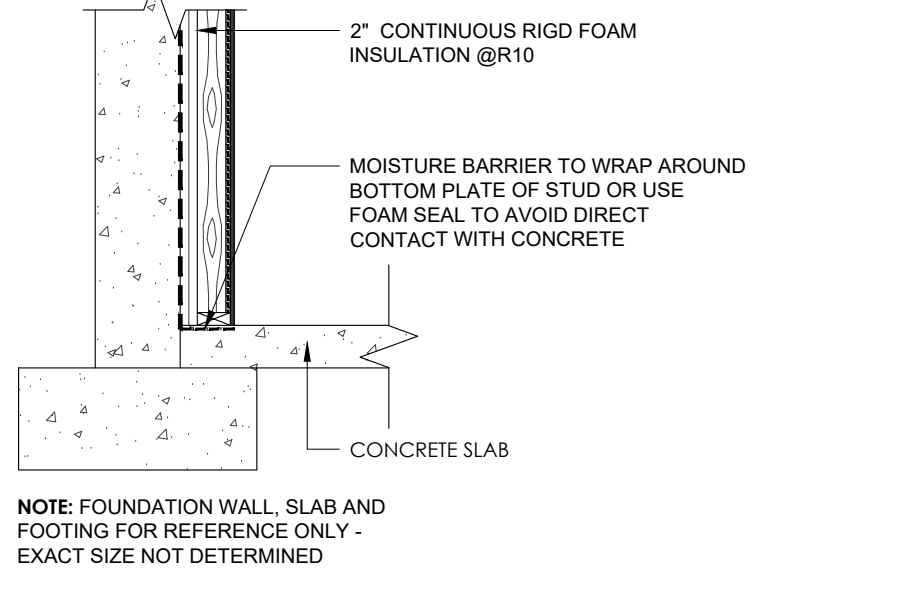
14 LOAD BEARING FIRE RATED WALL AT CEILING DETAIL



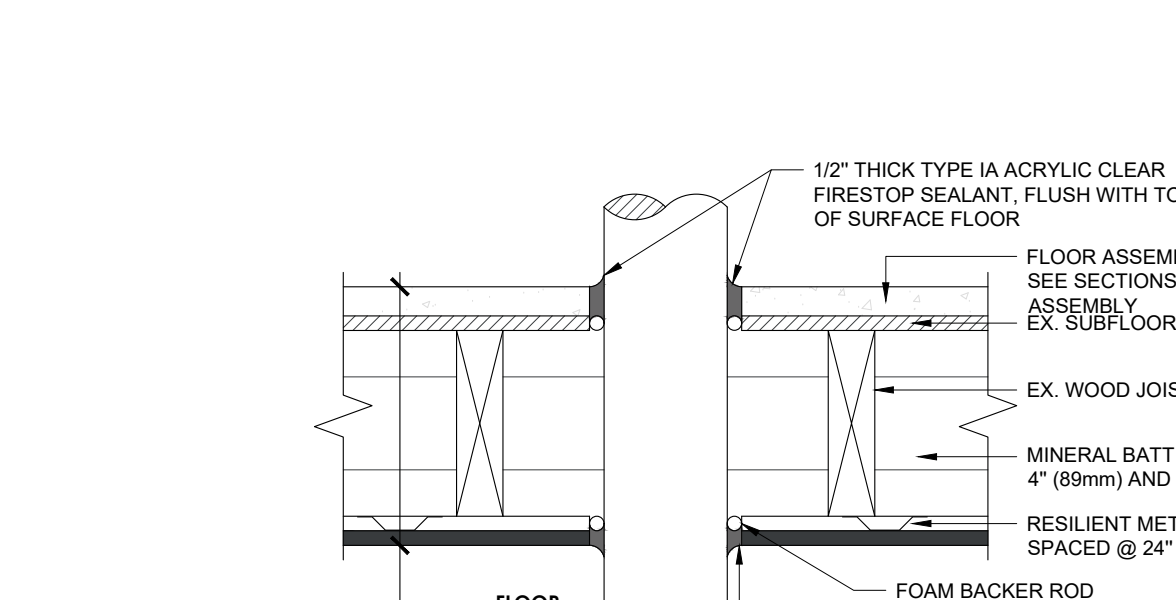
15 STRUCTURAL COLUMNS FIRE SEPARATION



16 FIRESTOP DETAIL FLOOR PENETRATION



17 STAIR FIRE RATED



18 FIRESTOP DETAIL WALL PENETRATION

11 EXTERIOR WALL SPRAY FOAM

12 EXTERIOR WALL BATT INSULATION

16 FIRESTOP DETAIL FLOOR PENETRATION

17 STAIR FIRE RATED

18 FIRESTOP DETAIL WALL PENETRATION

CITY ELECTRONIC STAMP:

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 - CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

REVISIONS:

NO.	DATE:	GENERAL DESCRIPTION:	INITIALS:
01	DD/MONTH/YYYY	ISSUED FOR DESIGN REVIEW	AM
02			
03			
04			

- ☐ EXHAUST FAN
- ☐ SA SMOKE ALARM
- ☐ CMA CARBON MONOXIDE ALARM
- ☐ FLS PLUMBING STACK
- ☐ WM WATER METER
- ☐ FD FLOOR DRAIN
- ☐ S STRUCTURAL BEAM OR WALL

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
43 WEST AVENUE SOUTH, HAMILTON - ON

SHEET NAME:
FIRE SEPARATION DETAILS

SCALE: NTS	
PROJECT NO. 22-18	DATE: 25/AUGUST/2022
DRAWN BY: DANILLO CEOLA	REVIEWED BY: KEN BEKENDAM
SHEET NO.	

A4.01

FIREOXX SHUTTER

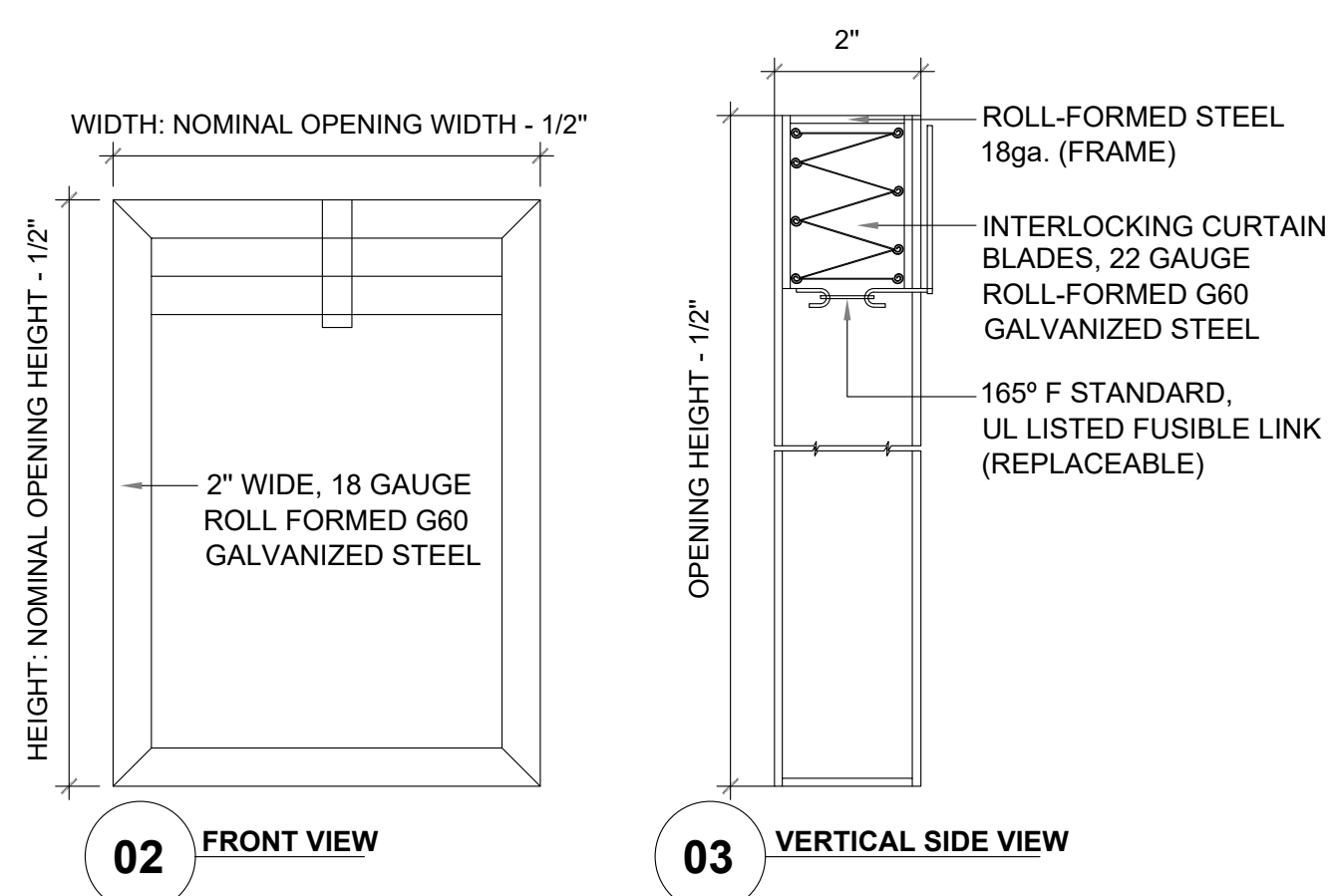
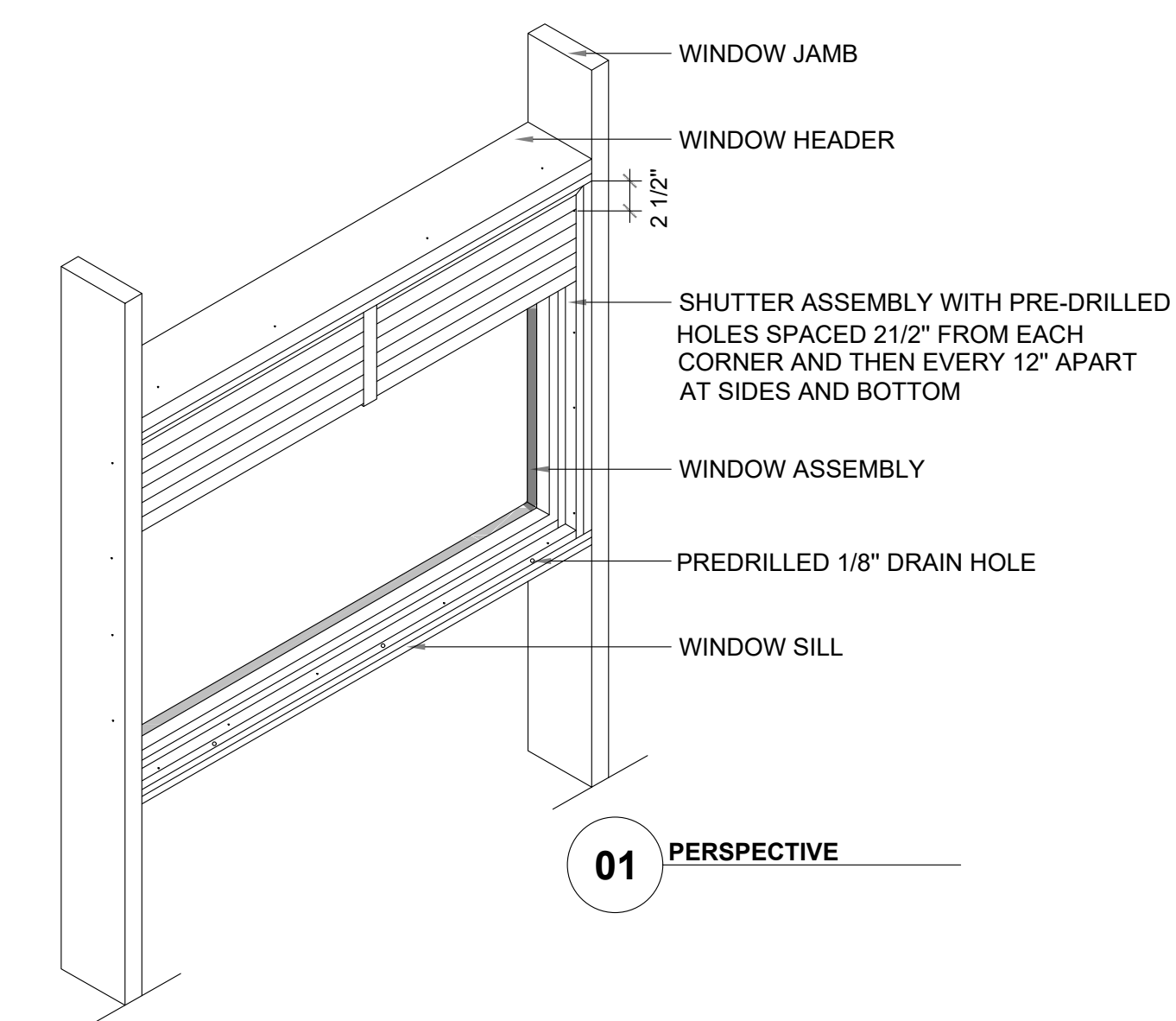
WARNOCK HERSEY

LISTED 20 MINUTE

RATED FIRE SHUTTER

MEETS CAN/ULC

S104-10



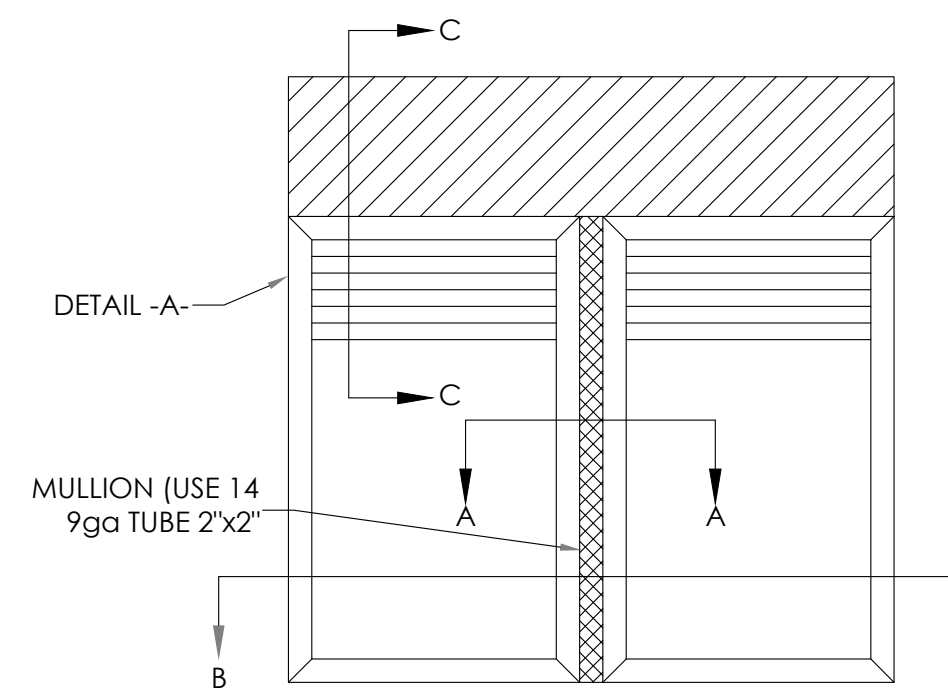
EXTERIOR JAMB MOUNTED FIRE SHUTTER INSTALLATION INSTRUCTIONS

SHUTTER SIZES TO A MAXIMUM OF 42" WIDE AND 60" HIGH
SHUTTER TO BE MOUNTED TO BRICK JAMB OR EQUIVALENT NON-COMPUSTABLE SURFACE

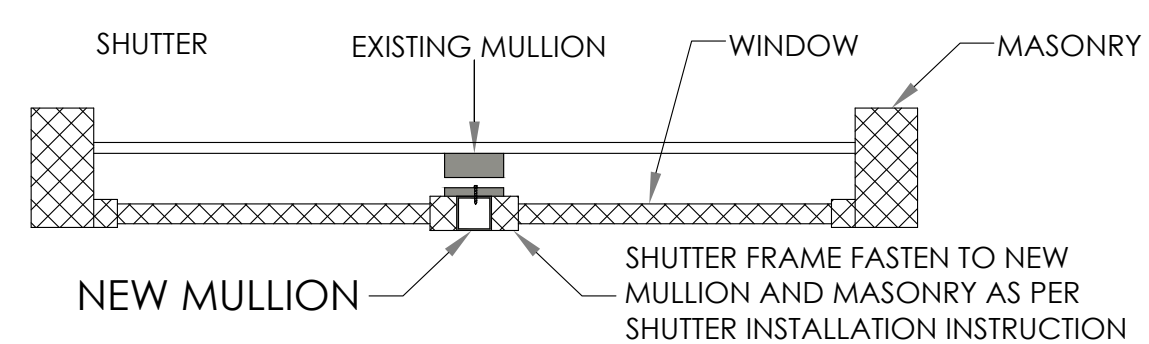
- PREPARE AND CLEAN THE EXTERIOR SIDE OF THE WINDOW OPENING.
 - PLACE FIRE SHUTTER WITH CORNER BRACKETS FACING THE WINDOW INTO THE WINDOW OPENING WITH A 1/4" SPACE FROM THE FACE OF THE WINDOW.
 - SHIM THE SHUTTER ASSEMBLY WITH A MINIMUM 1/4" GAP TO WINDOW OPENING AT BOTTOM AND SIDES. SHIM WHERE PRE-DRILLED HOLES ARE LOCATED TO PREVENT BENDING OF FRAME.
 - LOCATE PRE-DRILLED HOLES AT SIDES AND BOTTOM AND INSERT SCREWS AS REQUIRED TO SECURE SHUTTER ASSEMBLY. (SEE TABLE 1 FOR THE REQUIRED SCREWS).
 - TO INSTALL SCREWS AT TOP CORNER, CAREFULLY REMOVE THE FUSIBLE LINK HOLDING STRAP WITH ONE HAND AND HOLD BOTTOM OF CURTAIN BLADE WITH THE OTHER HAND ALLOWING CURTAIN TO DROP. INSTALL SCREWS AND RESET CURTAIN TO UPRIGHT POSITION AND RE-SET FUSIBLE LINK HOLDING STRAP.
 - USE CAUTION WHEN LOWERING CURTAIN BLADE**
 - REMOVE ALL SHIMS AND TIGHTLY FILL GAPS WITH RATED MINERAL WOOL AND APPLY A GOOD QUALITY CAULKING, FILLING ALL GAPS BETWEEN THE FIRE SHUTTER AND MOUNTING SURFACE.
 - TEST DROP CURTAIN TO ENSURE IT WILL FREE FALL WITHOUT OBSTRUCTION.
 - RESET CURTAIN IN UPRIGHT POSITION AND SECURE WITH FUSIBLE LINK STRAPING.
- NOTES:
- INSTALL IN ACCORDANCE WITH INSTRUCTIONS TO MAINTAIN APPROVED LISTING.

TABLE 01

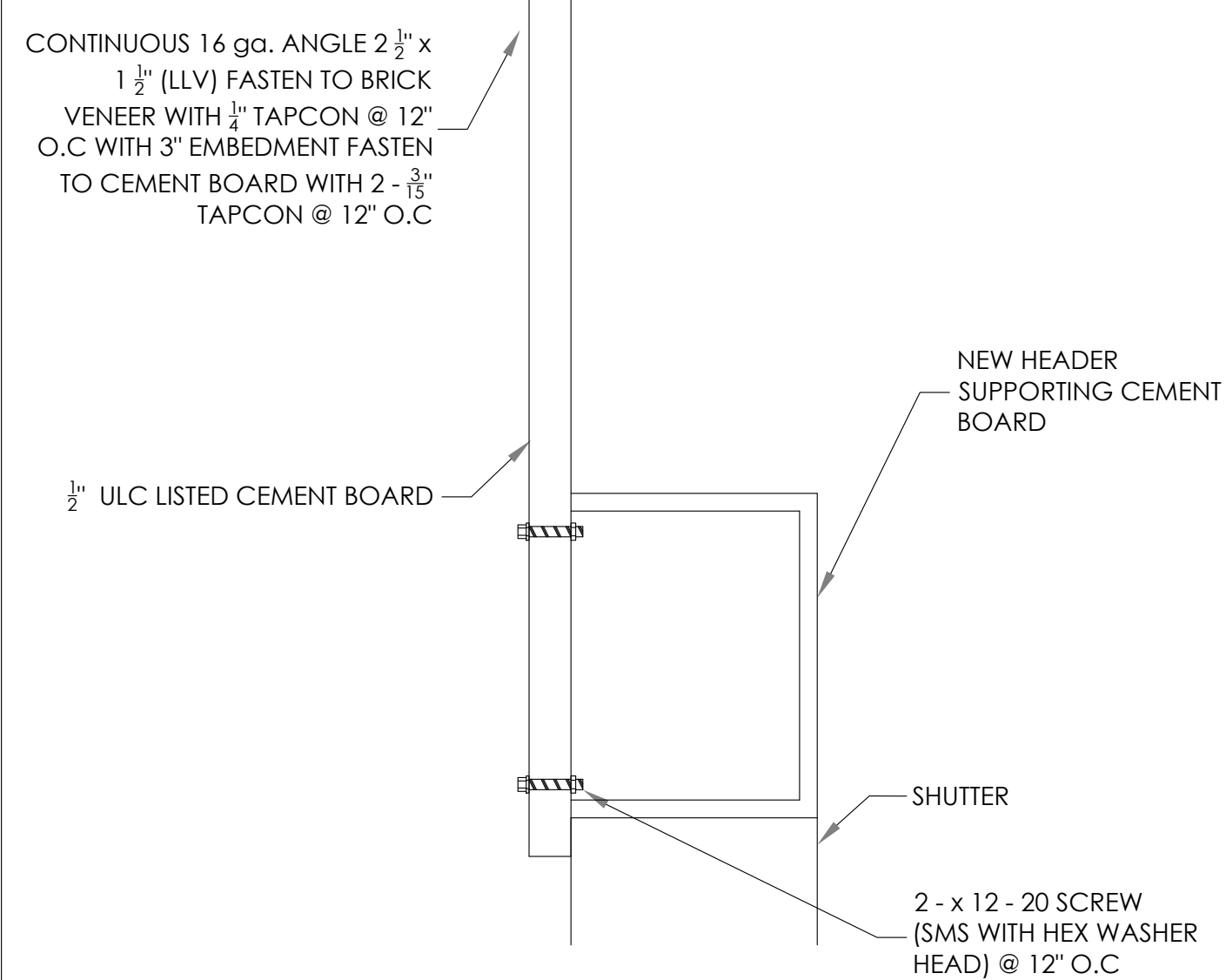
OPENING MATERIAL	SCREW TYPE	SCREW HEAD TYPE	MIN. PENETRATION
CONCRETE	#8 DX-KWIK OR EQUIVALENT	FLAT HEAD	1 1/2"
LIGHT GAUGE STEEL	#8 KWIK-PRO SELF DRILLING OR EQUIVALENT	FLAT HEAD	1/2"
MASONRY	#8 DX-KWIK OR EQUIVALENT	FLAT HEAD	1 1/2"
STEEL	#8 KWIK-PRO SELF DRILLING OR EQUIVALENT	FLAT HEAD	1/2"
WOOD	#8 ROBERTSON SCREW OR EQUIVALENT	FLAT HEAD	1 1/2"



01 DETAIL -1 GANG MOUNT OF SHUTTERS



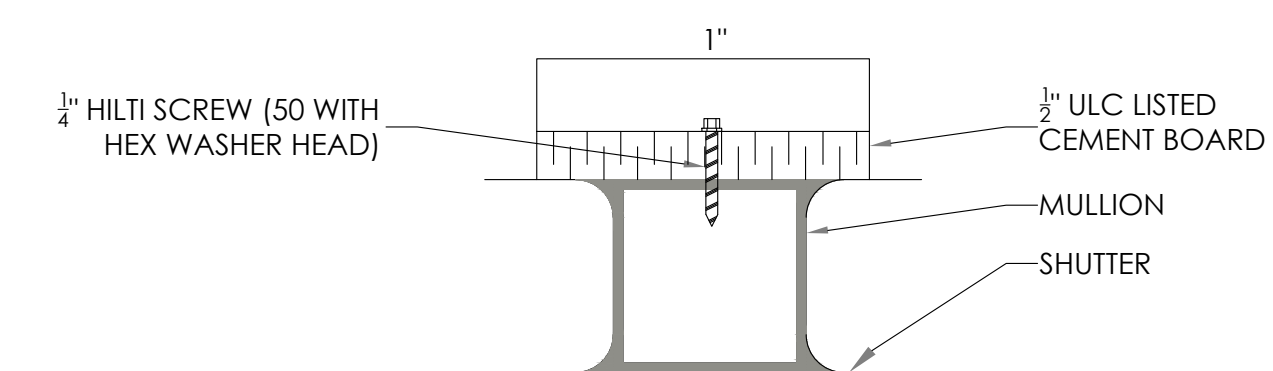
03 SECTION B-B



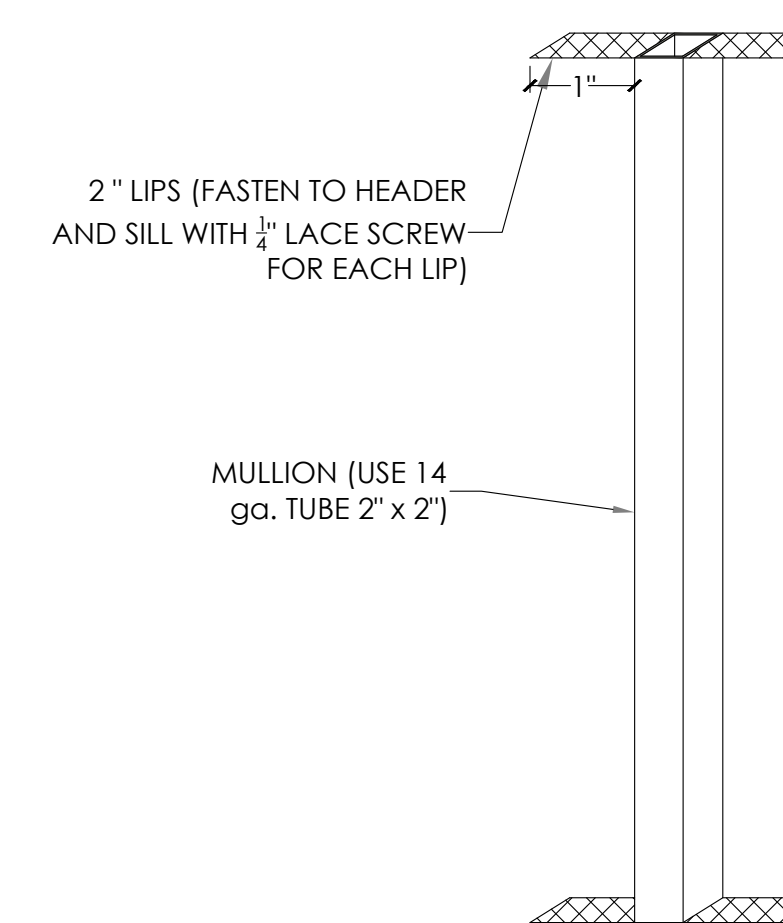
05 SECTION C-C

TRIM THE STUD FLANGE BEND THE WEB AND THE FASTEN TO THE BRICK VENEER WITH 3 - 1/4" TAPCON WITH 2" EMBEDMENT

02 DETAIL -A-



04 SECTION A-A



06 MULLION DETAILS

CITY ELECTRONIC STAMP:



LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES, INC.

LEAD DESIGNER & CONSULTANT: KEN BEKENDAM, B.A BUSCON, L.T. OFFICE: 973 MAIN ST. E. HAMILTON, ON

LEAD ENGINEER: ROBERT MENDEZ, P. ENG. OFFICE PHONE: 855-546-4467 CELL PHONE: 905-961-0647

- GENERAL NOTES:
- DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
 - ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE LEAD DESIGNER SHOULD BE NOTIFIED IMMEDIATELY.
 - FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
 - UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SHORINGS, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.
 - USE LATEST REVISED DRAWINGS.
 - ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
 - ALL DRAWINGS, SPECIFICATIONS, RELATED DOCUMENTS AND DESIGN ARE THE COPYRIGHT PROPERTY OF ROJAS EMPIRE OF DESIGN (RED). REPRODUCTION OF THIS PROPERTY IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT RED'S WRITTEN PERMISSION (RED ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THIS PROPERTY UNLESS IT BEARS THE APPROPRIATE BOM NUMBER AND ORIGINAL SIGNATURE.)
 - BUILDING OWNER(S) WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
 - CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

REVISIONS:

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- ☐ EXHAUST FAN
- ☐ LA SMOKE ALARM
- ☐ CMA CARBON MONOXIDE ALARM
- ☐ PLUMBING STACK
- ☐ WATER METER
- ☐ FLOOR DRAIN
- ☐ STRUCTURAL BEAM OR WALL

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
43 WEST AVENUE SOUTH, HAMILTON - ON

SHEET NAME:
FIRE SHUTTER DETAILS

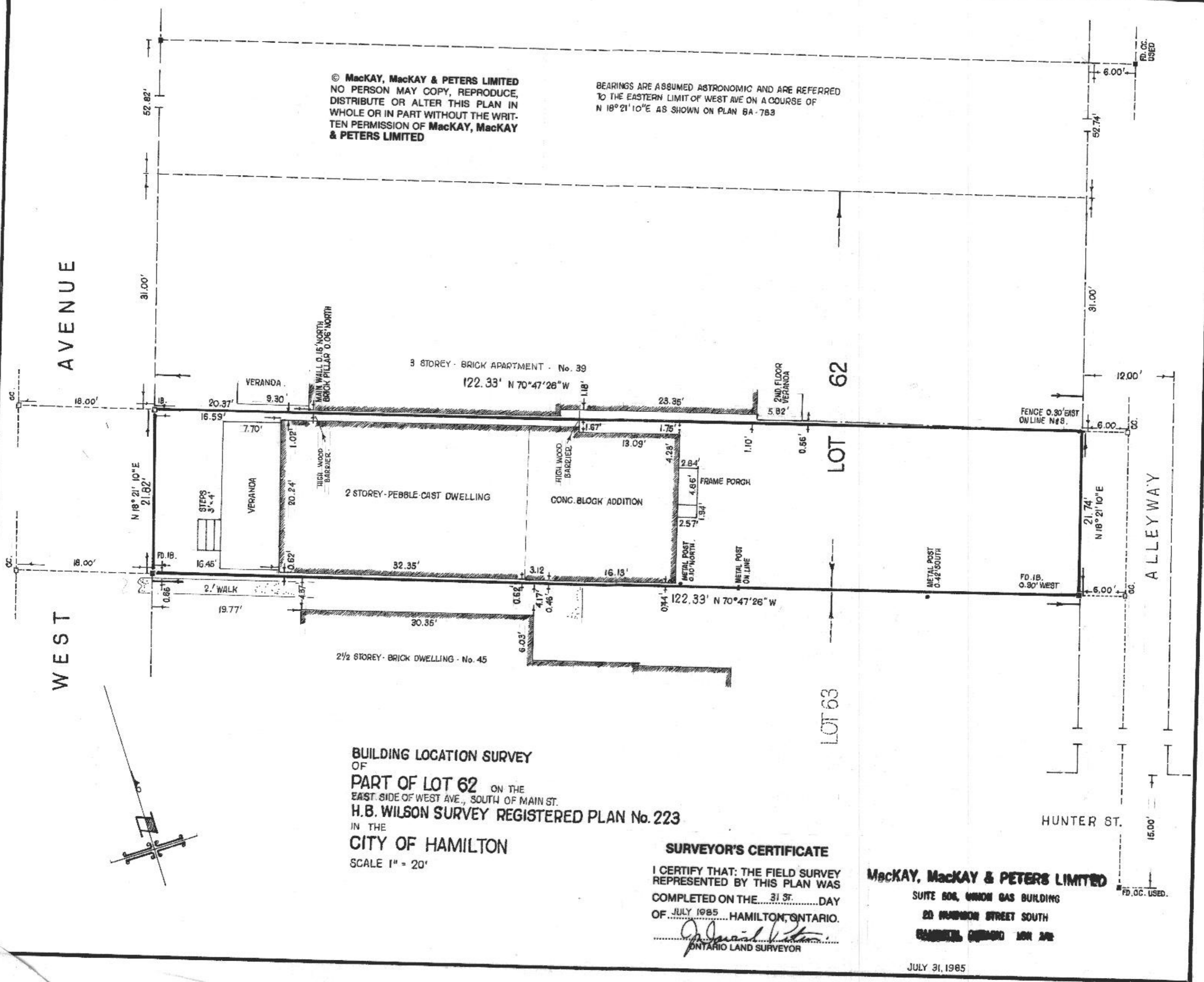
SCALE:
3/8"=1'-0"

PROJECT NO. 22-18 DATE: 25/AUGUST/2022

DRAWN BY: DANILLO CEOLA REVIEWED BY: KEN BEKENDAM

SHEET NO.

A4.02



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 NO PERSON MAY COPY, REPRODUCE,
 DISTRIBUTE OR ALTER THIS PLAN IN
 WHOLE OR IN PART WITHOUT THE WRIT-
 TEN PERMISSION OF MacKAY, MacKAY
 & PETERS LIMITED

BEARINGS ARE ASSUMED ASTRONOMIC AND ARE REFERRED
 TO THE EASTERN LIMIT OF WEST AVE ON A COURSE OF
 N 18°21'10"E AS SHOWN ON PLAN BA-783

BUILDING LOCATION SURVEY
 OF
PART OF LOT 62 ON THE
 EAST SIDE OF WEST AVE., SOUTH OF MAIN ST.
H.B. WILSON SURVEY REGISTERED PLAN No. 223
 IN THE
CITY OF HAMILTON
 SCALE 1" = 20'

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT: THE FIELD SURVEY
 REPRESENTED BY THIS PLAN WAS
 COMPLETED ON THE 31ST DAY
 OF JULY 1985 HAMILTON, ONTARIO.
[Signature]
 ONTARIO LAND SURVEYOR

MacKAY, MacKAY & PETERS LIMITED
 SUITE 606, UNION GAS BUILDING
 20 HAMBUR STREET SOUTH
 HAMILTON, ONTARIO L8N 4R6

JULY 31, 1985

Y-19772



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

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

APPLICATION FOR A MINOR VARIANCE

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

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	MAILING ADDRESS				
Registered Owners(s)	2809628 Ontario Inc c/o Steven and Sonia Tran					
Applicant(s)*	Ken Bekendam c/o King Homes Inc					
Agent or Solicitor	same as Applicant	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Phone:</td> <td></td> </tr> <tr> <td>E-mail:</td> <td></td> </tr> </table>	Phone:		E-mail:	
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:

n/a

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

4. Nature and extent of relief applied for:

See additional sheet at bottom of applicant for list of required variances as identified through a Zoning Compliance Review Folder: 22-135048-00 ALR by Liam Tapp

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Existing site constraints

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**):

43 West Ave S, Hamilton
 Legal description: Plan 223 PT LOT 62

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?

Existing Residential Use

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 13th 2022

Date

Signature Property Owner(s)

Steven and Sonia Tran

Print Name of Owner(s)

I have authority to bind the corporation

10. Dimensions of lands affected:

Frontage	21.42m
Depth	121.50 m
Area	2602.53
Width of street	unknown

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

Existing: _

See Site Plan

Proposed

See Site Plan

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

Existing:

See Site Plan

Proposed:

See Site Plan

- 13. Date of acquisition of subject lands:
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.):
Two Family Dwelling

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

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

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

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

OP - Downtown Mixed Use	SP - Downtown Residential
-------------------------	---------------------------

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

D5

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:291	SUBJECT PROPERTY:	47 WHITFIELD AVENUE, HAMILTON
ZONE:	"M5" (General Industrial)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: Manuel Vieira
Agent: Michael Sabelli

The following variances are requested:

1. The addition shall be permitted to be located 0.15m from a street instead of the minimum required 3.0m setback.

PURPOSE & EFFECT: So as to permit the construction of a front yard addition to an existing building.

Notes:

1. The 05-200 Hamilton Zoning By-law permits eaves, troughs or similar features to project a maximum of 0.6m into the required yard or to a maximum of half the distance of the required yard whichever is lesser. Insufficient information has been provided in order to determine zoning compliance. Further variances will be required if compliance cannot be achieved.
2. Insufficient information has been provided in order to determine compliance in regard to proposed internal layout, specifically any proposed office space. Further variances will be required if compliance cannot be achieved.
3. 4 parking spaces are proposed to be provided off site on the adjacent property 357 Gage Avenue North. The applicant shall ensure parking is in compliance with Section 5.1 a).
4. All proposed fences shall be in accordance with the 10-142 Fence By-law.

HM/A-22:291

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:

DATE:	Thursday, October 6, 2022
TIME:	1:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

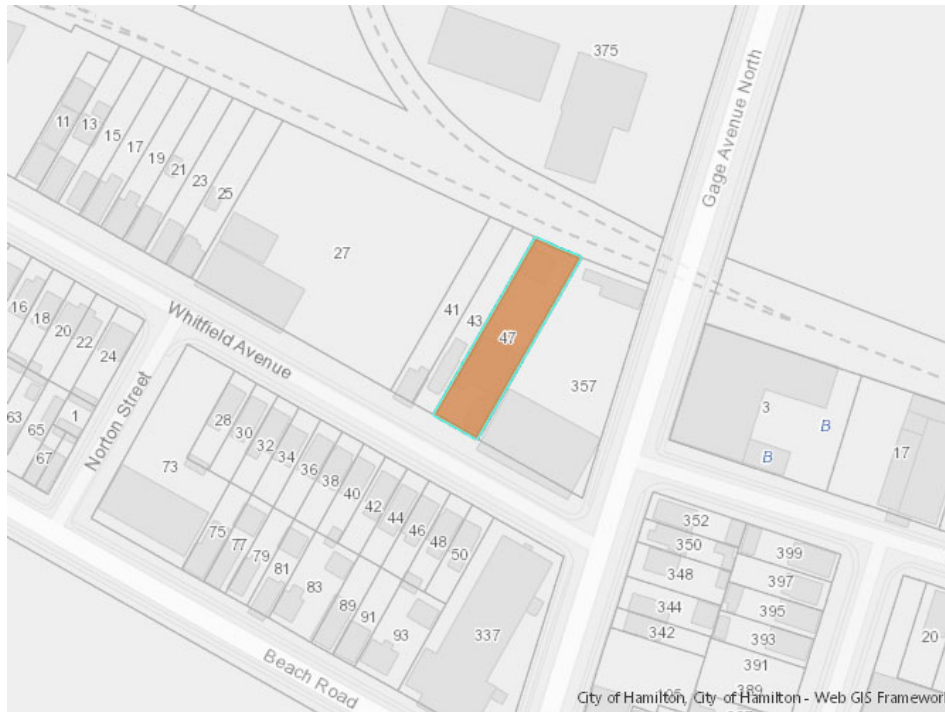
- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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-22:291



 Subject Lands

DATED: September 20, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: 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 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

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. 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 (2nd 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 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.



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

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

APPLICATION FOR A MINOR VARIANCE

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

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)	MANUEL VIEIRA MANUEL VIEIRA	[REDACTED]
Applicant(s)*		
Agent or Solicitor	MICHAEL SABELLI	

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 ST. WEST HAMILTON

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:

FRONT YARD SETBACK - REQ'D 3.0m PROVIDED - 0.15m
 ON-SITE PARKING REQUIRED - 4, PROVIDED - 0
 (OFF-SITE PARKING AGREEMENT TO BE REGISTERED)

Second Dwelling Unit Reconstruction of Existing Dwelling

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

- LIMITED LOT 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):

Lot 96/97, Registered Plan 410
 47 Whitfield Ave., Hamilton, ON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant
 Other _____

8.1 If Industrial or Commercial, specify use F3 Light Industrial (Contractor's Warehouse)

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

13. Date of acquisition of subject lands:
June 2014
14. Date of construction of all buildings and structures on subject lands:
House - unknown (probably 80 years) Warehouse
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family / contractor's warehouse - 2015 aprox
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:
House - aprox 80-100 years Warehouse - 7 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:
INDUSTRIAL
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
MS EXCEPTION 375
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)
DA-19-104
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

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NOTICE OF PUBLIC HEARING
Minor Variance

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

APPLICATION NO.:	HM/A-22:285	SUBJECT PROPERTY:	288 CHARLTON AVENUE W, HAMILTON
ZONE:	"D" (Urban Protected Residential – One- and Two-family Dwellings, Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owners: Bridget Stark & Bryan Huff
Agent: Team Shane – Louie Sayegh

The following variances are requested:

1. An easterly side yard width of 0.0 metres shall be permitted instead of the minimum required side yard width of 2.7 metres.
2. A westerly side yard width of 0.6 metres shall be permitted instead of the minimum required side yard width of 2.7 metres.
3. An eave and gutter shall be permitted to project the entire width of the westerly side yard instead of the maximum permitted projection of not more than one-half the width of the required side yard.
4. No parking spaces shall be required to be provided instead of providing a minimum of three (3) parking spaces required to be provided for a single-family dwelling containing ten (10) habitable rooms.

PURPOSE & EFFECT: To facilitate the construction of a one (1) storey easterly side addition and a two (2) storey rear addition to the existing single-family dwelling.

Notes:

1. The existing dormers on the upper most level exceed to maximum width of 1.2 metres permitted to be located within a half-storey. As such, the existing dwelling is deemed to be a three-storey building.
2. The variance requested for the eave and gutter encroachment into the required easterly side yard as a minimum easterly side yard width of 0.0 metres is requested.

HM/A-22:285

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:

DATE:	Thursday, October 6, 2022
TIME:	1:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th 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.



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: 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 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

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. 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 (2nd 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 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: HUFF

288 Charlton Ave. W Hamilton ON L8P 2E5

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 & CEILING 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. 9.30.6.3.
- PROVIDE MIN. 6"-5" HEADROOM BELOW ALL BEAMS & DUCTWORK.
- STUD WALL REINFORCEMENT SHALL BE INSTALLED IN MAIN BATHROOMS WITHIN 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 9.12.2.
- 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 (F320 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 7.5.5.5.5 (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

HABITABLE ROOMS CHART	
	EXISTING PROPOSED
BASEMENT	/ /
MAIN FLOOR	/ /
SECOND FLOOR	/ /
THIRD FLOOR	/ /
TOTALS	/ /

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, 2 PARKING SPACES IS REQUIRED (2.75 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

DESIGNER

- REGISTRATION: NAME OF REGISTRATION FIRM TBOUMA DESIGN INC. REGISTRATION NUMBER ASSIGNED BY DIRECTOR 104857
- CONTRACTOR IS TO OBTAIN QUALIFIED DESIGNERS FOR ALL ENGINEERED 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	7.75"	5"	14"	10"	14"	9.14"	33.78"	6.5"
PUBLIC	7"	8"	N/A	11"	N/A	11"	35.12"	8.5"

- ALL STAIR COMPONENTS TO CONFORM TO O.B.C. STANDARDS.
 - MAX. NOSING = 1" UNIFORM RUN / RISE
- | | |
|-----------------------|---------------------|
| HANDRAILS: | |
| - MIN. HEIGHT = 36" | - MIN. HEIGHT = 34" |
| - 4" MAXIMUM OPENINGS | - MAX. HEIGHT = 38" |
| - NON-CLIMBABLE | |
- EXTERIOR GUARDS:
 - 2'-0" 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

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. 9.7.2. 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 SIDE LIGHT.
- 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 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.
- 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 WITHOUT ATTIC SPACE.....	R80
CEILING WITH ATTIC SPACE.....	R51
EXPOSED FLOOR.....	R31
WALLS ABOVE GRADE.....	R19 + R6cl
BASEMENT WALLS.....	R20cl or R12 + R10cl
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(%):

- 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
- MEANS CONTINUOUS INSULATION
- 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. (CONTD), C199 - 12.2.1.1. (3)

FLOOR AREA CALCULATION		
LEVEL	AREA	STATUS
BASEMENT	57.94	Existing
MAIN FLOOR	67.83	Existing
	32.33	New
SECOND FLOOR	58.68	Existing
	28.65	New
ATTIC	19.45	Existing
	264.88 m²	

OWNER(S):

#Client Full Name
 #Client Full Address

CONTRACTOR:

TEAM SHANE
 790 SHAVER RD. ANCASTER L9G 3K9 ON
 905-304-4009
 info@teamshane.com
 teamshane.com
 CONTACT: SHANE VANBARNEVELD

DESIGNER:

TBOUMA DESIGN
 1830 LONDON LINE
 SARINA, ON N7T 7H2
 (919) 339-1493
 CONTACT: TRAVIS BOUMA

STRUCTURAL ENGINEER:

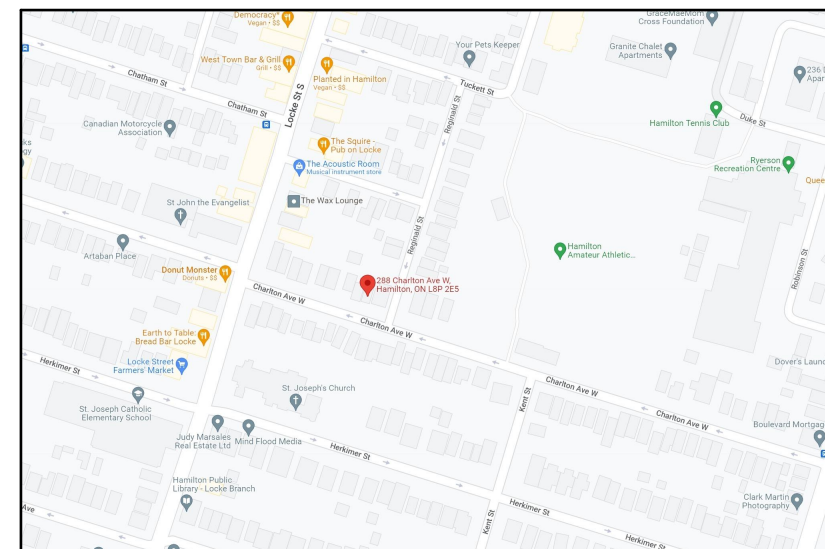
STRK BALDENELLI MONZ
 1588 ADELDAIDE ST. N. UNITS 301 & 203
 LONDON, ON N6X 4E8
 (919) 471-6667
 CONTACT: DARRYL COWAN

MECHANICAL ENGINEER:

GLS TOTAL HVAC DESIGN
 5149 WHITE CHURCH RD.
 MT. HOPE ON L0R1W0
 (905) 692-3922
 CONTACT: GEORGE LEACH

SURVEYOR:

L.G. Woods Surveying Inc
 334 Hart St. Dundas, ON L9H 2H9
 (905) 627-9978



KEY PLAN

TEAM SHANE

790 SHAVER RD. ANCASTER
 L9G 3K9 ON

NOT FOR CONSTRUCTION

NO.	REVISION	DATE
1	DESIGN 1.0	2022.06.28
2	DESIGN 1.1	2022.07.04
3	DESIGN 2.0	2022.07.14
4	DESIGN 3.0	2022.07.20
5	DESIGN 3.1	2022.07.25
6	DESIGN 4.0	2022.08.05
7	Issued for Variance	2022.08.17
8		
9		
10		

DRAWING:
TITLE SHEET / GENERAL INFO

PROJECT:
HUFF

PROJECT ADDRESS:
 288 Charlton Ave. W Hamilton ON L8P 2E5

DRAWING LIST	
No.	NAME
A0.01	TITLE SHEET / GENERAL INFO
SP0.01	SITE PLAN
A1.01	EXISTING BASEMENT PLAN
A1.02	EXISTING MAIN FLOOR PLAN
A1.03	EXISTING SECOND FLOOR PLAN
A1.04	EXISTING ATTIC FLOOR PLAN
A1.05	PROPOSED BASEMENT PLAN
A1.06	PROPOSED MAIN FLOOR PLAN
A1.07	PROPOSED SECOND FLOOR PLAN
A2.01	EXISTING FRONT & REAR ELEVATIONS
A2.02	EXISTING LEFT & RIGHT ELEVATION
A2.03	PROPOSED FRONT & REAR ELEVAT.
A2.04	PROPOSED LEFT & RIGHT ELEVATIO.

DATE: 8/26/2022

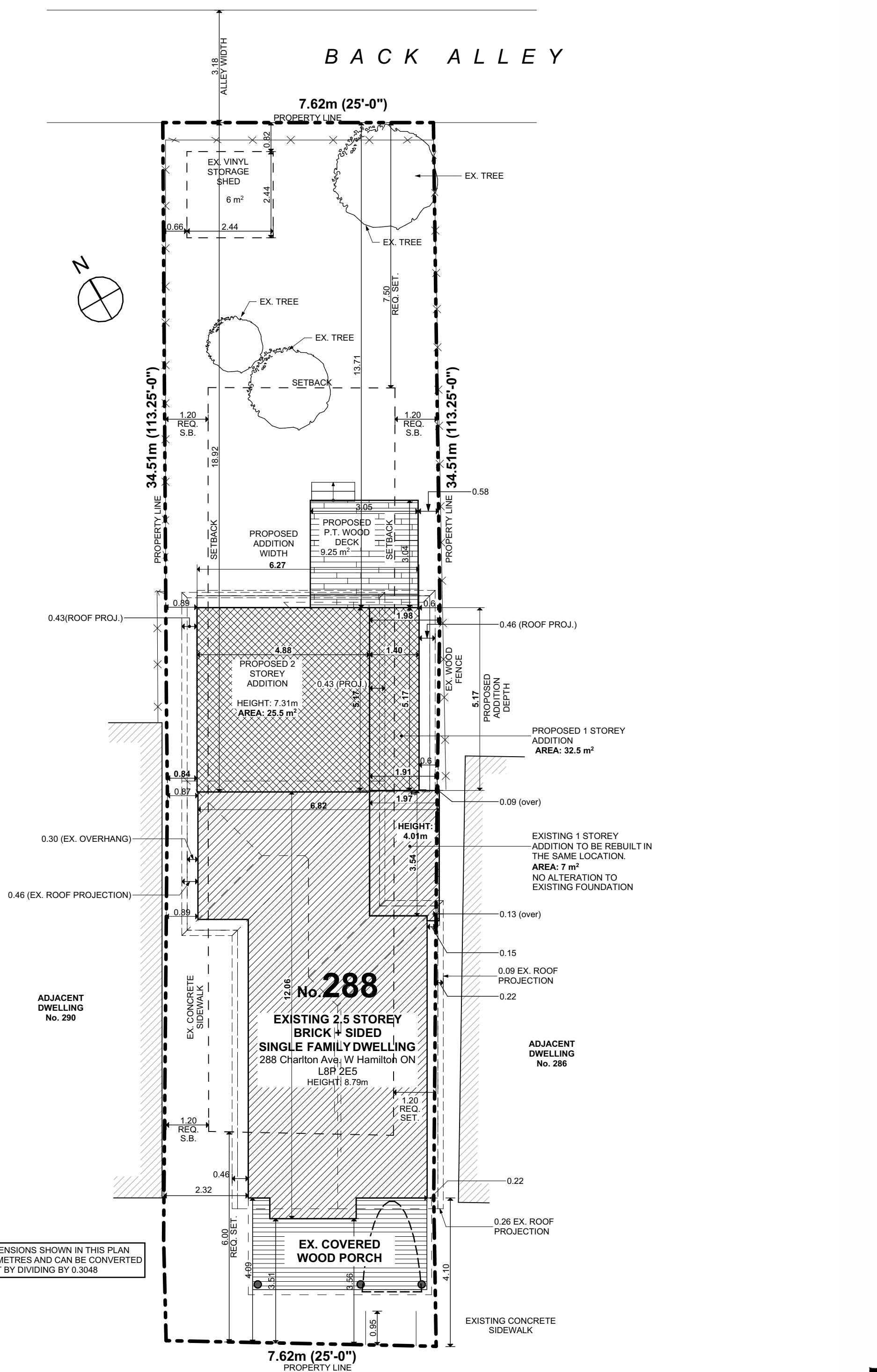
SCALE:
 AS NOTED

PROJECT NO:

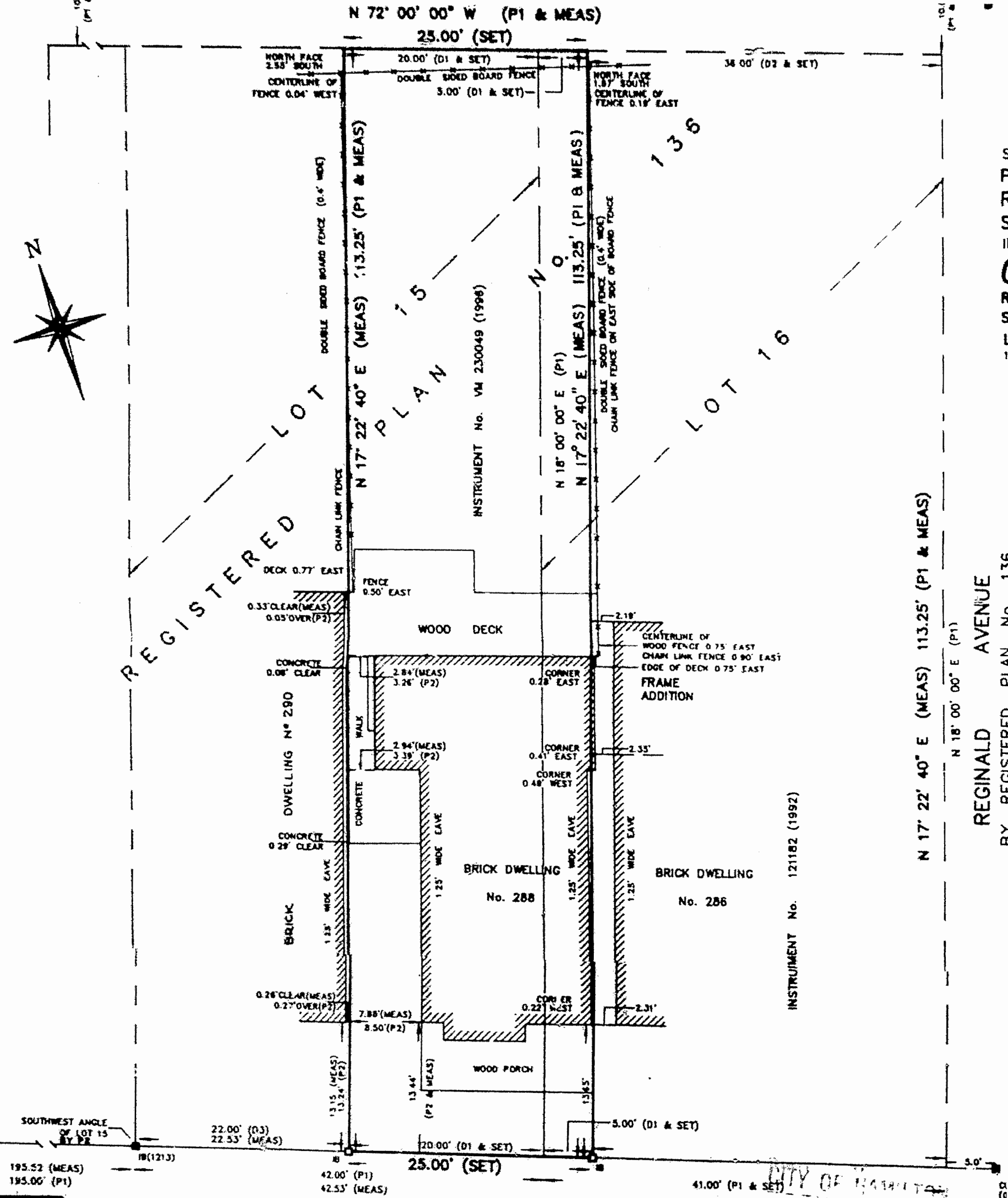
DRAWING NO:
A0.01

SITE PLAN LEGEND

- EXISTING DWELLING
- NEW ADDITIONS
- COVERED PORCHES
- DECK / PATIO
- LANDSCAPE AREA
- HARDSCAPE AREA
- DRIVEWAY
- MUNICIPAL SETBACKS
- PROPERTY LINE
- EXISTING TO BE REMOVED
- HOUSE FOOTPRINT



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



CAUTION OF DITCHES AND SURVEYORS
BY SUBSCRIPTION FORM
1869333

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
Examined by: [Signature] Date: [Date]

SITE STATS

PROJECT NAME: HUFF
PROJECT NO.:
ADDRESS: 288 Charlton Ave. W
POSTAL CODE: L8P 2E5
MUNICIPALITY: HAMILTON
MINOR VARIANCE # TBD

Bylaw # 6593
Community HAMILTON
Zoning ONE AND TWO FAMILY DWELLINGS EXCEPTION NIA
D

LOT INFO
LOT AREA (m²):
LOT FRONTAGE:
LOT WIDTH (m):
LOT DEPTH (m):
SECONDARY DWELLINGS ALLOWED? YES

AREA CALCULATIONS
GROSS FLOOR AREA (m²):
Net floor area:
Second floor area:
Net floor area:

GROUND FLOOR AREA (m²):
LOT COVERAGE (%):
Lot coverage calculation:
Existing building:
Existing detached garage:
Existing front porch:
Existing rear porch:
Existing Accessory Structure:

FLOOR AREA RATIO (%):
Floor Gross Floor Area / Lot Area

BUILDING HEIGHT (m):
Shed:
Number of Stories:

SETBACKS (m):
FRONT (m):
REAR (m):
LEFT (m):
RIGHT (m):

ENCROACHMENTS
ROOF PROJECTION (m):
FRONT:
REAR:
SIDE:
ARCH. FEATURES (m):
FRONT/REAR:
SIDE:
BAY WINDOW (m):
FRONT/REAR:
SIDE:
COVERED PORCH OR DECK (m):
FRONT:
SIDE:
DECK (m):

LANDSCAPING
LANDSCAPE AREA (%):
STREET WIDTH (m):
DRIVEWAY WIDTH (m):

PARKING
Habitable Rooms:

ACCESSORY BUILDINGS
SIZE (m²):
HEIGHT (m):
SIDE/REAR SETBACK (m):
COVERAGE (%):

APPLICABLE LAW



NOT FOR CONSTRUCTION

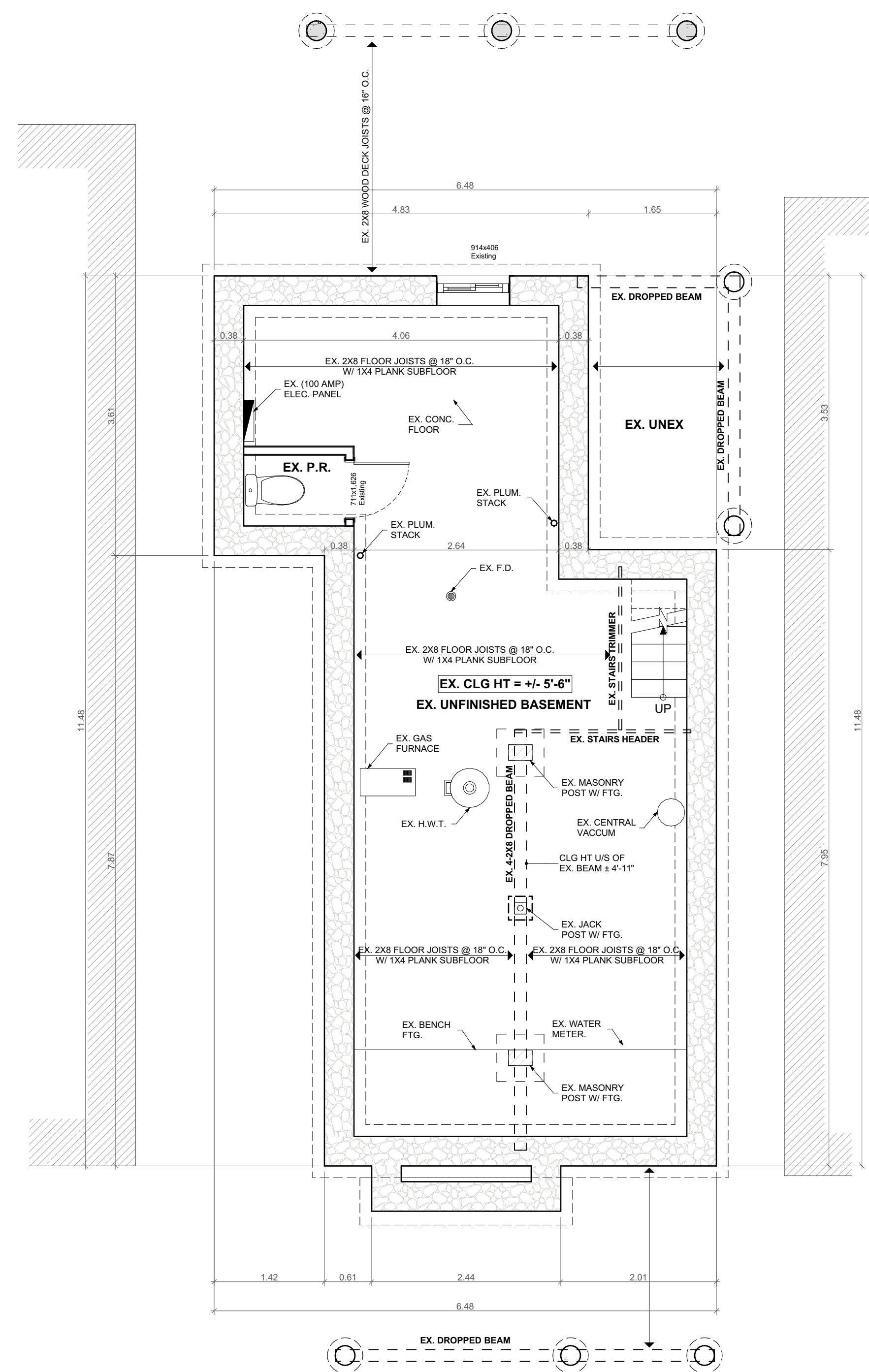
NO. REVISION DATE

- DESIGN 1.0 2022.06.28
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- DESIGN 2.0 2022.07.14
- DESIGN 3.0 2022.07.29
- DESIGN 3.1 2022.07.25
- DESIGN 4.0 2022.08.05
- Issued for Variance 2022.08.17
-
-
-

DRAWING:
SITE PLAN

PROJECT:
HUFF

PROJECT ADDRESS:
288 Charlton Ave. W Hamilton ON L8P 2E5



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



NOT FOR CONSTRUCTION

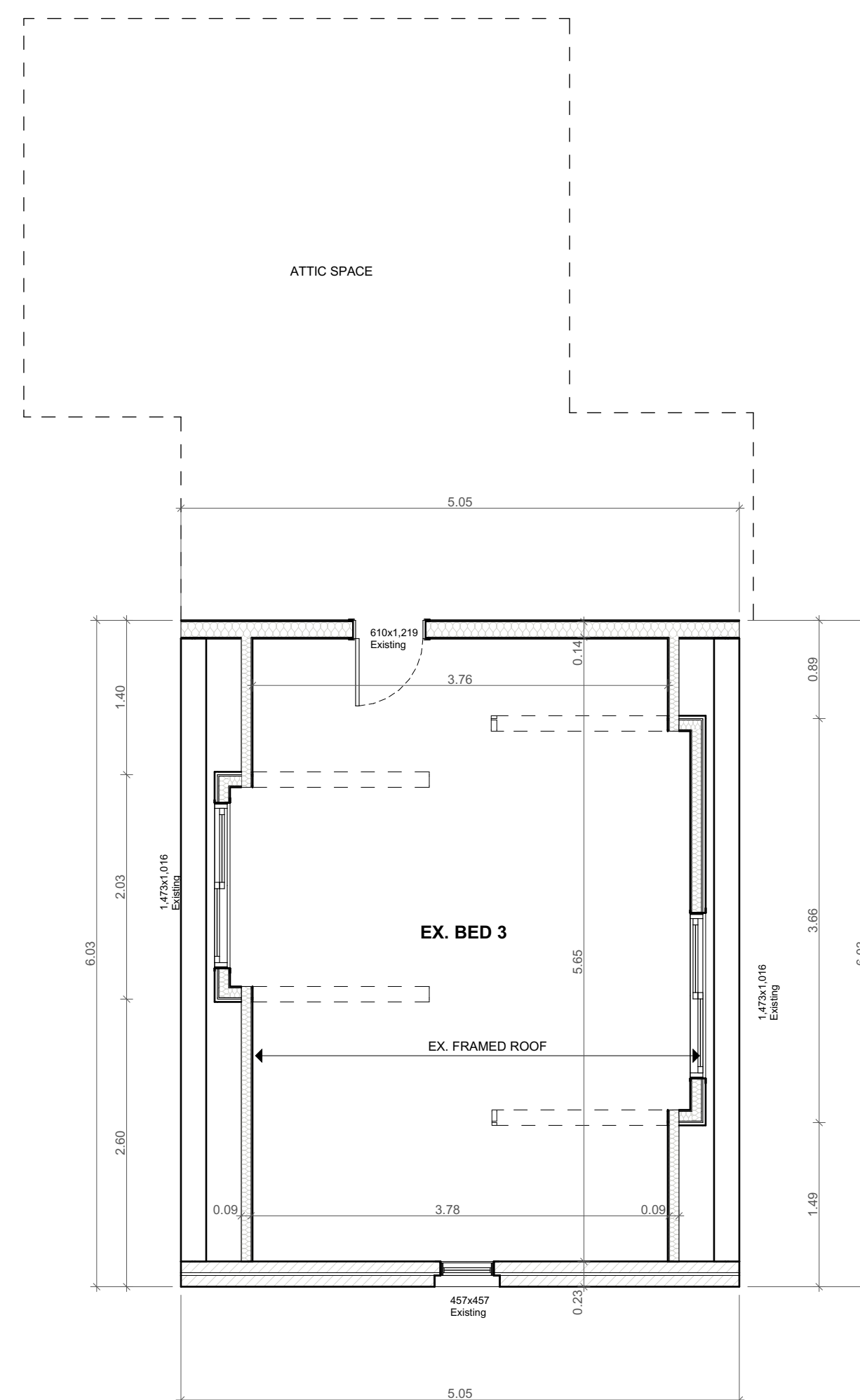
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9		
10		

DRAWING:
EXISTING BASEMENT PLAN

PROJECT:
HUFF

PROJECT ADDRESS:
288 Charlton Ave. W Hamilton ON L8P 2E5

DATE: 8/26/2022	DRAWING NO:
SCALE: AS NOTED	A1.01
PROJECT NO: ---	



1 EXISTING ATTIC PLAN

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



790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

NO.	REVISION	DATE
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3	DESIGN 2.0	2022.07.14
4	DESIGN 3.0	2022.07.29
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6	DESIGN 4.0	2022.08.05
7	Issued for Variance	2022.08.17
8		
9		
10		

**DRAWING:
EXISTING ATTIC FLOOR
PLAN**

**PROJECT:
HUFF**

**PROJECT ADDRESS:
288 Charlton Ave. W Hamilton ON L8P 2E5**

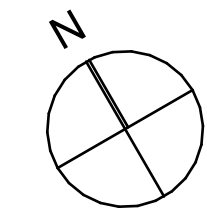
DATE: 8/26/2022

SCALE:
AS NOTED

PROJECT NO:

DRAWING NO:
A1.04

Printed: 8/26/2022 @ 11:31 AM



GENERAL NOTES

ALL CONSTRUCTION TO COMPLY WITH CURRENT EDITION OF THE ONTARIO BUILDING CODE

DESIGN AND LAYOUT OF ALL PRE-ENGINEERED STRUCTURAL MEMBERS FROM ROOF TRUSS SUPPLIER TO BE SUPPLIED BY MANUFACTURER PRIOR TO CONSTRUCTION

SOLID BLOCKING TO BEARINGS BELOW TO BE PROVIDED AT ALL GIRDER TRUSS AND BEAM LOCATIONS (MIN. WITH EQUAL TO WIDTH OF BEARING POINT OVER) VERIFY WITH TRUSS DRAWINGS

TRUSS MEMBERS SHALL NEVER BE NOTCHED, DRILLED OR CUT UNLESS NOTCHING OR DRILLING HAS BEEN ACCOUNTED FOR IN THE DESIGN OF THE TRUSS

BEAM BEARING = MIN. 3-1/2"
 UNTEL BEARING = MIN. 1-1/2"
 RAFTER BEARING = MIN. 1-1/2"
 JOISTS BEARING = MIN. 1-1/2"

CONTRACTOR TO CHECK AND VERIFY ALL SPECIFICATIONS AND DIMENSIONS PRIOR TO AND DURING CONSTRUCTION. ALL DISCREPANCIES TO BE REPORTED TO DESIGNER (519) 339-1483

PROVIDE TEMPORARY BRACING/SUPPORT FOR ALL EXISTING FLOOR JOISTS & WALLS DURING CONSTRUCTION & INSTALLATION OF NEW BEAMS & FLOOR JOISTS AS REG. (TYP.)

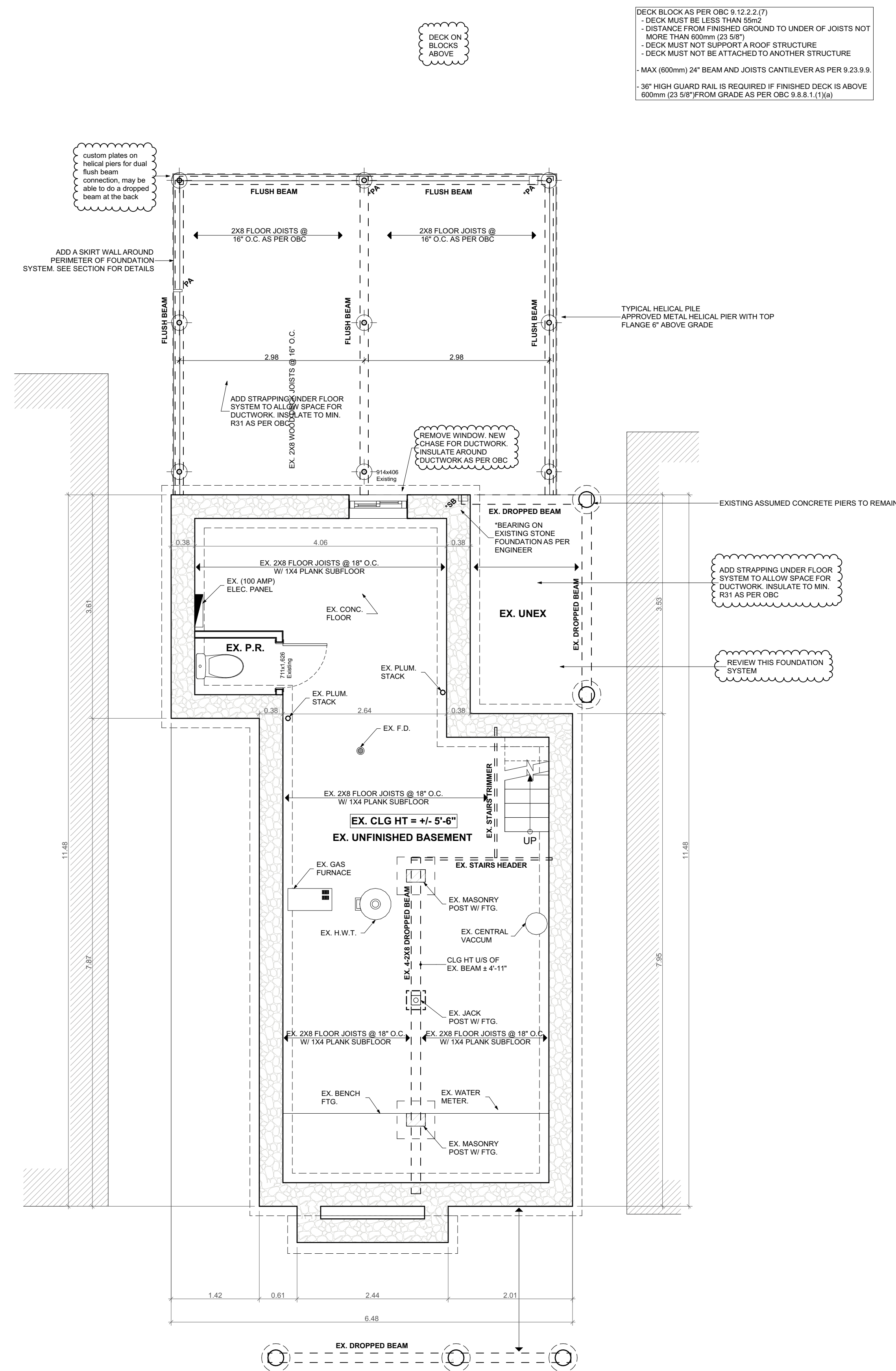
ALL DIMENSIONS ARE TAKEN FROM THE STUD FACE UNLESS NOTED OTHERWISE

ELECTRICAL FACILITIES SHALL BE PROVIDED AS PER ONTARIO BUILDING CODE 2012 AS PER 9.24

REFER TO SUPPLEMENTARY ENGINEERING LETTER FOR ALL ENGINEERING REFERENCES

RENDERINGS ARE NOT TO SCALE. ALL RENDERINGS ARE FOR ARTISTIC DEPICTION ONLY. PLAN UPDATES MAY NOT BE REFLECTED IN RENDERINGS. RENDERINGS SHALL NOT BE USED FOR CONSTRUCTION.

BEAM SCHEDULE		
NUMBER • SIZE	LENGTH	
ENG'D FLUSH BEAM	202.50"	
FLUSH BEAM	199.79"	
FLUSH BEAM	197.25"	
FLUSH BEAM	202.41"	
FLUSH BEAM	118.96"	
FLUSH BEAM	118.63"	



NOT FOR CONSTRUCTION

NO.	REVISION	DATE
1	DESIGN 1.0	2022.06.28
2	DESIGN 1.1	2022.07.04
3	DESIGN 2.0	2022.07.14
4	DESIGN 3.0	2022.07.20
5	DESIGN 3.1	2022.07.25
6	DESIGN 4.0	2022.08.05
7	Issued for Variance	2022.08.17
8		
9		
10		

DRAWING:
PROPOSED BASEMENT PLAN

PROJECT:
HUFF

PROJECT ADDRESS:
 288 Charlton Ave. W Hamilton ON L8P 2E5

DATE: 8/26/2022	DRAWING NO:
SCALE: AS NOTED	A1.05
PROJECT NO: ---	

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

GENERAL NOTES

ALL CONSTRUCTION TO COMPLY WITH CURRENT EDITION OF THE ONTARIO BUILDING CODE

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PROVIDE TEMPORARY BRACING/SUPPORT FOR ALL EXISTING FLOOR JOISTS & WALLS DURING CONSTRUCTION & INSTALLATION OF NEW BEAMS & FLOOR JOISTS AS REQ. (TYP.)

ALL DIMENSIONS ARE TAKEN FROM THE STUD FACE UNLESS NOTED OTHERWISE

ELECTRICAL FACILITIES SHALL BE PROVIDED AS PER ONTARIO BUILDING CODE 2012 AS PER 9.3.4

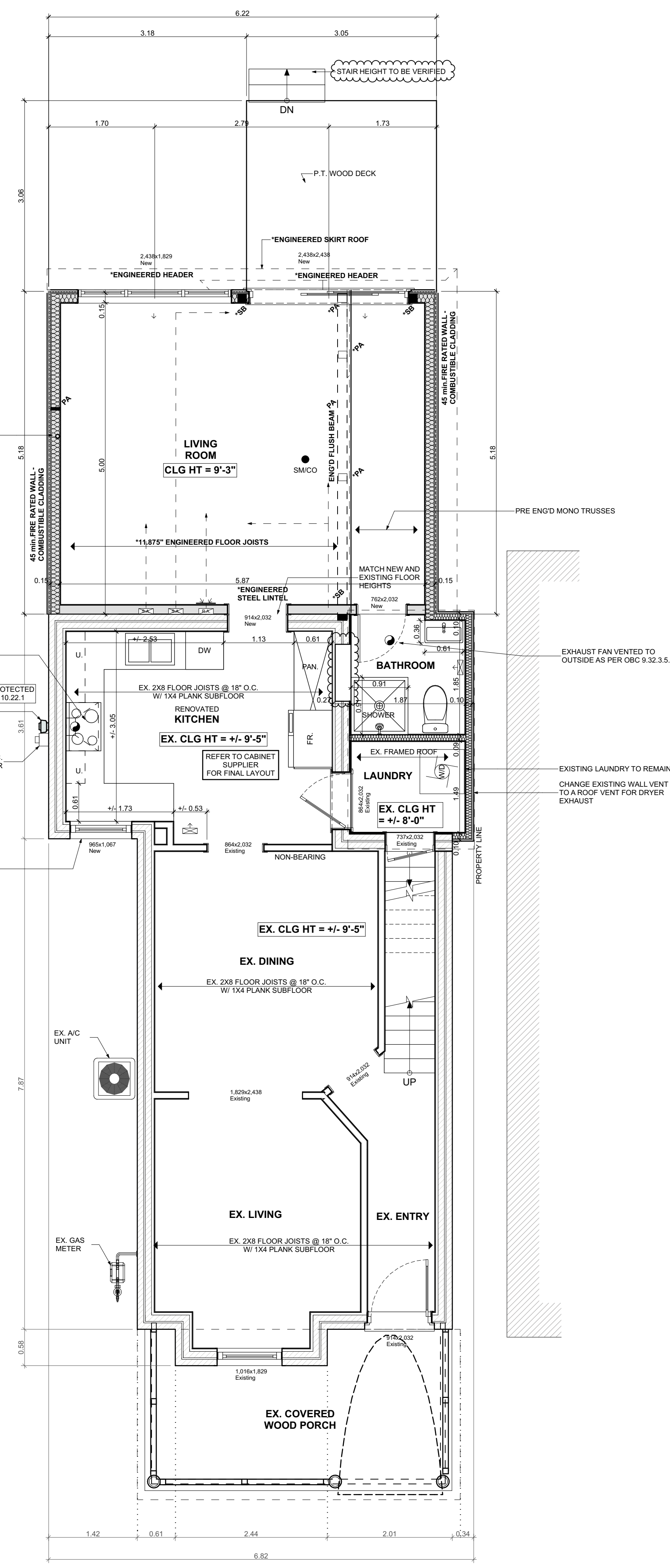
REFER TO SUPPLEMENTARY ENGINEERING LETTER FOR ALL ENGINEERING REFERENCES

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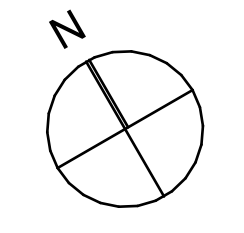
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NUMBER	SIZE	LENGTH
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FLUSH BEAM		118.96"
FLUSH BEAM		118.63"

CONSTRUCTION OF EXPOSED BUILDING FACE AS PER 9.10.14.5.			
LIMITING DISTANCE	FIRE RESISTANCE/RATING	NON-COMBUSTIBLE CLADDING	GLAZED OPENINGS
LESS THAN 0.6m (23 5/8")	45min	Required	Not permitted
0.6m (23 5/8") OR GREATER BUT LESS THAN 1.2m (3'-11")	45min	not required	Not permitted
1.2m (3'-11") OR GREATER	not required	not required	9.10.15.4 (1)

WALLS WITH LD LESS THAN 0.6m:
 (b) is installed without furring members over not less than 12.7 mm thick gypsum sheathing or over masonry,
 (c) has a flame-spread rating not more than 25 when tested in accordance with Sentence 3.1.12.1.(2), and
 (d) is not more than 2 mm in thickness exclusive of fasteners, joints and local reinforcements.



- HVAC LEGEND**
- TOE KICK WALL SUPPLY
 - TOW KICK WALL RETURN
 - WALL SUPPLY
 - WALL RETURN
 - FLOOR SUPPLY AIR REGISTER
 - FLOOR RETURN AIR REGISTER
 - CLG. SUPPLY AIR REGISTER
 - CLG. RETURN AIR REGISTER
 - SUPPLY AIR CHASE
 - RETURN AIR CHASE
 - SUPPLY AIR DUCT
 - RETURN AIR DUCT



TEAM SHANE

790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

NO.	REVISION	DATE
1	DESIGN 1.0	2022.06.28
2	DESIGN 1.1	2022.07.04
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5	DESIGN 3.1	2022.07.25
6	DESIGN 4.0	2022.08.05
7	Issued for Variance	2022.08.17
8		
9		
10		

DRAWING:
PROPOSED MAIN FLOOR PLAN

PROJECT:
HUFF

PROJECT ADDRESS:
288 Charlton Ave. W Hamilton ON L8P 2E5

DATE: 8/26/2022	DRAWING NO: A1.06
SCALE: AS NOTED	PROJECT NO: ---

1 PROPOSED MAIN FLOOR PLAN

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

GENERAL NOTES

ALL CONSTRUCTION TO COMPLY WITH CURRENT EDITION OF THE ONTARIO BUILDING CODE

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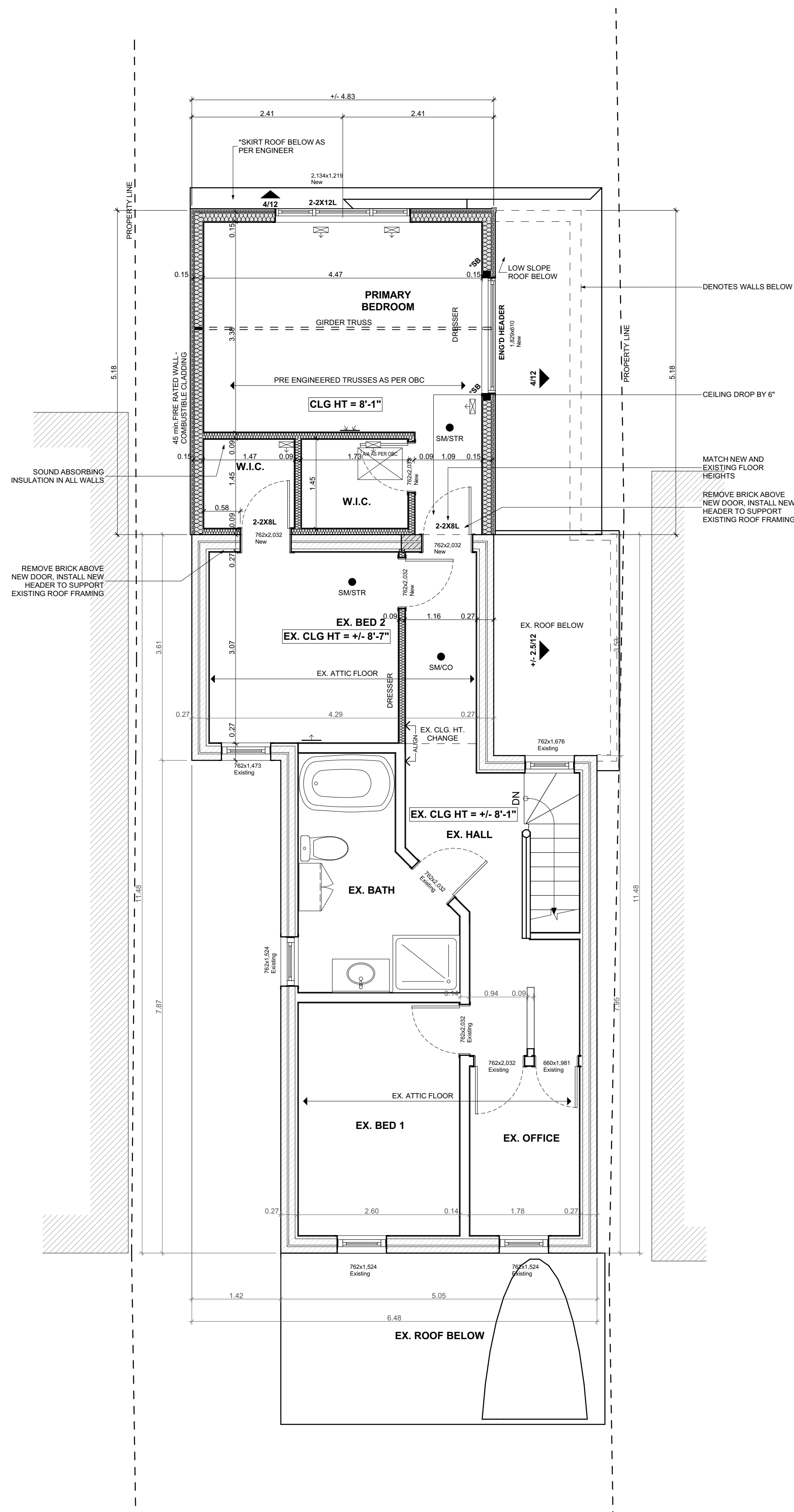
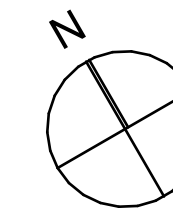
ALL DIMENSIONS ARE TAKEN FROM THE STUD FACE UNLESS NOTED OTHERWISE

ELECTRICAL FACILITIES SHALL BE PROVIDED AS PER ONTARIO BUILDING CODE 912 AS PER 9.34

REFER TO SUPPLEMENTARY ENGINEERING LETTER FOR ALL ENGINEERING REFERENCES

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FLUSH BEAM	202.41"	
FLUSH BEAM	118.96"	
FLUSH BEAM	118.63"	



- HVAC LEGEND**
- TOE KICK WALL SUPPLY
 - TOE KICK WALL RETURN
 - WALL SUPPLY
 - WALL RETURN
 - FLOOR SUPPLY AIR REGISTER
 - FLOOR RETURN AIR REGISTER
 - CLG. SUPPLY AIR REGISTER
 - CLG. RETURN AIR REGISTER
 - SUPPLY AIR CHASE
 - RETURN AIR CHASE
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 - RETURN AIR DUCT



790 SHAVER RD. ANCASTER
 L9G 3K9 ON

NOT FOR CONSTRUCTION

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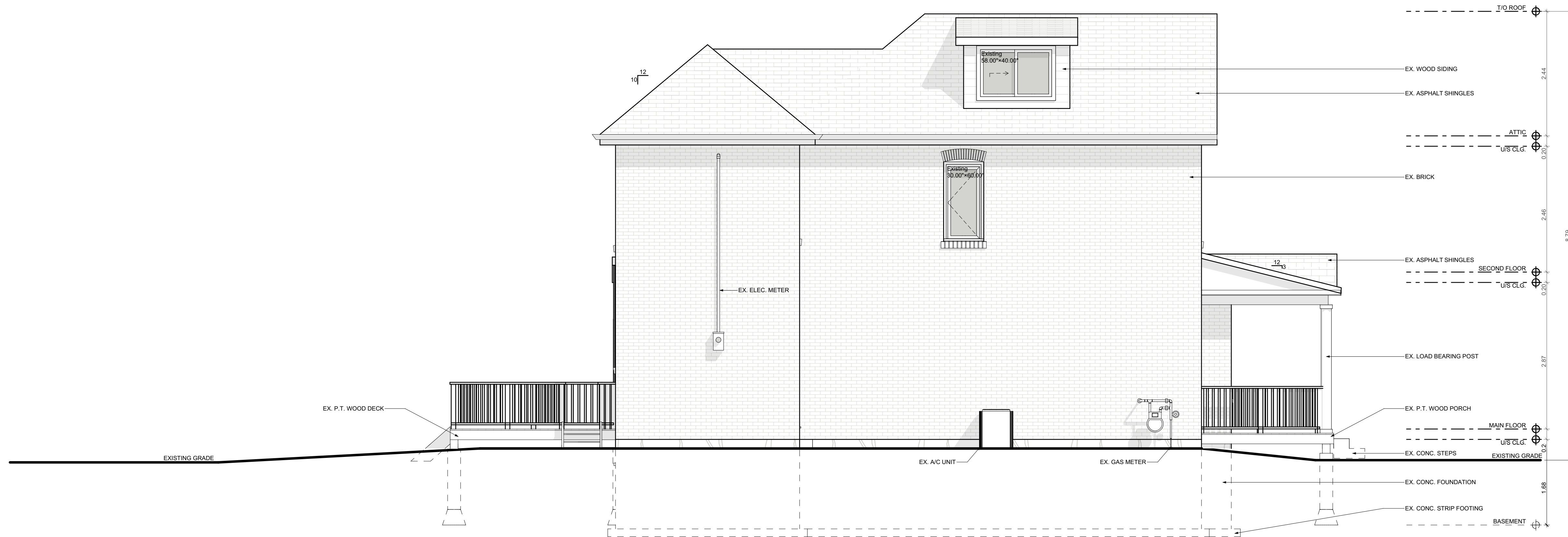
DRAWING:
PROPOSED SECOND FLOOR PLAN

PROJECT:
HUFF

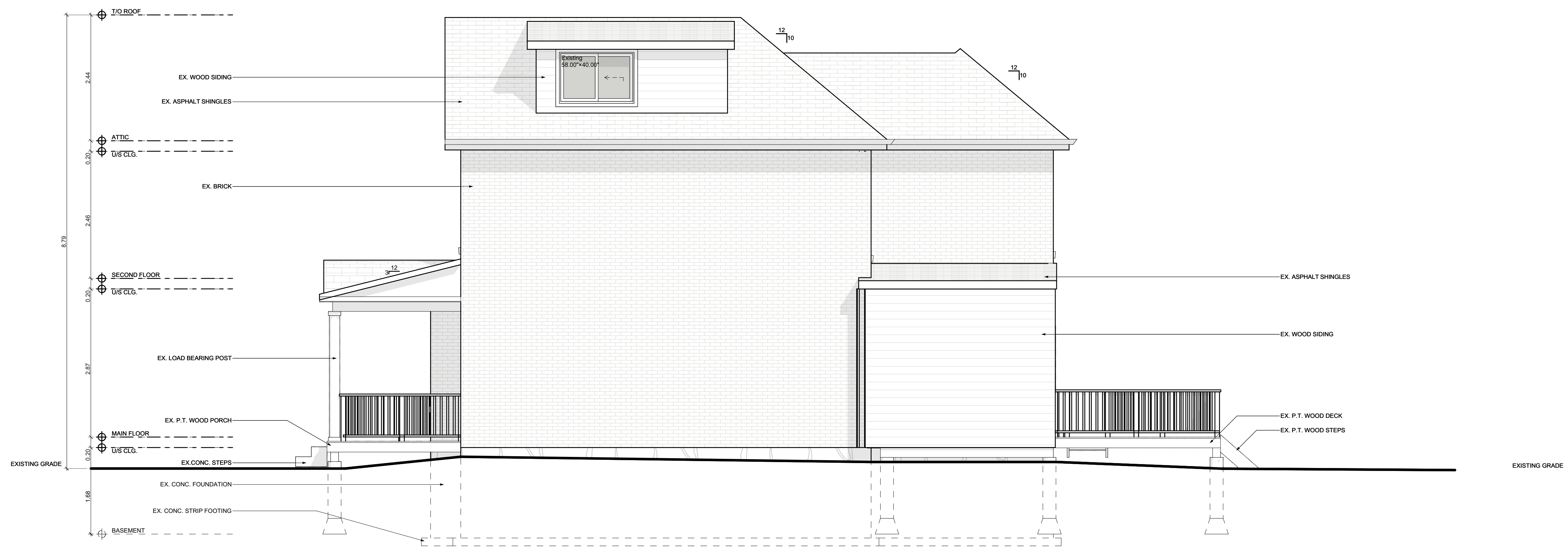
PROJECT ADDRESS:
 288 Charlton Ave. W Hamilton ON L8P 2E5

DATE: 8/26/2022	DRAWING NO:
SCALE: AS NOTED	A1.07
PROJECT NO:	

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



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



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



790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

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10		

**DRAWING:
EXISTING LEFT & RIGHT
ELEVATION**

**PROJECT:
HUFF**

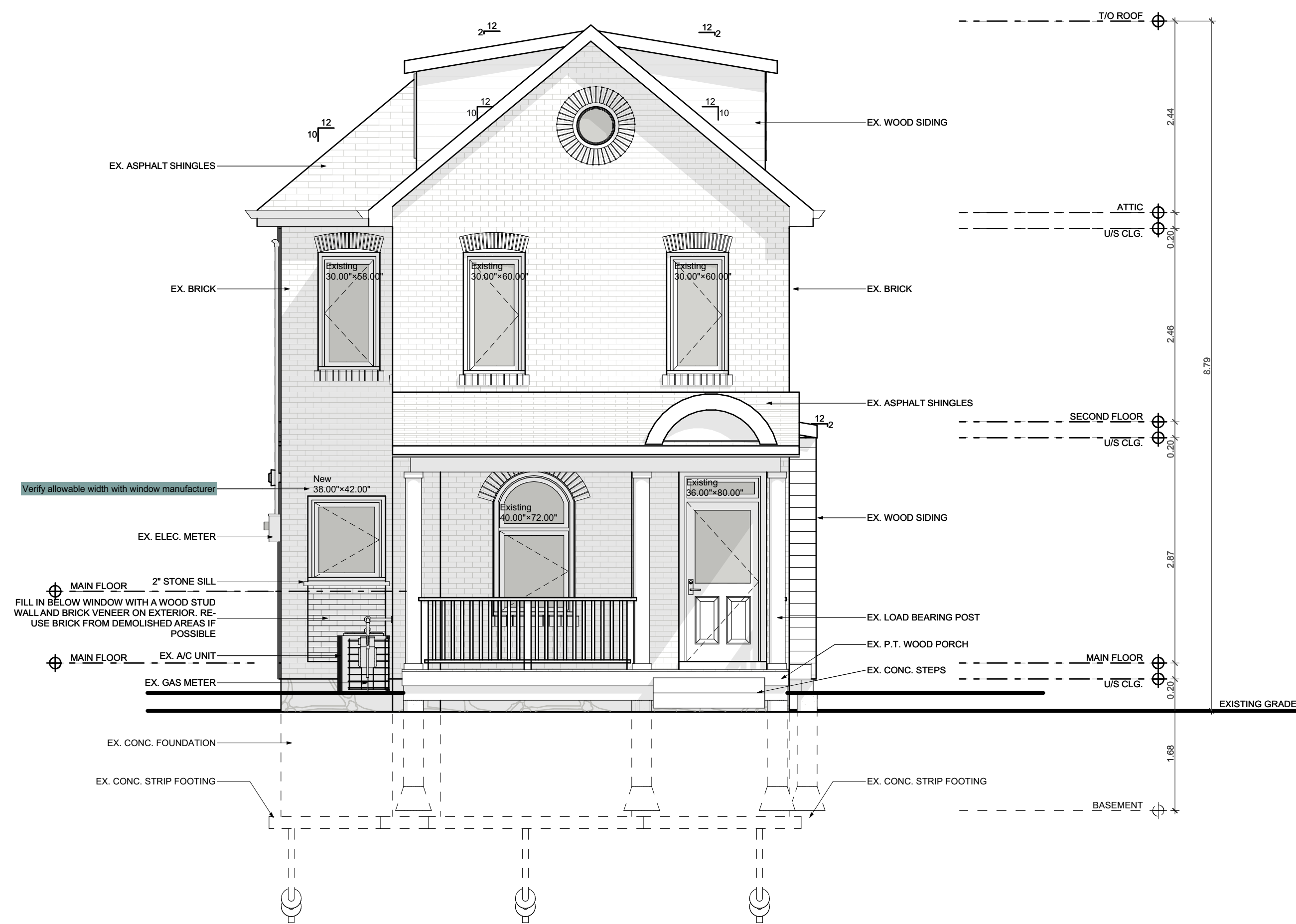
**PROJECT ADDRESS:
288 Charlton Ave. W Hamilton ON L8P 2E5**

DATE: 8/26/2022

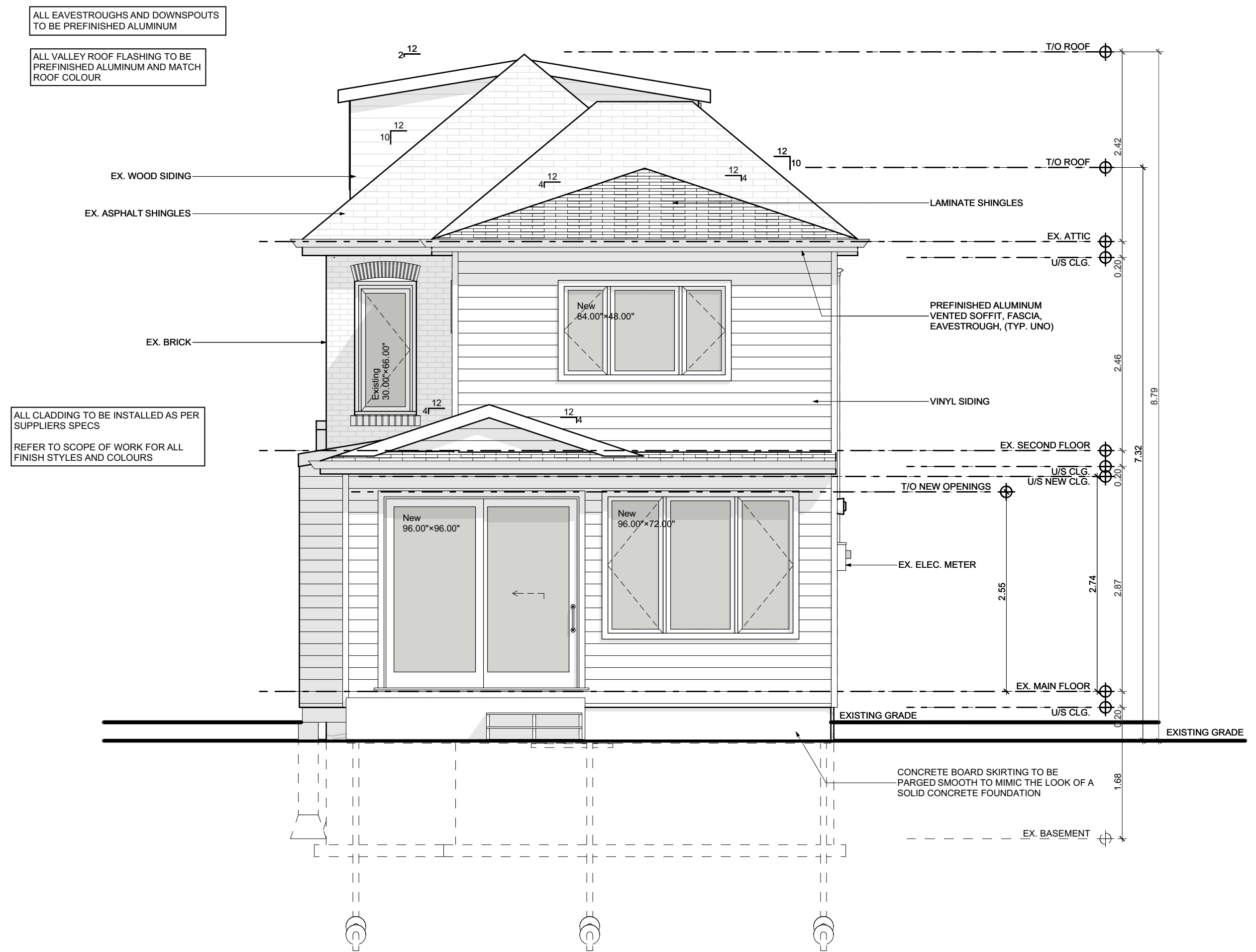
SCALE:
AS NOTED

PROJECT NO:

DRAWING NO:
A2.02



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



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



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

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8		
9		
10		

DRAWING:
PROPOSED FRONT & REAR ELEVATIONS

PROJECT:
HUFF

PROJECT ADDRESS:
288 Charlton Ave. W Hamilton ON L8P 2E5

DATE: 8/26/2022	SCALE: AS NOTED	DRAWING NO: A2.03
	PROJECT NO: ---	



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

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

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

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

	NAME	MAILING ADDRESS	
1, 2 Registered Owners(s)	Bridget Stark Bryan Huff	288 Charlton Avenue West Hamilton, ON L8P 2E5	Phone: 9057308262 E-mail: bridget.huff@gmail.cc
Applicant(s)*	Louie Sayegh	790 Shaver Rd. Ancaster ON	Phone: 905-304-4009 E-mail: louie@teamshane.co
Agent or Solicitor	Louie Sayegh	790 Shaver Rd. Ancaster ON	Phone: 905-304-4009 E-mail: louie@teamshane.co

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:

Scotiabank
 Address: 999 King St W, Hamilton, ON L8S 1K9
 Phone: (905) 525-2640

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:

- Request that the required 1.2m left setback is reduced to 0.6m and its roof projection.
- Request that the required 1.2m right side setback is reduce to 0 and its roof projection.
- Request that the required 3 parking spaces be reduced to 0.
- 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 current by-law restrictions are too tight to allow for a proper sized addition

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 LT 15-16 PL 136 AS IN VM234405; 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?

Knowledge of past use of land

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.

8/28/2022 8/28/2022
Date

DocuSigned by: Bridget Stark
DocuSigned by: B Huff

Signature Property Owner(s)
Bridget Stark Bryan Huff

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 7.62m
Depth 34.5m
Area 263 m2
Width of street 7m

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

Existing: as per site plan

Proposed as per 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: as per site plan

Proposed: as per site plan

13. Date of acquisition of subject lands:
2014
-
14. Date of construction of all buildings and structures on subject lands:
1920's
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
single family
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
single family
-
17. Length of time the existing uses of the subject property have continued:
since built
-
18. Municipal services available: (check the appropriate space or spaces)
Water yes Connected yes
Sanitary Sewer yes Connected yes
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Bylaw #6593 Zone D
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)
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.