



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 22-20
Date: October 20, 2022
Time: 1:00 p.m.
Location: Room 264, 2nd Floor, City Hall (hybrid) (RM)
71 Main Street West

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 4144
cofa@hamilton.ca

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2.2. 1:15 p.m.SC/B-22:952119 Rymal Road E., Stoney Creek (Ward 9) Agent WEBB Planning Consultants Owner P. Silvestri	23
2.3. 1:15 p.m.SC/A-22:2962119 Rymal Road E., Stoney Creek (Ward 9) Agent WEBB Planning Consultants Owner P. Silvestri	41
2.4. 1:20 p.m.SC/A-22:30053 Third Road E., Stoney Creek (Ward 9) Agent L. Paule Owners S. Almeida & D. Medeiros	61

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- 2.6. 1:30 p.m.FL/A-22:2951260 CONC 5 W., Hamilton (Ward 13) 85
Owners L. Alderson & G.Dent
- 2.7. 1:35 p.m.FL/A-22:130102 HWY 52, Flamborough (Ward 12) 109
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- 3.3. 1:50 p.m.AN/A-22:2901151 Garner Road W, Ancaster (Ward 12) 145
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Owner D. & S. Bond
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Owner P. Trombetta
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Owner M. Postma

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 Owners C. & A. FIRTH

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4.2. 2:30 p.m.HM/B-22:98253 King William Street (226 Rebecca Street),
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 Owner Hamilton City Housing

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5. CLOSED

6. ADJOURNMENT



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

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.:	SC/B-22:96	SUBJECT PROPERTY:	0 EDGECROFT CRESCENT, STONE CREEK
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APPLICANTS: Owner: 1322285 ONTARIO LTD
Agent: JAMES WEBB – WEBB PLANNING

PURPOSE & EFFECT: To permit the severed parcel of land to be added to a portion of 2119 Rymal Rd. E. (Lot 5 of SC/B-22:95) for lot consolidation purposes.

	Frontage	Depth	Area
SEVERED LANDS:	6.0 m [±]	3.45 m [±]	9.3 m ^{2±}
RETAINED LANDS:	6.0 m [±]	36.6 m [±]	140.7 m ^{2±}

Associated Planning Act File(s): SC/A-22:296 & SC/B-22:95

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 20, 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

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

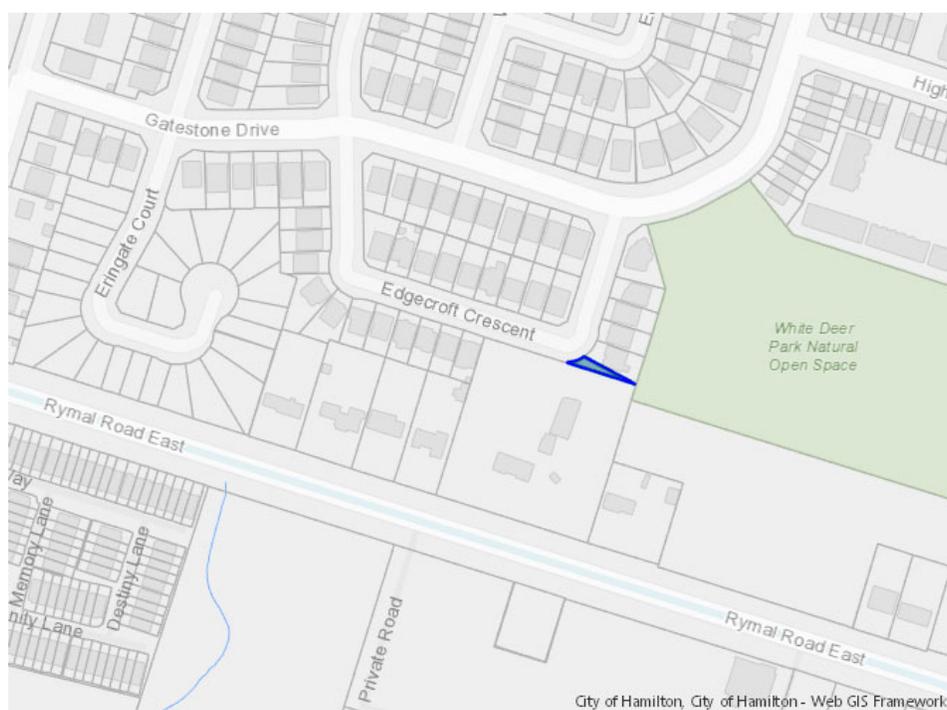
SC/B-22:96

- 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.



 **Subject Lands**

DATED: October 4, 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..

SC/B-22:96

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. 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.

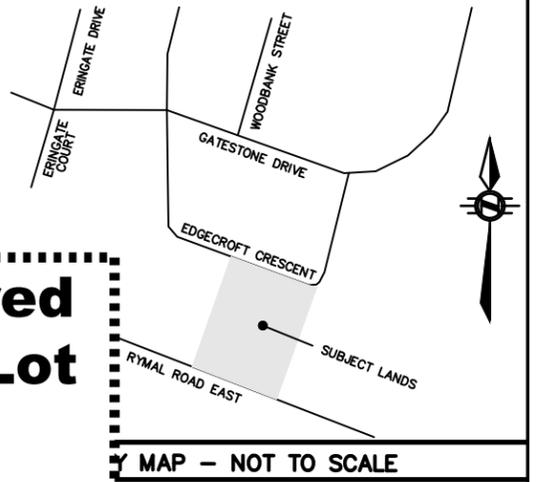
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

SKETCH FOR LAND DIVISION
OF
BLOCK 19
PLAN 62M-1020
AND OF PART OF
LOT 28
CONCESSION 8
GEOGRAPHIC
TOWNSHIP OF SALTFLEET
IN THE
CITY OF HAMILTON
SCALE 1:500 METRIC

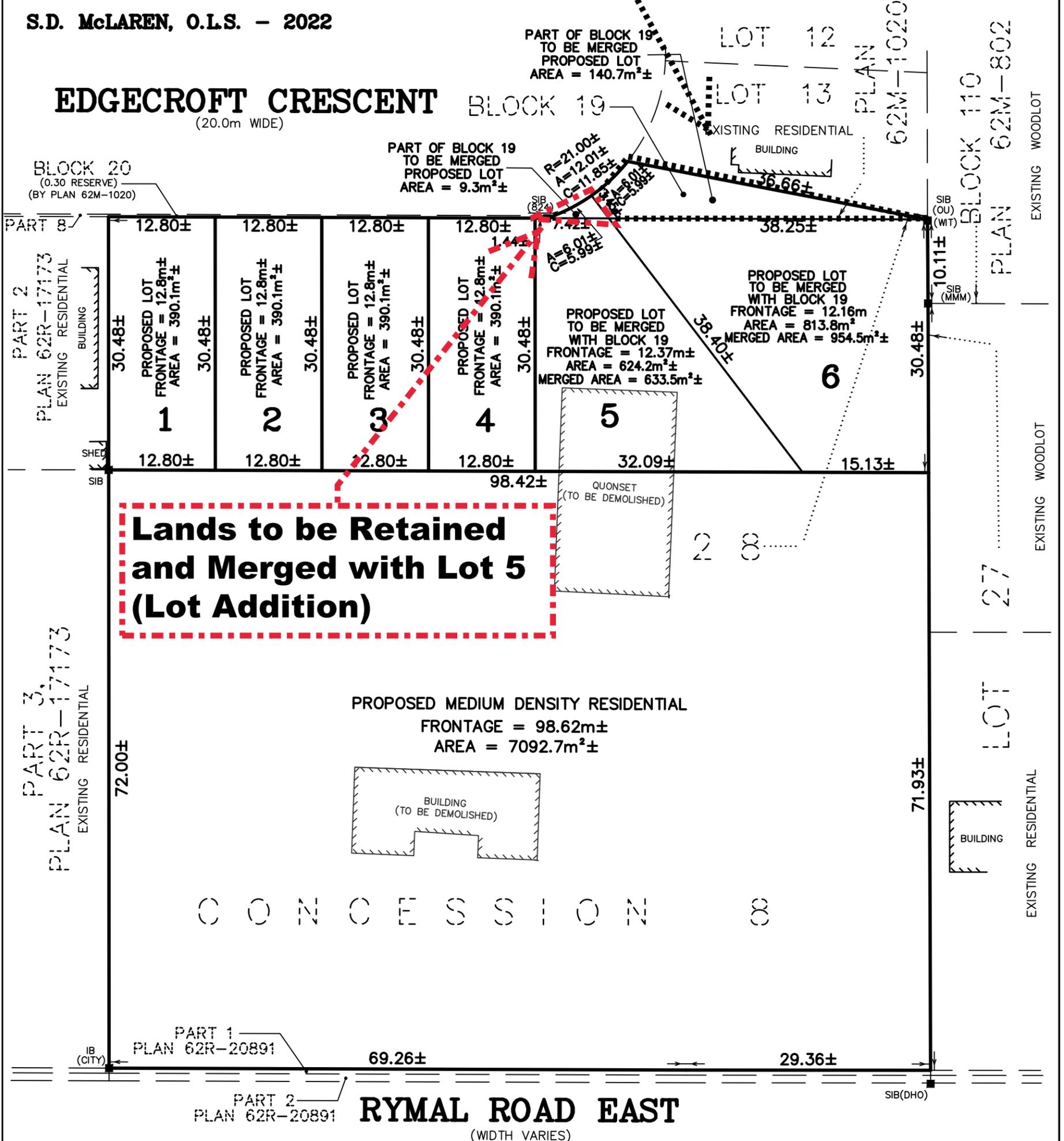
**Lands to be Severed
and Merged with Lot
6 (Lot Addition)**



S.D. McLAREN, O.L.S. - 2022



EDGECROFT CRESCENT
(20.0m WIDE)



**Lands to be Retained
and Merged with Lot 5
(Lot Addition)**

CAUTION:

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

B) THIS SKETCH IS PROTECTED BY COPYRIGHT ©

NOTE:

DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN 62M-1020.

SEPTEMBER 15, 2022

DATE



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

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

Drawn KM	Checked RBM	Crew Chief MWjr	Scale 1:500	Dwg.No. 36944-S
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September 16, 2022

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

Attention: Ms. Jamila Sheffield,
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Consent and Minor Variance
2119 Rymal Road East, Stoney Creek, City of Hamilton

WEBB Planning Consultants are retained by Silvestri Investments to provide land use planning services in connection with the properties located at 2119 Rymal Road East, former City of Stoney Creek.

As illustrated by the accompanying materials, the subject lands are proposed to be developed for residential uses through a phased development proposal. The initial phase is limited to the infilling of lots for single detached dwellings fronting onto Edgecroft Crescent, an existing municipal street. The retained lands will have frontage onto Rymal Road and are planned to be developed at a later date for medium density housing.

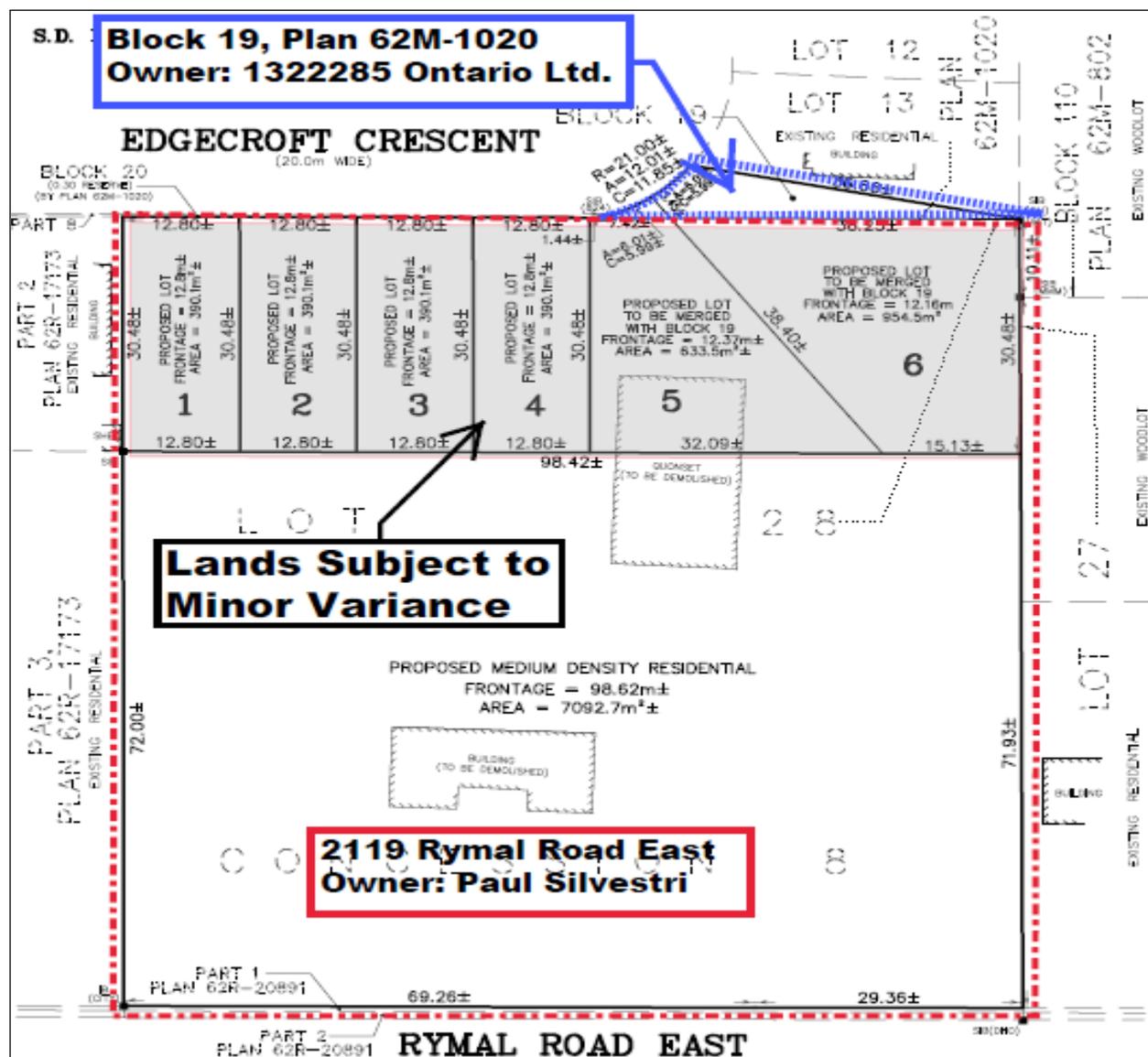
The initial Phase of development is proposed to be implemented through applications to the Committee of Adjustment to obtain approvals for Consent to create the individual lots and a parallel application for Minor Variance to establish Zoning Regulations for a compatible scale of development.

The subject lands are located on Rymal Road East within the Highland Neighbourhood of Upper Stoney Creek. The development is comprised of two parcels- Block 19 of Plan 62M-1020 which is a remnant parcel that was created by Registration of the Shadyglen Phase 3 Plan of Subdivision, also developed by the applicant. This small parcel has frontage onto Edgecroft Crescent and was anticipated to be developed in conjunction with the adjoining lands following assembly.

The larger parcel is a through lot with frontage on both Rymal Road East and Edgecroft Crescent. The parcel has a width of 98 metres, total depth of 103 metres, and an approximate area of 1.02 hectares. The parcel is presently developed with a single detached dwelling and an accessory building, both are to be demolished in anticipation of the development.

Attn.: Ms. Jamila Sheffield
Re: 2119 Rymal Road

September 16, 2022
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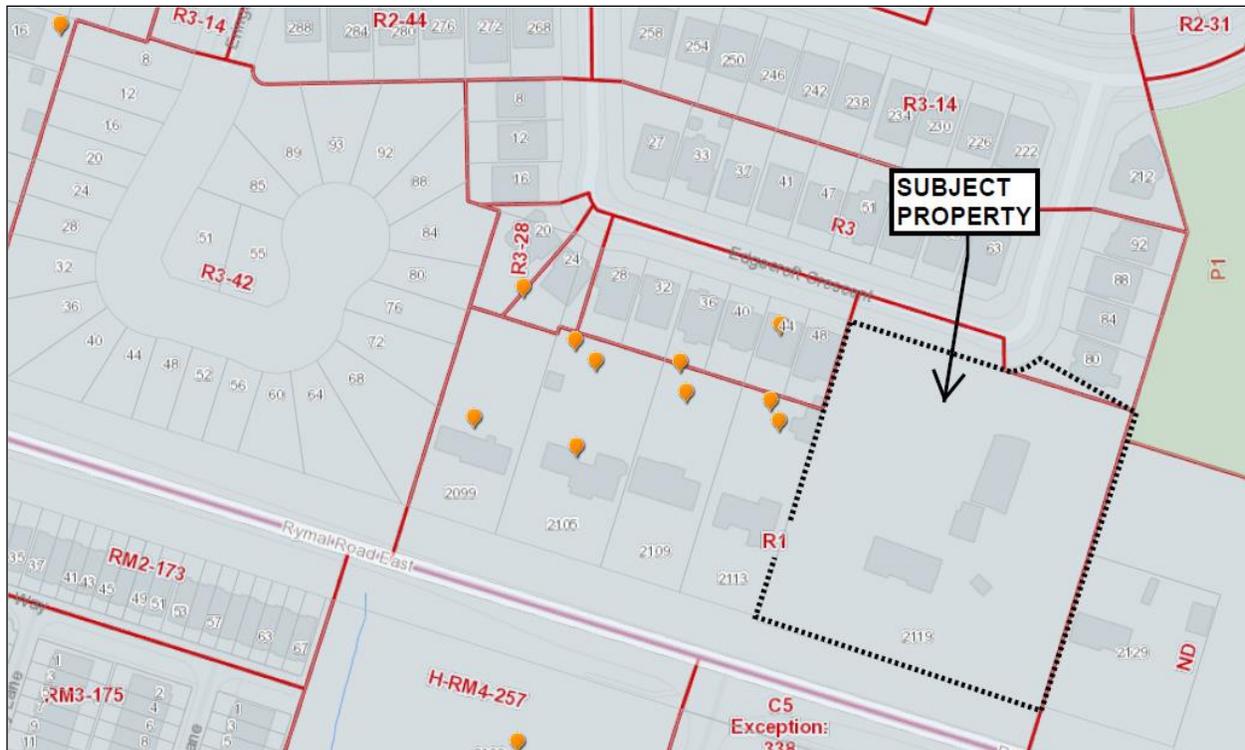


The property is within the Urban Area and designated as Neighbourhoods by Schedule E-1, Urban Land Use Designations. The property is within the West Mountain Area Secondary Plan and subject to the specific policies outlined in Section B.7.6 of the UHOP and Map B.7.6-1, the Secondary Plan Land Use Map and designated as Low Density Residential 2b.

The permitted housing forms shall include single and semi-detached dwellings and duplexes at a density not to exceed 29 units per net residential hectare. The maximum height shall be three storeys. This is the same designation as applies to the abutting Shadyglen Phase 3 Plan of Subdivision previously developed by Silvestri Investments.

Based on a net area of 0.3250 hectares and proposal to develop 6 detached dwelling, the corresponding density is 18.5 units per net residential hectare, within the permitted density range.

As illustrated by the Figure below, the property is predominantly Zoned as R1 - Single Residential One Zone, by the City of Stoney Creek Zoning By-law. Block 19, the remnant parcel created by the Shadyglen Phase 3 subdivision is currently Zoned as R3 - Single Residential Three Zone, similar zoning as the adjoining lots on Edgcroft Crescent.



Analysis of Proposed Lot Creation

The proposal will facilitate the infilling of the currently vacant streetscape of Edgcroft Crescent with lot sizes and housing form that is similar to the established residential character and streetscaping.

The proposed severance has been considered having regard for the matters outlined in Section 51(24) of the Planning Act. It is our opinion that a Plan of Subdivision is not required for proper and orderly development as the lands abut an existing municipal street and appropriate municipal services are existing. As documented below, the proposal conforms to the Official Plan, full municipal services are available, there are no conflicts with natural or cultural resources, or hazards. It is our opinion that the proposal is consistent with the relevant sections of the Planning Act.

Policies for the Division of Land are outlined in Section F.1.14 of the Urban Hamilton Official Plan (UHOP). Specific to Lot Creation within the Neighbourhoods Designation, Consents for new lot creation shall be permitted provided the following conditions are met:

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

We have considered the above criteria in the context of both the lands to be severed and retained and in our opinion the proposal conforms in all regards.

The property is within the Urban Area and designated as Neighbourhoods by the UHOP and more particularly Low Density Residential 2b by the West Mountain Area Secondary Plan. The proposed lots will be developed on the basis of full municipal services at a form and scale that conform with the Policies intended to guide intensification within the Neighbourhoods Designation. The proposed lots for single detached dwellings comply with the permitted uses and scale of development.

The retained portion fronting Rymal Road is also designated Low Density Residential 2b by the Secondary Plan. The developer however intends to pursue an alternative form of development subject to the successful processing of applications for Official Plan and Zoning By-law amendments.

The subject lands are presently Zoned as R1 – Single Residential One Zone, by the City of Stoney Creek Zoning By-law. Implementation of the proposed lot shapes and dimensions will require the successful processing of an Application for Minor Variance seeking reduction in the minimum permitted lot areas, frontages, and interior side yard. It is noted that the proposed lot areas and width comply with the Regulations of the R3 Zone that applies to the adjoining detached dwellings on Edgcroft Crescent. A complete analysis of the proposed Variances is provided in a following section of this letter.

The prevailing character of the surrounding area is predominantly single detached dwellings, the existing lots on Edgcroft Crescent have similar lot depths and widths of 14.0 metres. The homes are predominantly 2 storeys in height with setbacks in conformity with the R3

Zone Regulations. The six lots proposed to be created from the subject property will complete the existing streetscape with a form of development that is in keeping with the general scale and character of the established development pattern. The homes will have a similar height of two storeys and lot coverages, setbacks and landscape treatment in keeping with the applicable Zoning Regulations.

The proposed lots will have frontage on the existing municipal street which has been constructed with full municipal services suitable to provide laterals to service the proposed lot with sanitary sewer and water.

The lands that are being retained are not proposed for development at this time. The owners intend to investigate alternative development concepts for the block which will likely trigger the need for amendments to the Secondary Plan and Zoning By-law.

On the basis of the above discussion, it is our opinion that the proposed Consent conforms to the applicable Lot Creation Policies of the UHOP.

Analysis of Proposed Variances

Implementation of the proposed severances will require modifications to the existing R1 Zone Regulations.

- A minimum lot width of 12.1 metres whereas the R1 Zone requires 18.0 metres;
- A minimum Lot Area of 390 square metres whereas 600 square metres is required;
- A minimum interior side yard of 0.6 metres on one side whereas the Zone Regulations require 1.25 metres on both sides.

As summarized below, the proposed Variances have been considered in the context of the four tests outlined by Section 45 (1) of the Planning Act and in our opinion, comply in all respects. The following discussion evaluates the proposal having regard to these tests:

The Variances have been considered in the context of the Official Plan and in our opinion maintain the general purpose and intent.

The subject lands are designated as Neighbourhoods by Volume 1 of the UHOP and Low Density Residential 2b by the Secondary Plan. Single detached dwellings are the intended form of residential development within the designation. The intensity of development is within the permitted density range for the designation, the proposal to develop 6 detached dwelling, the corresponding density is 18.5 units per net residential hectare, significantly less than the maximum permitted density of 29 units per net residential hectare.

Policies for Intensification in the Neighbourhoods designation, Section 2.4.2 of the UHOP, identify the key criteria for the evaluation of new development as compatibility with adjacent

land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects and consideration of the relationship of the proposal with the height, massing, and scale of nearby residential buildings. In this instance, the proposed residential form and scale is similar to the existing character of detached residential dwellings on Edgcroft with respect to building heights and general lot sizes and is not anticipated to create and adverse impacts.

The development implements the intent of the Infrastructure Policies of the UHOP as the lots will be developed on the basis of full municipal services with frontage onto an existing fully urbanized municipal street.

The Variances have been considered in the context of the Zoning By-law and in our opinion maintain the general purpose and intent.

As noted above, the subject lands are presently Zoned as R1 Zone by the City of Stoney Creek Zoning By-law. The current Zoning permits single detached dwellings to a maximum height of 11.0 metres, parking of 2 spaces per dwelling, maximum lot coverage of 40% a front and rear setback of 6.0 metres and 7.5 metres. None of these Regulations are proposed to be modified.

Consistent with the R3 Zoning of the existing dwellings fronting onto Edgcroft Crescent, the proposed lots are proposed to have minimum lot areas of 390 square metres and lot widths of 12.8 metres, the lot widths slightly reduced for the two irregular “pie” shaped lots, lots 5 & 6, to a minimum of 12.1 metres. The R3 Zone by comparison requires a minimum lot area of 370 square metres and a minimum lot width of 12.0 metres.

As the proposed lots will facilitate the infilling of the currently vacant streetscape of Edgcroft Crescent, it is appropriate that the proposed lots will have similar lot sizing and built form that would otherwise be permitted by the adjoining R3 Zone Regulations. The Variances maintain the established character as permitted by the adjoining R3 Zoning and do not seek development that would be out of character or create adverse impacts with respect to coverage, height, parking and streetscaping.

The proposed Variance to seek a minor reduction in the side yard setback for one side of the building is consistent with established low density residential Zoning throughout the City, typically by way of Site-Specific amendments. Consistent with the City’s engineering Guidelines, the minor reduction in the side yard is acceptable provided the total separation between two adjoining buildings is no less than 1.8 metres which can be achieved for this development.

It is noted that the City of Hamilton is presently updating Zoning By-law 05-200 to implement new City-wide residential Zone categories to replace the Regulations of the former municipal Zoning By-laws. The City initiative includes a new Low Density Residential Zone that is intended to replace existing Regulations, the R1 Zone establishes a standard of 360 square

metres for minimum lot size and 12.0 metres for minimum lot width. It is noted that the proposed Variances align with the new Zoning standards for low density development.

The Variances are Minor.

The appropriate test to establish that the Variances are minor is to consider if any adverse or negative impacts arise from the development. It is our opinion that the Variances do not permit an over-intensification of the lands with respect to building height or lot coverage and will not result in loss of privacy or overlook to existing development. The resulting development will not create any adverse or negative impacts to existing development.

The proposed development is desirable for the appropriate development of the lands.

It is our opinion that the Variance will provide for the desirable and appropriate development of the lands. The development completes the intended streetscape of single detached dwellings along this vacant section of Edgecroft Crescent. The proposed lot fabric and enabling Zone Regulations facilitate the incorporation of the remnant Block 19 which is already Zoned as R3 and implementation of planned development. The proposal represents an appropriate form and scale of intensification and will contribute the supply of much needed housing within the City's urban boundary.

In summary, it is our opinion that the Variances required to implement the proposal meets the four tests of the Planning Act and will provide for creation of a separate parcel for continued institutional uses or possible redevelopment in keeping with the established planning policy framework.

In keeping with the City's requirements for the submission of an Application for Minor Variance and Consent we are submitting the following materials in addition to this cover letter:

- Application for Minor Variance;
- Application for Consent – 2119 Rymal Road – Concurrent Lot Creation;
- Application for Consent – Block 19, Application for Lot Additions;
- Combined Application Fee of \$7,395.00 payable to the City of Hamilton;
- Sketch Plans illustrating proposed Lot Creation and Lot Additions.

Attn.: Ms. Jamila Sheffield
Re: 2119 Rymal Road

September 16, 2022
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We trust that you will find the enclosed materials complete and suitable for the purpose of processing these Applications. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

WEBB Planning Consultants Inc.

A handwritten signature in black ink, appearing to read "James Webb". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

James Webb, MCIP, RPP

cc: Paul Silvestri



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE *PLANNING ACT***

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	1322285 Ontario Ltd.		
Applicant(s)**	1322285 Ontario Ltd		
Agent or Solicitor	WEBB Planning Consultants		

*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.

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

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

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent jwebb@webbplanning.ca

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	Edgecroft Crescent		
Assessment Roll Number			
Former Municipality	Saltfleet		
Lot	Pt Lot 28	Concession	8
Registered Plan Number	62M-1020	Lot(s)	Block 19
Reference Plan Number (s)		Part(s)	

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)

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input checked="" type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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

TBD

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

Retained Part to be merged with proposed Lot 5 of adjoining parcel, Severed Part to be merged with proposed Lot 6

3.4 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)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:	Retained Parcel	Severed Part			
Type of Transfer	N/A	Lot addition			
Frontage	Apx 6.0 m	Apx. 6.0 m			
Depth	3.45 m	36.6 m			
Area	9.3 sq. m	140.7 sq. m			
Existing Use	Vacant	Vacant			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Vacant	Vacant			
Proposed Buildings/ Structures	single detached dwelling	single detached dwelling			
Buildings/ Structures to be Removed	none -vacant	None - vacant			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) 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)

c) 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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods & Low Density Res. 2B

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

Refer to cover letter for UHOP conformity discussion

5.2 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 known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? R3 Zone, Stoney Creeek ZBL 3692-92

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

5.4 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 known, provide the appropriate file number and status of the application.

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



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.:	SC/B-22:95	SUBJECT PROPERTY:	2119 Rymal Rd, STONEY CREEK
-------------------------	------------	--------------------------	-----------------------------

APPLICANTS: Owner: PAUL SILVESTRI
Agent: JAMES WEBB – WEBB PLANNING

PURPOSE & EFFECT: To facilitate the creation of six new lots for residential purposes (single detached dwellings) and to retain a parcel of land for future residential development.

	Frontage	Depth	Area
RETAINED LANDS:	69.26 (Rymal Road) m [±]	71.9 m [±]	7092.7 m ² ±
LOT 1	12.8 m [±]	30.4 m [±]	390.1 m ² ±
LOT 2	12.8 m [±]	30.4 m [±]	390.1 m ² ±
LOT 3	12.8 m [±]	30.4 m [±]	390.1 m ² ±
LOT 4	12.8 m [±]	30.4 m [±]	390.1 m ² ±
LOT 5	1.44 m [±]	30.4 m [±]	624.2 m ² ±
LOT 6	N/A m [±]	38.4 m [±]	813.8 m ² ±

Associated Planning Act File(s): SC/A-22:296 & SC/B-22:96

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 20, 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

SC/B-22:95

www.hamilton.ca/committeeofadjustment
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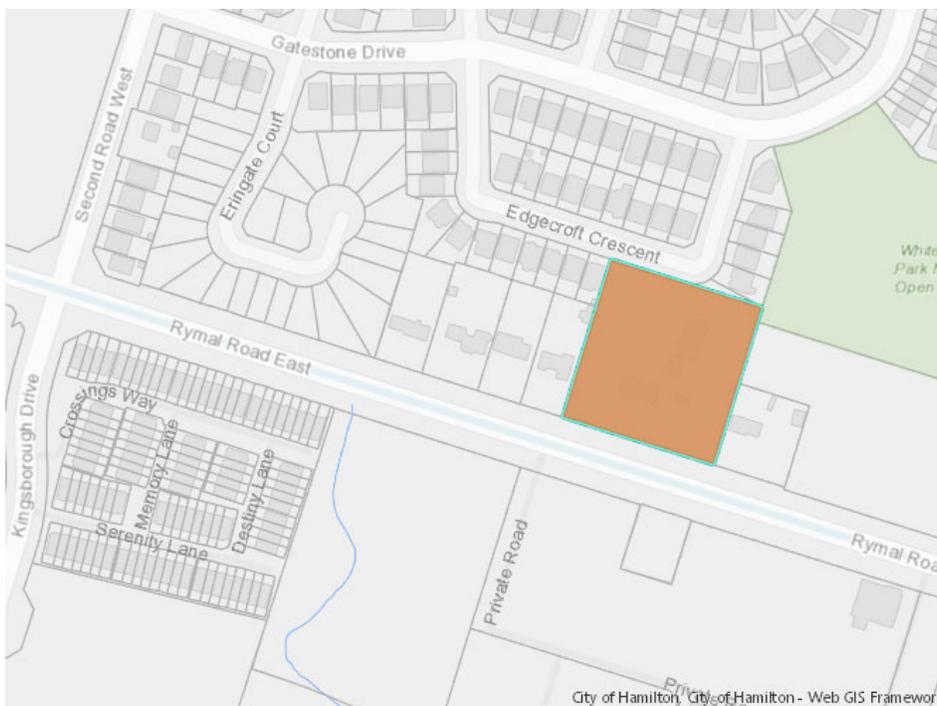
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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.



DATED: October 4, 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.

SC/B-22:95

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. 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.



September 16, 2022

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

Attention: Ms. Jamila Sheffield,
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Consent and Minor Variance
2119 Rymal Road East, Stoney Creek, City of Hamilton

WEBB Planning Consultants are retained by Silvestri Investments to provide land use planning services in connection with the properties located at 2119 Rymal Road East, former City of Stoney Creek.

As illustrated by the accompanying materials, the subject lands are proposed to be developed for residential uses through a phased development proposal. The initial phase is limited to the infilling of lots for single detached dwellings fronting onto Edgecroft Crescent, an existing municipal street. The retained lands will have frontage onto Rymal Road and are planned to be developed at a later date for medium density housing.

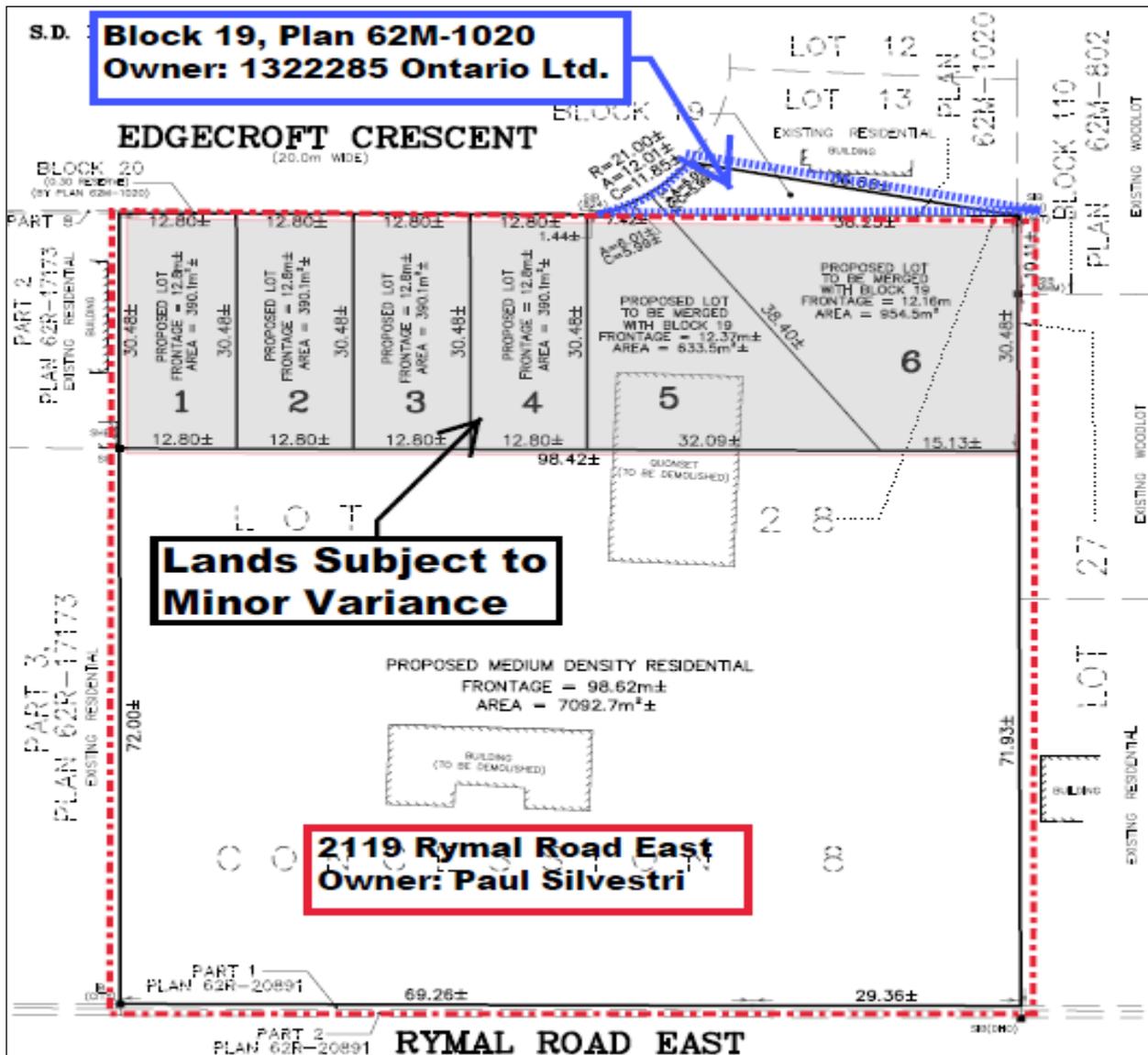
The initial Phase of development is proposed to be implemented through applications to the Committee of Adjustment to obtain approvals for Consent to create the individual lots and a parallel application for Minor Variance to establish Zoning Regulations for a compatible scale of development.

The subject lands are located on Rymal Road East within the Highland Neighbourhood of Upper Stoney Creek. The development is comprised of two parcels- Block 19 of Plan 62M-1020 which is a remnant parcel that was created by Registration of the Shadyglen Phase 3 Plan of Subdivision, also developed by the applicant. This small parcel has frontage onto Edgecroft Crescent and was anticipated to be developed in conjunction with the adjoining lands following assembly.

The larger parcel is a through lot with frontage on both Rymal Road East and Edgecroft Crescent. The parcel has a width of 98 metres, total depth of 103 metres, and an approximate area of 1.02 hectares. The parcel is presently developed with a single detached dwelling and an accessory building, both are to be demolished in anticipation of the development.

Attn.: Ms. Jamila Sheffield
Re: 2119 Rymal Road

September 16, 2022
Page 2

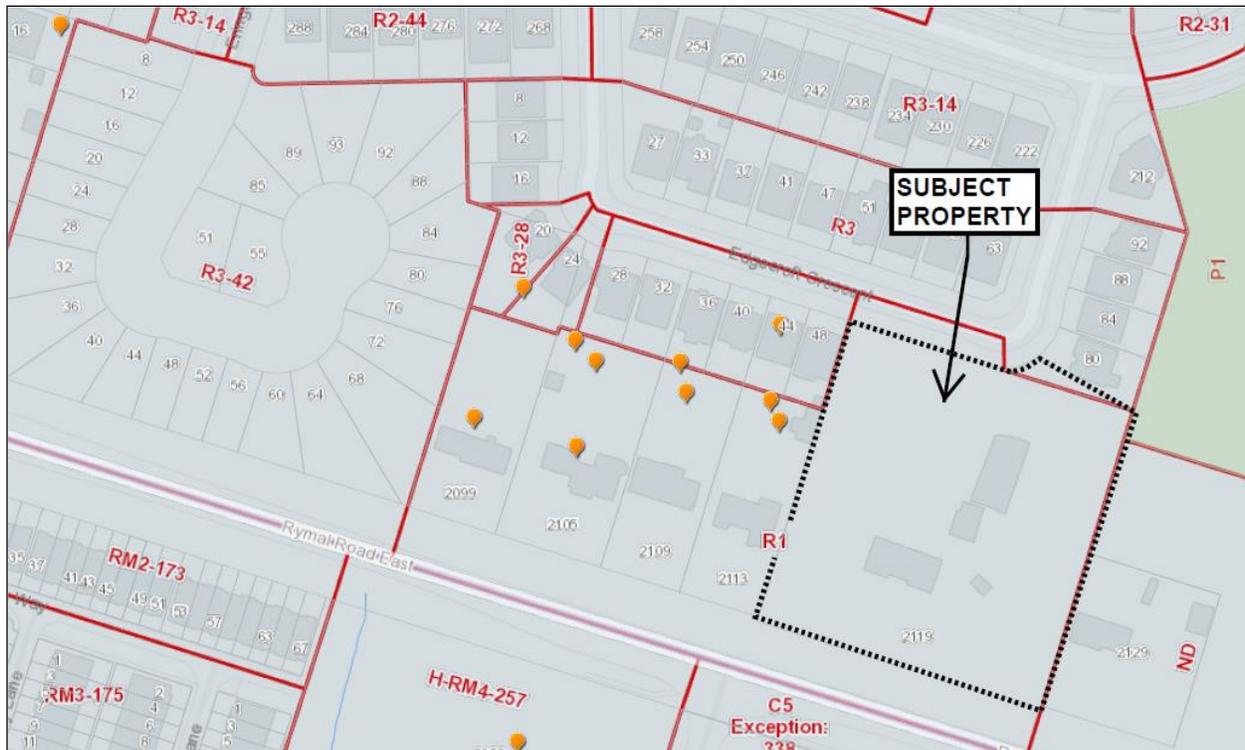


The property is within the Urban Area and designated as Neighbourhoods by Schedule E-1, Urban Land Use Designations. The property is within the West Mountain Area Secondary Plan and subject to the specific policies outlined in Section B.7.6 of the UHOP and Map B.7.6-1, the Secondary Plan Land Use Map and designated as Low Density Residential 2b.

The permitted housing forms shall include single and semi-detached dwellings and duplexes at a density not to exceed 29 units per net residential hectare. The maximum height shall be three storeys. This is the same designation as applies to the abutting Shadyglen Phase 3 Plan of Subdivision previously developed by Silvestri Investments.

Based on a net area of 0.3250 hectares and proposal to develop 6 detached dwelling, the corresponding density is 18.5 units per net residential hectare, within the permitted density range.

As illustrated by the Figure below, the property is predominantly Zoned as R1 - Single Residential One Zone, by the City of Stoney Creek Zoning By-law. Block 19, the remnant parcel created by the Shadyglen Phase 3 subdivision is currently Zoned as R3 - Single Residential Three Zone, similar zoning as the adjoining lots on Edgcroft Crescent.



Analysis of Proposed Lot Creation

The proposal will facilitate the infilling of the currently vacant streetscape of Edgcroft Crescent with lot sizes and housing form that is similar to the established residential character and streetscaping.

The proposed severance has been considered having regard for the matters outlined in Section 51(24) of the Planning Act. It is our opinion that a Plan of Subdivision is not required for proper and orderly development as the lands abut an existing municipal street and appropriate municipal services are existing. As documented below, the proposal conforms to the Official Plan, full municipal services are available, there are no conflicts with natural or cultural resources, or hazards. It is our opinion that the proposal is consistent with the relevant sections of the Planning Act.

Policies for the Division of Land are outlined in Section F.1.14 of the Urban Hamilton Official Plan (UHOP). Specific to Lot Creation within the Neighbourhoods Designation, Consents for new lot creation shall be permitted provided the following conditions are met:

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

We have considered the above criteria in the context of both the lands to be severed and retained and in our opinion the proposal conforms in all regards.

The property is within the Urban Area and designated as Neighbourhoods by the UHOP and more particularly Low Density Residential 2b by the West Mountain Area Secondary Plan. The proposed lots will be developed on the basis of full municipal services at a form and scale that conform with the Policies intended to guide intensification within the Neighbourhoods Designation. The proposed lots for single detached dwellings comply with the permitted uses and scale of development.

The retained portion fronting Rymal Road is also designated Low Density Residential 2b by the Secondary Plan. The developer however intends to pursue an alternative form of development subject to the successful processing of applications for Official Plan and Zoning By-law amendments.

The subject lands are presently Zoned as R1 – Single Residential One Zone, by the City of Stoney Creek Zoning By-law. Implementation of the proposed lot shapes and dimensions will require the successful processing of an Application for Minor Variance seeking reduction in the minimum permitted lot areas, frontages, and interior side yard. It is noted that the proposed lot areas and width comply with the Regulations of the R3 Zone that applies to the adjoining detached dwellings on Edgcroft Crescent. A complete analysis of the proposed Variances is provided in a following section of this letter.

The prevailing character of the surrounding area is predominantly single detached dwellings, the existing lots on Edgcroft Crescent have similar lot depths and widths of 14.0 metres. The homes are predominantly 2 storeys in height with setbacks in conformity with the R3

Zone Regulations. The six lots proposed to be created from the subject property will complete the existing streetscape with a form of development that is in keeping with the general scale and character of the established development pattern. The homes will have a similar height of two storeys and lot coverages, setbacks and landscape treatment in keeping with the applicable Zoning Regulations.

The proposed lots will have frontage on the existing municipal street which has been constructed with full municipal services suitable to provide laterals to service the proposed lot with sanitary sewer and water.

The lands that are being retained are not proposed for development at this time. The owners intend to investigate alternative development concepts for the block which will likely trigger the need for amendments to the Secondary Plan and Zoning By-law.

On the basis of the above discussion, it is our opinion that the proposed Consent conforms to the applicable Lot Creation Policies of the UHOP.

Analysis of Proposed Variances

Implementation of the proposed severances will require modifications to the existing R1 Zone Regulations.

- A minimum lot width of 12.1 metres whereas the R1 Zone requires 18.0 metres;
- A minimum Lot Area of 390 square metres whereas 600 square metres is required;
- A minimum interior side yard of 0.6 metres on one side whereas the Zone Regulations require 1.25 metres on both sides.

As summarized below, the proposed Variances have been considered in the context of the four tests outlined by Section 45 (1) of the Planning Act and in our opinion, comply in all respects. The following discussion evaluates the proposal having regard to these tests:

The Variances have been considered in the context of the Official Plan and in our opinion maintain the general purpose and intent.

The subject lands are designated as Neighbourhoods by Volume 1 of the UHOP and Low Density Residential 2b by the Secondary Plan. Single detached dwellings are the intended form of residential development within the designation. The intensity of development is within the permitted density range for the designation, the proposal to develop 6 detached dwelling, the corresponding density is 18.5 units per net residential hectare, significantly less than the maximum permitted density of 29 units per net residential hectare.

Policies for Intensification in the Neighbourhoods designation, Section 2.4.2 of the UHOP, identify the key criteria for the evaluation of new development as compatibility with adjacent

land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects and consideration of the relationship of the proposal with the height, massing, and scale of nearby residential buildings. In this instance, the proposed residential form and scale is similar to the existing character of detached residential dwellings on Edgcroft with respect to building heights and general lot sizes and is not anticipated to create and adverse impacts.

The development implements the intent of the Infrastructure Policies of the UHOP as the lots will be developed on the basis of full municipal services with frontage onto an existing fully urbanized municipal street.

The Variances have been considered in the context of the Zoning By-law and in our opinion maintain the general purpose and intent.

As noted above, the subject lands are presently Zoned as R1 Zone by the City of Stoney Creek Zoning By-law. The current Zoning permits single detached dwellings to a maximum height of 11.0 metres, parking of 2 spaces per dwelling, maximum lot coverage of 40% a front and rear setback of 6.0 metres and 7.5 metres. None of these Regulations are proposed to be modified.

Consistent with the R3 Zoning of the existing dwellings fronting onto Edgcroft Crescent, the proposed lots are proposed to have minimum lot areas of 390 square metres and lot widths of 12.8 metres, the lot widths slightly reduced for the two irregular “pie” shaped lots, lots 5 & 6, to a minimum of 12.1 metres. The R3 Zone by comparison requires a minimum lot area of 370 square metres and a minimum lot width of 12.0 metres.

As the proposed lots will facilitate the infilling of the currently vacant streetscape of Edgcroft Crescent, it is appropriate that the proposed lots will have similar lot sizing and built form that would otherwise be permitted by the adjoining R3 Zone Regulations. The Variances maintain the established character as permitted by the adjoining R3 Zoning and do not seek development that would be out of character or create adverse impacts with respect to coverage, height, parking and streetscaping.

The proposed Variance to seek a minor reduction in the side yard setback for one side of the building is consistent with established low density residential Zoning throughout the City, typically by way of Site-Specific amendments. Consistent with the City’s engineering Guidelines, the minor reduction in the side yard is acceptable provided the total separation between two adjoining buildings is no less than 1.8 metres which can be achieved for this development.

It is noted that the City of Hamilton is presently updating Zoning By-law 05-200 to implement new City-wide residential Zone categories to replace the Regulations of the former municipal Zoning By-laws. The City initiative includes a new Low Density Residential Zone that is intended to replace existing Regulations, the R1 Zone establishes a standard of 360 square

metres for minimum lot size and 12.0 metres for minimum lot width. It is noted that the proposed Variances align with the new Zoning standards for low density development.

The Variances are Minor.

The appropriate test to establish that the Variances are minor is to consider if any adverse or negative impacts arise from the development. It is our opinion that the Variances do not permit an over-intensification of the lands with respect to building height or lot coverage and will not result in loss of privacy or overlook to existing development. The resulting development will not create any adverse or negative impacts to existing development.

The proposed development is desirable for the appropriate development of the lands.

It is our opinion that the Variance will provide for the desirable and appropriate development of the lands. The development completes the intended streetscape of single detached dwellings along this vacant section of Edgecroft Crescent. The proposed lot fabric and enabling Zone Regulations facilitate the incorporation of the remnant Block 19 which is already Zoned as R3 and implementation of planned development. The proposal represents an appropriate form and scale of intensification and will contribute the supply of much needed housing within the City's urban boundary.

In summary, it is our opinion that the Variances required to implement the proposal meets the four tests of the Planning Act and will provide for creation of a separate parcel for continued institutional uses or possible redevelopment in keeping with the established planning policy framework.

In keeping with the City's requirements for the submission of an Application for Minor Variance and Consent we are submitting the following materials in addition to this cover letter:

- Application for Minor Variance;
- Application for Consent – 2119 Rymal Road – Concurrent Lot Creation;
- Application for Consent – Block 19, Application for Lot Additions;
- Combined Application Fee of \$7,395.00 payable to the City of Hamilton;
- Sketch Plans illustrating proposed Lot Creation and Lot Additions.

Attn.: Ms. Jamila Sheffield
Re: 2119 Rymal Road

September 16, 2022
Page 8

We trust that you will find the enclosed materials complete and suitable for the purpose of processing these Applications. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

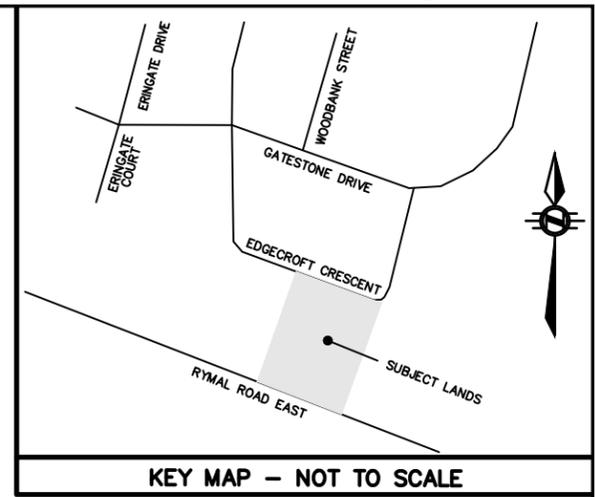
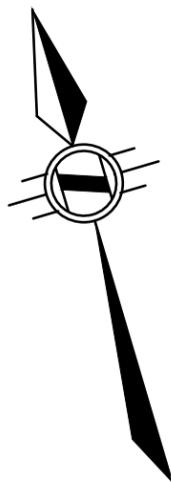
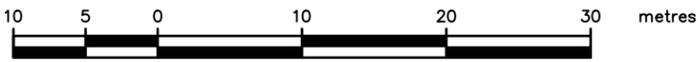
WEBB Planning Consultants Inc.

A handwritten signature in black ink, appearing to read "James Webb". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

James Webb, MCIP, RPP

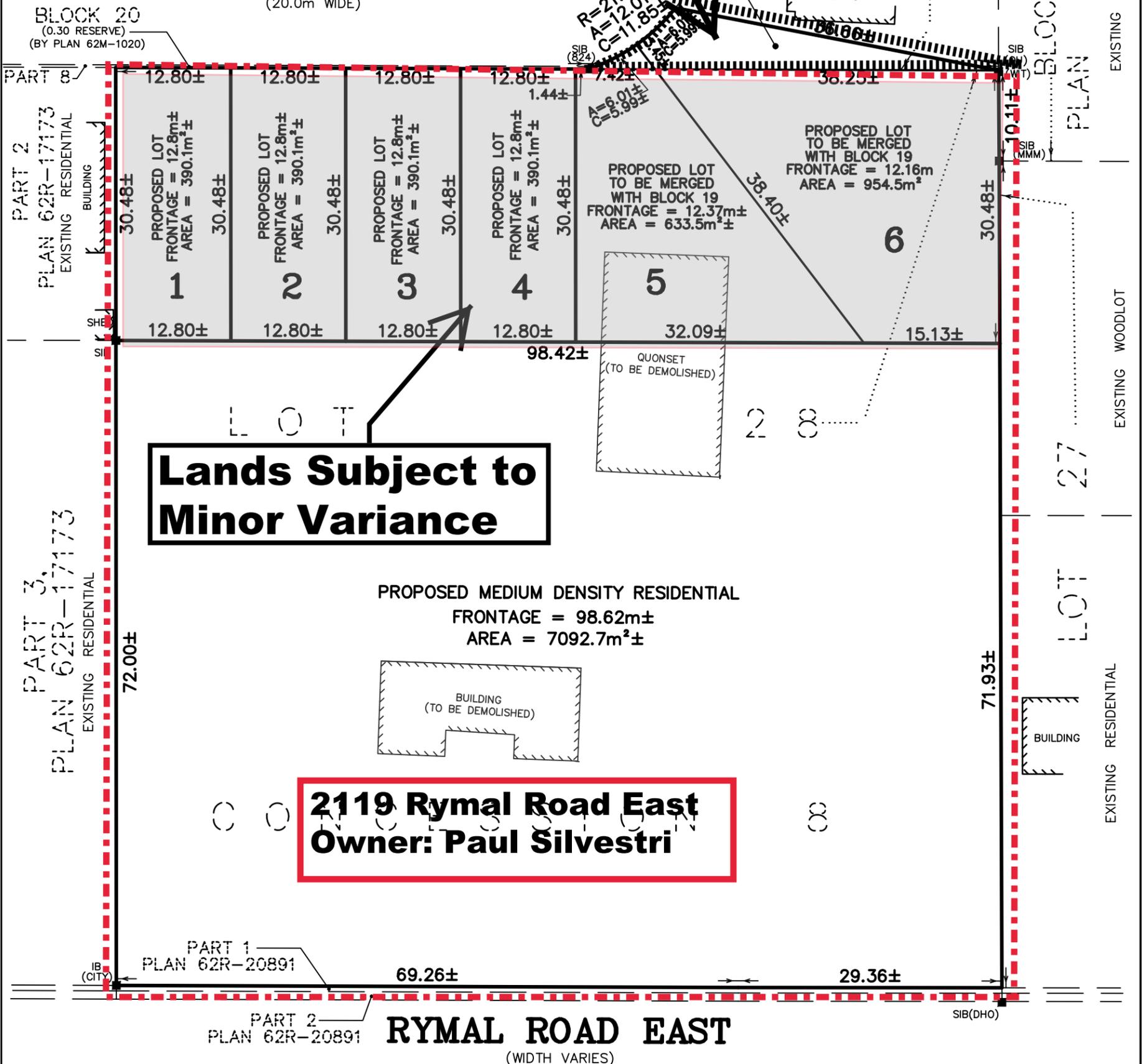
cc: Paul Silvestri

SKETCH FOR LAND DIVISION
 OF
BLOCK 19
PLAN 62M-1020
 AND OF PART OF
LOT 28
CONCESSION 8
 GEOGRAPHIC
TOWNSHIP OF SALTFLEET
 IN THE
CITY OF HAMILTON
 SCALE 1:500 METRIC



S.D. Block 19, Plan 62M-1020
Owner: 1322285 Ontario Ltd.

EDGECROFT CRESCENT
 (20.0m WIDE)



**Lands Subject to
 Minor Variance**

2119 Rymal Road East
Owner: Paul Silvestri

PROPOSED MEDIUM DENSITY RESIDENTIAL
 FRONTAGE = 98.62m±
 AREA = 7092.7m²±

CAUTION:

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

B) THIS SKETCH IS PROTECTED BY COPYRIGHT ©

NOTE:

DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN 62M-1020.

JUNE 20, 2022

DATE



A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS

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

Drawn KM	Checked RBM	Crew Chief MWjr	Scale 1:500	Dwg.No. 36944-S
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Hamilton

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

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

**APPLICATION FOR CONSENT TO SEVER LAND
 and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Paul Silvestri		
Applicant(s)**	Silvestri Investments		
Agent or Solicitor	WEBB Planning Consultants		

*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.

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

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

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent jwebb@webbplanning.ca

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	Edgecroft Crescent		
Assessment Roll Number	251803385031200		
Former Municipality	Saltfleet		
Lot	Pt Lot 28	Concession	8
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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)

- | | |
|---|---|
| <input type="checkbox"/> creation of a new lot(s) | <input checked="" type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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

Not yet determined

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

3.4 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)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land: **Refer to Accompanying Schedule "A"**

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:					
Type of Transfer	N/A				
Frontage					
Depth					
Area					
Existing Use					
Proposed Use					
Existing Buildings/ Structures					
Proposed Buildings/ Structures					
Buildings/ Structures to be Removed					

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

b) 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) _____

c) 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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods & Low Density Res. 2B

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

Refer to cover letter for UHOP conformity discussion

- 5.2 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 known, provide the appropriate file number and status of the application.

- 5.3 What is the existing zoning of the subject land? R1 Zone, Stoney Creeek ZBL 3692-92

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

- 5.4 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 known, provide the appropriate file number and status of the application.

Severed lands subject to concurrent Minor Variance Application, File # tbd

- 5.5 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 * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	



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-22:296	SUBJECT PROPERTY:	2119 RYMAL ROAD, STONEY CREEK
ZONE:	"R1" (Single Residential)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: PAUL SILVESTRI
JAMES WEBB – WEBB PLANNING

The following variances are requested:

1. A minimum interior lot area of 385m² shall be permitted instead of the minimum 600m² interior lot area required.
2. A minimum interior lot frontage of 12.10m shall be permitted instead of the minimum 18.00m interior lot frontage required.
3. A minimum interior side yard of 0.60m shall be permitted instead of the minimum 1.25m side yard required, or the minimum 3.0m side yard required on one side, where no attached garage or carport is provided.

PURPOSE & EFFECT: To facilitate severance application SC/B-22:95 and establish 6 lots proposing single detached dwellings on each lot as provided on "Sketch for land division Drawing" dated September 15th, 2022;

Notes:

1. Variances have been written exactly as requested by the applicant. Please be advised, the lands may be subject to a Site Plan Control Application. As of today's date, a Site Plan Application has not been submitted. Additionally, a fully scaled and dimensioned site plan showing the entire property together with the details of the proposed construction and parking area was not provided; therefore, a full zoning review could not be conducted. Be advised, further variances may be required at such time that a full zoning review is conducted.

SC/A-22:296

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 20, 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

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

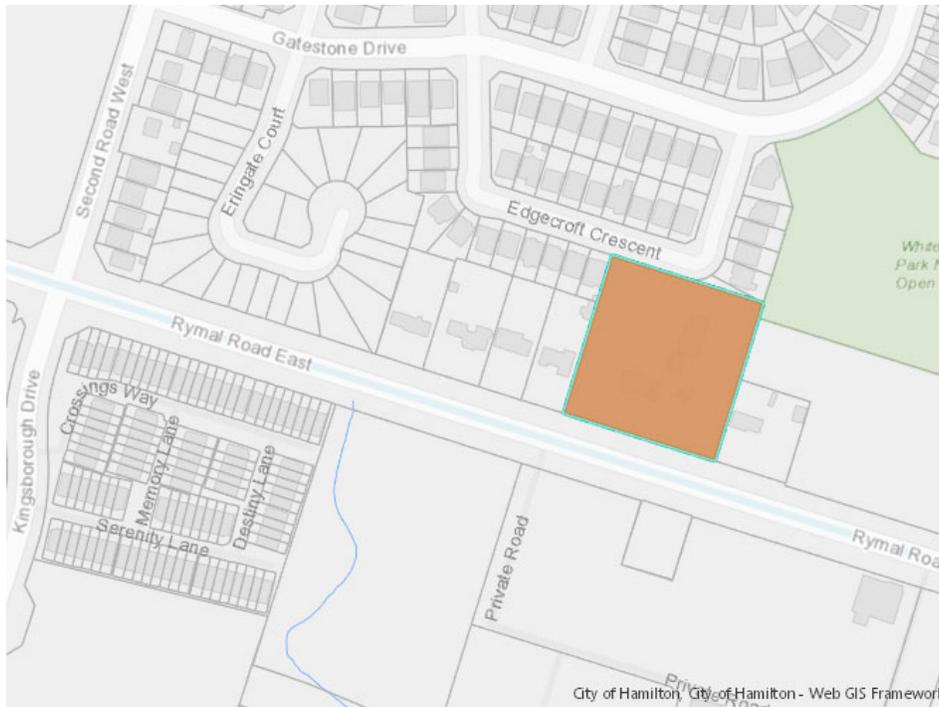
- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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.

SC/A-22:296



 Subject Lands

DATED: October 4, 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.

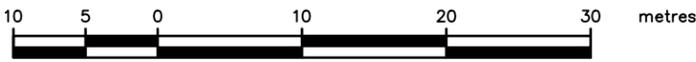
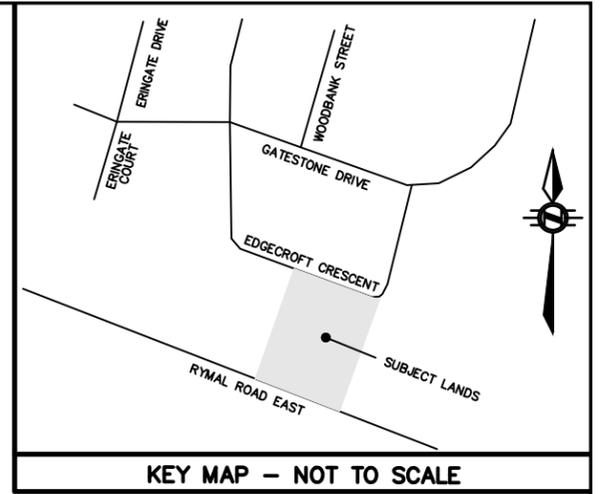
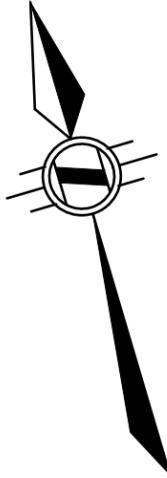
2. In person Oral Submissions

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.

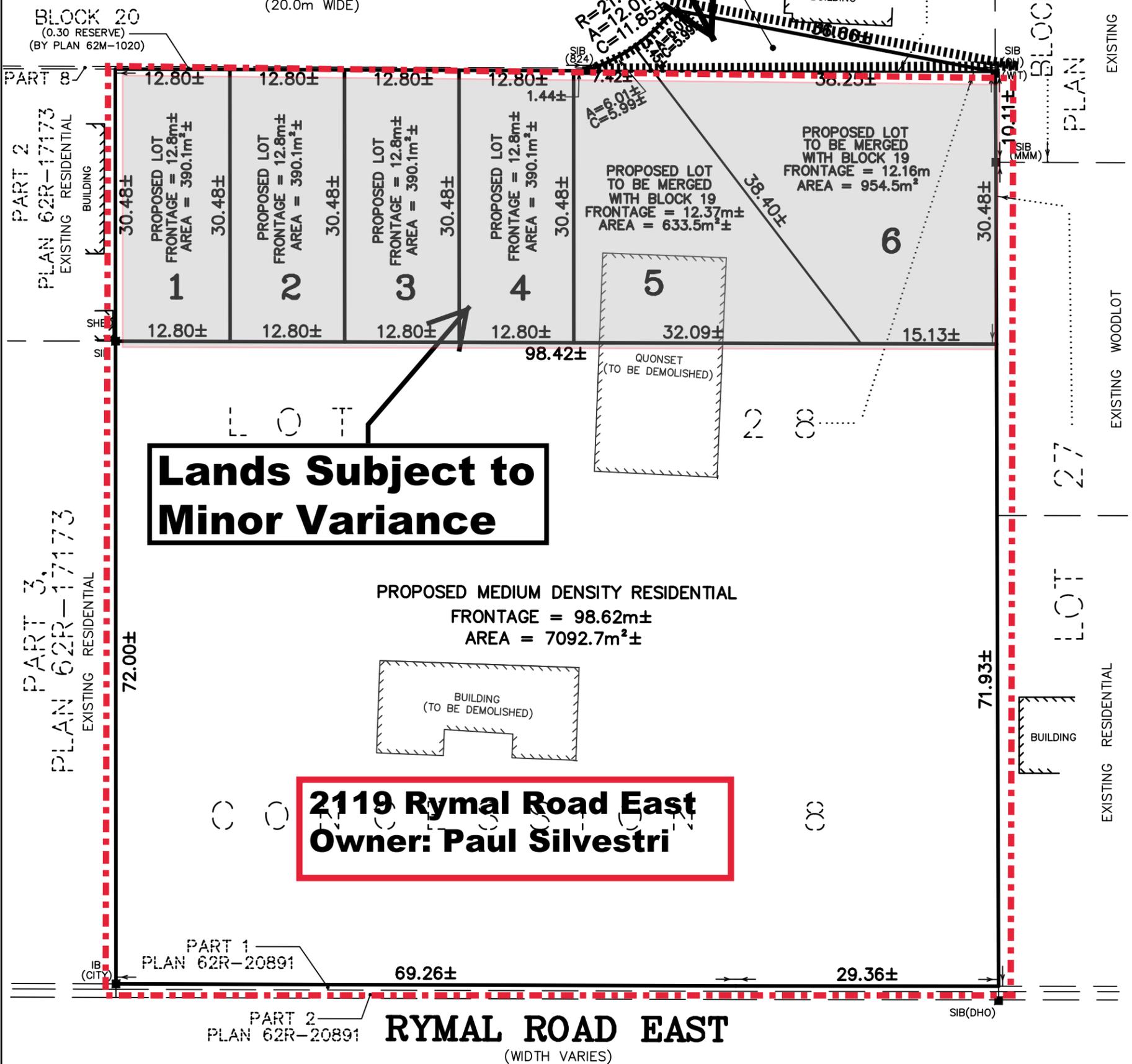
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

SKETCH FOR LAND DIVISION
 OF
BLOCK 19
PLAN 62M-1020
 AND OF PART OF
LOT 28
CONCESSION 8
 GEOGRAPHIC
TOWNSHIP OF SALTFLEET
 IN THE
CITY OF HAMILTON
 SCALE 1:500 METRIC



S.D. **Block 19, Plan 62M-1020**
Owner: 1322285 Ontario Ltd.

EDGE CROFT CRESCENT
 (20.0m WIDE)



CAUTION:
 A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK
 B) THIS SKETCH IS PROTECTED BY COPYRIGHT ©

NOTE:
 DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN 62M-1020.

JUNE 20, 2022
 DATE

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

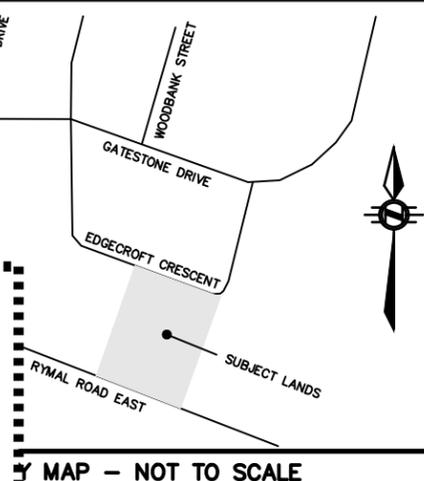
Drawn KM	Checked RBM	Crew Chief MWjr	Scale 1:500	Dwg.No. 36944-S
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SKETCH FOR LAND DIVISION
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BLOCK 19
PLAN 62M-1020
 AND OF PART OF
LOT 28
CONCESSION 8
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 IN THE
CITY OF HAMILTON
 SCALE 1:500 METRIC



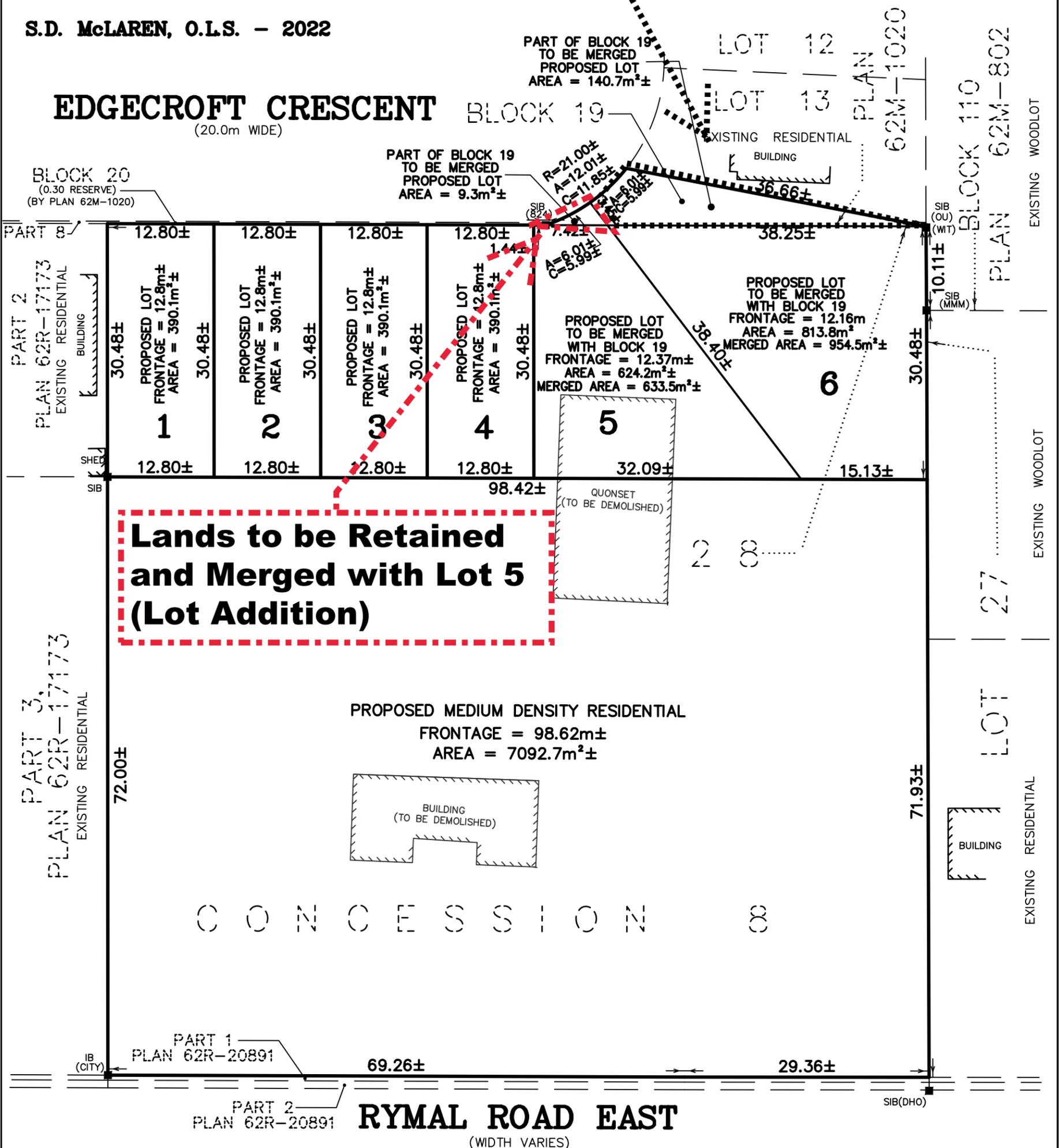
S.D. McLAREN, O.L.S. - 2022

Lands to be Severed and Merged with Lot 6 (Lot Addition)



MAP - NOT TO SCALE

EDGE CROFT CRESCENT
 (20.0m WIDE)



Lands to be Retained and Merged with Lot 5 (Lot Addition)

CAUTION:
 A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK
 B) THIS SKETCH IS PROTECTED BY COPYRIGHT ©

NOTE:
 DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN 62M-1020.

SEPTEMBER 15, 2022
 DATE

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

Drawn KM	Checked RBM	Crew Chief MWjr	Scale 1:500	Dwg.No. 36944-S
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September 16, 2022

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

Attention: Ms. Jamila Sheffield,
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Consent and Minor Variance
2119 Rymal Road East, Stoney Creek, City of Hamilton

WEBB Planning Consultants are retained by Silvestri Investments to provide land use planning services in connection with the properties located at 2119 Rymal Road East, former City of Stoney Creek.

As illustrated by the accompanying materials, the subject lands are proposed to be developed for residential uses through a phased development proposal. The initial phase is limited to the infilling of lots for single detached dwellings fronting onto Edgecroft Crescent, an existing municipal street. The retained lands will have frontage onto Rymal Road and are planned to be developed at a later date for medium density housing.

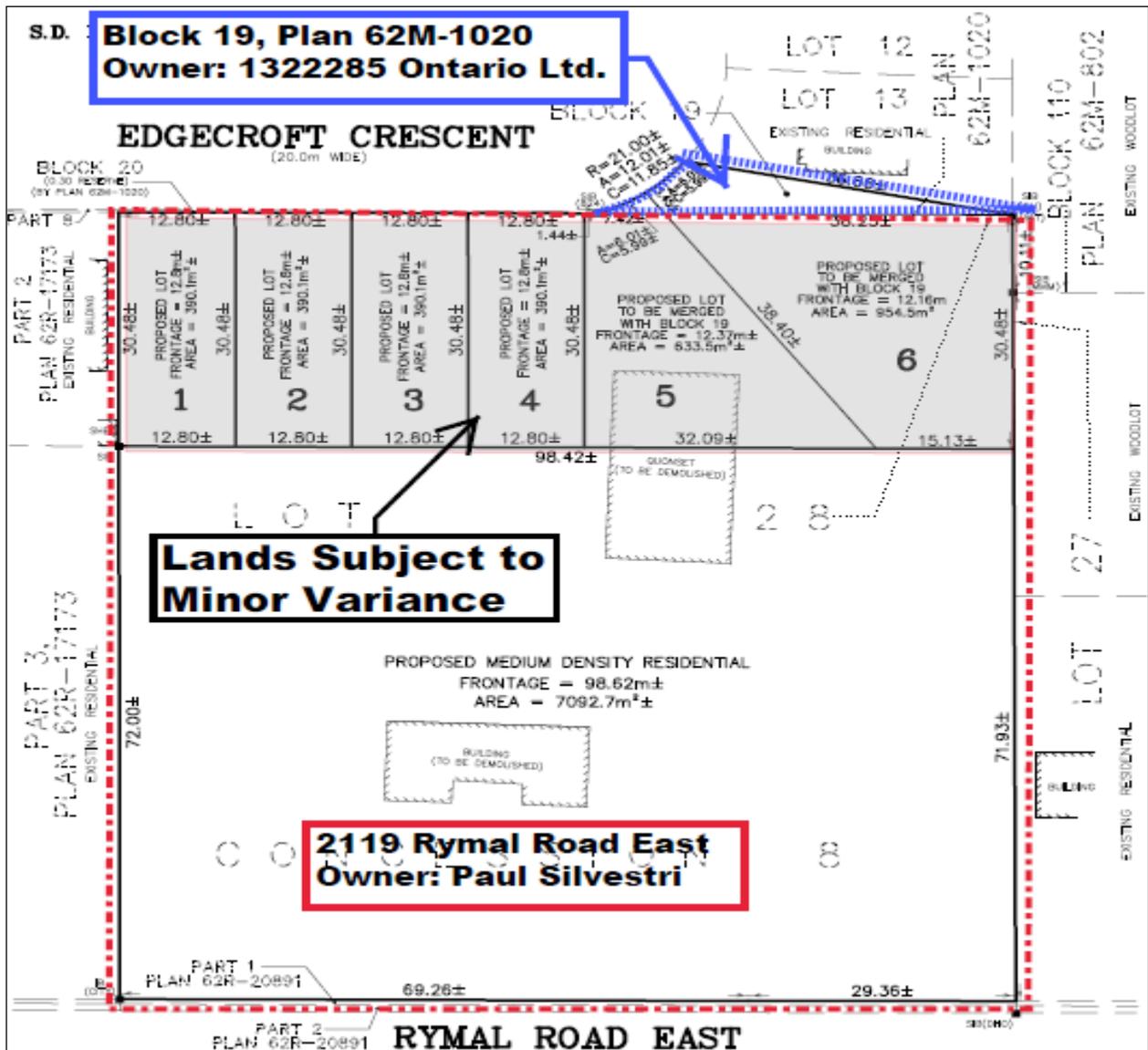
The initial Phase of development is proposed to be implemented through applications to the Committee of Adjustment to obtain approvals for Consent to create the individual lots and a parallel application for Minor Variance to establish Zoning Regulations for a compatible scale of development.

The subject lands are located on Rymal Road East within the Highland Neighbourhood of Upper Stoney Creek. The development is comprised of two parcels- Block 19 of Plan 62M-1020 which is a remnant parcel that was created by Registration of the Shadyglen Phase 3 Plan of Subdivision, also developed by the applicant. This small parcel has frontage onto Edgecroft Crescent and was anticipated to be developed in conjunction with the adjoining lands following assembly.

The larger parcel is a through lot with frontage on both Rymal Road East and Edgecroft Crescent. The parcel has a width of 98 metres, total depth of 103 metres, and an approximate area of 1.02 hectares. The parcel is presently developed with a single detached dwelling and an accessory building, both are to be demolished in anticipation of the development.

Attn.: Ms. Jamila Sheffield
 Re: 2119 Rymal Road

September 16, 2022
 Page 2

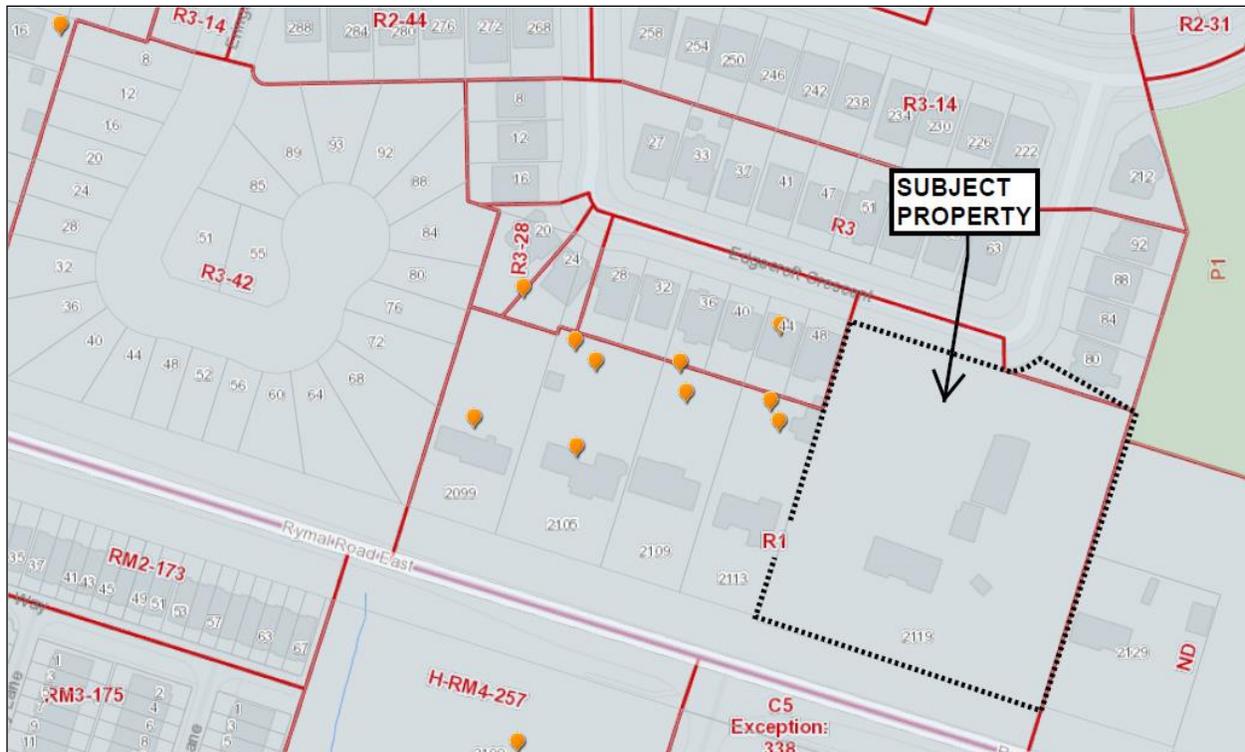


The property is within the Urban Area and designated as Neighbourhoods by Schedule E-1, Urban Land Use Designations. The property is within the West Mountain Area Secondary Plan and subject to the specific policies outlined in Section B.7.6 of the UHOP and Map B.7.6-1, the Secondary Plan Land Use Map and designated as Low Density Residential 2b.

The permitted housing forms shall include single and semi-detached dwellings and duplexes at a density not to exceed 29 units per net residential hectare. The maximum height shall be three storeys. This is the same designation as applies to the abutting Shadyglen Phase 3 Plan of Subdivision previously developed by Silvestri Investments.

Based on a net area of 0.3250 hectares and proposal to develop 6 detached dwelling, the corresponding density is 18.5 units per net residential hectare, within the permitted density range.

As illustrated by the Figure below, the property is predominantly Zoned as R1 - Single Residential One Zone, by the City of Stoney Creek Zoning By-law. Block 19, the remnant parcel created by the Shadyglen Phase 3 subdivision is currently Zoned as R3 - Single Residential Three Zone, similar zoning as the adjoining lots on Edgcroft Crescent.



Analysis of Proposed Lot Creation

The proposal will facilitate the infilling of the currently vacant streetscape of Edgcroft Crescent with lot sizes and housing form that is similar to the established residential character and streetscaping.

The proposed severance has been considered having regard for the matters outlined in Section 51(24) of the Planning Act. It is our opinion that a Plan of Subdivision is not required for proper and orderly development as the lands abut an existing municipal street and appropriate municipal services are existing. As documented below, the proposal conforms to the Official Plan, full municipal services are available, there are no conflicts with natural or cultural resources, or hazards. It is our opinion that the proposal is consistent with the relevant sections of the Planning Act.

Policies for the Division of Land are outlined in Section F.1.14 of the Urban Hamilton Official Plan (UHOP). Specific to Lot Creation within the Neighbourhoods Designation, Consents for new lot creation shall be permitted provided the following conditions are met:

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

We have considered the above criteria in the context of both the lands to be severed and retained and in our opinion the proposal conforms in all regards.

The property is within the Urban Area and designated as Neighbourhoods by the UHOP and more particularly Low Density Residential 2b by the West Mountain Area Secondary Plan. The proposed lots will be developed on the basis of full municipal services at a form and scale that conform with the Policies intended to guide intensification within the Neighbourhoods Designation. The proposed lots for single detached dwellings comply with the permitted uses and scale of development.

The retained portion fronting Rymal Road is also designated Low Density Residential 2b by the Secondary Plan. The developer however intends to pursue an alternative form of development subject to the successful processing of applications for Official Plan and Zoning By-law amendments.

The subject lands are presently Zoned as R1 – Single Residential One Zone, by the City of Stoney Creek Zoning By-law. Implementation of the proposed lot shapes and dimensions will require the successful processing of an Application for Minor Variance seeking reduction in the minimum permitted lot areas, frontages, and interior side yard. It is noted that the proposed lot areas and width comply with the Regulations of the R3 Zone that applies to the adjoining detached dwellings on Edgcroft Crescent. A complete analysis of the proposed Variances is provided in a following section of this letter.

The prevailing character of the surrounding area is predominantly single detached dwellings, the existing lots on Edgcroft Crescent have similar lot depths and widths of 14.0 metres. The homes are predominantly 2 storeys in height with setbacks in conformity with the R3

Zone Regulations. The six lots proposed to be created from the subject property will complete the existing streetscape with a form of development that is in keeping with the general scale and character of the established development pattern. The homes will have a similar height of two storeys and lot coverages, setbacks and landscape treatment in keeping with the applicable Zoning Regulations.

The proposed lots will have frontage on the existing municipal street which has been constructed with full municipal services suitable to provide laterals to service the proposed lot with sanitary sewer and water.

The lands that are being retained are not proposed for development at this time. The owners intend to investigate alternative development concepts for the block which will likely trigger the need for amendments to the Secondary Plan and Zoning By-law.

On the basis of the above discussion, it is our opinion that the proposed Consent conforms to the applicable Lot Creation Policies of the UHOP.

Analysis of Proposed Variances

Implementation of the proposed severances will require modifications to the existing R1 Zone Regulations.

- A minimum lot width of 12.1 metres whereas the R1 Zone requires 18.0 metres;
- A minimum Lot Area of 390 square metres whereas 600 square metres is required;
- A minimum interior side yard of 0.6 metres on one side whereas the Zone Regulations require 1.25 metres on both sides.

As summarized below, the proposed Variances have been considered in the context of the four tests outlined by Section 45 (1) of the Planning Act and in our opinion, comply in all respects. The following discussion evaluates the proposal having regard to these tests:

The Variances have been considered in the context of the Official Plan and in our opinion maintain the general purpose and intent.

The subject lands are designated as Neighbourhoods by Volume 1 of the UHOP and Low Density Residential 2b by the Secondary Plan. Single detached dwellings are the intended form of residential development within the designation. The intensity of development is within the permitted density range for the designation, the proposal to develop 6 detached dwelling, the corresponding density is 18.5 units per net residential hectare, significantly less than the maximum permitted density of 29 units per net residential hectare.

Policies for Intensification in the Neighbourhoods designation, Section 2.4.2 of the UHOP, identify the key criteria for the evaluation of new development as compatibility with adjacent

land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects and consideration of the relationship of the proposal with the height, massing, and scale of nearby residential buildings. In this instance, the proposed residential form and scale is similar to the existing character of detached residential dwellings on Edgcroft with respect to building heights and general lot sizes and is not anticipated to create and adverse impacts.

The development implements the intent of the Infrastructure Policies of the UHOP as the lots will be developed on the basis of full municipal services with frontage onto an existing fully urbanized municipal street.

The Variances have been considered in the context of the Zoning By-law and in our opinion maintain the general purpose and intent.

As noted above, the subject lands are presently Zoned as R1 Zone by the City of Stoney Creek Zoning By-law. The current Zoning permits single detached dwellings to a maximum height of 11.0 metres, parking of 2 spaces per dwelling, maximum lot coverage of 40% a front and rear setback of 6.0 metres and 7.5 metres. None of these Regulations are proposed to be modified.

Consistent with the R3 Zoning of the existing dwellings fronting onto Edgcroft Crescent, the proposed lots are proposed to have minimum lot areas of 390 square metres and lot widths of 12.8 metres, the lot widths slightly reduced for the two irregular “pie” shaped lots, lots 5 & 6, to a minimum of 12.1 metres. The R3 Zone by comparison requires a minimum lot area of 370 square metres and a minimum lot width of 12.0 metres.

As the proposed lots will facilitate the infilling of the currently vacant streetscape of Edgcroft Crescent, it is appropriate that the proposed lots will have similar lot sizing and built form that would otherwise be permitted by the adjoining R3 Zone Regulations. The Variances maintain the established character as permitted by the adjoining R3 Zoning and do not seek development that would be out of character or create adverse impacts with respect to coverage, height, parking and streetscaping.

The proposed Variance to seek a minor reduction in the side yard setback for one side of the building is consistent with established low density residential Zoning throughout the City, typically by way of Site-Specific amendments. Consistent with the City’s engineering Guidelines, the minor reduction in the side yard is acceptable provided the total separation between two adjoining buildings is no less than 1.8 metres which can be achieved for this development.

It is noted that the City of Hamilton is presently updating Zoning By-law 05-200 to implement new City-wide residential Zone categories to replace the Regulations of the former municipal Zoning By-laws. The City initiative includes a new Low Density Residential Zone that is intended to replace existing Regulations, the R1 Zone establishes a standard of 360 square

metres for minimum lot size and 12.0 metres for minimum lot width. It is noted that the proposed Variances align with the new Zoning standards for low density development.

The Variances are Minor.

The appropriate test to establish that the Variances are minor is to consider if any adverse or negative impacts arise from the development. It is our opinion that the Variances do not permit an over-intensification of the lands with respect to building height or lot coverage and will not result in loss of privacy or overlook to existing development. The resulting development will not create any adverse or negative impacts to existing development.

The proposed development is desirable for the appropriate development of the lands.

It is our opinion that the Variance will provide for the desirable and appropriate development of the lands. The development completes the intended streetscape of single detached dwellings along this vacant section of Edgecroft Crescent. The proposed lot fabric and enabling Zone Regulations facilitate the incorporation of the remnant Block 19 which is already Zoned as R3 and implementation of planned development. The proposal represents an appropriate form and scale of intensification and will contribute the supply of much needed housing within the City's urban boundary.

In summary, it is our opinion that the Variances required to implement the proposal meets the four tests of the Planning Act and will provide for creation of a separate parcel for continued institutional uses or possible redevelopment in keeping with the established planning policy framework.

In keeping with the City's requirements for the submission of an Application for Minor Variance and Consent we are submitting the following materials in addition to this cover letter:

- Application for Minor Variance;
- Application for Consent – 2119 Rymal Road – Concurrent Lot Creation;
- Application for Consent – Block 19, Application for Lot Additions;
- Combined Application Fee of \$7,395.00 payable to the City of Hamilton;
- Sketch Plans illustrating proposed Lot Creation and Lot Additions.

Attn.: Ms. Jamila Sheffield
Re: 2119 Rymal Road

September 16, 2022
Page 8

We trust that you will find the enclosed materials complete and suitable for the purpose of processing these Applications. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

WEBB Planning Consultants Inc.

A handwritten signature in black ink, appearing to read "James Webb". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

James Webb, MCIP, RPP

cc: Paul Silvestri



Hamilton

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

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

**APPLICATION FOR CONSENT TO SEVER LAND
 and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Paul Silvestri		
Applicant(s)**	Silvestri Investments		
Agent or Solicitor	WEBB Planning Consultants		

*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.

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

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

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent jwebb@webbplanning.ca

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	Edgecroft Crescent		
Assessment Roll Number	251803385031200		
Former Municipality	Saltfleet		
Lot	Pt Lot 28	Concession	8
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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)

- | | |
|---|---|
| <input type="checkbox"/> creation of a new lot(s) | <input checked="" type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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

Not yet determined

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

3.4 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)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land: **Refer to Accompanying Schedule "A"**

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:					
Type of Transfer	N/A				
Frontage					
Depth					
Area					
Existing Use					
Proposed Use					
Existing Buildings/ Structures					
Proposed Buildings/ Structures					
Buildings/ Structures to be Removed					

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

b) 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) _____

c) 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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods & Low Density Res. 2B

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

Refer to cover letter for UHOP conformity discussion

5.2 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 known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? R1 Zone, Stoney Creeek ZBL 3692-92

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

5.4 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 known, provide the appropriate file number and status of the application.

Severed lands subject to concurrent Minor Variance Application, File # tbd

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



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-22:300	SUBJECT PROPERTY:	53 Third Rd E, Stoney Creek
ZONE:	"A1" (Agriculture)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 15-173

APPLICANTS: SIMON ALMEIDA/DIANE MEDEIROS
LEE PAULE

The following variances are requested:

1. A minimum required side yard setback of 1.2 m shall be provided instead of the required 3.0 m side yard setback.

PURPOSE & EFFECT: So as to permit a addition (attached garage) within the side yard of an existing single detached dwelling notwithstanding that:

Notes:

- i. Insufficient information has been provided on the submitted site plan to determine the setback of the proposed covered porch in the side yard to the northerly lot line. Should the closest post of the covered porch encroach more than 0.6 metres, as per Section 4.6 d) of Hamilton Zoning By-Law 05-200, into the required side yard, additional variances may be required.
- ii. Should the variance be approved to permit a reduced side, the eaves/ gutter as proposed shall comply with Section 4.6 a) of Hamilton Zoning By-Law 05-200.

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.

SC/A-22:300

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

DATE:	Thursday, October 20, 2022
TIME:	1:20 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.

SC/A-22:300



 Subject Lands

DATED: October 4, 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

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

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

2. In person Oral Submissions

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.

SURVEYOR'S REAL PROPERTY REPORT

PART 1, PLAN OF PART OF
LOT 19
CONCESSION 8
 GEOGRAPHIC
TOWNSHIP OF SALT FLEET
 IN THE
CITY OF HAMILTON

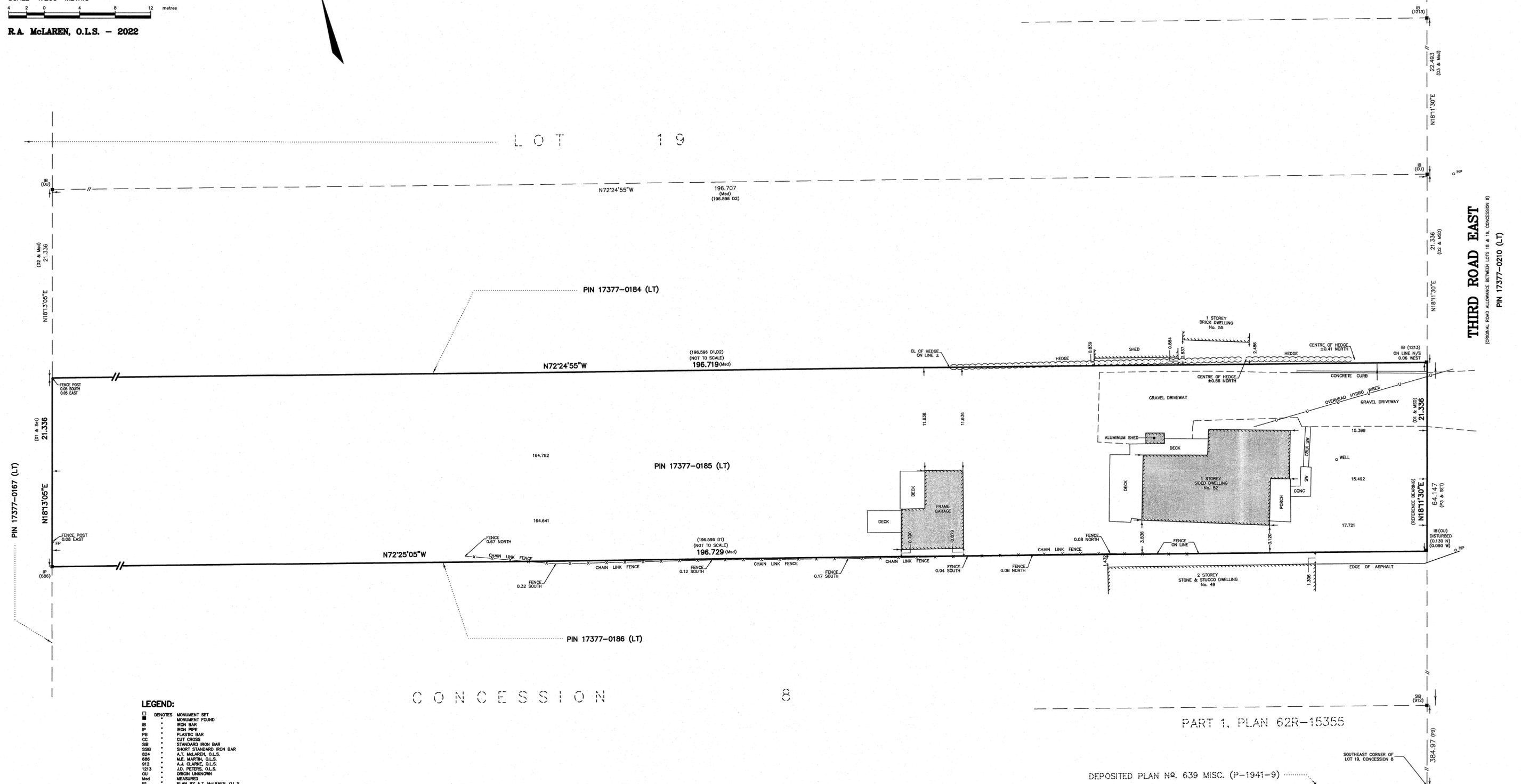
SCALE 1:200 METRIC

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



SURVEYOR'S REAL PROPERTY REPORT (PART 2)

PART OF LOT 19, CONCESSION 8 AS ILLUSTRATED ON THE PLAN. THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS. THIS PLAN WAS PREPARED FOR SIMON ALMEIDA



THIRD ROAD EAST
 (ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 18 & 19, CONCESSION 8)
 PIN 17377-0210 (LT)

LEGEND:

- DENOTES MONUMENT SET
- IB . . . MONUMENT FOUND
- IP . . . IRON PIPE
- IPB . . . PLASTIC BAR
- CC . . . CUT CROSS
- SB . . . STANDARD IRON BAR
- SSB . . . SHORT STANDARD IRON BAR
- 824 . . . A.T. McLAREN, O.L.S.
- 698 . . . M.E. MARTIN, O.L.S.
- 912 . . . A.J. CLARKE, O.L.S.
- 1213 . . . J.D. PETERS, O.L.S.
- OU . . . ORIGIN UNKNOWN
- Med . . . MEASURED
- P1 . . . PLAN BY A.T. McLAREN, O.L.S. DATED SEPTEMBER 26, 1986
- P2 . . . PLAN 62R-15355
- P3 . . . PLAN BY A.T. McLAREN, O.L.S. DATED SEPTEMBER 20, 2015 - FILE 34743
- D1 . . . INSTRUMENT V41052
- D2 . . . INSTRUMENT V41743
- D3 . . . INSTRUMENT V400996
- D4 . . . INSTRUMENT 03305766
- HP . . . HYDRO POLE
- // . . . NOT TO SCALE

C O N C E S S I O N 8

PART 1, PLAN 62R-15355

DEPOSITED PLAN NO. 639 MISC. (P-1941-9)

<p>METRIC NOTE: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048</p>	<p>BEARING NOTE: BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF THIRD ROAD EAST AS SHOWN ON PLAN 62R-15355 AS BEING N181°13'05"E</p>	<p>SURVEYOR'S CERTIFICATE: I CERTIFY THAT: 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM 2. THE SURVEY WAS COMPLETED ON THE 13th DAY OF JUNE, 2022</p>	<p>© R.A. McLAREN, O.L.S. - 2022. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF R.A. McLAREN, O.L.S.</p> <p>A.T. McLaren Limited LEGAL AND ENGINEERING SURVEYS 89 JOHN STREET SOUTH, SUITE 230 HAMILTON, ONTARIO, L9N 2B9 PHONE (905) 527-8659 FAX (905) 527-0032</p>
		<p>DATE: 02 AUG 22 R.A. McLAREN, O.L.S.</p>	



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)	Simon Almeida & Diane Medeiros		
Applicant(s)*	Lee Paule		
Agent or Solicitor			Phone: E-mail:

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

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

Royal Bank of Canada
 200 Bay St. 10th FLR/S.TWR
 Toronto, Ontario
 M5S 2S5

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

4. Nature and extent of relief applied for:

To allow 1.2m side yard setback for an attached 2 car addition located on the northernly side of the property instead of 3.0m allowed by zoning by-law.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

We wish to construct a 2 car garage addition and the proposed addition reduces the side yard setback allowed by zoning.

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

Part 1, Plan of Part of Lot 19 Concession 8, Township of Saltfleet
53 Third St E

7. PREVIOUS USE OF PROPERTY

Residential

Industrial

Commercial

Agricultural

Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

8 10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8 11 What information did you use to determine the answers to 8 1 to 8 10 above?

Based on assumptions.

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.

Sept. 15, 2022
Date


Signature Property Owner(s)

Simon Almeida, Diane Medeiros
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>21.366m</u>
Depth	<u>196.729m</u>
Area	<u>4197 sq.m</u>
Width of street	<u>+/-6.0m</u>

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

Existing

1 storey single family, Building area = 152.60sq.m, G.F.A = 141.44sq.m, width = +/-10.74m, length = +/-16.46m, height = +/-5.14m
1 storey auxillary building, Building area = 50.27sq.m, G.F.A = 50.27sq.m, width = +/-8.81m, length = +/-7.01m, height = +/-4.0m

Proposed

2 car garage, Building area = 41.34sq.m, G.F.A = 41.34sq.m, width = +/-6.3m, length = +/-6.71m, height = +/-5.14m

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

Existing:

Existing house side = 3.12m & 7.3m, rear = n/a, front = 15.4m
Existing auxillary bld'g side = 0.79m, rear = n/a, front = n/a

Proposed:

2 car garage side (north)= 1.2m, rear = n/a, front = 12.98m

13. Date of acquisition of subject lands:
UNKNOWN
-
14. Date of construction of all buildings and structures on subject lands:
UNKNOWN
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SINGLE FAMILY
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE FAMILY
-
17. Length of time the existing uses of the subject property have continued:
UNKNOWN
-
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
N/A
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:

- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information (please include separate sheet if needed)

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



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 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.:	SC/B-22:99	SUBJECT PROPERTY:	153 REGIONAL RD 20, STONEY CREEK
-------------------------	-------------------	--------------------------	----------------------------------

APPLICANTS: Owner: 1749560 ONTARIO LIMITED c/o Marco Pacifici
Agent: AJ Clarke & Associates Ltd. c/o Stephen Fraser

PURPOSE & EFFECT: Properties inadvertently merged on title. There are currently two previously existing, single detached dwellings on site - whereas only one would be permitted. This application brings the subject lands into compliance with Zoning By-law. This application seeks to generally recreate the previous lot (ensuring proposed dimensions meet the minimum lot requirements as per Stoney Creek Zoning By-Law No. 3692-92).

	Frontage	Depth	Area
SEVERED LANDS:	37.75 m [±]	124.27 m [±]	4,691.12 m ² ±
RETAINED LANDS:	53.69 m [±]	124.27 m [±]	6,672.68 m ² ±

Associated Planning Act File(s): N/A

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

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

DATE:	Thursday, October 20, 2022
TIME:	1:25 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

SC/B-22:99

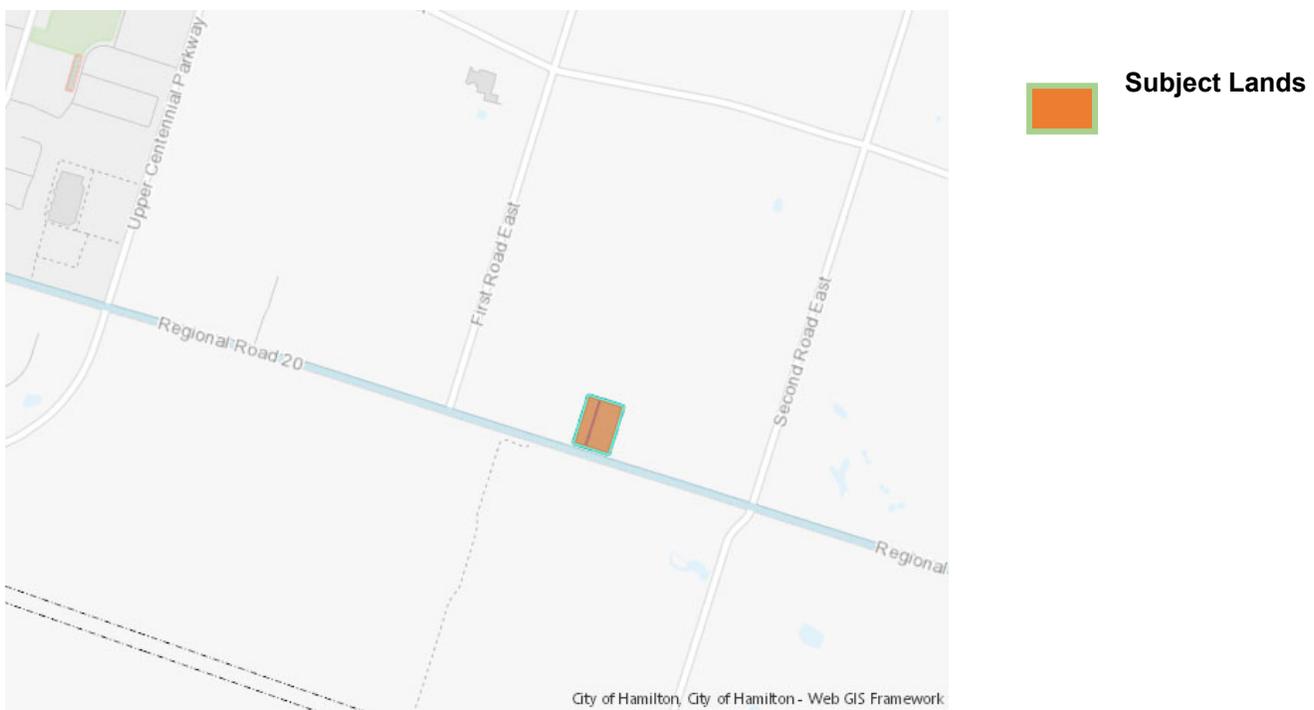
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DATED: October 4, 2022

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..

SC/B-22:99

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

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A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton Planning and Development
 City Hall 5th Floor
 71 Main St W, Hamilton, ON L8P 4Y5

September 20, 2022

Attn: Ms. Jamila Sheffield
 Secretary-Treasurer – Committee of Adjustment
 Via email: Jamila.Shaffield@hamilton.ca and Committee of Adjustment CofA@hamilton.ca

Re: 153-155 Regional Road 20, Stoney Creek – Severance Application Submission

A.J. Clarke and Associates Ltd. has been retained by the owner, Marco Pacifici, of 153-155 Regional Road 20, Stoney Creek for the purposes of coordinating and submitting the enclosed Severance Application. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form.
- One (1) cheque in the amount of \$3,390.00 representing the required application fee.
- One (1) cheque in the amount of \$570.00 representing the required NPCA Consent fees.
- One (1) electronic copy of the Severance Sketch.

The subject lands are designated “Agriculture” on Schedule D of the Rural Hamilton Official Plan and are zoned “Agriculture – A” in the City of Stoney Creek Zoning By-law 3692-92. The lands are currently occupied by two existing single-detached dwellings with an accessory building located on 155 Regional Road 20. The subject lands are also under the authority of the Niagara Peninsula Conservation Authority as they contain a stream waterway, wetlands, and wooded lot surrounding the dwellings at the sides and rear of the lands.

The intent of the application is to simply facilitate a severance to effectively recreate the two (2) separate lots for the two existing dwellings on the subject lands that inadvertently merged on title. Part 1, to be severed, will have a proposed frontage of ±37.75 metres, a depth of ±124.27 metres, and area of ±4,691.12 square metres. The lot to be retained, Part 2, will have a proposed frontage of ±53.69 metres, a depth of ±124.29 metres, and an area of approximately ±6,672.68 square metres. This severance will recreate lots that comply with the Zoning By-laws regarding lot sizes for “Agriculture -A” zoned lots with a single detached dwelling on each lot as they currently exist.

Below is a review of the proposal’s conformity and compliance with applicable planning documents:

Planning Act

The proposed severance will not provide any adverse effects to the surrounding neighbourhood and conforms to the *Planning Act*. The proposed development has sufficient regard for the matters of provincial interest outlined in subsection 2 of the *Planning Act*. This application is simply re-establishing these two properties that have merged on title and now contain two single-detached dwellings on one parcel, which contravenes the zoning bylaw.



Provincial Policy Statement

The proposed consent application will facilitate the re-establishment of previous properties that inadvertently merged on title and currently contain two single-detached dwellings and an accessory shed building at 155 Regional Road 20.

- The application is consistent with Policy 1.1.4.1d) that encourages the conservation and redevelopment of existing rural housing stock on rural lands;
- Policy 1.1.5.2c) that permits residential development, including lot creation, that is locally appropriate;
- Policies 1.1.5.4, 1.1.5.5 and 1.1.5.7 that ensure compatible development with the rural landscape, utilizes appropriate existing infrastructure, and protects agricultural and other resource-related uses.

Growth Plan for the Greater Golden Horseshoe

The proposed severance is keeping within the character of the existing neighbourhood by separating one lot that inadvertently merged on title into two lots as previously existed. In accordance with Policy 2.2.9.3c) of the Growth Plan, other rural land uses that are permitted outside of rural settlement areas provided they:

- are compatible with the rural landscape and surrounding local land uses;
- will be sustained by rural service levels;
- and will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

As previously noted, this consent is to effectively re-establish the two lots that merged on title and now contain two single-detached dwellings on one lot– which contravenes the applicable zoning by-law.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available Committee of Adjustment hearing date.

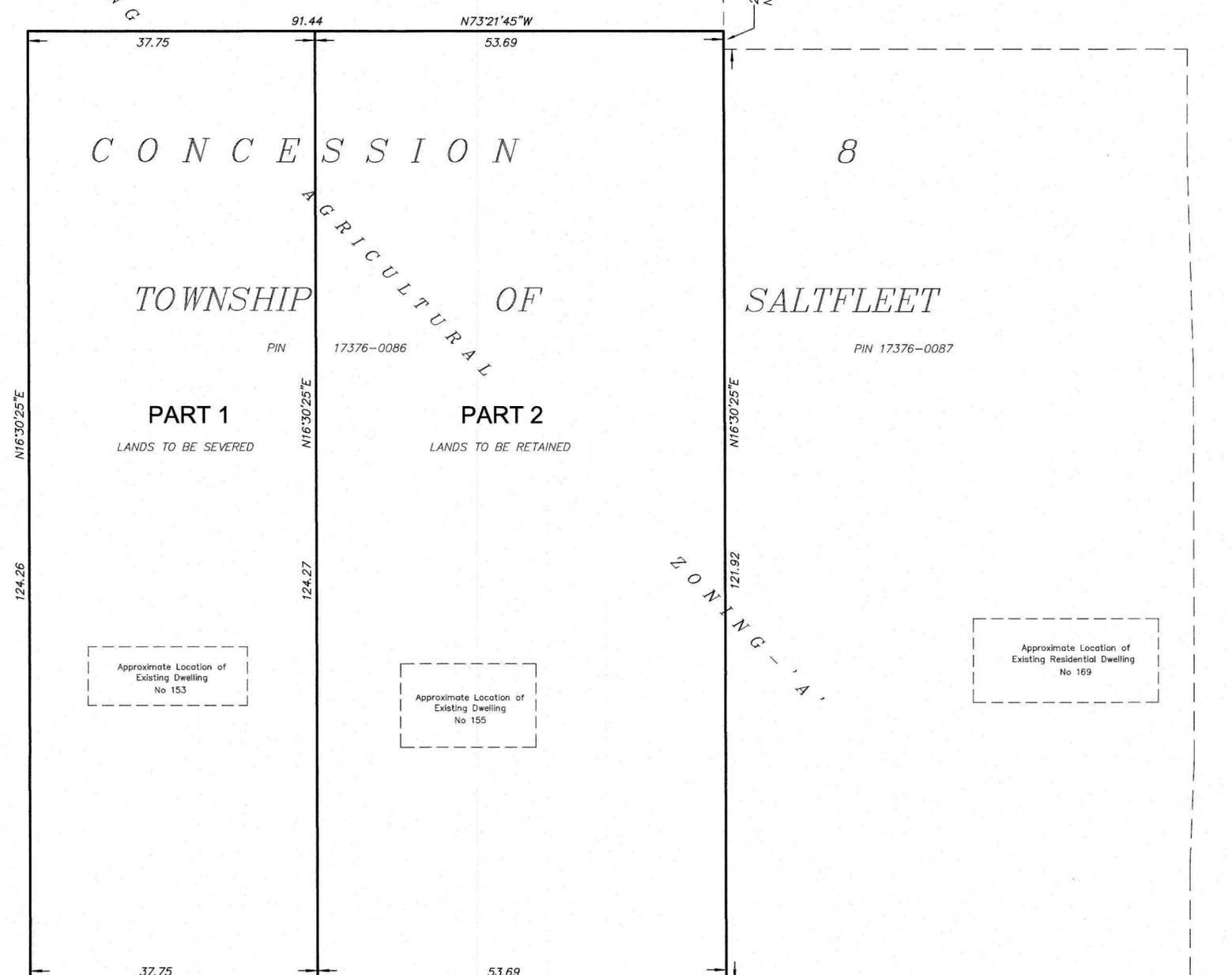
If you have any questions or require additional information, please do not hesitate to contact this office.

Yours truly,

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

Copy via email: Marco Pacifici (mark@pacific-plumbing.com)

LOT 22 VACANT LAND PIN 17376-0085
LOT 21 VACANT LAND PART 3 PLAN 62R - 21147 PIN 17376-0151



GEOGRAPHIC TOWNSHIP OF SALT FLEET

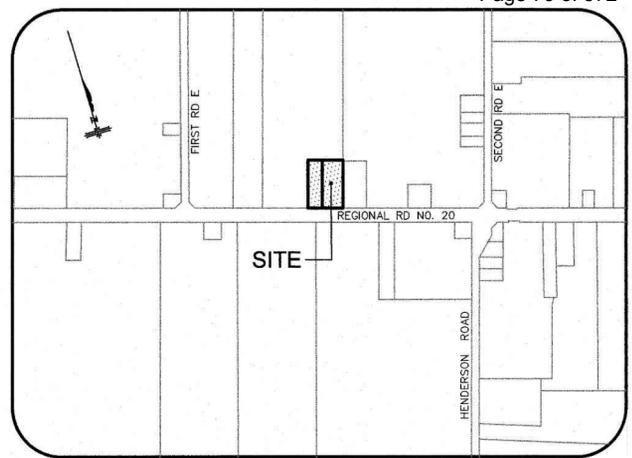
CONCESSION 8

PART 1 LANDS TO BE SEVERED
PART 2 LANDS TO BE RETAINED

Approximate Location of Existing Dwelling No 153

Approximate Location of Existing Dwelling No 155

Approximate Location of Existing Residential Dwelling No 169



SKETCH FOR CONSENT TO SEVER
153 & 155 REGIONAL ROAD No. 20
CITY OF HAMILTON
SCALE 1:500

THE ABOVE NOTED LANDS ARE
PART OF LOT 22
CONCESSION 8
GEOGRAPHIC TOWNSHIP OF SALT FLEET

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
NOTE:
THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE APPROXIMATE AND ARE COMPILED FROM PLANS ON FILE IN OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

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

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

CONSENT SCHEDULE:
PART 1 (LANDS TO BE SEVERED) AREA= 4,691.12m²
PART 2 (LANDS TO BE RETAINED) AREA= 6,672.68m²

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.
SEPT. 16, 2022
DATE



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

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.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	1749560 ONTARIO LIMITED c/o Marco Pacifici		
Applicant(s)**			
Agent or Solicitor	AJ Clarke & Associates Ltd. c/o Stephen Fraser		

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

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot Pt Lt 22	Concession 8	Former Township Saltfleet
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 153 and 155 Regional Road 20			Assessment Roll N°. 251800381070800

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

Yes No

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

3 PURPOSE OF THE APPLICATION

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

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

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

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

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

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

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

Marco Pacifici

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)
+/- 37.75	+/- 124.27	+/- 4,691.12 m ²

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: Single-detached dwelling with attached garage

Proposed: Single-detached dwelling with attached garage (no change)

Existing structures to be removed: none - no changes to lands or buildings

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

Frontage (m)	Depth (m)	Area (m ² or ha)
+/- 53.69	+/- 124.27	+/- 6,672.68 m ²

Certificate Request for Retained Lands: Yes*

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

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: single-detached house with attached garage, shed

Proposed: single-detached house with attached garage, shed (no change)

Existing structures to be removed: none - no change to lands or buildings

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity telephone school bussing garbage collection

5 CURRENT LAND USE

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

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

Urban Hamilton Official Plan designation (if applicable): _____

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

Properties inadvertently merged on title. There are currently two previously existing, single detached dwellings on site - whereas only one would be permitted. This application brings the subject lands into compliance with Zoning By-law. This application seeks to generally recreate the previous lot (ensuring proposed dimensions meet the minimum lot requirements as per Stoney Creek Zoning By-Law No. 3692-92).

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? Zoned Agriculture "A" in Stoney Creek By-Law No. 3692-92

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input checked="" type="checkbox"/>	
A provincially significant wetland within 120 metres	<input checked="" type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input checked="" type="checkbox"/>	Mechanic, +/- 125 m/ car parts store, +/- 490 m
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



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.:	FL/A-22:295	SUBJECT PROPERTY:	1260 CONCESSION 5 W, FLAMBOROUGH
ZONE:	"A1" (Agriculture)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 15-173

APPLICANTS: LISA ALDERSON
GEOFF DENT

The following variances are requested:

1. The proposed accessory building is to be located within a front yard whereas the by – Law states that accessory buildings shall not be permitted within a front or flankage yard.

PURPOSE & EFFECT: To facilitate the construction of a new one storey accessory building to an existing single detached dwelling notwithstanding that;

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 20, 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

FL/A-22:295

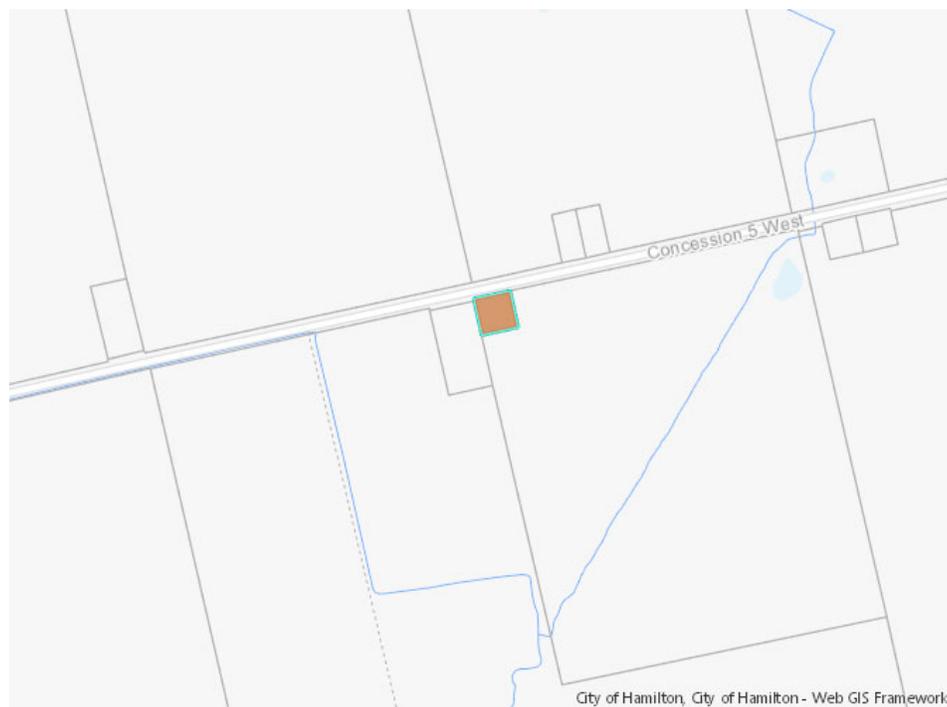
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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.



 **Subject Lands**

DATED: October 4, 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.

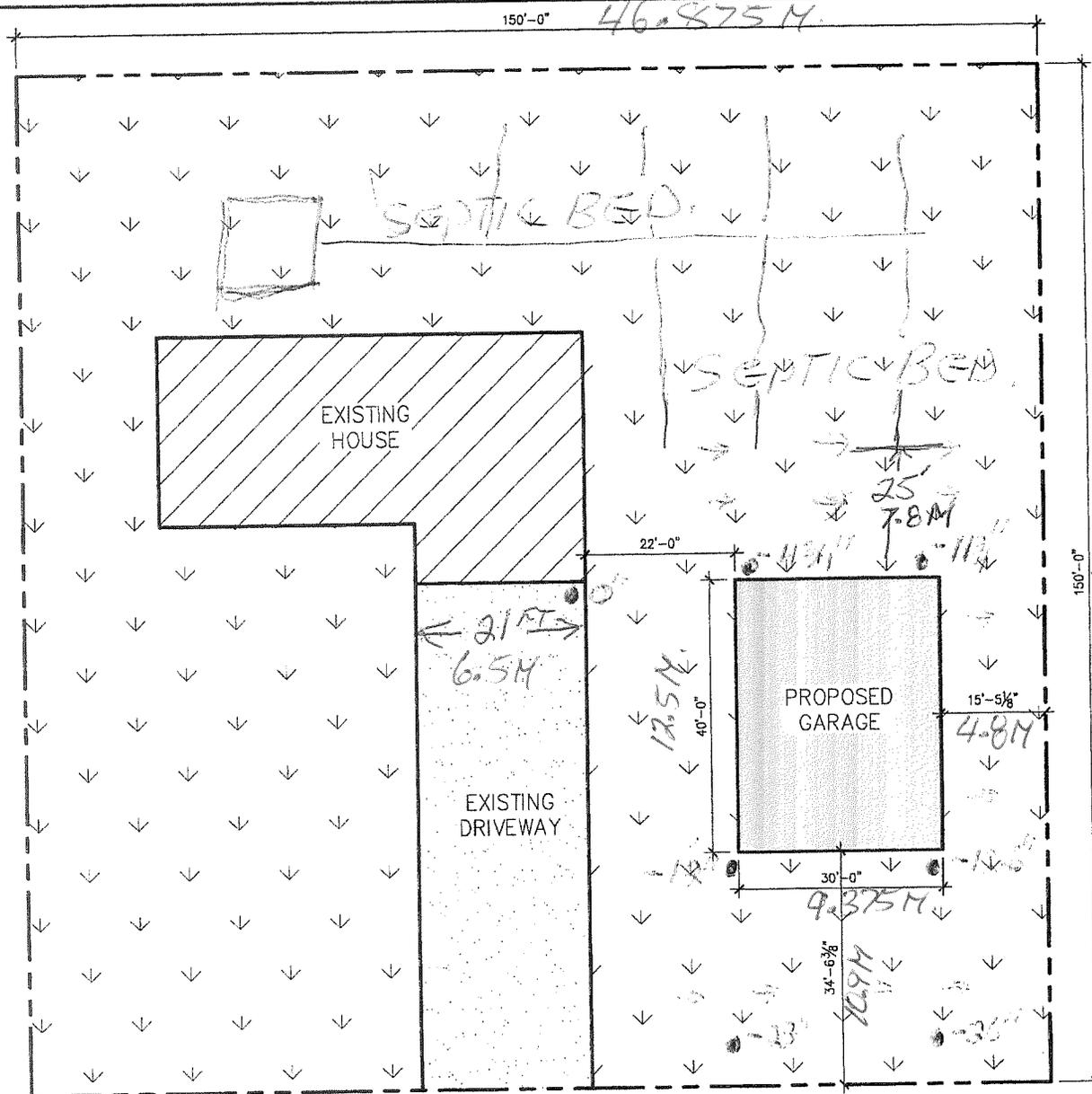
2. In person Oral Submissions

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.

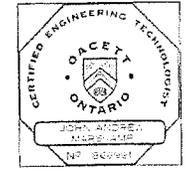
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

GRADING



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All information and dimensions shall be checked and verified on the job, any discrepancies are to be reported immediately to the consultant before commencing work.



KAMP
 CONSTRUCTION INC.
 2408 Highway 5 W
 Troy, ON, L0R 2B0
 T: 519-770-7548
 KAMP.CONSTRUCTION.CA

PROJECT:
GARAGE

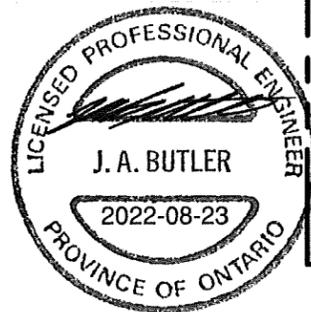
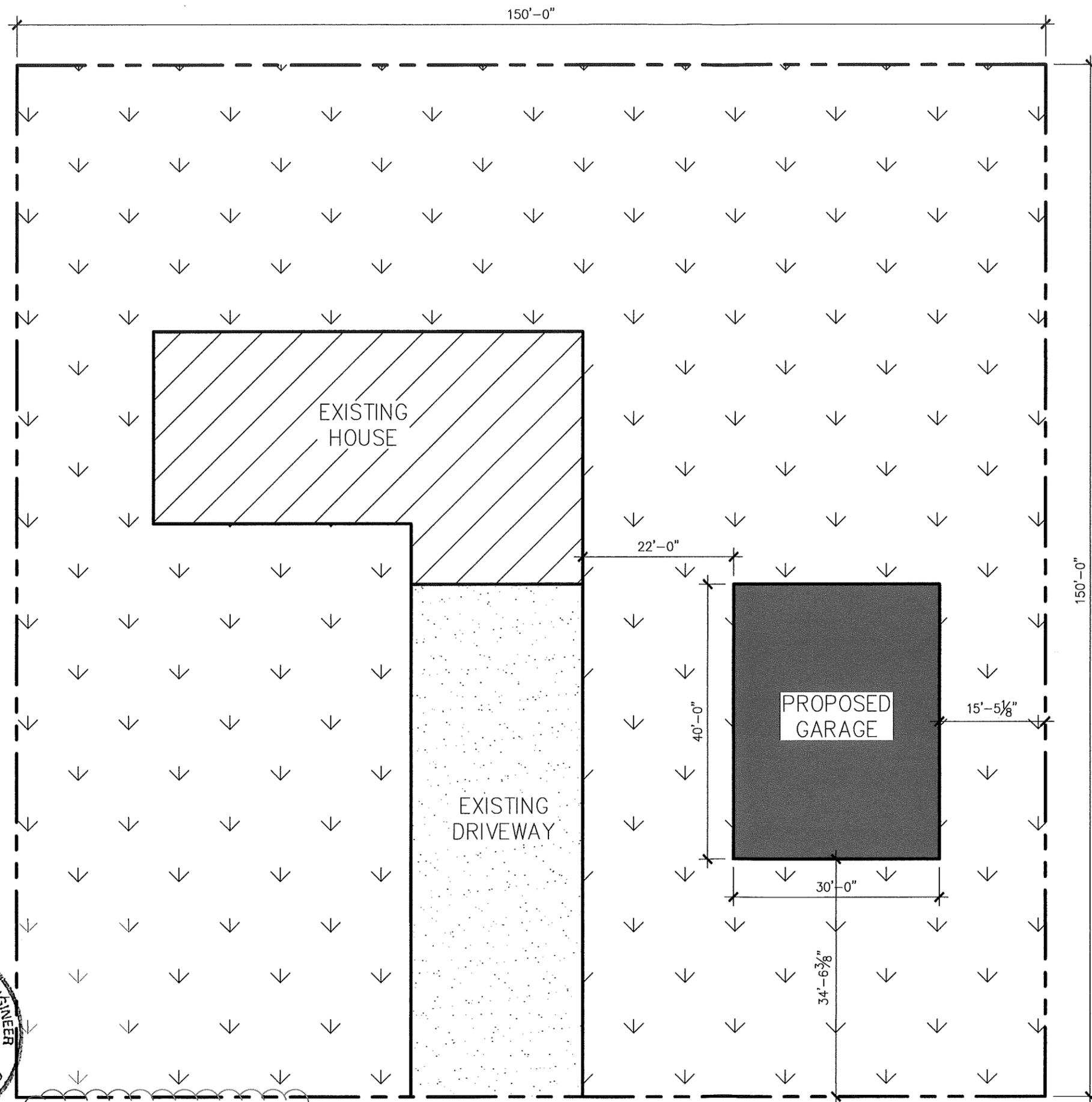
ADDRESS:
 1260 5th CON. WEST,
 HAMILTON

DATE:
 August 16, 2022

Drawn By:
 John Marskamp

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

SHEET No.
A-1



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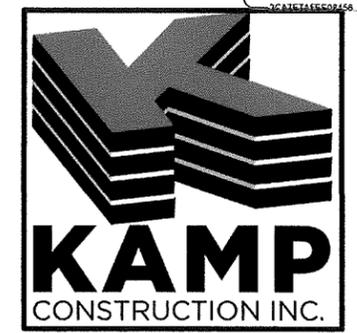
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I REVIEW AND TAKE RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF A FIRM REGISTERED UNDER SUB-SECTION 3.2.4. OF DIVISION C, OF THE BUILDING CODE. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES.

INDIVIDUAL BCIN: 26172
 FIRM BCIN: 31260

DocuSigned by:
 Jim Jankmar



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 Troy, ON, L0R 2B0
 T:519-770-7848
 KAMPCONSTRUCTION.CA

PROJECT:
GARAGE

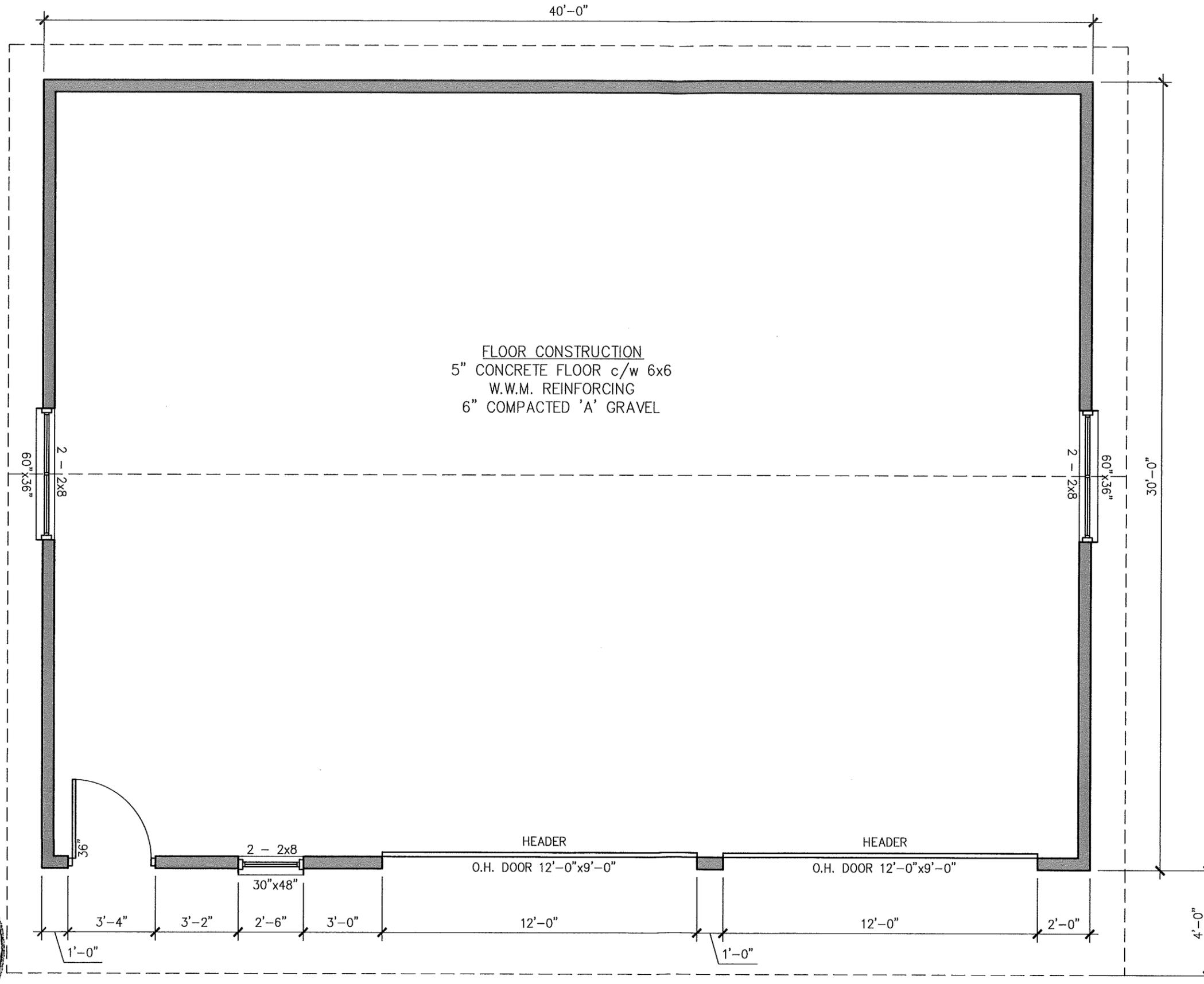
ADDRESS:
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DATE:
August 18, 2022

Drawn By:
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Jim Jonkman
KAMP CONSTRUCTION INC.



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ADDRESS:
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HAMILTON**

DATE:
August 18, 2022

Drawn By:
John Marskamp

SCALE:
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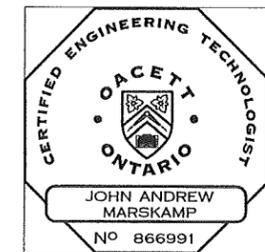
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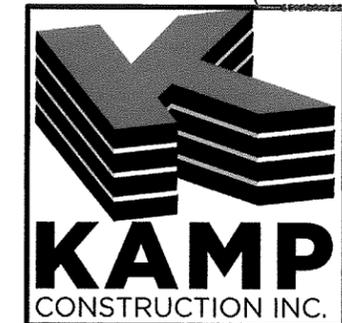
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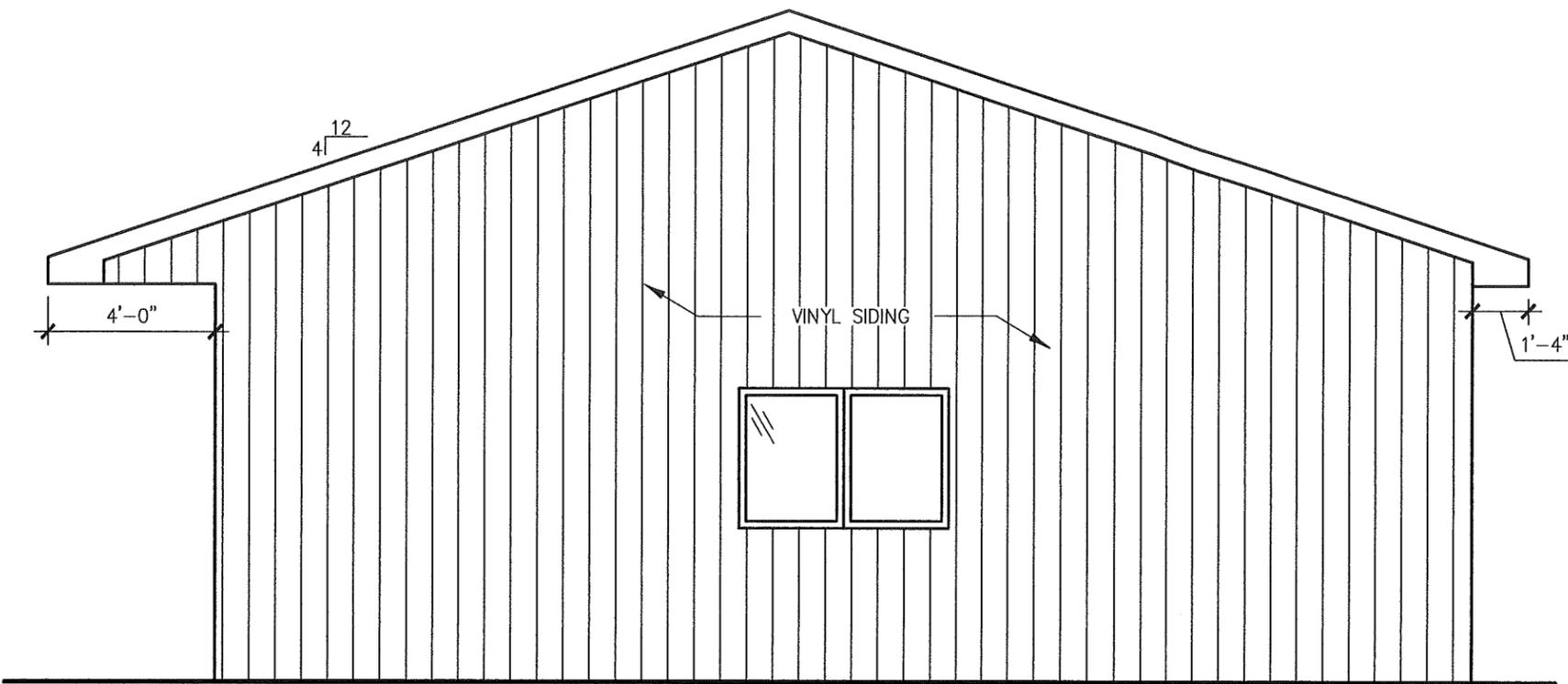
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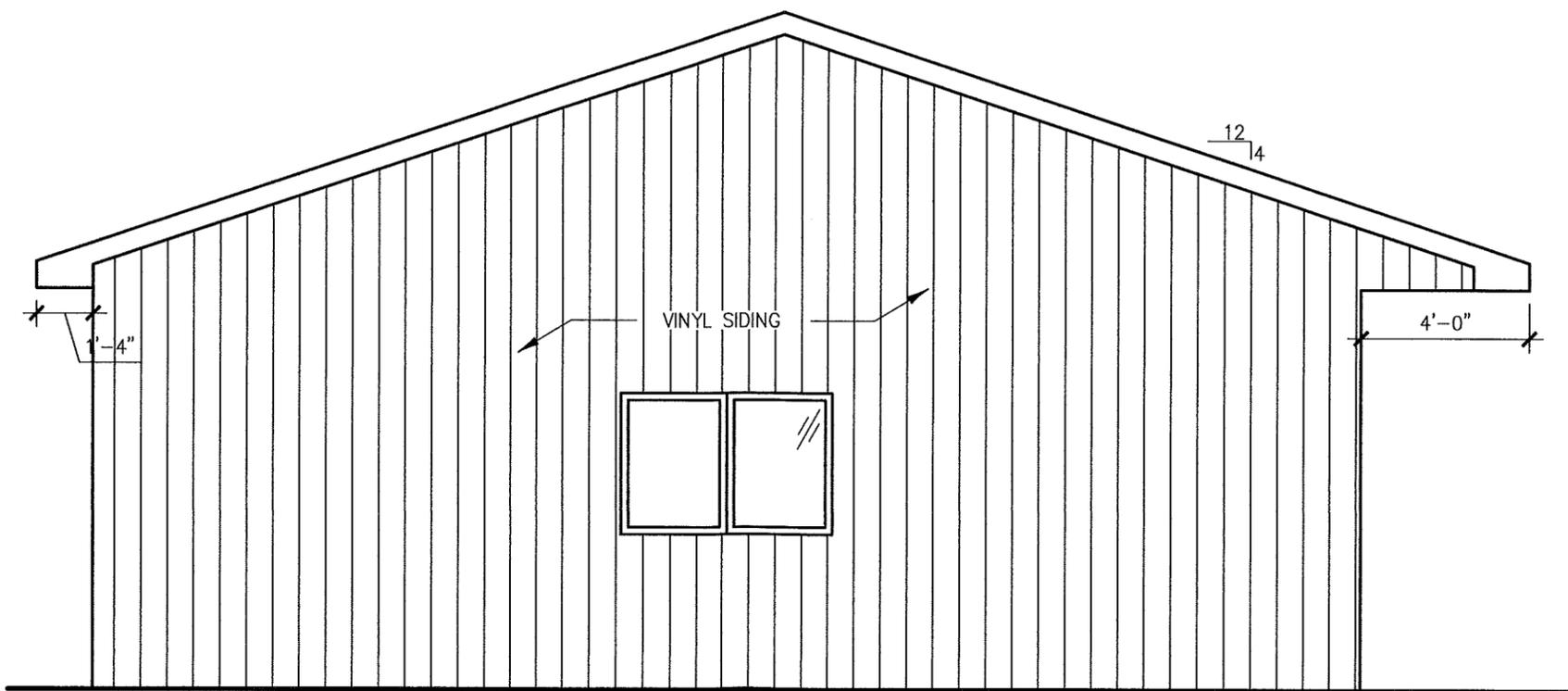
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SHEET No.
A-3



NORTH ELEVATION

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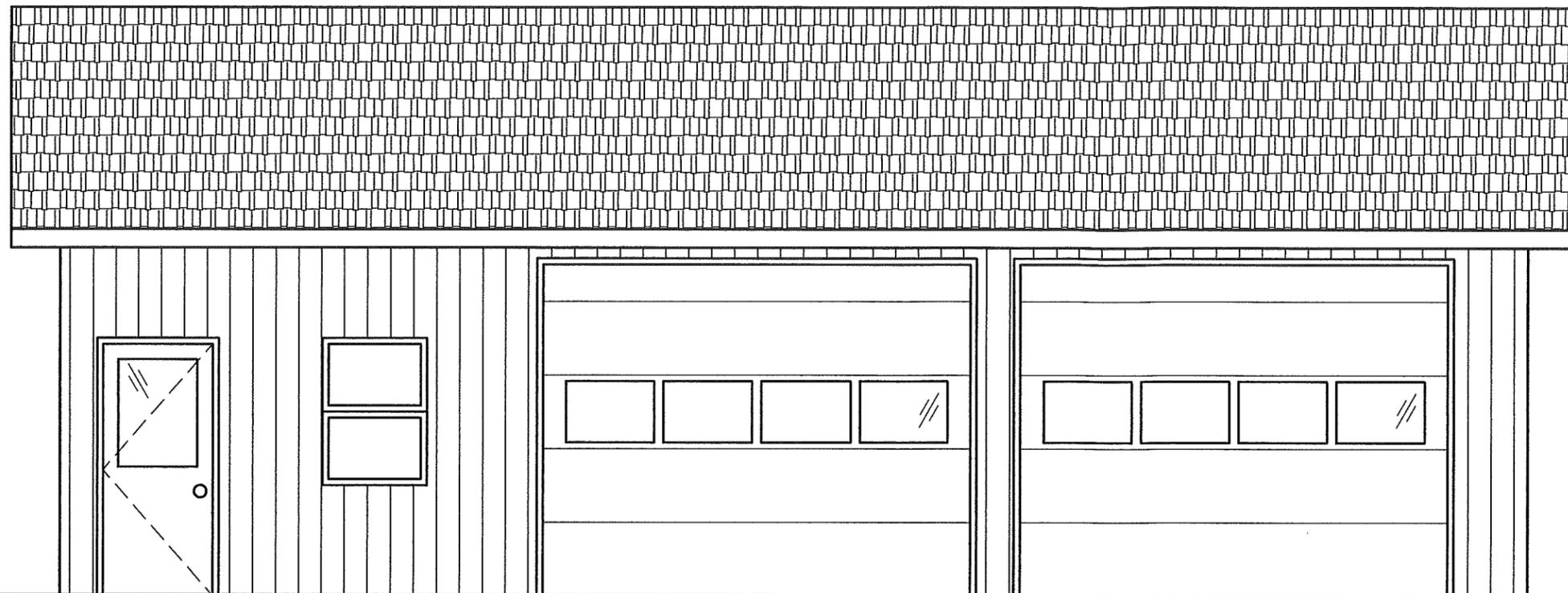


SOUTH ELEVATION

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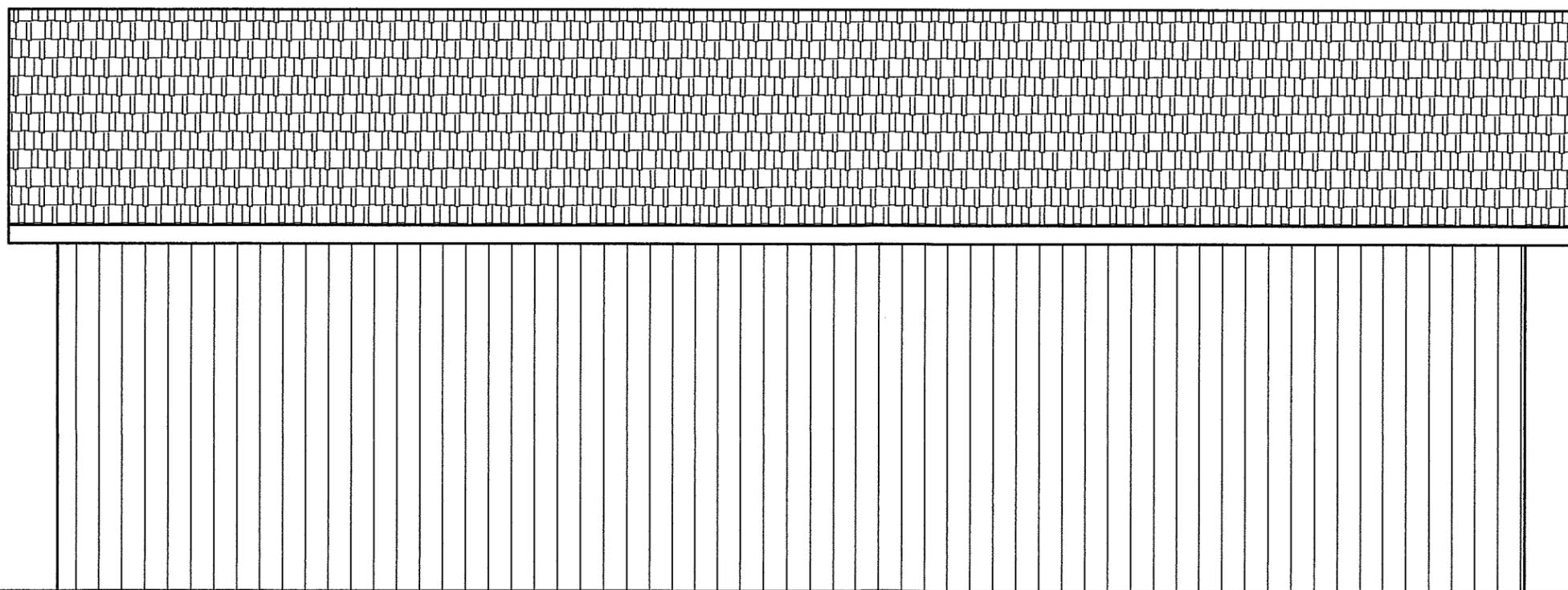


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EAST ELEVATION

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WEST ELEVATION

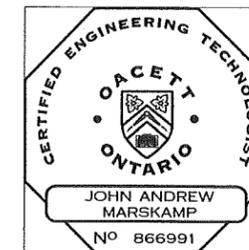
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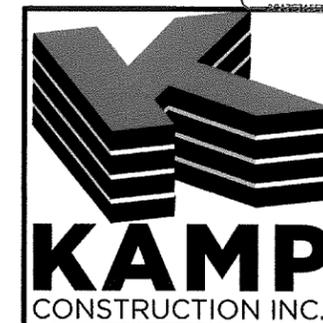
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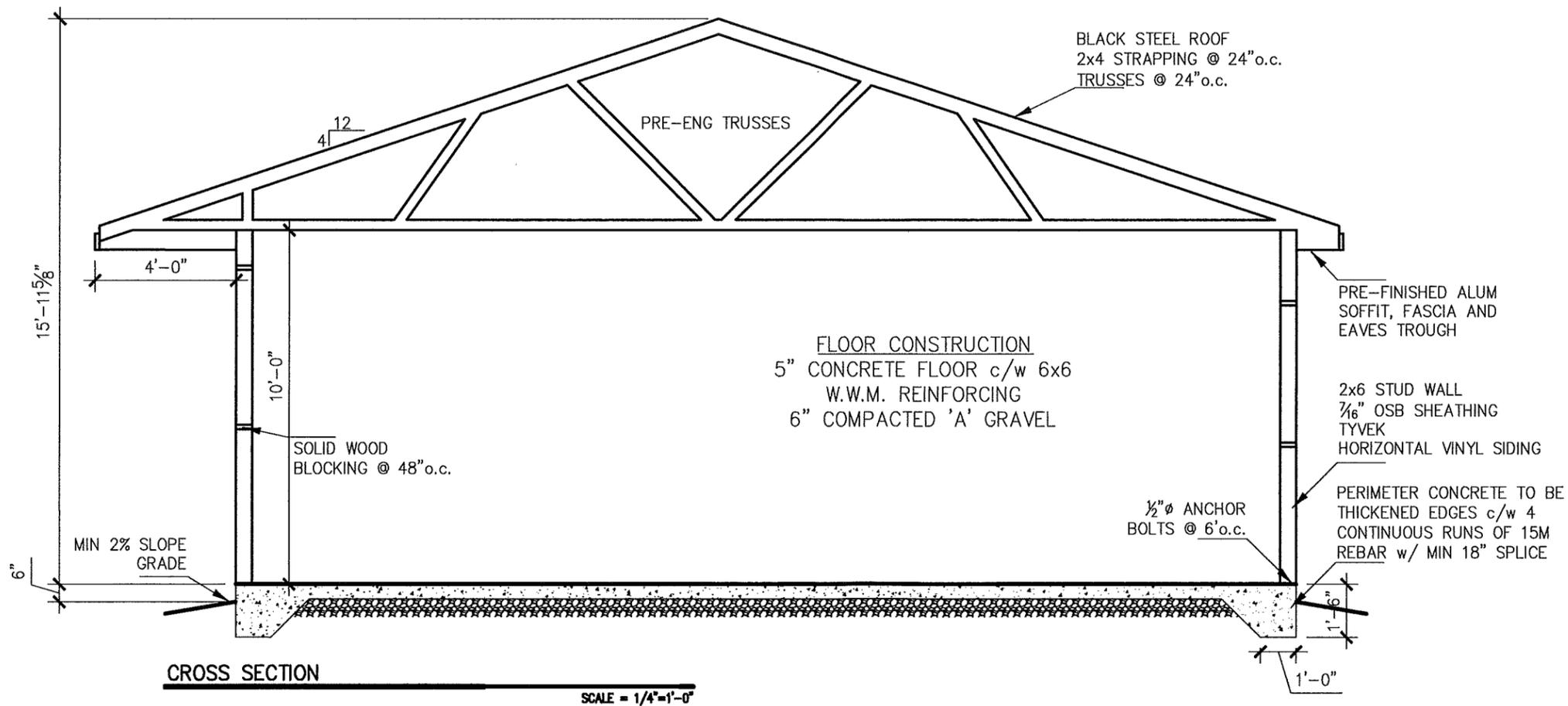
John Marskamp

SCALE:

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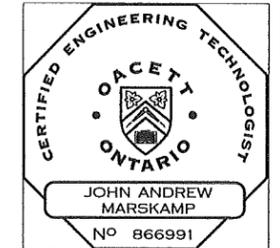
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A-4



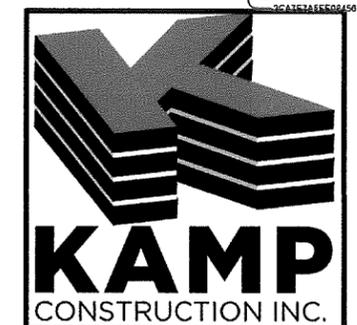
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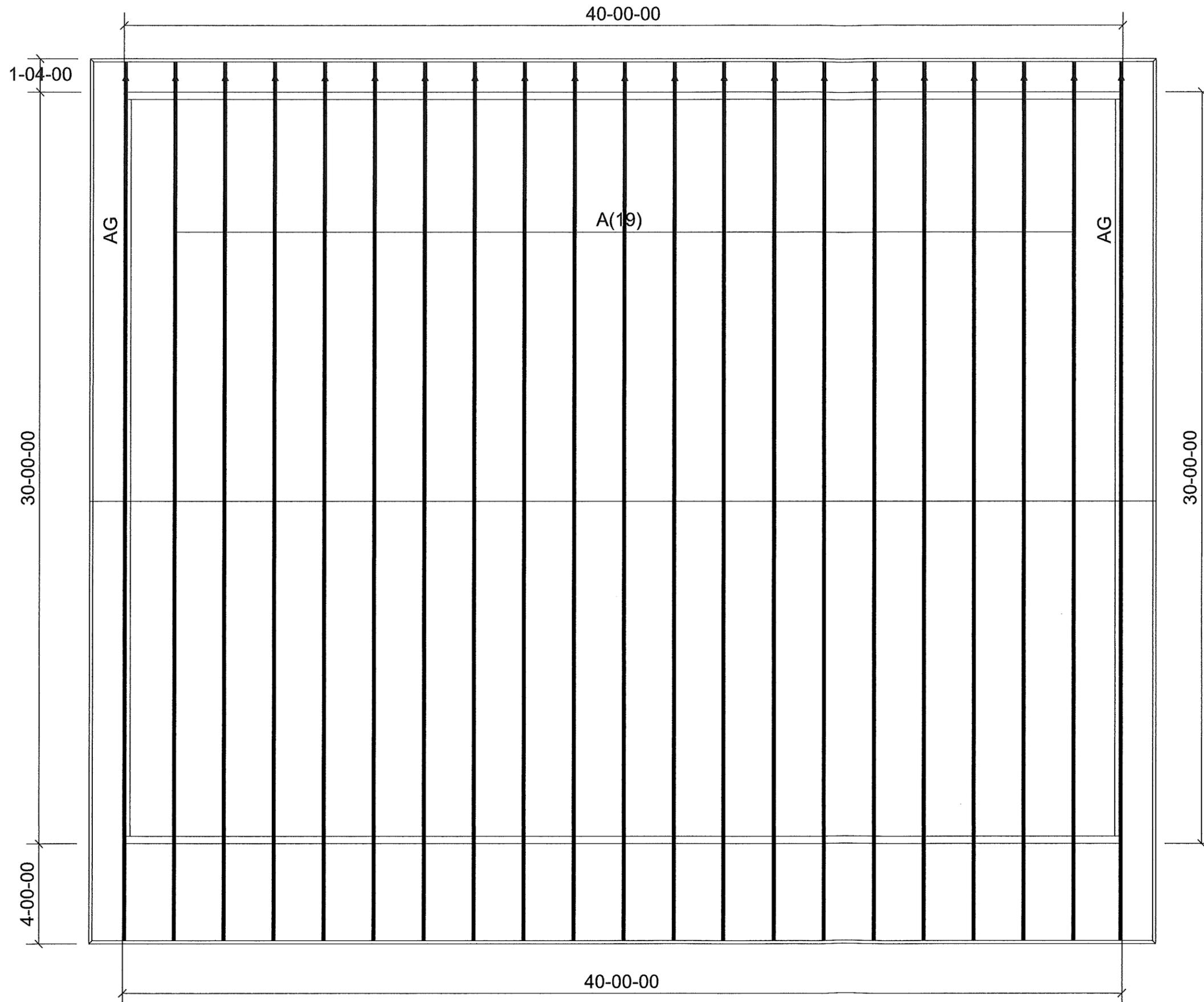
Drawn By:
John Marskamp

SCALE:
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SHEET No.
A-5



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REFER TO "STANDARD GABLE END
DETAIL" DRAWING NO. "MSD2015-K"
FOR ALL GABLE TRUSSES

NOTES:

1. This is a placement guide only. Read and understand all information supplied in the jobsite package before installation of the truss system.
2. Additional Building Component Safety Information (BCSI) can be found at www.sbcindustry.com/bcsi.php
3. It is the responsibility of the installer to properly receive, unload, store, handle, install and brace the trusses to protect life and property.
4. Carefully inspect the trusses for adequacy and damage. Do not install damaged trusses. Call Titan Truss for repair details or replacement trusses.
5. The use of adequate temporary bracing is mandatory.
6. Install all lateral bracing as shown on the truss drawings. The building designer is responsible for the anchorage of these braces.
7. Permanent building bracing is the responsibility of the building designer.
8. Do not modify, cut or drill the trusses.
9. Once installed, the product is considered accepted and under no circumstances will a back-charge be accepted or credit issued unless approved in writing in advance by Titan Truss.



6151 Colonel Talbot Rd, London, ON N6P 1J2
Ph: (519) 471-1299 TF: (888) 471-1299
info@titantruss.ca

Customer
J&K Grohn Building Supplies

Project: **Kamp Const, 30'x40' Garage
1260 5th Conc. West, Hamilton**

Date:
2022-08-23

Quote No.:
36643



STANDARD DETAIL MSD2015-K

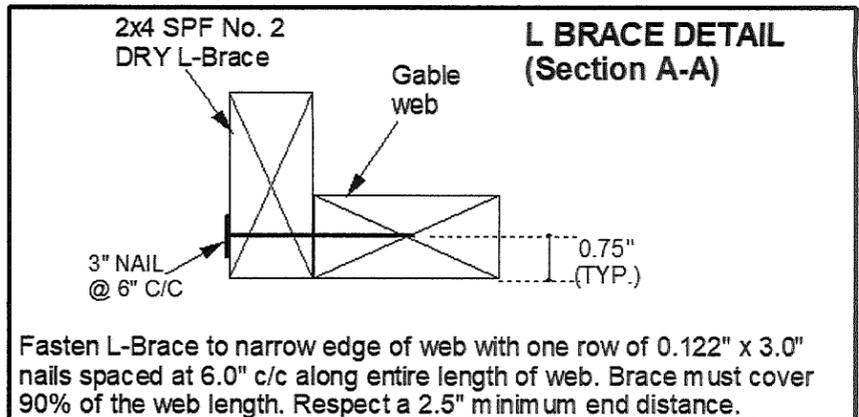
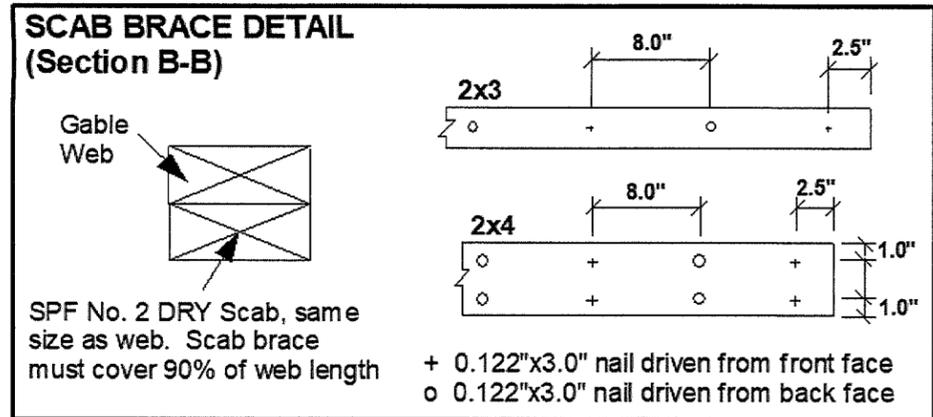
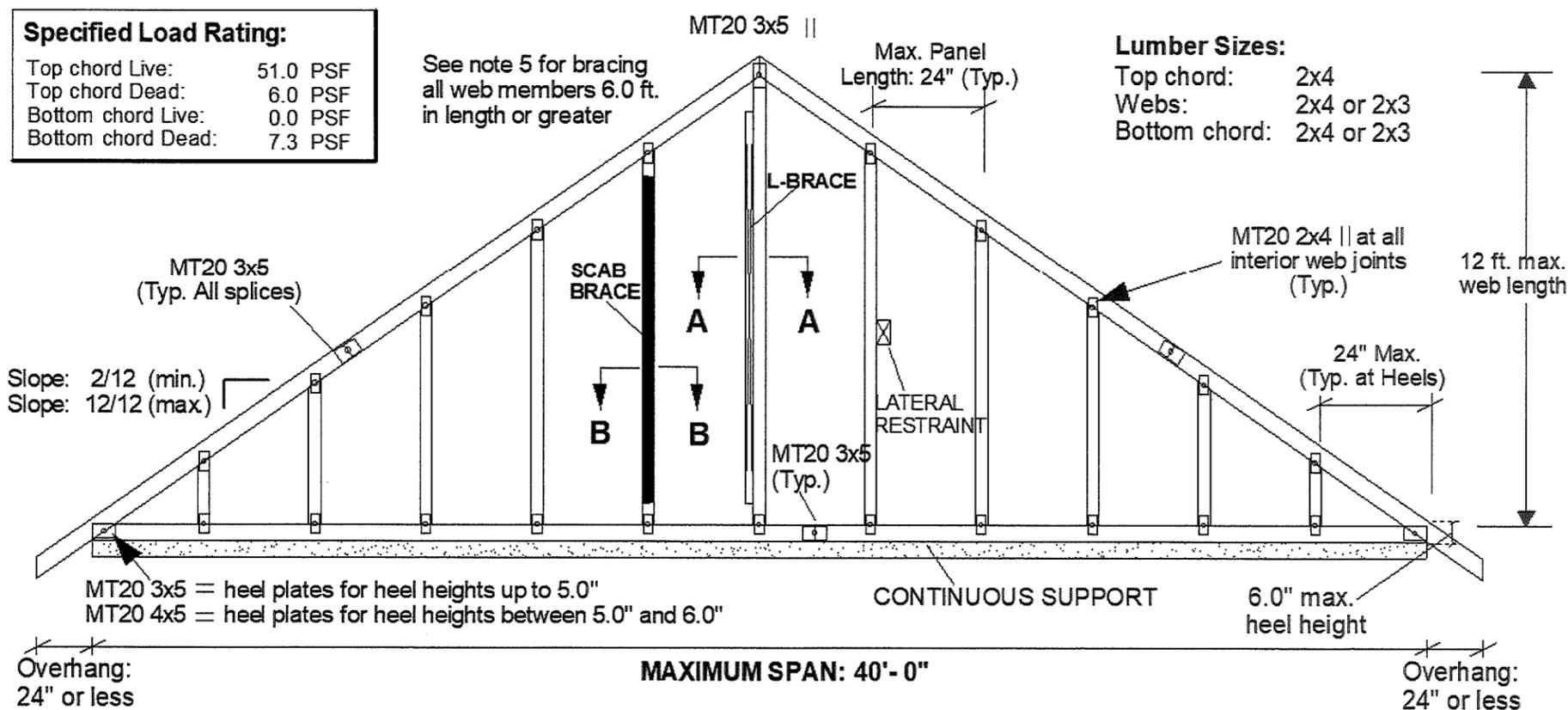
Issued: **MARCH 1, 2022**
 Expiry: **APRIL 30, 2024**

STANDARD GABLE END DETAIL

Specified Load Rating:	
Top chord Live:	51.0 PSF
Top chord Dead:	6.0 PSF
Bottom chord Live:	0.0 PSF
Bottom chord Dead:	7.3 PSF

See note 5 for bracing all web members 6.0 ft. in length or greater

Lumber Sizes:	
Top chord:	2x4
Webs:	2x4 or 2x3
Bottom chord:	2x4 or 2x3



Notes:

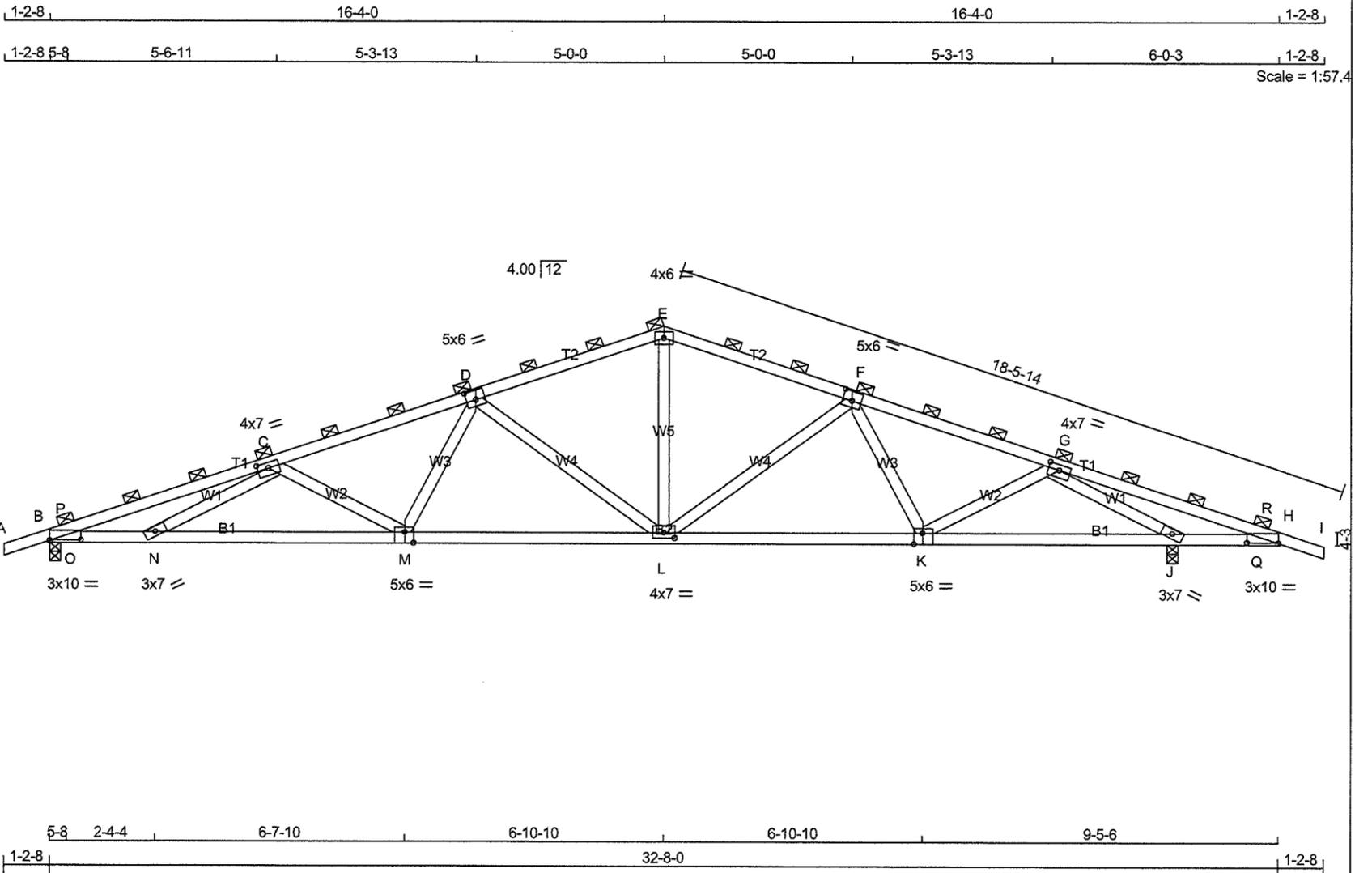
1. This detail is only valid for projects conforming to **Part 9, NBCC 2015** that do not require a wind analysis to be incorporated into the design of the truss.
2. This detail is for vertical (gravity) load rating of the truss only. Truss must be continuously supported over the entire length of bottom chord.
3. Maximum web length not to exceed 12.0 ft. Spacing of gable stud webs in the truss not to exceed 24 inches cc.
4. Splice joints shall not be located in the first panel adjacent to the heel joint or peak joint.
5. Lateral restraint required at half-length of all webs over 6.0 ft. long. Alternatively install an L-Brace or scab brace as shown above. Scab braces shall be limited to 10 ft. long webs or less.
6. All plates are MITEK MT20 pressed into both faces of truss.
7. All lumber to be SPF (or D-Fir) DRY and of No.2 grade or better.
8. Additional building bracing is typically installed to brace the face of the end wall assembly. See BCSI Canada 'Building Designer Responsibilities for Gable End Frame Bracing' for additional information on building bracing for gable-end assemblies.

PEO
 Certificate No. 10889485



36643 A 19 1 TRUSS DESC. Titan Truss Ltd., London, ON, N6P 1J2 Version 8.530 S Feb 23 2022 MITek Industries, Inc. Tue Aug 23 16:28:12 2022 Page 1

ID:5f?akWnpS0fFibFGPPe9xywC3V-eZfAh26G9xnlepR7IXr6OILNUcNa775tNPvqk?ykwaX



TOTAL WEIGHT = 19 X 127 = 2408 lb

LUMBER
N. L. G. A. RULES

CHORDS	SIZE	LUMBER	DESCR.
A - D	2x4	DRY No.2	SPF
D - E	2x4	DRY No.2	SPF
E - F	2x4	DRY No.2	SPF
F - I	2x4	DRY No.2	SPF
B - M	2x4	DRY No.2	SPF
M - K	2x4	DRY No.2	SPF
K - H	2x4	DRY No.2	SPF

ALL WEBS 2x4 DRY No.2 SPF
DRY: SEASONED LUMBER.

PLATES (table in inches)

JT	TYPE	PLATES	W	LEN	Y	X
B	TMB1-I	MT20	3.0	10.0	0.25	10.00
C	TMWW-t	MT20	4.0	7.0	1.75	3.50
D	TSWW-I	MT20	5.0	6.0	3.00	3.00
E	TTW-p	MT20	4.0	6.0		
F	TSWW-I	MT20	5.0	6.0	3.00	3.00
G	TMWW-t	MT20	4.0	7.0	1.75	3.50
H	TMB-I	MT20	3.0	10.0	0.25	10.00
J	BMW1+w	MT20	3.0	7.0		
K	BSWW-I	MT20	5.0	6.0	Edge	2.75
L	BMW1+w	MT20	4.0	7.0	Edge	2.75
M	BSWW-I	MT20	5.0	6.0	Edge	2.75
N	BMW+w	MT20	3.0	7.0		

Edge - INDICATES REFERENCE CORNER OF PLATE TOUCHES EDGE OF CHORD.

DIMENSIONS, SUPPORTS AND LOADINGS SPECIFIED BY FABRICATOR TO BE VERIFIED BY BUILDING DESIGNER

BEARINGS

JT	FACTORED GROSS REACTION		MAXIMUM FACTORED GROSS REACTION		INPUT BRG IN-SX	REQRD BRG IN-SX
	VERT	HORZ	DOWN	HORZ		
B	1721	0	1721	0	3-8	1-14
J	2080	0	2080	0	3-8	2-4

UNFACTORED REACTIONS

JT	1ST LCASE COMBINED	SNOW	LIVE	PERM.LIVE	WIND	DEAD	SOIL
B	1212	827 / 0	0 / 0	0 / 0	0 / 0	385 / 0	0 / 0
J	1464	999 / 0	0 / 0	0 / 0	0 / 0	465 / 0	0 / 0

BEARING MATERIAL TO BE SPF NO.2 OR BETTER AT JOINT(S) B, J

BRACING
TOP CHORD TO BE SHEATHED OR MAX. PURLIN SPACING = 3.08 FT.
MAX. UNBRACED BOTTOM CHORD LENGTH = 6.25 FT OR RIGID CEILING DIRECTLY APPLIED.

ALL PITCH BREAKS AND PERIMETER CORNER JOINTS MUST BE LATERALLY RESTRAINED.

LOADING
TOTAL LOAD CASES: (8)

MEMB.	FR-TO	CHORDS				WEBS			
		MAX. FACTORED FORCE (LBS)	FACTORED VERT. LOAD (PLF)	MAX LC1 (LC)	MAX UNBRAC LENGTH	MEMB.	MAX. FACTORED FORCE (LBS)	MAX CSI (LC)	
A-B	0 / 16	-91.1	-91.1	0.10 (1)	10.00	L-E	0 / 972	0.16 (1)	
B-P	-4223 / 0	-91.1	-91.1	0.28 (1)	3.25	L-F	-480 / 19	0.24 (3)	
P-C	-4150 / 0	-91.1	-91.1	0.55 (1)	3.08	F-K	-120 / 16	0.03 (1)	
C-D	-3339 / 0	-91.1	-91.1	0.48 (1)	3.46	K-G	0 / 385	0.06 (1)	
D-E	-2257 / 0	-91.1	-91.1	0.38 (1)	4.21	D-L	-970 / 0	0.49 (2)	
E-F	-2257 / 0	-91.1	-91.1	0.38 (1)	4.21	M-D	0 / 561	0.09 (2)	
F-G	-2534 / 0	-91.1	-91.1	0.41 (1)	3.97	C-M	-785 / 0	0.17 (2)	
G-R	0 / 778	-91.1	-91.1	0.52 (3)	10.00	N-C	0 / 201	0.05 (8)	
R-H	0 / 886	-91.1	-91.1	0.34 (1)	10.00	G-J	-3311 / 0	0.72 (1)	
H-I	0 / 16	-91.1	-91.1	0.10 (1)	10.00	O-P	-102 / 97	0.00 (1)	
B-O	0 / 3946	-18.2	-18.2	0.69 (1)	10.00	Q-R	-561 / 0	0.00 (1)	
O-N	0 / 3946	-18.2	-18.2	0.69 (1)	10.00				
N-M	0 / 3819	-18.2	-18.2	0.77 (1)	10.00				
M-L	0 / 2909	-18.2	-18.2	0.60 (1)	10.00				
L-K	0 / 2441	-18.2	-18.2	0.53 (1)	10.00				
K-J	0 / 2054	-18.2	-18.2	0.54 (1)	10.00				
J-Q	-730 / 0	-18.2	-18.2	0.25 (1)	6.25				
Q-H	-730 / 0	-18.2	-18.2	0.25 (1)	6.25				

TRUSS HAS BEEN CHECKED FOR UNBALANCED LOADING AS PER NBCC 4.1.6.2.(8)

DESIGN CRITERIA

SPECIFIED LOADS:
TOP CH. LL = 26.0 PSF
DL = 5.3 PSF
BOT CH. LL = 0.0 PSF
DL = 7.3 PSF
TOTAL LOAD = 38.6 PSF

SPACING = 24.0 IN. C/C

THIS TRUSS IS DESIGNED FOR RESIDENTIAL OR SMALL BUILDING REQUIREMENTS OF PART 9, NBCC 2015

THIS DESIGN COMPLIES WITH:
- PART 9 OF BCBC 2018, ABC 2019
- PART 9 OF OBC 2012 (2019 AMENDMENT)
- CSA 086-14
- TPIC 2014

(55 % OF 32.0 P.S.F. G.S.L. PLUS 8.4 P.S.F. RAIN LOAD) EQUALS 26.0 P.S.F. SPECIFIED ROOF LIVE LOAD

ALLOWABLE DEFL.(LL)= L/360 (1.00")
CALCULATED VERT. DEFL.(LL) = L / 999 (0.21")
ALLOWABLE DEFL.(TL)= L/360 (1.00")
CALCULATED VERT. DEFL.(TL) = L / 850 (0.42")

CANTILEVER DEFLECTION:
ALLOWABLE DEFL.(LL)= L/120 (0.28")
CALCULATED VERT. DEFL.(LL) = L / 999 (0.03")
ALLOWABLE DEFL.(TL)= L/120 (0.28")
CALCULATED VERT. DEFL.(TL) = L / 671 (0.05")

CSI: TC=0.55/1.00 (C-P:1), BC=0.77/1.00 (M-N:1), WB=0.72/1.00 (G-J:1), SSI=0.33/1.00 (H-Q:1)

DOL LUMBER=1.00 NAIL=1.00 LS BEND=1.10
COMP=1.10 SHEAR=1.10 TENS= 1.10

COMPANION LIVE LOAD FACTOR = 1.00

AUTOSOLVE LEFT HEEL ONLY

TRUSS PLATE MANUFACTURER IS NOT RESPONSIBLE FOR QUALITY CONTROL IN THE TRUSS MANUFACTURING PLANT.

NAIL VALUES

PLATE	GRIP(DRY)	SHEAR (PSI)	SECTION (PLI)	MAX MIN	MAX MIN	MAX MIN
MT20	650	371	1747	788	1987	1873

PLATE PLACEMENT TOL. = 0.250 inches

PLATE ROTATION TOL. = 5.0 Deg.

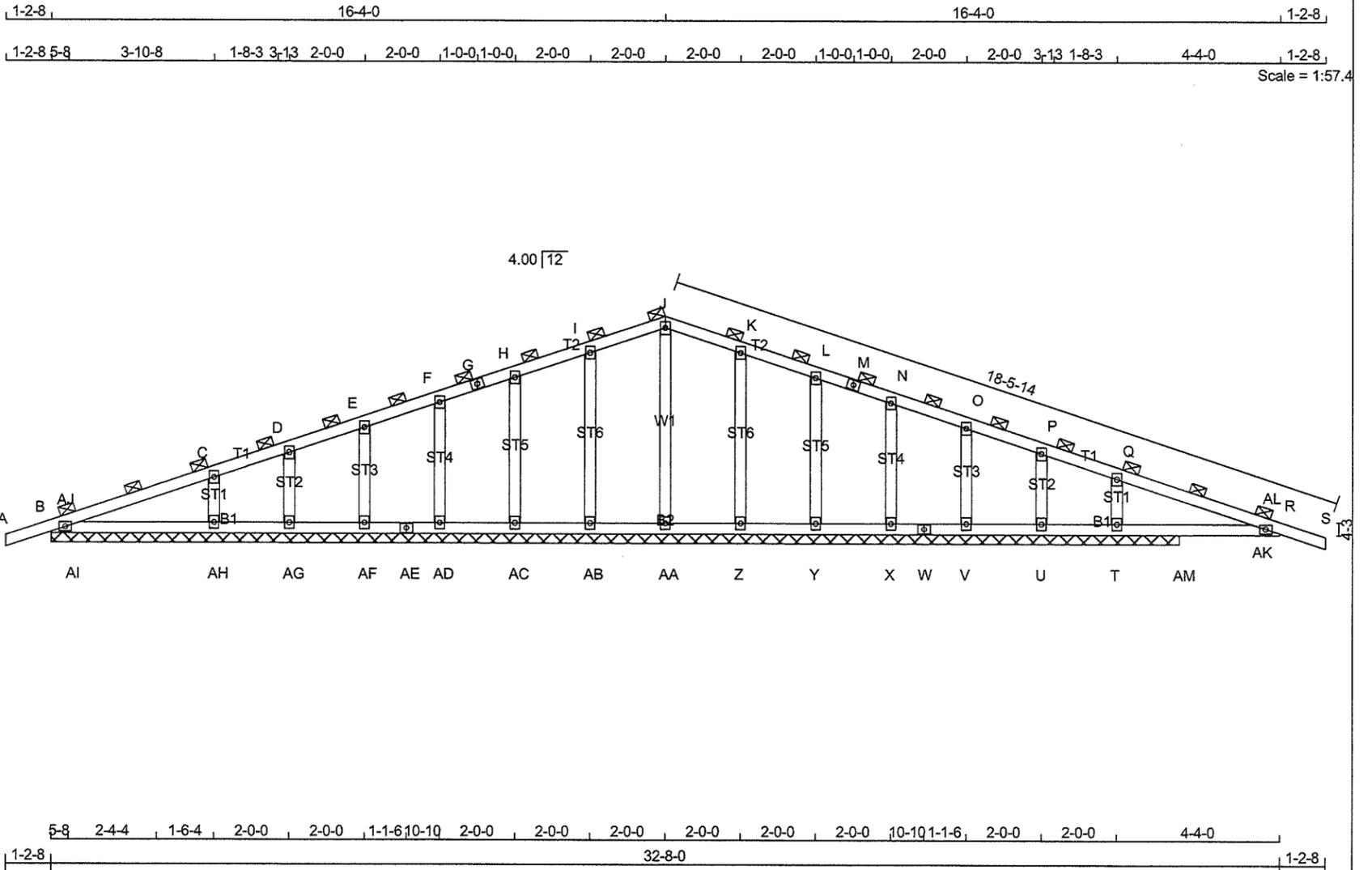
JSI GRIP= 0.89 (C) (INPUT = 0.90)
JSI METAL= 0.99 (J) (INPUT = 1.00)

NA22-8100
AUG. 24/22
DWG SEALED AS COMPONENT ONLY



36643 AG 2 1 TRUSS DESC. Titan Truss Ltd., London, ON, N6P 1J2 Version 8.530 S Feb 23 2022 MiTek Industries, Inc. Tue Aug 23 16:28:13 2022 Page 1

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LUMBER

N. L. G. A. RULES

CHORDS	SIZE	LUMBER	DESCR.
A - G	2x4 DRY	No.2	SPF
G - J	2x4 DRY	No.2	SPF
J - M	2x4 DRY	No.2	SPF
M - S	2x4 DRY	No.2	SPF
B - AE	2x4 DRY	No.2	SPF
AE - W	2x4 DRY	No.2	SPF
W - R	2x4 DRY	No.2	SPF
ALL WEBS	2x4 DRY	No.2	SPF
ALL GABLE WEBS	2x4 DRY	No.2	SPF

DRY: SEASONED LUMBER.

GABLE STUDS SPACED AT 2-0-0 OC.

PLATES (table is in inches)

JT TYPE	PLATES	W	LEN	Y	X
B	TMB1-I	MT20	3.0	4.0	
C, D, E, F, H, I, K, L, N, O, P, Q	TMW+w	MT20	3.0	4.0	
G	TS-t	MT20	3.0	4.0	
J	TTW+p	MT20	3.0	4.0	
M	TS-t	MT20	3.0	4.0	
R	TMB-I	MT20	3.0	4.0	
T, U, V, X, Y, Z, AA, AB, AC, AD, AF, AG, AH	BMW1+w	MT20	3.0	4.0	
W	BS-t	MT20	3.0	4.0	
AE	BS-t	MT20	3.0	4.0	

DIMENSIONS, SUPPORTS AND LOADINGS SPECIFIED BY FABRICATOR TO BE VERIFIED BY BUILDING DESIGNER

BEARINGS

JT	FACTORED GROSS REACTION		MAXIMUM FACTORED GROSS REACTION			INPUT REQD	
	VERT	HORZ	DOWN	HORZ	UPLIFT	BRG IN-SX	BRG IN-SX
B	149	0	149	0	0	30-0-0 (6-9-6 1-8	
AA	496	0	496	0	0	30-0-0 (6-9-6 1-8	
AB	248	0	248	0	0	30-0-0 (6-9-6 1-8	
AC	211	0	211	0	0	30-0-0 (6-9-6 1-8	
AD	212	0	212	0	0	30-0-0 (6-9-6 1-8	
AF	249	0	249	0	0	30-0-0 (6-9-6 1-8	
AG	92	0	92	0	0	30-0-0 (6-9-6 1-8	
AH	492	0	492	0	0	30-0-0 (6-9-6 1-8	
Z	248	0	248	0	0	30-0-0 (6-9-6 1-8	
Y	209	0	209	0	0	30-0-0 (6-9-6 1-8	
X	218	0	218	0	0	30-0-0 (6-9-6 1-8	
V	225	0	225	0	0	30-0-0 (6-9-6 1-8	
U	179	0	179	0	0	30-0-0 (6-9-6 1-8	
T	122	0	122	0	0	30-0-0 (6-9-6 1-8	
AM	450	0	450	0	0	30-0-0 (6-9-6 1-8	

UNFACTORED REACTIONS

JT	COMBINED	MAX./MIN. COMPONENT REACTIONS					
		1ST LCASE	SNOW	LIVE	PERM.LIVE	WIND	DEAD
B	104	73 / 0	0 / 0	0 / 0	0 / 0	31 / 0	0 / 0
AA	347	249 / 0	0 / 0	0 / 0	0 / 0	99 / 0	0 / 0
AB	175	121 / 0	0 / 0	0 / 0	0 / 0	54 / 0	0 / 0
AC	149	99 / 0	0 / 0	0 / 0	0 / 0	50 / 0	0 / 0
AD	150	101 / 0	0 / 0	0 / 0	0 / 0	49 / 0	0 / 0
AF	176	118 / 0	0 / 0	0 / 0	0 / 0	58 / 0	0 / 0
AG	65	44 / 0	0 / 0	0 / 0	0 / 0	21 / 0	0 / 0
AH	347	233 / 0	0 / 0	0 / 0	0 / 0	114 / 0	0 / 0
Z	174	120 / 0	0 / 0	0 / 0	0 / 0	54 / 0	0 / 0
Y	148	99 / 0	0 / 0	0 / 0	0 / 0	49 / 0	0 / 0
X	154	104 / 0	0 / 0	0 / 0	0 / 0	50 / 0	0 / 0
V	159	108 / 0	0 / 0	0 / 0	0 / 0	51 / 0	0 / 0
U	127	80 / 0	0 / 0	0 / 0	0 / 0	46 / 0	0 / 0
T	86	60 / 0	0 / 0	0 / 0	0 / 0	26 / 0	0 / 0
AM	317	218 / 0	0 / 0	0 / 0	0 / 0	99 / 0	0 / 0

BEARING MATERIAL TO BE SPF NO.2 OR BETTER AT JOINT(S) B, AA, AB, AC, AD, AF, AG, AH, Z, Y, X, V, U, T, AM

BRACING
TOP CHORD TO BE SHEATHED OR MAX. PURLIN SPACING = 10.00 FT.
MAX. UNBRACED BOTTOM CHORD LENGTH = 6.25 FT OR RIGID CEILING DIRECTLY APPLIED.

ALL PITCH BREAKS AND PERIMETER CORNER JOINTS MUST BE Laterally RESTRAINED.

LOADING

TOTAL LOAD CASES: (4)

MEMB.	MAX. FACTORED FORCE (LBS)	FACTORED VERT. LOAD LC1 MAX (PLF)		MAX. UNBRAC LENGTH	MEMB. FR-TO	FACTORED FORCE MAX (LBS)	
		FROM	TO			CSI (LC)	CSI (LC)
A-B	0 / 16	-91.1	-91.1	0.10 (1)	10.00	AA-J	-460 / 0
B-AJ	0 / 480	-91.1	-91.1	0.09 (1)	10.00	AB-I	-212 / 0
AJ-C	0 / 486	-91.1	-91.1	0.25 (1)	10.00	AC-H	-173 / 0
C-D	0 / 466	-91.1	-91.1	0.25 (1)	10.00	AD-F	-179 / 0
D-E	0 / 493	-91.1	-91.1	0.13 (1)	10.00	AF-E	-199 / 0
E-F	0 / 491	-91.1	-91.1	0.13 (1)	10.00	AG-D	-104 / 0
F-G	0 / 494	-91.1	-91.1	0.12 (1)	10.00	AH-C	-357 / 0
G-H	0 / 494	-91.1	-91.1	0.12 (1)	10.00	Z-K	-211 / 0
H-I	0 / 498	-91.1	-91.1	0.14 (1)	10.00	Y-L	-174 / 0
I-J	0 / 492	-91.1	-91.1	0.14 (1)	10.00	X-N	-178 / 0
J-K	0 / 492	-91.1	-91.1	0.14 (1)	10.00	V-O	-204 / 0
K-L	0 / 498	-91.1	-91.1	0.14 (1)	10.00	U-P	-86 / 0
L-M	0 / 494	-91.1	-91.1	0.12 (1)	10.00	T-Q	-342 / 0
M-N	0 / 494	-91.1	-91.1	0.12 (1)	10.00	AI-AJ	-177 / 6
N-O	0 / 490	-91.1	-91.1	0.13 (1)	10.00	AK-AL	-448 / 0
O-P	0 / 494	-91.1	-91.1	0.13 (1)	10.00		
P-Q	0 / 462	-91.1	-91.1	0.28 (1)	10.00		
Q-AL	0 / 477	-91.1	-91.1	0.29 (1)	10.00		
AL-R	0 / 575	-91.1	-91.1	0.26 (1)	10.00		
R-S	0 / 16	-91.1	-91.1	0.10 (1)	10.00		

DESIGN CRITERIA

SPECIFIED LOADS:
TOP CH. LL = 26.0 PSF
DL = 5.3 PSF
BOT CH. LL = 0.0 PSF
DL = 7.3 PSF
TOTAL LOAD = 38.6 PSF

SPACING = 24.0 IN. C/C

THIS TRUSS IS DESIGNED FOR RESIDENTIAL OR SMALL BUILDING REQUIREMENTS OF PART 9, NBC 2015

THIS DESIGN COMPLIES WITH:
- PART 9 OF BCBC 2018, ABC 2019
- PART 9 OF OBC 2012 (2019 AMENDMENT)
- CSA 086-14
- TPIC 2014

(55 % OF 32.0 P.S.F. G.S.L. PLUS 8.4 P.S.F. RAIN LOAD) EQUALS 26.0 P.S.F. SPECIFIED ROOF LIVE LOAD

CSI: TC=0.29/1.00 (Q-AL:1), BC=0.39/1.00 (AK-AM:1), WB=0.17/1.00 (J-AA:1), SSI=0.21/1.00 (R-AK:1)

DOL LUMBER=1.00 NAIL=1.00 LS BEND=1.10 COMP=1.10 SHEAR=1.10 TENS=1.10

COMPANION LIVE LOAD FACTOR = 1.00

AUTOSOLVE LEFT HEEL ONLY

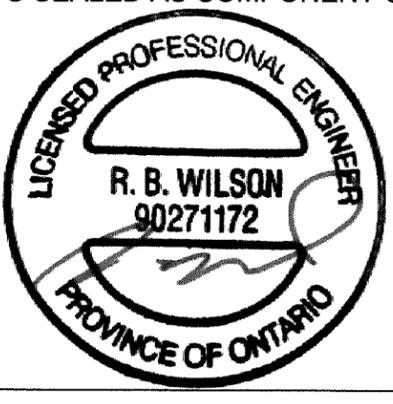
TRUSS PLATE MANUFACTURER IS NOT RESPONSIBLE FOR QUALITY CONTROL IN THE TRUSS MANUFACTURING PLANT.

NAIL VALUES
PLATE GRIP(DRY) SHEAR SECTION (PSI) (PL) (PL)
MAX MIN MAX MIN MAX MIN
MT20 650 371 1747 788 1987 1873

PLATE PLACEMENT TOL. = 0.250 inches
PLATE ROTATION TOL. = 5.0 Deg.

JSI GRIP= 0.78 (J) (INPUT = 0.90)
JSI METAL= 0.18 (G) (INPUT = 1.00)

NA22-8101 1 of 2
AUG. 24/22
DWG SEALED AS COMPONENT ONLY



36643 AG 2 1 TRUSS DESC.

Titan Truss Ltd., London, ON, N6P 1J2 Version 8.530 S Feb 23 2022 MITek Industries, Inc. Tue Aug 23 16:28:13 2022 Page 2
 ID:5f?akWnpS0fFibFGPpe9xywC3V-6IDZuO7uwFvcFz0KJENLxwucO0phsiu0c3eOHRykwaw

LOADING

TOTAL LOAD CASES: (4)

C H O R D S				W E B S			
MEMB.	MAX. FACTORED FORCE (LBS)	FACTORED VERT. LOAD (PLF)	LC1 MAX. CSI (LC)	MEMB. UNBRAC LENGTH	MEMB. FR-TO	MAX. FACTORED FORCE (LBS)	MAX. CSI (LC)
FR-TO							
AD-AC	-469 / 0	-18.2	-18.2 0.01 (4)			6.25	
AC-AB	-471 / 0	-18.2	-18.2 0.01 (4)			6.25	
AB-AA	-473 / 0	-18.2	-18.2 0.01 (4)			6.25	
AA-Z	-473 / 0	-18.2	-18.2 0.01 (4)			6.25	
Z-Y	-471 / 0	-18.2	-18.2 0.01 (4)			6.25	
Y-X	-469 / 0	-18.2	-18.2 0.02 (4)			6.25	
X-W	-466 / 0	-18.2	-18.2 0.02 (4)			6.25	
W-V	-466 / 0	-18.2	-18.2 0.02 (4)			6.25	
V-U	-463 / 0	-18.2	-18.2 0.04 (1)			6.25	
U-T	-461 / 0	-18.2	-18.2 0.09 (1)			6.25	
T-AM	-450 / 0	-18.2	-18.2 0.39 (1)			6.25	
AM-AK	-450 / 0	-18.2	-18.2 0.39 (1)			6.25	
AK-R	-450 / 0	-18.2	-18.2 0.21 (1)			6.25	

NA22-8101 2 of 2
 AUG. 24/22
 DWG SEALED AS COMPONENT ONLY



1260 Concession 5W garage

Elizabeth Reimer <ereimer@conservationhamilton.ca>
To: Lisa Alderson <lisaplusgeoff@gmail.com>

Thu., Sep. 15, 2022 at 1:02 p.m.

Hello Lisa and Geoff,

HCA staff have completed our review of the proposed garage at the front of the property on 1260 Concession 5W. Based on our assessment, the garage is outside of the floodplain and erosion hazards associated with a tributary of Westover Creek. The garage is within 30 m of the Hayesland Christie Wetland Complex, but has little potential to impact the form and function of this wetland. Therefore, HCA staff have determined that the proposed garage can be supported by HCA policy. Accordingly, we will be issuing a permit shortly.

Regards,

Elizabeth Reimer

Conservation Planner

Hamilton Conservation Authority

838 Mineral Springs Road, P.O. Box 81067

Ancaster, ON L9G 4X1

Phone: 905-525-2181 Ext. 165

Email:

recipient(s), please notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.

Val Pazzi
Payment for Permit Application Fee - 1260 5th Con Rd W
Flamborough
Sep 7, 2022 at 4:35:14 PM
lisaplusgeoff@gmail.com
Elizabeth Reimer

Hello Lisa and Geoff,

Please find attached scan of Visa receipt for \$465.00.

Thank you,

Valerie Pazzi

Administrative Assistant
Watershed Management Services
Hamilton Conservation Authority
PO Box 81067, 838 Mineral Springs Rd
Ancaster, ON L9G 4X1

Phone: 905-525-2181 Ext. 135

Fax: 905-648-4622

Email:



Hamilton
Conservation
Authority

A Healthy Watershed for Everyone

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FAMILY CENTER RECORDS CONTROL

1000 Anderson
Purchase

Auth# 444406	
Total	\$ 465.00

Approved



A Healthy Watershed for Everyone

838 Mineral Springs Road, PO Box 81067
 Ancaster, Ontario L9G 4X1
 Telephone: 905-648-4427 Fax: 905-648-4622

PERMIT

N^o 2022-58

ISSUED UNDER THE CONSERVATION AUTHORITIES ACT, PURSUANT TO ONTARIO REGULATION 161/06 – HAMILTON CONSERVATION AUTHORITY DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES REGULATION.

Permission has been granted to: **Lisa Alderson and Geoff Dent**

Phone: **905-659-7927**

Mailing Address: **1260 Concession 5 W, Waterdown, ON L8B 1L8**

Location: **in a regulated area of Westover Creek and Hayesland Christie Wetland Complex, in the City of Hamilton**

For the: **construction of a garage accessory structure in a regulated area of Westover Creek and Hayesland Christie Wetland Complex at 1260 5th Concession Road West, Part Lot 33, Concession 4, in the City of Hamilton (former Town of Flamborough)**

on the above property during the period of **September 19, 2022 to September 19, 2024** subject to the following conditions.

1. The Owner shall retain a copy of the HCA permit and approved plans on-site at all times during construction;
2. The Owner shall adhere to the HCA permit and approved plans, documents and conditions, including HCA redline revisions, herein referred to as the "works", to the satisfaction of HCA. The Owner further acknowledges that all proposed revisions to the design of this project must be submitted for review and approval by HCA prior to implementation of the redesigned works;
3. The Owner shall notify the HCA Watershed Officer 48 hours prior to the commencement of any of the works referred to in this permit and within 48 hours upon completion of the works referred to herein;

4. The Owner shall arrange a final site inspection of the works with the HCA Watershed Officer prior to the expiration date on the permit to ensure compliance with terms and conditions of the permit to the satisfaction of the HCA;
5. THAT all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been restored;
6. THAT all erosion and sediment control measures be inspected after each rainfall to the satisfaction of Authority staff;
7. THAT any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;
8. THAT all disturbed areas be re-vegetated with permanent cover immediately following completion of construction; and
9. THAT the works are undertaken in accordance with the garage drawings by John Marskamp (Kamp Construction), including the Site Plan (A-1), Floor Plan (A-2), Elevations (A-3 and A-4), and Cross Section (A-5), dated August 18, 2022.

NOTE:

- 1) This permit may be withdrawn by the HCA if the works do not comply with the above noted conditions. Non-compliance with permit conditions also constitutes a violation of the regulation and may result in charges being laid.
- 2) The issuance of this permit does not abrogate the necessity of obtaining all other required permits for development and construction, i.e. permits required by the Niagara Escarpment Commission, Municipality, Ministry of Natural Resources and Forestry, Harbour Commissioners and any or all other agencies.



Enforcement Officer
T. Scott Peck, B.A., DPA, MCIP, RPP, CMMIII
Deputy Chief Administrative Officer/
Director, Watershed Management Services

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	MAILING ADDRESS	
Registered Owners(s)	LISA ALDERSON GEOFF DENT		
Applicant(s)*			Phone:
			E-mail:
Agent or Solicitor			Phone:
			E-mail:

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

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

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

4. Nature and extent of relief applied for:

LOCATE GARAGE WITHIN FRONT YARD ON SIDE LAWN

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

GARAGE AHEAD OF HOUSE. BCKD ON SIDE LAWN.
SEPTIC BED. AT REAR.

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**):

1260 5TH CONS WEST WATERDOWN

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?

HOUSE BUILT IN 1972, WE HAVE LIVED THERE FOR 26 YRS

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 31/22
Date

Geoff Dent
Lisa Alderson
Signature Property Owner(s)

Geoff Dent
Lisa Alderson
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 150'
Depth 150'
Area 22,500'
Width of street _____

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

Existing:

SEE ATTACHED SKETCH

Proposed

SEE ATTACHED SKETCH

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

Existing:

SEE ATTACHED SKETCH

Proposed:

SEE ATTACHED SKETCH

13. Date of acquisition of subject lands:
1996

14. Date of construction of all buildings and structures on subject lands:
1972

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:
1972

18. Municipal services available: (check the appropriate space or spaces)
 Water NO Connected _____
 Sanitary Sewer NO Connected _____
 Storm Sewers NO

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

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
A1

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)
HAVE NEIGHBORS SIGNATURES FOR APPROVAL.

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

FL/A-22:130

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	FL/A-22:130	SUBJECT PROPERTY:	102 HWY 52, FLAMBOROUGH
ZONE:	"S1, 52" (Settlement Residential)	ZONING BY-LAW:	Zoning By-law 05-200, as Amended

APPLICANTS: Paul Belluz
Zoltan Engineering – T. Lukacs

The following variances are requested:

1. A maximum gross floor area of 119m² shall be provided instead of the maximum permitted gross floor area of 45m² for accessory building.
2. A maximum building height of 5.3m shall be provided instead of the maximum permitted building height of 4.5m for accessory building.

PURPOSE & EFFECT: To permit the construction of a new accessory building to a single detached dwelling.

Notes:

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

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

DATE:	Thursday, October 20, 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

FL/A-22:130

	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment
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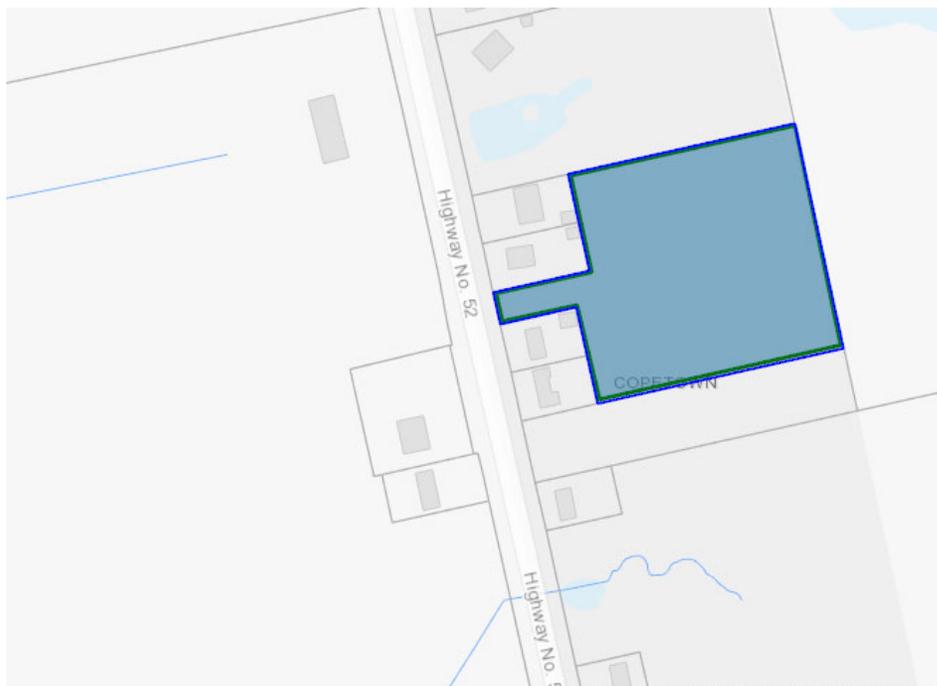
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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.



DATED: October 4, 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.

NOTES

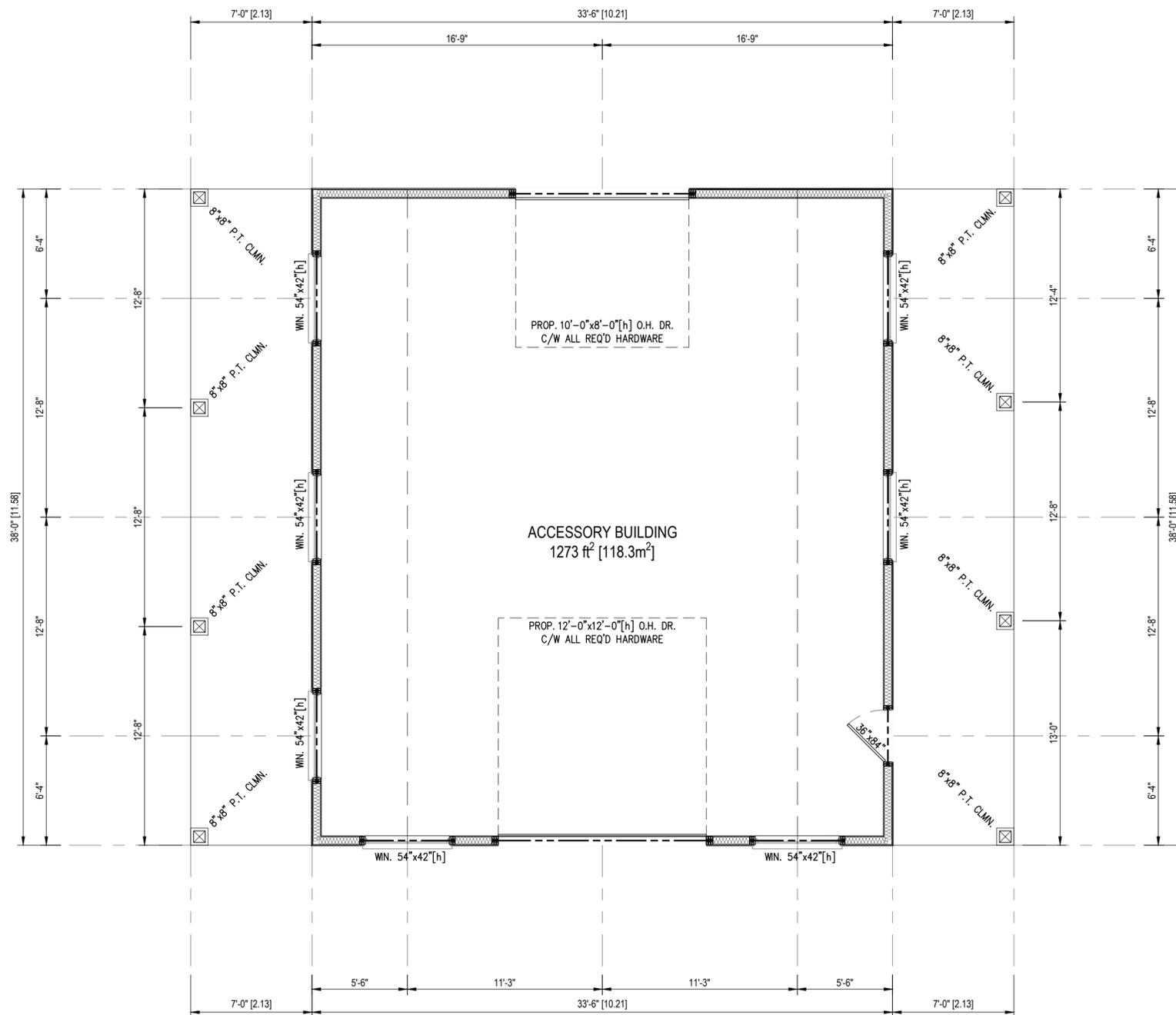
- ALL BUILDING MATERIALS AND CONSTRUCTION METHODS SHALL COMPLY WITH THE CURRENT OBC.
- VERIFY ALL DIMENSIONS BEFORE AND DURING CONSTRUCTION TO CONFIRM ACCURACY.
- VERIFY ALL DIMENSIONS OF SPECIALTY ITEMS BEFORE ORDERING TO CONFIRM ACCURACY.
- ALL MATERIALS AND COMPONENTS SHALL BE INSTALLED AS PER MANUFACTURERS INSTRUCTIONS/DIRECTIONS

NOTES

STAMPED ENGINEERED DESIGN TO BE PROVIDED BY MANUFACTURER FOR ALL ROOF TRUSSES, MICROLLAM LVL BEAMS, AND TJI FLOOR JOISTS.

NOTES

DUE TO THE POSSIBLE VARIANTS ON THE SITE IT IS IMPORTANT FOR THE CONTRACTOR AND TRUSS MANUFACTURER TO VERIFY ALL DIMENSIONS, BEARING, AND ROOF PITCHES OF TRUSSES ON SITE AND ON ALL PAGES OF ARCHITECTURAL DRAWINGS TO ASSURE ACCURACY AND SOFFIT ALIGNMENT



THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS ENTERED INTO A CONTRACT AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGN PROFESSIONAL TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS AND OMISSIONS TO THE ENGINEER. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED AS "ISSUED FOR CONSTRUCTION", CERTIFIED AND DATED.

REV.	DATE	REMARKS
3	12AUG22	REVISED FOR MINOR VAR.
2	28JUL22	REVISED FOR MINOR VAR.
1	16JUN22	REVISED FOR MINOR VAR.

ZOLTAN ENGINEERING
 25-4380 SOUTH SERVICE ROAD
 BURLINGTON, ON L7L 5Y6
 (905) 331 - 8307
 WWW.ZOLTANENGINEERING.COM

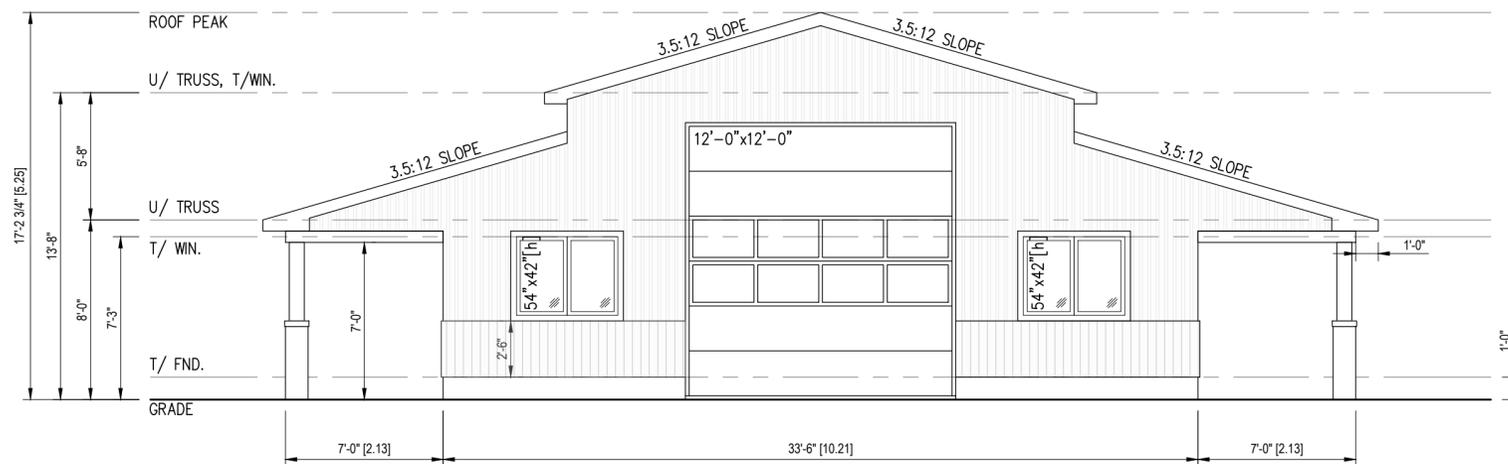
PROJECT TITLE
 PAUL BALLUZ
 ACCESSORY BUILDING
 102 REGIONAL ROAD 52
 HAMILTON, ONTARIO

DRAWING TITLE
 GROUND FLOOR
 FRAMING PLAN

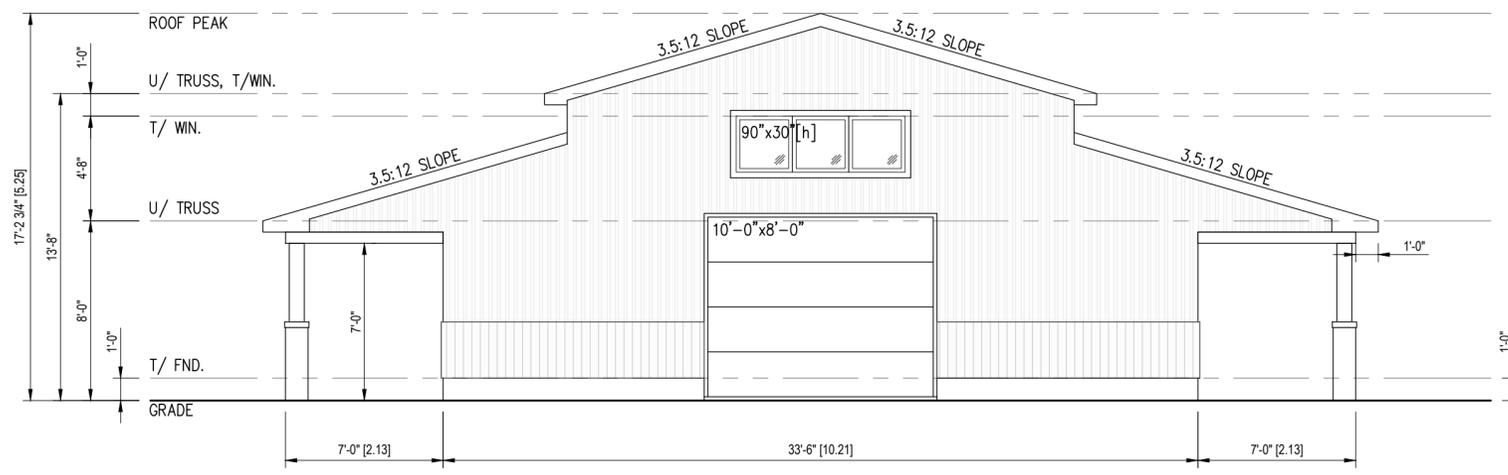
SCALE	AS NOTED
DATE	12AUG22
DRAWN	TV
DESIGNED	ZL
CHECKED	ZL

PROJECT NO. **22-024** SHEET NO. **A1.02**

1 GROUND FLOOR PLAN Scale: 3/16"=1'-0"



1 FRONT ELEVATION
Scale: 3/16"=1'-0"



2 REAR ELEVATION
Scale: 3/16"=1'-0"

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REV.	DATE	REMARKS
3	12AUG22	REVISED FOR MINOR VAR.
2	28JUL22	REVISED FOR MINOR VAR.
1	16JUN22	REVISED FOR MINOR VAR.

ZOLTAN
ENGINEERING
25-4380 SOUTH SERVICE ROAD
BURLINGTON, ON L7L 5Y6
(905) 331 - 8307
WWW.ZOLTANENGINEERING.COM

PROJECT TITLE
PAUL BALLUZ
ACCESSORY BUILDING

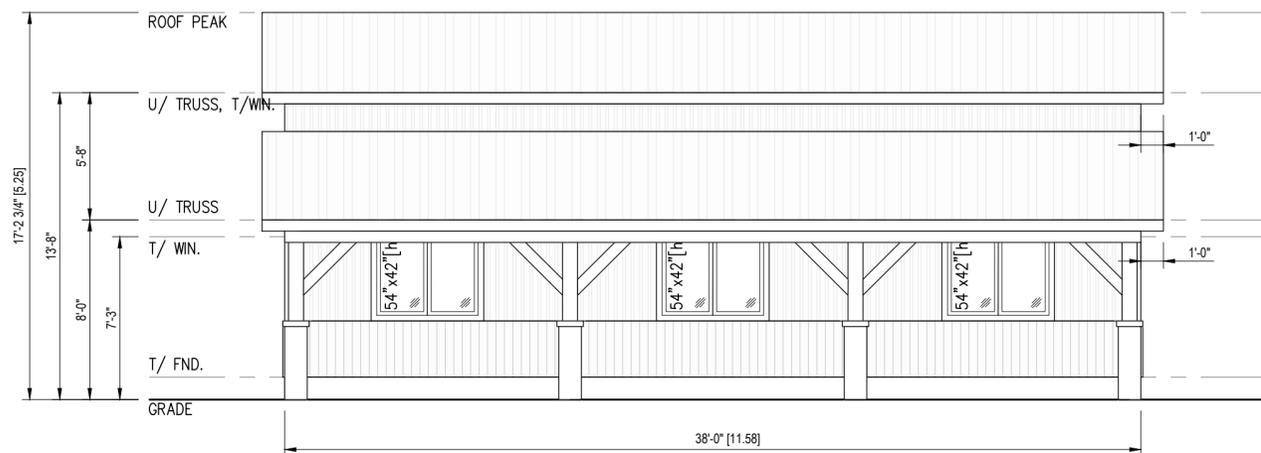
102 REGIONAL ROAD 52
HAMILTON, ONTARIO

DRAWING TITLE

ELEVATIONS

SCALE	AS NOTED
DATE	12AUG22
DRAWN	TV
DESIGNED	ZL
CHECKED	ZL

PROJECT NO. **22-024** SHEET NO. **A2.01**
3



1 SIDE ELEVATION
Scale: 3/16"=1'-0"



2 SIDE ELEVATION
Scale: 3/16"=1'-0"

THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS ENTERED INTO A CONTRACT AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGN PROFESSIONAL TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS AND OMISSIONS TO THE ENGINEER. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED AS "ISSUED FOR CONSTRUCTION", CERTIFIED AND DATED.

REV.	DATE	REMARKS
3	12AUG22	REVISED FOR MINOR VAR.
2	28JUL22	REVISED FOR MINOR VAR.
1	16JUN22	REVISED FOR MINOR VAR.

ZOLTAN ENGINEERING

25-4380 SOUTH SERVICE ROAD
BURLINGTON, ON L7L 5Y6
(905) 331 - 8307
WWW.ZOLTANENGINEERING.COM

PROJECT TITLE

PAUL BALLUZ
ACCESSORY BUILDING

102 REGIONAL ROAD 52
HAMILTON, ONTARIO

DRAWING TITLE

ELEVATIONS

SCALE	AS NOTED
DATE	12AUG22
DRAWN	TV
DESIGNED	ZL
CHECKED	ZL

PROJECT NO.

22-024

SHEET NO.

A2.02

3

ZOLTAN
Engineering Inc.

4380 S Service Road, Suite #25
Burlington, Ontario
L7L 5Y6

Tel: (905) 331-8307
Fax: (905) 331-6840
Email: zoltan@zoltanengineering.com

August 23, 2022

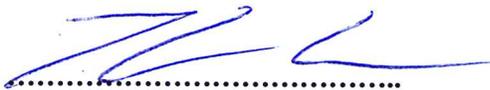
Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P 4Y5

Re: Minor Variance Application (File Number: FL/A-22:130)
Project Location: 102 Hwy 52, Flamborough, Ontario (Lot 31, Concession 1)

We are hereby sending you our revised proposal for a barn building at 102 Hwy 52, Flamborough, Ontario. Since our last submission to the Committee of Adjustment, we decreased the size of the proposed barn. Originally the proposal showed a 164 m² barn, but we would like to move forward with a smaller, 118.3 m² large barn that has a maximum height of 5.25 m.

Since the Committee of Adjustment Hearing on May 26, 2022, we had the opportunity to discuss our proposal with Morgan Gowans, CPT at Planning Division of the Planning and Economic Department of Hamilton. She helped us improve our proposal in a direction the city would be satisfied with.

Please find attached our revised proposal. If you have any questions, please don't hesitate to contact us.



Thomas Lukacs
Applicant

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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

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

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

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

4. Nature and extent of relief applied for:

To build a 164 m2 barn on property

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The aggregate Gross Floor Area of barn (accessory building) exceeds 45 m2

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 31, Concession 1, 102 Highway 52

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?

INFORMATION PROVIDED BY OWNER

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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

APRIL 12, 2022
Date

Paul Belluz
Signature Property Owner(s)

PAUL BELLUZ
Print Name of Owner(s)

10. Dimensions of lands affected: SEE ATTACHED ARRANGEMENT PLAN

Frontage _____
Depth _____
Area _____
Width of street _____

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

Existing: SEE ATTACHED DRAWINGS

Proposed: SEE ATTACHED DRAWINGS

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

Existing: SEE ATTACHED DRAWINGS

Proposed: SEE ATTACHED DRAWINGS

13. Date of acquisition of subject lands:
2018

14. Date of construction of all buildings and structures on subject lands:
2018

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.):

17. Length of time the existing uses of the subject property have continued:
4

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

Water Connected _____

Sanitary Sewer Connected _____

Storm Sewers _____

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

—

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

—

21. Has the owner previously applied for relief in respect of the subject property? (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.:	AN/A-22:297	SUBJECT PROPERTY:	47 Robarts Dr, Ancaster
ZONE:	"R5-525" (Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended 13-182

APPLICANTS: NATALIYA TOMILOVSKA

The following variances are requested:

1. The above-ground pool shall be permitted to be located a distance of 2.3m from the side lot line abutting a street instead of the minimum 3.0m side yard required.
2. The above-ground pool shall be permitted to be located a distance of 3.6m from the front lot line instead of the minimum 4.5m front yard setback required.

PURPOSE & EFFECT: To facilitate the installation of an above ground pool on the exterior side yard for the existing single detached dwelling.

Notes:

If the pool equipment is proposed to be enclosed with a roofed-over structure, the location shown does not conform and additional variances will 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 20, 2022
TIME:	1:40 p.m.

AN/A-22:297

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

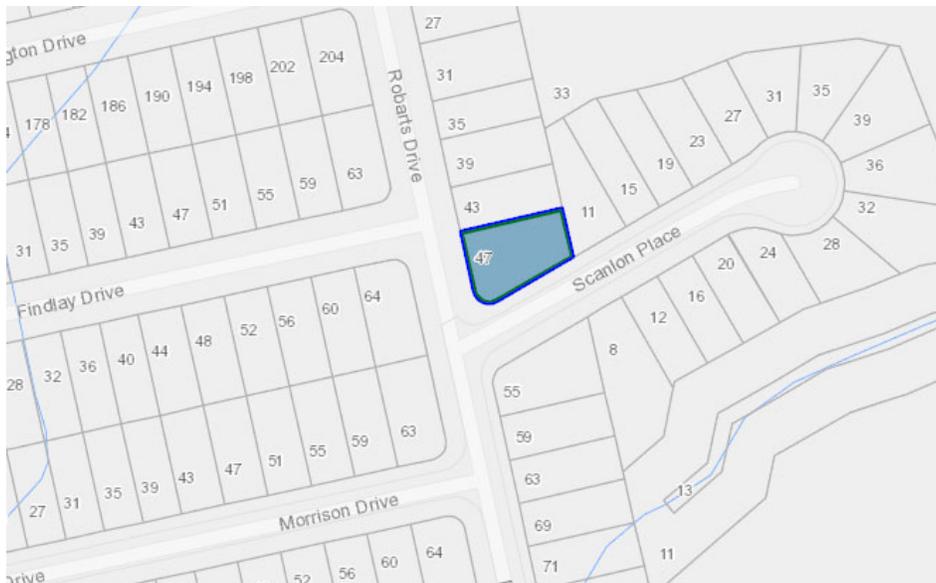
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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.



 **Subject Lands**

DATED: October 4, 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

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1. Virtual Oral Submissions

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

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. 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.

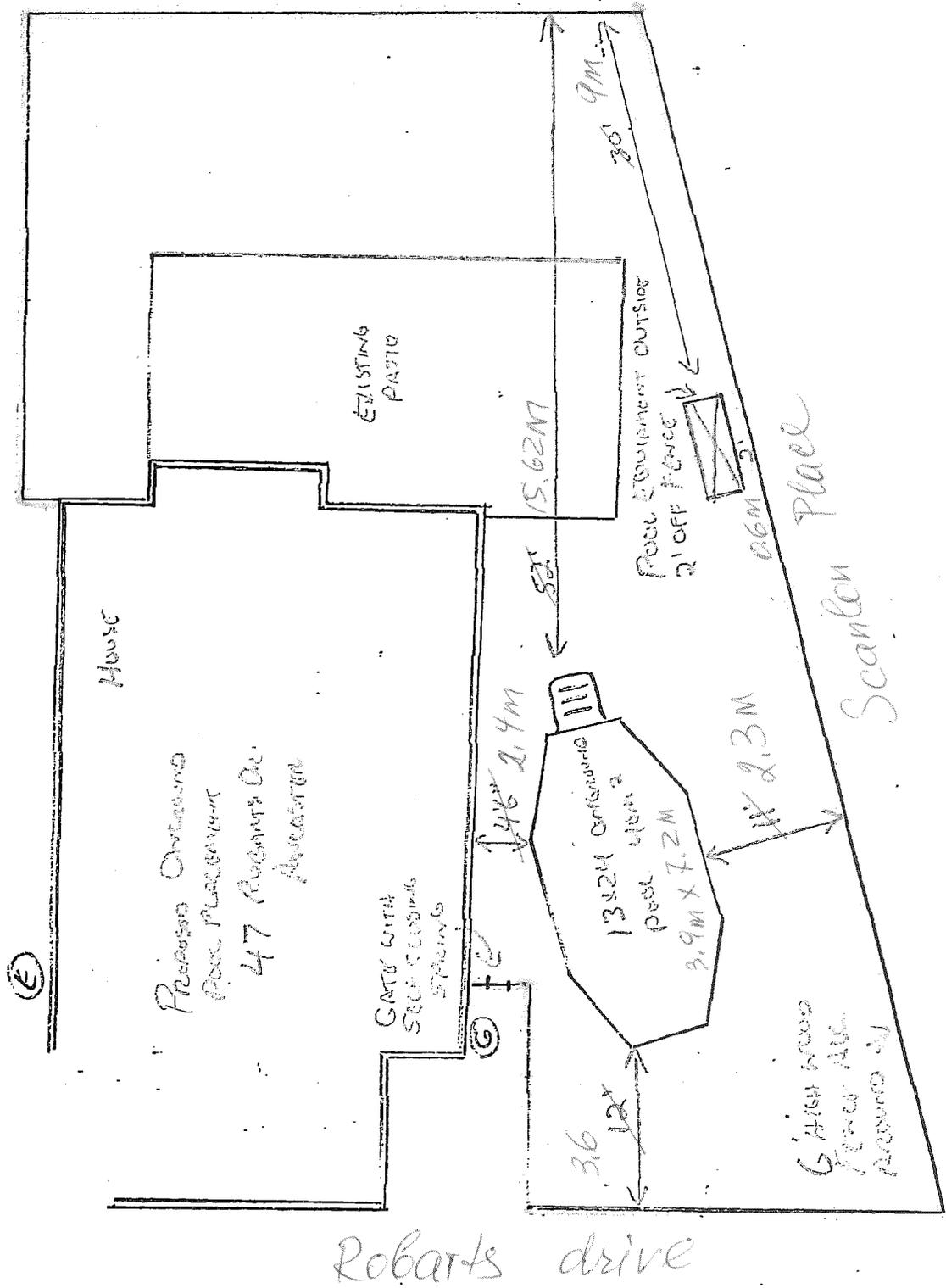
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



← ROBERTS DRIVE →

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	MAILING ADDRESS	
Registered Owners(s)	Nataliya Tomilovska Vitaliy Tomilovskiy	[REDACTED]	
Applicant(s)*			Phone: E-mail:
Agent or Solicitor			Phone: E-mail:

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

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

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

4. Nature and extent of relief applied for:

Possibility to move pool closer to property line

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The pool will be built to close to the house

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**):

47 Robarts drive, Ancaster
L9K 0H5

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?

Information from the builder and observation from living in area.

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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

Sept 20/22
Date

[Signature]
Signature Property Owner(s)
Nataliya Tomilovska
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 27.56 m
Depth 6.76m → 10.58 m
Area 140,45 m²
Width of street 7

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

Existing:
Two storeys single dwelling house
TOW = 233.80, 275 m²

Proposed
Pool's size 13" x 24" (3.9 x 7.2 m)

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

Existing:
existing single family dwelling
Front 6.33m, side 1.28m, rear 11.1m, flanking side yard

Proposed:
Set back to property line 2.3m

13. Date of acquisition of subject lands:

 October 17/2018

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

 March 20/2019

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:

 3 years and 6 months

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:

 Neighbourhood

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

 Residential 5 (R5) S25

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.:	AN/A-22:298	SUBJECT PROPERTY:	93 MILLER DR, ANCASTER
ZONE:	“ER” (Existing Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: LUISA REGO
EMMANUEL REGO

The following variances are requested:

1. The accessory building (garage) shall be permitted to be located 0.78 metres from the side lot line for any lot located in an Existing Residential “ER” Zone instead of the minimum required 1.5 metres from any side lot line for any lot located in an Existing Residential “ER” Zone.
2. A maximum ground floor area of 63.9 metres squared and a maximum building height of 5.25 metres shall be permitted for any accessory building instead of the requirement that any accessory building shall have a maximum ground floor area of 40 metres squared and shall have a maximum building height of 4.5 metres squared.

PURPOSE & EFFECT: As to permit the construction of a building accessory to a single detached dwelling.

Notes:

- i) Additional variances may be required. Insufficient information was provided in order to determine compliance in regard to total lot coverage for all buildings.
- ii) An additional variance may be required. Insufficient information was provided in order to determine compliance in regard to eave and gutter projections into a required 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:

AN/A-22:298

DATE:	Thursday, October 20, 2022
TIME:	1:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
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AN/A-22:298



 Subject Lands

DATED: October 4, 2022

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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Hamilton

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

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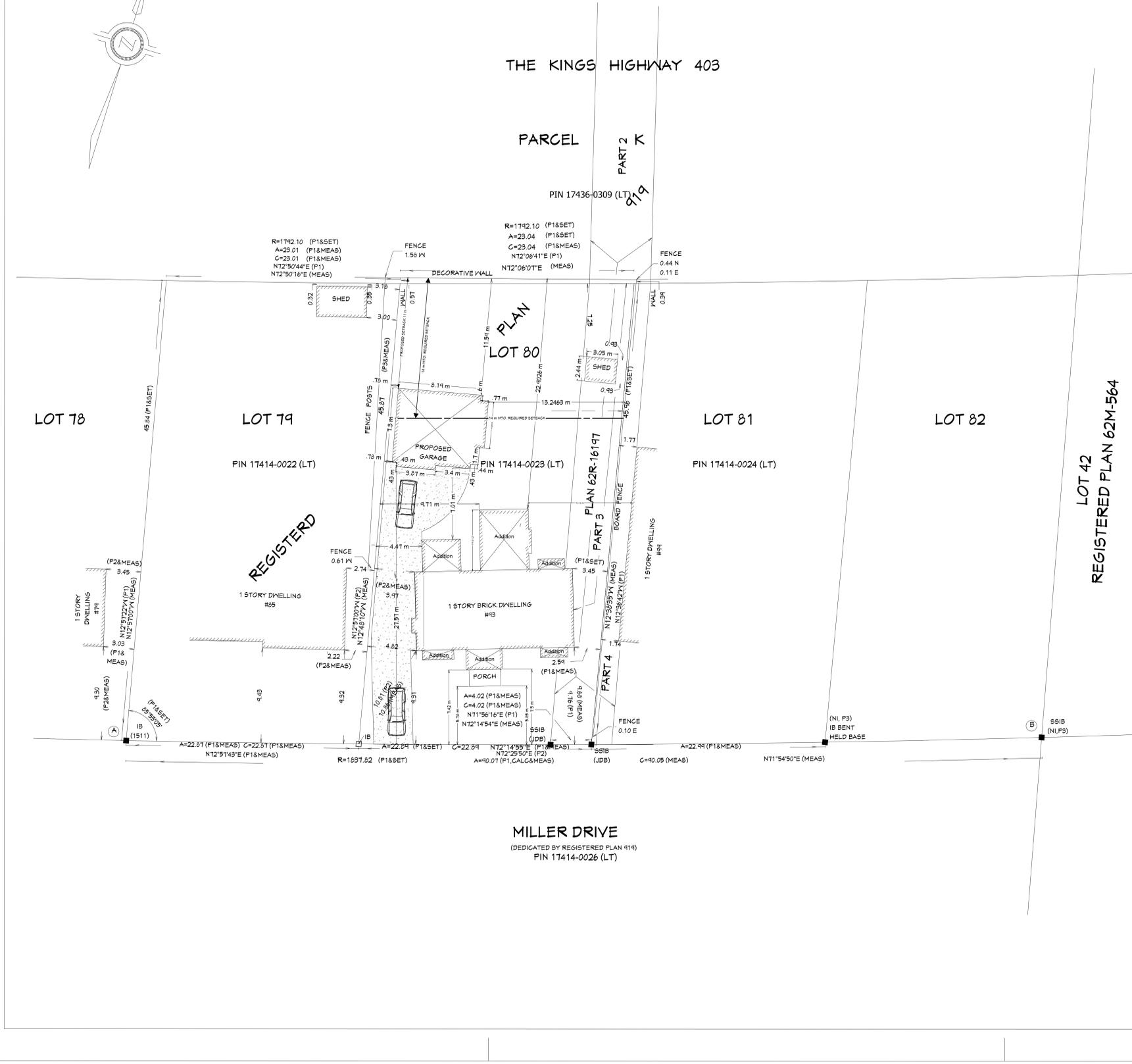
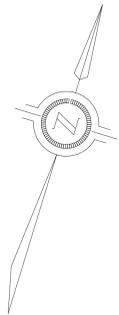
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**SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF SURVEY OF
LOT 80**

**REGISTERED PLAN 919
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON**
SCALE 1 : 250



J.D. BARNES LIMITED
©COPYRIGHT

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

PART 2 - SURVEY REPORT

- DESCRIPTION
PART OF LOT 80, REGISTERED PLAN 919, CITY OF HAMILTON,
BEING ALL OF PIN 17414-0023 (LT)
- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY
NONE
- ZONING COMPLIANCE
COMPLIANCE WITH ONTARIO BUILDING CODE SETBACK REQUIREMENTS ARE NOT VERIFIED BY THIS SURVEY.
- ADDITIONAL REMARKS
PLAN PREPARED FOR BRANTCO CONSTRUCTION.

NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996515.
FOR BEARING COMPARISONS, A ROTATION OF 01°03'32" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P1, AND A ROTATION OF 00°49'10" CLOCKWISE WAS APPLIED TO BEARINGS ON P2.

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0).
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O. REG 216/10.

POINT ID	EASTING	NORTHING
ORP (A)	582 913.13	4 784 110.49
ORP (B)	582 498.72	4 784 138.44

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.
THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 90.08 N 71°54'50" E

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SI B DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- RIB DENOTES ROUND IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- CP DENOTES CONCRETE PIN AND WASHER
- PB DENOTES PLASTIC BAR
- WIT DENOTES WITNESS
- P1 DENOTES PLAN 62R-16197
- P2 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY CONSOLI & JACOBS SURVEYING LTD. DATED OCT. 15, 1942.
- P3 DENOTES REGISTERED PLAN 919
- P4 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY B. A. JACOBS SURVEYING LIMITED, DATED MARCH 13, 2019 #17s78-F
- MEAS DENOTES MEASURED
- JDB DENOTES J.D. BARNES LIMITED
- 1511 DENOTES G. V. CONSULI, O.L.S.
- NI DENOTES NOT IDENTIFIABLE

N=NORTH / S=SOUTH / E=EAST / W=WEST
ALL BUILDING TIES ARE TAKEN TO CONCRETE FOUNDATION.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON JULY 29, 2020.

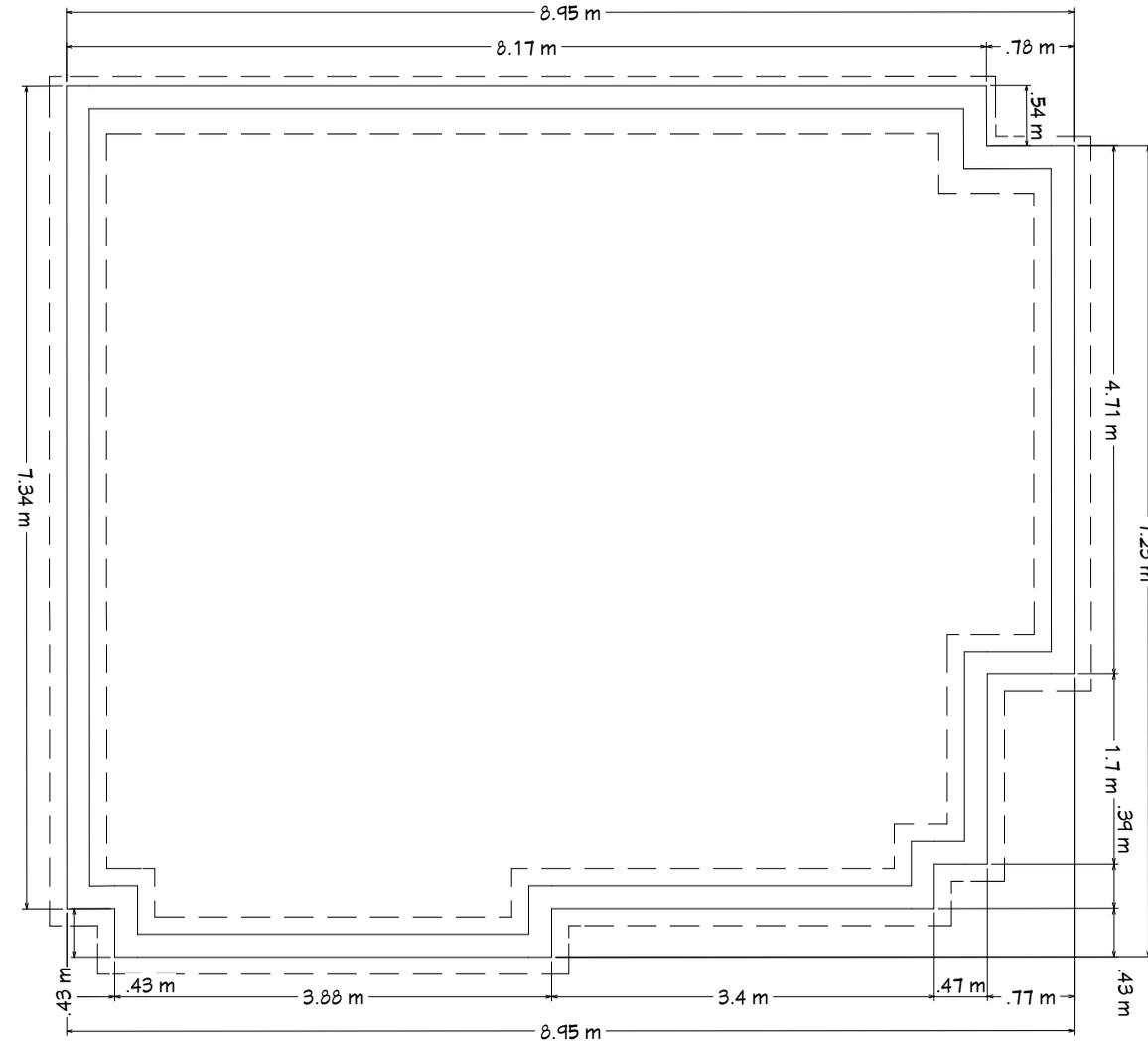
DATE _____ SUNIL PERERA
ONTARIO LAND SURVEYOR

SURVEYING
MAPPING
GIS

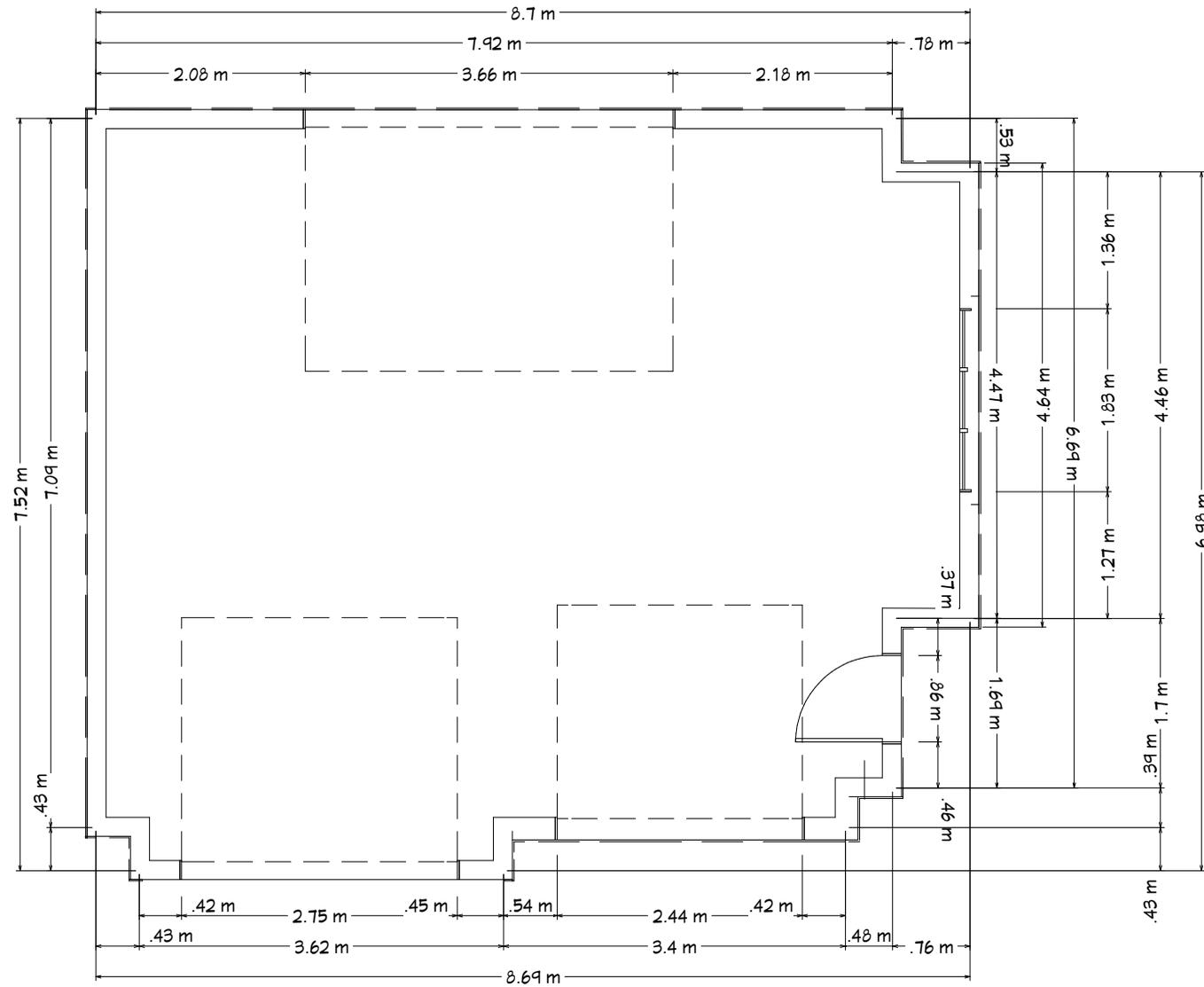
401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY: AA	CHECKED BY: SP	REFERENCE NO.: 20-30-541-00
FILE: \$FILES	DATED: 07/28/2020	PLOTTED: \$DATES

PROJECT: PROPOSED 1 STOREY ADDITION FOR LOT 80 93 MILLER DR ANCASTER ON	HOME OWNER: LUISA REGO	DATE: 06/17/22	DWG: PROPOSED SURVEY PLAN WITH PROPOSED GARAGE	No.	REVISION	DATE	BY
TEL: EMMANUEL REGO (905) 807-6635	SHEET: A0.02	DWG BY: EMMANUEL REGO	SCALE:				

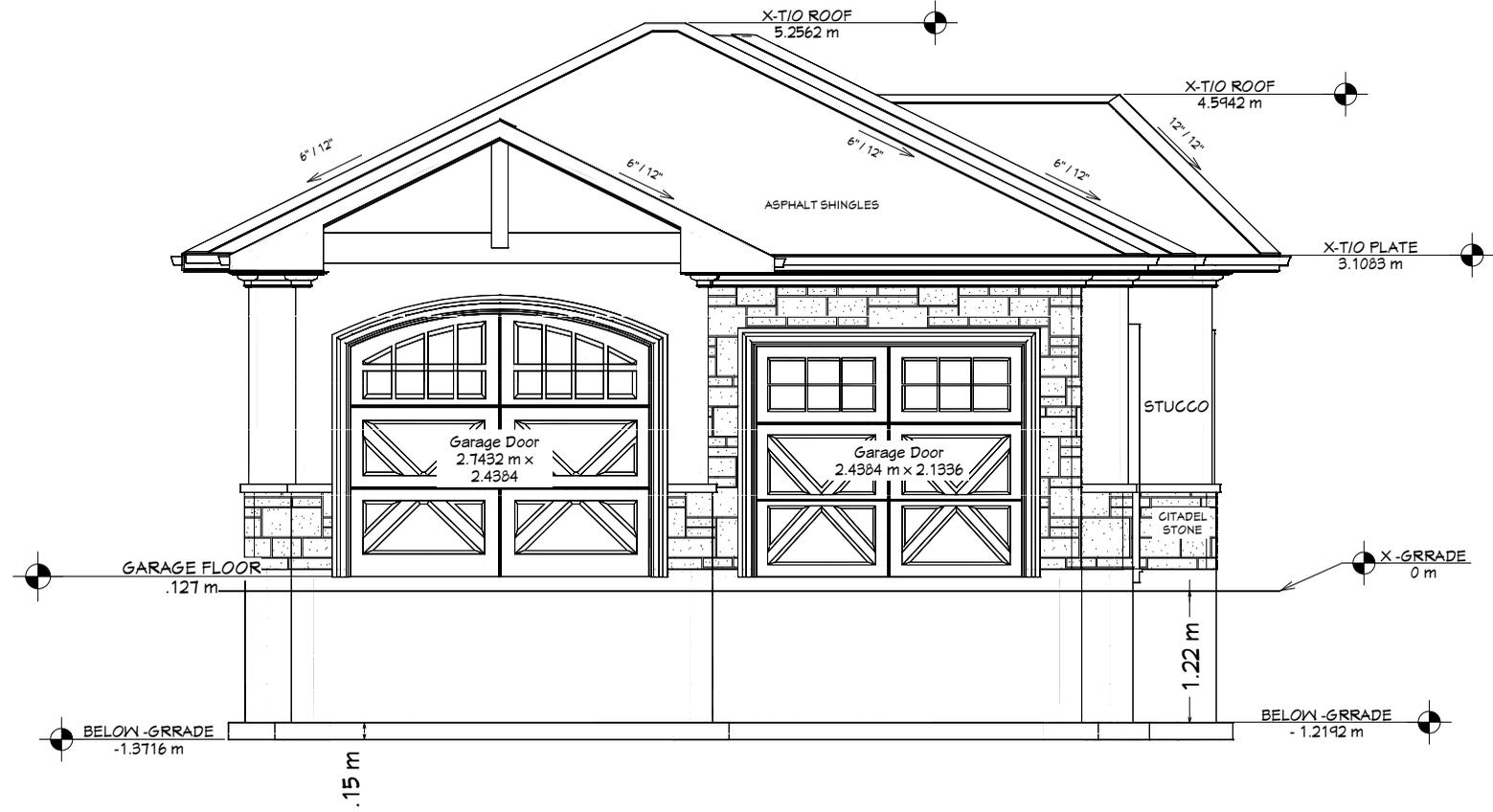


PROJECT: PROPOSED 1 STOREY ADDITION FOR LOT 80 43 MILLER DR ANCASTER ON	HOME OWNER: LUIISA REGO	DATE: 03/07/22	DWG: PROPOSED DETACHED GARAGE FOUNDATION PLANS		No.	REVISION	DATE	BY
	TEL: EMMANUEL REGO (905) 807-6635	SHEET: A1.01	DWG BY: EMMANUEL REGO	SCALE: 15 mm = 1 m				

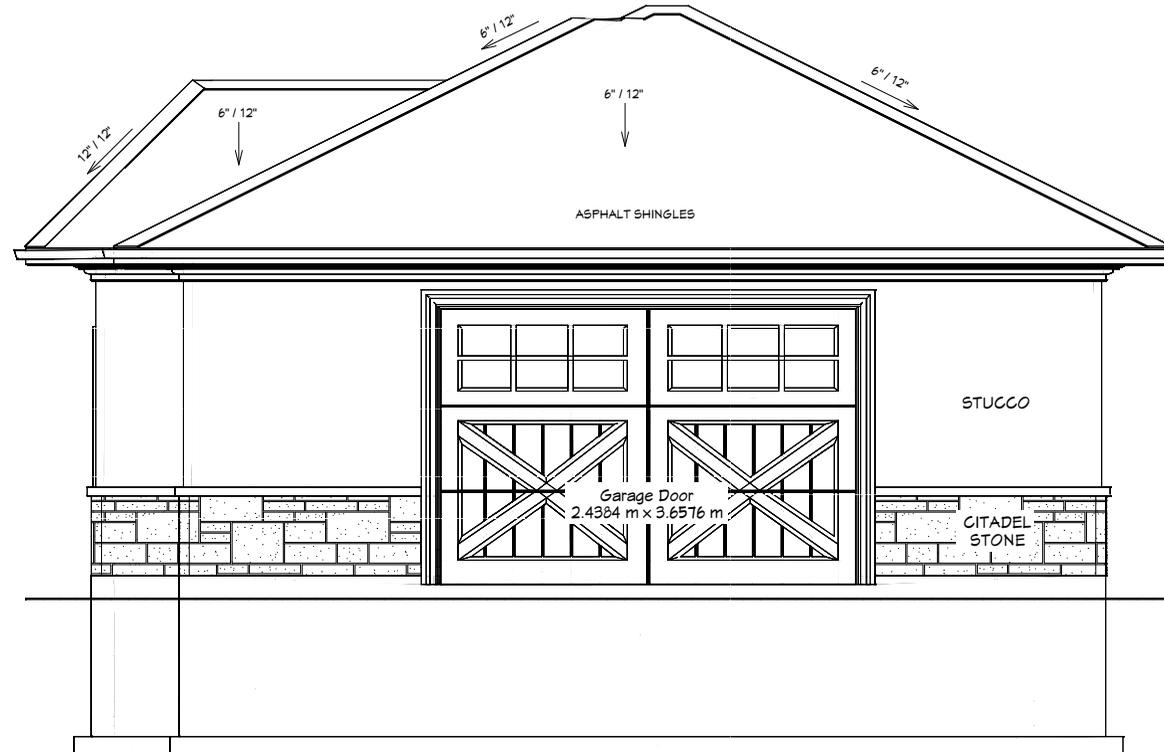


GARAGE AREA
60.94 m²

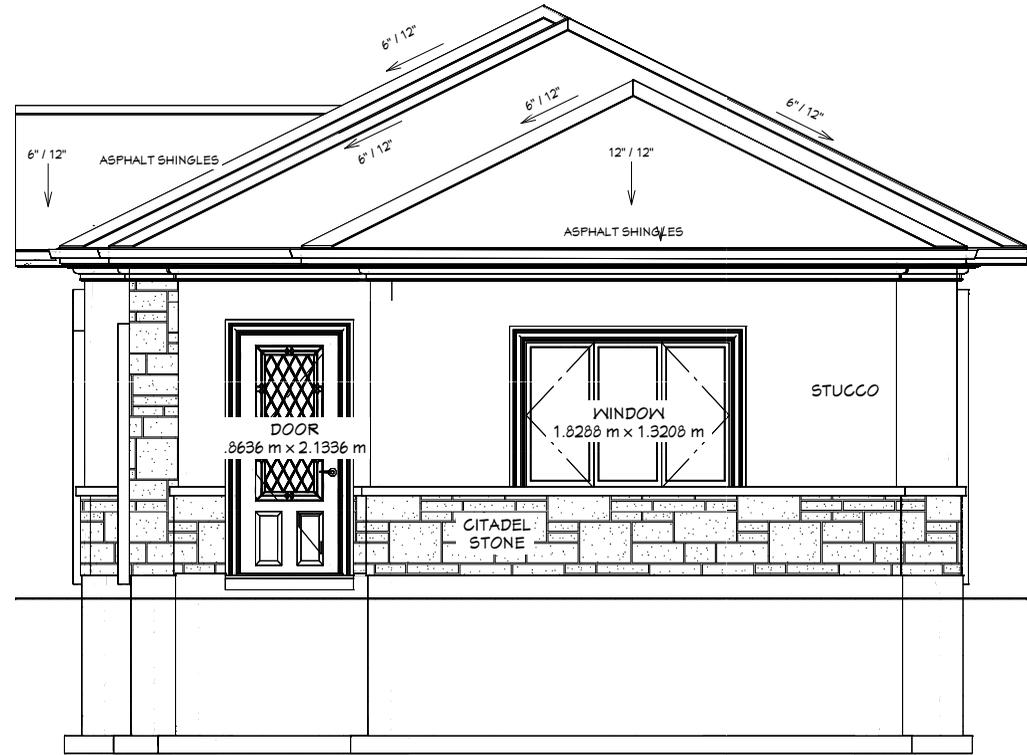
PROJECT: PROPOSED 1 STOREY ADDITION FOR LOT 80 43 MILLER DR ANCASTER ON	HOME OWNER: LUIA REGO	DATE: 03/07/22	DWG: PROPOSED DETACHED GARAGE PLANS		No.	REVISION	DATE	BY
	TEL: EMMANUEL REGO (405) 807-6635	SHEET: A1.02	DWG BY: EMMANUEL REGO	SCALE: 15 mm = 1 m				



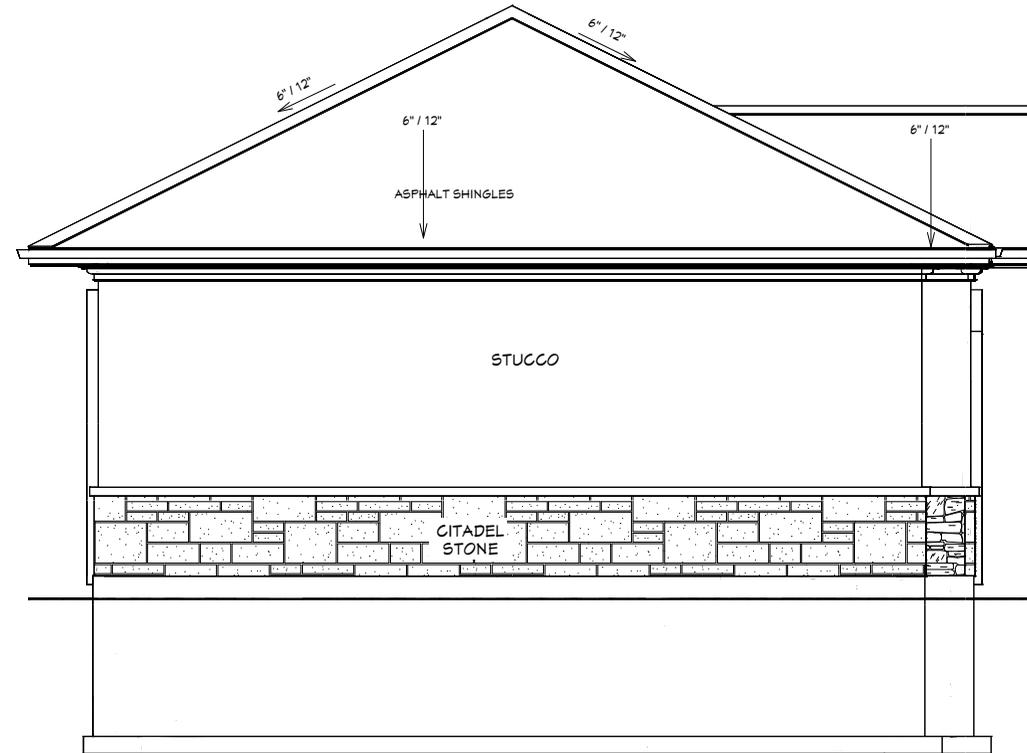
PROJECT: PROPOSED 1 STOREY ADDITION FOR LOT 80 43 MILLER DR ANGASTER ON	HOME OWNER: LUIA REGO	DATE: 03/07/22	DWG: GARAGE FRONT ELEVATION		No.	REVISION	DATE	BY
	TEL: EMMANUEL REGO (405) 807-6635	SHEET: A2.01	DWG BY: EMMANUEL REGO	SCALE: 15 mm = 1 m				



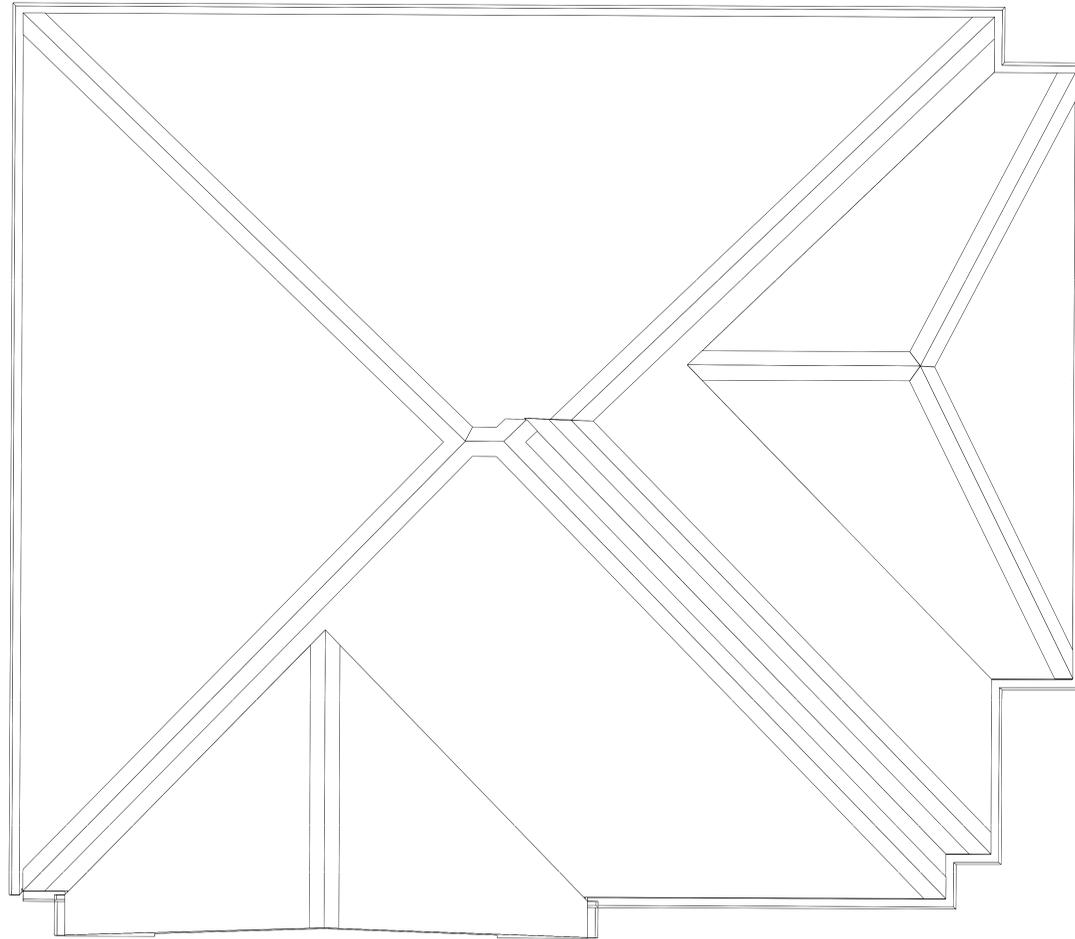
PROJECT: PROPOSED 1 STOREY ADDITION FOR LOT 80 93 MILLER DR ANCASTER ON	HOME OWNER: LUIISA REGO	DATE: 03/07/22	DWG: GARAGE REAR ELEVATION	No.	REVISION	DATE	BY
	TEL: EMMANUEL REGO (905) 807-6635	SHEET: A2.02	DWG BY: EMMANUEL REGO	SCALE: 15 mm = 1 m			



PROJECT: PROPOSED 1 STOREY ADDITION FOR LOT 80 43 MILLER DR ANCASTER ON	HOME OWNER: LUIISA REGO	DATE: 03/07/22	DWG: GARAGE RIGHT ELEVATION		No.	REVISION	DATE	BY
	TEL: EMMANUEL REGO (905) 807-6635	SHEET: A2.03	DWG BY: EMMANUEL REGO	SCALE: 15 mm = 1 m				



PROJECT: PROPOSED 1 STOREY ADDITION FOR LOT 80 93 MILLER DR ANCASTER ON	HOME OWNER: LUISA REGO	DATE: 03/07/22	DWG: GARAGE LEFT ELEVATION		No.	REVISION	DATE	BY
	TEL: EMMANUEL REGO (905) 807-6635	SHEET: A2.04	DWG BY: EMMANUEL REGO	SCALE: 15 mm = 1 m				



PROJECT: PROPOSED 1 STOREY ADDITION FOR LOT 80 43 MILLER DR ANCASTER ON	HOME OWNER: LUISA REGO	DATE: 03/01/22	DWG: GARAGE ROOF LAYOUT		No.	REVISION	DATE	BY
	TEL: EMMANUEL REGO (905) 807-6635	SHEET: A3.01	DWG BY: EMMANUEL REGO	SCALE: 15 mm = 1 m				



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)	LUISA REGO		Phone: _____
Applicant(s)*			
Agent or Solicitor	Emmanuel REGO		

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

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

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

4. Nature and extent of relief applied for: *Accessory Building (garage)*
- | |
|---|
| Side yard: 1.5m (req'd) / 0.78 (requested) / % relief = 0.72m |
| max GFA: 40 sq m (as per By-law) / 63.9 (requested) / % relief = 23.9 sqm |
| height: 4.5m (as per By-law) / 5.2578 ^{sqm} / % relief = 0.7578m |
- Second Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
- For the Rear Hight By-Law would not give us the 6/12 Rear Pitch that we Desired, For the side By-Law need more for parking two vehicles and storage, and for the left side set Back By Law. if we pushed the 1.5m instead of 0.78m then the Garage would totally block the view from the kitchen window to the Back yard.*

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

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?

Residential From the Lake 1960s

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.

Sep 19/2022
Date

[Signature]
Signature Property Owner(s)

LUISA REGO
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 75 FEET
Depth 150 FEET
Area 11250 SQF
Width of street 7 m

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

Existing: 5.5372 m (height)

one-storey → house { Ground Floor Area = 1,878.93 sq ft.
Gross " " 1,885.89 sq ft. } no change to exist.
Shed: Gross Floor Area = 80 sq ft.

Proposed

garage: Gross Floor Area = 688.83 sq ft (one storey)
Ground Floor Area = 656 sq ft.
↳ width, length & height: see drawings.

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

Existing:

~~Left Side 7.8 m Rear 11.59 m N/A~~
~~Right Side 13.23 m Front 27.57 m (for new garage)~~

Proposed:

Left Side 7.8 m Rear 11.59 m
Right Side 13.23 m Front 27.57 m

13. Date of acquisition of subject lands:
April 2019

14. Date of construction of all buildings and structures on subject lands:
1960s

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:
60yrs approx.

18. Municipal services available: (check the appropriate space or spaces)
 Water _____ Connected N/A for garage
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____

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

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

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.:	AN/A-22:290	SUBJECT PROPERTY:	1151 GARNER ROAD W, ANCASTER
ZONE:	"C7, 650" (Arterial Commercial)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: St. Mary's Ancaster Healthcare Inc. c/o N. Fahmy
Agent: IBI Group c/o J. Ariens & I. Ilagan

The following variances are requested:

1. A Medical Clinic use shall be permitted within the existing building whereas the current C7, 650 zone does not permit the use of a Medical Clinic.

PURPOSE & EFFECT: To facilitate the change of use of the existing building to a Medical Clinic.

Notes:

1. Variances have been written as requested by the applicant.
2. It appears changes to the existing parking layout are intended. As insufficient information has been submitted in order to confirm zoning compliance at this time. The applicant shall ensure that the proposed parking lot conforms to the requirements contained within Section 5 of Hamilton Zoning By-law 05-200.
3. Our records indicate that the recognized use of the existing building is currently a legally established non-conforming Place of Worship.

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.

AN/A-22:290

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

DATE:	Thursday, October 20, 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.

AN/A-22:290



 Subject Lands

DATED: October 4, 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

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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.

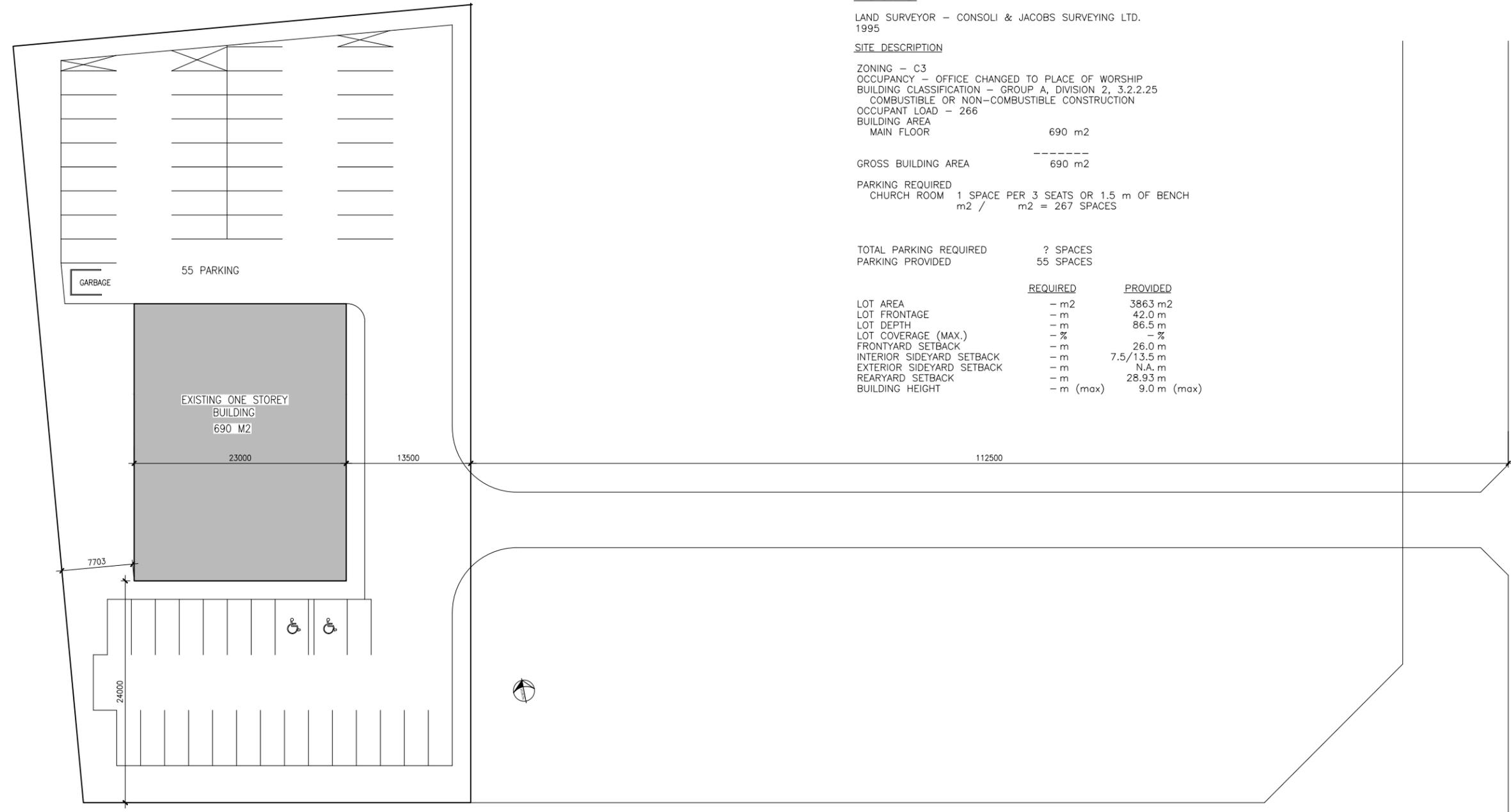
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



LOCATION

PART OF LOT 35, CONCESSION 3
 FORMERLY IN THE TOWNSHIP
 OF ANCASTER, NOW IN THE
 TOWN OF ANCASTER, REG. MUNICIPALITY
 OF HAMILTON-WENTWORTH

SITE SURVEY

LAND SURVEYOR - CONSOLI & JACOBS SURVEYING LTD.
 1995

SITE DESCRIPTION

ZONING - C3
 OCCUPANCY - OFFICE CHANGED TO PLACE OF WORSHIP
 BUILDING CLASSIFICATION - GROUP A, DIVISION 2, 3.2.2.25
 COMBUSTIBLE OR NON-COMBUSTIBLE CONSTRUCTION
 OCCUPANT LOAD - 266
 BUILDING AREA
 MAIN FLOOR 690 m2

GROSS BUILDING AREA 690 m2

PARKING REQUIRED
 CHURCH ROOM 1 SPACE PER 3 SEATS OR 1.5 m OF BENCH
 m2 / m2 = 267 SPACES

TOTAL PARKING REQUIRED ? SPACES
 PARKING PROVIDED 55 SPACES

	REQUIRED	PROVIDED
LOT AREA	- m2	3863 m2
LOT FRONTAGE	- m	42.0 m
LOT DEPTH	- m	86.5 m
LOT COVERAGE (MAX.)	- %	- %
FRONTYARD SETBACK	- m	26.0 m
INTERIOR SIDEYARD SETBACK	- m	7.5/13.5 m
EXTERIOR SIDEYARD SETBACK	- m	N.A. m
REARYARD SETBACK	- m	28.93 m
BUILDING HEIGHT	- m (max)	9.0 m (max)

KING'S HIGHWAY NO. 53

GIVEN ROAD



DICKINSON + HICKS
 ARCHITECTS INC.

PROJECT CALVARY PENTECOSTAL TABERNACLE
 TITLE SITE PLAN

PROJ. NO.	03-162
DATE	MAY 5, 2004
DRAWN BY	IGD
SCALE	1:500
DWG. NO.	A1a



IBI GROUP
 200 East Wing – 360 James Street North
 Hamilton ON L8L 1H5 Canada
 tel 905 546 1010
 ibigroup.com

September 8, 2022

Chair and Members of Committee of Adjustment
 Secretary-Treasurer, Committee of Adjustment
 71 Main Street West, 5th Floor
 Hamilton, Ontario, L8P 4Y5

APPLICATION FOR MINOR VARIANCE – 1151 GARNER ROAD WEST

On behalf of our client, Dr. Nader Fahmy of St. Mary's Ancaster Healthcare Inc., we are pleased to submit the enclosed application for Minor Variance for the lands located at 1151 Garner Road West, Ancaster in the City of Hamilton. The proposed Minor Variance requested for is to allow the legal non-complying place of worship and music academy to be converted to a medical clinic and accessory uses (i.e. pharmacy, laboratory, X-ray, physiotherapy and other similar uses), as the current zoning of the subject lands, Arterial Commercial C7 Zone with site specific exception 650 within Zoning By-law 05-200 ("Zoning By-law"), does not permit a medical clinic.

To accommodate the medical clinic and accessory uses, minor façade and signage changes will be completed through interior renovations and no external additions or changes will be done to the building. The parking lot can be readily painted in the northwestern portion of the parking lot to accommodate 8 spaces to comply with the requirement of 44 spaces, based on a parking standard of 1 space per every 16 square metres of floor area for a medical clinic having a floor area of 690 square metres. As seen in the Site Plan dated May 5, 2004, and submitted as part of this application, 55 parking spaces can be provided.

Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") gives power to the Committee of Adjustment to authorize minor variance from the provisions of the Zoning By-law. Section 45(2) clause (a)(ii) states:

In addition to its powers under subsection (1), the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

The medical clinic is compatible with the Arterial Commercial C7 Zone as it has a commercial component, serves the travelling and existing residential and employment communities, serves the public, fits within the building footprint, and does not create any adverse impact. Furthermore, it is our opinion that the medical clinic is more compatible with the uses permitted by the Zoning By-law than the legal non-complying place of worship and music academy are.

As seen in **Figure 1** below, the Ancaster Medical Centre, located in the plaza northeast of the subject lands on Wilson Street West, offers a variety of medical uses, such as an endoscopy clinic, a pharmacy, and an X-ray and ultrasound clinic. The proposed medical clinic and associated uses are more compatible with these existing uses than the place of worship and music academy are.

Committee of Adjustment – September 8, 2022

It is also our opinion that the use of the legal non-complying place of worship and music academy has continued since it was acquired by the Client on November 15, 2021.

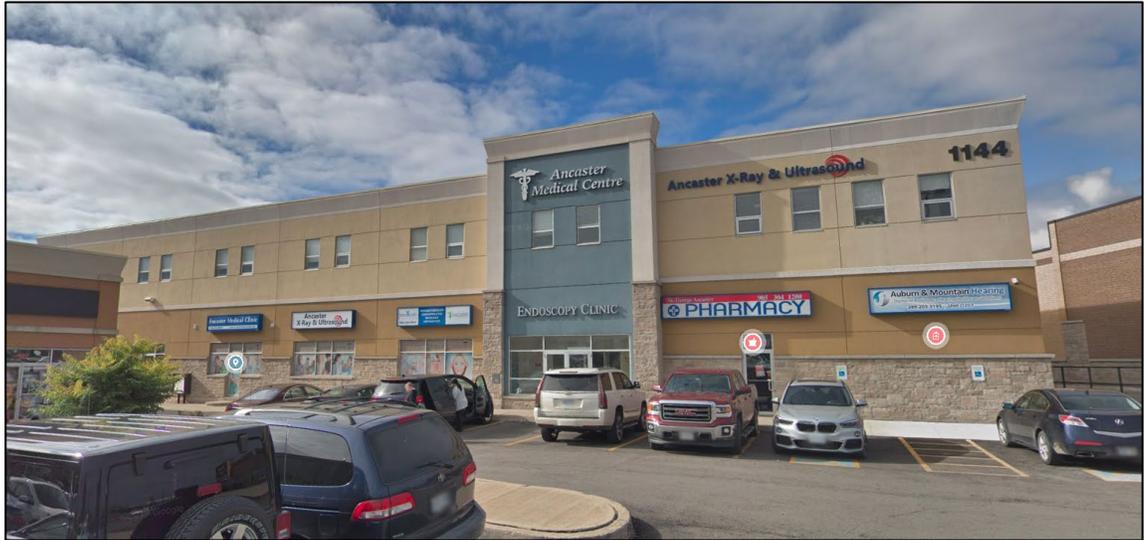


Figure 1: Street view of the Ancaster Medical Centre located northeast of the Subject Lands on Wilson St. W. (Retrieved from Google Earth)

SUMMARY

It is our opinion that the requested Minor Variance to allow the legal non-complying place of worship and music academy to be converted to a medical clinic and accessory uses is more compatible with the uses permitted by the Zoning By-law, as there are existing medical uses northeast of the subject lands. Overall, it is our opinion that the proposed development makes appropriate use of the subject lands, represents good land use planning, and is in the public interest.

SUBMISSION MATERIALS

In support of the proposed minor variance application, please find enclosed the following materials:

- One (1) completed, signed, and commissioned application form; and,
- One (1) Site Plan

As the client wishes to pay via phone, please contact him below to arrange for payment.

Name: Dr. Nader Fahmy
Telephone: (905)537-1619

Should there be any questions or clarification required, please do not hesitate to contact the undersigned.

IBI GROUP

3

Committee of Adjustment – September 8, 2022

Sincerely,

IBI Group

A handwritten signature in black ink, appearing to read 'I. Ilagan', written in a cursive style.

Isabelle Ilagan
Student Planner

A handwritten signature in black ink, appearing to read 'John Ariens', written in a cursive style.

John Ariens, MCIP RPP
Associate Director, Practice Lead, Planning

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:

Mortgage with RBC Royal Bank Plaza 200 Bay Street Toronto, Ontario M5J 2W7
--

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:

Pursuant to Section 45(2)(a)(ii) of the Planning Act, the relief requested is to allow the legal non-complying place of worship and music academy to be converted to a medical clinic and accessory uses

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The current zoning of the subject lands, Arterial Commercial C7 Zone with site specific exception 650 within Zoning By-law 05-200, does not permit a medical clinic

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**):

1151 Garner Road West
PT LT 35, CON 3 ANCASTER , PART 1 , 62R13533; ANCASTER, CITY OF
HAMILTON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other Office, Place of Worship, Music Academy

8.1 If Industrial or Commercial, specify use Please see above

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Consultation with Owner

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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

Date Sept - 8th / 2022


Signature Property Owner(s)

Dr. Nader Fahmy
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>±42.09m along Garner Rd. W.</u>
Depth	<u>±84.47m</u>
Area	<u>±3,879 m²</u>
Width of street	<u>±31.63m</u>

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

Existing:

Please refer to Attached Image

Proposed

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

Existing:

Please refer to Attached Image

Proposed:

13. Date of acquisition of subject lands:
November 15, 2021
-
14. Date of construction of all buildings and structures on subject lands:
1996
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Currently vacant, previously Institutional and Commercial
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Commercial and agricultural with scattered residential
-
17. Length of time the existing uses of the subject property have continued:
Approximately 18 years (since 2004)
-
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:
Arterial Commercial - Schedule E1
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Arterial Commercial C7 Zone with site specific exception 650 - Zoning By-law 05-
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
- Yes No
- If yes, please provide the file number:

- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
- Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
- Yes No
23. Additional Information (please include separate sheet if needed)
- Please see Cover Letter
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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- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	AN.A.22.304	SUBJECT PROPERTY:	1261 MOHAWK RD, LOT 2, ANCASTER
ZONE:	"R4-666" (Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: DWAYNE/SARA BOND
STEPHANIE ALLEN

The following variances are requested:

1. A deck above 1.2 metres in height shall be permitted to be setback 5.10 metres from the rear lot line instead of the minimum 6.0 metre setback required.

PURPOSE & EFFECT: As to permit the construction of two (2) rear yard decks.

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 20, 2022
TIME:	1:55 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
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For more information on this matter, including access to drawings illustrating this request and other information submitted:

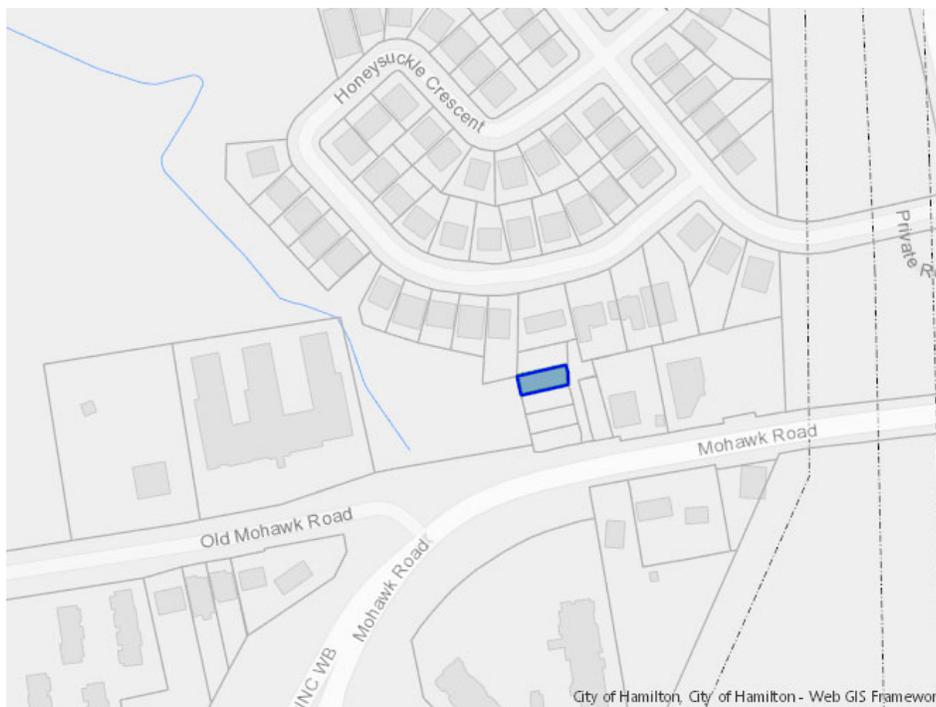
AN.A.22.304

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 **Subject Lands**

DATED: October 4, 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.



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

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. 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.

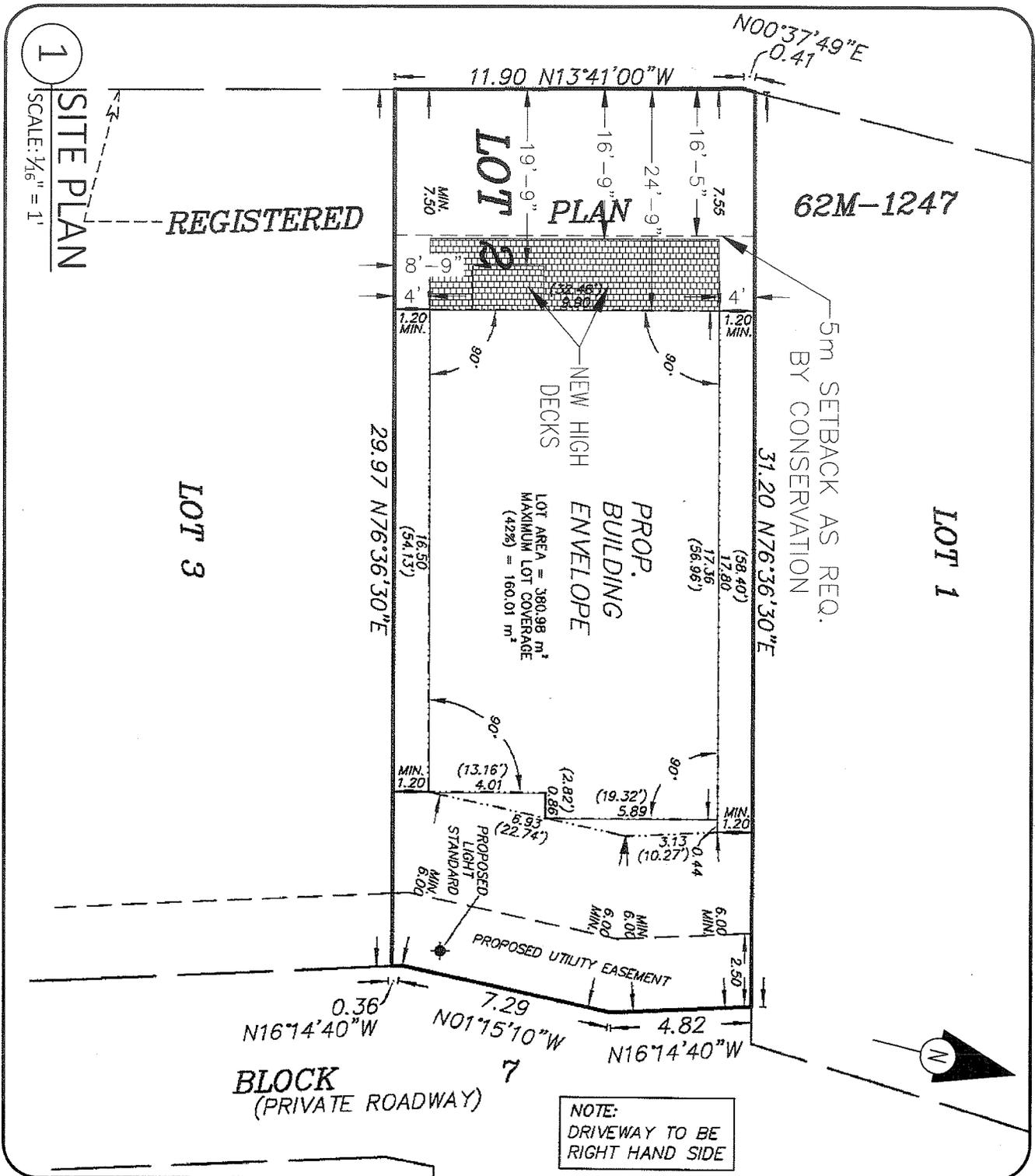
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



1
 SCALE: 1/16" = 1'
 REGISTERED
 SITE PLAN

LOT 3

LOT 1

PROP. BUILDING ENVELOPE
 LOT AREA = 380.98 m²
 MAXIMUM LOT COVERAGE (42%) = 160.01 m²

NEW HIGH DECKS
 5m SETBACK AS REQ. BY CONSERVATION

PROPOSED LIGHT STANDARD
 PROPOSED UTILITY EASEMENT
 BLOCK 7 (PRIVATE ROADWAY)

NOTE: DRIVEWAY TO BE RIGHT HAND SIDE

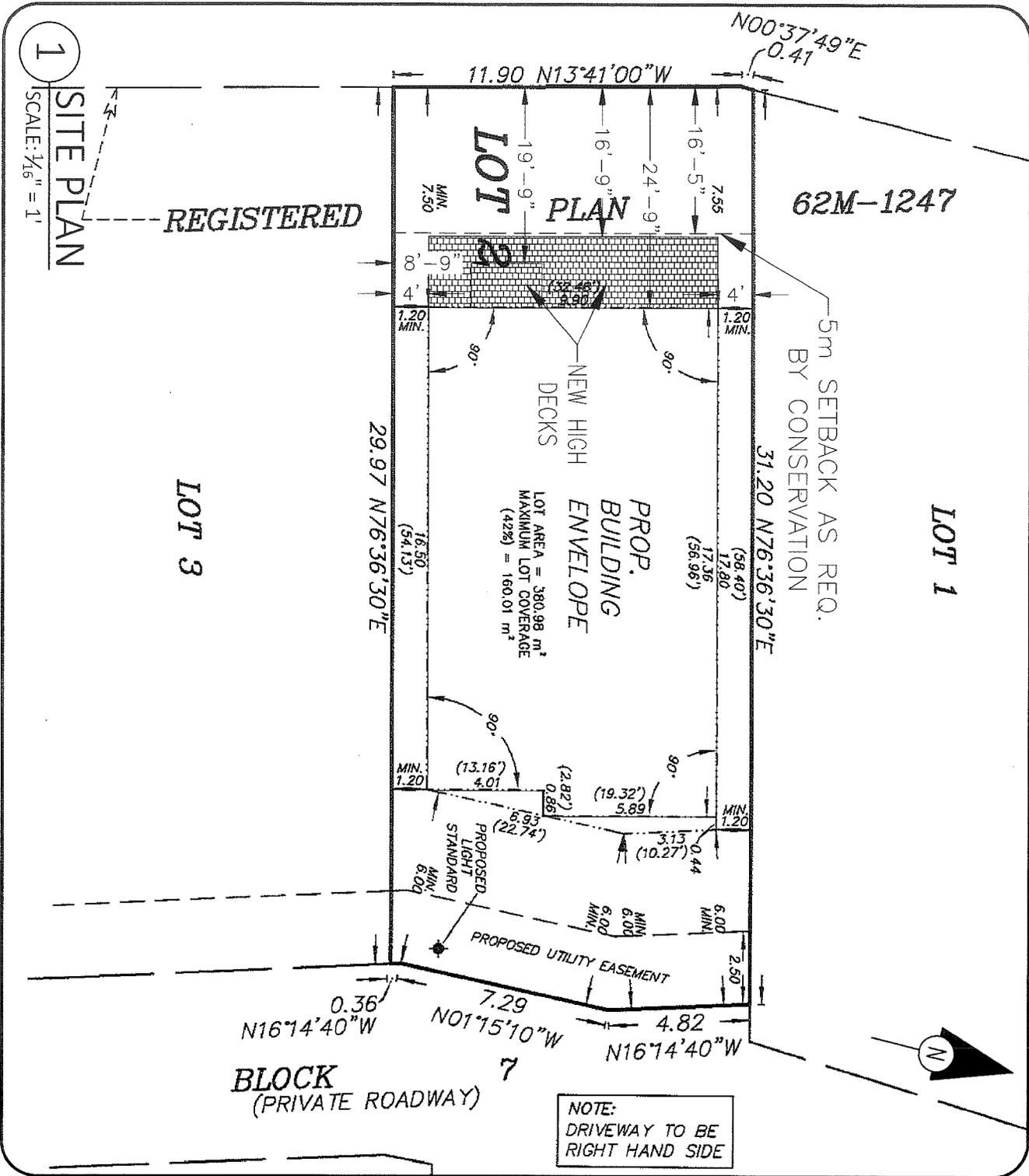
Drawn By: STEPHANIE ALLEN
 Date: AUGUST 26th, 2022

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
 Name: Stephanie Allen (BCIN # 108509)
 Signature: *SA*

Project Name: SARA BOND
 CUSTOMER OF: NORTH LANDSCAPE CONTRACTORS
 Project Address: LOT 2, 1261 MOHAWK RD HAMILTON, ON L9K 1B1

The Deck Yard
 419 Orield Road South
 Dundas, ON L9H 5E2
 P: 1-888-985-8116
 E: shalcrow@decks.ca

SP1 01



Drawn By: STEPHANIE ALLEN	101
Date: AUGUST 26th, 2022	SP1

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
Name: Stephanie Allen (BCIN # 108509)
Signature: *[Handwritten Signature]*

Project Name:
SARA BOND
CUSTOMER OF:
NORTH LANDSCAPE CONTRACTORS

Project Address:
LOT 2, 1261 MOHAWK RD
HAMILTON, ON L9K 1B1

The Deck Yard
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P: 1-888-965-8116
E: shalcr@deckyard.ca

GENERAL NOTES

- ① A MINIMUM LIVE LOAD OF 1.9 KPA APPLIED IN ALL LOCATIONS
- ② THE PRESCRIBED SNOW LOAD FOR SELECTED ONTARIO LOCATIONS IS INDICATED IN TABLE 1.2 IN SUPPLEMENTARY GUIDELINE SB-1 OF THE ONTARIO BUILDING CODE. THE SNOW LOAD SHALL BE APPLIED AS THE MINIMUM LIVE LOAD WHERE IT IS GREATER THAN 1.9 KPA
- ③ LUMBER NO. 2 SPF OR BETTER TO BE USED ALONG WITH CORROSION RESISTANT SPIRAL NAILS OR SCREWS
- ④ CANTILEVERED JOISTS AND BEAMS ARE LIMITED TO 1/6 THE MEMBERS LENGTH
- ⑤ CONCRETE PIERS SHALL BEAR ON UNDISTURBED SOIL. THE BEARING CAPACITY OF THE SOIL SHALL BE DETERMINED PRIOR TO CONSTRUCTION
- ⑥ HELICAL PILES SHALL CONFORM TO MANUFACTURER'S SPECIFICATIONS AND BE INSTALLED BY CERTIFIED INSTALLER. HELICAL CONFORMITY REPORT TO BE RECEIVED FROM INSTALLER/ENGINEER.
- ⑦ JOISTS SPANNING MORE THAN 6'-0" TO HAVE BRIDGING AT LEAST EVERY 6'-0"
- ⑧ MAXIMUM BEAM & JOIST CANTILEVERS:
 2"x6" MEMBERS = NOT PERMITTED
 2"x8" MEMBERS = 1'-4"
 2"x10" MEMBERS = 2'-0"
 2"x12" MEMBERS = 2'-0"
- ⑨ MINIMUM BEARING FOR BEAMS & JOISTS:
 MIN. BEAM BEARING = 3/2"
 MIN. JOIST BEARING = 1/2"
- ⑩ INSTALLATION OF MANUFACTURED LOW MAINTENANCE DECK BOARDS TO BE INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS
- ⑪ INSTALLATION OF PRE-FABRICATED COMPONENTS (RAILING SYSTEMS, ETC.) TO BE INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS
- ⑫ EXTERIOR STAIRS:
 MIN. RISE = 5"
 MAX. RISE = 7"
 MIN. RUN = 11"
 MAX. RUN = 14"
 MIN. WIDTH = 34"
 MIN. HEADROOM = 6'-5"
- ⑬ EXTERIOR GUARDS:
 DECK TO GRADE > 5'-11" = 3'-6" HEIGHT
 DECK TO GRADE < 5'-11" = 3'-0" HEIGHT
 STAIRS = 3'-0" HEIGHT
 MAX. BETWEEN PICKETS = 4"
 NO MEMBER OR ATTACHMENT BETWEEN 5 1/2" - 3'-0" HIGH SHALL FACILITATE CLIMBING

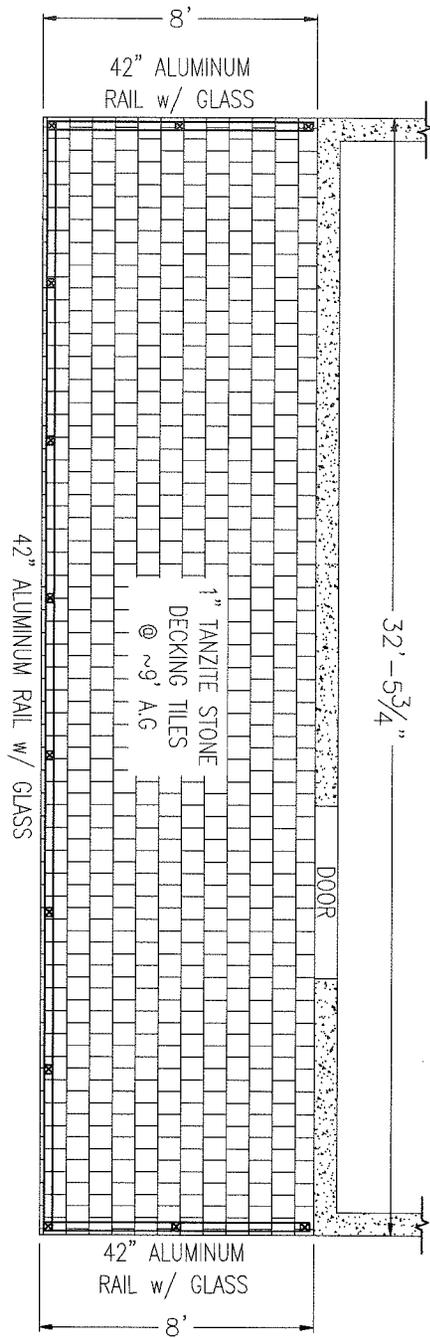
The Deck Yard
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 E: shalcrow@decks.ca

Project Name:
SARA BOND
 CUSTOMER OF:
 NORTH LANDSCAPE CONTRACTORS
 Project Address:
 LOT 2, 1261 MOHAWK RD
 HAMILTON, ON L9K 1B1

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
 Name: Stephanie Allen (BCIN # 108509)
 Signature: *[Handwritten Signature]*

Drawn By:	STEPHANIE ALLEN
Date:	AUGUST 26th, 2022

01	01
A0	A0



1 LOWER DECK FLOOR PLAN
SCALE: 3/16" = 1'

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
Name: Stephanie Allen (BCIN # 108509)
Signature: *SA*

Drawn By: STEPHANIE ALLEN

Date: AUGUST 26th, 2022

Project Name: SARA BOND
CUSTOMER OF: NORTH LANDSCAPE CONTRACTORS
Project Address: LOT 2, 1261 MOHAWK RD HAMILTON, ON L9K 1B1

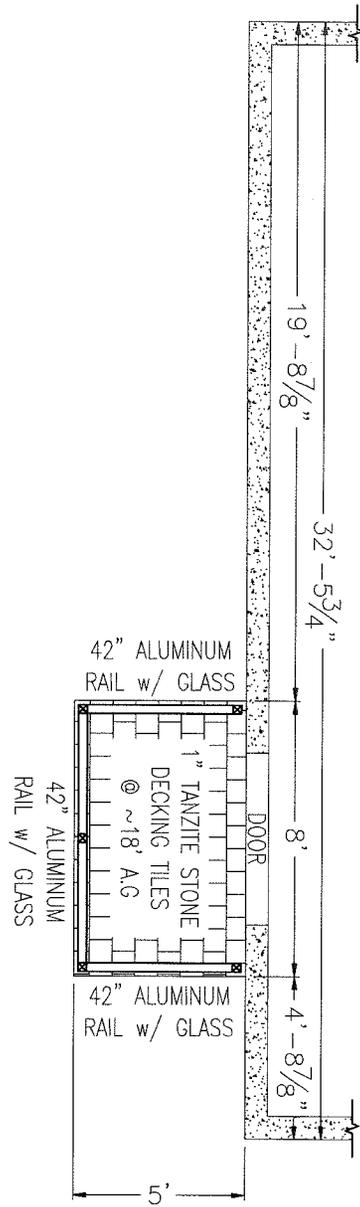
The Deck Yard
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Dundas, ON L9H 5E2
P: 1-888-985-8116
E: shalcrow@decks.ca

A1 01

1

SCALE: 3/16" = 1'

UPPER DECK FLOOR PLAN



Drawn By: STEPHANIE ALLEN
Date: AUGUST 26th, 2022

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
Name: Stephanie Allen (BCIN # 108509)
Signature: *S Allen*

Project Name: SARA BOND
CUSTOMER OF: NORTH LANDSCAPE CONTRACTORS
Project Address: LOT 2, 1261 MOHAWK RD HAMILTON, ON L9K 1B1

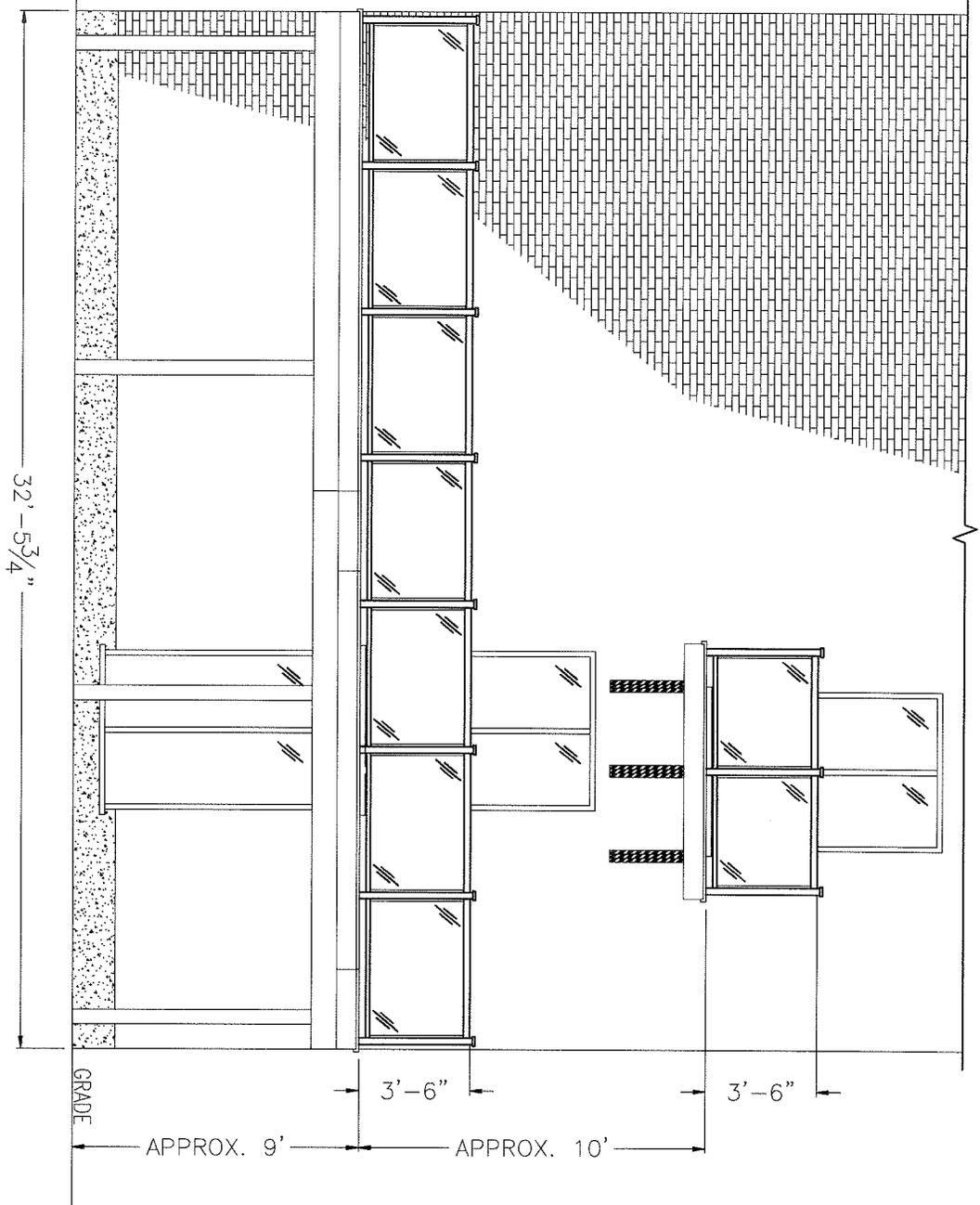
The Deck Yard
419 Orield Road South
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A1

02

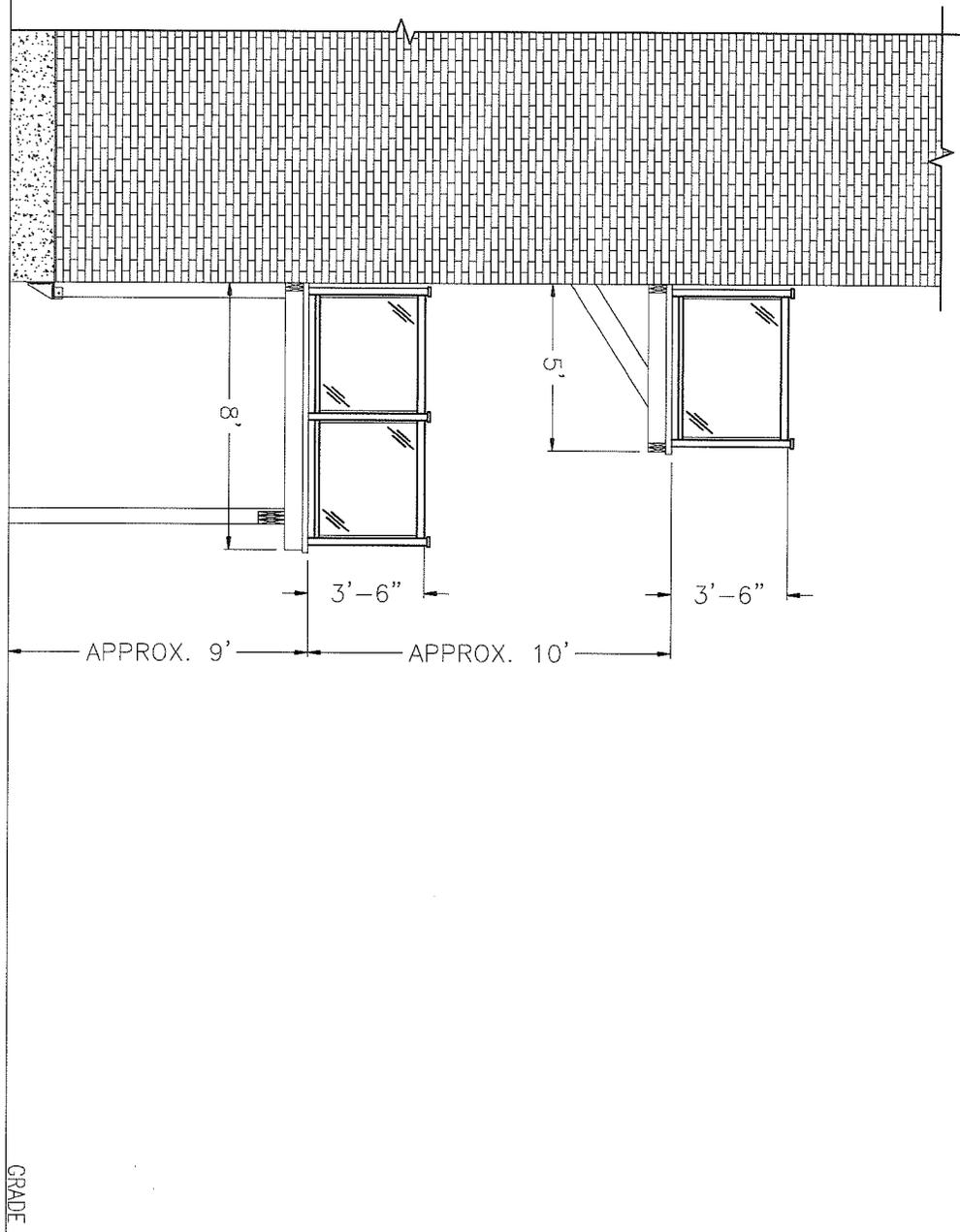
1
ELEVATION

SCALE: $\frac{3}{16}$ " = 1'



<p>Project Name: SARA BOND</p> <p>CUSTOMER OF: NORTH LANDSCAPE CONTRACTORS</p> <p>Project Address: LOT 2, 1261 MOHAWK RD HAMILTON, ON L9K 1B1</p>	<p>I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code. Name: Stephanie Allen (BCIN # 108509) Signature: <i>SA Allen</i></p>	<p>The Deck Yard 419 Oriole Road South Dundas, ON L9H 5E2 P: 1-888-985-8116 E: shalcrow@decks.ca</p>	<p>Drawn By: STEPHANIE ALLEN</p> <p>Date: AUGUST 26th, 2022</p>	<p>01</p> <p>A2</p>
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1
ELEVATION
SCALE: $\frac{3}{16}'' = 1'$



The Deck Yard
419 Oriold Road South
Dundas, ON L9H 5E2
P: 1-888-985-8116
E: shalcrow@decks.ca

Project Name:
SARA BOND
CUSTOMER OF:
NORTH LANDSCAPE CONTRACTORS
Project Address:
**LOT 2, 1261 MOHAWK RD
HAMILTON, ON L9K 1B1**

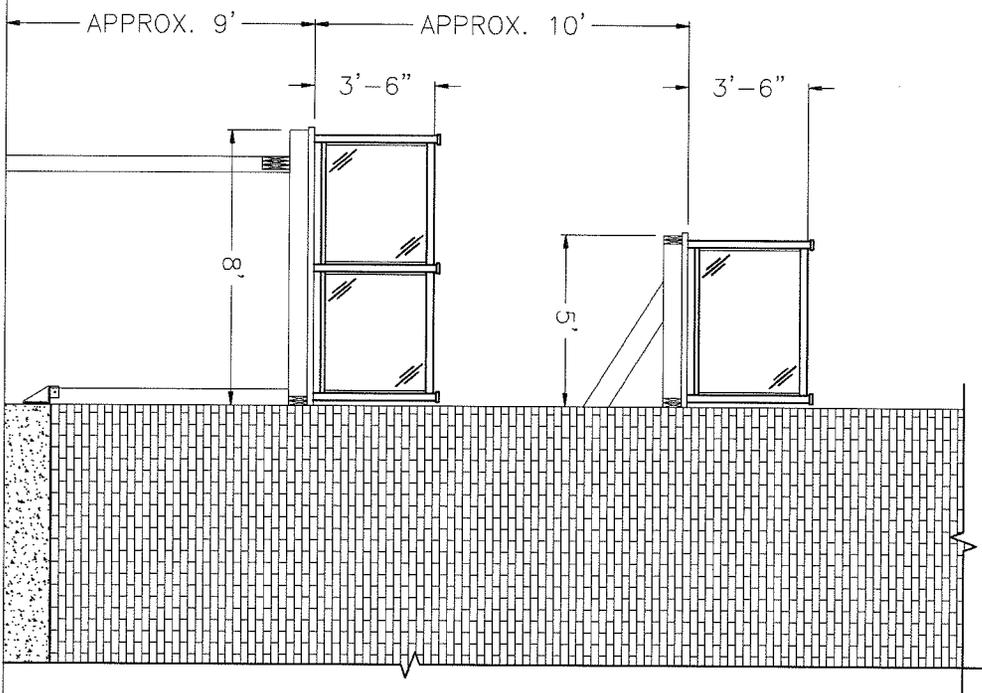
I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
Name: **Stephanie Allen (BCIN # 108509)**
Signature:
SA

Drawn By:
STEPHANIE ALLEN
Date:
AUGUST 26th, 2022

02
A2

1
ELEVATION
SCALE: 3/16" = 1'

GRADE



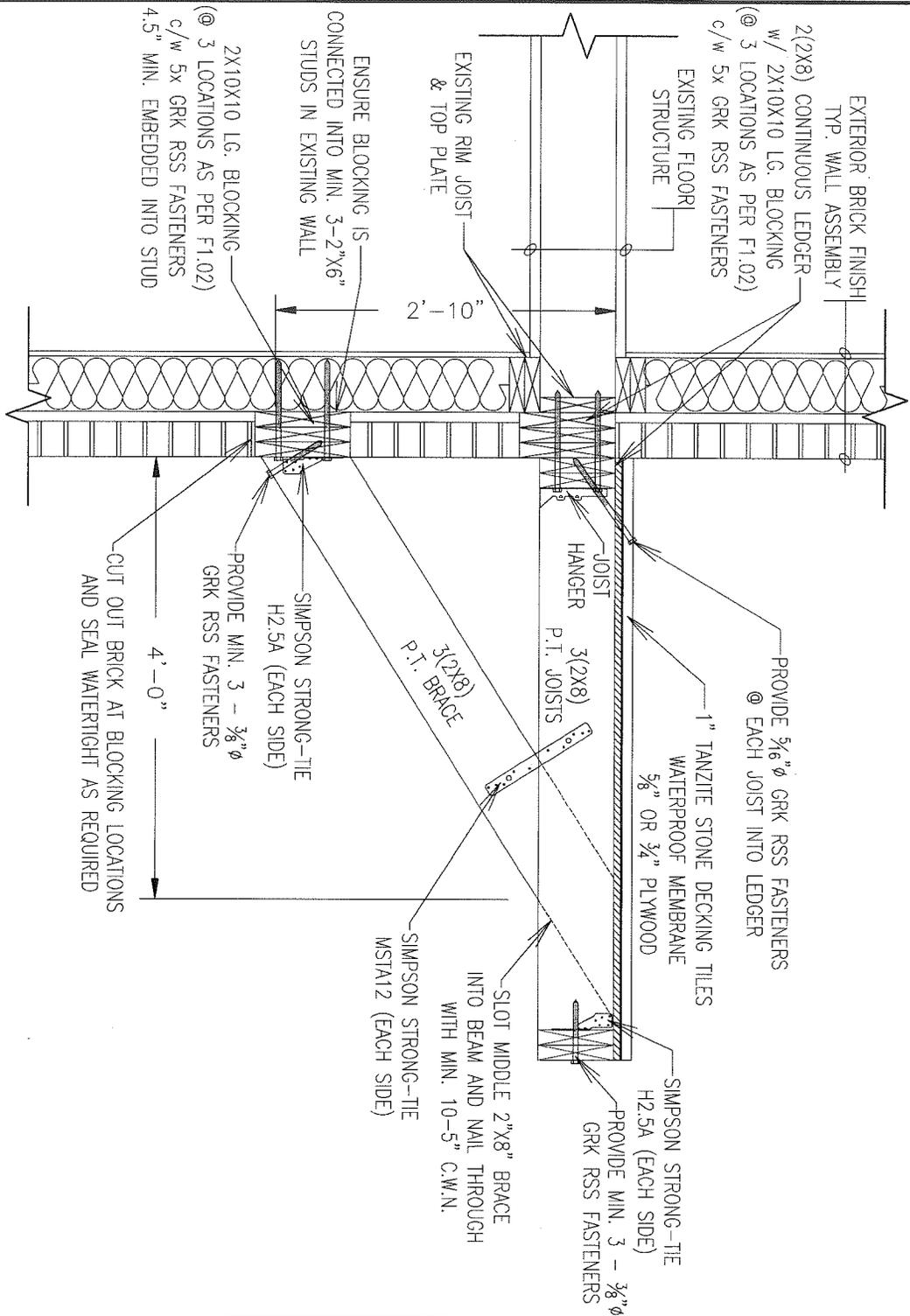
Drawn By:
STEPHANIE ALLEN
Date:
AUGUST 26th, 2022

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
Name: Stephanie Allen (BCIN # 108509)
Signature:
SA

Project Name:
SARA BOND
CUSTOMER OF:
NORTH LANDSCAPE CONTRACTORS
Project Address:
**LOT 2, 1261 MOHAWK RD
HAMILTON, ON L9K 1B1**

The Deck Yard
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A2 | **Q3**



1 UPPER STRUCTURAL ATTACHMENT
SCALE: 3/4" = 1'

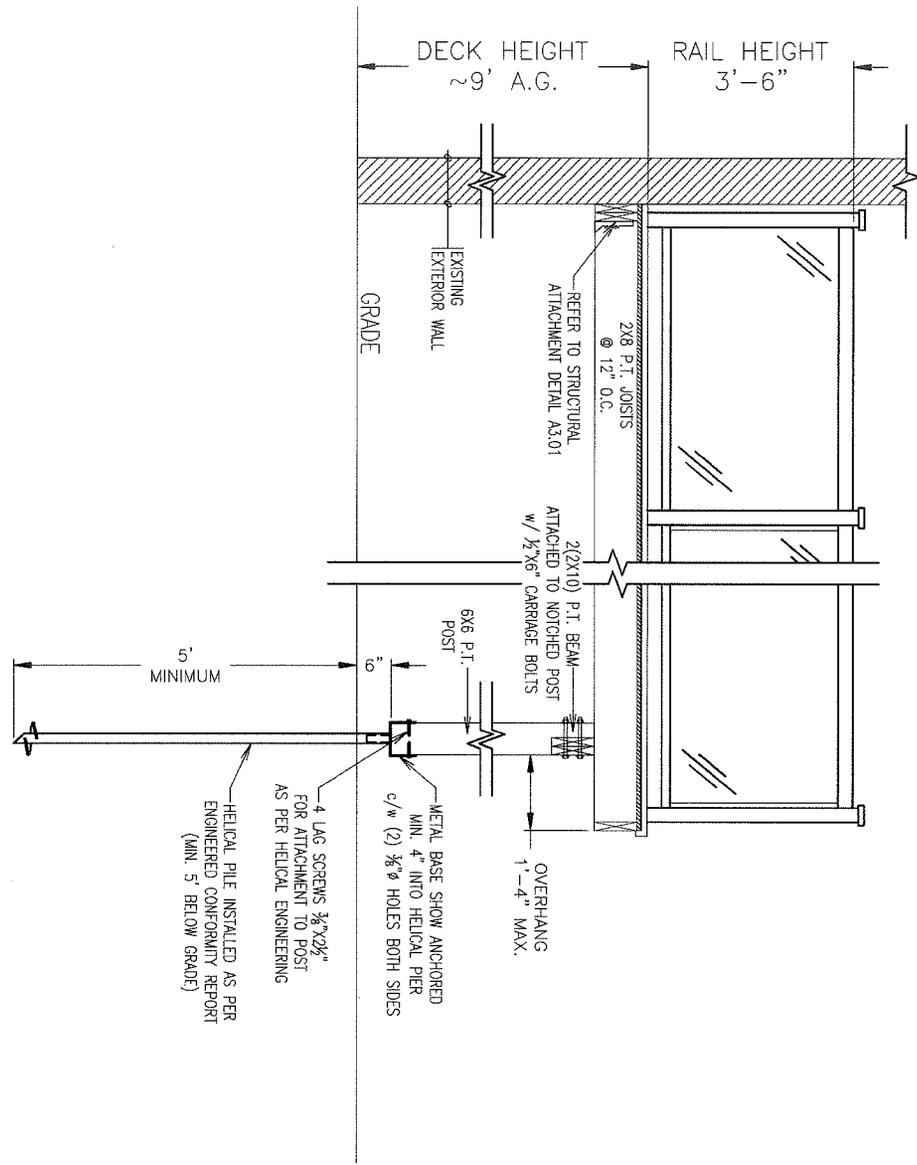
<p>The Deck Yard 419 Ofield Road South Dundas, ON L9H 5E2 P: 1-888-985-8116 E: shalcrow@deck.ca</p>	<p>Project Name: SARA BOND CUSTOMER OF: NORTH LANDSCAPE CONTRACTORS</p>
	<p>Project Address: LOT 2, 1261 MOHAWK RD HAMILTON, ON L9K 1B1</p>
<p>I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code. Name: Stephanie Allen (BCIN # 108509) Signature: </p>	<p>Drawn By: STEPHANIE ALLEN</p>
<p>Date: AUGUST 26th, 2022</p>	<p>02</p>

A3

1

LOWER DECK CROSS SECTION

SCALE: 3/8" = 1'



CROSS SECTION VIEW
ALUMINUM RAILING w/ GLASS
(RAILING AS PER MANUFACTURER'S SPECIFICATIONS)



The Deck Yard
419 Orifield Road South
Dundas, On L9H 5E2
P: 1-888-985-8116
E: shalcrow@deckts.ca

Project Name:
SARA BOND
CUSTOMER OF:
NORTH LANDSCAPE CONTRACTORS
Project Address:
**LOT 2, 1261 MOHAWK RD
HAMILTON, ON L9K 1B1**

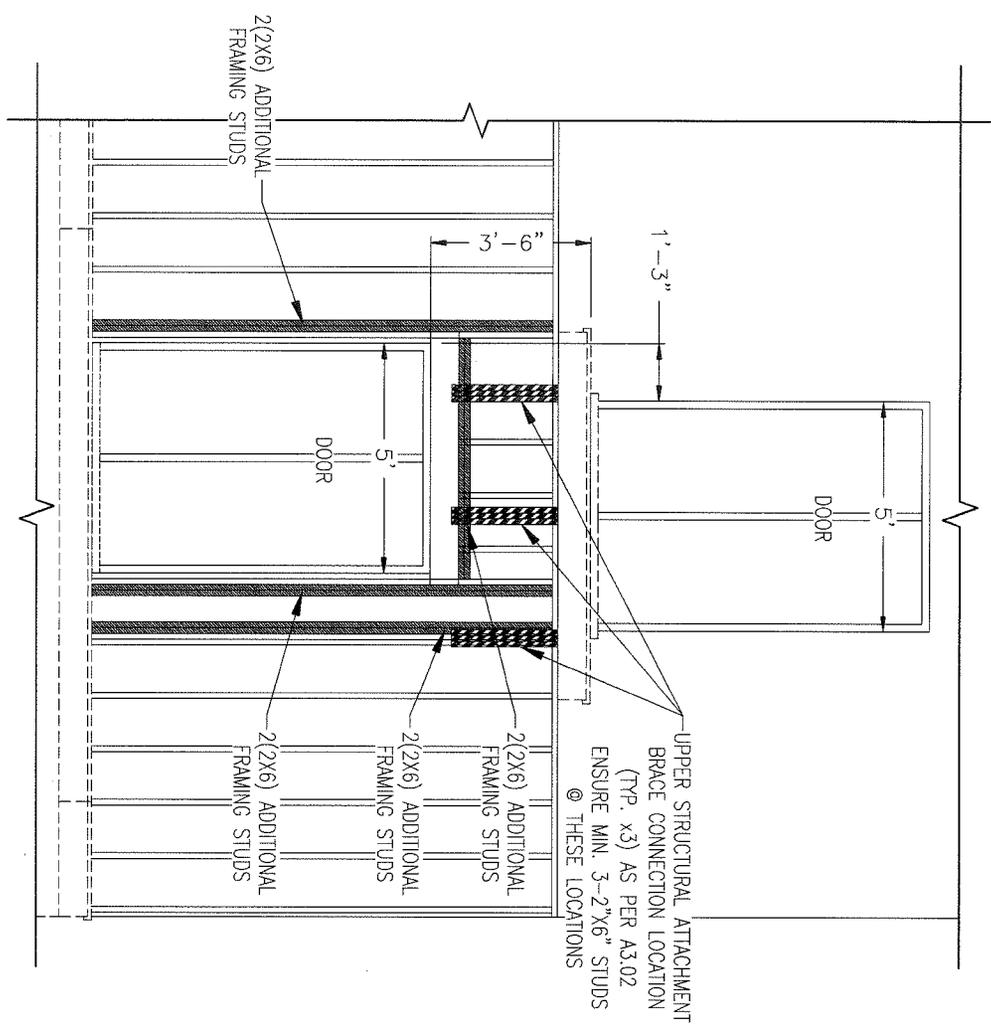
I have reviewed and taken responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
Name: Stephanie Allen (BCIN # 108509)
Signature: *Stephanie Allen*

Drawn By:
STEPHANIE ALLEN
Date:
AUGUST 26th, 2022

A4 01

1

UPPER STRUCTURAL SUPPORT DETAIL
SCALE: 1/4" = 1'



Drawn By:
STEPHANIE ALLEN

Date:
AUGUST 26th, 2022

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
Name: Stephanie Allen (BCIN # 108509)
Signature: *[Handwritten Signature]*

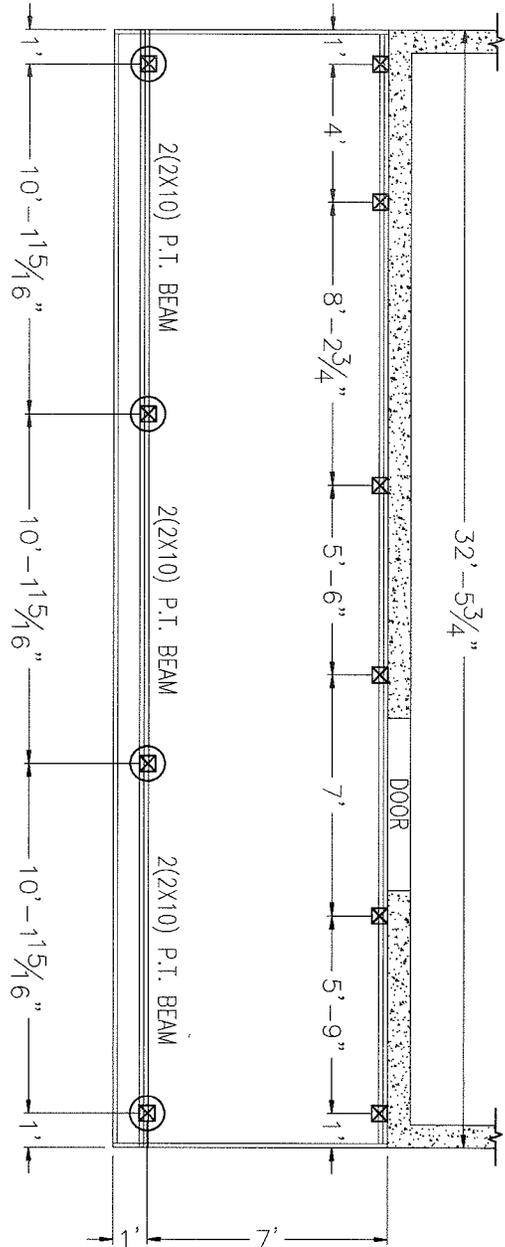
Project Name:
SARA BOND
CUSTOMER OF:
NORTH LANDSCAPE CONTRACTORS

Project Address:
LOT 2, 1261 MOHAWK RD
HAMILTON, ON L9K 1B1

The Deck Yard
419 Offield Road South
Dundas, ON L9H 5E2
P: 1-888-985-8116
E: shalcrow@decks.ca

02

A4



LOWER FOUNDATION PLAN

1 SCALE: 3/16" = 1'

- 6x6 P.T. POST ON ENGINEERED MAMMOTH BROCKET
- 6x6 P.T. POST ON HELICAL PILES (5' BELOW GRADE)

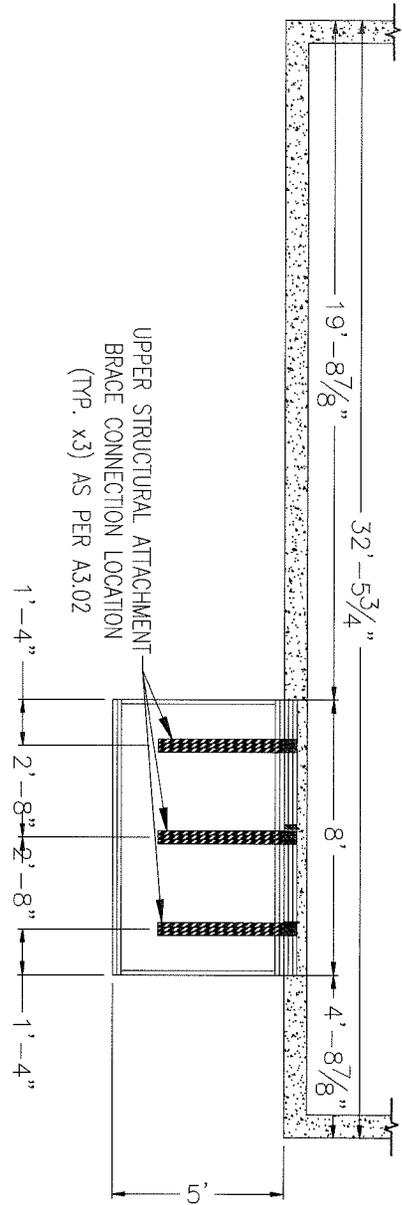
The Deck Yard
 419 Orlind Road South
 Dundas, ON L9H 5E2
 P: 1-888-985-8116
 E: shalcrow@deckyard.ca

Project Name:
 SARA BOND
CUSTOMER OF:
 NORTH LANDSCAPE CONTRACTORS
Project Address:
 LOT 2, 1261 MOHAWK RD
 HAMILTON, ON L9K 1B1

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
 Name: Stephanie Allen (BCIN # 108509)
 Signature: *[Handwritten Signature]*

Drawn By:
 STEPHANIE ALLEN
Date:
 AUGUST 26th, 2022

F1 01



UPPER FOUNDATION PLAN

1 SCALE: 3/16" = 1'

The Deck Yard
 419 Offield Road South
 Dundas, ON L9H 5E2
 P: 1.888.985.8116
 E: shalcrow@deck.ca

Project Name:
 SARA BOND
CUSTOMER OF:
 NORTH LANDSCAPE CONTRACTORS

Project Address:
 LOT 2, 1261 MOHAWK RD
 HAMILTON, ON L9K 1B1

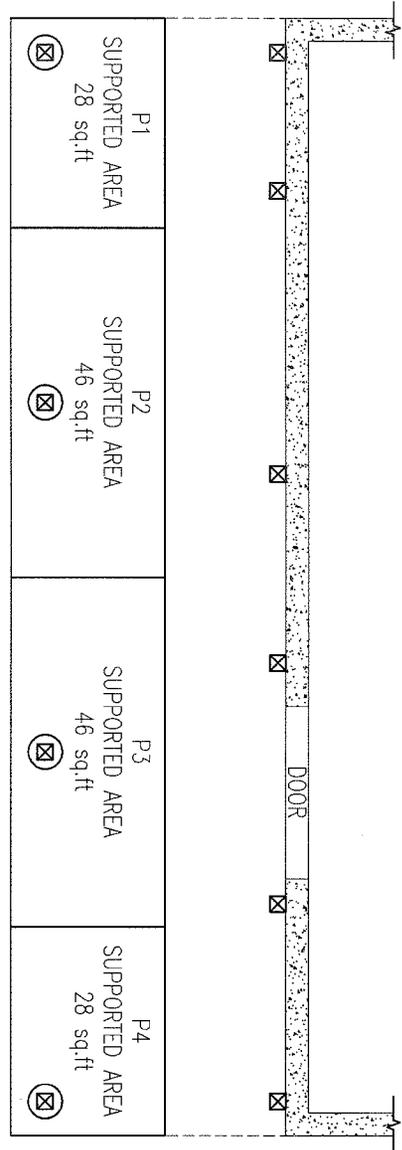
I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
 Name: Stephanie Allen (BCIN # 108509)
 Signature: *SA*

Drawn By:
 STEPHANIE ALLEN

Date:
 AUGUST 26th, 2022

02

F1



1 LOWER HELICAL PLAN

SCALE: 3/16" = 1'

- 6x6 P.T. POST ON ENGINEERED MAMMOTH BROCKET
- 6x6 P.T. POST ON HELICAL PILLS (5' BELOW GRADE)

The Deck Yard
 419 Ofield Road South
 Dundas, ON L9H 5E2
 P: 1-888-985-8116
 E: shatcrow@decksc.ca

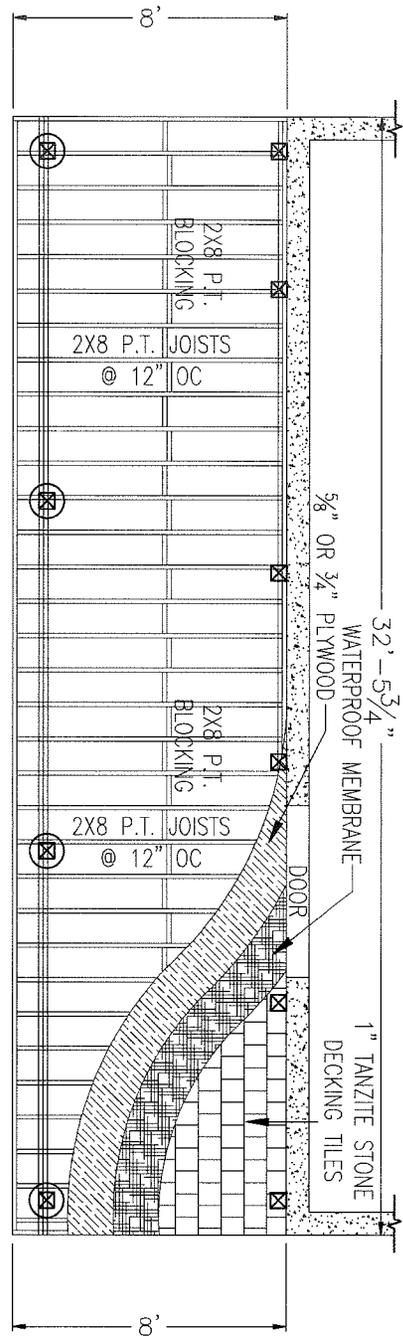
Project Name:
 SARA BOND
CUSTOMER OF:
 NORTH LANDSCAPE CONTRACTORS
Project Address:
 LOT 2, 1261 MOHAWK RD
 HAMILTON, ON L9K 1B1

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
 Name: Stephanie Allen (BCIN # 109509)
 Signature: *Stephanie Allen*

Drawn By:
 STEPHANIE ALLEN
Date:
 AUGUST 26th, 2022

03

FL



1 LOWER SUBSTRUCTURE PLAN
 SCALE: 3/16" = 1'

6x6 P.T. POST ON HELICAL PILES (5' BELOW GRADE)

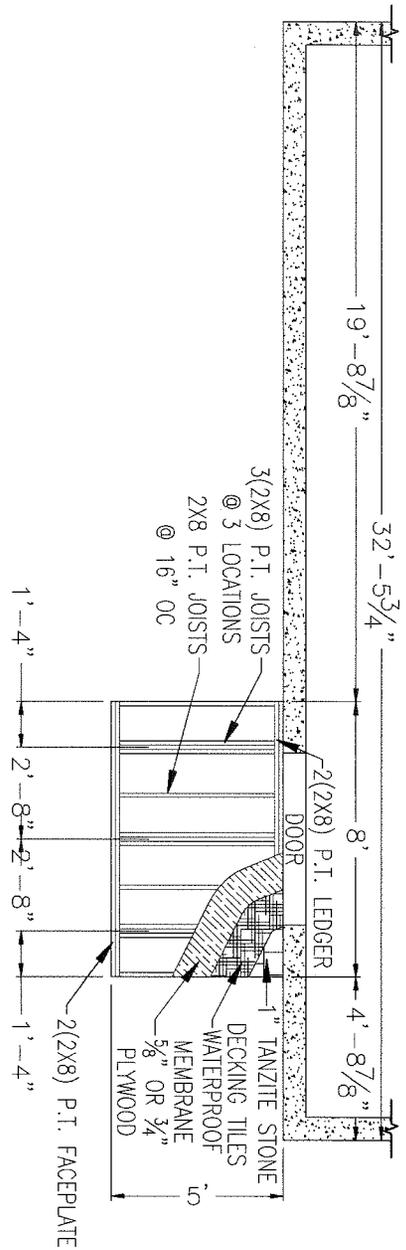
Drawn By:	STEPHANIE ALLEN	10
Date:	AUGUST 26th, 2022	15

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
 Name: Stephanie Allen (BCIN # 108509)
 Signature: *SA Allen*

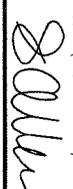
Project Name: SARA BOND
 CUSTOMER OF: NORTH LANDSCAPE CONTRACTORS
 Project Address: LOT 2, 1261 MOHAWK RD HAMILTON, ON L9K 1B1

The Deck Yard
 419 Offield Road South
 Dundas, ON L9H 5E2
 P: 1-888-985-8116
 E: shalcrow@decks.ca

1 UPPER SUBSTRUCTURE PLAN
SCALE: $\frac{3}{16}$ " = 1'



 <p>The Deck Yard 419 Ofield Road South Dundas, On L9H 5E2 P: 1-888-985-8116 E: shalcrow@decksc.ca</p>	<p>Project Name: SARA BOND</p> <p>CUSTOMER OF: NORTH LANDSCAPE CONTRACTORS</p> <p>Project Address: LOT 2, 1261 MOHAWK RD HAMILTON, ON L9K 1B1</p>
	<p>Drawn By: STEPHANIE ALLEN</p> <p>Date: AUGUST 26th, 2022</p>

I have reviewed and take responsibility for the design and am qualified in the appropriate category as a designer under subsection 3.2.5 of Division C of the Ontario Building Code.
Name: Stephanie Allen (SCIN # 108509)
Signature: 

2
TS

9/13/22, 1:09 PM

Hickory Dickory Decks Mail - Lot 2 - 1261 Mohawk Rd, Conservation Approval



Stephanie Allen <shalcrow@decks.ca>

Lot 2 - 1261 Mohawk Rd, Conservation Approval

Elizabeth Reimer <ereimer@conservationhamilton.ca>

Tue, Sep 13, 2022 at 12:48 PM

To: Stephanie Allen <shalcrow@decks.ca>

Hello Stephanie,

Based on the drawing, it looks like the 5 m setback is maintained, so I do not anticipate concerns with the proposed plans.

Regards,

Elizabeth Reimer

Conservation Planner

Hamilton Conservation Authority

838 Mineral Springs Road, P.O. Box 81067

Ancaster, ON L9G 4X1

Phone: 905-525-2181 Ext. 165**Email:** ereimer@conservationhamilton.cawww.conservationhamilton.ca**Hamilton
Conservation
Authority****A Healthy Watershed for Everyone**

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From: Stephanie Allen <shalcrow@decks.ca>**Sent:** Tuesday, September 13, 2022 11:57 AM**To:** Elizabeth Reimer <ereimer@conservationhamilton.ca>**Subject:** Re: Lot 2 - 1261 Mohawk Rd, Conservation Approval

Hey Elizabeth,

9/13/22, 1:09 PM

Hickory Dickory Decks Mail - Lot 2 - 1261 Mohawk Rd, Conservation Approval

Just wanted to check in, if you've had a chance to look at our new proposed design? I would like to move forward with our variance application and I'm sure we will need your response for the council approval.

Thanks,



Stephanie Allen
Drafting/Administrative Specialist

Phone: 1-888-985-8116
Website: deckyard.ca
Address: 419 Ofield Road South
Dundas, On L9H 5E2
Orders: orders@decks.ca

A Division of Hickory Dickory Decks
Enjoy Life... *Outdoors*

On Fri, Sep 2, 2022 at 1:31 PM Stephanie Allen <shalcrow@decks.ca> wrote:

Hey Elizabeth,

Thanks for the info you sent regarding this property. We have made a redesign with the customer and will be applying for a minor variance. Please see attached drawing set.

We are looking to have the deck extend 8 ft off the house now. This will respect the 5m setback as required for the subdivision. The minor variance is in relation to the 6m rear setback indicated by the city, which we are looking to encroach into by 0.9m.

Let me know if you have any questions, and if this will work for conservation approval.

Thank you,



Stephanie Allen
Drafting/Administrative Specialist

Phone: 1-888-985-8116
Website: deckyard.ca
Address: 419 Ofield Road South
Dundas, On L9H 5E2
Orders: orders@decks.ca

A Division of Hickory Dickory Decks
Enjoy Life... *Outdoors*

On Thu, Jul 28, 2022 at 4:04 PM Elizabeth Reimer <ereimer@conservationhamilton.ca> wrote:

Hello Stephanie,

The creation of this subdivision was completed in 2017. As part of the plan of subdivision, a 5 m setback from the rear fence line was required, in which no construction or grading should occur. The plans should demonstrate that the 5 m (16' 5") setback is maintained (see attached plans from the subdivision file).

Let me know if you have questions regarding the above, or the subdivision plan.

Thanks,
Elizabeth

From: Stephanie Allen <shalcrow@decks.ca>
Sent: Thursday, July 28, 2022 1:50 PM
To: Elizabeth Reimer <ereimer@conservationhamilton.ca>
Subject: Lot 2 - 1261 Mohawk Rd, Conservation Approval

Hi Elizabeth,

We have a rear deck project that I have applied for a permit for with the city of Hamilton. They have sent a note back that the property falls into the conservation area. I've attached the plans here with the site plan.

Could you please let me know what steps we need to take to get the approval?

Thank you!



Stephanie Allen
Drafting/Administrative Specialist

Phone: 1-888-985-8116
Website: deckyard.ca
Address: 419 Ofield Road South

9/13/22, 1:09 PM

Hickory Dickory Decks Mail - Lot 2 - 1261 Mohawk Rd, Conservation Approval

Dundas, On L9H 5E2

Orders: orders@decks.ca

A Division of Hickory Dickory Decks
Enjoy Life... *Outdoors*



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)	Dwayne Bond Sara Bond		
Applicant(s)*	Stephanie Allen		
Agent or Solicitor			Phone: E-mail:

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

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

Address of Mortgagees: RBC
 59 Wilson St West
 Ancaster
 L9G 1N1
 Phone number for Mortgagee 905-648-4411
 jennifer.grindatto@rbc.com

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 deck off main level of existing dwelling to extend 8' (2.44M) from back exit. This proposed design will encroach 3' (0.91M) into the 19'-9" (6.00M) rear yard setback. (Uppermost deck to comply with 19'-9" (6.00M) rear yard setback).

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The required 19'-9" (6.00M) rear yard setback allows for a 5' (1.52M) deck extending from the existing dwelling. The proposed 8' (2.44M) depth of the main level deck is to provide a usable space for the homeowners.

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**):

Registered Plan 62M-1247
Lot 2, 1261 Mohawk Road
Hamilton, Ontario L9K 1B1

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?

Prior knowledge of surrounding area.

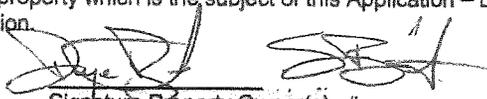
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

August 30th 2022
Date



Signature Property Owner(s) /

Dwayne Bond & Sara Bond

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>12.11 M</u>
Depth	<u>31.20 M</u>
Area	<u>380.98 M2</u>
Width of street	<u>6.50 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: _

Single Family Dwelling:
Ground Floor Area = 168 M2 Gross Floor Area = 336 M2 # Stories = 2
Width = 9.90 M Length = 17.80 M Height = 8.00 M (approx.)

Proposed

Single Family Dwelling same as above
Addition of 2 high decks:
Ground Floor Area = 24.2 M2 Gross Floor Area = 27.9 M2 # Stories = 2
Width = 9.90 M Length = 2.44 M Height = 7.14 M

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

Existing:

Front Yard = 6.00 M
Side Yard = 1.20 M
Rear Yard = 7.55 M

Proposed:

Front Yard = 6.00 M
Side Yard = 1.20 M
Rear Yard = 5.10 M

13. Date of acquisition of subject lands:
April 3rd 2020
-
14. Date of construction of all buildings and structures on subject lands:
Construction completed 2017
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single Family Dwelling
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single Family Dwelling
-
17. Length of time the existing uses of the subject property have continued:
5 years
-
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
N/A
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:

- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information (please include separate sheet if needed)
Proposed decks to comply with 5 meter setback as per Hamilton Conservation Authority.
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.:	SC/A-22:220	SUBJECT PROPERTY:	22 BEN TIRAN CRES, STONEY CREEK
ZONE:	"R2-9" (Single Residential)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner: P. Trombetta
Agent: 7946899 Canada Inc. c/o Landart

The following variances are requested:

1. A minimum rear yard of 1.0m shall be permitted to the covered patio structure and to the inground pool instead of the minimum 7.5m required from the toe of slope of the escarpment or the top of the back of the escarpment.

PURPOSE & EFFECT: To facilitate the construction of an inground pool and a new rear yard covered patio to the existing single detached dwelling.

Notes:

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

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

DATE:	Thursday, October 20, 2022
TIME:	2:00 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

SC/A-22:220

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.



Subject Lands

DATED: October 4, 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.**

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.



LANDART

TROMBETTA RESIDENCE

22 BEN TIRRAAN CRESCENT
FULL PROPERTY PROJECT

SITE PLAN

DESIGNED BY: GK
REVIEWED BY: RW



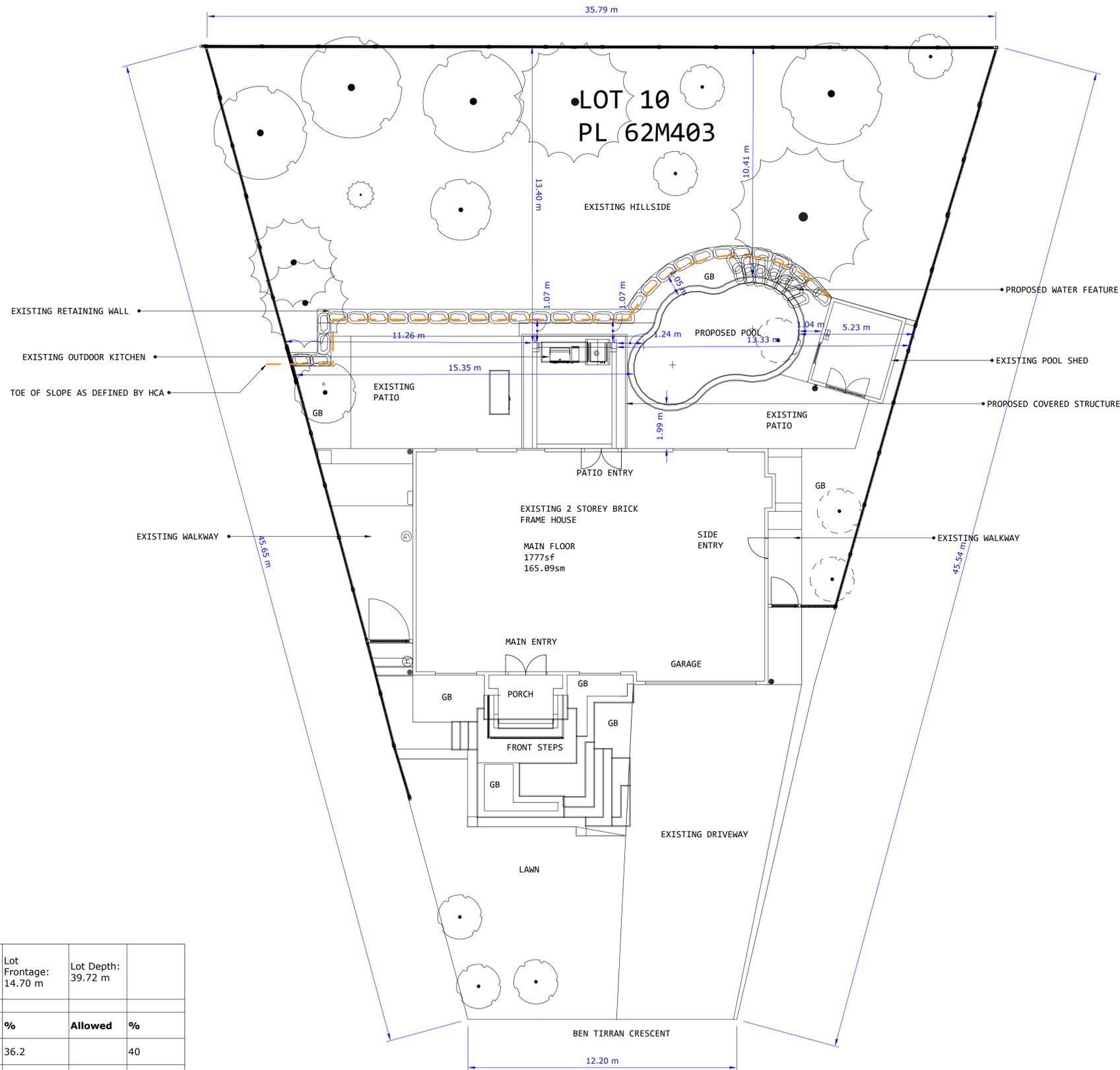
PAGE SIZE: 24 x 36
SCALE: 1mm = 100mm (1:100)

September 2, 2022

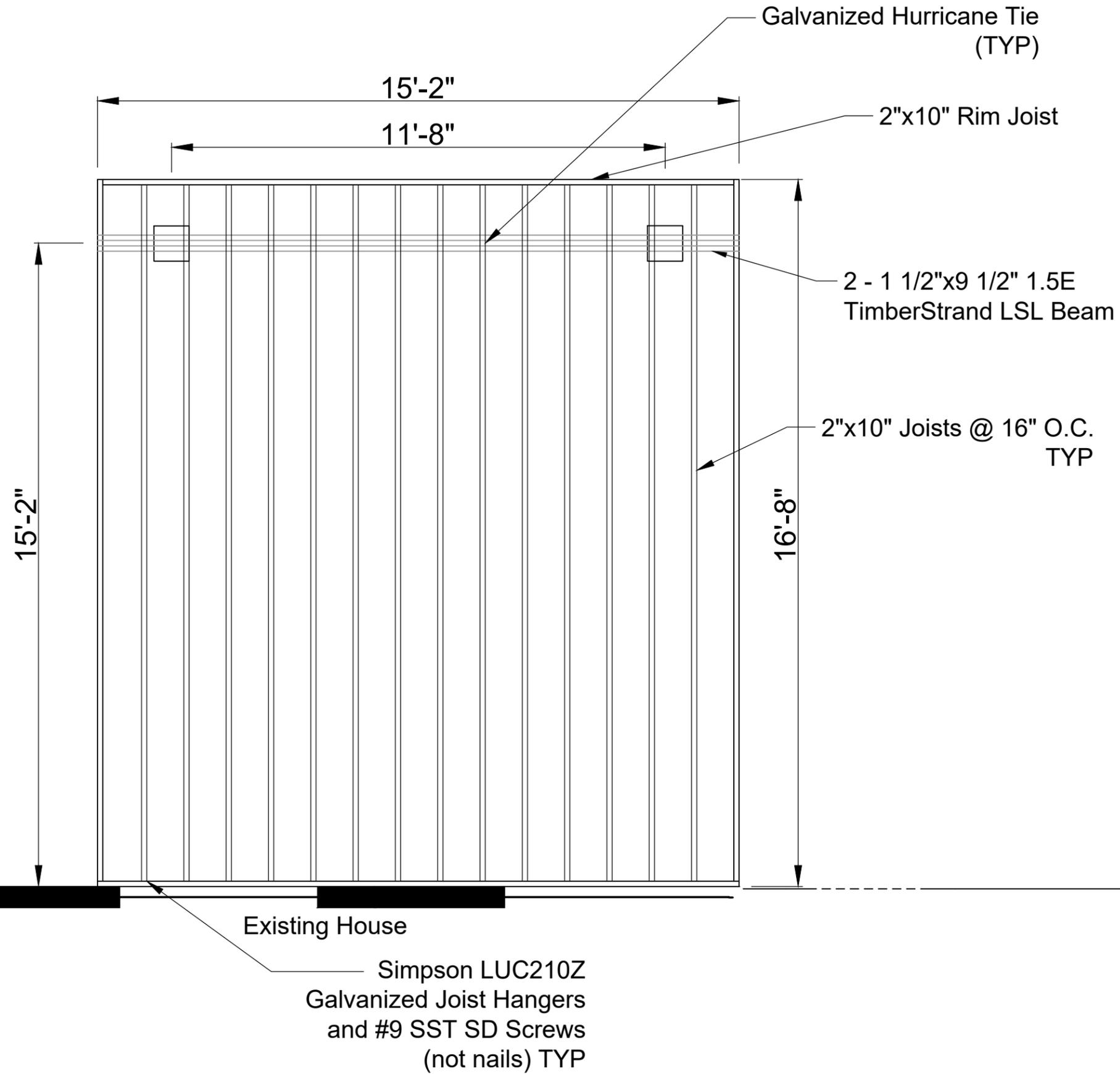
© LANDART 2021 ALL RIGHTS RESERVED

LEGEND

- EXISTING ELVATIONS
- PROPOSED ELVATIONS
- AC
- DOWNSPOUTS
- GAS
- HYDRO
- WINDOW WELL
- BASEMENT WINDOW
- EXISTING TREES



Zoning: R2	Lot NO: 10	Plan NO: 62M403	Lot Area: 986 sq m	Lot Frontage: 14.70 m	Lot Depth: 39.72 m	
Description	Existing	Addition	Total	%	Allowed	%
Lot Coverage	356.68 sq m			36.2		40
Ground Floor Area	342.69 sq m	0	342.69 sq m	35.5		40
No. of Stories	2	0	2		11 m	
Width - House	16.13 m	0	16.13 m			
Depth - House	10.24 m	0	10.24 m			



GENERAL NOTES

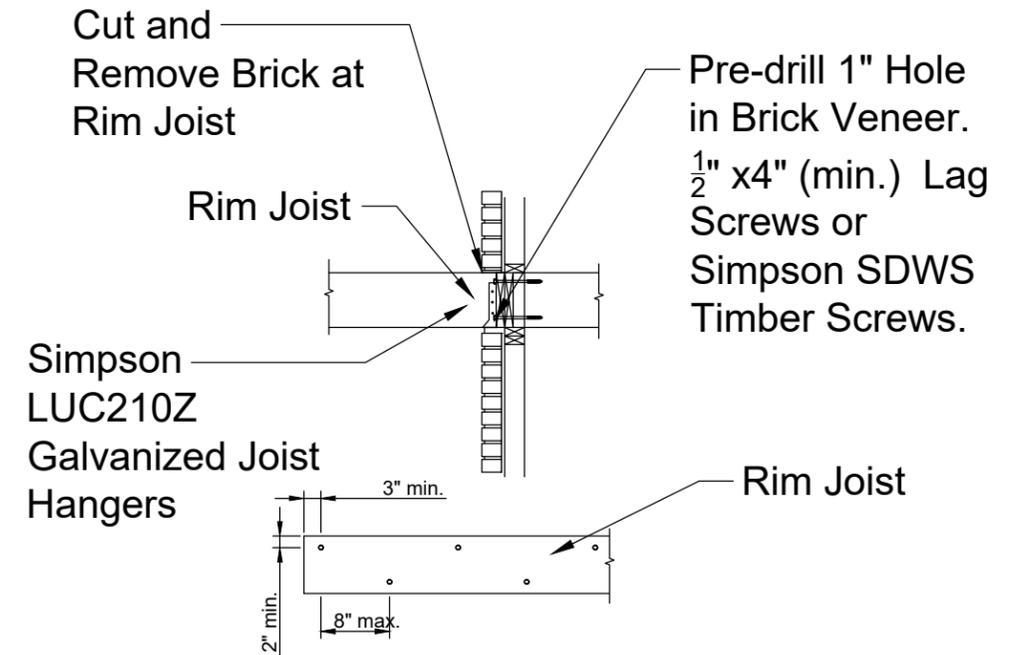
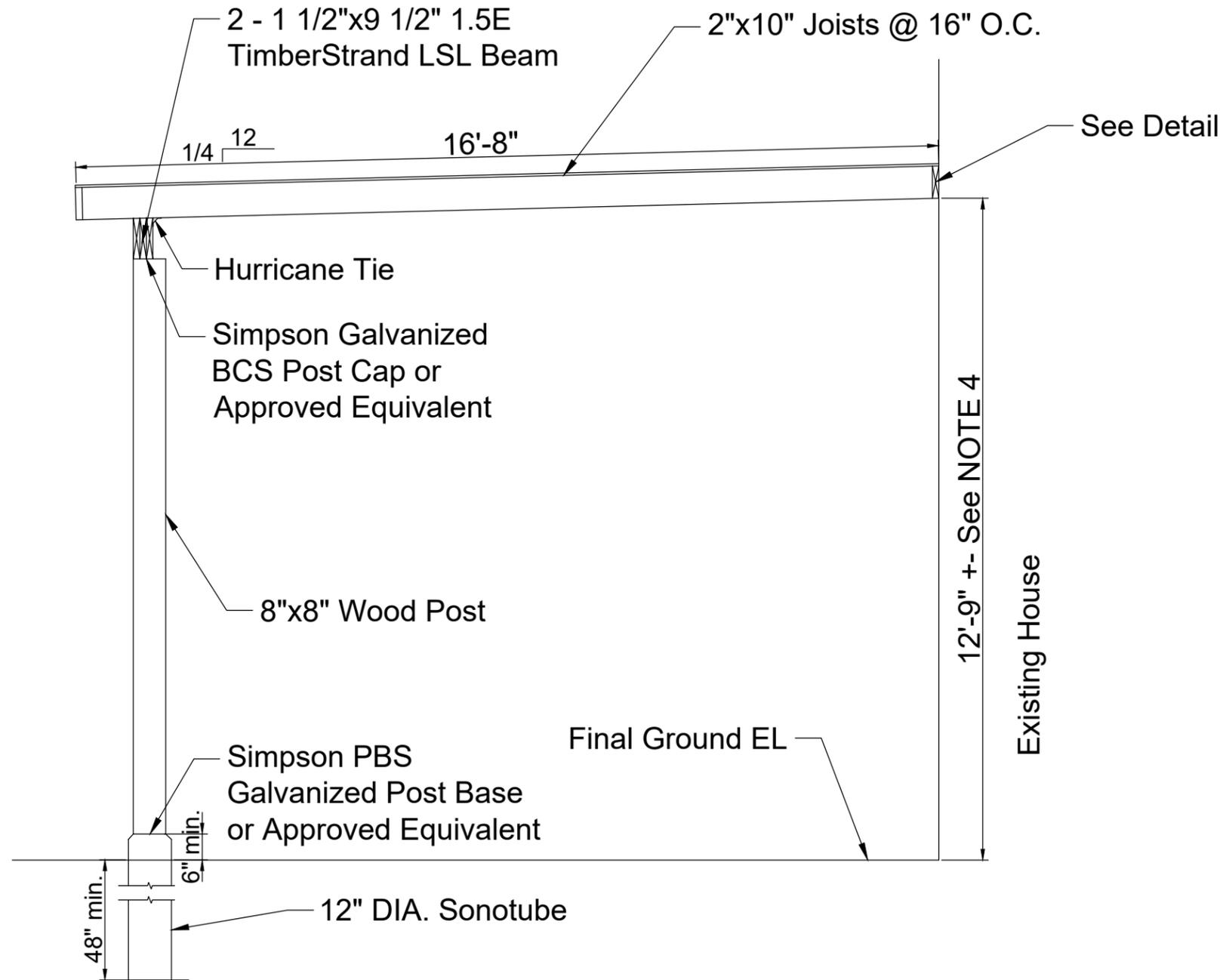
1. ROOF TO BE SHEATHED WITH 1/2" PLYWOOD
2. LUMBER SHALL BE PRESSURE TREATED SPF NO. 2 GRADE OR BETTER



REV:	DESCRIPTION:	BY:	DATE:
STATUS:			
CLIENT: LANDART			
DESIGNER: TREVOR LINDE PEO #: 100199542			
SITE: TROMBETTA RESIDENCE 22 BEN TIRAN CRESCENT			
TITLE: ROOF FRAMING			
SCALE AT A3: 3/8" = 1'	DATE: 08/17/22	DRAWN: TL	CHECKED:
PROJECT NO:	DRAWING NO: 1	REVISION:	

GENERAL NOTES

1. ALL CONSTRUCTION TO OBC 2012
2. CONCRETE PIER FOOTING SHALL BE POURED ON UNDISTURBED SOIL.
3. ASSUMED SOIL BEARING CAPACITY OF 150 kPa. CONTRACTOR TO VERIFY PRIOR TO INSTALLING FOOTINGS AND NOTIFY ENGINEER IF LOWER.
4. CONTRACTOR TO VERIFY LOCATION OF HOUSE RIM JOISTS AND ADJUST LEDGER BOARDS ACCORDINGLY.
5. SPECIFIED LOADS
 - LIVE: 1.0 KPA
 - SNOW: 1.00 KPA
 - WIND: 0.52 KPA



REV:	DESCRIPTION:	BY:	DATE:
STATUS:			
CLIENT: LANDART			
DESIGNER: TREVOR LINDE PEO #: 100199542			
SITE: TROMBETTA RESIDENCE 22 BEN TIRAN CRESCENT			
TITLE: SIDE ELEVATION			
SCALE AT A3: 3/8" = 1'	DATE: 08/17/22	DRAWN: TL	CHECKED:
PROJECT NO:	DRAWING NO: 2	REVISION:	



TROMBETTA RESIDENCE

22 BEN TIRIRAN CRESCENT
FULL PROPERTY PROJECT

GRADING PLAN

DESIGNED BY: DM
REVIEWED BY: RW



PAGE SIZE: 24 x 36
SCALE: 1/8" - 1'-0"

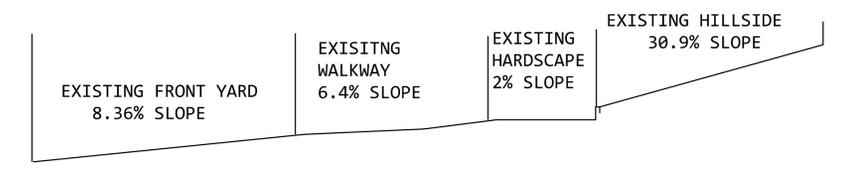
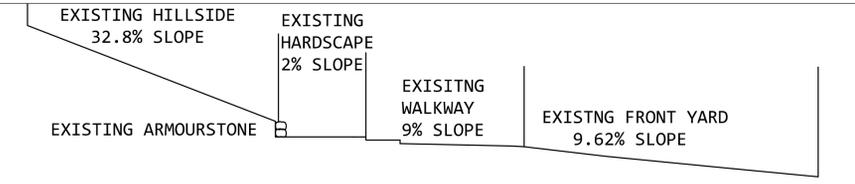
FEBRUARY 7, 2022

REVISIONS

- 12.21.2021
-
-

LANDART 2022 ALL RIGHTS RESERVED

	EXISTING ELEVATIONS
	PROPOSED ELEVATIONS
	AIR CONDITIONER
	DOWNSPOUT
	GAS
	HOSE BIB
	HYDRO
	STEP (ELEVATION CHANGE)
	WINDOW WELL
	BASEMENT WINDOW
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED



***Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property, the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

LOT GRADING NOTES

- Along adjoining property grade to meet existing or proposed elevations with sodded slopes (min. 3H to 1V) and/or retaining walls as specified.
- All retaining walls, walkways, curbs, etc., shall be placed a min. of 0.45m off the property line. All walls 1.0m or higher shall be designed by a P.Eng.
- Should a retaining wall be required, the top of wall elevations shall be set 150mm above the proposed side yard swales.
- Retaining walls 0.6m in height or greater require construction of a fence or guard rail at the top of the rear of the wall. Guards for retaining walls shall be designed and constructed in accordance with the requirements of exterior guards as contained in the Ontario Building Code.
- Slopes of swales for both "back to front" and "split" drainage shall be no less than 2.0% grade and no greater than 33% grade (3:1 slopes).
- When matching to existing properties where a 2.0% grade cannot be achieved, a 1.5% grade is permitted provided a 150mm sub-drain is installed below the bottom of the swale and drained to a suitable outlet, (with a minimum 0.3m cover over the sub-drain), or other mitigation measures.
- Minimum grade for a wrap-around swale in the backyard shall be 1.0%.
- Unless otherwise noted, the ground between proposed elevations on side lots shall be graded as a straight line.
- Top of foundation walls for buildings shall be 150mm (min) above finished grade.
- Driveway slopes shall not be less than 2% and not more than 7.0%. Reversed sloped driveways in new developments are not permitted.
- Garage floor elev. to be set minimum 0.3m higher than back of walk, unless otherwise specified.
- All fill placed on lots shall be compacted to a minimum 95% SPD (unless otherwise recommended by the geotechnical engineer). All material shall be placed in layers not exceeding 300mm lifts.
- For delineation of tree protection zones, buffers, removals and protection schematics, etc., refer to Tree Protection Plan.
- Lot grading for all lots in the subdivision shall conform strictly with this plan. Any changes, unless approved prior to construction by the City, shall result in non-acceptance of the subdivision by the City.
- If grading is required on lands adjacent to the development which are not owned by the developer, then the developer must obtain written permission from the adjacent property owner to allow the developer to grade on the adjacent lands, otherwise retaining walls must be used.
- The written permission required from the adjacent landowner shall be obtained prior to entering the lands. Should permission not be obtained or is withdrawn prior to commencing the work, then the developer shall limit his activities to the limits of the development site.
- Driveway and driveway approaches shall be located such that hydro vaults and other street furniture are a min. of 1.2m from the projections of the outside garage walls.

BACKYARD GRADING NOTES

- Definition: "Required back yard" shall mean the lesser of the distance regulated by the zoning by-law or 6m.
- The maximum slope in the back yard adjacent to the building for a distance equal to the required back yard shall be 5%, except as set out in items below.
- The 5% restriction shall not apply to the sides of a swale along the sides or back of the lot, providing the total width of the swale shall not exceed one (1) metre on each lot.
- Where the 5% restriction on the backyard grades results in elevation differences between different properties, retaining walls shall be constructed along the sides and the back of the lot. Slopes with a maximum of three horizontal to one vertical may replace the walls where the difference in elevation is less than 0.3m.
- Generally, slopes shall be placed on the lower lot, whereas retaining walls shall be placed on the higher lands.
- The 5% restriction does not preclude retaining walls in the required backyards providing the terraces are maintained to the 5% grade as set out in item b) above. The intention of this provision is to provide for flexibility of house construction.
- There is no control on the steepness of the slopes in side yards, front yards and back yards, outside the area defined in a) above, providing the slopes are stable for the soils of the area (minimum 3H:1V).

SILTATION AND EROSION CONTROL

- Siltation control barriers shall be placed as detailed.
- All siltation control measures shall be cleaned and maintained after each rainfall as directed and to the satisfaction of the City of Hamilton.
- Additional silt control locations may be required as determined by the City of Hamilton.

SWALES

Slopes of swales for both "back to front" and "split" drainage shall be no less than 2.0% grade and no greater than 33% grade (3:1 slope).

Side and rear yard swales to be located entirely within the infill/sewered property, unless permission from the adjacent homeowner is granted to improve and modify existing drainage on both lots, i.e., proposed swales must be contained within the land parcel being developed.

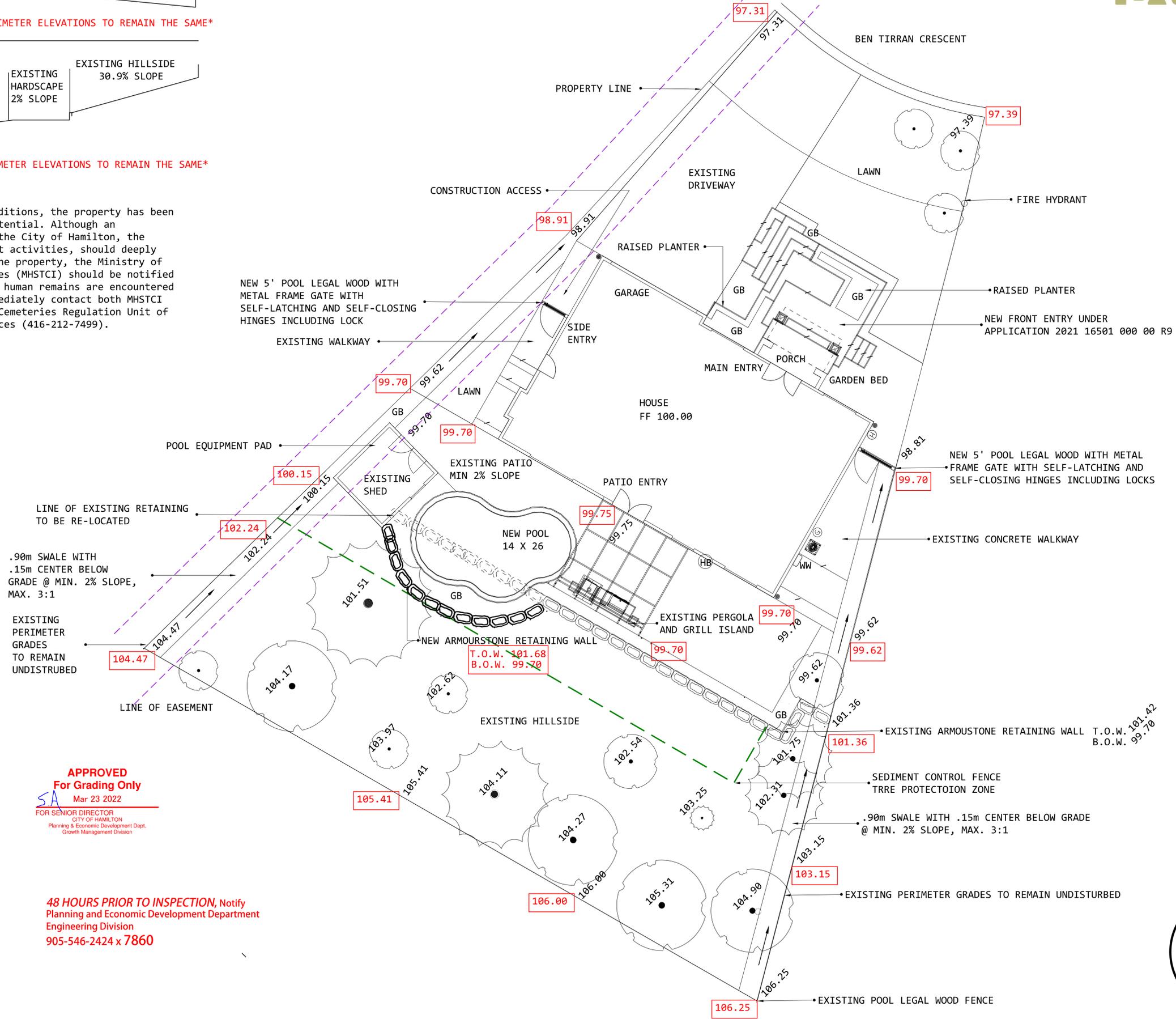
When matching to existing properties where 2% slope cannot be achieved, then a 1.5% slope is permitted provided a 150 mm sub-drain is installed below the bottom of the swale and drained to a suitable outlet, with a minimum of 0.30 metre cover over the sub-drain or other mitigation measures.

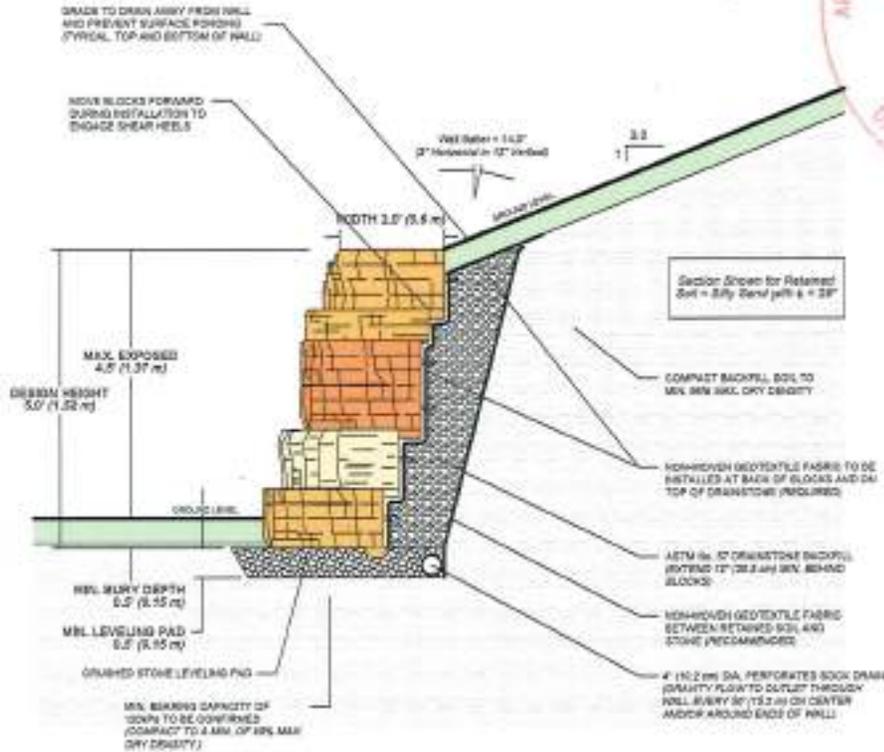
Minimum slopes for a "wrap around" swale in the back yard shall be 1.0%.

The 5% restriction shall not apply to the sides of a swale along the sides or back of a lot, providing the total width of a swale does not exceed one (1) metre on each lot.

APPROVED
For Grading Only
Mar 23 2022
FOR SENIOR DIRECTOR
CITY OF HAMILTON
Planning & Economic Development Dept.
Growth Management Division

48 HOURS PRIOR TO INSPECTION, Notify
Planning and Economic Development Department
Engineering Division
905-546-2424 x 7860





TYPICAL SECTION



GENERAL NOTES

1. RETAINING WALL LAYOUT AS PER "TROMBETTA RESIDENCE LANDSCAPE PLAN" DRAWING
2. SILTY SAND BACKFILL SOIL TYPE TO BE CONFIRMED
3. ALLOWABLE SOIL BEARING CAPACITY OF 120 kPa TO BE CONFIRMED

SC/F/C/A/21/90
RECEIVED
 OCT 28 2021
REPLIED



NO. DESCRIPTION	PI	DATE
LANDART		
TREVOR LINDE REG. # 181789-41		
TROMBETTA RESIDENCE 22 BEN TERRAN CRESCENT		
RETAINING WALL		
SCALE 1/4" = 1'	DATE 10/28/21	CHECKED
PROJECT NO.	THUMB NO. 1	REVISION

TROMBETTA RESIDENCE

22 Ben Tirran Crescent
FULL PROPERTY PROJECT

LANDSCAPE PLAN

DESIGNED BY: DM
REVIEWED BY: RW



PAGE SIZE: 24 x 36
SCALE: 3/8" = 1'-0"



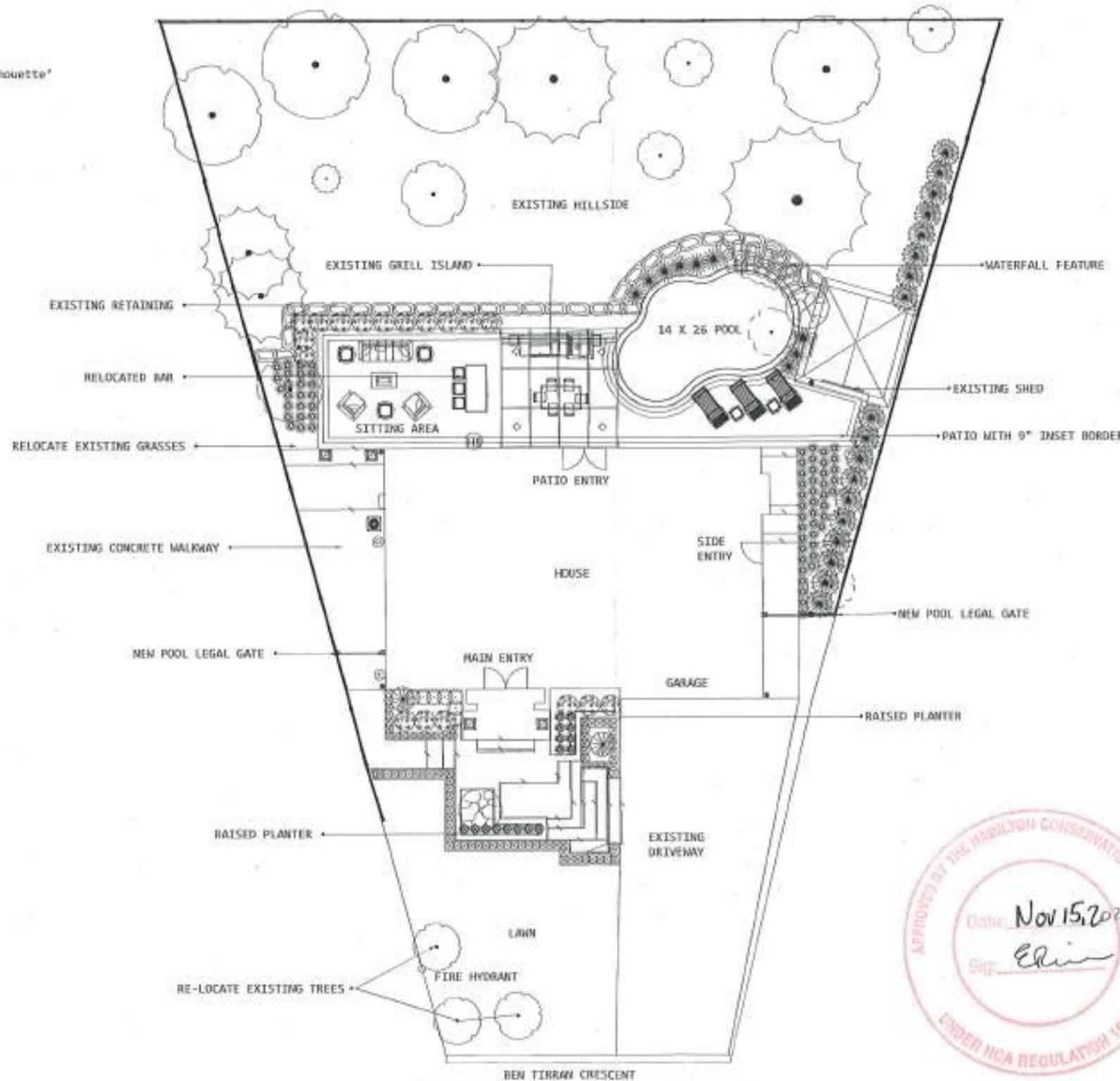
September 16, 2021

REVISIONS

1. 08.06.2021
2. 08.19.2021
3. 08.31.2021

© LANDART 2021 ALL RIGHTS RESERVED

- Acer palmatum dissectum 'Tamukayama'
- Liquidambar styraciflua 'Slender Silhouette'
- Taxus x media 'Hillii'
- Thuja occidentalis 'Nigra'
- Buxus 'Green Mountain'
- Hakonechloa macra 'Aureola'
- Miscanthus sinensis 'Huron Sunrise'
- Hydrangea paniculata 'Sobo'
- Hemerocallis 'Stella d'Oro'
- Matteuccia struthiopteris



- EXISTING ELEVATIONS
- PROPOSED ELEVATIONS
- AIR CONDITIONER
- DOWNSPOUT
- GAS
- HOSE BIB
- HYDRO
- LIGHT STANDARD
- WINDOW WELL
- BASEMENT WINDOW
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED

PAGE 1 / 2

SCF, C, A/21/90

RECEIVED
SEP 17 2021
REPLIED



A Healthy Watershed for Everyone

838 Mineral Springs Road, PO Box 81067
 Ancaster, Ontario L9G 4X1
 Telephone: 905-648-4427 Fax: 905-648-4622

PERMIT

N^o 2021-91

ISSUED UNDER THE CONSERVATION AUTHORITIES ACT, PURSUANT TO ONTARIO REGULATION 161/06 – HAMILTON CONSERVATION AUTHORITY DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES REGULATION.

Permission has been granted to: **Peter Trombetta**

Phone: **905-979-0563**

Mailing Address: **22 Ben Tirran Cres, Stoney Creek, ON L8G 4V9**

Location: **in a regulated area of Watercourse 4, in the City of Hamilton**

For the: **installation of a pool and retaining wall in a regulated area of Watercourse 4 at 22 Ben Tirran Crescent, Part Lot 17, Concession 3, in the City of Hamilton (former City of Stoney Creek)**

on the above property during the period of **November 15, 2021 to November 15, 2023** subject to the following conditions.

1. The Owner shall retain a copy of the HCA permit and approved plans on-site at all times during construction;
2. The Owner shall adhere to the HCA permit and approved plans, documents and conditions, including HCA redline revisions, herein referred to as the "works", to the satisfaction of HCA. The Owner further acknowledges that all proposed revisions to the design of this project must be submitted for review and approval by HCA prior to implementation of the redesigned works;
3. The Owner shall notify the HCA Conservation Planner 48 hours prior to the commencement of any of the works referred to in this permit and within 48 hours upon completion of the works referred to herein;
4. The Owner shall arrange a final site inspection of the works with the HCA Conservation Planner prior to the expiration date on the permit to ensure compliance with terms and conditions of the permit to the satisfaction of the HCA;

5. THAT all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been restored;
6. THAT all erosion and sediment control measures be inspected after each rainfall to the satisfaction of Authority staff;
7. THAT any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;
8. THAT all disturbed areas be re-vegetated with permanent cover immediately following completion of construction; and
9. THAT the works are undertaken in accordance with Landscape Plan prepared by LandArt, dated September 16, 2021, and Retaining Wall plan stamped by T.M. Linde, dated October 27, 2021.

NOTE:

- 1) This permit may be withdrawn by the HCA if the works do not comply with the above noted conditions. Non-compliance with permit conditions also constitutes a violation of the regulation and may result in charges being laid.
- 2) The issuance of this permit does not abrogate the necessity of obtaining all other required permits for development and construction, i.e. permits required by the Niagara Escarpment Commission, Municipality, Ministry of Natural Resources and Forestry, Harbour Commissioners and any or all other agencies.



Enforcement Officer
T. Scott Peck, B.A., DPA, MCIP, RPP, CMMIII
Deputy Chief Administrative Officer/
Director, Watershed Planning & Engineering

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	MAILING ADDRESS
Registered Owners(s)	Pietro Antonio Trombetta	
Applicant(s)*	Richard Wynia	
Agent or Solicitor	Devon Kleinjan	

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

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

Canadian Imperial Bank of Commerce 399 Greenhill Ave. Hamilton, Ontario L8K 6N5

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

4. Nature and extent of relief applied for:

To reduce setback from toe of slope from 7.5m to 1.0m. to allow construction of in-ground pool and covered structure in the backyard.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The Dwelling is within 7.5m of the toe of the slope. This restriction does not allow for a pool and covered structure in the rear yard.

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

PCL 10-1, SEC 62M403, LT10, PL 62M403 . 22 Bon Tirran Cres. Stoney Creek

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? *DK RW*

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?

Property Records and owner history.

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 18th, 2022
Date


Signature Property Owner(s)

Pietro Trombetta
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	14.63m
Depth	40m
Area	986 sq. m.
Width of street	14m

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

Existing: _

Dwelling Unit: 2 stories Ground Floor Area: 168 sm W:16.15m L: 10.67m H: 9.1m
Shed: 14 sm 4mx 3.5m
Front Porch 5.9m x 7.3m x 1.6m
Front Porch Roof: 2.9m x 1m H 2.9m

Proposed

In-ground pool 4.27m x 7.92m
Structure 4.77m L x 3.81m W x 3.25m H

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

Existing:

Dwelling: Front 9.44m - Side 1.6m - Side 2.1m - Rear 18m
Shed: Front 23.4m - Side 23m - Side .6m - Rear 11.25m
Front Porch Roof: Front 12.75m - Side 4.87m - Side 11.27m - Rear 29.26m
Front Porch: Front 3.2m - Side 2.87m - Side 6.8m

Proposed:

Pool: Front 22.5m Side 15.42m Side 5.21m Rear 10.59m
Structure: Front 20.27m Side 13.41m Side 11.20m Rear 14.23m

13. Date of acquisition of subject lands:
n/a
-
14. Date of construction of all buildings and structures on subject lands:
1986
-
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:
36 years
-
18. Municipal services available: (check the appropriate space or spaces)
Water yes _____ Connected yes _____
Sanitary Sewer yes _____ Connected yes _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
Low Density Residential
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
R2-9
-
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:
SC/A-22:22
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information (please include separate sheet if needed)
n/a
-
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 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-22:299	SUBJECT PROPERTY:	35 ELGAR AVE, HAMILTON
ZONE:	"C" (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: DANIEL POSTMA
MYROSLAVA POSTMA

The following variances are requested:

1. A minimum of 1.3 m southerly and northerly side yard width shall be provided instead of the minimum required 2.7 m; and
2. To permit two (2) of the required parking spaces to be located within the required front yard whereas the By-Law states that only one of the required parking spaces may be located in the front yard; and
3. To permit the two (2) parking spaces provided in the driveway and within the front yard to obstruct the third parking space located within the attached garage whereas the By-Law state that sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.

PURPOSE & EFFECT: To facilitate the construction of a 3rd storey addition to the existing single-family dwelling having a total of 10 habitable rooms notwithstanding that;

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.

HM/A-22:299

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

DATE:	Thursday, October 20, 2022
TIME:	2:05 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:

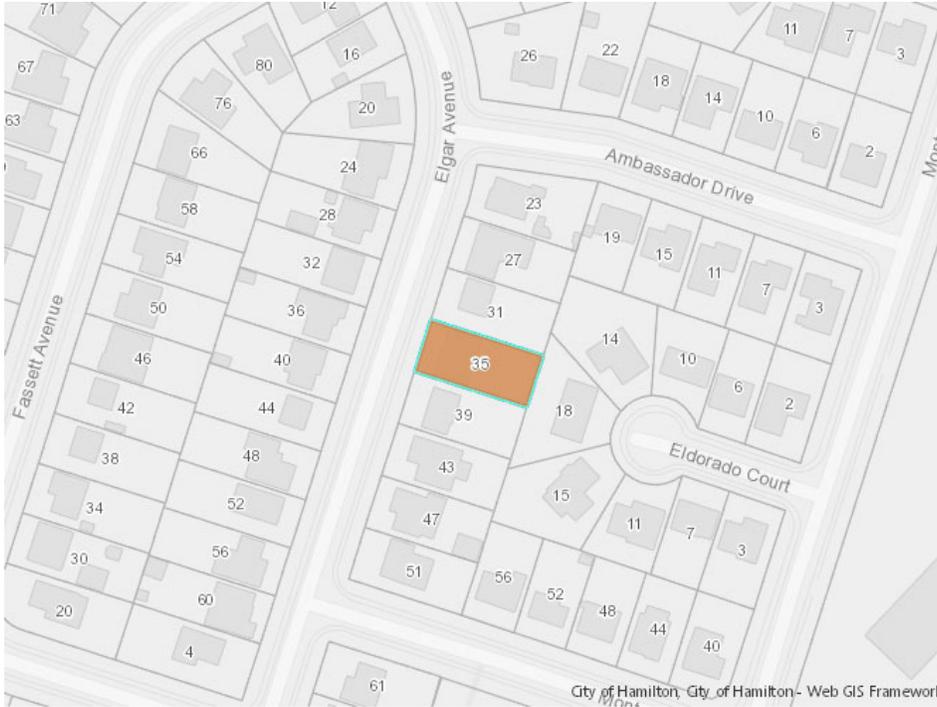
- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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-22:299



DATED: October 4, 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

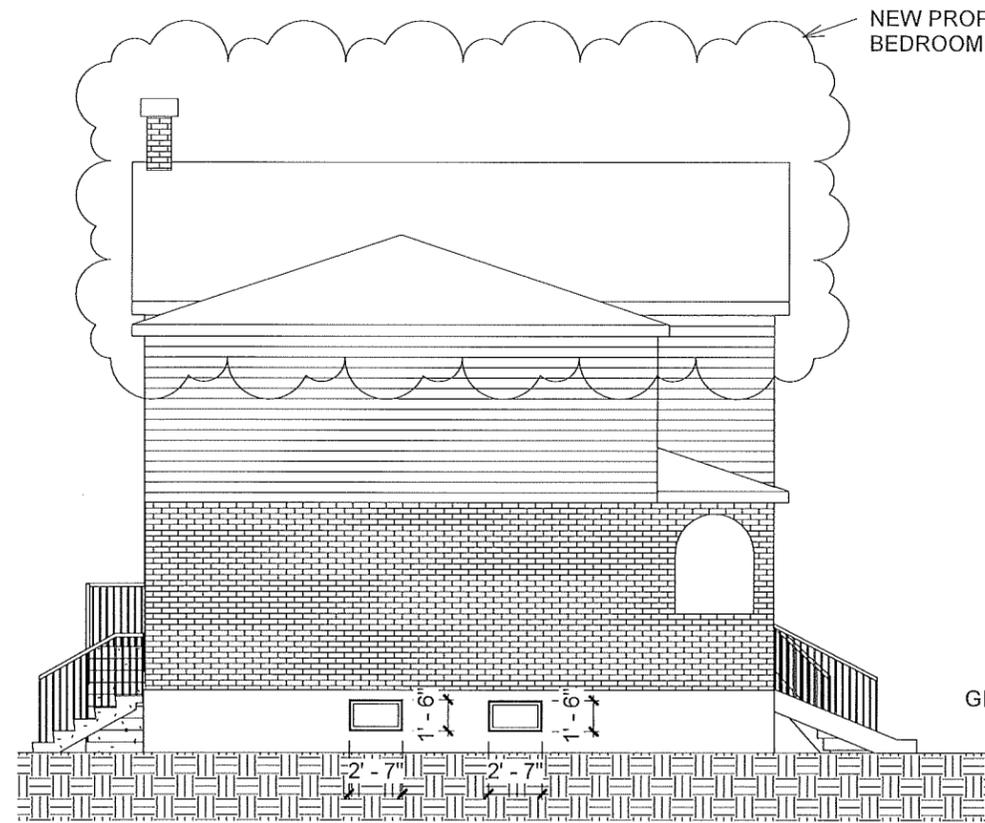
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.



185 YOUNG STREET,
HAMILTON, ON L89 1V9
T: 905 525 9000 | invizij.ca



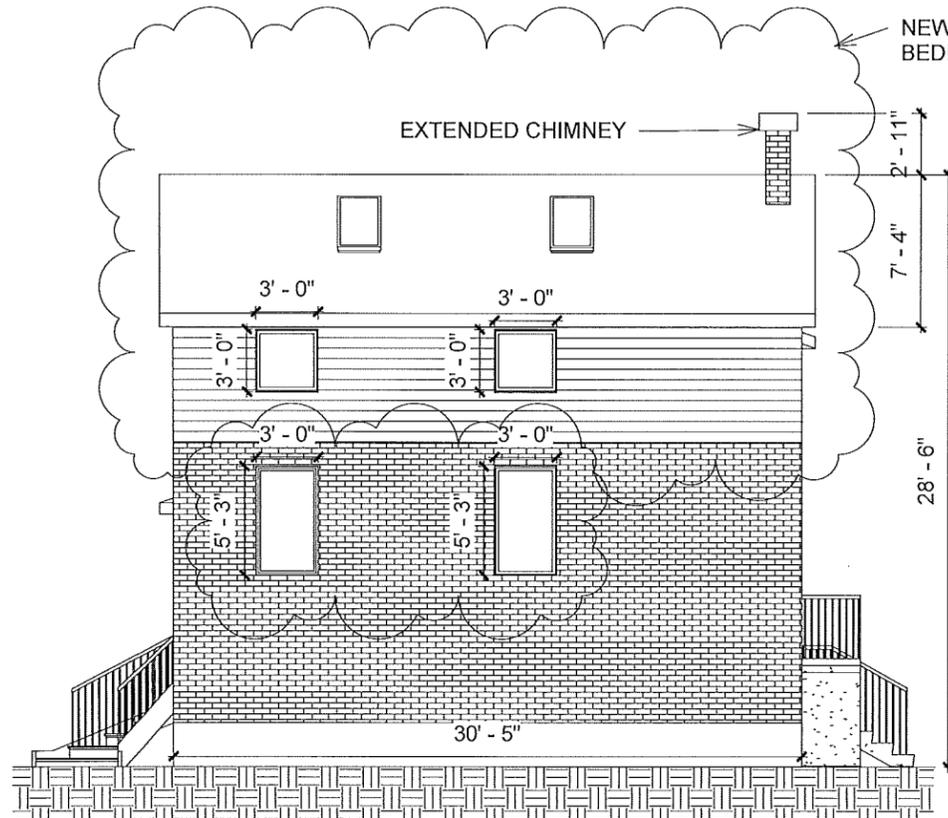
NEW PROPOSED MASTER
BEDROOM ADDITION

GRADE



NEW PROPOSED
MASTER BEDROOM
ADDITION

GRADE

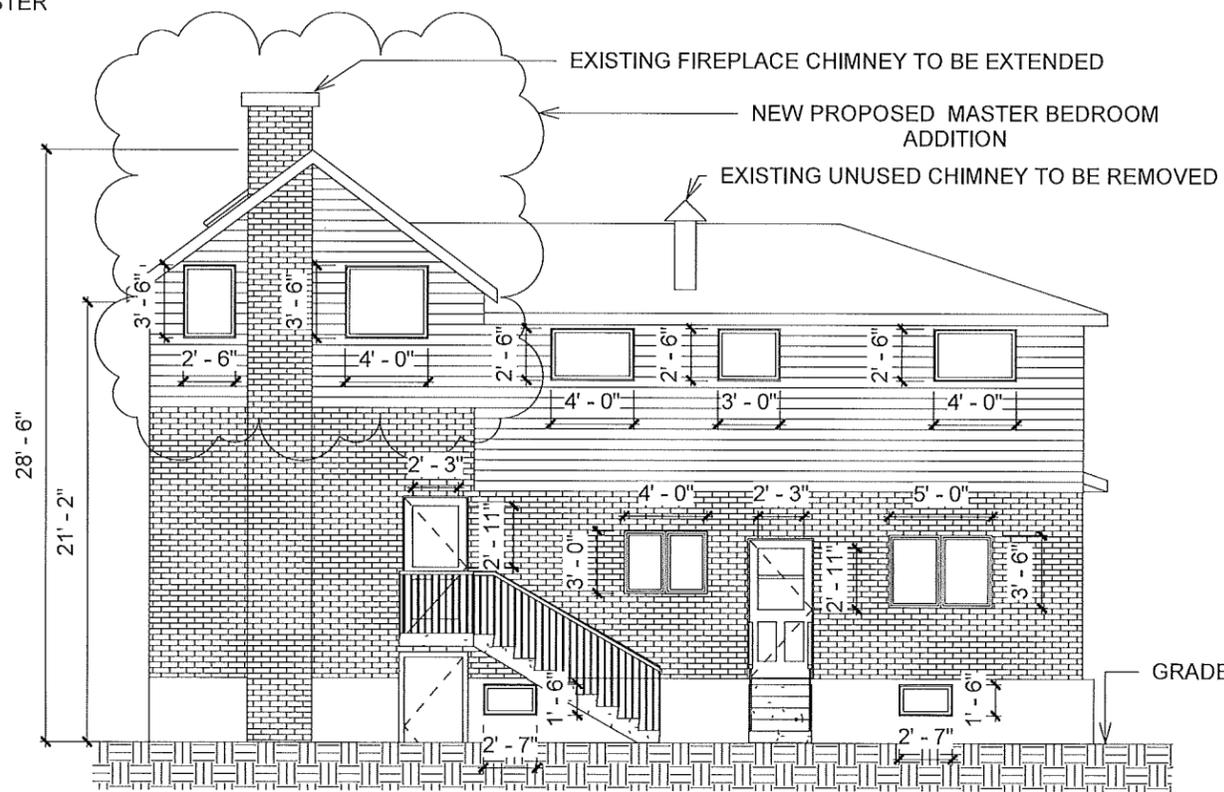


NEW PROPOSED MASTER
BEDROOM ADDITION

EXTENDED CHIMNEY

28'-6"

30'-5"

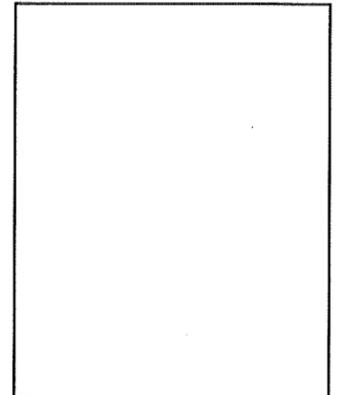


EXISTING FIREPLACE CHIMNEY TO BE EXTENDED

NEW PROPOSED MASTER BEDROOM
ADDITION

EXISTING UNUSED CHIMNEY TO BE REMOVED

GRADE



REV.	DESCRIPTION	DATE
1	Revision 1	Date 1

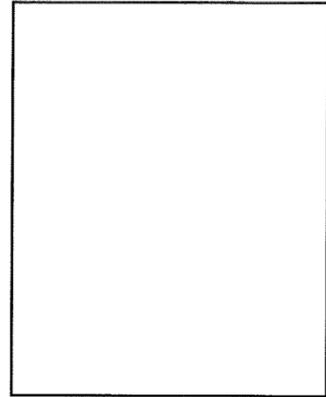
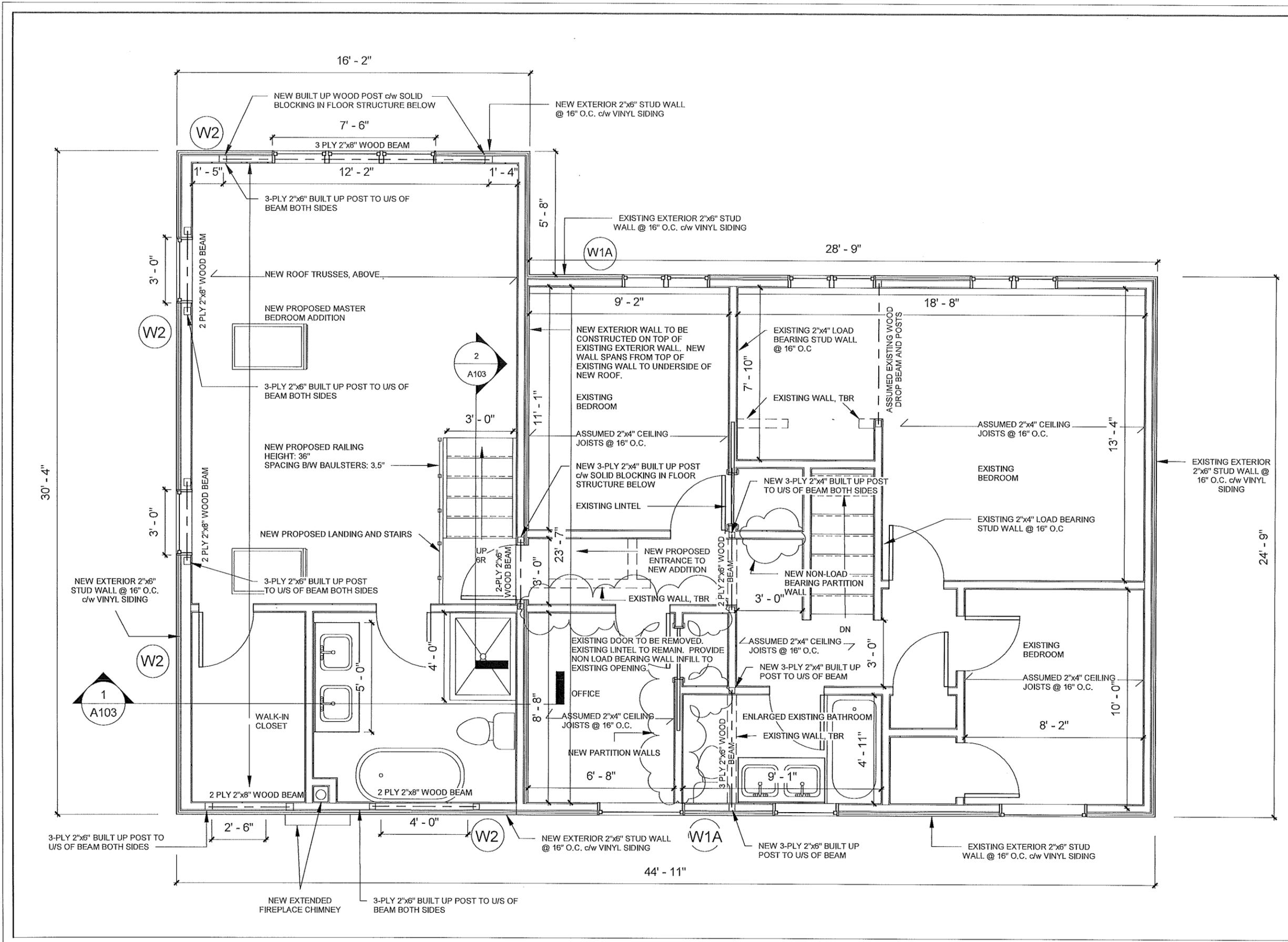


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THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY INVIZIJ ARCHITECTS INC.

PROJECT NAME:	PNOMARENKO - POSTMA ADDITION
PROJECT ADDRESS:	35 ELGAR AVENUE
PROJECT NO.:	
DRAWING TITLE:	ELEVATIONS
DRWN:	JV
DATE:	09-16-2022
SCALE:	1/8" = 1'-0"
DRAWING NO.:	A102

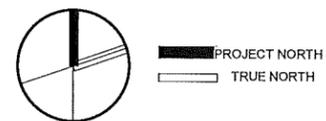


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HAMILTON, ON L8N 1V9
T: 905 525 9000 | invizij.ca



REV.	DESCRIPTION	DATE
1	Revision 1	Date 1

1	Revision 1	Date 1
REV.	DESCRIPTION	DATE

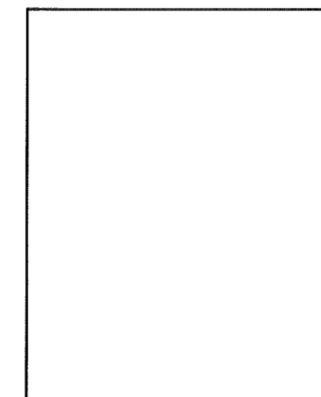


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PROJECT NAME:	PONOMARENKO - POSTMA ADDITION	
PROJECT ADDRESS:	35 ELGAR AVENUE	
PROJECT NO.:		
DRAWING TITLE:	NEW PROPOSED UPPER FLOOR PLAN	
DRWN:	JV	
DATE:	09-16-2022	
SCALE:	1/4" = 1'-0"	
DRAWING NO.:	A104	



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HAMILTON, ON L89 1V9
T: 905 525 9000 | invizij.ca

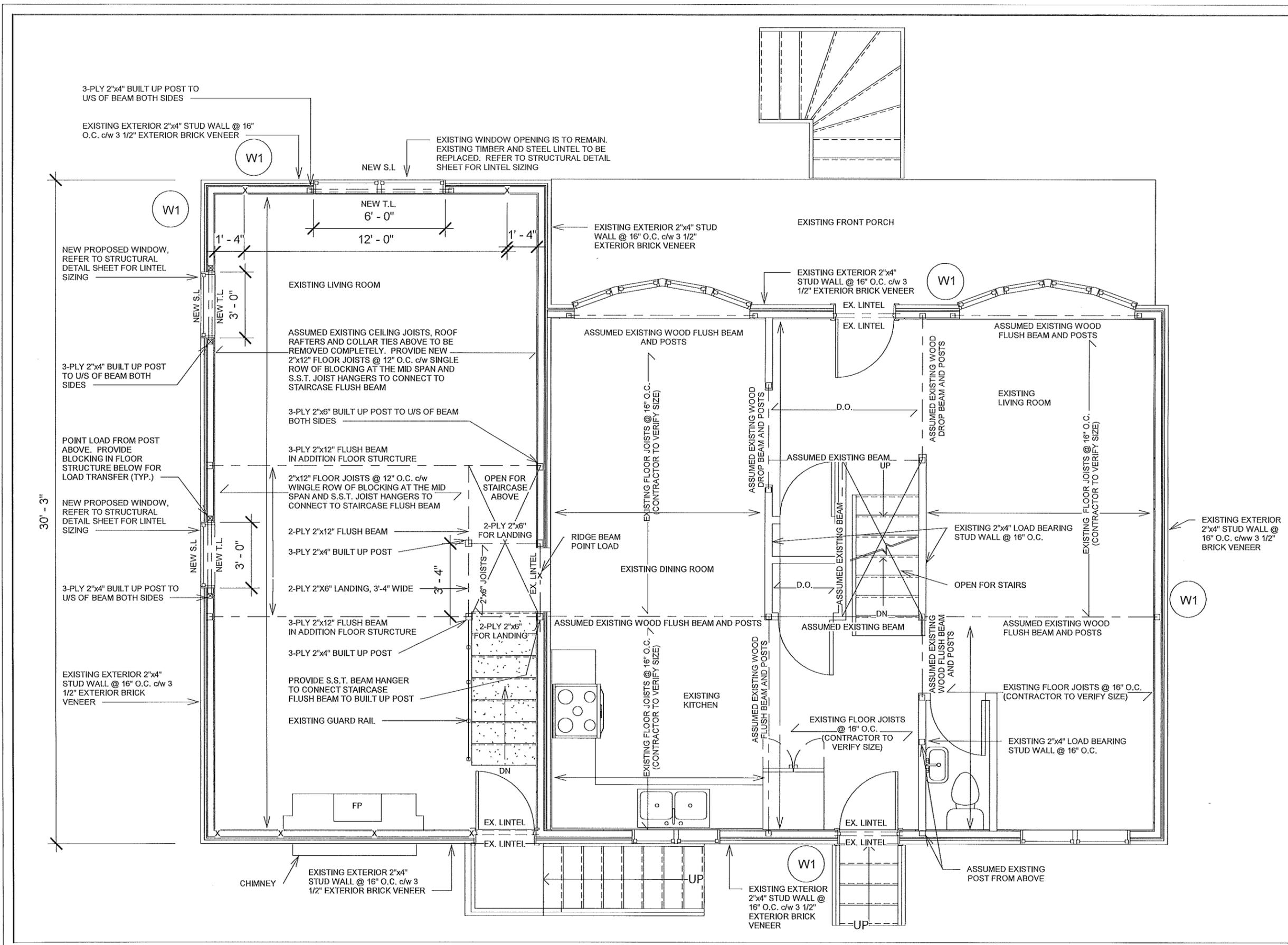


REV.	DESCRIPTION	DATE



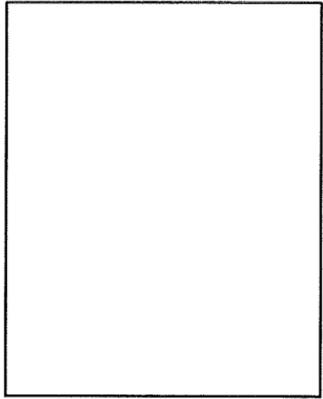
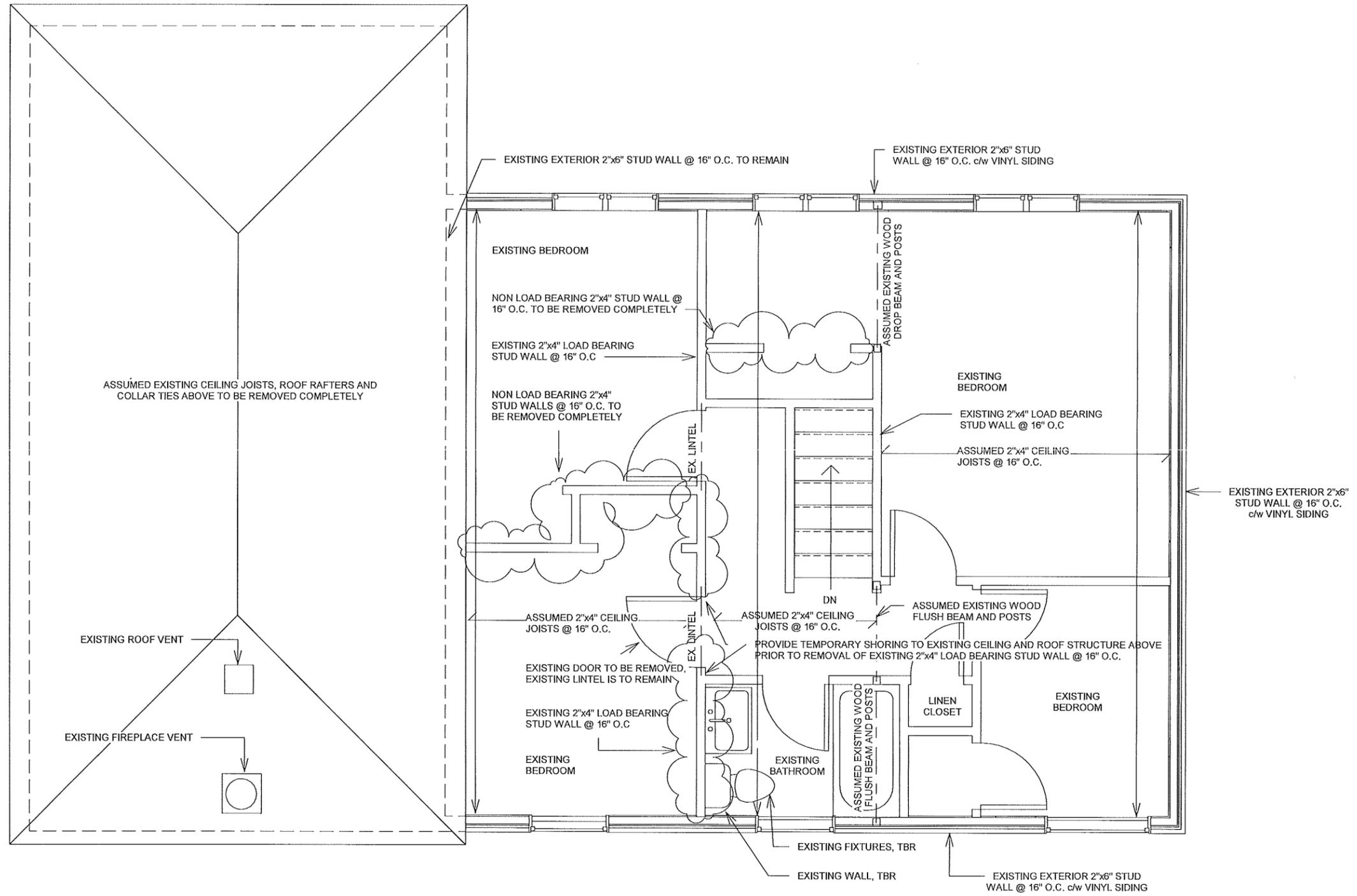
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THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY INVIZIJ ARCHITECTS INC.

PROJECT NAME:	PONOMARENKO - POSTMA ADDITION
PROJECT ADDRESS:	35 ELGAR AVENUE
PROJECT NO.:	
DRAWING TITLE:	EXISTING MAIN FLOOR PLAN
DRWN:	JV
DATE:	09-16-2022
SCALE:	1/4" = 1'-0"
DRAWING NO.:	A106

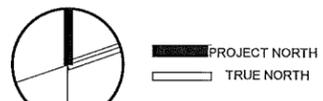




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HAMILTON, ON L8J 1V9
T: 905 525 9000 | invizij.ca



1	Revision 1	Date 1
REV.	DESCRIPTION	DATE

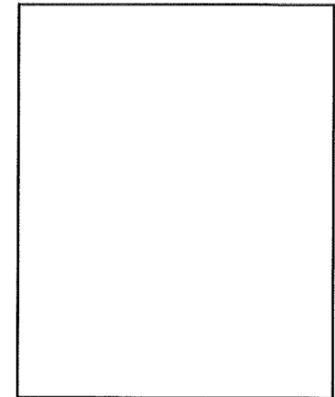
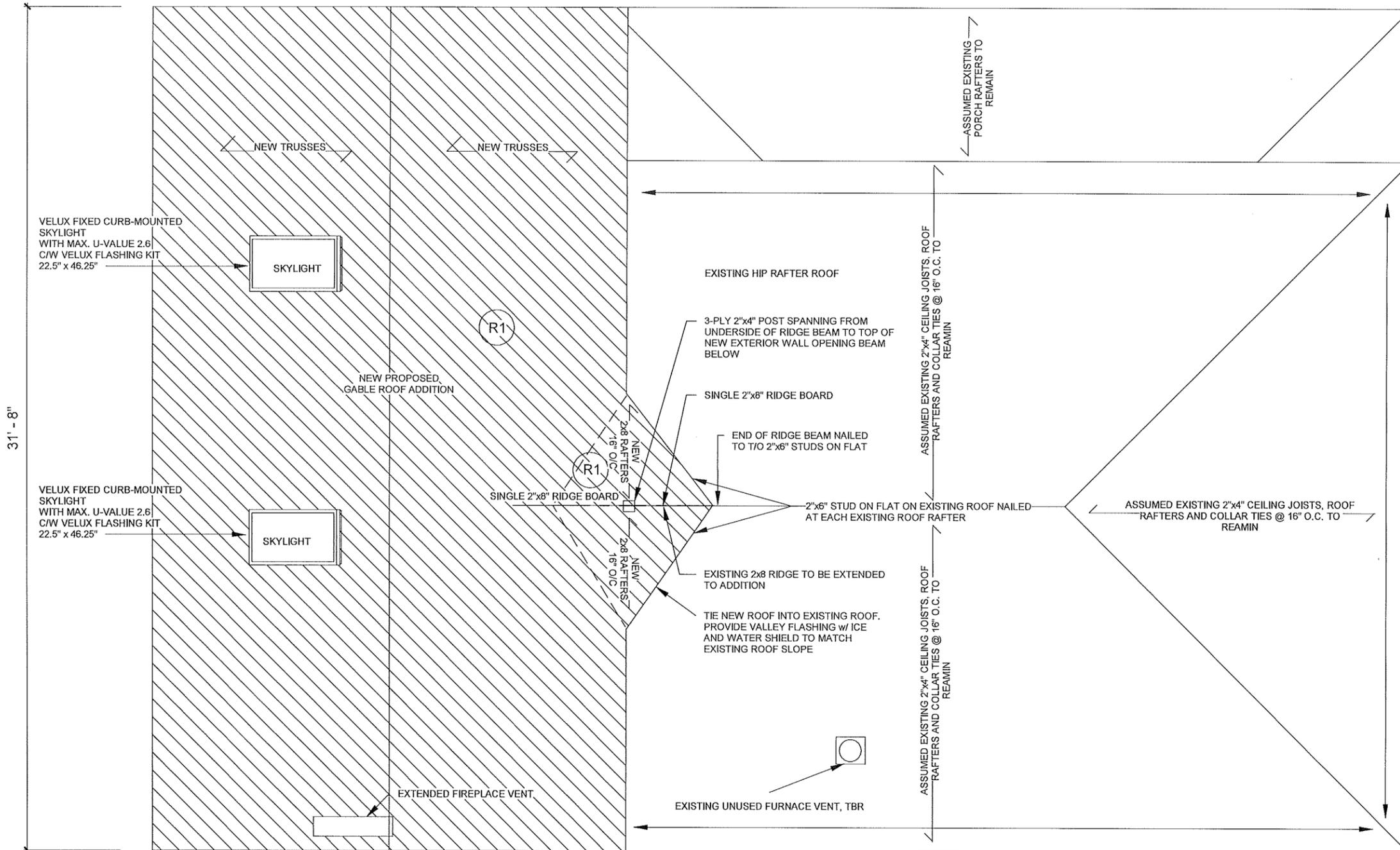


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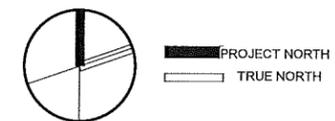
PROJECT NAME:	PONOMARENKO - POSTMA ADDITION
PROJECT ADDRESS:	35 ELGAR AVENUE
PROJECT NO.:	-
DRAWING TITLE:	EXISTING UPPER FLOOR PLAN
DRWN:	JV
DATE:	09-16-2022
SCALE:	1/4" = 1'-0"
DRAWING NO.:	A107



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REV.	DESCRIPTION	DATE



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THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY INVIZIJ ARCHITECTS INC.

PROJECT NAME:
PONOMARENKO - POSTMA ADDITION

PROJECT ADDRESS:
35 ELGAR AVENUE

PROJECT NO.:

DRAWING TITLE:
NEW ROOF PLAN

DRWN:
JV

DATE:
09-16-2022

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

DRAWING NO.:

A109

Additional Sheet 1 of 1

Additional Sheets – Application for a Minor Variance

Postma – 35 Elgar Ave

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

The height of the addition is 28'6", significantly lower than the max 36' allowed by the applicable bylaw. The addition is located *in part* under a sloping roof, pursuant to the bylaw. We were told upon application that building department policy ZON-021 defines this design as three storeys, not two-and-a-half storeys, because it is not *wholly* under a sloping roof.

The proposed addition adds one habitable room to the dwelling. We require three spaces for parking. One is in the garage. The driveway is 18' x 25'2", providing adequate space for parking 4 vehicles; we are requesting relief to park 2 on the driveway.

23. Additional Information

On March 14, 2022, Myroslava’s parents Mariia Miliukova and Hennadii Dubovyskyi escaped Kyiv, Ukraine by a southwestern route, on their third attempt. They travelled by car through Lviv and escaped into Poland at Rava Ruska, passing many horrors on the way including property destruction and dead bodies.

Myroslava travelled to Poland and Germany to meet them, and after a month of paperwork, Mariia and Hennadii arrived in Canada on Good Friday, April 15, 2022. Their previous dwelling in Ukraine has been heavily compromised, with damaged windows, no heat or hot water, and intermittent other utilities. It is not suitable for elderly residents. They intend to permanently settle with us in Canada. They have begun volunteering at the airport and at a Ukrainian church on St. Olga Street near Sherman Avenue, helping other new immigrants. Hennadii (nickname Genna) pursues landscaping maintenance work on the Hamilton mountain.

On February 27, 2022, Daniel’s parent Gary Postma passed away at 65. Daniel’s mother, Gayla Postma, no longer wishes to live alone in a remote area of eastern Ontario, and intends to settle permanently with us in Hamilton.

We—Myroslava and Daniel—are attempting to house our three remaining parents to the best of our abilities, within existing bylaws.

We have attempted to cohabit as 8 individuals in existing 4 bedrooms. In consideration of the strain of this effort, we wish to add one new bedroom to the house.

We submitted permit drawings designed by Invizij Architects (Hamilton City Hall, several Hamilton Public Library branches, many Indwell buildings) and stamped by structural engineers (Kalos Engineering). We were unaware of the building department’s internal policy ZON-021, which differs in language from the applicable bylaw: the internal policy defines as a second storey any room “wholly” under a sloping roof, whereas the bylaw defines as a second storey any room “wholly or *in part*” under a sloping roof.

We request relief in the service of density and of compassion.

Additional Sheet 1 of 1

Additional Sheets – Application for a Minor Variance

Postma – 35 Elgar Ave

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

The height of the addition is 28'6", significantly lower than the max 36' allowed by the applicable bylaw. The addition is located *in part* under a sloping roof, pursuant to the bylaw. We were told upon application that building department policy ZON-021 defines this design as three storeys, not two-and-a-half storeys, because it is not *wholly* under a sloping roof.

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We request relief in the service of density and of compassion.



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)	Daniel Postma Myroslava Postma	
Applicant(s)*	Daniel Postma Myroslava Postma	
Agent or Solicitor		Phone:
		E-mail:

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

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

Daniel Postma Myroslava Postma both at 35 Elgar Avenue Hamilton ON L9C 4E3
--

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:

Allow for "third storey" addition on part of existing house for a new master bedroom suite, instead of the permitted two-and-a-half storeys. Allow for two of the required three parking spaces to be located in the driveway, instead of the permitted one, *OR allowance for two parking spaces (instead of 3)*

Second Dwelling Unit Reconstruction of Existing Dwelling

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

See separate sheet.

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

35 Elgar Avenue, Hamilton
Lot 156 Plan M19 S/T LT 429, 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?

Historical property purchase and use records

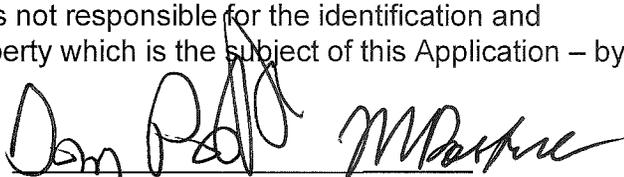
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

September 17, 2022
Date


Signature Property Owner(s)

Daniel Postma Myroslava Postm
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>55 feet</u>
Depth	<u>120 feet</u>
Area	<u>6600 ft squared</u>
Width of street	<u>28' 3" DP MP</u>

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

Existing: _

EXISTING GROUND FLOOR AREA: 1069 square feet
 EXISTING GROSS FLOOR AREA: 1,582 square feet
 EXISTING STORIES: 2
 EXISTING WIDTH 44'-11" LENGTH 30'-4" HEIGHT 24'-0"

Proposed

PROPOSED GROUND FLOOR AREA: 1069 square feet
 PROPOSED GROSS FLOOR AREA: 1,998 square feet
 PROPOSED STORIES: 2.5
 PROPOSED WIDTH 44'-11" LENGTH 30'-4" HEIGHT 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:

4'-5" from side lot line
 64'-5" from rear lot line

Proposed:

same - no change

- 13. Date of acquisition of subject lands:
November 2014

- 14. Date of construction of all buildings and structures on subject lands:
1969

- 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:
53 years

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

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

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

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

Yes No

If yes, please provide the file number:

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.:	AN/B 22:94	SUBJECT PROPERTY:	616 Mill St., Ancaster
-------------------------	-------------------	--------------------------	------------------------

APPLICANTS: Owner: Charles and Adrian Firth
Agent: Juliana Hribljan – Barich Grenkie Surveying Ltd

PURPOSE & EFFECT: To sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot and the retained lands will contain the existing dwelling which is intended to be retained.

	Frontage	Depth	Area
SEVERED LANDS:	19.08 m [±]	42.46 m [±]	803.27 m ^{2±}
RETAINED LANDS:	38.16 m [±]	42.42 m [±]	1,719.01 m ^{2±}

Associated Planning Act File(s): N/A

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

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

DATE:	Thursday, October 20, 2022
TIME:	2:10 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:

AN/B 22:94

- 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.



 **Subject Lands**

DATED: October 4, 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..

AN/B 22:94

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. 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.

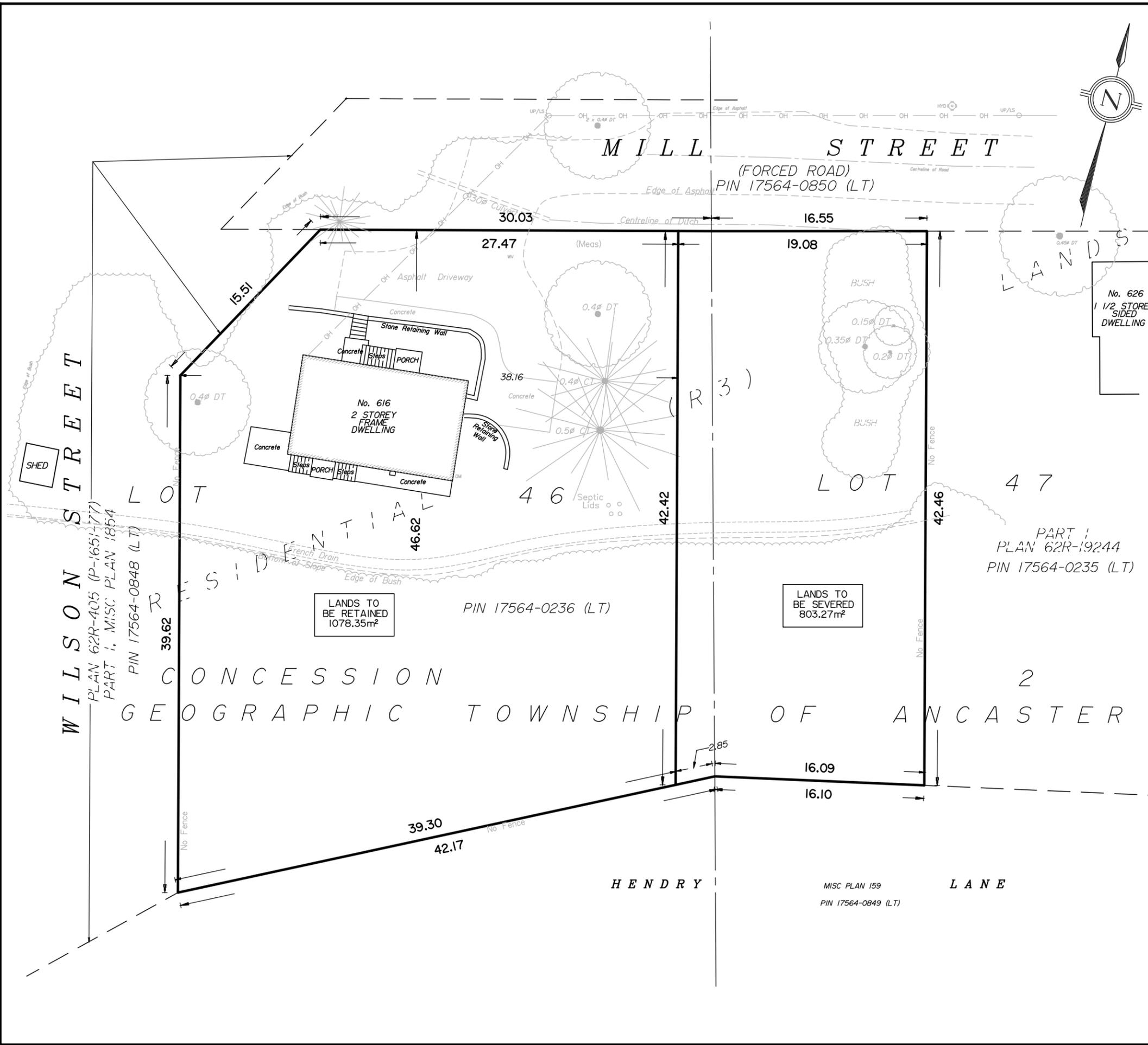
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



ADDRESS: 616 MILL STREET, ANCASTER

SKETCH FOR CONSENT TO SEVER APPLICATION
PART OF LOT 46 & 47
CONCESSION 2
 (GEOGRAPHIC TOWNSHIP OF ANCASTER)
 IN THE
CITY OF HAMILTON

SCALE & NOTES
 Scale 1:400

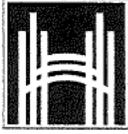
BARICH GRENKIE SURVEYING LTD.
 A DIVISION OF GEOMAPLE
 © COPYRIGHT 2022

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

NOTES
 1. THE SOURCE OF THE DIMENSIONS AND INFORMATION SHOWN ARE
 TAKEN FROM BARICH GRENKIE SURVEYING LTD., PLAN No.
 22-3036.

CAUTION
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED, EXCEPT
 FOR THE PURPOSE INDICATED IN THE TITLEBLOCK.

Barich Grenkie Surveying Ltd. 297 HWY No. 8 (UNIT 101) - STONEY CREEK, ON L8G 1E5 (905) 662-6767 A DIVISION OF GEOMAPLE	DWN BY: JMH
	CHK BY: DJ
	JOB No. 22-3036



Hamilton

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

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

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

Office Use Only

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

1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone: E-mail:
Registered Owners(s)	Charles & Adrian Firth		
Applicant(s)**	Julianna Hribljan Barich Grenkie Surveying Ltd.		
Agent or Solicitor	Julianna Hribljan Barich Grenkie Surveying Ltd.		

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

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot Part of 46 & 47	Concession 2	Former Township Ancaster
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 616 Mill Street			Assessment Roll N°. 14026000600

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

Yes No

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

3 PURPOSE OF THE APPLICATION

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

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

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

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

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

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

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

N/A

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

N/S

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

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

Frontage (m) 19.08m	Depth (m) 42.46m	Area (m ² or ha) 803.27m ²
------------------------	---------------------	---

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: N/A

Proposed: N/A

Existing structures to be removed: N/A

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

Frontage (m)	Depth (m)	Area (m ² or ha)
38.16m	42.42m	1,719.01m

Certificate Request for Retained Lands: Yes*

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

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: 2 Storey Framed Dwelling

Proposed: N/A

Existing structures to be removed: N/A

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity telephone school bussing garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): Residential

Urban Hamilton Official Plan designation (if applicable): _____

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

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

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 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?

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

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
 Yes No
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No
- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
 (Provide Explanation)
- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No
 If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)
- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

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

8 HISTORY OF THE SUBJECT LAND

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

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

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

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?

October 2021

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

9 OTHER APPLICATIONS

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

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

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

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

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

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

Settlement Area

Designation

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

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

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

10.3 Description of Lands

a) Lands to be Severed:

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

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

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

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

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

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

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

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

Existing Land Use: _____ Proposed Land Use: _____

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

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

Front yard set back: _____

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

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

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

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

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

Front yard set back: _____

d) Surplus farm dwelling date of construction:

Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

Habitable Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

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

12 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.

 Sep 7/22
 Date

 [Signature]
 Signature of Owner

13 AFFIDAVIT OR SWORN DECLARATION

13.1 Declaration For the Prescribed Information

We, Adrian + Charles Firth of the city
of Hamilton make oath and

say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

Sworn (or declared) before me at the

City of Hamilton this

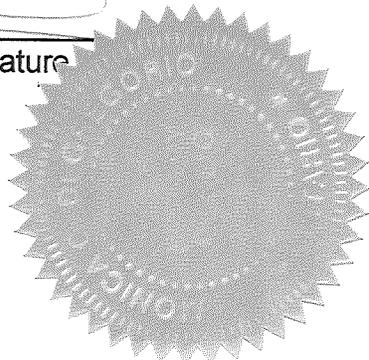
7th day of September, 2022)

[Signature])

A Commissioner, etc.
Monica Di Gregorio

[Signature]

Applicant's Signature



14 AUTHORIZATIONS

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

Authorization of Owner for Agent to Provide Personal Information

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

Sep 7/22
Date

[Signature]
Signature of Owner

15 CONSENT OF THE OWNER

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

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

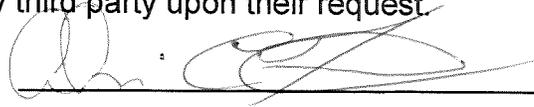
Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

^{We} I, Adrian + Charles Firth, the owners,
 (Print name) (purchaser, owner, etc.)

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

Sept 7/22

 Date



 Signature

16 COLLECTION OF INFORMATION

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

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

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

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

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

BETWEEN:

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

-and-

City of Hamilton

hereinafter referred to as the "City"

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

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

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

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

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

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

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

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

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

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

WITNESS

Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

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

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

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

BETWEEN

(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

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

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

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

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

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

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

SIGNED, SEALED AND DELIVERED

Owner:
Title:
I have authority to bind the corporation

Assignee:
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk



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

DATA SHEET – MDS I - (REPLACES AGRICULTURAL CODE OF PRACTICE)

This is to be completed and attached to the application when applying for a new non-farm use within 1000 metres (3,281 feet) of an existing livestock facility. Complete one sheet for each set of farm buildings.

Reference _____ No. _____ Date _____ By _____

Township _____ Lot _____ Concession _____

Closest distance from the livestock facility to the new use. _____ metres

Closest distance from the manure storage to the new use. _____ metres

Tillable Hectares where livestock facility located _____

Type of Livestock	Existing Housing Capacity #	Manure System (Check one box)			
		Covered Tank	Open Solid Storage	Open Liquid Tank	Earthen Manure Storage
DAIRY					
BEEF					
SWINE					
POULTRY					
HORSES					
SHEEP					
MINK – Adults					
WHITE VEAL CALVES					
GOATS					
OTHER					

The above information was supplied by:

Signature: _____ Date: _____

Note: Identify particular animal type for each livestock type under DESCRIPTION from Factor Tables, Table 1 attached as Appendix "A"

Appendix “A” (MDS Factor Tables)
(Page 1 of 2)

**Table 1 Factor A (Outdoor Potential) and
Factor D (Manure or Material Form in Storage Facility)**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter
Swine	Sows with litter, dry sows/boars Segregated Early Weaning (SEW)	3.33	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys
	Sows with litter, dry sows or boars (non-SEW)	3.5			
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7 kg - 27 kg)	20	1.1		
	Feeders (27 kg - 105 kg)	6	1.2		
Dairy Cattle ¹	Milking-age cows (dry or milking)	0.7	0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access
	- Large-framed 545 kg - 636 kg (e.g. Holsteins)				
	- Medium-framed 455 kg - 545 kg (e.g. Guernseys)	0.85			
	- Small-framed 364 kg - 455 kg (e.g. Jerseys)	1			
	Heifers (5 months to freshening)	2			
	- Large-framed 182 kg - 545 kg (e.g. Holsteins)				
	- Medium-framed 148 kg - 455 kg (e.g. Guernseys)	2.4			
	- Small-framed 125 kg - 364 kg (e.g. Jerseys)	2.9			
	Calves (0 - 5 months)	6			Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added
- Large-framed 45 kg - 182 kg (e.g. Holsteins)					
- Medium-framed 39 kg - 148 kg (e.g. Guernseys)	7				
- Small-framed 30 kg - 125 kg (e.g. Jerseys)	8.5				
Beef Cattle	Cows, including calves to weaning (all breeds)	1	0.7	N/A	Bedded pack barns with or without outside yard access
	Feeders (7 - 16 months)	3	0.8	Slatted floor systems, or barns with minimal bedding and yard scraped to a liquid storage	
	Backgrounders (7 - 12.5 months)	3	0.8		
	Shortkeepers (12.5 - 17.5 months)	2	0.8		
Veal	Milk-fed	6	1.1		Slatted floors or slatted stall system
	Grain-fed	6	0.8		
Goats	Does and bucks (for meat kids; includes unweaned offspring and replacements)	8	0.7	N/A	Heavily bedded pack barns
	Does and bucks (for dairy; includes unweaned offspring and replacements)	8			
	Kids (dairy or feeder kids)	20			
Sheep	Ewes and rams (for meat lambs; includes unweaned offspring and replacements)	8	0.7	N/A	All sheep systems
	Ewes and rams (dairy operation; includes unweaned offspring and replacements)	6			
	Lambs (dairy or feeder lambs)	20			
Horses	Large-framed, mature; > 681 kg (including unweaned offspring)	0.7	0.7	N/A	All horse systems
	Medium-framed, mature; 227 kg - 680 kg (including unweaned offspring)	1			
	Small-framed, mature; < 227 kg (including unweaned offspring)	2			
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts and drying, or floor systems
	Layer pullets (day olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/females transferred out to layer barn)	300	0.7	N/A	Bedded floors
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7	N/A	
	Broilers on an 8 week cycle	350	0.7	N/A	Bedded floors systems
	Broilers on a 9 week cycle	300			
	Broilers on a 10 week cycle	250			
	Broilers on a 12 week cycle	200			
Broilers on any other cycle, or if unknown, use 24.8 m ² /NU	24.8 m ²				
Turkeys	Turkey pullets (day old until transferred to layer turkey barn)	267	0.7	N/A	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day olds to 6.2 kg)	133			
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105			
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown, use 24.8 m ² /NU	24.8 m ²			
Quail	Use 24.8 m ² /NU	24.8 m ²	0.7	N/A	Bedded floor systems
Partridge	Use 24.8 m ² /NU	24.8 m ²			
Pheasants	Use 24.8 m ² /NU	24.8 m ²			
Squab	Use 24.8 m ² /NU	24.8 m ²			
Rheas	Adults (includes replacements and market birds)	13			
Emus	Adults (includes replacements and market birds)	12			
Ostriches	Adults (includes replacements and market birds)	4			
Ducks	Peking	105			
	Muscovy, use 24.8 m ² /NU	24.8 m ²			
Geese	Use 24.8 m ² /NU	24.8 m ²			
Rabbits	Breeding females (including males, replacements & market animals)	40	0.8	N/A	Cage or floor systems
Chinchillas	Breeding females (including males, replacements & market animals)	320			
Fox	Breeding females (including males, replacements & market animals)	25			
Mink	Breeding females (including males, replacements & market animals)	90			

Appendix "A" (MDS Factor Tables)
(Page 2 of 2)

**Table 1 Factor A (Outdoor Potential) and
Factor D (Manure or Material Form in Storage Facility)...cont'd**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage				
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter			
Bison	Adults (includes unweaned calves and replacements)	1.3	0.7	N/A	Bedded pack barns with outside access or outside confinement areas			
	Feeders (170 kg - 477 kg)	4						
Llama	Adults (includes unweaned young and replacements)	5						
	Feeders (45 kg - 86 kg)	16						
Alpaca	Adults (includes unweaned young and replacements)	8						
	Feeders (23 kg - 48 kg)	26						
Wild Boar	Breeding age sows (includes boars, replacements and weaned piglets to 27 kg)	5						
	Finishing boars (27 - 86 kg)	7						
Deer	White tailed deer - Adults > 24 mo (including unweaned offspring)	11				0.7	N/A	Bedded pack barns with outside access or outside confinement areas.
	- Feeders	21						
	Red Deer - Adults > 24 MO (including unweaned offspring)	7						
	- Feeders	14						
	Elk - Adults > 24 MO (including unweaned offspring)	2						
	- Feeders	6						
	Elk/deer hybrids - Adults > 24 MO (including unweaned offspring)	4						
	- Feeders	10						
Fallow deer	- Adults > 24 MO (including unweaned offspring)	13						
	- Feeders	23						
Other livestock not listed in this table	To determine the number per NU, add up the total maximum live weight of animals and divide by the weight of animals per NU in the next column.	453.6 kg (1000lbs)	0.8	All storages with liquid manure.	All storages with solid manure.			
Manure imported to a lot not generating manure ²	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m ³ (700 ft ³)	1.2	All storages with liquid manure.	All storages with solid manure.			
Storages for digestate from an Anaerobic Digester (odours reduced during this process)	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m ³ (700 ft ³)	0.5	All storages with liquid manure.	All storages with solid manure.			

1. On farms with 100 milk-age cows (dry and milking), there are usually about 20 replacement calves and 80 replacement heifers.



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-22:294	SUBJECT PROPERTY:	735 Beach Blvd, Hamilton
ZONE:	"C" (Urban Protected Residential and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 99-169

APPLICANTS: AMANDA/KEVIN WHITE
 JULIANNA HRIBLJAN

The following variances are requested:

1. A rear yard setback of 3.14 metres to the principle dwelling shall be provided instead of the required rear yard setback of 7.5 metres.
2. A rear yard setback of 0.09 metres to the deck shall be provided instead of the required 4.5 metres.
3. A side yard setback of 1.43 metres shall be provided instead of the required side yard setback of 1.7 metres.

PURPOSE & EFFECT: To permit the construction of a ½ storey addition on the existing Single-Family Dwelling notwithstanding that:

Notes:

- i. Insufficient information has been provided on the submitted site plan to determine the setback of the proposed deck in the rear yard to the rear lot line. Calculations using the submitted elevations have determined a setback from the rear lot line to the edge of the deck to be 0.09 metres where a setback of 4.5 metres is permitted as per Zoning By-Law amendment 99-169 Section 2 a). As such, a variance has been provided to address this. Be advised, should the deck be setback more than 0.09 metres to the rear lot line, additional variances may be required.
- ii. Should the variance be approved to permit a reduced side and rear yard, the eaves/ gutter as proposed shall comply with Section 18(3)(vi)(b) of Hamilton Zoning By-Law 6593.

HM/A-22:294

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 20, 2022
TIME:	2:25 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-22:294



DATED: October 4, 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

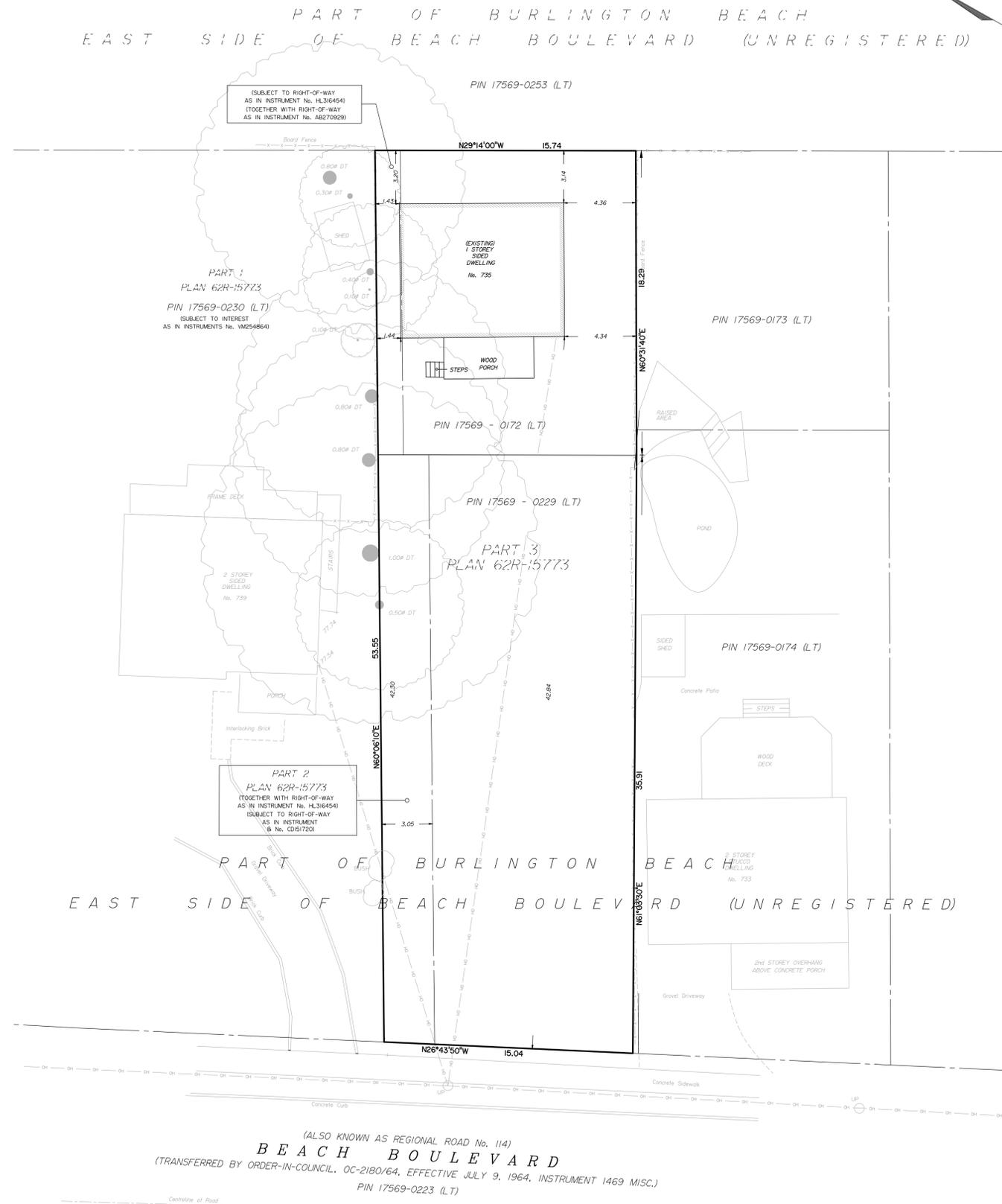
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

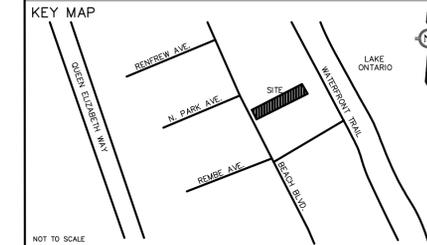
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

MUNICIPAL ADDRESS		
735 BEACH BLVD. HAMILTON		
LEGAL DESCRIPTION		
PART OF BURLINGTON BEACH, EAST SIDE OF BEACH BOULEVARD (UNREGISTERED) CITY OF HAMILTON		
ZONING		
C/S-1435		
SITE STATISTICS	BYLAW	PROPOSED
LOT AREA	N/A	831.41 m ² (EX)
FRONT YARD SETBACK	6.0 m	42.30 m
REAR YARD SETBACK	4.5 m	3.14 m*
SIDE YARD SETBACK (NORTH)	1.7 m	1.43 m*
SIDE YARD SETBACK (SOUTH)	1.7 m	4.34 m
HEIGHT(PEAK OF ROOF)	11.0 m	6.27 m
LOT FRONTAGE	12.0 m	15.04 m (EX)
LOT COVERAGE	N/A	9.60%

* REQUIRES A MINOR VARIANCE WITH THE CITY OF HAMILTON



(ALSO KNOWN AS REGIONAL ROAD No. 114)
BEACH BOULEVARD
(TRANSFERRED BY ORDER-IN-COUNCIL, 0C-2180/64, EFFECTIVE JULY 9, 1964, INSTRUMENT 1469 MISC.)
PIN 17569-0223 (LT)



ADDRESS: 735 BEACH BLVD., HAMILTON

SITE PLAN FOR MINOR VARIANCE OF
PART OF BURLINGTON BEACH EAST SIDE OF BEACH BOULEVARD (UNREGISTERED)
GEOGRAPHIC TOWNSHIP OF SALT FLEET
IN THE CITY OF HAMILTON

BARICH GRENKIE SURVEYING LTD.
A DIVISION OF GEOMAPLE
© COPYRIGHT 2022

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

LEGEND	
DT	DENOTES DECIDUOUS TREE
DT	DENOTES SUBJECT LANDS BOUNDARY
---	DENOTES DEED LINE
---	DENOTES LOT LINE
-x-x-	DENOTES FENCE LINE
N-E-S-W	DENOTES NORTH-EAST-SOUTH-WEST
■	DENOTES DOWN SPOUT WITH SPLASH PAD

ELEVATION NOTE
ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928:1978) AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK No. 0011965U130 HAVING AN ELEVATION OF 76.487 m.

0	02/17/2022	JMH	ISSUED FOR REVIEW
NO.	DATE	BY	REVISIONS
DESIGN	JMH	CHK'D	GRCH DATE
DRAWN	JMH	CHK'D	GRCH FEBRUARY 17, 2022

Scale 1:250

APPROVALS

STAMP

Barich Grenkie Surveying Ltd.
297 HWY No. 8 (UNIT 101) - STONEY CREEK, ON
905.662.6757
A DIVISION OF GEOMAPLE

DWN BY: JMH
CHK BY: GRCH
JOB No. 21-2819

CLIENT
KEVIN AND AMANDA WHITE

PROJECT NAME
**PROPOSED GARAGE
735 BEACH BOULEVARD, HAMILTON**

TITLE
SITE PLAN

PROJECT No. 21-2819 DRAWING No. 21-2819 SGP

Item	Ontario Building Code Data Matrix Parts 3 & 9				OBC Reference						
					References are to Division B unless noted (A) for Division A or (C) for Division C.						
1	Project description: <input type="checkbox"/> New <input type="checkbox"/> Part 11 <input type="checkbox"/> Part 3 <input checked="" type="checkbox"/> Part 9 PROPOSED RENOVATION <input checked="" type="checkbox"/> Addition 11.1 to 11.4 1.1.2.(A) 1.1.2.(A), 9.10.1.3 <input type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Alteration 1.1.2.7. (A) 1.1.2.7. (A)										
2	Major Occupancy(s) GROUP C				3.1.2.1.(1)	9.10.2					
3	Building Area (m ²) Existing: 74.94m ² New: 45.44m ² Total: 120.38m ²				1.4.1.2.(A)	1.4.1.2.(A)					
4	Gross Area Floor Area: 120.83m ²				1.4.1.2.(A)	1.4.1.2.(A)					
5	Number of Storeys Above Grade: 1.5 Below Grade: 1				3.2.1.1 &	9.10.4. &					
6	Number of Streets/Fire Fighter Access: 1 street				3.2.2.10 & 3.2.5.	9.10.20					
7	Building Classification C - Residential occupancies				3.2.2.20-83	9.10.2					
8	Sprinkler System Proposed <input type="checkbox"/> entire building <input type="checkbox"/> selected compartments <input type="checkbox"/> selected floor areas <input type="checkbox"/> basement <input type="checkbox"/> in lieu of roof rating <input checked="" type="checkbox"/> not required				3.2.2.20-83 3.2.1.5 3.2.1.17 INDEX	9.10.8.2. INDEX					
9	Standpipe Required <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No				3.2.9	N/A					
10	Fire Alarm Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes No				3.2.4	9.10.18.					
11	Water Service/Supply is Adequate <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				3.2.5.7	N/A					
12	High Building <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No				3.2.6.	N/A					
13	Permitted Construction <input type="checkbox"/> Combustible <input type="checkbox"/> Non-combustible <input checked="" type="checkbox"/> Both Actual Construction <input type="checkbox"/> Combustible <input type="checkbox"/> Non-combustible <input checked="" type="checkbox"/> Both				3.2.2.20-83	9.10.6.					
14	Mezzanine(s) Area m ² N/A				3.2.1.1.(3)-(8)	9.10.4.1.					
15	Occupant load based on <input type="checkbox"/> m ² /person <input checked="" type="checkbox"/> design of building <input type="checkbox"/> As Noted Occupancy <u>C</u> Load <u>6</u> persons				3.1.17	9.9.1.3.					
16	Barrier-free Design <input type="checkbox"/> Yes <input type="checkbox"/> No(Explain) <input checked="" type="checkbox"/> N/A				3.8	9.5.2					
17	Hazardous Substances <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				3.3.1.2. & 3.3.1.19	9.10.1.3(4)					
18	Required Fire Resistance Rating (FRR)	Horizontal Assemblies FFR		Listed Design No. of Description (SG-2)	3.2.2.20-83 & 3.2.1.4	9.10.8 9.10.9					
		Floors	N/A				N/A				
		Roof	N/A				N/A				
		Mezzanine	N/A				N/A				
		FFR of Supporting Members					Listed Design No. of Description (SG-2)				
		Floors	N/A					N/A			
		Roof	N/A					N/A			
Mezzanine	N/A	N/A									
19	Spatial Separation - Construction of Exterior Walls				3.2.3	9.10.14					
	Wall	Area of EBF (m ²)	L.D. (m)	L/H or H/L	Permitted Max. % of Openings	Proposed % of Openings	FFR (Hours)	Listed Design or	Comb. Const.	Comb. Const. Nonc. Cladding	Non-comb. Const.
	FRONT	35.1	37.7	N/A	100%	10%	N/A	N/A	YES	-	-
	REAR	56.4	4.55	N/A	28%	26.1%	N/A	N/A	YES	-	-
	LEFT	42.32	1.5	N/A	7%	0%	N/A	N/A	YES	-	-
	RIGHT	42.32	4.2	N/A	32%	19.6%	N/A	N/A	YES	-	-

ZONING REQUIREMENTS			
	REQ'D/PERMITTED UNDER ZONING BY-LAW	EXISTING	PROPOSED
ZONING DESIGNATION	RESIDENTIAL	DISTRICT "C"	N/A
MIN. SIDE YARD SETBACK	0.45 M (1.48 FT)	1.5M (4.92 FT)	1.5M (4.92 FT)
MIN. REAR YARD SETBACK	0.45 M (1.48 FT)	4.55M (14.9 FT)	1.96M (6.43 FT)
MAX BUILDING HEIGHT	11 M(36.09 FT)	6.3M (20.58 FT)	6.3M (20.58 FT)
MAX. REAR YARD AND SIDE YARD COMBINED COVERAGE	MAX 30% COVERAGE = (830.94m ² *0.3) = 249.28m ²	91.94m ² (989.63 SQ. FT)	113.31m ² (1219.7 SQ. FT)

GLAZING CALCULATIONS

EXISTING BUILDING FACE:	145.26m ²
EXISTING GLAZING:	16.6m ²
% EX. GLAZING COVERAGE:	11.4%
PROPOSED BUILDING FACE:	176.14m ²
PROPOSED GLAZING:	20.63m ²
% PROPOSED GLAZING COVERAGE:	11.7%

PLOT DATE: 2021/06/09 6:21 PM

No.	DATE	REVISION
1	21/06/09	ISSUED FOR PERMIT

REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

INTERIOR/EXTERIOR HOME RENOVATION

735 BEACH BOULEVARD
HAMILTON ONTARIO

GENERAL NOTES

DATE JUNE 2021	DRAWN BY JD	DRAWING No. S0.02
PROJECT No. 21127	CHECKED BY J.P.C.	



WINDOW SCHEDULE:

- W1 - EX. 55"x50" WINDOW REMOVED REPLACED W/ 45"x30" WINDOW NEW 2-2"x8" HEADER TO SUIT OPENING
- W2 - EX. 43"x30" WINDOW TO BE INFILLED EX. HEADER TO BE REMOVED
- W3 - EX. 55"x30" WINDOW REMOVED REPLACED W/ 45"x30" WINDOW NEW 2-2"x8" HEADER TO SUIT OPENING
- W4 - EX. 43"x20" WINDOW TO REMAIN EX. HEADER ADEQUATE TO REMAIN
- W5 - EX. 35"x27" WINDOW REMOVED REPLACED W/ NEW 35"x27" WINDOW NEW 2-2"x8" HEADER
- W6 - NEW 43"x48" WINDOW NEW 2-2"x8" HEADER
- W7 - NEW 33"x22" WINDOW NEW 2-2"x8" HEADER
- W8 - EX. 53"x95" WINDOW REMOVED EX. HEADER TO BE REMOVED
- W9 - EX. 16"x16" WINDOW TO BE INFILLED EX. HEADER TO BE REMOVED
- W10 - EX. 63"x146" WINDOW REMOVED REPLACED W/ 48"x72" WINDOW NEW 2-2"x8" HEADER TO SUIT OPENING

NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28

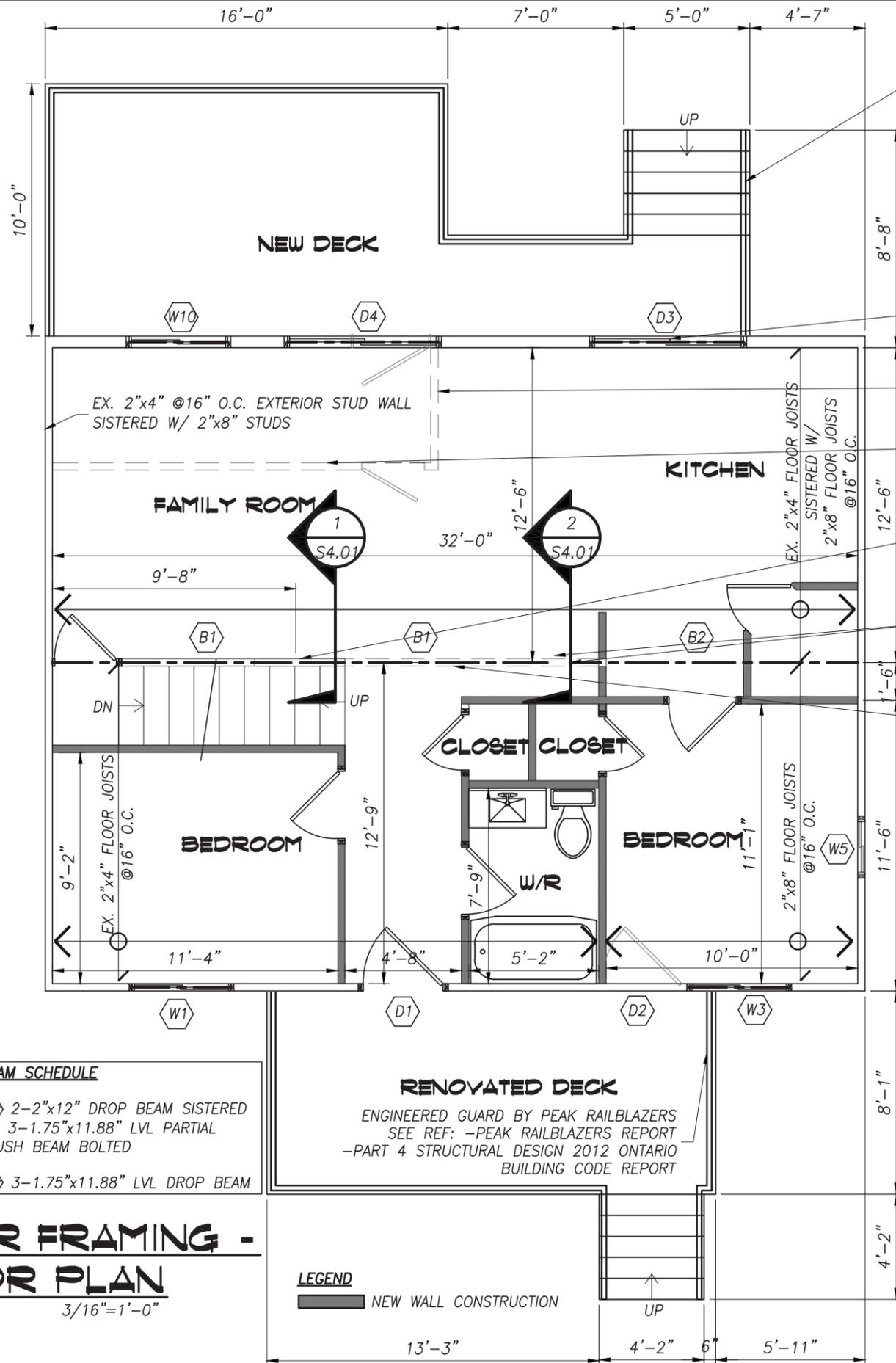
DOOR SCHEDULE:

- D1 - NEW 48"x84" DOOR NEW 2-2"x8" HEADER
- D2 - EX. 36"x84" DOOR TO BE INFILLED EX. LINTEL TO BE REMOVED
- D3 - NEW 70"x80" SLIDING DOOR NEW 2-2"x8" HEADER
- D4 - EX. 36"x84" DOOR REMOVED REPLACED W/ NEW 70"x80" SLIDING DOOR NEW 2-2"x8" HEADER TO SUIT NEW OPENING
- D5 - NEW 60"x60" SLIDING DOOR NEW 2-2"x8" HEADER

NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28

BEAM SCHEDULE

- B1 2-2"x12" DROP BEAM SISTERED W/ 3-1.75"x11.88" LVL PARTIAL FLUSH BEAM BOLTED
- B2 3-1.75"x11.88" LVL DROP BEAM



ENGINEERED GUARD BY PEAK RAILBLAZERS
SEE REF: -PEAK RAILBLAZERS REPORT
-PART 4 STRUCTURAL DESIGN 2012
BUILDING CODE REPORT

EX. WINDOW TO BE REMOVED
NEW 70"x80" SLIDING DOOR C/W
2-2"x8" HEADER TO SUIT OPENING

EX. NON LOAD BEARING WALL
TO BE REMOVED

EX. LOAD BEARING WALL
TO BE REMOVED

3-2"x4" BUILT UP POST
PROVIDE SOLID BLOCKING BELOW

5-2"x4" BUILT UP POST
PROVIDE SOLID BLOCKING TO BEAM BELOW

EX. LOAD BEARING WALL
TO BE REMOVED

DESIGN LOADING:

MAIN FLOOR:
DEAD LOAD = 15 psf
LIVE LOAD = 40 psf

SECOND FLOOR:
DEAD LOAD = 15 psf
LIVE LOAD = 40 psf

ROOF LOAD (HAMILTON BELOW
ESCARPMENT EAST OF HWY 403)

Ss = 27.2 psf
Sr = 8.4 psf



NOTE: GUARD DESIGN TO MEET OR EXCEED 4.1.5.14(C) OF THE O.B.C.

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(C) 0.75KN/M OR A CONCENTRATED LOAD OF 1.0KN APPLIED AT ANY POINT, WHICHEVER GOVERNS FOR LOCATIONS OTHER THAN THOSE DESCRIBED IN CLAUSES (A) AND (B).

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300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

INTERIOR/EXTERIOR HOME RENOVATION

735 BEACH BOULEVARD

HAMILTON ONTARIO

SECOND FLOOR FRAMING - MAIN FLOOR PLAN

DATE JUNE 2021	DRAWN BY JD	DRAWING No. S1.02
PROJECT No. 21127	CHECKED BY J.P.C.	

SECOND FLOOR FRAMING - MAIN FLOOR PLAN

SCALE: 3/16"=1'-0"

LEGEND
NEW WALL CONSTRUCTION

WINDOW SCHEDULE:

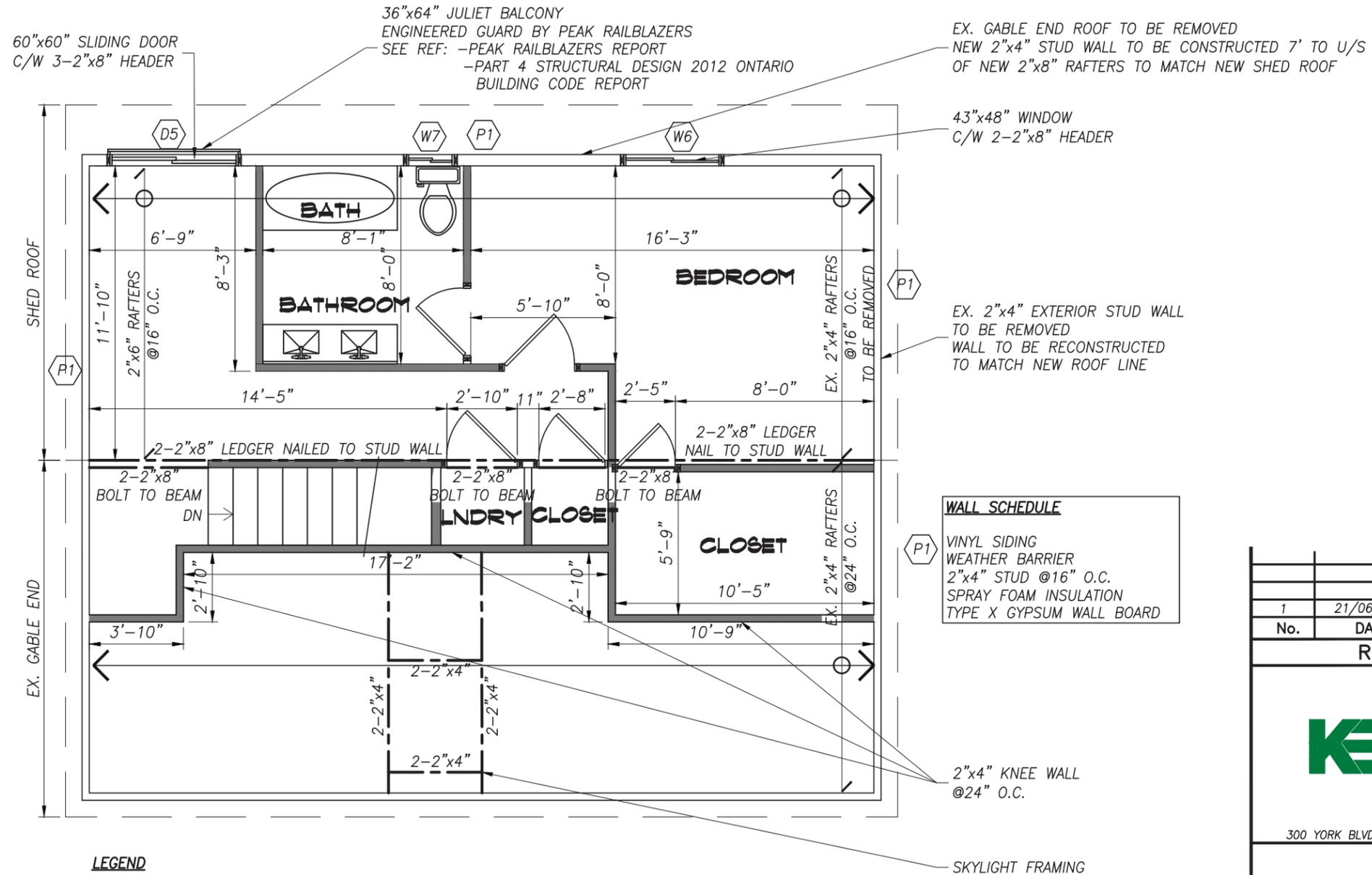
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REPLACED W/ 45"x30" WINDOW
NEW 2-2"x8" HEADER TO SUIT OPENING
- W2 - EX. 43"x30" WINDOW TO BE INFILLED
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- W3 - EX. 55"x30" WINDOW REMOVED
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- W4 - EX. 43"x20" WINDOW TO REMAIN
EX. HEADER ADEQUATE TO REMAIN
- W5 - EX. 35"x27" WINDOW REMOVED
REPLACED W/ NEW 35"x27" WINDOW
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- W6 - NEW 43"x48" WINDOW
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- W8 - EX. 53"x95" WINDOW REMOVED
EX. HEADER TO BE REMOVED
- W9 - EX. 16"x16" WINDOW TO BE INFILLED
EX. HEADER TO BE REMOVED
- W10 - EX. 63"x146" WINDOW REMOVED
REPLACED W/ 48"x72" WINDOW
NEW 2-2"x8" HEADER TO SUIT OPENING

NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28

DOOR SCHEDULE:

- D1 - NEW 48"x84" DOOR
NEW 2-2"x8" HEADER
- D2 - EX. 36"x84" DOOR TO BE INFILLED
EX. LINTEL TO BE REMOVED
- D3 - NEW 70"x80" SLIDING DOOR
NEW 2-2"x8" HEADER
- D4 - EX. 36"x84" DOOR REMOVED
REPLACED W/ NEW 70"x80" SLIDING DOOR
NEW 2-2"x8" HEADER TO SUIT NEW OPENING
- D5 - NEW 60"x60" SLIDING DOOR
NEW 2-2"x8" HEADER

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LEGEND
 NEW WALL CONSTRUCTION

ROOF FRAMING PLAN

SCALE: 3/16"=1'-0"

WALL SCHEDULE

VINYL SIDING
WEATHER BARRIER
2"x4" STUD @16" O.C.
SPRAY FOAM INSULATION
TYPE X GYPSUM WALL BOARD

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INTERIOR/EXTERIOR HOME RENOVATION

735 BEACH BOULEVARD

HAMILTON

ONTARIO

ROOF FRAMING PLAN



DATE JUNE 2021	DRAWN BY JD	DRAWING No. S1.03
PROJECT No. 21127	CHECKED BY J.P.C.	

PLOT DATE: 2021/06/09 6:22 PM

WINDOW SCHEDULE:

- W1 - EX. 55"x50" WINDOW REMOVED
REPLACED W/ 45"x30" WINDOW
NEW 2-2"x8" HEADER TO SUIT OPENING
- W2 - EX. 43"x30" WINDOW TO BE INFILLED
EX. HEADER TO BE REMOVED
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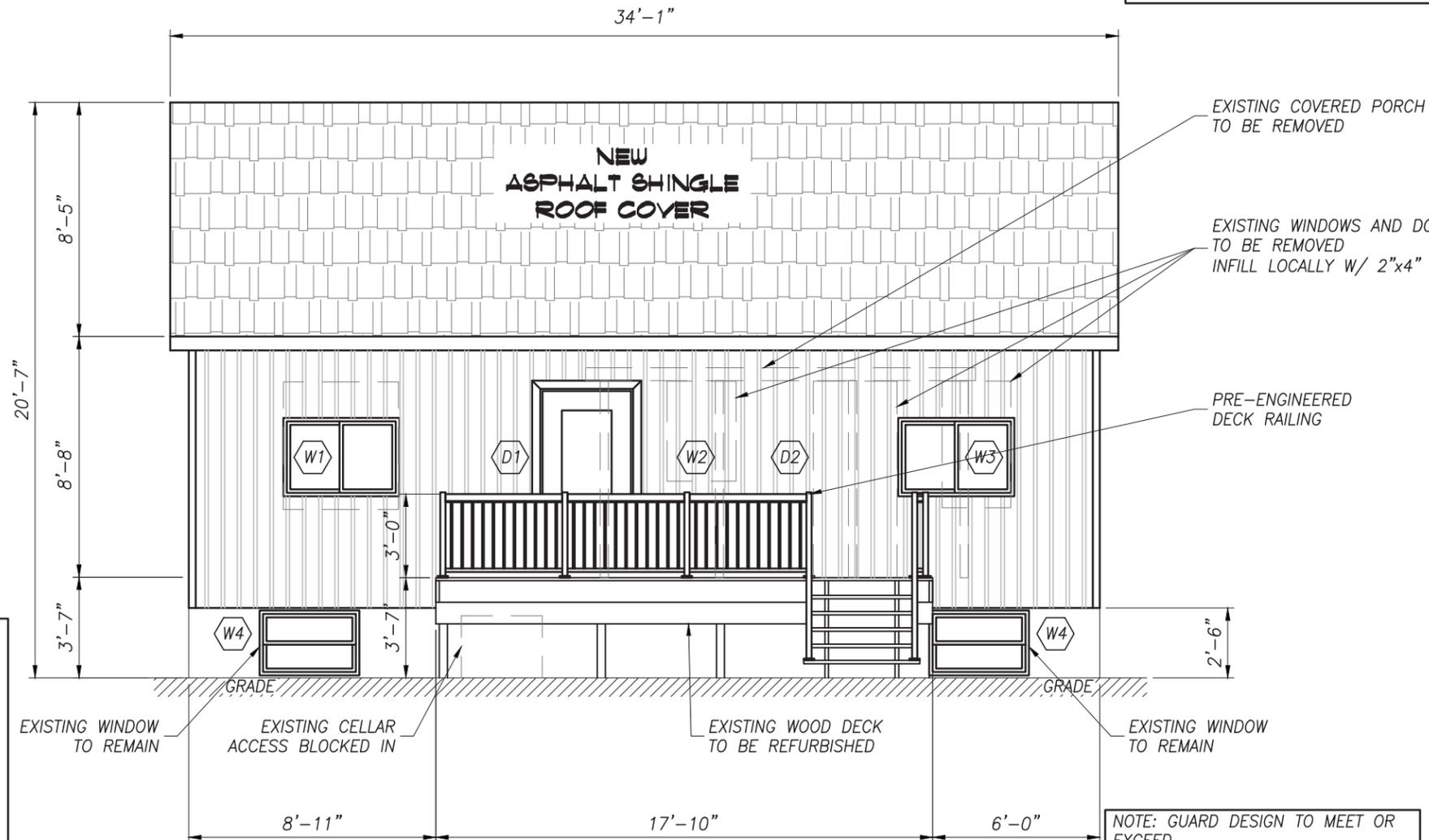
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- D2 - EX. 36"x84" DOOR TO BE INFILLED
EX. LINTEL TO BE REMOVED
- D3 - NEW 70"x80" SLIDING DOOR
NEW 2-2"x8" HEADER
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GLAZING CALCULATIONS

EXISTING BUILDING FACE:	145.26m ²
EXISTING GLAZING:	16.6m ²
% EX. GLAZING COVERAGE:	11.4%
PROPOSED BUILDING FACE:	176.14m ²
PROPOSED GLAZING:	20.63m ²
% PROPOSED GLAZING COVERAGE:	11.7%



FRONT ELEVATION

SCALE: 3/16"=1'-0"



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300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

INTERIOR/EXTERIOR HOME RENOVATION

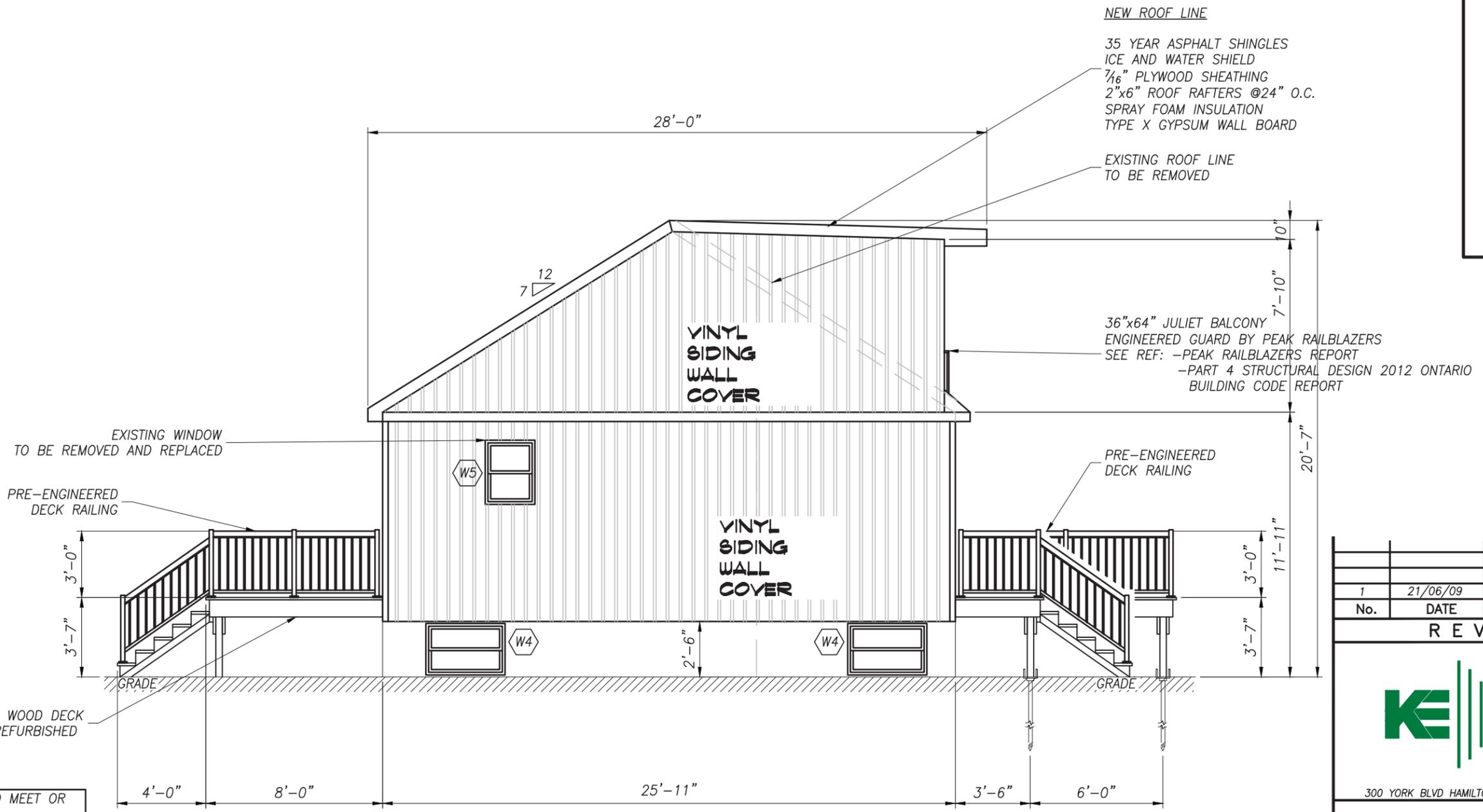
735 BEACH BOULEVARD

HAMILTON

ONTARIO

FRONT ELEVATION

DATE JUNE 2021	DRAWN BY JD	DRAWING No. S2.01
PROJECT No. 21127	CHECKED BY J.P.C.	



RIGHT ELEVATION

SCALE: 3/16" = 1'-0"

NOTE: GUARD DESIGN TO MEET OR EXCEED 4.1.5.14(C) OF THE O.B.C.

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INTERIOR/EXTERIOR HOME RENOVATION

735 BEACH BOULEVARD

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LEFT ELEVATION

DATE JUNE 2021	DRAWN BY JD	DRAWING No. S2.02
PROJECT No. 21127	CHECKED BY J.P.C.	

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WINDOW SCHEDULE:

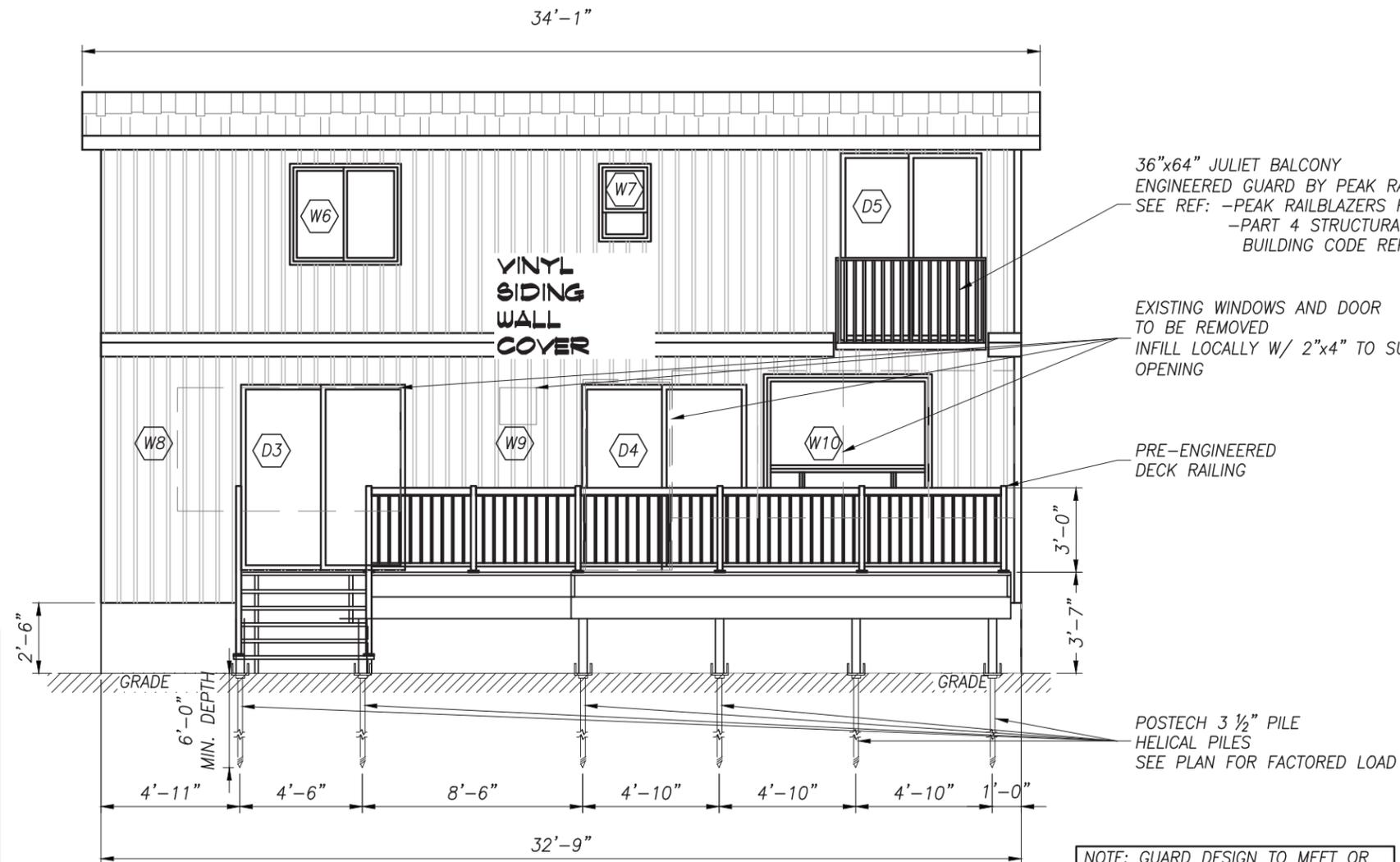
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- W8 - EX. 53"x95" WINDOW REMOVED
EX. HEADER TO BE REMOVED
- W9 - EX. 16"x16" WINDOW TO BE INFILLED
EX. HEADER TO BE REMOVED
- W10 - EX. 63"x146" WINDOW REMOVED
REPLACED W/ 48"x72" WINDOW
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NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28

DOOR SCHEDULE:

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EX. LINTEL TO BE REMOVED
- D3 - NEW 70"x80" SLIDING DOOR
NEW 2-2"x8" HEADER
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- D5 - NEW 60"x60" SLIDING DOOR
NEW 2-2"x8" HEADER

NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28



REAR ELEVATION

SCALE: 3/16"=1'-0"

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INTERIOR/EXTERIOR HOME RENOVATION

735 BEACH BOULEVARD

HAMILTON

ONTARIO

REAR ELEVATION

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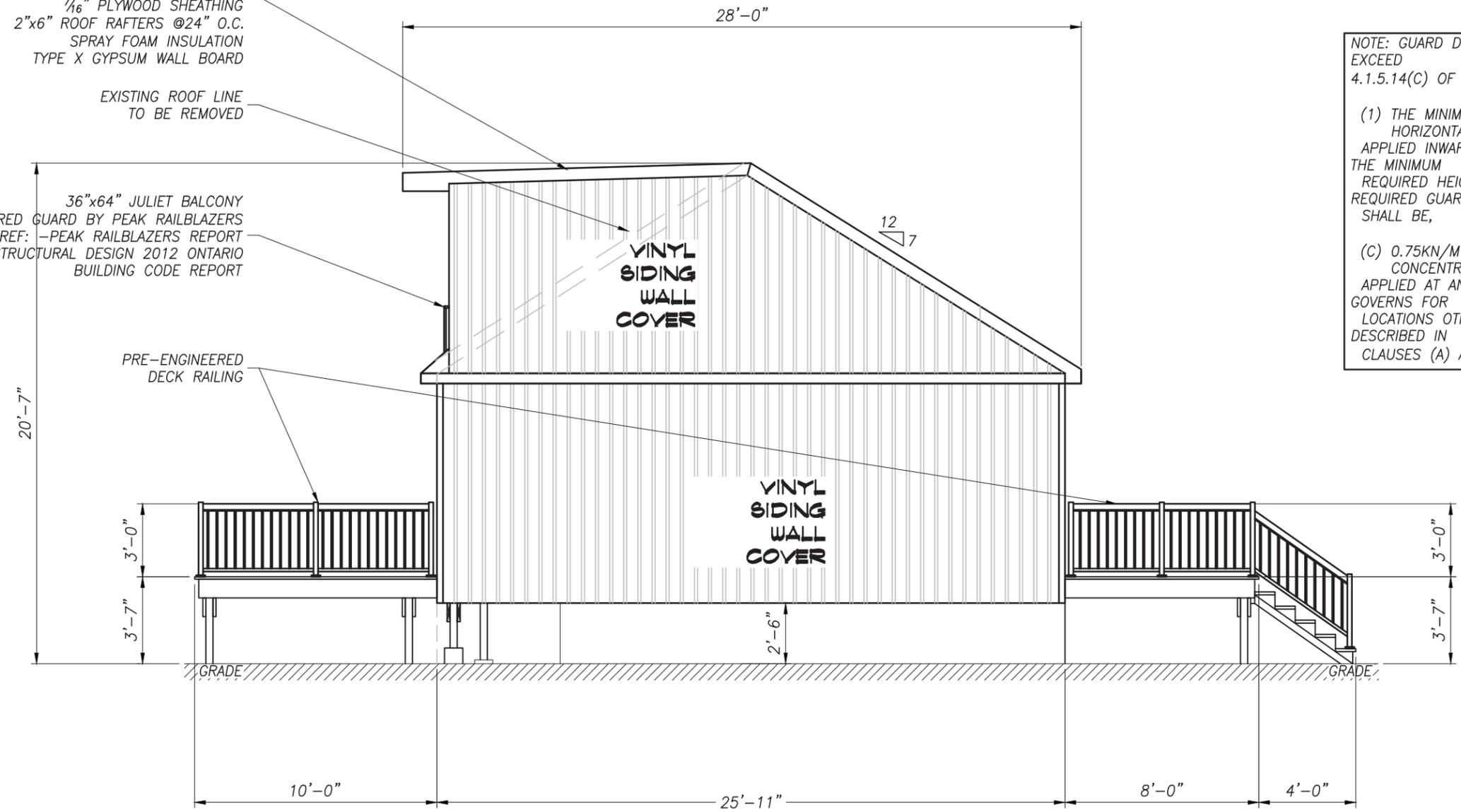
NEW ROOF LINE
 35 YEAR ASPHALT SHINGLES
 ICE AND WATER SHIELD
 7/16" PLYWOOD SHEATHING
 2"x6" ROOF RAFTERS @24" O.C.
 SPRAY FOAM INSULATION
 TYPE X GYPSUM WALL BOARD

EXISTING ROOF LINE
 TO BE REMOVED

36"x64" JULIET BALCONY
 ENGINEERED GUARD BY PEAK RAILBLAZERS
 SEE REF: -PEAK RAILBLAZERS REPORT
 -PART 4 STRUCTURAL DESIGN 2012 ONTARIO
 BUILDING CODE REPORT

PRE-ENGINEERED
 DECK RAILING

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LEFT ELEVATION

SCALE: 3/16"=1'-0"



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300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

INTERIOR/EXTERIOR HOME RENOVATION

735 BEACH BOULEVARD

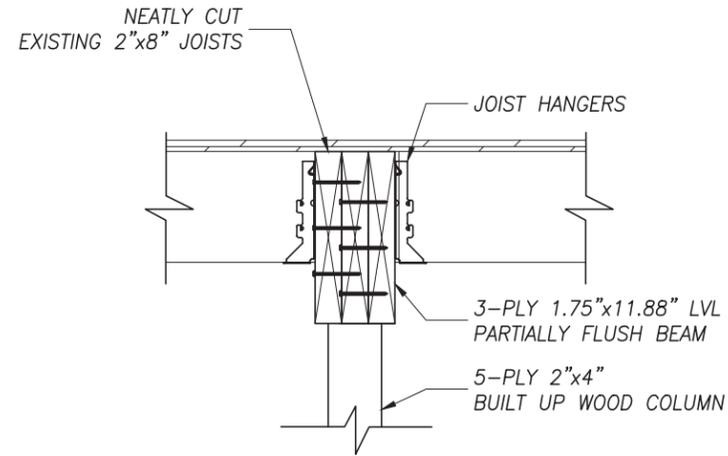
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RIGHT ELEVATION

DATE JUNE 2021	DRAWN BY JD	DRAWING No. S2.04
PROJECT No. 21127	CHECKED BY J.P.C.	

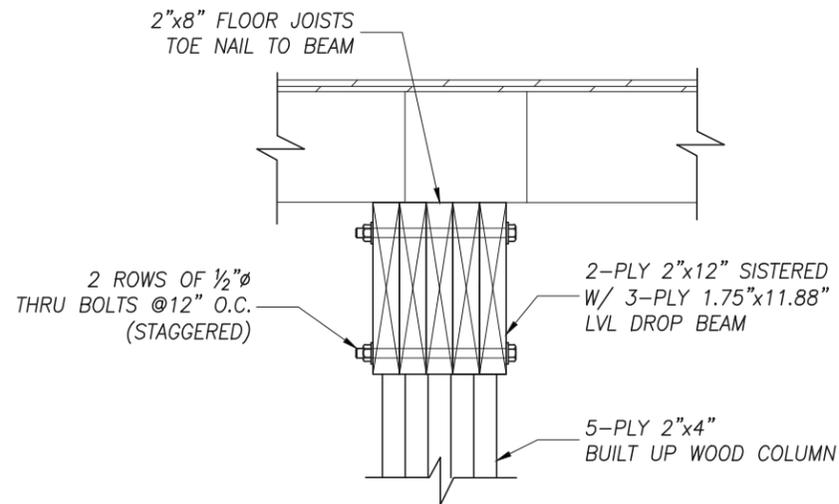
PLOT DATE: 2021/06/09 6:23 PM



PARTIALLY FLUSH BEAM DETAIL

SCALE:

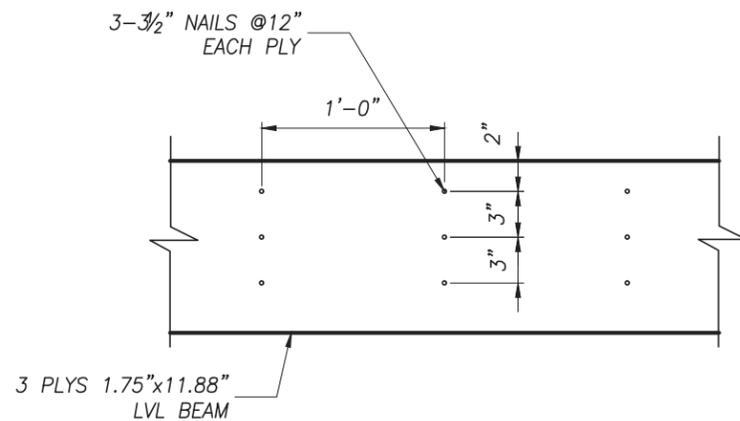
1"=1'-0"



DROP BEAM DETAIL

SCALE:

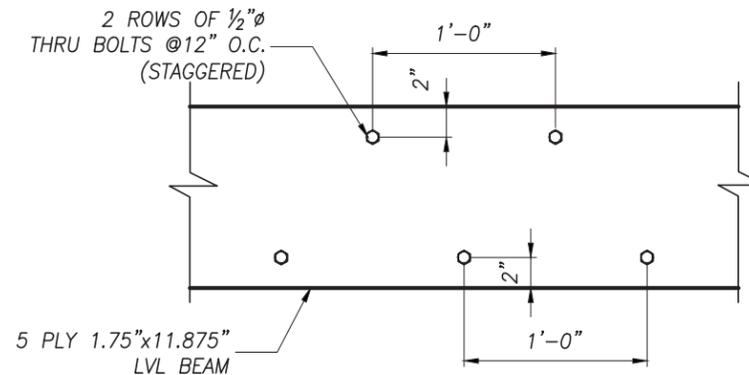
1"=1'-0"



BEAM NAILING PATTERN

SCALE:

1"=1'-0"



BEAM BOLTING PATTERN

SCALE:

1"=1'-0"

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SECTIONS

DATE JUNE 2021	DRAWN BY JD	DRAWING No. S4.01
PROJECT No. 21127	CHECKED BY J.P.C.	





Hamilton

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

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

APPLICATION FOR A MINOR VARIANCE

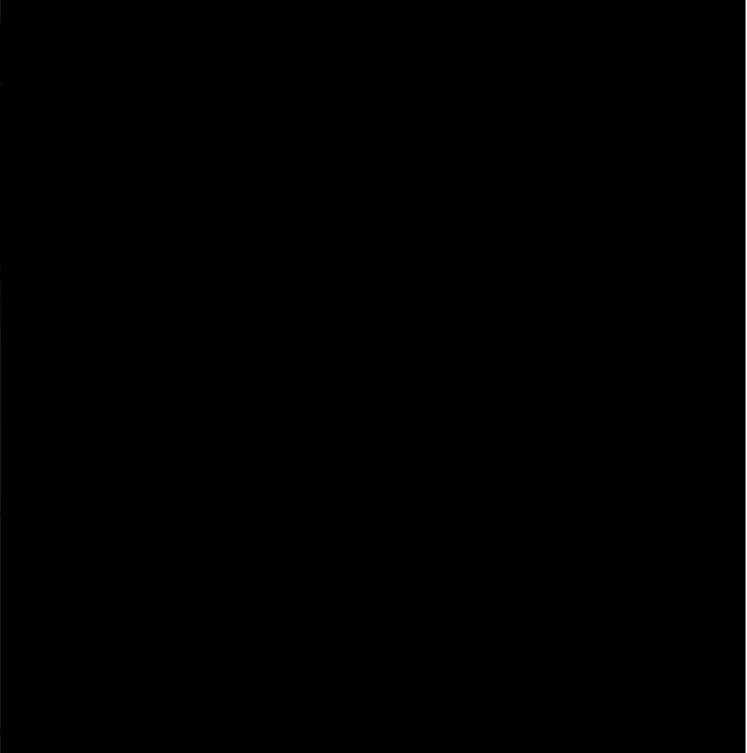
FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME
Registered Owners(s)	Amanda & Kevin White
Applicant(s)*	Julianna Hribljan Barich Grenkie Surveying Ltd.
Agent or Solicitor	Julianna Hribljan Barich Grenkie Surveying Ltd.



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

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

Mortgage for the property is with: CIBC 1273 Barton St. E. Hamilton, ON. L8H 2V4

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

4. Nature and extent of relief applied for:

The existing dwelling has had a 1/2 storey addition and would need the following minor variances:
 rear yard setback - 3.14 m
 side yard setback - 1.43 m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The existing dwelling did not comply with the zoning by-law, previously to work being done on it. The owners have added a second storey to the house. By keeping inline with the first floor of the house the second floor does not meet the minimum 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**):

Part of Burlington Beach East Side of Beach Boulevard (Unregistered)

735 Beach Boulevard, 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?

Information was provided by client.

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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

Feb 17/2022
Date

Amanda White & Kevin White
Signature Property Owner(s)

Amanda White & Kevin White
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>15.04 m</u>
Depth	<u>53.55 m</u>
Area	<u>828.31 m</u>
Width of street	<u>13.12 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:

1.5 Storey Sided Dwelling
Gross floor area: 79.69 m²
Width: 9.80 m Length: 8.08 m Height:

Proposed

1.5 Storey Sided Dwelling
Gross floor area: 79.69 m²
Width: 9.80 m Length: 8.08 m Height:

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

Existing:

Front Yard Setback: 42.30 m
Rear Yard Setback: 3.14 m
Side Yard Setback (North): 1.43 m
Side Yard Setback (South): 4.34 m

Proposed:

For the 1/2 Storey Addition:
Rear Yard Setback: 3.14 m
Side Yard Setback (North): 1.43 m
Side Yard Setback (South): 4.34 m

13. Date of acquisition of subject lands:
 March 2020
-
14. Date of construction of all buildings and structures on subject lands:
 The dwelling - originally constructed in 1950. July 2020 the 1/2 storey was built.
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
 Single family dwelling
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
 Single family dwellings on all abutting properties.
-
17. Length of time the existing uses of the subject property have continued:
 70+ years
-
18. Municipal services available: (check the appropriate space or spaces)
 Water Connected
 Sanitary Sewer Connected
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Neighbourhoods
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 C/S-1435
-
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-22:98	SUBJECT PROPERTY:	253 KING WILLIAM ST – 226 REBECCA ST, HAMILTON
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APPLICANTS: Owner: CITY HOUSING HAMILTON CORPORATION
Agent: URBAN SOLUTIONS – MATT JOHNSTON

PURPOSE & EFFECT: To sever the 253 King William Street property from the 226 Rebecca Street property to re-establish two separate lots.

	Frontage	Depth	Area
SEVERED LANDS:	32.3 m [±]	Varies m [±]	1,169.5 m ² ±
RETAINED LANDS:	139.2 m [±]	Varies m [±]	5,006.0 m ² ±

Associated Planning Act File(s): N/A

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

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

DATE:	Thursday, October 20, 2022
TIME:	2:30 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-22:98

- 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.



 **Subject Lands**

DATED: October 4, 2022

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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

HM/B-22:98

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. 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

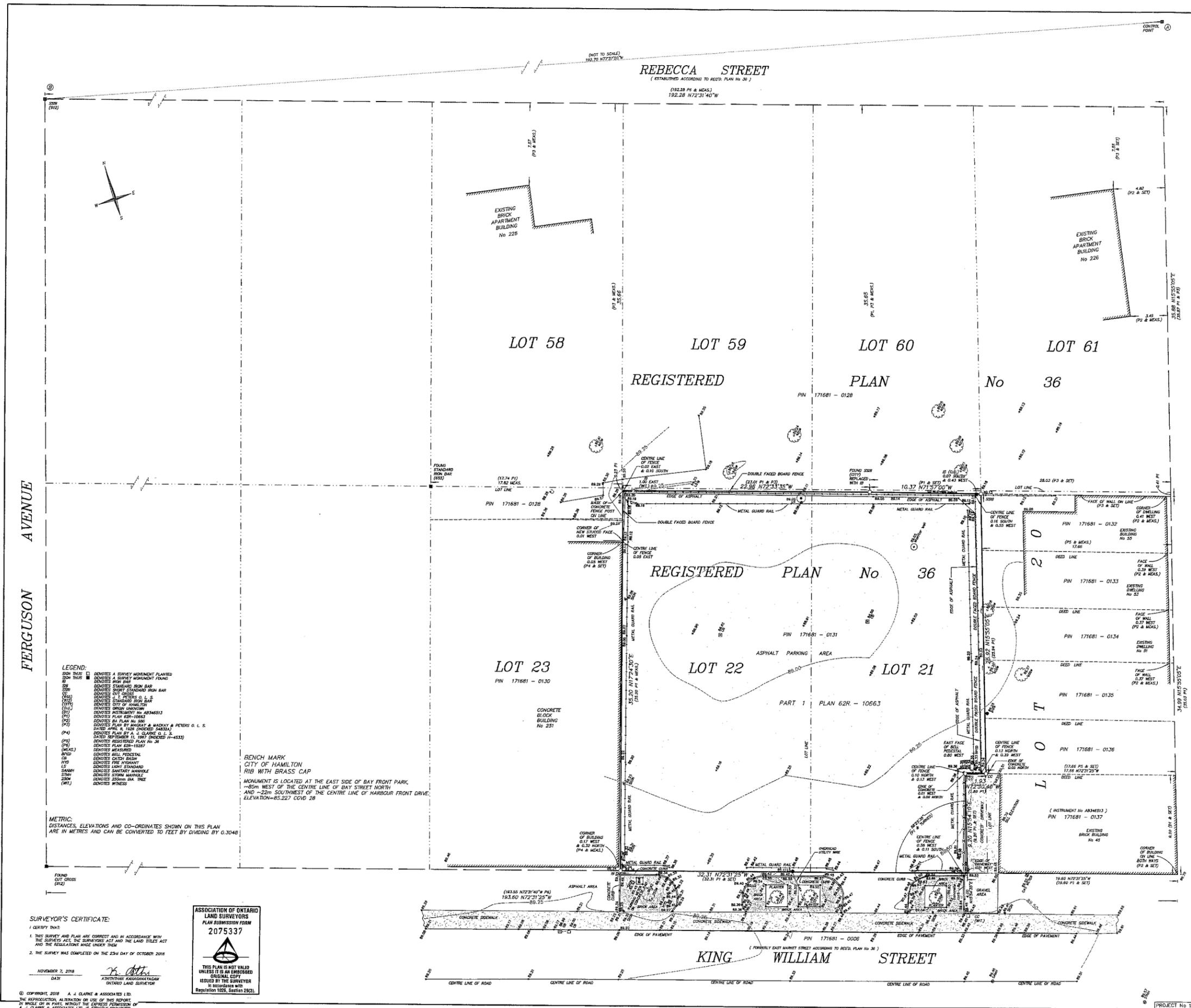
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

T-2772

PLAN OF SURVEY OF
 PART OF LOTS 21 AND 22
 E. & J. F. MOORE SURVEY
 REGISTERED PLAN No. 36
 IN THE
CITY OF HAMILTON
 SCALE 1:150
 ATHITHTHAN KANAGANAYAGAM O.L.S.



LEGEND:

- DENOTES A SURVEY MONUMENT PLANTED
- DENOTES A SURVEY MONUMENT FOUND
- DENOTES BRICK WALL
- DENOTES STANDARD IRON BAR
- DENOTES SHORT STANDARD IRON BAR
- DENOTES CITY CROSS
- DENOTES F. L. PETERS O. L. S.
- DENOTES STANDARD IRON BAR
- DENOTES CITY OF HAMILTON
- DENOTES OPEN ENDORSEMENT
- DENOTES INSTRUMENT NO. A3448513
- DENOTES PLAN 62R-10663
- DENOTES BA PLAN NO. 388
- DENOTES PLAN BY BRADY & MADOCKY & PETERS O. L. S.
- DENOTES PLAN BY A. J. CLARKE O. L. S.
- DENOTES INSTRUMENT NO. A3448513
- DENOTES REGISTERED PLAN No. 36
- DENOTES PLAN 62R-10663
- DENOTES BRICK BUILDING
- DENOTES CONCRETE BLOCK BUILDING
- DENOTES CITY OF HAMILTON
- DENOTES LIGHT STANDARD
- DENOTES SANITARY MANHOLE
- DENOTES STORM MANHOLE
- DENOTES 25MM DIA. IRON
- DENOTES WITNESS

BENCH MARK
 CITY OF HAMILTON
 RIB WITH BRASS CAP
 MONUMENT IS LOCATED AT THE EAST SIDE OF BAY FRONT PARK,
 — METRES WEST OF THE CENTRE LINE OF GRAY STREET NORTH
 AND — METRES SOUTHWEST OF THE CENTRE LINE OF HARBOUR FRONT DRIVE.
 ELEVATION = 85.227 CVD 28

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

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS ① AND ② BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 ORIGINAL. DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999691

OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 ORIGINAL COORDINATES TO UTM ACCURACY PER SEC. 14 (2) OF O. REG. 216/10

POINT ID	NORTHING	EASTING
①	4789842.157	592657.539
②	4789883.425	592469.355

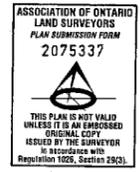
COORDINATES CANNOT, BY THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM
 2. THE SURVEY WAS COMPLETED ON THE 25th DAY OF OCTOBER, 2018

NOVEMBER 2, 2018
 DATE

A. J. Clarke
 ATHITHTHAN KANAGANAYAGAM
 ONTARIO LAND SURVEYOR

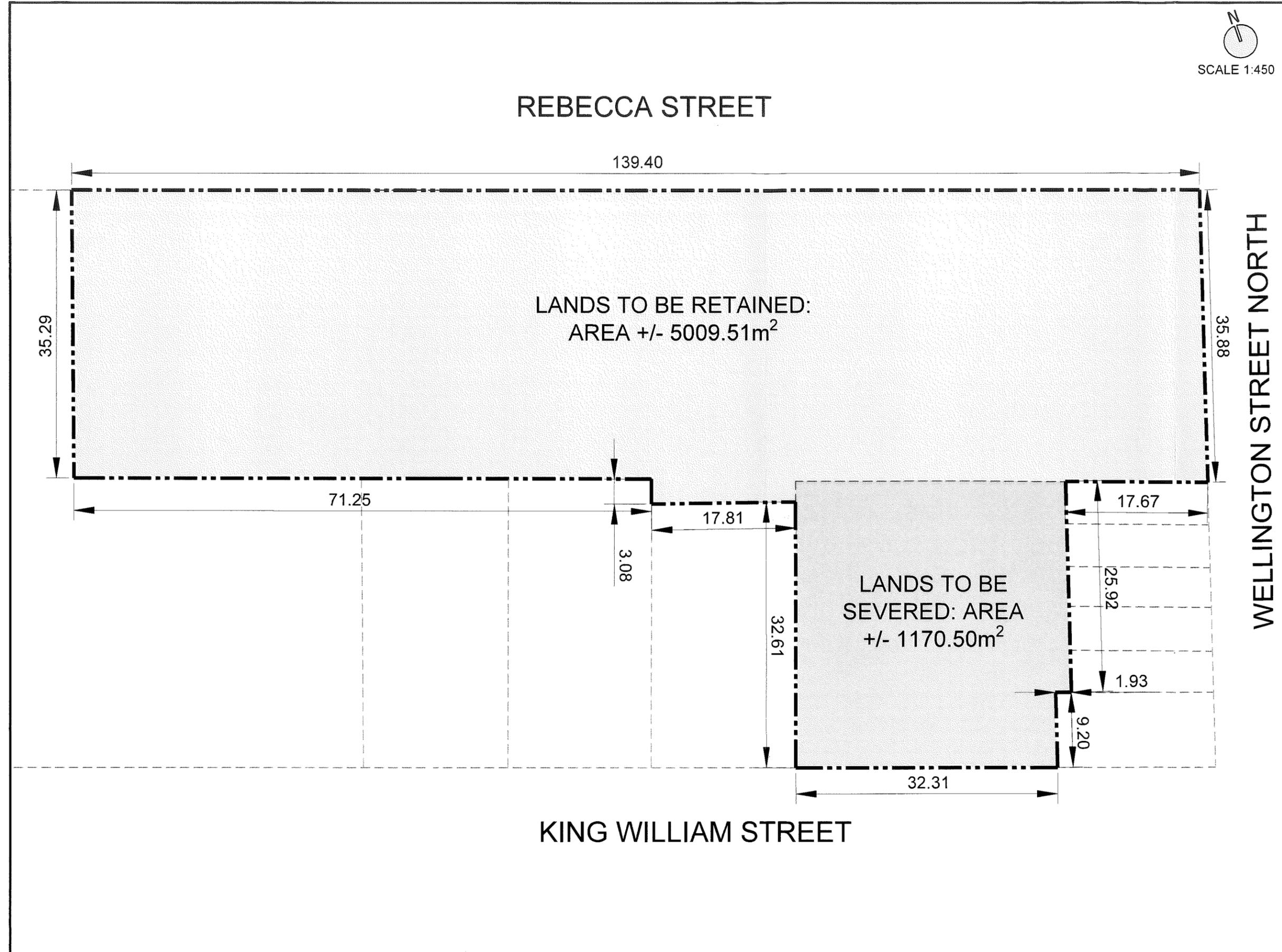


NOTE:
 A. J. CLARKE & ASSOCIATES LTD. IS NOT liable for use of this REPORT by any party or parties for purposes other than those intended by the original purpose.
 THIS REPORT reflects conditions at time of survey. UPDATING AND THE REVISIONS TO THIS REPORT WILL BE MADE SUBJECT TO THE DATE OF THE SURVEYOR'S CERTIFICATE.

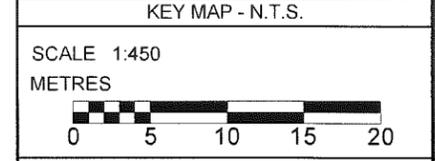
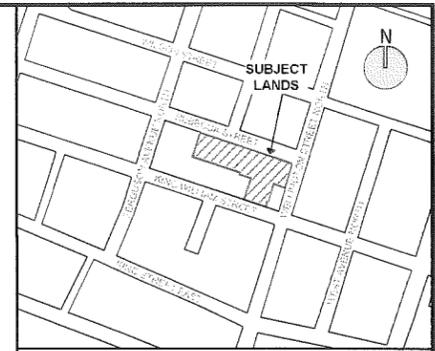
A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: ajc@ajclarke.com

PROJECT No 181617

T-2772



SCALE 1:450



- LEGEND**
- SUBJECT LANDS
 - LANDS TO BE SEVERED
 - LANDS TO BE RETAINED
 - PROPOSED SEVERANCE LINE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

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

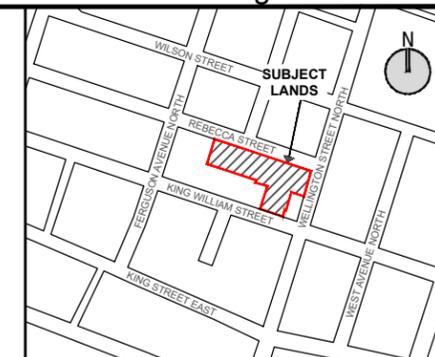
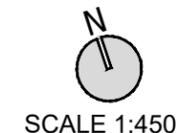
DESIGN BY: J. STANLEY	CHECKED BY: M. JOHNSTON
DRAWN BY: J. STANLEY	DATE: SEPTEMBER 12, 2022

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
CITYHOUSING HAMILTON
253 KING WILLIAM ST. & 226 REBECCA ST.
CITY OF HAMILTON

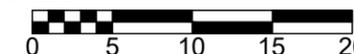
TITLE:
SEVERANCE SKETCH

U/S FILE NUMBER: 451-22	SHEET NUMBER: 1
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KEY MAP - N.T.S.

SCALE 1:450
METRES



LEGEND

- SUBJECT LANDS
- LANDS TO BE SEVERED
- LANDS TO BE RETAINED
- PROPOSED SEVERANCE LINE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: J. STANLEY CHECKED BY: M. JOHNSTON
DRAWN BY: J. STANLEY DATE: SEPTEMBER 12, 2022

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
CITYHOUSING HAMILTON
253 KING WILLIAM ST. & 226 REBECCA ST.
CITY OF HAMILTON

TITLE:
SEVERANCE SKETCH

U/S FILE NUMBER: 451-22 SHEET NUMBER: 1

REBECCA STREET

139.40

LANDS TO BE RETAINED:
AREA +/- 5009.51m²

35.29

35.88

71.25

3.08

17.81

32.61

LANDS TO BE SEVERED: AREA
+/- 1170.50m²

17.67

25.92

1.93

9.20

32.31

KING WILLIAM STREET

WELLINGTON STREET NORTH



September 16, 2022

451-22

Via Email & Delivered

Ms. Jamila Sheffield
Secretary Treasurer

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

Dear Ms. Sheffield,

**Re: 253 King William Street & 226 Rebecca Street, Hamilton
Consent to Sever Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of CityHousing Hamilton Corporation, for the lands municipally known as 253 King William Street and 226 Rebecca Street, in the City of Hamilton. Please accept the enclosed Application for Consent to Sever to facilitate the severance of the subject property on their behalf.

The subject property is comprised of two parcels which inadvertently merged on title located on the southern side of Rebecca Street and northern side of King William Street. The existing use of the King William Street portion of the property is a municipal parking lot, while the existing use contained on the Rebecca Street portion of the property is a 10-storey multiple dwelling owned and operated by CityHousing Hamilton. The property is +/- 6,174.1 m² in size with +/- 32.4 m of frontage on King William Street and +/- 139.2 m of frontage on Rebecca Street. The parcel is designated as "Downtown Mixed Use Area" in the Urban Hamilton Official Plan, and is identified as "Downtown Residential" as well as "Downtown Mixed Use" in the Hamilton Downtown Secondary Plan. In addition to the land use designation, the subject lands are within the Downtown Central Business District (D1) Zone and Downtown Residential (D5) Zone of the City of Hamilton Zoning By-law 05-200.

Purpose of the Application

The purpose of the Consent Application is to sever the 253 King William Street property from the 226 Rebecca Street property to re-establish two separate parcels. The lot to be severed is proposed to accommodate a future 3-storey modular affordable housing development. The proposed multiple dwelling will contain 24 affordable rental housing units and is currently completing the City's Site Plan Control process. There is one (1) lot to be retained as labeled on the corresponding Sketch of Land Division for this application, which is proposed to maintain the current land use occupying the property. The retained lot is proposed to have a lot area of +/- 5,006.0 m² and a frontage of +/- 139.2 m. The severed lot will have a lot area of +/- 1,169.5 m² with +/- 32.3 m of frontage. The proposed severance is illustrated

on the enclosed Sketch of Land Division and both lots conform to the applicable provisions of the City of Hamilton Zoning By-law 05-200.

To assist in the evaluation of the application, please refer to the enclosed Sketch of Land Division.

Based on the above analysis, UrbanSolutions believes that the application represents good land use planning and satisfies Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands.

Please note that the required \$2,985.00 application fee shall be provided via Journal Transfer directly from CityHousing Hamilton Corporation.

In support of this application, please find enclosed the following:

- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the draft Reference Plan prepared by A.J. Clarke and Associates; and,
- One (1) copy of the Consent to Sever Sketch, prepared by UrbanSolutions.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Scott Beedie, BURPI
Planner

cc: CityHousing Hamilton Corporation
Councillor J. Farr, Ward 2, City of Hamilton (via Email)



Hamilton

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

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

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

Office Use Only

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

1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*	N/A		Phone: E-mail:
Registered Owners(s)	CityHousing Hamilton Corporation		
Applicant(s)**	Same as Owner		
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston		

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

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township
Registered Plan N°. 36	Lot(s) 21, 22, 53-60	Reference Plan N°.	Part(s)
Municipal Address 253 King William Street & 226 Rebecca Street			Assessment Roll N°.

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

Yes No

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

N/A

3 PURPOSE OF THE APPLICATION

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

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

creation of a new lot
 addition to a lot
 an easement
 Other: a charge
 a lease
 a correction of title

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

creation of a new lot
 creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)
 addition to a lot
 Other: a charge
 a lease
 a correction of title
 an easement

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

Unknown

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

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

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

Frontage (m)	Depth (m)	Area (m ² or ha)
32.3m	Varies	1,169.5m ²

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: N/A

Proposed: Unknown

Existing structures to be removed: No

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

Frontage (m)	Depth (m)	Area (m ² or ha)
139.2m	Varies	5,006.0m ²

Certificate Request for Retained Lands: Yes*

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

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: 10-storey multiple dwelling

Proposed: 10-storey multiple dwelling

Existing structures to be removed: None

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity telephone school bussing garbage collection

5 CURRENT LAND USE

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

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

Urban Hamilton Official Plan designation (if applicable): Downtown Mixed Use Area and Downtown Residential

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

Please refer to cover letter.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? Downtown Central Business District (D1) Zone and Downtown Residential (D5) Zone in City of Hamilton Zoning By-law 05-200

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use Municipal Parking Lot
- 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



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-22:301	SUBJECT PROPERTY:	77 JONES ST, HAMILTON
ZONE:	"D" (Urban Protected Residential – One- and Two-Family Dwellings)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: PEGGY FAULDS

The following variances are requested:

1. A minimum side yard width of 0.8 m shall be provided instead of the minimum required 1.2 m side yard width; and

PURPOSE & EFFECT: To facilitate the construction of a proposed roofed-over screened deck on the easterly side yard of the existing single-family dwelling notwithstanding that;

Notes:

- i. Please note that there is no side yard encroachments permitted for the proposed roofed over screened deck; therefore, setbacks for the principle dwelling have been applied.

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 20, 2022
TIME:	2:35 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

HM/A-22:301

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.



DATED: October 4, 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

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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.

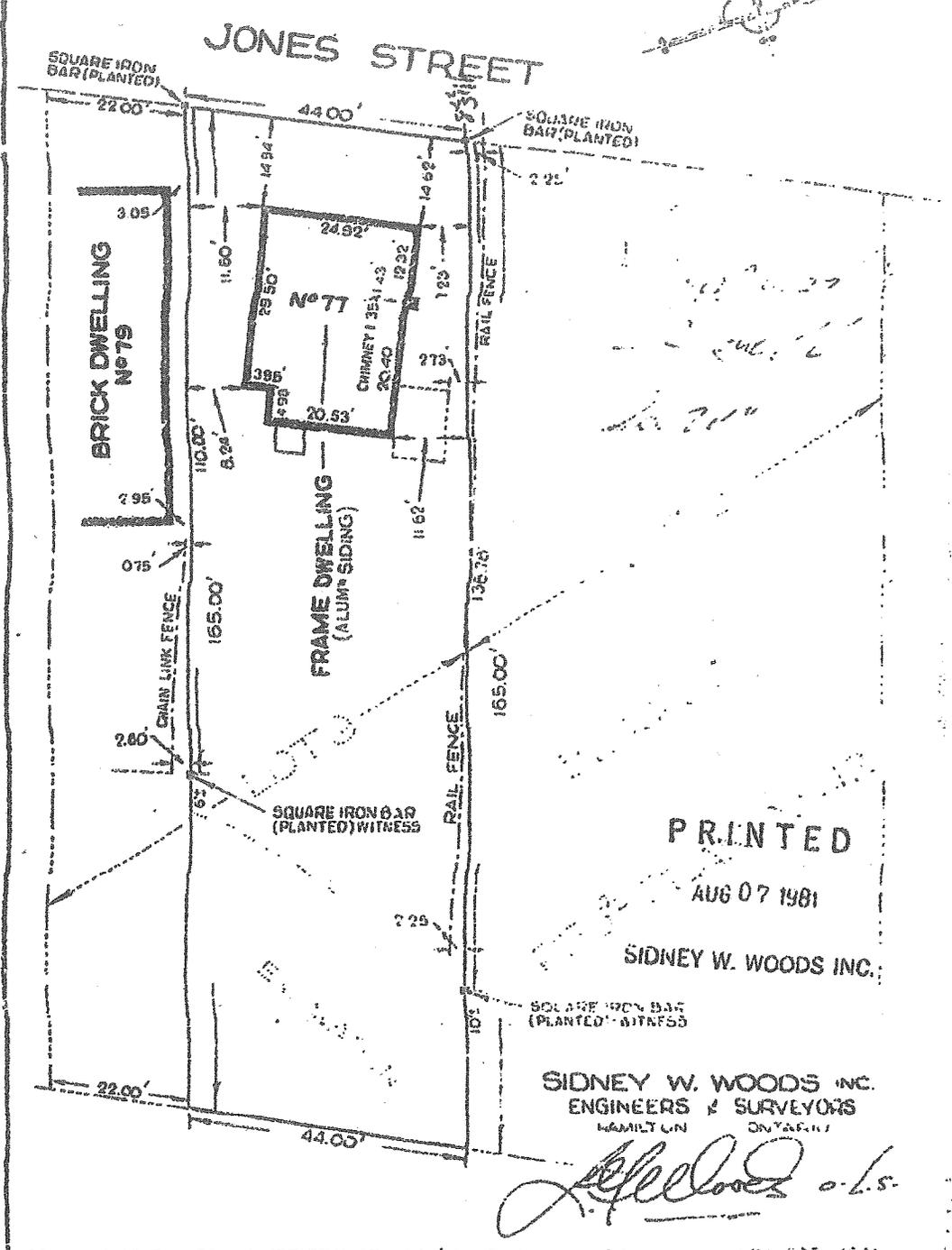
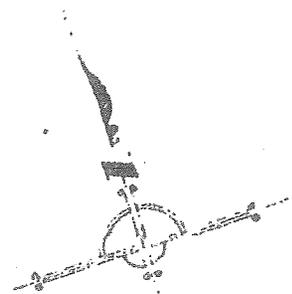
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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.

Schedule "A"
Description of Lands

PLAN

SHOWING
PART OF LOT 9 - BLOCK 7 - SIR A.N. MACNAB SURVEY
REGISTERED PLAN N^o42
IN THE
CITY OF HAMILTON
IN THE
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE 1" = 20'



PRINTED

AUG 07 1981

SIDNEY W. WOODS INC.

SQUARE IRON BAR
(PLANTED) - WITNESS

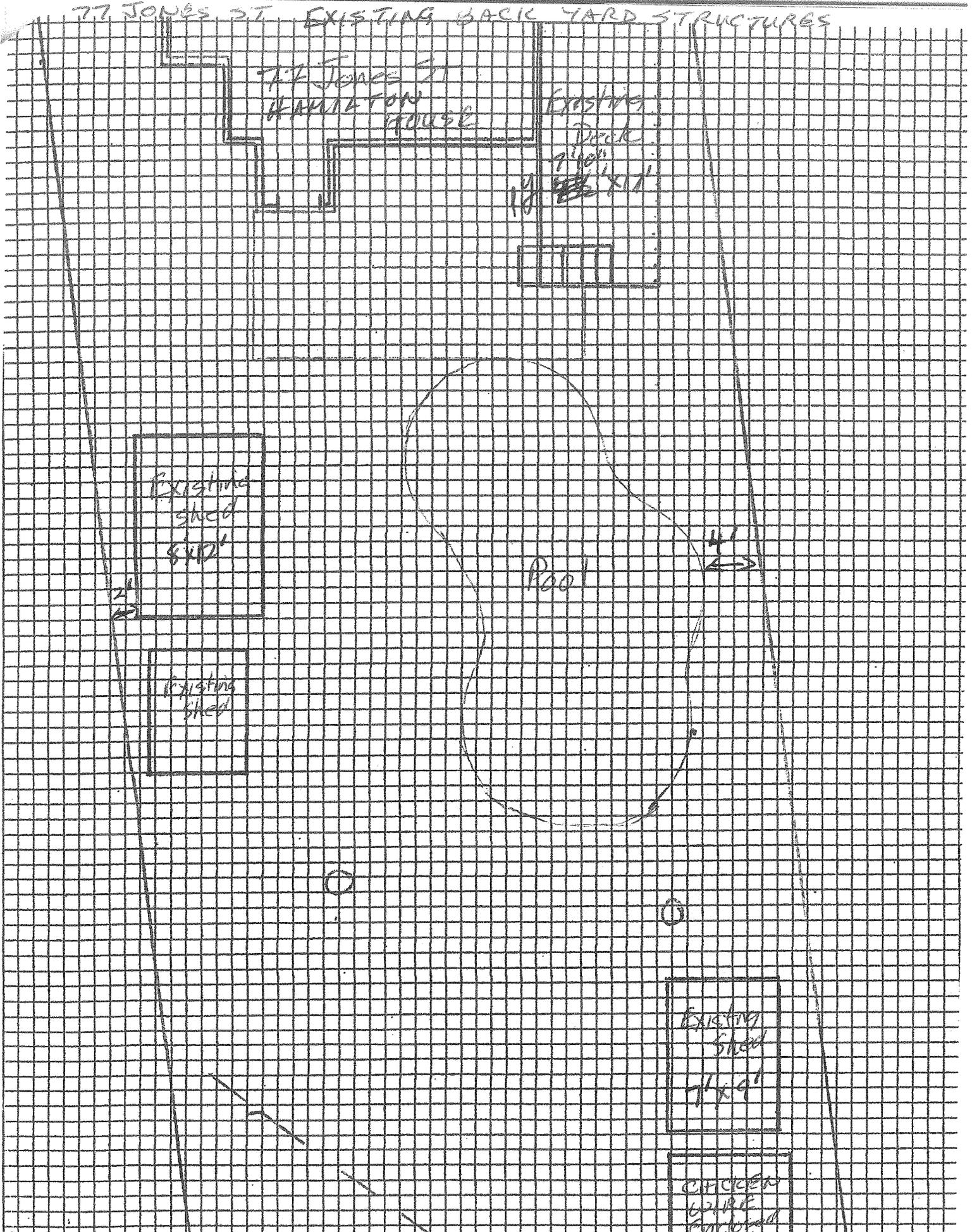
SIDNEY W. WOODS INC.
ENGINEERS & SURVEYORS
HAMILTON ONTARIO

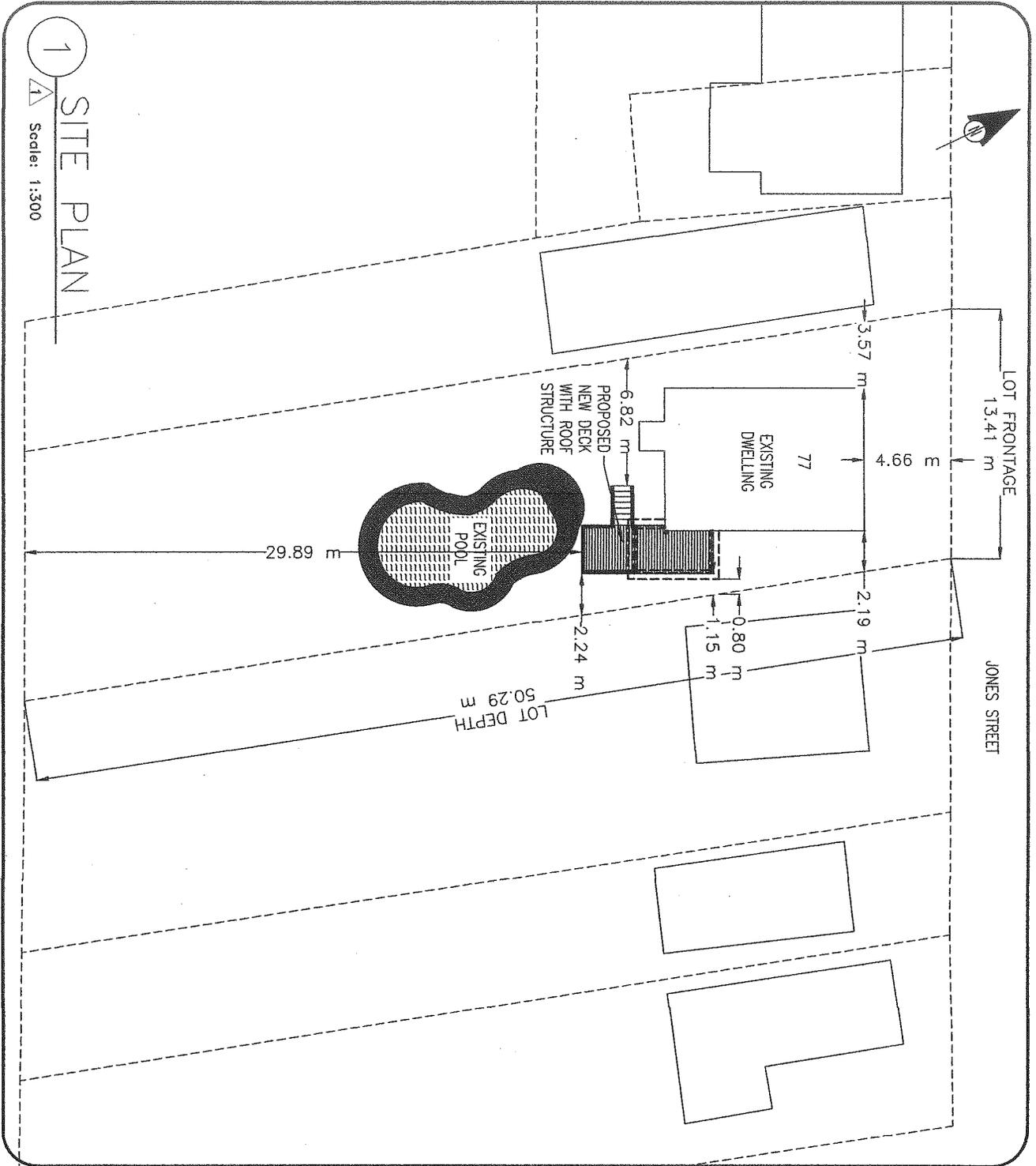
Sidney W. Woods O.E.S.

PREPARED SOLELY FOR THE USE OF HASTINGS & CHARLEBOIS, R & S.

AUG 20 1981

77 JONES ST. EXISTING BACK YARD STRUCTURES





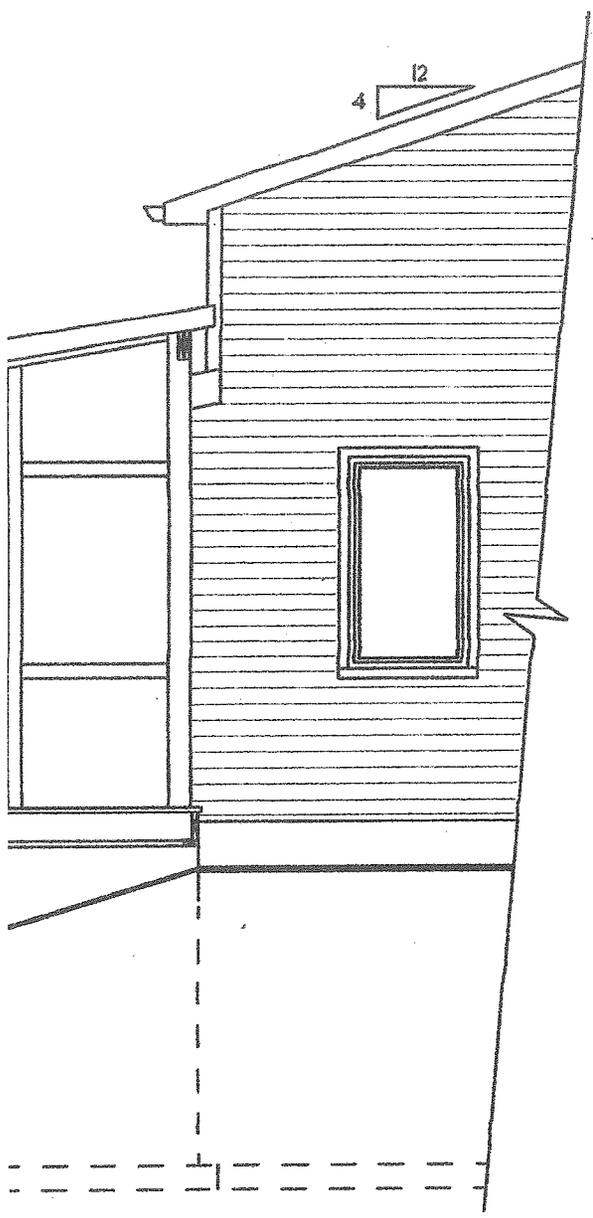
1 SITE PLAN

Scale: 1:300

<p>Project: PEGGY FAULDS</p>	
<p>Job address: 77 JONES ST HAMILTON, ON</p>	
<p>Drawing by: STEPHANIE ALLEN</p>	
<p>Date drawn: MAY 18th, 2022</p>	
101	SP1

The Deck Yard
419 Orlend Road South
Durand, ON L9H 5E2
P: 1-888-985-8116
E: shalcrow@decksc.ca

PRELIMINARY DRAWINGS

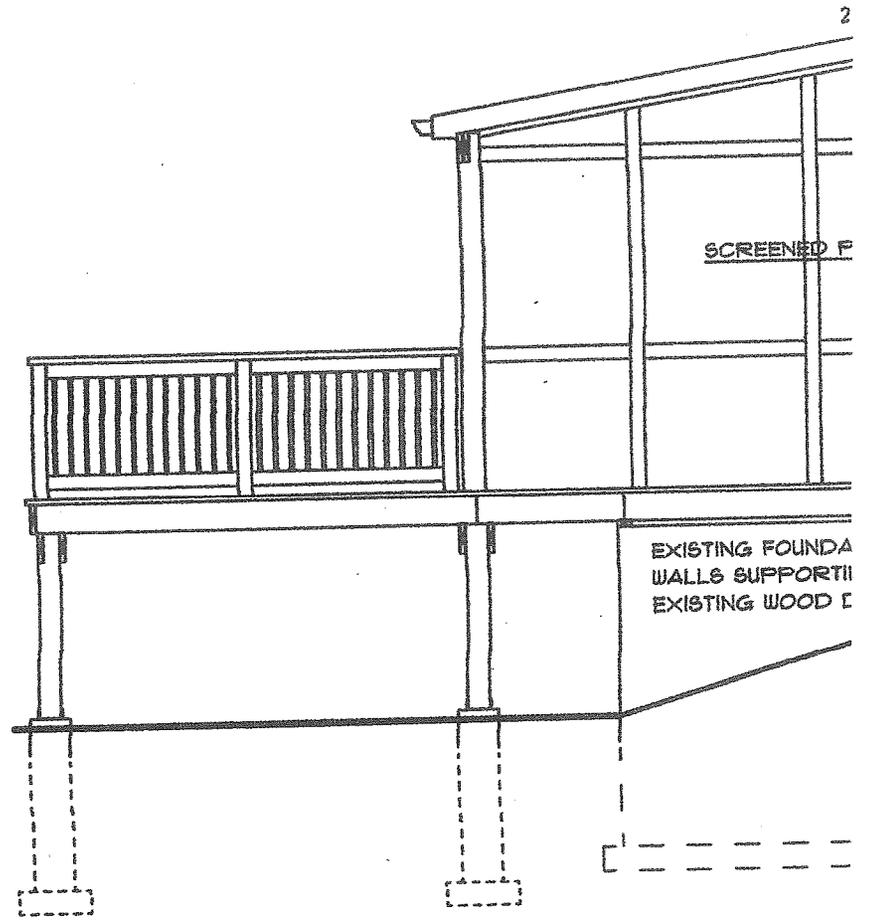


I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under sub-section 3.2.5. of Division C, of the Building Code
 Individual BCIN: 26172

Designed by:
Jim Jonkman
 2CA7E7A5EE08456...

PROJECT NAME FAULDS RESIDENCE 77 JONES STREET, HAMILTON	SCALE 1/4" = 1'-0"	JONKMAN DESIGN 519-448-3214		DATE AUG. 5/22	FILE NO. FAUL-0508-22
	DRAWN BY JIM J	REVIEWED		REVISED	DRAWING # 1 OF 3

EA53-40D2-A2DC-BD4E66369C81



LEFT SIDE ELEVATION

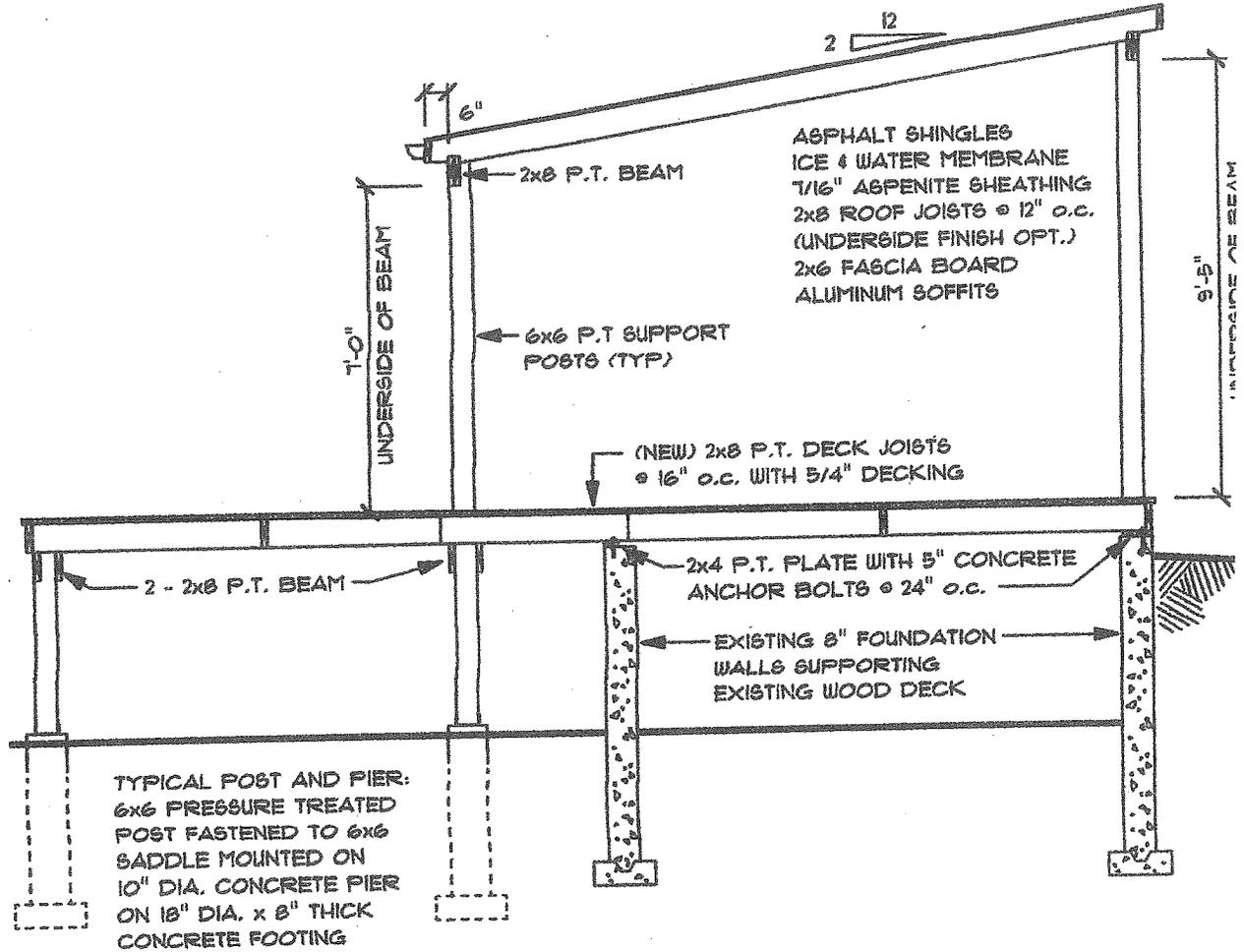
2014-04-22-A200-8D4E66369C81

DESIGNER/COPYRIGHT

ALL DESIGNS AND ANY DRAWINGS
 ASSOCIATED WITH THEM ARE THE
 PROPERTY OF JONKMAN DESIGN
 (DESIGNER) AND ARE PROTECTED
 BY COPYRIGHT

THE DRAWINGS AND DOCUMENTS
 ARE TO BE USED SOLELY FOR THE
 PROJECT TO WHICH SUCH PERMITS
 HAVE BEEN ISSUED. REPRODUCTION
 OF THESE DRAWINGS IN PART OR
 WHOLE FOR ANY OTHER PURPOSE
 THEN SAID PROJECT WITHOUT THE
 WRITTEN CONSENT OF JONKMAN
 DESIGN IS STRICTLY PROHIBITED

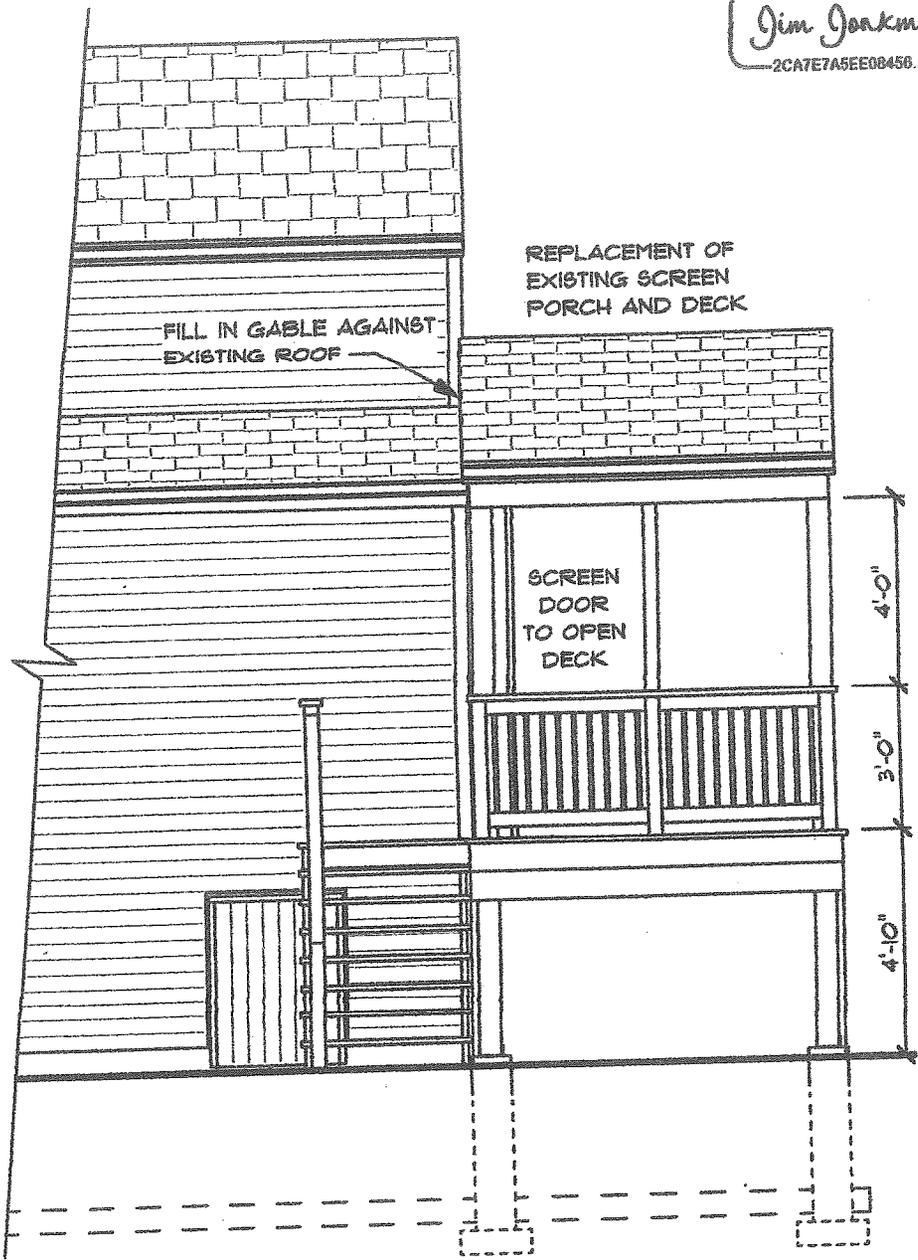
THE CONTRACTOR AND/OR SUB
 CONTRACTOR MUST ENSURE THAT
 ALL WORK PERFORMED MUST
 IN ACCORDANCE WITH PART 9
 OF THE ONTARIO BUILDING CODE
 ANY DISCREPANCIES MUST BE
 REPORTED TO THE DESIGNER BEFORE
 COMMENCING ANY WORK



CROSS-SECTION DETAIL

I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under sub-section 3.2.5. of Division C, of the Building Code
 Individual BCIN: 26172

DocuSigned by:
Jim Jonkman
 2C47E7A5EE08456...

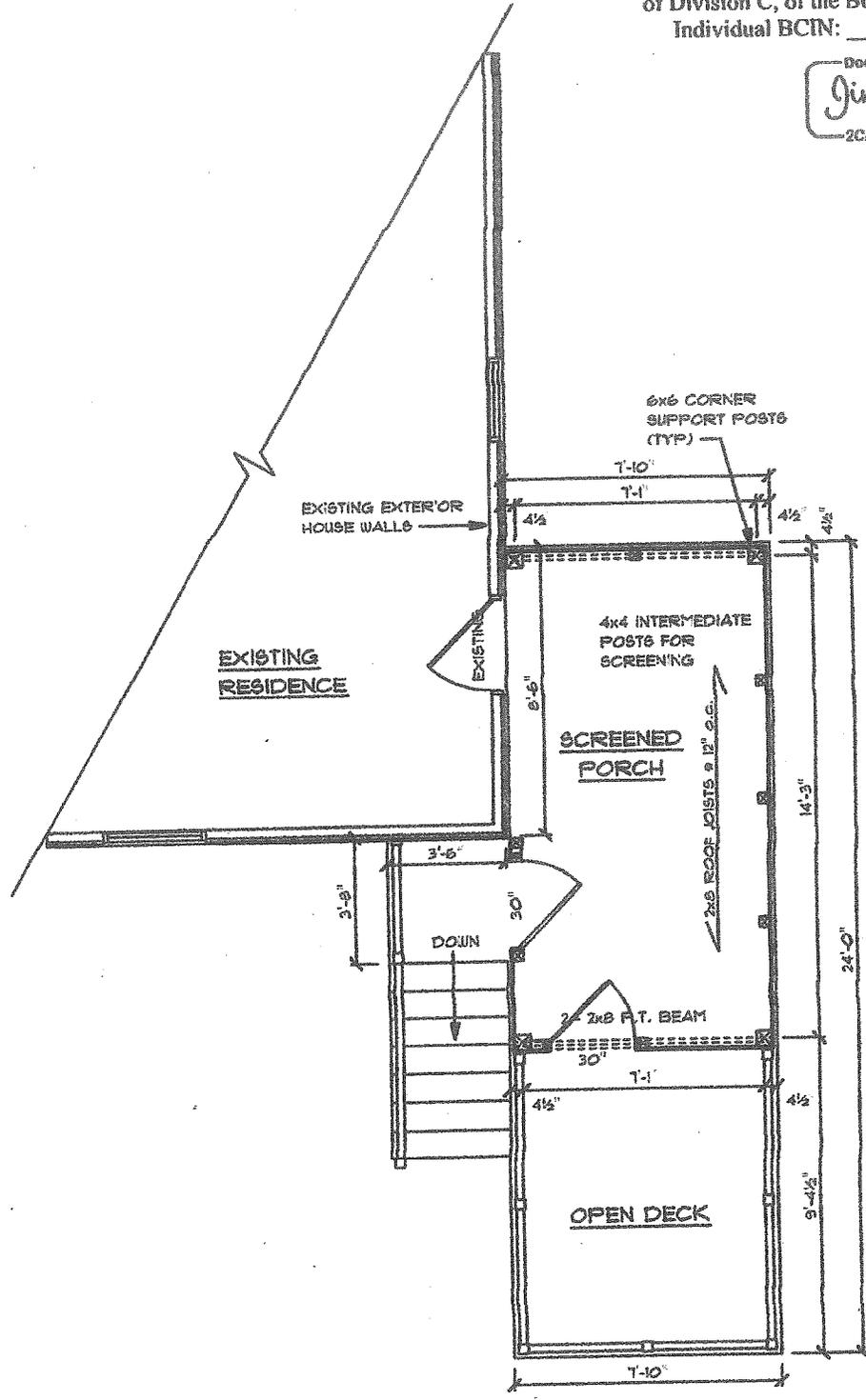


REAR ELEVATION

PROJECT NAME FAULDS RESIDENCE 77 JONES STREET, HAMILTON	SCALE 1/4" = 1'-0"	JONKMAN DESIGN 519-448-3214		DATE AUG. 5/22	FILE NO. FAUL-0508-22
	DRAWN BY JIM J	REVIEWED		REVISID	DRAWING * 2 OF 3

I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under sub-section 3.2.5. of Division C, of the Building Code
 Individual BCIN: 26172

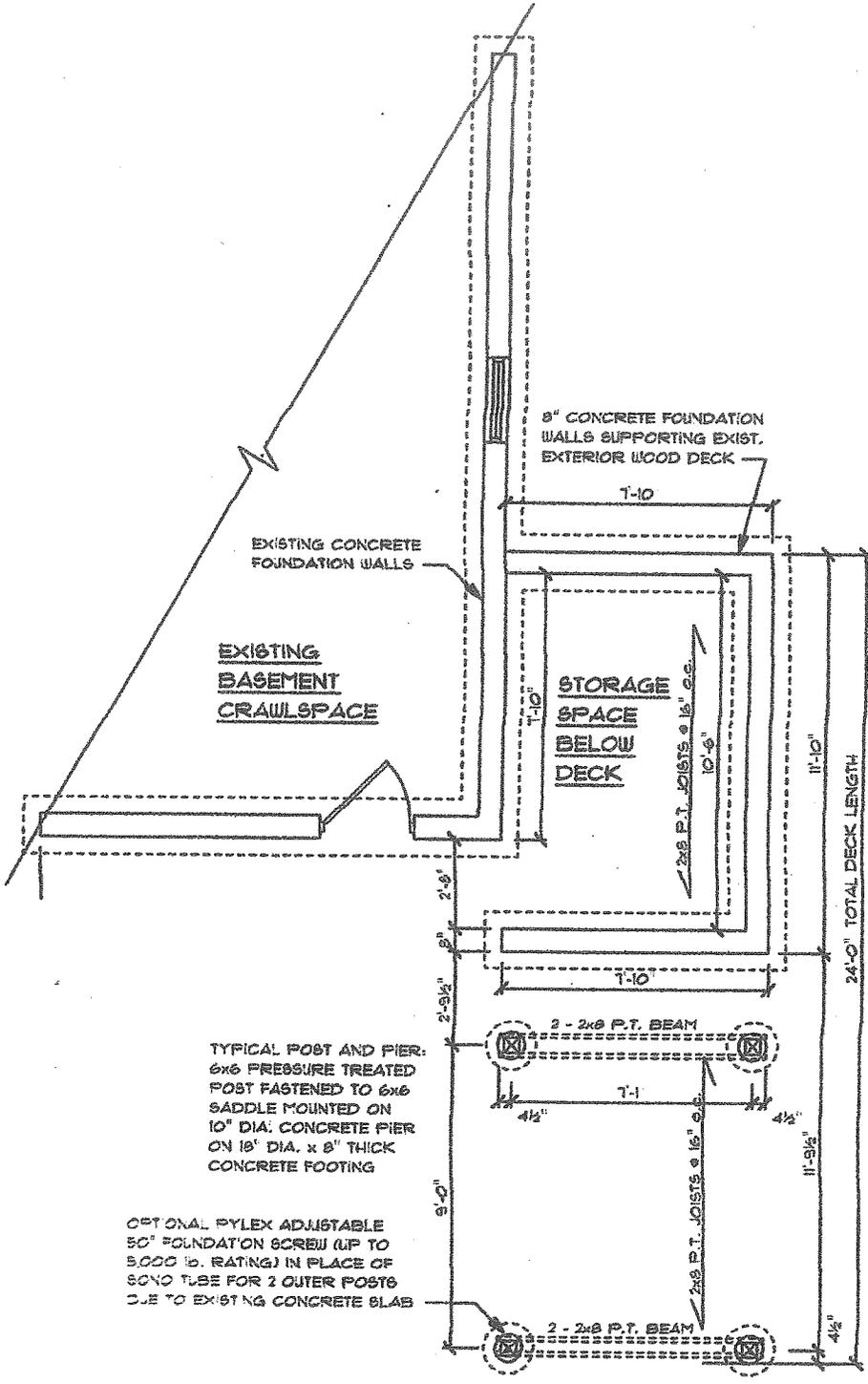
DocuSigned by:
Jim Jonkman
 2CA7E7A5EE0B458...



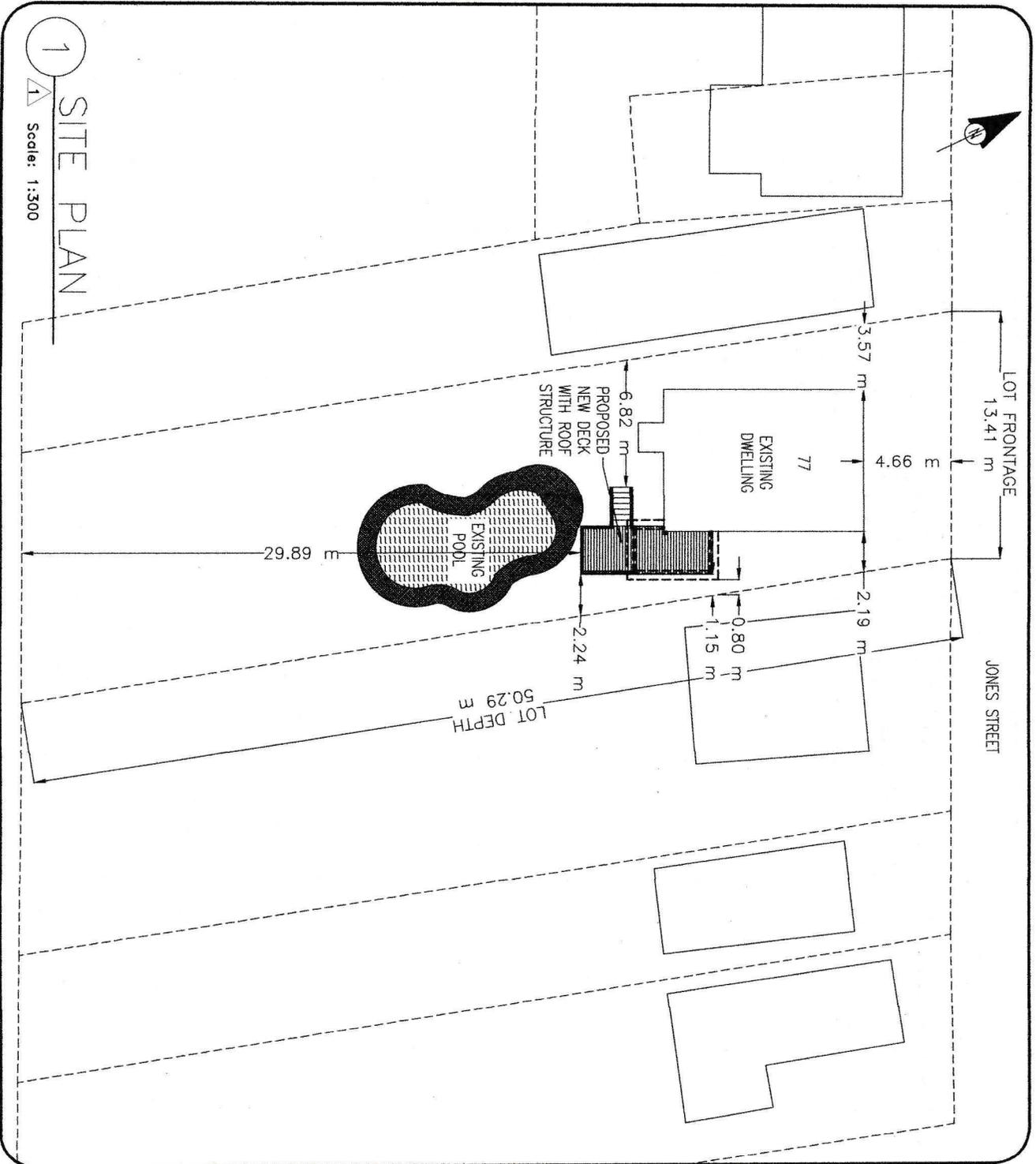
EXTERIOR DECK PLAN LAYOUT

PROJECT NAME FAULDS RESIDENCE 77 JONES STREET, HAMILTON	SCALE 3/16" = 1'-0"	JONKMAN DESIGN 519-448-3214		FILE NO.
	DRAWN BY JIM J	DATE AUG. 5/22	REVISID	FAUL. 0508-22
	REVIEWED	DRAWING # 3 OF 3		

29303A-EA53-4000-4100-6000-6000-6000



WOOD DECK SUPPORT LAYOUT



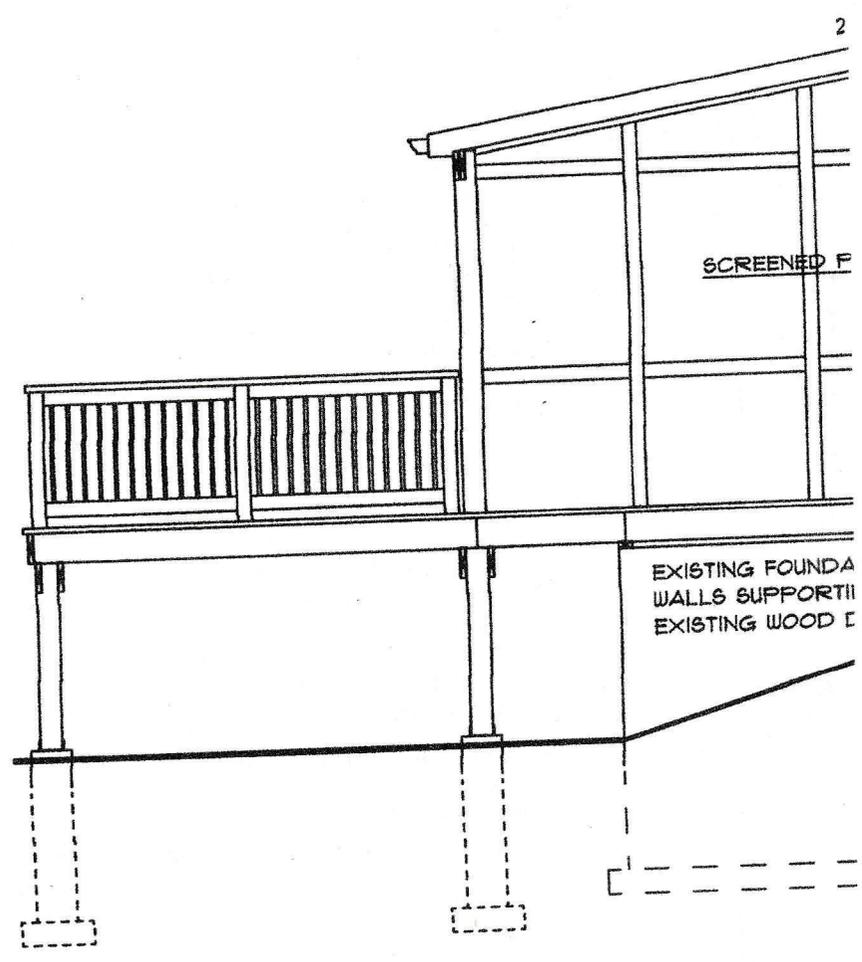
1 SITE PLAN

Scale: 1:300

<p>The Deck Yard 419 Oriold Road South Durand, ON L9H 5E2 P: 1-888-985-8116 E: shalcrow@decks.ca</p>	
Project:	PEGGY FAULDS
Job address:	77 JONES ST HAMILTON, ON
PRELIMINARY DRAWINGS	
Drawing by:	STEPHANIE ALLEN
Date drawn:	MAY 18th, 2022
101	SP1

RO FA

ENCLOSURE © DF29303A-EA53-40D2-A20C-BD4E66369C81



LEFT SIDE ELEVATION

I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under sub-section 3.2.5. of Division C, of the Building Code
 Individual BCIN: 26172

DocuSigned by:
Jim Jonkman
 2CA7E7A5EE08456...

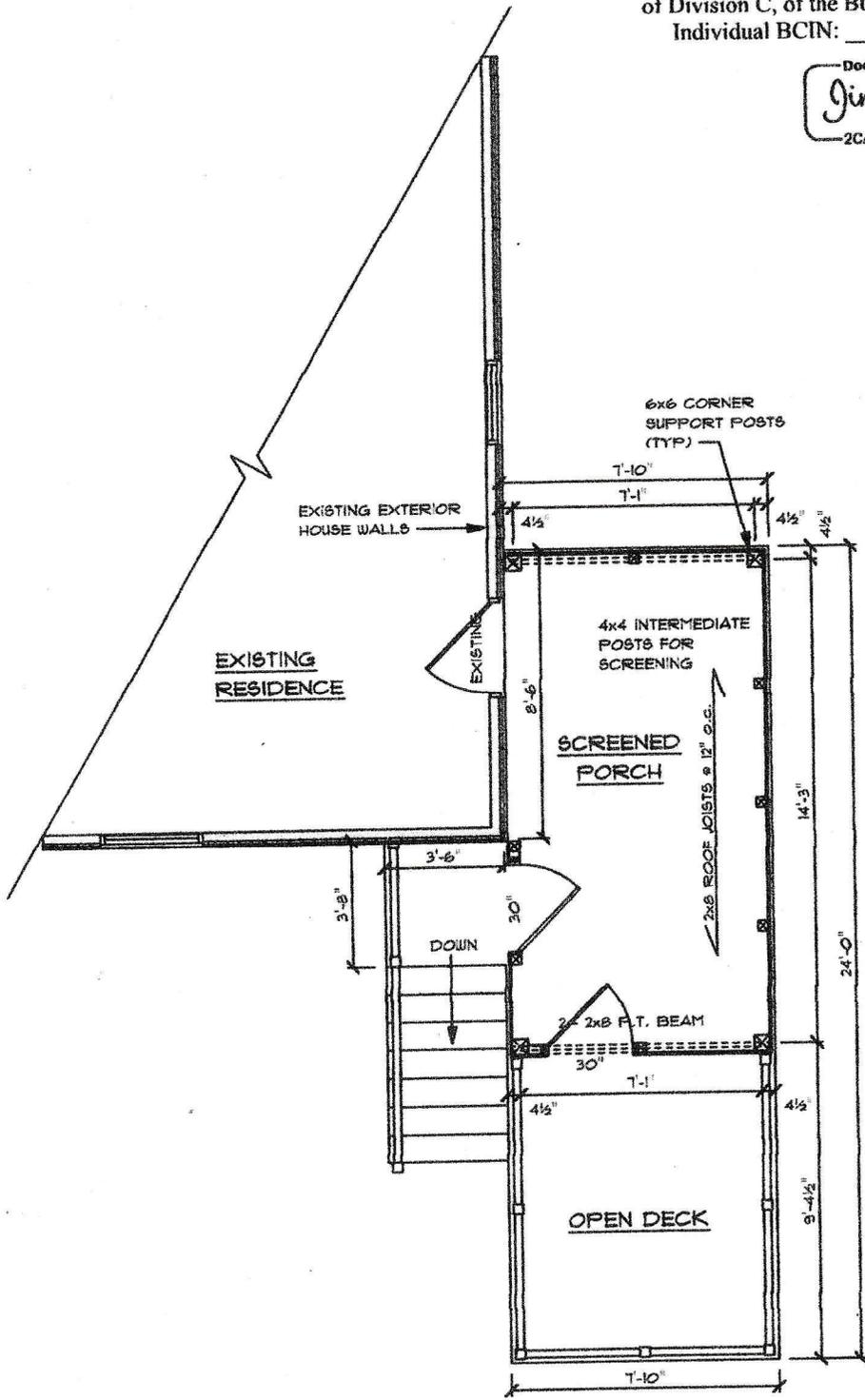


REAR ELEVATION

PROJECT NAME FAULDS RESIDENCE 11 JONES STREET, HAMILTON	SCALE 1/4" = 1'-0"	JONKMAN DESIGN 519-448-3214		DATE AUG. 5/22	FILE NO. FAUL-0508-22
	DRAWN BY JIM J	REVIEWED		REVISED	DRAWING # 2 OF 3

I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under sub-section 3.2.5. of Division C, of the Building Code
 Individual BCIN: 26172

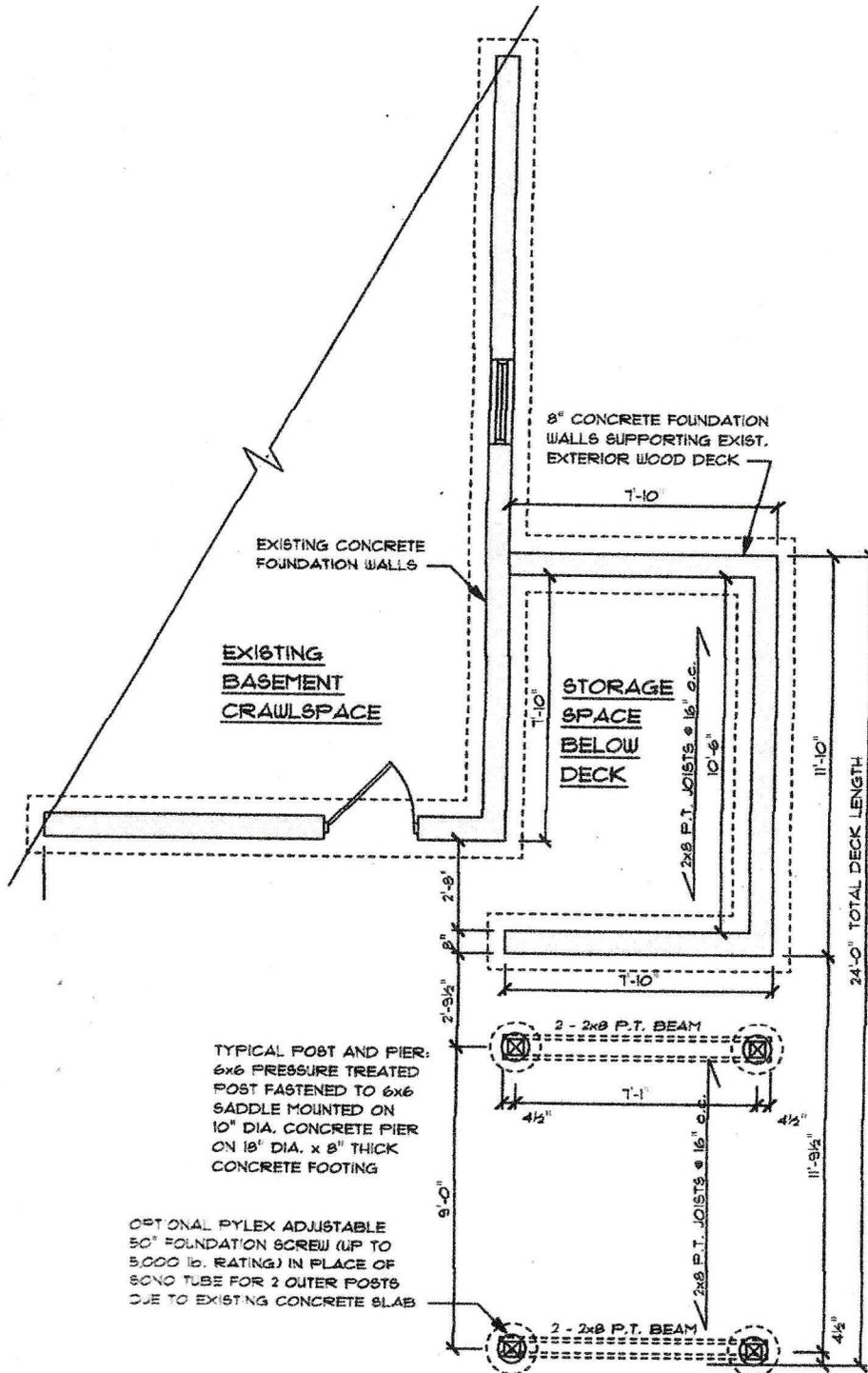
DocuSigned by:
Jim Jonkman
 2CA7E7A5EE08456...



EXTERIOR DECK PLAN LAYOUT

PROJECT NAME FAULDS RESIDENCE 11 JONES STREET, HAMILTON	SCALE	3/16" = 1'-0"	JONKMAN DESIGN 519-448-3214	FILE NO.	FAUL-0508-22
	DRAWN BY	JIM J		DATE	AUG. 5/22
	REVIEWED		REVIS		DRAWING # 3 OF 3

29303A-EA53-4002-A200-804E553F9C81



WOOD DECK SUPPORT LAYOUT



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)	Peggy Faulds	[REDACTED]	
Applicant(s)*	Peggy Faulds		
Agent or Solicitor			Phone: E-mail:

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

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

CIBC Commerce Place Hamilton ON L8P 1A4
--

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:

Permission to replace existing deck and therefore allow a side setback of .8m instead of 1.2m.

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

Current deck is built on a concrete foundation which will be difficult to remove or change.

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):

77 Jones St Hamilton ON
Plan 42 Blk 7 Pt Lot 9

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?

I have only resided here for 15 years so unsure of long past history.

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.

September 19/2022
Date

P. Faulds
Signature Property Owner(s)

P. Faulds
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 44'
Depth 165'
Area 7,260 sq. feet
Width of street 25'

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.
Existing deck 7'10" wide, 17' long
Screened area 7'10" wide, 5' long, 8' high.

Proposed

See attached
Proposed deck 7'10" wide, 24' long
Screened area 7'10" wide, 14'3" long, 9'5" high sloping to 2' high

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

Existing:

See attached

Proposed:

See attached

13. Date of acquisition of subject lands:
August 2007
14. Date of construction of all buildings and structures on subject lands:
House built in 1900; Pool added 2013; Other structures were there when house purchased
15. Existing uses of the subject property (single family, duplex, retail, factory etc.): Single family
Survey from 1981 (attached) shows deck existed then
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 it was built according to neighbors
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:
Strathcona Secondary Plan (low density residential 3)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D District Urban Protected Residential 1 + 2 family homes
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.



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-22:289	SUBJECT PROPERTY:	1208 Main St E, Hamilton
ZONE:	"TOC1" (Transit Oriented Corridor Mixed Use Medium Density)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 16-265

APPLICANTS: 2768732 Ontario Inc
2MK Architects Inc – Mustafa Khalil

The following variances are requested:

1. A minimum of four (4) parking spaces shall be provided on site instead of the minimum required five (5) parking spaces.

PURPOSE & EFFECT: To facilitate the existing single-family dwelling to be converted into a dental clinic notwithstanding that;

Notes:

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

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

DATE:	Thursday, October 20, 2022
TIME:	2:40 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

HM/A-22:289

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.



Subject Lands

DATED: October 4, 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

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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

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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

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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.

STATISTICS

ADDRESS: 1208 Main street, Hamilton, Ontario		
EXISTING USE: Single Dwelling Unit	PROPOSED USE: Interior Alteration and Renovation to Create Dental Clinic	
ZONING: Zoning Code TOC1 Transit Oriented Corridor Mixed Use Medium Density Parent Bylaw Number 05-200	Registered Plan: LOT 2 , Plan No. 687	SET-BACKS : EXISTING (NO CHANGE)
	LOT AREA: 387.857m ²	
Basement GFA: 85.2 m ²	Ground Floor GFA: Proposed Clinic GFA = 85.20 m ²	2nd Floor GFA: 85.20 m ² Un-Occupied Space for future Tenant fit out
Parking Required : 1. Clinics at 1 Parking for 16 sq.m = 85.2 m ² / 16 = 5 Parking	Parking Provided : 1. 4 Parking Space on Site 2. 10% reduction for Bike Rack=0.50 3. 10% reduction for showers =0.50 total provided on site 5	NUMBER OF STOREYS: Basement + Ground + Second
BUILDING MAJOR OCCUPANCY: Group "D" Medical Clinic	BUILDING O.B.C CLASSIFICATION: Group D 3.2.2.53	NUMBER OF STREETS / ACCESS ROUTE: 1 STREET

STATISTICS FOR AREA OF SCOPE OF WORK

OCCUPANCY LOAD :
Ground : MAX. 10 Person
2Nd Floor :
Basement :

This drawing is protected by copyright. Contractors must check all dimensions on site. Only figured dimensions are to be used. Discrepancies must be reported immediately to the architect before proceeding. All dimensions are shown in mm.

Revisions		
No.	Issued	Date
1	Issued for Permit	2022-04-10
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		

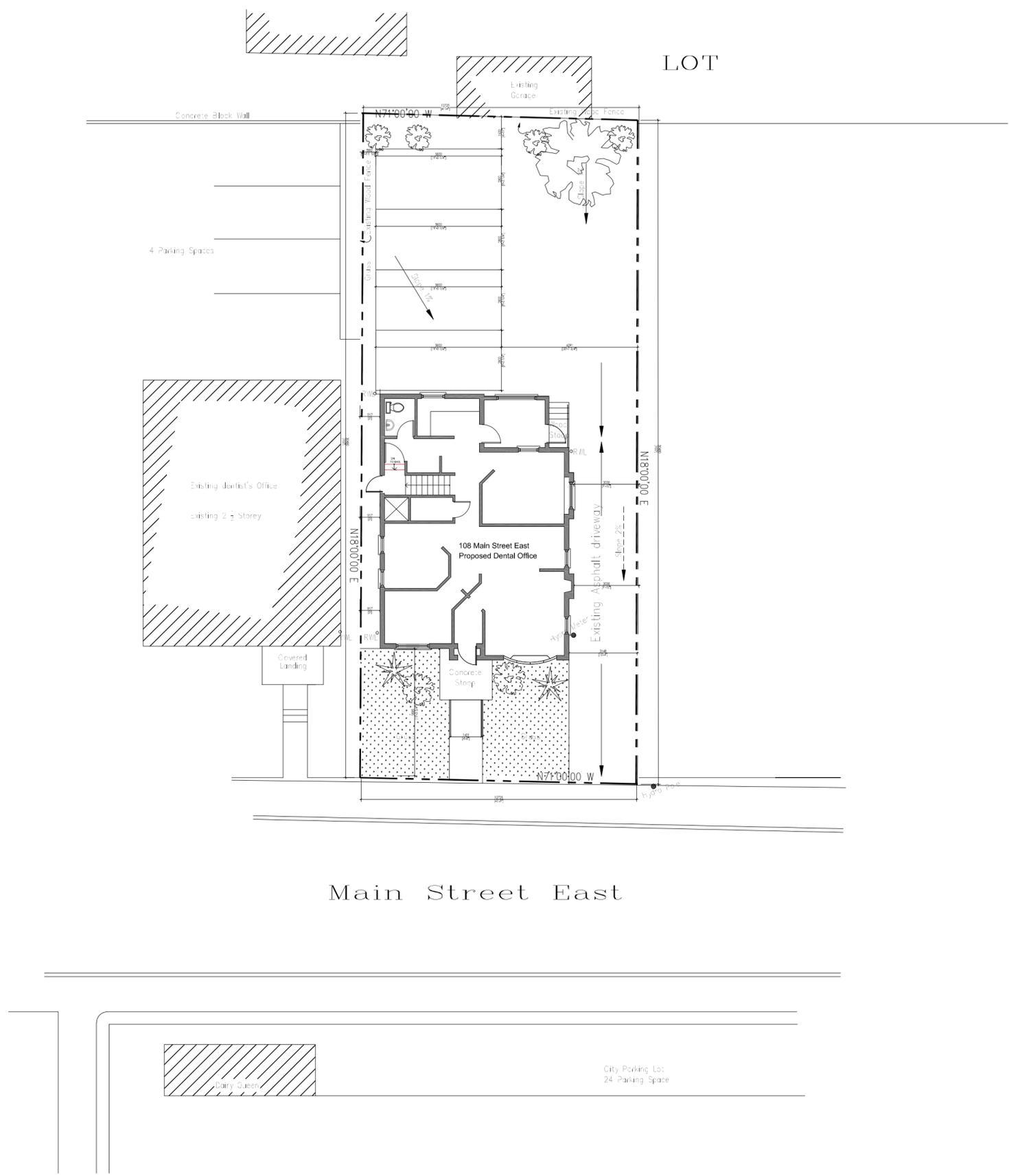


True North



Project North

Client	The Tooth Corner
	1208 Main street Hamilton, Ontario
Consultant	2MK Architects Inc.
	3461 Dixie Rd., unit 504 Mississauga ON, L4Y 3X4 phone (416) 272-9435 or (647) 300-0175
Project	Interior Alteration and Renovation to Existing Building
	1208 Main street Hamilton, Ontario
Drawing Title	Cover Sheet & Stats
Drawn by:	LK
Checked by:	MK
Scale	N.T.S
Date	27.05.2022
Project No.	202115
Drawing No.	A000



1 Site Plan
Scale 1:150

This drawing is protected by copyright. Contractors must check all dimensions on site. Only figured dimensions are to be used. Discrepancies must be reported immediately to the architect before proceeding. All dimensions are shown in mm.

Revisions		
No.	Issued	Date
1	Issued for Permit	2022-06-10
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		



Client
The Tooth Corner
1208 Main street Hamilton, Ontario

Consultant
2MK Architects Inc.
3461 Dixie Rd., unit 504
Mississauga ON, L4Y 3X4
phone (416) 272-9435 or (647) 300-0175

Project
Interior Alteration and Renovation to Existing Building
1208 Main street Hamilton, Ontario

Drawing Title
Site Plan

Drawn by:	LK	Checked by:	MK
Scale	1:150	Date	27.05.2022
Project No.	20215		
drawing No.	A001		

ProjectFlow - Review Details Report

Project Name: 20 199201 000 00 C9

Workflow Started: 12/17/2020 12:03 PM

Report Generated: 08/29/2022 05:23 PM

PLAN REVIEW COMMENTS

Cycle	Department	Reviewer	Review Status	Comments	Additional Reviewer Comments	Coordinator Comments	Comment Date	Changemark Snapshot	Applicant Response	Comment Status
Department Review										
1	Building Admin	sherif.rizkalla@hamilton.ca								
2			Checklists		Payment of parkland dedication fee, if applicable.			8/11/2022 3:05:20 PM		
							8/11/2022 3:05:20 PM			Not Met
	Mechanical	sherif.rizkalla@hamilton.ca	Review Comments	Corrections Required			8/11/2022 3:08:33 PM			
			Review Comments	Corrections Required				8/11/2022 3:08:33 PM		

ProjectFlow - Review Details Report

Project Name: 20 199201 000 00 C9

Workflow Started: 12/17/2020 12:03 PM

Report Generated: 08/29/2022 05:23 PM

2	Plans Examination	sherif.rizkalla@hamilton.ca							
		Review Comments	Corrections Required				8/11/2022 3:08:33 PM		
	Zoning	kayla.medeiros@hamilton.ca							
		Checklists		As per Section 5.7 b) and g) within Hamilton Zoning By-law 05-200 a 10% reduced parking space for motor vehicles only applies to Industrial and Commercial Zones. This property is zoned TOC1 and therefore Cycle 1 comments remain the same.			6/27/2022 2:59:38 PM		Not Met
	Review Comments	Corrections Required				8/11/2022 3:08:33 PM			

Committee of Adjustment

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



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)	2768732 ONTARIO INC.	
Applicant(s)*	2MK Architects Inc. - Mustafa Khalil	
Agent or Solicitor	2MK Architects Inc. - Mustafa Khalil	

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:

required 5 parking, available is 4

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

existing building, can not add extar parking

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

Registered Plan:
LOT 2 , Plan No. 687

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?

SURVEY

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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

2022-07-13

 Date



 Signature Property Owner(s)
 Hassan El-Awour

 Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	12.725 m	
Depth	30.48 m	
Area	387.858 sq.m	
Width of street	24 m	

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

Existing: _____
 Basement + GF + 2ND Floor, GFA 170.4 sq.m

Proposed
 same no change

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

Existing:
 existing no changes

Proposed:
 existing no changes

13. Date of acquisition of subject lands:
 2020

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

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

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

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

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

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:
 [TOC1 Transit Oriented Corridor Mixed Use Medium Density]

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-22:63	SUBJECT PROPERTY:	243 Glennie Ave, Hamilton
-------------------------	-------------------	--------------------------	---------------------------

APPLICANTS: Owner: DAO NGUYEN
Agent: R&R DESIGNS - NAV VIRDI

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes. The existing dwelling on the property will be demolished.

	Frontage	Depth	Area
SEVERED LANDS:	5.59 m [±]	32.31 m [±]	180.6072 m ² [±]
RETAINED LANDS:	5.59 m [±]	32.31 m [±]	180.6072 m ² [±]

Associated Planning Act File(s): N/A

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

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

DATE:	Thursday, October 20, 2022
TIME:	2:45 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:

HM/B-22:63

- 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.



 **Subject Lands**

DATED: October 4, 2022

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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

HM/B-22:63

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

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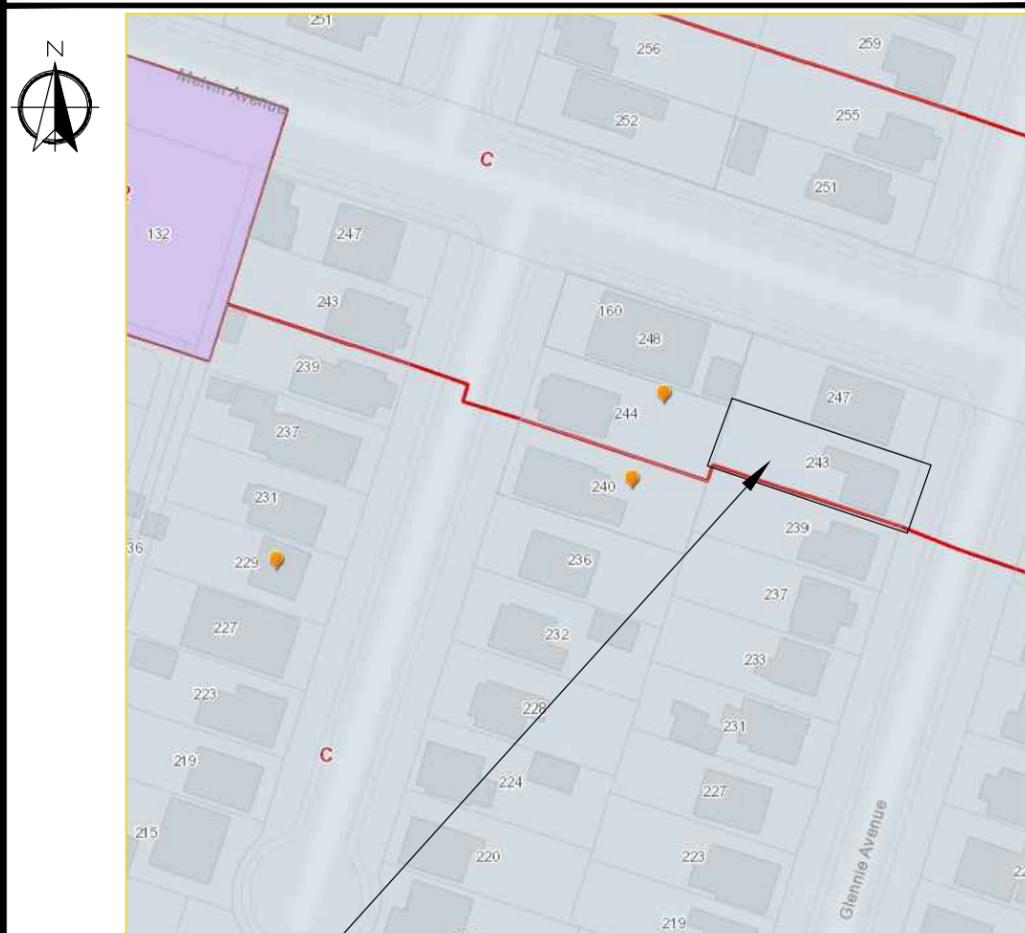
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**LOT SEVERANCE
243 GLENNIE AVENUE,
HAMILTON, ON L8H 5W3**



EXISTING FRONT STREET VIEW



AREA OF WORK

KEY MAP



ARCHITECTURAL

CONSULTANTS

SCOPE OF WORK:
1. LOT SEVERANCE.

SCOPE OF WORK

TITLE/SITE	REVISIONS
ARCHITECTURAL	
A0.01 COVER PAGE	
SP1.01 EXISTING SITE PLAN	
SP1.02 PROPOSED SITEPLAN	

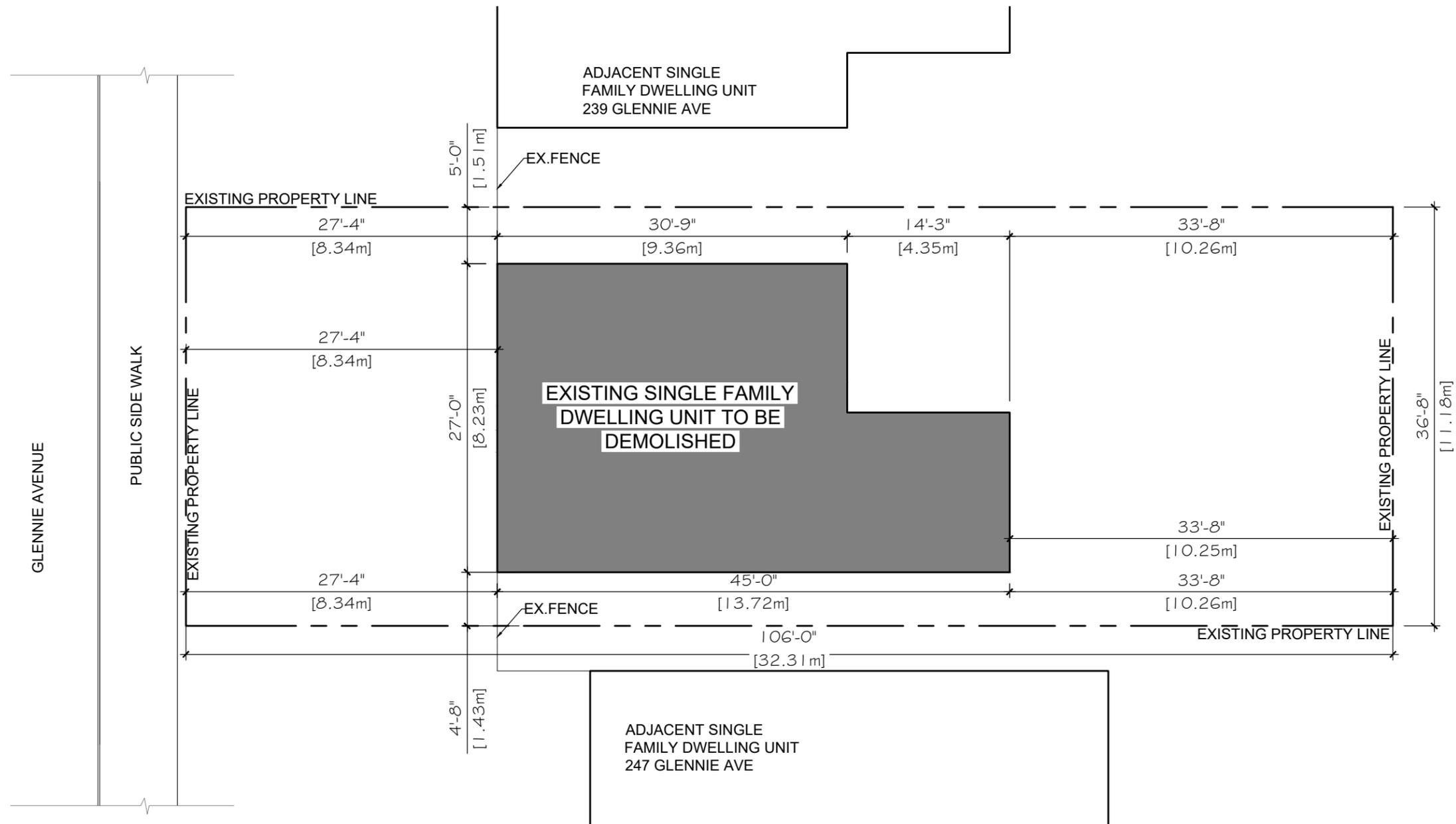


R&R Designs Inc.
92 Stapleton Ave, Hamilton, ON, L8H 3N6
(905) 547 8668
Richie Khanna | richie@r-designs.net
www.r-rdesigns.net

NO.	DATE	DESCRIPTION	BY
1	2022-05-18	ISSUE FOR SEVERANCE	O.H

PROJECT ADDRESS	243 GLENNIE AVENUE HAMILTON, ON L8H 5W3	
SCALE	AS NOTED	
DATE	2022-04-07	
PAGE TITLE	COVER PAGE	
PROJECT NO. RR13	DRAWING NO. A0.01	
DRAWN BY OH REVIEWED BY RK		

SHEET INDEX



1 EXISTING SITE PLAN

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

SITE STATISTICS	
SITE AREA	0.09 Acre (364.2 Sq.m) (EXISTING)
FRONTAGE	36'-8" (11.18 m) (EXISTING)
DEPTH	106'-0" (32.31 m) (EXISTING)
ZONING CODE	C, URBAN PROTECTED RESIDENTIAL ETC.
WARD	4.0
PARENT BY-LAW	6593 FORMER HAMILTON

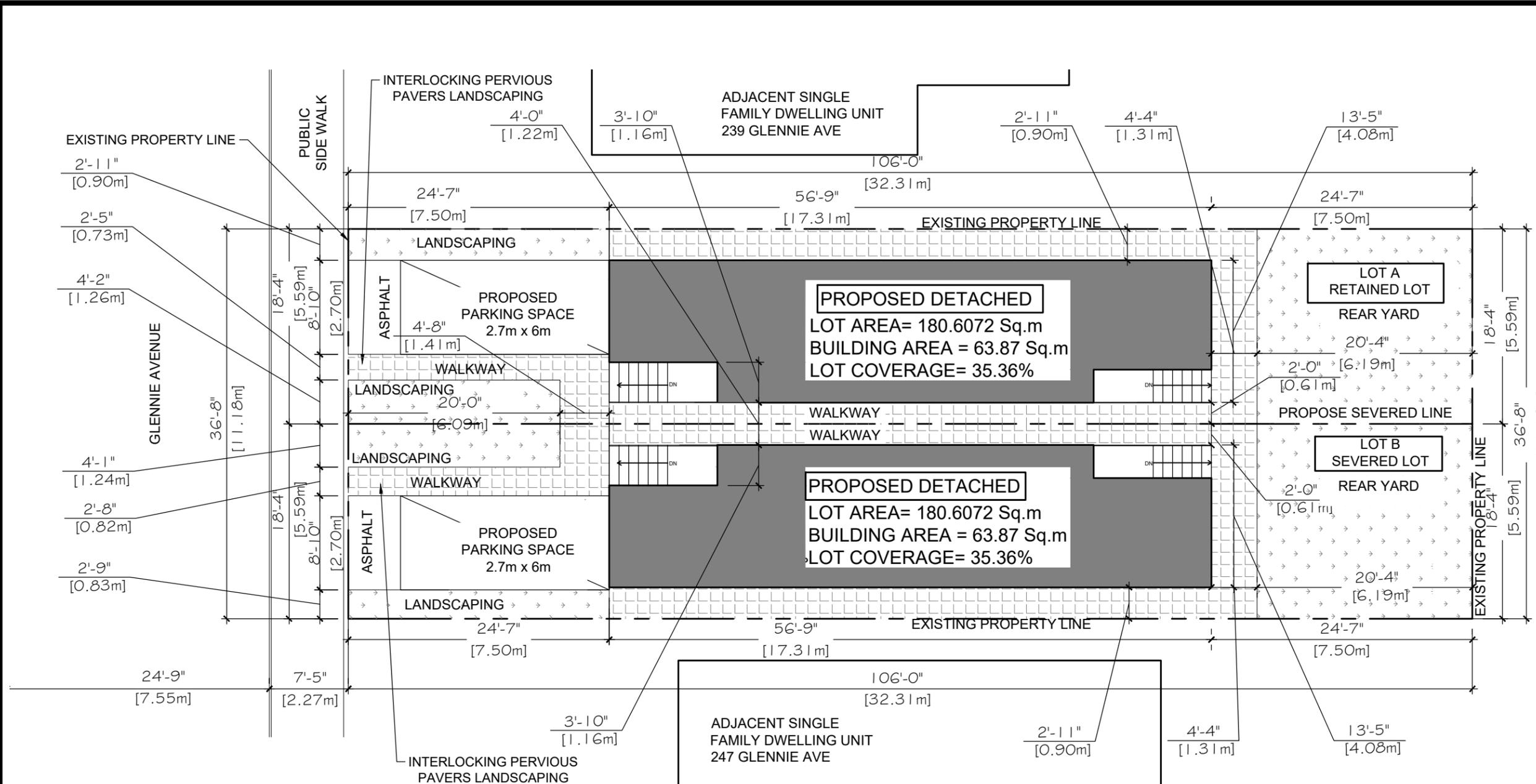
EXISTING BUILDING STATISTICS	
FRONT SETBACK	± 27'-4" (8.34 m)
REAR SETBACK	± 33'-8" (10.25 m)
NORTH SIDE SETBACK	± 4'-9" (1.45 m)
SOUTH SIDE SETBACK	± 4'-11" (1.51 m)
WIDTH	± 27'-0" (8.23 m)
DEPTH	± 45'-0" (13.72 m)
# OF STOREY	1.0



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 Richie Khanna | richie@r-rdesigns.net
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NO.	DATE	DESCRIPTION	BY
1	2022-05-18	ISSUE FOR SEVERANCE	O.H

REVISIONS	
PROJECT ADDRESS	243 GLENNIE AVENUE HAMILTON, ON L8H 5W3
SCALE	AS NOTED
DATE	2022-04-07
PAGE TITLE	EXISTING SITE PLAN
PROJECT NO. RR13	DRAWING NO. SP1.01
DRAWN BY OH	
REVIEWED BY RK	



1 PROPOSED SITE PLAN (FOR SEVERANCE)
Scale: 3/32"=1'-0"

	LOT A (Retained)	LOT B (Severed)
WARD	HAMILTON 4	HAMILTON 4
ZONING CODE	C, URBAN PROTECTED RESIDENTIAL ETC.	C, URBAN PROTECTED RESIDENTIAL ETC.
PARENT BY-LAW	6593 FORMER HAMILTON	6593 FORMER HAMILTON
BY-LAW #	84-46	84-46
EXCEPTION 1 BY-LAW	88-86	88-86
LOT AREA	180.6072 sq. m (1944.0400 sq. ft.)	180.6072 sq. m (1944.0400 sq. ft.)
FRONTAGE	5.59 m (18'-4")	5.59 m (18'-4")
DEPTH	32.31 m (106'-0")	32.31 m (106'-0")
PROPOSED # OF STORIES	2	2

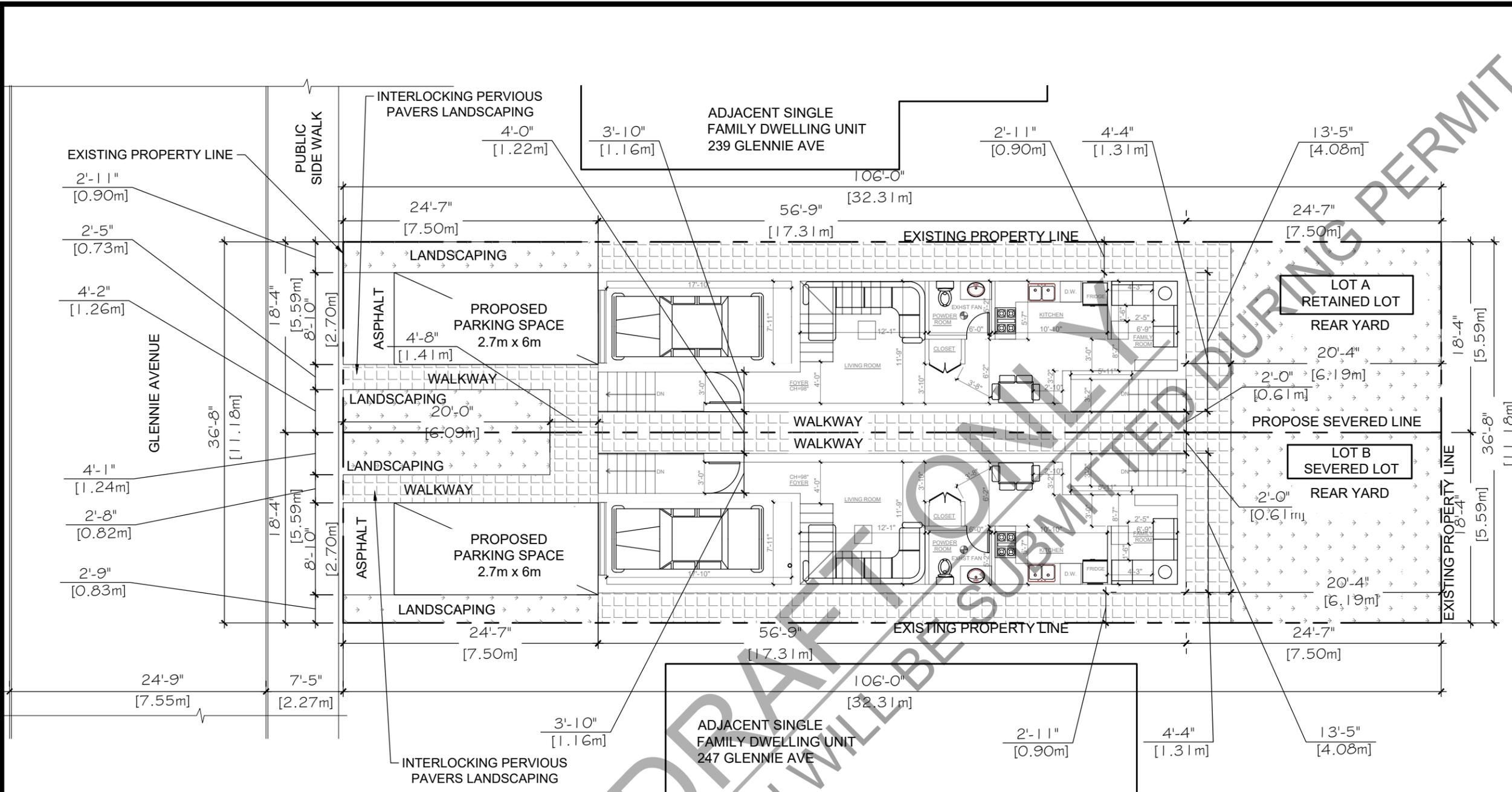
	LOT A (Retained)		LOT B (Severed)	
BUILDING AREA	63.87 sq.m		63.87 sq.m	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED
FRONT SETBACK	6 m	7.5 m	6 m	7.5 m
REAR SETBACK	7.5 m	7.5 m	7.5 m	7.5 m
NORTH SIDE SETBACK	1.2 m	0.61 m	1.2 m	0.9 m
SOUTH SIDE SETBACK	1.2 m	0.9 m	1.2 m	0.61 m
	FRONT AREA CALCULATION		FRONT AREA CALCULATION	
	AREA IN SQ.M	PERCENTAGE	AREA IN SQ.M	PERCENTAGE
FRONT AREA	41.93	100	41.93	100
ASPHALT DRIVEWAY	20.24	48.28	20.24	48.28
LANDSCAPING	21.688	51.7000	21.688	51.7200

Another project by



R&R Designs Inc.
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Richie Khanna | richie@r-designs.net
www.r-designs.net

7			
6			
5			
4			
3			
2			
1	2022-05-18	ISSUE FOR SEVERANCE	O.H
NO.	DATE	DESCRIPTION	BY
REVISIONS			
PROJECT ADDRESS	243 GLENNIE AVENUE HAMILTON, ON L8H 5W3		
SCALE	AS NOTED		
DATE	2022-04-07		
PAGE TITLE	PROPOSED SITE PLAN		
PROJECT NO. RR13	DRAWING NO. SP1.02		
DRAWN BY OH			
REVIEWED BY RK			



1 PROPOSED SITE PLAN (FOR SEVERANCE)
Scale: 3/32"=1'-0"

	LOT A (Retained)	LOT B (Severed)
WARD	HAMILTON 4	HAMILTON 4
ZONING CODE	C, URBAN PROTECTED RESIDENTIAL ETC.	C, URBAN PROTECTED RESIDENTIAL ETC.
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PROPOSED # OF STORIES	2	2

	LOT A (Retained)		LOT B (Severed)	
BUILDING AREA	63.87 sq.m		63.87 sq.m	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED
FRONT SETBACK	6 m	7.5 m	6 m	7.5 m
REAR SETBACK	7.5 m	7.5 m	7.5 m	7.5 m
NORTH SIDE SETBACK	1.2 m	0.61 m	1.2 m	0.9 m
SOUTH SIDE SETBACK	1.2 m	0.9 m	1.2 m	0.61 m
	FRONT AREA CALCULATION		FRONT AREA CALCULATION	
	AREA IN SQ.M	PERCENTAGE	AREA IN SQ.M	PERCENTAGE
FRONT AREA	41.93	100	41.93	100
ASPHALT DRIVEWAY	20.24	48.28	20.24	48.28
LANDSCAPING	21.688	51.7000	21.688	51.7200

Another project by



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DRAWN BY OH	 N
REVIEWED BY RK	



Hamilton

Committee of AdjustmentCity Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

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

Office Use Only

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

1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	NGUYEN, DAO		
Applicant(s)**	NAV VIRDI R&R DESIGNS		
Agent or Solicitor			Phone:
			E-mail:

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

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality HAMILTON ZONE C	Lot 20	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 243 GLENNIE AVENUE, HAMILTON, L8H 5W3			Assessment Roll N°.

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

Yes No

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

3 PURPOSE OF THE APPLICATION

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

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

creation of a new lot

addition to a lot

an easement

Other: a charge

a lease

a correction of title

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

creation of a new lot

creation of a new non-farm parcel

(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)

addition to a lot

Other: a charge

a lease

a correction of title

an easement

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

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)
5.59	32.31m	180.6072 Sq.m

Existing Use of Property to be severed:

Residential

Agriculture (includes a farm dwelling)

Other (specify) _____

Industrial

Agricultural-Related

Commercial

Vacant

Proposed Use of Property to be severed:

Residential

Agriculture (includes a farm dwelling)

Other (specify) _____

Industrial

Agricultural-Related

Commercial

Vacant

Building(s) or Structure(s):

Existing: 1 STOREY DETACHED SINGLE FAMILY HOUSE

Proposed: LOT B, 2 STOREYS DETACHED

Existing structures to be removed: YES, EXISTING HOUSE WILL BE DEMOLISHED

Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

Type of water supply proposed: (check appropriate box)

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify) _____

Type of sewage disposal proposed: (check appropriate box)

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

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

Frontage (m) 5.59	Depth (m) 32.31	Area (m ² or ha) 180.6072 Sq.m
----------------------	--------------------	--

Certificate Request for Retained Lands: Yes*

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

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: 1 STOREY DETACHED SINGLE FAMILY HOUSE

Proposed: LOT A, 2 STOREYS DETACHED

Existing structures to be removed: YES, EXISTING HOUSE WILL BE DEMOLISHED

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
- telephone
- school bussing
- garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable): _____

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

5.2 What is the existing zoning of the subject land?

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

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	N.A
A land fill	<input type="checkbox"/>	N.A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N.A
A provincially significant wetland	<input type="checkbox"/>	N.A
A provincially significant wetland within 120 metres	<input type="checkbox"/>	N.A
A flood plain	<input type="checkbox"/>	N.A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	N.A
An active railway line	<input type="checkbox"/>	N.A
A municipal or federal airport	<input type="checkbox"/>	N.A

*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



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-22:293	SUBJECT PROPERTY:	198 BALMORAL AVENUE S, HAMILTON
ZONE:	"D" (Urban Protected Residential – One- and Two-Family Dwellings and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: PATRICK VUSIR / MADELEINE GIROUX

The following variances are requested:

1. A minimum southerly side yard width of 0.6m shall be permitted for a building or structure not over two and a half storeys or 11.0m in height instead of the minimum required side yard width of 1.2 metres for a building or structure not over two and a half storeys in height

PURPOSE & EFFECT: To permit the construction of a 1 storey, 32.08m² rear yard addition

1. Parking details have not been provided, as such, further variances may be required at such a time that a complete review of the parking requirements can be conducted.
2. An eave/gutter may project a maximum of one half of a side yard or 1.0m whichever is the lesser amount. If the requested side yard variances are approved, an eave/gutter may project a maximum of 0.3m into the required southerly side yard and 1.0m into the required northerly side yard. Insufficient details were provided to confirm compliance; as such, additional variances may be required

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

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

DATE:	Thursday, October 20, 2022
TIME:	2:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)

HM/A-22:293

	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.



DATED: October 4, 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.

KNOWN AS ROSSLYN AVENUE SOUTH
(EASTING/ANT AVENUE BY REGISTERED PLAN 554)

SHERBROOKE STREET
(BY REGISTERED PLAN 554)



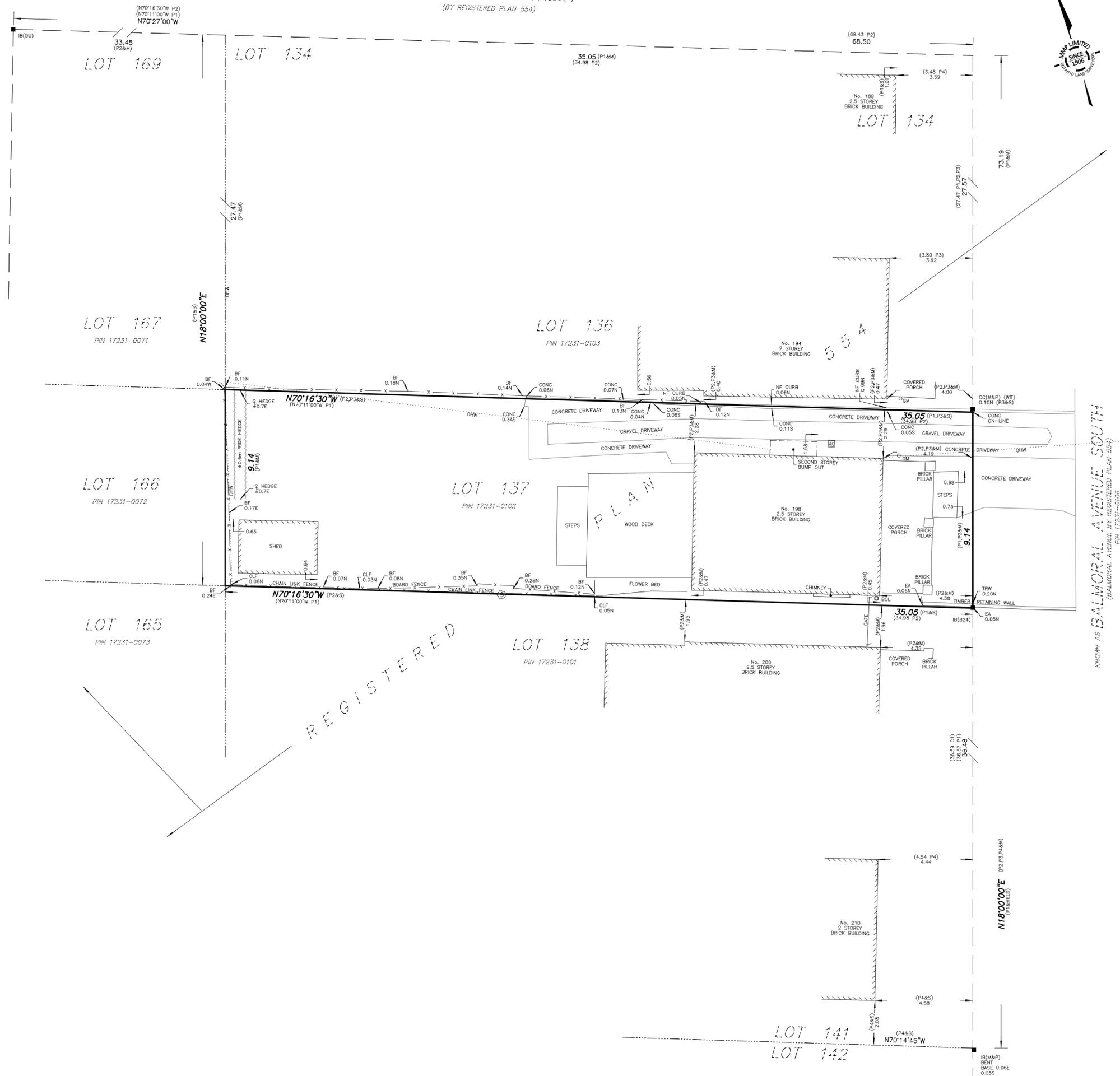
SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF SURVEY OF
LOT 137
REGISTERED PLAN 554
IN THE
CITY OF HAMILTON

SCALE 1 : 100
THE INTENDED PLOT SIZE OF THIS PLAN IS 750mm IN WIDTH BY 570mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:100 (INCLUDING 15mm BEYOND EACH BORDER)
MackAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS
© 2022

KNOWN AS MUNICIPAL No. 198 BALMORAL AVENUE
PART 2 - REPORT SUMMARY (TO BE READ IN CONJUNCTION WITH PART 1)
LAND REGISTRY OFFICE TITLE INFORMATION ON SUBJECT PROPERTY INCLUDING BOUNDARIES, EASEMENTS AND RIGHT-OF-WAYS - MARCH 10, 2022
REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:
- NONE
ADDITIONAL REMARKS:
- REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES & UTILITIES

Metric DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
V-31523

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 1026, SECTION 28(3)



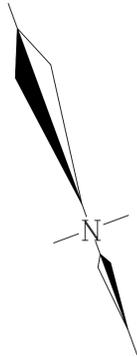
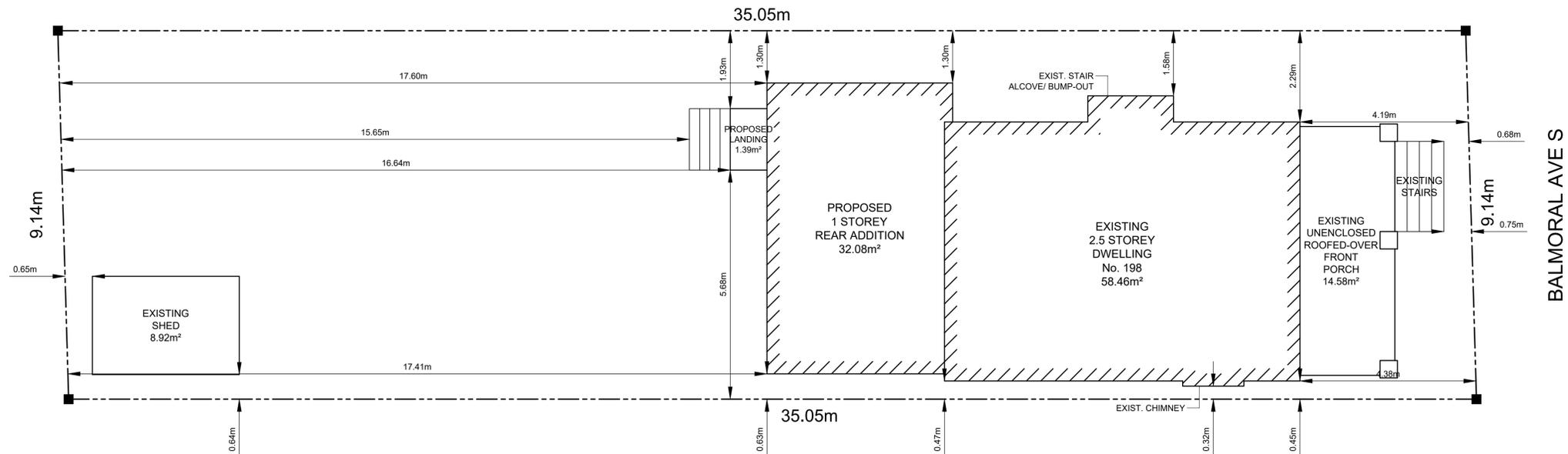
- LEGEND**
- DENOTES A SURVEY MONUMENT FOUND
 - IB DENOTES IRON BAR
 - CC DENOTES CUT CROSS
 - P1 DENOTES REGISTERED PLAN 554
 - P2 DENOTES PLAN BY A.T. McLAREN LIMITED DATED MAY 7, 1984
 - P3 DENOTES PLAN BY MMP LIMITED DATED APRIL 20, 1992 (92-1071-1)
 - P4 DENOTES PLAN BY MMP LIMITED DATED NOVEMBER 11, 1998 (98-115-1B(Y))
 - C1 DENOTES CALCULATED FROM P1 & P4
 - WIT DENOTES A WITNESS MONUMENT
 - PIN DENOTES PROPERTY IDENTIFICATION NUMBER
 - CL DENOTES CENTRELINE
 - BF DENOTES BOARD FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - BOL DENOTES BOLLARD
 - GM DENOTES GAS METER
 - CONC DENOTES CONCRETE
 - NF DENOTES NORTH FACE
 - TRW DENOTES TIMBER RETAINING WALL
 - OHW DENOTES OVERHEAD WIRE
 - EA DENOTES EDGE OF ASPHALT
 - ⊗ DENOTES STUMP
 - ⊠ DENOTES AIR CONDITIONER
- ALL BUILDING TIES ARE TO FOUNDATION AND ARE PERPENDICULAR TO PROPERTY LINES UNLESS OTHERWISE NOTED

BEARING REFERENCE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF BALMORAL AVENUE SOUTH AS SHOWN ON REGISTERED PLAN 554 HAVING A BEARING OF N18°00'00"E

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 21st DAY OF MARCH, 2022.

JULY 22, 2022
DATE
PROF. C. MARYO
ONTARIO LAND SURVEYOR
FOR MACKAY, MACKAY & PETERS LIMITED

<p>Mackay, MacKay & Peters Limited LAND SURVEYORS & MAPPERS SINCE 1906</p>	3380 South Service Road Unit 101 Burlington, ON L7N 3J5 (905) 639-1375 hamton@mmplimited.com mmplimited.com	DRAWN BY: G.S. PARTY CHIEF: W.Y. CHECKED BY: J.M. PROJECT No.: 22-059
	©(62) Hamilton-Wentworth\Registered Plans\RP0554\LOT 137\22-059\22-059.dwg	



SITE DATA	
ZONE:	D
LOT AREA:	320.52m ²
EXISTING BUILDING FOOTPRINT:	58.46m ²
EXISTING FRONT PORCH:	14.58m ²
EXISTING SHED:	8.92m ²
PROPOSED REAR ADDITION:	32.08m ²
PROPOSED LANDING:	1.39m ²
TOTAL:	99.46m ²
LOT COVERAGE:	31.03%
BUILDING HEIGHT	
No. of STOREYS:	2.5
GRADE TO EXIST. RIDGE:	9.51m
GRADE TO ADDITION PEAK:	4.28m
ADDITION SETBACKS	
REAR:	17.41m
LEFT SIDE:	0.63m
RIGHT SIDE:	1.30m

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	PRELIMINARY DRAWINGS	08/15/2022

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
- THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
- REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
- CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
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- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION

LEONARD ANGELICI 42391
NAME BCIN

REGISTRATION INFORMATION

LEN ANGELICI DESIGN 43162
NAME BCIN

08/15/2022
DATE SIGNATURE

Len Angelici Design

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

PROJECT

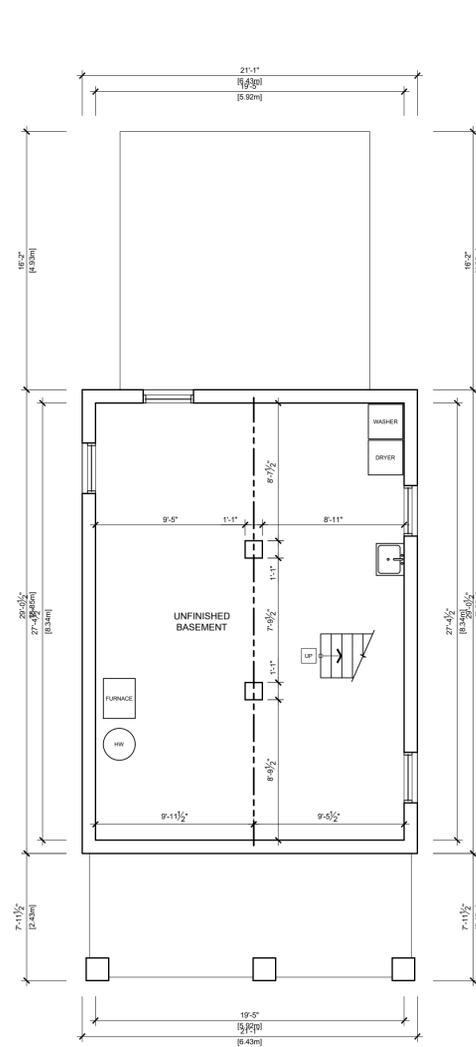
PROPOSED RESIDENCE
198 BALMORAL AVE S
HAMILTON, ON

SHEET TITLE

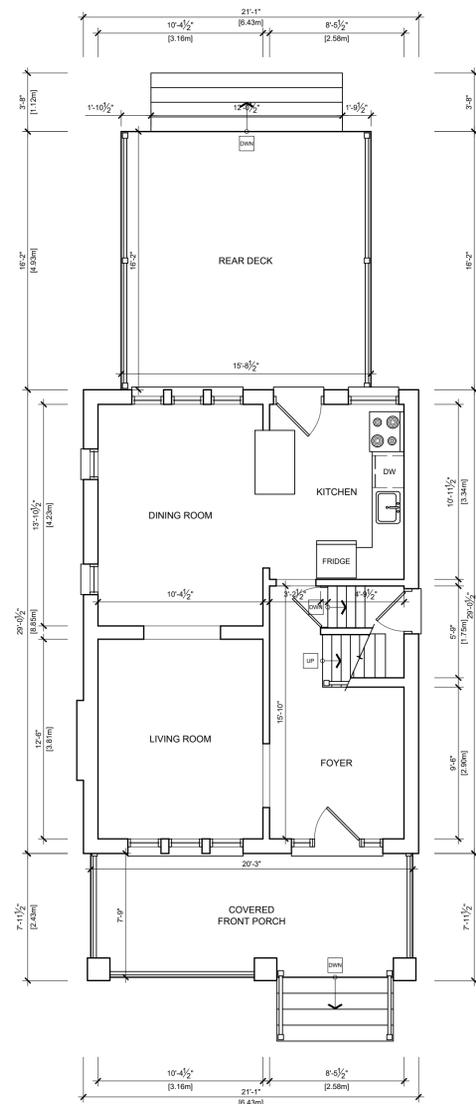
SITE PLAN

DRAWN BY	L. ANGELICI
DATE	08/15/2022
SCALE	3/8"=1'-0"
PROJECT No.	22027

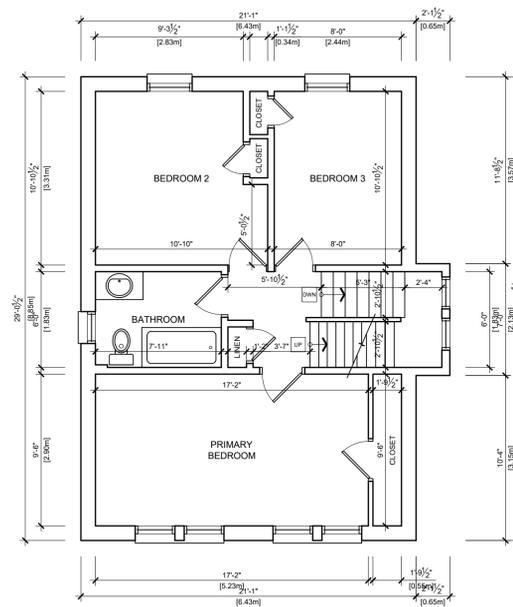
SP1



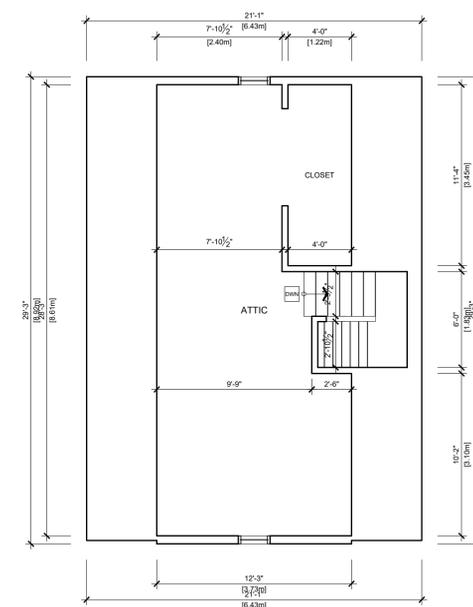
EXISTING BASEMENT PLAN
SCALE $\frac{3}{16}'' = 1' - 0''$



EXISTING MAIN FLOOR PLAN
SCALE $\frac{3}{16}'' = 1' - 0''$



EXISTING SECOND FLOOR PLAN
SCALE $\frac{3}{16}'' = 1' - 0''$



EXISTING ATTIC PLAN
SCALE $\frac{3}{16}'' = 1' - 0''$

PROJECT NORTH	TRUE NORTH

01.	PRELIMINARY DRAWINGS	08/15/2022
No.	REVISION	DATE

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SEAL

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QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391
NAME	BCN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	43162
NAME	BCN
08/15/2022	
DATE	SIGNATURE

Len Angelici Design

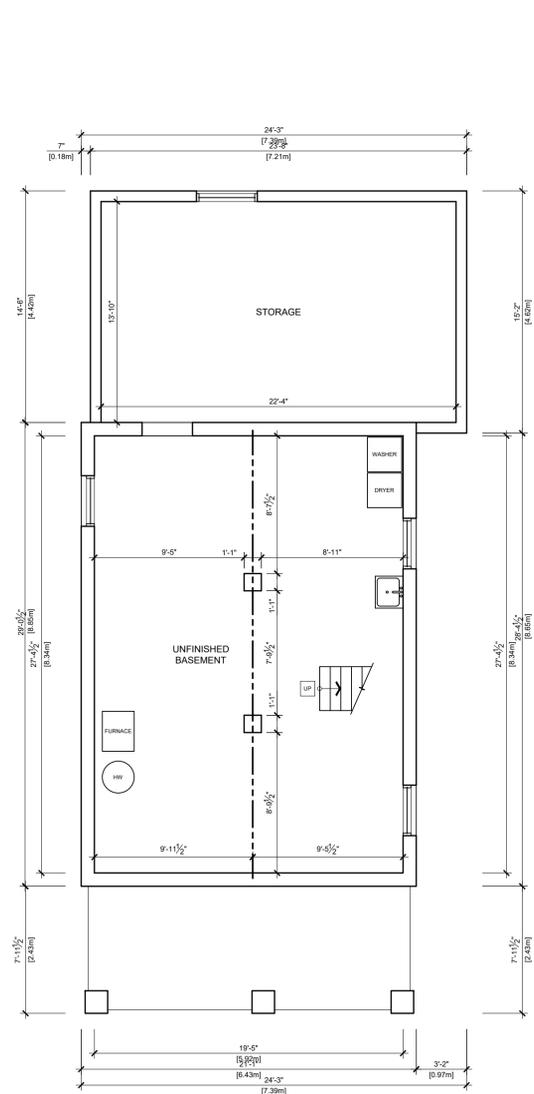
270 SHERMAN AVE N, UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE
198 BALMORAL AVE S
HAMILTON, ON

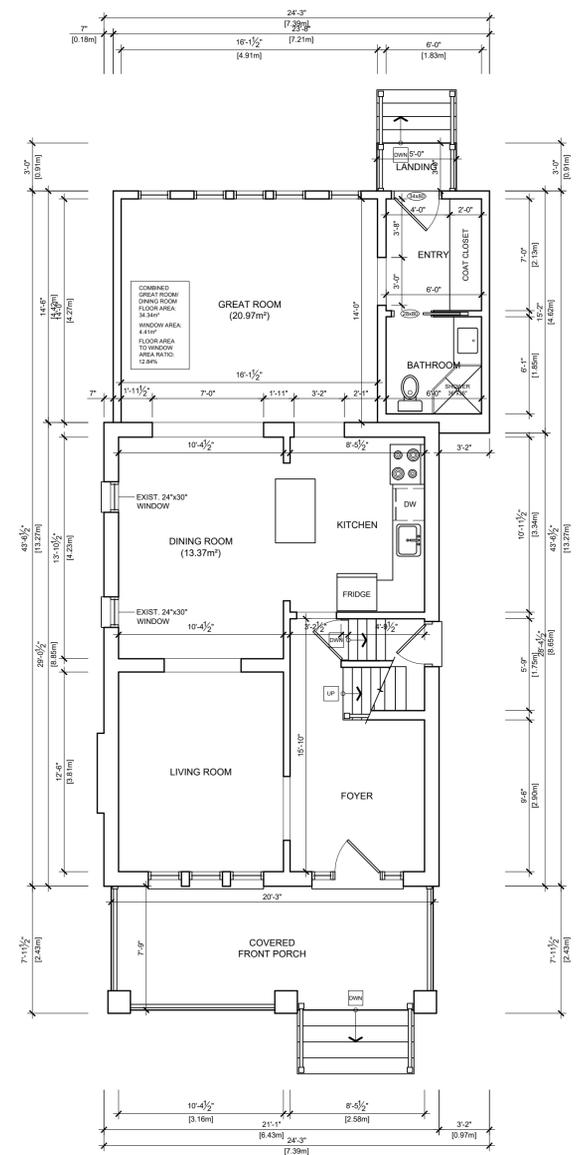
SHEET TITLE
EXISTING FLOOR PLANS

DRAWN BY	L. ANGELICI
DATE	08/15/2022
SCALE	$\frac{3}{16}'' = 1' - 0''$
PROJECT No.	22027

A1



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



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

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	PRELIMINARY DRAWINGS	08/15/2022

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SEAL

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QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	43162
NAME	BCIN
08/15/2022	
DATE	SIGNATURE

Len Angelici Design

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

PROJECT
PROPOSED RESIDENCE
198 BALMORAL AVE S
HAMILTON, ON

SHEET TITLE
PROPOSED FLOOR PLANS

DRAWN BY	L. ANGELICI
DATE	08/15/2022
SCALE	3/16"=1'-0"
PROJECT No.	22027

A2

PROJECT NORTH	TRUE NORTH

01.	PRELIMINARY DRAWINGS	08/15/2022
No.	REVISION	DATE

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5. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
6. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
7. DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
8. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION

LEONARD ANGELICI 42391
NAME BCIN

REGISTRATION INFORMATION

LEN ANGELICI DESIGN 43162
NAME BCIN

08/15/2022
DATE SIGNATURE

Len Angelici Design

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

PROJECT

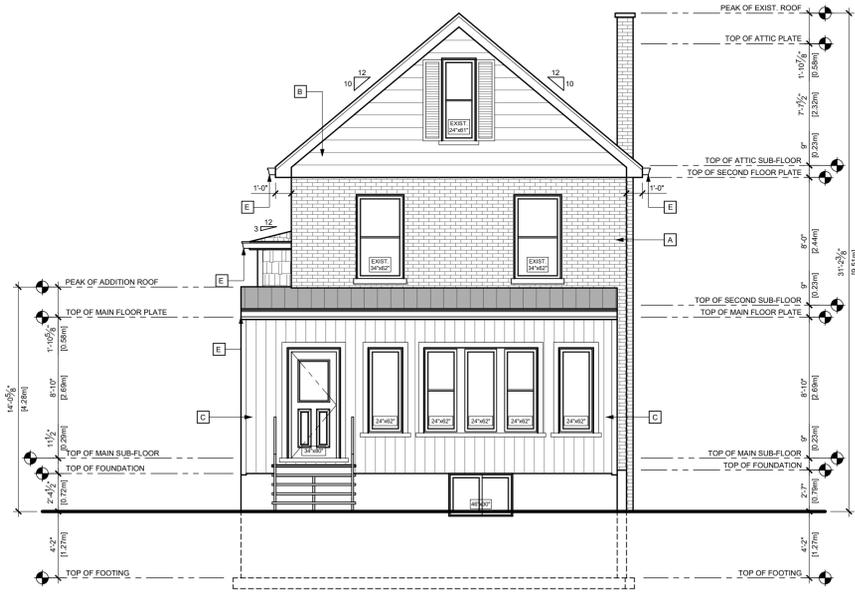
PROPOSED RESIDENCE
198 BALMORAL AVE S
HAMILTON, ON

SHEET TITLE

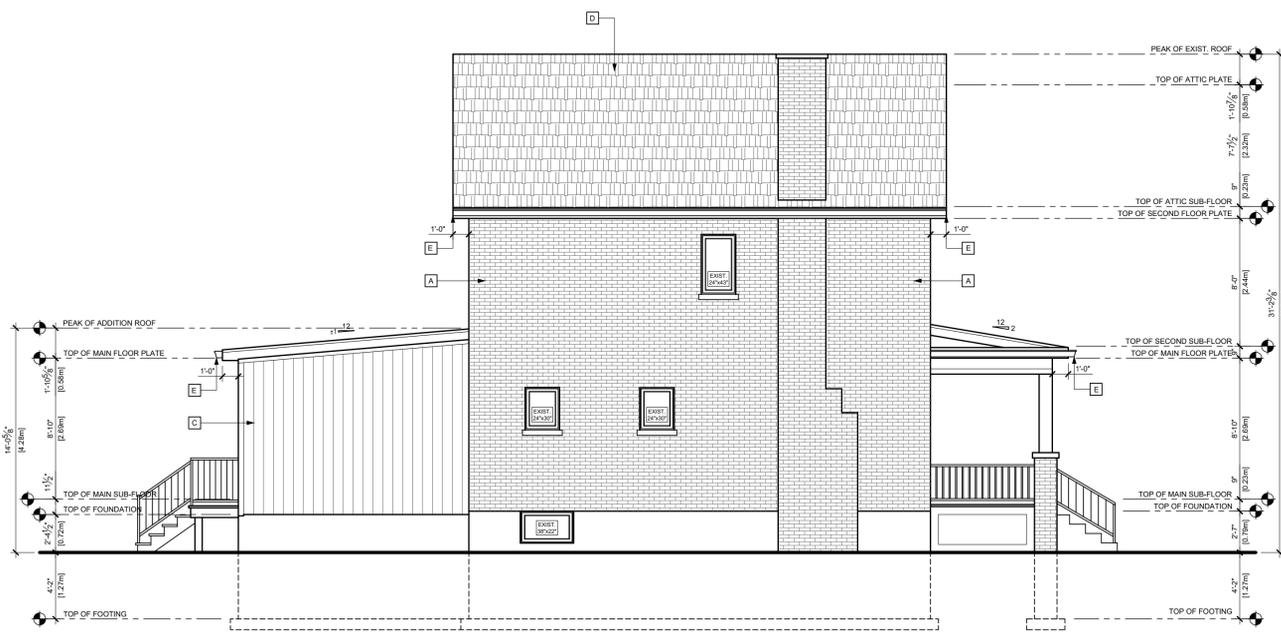
PROPOSED ELEVATIONS

DRAWN BY	L. ANGELICI
DATE	08/15/2022
SCALE	3/16"=1'-0"
PROJECT No.	22027

A3



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



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



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

EXTERIOR FINISH INDEX

A	EXIST. BRICK VENEER
B	EXIST. SIDING
C	NEW PRE-FIN WOOD SIDING
D	ASPHALT SHINGLES
E	5" PRE-FIN, ALUM. EAVETROUGH ON 6" WITH PRE-FIN, ALUM. FASCIA CW PRE-FIN, ALUM. DOWNSPOUT

September 13, 2022

Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
Phone: 905-546-2424 ext. 4221
Email: cofa@hamilton.ca

Attention: Jamila Sheffield, Secretary-Treasurer

Dear Ms. Sheffield:

RE: Minor Variance Application for 198 Balmoral Avenue South, Hamilton

We respectfully submit the enclosed application for a Minor Variance from Zoning By-law 6593 (or Zoning By-law 05-200, should By-law 22-197 come into force and effect). The following plans and documents are attached as part of the above referenced application:

- One electronic copy of the Minor Variance Application Form;
- One electronic copy of a Property Survey;
- One electronic copy of a Site Plan;
- One electronic copy of Existing and Proposed Floor Plans, and Proposed Building Elevations

Proposal

The proposal is to construct a 32.08 square metre (346 square feet) one-storey rear addition (with full basement) to the existing 2.5 storey single-detached dwelling. The existing rear deck will be removed.

Site and Surrounding Context

The property is located on the west side of Balmoral Avenue South, north of Justine Avenue and south of Sherbrooke Street, within the Delta West Neighbourhood in Ward 3.

The area is characterized by a mixture of 1.5-storey to 2.5-storey dwellings built circa the 1920s. The existing lot fabric and building orientation of the neighbourhood predates the creation of Zoning By-law 6593 (and Zoning By-law 05-200). There is a mix of single detached dwellings and duplex dwellings within the surrounding neighbourhood, with many buildings having been renovated over the decades to add additional living area. Based on a review of aerial photos, approximately 15 of the 20 dwellings on this portion of Balmoral Avenue South appear to have rear additions of varying sizes.

Requested Variance(s)

We respectfully request approval of a Minor Variance from Zoning By-law 6593 (or Zoning By-law 05-200, as applicable) to permit a south side yard setback of 0.6 metre whereas Section 10(3)(ii) of Zoning By-law 6593 (alternatively, Section 15.2.2.1.d) of Zoning By-law 05-200) requires a setback of 1.2 metres for an interior side yard.

We acknowledge that a review of Zoning By-law compliance can be a complex process, especially where a property has existed for 100 years, and where compliance needs to be considered against regulations of two separate Zoning By-laws. Our understanding of the City's Zoning By-law compliance review process, by way of email communication with City Staff, is that the review would focus on those regulations applicable to the proposed addition. We request, should Staff complete their review and determine additional variances are required, that all Minor Variances be considered in one application.

Analysis

Intent of Urban Hamilton Official Plan

The property is designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations of the UHOP. It is located within the Delta West Established Historical Neighbourhood. Policy E.3.2.3.a) of the UHOP lists residential dwellings as a permitted use and Policy E.3.4.3 further permits single-detached, semi-detached, duplex, triplex, and street townhouse dwellings in low-density residential areas within the Neighbourhoods designation.

With respect to new construction, the UHOP contains policies that stress the importance of respecting and keeping proposals compatible with neighbourhood character (policy B.3.3.1.5), through built form, development patterns, and landscape (policy B.3.3.2.3). Furthermore, new construction within established historical neighbourhoods is expected to be sympathetic and complementary to such attributes as building setback, massing, height, and materials (policy B.3.4.3.6) and new additions should be no higher than the existing buildings and should be placed at the rear of the lot or setback from the front façade (policy B.3.4.3.7).

The proposed variance to permit a 32.08 square metre one-storey rear addition meets the intent of the Urban Hamilton Official Plan. As proposed, the southerly setback of the addition will be greater than the southerly setback of the existing dwelling, and the massing, height, and materials (vertical board-and-batten siding) will be consistent with the rear additions of the adjacent dwellings, and complementary to the existing dwelling. The proposed one-storey addition will not exceed the height of the existing building and will be entirely in the rear yard.

Intent of Zoning By-law 6593

The property is zoned “D” District (Urban Protected Residential – One and Two Family Dwellings, etc.) in (former City of Hamilton) Zoning By-law 6593. At the time of submission, the property is proposed to be zoned “Low Density Residential – Small Lot (R1a) Zone” in Zoning By-law 05-200 pending By-law 22-197 coming into force and effect. Per the *Planning Act*, one of the main purposes of a Zoning By-law is to regulate character (via height, setbacks, and lot requirements) and use of land, buildings, and structures.

The requested Minor Variance (to permit a southerly side-yard setback of 0.6 metre instead of the required 1.2 metres) allows the proposed addition to align with the interior layout of the house (which is reflective of 1920s era lot and building layout) while still providing slightly more room for a setback from the southerly neighbour than the existing dwelling. The purpose of a side yard setback is to maintain a consistent streetscape, allow for access, and avoid impacts to privacy. We note that the northerly side yard will comply with the required side yard setback in both Zoning By-laws and this will ensure that access to the rear yard is maintained. Additionally, the proposed addition will only be one storey tall, and no windows will face the south lot line; this will avoid negative impacts to privacy. As the proposal would see the construction of a rear addition, and no changes to the front of the dwelling, there will be no impacts to neighbourhood character.

We are of the opinion that the requested Minor Variance maintains the intent of the Zoning By-law as access to the rear yard will be maintained, and neighbours’ privacy and neighbourhood character will not be impacted.

Requested Variances are Minor in Nature and Desirable for the Appropriate Development or Use of the Property

The requested Minor Variance – a southerly side yard setback of 0.6 metre for the proposed addition – is minor in nature as it maintains at least 50% of the required side yard setback and is actually greater than the existing side yard setback to the dwelling. The requested variance is desirable for the appropriate use of the property (the use of “single-detached dwelling”) because it would allow for a modest expansion of living area while maintaining the form and function of the original dwelling and neighbourhood character. The construction of a rear addition reflects an evolution of property use over 100 years.

Conclusion

For the foregoing reasons, we believe the requested Minor Variance – to permit a southerly side yard of 0.6 metre whereas 1.2 metres is required by Zoning By-law 6593 (and Zoning By-law 05-200, should By-law 22-197 come into force and effect) meets the intent of the Urban Hamilton Official Plan, meets the intent of both Zoning By-laws, is minor in nature, and is desirable for the appropriate use of the property. On that basis,

we respectfully request that this application for a Minor Variance be approved by the Committee of Adjustment.

Patrick Vusir & Madeleine Giroux
198 Balmoral Avenue South
Hamilton, ON



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)	Patrick Vusir Madeleine Giroux	
Applicant(s)*	Patrick Vusir Madeleine Giroux	
Agent or Solicitor	N/A	

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 1311 Barton St E, Hamilton, ON L8H 2V4

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

4. Nature and extent of relief applied for:

Please see attached cover letter.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The southerly setback of the proposed rear addition will be generally aligned with the southerly setback of the existing dwelling which is legal non-conforming (constructed in 1920s).

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 137, Registered Plan 554, in the City of Hamilton
198 Balmoral Avenue South, 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?

Prior knowledge of the homeowners.
 8.9 Asbestos-wrapped radiator pipes
 Previous use: residential from 1920 to present, agriculture prior to 1920.

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.

September 12, 2022
 Date


 Signature Property Owner(s)

Patrick Vusir & Madeleine Giroux
 Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>9.14 m</u>
Depth	<u>35.05 m</u>
Area	<u>320.4 sq m</u>
Width of street	<u>Approx. 20 m</u>

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

Existing: _

See attached survey and concept plan.

Proposed

See attached survey and concept plan.

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

Existing:

See attached survey and concept plan.

Proposed:

See attached survey and concept plan.

13. Date of acquisition of subject lands:
January, 2019
14. Date of construction of all buildings and structures on subject lands:
Approx. 1920
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single Detached Dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single Detached Dwellings, Duplexes
17. Length of time the existing uses of the subject property have continued:
Approx. 100 years
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Neighbourhoods" on Schedule "E", and "Neighbourhoods" on Schedule "E-1"
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"D" District, Zoning 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)
See attached cover letter.
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 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-22:97	SUBJECT PROPERTY:	65-67 TISDALE ST N
-------------------------	-------------------	--------------------------	---------------------------

APPLICANTS: Owner: EDWIN ALEXANDER
Agent: MICHAEL SABELLI

PURPOSE & EFFECT: To permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling.

	Frontage	Depth	Area
SEVERED LANDS:	4.27 m [±]	38.4 m [±]	207.10 m ² [±]
RETAINED LANDS:	7.33 m [±]	38.40 m [±]	242.30 m ² [±]

Associated Planning Act File(s): N/A

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

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

DATE:	Thursday, October 20, 2022
TIME:	2:55 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-22:97

- 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.



DATED: October 4, 2022

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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

HM/B-22:97

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. 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.

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 62R-

RECEIVED AND DEPOSITED

DATE: _____

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62).

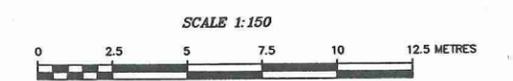
BRYAN JACOBS
ONTARIO LAND SURVEYOR

SCHEDULE

PART	LOT	PLAN	P.I.N.	AREA (sq.m.)
1	PART OF LOT 30	REGISTERED PLAN 125	PART OF P.I.N. 17179-0065 (LT)	4.71
2	PART OF LOT 30	REGISTERED PLAN 125	PART OF P.I.N. 17179-0065 (LT)	207.10
3	PART OF LOT 30	REGISTERED PLAN 125	PART OF P.I.N. 17179-0065 (LT)	242.30

PARTS 1, 2 & 3: COMPRISE ALL OF P.I.N. 17179-0065 (LT).
PART 1: SUBJECT TO A RIGHT OF WAY AS IN INST. No. VM36764

PLAN OF SURVEY OF
PART OF LOT 30
REGISTERED PLAN 125
CITY OF HAMILTON



B.A. JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYOR

- LEGEND AND NOTES:
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - IB# DENOTES ROUND IRON BAR
 - CC DENOTES CUT CROSS
 - WT. DENOTES WITNESS
 - (OU) DENOTES ORIGIN UNKNOWN
 - P1 DENOTES REGISTERED PLAN 125
 - P2 DENOTES PLAN 62R-3440
 - P3 DENOTES PLAN BY A.T. McLAREN O.L.S. (JAN. 9, 1978)
 - P4 DENOTES PLAN BY THIS OFFICE (FILE No. 86-1046)
 - D1 DENOTES INSTRUMENT No. VM36764
 - (824) DENOTES A.T. McLAREN O.L.S.
 - (912) DENOTES A.J. CLARKE O.L.S.
 - (1511) DENOTES G.V. CONSOLI O.L.S.
 - (CITY) DENOTES CITY OF HAMILTON

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

BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 07720100046 AND 07720100048, UTM ZONE 17, NAD83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996994.

FOR BEARING COMPARISONS, A ROTATION OF 1° 02' 25" COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 62R-3440

ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

SPECIFIED CONTROL POINTS (SCPs): UTM ZONE 17, NAD83 (ORIGINAL). COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10.

POINT ID	NORTHING	EASTING
SCP 07720100046	4789686.533	592871.621
SCP 07720100048	4790174.765	592460.161

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

SURVEYOR'S CERTIFICATE

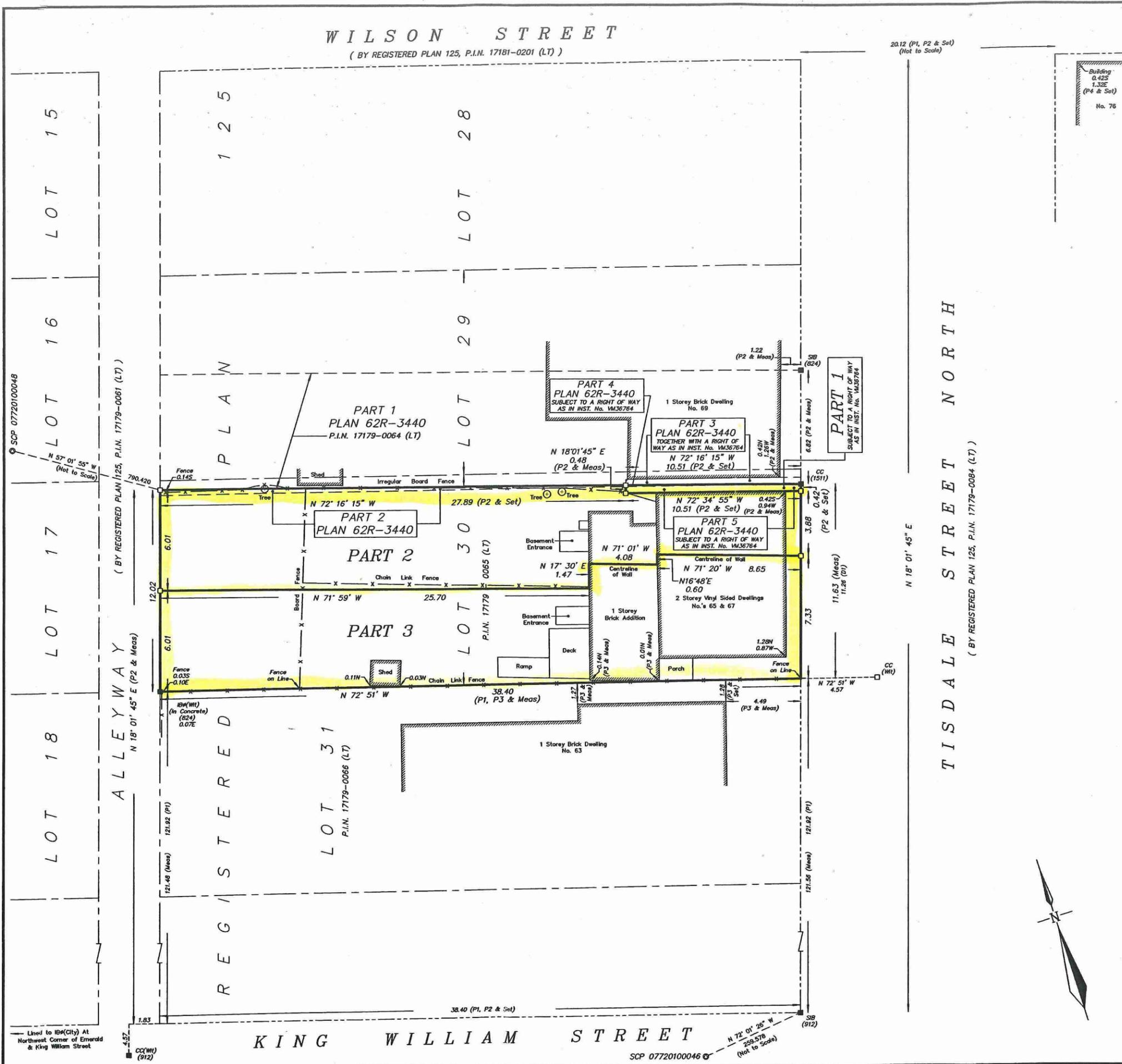
- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON _____

DRAFT

DATE _____ BRYAN JACOBS
ONTARIO LAND SURVEYOR

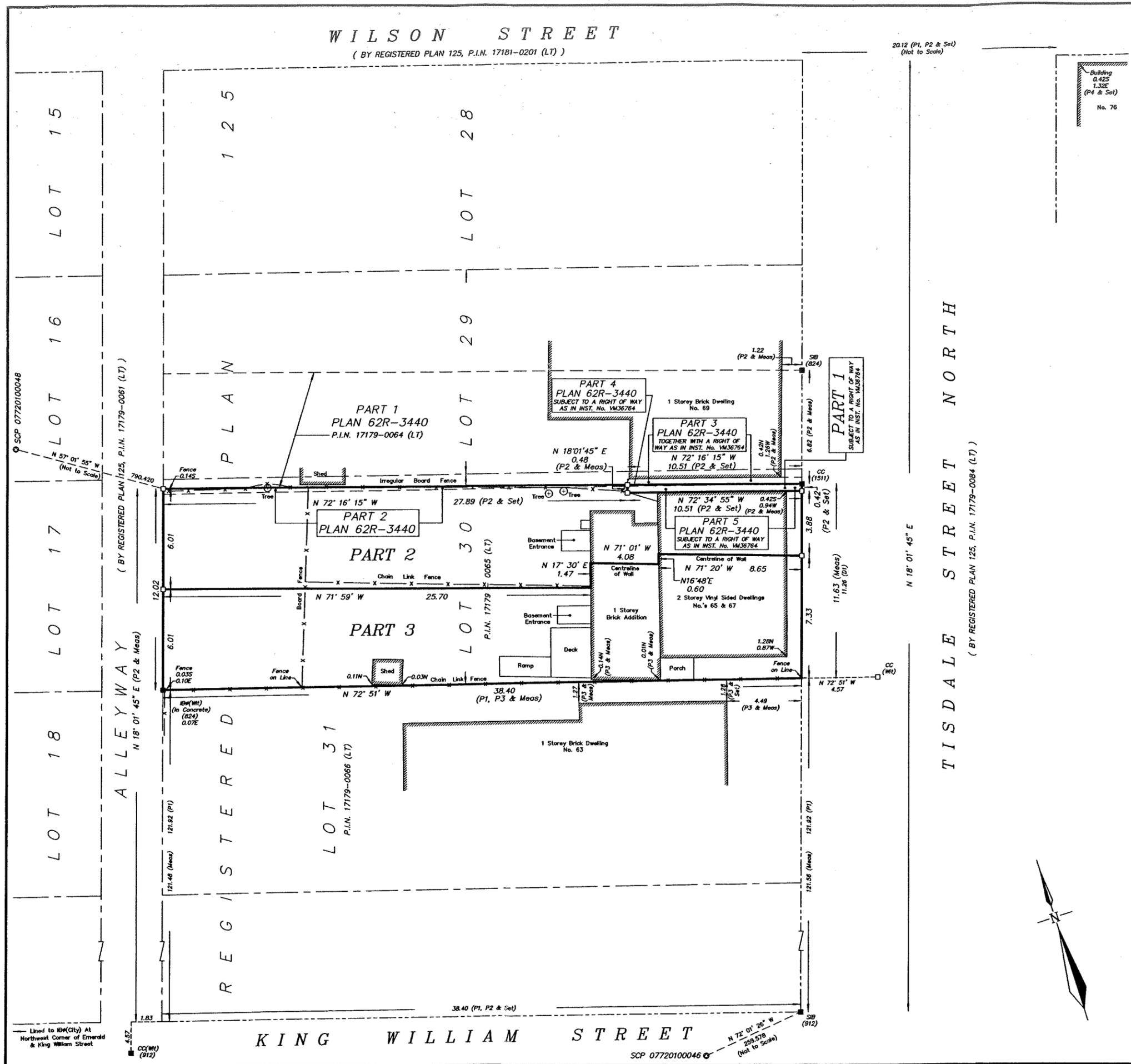
B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L8N 1L3)
PHONE 905-521-1535 bjacobs@rogers.com

JOB No. 19s64-R1



Lined to IB#(City) At Northwest Corner of Emerald & King William Street

SCP 07720100046 (Not to Scale)



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 62R-
RECEIVED AND DEPOSITED

DATE: _____

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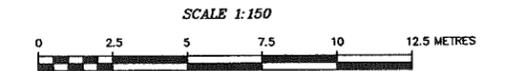
BRYAN JACOBS
ONTARIO LAND SURVEYOR

SCHEDULE

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B.A. JACOBS SURVEYING LTD.
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 - (1511) DENOTES G.V. CONSOLI O.L.S.
 - (CITY) DENOTES CITY OF HAMILTON

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

BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 07720100046 AND 07720100048, UTM ZONE 17, NAD83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996994.

FOR BEARING COMPARISONS, A ROTATION OF 1' 02" 25" COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 62R-3440

ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

SPECIFIED CONTROL POINTS (SCPs): UTM ZONE 17, NAD83 (ORIGINAL). COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10.

POINT ID	NORTHING	EASTING
SCP 07720100046	4789686.533	592871.621
SCP 07720100048	4790174.765	592460.161

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

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON _____

DRAFT

DATE _____ BRYAN JACOBS
ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L8N 1L3)
PHONE 905-521-1535 bajacobs@rogers.com

JOB No. 19s64-R1



Hamilton

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

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

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

Office Use Only

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

1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	[REDACTED]		
Applicant(s)**			
Agent or Solicitor			
	EDWIN ALEXANDER		
	MICHAEL P. SABELLI		

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

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 65-67 TISDALE STREET NORTH			Assessment Roll N°.

d) Payment information, either credit card payment (name and phone number of the person paying, they will be contacted by staff) or scan/picture of cheque(s). All physical cheques must be mailed or dropped off at City all as per instructions above.

5.2 HARDCOPY SUBMISSION ONLY

- 1) All information noted below is required for a Hardcopy Only Submission.
- 2) Hardcopy Submission:
 - a) Two (2) copies of the completed application form;
 - b) Two (2) copies of the Survey or Site Sketch, including all required information per Section 5 (one (1) full scale size and one (1) no larger than ledger size paper 11" x 17");
 - c) Five (5) copies of the information/reports if indicated as needed when completing the sections of the application form; and
 - d) Payment, either credit card payment form or cheque(s).

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:

PARTS 1, 3, 4 AND 5 ON PLAN G2R-3110, SUBJECT TO A RIGHT-OF-WAY

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:

DOROTHY LEE ALEXANDER AND EDWIN ALEXANDER

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

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

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

Frontage (m)	Depth (m)	Area (m ² or ha)
3.88 4.27	38.4	207.10

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: 2-STOREY SEMI-DETACHED DWELLINGS

Proposed: NO CHANGE

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)
7.33	38.40	242.30

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: 2-STOREY SEMI-DETACHED DWELLINGS

Proposed: NO CHANGE

Existing structures to be removed: NONE

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
- telephone
- school bussing
- garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable): _____

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

THERE IS NO CHANGE TO EXISTING USE. PURPOSE OF SEVERANCE IS TO CREATE 2 SEPARATE PARCELS TO 65 AND 67 TISDALE STREET NORTH



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-22:292	SUBJECT PROPERTY:	373 JACKSON STREET W, HAMILTON
ZONE:	"D" (Urban Protected Residential – One- and Two-Family Dwellings)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: STEVEN/BARBARA SCHLABITZ
JOE DOMB

The following variances are requested:

1. The porch shall be permitted to project a maximum of 5.07 metres into the required front yard and provide a minimum setback of 0.93 metres from the front lot line instead of the maximum 3.0 metres projection permitted and minimum 1.5 metre required from the front lot line.
2. A minimum of 30.3% of the gross area of the front yard shall be provided as landscaped area instead of the minimum required 50% of the gross area of the front yard, which shall be used as landscaped area.

PURPOSE & EFFECT: As to permit the construction of a, roofed over but unenclosed front porch.

Notes:

- i) The applicant is asking for a variance for the required front yard setback in regard to the front porch. However, the variance has been applied as an encroachment projection.
- ii) Please be advised additional variances may be required due to insufficient information being provided in order to confirm compliance for the columns supporting the roof of the unenclosed front porch.

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-22:292

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

DATE:	Thursday, October 20, 2022
TIME:	3:00 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-22:292



 Subject Lands

DATED: October 4, 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

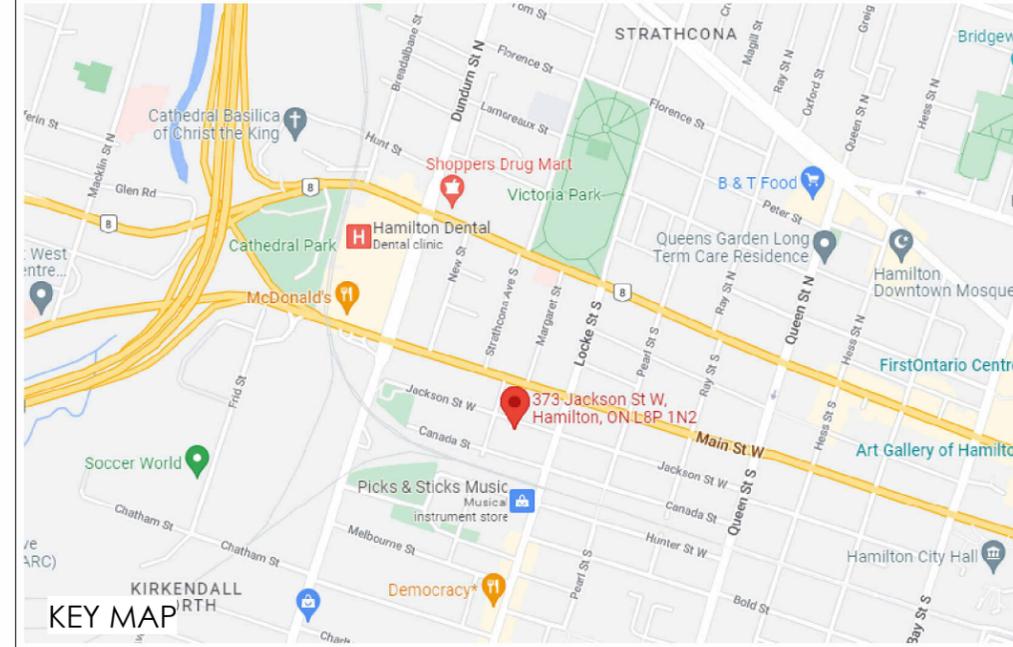
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

373 JACKSON STREET WEST

ZONING REVIEW & COMMITTEE OF ADJUSTMENT



DRAWING LIST - ZONING	
TITLE SHEET	Z01.1
SITE PLAN	Z02.1
BASEMENT PLAN	Z02.2
MAIN FLOOR PLAN	Z02.3
ROOF PLAN	Z02.4
EAST ELEVATION	Z03.1
SOUTH ELEVATION	Z03.2
WEST ELEVATION	Z03.3
NORTH ELEVATION	Z03.4

TITLE SHEET

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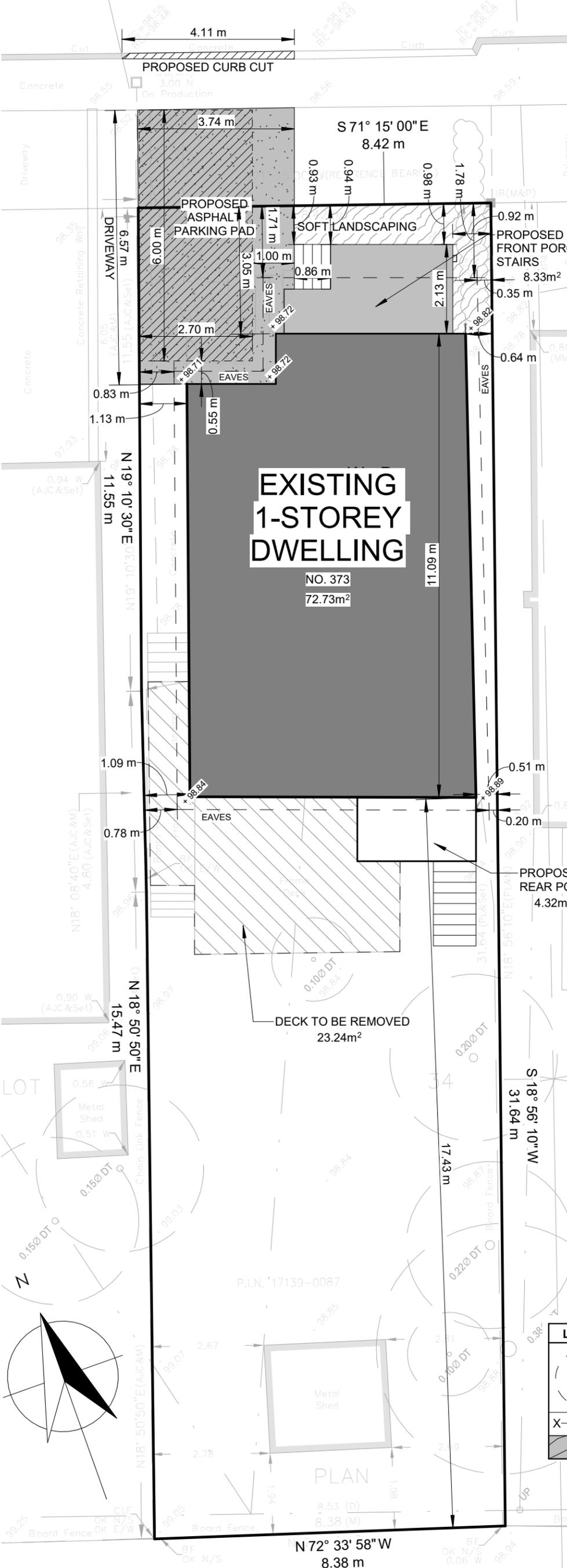
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NEW DRIVEWAY, INT. ALT.
373 JACKSON STREET WEST, HAMILTON

FINE LINES DESIGN

Z01.1

JACKSON STREET WEST



SITE STATISTICS					
ZONING:	LOT NO:	PLAN NO:	LOT AREA:		
D	34	244	266.95 m ²		
DESCRIPTION	EXISTING	PROPOSED	%	REQUIRED	%
LOT COVERAGE ⁽¹⁾	77.97 m ²	80.14 m ²	30.0	N/A	
ACCESSORY BUILDING COVERAGE	7.52 m ²	UNCHANGED	2.8	N/A	
FLOOR AREA ⁽²⁾	1ST FLOOR		74.73 m ²	72.73 m ²	
TOTAL			72.73 m ²	27.2	N/A
(1) COVERAGE CALCULATION INCLUDES COVERED PORCHES AND GARAGE			REQ'D.	PROP.	
(2) GROSS FLOOR AREA CALCULATION DOES NOT INCLUDE OPEN TO BELOW AREAS			BLDG. STOREYS	2	
			PARKING SPACES	1	
LOT FRONTAGE:	LOT DEPTH:				
8.42 m	31.74 m				
AVERAGE GRADE CALCULATION	SETBACKS	REQUIRED	EXISTING	PROPOSED	
(98.82 + 98.89 + 98.84 + 98.71 + 98.72 + 98.72)	FRONT YARD	6.0 m	1.54 m	0.93 m	
	REAR YARD	7.5 m	17.43 m	17.43 m	
TOTAL		592.7			
TOTAL / 6		98.78			
	SIDE YARD (EAST)	1.2 m	0.51 m	0.51 m	
	SIDE YARD (WEST)	1.2 m	1.09 m	1.09 m	
	HEIGHT	14.0 m	5.93 m	5.93 m	
	LENGTH	N/A	11.09 m	11.09 m	

FRONT YARD LANDSCAPING CALCULATION							
	YARD AREA	MAX. DRIVEWAY LANDSCAPING		PROPOSED (SQ.M.)			
	(SQ.M.)	(SQ.M.)	%	DRIVEWAY	%	SOFT L.S.	%
FRONT YARD	29.75 m ²	14.88 m ²	50	14.93 m ²	69.7	6.49 m ²	30.3
PORCH w/ STAIRS	8.33 m ²	* TOTAL TAKEN FROM SUBTRACTING PORCH w/ STAIRS FROM FRONT YARD AREA					
TOTAL*	21.42 m ²						

LANDSCAPING LEGEND			
	EXISTING TREE W/ TRUNK DBH, DRIP LINE, DECIDUOUS OR CONIFEROUS		TREE PROTECTION HOARDING
	SOFT LANDSCAPING		ASPHALT PAVING
	POURED CONCRETE PAVING		SEMI-PERMEABLE PAVERS
	FENCING		
	SWIMMING POOL (WATER)		

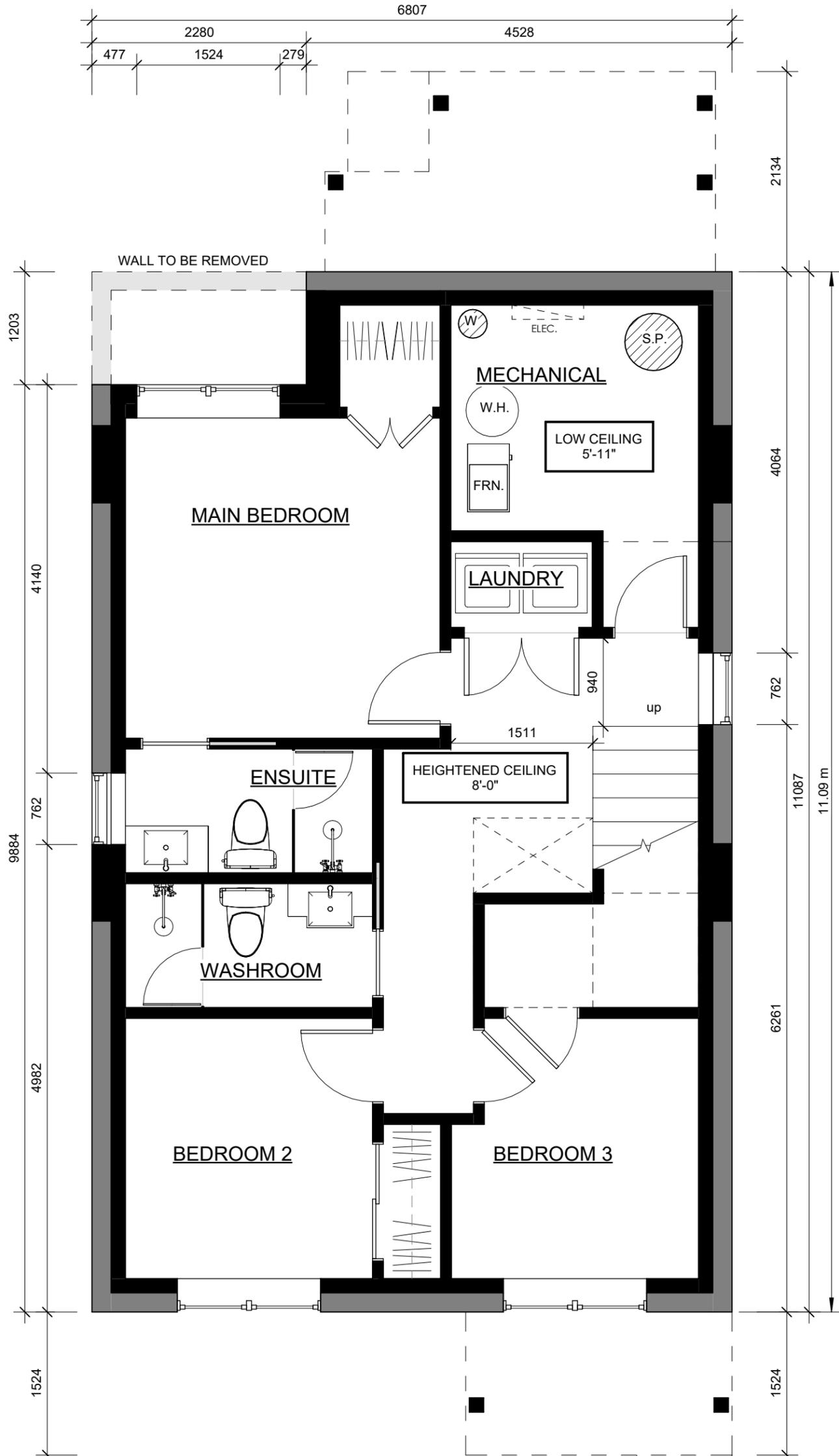
SITE PLAN

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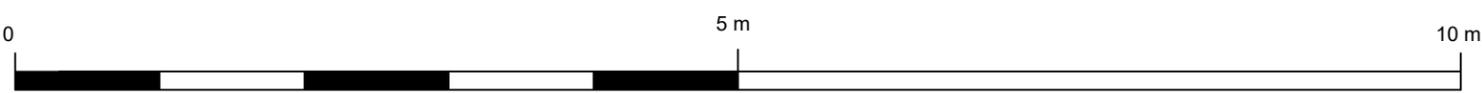
NEW DRIVEWAY, INT. ALT.
373 JACKSON STREET WEST, HAMILTON

FINE LINES DESIGN

Z02.1

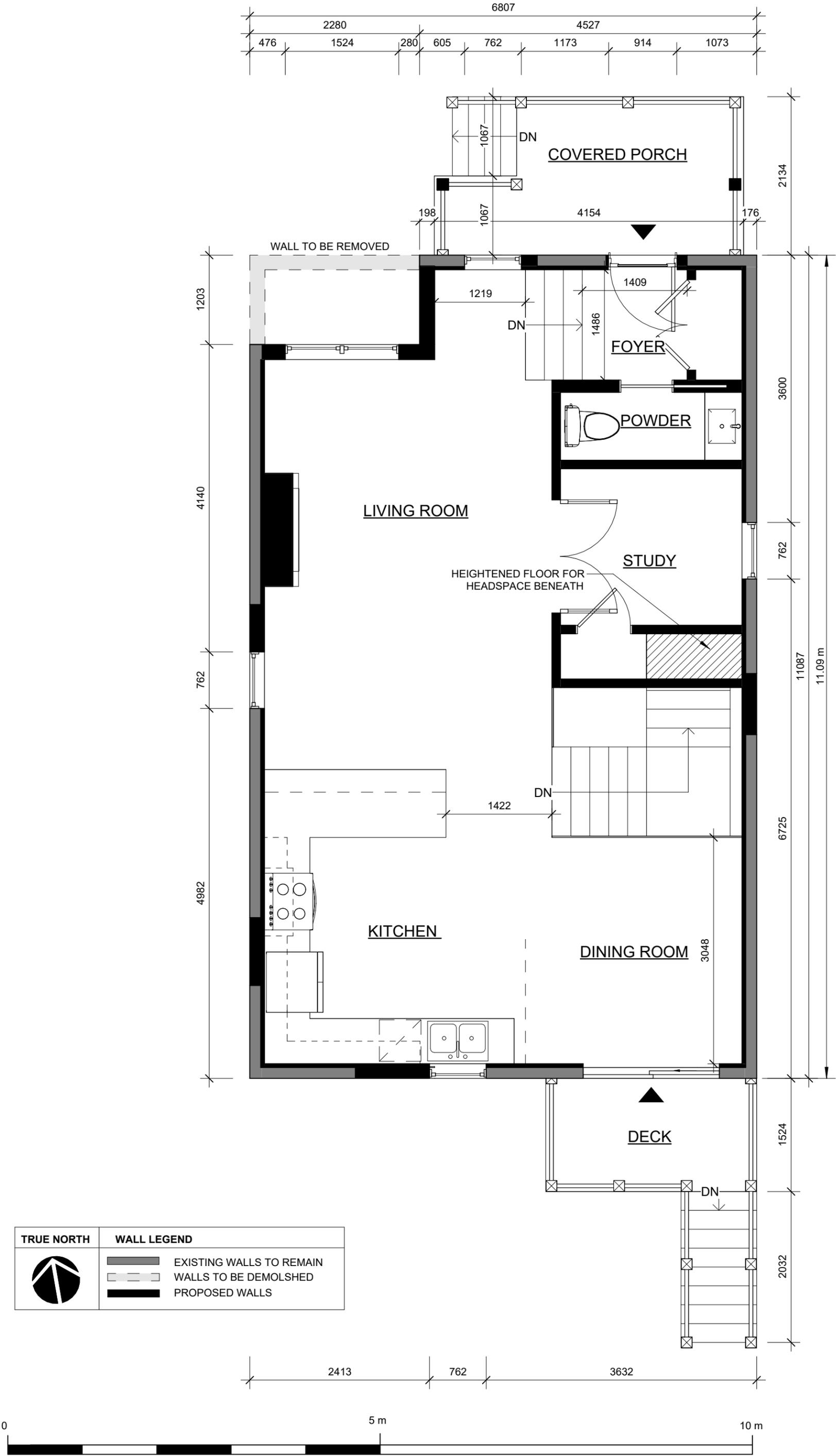


TRUE NORTH	WALL LEGEND
	EXISTING WALLS TO REMAIN
	WALLS TO BE DEMOLISHED
	PROPOSED WALLS



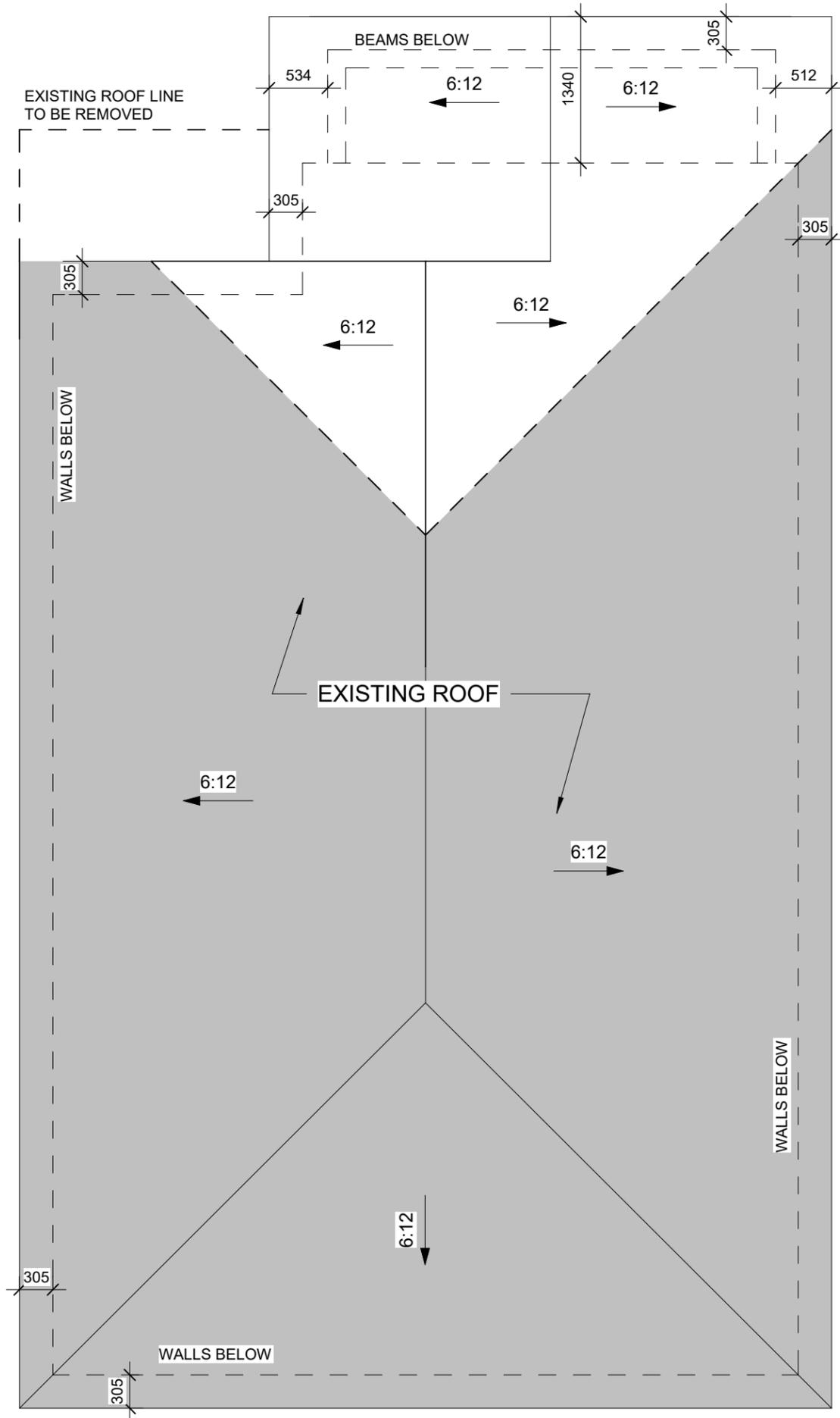
BASEMENT PLAN

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MAIN FLOOR PLAN

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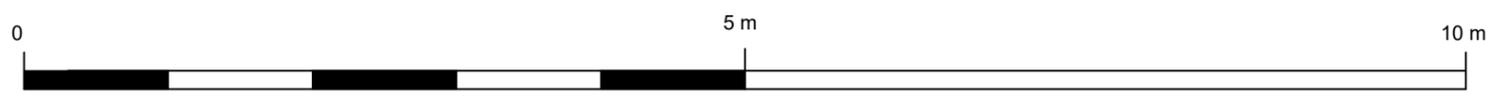
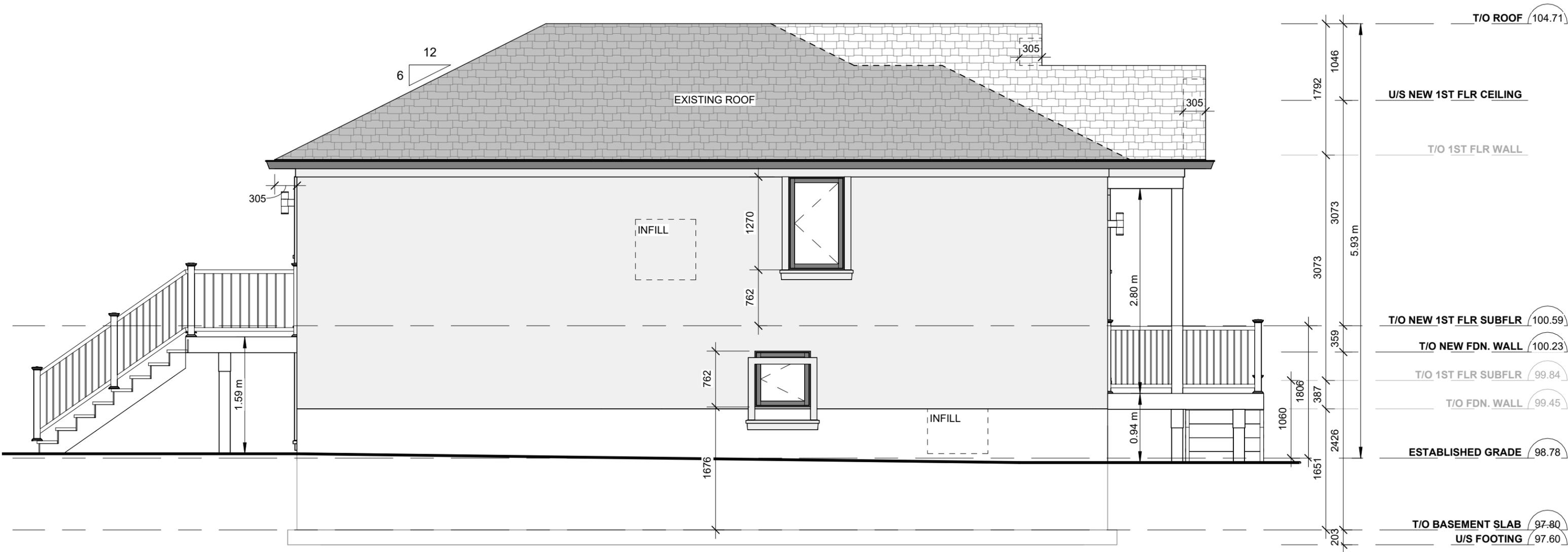


TRUE NORTH	WALL LEGEND
	EXISTING WALLS TO REMAIN
	WALLS TO BE DEMOLISHED
	PROPOSED WALLS



ROOF PLAN

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EAST ELEVATION

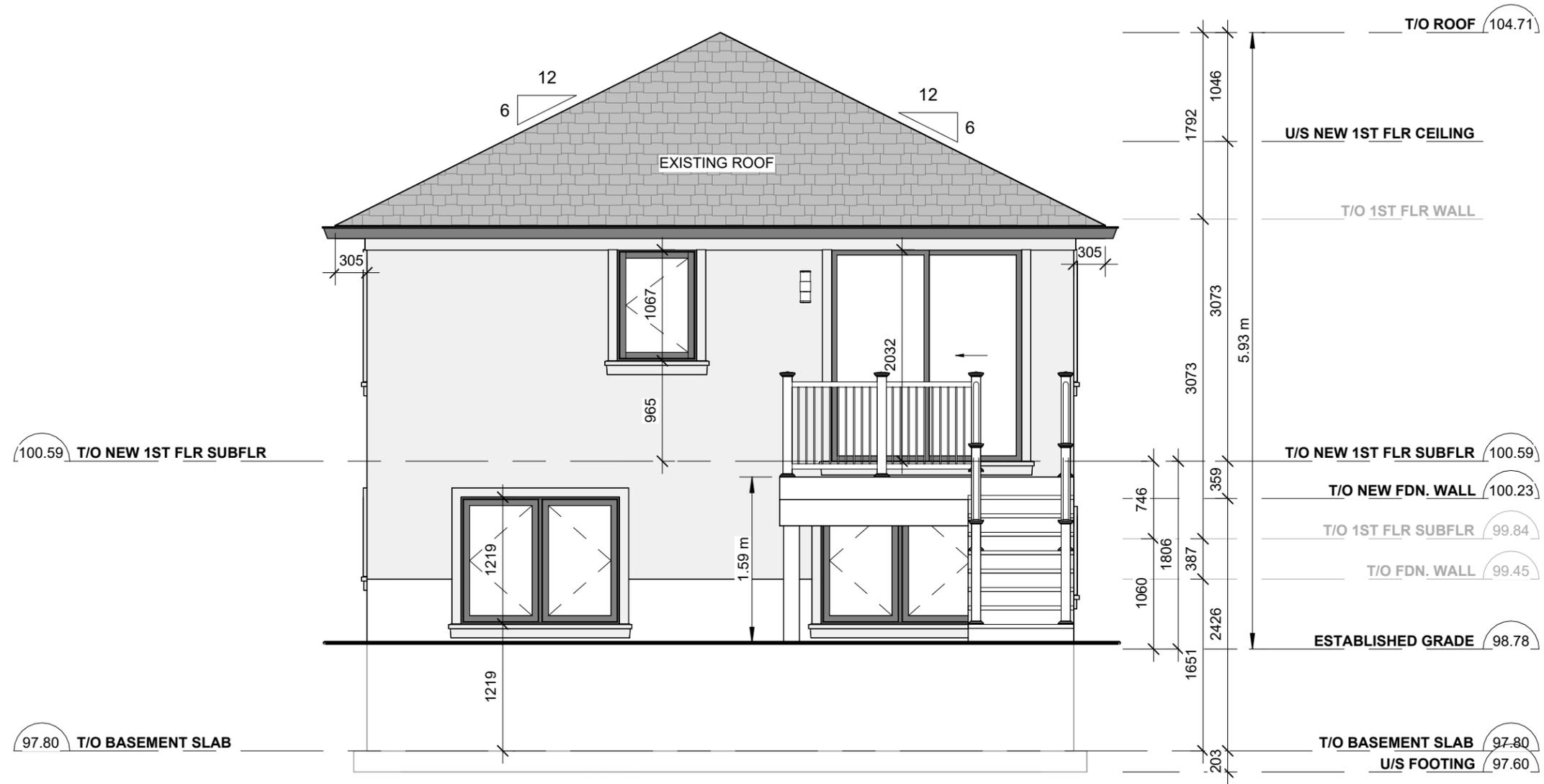
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NEW DRIVEWAY, INT. ALT.
373 JACKSON STREET WEST, HAMILTON

FINE LINES DESIGN

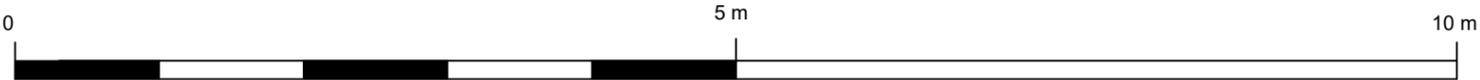
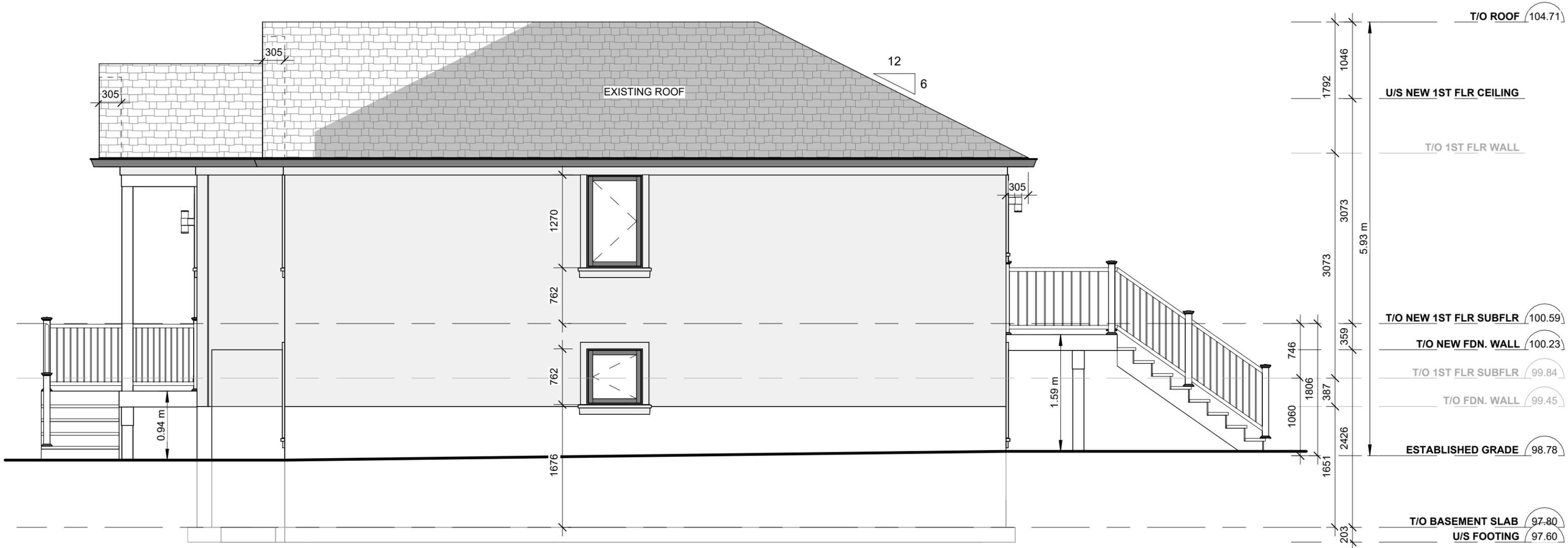
Z03.1



SOUTH ELEVATION

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WEST ELEVATION

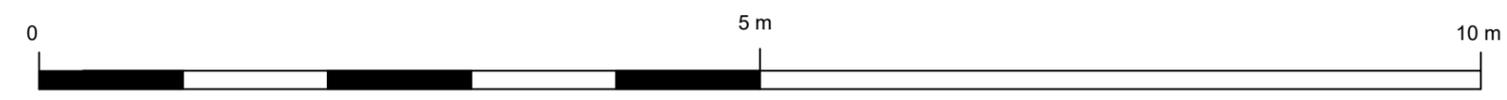
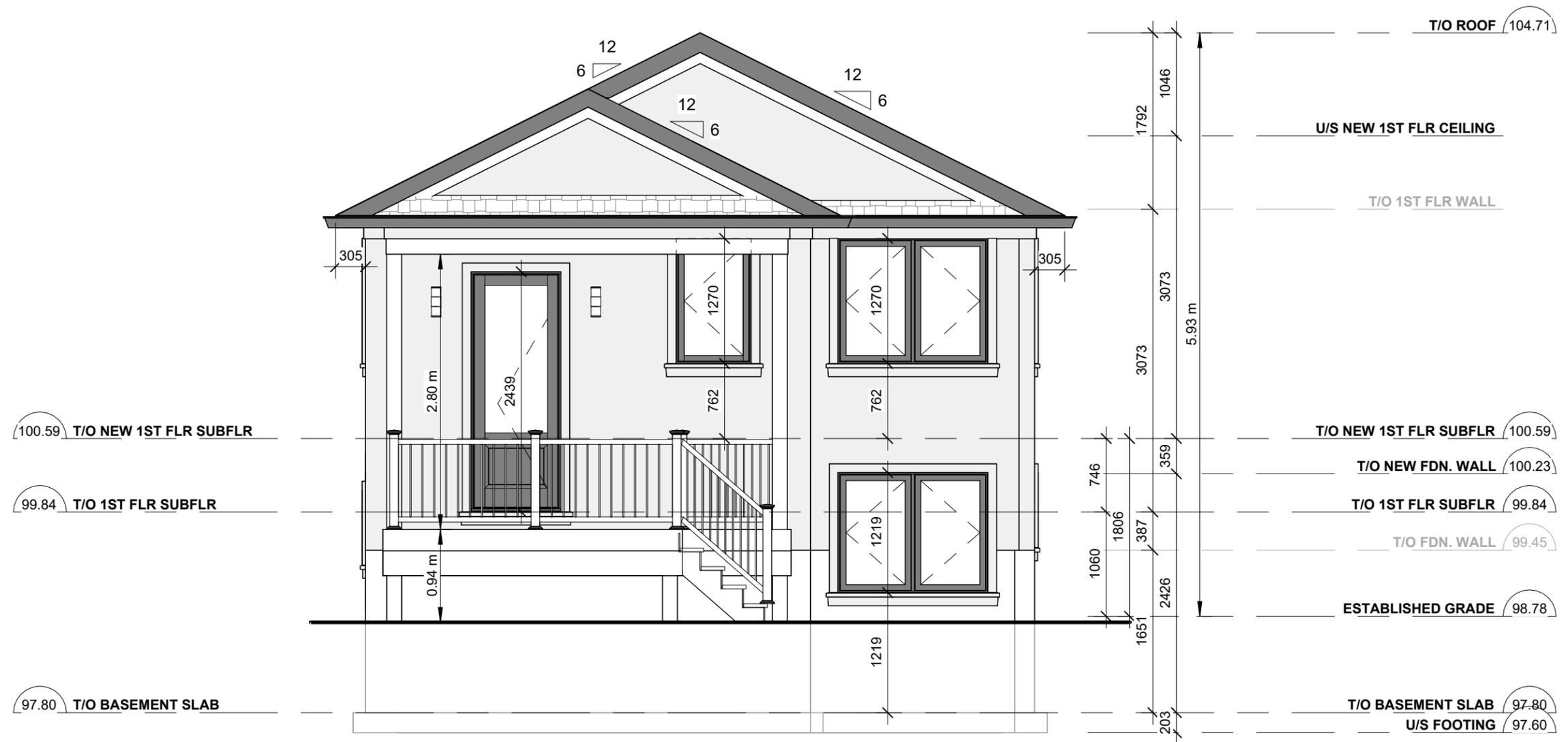
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NEW DRIVEWAY, INT. ALT.
373 JACKSON STREET WEST, HAMILTON

FINE LINES DESIGN

Z03.3



NORTH ELEVATION

Scale: 1 : 50

2022-07-20 4:04:28 PM



Hamilton

July 14, 2022

FILE: ALR
 FOLDER: 22-129662-00 ALR
 ATTENTION OF: Matthew Stavroff
 TELEPHONE NO: (905) 546-2424
 EXTENSION: 5716

JOSHUA THERIAULT
 373 JACKSON STREET W
 HAMILTON, ON L8P 1N2

Attention:

RE: APPLICABLE LAW REVIEW – ZONING BYLAW COMPLIANCE REVIEW
PRESENT ZONING: D District
ADDRESS: 373 Jackson Street West, Hamilton

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. The applicant is proposing to construct a new roofed-over unenclosed front porch, a new rear deck, establish a new driveway and interior alterations to the existing Single Family Dwelling.
2. This property is currently zoned 'D' of Hamilton Zoning By-law 6593.
3. The use of a Single Family Dwelling is permitted in the current zone.
4. The proposed development has been reviewed and compared to the standards of the D district as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 10 – D District Regulations			
Maximum Building Height Section 10(2) of Hamilton Zoning By-law 6593	Three (3) Storeys 14.0m	Two (2) Storeys 5.93m	Conforms Conforms
Minimum Front Yard Section 10(3)(i) of Hamilton Zoning By-law 6593	6.0m	3.05	Existing

	Required By By-Law	Provided	Conforming/ Non-Conforming
Minimum Side Yard Section 10(3)(ii) of Hamilton Zoning By-law 6593	1.2m for buildings not over 2½ storeys or 11.0m	<u>East:</u> 0.51m	Existing
		<u>West:</u> 1.09m	
		<u>Proposed Porch:</u> 0.92m from easterly side lot line	Non-Conforming
	2.17m for any other buildings	Not Applicable	Not Applicable
Minimum Rear Yard Section 10(3)(iii) of Hamilton Zoning By-law 6593	7.5m	17.43m	Conforms
Minimum Lot Area Section 10(4) of Hamilton Zoning By-law 6593	Single Family Dwelling – 360.0m ²	266.95	Existing
Minimum Lot Width Section 10(4) of Hamilton Zoning By-law 6593	Single Family Dwelling – 12.0m	8.42m	Existing
Section 18 – Encroachment into Yards			
Encroachments Section 18(3)	A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres, and every such projecting porch shall be distant at least 1.5 metres from the front lot line <i>Therefore:</i> <i>Required Front Yard: 6.0m</i> <i>Permitted Projection: 3.0m</i> <i>Therefore porch must be 3.0m from the front lot line.</i>	<u>Proposed Front Porch:</u> 0.93m	Non-Conforming
	A terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre above the floor level of the first storey, may project into a required yard, if distant at least 0.5 metres from the nearest side lot line and at least 1.5 metres from the nearest street line.	<u>Proposed Rear Deck (Not roofed-over):</u> 0.51m from side lot line, and greater than 0.5m from the rear lot line.	Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 18A - Parking Requirements			
Minimum Number of Parking Spaces Section 18A Table 1 of Hamilton Zoning By-law 6593	No parking spaces are required to be provided as our records indicate that this single family dwelling was constructed prior to the passing of Hamilton Zoning By-law 6593 on July 25, 1950.	No parking spaces are provided on-site. <i>Please note that in cases where a parking space is only partially provided on-site (partially on road allowance), the parking space is not considered part of the provided parking on-site.</i>	Conforms <i>Please note that A Residential Boulevard Parking Agreement with the Hamilton Municipal Parking Authority may be required for the parking space shown to encroach on the Jackson Street West road allowance.</i>
Minimum Manoeuvring Space Section 18A(1)(f) and Table 6 of Hamilton Zoning By-law 6593	6.0m	The manoeuvring space for a parking space in the front yard of a Single Family Dwelling is permitted to be provided off-site on the road allowance.	Conforms
Minimum Parking Space Size Section 18A(7) of Hamilton Zoning By-law 6593	2.7m x 6.0m	A portion of the one (1) parking space appears off-site.	Not Applicable
Section 18A(14b) of Hamilton Zoning By-law 6593	For single family dwellings, two family dwellings, and three family dwellings erected prior to December 14, 1971, parking may be provided and maintained in the front yard provided that: i) The area for parking shall not occupy 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, asphalt, gravel, pavers or other similar materials.	Details have not been provided. <div style="border: 1px solid red; padding: 5px; color: red; font-weight: bold; text-align: center;"> 69.7% DRIVEWAY 30.3% SOFTLANDSCAPING </div> <div style="border: 1px solid red; padding: 5px; color: red; font-weight: bold; text-align: center;"> CLAIRIFIED WITH ZONING EXAMINER </div>	Unable to Determine Compliance <i>pursuant to Section 18A(14d), the area of the front yard should exclude the areas occupied by an enclosed porch. A note has been indicated on the site plan stating that the porch area has been included as soft landscaping. Clarification on this is required in order to confirm zoning compliance.</i>
Section 18A(14d) of Hamilton Zoning By-law 6593	For the purposes of clauses (14a)(14b)&(14h), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principal dwelling and the area extending from the side lot line to side lot line but subtracting: - unenclosed entrance porches - vestibules		

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<ul style="list-style-type: none"> -ramps -front steps -chimneys -bay windows -ornamental projections -terraces -platforms -a walkway between the front entrance of the principal dwelling and the front lot line or driveway with a maximum width of 0.6m 		
Section 18A(14h) of Hamilton Zoning By-law 6593	<p>For the purpose of a single family dwelling, the following shall apply:</p> <p>i) only one of the required parking spaces may be located in the front yard, and</p> <p>ii) notwithstanding subsection 10, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces.</p>	One (1) parking space is provided in the front yard.	Conforms
Section 18A(21) of Hamilton Zoning By-law 6593	<p>All required parking spaces and manoeuvring space shall have access by means of one or more access driveways,</p> <p>a) located on the lot, or</p> <p>b) located partly on the lot in the case of a mutual driveway</p> <p>c) by means of a right of way</p>	Proposed access driveway is on the lot.	Conforms
Section 18A(22) of Hamilton Zoning By-law 6593	All manoeuvring space shall be maintained free and clear of all obstructions to permit unobstructed access to and from required parking spaces.	Free and Clear	Conforms
Section 18A(24) of Hamilton Zoning By-law 6593	<p>Every parking area for a use where,</p> <p>a) There are <u>five or less</u> parking spaces shall have: not less than one access driveway or one mutual driveway, having a width of at least 2.8m</p>	3.74m	Conforms
Section 18A(31) of Hamilton Zoning By-law 6593	A gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to a single family dwelling, two family dwelling and to a street townhouse dwellings each having separate	Asphalt	Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
	access driveways.		

5. A Residential Boulevard Parking Agreement with the Hamilton Municipal Parking Authority may be required for the parking space shown to encroach on the Jackson Street West road allowance.
6. As it relates to the non-conforming items identified in the table above, a successful application to the Committee of Adjustment for Minor Variance would be required in order to permit the proposed construction. For further information please contact cofa@hamilton.ca
7. A building permit will be required in the normal manner to permit the proposed construction.
8. This review is based on the plans submitted with the application.

Yours truly



for the Manager of Zoning and Committee of Adjustment



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)	Steven and Barbara Schlabit	[REDACTED]
Applicant(s)*	Steven and Barbara Schlabit	
Agent or Solicitor	Joe Domb	

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

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

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

4. Nature and extent of relief applied for:
- Proposed front porch and roof front yard setback of 0.93m.
The proposed driveway will occupy 69.7% of the front yard and 30.3% of the front yard is occupied by soft landscaping

Second Dwelling Unit Reconstruction of Existing Dwelling
5. Why it is not possible to comply with the provisions of the By-law?
- EXISTING SITE CONDITIONS WILL NOT ALLOW TO COMPLY
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**):
- 373 Jackson St W, Hamilton, ON L8P 1N2
Lot No: 34; Plan No: 244
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?

Age of home and surrounding area- old, high density residential

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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

_____ Date


 _____ Signature Property Owner(s)

Steven and Barbara Schlabit
 _____ Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	8.42m
Depth	31.74m
Area	266.95 sq.m
Width of street	_____

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

Existing:

GFA: 74.73sq.m; Lot Coverage: 77.97 sq.m; number of stories: 1; Height: 5.93m; Length: 11.09m

Proposed

GFA: 72.73 sq.m; Lot Coverage: 80.14 sq.m; number of stories: 1; Height: 5.93m; Length: 11.09m

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 setback: 1.54m; Rear Setback: 17.43m; Side setbacks: 0.51m, and 1.09m.

Proposed:

Front setback: 0.93m; Rear Setback: 17.43m; Side setbacks: 0.51m, and 1.09m.

13. Date of acquisition of subject lands:
December 20, 2021

14. Date of construction of all buildings and structures on subject lands:
1940

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/residential

17. Length of time the existing uses of the subject property have continued:
Approx. 80 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:

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

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:

- 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.