



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

**Meeting #:** 23-03  
**Date:** February 16, 2023  
**Time:** 1:00 p.m.  
**Location:** Room 264, 2nd Floor, City Hall (hybrid) (RM)  
71 Main Street West

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

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	<b>Pages</b>
<b>1. PREVIOUSLY TABLED</b>	
<b>2. SUBURBAN</b>	
2.1 1:15 p.m.HM/A-23:10180 Lawnhurst Drive, Hamilton (Ward 7) Agent Property Pathways Inc. - R. De Coteau Owner A. A. Afzal	5
2.2 1:20 p.m.HM/B-22:13314 Belvidere Avenue, Hamilton (Ward 8) Agent A.J. Clarke & Associates Ltd. – F. Kloibhofer Owners B., A., A., & L. Colalillo	15
2.3 1:25 p.m.SC/B-22:1341097 North Service Road, Stoney Creek (Ward 10) Agent Arcadis IBI Group – J. Marcus Owner J. & D. Colalillo	29
2.4 1:25 p.m.SC/A-22:4131097 North Service Road, Stoney Creek (Ward 10) Agent Arcadis IBI Group – J. Marcus Owner J. & D. Colalillo	47

- 2.5 1:30 p.m.GL/B-22:1359662 Twenty Road West, Glanbrook (Ward 11) 65  
Agent A.J. Clarke & Associates Ltd. - M. L. Doherty  
Owner Karmat Ullah Bajwa Inc. – R. Parayno
- 2.6 1:30 p.m.GL/A-22:4149662 Twenty Road West, Glanbrook (Ward 11) 85  
Agent A.J. Clarke & Associates Ltd. - M. L. Doherty  
Owner Karmat Ullah Bajwa Inc. – R. Parayno
- 2.7 1:35 p.m.GL/B-22:39 Change of Conditions91 Strathearne Pl, Glanbrook (Ward 11) 105  
Agent Urban in Mind – J. Dickie  
Applicant B. Wieske  
Owners A. & K. Elgersma
- 2.8 1:40 p.m.AN/A-22:415312 Mapledene Drive, Ancaster (Ward 12) 113  
Agent C. T. Smith  
Owner D. I. S. & S.O. Hamilton
- 2.9 1:45 p.m.AN/A-22:23260 Academy Street, Ancaster (Ward 12) 129  
Agent B. McFadden  
Owner S. & N. Todd
- 2.10 1:50 p.m.AN/A-23:01262 Springbrook Avenue, Ancaster (Ward 12) 141  
Agent K. Shah  
Owner M. Ali

### 3. URBAN

- 3.1 1:55 p.m.HM/A-23:04769 King Street West, Hamilton (Ward 1) 155  
Agent K. Shah  
Owner M. Ali
- 3.2 B R E A K
- 3.3 2:15 p.m.SC/A-22:412185 Gray Road, Stoney Creek (Ward 5) 177  
Agent M. Sabelli  
Owner A. Singh

3.4	2:20 p.m.HM/A-23:038 Clare Avenue, Hamilton (Ward 5)  Owner P. Redding	189
3.5	2:25 p.m.HM/A-23:0649 Greenford Drive, Hamilton (Ward 5)  Agent Architect Caprija Corporation - M. Raja Owner S. & G. Awan	201
3.6	2:30 p.m.HM/A-23:021821 King Street East, Hamilton (Ward 4)  Agent S. Arfa Owner F. Al Dabbagh	213
3.7	2:35 p.m.HM/B-23:01436 King William Street & 16 Steven Street, Hamilton (Ward 3)  Agent T. Johns Consulting Owner Sacajawea Non-Profit Housing Inc.	231
3.8	2:40 p.m.HM/A-23:0599 Augusta Street, Hamilton (Ward 2)  Agent Len Angelici Design - L. Angelici Owners J. Thorn & D. Minns	247
3.9	2:45 p.m. HM/A-23:11553 James Street North, Hamilton (Ward 2)  Agent Perspective Views – M. Ribau Owner 2841708 Ontario Inc.	255

#### 4. RURAL

4.1	2:50 p.m.FL/A-23:09162 Humphrey Street, Flamborough (Ward 15)  Agent Architect Caprija Corporation - M. Raja Owner A. & H. Rehman	279
4.2	2:55 p.m.DN/A-23:076 Sydenham Street, Dundas (Ward 13)  Agent C. MacPhail Applicant L. Cockwell Owner D. McKenzie	289
4.3	3:00 p.m.FL/A-23:08138 McMonies Drive, Flamborough (Ward 15)  Owners S. Maclellan & C. Pera	301

#### 5. CLOSED

6. ADJOURNMENT



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:10</b>	<b>SUBJECT PROPERTY:</b>	180 LAWNHURST DRIVE, HAMILTON
<b>ZONE:</b>	“C / S – 1822” (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 22-137

**APPLICANTS:** Owner: A. A. Afzal  
Agent: Property Pathways Inc. – R. De Coteau

The following variances are requested:

1. A minimum interior side yard setback of 0.62 metres shall be permitted instead of the required interior side yard setback of 1.2 metres.
2. A Secondary Dwelling Unit Detached shall be permitted to be located within the front yard instead of the requirement that a Secondary Dwelling Unit Detached shall only be permitted in a rear and/or interior side yard.
3. A Secondary Dwelling Unit Detached shall not be required to be set back from the front façade of the principle building instead of the required 5 metres set back from the front façade of the principle building.
4. The ground floor area of the Secondary Dwelling Unit Detaches shall be permitted to exceed 70% of the ground floor area of the principle dwelling instead of the requirement that the Secondary Dwelling Unit Detached shall not exceed 70% of the ground floor area of the principle dwelling when the ground floor area of the principle dwelling is less than or equal to 100 square metres.

**PURPOSE & EFFECT:** To facilitate a Secondary Dwelling Unit Detached.

**Notes:**

1. Please be advised the existing accessory structure (garage) is not legally existing, as the permit was revoked.

**HM/A-23:10**

2. The 22-137 Amending Zoning By-law permits a maximum height of 6.0 metres for a Secondary Dwelling Unit Detached. Insufficient information was provided to determine zoning compliance. Additional variances may be required.
3. The 22-137 Amending Zoning By-law requires a minimum 1.0-metre-wide unobstructed path with 2.1 metres of clearance from the street line to the entrance of the Secondary Dwelling Unit Detached. Insufficient information was provided to determine zoning compliance. Additional variances may be required.
4. The 22-137 Amending Zoning By-law permits eaves and gutters to extend a maximum of 30 centimeters into a required minimum setback. Insufficient information was provided to determine zoning compliance. Additional variances may be required.
5. The 22-137 Amending Zoning By-law requires a landscape strip to be provided within the required side yard. Insufficient information was provided to determine zoning compliance. Additional variances may be required.
6. The 22-137 Amending Zoning By-law permits a maximum of two bedrooms contained within a Secondary Dwelling Unit Detached. Insufficient information was provided to determine zoning compliance. 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:

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>1:15 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

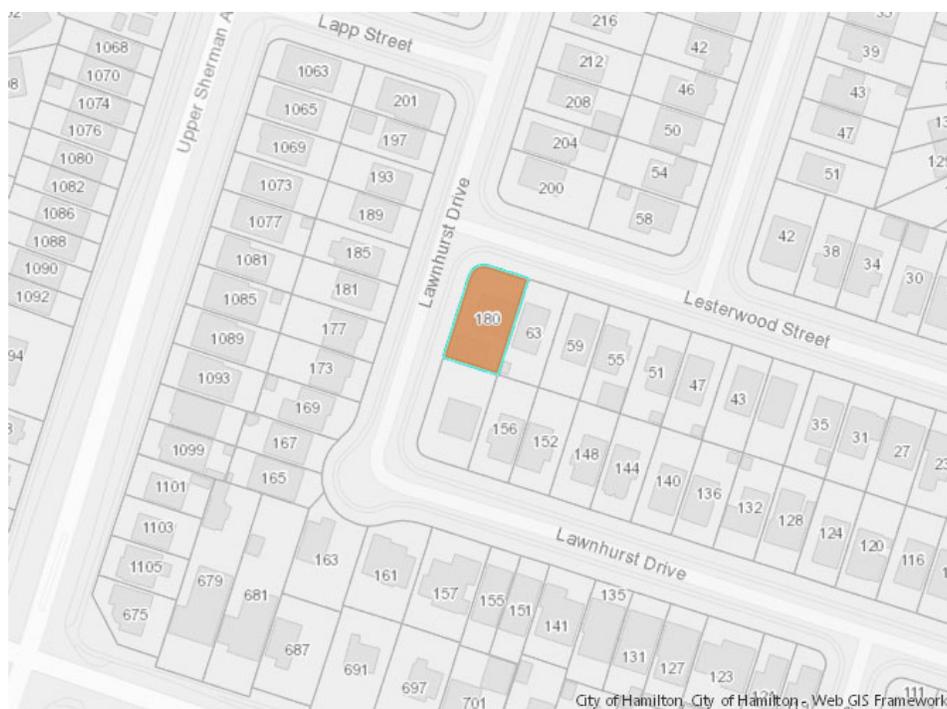
**HM/A-23:10**

**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.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:10, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

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

LESTERWOOD STREET

EX. SIDEWALK

EXISTING ASPHALT DRIVEWAY

EX. ELECTRIC POLE

LOT BOUNDARY 13m

NOTE:  
ALL MEASUREMENTS ON SITE PLAN ARE IN METRIC

**SITE STATISTICS**

ADDRESS: 31 189 Lawnhurst Dr,  
MUNICIPALITY: Hamilton,  
POSTAL CODE: ON L8V 4P2  
ZONE: C  
BYLAW: 70-200, Exception 1, By-law (77-333), Exception 2  
Bylaw (75-177)  
MIN. LOT AREA: 540 sq m  
MIN. LOT WIDTH (m): 17.55 m  
MIN. LOT DEPTH (m): 31 m  
MAX. LOT COVERAGE: N/A  
ACTUAL LOT COVERAGE: N/A  
MAX BUILDING HEIGHT (m): No Change  
SETBACKS (m):  
FRONT: No Change  
REAR: No Change  
SIDES: No Change  
PARKING: 3 PARKING SPACES  
ACCESSORY BUILDINGS: 1 A.D.U



LOT BOUNDARY  
R = 4.50m

TOTAL FRONT YARD  
AREA = 87sq m  
TOTAL FRONT YARD LANDSCAPE  
AREA = 30 sq m (63%)

PARKING 1

GRASS

GRASS

LOT BOUNDARY 26.50m

LOT BOUNDARY 31m

LAWN HURST DRIVE

EX. SIDEWALK  
NEW SIDEWALK

NEW ASPHALT DRIVEWAY

EXISTING ASPHALT DRIVEWAY

EX. CONC. PATIO

95 sq m  
1,023 sq ft  
NO. 180  
EXISTING 1 STOREY  
SIDING & STONE  
FINISH DWELLING.

EX. WIREMESH FENCE

PARKING 2

EX. WOODEN FENCE

PARKING 3

EXISTING DECK

NO. 180  
EXISTING 1 STOREY  
SIDING & STONE FINISH  
GARAGE.  
661 sq ft  
61.4 sq m

EXISTING ABOVE GROUND POOL TO BE REMOVED

NEW LANDSCAPE AREA  
22.5 sq m  
244 sq ft

EX. WOODEN FENCE

FRONT YARD

LOT BOUNDARY 17.55m

**1 Site Plan**

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

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

**PROPERTY PATHWAYS**  
OUR PATH, YOUR WAY

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

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

**QUALIFICATION INFORMATION**  
Required unless design is exempt under 2.17.5.1. of the Ontario Building Code  
PROPERTY PATHWAYS INC. 118431  
NAME SIGNATURE BCIN

No	Description	Issue Date
01	ISSUED FOR PERMIT	2022-03-02

**Additional Dwelling Unit**

**Site Plan**  
Permit Set

180 Lawnhurst Dr, Hamilton, ON L8V 4P2

Checked By:	R. De Coteau
Project no.	220222
Date	2022-03-02
Drawn By:	A. Awotungase
Scale:	As Indicated

**SP1.01**



**Committee of Adjustment**

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

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

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

**The Planning Act**

**Application for Minor Variance or for Permission**

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

1, 2	NAME	ADDRESS
<b>Registered Owners(s)</b>	Ahsin Ali Afzal	
<b>Applicant(s)*</b>	Property Pathways Inc	
<b>Agent or Solicitor</b>	Property Pathways Inc.	

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:  
Canadian Imperial Bank of Commerce  
PO Box 115, Commerce Court Postal  
Station  
Toronto ON M5L 1E5

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

4. Nature and extent of relief applied for:

1. Requested to allow a reduced south side yard setback of 0.62m from 1.2m
2. Requested to allow a reduced building separation of 5.49m from 7.5m

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

1. A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.
2. A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and a Secondary Dwelling Unit – Detached
3. A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling

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 87-1, SEC M148 , FREEHOLD ; LT 87, PL M148 ; S/T LT49008 HAMILTON  
180 Lawnhurst Drive, Hamilton, ON

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial

Agricultural  Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use N/A

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?  
Previous use of the subject property aided in determining the above answers.

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

Is the previous use inventory attached? Yes  No

**9. ACKNOWLEDGEMENT CLAUSE**

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

12/7/2022  
Date

Ahsin  
Signature Property Owner

Ahsin Ali Afzal  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 26.5 m  
Depth 17.55 m  
Area 540 sq. m  
Width of street 20.0 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: \_

Primary Dwelling -  
Ground Floor - 1015 sq.f  
Gross Floor - 188.96 sq.m  
No. of Storeys - 1  
Width - 33.0'

Accessory Building -  
Ground Floor - 661 sq.f  
Gross Floor - 61.4sq.m  
No. of Storeys - 1  
Width - 22'

Proposed

Primary Dwelling -  
Ground Floor - 1015 sq.f  
Gross Floor - 188.96 sq.m  
No. of Storeys - 1  
Width - 33.0'

Accessory Building -  
Ground Floor - 661 sq.f  
Gross Floor - 61.4 sq.m  
No. of Storeys - 1  
Width - 22'

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 Set Back - 4.59  
Right Side Set Back - 0.62  
Front Yard Set Back - 3.11'  
Rear Yard Set Back - 5.28

Primary Dwelling - Left Side Set Back - 9.08  
Right Side Set Back - 11.74  
Front Yard Set Back - 6.11  
Rear Yard Set Back - 1.91

Proposed:

Left Side Set Back - 4.59  
Right Side Set Back - 0.62  
Front Yard Set Back - 3.11  
Rear Yard Set Back - 5.28

Primary Dwelling - Left Side Set Back - 9.08  
Right Side Set Back - 11.74  
Front Yard Set Back - 6.11  
Rear Yard Set Back - 1.91

13. Date of acquisition of subject lands:  
10/01/2021
- 
14. Date of construction of all buildings and structures on subject lands:  
1975
- 
15. Existing uses of the subject property:  
Two-family dwelling
16. Existing uses of abutting properties:  
Residential
17. Length of time the existing uses of the subject property have continued:  
Since date built
18. Municipal services available: (check the appropriate space or spaces)  
Water Yes Connected Yes  
Sanitary Sewer Yes Connected Yes  
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:  
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
N/A
21. Has the owner previously applied for relief in respect of the subject property?  
 Yes  No  
If the answer is yes, describe briefly.  
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
 Yes  No
23. Additional Information  
N/A
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/B-22:133</b>	<b>SUBJECT PROPERTY:</b>	14 BELVIDERE AVENUE, HAMILTON
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**APPLICANTS:** Owners B., A., A., & L. Colalillo  
Agent A.J. Clarke & Associates Ltd. – F. Kloibhofer

**PURPOSE & EFFECT:** To permit the conveyance of two (2) parcels of land for future residential development and to retain two (2) parcels of land for future residential development.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS: (Part 1)</b>	9.43 m <sup>±</sup>	irregular m <sup>±</sup>	883 m <sup>2±</sup>
<b>SEVERED LANDS: (Part 3)</b>	9.43 m <sup>±</sup>	irregular m <sup>±</sup>	1044 m <sup>2±</sup>
<b>RETAINED LANDS: (Part 2)</b>	9.43 m <sup>±</sup>	irregular m <sup>±</sup>	917 m <sup>2±</sup>
<b>RETAINED LANDS: (Part 4)</b>	9.43 m <sup>±</sup>	irregular m <sup>±</sup>	431 m <sup>2±</sup>

Associated Planning Act File(s): N/A

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<b>TIME:</b>	<b>1:20 p.m.</b>
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	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

**HM/B-22:133**

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

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

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

**FURTHER NOTIFICATION**

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 Subject Lands

**HM/B-22:133**

DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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

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.



**SURVEYOR'S REAL PROPERTY REPORT**

PART 1, PLAN OF PART OF  
**LOTS 3 & 4**  
**REGISTERED PLAN 457**  
IN THE  
**CITY OF HAMILTON**

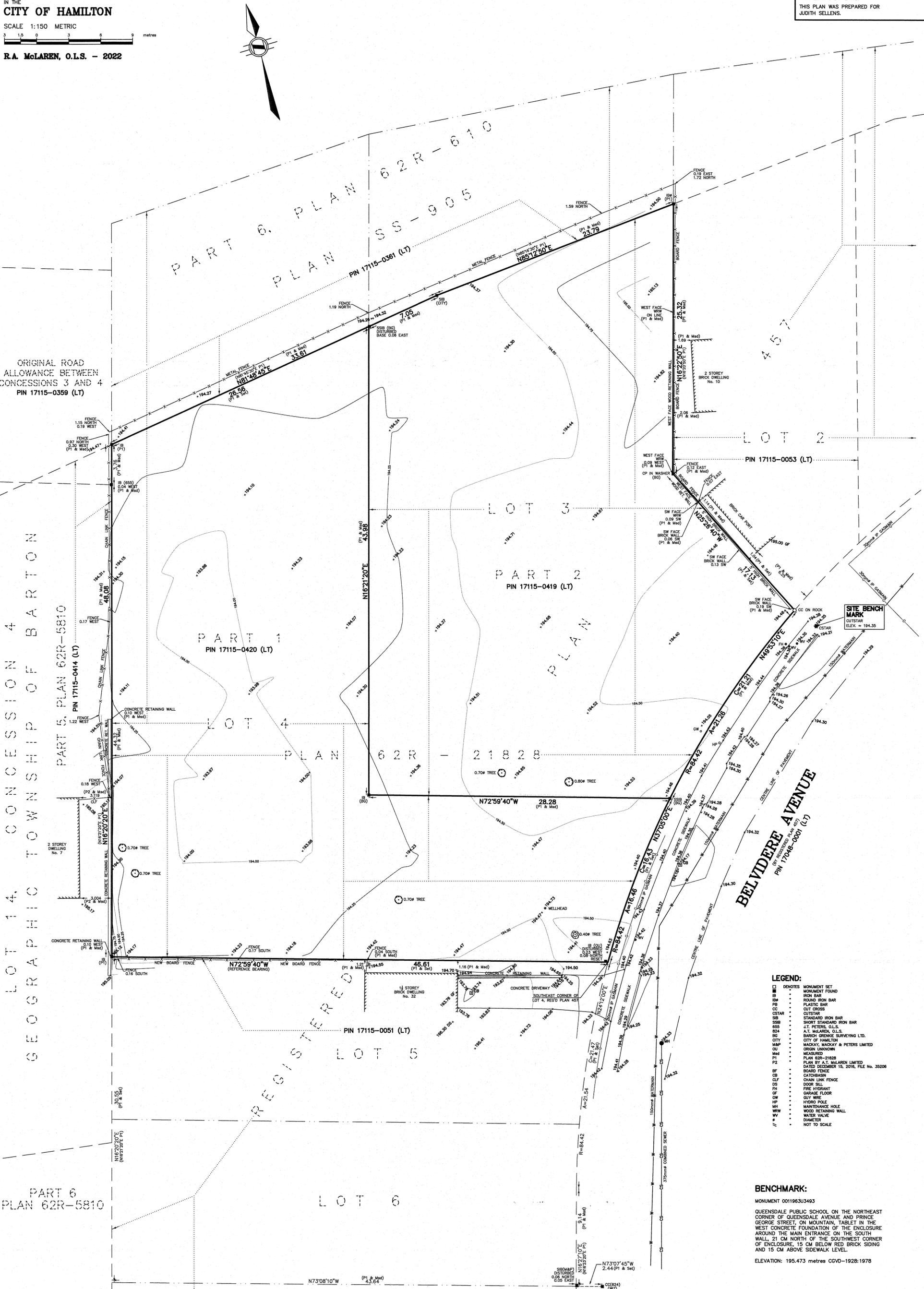
SCALE 1:150 METRIC



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

**SURVEYOR'S REAL PROPERTY REPORT**

**(PART 2)**  
PART OF LOTS 3 & 4, REGISTERED PLAN 457,  
IS NOT SUBJECT TO ANY EASEMENTS.  
THIS PLAN DOES NOT CERTIFY COMPLIANCE  
WITH ZONING BY-LAWS.  
THIS PLAN WAS PREPARED FOR  
JUDITH SELLENS.



LOT 1, 4, CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF BARTON

PART 6  
PLAN 62R-5810

**NOTE:**  
UNDERGROUND SERVICES WERE DERIVED FROM DRAWING BY CITY OF HAMILTON, DATED JUNE 2011 (DRAWING No. 11-H-09, SHEET 1 OF 4) AND DRAWING BY CITY OF HAMILTON, DATED JANUARY 13, 1984 (DRAWING No. 82-H-99, SHEET 1 OF 2).  
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION  
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

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

**BEARING NOTE:**  
BEARINGS ARE GRID AND ARE REFERRED TO THE SOUTHERLY LIMIT OF PART 1, PLAN 62R-21828 AS SHOWN BEING N72°59'40"W

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS REGULATION AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 19th DAY OF DECEMBER, 2022  
**ADR 2022**  
DATE  
**R.A. McLAREN, O.L.S.**  
Drew  
Checked  
J.C.  
RBM  
Drew  
Checked  
Z.A.  
Scale  
1:150  
Dwg. No. 37224

© 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.  
**A.T. McLaren**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032  
Drawn  
Checked  
J.C.  
RBM  
Drew  
Checked  
Z.A.  
Scale  
1:150  
Dwg. No. 37224

- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - IB IRON BAR
  - IB# ROUND IRON BAR
  - PE PLASTIC BAR
  - CC CUT CROSS
  - CC# CUT STAR
  - SB STANDARD IRON BAR
  - SSB SHORT STANDARD IRON BAR
  - SSS A.T. PETERS, O.L.S.
  - B24 A.T. McLAREN, O.L.S.
  - BE BARRON GRONK SURVEYING LTD.
  - CH CITY OF HAMILTON
  - M&P MACKAY, MACKAY & PETERS LIMITED
  - OU ORIGIN UNKNOWN
  - Meas MEASURED
  - P1 PLAN 62R-21828
  - P2 PLAN BY A.T. McLAREN LIMITED, DATED DECEMBER 15, 2016, FILE No. 38206
  - BF BOARD FENCE
  - CB CATCHBUSH
  - CLF CHAIN LINK FENCE
  - DS DOOR SILL
  - PH FIRE HYDRANT
  - GF GARAGE FLOOR
  - CU CURB
  - HP HYDRO POLE
  - MH MAINTENANCE HOLE
  - WW WOOD RETAINING WALL
  - WV WATER VALVE
  - Ø DIAMETER
  - // NOT TO SCALE

**BENCHMARK:**  
MONUMENT 0011963U3493  
QUEENSDALE PUBLIC SCHOOL ON THE NORTHEAST CORNER OF QUEENSDALE AVENUE AND PRINCE GEORGE STREET, ON MOUNTAIN, TABLET IN THE WEST CONCRETE FOUNDATION OF THE ENCLOSURE AROUND THE MAIN ENTRANCE ON THE SOUTH WALL, 21 CM NORTH OF THE SOUTHWEST CORNER OF ENCLOSURE, 15 CM BELOW RED BRICK SIDING AND 15 CM ABOVE SIDEWALK LEVEL.  
ELEVATION: 195.473 metres CGVD-1928:1978



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

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

December 21, 2022

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 14 Belvidere Avenue, Hamilton  
Severance Application Submission**

---

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Beni, Angelina, Adam, and Lucas Colalillo (owners) for the purposes of submitting the enclosed Severance (Consent) Application for the subject lands, municipally known as 14 Belvidere Avenue, in the City of Hamilton. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and executed Application for Consent to Sever Land Form;
- One (1) electronic copy of a cheque in the amount of \$2,985.00 representing the required application fee;
- One (1) electronic copy of the Survey, prepared by Barich Grenkie Surveying Ltd., dated January 2022;
- One (1) electronic copy of the Sketch for Consent to Sever, prepared by A.J Clarke & Associates Ltd., dated December 2022.

This analysis is in support of the Severance (Consent) Application for the subject lands. The proposed development is to facilitate a severance to create four (4) separate residential lots. Following the proposed severance, four (4) new, single-detached dwellings will be built (one on each new lot).

The subject lands are located on the curved north side of Belvidere Avenue, just prior to becoming Concession Street. The subject lands back onto the Niagara Escarpment Natural Area and are currently vacant. The lands are designated "Neighbourhoods" as per Schedule E-1 of the Urban Hamilton Official Plan and are zoned C/S-1822 in the Former City of Hamilton Zoning By-law 6593.

The below table details the various lot frontages, depths, and areas, following the proposed severance.

	<b>PART 1</b>	<b>PART 2</b>	<b>PART3</b>	<b>PART 4</b>
<b>Lot Frontage</b>	Arc = ±9.43 m	Arc = ±9.43 m	Arc = ±9.43 m	Arc = ±9.43 m
<b>Lot Depth</b>	irregular	irregular	irregular	irregular
<b>Lot Area</b>	±883.87m <sup>2</sup>	±917.95m <sup>2</sup>	±1,044.69m <sup>2</sup>	±431.25m <sup>2</sup>



The surrounding area is predominately residential, with various institutional uses. The residential uses are concentrated around the subject site, consisting mainly of single detached dwellings on lots of various widths and sizes. The subject lands are in proximity to Sam Lawrence Park, approximately  $\pm 770$  metres from the Concession Street Shopping Area and approximately  $\pm 450$  metres from the Upper Wellington shopping area. The lands are approximately  $\pm 400$  m from Queensdale Elementary School. Several bus lines run within 500 metres of the subject lands.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Franz Kloibhofer, BES (Hons.), MCIP, RPP

Principal Planner

**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email: Adam Colalillo [adam@thinklegacy.ca](mailto:adam@thinklegacy.ca)



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

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

**APPLICATION FOR CONSENT TO SEVER LAND  
 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)	Beni, Angelina, Adam, and Lucas Colalillo (under agreement of purchase and sale, to be provided upon request)		
Applicant(s)**	Same as owners		
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer		

\*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 \_\_\_\_\_

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	14 Belvidere Avenue		
Assessment Roll Number	08090408550		
Former Municipality	Barton		
Lot	13	Concession	4
Registered Plan Number	PL 457	Lot(s)	3 & 4
Reference Plan Number (s)	62R21828	Part(s)	1 & 2

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)<br>( i.e. a lot containing a surplus farm dwelling<br>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:

---

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:

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

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

Identified on Sketch as:	Part 2	Part 4	Part 1	Part 3	
Type of Transfer	N/A	N/A			
Frontage	Arc ±9.43 m	Arc ±9.43 m	Arc ±9.43 m	Arc ±9.43 m	
Depth	irregular	irregular	irregular	irregular	
Area	±917.95m <sup>2</sup>	±431.25m <sup>2</sup>	±883.87m <sup>2</sup>	±1,044.69m <sup>2</sup>	
Existing Use	vacant residential	vacant residential	vacant residential	vacant residential	
Proposed Use	residential	residential	residential	residential	
Existing Buildings/ Structures	none	none	none	none	none
Proposed Buildings/ Structures	single-detached dwelling	single-detached dwelling	single-detached dwelling	single-detached dwelling	
Buildings/ Structures to be Removed	n/a	n/a	n/a	n/a	n/a

\* 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

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

Gentle intensification of lands by creating four new residential lots to build four single-detached dwellings in an established neighbourhood.

- 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? C/S-1822

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

- 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"/>	±450 m (retail)
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

**6 HISTORY OF THE SUBJECT LAND**

- 6.1 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, provide the appropriate application file number and the decision made on the application.

---

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

- 6.3 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.

---

- 6.4 How long has the applicant owned the subject land?  
 Currently under Agreement of Purchase and Sale
- 

- 6.5 Does the applicant own any other land in the City?       Yes       No  
 If YES, describe the lands below or attach a separate page.  
 unknown
- 

**7 PROVINCIAL POLICY**

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?  
 Yes       No      (Provide explanation)

Consistent with policy statements and provincial plans.

---

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

Wise use of available resources and infrastructure to facilitate additional housing stock through gentle intensification in established neighbourhood.

---

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

Gentle intensification within the built-up area of the Hamilton Urban Boundary. Better utilization of infrastructure.

---

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes       No      (Provide explanation)

'Urban Area' designation in NEP. Backs on to Natural Escarpment Area.

---

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes  No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes  No (Provide explanation)

Urban Area of NEP.

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes  No (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes  No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes  No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

## 9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes  No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes  No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

**10 ADDITIONAL INFORMATION - FARM CONSOLIDATION****10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

**10.2 Location of farm consolidation property:**

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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 consolidation property.

**10.4 Description of farm consolidation property:**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

**10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

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

**10.7 Description of surplus dwelling lands proposed to be severed:**

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

Front yard set back: \_\_\_\_\_

**a) Date of construction:**

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

**b) Condition:**

- Habitable       Non-Habitable



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>SC/B-22:134</b>	<b>SUBJECT PROPERTY:</b>	1097 NORTH SERVICE ROAD, STONE CREEK
-------------------------	--------------------	--------------------------	---

**APPLICANTS:** Owner J. & D. Colalillo  
Agent Arcadis IBI Group – J. Marcus

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land containing a single detached dwelling (to remain) and to retain two (2) parcels of land for future residential development.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>RETAINED LANDS: (Part 6)</b>	48.7 m <sup>±</sup>	32.5 m <sup>±</sup>	1580 m <sup>2</sup> ±
<b>SEVERED LANDS: (Part 1)</b>	8.3 m <sup>±</sup>	48.6 m <sup>±</sup>	1568 m <sup>2</sup> ±
<b>RETAINED LANDS: (Parts 2-5)</b>	11.8 m <sup>±</sup>	41.8 m <sup>±</sup>	995 m <sup>2</sup> ±

Associated Planning Act File(s): HM/A-22:413

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>1:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

**SC/B-22:134**

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-22:134, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



**SC/B-22:134**

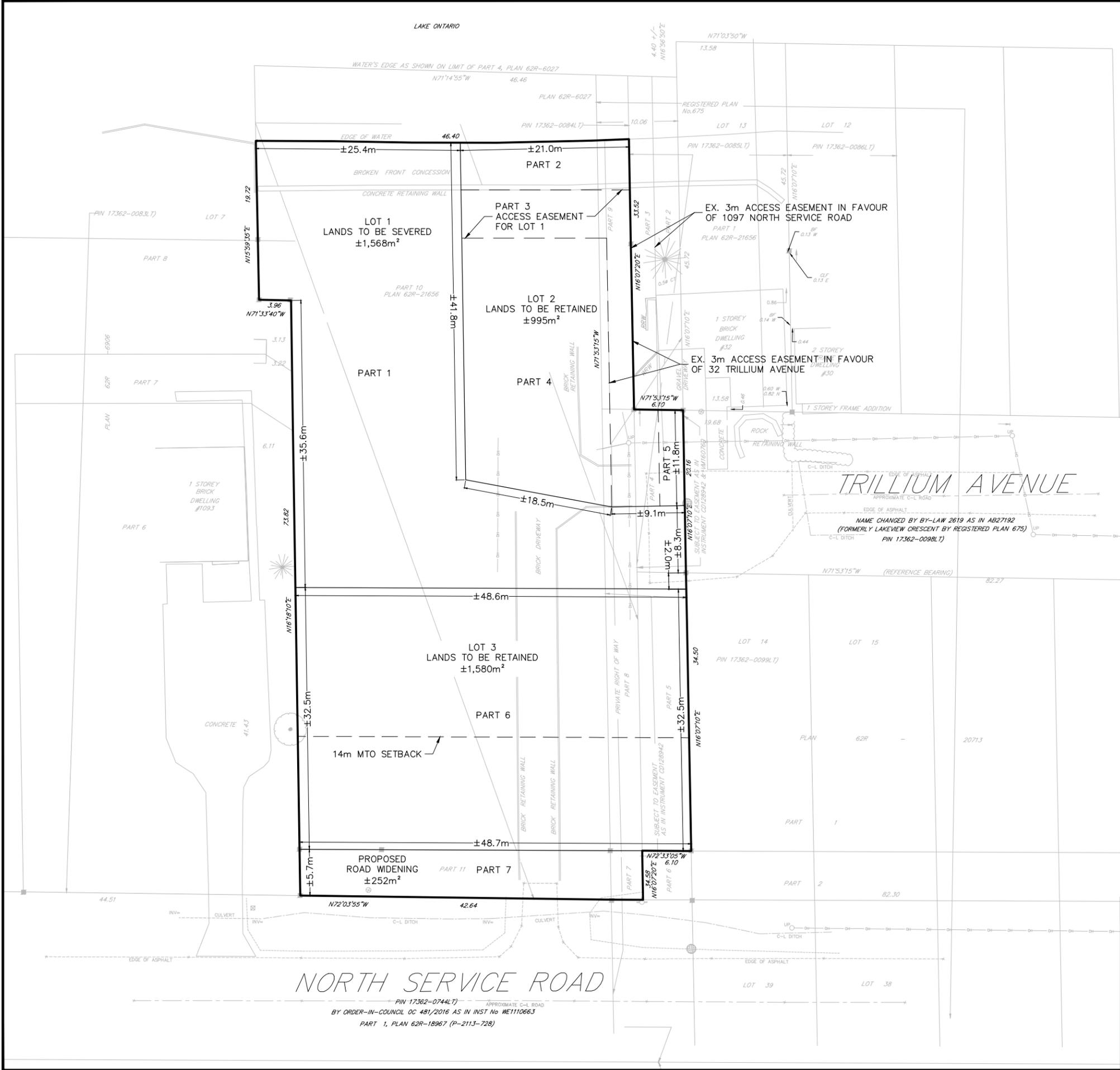
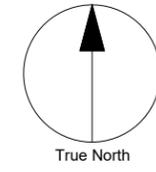
DATED: January 31, 2023

---

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.

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.



SEVERANCE SCHEDULE		
PARTS	DESCRIPTION	AREA (m <sup>2</sup> )
PART 1	LANDS TO BE SEVERED	±1,568 m <sup>2</sup>
PARTS 2-5	LANDS TO BE RETAINED	±995 m <sup>2</sup>
PART 6	LANDS TO BE RETAINED	±1,580 m <sup>2</sup>
PART 7	ROAD WIDENING	±252 m <sup>2</sup>
TOTAL LAND AREA		±4,395 m <sup>2</sup>

CLIENT  
**PARK MANOR HOMES**

PROJECT NAME  
**1097 NORTH SERVICE ROAD**  
1097 NORTH SERVICE ROAD,  
STONE CREEK



**IBI GROUP**  
Suite 200 - 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010 fax 905 546 1011  
[ibigroup.com](http://ibigroup.com)

SCALE:  
**1:500**

DATE:  
**2022-12-21**

PROJECT MGR:  
**J. MARCUS**

DRAWN BY:  
**M. ROJAS**

CHECKED BY:  
**J. MARCUS**

APPROVED BY:  
**J. MARCUS**

PROJECT NO:  
**141054**

FIGURE NAME  
**CONSENT SKETCH**

FIGURE NO.  
**C1**

REVISION  
**1**

File Location: J:\141054\_1097\_North\_Srv\_0\_Production\7.02\_Conceptual\_Design\17\_Planning\Sheets\141054C-2022-11-10.dwg  
 Last Saved: December 19, 2022, by Jared Marcus Plotted: Wednesday, December 21, 2022 5:13:08 PM by Jared Marcus  
 SCALE CHECK  
 1 in 10mm



December 21, 2022

Chair and Members of Committee of Adjustment c/o Jamila Sheffield  
Secretary - Treasurer, Committee of Adjustment  
City of Hamilton  
71 Main Street West - 5th Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Ms. Sheffield:

**1097 NORTH SERVICE ROAD, STONEY CREEK  
CONSENT AND MINOR VARIANCE APPLICATIONS**

Arcadis IBI Group has been retained by Jim and Denise Colalillo to provide a planning opinion on the Minor Variance application to the City of Hamilton Committee of Adjustment pertaining to 1097 North Service Road.

The subject lands are located on the north side of the North Service Road with an approximate frontage of 42.6m and an area of approximately 4,395m<sup>2</sup>. The property is generally rectangular in shape and backs onto Lake Ontario with an approximate depth of 93.5m. The property also abuts Trillium Avenue on the east with an approximately frontage of 20.1m. The front half of the subject lands are generally vacant, and a new dwelling was constructed on the west side of the property in 2021.

A Consent application has been submitted concurrently with the Minor Variance application which proposes to sever a lot containing the existing dwelling and would create two retained parcels of land for a total of three lots. The new lots will be subject to the construction of two new single detached dwellings.

Two of the new lots would have frontage on Trillium Avenue and one lot would have frontage on the North Service Road. Variances are proposed to facilitate the new lots, and existing and proposed dwellings on Lots 1 & 2. This letter provides information, rationale, and analysis to support the submission.

**1.0 PROPOSED VARIANCES**

The subject lands are zoned Rural Residential (RR) in the former City of Stoney Creek Zoning By-law No. 3692-92; based on our review of the By-law the following variances are required:

Lots 1 & 2:

1. A minimum lot frontage of 8.3 metres instead of the required of 15.0 metres; and,
2. A minimum rear yard setback of 1.3 metres instead of the required 7.5 metres.

Planning Act Section 45 (1) Compliance

Section 45 (1) of the Planning Act permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided that they meet what is known as the four (4) tests. The four tests are:

Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan? and,
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The following will provide an analysis of the proposed variances against the four tests.

#### **1.1 Variance 1: Minimum Lot Frontage**

The current zoning requires a minimum lot frontage of 15 metres. Proposed Lots 1 & 2 along Trillium Avenue will require a variance to permit a reduced lot frontage of 8.3 metres for Lot 1 and 11.8 metres for Lot 2.

##### **1. Are the Variances Minor in Nature?**

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance.

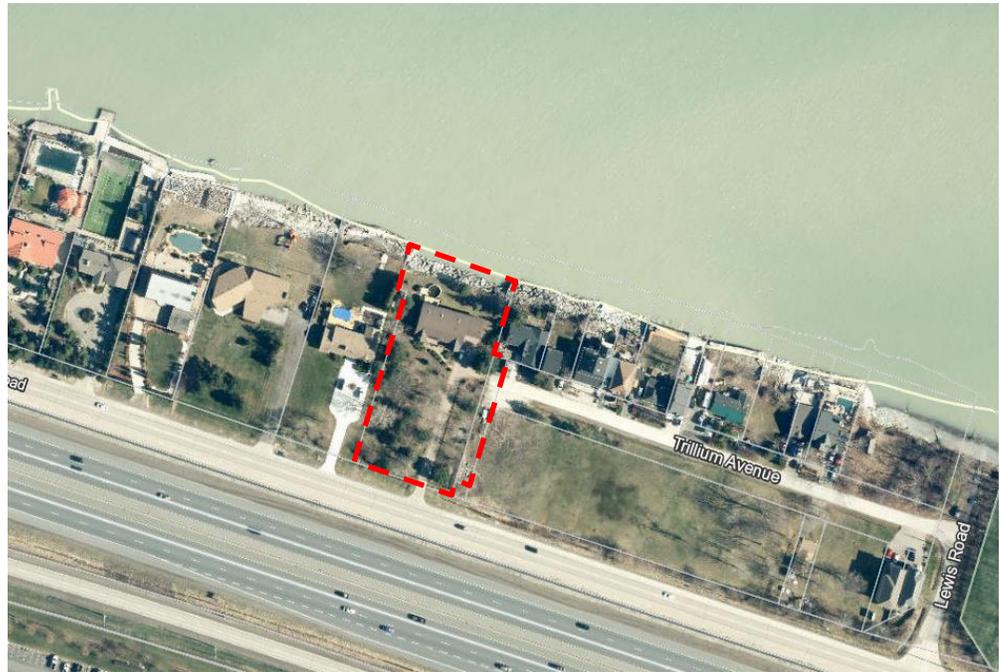
The proposed lots are oriented in a manner similar to the prevailing development pattern in the area, with dwellings facing in a southerly direction and the private amenity space backing onto Lake Ontario. The westerly side yards for the proposed dwellings are considered a rear yard (more description to follow below), but irrespective of the technical interpretation of these yards they will function as a side yard. The easterly yards of each dwelling will be considered as side yards.

Given that all lots require legal frontage on a municipal right of way, the front part of the lots have been angled in a modified 'L' shape so that each of the lots will have a connection to Trillium Avenue. The westerly terminus of Trillium Avenue abuts the easterly lot line of the subject lands as a straight line, rather than a cul-de-sac, and it is this existing condition that results in the deficient lot width.

It is commonly accepted that the requirement for a minimum lot frontage is to ensure that development lots have an adequate width to support an appropriately sized dwelling, as well as to ensure compatibility with existing development in the area. While the variance requests a reduction to the minimum lot frontage requirement, the orientation of the lot as described above results in an actual development area of approximately 21m for each of the lots. Further, proposed Lot 1 already contains a single detached dwelling that was constructed in 2021 and fits within this proposed lot width. Therefore, the proposed reduction to the lot width will not impact the character of the area and will maintain an appropriately sized building area on the future Lot 2.

As such, it is our opinion that the requested variance to the lot frontage is minor in nature and do not impact the overall character of the neighbourhood.

Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022



*Figure 1: Surrounding Context around Subject Lands (identified in red), Retrieved from City of Hamilton Mapping*

**2. Are the Variances Desirable and Appropriate?**

The variances are desirable and appropriate because they are compatible within the existing neighbourhood and built form. As illustrated in **Figure 1** and discussed above, the existing development pattern in the area features lots that back onto Lake Ontario and face towards the North Service Road. The proposed lots are oriented the same and the reduced lot frontage is only necessary to facilitate legal access to a municipal road. Further, the existing dwelling located on proposed Lot 1 is an example that a future dwelling will be compatible with the area. As such, the proposed reductions to the lot frontage requirement will facilitate the proposed consent, which maintains the character and built form of the neighbourhood, while simultaneously allowing for mild intensification and are therefore desirable and appropriate.

**3. Do the Variances maintain the general intent and purpose of the Official Plan?**

The subject lands are designated as 'Neighbourhoods' in Schedule E- Urban Structure and Schedule E-1 – Urban Land Use Designations. These policies allow for residential uses. In addition, the subject lands are located within the Urban Lakeshore Area Secondary Plan and are designated Low Density Residential 2b, which permits a maximum density 32 units per net residential hectare. The proposed lot is intended to be developed with three single detached dwellings and the resulting density of 6.8 units per net hectare complies with the maximum density. The proposed development matches the low-density character of the neighbourhood.

**4. Do the variances maintain the general intent and purpose of the Zoning By-law?**

The proposed variance to the minimum lot frontage meets the intent and purpose of the Zoning By-law. The subject lands are located in an established neighbourhood, where there is a wide range of lot sizes and frontages. The purpose of a minimum lot

Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022

frontage is to ensure there is adequate width to appropriately sized dwelling which is compatible within the context of the area. As discussed above, the developable area of each of proposed Lots 1 & 2 exceeds 21m in width and therefore the intent of the By-law has been met.

## **1.2 Variance 2: Minimum Rear Yard**

The current zoning requires a minimum rear yard setback of 7.5 metres. Proposed Lots 1 & 2 require a variance to permit a reduced minimum rear yard setback of 1.25 metres.

### **1. Are the Variances Minor in Nature?**

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance.

As described previously, the orientation of the proposed lots means that the westerly lot lines for both Lots 1 & 2 are interpreted to be a rear lot line, while the orientation of the lots and the building envelopes provides that the private amenity space would back onto Lake Ontario, which in this case is considered as a side yard.

There is existing 2-storey dwelling that along the westerly side yard that was constructed in 2021 and has an existing setback of approximately 1.3m. Given that this dwelling was previously approved in a similar orientation as the future lots we can conclude that the proposed variances will result in no new adverse impact for Lot 1, and similarly, that a future dwelling constructed on Lot 2 would follow the same orientation and create no new adverse impact. Both lots will still maintain an appropriately sized private amenity space in the side yard.

Therefore, the variance can be considered minor in nature.

### **2. Are the Variances Desirable and Appropriate?**

The requested variance is desirable and appropriate for the neighbourhood, as most dwellings located in this area follow the same orientation of dwellings backing onto Lake Ontario with side yards on their east and west. There will be no adverse impact as a result of the variance.

### **3. Do the Variances maintain the general intent and purpose of the Official Plan?**

The variance meets the general intent of the Official Plan and Secondary Plan. As the neighbourhood is designated Low Density Residential, the proposed variance is to accommodate a single detached dwelling, which is a permitted use. The reduced rear yard reflects the existing neighbourhood character and maintains the “rhythm” of the street.

### **4. Do the variances maintain the general intent and purpose of the Zoning By-law?**

The variance meets the general intent of the former Zoning By-law, as the proposed reduction to the rear yard setback allows the proposed building to be consistent with the existing development orientation in the neighbourhood. The reduced rear yard set back maintains the overall character of the area. The existing dwelling located on proposed Lot 1 was approved with the proposed yard variance when the interpretation was a side lot line, so now that the lot line is interpreted to be a rear lot line there will be no change in condition and no new adverse impact.

## **2.0 CONCLUSION AND RECOMMENDATIONS**

Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022

Based on our review of the existing context, the proposed plan and applicable planning policy and legislation, it is our opinion that the proposed applications should be approved. The proposed development complies with, conforms to, and implements the requirement of the Planning Act, the UHOP, the Urban Lakeshore Secondary Plan and the By-law and each of the variances, individually and collectively, meet the four tests as required under the Planning Act.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Regards,

**Arcadis IBI Group**



Jared Marcus, CPT  
Associate, Manager – Planning

**Committee of Adjustment**City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

Hamilton

**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**

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

\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

\*\* 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

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	1097 North Service Road		
Assessment Roll Number	251800302013400		
Former Municipality	Stoney Creek		
Lot	7	Concession	Broken Front
Registered Plan Number	675	Lot(s)	13
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:

WE1553082 - Access easement in favour of 32 Trillium, Inst. CD128942 & VM160760 - I

## 3 PURPOSE OF THE APPLICATION

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

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot(s)  | <input 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)<br>( i.e. a lot containing a surplus farm dwelling<br>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:

Unknown

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:

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
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Identified on Sketch as:	Part 6	Part 1	Parts 2 to 5	Part 3	Par 7
Type of Transfer	N/A	Severed	Retained	Easement	Road Widening
Frontage	48.7m	8.3m	11.8m		42.6m
Depth	32.5m	48.6m	41.8m		5.7m
Area	1580sq.m	1568sq.m	995sq.m	261sq.m	252sq.m
Existing Use	Residential	Residential	Residential		
Proposed Use	Residential	Residential	Residential		
Existing Buildings/ Structures	None	2 storey dwelling	None		
Proposed Buildings/ Structures	single detached dwelling	None	Single detached dwelling		
Buildings/ Structures to be Removed	None	None	None		

\* 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) Low Density Residential 2b

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

Application proposes a land use and density that conforms with the Urban Lakeshore Area Secondary Plan

- 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? Rural Residential - By-law No. 3692-92

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

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

## 6 HISTORY OF THE SUBJECT LAND

6.1 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, provide the appropriate application file number and the decision made on the application.

SC/B-20:78 - approved

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

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6.3 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.

SC/B-20:78 - lot line adjustment to transferred land from 32 Trillium to 1097 North Service Road

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6.4 How long has the applicant owned the subject land?

November 2016

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

If YES, describe the lands below or attach a separate page.

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## 7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes       No      (Provide explanation)

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7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes       No      (Provide explanation)

The application contributes to an appropriate range and mix of housing options and densities to meet projected market-based needs of current and future residents of the regional market area by directing the development of new housing towards locations with appropriate levels of infrastructure and public service facilities (as per section 1.4.3 c of the PPS).

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7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes       No      (Provide explanation)

The application conforms to section 4c) of Growth Plan by providing a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

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7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes       No      (Provide explanation)

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7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes  No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes  No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes  No (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes  No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes  No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

## 9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes  No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes  No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

**10 ADDITIONAL INFORMATION - FARM CONSOLIDATION****10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

**10.2 Location of farm consolidation property:**

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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 consolidation property.

**10.4 Description of farm consolidation property:**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

**10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

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

**10.7 Description of surplus dwelling lands proposed to be severed:**

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

Front yard set back: \_\_\_\_\_

## a) Date of construction:

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

## b) Condition:

- Habitable       Non-Habitable





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>SC/A-22:413</b>	<b>SUBJECT PROPERTY:</b>	1097 NORTH SERVICE ROAD, STONEY CREEK, Ontario
<b>ZONE:</b>	“RR” (Rural Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:** Owner: J. & D. Colalillo  
Agent: Arcadis IBI Group – J. Marcus

The following variances are requested:

Lots 1 & 2:

1. A minimum lot frontage of 8.3 metres instead of the required of 15.0 metres.
2. A minimum rear yard setback of 1.3 metres instead of the required 7.5 metres.

**PURPOSE & EFFECT:** To create three separate lots in accordance with land severance application SC/B-22:134.

**Notes:**

- i. These variances are necessary to facilitate lands severance application SC/B-22:134.

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>1:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for</b>

SC/A-22:413

	<b>details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

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

## PUBLIC INPUT

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

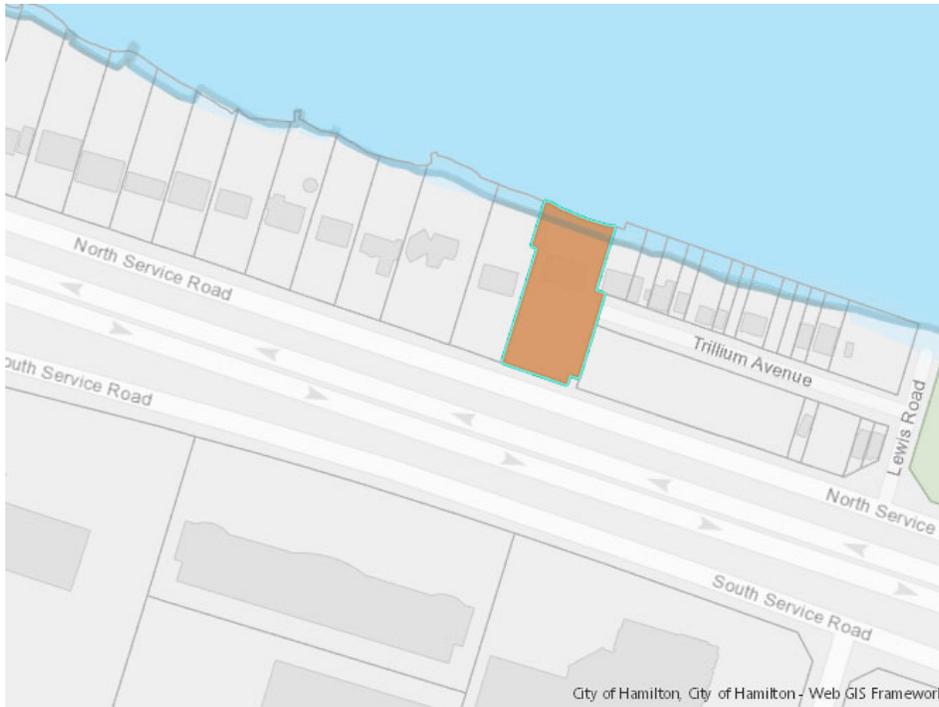
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-22:413, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

SC/A-22:413



 Subject Lands

DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

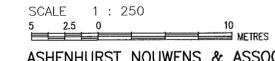
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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

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

LAKE ONTARIO

PLAN OF SURVEY OF  
 LOT 13 AND  
 PRIVATE OF RIGHT-OF-WAY  
 REGISTERED PLAN 675  
 AND  
 PART OF LOT 7  
 BROKEN FRONT CONCESSION AND  
 GEOGRAPHIC TOWNSHIP OF SALT FLEET  
 (FORMERLY TOWN OF STONEY CREEK)  
 IN THE  
 CITY OF HAMILTON



SCALE 1 : 250  
 METRIC NOTE  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
 CONVERTED TO FEET BY DIVIDING BY 0.3048.

PLAN 62R-21656

RECEIVED AND DEPOSITED  
 DATE: April 9, 2021  
 DATE: April 9, 2021

HARRY KALANTZAKOS  
 ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR:  
 LAND REGISTRAR FOR THE LAND TITLES  
 DIVISION OF WENTWORTH (62)

SCHEDULE			
PART	LOT	CONCESSION/PLAN	PIN No.
1	ALL OF LOT 13		
2			
3			
4			ALL OF 17362-0085(LT)
5			
6	PART OF PRIVATE RIGHT-OF-WAY	REGISTERED PLAN 675	
7			
8			
9			ALL OF 17362-0084(LT)
10	PART OF PRIVATE RIGHT-OF-WAY PART OF LOT 7		
11	PART OF LOT 7	BROKEN FRONT CONCESSION	

THIS PLAN IS COMPRISED OF ALL OF PIN 17362-0084(LT) AND PIN 17362-0085(LT)  
 PARTS 4, 5, 6, 7 & 8 SUBJECT TO EASEMENT AS IN C0128942  
 PART 4 SUBJECT TO EASEMENT AS IN W0160760

INTEGRATION NOTE

UTM ZONE 17, CENTRAL MERIDIAN 81°00' WEST LONGITUDE, NAD83 (ORIGINAL)  
 COORDINATES ARE TO AN URBAN ACCURACY PER SEC. 14 (2) OF ONT. REG. 216/10

POINT ID	NORTHING	EASTING
ORP (A)	4786398.737	609040.415
ORP (B)	4786483.521	608972.968

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH  
 CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

BEARING NOTE  
 BEARINGS ARE GRID BEARINGS DERIVED FROM (GNSS) OBSERVATIONS ON  
 FROM OBSERVED REFERENCE POINTS (ORP) (A) AND (B) SHOWN HEREON HAVING  
 A BEARING OF N71°53'15"W REFERRED TO UTM NAD83 (ORIGINAL) COORDINATE  
 SYSTEM, ZONE 17, CENTRAL MERIDIAN 81° WEST LONGITUDE.

DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN  
 BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED  
 COMBINED SCALE FACTOR OF 0.999816.

BEARING COMPARISONS  
 BEARINGS ON PLAN 62R-18967 HAVE BEEN ROTATED 00°59'45"  
 COUNTER-CLOCKWISE FOR COMPARISONS  
 BEARINGS ON REGISTERED PLAN 675 HAVE BEEN ROTATED 01°41'45" COUNTER-  
 CLOCKWISE FOR COMPARISONS  
 BEARINGS ON PLANS 62R-6027, 62R-4446 AND 62R-6027 HAVE BEEN  
 ROTATED 00°49'45" COUNTER-CLOCKWISE FOR COMPARISONS  
 BEARINGS ON PLANS 62R-6906 HAVE BEEN ROTATED 00°42'00"  
 COUNTER-CLOCKWISE FOR COMPARISONS

- LEGEND
- DENOTES FOUND
  - DENOTES PLANTED
  - IB DENOTES IRON BAR
  - SIB DENOTES STANDARD IRON BAR
  - RIB DENOTES ROUND IRON BAR
  - M DENOTES MEASURED
  - OU DENOTES ORIGIN UNKNOWN
  - WIT DENOTES WITNESS
  - P1 DENOTES PLAN 62R-6906
  - P2 DENOTES PLAN 62R-6027
  - P3 DENOTES PLAN 62R-4446
  - P4 DENOTES PLAN 62R-428
  - P5 DENOTES REGISTERED PLAN 675
  - P6 DENOTES PLAN 62R-18967
  - P7 DENOTES PLAN 62R-20713
  - BF DENOTES BOARD FENCE
  - CLF DENOTES CHAIN LINK FENCE
  - MF DENOTES METAL FENCE
  - 824 DENOTES A. T. MCLAREN, O.L.S.
  - 812 DENOTES A. J. CLARKE, O.L.S.
  - 1213 DENOTES J. D. PETERS, O.L.S.
  - CITY DENOTES CITY OF HAMILTON
  - D1 DENOTES INSTRUMENT No. C0194975

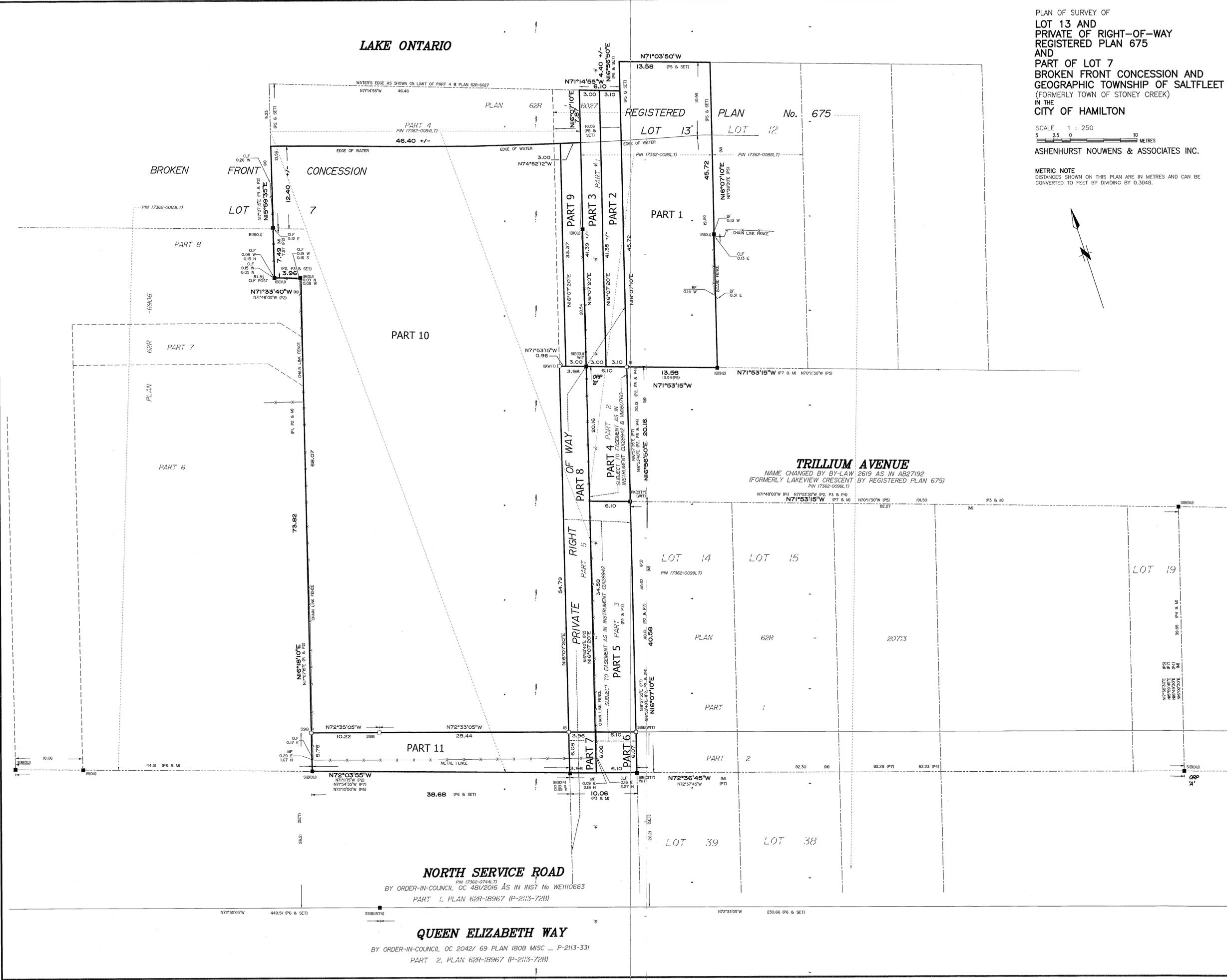
NOTE  
 ALL FOUND BARS ARE 1922 UNLESS NOTES OTHERWISE

SURVEYOR'S CERTIFICATE  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY'S ACT,  
 THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 13TH DAY OF SEPTEMBER, 2020

APRIL 09, 2021  
 DATE: April 9, 2021  
 HARRY KALANTZAKOS  
 ONTARIO LAND SURVEYOR

ASHENHURST NOUWENS & ASSOCIATES INC.  
 PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS  
 225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1  
 TELEPHONE: (905) 529-6316  
 (905) 529-4314  
 FAX: (905) 529-6651  
 e-mail: onl@AshenurstNouwens.ca

DRAWN BY M.S.	CALCD BY H.K.	CHKD BY H.K.	FILE No. 19164 R-PLAN
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NORTH SERVICE ROAD  
 PIN 17362-0744(LT)  
 BY ORDER-IN-COUNCIL OC 481/2016 AS IN INST No WE110663  
 PART 1, PLAN 62R-18967 (P-2113-728)

QUEEN ELIZABETH WAY  
 BY ORDER-IN-COUNCIL OC 2042/ 69 PLAN 1808 MISC - P-2113-331  
 PART 2, PLAN 62R-18967 (P-2113-728)

TRILLIUM AVENUE  
 NAME CHANGED BY BY-LAW 2619 AS IN AB27192  
 (FORMERLY LAKEVIEW CRESCENT) BY REGISTERED PLAN 675  
 PIN 17362-0086(LT)

December 21, 2022

Ms. Jamila Sheffield, ACST  
Secretary Treasurer-Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**1097 NORTH SERVICE ROAD, STONEY CREEK  
CONSENT AND MINOR VARIANCE APPLICATION**

On behalf the property owners, Jim and Denise Colalillo, we are pleased to submit Consent and Minor Variance applications for the above noted property.

The proposed applications would facilitate the creation of three total lots on the subject lands; two lots with frontage on Trillium Avenue, and one lot with frontage on North Service Road. The subject lands currently contain a two-storey single detached dwelling, constructed in 2021, which would be located within proposed Lot 1. Proposed Lots 2 & 3 would contain future single detached dwellings.

Trillium Avenue has a width of 20m, and its westerly terminus abuts the easterly boundary of the subject lands. Rather than a cul-de-sac, which is common in suburban areas, this existing condition terminates as a straight line and therefore the proposed configuration of Lots 1 & 2 results in deficient lot width and requires a variance. The main development width of the lots would be more than 20m. This proposed lot configuration also means that the respective westerly lot lines of Lots 1 & 2 would be a rear lot line for the purposes of zoning interpretation. This zoning interpretation means that the yard abutting Lake Ontario is interpreted as a side yard.

While the existing and future dwelling orientation will be consistent with the existing development pattern in the area, the rear yard setback would require a variance due to this zoning interpretation.

In support of the applications please find enclosed the following information:

- One (1) digital copy of the completed Consent and Minor Variance application forms;
- One (1) digital copy of the Consent and Minor Variance sketches;
- One (1) digital copy of the Reference Plan; and,
- One (1) copy of the Planning Opinion memo supporting the proposed variances.

IBI GROUP

2

Ms. Jamila Sheffield, ACST – December 21, 2022

Please note that the application review fee will be submitted under separate cover.

Should you require any additional information please do not hesitate to contact the undersigned.

Yours truly,

**Arcadis IBI Group**

A handwritten signature in black ink, appearing to read 'Jared Marcus', with a stylized flourish at the end.

Jared Marcus, CPT  
Associate, Manager – Planning

Cc: Jim and Denise Colalillo

December 21, 2022

Chair and Members of Committee of Adjustment c/o Jamila Sheffield  
 Secretary - Treasurer, Committee of Adjustment  
 City of Hamilton  
 71 Main Street West - 5th Floor  
 Hamilton, Ontario  
 L8P 4Y5

Dear Ms. Sheffield:

**1097 NORTH SERVICE ROAD, STONEY CREEK  
 CONSENT AND MINOR VARIANCE APPLICATIONS**

Arcadis IBI Group has been retained by Jim and Denise Colalillo to provide a planning opinion on the Minor Variance application to the City of Hamilton Committee of Adjustment pertaining to 1097 North Service Road.

The subject lands are located on the north side of the North Service Road with an approximate frontage of 42.6m and an area of approximately 4,395m<sup>2</sup>. The property is generally rectangular in shape and backs onto Lake Ontario with an approximate depth of 93.5m. The property also abuts Trillium Avenue on the east with an approximately frontage of 20.1m. The front half of the subject lands are generally vacant, and a new dwelling was constructed on the west side of the property in 2021.

A Consent application has been submitted concurrently with the Minor Variance application which proposes to sever a lot containing the existing dwelling and would create two retained parcels of land for a total of three lots. The new lots will be subject to the construction of two new single detached dwellings.

Two of the new lots would have frontage on Trillium Avenue and one lot would have frontage on the North Service Road. Variances are proposed to facilitate the new lots, and existing and proposed dwellings on Lots 1 & 2. This letter provides information, rationale, and analysis to support the submission.

**1.0 PROPOSED VARIANCES**

The subject lands are zoned Rural Residential (RR) in the former City of Stoney Creek Zoning By-law No. 3692-92; based on our review of the By-law the following variances are required:

Lots 1 & 2:

1. A minimum lot frontage of 8.3 metres instead of the required of 15.0 metres; and,
2. A minimum rear yard setback of 1.3 metres instead of the required 7.5 metres.

Planning Act Section 45 (1) Compliance

Section 45 (1) of the Planning Act permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided that they meet what is known as the four (4) tests. The four tests are:

Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan? and,
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The following will provide an analysis of the proposed variances against the four tests.

#### **1.1 Variance 1: Minimum Lot Frontage**

The current zoning requires a minimum lot frontage of 15 metres. Proposed Lots 1 & 2 along Trillium Avenue will require a variance to permit a reduced lot frontage of 8.3 metres for Lot 1 and 11.8 metres for Lot 2.

##### **1. Are the Variances Minor in Nature?**

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance.

The proposed lots are oriented in a manner similar to the prevailing development pattern in the area, with dwellings facing in a southerly direction and the private amenity space backing onto Lake Ontario. The westerly side yards for the proposed dwellings are considered a rear yard (more description to follow below), but irrespective of the technical interpretation of these yards they will function as a side yard. The easterly yards of each dwelling will be considered as side yards.

Given that all lots require legal frontage on a municipal right of way, the front part of the lots have been angled in a modified 'L' shape so that each of the lots will have a connection to Trillium Avenue. The westerly terminus of Trillium Avenue abuts the easterly lot line of the subject lands as a straight line, rather than a cul-de-sac, and it is this existing condition that results in the deficient lot width.

It is commonly accepted that the requirement for a minimum lot frontage is to ensure that development lots have an adequate width to support an appropriately sized dwelling, as well as to ensure compatibility with existing development in the area. While the variance requests a reduction to the minimum lot frontage requirement, the orientation of the lot as described above results in an actual development area of approximately 21m for each of the lots. Further, proposed Lot 1 already contains a single detached dwelling that was constructed in 2021 and fits within this proposed lot width. Therefore, the proposed reduction to the lot width will not impact the character of the area and will maintain an appropriately sized building area on the future Lot 2.

As such, it is our opinion that the requested variance to the lot frontage is minor in nature and do not impact the overall character of the neighbourhood.

Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022



*Figure 1: Surrounding Context around Subject Lands (identified in red), Retrieved from City of Hamilton Mapping*

**2. Are the Variances Desirable and Appropriate?**

The variances are desirable and appropriate because they are compatible within the existing neighbourhood and built form. As illustrated in **Figure 1** and discussed above, the existing development pattern in the area features lots that back onto Lake Ontario and face towards the North Service Road. The proposed lots are oriented the same and the reduced lot frontage is only necessary to facilitate legal access to a municipal road. Further, the existing dwelling located on proposed Lot 1 is an example that a future dwelling will be compatible with the area. As such, the proposed reductions to the lot frontage requirement will facilitate the proposed consent, which maintains the character and built form of the neighbourhood, while simultaneously allowing for mild intensification and are therefore desirable and appropriate.

**3. Do the Variances maintain the general intent and purpose of the Official Plan?**

The subject lands are designated as 'Neighbourhoods' in Schedule E- Urban Structure and Schedule E-1 – Urban Land Use Designations. These policies allow for residential uses. In addition, the subject lands are located within the Urban Lakeshore Area Secondary Plan and are designated Low Density Residential 2b, which permits a maximum density 32 units per net residential hectare. The proposed lot is intended to be developed with three single detached dwellings and the resulting density of 6.8 units per net hectare complies with the maximum density. The proposed development matches the low-density character of the neighbourhood.

**4. Do the variances maintain the general intent and purpose of the Zoning By-law?**

The proposed variance to the minimum lot frontage meets the intent and purpose of the Zoning By-law. The subject lands are located in an established neighbourhood, where there is a wide range of lot sizes and frontages. The purpose of a minimum lot

Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022

frontage is to ensure there is adequate width to appropriately sized dwelling which is compatible within the context of the area. As discussed above, the developable area of each of proposed Lots 1 & 2 exceeds 21m in width and therefore the intent of the By-law has been met.

## **1.2 Variance 2: Minimum Rear Yard**

The current zoning requires a minimum rear yard setback of 7.5 metres. Proposed Lots 1 & 2 require a variance to permit a reduced minimum rear yard setback of 1.25 metres.

### **1. Are the Variances Minor in Nature?**

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance.

As described previously, the orientation of the proposed lots means that the westerly lot lines for both Lots 1 & 2 are interpreted to be a rear lot line, while the orientation of the lots and the building envelopes provides that the private amenity space would back onto Lake Ontario, which in this case is considered as a side yard.

There is existing 2-storey dwelling that along the westerly side yard that was constructed in 2021 and has an existing setback of approximately 1.3m. Given that this dwelling was previously approved in a similar orientation as the future lots we can conclude that the proposed variances will result in no new adverse impact for Lot 1, and similarly, that a future dwelling constructed on Lot 2 would follow the same orientation and create no new adverse impact. Both lots will still maintain an appropriately sized private amenity space in the side yard.

Therefore, the variance can be considered minor in nature.

### **2. Are the Variances Desirable and Appropriate?**

The requested variance is desirable and appropriate for the neighbourhood, as most dwellings located in this area follow the same orientation of dwellings backing onto Lake Ontario with side yards on their east and west. There will be no adverse impact as a result of the variance.

### **3. Do the Variances maintain the general intent and purpose of the Official Plan?**

The variance meets the general intent of the Official Plan and Secondary Plan. As the neighbourhood is designated Low Density Residential, the proposed variance is to accommodate a single detached dwelling, which is a permitted use. The reduced rear yard reflects the existing neighbourhood character and maintains the “rhythm” of the street.

### **4. Do the variances maintain the general intent and purpose of the Zoning By-law?**

The variance meets the general intent of the former Zoning By-law, as the proposed reduction to the rear yard setback allows the proposed building to be consistent with the existing development orientation in the neighbourhood. The reduced rear yard set back maintains the overall character of the area. The existing dwelling located on proposed Lot 1 was approved with the proposed yard variance when the interpretation was a side lot line, so now that the lot line is interpreted to be a rear lot line there will be no change in condition and no new adverse impact.

## **2.0 CONCLUSION AND RECOMMENDATIONS**

Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022

Based on our review of the existing context, the proposed plan and applicable planning policy and legislation, it is our opinion that the proposed applications should be approved. The proposed development complies with, conforms to, and implements the requirement of the Planning Act, the UHOP, the Urban Lakeshore Secondary Plan and the By-law and each of the variances, individually and collectively, meet the four tests as required under the Planning Act.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Regards,

**Arcadis IBI Group**



Jared Marcus, CPT  
Associate, Manager – Planning



Hamilton

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	
<b>Registered Owners(s)</b>		
<b>Applicant(s)</b>		
<b>Agent or Solicitor</b>		

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent \_\_\_\_\_

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	1097 North Service Road		
Assessment Roll Number	251800302013400		
Former Municipality	Stoney Creek		
Lot	7	Concession	Broken Front
Registered Plan Number	675	Lot(s)	13
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:

WE1553082 - Access easement in favour of 32 Trillium, Inst. CD128942 & VM160760 - I

### 3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

To permit a minimum lot frontage of 8.3m instead of the required 15m;  
To permit a minimum rear yard of 1.25m instead of the required 7.5m.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Proposed Lots 1 & 2 are oriented to Lake Ontario, however due to the nature of their front lot lines being located on Trillium Avenue each of their westerly lot lines would be considered as a rear lot line even though the function is a side lot line.  
Similarly, while each lot would have a reduce frontage, the actual width of each lot is approximately 21m where a dwelling would be located.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
42.6m	93.6m	4105sq.m	20m

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

## Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
single detached dwelling	48.1m	23.3m	22.3m & 1.2m	

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Lot 2 - single detached dwelling	19.7m	1.3m	3.0m & 2.8m	
Lot 3 - single detached dwelling	28.5m	1.3m	1.3m & 10m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

## Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
single detached dwelling	324sq.m			

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Lot 1 - single detached dwelling	224sq.m	448sq.m	2	
Lot 3 - single detached dwelling	218sq.m	436sq.m	2	

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

single detached dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

single detached dwelling

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

November 2016

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

single detached dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

single detached dwelling

7.4 Length of time the existing uses of the subject property have continued:

Unknown

7.5 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) Low Density Residential 2b

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

Application proposes a land use and density that conforms with the Urban Lakeshore Area Secondary Plan

7.6 What is the existing zoning of the subject land? \_\_\_\_\_

7.8 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: \_\_\_\_\_

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes       No

If yes, please provide the file number: application filed concurrently

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>GL/B-22:135</b>	<b>SUBJECT PROPERTY:</b>	9662 TWENTY ROAD W, GLANBROOK
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**APPLICANTS:** Owner Karmat Ullah Bajwa Inc. – R. Parayno  
Agent A.J. Clarke & Associates Ltd. - M. L. Doherty

**PURPOSE & EFFECT:** To permit the conveyance of four (4) parcels of land for future residential development, and to retain a parcel of land for future residential development. Existing dwelling to be removed.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS: (Part 1)</b>	15.55 m <sup>±</sup>	42.67 m <sup>±</sup>	675 m <sup>2±</sup>
<b>SEVERED LANDS: (Part 2)</b>	15.55 m <sup>±</sup>	42.67 m <sup>±</sup>	663 m <sup>2±</sup>
<b>SEVERED LANDS: (Part 3)</b>	15.55 m <sup>±</sup>	42.67 m <sup>±</sup>	663 m <sup>2±</sup>
<b>SEVERED LANDS: (Part 4)</b>	15.55 m <sup>±</sup>	42.67 m <sup>±</sup>	663 m <sup>2±</sup>
<b>RETAINED LANDS: (Part 5)</b>	20.25 m <sup>±</sup>	42.67 m <sup>±</sup>	810 m <sup>2±</sup>

Associated Planning Act File(s): GL/A-22:414

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>1:30 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>



**GL/B-22:135**

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.





*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

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

December 22, 2022

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca))

**Re: 9662 Twenty Road West, Hamilton  
Minor Variance and Severance Application Submission**

---

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Rowena Parayno for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 9662 Twenty Road West, in the City of Hamilton.

The purpose of this analysis is in support the concurrently submitted Minor Variance and Severance (Consent) Applications for the subject lands. The proposed development is to facilitate a severance to create four (4) additional residential lots within the existing lot fabric (five lots in total). This will facilitate the construction of four additional dwelling units along Silverbirch Boulevard. Each newly created lot will feature a frontage of  $\pm 15.55$  metres and an area no smaller than  $\pm 663.46$  square metres. The retained parcel will have a frontage of  $\pm 20.25$  on Silverbirch Avenue and an area of  $\pm 810.61$  square metres. The existing dwelling is proposed to remain in place, requiring further minor variance requests.

The subject lands are located on the north side of Twenty Road West, between Silverbirch Boulevard to the west, and Garth Street to the east. The subject lands have a frontage of  $\pm 42.67$  metres along Twenty Road West, with an approximate area of  $\pm 4,047.2$  square metres, and are currently occupied by one (1) single-detached dwelling with an attached garage. The lands' wastewater is currently serviced through a private septic system.

The below table details the various lot frontages, depths, and areas, following the proposed severance.

	<b>Part 1 (severed)</b>	<b>Part 2 (severed)</b>	<b>Part 3 (severed)</b>	<b>Part 4 (severed)</b>	<b>Part 5 (retained)</b>	<b>Part 6 (ROW)</b>
<b>Lot Frontage</b>	$\pm 15.55\text{m}$	$\pm 15.55\text{m}$	$\pm 15.55\text{m}$	$\pm 15.55\text{m}$	$\pm 20.25\text{m}$	$\pm 12.40\text{m}$
<b>Lot Depth</b>	$\pm 42.67\text{m}$	$\pm 42.67\text{m}$				
<b>Lot Area</b>	$\pm 675.38\text{m}^2$	$\pm 663.46\text{m}^2$	$\pm 663.46\text{m}^2$	$\pm 663.46\text{m}^2$	$\pm 810.61\text{m}^2$	$\pm 570.83\text{m}^2$

The surrounding area consists largely of residential uses north of Twenty Road West. South of Twenty Road West is primarily rural and agricultural land uses; these lands have now been included into the Urban Boundary. A former golf course to the southwest is being redeveloped into residential use. The lands directly across Silverbirch Boulevard are set to develop a 71-townhouse subdivision that will see the



development of full municipal services along Silverbirch Boulevard. Directly north of the subject lands is the “Silverbirch” registered subdivision already constructed. Further north is the Villages of Glanaster Condominium. St Therese of Lisieux Catholic School is located approximately 1.5 kilometres north.

The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwellings
<b>South</b>	Agriculture
<b>West</b>	Single-Detached Dwellings – future site of 71 townhouse units
<b>East</b>	Single-Detached Rural Lots

A review of the applicable planning policies has been included below.

### **Planning Policy Overview**

#### **Provincial Policy Statement**

The current Provincial Policy Statement (PPS) came into effect on May 1st, 2020. The principles of the PPS are about managing change and promoting efficient, cost-effective development and land use patterns, which encourage strong, sustainable, and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

The proposed severance is a more efficient use of land within the urban boundary of the Urban Hamilton Official Plan. The proposed use and density is appropriate for the location and will provide and will add to the housing stock for the area.

#### **Growth Plan for the Greater Golden Horseshoe**

The 2020 consolidation of the Growth Plan builds upon the previous Growth Plan (2019) in its direction to prioritize intensification, support the achievement of complete communities, support a range, and mix of housing options, protect, and enhance natural heritage systems, support, and enhance the long-term viability of agriculture, conserve and promote cultural heritage resources, and integrate climate-change considerations into planning and managing growth.

The proposed severance is within a settlement area and is a more efficient use of land and existing infrastructure that adds to the housing stock of the surrounding area with gentle intensification that will contribute to meeting the housing needs for the projected growth of the area.

#### **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.



The subject lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The 'Neighbourhoods' designation permits uses such as; residential dwellings, including second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.1 indicates various conditions that must be met by a proposed severance for lands designated as "Neighbourhoods". The conditions are as follows;

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

The proposed severance will create lots that are consistent with the relevant policies, and consistent with existing Neighbourhood development surrounding the subject lands. The severed and retained lots will require several minor variances to lot dimension deficiencies. The retained lot will also require minor variances to address yard setbacks to preserve the existing dwelling. The lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. The proposed severance will facilitate development of low-density residential dwellings permitted in the Urban Hamilton Official Plan and North-West Glanbrook Secondary Plan. The proposed dwellings will have access from Silverbirch Boulevard.

Presently, the lands have access to municipal water but are serviced through private wastewater systems. It is accepted that development will require the construction of sanitary and stormwater sewer connections. As such, any development fully permitted will meet the requirements of servicing.

The 'Neighbourhoods' designation contains specific policies in relation to 'Low Density Residential'. As such, 'Low Density Residential' uses permit single-detached, semi-detached, duplex, triplex, and street townhouse dwellings. Further, the maximum net residential density shall be 60 units per hectare, and the maximum permitted height shall be three (3) storeys. The proposed lots to be severed will contain sufficient space to facilitate the development of these permitted built forms. Additionally, the proposal will have an overall density of 12.35 units per hectare (5 units total, 0.40472 hectares), conforming to the maximum permitted density of under the UHOP.

### **North-West Glanbrook Secondary Plan**

The subject lands are designated 'Low Density Residential 2' as per Map B.5.3-1: Land Use Plan in the North-West Glanbrook Secondary Plan. As per Policy 5.3.2.2, much of the secondary plan area shall be developed for residential purposes that include a mix of dwelling types including single-detached, semi-detached, duplexes, triplexes, and street townhouses.



Policy 5.3.2.3 states that the maximum net residential density for lands designated 'Low Density Residential 2' shall be 25 units per hectare (UPH). Further 5.3.2.3.f) states the "the rear portion of existing large lot residential development fronting Glancaster Road and Twenty Road West shall be encouraged to be redeveloped." 5.3.2.3.g) goes further to state new residential development proposed to be contiguous to existing large lot residential shall be restricted to low density residential development.

The severed parcels proposed conform to the North-West Glanbrook Secondary Plan in their proposed use and density (12.35 UPH). The proposed development is exemplary of the desired redevelopment along Twenty Road West in its utilization of the rear portion of an existing large residential lot.

### **Township of Glanbrook Zoning By-law 464**

As per Schedule E of the Township of Glanbrook Zoning By-law 464, the site is zoned "ER – Existing Residential." The lands are not within the lands shown in Special Figure 1 of Section 50, and as such only permit one (1) single-detached dwelling per lot. The zone provisions within Section 9 shall apply to the proposed development and a review of the applicable zone provisions are included in the table below:

<b>Regulation</b>	<b>Requirement</b>
Minimum Lot Frontage	22.5 metres
Minimum Lot Depth	30.0 metres
Minimum Lot Area	1,390.0 square metres
Maximum Lot Coverage	25.0 %
Minimum Front Yard	9.0 metres
Minimum Side Yard	1.8 metres
Minimum Flank Yard Depth	6.0 metres
Minimum Rear Yard	10.7 metres

### **Minor Variances**

Several variances are required to lot dimensions and yard setbacks to facilitate the proposed lot fabrics. The variances are as follows:

#### Parts 1-4

1. To permit a minimum lot frontage of 15.5 metres, whereas a minimum lot frontage of 22.5 metres is required.
2. To permit a minimum lot area of 670 square metres, whereas a minimum lot area of 1,390 square metres is required.
3. To permit a minimum front yard of 7.5 metres, whereas a minimum 9.0 metres is required.
4. To permit a maximum lot coverage of 40%, whereas a maximum lot coverage of 25% is required.

#### Part 5

1. To permit a minimum lot frontage of 20.25 metres, whereas a minimum lot frontage of 22.5 metres is required.



2. To permit a minimum lot area of 810 square metres, whereas a minimum lot area of 1,390 square metres is required.
3. To permit a minimum front yard of 7.5 metres, whereas a minimum 9.0 metres is required.
4. To permit a maximum lot coverage of 40% whereas, 25% is required.
5. To permit a minimum side yard of 0.8 metres, whereas a minimum side yard of 1.8 metres is required.
6. To permit a minimum rear yard of 5 metres, whereas a minimum rear yard of 10.7 metres is required.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

**1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan?**

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits single-detached dwellings. The proposed dwellings will assist in the addition of available housing stock within the neighbourhood, while also capitalizing on the underutilized land as an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 12.35 units per hectare inclusive of the five proposed lots, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

The proposal conforms to almost every requirement for Lot Creation in the Urban Boundary as described in Chapter F Section 1.14.3. Presently, the only requirement it does not meet is in the absence of municipally provided wastewater systems. It is our understanding that the City of Hamilton aims to extend the wastewater services provided in the area to facilitate the development as planned for in the North-West Glanbrook Secondary Plan. This would likely see truck extensions along the Minor Arterial of Twenty Road West, on which the subject lands lie adjacent. Presently, the sanitary line stops approximately 225 metres from the subject lands. As stated above, it is accepted that development will require the construction of sanitary and stormwater sewer connections. As such, any development fully permitted will meet the requirements of servicing.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. Further, the proposed residential parcels will conform to the North-West Glanbrook Secondary Plan in their use and density as well as utilizing the rear portion of a large residential lot along Twenty Road West. It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

**2. Do the proposed variances maintain the intent and purpose of the Glanbrook Zoning By-law No. 464?**



The Glanbrook By-law has two similar zones for large-lot residential parcels, Existing Residential "ER" zone and Residential Estate "RE" Zone, as well as a slightly larger Residential Hamlet "RH" Zone and the rural General Agricultural "A1" and Restricted Agricultural "A2" zones. The RE and the RH zones are intended to protect the development form of a very-low-density character area. The Existing Residential "ER" zone is intended to protect existing rural residential lots (ie homes on well water and septic) within the urban area from urban development.

The required variances to City of Hamilton Bylaw No. 6593 are intended to facilitate a desirable built form which is compatible with the existing urban neighbourhood and shall have full servicing connections

### **Lot Frontage**

Parts 1-4 on the submitted severance sketch are proposed to have equal frontages of  $\pm 15.5$  metres, whereas 22.5 metres is required. Part 5, containing the existing dwelling, is proposed to have a frontage on to Silverbirch Boulevard of  $\pm 20.25$  metres.

The frontages proposed, do not conform to the "ER" zone, but are consistent with the surrounding newer urban developments. The single-detached dwellings located north-adjacent to the subject lands have frontage widths of 12 metres and north of these lots, across Whiterock Avenue are single-detached dwellings with 15 metre frontages. The forthcoming development on the west side of Silverbirch Boulevard will consist of Medium Density Block Townhouses.

The five Low-Density lots proposed generally reflect the lot pattern and similar frontages and would continue this streetscape form from Whiterock Avenue down to Twenty Road West. Accordingly, the proposed reduction in the lot frontage requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.

### **Lot Area**

Part 1 proposes a lot area minimum of 670 square metres, whereas a staggering 1,390 square metres is required. Parts 2-4 would seek a minimum lot area of 660 square metres, and Part 5 would seek a minimum lot area of 810 square metres.

This justification for these lot areas proposed is similar to the justification made above regarding lot frontage. Looking to the surrounding neighbourhoods to the north and west shows a lot pattern consistent to the one being proposed. Along Whiterock Avenue, the adjacent parcels have lot areas of  $\pm 400$  square metres, and across from that  $\pm 625$  square metre lot areas. This proposed lots would be a continuous of this lot pattern and create a consistent built form. Accordingly, the intent of the Zoning By-law is maintained.

### **Yard Setbacks**

Several variances to permit the existing dwelling on Part 5 of the submitted severance will also be required to facilitate the proposed lot fabric. Currently the frontage for the subject lands is along Twenty Road West. While no change to the built form is proposed, Part 5 would technically have frontage along Silverbirch Boulevard, as defined in the Glanbrook Zoning By-law No.464.



To allow for the existing dwelling to remain, a side yard setback of 1.8 metres and a rear yard setback of 5 metres will be required. The side yard setback allows for sufficient space between buildings for stormwater management flows, access, and maintenance. The dwelling that would be located on Part 4 of the severance sketch would require a minimum side yard setback of 1.8 metres. This setback along with the 0.8 metre setback for Part 5, will still provide sufficient space to maintain the intent of the by-law.

The rear yard setback is to provide sufficient private outdoor space as well as stormwater management. Currently, the yard is defined as a side yard and will only be defined technically as the rear yard post-severance. It currently supports access and stormwater management. The proposed Part 5 boundaries still permit the existing patio space located to the north of the dwelling to exist as a private space. Further, the large front yard and flankage yard can accommodate further outdoor use, subject to further by-laws. As such, the intent of the zoning by-law is maintained.

The reduction of the minimum front yard setback to 7.5 metres for the newly created lots is intended to make their development conform to the streetscape of Silverbirch Boulevard. The homes on Whiterock Avenue are setback 5 metres, and the zoning on the west side of Silverbirch permits front yards of 4.5 metres, rear yards of 6.0 metres, and exterior side yards of 3.0 metres.

### **Lot Coverage**

The intent of the lot coverage by-law is to prevent development that would over-develop grounds leading to higher imperviousness of the grounds to control stormwater and loss of outdoor green space. The "ER" zone only permits a coverage of 25% as it is intended to maintain area for septic tanks and separation for cisterns.

The current dwelling only occupies approximately 7.5% of the large lot. Post severance, the existing dwelling would cover approximately 36%. If the subject lands did not convey additional lands for the Twenty Road West widening and associated daylight triangle, this coverage would only be approximately 21%. The existing dwelling on the proposed lot still provides sufficient outdoor space and pervious grounds to help manage stormwater. Further, the dwelling on the proposed lotting would have complied with the 25% requirement were it not for road widening being dedicated.

For all proposed lots, this application seeks a maximum lot coverage of 40%. This will allow for the existing dwelling to remain, as well as provide a sufficient building envelope for Parts 1-4 that is consistent with the adjacent single-detached dwellings to the north which also have a 40% lot coverage. These lot sizes will still provide sufficient green space and impervious ground to help control stormwater flows. As such, the intent of the zoning by-law is maintained.

### **3. Are the proposed variances appropriate for the development of the subject lands?**

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood adjacent to a Minor Arterial Road. As noted above, the proposed variances are consistent with the established character of the neighbourhood and are therefore appropriate for the development of the subject lands.



#### 4. Are the proposed variances minor in nature?

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the lot frontage or lot area, lot coverage, and yard setbacks for the existing dwelling as they are in keeping with the general built form, character and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is my professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit reduced frontages, lot areas, and yard setbacks along with increased lot coverage will be required to facilitate the creation of the lots for future residential development while preserving the existing dwelling. The lots are generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood. While the proposed development does not meet the lot standards prescribed in the Zoning By-law, the proposed minor variances will provide relief from these zoning deficiencies, which are minor in nature.

As such, the subject land is appropriate for the redevelopment of as proposed with new servicing connections and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*, represents good planning and should be approved

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

M. Liam Doherty, MCIP, RPP  
Senior Planner

**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email: Rowena Parayno ([rparayno77@yahoo.ca](mailto:rparayno77@yahoo.ca))

**Committee of Adjustment**

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

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)



**APPLICATION FOR CONSENT TO SEVER LAND  
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	
<b>Purchaser*</b>			<b>Phone:</b>
			<b>E-mail:</b>
<b>Registered Owners(s)</b>			
<b>Applicant(s)**</b>			
<b>Agent or Solicitor</b>	A.J. Clarke & Associates Ltd. c/o M. Liam Doherty		

\*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 \_\_\_\_\_

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	9662 Twenty Road West		
Assessment Roll Number	251890211009000		
Former Municipality	Glanbrook		
Lot	Part of Lot 2	Concession	Con. 1 Glanford
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-13685	Part(s)	Except Pt 1

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)<br>( i.e. a lot containing a surplus farm dwelling<br>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:

---

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:

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

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

Identified on Sketch as:	Part 5	Part 1	Part 2	Part 3	Part 4	Part 6
Type of Transfer	N/A					ROW
Frontage	±20.25	±15.55	±15.55	±15.55	±15.55	±12.40
Depth	±42.67	±42.67	±42.67	±42.67	±42.67	±42.67
Area	±810.61	±675.38	±663.46	±663.46	±663.46	±570.83
Existing Use	Residential	Residential/vacant	Residential/vacant	Residential/vacant	Res/Vac	Vacant
Proposed Use	Residential	Residential	Residential	Residential	Resid.	ROW
Existing Buildings/ Structures	1-storey detached dwelling	None	None	None	None	None
Proposed Buildings/ Structures	Single Detached Dwelling (new)	Single Detached Dwelling	Single Detached Dwelling	Single Detached Dwelling	S. D. Dwelling	None
Buildings/ Structures to be Removed	1-storey detached dwelling	n/a	n/a	n/a	n/a	n/a

\* 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

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

The application provides for a permitted land use in an appropriate form for lands within the Urban Boundary.

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? ER Existing Residential

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

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.

Concurrently submitted Minor Variance 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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	Office (C3) - ±260m/
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<input type="checkbox"/>	

## 6 HISTORY OF THE SUBJECT LAND

6.1 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, provide the appropriate application file number and the decision made on the application.

---

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

---

6.3 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.

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6.4 How long has the applicant owned the subject land?

December 2022

---

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

If YES, describe the lands below or attach a separate page.

1. 1465 Upper Sherman Ave, Hamilton

2. 11 Leckie Ave, Hamilton

## 7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes  No (Provide explanation)

Please see cover letter.

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes  No (Provide explanation)

Please see cover letter.

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes  No (Provide explanation)

Please see cover letter.

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes  No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes

No

(Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes

No

(Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes

No

(Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes

No

(Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes

No

(Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

## 9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes

No

(Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes

No

(Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

**10 ADDITIONAL INFORMATION - FARM CONSOLIDATION****10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

**10.2 Location of farm consolidation property:**

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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 consolidation property.

\_\_\_\_\_

**10.4 Description of farm consolidation property:**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

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

**10.6 Description of surplus dwelling lands proposed to be severed:**

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

Front yard set back: \_\_\_\_\_

**10.7 Surplus farm dwelling****a) Date of construction:**

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

**b) Condition:**

- Habitable       Non-Habitable





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>GL/A-22:414</b>	<b>SUBJECT PROPERTY:</b>	9662 Twenty Road West, Glanbrook, Ontario
<b>ZONE:</b>	“ER” (Existing Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Township of Glanbrook 464, as Amended

**APPLICANTS:** Owner: Karamat Ullah Bajwa Inc. c/o Rowena Parayno  
Agent: A.J. Clarke & Associates Ltd. c/o M. Liam Doherty

The following variances are requested:

Requested variances for the lands to be severed (Part 1-4):

1. A minimum lot frontage of 15.5 metres shall be permitted instead of the required minimum lot frontage of 22.5 metre.
2. A minimum lot area of 670 square meters shall be permitted instead of the required minimum lot area of 1,390 square metres.
3. A minimum front yard setback of 7.5 metres shall be permitted instead of the required front yard setback of 9.0 metres.
4. A maximum lot coverage of 40% shall be permitted instead of the required maximum lot coverage of 25%.

Requested variances for the lands to be retained (Part 5):

1. A minimum lot frontage of 20.25 metres shall be permitted instead of the required minimum lot frontage of 22.5 metres.
2. A minimum lot area of 810 metres squared shall be permitted instead of the required minimum lot area of 1,390 square metres,

**GL/A-22:414**

3. A minimum front yard setback of 7.5 metres shall be permitted instead of the required minimum front yard setback of 9 metres.
4. A maximum lot coverage of 40% shall be permitted instead of the required maximum lot coverage of 25%.
5. A minimum side yard setback of 0.8 metres shall be permitted instead of the required minimum side yard setback of 1.2 metres.
6. A minimum rear yard setback of 5 metres shall be permitted instead of the required minimum rear yard setback of 10.7 metres.

**PURPOSE & EFFECT:** To facilitate the severance of Consent Application GL/B-22:135 and permit the construction of four (4) new single detached dwellings.

**Notes:**

1. Please be advised insufficient information was provided. Therefore, the variances are written as requested. Additional variances may be required if compliance cannot be met.
2. Please be advised the applicant is proposed a 12.4 metre road widening along Twenty Road West.
3. Please be advised the Consent Application GL/B-22:135 has also been submitted for the subject lands.

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>1:30 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

GL/A-22:414

**PUBLIC INPUT**

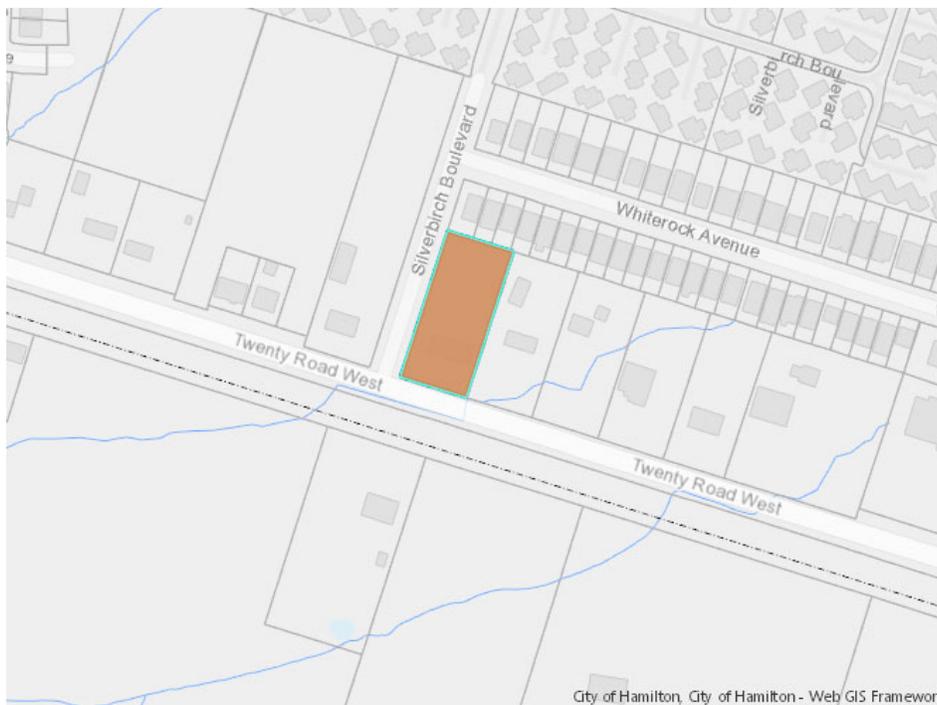
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**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.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding GL/A-22:414, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 **Subject Lands**

DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

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





*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

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

December 22, 2022

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca))

**Re: 9662 Twenty Road West, Hamilton  
Minor Variance and Severance Application Submission**

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Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Rowena Parayno for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 9662 Twenty Road West, in the City of Hamilton.

The purpose of this analysis is in support the concurrently submitted Minor Variance and Severance (Consent) Applications for the subject lands. The proposed development is to facilitate a severance to create four (4) additional residential lots within the existing lot fabric (five lots in total). This will facilitate the construction of four additional dwelling units along Silverbirch Boulevard. Each newly created lot will feature a frontage of  $\pm 15.55$  metres and an area no smaller than  $\pm 663.46$  square metres. The retained parcel will have a frontage of  $\pm 20.25$  on Silverbirch Avenue and an area of  $\pm 810.61$  square metres. The existing dwelling is proposed to remain in place, requiring further minor variance requests.

The subject lands are located on the north side of Twenty Road West, between Silverbirch Boulevard to the west, and Garth Street to the east. The subject lands have a frontage of  $\pm 42.67$  metres along Twenty Road West, with an approximate area of  $\pm 4,047.2$  square metres, and are currently occupied by one (1) single-detached dwelling with an attached garage. The lands' wastewater is currently serviced through a private septic system.

The below table details the various lot frontages, depths, and areas, following the proposed severance.

	<b>Part 1 (severed)</b>	<b>Part 2 (severed)</b>	<b>Part 3 (severed)</b>	<b>Part 4 (severed)</b>	<b>Part 5 (retained)</b>	<b>Part 6 (ROW)</b>
<b>Lot Frontage</b>	$\pm 15.55\text{m}$	$\pm 15.55\text{m}$	$\pm 15.55\text{m}$	$\pm 15.55\text{m}$	$\pm 20.25\text{m}$	$\pm 12.40\text{m}$
<b>Lot Depth</b>	$\pm 42.67\text{m}$	$\pm 42.67\text{m}$				
<b>Lot Area</b>	$\pm 675.38\text{m}^2$	$\pm 663.46\text{m}^2$	$\pm 663.46\text{m}^2$	$\pm 663.46\text{m}^2$	$\pm 810.61\text{m}^2$	$\pm 570.83\text{m}^2$

The surrounding area consists largely of residential uses north of Twenty Road West. South of Twenty Road West is primarily rural and agricultural land uses; these lands have now been included into the Urban Boundary. A former golf course to the southwest is being redeveloped into residential use. The lands directly across Silverbirch Boulevard are set to develop a 71-townhouse subdivision that will see the



development of full municipal services along Silverbirch Boulevard. Directly north of the subject lands is the “Silverbirch” registered subdivision already constructed. Further north is the Villages of Glancaster Condominium. St Therese of Lisieux Catholic School is located approximately 1.5 kilometres north.

The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwellings
<b>South</b>	Agriculture
<b>West</b>	Single-Detached Dwellings – future site of 71 townhouse units
<b>East</b>	Single-Detached Rural Lots

A review of the applicable planning policies has been included below.

### **Planning Policy Overview**

#### **Provincial Policy Statement**

The current Provincial Policy Statement (PPS) came into effect on May 1st, 2020. The principles of the PPS are about managing change and promoting efficient, cost-effective development and land use patterns, which encourage strong, sustainable, and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

The proposed severance is a more efficient use of land within the urban boundary of the Urban Hamilton Official Plan. The proposed use and density is appropriate for the location and will provide and will add to the housing stock for the area.

#### **Growth Plan for the Greater Golden Horseshoe**

The 2020 consolidation of the Growth Plan builds upon the previous Growth Plan (2019) in its direction to prioritize intensification, support the achievement of complete communities, support a range, and mix of housing options, protect, and enhance natural heritage systems, support, and enhance the long-term viability of agriculture, conserve and promote cultural heritage resources, and integrate climate-change considerations into planning and managing growth.

The proposed severance is within a settlement area and is a more efficient use of land and existing infrastructure that adds to the housing stock of the surrounding area with gentle intensification that will contribute to meeting the housing needs for the projected growth of the area.

#### **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.



The subject lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The 'Neighbourhoods' designation permits uses such as; residential dwellings, including second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.1 indicates various conditions that must be met by a proposed severance for lands designated as "Neighbourhoods". The conditions are as follows;

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

The proposed severance will create lots that are consistent with the relevant policies, and consistent with existing Neighbourhood development surrounding the subject lands. The severed and retained lots will require several minor variances to lot dimension deficiencies. The retained lot will also require minor variances to address yard setbacks to preserve the existing dwelling. The lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. The proposed severance will facilitate development of low-density residential dwellings permitted in the Urban Hamilton Official Plan and North-West Glanbrook Secondary Plan. The proposed dwellings will have access from Silverbirch Boulevard.

Presently, the lands have access to municipal water but are serviced through private wastewater systems. It is accepted that development will require the construction of sanitary and stormwater sewer connections. As such, any development fully permitted will meet the requirements of servicing.

The 'Neighbourhoods' designation contains specific policies in relation to 'Low Density Residential'. As such, 'Low Density Residential' uses permit single-detached, semi-detached, duplex, triplex, and street townhouse dwellings. Further, the maximum net residential density shall be 60 units per hectare, and the maximum permitted height shall be three (3) storeys. The proposed lots to be severed will contain sufficient space to facilitate the development of these permitted built forms. Additionally, the proposal will have an overall density of 12.35 units per hectare (5 units total, 0.40472 hectares), conforming to the maximum permitted density of under the UHOP.

### **North-West Glanbrook Secondary Plan**

The subject lands are designated 'Low Density Residential 2' as per Map B.5.3-1: Land Use Plan in the North-West Glanbrook Secondary Plan. As per Policy 5.3.2.2, much of the secondary plan area shall be developed for residential purposes that include a mix of dwelling types including single-detached, semi-detached, duplexes, triplexes, and street townhouses.



Policy 5.3.2.3 states that the maximum net residential density for lands designated 'Low Density Residential 2' shall be 25 units per hectare (UPH). Further 5.3.2.3.f) states the "the rear portion of existing large lot residential development fronting Glancaster Road and Twenty Road West shall be encouraged to be redeveloped." 5.3.2.3.g) goes further to state new residential development proposed to be contiguous to existing large lot residential shall be restricted to low density residential development.

The severed parcels proposed conform to the North-West Glanbrook Secondary Plan in their proposed use and density (12.35 UPH). The proposed development is exemplary of the desired redevelopment along Twenty Road West in its utilization of the rear portion of an existing large residential lot.

### **Township of Glanbrook Zoning By-law 464**

As per Schedule E of the Township of Glanbrook Zoning By-law 464, the site is zoned "ER – Existing Residential." The lands are not within the lands shown in Special Figure 1 of Section 50, and as such only permit one (1) single-detached dwelling per lot. The zone provisions within Section 9 shall apply to the proposed development and a review of the applicable zone provisions are included in the table below:

<b>Regulation</b>	<b>Requirement</b>
Minimum Lot Frontage	22.5 metres
Minimum Lot Depth	30.0 metres
Minimum Lot Area	1,390.0 square metres
Maximum Lot Coverage	25.0 %
Minimum Front Yard	9.0 metres
Minimum Side Yard	1.8 metres
Minimum Flank Yard Depth	6.0 metres
Minimum Rear Yard	10.7 metres

### **Minor Variances**

Several variances are required to lot dimensions and yard setbacks to facilitate the proposed lot fabrics. The variances are as follows:

#### Parts 1-4

1. To permit a minimum lot frontage of 15.5 metres, whereas a minimum lot frontage of 22.5 metres is required.
2. To permit a minimum lot area of 670 square metres, whereas a minimum lot area of 1,390 square metres is required.
3. To permit a minimum front yard of 7.5 metres, whereas a minimum 9.0 metres is required.
4. To permit a maximum lot coverage of 40%, whereas a maximum lot coverage of 25% is required.

#### Part 5

1. To permit a minimum lot frontage of 20.25 metres, whereas a minimum lot frontage of 22.5 metres is required.



2. To permit a minimum lot area of 810 square metres, whereas a minimum lot area of 1,390 square metres is required.
3. To permit a minimum front yard of 7.5 metres, whereas a minimum 9.0 metres is required.
4. To permit a maximum lot coverage of 40% whereas, 25% is required.
5. To permit a minimum side yard of 0.8 metres, whereas a minimum side yard of 1.8 metres is required.
6. To permit a minimum rear yard of 5 metres, whereas a minimum rear yard of 10.7 metres is required.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

**1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan?**

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits single-detached dwellings. The proposed dwellings will assist in the addition of available housing stock within the neighbourhood, while also capitalizing on the underutilized land as an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 12.35 units per hectare inclusive of the five proposed lots, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

The proposal conforms to almost every requirement for Lot Creation in the Urban Boundary as described in Chapter F Section 1.14.3. Presently, the only requirement it does not meet is in the absence of municipally provided wastewater systems. It is our understanding that the City of Hamilton aims to extend the wastewater services provided in the area to facilitate the development as planned for in the North-West Glanbrook Secondary Plan. This would likely see truck extensions along the Minor Arterial of Twenty Road West, on which the subject lands lie adjacent. Presently, the sanitary line stops approximately 225 metres from the subject lands. As stated above, it is accepted that development will require the construction of sanitary and stormwater sewer connections. As such, any development fully permitted will meet the requirements of servicing.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. Further, the proposed residential parcels will conform to the North-West Glanbrook Secondary Plan in their use and density as well as utilizing the rear portion of a large residential lot along Twenty Road West. It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

**2. Do the proposed variances maintain the intent and purpose of the Glanbrook Zoning By-law No. 464?**



The Glanbrook By-law has two similar zones for large-lot residential parcels, Existing Residential "ER" zone and Residential Estate "RE" Zone, as well as a slightly larger Residential Hamlet "RH" Zone and the rural General Agricultural "A1" and Restricted Agricultural "A2" zones. The RE and the RH zones are intended to protect the development form of a very-low-density character area. The Existing Residential "ER" zone is intended to protect existing rural residential lots (ie homes on well water and septic) within the urban area from urban development.

The required variances to City of Hamilton Bylaw No. 6593 are intended to facilitate a desirable built form which is compatible with the existing urban neighbourhood and shall have full servicing connections

### **Lot Frontage**

Parts 1-4 on the submitted severance sketch are proposed to have equal frontages of  $\pm 15.5$  metres, whereas 22.5 metres is required. Part 5, containing the existing dwelling, is proposed to have a frontage on to Silverbirch Boulevard of  $\pm 20.25$  metres.

The frontages proposed, do not conform to the "ER" zone, but are consistent with the surrounding newer urban developments. The single-detached dwellings located north-adjacent to the subject lands have frontage widths of 12 metres and north of these lots, across Whiterock Avenue are single-detached dwellings with 15 metre frontages. The forthcoming development on the west side of Silverbirch Boulevard will consist of Medium Density Block Townhouses.

The five Low-Density lots proposed generally reflect the lot pattern and similar frontages and would continue this streetscape form from Whiterock Avenue down to Twenty Road West. Accordingly, the proposed reduction in the lot frontage requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.

### **Lot Area**

Part 1 proposes a lot area minimum of 670 square metres, whereas a staggering 1,390 square metres is required. Parts 2-4 would seek a minimum lot area of 660 square metres, and Part 5 would seek a minimum lot area of 810 square metres.

This justification for these lot areas proposed is similar to the justification made above regarding lot frontage. Looking to the surrounding neighbourhoods to the north and west shows a lot pattern consistent to the one being proposed. Along Whiterock Avenue, the adjacent parcels have lot areas of  $\pm 400$  square metres, and across from that  $\pm 625$  square metre lot areas. This proposed lots would be a continuous of this lot pattern and create a consistent built form. Accordingly, the intent of the Zoning By-law is maintained.

### **Yard Setbacks**

Several variances to permit the existing dwelling on Part 5 of the submitted severance will also be required to facilitate the proposed lot fabric. Currently the frontage for the subject lands is along Twenty Road West. While no change to the built form is proposed, Part 5 would technically have frontage along Silverbirch Boulevard, as defined in the Glanbrook Zoning By-law No.464.



To allow for the existing dwelling to remain, a side yard setback of 1.8 metres and a rear yard setback of 5 metres will be required. The side yard setback allows for sufficient space between buildings for stormwater management flows, access, and maintenance. The dwelling that would be located on Part 4 of the severance sketch would require a minimum side yard setback of 1.8 metres. This setback along with the 0.8 metre setback for Part 5, will still provide sufficient space to maintain the intent of the by-law.

The rear yard setback is to provide sufficient private outdoor space as well as stormwater management. Currently, the yard is defined as a side yard and will only be defined technically as the rear yard post-severance. It currently supports access and stormwater management. The proposed Part 5 boundaries still permit the existing patio space located to the north of the dwelling to exist as a private space. Further, the large front yard and flankage yard can accommodate further outdoor use, subject to further by-laws. As such, the intent of the zoning by-law is maintained.

The reduction of the minimum front yard setback to 7.5 metres for the newly created lots is intended to make their development conform to the streetscape of Silverbirch Boulevard. The homes on Whiterock Avenue are setback 5 metres, and the zoning on the west side of Silverbirch permits front yards of 4.5 metres, rear yards of 6.0 metres, and exterior side yards of 3.0 metres.

### **Lot Coverage**

The intent of the lot coverage by-law is to prevent development that would over-develop grounds leading to higher imperviousness of the grounds to control stormwater and loss of outdoor green space. The "ER" zone only permits a coverage of 25% as it is intended to maintain area for septic tanks and separation for cisterns.

The current dwelling only occupies approximately 7.5% of the large lot. Post severance, the existing dwelling would cover approximately 36%. If the subject lands did not convey additional lands for the Twenty Road West widening and associated daylight triangle, this coverage would only be approximately 21%. The existing dwelling on the proposed lot still provides sufficient outdoor space and pervious grounds to help manage stormwater. Further, the dwelling on the proposed lotting would have complied with the 25% requirement were it not for road widening being dedicated.

For all proposed lots, this application seeks a maximum lot coverage of 40%. This will allow for the existing dwelling to remain, as well as provide a sufficient building envelope for Parts 1-4 that is consistent with the adjacent single-detached dwellings to the north which also have a 40% lot coverage. These lot sizes will still provide sufficient green space and impervious ground to help control stormwater flows. As such, the intent of the zoning by-law is maintained.

### **3. Are the proposed variances appropriate for the development of the subject lands?**

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood adjacent to a Minor Arterial Road. As noted above, the proposed variances are consistent with the established character of the neighbourhood and are therefore appropriate for the development of the subject lands.



#### 4. Are the proposed variances minor in nature?

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the lot frontage or lot area, lot coverage, and yard setbacks for the existing dwelling as they are in keeping with the general built form, character and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is my professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit reduced frontages, lot areas, and yard setbacks along with increased lot coverage will be required to facilitate the creation of the lots for future residential development while preserving the existing dwelling. The lots are generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood. While the proposed development does not meet the lot standards prescribed in the Zoning By-law, the proposed minor variances will provide relief from these zoning deficiencies, which are minor in nature.

As such, the subject land is appropriate for the redevelopment of as proposed with new servicing connections and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*, represents good planning and should be approved

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

M. Liam Doherty, MCIP, RPP  
Senior Planner

**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email: Rowena Parayno ([rparayno77@yahoo.ca](mailto:rparayno77@yahoo.ca))



Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME
Registered Owners(s)	
Applicant(s)	
Agent or Solicitor	

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

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 \_\_\_\_\_

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	9662 Twenty Road West		
Assessment Roll Number	251890211009000		
Former Municipality	Glanbrook		
Lot	Pt Lt 2	Concession	1
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-13685	Part(s)	Except Pt 1

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Multiple lot dimension variances. See attached cover letter for details.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Please see attached cover letter.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
±42.67 m	±94.86 m	±4,047.2m	±19.20m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single-detached dwelling	±19 m	±63.5 m	Flank: ±11.7/ Interior: ±5.0 m	unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Existing Dwelling	±11.7 m	±5.0 m	±6.6 m flank/ ±0.8 m interior	
Proposed Dwellings	9 metres	10.7 m	1.8 metres	Future

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single- detached dwelling	±263 m <sup>2</sup>	±263m <sup>2</sup>	1	<6.0 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
no change				
Future consents will				
facilitate 4 new				
residential lots.				

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)
- 

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)
- 

- 4.6 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)
- 

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
 Four additional residential lots, pending severance approval

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4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
 Single-detached ER lots to east, multiple residential zoning to west, single-detached R4 zone to the north, agricultural A2 zone to south.

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## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
 June 2013

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7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 single-detached residential

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7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 single-detached residential

---

7.4 Length of time the existing uses of the subject property have continued:  
 unknown

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7.5 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

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

7.6 What is the existing zoning of the subject land? ER Existing Residential

---

7.8 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:

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7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes       No

If yes, please provide the file number:

Concurrently submitted Application for Consent to Sever Land

---

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 5

8.3 Additional Information (please include separate sheet if needed):

**11 COMPLETE APPLICATION REQUIREMENTS**

## 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

## 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- \_\_\_\_\_
- \_\_\_\_\_





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

**CHANGE OF CONDITIONS**

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

- Applicant/agent on file, or
- Person likely to be interested in this application

<b>APPLICATION NO.:</b>	<b>GL/B-22:39</b>	<b>SUBJECT PROPERTY:</b>	<b>91 STRATHEARNE PLACE GLANBROOK</b>
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**APPLICANTS:** Agent Urban in Mind – J. Dickie and Applicant B. Wieske  
**Owners A. & K. Elgersma**

**PURPOSE & EFFECT:** To request a CHANGE OF CONDITIONS for a previously conditional granted consent for conveyance of a parcel of lands.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	40.34 m <sup>±</sup>	55.82 m <sup>±</sup>	2,196.41 m <sup>2±</sup>
<b>RETAINED LANDS:</b>	1,276.488 m <sup>±</sup>	55.81 m <sup>±</sup>	1,276.448 m <sup>2±</sup>

Associated Planning Act File(s): ZAR-22-033

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>1:35 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

GL/B-22:39

**PUBLIC INPUT**

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

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

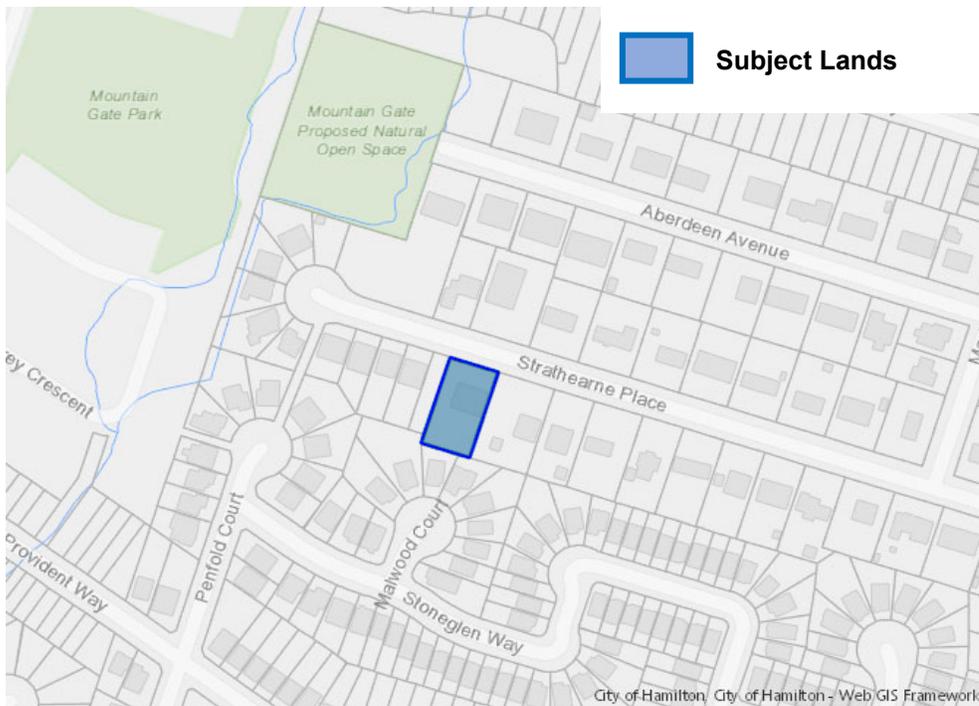
**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding GL/B-22:39, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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.

DATED: January 31, 2023




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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



**Hamilton**

Waste Management Division

## Memorandum

**To:** Jamila Sheffield, Secretary Treasurer, Committee of Adjustment  
**From:** E. Tim Vrooman, Senior Project Manager  
 Development Planning – Suburban Team, 905-546-2424 x 5277  
**Date:** January 18, 2023  
**File:** **GL/B-22:39**  
**Subject:** **Consent Application by Andrew Elgersma and Kayla Elgersma for Lands Located at 91 Strathearne Place, Glanbrook (Ward 11)**

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The subject lands are designated “Low Density Residential 2” on Map B.5.4-1, Mount Hope Secondary Plan – Land Use Plan. The following policies, amongst others, apply to the proposal.

### Noise and Other Airport Impacts

“B.5.4.9.1 Mount Hope Secondary Plan area is in the vicinity of John C. Munro International Airport, Highway 6, and the Airport Employment Growth District. All of these uses have the potential to cause negative impacts on nearby sensitive land uses. To ensure that negative impacts on sensitive land uses are minimised and the operations of John C. Munro International Airport, Highway 6, and the Airport Employment Growth District are not compromised: (OPA 142)

- c) future residents of residential development shall be advised of the potential for noise nuisance through appropriate warning clauses included in lease or rental agreements, agreements of purchase and sale, and within required development agreements.”

To ensure that future residents of residential development shall be advised of the potential for noise nuisance, staff request that the following condition be added to the conditions of approval under section 53(23) of the *Planning Act*:

“The Owner shall agree to include in all Purchase and Sale Agreements and Rental or Lease Agreements, the following noise warning clause, to the satisfaction of the Director of Development Planning:

Warning Clause Type C

**GL/B-22:39**

Page 2 of 2

**Memorandum**

'This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.'

Yours truly,

E. Tim Vrooman  
Senior Project Manager  
Development Planning – Suburban Team

TV:mm



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

<b>APPLICATION NO.:</b>	<b>GL/B-22:39</b>	<b>SUBJECT PROPERTY:</b>	91 STRATHEARNE PLACE GLANBROOK
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**APPLICANTS:** KAYLA/ANDREW ELGERSMA

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

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	17.48 m <sup>±</sup>	50.04 m <sup>±</sup>	919.965 m <sup>2±</sup>
<b>RETAINED LANDS:</b>	22.86 m <sup>±</sup>	55.81 m <sup>±</sup>	1,276.448 m <sup>2±</sup>

Associated Planning Act File(s): N/A

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out above, Approved as Amended with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

**GL/B-22:39**

2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. Final approval of the Zoning By-law Amendment shall be received (Planning Division – Zoning Examination Section).
6. The owner shall submit survey evidence that the lands to be severed, including the location of any existing structure(s), yard encroachments, lot coverage, parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
7. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the lot width, lot area, the location of any existing structure(s), yard encroachments, lot coverage, parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. The Owner will be required to enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,500.00 (2022 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), sidewalk, driveway approaches, and any damage during construction (unknown costs at this time) all to the satisfaction of the Manager of Development Engineering Approvals. Cash payments mentioned above are subject to change.
9. That the owner provides cash payment to the City for any outstanding servicing cost associated with the existing 0.3m reserve, described as Block 179 on 62M-992, to the satisfaction of the Manager of Development Engineering Approvals.
10. That, the owner submits a cash payment to the City for the future urbanization of Strathearn Place based on the “New Roads Servicing Rates” and frontage of the severed portion of the property to the satisfaction of the Manager of Development Engineering Approvals.

GL/B-22:39

DATED AT HAMILTON, June 23, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

---

M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatak

---

M. Smith

The date of the giving of this Notice of Decision is **June 30, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 30, 2024) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

## NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **July 20, 2022**
2. **This decision is not final and binding unless otherwise noted.**

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 'B') will remain as 91 Strathearne Place (Glanbrook) and the lands to be conveyed (Lot 'A') will be assigned the address of 95 Strathearne Place (Glanbrook).





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>AN/A-22:415</b>	<b>SUBJECT PROPERTY:</b>	312 Mapledene Drive, Ancaster, Ontario
<b>ZONE:</b>	“ER” (Existing Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended

**APPLICANTS:** Owner: David Ian Stanley Hamilton & Siobhan Oonagh Hamilton  
Agent: Chanel Torres Smith

The following variances are requested:

1. A minimum 1.05 metre rear yard setback to an accessory building in an ER zone shall be permitted instead of the minimum 7.5 metre rear yard setback to an accessory building required.
2. A minimum 1.23m side yard setback to an accessory building in an ER zone shall be permitted instead of the minimum 1.5m side yard setback to an accessory building required.

**PURPOSE & EFFECT:** To permit the construction of a 27m<sup>2</sup> proposed cabana.

**Notes:**

1. Be advised that section 7.18 (a)(viii) states the following;
  - (viii) In no case shall any eave or gutter extend more than 30 centimetres into a required minimum setback area.
2. Details regarding eaves or gutters for the proposed cabana have not been provided, as such further variances may be required at such a time that full comprehensive zoning review can be completed.

**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-22:415

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>1:40 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

## PUBLIC INPUT

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

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

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-22:415, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

ANA-22:415



DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

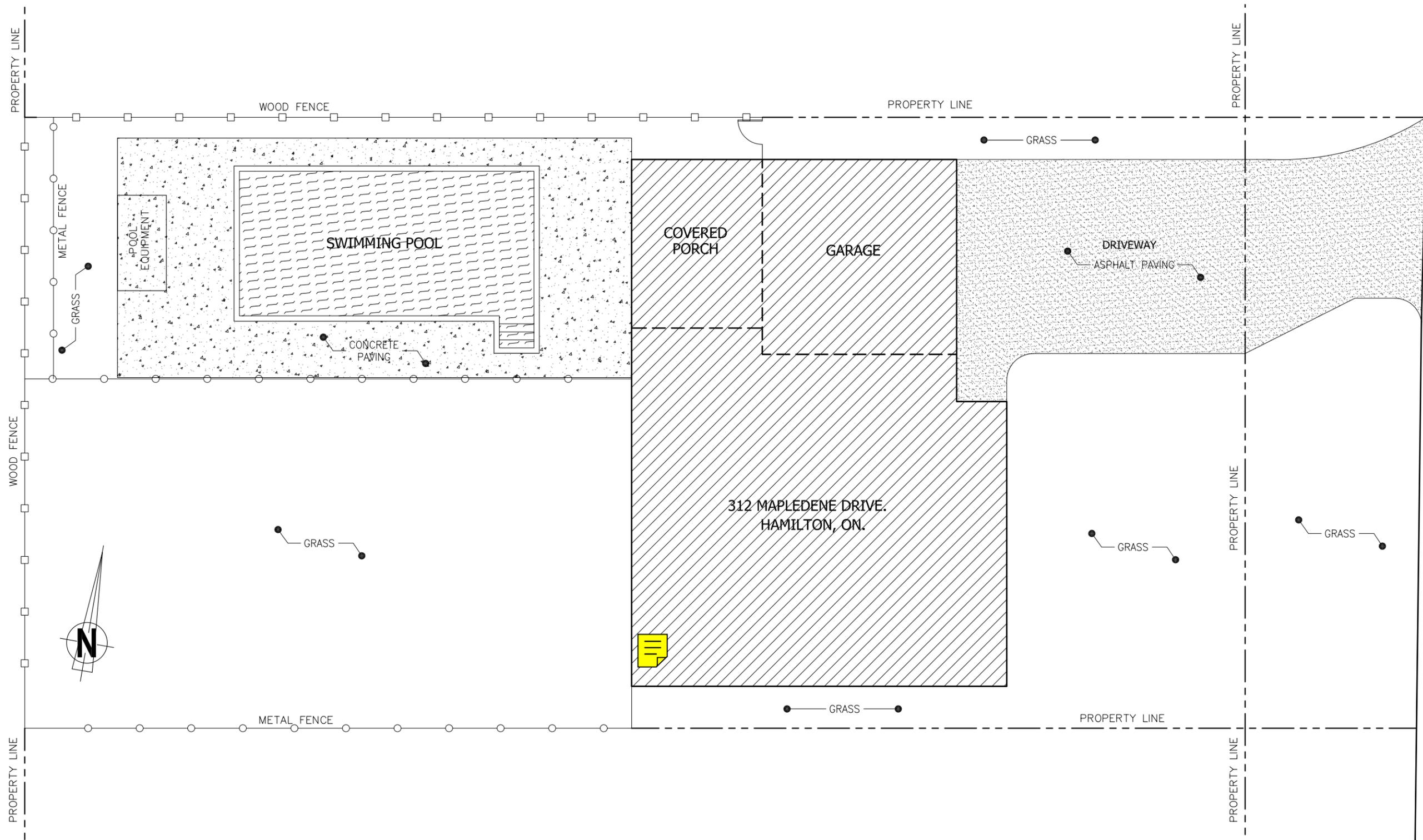
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

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

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

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



M A P L E D E N E D R I V E

**EXISTING SITE PLAN**

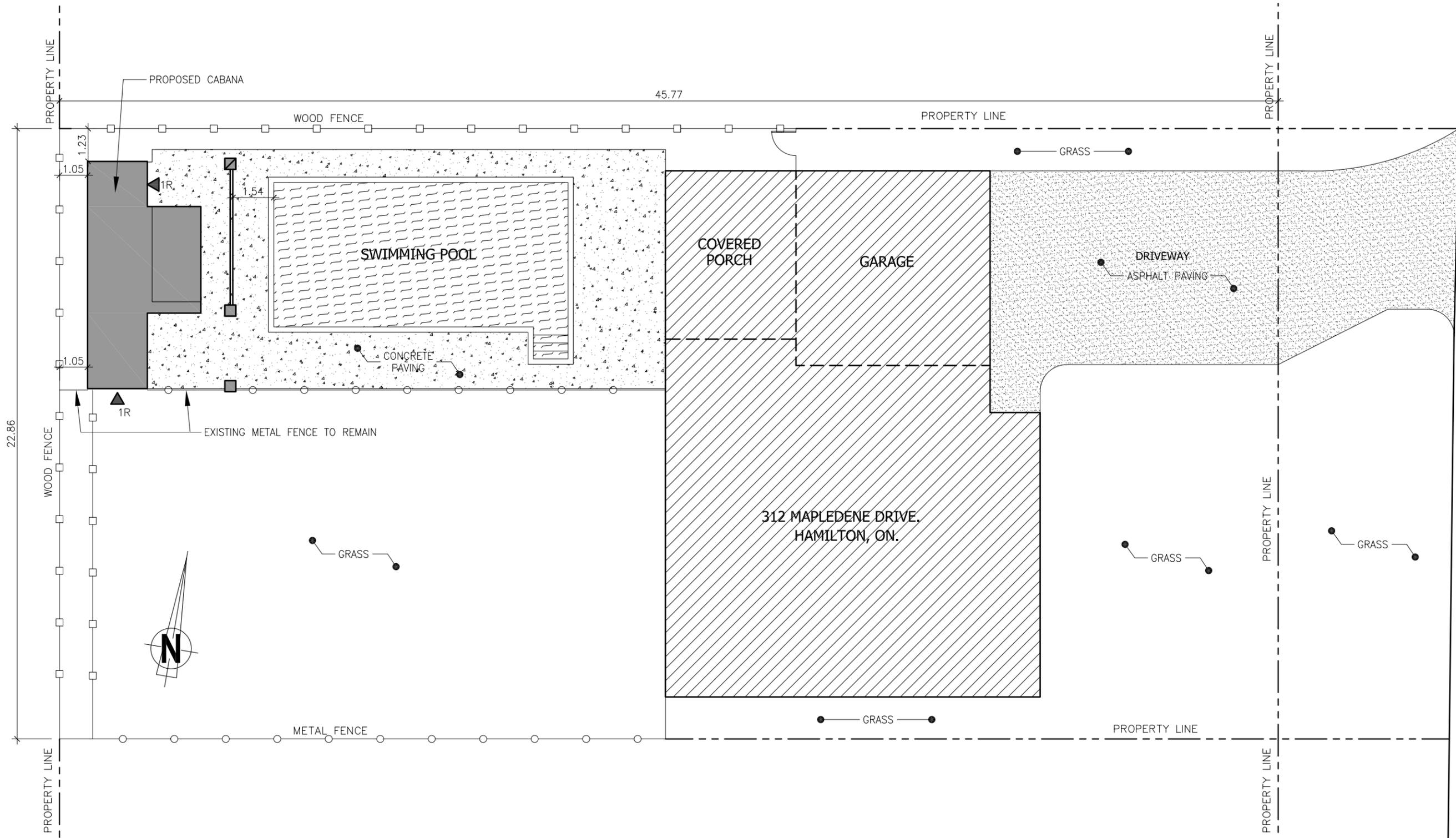
Scale 1 : 150



**DRAWINGS LIST:**

- A0- EXISTING SITE PLAN
- A1- PROPOSED SITE PLAN
- A2- CABANA FLOOR PLAN
- A3- CABANA ROOF PLAN
- A4- ELEVATIONS
- A5- ELEVATIONS
- A6- SECTIONS AND DETAILS
- A7- CONCRETE CURB AND SLAB PLAN

PROJECT		
PROPOSED SWIMMING POOL CABANA 312 MAPLEDENE, HAMILTON		
TITLE		
EXISTING SITE PLAN		
SCALE	1:150	DRAWING NO.
DATE	JULY 14, 2022	
AMJAD SAKR CELL. 6473286269		A0



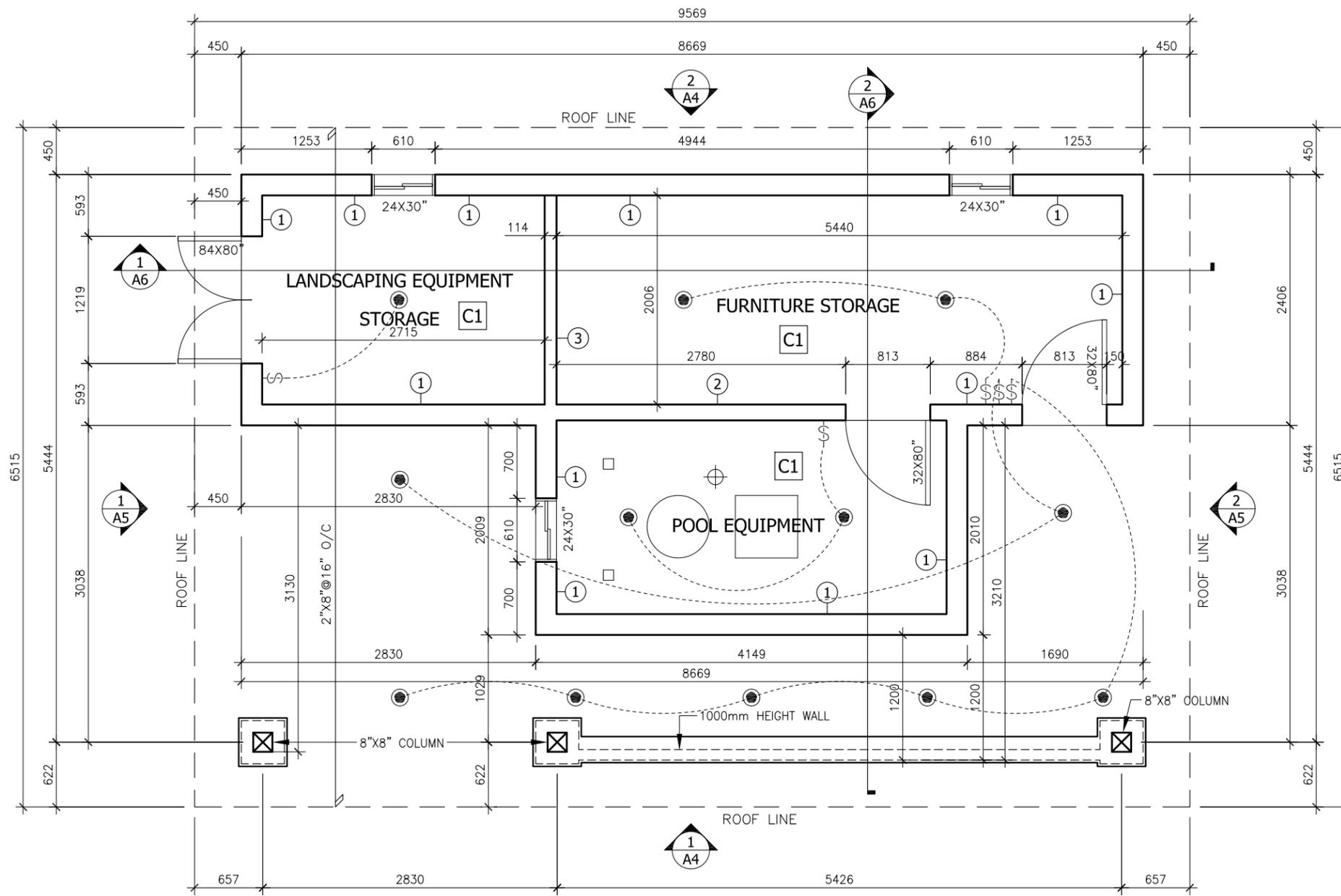
M A P L E D E N E D R I V E

PROPOSED SITE PLAN

Scale 1 : 150



PROJECT		PROPOSED SWIMMING POOL CABANA 312 MAPLEDENE, HAMILTON	
TITLE		PROPOSED SITE PLAN	
SCALE	1:150	DRAWING NO.	A1
DATE	JULY 14, 2022		
AMJAD SAKR CELL. 6473286269			



CABANA FLOOR PLAN

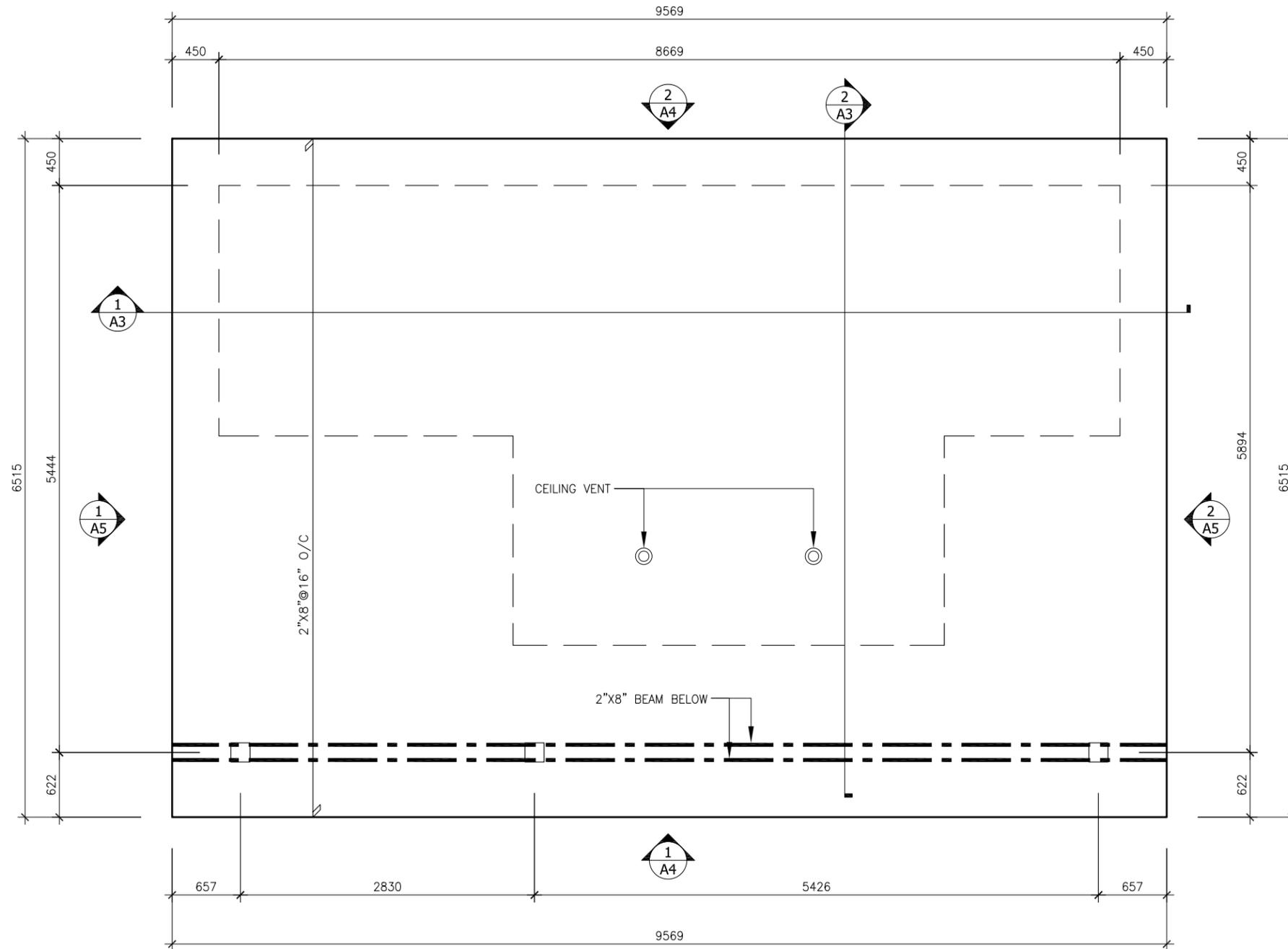
Scale 1 : 50

WALL TYPE	
1	<ul style="list-style-type: none"> <li>VERTICAL SIDING</li> <li>1"X3" @ 24" O. C. HORIZONTALLY FURRING</li> <li>SLOPE TO EDGE STRAPPING</li> <li>WATERPROOFING OR BUILDING WRAP</li> <li>19mm SHEATHING</li> <li>2"X6" @ 16" O.C. WOOD STUDS</li> <li>1/2" GYPSUM BOARD</li> </ul>
2	<ul style="list-style-type: none"> <li>1/2" GYPSUM BOARD</li> <li>2"X6" @ 16" O.C. WOOD STUDS</li> </ul>
3	<ul style="list-style-type: none"> <li>1/2" GYPSUM BOARD</li> <li>2"X4" @ 16" O.C. WOOD STUDS</li> <li>1/2" GYPSUM BOARD</li> </ul>
CEILING TYPE	
C1	<ul style="list-style-type: none"> <li>1/2" GYPSUM BOARD</li> <li>2"x8" JOISTS @ 16" O/C</li> </ul>

LEGEND	
(Symbol)	WALL TYPE TAG
(Symbol)	FLOOR DRAIN
(Symbol)	CEILING MOUNT LIGHT FIXTURE
(Symbol)	WALL MOUNT LIGHT FIXTURE
(Symbol)	SWITCH



PROJECT		PROPOSED SWIMMING POOL CABANA 312 MAPLEDENE, HAMILTON	
TITLE		CABANA FLOOR PLAN	
SCALE	1:50	DRAWING NO.	A2
DATE	JULY 14, 2022		
AMJAD SAKR	CELL. 6473286269		

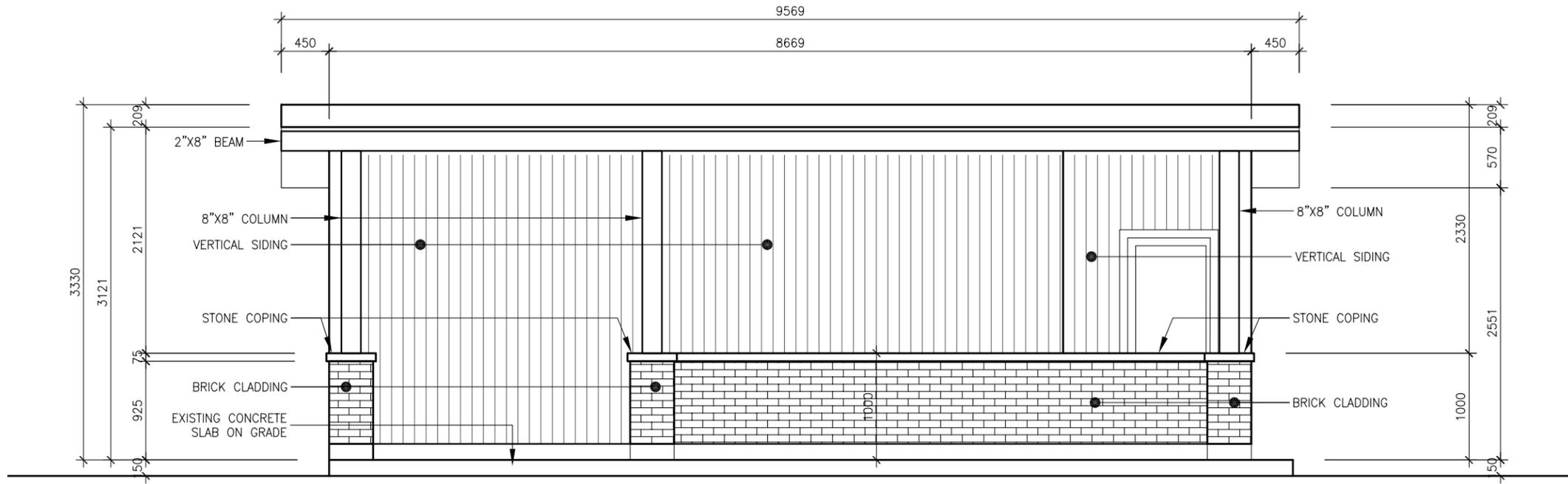


CABANA ROOF PLAN

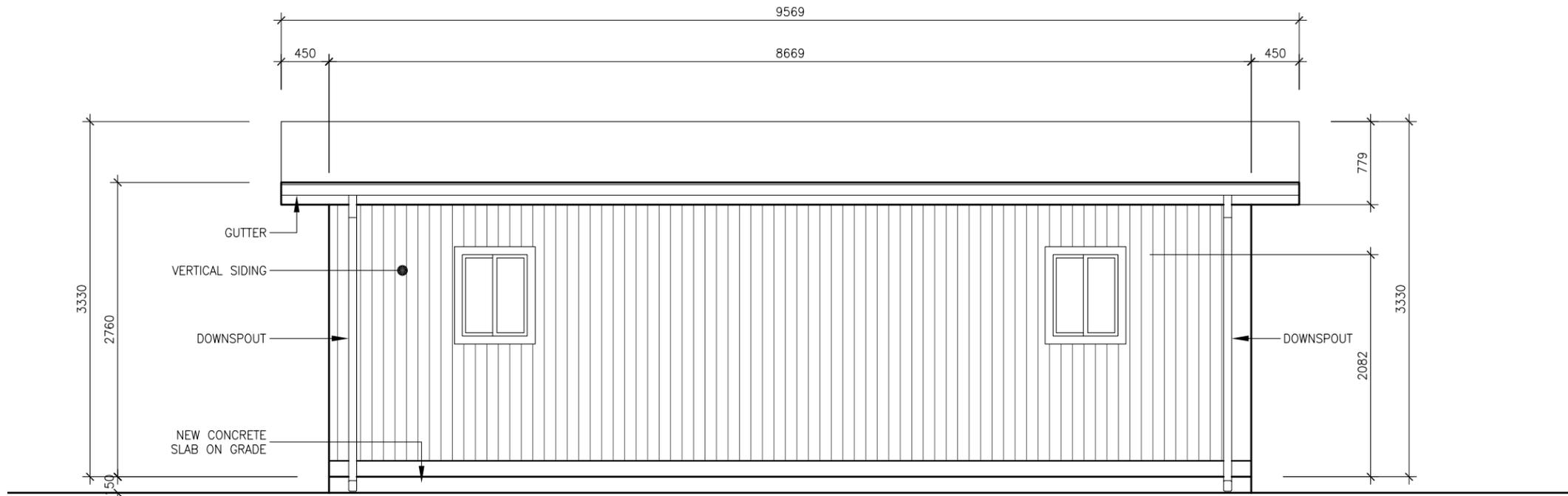
Scale 1 : 50



PROJECT		
PROPOSED SWIMMING POOL CABANA 312 MAPLEDENE, HAMILTON		
TITLE		
CABANA ROOF PLAN		
SCALE	1:50	DRAWING NO.
DATE	JULY 14, 2022	
AMJAD SAKR CELL. 6473286269		<b>A3</b>



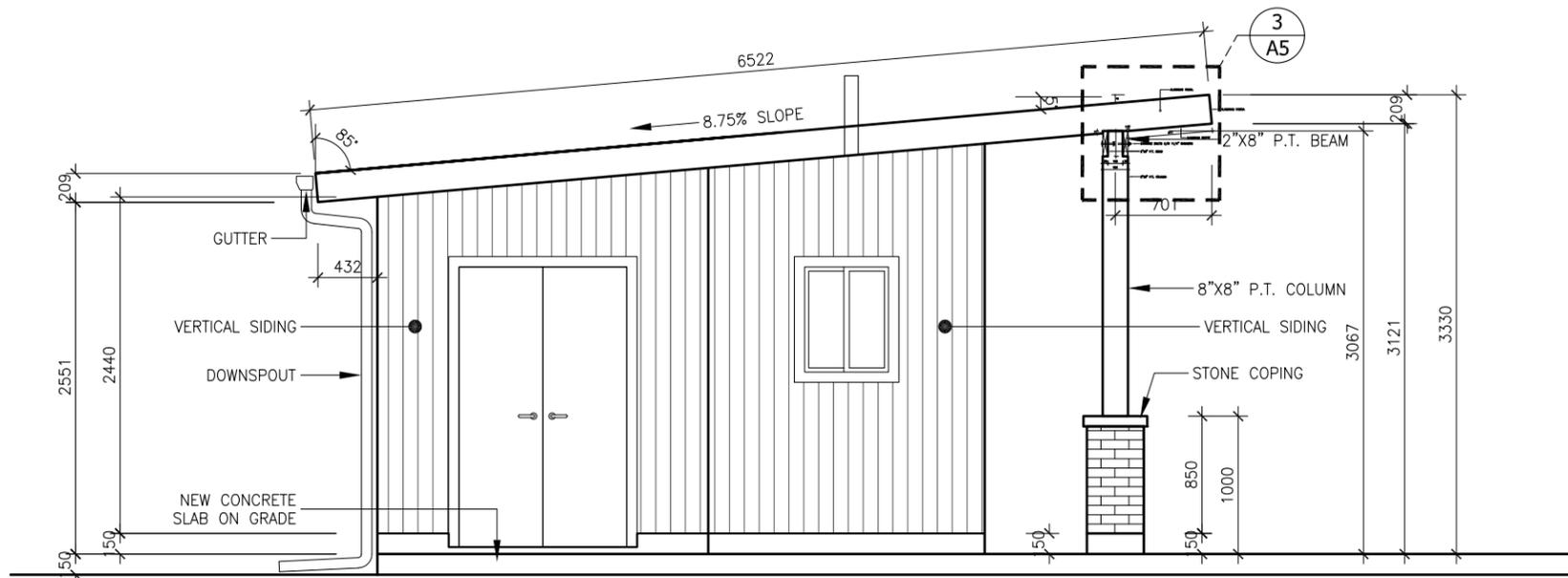
**1 EAST ELEVATION**  
Scale 1 : 50



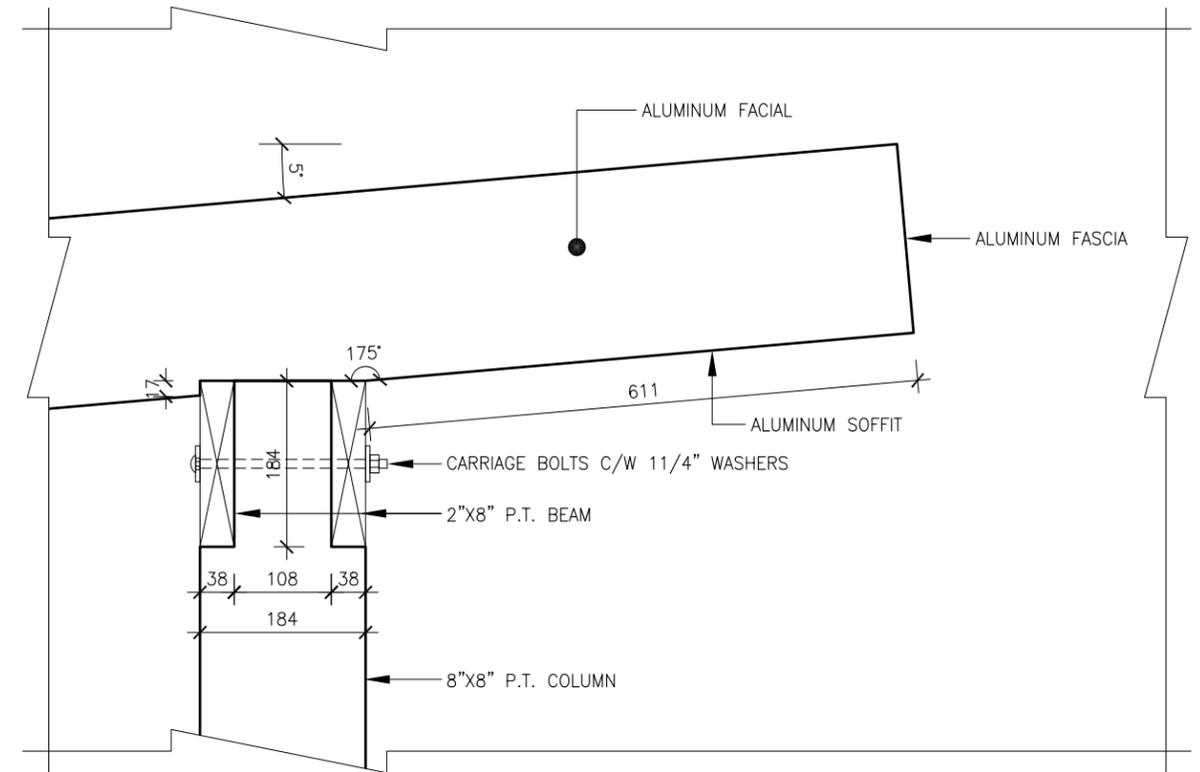
**2 WEST ELEVATION**  
Scale 1 : 50



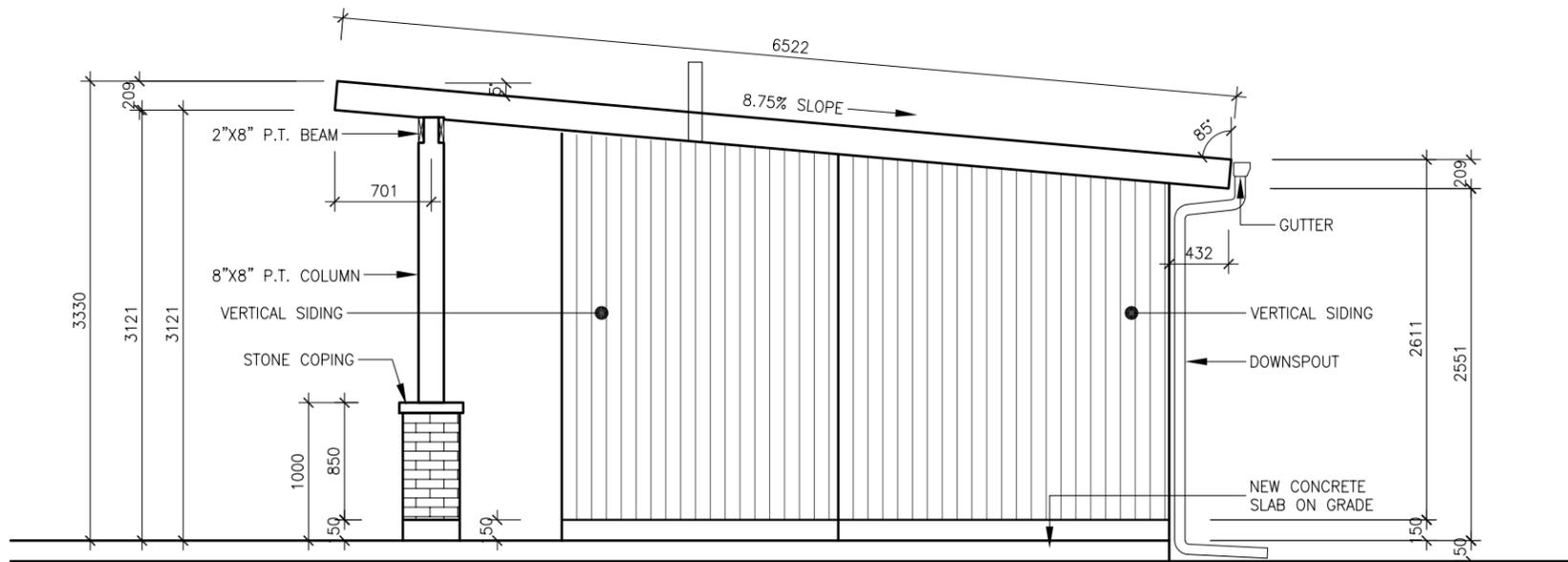
PROJECT		
PROPOSED SWIMMING POOL CABANA 312 MAPLEDENE, HAMILTON		
TITLE		
ELEVATIONS		
SCALE	1:50	DRAWING NO.
DATE	JULY 14, 2022	<b>A4</b>
AMJAD SAKR CELL. 6473286269		



1 SOUTH ELEVATION  
Scale 1 : 50



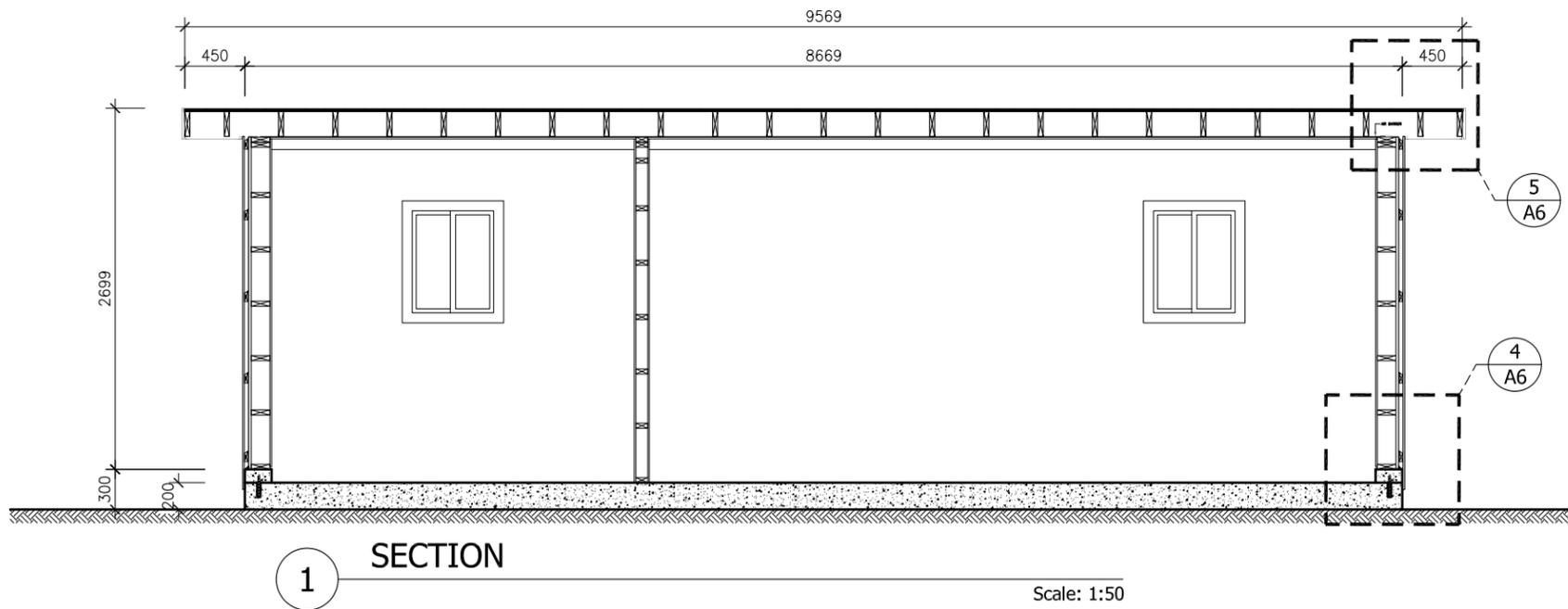
3 SECTION DETAIL  
Scale: 1:5



2 NORTH ELEVATION  
Scale 1 : 50

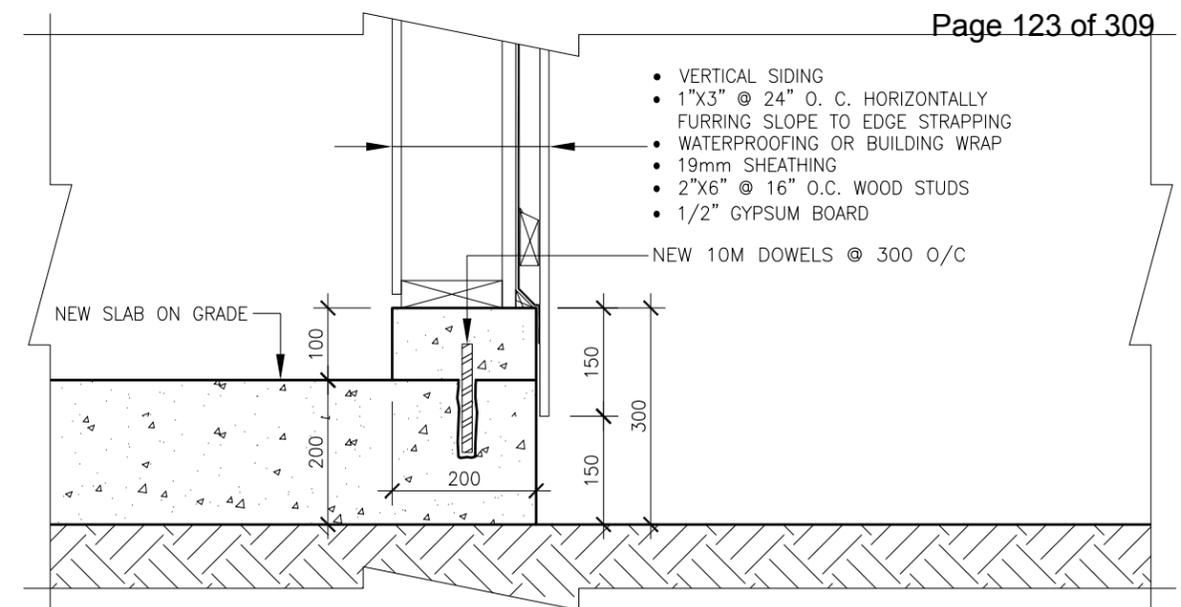


PROJECT		PROPOSED SWIMMING POOL CABANA 312 MAPLEDENE, HAMILTON	
TITLE		ELEVATIONS	
SCALE	1:50	DRAWING NO.	<b>A5</b>
DATE	JULY 14, 2022		
AMJAD SAKR	CELL. 6473286269		



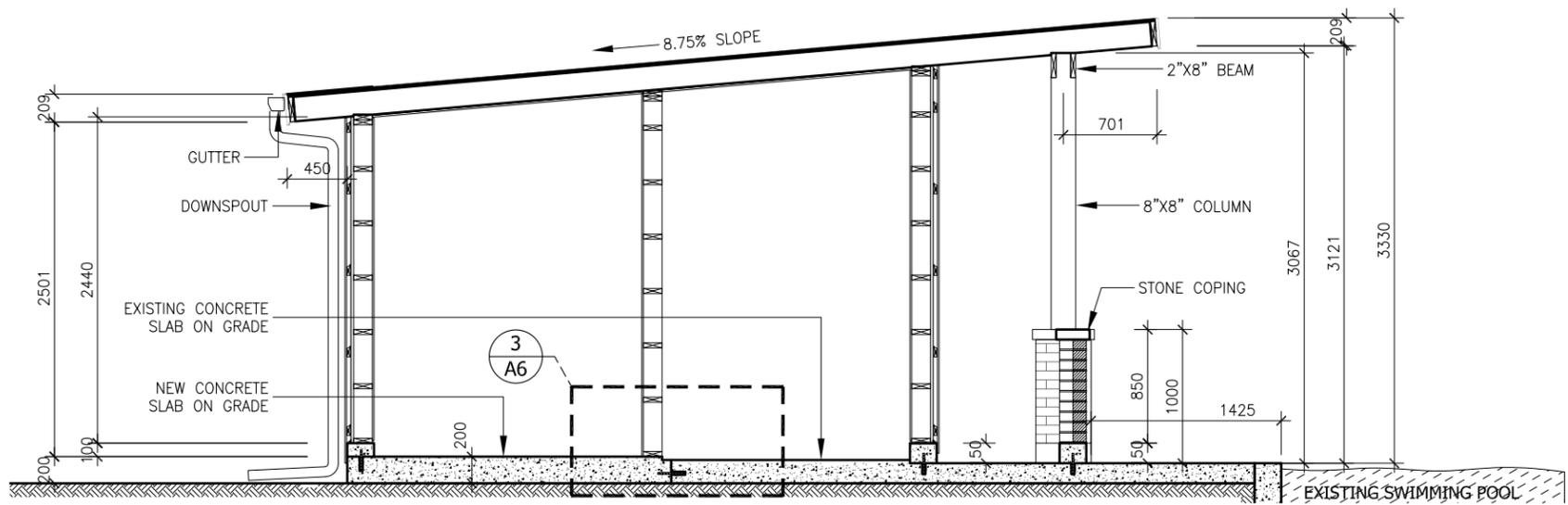
1 SECTION

Scale: 1:50



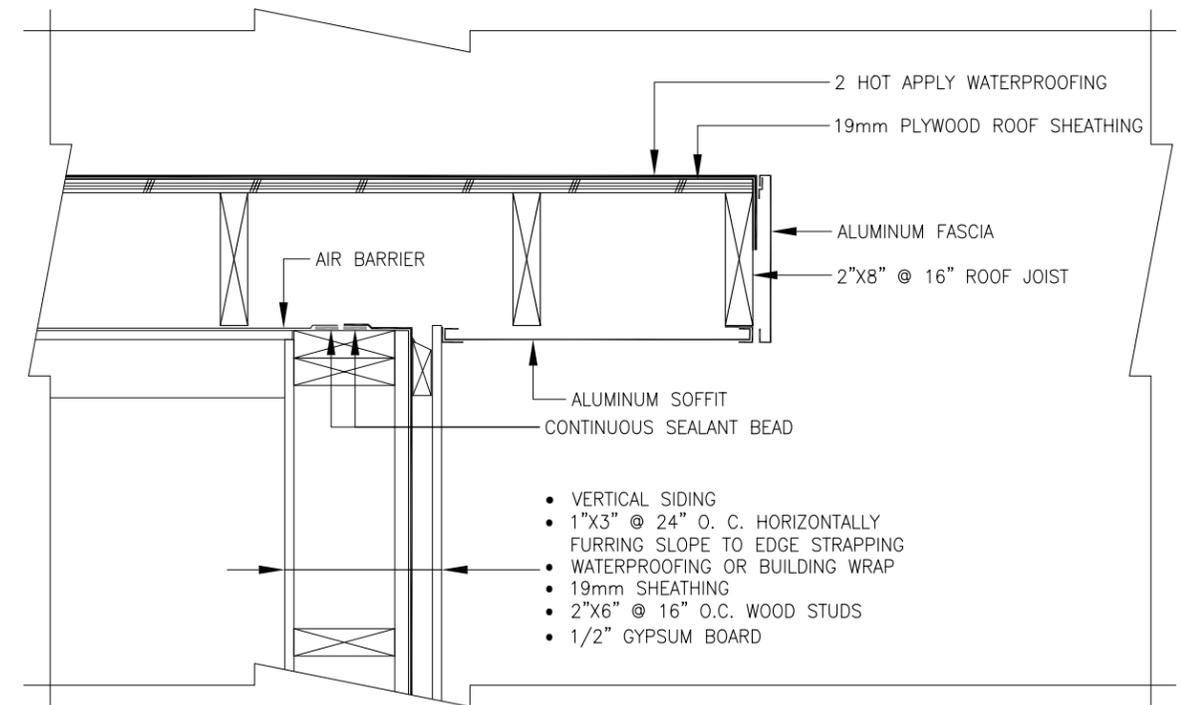
4 SECTION DETAIL

Scale: 1:10



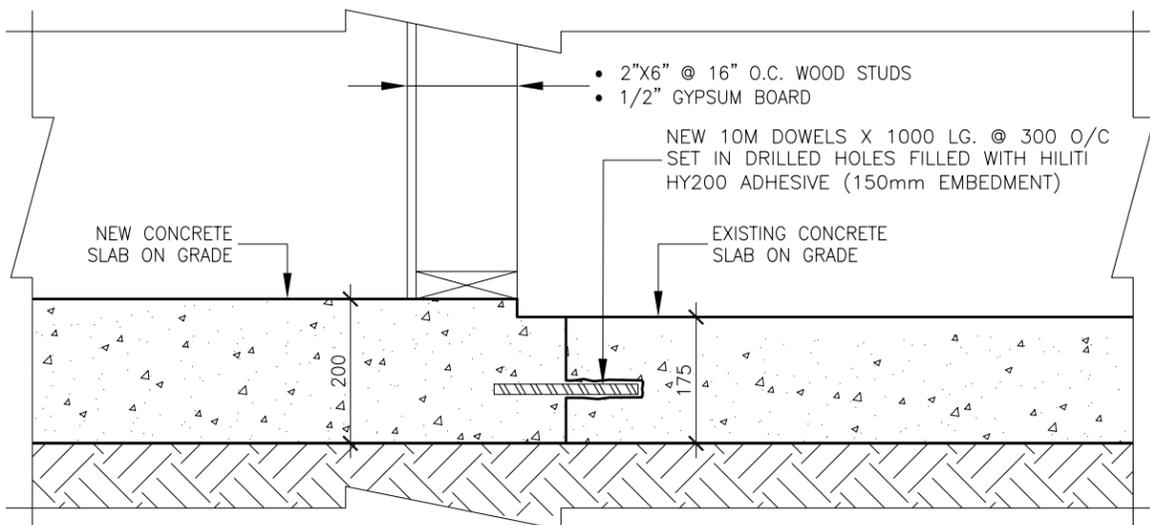
2 SECTION

Scale: 1:50



5 SECTION DETAIL

Scale: 1:10

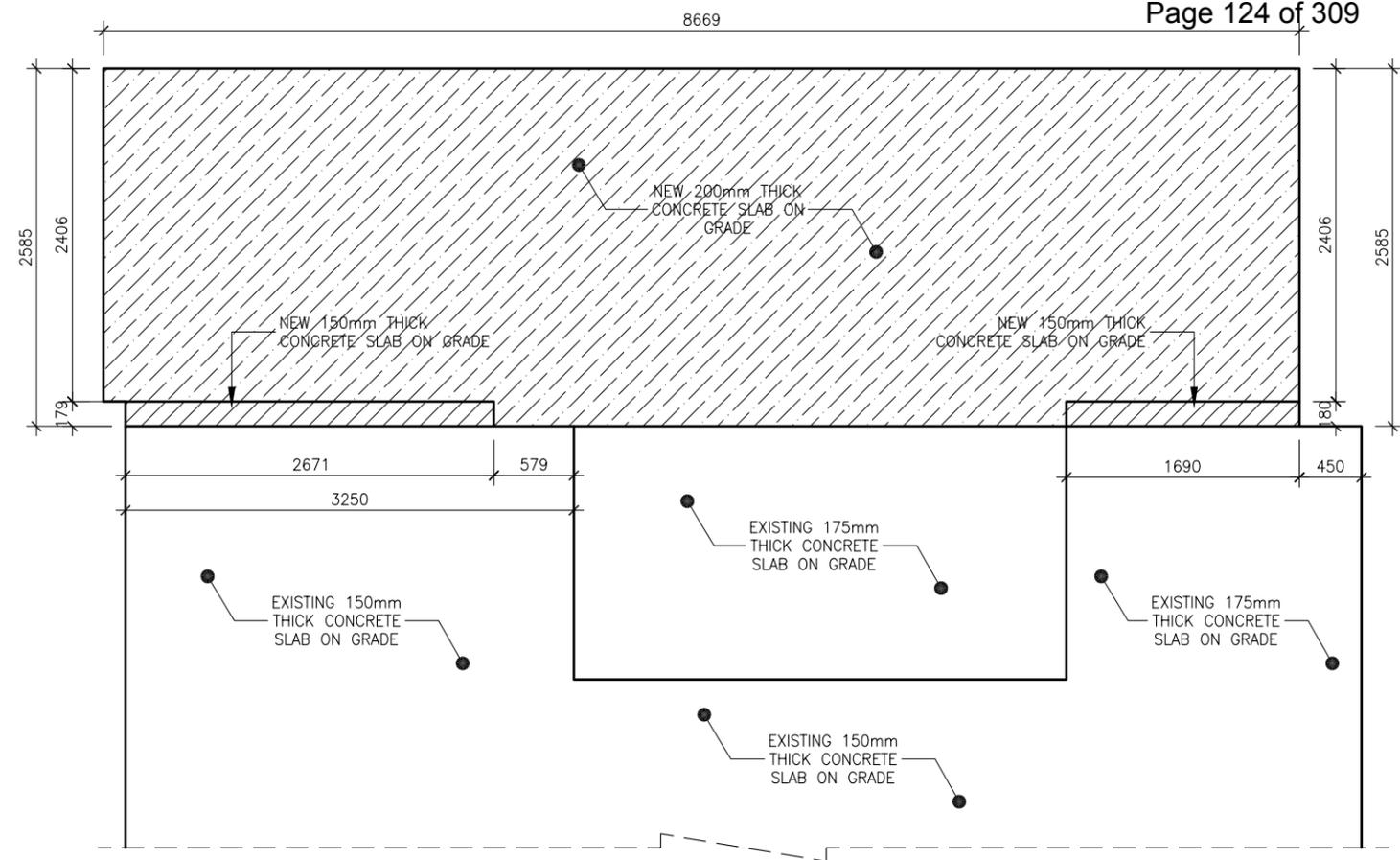
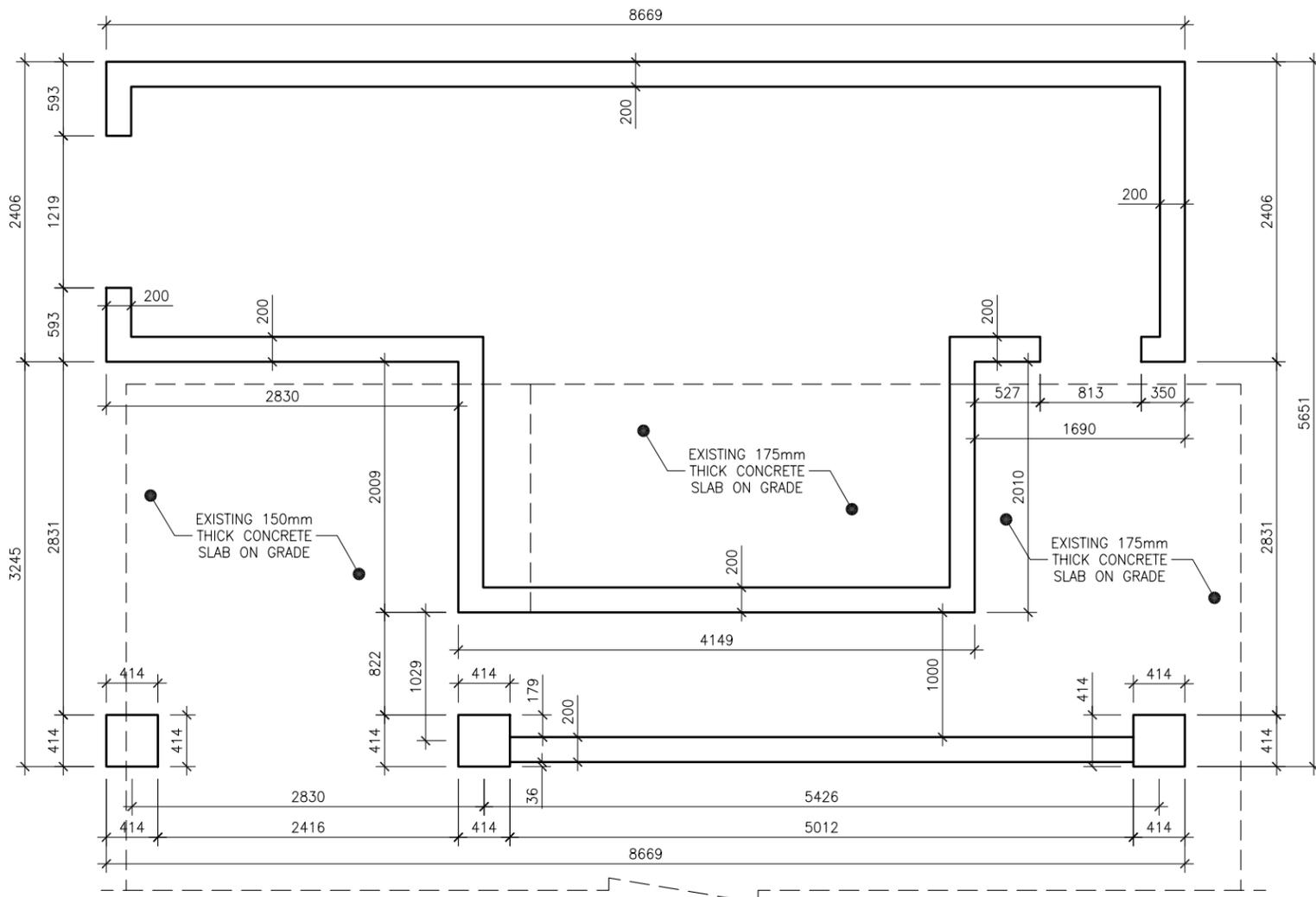


3 SECTION DETAIL

Scale: 1:10



PROJECT		
PROPOSED SWIMMING POOL CABANA 312 MAPLEDENE, HAMILTON		
TITLE		
SECTIONS AND DETAILS		
SCALE	AS NOTED	DRAWING NO.
DATE	JULY 14, 2022	A6
AMJAD SAKR CELL. 6473286269		



1 CONCRETE CURB PLAN

Scale: 1:50

2 SLAB ON GRADE PLAN

Scale: 1:50



PROJECT		
PROPOSED SWIMMING POOL CABANA 312 MAPLEDENE, HAMILTON		
TITLE		
CONCRETE CURB AND SLAB PLANS		
SCALE	AS NOTED	DRAWING NO.
DATE	JULY 14, 2022	
AMJAD SAKR CELL. 6473286269		A7



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

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

## APPLICATION FOR A MINOR VARIANCE

**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)	David Ian Stanley Hamilton		
	Siobhan Oonagh Hamilton		
Applicant(s)*	Chanel Torres Smith		
Agent or Solicitor	Chanel Torres Smith		

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

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

n/a

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

4. Nature and extent of relief applied for:  
 Cabana to be built on property that will serve purpose for storage / pool equipment storage  
 Second Dwelling Unit       Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?  
 The location of the proposed accessory structure does not meet the minimum setback requirement in zoning bylaw ( 7.5m from rear property line, 1.5m from side property line) Due to spacing in the backyard, this is the most functional layout for the proposed

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):  
 312 Mapledene Drive, Ancaster ON L9G 2K2

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?

From previous permits submitted for other structures in backyard.

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

Is the previous use inventory attached? Yes  No

9. ACKNOWLEDGEMENT CLAUSE

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

12/12/2022

Date

*David Ian Stanley Hamilton*

Signature Property Owner(s)

David Ian Stanley Hamilton

Slobhan Oonagh Hamilton

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage \_\_\_\_\_  
Depth \_\_\_\_\_  
Area 1046.27m2 Total / 27m2 Project Requires  
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: \_

No structure is currently existing where we intend to build the pool cabana

Proposed

-27m2 ground floor area  
-1 story  
- 9569mmx6515mmx3330mm

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

Existing:

No structure is currently existing where we intend to build the pool cabana

Proposed:

-1.23m from side  
-1.05 from rear  
-42m from front

13. Date of acquisition of subject lands:

n/a

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

n/a

15. Existing uses of the subject property (single family, 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:  
n/a

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:

Ancaster By-Law Section 7.18(a)(ii)(A)  
Section 7.18(a)(vi)(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:

n/a

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

Yes  No

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

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

Yes  No

23. Additional Information (please include separate sheet if needed)

[Empty box for additional information]

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



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>AN/A-22:232</b>	<b>SUBJECT PROPERTY:</b>	60 ACADEMY STREET, ANCASTER
<b>ZONE:</b>	“ER” (Existing Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended

**APPLICANTS:** Owner – Sean & Nicole Todd  
Agent – Benjamin McFadden

The following variances are requested:

1. A side yard setback of 1.0m shall be provided instead of the minimum required side yard setback of 2.0m
2. A roofed-over unenclosed porch (including associated steps) may project a maximum of 3.5m into the existing front yard whereas the by-law permits an unenclosed porch to project a maximum of 1.5m into a required front yard.

**PURPOSE & EFFECT:** To permit the construction of a new two-storey addition to the existing Single Detached Dwelling:

**Notes:**

- i. The Ancaster Zoning By-law 87-57 requires properties within an ‘ER’ zone to provide a minimum 1.0m wide unobstructed sod area along the side lot lines.
- ii. Eaves and gutters are permitted to project into a minimum required side yard a maximum of 60cm (0.6m). Details respecting the proposed eaves and gutters have not been provided. Further variances may be required if zoning compliance cannot be achieved.

**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:





Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

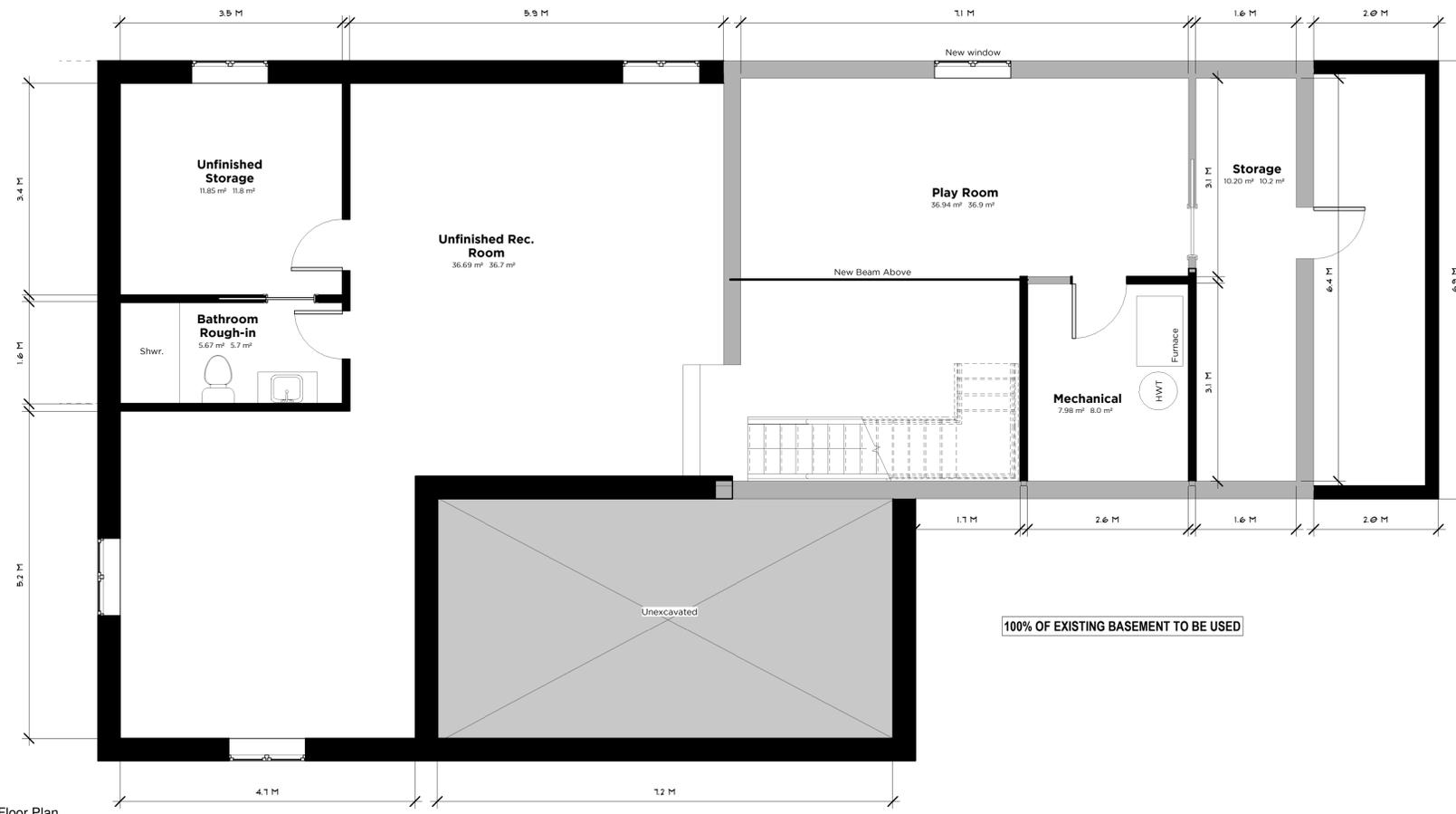
#### 2. In person Oral Submissions

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

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

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





1 Basement Floor Plan  
1/4" = 1'-0"



2 Main Floor Plan  
1/4" = 1'-0"



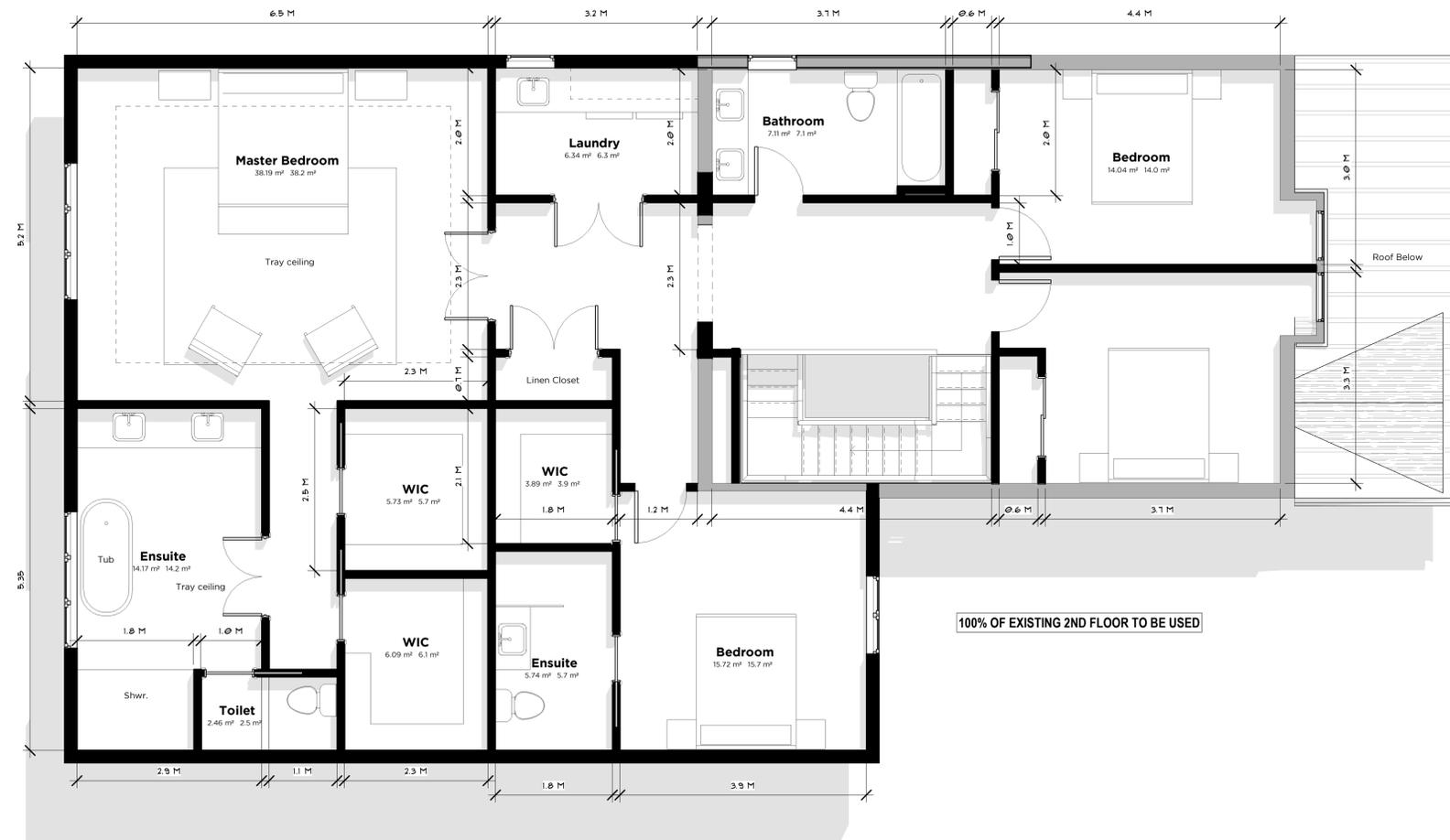
58 Hackney Ridge, Brantford, Ontario  
benjamin@bmarchitecturaldesign.com  
519.721.4866

PROJECT  
Home Addition  
**Todd Residence**

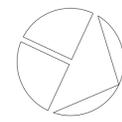
60 Academy Rd  
Ancaster, ON

DRAWING NAME  
**Basement & Main Floor Plan**

DRAWING NO.  
**A101**



1 Second Floor Plan  
1/4" = 1'-0"

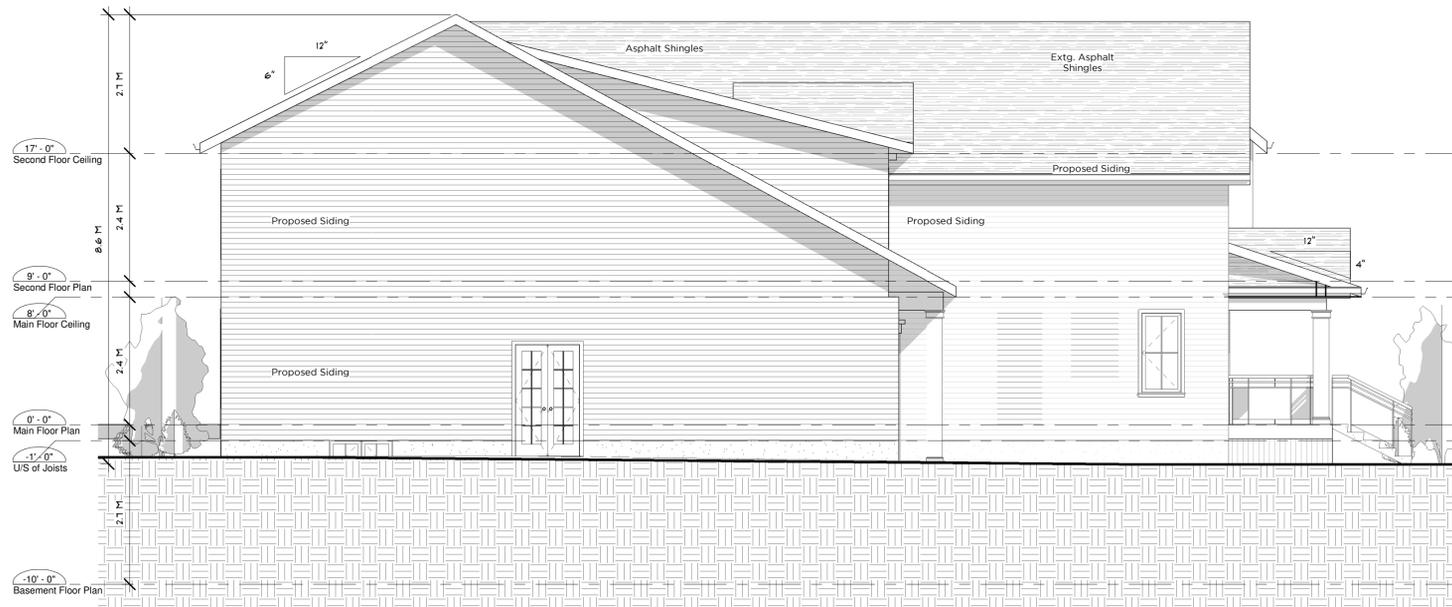


**BM ARCHITECTURAL DESIGN**  
 58 Hackney Ridge, Brantford, Ontario  
 benjamin@bmarchitecturaldesign.com  
 519.721.4866

PROJECT  
 Home Addition  
**Todd Residence**

60 Academy Rd      Ancaster, ON

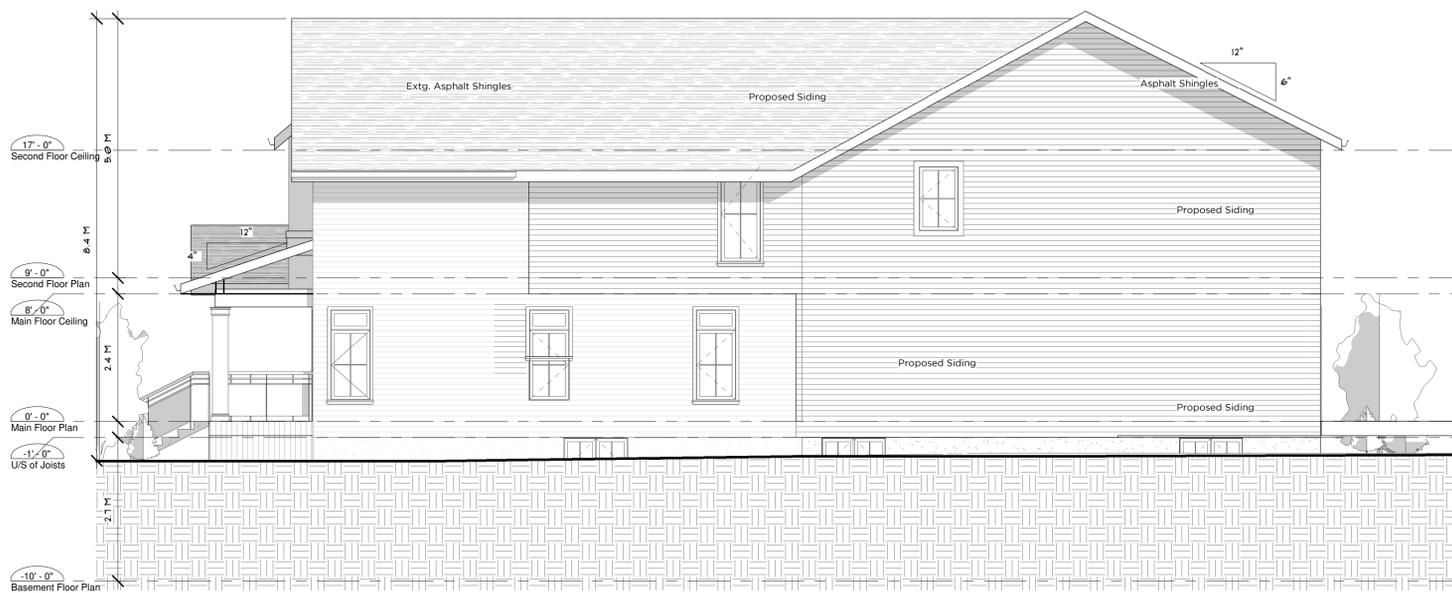
DRAWING NAME      DRAWING NO.  
**Second Floor Plan & Roof Plan**      **A102**



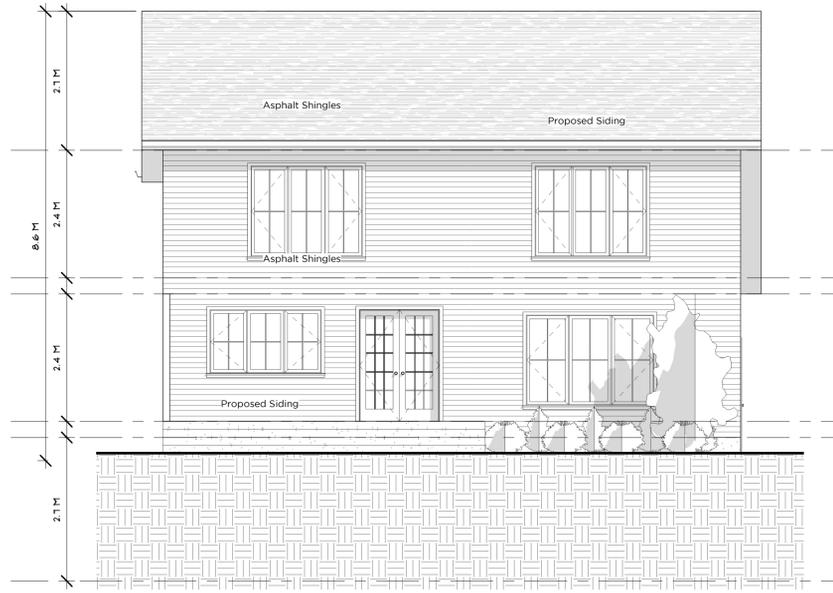
1 Proposed South Elevation  
3/16" = 1'-0"



3 Proposed East Elevation  
3/16" = 1'-0"



2 Proposed North Elevation  
3/16" = 1'-0"



4 Proposed West Elevation  
3/16" = 1'-0"



58 Hackney Ridge, Brantford, Ontario  
benjamin@bmarchitecturaldesign.com  
519.721.4866

PROJECT  
Home Addition  
**Todd Residence**

60 Academy Rd Ancaster, ON

DRAWING NAME  
**Elevations**

DRAWING NO.  
**A201**



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

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

**APPLICATION FOR A MINOR VARIANCE**

**FOR OFFICE USE ONLY.**

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

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

**The Planning Act**

**Application for Minor Variance or for Permission**

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

1, 2	NAME	MAILING ADDRESS
<b>Registered Owners(s)</b>	Sean Todd Nicole Todd	
<b>Applicant(s)*</b>	Sean Todd Nicole Todd	
<b>Agent or Solicitor</b>	Benjamin McFadden	

**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:

Sean Todd  
 Nicole Todd  
 60 Academy Street, Ancaster, ON L9G 2Y1

**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:

Sideyard setback:  
Required = 2 m  
Proposed = 1.22 m

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

Garage addition & home addition would be too small to use if complied with the new ER zoning requirements

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

60 Academy St, Ancaster, ON

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?

Real estate 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



Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>13.72 m</u>
Depth	<u>72 m</u>
Area	<u>988 s.m.</u>
Width of street	<u>8 m</u>

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

Existing:

Existing Home: 130.2 m, 6.9 m x 9.4 m, 2 storeys, 8.8 m height  
 Existing Detached Garage: 22 s.m., 3.5m x 6m, 3.4 m height

Proposed

Home Addition: 206.4 s.m., 2 storeys, under existing building height  
 Garage Addition: 34.2 s.m., under existing building height  
 Rear & Front Porches: 32 s.m. (combined)

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 home:  
 Side yards = 1.75m & 5.1 m  
 Front yard = 10 m  
 Rear yard = 52 m

Proposed:

Proposed Addition:  
 Side yards = 1.22 m & 1.59 m (1.59 is following inline with existing home)  
 Front yard = 10.37 m  
 Rear yard = 43.07 m

13. Date of acquisition of subject lands:  
Sept 21, 2012
- 
14. Date of construction of all buildings and structures on subject lands:  
approximately 1946
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single Family Dwelling Unit
- 
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Dwelling Units
- 
17. Length of time the existing uses of the subject property have continued:  
NA
- 
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:  
NA
- 
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
NA
- 
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No
- If yes, please provide the file number:  
\_\_\_\_\_
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 Yes  No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
 Yes  No
23. Additional Information (please include separate sheet if needed)  
\_\_\_\_\_
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>AN/A-23:01</b>	<b>SUBJECT PROPERTY:</b>	262 SPRINGBROOK AVENUE, ANCASTER, Ontario
<b>ZONE:</b>	"R4-598" (Residential R4)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended 10-036

**APPLICANTS:** Owner: M. Ali  
Agent: K. Shah

The following variances are requested:

1. A minimum rear yard setback of 2.68 metres shall be provided instead of the minimum required 7.5 metre rear yard setback.

**PURPOSE & EFFECT:** So as to permit an addition (roofed over deck) in the rear yard of the principle dwelling notwithstanding that:

**Notes:**

1. Should the variance be approved to permit a reduced rear yard, the eaves/ gutter as proposed shall comply with Section 7.12 (k) of Ancaster Zoning By-Law 87 - 57.
2. Note, Insufficient information has been provided to determine the setback of the proposed deck staircase to the side lot line, as it appears a portion of the staircase projects beyond the leading wall of the principle building in the side yard. Should the deck be closer than the minimum required side yard setback of 1.2 metres, additional variances may be required.
3. Be advised, the proposed Deck is considered to be part of the principle building as per the definition of "Deck", a deck is not permitted to have a roof other than a trellis or a trellis-like structure, however the deck shall not be included in the calculation for lot coverage. As such the applicant has requested a minimum rear yard setback of 2.688 metres for the proposed deck. No setback from the rear lot line to the edge of the staircase has been provided, however it is noted that a 2.7 metre setback would be required based on a calculation of other setbacks provided. The applicant shall confirm the setback of the deck, including the staircase, to all applicable lot lines to ensure the variance

**AN/A-23:01**

requested complies with the requirements of Ancaster Zoning Bylaw 87-57.

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>1:50 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:01, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

AN/A-23:01



DATED: January 31, 2023

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

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



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PROJECT

**WOOD DECK ADDITION**

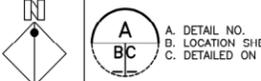
262 SPRINGBROOK AVE  
 ANCASTER, ON L9K 1R4  
 CANADA

DRAWING TITLE

**SITE PLAN**

SCALE: 1:150

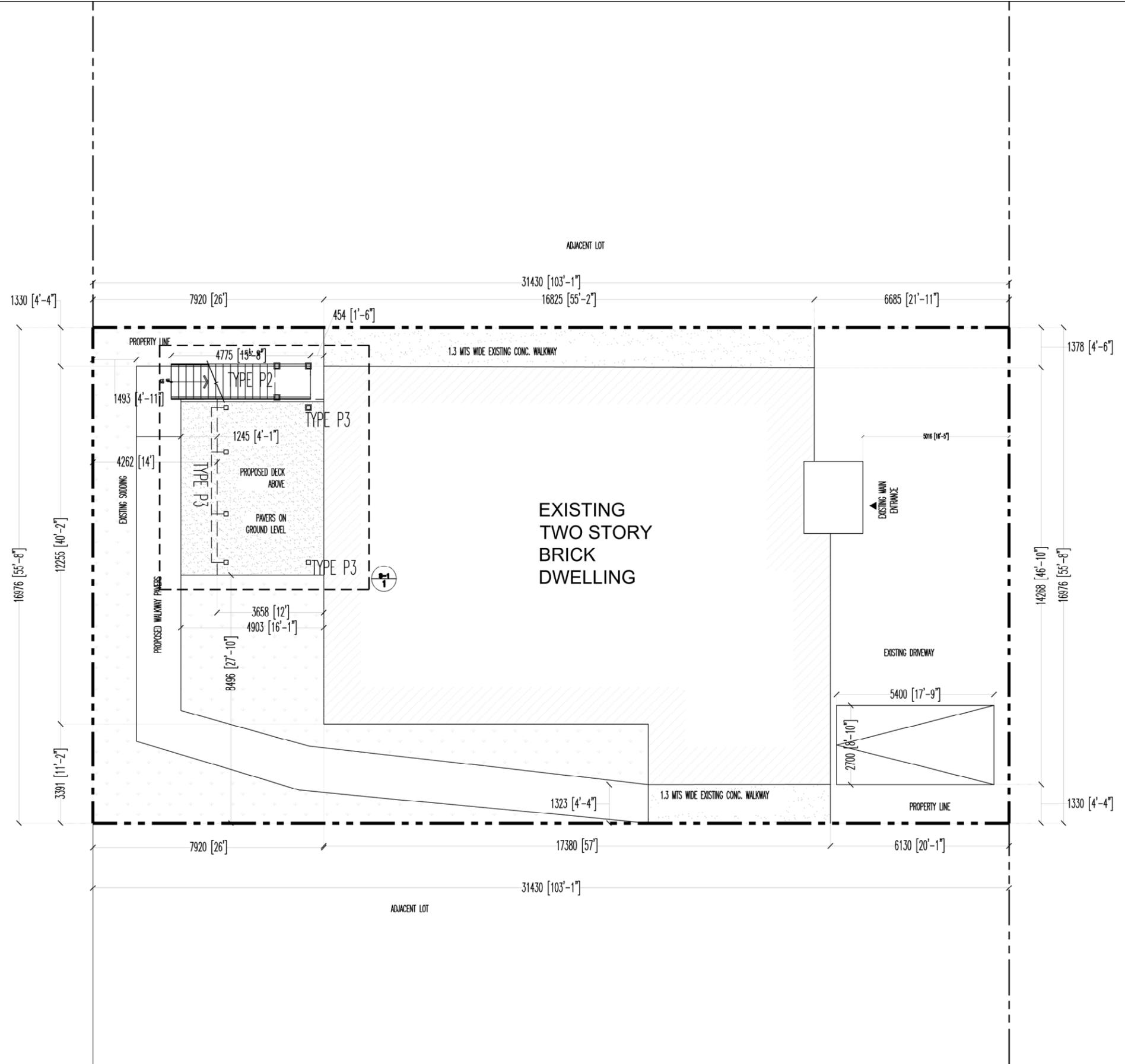
**NOTE:**  
 - DO NOT SCALE DRAWINGS.  
 - ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON THE JOB SITE.  
 - ANY AND ALL DISCREPANCIES TO BE REPORTED TO THE ARCHITECT.  
 - ALL DRAWINGS REMAIN THE PROPERTY OF THE ARCHITECT.



PROJECT NO. -	DRAWN BY -	K.S.
DATE -	OCT 2022	CHECKED BY -
DRAWING NO.		A.K.

**SP - 1**

S P R I N G B R O O K A V E



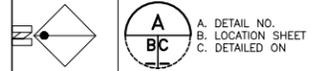


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**PROJECT**  
**WOOD DECK ADDITION**  
 262 SPRINGBROOK AVE  
 ANCASTER, ON L9K 1R4  
 CANADA

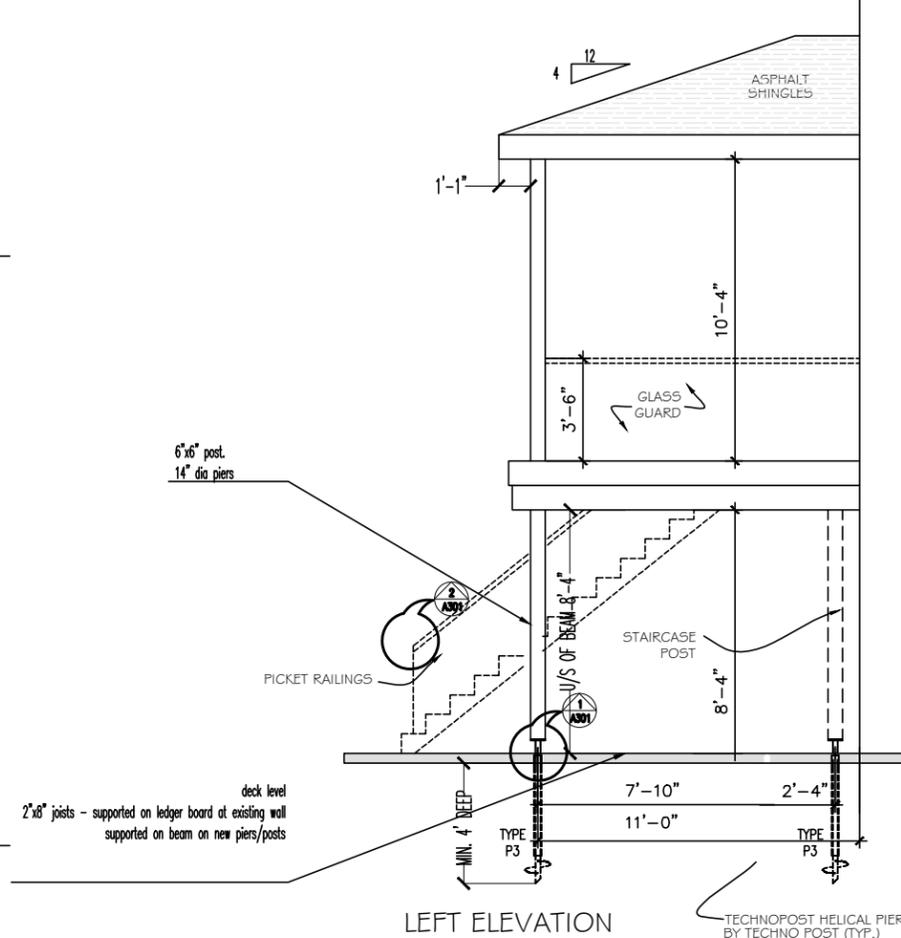
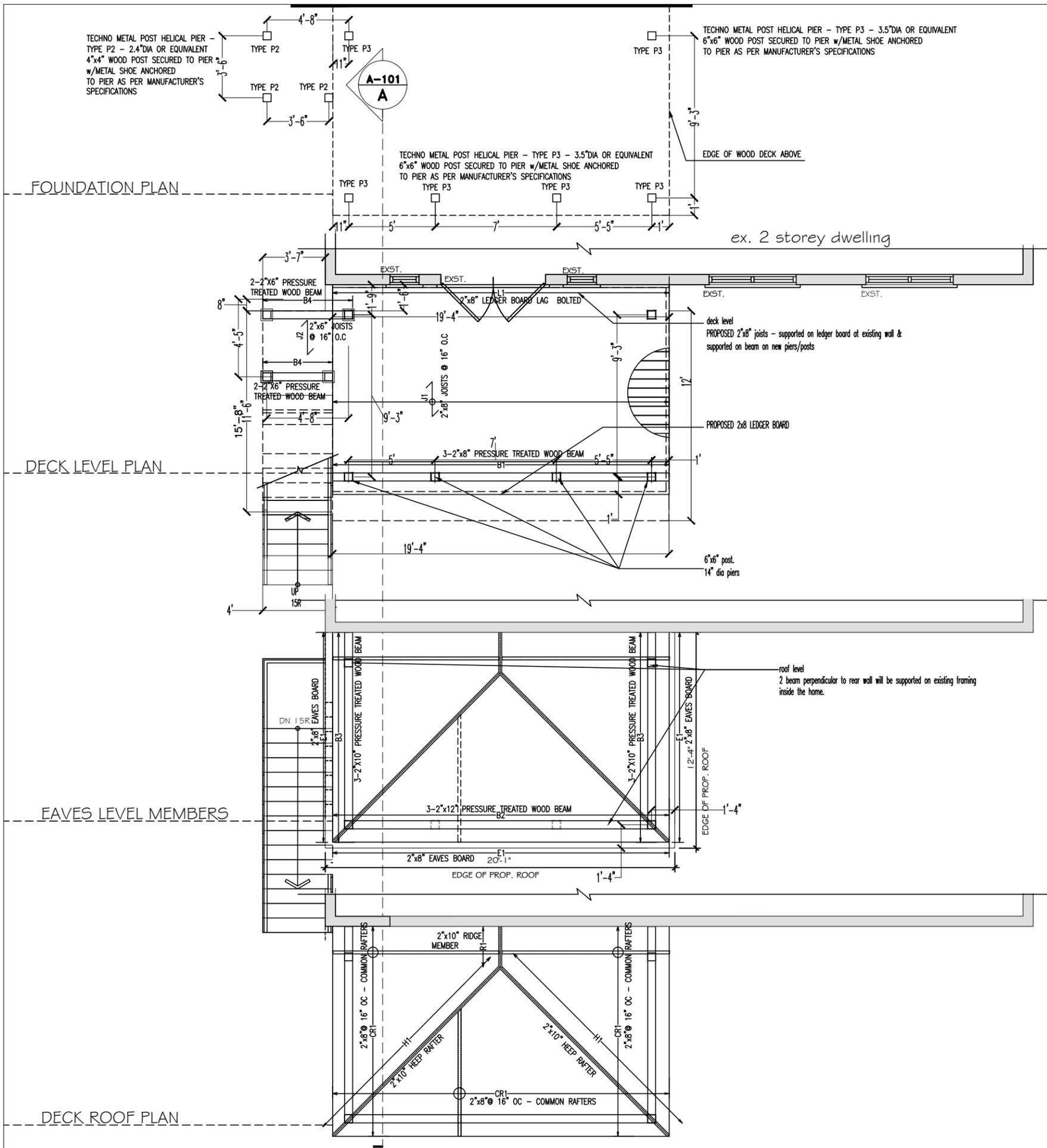
**DRAWING TITLE**  
**FOUNDATION & ROOF PLAN, SECTION**  
**SCALE: 1:75**

**NOTE:**  
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PROJECT NO. -	DRAWN BY K.S.
DATE OCT 2022	CHECKED BY A.K.

**DRAWING NO.**  
**S - 1**

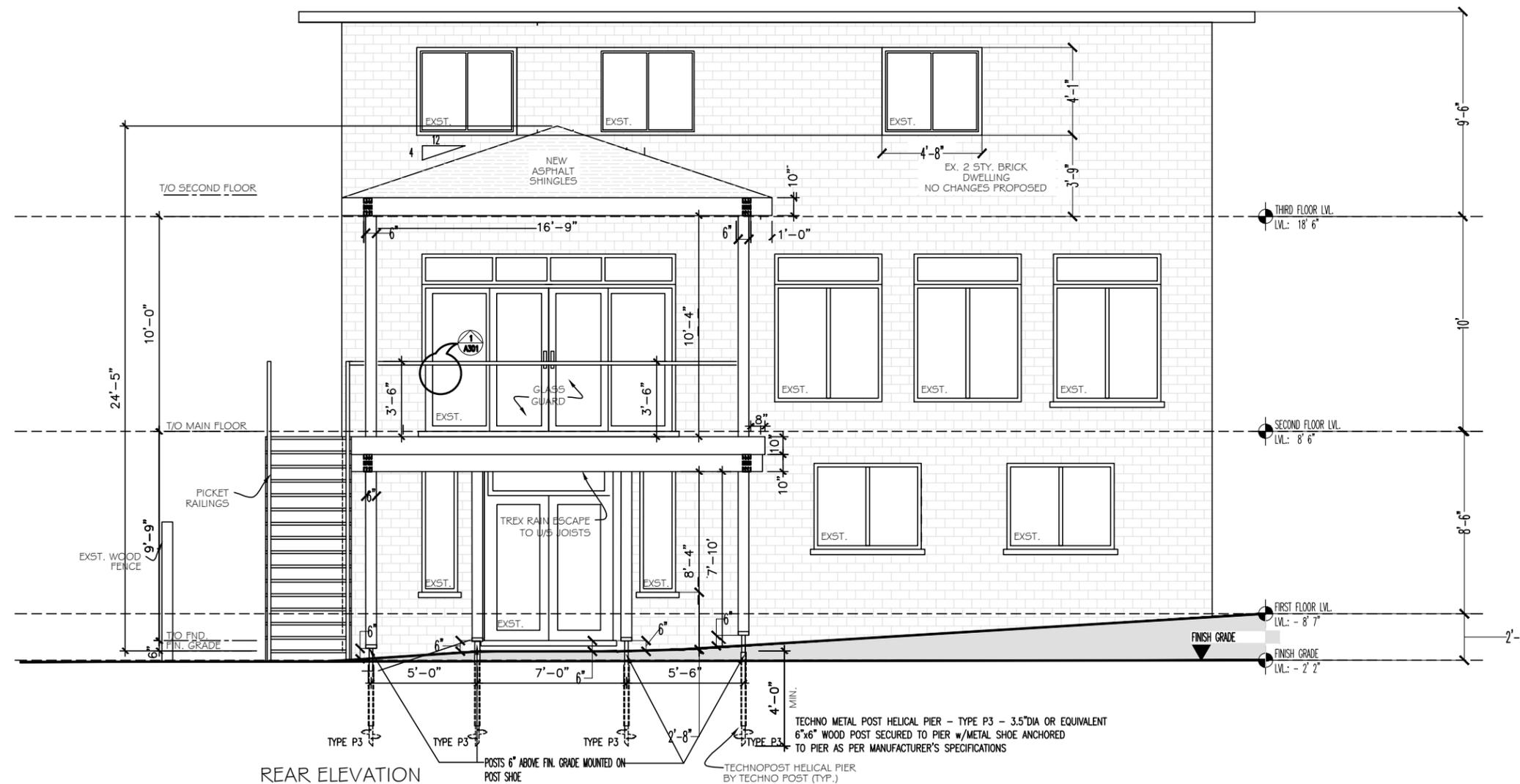
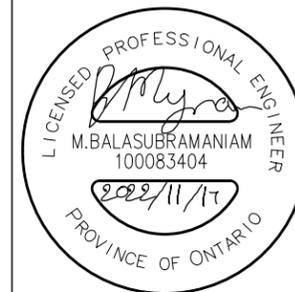


TECHNO METAL POST HELICAL PIER - TYPE P3 - 3.5"DIA OR EQUIVALENT + 6"x6" WOOD POST  
 TECHNO METAL POST HELICAL PIER - TYPE P2 - 2.4"DIA OR EQUIVALENT + 4"x4" WOOD POST

DECK MATERIAL	
TYPE P3	TECHNO METAL POST HELICAL PIER - TYPE P3 - 3.5"DIA OR EQUIVALENT 6"x6" WOOD POST SECURED TO PIER w/METAL SHOE ANCHORED TO PIER AS PER MANUFACTURER'S SPECIFICATIONS
TYPE P2	TECHNO METAL POST HELICAL PIER - TYPE P2 - 2.4"DIA OR EQUIVALENT 4"x4" WOOD POST SECURED TO PIER w/METAL SHOE ANCHORED TO PIER AS PER MANUFACTURER'S SPECIFICATIONS
B1	3-2"x8" PRESSURE TREATED WOOD BEAM
B2	3-2"x12" PRESSURE TREATED WOOD BEAM
B3	3-2"x10" PRESSURE TREATED WOOD BEAM
B4	2-2"x6" PRESSURE TREATED WOOD BEAM
J1	2"x8" JOISTS @ 16" O.C.
J2	2"x6" JOISTS @ 16" O.C.
L1	2"x8" LEDGER BOARD LAG BOLTED
CR1	2"x8" @ 16" OC - COMMON RAFTERS
H1	2"x10" HEEP RAFTER
R1	2"x10" RIDGE MEMBER
E1	2"x8" EAVES BOARD
D1	1"x6" COMPOSITE DECKING, 1/4" GAP PERPENDICULAR TO JOIST FRAMING



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 TEL : 4162763802  
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PROJECT

**WOOD DECK ADDITION**

262 SPRINGBROOK AVE  
 ANCASTER, ON L9K 1R4  
 CANADA

DRAWING TITLE

**EXISTING ELEVATION**

1:75

NOTE:

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- ALL DRAWINGS REMAIN THE PROPERTY OF THE ARCHITECT.

A B C	A. DETAIL NO.
	B. LOCATION SHEET
	C. DETAILED ON

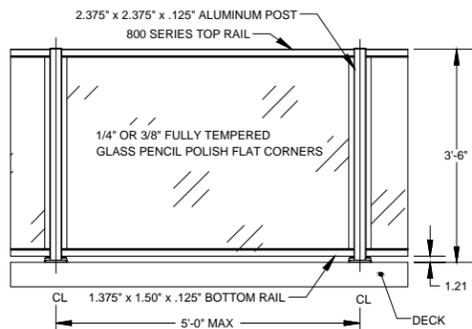
PROJECT NO. -	DRAWN BY K.S.
DATE OCT 2022	CHECKED BY A.K.

DRAWING NO.

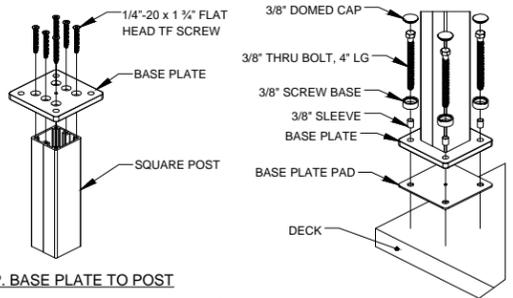
S - 2



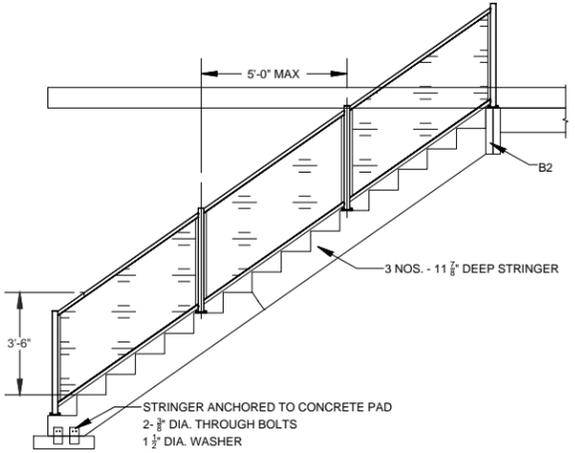
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WE'RE HERE FOR YOU



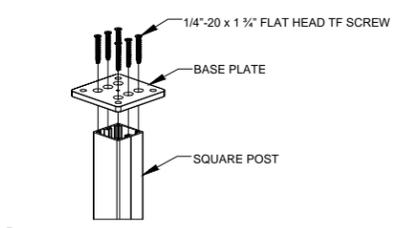
1 TYP. GLASS WITH TOP & BOTTOM RAIL, DECK MOUNT



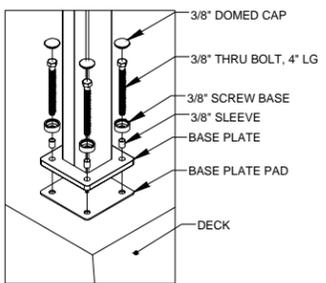
2 TYP. BASE PLATE TO POST  
3 TYP. DECK MOUNTING CONNECTION



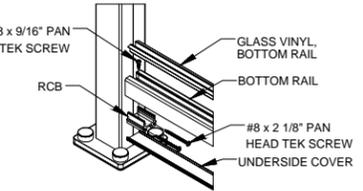
1 TYP. GLASS WITH TOP & BOTTOM RAIL, DECK MOUNT, STAIR GUARD



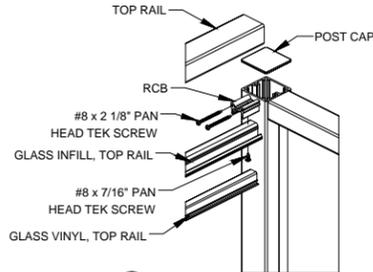
2 TYP. BASE PLATE TO POST



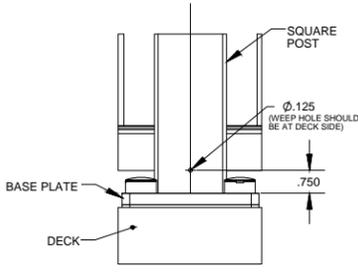
3 TYP. DECK MOUNTING CONNECTION



4 TYP. BOTTOM RAIL CONNECTION



5 TYP. TOP RAIL CONNECTION



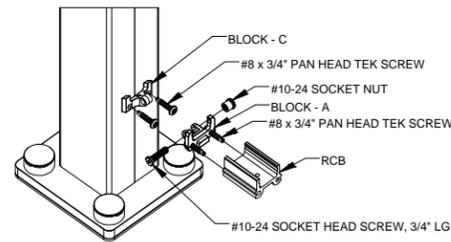
6 TYP. WEEP HOLE

- NOTES:
1. DIMENSIONS SHOWN - INCHES [MM].
  2. MACHINED SURFACES TO BE 63µIN MAX.
  3. PART TO BE FREE OF BURRS AND SHARP EDGES.
  4. ALL MATERIAL TO BE CLEAN, DEGREASED AND FREE OF ALL IMPURITIES.
  5. ANY CHANGE MUST BE AUTHORIZED BY AN ENGINEER.

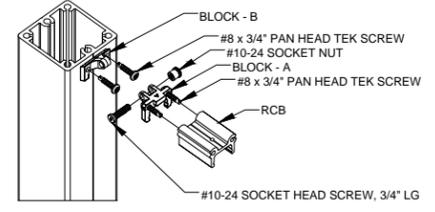
- NOTES:
1. DIMENSIONS SHOWN - INCHES [MM].
  2. MACHINED SURFACES TO BE 63µIN MAX.
  3. PART TO BE FREE OF BURRS AND SHARP EDGES.
  4. ALL MATERIAL TO BE CLEAN, DEGREASED AND FREE OF ALL IMPURITIES.
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01 GLASS RAIL DETAIL  
SCALE: NTS

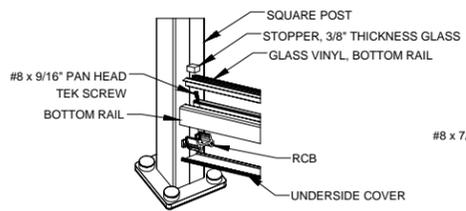
01 STAIR DETAIL  
SCALE: NTS



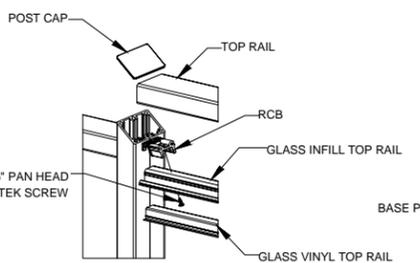
4 TYP. BOTTOM HINGE JOINT CONNECTION



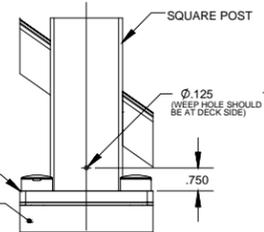
5 TYP. TOP HINGE JOINT CONNECTION



6 TYP. BOTTOM RAIL CONNECTION  
SCALE 1:8



7 TYP. TOP RAIL CONNECTION  
SCALE 1:8



8 TYP. WEEP HOLE

- NOTES:
1. DIMENSIONS SHOWN - INCHES [MM].
  2. MACHINED SURFACES TO BE 63µIN MAX.
  3. PART TO BE FREE OF BURRS AND SHARP EDGES.
  4. ALL MATERIAL TO BE CLEAN, DEGREASED AND FREE OF ALL IMPURITIES.
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NO.	ISSUED FOR	DATE

PROJECT  
**WOOD DECK ADDITION**  
262 SPRINGBROOK AVE  
ANCASTER, ON L9K 1R4  
CANADA

DRAWING TITLE  
**DETAILS**

NOTE:  
- DO NOT SCALE DRAWINGS.  
- ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON THE JOB SITE.  
- ANY AND ALL DISCREPANCIES TO BE REPORTED TO THE ARCHITECT.  
- ALL DRAWINGS REMAIN THE PROPERTY OF THE ARCHITECT.



PROJECT NO. -  
DATE OCT 2022  
DRAWN BY K.S.  
CHECKED BY A.K.

01 JOINERY DETAIL  
SCALE: NTS



Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME
<b>Registered Owners(s)</b>	
<b>Applicant(s)</b>	
<b>Agent or Solicitor</b>	

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

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 \_\_\_\_\_

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			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)
- 

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)
- 

- 4.6 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)
- 

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

---

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

---

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

---

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

---

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

---

7.4 Length of time the existing uses of the subject property have continued:

---

7.5 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) \_\_\_\_\_

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

7.6 What is the existing zoning of the subject land? \_\_\_\_\_

7.8 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:

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes       No

If yes, please provide the file number:

---

7.10 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

7.11 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.

## **8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: \_\_\_\_\_

8.2 Number of Dwelling Units Proposed: \_\_\_\_\_

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- \_\_\_\_\_
- \_\_\_\_\_



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:04</b>	<b>SUBJECT PROPERTY:</b>	769 KING STREET W, HAMILTON, L8S 1J9
<b>ZONE:</b>	"H S – 1361" (Community Shopping & Commercial)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      Owner: Mohamoud Ali  
                             Applicant: Ketul Shah

The following variances are requested:

1. An unenclosed front porch shall be permitted to be located 0.26 metres from the front lot line instead of the required 1.5 metres from the front lot line.
2. A minimum of three (3) sparking spaces shall be permitted for the proposed medical office instead of the required seven (7) sparking spaces.

**PURPOSE & EFFECT:**      To facilitate the construction of a unclosed front porch.

**Notes:**

1. Please be advised as per past records the last recognized use is a single-family dwelling.
2. Please be advised insufficient information was provided to determine zoning compliance with the proposed porch guards and columns. 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:

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>1:55 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>

HM/A-23:04

	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

## PUBLIC INPUT

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

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

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:04, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-23:04



 Subject Lands

DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

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



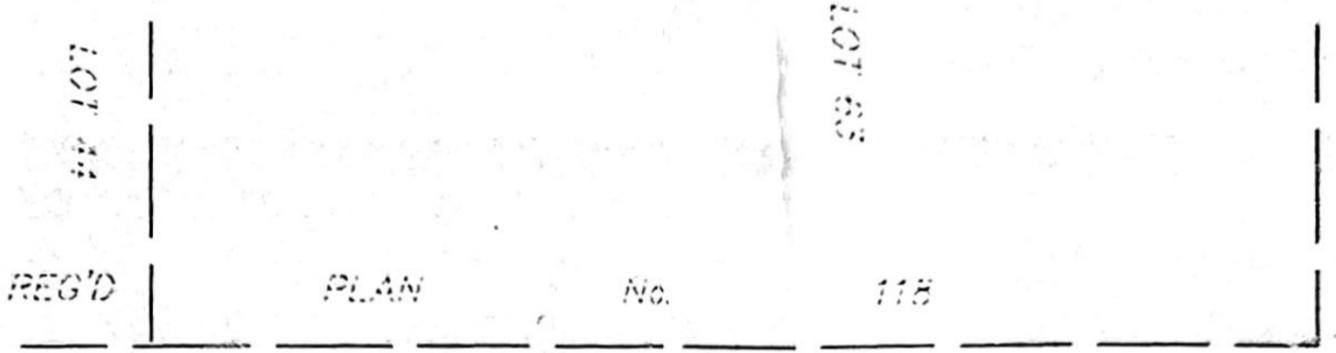
**ASSOCIATION OF ONTARIO LAND SURVEYORS**  
 PLAN SUBMISSION FORM  
 1204865

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

769

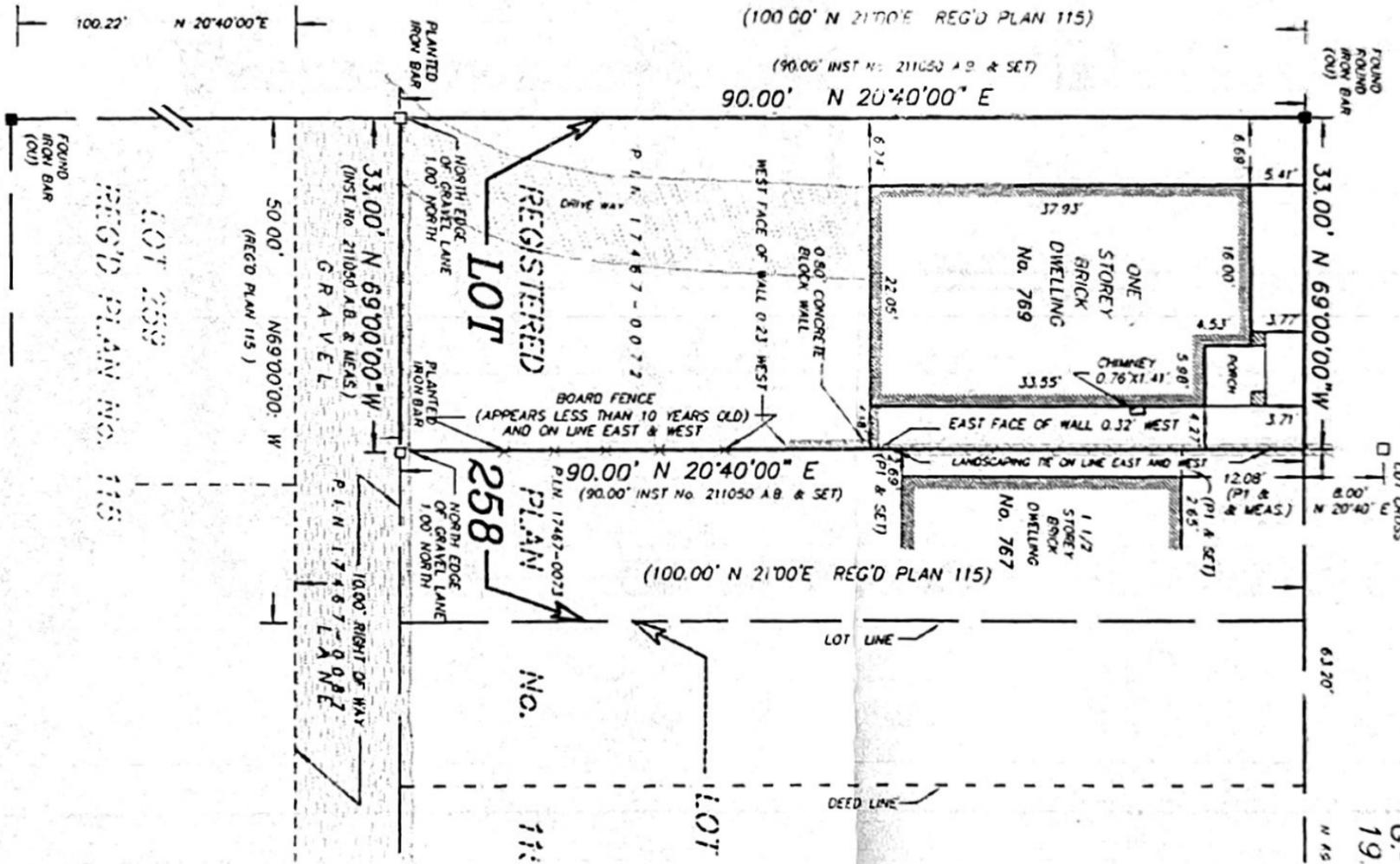
**KING STREET WEST**

FORMERLY MAIN STREET  
 P.I.N. 17468-0202



**MACKLIN STREET**

(ESTABLISHED ACCORDING TO REGISTERED PLAN No. 115)  
 P.I.N. 17467-0084



**SURVEYOR'S CERTIFICATE:**

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYOR'S ACT, AND THE LAND TITLES ACT, AND THE REGULATIONS MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 9TH DAY OF SEPTEMBER, 1998

DATE: SEPTEMBER 14, 1998

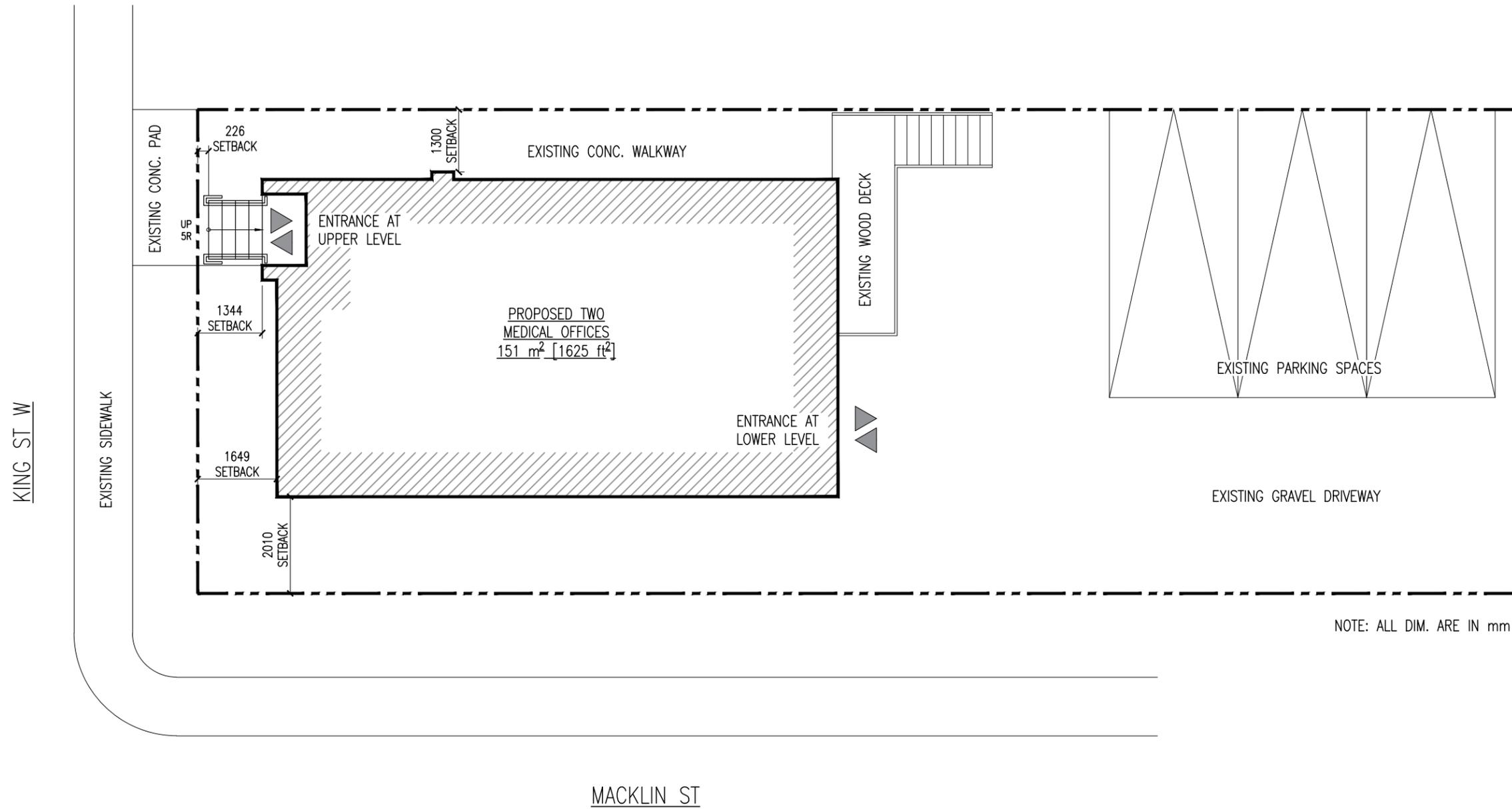
*[Signature]*  
 J. J. CLARKE  
 ONTARIO LAND SURVEYOR

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 THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT, IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.

**INPERIAL:**  
 DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

The CITY OF HAMILTON disclaims any liability as to the current accuracy of the contents of this document and advises that no reliance can be placed upon the current accuracy of the contents herein

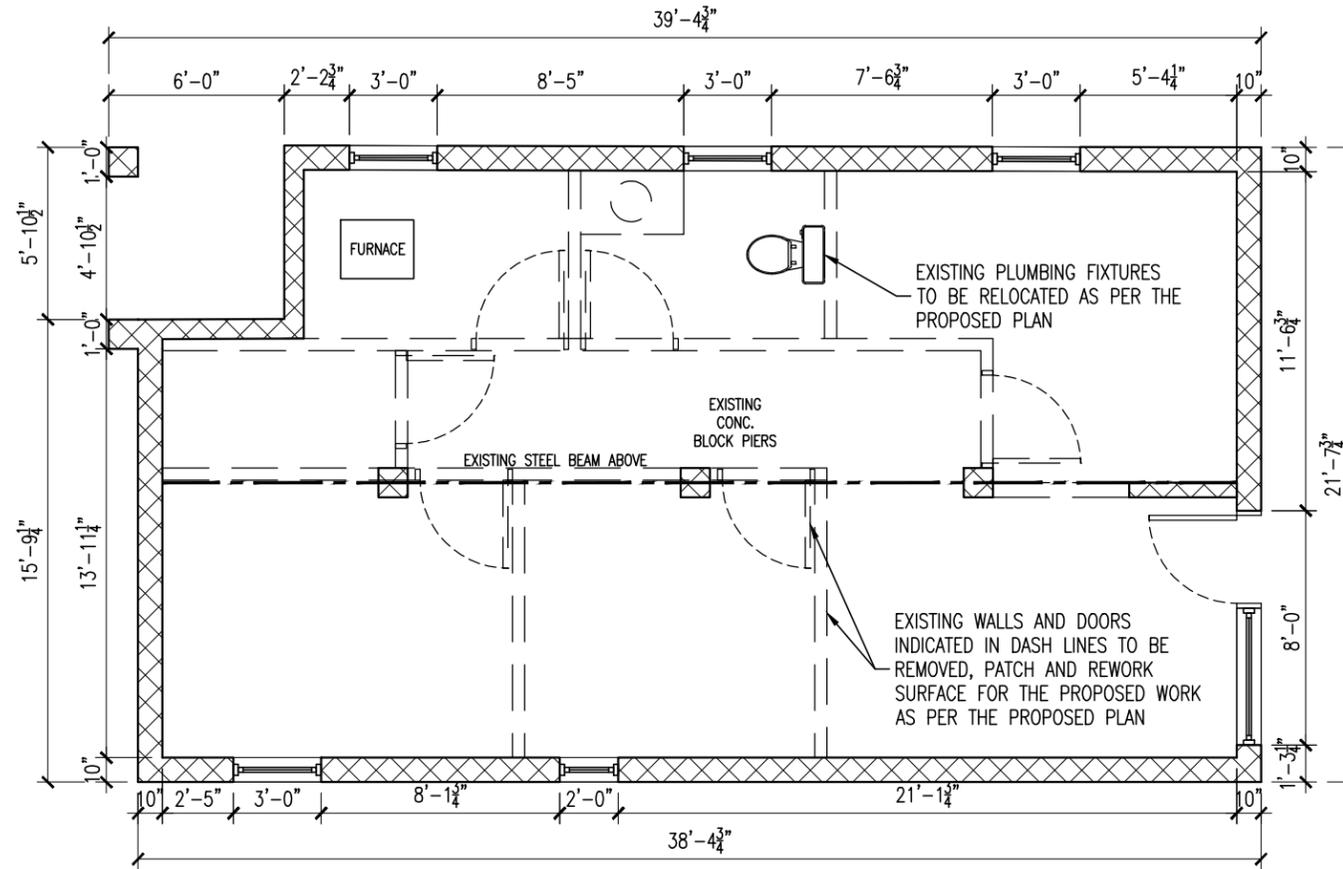
S.P. PL. P.Y. RE. IN. CI. RE. SC. G. 19.



NOTE: ALL DIM. ARE IN mm

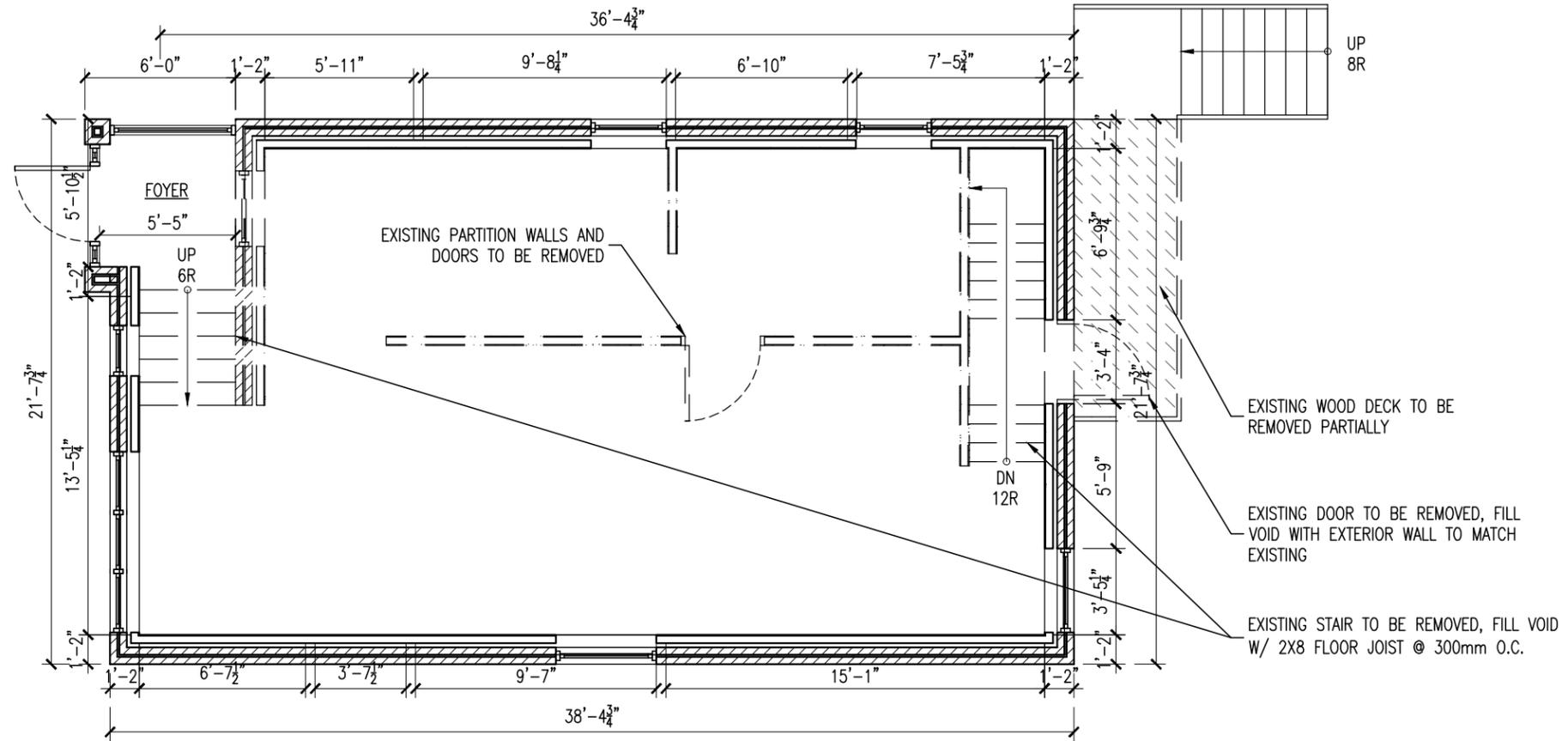
MACKLIN ST

	Scale:	1:100	TWO MEDICAL OFFICES		SITE PLAN	A-1
	Designed By: KS Date: 05/12/2022	info@adegltd.com 647-410-0006				



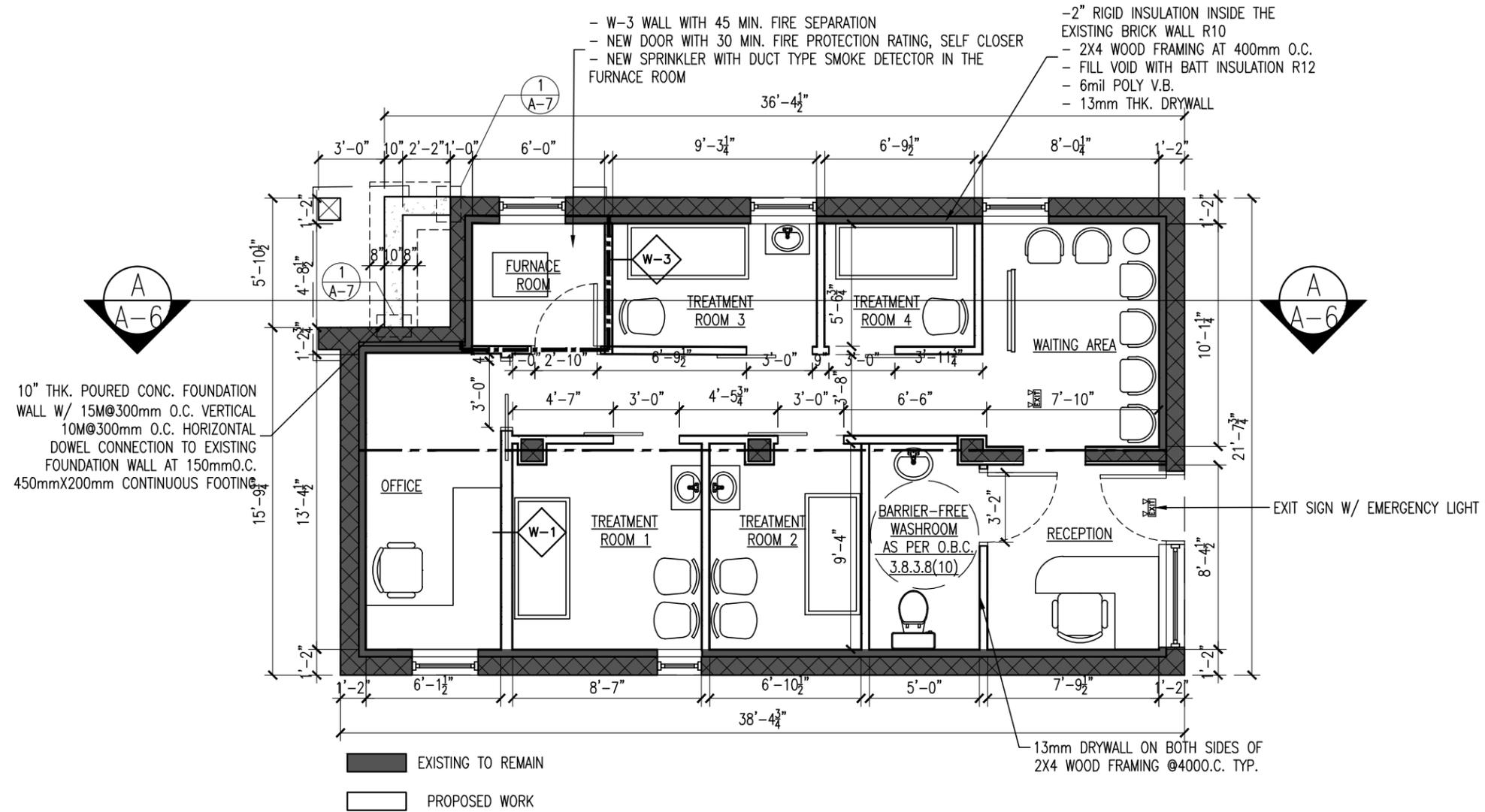
EXISTING LOWER LEVEL PLAN WITH DEMOLITION WORK – 803 sq ft

	Scale: 1:75  Designed By: KS Date: 05/12/2022	TWO MEDICAL OFFICES  info@adegltd.com 647-410-0006		EXISTING LOWER LEVEL PLAN  769 King St W Hamilton, ON	A-2
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EXISTING UPPER LEVEL PLAN WITH DEMOLITION WORK - 837 sq ft

	Scale: 1:75  Designed By: KS Date: 05/12/2022	TWO MEDICAL OFFICES  info@adegltd.com 647-410-0006		EXISTING UPPER LEVEL PLAN  769 King St W Hamilton, ON	A-3
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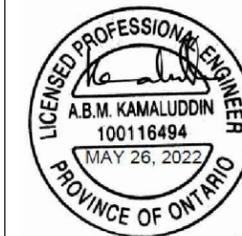
PROPOSED LOWER LEVEL PLAN  
 MEDICAL OFFICE 1 - 803 sq ft

Scale: 1:75

Designed By: KS  
 Date: 05/12/2022

TWO MEDICAL OFFICES

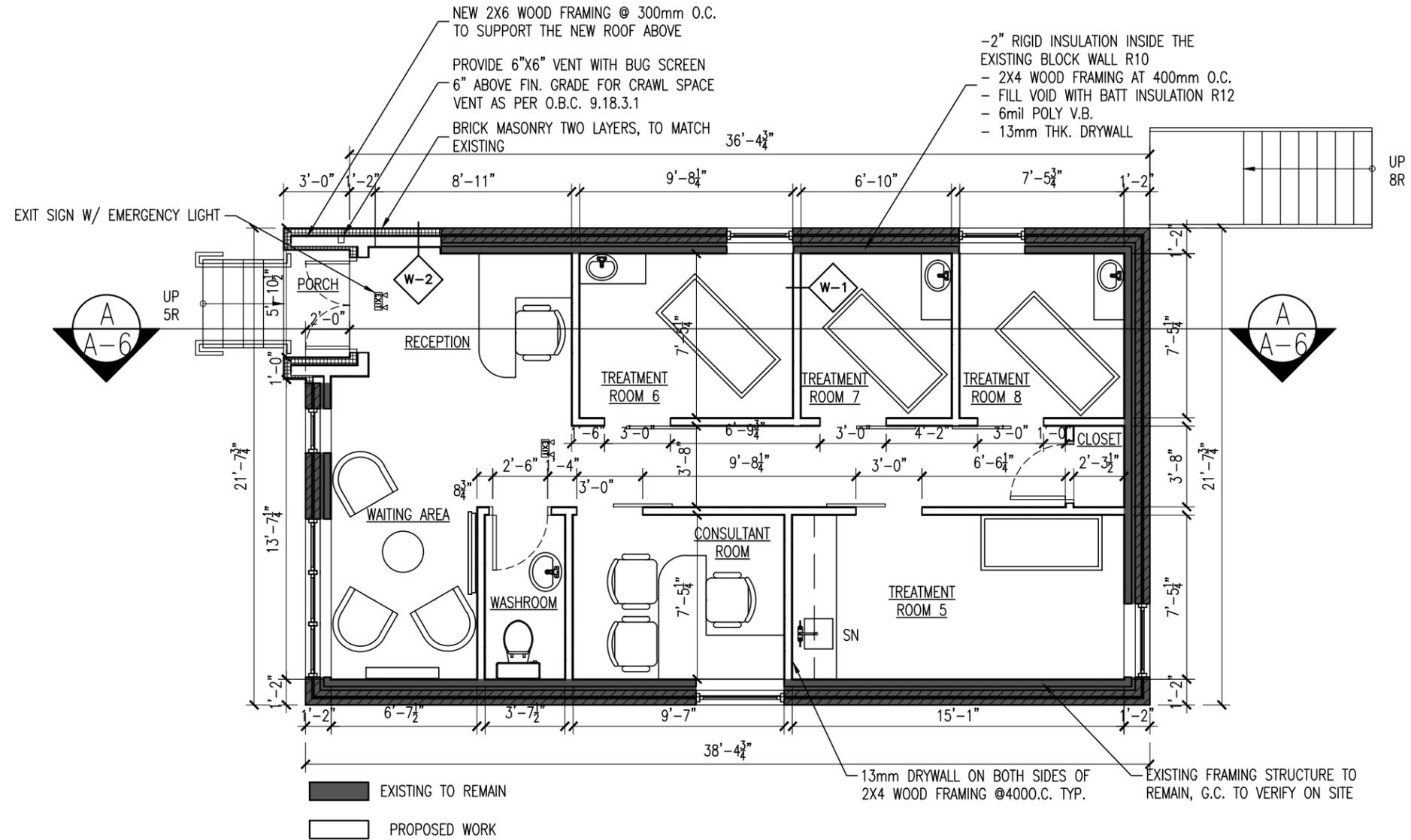
info@adegltd.com  
 647-410-0006



NEW LOWER LEVEL PLAN

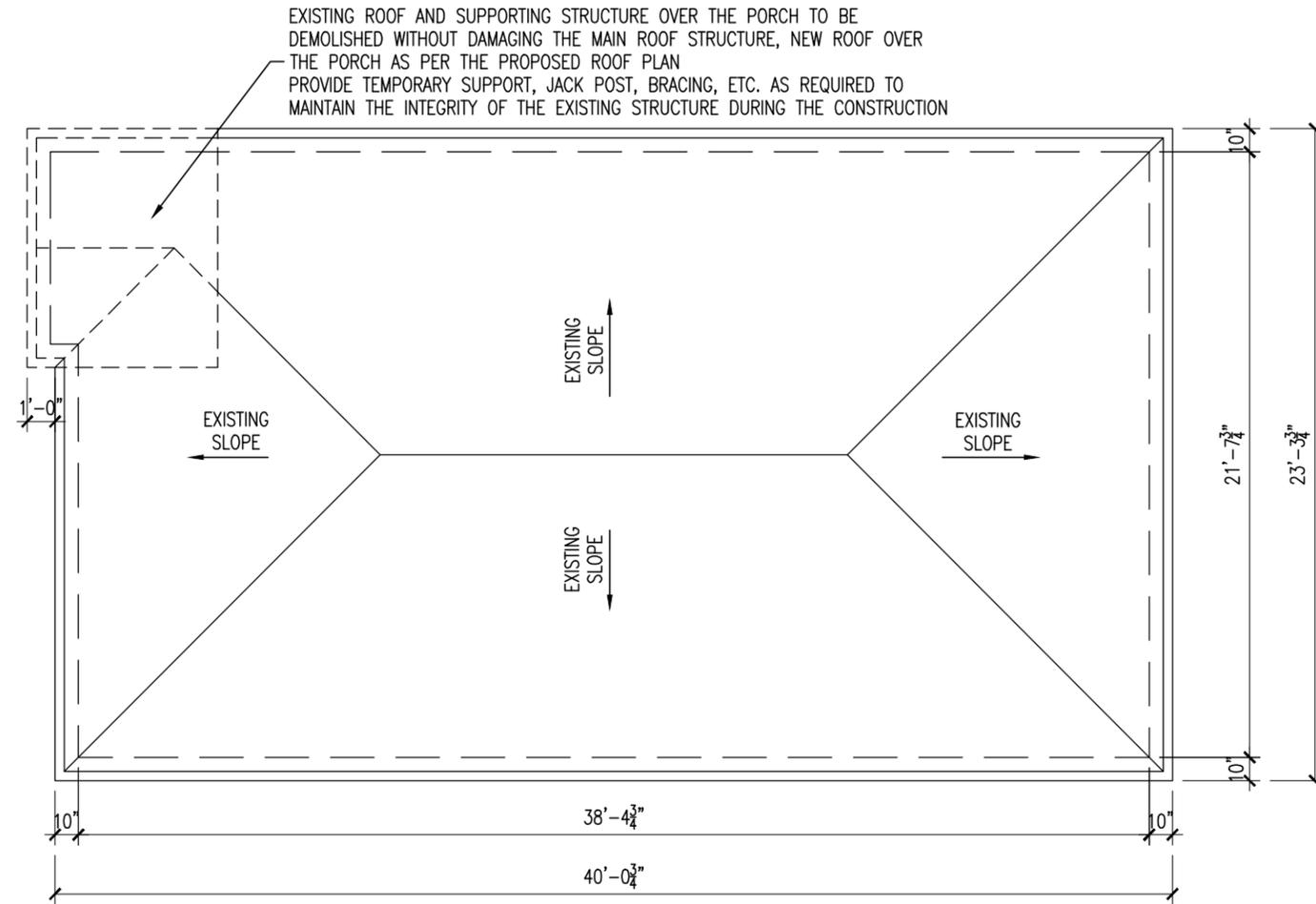
769 King St W  
 Hamilton, ON

A-4



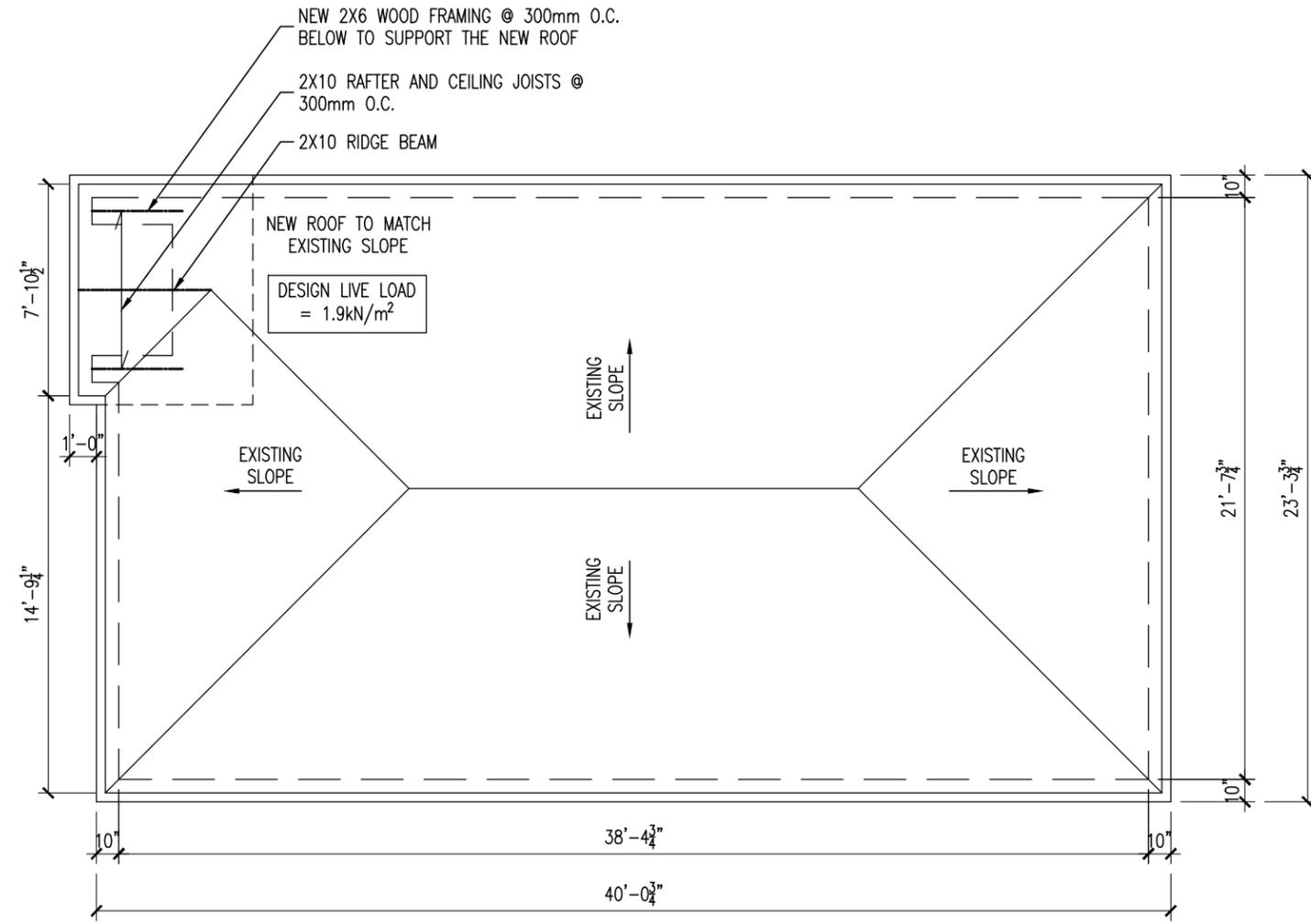
PROPOSED UPPER LEVEL PLAN  
 MEDICAL OFFICE 2 – 822 sq ft

<p>Scale: 1:75</p> <p>Designed By: KS                  Date: 05/12/2022</p>	<p>TWO MEDICAL OFFICES</p> <p>info@adegltd.com                  647-410-0006</p>		<p>NEW UPPER LEVEL PLAN</p> <p>769 King St W                  Hamilton, ON</p>	<p>A-5</p>
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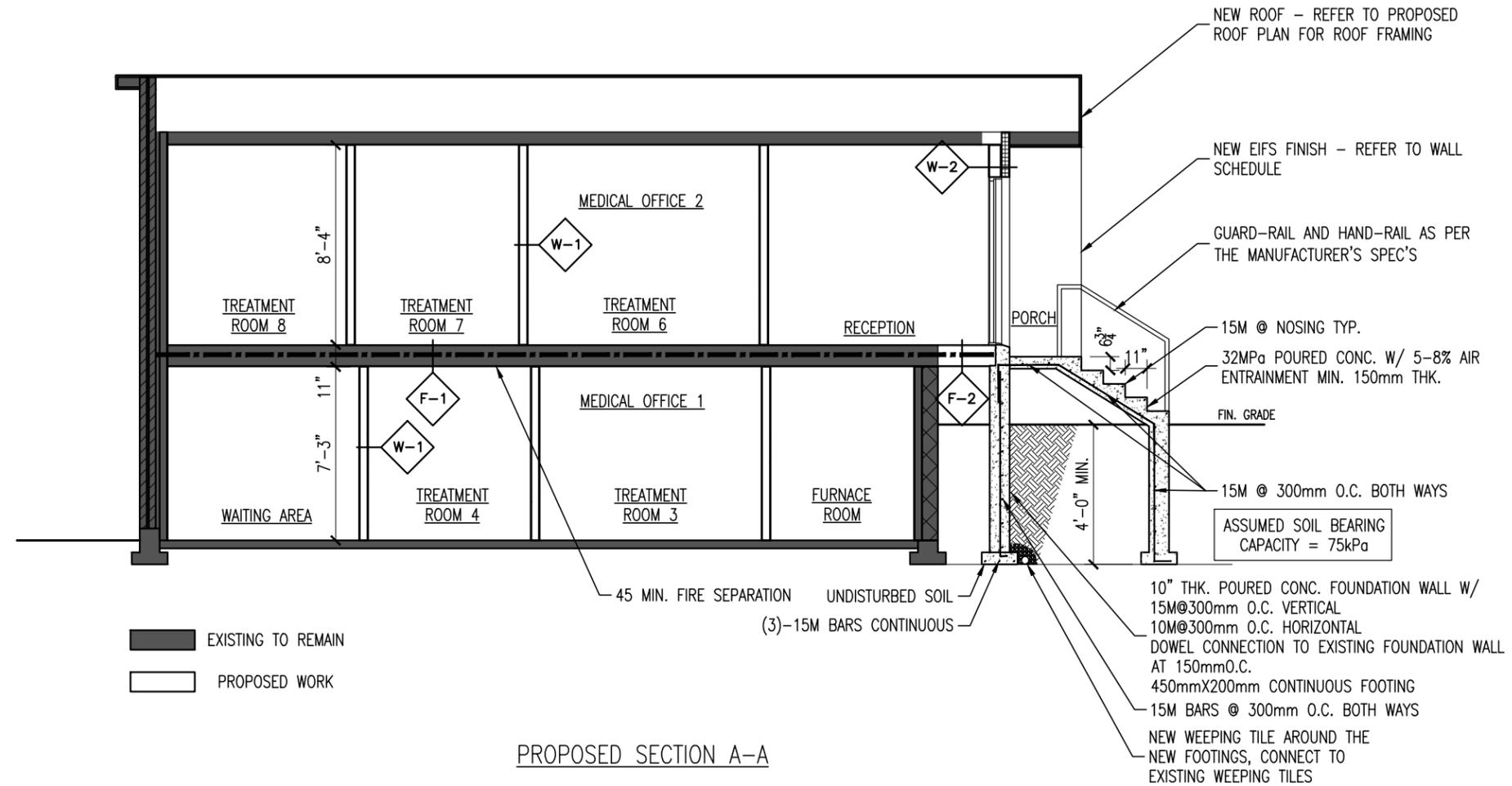
EXISTING ROOF PLAN WITH DEMOLITION WORK

	Scale:	TWO MEDICAL OFFICES		EXISTING ROOF PLAN	A-5a
	1:75				
	Designed By: KS Date: 05/12/2022	info@adegltd.com 647-410-0006		769 King St W Hamilton, ON	

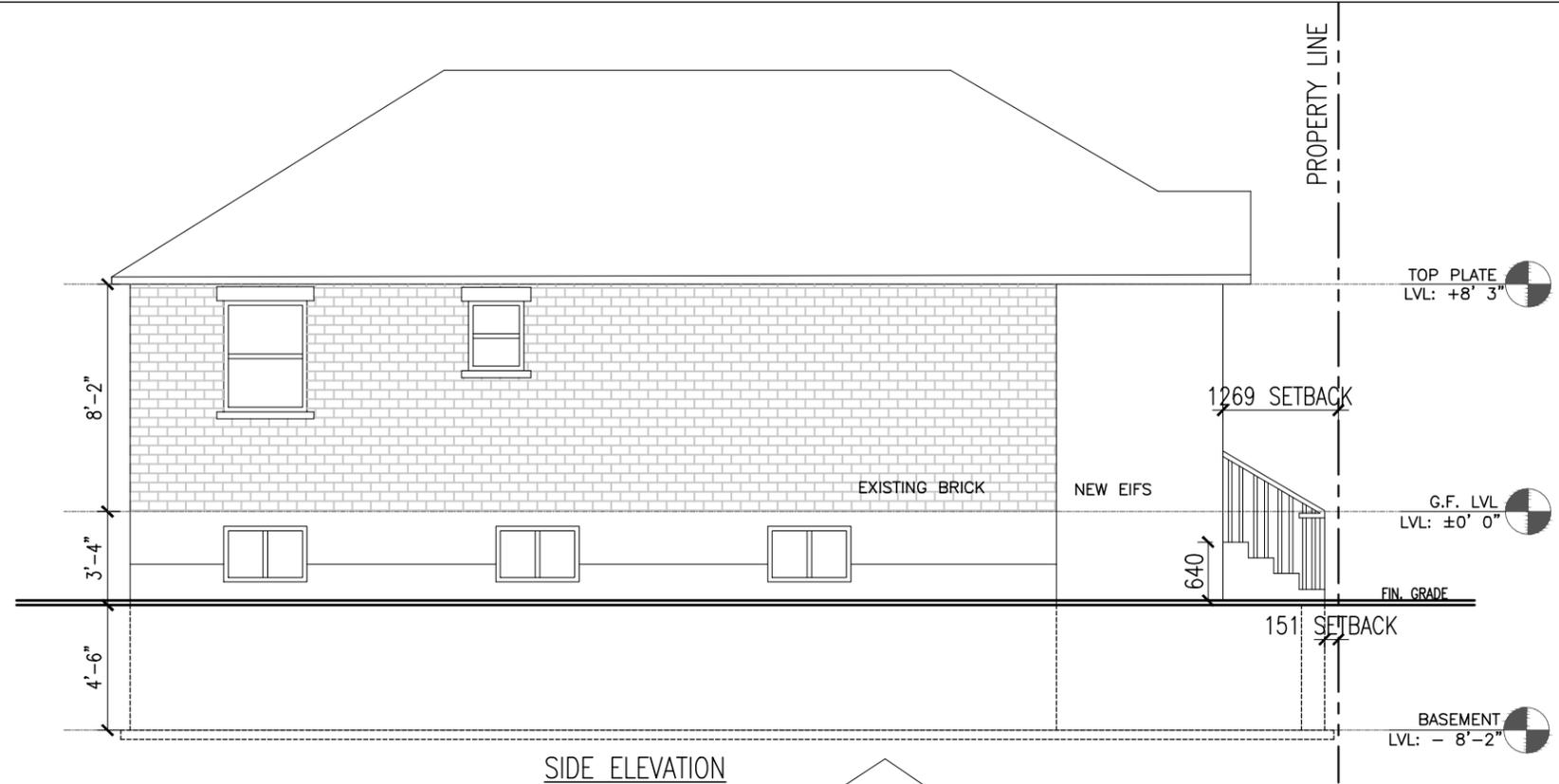


PROPOSED ROOF PLAN

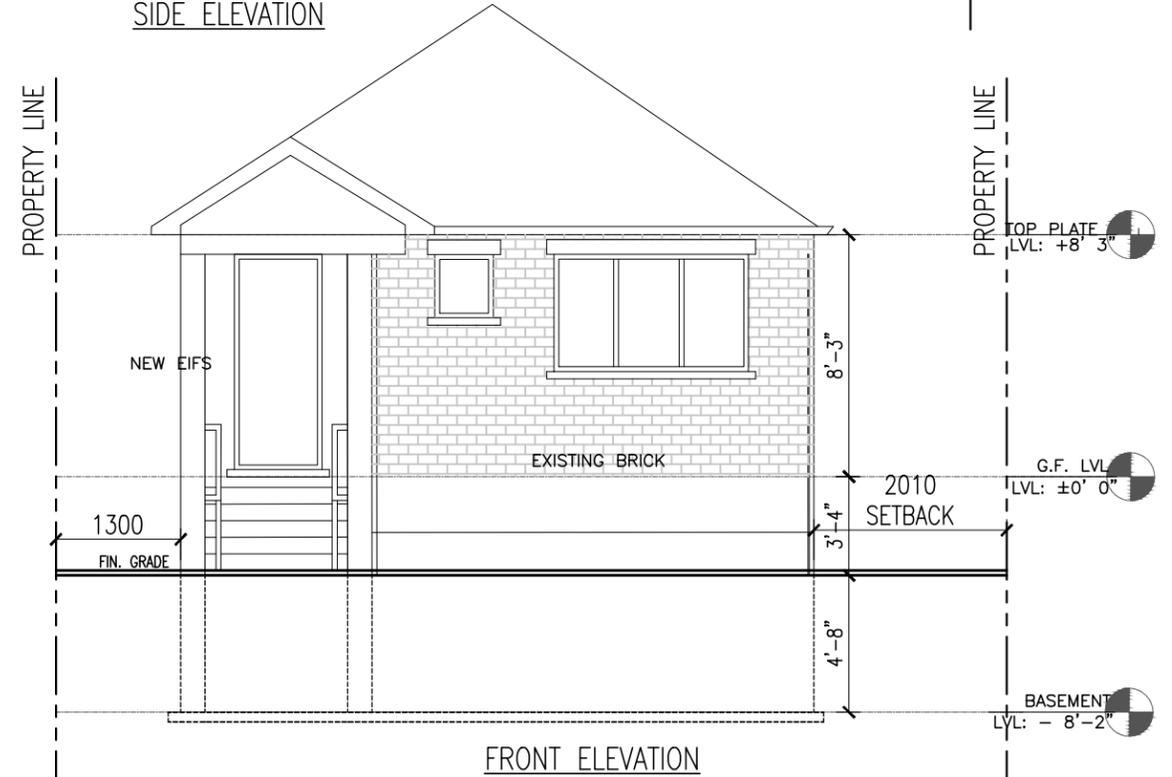
	Scale: 1:75  Designed By: KS Date: 05/12/2022	TWO MEDICAL OFFICES  info@adegltd.com 647-410-0006		PROPOSED ROOF PLAN  769 King St W Hamilton, ON	A-5b
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Scale:	1:75	TWO MEDICAL OFFICES		SECTION A-A	A-6
	Designed By: KS Date: 05/12/2022				



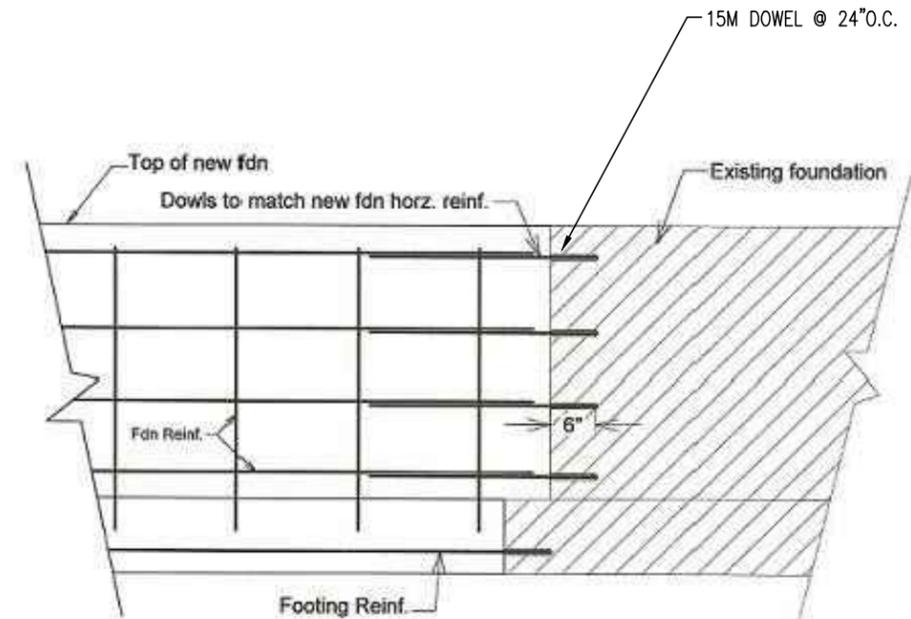
SIDE ELEVATION



FRONT ELEVATION

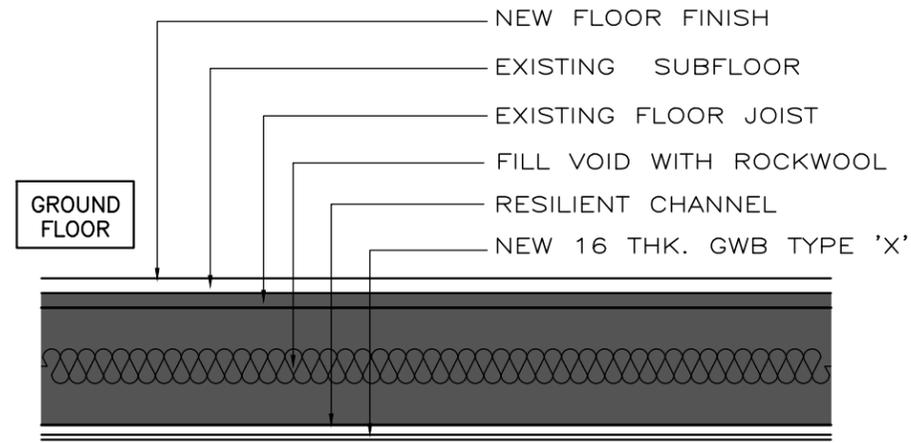
Scale:	1:75	TWO MEDICAL OFFICES		SIDE ELEVATION FRONT ELEVATION	A-6a
Designed By:	KS				
Date:	05/12/2022				

ONTARIO BUILDING CODE MATRIX - PART 3 OR 9		OBC References								
Project Description: <input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input checked="" type="checkbox"/> ALTERATION <input type="checkbox"/> CHANGE OF USE		PART 11 11.1 TO 11.4	<input type="checkbox"/> PART 3 1.12 [A]	<input checked="" type="checkbox"/> PART 9						
MAJOR OCCUPANCY(S) GROUP D			3.1.2.1.(1)	9.10.2						
BUILDING AREA (m2) EXISTING <u>76 SQ.M</u> NEW <u>0</u> TOTAL <u>76 SQ.M</u>			1.4.1.2[A]	1.4.1.2[A]						
GROSS AREA EXISTING <u>151 SQ.M</u> NEW <u>0</u> BELOW GRADE <u>151 SQ.M</u>										
NUMBER OF STOREYS ABOVE GRADE <u>2</u> BELOW GRADE <u>0</u>			3.1.2.1.(1)	9.10.2						
NUMBER OF STREETS / FIRE FIGHTER ACCESS <u>1</u>			3.1.3.1.(2)	9.10.9.11(3)						
BUILDING CLASSIFICATION GROUP D			3.2.2.20-83	9.10.2.1						
SPRINKLER SYSTEM PROPOSED <input type="checkbox"/> SELECTED COMPARTMENTS <input type="checkbox"/> ENTIRE BUILDING <input type="checkbox"/> SELECTED FLOOR AREAS <input type="checkbox"/> BASEMENT <input type="checkbox"/> IN LIEU OF ROOF RATING <input checked="" type="checkbox"/> NOT REQUIRED			3.2.2.76 3.2.1.5 3.2.2.17	9.1.8.2						
STANDPIPE REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			3.2.9.	N/A						
FIRE ALARM REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			-	9.10.18.2						
WATER SERVICE / SUPPLY IS ADEQUATE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			3.2.5.7	N/A						
HIGH BUILDING <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			3.2.6	N/A						
CONSTRUCTION RESTRICTIONS <input type="checkbox"/> COMBUSTIBLE PERMITTED <input type="checkbox"/> NON-COMBUSTIBLE PERMITTED <input checked="" type="checkbox"/> BOTH			3.2.2.57	9.10.6						
ACTUAL CONSTRUCTION <input type="checkbox"/> COMBUSTIBLE <input type="checkbox"/> NON-COMBUSTIBLE <input checked="" type="checkbox"/> BOTH										
MAZZANINE(S) AREA (m2) <u>N/A</u>			3.2.1.1.(3)-(8)	9.10.4.1						
OCCUPANT LOAD BASED ON <input checked="" type="checkbox"/> m2/PERSON <input type="checkbox"/> DESIGN OF BUILDING BASEMENT: OCCUPANCY <u>N/A</u> PERSONS 1ST FLOOR OCCUPANCY <u>76/9.3</u> <u>8 PERSONS</u> PERSONS 2ND FLOOR OCCUPANCY <u>75/9.3</u> <u>8 PERSONS</u> PERSONS			3.1.17.	9.9.1.3						
BARRIER-FREE DESIGN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (EXPLAIN) <u>EXISTING TO REMAIN</u>			3.8.	9.5.2.						
HAZARDOUS SUBSTANCES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			3.3.1.2 & 3.3.1.19	9.10.1.3.(4)						
REQUIRED FIRE RESISTANCE RATING (FRR)	HORIZONTAL ASSEMBLIES FRR (HOURS) <u>45 MIN.</u> HOURS		LISTED DESIGN NO. OR DESCRIPTION (SG-2) <u>SB-2 F5c</u>	9.10.8 9.10.9						
	FLOOR <u>N/A</u> HOURS									
	ROOF <u>N/A</u> HOURS									
	MEZZANINE <u>N/A</u> HOURS									
SPATIAL SEPERATION - CONSTRUCTION OF EXTERIOR WALLS										
	Area of EBF (m2)	L.D.* (m2)	L/H or H/L	Permitted Max % of Openings	Proposed % of Openings	FRR (Hours)	Listed Design or Description	Comb. Const.	Comb. Const. Nonc. Cladding	Non-Comb. Constr.
NORTH							EXISTING TO REMAIN			
SOUTH							EXISTING TO REMAIN			
EAST							EXISTING TO REMAIN			
WEST							EXISTING TO REMAIN			
PLUMBING FIXTURE REQUIREMENTS		OBC References								
Male/Female Count @ <u>50 %</u> <u>50 %</u> except noted otherwise		OCCUPANT LOAD	OBC TABLE NO:	FIXTURES REQUIRED	FIXTURES PROVIDED	PART 3	PART 9			
2nd Floor Occupancy <u>4 MALE, 4 FEMALE</u>		8	3.7.4.7	1	1	-				
1st Floor Occupancy <u>4 MALE, 4 FEMALE</u>		8	3.7.4.7	1	1	-				
OTHER (Describe)										

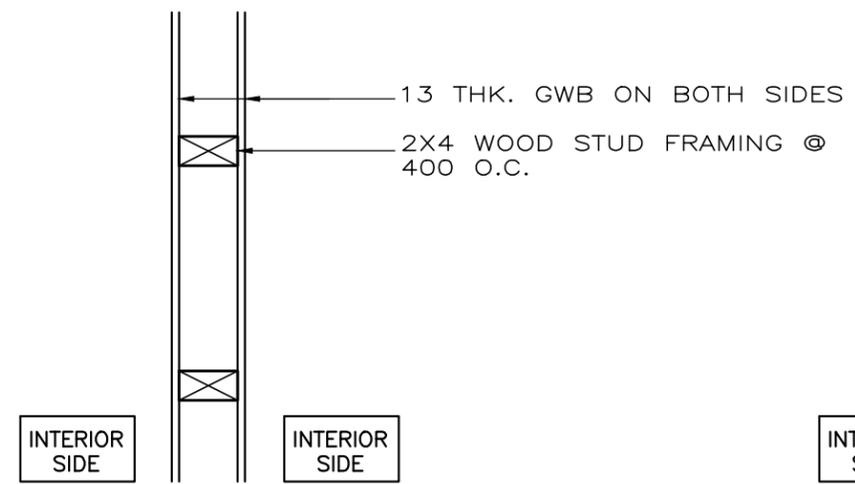


DETAIL 1 – EXISTING TO PROPOSED FOUNDATION ATTACHMENT DETAIL

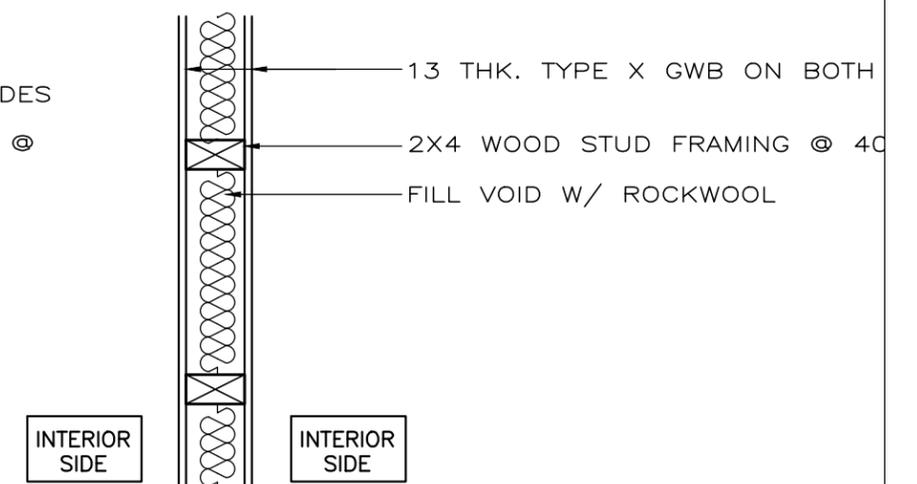
Scale:	TWO MEDICAL OFFICES		OBC MATRIX DETAIL 1	A-7
Designed By: KS Date: 05/12/2022	info@adegltd.com 647-410-0006			



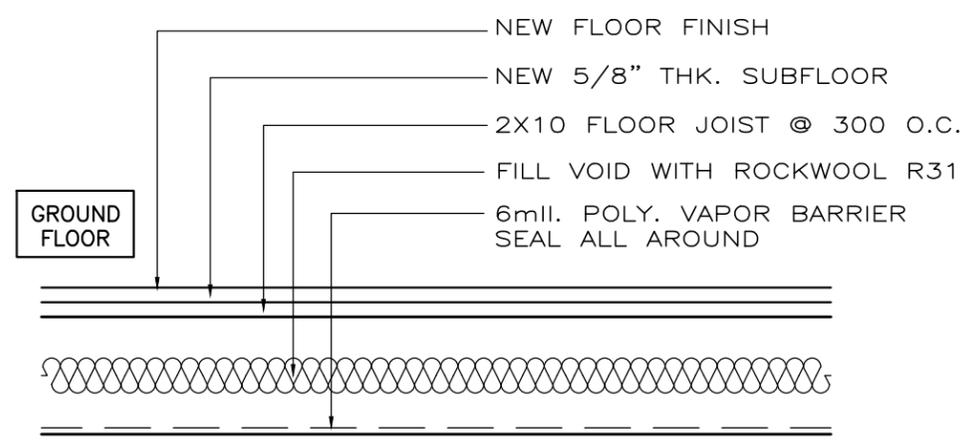
**F-1** NEW GROUND FLOOR ASSEMBLY  
45MIN. F.R.R. BASED ON SB-2 F5c



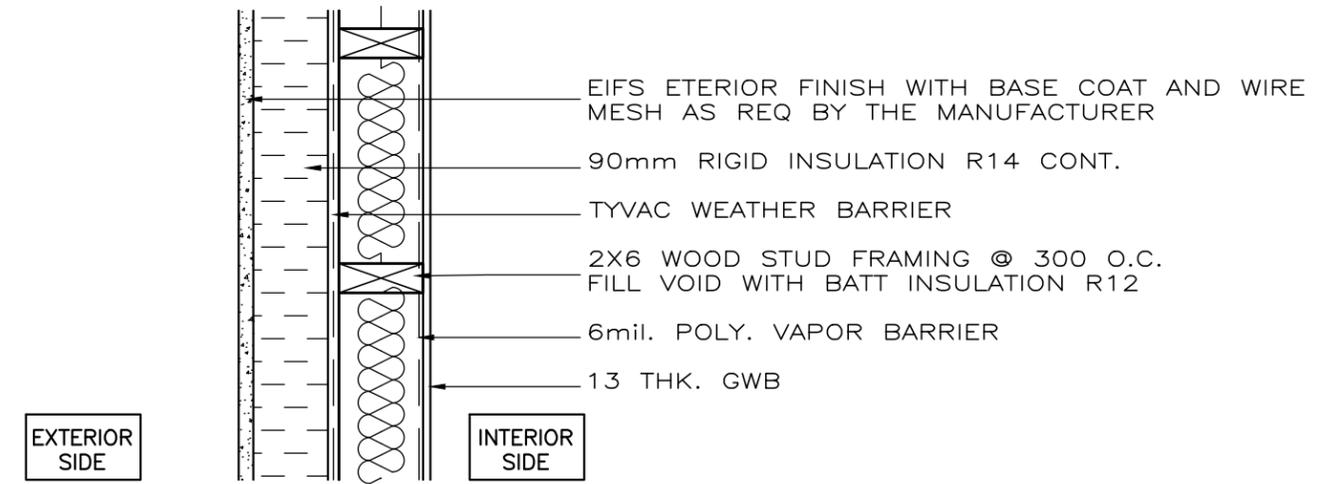
**W-1** INTERIOR PARTITION WALL



**W-3** 45 MIN. FIRE SEPARATION WALL  
BASED ON ULC W302, STC50



**F-1** NEW GROUND FLOOR ASSEMBLY



**W-2** NEW EXTERIOR WALL

Scale:	TWO MEDICAL OFFICES		ASSEMBLY DETAILS	A-8
Designed By: KS Date: 05/12/2022	info@adegltd.com 647-410-0006			
		769 King St W Hamilton, ON		



**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
Registered Owners(s)			
Applicant(s)			
Agent or Solicitor			Phone:
			E-mail:

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

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 [REDACTED]

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	769 King St W, Hamilton, Ontario		
Assessment Roll Number	251801005502890		
Former Municipality	Hamilton		
Lot	258	Concession	
Registered Plan Number	115	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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Setback for the front porch and stairs

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Building existing

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
10058mm	30175mm	303.5m <sup>2</sup>	Existing to remain

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Two storey brick building	1130	14220	1300	1998

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Two storey brick building	226	14220	1300	1998

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Two storey brick building	75	151	2	existing to remain

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Two storey brick building	75	151	2	existing to remain

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)
- 

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)
- 

- 4.6 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)
- 

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
 Personal Services / Business - Medical Clinic

---

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
 Personal Services / Business

---

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
 Nov 2021

---

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Residential, Personal Services / Business

---

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Personal Services / Business

---

7.4 Length of time the existing uses of the subject property have continued:  
 20 years

---

7.5 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) \_\_\_\_\_

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

7.6 What is the existing zoning of the subject land? H/S-1361 Community Shopping And Commercial, Etc

7.8 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:

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes  No

If yes, please provide the file number:

---

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: n/a

8.2 Number of Dwelling Units Proposed: n/a

8.3 Additional Information (please include separate sheet if needed):





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>SC/A-22:412</b>	<b>SUBJECT PROPERTY:</b>	185 GRAY STONEY CREEK, Ontario, L8E 1T5
<b>ZONE:</b>	"R6" (Residential "R6" Zone)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:** Owner: A. Singh  
Agent: M. Sabelli

The following variances are requested:

1. The ground floor area of the Secondary Dwelling Unit – Detached shall be 98.77% of the ground floor area of the principal dwelling instead of the required 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres
2. The eaves of the Secondary Dwelling Unit – Detached shall encroach a maximum of 36.2 centimetres into a required minimum setback area instead of the maximum encroachment of 30 centimetres into a required minimum setback area.

**PURPOSE & EFFECT:** So as to permit a Secondary Dwelling Unit – Detached in the rear yard of a Single Detached Dwelling notwithstanding that:

**Notes:**

- i) As per Section 6.1.7.2 (j)(b) of Stoney Creek Zoning By-Law 3692-92, "an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback area". As per the site plan provided, the eave/ gutter of the proposed Secondary Dwelling Unit – Detached is shown to have a setback from the side and rear lot lines of 83.8 centimetre. A 1.2 metre setback is required to any rear and side lot line for a Secondary Dwelling Unit – Detached. As such, 1.2 metres subtract 0.838 metres is equal to 0.362 metres/ 36.2 centimetres. The proposed eave and gutter encroachment exceed the maximum permitted 30 centimetres. As such, a variance has been added to address this.

**SC/A-22:412**

- ii) Be advised, as per section 6.7.4 of Stoney Creek Zoning By-Law 3692-92, a minimum of two (2) parking spaces are required for a Single Detached Dwelling, which only one may be provided in the required front yard and tandem parking is permitted. In addition to Section 6.7.4, Section 6.1.7 (a) states that “no additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained”. The Site Plan provided indicates the existing parking to be altered to accommodate one (1) parking space for the existing Single Detached Dwelling and one (1) space for the proposed Secondary Dwelling – Detached with both spaces shown within the required front yard setback. The current parking proposed does not comply with Section 6.7.4 as the number and location of parking spaces provided for the Single Detached Dwelling does not meet the required standards. As such, the applicant shall either amend the Site Plan to conform with the requirements of Section 6.7.4 or revert the parking to reflect the existing parking conditions as they existed on May 12, 2021, in which Section 6.1.7 (a) shall be 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:

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>2:15 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

**SC/A-22:412**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-22:412, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

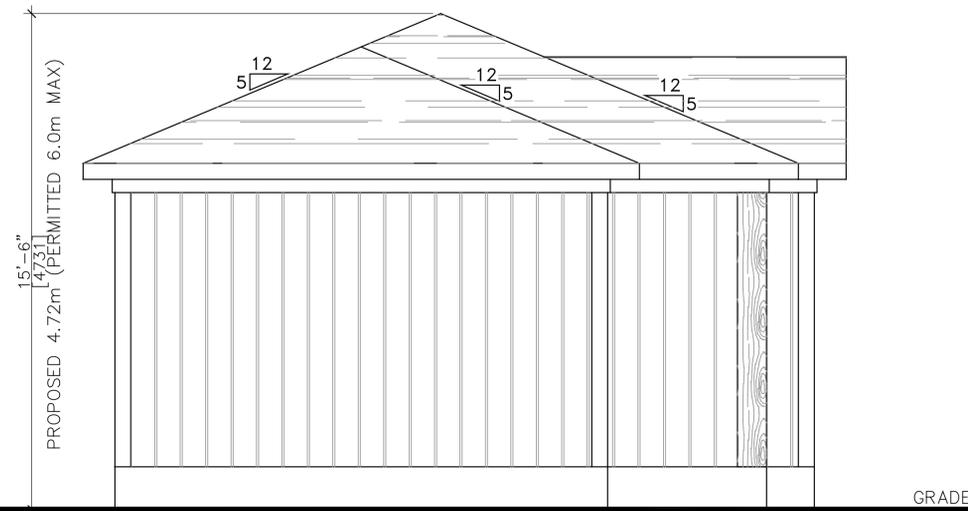
#### 2. In person Oral Submissions

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

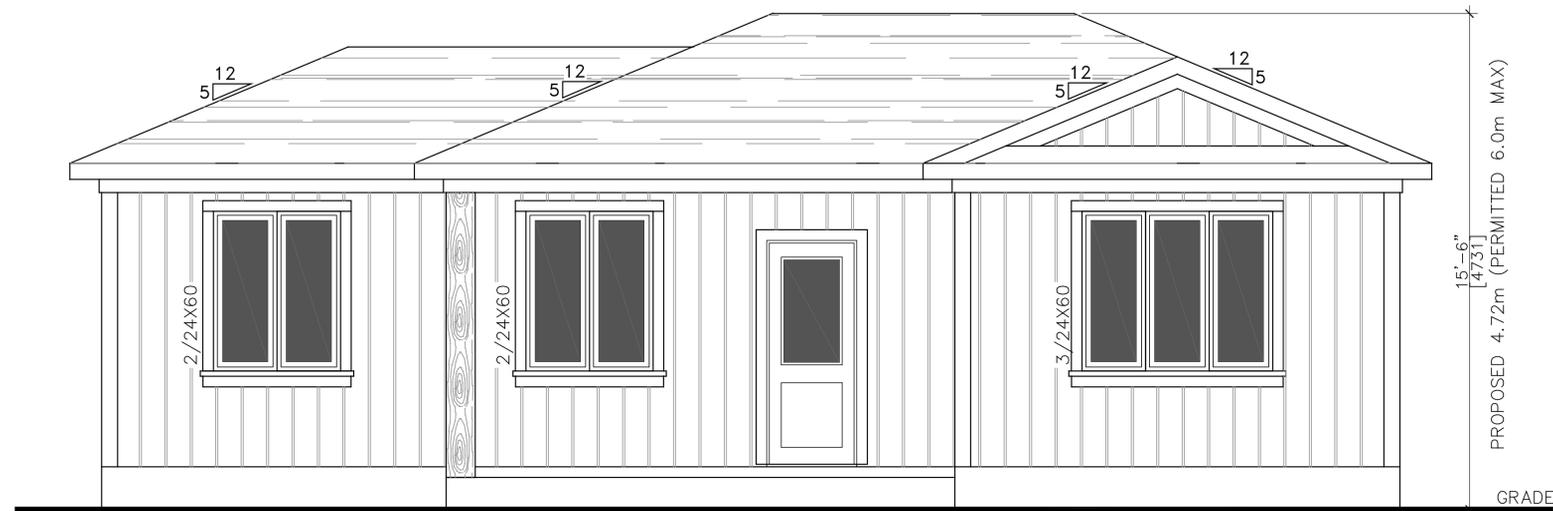
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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

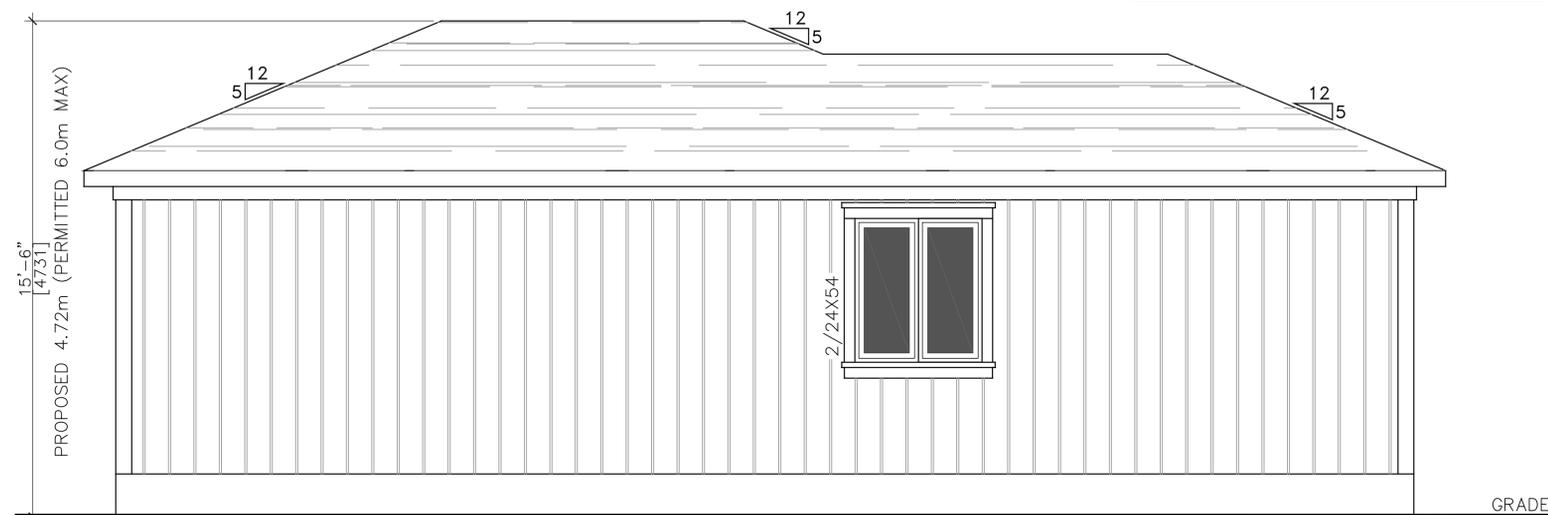




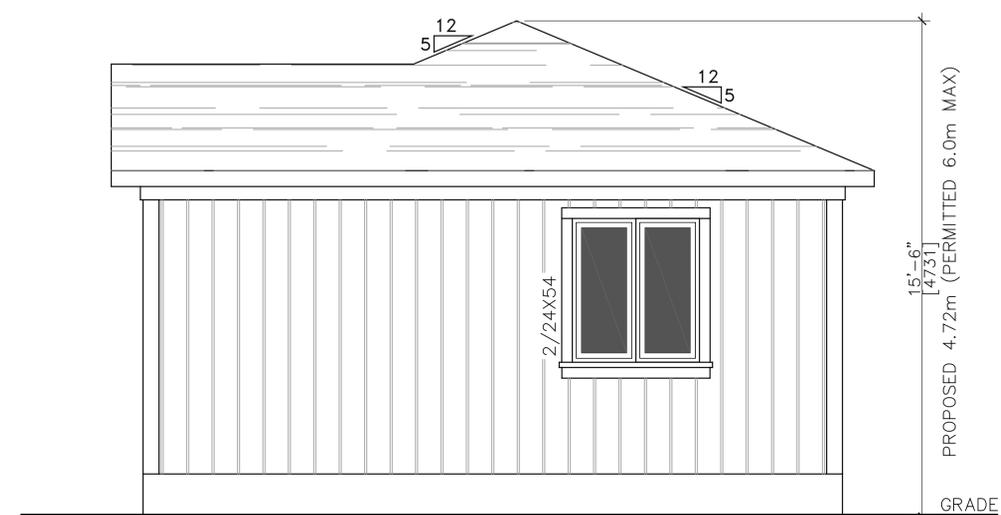
LEFT ELEVATION



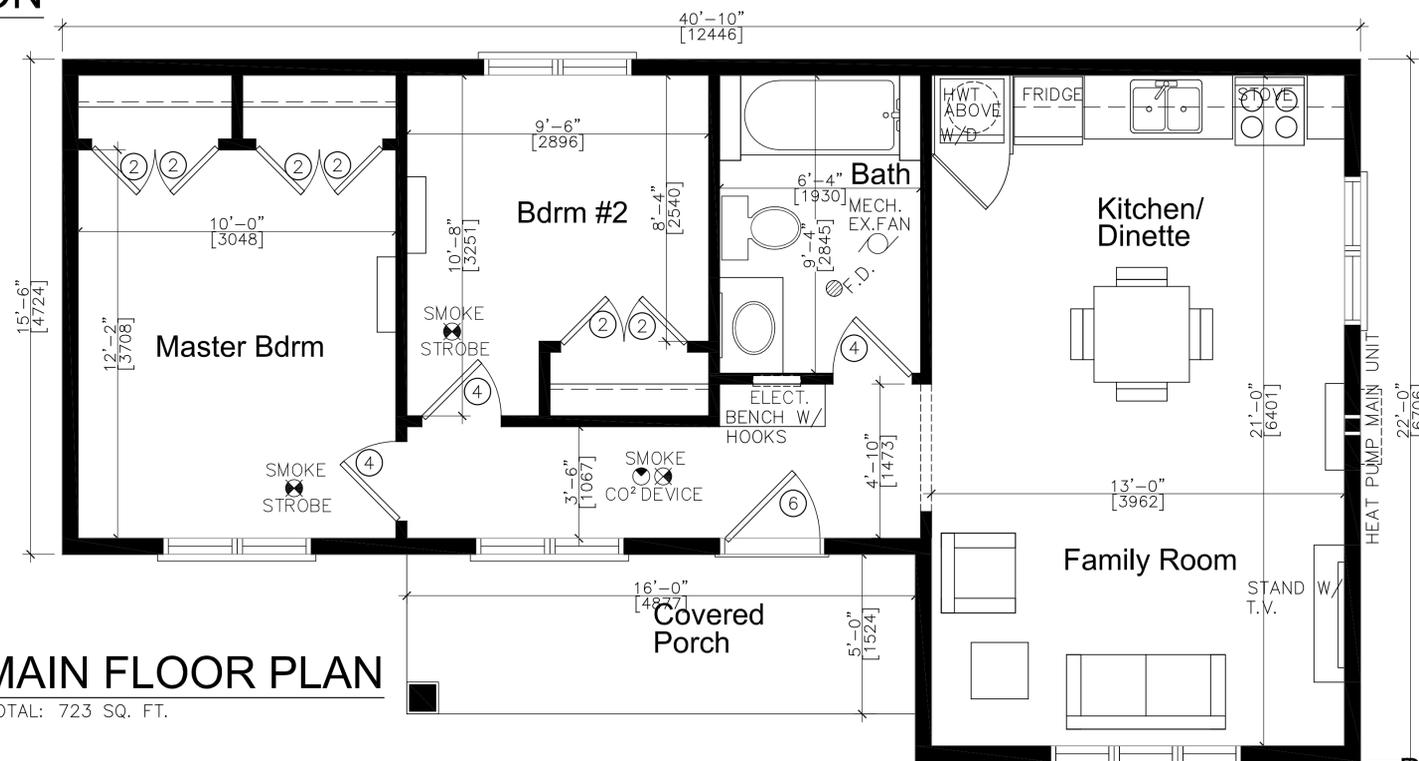
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



MAIN FLOOR PLAN

TOTAL: 723 SQ. FT.

DO NOT SCALE DRAWINGS

No.	DATE	DESCRIPTION
1.	11.24.22	ISSUED FOR MINOR VARIANCE
2.		
3.		
4.		
5.		
6.		
7.		
8.		

UNIQUE DESIGNS INC.



ELEVATIONS,  
FLOOR PLANS

SECONDARY DWELLING  
UNIT - DETACHED

SINGH  
RESIDENCE

185 GRAY RD.,  
STONE CREEK, ONT.

Drawn By	Scale
Date:	3/8"=1'-0"
Job Number	A1
111622	

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

QUALIFICATION INFORMATION  
Required unless design is exempt under Div.C, Article 3.2.5.1 of the Building Code

MAURO FORTUNATO 15084  
Name Signature BCIN

REGISTRATION INFORMATION  
Required unless design is exempt under Div.C, Article 3.2.4.1 of the Building Code

UNIQUE DESIGNS INC 31090  
Firm Name BCIN

UNIQUE DESIGNS INC  
FOR MINOR VARIANCE ONLY!



Hamilton

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

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
Registered Owners(s)	AMRIT SINGH	
Applicant(s)		
Agent or Solicitor	MICHAEL SABELLI	

- 1.2 All correspondence should be sent to  Owner  Applicant  
 Agent/Solicitor
- 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 \_\_\_\_\_
- 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	185 GRAYS ROAD, STONEY CREEK		
Assessment Roll Number	-		
Former Municipality	-		
Lot	-	Concession	-
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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

PERMITTED PER "R6" 70% OF EXISTING DWELLING (70% OF 732 sq<sup>2</sup> = 512.4 sq<sup>2</sup>)  
 PROPOSED SECOND DWELLING OF 733 sq<sup>2</sup>

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

- SIZE OF LOT  
 - SIZE OF SECOND DWELLING NEEDED TO ACCOMMODATE FAMILY

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
15.035m	40.76m	612.83m <sup>2</sup>	20m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
DWELLING	8.83m	24.59m	1.21m & 4.511m	± 25 YEARS

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
SECONDARY DWELLING	17.130m	1.219m	1.219m & 1.196m	PROPOSED

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
DWELLING	68m <sup>2</sup>		2	6.7m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
SECONDARY DWELLING	67.17 <sup>2</sup>		1	4.73m

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)

4.6 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)
- 

- 4.7 Type of access: (check appropriate box)
- provincial highway
  - municipal road, seasonally maintained
  - municipal road, maintained all year
  - right of way
  - other public road
- 

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
SECONDARY DETACHED DWELLING UNIT

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
RESIDENTIAL

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:  
APPROXIMATELY 10 YEARS

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
SINGLE-DETACHED DWELLING UNIT

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
SINGLE-DETACHED DWELLING UNIT

7.4 Length of time the existing uses of the subject property have continued:  
MORE THAN 25 YEARS

7.5 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) \_\_\_\_\_

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

7.6 What is the existing zoning of the subject land? "R6"

7.8 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:

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes  No

If yes, please provide the file number:

---

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

8.3 Additional Information (please include separate sheet if needed):

**11 COMPLETE APPLICATION REQUIREMENTS**

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- ELEVATIONS, FLOOR PLANS
- \_\_\_\_\_



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:03</b>	<b>SUBJECT PROPERTY:</b>	8 CLARE AVENUE, HAMILTON
<b>ZONE:</b>	"C/S-1436b & C/S-1822" (Urban Protected Residential – Beach Boulevard Bayside)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 99-170 & 19-277

**APPLICANTS:** Owner: P. Redding

The following variances are requested:

1. A minimum side yard of 0.45m shall be provided instead of a minimum side yard of 1.7m.
2. A minimum rear yard of 2.0m shall be provided instead of a minimum rear yard of 4.5m.

**PURPOSE & EFFECT:** To permit the development of a detached garage.

**Notes:**

- i. The site plan submitted is lacking detail to determine all necessary variances.
- ii. Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>2:20 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>

HM/A-23:03

	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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HM/A-23:03



 Subject Lands

DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

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## PARTICIPATION PROCEDURES

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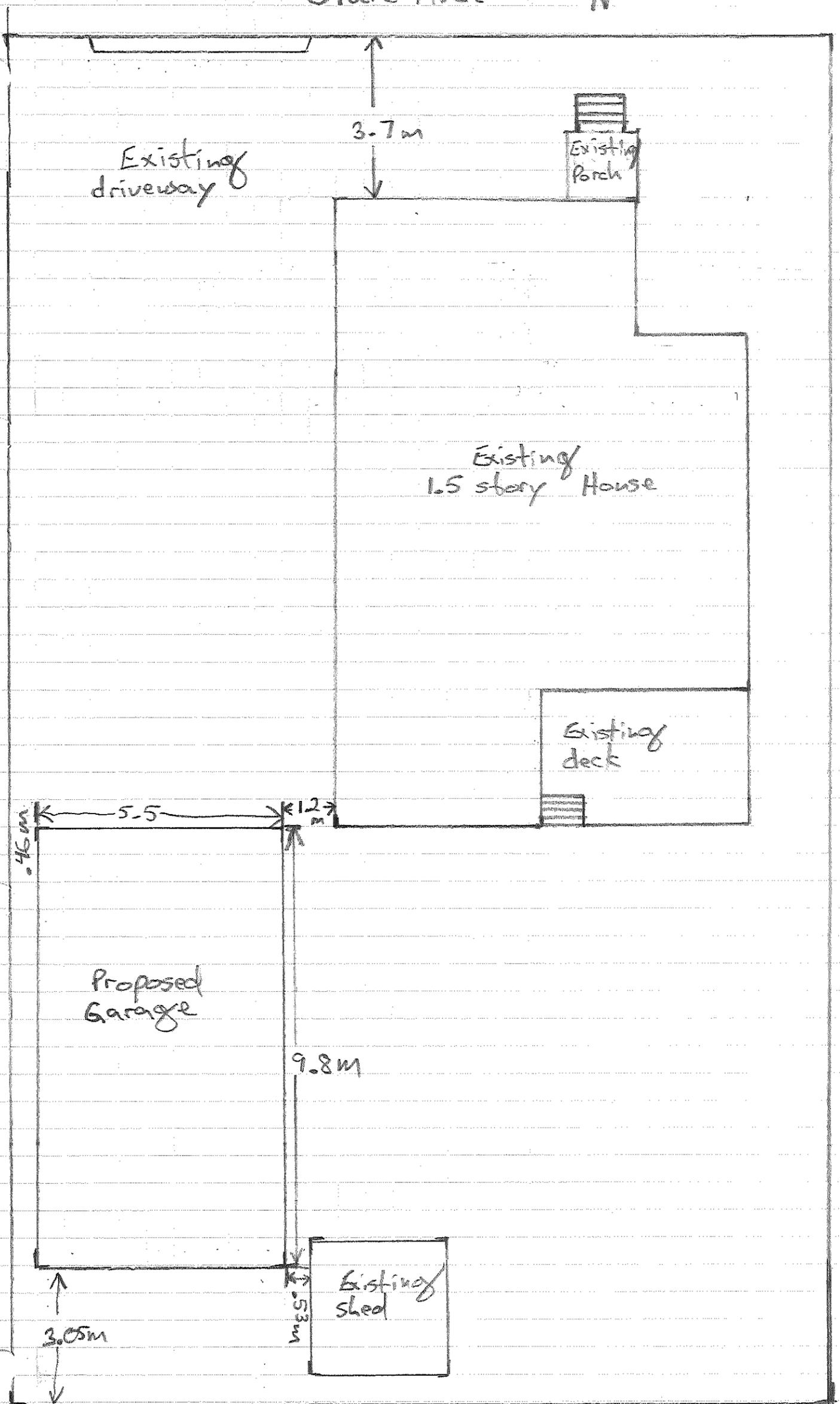
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#### 2. In person Oral Submissions

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

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





Hamilton

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

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
Registered Owners(s)	Pete Redding		
Applicant(s)	Same as owner		
Agent or Solicitor			Phone:
			E-mail:

- 1.2 All correspondence should be sent to  Owner  Applicant  
 Agent/Solicitor
- 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 \_\_\_\_\_
- 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	8 Clare Ave.		
Assessment Roll Number	05051105830		
Former Municipality	Hamilton Beach		
Lot	110, 109	Concession	
Registered Plan Number	62R-20495	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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

1: To have the side lot and rear lot setbacks changed from 1.7m to .46m and 4.5m to 2.0

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

It will put the propped garage in an undesirable spot

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
18.29m	30.48m	557.48sqm	7.3m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
House	3.66m	13.71m	7.37m	1940
Garden Shed	27.4m	.2 m	7.37m	2009

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Garage	16.46m	3m	.46m	2023

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
House	108.23m <sup>2</sup>	108.23m <sup>2</sup>	1.5	6.45m
Garden shed	9.3m <sup>2</sup>	9.3m <sup>2</sup>	1	2.7m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Garage	53.9m <sup>2</sup>	53.9m <sup>2</sup>	1	4m

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)
- 

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)
- 

4.6 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)
- 

- 4.7 Type of access: (check appropriate box)
- provincial highway
  - municipal road, seasonally maintained
  - municipal road, maintained all year
- right of way
  - other public road
- 

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
Add a storage garage

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4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
single detached dwelling(s)

---

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:  
April 7, 2017

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7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
City owned lot

---

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
side yard

---

7.4 Length of time the existing uses of the subject property have continued:  
30+ years

---

7.5 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) \_\_\_\_\_

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

7.6 What is the existing zoning of the subject land? C/S-1436b

---

7.8 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:

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes  No

If yes, please provide the file number:

---

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- \_\_\_\_\_
- \_\_\_\_\_





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:06</b>	<b>SUBJECT PROPERTY:</b>	49 GREENFORD DRIVE, HAMILTON
<b>ZONE:</b>	"D" (Urban Protected Residential – One- and Two-Family Dwellings)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 67-144, 10661 & 10662

**APPLICANTS:** Owner: S. & G. Awan  
Agent: Architect Caprija Corporation – M. Raja

The following variances are requested:

1. A minimum rear lot line setback of 0.94 m shall be permitted for the Detached Secondary Dwelling Unit instead of the minimum required 1.2 m rear lot line setback.
2. The landscape strips within each required side yard adjacent to the Detached Secondary Dwelling Unit shall not be required to be provided.
3. The Detached Secondary Dwelling Unit shall be permitted to be located 1.22 m from the northerly flankage lot line, which is closer than the principal dwelling's flankage lot line setback of 4 m, instead of being required to be located further from the flankage street than the principal dwelling.
4. The 1.0m wide unobstructed path leading from a street line to the entrance of the Detached Secondary Dwelling Unit shall not be required to be provided.
5. The Detached Secondary Dwelling Unit shall be located 7.42 m from the principal dwelling instead of the minimum required separation distance of 7.50 m.
6. A total lot coverage for all accessory buildings equal to 33.62% of the lot area shall be permitted instead of the maximum permitted 25% of the lot area.
7. A minimum landscaped area of 12.0 sq m shall not be required to be provided within the rear yard.

**HM/A-23:06**

**PURPOSE & EFFECT:** To facilitate the construction of an addition to the existing detached accessory building in the rear yard, which will contain a Detached Secondary Dwelling Unit:

**Notes:**

i. This review is based upon the site plan submitted and the statistics included therein. As full plans (floor plans and elevations) of all existing and proposed buildings have not been submitted and the site plan does not include all necessary details, this zoning review is incomplete and additional variances may be required in future. This review is based upon the following design requirements being implemented:

- All lawfully established parking spaces shall be maintained unaltered and no new parking spaces shall be established;
- All existing driveways shall remain unaltered;
- The Detached Secondary Dwelling Unit shall contain no more than two (2) bedrooms;
- Any eave of the Detached Secondary Dwelling Unit shall project no more than 0.3 m from the rear wall or north side wall
- The Detached Secondary Dwelling Unit shall not exceed 6 m in height and shall not include balconies or rooftop patios
- The gross floor area, as defined, of the Detached Secondary Dwelling Unit shall not exceed 75 sq m

If the proposal deviates from any of the above design aspects, additional variances may be required. Additional review will be required in future due to incompleteness in the submission, which may result in additional variances.

- ii. With respect to lot coverage, the variance has been written as requested by the applicant. However, please note that the maximum permitted lot coverage of 25% of the lot area is for all accessory buildings, and not all buildings. Sufficient information has not been provided to accurately determine the lot coverage of all accessory buildings. As such, this variance may not be required.
- iii. With respect to the required unobstructed path leading from a street line to the entrance of the Detached Secondary Dwelling Unit, this has not been shown in the site plan. Additionally, building entrance locations for the Detached Secondary Dwelling Unit have not been identified. As such, a variance has been identified for not providing the required path. The required path may not traverse or occupy portions of a driveway without approval of a variance permitting this.
- iv. With respect to landscaping, the site plan does not identify proposed landscaped areas or surface materials in the rear yard. Aerial photography appears to indicate significant hard surfaced areas within the rear yard, including within the required side yards adjacent to the Detached Secondary Dwelling Unit. Please note that a swimming pool does not constitute landscaped area.
- v. Please note that the north arrow in the site plan is inaccurate and should be corrected in future submissions. Additionally, the street abutting the northerly flankage lot line is Neil Avenue and not Greenford Drive.

**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-23:06**

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>2:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
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**PUBLIC INPUT**

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

**Orally:** If you would like to speak to this item at the hearing you may do so via video link, 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.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:06, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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HM/A-23:06



 Subject Lands

DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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## PARTICIPATION PROCEDURES

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

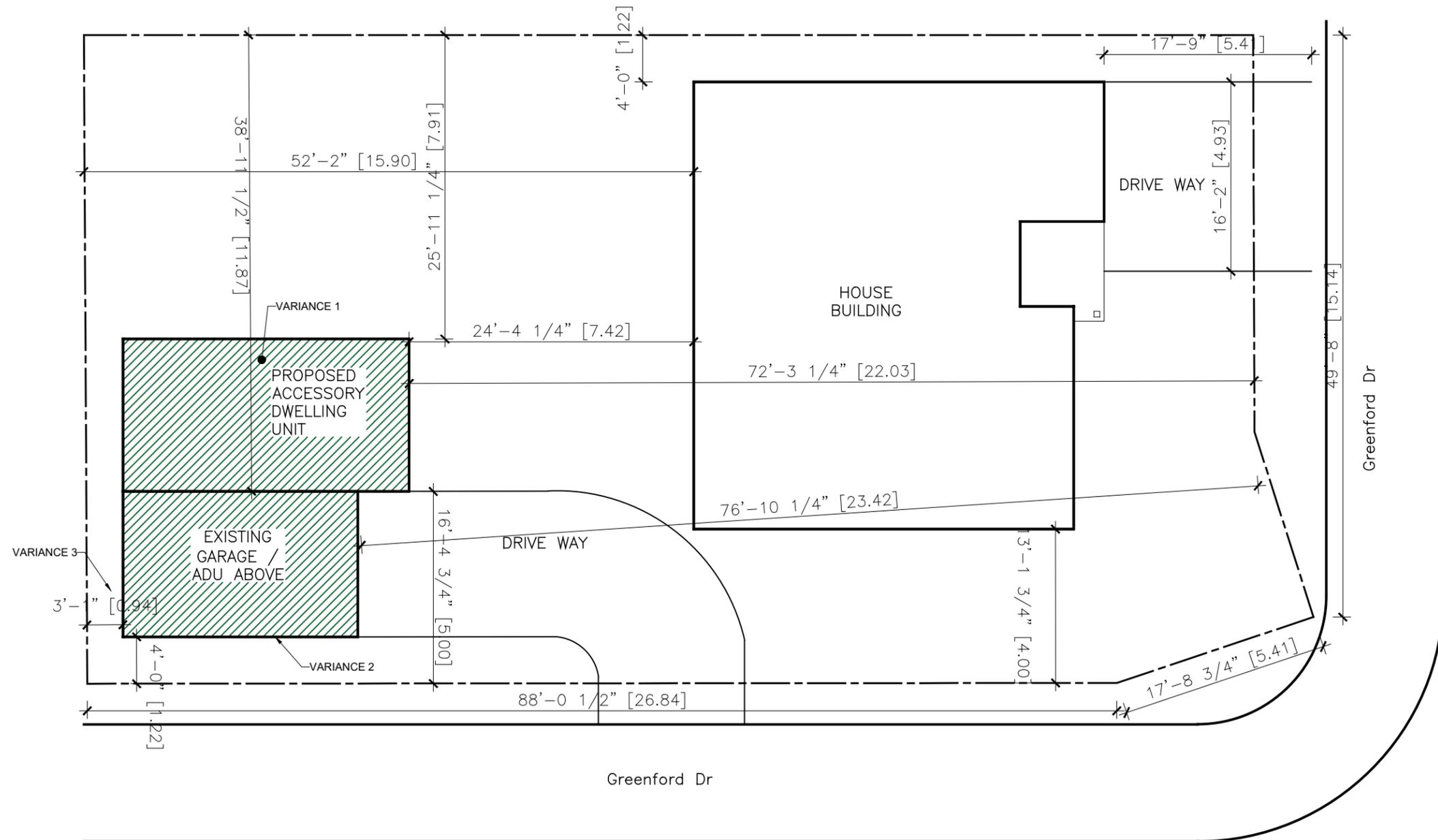
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

# ACCESSORY DWELLING UNIT

49 Greenford Dr, Hamilton, ON L8G 2G6



Area Statement		
BUILDING AREA	1238	1238
GARAGE AREA	249.36	249.36
ADU		320
TOTAL AREA	1487.36	1807.36
SITE AREA	5549.92	5549.92
PERCENTAGE	26.80%	32.56%



ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE DESIGNER.

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER.

DRAWINGS NOT TO BE SCALED AND REPRODUCED.

ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

THESE DRAWINGS ARE PREPARED ONLY FOR MENTIONED BELOW APPROVAL, NOT TO BE USED FOR ANY OTHER PURPOSE AND CONSTRUCTION

1	ISSUED FOR MINOR VARIANCE	DEC. 2022
No.	ISSUED	DATE

STRUCTURE/MEP ENGINEER:

ARCHITECT **MAZHAR RAJA**

**CAPRIJA CORPORATION**  
 Architecture, Construction and  
 Project Management Consultants  
 1465 CLARK BLVD., MILTON, L9T 6M5  
 Tel: 647 693 6108, 647 969 9595  
 Email: info@caprija.com; Web: www.caprija.com

CLIENT  
**49 Greenford Dr, Hamilton, ON  
 L8G 2G6**

PROJECT  
**ACCESSORY DWELLING UNIT**

DRAWING  
**SITE PLAN**

PROJECT NO  
**222090**

DRAWN  
 SH

PLOTTED DATE  
 DEC. 20, 2022

SCALE  
 AS NOTED

CHECKED  
 MR



DWG. NO. **A1**

**1** SITE PLAN  
 A1 SCALE: 3/32"=1'-0"



Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
<b>Registered Owners(s)</b>		
<b>Applicant(s)</b>		
<b>Agent or Solicitor</b>		

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent info@caprija.com

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	49 Greenford Dr, Hamilton, ON L8G 2G6		
Assessment Roll Number	050441070600000		
Former Municipality			
Lot	25	Concession	
Registered Plan Number	PLAN 1304	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:

N/A

### 3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

- 1) Relief for lot coverage to 33.62% is requested where as permitted lot coverage is 25%.
- 2) Relief to build ADU over the existing detached garage which is not aligned with the house building. Setback of garage is 1.22m and the house setback is 3.56m. Relief for 2.34m for setback is
- 3) Relief for rear setback 0.94m (same as existing garage) where as required is 1.2m

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

It is not possible to build ADU-Detached otherwise.  
The garage is already built and same footing and first floor structure can be used for ADU on the side and on second floor.  
The new addition would be aligned with the existing garage.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
15.14	26.84	406.36	

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

## Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Main House Building	5.41	15.90	1.22, 4.0	01/01/1995
Garage	23.42	0.94	11.87, 1.22	01/01/2010

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Dwelling Unit	22.03	0.94	7.91, 1.22	05/01/2023

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

## Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Main House Building	114.97	172.45	2	9
Garage	23.17	23.17	1	4

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory Dwelling Unit	29.27	75	2	6

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Residential - Two Unit Dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Residential

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2012

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached dwelling

7.4 Length of time the existing uses of the subject property have continued:

30 years (approx.)

7.5 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) \_\_\_\_\_

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

It's all residential area and the proposed use is the same. Further, the proposed ADU is supporting the target of increased density of the urban areas.

7.6 What is the existing zoning of the subject land? Un-known \_\_\_\_\_

7.8 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: Un-known \_\_\_\_\_

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes  No

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

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

8.3 Additional Information (please include separate sheet if needed):

The proposed use, Two Unit Dwelling, will help to increase the density in urban area.

Year of the construction is estimated.





Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

### NOTICE OF PUBLIC HEARING Minor Variance

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:02</b>	<b>SUBJECT PROPERTY:</b>	1821 KING STREET E, HAMILTON
<b>ZONE:</b>	"C2" (Neighbourhood Commercial)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: F. Al Dabbagh  
Agent: S. Arfa

The following variances are requested:

1. A minimum setback of 0.59m shall be provided from Cameron Avenue South instead of the minimum setback of 1.5m required from a street.
2. A maximum setback of 5.5m shall be permitted from King Street East whereas the By-law permits a maximum 3.0m building setback from a street.
3. One (1) barrier free parking space shall be provided between the building and King Street East whereas the by-law prohibits parking spaces, driveways or aisle to be provided between a building façade and a street.
4. No Visual Barrier shall be provided along the rear (northerly) property line whereas the by-law requires a Visual barrier to be provided abutting a Residential zone.
5. Parking spaces and associated aisles shall be located 0.0m from a street line whereas the by-law requires parking spaces and aisles to be located a minimum 3.0m from a street line.
6. No planting strip shall be provided between the street line and the parking lot instead of the minimum required 3.0m wide Planting Strip.
7. A barrier free parking space shall be 3.5m x 5.3m instead of the minimum required barrier free parking space size of 4.4m x 5.8m.
8. A minimum aisle width of 4.8m shall be provided abutting each parking space instead of the

**HM/A-23:02**

minimum required 6.0m wide aisle width.

9. No on-site parking aisle shall be provided abutting a barrier free parking space instead of the minimum required 6.0m wide aisle width.
10. Seven (7) parking spaces shall be provided instead of the minimum required nine (9) parking spaces.

**PURPOSE & EFFECT:** To permit the construction of a new two (2) storey rear yard addition along with a second storey addition onto the existing one (1) storey commercial building.

**Notes:**

- i. These lands are subject to Site Plan Control.
- ii. This building is intended as a Medical Clinic (Dental Office) use on the ground floor along with two (2) dwelling units located on the second floor.

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>2:30 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
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**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

**HM/A-23:02**

registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:02, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

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## PARTICIPATION PROCEDURES

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#### 2. In person Oral Submissions

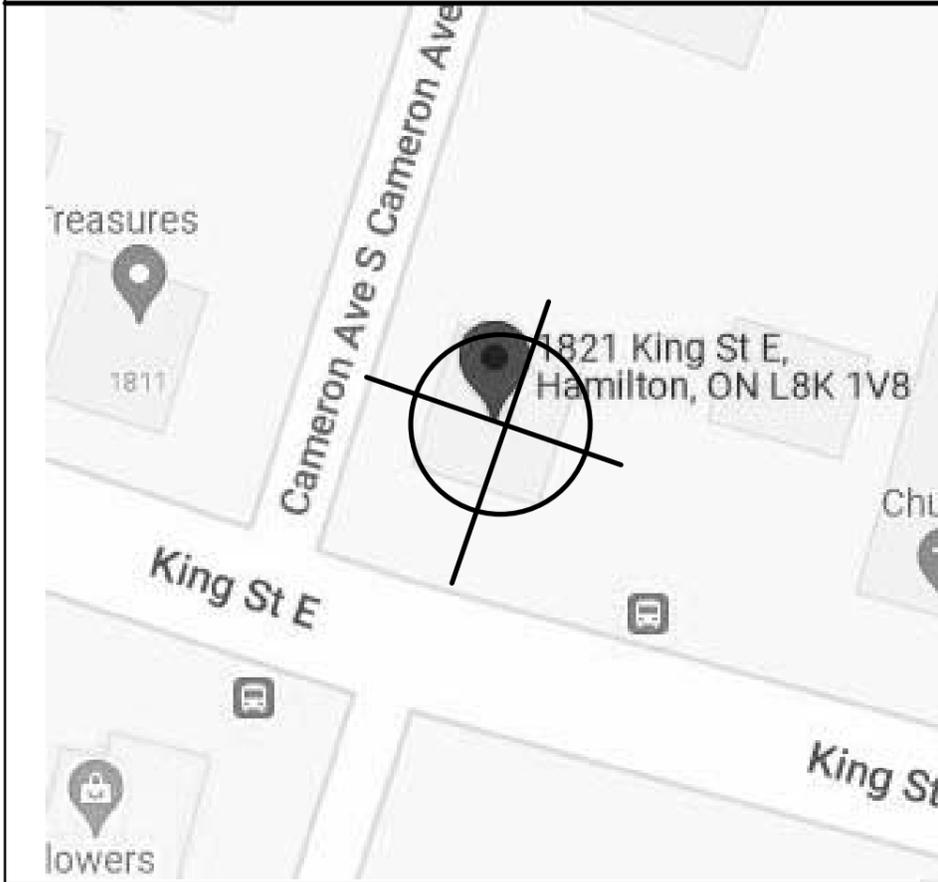
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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

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



# CITY OF HAMILTON



**GENERAL NOTES:**  
 All construction to adhere to these plans and spec's and to conform to the ontario code and all other applicable codes and authorities having jurisdiction. general contractor shall check and verify all dimintions and reports all errors and ommisions before proceeding with the work.

**QUALIFICATION INFORMATION**



NAME: SAHAR ARFA      FIRM NAME: ARFA DESIGN INC  
 BCIN: 107072      BCIN: 110518

I review and take responsibility for the design work on behalf of Arfa design inc registered under subsection 3.2.4 of devision c of the building code.in the appropriate classes categories

## ARFA DESIGN INC

**DESIGNER:** SAHAR ARFA  
**E:** SAHAR@ARFADESIGN.CA  
**D:** 416-8804280



<b>SCOPE OF WORK</b>	<ul style="list-style-type: none"> <li>• PROPOSED ADDITION ON BASEMENT, FIRST FLOOR ABD PROPOSED SECOND FLOOR</li> <li>• PROPOSED DENTAL OFFICE ON FIRST FLOOR</li> <li>• PROPOSED TWO RESIDENTIAL UNITS ON SECOND FLOOR</li> </ul>
<b>ADDRESS</b>	1821 King St E, Hamilton, ON L8K 1V8

**PROJECT NAME**  
 1821 KING STE

**DRAWING NAME**  
 COVER SHEET

**A00**  
 SCALE

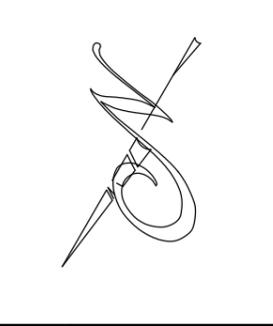


**GENERAL NOTES:**  
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**QUALIFICATION INFORMATION**

NAME: SAHAR ARFA  
 FIRM NAME: ARFA DESIGN INC  
 BCIN: 107072  
 BCIN: 110518

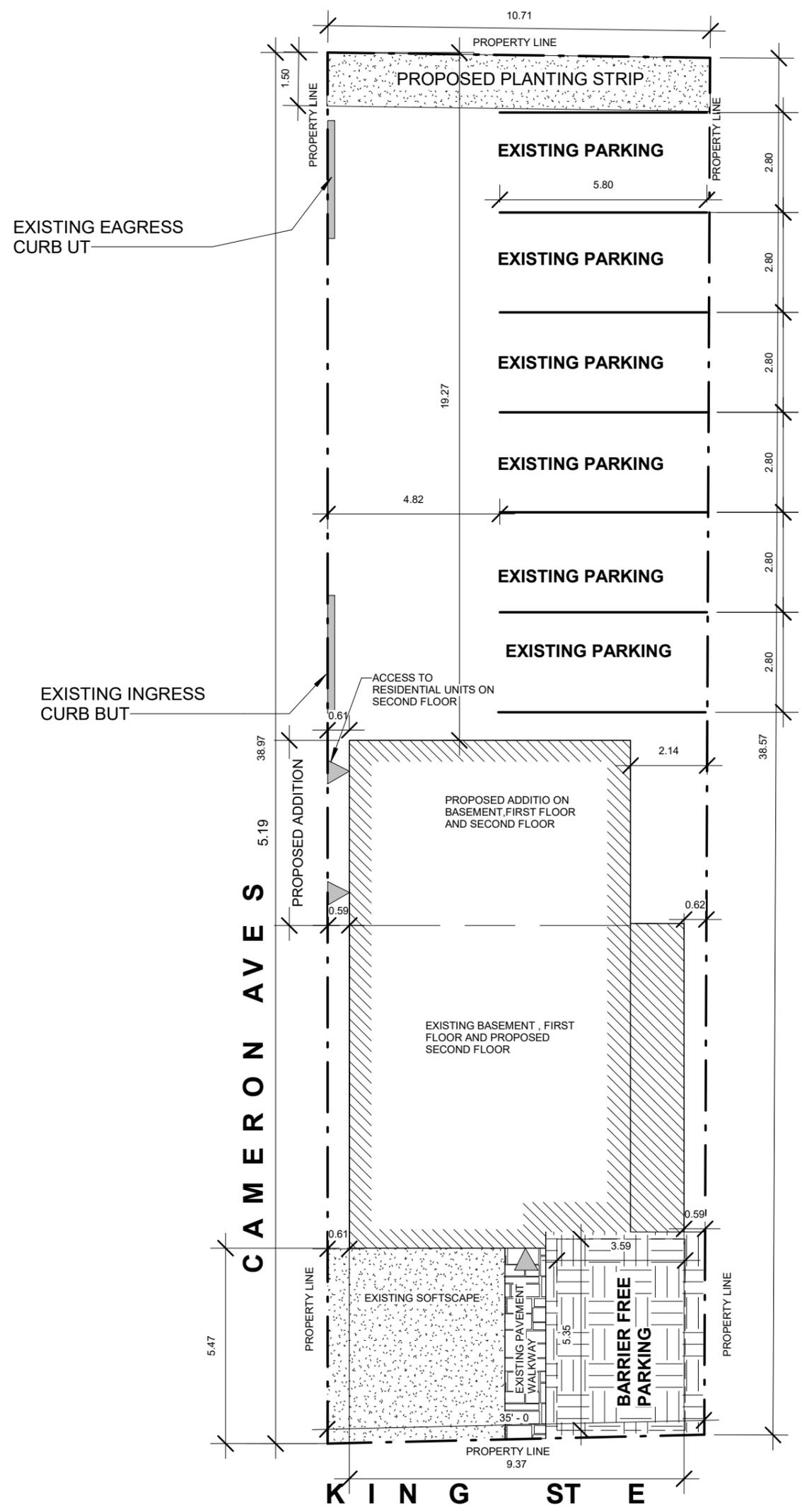
I review and take responsibility for the design work on behalf of Arfa design inc registered under subsection 3.2.4 of division c of the building code in the appropriate classes categories



**PROJECT NAME**  
 1821 KING STE

**DRAWING NAME**  
 SITE PLAN

**A01**  
 SCALE 1 : 140



**LOT STATISTIC**

DESCRIPTION	SQM
LOT AREA	412
EXISTING BASEMENT AREA	95.08
EXISTING FIRST FLOOR AREA	83.45
PROPOSED FIRST FLOOR	123.80
PROPOSED SECOND FLOOR AREA	110.90
USE OF FIRST FLOOR	DENTAL OFFICE
USE OF 2ND FLOOR	TWO RESIDENTIAL UNIT
EXISTING PARKING LOT	7 SPOT
PROPOSED HEIGHT	7.67 M
	ACCESS TO THE BUILDING

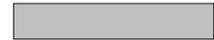
**EXISTING SITE PLAN**



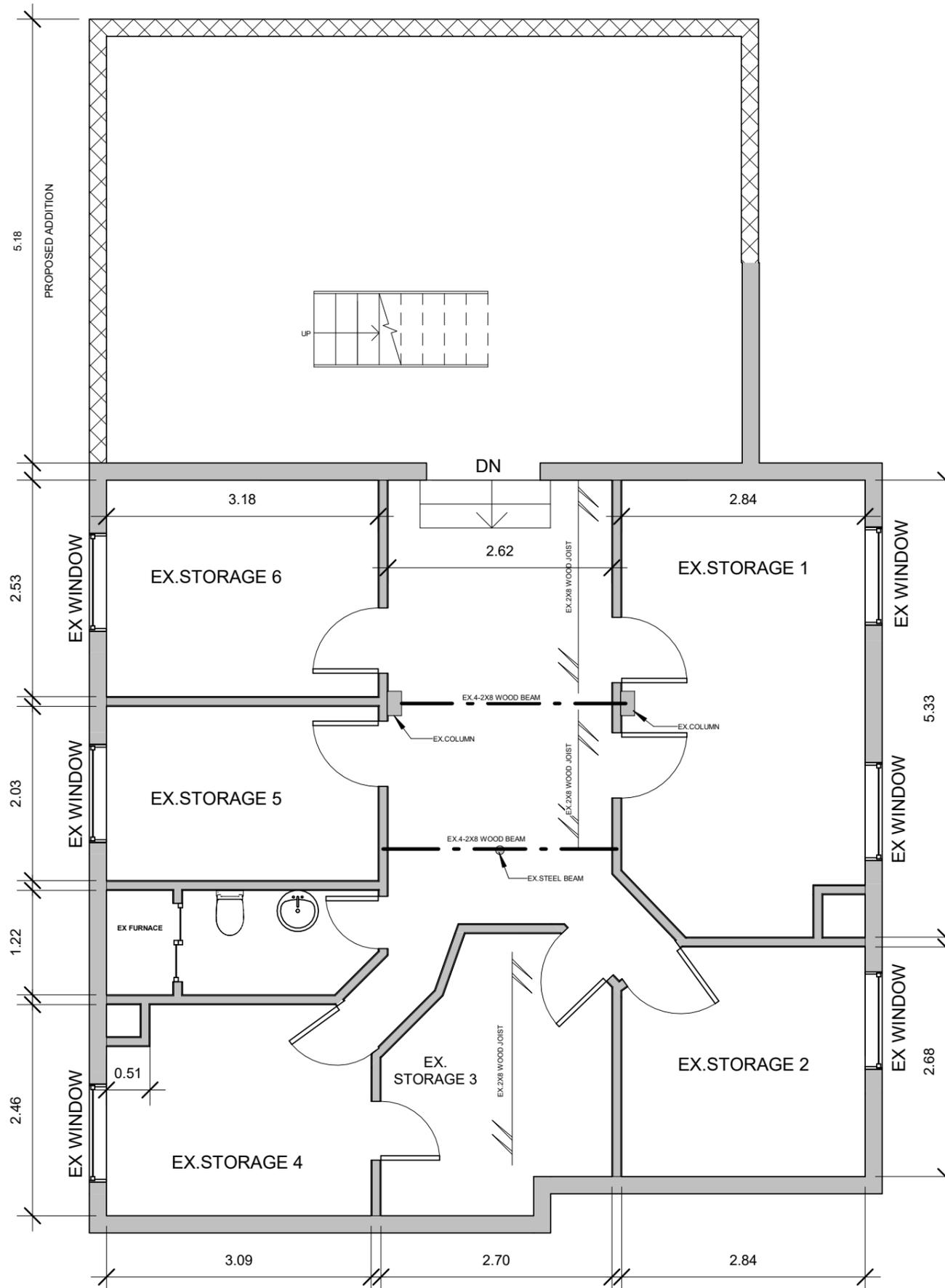
**LEGEND**



NEW FOUNDATION WALL



EXISTING FOUNDATION WALL TO REMAIN



**BASEMENT PLAN**

**GENERAL NOTES:**

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**QUALIFICATION INFORMATION**



NAME SAHAR ARFA FIRM NAME ARFA DESIGN INC  
 BCIN 107072 BCIN 110518

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**PROJECT NAME**

1821 KING STE

**DRAWING NAME**

BASEMENT

**A02**

SCALE 1 : 60

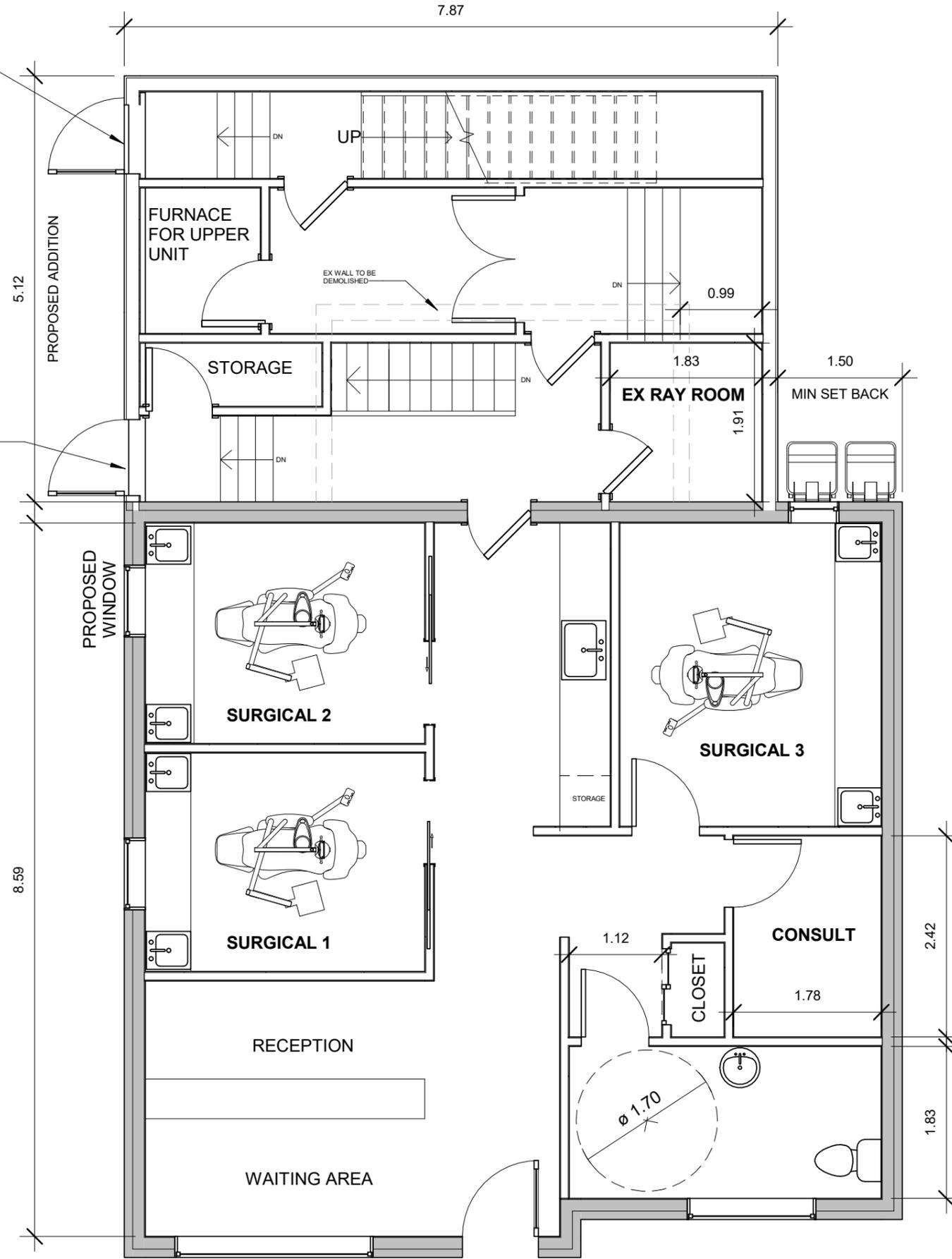


**LEGEND**

	NEW WALL
	EXISTING WALL TO REMAIN

ACCESS TO RESIDENTIAL UNITS ABOVE

ACCESS TO DENTAL OFFICE



**PROPOSED FIRST FLOOR**

**GENERAL NOTES:**

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**QUALIFICATION INFORMATION**



NAME SAHAR ARFA FIRM NAME ARFA DESIGN INC  
 BCIN 107072 BCIN 110518

I review and take responsibility for the design work on behalf of Arfa design inc registered under subsection 3.2.4 of deviation c of the building code.in the appropriate classes categories

PROJECT NAME

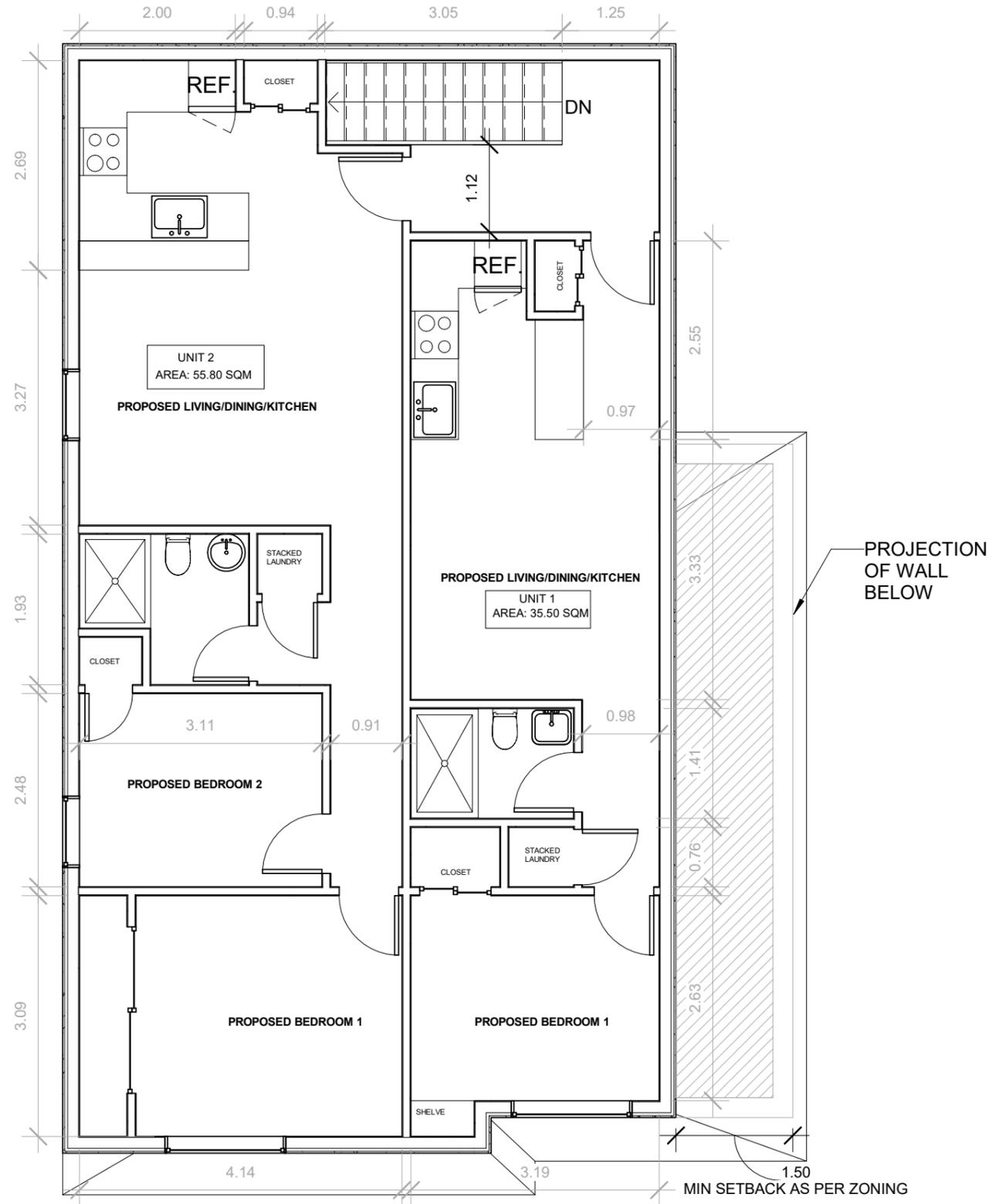
1821 KING STE

DRAWING NAME

PROPOSED FIRST FLOOR

A03

SCALE 1 : 60



**PROPOSED SECOND FLOOR**

**GENERAL NOTES:**

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**QUALIFICATION INFORMATION**



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 BCIN 107072 BCIN 110518

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**PROJECT NAME**

1821 KING STE

**DRAWING NAME**

SECOND FLOOR

**A04**

SCALE 1 : 70



**GENERAL NOTES:**

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**QUALIFICATION INFORMATION**



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 BCIN 107072 BCIN 110518

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**PROJECT NAME**

1821 KING STE

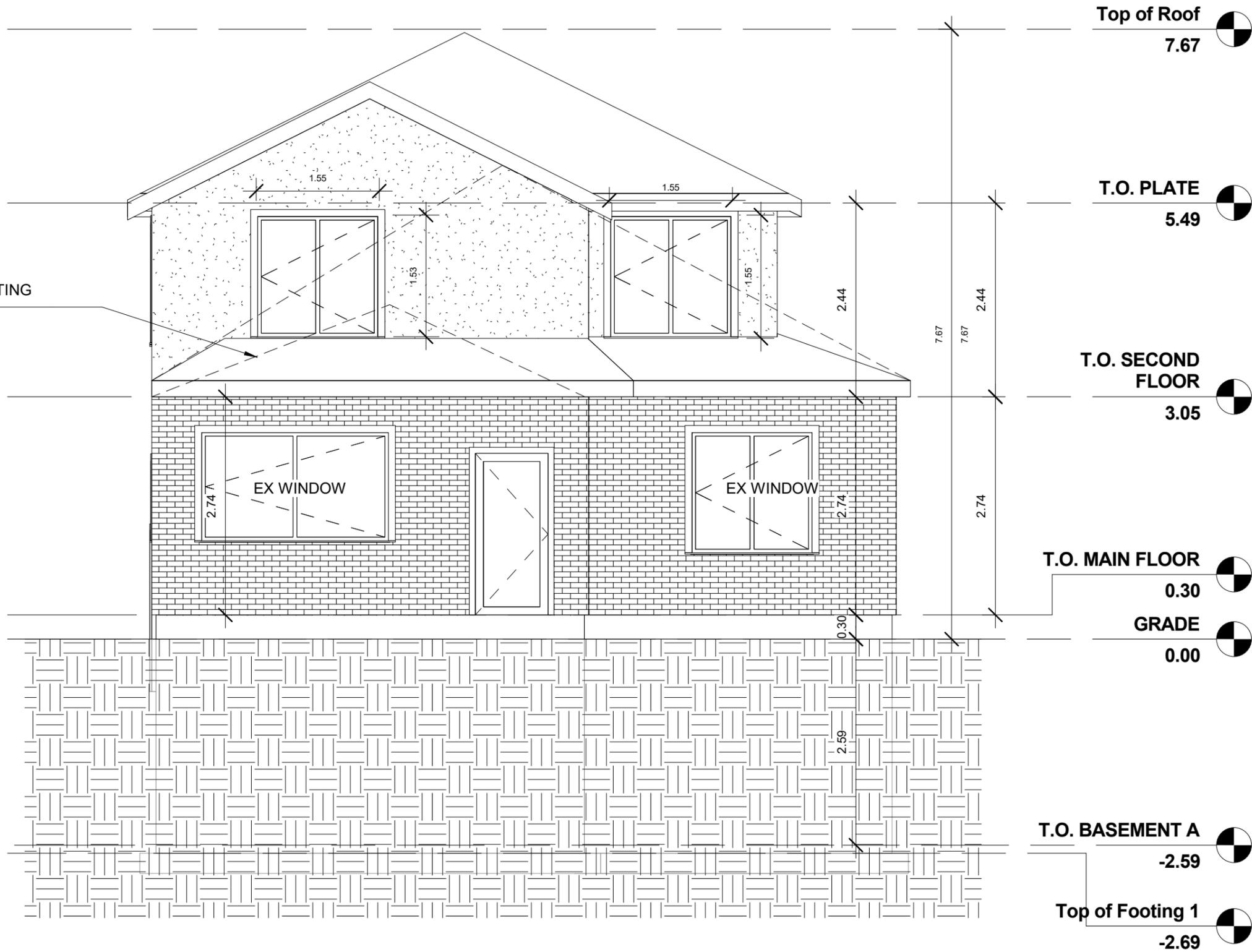
**DRAWING NAME**

FRONT ELEVATION

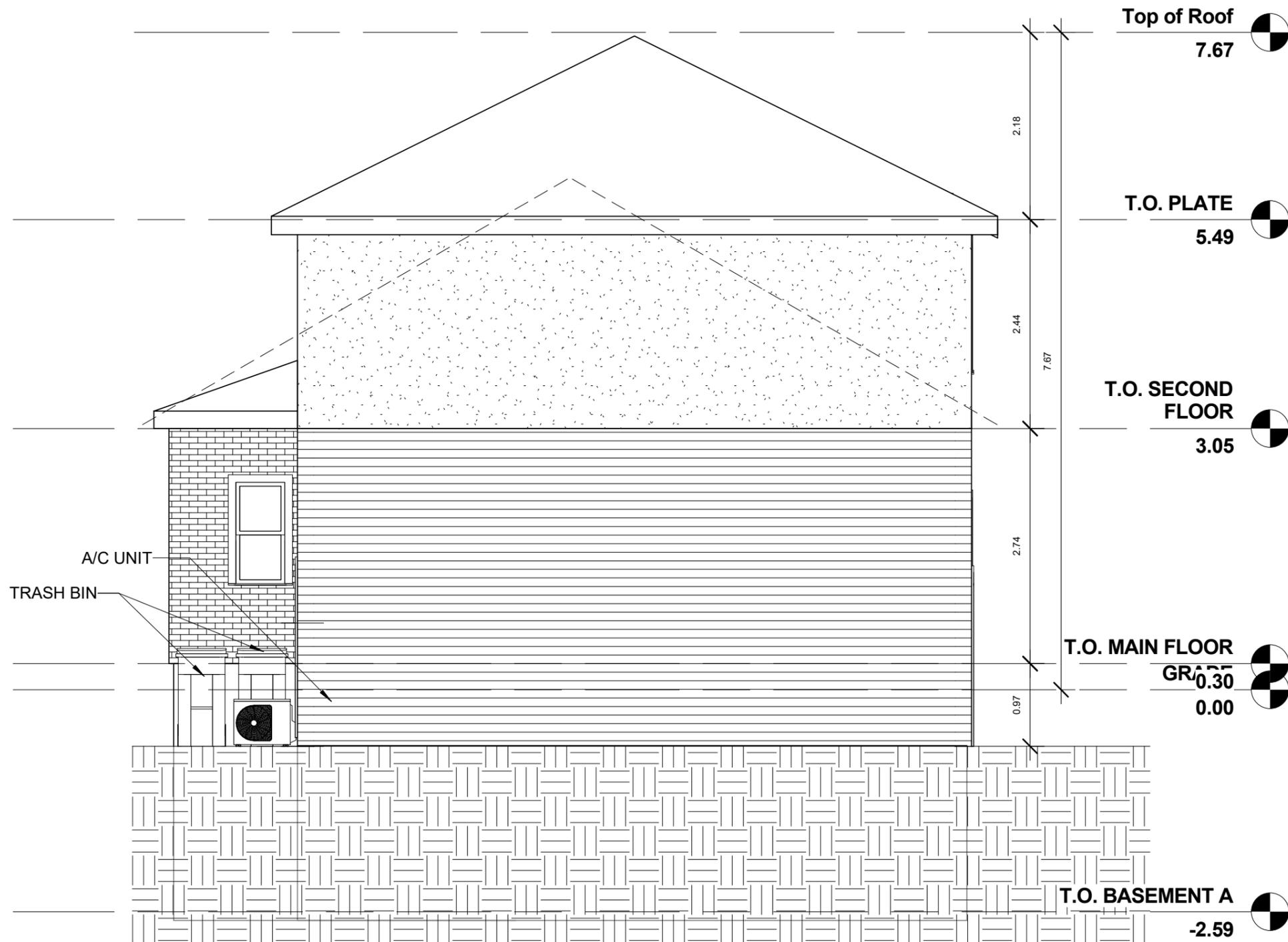
**A05**

SCALE 1 : 55

DASHLINE INDICATED EXISTING ROOF TO REMOVE



**FRONT ELEVATION**



**REAR ELEVATION**

**GENERAL NOTES:**

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**QUALIFICATION INFORMATION**



NAME	FIRM NAME
SAHAR ARFA	ARFA DESIGN INC
BCIN	BCIN
107072	110518

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PROJECT NAME

1821 KING STE

DRAWING NAME

REAR ELEVATION

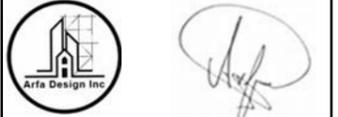
A06

SCALE 1 : 55



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**QUALIFICATION INFORMATION**



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 BCIN 107072 BCIN 110518

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**PROJECT NAME**

1821 KING STE

**DRAWING NAME**

WEST ELEVATION

**A07**

SCALE 1 : 70



**WEST ELEVATION**



**GENERAL NOTES:**  
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**QUALIFICATION INFORMATION**



NAME SAHAR ARFA FIRM NAME ARFA DESIGN INC  
 BCIN 107072 BCIN 110518

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**PROJECT NAME**

1821 KING STE

**DRAWING NAME**

EAST ELEVATION

A08

SCALE 1 : 60



**EAST ELEVATION**



**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
<b>Registered Owners(s)</b>	FIRAS AL DABBAGH	
<b>Applicant(s)</b>	SAHAR ARFA	
<b>Agent or Solicitor</b>	SAHAR ARFA	

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

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 SAHAR@ARFADESIGN.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	1821 King St E Hamilton, ON L8K 1V8		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

we are extending the first floor in the back the use of first floor is dental office. and also w

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

WE CANNOT PROVIDE ENOUGH PARKING SPOT

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
10.66	38.76	412	

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
ONE STOREY BUNGALOW OFFICE	5.22	21.87	0.59/ 0.62	N/A

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
TWO STOREY PROPOSAL ADDITION	5.22	19.20	2.14/0.6	MAY 2023

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ONE STOREY OFFICE BUNGALOW	94.13	83.45	1	5.96

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
FIRST FLOOR DENTAL OFFICE	FIRST FLOOR 123.80	109.139		7.67
PROPOSED SECOND FLOOR RESIDENTIAL	SECOND FLLOOR 110.90	107.63		
		TOTAL: 216.76		
			TOTAL STOREY: 2	

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)
- 

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)
- 

- 4.6 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)
- 

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
 DENTAL OFFICE ON FIRST FLOOR AND TWO RESIDENTIAL UNIT ON SECOND FLOOR

---

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

---

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

N/A

---

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

OFFICE

---

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

OFFICE

---

7.4 Length of time the existing uses of the subject property have continued:

N/A

---

7.5 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) \_\_\_\_\_

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

7.6 What is the existing zoning of the subject land? C2

---

7.8 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:

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes  No

If yes, please provide the file number:

---

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 2

8.3 Additional Information (please include separate sheet if needed):



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/B-23:01</b>	<b>SUBJECT PROPERTY:</b>	436 KING WILLIAM ST. & 16 STEVEN ST., HAMILTON
-------------------------	-------------------	--------------------------	--

**APPLICANTS:** Owner Sacajawea Non-Profit Housing Inc.  
Agent T. Johns Consulting

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land containing an existing 3-storey building and to retain a parcel of land for residential use.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	36.57 m <sup>±</sup>	irregular m <sup>±</sup>	475 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	5.88 m <sup>±</sup>	20.42 m <sup>±</sup>	129 m <sup>2</sup> ±

Associated Planning Act File(s): HM/B-21:45, previously approved lot addition and HM/A-21:207.

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>2:35 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**HM/B-23:01**

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-23:01, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 Subject Lands

DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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

**HM/B-23:01**

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.



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

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

### Oral Submissions During the Virtual Meeting

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

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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

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

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





MEMBER  
CONSULTING SURVEYORS OF ONTARIO

# KING WILLIAM STREET

(DEDICATED BY REGISTERED PLAN No. 43)  
P.I.N. 17180-0097 (LT)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

PLAN 62R-15036

DATE: MAY 14, 1999

RECEIVED AND DEPOSITED

DATE 1999 05 17

*J. Hilker*  
J. HILKER B.ED.

*J. P. Woolley* A.O.L.S.

LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

## SCHEDULE

PART	LOCATION	PROPERTY IDENTIFICATION
1	ALL OF LOT 28, REGISTERED PLAN No. 43 LYING NORTH OF KING STREET BETWEEN ASHLEY AND STEVEN STREETS	ALL OF P.I.N. 17180-0139 (LT)
2	PART OF ALLEY, REGISTERED PLAN No. 43 LYING SOUTH OF KING WILLIAM STREET BETWEEN ASHLEY STREET AND STEVEN STREET	PART OF P.I.N. 17180-0140 (LT)
3	PART OF LOT 27, REGISTERED PLAN No. 43 LYING NORTH OF KING STREET BETWEEN ASHLEY AND STEVEN STREETS	PART OF P.I.N. 17180-0138 (LT)

### PLAN OF SURVEY

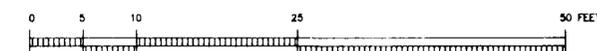
OF  
ALL OF LOT 28 AND  
PART OF LOT 27  
REGISTERED PLAN No. 43  
LYING NORTH OF KING STREET  
BETWEEN ASHLEY AND  
STEVEN STREETS AND  
PART OF ALLEY LYING SOUTH OF  
KING WILLIAM STREET BETWEEN  
ASHLEY STREET AND  
STEVEN STREET

THOMAS STINSON SURVEY  
IN THE

### CITY OF HAMILTON

REGIONAL MUNICIPALITY OF  
HAMILTON - WENTWORTH

SCALE 1" = 10 FEET



J. P. WOOLLEY O.L.S.

### BEARING NOTE

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERN LIMIT OF KING WILLIAM STREET AS SHOWN ON PLAN No. 62R-2972 HAVING A BEARING OF N 77° 43' 30" W.

### LEGEND

- denotes PLANTED MONUMENT
- denotes FOUND MONUMENT
- SIB denotes STANDARD IRON BAR
- SSIB denotes SHORT STANDARD IRON BAR
- IB denotes IRON BAR
- CC denotes CUT CROSS
- CP denotes CONCRETE PIN
- NI denotes NO IDENTIFICATION
- P1 denotes REGISTERED PLAN No. 43
- P2 denotes PLAN No. 62R-2972 BY MCKAY, MCKAY & PETERS O.L.S.
- P3 denotes PLAN No. 62R-8650 BY MCKAY, MCKAY & PETERS O.L.S.
- P4 denotes BUILDING LOCATION SURVEY BY E. BARICH O.L.S. DATED SEPTEMBER 28, 1986
- D1 denotes INSTRUMENT No. 227665

### SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

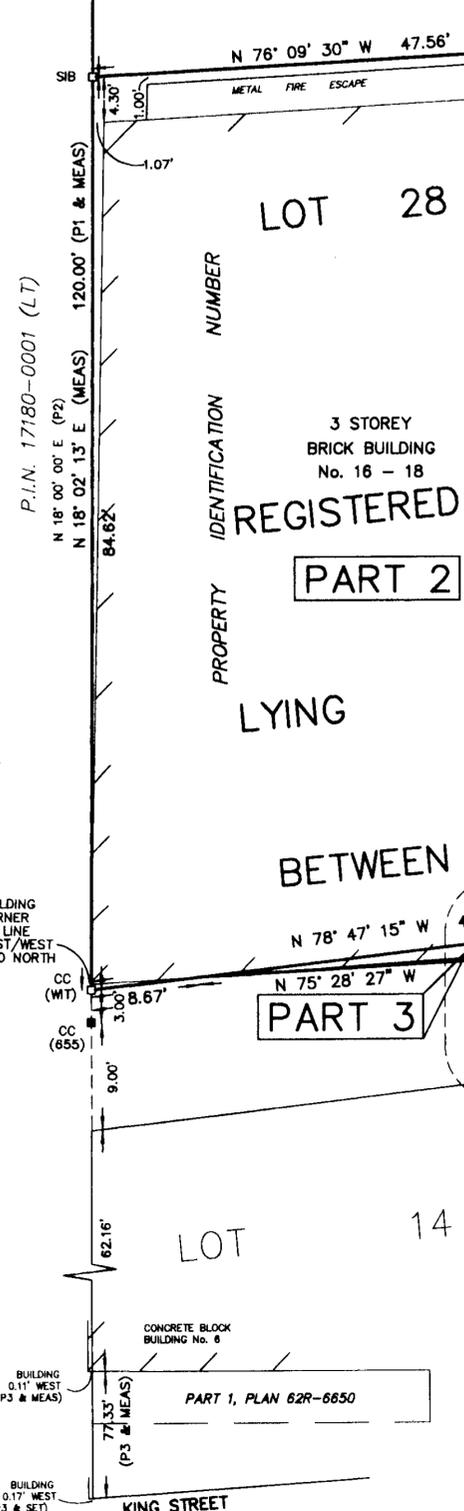
- 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- 2) THE SURVEY WAS COMPLETED ON MAY 11, 1999.

MAY 14, 1999  
DATE

*J. P. Woolley*  
J. P. WOOLLEY B.S.  
ONTARIO LAND SURVEYOR

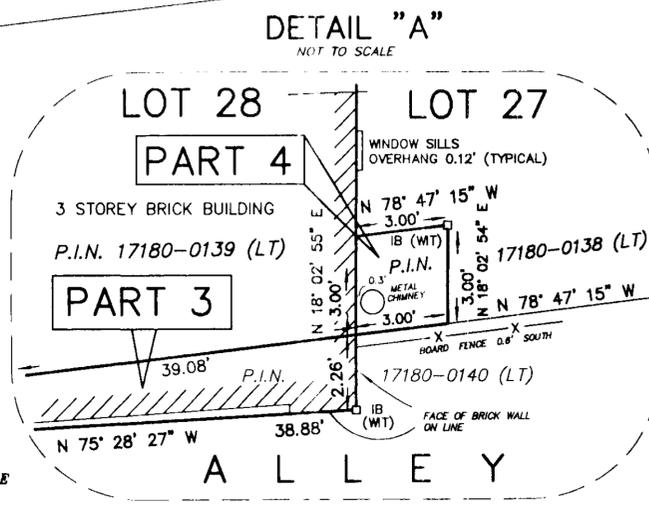
PROFESSIONAL LAND SURVEYORS	J. P. WOOLLEY SURVEYING LTD. 125 NAIRNE STREET, CALEDONIA ONTARIO N3W 1C4 PHONE (905) 765-0181 FAX 765-0677		
PARTY CHIEF G. SANDY	DRAWN BY J. HILKER	CHECKED BY J.P.W. O.L.S.	PROJECT No. 99-2006-2

STEVEN STREET  
(DEDICATED BY REGISTERED PLAN No. 43)



### IMPERIAL NOTE

DISTANCES SHOWN HEREON ARE IN FEET AND MAY BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048



January 13, 2023

*Via Email*

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

ATTENTION: Jamila Sheffield, Secretary-Treasurer

Dear Ms. Sheffield,

**RE: 16 Steven Street and 436 King William Street, Hamilton  
Committee of Adjustment - Consent to Sever**

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T. Johns Consulting Group Ltd. (“T. Johns Consulting”) is the retained agent on behalf of Sacajawea Non-Profit Housing Inc., the landowner of 16 Steven Street and 436 King William Street. T. Johns Consulting respectfully submits the enclosed Consent to Sever application.

#### **Site Description**

436 King William Street and 16 Steven Street (“subject lands”) are located in the Landsdale Neighbourhood on the south side of King William Street. The subject lands are an irregular shape with a total approximate site area of 604.4m<sup>2</sup> with  $\pm 5.88\text{m}$  of frontage onto King William Street and  $\pm 36.58\text{m}$  of frontage onto Steven Street.

#### **History of Planning Approvals**

436 King William Street and 16 Steven Street have been subject to a number of planning approvals, all of which have been approved and are in effect. The planning approvals are described below.

**436 King William Street** has been subject to an approved Consent for Lot Addition application, HM/B-21:45, to sever an area of 106.9m<sup>2</sup> from the rear yard to merge with 16 Steven Street. The Consent for Lot Addition was approved in August 2021 with a number of conditions. The conditions were cleared and a Consent Certificate was finalized and issued October 22, 2022. Additionally, the property has been subject to an approved Minor Variance application, HM/A-21:207, to facilitate the construction of a new two-family dwelling (i.e. duplex) with site specific zoning regulations including lot width, lot area, setbacks, parking and front yard landscaping. Building Permit 22 119606 00 is currently under review for a new two-storey duplex.

**16 Steven Street and the rear portion of 436 King William Street** has been subject to an approved rezoning application, File No. ZAC-22-09, to amend Zoning By-law No. 6593 through By-law No. 22-154 to permit a fifteen (15) unit multiple dwelling within the existing three-storey building. Building Permit No. 22 137800 00 has been issued to permit the conversion.

### Proposed Lot Creation

During the period of time conditions of HM/B-21:45 were being cleared and prior to the Consent Certificate being issued, 436 King William Street and 16 Steven Street merged on title. As such, the lot addition approval to add lands from 436 King William Street to 16 Steven Street became ineffective as they had become one (1) property.

As such, a Consent to Sever application is required to retain 436 King William Street as a 129.3m<sup>2</sup> parcel (i.e. Parts 1 and 2) and sever 16 Steven Street as a 475.1m<sup>2</sup> parcel (i.e. Part 3) (**refer to the submitted Consent Sketch**). The enclosed Consent to Sever application maintains the intent of By-law No. 22-154 and the approved HM/B-21:45 application.

Further, T. Johns Consulting does request that conditions of the requested Consent to Sever application be limited to administrative items (i.e. deposit of R-Plan prepared by an O.L.S. and Statement of Account) to account for the condition clearances of HM/B-21:45 and Building Permit 22 137800 00 to streamline the consent certificate and registration of the newly created lots, subject to an approved application.

T. Johns Consulting respectfully requests for the circulation of this letter along with the following enclosed documents in support of the proposed Consent to Sever application.

### **Please find the enclosed documents:**

#### **Consent to Sever:**

- Consent to Sever application with signatures;
- Copy of cheque in the amount of \$3,220.00 made payable to City of Hamilton;
  - Note a cheque for \$3,220.00 was delivered to City Hall January 13, 2023.
- Survey Plan;
- Consent Sketch.

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

Respectfully submitted,  
**T. JOHNS CONSULTING GROUP LTD.**



**Katelyn Gillis, BA**  
Intermediate Planner

Cc: Sacajawea Non-Profit Housing Inc. c/o Ms. M. MacAulay  
Tim Welch Consulting Inc. c/o Mr. T. Welch



Hamilton

**Committee of Adjustment**

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

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR CONSENT TO SEVER LAND  
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*	N/A		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.

\*\* 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 kgillis@tjohnsconsulting.com

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	16 Steven Street and 436 King William Street		
Assessment Roll Number			
Former Municipality	City of Hamilton		
Lot	28 and Part of 27	Concession	
Registered Plan Number	43	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:

Encroachment Agreement No. WE599015 and VM1227665 and VM123764 to permit a building encroachment onto City laneway and overhanging cornice, respectively.

## 3 PURPOSE OF THE APPLICATION

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

- creation of a new lot(s)  concurrent new lot(s)  
 addition to a lot  a lease  
 an easement  a correction of title  
 validation of title (must also complete section 8)  a charge  
 cancellation (must also complete section 9)  
 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:

N/A - Sacajawea to maintain ownership over both parcels.

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

N/A

### 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, m<sup>2</sup> or ha), attach additional sheets as necessary.

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

Identified on Sketch as:	Parts 1 and 2	Part 3			
Type of Transfer	N/A				
Frontage	5.88m	36.57m			
Depth	20.42m	Irregular			
Area	129.3m <sup>2</sup>	475.1m <sup>2</sup>			
Existing Use	Residential	Vacant			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	2-storey single family dwelling	3-storey brick building			
Proposed Buildings/ Structures	2-storey duplex	No new buildings proposed.			
Buildings/ Structures to be Removed	2-storey single family dwelling	N/A			

\* 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: \_\_\_\_\_

**6 HISTORY OF THE SUBJECT LAND**

- 6.1 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, provide the appropriate application file number and the decision made on the application.

HM/B-21:45 - Final Approved for a lot addition from 436 King William St. to 16 Steven St.

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

- 6.3 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.

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- 6.4 How long has the applicant owned the subject land?

January 6, 2023

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- 6.5 Does the applicant own any other land in the City?       Yes       No
- If YES, describe the lands below or attach a separate page.

123 Cathcart Street, 20 Albany Street, 31 Cambridge Avenue, 69 Clyde Street, 61 Connaught Avenue S, 150 Harmony Avenue, 48 Harvey Street, 129 Lottridge Street, 14 Nightingale Street, 31 Oak Street, 129 Stirton Street, 69 Belview Avenue, 141 East 23rd Street, 2 East 22nd Street, 84 Huxley Avenue, 279 Julian Street, 155 Rosslyn Avenue, 14 Tragina Avenue

---

**7 PROVINCIAL POLICY**

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?
- Yes       No      (Provide explanation)

Lands are within an existing urban settlement area with municipal servicing.

---

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

Lands are within an existing urban settlement area with municipal servicing.

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

Subject lands will provide a mix of housing types within a delineated urban area with access to servicing, transit and other supportive land uses.

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- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?
- Yes       No      (Provide explanation)
-

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Maintain the existing lotting pattern of the historical neighbourhood to permit a mix of residential dwelling types.

- 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? 16 Steven: DE-3/S-1820  
436 King William: D/S-1822 and HM/A - 21:207

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

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

7.5 Are the subject lands subject to the Parkway Belt West Plan?  
 Yes  No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?  
 Yes  No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?  
 Yes  No (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?  
 Yes  No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?  
 Yes  No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

## 9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?  
 Yes  No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?  
 Yes  No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

**10 ADDITIONAL INFORMATION - FARM CONSOLIDATION****10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

**10.2 Location of farm consolidation property:**

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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 consolidation property.

**10.4 Description of farm consolidation property:**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

**10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

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

**10.7 Description of surplus dwelling lands proposed to be severed:**

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

Front yard set back: \_\_\_\_\_

**a) Date of construction:**

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

**b) Condition:**

- Habitable       Non-Habitable





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:05</b>	<b>SUBJECT PROPERTY:</b>	99 AUGUSTA STREET, HAMILTON
<b>ZONE:</b>	"R1a" (Low Density Residential – Small Lot)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: J. Thorn & D. Minns  
Agent: Len Angelici Design – L. Angelici

The following variances are requested:

1. A minimum setback of 0.0m from the front lot line shall be permitted instead of the minimum 3.0m setback from the front lot line required.

**PURPOSE & EFFECT:** To facilitate the construction of a proposed 3.78m<sup>2</sup> covered porch;

**Notes:**

1. Should this variance be approved, a porch, deck, or canopy will be permitted to encroach up to the front lot line.
2. It is noted that the proposed construction traverses the front lot line and projects a total of 1.37m into the Augusta Street road allowance. As such, An Encroachment Agreement with the Public Works Department may be required for the portion of the front porch steps shown to encroach on the Road Allowance.

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>2:40 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>

**HM/A-23:05**

	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:05, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-23:05



 Subject Lands

DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

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







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

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

## APPLICATION FOR A MINOR VARIANCE

**FOR OFFICE USE ONLY.**

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

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

### The Planning Act

#### Application for Minor Variance or for Permission

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

	NAME	MAILING ADDRESS	
1, 2 <b>Registered Owners(s)</b>	[REDACTED]	[REDACTED]	Phone: [REDACTED]
			E-mail: [REDACTED]
<b>Applicant(s)*</b>	[REDACTED]	[REDACTED]	Phone: [REDACTED]
			E-mail: [REDACTED]
<b>Agent or Solicitor</b>			Phone:  E-mail:  

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

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

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

4. Nature and extent of relief applied for:

RELIEF FROM FRONT SETBACK OF 3.0m TO 1.37m BEYOND THE FRONT LOT LINE

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

LOCATION OF EXISTING DWELLING DOES NOT ALLOW FOR RECONSTRUCTION OF FRONT PORCH TO COMPLY WITH REQUIRED SETBACKS.

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

99 AUGUSTA ST  
HAMILTON, ON  
L8N 1R3

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



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:11</b>	<b>SUBJECT PROPERTY:</b>	553 JAMES STREET N, HAMILTON
<b>ZONE:</b>	"D" (Urban Protected Residential – One- and Two-Family Dwellings and ETC.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: 2841708 Ontario inc.  
Agent: Perspective Views – M. Ribau

The following variances are requested:

1. The use of restaurant shall be permitted.

**PURPOSE & EFFECT:** To facilitate the establishment of a restaurant on the ground floor of an existing mixed-use building.

**Notes:**

1. Building Division records indicate that the recognized use of the property is a convenience store on the ground floor, which may be legally established non-conforming provided that it has continuously existed since prior to the passing of Hamilton zoning By-law 6593 on July 25, 1950 until present, and one (1) dwelling unit above.
2. Parking details have not been provided, note that as per section 18A table 1, parking for a restaurant shall be provided at a rate of; 1 space per 6 persons who may be lawfully accommodated.

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>2:45 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>

**HM/A-23:11**

	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

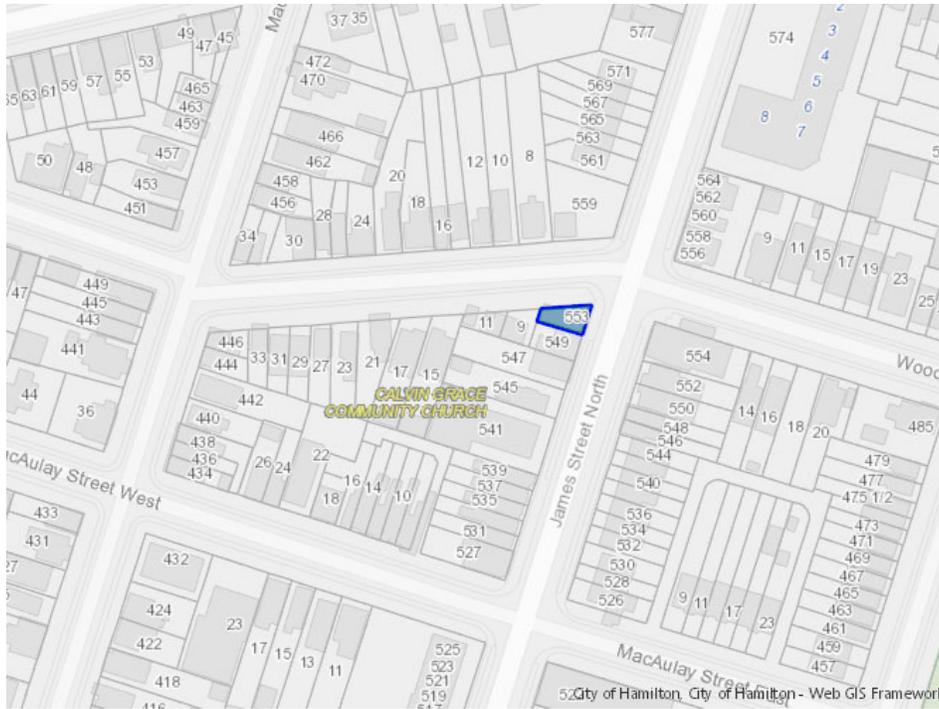
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:11, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-23:11



 Subject Lands

DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

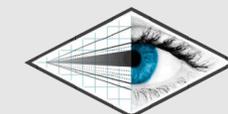
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

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

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

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



PERSPECTIVE VIEWS

All drawings, the design, and the details therein remain the property of the designer and are not to be altered, re-used or reproduced without the designer's express written consent. The contractor must field verify all dimensions and must confirm & correlate all details within the full drawings package being responsible for same throughout construction, reporting any discrepancies to the designer prior to commencing the relevant work. All drawings, detail & specifications represented in the drawings are to be used for construction only when issued by the designer and noted accordingly in the "issue/revisions" box hereon.

# 553 JAMES STREET N

533 JAMES STREET N,  
HAMILTON, ON

Project No. PV21-70

Issue	
MINOR VARIANCE	22/12/07
MINOR VARIANCE	22/01/18

Project North

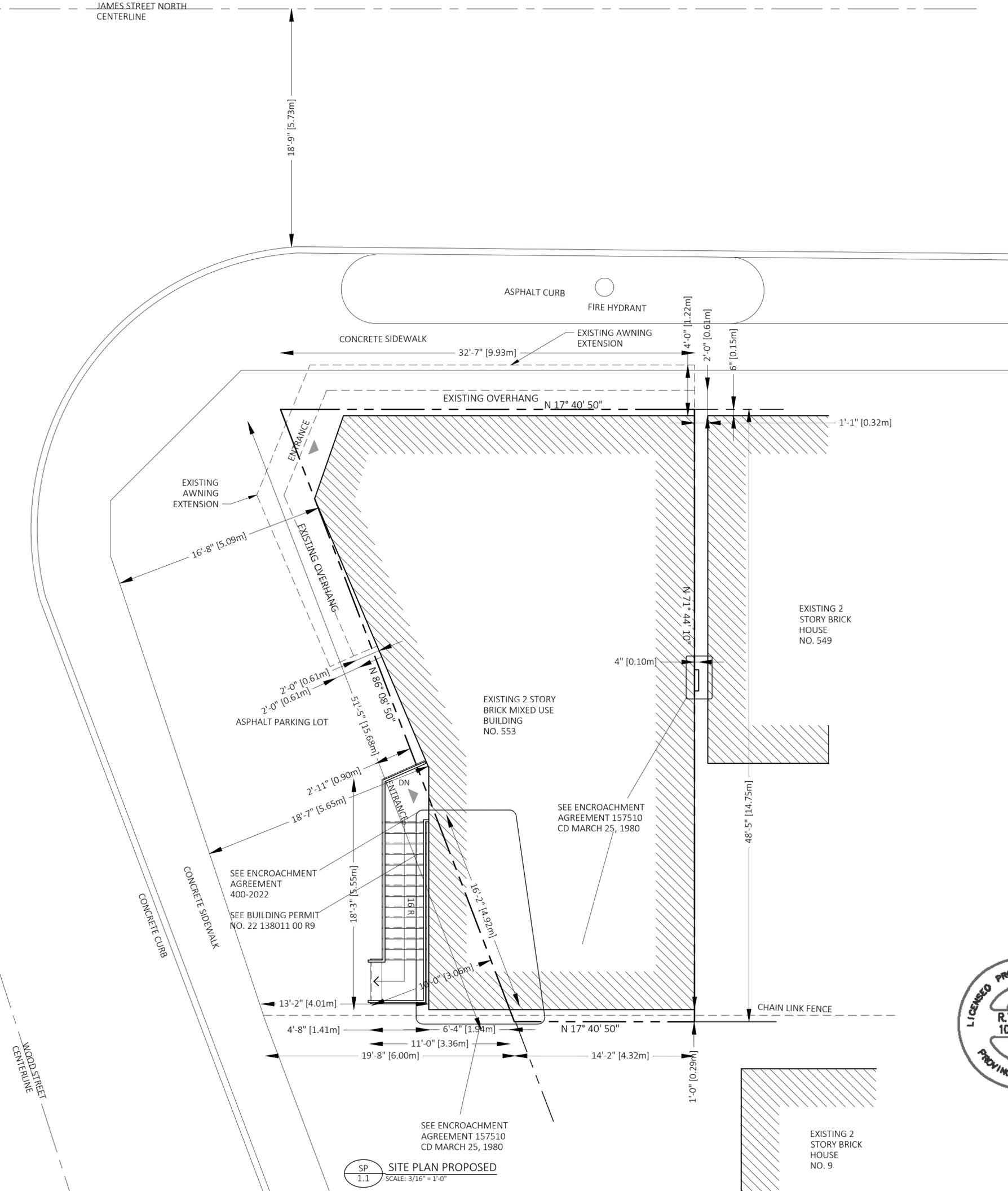


Scale 3/16" = 1'-0"

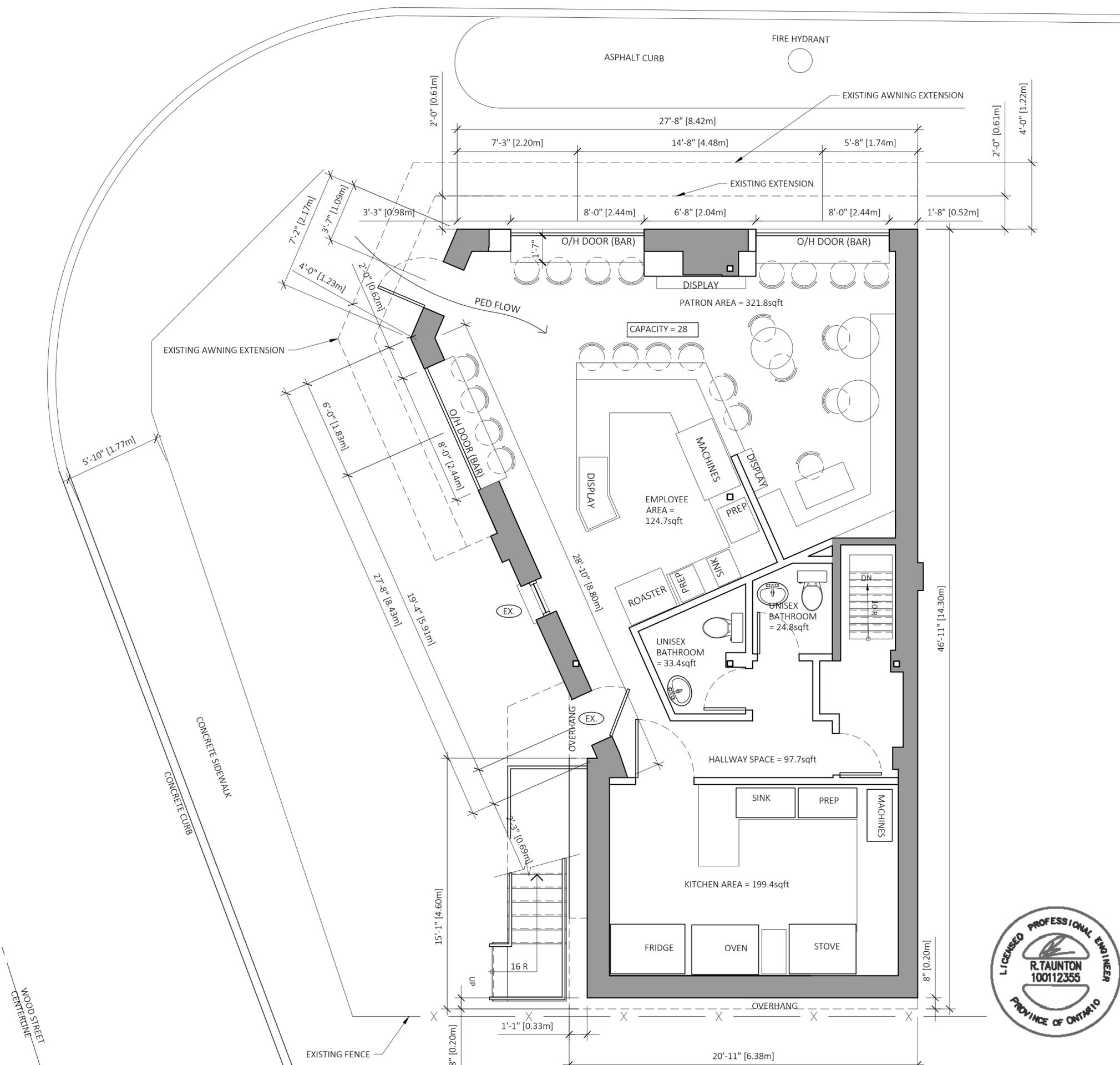
## EXISTING SITE PLAN

# SP1.1

2022-08-03 - 3:35:12 PM



SP 1.1 SITE PLAN PROPOSED  
SCALE: 3/16" = 1'-0"



CONCEPTUAL FLOOR PLAN  
**A**  
**1.1**  
**PROPOSED MAIN FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

■ DENOTES EXISTING TO REMAIN



**PERSPECTIVE VIEWS**

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**553 JAMES STREET N**

553 JAMES STREET N,  
 HAMILTON, ON  
 Project No. PV21-70

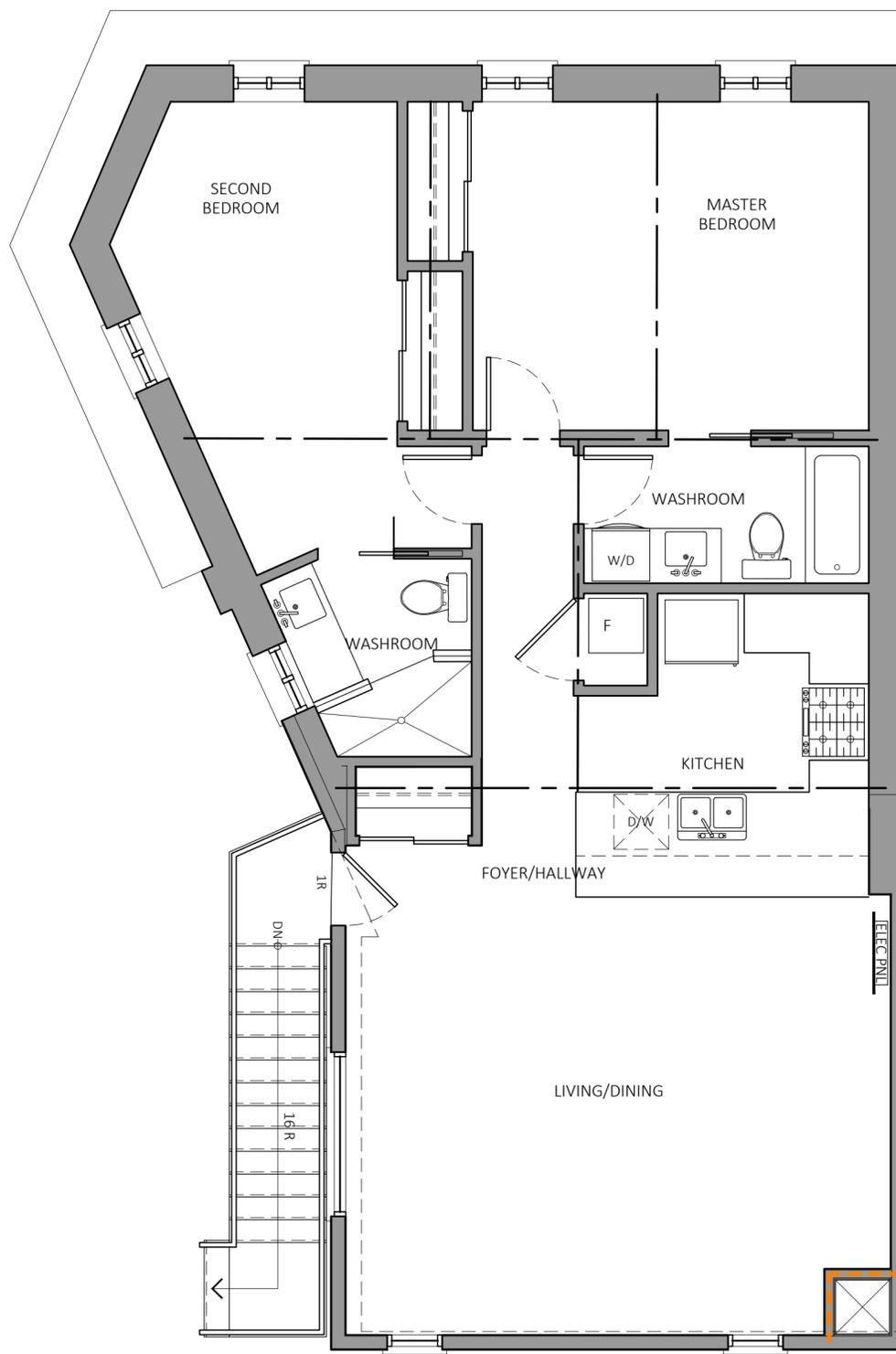
Issue	
MINOR VARIANCE	22/12/07
MINOR VARIANCE	22/01/18

Project North

Scale 1/4" = 1'-0"

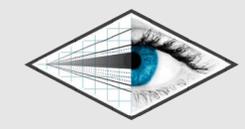
**PROPOSED MAIN FLOOR**

**A01.1**



REFERENCE ONLY (NOT IN SCOPE)  
**A**  
 1.2  
**SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

■ DENOTES EXISTING TO REMAIN



**PERSPECTIVE VIEWS**

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**553 JAMES STREET N**

553 JAMES STREET N,  
 HAMILTON, ON  
 Project No. PV21-70

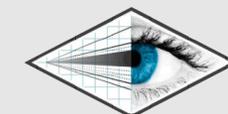
Issue	
MINOR VARIANCE	22/12/07
MINOR VARIANCE	22/01/18

Project North



Scale 1/4" = 1'-0"  
**SECOND FLOOR PLAN**

**A01.2**



PERSPECTIVE VIEWS

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553 JAMES STREET N

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HAMILTON, ON

Project No. PV21-70

Issue	
MINOR VARIANCE	22/12/07
MINOR VARIANCE	22/01/18

Project North

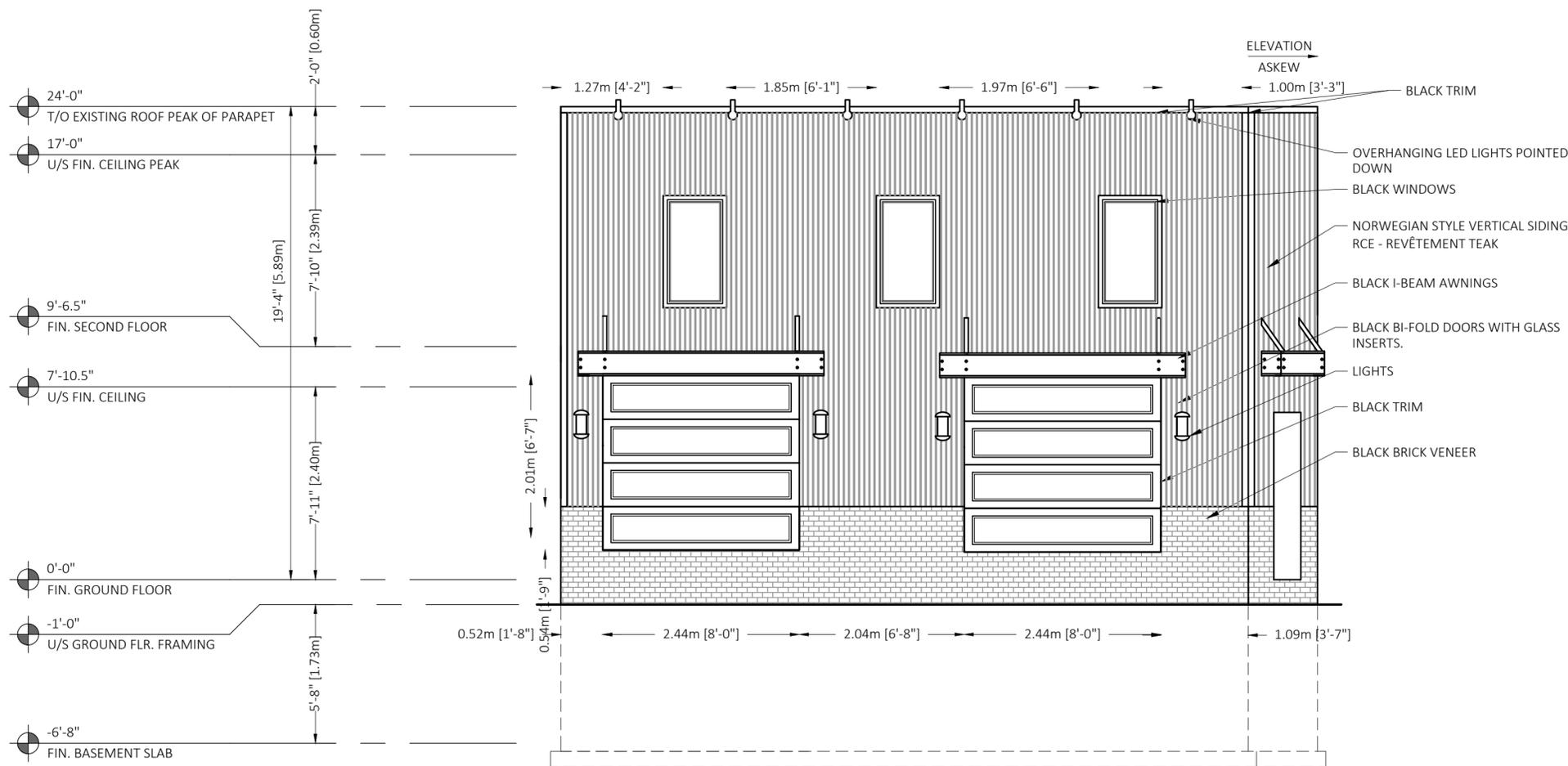


Scale 1/4" = 1'-0"

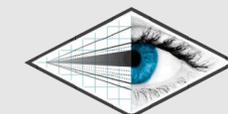
FRONT ELEVATION

A02.1

2022-08-03 - 3:35:12 PM



CONCEPTUAL ELEVATION  
A  
2.1  
PROPOSED FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



PERSPECTIVE VIEWS

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553 JAMES STREET N  
HAMILTON, ON

553 JAMES STREET N,  
HAMILTON, ON

Project No. PV21-70

Issue	
MINOR VARIANCE	22/12/07
MINOR VARIANCE	22/01/18

Project North

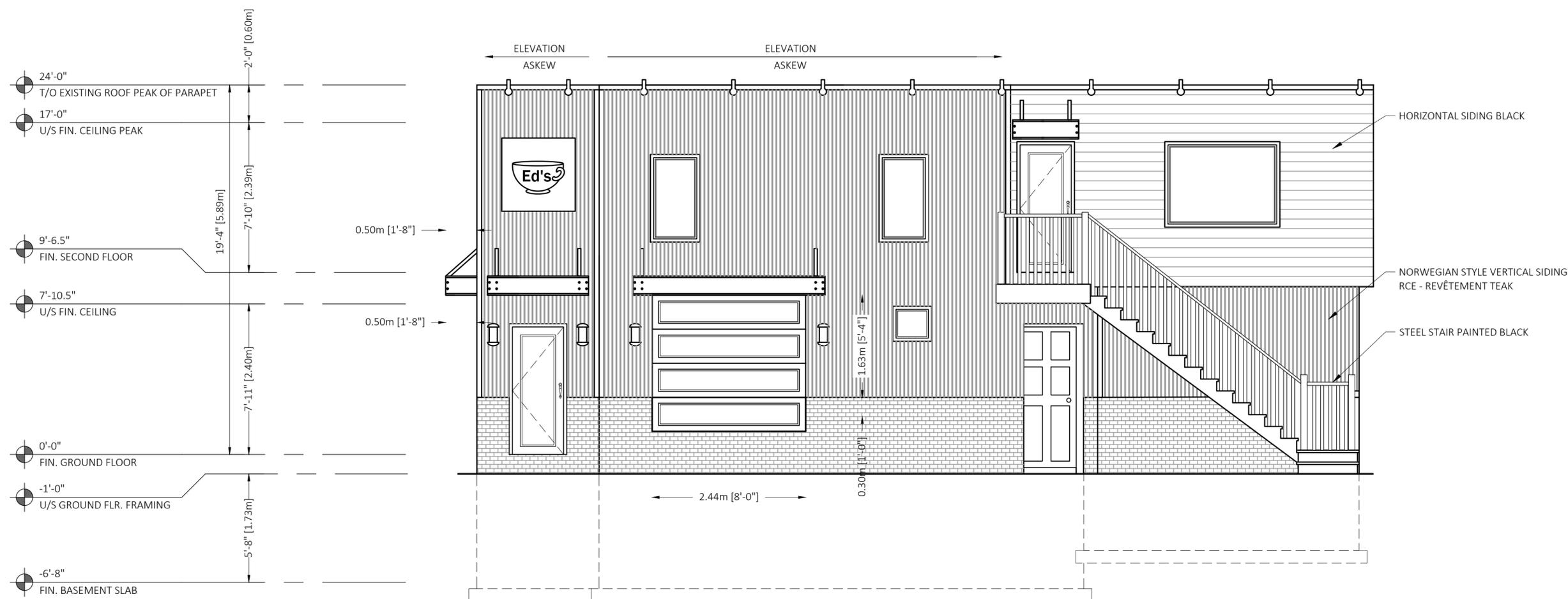


Scale 1/4" = 1'-0"

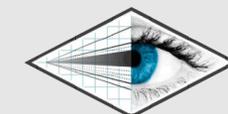
RIGHT  
ELEVATION

A02.2

2022-08-03 - 3:35:12 PM



CONCEPTUAL ELEVATION  
A  
2.2  
PROPOSED RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"



**PERSPECTIVE VIEWS**

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**553 JAMES STREET N  
STREET N**

553 JAMES STREET N,  
HAMILTON, ON

Project No. PV21-70

Issue	
MINOR VARIANCE	22/12/07
MINOR VARIANCE	22/01/18

Project North

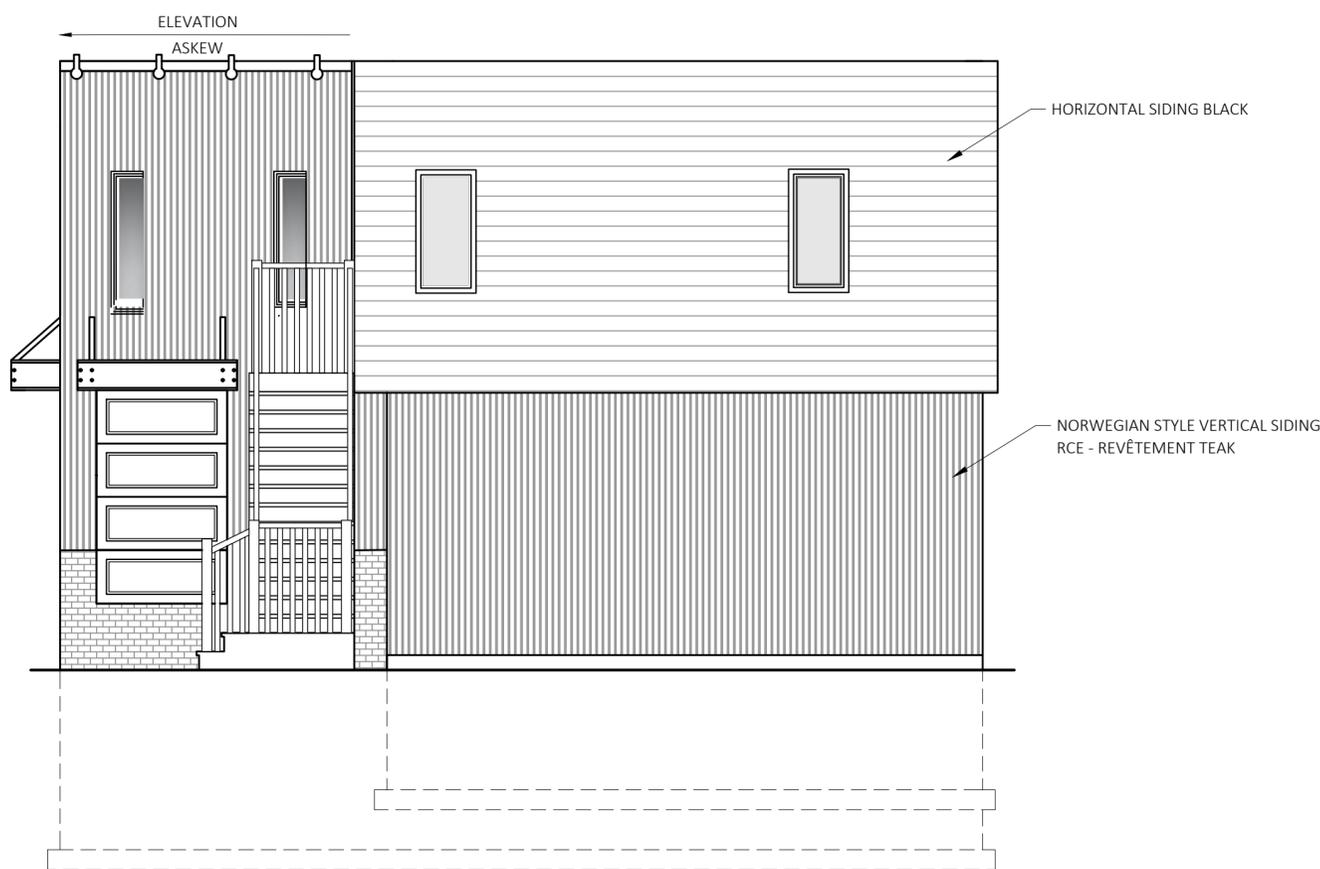
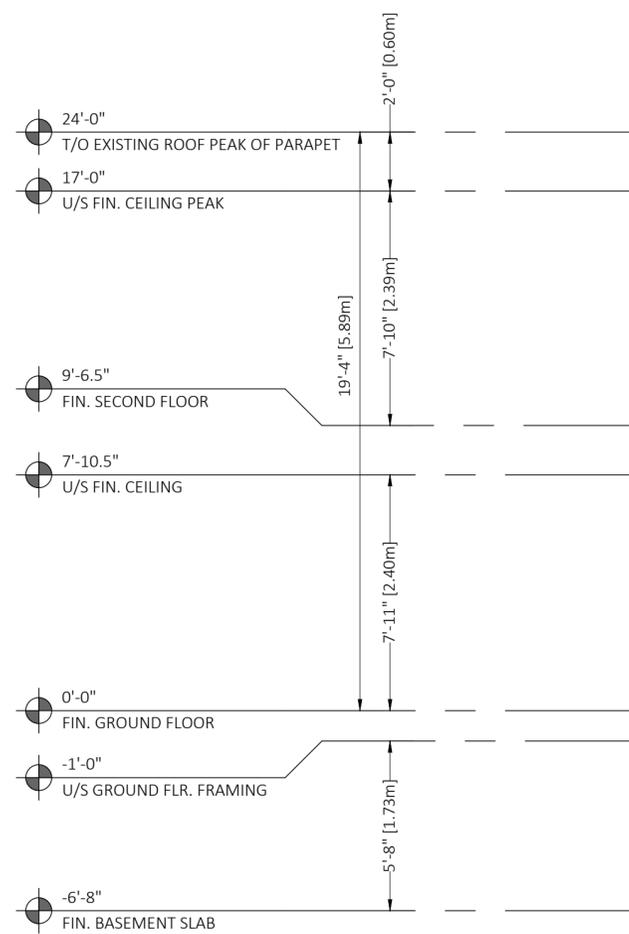


Scale 1/4" = 1'-0"

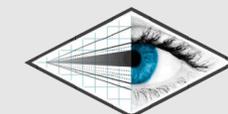
**REAR ELEVATION**

**A02.3**

2022-08-03 - 3:35:12 PM



CONCEPTUAL ELEVATION  
A  
2.3  
PROPOSED REAR ELEVATION  
SCALE: 1/4" = 1'-0"



**PERSPECTIVE VIEWS**

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**553 JAMES STREET N**

553 JAMES STREET N,  
HAMILTON, ON

Project No. PV21-70

Issue	
MINOR VARIANCE	22/12/07
MINOR VARIANCE	22/01/18

Project North

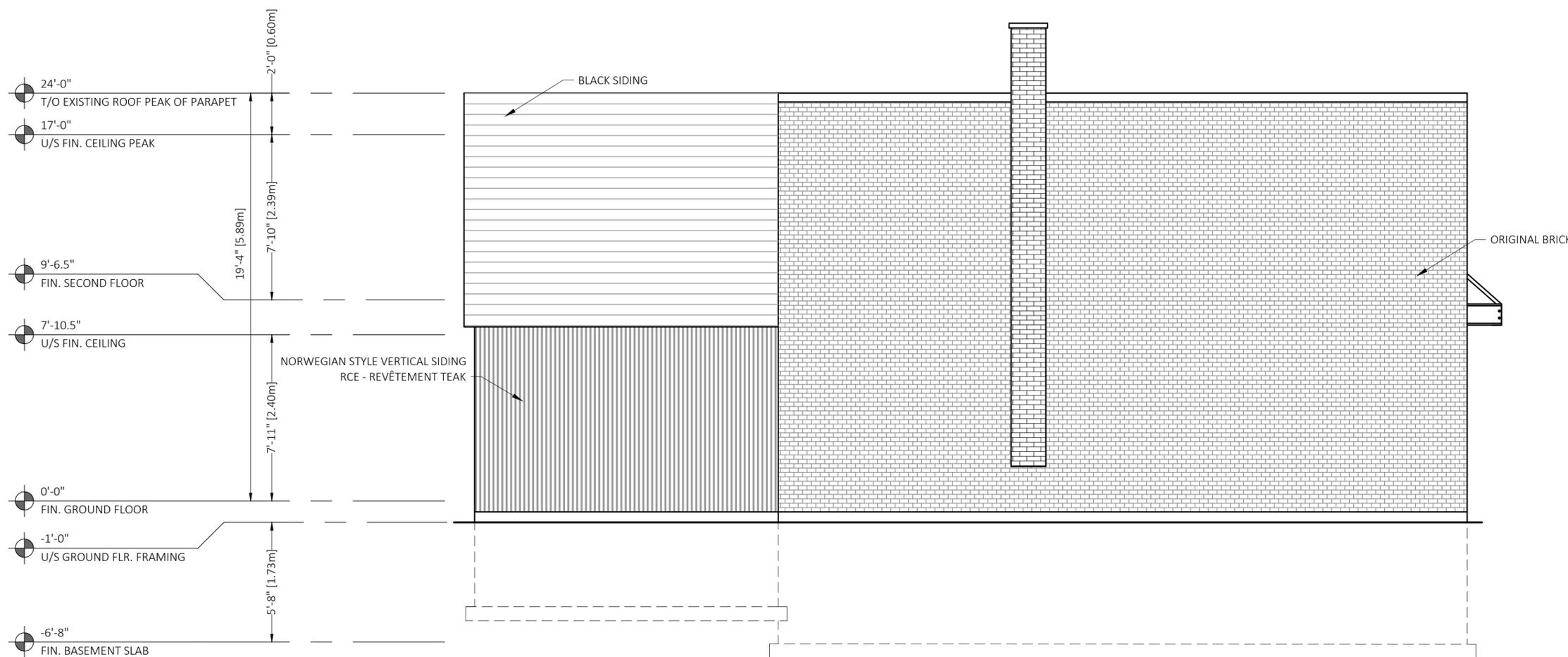


Scale 1/4" = 1'-0"

**LEFT ELEVATION**

**A02.4**

2022-08-03 - 3:35:12 PM



CONCEPTUAL ELEVATION  
**A**  
**2.4** PROPOSED LEFT ELEVATION  
 SCALE: 1/4" = 1'-0"



# Hamilton

Planning and Economic  
Development Department

## Memorandum

**To:** Scott Baldry, Secretary-Treasurer, Committee of Adjustment

**From:** Joseph Sanseverino

**Phone:** 905-546-2424 Ext 4672

**Date:** May 13, 2019

**Subject:** Committee of Adjustment Meeting – May 16, 2019

---

**HM/A-19:128**

**252 Catharine St. N., Hamilton**

The purpose of this application is to permit the second floor of an existing two storey building to be altered into a nine unit multiple dwelling, notwithstanding the variances below.

### **Urban Hamilton Official Plan (UHOP)**

The subject property is located within the West Harbour Secondary Plan Area which is subject to Ontario Municipal Board Non-Decision No. 113. The Regional Official Plan and City of Hamilton Official Plan are referred to in evaluating this application.

### **West Harbour (Setting Sail) Secondary Plan**

The subject lands are designated “Prime Retail” and identified as “Stable Areas” within the West Harbour (Setting Sail) Secondary Plan. In accordance with policies A.6.3.3.1.18 amongst others, apply and permit a multiple dwelling.

The subject lands are designated **Prime Retail** within the West Harbour Secondary Plan. The following policies amongst others, are applicable:

**A.6.3.3.1.18** James Street and Barton Street are the prime retail streets in West Harbour. In Prime Retail areas:

- “i) mixed use developments with ground-floor, street-related commercial and community uses are permitted and encouraged;
- iv) the range of uses permitted on upper floors shall include residential, live/work and office. Two-storey retail stores are

permitted, and personal services are permitted on the second floor of buildings.”

The applicant is proposing to permit a two storey mixed used building with commercial uses on the ground floor and nine residential units on the second floor. Mixed use developments with ground floor commercial and residential uses above are permitted and encouraged. Based on the foregoing, staff believes their tent of the Secondary Plan is being maintained.

### **Former City of Hamilton Zoning By-law No. 6593**

The subject lands are zoned “J/S-378” – (Light and Limited Heavy Industry Etc, District Modified), which does not permit a multiple dwelling.

### **Variance 1**

The applicant is requesting a variance to allow a multiple dwelling to be permitted, however the Zoning By-law does not permit the use of a multiple dwelling. The general intent and purpose of the Zoning By-law is to ensure existing and proposed development within the neighbourhood.

The subject lands, were initially intended to be zoned (C5a) Mixed Use Medium Density – Pedestrian Focus (C5a) Zone within the new Commercial Mixed Use Zoning By-law. However, due to the subject lands being part of the West Harbour Secondary Plan which is subject to a non-decision, the lands were excluded from the approval of the Commercial and Mixed-Use Zoning By-law.

The lands are currently zoned “J/S-378” – (Light and Limited Heavy Industry, Etc. District Modified) within the former City of Hamilton Zoning By-law 6593. The intention outlined within the West Harbour Secondary Plan is for the lands to be developed or maintained as mixed use development inclusive of mixed use commercial and residential land uses. The lands are intended to be zoned for Commercial and Mixed Use in the future.

The subject lands are located on the corner of Catharine Street North, and Barton Street East with frontages on both streets. The surrounding properties fronting on Catherine Street North are primarily zoned “D”- (Urban Protected Residential One and Two Family Dwellings, etc.), and Community Institutional (I2) Zone. The surrounding properties within the neighbourhood fronting along Barton Street East are primarily zoned “H”- (Community Shopping and Residential District) which allows for mixed use development to occur.

Staff are satisfied that the proposal for a mixed use development containing nine dwelling units on the second floor, and commercial uses at grade is in keeping with the

ongoing development within the neighbourhood and is in keeping with the overall commercial and residential character along Catharine Street North and Barton Street East.

The intention of the Zoning By-law in this case is superseded by the prevailing intention of the West Harbour Secondary Plan. The West Harbour Secondary Plan allows for mixed use development within areas designated Prime Retail. The overall outlook for the neighbourhood is to maintain or develop mixed use commercial and residential land uses. The existing remnant industrial zones within the neighbourhood do not align with or meet the intent of the Secondary Plan. The proposed variance would bring the subject lands into closer conformity with the long term vision for the area.

The general intent of the intended future Zoning By-law is being maintained as the proposed use was previously a permitted use within the drafted Commercial and Mixed Use Zoning By-law. As the intent is to convert the second floor of the building to contain nine dwelling units, staff recommend this variance be approved subject to a record of site condition.

The proposed variance meets the general intent and purpose of the West Harbour Secondary Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. **Staff support this variance on condition.**

## **Variance 2**

The applicant is seeking a variance to allow a minimum of one parking space for every 50.0 square metres of floor area for that portion of the floor area between 450 square metres up to an including 3,700 square metres shall be provided for a retail store, whereas the Zoning By-law requires a minimum of one parking space for every 31.0 square metres of floor area for that portion of the floor area between 450 square metres up to an including 3,700 square metres.

The general intent and purpose the Zoning By-law requirement is to provide adequate parking for the commercial use.

The proposed variance recognizes an existing condition of the building. The commercial floor area of the building is not increasing as a result of this development. Staff are satisfied that the existing parking scenario for the commercial component of the building will continue to function appropriately to satisfy the parking needs of the commercial component of the building.

The proposed variance meets the general intent and purpose of the West Harbour Secondary Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. **Staff support this variance.**

### **Variance 3**

The applicant is seeking a variance to allow a minimum aisle manoeuvring width space of 4.0 m shall be provided for the thirteen parking spaces located at the north side of the building, whereas the Zoning By-law requires a minimum required aisle width space of 6.0 m. The general intent and purpose of the Zoning By-law requirement is to ensure vehicles can safely manoeuvre within the aisle width space with minimal risk to surrounding vehicles, pedestrians, and property.

The proposed variance applies only to the existing parking spaces designated for the commercial component of the building at the north side of the site fronting onto Barton Street East and recognizes an existing condition. Staff are satisfied that the existing aisle manoeuvring space width of 4.0 metres will continue to allow vehicles to manoeuvre to and from the existing parking spaces intended for the commercial component of the building on the north side of the site only.

The proposed variance meets the general intent and purpose of the West Harbour Secondary Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. **Staff support this variance.**

### **Variance 4**

The applicant is seeking a variance to allow the parking area to be 0.0 m from the east lot line abutting a Residential District and no planting strip and no visual barrier shall be provided. The Zoning By-law requires the boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a Residential District to be not less than 1.5 m from the adjoining residential boundary and not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0 metres of a Residential District. Additionally, for every parking area there shall be provided and maintained between the boundary of the parking area and the residential district, an area landscaped with a planting strip and a visual barrier along the boundary of the lot abutting the residential district not less than 1.2 metres in height and not greater than 2.0 metres in height.

The general intent and purpose of the Zoning By-law requirements are to provide a visual barrier, and separation distance between the parking lot and the abutting Residential District.

The proposed variance recognizes an existing condition of the site. It is not possible to comply with the Zoning By-law requirement to provide a visual barrier between the parking area are abutting residential land use without removing a required parking space from the commercial component of the building. Staff note a short visual barrier

wall exists between the parking space labelled “13” on the site plan, and the abutting Residential District. Staff are satisfied that the existing separation and visual barrier between the commercial parking area, and abutting residential district will continue to function appropriately.

The proposed variance meets the general intent and purpose of the West Harbour Secondary Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. **Staff support this variance.**

### **Variations 5 and 6**

The applicant is seeking a variance to allow a 5.5m two way access driveway located at the north side of the building shall be 0.0m from the east lot line abutting a Residential District, notwithstanding the requirement that where a multiple dwelling is adjacent to a residential district, every access driveway to the multiple dwelling shall be located not less than 3.0 metres from the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses, and every access driveway providing access to or egress from or both access to and egress from the non-residential use shall be located not less than 3.0 metres from the common boundary with the residential district.

The general intent and purpose of the Zoning By-law requirement is to ensure vehicles can safely access the parking area and to provide a buffer between the access driveway and multiple dwelling.

The proposed variances recognize an existing condition of the site. It is not possible to comply with the Zoning By-law requirements without removing and relocated the existing access driveway abutting the residential district. Staff are satisfied that the existing separation and visual barrier between the parking area and abutting residential district will continue to function appropriately.

The proposed variance meets the general intent and purpose of the West Harbour Secondary Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. **Staff support this variance.**

### **Variance 7**

The applicant is seeking a variance to allow a minimum commercial loading space size of 3.7 metres wide by 9.0 metres long by 4.3 metres high shall be provided, whereas the minimum required commercial loading space of 3.7 metres wide by 18.0 metres long by 4.3 metres high. The intent of this provision is to allow for adequate space for loading vehicles to be parked and maneuver.

The proposed variance recognizes an existing condition. Staff are satisfied that loading vehicles will continue to park and manoeuvre within the loading area with the existing load space size of 3.7 metres wide by 9.0 metres long by 4.3 metres high.

**Recommendation:**

Staff recommends that variance 1 be **approved on condition**, and variance 2, 3, 4, 5, 6, and 7 be **approved**, as the variances maintains the general intent and purpose of the West Harbour Secondary Plan, and Zoning By-law, is minor in nature and is desirable for the appropriate development of the lands.

**CONDITIONS: (If Approved)**

1. The Owner submits a Record of Site Condition to the satisfaction of the Manager of Development Planning, and Heritage Design and the MOECP.

**NOTE:**

**“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 Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”



Hamilton

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

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
<b>Registered Owners(s)</b>	2841708 Ontario Inc	128 Chedoke Avenue	<b>Phone:</b> 9056914235
			<b>E-mail:</b> garsides@mcmaster.ca
<b>Applicant(s)</b>	Matthew Ribau	126 Catharine Street North, Hamilton	<b>Phone:</b> 2893894502
			<b>E-mail:</b> info@perspectiveviews.com
<b>Agent or Solicitor</b>	Matthew Ribau	126 Catharine Street North, Hamilton	<b>Phone:</b> 2893894502
			<b>E-mail:</b> info@perspectiveviews.com

- 1.2 All correspondence should be sent to  Owner  Applicant  
 Agent/Solicitor
- 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 info@perspectiveviews.com
- 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	553 James Street North, Hamilton		
Assessment Roll Number	251802011101180		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	PT LT 1 BLK 9 PL 127 AS IN CD302145.	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:

17154-0196(11) Nov 17 2022 , 157510CD March 25, 1980.

### 3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Currently the building is zoned as legal non-conforming mixed-use, with commercial retail on main floor and residential on top. We want to change the main floor to a neighbourhood cafe space.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Currently legal non-confirming mixed-use commercial retail. Want to retain it, but change retail to cafe/restaurant.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

Building has operated as mixed-use commercial retail since 1930-40s. (Ed's Variety)

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
9.93m	14.75	105 m2	11.5m

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

## Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Mixed Use Building	0.15m	0.29m	0m	1930s

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Mixed Use Building	0.15m	0.29m	0m	1930s

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

## Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Mixed Use	102.5m <sup>2</sup>	103m <sup>2</sup>	2	7.06m

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Mixed Use	102.5m <sup>2</sup>	103 m <sup>2</sup>	2	7.06m

## 4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)
- 

## 4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)
- 

## 4.6 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)
- 

- 4.7 Type of access: (check appropriate box)
- provincial highway
  - municipal road, seasonally maintained
  - municipal road, maintained all year
- right of way
  - other public road
- 

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
Mixed-use, commercial restaurant on the main floor and residential second floor.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
Duplex, townhomes.

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:  
2021

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Mixed-use, legal non-conforming commercial retail main floor and residential second floor. Main floor used as variety store with food takeout.

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Mixed-use, legal non-conforming commercial retail main floor and residential second floor. Main floor used as variety store with food takeout.

7.4 Length of time the existing uses of the subject property have continued:  
1930-40, predating Zoning By-Law 6593

7.5 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) West Harbour Setting Sail Secondary Plan

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

7.6 What is the existing zoning of the subject land? D (Legal non-conforming mixed-use commercial retail.)

7.8 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:

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes  No

If yes, please provide the file number:

---

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

Applying for a change from legal non-conforming commercial retail to legal non-conforming commercial restaurant. The proposed change explicitly complies with the West Harbour Setting Sail Secondary Plan.

Precedents exist for a minor variance where the proposed use complies with the West Harbour Secondary Plan. (Example – 252 Catherine Street North (HM/A-19:128))

Bello Aminu has confirmed staff support for the minor variance.

Please consider the entirety of the attached document, with supporting sections from the Urban Hamilton Official Plan, and the West Harbour Secondary Plan.

More specifically, please consider the following in the West Harbour Secondary Plan:

A.6.3.3.1.17 - In Mixed Use areas, i) and ii)

A.6.3.3.1.18 - In Prime Retail areas, i), ii) and iii)

A.6.3.3.2.4 - i) Primary Mobility streets, h) James Street North

A.6.3.6.5.1 - James Street is the primary retail street...

A.6.3.8.15.4 - Interpretation of the Plan

A.6.3.8.16.3 - Administration of this Plan

**11 COMPLETE APPLICATION REQUIREMENTS**

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- \_\_\_\_\_
- \_\_\_\_\_





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>FL/A-23:09</b>	<b>SUBJECT PROPERTY:</b>	162 HUMPHREY STREET, FLAMBOROUGH
<b>ZONE:</b>	"R1-39" (Urban Residential (Single Detached) Zone)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Flamborough 90-145-Z, as Amended

**APPLICANTS:** Owner: A. & H. Rehman  
Agent: Architect Caprija Corporation – M. Raja

The following variances are requested:

1. A maximum yard encroachment of a canopy of 3.0m shall be provided instead of the maximum yard encroachment of a canopy of 1.5m.
2. No accessory building or structure shall be located within 0.1m of an interior side lot line instead of the minimum of 1.0m that an accessory building should be located from an interior side lot line.

**PURPOSE & EFFECT:** To permit the construction of a shed and a rear yard canopy at the rear of a single detached dwelling.

**Notes:**

- i. The minimum rear yard setback required is 7 metres.
- ii. The maximum encroachment into a required yard for eaves and gutters is 0.65m.

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>2:50 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>

FL/A-23:09

	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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## PUBLIC INPUT

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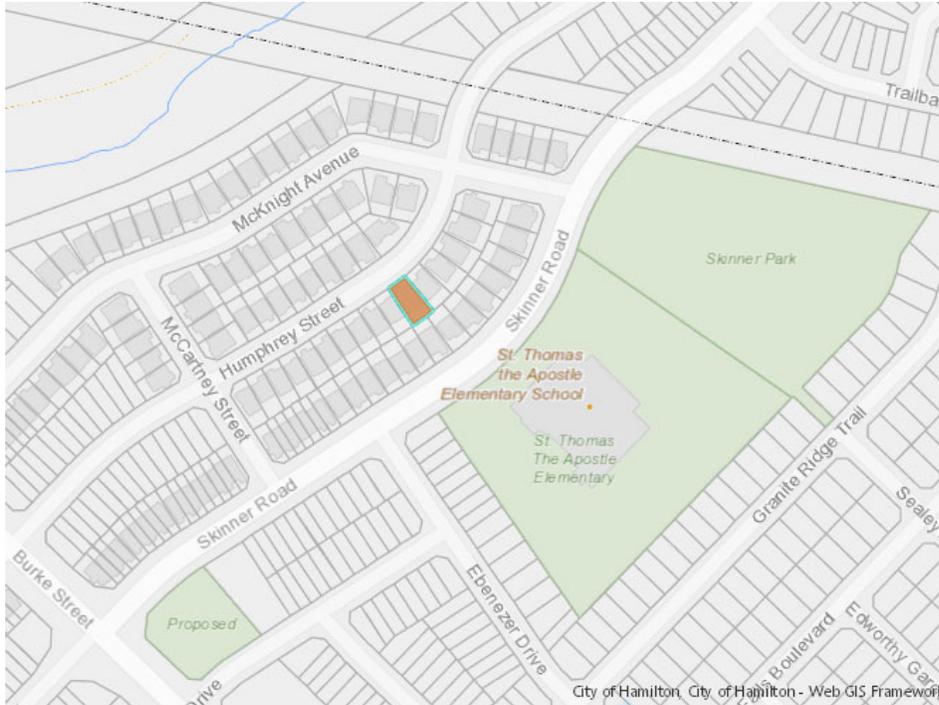
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:09, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

FL/A-23:09



 Subject Lands

DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

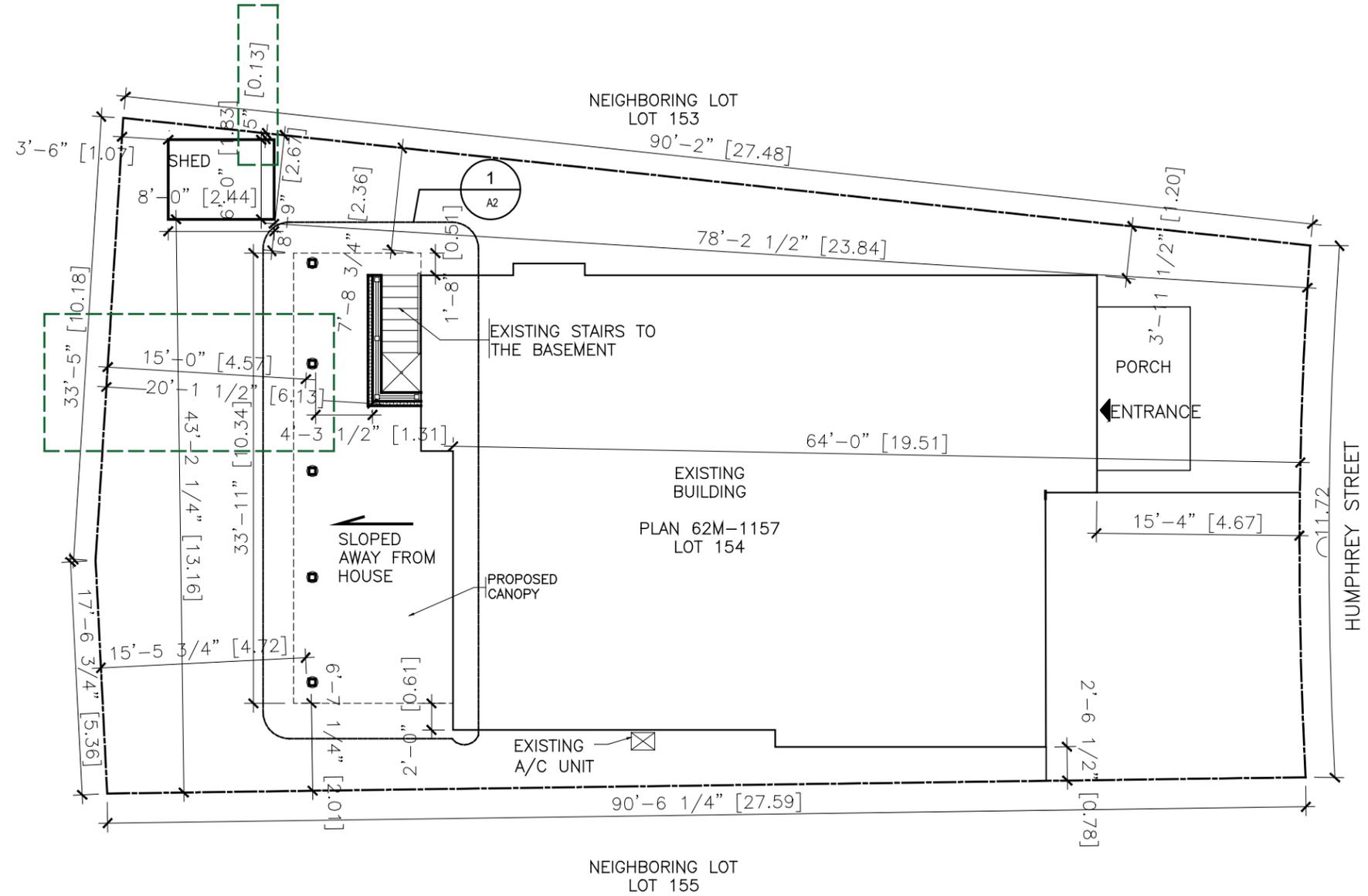
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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

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

# CANOPY APPROVAL

## 162 Humphrey St. Hamilton, ON, L0R 2H1



ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE DESIGNER.

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER.

DRAWINGS NOT TO BE SCALED AND REPRODUCED.

ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

THESE DRAWINGS ARE PREPARED ONLY FOR MENTIONED BELOW APPROVAL, NOT TO BE USED FOR ANY OTHER PURPOSE AND CONSTRUCTION

1	ISSUED FOR BUILDING PERMIT	DEC 2022
No.	ISSUED	DATE

STRUCTURE/MEP ENGINEER:

ARCHITECT **MAZHAR RAJA**

**CAPRIJA CORPORATION**  
 Architecture, Construction and  
 Project Management Consultants  
 1465 CLARK BLVD., MILTON, L9T 6M5  
 Tel: 647 693 6108, 647 969 9595  
 CAPRIJA Email: info@caprija.com; Web: www.caprija.com

CLIENT

162 Humphrey St. Hamilton, ON  
 L8B 0R4

PROJECT

CANOPY IN REARYARD

DRAWING

SITE PLAN

PROJECT NO	<b>222201</b>
DRAWN	SH
PLOTTED DATE	DEC 07, 2022
SCALE	AS NOTED
CHECKED	MR



DWG. NO. **SP1.01**

1 SITE PLAN  
 SP1.01 SCALE: 3/32"=1'-0"



Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	<b>NAME</b>	<b>MAILING ADDRESS</b>
<b>Registered Owners(s)</b>	Atif Rehman & Humera Rehr	
<b>Applicant(s)</b>	Mazhar Raja, Architect Caprija Corporation	
<b>Agent or Solicitor</b>	Mazhar Raja, Architect	

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent info@caprija.com

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	162 Humphrey St, Waterdown, ON L8B 0R4		
Assessment Roll Number	303310071050000		
Former Municipality			
Lot	154	Concession	
Registered Plan Number	62M1157	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:

N/A

### 3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Rear setback after the canopy is 4.57m where as required setback is 5.5m  
Existing setback is 0.13m but the required setback is 0.61m. Relief for 0.48m is requested.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Canopy width after the below grade entrance is only 1.3 meter which hardly enough to use as passage. Lessor than this passage is not convenient.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

N/A

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
12.72m	27.48m	382 Sq.M	

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

## Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Main Building Structure	2.58	5.92	1.21 & 0.78	
Shed	23.84	1.07	0.13 & 13.16	

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Canopy in backyard	19.51	4.57	2.36 & 2.01	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

## Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Main Building Structure	120	160	2	8
Shed	4.46	4.46	1	2

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Canopy in backyard	32	32	1	3

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Single detached Dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Single detached Dwelling

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Jan 10, 2019

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached Dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached Dwelling

7.4 Length of time the existing uses of the subject property have continued:

4 years

7.5 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) \_\_\_\_\_

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

Aligned with the Official Plan. Developed by the builder.

7.6 What is the existing zoning of the subject land? R1-39

7.8 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: R1-39

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7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes  No

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

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>DN/A-23:07</b>	<b>SUBJECT PROPERTY:</b>	6 Sydenham Street, Dundas, Ontario
<b>ZONE:</b>	"C5, 570" (Mixed Use Medium Density)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: Dr. Dave McKenzie  
Applicant: Lisa Cockwell  
Agent: Charles MacPhail

The following variances are requested:

1. No parking spaces shall be provided instead of the minimum required ten (10) parking spaces.

**PURPOSE & EFFECT:** To permit the establishment of a new Medical Clinic (Dental Office) on the ground floor of the existing commercial building.

**Notes:**

- i. The number of required parking spaces for a Medical Clinic (dental office) is calculated at a rate of one (1) parking space for each 16.0 square metres of gross floor area. The applicant has indicated that the gross floor area of the intended Dental office is 175.1 square metres.

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>2:55 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b>

DN/A-23:07

<a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>
--

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

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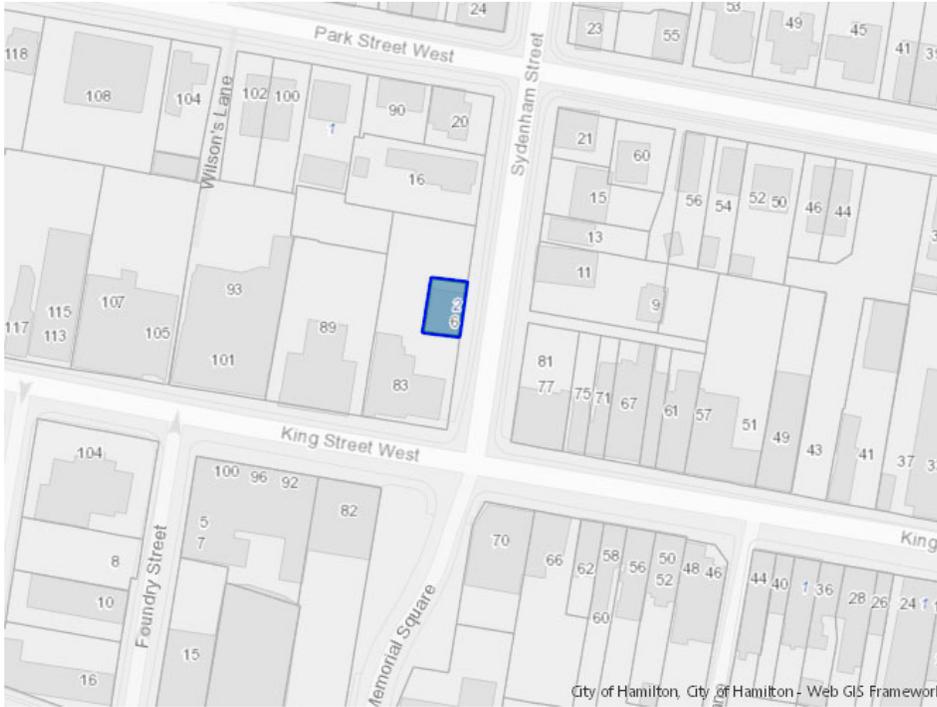
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## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding DN/A-23:07, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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DN/A-23:07



 Subject Lands

DATED: January 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

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#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

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



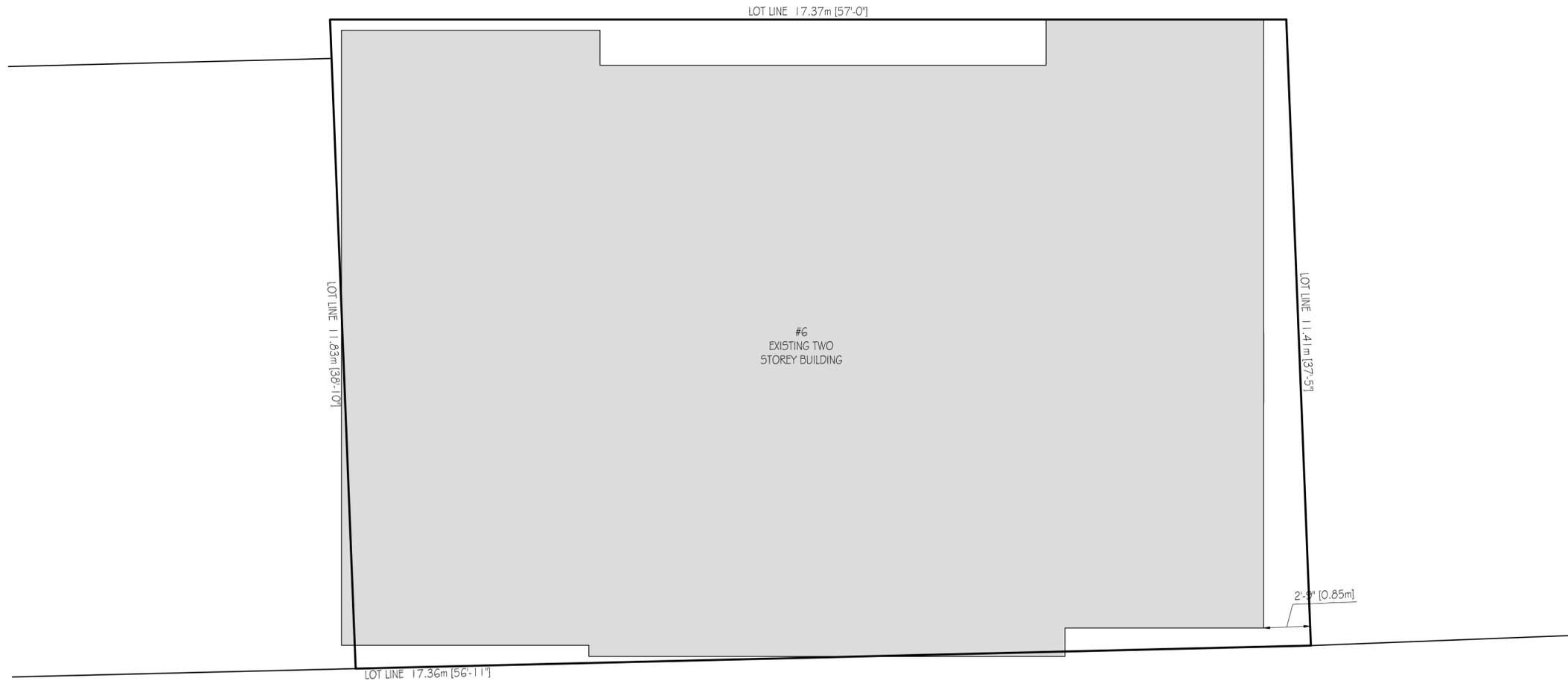
TRUE



CONSTRUCTION

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

**THIS DRAWING IS FOR  
 DISCUSSION PURPOSES  
 ONLY**



- SYDENHAM STREET -

REV.	DESCRIPTION	DATE
A	FOR MINOR VARIANCE APPLICATION	JAN 16/23

client  
 DR. CHALICE VALERIANO

project  
 6 SYDENHAM STREET  
 DUNDAS, ONTARIO  
 PROJECT No. 22-143

title  
 SITE PLAN

drawn	L.C.	checked	C.M.
date	SEPTEMBER 2022	scale	3/16" = 1'-0"
revision number	A	drawing number	SP

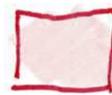
# Interactive Mapping



1/13/2023, 10:42:44 AM

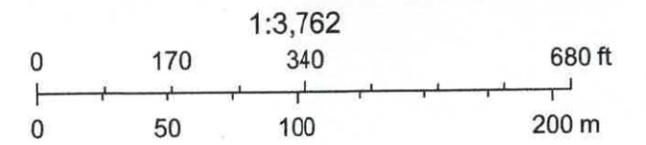
Roads

Municipal Parking Lots

 LOCATION OF MUNICIPAL PARKING LOT

TOTAL OFF-SITE PUBLIC PARKING SPACES

= ± 340



City of Hamilton, Maxar



Hamilton

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

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
Registered Owners(s)	Dr. Dave McKenzie	
Applicant(s)	Lisa Cockwell	
Agent or Solicitor	Charles MacPhail	

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 lisa@charleslinsey.com

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	6 Sydenham Street		
Assessment Roll Number			
Former Municipality	Dundas		
Lot		Concession	
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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

To permit 0 on site parking spots instead of the minimum 10 required on site parking spots.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The existing building occupies nearly the entire property, there is no space for parking

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
17.36m +/-	11.83m +/-	201.8m. sq.	9.36m +/-

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

## Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Two Storey Stucco Building	0m	0m	0m & 0.85m +/-	01/01/1880

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
n/a	n/a	n/a	n/a	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

## Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Two Storey Stucco Building	183.9m. sq.	277m. sq.	2	7.0m +/-

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
n/a	n/a	n/a	n/a	n/a

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)
- \_\_\_\_\_

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)
- \_\_\_\_\_

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Commercial

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Commercial

### 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2008

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Commercial

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Commercial

7.4 Length of time the existing uses of the subject property have continued:

Always

7.5 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) \_\_\_\_\_

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

7.6 What is the existing zoning of the subject land? C5 Exception: 570

7.8 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: C5 Exception: 570

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes  No

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

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):

See attached aerial photograph of property noting municipal parking available within 300 meters of the property.





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>FL/A-23:08</b>	<b>SUBJECT PROPERTY:</b>	138 McMonies Drive, Flamborough, Ontario
<b>ZONE:</b>	"R6-39" (Medium Density Residential Zone)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Flamborough 90-145-Z, as Amended 15-186

**APPLICANTS:** Owner: Sarah MacLellan & Christopher Pera

The following variances are requested:

1. The proposed accessory structures (gazebo and deck) shall be permitted to be located 0 m from the westerly interior side lot line and the rear lot line, instead of the minimum required setback of 1.0 m.
2. The air conditioning unit shall be permitted to be located 0 m from the westerly interior side lot line instead of the minimum required setback of 0.6 m.
3. The lot coverage of all accessory buildings and structures shall be permitted to be 31.04 sq m, which is equal to 9.38% of the lot area, instead of the maximum permitted 5% of the lot area, which is 16.54 sq m.

**PURPOSE & EFFECT:** To facilitate the construction of new accessory structures (deck and gazebo) in the rear yard of the existing street townhouse.

**Notes:**

- i. The Zoning By-law permits a maximum height of 4.6 m for an accessory structure. The site plan notes a height of 2.91 m for the proposed gazebo, but elevation drawings including dimensions from grade to the highest portion of the proposed accessory structures have not been included. The applicant shall ensure that the height of the accessory structure, measured from grade, as defined in the Zoning By-law, to the highest point of the accessory structure does not exceed 4.6 m. If the height of the accessory structure exceeds 4.6 m, additional variances will be required.
- ii. With respect to lot coverage, the site plan does not indicate what building(s) or structure(s) comprise the existing accessory building/structure lot coverage figure of 18.58 sq m. This figure may include

**FL/A-23:08**

the area(s) of structure(s) which are excluded from lot coverage, such as decks. As a result, the relief requested may be inaccurate.

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

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

<b>DATE:</b>	<b>Thursday, February 16, 2023</b>
<b>TIME:</b>	<b>3:00 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

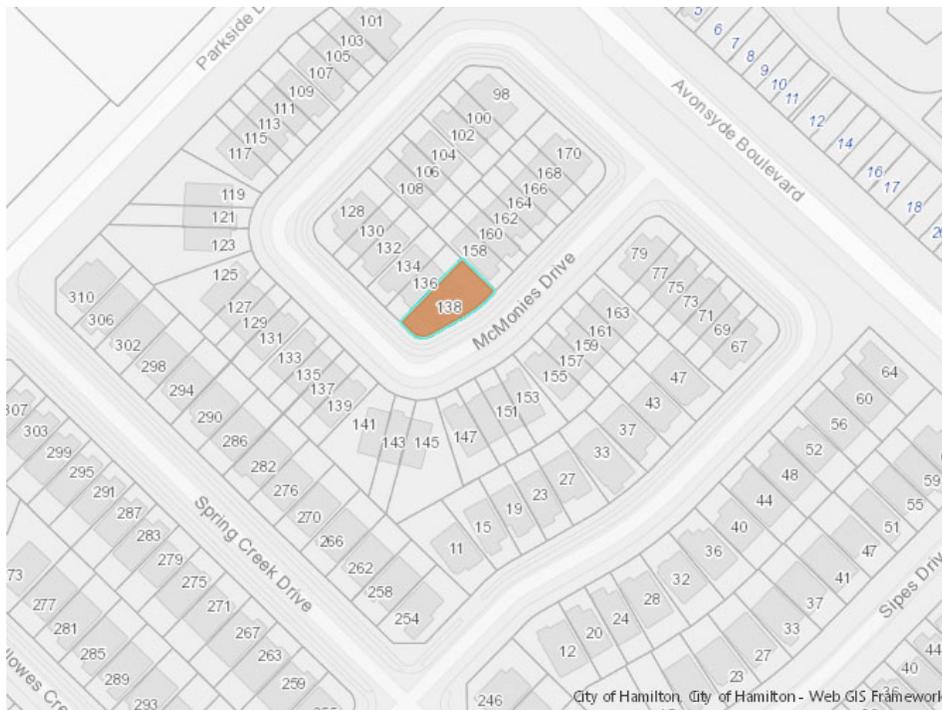
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:08, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

FL/A-23:08



 Subject Lands

DATED: January 31, 2023

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

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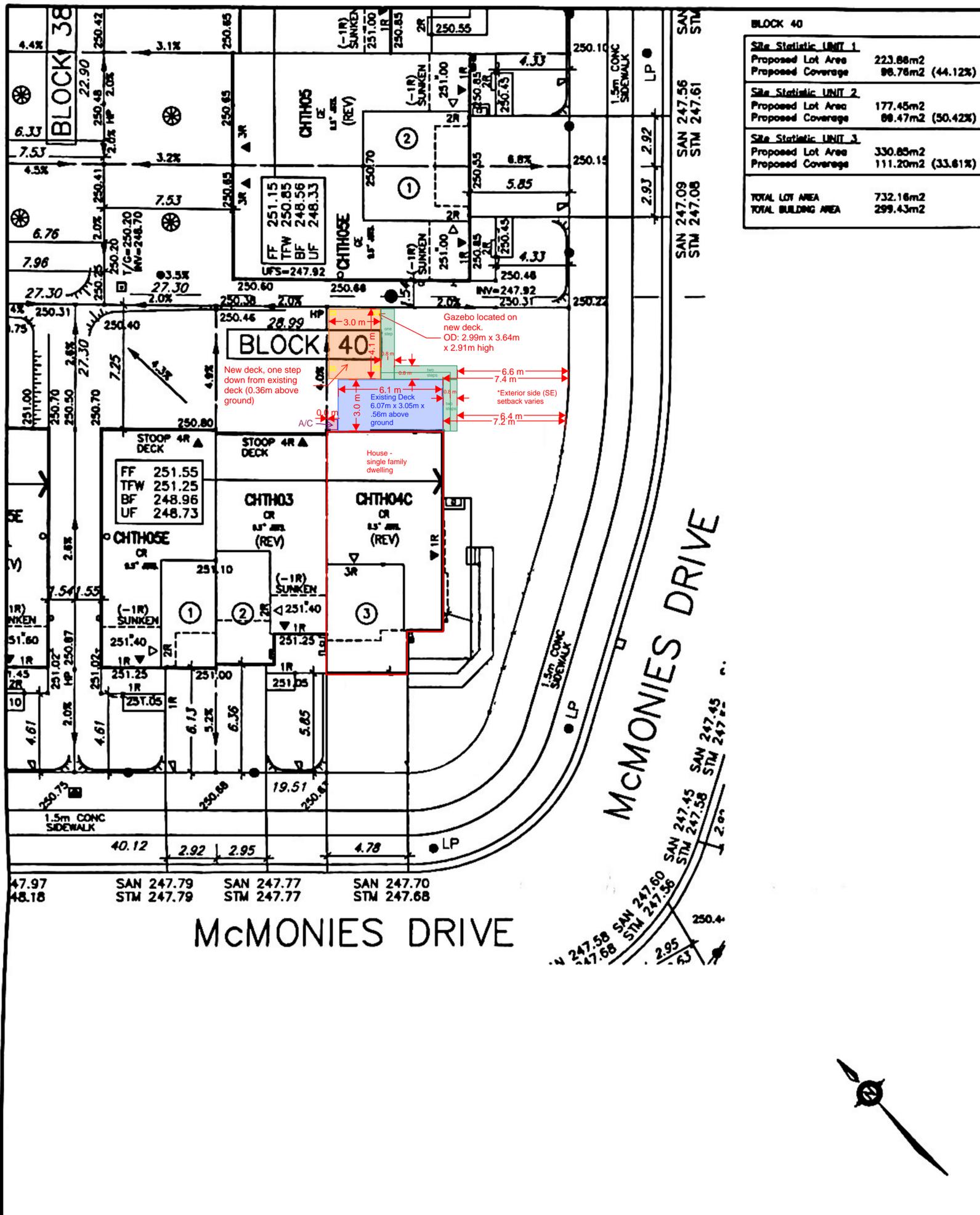
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Zoning	Lot Number	Plan Number	Lot Area	Lot Frontage	Lot Depth
90-145-Z	Block 40		330.85 sq m	8.02 m	27.3 m
R6-39	Unit 3				

Description	Existing	Addition	Total	Setbacks	Existing	Proposed
Lot Coverage by accessory structures	18.58 sq m	12.46 sq m	31.04 sq m	Interior Rear	4.1 m	0 m
				Interior Side (NW)	0 m	0 m
				Exterior Side (SE)	7.2 m	6.4 m
				Front	No Change	

Client: <b>MATTAMY HOMES</b>	Sheet Title LOT No: <b>BLOCK 40</b>	<b>Q4 Architects Inc.</b> 2171 Avenue Road, Suite 302 Toronto, Ontario M5M 4B4 TEL: (416) 322-6334 FAX: (416) 322-7294 EMAIL: info@q4architects.com			
	Project Name: <b>CRANBERRY HILL WATERDOWN PHASE 2 HAMILTON</b>			Scale: 1:300	Drawn by: BILL YIP
	Date: NOV. 2015	Checked by:	Project No. 13029	File: WAT-SP2	Drawing No. 1 OF 1



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

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

## APPLICATION FOR A MINOR VARIANCE

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

### The Planning Act

### Application for Minor Variance or for Permission

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

1, 2	NAME	MAILING ADDRESS	
Registered Owners(s)	Sarah MacLellan Christopher Pera		
Applicant(s)*	Sarah MacLellan Christopher Pera		
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:  
 TD Canada Trust - Mortgage Lender

**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:

- Gazebo setbacks off of rear and interior side yard lot line (0 m)
- Deck setbacks off of rear and interior side yard lot line (0 m)
- Lot coverage of accessory buildings and structures

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

Safety of my children playing on deck. We want the fence to border the two sides with no gap that they could fall into.

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 Block 40, Plan 62M1222, Part 24, Plan 62R2030

138 McMonies Dr. Waterdown, Ontario

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
 Agricultural       Vacant       Other

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use \_\_\_\_\_

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown



13. Date of acquisition of subject lands:  
Jan. 2019
- 
14. Date of construction of all buildings and structures on subject lands:  
2016
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single family townhouse
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single family townhouses
17. Length of time the existing uses of the subject property have continued:  
5 years
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Town of Flamborough Zoning By-Law No. 90-145-Z, zone R6-39
21. Has the owner previously applied for relief in respect of the subject property?  
Yes  No   
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes  No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.