



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

**Meeting #:** 23-09  
**Date:** May 18, 2023  
**Time:** 9:00 a.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. URBAN</b>	
2.1 9:15 a.m.HM/A-23:8484 Traymore Avenue, Hamilton (Ward 1) Agent Tenhouse Building Workshop – M. Fratarcangeli Owner Wise Castle Holdings Ltd.	5
2.2 9:20 a.m.HM/B-23:2146-48 Brock Street, Hamilton (Ward 2) Agent L. deGraaf Applicants M. Thomas & M. Varwig Owners T. & M. Smith	29
2.3 9:20 a.m.HM/A-23:8346-48 Brock Street, Hamilton (Ward 2) Agent L. deGraaf Applicants M. Thomas & M. Varwig Owners T. & M. Smith	47
2.4 9:25 a.m.HM/A-23:85147 Bold Street, Hamilton (Ward 2) Agent Weekes Engineering – G. Weekes Owners O. & C. Waye	59

2.5	9:30 a.m.HM/A-23:9356 Charlton Avenue West, Hamilton (Ward 2)	91
	Agent Decc Inc. – M. Isotti Pongetti Owner Finlay Reppas Enterprises	
2.6	9:35 a.m.HM/A-23:88647 Barton Street East, Hamilton (Ward 3)	123
	Agent CGS/Curran Gacesa Slote Architects Inc. – B. Curran Owner 2190680 Ontario Ltd. – B. Curran	
2.7	9:40 a.m.HM/A-23:9457 Vansitmart Avenue, Hamilton (Ward 4)	149
	Agent A.J. Clarke & Associates Inc. – S. Fraser Owner Hillwood Homes Inc. - P. Elia	
2.8	9:45 a.m.HM/A-22:294735 Beach Boulevard, Hamilton (Ward 5)	163
	Agent Barich Grenkie Surveying Ltd. -J. Hribljan Owner A. & K. White	
2.9	9:50 a.m.HM/A-23:0649 Greenford Drive, Hamilton (Ward 5)	189
	Agent Caprija Corporation - M. Raja Owners S. & G. Awan	

### 3. SUBURBAN

3.1	9:55 a.m.HM/A-23:90130 Clarendon Avenue, Hamilton (Ward 8)	199
	Agent Park Eight Inc. -P. VandenArend Owner A. & M.Versteeg	
3.2	B R E A K	
3.3	10:15 a.m.HM/A-23:89339 Thayer Avenue, Hamilton (Ward 7)	211
	Agent Park Eight Inc. -P. VandenArend Owner B. & M. Wakefield	
3.4	10:20 a.m.HM/B-23:22311 Rymal Road East, Hamilton (Ward 7)	225
	Agent Metropolitan Consulting Inc. – P. Delulio Applicant S. Khan Owner S. Aquino	
3.5	10:25 a.m.AN/A-23:961194 Scenic Drive, Ancaster (Ward 14)	239
	Owners K. & C. Swan	



- 3.6 10:30 a.m.SC/B-23:1312 Shadowdale Drive, Stoney Creek (Ward 10) 257  
Owners G. & N. Mackay
- 3.7 10:30 a.m.SC/A-23:5612 Shadowdale Drive, Stoney Creek (Ward 10) 267  
Owners G. & N. Mackay
- 3.8 10:35 a.m.AN/A-23:87114 Chambers Court, Ancaster (Ward 12) 281  
Owners D. Palus & A Czaplinska-Palus

#### 4. RURAL

- 4.1 10:40 a.m.AN/B-23:23623 Shaver Road, Ancaster (Ward 12) 293  
Agent Corbett Land Strategies – J. Ceremuga  
Owner I. Bartels
- 4.2 10:45 a.m.AN/A-23:91287 Highway 52 North, Ancaster (Ward 12) 307  
Agent Carrothers & Associates – A. Blanchard  
Owner G. & G. Otten
- 4.3 10:50 a.m.AN/A-23:95476 Book Road East, Ancaster (Ward 12) 319  
Agent X-Design Inc. – S. Crawford  
Owner J. & J. Penny
- 4.4 10:55 a.m.DN/A-23:86102 Creighton Road, Dundas (Ward 13) 331  
Agent White Willow Design - D. Ott  
Owner M. & G. DeLorey
- 4.5 11:00 a.m.GL/A-23:923013 Trinity Church Road, Glanbrook (Ward 11) 357  
Owner D. & L. Wilson
- 4.6 11:05 a.m.GL/A-23:163033-3063 Binbrook Road, Glanbrook (Ward 11) 371  
Agent UrbanSolutions Planning & Land Development Consultants Inc. –  
M. Johnston  
Owner Binbrook Heritage Developments Inc.

#### 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-23:84</b>	<b>SUBJECT PROPERTY:</b>	84 TRAYMORE AVENUE, HAMILTON
<b>ZONE:</b>	"C/S-1361" (Urban Protected Residential, etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 96-109

**APPLICANTS:**      **Owner:** WISE CASTLE HOLDINGS LTD. C/O GUOPING JIANG  
**Agent:** TENHOUSE BUILDING WORKSHOP C/O MATTHEW FRATARCANGELI

The following variances are requested:

1. A gross floor area of 269.28 sq m, equal to 0.78 times the lot area, shall be permitted instead of the maximum permitted gross floor area of 154.71 sq m, equal to 0.45 times the lot area;
2. One (1) parking space shall be provided instead of the minimum required number of five (5) parking spaces; and
3. The additional dwelling unit shall be permitted a maximum number of three (3) bedrooms instead of the maximum permitted number of two (2) bedrooms.

**PURPOSE & EFFECT:**      To alter the existing single-family dwelling by constructing a rear one-storey addition and creating an additional dwelling unit within the basement:

**Notes:**

- i. Regarding Variance 1, concerning gross floor area, the calculation of gross floor area includes the area of each floor, inclusive of the basement/cellar and attic areas, and excludes only the area dedicated to heating equipment and laundry in the basement/cellar.

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

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

HM/A-23:84

<b>DATE:</b>	<b>Thursday, May 18, 2023</b>
<b>TIME:</b>	<b>9:15 a.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 HM/A-23:84, 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-23:84



 **Subject Lands**

DATED: May 2, 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

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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.

#### 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

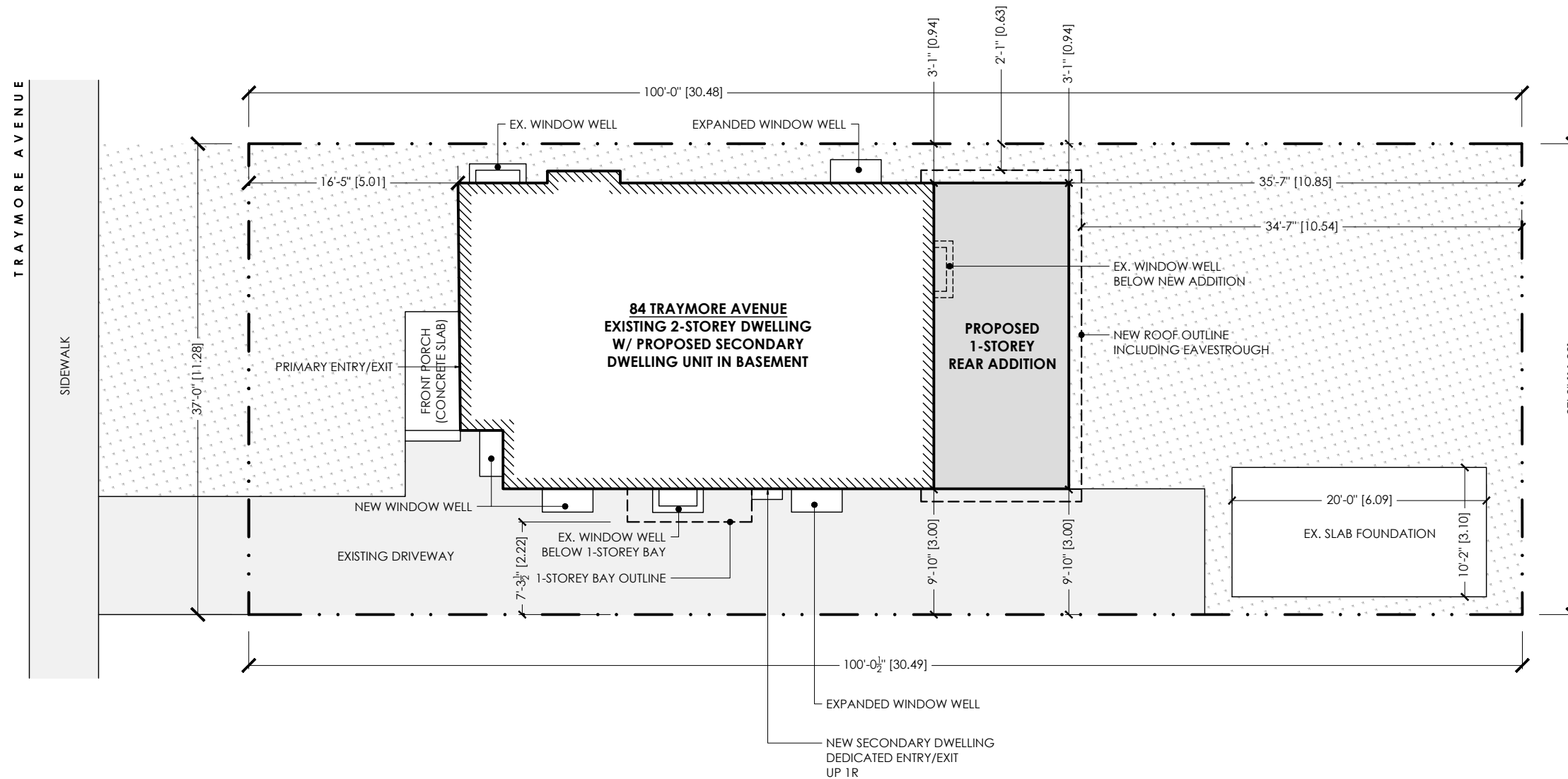
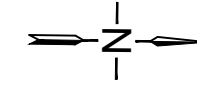
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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.

**LEGEND:**

-  EXISTING SOFTSCAPE
-  CONSTRUCTION TO REMAIN
-  EXISTING HARDSCAPE
-  NEW ADDITION



**LOT STATS:**

LOT AREA	3700.74	SQ. FT.	[ 343.81	SQ. M.]
EXISTING HOUSE	911.30	SQ. FT.	[ 84.66	SQ. M.]
EXISTING FRONT PORCH	40.68	SQ. FT.	[ 3.75	SQ. M.]
EXISTING SLAB FOUNDATION	203.65	SQ. FT.	[ 18.92	SQ. M.]
NEW REAR ADDITION	254.88	SQ. FT.	[ 23.68	SQ. M.]
PROPOSED GFA	1850.37	SQ. FT.	[ 171.91	SQ. M.]



**TENHOUSE**  
BUILDING WORKSHOP

TENHOUSE BUILDING WORKSHOP  
107 GLADSTONE AVENUE  
HAMILTON, ON L8M 2H8  
T: 905-699-7371

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

**QUALIFICATION INFORMATION**  
MATTHEW FRATARCANGELI  
BCIN#:44839

*Matthew Fratarcangeli*

**REGISTRATION INFORMATION**  
TENHOUSE BUILDING WORKSHOP  
BCIN#:112916

NO.	DATE	REVISION/ISSUE
0	04-06-2023	FOR PERMIT APPLICATION

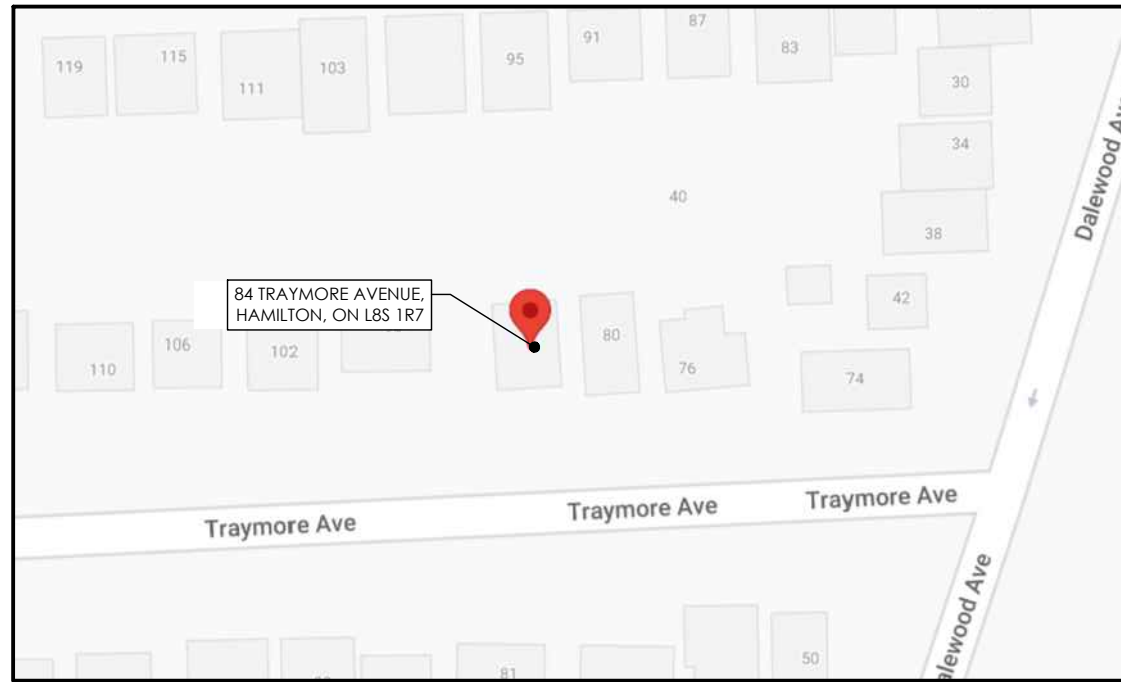
**PROJECT:**

NEW SECONDARY DWELLING IN BASEMENT AND REAR ADDITION AT 84 TRAYMORE AVENUE, HAMILTON, ON

<b>DRAWN:</b> J.T	<b>APPROVED:</b> M.D.F
<b>FILE NO:</b> 2023-06	<b>CHECKED:</b> M.D.F
<b>REVISION:</b> 0	<b>DATE:</b> 04-06-2023

PROPOSED SITE PLAN  
**SP1.02**





1 AREA MAP  
A0.01 NTS



2 84 TRAYMORE AVENUE  
A0.01 NTS



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**PROJECT:**  
NEW SECONDARY DWELLING IN BASEMENT AND REAR ADDITION AT 84 TRAYMORE AVENUE, HAMILTON, ON

**PROJECT DESCRIPTION:**

- THESE DRAWINGS OUTLINE A NEW SECONDARY DWELLING IN THE BASEMENT AND A REAR ADDITION AT 84 TRAYMORE AVENUE, HAMILTON, ONTARIO.
- THERE ARE NO CHANGES TO THE EXISTING BUILDING OR SITE CONDITIONS UNLESS OTHERWISE NOTED ON THE SITE PLAN.
- EXISTING SITE DRAINAGE PATTERNS TO REMAIN UNCHANGED. MINIMUM 24" AROUND PROPERTY LINE TO REMAIN UNCHANGED - GRADES TO MATCH.

**PROJECT NOTES:**

1. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT O.B.C. AND THE ONTARIO CONSTRUCTION SAFETY ACT.
2. CONTRACTOR TAKE NECESSARY PRECAUTIONS TO COMPLY WITH LOCAL SAFETY AUTHORITIES HAVING JURISDICTION (I.E. OCCUPATIONAL HEALTH AND SAFETY ACT).
3. CHECK ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE OWNER BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE FROM DRAWINGS.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY'S ENGINEERING DEPARTMENT.
5. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT THERE IS NO INTERRUPTION OF ANY SURFACE OR SUBSURFACE DRAINAGE FLOW THAT WOULD ADVERSELY AFFECT NEIGHBORING PROPERTIES.
6. ALL EXISTING UNDERGROUND UTILITIES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LOCATED AND MARKED. ANY DAMAGED OR DISTURBED UTILITIES SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE GOVERNING BODY AT THE CONTRACTORS EXPENSE.
7. SAFEGUARD ALL EXISTING STRUCTURES, SERVICES, AND ADJACENT PROPERTY AFFECTED BY THE CONSTRUCTION.
8. ALL CONCRETE WORK, INCLUDING FORMING, REINFORCING, PREPARATION, MIXING, PLACING, CURING AND FINISHING SHALL CONFORM TO CSA CAN 3-A23.1-M90 (M94).

9. ALL MASONRY WORK TO BE DONE IN ACCORDANCE WITH CAN3-5304-M90.
10. IF THERE ARE ANY DEVIATIONS NOTED FROM WHAT IS DEPICTED ON THESE DRAWINGS, THE CONTRACTOR IS TO NOTIFY TENHOUSE BUILDING WORKSHOP AND SEEK INSTRUCTION BEFORE PROCEEDING.
11. DEMOLITION SHALL BE PERFORMED IN COMPLIANCE WITH CSA S350-M1980(R2003) AND MINISTRY OF LABOUR REQUIREMENTS.
12. IF REQUIRED, CONTRACTOR IS TO PROVIDE SUPPORTS OR SHORING WHERE NECESSARY, BEFORE ANY CLEANUP, DEMOLITION, OR REPAIR ACTIVITIES.
13. ALL DIMENSIONS ARE IN IMPERIAL UNLESS OTHERWISE NOTED.
14. ALL DIMENSION LUMBER TO BE SPRUCE, PINE, FIR (SPF) NO. 1 OR NO. 2 GRADE.
15. THE CONTRACTOR SHALL SEEK FURTHER DIRECTION, IF REQUIRED, REGARDING DETAILS OR MATERIAL SELECTION. TENHOUSE BUILDING WORKSHOP DOES NOT TAKE RESPONSIBILITY FOR DETAILS NOT INCLUDED IN THESE DRAWINGS.
16. ALL SPECIFICATIONS AND MATERIALS PROPOSED BY ENGINEERS SHALL BE USED IN PLACE OF SPECIFICATIONS AND MATERIALS IDENTIFIED IN THE CONSTRUCTION NOTES.
17. ALL MANUFACTURED ITEMS TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS PRINTED INSTRUCTIONS. SUBMIT ALL INSTALLATION INSTRUCTIONS TO OWNER UPON COMPLETION OF JOB.
18. ALL HAZARDOUS MATERIALS TO BE IDENTIFIED BY THE CONTRACTOR AND PROPERLY DISPOSED OF.
19. ALL WORK AND TRADES SHALL BE COORDINATED BY THE GENERAL CONTRACTOR TO ENSURE ALL WORK IS COMPLETED TO THE HIGHEST LEVEL OF STANDARD.
20. GENERAL CONTRACTOR IS RESPONSIBLE OF OBTAIN ALL NECESSARY AND REQUIRED INSPECTIONS.
21. ALL MATERIALS TO BE NEW AND FREE OF DEFECTS.

**ABBREVIATIONS:**



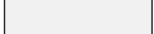

AFF	ABOVE FINISHED FLOOR	GW	GYPSUM WALL BOARD
ALUM	ALUMINUM	HB	HOSE BIB
BBSE	BEAM BY STRUCTURAL ENGINEER	INSUL	INSULATED OR INSULATION
BM	BEAM	INT	INTERIOR
CLG	CEILING	JST	JOIST
CRF	CONVENTIONAL ROOF FRAMING	LVL	LAMINATED VENEER LUMBER
CMU	CONCRETE MASONRY UNIT	LSL	LAMINATED STRAND LUMBER
COL	COLUMN	MAX	MAXIMUM
CONC	CONCRETE	MIN	MINIMUM
CONT	CONTINUOUS	MTL	METAL
CW	COMPLETE WITH	OBC	ONTARIO BUILDING CODE
DEMO	DEMOLISH	OC	ON CENTER
DIM	DIMENSION	OSB	ORIENTED STRAND BOARD
DJ	DOUBLE JOIST	OTA	OPEN TO ABOVE
DN	DOWN	OTB	OPEN TO BELOW
DO	DO OVER	PT	PRESSURE TREATED
DR	DOOR	PTD	PAINT OR PAINTED
DROP	DROPPED	REQD	REQUIRED
DS	DOWNSPOUT	RM	ROOM
DWG	DRAWING	RT	ROOF TRUSS
EA	EACH	RWL	RAIN WATER LEADER
EIFS	EXTERIOR INSULATED FINISH SYSTEM	SB	SOLID BEARING
ELEV	ELEVATION	SBFA	SOLID BEARING FROM ABOVE
ENC	ENCLOSED	SJ	SINGLE JOIST
ENG	ENGINEER OR ENGINEERED	SPEC	SPECIFIED OR SPECIFICATION
EQ	EQUAL	SPF	SPRUCE, PINE, FIR
EST	ESTIMATED	STL	STEEL
EXT	EXTERIOR	T&G	TONGUE AND GROOVE
FD	FLOOR DRAIN	TJ	TRIPLE JOIST
FG	FIXED GLASS	T/O	TOP OF
FL	FLUSH	TYP	TYPICAL
FLR	FLOOR	UNO	UNLESS NOTED OTHERWISE
GA	GAUGE	U/S	UNDERSIDE
GALV	GALVANIZED	WIC	WALK-IN CLOSET
		WP	WEATHER PROOF

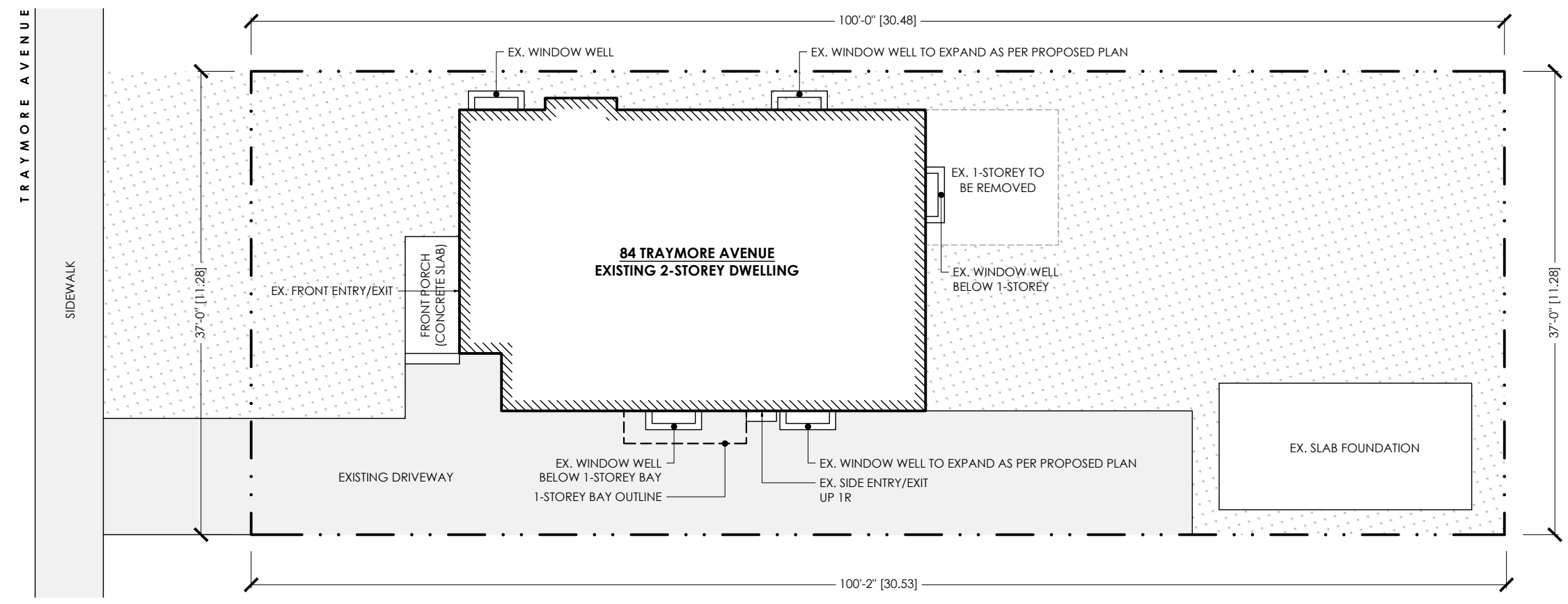
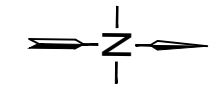
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<b>REVISION:</b> 0	<b>DATE:</b> 04-06-2023

COVER PAGE  
**A0.01**



**LEGEND:**

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-  EXISTING HARDSCAPE
-  TO BE REMOVED





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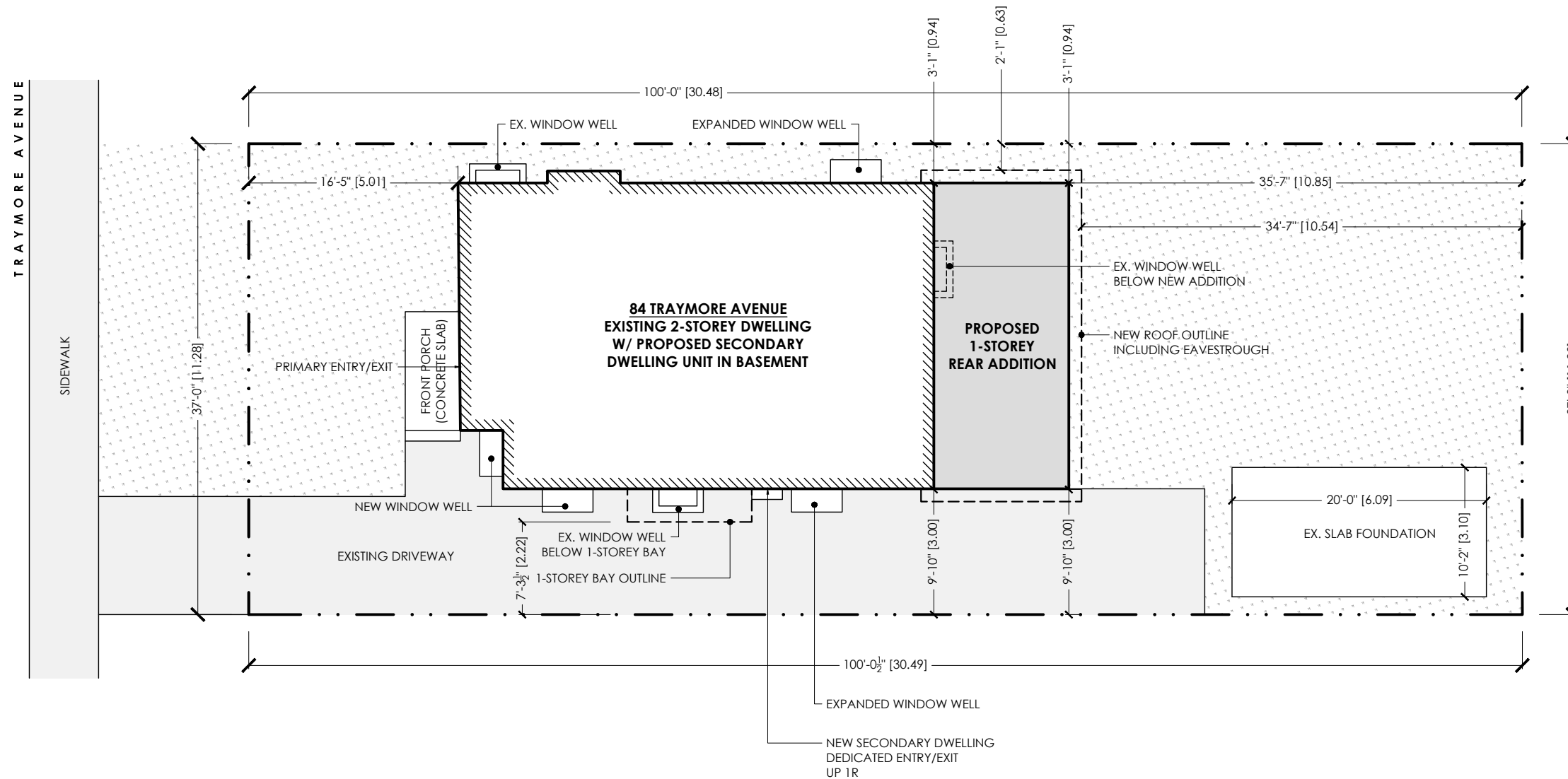
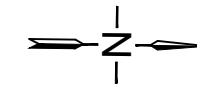
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EXISTING SITE PLAN  
**SP1.01**

1 **EXISTING SITE PLAN**  
SP1.01 3/32" - 1'-0"

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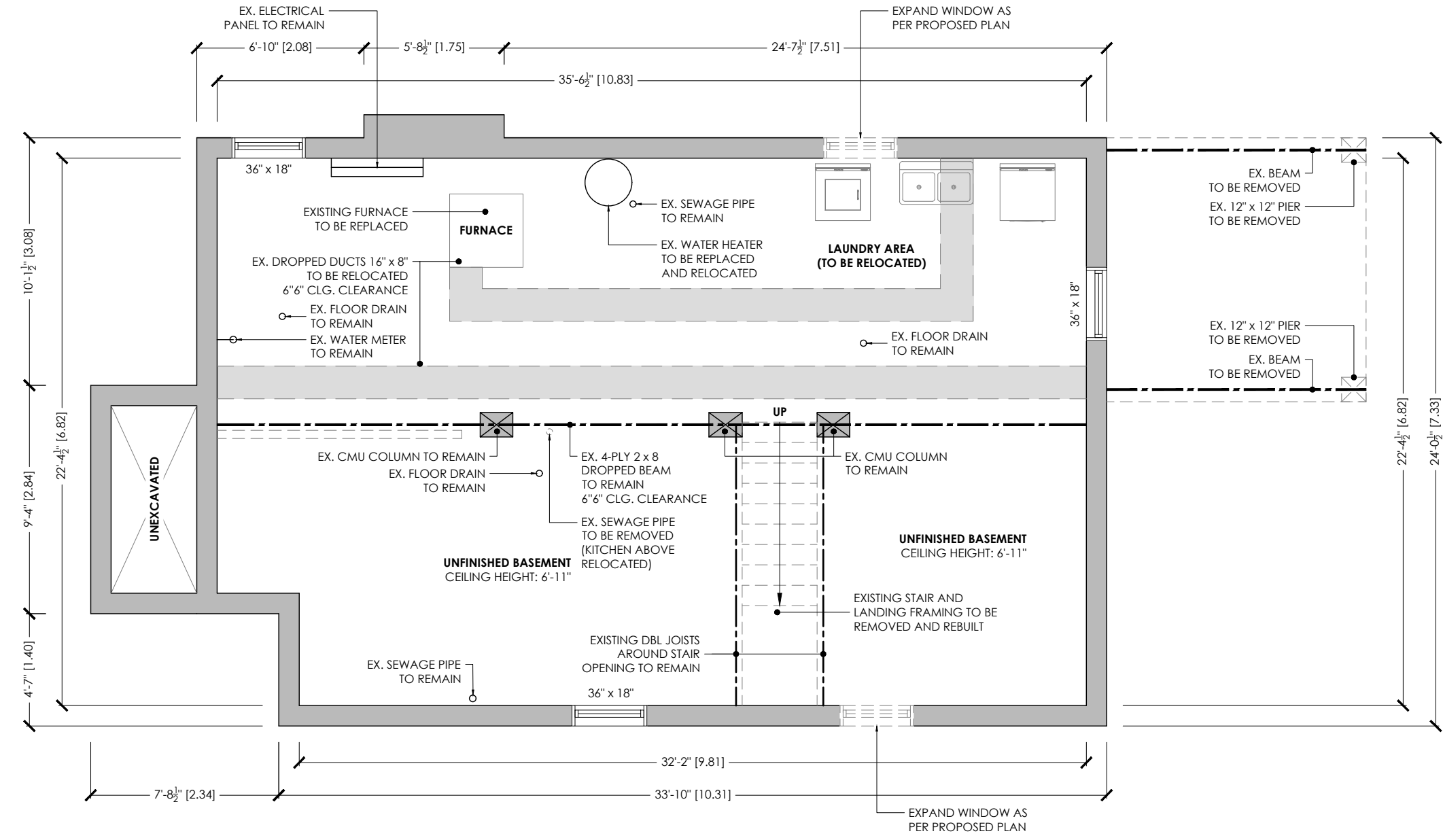
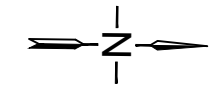
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<b>REVISION:</b> 0	<b>DATE:</b> 04-06-2023

PROPOSED SITE PLAN  
**SP1.02**

**LEGEND:**

- CONSTRUCTION TO REMAIN
- TO BE REMOVED



**1** EXISTING BASEMENT LEVEL  
3/16" - 1'-0"

**TENHOUSE**  
BUILDING WORKSHOP  
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107 GLADSTONE AVENUE  
HAMILTON, ON L8M 2H8  
T: 905-699-7371

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**QUALIFICATION INFORMATION**  
MATTHEW FRATARCANGELI  
BCIN#:44839

*Matthew Fratarcangeli*

**REGISTRATION INFORMATION**  
TENHOUSE BUILDING WORKSHOP  
BCIN#:112916

NO.	DATE	REVISION/ISSUE
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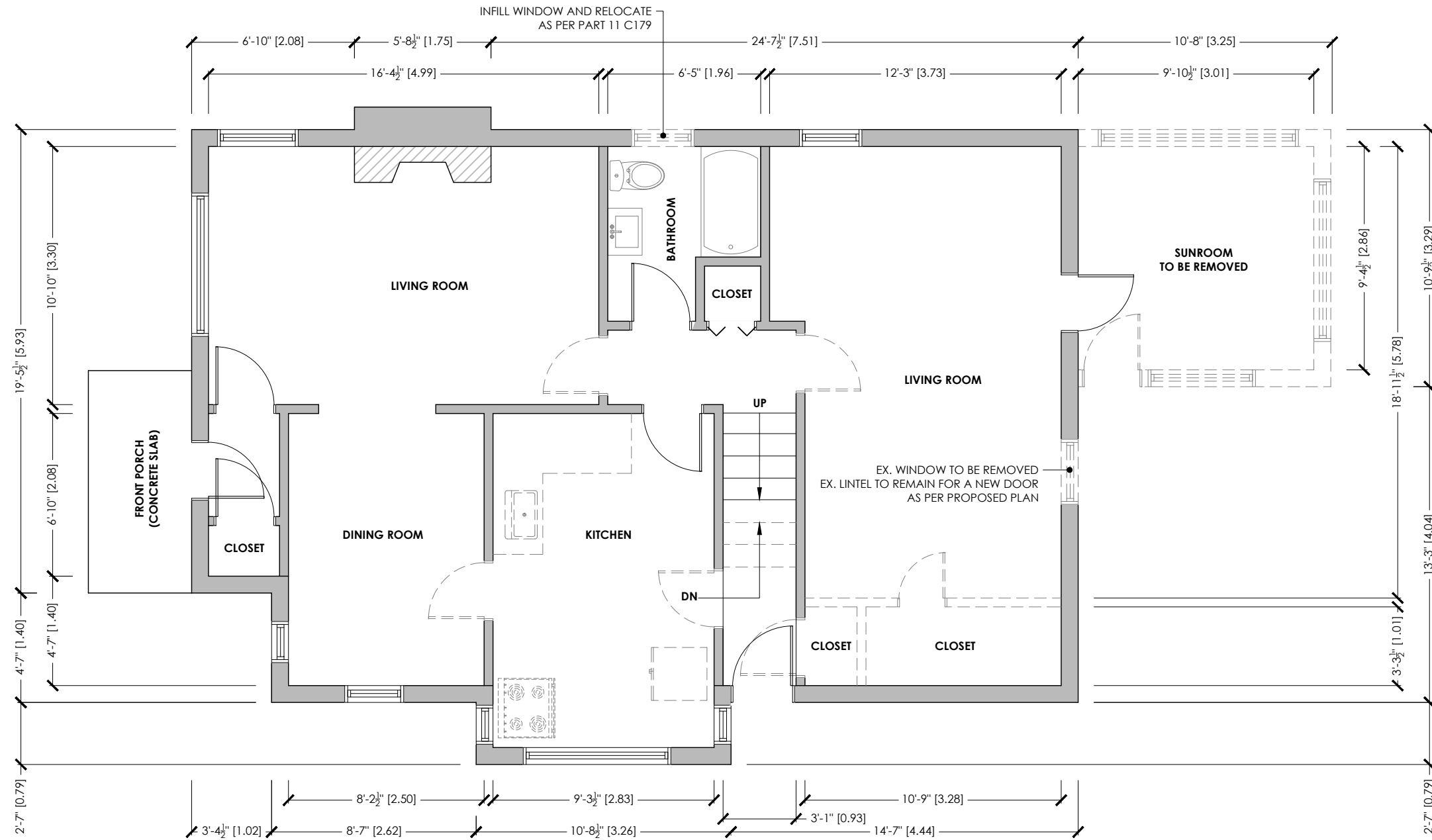
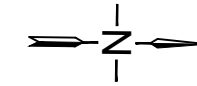
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NEW SECONDARY DWELLING IN BASEMENT AND REAR ADDITION AT 84 TRAYMORE AVENUE, HAMILTON, ON

<b>DRAWN:</b> J.T	<b>APPROVED:</b> M.D.F
<b>FILE NO:</b> 2023-06	<b>CHECKED:</b> M.D.F
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EXISTING BASEMENT LEVEL  
**A1.01**

**LEGEND:**

- CONSTRUCTION TO REMAIN
- TO BE REMOVED



1 EXISTING MAIN LEVEL  
A1.02 3/16" = 1'-0"

**TENHOUSE**  
BUILDING WORKSHOP

TENHOUSE BUILDING WORKSHOP  
107 GLADSTONE AVENUE  
HAMILTON, ON L8M 2H8  
T: 905-699-7371

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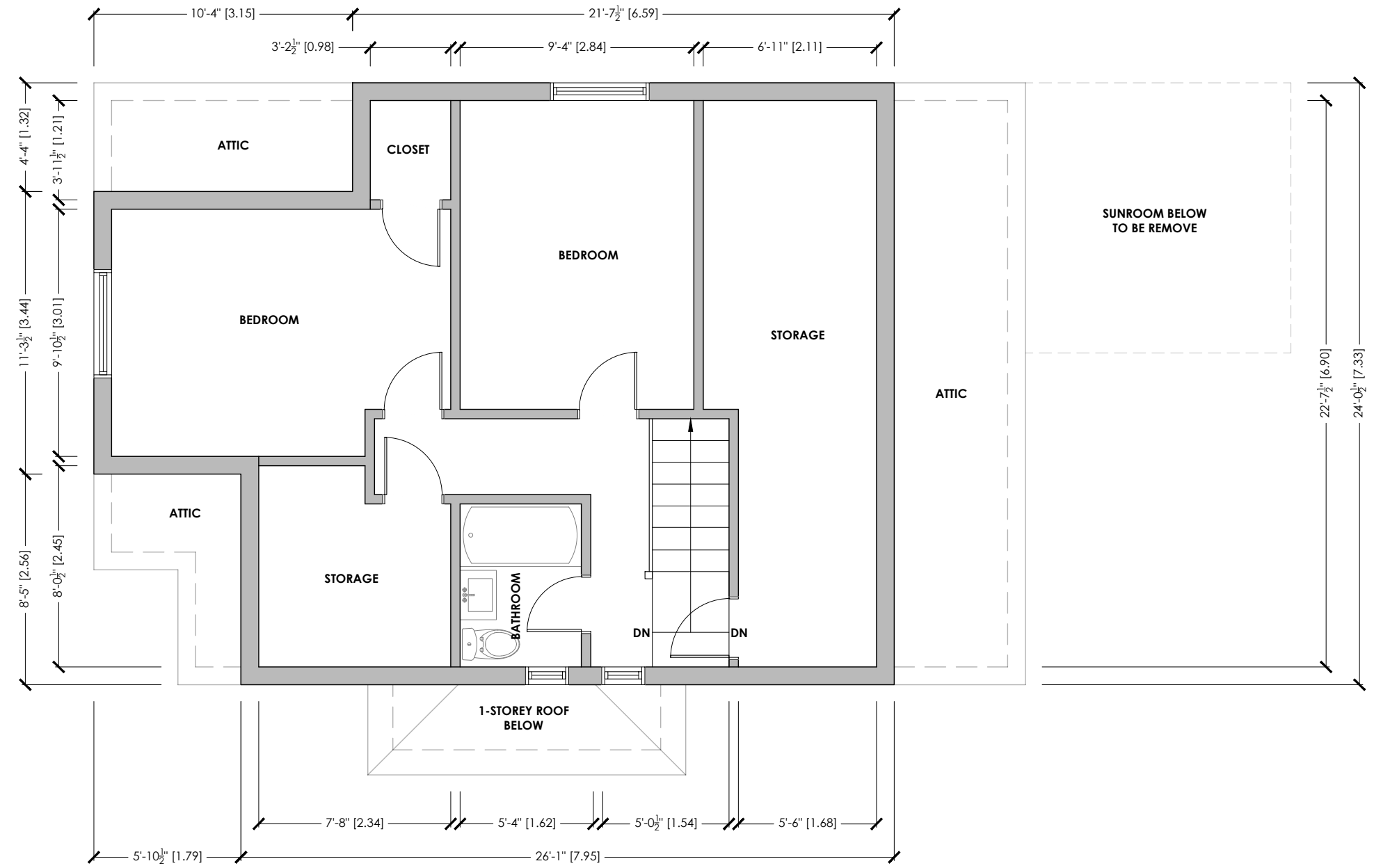
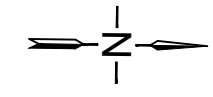
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EXISTING MAIN LEVEL  
**A1.02**



1 EXISTING SECOND LEVEL  
A1.03 3/16" - 1'-0"

**TENHOUSE**  
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EXISTING SECOND LEVEL  
**A1.03**

LEGEND:	
SYMBOL	DESCRIPTION
	EXISTING WALLS TO REMAIN
	NEW WALLS
	DOOR WIDTH (PROVIDE FIRE RATED DOOR W/ SELF CLOSER FOR FURNACE ROOM)
	SMOKE ALARM SHALL BE INSTALLED IN EVERY DWELLING UNIT AND IN COMMON AREAS AS PER OBC. 9.10.19 AND ARE INTERCONNECTED WITH VISUAL SIGNA (STROBE)
	CARBON MONOXIDE AND SMOKE ALARM EITHER COMBINED OR SEPARATED
	EXISTING AIR OUTLET (ALL SUPPLY/RETURN AIR OUTLETS ARE EXISTING AND TO REMAIN)
	EXHAUST FAN/VENT SHALL BE VENTED DIRECTLY TO EXTERIOR
	SMOKE DUCT DETECTOR (INSTALLED IN RETURN AIR PLENUM)
	EXISTING FLOOR DRAIN (ALL EXISTING TO REMAIN)

**WALL SCHEDULE:**

- W1 - NEW INTERIOR PARTITION WALL**  
1/2" GYPSUM BOARD  
2 x 4 AT 16" O.C STUD WALL
- W2 - NEW INTERIOR PARTITION WALL 30 MIN. FIRE SEPARATION**  
AS PER SB-3 WALL W1c  
1/2" GYPSUM BOARD  
2 x 4 AT 16" O.C STUD WALL  
SOUND INSULATION TO FILL STUD CAVITY  
1/2" GYPSUM BOARD
- W3 - CMU FOUNDATION WALL**  
2 x 4 AT 24" O.C STUD WALL  
FILLED WITH R24 BATT INSULATION (ROXUL FIRE & SAFE)  
1/2" GYPSUM BOARD

**CEILING SCHEDULE:**

- C1 - NEW 30 MIN. FRR. CEILING**  
- EXISTING PLYWOOD, OSB, OR WAFERBOARD SUBFLOOR  
- WOOD JOIST OR I-JOIST SPACED NOT MORE 24" O.C  
- SOUND INSULATION (OPTIONAL)  
- RESILIENT METAL CHANNELS SPACED 24" O.C  
- ONE LAYER 1/2" TYPE X/C GYPSUM BOARD

**NOTE:** WHERE A 15-MIN. FIRE SEPARATION IS USED, BOTH UNITS MUST HAVE THEIR SMOKE ALARMS UPDATED TO MEET DIV-B.9.10.19.

THE FOLLOWING IS REQUIRED:

- SMOKE ALARM IS TO BE INSTALLED:
- a) ON EACH STOREY, INCLUDING BASEMENTS
  - b) IN EACH SLEEPING ROOM
  - c) IN THE HALLWAY(S) ADJACENT TO THE SLEEPING ROOMS
  - d) IN ALL COMMON AREAS

ALL SMOKE ALARM SHALL HAVE VISUAL SIGNALING COMPONENT (STROBE) AS PART OF THE SYSTEM (EITHER COMBINED OR SEPARATE)

**ALL SMOKE ALARMS IN BOTH SUITES MUST BE INTERCONNECTED**

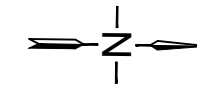
A CARBON MONOXIDE SHALL BE INSTALLED ADJACENT TO EACH SLEEPING AREA IN THE SUITES (EITHER COMBINED WITH THE SMOKE ALARM OR SEPARATE)

**LEDGER BOARD SCHEDULE**

- LD1 - NEW 2- 2 x 8 DROPPED LEDGER BOARD LAG BOLTED**  
W/ EXPANSION SLEEVE TO EX. CMU FOUNDATION  
W/ 1/2" Ø HILTI KWIK 1 W/ MIN. 4" EMBEDMENT AT 16" O.C, STAGGERED

**FOOTING SCHEDULE**

- PF1 - PAD FOOTING**  
26" x 26" x 10" CONCRETE PAD FOOTING ON UNDISTURBED SOIL TO SUPPORT 1 FLOOR (NEW ADDITION)

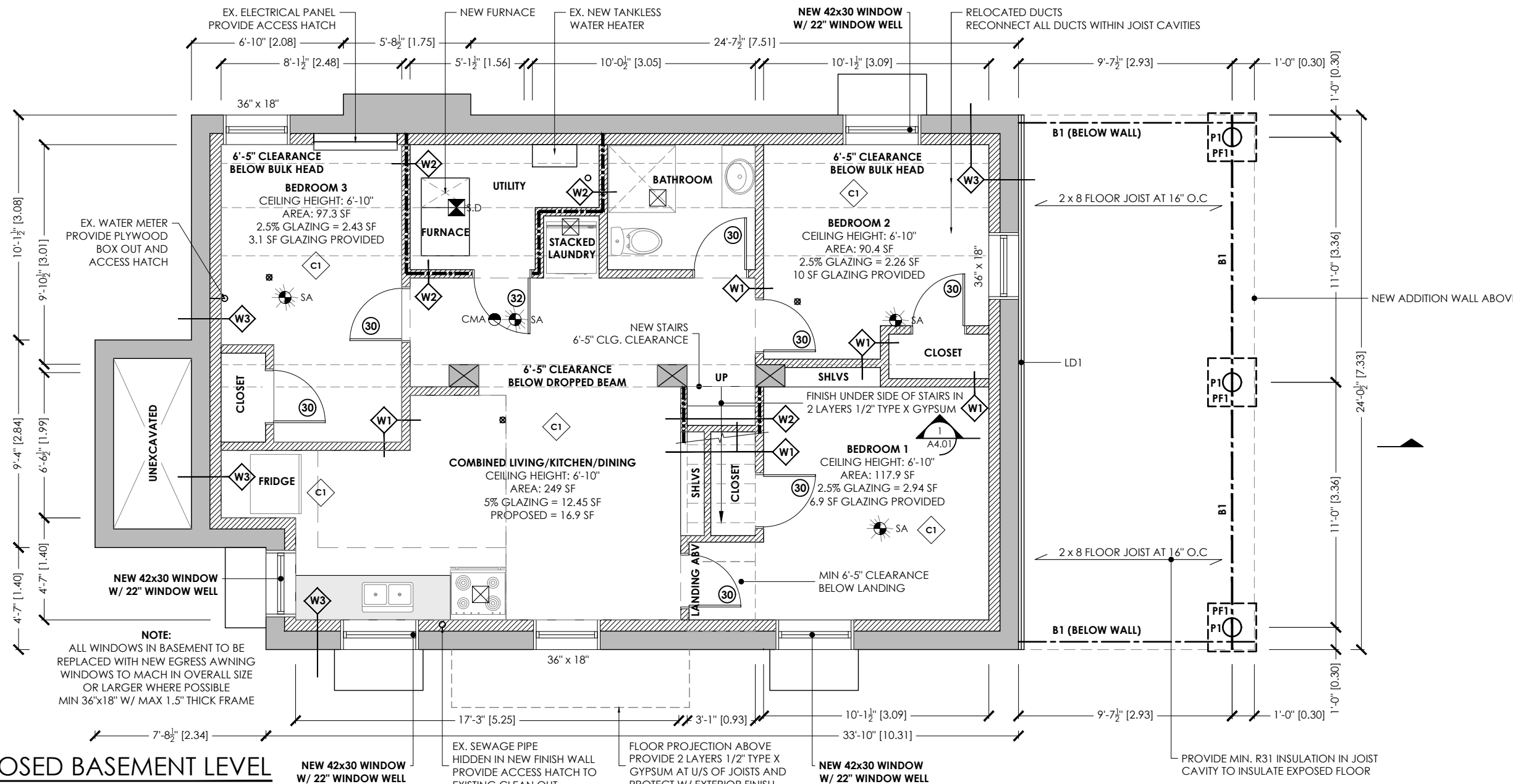


**POST SCHEDULE**

- P1 - 10" Ø POURED CONCRETE PIER**  
MIN. 4" DEEP ON UNDISTURBED SOIL  
BEAM MUST BE CENTERED ON CONCRETE PIER

**BEAM SCHEDULE**

- B1 - FLOOR BEAM**  
4-PLY 2 x 8 DROPPED BEAM  
PROVIDE METAL BEAM SADDLE ANCHORED TO CONCRETE PIER



**NOTE:**  
ALL WINDOWS IN BASEMENT TO BE REPLACED WITH NEW EGRESS AWNING WINDOWS TO MATCH IN OVERALL SIZE OR LARGER WHERE POSSIBLE  
MIN 36"x18" W/ MAX 1.5" THICK FRAME

**1 PROPOSED BASEMENT LEVEL**  
A2.01 3/16" - 1'-0"

**TENHOUSE**  
BUILDING WORKSHOP  
TENHOUSE BUILDING WORKSHOP  
107 GLADSTONE AVENUE  
HAMILTON, ON L8M 2H8  
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PROPOSED BASEMENT LEVEL  
**A2.01**



**LEGEND:**

SYMBOL	DESCRIPTION
	EXISTING WALLS TO REMAIN
	NEW WALLS
	DOOR WIDTH
	SMOKE ALARM SHALL BE INSTALLED IN EVERY DWELLING UNIT AND IN COMMON AREAS AS PER OBC. 9.10.19 AND ARE INTERCONNECTED WITH VISUAL SIGNA (STROBE)
	CARBON MONOXIDE AND SMOKE ALARM EITHER COMBINED OR SEPARATED
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	EXHAUST FAN/VENT SHALL BE VENTED DIRECTLY TO EXTERIOR
	SMOKE DUCT DETECTOR (INSTALLED IN RETURN AIR PLENUM)
	EXISTING FLOOR DRAIN (ALL EXISTING TO REMAIN)

**WALL SCHEDULE:**

		<b>W1- NEW INTERIOR PARTITION WALL</b> 1/2" GYPSUM BOARD 2 x 4 AT 16" O.C STUD WALL
		<b>W2- NEW INTERIOR PARTITION WALL 30 MIN. FIRE SEPARATION</b> 1/2" GYPSUM BOARD 2 x 4 AT 16" O.C STUD WALL, FILLED WITH BATT INSULATION SOUND INSULATION TO FILL STUD CAVITY 1/2" GYPSUM BOARD
		<b>W4- EXTERIOR SIDING WALL</b> BACK VENTED SIDING AS PER MANU. 3/4" STRAPPING AT 16" O.C. FASTENED TO STUDS CONTINUOUS AIR BARRIER SEAL ALL JOINTS W/ HW TAPE 2" RIGID INSULATION 3/8" EXTERIOR GRADE SHEATHING 2x6 STUDS AT 16" O.C., DBL TOP PLATE AND BLOCKING AT MID HEIGHT FILLED W/ BATT INSULATION IN CONT. CONTACT W/ SHEATHING 6 MIL POLY VAPOR BARRIER OVERLAP AND SEAL JOINTS INTERIOR 1/2" GYPSUM BOARD PROVIDE 5/8" TYPE X GYPSUM IF WALL IS LESS THAN 3'-1 1/2" FROM PROPERTY LINE

**NOTE:** WHERE A 15-MIN. FIRE SEPARATION IS USED, BOTH UNITS MUST HAVE THEIR SMOKE ALARMS UPDATED TO MEET DIV-B.9.10.19.

THE FOLLOWING IS REQUIRED:

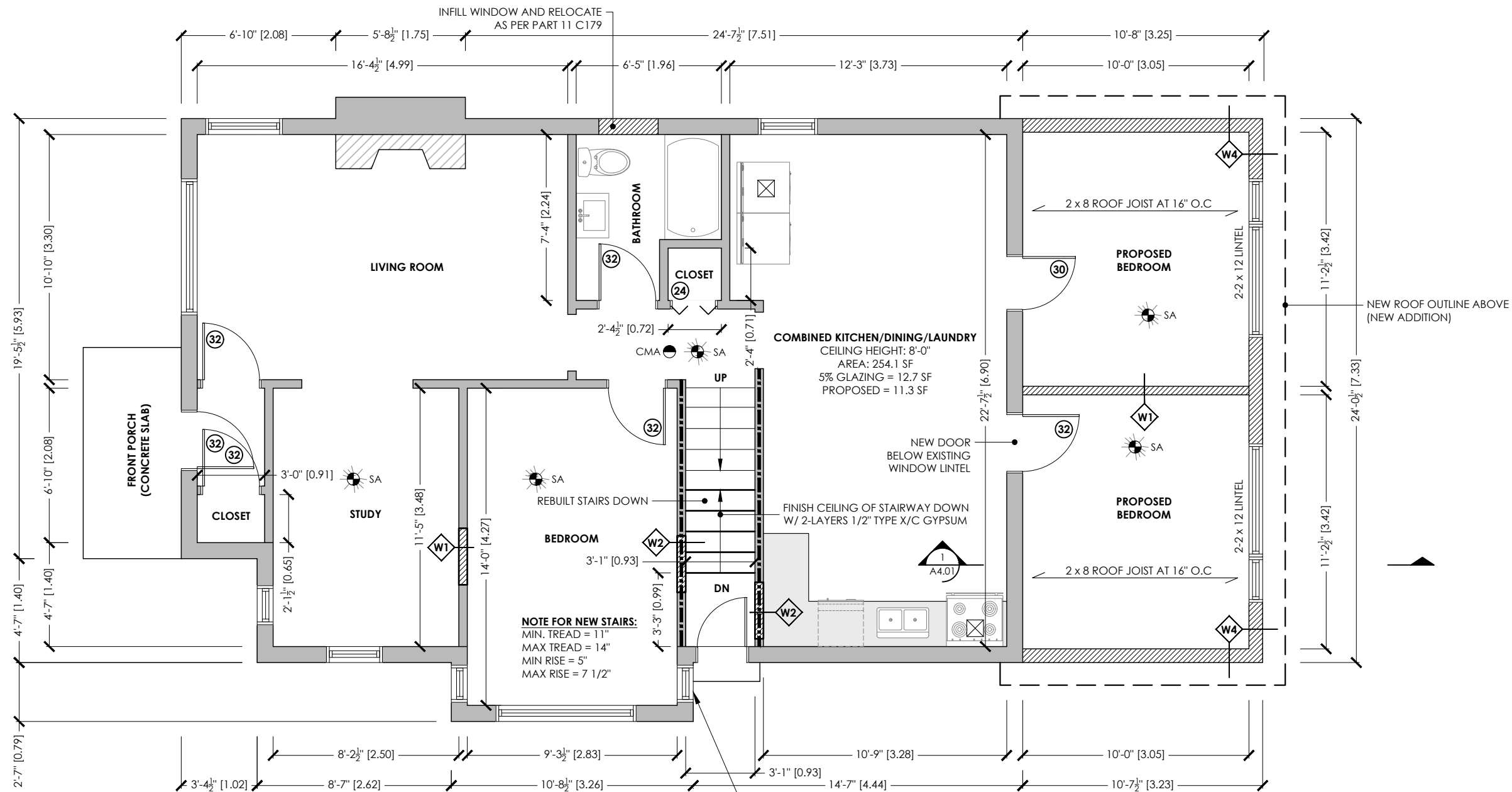
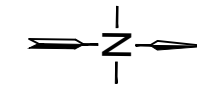
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**1** PROPOSED MAIN LEVEL  
A2.02 3/16" - 1'-0"

**FIRE PROTECTION OF SECONDARY DWELLING EXIT**  
OPTION 1 - REMOVE AND INFILL WINDOW WITH EXTERIOR WALL ASSEMBLY TO MATCH EXISTING  
OPTION 2 - REPLACE WINDOW WITH WIRED GLASS IN FIXED STEEL FRAME OR GLASS BLOCK  
INSTALLED IN ACCORDANCE WITH ARTICLES 9.10.13.5. AND 9.10.13.7.

**TENHOUSE**  
BUILDING WORKSHOP

TENHOUSE BUILDING WORKSHOP  
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PROPOSED MAIN LEVEL  
**A2.02**

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- W2 - NEW INTERIOR PARTITION WALL 30 MIN. FIRE SEPARATION**  
1/2" GYPSUM BOARD  
2 x 4 AT 16" O.C STUD WALL, FILLED WITH BATT INSULATION  
SOUND INSULATION TO FILL STUD CAVITY  
1/2" GYPSUM BOARD

**CEILING SCHEDULE:**

- C1 - NEW 30 MIN. FRR. CEILING**  
- EXISTING PLYWOOD, OSB, OR WAFERBOARD SUBFLOOR  
- WOOD JOIST OR I-JOIST SPACED NOT MORE 24" O.C  
- SOUND INSULATION (OPTIONAL)  
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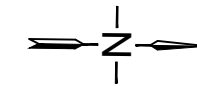
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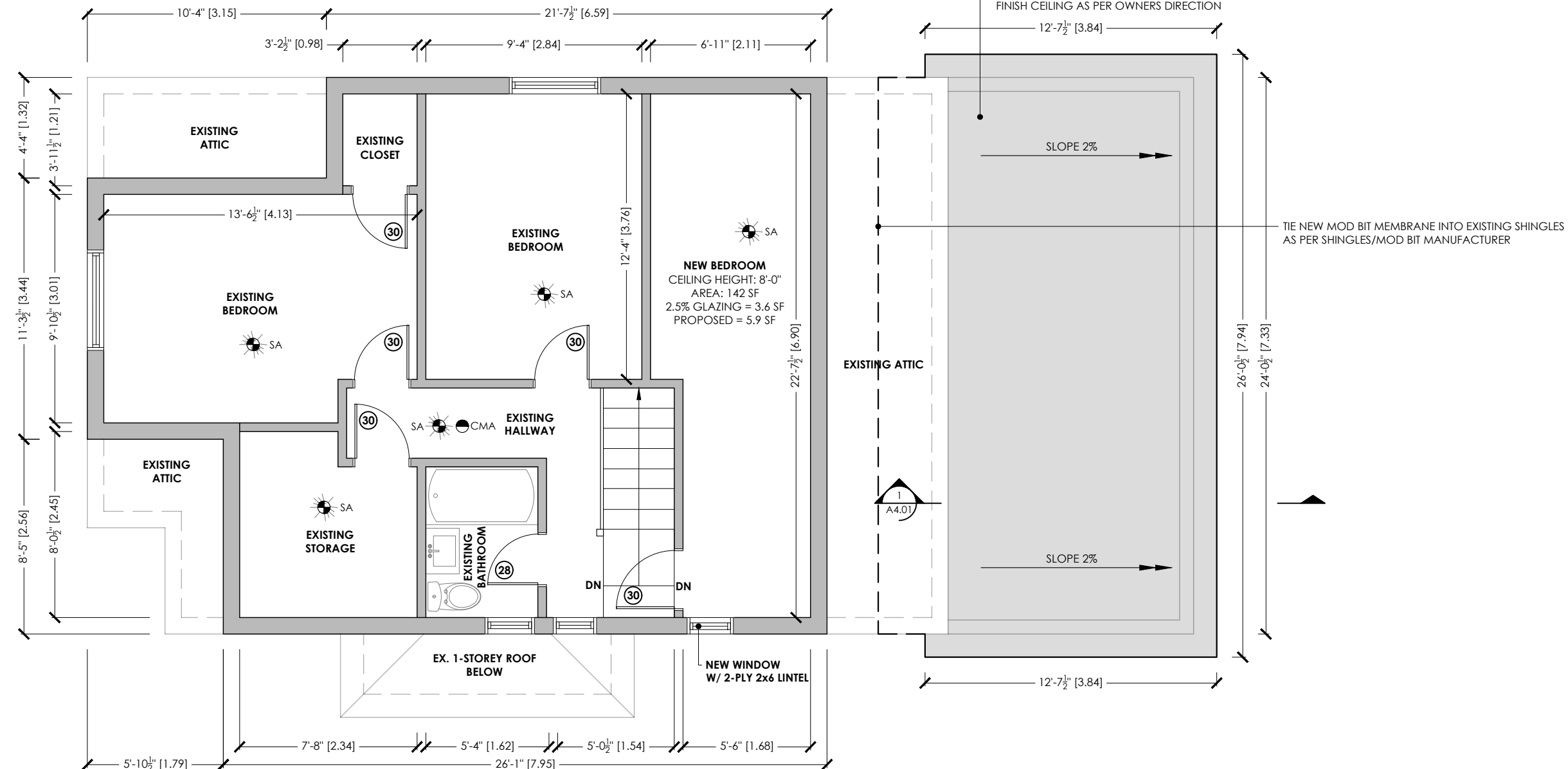
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**ROOF CONSTRUCTION**

COMMERCIAL GRADE MOD BIT PEEL AND STICK ROOF MEMBRANE AS PER MANUFACTURER  
MOD BIT PRIMER ROLLED ON SHEATHING AS PER MANUFACTURER  
1/2" EXTERIOR GRADE SHEATHING ON SLEEPERS RIPPED TO SLOPE  
PROVIDE FULL SHEETS OF PLYWOOD AROUND ROOF EDGE  
ROOF JOISTS AS PER PLAN WITH BLOCKING AT MID SPAN  
MIN. R31 SPRAY FOAM IN JOIST CAVITY  
FINISH CEILING AS PER OWNERS DIRECTION



**1** PROPOSED SECOND LEVEL  
A2.03  
3/16" - 1'-0"

**TENHOUSE**  
BUILDING WORKSHOP  
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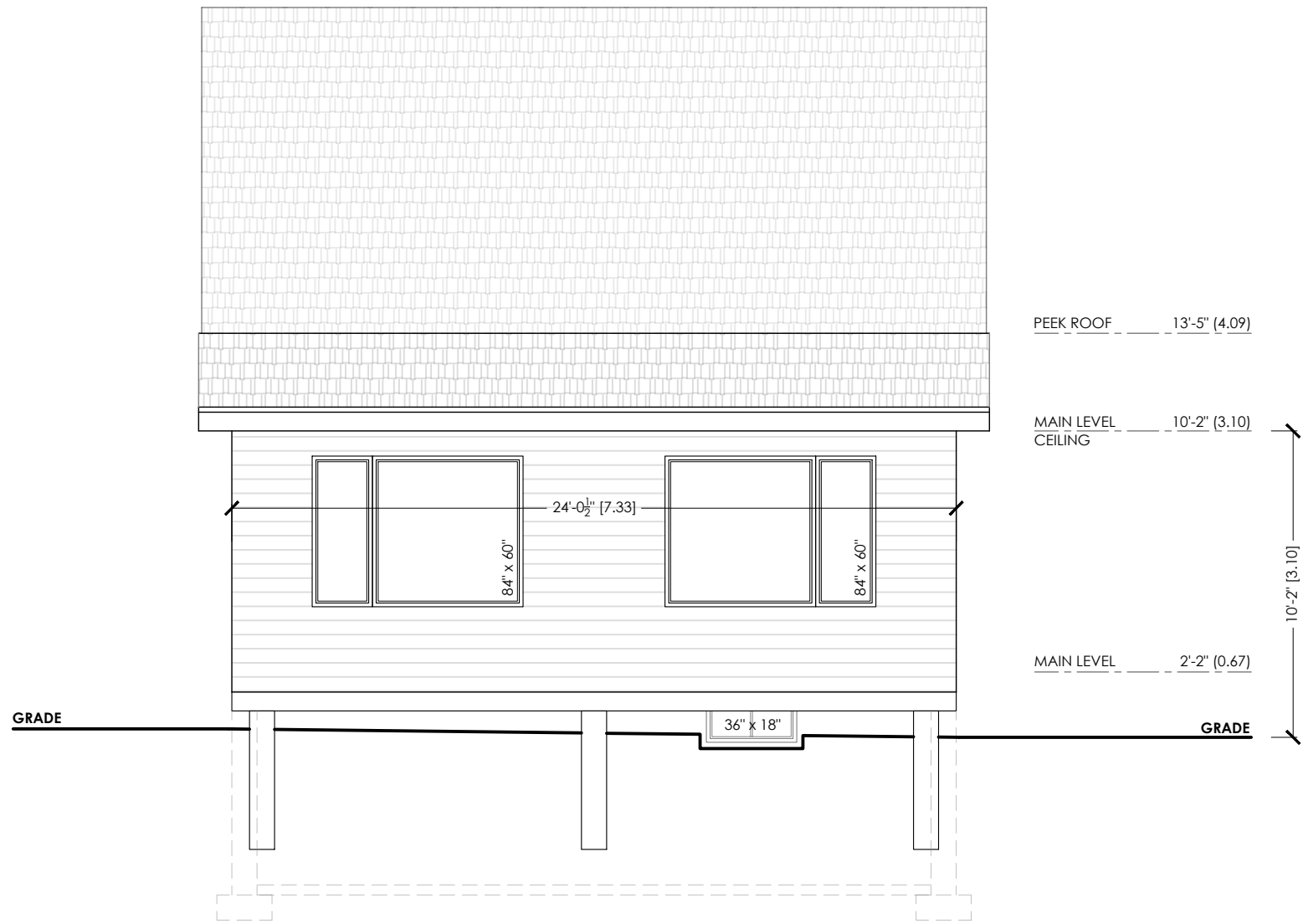
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PROPOSED SECOND LEVEL  
**A2.03**





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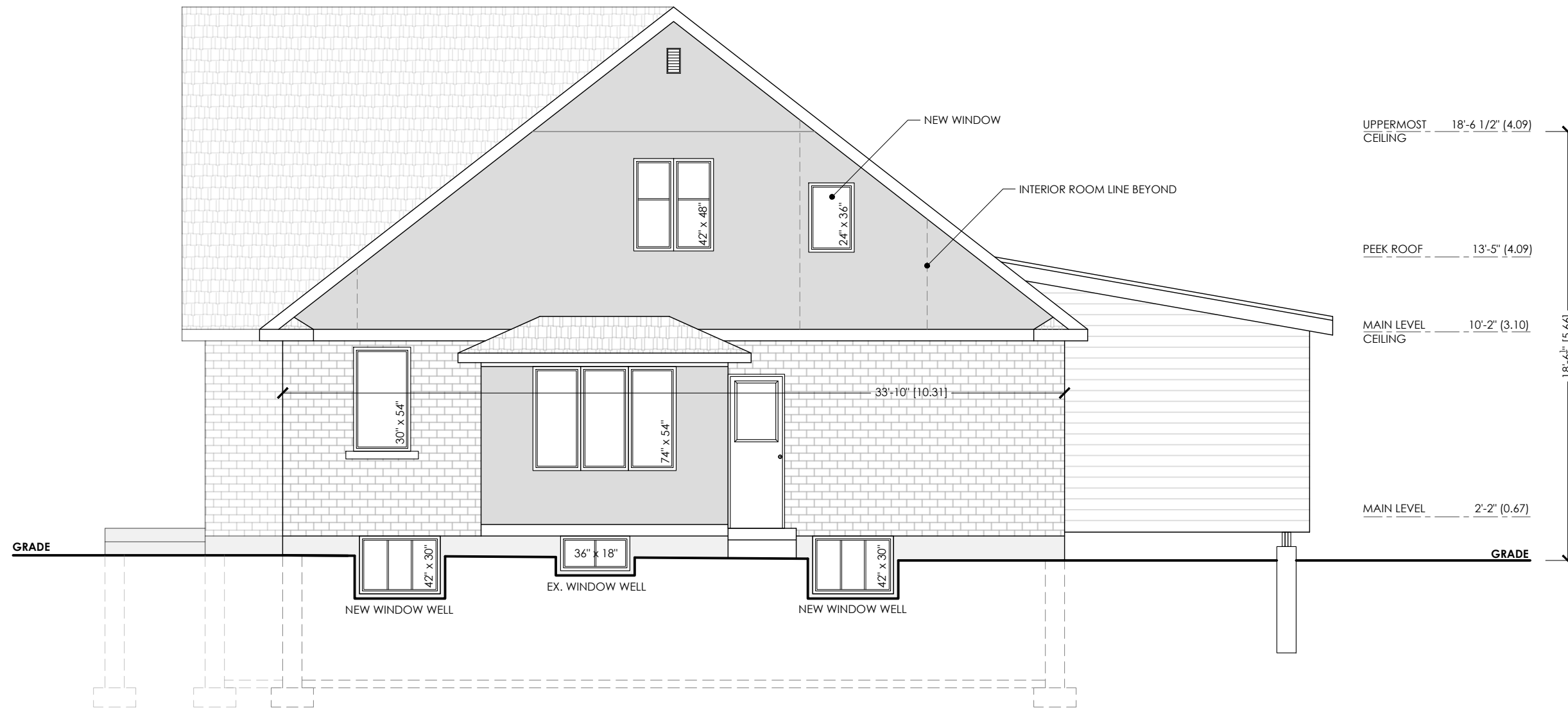
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PROPOSED REAR ELEVATION  
**A3.01**

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

**ALLOWABLE OPENINGS CALCULATION AREA 1:**  
 LIMITING DISTANCE = 2.22 METERS  
 EXPOSED BUILDING FACE AREA = 49.42 SQUARE METERS  
 MAX ALLOWABLE GLAZING = 6.92 SQUARE METERS [14%]  
 GLAZING PROVIDED = 5.75 SQUARE METERS



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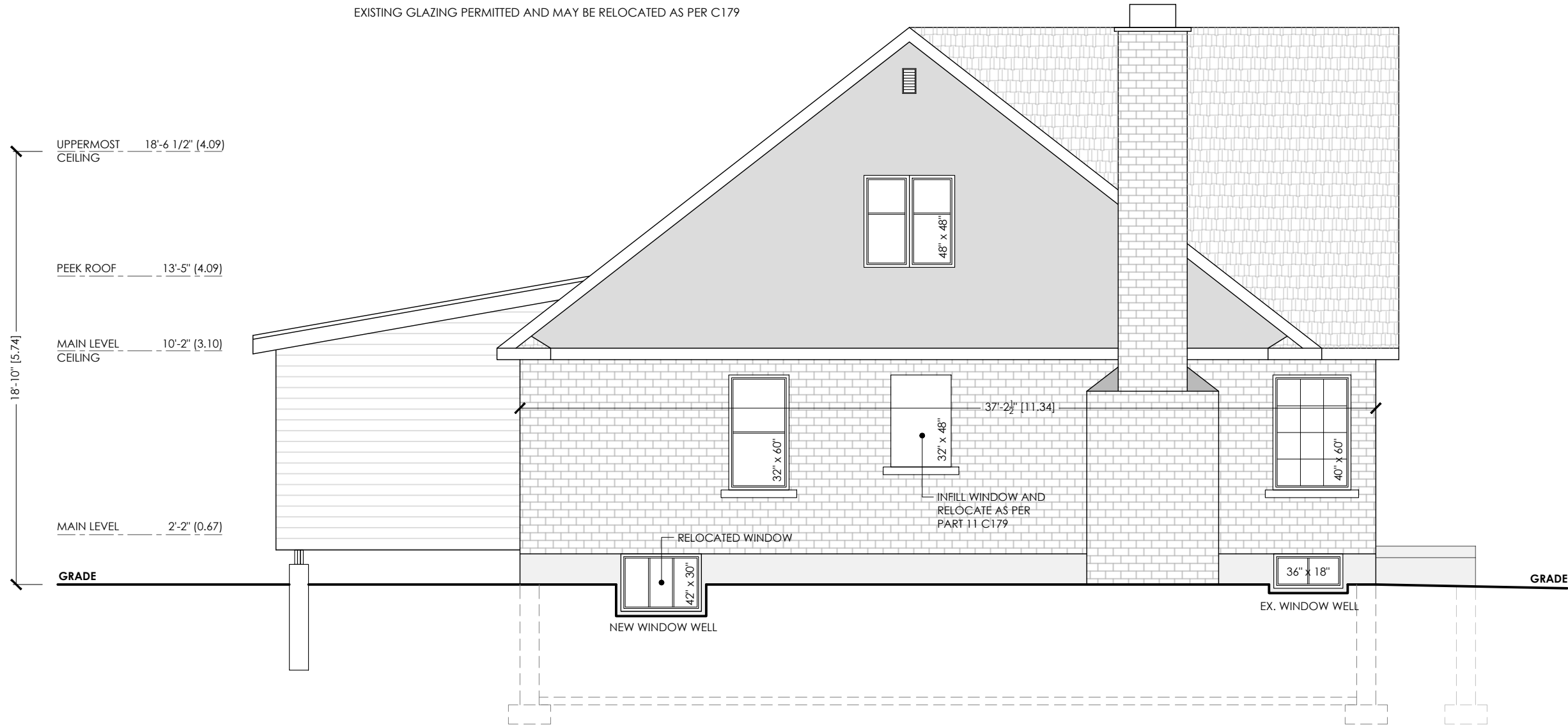
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PROPOSED SIDE ELEVATION  
**A3.02**

1 PROPOSED SIDE ELEVATION  
 3/16" - 1'-0"

**ALLOWABLE OPENINGS CALCULATION AREA 1:**  
 LIMITING DISTANCE = 0.65 METERS  
 EXPOSED BUILDING FACE AREA = 51.51 SQUARE METERS  
 MAX ALLOWABLE GLAZING = 0%  
 GLAZING PROVIDED = 6.46 SQUARE METERS

EXISTING GLAZING PERMITTED AND MAY BE RELOCATED AS PER C179



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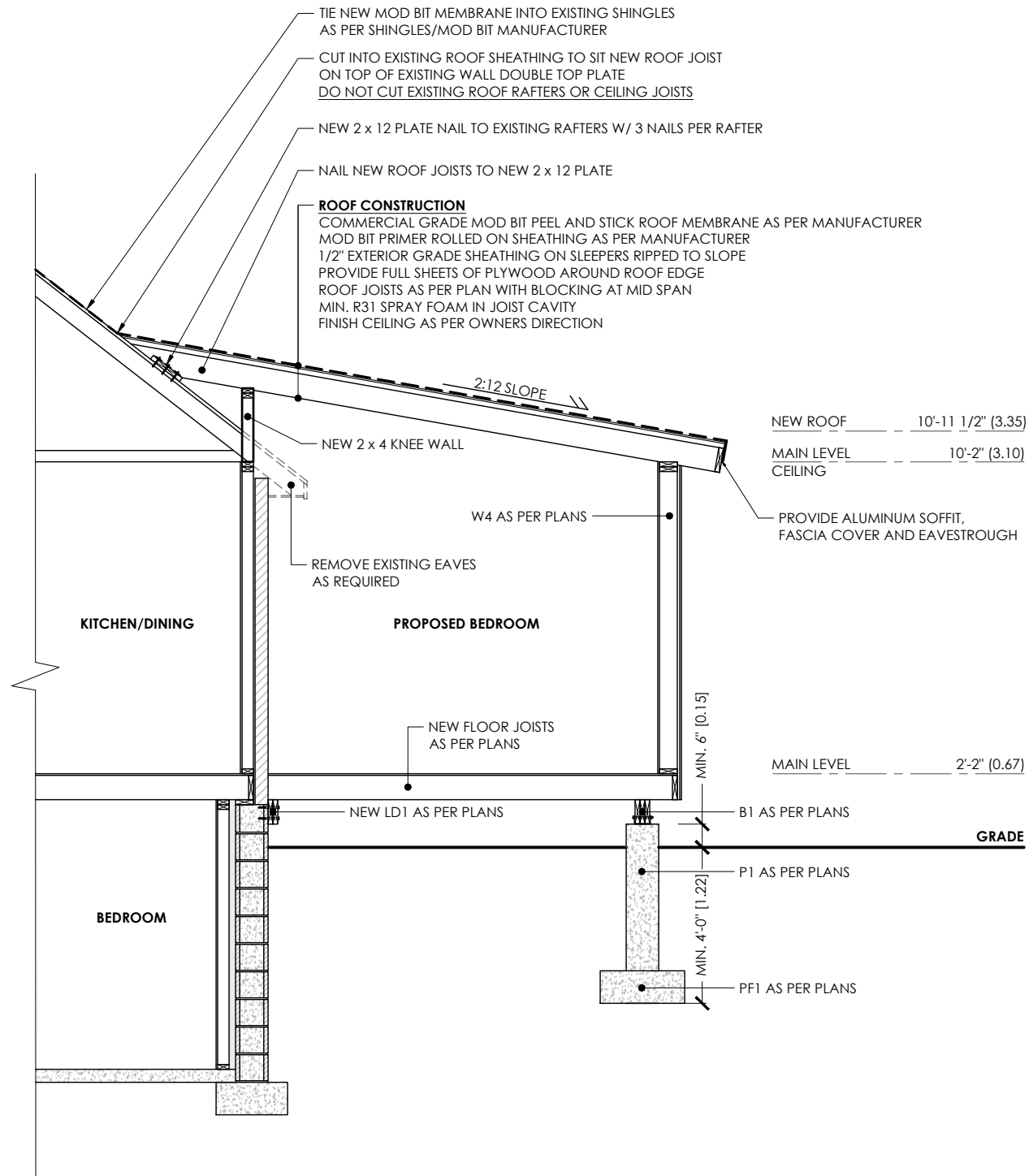
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PROPOSED SIDE ELEVATION  
**A3.03**

1 PROPOSED SIDE ELEVATION  
 A3.03 3/16" - 1'-0"



1 SECTION A  
 A4.01 3/16" - 1'-0"



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PROPOSED SECTION

**A4.01**



**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/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	Phone
Registered Owners(s)			
Applicant(s)			
Agent or Solicitor			

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 [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	84 TRAYMORE AVENUE, HAMILTON, ON L8S 1R7		
Assessment Roll Number	01005104240		
Former Municipality			
Lot	605	Concession	
Registered Plan Number	664	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:

MAXIMUM GFA = 45% OF LOT AREA / PROPOSED GFA = 50% OF LOT AREA

8 HABITABLE ROOMS = 3 PARKING SPACES REQUIRED / PROPOSED = 1 PARKING SPACES

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

To help to ease the escalating housing crisis in the City, a second dwelling unit (SDU) and rear yard addition are proposed in accordance with the "More Homes Built Faster Act, 2022". As such, a larger GFA is required.

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
11.28 m	30.49 m	343.8 sq.m.	~ 6 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
SINGLE FAMILY HOUSE	5.00 m	10.85 m	2.90 m / 0.94 m	03/23/1984

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
REAR ADDITION	N/A	10.85m	2.90 m / 0.94 m	06/01/2023

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
SINGLE FAMILY HOUSE	95.38 sq.m.	158.00 sq.m.	2	7.39 m

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
REAR ADDITION	23.69 sq.m.	23.69 sq.m.	1	4.10 m

## 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 FAMILY DETACHED DWELLING WITH SECONDARY DWELLING IN BASMEENT
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
 SINGLE FAMILY DETACHED DWELLING W/ SECONDARY DWELLING

## 7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:  
 2023
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 SINGLE FAMILY DETACHED DWELLING
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 SINGLE FAMILY DETACHED DWELLING
- 7.4 Length of time the existing uses of the subject property have continued:  
 1984
- 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) INSTITUTIONAL
- Please provide an explanation of how the application conforms with the Official Plan.  
 EXTRA GFA COMMONLY SEEN IN THE AREA IS BEING PROPOSED FOR MORE LIVING SPACE

- 7.6 What is the existing zoning of the subject land? C/S-1361 URBAN PROTECTED 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: \_\_\_\_\_

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>HM/B-23:21</b>	<b>SUBJECT PROPERTY:</b>	<b>46-48 BROCK STREET, HAMILTON</b>
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**APPLICANTS:**      **Owner:** TROY AND MICHELLE SMITH  
**Agent:** LEONY DEGRAFF

**PURPOSE & EFFECT:**      To permit the conveyance of a parcel of land for residential purposes and the retained lands to contain the existing two storey single family dwelling which is intended to remain.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (46 Brock Street):</b>	6.1 m <sup>±</sup>	28.1 m <sup>±</sup>	171.41 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS (48 Brock Street):</b>	6.1 m <sup>±</sup>	28.1 m <sup>±</sup>	171.41 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): HM/A-23:83

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

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

<b>DATE:</b>	<b>Thursday, May 18, 2023</b>
<b>TIME:</b>	<b>9:20 a.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:

**HM/B-23:21**

- 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.

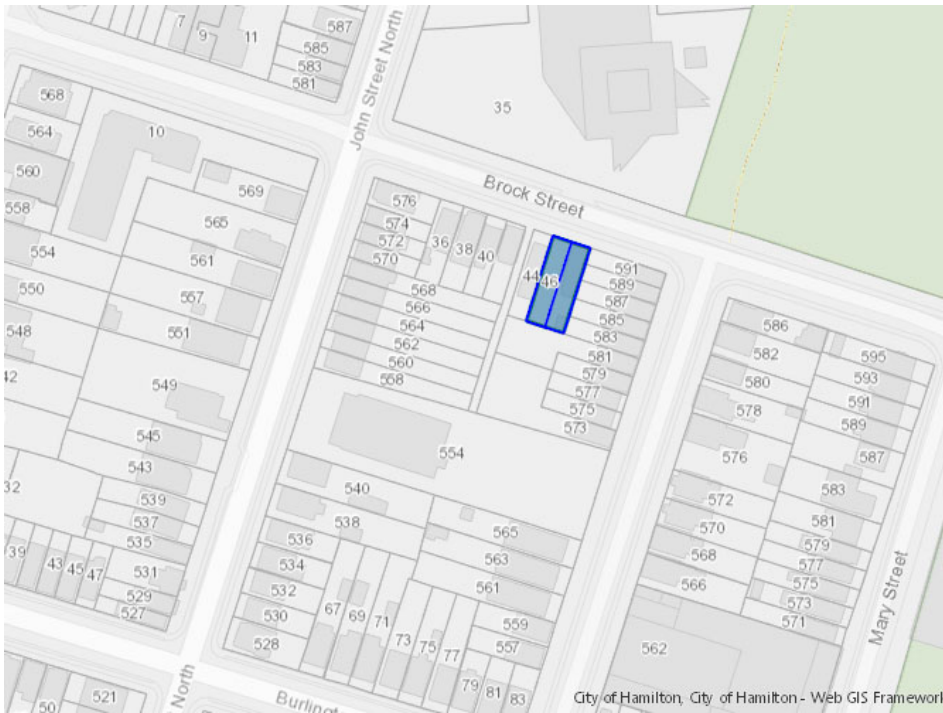
**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-23:21, 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.

HM/B-23:21



 Subject Lands

DATED: May 2, 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

## 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/committeefadjustment](http://www.hamilton.ca/committeefadjustment)

### 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.

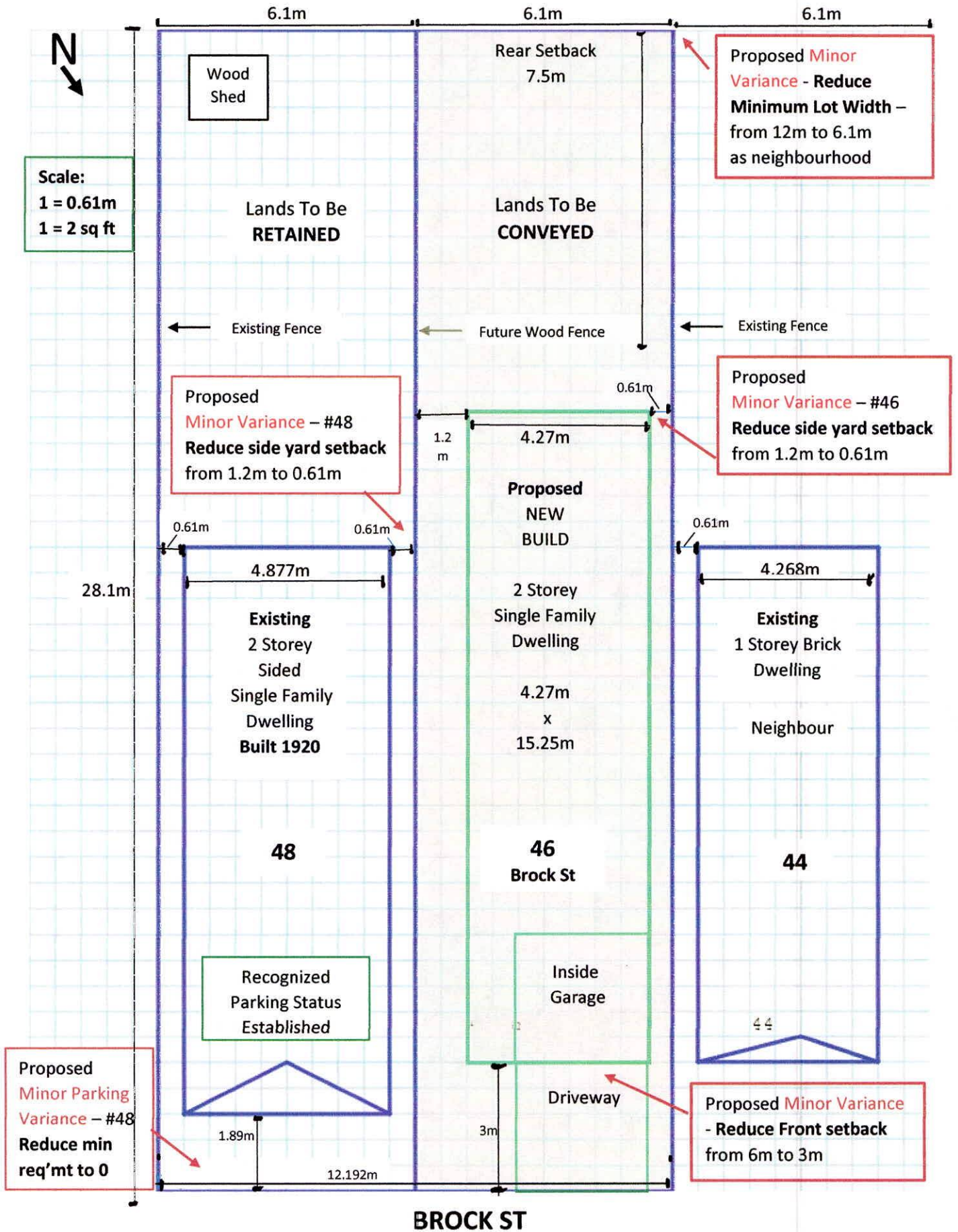
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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



Application for Consent to Sever + Application for Minor Variances – Site Plan Sketch

A

46 – 48 Brock St, Hamilton





3 April 2023

Hamilton City Hall  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

**Attention: Planning Dept, Committee of Adjustment**

**Re: Consent for Severance and Minor Variances at 46-48 Brock St, Hamilton**

Dear Sir/Madam:

Thank you for considering our Application for Consent to Sever Land for the above noted property, with some minor variances requested. This cover letter is to provide you with summarized information about this property's history and our intentions.

Our 29 year old son grew up in Burlington and his spouse in Stoney Creek. While renting in Toronto, these young professionals realized they would need to move to Hamilton and commute, in order to have a chance at home ownership before starting a family. With a maximum pre-approval limit of \$450k, there aren't many single-family homes in their price range. As a Financial Planner myself and my husband a Red Seal Contractor, we were looking for creative ways to help our kids get into the real estate market in today's economy. When we found 46-48 Brock St listed for sale, on a double lot, we thought this could be the way for them. Keeping within their budget, we have invested the remainder and taken on the task and risk of severing this lot for them. If the costs and time frame are not too restrictive, we intend to see this project through from severance to building a home on the new lot, to turn over to the kids. We would then improve and sell the home on #48 to get our investment back. We are not wealthy developers, we are using our resources temporarily, to help out our next generation.

During our due diligence, we learned these **titles merged inadvertently** when the Lupton family owned them both, either in 1976 or upon the death of a joint owner in January 2002, or when the property was converted to LT system in December 2009. Attached you will find a *Parcel Register* for 17155-0263 (LT) labeled 'B' as well as an *Abstract Index* for 17155-0514 (R) labeled 'C', showing the history of the property ownership.

Around the time the house at 48 Brock St was built (1920) a house was also built at 46 Brock St. At some point that I have not been able to determine, the house burned down which left an empty lot at #46. Our request is to revert this property back to its original intention in the neighbourhood, as a standard size lot for the community and allow a new family to live at 46 Brock St. With the 'unmerging' of titles, we are requesting the established recognized parking status remains with the 1920's home at 48 Brock St. This property still receives two separate property tax bills and has two ARN numbers.

You will see in the attached visuals of the neighbourhood, labeled 'E' - all lots appear to be approximately 6.1m wide, not the 12m that Zone D District by-laws state as the minimum. Many side and front yard setbacks in the Brock St neighbourhood also do not meet the Zone D District requirements, which means the minor variances proposed are not out of place. The proposed new home would have architectural features and colouration that would allow it to be integrated into the existing neighbourhood and meet all standards of the OBC. The revitalized lot may even encourage other nearby neighbours to improve their own exteriors. We will communicate with our neighbours before applying for a building permit to ensure they are aware of our plans and that we will always keep their comfort top of mind during this project. We will provide them with a 24 hour contact number and post all information required.

Although there are several, we feel the Variances requested are minor in the context of the existing neighbourhood's lot sizes and setbacks, as well as desirable for the appropriate development of the land and neighbourhood. The proposal conforms to the general intent of the Zoning By-law in keeping the community organized and uniform. It also conforms



to the general intent of the City of Hamilton's Official Plan by concentrating new development within existing built-up areas and within the urban boundary through intensification and adaptive re-use of existing vacant land.

In closing, we simply want to revert the property back to its original intent, blend into the Brock St neighbourhood and help our kids thrive there. It's a wonderful neighbourhood for young families to grow in, with the bay and the Pier 7 & 8 development only a block away. With your assistance, we can help two young families call the Hamilton waterfront area their home.

Kindest regards,



Leony deGraaf Hastings  
*Appointed Agent for 46-48 Brock St*  
905-220-2146

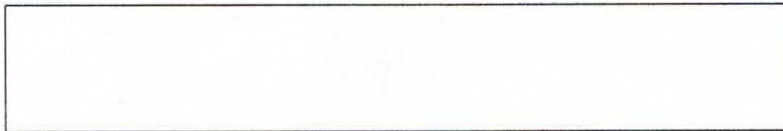
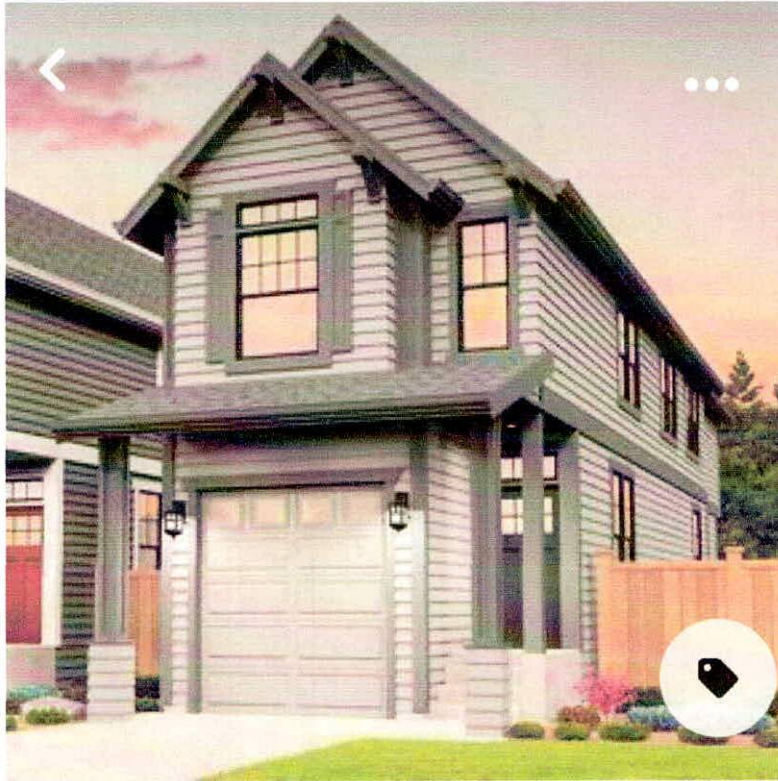
769 Old York Rd  
Burlington, ON L7P 4X8

**Schedule of Attachments:**

- A – Site Plan Sketch
- B – Parcel Register 17155-0263 (LT)
- C – Abstract Index for Property Identification 17155-0514 (R)
- D – Potential House Design on #46 – 15ft (4.572m) wide
- E – Visual of actual Neighbourhood setbacks in Zone D District
- F – Purchase and Sale Agreement – Troy & Michelle Smith to Mackenzie Thomas & Monique Varwig
- + - Minor Variance Application

Potential house design for **46 Brock St**  
with Consent to Sever granted and Minor Variances approved

**D**



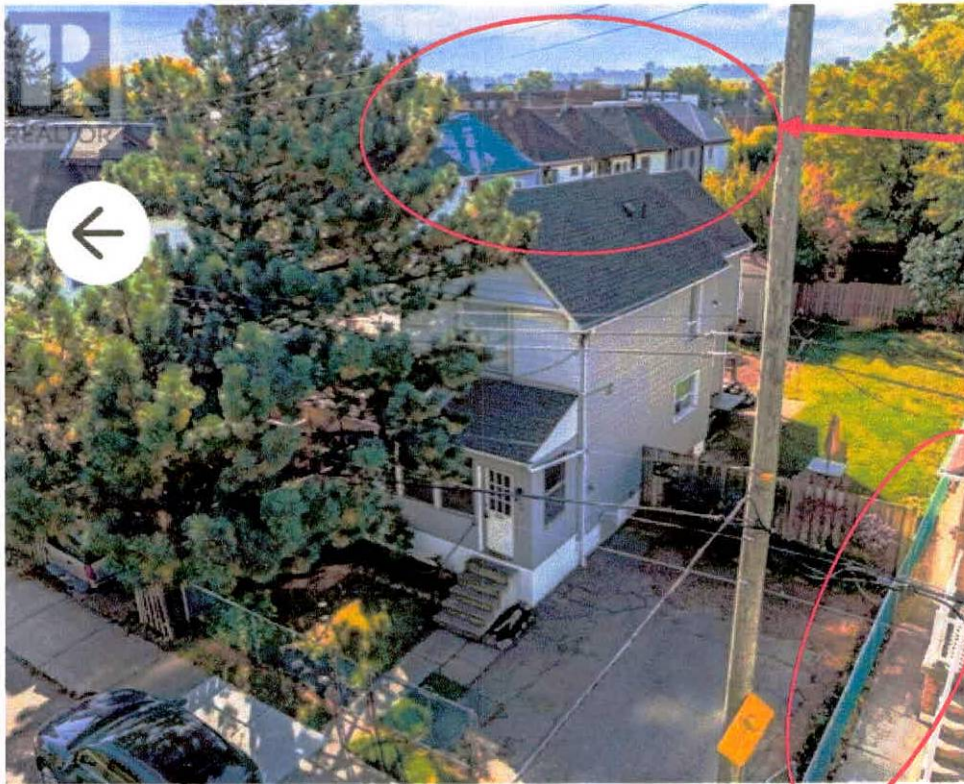
## **Plan 85244MS: Narrow Lot 3 Bed Craftsman Ho...**

At only 15-wide, this 3-bed  
Craftsman house plan is... **More**



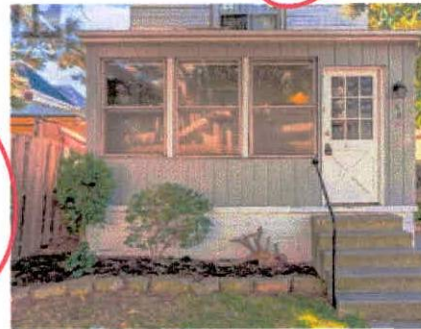
### 46 - 48 Brock St – Visual of Neighbourhood

# E<sub>1</sub>



Neighbourhood – existing lots at approx. 6.1m wide with less than District D Zoning required side setbacks in place

Existing direct neighbour has minimal side setbacks with a laneway on their west side

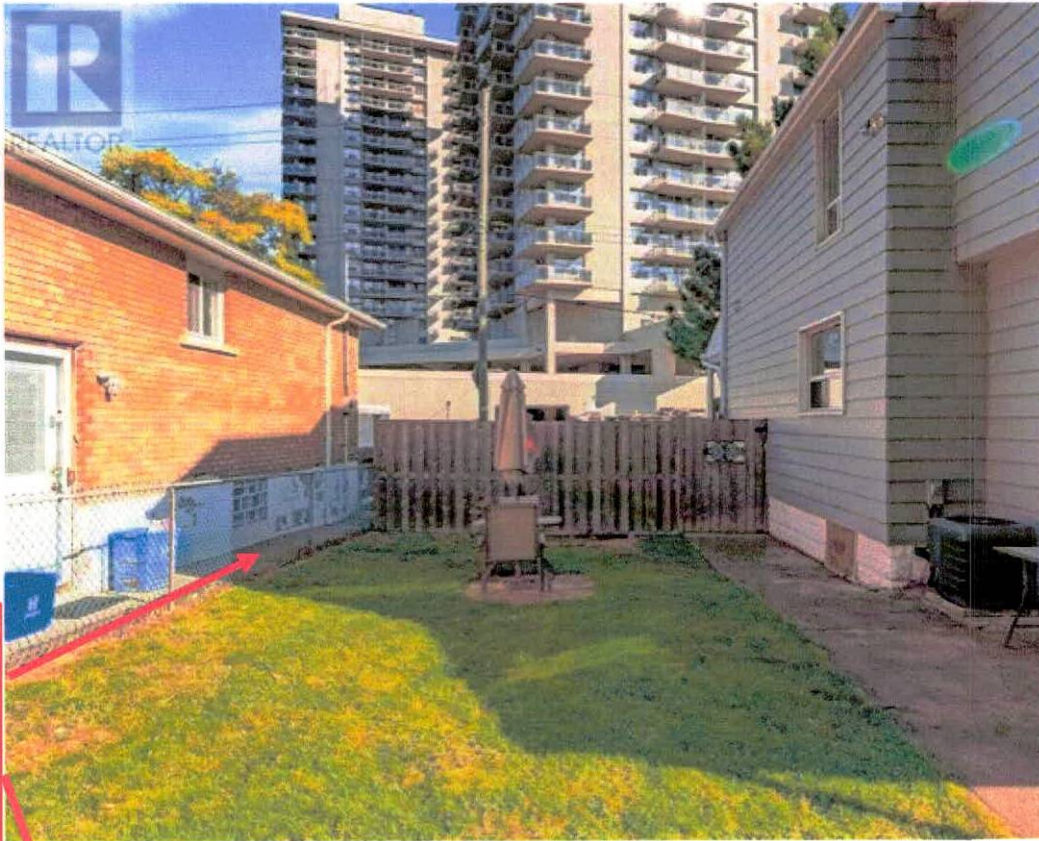


48 Brock St  
circa 1920

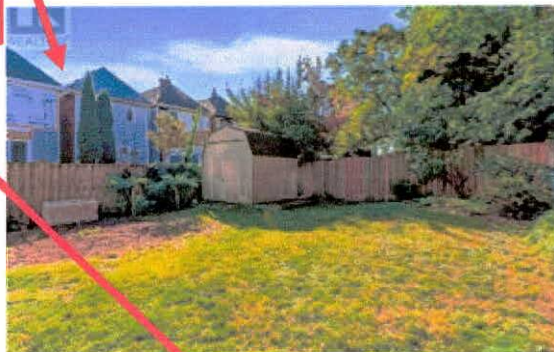


Area of lot severance requested at 46 Brock St with Minor Variances





Neighbourhood – existing lots at approx. 6.1m wide with less than District D Zoning required side setbacks in place



40 Images





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

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

\*\* 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 [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	46 - 48 Brock St, Hamilton, ON		
Assessment Roll Number	46 Brock St ARN #251802016405700		
<del>Former Municipality</del>	48 Brock St ARN #251802016405730		
Lot		Concession	
Registered Plan Number	171550263 (LT)	Lot(s)	+ 171550514 (R)
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:

Unknown, possible Utilities easement, Residential Zone D

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## 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:

Mackenzie Thomas

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

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### 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:	48 Brock St	46 Brock St			
Type of Transfer	N/A	effect a severan	/inter-spousal		
Frontage	6.1 m	6.1 m			
Depth	28.1 m	28.1 m			
Area	171.41 m2	171.41 m2			
Existing Use	Single Fam Res	Vacant Res Lan			
Proposed Use	Same	Single Fam Res			
Existing Buildings/ Structures	2 storey dwelling	Fence & driveway			
Proposed Buildings/ Structures	Fence on west side yard	2 storey single family dwelling			
Buildings/ Structures to be Removed	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): N/A

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.

*Concentrate new development and infrastructure within existing built-up areas and within the urban boundary through intensification and adaptive re-use. Maximize the use of existing buildings, infrastructure, and vacant or abandoned land.*

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? Urban Protected Residential, Zone D District

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

N/A

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

Yes  No  Unknown

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

Concurrent Minor Variances Application submitted

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.

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

N/A

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.

Lots 46-48 previously merged on title - requesting to unmerge - house burned down on lot 46.

6.4 How long has the applicant owned the subject land?

Purchaser - possession June 1, 2023

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.

## 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)

This request has merit and can be supported, as it is consistent with Section 3 of the Planning Act which supports the efficient use and management of land and infrastructure. No additional parking strain on City due to new driveway and garage planned for new lot - create affordable housing - infill close to Go Stn attracts more commuters - public input - requesting minor variances in accordance with established 'norms' in the neighbourhood. The proposed new dwelling would have architectural features and colouration that would allow it to be integrated into the existing neighbourhood.

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

Yes       No      (Provide explanation)

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

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

Yes       No      (Provide explanation)

To promote economic growth, increase housing supply, create jobs and build communities that make life easier, healthier and more affordable for people of all ages. Urban centres will be vibrant and characterized by more compact development patterns. Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability. Goal of 200 residents and jobs combined per hectare for Downtown Hamilton and the transit corridor.

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: \_\_\_\_\_

**10.7 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

**11 COMPLETE APPLICATION REQUIREMENTS**

## 11.1 All Applications

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

## 11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

## 11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

## 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:83</b>	<b>SUBJECT PROPERTY:</b>	46-48 BROCK STREET, HAMILTON
<b>ZONE:</b>	"D" (Urban Protected Residential – One- and Two-Family Dwellings)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 94-93

**APPLICANTS:**      **Owner:** TROY AND MICHELLE SMITH  
                               **Agent:** LEONY DEGRAFF  
                               **Applicant:** M. THOMAS & M. VARWIG

The following variances are requested:

Variances for both properties:

1. A minimum lot width of 6.1 metres shall be provided instead of the required minimum lot width of 12.0 metres for a Single-Family Dwelling;
2. A minimum side yard setback of 0.61 metres shall be provided instead of the required minimum side yard setback of 1.2 metres;

Variances specific to the lot to be Retained (Lot #48):

3. A minimum of 0 parking spaces shall be provided instead of the minimum of 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room;

Variances specific to the lot to be Conveyed (Lot #46):

4. A minimum front yard setback of 3.0 metres shall be provided instead of the minimum front yard setback of 6.0 metres;

**PURPOSE & EFFECT:**      So as to permit the existing and proposed Single Family Dwelling prior to severing the lot into two parcels notwithstanding that:

HM/A-23:83

**Notes:**

1. Please be advised, the plans provided indicate the lot dimensions to be 6.1 metres in width by 28.1 metres in length. As such, the area of both the lot to be Retained and the lot to be Conveyed is approximately 171.41 square metres. As per Section 10(4) of Hamilton Zoning By-Law 6593, for a single-family dwelling, residential care facility or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet). The applicant has requested a variance to vary the permitted lot width to 6.1 metres, however lot area has not been requested for variance. Should lot area not conform to Section 10(4), additional variances may be required.
2. Insufficient information has been provided to determine Parking requirements for the proposed Single-Family Dwelling. Requirements such as, but not limited to, number of parking spaces, parking space dimensions, location of parking spaces and landscaping within the Front Yard. Should proposed parking not comply with the applicable requirements under Section 18a, additional variances may be required.
3. In addition to the above requirements, insufficient information has been provided regarding the eaves/ gutters of the existing and proposed Single Family Dwelling unit(s). As per Section 18 (3)(vi)(b), A canopy, cornice, eave or gutter may project, into a required front yard not more than 1.5 metre provided that no such projection shall be closer to a street line than 1.5 metres; into a required rear yard not more than 1.5 metre; into a required side yard not more than one-half of its width, or 1.0 metre, whichever is the lesser. Should the eaves/ gutter of both the existing and proposed Single Family Dwelling not meet the requirements of Section 18 (3)(vi)(b), 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, May 18, 2023</b>
<b>TIME:</b>	<b>9:20 a.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

HM/A-23:83

## PUBLIC INPUT

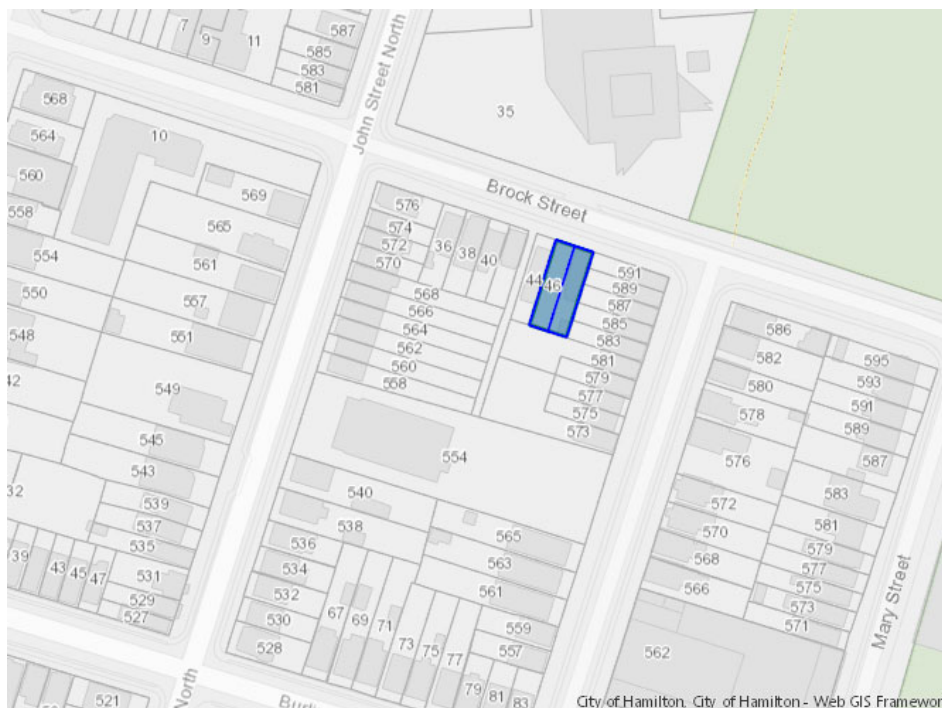
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**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-23:83, 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: May 2, 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

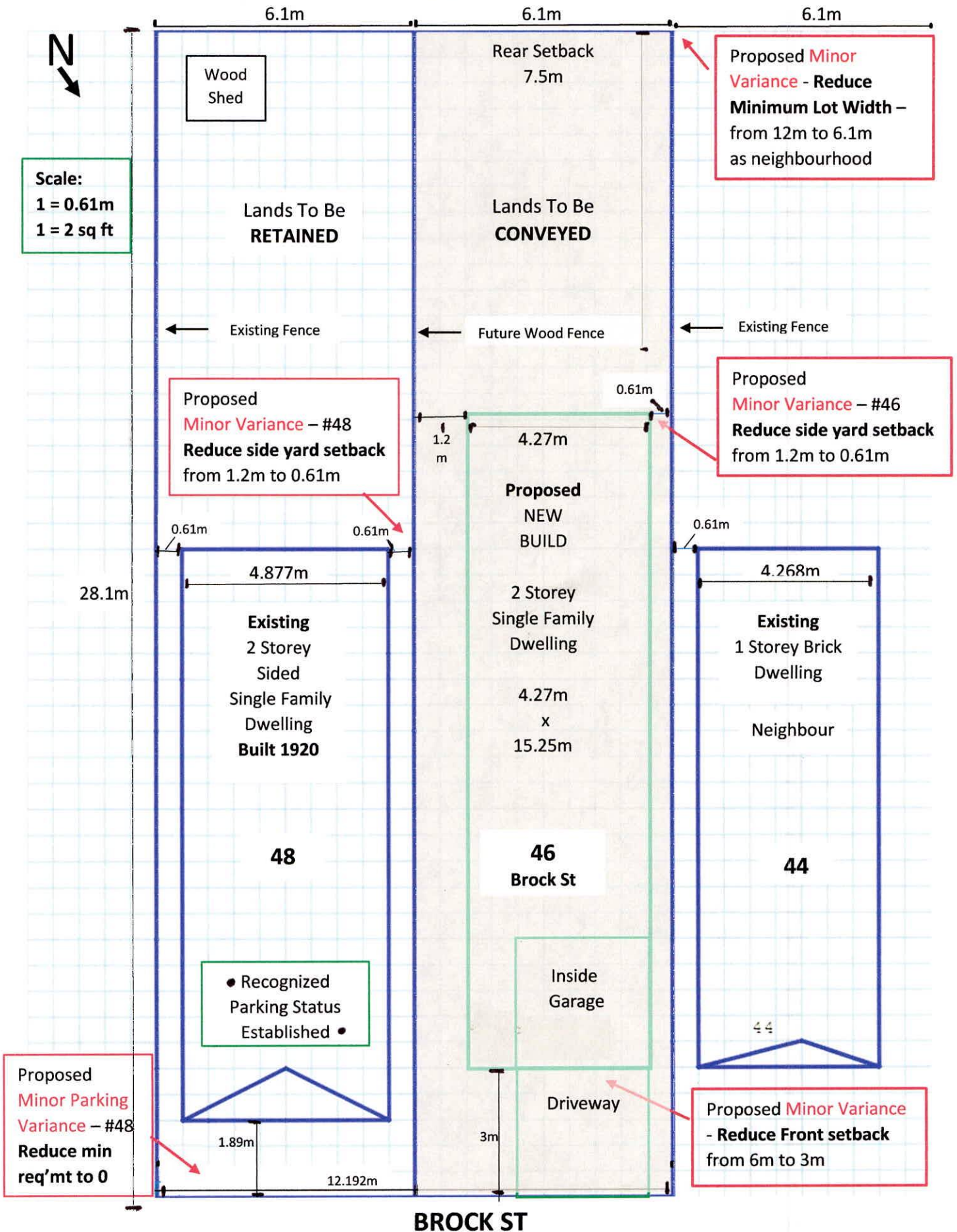
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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.



46 – 48 Brock St, Hamilton





3 April 2023

Hamilton City Hall  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

**Attention: Planning Dept, Committee of Adjustment**

**Re: Consent for Severance and Minor Variances at 46-48 Brock St, Hamilton**

Dear Sir/Madam:

Thank you for considering our Application for Consent to Sever Land for the above noted property, with some minor variances requested. This cover letter is to provide you with summarized information about this property's history and our intentions.

Our 29 year old son grew up in Burlington and his spouse in Stoney Creek. While renting in Toronto, these young professionals realized they would need to move to Hamilton and commute, in order to have a chance at home ownership before starting a family. With a maximum pre-approval limit of \$450k, there aren't many single-family homes in their price range. As a Financial Planner myself and my husband a Red Seal Contractor, we were looking for creative ways to help our kids get into the real estate market in today's economy. When we found 46-48 Brock St listed for sale, on a double lot, we thought this could be the way for them. Keeping within their budget, we have invested the remainder and taken on the task and risk of severing this lot for them. If the costs and time frame are not too restrictive, we intend to see this project through from severance to building a home on the new lot, to turn over to the kids. We would then improve and sell the home on #48 to get our investment back. We are not wealthy developers, we are using our resources temporarily, to help out our next generation.

During our due diligence, we learned these **titles merged inadvertently** when the Lupton family owned them both, either in 1976 or upon the death of a joint owner in January 2002, or when the property was converted to LT system in December 2009. Attached you will find a *Parcel Register* for 17155-0263 (LT) labeled 'B' as well as an *Abstract Index* for 17155-0514 (R) labeled 'C', showing the history of the property ownership.

Around the time the house at 48 Brock St was built (1920) a house was also built at 46 Brock St. At some point that I have not been able to determine, the house burned down which left an empty lot at #46. Our request is to revert this property back to its original intention in the neighbourhood, as a standard size lot for the community and allow a new family to live at 46 Brock St. With the 'unmerging' of titles, we are requesting the established recognized parking status remains with the 1920's home at 48 Brock St. This property still receives two separate property tax bills and has two ARN numbers.

You will see in the attached visuals of the neighbourhood, labeled 'E' - all lots appear to be approximately 6.1m wide, not the 12m that Zone D District by-laws state as the minimum. Many side and front yard setbacks in the Brock St neighbourhood also do not meet the Zone D District requirements, which means the minor variances proposed are not out of place. The proposed new home would have architectural features and colouration that would allow it to be integrated into the existing neighbourhood and meet all standards of the OBC. The revitalized lot may even encourage other nearby neighbours to improve their own exteriors. We will communicate with our neighbours before applying for a building permit to ensure they are aware of our plans and that we will always keep their comfort top of mind during this project. We will provide them with a 24 hour contact number and post all information required.

Although there are several, we feel the Variances requested are minor in the context of the existing neighbourhood's lot sizes and setbacks, as well as desirable for the appropriate development of the land and neighbourhood. The proposal conforms to the general intent of the Zoning By-law in keeping the community organized and uniform. It also conforms

to the general intent of the City of Hamilton's Official Plan by concentrating new development within existing built-up areas and within the urban boundary through intensification and adaptive re-use of existing vacant land.

In closing, we simply want to revert the property back to its original intent, blend into the Brock St neighbourhood and help our kids thrive there. It's a wonderful neighbourhood for young families to grow in, with the bay and the Pier 7 & 8 development only a block away. With your assistance, we can help two young families call the Hamilton waterfront area their home.

Kindest regards,



Leony deGraaf Hastings  
*Appointed Agent for 46-48 Brock St*  
905-220-2146

769 Old York Rd  
Burlington, ON L7P 4X8

**Schedule of Attachments:**

- A – Site Plan Sketch
- B – Parcel Register 17155-0263 (LT)
- C – Abstract Index for Property Identification 17155-0514 (R)
- D – Potential House Design on #46 – 15ft (4.572m) wide
- E – Visual of actual Neighbourhood setbacks in Zone D District
- F – Purchase and Sale Agreement – Troy & Michelle Smith to Mackenzie Thomas & Monique Varwig
- + - Minor Variance Application





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)		
Applicant(s)		
Agent or 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	46-48 Brock St, Hamilton, ON		
Assessment Roll Number	46 Brock St ARN #251802016405700		
<del>Former Municipality</del>	48 Brock St ARN #251802016405730		
Lot		Concession	
Registered Plan Number	171550263 (LT)	Lot(s)	+ 171550514 (R)
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:

Unknown, possible Utilities easement

## 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:

See attached Site Plan labeled 'A' - 5 Minor Variances requested in red boxes - Reduce minimum lot size from 12m to 6.1m as per all existing neighbourhood lots - Reduce west side yard setback on #46 - from 1.2m to 0.61m - Reduce west side yard setback on #48 from 1.2m to 0.61m - Reduce front set back on #46 from 6m to 3m - Parking Variance to reduce minimum parking requirement to 0 - grandfathered with house built in 1920 (merged on title) - All in preparation to build a 2 storey single family dwelling on newly severed lot at 46 Brock St

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The new dwelling on #46 would be too narrow at only 3.658m wide to accommodate building plans with garage and driveway parking with the current lot size and side and front setback requirements. Preferred new dwelling width of 4.268m - 4.572m if variances allowed. Most homes in area do not have a 1.2m side setback and ALL lots are approx 6m wide. Some houses in the neighborhood are too close to the road to accommodate parking on property, like #48.

### 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
<del>6.1m</del> 12m	28.1m	<del>336</del> 171.41m <sup>2</sup>	7.315



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.):

Single detached dwelling to blend in with the surrounding architecture design- see attached sample labeled 'D'

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

Single detached, 2 storey dwelling

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Purchaser - Possession June 1, 2023

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

Single detached, 2 storey dwelling - burned down years ago - Titles inadvertently merged on death of joint owner or upon Land Registry

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

Vacant residential land

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

103 years at #48 - Unknown at #46

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

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

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Growth Plan and Hamilton-Wentworth Official Plan, which support residential intensification and infill. The proposed dwelling would have architectural features and colouration that would allow it to be integrated into the existing and growing Bay area neighbourhood. It would allow a young family to move to the area due to more affordable housing.

7.6 What is the existing zoning of the subject land? Zone D District

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: Zone D District

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
#46 - None - house burned down years ago	6m	7.5m	1.2m	01/01/1920
#48 - 2 Storey Single Fam Dwelling	approx 1.829m	7.5m	0.61	01/01/1920
#46 - Wood Shed	approx 27m	1m	1m	

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
#46 - 2 Storey Single Family Dwelling+	3m	8.5m	0.61m	08/15/2023
#48 - No Change	approx 1.89m	7.5m	0.61m	01/01/1920
#48 - No Change	approx 27m	1m	1m	

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
#46 - None	0	0	0	0
#48 - 2 storey single family dwelling	50.06m <sup>2</sup>	87.37m <sup>2</sup>	2	approx 11m
#48 - Wood Shed	5.94m <sup>2</sup>	5.94m <sup>2</sup>	0	2.438m

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
#46 - 2 Storey, single family dwelling	55 - 65m <sup>2</sup>	111.5m <sup>2</sup> - 130m <sup>2</sup>	2	< 11m
#48 - Dwelling - No Change	50.06m <sup>2</sup>	87.37m <sup>2</sup>	2	approx 11m
#48 - Wood Shed - No Change	5.94m <sup>2</sup>	5.94m <sup>2</sup>	0	2.438m

## 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)
- \_\_\_\_\_



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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: 2

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

\* See Cover Letter



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-23:85</b>	<b>SUBJECT PROPERTY:</b>	147 BOLD STREET, HAMILTON
<b>ZONE:</b>	"E-3" (High Density Multiple Dwelling)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      **Owner:** CASTOR WAYE & OLIVIA WING-SZE WAYE  
**Agent:** WEEKES ENGINEERING INC C/O DONALD GREGORY WEEKES

The following variances are requested:

1. A balcony, fire escape or exterior staircase may project to as close as 0.0m from the westerly side yard instead of projecting not more than one-third or 1.0m into the required side yard.
2. A minimum landscaped area of 38% and shall not be limited to maintaining a landscape area of 40% having a dimension of 6.0m instead of the minimum required landscaped area of 40% and with at least 40% of the landscaped area having a dimension of 6.0m.
3. No on-site maneuvering shall be provided and a minimum maneuvering aisle width of 0.0m shall be provided instead of the required on-site maneuvering with a 6.0m maneuvering aisle.

**PURPOSE & EFFECT:**      To permit the construction of a fire escape/external staircase and balcony to an existing three family dwelling.

**Notes:**

1. Our records indicate that the last recognized use is a three (3) family dwelling.
2. An encroachment agreement with the Roads Department may be required for the encroachment shown on Caroline Street South.
3. One (1) of the four (4) parking spaces shall be labelled for the exclusive use of visitors or additional variances may be required.
4. As per variance #1, due to the size of the fire escape/external stair landing it is also reviewed as a



**HM/A-23:85**

balcony under the 6593 Former Hamilton Zoning By-law.

5. Please be advised the property is a registered (non-designated) heritage property.

**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, May 18, 2023</b>
<b>TIME:</b>	<b>9:25 a.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 HM/A-23:85, 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.





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.

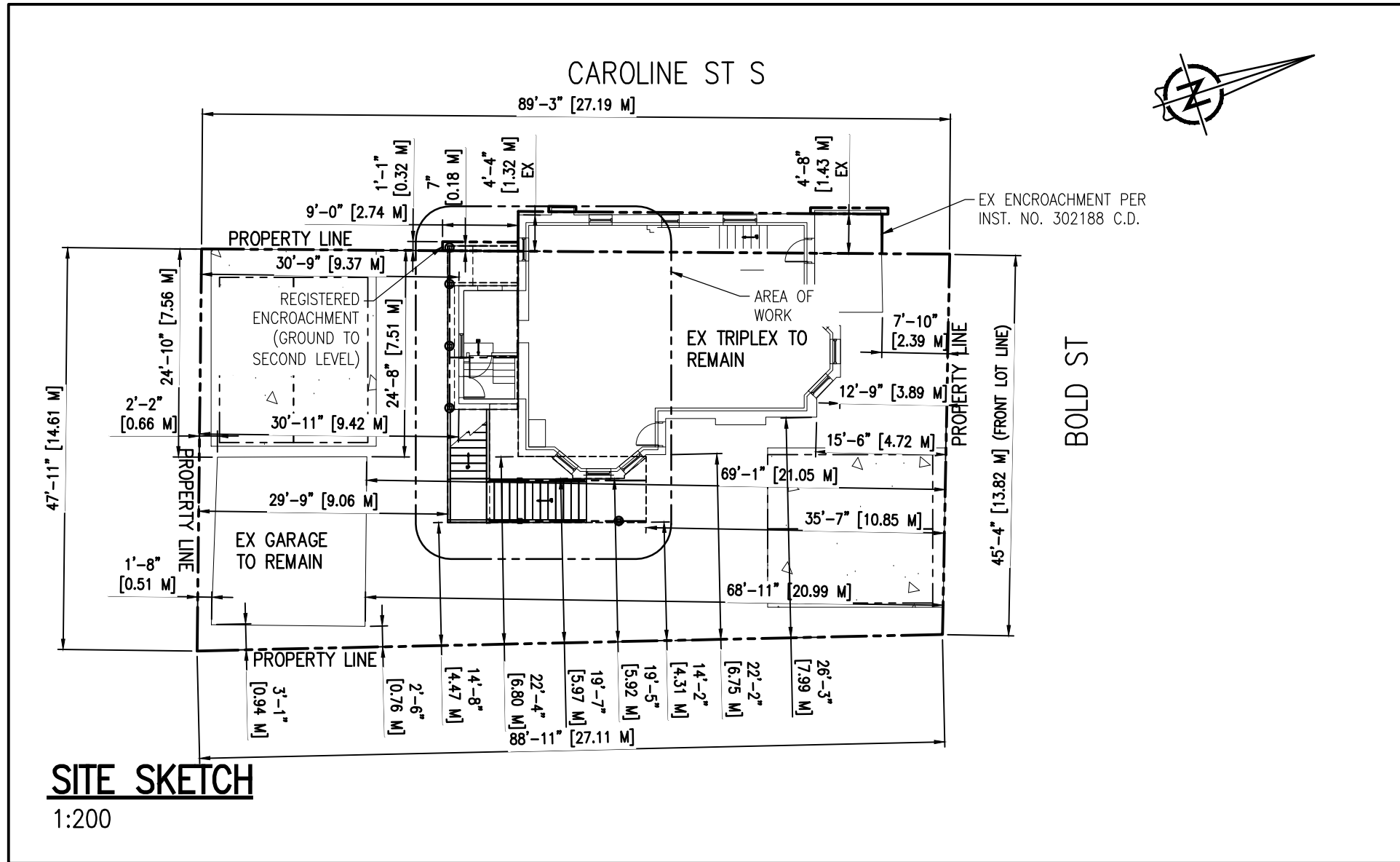
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



**ZONING NOTES**

ZONING CLASSIFICATION 'E-3' - PER FORMER CITY OF HAMILTON BY-LAW 6593  
PROPERTY LINE PER BARICH GRENKIE LTD. PROJECT #2010707.

	REQUIRED	EXISTING
MIN LOT AREA	450 SM	385.7 SM
MIN LOT WIDTH	15 M	13.82 M
MIN F.Y.	5.8 M	4.72 M
MIN R.Y.	6.0 M	9.37 M
MIN S.Y.	6.8 M	-1.43 M (EX ENCROACHMENT), 5.92 M
MAX HEIGHT	18 STYS/57.0M	3 STYS/~11.2 M
MAX FLOOR AREA RATIO SUITE AREAS	1.7	0.77 (297.3 SM GFA) UNIT 1 89.4 SM UNIT 2 83.6 SM UNIT 3 90.3 SM

REV	Y-M-D	DESCRIPTION	BY	CHECKED
0	2023-03-20	FOR MINOR VARIANCE	E SELINGER	DG WEEKES
1	YYYY-MM-DD	-	-	-
2	YYYY-MM-DD	-	-	-
3	YYYY-MM-DD	-	-	-

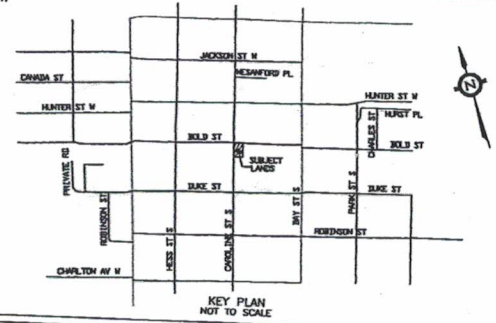
<p><b>WEEKES ENGINEERING</b> 130 FERGUSON AVE N HAMILTON ON L8R1L7 905-218-5482 www.WeekesEngineering.com</p>	<p><b>147 BOLD ST</b> HAMILTON, ON L8P1T9 PROPOSED EXTERIOR STAIRS</p>	
	W.E. Prj #:	1514

DWG:	SP-101	SHT: 1	REV: 0
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KEY MAP



ADDRESS: 147 BOLD STREET

SITE PLAN FOR PARKING SPACES ON  
PART OF LOT 228  
REGISTERED PLAN 256  
IN THE  
CITY OF HAMILTON

SCALE & NOTES

SCALE: 1:200



EDWARD J. GRENKIE  
ONTARIO LAND SURVEYOR  
© COPYRIGHT 2010

BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF BOLD STREET AS SHOWN ON PLAN BY A.T. McLAREN LTD. FILE. No. 26248 HAVING A BEARING OF N71°38'05"W

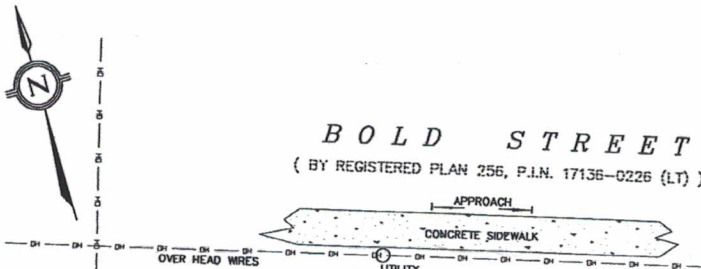
NOTE

BEFORE DIGGING, ALL UNDERGROUND SERVICE SHOULD BE LOCATED ON SITE BY THE RESPECTIVE AGENCIES.

METRIC

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

THE SURVEY WAS COMPLETED ON FEBRUARY 11, 2010.



CAROLINE STREET SOUTH  
( BY REGISTERED PLAN 256, P.I.N. 17136-0217 (LT) )

( BY REGISTERED PLAN 256, P.I.N. 17136-0217 (LT) )

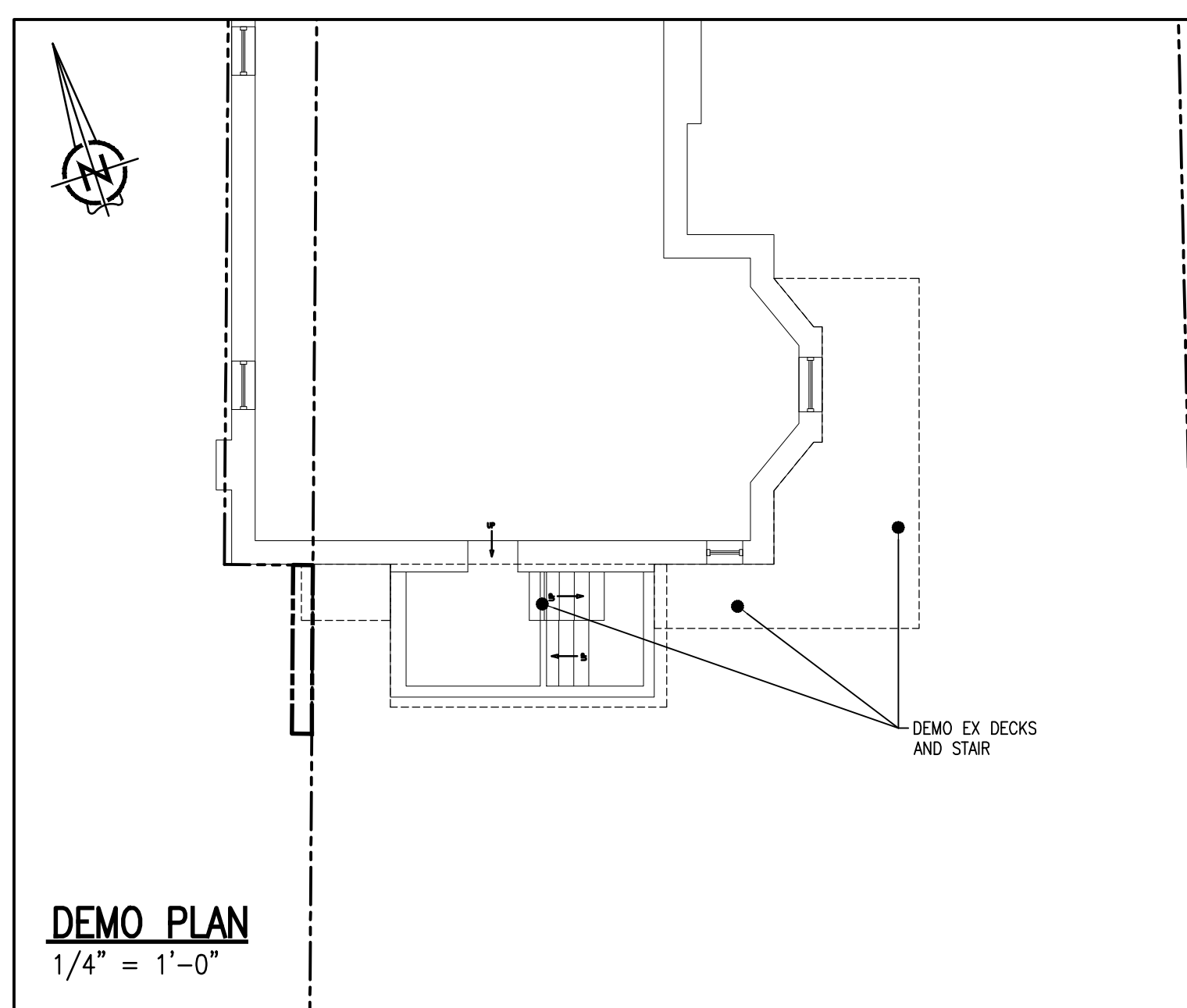
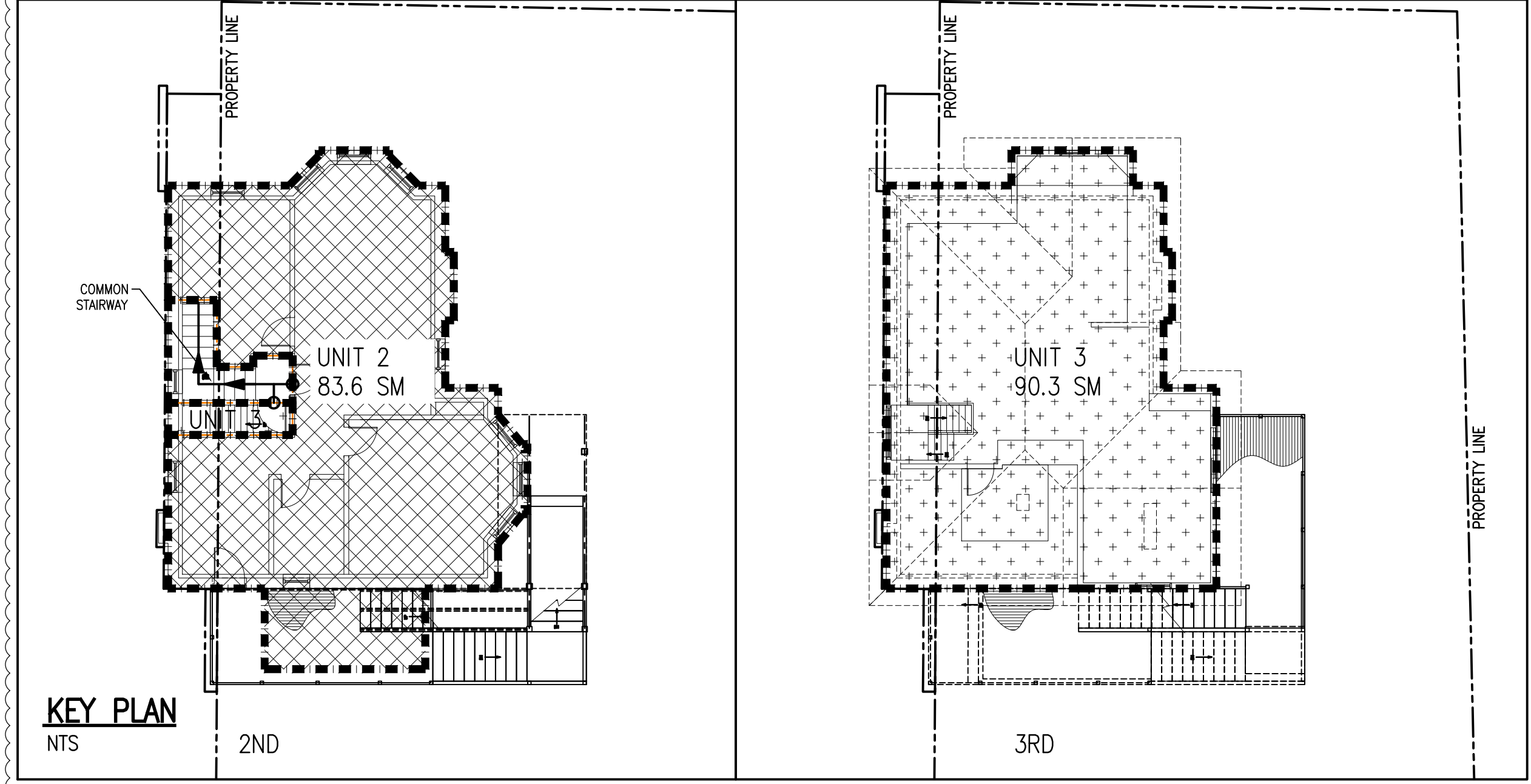
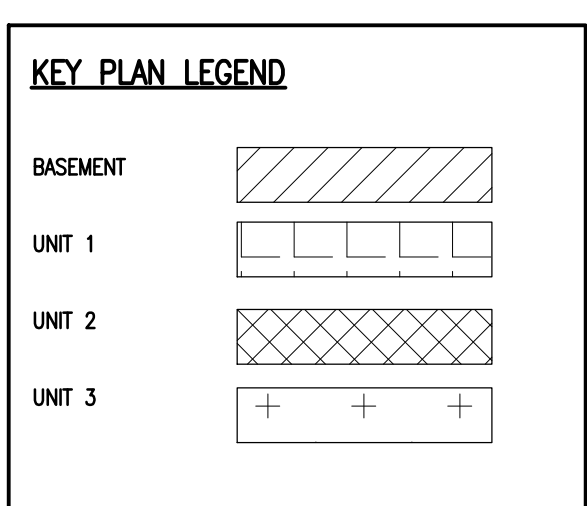
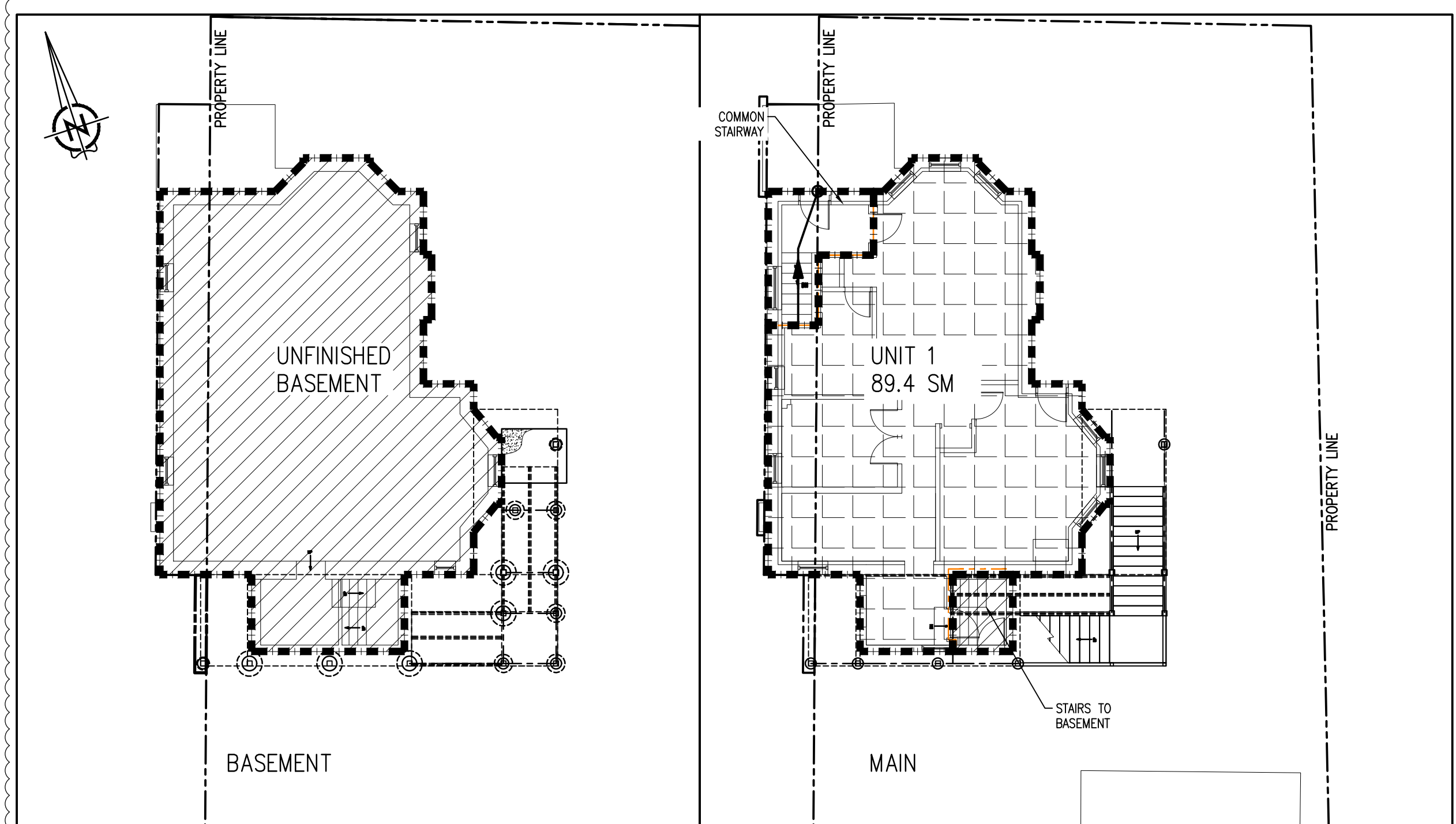
LOT

REGISTERED PLAN  
P.I.N. 17136-0144 (LT)

DATE: FEBRUARY 19, 2010

EDWARD J. GRENKIE  
ONTARIO LAND SURVEYOR

<p><b>Barich Grenkie Surveying Ltd.</b> 20 - 428 MILLEN ROAD - STONEY CREEK, ONT (905) 862-6787</p>	DWN BY: W. LA FORME
	CHK BY: EG
	JOB No. 2010707

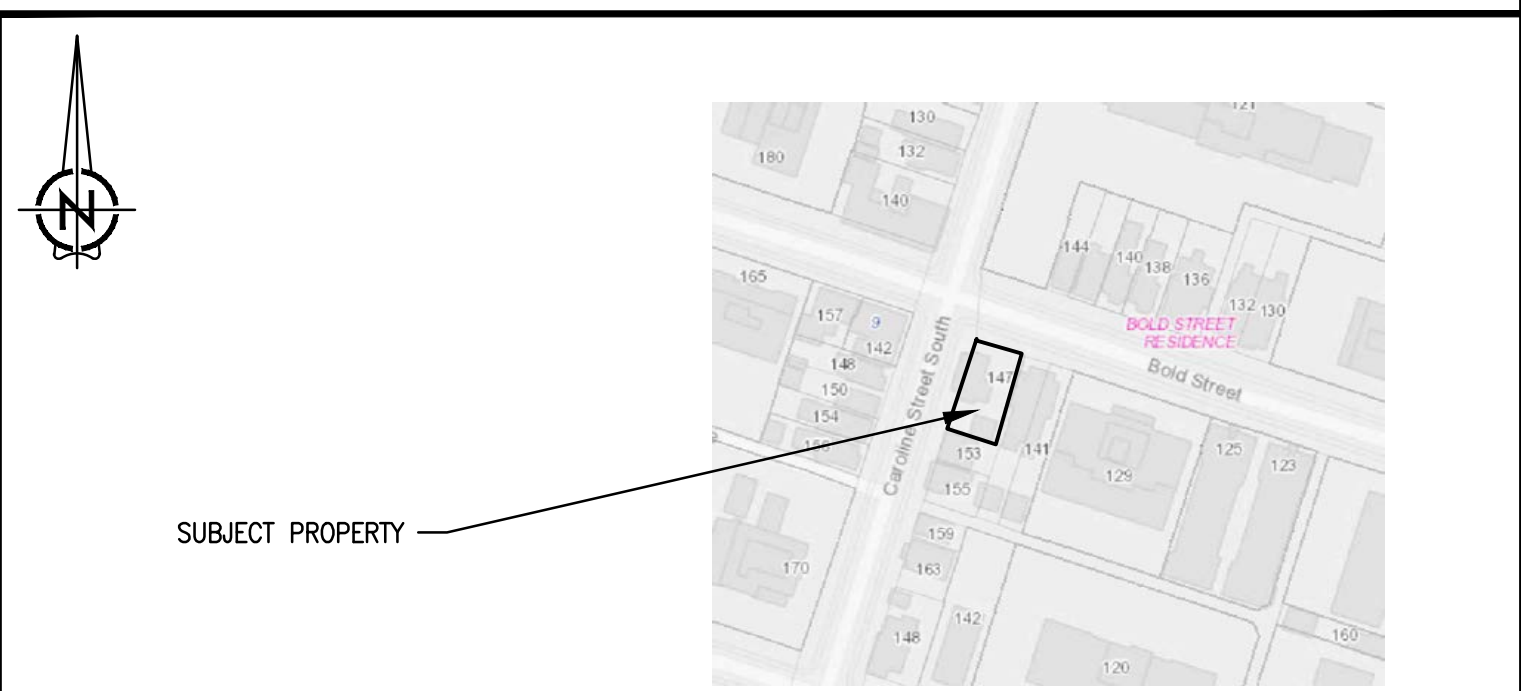
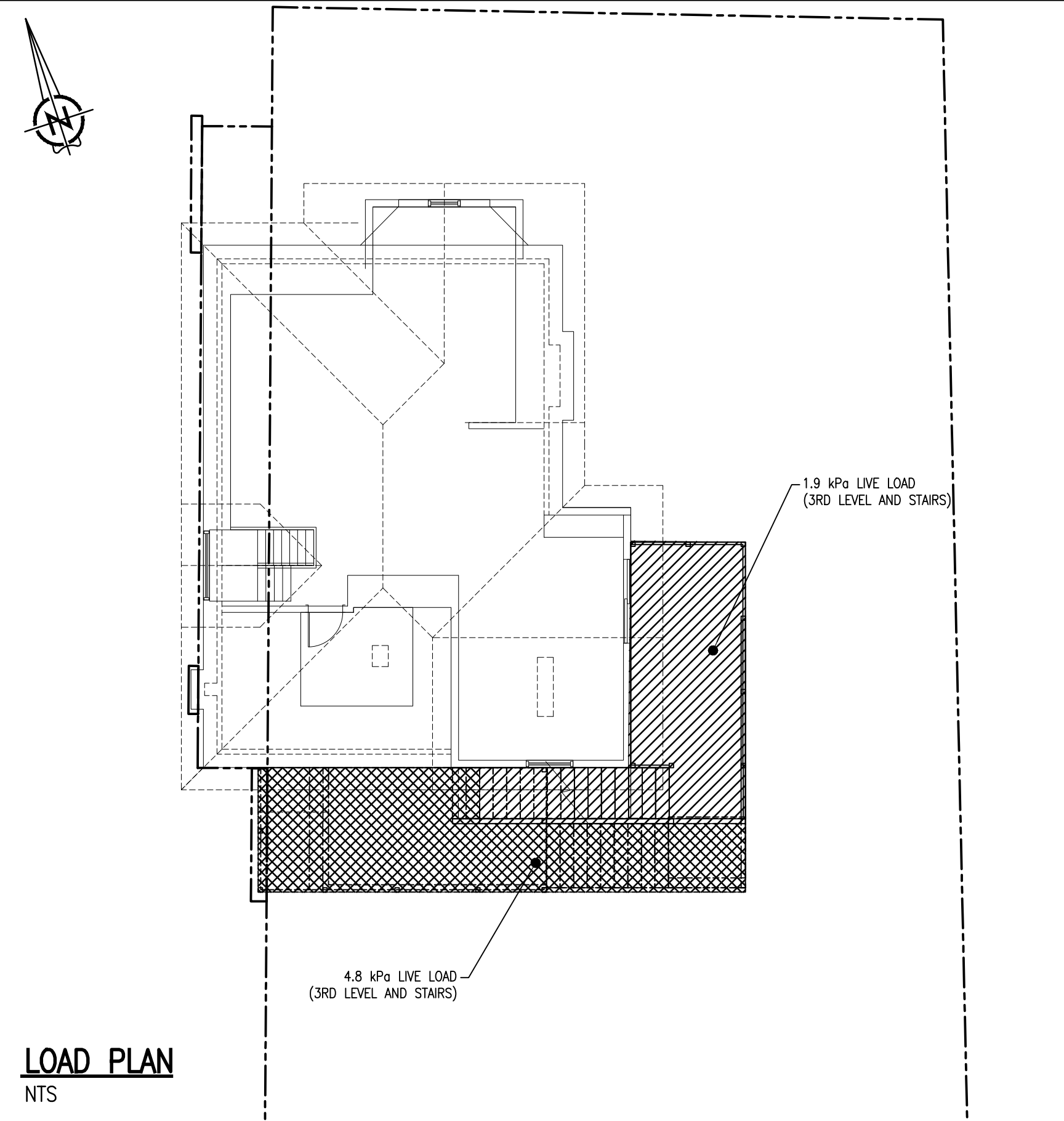
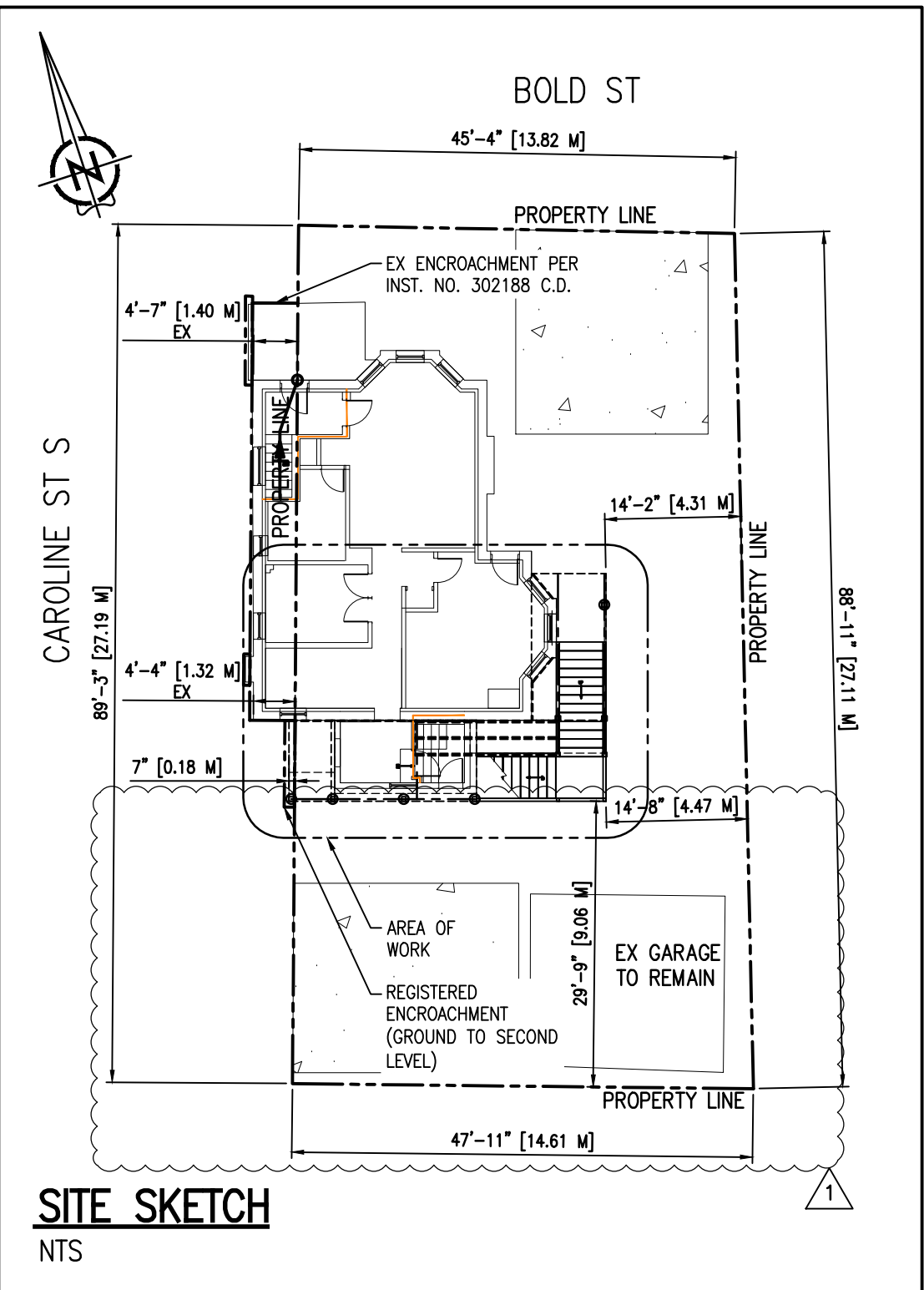


**DESIGN DATA**

OCCUPANCY CLASS	C (4-FLEX)
BUILDING AREA	99.1 m <sup>2</sup>
BUILDING HEIGHT	~11.2 m
NUMBER OF STORIES	3
BASEMENT LEVELS	1
FACING NUMBER OF STREETS	1

**LEGEND**

- W1 EX EX CMU FOUNDATION WALL TO REMAIN
- W2 EX EX MASONRY EXTERIOR WALL TO REMAIN



**LOCATION PLAN**

IMPERIAL: ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE NOTED

REV	Y-M-D	DESCRIPTION	BY	CHECKED
0	2022-09-21	FOR PERMIT	E SELINGER	DG WEEKES
1	2023-03-20	FOR PERMIT, REVISION	E SELINGER	DG WEEKES
2	YYYY-MM-DD	-	-	-
3	YYYY-MM-DD	-	-	-

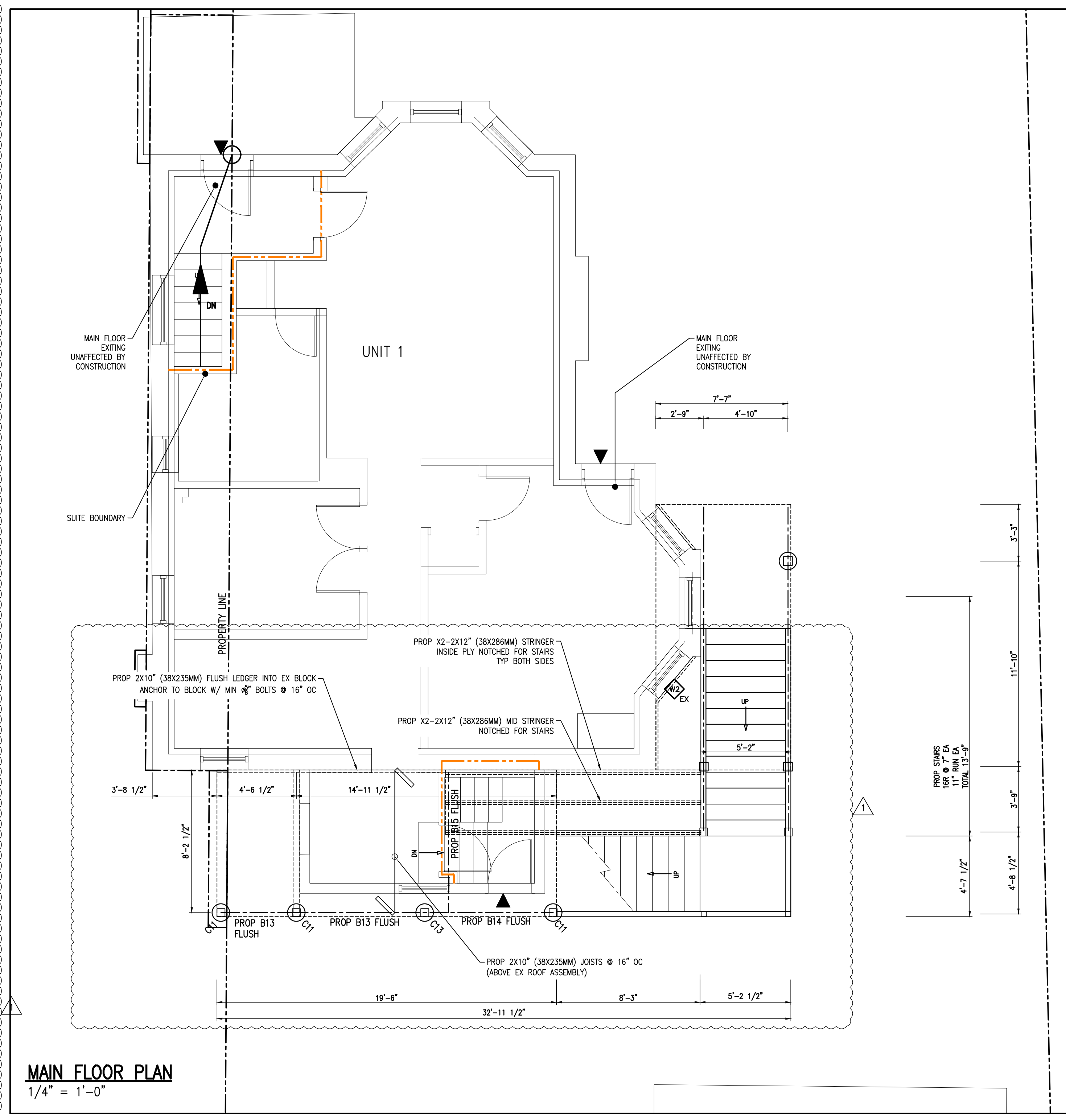
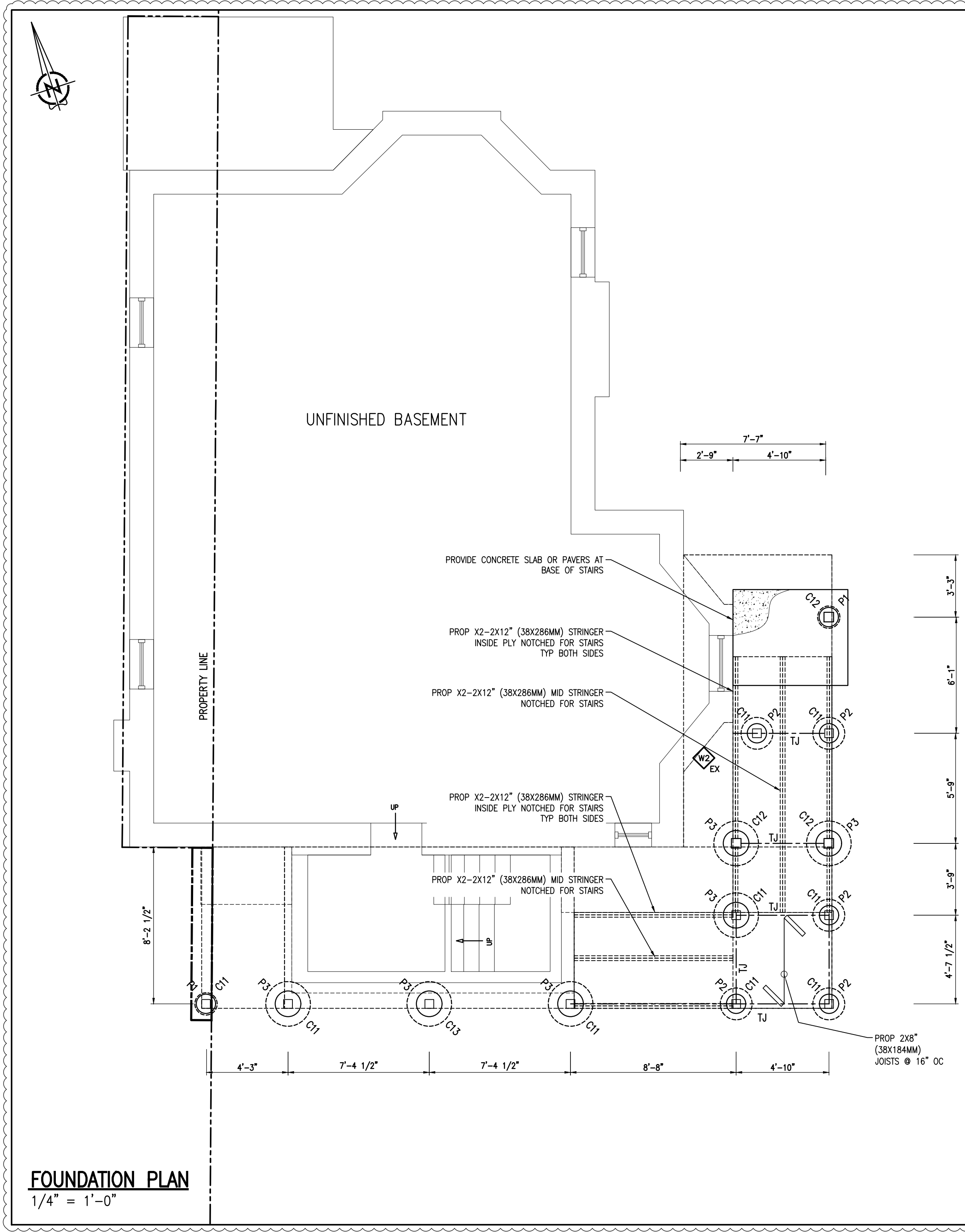
ELEANOR SELINGER *Eleanor Selinger* 43713  
SIGNATURE BCIN  
WEEKES ENGINEERING INC. 125717  
BCIN

**WEEKES ENGINEERING**  
130 FERGUSON AVE N  
HAMILTON ON L8P1L7  
905-218-5482  
www.WeekesEngineering.com

**147 BOLD ST**  
HAMILTON, ON L8P1T9  
PROPOSED EXTERIOR STAIRS

W.E. Prj #: 1508    DWG: A-100    SHT: 1    REV: 1





**LEGEND**

B11 PROP BEAM X3-2X8" (38X184MM) P.T. SPF 1-2

B12 PROP BEAM X3-2X8" (38X184MM) P.T. SPF 1-2

B13 PROP BEAM X3-2X10" (38X235MM) P.T. SPF 1-2

B14 PROP BEAM X4-2X10" (38X235MM) P.T. SPF 1-2

B15 PROP BEAM X3-2X10" (38X235MM) P.T. SPF 1-2

C11 PROP POST 5.5X5.5" (140X140MM) P.T. SPF 1-2 W/ CB66 POST INTO CONCRETE

C12 PROP POST 6X6X4" HSS W/ 10X10X8" TOP AND 10X10X4" BTM PLATE X4-#4 ANCHORS INTO CONCRETE

C13 PROP POST 3X3X2" HSS W/ 6X6X4" TOP AND 6X6X4" BTM PLATE X4-#4 ANCHORS INTO CONCRETE

P1 PROP PIER MIN #12" PIER W/ #14" FTG BTM OF FTG MIN 48" BELOW GRADE TOP OF PIER MIN 6" ABOVE GRADE

P2 PROP PIER MIN #12" PIER W/ #20" FTG BTM OF FTG MIN 48" BELOW GRADE TOP OF PIER MIN 6" ABOVE GRADE

P3 PROP PIER MIN #16" PIER W/ #28" FTG BTM OF FTG MIN 48" BELOW GRADE TOP OF PIER MIN 6" ABOVE GRADE

**STRUCTURAL NOTES**

**STRUCTURAL STEEL**

- ALL STRUCTURAL STEEL PLATES, BEAMS, HSS AND ANGLES PROPOSED SHALL BE GRADE 300W OR BETTER, PER CSA 440.20/21.
- ALL STEEL SHALL BE PRIME PAINTED MIN 1 MILS THICKNESS.
- ALL WELDS SHALL BE COMPLETED PER CSA W69, BY A FIRM REGISTERED PER CSA 47.1.
- ALL WELDS TO BE #3 FILLET, UNLESS OTHERWISE NOTED.

**WOOD**

- ALL WOOD MEMBERS ARE TO BE SPF 1-2, FOR INTERIOR SERVICE UNLESS OTHERWISE NOTED.
- ALL WOOD MEMBERS ARE SUITABLE FOR THE LOADS STATED, PER CSA 086 LIMIT STATES DESIGN.
- ALL NAILING SHALL COMPLY WITH OBC 9.23.3.3, AT MINIMUM, AND AS STATED ON THIS PLAN.
- ALL SIDE LOADED MEMBERS REQUIRE STAGGERED FASTENERS ON THE SECOND SIDE SO THEY FALL HALFWAY BETWEEN FASTENERS ON THE FIRST SIDE.
- ALL MULTI-PLY MEMBER SHALL HAVE MULTI-PLY NAILING. X3 ROWS 100 COMMON 3" LG @ 12" OC BOTH SIDES.
- DIFFERENTIAL SIZED SISTERING OF MEMBERS SHALL BE WITH X2 ROWS OF 100 COMMON 3" LG @ 12" OC, STAGGERED 12" OC EACH ROW.
- VERTICAL X2 2X4" OR 2X6" SPF MEMBERS ARE TO BE PROVIDED AT WOOD LINTEL END BEARING, U.O.N.
- ALL ENDS SUPPORTS FOR LINTELS OVER 72", SHALL HAVE X3 PLY END SUPPORT MEMBERS WITH 3" END BEARING.
- ALL POINT LOADS SHALL HAVE SOLID BLOCKING, FULLY DOWN TO THE FOUNDATION WALL, ALL LOCATIONS.
- ALL EXTERIOR WOOD MEMBERS TO BE PRESSURE TREATED.
- HANGERS TO BE SIMPSON STRONG-TIE UNLESS OTHERWISE SPECIFIED.
- ALL NAILS TO BE 100 COMMON NAILS UNLESS OTHERWISE SPECIFIED.
- ALL BOLTS TO BE MIN 1" FROM ALL EDGES.

**CONCRETE**

- ALL CONCRETE SHALL BE 25MPA (28 DAY), W/ 20MM AGGREGATE.
- ALL CONCRETE POURS SHALL BE VIBRATED TO ELIMINATE VOIDS.
- FORM WORK AND CONCRETE SHALL BE PER CAN/CSA 23.1.
- REINFORCING BARS SHALL BE PER CAN/CSA C30.18.
- GRADE 300R BARS FOR STIRRUPS AND TIES, GRADE 400R IN ALL OTHER LOCATIONS.
- ALL BAR FABRICATION, BENDING AND PLACEMENT SHALL BE PER CAN/CSA 23.3.
- SPLICES SHALL BE 16" FOR 10M BARS, AND 20" FOR 15M BARS.
- BARS SHALL HAVE MIN 3" CONCRETE COVER.

**GENERAL**

- CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR TO COMMENCING ANY WORKS.
- SHOP SKETCHES / DRAWING WILL BE REQUIRED IN AREAS NOT FULLY EXPOSED. CONTACT THE ENGINEER OF RECORD ONCE A CONCEALED AREA IS EXPOSED.

**LOADS**

3RD FLR DECK DEAD LOAD	1.0 kPa
3RD FLR DECK LIVE LOAD	1.9 kPa
2ND FLR DECK DEAD LOAD	1.0 kPa
2ND FLR DECK LIVE LOAD	4.8 kPa

2012 OBC SNOW LOAD (HAMILTON, BELOW ESCARPMENT, EAST OF 403)  
 $S_s = 1.1$   $S_r = 0.4$   
 $S = 0.55 * 1.1 + 0.4 = 1.01$  kPa

**STAIR, GUARD, AND HANDRAIL NOTES (PART 9 AND DWELLING UNITS PER 3.3.4.7.)**

GUARDS TO BE CONSTRUCTED PER 9.8.8.  
 HANDRAILS TO BE CONSTRUCTED PER 9.8.7.

AT LEAST ONE REQUIRED HANDRAIL SHALL BE CONTINUOUS THROUGH THE LENGTH OF THE STAIR.

REQUIRED GUARD HEIGHT (EXTERIOR): 1070 MM  
 REQUIRED HANDRAIL HEIGHT: 865-965 MM  
 REQUIRED STAIR/EXIT WIDTH: 860 MM  
 REQUIRED STAIR CLEARANCE: 1950 MM

MINIMUM LOADS FOR HANDRAILS:

CONCENTRATED	0.9 kN
DISTRIBUTED	0.7 kN/m

**LEGEND**

EX CMU FOUNDATION WALL TO REMAIN

EX MASONRY EXTERIOR WALL TO REMAIN

IMPERIAL: ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE NOTED

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 (ARCHITECTURAL, PART 9 STRUCTURAL).

ELEANOR SELINGER  
 SIGNATURE  
 WEKES ENGINEERING INC. 125717  
 BCIN

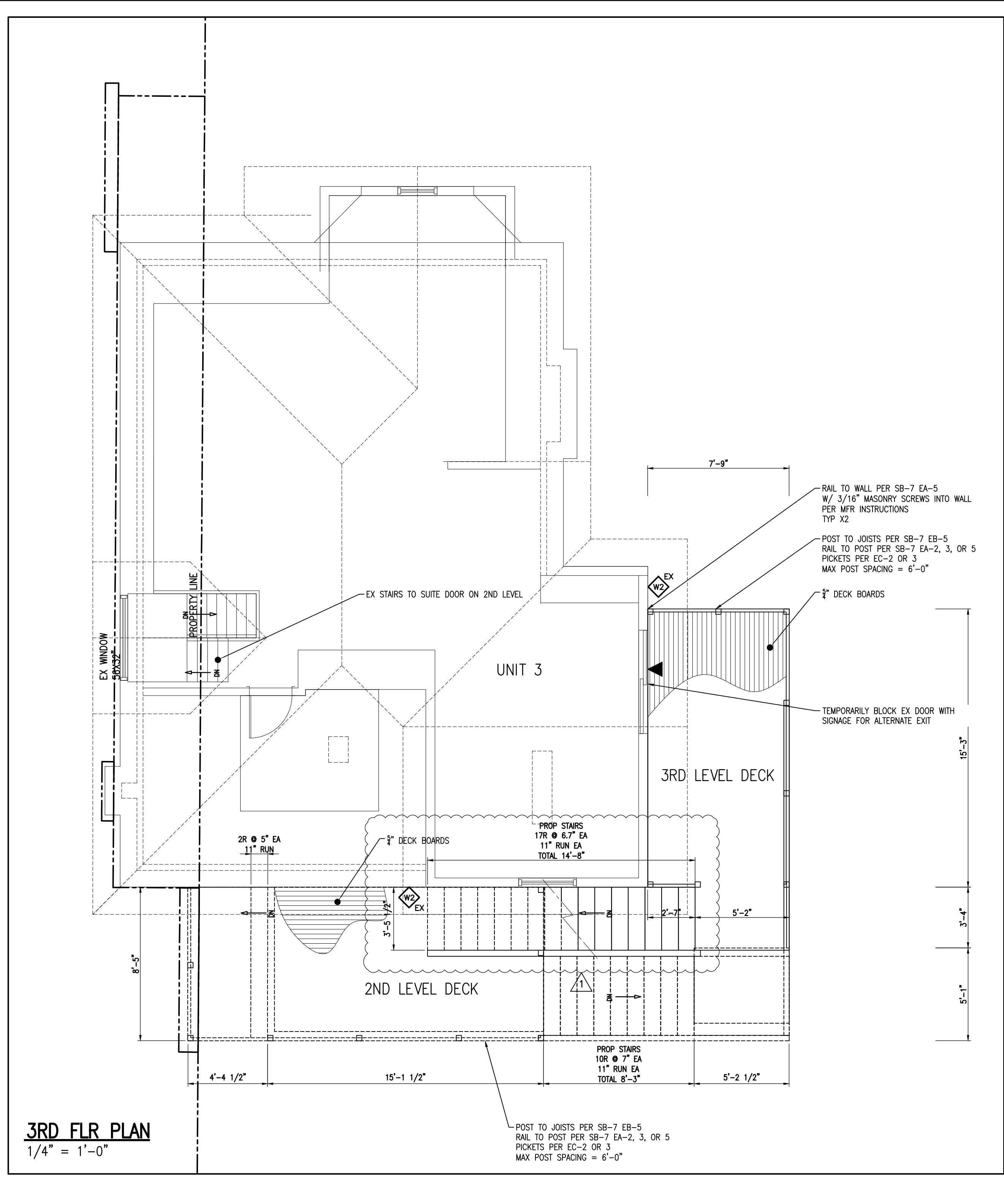
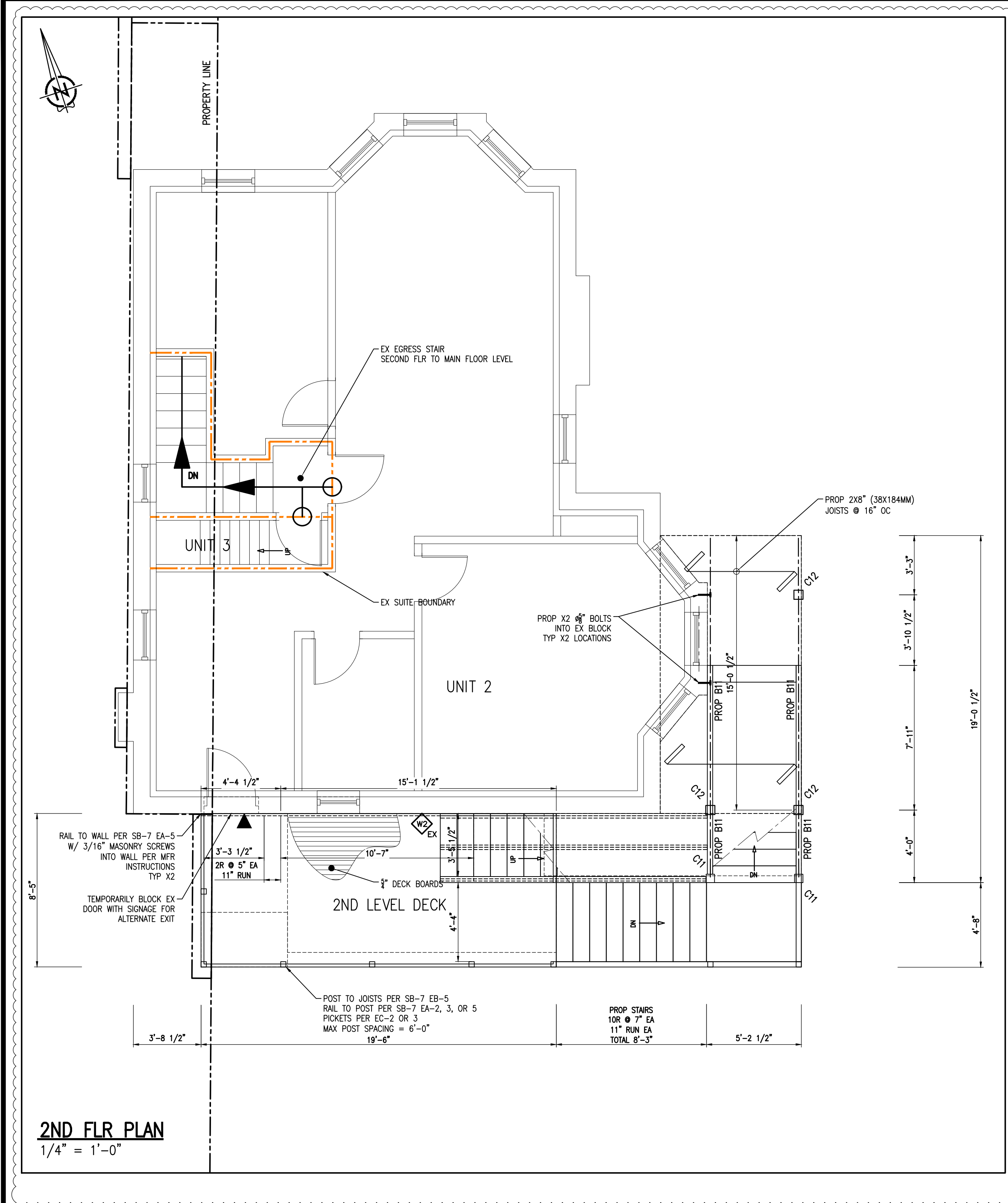
WEEKES ENGINEERING  
 130 FERGUSON AVE N  
 HAMILTON ON L8P1L7  
 905-218-5482  
 www.WeekesEngineering.com

147 BOLD ST  
 HAMILTON, ON L8P1T9  
 PROPOSED EXTERIOR STAIRS

REV	Y-M-D	DESCRIPTION	BY	CHECKED
0	2022-09-21	FOR PERMIT	E SELINGER	DG WEEKES
1	2023-03-20	FOR PERMIT, REVISION	E SELINGER	DG WEEKES
2	YYYY-MM-DD	-	-	-
3	YYYY-MM-DD	-	-	-

W.E. Prj #: 1508 DWG: A-101 SHT: 1 REV: 1





**LEGEND**

	EX CMU FOUNDATION WALL TO REMAIN
	EX MASONRY EXTERIOR WALL TO REMAIN

IMPERIAL: ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE NOTED

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1	2023-03-20	FOR PERMIT, REVISION	E SELINGER	DG WEEKES
2	YYYY-MM-DD	-	-	-
3	YYYY-MM-DD	-	-	-

ELEANOR SELINGER *Eleanor Selinger* 43713  
SIGNATURE BCIN

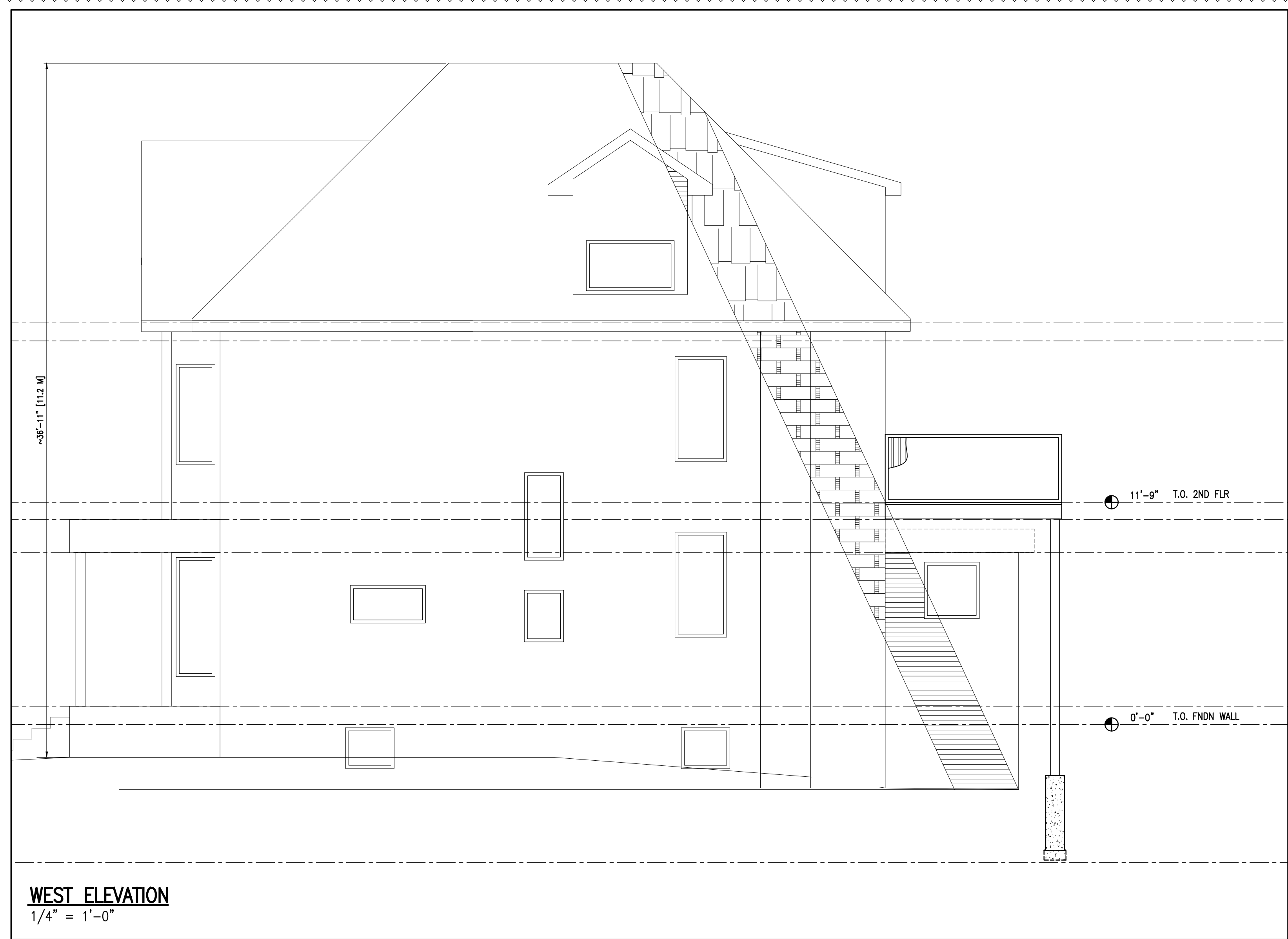
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www.WeekesEngineering.com

**147 BOLD ST**  
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PROPOSED EXTERIOR STAIRS

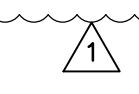
W.E. Prj #: 1508 DWG: A-102 SHT: 1 REV: 1



**NORTH ELEVATION**  
1/4" = 1'-0"



**WEST ELEVATION**  
1/4" = 1'-0"

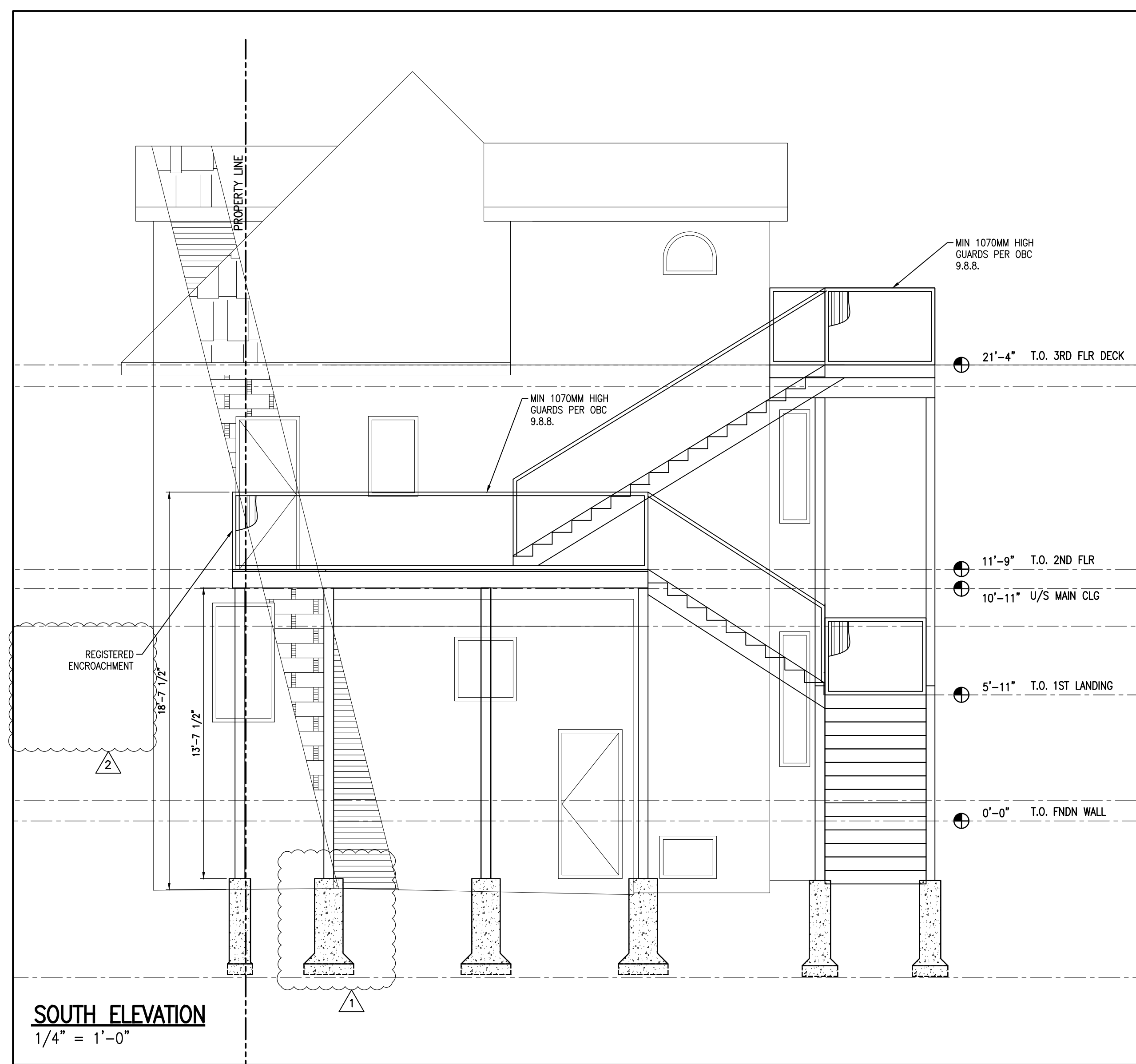


IMPERIAL: ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE NOTED

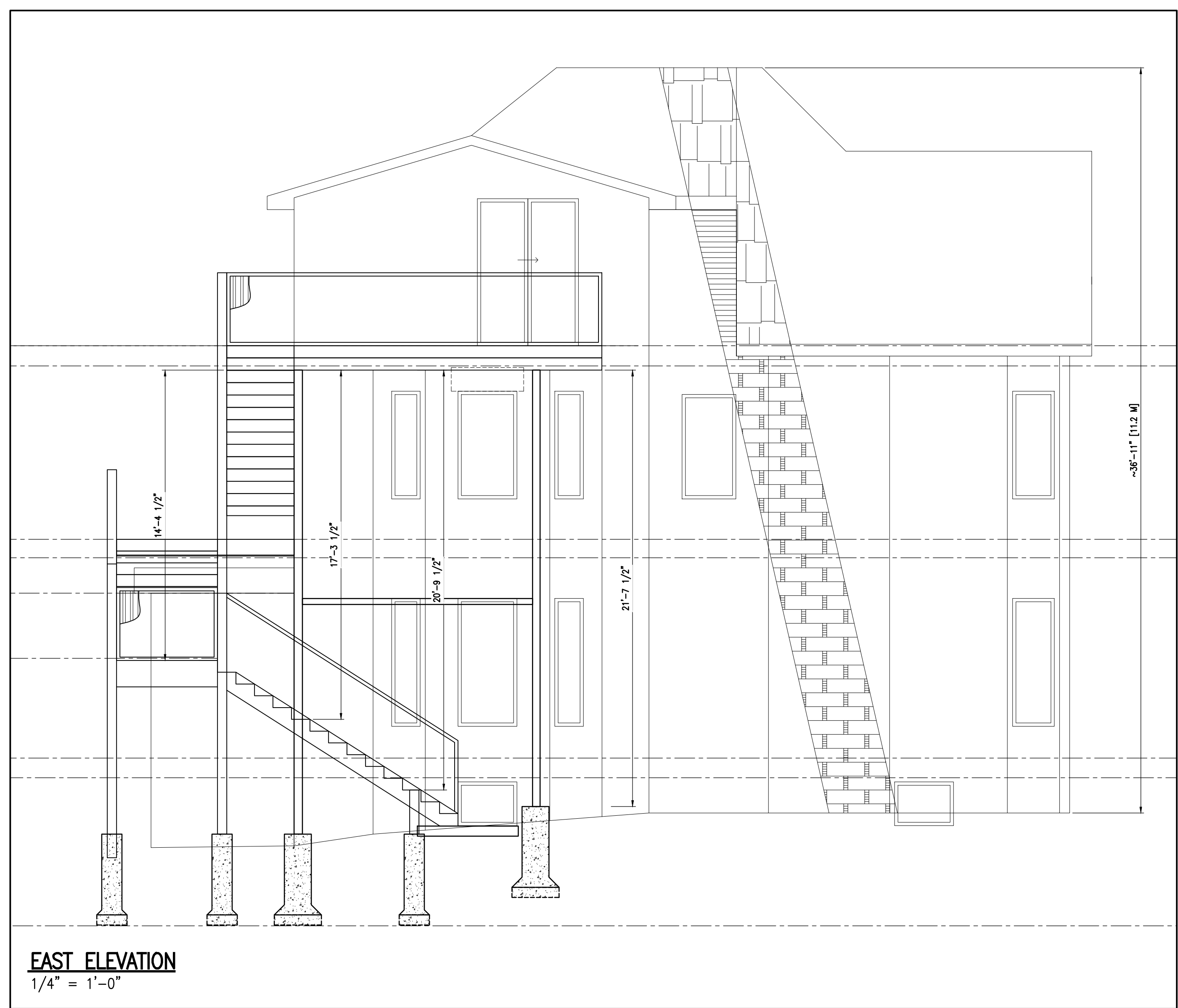
REV	Y-M-D	DESCRIPTION	BY	CHECKED
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1	2023-03-20	FOR PERMIT, REVISION	E SELINGER	DG WEEKES
2	YYYY-MM-DD	-	-	-
3	YYYY-MM-DD	-	-	-

ELEANOR SELINGER <i>Eleanor Selinger</i> 43713 SIGNATURE BCIN WEEKES ENGINEERING INC. 125717 BCIN	WEEKES ENGINEERING 130 FERGUSON AVE. N HAMILTON ON L8P1T9 905-218-5482 www.WeekesEngineering.com	<b>147 BOLD ST</b> HAMILTON, ON L8P1T9 PROPOSED EXTERIOR STAIRS	
		W.E. Prj #: 1508	DWG: A-103



**SOUTH ELEVATION**  
1/4" = 1'-0"



**EAST ELEVATION**  
1/4" = 1'-0"

IMPERIAL: ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE NOTED

REV	Y-M-D	DESCRIPTION	BY	CHECKED
0	2023-03-20	FOR PERMIT	E SELINGER	DG WEEKES
1	YYYY-MM-DD	-	-	-
2	YYYY-MM-DD	-	-	-
3	YYYY-MM-DD	-	-	-

ELEANOR SELINGER <i>Eleanor Selinger</i> 43713 SIGNATURE BCIN WEEKES ENGINEERING INC. 125717 BCIN	WEEKES ENGINEERING 130 FERGUSON AVE N HAMILTON ON L8P1T7 905-218-5482 www.WeekesEngineering.com	147 BOLD ST HAMILTON, ON L8P1T9 PROPOSED EXTERIOR STAIRS	
			W.E. Prj #: 1508



THIS ENCROACHMENT AGREEMENT made this [Note to Draft: City will insert date]  
22 day of February, 2023

**BETWEEN:**

CITY OF HAMILTON

("City")

- and -

[NAME OF OWNER]

WAYE, OLIVIA WING-SZE & WAYE, CASTOR

("Owner")

**WHEREAS:**

The Owner is the registered owner of the property known municipally as

[MUNICIPAL ADDRESS]

147 Bold Street, Hamilton, ON

in the City of Hamilton further described in Schedule "A" attached ("Owner's Property");

The City is the registered owner of a road allowance or other property abutting the Owner's Property, being

[NOTE TO DRAFT: INSERT PIN # AND MUNICIPAL ADDRESS OR STREET NAME OF CITY PROPERTY.]

Municipal Address/Street Name: Caroline Street South, Hamilton

PIN #: 17136-0217 (LT)

("City's Property");

The Owner wishes to establish and/or maintain an Encroachment in, on or above the City's Property, in the manner and to the extent described in Schedule "B" attached ("Encroachment");

Sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorize the City to act as is necessary or desirable for municipal purposes, and in particular paragraphs 4, 6 and 7 of subsection 10(2) authorize the municipality to act with respect to: public assets of the municipality acquired for the purpose of exercising its authority under the *Municipal Act, 2001*, S.O. 2001, c. 25 or any other Act; the health, safety and well-being of persons; and the provision of any service or thing that it considers necessary or desirable for the public;

The *Municipal Act, 2001*, S.O. 2001, c. 25 further authorizes the City, amongst other things, to delegate its authority and to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

The Council of the City ("Council") has authorized agreements to permit certain Encroachments in, on or above City road allowances or other City property in accordance with Encroachments on City Property – Policy and Procedure (PW11024) – (City Wide) adopted by Council on April 4, 2011; and

The City has agreed to permit the Encroachment subject to the terms and conditions set out below.

**NOW THEREFORE** the City and the Owner agree as follows:

**1.0 Definitions:**

- 1.1 "City Authority" means the Public Works, Engineering Services Division or such other City department, division, section, official or person(s) designated from time to time by Council.
- 1.2 "Encroachment" means an improvement, such as a building, structure, planted area or Outdoor Boulevard Café, made to City Property that is located entirely or partly in, on, under or above the City's Property.
- 1.3 "Outdoor Boulevard Café" means an outdoor café/patio that is situated either partly or wholly within City Property.

**2.0 Establishing and Maintaining the Encroachment:**

- 2.1 The Owner may establish and maintain the Encroachment in, on, under or above the City's Property in the manner and to the extent described in Schedule "B" attached.
- 2.2 The design, construction, and location of the Encroachment shall be authorized by the City Authority in advance and the Encroachment shall be erected and maintained in all respects by the Owner to the satisfaction of the City Authority. The fact that the City Authority shall have authorized the design, location and construction of the Encroachment shall in no way affect, discharge or modify any liability; any requirement or obligation of the Owner under this Agreement.
- 2.3 Except as required for Outdoor Boulevard Cafes that require a Building Permit, as set out in 3.1 below, the Owner shall on being requested by the City, provide to the City Authority copies of an "as constructed" plan and profile drawings which locate the Encroachment with respect to the Owner's Property and the City's Property including exact measurements and offsets to property lines and existing property bars.
- 2.4 The Owner shall ensure that the Encroachment does not interfere with the free and safe passage of persons using the road allowance.
- 2.5 The Owner shall at all times maintain the Encroachment in a good and safe condition.
- 2.6 The Owner and any successors, heirs and assigns shall notify the City Authority of any changes in ownership of the Owner's Property.

**3.0 Fees:**

- 3.1 The Owner shall pay the following fees to the City during the term of this Agreement:
- 3.1.1 an application fee of \$  plus H.S.T. shall be payable by the Owner at the time of filing an Encroachment Agreement Application. The application/initial fee shall be payable by cheque or bank draft to "City of Hamilton" clearly marked with the address of the Owner's Property, municipal tax roll number and the purpose of the cheque or bank draft;



- 3.1.2 an annual fee of \$ 65.69 plus H.S.T. for the first year and subsequent years of the Encroachment Agreement, which fee has not been prorated, be payable on January 1st in each subsequent year and shall be added to the property tax roll as set out in article 4.2 below. The annual fee shall be subject to change from time to time as determined by the City's User Fees and Charges by-law and any notice that may be required for the passage of such by-law shall be sufficient for the purposes of this section.
- 3.2 The Owner authorizes the Treasurer to add annual fees on a yearly basis to the tax roll for the Owner's Property as provided for in article 4.1.2 and the Treasurer shall collect them in the same manner as municipal taxes.
- 3.3 Owners whose properties are tax exempt shall pay their annual fees by cheque or bank draft payable to "City of Hamilton" clearly marked with the address of the Owner's Property, municipal tax roll number and the purpose of the cheque or bank draft.
- 3.4 The fees under article 3.1.1 and 3.3 shall be delivered personally to:  
City of Hamilton  
Public Works Department – Engineering Services Division  
100 King Street West, 2nd Floor  
Hamilton, ON L8P 1A2  
or by mail in accordance with section 8.3 below.
- 3.5 In addition to paying the fees set out in 3.1 above, the Owner agrees to pay the City upon demand any additional expenses incurred by the City as may be provided for in this Agreement and which fees and expenses shall become a debt of the Owner. The Treasurer shall add any unpaid fees and expenses payable by the Owner to the City under this Agreement to the tax roll for the Owner's property and shall collect them in the same manner as municipal taxes.
- 3.6 The Owner acknowledges that it is liable to pay all fees, expenses, taxes, charges, duties, rates or levies, if any, assessed in respect of the Encroachment as, when and if any of these become due and payable.

**4.0 Registration of Agreement:**

- 4.1** The Owner consents to the registration of this Agreement against title to the Owner's Property by the Owner's solicitor and at the Owner's expense. In so doing, the Owner shall direct its Solicitor to provide a copy of the registered document to the City immediately following its registration.

**5.0 Indemnity and Insurance:**

- 5.1** The Owner agrees to defend, indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, damages, expenses, or loss howsoever arising which the City or the Owner may bear, suffer or be put to by reason of any damage to property or injury or death to any person as a result of the Encroachment.

**5.2****5.2.1 Commercial**

Throughout the term of the Agreement (including where applicable, any renewal thereof), the Owner shall obtain and maintain at its own expense, including the cost of any applicable deductible, a Commercial General Liability insurance policy for third party bodily injury and property damage arising out of the granting of the privilege set out in this Agreement to a limit of not less than Five Million Dollars (\$5,000,000.00) per occurrence or such other amount that may be required by the City from time to time. This policy shall include a cross-liability and waiver of subrogation clause in respect of each named insured and shall be endorsed to include the City of Hamilton as additional insured. The policy shall provide that at least 30 days prior written notice (10 days in the event of non-payment of premiums) shall be given to the City by the Insurer before the Insurer or Owner takes any steps to cancel, terminate, fail to renew, amend or otherwise change or modify the insurance or any part thereof.

### 5.2.2 Residential

Throughout the term of the Agreement (including where applicable, any renewal thereof), the Owner shall obtain and maintain at its own expense, including the cost of any applicable deductible, Third Party Liability Insurance for bodily injury and property damage arising out of the granting of the privilege set out in this Agreement to a limit of not less than One Million Dollars (\$1,000,000.00) per occurrence. At the time of the execution of this Agreement, and thereafter during the term of the Agreement, no later than 20 Business Days after the renewal date of the policy, the Owner shall delivery to the City evidence of such insurance by way of a copy of the Personal Lines policy declarations page or a Certificate of Insurance showing thereon relevant coverage and referencing the Owner's property. At the City's election, the Owner shall provide a certified copy of the insurance policy required herein. Certificate Holder will be addressed as the City of Hamilton, City Centre, 71 Main Street West, Hamilton, Ontario, Canada, L8P 4Y5. All evidence of insurance shall be mailed to this address to the attention of Road Programming Technician, Geomatics and Corridor Management, Engineering Services, Public Works.

- 5.3** At the time of the execution of this Agreement, and thereafter during the term of the Agreement, no later than 20 Business Days prior to the renewal date of the policy the Owner shall deliver to the City an original Certificate of Insurance originally signed by an authorized insurance representative and confirming thereon relevant coverage information including but not limited to a reference to the Encroachment Agreement including the address of the applicable location and showing the City of Hamilton as additional insured. At the City's election, the Owner shall provide a certified copy of insurance policy required herein.
- 5.4** Certificate Holder will be addressed as the City of Hamilton, 71 Main Street West, Hamilton, Ontario Canada L8P 4Y5. All certificates, cancellation, non-renewal or adverse change notices shall be mailed to this address to the attention of Public Works, Engineering Services Division.

**6.0 Alteration, Repair or Removal of Encroachment:****6.1** If with respect to the Encroachment:

7.1.1 any act or thing is contrary to a requirement of the City Authority;

7.1.2 any act or thing is done of which the City Authority disapproves;

7.1.3 in the opinion of the City Authority, the Owner has failed to maintain the Encroachment in a safe condition,

then the City Authority may verbally or in writing require the Owner to alter or repair the Encroachment or to remove the Encroachment and restore the City's Property to a condition acceptable to the City Authority. If the Encroachment is not altered or repaired within forty-eight hours or if the Encroachment is not removed and the City's Property restored within thirty (30) days after such requirement then the City Authority may cause the alteration or repair or the removal and restoration to be done either by its own employees or by some other person at the expense of the Owner.

**6.2**

6.2.1 This Agreement is subject to all rights now or that may hereafter be vested in the City or in any gas, water, telephone, electric, light or other company, in respect of the care and improvement of the City's Property or the construction, repair replacement or removal of sewers, culverts, drains, water or gas pipes or the placing of poles or wires (the "services") therein. The City expressly reserves to itself the right to construct services or permit services to be constructed.

6.2.2 The City expressly reserves to itself the right to temporarily or permanently remove an encroachment (or a portion of an encroachment) and suspend all rights extended to the Owner under this Agreement where urgent, exceptional or emergency circumstance arises requiring a response by the City.

Where such circumstances arise, the City may take whatever steps it determines to be necessary, including removing an encroachment or a portion of an



encroachment; preventing an encroachment from being used; or taking steps that would prohibit or hinder an encroachment from being used in its usual manner. The City shall not be responsible for any damages arising from its exercise of this reserved privilege and may exercise this privilege without notice to the Owner. Where possible, the City will provide notice to the Owner, however such notice may be less than that otherwise provided for by this Agreement.

- 6.2.3 The Owner shall not be entitled to any compensation of any type by reason of the exercise of the rights contained in this section and the Owner shall, at its own expense, carry out such alteration or repair of the Encroachment or removal of the Encroachment and restoration of the City's Property as the City Authority may require.

## **7.0 Termination:**

### **7.1 This Agreement may be terminated at any time:**

- 7.1.1 by the City for any reason after the delivery to the Owner of written notice of the City's intention to terminate at least thirty (30) days prior to such termination. Within thirty (30) days of the delivery by the City of notice of its intention to terminate this Agreement, the Owner shall remove the Encroachment, restore the City's Property to a condition acceptable to the City Authority and notify the City Authority in writing when this has occurred;
- 7.1.2 on the mutual consent of the City and the Owner by means of a written agreement. Within sixty (60) days of the execution of the written agreement, or such other time as may be mutually agreed upon, the Owner shall remove the Encroachment, restore the City's Property to a condition acceptable to the City Authority and shall notify the City Authority in writing when this has occurred;
- 7.1.3 the Owner ceasing to be the registered owner of the premises described as the Owner's Property herein;
- 7.1.4 the Owner fails to comply with any other provision in this Agreement; or

7.1.6 where urgent, emergency and exceptional situations occur and will include the ability of the City Authority to take action to remove and restore by its own forces when and where necessary.

7.2 On the happening of any of the following this Agreement will terminate immediately:

7.2.1 changes are made to either the Owner's Property such that it impacts on the Encroachment or changes are made to the Encroachment that deviate from the approved plan submitted for this Agreement;

If the Encroachment is not removed and the City's Property restored in accordance with clause 7.1.1 or 7.1.2 then the City Authority may cause the removal and restoration to be done either by its own employees or by some other person at the expense of the Owner.

7.3 On Termination of an Agreement, the City or the Owner, at the City's direction shall register a discharge of this Agreement on title to the Owner's Property. Registration of the discharge shall in no way affect any requirement or obligation of the Owner under this Agreement up to the time of the termination. The Owner shall bear the cost of this discharge.

## 8.0 General Provisions:

8.1 The Owner shall observe and comply with all applicable Federal and Provincial statutes and regulations and with all by-laws, policies and guidelines of the City and all requirements of the City given through the City Authority respecting the Encroachment.

8.2 Schedules "A" and "B" attached to this Agreement form part of it. Unless otherwise indicated, any notice or other document to be given under this Agreement shall be given in writing and delivered personally, transmitted by facsimile or by prepaid registered mail addressed to:

**City:** Attention: City of Hamilton  
Public Works,  
Engineering Services Division,  
Corridor Management Section  
100 King Street West, 2nd Floor  
Hamilton, ON Canada L8P 1A2

Telephone: (905) 546-2424  
Facsimile: (905) 540-5926

AND TO

Attention: City of Hamilton, City Clerk  
71 Main Street West Hamilton,  
ON Canada L8P 4Y5

or such other address as may hereafter be assigned.

**Owner:** Attention: [NOTE TO DRAFT: INSERT LEGAL ADDRESS OF OWNER FOR SERVICE.]

OLIVIA WING-SZE WAYE  
364 Boyer Street  
Stouffville, ON L4A 7V8  
Tel#: 416-898-1793 Fax #:

All notices delivered by facsimile shall be deemed received upon mechanical confirmation of transmittal. All notices mailed hereunder shall be deemed to have been given and received by the addressee seventy-two (72) hours following mailing. In the event of actual or threatened postal interruption, all notices shall be delivered personally or by facsimile.

**8.3** This Agreement is to be read with all the changes made necessary by the gender, number or corporate status of the Owner. Where the Owner is comprised of more than, it is agreed that the Owner's obligations under this Agreement are joint and several.

**8.4** The headings in this Agreement are inserted for convenience of reference only and do not form part of the Agreement.

**8.5** If any term, clause or provision of this Agreement shall be judged to be invalid for any

reason whatsoever, such invalidity shall not affect the validity or operation of any other term, clause or provision and such invalid term, clause or provision shall be deemed to have been deleted from this Agreement.

- 8.6 Despite section 7 herein, this Agreement is binding upon the Owner and the Owner's Property, the Owner's heirs, executors, administrators, successors, tenants and assigns and the person in possession of the Owner's Property. Sections 5.1 and 8.1 shall survive the termination of this Agreement.
  
- 8.7 No length of time or of enjoyment by the Owner shall enure to give any right, title or interest to the Owner, or their successors in title, in the subject lands or to maintain the said works on, under across or above, as the case may be, the said road allowance or shall deprive the City by the operation of any limitation period or otherwise of any right to require the removal thereof and restoration of the road allowance.
  
- 8.8 Any waiver of, or consent to depart from, the requirements of any provision of this Agreement shall be effective only if it is in writing and signed by the Party giving it, and only in the specific instance and for the specific purpose for which it has been given. No failure on the part of any Party to exercise, and no delay in exercising, any right under this Agreement shall operate as a waiver of such right. No single or partial exercise of any such right shall preclude any other or further exercise of such right or the exercise of any other right.

***[Signing page to immediately follow]***



IN WITNESS WHEREOF the City and the Owner have affixed their respective corporate seals under the hands of their officers duly authorized in that behalf, or under their hands and seals, as the case may be, as of the date first above written.

Approved as to form and content by Public Works:  
CF

Approved as to form by Legal Services:  
AK

Authority to enter into Agreement delegated to Staff as a routine real estate matter in accordance with Item 21, Committee of the Whole Report 01-029 adopted by Council September 18, 2001 as amended.  
2023-16235  
Precedent approved by Legal Services.

CITY OF HAMILTON

By: [Signature]  
Andrea Herwath Mayor

By: [Signature]  
Andrea Holland City Clerk

(for corporate Owner):

[LEGAL NAME OF OWNER]

[Empty box for legal name of owner]

Per: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have the authority to bind the corporation.

(for individual Owner(s)):  
SIGNED, SEALED and DELIVERED

In the presence of )

PATRICK WAYE )

Witness (Print) )

[Signature] )

Witness (Sign)

Name: WAYE, OLIVIA WING-SZE

Name: WAYE, CASTOR

**SCHEDULE "A"**LEGAL DESCRIPTION OF  
OWNER'S PROPERTY

PT LT 228 PL 256 HAMILTON AS IN CD299790; HAMILTON

City of Hamilton

PIN # 17136-0143 (LT)

**SCHEDULE "B"**

## THE ENCROACHMENT

Encroachment permitted on the City's Property for:

*[PROVIDE DETAILED INFORMATION REGARDING THE ENCROACHMENT THIS SHOULD INCLUDE A GENERAL LABEL FOR THE ENCROACHMENT AS WELL AS ENOUGH DETAIL ABOUT THE ENCROACHMENT, IT'S SIZE AND IT'S LOCATION AS IT RELATES TO THE CITY'S PROPERTY TO FULLY IDENTIFY ITS PARAMETERS. THIS SHOULD ALSO INCLUDE ADVISING WHETHER THE ENCROACHMENT IS COMMERCIAL OR RESIDENTIAL IN NATURE]*

Ground and 2nd storey wood decking commencing 8.95m northerly from the southwest corner of the property municipally known as 147 Bold Street, Hamilton, encroaches onto the road allowance of Caroline Street South, Hamilton, 2.74m in length x 0.32m in width.

Ground and 2nd storey wooden covered porch commencing 2.44m southerly from the northwest corner of the property municipally known as 147 Bold Street, Hamilton, encroaches onto the road allowance of Caroline Street South, Hamilton, 2.82m in length x 0.22m in width.

Masonry chimney commencing 12.75m northerly from the southwest corner of the property municipally known as 147 Bold Street, Hamilton, encroaches onto the road allowance of Caroline Street South, Hamilton, 0.99m in length x 0.20m in width.

These encroachments are residential in nature.

on Part , Reference Plan 62R-, PIN



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)		
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	147 Bold St		
Assessment Roll Number	251802013350610		
Former Municipality	City of Hamilton		
Lot	228	Concession	
Registered Plan Number	256	Lot(s)	
Reference Plan Number (s)	17136-0144	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 Fire Escape repair, Minimum Landscaped Area

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Existing building significantly encroaches on street.

Overall requirements for landscaping conflict with parking and existing buildings.

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
13.82 m	27.11 m	385.7 sm	~20 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
Multi-unit Residential Building	3.89 m	9.37 m	5.92 m, -1.43 m	1910
Garage	21.0 m	0.51 m	0.94 m, 7.51 m	
Fire Escape	10.8 m	9.06 m	4.31 m, -0.18 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Multi-Unit Residential Building	Ex to Remain	Ex to Remain		1910
Garage	Ex to Remain	Ex to Remain	Ex to Remain	
Fire Escape	Ex to Remain	9.06 m	4.31 m, -0.18 m	

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
Multi-Unit Residential Building	99.1 SM	297.3 SM	3	~11.8 m
Garage	33.8 SM	33.8 SM	1	~4.0 m
Fire Escape	25.2 SM	25.2 SM	3	8.6 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Multi-Unit Residential Building	Ex to Remain	Ex to Remain	Ex to Remain	Ex to Remain
Garage	Ex to Remain	Ex to Remain	Ex to Remain	Ex to Remain
Fire Escape	36.8 SM	36.8 SM	Ex to Remain	Ex 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
  - 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.):  
 Triplex

---

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

---

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:  
 2011

---

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

---

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

---

7.4 Length of time the existing uses of the subject property have continued:  
 2009

---

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.  
 Existing use conforms with the character of the existing neighbourhood and supports density.

7.6 What is the existing zoning of the subject land? E-3

---

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: 3

8.2 Number of Dwelling Units Proposed: 3

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

No proposed change to number of dwelling units.

Proposal is for replacement of an existing fire escape, with no proposed alterations to the interior of the building.

## 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-23:93</b>	<b>SUBJECT PROPERTY:</b>	56 CHARLTON AVENUE W, HAMILTON
<b>ZONE:</b>	"E" (Multiple Dwellings, Lodges, Clubs, Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      **Owner:** FINLAY REPPAS ENTERPRISES INC.  
                                 **Agent:** DECC INC. C/O MICHAEL ISOTTI PONGETTI

The following variances are requested:

1. One (1) parking space shall be provided instead of the minimum required two (2) parking spaces;
2. A minimum parking space length of 5.87 m shall be permitted instead of the minimum required parking space length of 6 m;
3. A required parking space shall be permitted to be located in the front yard, notwithstanding that a required parking space is not permitted in a front yard;
4. No manoeuvring space for the parking space shall be provided, instead of the requirement to provide a manoeuvring space on the lot;
5. A height of three (3) storeys shall be permitted instead of the maximum permitted two and one-half (2.5) storeys;
6. An exterior staircase shall be permitted to project 0.42 m into the minimum required 1.2 m side yard and to be located 0.78 m from the east side lot line instead of the maximum permitted projection of 0.4 m and minimum required side lot line setback of 0.80 m; and
7. A minimum lot width of 14.55 m shall be permitted for a two-family dwelling instead of the minimum required lot width of 18.0 m.

**PURPOSE & EFFECT:**      To permit the conversion of the existing lodging house to a two-family dwelling including associated exterior alterations:

HM/A-23:93

**Notes:**

- i. This property is designated under Part IV of the Ontario Heritage Act, by municipal By-law Number 15-152 as a property of cultural heritage value. A Heritage Permit may be required for alterations or changes to the property. Please contact a Cultural Heritage Planner at culturalheritageplanning@hamilton.ca or visit [www.hamilton.ca/heritageplanning](http://www.hamilton.ca/heritageplanning) for further information.
- ii. Variance 7, concerning minimum required lot width, does not appear to be required. Pursuant to Section 11. (4)(i) of Hamilton Zoning By-law 6593, a two family dwelling in an “E” District requires a minimum lot width of 12.0 m and the existing lot width is 14.55 m.

**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, May 18, 2023</b>
<b>TIME:</b>	<b>9:30 a.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.

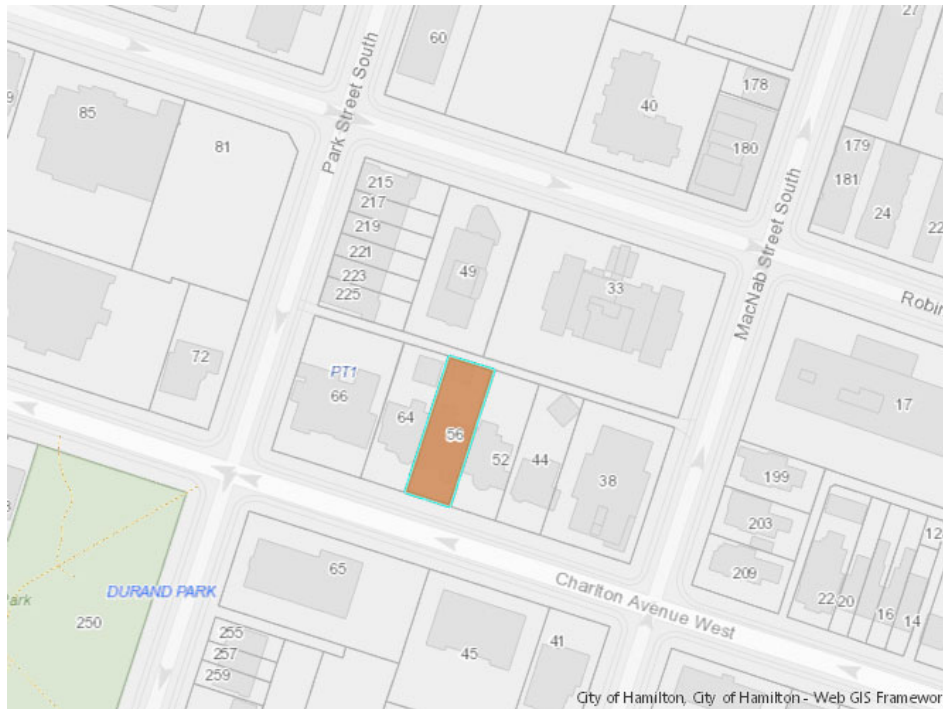
**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:93, you must submit

**HM/A-23:93**

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: May 2, 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.**

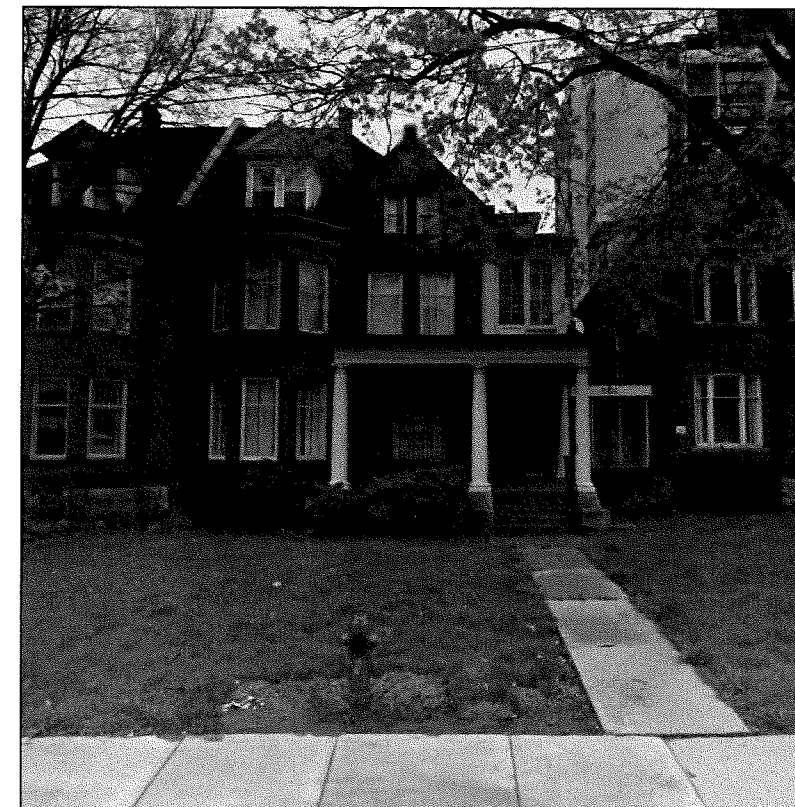
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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.

# 56 CHARLTON AVE. W. TWO FAMILY DWELLING

## DRAWING LIST



- (1/16) - A0.01 - COVER SHEET
- (2/16) - A0.02 - GENERAL NOTES
- (3/16) - SP1.01 - SITE PLAN EXISTING
- (4/16) - SP1.02 - SITE PLAN PROPOSED
- (5/16) - A1.01 - 1ST FLOOR PLAN EXISTING
- (6/16) - A1.02 - 2ND FLOOR PLAN EXISTING
- (7/16) - A1.03 - 3RD FLOOR PLAN EXISTING
- (8/16) - A1.04 - BASEMENT FLOOR PLAN EXISTING
- (9/16) - A1.05 - 1ST FLOOR PLAN PROPOSED
- (10/16) - A1.06 - 2ND FLOOR PLAN PROPOSED
- (11/16) - A1.07 - 3RD FLOOR PLAN PROPOSED
- (12/16) - A1.08 - BASEMENT FLOOR PLAN PROPOSED
- (13/16) - A1.09 - EXTERIOR ACCESS STAIR PLAN
- (14/16) - A2.01 - EXTERIOR ACCESS STAIR ELEVATIONS
- (15/16) - A3.01 - EXTERIOR ACCESS STAIR CONNECTION DETAILS
- (16/16) - A4.01 - EXTERIOR ACCESS STAIR SECTIONS



**COVER PAGE**  
SCALE: NTS



1	04/13/2023	REV. & RESUBMIT.
#:	DATE:	DESC.
<b>REVISIONS</b>		
<b>DECC INC.</b> DESIGN   ENGINEER   CONSULT   CONSTRUCT		
SITE: <b>56 CHARLTON AVE. W HAMILTON, ONTARIO</b>		
PROJECT: <b>TWO FAMILY DWELLING</b>		
DWG: <b>A0.01 COVER SHEET</b>		
DATE: <b>JAN 23, 2023</b>	DRAWN BY: <b>MP</b>	DWG #: <b>1 / 16</b>
PROJECT #: <b>068</b>	CHKD BY: <b>MP</b>	

GENERAL NOTES		DUPLEX NOTES													
<p>1. ALL CONSTRUCTION AND MATERIALS TO BE IN ACCORDANCE WITH THE LATEST VERSION OF THE ONTARIO BUILDING CODE (O.B.C.) INCLUDING THE LATEST STANDARDS REFERENCED WITHIN.</p> <p>2. DRAWINGS ARE NOT TO BE SCALED AT ANY TIME.</p> <p>3. ALL DRAWINGS ARE PROPERTY OF THE ENGINEER AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT.</p> <p>4. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS PRIOR TO COMMENCING ANY WORK AND REPORT ANY DISCREPANCIES TO THE ENGINEER. FAILURE TO DO SO WILL CAUSE FORFEIT TO ANY CLAIM.</p> <p>5. IF ANY ERRORS OR OMISSIONS ARE FOUND ON THESE DRAWINGS, THEY SHALL BE REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION. DRAWINGS MUST BE REVIEWED.</p>		<p><b>PROPOSED TWO FAMILY DWELLING</b></p> <p>- CURRENT USE - LODGING HOUSE</p> <p>- FINISHED 3RD FLOOR TO BE CONVERTED TO ADDITIONAL DWELLING UNIT, MAIN FLOOR/BASEMENT/2ND FLOOR IS OF PLASTER CONSTRUCTION</p> <p>- BUILDING APPROX. 120 YEARS OLD</p> <p>- 1.1.2.6. APPLICATION OF PART 11(1)...PART 11 OF DIVISION B APPLIES TO THE DESIGN AND CONSTRUCTION OF EXISTING BUILDING, OR PARTS OF EXISTING BUILDINGS, THAT HAVE BEEN IN EXISTENCE FOR AT LEAST FIVE YEARS</p> <p><b>ONTARIO BUILDING CODE REVIEW - PART 9 SINGLE FAMILY DWELLING w/ PROPOSED 3RD FLOOR APARTMENT:</b></p> <p>- SEPARATE ENTRANCES TO BE PROVIDED FOR MAIN FLOOR AND 3RD FLOOR APARTMENT, UPPER AND LOWER APARTMENTS TO BE SEPARATED WITH A 30min. FIRE SEPARATION</p> <p>- MAIN FLOOR APT. - FRONT ENTRANCE DOOR / 3RD FLOOR APT. - PROPOSED STAIRS TO 2ND FLOOR w/ ACCESS TO 3RD</p>													
<p><b>DESIGN LOADS</b></p> <table border="1"> <tr> <td>1. GROUND SNOW (Ss) / RAIN (Sr):</td> <td>1.3 kPa / 0.4 kPa</td> </tr> <tr> <td>2. MAXIMUM ROOF SNOW (S):</td> <td>1.44 kPa</td> </tr> <tr> <td>3. ROOF DEAD LOAD (D):</td> <td>1.0 kPa</td> </tr> <tr> <td>4. WIND LOAD (q50):</td> <td>0.46 kPa</td> </tr> <tr> <td>5. FLOOR LIVE LOAD (L):</td> <td>1.9 kPa</td> </tr> <tr> <td>6. FLOOR DEAD LOAD (D):</td> <td>1.0 kPa</td> </tr> </table>		1. GROUND SNOW (Ss) / RAIN (Sr):	1.3 kPa / 0.4 kPa	2. MAXIMUM ROOF SNOW (S):	1.44 kPa	3. ROOF DEAD LOAD (D):	1.0 kPa	4. WIND LOAD (q50):	0.46 kPa	5. FLOOR LIVE LOAD (L):	1.9 kPa	6. FLOOR DEAD LOAD (D):	1.0 kPa	<p><b>FIRE SEPARATION/FIRE RESISTANCE RATINGS AND NOTES</b></p> <p>- 9.10.8.1. - FIRE RESISTANCE RATINGS FOR FLOORS. TABLE 9.10.8.1. - 45min. REQ., USING PART 11 COMPLIANCE ALTERNATIVE C147 - 15min. PERMITTED (PAGE 49, DIV. B, SENTENCE (b)), - IN DETACHED HOUSES, SEMI-DETACHED HOUSES... CONTAINING NOT MORE THAN TWO DWELLING UNITS 15min. HORIZONTAL FIRE SEPARATION IS ACCEPTABLE WHERE.</p> <p>1) SMOKE ALARMS ARE INSTALLED IN EVERY DWELLING UNIT AND COMMON AREA IN CONFORMANCE WITH SUBSECTION 9.10.19., AND</p> <p>2) SMOKE ALARMS ARE INTERCONNECTED.</p> <p>*SMOKE ALARMS TO BE INSTALLED AS PER C147 NOTED ABOVE</p> <p><b>PROPOSED HORIZONTAL FIRE SEPARATION ON BASEMENT CEILING REQ. TO PROVIDE 15min. FRR (FIRE RESISTANCE RATING)</b></p> <p>- PROPOSING PROPOSING TO USE SUPPLEMENTARY STANDARD SB-2 - TABLE 2.3.4.D. 16mm PLASTER w/9.5mm GYPSUM LATH PROVIDES 65min. FRR.</p> <p><b>PROPOSED VERTICAL FIRE SEPARATION OF 45min. IS REQ. BETWEEN SEPARATE DWELLING UNITS AS PER SECTION 9.10.9.14. &amp; 9.10.9.15. - PROPOSING TO USE PART 11 COMPLIANCE ALTERNATIVE C152 - 30min. FRR IS ACCEPTABLE.</b></p> <p>- VERTICAL (WALL) FIRE SEPARATION BETWEEN 3RD FLOOR APARTMENT &amp; MAIN FLOOR APARTMENT - REQ. TO PROVIDE 30min. FRR</p> <p>- PROPOSING TO USE SUPPLEMENTARY STANDARD SB-2 - TABLE 2.3.4.D. 16mm PLASTER w/9.5mm GYPSUM LATH PROVIDES 65min. FRR.</p> <p><b>SERVICE ROOM DOOR REQ.</b></p> <p>- TO PROVIDE 20min. FRR AND EQUIPPED WITH SELF-CLOSING, SELF-LATCHING DEVICE.</p> <p><b>9.10.13.1. - DOORS, DAMPERS, AND OTHER CLOSURES IN FIRE SEPARATIONS - 9.10.13.1</b></p> <p>- TABLE 9.10.13.1. FIRE PROTECTION RATING FOR CLOSURES (IN FIRE SEPARATIONS) NOT REQUIRED FOR A 15min. FIRE SEPARATION - CHART REQUIRES CLOSURES FOR FIRE SEPARATIONS REQUIRING A FRR RATING BEGINNING WITH 30min.</p> <p><b>9.10.13.13. - FIRE DAMPERS (DUCTS PENETRATING FIRE SEPARATIONS)</b></p> <p>- PART 11 COMPLIANCE ALTERNATIVE C167/C168 (DIVISION B - PAGE 50)</p> <p>- ...IN A BUILDING CONTAINING NOT MORE THAN 4 DWELLING UNITS, THE EXISTING HEATING OR AIR-CONDITIONING SYSTEM MAY BE ALTERED TO SERVE MORE THAN ONE DWELLING UNIT, PROVIDED SMOKE ALARMS ARE INSTALLED IN EACH DWELLING UNIT AND PROVIDED A SMOKE DETECTOR IS INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM SERVING THE ENTIRE BUILDING WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR.</p> <p>- PROPOSING TO INSTALL THE ABOVE REQUIREMENTS THEREFORE FIRE DAMPERS WILL NOT BE REQUIRED.</p> <p><b>9.10.18.5. - SMOKE DETECTORS IN RECIRCULATING AIR HANDLING SYSTEMS</b></p> <p>- SMOKE DETECTOR TO BE INSTALLED IN RETURN AIR PLENUM, UPON DETECTION OF OF SMOKE FURNACE WILL SHUT DOWN</p> <p><b>9.10.19 - SMOKE ALARMS</b></p> <p>- SHALL BE HARD WIRED AND INTERCONNECTED (BASEMENT, 1ST, 2ND &amp; 3RD FLOORS), INSTALLED IN EVERY SLEEPING ROOM, EVERY HALLWAY ADJACENT TO SLEEPING ROOMS, EVERY LEVEL, MUST BE AUDIBLE AND VISUAL</p> <p><b>9.33.4 - CARBON MONOXIDE ALARMS</b></p> <p>- SHALL BE HARD WIRED AND INTERCONNECTED, INSTALLED IN EACH SUITE OF RESIDENTIAL OCCUPANCY ADJACENT TO EACH SLEEPING AREA IN THE SUITE AND IN THE SERVICE ROOM WITH FUEL BURNING APPLIANCE.</p> <p><b>PROTECTION OF WOOD/STEEL BEAMS AND COLUMNS</b></p> <p>- 9.10.8.3. FIRE RESISTANCE RATINGS FOR WALLS, COLUMNS AND ARCHES</p> <p>- (1) EXCEPT AS OTHERWISE... ALL LOADBEARING WALLS, STEEL/WOOD BEAMS, COLUMNS... IN THE STOREY IMMEDIATELY BELOW A FLOOR OR ROOF ASSEMBLY SHALL HAVE A FIRE-RESISTANCE RATING (FRR) OF NOT LESS THAN THAT REQUIRED FOR THE SUPPORTED FLOOR OR ROOF ASSEMBLY - MINIMUM 15min. FIRE SEPARATION REQUIRED.</p> <p><b>PENETRATIONS OF FIRE SEPARATIONS AND FIRE STOPPING</b></p> <p>- 9.10.9.6. PENETRATION OF FIRE SEPARATIONS (1) PIPING, TUBING, DUCTS, CHIMNEYS, WRING, CONDUIT, ELECTRICAL OUT LET BOXES, AND OTHER SIMILAR SERVICE EQUIPMENT THAT PENETRATE A REQUIRED FIRE SEPARATION SHALL BE TIGHTLY FITTED OR FIRE STOPPED TO MAINTAIN THE INTEGRITY OF THE SEPARATION</p> <p><b>9.7.2.3. - MINIMUM WINDOW AREAS (SEE CHARTS FOR COMPLIANCE)</b></p>	
1. GROUND SNOW (Ss) / RAIN (Sr):	1.3 kPa / 0.4 kPa														
2. MAXIMUM ROOF SNOW (S):	1.44 kPa														
3. ROOF DEAD LOAD (D):	1.0 kPa														
4. WIND LOAD (q50):	0.46 kPa														
5. FLOOR LIVE LOAD (L):	1.9 kPa														
6. FLOOR DEAD LOAD (D):	1.0 kPa														
<p><b>LUMBER NOTES</b></p> <p>1. ALL SAWN LUMBER TO BE S.P.F. No. 2 GRADE OR BETTER AND CONFORM TO CSA-0141</p> <p>2. ALL ENGINEERED BUILT UP BEAMS ARE TO BE LVL'S (GRADE 2.0x10E4 PS) UNLESS OTHERWISE NOTED. REPLACEMENT WITH A HIGHER GRADE IS NOT ALWAYS A SUITABLE EQUIVALENT. CONTACT ENGINEER FOR EQUIVALENT.</p> <p>3. PROVIDE SOLID BLOCKING BETWEEN JOISTS BELOW ALL LOAD BEARING WALLS/COLUMNS WHICH ARE PERPENDICULAR TO THE JOISTS.</p> <p>4. WOOD IS NOT TO BEAR DIRECTLY ON CONCRETE/MASONRY, PROVIDE PRESSURE TREATED, POLY OR SILL GASKET BETWEEN CONCRETE/MASONRY AND WOOD SILL PLATE.</p> <p>5. ALL JOISTS SHOULD HAVE A MINIMUM OF 40 mm (1-1/2") OF BEARING WITH JOIST HANGARS.</p> <p>6. ALL BUILT UP BEAMS TO PROVIDE 2 ROWS OF SDS SCREWS ON E/S 1/2" x 3-1/2" LG. @ 12" O.C. w/ MINIMUM 3-1/2" OF BEARING.</p>		<p><b>FOUNDATION NOTES</b></p> <p>1. ALL FOOTINGS TO BEAR ON NATIVE UNDISTURBED SOIL HAVING A SAFE BEARING CAPACITY OF 3000 P.S.F.</p> <p>2. PROVIDE 4'-0" MINIMUM OF FROST COVER FOR ALL EXTERIOR FOOTINGS.</p> <p>3. ALL REINFORCING STEEL TO BE 400W AND SHALL CONFORM TO CSA-G30.18-M92.</p> <p>4. CONCRETE TO BE MIN. 32 MPa COMPRESSIVE STRENGTH @ 28 DAYS, 5-8% AIR ENTRAINMENT.</p> <p>5. END BEARING - ALL WOOD &amp; STEEL BEAMS SHALL HAVE EVEN &amp; LEVEL BEARING &amp; SHALL NOT HAVE LESS THAN 3-1/2" OF BEARING AT END OF SUPPORTS AS PER O.B.C. 9.23.8.1.</p> <p>6. ALL FLOOR JOISTS SHALL HAVE NO LESS THAN 1-1/2"(38mm) IN LENGTH FOR END BEARING EXCEPT WHEN SUPPORTED ON RIBBON BOARDS AS PER O.B.C. 9.23.9.1(1).</p>													
<p><b>STRUCTURAL STEEL NOTES</b></p> <p>1. STRUCTURAL STEEL DESIGN MUST CONFORM TO CSA S16</p> <p>2. STRUCTURAL STEEL W SECTIONS AND COLUMNS SHALL CONFORM TO ASTM A992 U.O.N.</p> <p>3. STRUCTURAL STEEL CHANNELS, HSS, ANGLES, MUST CONFORM TO CSA G40.21, GRADE 350W U.O.N.</p> <p>4. ALL WELDING TO CONFORM TO C.W.B. APPROVED PROCEDURES. ALL WELDING TO BE CARRIED OUT BY WELDERS CERTIFIED BY THE C.W.B., EMPLOYED BY A FIRM CERTIFIED IN DIVISION 1 OR 2</p> <p>5. ALL STRUCTURAL STEEL SHALL RECEIVE A MINIMUM OF ONE COAT OF SHOP PRIMER</p> <p>6. DO NOT SPLICE OR CUT OPENING IN STRUCT. STEEL WITHOUT THE ENGINEERS APPROVAL</p>		<p><b>CONCRETE &amp; REINFORCING NOTES</b></p> <p>1. ALL CONCRETE WORK SHALL CONFORM TO THE LATEST REQUIREMENTS OF CSA A23.1, A23.2 &amp; 23.3.</p> <p>2. REINFORCING SHALL CONFORM TO CSA G30.18, GRADE 400W, FY=400MPa</p> <p>3. WELDED WIRE MESH AND WELDED WIRE FABRIC SHALL CONFORM TO CSA G30.5, FY=450MPa &amp; HAVE A MINIMUM LAP OF 150mm (6") AT JOINTS U.O.N.</p> <p>4. ALL REINFORCING LAP SPLICES SHALL CONFORM TO THE LATEST CSA STANDARD A23.3 &amp; ALL BAR SPLICES TO BE CLASS 'B' TENSION U.O.N.</p> <p>5. CRACK CONTROL SHOULD BE PLACED ALONG THE CENTRE OF THE LENGTH AND WIDTH OF AREA AND PLACED NO MORE THAN 14'-0" O/C. PROVIDE JOINT FILLER IN CONTROL JOINTS</p> <p>6. ALL CONCRETE COVER SHALL CONFORM TO CSA A23.1 AND THE FOLLOWING BELOW U.O.N.</p> <p>A. CONCRETE CAST AGAINST EARTH: 75mm</p> <p>B. EXTERIOR BEAMS, SLABS, COLUMNS, PIERS AND WALLS: 40mm</p> <p>C. INTERIOR SLABS: 25mm</p>													
<p><b>STAIRS/HANDRAILS/GUARDS (TO COMPLY WITH O.B.C. 9.8.)</b></p> <p>- PLEASE REFER TO STAIR DETAILS FOR NOTES</p>		<p><b>INTERIOR WALL - WALL 'A'</b></p> <p></p> <p>- 1/2" DRYWALL</p> <p>- 2"x6" STUDS @16" O.C.</p> <p>- 1/2" DRYWALL</p> <p><b>INTERIOR WALL - WALL 'B'</b></p> <p></p> <p>- 5/8" TYPE X' DRYWALL</p> <p>- 2X4 S.P.F. NO. 2 GRADE OR BETTER STUDS @ 16" O.C.</p> <p>- ABSORPTIVE MATERIAL BETWEEN STUDS</p> <p>- 1/2" RESILIENT METAL CHANNELS SPACED 16" O.C.</p> <p>- 2 LAYERS 5/8" TYPE X' DRYWALL</p>													



#	DATE	DESC.
1	04/13/2023	REV. & RESUBMIT

**REVISIONS**

**DECC INC.**  
DESIGN | ENGINEER | CONSULT | CONSTRUCT

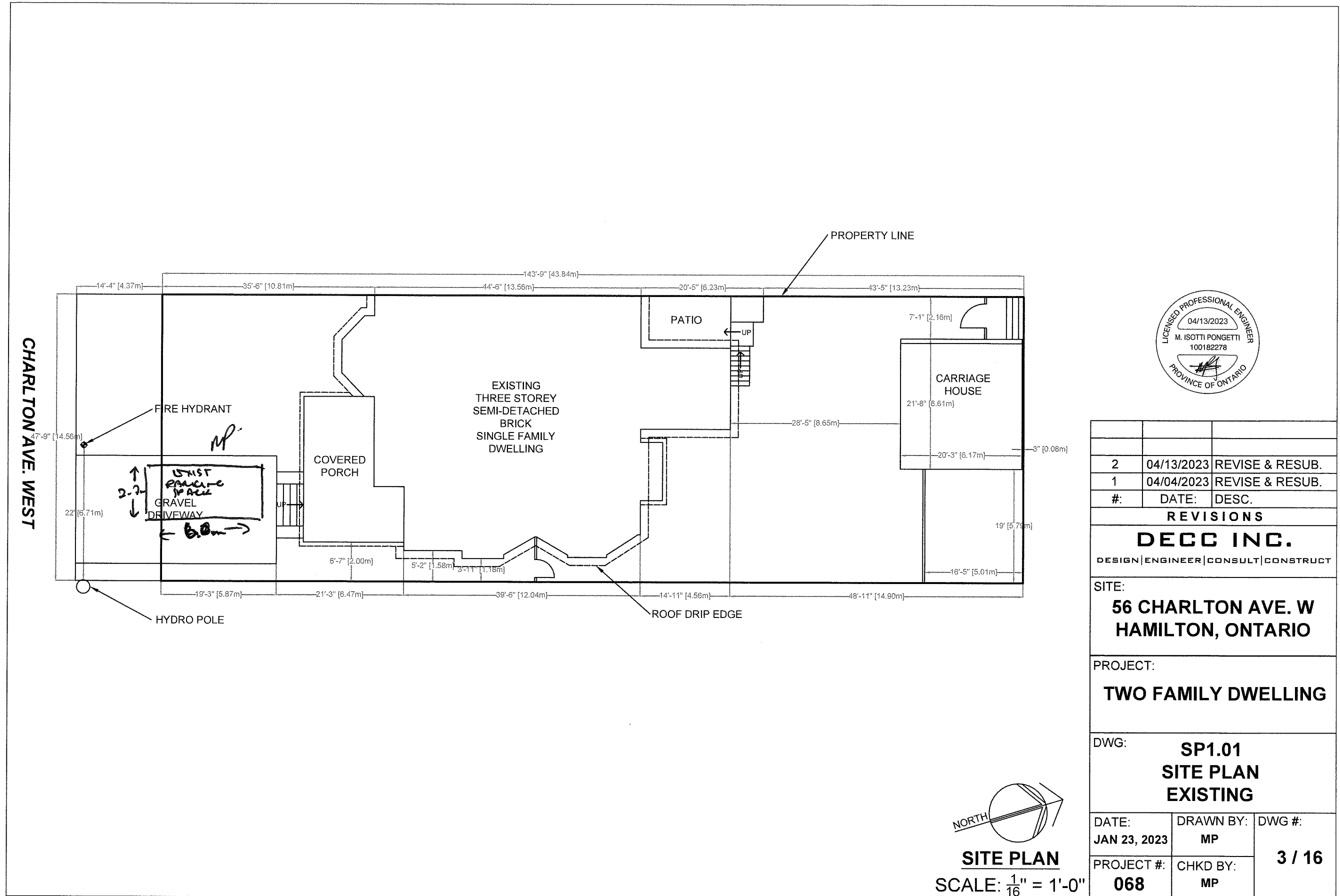
SITE:  
**56 CHARLTON AVE. W  
HAMILTON, ONTARIO**

PROJECT:  
**TWO FAMILY DWELLING**

DWG:  
**A0.02  
GENERAL NOTES**

DATE: JAN 23, 2023	DRAWN BY: MP	DWG #:
PROJECT #: 068	CHKD BY: MP	<b>2 / 16</b>

**GENERAL NOTES**  
SCALE: NTS



#:	DATE:	DESC.
2	04/13/2023	REVISE & RESUB.
1	04/04/2023	REVISE & RESUB.

**REVISIONS**

**DECC INC.**

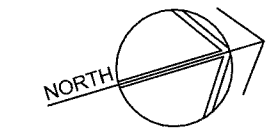
DESIGN | ENGINEER | CONSULT | CONSTRUCT

**SITE:**  
**56 CHARLTON AVE. W**  
**HAMILTON, ONTARIO**

**PROJECT:**  
**TWO FAMILY DWELLING**

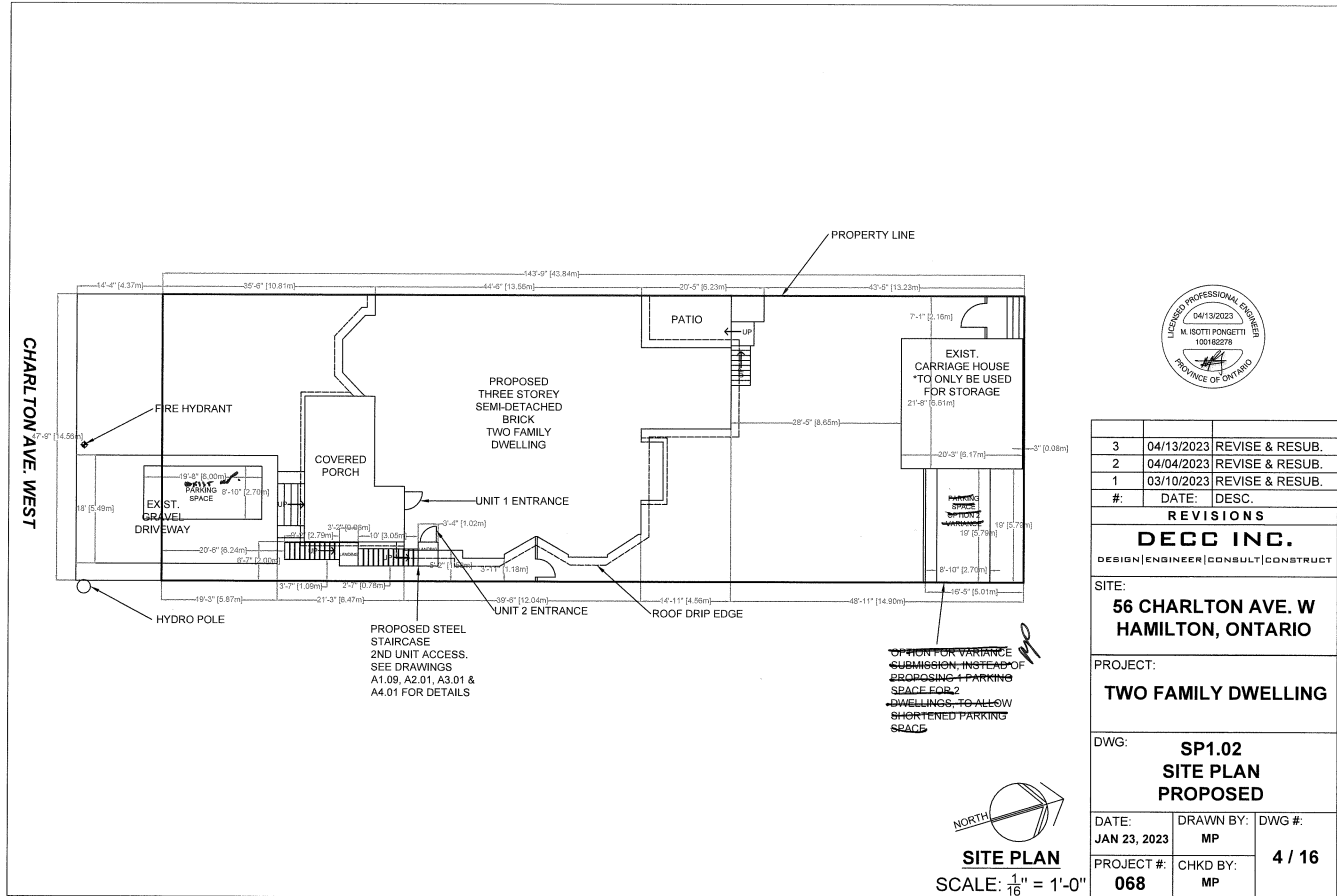
**DWG:**  
**SP1.01**  
**SITE PLAN**  
**EXISTING**

DATE: <b>JAN 23, 2023</b>	DRAWN BY: <b>MP</b>	DWG #: <b>3 / 16</b>
PROJECT #: <b>068</b>	CHKD BY: <b>MP</b>	



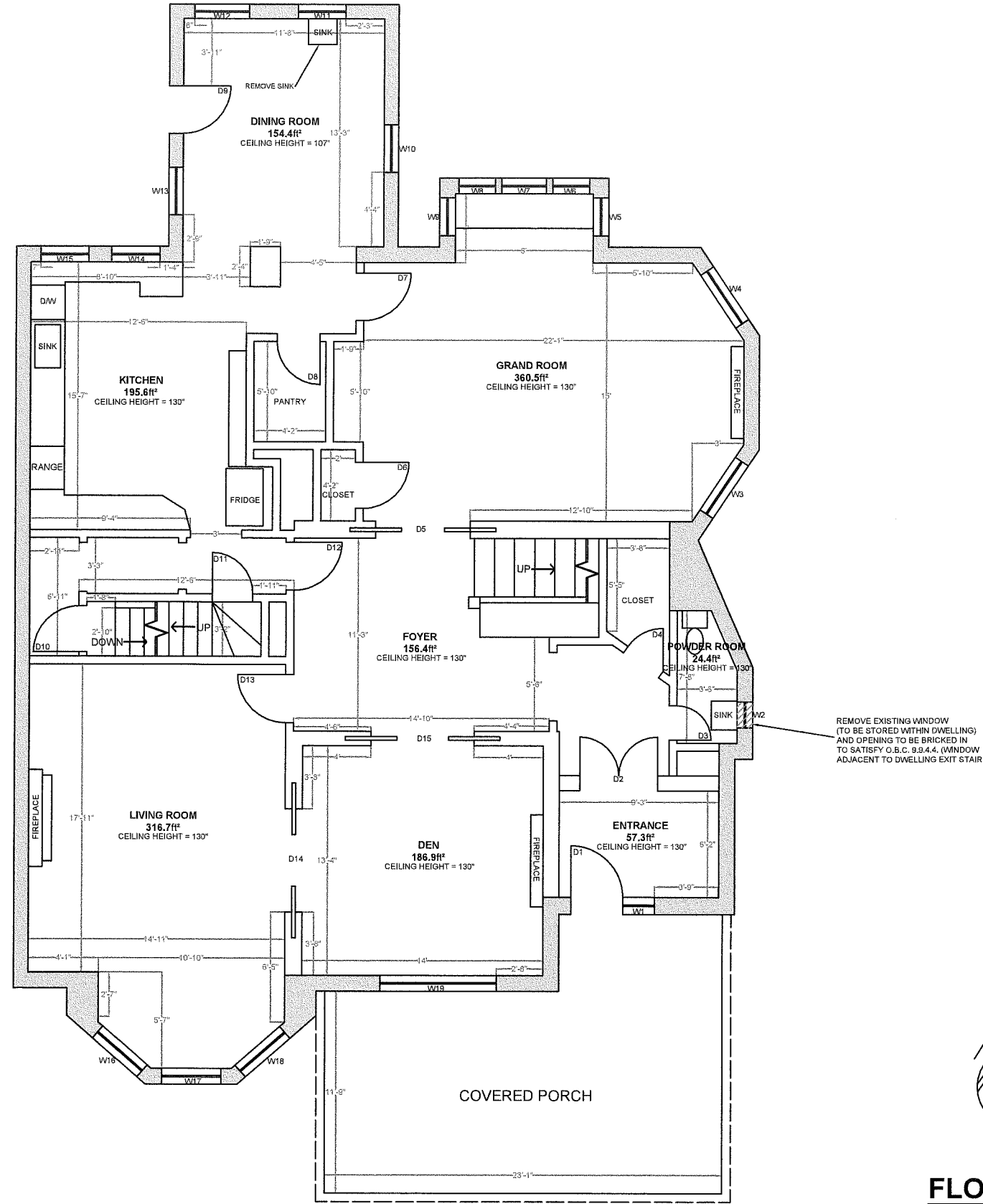
**SITE PLAN**  
 SCALE: 1/16" = 1'-0"





1ST FLOOR AREA:  
+/- 1700.95ft<sup>2</sup>

WINDOW/DOOR SCHEDULE		
NO.	WIDTH	HEIGHT
D1	36"	85"
D2 - DBL	27"	81"
D3	24"	81"
D4	30"	81"
D5 - DBL	33"	96"
D6	32"	81"
D7	33"	81"
D8	30"	81"
D9	33"	79"
D10	32"	80"
D11	29"	82"
D12	34"	82"
D13	34"	82"
D14 - DBL	36"	96"
D15 - DBL	36"	96"
W1	18"	96"
W2	15"	54"
W3	44"	89"
W4	44"	89"
W5	26.5"	89"
W6	25.5"	89"
W7	31"	89"
W8	25.5"	89"
W9	26.5"	89"
W10	33"	57"
W11	33"	57"
W12	38"	29.5"
W13	33"	57"
W14	33.5"	80"
W15	33.5"	80"
W16	41"	88"
W17	41"	88"
W18	41"	88"
W19	81"	88"

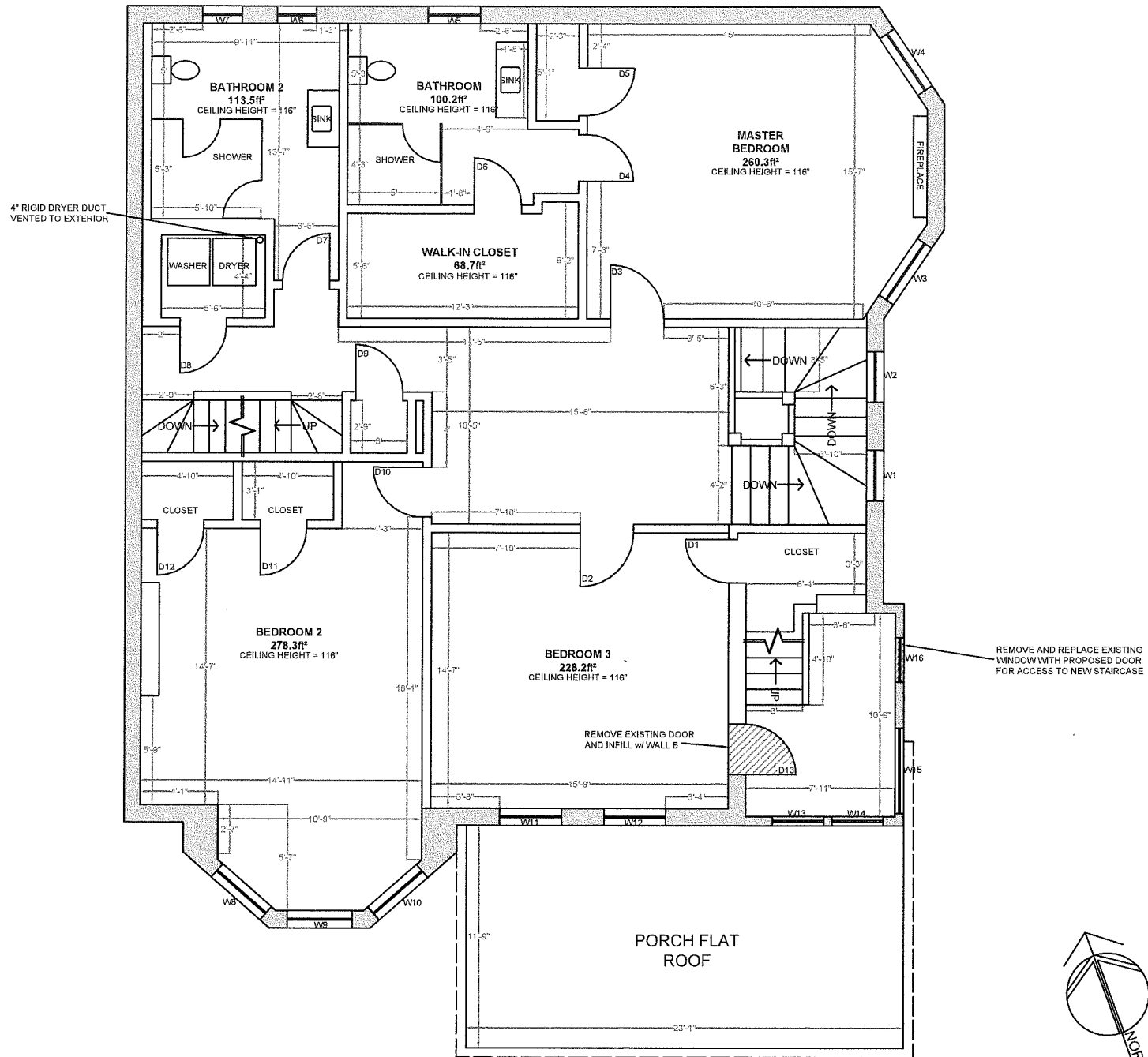


1	04/13/2023	REV. & RESUBMIT
#:	DATE:	DESC.
REVISIONS		
<b>DECC INC.</b>		
DESIGN   ENGINEER   CONSULT   CONSTRUCT		
SITE:		
<b>56 CHARLTON AVE. W HAMILTON, ONTARIO</b>		
PROJECT:		
<b>TWO FAMILY DWELLING</b>		
DWG:		
<b>A1.01 1ST FLOOR PLAN EXISTING</b>		
DATE:	DRAWN BY:	DWG #:
JAN 23, 2023	MP	5 / 16
PROJECT #:	CHKD BY:	
<b>068</b>	MP	

**FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"

2ND FLOOR AREA:  
+/- 1436.91ft<sup>2</sup>

WINDOW/DOOR SCHEDULE		
NO.	WIDTH	HEIGHT
D1	28"	80"
D2	34"	80"
D3	34"	80"
D4	30"	80"
D5	30"	80"
D6	30"	80"
D7	30"	80"
D8	30"	80"
D9	30"	80"
D10	32"	80"
D11	30"	80"
D12	30"	80"
D13	32"	80"
W1	32"	79"
W2	32"	79"
W3	43"	80"
W4	43"	80"
W5	33"	80"
W6	25"	51"
W7	25"	51"
W8	39"	80"
W9	39"	80"
W10	39"	80"
W11	39"	80"
W12	39"	80"
W13	32.5"	87"
W14	32.5"	87"
W15	54"	87"
W16	128"	58"



#	DATE:	DESC.
2	04/13/2023	REV. & RESUB.
1	02/10/2023	REV. & RESUB.

REVISIONS

**DECC INC.**

DESIGN|ENGINEER|CONSULT|CONSTRUCT

SITE:

**56 CHARLTON AVE. W  
HAMILTON, ONTARIO**

PROJECT:

**TWO FAMILY DWELLING**

DWG:

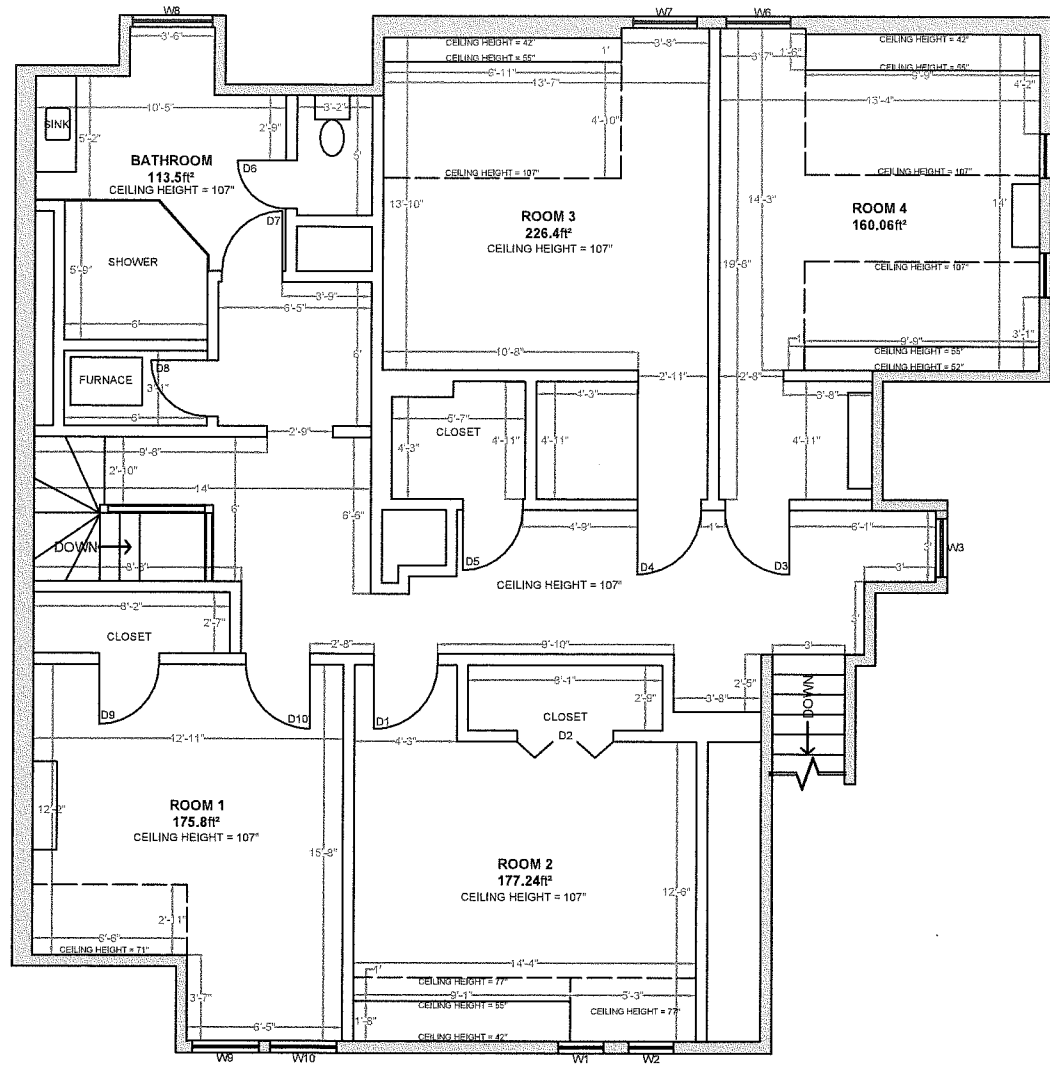
**A1.02  
2ND FLOOR PLAN  
EXISTING**

DATE: <b>JAN 23, 2023</b>	DRAWN BY: <b>MP</b>	DWG #: <b>6 / 16</b>
PROJECT #: <b>068</b>	CHKD BY: <b>MP</b>	

**FLOOR PLAN**  
SCALE:  $\frac{1}{8}" = 1'-0"$

3RD FLOOR AREA:  
+/- 1357.46ft<sup>2</sup>

WINDOW/DOOR SCHEDULE		
NO.	WIDTH	HEIGHT
D1	32"	80"
D2 - DBL	24"	79"
D3	32"	80"
D4	32"	80"
D5	30"	80"
D6	24"	79"
D7	30"	79"
D8	28"	79"
D9	30"	80"
D10	32"	80"
W1	22.5"	47"
W2	22.5"	47"
W3	29"	50"
W4	22"	36"
W5	22"	36"
W6	32"	32"
W7	32"	32"
W8	40"	45"
W9	33"	60"
W10	33"	60"



#:	DATE:	DESC.
2	04/13/2023	REV. & RESUB.
1	02/10/2023	REV. & RESUB.

REVISIONS

**DECC INC.**

DESIGN|ENGINEER|CONSULT|CONSTRUCT

SITE:

**56 CHARLTON AVE. W  
HAMILTON, ONTARIO**

PROJECT:

**TWO FAMILY DWELLING**

DWG:

**A1.03  
3RD FLOOR PLAN  
EXISTING**

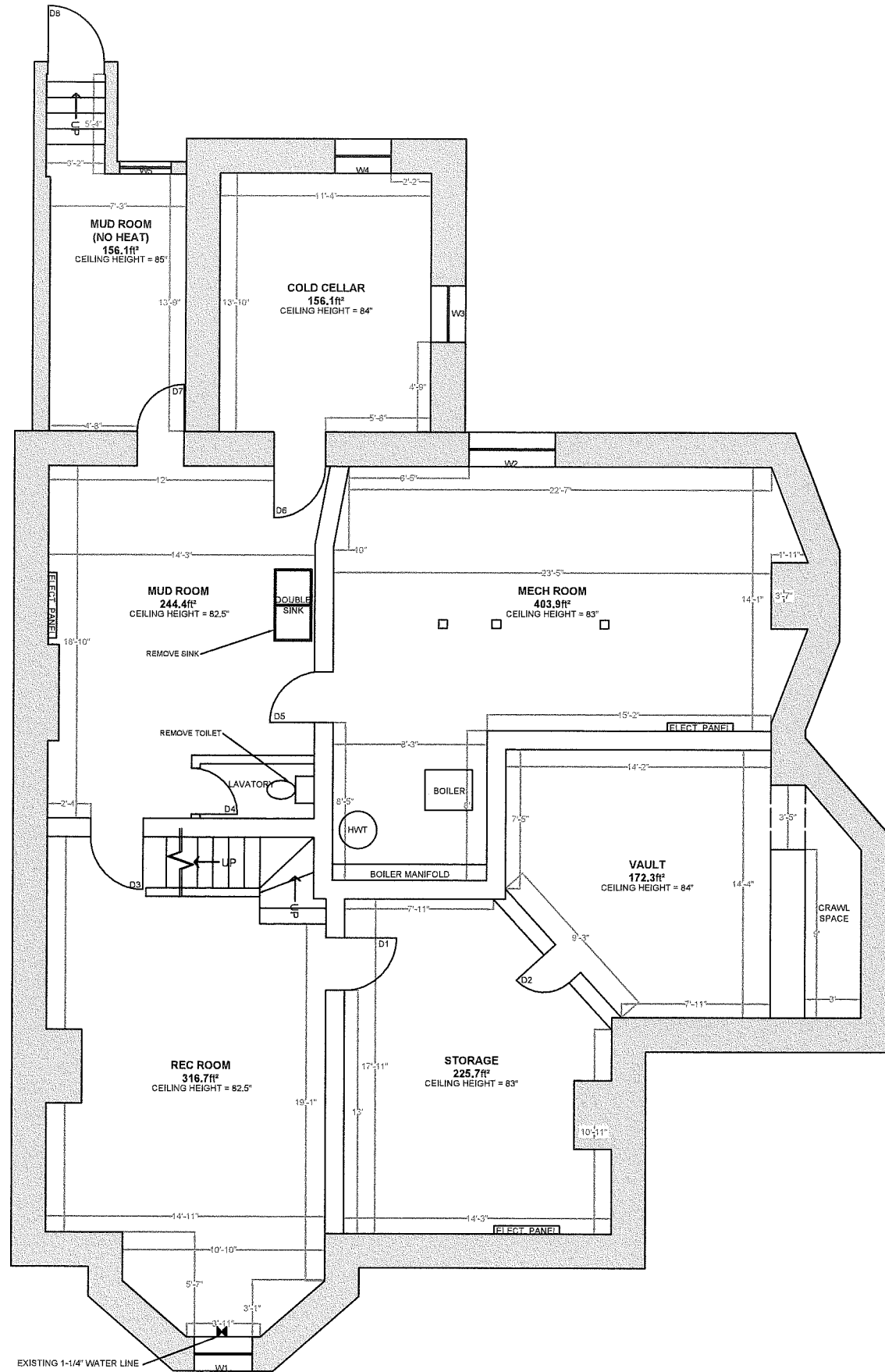
DATE: <b>JAN 23, 2023</b>	DRAWN BY: <b>MP</b>	DWG #: <b>7 / 16</b>
PROJECT #: <b>068</b>	CHKD BY: <b>MP</b>	

**FLOOR PLAN**  
SCALE:  $\frac{1}{8}'' = 1'-0''$



**BASEMENT FLOOR AREA:**  
+/- 1529.21ft<sup>2</sup>

WINDOW/DOOR SCHEDULE		
NO.	WIDTH	HEIGHT
D1	34"	78.5"
D2	24"	72"
D3	24"	81"
D4	29.5"	79"
D5	32.5"	77"
D6	33"	80"
D7	30"	78"
D8	36"	75"
W1	37"	26"
W2	55"	28"
W3	36"	31"
W4	36"	31"
W5	33"	26.5"



#:	DATE:	DESC.
2	04/13/2023	REV. & RESUBMIT
1	03/10/2023	REV. & RESUBMIT

**REVISIONS**

**DECC INC.**  
DESIGN | ENGINEER | CONSULT | CONSTRUCT

**SITE:**  
**56 CHARLTON AVE. W**  
**HAMILTON, ONTARIO**

**PROJECT:**  
**TWO FAMILY DWELLING**

**DWG:**  
**A1.04**  
**BASEMENT FLOOR PLAN**  
**EXISTING**

DATE: JAN 23, 2023	DRAWN BY: MP	DWG #: 8 / 16
PROJECT #: <b>068</b>	CHKD BY: MP	

**FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



1ST FLOOR AREA:  
+/- 1700.95ft<sup>2</sup>

UNIT 1 AREA - THIS FLOOR: 1700.95ft<sup>2</sup>  
UNIT 1 AREA TOTAL: 4610ft<sup>2</sup>  
UNIT 2 AREA - THIS FLOOR: 0ft<sup>2</sup>  
UNIT 2 AREA TOTAL: 1414.53ft<sup>2</sup>

**LEGEND**  
HARD WIRED INTERCONNECTED CO ALARMS  
REQUIRED ADJACENT TO BEDROOMS  
ON EACH LEVEL AND COMPLY w/ O.B.C. 9.33.4

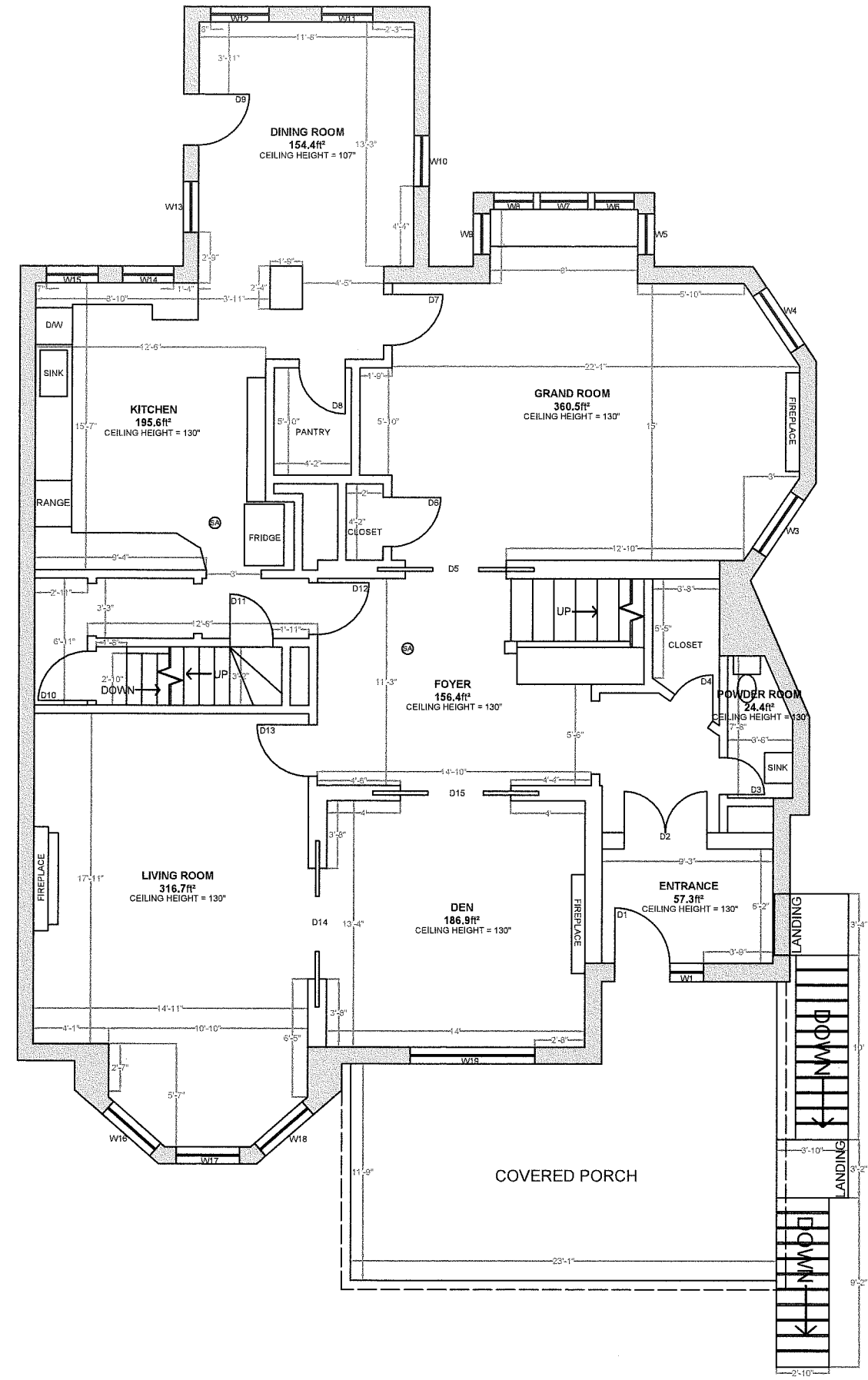
**LEGEND**  
HARD WIRED INTERCONNECTED  
COMBINATION SMOKE/STROBE ALARMS  
ON EACH LEVEL AND COMPLY w/ O.B.C.  
9.10.15.

ALL SMOKE DETECTORS TO BE  
INTER-CONNECTED WITHIN EACH UNIT  
AS PER FIRE CODE

**WINDOW/DOOR SCHEDULE**

NO.	WIDTH	HEIGHT
D1	36"	95"
D2 - DBL	27"	81"
D3	24"	81"
D4	30"	81"
D5 - DBL	33"	96"
D6	32"	81"
D7	33"	81"
D8	30"	81"
D9	33"	79"
D10	32"	80"
D11	29"	82"
D12	34"	82"
D13	34"	82"
D14 - DBL	36"	96"
D15 - DBL	36"	96"
W1	18"	96"
W3	44"	89"
W4	44"	89"
W5	26.5"	89"
W6	26.5"	89"
W7	31"	89"
W8	25.5"	89"
W9	26.5"	89"
W10	33"	57"
W11	33"	57"
W12	38"	29.5"
W13	33"	57"
W14	33.5"	80"
W15	33.5"	80"
W16	41"	88"
W17	41"	88"
W18	41"	88"
W19	81"	88"

ROOM SIZES (O.B.C. 9.5.) / MINIMUM WINDOW AREAS (O.B.C. 9.7.2.3.)			
ROOM TYPE	AREA OF ROOM	MIN. ROOM SIZE	AREA OF REQ. WINDOWS
DINING ROOM	154.4ft <sup>2</sup>	75.0ft <sup>2</sup>	10% = 15.44ft <sup>2</sup>
GRAND ROOM	360.5ft <sup>2</sup>	-	10% = 36.05ft <sup>2</sup>
LIVING ROOM	316.7ft <sup>2</sup>	145.31ft <sup>2</sup>	10% = 31.67ft <sup>2</sup>
DEN	186.9ft <sup>2</sup>	-	10% = 18.69ft <sup>2</sup>



ALL EXISTING WALLS & CEILINGS ARE OF PLASTER CONSTRUCTION  
-16mm PLASTER WITH 8.5mm GYPSUM LATH PROVIDES MIN. 30min. REQ. FIRE RESISTANCE RATING TABLE 2.3.4D-SB2

**FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



#:	DATE:	DESC.
2	04/13/2023	REV. & RESUBMIT
1	03/10/2023	REV. & RESUBMIT

**REVISIONS**

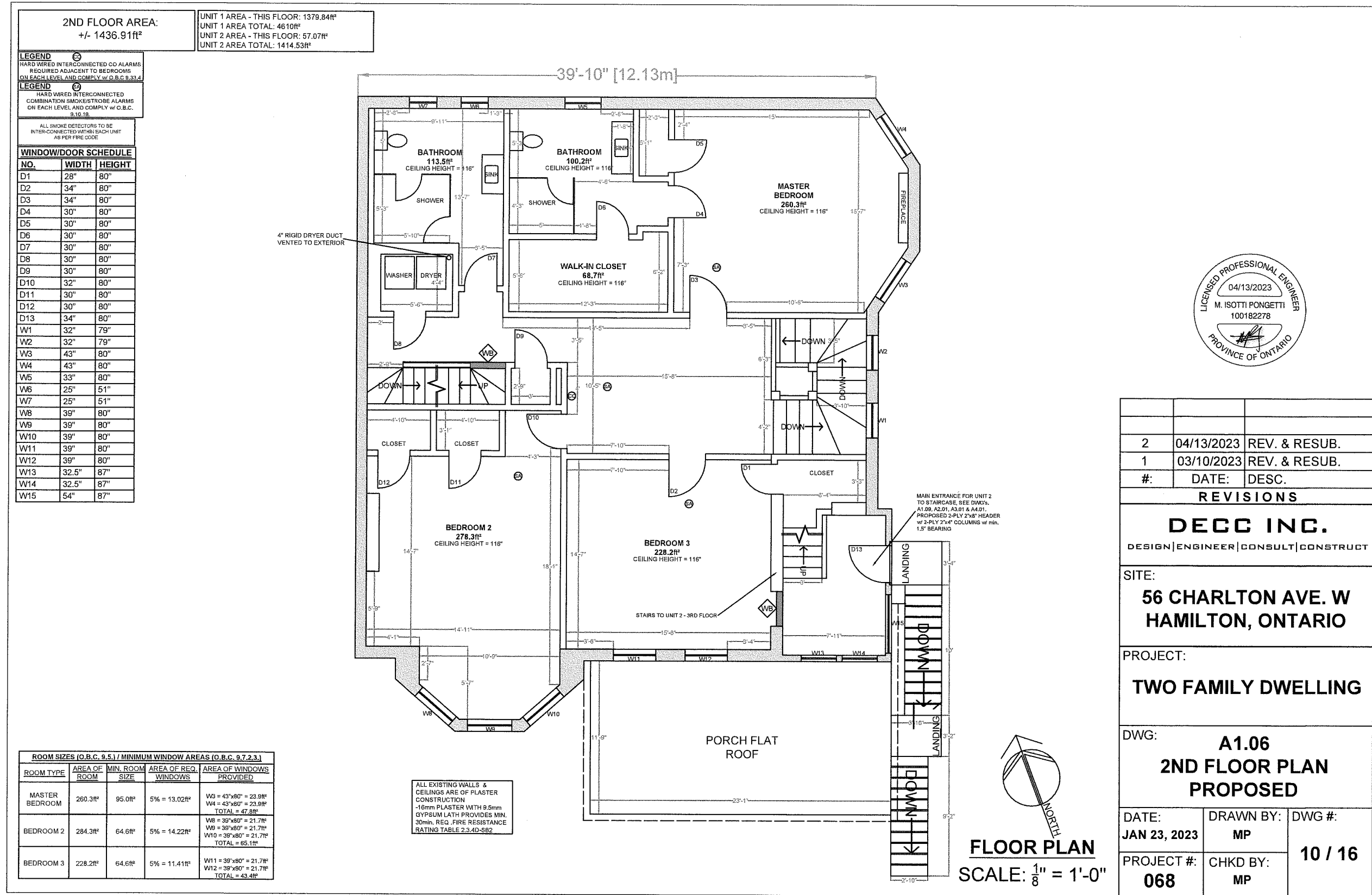
**DECC INC.**  
DESIGN | ENGINEER | CONSULT | CONSTRUCT

SITE:  
**56 CHARLTON AVE. W  
HAMILTON, ONTARIO**

PROJECT:  
**TWO FAMILY DWELLING**

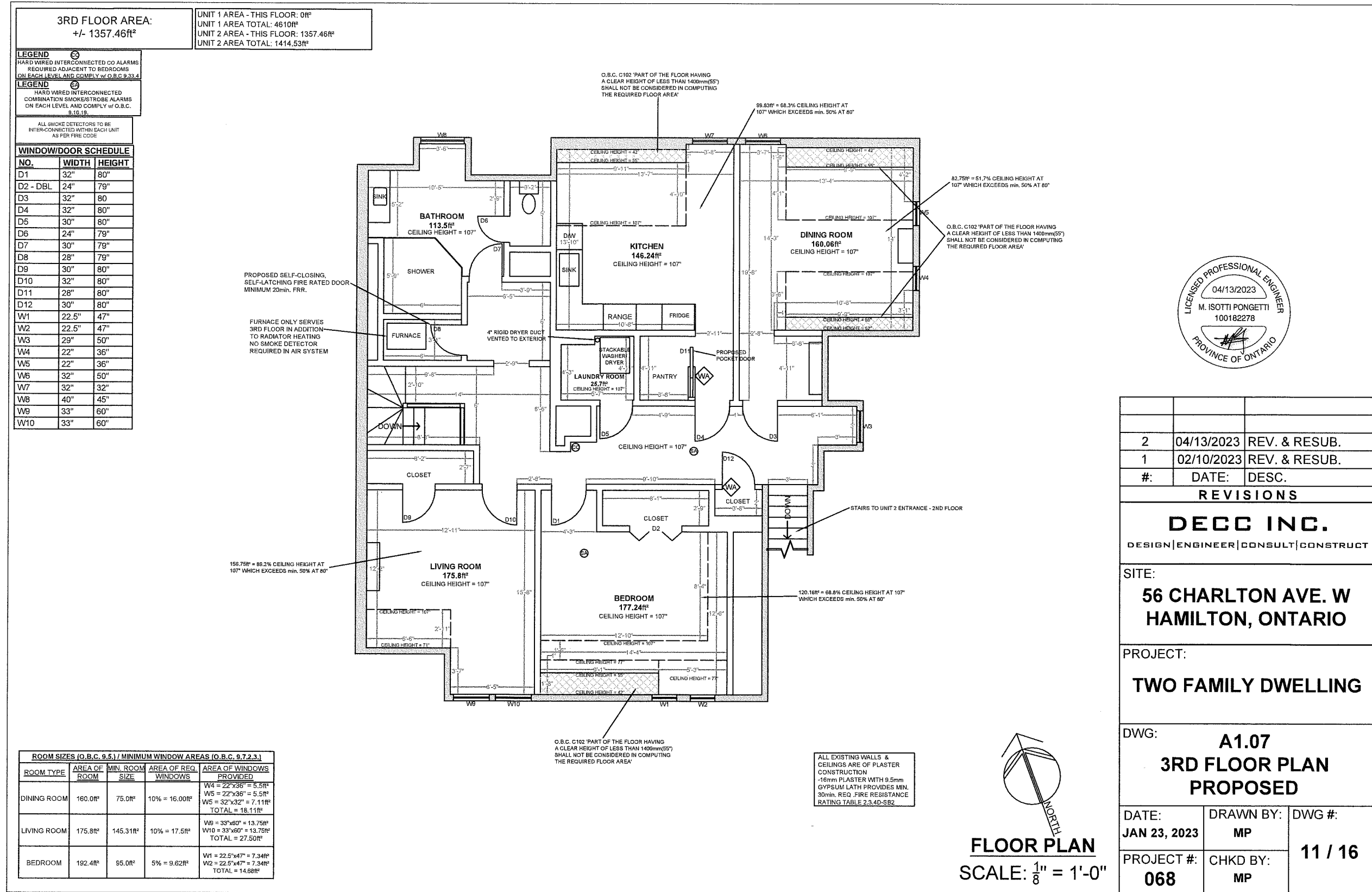
DWG:  
**A1.05  
1ST FLOOR PLAN  
PROPOSED**

DATE: JAN 23, 2023	DRAWN BY: MP	DWG #: 9 / 16
PROJECT #: <b>068</b>	CHKD BY: MP	



ROOM SIZES (O.B.C. 9.5.) / MINIMUM WINDOW AREAS (O.B.C. 9.7.2.3.)			
ROOM TYPE	AREA OF ROOM	MIN. ROOM SIZE	AREA OF REQ. WINDOWS
MASTER BEDROOM	260.3ft <sup>2</sup>	95.0ft <sup>2</sup>	5% = 13.02ft <sup>2</sup>
BEDROOM 2	284.3ft <sup>2</sup>	64.6ft <sup>2</sup>	5% = 14.22ft <sup>2</sup>
BEDROOM 3	228.2ft <sup>2</sup>	64.6ft <sup>2</sup>	5% = 11.41ft <sup>2</sup>

ROOM TYPE	AREA OF REQ. WINDOWS PROVIDED
MASTER BEDROOM	W3 = 43"x80" = 23.9ft <sup>2</sup> W4 = 43"x80" = 23.9ft <sup>2</sup> TOTAL = 47.8ft <sup>2</sup>
BEDROOM 2	W8 = 39"x80" = 21.7ft <sup>2</sup> W9 = 39"x80" = 21.7ft <sup>2</sup> W10 = 39"x80" = 21.7ft <sup>2</sup> TOTAL = 65.1ft <sup>2</sup>
BEDROOM 3	W11 = 39"x80" = 21.7ft <sup>2</sup> W12 = 39"x80" = 21.7ft <sup>2</sup> TOTAL = 43.4ft <sup>2</sup>



**BASEMENT FLOOR AREA:**  
+/- 1529.21ft<sup>2</sup>

UNIT 1 AREA - THIS FLOOR: 1529.21ft<sup>2</sup>  
UNIT 1 AREA TOTAL: 4610ft<sup>2</sup>  
UNIT 2 AREA - THIS FLOOR: 0ft<sup>2</sup>  
UNIT 2 AREA TOTAL: 1414.53ft<sup>2</sup>

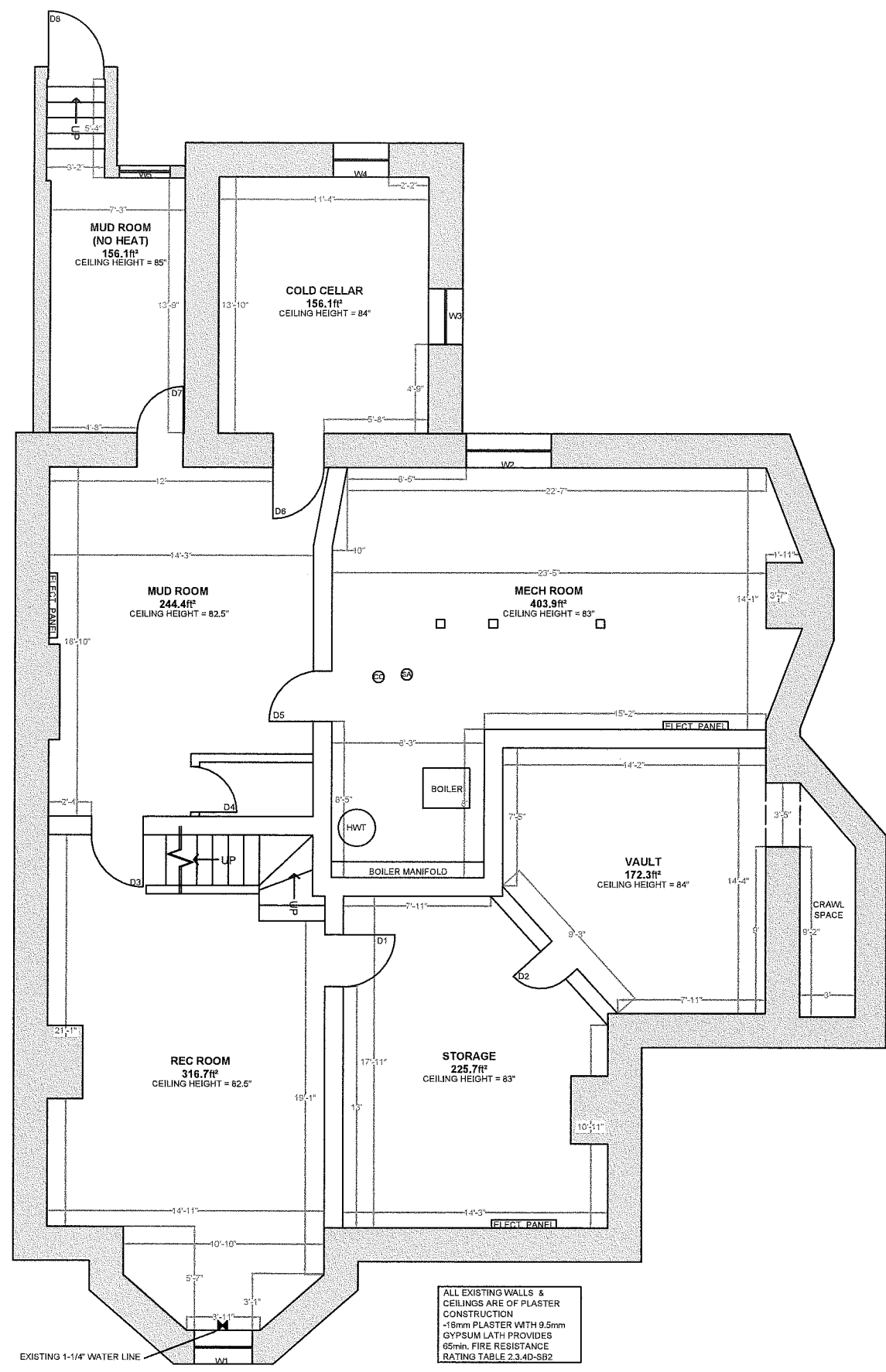
**LEGEND** (Symbol)  
HARD WIRED INTERCONNECTED CO ALARMS  
REQUIRED ADJACENT TO BEDROOMS  
ON EACH LEVEL AND COMPLY w/ O.B.C. 9.3.1.4

**LEGEND** (Symbol)  
HARD WIRED INTERCONNECTED  
COMBINATION SMOKE/STROBE ALARMS  
ON EACH LEVEL AND COMPLY w/ O.B.C.  
9.10.18

ALL SMOKE DETECTORS TO BE  
INTER-CONNECTED WITHIN EACH UNIT  
AS PER FIRE CODE

**WINDOW/DOOR SCHEDULE**

NO.	WIDTH	HEIGHT
D1	34"	78.5"
D2	24"	72"
D3	24"	81"
D4	29.5"	79"
D5	32.5"	77"
D6	33"	80"
D7	30"	78"
D8	36"	75"
W1	37"	26"
W2	55"	28"
W3	36"	31"
W4	36"	31"
W5	33"	26.5"



ALL EXISTING WALLS &  
CEILINGS ARE OF PLASTER  
CONSTRUCTION  
-16mm PLASTER WITH 9.5mm  
GYPSUM LATH PROVIDES  
65min. FIRE RESISTANCE  
RATING TABLE 2.3.4D-SB2

**FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



#:	DATE:	DESC.
2	04/13/2023	REV. & RESUBMIT
1	03/10/2023	REV. & RESUBMIT

**REVISIONS**

**DECC INC.**  
DESIGN | ENGINEER | CONSULT | CONSTRUCT

SITE:  
**56 CHARLTON AVE. W  
HAMILTON, ONTARIO**

PROJECT:  
**TWO FAMILY DWELLING**

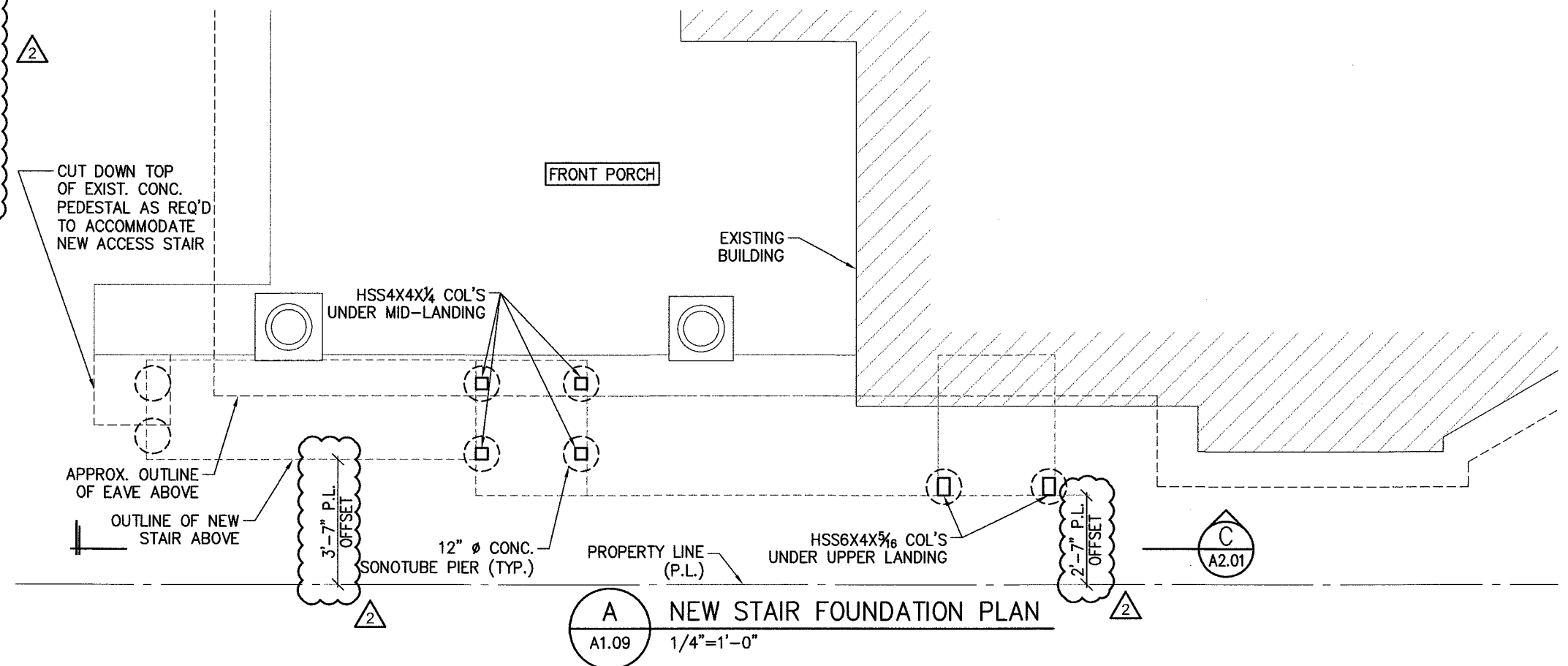
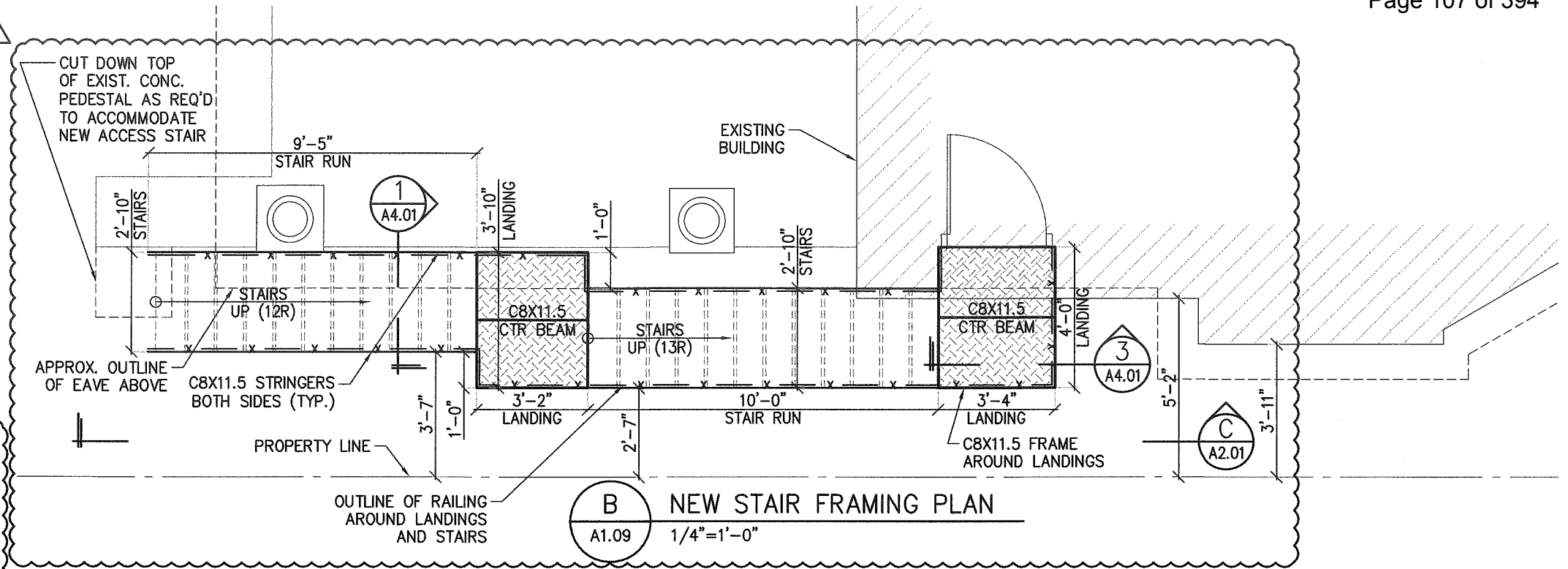
DWG:  
**A1.08  
BASEMENT FLOOR PLAN  
PROPOSED**

DATE: JAN 23, 2023	DRAWN BY: MP	DWG #: 12 / 16
PROJECT #: <b>068</b>	CHKD BY: MP	



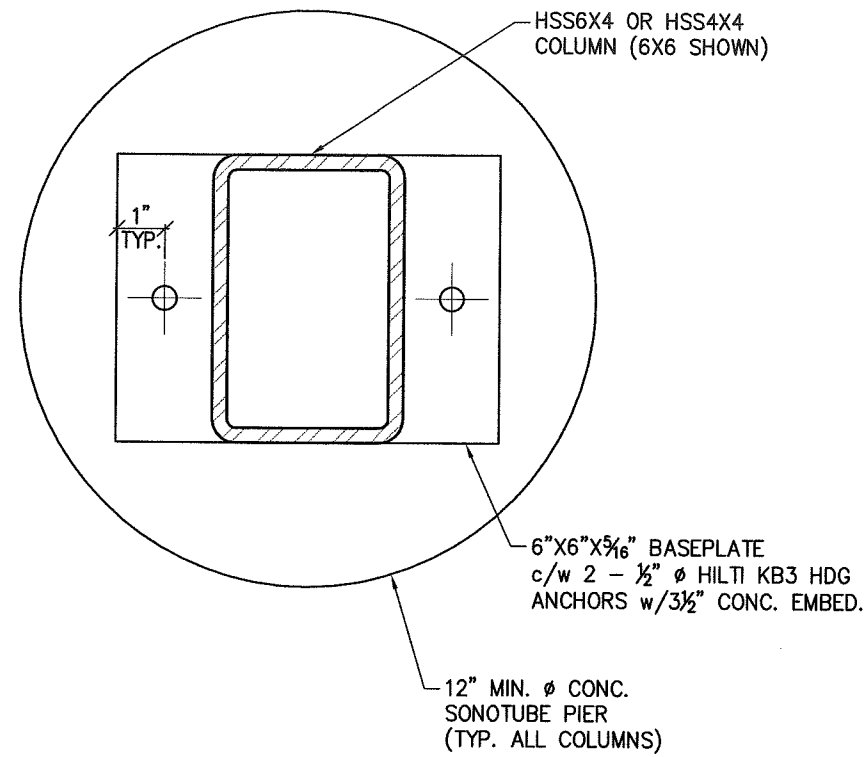
**STAIR AND RAILING NOTES:**

1. ALL NEW RAILING COMPONENTS SHALL BE PRIMED AND PAINTED WITH EXTERIOR GRADE COATINGS. PROVIDE PRODUCT DATASHEET FOR CONSULTANT REVIEW AND APPROVAL. COLOUR TO BE BLACK, AS SELECTED BY OWNER.
2. THE RESIDENTIAL ACCESS STAIRS ILLUSTRATED ON THESE DRAWINGS HAVE BEEN DESIGNED FOR A LIVE LOAD OF 40psf [1.9kPa].
3. THE RESIDENTIAL RAILING ILLUSTRATED ON THESE DRAWINGS HAVE BEEN DESIGNED TO WITHSTAND THE FOLLOWING DESIGN LOADS DEFINED IN CLAUSE 9.8.8.2. OF THE 2012 ONTARIO BUILDING CODE:
  - a. 1.0 kN HORIZONTAL CONCENTRATED LOAD OR 0.5 kN/m HORIZONTAL DISTRIBUTED LOAD APPLIED INWARD OR OUTWARD AT ANY POINT ALONG THE TOP RAIL;
  - b. 0.5 kN APPLIED OVER AN AREA OF 300mm X 300mm LOCATED AT ANY POINT ON ANY INDIVIDUAL ELEMENT OF THE GUARD INCLUDING POSTS, RAILS, AND GROUP OF 3 PICKETS;
  - c. 1.5 kN/m VERTICAL DISTRIBUTED LOAD APPLIED DOWNWARD AT THE TOP OF THE GUARD;
3. THE RESIDENTIAL ACCESS STAIR AND RAILINGS ILLUSTRATED ON THESE DRAWINGS SERVE AN INDIVIDUAL DWELLING UNIT AS DEFINED BY THE 2012 ONTARIO BUILDING CODE.
  - a. ALL INTERIOR AND EXTERIOR STAIRS TO CONFORM TO O.B.C. 9.8.2.
  - b. MIN. STAIR WIDTH TO BE 2'-10" 9.8.2.1(2).
  - c. ALL STAIRS TO BE UNIFORM IN RISE & RUN (MIN. RISE 4<sup>15</sup>/<sub>16</sub>"; MAX. RISE 7<sup>7</sup>/<sub>16</sub>"; MIN. RUN 8<sup>1</sup>/<sub>4</sub>"; MAX. RUN 14")
  - d. NOSING TO BE 1" MAX.
  - e. RAILING MUST HAVE A CLEARANCE OF 2" ERGONOMIC DESIGN (9.8.7.5.)
  - f. FIRST ATTACHMENT FOR HANDRAILS MUST BE MAX. 12" FROM EITHER END.
  - g. MIN. HANDRAIL HEIGHT TO BE 34", MAX. HANDRAIL HEIGHT TO BE 38"
  - h. CLOSED STAIRS (CLOSED WITH WALLS ON BOTH SIDES) REQUIRE RAILING ON ONE SIDE, IF STAIRS ARE WIDER THAN 43" THEN RAILINGS ARE REQUIRED ON BOTH SIDES
  - i. IF STAIRS ARE OPEN ON BOTH SIDES, GUARDS ARE REQUIRED BOTH SIDES OF STAIRS AND RAILING ONE SIDE. IF STAIRS ARE WIDER THAN 43" THAN HANDRAILS REQUIRED ON BOTH IN ADDITION TO GUARDS.
  - j. GUARDRAIL AROUND STAIR OPENING TO BE MINIMUM OF 42" IN HEIGHT, COMPLY WITH 9.8.8. AND WITHSTAND LOADING PROVIDED IN TABLE 9.8.8.2.
  - k. OPENINGS IN GUARD SHALL PREVENT THE PASSAGE OF A 4" OBJECT
4. RESIDENTIAL RAILINGS SHALL BE FABRICATED AND INSTALLED TO SATISFY THE REQUIREMENTS OF SECTIONS 9.8.7. AND 9.8.8. OF THE 2012 ONTARIO BUILDING CODE.
5. THE TOP RAIL OF ALL RAILINGS ACT SIMULTANEOUSLY AS GUARDS AS WELL AS HANDRAILS. RAILING HEIGHTS ARE CRITICAL TO COMPLY WITH THE BUILDING CODE.
6. ALL STAIR, HANDRAIL AND GUARD COMPONENTS TO BE CSA G40.21-13 50W/350W GRADE STEEL (F<sub>y</sub> = 350 MPa MIN.).
7. ALL ANCHORS KWIK BOLT 3 (KB3) BY HILTI, UNLESS NOTED OTHERWISE, AND SHALL BE HOT DIP GALVANIZED. THREADED ROD ANCHORS, WHERE REQUIRED, TO BE ASTM F1554 GRADE 36, HOT DIP GALVANIZED (HDG).
8. FULLY SHOP WELD ALL STAIR AND RAILING COMPONENTS WITH MINIMUM 3/16" FILLET WELD OR EQUIVALENT, ALL AROUND ALL JOINTS, CONNECTIONS, AND INTERSECTIONS. ALL WELDING TO BE COMPLETED IN ACCORDANCE WITH CSA W59-2018.
9. CONTRACTOR TO PROVIDE FABRICATION DRAWINGS FOR REVIEW AND APPROVAL ILLUSTRATING ALL PROPOSED CONNECTION AND ASSEMBLY DETAILS.
10. SITE VERIFY ALL DIMENSIONS.
11. EXISTING BUILDING ELEMENTS ILLUSTRATED ARE APPROXIMATE FOR REFERENCE ONLY. SITE VERIFY ACTUAL CONDITIONS.

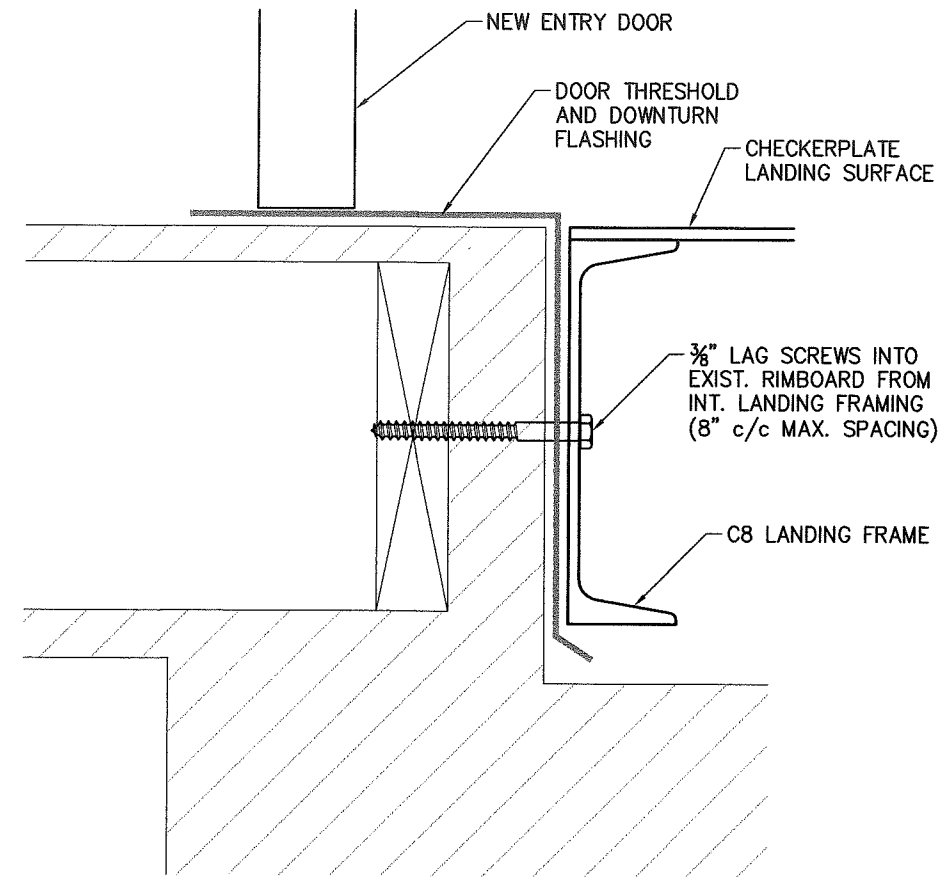


498 Eagle St. N., Suite 207, Cambridge, Ontario, Canada N3H 1C2  
 t: 519.650.1222 f: 416.961.7434  
 e: drawings@quinndressel.com www.quinndressel.com

PROJECT		PROJECT NUMBER	
56 CHARLTON AVE W, HAMILTON, ON		22-272	
NEW EXTERIOR ACCESS STAIR			
Date	Plot Scale:	Drawn/Checked	CA/CA
2023-04-12	1/4" = 1'-0"		
Sketch No			A1.09 (13/16)
ISSUED FOR: PERMIT REV. 2			



**4** COLUMN BASEPLATE DETAIL  
A3.01 3"=1'-0"



**5** LANDING TIE-IN DETAIL  
A3.01 3"=1'-0"



498 Eagle St. N., Suite 207, Cambridge, Ontario, Canada N3H 1C2  
 t: 519.650.1222 f: 416.961.7434  
 e: drawings@quindressel.com www.quindressel.com

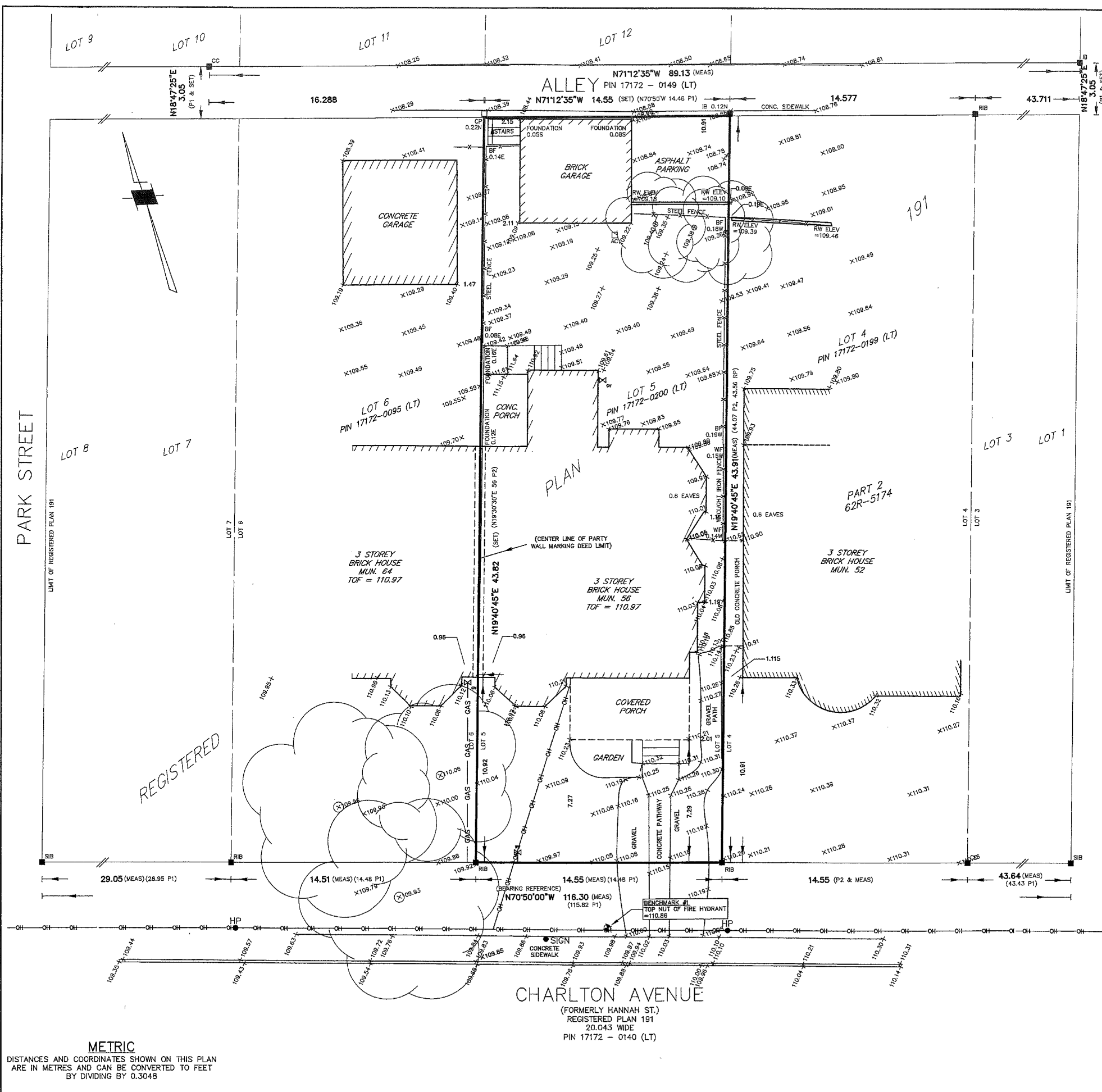
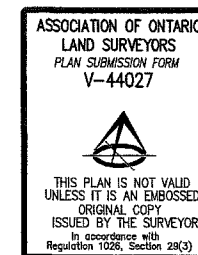
**PROJECT**  
 56 CHARLTON AVE W, HAMILTON, ON  
 NEW EXTERIOR ACCESS STAIR

**PROJECT NUMBER**  
 22-272

Date	2023-02-21	Plot Scale:	3" = 1'-0"	Drawn/Checked	CA/CA	Sketch No	A3.01 (16/16)
						ISSUED FOR: PERMIT REV. 1	

PLAN OF SURVEY  
AND TOPOGRAPHIC SKETCH  
OF ALL OF  
LOT 5  
REGISTERED PLAN 191  
IN THE  
CITY OF HAMILTON

SCALE: 1 : 150 METRIC  
MCKECHNIE SURVEYING LTD.  
ONTARIO LAND SURVEYORS



**ELEVATION INFORMATION**

ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM GPS OBSERVATION (RTK CAN-NET HT2), AND ARE RELATED TO: SITE BM # 1 TOP NUT OF FIRE HYDRANT  
ELEVATION.....110.86

**REFERENCE BEARING**

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE NORTH LIMIT OF CHARLTON AVENUE AS SHOWN ON REGISTERED PLAN 191, HAVING A BEARING OF N70°50'00\"/>

**LEGEND**

- denotes SET
- denotes FOUND
- IB denotes IRON BAR
- SIB denotes STANDARD IRON BAR
- RIB denotes ROUND IRON BAR
- CC denotes CUT CROSS
- CP denotes CONCRETE PIN
- MEAS denotes MEASURED
- PIN denotes PROPERTY IDENTIFICATION No.
- P1 denotes REGISTERED PLAN 191
- P2 denotes DEPOSITED PLAN 62R-5174

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT :

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON MARCH 16, 2023

DATE: APR 6/23

DAVID J. RAITHYBY, OLS  
MCKECHNIE SURVEYING LTD.

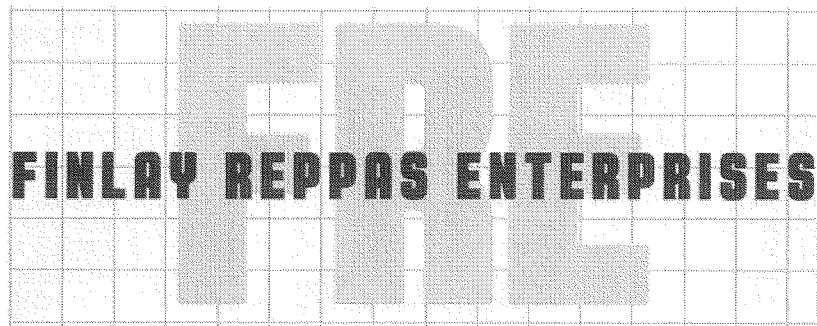
DRAWN BY: C.O. CHECKED BY: D.J.R. FILE NO.: 23-024

FIELD: 2023\BASE\_GROUND  
CADD: 2023-024\_TOPO\_Ab  
85 MAINTYRE DRIVE  
KITCHENER, ONTARIO  
N2R 1H6  
TEL : (519) 578-5570  
email : plans@kwsurveys.ca

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

CHARLTON AVENUE  
(FORMERLY HANNAH ST.)  
REGISTERED PLAN 191  
20.043 WIDE  
PIN 17172 - 0140 (LT)

23-024



March 7, 2023

To Whom it may concern,

We the owners of 56 Charlton Ave West, Hamilton ON, L8P 2C1 would like to state for the record that the intent for the detached building located at the rear of the property is for storage.

Please do not hesitate to contact us if there are any questions or concerns.

Yours truly,

A handwritten signature in black ink that reads 'Liam Finlay'.

**Liam Finlay**

Email: [liamcfinlay@gmail.com](mailto:liamcfinlay@gmail.com)  
Phone: 905 818 9254

A handwritten signature in black ink that reads 'Christina Reppas-Rindlisbacher'.

**Christina Reppas-Rindlisbacher**

Email: [christina.reppas@gmail.com](mailto:christina.reppas@gmail.com)  
Phone : 647 624 6852



Ministry of Government and  
Consumer Services  
Ministère des Services gouvernementaux et  
des Services aux consommateurs

## Certificate of Incorporation

## Certificat de constitution

Business Corporations Act

Loi sur les sociétés par actions

**FINLAY REPPAS ENTERPRISES INC.**

Corporation Name / Dénomination sociale

**1000315437**

Ontario Corporation Number / Numéro de société de l'Ontario

This is to certify that these articles are effective on

La présente vise à attester que ces statuts entreront en  
vigueur le

**September 19, 2022 / 19 septembre 2022**

*V. Quintanilla W.*

Director / Directeur

Business Corporations Act / Loi sur les sociétés par actions

The Certificate of Incorporation is not complete  
without the Articles of Incorporation.

Certified a true copy of the record of the  
Ministry of Government and Consumer Services.

*V. Quintanilla W.*

Director/Registrar



Le certificat de constitution n'est pas complet s'il  
ne contient pas les statuts constitutifs.

Copie certifiée conforme du dossier du  
ministère des Services gouvernementaux et des  
Services aux consommateurs.

*V. Quintanilla W.*

Directeur ou registrateur





# Articles of Incorporation

Business Corporations Act

## 1. Corporation Name

FINLAY REPPAS ENTERPRISES INC.

## 2. Registered Office Address

95 Langford Ave., Toronto, Ontario, Canada, M4J 3E5

## 3. Number of Directors

Minimum/Maximum

Min 1 / Max 9

## 4. The first director(s) is/are:

**Full Name**

Liam Cole FINLAY

**Resident Canadian**

Yes

**Address for Service**

95 Langford Ave., Toronto, Ontario, Canada, M4J 3E5

**Full Name**

Christina REPPAS-RINDLISBACHER

**Resident Canadian**

Yes

**Address for Service**

95 Langford Ave., Toronto, Ontario, Canada, M4J 3E5

5. Restrictions, if any, on business the corporation may carry on or on powers the corporation may exercise. If none, enter "None":

None

The endorsed Articles of Incorporation are not complete without the Certificate of Incorporation.  
Certified a true copy of the record of the Ministry of Government and Consumer Services.

*V. Quintanilla W.*

Director/Registrar, Ministry of Government and Consumer Services

BCA - Articles of Incorporation - FINLAY REPPAS ENTERPRISES INC. - OCN:1000315437 - September 19, 2022

6. The classes and any maximum number of shares that the corporation is authorized to issue:  
The Corporation is authorized to issue an unlimited number of shares of one class designated as Common shares.

7. Rights, privileges, restrictions and conditions (if any) attaching to each class of shares and directors' authority with respect to any class of shares which may be issued in series. If there is only one class of shares, enter "Not Applicable":  
N/A

8. The issue, transfer or ownership of shares is/is not restricted and the restrictions (if any) are as follows. If none, enter "None":  
The right to transfer shares of the Corporation shall be restricted in that no shareholder shall be entitled to transfer any share or shares in the capital of the Corporation except with the approval of: (a) the directors of the Corporation expressed in a resolution passed at a duly called meeting of the board of directors or by an instrument or instruments in writing signed by all of the directors of the Corporation entitled to vote on such resolution at a meeting of directors; or (b) the shareholders of the Corporation expressed in a resolution passed at a duly called meeting of the shareholders by the shareholders holding shares carrying more than 50% of votes for the election of directors or by an instrument or instruments in writing signed by all of the shareholders of the Corporation.

9. Other provisions, if any. Enter other provisions, or if no other provisions enter "None":  
(1) The directors of the Corporation may from time to time on such terms as they deem expedient: (a) borrow money upon the credit of the Corporation; (b) issue, reissue, sell or pledge debt obligations of the Corporation; (c) charge, mortgage, hypothecate, pledge or otherwise create a security interest in any property of the Corporation, real or personal, or moveable or immovable, to secure any present or future indebtedness, liabilities or other obligations of the Corporation, by trust deed or in any other manner; (d) subject to the Business Corporations Act (Ontario), give a guarantee on behalf of the Corporation to secure performance of an obligation of any person; and (e) by resolution, delegate to one or more of the directors of the Corporation all or any of the foregoing powers. (2) The powers conferred on the directors and the Corporation in the preceding paragraphs are in addition to and not in substitution for any powers possessed by the Corporation and its directors independently of such provisions. (3) The right to transfer securities of the Corporation (other than non-convertible debt securities) shall be restricted in that no holder of such securities shall be entitled to transfer such securities except in accordance with restrictions on transfer contained in security holders' agreements or in the absence of any such restrictions: (a) with the approval of the directors of the Corporation expressed in a resolution passed at a duly called meeting of the board of directors or by an instrument or instruments in writing signed by all of the directors of the Corporation entitled to vote on such resolution at a meeting of directors; or (b) with the approval of the shareholders of the Corporation expressed in a resolution passed at a duly called meeting of the shareholders by the shareholders holding shares carrying more than 50% of votes for the election of directors or by an instrument or instruments in writing signed by all of the shareholders of the Corporation.

10. The name(s) and address(es) of incorporator(s) are:

**Full Name**

John C. PAPADAKIS

**Address for Service**

2 Queen Street East, Suite 1500, Toronto, Ontario, Canada, M5C 3G5

The endorsed Articles of Incorporation are not complete without the Certificate of Incorporation.  
Certified a true copy of the record of the Ministry of Government and Consumer Services.

*V. Quintanilla W.*

Director/Registrar, Ministry of Government and Consumer Services

The articles have been properly executed by the required person(s).

The endorsed Articles of Incorporation are not complete without the Certificate of Incorporation.  
Certified a true copy of the record of the Ministry of Government and Consumer Services.

*V. Quintanilla W.*

Director/Registrar, Ministry of Government and Consumer Services

BCA - Articles of Incorporation - FINLAY REPPAS ENTERPRISES INC. - OCN:1000315437 - September 19, 2022

Supporting Information - Nuans Report Information

Nuans Report Reference #

121697281

Nuans Report Date

September 19, 2022

The endorsed Articles of Incorporation are not complete without the Certificate of Incorporation.  
Certified a true copy of the record of the Ministry of Government and Consumer Services.

*V. Quintanilla W.*

Director/Registrar, Ministry of Government and Consumer Services

**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>	[REDACTED]	
<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 [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	56 CHARLTON AVE. WEST		
Assessment Roll Number			
Former Municipality	HAMILTON		
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:

*MP*  
 - TO PERMIT ONE (1) PARKING SPACE FOR A TWO FAMILY DWELLING INSTEAD OF THE REQ. TWO (2), ~~OPTION TO ALLOW A SMALLER 2ND PARKING SPACE (19' LENGTH RATHER THAN 40') IN THE REAR OF THE PROPERTY~~ - TO PERMIT THE ENCROACHMENT OF 2'7" (.78m) TO THE PROPERTY LINE FOR A STEEL STAIRCASE TO ACCESS THE 3RD FLOOR DWELLING INSTEAD OF THE REQ'D 3' (.9m) FROM THE PROPERTY LINE - TO PERMIT THE CONVERSION TO A TWO FAMILY DWELLING WITH A LOT WIDTH OF 47'9" (14.55m) INSTEAD OF THE REQ'D 59.06 (18m)

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

LOT SIZE IS SET AND NO ADDITIONAL ROOM TO CREATE THE REQUIRED PARKING SPACES AS WELL AS THE WIDTH REQUIREMENT FOR THE CONVERSION, LOT HAS NOT BEEN CHANGED - IN ORDER TO ACCESS 3RD UNIT, THE STEEL STAIRCASE CAN ONLY BE PLACED IN THIS AREA, AND NEEDS TO MEET MINIMUM WIDTH TO COMPLY WITH O.B.C.

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
14.56m	43.84m	637.84m <sup>2</sup>	

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
LODGING HOUSE	7.35m	14.9m	1.18m	03/01/1896
CARRIAGE HOUSE (STORAGE)	37.59m	.08m	2.16m/5.79m	03/01/1896

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
TWO FAMILY DWELLING	7.35m	14.9m	1.18m	03/01/1896
STEEL STAIRCASE	6.24m	29.77m	.78m	

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
LODGING HOUSE	158m <sup>2</sup>	559.7m <sup>2</sup>	3	10.668m
CARRIAGE HOUSE (STORAGE)	39m <sup>2</sup>	78m <sup>2</sup>	2	5.5m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
TWO FAMILY DWELLING	158m <sup>2</sup>	559.7m <sup>2</sup>	3	10.668m
STEEL STAIRCASE	7.2m <sup>2</sup>	7.2m <sup>2</sup>	2	6.1m

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.):  
 SEMI DETACHED TWO FAMILY DWELLING

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
 MULTI UNIT, SINGLE FAMILY DWELLING, COMMERCIAL (LOW RISE)

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

DEC 20TH, 2022

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

LODGING HOUSE

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

LODGING HOUSE

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

SINCE 1961 - USE WAS NEVER CHANGED AFTER CITY SOLD THE PROPERTY

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) NEIGHBORHOODS

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

2 FAMILY DWELLING PROPOSED IN A AREA WITH MULTIPLE DWELLINGS.

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 N/A.

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**  
**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-23:88</b>	<b>SUBJECT PROPERTY:</b>	647 BARTON STREET E, HAMILTON
<b>ZONE:</b>	"C5" (Mixed-Use Medium Density)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** 2190680 ONTARIO LTD. C/O WILLIAM CURRAN  
                                  **Agent:** CGS/CURRAN GACESA SLOTE ARCHITECTS INC. C/O BILL CURRAN

The following variances are requested:

1. The finished floor elevation of a dwelling unit shall be 0.0m above grade whereas the by-law requires the finished floor elevation of any dwelling unit to be a minimum 0.9m above grade.
2. A building setback of 0.0m shall be provided from the easterly side yard (abutting Earl street) whereas the by-law requires the portion of a building containing a residential unit on the ground floor to be a minimum 3.0m from a street line.
3. A rear yard setback of 3.5m shall be provided instead of the minimum required rear yard setback of 7.5m
4. An interior side yard (westerly side yard) of 0.0m shall be provided instead of the minimum interior side yard setback of 7.5m.
5. A parking area shall be 0.0m from a lot line abutting a street whereas the by-law requires all parking spaces and aisles to be a minimum 3.0m from a street line.
6. No planting strip shall be provided whereas the by-law requires a minimum 3.0m wide planting strip to be provided between the street line and the parking area.
7. Six (6) parking spaces shall be provided instead of the minimum ten (10) parking spaces required for the residential use.
8. No parking spaces shall be required for a restaurant use whereas the by-law requires a restaurant

**HM/A-23:88**

use to provide one (1) parking space for each 8.0 square metres of gross floor area

9. No short-term bicycle parking spaces shall be provided on-site whereas the by-law required a minimum of 10 short term bicycle parking spaces to be provided on-site.

**PURPOSE & EFFECT:** To permit the construction of a new four (4) storey mixed-use building containing 14 dwelling units along with a commercial unit on the ground floor.

**Notes:**

- i. These variances are necessary to facilitate Site Plan Control Application DA-23-038.

**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, May 18, 2023</b>
<b>TIME:</b>	<b>9:35 a.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.

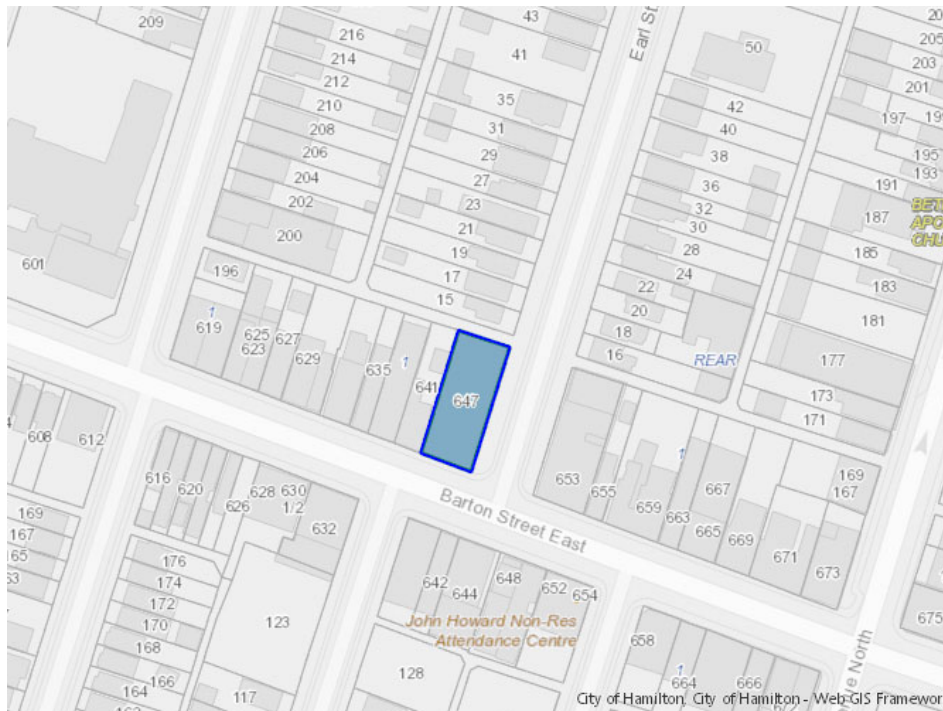
**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:88, 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

**HM/A-23:88**

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: May 2, 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.

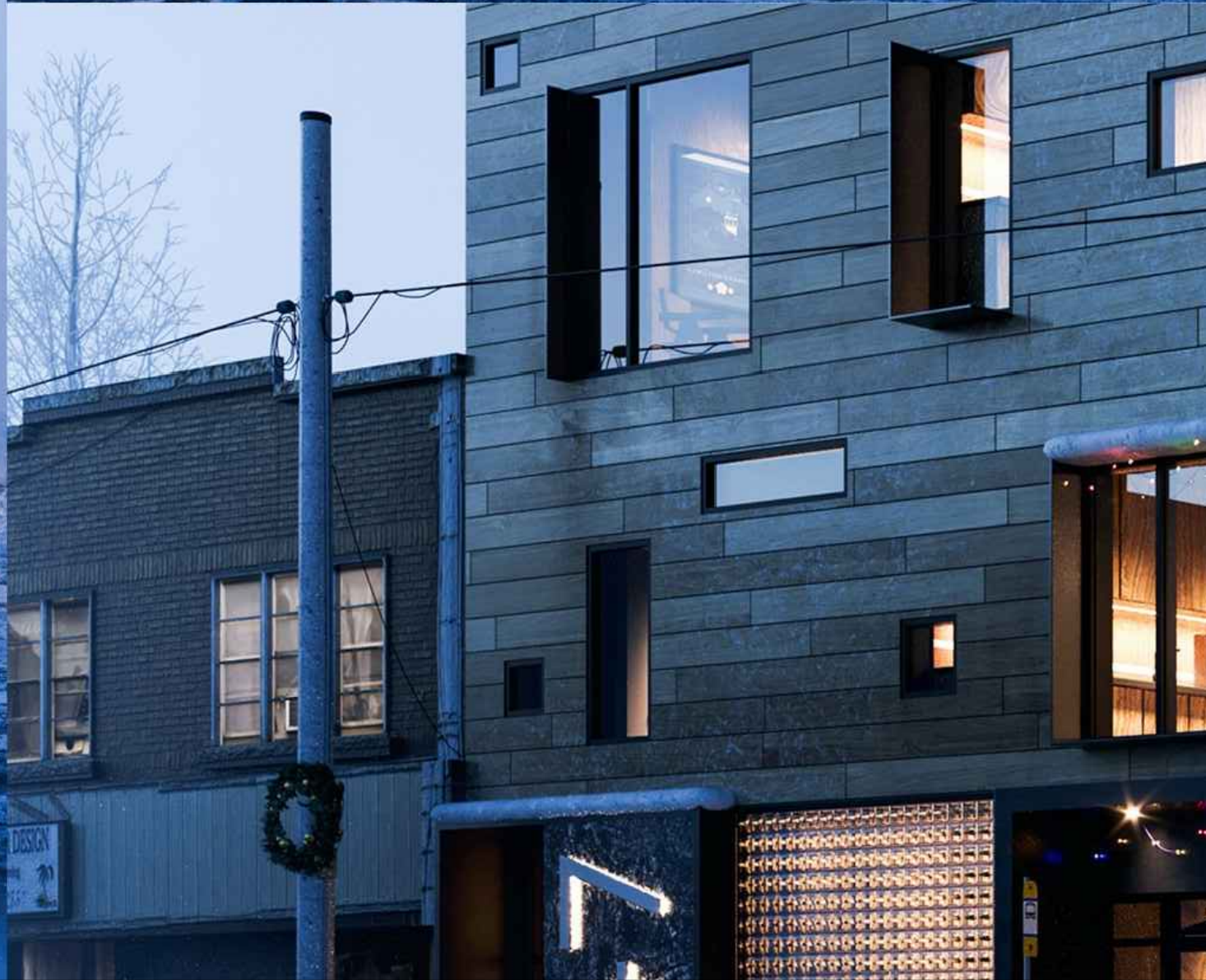
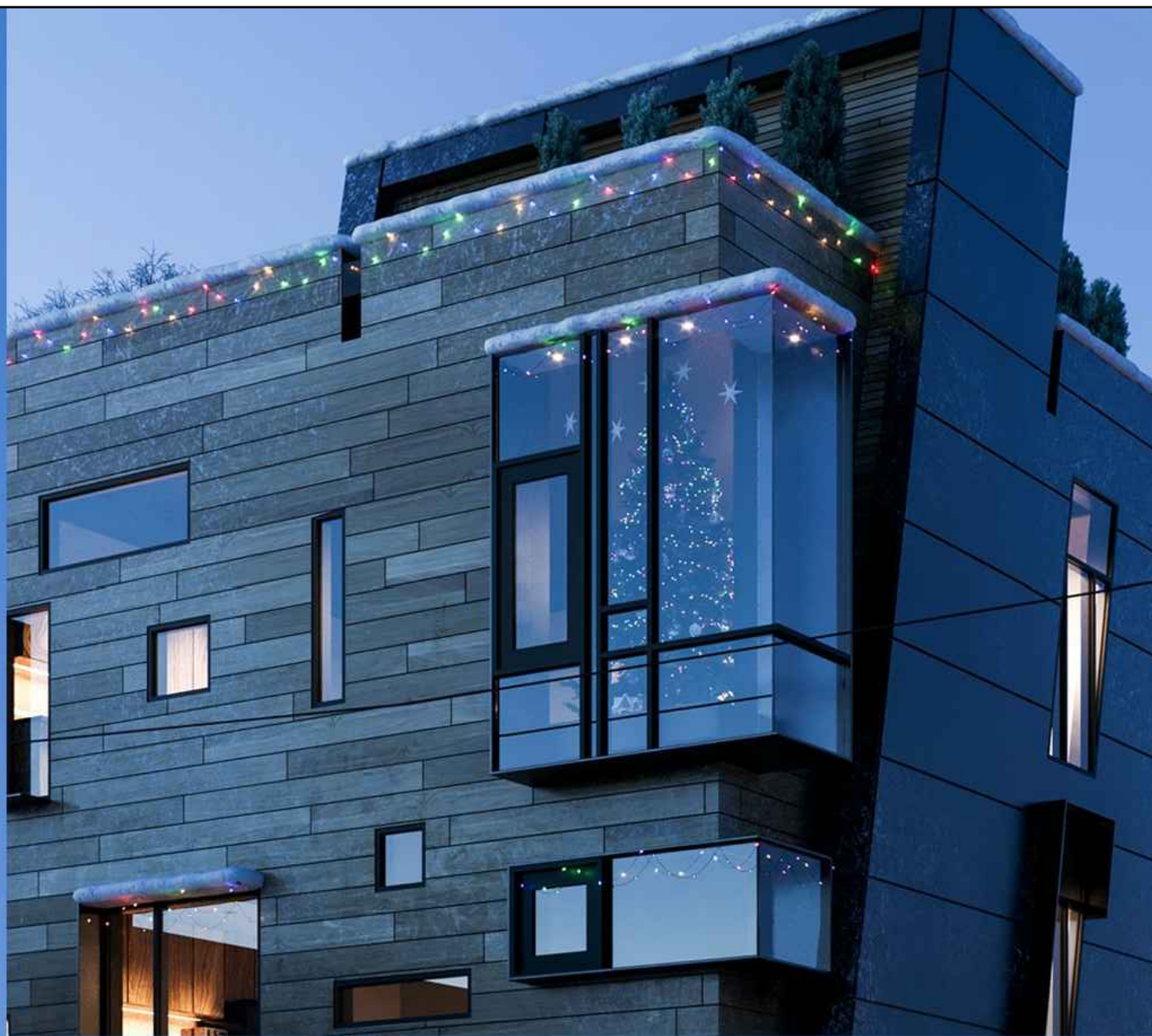
#### 2. In person Oral Submissions

**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.





**CURRAN | GACESA | SLOTE**  
ARCHITECTS  
TEL: 905-572-0883  
118 JAMES ST. NORTH, SUITE 301, HAMILTON, ONTARIO L8R 2K7

**CGS**

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED WITHOUT AUTHORIZATION. DOCUMENTS ARE TO BE RETURNED UPON COMPLETION OF THE PROJECT.

NOTE: DRAWINGS ARE NOT TO BE SCALED.

No.	Date	Remarks
3	2023.01.25	Issued for SPA
2	2022.07.13	Issued for Building Permit
1	2022.06.13	Planning Pre-Construction Submission

**New Mixed Use Building**

647 Barton Street East,  
Hamilton, ON L8L 3A1

Dwg. Title:  
**Cover Page**

Drwn: Chkd: WJC  
Proj. No.: 21026  
Scale: As noted  
Date: 19/07/22

Drawing No.:  
**A0.1**





BUILDING CODE INFORMATION (BUILDING):				
BUILDING CLASSIFICATION: PART 3, GROUP C (RESIDENTIAL UP TO 4 STOREYS)				
NUMBER OF STREETS/FIRE FIGHTER ACCESS: 2				
THE BUILDING WILL NOT BE SPRINKLERED				
ZONING CHART				
PROPERTY LOCATION: 647 BARTON STREET IN THE CITY OF HAMILTON				
ITEM DESCRIPTION	ZONING BY-LAW REQUIREMENTS	PROVIDED	COMPLIANCE	
A. ZONING CATEGORY PERMITTED USE	MIXED USE MEDIUM DENSITY (C5) ZONE	MIXED USE MEDIUM DENSITY (C5) ZONE	YES	
B. FRONT SETBACK (STREET)	4.5m MAX; 3.0m MIN w/ RESIDENTIAL UNITS ON GROUND FLOOR FACING STREET	0m	YES	
C. REAR YARD SETBACK	7.5m MIN	3.6 m TO FIN 5.8 m TO WALL	NO VARIANCE REQ'D	
D. SIDE YARD SETBACK (WEST)	7.5m MIN IF ABUTTING A LOT CONTAINING A RESIDENTIAL USE	0m	NO VARIANCE REQ'D	
E. SIDE YARD SETBACK (EAST STREET)	4.5 m MAX; 3.0 m MIN w/ RESIDENTIAL UNITS ON GROUND FLOOR FACING STREET	0m	NO VARIANCE REQ'D	
F. BUILDING HEIGHT	7.5m MIN ALONG BOTH STREET LINES; 22.0m MAX	19.0m	YES	
G. BUILT FORM, CORNER LOT	MIN COMBINED WIDTH OF GROUND FLOOR FACADE FACING STREET ≥ 50% OF THE MEASUREMENT OF LOT LINES ABUTTING A STREET. (EXCLUDES ACCESS DRIVEWAYS AND REQ'D YARDS)	BARTON STREET EAST: 100% EARL STREET: 42.4% COMBINED: 59.4%	YES	
H. PARKING	DWELLING UNIT < 50 m <sup>2</sup> : 0.3 / UNIT MIN - 1.25 / UNIT MAX DWELLING UNIT > 50 m <sup>2</sup> : 1-14 UNITS: 0.7 / UNIT MIN - 1.25 / UNIT MAX 1 BARRIER FREE SPACE REQUIRED	DWELLING UNITS ≥ 50 m <sup>2</sup> : 14 UNITS, 5 TYP SPACES, 1 BARRIER FREE SPACE 0.43 SPACES/UNIT	NO VARIANCE REQ'D	
I. BICYCLE PARKING	COMMERCIAL USES: 0 WHERE < 450 m <sup>2</sup> LONG-TERM: NO ENCLOSED AREA REQUIRED SHORT-TERM: OFF-SITE AREA ALLOWED	14 IN-UNIT LONG-TERM SPACES 6 SHORT-TERM SPACES PROVIDED (2/SIDE OF BICYCLE RINGS)	NO VARIANCE REQ'D	
J. PARKING LOCATION	3.0m MIN. FROM A STREET LINE 3.0m MIN. LANDSCAPE STRIP TO EARL STREET 1.5m MIN. PLANTING STRIP OR VISUAL BARRIER TO LANEWAY / RESIDENTIAL ZONE	0m	NO VARIANCE REQ'D	
K. ACCESS DRIVES & AISLES	ACCESS DRIVE: MIN. 6.0m	6.0m	YES	
L. PARKING SPACE SIZE	TYP: 2.8m x 5.8m MIN BARRIER FREE: 4.4m x 5.8m MIN	5 TYP SPACES: 2.8m x 5.8m 1 BARRIER FREE SPACE: 4.4m x 5.8m	YES	
M. AMENITY AREA	6.0m <sup>2</sup> PER DWELLING UNIT > 50m <sup>2</sup> IN GFA	6.0m <sup>2</sup> x 14 UNITS = 84m <sup>2</sup> PROVIDED: TOWNHOUSE: 4X12 = 48m <sup>2</sup> FRONT GARDEN (IN ROW, DEEMED NON-COMPLIANT) GROUND FLOOR: OUTDOOR: 55m <sup>2</sup> (UNDER ROOF OVERHANG, DEEMED NON-COMPLIANT) INDOOR: 5m <sup>2</sup> (IN LOBBY) APARTMENT 2B: 2 X 1 = 2m <sup>2</sup> BALCONY APARTMENT 3A: 3 X 5 = 15m <sup>2</sup> BALCONY APARTMENT 3B: 1 X 2 = 2m <sup>2</sup> BALCONY UNITS 2D-F AND 3D-F = FRENCH BALCONIES (NOT COUNTED) ROOFTOP APARTMENT: 150m <sup>2</sup> ROOF GARDEN/TERRACE	6.0m <sup>2</sup> x 14 UNITS = 84m <sup>2</sup> PROVIDED: TOWNHOUSE: 4X12 = 48m <sup>2</sup> FRONT GARDEN (IN ROW, DEEMED NON-COMPLIANT) GROUND FLOOR: OUTDOOR: 55m <sup>2</sup> (UNDER ROOF OVERHANG, DEEMED NON-COMPLIANT) INDOOR: 5m <sup>2</sup> (IN LOBBY) APARTMENT 2B: 2 X 1 = 2m <sup>2</sup> BALCONY APARTMENT 3A: 3 X 5 = 15m <sup>2</sup> BALCONY APARTMENT 3B: 1 X 2 = 2m <sup>2</sup> BALCONY UNITS 2D-F AND 3D-F = FRENCH BALCONIES (NOT COUNTED) ROOFTOP APARTMENT: 150m <sup>2</sup> ROOF GARDEN/TERRACE	NO VARIANCE REQ'D
VARIANCE	REDUCED GFA REQUIRED	TOTAL COMMON AMENITY AREA PROVIDED = 60m <sup>2</sup> TOTAL AMENITY AREA PROVIDED = 263.5m <sup>2</sup>		

### DRAWING LEGEND

- PROPOSED BUILDING
- EXISTING NEIGHBORING BUILDINGS
- CHAIN LINK FENCE
- 1200 HIGH DECORATIVE METAL FENCE
- PROPERTY LINE
- PRIMARY PEDESTRIAN ACCESS/EXIT
- PEDESTRIAN ACCESS/EXIT
- NEW TREE
- EXISTING TREE
- EXISTING TREE TO BE RELOCATED
- EXISTING CONCRETE BUMPER TO BE DEMOLISHED

### SITE PLAN NOTES

- All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.
- Fire Route Signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.
- Main driveway dimensions at the property line boundaries are plus or minus 7.5 m unless otherwise stated.
- All driveways from property lines for the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.
- The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:
  - Building permit
  - Sewer and Water Permit
  - Road cut permits
  - Relocation of Services
  - Approach approval permits
  - Encroachment Agreements (If Required)
  - Committee of Adjustment
- Abandoned accesses must be removed and the curb and boulevard restored with sod at the Owner's expense to the satisfaction of the Traffic Engineering Section, Public Works Department.
- For visibility triangles at the vehicular access points, the following note to be provided:
  - 5.0 metre by 5.0 metre visibility triangles in which the maximum height of any objects or mature vegetation is not to exceed a height of 0.70 metres above the corresponding perpendicular centreline elevation of the adjacent street.
- Proposed signage shall conform to the City's Sign and Other Devices By-law No. 10-197.
- Lighting must be directed on site and must not spill over to adjacent properties or streets.

**BENCHMARK INFORMATION TAKEN FROM BENCHMARK MAPS:**  
PREPARED BY: MacKAY, MacKay & PETERS LTD  
ONTARIO LAND SURVEYORS  
LEGAL DESCRIPTION: AS SHOWN

**BENCHMARK NOTE:**  
THIS BENCHMARK IS A CONTROL POINT FOR THE PROJECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

**BEARING REFERENCE:**  
THE BEARING REFERENCE IS TO THE NORTH BY THE CITY OF HAMILTON.

**LOT 55**  
**AND PART OF LOT 56**

**REGISTERED PLAN 245**  
(C.A.R.A. MUNICIPAL NO. 647 BARTON STREET EAST)

**CITY OF HAMILTON**

AREA SUMMARY:		NO. OF APARTMENTS:	
LOT AREA:	669.8m <sup>2</sup>	GROUND:	1
BUILDING AREA:	255.6m <sup>2</sup>	SECOND:	6
BUILDING GFA:	1,500.6m <sup>2</sup>	THIRD:	6
		FOURTH:	1
		TOTAL:	14
GROUND:	255.6m <sup>2</sup>		
SECOND:	534.5m <sup>2</sup>		
THIRD:	534.5m <sup>2</sup>		
FOURTH:	175.0m <sup>2</sup>		
TOTAL:	1,500.6m <sup>2</sup>		

**CURBAN / GACESA / SLOTE ARCHITECTS**  
TEL: 905-520-2883  
118 JAMES ST. NORTH, SUITE 301 - HAMILTON, ONTARIO L8R 2P7

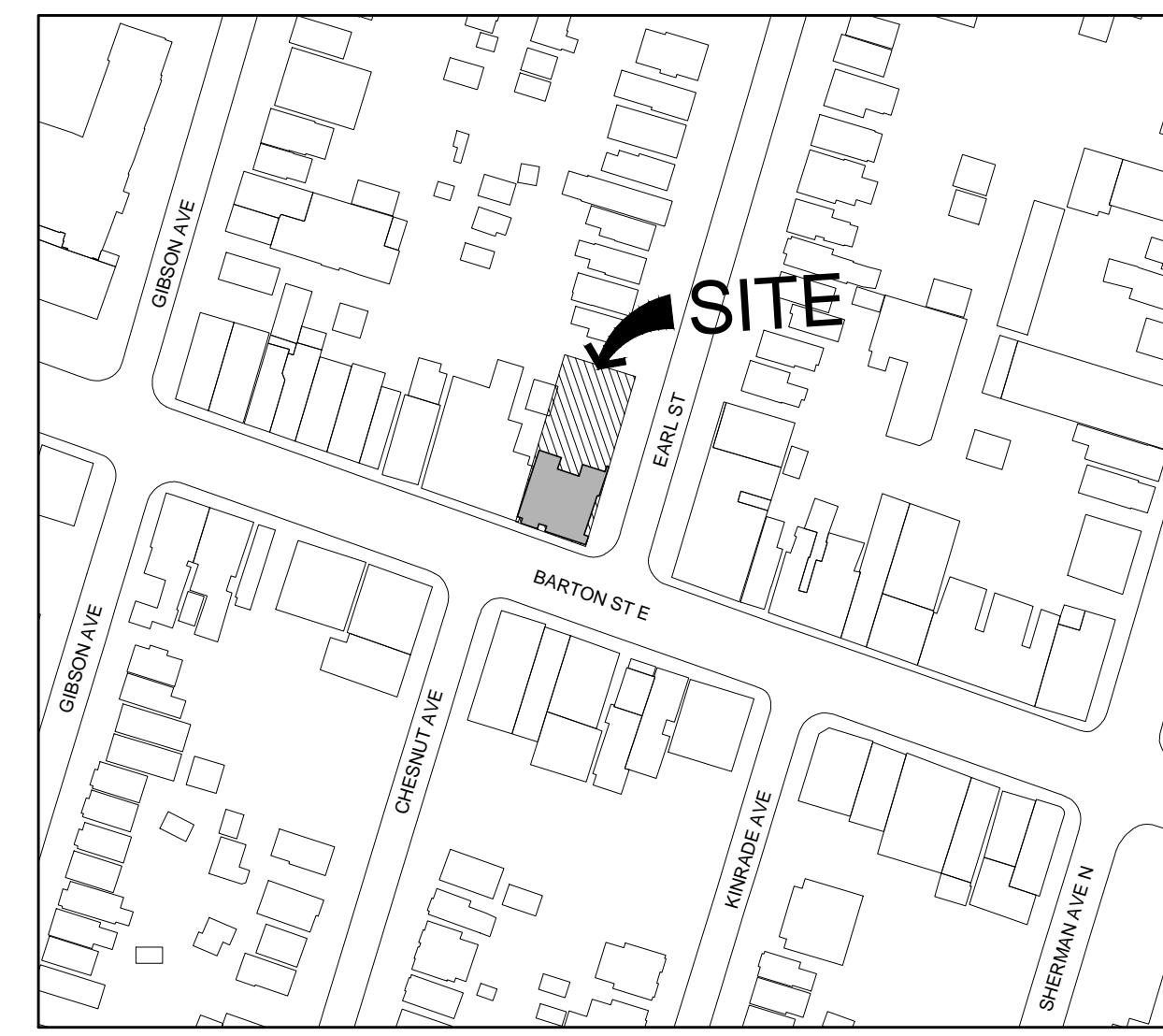
**CGS**  
118 JAMES ST. NORTH, SUITE 301 - HAMILTON, ONTARIO L8R 2P7

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED WITHOUT AUTHORIZATION OF THE ARCHITECT.

NOTE: DRAWINGS ARE NOT TO BE SCALED.

No.	Date	Remarks
3	2023.01.25	Issued for SPA
2	2022.07.13	Issued for Building Permit
1	2022.06.13	Planning Pre-Construction Submission



### UNDERTAKING

RE: \_\_\_\_\_ File No. DA-22-054

I (We) \_\_\_\_\_ the owner(s) of the land, hereby undertake and agree without reservation,

(a) To comply with all the content of this plan and drawing and not to vary therefrom;

(b) To perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated \_\_\_\_\_

(c) To maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways;

(d) In the event that the Owner does not comply with the plan dated \_\_\_\_\_ the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

(e) The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

(f) That the Owner agrees to physically affix the municipal number (153) or full address (153 George Street) to the building or on a sign in accordance with the City's Sign By-law, in a manner that is visible from the street.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

Witness (signature) \_\_\_\_\_ Owner(s) (signature) \_\_\_\_\_

**New Mixed Use Building**

**647 Barton Street East, Hamilton, ON L8L 3A1**

Dwg. Title: **Site Plan & Site Stats**

Drwn: \_\_\_\_\_ Chkd: WJC

Proj. No.: 21026

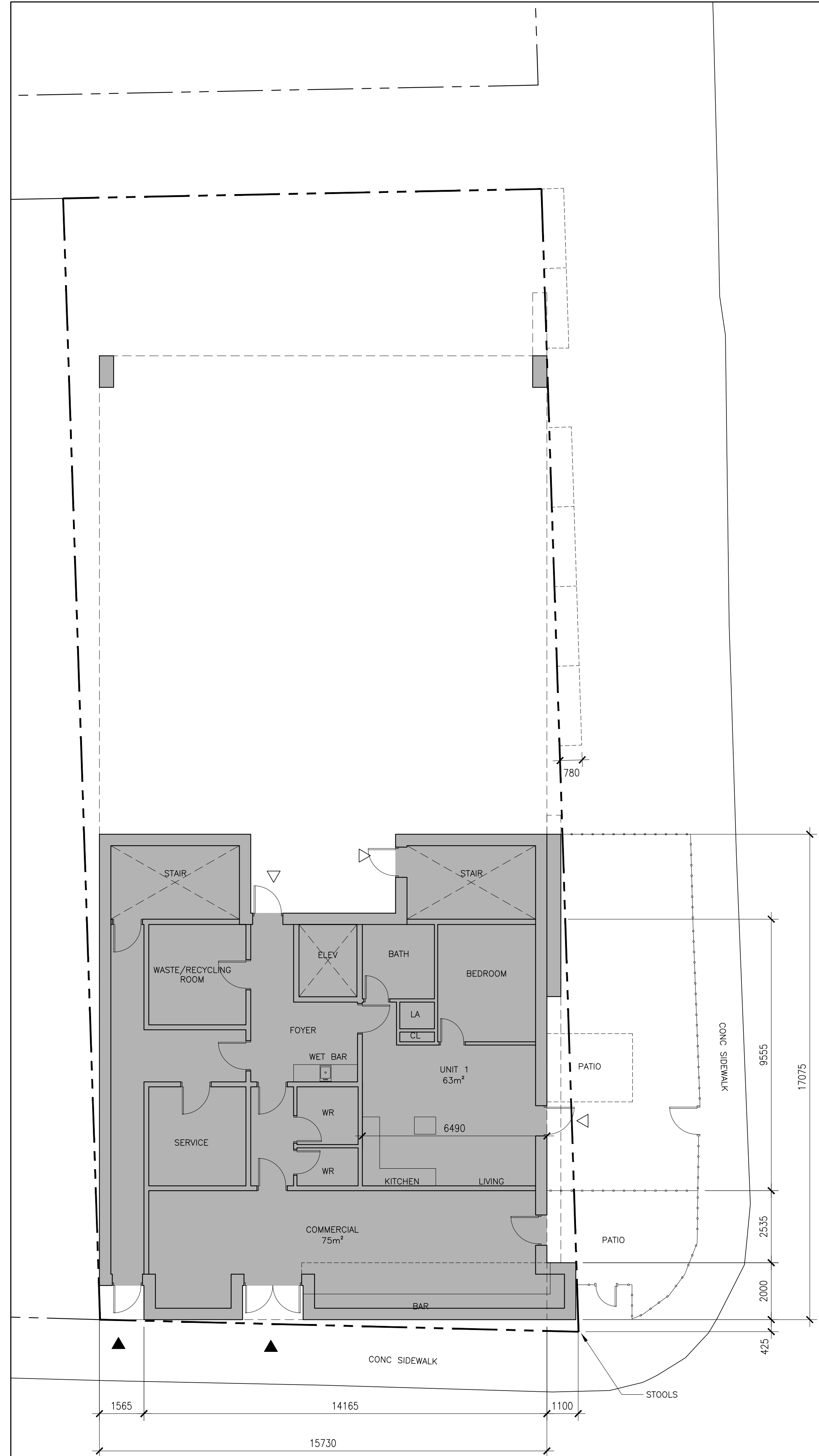
Scale: As noted

Date: 19/07/22

Drawing No.: **A1.0**

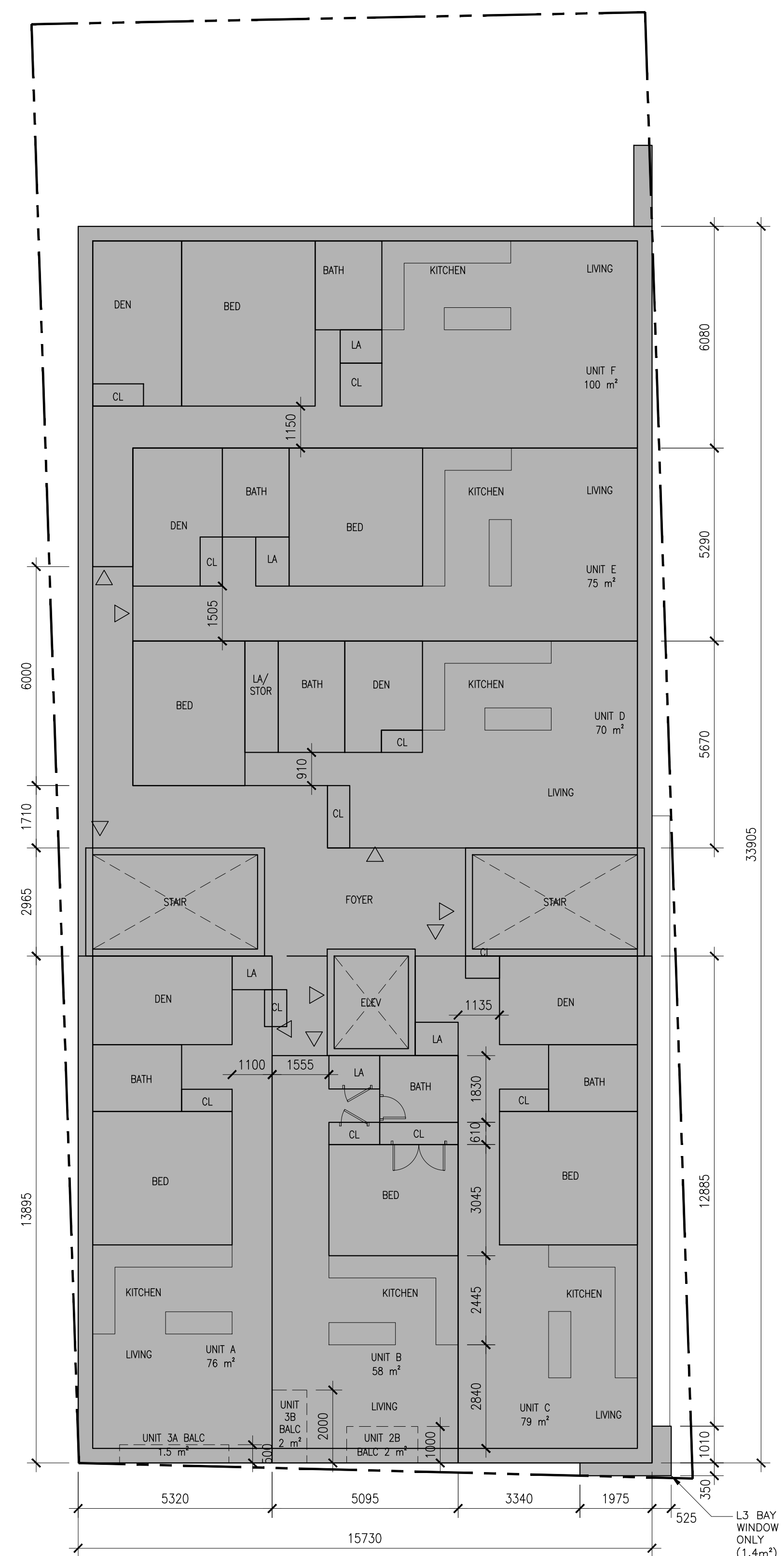




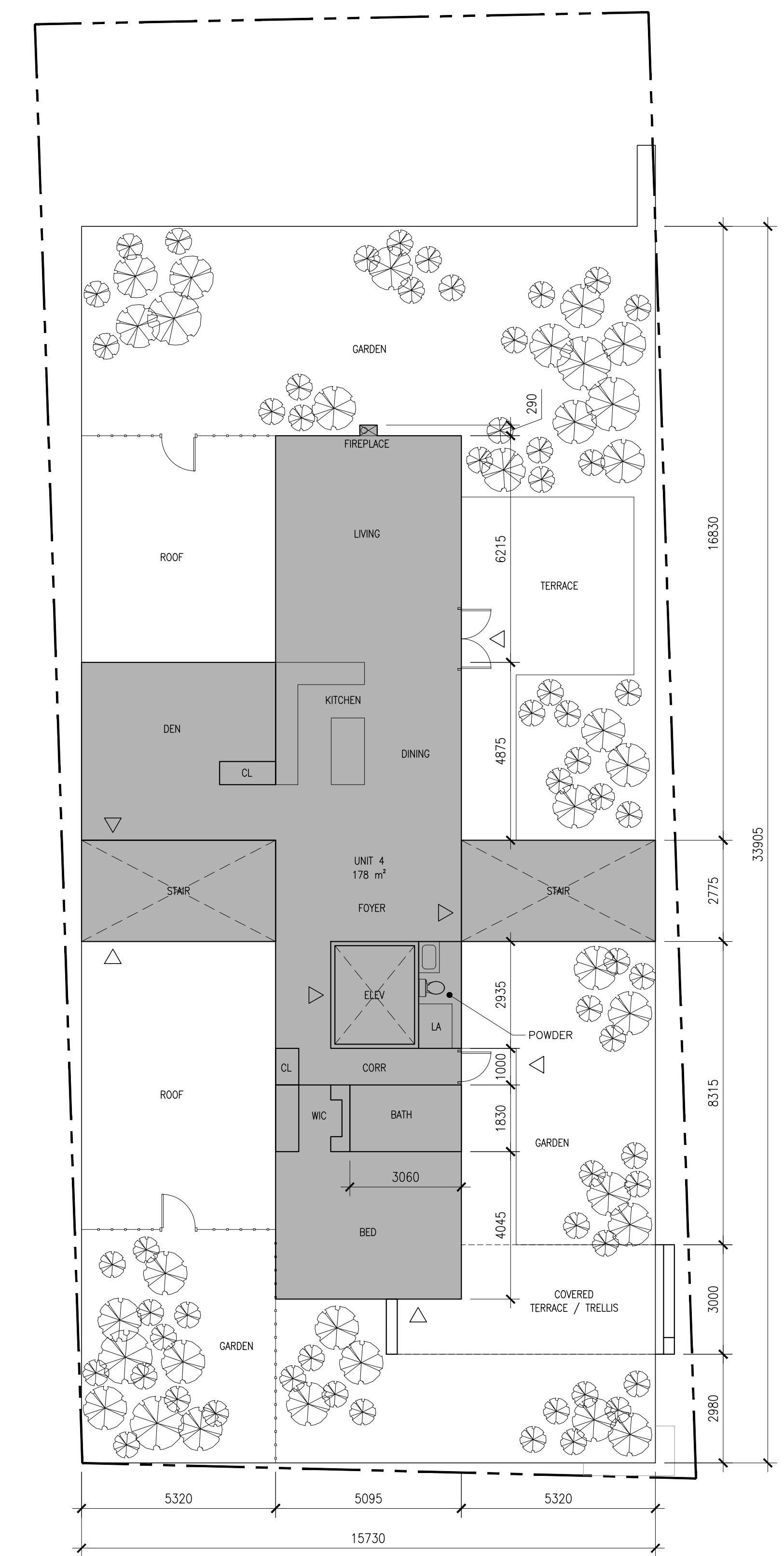


BARTON STREET EAST

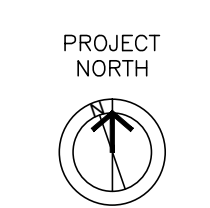
1 GROUND FLOOR PLAN  
A2.1 1:100



2 TYP. UPPER FLOOR PLAN  
A2.1 1:100



3 ROOF APARTMENT PLAN  
A2.1 1:100



**CURRAN | GACESA | SLOTE ARCHITECTS**  
 118 JAMES ST. NORTH, SUITE 301, HAMILTON, ONTARIO L8R 2K7  
 TEL: 905-972-9883

**CGS**

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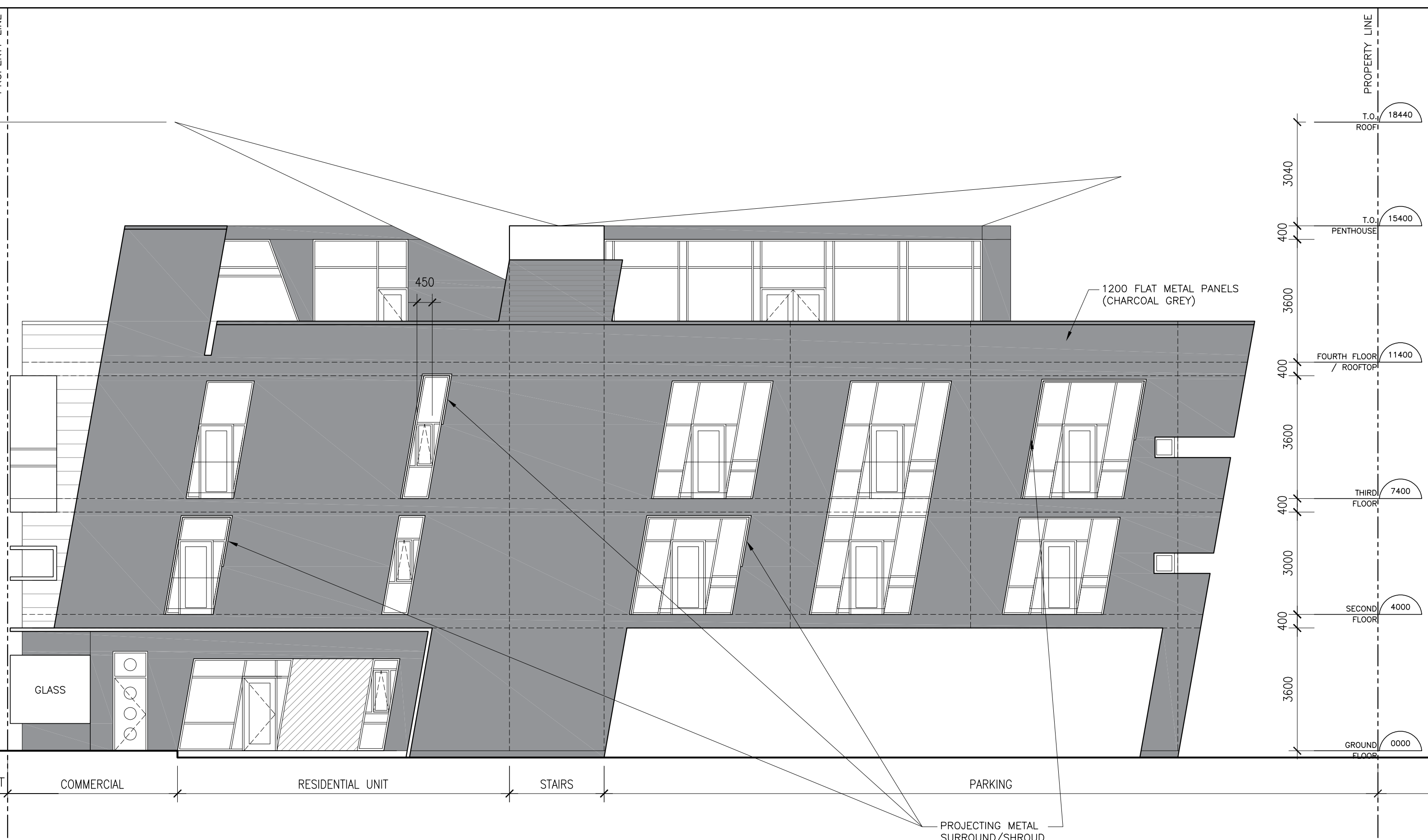
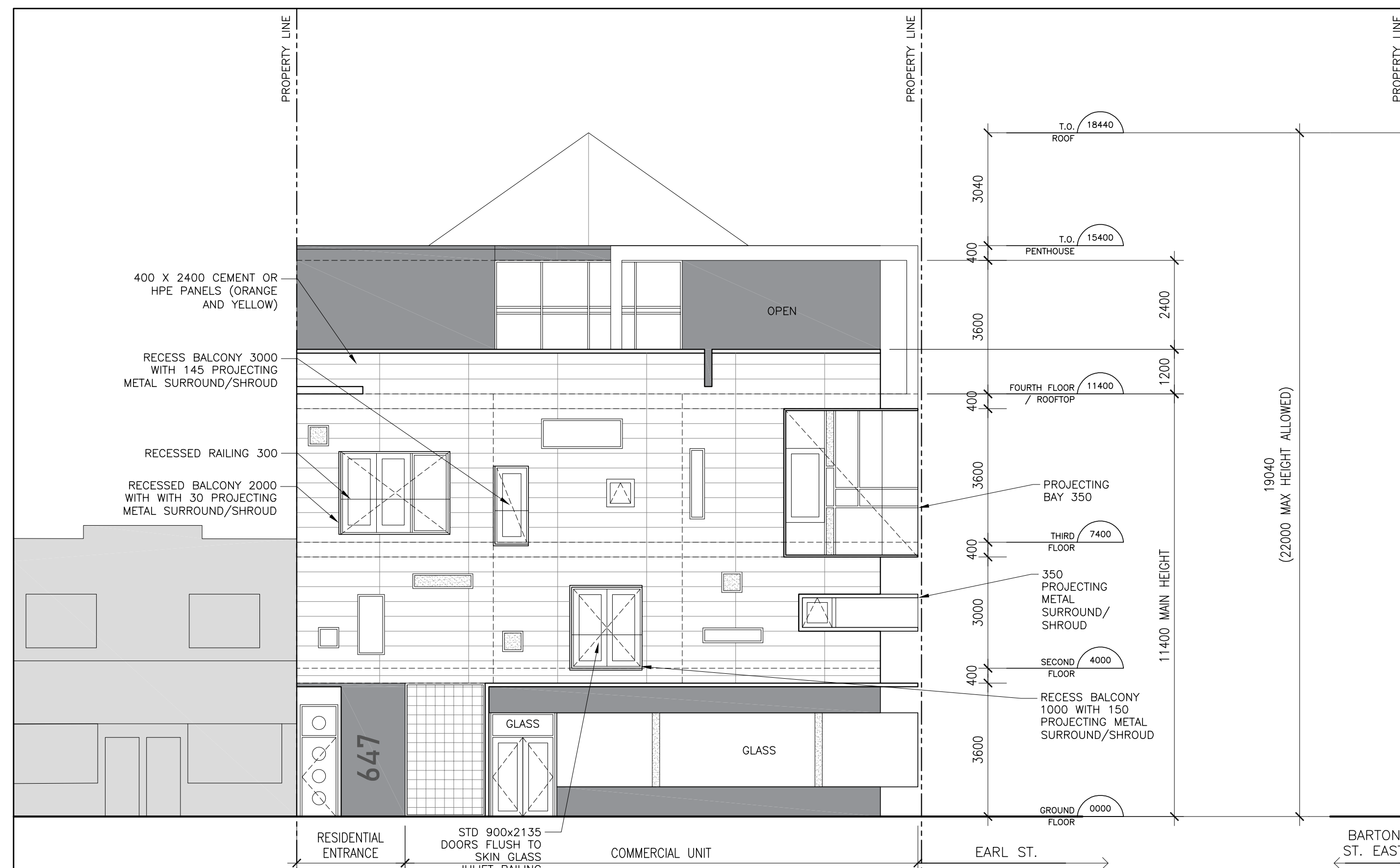
No.	Date	Remarks
3	2023.01.25	Issued for SPA
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**New Mixed Use Building**  
 647 Barton Street East,  
 Hamilton, ON L8L 3A1

Dwg. Title:  
**Floor Plans**

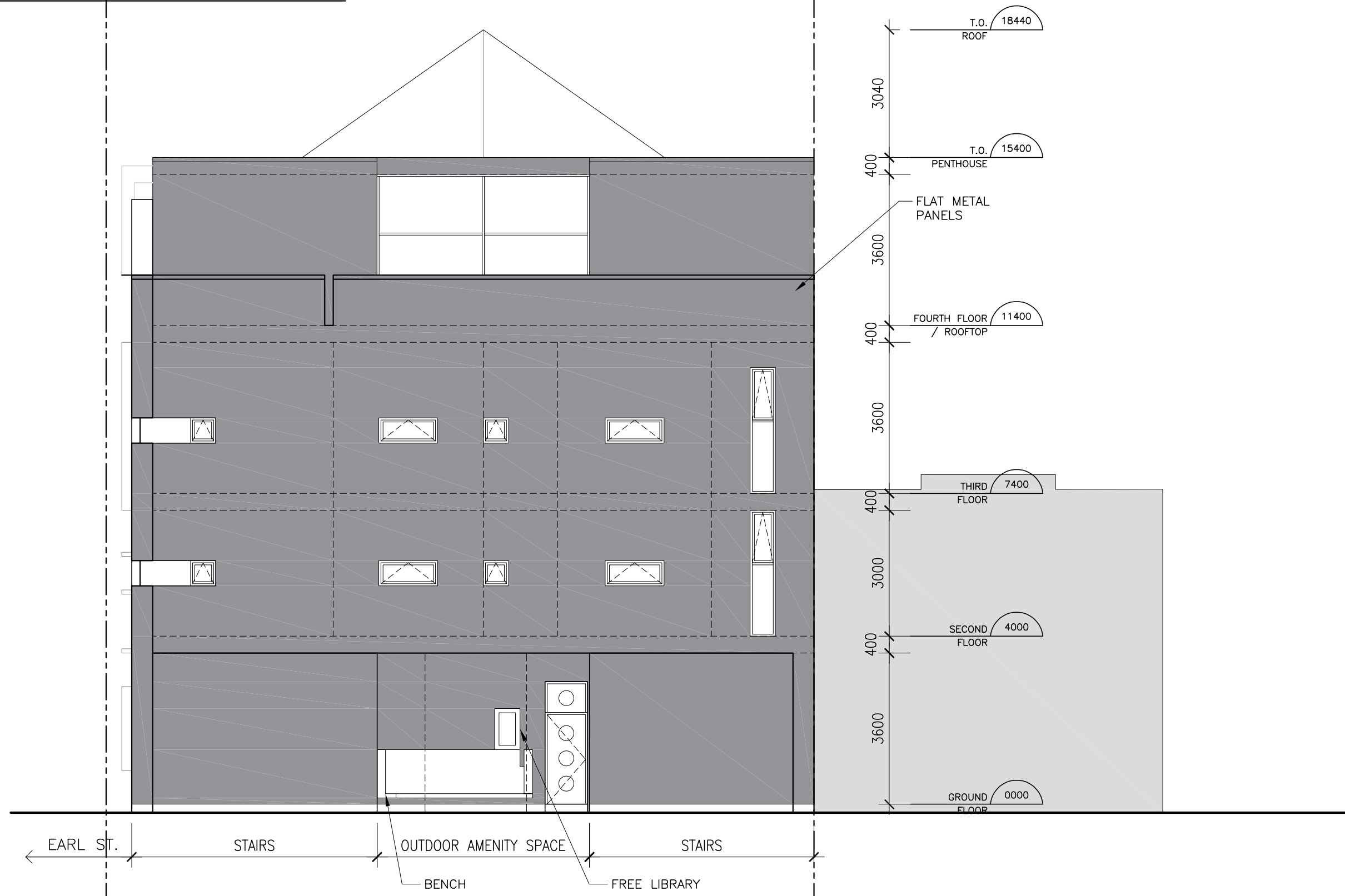
Drwn: Chkd: WJC  
 Proj. No.: 21026  
 Scale: As noted  
 Date: 19/07/22

Drawing No.:  
**A2.0**

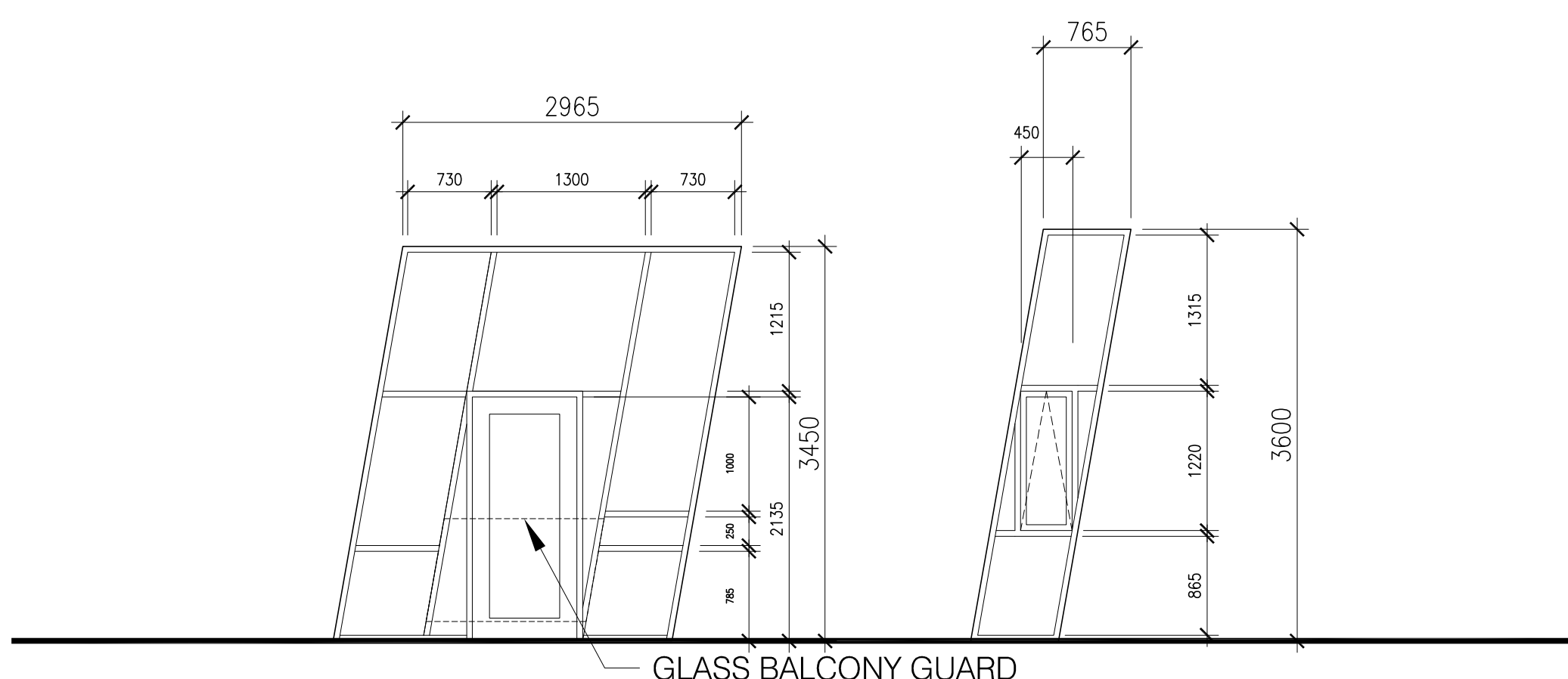


1 SOUTH ELEVATION (BARTON ST. E)  
A3.1 1:100

2 EAST ELEVATION (EARL ST.)  
A3.1 1:100



3 ELEVATION DETAILS  
A3.1 1:100

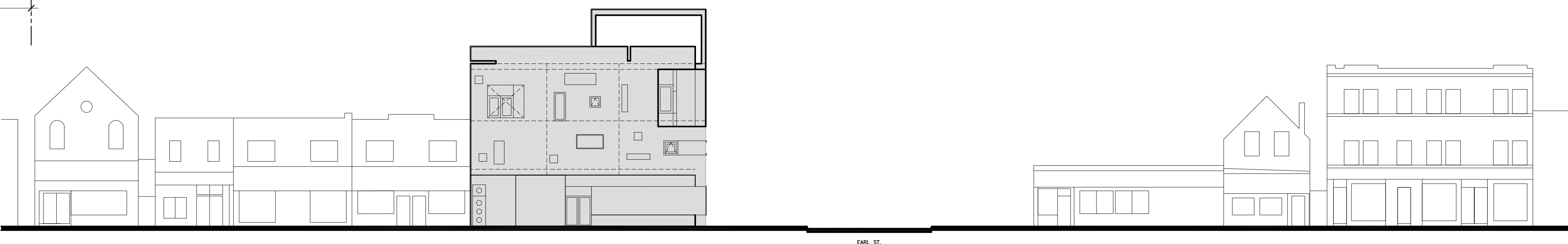


**DRAWING LEGEND**

- EXISTING NEIGHBORING BUILDINGS
- 400X2400 CEMENT OR HPE PANELS - ORANGE AND YELLOW
- 1200X2400 FLAT METAL PANELS - CHARCOAL GREY
- METAL LOUVRES
- GLASS BLOCK
- VINYL FILM ON GLASS
- 1200x2400 CORRUGATED METAL(HORIZONTAL)
- PROPERTY LINE

4 NORTH ELEVATION  
A3.2 1:100

5 BARTON STREET CONTEXT  
A3.1 1:100



**CURRAN GACESA SLOTE ARCHITECTS**  
CGS  
118 JAMES ST. NORTH, SUITE 301, HAMILTON, ONTARIO L8P 2K7  
TEL: 905-297-0863

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NOTE: DRAWINGS ARE NOT TO BE SCALED.

No.	Date	Remarks
3	2023.01.25	Issued for SPA
2	2022.07.13	Issued for Building Permit
1	2022.06.13	Planning Pre-Construction Submission

**New Mixed Use Building**  
647 Barton Street East,  
Hamilton, ON L8L 3A1

Dwg. Title:  
**Elevations**

Drwn: Chkd: WJC  
Proj. No.: 21026  
Scale: As noted  
Date: 19/07/22

Drawing No.:  
**A3.0**



## 647 Barton St. E. New Mixed-Use Building:

April 5, 2023

### VARIANCES REQUIRED AND RATIONALE

#### SUMMARY

Small urban infill sites like this one require creativity and flexibility to achieve an appropriate, functional, desirable development. This site has remained vacant for many decades because it is difficult to redevelop functionally and financially.

No new apartment buildings have been built on Barton Street in almost 100 years, so this is an important catalyst project, and will be an exemplar for desirable, high quality infill projects.

Should the project not be accepted as proposed with its many Variances required from the very non-lean and very suburban-model Zoning Bylaw, the only viable development alternative will be 4 small townhouses with driveways and garages in a very suburban model of development, denying homes to 10 families and reducing very needed community vitality, diversity and investment. This would be unfortunate but we are prepared to change direction for this.

Zoning Bylaws should allow the right things as-of-right !! There should not have to be 14 Variances for a modest, infill building, this is a huge barrier to making infill happen. Hamiltonians spoke loudly that they want infill and intensification instead of more greenfield development.

#### MINOR VARIANCES TO ZONING BY-LAW NEEDED AND REASONS:

##### SETBACKS

This 15.7m wide lot is unbuildable with a required 4.5m side yard to Earl Street and a 7.7m to the west lot containing a residential use. This is a typical lot size on Barton Street.

- 1) **Variance required: Provide 0m east side yard setback to Earl Street, instead of the required setback of 4.5m.**

(The required setback is 3.0m for a ground floor residential unit facing a street (See Variances 4-5 also)).

This is not sensible on a 15.7m wide site, which would reduce 25% of the lot width.

Our proposed design is consistent with the historic established development pattern along main streets and the urban fabric configuration in older areas of all Canadian cities, and is consistent



with other buildings all along Barton Street, and is a desirable built form. The Zoning Bylaw should allow the right thing !

Setbacks and landscape strips along arterial streets do not make sense, this is at the expense of important urban fabric and density.

The residential unit will achieve privacy by a fenced garden with gate, lush landscaping and strategic use of frosted glass in conjunction with window coverings.

**2) Variance required: Reduce required 7.5m Interior side yard abutting a lot containing a residential use to be 0m (the west property line).**

This is a nonsensical requirement since most commercial buildings on Barton Street and other main streets have residential units on the upper floors, and by best planning principles we very much want residential units there.

If we followed this requirement the highly desirable 0 setback side yards that deliver urban vitality and quality urban fabric would be eliminated and on these streets characterized by 10-30m wide lots we would lose at least 50% or more of their buildable areas, and these streets would become suburban in character. This would destroy our city's urban character on all main streets.

This requirement should be eliminated from the Zoning Bylaw to avoid similar future issues.

**3) Variance required: Reduce required 7.5m north rear yard setback to the laneway to be 3.5m (the proposed rear wall is at 5.8m setback but we have a 3.5m setback to the east wall decorative fin projection).**

We have a small lot and this would require the reduction of 15% of the apartments.

The laneway provides an additional rear yard buffer of 4.5m to the north single family dwelling neighbour.

Also, we have by design oriented the north apartments to face Earl Street instead of facing the north neighbours to minimize privacy issues. The neighbouring dwellings on Earl Street extend in depth west of our property before their backyards start, minimizing our overlook issues.

Many existing buildings along Barton Street have 0m rear yard setbacks.

### **GROUND FLOOR RESIDENTIAL UNIT**

**4) Variance required: Delete regulation 10.5.3(a) that the ground floor residential unit be setback a minimum of 3.0m facing a street.**

This is a crude tool to restrict residential units on main streets, but the proposed ground floor residential unit faces Earl Street, which is entirely residential uses and is inherently more

private. Many dwellings along Earl Street have 0 or similar front yard setbacks and similarly use the ROW for parking and amenity landscaping area.

There are over 70 residential dwellings and ground floor units in multi-residential buildings just between James Street and Sherman Avenue, so this is a long established, successful, desirable form of development.

Privacy can be achieved in many ways simply by good design. We believe this can be a quality residential unit, and it will achieve privacy by a fenced garden with gate, lush landscaping and strategic use of frosted glass in conjunction with window coverings.

(Refer also to Barton Street -Kenilworth Avenue Commercial Corridor Study, Section 6.1, whose authors included CGS Architects, recommending ground floor units be allowed all along these streets, and giving design guidelines as to how to design them appropriately. Of course our proposed design follows these guidelines and is an excellent illustration of this).

Similar successful recent precedents are at the Gore Lofts, enfronting Catherine Street north of King Street that we also designed. The upcoming Jamesville redevelopment project features ground floor units enfronting James Street North in every building also.

This Planning rule is backward and should be eliminated from the Zoning Bylaw to avoid similar future issues.

**5) Variance required: Delete regulation 10.5.1.1(i) that the residential unit on the ground floor must be located at least 0.9m minimum above grade.**

This is a crude tool to restrict residential units on main streets and force one type of privacy to them but this creates inaccessible apartments requiring stairs both within and outside the building, which is far less safe for daily use. It also wastes space in small dwelling units, and wastes construction costs.

Providing accessibility by having the entrance at grade is more important. Privacy can be achieved in many ways simply by good design. The residential unit will achieve privacy by having a fenced garden with gate, lush landscaping and the strategic use of frosted glass in conjunction with window coverings. (Refer also to Barton Street -Kenilworth Avenue Commercial Corridor Study, Section 6.1, whose authors included CGS Architects, which we are designing to).

Our ground floor unit faces Earl Street which has all residential uses, and it is inherently more private. There are many low existing ground-related residential units on Barton Street.

## **PARKING**

**6) Variance required: Provide reduced parking from the 10 required spaces to 6 spaces.**

Planning staff advise that 10 parking spaces are required, including one barrier-free.

If we were in the Downtown Zone:

City parking requirement is Units 1-12:0 + Units 13-14: 2x0.5= 1 space required.

C5 Zone: City parking requirement is Units 1-3: 3 units x 0.3/unit= 0.9 spaces  
 Units 4-14: 11 units x 0.7/unit= 7.7 spaces  
 Total: 8 parking spaces required.

(Commercial, Restaurant, Retail: 0 since less than 450m<sup>2</sup> GFA).

We had proposed providing 12 full size and 2 small parking spaces for a Total of 14 spaces. This included 6 compliant full size parking spaces and 6 existing compliant full size spaces that would continue to overhang the City ROW, but Planning staff asked us to remove those spaces. This parking overhang is an existing, successful encroachment of many decades that could continue.

Due to the existing lot size only 6 full size (including 1 barrier-free) space can be provided at current City parking space standard sizes (without 6 spaces overhanging onto the Earl Street ROW).

All parking spaces are surface type, on an asphalt paved lot accessed from the rear laneway, and most are covered.

**7) Variance required: Delete 3.0m landscape strip to Earl Street.**

**8) Variance required: Delete 3.0m setback to parking from Earl Street.**

We cannot provide this on our narrow 15.7m site without reducing the parking and the number of apartments by 50%; but in compensation for this we are providing a new approx. 16' (4.5m) wide lushly landscaped area along the entire Earl Street frontage, replacing existing concrete paving, a significant sustainability and aesthetic improvement, and a long-term City maintenance cost saving.

Similar to Variance 1), this is consistent with historic established development pattern along main streets and urban fabric configuration in older areas of all Canadian cities, as all along Barton Street. The Zoning Bylaw should allow the right thing!

Setbacks and landscape strips along arterial streets do not make sense, this is at the expense of important urban fabric and density. There are no landscape strips on this site nor on most similar properties along Barton Street.

**9) Variance required: Delete Planting strip required along the laneway / Residential Zone.**

No other properties have a landscape strip to the laneway. This would result in a loss of 15% of our parking spaces, a significant loss. Landscape strips to laneways rarely exist in urban areas, even on recent developments.

This requirement is not sensible and should be eliminated from the Zoning Bylaw to avoid similar future issues.

**10) Variance required: Delete Visual Barrier Requirement from Parking area to Laneway / Residential Zone.**

We need a vehicle driveway to the narrow laneway and clear and open sightlines for vehicle and pedestrian safety. No other properties have visual barriers between these kinds of very small parking areas and the alleyway.

This requirement is not sensible and should be eliminated from the Zoning Bylaw to avoid similar future issues.

**11) Variance required: Allow planting as the Visual Barrier from Earl Street to the parking area.**

Providing a wood board fence or metal fence to this small parking area will be far less aesthetically pleasing than continuous deciduous planting screening, a natural barrier is far more sustainable and requires less long-term maintenance. We want the natural screening as to help soften our metal sided building, more metal fencing/siding will be unattractive.

City Urban Design staff support in writing the use of tree and dense lower layer landscape planting that will 'effectively screen the parking' 'year round' from Earl Street.

**12) Variances required from Section 5.7a: Locational requirements for Bicycle Parking -Long-Term:**

A central bicycle room takes up significant, expensive space especially in a small building on a small property, and people are hesitant to leave bicycles there (or in an outdoor enclosure) due to security concerns. Most bicycle rooms are empty and unused.

Bicycle parking accommodation and a storage bracket will be provided inside each apartment (0.5 space per dwelling unit is required regardless of building size; we are providing 1.0). Our apartments are not tiny and can accommodate this.

**13) Variances required from Section 5.7a: Requirements for Bicycle Parking -Short Term:**

We are told by Planning staff that a staggering 10 short-term bicycle spaces are required for this tiny building (5 for the 14 apartments and 5 for the 90m<sup>2</sup> commercial space). This requires a footprint of 6x15'. This one-size-fits-all buildings approach does not make sense.

If we extended this requirement to just the 8 other buildings on this block the requirement would result in 80 short-term bicycle spaces, and this is in addition to using the public ROW as has been successfully done for 100 years.

We are proposing bicycle short-term spaces (5 seems more than reasonable) but are locating them on the Earl Street ROW using 3 dual bike standard ring posts, rather than on-site. This is a common provision on urban sites and more flexible and practical.

The alternative is a huge, unsustainable asphalt paved pad versus greenspace.



**PATIO****14) Variance required from Section 4.20 (c) to allow an outdoor patio on a lot abutting a Residential Zone.**

The proposed small patio is located at the corner of Barton and Earl Street only, and is at least 50m from the nearest existing dwelling. The laneway provides a further buffer zone but does not count. This is a consistent issue with every corner property along Barton Street, and there are many side yard and some rear yard patios that are very successful and free of issues. We have no other location for a patio, and this patio is very small so it is of limited concern.



July 27<sup>th</sup>, 2022

TO: CITY OF HAMILTON COMMITTEE OF ADJUSTMENT  
SUBJECT: **C of A Application for 647 Barton St. E., Hamilton**

Dear City of Hamilton Committee of Adjustment,

The Barton Village Business Improvement Area are neighbours to the above property, and we are in support of the Application of the 647 Barton St. E. redevelopment.

This proposal will infill a vacant parking lot, create new homes, and will be both aesthetically appealing and visually complementary to our properties, and to the entire neighbourhood.

We have seen the submission and design drawings and support this plan.

Please look favourably upon this Application.

Kind regards,

Jessica Myers  
Executive Director  
Barton Village BIA

Good day,

We are neighbours to this property and I am in support of the Application of the 647 Barton St. E. redevelopment.

This proposal will infill a vacant parking lot, create new homes, and will be both aesthetically appealing and visually complementary to our properties, and to the entire neighbourhood.

We have seen the submission and design drawings and support this plan.


Please look favourably upon this Application.

NAME: Walter Furlan

ADDRESS: 765-67-69 Barton St E

DATE: August 12, 2022

SIGNATURE: W Furlan



**Walter Furlan**  
 767-769 Barton Street East  
 Hamilton L8L 3A9  
 905-383-3704  
 walterconservation@gmail.com  
 furlanconservation.wordpress.com



TO: CITY OF HAMILTON COMMITTEE OF ADJUSTMENT

SUBJECT: C of A Application for 647 Barton St.E., Hamilton

HM/A-XXX-XXXX xxxx xx, 2022

Send to: curran@tcarch.ca

Good day,

We are neighbours to this property and I am in support of the Application of the 647 Barton St. E. redevelopment.

This proposal will infill a vacant parking lot, create new homes, and will be both aesthetically appealing and visually complementary to our properties, and to the entire neighbourhood.

We have seen the submission and design drawings and support this plan.

Please look favourably upon this Application.

NAME: Mostafa Halawa (647-643-1542) mostafa.halawa5240@gmail.com

ADDRESS: 15 Earl Street, Hamilton, ON, L8L 6L1

DATE: September 12, 2022

SIGNATURE: 



TO: CITY OF HAMILTON COMMITTEE OF ADJUSTMENT

SUBJECT: C of A Application for 647 Barton St.E., Hamilton

HM/A-XXX-XXXX      xxxx xx, 2022

Good day,

We are neighbours to this property and I am in support of the Application of the 647 Barton St. E. redevelopment.

This proposal will infill a vacant parking lot, create new homes, and will be both aesthetically appealing and visually complementary to our properties, and to the entire neighbourhood.

We have seen the submission and design drawings and support this plan.

Please look favourably upon this Application.

NAME: Jeannie Crawford (Madadi) \_\_\_\_\_

ADDRESS: 32 Beechwood Avenue (Residence) & 631 Barton St E  
(Commercial) \_\_\_\_\_

DATE: 7/22/2022 \_\_\_\_\_

SIGNATURE:  \_\_\_\_\_  
93806E8D1C2840E...

TO: CITY OF HAMILTON COMMITTEE OF ADJUSTMENT

SUBJECT: C of A Application for 647 Barton St.E., Hamilton

Good day,

We are neighbours to this property and I am in support of the Application of the 647 Barton St. E. redevelopment.

This proposal will infill a vacant parking lot, create new homes, and will be both aesthetically appealing and visually complementary to our properties, and to the entire neighbourhood.

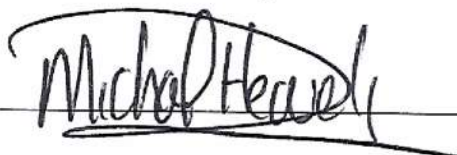
We have seen the submission and design drawings and support this plan.

Please look favourably upon this Application.

NAME: MICHAEL HEWETT-HICKS

ADDRESS: 18 EARL ST.

DATE: JULY 22 / 2022

SIGNATURE: 

TO: CITY OF HAMILTON COMMITTEE OF ADJUSTMENT

SUBJECT: C of A Application for 647 Barton St.E., Hamilton

HM/A-XXX-XXXX      xxxx xx, 2022

Hello,

*I am the chef/owner of Maipai at 629-631 Barton St E. This property is just a few doors down from us and has our full support. The empty lot currently looks terrible and often ends up covered in trash and debris. It would be great to have new residential and business space adding more life to our immediate area, and I see it as nothing but an improvement.*

NAME: Salar Madadi \_\_\_\_\_

ADDRESS: 629-631 Barton St E \_\_\_\_\_

DATE: July 26, 2022 \_\_\_\_\_

SIGNATURE:  \_\_\_\_\_



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

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	647 Barton St. E., Hamilton		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	Lot 55, Part Lot 56	Concession	
Registered Plan Number	245	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:

See attached

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

See attached

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
15730	40225	669.8	

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
None				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Mixed use commercial/residential	0	5.5m	0	

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
None				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Mixed use commercial and residential	260 m <sup>2</sup>	1,600 m <sup>2</sup>	3 plus rooftop apartment	20 m

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.):  
 One ground floor commercial unit, 14 apartments
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
 Ground floor commercial and residential, residential apartments above

## 7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:  
 2022
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Commercial with residential apartments above
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Vacant parking lot
- 7.4 Length of time the existing uses of the subject property have continued:  
 Approximately 50 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-5 \_\_\_\_\_

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: C-5 \_\_\_\_\_



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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: 0

8.2 Number of Dwelling Units Proposed: 14

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-23:94</b>	<b>SUBJECT PROPERTY:</b>	57 VANSITMART AVENUE, 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:** HILLWOOD HOMES INC. C/O PETER ELIA  
**Agent:** A. J. CLARKE & ASSOCIATES C/O STEPHEN FRASER

The following variances are requested:

1. A minimum lot area of 222.98m<sup>2</sup> shall be permitted instead of the minimum lot area of 270.0m<sup>2</sup> required.
2. A minimum lot width of 7.62m shall be permitted instead of the minimum 9.0m lot width required.
3. A minimum easterly side yard setback of 0.95m shall be permitted instead of the minimum 1.2m side yard setback required.
4. A required parking space for a single detached dwelling shall be permitted to be located a minimum distance of 0.0m from the streetline instead of the minimum distance of 5.8m from a streetline required.
5. A parking spot provided in a attached garage shall be permitted to be obstructed by a parking space provided on the driveway instead of the requirement that all parking shall be provided without the necessity of moving any other motor vehicle.
6. Notwithstanding section 4.5 which states no more than one dwelling shall be erected on a lot, A portion of 55 Vansitmart Avenue shall be permitted to exist on 57 Vansitmart in addition to the proposed single detached dwelling at 57 Vansitmart.

**PURPOSE & EFFECT:**      To permit the construction of a proposed single detached dwelling;

**HM/A-23:94****Notes:**

1. Insufficient details provided regarding parking to determine full compliance to section 5 of Zoning By-law 05-200. As such, additional variances may be required at such a time that complete zoning review can be completed.
2. Variances written as requested by the applicant.

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

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

<b>DATE:</b>	<b>Thursday, May 18, 2023</b>
<b>TIME:</b>	<b>9:40 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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-23:94, 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

**HM/A-23:94**

Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 **Subject Lands**

**DATED: May 2, 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

### 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.

GENERAL NOTES
1. THIS THESE PLANS IS/ARE NOT TO BE USED FOR CONSTRUCTION UNTIL SEALED BY THE ENGINEER AND INDICATED ISSUED FOR CONSTRUCTION ON THE DRAWING.
2. THIS THESE PLANS IS/ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF BARICH GRENKIE SURVEYING LIMITED.
3. INFORMATION REGARDING ANY EXISTING SERVICES AND/OR UTILITIES SHOWN ON THE APPROVED SET OF CONSTRUCTION DRAWINGS ARE FURNISHED AS THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL INTERPRET THIS INFORMATION AS HE SEES FIT WITH THE UNDERSTANDING THAT THE OWNER AND HIS AGENTS DISCLAIM ALL RESPONSIBILITY FOR ITS ACCURACY AND /OR SUFFICIENCY. THE CONTRACTOR SHALL ASSUME LIABILITY FOR ANY DAMAGE TO EXISTING WORKS.
4. SITE PLAN INFORMATION TAKEN FROM SURVEY BY BARICH GRENKIE SURVEYING LTD. DATED JANUARY 20, 2022.
5. THIS THESE PLANS TO BE USED FOR SERVING AND GRADING ONLY, FOR BUILDING LOCATION REFER TO TO THE SITE PLAN.
6. MUNICIPAL APPROVAL OF THESE DRAWINGS IS FOR MATERIAL AND COMPLIANCE WITH CITY/TOWN STANDARDS AND PROVINCIAL SPECIFICATIONS AND STANDARDS ONLY. APPROVAL AND INSPECTION OF THE WORKS BY THE CITY/TOWN STAFF DOES NOT CERTIFY THE LINE AND GRADE OF THE WORKS NOR RELIEVE THE CONTRACTOR OF CERTIFICATION OF ALL WORKS BY THE OWNER'S ENGINEER.
7. ALTERNATE MATERIALS MAY BE ACCEPTABLE PROVIDED WRITTEN APPROVAL HAS FIRST BEEN OBTAINED FROM THE CITY OF HAMILTON AND THE ENGINEER.
8. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDING CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
- ROAD CUT PERMITS
- SEWER PERMITS
- APPROACH APPROVAL PERMITS
- RELOCATION OF SERVICES
- COMMITTEE OF ADJUSTMENT ENCROACHMENT AGREEMENTS
9. PRIOR TO CONSTRUCTION THE CONTRACTOR MUST:
i. CHECK AND VERIFY ALL DIMENSIONS AND EXISTING ELEVATIONS WHICH INCLUDE BUT ARE NOT LIMITED TO THE BENCHMARK ELEVATIONS, EXISTING SERVICE CONNECTIONS, EXISTING INVERTS AND REPORT FINDING IN WRITING TO THE ENGINEER.
ii. OBTAIN ALL UTILITY LOCATES AND REQUIRED PERMITS AND LICENSES.
iii. VERIFY ALL FINISHED FLOOR ELEVATIONS AND BASEMENT FLOOR ELEVATIONS WHICH MAY APPEAR ON THESE PLANS COMPLY WITH THE FINAL ARCHITECTURAL DRAWINGS.
iv. CONFIRM ALL DRAWINGS USED FOR CONSTRUCTION ARE OF THE MOST RECENT REVISION.
v. NOTIFY THE ENGINEER OF THE PROPOSED CONSTRUCTION SCHEDULE FOR COORDINATION OF NECESSARY INSPECTIONS.
10. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE ENGINEER 48 HOURS PRIOR TO THE COMMENCING SITE WORKS TO ARRANGE FOR INSPECTION. THE ENGINEER SHALL DETERMINE THE EXTENT OF INSPECTION AND TESTING REQUIRED FOR CERTIFICATION OF THE UNDERGROUND SERVICE INSTALLATION AS MANDATED BY THE ONTARIO BUILDING CODE DIVISION C, PART 1, SECTION 12.2. GENERAL REVIEW FAILURE TO MAKE SUITABLE ARRANGEMENTS FOR INSPECTION WILL LEAD TO POST CONSTRUCTION TESTING AND INSPECTION AS DETERMINED BY THE ENGINEER. THE COSTS OF WHICH INCLUDING ANY DELAYS IN CONSTRUCTION SHALL BE BORNE BY THE CONTRACTOR. FULL PAYMENT FOR UN-INSPECTED WORKS MAY BE WITHHELD UNTIL THE COMPLETION OF THE POST CONSTRUCTION INSPECTION AND TESTING TO THE SATISFACTION OF THE ENGINEER.
11. INSPECTION BY THE OWNER'S ENGINEER IS FOR CERTIFICATION AND GENERAL CONFORMANCE PURPOSES AND DOES NOT CERTIFY LINE AND GRADE OR IMPLY AN ASSURANCE OF QUALITY CONTROL. THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE THE INSTALLATION OF THE WORKS TO PROPER LINE, GRADE AND QUALITY TO CURRENT INDUSTRY STANDARDS.
12. ANY UTILITY RELOCATIONS AND RESTORATIONS DUE TO THE DEVELOPMENT TO BE UNDERTAKEN AT THE EXPENSE OF THE OWNER/DEVELOPER AND SHALL BE COORDINATED BY THE CONTRACTOR.
13. ALL RESTORATIONS AND RECONSTRUCTIONS SHALL BE COMPLETED TO MATCH EXISTING CONDITIONS OR BETTER AND ARE TO BE PERFORMED TO THE SATISFACTION OF THE ENGINEER AND THE CITY/TOWN STANDARDS.
14. SERVING CONTRACTOR TO MAINTAIN A "CONFINED TRENCH CONDITION" IN ALL SEWER AND WATERMAIN INSTALLATION TRENCHES.
15. THE SITE SERVING CONTRACTOR SHALL TERMINATE ALL SERVICES 1.0m FROM THE BUILDING FACE.
16. NO BLASTING WILL BE PERMITTED.

SEWERS
A. CONSTRUCTION OF STORM SEWERS SHALL BE IN ACCORDANCE WITH CITY STANDARDS & SPECIFICATIONS (LATEST EDITION) AND MINISTRY OF ENVIRONMENT (MOE) GUIDELINES (LATEST EDITION).
B. COVER AND BEDDING MATERIAL FOR PVC PIPE SHALL BE GRANULAR "A" MATERIAL AS PER OPSD 802.010 OR 802.013.
C. PVC PIPE SHALL REQUIRE SPECIAL CONSTRUCTION PROCEDURES AS PER CITY SPECIFICATIONS.
D. ALL SEWERS TO BE VIDEO INSPECTED.
E. ALL SEWERS TO BE FLUSHED PRIOR TO VIDEO INSPECTION.
F. STORM SEWERS 250mm TO 600mm IN DIAMETER SHALL BE PVC PIPE, CSA B182.2, SDR-35.
G. PROPOSED PRIVATE REAR LOT CATCH BASINS (RCB'S) ARE TO BE AS PER OPSD 705.010, COMPLETE WITH BRIDGECRAME FRAME AND GRATE AS PER OPSD 400.120. REAR LOT CATCH BASINS ARE TO BE SIMPLESS.
H. ALL PVC SEWERS ARE TO BE TESTED FOR DEFLECTION (MANDREL PASSAGE) AFTER INSTALLATION.

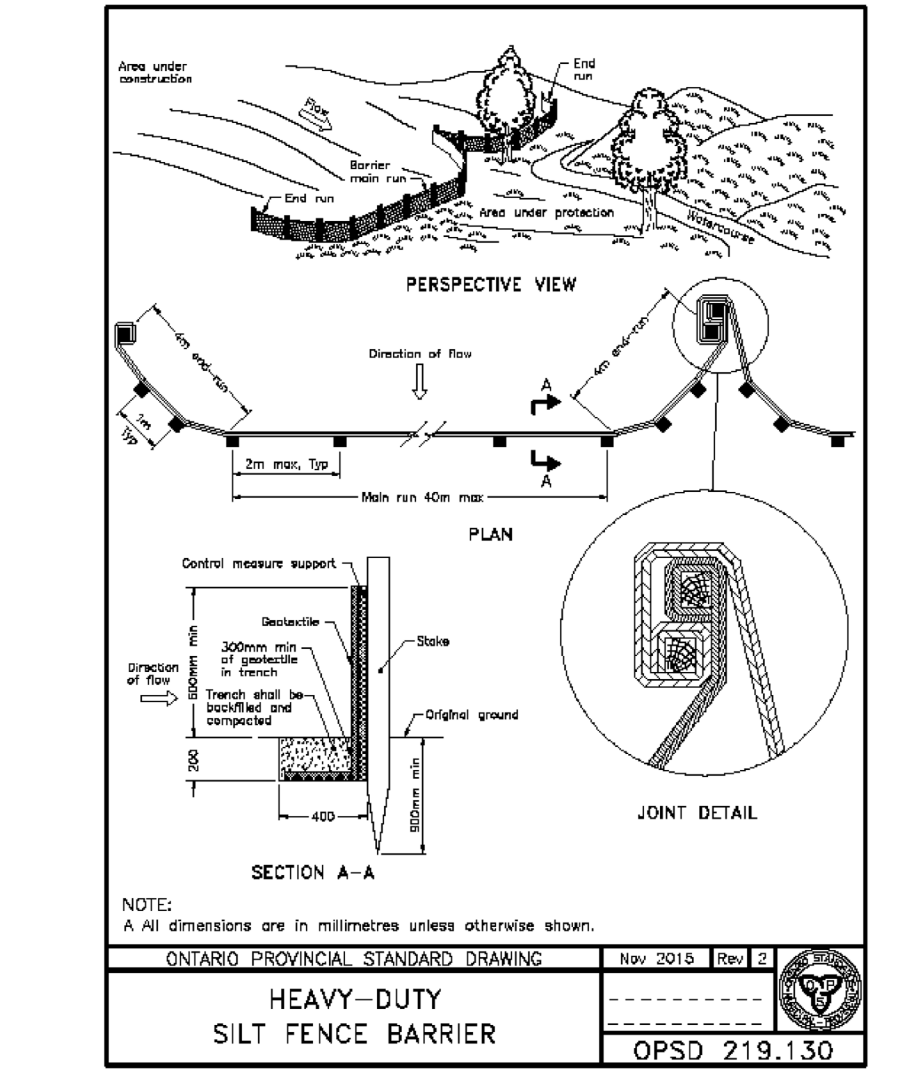
STORM AND SANITARY PRIVATE DRAINS
A. CONSTRUCTION OF PRIVATE DRAINS SHALL BE IN ACCORDANCE WITH CITY STANDARDS & SPECIFICATIONS (LATEST EDITION) AND MINISTRY OF ENVIRONMENT (MOE) GUIDELINES (LATEST EDITION).
B. PRIVATE DRAINS TO BE 150mm PVC PIPE, CSA B182.1 M-1993, SDR 26 AS PER FORM 500. STORM PIPE SHALL BE WHITE AND SANITARY SHALL BE ANY COLOR OTHER THAN WHITE. WOOD MARKING AT END OF SANITARY PRIVATE DRAIN SHALL BE PAINTED RED.
C. COVER AND BEDDING MATERIAL FOR PRIVATE DRAINS SHALL BE GRANULAR "A" INSTALLED AS PER OPSD 802.010 OR 802.013.
D. MINIMUM FALL FOR PRIVATE DRAINS TO BE 2.0%.
E. TOP OF SANITARY PRIVATE DRAINS AT STREET LINE TO BE 2.2M (MIN.) BELOW CENTERLINE ROAD ELEVATION AT THAT POINT OR AS DETAIL.
F. TOP OF STORM PRIVATE DRAINS AT STREET LINE TO BE 1.2M (MIN.) BELOW CENTERLINE ROAD ELEVATION AT THAT POINT OR AS DETAIL.
G. BUILDING RAINWATER LEADERS SHALL NOT BE CONNECTED TO THE STORM PRIVATE DRAIN BUT SHALL DISCHARGE TO LANDSCAPED SURFACES VIA SPLASH PADS.
H. SUMP PUMPS WITH CHECK VALVES SHALL BE INSTALLED IN EACH DWELLING TO PUMP THE BUILDING WEEPING TILES TO THE STORM PRIVATE DRAINS. THE SUMP OUTLET PIPE SHALL EXTEND A MINIMUM OF 150mm ABOVE THE PROPOSED GRADE AT THE DWELLING (BASEMENT CEILING) PRIOR TO DISCHARGING TO THE STORM PRIVATE DRAIN. SEE DETAIL.
I. IF THE APPLICANT/OWNER INTENDS TO REUSE A PORTION OF A SITE'S EXISTING SEWER SYSTEM, IT IS THEIR RESPONSIBILITY TO ENSURE THAT THE SEWER IS OF ADEQUATE CAPACITY, MEETS ALL APPLICABLE BY-LAW REQUIREMENTS, AND IS IN GOOD WORKING ORDER. SEWERS TO BE REUSED MUST BE VIDEO INSPECTED, WHILE THE CITY/TOWN SEWER INSPECTOR IS PRESENT. THE APPLICANT/OWNER IS RESPONSIBLE FOR MAKING ALL ARRANGEMENTS WITH THEIR PRIVATE VIDEO INSPECTION CONTRACTOR ALONG WITH PAYMENT OF AN INSPECTION FEE.

WATERMANS AND WATER SERVICES
I. WATER SERVICES
A. CONSTRUCTION OF PRIVATE WATER SERVICES SHALL BE IN ACCORDANCE WITH CITY STANDARDS & SPECIFICATIONS (LATEST EDITION) AND MINISTRY OF ENVIRONMENT (MOE) GUIDELINES (LATEST EDITION).
B. WHERE METAL FITTINGS ARE TO BE USED ON PVC MAINS SUFFICIENT CATHODIC PROTECTION MUST BE PROVIDED AS PER THE FOLLOWING REQUIREMENTS:
i. MINIMUM OF ONE 11KG ZINC ANODE SHALL BE INSTALLED FOR EVERY 100m OF TRIGGER WIRE;
ii. ONE 11KG ZINC ANODE SHALL BE INSTALLED FOR EACH COPPER WATER SERVICE CONNECTION;
iii. ONE 11KG ZINC ANODE SHALL BE INSTALLED ON EVERY VALVE, HYDRANT, BEND, TEE, SLEEVE, REDUCER, PLUG, CAP, JOINT RESTRAINT, COUPLING, ETC., CONNECTED TO THE PVC PIPE.
C. WATER SERVICE TO BE 25mm DIA. TYPE "V" SOFT COPPER AS PER MM-2007.01 OR AS RETAILED.
D. GRANULAR BEDDING AS PER MM-200.01 AND MM-200.02 TO BE GRANULAR "D" AS PER FORM 600.
E. ALL VALVE BOXES TO BE SET TO PROPOSED GRADES.

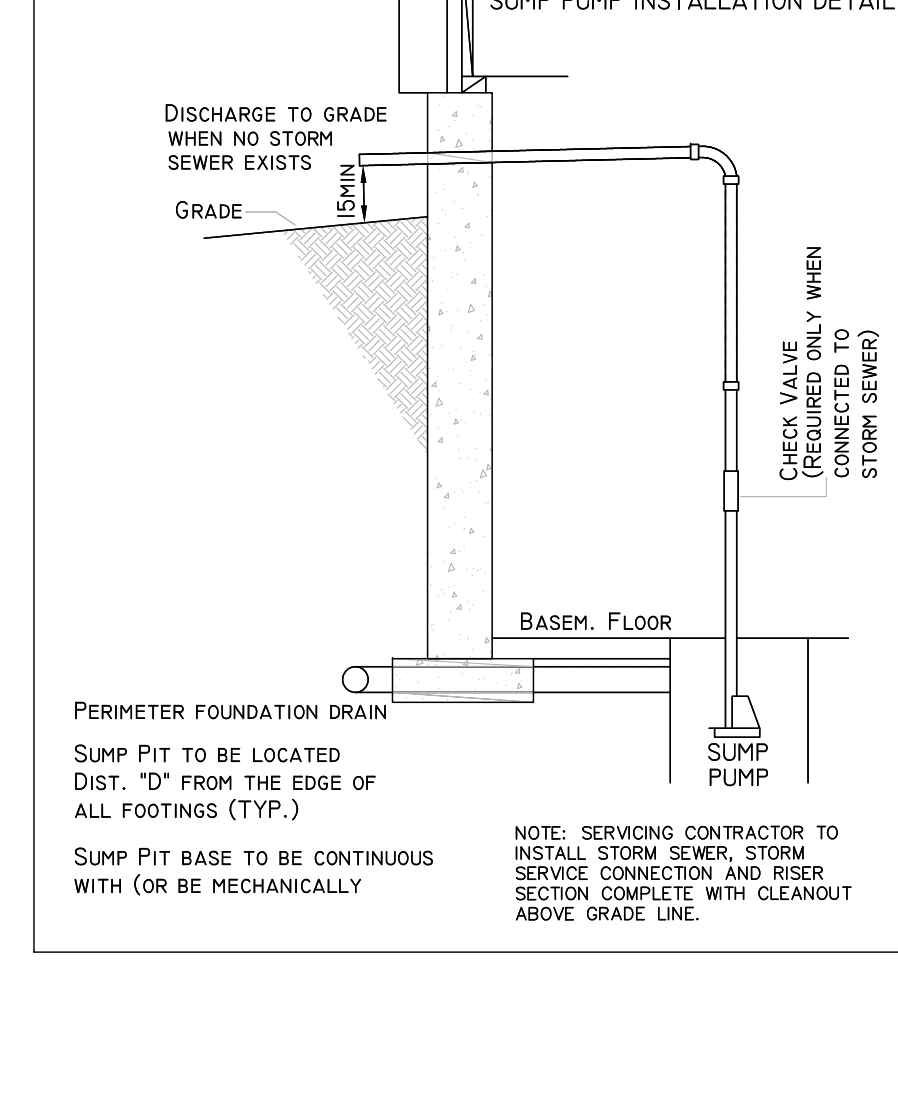
GENERAL GRADING
A. ALONG ADJOINING PROPERTIES GRADE TO MEET EXISTING OR PROPOSED ELEVATIONS WITH SMOOTH SLOPES (MIN. 3% TO 1%) AND/OR RETAINING WALLS AS SPECIFIED.
B. ALL RETAINING WALLS, WALKWAYS, CURBS, ETC., SHALL BE PLACED A MIN. OF 0.45m OFF THE PROPERTY LINE. ALL WALLS LOW OR HIGHER SHALL BE DESIGNED BY A P.E.
C. SHOULD A RETAINING WALL BE REQUIRED, THE TOP OF WALL ELEVATIONS SHALL BE SET 150mm ABOVE THE PROPOSED SIDE YARD SWALES.
D. RETAINING WALLS 0.9m IN HEIGHT OR GREATER REQUIRE CONSTRUCTION OF A FENCE OR GUARD RAIL AT THE TOP OF THE REAR OF THE WALL. GUARDS FOR RETAINING WALLS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF EXTERIOR GUARDS AS CONTAINED IN THE ONTARIO BUILDING CODE.
E. TOP OF FOUNDATION WALLS FOR BUILDINGS SHALL BE 150mm (MIN.) ABOVE FINISHED GRADE.
F. DRIVEWAY SLOPES SHALL NOT BE LESS THAN 2% AND NOT MORE THAN 7.0% REVERSED SLOPED DRIVEWAYS IN NEW DEVELOPMENTS ARE NOT PERMITTED.
G. IF GRADING IS REQUIRED ON LANDS ADJACENT TO THE DEVELOPMENT WHICH ARE NOT OWNED BY THE DEVELOPER, THEN THE DEVELOPER MUST OBTAIN WRITTEN PERMISSION FROM THE ADJACENT PROPERTY OWNER TO ALLOW THE DEVELOPER TO GRADE ON THE ADJACENT LANDS, OTHERWISE RETAINING WALLS MUST BE USED.
H. THE WRITTEN PERMISSION REQUIRED FROM THE ADJACENT LANDOWNER SHALL BE OBTAINED PRIOR TO ENTERING THE LANDS. SHOULD PERMISSION NOT BE OBTAINED OR IS WITHDRAWN PRIOR TO COMMENCING THE WORK, THEN THE DEVELOPER SHALL LIMIT HIS ACTIVITIES TO THE LIMITS OF THE DEVELOPMENT SITE.
I. DRIVEWAY AND DRIVEWAY APPROACHES SHALL BE LOCATED SUCH THAT HYDRO VALUETS AND OTHER STREET FURNITURE ARE A MIN. OF 1.2m FROM THE PROJECTIONS OF THE OUTSIDE GARAGE WALLS.
J. ANY CHANGES IN GRADES AND CATCH BASINS REQUIRE THE APPROVAL OF THE CITY'S MANAGER OF DEVELOPMENT ENGINEERING.
K. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN SIX MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
L. SLOPES OF SWALES FOR BOTH "BACK TO FRONT" AND "SPILT" DRAINAGE SHALL BE NO LESS THAN 2.0% GRADE AND NO GREATER THAN 13.0% GRADE (3:1 SLOPE).
M. WHEN MATCHING TO EXISTING PROPERTIES WHERE A 2.0% GRADE CANNOT BE ACHIEVED, A 1.5% GRADE IS PERMITTED, PROVIDED A 150mm SUBDRAIN IS INSTALLED BELOW THE BOTTOM OF THE SWALE AND DRAINED TO A SATISFAE OUTLET (WITH A MINIMUM 0.3m COVER OVER THE SUBDRAIN), OR OTHER MITIGATION MEASURES.
N. MINIMUM GRADE FOR WALK-AROUND SWALE IN BACKYARDS SHALL BE 1.0%.
O. UNLESS OTHERWISE NOTED, THE GROUND BETWEEN PROPOSED ELEVATIONS ON SIDE LOTS SHALL BE GRADED IN A STRAIGHT LINE.
P. GARAGE FLOOR ELEVATIONS TO BE SET 0.3m HIGHER THAN BACK OF WALK, UNLESS OTHERWISE SPECIFIED.
Q. ALL FILL PLACED ON LOTS SHALL BE COMPACTED TO A MINIMUM 90% S.P.D. (UNLESS OTHERWISE RECOMMENDED BY THE GEOTECHNICAL ENGINEER). ALL MATERIAL SHALL BE PLACED IN LIFTS NOT EXCEEDING 300mm.

COMPACTION REQUIREMENTS
UNLESS OTHERWISE NOTED OR DIRECTED BY THE GEOTECHNICAL CONSULTANT, THE FOLLOWING SHALL APPLY:
A. ALL BEDDING AND BACKFILL MATERIAL, ROAD SUB-GRADES AND GENERALLY ALL MATERIAL USED FOR LOT GRADING AND FILL SECTIONS, ETC., SHALL BE COMPACTED TO MIN. 98% SPD. ALL MATERIAL SHALL BE PLACED IN LAYERS NOT EXCEEDING 300mm LIFTS.
B. ALL GRANULAR ROAD BASE MATERIALS SHALL BE COMPACTED TO 98% SPD.
C. FOR ALL SEWERS AND WATERMANS IN FILL SECTIONS, THE COMPACTION SHALL BE CERTIFIED BY A GEOTECHNICAL ENGINEER PRIOR TO LAYING OF PIPE.

SILTATION AND EROSION CONTROL
A. SILTATION CONTROL BARRIERS SHALL BE PLACED AS DETAILED.
B. ALL SILTATION CONTROL MEASURES SHALL BE CLEANED AND MAINTAINED AFTER EACH RAINFALL AS DIRECTED AND TO THE SATISFACTION OF THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.
C. ADDITIONAL SILT CONTROL LOCATIONS MAY BE REQUIRED AS DETERMINED BY THE ENGINEER, THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.
RESTORATIONS
A. ALL TRENCH EXCAVATION WITHIN EXISTING ROAD ALLOWANCES SHALL BE BACKFILLED WITH GRANULAR "A", COMPACTED TO 98% SPD. PAVEMENT RESTORATION SHALL BE PERFORMED AS PER RD-100.01 & 100.02.
B. ALL BOULEVARDS TO BE RESTORED WITH #1 NURSERY SOG ON 100mm MINIMUM THICK SELECT TOPSOIL.
C. BEDDING MATERIALS TO BE AS PER FORM 600. COMPACTION TO BE AS PER FORM 600.
REMOVALS & ABANDONMENTS
1. COMPLETELY REMOVE ABANDONED SEWER/WATERMAIN WHERE POSSIBLE AND/OR AS DIRECTED BY THE CITY OF HAMILTON. IF MAINS TO BE ABANDONED IN PLACE, FOLLOW OPSD 510.
2. WHERE ABANDONING A WATER SERVICE CONNECTION OR WATERMAIN CONNECTED TO A LIVE MAIN, THE PREFERRED METHOD IS TO REMOVE THE CURB STOP AND STEW. SHUT OFF MAIN STOP AND DISCONNECT/CUT WATER SERVICE AT MAIN STOP.



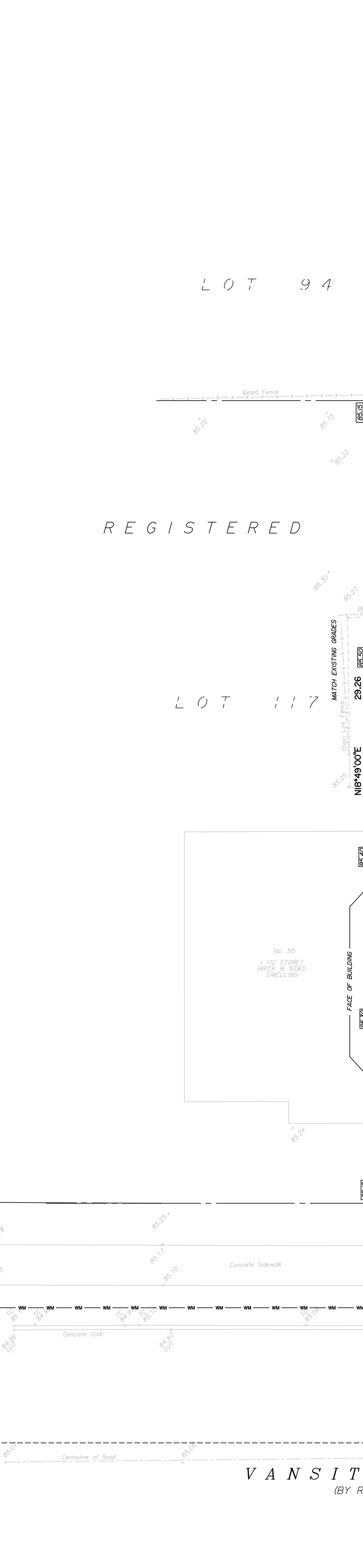
HEAVY-DUTY SILT FENCE BARRIER OPSD 219.130



MUNICIPAL ADDRESS: 57 VANSITMART AVE., LEGAL DESCRIPTION: LOT 116, REGISTERED PLAN 567, CITY OF HAMILTON, ZONING: "R1a" LOW DENSITY RESIDENTIAL-SMALL LOT. TABLE: SITE STATISTICS comparing 'BY-LAW' and 'PROPOSED' values for Lot Area (270.0 m² vs 222.98 m² EX), Lot Width (9.0 m vs 7.62 m EX), Lot Coverage (N/A vs 31.9%), Front Yard Setback (3.0 m vs 6.05 m), Rear Yard Setback (7.5 m vs 8.76 m), Side Yard Setback (East) (1.2 m vs 0.95 m), Side Yard Setback (West) (1.2 m vs 1.54 m), Height/Peak of Roof (10.50 m vs 8.96 m). AVERAGE GRADE: 85.30+85.30+85.30+85.40+85.50+85.40+85.35+85.30+85.25 = 87.47

BACKYARD GRADING
A. DEFINITION: "REQUIRED BACK YARD" SHALL MEAN THE LESSER OF THE DISTANCE REGULATED BY THE ZONING BY-LAW OR 6.0m.
B. THE MAXIMUM 5.0% RESTRICTION SHALL NOT APPLY TO THE SIDES OF A SWALE ALONG THE BACK OF THE LOT, PROVIDED THE TOTAL WIDTH OF THE SWALE DOES NOT EXCEED 1.0m ON EACH LOT.
C. WHERE THE 5.0% RESTRICTION ON BACKYARD GRADES RESULTS IN ELEVATION DIFFERENCES BETWEEN DIFFERENT PROPERTIES, RETAINING WALLS SHALL BE CONSTRUCTED ALONG THE SIDES AND THE BACK OF THE LOT. 3:1 SLOPES CAN REPLACE THE WALLS WHERE THE DIFFERENCE IN ELEVATION IS LESS THAN 0.3m.
D. GENERALLY, SLOPES SHALL BE PLACED ON THE LOWER LOT, WHEREAS RETAINING WALLS SHALL BE PLACED ON THE HIGHER LANDS.
E. THERE IS NO CONTROL ON THE STEEPNESS OF THE SLOPES IN SIDE YARDS, FRONT YARDS, AND BACK YARDS, OUTSIDE THE AREAS DEFINED IN ITEM "A" ABOVE, PROVIDED THE SLOPES ARE STABLE FOR THE SOBS OF THE AREA (3:1 MAXIMUM).

NOTE:
1. This property is eligible for weekly collection of garbage, organics, recyclable material, and leaf and waste through the City of Hamilton, subject to compliance with specifications indicated by the Waste Management Division and subject to compliance with the City's Solid Waste Management By-Law 09-067. Construction material is prohibited from collection and arrangements shall be made with a private contractor for its collection and disposal. On collection day the collection area shall be in an accessible location, free and clear of any construction debris and vehicles.
2. Collection of garbage, green cart organics, recycling and leaf and yard waste will take place curbside in front of the property.



NOT TO SCALE
ADDRESS: 57 VANSITMART AVE., HAMILTON
SITE AND GRADING PLAN OF LOT 116 REGISTERED PLAN 567 IN THE CITY OF HAMILTON BARICH GRENKIE SURVEYING LTD. A DIVISION OF GEOMAPLE © COPYRIGHT 2023
METRIC DISTANCES AND ELEVATION SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
LEGEND: DT - DENOTES DECIDUOUS TREE, DS - DENOTES SUBJECT LANDS BOUNDARY, DDL - DENOTES DEED LINE, L - DENOTES LOT LINE, FL - DENOTES FENCE LINE, WM - DENOTES WATERMAIN, N-E-S-W - DENOTES NORTH-EAST-SOUTH-WEST, 100.00 - DENOTES EXISTING ELEVATION, 100.00 - DENOTES PROPOSED ELEVATION, T - DENOTES PROPOSED TREE PROTECTION, S - DENOTES DOWN SPOUT WITH SPLASH PAD, S - DENOTES SUMP PUMP LOCATION, W - DENOTES WATER METER LOCATION, S - DENOTES SERVICE VALVE
ELEVATION NOTE: ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928:1978) AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK NO. 00119220412 HAVING AN ELEVATION OF 86.813 m.
REVISIONS: 2 04/03/2023 GF AS PER CLIENT REQUEST, 1 03/13/2023 GF AS PER CLIENT REQUEST, 0 11/09/2022 JM ISSUED FOR REVIEW.
DESIGN: GF, CHK'D: DJ, DATE: APRIL 03, 2023. DRAWN: GF, CHK'D: DJ.
Scale 1:100
APPROVALS: STAMP of M. FATHI, LICENSED PROFESSIONAL ENGINEER, 100086843, APRIL 03, 2023, PROVINCE OF ONTARIO.
Barich Grenkie Surveying Ltd. 301 HWY No. 8 (2ND FLOOR), STONEY CREEK, ON (905) 682-6769. A DIVISION OF GEOMAPLE. DWN BY: GF, CHK BY: MF, JOB No.: 21-2900.
CLIENT: HILLWOOD HOMES
PROJECT NAME: PROPOSED TWO STOREY FAMILY DWELLING 57 VANSITMART AVENUE, HAMILTON
TITLE: SITE AND GRADING PLAN
PROJECT No. 21-2900 DRAWING No. 21-2900 SGP



*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

April 13, 2023

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

**Re: 57 Vansitmart Avenue, Hamilton  
Minor Variance Application**

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Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Hillwood Homes Inc., for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 57 Vansitmart Avenue, in the City of Hamilton (herein referred to as the 'subject lands'). Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Minor Variance Application Form.
- One (1) cheque in the amount of \$3,735.00 representing the required Minor Variance Application fee.
- One (1) electronic copy of a Site and Grading Plan (by others).

The application is required to facilitate the construction of a new dwelling on the subject lands, taking into account that the neighbouring dwelling to the west, municipally known as 55 Vansitmart Avenue, encroaches into the mutually shared property line. A Limiting Distance Agreement is being completed concurrently to rectify the spatial separation between the existing dwelling at 55 Vansitmart Avenue and the proposed dwelling for the subject lands. To acknowledge the separation required between the existing dwelling and the proposed dwelling along with other zoning deficiencies, minor variances are required to the zoning of the subject lands, zoned "R1a" Low Density Residential – Small Lot.

In accordance with question 3.1 of the application form, the variances required are as follows:

1. To permit a minimum lot area of 220 square metres, whereas a minimum lot area of 270 square metres is required.
2. To permit a minimum lot frontage/width of 7.6 metres, whereas a minimum lot frontage of 9.0 metres is required.
3. To permit a minimum setback from a side lot line on the east side of the lot of 0.9 metres, whereas a minimum of 1.2 metres is required.
4. Notwithstanding Sections 5.1 b) i), ii) of By-law No. 05-200, the following provisions shall apply:



- On a lot containing a single detached dwelling, semi-detached dwelling, duplex dwelling, or street townhouse, parking spaces shall be permitted in a driveway access within a required front yard and that driveway can be setback 0 metres from the front lot line.

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,

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

Encl.

Cc via email: Hillwood Homes Inc. [info@hillwoodhomes.ca](mailto:info@hillwoodhomes.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 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		

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 be sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	57 Vansitmart Avenue, Hamilton		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	567	Lot(s)	116
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:

Please see attached cover letter.

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 existing lot, encroachment of dwelling at 55 Vansitmart Avenue into subject lands, and disconnect between zoning regulations for parking, specifically section 5.1 b) i) & ii) and section 15.2.2.1 h).

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
7.62m	29.26m	+/-222sq.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
None				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single-detached dwelling	+/-6.05m	+/-8.76m	+/-0.95m (east) and +/-1.54m (west)	

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
None				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single-detached dwelling	+/-750sq.ft	+/-1400sq.ft	2	+/-9m

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 dwellings

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

November 2022

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)

Vacant

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) Neighbourhoods

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

Minor variance will facilitate construction of a single-detached dwelling, which is a permitted use.

7.6 What is the existing zoning of the subject land? Low Density Residential - Small Lot (R1a)

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: Low Density Residential - Small Lot (R1a) Zoning



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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: 0

8.2 Number of Dwelling Units Proposed: 1

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

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Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:294</b>	<b>SUBJECT PROPERTY:</b>	735 BEACH BOULEVARD, HAMILTON
<b>ZONE:</b>	"C" (Urban Protected Residential & Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 99-169

**APPLICANTS:**      **Owner:** KEVIN & AMANDA WHITE  
**Agent:** BARICH GRENKIE SURVEYING LTD. C/O JULIANNA HRIBLJAN

The following variances are requested:

1. A minimum rear yard setback of 0.0 metres to the principle dwelling shall be provided instead of the required rear yard setback of 4.5 metres.
2. A side yard setback of 1.43 metres shall be provided instead of the required side yard setback of 1.7 metres.

**PURPOSE & EFFECT:**      To permit the construction of a one and a half storey addition on the existing Single-Family Dwelling notwithstanding that:

**Notes:**

- i. Note, the requested variance for a reduced rear yard setback shall include setback requirements for both Section 9(3)(iii) and Zoning By-Law Amendment 99-169 Section 2. a). All buildings and structures, including the principle dwelling, shall be setback 0.0 metres from the rear lot line as per the requested variance.
- ii. Be advised, it is noted during the previous hearing that photo evidence was submitted indicating an addition to the principle dwelling located on the first floor. The drawings provided have not indicated the addition on Elevation Drawings or Floor Plan. As such, Zoning requirements cannot be determined should the drawings submitted not match the proposed work and additional variances may be required.
- iii. Should the variance be approved to permit a reduced side and rear yard, the eaves/ gutter as



**HM/A-22:294**

proposed shall comply with Section 18(3)(vi)(b) of Hamilton Zoning By-Law 6593.

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

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

<b>DATE:</b>	<b>Thursday, May 18, 2023</b>
<b>TIME:</b>	<b>9:45 a.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 HM/A-22:294, 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-22:294



DATED: May 2, 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

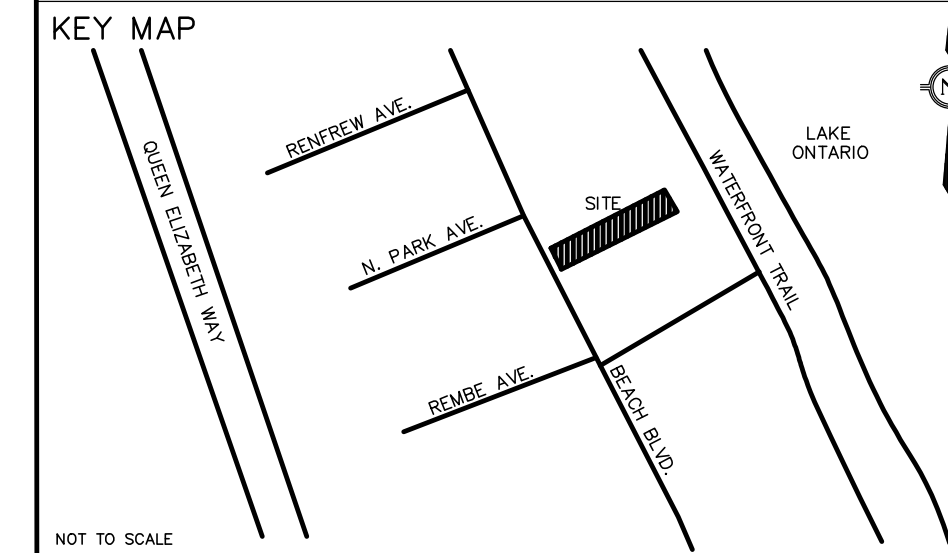
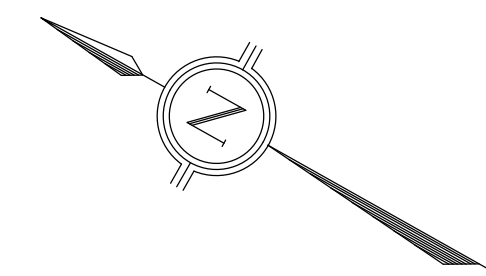
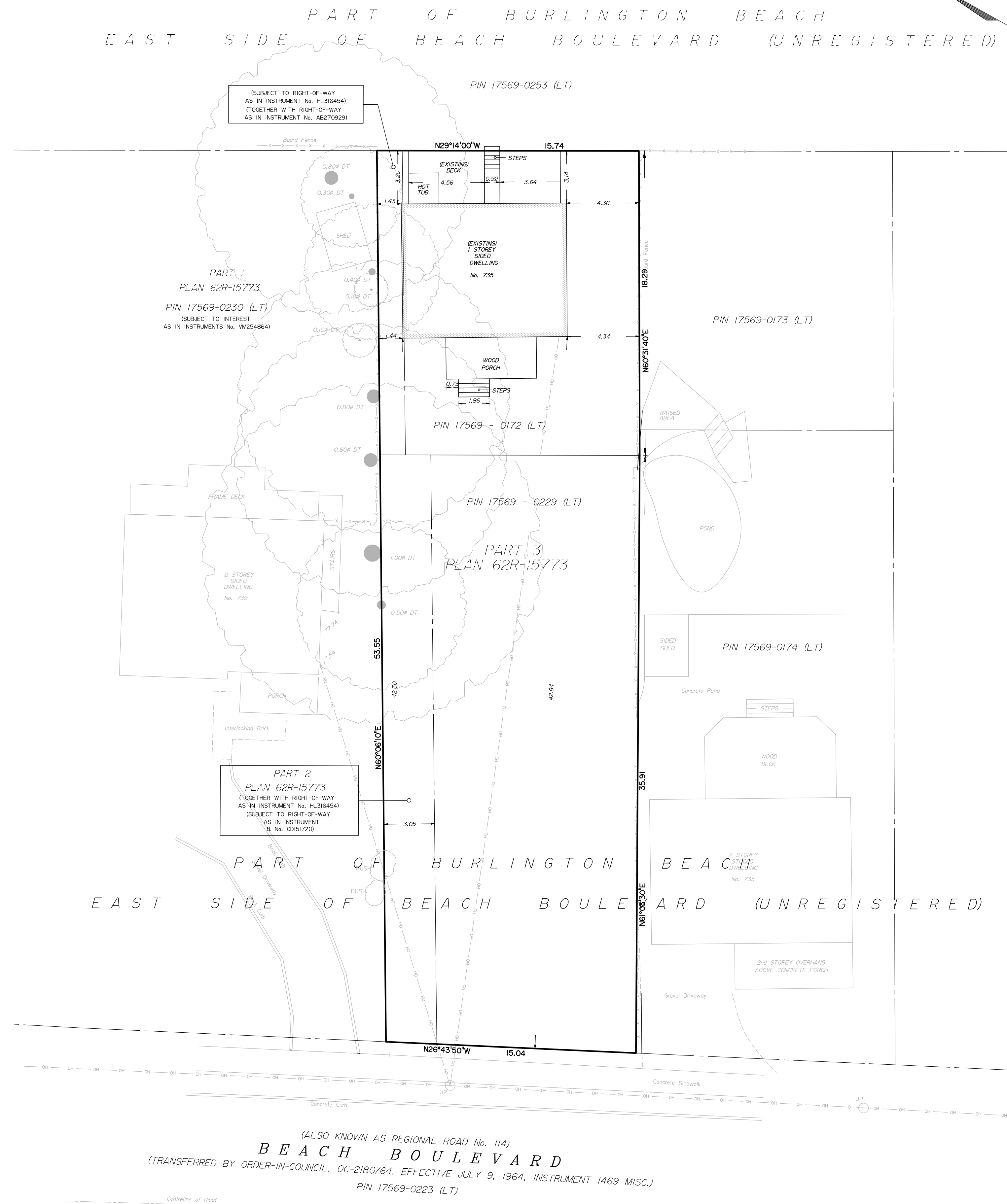
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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.

<b>MUNICIPAL ADDRESS</b>		
735 BEACH BLVD. HAMILTON		
<b>LEGAL DESCRIPTION</b>		
PART OF BURLINGTON BEACH, EAST SIDE OF BEACH BOULEVARD (UNREGISTERED) CITY OF HAMILTON		
<b>ZONING</b>		
C/S-1435		
<b>SITE STATISTICS</b>	<b>BYLAW</b>	<b>PROPOSED</b>
LOT AREA	N/A	831.41 m <sup>2</sup> (EX)
FRONT YARD SETBACK	6.0 m	42.30 m
REAR YARD SETBACK	4.5 m	0.00 m*
SIDE YARD SETBACK (NORTH)	1.7 m	1.43 m*
SIDE YARD SETBACK (SOUTH)	1.7 m	4.34 m
HEIGHT (PEAK OF ROOF)	11.0 m	6.27 m
LOT FRONTAGE	12.0 m	15.04 m (EX)
LOT COVERAGE	N/A	9.60%

\* REQUIRES A MINOR VARIANCE WITH THE CITY OF HAMILTON



ADDRESS: 735 BEACH BLVD., HAMILTON

SITE PLAN FOR MINOR VARIANCE OF  
**PART OF BURLINGTON BEACH EAST SIDE OF BEACH BOULEVARD (UNREGISTERED)**  
 GEOGRAPHIC TOWNSHIP OF SALT FLEET  
 IN THE CITY OF HAMILTON

BARICH GRENKIE SURVEYING LTD.  
 A DIVISION OF GEOMAPLE  
 © COPYRIGHT 2022

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

**LEGEND**

DT	DENOTES DECIDUOUS TREE
---	DENOTES SUBJECT LANDS BOUNDARY
- - - -	DENOTES DEED LINE
---	DENOTES LOT LINE
-x-x-	DENOTES FENCE LINE
N-E-S-W	DENOTES NORTH-EAST-SOUTH-WEST
■	DENOTES DOWN SPOUT WITH SPLASH PAD

**ELEVATION NOTE**  
 ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928:1978) AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK No. 0011965U130 HAVING AN ELEVATION OF 76.487 m.

NO.	DATE	BY	REVISIONS
1	02/23/2023	JMH	AS PER CLIENT AND CITY REQUEST
0	02/17/2022	JMH	ISSUED FOR REVIEW

DESIGN	JMH	CHK'D	GRCH	DATE
DRAWN	JMH	CHK'D	GRCH	FEBRUARY 23, 2023

Scale 1:250

**APPROVALS**

STAMP

**Barich Grenkie Surveying Ltd.**  
 301 HWY No. 8 (2<sup>nd</sup> FLOOR) - STONEY CREEK, ON  
 (905) 882-6767  
 A DIVISION OF GEOMAPLE

DWN BY: JMH  
 CHK BY: GRCH  
 JOB No. 21-2819

CLIENT  
 KEVIN AND AMANDA WHITE

PROJECT NAME  
 PROPOSED ADDITION AND DECK  
 735 BEACH BOULEVARD, HAMILTON

TITLE  
 SITE PLAN

PROJECT No. 21-2819      DRAWING No. 21-2819 SGP

(ALSO KNOWN AS REGIONAL ROAD No. 114)  
**BEACH BOULEVARD**  
 (TRANSFERRED BY ORDER-IN-COUNCIL, OC-2180/64, EFFECTIVE JULY 9, 1964, INSTRUMENT 1469 MISC.)  
 PIN 17569-0223 (LT)

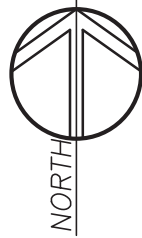
E:\PROJECTS\2023\21-2819 - 735 Beach Blvd. - Minor Variance\21-2819\_SGP.dwg 14/02/2023





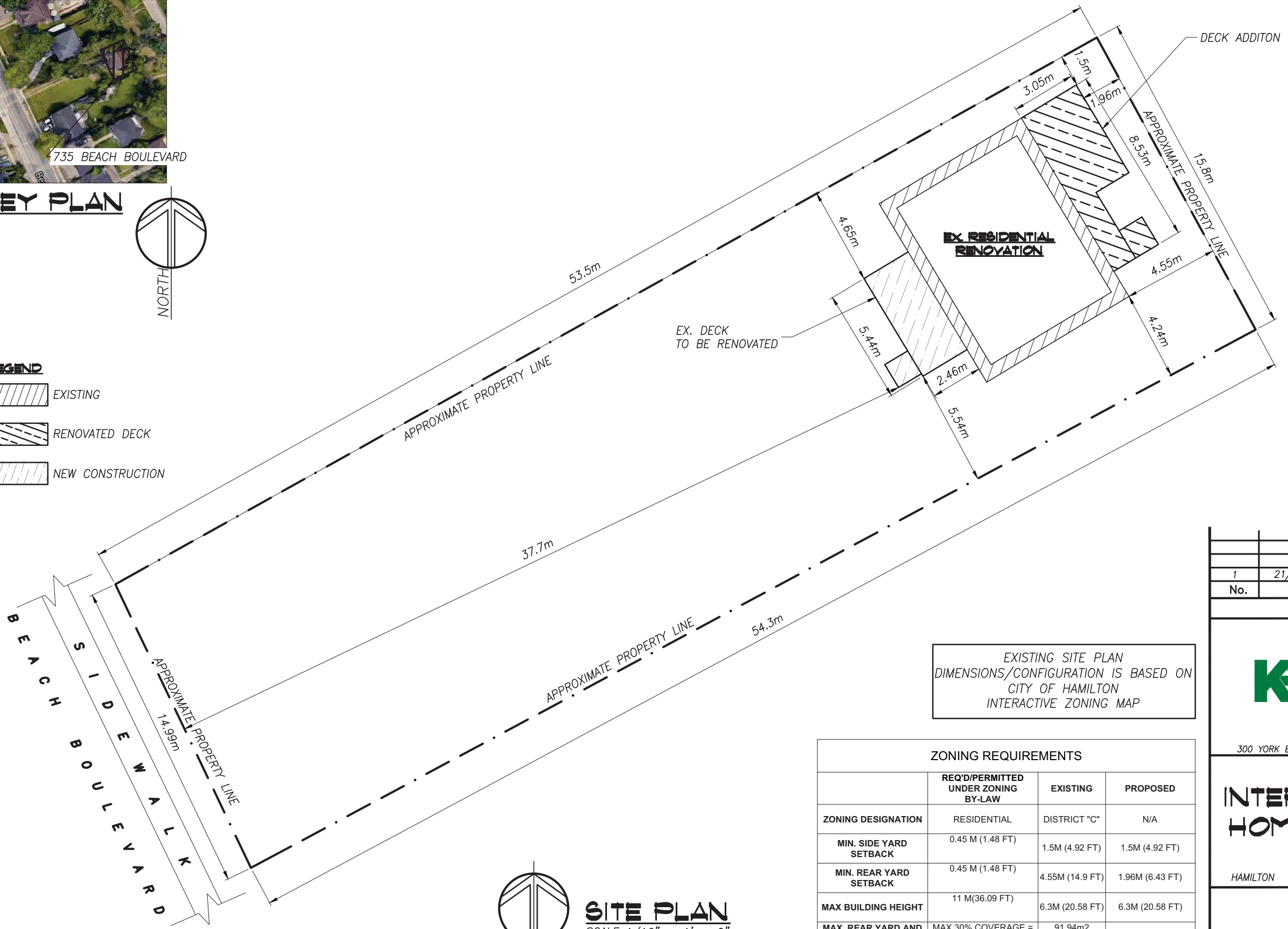
735 BEACH BOULEVARD

**KEY PLAN**



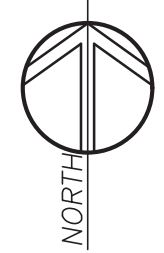
**LEGEND**

- EXISTING
- RENOVATED DECK
- NEW CONSTRUCTION



EXISTING SITE PLAN DIMENSIONS/CONFIGURATION IS BASED ON CITY OF HAMILTON INTERACTIVE ZONING MAP

ZONING REQUIREMENTS			
	REQ'D/PERMITTED UNDER ZONING BY-LAW	EXISTING	PROPOSED
ZONING DESIGNATION	RESIDENTIAL	DISTRICT "C"	N/A
MIN. SIDE YARD SETBACK	0.45 M (1.48 FT)	1.5M (4.92 FT)	1.5M (4.92 FT)
MIN. REAR YARD SETBACK	0.45 M (1.48 FT)	4.55M (14.9 FT)	1.96M (6.43 FT)
MAX BUILDING HEIGHT	11 M(36.09 FT)	6.3M (20.58 FT)	6.3M (20.58 FT)
MAX. REAR YARD AND SIDE YARD COMBINED COVERAGE	MAX 30% COVERAGE = (830.94m <sup>2</sup> *0.3) = 249.28m <sup>2</sup>	91.94m <sup>2</sup> (989.63 SQ. FT)	113.31m <sup>2</sup> (1219.7 SQ. FT)



**SITE PLAN**  
SCALE: 1/16" = 1' - 0"



No.	DATE	REVISION
1	21/06/09	ISSUED FOR PERMIT

REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

**INTERIOR/EXTERIOR HOME RENOVATION**

735 BEACH BOULEVARD

HAMILTON

ONTARIO

**SITE PLAN**

DATE <b>JUNE 2021</b>	DRAWN BY <b>JD</b>	DRAWING No. <b>SP.01</b>
PROJECT No. <b>21127</b>	CHECKED BY <b>J.P.C.</b>	

Item	Ontario Building Code Data Matrix Parts 3 & 9				OBC Reference						
					References are to Division B unless noted (A) for Division A or (C) for Division C.						
1	Project description: <input type="checkbox"/> New <input type="checkbox"/> Part 11 <input type="checkbox"/> Part 3 <input checked="" type="checkbox"/> Part 9 PROPOSED RENOVATION <input checked="" type="checkbox"/> Addition 11.1 to 11.4 1.1.2.(A) 1.1.2.(A), 9.10.1.3 <input type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Alteration 1.1.2.7. (A) 1.1.2.7. (A)										
2	Major Occupancy(s) GROUP C				3.1.2.1.(1)	9.10.2					
3	Building Area (m <sup>2</sup> ) Existing: 74.94m <sup>2</sup> New: 45.44m <sup>2</sup> Total: 120.38m <sup>2</sup>				1.4.1.2.(A)	1.4.1.2.(A)					
4	Gross Area Floor Area: 120.83m <sup>2</sup>				1.4.1.2.(A)	1.4.1.2.(A)					
5	Number of Storeys Above Grade: 1.5 Below Grade: 1				3.2.1.1 &	9.10.4. &					
6	Number of Streets/Fire Fighter Access: 1 street				3.2.2.10 & 3.2.5.	9.10.20					
7	Building Classification C - Residential occupancies				3.2.2.20-83	9.10.2					
8	Sprinkler System Proposed <input type="checkbox"/> entire building <input type="checkbox"/> selected compartments <input type="checkbox"/> selected floor areas <input type="checkbox"/> basement <input type="checkbox"/> in lieu of roof rating <input checked="" type="checkbox"/> not required				3.2.2.20-83 3.2.1.5 3.2.1.17 INDEX	9.10.8.2. INDEX					
9	Standpipe Required <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No				3.2.9	N/A					
10	Fire Alarm Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				3.2.4	9.10.18.					
11	Water Service/Supply is Adequate <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				3.2.5.7	N/A					
12	High Building <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No				3.2.6.	N/A					
13	Permitted Construction <input type="checkbox"/> Combustible <input type="checkbox"/> Non-combustible <input checked="" type="checkbox"/> Both Actual Construction <input type="checkbox"/> Combustible <input type="checkbox"/> Non-combustible <input checked="" type="checkbox"/> Both				3.2.2.20-83	9.10.6.					
14	Mezzanine(s) Area m <sup>2</sup> N/A				3.2.1.1.(3)-(8)	9.10.4.1.					
15	Occupant load based on <input type="checkbox"/> m <sup>2</sup> /person <input checked="" type="checkbox"/> design of building <input type="checkbox"/> As Noted Occupancy <u>C</u> Load <u>6</u> persons				3.1.17	9.9.1.3.					
16	Barrier-free Design <input type="checkbox"/> Yes <input type="checkbox"/> No(Explain) <input checked="" type="checkbox"/> N/A				3.8	9.5.2					
17	Hazardous Substances <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				3.3.1.2. & 3.3.1.19	9.10.1.3(4)					
18	Required Fire Resistance Rating (FRR)	Horizontal Assemblies FFR		Listed Design No. of Description (SG-2)	3.2.2.20-83 & 3.2.1.4	9.10.8 9.10.9					
		Floors	N/A				N/A				
		Roof	N/A				N/A				
		Mezzanine		N/A			N/A				
		FFR of Supporting Members		Listed Design No. of Description (SG-2)							
		Floors	N/A	N/A							
		Roof	N/A	N/A							
Mezzanine	N/A	N/A									
19	Spatial Separation - Construction of Exterior Walls				3.2.3	9.10.14					
	Wall	Area of EBF (m <sup>2</sup> )	L.D. (m)	L/H or H/L	Permitted Max. % of Openings	Proposed % of Openings	FFR (Hours)	Listed Design or	Comb. Const.	Comb. Const. Nonc. Cladding	Non-comb. Const.
	FRONT	35.1	37.7	N/A	100%	10%	N/A	N/A	YES	-	-
	REAR	56.4	4.55	N/A	28%	26.1%	N/A	N/A	YES	-	-
	LEFT	42.32	1.5	N/A	7%	0%	N/A	N/A	YES	-	-
RIGHT	42.32	4.2	N/A	32%	19.6%	N/A	N/A	YES	-	-	

ZONING REQUIREMENTS			
	REQ'D/PERMITTED UNDER ZONING BY-LAW	EXISTING	PROPOSED
ZONING DESIGNATION	RESIDENTIAL	DISTRICT "C"	N/A
MIN. SIDE YARD SETBACK	0.45 M (1.48 FT)	1.5M (4.92 FT)	1.5M (4.92 FT)
MIN. REAR YARD SETBACK	0.45 M (1.48 FT)	4.55M (14.9 FT)	1.96M (6.43 FT)
MAX BUILDING HEIGHT	11 M(36.09 FT)	6.3M (20.58 FT)	6.3M (20.58 FT)
MAX. REAR YARD AND SIDE YARD COMBINED COVERAGE	MAX 30% COVERAGE = (830.94m <sup>2</sup> *0.3) = 249.28m <sup>2</sup>	91.94m <sup>2</sup> (989.63 SQ. FT)	113.31m <sup>2</sup> (1219.7 SQ. FT)

**GLAZING CALCULATIONS**

EXISTING BUILDING FACE:	145.26m <sup>2</sup>
EXISTING GLAZING:	16.6m <sup>2</sup>
% EX. GLAZING COVERAGE:	11.4%
PROPOSED BUILDING FACE:	176.14m <sup>2</sup>
PROPOSED GLAZING:	20.63m <sup>2</sup>
% PROPOSED GLAZING COVERAGE:	11.7%

PLOT DATE: 2021/06/09 6:21 PM

No.	DATE	REVISION
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**REVISIONS**



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

## INTERIOR/EXTERIOR HOME RENOVATION

735 BEACH BOULEVARD  
HAMILTON ONTARIO

### GENERAL NOTES

DATE <b>JUNE 2021</b>	DRAWN BY <b>JD</b>	DRAWING No. <b>S0.02</b>
PROJECT No. <b>21127</b>	CHECKED BY <b>J.P.C.</b>	







**WINDOW SCHEDULE:**

- W1 - EX. 55"x50" WINDOW REMOVED REPLACED W/ 45"x30" WINDOW NEW 2-2"x8" HEADER TO SUIT OPENING
- W2 - EX. 43"x30" WINDOW TO BE INFILLED EX. HEADER TO BE REMOVED
- W3 - EX. 55"x30" WINDOW REMOVED REPLACED W/ 45"x30" WINDOW NEW 2-2"x8" HEADER TO SUIT OPENING
- W4 - EX. 43"x20" WINDOW TO REMAIN EX. HEADER ADEQUATE TO REMAIN
- W5 - EX. 35"x27" WINDOW REMOVED REPLACED W/ NEW 35"x27" WINDOW NEW 2-2"x8" HEADER
- W6 - NEW 43"x48" WINDOW NEW 2-2"x8" HEADER
- W7 - NEW 33"x22" WINDOW NEW 2-2"x8" HEADER
- W8 - EX. 53"x95" WINDOW REMOVED EX. HEADER TO BE REMOVED
- W9 - EX. 16"x16" WINDOW TO BE INFILLED EX. HEADER TO BE REMOVED
- W10 - EX. 63"x146" WINDOW REMOVED REPLACED W/ 48"x72" WINDOW NEW 2-2"x8" HEADER TO SUIT OPENING

NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28

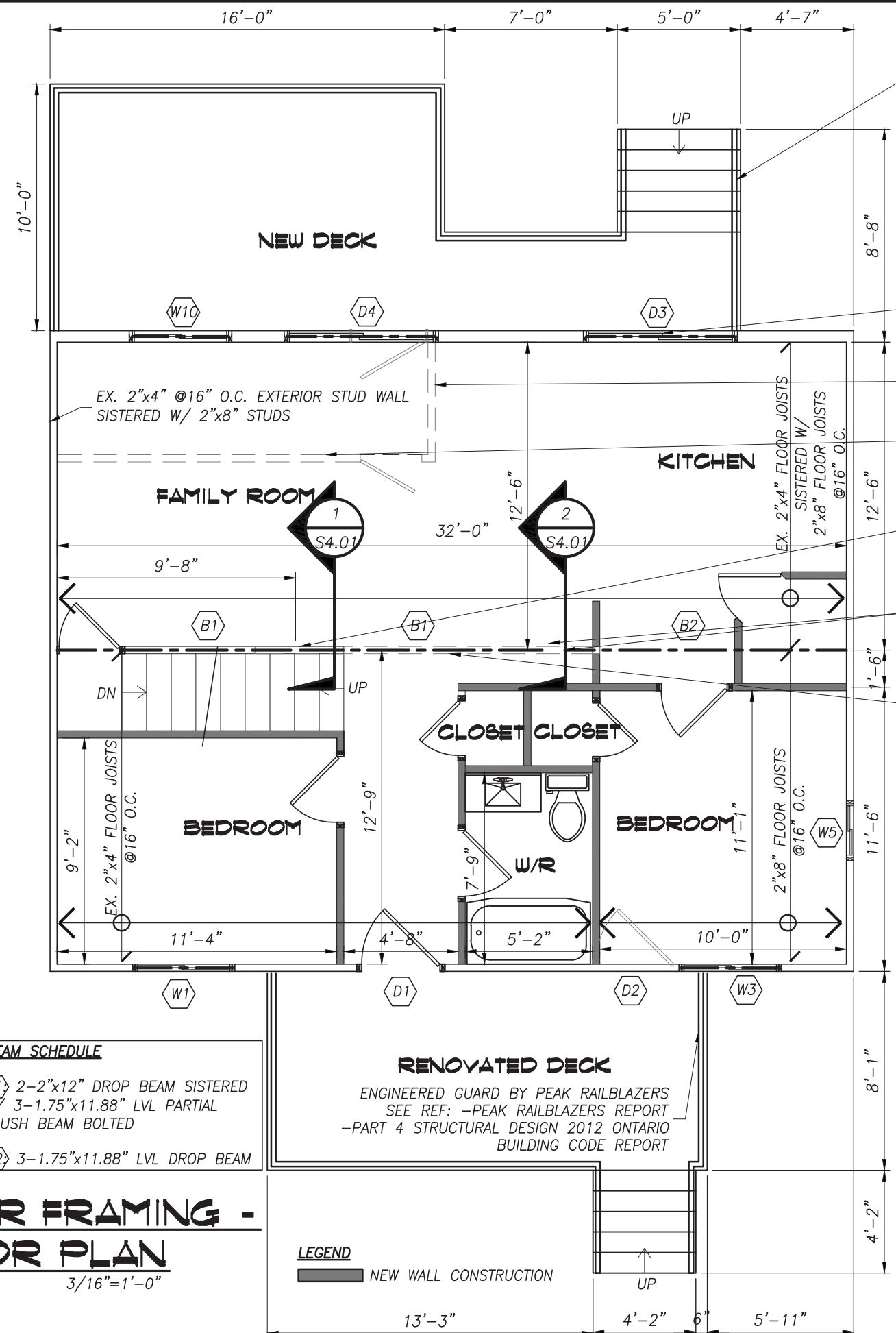
**DOOR SCHEDULE:**

- D1 - NEW 48"x84" DOOR NEW 2-2"x8" HEADER
- D2 - EX. 36"x84" DOOR TO BE INFILLED EX. LINTEL TO BE REMOVED
- D3 - NEW 70"x80" SLIDING DOOR NEW 2-2"x8" HEADER
- D4 - EX. 36"x84" DOOR REMOVED REPLACED W/ NEW 70"x80" SLIDING DOOR NEW 2-2"x8" HEADER TO SUIT NEW OPENING
- D5 - NEW 60"x60" SLIDING DOOR NEW 2-2"x8" HEADER

NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28

**BEAM SCHEDULE**

- B1 2-2"x12" DROP BEAM SISTERED W/ 3-1.75"x11.88" LVL PARTIAL FLUSH BEAM BOLTED
- B2 3-1.75"x11.88" LVL DROP BEAM



ENGINEERED GUARD BY PEAK RAILBLAZERS  
SEE REF: -PEAK RAILBLAZERS REPORT  
-PART 4 STRUCTURAL DESIGN 2012  
BUILDING CODE REPORT

EX. WINDOW TO BE REMOVED  
NEW 70"x80" SLIDING DOOR C/W  
2-2"x8" HEADER TO SUIT OPENING

EX. NON LOAD BEARING WALL  
TO BE REMOVED

EX. LOAD BEARING WALL  
TO BE REMOVED

3-2"x4" BUILT UP POST  
PROVIDE SOLID BLOCKING BELOW

5-2"x4" BUILT UP POST  
PROVIDE SOLID BLOCKING TO BEAM BELOW

EX. LOAD BEARING WALL  
TO BE REMOVED

**DESIGN LOADING:**

MAIN FLOOR:  
DEAD LOAD = 15 psf  
LIVE LOAD = 40 psf

SECOND FLOOR:  
DEAD LOAD = 15 psf  
LIVE LOAD = 40 psf

ROOF LOAD (HAMILTON BELOW  
ESCARPMENT EAST OF HWY 403)

Ss = 27.2 psf  
Sr = 8.4 psf



NOTE: GUARD DESIGN TO MEET OR EXCEED 4.1.5.14(C) OF THE O.B.C.

(1) THE MINIMUM SPECIFIED HORIZONTAL LOAD APPLIED INWARD OR OUTWARD AT THE MINIMUM REQUIRED HEIGHT OF EVERY REQUIRED GUARD SHALL BE,

(C) 0.75KN/M OR A CONCENTRATED LOAD OF 1.0KN APPLIED AT ANY POINT, WHICHEVER GOVERNS FOR LOCATIONS OTHER THAN THOSE DESCRIBED IN CLAUSES (A) AND (B).

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300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

**INTERIOR/EXTERIOR HOME RENOVATION**

735 BEACH BOULEVARD

HAMILTON ONTARIO

**SECOND FLOOR FRAMING - MAIN FLOOR PLAN**

DATE JUNE 2021	DRAWN BY JD	DRAWING No. S1.02
PROJECT No. 21127	CHECKED BY J.P.C.	

**SECOND FLOOR FRAMING - MAIN FLOOR PLAN**

SCALE: 3/16"=1'-0"

**LEGEND**  
NEW WALL CONSTRUCTION

PLOT DATE: 2021/06/09 6:22 PM



**WINDOW SCHEDULE:**

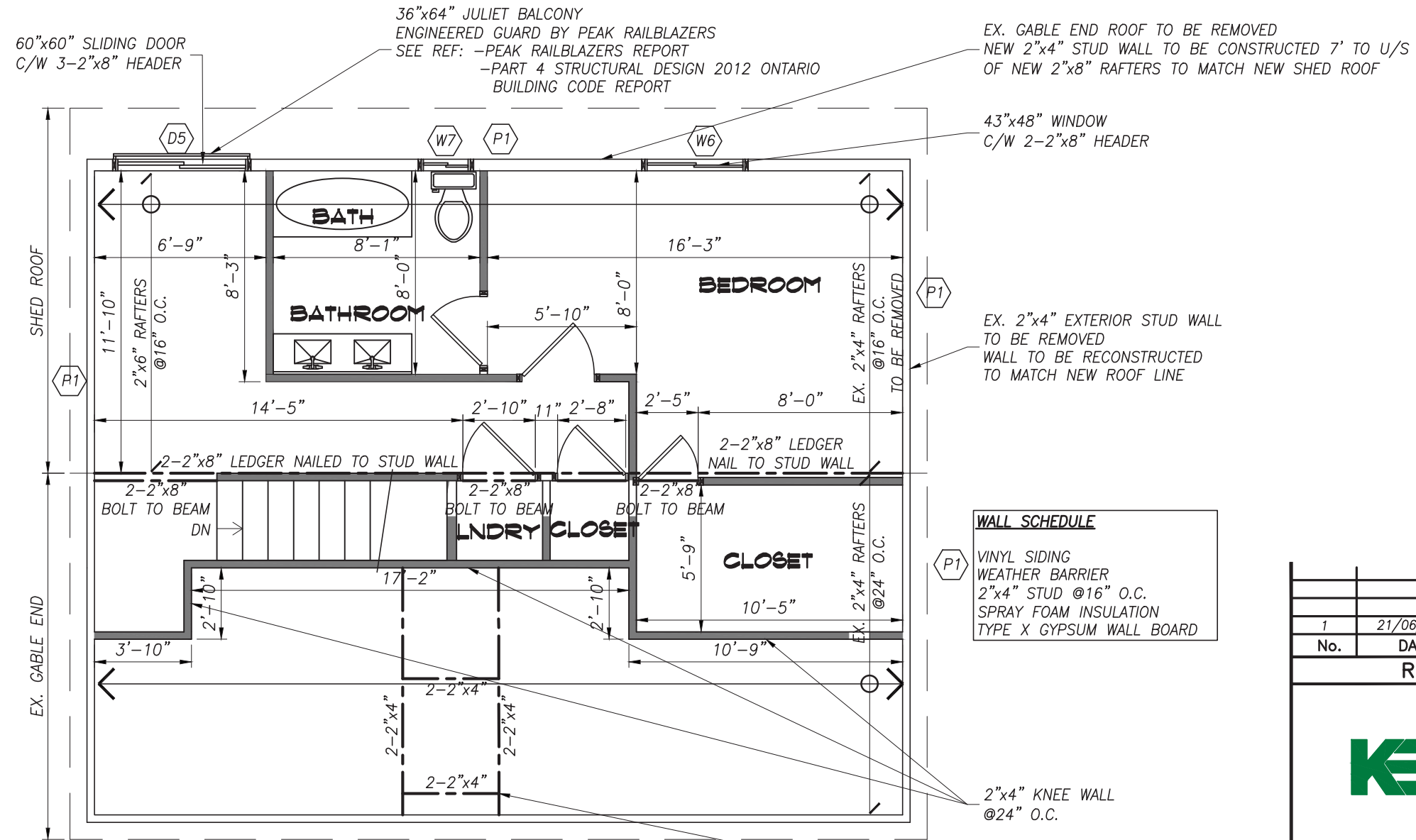
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NEW 2-2"x8" HEADER TO SUIT OPENING
- W2 - EX. 43"x30" WINDOW TO BE INFILLED  
EX. HEADER TO BE REMOVED
- W3 - EX. 55"x30" WINDOW REMOVED  
REPLACED W/ 45"x30" WINDOW  
NEW 2-2"x8" HEADER TO SUIT OPENING
- W4 - EX. 43"x20" WINDOW TO REMAIN  
EX. HEADER ADEQUATE TO REMAIN
- W5 - EX. 35"x27" WINDOW REMOVED  
REPLACED W/ NEW 35"x27" WINDOW  
NEW 2-2"x8" HEADER
- W6 - NEW 43"x48" WINDOW  
NEW 2-2"x8" HEADER
- W7 - NEW 33"x22" WINDOW  
NEW 2-2"x8" HEADER
- W8 - EX. 53"x95" WINDOW REMOVED  
EX. HEADER TO BE REMOVED
- W9 - EX. 16"x16" WINDOW TO BE INFILLED  
EX. HEADER TO BE REMOVED
- W10 - EX. 63"x146" WINDOW REMOVED  
REPLACED W/ 48"x72" WINDOW  
NEW 2-2"x8" HEADER TO SUIT OPENING

NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28

**DOOR SCHEDULE:**

- D1 - NEW 48"x84" DOOR  
NEW 2-2"x8" HEADER
- D2 - EX. 36"x84" DOOR TO BE INFILLED  
EX. LINTEL TO BE REMOVED
- D3 - NEW 70"x80" SLIDING DOOR  
NEW 2-2"x8" HEADER
- D4 - EX. 36"x84" DOOR REMOVED  
REPLACED W/ NEW 70"x80" SLIDING DOOR  
NEW 2-2"x8" HEADER TO SUIT NEW OPENING
- D5 - NEW 60"x60" SLIDING DOOR  
NEW 2-2"x8" HEADER

NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28



**LEGEND**

NEW WALL CONSTRUCTION

**ROOF FRAMING PLAN**

SCALE: 3/16"=1'-0"

**WALL SCHEDULE**

VINYL SIDING
WEATHER BARRIER
2"x4" STUD @16" O.C.
SPRAY FOAM INSULATION
TYPE X GYPSUM WALL BOARD

2"x4" KNEE WALL @24" O.C.

SKYLIGHT FRAMING

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**INTERIOR/EXTERIOR HOME RENOVATION**

735 BEACH BOULEVARD

HAMILTON

ONTARIO

**ROOF FRAMING PLAN**



DATE JUNE 2021	DRAWN BY JD	DRAWING No.
PROJECT No. 21127	CHECKED BY J.P.C.	<b>S1.03</b>

**WINDOW SCHEDULE:**

- W1 - EX. 55"x50" WINDOW REMOVED  
REPLACED W/ 45"x30" WINDOW  
NEW 2-2"x8" HEADER TO SUIT OPENING
- W2 - EX. 43"x30" WINDOW TO BE INFILLED  
EX. HEADER TO BE REMOVED
- W3 - EX. 55"x30" WINDOW REMOVED  
REPLACED W/ 45"x30" WINDOW  
NEW 2-2"x8" HEADER TO SUIT OPENING
- W4 - EX. 43"x20" WINDOW TO REMAIN  
EX. HEADER ADEQUATE TO REMAIN
- W5 - EX. 35"x27" WINDOW REMOVED  
REPLACED W/ NEW 35"x27" WINDOW  
NEW 2-2"x8" HEADER
- W6 - NEW 43"x48" WINDOW  
NEW 2-2"x8" HEADER
- W7 - NEW 33"x22" WINDOW  
NEW 2-2"x8" HEADER
- W8 - EX. 53"x95" WINDOW REMOVED  
EX. HEADER TO BE REMOVED
- W9 - EX. 16"x16" WINDOW TO BE INFILLED  
EX. HEADER TO BE REMOVED
- W10 - EX. 63"x146" WINDOW REMOVED  
REPLACED W/ 48"x72" WINDOW  
NEW 2-2"x8" HEADER TO SUIT OPENING

NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28

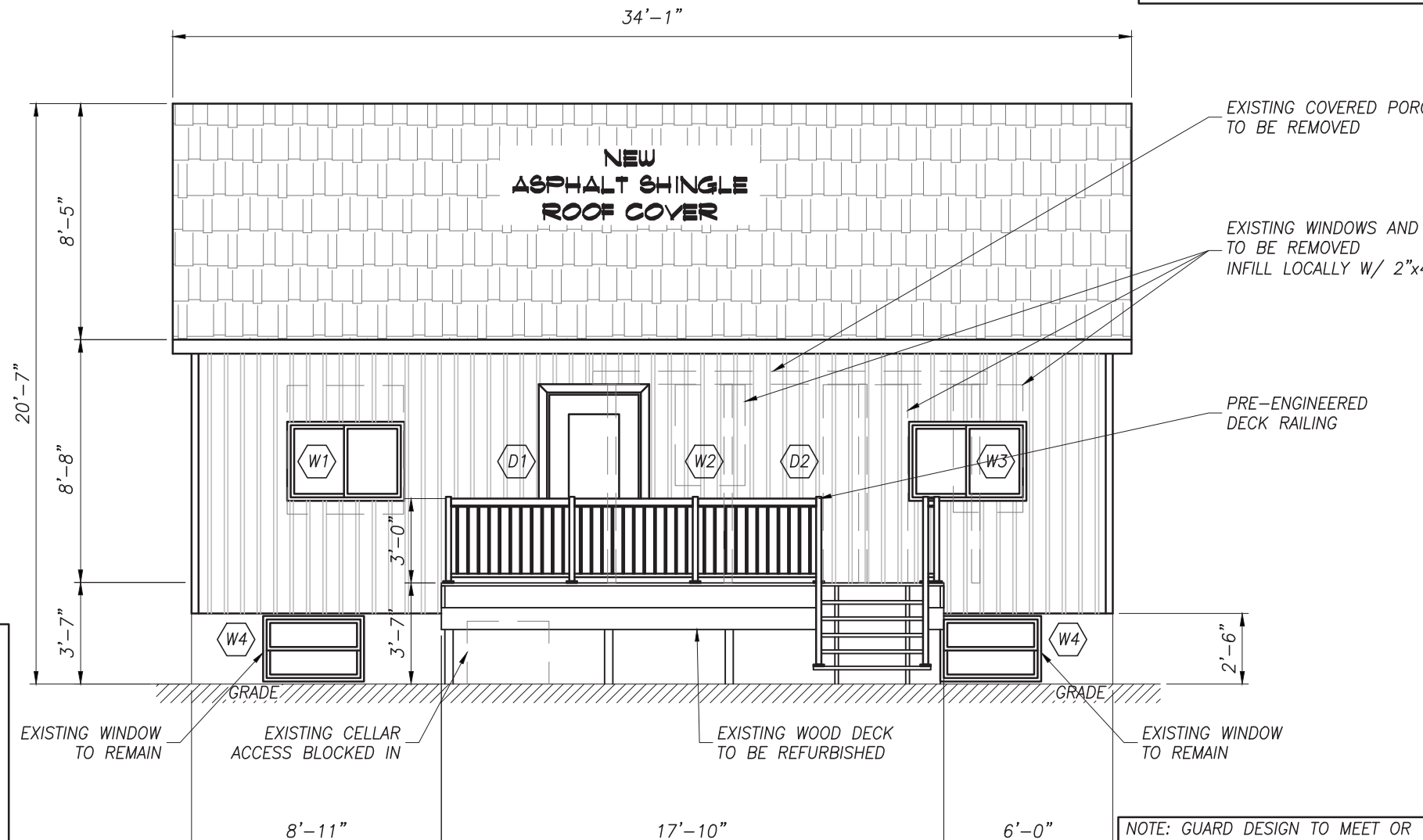
**DOOR SCHEDULE:**

- D1 - NEW 48"x84" DOOR  
NEW 2-2"x8" HEADER
- D2 - EX. 36"x84" DOOR TO BE INFILLED  
EX. LINTEL TO BE REMOVED
- D3 - NEW 70"x80" SLIDING DOOR  
NEW 2-2"x8" HEADER
- D4 - EX. 36"x84" DOOR REMOVED  
REPLACED W/ NEW 70"x80" SLIDING DOOR  
NEW 2-2"x8" HEADER TO SUIT NEW OPENING
- D5 - NEW 60"x60" SLIDING DOOR  
NEW 2-2"x8" HEADER

NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28

**GLAZING CALCULATIONS**

EXISTING BUILDING FACE:	145.26m <sup>2</sup>
EXISTING GLAZING:	16.6m <sup>2</sup>
% EX. GLAZING COVERAGE:	11.4%
PROPOSED BUILDING FACE:	176.14m <sup>2</sup>
PROPOSED GLAZING:	20.63m <sup>2</sup>
% PROPOSED GLAZING COVERAGE:	11.7%



**FRONT ELEVATION**

SCALE: 3/16"=1'-0"



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**REVISIONS**



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

**INTERIOR/EXTERIOR HOME RENOVATION**

735 BEACH BOULEVARD

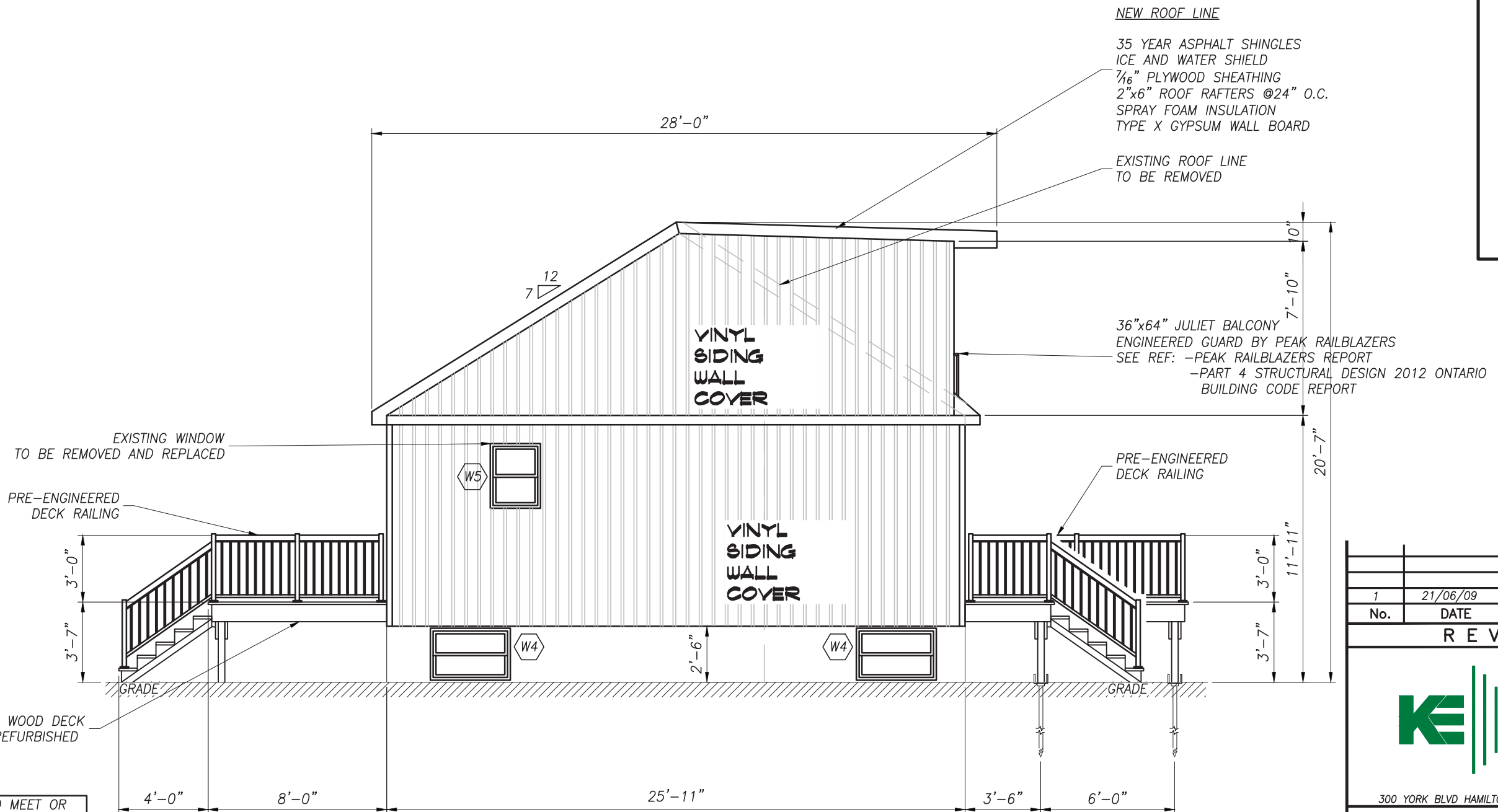
HAMILTON

ONTARIO

**FRONT ELEVATION**

DATE <b>JUNE 2021</b>	DRAWN BY <b>JD</b>	DRAWING No. <b>S2.01</b>
PROJECT No. <b>21127</b>	CHECKED BY <b>J.P.C.</b>	

PLOT DATE: 2021/06/09 6:23 PM



**RIGHT ELEVATION**

SCALE: 3/16"=1'-0"

NOTE: GUARD DESIGN TO MEET OR EXCEED 4.1.5.14(C) OF THE O.B.C.

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**INTERIOR/EXTERIOR HOME RENOVATION**

735 BEACH BOULEVARD

HAMILTON

ONTARIO

**LEFT ELEVATION**

DATE JUNE 2021	DRAWN BY JD	DRAWING No. <b>S2.02</b>
PROJECT No. 21127	CHECKED BY J.P.C.	

PLOT DATE: 2021/06/09 6:23 PM

**WINDOW SCHEDULE:**

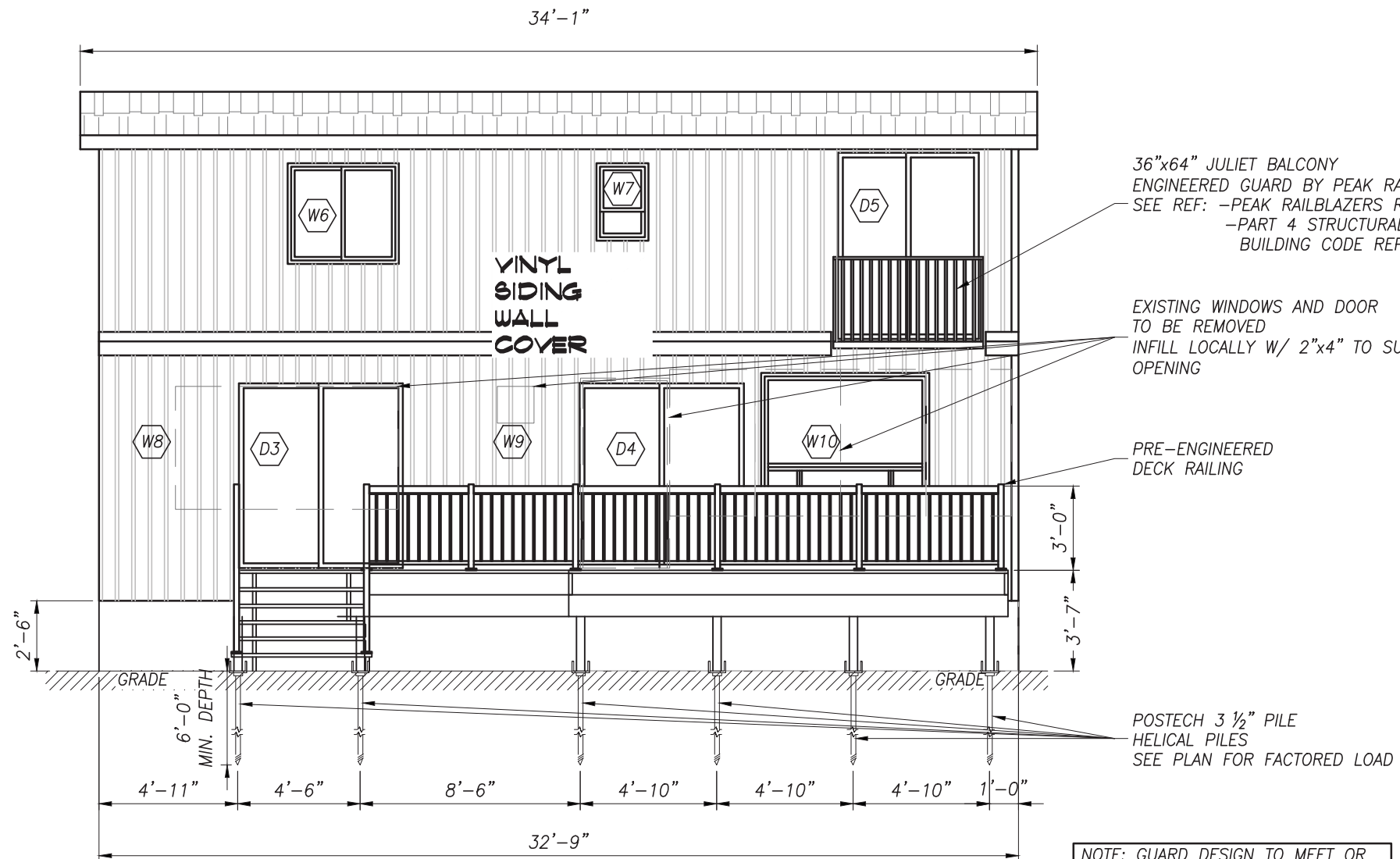
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- W3 - EX. 55"x30" WINDOW REMOVED  
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NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28

**DOOR SCHEDULE:**

- D1 - NEW 48"x84" DOOR  
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NEW 2-2"x8" HEADER TO SUIT NEW OPENING
- D5 - NEW 60"x60" SLIDING DOOR  
NEW 2-2"x8" HEADER

NOTE: NEW WINDOWS AND SLIDING GLASS DOOR TO HAVE MAX U-VALUE OF 0.28



36"x64" JULIET BALCONY  
ENGINEERED GUARD BY PEAK RAILBLAZERS  
SEE REF: -PEAK RAILBLAZERS REPORT  
-PART 4 STRUCTURAL DESIGN 2012 ONTARIO  
BUILDING CODE REPORT

EXISTING WINDOWS AND DOOR  
TO BE REMOVED  
INFILL LOCALLY W/ 2"x4" TO SUIT NEW WINDOW/DOOR  
OPENING

PRE-ENGINEERED  
DECK RAILING

POSTECH 3 1/2" PILE  
HELICAL PILES  
SEE PLAN FOR FACTORED LOAD

**REAR ELEVATION**

SCALE: 3/16"=1'-0"

NOTE: GUARD DESIGN TO MEET OR EXCEED 4.1.5.14(C) OF THE O.B.C.

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**INTERIOR/EXTERIOR HOME RENOVATION**

735 BEACH BOULEVARD

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ONTARIO

**REAR ELEVATION**

DATE <b>JUNE 2021</b>	DRAWN BY <b>JD</b>	DRAWING No. <b>S2.03</b>
PROJECT No. <b>21127</b>	CHECKED BY <b>J.P.C.</b>	



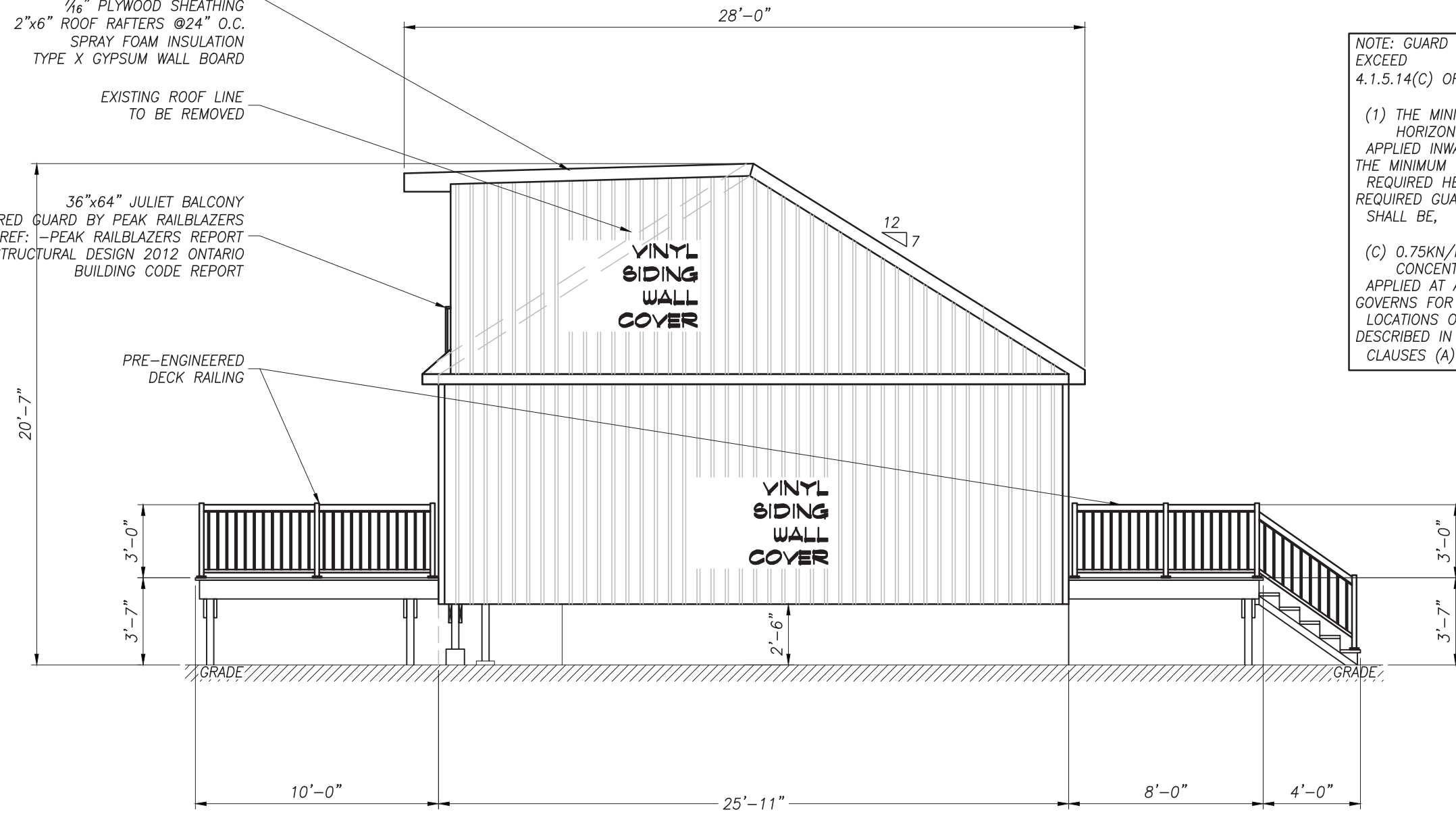
NEW ROOF LINE  
 35 YEAR ASPHALT SHINGLES  
 ICE AND WATER SHIELD  
 7/16" PLYWOOD SHEATHING  
 2"x6" ROOF RAFTERS @24" O.C.  
 SPRAY FOAM INSULATION  
 TYPE X GYPSUM WALL BOARD

EXISTING ROOF LINE  
 TO BE REMOVED

36"x64" JULIET BALCONY  
 ENGINEERED GUARD BY PEAK RAILBLAZERS  
 SEE REF: -PEAK RAILBLAZERS REPORT  
 -PART 4 STRUCTURAL DESIGN 2012 ONTARIO  
 BUILDING CODE REPORT

PRE-ENGINEERED  
 DECK RAILING

NOTE: GUARD DESIGN TO MEET OR EXCEED 4.1.5.14(C) OF THE O.B.C.  
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**LEFT ELEVATION**

SCALE: 3/16"=1'-0"



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1	21/06/09	ISSUED FOR PERMIT

**REVISIONS**



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

**INTERIOR/EXTERIOR HOME RENOVATION**

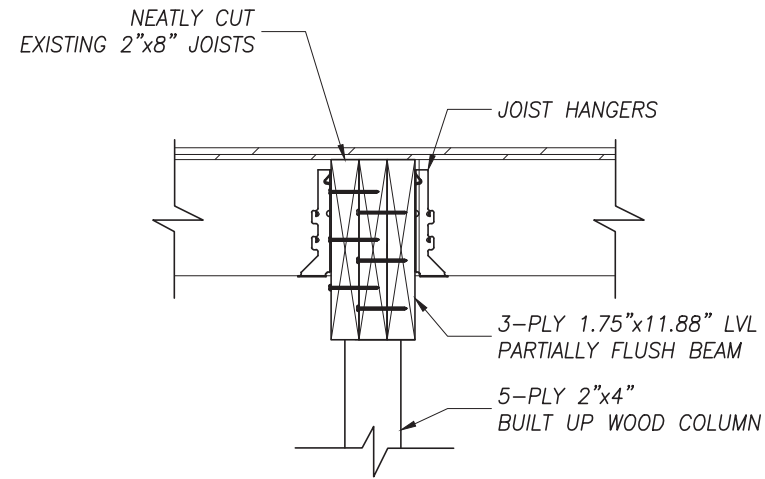
735 BEACH BOULEVARD

HAMILTON

ONTARIO

**RIGHT ELEVATION**

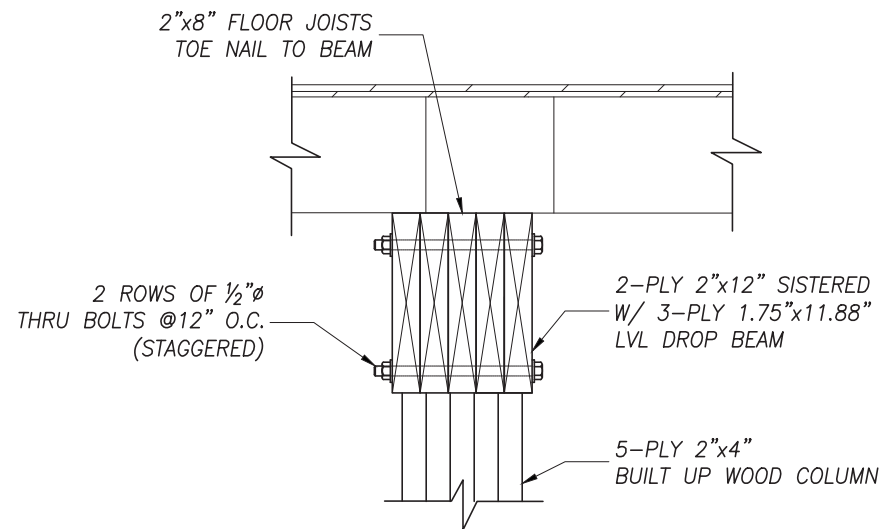
DATE JUNE 2021	DRAWN BY JD	DRAWING No. <b>S2.04</b>
PROJECT No. 21127	CHECKED BY J.P.C.	



**PARTIALLY FLUSH BEAM DETAIL**

SCALE:

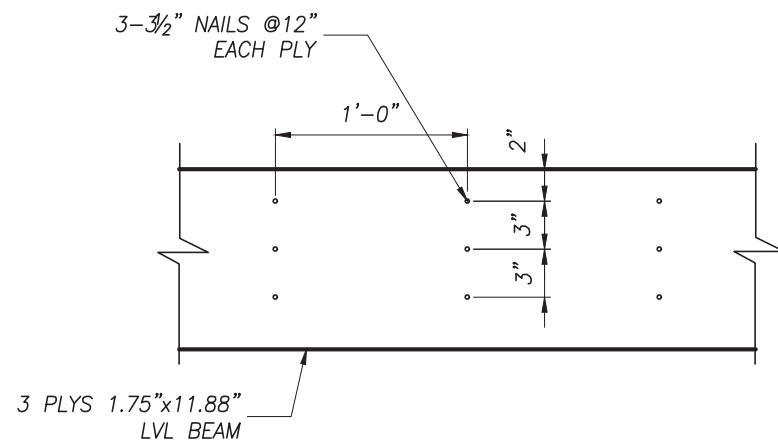
1"=1'-0"



**DROP BEAM DETAIL**

SCALE:

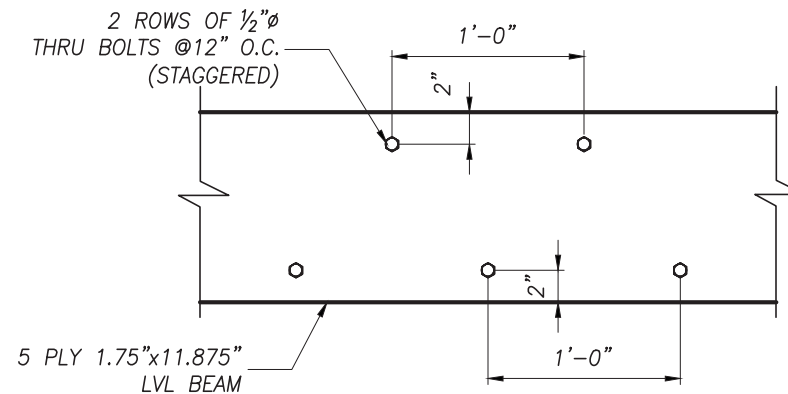
1"=1'-0"



**BEAM NAILING PATTERN**

SCALE:

1"=1'-0"



**BEAM BOLTING PATTERN**

SCALE:

1"=1'-0"

No.	DATE	REVISION
1	21/06/09	ISSUED FOR PERMIT

**REVISIONS**



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

**INTERIOR/EXTERIOR HOME RENOVATION**

735 BEACH BOULEVARD

HAMILTON

ONTARIO

**SECTIONS**

DATE JUNE 2021	DRAWN BY JD	DRAWING No. <b>S4.01</b>
PROJECT No. 21127	CHECKED BY J.P.C.	



## Report Of:

- **2014 Alberta Building Code - Part 9**
- **2012 British Columbia Building Code - Part 9**
- **2015 National Building Code of Canada - Part 9**
- **2012 Ontario Building Code - Part 9**

PLEASE CONTACT [cofa@hamilton.ca](mailto:cofa@hamilton.ca) for the remainder of the document.

### **WARNING**

No representation or warranty is given that your particular application of these products complies with relevant building codes or that the fasteners provided or used are appropriate for your application. Therefore consult with professionals and local building officials before beginning work: (i) to ensure compliance with relevant building codes for your application and for your proposed use of fasteners; (ii) to ensure the integrity of the structural components in connection with which these products are to be used; (iii) to identify appropriate safety gear that is to be used during installation such as a safety harness when working above ground; (iv) to ensure that the work area is free from utilities, services and hazards; and, (v) to clarify any instructions or warnings that may not be clear. Work in a safe manner wearing protective gear such as gloves, eyewear, headwear, footwear and clothing. When using tools always comply with operation manuals and instructions. Metal and glass may have sharp edges and could fragment or splinter during or as a result of handling or cutting. Do not use these products in connection with any substance that is or may be harmful or corrosive to the products. Inspect and maintain these products and the structural components that they are used in connection with on a regular basis using professionals when appropriate. These instructions have been prepared for certain standard residential applications. Obtain professional advice for any non-standard or non-residential application.

# Report Of:

- **2012 Ontario Building Code - Part 4**

PLEASE CONTACT [cofa@hamilton.ca](mailto:cofa@hamilton.ca) for the remainder of the document.

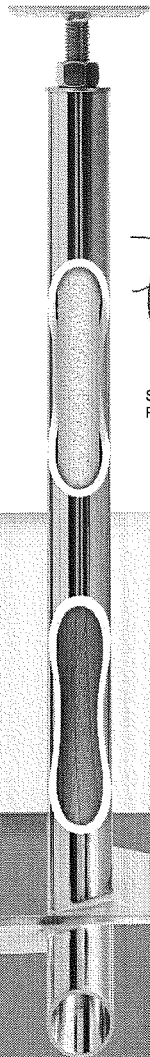
**WARNING**

No representation or warranty is given that your particular application of these products complies with relevant building codes or that the fasteners provided or used are appropriate for your application. Therefore consult with professionals and local building officials before beginning work: (i) to ensure compliance with relevant building codes for your application and for your proposed use of fasteners; (ii) to ensure the integrity of the structural components in connection with which these products are to be used; (iii) to identify appropriate safety gear that is to be used during installation such as a safety harness when working above ground; (iv) to ensure that the work area is free from utilities, services and hazards; and, (v) to clarify any instructions or warnings that may not be clear. Work in a safe manner wearing protective gear such as gloves, eyewear, headwear, footwear and clothing. When using tools always comply with operation manuals and instructions. Metal and glass may have sharp edges and could fragment or splinter during or as a result of handling or cutting. Do not use these products in connection with any substance that is or may be harmful or corrosive to the products. Inspect and maintain these products and the structural components that they are used in connection with on a regular basis using professionals when appropriate. These instructions have been prepared for certain standard residential applications. Obtain professional advice for any non-standard or non-residential application.





# TECHNICAL DATA SHEET POSTECH PILE P312 (3 1/2")



**CCMC**  
13102-R



## NORMATIVE INFORMATION

Postech products are approved by the Canadian Construction Materials Centre (CCMC 13102-R). They were tested on-site by an engineering firm recognized by the CCMC. The technical evaluation indicates that Postech products respect the requirements of the CCMC guidelines for augered steel piles. Their performance is equivalent or superior to prescribed NBC 2010 standards.

### MANUFACTURER:

Pieux Vistech - Postech Screw Piles  
10260, Bourque boulevard  
Sherbrooke QC J1N 0G2  
Tel. : 819.843.3003  
Toll free: 1.866.277.4389  
Fax : 819.868.0793  
postech-foundations.com

## PRODUCT CHARACTERISTICS

### Physical and Chemical properties

STEEL GRADE	Conform to CAN/CSA G40.21-350W and/or ASTM A500 class C
ARC WELDING	Conform to CSA W59-13
HOT DIP GALVANIZATION	Conform to ASTM-A123M
THERMAL INSULATION	Unique polyurethane foam

### Standard characteristics

TUBING DIAMETER	89 mm (3 1/2 in)
BLADE DIAMETER	From 255 to 455 mm (10 in to 18 in)
TUBING LENGTH	Standard of 2.1 m and 3 m (7 ft. and 10 ft.)
TUBING THICKNESS	5.5 mm (0.216 in)
BLADE THICKNESS	9.5 mm (3/8 in) for diameter from 10 to 14 in. 12.7 mm (1/2 in) for diameter from 16 to 18 in
ADAPTER HEADS	Various forms as needed according to the project specifications
EXTENSIONS	Available according to project specifications

## ALLOWABLE MECHANICAL RESISTANCE (SLS)

MAXIMUM COMPRESSIVE AND TENSILE OF TUBING	270 kN
BENDING MOMENT OF TUBING	7.9 kN.m

SLS = Service Limit State

## DESIGN INFORMATION

### BEARING CAPACITY

Postech products are designed to bear compressive, tension and lateral loads through the blade at the bottom of the shaft. The design of the shaft and the size of the blade depend on the load and on the bearing capacity of the soil. The monitoring of the applied torque on site allows for the confirmation of the allowable bearing capacity (SLS) of the soil.

### THERMAL INSULATION

Postech products are insulated by a process of injecting polyurethane foam in the piles shaft. The revolutionary insulation system ensures that the inside of the pile is maintained at a temperature that will prevent ice or frost build-up at the base of the pile; providing optimal protection against ground motion using our planet's heat.

## SCREW PILE ADVANTAGES

- Product and installation is supplied, you only need to mark the spot!
- Can be installed in all climates, weather or ground conditions;
- No excavation usually required, minimal impact to your property;
- No waiting time, you can build as soon as the installation is ready;
- Reusable and recyclable, environmentally friendly;
- Can be installed under an existing structure;
- The most reliable & economical solution available.



# TECHNICAL DATA SHEET POSTECH PILE P312 (3 1/2")



## COHESIONLESS SOILS (SILT, SAND OR GRAVEL)

### ALLOWABLE LOADS (SLS) DEPENDING ON APPLIED TORQUES

APPLIED TORQUES (LB-FT)	ALLOWABLE LOADS (kN)	
	COMPRESSIVE	TENSILE
500	20	4
750	24	8
1000	29	11
1250	34	14
1500	39	18
1750	44	21
2000	49	25
2250	53	31
2500	58	31
2750	63	35
3000	68	40
3250	73	44
3500	78	48
3750	82	50
4000	87	52
4250	92	54
4500	97	56
4750	102	58
5000	107	60
5250	112	62
5500	116	64
5750	121	66
6000	126	68

### ALLOWABLE LOADS (SLS) DEPENDING ON SOIL DENSITIES

SOIL DENSITIES kN / m <sup>3</sup>	ALLOWABLE LATERAL LOADS (kN)
	P312
18	5.0
20	5.6
22	6.2

#### Technical Notes

- For cohesionless soils, the safety factor varies from 2.0 to 3.0 in compressive loads and from 2.0 to 2.4 in tensile loads.
- The safety factor for the lateral loads varies from 2.0 to 6.4, for cohesionless and cohesive soils.
- If there are any boulders (> 200 mm in diameter) in the granular matrix, the above mentioned capacities will be overstated. In this case, the allowable loads will be established on-site using a confirmatory test.

SLS = Service Limit State



SMP - Service Corp.  
PEO CofA # 100523034

**CCMC**  
13102-R



### NORMATIVE INFORMATION

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Sherbrooke QC J1N 0G2  
Tel : 819.843.3003  
Toll free: 1.866.277.4389  
Fax : 819.868.0793  
postech-foundations.com





# TECHNICAL DATA SHEET POSTECH PILE P312 (3 1/2")



## ALLOWABLE LOAD VALUES OF POSTECH SCREW PILES

The geotechnical calculations for Postech's screw piles were carried out in accordance with the requirements of sub-section 4.2.4 of National Building Code (NBC). We used the design methods set out in Chapters 19 and 20 of the Canadian Foundation Engineering Manual (CFEM). These calculations are based on the physical and mechanical properties of the on-site at the blade depth and along the steel tubing.

### ALLOWABLE LOADS (SLS) – COHESIVE SOILS (CLAY)

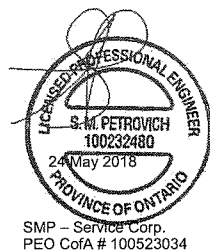
Undrained shear strengths (kPa)	Allowable bearing capacities of soils (kPa)*	ALLOWABLE LOADS (kN)									
		Blade 255 mm Ø (10" Ø)		Blade 300 mm Ø (12" Ø)		Blade 355 mm Ø (14" Ø)		Blade 405 mm Ø (16" Ø)		Blade 455 mm Ø (18" Ø)	
		C	T	C	T	C	T	C	T	C	T
C=compressive, T=tensile											
30	50	8	6	11	7	15	10	20	12	25	15
44	75	11	8	16	11	22	14	29	18	36	22
58	100	15	11	21	14	29	19	38	24	48	29
73	125	19	14	26	18	37	23	48	30	60	36
88	150	23	17	32	21	44	28	58	36	73	44
102	175	27	19	37	25	51	33	67	41	84	51
117	200	30	22	42	28	59	38	77	47	97	58
145	250	38	27	52	35	73	47	95	59	120	72
≥175	≥300	46	33	63	42	88	56	115	71	145	87

### ALLOWABLE LOADS (SLS) – COHESIONLESS SOILS (SILT, SAND OR GRAVEL)

Compaction indexes N	Allowable bearing capacities of soils (kPa)*	ALLOWABLE LOADS (kN)									
		Blade 255 mm Ø (10" Ø)		Blade 300 mm Ø (12" Ø)		Blade 355 mm Ø (14" Ø)		Blade 405 mm Ø (16" Ø)		Blade 455 mm Ø (18" Ø)	
		C	T	C	T	C	T	C	T	C	T
C=compressive, T=tensile											
3	50	6	4	8	6	11	8	15	11	19	14
5	75	10	7	14	10	19	14	25	18	31	23
6	100	12	9	16	12	23	17	30	22	37	27
8	125	16	11	22	16	30	22	39	29	50	36
10	150	20	14	27	20	38	28	49	36	62	46
11	175	21	16	30	22	42	30	54	40	68	50
13	200	25	19	35	26	49	38	64	47	81	59
16	250	31	23	43	32	60	44	79	58	99	73
20	300	39	29	54	40	76	55	98	72	124	91
≥25	≥ 350	49	36	68	50	95	69	123	90	155	114

\* Note: For a conventional strip footing with a width of less than 1 m.

SLS = Service Limit State



SMP - Service Corp.  
PEO CoFA # 100523034

CCMC  
13102-R



CERTIFIED  
CSA W47.1

### NORMATIVE INFORMATION

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postech-foundations.com



# TECHNICAL DATA SHEET POSTECH PILE P312 (3 1/2")



## COHESIVE SOILS (CLAY)

### ALLOWABLE LOADS (SLS) DEPENDING ON APPLIED TORQUES

APPLIED TORQUES (LB-FT)	ALLOWABLE LOADS (kN)	
	COMPRESSIVE	TENSILE
750	8	6
1000	11	8
1250	14	10
1500	17	12
1750	19	14
2000	22	16
2250	25	19
2500	28	21
2750	31	23
3000	33	25
3250	36	27
3500	39	29
3750	42	32
4000	44	34
4250	47	36
4500	50	38



SMP - Service Corp.  
PEO CofA # 100523034

**CCMC**  
13102-R



### NORMATIVE INFORMATION

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### ALLOWABLE LOADS (SLS) DEPENDING ON SOIL DENSITIES

SOIL DENSITY	ALLOWABLE LATERAL LOAD (kN)
kN/m <sup>3</sup>	P312
16	4.5

SLS = Service Limit State

#### Notes techniques

- For cohesive soils, the safety factor varies from 2.0 to 2.9 in compressive and in tensile loads.
- The safety factor for the lateral loads varies from 2.0 to 6.4, for cohesionless and cohesive soils.
- If there are any boulders (> 200 mm in diameter) in the granular matrix, the above mentioned capacities will be overstated. In this case, the allowable loads will have to be established on-site using a confirmatory test.





Hamilton

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

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

**APPLICATION FOR A MINOR VARIANCE**

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

**The Planning Act**

**Application for Minor Variance or for Permission**

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

1, 2

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

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

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

Mortgage for the property is with: CIBC 1273 Barton St, E. Hamilton, ON. L8H 2V4
---

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

4. Nature and extent of relief applied for:

The existing dwelling has had a second storey addition and would need the following minor variances: rear yard setback - 0.0m side yard setback - 1.43m

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The existing dwelling did not comply with the zoning by-law, previously to work being done on it. The owners have added a second storey to the house. By keeping inline with the first floor of the house the second floor does not meet the minimum setbacks.

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

Part of Burlington Beach East Side of Beach Boulevard (Unregistered)  
735 Beach Boulevard, Hamilton

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial

Agricultural  Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use \_\_\_\_\_

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown



13. Date of acquisition of subject lands:  
March 2020
- 
14. Date of construction of all buildings and structures on subject lands:  
Originally constructed in 1950, 1/2 storey was built in July 2020
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single family dwelling
- 
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single family dwellings on all abutting properties.
- 
17. Length of time the existing uses of the subject property have continued:  
70+ years
- 
18. Municipal services available: (check the appropriate space or spaces)  
Water  \_\_\_\_\_ Connected  \_\_\_\_\_  
Sanitary Sewer  \_\_\_\_\_ Connected  \_\_\_\_\_  
Storm Sewers \_\_\_\_\_
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods
- 
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
C/S-1435
- 
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No  
If yes, please provide the file number:  
\_\_\_\_\_
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 Yes  No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
 Yes  No
23. Additional Information (please include separate sheet if needed)  
\_\_\_\_\_
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



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



Schedule "A"  
Description of Lands



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 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.
3. 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.

**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. Since the submission does not include all plans necessary to review all applicable zoning regulations, additional variances may be required in future.

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

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

HM/A-23:06

<b>DATE:</b>	<b>Thursday, May 18, 2023</b>
<b>TIME:</b>	<b>9:50 a.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 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: May 2, 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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#### 2. In person Oral Submissions

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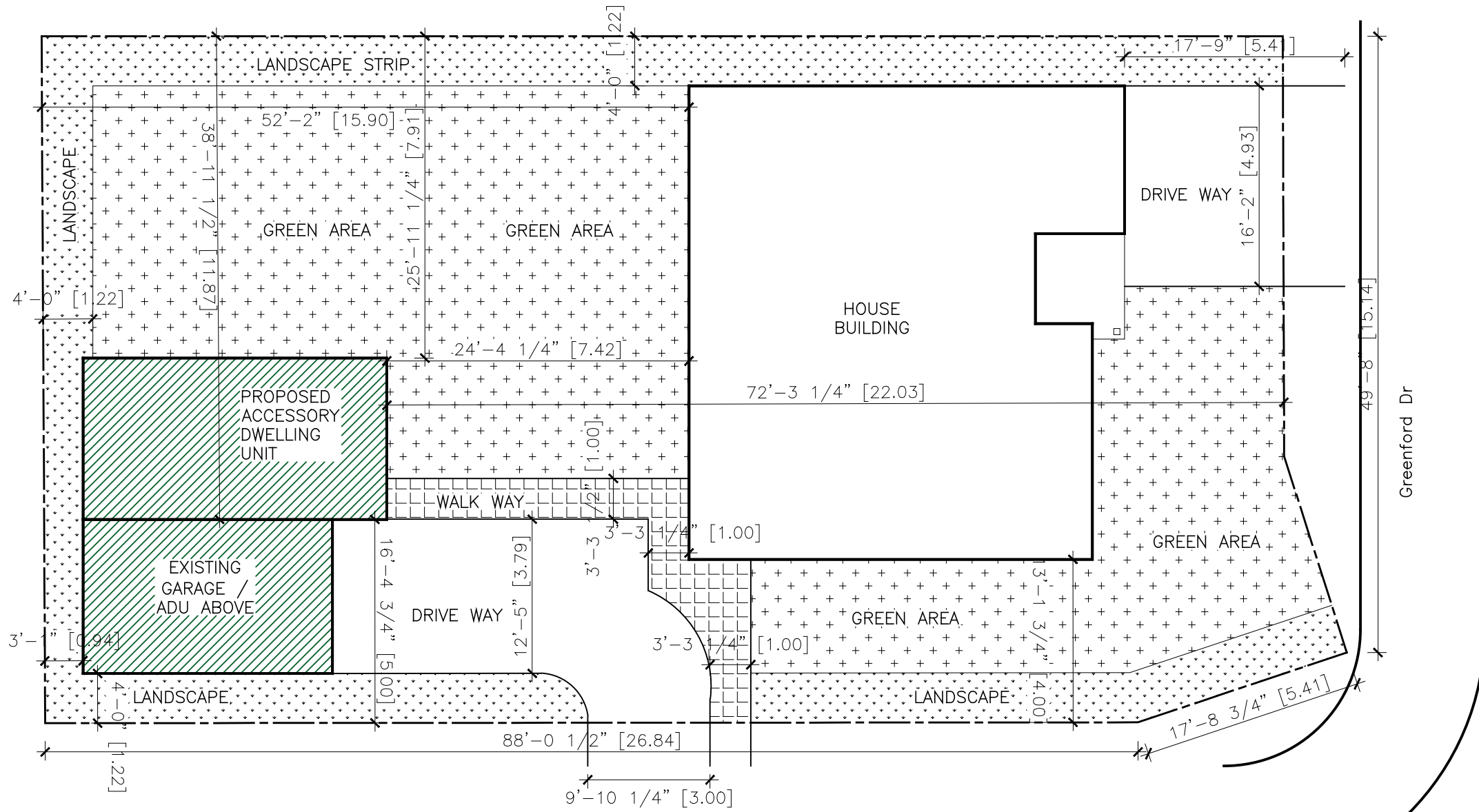
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# ACCESSORY DWELLING UNIT

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**

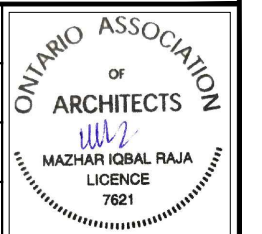
**CAPRIJA CORPORATION**  
 Architecture, Construction and  
 Project Management Consultants  
 1465 CLARK BLVD., MILTON, L9T 6M5  
 Tel: 647 693 6108, 647 969 9595  
 Email: info@caprija.com; Web: www.caprija.com

CLIENT  
**49 Greenford Dr, Hamilton, ON  
 L8G 2G6**

PROJECT  
**ACCESSORY DWELLING UNIT**

DRAWING  
**SITE PLAN**

PROJECT NO	<b>222090</b>
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>		[REDACTED]
<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**

**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-23:90</b>	<b>SUBJECT PROPERTY:</b>	130 CLARENDON AVENUE, HAMILTON
<b>ZONE:</b>	"R1" (Low Density Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** ADRIAN & MICHELLE VERSTEEG  
                                 **Agent:** PARK EIGHT INC. C/O PETE VANDENAREND

The following variances are requested:

1. A maximum aggregate Gross Floor Area of 47.0m<sup>2</sup> being 9.7% of the total lot coverage shall be permitted for all Accessory Buildings instead of the maximum aggregate Gross Floor Area of 7.5% total lot coverage permitted.
2. Tandem parking shall be permitted for two (2) parking spaces whereas the zoning By-law requires that parking is provided with adequate means of ingress and egress to and from the street without the necessity of moving any other motor vehicle.

**PURPOSE & EFFECT:**      To facilitate the construction of a new accessory building (private garage) for the existing dwelling.

**Notes:**

The elevation plans do not show the height dimension from grade as defined. The applicant shall ensure that the height dimension is measured from grade as defined in the zoning By-law; otherwise, further variances may be required.

The applicant shall ensure that an eave or gutter maintain a setback of 0.75m from the rear lot line and from a side lot line; otherwise, further variances may be required.

The applicant shall ensure that a minimum parking space size of 2.8m x 5.8m is maintained for a parking space provided within private garage. In addition, the applicant shall ensure any proposed steps or stairways projecting into the parking space size comply with the requirements of Section 5.2 b); otherwise, further variances may be required.



HM/A-23:90

**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, May 18, 2023</b>
<b>TIME:</b>	<b>9:55 a.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

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HM/A-23:90



 **Subject Lands**

DATED: May 2, 2023

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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Hamilton

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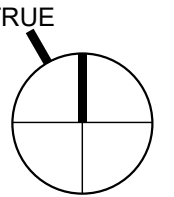
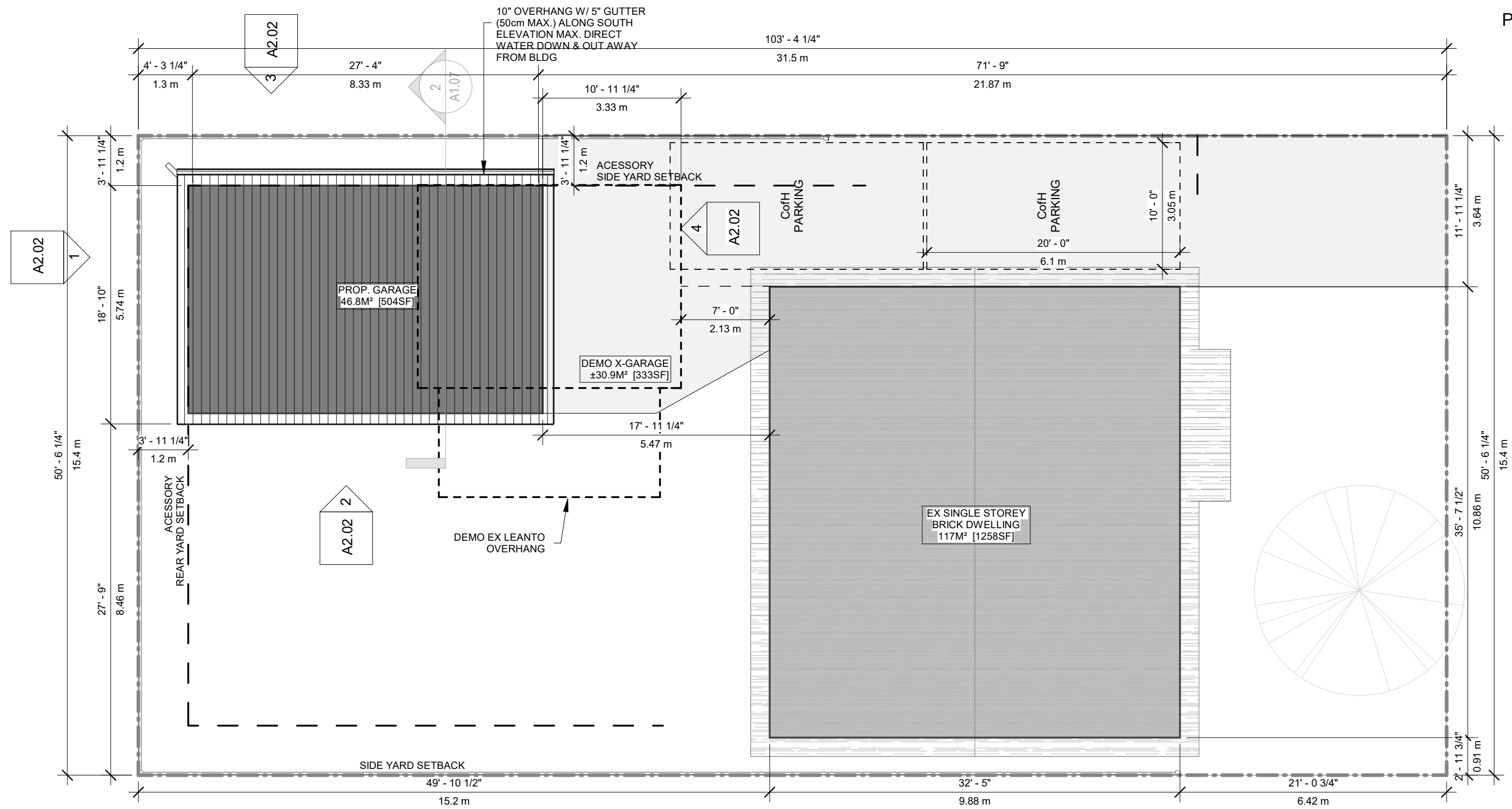
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**PARK EIGHT**  
ENG // ARCH

**ACCESSORY GARAGE**  
130 CLARENDON AVE, HAMILTON, ON.

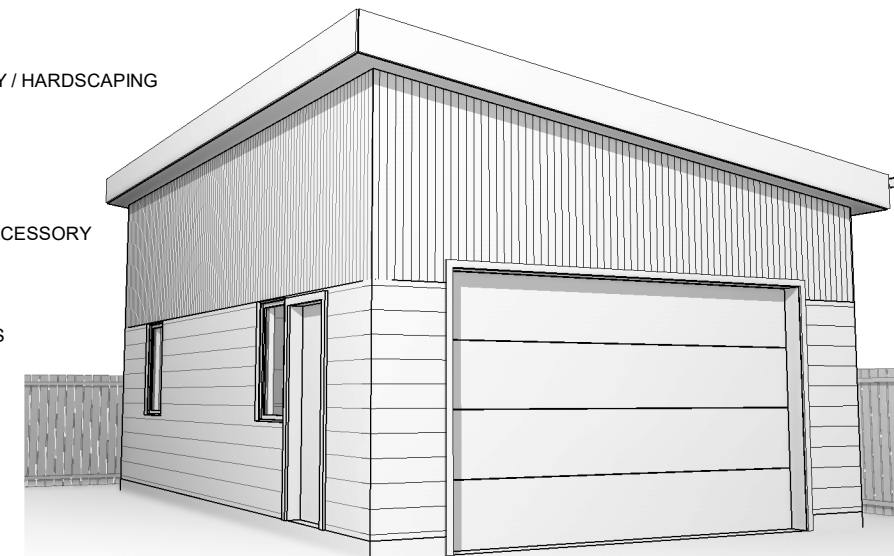
SITE STATISTICS		
ZONING DESIGNATION = R1	PERMITTED	PROVIDED
LOT AREA	360m <sup>2</sup> minimum	485.1m <sup>2</sup> UNCHANGED
LOT FRONTAGE	16m minimum	15.4m UNCHANGED
FRONT YARD SETBACK	6m	6m
PROP. ACCESSORY GARAGE	behind dwelling face	31.5m
SIDE YARD SETBACKS		
PROP. ACCESSORY GARAGE	1.2m	1.2m
REAR YARD SETBACK		
PROP. ACCESSORY GARAGE	1.2m	1.2m
BUILDING HEIGHT		
PROP. ACCESSORY GARAGE	4.5m	4.48m

[\*] Denotes existing condition

LOT COVERAGE SUMMARY:			
LOT AREA: 485.1m <sup>2</sup> EX UNCHANGED			
	EXISTING	PROPOSED	
EX BUILDING AREA:	117 m <sup>2</sup>	117m <sup>2</sup>	(EX UNCHANGED)
ACCESSORY BLDG AREAS:			
EX GARAGE	30.9m <sup>2</sup>	0	
PROP. GARAGE	n/a	46.8m <sup>2</sup>	
	147.9m <sup>2</sup>	163.8m <sup>2</sup>	TOTAL COVERAGE
LOT COVERAGE DWELLING:	24.1%	24.1%	(EX UNCHANGED)
LOT COVERAGE ACCESSORY:	6.3%	9.6%	
LOT COVERAGE TOTAL :	30.4%	33.7%	
HARD SURFACE & ROOF AREA: 213.6m <sup>2</sup> 251.4m <sup>2</sup>			
SURFACE COVERAGE %:	25.13%	29.6%	

**SITE PLAN LEGEND**

- EX DRIVEWAY / HARDSCAPING
- EX BUILDING
- PROPOSED ACCESSORY GARAGE
- DEMO EX
- ACCESSORY STRUCTURES



Project No. 23003  
Revisions 1

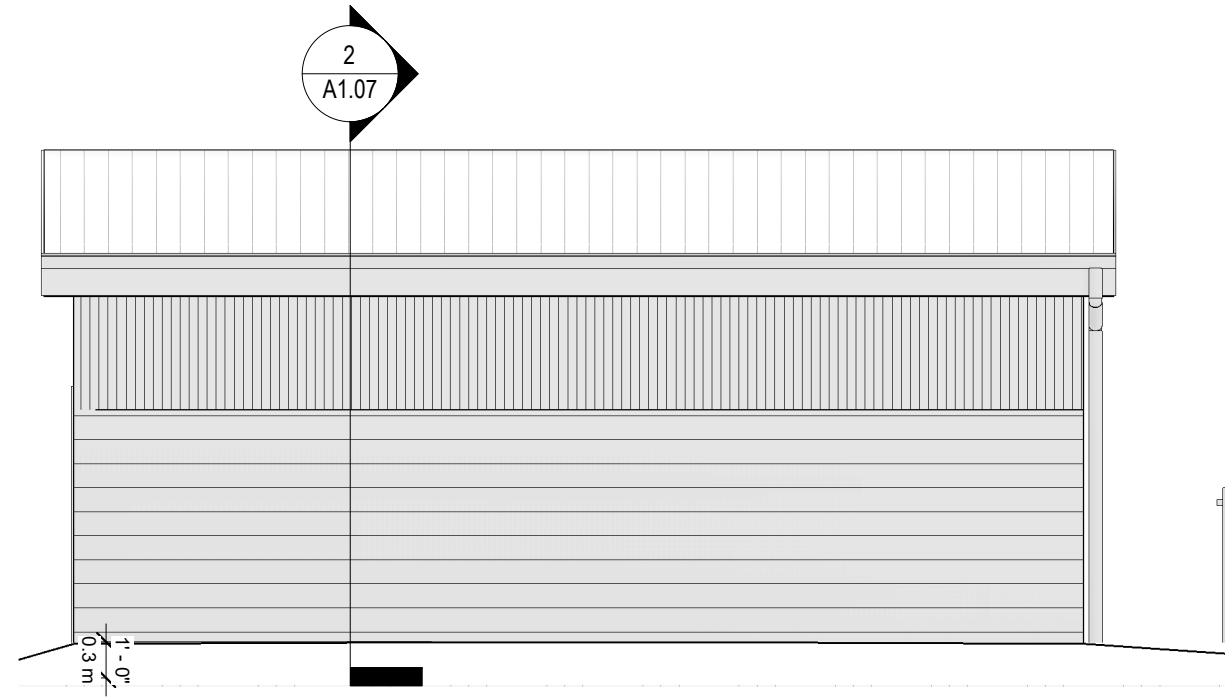
Scale As indicated

**SITE PLAN**

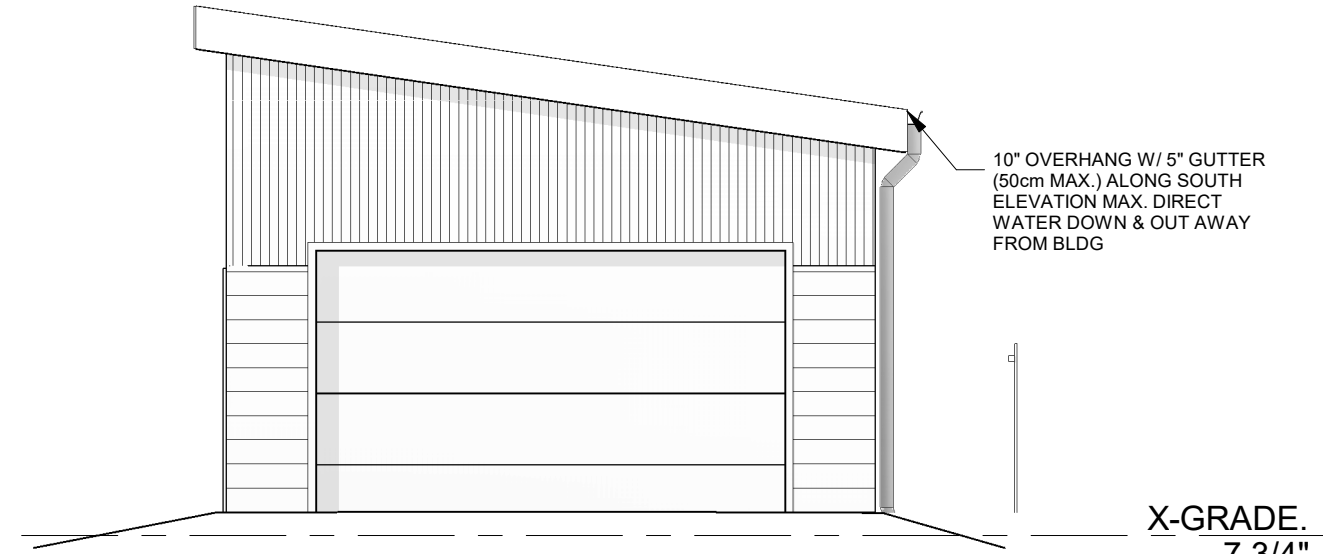
**SP1.01**

Sheet No. ©2021

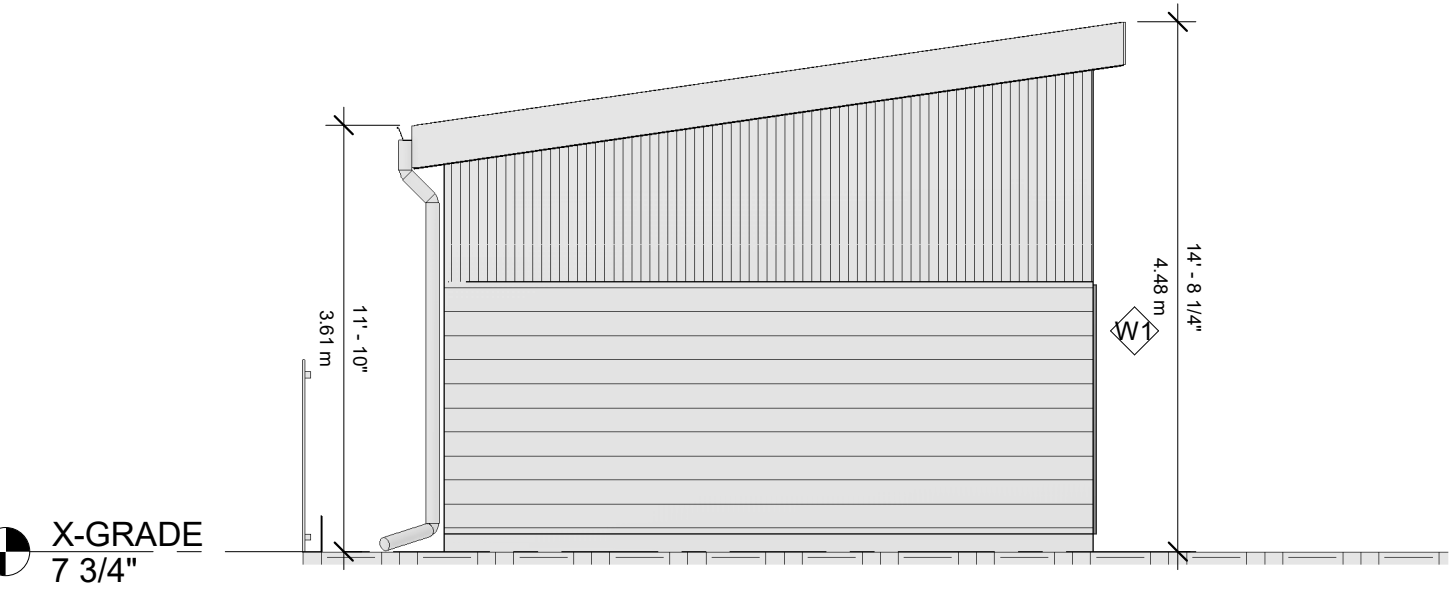




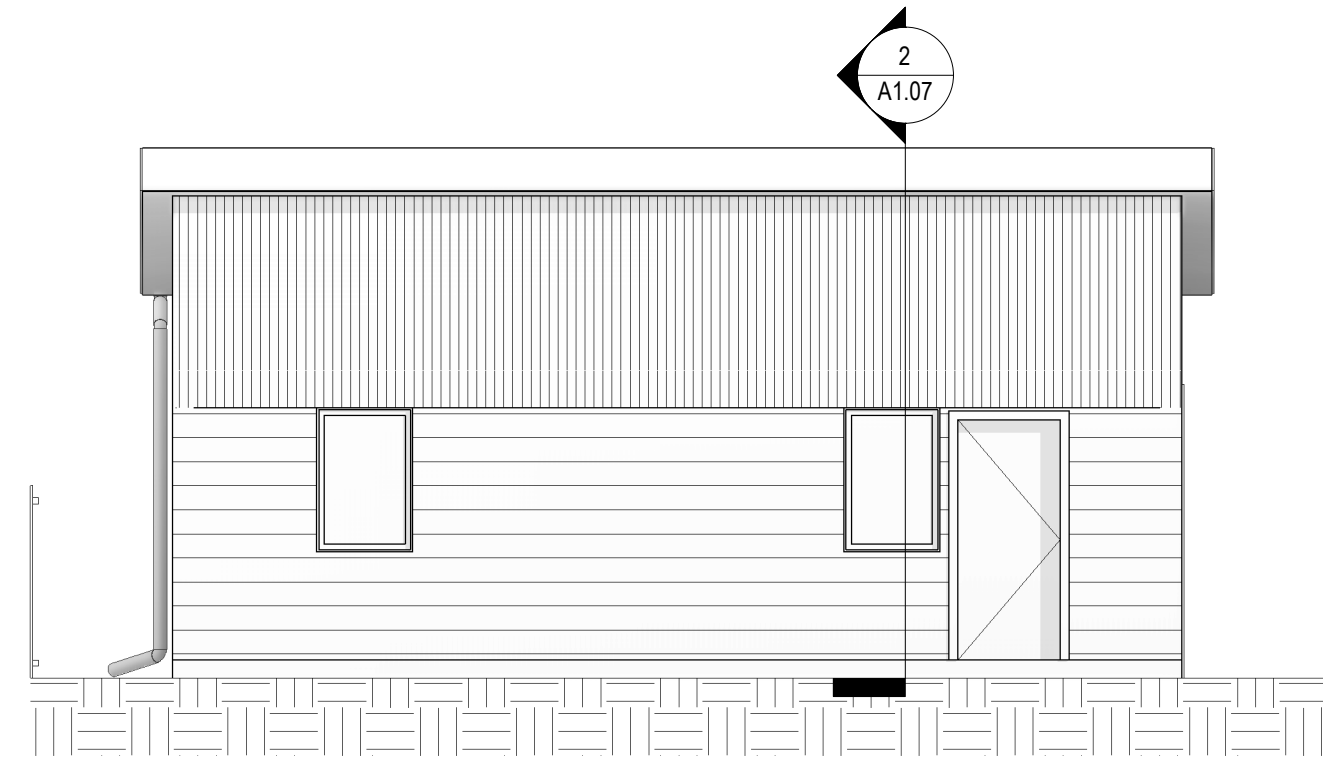
③ GARAGE SIDE (DRIVE) ELEVATION  
3/16" = 1'-0"



④ GARAGE FRONT ELEVATION  
3/16" = 1'-0"



① GARAGE REAR ELEVATION  
3/16" = 1'-0"



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

**PARK EIGHT**  
ENG // ARCH

**ACCESSORY GARAGE**  
130 CLARENDON AVE, HAMILTON, ON.

Project No. 23003

Revisions

Scale 3/16" = 1'-0"

**GARAGE EXTERIOR ELEVATIONS**

**A2.02**

Sheet No. ©2021



**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>Phone:</b>
<b>Applicant(s)</b>			
<b>Agent or Solicitor</b>			<b>Phone:</b>
			<b>E-mail:</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 \_\_\_\_\_

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 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	130 Clarendon Ave, Hamilton, ON L9A 3A5		
Assessment Roll Number			
Former Municipality	Hamilton		
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
15.4m	31.5m	485.1m <sup>2</sup>	8.5m

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
Dwelling	6.42m	15.2m	.91m/ 3.64m	±1960's
Garage	18.43m	6.73m	9.32m/ 1.18m	±1960's

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	6.42m	15.2m	.91m/ 3.64m	unchanged
Garage	21.87m	1.2m	1.18m/ 9.32m	

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	117m <sup>2</sup> [1258sf]	234m <sup>2</sup> [2518sf]	1	±5.5m [18'-0"]
Garage	30.9m <sup>2</sup> [333sf]	30.9m <sup>2</sup> [333sf]	1	±3.6m [12'-0"]

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	-	-	-	UNCHANGED
Garage	46.8m <sup>2</sup> [504sf]	46.8m <sup>2</sup> [504sf]	1	≤4.5m [14' 9 1/2"] MAX

- 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)

N/A

---

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

- ditches  
 other means (specify)

N/A

---

- 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)

N/A

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 (unchanged)

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

Single detached Dwellings

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

March 14th, 2012

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

Residential

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

Residential

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

±60 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? R1 Low Density 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:

---

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):

## 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-23:89</b>	<b>SUBJECT PROPERTY:</b>	339 THAYER AVENUE, HAMILTON
<b>ZONE:</b>	"R1" (Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** BEN & MORWENNA WAKEFIELD  
                                 **Agent:** PARK EIGHT INC. C/O PETE VANDENAREND

The following variances are requested:

1. A minimum rear yard setback of 0.62 metres to the detached garage shall be provided whereas the by-law requires a minimum rear setback of 1.2 metres.
2. A minimum vehicle entrance setback 0.62 metres to the proposed detached garage shall be provided whereas the by-law requires a minimum setback of 6.0 metres from the street line.
3. A minimum parking space size of 3.0 metres by 0.62 metres whereas the by-law requires a minimum parking space size of 3.0 metres by 5.8 metres.
4. A minimum aisle width of 0.62 metres whereas the by-law requires a minimum aisle width of 6.0 metres.

**PURPOSE & EFFECT:**      So as to permit the construction of a new detached garage in the rear yard of the existing detached dwelling.

**Notes:**

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

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

<b>DATE:</b>	<b>Thursday, May 18, 2023</b>
<b>TIME:</b>	<b>10:15 a.m.</b>



HM/A-23:89

<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 HM/A-23:89, 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-23:89



DATED: May 2, 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.

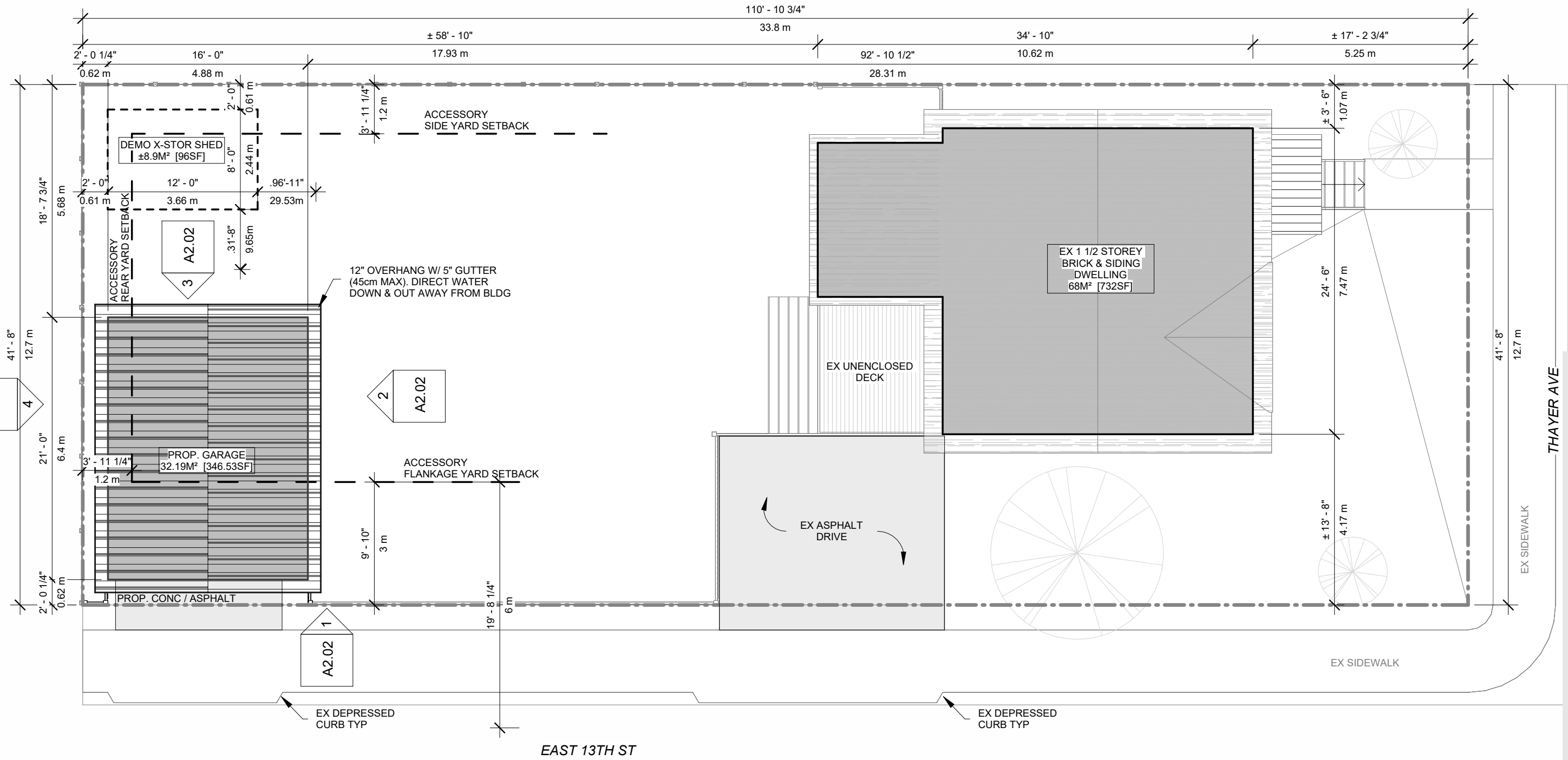
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.

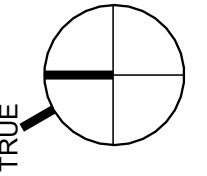
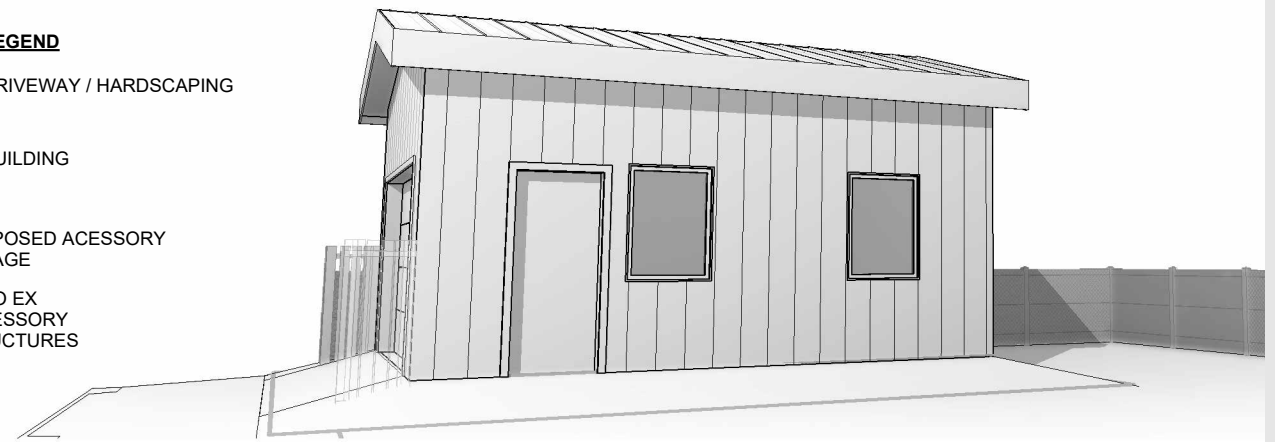


SITE STATISTICS		
ZONING DESIGNATION = R1	PERMITTED	PROVIDED
LOT AREA	360m <sup>2</sup> minimum	429.26m <sup>2</sup> UNCHANGED
LOT FRONTAGE	12m minimum	12.7m UNCHANGED
FRONT YARD SETBACK		
PROP. ACCESSORY GARAGE	N/A	N/A
SIDE YARD SETBACKS		
PROP. ACCESSORY GARAGE	1.2m	3.3m
SIDE YARD SETBACKS (DRIVE)		
PROP. ACCESSORY GARAGE	3m, 6m from street line	3m
REAR YARD SETBACK		
PROP. ACCESSORY GARAGE	1.2m	1.2m
BUILDING HEIGHT		
PROP. ACCESSORY GARAGE	4.5m	4.29m (<4.5m MAX)

LOT COVERAGE SUMMARY:			
LOT AREA: 429.26m <sup>2</sup> EX UNCHANGED			
		EXISTING	PROPOSED
EX BUILDING AREA:		±68m <sup>2</sup>	±68m <sup>2</sup> (EX UNCHANGED)
ACCESSORY BLDG AREAS:			
EX GARAGE		±8.9m <sup>2</sup>	0
PROP. GARAGE		n/a	32.19m <sup>2</sup>
		147.9m <sup>2</sup>	163.8m <sup>2</sup> TOTAL COVERAGE
LOT COVERAGE DWELLING:	15.8%	15.8%	(EX UNCHANGED)
LOT COVERAGE ACCESSORY:	2.1%	7.5%	
LOT COVERAGE TOTAL:	17.9%	23.3%	

**SITE PLAN LEGEND**

- EX DRIVEWAY / HARDSCAPING
- EX BUILDING
- PROPOSED ACCESSORY GARAGE
- DEMO EX STRUCTURES
- ACCESSORY STRUCTURES



**PARK EIGHT**  
ENG // ARCH

**ACCESSORY GARAGE**

339 THAYER AVE, HAMILTON, ON.

Project No. 23010  
Revisions 1

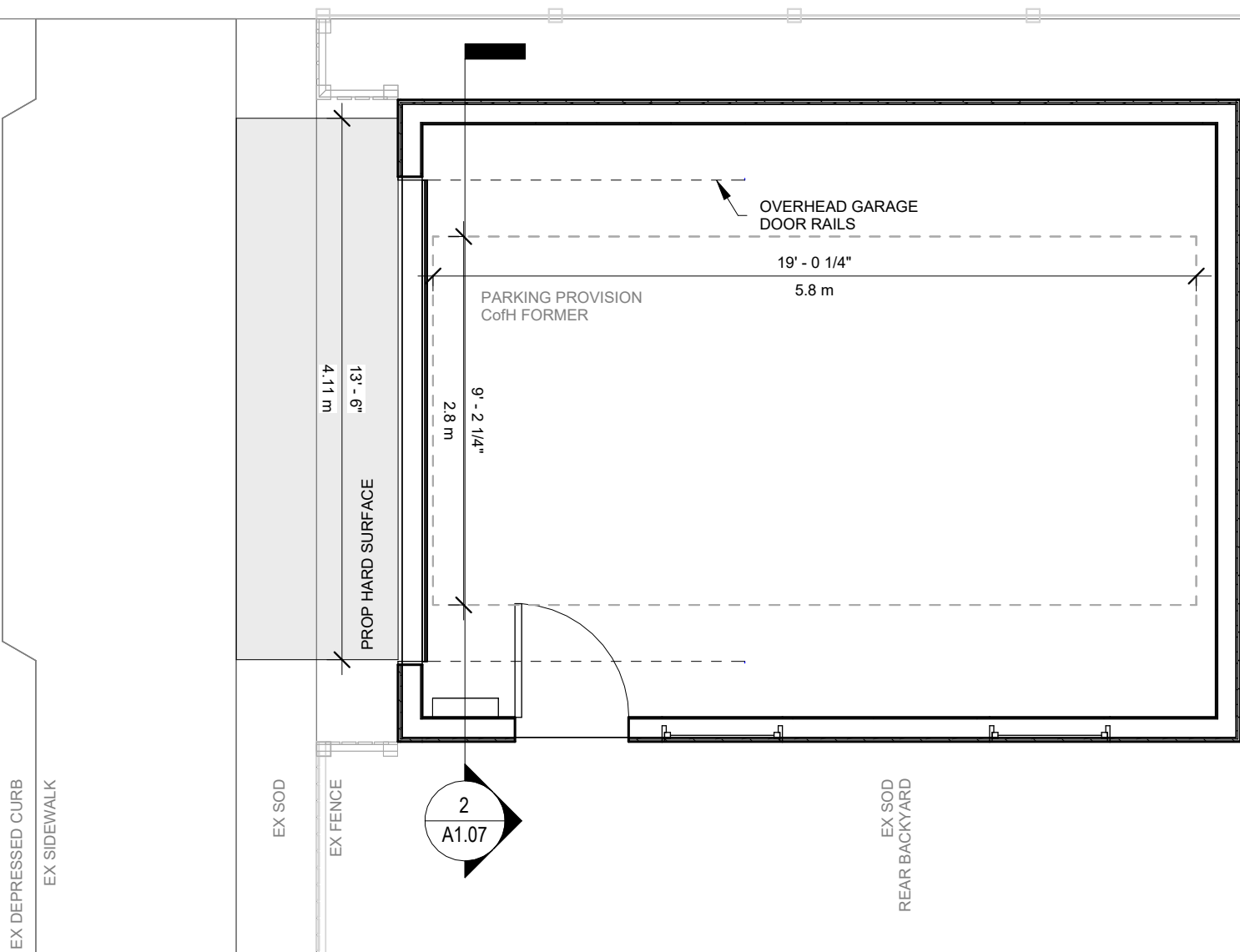
Scale As indicated

**SITE PLAN**

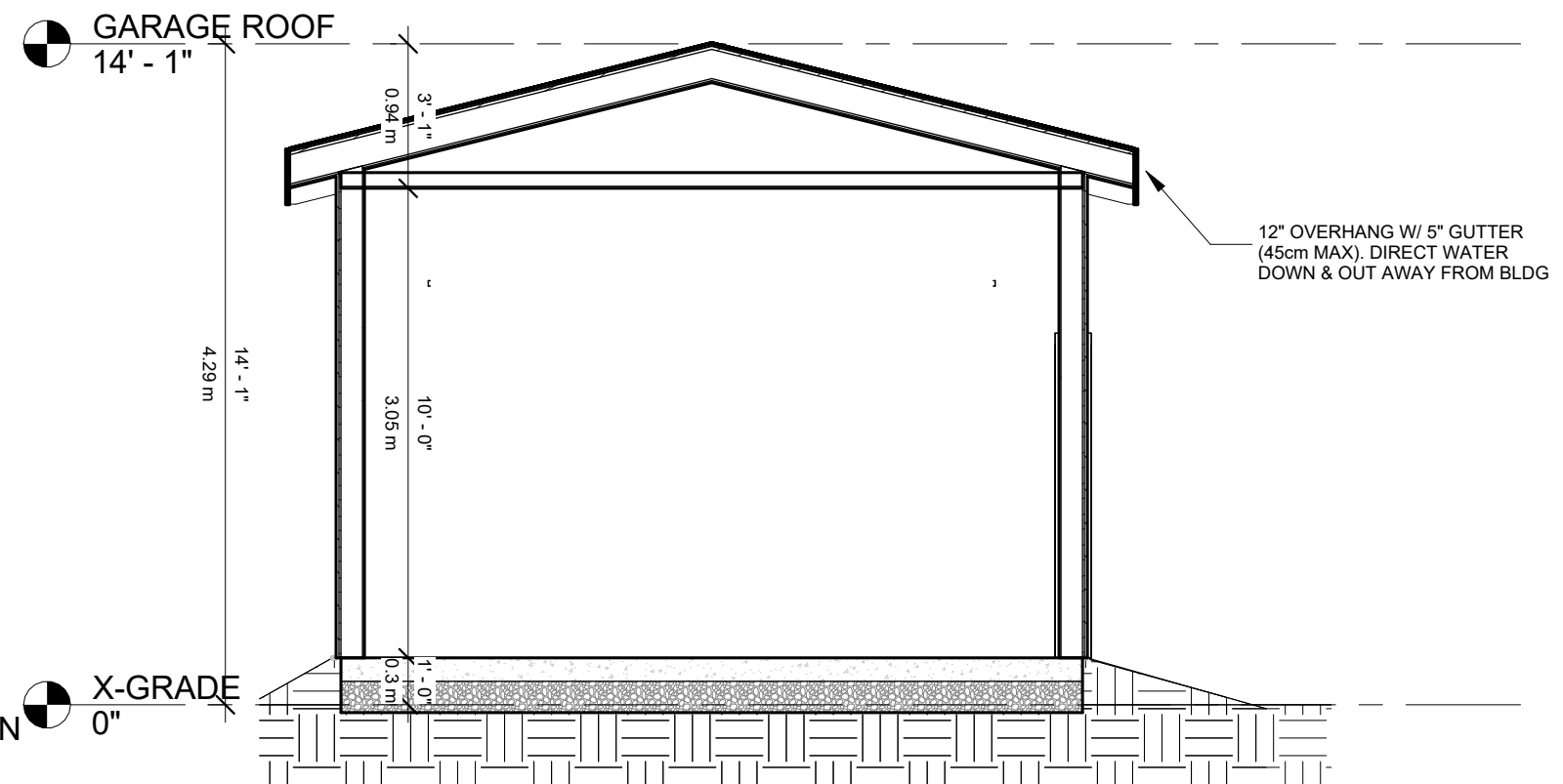
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Sheet No. ©2021

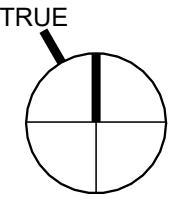




1 PROP GARAGE  
1/4" = 1'-0"



2 N/S GARAGE BLDG SECTION  
1/4" = 1'-0"



ACCESSORY GARAGE

339 THAYER AVE, HAMILTON, ON.

Project No. 23010

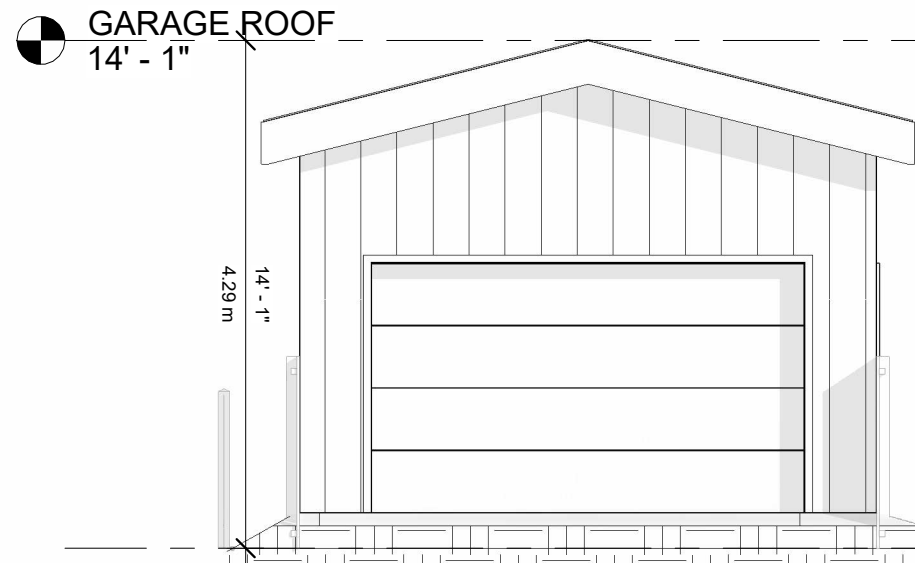
Revisions

Scale 1/4" = 1'-0"

GARAGE PROP LVL1  
PLAN, SECTION &  
DETAILS

A1.07

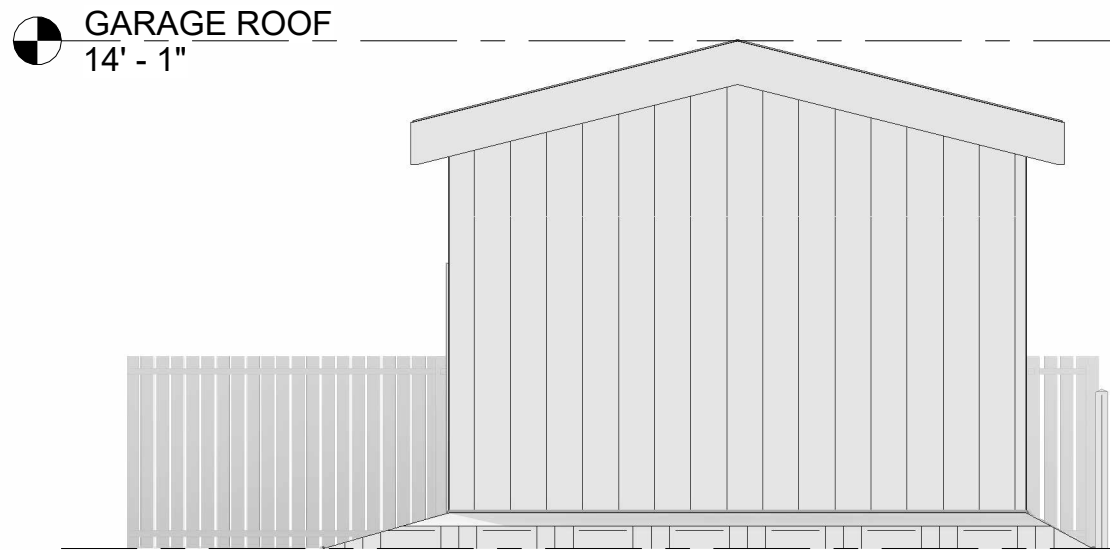
Sheet No. ©2021



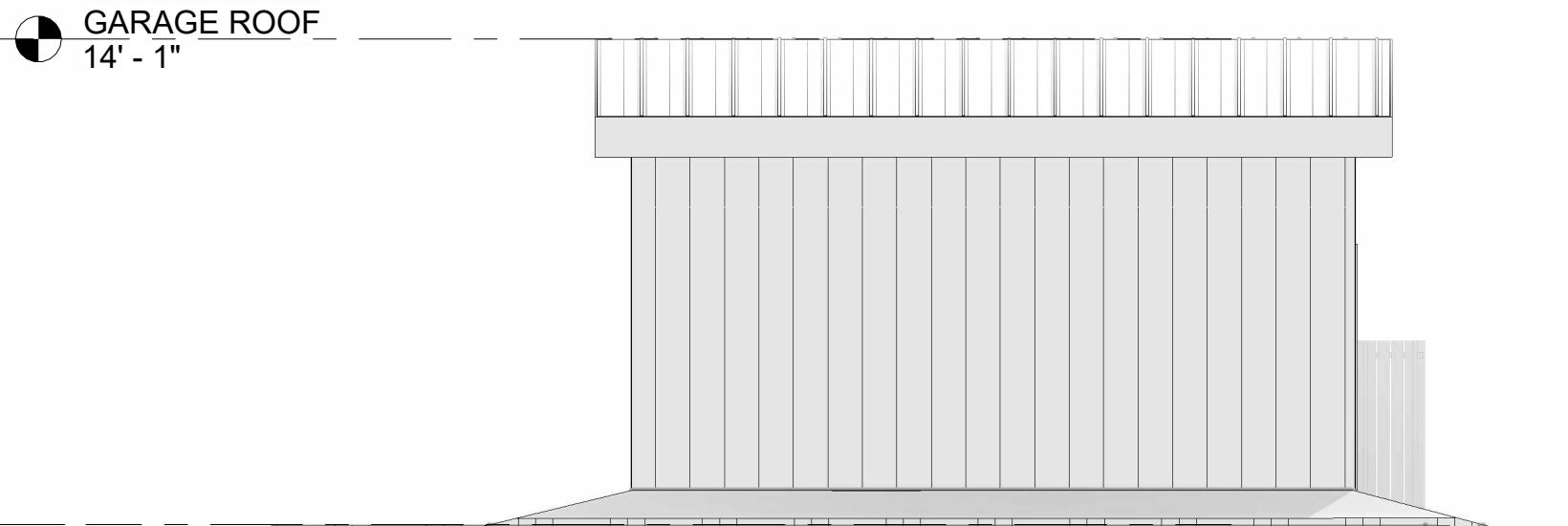
① GARAGE SIDE (DRIVE) ELEVATION  
3/16" = 1'-0"



② GARAGE FRONT ELEVATION  
3/16" = 1'-0"



③ GARAGE SIDE ELEVATION  
3/16" = 1'-0"



④ GARAGE REAR ELEVATION  
3/16" = 1'-0"

**PARK  
EIGHT**  
ENG // ARCH

**ACCESSORY GARAGE**

339 THAYER AVE, HAMILTON, ON.

Project No. 23010

Revisions

Scale 3/16" = 1'-0"

**GARAGE EXTERIOR  
ELEVATIONS**

**A2.02**

Sheet No. ©2021



Hamilton

**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	339 Thayer Ave, Hamilton, ON L9A 1J8		
Assessment Roll Number	07081301730		
Former Municipality	Hamilton		
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
12.7m	33.8m	429.26m <sup>2</sup>	8.5m

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
Dwelling	5.25m	17.93m	1.07m/ 4.17m	±1960's
Storage Shed	29.53m	.610m	.61m / .61m	±1960's

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	UNCHANGED			±1960's
Garage	28.31m	.62m	.62m / .62m	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> [732sf]	136m <sup>2</sup> [1464sf]	1 1/2	±9.14m [30'-0"]
Storage Shed	8.9m <sup>2</sup> [96sf]	-	1	±2.4m [8'-0"]

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	UNCHANGED			
Garage	32.19m <sup>2</sup> [346.53sf]	-	1	4.29m [14'-1"]

- 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 (unchanged)

---

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

---

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
 August 2007

---

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

---

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

---

7.4 Length of time the existing uses of the subject property have continued:  
 60+ 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? R1 - 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:

---

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):

## 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>HM/B-23:22</b>	<b>SUBJECT PROPERTY:</b>	311 RYMAL ROAD E, HAMILTON
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**APPLICANTS:**      **Owner:** SALVATORE AQUINO  
**Agent:** METROPOLITAN CONSULTING INC. C/O PETER DE IULIO

**PURPOSE & EFFECT:**      To permit the conveyance of a parcel of land into four new lots, each new lot will contain half of a single detached dwelling, and to retain a parcel of land containing an existing single detached dwelling and garage to remain.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>RETAINED LANDS:</b>	18.24 m <sup>±</sup>	40.28 m <sup>±</sup>	734.71 m <sup>2</sup> ±
<b>SEVERED LANDS (Unit 1):</b>	7.81 m <sup>±</sup>	40.28 m <sup>±</sup>	314.59 m <sup>2</sup> ±
<b>SEVERED LANDS (Unit 2):</b>	7.81 m <sup>±</sup>	40.28 m <sup>±</sup>	314.59 m <sup>2</sup> ±
<b>SEVERED LANDS (Unit 3):</b>	6.06 m <sup>±</sup>	40.28 m <sup>±</sup>	244.1 m <sup>2</sup> ±
<b>SEVERED LANDS (Unit 4):</b>	6.06 m <sup>±</sup>	40.28 m <sup>±</sup>	275.82 m <sup>2</sup> ±

Associated Planning Act File(s): N/A

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

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

<b>DATE:</b>	<b>Thursday, May 18, 2023</b>
<b>TIME:</b>	<b>10:20 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>



HM/B-23:22

	<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:

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## PUBLIC INPUT

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

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

## FURTHER NOTIFICATION

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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.

HM/B-23:22



DATED: May 2, 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

## 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.**

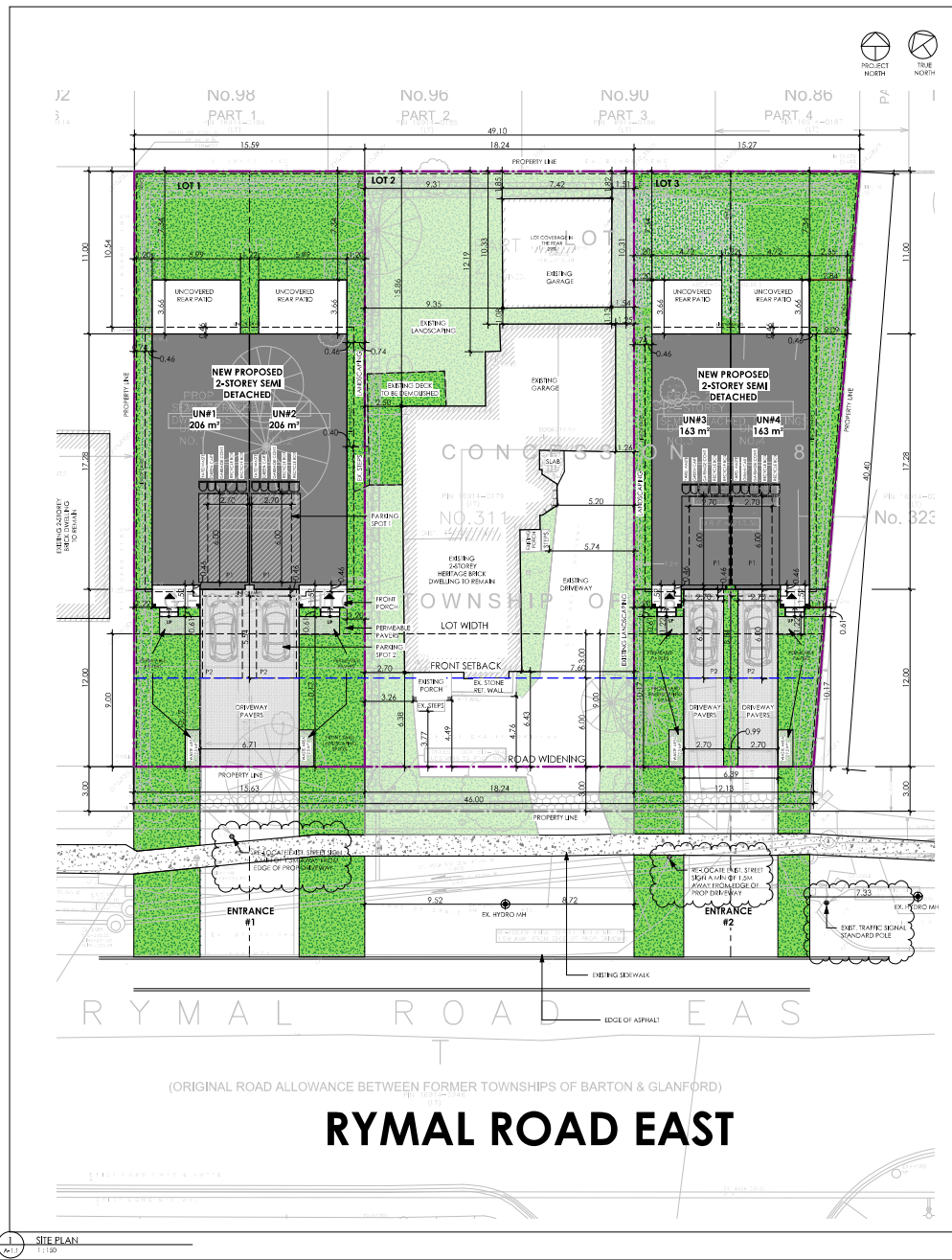
To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish 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.

ARCH ID - 24' X 36'



311 RYMAL ROAD EAST  
CURRENT ZONING DESIGNATION "B DISTRICT"  
ZONING DESCRIPTION -SUBURBAN AGRICULTURE AND RESIDENTIAL

SCOPE: TO CREATE TWO NEW LOTS FOR SEMI-DETACHED HOMES (ONE SEMI-DETACHED DWELLING ON EACH LOT (1 & 3) ZONING BY-LAW AMENDMENT REQUIRED TOTAL 4 - UNITS)

SITE STATISTICS LOT-1		REQ	PROVIDED
LOT AREA P1 =			628.50M <sup>2</sup>
UNIT 1 TOTAL GFA			206M <sup>2</sup>
UNIT 2 TOTAL GFA			206M <sup>2</sup>
REAR YARD SET BACK			7.5M 11M
SIDE YARD SET BACK			1.2M 1.2M & 1.2M
FRONT YARD SET BACK			6.0M 12M
RIGHT A WAY (RYMAL RD E)			3M 3M
PARKING STALL SIZE			2.7MX6M X2 2.7MX6M X2
BUILDING HEIGHT			2-STOREY 15.25M
BUILDING LENGTH			7SD 12.26M
LOT WIDTH (FM DEPTH)			18.00M 15.63M
FRONT YARD LANDSCAPE			50% 58.76%

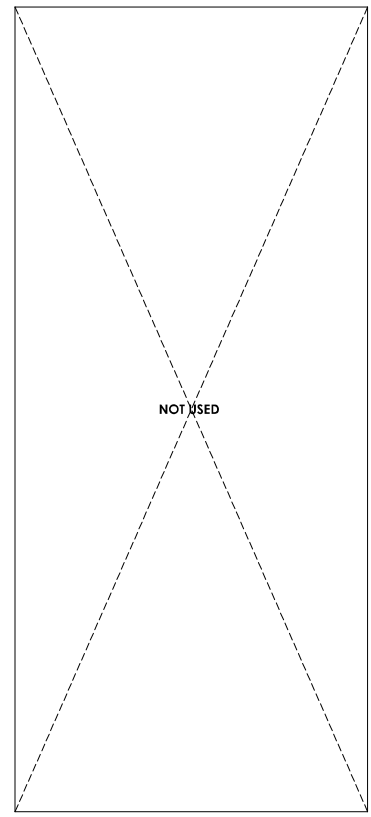
  

SITE STATISTICS LOT-2		REQ	PROVIDED
LOT AREA P1 =			734.46M <sup>2</sup>
FRONT WIDTH (FM DEPTH)			18.00M 18.24M
FRONT YARD LANDSCAPE			50% 32.63%

SITE STATISTICS LOT-3		REQ	PROVIDED
LOT AREA P1 =			551.19M <sup>2</sup>
UNIT 1 TOTAL GFA			163 M <sup>2</sup>
UNIT 2 TOTAL GFA			163 M <sup>2</sup>
REAR YARD SET BACK			7.5M 11M
SIDE YARD SET BACK			1.2M 1.2M & 1.2M
FRONT YARD SET BACK			6.0M 12M
RIGHT A WAY (RYMAL RD E)			3M 3M
PARKING STALL SIZE			2.7MX6M X2 2.7MX6M X2
BUILDING HEIGHT			2-STOREY 15.25M
BUILDING LENGTH			7SD 12.26M
FRONT WIDTH (FM DEPTH)			18.00M 12.83M
FRONT YARD LANDSCAPE			50% 52.94%

NOTE: The developer is responsible for all waste removal up until the time that municipal collection services are initiated.



ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE LATEST ON-HAND BUILDING CODE.  
USE ONLY LATEST REVISED DRAWINGS MARKED AS "ISSUED FOR CONSTRUCTION"  
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND LOCATIONS ON THE PROJECT AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. DRAWINGS ARE NOT TO BE SCALED.  
CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE LOANED, REPRODUCED OR COPIED WITHOUT AUTHORIZATION. DOCUMENTS ARE TO BE RETURNED UPON COMPLETION OF THE PROJECT.

**OWNERS INFORMATION:**

**LEGEND:**

#	DATE	REMARKS

**REVISIONS**

#	DATE	REMARKS

01 2023 03 14 ISSUED FOR ZONING

**ARCHITECT:**

**LIMA ARCHITECTS INC.**  
www.limarchitects.com  
E info@limarchitects.com  
T 905-337-6867

**SEALS:**

**PROJECT TITLE**  
SEMI-DETACHED HOMES

311 RYMAL ROAD EAST, HAMILTON, ONTARIO

**DRAWING TITLE**  
SITE PLAN

**DRAWN BY**  
DS-1M

**SCALE**  
1 : 150

**DATE**  
JULY 2022

**CHECKED BY**  
FL

**PROJECT NUMBER**  
21-543

**DRAWING NUMBER**  
A-1.1

© 2023 Lima Architects Inc. All Rights Reserved. This drawing is the property of Lima Architects Inc. and shall not be loaned, reproduced or copied without written authorization. The information contained herein is for the project and site identified. It is not to be used for any other project or site. Drawing No. 21-543-A-1.1



**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)



**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**

	NAME	MAILING ADDRESS	
Purchaser*			Phone: E-mail:
Registered Owners(s)	[REDACTED]		
Applicant(s)**			
Agent or Solicitor			

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

\*\* 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	311 Rymal Rd East Hamilton L9B 1C3		
Assessment Roll Number	251807085100160		
Former Municipality	Hamilton		
Lot	Pt Lot 12	Concession	8
Registered Plan Number	62R10931	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

---

**3 PURPOSE OF THE APPLICATION**

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

- |  |  |
|--|--|
| <input 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:

---

## 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:	Existing 2 Storey	new Proposed 2	new Proposed 2	new Proposed 2	new Proposed 2
Type of Transfer	N/A	n/a			
Frontage	18.24m	7.81m	7.81m	6.06m	6.06m
Depth	40.28	40.28m	40.28m	40.28m	40.28m
Area	734.71m	314.59m	314.59m	244.1m	275.82m
Existing Use	Residential	Residential	Residential	Residential	Residential
Proposed Use	Residential	Residential	Residential	Residential	Residential
Existing Buildings/ Structures	2 Storey Residential Dwelling	2 Storey Residential Dwelling	2 Storey Residential Dwelling	2 Storey Residential Dwelling	2 Storey Residential Dwelling
Proposed Buildings/ Structures	n/a	New 2 storey Semi Detached Dwelling	New 2 storey Semi Detached Dwelling	New 2 storey Semi Detached Dwelling	New 2 storey Semi 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): N/A

Rural Settlement Area: N/A



Urban Hamilton Official Plan designation (if applicable) Neighbourhoods (Secondary Corridor)

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

The Owner has already applied for zoning change under Application# ZAR-22-052

- 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? Suburban Agriculture & Residential

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

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

Yes  No  Unknown

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

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	N/A
<b>A land fill</b>	<input type="checkbox"/>	N/A
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	N/A
<b>A provincially significant wetland</b>	<input type="checkbox"/>	N/A
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	N/A
<b>A flood plain</b>	<input type="checkbox"/>	N/A
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	N/A
<b>An active railway line</b>	<input type="checkbox"/>	N/A
<b>A municipal or federal airport</b>	<input type="checkbox"/>	N/A

## 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.

N/A

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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.

N/A

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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.

N/A

---

6.4 How long has the applicant owned the subject land?

November 2007

---

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.

N/A

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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)

Intensification in an existing Urban Area.

---

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

Yes  No (Provide explanation)

Intensification in an existing Urban Area.

---

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

Yes  No (Provide explanation)

Intensification in an existing Urban Area.

---

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: \_\_\_\_\_

**10.7 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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>AN/A-23:96</b>	<b>SUBJECT PROPERTY:</b>	1194 SCENIC DRIVE, ANCASTER
<b>ZONE:</b>	"R1-582" (Residential One)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended OMB 12-294

**APPLICANTS:**      **Owner:** KULDIP & CINDY SWAN

The following variances are requested:

1. A maximum of 55 children for a Day Nursey shall be permitted instead of the maximum required 35 children for a Day Nursery;

**PURPOSE & EFFECT:**      So as to permit an increase to the number of children within the existing Single Detached Dwelling with accessory Day Nursery notwithstanding that:

**Notes:**

1. Please be advised, the applicant has indicated that the total number of permitted classrooms, maximum of three, shall be maintained with the increase in number of children attending the Day Nursery. In addition, the applicant has also indicated an "open room" with a capacity for 8-9 children which is existing. As per OMB 12-294, only three (3) classrooms are permitted within the Single Detached Dwelling. Should the open room function or facilitate activities similar to a classroom, this shall not be permitted, and an additional variance may be required to permit the additional classroom.
2. Be advised, insufficient information has been provided to determine parking requirements relating to lot coverage and surface material. As per Section 7.14(a)(x), at-grade parking areas shall occupy not more than 35 percent of the total lot area and Section 7.14(a)(xii), all parking areas required for the accommodation of more than two vehicles shall be constructed with a stable surface of concrete or asphalt, shall have adequate drainage and shall be permanently maintained. It is unclear if the existing parking area is being increased to accommodate the proposed parking space, indicated as "D14". Should alterations to the existing parking area be proposed, all additional spaces shall be subject to the current requirements of the Zoning By-Law and shall require adequate stable

**AN/A-23:96**

surfaces and shall not exceed 35% combined area of the total lot area. Additional variances may be required should compliance with Section 7.14 not be possible.

3. Note, the existing barrier free parking space has been indicated to have been removed however, a new parking space with dimensions 5.5 metres x 3.5 metres has been indicated to replace the existing tandem parking space. Should this space be intended to be a barrier free parking space, adequate signage shall be provided to indicate the barrier free space as per Section 7.14(a)(xvii). In addition, it is recommended that the barrier free space be free of any obstruction as to permit adequate ingress and egress to the space.

It is also noted that barrier free parking is not required for a Single Detached Dwelling within the R1 Zone, however should a barrier free parking space be proposed, the requirements of 7.14(a)(xvii) shall still apply as it relates to parking space dimensions and signage.

**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, May 18, 2023</b>
<b>TIME:</b>	<b>10:25 a.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/committeefadjustment">www.hamilton.ca/committeefadjustment</a></b>

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

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

**PUBLIC INPUT**

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

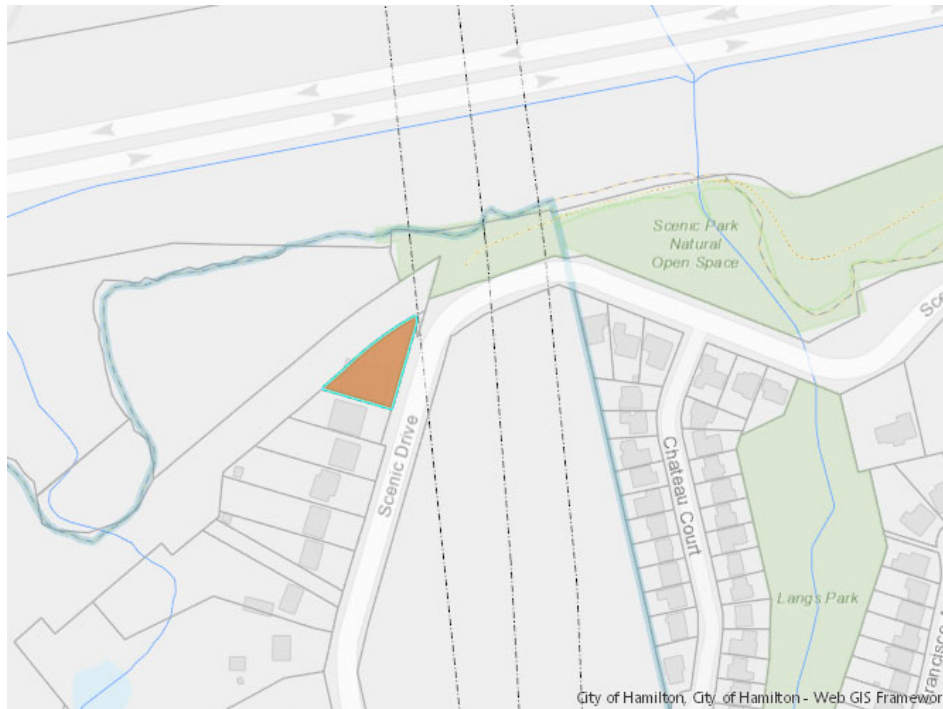
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



**AN/A-23:96****FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:96, 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: May 2, 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

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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.

#### 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.

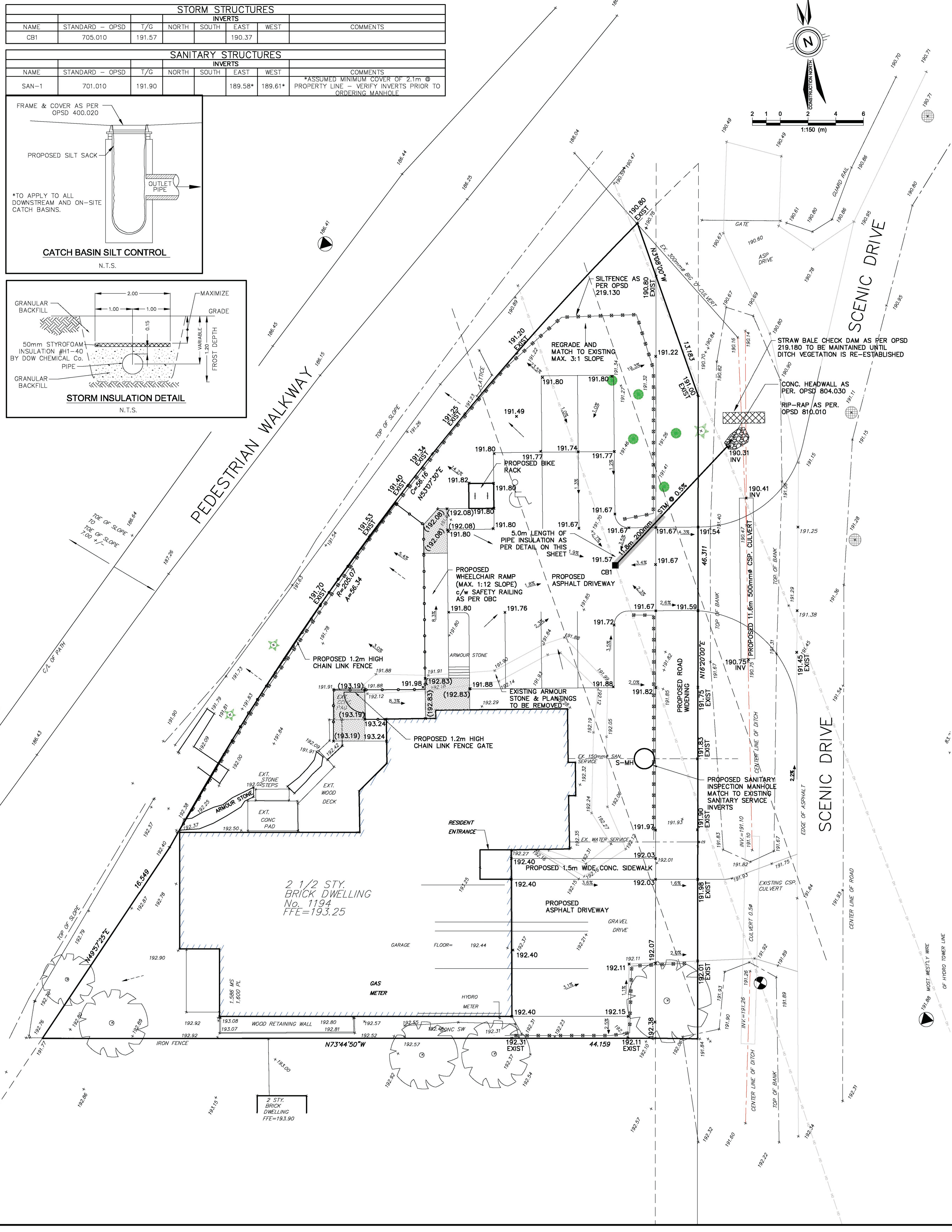
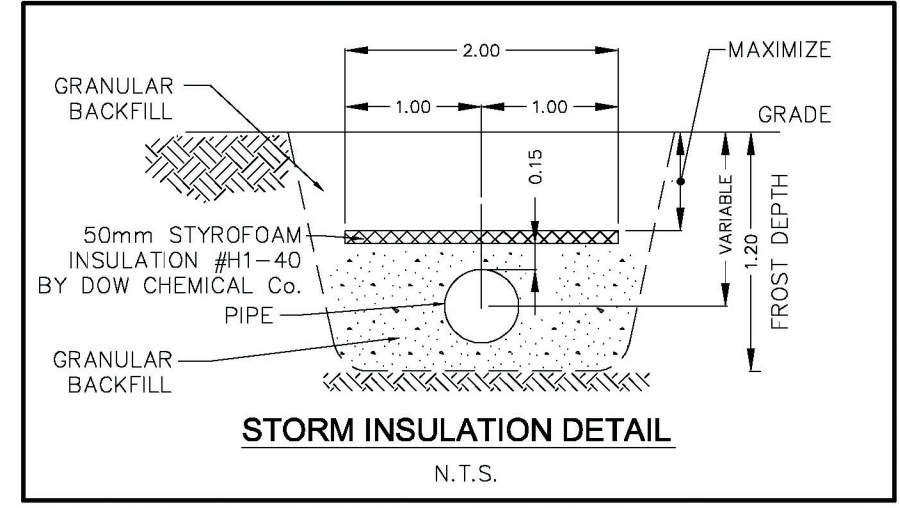
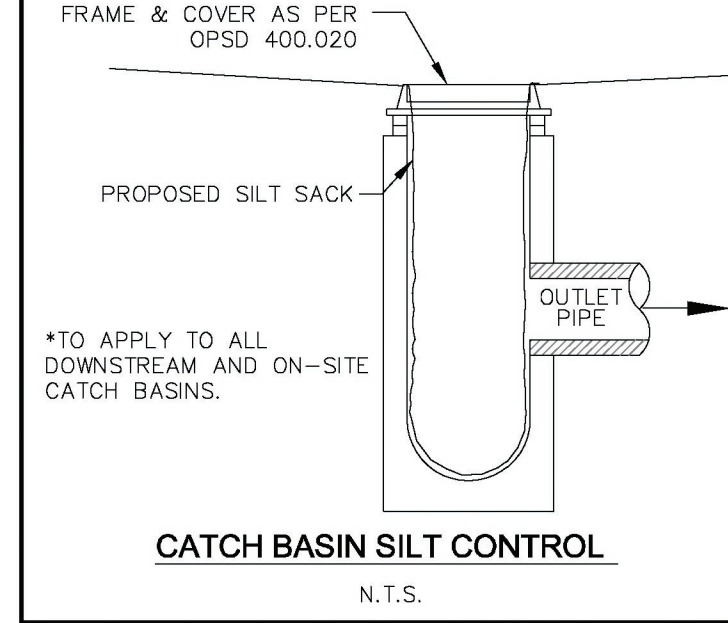


STORM STRUCTURES						
INVERTS						
NAME	STANDARD - OPSD	T/G	NORTH	SOUTH	EAST	WEST
CB1	705.010	191.57				

SANITARY STRUCTURES						
INVERTS						
NAME	STANDARD - OPSD	T/G	NORTH	SOUTH	EAST	WEST
SAN-1	701.010	191.90			189.58*	189.61*

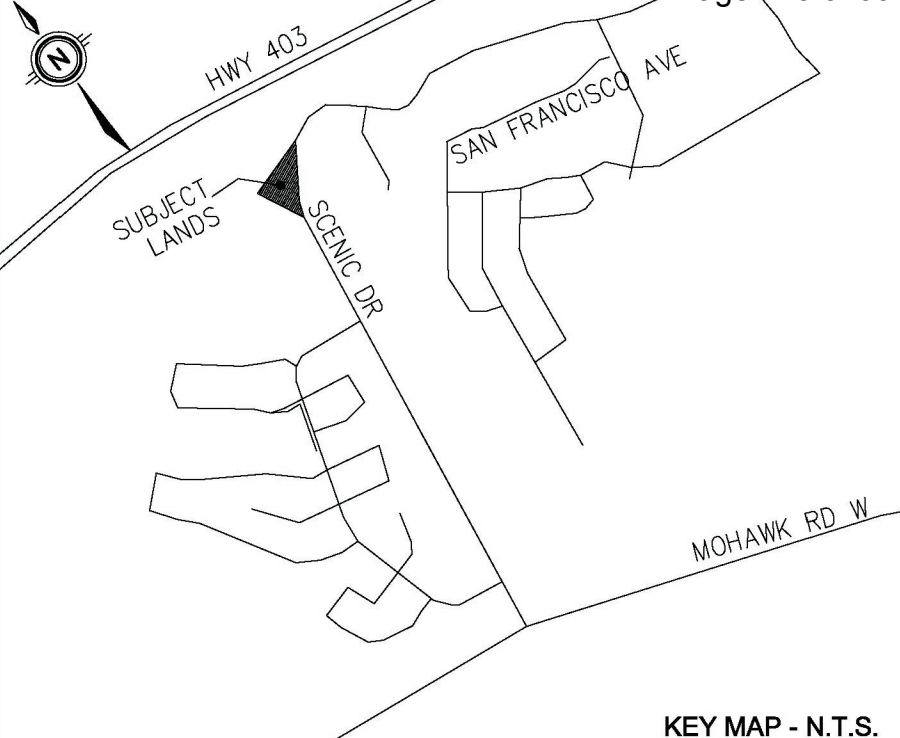
\*ASSUMED MINIMUM COVER OF 2.1m @ PROPERTY LINE - VERIFY INVERTS PRIOR TO ORDERING MANHOLE



- ### STORM & SANITARY SEWERS:
- CONSTRUCTION OF STORM SEWERS AND PRIVATE DRAINS SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON SPECIFICATIONS MANUAL (LATEST REVISION) AND MINISTRY OF ENVIRONMENT (MOE) GUIDELINES (LATEST REVISION).
  - ALL PROPOSED SEWERS, THROUGHOUT THEIR LENGTH FROM THE MAIN SEWER TO THE BUILDING OR PLACE TO BE DRAINED IS TO BE LAID, AS NEARLY AS PRACTICAL, IN A STRAIGHT LINE IN A TRENCH AT A RIGHT ANGLE TO THE MAIN SEWER.
  - SERVICE LATERALS TO BE INSTALLED WITH A MINIMUM COVER OF 2.20m AT THE PROPERTY LINE BELOW THE FINAL ROAD GRADE OR AT SUCH HIGHER ELEVATION ONLY AS MAY BE NECESSITATED BY THE ELEVATION OF THE MAIN SEWER. ON PRIVATE PROPERTY THE MINIMUM COVER IS TO BE NO LESS THAN 1.2m.
  - STORM AND SANITARY FLOWS MUST BE SEPARATED WHEREVER POSSIBLE, AND THE INSTALLATION OF NEW COMBINED STORM AND SANITARY SEWERS IS NOT PERMITTED. EVERY SEWER CONNECTION TO A MAIN SEWER MUST BE MADE USING PROPER "T" OR "Y" FITTINGS. SADDLES MAY ONLY BE USED WHERE APPROVED BY THE DIRECTOR DEVELOPMENT DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT.
  - FOR PROPOSED SEWERS THAT ARE GREATER THAN OR EQUAL TO 300mm, A MANHOLE MUST BE PROVIDED AT THE JUNCTION TO THE MAIN SEWER. FOR SEWERS LESS THAN 300mm, CONNECTIONS SHOULD BE MADE DIRECTLY TO THE MAIN SEWER AND NOT TO A MANHOLE. MINIMUM HORIZONTAL SEPARATION BETWEEN SEWERS AND WATERMANS SHALL BE 2.5m. VERTICAL CLEARANCE BETWEEN SEWERS AND WATERMANS WHICH CROSS IS 150mm IF THE SEWER IS BELOW THE WATERMAIN AND 500mm IF THE WATER IS BELOW THE SEWER.
  - PROPOSED SANITARY AND STORM SEWERS SHALL BE EITHER: (a) PVC SDR 28 FOR 150mm DIAMETER AND SDR 35 FOR ALL OTHER SIZES; (b) CLASS 3 CONCRETE (CSA A257.2). RIBBED OR PROFILE PIPE CAN BE UTILIZED FOR MAIN LINE STORM SEWERS, 200mm TO 600mm DIAMETER INCLUSIVE. RIBBED OR PROFILE PIPE IS NOT PERMITTED FOR SANITARY USE, PRIVATE DRAIN INSTALLATIONS OR CATCH BASIN CONNECTIONS.
  - FOR FLEXIBLE PIPE, SEWER INSTALLATION TO BE AS PER OPSD 802.010 WITH GRANULAR 'A' BEDDING AND COVER.
  - FOR RIGID PIPE, SEWER INSTALLATION TO BE AS PER OPSD 802.030 WITH GRANULAR 'A' BEDDING AND COVER.
  - SANITARY AND STORM SERVICE LATERALS TO BE MIN. 150mm DIA. PVC SDR 28. STORM SHALL BE WHITE IN COLOUR, SANITARY SHALL BE ANY OTHER COLOUR OTHER THAN WHITE.
  - MINIMUM AND MAXIMUM DESIGN REQUIREMENTS FOR SEWER VELOCITIES ARE AS FOLLOWS:
 

MINIMUM ALLOWABLE VELOCITY	STORM SEWER	SANITARY SEWER
	0.90m/s	0.75m/s
MAXIMUM ALLOWABLE VELOCITY	3.65m/s	2.75m/s
  - MAINTENANCE HOLES ARE REQUIRED AT ALL CHANGES IN PIPE SIZE, CHANGES IN PIPE DIRECTION, ENDS OF PIPE RUNS AND AS CLEANOUTS. MAXIMUM SPACING OF MAINTENANCE HOLES IS 90m, IN ACCORDANCE WITH THE "ONTRARIO BUILDING CODE". A MAINTENANCE HOLE IS REQUIRED WITHIN THE FIRST 30m AFTER THE PIPE EXITS THE BUILDING. FOR PIPE SIZES 200mm OR GREATER, IN ACCORDANCE WITH THE "ONTRARIO BUILDING CODE", ALL REQUIRED CLEANOUTS SHALL BE MAINTENANCE HOLES. FOR PIPE SIZES LESS THAN 200mm, CLEANOUTS MAY BE SUBSTITUTED FOR MAINTENANCE HOLES.
  - A DROP STRUCTURE IS REQUIRED AT ALL MAINTENANCE HOLES WHERE THERE IS A DROP OF GREATER THAN 600mm BETWEEN THE INVERT OF THE UPSTREAM PIPE AND THE INVERT OF THE DOWNSTREAM PIPE. DROP STRUCTURES ARE TO BE MINIMUM 200mm DIAMETER AND CONSTRUCTED AS PER OPSD 1003.010. GENERALLY, THE DROP PIPE SHALL BE ONE SIZE SMALLER THAN THE CONNECTING SEWER.
  - PVC PIPE WILL REQUIRE SPECIAL CONSTRUCTION PROCEDURES FOR LEAKAGE AND TESTING, PIPE DEFLECTION, ETC. AS PER CITY'S REQUIREMENTS.

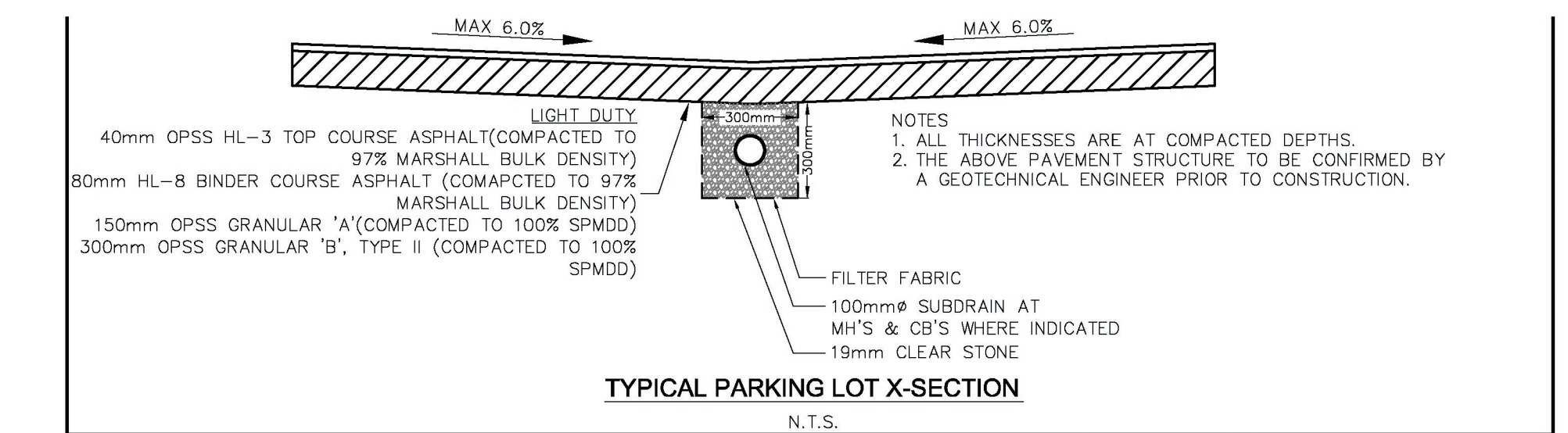
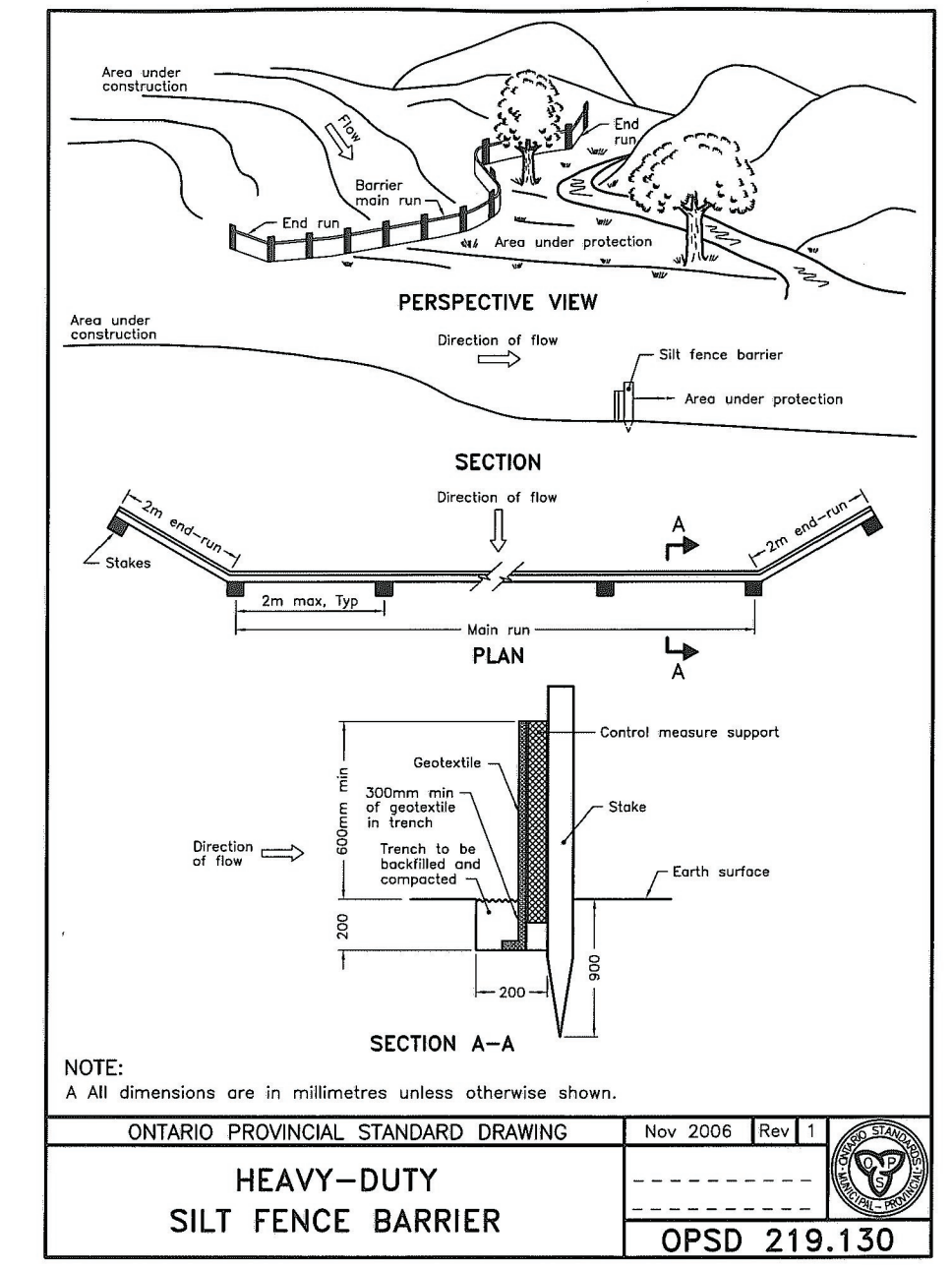
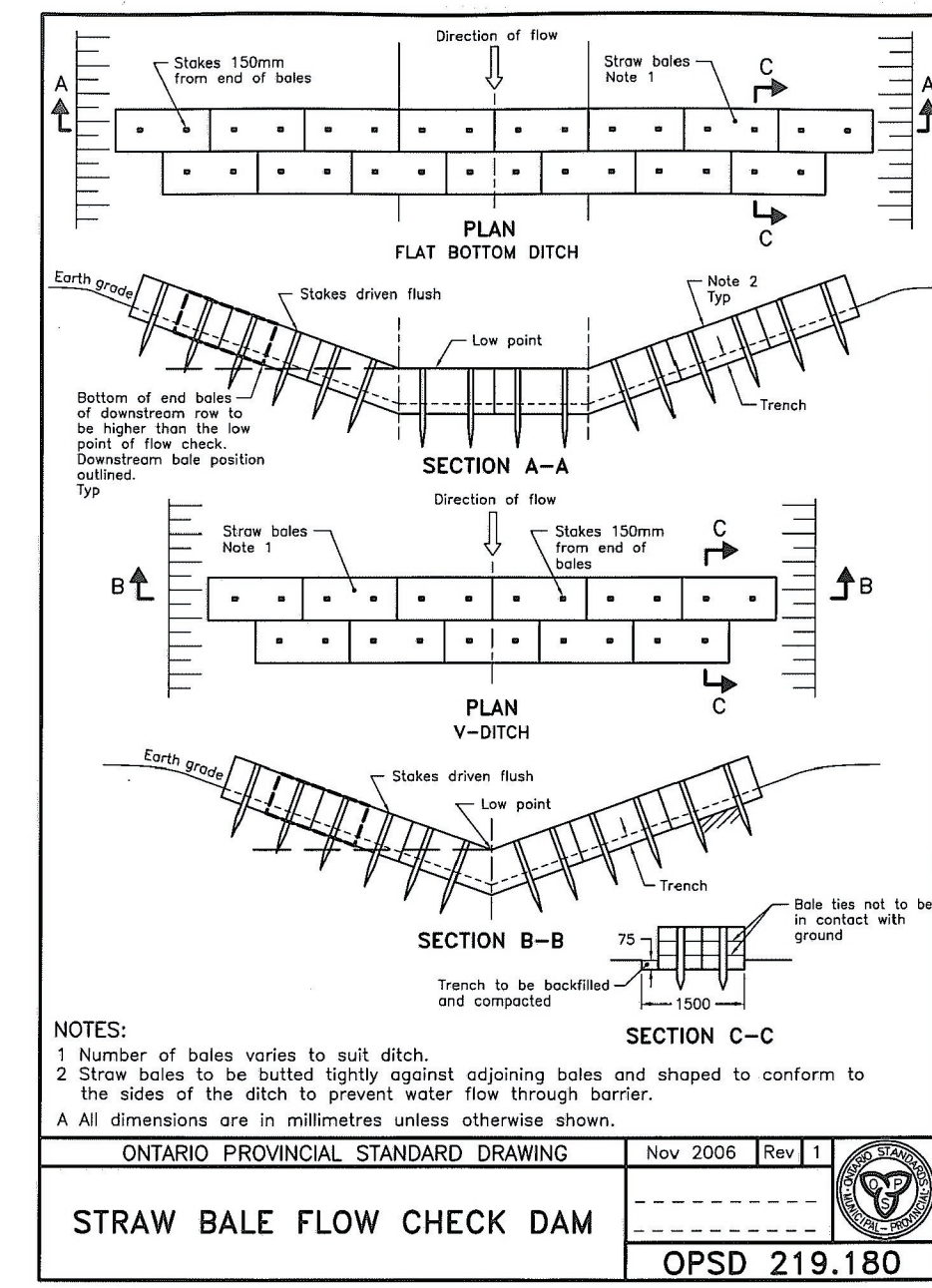
- ### EROSION AND SEDIMENT CONTROL NOTES:
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO DEVELOPMENT AND MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS, UNTIL ALL DISTURBED AREAS HAVE BEEN REVEGETATED.
  - ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED AFTER EACH RAINFALL TO THE SATISFACTION OF AUTHORITY STAFF.
  - ANY DISTURBED AREA NOT SCHEDULED FOR FURTHER CONSTRUCTION WITHIN 45 DAYS WILL BE PROVIDED WITH A SUITABLE TEMPORARY MULCH AND SEED COVER WITHIN 7 DAYS OF THE COMPLETION OF THAT PARTICULAR PHASE OF CONSTRUCTION.
  - ALL DISTURBED AREAS SHALL BE REVEGETATED WITH PERMANENT COVER IMMEDIATELY FOLLOWING COMPLETION OF CONSTRUCTION.
  - ADDITIONAL SILT CONTROL LOCATIONS MAY BE REQUIRED AS DETERMINED BY THE CITY AND/OR THE ENGINEER.
  - SILT FENCE TO BE AS PER OPSD 219.110.



**NOTE TO CONTRACTOR**  
THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWERS AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THIS CONTRACT DRAWING, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES IS NOT GUARANTEED. BEFORE STARTING WORK THE CONTRACTOR SHALL INFORM THEMSELVES OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

### LEGEND

191.22	- PROPOSED ELEVATION
192.50	- PROPOSED RAMP ELEVATION
192.50	- EXISTING GRADE
2.0%	- PROPOSED SLOPE
CB	- PROPOSED CATCH BASIN
HYD	- EXISTING HYDRANT
WV	- EXISTING WATER VALVE
---	- PROPOSED STORM SERVICE
→	- PROPOSED MAJOR OVERLAND FLOW
→	- EXISTING DIRECTION OF SURFACE FLOW
→	- PROPOSED DIRECTION OF SURFACE FLOW



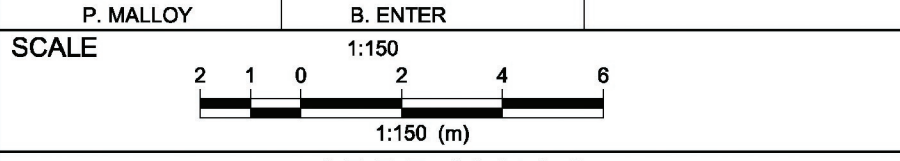
- ### GENERAL NOTES:
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR, DEVELOPMENT DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT.
  - FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
  - MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
  - ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
  - THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
    - ROAD CUT PERMITS
    - SEWER PERMITS
    - APPROACH APPROVAL PERMITS
    - RELOCATION OF SERVICES
    - COMMITTEE OF ADJUSTMENT
    - ENCROACHMENT AGREEMENTS (IF REQUIRED)
  - ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOO AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, TRANSPORTATION, OPERATIONS AND ENVIRONMENT DEPARTMENT.
  - 5 METRE BY 5 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.60 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
  - SILTATION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO WORKS COMMENCING ON THE SITE AND SHALL BE MAINTAINED FOR THE DURATION OF CONSTRUCTION, TO THE SATISFACTION OF THE CITY.
  - THE SUB-GRADE SOILS EXPOSED AFTER EXCAVATION SHALL BE INSPECTED AND CERTIFIED BY A QUALIFIED REGISTERED PROFESSIONAL SOILS ENGINEER AND A COPY OF THE REPORT SHALL BE FORWARDED TO THE CITY OF HAMILTON BUILDING DIVISION, WHERE THE FOOTING WILL BE SITUATED ON FILL MATERIAL. THE FOOTINGS SHALL BE DESIGNED AND APPROVED BY QUALIFIED REGISTERED PROFESSIONAL ENGINEER.
  - ALL FILL PLACED ON THE SITE SHALL BE COMPACTED TO A MINIMUM OF 98% STANDARD PROCTOR DENSITY. A SUFFICIENT NUMBER OF TESTS SHALL BE TAKEN AT VARIOUS LEVELS SATISFACTORY TO THE DIRECTOR OF ENGINEERING. TEST RESULTS SHALL BE SENT TO THE CITY WITH A LETTER, SIGNED AND STAMPED BY THE SOILS ENGINEER, STATING THAT A SUFFICIENT NUMBER OF TESTS HAVE BEEN TAKEN AND THE MINIMUM DEGREE OF COMPACTION HAS BEEN REACHED.
  - APPROVAL OF THIS DRAWING IS FOR MATERIAL ACCEPTABILITY AND COMPLIANCE WITH MUNICIPAL AND PROVINCIAL SPECIFICATIONS AND STANDARDS ONLY. APPROVAL AND INSPECTION BY THE CITY OF THE WORKS DOES NOT CERTIFY THE LINE AND GRADE OF THE WORKS AND IT IS THE OWNER'S RESPONSIBILITY TO HAVE THEIR ENGINEER CERTIFY THIS ACCORDINGLY.

**NOT FOR CONSTRUCTION**

TOPOGRAPHICAL FROM BARICH GREENKIE DRAWING DATED MAY 14, 2008  
BENCHMARK - ELEVATION ELEVATIONS ARE REFERRED TO THE CITY OF HAMILTON BENCH MARK NO. 10-05 HAVING AN ELEVATION OF 188.471 METERS.

No.	DATE	BY	REVISIONS
-----	------	----	-----------

DESIGN	S. PONGRACZ	CHKD	B. ENTER	DATE	AUGUST 25, 2009
DRAWN	P. MALLOY	CHKD	B. ENTER		



**APPROVALS**

APPROVED \_\_\_\_\_  
DATE \_\_\_\_\_

200 East Wing  
360 James Street North  
Hamilton ON L8L 1H5  
tel 905 546 1010  
fax 905 546 1011  
toll free 1 877 822 3798  
www.ibigroup.com

**SWAN DAYCARE**  
1194 SCENIC DRIVE  
HAMILTON  
MDA-09-107

**SITE GRADING PLAN**

IBI FILE NO.	SHEET NO.
26466	GP



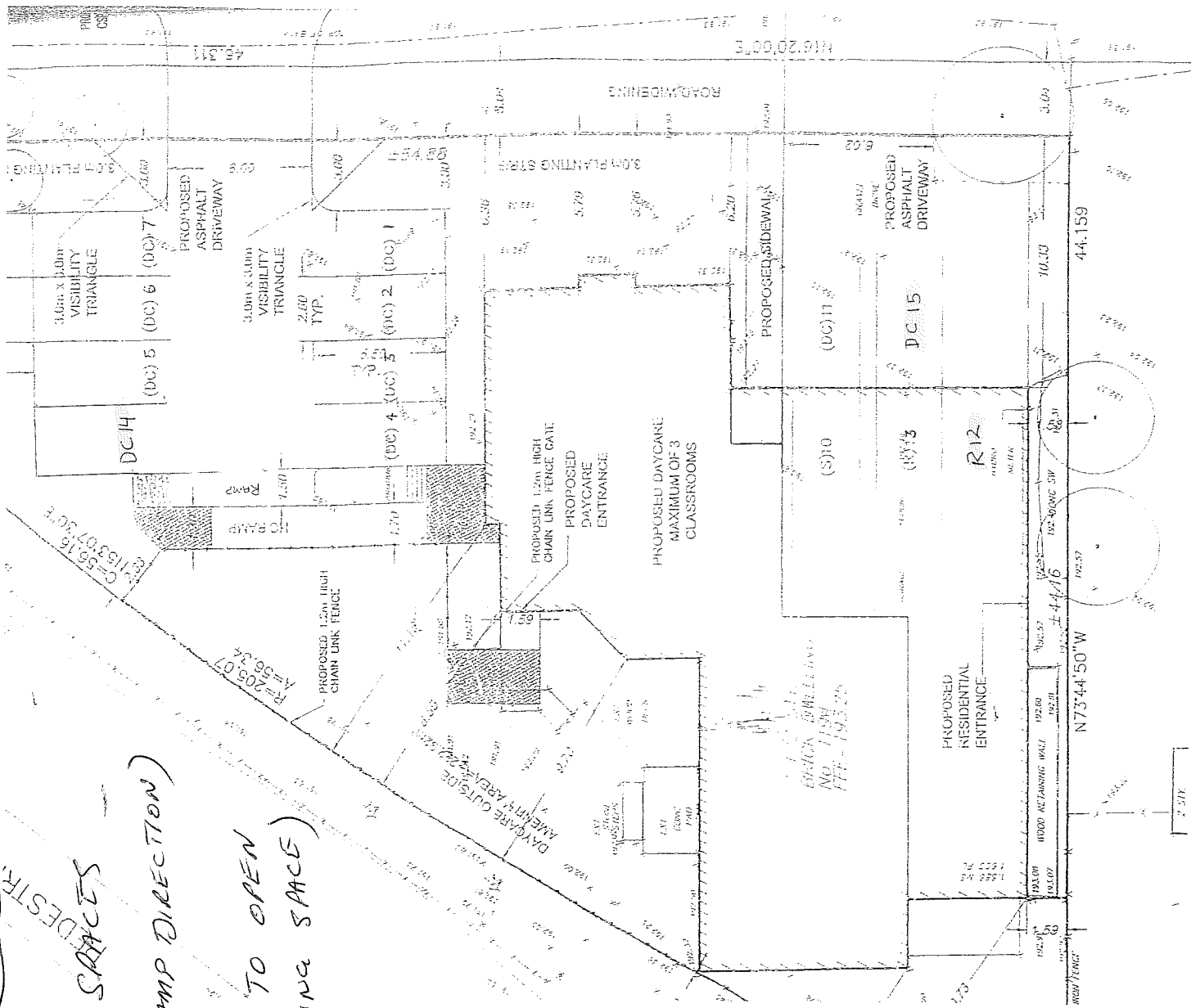


PROPOSED DAYCARE PARKING

ADD TWO MORE PARKING SPACES

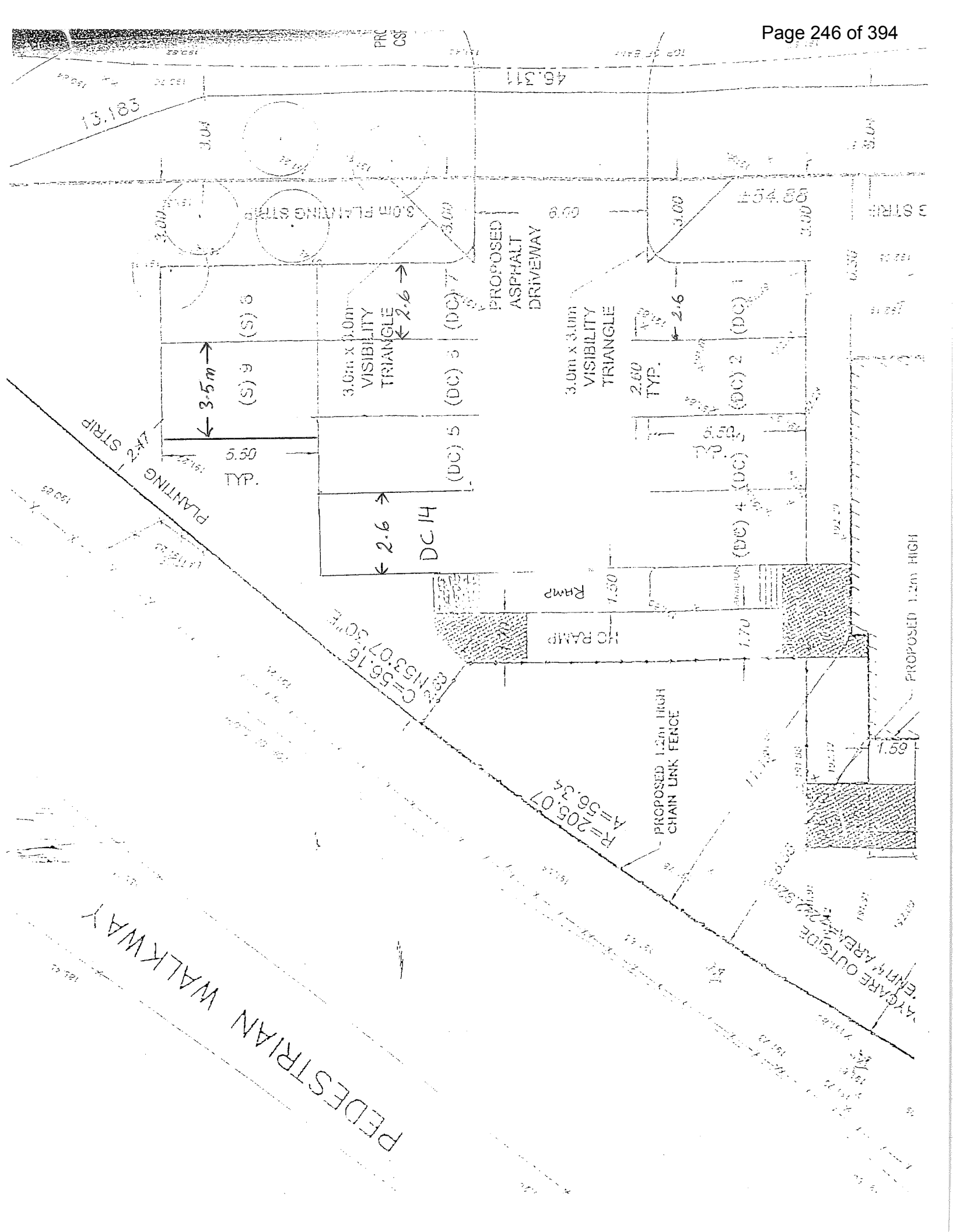
DC 14 (BY CHANGING RAMP DIRECTION)

DC 15 (BY MOVING R12 TO OPEN GARAGE PARKING SPACE)



DESTR.







**CYNTHIA ZAHORUK ARCHITECTS**  
HAMILTON, ONTARIO  
TEL: 519 573 1144



**ONTARIO ASSOCIATION OF ARCHITECTS**  
**ASSOCIATION OF ARCHITECTS**  
**CENTRAL ZONE**  
**LICENSED MEMBER**

NO. 101	REVISED
NO. 102	REVISED
NO. 103	REVISED
NO. 104	REVISED
NO. 105	REVISED
NO. 106	REVISED
NO. 107	REVISED
NO. 108	REVISED
NO. 109	REVISED
NO. 110	REVISED

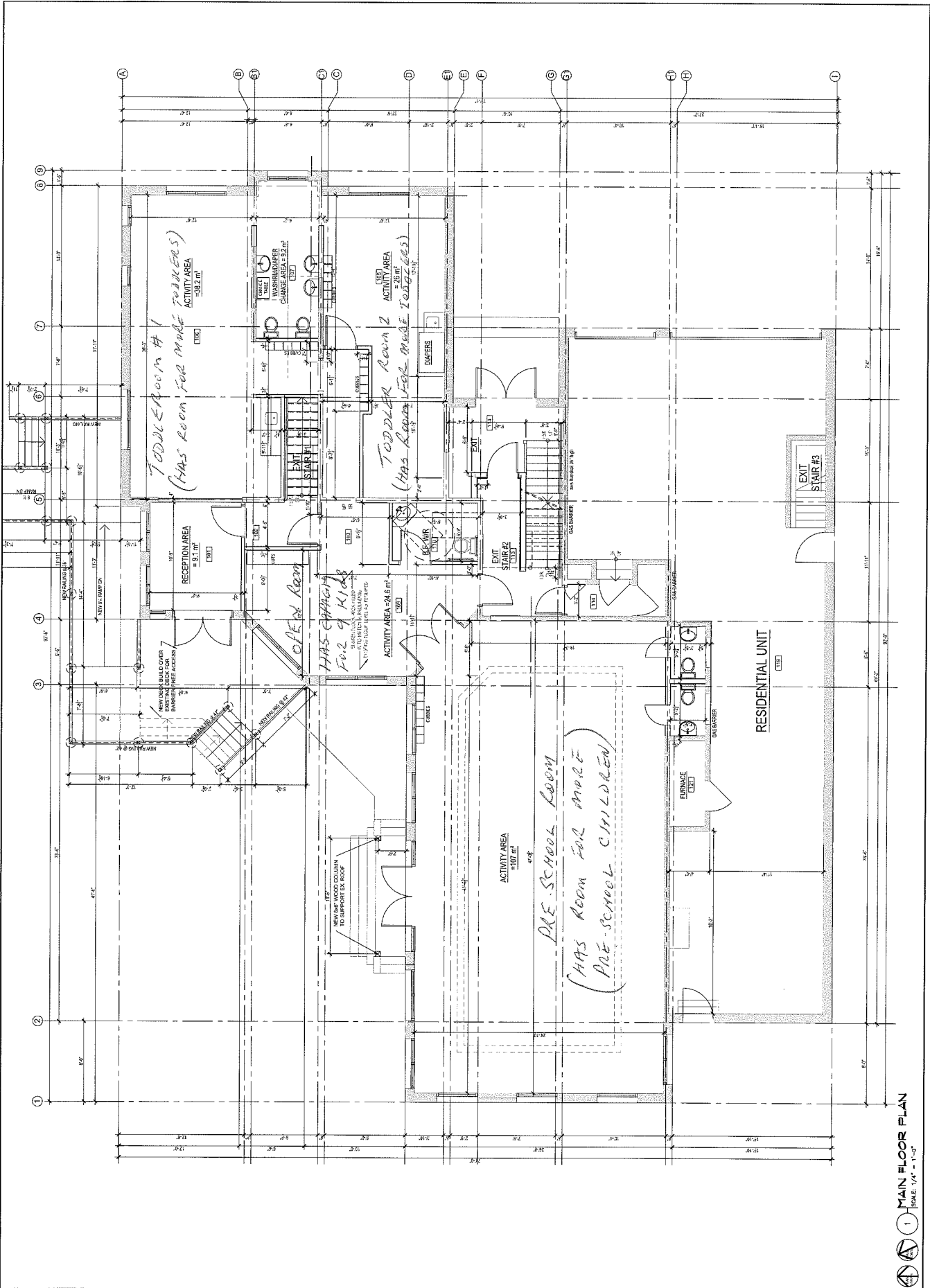
SCALE AS NOTED  
DRAWN BY KR  
PROJECT NO. ZAH0001

**SWAN DAYCARE**  
1194 SCENIC DRIVE  
HAMILTON, ONTARIO

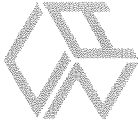
MAIN FLOOR PLAN

A1.2

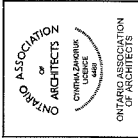
*MAIN FLOOR*



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



**CYNTHIA  
ZAHORUK  
ARCHITECTS**  
1111 FINE LINE STREET, SUITE 104  
HAMILTON, ONTARIO L8N 1K6  
TEL: 905.331.4480



**NOTES:**  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE (OBC) AND THE ONTARIO FIRE CODE (OFC).  
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL BUILDING CODE (CNBC) AND THE CANADIAN NATIONAL FIRE CODE (CNFC).  
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL PLUMBING AND MECHANICAL CODE (CNPM) AND THE CANADIAN NATIONAL ELECTRICAL CODE (CNEC).  
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL MECHANICAL AND PLUMBING CODE (CNMPC) AND THE CANADIAN NATIONAL ELECTRICAL CODE (CNEC).  
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL MECHANICAL AND PLUMBING CODE (CNMPC) AND THE CANADIAN NATIONAL ELECTRICAL CODE (CNEC).  
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL MECHANICAL AND PLUMBING CODE (CNMPC) AND THE CANADIAN NATIONAL ELECTRICAL CODE (CNEC).  
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL MECHANICAL AND PLUMBING CODE (CNMPC) AND THE CANADIAN NATIONAL ELECTRICAL CODE (CNEC).  
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL MECHANICAL AND PLUMBING CODE (CNMPC) AND THE CANADIAN NATIONAL ELECTRICAL CODE (CNEC).  
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL MECHANICAL AND PLUMBING CODE (CNMPC) AND THE CANADIAN NATIONAL ELECTRICAL CODE (CNEC).  
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL MECHANICAL AND PLUMBING CODE (CNMPC) AND THE CANADIAN NATIONAL ELECTRICAL CODE (CNEC).

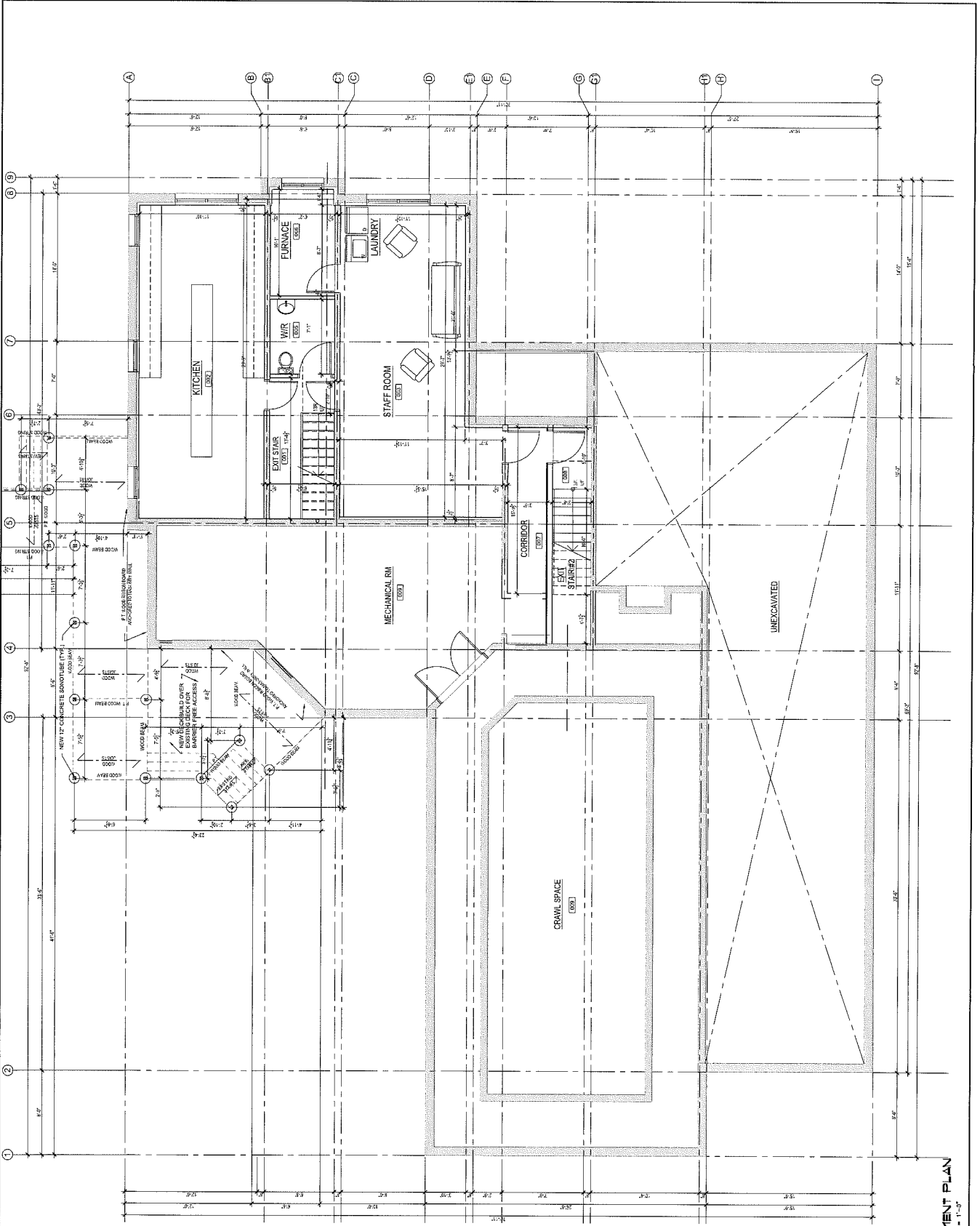
NO.	DATE	REVISION

SCALE: AS NOTED  
DRAWING: KR  
PACKAGE: ZAHORUK

**SWAN DAYCARE**  
1194 SCENIC DRIVE  
HAMILTON, ONTARIO

**BASEMENT PLAN**

**A1.1**



*BASEMENT*

PLEASE CONTACT [cofa@hamilton.ca](mailto:cofa@hamilton.ca)  
for full file.

## **Scenicview Childcare Capacity Increase**

We are writing this letter in order to achieve daycare capacity increase within Scenicview Childcare to 55 children. Our Current Zoning permit only allows us for a licensed capacity of 36 children.

City of Hamilton recommended daycare capacity of 38 children (Appendix E) based on 9 parking spaces available for parents drop off and pick up. The City of Hamilton Parking and By-Law Service Division used the 0.24 vehicle per child peak period parking demand to determine the capacity of 38 children.

I am proposing to add 2 additional parking spaces in order to increase the pickup and drop off parking spaces. One parking space has been created by reorienting a ramp and the other parking spot by moving one parking to unused parking space in the existing garage (See Appendix L and M).

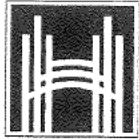
Based on the peak demand rate calculation, additional 2 parking spaces will enable us to increase the capacity to 46 children based on spaces available within the existing 3 classrooms. However, our daycare will still have one open room beside the existing 3 classrooms and one open room with a capacity of 8-9 children.

Currently the City of Hamilton is in demand of childcare spaces. I am proposing to use the City of Hamilton by law where only 1.5 parking spaces are required per clas room. With the parking spaces at the property, only 6 parking spaces are required to meet the capacity of 55 children that I am requesting.

Over the last 6 years, Scenicview Childcare has established a reputation of loyalty and trust among the children and families who have attended our childcare center. We continue to foster and build relationships not only within the Scenicview community but, also have made connections with the community partners throughout the years. As a childcare center, we offer so many wonderful experiences and we know, that through these experiences, growth and learning we will continue to shape those little minds and hearts who we look after day in and day out.

At this point, we could like the opportunity to increase our capacity therefore, staying true to our business plan regarding growth and continuing to have a positive impact within our community and to the children and their families who attend Scenicview Childcare Center. We are currently licensed and zoned for 36 children and we would like to increase the capacity to 55 total children within our childcare center. Based on the square footage of the existing





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)			
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	1194 Scenic Drive, Ancaster, ON, L9k 1J6		
Assessment Roll Number	140.280.01000.0000		
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:

Increase Current Zoning daycare capacity from 36 to 55. (See Cover Letter)

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

To increase daycare capacity, Zoning Certificate required with capacity increase.

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
41.15 meter	Varies	0.15 hectare	6.5 meters

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	5.6 meter	0.36 meter	1.5 meter	1997

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Main Building	5.6 meter	0.36 meter	1.5 meter	1997

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 Dwelling	0.15 hectare	215 sq meter	2	10.7 meter

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Main Dwelling	0.15 hectare	215 sq meter	2	10.7 meter

- 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.):  
 Daycare; Residential

---

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 2002

---

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)  
 Daycare and Single detached dwelling

---

7.4 Length of time the existing uses of the subject property have continued:  
 November 2015.

---

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

Rural Hamilton Official Plan designation (if applicable): Neighbourhoods

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? R1-582

---

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:

ZAR-08-001



- 
- 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: One
- 8.2 Number of Dwelling Units Proposed: One
- 8.3 Additional Information (please include separate sheet if needed):

Please see attached document: Appendix A to Appendix M.

## 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
- \_\_\_\_\_
- \_\_\_\_\_

13.3 I acknowledge that the members of the Committee of Adjustment and members of staff of the City of Hamilton may enter the subject lands for the limited purposes of evaluating the merits of this application. Initials [REDACTED]

13.4 I acknowledge that a sign is required to be posted on the subject lands, clearly visible and legible from a public highway (road). The sign must be posted no later than 14 days before the Hearing for consents, and no later than 10 days before the Hearing for minor variances. I acknowledge that the sign will remain posted and visible until after the Hearing. Failure to post the sign in accordance with the requirements may result in a deferral of the application. Initials [REDACTED]

13.5 I acknowledge that it is a policy of the City of Hamilton that any City costs associated with an appeal to the Ontario Land Tribunal, by a party other than the Applicant, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, minor variance, and/or any other development application under the *Planning Act*, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Applicant. I acknowledge and agree that a Cost Acknowledgment Agreement may be required to be filed in this event. Questions about this agreement should be directed to [cofa@hamilton.ca](mailto:cofa@hamilton.ca). Initials [REDACTED]

DATE [REDACTED]

NAME [REDACTED]  
SIGNED [REDACTED]

**14. AFFIDAVIT OR SWORN DECLARATION**

This declaration must be sworn before a Commissioner of Oaths.

[REDACTED]



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-23:13</b>	<b>SUBJECT PROPERTY:</b>	12 SHADOWDALE DRIVE, STONE CREEK
-------------------------	-------------------	--------------------------	-------------------------------------

**APPLICANTS:** Owner: GEORGE & NADA MACKAY

**PURPOSE & EFFECT:** To sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot accessed through a proposed easement and the retained lands will contain the existing dwelling which is intended to be retained.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	0 m <sup>±</sup>	256.74 m <sup>±</sup>	5831.94 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	23.95 m <sup>±</sup>	58.5 m <sup>±</sup>	1401.07 m <sup>2</sup> ±
<b>EASEMENT:</b>	4.5 m <sup>±</sup>	58.5 m <sup>±</sup>	263.25 m <sup>2</sup> ±

Associated Planning Act File(s): SC/A-23:56

**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, May 18, 2023</b>
<b>TIME:</b>	<b>10:30 a.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:



**SC/B-23:13**

- 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.

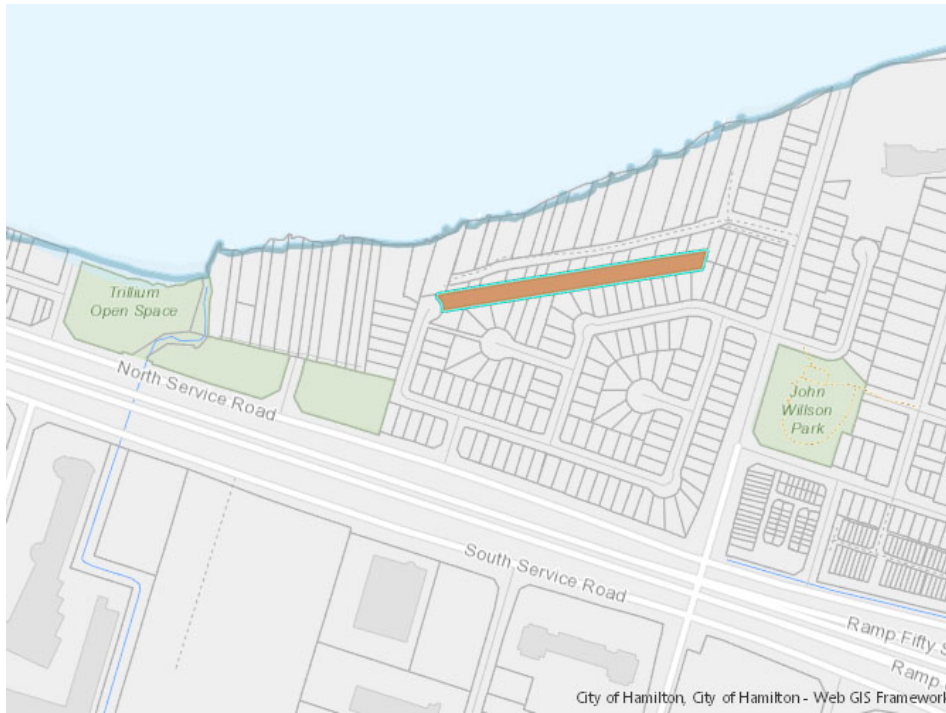
**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-23:13, 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.

SC/B-23:13



 Subject Lands

DATED: May 2, 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.



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/committeefadjustment](http://www.hamilton.ca/committeefadjustment)

### 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.



OWNER:	MUNICIPAL ADDRESS
GEORGE MacKAY 12 SHADOWDALE DRIVE, CITY OF HAMILTON	
LEGAL DESCRIPTION	
BLOCK 125, PLAN 62M-665	
CITY OF HAMILTON	
ZONING	
R2 SINGLE RESIDENTIAL	
ITEM	
LOT WIDTH	
LOT AREA	
LOT COVERAGE	
FRONT YARD SETBACK	
REAR YARD SETBACK	
SIDE YARD SETBACK (N)	
SIDE YARD SETBACK (S)	

Total Site Area = 7233.01 m<sup>2</sup> (1.8 ac)

THIS SURVEY WAS PREPARED FOR GEORGE MacKAY AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

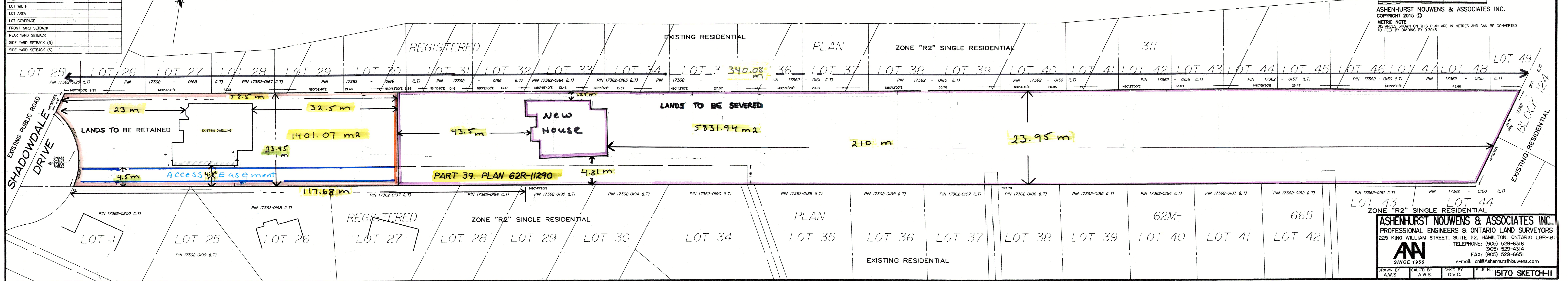
SKETCH SHOWING PROPOSED SEVERANCE & REZONING  
**BLOCK 125, REGISTERED PLAN 62M-665**  
IN THE  
CITY OF HAMILTON

SCALE 1 : 300  
0 5 10 15 20 METRES

ASHENHURST NOUWENS & ASSOCIATES INC.  
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METRIC NOTE  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

### WINONA PARK ROAD



**ASHENHURST NOUWENS & ASSOCIATES INC.**  
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS  
225 KING WILLIAM STREET, SUITE 112, HAMILTON, ONTARIO L8R-1B1  
TELEPHONE: (905) 529-6316  
(905) 529-4314  
FAX: (905) 529-6651  
e-mail: an@AshenhurstNouwens.com

SINCE 1956  
DRAWN BY A.W.S. CALC'D BY A.W.S. CHK'D BY G.V.C. FILE No. 15170 SKETCH-II



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**

[george@hdshowroom.com](mailto:george@hdshowroom.com)

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

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

\*\* 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.



Page 2

**SC/B-23:1312 Application For Consent To Sever Land**

**Section 3.1 of the application we would need to change**

We need to check off the an easement in addition to creation of new lot

**Section 4.1 we would need to change to the following:**

Lands to Be retained modified to

Frontage 23.95 Meters on Existing Lands to be retained

Depth 58.5 Meters

Area 1401.07 sq meters

Lands to be severed modified to

Frontage zero with 4.5 meters access easement

Depth 256.74 meters

Area 5831.94 Square meters

Easement strip area needs to be added

Width 4.5 meters

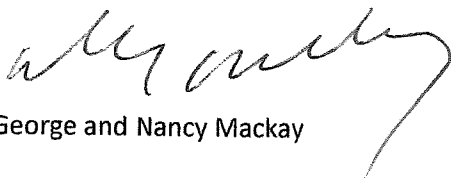
Length 58.5 meters

Please find attached the revised drawing.

In addition I have also revised the Consent to Sever Application page 2 and 3 as well as Minor Variance application page 2 and 3. I have highlighted the areas spoken above to help explain the amendments better. I have attached these pages with this cover page as well.

Please let me know if you have any questions or concerns or if you need anything else. We can be reached at 905-317-2476.

Sincerely,



George and Nancy Mackay

Sever page 2  
Revised

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	12 Shadowdale Dr Stoney Creek, Ontario L8E 5Z4		
Assessment Roll Number	00302008795		
Former Municipality	Stoney Creek, Ontario		
Lot	Block 125	Concession	
Registered Plan Number	251800302008795	Lot(s)	
Reference Plan Number (s)	62R-11290	Part(s)	44, 45 & 58

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)

- creation of a new lot(s)
- addition to a lot
- an easement
- validation of title (must also complete section 8)
- 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)
- concurrent new lot(s)
- a lease
- a correction of title
- a charge

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

Nada Mackay

---

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:	Lands to Retain	Lands to Sever	Easement strip		
Type of Transfer	N/A				
Frontage	23.95 M	0	4.5 M		
Depth	58.5 M	256.74 M	58.5 M		
Area	1401.07 M2	5831.94 M2			
Existing Use	Single family	Single family			
Proposed Use	Single family	Single family			
Existing Buildings/ Structures					
Proposed Buildings/ Structures					
Buildings/ Structures to be Removed					

\* Additional fees apply.

#### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

b) Type of water supply proposed: (check appropriate box)

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

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)

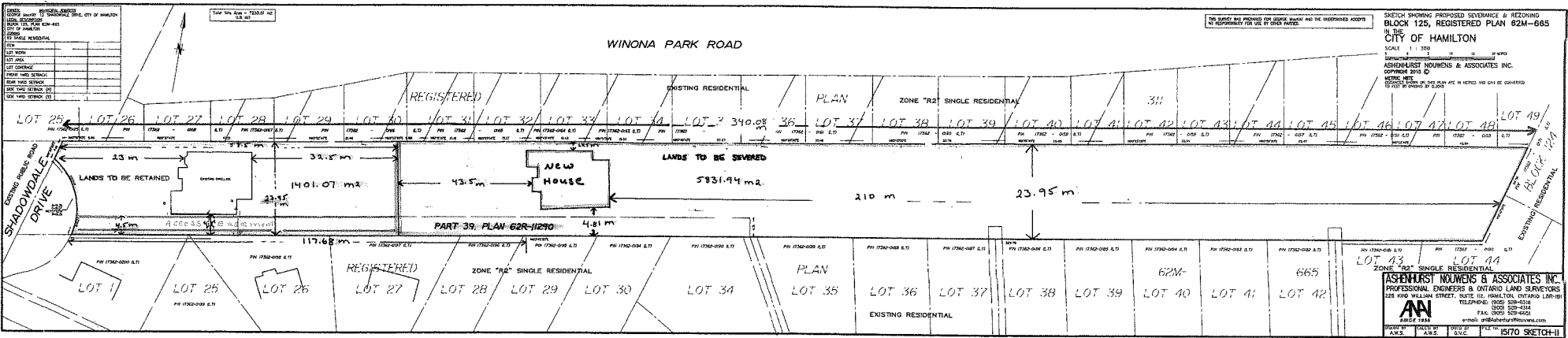
- electricity       telephone       school bussing       garbage collection

### 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: \_\_\_\_\_







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-23:56</b>	<b>SUBJECT PROPERTY:</b>	12 SHADOWDALE DRIVE, STONEY CREEK
<b>ZONE:</b>	"R2" (Single Residential 2)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:** Owner: GEORGE AND NADA MACKAY

The following variances are requested:

Lot to be Conveyed:

1. A minimum frontage of 0.0 metres shall be provided instead of the minimum required 15 metre frontage onto a street;
2. Uses permitted under Section 6.3.2 shall be permitted on a lot without frontage on a street instead of the requirement that no person shall erect any building or structure on a lot or use any lot in any zone unless such lot has frontage on a street;

**PURPOSE & EFFECT:** So as to permit the severance of the existing lot of a Single Detached Dwelling and conveyance of land to be created for a proposed Single Detached Dwelling notwithstanding that:

**Notes:**

- i) This application shall be heard in conjunction with Consent application SC/B-23:13
- ii) It is noted, the applicant has requested the previous variance to be amended from a 4.5 metre frontage to a 0.0 metre frontage for the lot to be conveyed. In addition, the applicant has proposed a 4.5-metre-wide Access and Maintenance Easement along the Southerly Lot Line which will grant access through the retained lot to Shadowdale Drive. The variance has been amended as per the applicant's request. Be advised, confirmation of the Access and Maintenance Easement on a registered survey shall be a Condition of Severance should the requested Variance be granted.

**SC/A-23:56**

- iii) In addition to the above comment, an additional variance has been provided to address Section 4.6 regarding general Access requirements for all lots located within Stoney Creek Zoning By-Law 3692-92.
- iv) Be advised, Insufficient Information was provided to determine the parking requirements for the lot to be conveyed. Should parking not meet the requirements of Section 4.10 and 6.1.8 relating to Parking space location, size, access and number (note, 2 parking spaces are required for each Single Detached Dwelling), 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, May 18, 2023</b>
<b>TIME:</b>	<b>10:30 a.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 SC/A-23:56, 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

**SC/A-23:56**

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: May 2, 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

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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.



OWNER:	MUNICIPAL ADDRESS
GEORGE MacKAY 12 SHADOWDALE DRIVE, CITY OF HAMILTON	
LEGAL DESCRIPTION	
BLOCK 125, PLAN 62M-665	
CITY OF HAMILTON	
ZONING	
R2 SINGLE RESIDENTIAL	
ITEM	
LOT WIDTH	
LOT AREA	
LOT COVERAGE	
FRONT YARD SETBACK	
REAR YARD SETBACK	
SIDE YARD SETBACK (N)	
SIDE YARD SETBACK (S)	

Total Site Area = 7233.01 m<sup>2</sup> (1.8 ac)

THIS SURVEY WAS PREPARED FOR GEORGE MacKAY AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

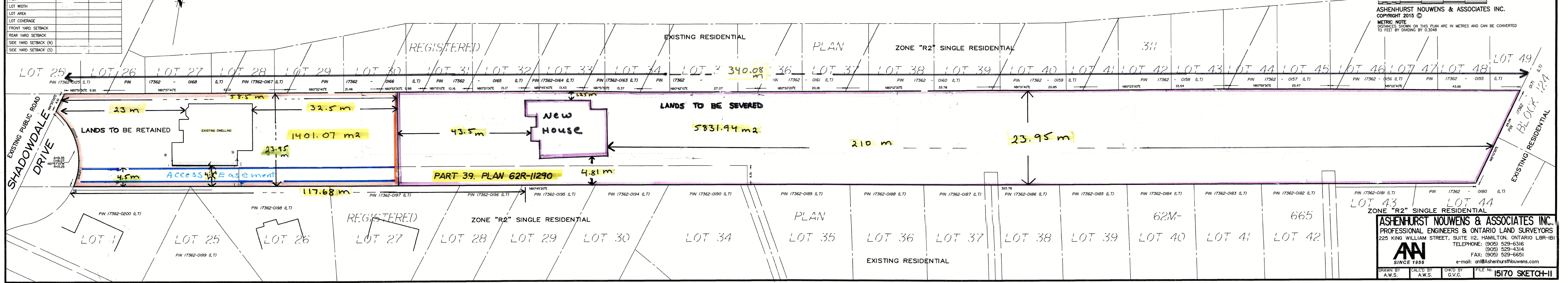
SKETCH SHOWING PROPOSED SEVERANCE & REZONING  
**BLOCK 125, REGISTERED PLAN 62M-665**  
IN THE  
**CITY OF HAMILTON**

SCALE 1 : 300  
0 5 10 15 20 METRES

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

### WINONA PARK ROAD



**ASHENHURST NOUWENS & ASSOCIATES INC.**  
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS  
225 KING WILLIAM STREET, SUITE 112, HAMILTON, ONTARIO L8R-1B1  
TELEPHONE: (905) 529-6316  
(905) 529-4314  
FAX: (905) 529-6651  
e-mail: an@AshenhurstNouwens.com

DRAWN BY	CALCD BY	CHK'D BY	FILE No.
A.W.S.	A.W.S.	G.V.C.	15170 SKETCH-II





April 14, 2023

To the Committee Of Adjustments.

Regarding  
George & Nancy Mackay  
12 Shadowdale Dr  
Stoney Creek, Ontario L8E 5Z4

**SC/B-23:1312**  
And  
**SC/A-23:5612**

We had a Committee Of Adjustment Hearing on April 6, 2023 but at that time we Tabled our meeting.

**We are wondering if we can Table this until the May 18<sup>th</sup> 2023 meeting date.**

We would like to make the following changes or amendments to our application.

**SC/A-23:5612 Application For Minor Variance**

**We would like to Change section 3.1 of the application**

We would like to have the side set back variance removed of .31 meters and modify the variance to no frontage on a public road and subject to the 4.5 meter wide access easement. Existing side yard will be maintained as an access and maintenance easement.

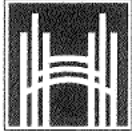
The front variance should be modified from 4.5 meters to zero because the 4.5 meters access easement will provide a legal means of access to the site.

This will resolve the 3.1 meter issue and keep the dwelling in tact as is.

**Section 4.1**

Lot Frontage 23.95 Meters      Lot Depth change to 340.08 Meters  
Lot area .73HA                  Width of Street approx. 12 Meters

Side yard Setbacks change to 4.81 Meters on south side of existing house

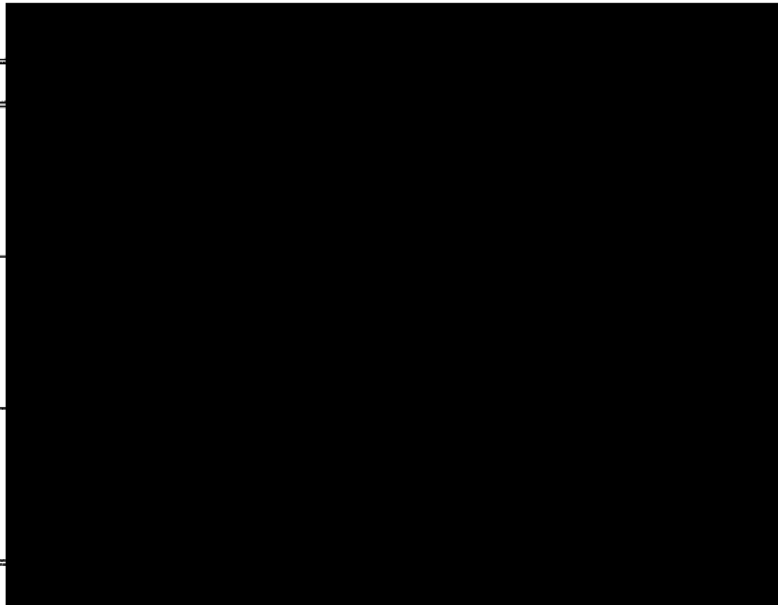


Hamilton

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

**1. APPLICANT INFORMATION**

	<b>NAME</b>
<b>Registered Owners(s)</b>	George & Nada Mackay
<b>Applicant(s)</b>	George & Nada Mackay
<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 george@hdshowroom.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	12 Shadowdale Dr Stoney Creek, Ontario L8E 5Z4		
Assessment Roll Number	00302008795		
Former Municipality	Stoney Creek, Ontario		
Lot	Block 125	Concession	
Registered Plan Number	2518003020087	Lot(s)	
Reference Plan Number (s)	62R-11290	Part(s)	44,45 & 58

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:

side set back variance removed of .31 meters and modify the variance to no frontage on a public road and subject to the 4.5 meter wide access easement. Existing side yard will be maintained as an access and maintenance easement. The front variance should be modified from 4.5 meters to zero because the 4.5 meters access easement will provide a legal means of access to the site. This will resolve the 3.1 meter issue and keep the dwelling in tact as is.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Lot Configuration/placement of structure limits ability to provide sufficient space for access. Lot Configuration is unique (100 by 78 feet) Therefore access easement would be the best solution.

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
23.95 METERS	340.08 METERS	.73 HA	approx 12 METERS
23.95 meters	340.08 meters	.73 HA	approx 12 meters

*Minor Variance Application*

*Page 3*

*Revised*

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 Family Home	23 Meters	32.5 Meters	1.25 & 3.1 meters	2004
			Change to	
			1.25 & 4.81 meters	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Family Home	117.68 Meters	210 Meters	1.25 & 4.81 Meters	

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 Family Home	1800 Sq Ft	2900 Sq FT	2 Storey	30 ft

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Family Home	3000 sq ft	3600 sq ft	1 storey	20 ft

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:

**2004**

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:

**Approx 19 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) Neighbourhoods

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

**Residential use in neighbourhood**

7.6 What is the existing zoning of the subject land? R2

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
- 
-





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-23:87</b>	<b>SUBJECT PROPERTY:</b>	114 CHAMBERS COURT, ANCASTER
<b>ZONE:</b>	"R4" (Residential 4)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended 15-268

**APPLICANTS:**      **Owner:** DAMIAN PALUS & ALICJA CZAPLINSKA-PALUS

The following variances are requested:

1. An Accessory Building shall be permitted within a Minimum Rear Yard instead of the requirement that an Accessory Building over 12 square metres shall not be permitted within any Minimum Rear Yard or Minimum Side Yard;
2. Eaves or Gutters shall be permitted to project no closer than 0.5 metres from any lot line instead of the requirements that in no case shall any eave or gutter extend more than 30 centimetres into a required minimum setback area;

**PURPOSE & EFFECT:**      So as to permit a pool house and gazebo within the rear yard notwithstanding that:

**Notes:**

1. Note, as per discussion with applicant, the Gazebo as proposed is unenclosed and consists of a roof and posts with no walls. The portion of the Accessory Structure proposed as a Gazebo is not included within the Ground Floor Area calculation required under Section 7.8 (a)(iv) and the total Ground Floor Area for the proposed Accessory Building is 35 square metres. As such, the requested variance to increase the required Ground Floor Area for an accessory Building has not been included with the proposed variances.
2. Note, as per discussion with applicant, a portion of the Accessory Building is proposed within the Required Side Yard, which is not permitted as per Section 7.8 (a)(ii). As such, a variance has been included to address this deficiency.

**AN/A-23:87**

3. Note, as per discussion with applicant, the eaves/ gutters of the proposed Accessory Building is indicated on the Site Plan to not exceed 0.3 metres into a required yard. It appears that the proposed eaves/ gutters would exceed this maximum as the proposed Accessory Building projects more than 0.3 metres into any required yard and any further projects for the eaves/gutters would exceed the minimum permitted under Section 7.8 (a)(viii). As such, a variance has been included to address this deficiency.

**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, May 18, 2023</b>
<b>TIME:</b>	<b>10:35 a.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.

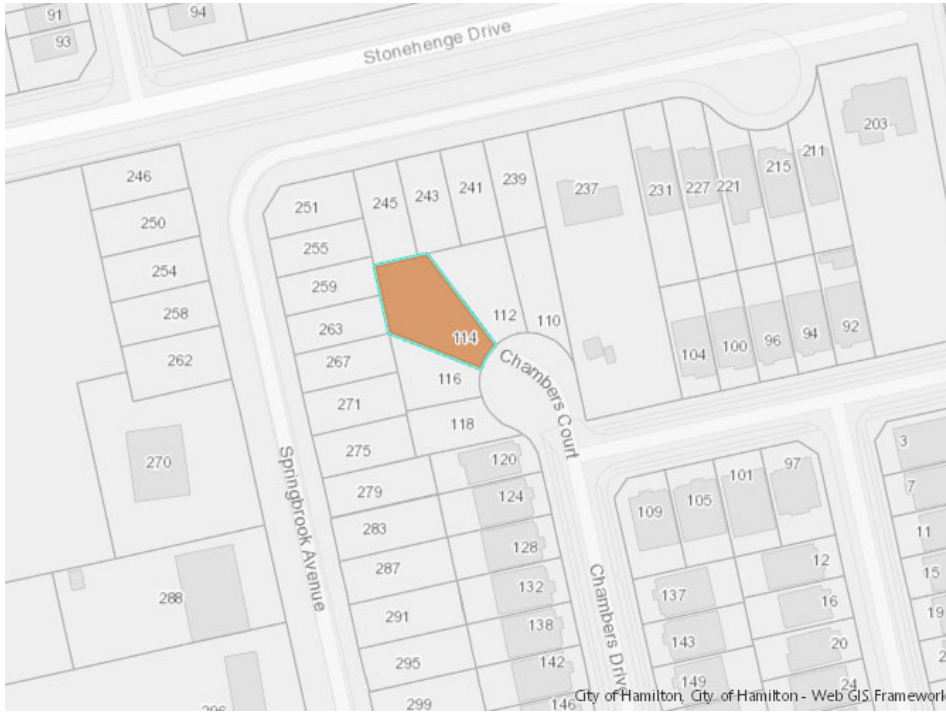
**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:87, 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-23:87



DATED: May 2, 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.

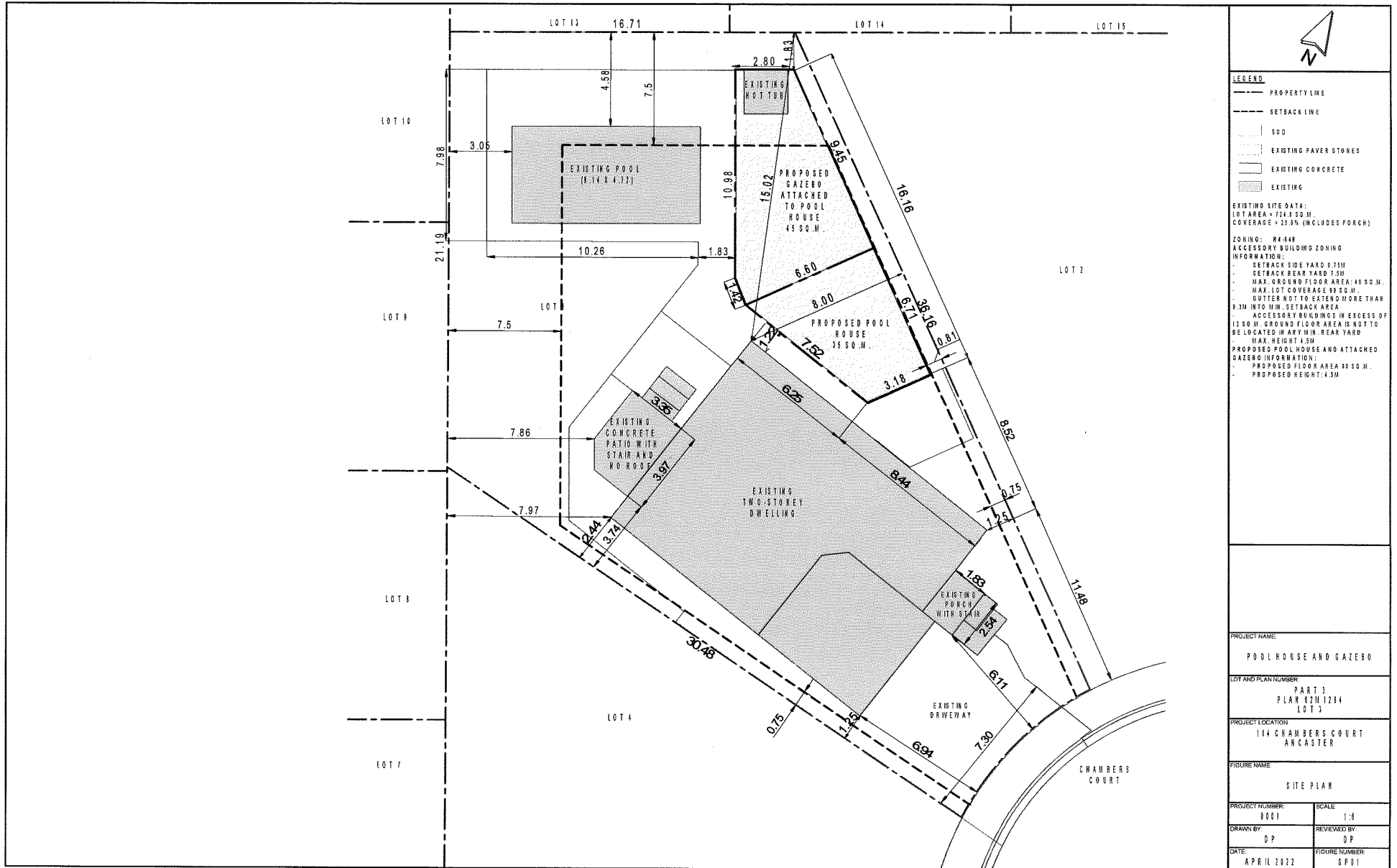
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

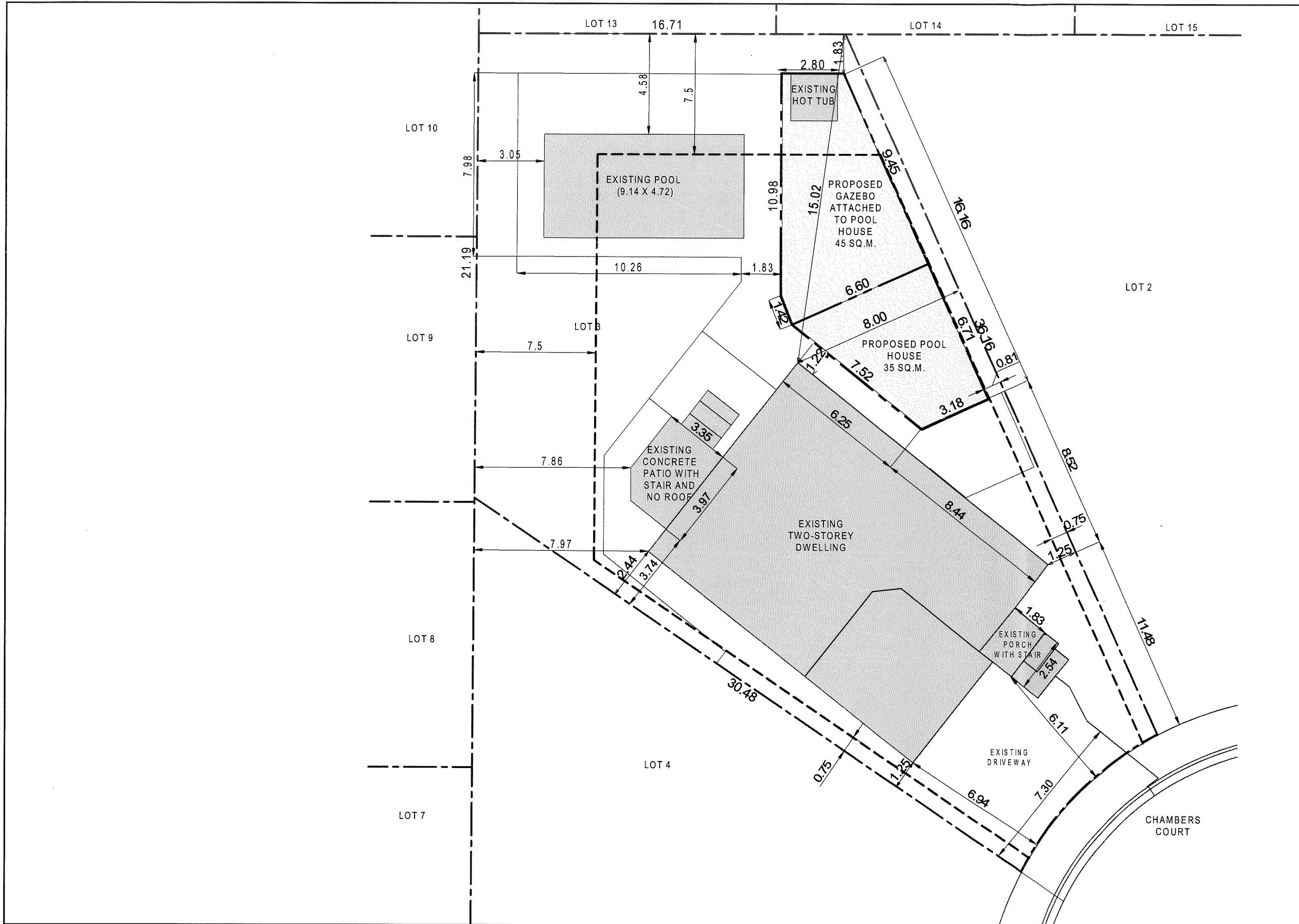
#### 2. In person Oral Submissions

**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.





- LEGEND**
- PROPERTY LINE
  - SETBACK LINE
  - SOD
  - EXISTING PAVER STONES
  - EXISTING CONCRETE
  - EXISTING

**EXISTING SITE DATA:**  
 LOT AREA = 724.8 SQ.M.  
 COVERAGE = 23.6% (INCLUDES PORCH)

**ZONING: R4-548**  
**ACCESSORY BUILDING ZONING INFORMATION:**

- SETBACK SIDE YARD 0.75M
- SETBACK REAR YARD 7.5M
- MAX. GROUND FLOOR AREA: 40 SQ.M.
- MAX. LOT COVERAGE 90 SQ.M.
- GUTTER NOT TO EXTEND MORE THAN 0.3M INTO MIN. SETBACK AREA
- ACCESSORY BUILDINGS IN EXCESS OF 12 SQ.M. GROUND FLOOR AREA IS NOT TO BE LOCATED IN ANY MIN. REAR YARD
- MAX. HEIGHT 4.5M

**PROPOSED POOL HOUSE AND ATTACHED GAZEBO INFORMATION:**

- PROPOSED FLOOR AREA 80 SQ.M.
- PROPOSED HEIGHT: 4.5M

PROJECT NAME:	
POOL HOUSE AND GAZEBO	
LOT AND PLAN NUMBER:	
PART 3 PLAN 62M 1264 LOT 3	
PROJECT LOCATION:	
114 CHAMBERS COURT ANCASTER	
FIGURE NAME:	
SITE PLAN	
PROJECT NUMBER:	SCALE:
0001	1:6
DRAWN BY:	REVIEWED BY:
DP	DP
DATE:	FIGURE NUMBER:
APRIL 2022	SP01





**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>			
<b>Applicant(s)</b>			
<b>Agent or Solicitor</b>	NA		<b>Phone:</b>
			<b>E-mail:</b>

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	114 Chambers Court, Ancaster, ON		
Assessment Roll Number	140.280.23480.0000		
Former Municipality	Ancaster		
Lot	3	Concession	
Registered Plan Number	62M1264	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. Allowing a larger accessory building to be constructed than allowed. As per by-law, max. floor area cannot exceed 40 sq.m. Proposed size of accessory building would be 80 sq.m.
2. Allowing to build the accessory building partly in the minimum rear yard. As per by-law, accessory building cannot be built in the minimum rear yard. The proposed accessory building would encroach 5.7 m into the minimum rear yard.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The proposed accessory building is larger than allowed and encroaches into the rear yard set back.

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
8.75 m	IRREG, 35m, 30m	724.8 sq. m.	Court/ NA

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 Family Dwelling	6.94m	IRREG, 7.97m, 15.01m	IRREG, 1.25m, 8.0m, 2.44m	2019/2020
Front Covered Porch	6.11	NA	3.0m	2019/2020
Rear not Covered Patio	NA			2022
Inground Pool	NA	4.56m, 3.05m	8+m	2022

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Building (Pool House and Gazebo)	15+m	1.83m	0.81m	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
Single Family Dwelling	165 sm	288 sm	2 plus basement	9m
Front Covered Porch	4.64sm	4.64m	1	9m
Rear not Covered Patio	13sm	13m	na	na
Inground pool	43sm	43sm	na	na

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory Building (pool house/gazebo)	Pool house, 35 sqm, gazebo 45 sqm	80 sq. m.	1	4.5 m

- 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.):  
Proposing to build an accessory building, seasonal pool house with an attached gazebo.
- 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:  
2020
- 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:  
3+ 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) Neighbourhood \_\_\_\_\_

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

- 7.6 What is the existing zoning of the subject land? R4-548 \_\_\_\_\_
- 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 NA

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** **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>AN/B-23:23</b>	<b>SUBJECT PROPERTY:</b>	623 Shaver Road, Ancaster
-------------------------	-------------------	--------------------------	---------------------------

**APPLICANTS:**      **Owner:** INGRID ELISE IRENE BARTELS  
**Agent:** CORBETT LAND STRATEGIES C/O JONABELLE CEREMUGA

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

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	570.25 m <sup>±</sup>	115.76 m <sup>±</sup>	29.2 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	167.75 m <sup>±</sup>	122 m <sup>±</sup>	2.00 ha <sup>±</sup>

Associated Planning Act File(s): N/A

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

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

<b>DATE:</b>	<b>Thursday, May 18, 2023</b>
<b>TIME:</b>	<b>10:40 a.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)

**AN/B-23:23**

- 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.

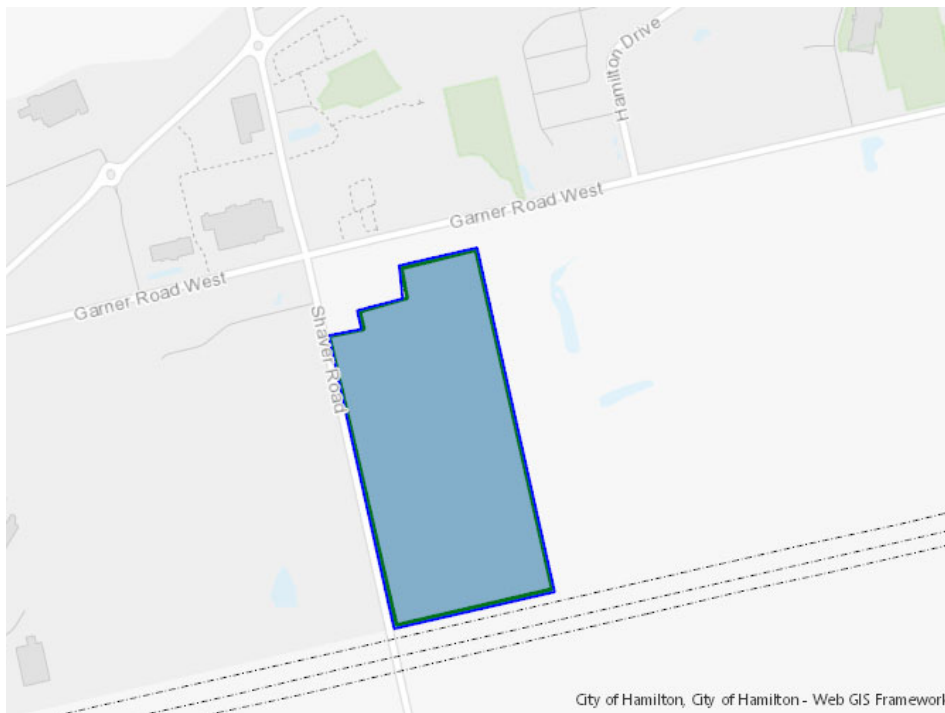
**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/B-23:23, 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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AN/B-23:23



 Subject Lands

DATED: May 2, 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.





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.**

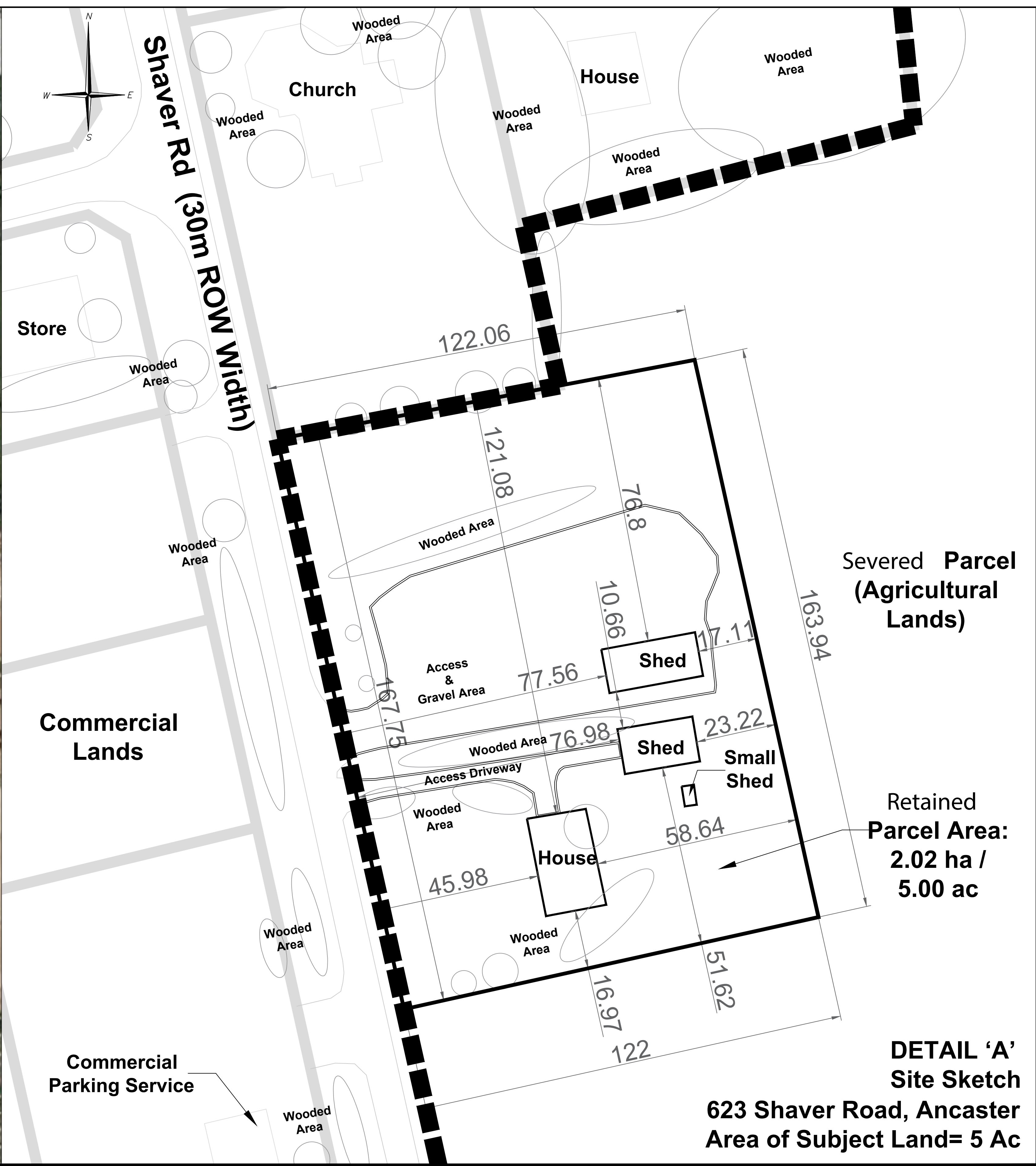
To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish 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.





**LEGEND**

Urban Boundary	
Subject Property	
Severed Parcel Boundary	
Retained Parcel Boundary	

# Property Severance

Ingrid Elise Irene Bartels

Scale: N.T.S.  
All Dimensions in Meters

**CORBETT LAND STRATEGIES INC.**  
VISION • EXPERTISE

5045 South Service Road, Suite 301  
Burlington, ON L7L 5Y7  
corbettlandstrategies.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)			
Applicant(s)**			
Agent or Solicitor			

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

\*\* 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 [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	623 Shaver Road, Ancaster, City of Hamilton		
Assessment Roll Number			
Former Municipality	Ancaster		
Lot	37	Concession	4
Registered Plan Number	62R5460	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

---

## 3 PURPOSE OF THE APPLICATION

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

- |  |  |
|--|--|
| <input type="checkbox"/> creation of a new lot(s)  | <input 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 checked="" 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:

To be determined.

---

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 (Severed)	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:					
Type of Transfer	N/A	N/A			
Frontage	167.75 m	570.25 m			
Depth	122 m	115.76 m			
Area	2.00 Ha	29.2 Ha			
Existing Use	Residential	Agricultural			
Proposed Use	Residential	Agricultural			
Existing Buildings/ Structures	Single Family Residential	Non			
Proposed Buildings/ Structures	Residential	Non			
Buildings/ Structures to be Removed		Non			

\* 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): Agricultural Designation

Rural Settlement Area: \_\_\_\_\_



Urban Hamilton Official Plan designation (if applicable) N/A

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

The proposed use for the severed lands will remain as an agricultural related use which conforms with a City of Hamilton Official 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 (A2) Zone

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

N/A

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

Yes  No  Unknown

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

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
<del>An agricultural operation, including livestock facility or stockyard</del> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input checked="" type="checkbox"/>	
A land fill	<input type="checkbox"/>	No
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	No
A provincially significant wetland	<input type="checkbox"/>	No
A provincially significant wetland within 120 metres	<input type="checkbox"/>	No
A flood plain	<input type="checkbox"/>	No
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	No
An active railway line	<input type="checkbox"/>	No
A municipal or federal airport	<input type="checkbox"/>	No

## 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.

No.

---

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?

Unknown

---

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.

---

## 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 attached letter.

---

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

Yes  No (Provide explanation)

Please see attached letter.

---

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

Yes  No (Provide explanation)

Please see attached 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)

Please see attached letter.

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	Ancaster		
Lot	38	Concession	4
Registered Plan Number	62R12703	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.

Agricultural Designation

## 10.4 Description of farm consolidation property:

Frontage (m): 50.59	Area (m <sup>2</sup> or ha): 17.87
---------------------	------------------------------------

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

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

Frontage (m): 570.25	Area (m <sup>2</sup> or ha): 29.2
----------------------	-----------------------------------

Existing Land Use: Agricultural Use Proposed Land Use: Agricultural Use

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

Frontage (m): (from Section 4.1) 167.75	Area (m <sup>2</sup> or ha): (from Section 4.1) 2.02
--	---

Front yard set back: 45.98 m

## a) Date of construction:

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

## b) Condition:

- Habitable       Non-Habitable



## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - 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>AN/A-23:91</b>	<b>SUBJECT PROPERTY:</b>	287 HWY 52 N, ANCASTER
<b>ZONE:</b>	"A2" (Rural Zone)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** GEOFFREY AND GERJANNE OTTEN  
**Agent:** CARROTHERS AND ASSOCIATES C/O ALEX BLANCHARD

The following variances are requested:

- i. To permit Accessory Buildings within the front yard of the lot.
- ii. To permit the existing Accessory Buildings to be on the lot prior to the erection of the principal building/structure.

**PURPOSE & EFFECT:** To permit the existing accessory structures to remain and be located in the front yard of the property with a custom home to be built further back into the lot in the near future.

**Notes:** N/A

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

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

<b>DATE:</b>	<b>Thursday, May 18, 2023</b>
<b>TIME:</b>	<b>10:45 a.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>

**AN/A-23:91**

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

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**PUBLIC INPUT**

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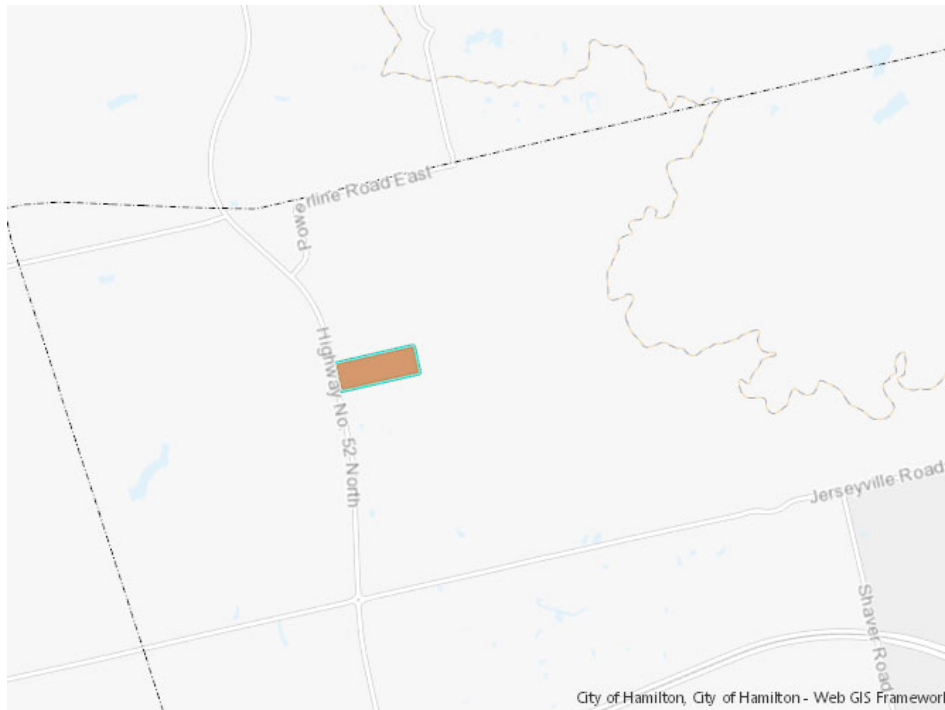
**FURTHER NOTIFICATION**

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AN/A-23:91



 Subject Lands

DATED: May 2, 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

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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

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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.**

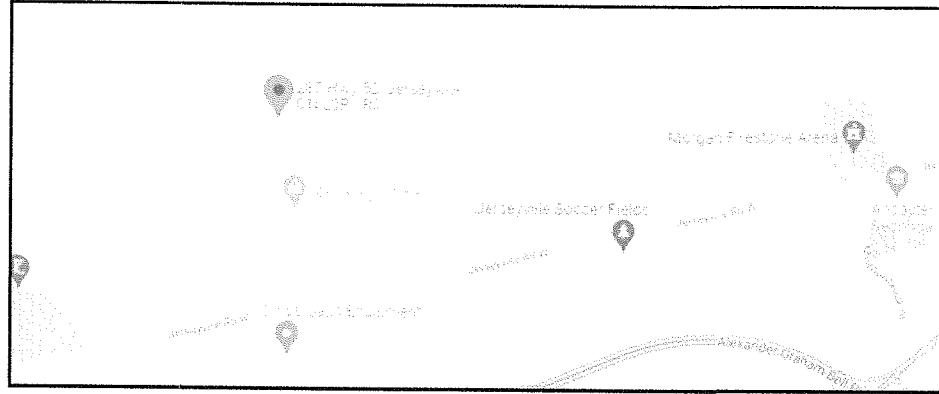
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Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure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

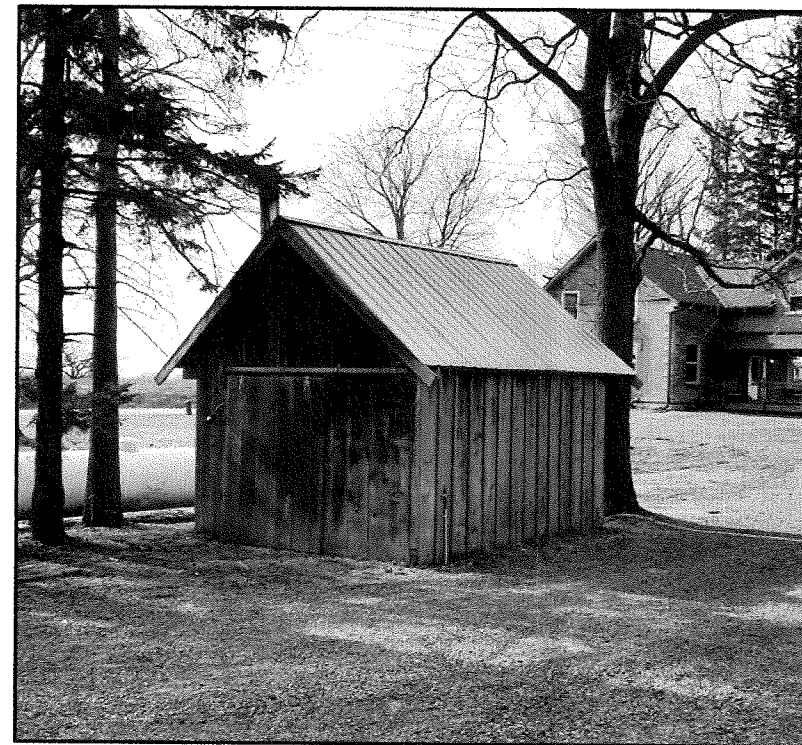
# PRIVATE RESIDENCE EXISTING STORAGE SHED & BARN WITH FUTURE CUSTOM HOME

287 HIGHWAY 52 JERSEYVILLE, ON. L0R 1R0

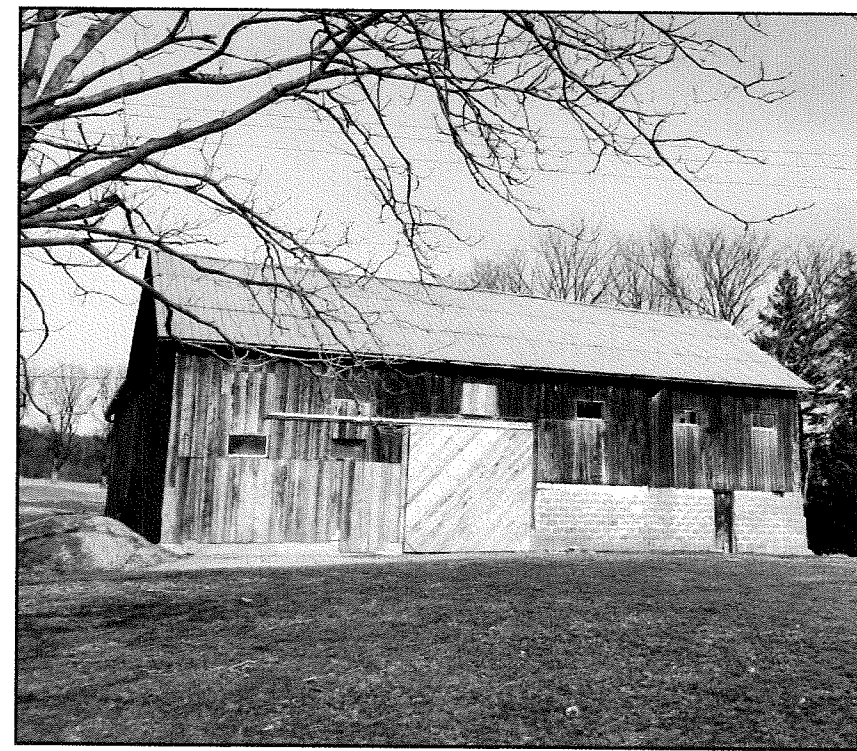
ISSUED FOR COMMITTEE OF ADJUSTMENT ONLY



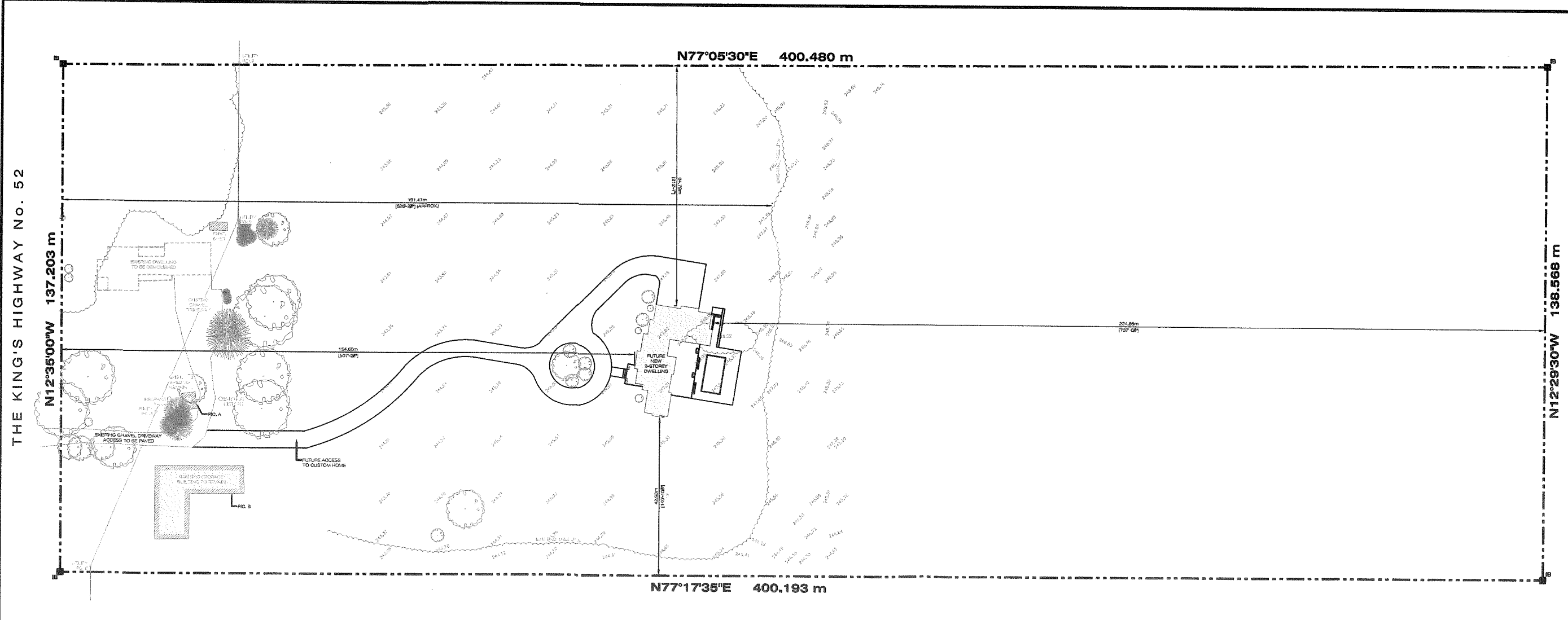
LOCATION MAP:



A: EXISTING STORAGE SHED ELEVATION



B: EXISTING STORAGE BUILDING ELEVATION



OVERALL SITE PLAN (N.T.S.) - REFER TO SP-2 FOR SPECIFICS

ISSUED FOR COMMITTEE OF  
ADJUSTMENT  
REVIEW ONLY

Project Name:	<b>PRIVATE RESIDENCE</b> EXISTING STORAGE SHED & BARN WITH FUTURE CUSTOM HOME 287 HIGHWAY 52 JERSEYVILLE, ONTARIO
Sheet Title:	<b>COVER PAGE AND SITE PLAN</b>
Drawn By:	-
Checked By:	-
Scale:	N.T.S.
Date:	APRIL 2023
Project No.:	2022-52

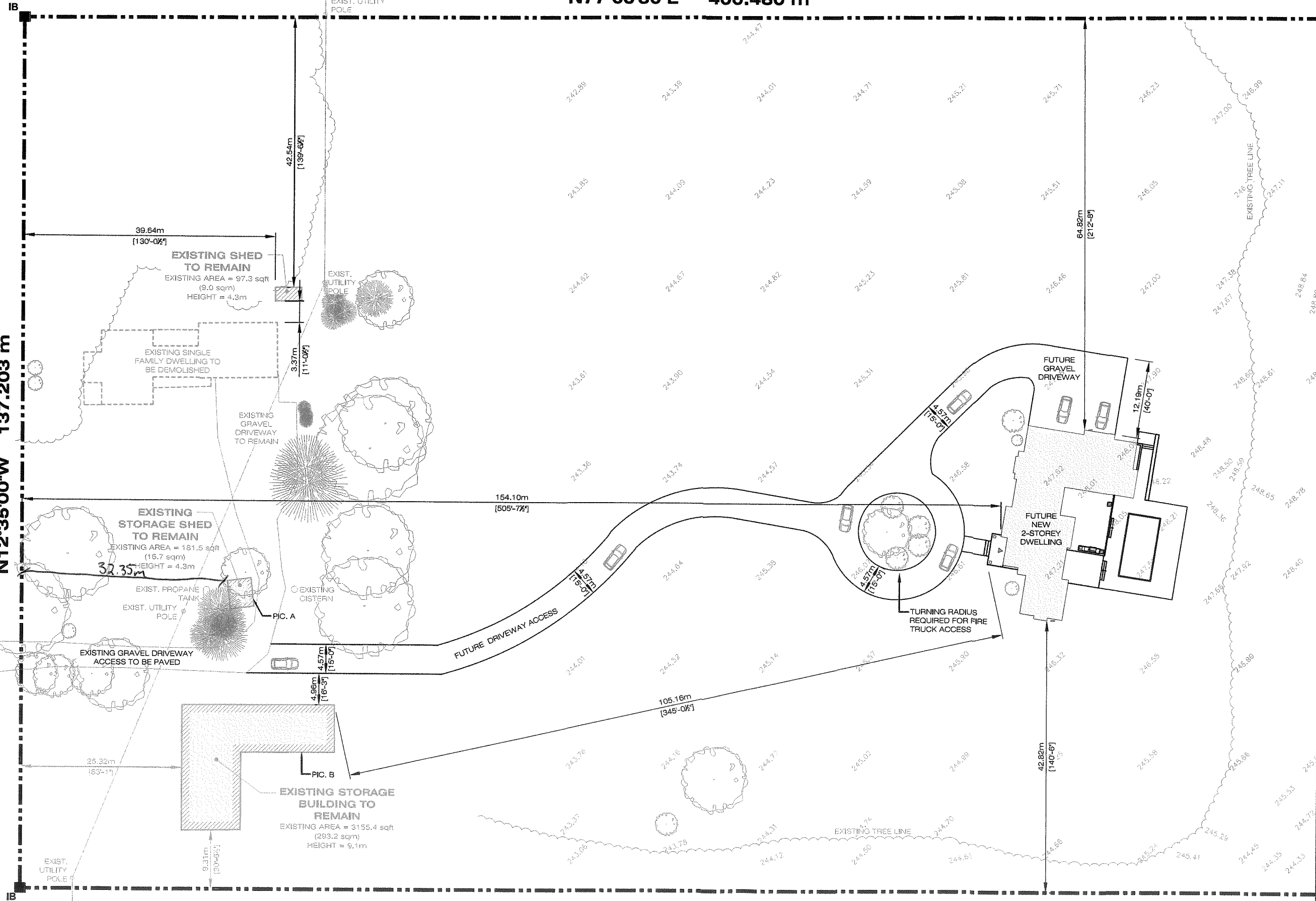
# SP-1

THE KING'S HIGHWAY No. 52

N77°05'30"E 400.480 m

IB

N12°35'00"W 137.203 m



**ISSUED FOR COMMITTEE OF  
ADJUSTMENT  
REVIEW ONLY**

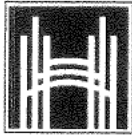
Project Name:	<b>PRIVATE RESIDENCE EXISTING STORAGE SHED &amp; BARN WITH FUTURE CUSTOM HOME</b>
	287 HIGHWAY 52 JERSEYVILLE, ONTARIO
Sheet Title:	<b>CLOSE UP SITE PLAN</b>
Drawn By:	-
Checked By:	-
Scale:	1:600
Date:	APRIL 2023
Project No.:	2022-52

**SP-2**



**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 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		

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 be sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	287 Hwy 52, Jerseyville, ON L0R 1R0		
Assessment Roll Number			
Former Municipality	Ancaster		
Lot	31	Concession	2
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:

4.8 b) Accessory buildings located in front yard (3)

4.8 f) Accessory buildings erected prior to erection of principal building

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

- Accessory buildings are existing. Current house to be demolished (Demo Permit 23-109248), construction of new dwelling will place existing accessory buildings in front yard.

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
137.2 m	400.2 m	55 177.3 m <sup>2</sup>	8m

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 (T.B.D.)	9.51 m	360.28 m	48.09 m	± 1860
Storage Building	25.32 m	350.87 m	9.25 m	± 1900
Shed	32.35 m	363.70 m	44.07 m	± 1900
Shed	39.67 m	355.78 m	42.55 m	± 1900

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	± 154.60 m	± 224.65 m	± 42.93 m + ± 64.79 m	2023/2024

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 (T.B.D.)	251.5 m <sup>2</sup>	± 395.3 m <sup>2</sup>	2	± 8.5 m
Storage Building	293.2 m <sup>2</sup>	293.2 m <sup>2</sup>	1	9.1 m
Shed	16.7 m <sup>2</sup>	16.7 m <sup>2</sup>	1	4.3 m
Shed	9.0 m <sup>2</sup>	9.0 m <sup>2</sup>	1	4.3 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	± 183.2 m <sup>2</sup>	± 330.5 m <sup>2</sup>	2	TBD

- 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.):

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:

AUGUST 2022

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:

1860

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? A2

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: \_\_\_\_\_

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):



## 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>AN/A-23:95</b>	<b>SUBJECT PROPERTY:</b>	476 BOOK ROAD E, ANCASTER
<b>ZONE:</b>	"M11, Holding H37" (Airport Prestige Business Zone)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 15-118

**APPLICANTS:**      **Owner:** JOHN PENNY & JILL MARIE ELIZABETH PENNY  
**Agent:** X-DESIGN INC. C/O SHERI CRAWFORD

The following variances are requested:

1. An accessory building height of 7.24 m shall be permitted instead of the maximum permitted accessory building height of 4.5 m; and
2. A total accessory building lot coverage of 148.38 sq m and gross floor area of 296.76 sq m shall be permitted instead of the maximum permitted 45 sq m.

**PURPOSE & EFFECT:**      To facilitate the construction of an accessory building in the rear yard of the existing dwelling:

**Notes:**

- i. Variance 2, concerning maximum area, has been written to provide relief for both lot coverage and gross floor area;
- ii. If the accessory building will be used for home business purposes or as a dwelling unit, additional zoning relief, in the form of a successful Minor Variance or Zoning By-law Amendment, 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:

**AN/A-23:95**

<b>DATE:</b>	<b>Thursday, May 18, 2023</b>
<b>TIME:</b>	<b>10:50 a.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.

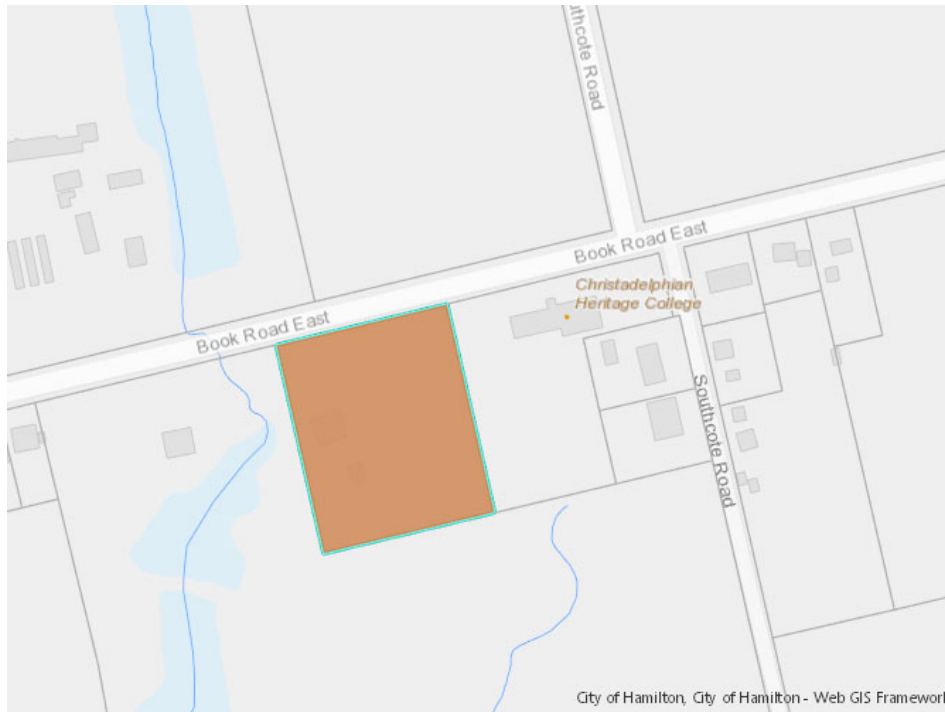
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:95, 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-23:95



 Subject Lands

DATED: May 2, 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.

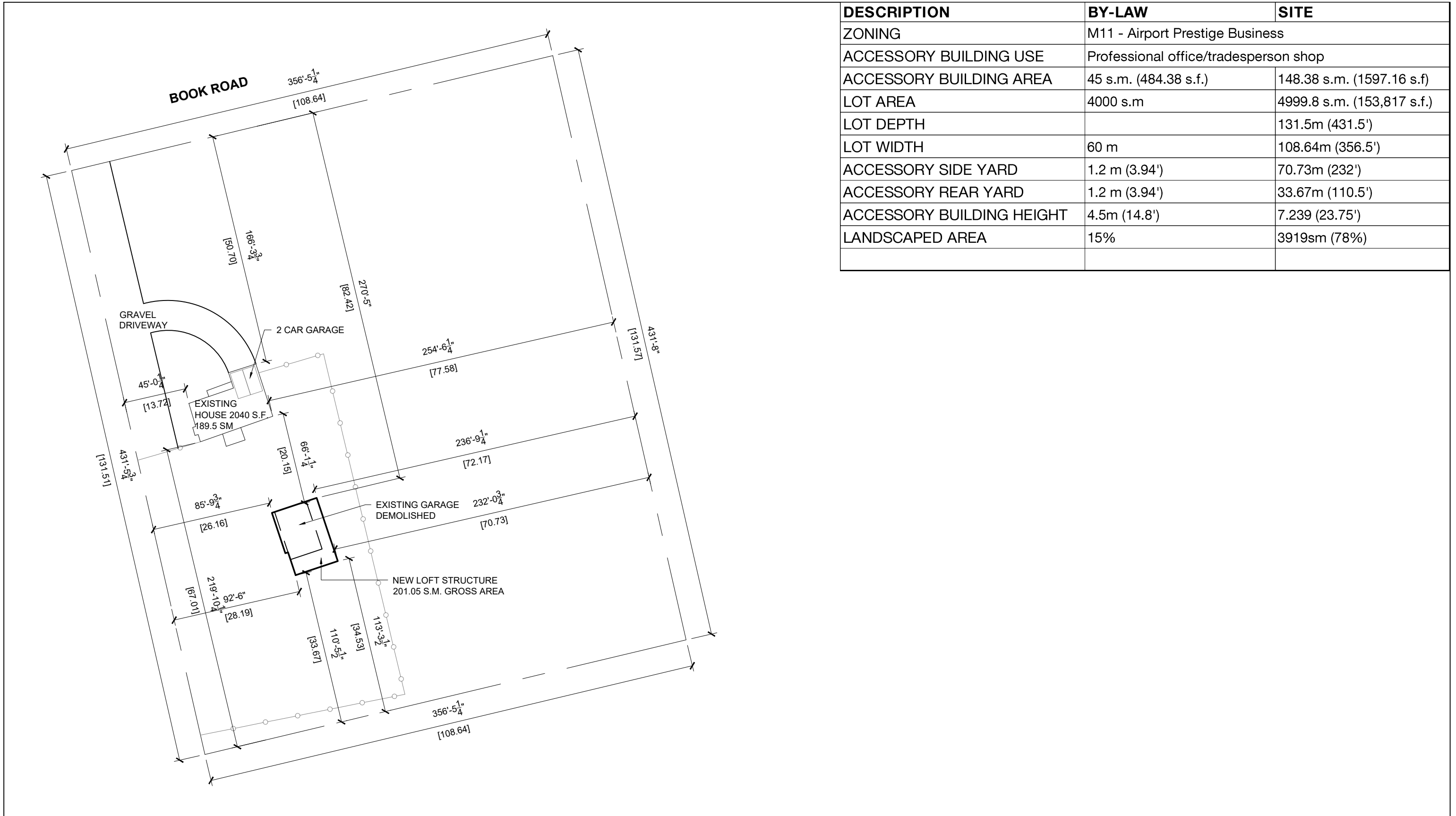
#### 2. In person Oral Submissions

**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.





DESCRIPTION	BY-LAW	SITE
ZONING	M11 - Airport Prestige Business	
ACCESSORY BUILDING USE	Professional office/tradesperson shop	
ACCESSORY BUILDING AREA	45 s.m. (484.38 s.f.)	148.38 s.m. (1597.16 s.f.)
LOT AREA	4000 s.m	4999.8 s.m. (153,817 s.f.)
LOT DEPTH		131.5m (431.5')
LOT WIDTH	60 m	108.64m (356.5')
ACCESSORY SIDE YARD	1.2 m (3.94')	70.73m (232')
ACCESSORY REAR YARD	1.2 m (3.94')	33.67m (110.5')
ACCESSORY BUILDING HEIGHT	4.5m (14.8')	7.239 (23.75')
LANDSCAPED AREA	15%	3919sm (78%)



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)		
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	476 Book Rd. E., Ancaster		
Assessment Roll Number			
Former Municipality	Glanbrook		
Lot		Concession	5
Registered Plan Number	62R-7955	Lot(s)	
Reference Plan Number (s)		Part(s)	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:

Increased accessory building height and accessory building area. *The proposed building height is 7.24m and the proposed area is 296.76 s.m. Any other questions - see Applicable Law Review included*

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The owner requires more space to operate the office and studio. The scale of the land and house are relative to the new structure.

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

Yes  No

If yes, please provide an explanation:

The single detached dwelling is recognized as a lawfully existing use on the property

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
108.640m	131.573m	4999.8 s.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
Single Family Dwelling	50.695m	67.01m	13.723m & 77.58m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Office/Studio	82.424m	33.67m	26.156m & 70.733m	Spring 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
Single Family Dwelling	189.5m	359 sm	2	6.1m +/-

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory Office/Studio	148.38sm	201.05sm	1 with Mezzanine	7.239m

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.):  
 Maintain Single family dwelling with additional accessory building for office/tradesperson's shop
- 

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

**7 HISTORY OF THE SUBJECT LAND**

- 7.1 Date of acquisition of subject lands:  
 1965
- 

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

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

- 7.4 Length of time the existing uses of the subject property have continued:  
 100 + 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) Airport Employment Growth District

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

- 7.6 What is the existing zoning of the subject land? M11 Airport Prestige Business
- 

- 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>DN/A-23:86</b>	<b>SUBJECT PROPERTY:</b>	102 CREIGHTON ROAD, DUNDAS
<b>ZONE:</b>	"R2" (Single Detached Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Dundas 3581-86, as Amended

**APPLICANTS:**      **Owner:** MICHAEL & GLADYS DELOREY  
                                 **Agent:** WHITE WILLOW DESIG C/O DANIEL OTT

The following variances are requested:

1. A minimum distance of 3.635m shall be permitted between the rear wall of the principle dwelling and the Secondary Dwelling Unit- Detached located in a rear yard instead of the minimum 7.5m distance between a rear wall of the principle dwelling and the secondary dwelling unit required.
2. A balcony shall be permitted above the first level of the proposed Additional Dwelling Unit-Detached instead of no balcony being permitted about the first-floor level.

**PURPOSE & EFFECT:**      To permit the construction of a Secondary Dwelling unit- Detached;

**Notes:**

1. Variances written as requested by the applicant.

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

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

<b>DATE:</b>	<b>Thursday, May 18, 2023</b>
<b>TIME:</b>	<b>10:55 a.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>

DN/A-23:86

	<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.

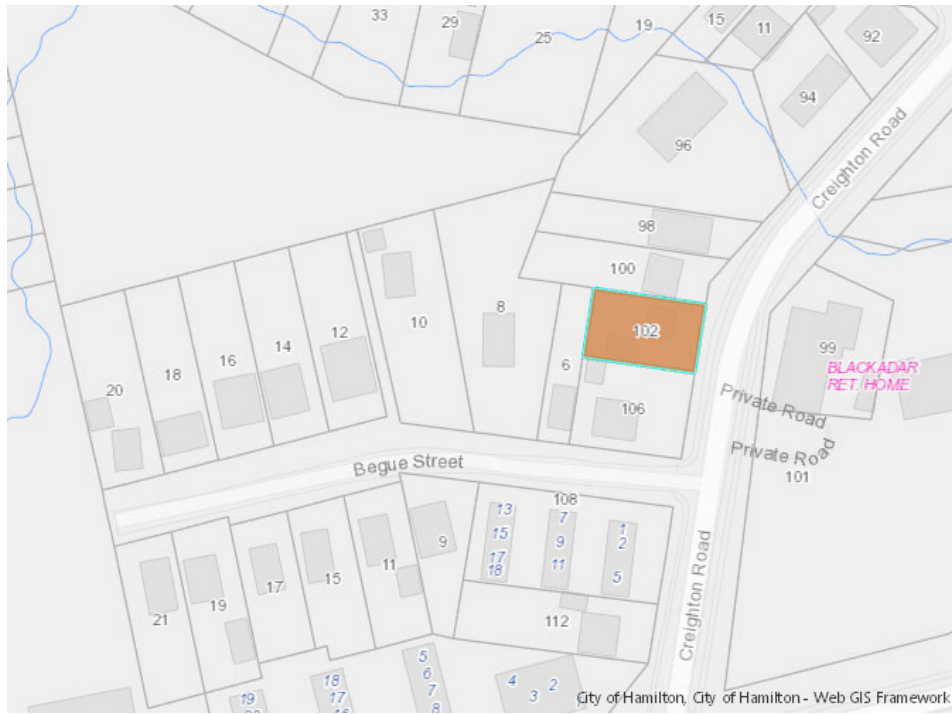
## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding DN/A-23:86, 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.



DN/A-23:86



 Subject Lands

DATED: May 2, 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.



# SURVEYOR'S REAL PROPERTY REPORT PART 1 - PLAN OF SURVEY SHOWING TOPOGRAPHY OF PART OF LOTS 12 AND 13 REGISTERED PLAN 1463

(T.H.A. BEGUE SURVEY  
(FORMERLY REGISTERED PLAN No. 21)  
TOWN OF DUNDAS  
IN THE  
CITY OF HAMILTON

SCALE 1 : 150



THE INTENDED PLOT SIZE OF THIS PLAN IS 584mm IN WIDTH BY 584mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:150 (INCLUDING 15mm BEYOND EACH BORDER)  
MacKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS  
© 2022

KNOWN AS MUNICIPAL No. 102 CREIGHTON ROAD

## PART 2 - REPORT SUMMARY (TO BE READ IN CONJUNCTION WITH PART 1)

LAND REGISTRY OFFICE TITLE INFORMATION ON SUBJECT PROPERTY INCLUDING BOUNDARIES, EASEMENTS AND RIGHT OF WAYS - OCTOBER 18, 2022

REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:  
- SUBJECT TO RIGHT OF WAY AS IN INST. WF16680

ADDITIONAL REMARKS:  
- REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES & UTILITIES

MacKAY, MacKAY & PETERS LIMITED grants DAVID ITO ("The Client"), their solicitor and other related parties permission to use "Original Copies" of the Surveyor's Real Property Report in transactions involving "The Client"

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

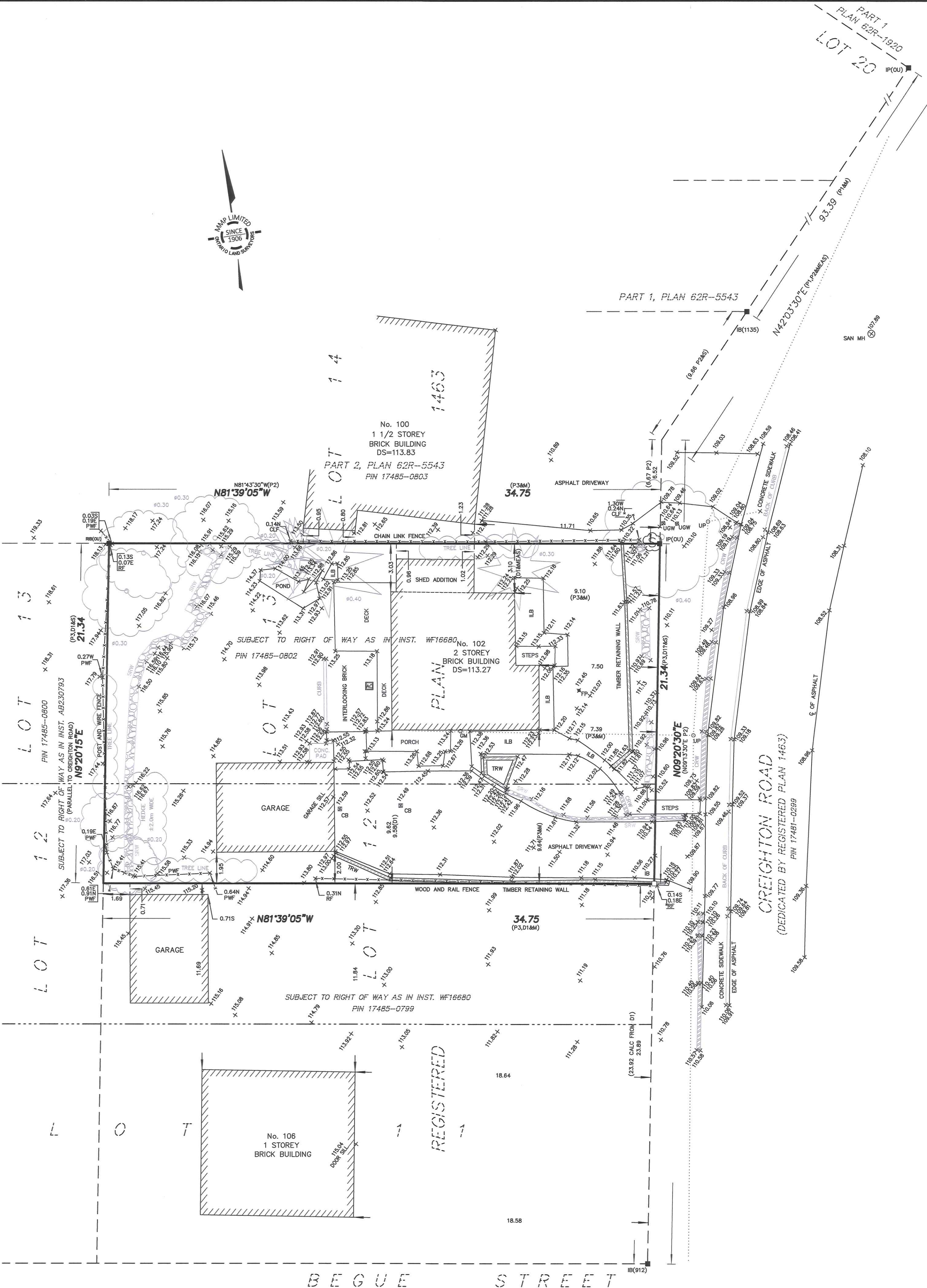
ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
V-42955



THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 1026, SECTION 28(3)

### LEGEND

- DENOTES A SURVEY MONUMENT FOUND
- DENOTES A SURVEY MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- IP DENOTES IRON PIPE
- RIB DENOTES ROUND IRON BAR
- PIN DENOTES PROPERTY IDENTIFICATION NUMBER
- OU DENOTES ORIGIN UNKNOWN
- BF DENOTES BOARD FENCE
- CLF DENOTES CHAIN LINK FENCE
- RF DENOTES RAIL FENCE
- PWF DENOTES POST AND WIRE FENCE
- TRW DENOTES TIMBER RETAINING WALL
- CRW DENOTES CONCRETE RETAINING WALL
- SRW DENOTES STONE RETAINING WALL
- ILB DENOTES INTERLOCKING BRICK
- SAN MH DENOTES SANITARY MANHOLE
- GM DENOTES GAS MAIN
- AC DENOTES AIR CONDITIONER
- UP DENOTES UTILITY POLE
- CONC DENOTES CONCRETE
- CB DENOTES CATCH BASIN
- UGW DENOTES UTILITY GUY WIRE
- FP DENOTES FLAG POLE
- P1 DENOTES PLAN BY GLENN E. GIDDY, DATED DECEMBER 30, 1992 (CG-1745)
- P2 DENOTES PLAN 62R-5543
- P3 DENOTES PLAN BY A.J. CLARKE, DATED JANUARY 5, 1965
- D1 DENOTES INSTRUMENT HL301561
- ⊙ DENOTES CENTERLINE
- DENOTES DECIDUOUS TREE SCALED TO TRUNK DIAMETER TRUNK SIZE SHOWN IN METRES
- ⊙ DENOTES CONIFEROUS TREE SCALED TO TRUNK DIAMETER TRUNK SIZE SHOWN IN METRES



### BENCHMARK NOTE

TOWN OF DUNDAS BENCHMARK No. 0011975U015  
ELEVATION = 116.896 METRES (CGVD28:78 ADJUSTMENT)

HAMILTON-WENTWORTH ST. MARK'S UNITED CHURCH, ON SOUTH SIDE OF GOVERNOR'S ROAD, WEST OF INTERSECTION WITH CREIGHTON ROAD, 1.4 KM WEST OF INTERSECTION WITH HIGHWAY NO. 8, TABLET IN NORTH FACE OF CONCRETE FOUNDATION OF THIRD PILLAR FROM NORTHEAST CORNER, 6.61 M FROM NORTHEAST CORNER, 12 CM BELOW BRICKWORK.

### BEARING REFERENCE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF CREIGHTON ROAD, AS SHOWN ON PLAN BY GLENN E. GIDDY, DATED DECEMBER 30, 1992 (CG-1745), HAVING A BEARING OF N42°03'30\"/>

### SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 22nd DAY OF DECEMBER, 2022.

JANUARY 3, 2023  
DATE

*F.K. Rad*  
F.K. RAD

ONTARIO LAND SURVEYOR  
FOR MACKAY, MACKAY & PETERS LIMITED

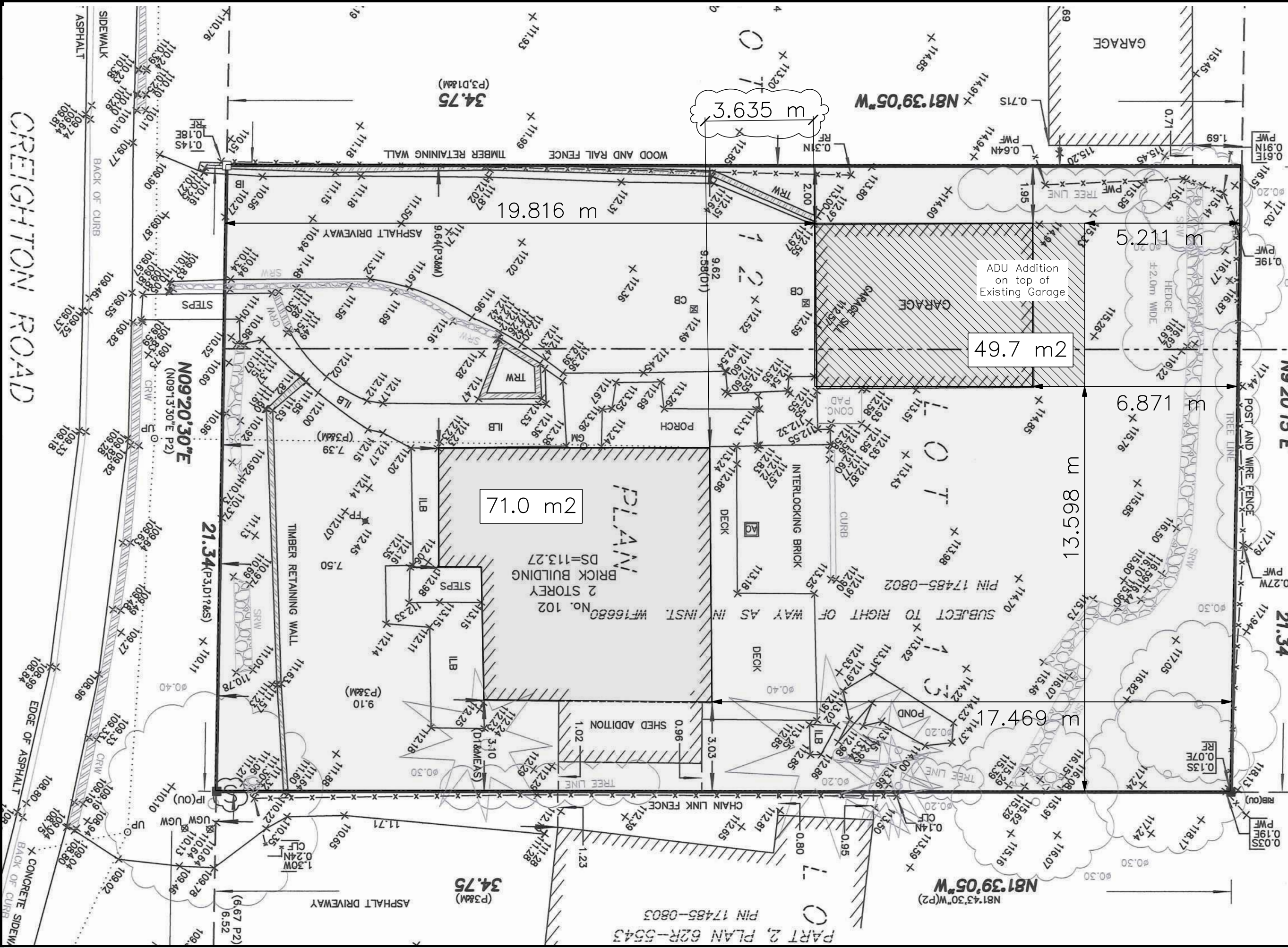
E:\(62) Hamilton-Wentworth\Registered Plans\RP1463\LOT 12, 13\22-279\22-279.dwg

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

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

DRAWN BY: SP  
PARTY CHIEF: N.L., B.M., W.D.  
CHECKED BY: F.K.  
PROJECT No.:  
22-279





BCIN Stamp:  
 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 under Div. C, Part 3 of the 2012 OBC  
 Daniel J. Ott 35686  
 Name Signature BCIN  
 White Willow Designs, Inc. 46597  
 Company BCIN



**White Willow**  
DESIGN

391 Victoria Ave N  
 Hamilton, ON | L8L 5G7  
 C: 905-220-9419

E: daniel@whitewillowdesign.ca

No.	DATE:	ISSUE / REVISION
1	2023.04.03	Minor Variance Application

design by: J.O. D.O. D.O. date: 2023.04.03 scale: AS Noted

Project: WWD.1001  
 Ito ADU-Detached  
 102 Creighton Rd, Dundas, ON, L9H 3B9

Sheet Title:  
**SP1.0 - Site Plan**

page 1 of 15

BCIN Stamp:

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Company	BCIN



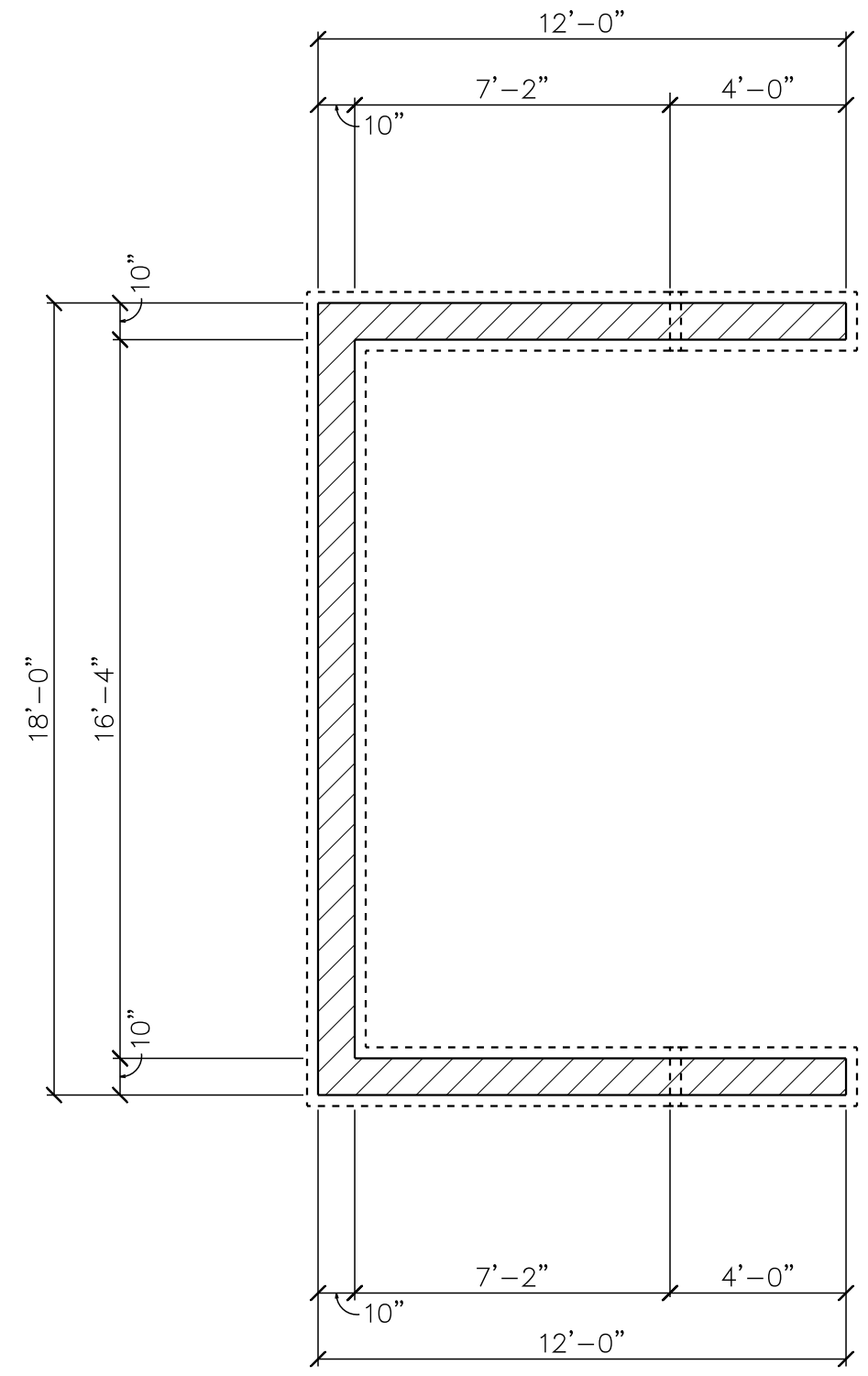
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1	2023.04.03	Minor Variance Application

design by:	J.O.	drawn by:	D.O.	approved by:	D.O.	date:	2023.04.03	scale:	1/4" = 1'-0"
Project:	WWD.1001								
Sheet Title:	A1.0 - Level 0 Layout								
Ito ADU-Detached									
102 Creighton Rd, Dundas, ON, L9H 3B9									



**Level 0 Layout**  
SCALE: 1/4" = 1'-0"



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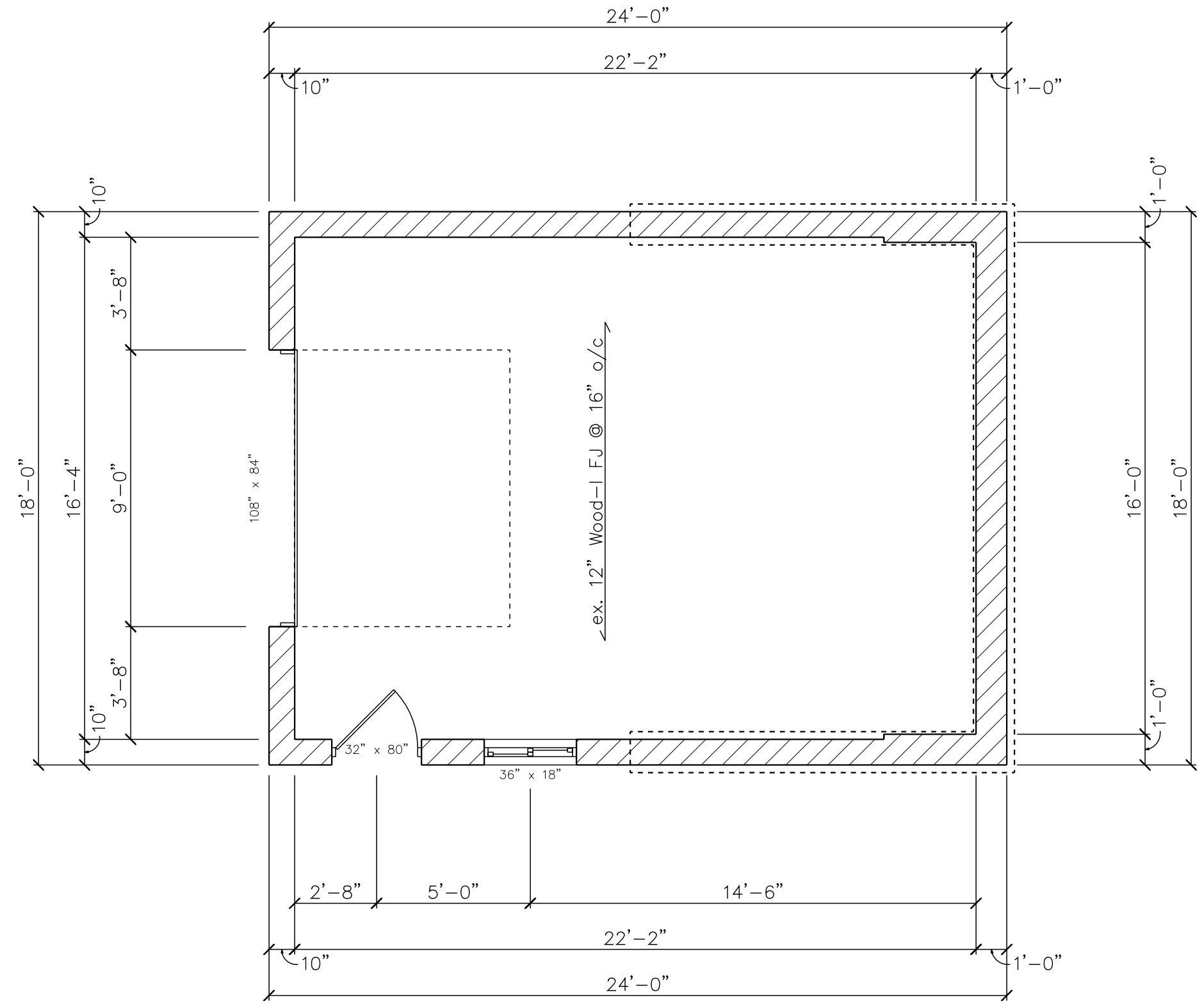
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C: 905-220-9419

E: daniel@whitewillowdesign.ca

No.	DATE:	ISSUE / REVISION
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design by: J.O.	drawn by: D.O.	approved by: D.O.	date: 2023.04.03	scale: 1/4" = 1'-0"
Project: WWD.1001				
Ito ADU-Detached				
102 Creighton Rd, Dundas, ON, L9H 3B9				
Sheet Title: A1.1 - Level 1 Existing				



**Level 1 Layout Existing**  
SCALE: 1/4" = 1'-0"

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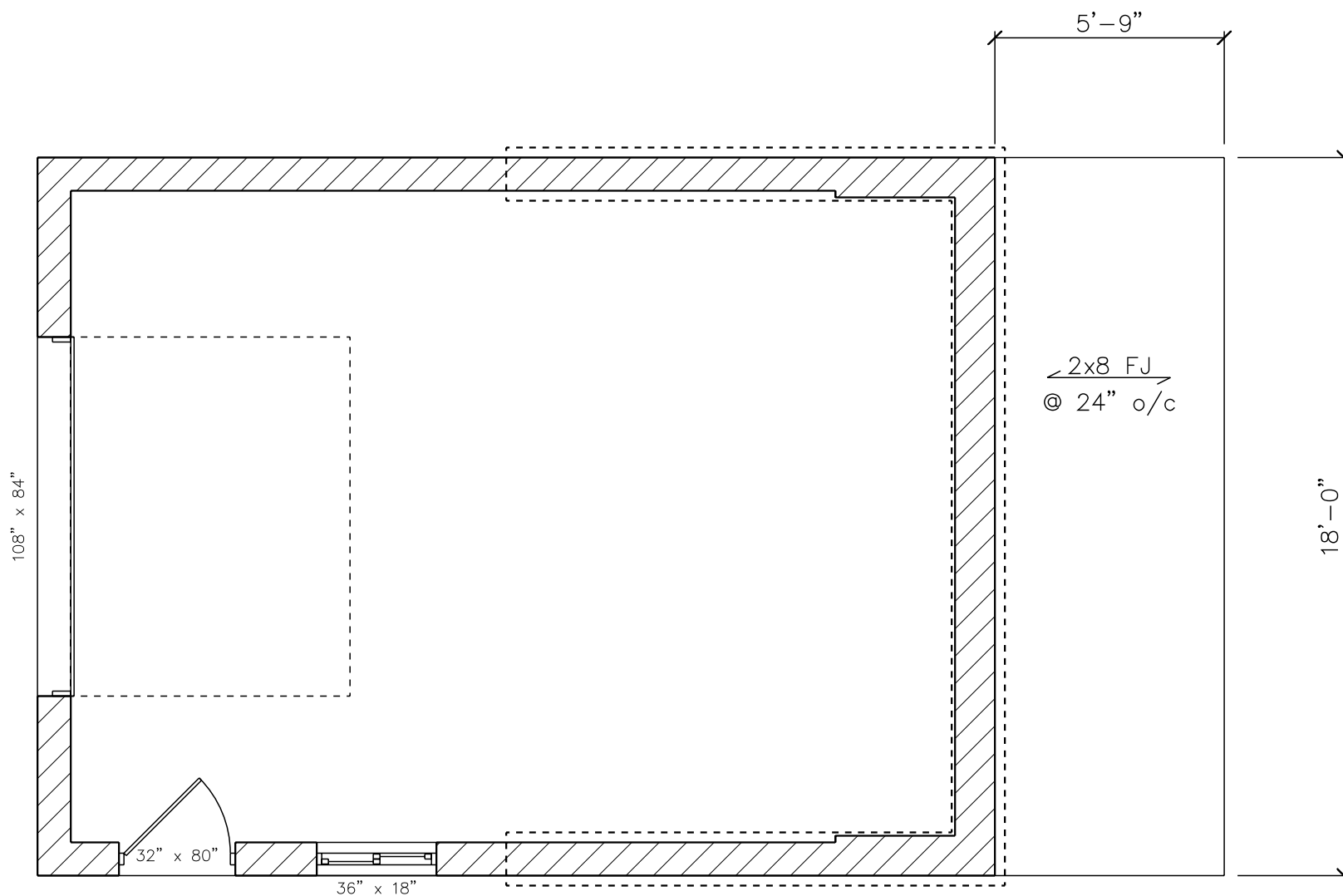


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E: daniel@whitewillowdesign.ca

No.	DATE:	ISSUE / REVISION
1	2023.04.03	Minor Variance Application



Level 1 Layout Proposed

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

design by:	J.O.	drawn by:	D.O.	approved by:	D.O.	date:	2023.04.03	scale:	1/4" = 1'-0"
Project:	WWD.1001								
Sheet Title:	A1.2 - Level 1 Proposed								
Ito ADU-Detached									
102 Creighton Rd, Dundas, ON, L9H 3B9									
page 4 of 15									

BCIN Stamp:

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Company	BCIN



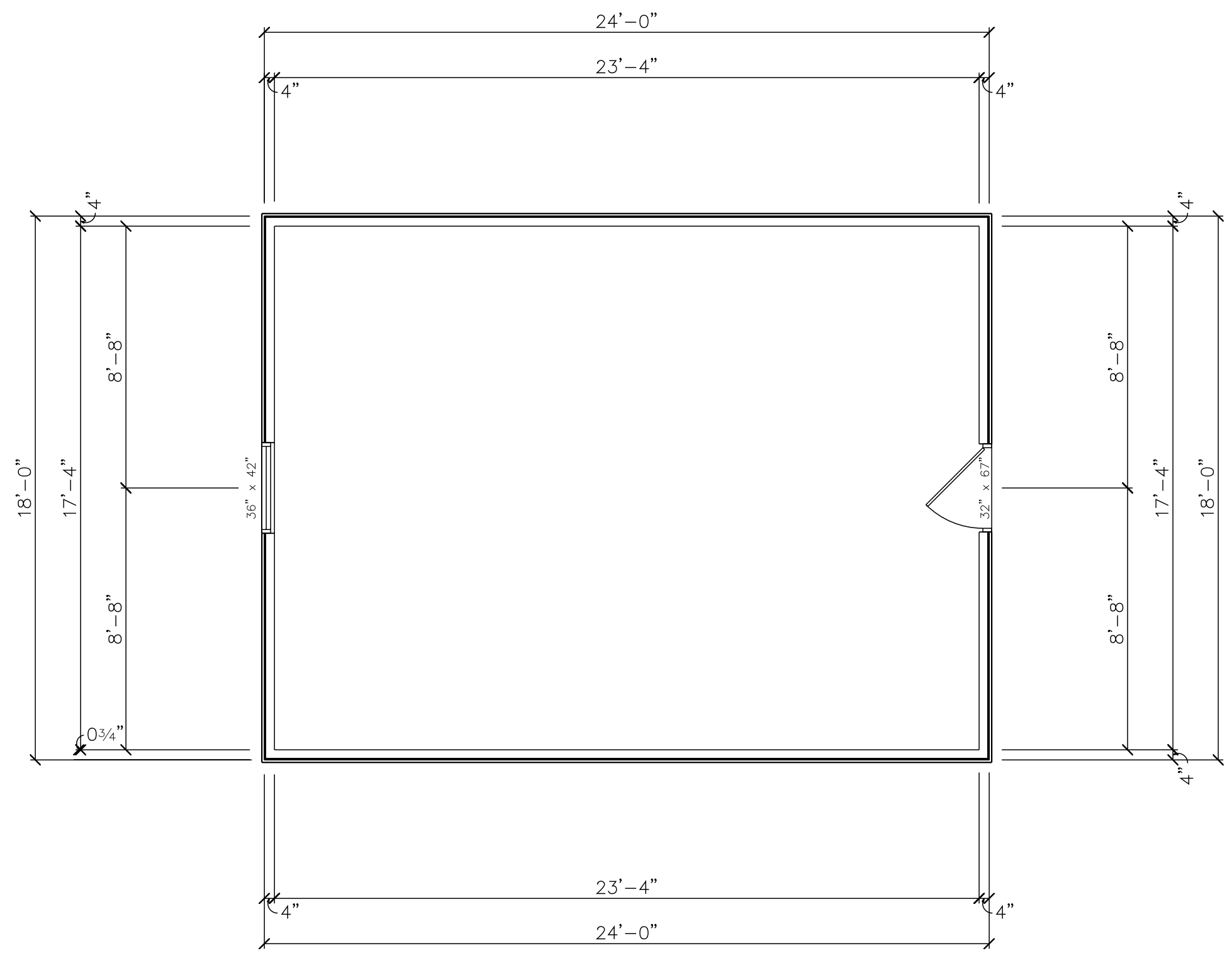
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391 Victoria Ave N  
Hamilton, ON | L8L 5G7  
C: 905-220-9419

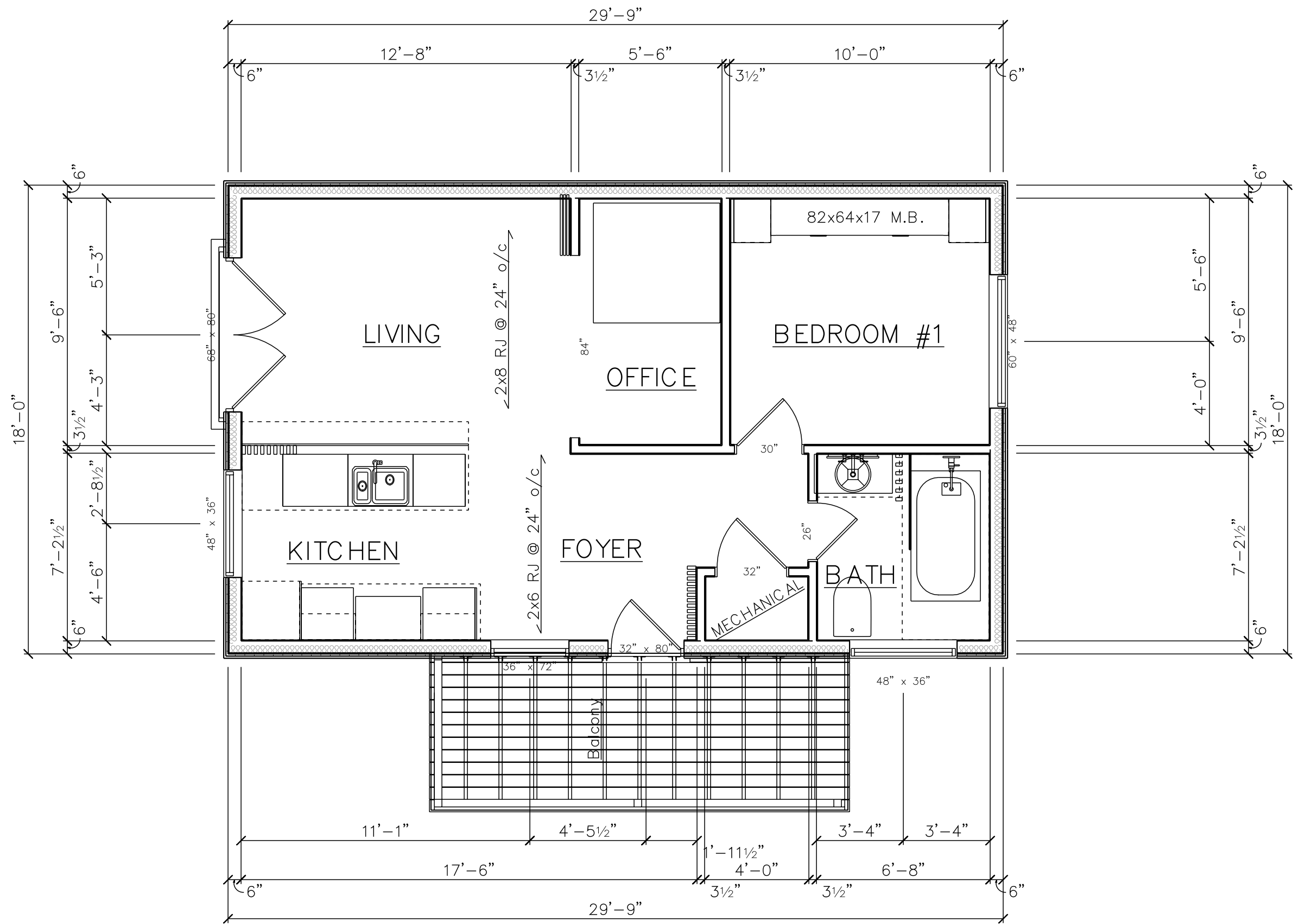
E: daniel@whitewillowdesign.ca

NO.	DATE:	ISSUE / REVISION
1	2023.04.03	Minor Variance Application

design by:	J.O.	drawn by:	D.O.	approved by:	D.O.	date:	2023.04.03	scale:	1/4" = 1'-0"
Project:	WWD.1001								
Sheet Title:	A1.3 - Level 2 Existing								
Ito ADU-Detached									
102 Creighton Rd, Dundas, ON, L9H 3B9									



Level 2 Layout Existing  
SCALE: 1/4" = 1'-0"



**Level 2 Layout Proposed**

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

BCIN Stamp:

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.

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Name Signature BCIN

White Willow Designs, Inc. 46597  
Company BCIN



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C: 905-220-9419

E: daniel@whitewillowdesign.ca

NO.	DATE:	ISSUE / REVISION
1	2023.04.03	Minor Variance Application

design by:	J.O.	drawn by:	D.O.	approved by:	D.O.	date:	2023.04.03	scale:	1/4" = 1'-0"
Project:	WWD.1001								
Sheet Title:	A1.4 - Level 2 Proposed								
Ito ADU-Detached									
102 Creighton Rd, Dundas, ON, L9H 3B9									
page 6 of 15									

BCIN Stamp:

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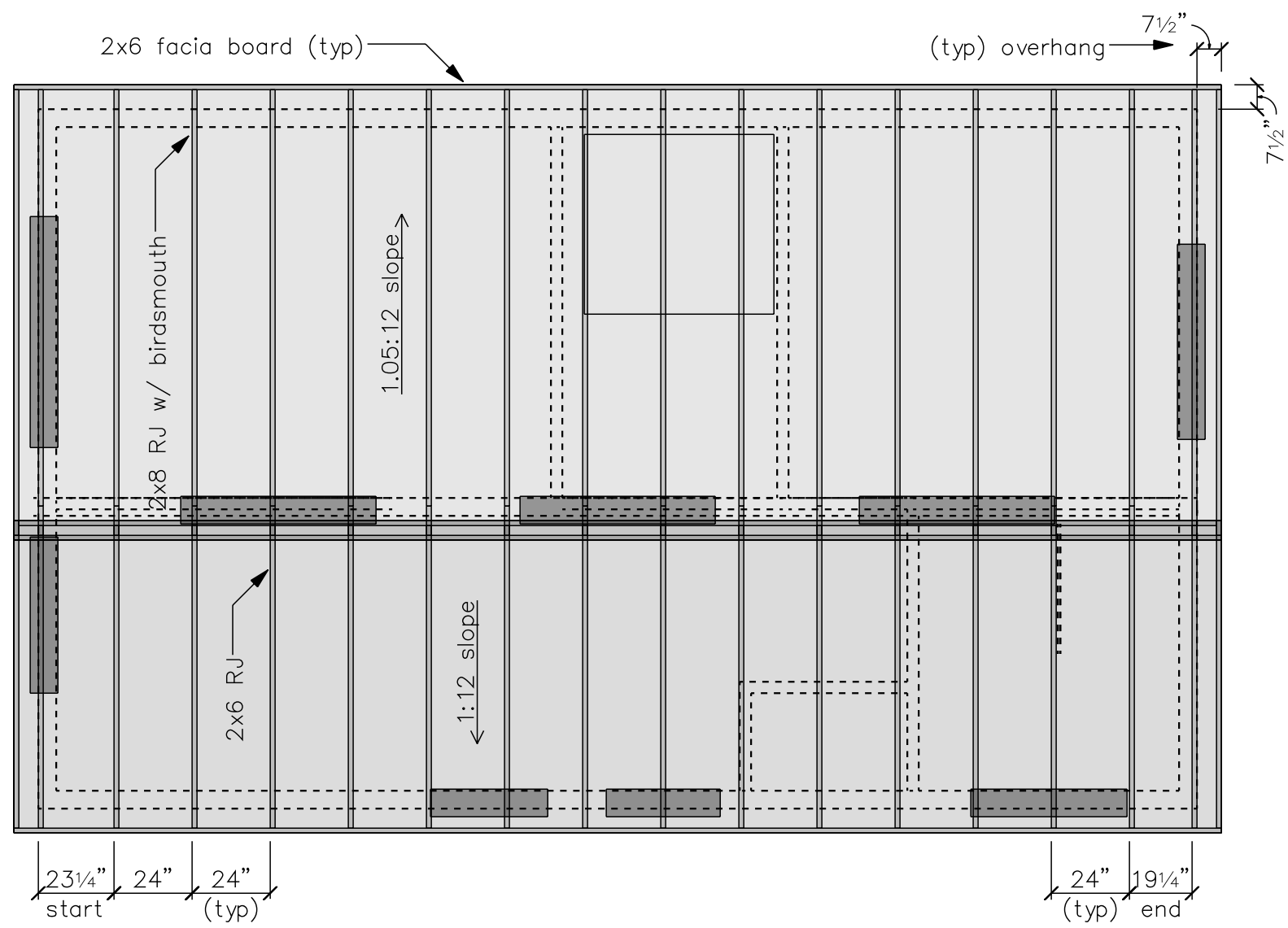


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C: 905-220-9419

E: daniel@whitewillowdesign.ca

No.	DATE:	ISSUE / REVISION
1	2023.04.03	Minor Variance Application



**Roof Layout**  
SCALE: 1/4" = 1'-0"

design by: J.O.	drawn by: D.O.	approved by: D.O.	date: 2023.04.03	scale: 1/4" = 1'-0"
Project: WWD.1001				
Ito ADU—Detached				
102 Creighton Rd, Dundas, ON, L9H 3B9				
Sheet Title: A1.5 — Roof Layout				
page 7 of 15				



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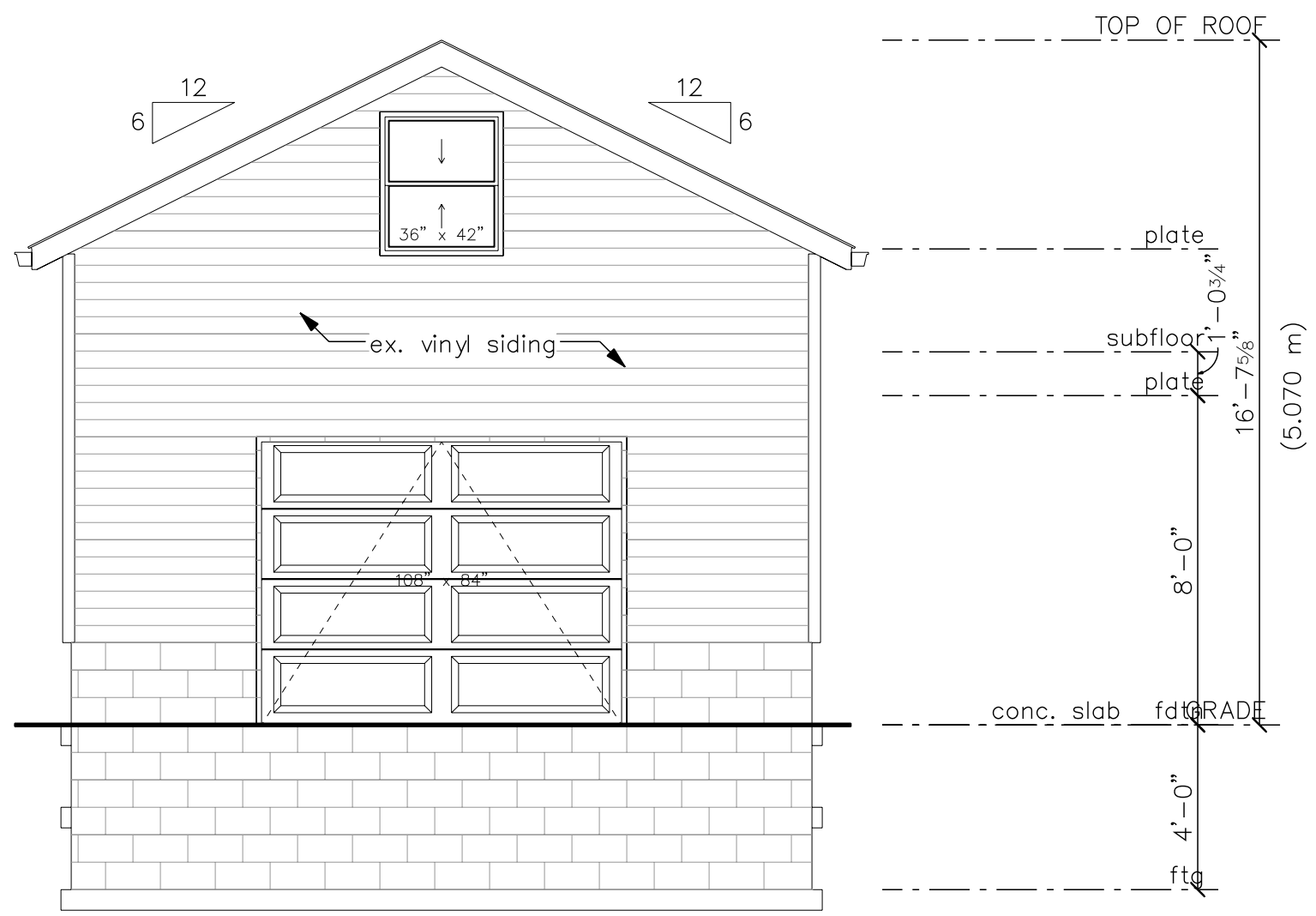
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E: daniel@whitewillowdesign.ca

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design by: J.O.	drawn by: D.O.	approved by: D.O.	date: 2023.04.03	scale: 1/4" = 1'-0"
Project: WWD.1001				
Ito ADU-Detached				
102 Creighton Rd, Dundas, ON, L9H 3B9				
Sheet Title: A2.1 Elev.Front (E) Existing				



Elevation Front (East) Existing  
SCALE: 1/4" = 1'-0"

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Company	BCIN



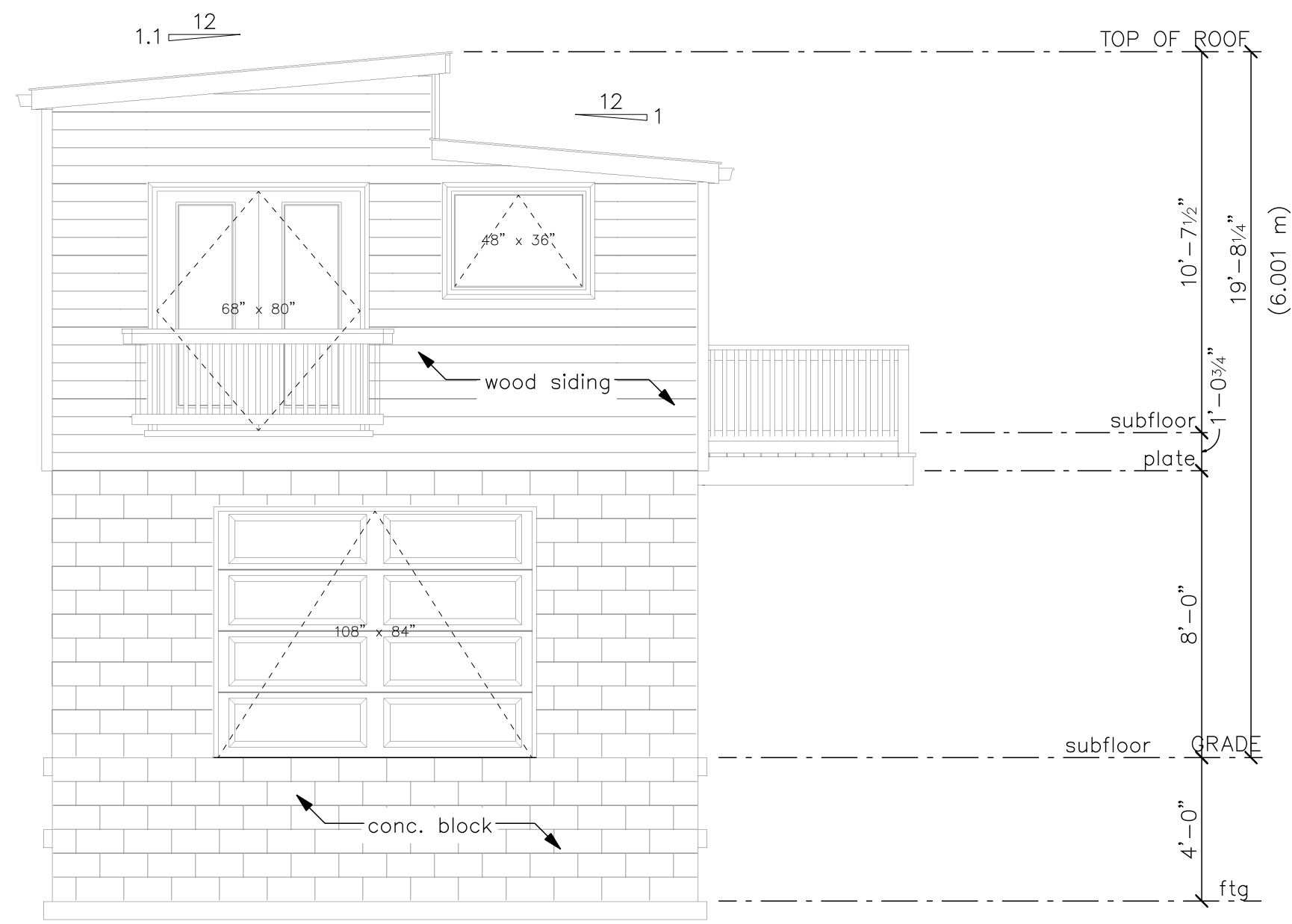
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design by: J.O.	drawn by: D.O.	approved by: D.O.	date: 2023.04.03	scale: 1/4" = 1'-0"
Project: WWD.1001				
Ito ADU-Detached				
102 Creighton Rd, Dundas, ON, L9H 3B9				
Sheet Title: A2.2 Elev.Front (E) Proposed				



Elevation Front (East) Proposed  
SCALE: 1/4" = 1'-0"

BCIN Stamp:

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Company	BCIN



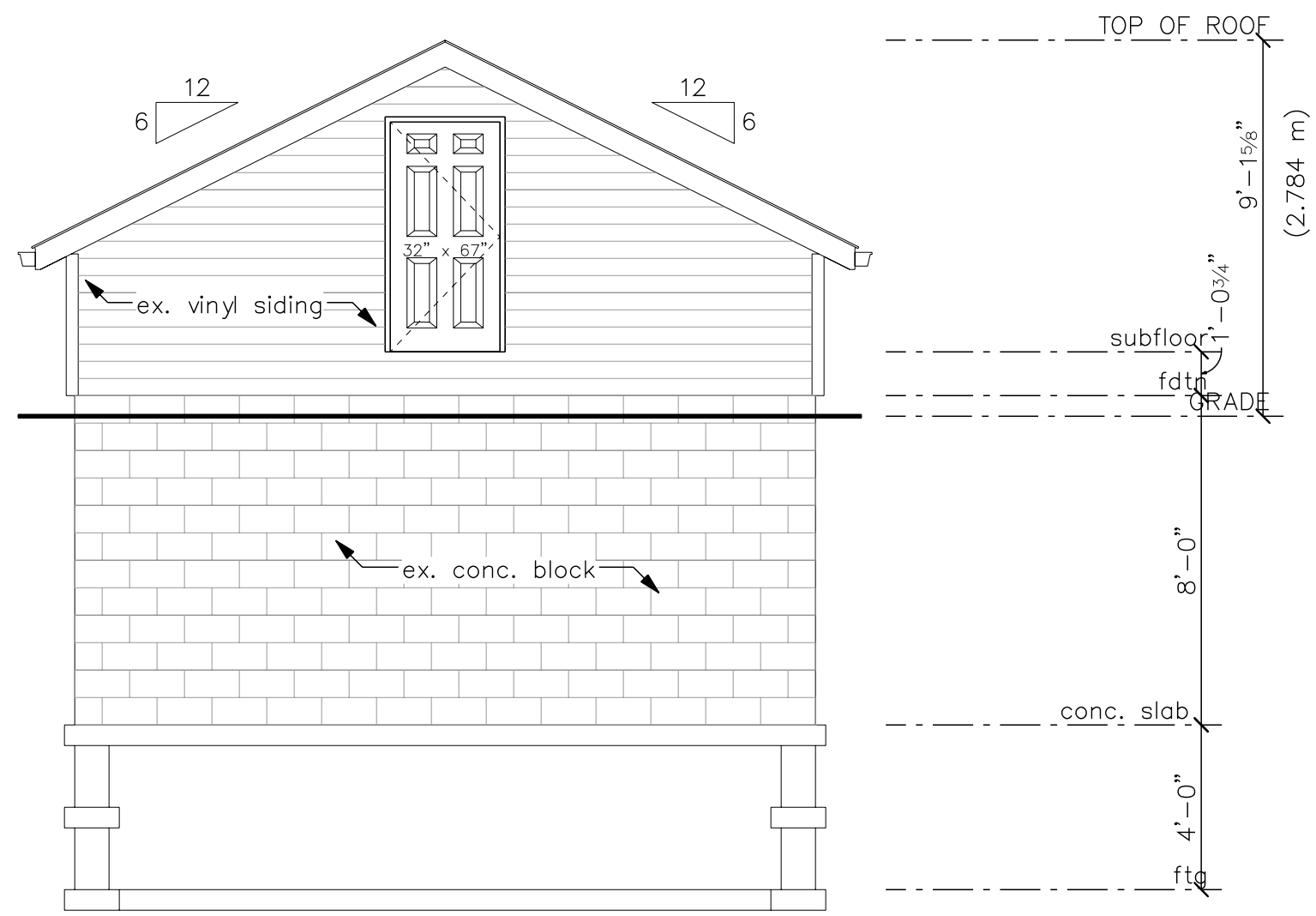
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Project: WWD.1001				
Ito ADU-Detached				
102 Creighton Rd, Dundas, ON, L9H 3B9				
Sheet Title: A2.3 Elev.Rear (W) Existing				



Elevation Rear (West) Existing  
SCALE: 1/4" = 1'-0"

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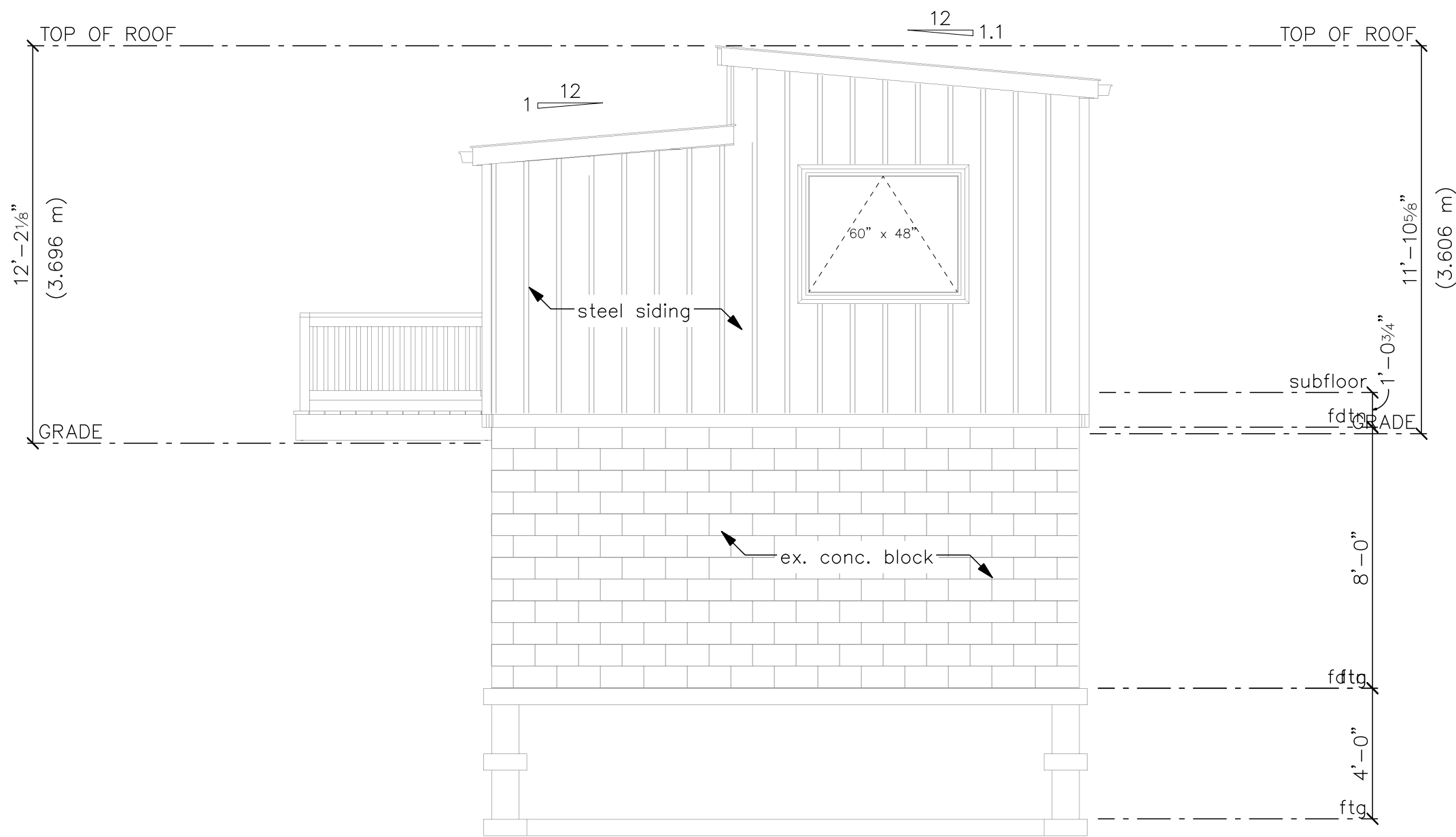
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design by: J.O.	drawn by: D.O.	approved by: D.O.	date: 2023.04.03	scale: 1/4" = 1'-0"
Project: WWD.1001				
Ito ADU-Detached				
102 Creighton Rd, Dundas, ON, L9H 3B9				
Sheet Title: A2.4 Elev. Rear (W) Proposed				



Elevation Rear (West) Proposed

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

BCIN Stamp:

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.

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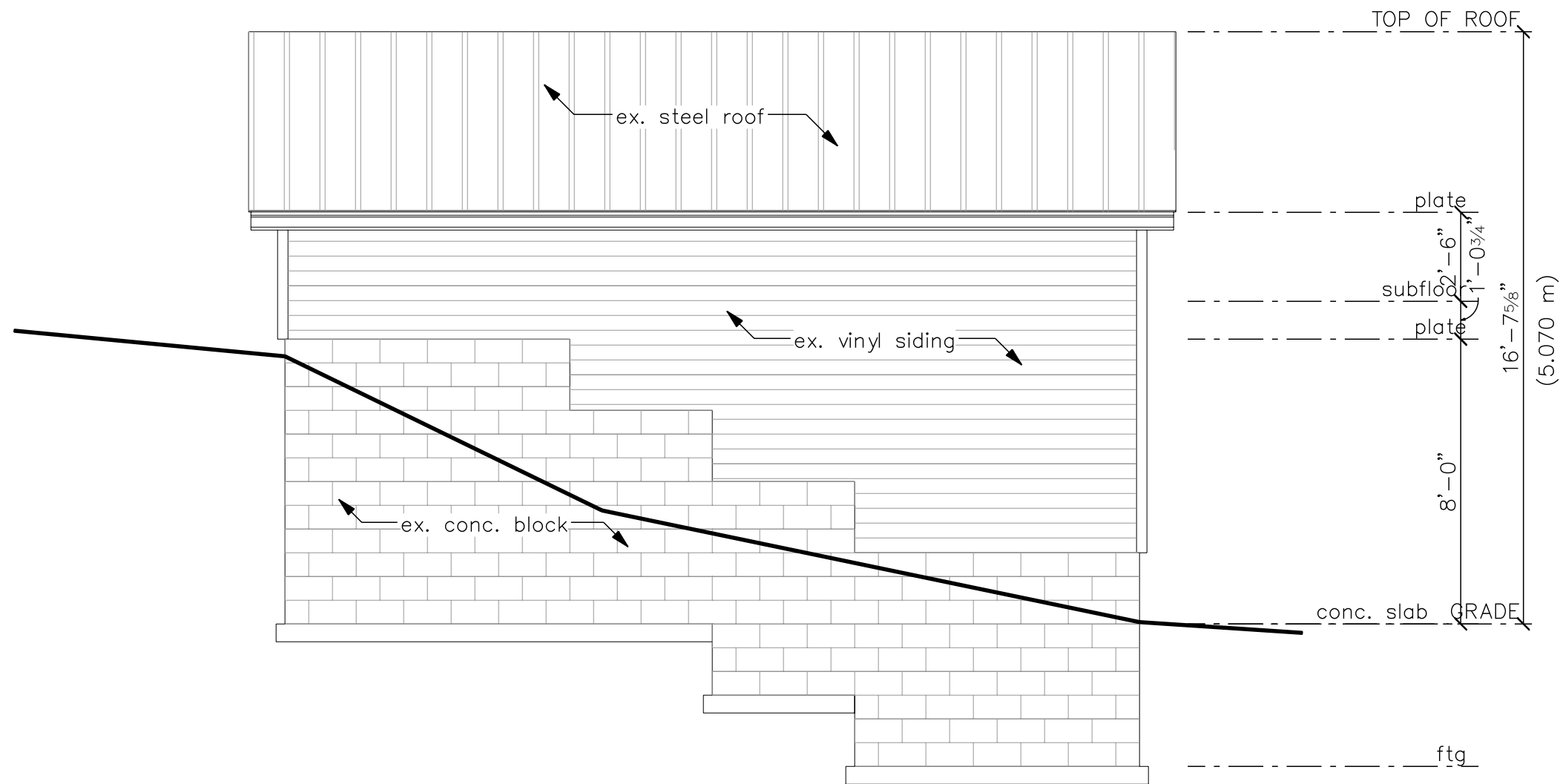
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design by: J.O.	drawn by: D.O.	approved by: D.O.	date: 2023.04.03	scale: 1/4" = 1'-0"
Project: WWD.1001				
Ito ADU-Detached				
102 Creighton Rd, Dundas, ON, L9H 3B9				
Sheet Title: A2.5 Elev.Left (S) Existing				
page 12 of 15				



Elevation Left (South) Existing

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



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Name	Signature BCIN
White Willow Designs, Inc.	46597
Company	BCIN



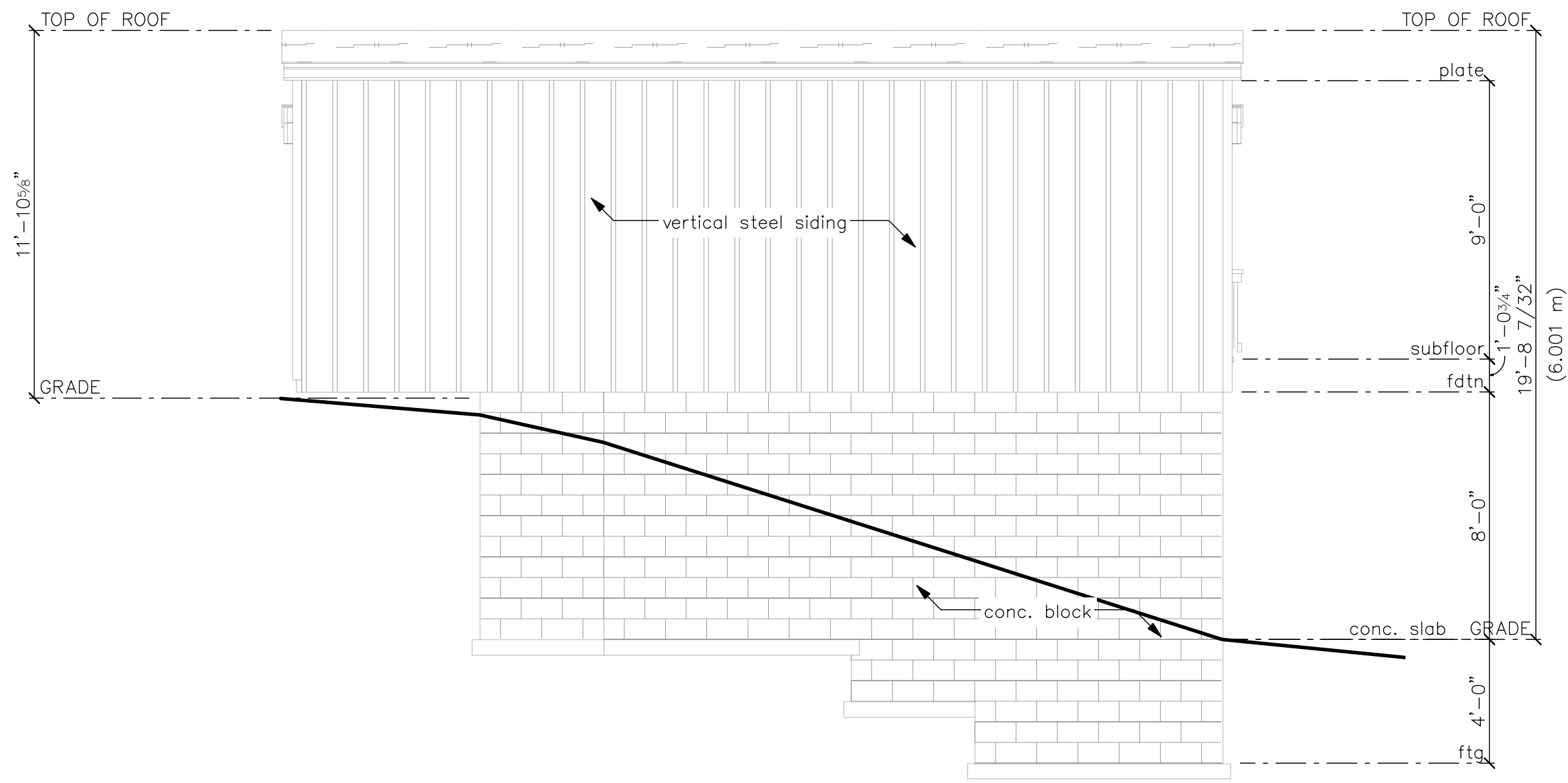
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Project:	WWD.1001								
Ito ADU-Detached									
102 Creighton Rd, Dundas, ON, L9H 3B9									
Sheet Title:	A2.6 Elev.Left (S) Proposed								
page 13 of 15									



Elevation Left (South) Proposed  
SCALE: 1/4" = 1'-0"

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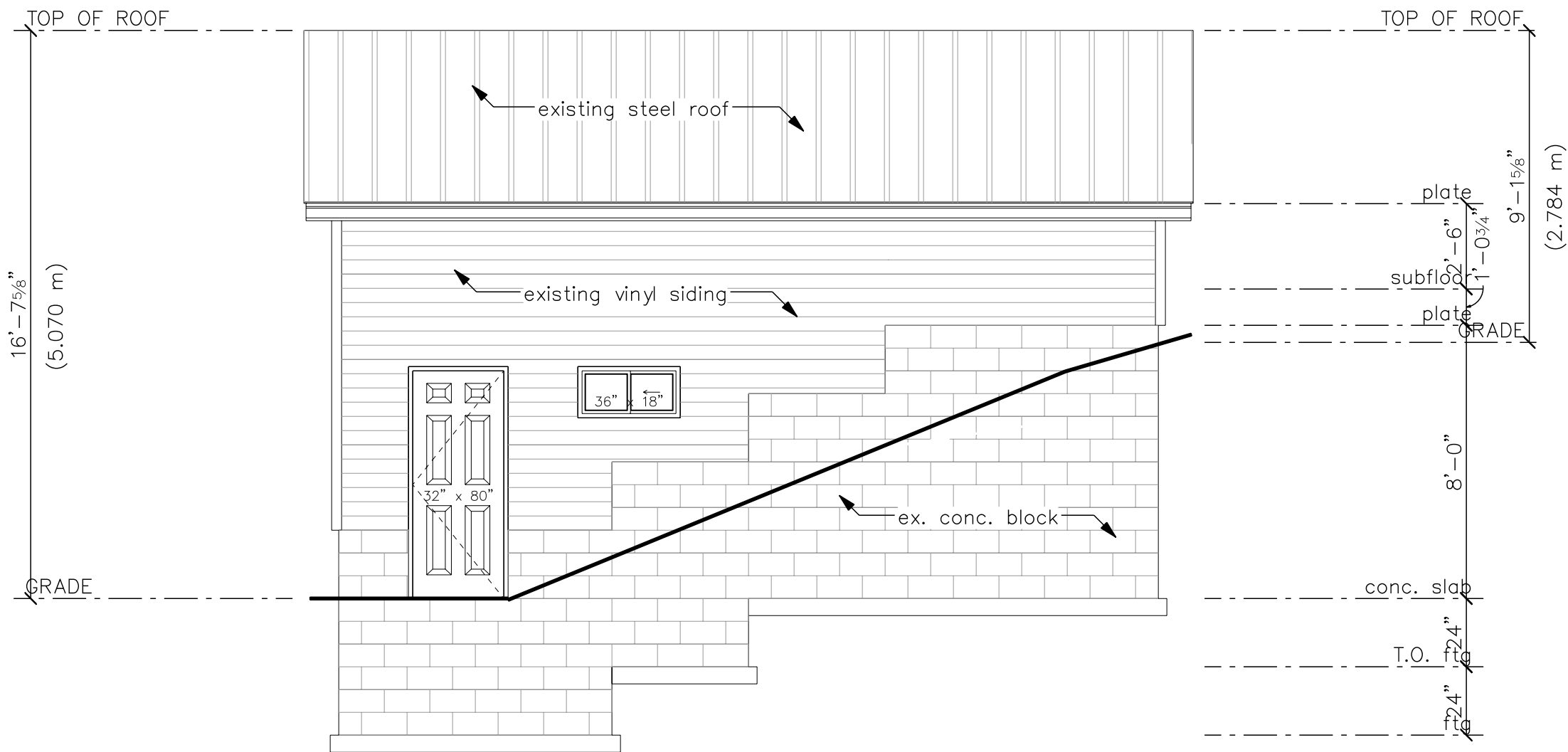
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Project: WWD.1001				
Ito ADU-Detached				
102 Creighton Rd, Dundas, ON, L9H 3B9				
Sheet Title: A2.7 Elev.Right (N) Existing				
page 14 of 15				



Elevation Right (North) Existing

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

BCIN Stamp:

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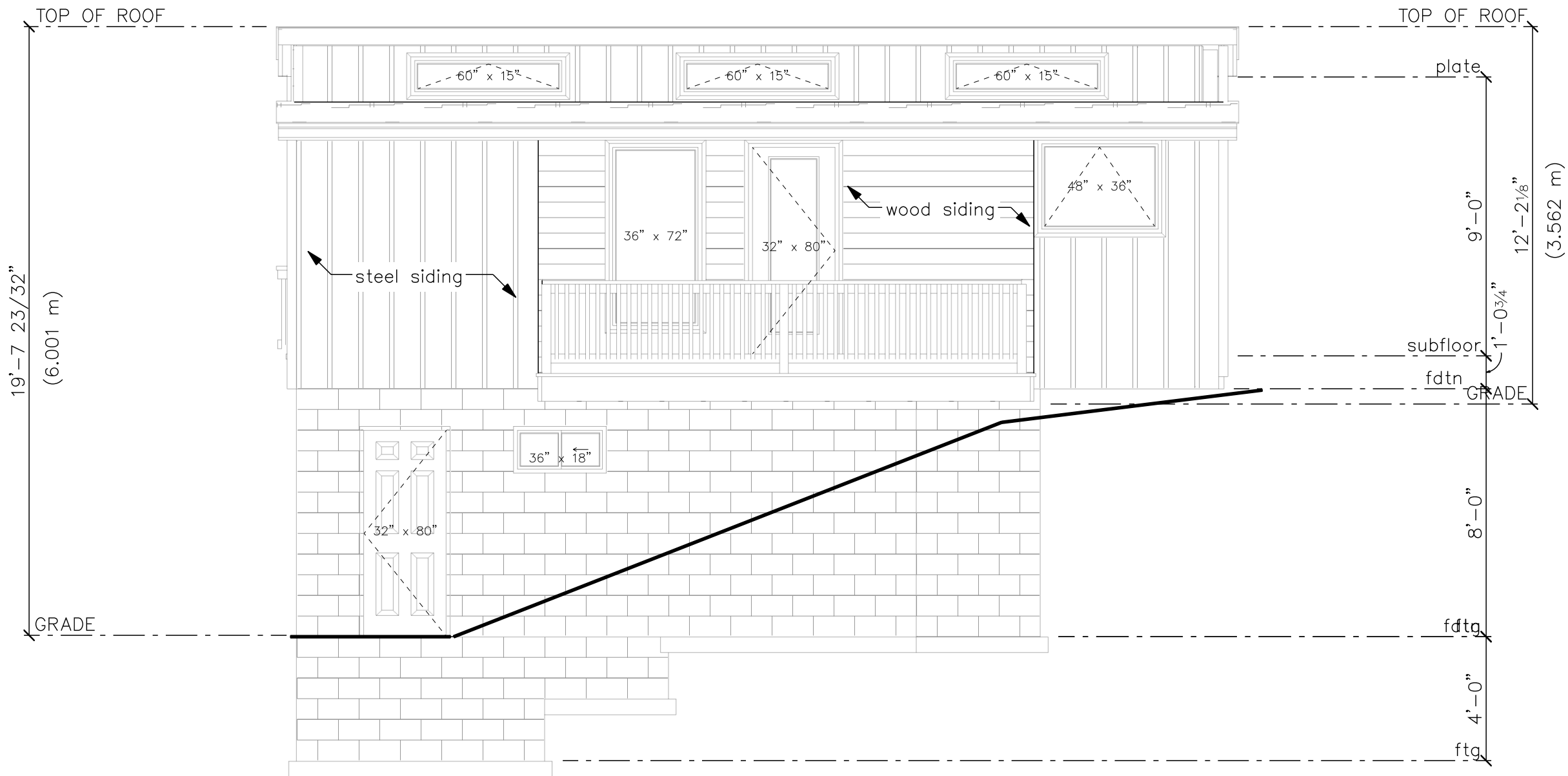
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391 Victoria Ave N  
Hamilton, ON | L8L 5G7  
C: 905-220-9419

E: daniel@whitewillowdesign.ca

NO.	DATE:	ISSUE / REVISION
1	2023.04.03	Minor Variance Application

design by: J.O.	drawn by: D.O.	approved by: D.O.	date: 2023.04.03	scale: 1/4" = 1'-0"
Project: WWD.1001				
Ito ADU-Detached				
102 Creighton Rd, Dundas, ON, L9H 3B9				
Sheet Title: A2.8 Elev.Right (N) Proposed				
page 15 of 15				



### Elevation Right (North) Proposed

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



Municipal Address	102 Creighton Rd, Dundas, ON, L9H 3B9		
Assessment Roll Number	260100264000000		
Former Municipality	Dundas		
Lot		Concession	
Registered Plan Number	Plan 1463	Lot(s)	Lot 13
Reference Plan Number (s)	Part 2, 62R-5543	Part(s)	part Lot 12

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:

ADU-detached building separation from main house reduced from 7.5m to 3.6m.  
allowance of a balcony: the balcony is above first floor in the front, but is grade level in the rear.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The property is an odd shape, being a lot and a half, and also has extreme grading towards the rear property line. We are proposing to place the ADU-detached on top of the existing garage, which has an existing lesser building separation than the zoning by-law permits. Please note that there is an existing second level on the garage, which is being removed and build larger.

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
21.34 m	34.75 m	741.57 m <sup>2</sup>	



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	7.39	17.469	9.62 L & 3.03 R	~1980
Garage	19.816	6.871	1.95 L & 13.598 R	~1980
Shed	11.468	17.779	18.002 L & 0.96 R	~2000

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
ADU-detached	19.816	5.211	1.95 L & 13.598 R	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	71 m <sup>2</sup>	142 m <sup>2</sup>	2	7.928
Garage	40 m <sup>2</sup>	65 m <sup>2</sup>	2	5.070
Shed	10 m <sup>2</sup>	10 m <sup>2</sup>	1	2.5

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ADU-detached	49.7 m <sup>2</sup>	49.7 m <sup>2</sup>	1	6.001

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.):

Single Family Dwelling with ADU-detached

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

Single Family Dwelling

## 7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:  
 17 June 2018
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Single Family Dwelling
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Single Family Dwelling
- 7.4 Length of time the existing uses of the subject property have continued:  
 40+ 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)

Single Detached Residential

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

- 7.6 What is the existing zoning of the subject land?  
 R2
- 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?

N/A

~~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**  
**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-23:92</b>	<b>SUBJECT PROPERTY:</b>	3013 TRINITY CHURCH ROAD, GLANBROOK
<b>ZONE:</b>	"A1" (Agriculture)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** DAVID AND LISA WILSON

The following variances are requested:

1. A maximum of 6% lot coverage shall be permitted for all building's accessory to the single detached dwelling instead of the requirement that all building's accessory to a Single Detached Dwelling shall not exceed a total 5% lot coverage.

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

**Notes:**

1. Variances have been written as requested by the applicant and with the information provided. Please note that confirmation regarding scale and accuracy of the submitted drawings cannot be determined. Further variances may be required if information was not no scale or accurate.
2. Pursuant to Variance #1, the maximum gross floor area percentage of 6% is based on:
  - The existing accessory building which has a gross floor area of 7.5m<sup>2</sup> plus,
  - The proposed accessory building which has a gross floor area of 139.35m<sup>2</sup>
3. An eave/gutter of any accessory building may encroach into any required yard to a maximum of 0.45 metres. Insufficient information was provided to determine zoning compliance for the proposed eaves and gutters within a required side yard. Additional variances may e required.
4. Insufficient information was provided to determine zoning compliance for parking. All proposed parking shall be in compliance with Section five (5) of the Hamilton Zoning By-law 05-200. Additional variances may be required.



**GL/A-23:92**

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, May 18, 2023</b>
<b>TIME:</b>	<b>11:00 a.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.

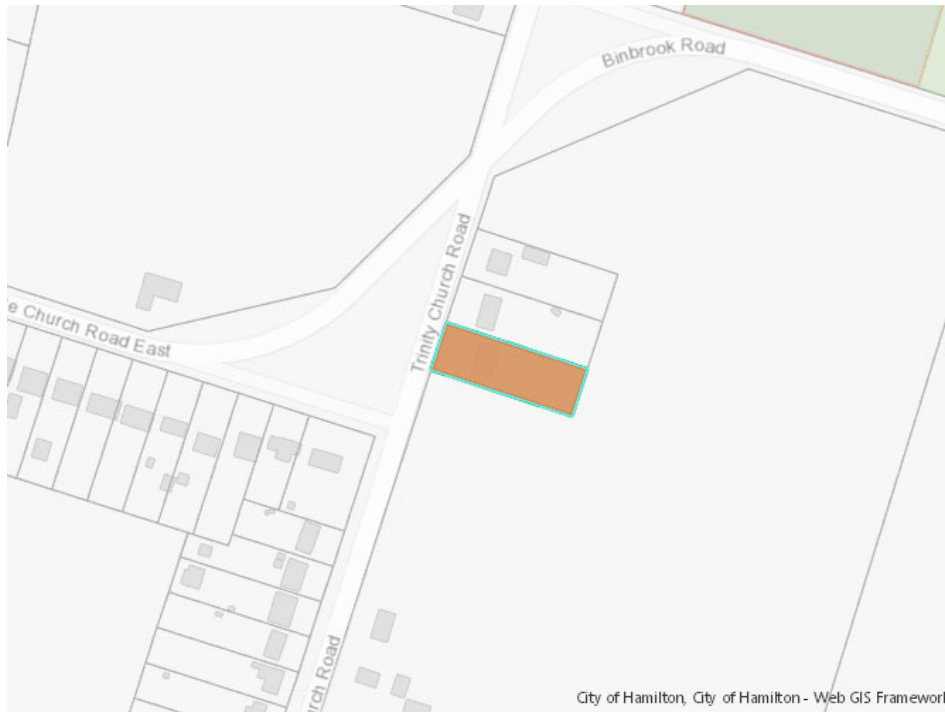
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding GL/A-23:92, 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.

GL/A-23:92



 Subject Lands

DATED: May 2, 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.**

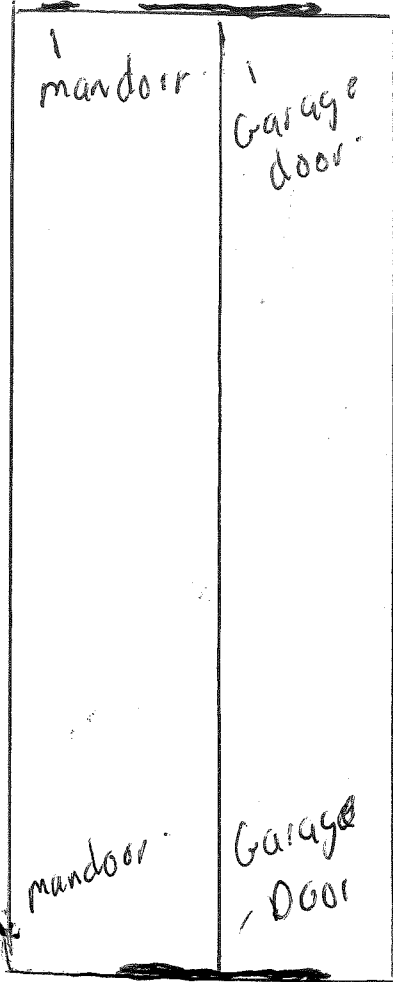
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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.

3013 Trinity Church Road

Trees ← 1.219

← 9.144 →



Tree Line

← 1.219 →

Height 3.658

← 9.144 →

Septic

Deck

House

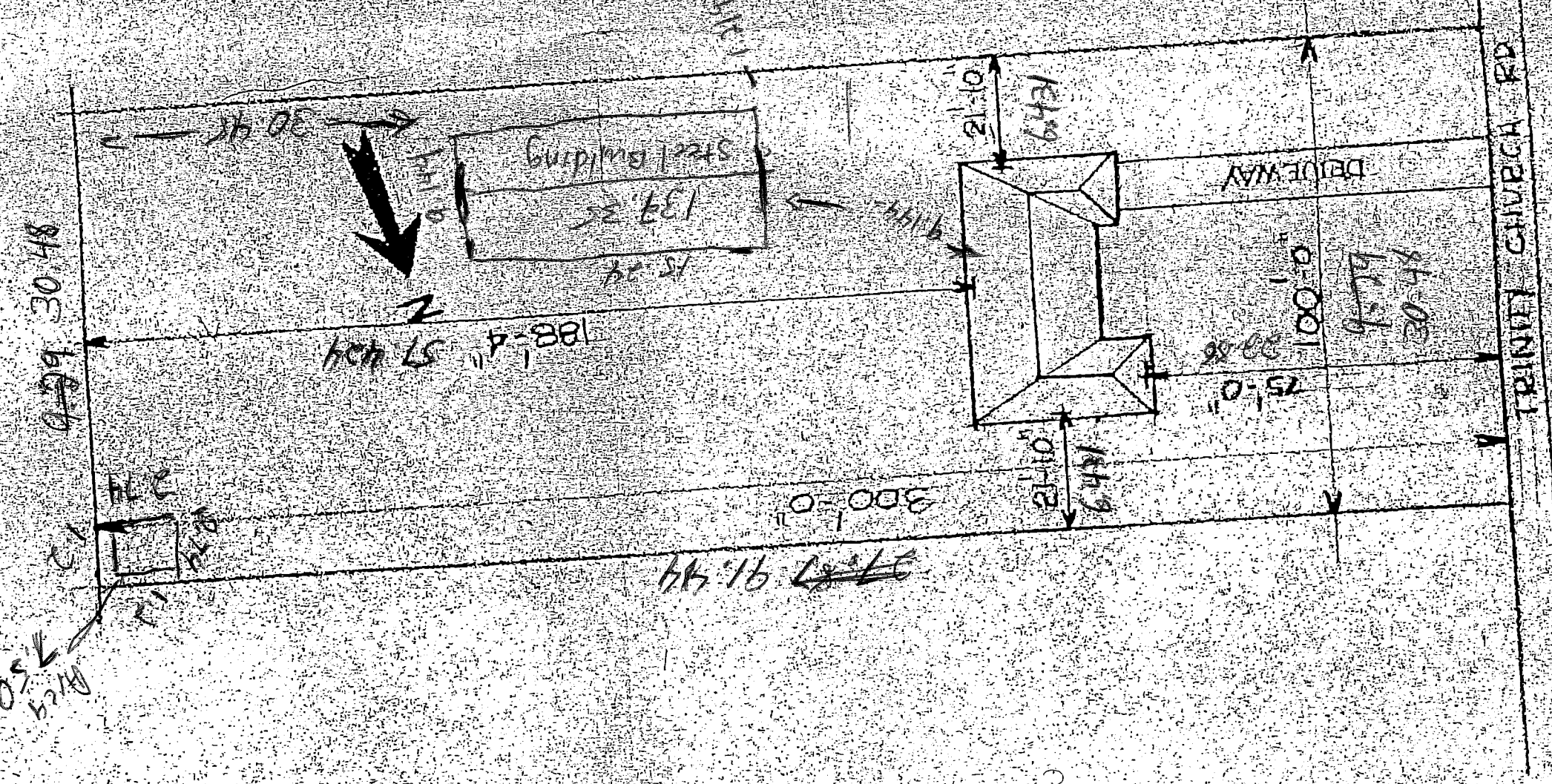
Driveway



DATA:  
 RESIDENCE FOR  
 TRINITY CHURCH ROAD

HOUSE - APPROX 1270 SQ FT  
 LOT 5 APPROX 30,000

Con. of  
 Block 5



PLOT

SCALE APPROX 1" = 50'-0"

The City of...  
 The City of...  
 to the...  
 documents...  
 from the...



Field Book

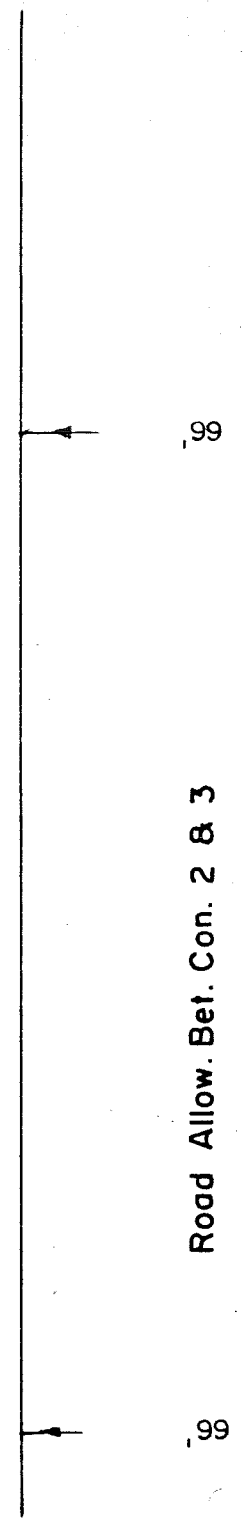
L-158

8-31-66

PLAN  
OF  
PART OF LOT 3, BLOCK 1, CON. 3  
IN THE  
TOWNSHIP OF BINBROOK  
SCALE 1 IN. = 40 FT.



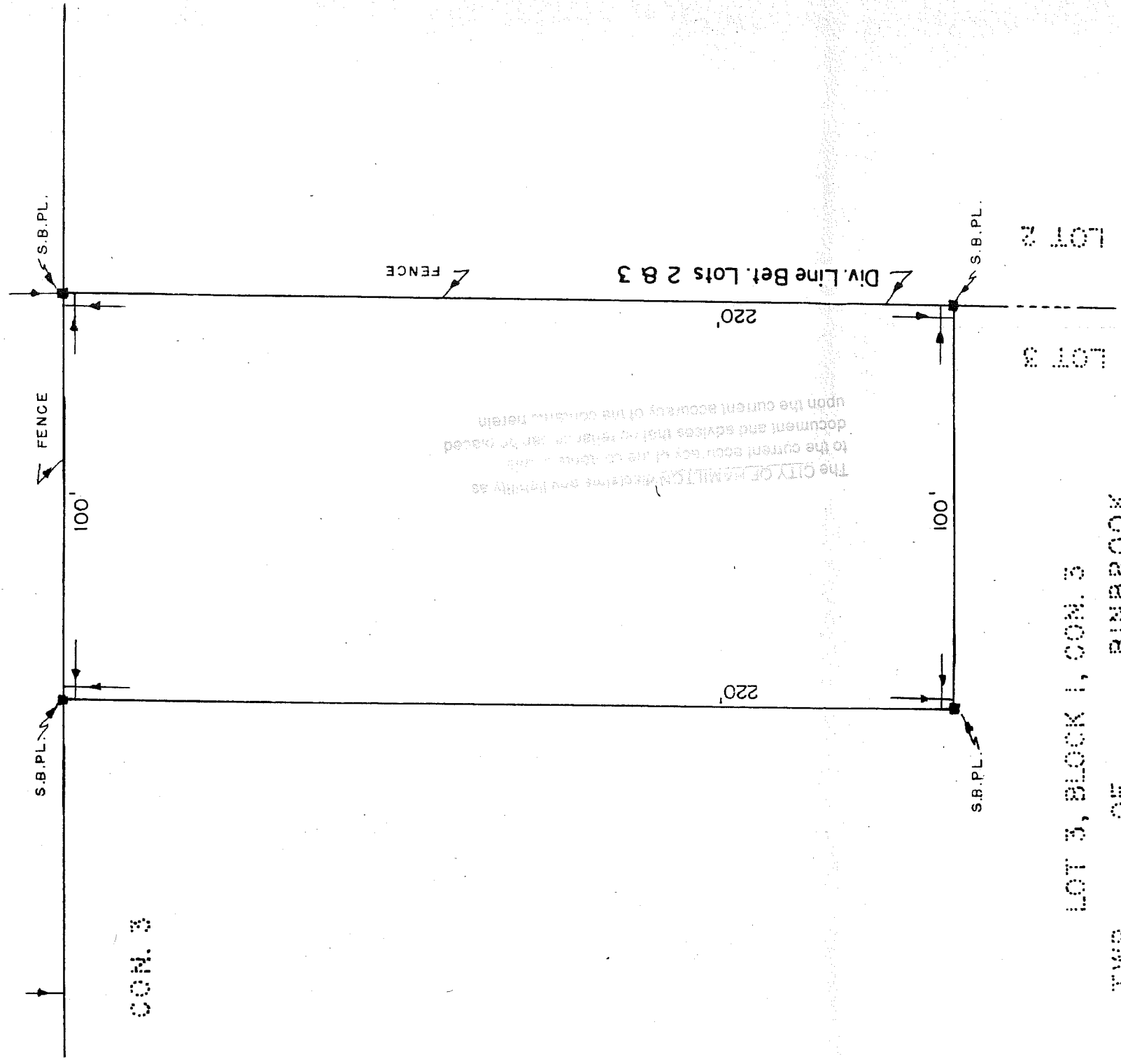
CON. 2



Road Allow. Bet. Con. 2 & 3

66'

CON. 3



Div. Line Bet. Lots 2 & 3

LOT 2  
LOT 3

LOT 3, BLOCK 1, CON. 3  
TWP. OF BINBROOK

*George J. Conway*  
 ONTARIO LAND SURVEYOR  
 HAMILTON, ONTARIO  
 JUN. 23, 1966



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

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	3013 Trinity Church Road		
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: *Shop/Garage - Accessory to residential use.*  
*Size of Building 139 sq meters.*

Second Dwelling Unit  Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?  
*needed space storage, Trailers/Boats*

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
<i>7.0/200m<sup>2</sup></i> <i>30.48</i>	<i>10</i> <i>91.44</i>	<i>10</i> <i>2787.09 sq meters</i>	

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
<del>Steel Building</del>	<del>43.29</del>	<del>32.91</del>	<del>1.219</del>	<del>1970</del>
House	22.86	57.424	6.431	1970

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Steel Building	45.72	30.48	1.219	

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
<del>Steel Building</del>	<del>9.144</del>	<del>15.24</del>	<del>1</del>	<del>3.658</del>
House	117.947			

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Steel Building	9.144	15.24	1	3.658
	139.35	139.35		

- 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.):

*Garage/shop Single detached Buildings.*

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

*Single detached House / Farm*

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:

*unknown June 2 / 2022.*

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:

*53 years*

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

Rural Hamilton Official Plan designation (if applicable):

*Agricultural.*

Rural Settlement Area: \_\_\_\_\_

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

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

*Agricultural Land Use. Permits accessory buildings*

7.6 What is the existing zoning of the subject land?

*A1*

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: \_\_\_\_\_

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):

**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

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Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>GL/A-23:16</b>	<b>SUBJECT PROPERTY:</b>	3033 – 3063 BINBROOK ROAD, GLANBROOK
<b>ZONE:</b>	“C3-317” (General Commercial)	<b>ZONING BY-LAW:</b>	Zoning By-law former Township of Glanbrook 464, as Amended 21-087

**APPLICANTS:** Owner: BINBROOK HERITAGE DEVELOPMENTS INC.  
Agent: URBAN SOLUTIONS PLANNING C/O MATT JOHNSTON

The following variances are requested:

1. A maximum building height 26 metres and 7 storeys shall be provided instead of the required maximum building height of 26 metres and 6 storeys.
2. A maximum encroachment of 1.3 metres for a balcony within the Westerly Side Yard shall be provided instead of the maximum encroachment of 0.0 metres for a balcony within the Westerly Side Yard.
3. A maximum encroachment of 6.5 metres for a balcony within the Easterly Side Yard shall be provided instead of the maximum encroachment of 1.5 metres for a balcony within the Easterly Side Yard.

**PURPOSE & EFFECT:** So as to permit an increase in building height for the proposed mixed-use apartment building notwithstanding that:

**Notes:**

- i. Site Plan Application DA-17-107, which received conditional approval from the Ontario Land Tribunal on May 14, 2021, remains under review and is pending final approval. The conditionally approved plans provided within the Site Plan Application appear to have been altered to include the 7th storey addition, however the building footprint, parking, landscaping and other site requirements appear to remain the same as the original Site Plan submitted through DA-17-107. As such, the Zoning comments provided through DA-17-107 on February 1st, 2023, are still applicable regarding all setback, parking, landscaping and area requirements.

**GL/A-23:16**

- ii. Please note, the variance has been written exactly as requested by the applicant. As per the above comment, the applicant has requested an increase to the maximum height from 6 storeys to 7 storeys, however areas of non-compliance as highlighted in the Zoning comments through DA-17-107 have not been addressed. The applicant shall confirm if the deficiencies, as indicated within the above provided Zoning comments, can be addressed through alterations to the Site Plan or if Variances are required.
- iii. The following variances may be required should the plan remain as shown.
- a. Please note, as per this review and the comments provided with Site Plan resubmission for DA-17-107, the 4th storey balcony (terrace) appears to encroach into the Westerly side yard a maximum of 1.241 metres, whereas site specific zone C3-317 has varied Section 7.26 (b) in its entirety and only permits a 1.5 metre yard encroachment within the Easterly Side Yard. No amendment has been provided to address the encroachment of the 4th storey balcony (terrace) within the Westerly Side Yard. As such, a variance may be required to permit the balcony to encroach within the side yard.
- b. Please note, as per this review and the comments provided with Site Plan resubmission for DA-17-107, the 5th storey balcony (terrace) balcony appears to be setback approximately 3 metres from the side lot line and would encroach into the Easterly side yard a maximum of 6.5 metres, whereas site specific zone C3-317 permits a maximum of 1.5m encroachment into the Westerly side yard. As such, a variance may be required to permit the balcony to encroach within the side yard.
- iv. Be advised, insufficient information provided to determine zoning requirements for the proposed Apartment building as it pertains to Minimum Building Setback from a Street Line, Maximum Building Setback from a Street Line Rear Yard, Minimum Ground Floor Façade Facing a Street, Parking/ Loading requirements and Minimum Area for a Landscaped Parking Island. Should the proposed Dwelling not be in compliance with any applicable Sections of Glanbrook Zoning By-Law 464, 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, May 18, 2023</b>
<b>TIME:</b>	<b>11:05 a.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:



**GL/A-23:16**

- 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 GL/A-23:16, 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.

GL/A-23:16



 Subject Lands

DATED: May 2, 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.**

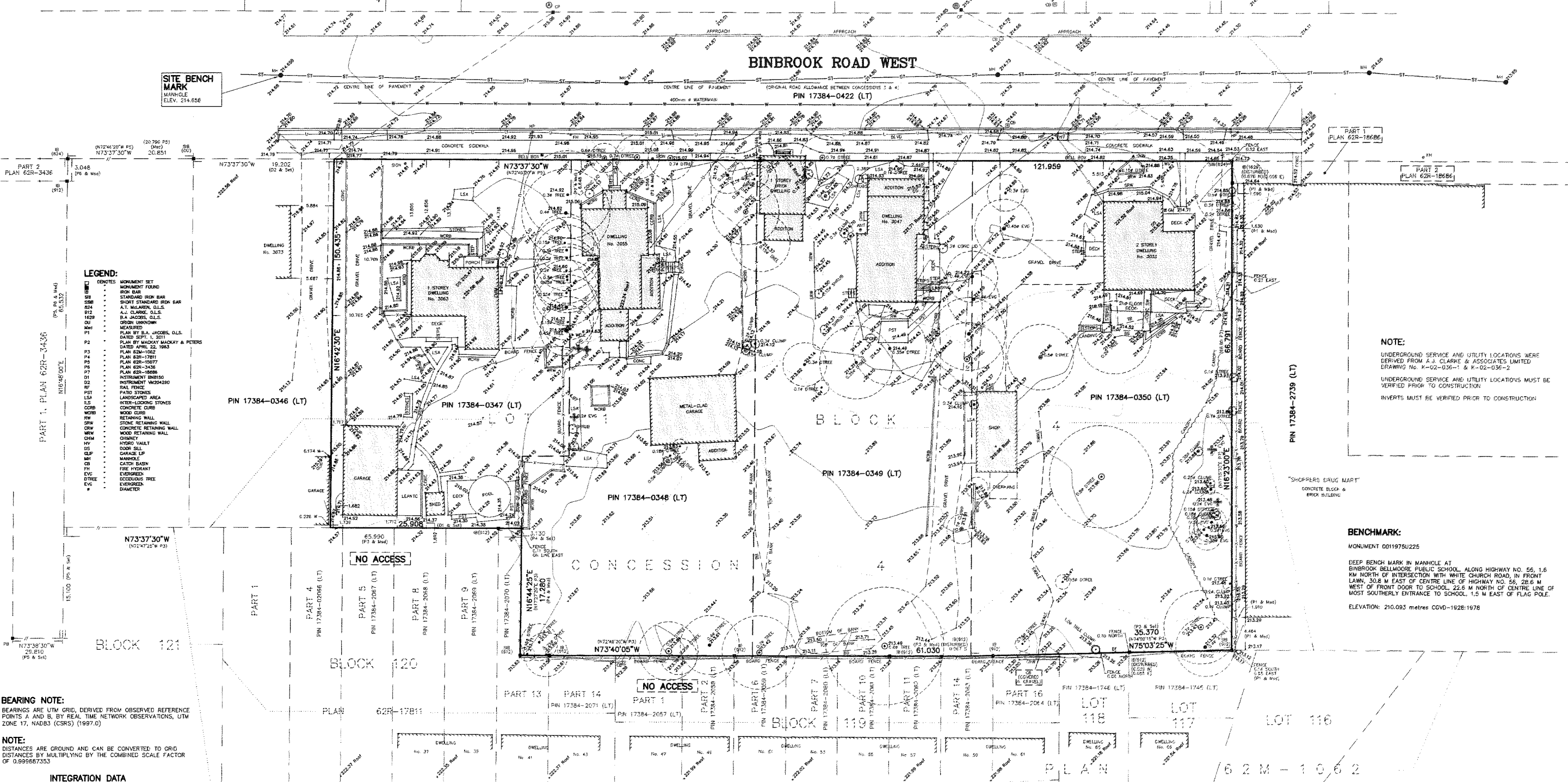
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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.

TOPOGRAPHIC SURVEY  
OF PART OF  
LOT 1, BLOCK 4  
CONCESSION 4  
GEOGRAPHIC  
TOWNSHIP OF BINBROOK  
IN THE  
CITY OF HAMILTON

SCALE 1:250 METRIC  
0 5 10 15 metres

S.D. McLAREN, O.L.S. - 2016



- LEGEND:**
- MONUMENT SET
  - MONUMENT FOUND
  - IRON BAR
  - STANDARD IRON BAR
  - SHORT STANDARD IRON BAR
  - A.L. McLEAREN, O.L.S.
  - A.J. CLARKE, O.L.S.
  - B.A. JACOBS, O.L.S.
  - OSION UNKNOWN
  - MEASURED
  - PLAN BY B.A. JACOBS, O.L.S. DATED 09/11/2011
  - PLAN BY MACKEY MACKAY & PETERS DATED APRIL 22, 1963
  - PLAN 62R-10077
  - PLAN 62R-1438
  - PLAN 62R-15688
  - INSTRUMENT 1W234290
  - SAL FENCE
  - PATIO STONES
  - LANDSCAPED AREA
  - INTER-LOCKING STONES
  - CONCRETE CURB
  - WOOD CURB
  - RETAINING WALL
  - STONE RETAINING WALL
  - CONCRETE RETAINING WALL
  - WOOD RETAINING WALL
  - CHIMNEY
  - HYDRIC VAULT
  - DOOR SILL
  - CHAIRSEAT
  - MANNHOLE
  - CATCH BASIN
  - FIRE HYDRANT
  - ENVIROTRAK
  - DECOMPOSED TREE
  - EVERGREEN
  - DIAMETER

**NOTE:**  
UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE DERIVED FROM A.J. CLARKE & ASSOCIATES LIMITED DRAWING NO. K-02-036-1 & K-02-036-2  
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION  
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

**BENCHMARK:**  
MONUMENT 00119750225  
DEEP BENCH MARK IN MANHOLE AT BINBROOK BELLMORE PUBLIC SCHOOL, ALONG HIGHWAY NO. 55, 1.6 KM NORTH OF INTERSECTION WITH WHITE CHURCH ROAD, IN FRONT LAWN, 30.8 M EAST OF CENTRE LINE OF HIGHWAY NO. 55, 28.6 M WEST OF FRONT DOOR TO SCHOOL, 22.6 M NORTH OF CENTRE LINE OF MOST SOUTHERLY ENTRANCE TO SCHOOL, 1.5 M EAST OF FLAG POLE.  
ELEVATION: 210.093 metres CGVD-1928-1976

**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (1997.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999687353

**INTEGRATION DATA**

POINT ID	NORTHING	EASTING
OSP @	4774264.184	597026.857
OSP @	4774975.560	597109.265

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

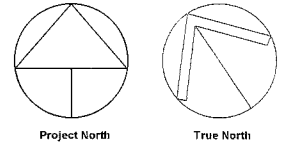
**METRIC NOTE**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**SURVEYOR'S CERTIFICATE:**  
I, S.D. McLAREN, O.L.S., do hereby certify that this plan was prepared by me or under my supervision and that I am a duly qualified and licensed Surveyor in the Province of Ontario.  
DATE: APRIL 12, 2016  
S. DAN McLAREN, O.L.S.

**A.T. McLaren Limited**  
1234567890  
66 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2R8  
PHONE: (905) 527-2599 FAX: (905) 527-0032  
E-MAIL: info@atmclaren.com

PLAN 62R-1062

62M-1062



Project North True North

- GENERAL NOTES**
- DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
  - ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
  - CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
  - ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
  - ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
  - THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANTS BEST JUDGEMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY USE WHICH A THIRD PARTY MAKES OF THE CONTRACT DOCUMENTS, OR ANY RELIANCE ON OR WORK DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH THIRD PARTIES.
  - THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.

SITE DATA			VEHICLE PARKING DATA		
3033-3063 Binbrook Rd, Hamilton, ON					
DATA	REQUIRED	PROVIDED	DATA	REQUIRED	PROVIDED
ZONING	ZONING - M1		TOTAL DENSITY		134 units
LOT AREA (m <sup>2</sup> )	7,806.8 (m <sup>2</sup> )		RESIDENTIAL PARKING	0.3 / 10 units = 538ft <sup>2</sup> = 5	134 units
ROAD WIDENING (m <sup>2</sup> )	372 (m <sup>2</sup> )			0.3 / 1 units = 14 x 538ft <sup>2</sup> = 8	134 units
NEW LOT AREA (m <sup>2</sup> )	7,434.8 (m <sup>2</sup> )			0.85 / units = 15 - 51 x 538ft <sup>2</sup> = 31.45	
SETBACKS				1.0 / units = 52 - 124 x 538ft <sup>2</sup> = 73	
FRONT YARD (m)	MAX. 3 (m)	0 (m)	BARRIER FREE PARKING	1 + 3% / REQ. = 5	5 (incl. in above)
INTERIOR SIDE YARD (m)	16 (m)	16.3 (m)	VISITOR PARKING	0.1 / units = 13.4	14 (0.1 / unit (incl.))
EXTERIOR SIDE YARD (m)	3 (m)	3 (m)	COMMERCIAL PARKING		
REAR YARD (m)	38 (m)	39.15 (m)	<b>TOTAL</b>	<b>130.85 ~ 131</b>	<b>135</b>

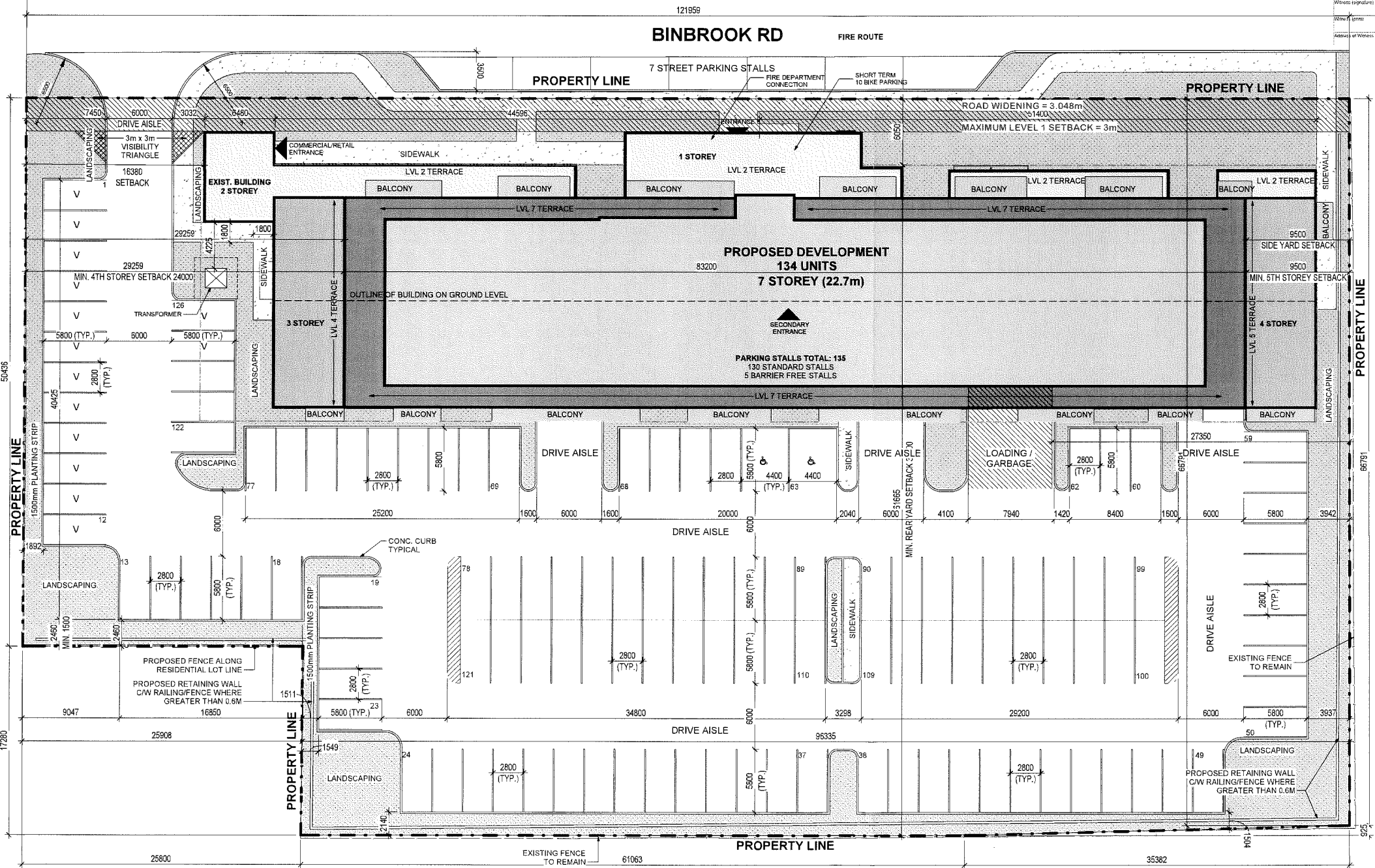
  

LANDSCAPING DATA			BUILDING DATA		
DATA	REQUIRED	PROVIDED	DATA	REQUIRED	PROVIDED
LANDSCAPE AREA TOTAL (%)	N/A	31.4 (%)	TOTAL DENSITY (# of units)	N/A	134 (units)
LANDSCAPE AREA INCL. SIDEWALKS (m <sup>2</sup> )	N/A	2,449.7 (m <sup>2</sup> )	NUMBER OF STOREYS	MAX. 6	7
PARKING HARDSCAPE AREA (m <sup>2</sup> )	N/A	3,737 (m <sup>2</sup> )	BUILDING HEIGHT (m)	29 (m) MAX.	22.6 (m)
PARKING LANDSCAPE AREA (m <sup>2</sup> )	374 (m <sup>2</sup> )	432 (m <sup>2</sup> )	BUILDING AREA (m <sup>2</sup> )	N/A	1,188.1m <sup>2</sup> (12,798ft <sup>2</sup> )
LANDSCAPE AREA VS HARDSCAPE (%)	MIN. 10 (%)	16.47 (%)	GROSS FLOOR AREA (m <sup>2</sup> )	N/A	11,092m <sup>2</sup> (119,388ft <sup>2</sup> )
			COMMERCIAL/RETAIL AREA (m <sup>2</sup> )	N/A	399.6m <sup>2</sup> (4,301ft <sup>2</sup> )
			AMENITY AREA (m <sup>2</sup> )	65 ft <sup>2</sup> (6m <sup>2</sup> ) / unit x 134 units = 8710 ft <sup>2</sup> (804 m <sup>2</sup> )	12,003 ft <sup>2</sup> balcony/terrace = 16,102 ft <sup>2</sup> (1,496m <sup>2</sup> )
			GROUND FLOOR FACADE (%)	MIN. 75%	338.67 (m <sup>2</sup> ) (84.1%)

BICYCLE PARKING DATA		
DATA	REQUIRED	PROVIDED
RESIDENTIAL BICYCLE PARKING	5	10
COMMERCIAL BICYCLE PARKING	5	10
<b>TOTAL</b>	<b>10</b>	<b>20</b>

KEY PLAN



**Purpose of Minor Variance:**  
 To permit a maximum height of 26 metres and 7 storeys, whereas 26 metres and 6 storeys is currently permitted in the site specific C3-317 Zone.

No.	Date	Revision
10	11/01/2023	ISSUED FOR MINOR VARIANCE
9	27/10/2022	ISSUED FOR SPA SUBMISSION 02
8	07/09/2022	ISSUED FOR COORDINATION
7	24/03/2022	ISSUED FOR CLIENT REVIEW
6	22/03/2022	ISSUED FOR COORDINATION
5	10/03/2022	ISSUED FOR COORDINATION
4	07/03/2022	ISSUED FOR COORDINATION
3	18/02/2022	ISSUED FOR CLIENT REVIEW
2	15/02/2022	ISSUED FOR CLIENT REVIEW
1	10/01/2021	ISSUED FOR CLIENT REVIEW

- GENERAL NOTES:**
- All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.
  - Fire Route Signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.
  - Main driveway dimensions at the property line boundaries are plus or minus 7.5 m unless otherwise stated.
  - All driveways from property lines for the first 7.5 m shall be within 5% Maximum grade, thereafter, all driveways shall be within 10% maximum grades.
  - The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following: Abandoned accesses must be removed and the curb and boulevard restored with sod at the owner's expense to the satisfaction of the Corridor Management Section, Public Works Department.
  - For visibility triangles at the vehicular access points, the following note to be provided:
    - All signs must comply with Sign By-law No. 10-197.
  - Building permit - Sewer and water permits
  - Road cut permits - Relocation of services
  - Approach approval permits - Encroachment Agreements
  - Committee of Adjustment (if required)
  - 1.2 metre by 1.2 metre visibility triangles in which the maximum height of any objects or mature vegetation is not to exceed a height of 0.70 metres above the corresponding perpendicular centreline elevation of the adjacent street.

**srm ARCHITECTS INC.**

Project No: 22047  
 Project Date: 2022-05-24  
 Drawn by: CND  
 Checked by: EJT  
 Plot Date / Time: 2023-01-17 11:35:00 AM

**3033-3063 BINBROOK RD, HAMILTON**

**SITE PLAN**

Ontario Association of Architects  
 EDWARD THOMAS LICENCE 5572

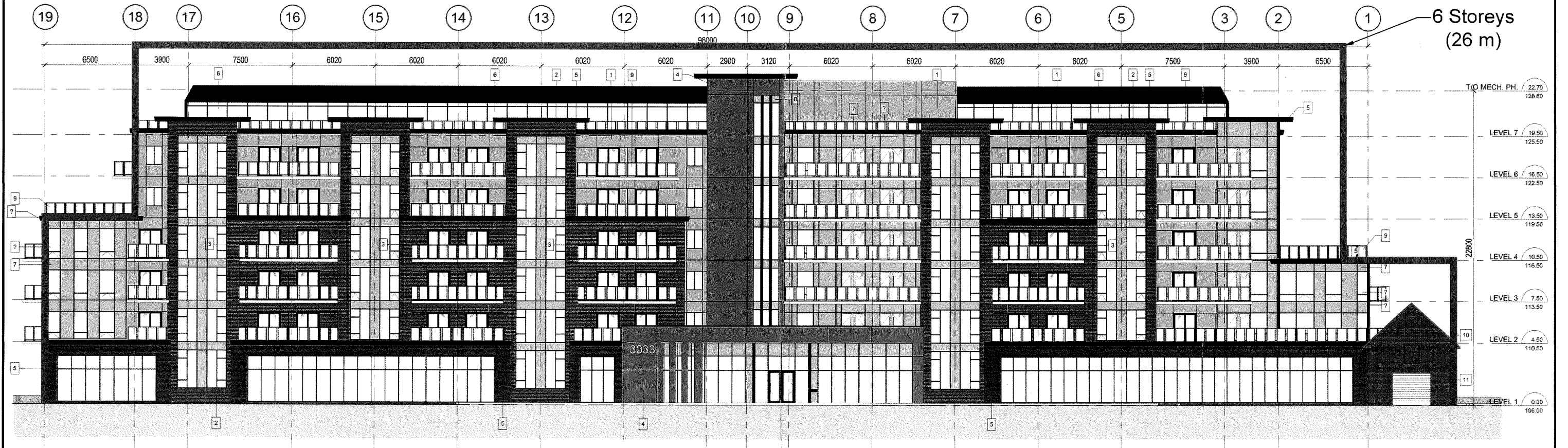
Drawing Scale: As indicated  
 Sheet: 1  
 Drawing No.: 22047  
 Revision No.: 1  
**D1.1 - r10**

C:\Users\ashah\Documents\22047 - 3033-3063 Binbrook Rd, Hamilton, 8 Storeys, V7\_ashah\CDMLW.rvt



MINOR VARIANCE SKETCH 2

PROPOSED VARIANCE: TO PERMIT 7 STOREYS (26 m)



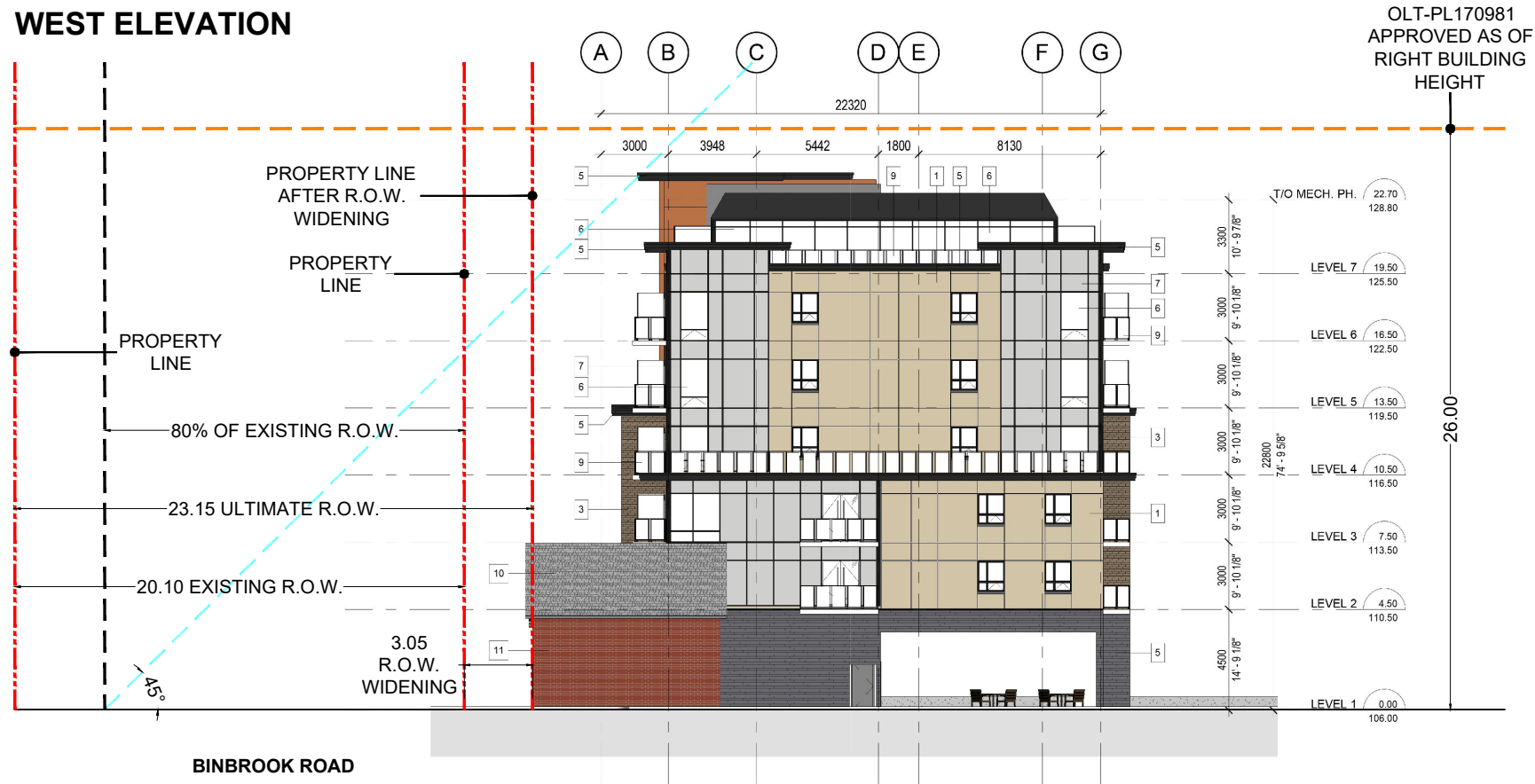
1 NORTH ELEVATION  
1:150

— OLT- PL170981 APPROVED AS OF RIGHT BUILDING ENVELOPE

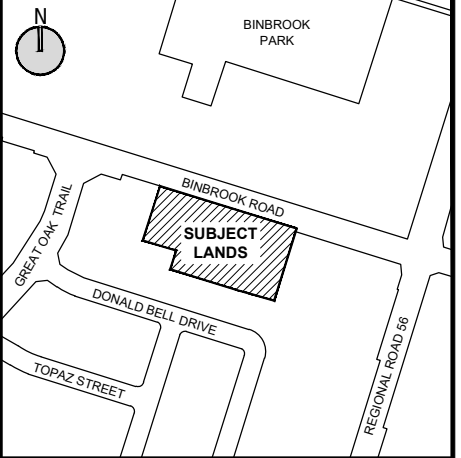
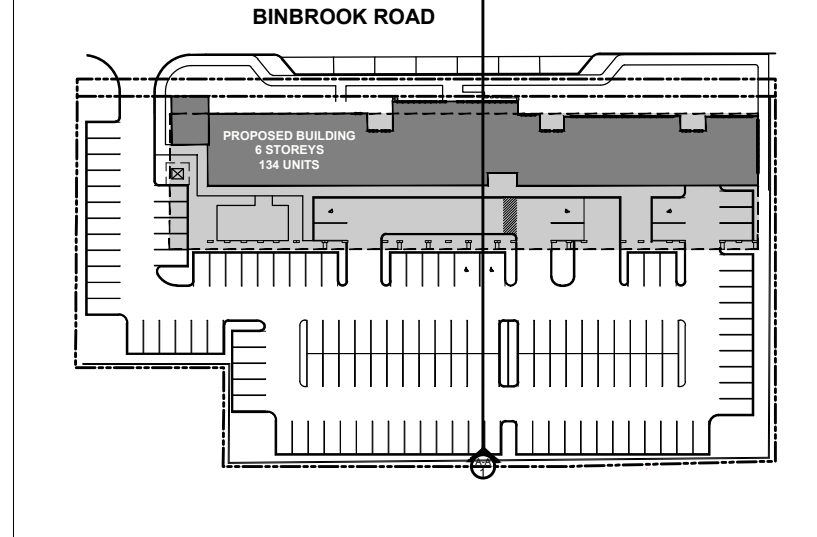
**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT

**srm**  
ARCHITECTS INC.

**WEST ELEVATION**



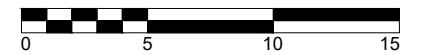
**SECTION CUT  
N.T.S.**



KEY MAP - N.T.S.

SCALE 1:300

METRES



**LEGEND**

- PROPERTY LINE
- 45° ANGLE AS PER CITY GUIDELINES
- PROPOSED ANGULAR PLANE
- OLT APPROVED BUILDING HEIGHT

NOT FOR CONSTRUCTION  
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: S. ERICKSON      CHECKED BY: M. JOHNSTON  
DRAWN BY: S. ERICKSON      DATE: FEBRUARY 21, 2023



**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT

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

PROJECT:  
**3033-3063 BINBROOK ROAD**  
CITY OF HAMILTON

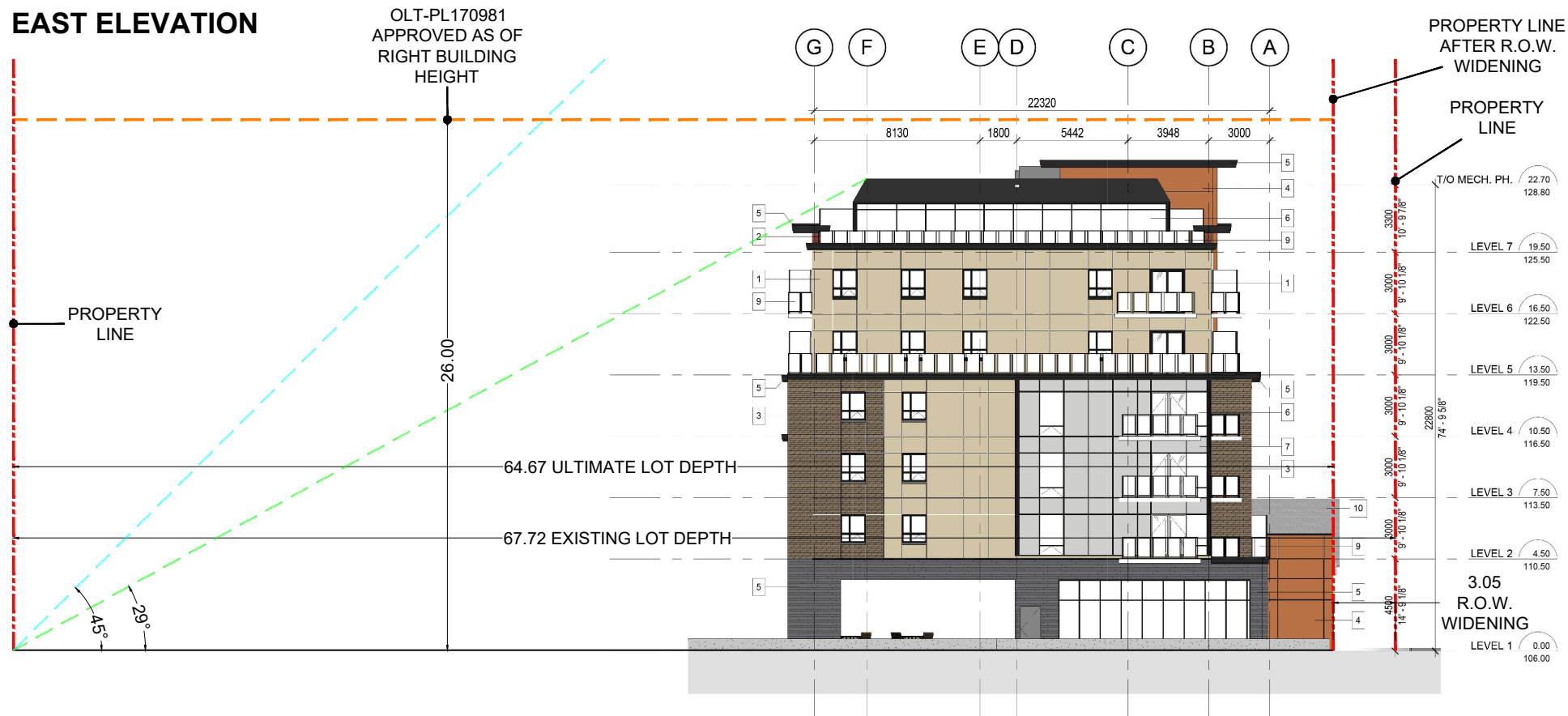
CLIENT:  
**BINBROOK HERITAGE DEVELOPMENTS INC.**

TITLE:  
**ANGULAR PLANE**

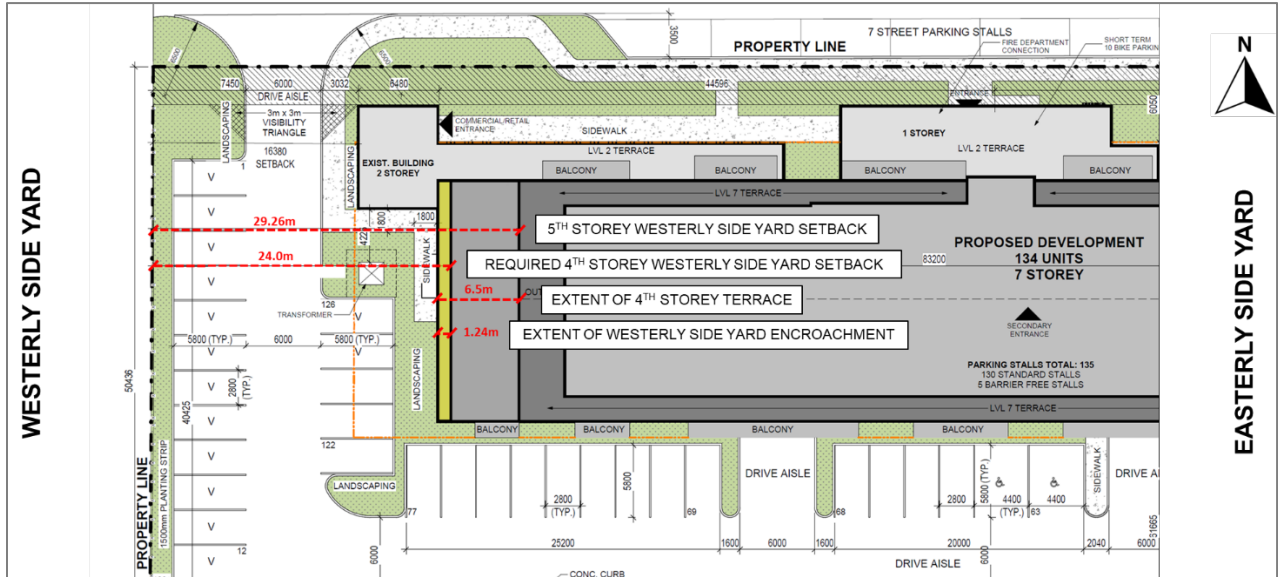
U/S FILE NUMBER:  
323-19

SHEET NUMBER:  
1

**EAST ELEVATION**

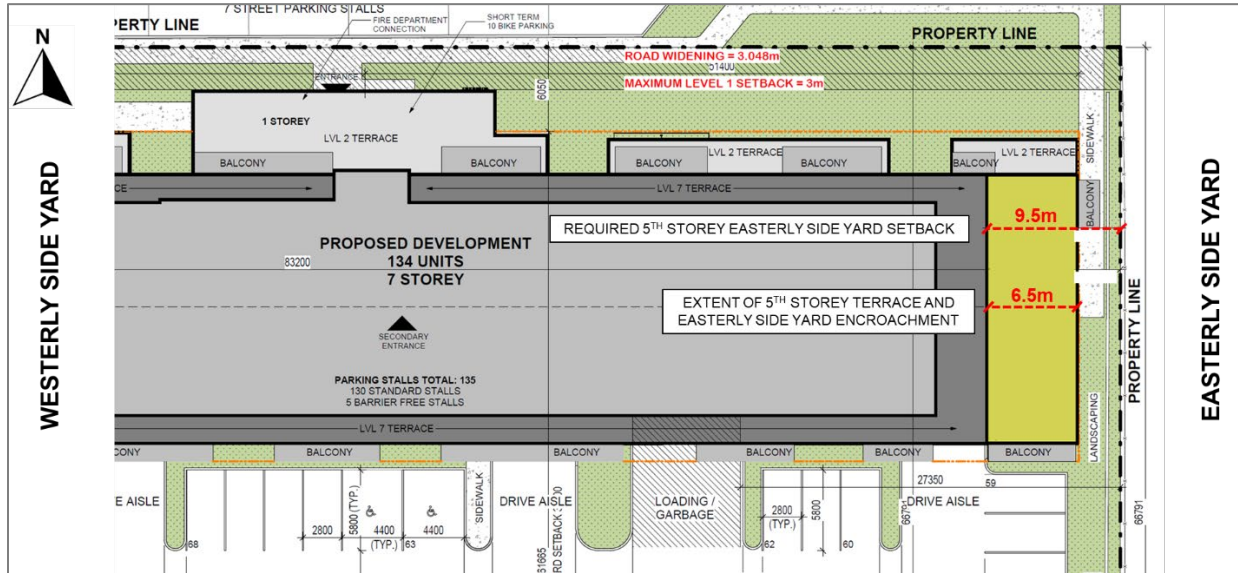


### Appendix A – Variance No. 2





Appendix B – Variance No. 3





January 23, 2023

323-19

**Via Email & Delivered**

Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 3033-3063 Binbrook Road, City of Hamilton  
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Brinbrook Heritage Developments Inc., the registered owner of the lands municipally known as 3033-3063 Binbrook Road, Hamilton. In keeping with ongoing submissions and discussions, UrbanSolutions has prepared the enclosed Minor Variance application to the City of Hamilton.

The subject lands are currently designated 'Mixed Use - Medium Density' in the Urban Hamilton Official Plan (UHOP) and 'Mixed Use – Medium Density – Pedestrian Focused Site Specific Policy Area S' in the Binbrook Village Secondary Plan. Further, the subject lands are located in the "C3-317" General Commercial Zone in the Township of Glanbrook Zoning By-law No. 464.

**Background**

On July 29, 2016, the owner submitted Official Plan Amendment (UHOPA-16-18) and Zoning By-law Amendment (ZAC-16-051) applications to permit the redevelopment of the subject lands with a mix of commercial and residential uses, including the construction of a 10-storey mixed-use building with 72 residential units above ground floor commercial uses.

On August 30, 2017, the owner appealed the application to the Ontario Municipal Board (OMB) on the basis of a non-decision (LPAT Case File No.: PL170981). A subsequent hearing was scheduled for August 12, 2019, but was adjourned to provide both parties with the opportunity to enter into settlement discussions. As a result of extensive negotiations, both parties agreed to certain modifications to the UHOPA and ZBA applications to permit the construction of a 6-storey mixed-use building on the subject lands. A settlement hearing took place on March 3, 2021, wherein the Local Planning Appeal Tribunal (LPAT) ordered the approval of Official Plan Amendment No. 131 and By-law No. 21-087 (to amend the Township of Glanbrook Zoning By-law No. 464) to permit the 6-storey mixed-use building having a maximum height of 26 metres.



An initial Site Plan application was submitted to the City on May 31, 2017, which did not receive conditional Site Plan approval (DA-17-107) until September 22, 2021, due to the ongoing appeal process. On July 4, 2022, the owner submitted a revised set of materials and received a one-year extension for Site Plan Approval on September 15, 2022. A subsequent resubmission was made on November 15, 2022, and the owner is currently working to clear the balance of outstanding conditions of Site Plan Approval.

### **Requested Variance**

The purpose of this minor variance application is to increase the maximum building height permitted on the subject lands to *26 metres and 7 storeys* whereas a maximum of *26 metres and 6 storeys* is currently permitted within the site-specific C3-317 Zone.

To assist in the evaluation of this application, please refer to the enclosed Minor Variance Sketches prepared by UrbanSolutions and SRM Architects.

Section 45(1) of the Planning Act, R.S.O. 1990, as amended, requires Minor Variances to satisfy four tests. While the purpose of the requested variance is to permit an additional storey, such will not increase the height of the proposed development beyond the previously approved 26 metres (via ZAC-16-051) permitted within the site-specific C3-317 Zone. It should also be noted that despite having as-of-right permission for 26 metres, the proposed 7-storey building has a height of 22.70 metres. Further, the total number of units proposed remains at 72, in keeping with the previous LPAT decision. This is to be achieved by way of marginal reductions to the floor-to-ceiling height of each unit and increases to the GFA of each unit, as outlined in the enclosed Minor Variances Sketches prepared by UrbanSolutions and SRM Architects.

As such, the requested variance satisfies the four tests contained in Section 45(1) of the *Planning Act*, in that it conforms to the intent of the Urban Hamilton Official Plan and the Township of Glanbrook Zoning By-law No. 464, is minor in nature, and is desirable and appropriate for the subject lands. As the four tests are satisfied, the requested variance represents good land use planning.

In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Topographic Survey prepared by A.T. McLaren;
- One (1) copy of the Minor Variance Sketches prepared by UrbanSolutions & SRM Architects; and,
- One (1) cheque in the amount of **\$3,735.00** payable to the City of Hamilton for the Minor Variance application.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Matthew LeBlanc, M.PL, BA (Hons)  
*Planner*

cc: Binbrook Heritage Developments Inc. c/o Mr. David Horwood & Mr. Sergio Manchia (via email)  
Councilor Mark Tadeson, Ward 11 (via email)



February 28, 2023

323-19

**Via Email & Delivered**

Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 3033-3063 Binbrook Road, City of Hamilton  
Minor Variance Application Follow-up Letter**

In keeping with our office's recent Minor Variance application submission for the subject property, please accept this Letter meant to clarify our Cover Letter dated January 23, 2023 and provide supplementary planning rationale in support of the proposal.

On the second page of the above-noted Letter, it is stated that "... the total number of units proposed remains at 72." To clarify, the current proposal consists of a 6-storey, 134-unit mixed-use building as contemplated in DA-17-107.

A previous concept iteration consisting of 111 residential units was contemplated during the LPAT settlement hearing held on March 3, 2021 (LPAT Case File No.: PL170981); wherein the Tribunal ordered the approval of Official Plan Amendment No. 131 and By-law No. 21-087 to permit a 6-storey mixed-use building having a maximum height of 26 metres.

In keeping with this decision, the City issued Conditional Site Plan approval (DA-17-107) for the subject lands on September 22, 2021 for a "... mixed-use building with varied building heights up to a maximum of 6-storeys incorporating the existing heritage house, 122 surface parking spaces and associated bicycle parking spaces." On July 4, 2022, the owner submitted a revised set of materials intended to address outstanding conditions of approval, which included a slightly revised concept consisting of 134 residential units. A subsequent resubmission was made on November 15, 2022 (maintaining 134-units) and the owner has since been working to clear the balance of outstanding conditions. This number of units complies with both the site-specific Zoning By-law and the UHOP, as OPA No. 167 effectively removed density requirements on an individual site basis.

To accommodate the additional 23 units, the current proposal includes an additional 13 vehicle parking spaces and an additional 14 bicycle parking spaces. Additionally, the Functional Servicing Report prepared by S. Llewellyn & Associates (SLA) in support of our July 4, 2022 Site Plan (DA-17-107) submission confirms that the proposed 134-unit development can be constructed to meet City of Hamilton's storm water management requirements. Similarly, a Watermain Hydraulic Analysis was conducted by C3 Water Inc.,

which confirmed that the proposed water distribution system will have the capacity and pressure required to adequately service the proposed 134-unit development.

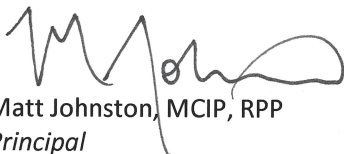
As noted in our previously Cover Letter dated January 23, 2023, the purpose of the requested variance is to increase the maximum permitted building height from *26 metres and 6-storeys* to *26 metres and 7-storeys* to facilitate the construction of larger, family-oriented units. This is to be achieved through floorplan reconfigurations and minor reductions to height of each floor as the proposed unit count remains at 134 and the proposed building height remains at 22.7 metres; in keeping with DA-17-107.

It should be noted that the proposed building meets the City's angular plane requirements at 7-storeys and remains below the OLT-PL170981 approved as-of-right height (26 metres), as shown on the enclosed Angular Plane Sketch prepared by UrbanSolutions.

In keeping with our previous submission, we maintain that the requested variance satisfies the four tests as outlined in Section 45(1) of the *Planning Act*.

We trust that the enclosed is in order; however, feel free to contact the undersigned with any questions.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Matthew LeBlanc, M.PL, BA (Hons)  
*Planner*

cc: Binbrook Heritage Developments Inc. c/o Mr. David Horwood & Mr. Sergio Manchia (via email)  
Councilor Mark Tadeson, Ward 11 (via email)



April 20, 2023

323-19

**Via Email & Delivered**

Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 3033-3063 Binbrook Road, City of Hamilton  
Minor Variance Application Follow-up Letter**

In keeping with our office's initial Minor Variance application submission for the subject property dated January 23, 2023, as well as our subsequent submission dated February 28, 2023, please accept this Letter meant to provide supplementary planning rationale in support of the proposal.

Upon review of the subject application, City of Hamilton Zoning staff indicated (via email correspondence dated March 3, 2023) that the following two additional variances would be required to facilitate the proposed development:

- **Variance No. 2:** A maximum encroachment of 1.3 metres for a balcony within the Westerly Side Yard shall be provided instead of the maximum encroachment of 0.0 metres for a balcony within the Westerly Side Yard.
- **Variance No. 3:** A maximum encroachment of 6.5 metres for a balcony within the Easterly Side Yard shall be provided instead of the maximum encroachment of 1.5 metres for a balcony within the Easterly Side Yard.

The site-specific C3-317 Zone prescribes a minimum fourth and fifth storey setback of 24.0 metres from the westerly side lot line, a minimum sixth storey setback of 27.5 metres from the westerly side lot line, and a minimum fifth and sixth storey setback of 9.5 metres from the easterly side lot line. These provisions are outlined in Table 1 below as well as in Appendices A and B of this Letter.

Storey	Westerly Side Yard Setback	Easterly Side Yard Setback
4 <sup>th</sup>	24.0 metres	N/A
5 <sup>th</sup>	24.0 metres	9.5 metres
6 <sup>th</sup>	27.5 metres	9.5 metres

Table 1 – Minimum Required Side Yard Setbacks (C3-317 Zone)



As outlined in Appendix A, the exterior façade of the proposed building's 4<sup>th</sup> storey is setback 24.0 metres from the westerly side lot line, thus achieving the intent of site-specific C3-317 Zone. However, a 6.5 metre-wide balcony/terrace is now being proposed above the 3<sup>rd</sup> storey which includes a safety railing along the perimeter (thus deeming this area a '4<sup>th</sup> storey balcony/terrace'). As such, Variance No. 2 to permit a maximum encroachment of 1.3 metres for a balcony within the westerly side yard is required to facilitate the proposal, as the proposed 6.5 metre-wide balcony encroaches approximately this distance into the required 24.0 metre 4<sup>th</sup> storey westerly side yard setback. In other words, the purpose of Variance No. 2 is to permit the proposed westerly facing, 4<sup>th</sup> storey balcony to encroach approximately 1.3 metres into the required westerly side yard; as indicated by the yellow shaded area in Appendix A.

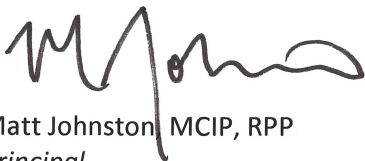
Similarly, and as outlined in Appendix B, the exterior façade of the proposed building's 5<sup>th</sup> storey is setback 9.5 metres from the easterly side lot line; thus achieving the intent of the site-specific C3-317 Zone. However, a 6.5 metre-wide balcony/terrace is now being proposed above the 4<sup>th</sup> storey which includes a safety railing along the perimeter (thus deeming this area a '5<sup>th</sup> storey balcony/terrace'). As such, Variance No. 3 to permit a maximum encroachment of 6.5 metres for a balcony within the easterly side yard is required to facilitate the proposal, as the full extent of the 6.5 metre-wide balcony is considered to be an encroachment into the required 9.5 metre 5<sup>th</sup> storey easterly side yard setback; as indicated by the yellow shaded area in Appendix B.

Section 45(1) of the *Planning Act*, R.S.O 1990, as amended, requires Minor Variances to satisfy four tests. As outlined in the City-Wide Corridor Planning Principles and Design Guidelines, upper storey stepback provisions are intended to minimize the impact of the proposed development on adjacent properties in terms of shadowing, overlook, and abrupt changes in scale. Considering that the above noted variances are solely intended to permit unenclosed rooftop amenity space above proposed upper storey stepbacks, it is our (UrbanSolutions') opinion that such satisfy the four tests contained in Section 45(1) of the *Planning Act*, in that they conform to the intent of the Urban Hamilton Official Plan and the site-specific Zoning By-law, are minor in nature, and are desirable and appropriate for the subject lands. As the four tests are satisfied, the requested variances represent good planning.

We trust that the enclosed is in order; however, feel free to contact the undersigned with any questions.

Regards,

**UrbanSolutions**



Matt Johnston | MCIP, RPP  
Principal



Matthew LeBlanc, M.PL, BA (Hons)  
Planner

cc: Binbrook Heritage Developments Inc. c/o Mr. David Horwood & Mr. Sergio Manchia (via email)  
Councilor Mark Tadeson, Ward 11 (via email)



**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)		
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	3033-3063 Binbrook Road		
Assessment Roll Number			
Former Municipality	Glanbrook		
Lot	1, Block 4	Concession 4	
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:

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:

Please refer to Cover Letter.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Please refer to 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
+/- 127.10 metres	+/- 66.80 metres	+/- 7,434.80 square metres	+/- 20.10 metres

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: Please refer to the enclosed Survey.

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
4 Single Detached Dwellings to be demolished.				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Please refer to enclosed Minor Variance Sketches.				

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
4 Single Detached Dwellings to be demolished.				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Please refer to enclosed Minor Variance Sketches.				

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)

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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 building consisting of 134 residential units and 399.58 square metres of commercial area on the ground floor.

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

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## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
Unknown

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

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

---

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): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Mixed Use - Medium Density (UHOP); Mixed Use - Medium Density - Pedestrian Focused Site Specific Policy Area S in the Binbrook Village Secondary Plan

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

Please refer to Cover Letter.

7.6 What is the existing zoning of the subject land? "C3-317" General Commercial Zone in the Township of Glanbrook Zoning By-law No. 464

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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: By-law No. 21-087



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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:

N/A

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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 N/A

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: 4 Single Family Dwellings

8.2 Number of Dwelling Units Proposed: 134 units contained on upper storeys

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

Please refer to the enclosed Cover Letter and Minor Variance Sketches.

**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
- \_\_\_\_\_
- \_\_\_\_\_