



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 23-10
Date: June 1, 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

	Pages
1. PREVIOUSLY TABLED	
2. URBAN	
2.1 9:15 a.m.HM/B-23:2570 Holmes Avenue, Hamilton (Ward 1) Agent/Applicant MiKo Urban Consulting Inc. - P. Chee Owners P. & S. Seguro	5
2.2 9:15 a.m.HM/A-23:11170 Holmes Avenue, Hamilton (Ward 1) Agent/Applicant MiKo Urban Consulting Inc. - P. Chee Owners P. & S. Seguro	31
2.3 9:15 a.m.HM/A-23:11270 Holmes Avenue, Hamilton (Ward 1) Agent/Applicant MiKo Urban Consulting Inc. - P. Chee Owners P. & S. Seguro	51
2.4 9:20 a.m.HM/A-23:10419 Albert Street, Hamilton (Ward 3) Agent M. Sabelli Owner P. & M. Maas	71
2.5 9:25 a.m.HM/A-23:108145 Province Street South, Hamilton (Ward 4) Owner C. & S. Macaluso	87

2.6	9:30 a.m.HM/A-23:982 Hayes Avenue, Hamilton (Ward 4)	99
	Agent Urban Solutions – M. Johnston Owner Roxborough Park Inc.	
2.7	9:35 a.m.HM/B-23:24114- 116 Park Street North, Hamilton (Ward 2)	121
	Agent M. Nguyen & T. Tram Owner Movengo Developments Ltd. In Trust	
2.8	9:40 a.m.HM/A-23:113156 Hess Street North, Hamilton (Ward 2)	137
	Agent Harrison Architecture Inc. – C. Harrison Owner A. & K. Saito	
2.9	9:45 a.m.HM/A-23:66125/127 Young Street and 122 & 126 Augusta Street, Hamilton (Ward 2)	157
	Agent Urban Solutions – M. Johnston Owner 1955132 Ontario Inc. – M. Nesci	

3. SUBURBAN

3.1	9:50 a.m.AN/B-22:59 Change of Conditions382 Southcote Road, Ancaster (Ward 12)	177
	Agent Urban Solutions – M. Johnston Owner 1376412 Ontario Limited – Zeina Homes	
3.2	B R E A K	
3.3	10:10 a.m.AN/A-23:97548 Book Road East, Ancaster (Ward 12)	187
	Owners M. & J. Henschel	
3.4	10:15 a.m.AN/A-23:9936 Scanlon Place, Ancaster (Ward 12)	199
	Owners C. & V. Chisholm	
3.5	10:20 a.m.AN/A-22:3877 Armour Crescent, Ancaster (Ward 12)	213
	Owner S. Alnajar	
3.6	10:25 a.m.AN/A-23:110118 Springfield Boulevard, Ancaster (Ward 12)	231
	Agent/Applicant Fortino Bros. Inc. - E.Fortino Owner A. Pappin	

3.7 10:30 a.m.HM/A-23:10779 Essling Avenue, Hamilton (Ward 7) 243
Owner A. Mollah

4. RURAL

4.1 10:35 a.m.SC/A-23:10063 Third Road East, Stoney Creek (Ward 9) 257
Owners J. & S. Bruzzese

4.2 10:45 a.m.DN/A-23:109116 Davidson Boulevard (Ward 13) 275
Owner J. Berkach

4.3 10:50 a.m.FL/A-23:10130 Weneil Drive, Flamborough (Ward 13) 303
Agent Len Angelici Design
Owner L. Bourassa

4.4 10:55 a.m.FL/A-23:106488 Dundas Street East, Flamborough (Ward 15) 315
Agent Scarfone Hawkins LLP – J. Mahler
Applicant GSP Group Inc. – S. Knoll
Owner NHDG (Waterdown) Inc.

4.5 11:00 a.m.FL/A-23:1031044 Garden Lane, Flamborough (Ward 15) 331
Owner Z. Khalid

5. CLOSED

6. ADJOURNMENT



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/B-23:25	SUBJECT PROPERTY:	70 HOLMES AVENUE, HAMILTON
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APPLICANTS: **Owner:** PAUL & SUSAN SEGURO
Agent: MIKO URBAN CONSULTING INC. C/O PETER CHEE

PURPOSE & EFFECT: To permit the creation of an easement on the westerly portion of Lot 74. This relates to existing openings on the easterly façade of the dwelling and a Reciprocal Easement under the Building Code.

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	0.84 m [±]	24.257 m [±]	50.282 m ² [±]
RETAINED LANDS (Part 1):	6.73 m [±]	30.48 m [±]	181.203 m ² [±]

Associated Planning Act File(s): HM/A-23:111 & HM/A-23:112

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

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

DATE:	Thursday, June 1, 2023
TIME:	9:15 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

HM/B-23:25

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

PUBLIC INPUT

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

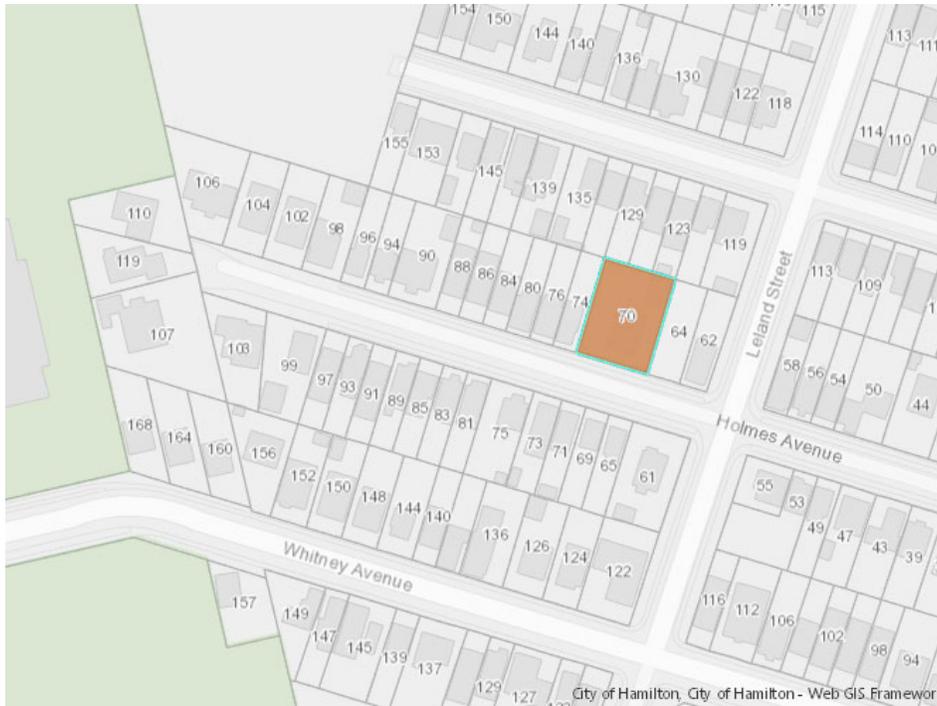
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-23:25, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/B-23:25



 **Subject Lands**

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

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

Oral Submissions During the Virtual Meeting

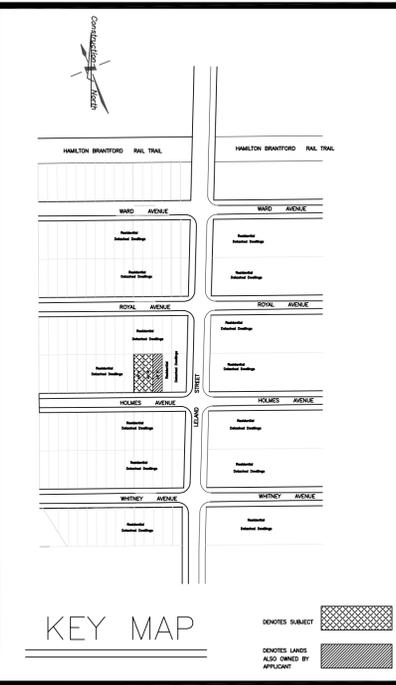
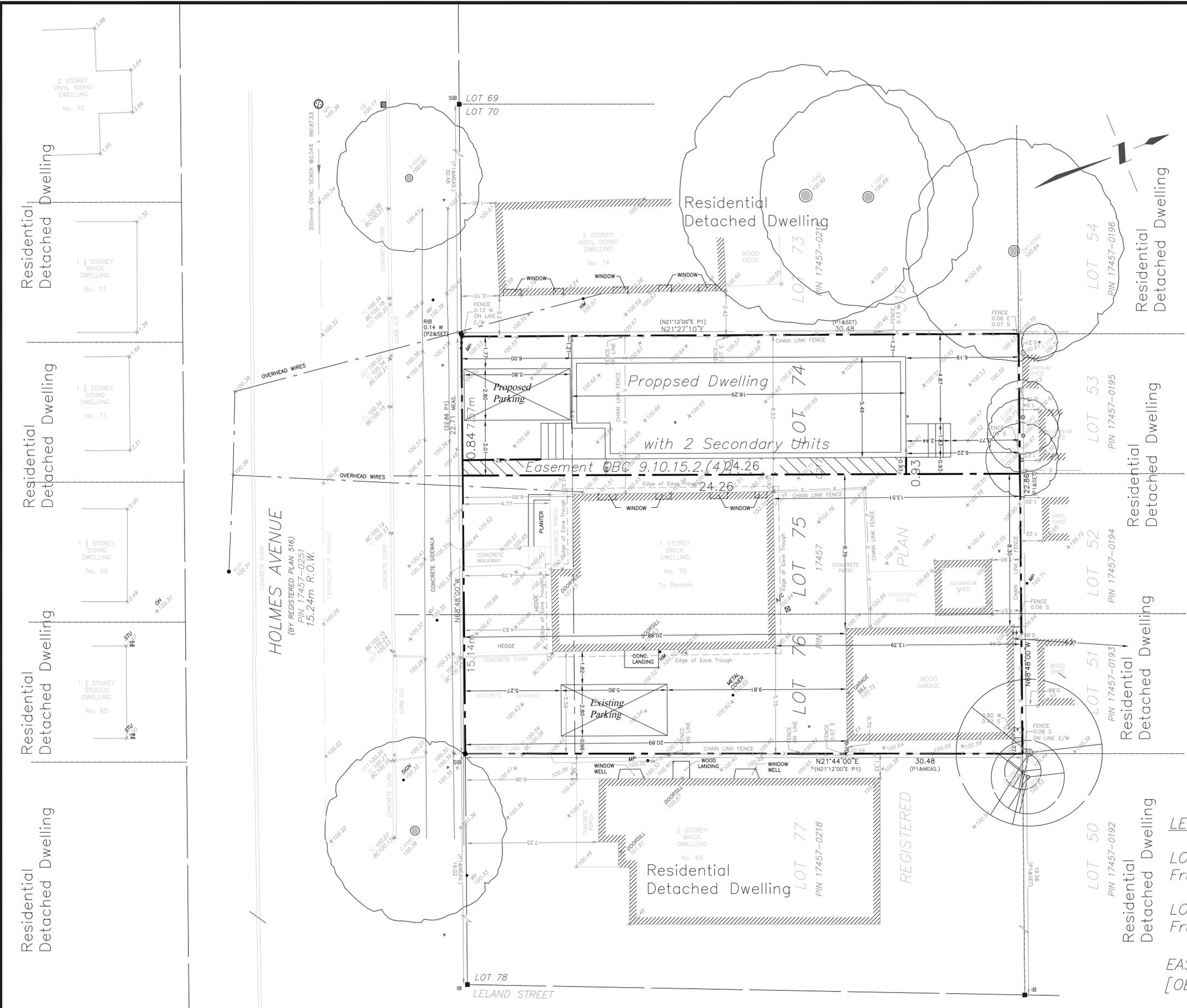
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before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

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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

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

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



PROJECT :
 70 Holmes Avenue,
 Hamilton, Ontario
 Lots 74, 75 & 76
 Registered Plan 516

**Committee of Adjustments
 Applications**

NEW CONSTRUCTION
 ADDITION
 INTERIOR ALTERATION

- 1- ALL DRAWINGS AND RELATED DOCUMENTS ARE COPYRIGHT PROPERTY OF MI-KO URBAN CONSULTING INC. AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR WHOLE IS FORBIDDEN WITHOUT THE DESIGNER'S CONSENT IN WRITING.
- 2- THE DRAWINGS AND SPECIFICATIONS APPLY ONLY TO THIS PROJECT AND SHALL NOT BE USED ON OTHER PROJECTS WITHOUT THE DESIGNER'S CONSENT IN WRITING.
- 3- ALL WORK SHALL MEET THE REQUIREMENTS OF THE LATEST GOVERNING BUILDING CODE, MUNICIPAL ORDINANCES AND ALL AUTHORITIES HAVING JURISDICTION OVER THE PROJECT.
- 4- THIS DRAWING IS NOT TRANSFERABLE AND SHALL NOT FORM A PART OF ANY AGREEMENTS WITHOUT THE DESIGNER'S CONSENT IN WRITING.
- 5- CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE SITE AND WITH ALL SUPPLIERS AND REPORT ANY DISCREPANCIES OR ERROR TO THE ARCHITECT BEFORE COMMENCING ANY WORK.
- 6- DO NOT SCALE DRAWINGS.
- 7- PRIOR TO CONSTRUCTION, CONTRACTOR SHALL CONTACT DESIGNER FOR SITE REVIEW SCHEDULE.
- 8- CONSTRUCTION SHALL BE EXECUTED AS PER DRAWINGS, NO ADDITIONS OR REVISIONS WITHOUT WRITTEN PERMISSION FROM THE DESIGNER.
- 9- THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION WITHOUT "CONSTRUCTION SET" STAMPED, & INITIALED BY THE DESIGNER.

No.	DATE	DESCRIPTION	BY
1.	Apr. 23	C. of A. Appl.	pc1.

REVISIONS

OWNER:
 Paul & Susan Seguro
 2470 Sharon Crescent,
 Mississauga, Ontario
 L5C 1Y8

LEGEND:

LOT 74:
 Frt - 7.57m Area: 231.485

LOT 75 & 76:
 Frt - 15.14m Area: 462.97

EASEMENT
 [OBC 9.10.15.2.(4)]

DRAWING TITLE:
**SITE PLAN
 [Over View]**

Mi-Ko Urban Consulting
 Professional Planning Consultants Inc.

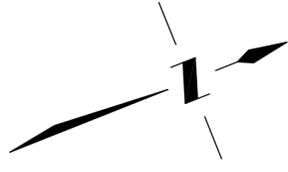
16 HIGH STREET
 TORONTO, ONTARIO
 M5Y 3N8
 PH: 416-230-8935 EMAIL: mikourbaninc@gmail.com

DRAWN PKC	CHECKED pc	SCALE 1:100m	SHEET No. SP-1
DATE Apr. 2023	PROJECT No. Holmes-23		

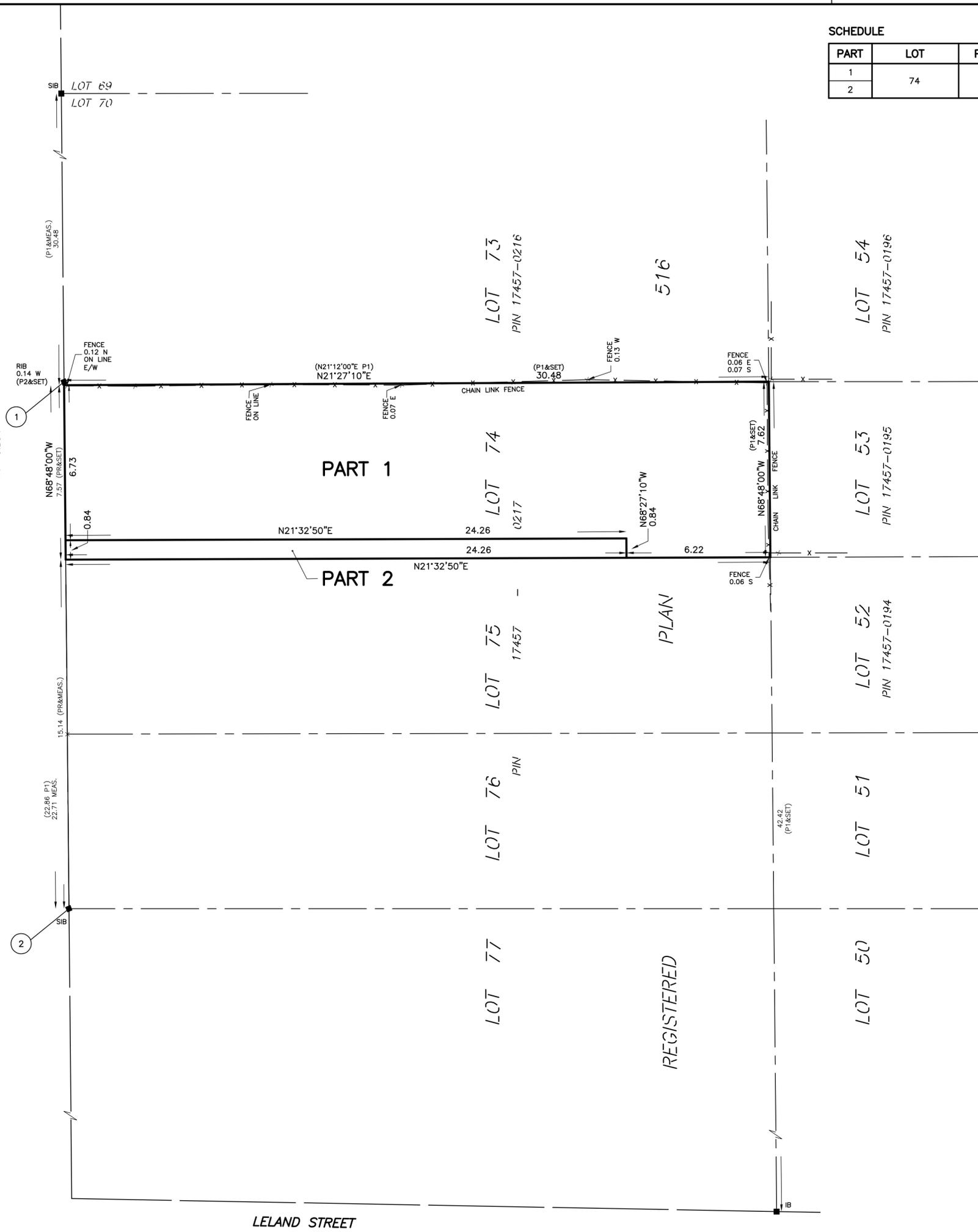
METRIC
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN
 ARE IN METRES AND CAN BE CONVERTED
 TO FEET BY DIVIDING BY 0.3048

SCHEDULE

PART	LOT	PLAN	PIN
1	74	516	PART OF 17457-0217
2			

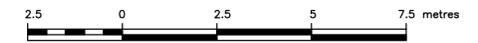


HOLMES AVENUE
 (BY REGISTERED PLAN 516)
 PIN 17457-0251



PLAN OF SURVEY OF
LOT 74
REGISTERED PLAN 516
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1 : 125



THE INTENDED PLOT SIZE OF THIS PLAN IS 610mm IN WIDTH BY 457mm IN HEIGHT
 WHEN PLOTTED AT A SCALE OF 1:125

COORDINATE REFERENCE

COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED FROM DIRECT
 GNSS REAL TIME NETWORK (RTN) OBSERVATIONS AND ARE REFERRED TO THE
 CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17, UTM PROJECTION,
 NAD83 (CSRS, 2010.0) DATUM.

COORDINATES SHOWN ON THIS PLAN HAVE BEEN DETERMINED TO URBAN
 ACCURACY OF ±0.05m AT 95% CONFIDENCE LEVEL ACCORDING TO O.REG.
 216/10.

BEARINGS ARE GRID BEARINGS.

FOR BEARING COMPARISONS, A ROTATION OF XX°XX'XX" COUNTER-CLOCKWISE
 WAS APPLIED TO PLAN XX TO CONVERT TO GRID BEARINGS.

DISTANCES ARE GROUND LEVEL DISTANCES AND CAN BE CONVERTED TO GRID
 DISTANCES BY MULTIPLYING BY COMBINED SCALE FACTOR OF
 0.999

POINT	NORTHING	EASTING
1	4000000.00	6000000.00
2	4000000.00	6000000.00

COORDINATES ALONE CANNOT
 BE USED TO RE-ESTABLISH
 POINTS OR BOUNDARIES
 SHOWN ON THIS PLAN

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- IB DENOTES IRON BAR
- RIB DENOTES ROUND IRON BAR
- SIB DENOTES STANDARD IRON BAR
- P1 DENOTES REGISTERED PLAN 516
- P2 DENOTES TARASICK McMILLAN KUBICKI LTD., O.L.S.,
FEBRUARY 6, 2023
PROPORTIONED
- PR DENOTES

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

APRIL 21, 2023
 DATE

SIMEON MITREV
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO THE AOLS PLAN SUBMISSION NUMBER

TARASICK McMILLAN KUBICKI LIMITED
 ONTARIO LAND SURVEYORS
 4181 SLADEVIEW CRESCENT, UNIT 42, MISSISSAUGA, ONTARIO L5L 5R2
 TEL: (905) 569-8849 FAX: (905) 569-3160
 E-MAIL: office@tmksurveyors.com

DRAWN BY: K.M. FILE No. 9695-R

Lot 74, Pl. 516

Lots 75 & 76, Pl. 516

Proposed Dwelling

Existing Dwelling





Mi-Ko Urban Consulting Inc.

• Land Use Planners • Development Consultants
• Project Managers • Design Consultants

16 High St, Etobicoke, Ontario - M8Y 3N8 - Tel: 416-230-6935

Planning Brief

70 Holmes Avenue, City of Hamilton Lots 74, 75 and 76, Registered Plan 516 Minor Variance/Consent Application

The applications before the Committee of Adjustments are for relief of certain provisions of the City of Hamilton's Zoning Bylaw 6593, as amended, to facilitate the development of a detached residential dwelling in accordance to the City's Official Plan and applicable Provincial interests.

There will be 3 applications:

1. Minor Variance Application #1- Lot 74: To seek relief from certain Sections of the Zoning Bylaw to allow the construction of a new detached dwelling
2. Minor Variance Application #2 – Lots 75 & 76: To seek relief from certain Sections of the Zoning Bylaw to regularized the existing buildings.
3. Consent Application: To create the easement on the westerly portion Lot 74 to address Section 9.10.14.2(4) OBC [Limiting Distance], as it relates to the existing openings on the easterly façade of the dwelling.

Subject Property & Background:

The subject lands {Lands} is located in the City of Hamilton {City}, in the Ainslie Wood East Neighbourhood. It is in the westerly portion of City. This is predominately a residential area with a mix of single storeys and 2 storey detached dwelling.

The Lands has a total frontage of 22.71m with a depth of 30.48m, and a total area of approximately 692.20m². The Lands consists of 3 registered lots, namely Lots 74, 75 & 76 of Registered Plan 516. Each of the lots has a frontage of 7.57m and an area of 230.73m². . Correspondence with the City's Clerks Department has indicated that the City of Hamilton has never passed a 'deeming bylaw' pursuant to Section 50(4) of the Planning Act, 1990, RSO, as amended and/or its predecessors.

On the Lands is a small, older one storey detached dwelling with an area of 99.121m² (1066.929 sq.ft.). It was built, circa 1945s. In consideration of the surrounding area, the Lands are quite large. It has full municipal services.

Official Plan – Urban Hamilton Official Plan (UHOP):

The Lands are designated as Neighbourhood in the City’s Official Plan. This designation calls for “*full range of housing forms, types and tenure*” [2.7.4]. It is further designated as Low Density Residential which “*include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings*”; [3.4.3]

The OP talks to maintaining “*the existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood* “. [3.2.4]

Zoning Bylaw:

The Lands are zoned ‘C’ (Urban Protected Residential, etc.) under Bylaw 80-274 subject to C/S-1335; C/S-1335A; and C/S-720.

Application #1 [New Dwelling] Lot 74**The bylaw(s) requires:**

Minimum Lot Frontage: 12m [Byl: 9. (4)]
 Minimum Lot Area: 360m² [Byl: 9.(4)]
 Minimum Front Yard: 6.0m [Byl: 9.(3)(i)]
 Minimum Side Yard: 1.2m [Byl: 9.(3)(ii)]
 Minimum Rear Yard: 7.5m [Byl: 9.(3)(iii)]
 Maximum Height: 2 Storey and 9.0m in height [Byl 95-02, 1(a)]
 Maximum FSI: 0.45x [Byl 95-02, 1(b)], including basement [Byl 95-02, 1(c)]

Proposed:

Minimum Lot Frontage: 7.50m *V-1
 Minimum Lot Area: 230m² *V-2
 Minimum Front Yard: 6.0m
 Minimum Side Yards: 1.20 & 0.90m *V-3
 Minimum Rear Yard: 6.0m *V-4
 Maximum Height: 2 Storey and 9.0m in height
 Maximum FSI: 1.25x *V-5 including basement

Application #2 [Existing Dwelling] Lot 75/76**The bylaw(s) requires:**

Minimum Lot Frontage: 12m [Byl: 9. (4)]
 Minimum Lot Area: 360m² [Byl: 9.(4)]
 Minimum Front Yard: 6.0m [Byl: 9.(3)(i)]
 Minimum Side Yard: 1.2m [Byl: 9.(3)(ii)]
 Minimum Rear Yard: 7.5m [Byl: 9.(3)(iii)]

Proposed:

Minimum Lot Frontage: 15.14m
 Minimum Lot Area: 462.97m²
 Minimum Front Yard: 4.7m *V-1
 Minimum Side Yards: 5.56 & 0.90m *V-2
 Minimum Rear Yard: 13.3m

Maximum Height: 2 Storey and
9.0m in height [Byl 95-02, 1(a)]
Maximum FSI: 0.45x [Byl 95-02, 1(b)],
including basement [Byl 95-02, 1(c)]

Maximum Height: 1 Storey and
6.2m in height
Maximum FSI: 0.43x
including basement

Bill 23: Restrictions for residential units:

(3) No official plan may contain any policy that has the effect of prohibiting the use of,

(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking:

(3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

Same, minimum unit size:

(3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

Policies of no effect:

(3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2).

Restrictions for residential units, Zoning Bylaw:

(1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,

(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking:

(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) of this section.

Same, minimum area:

(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section.

Provisions of no effect:

(1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section.

PPS 2020:

The Provincial Policy Statements provides for policy direction on matters of provincial interest

related to land use planning and development.

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, ad*

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

In addition to the above, the recently enacted Bill 23 cites that housing is a Provincial Interest.

Statement:

The proposed application is to facilitate a residential intensification initiative which, as of the enable of Bill 23, is a Provincial Interest. The lots of subject plan of subdivision, Plan 516, are existing. There has not been a passing of a deeming bylaw by the City. This is confirmed by the email from the City Clerk's department (attached). Further, the owner's Solicitor confirms that a separate Property Identification Number (PIN) is available for Lot 74, Plan 516 (attached)

S.50 Planning Act: Designation of plans of subdivision not deemed registered

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4).

The applications before the Committee of Adjustments are as follows:

1. A minor variance application #1 to regularize the existing Lot, namely Lot 74, Registered Plan 516, and to allow the construction of the new dwelling by seeking relief from the City's Zoning Bylaw 6593, as amended, as follows:

- a. Variance 1: Minimum Lot Frontage: 7.50m

- b. Variance 2: Minimum Lot Area: 230m²
- c. Variance 3: Minimum Side Yards: 1.20 & 0.90m
- d. Variance 4: Minimum Rear Yard: 6.0m
- e. Variance 5: Maximum FSI including basement: 1.25x

2. A minor variance application #1 to regularize the existing dwelling on Lots 75 & 76, Registered Plan 516, by seeking relief from the City's Zoning Bylaw 6593, as amended, and to allow the construction of a new dwelling as follows:

- a. Variance 1: Minimum Lot Frontage: 7.50m
- b. Variance 2: Minimum Lot Area: 230m²
- c. Variance 3: Minimum Side Yards: 1.20 & 0.90m
- d. Variance 4: Minimum Rear Yard: 6.0m
- e. Variance 5: Maximum FSI including basement: 1.25x

3. A consent application for a Reciprocal Easement on the east setback of Lot 74 and the west setback of Lot 75, pursuant to Section 9.10.15.2(4) Limiting Distance, of the Ontario Building Code, as amended.

Section 45 of the Planning Act, R.S.O. 1990, as amended [Act]:

The application to the Committee of Adjustments was made in pursuant to Section 45(1) of the Act. The Act authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

Four Test of a Minor Variance:

Test 1: Is the application minor in nature

Response: The Zoning Bylaw and Bill 23 allows for a residential dwelling with 2 secondary units and prohibits Zoning Bylaws which only allows for single detached dwellings. This application facilitates the residential development of the same.

Test 2: Is it desirable for the development or use of the land, building or structure

Response: Bill 23 encourages infill development of additional units on residential lots. This development assists in that endeavour. The variances being seek is to provide for a dwelling units which are family sized.

Test 3: Is it in keeping with the general intent and purpose of the zoning bylaw

Response: Bill 23 allows for the detached dwellings to have two secondary units. These units will be of a size to accommodate families.

Test 4: Is it in keeping with the general intent and purpose of the Official Plan

Response: Bill 23 allows for detached dwellings to have two secondary units. This is what is being requested. As such, it is my opinion that the application meets the four test of a minor variance.

Consent Application:

The existing dwelling west wall is located 0.93m from the easterly lot line of Lot 74. Within this wall are several unprotected openings. Pursuant to Section 9.10.152.(4) of the Ontario Building Code, the Limiting Distance can be projected beyond the property provided there is an easement. Section 50(3) of the Planning Act, also allows for such easement to be created.

The application to the Committee of Adjustments will be for the creation of an Easement which will to the benefit of the Owners of 75/76, and to be maintained by both parties.



Peter K. Chee, R.P.P., M.C.I.P.

- Attachment 1. Email from City Clerk
- Attachment 2. Email from Client's Solicitor

Attachment 1

Peter Chee

From: Walker, Catherine <Catherine.Walker@hamilton.ca>
Sent: January-23-23 3:23 PM
To: mikourban@rogers.com
Subject: RE: Deeming Bylaws

Good afternoon,
I don't have a record of a by-law for this plan

Best regards,

Catherine Walker

Records and Information Management Clerk
Office of the City Clerk, Corporate Services
City of Hamilton
905-546-2424 x2615

Catherine.Walker@hamilton.ca

City Hall is located on the ancestral territory of the Haudenosaunee Confederacy, the Anishinaabe and many other Indigenous peoples. It is also covered by the Dish with One Spoon Wampum agreement, which asks that all sharing this territory do so respectfully and sustainably in community.

From: clerk@hamilton.ca <clerk@hamilton.ca>
Sent: Monday, January 23, 2023 11:12 AM
To: Walker, Catherine <Catherine.Walker@hamilton.ca>; Pepper, Allison <Allison.Pepper@hamilton.ca>; Gargano, Debbie <Debbie.Gargano@hamilton.ca>
Subject: FW: Deeming Bylaws

Please see inquiry below.

Thank you,

Magda Green

Administrative Assistant II to the City Clerk
City Clerk's Office, Corporate Services

City of Hamilton

905 546-2424 ext. 5485

magda.green@hamilton.ca

City Hall is located on the ancestral territory of the Haudenosaunee Confederacy, the Anishinaabe and many other Indigenous peoples. It is also covered by the Dish with One Spoon Wampum agreement, which asks that all sharing this territory do so respectfully and sustainably in community.

From: mikourban <mikourban@rogers.com>
Sent: January 23, 2023 10:59 AM
To: clerk@hamilton.ca
Cc: 'Paul Seguro' <segurohomes@gmail.com>
Subject: Deeming Bylaws

Good morning,

My name is Peter Chee. I am a land use planner working on a project out in Hamilton, in particular, Registered Plan 516. This is an old plan.

The question is, was there a 'deeming' bylaw passed by the City deeming this plan not to be a registered plan of subdivision pursuant to Section 50(4), or its predecessor?

Thanks.

Pchee

Section 50 – Subdivision of Land

Designation of plans of subdivision not deemed registered

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4).



Virus-free www.avast.com

Attachment 2

Peter Chee

From: Paul Seguro <segurohomes@gmail.com>
Sent: March-21-23 1:49 PM
To: Planner - Peter Chee
Subject: Fwd: New PIN for lot 74 Plan 516; Hamilton

--- Forwarded message ---

From: Bryan Carvalho Bc@fpclaw.com
Date: March 21, 2023 11:07:41 a.m.
Subject: New PIN for lot 74 Plan 516; Hamilton
To: Paul Seguro segurohomes@gmail.com

Hello Paul,

As discussed, I have reviewed the parcel register, registered plan 516, and materials that you provided and I am of the opinion that lot 74 is eligible for a new PIN apart from the remaining lots.

We will proceed to prepare the documentation required to obtain such pin from the Land Registry Office without delay. After you have signed required documentation, we will register and await the LRO's assignment of the new PIN.

Should you have any questions, don't hesitate to contact me.

Yours very truly,
Bryan M. Carvalho
Lawyer

Ferreira & Bettencourt LLP
905 College Street
Toronto, ON, M6H 1A1
Tel: 416-538-0777
Fax: 416-538-3445

This email has been addressed to the above recipient(s) only and it contains confidential information which must not be read or distributed by anyone other than the intended recipient. Unauthorized review, disclosure, reproduction, or distribution is prohibited and may violate privacy and privilege laws. If the above recipient is unknown to you, or you believe for any reason that this email may have been delivered to you in error, please contact me at 1 (416) 538-0777 (if necessary you may call collect) to inform me that you have received it, and immediately destroy this email and any copies that may be in existence, whether physical or digital.



Hamilton

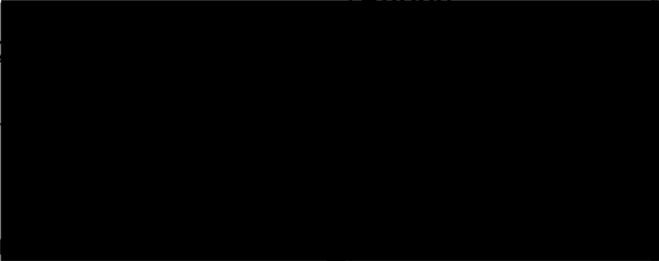
Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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

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

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Paul & Susan Seguro		Phone:
Applicant(s)**	Peter Chee/MiKo Urban Consulting Inc.		
Agent or Solicitor			Phone:
			E-mail:

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

** 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 segurohomes@gmail.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	70 Holmes Avenue		
Assessment Roll Number	01004301480000		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	516	Lot(s)	74
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 checked="" type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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

Paul and Susan Seguro

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, m² or ha), attach additional sheets as necessary.

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

Identified on Sketch as:	Part 1	Part 2			
Type of Transfer	N/A				
Frontage	6.73	0.84			
Depth	30.48	24.257			
Area	181.203	50.282			
Existing Use	Residential	Residential			
Proposed Use	same	same			
Existing Buildings/ Structures	None Vacant Lands	None Vacant Lands			
Proposed Buildings/ Structures	Proposed Detached dwelling with 2 Secondary Units	None Remain Vacant Lands			
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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

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

(See brief attached)

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

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

5.3 What is the existing zoning of the subject land? C (Urban Protected Residential, etc) BL 80-274; C/S-1335; C/S-1335A; C/S-720

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

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

Yes No Unknown

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

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	N/A
A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	N/A
A provincially significant wetland within 120 metres	<input type="checkbox"/>	N/A
A flood plain	<input type="checkbox"/>	N/A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	N/A
An active railway line	<input type="checkbox"/>	N/A
A municipal or federal airport	<input type="checkbox"/>	N/A

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

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

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes No

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

6.4 How long has the applicant owned the subject land?
Dec. 29, 2022

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

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)

(See Planning Brief, attached)

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

Yes No (Provide explanation)

(See Planning Brief, attached)

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

Yes No (Provide explanation)

(See Planning Brief, attached)

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)
 (Bill 23 - See Planning Brief, attached)

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)

Lots 75 & 76

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)
 (See Planning Brief, attached)

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)

Lots 75 & 76

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

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 ² 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 ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

10.6 Description of surplus dwelling lands proposed to be severed:

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

Front yard set back: _____

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

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

b) Condition:

- Habitable Non-Habitable

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-23:111	SUBJECT PROPERTY:	70 HOLMES AVENUE, HAMILTON
ZONE:	"C/S-1335, C/S1335a & C/S 720" (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: **Owner:** PAUL & SUSAN SEGURO
 Agent: MIKO URBAN CONSULTING INC. C/O PETER CHEE

The following variances are requested:

1. To permit a minimum lot width of 7.50 metres instead of the required 12.0 metres.
2. To permit a minimum lot area of 230.0 square metres instead of the required 360.0 square metres.
3. To permit a minimum side yard along the east side lot line of 0.90 metres instead of the required 1.20 metres.
4. To permit a minimum rear yard depth of at least of 6.0 metres instead of the required 7.5 metres.
5. To permit a minimum parking space encroachment into the front yard of 0.0m instead of the required 3.0m.
6. To permit a multiplying factor of 1.25x for the gross floor area for that portion of the dwelling that has a ceiling height greater than 4.6 metres instead of the required multiplying factor of 0.45x.

PURPOSE & EFFECT: To permit the construction of a new detached dwelling in accordance with land severance application HM/B-23:25.

Notes:

- i. These variances are necessary to facilitate lands severance application HM/B-23:25.
- ii. Variances have been written exactly as requested by the applicant.

HM/A-23:111

- iii. Please be advised the application for a Minor Variance HM/A-23:112 has also been submitted in relation to the subject lands.

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

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

DATE:	Thursday, June 1, 2023
TIME:	9:15 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

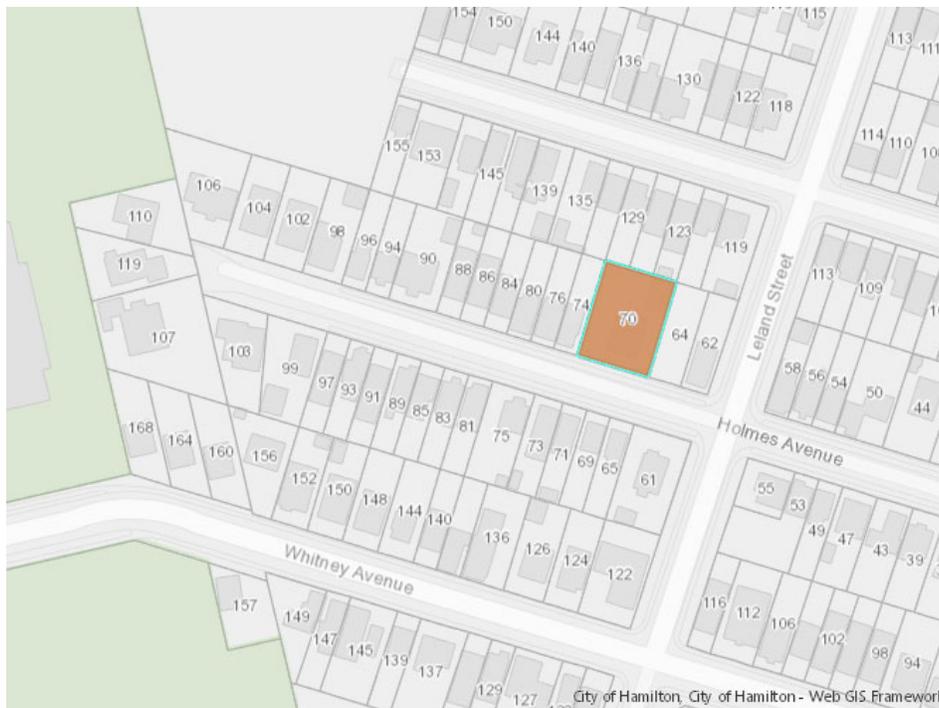
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:111, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-23:111



 **Subject Lands**

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

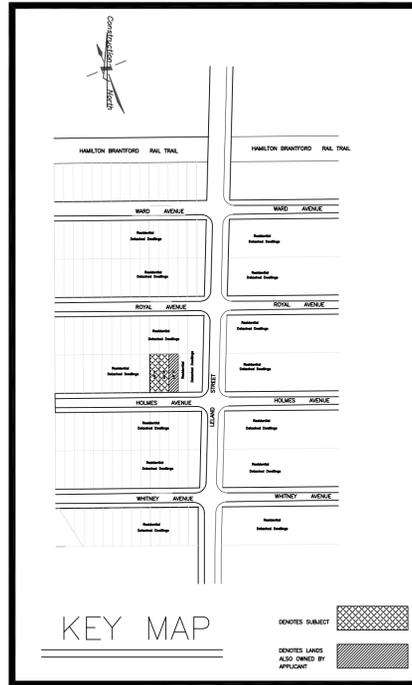
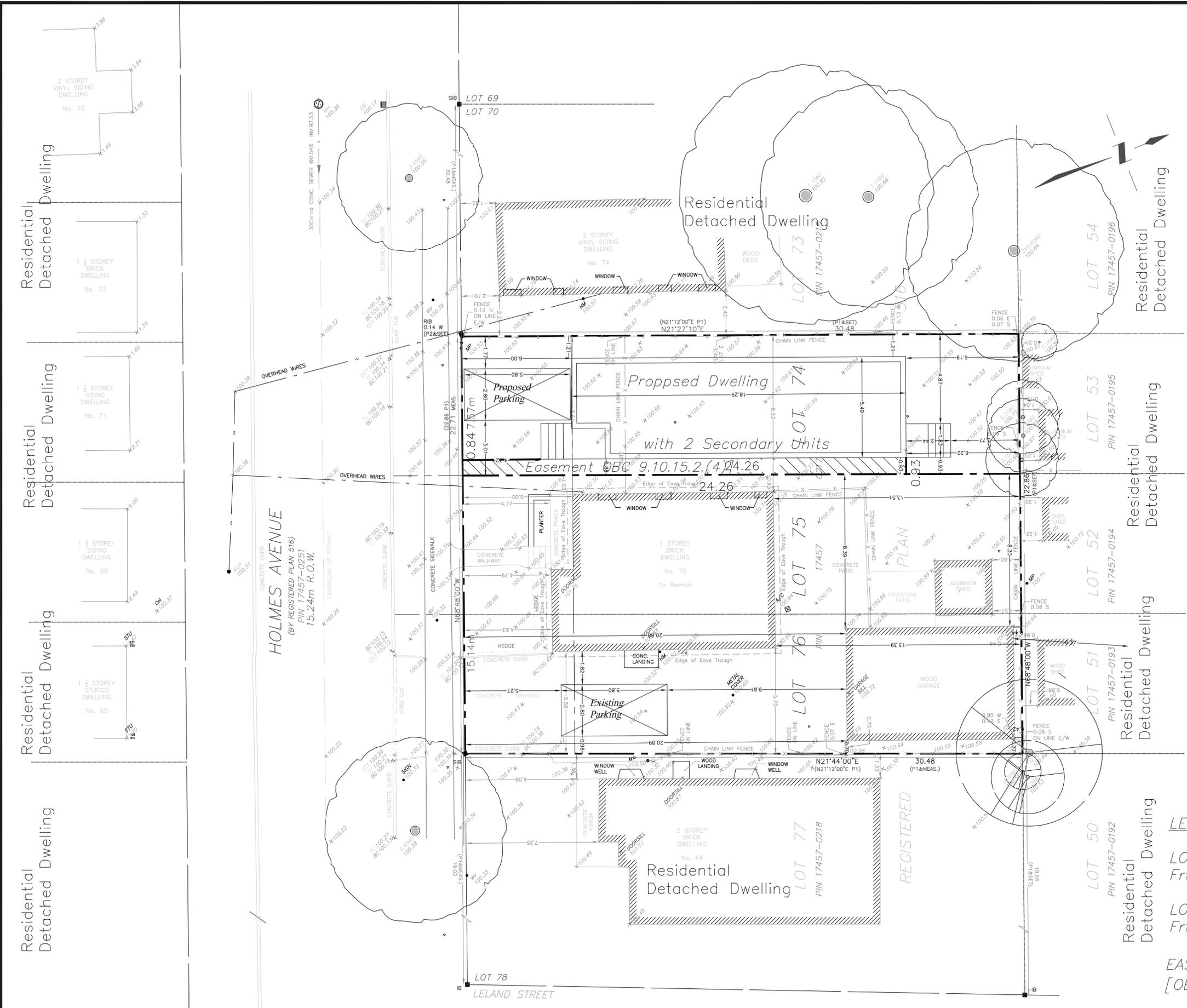
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

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

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

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



PROJECT :
 70 Holmes Avenue,
 Hamilton, Ontario
 Lots 74, 75 & 76
 Registered Plan 516

Committee of Adjustments Applications

NEW CONSTRUCTION
 ADDITION
 INTERIOR ALTERATION

- 1- ALL DRAWINGS AND RELATED DOCUMENTS ARE COPYRIGHT PROPERTY OF MI-KO URBAN CONSULTING INC. AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR WHOLE IS FORBIDDEN WITHOUT THE DESIGNER'S CONSENT IN WRITING.
- 2- THE DRAWINGS AND SPECIFICATIONS APPLY ONLY TO THIS PROJECT AND SHALL NOT BE USED ON OTHER PROJECTS WITHOUT THE DESIGNER'S CONSENT IN WRITING.
- 3- ALL WORK SHALL MEET THE REQUIREMENTS OF THE LATEST GOVERNING BUILDING CODE, MUNICIPAL ORDINANCES AND ALL AUTHORITIES HAVING JURISDICTION OVER THE PROJECT.
- 4- THIS DRAWING IS NOT TRANSFERABLE AND SHALL NOT FORM A PART OF ANY AGREEMENTS WITHOUT THE DESIGNER'S CONSENT IN WRITING.
- 5- CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE SITE AND WITH ALL SUPPLIERS AND REPORT ANY DISCREPANCIES OR ERROR TO THE ARCHITECT BEFORE COMMENCING ANY WORK.
- 6- DO NOT SCALE DRAWINGS.
- 7- PRIOR TO CONSTRUCTION, CONTRACTOR SHALL CONTACT DESIGNER FOR SITE REVIEW SCHEDULE.
- 8- CONSTRUCTION SHALL BE EXECUTED AS PER DRAWINGS, NO ADDITIONS OR REVISIONS WITHOUT WRITTEN PERMISSION FROM THE DESIGNER.
- 9- THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION WITHOUT "CONSTRUCTION SET" STAMPED, & INITIALED BY THE DESIGNER.

No.	DATE	DESCRIPTION	BY
1.	Apr. 23	C. of A. Appl.	pc1.

REVISIONS

OWNER:
 Paul & Susan Seguro
 2470 Sharon Crescent,
 Mississauga, Ontario
 L5C 1Y8

LEGEND:

LOT 74:
 Frt - 7.57m Area: 231.485

LOT 75 & 76:
 Frt - 15.14m Area: 462.97

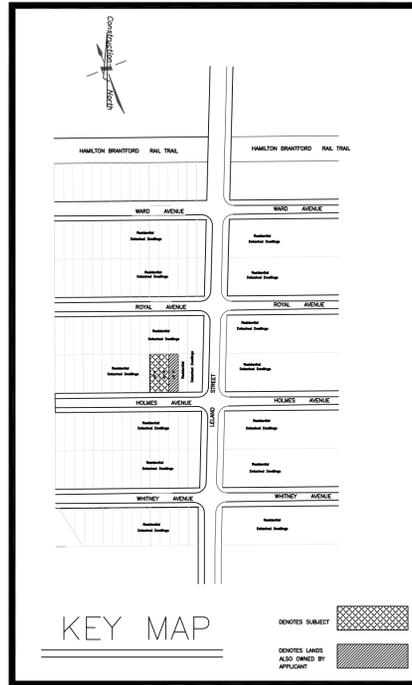
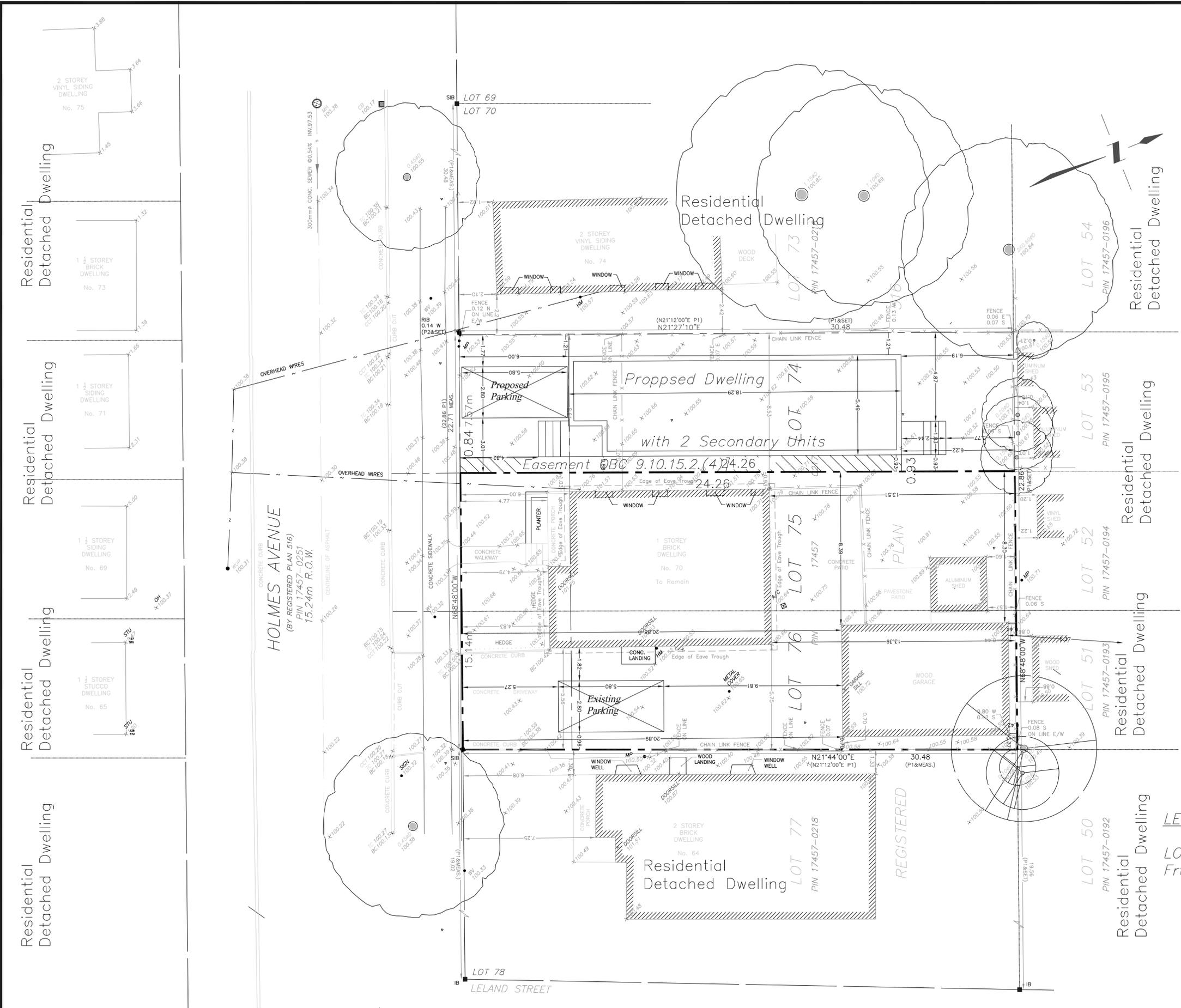
EASEMENT
 [OBC 9.10.15.2.(4)]

DRAWING TITLE:
SITE PLAN
 [Over View]

Mi-Ko Urban Consulting
 Professional Planning Consultants Inc.

16 HIGH STREET
 TORONTO, ONTARIO
 M5Y 3N8
 PH: 416-230-8935 EMAIL: mikourbaninc@gmail.com

DRAWN PKC	CHECKED pc	SCALE 1:100m	SHEET No. SP-1
DATE Apr. 2023	PROJECT No. Holmes-23		



PROJECT :
 70 Holmes Avenue,
 Hamilton, Ontario
 Lots 74, 75 & 76
 Registered Plan 516

Committee of Adjustments Applications

NEW CONSTRUCTION
 ADDITION
 INTERIOR ALTERATION

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- 2- THE DRAWINGS AND SPECIFICATIONS APPLY ONLY TO THIS PROJECT AND SHALL NOT BE USED ON OTHER PROJECTS WITHOUT THE DESIGNER'S CONSENT IN WRITING.
- 3- ALL WORK SHALL MEET THE REQUIREMENTS OF THE LATEST GOVERNING BUILDING CODE, MUNICIPAL ORDINANCES AND ALL AUTHORITIES HAVING JURISDICTION OVER THE PROJECT.
- 4- THIS DRAWING IS NOT TRANSFERABLE AND SHALL NOT FORM A PART OF ANY AGREEMENTS WITHOUT THE DESIGNER'S CONSENT IN WRITING.
- 5- CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE SITE AND WITH ALL SUPPLIERS AND REPORT ANY DISCREPANCIES OR ERROR TO THE ARCHITECT BEFORE COMMENCING OF ANY WORK.
- 6- DO NOT SCALE DRAWINGS.
- 7- PRIOR TO CONSTRUCTION, CONTRACTOR SHALL CONTACT DESIGNER FOR SITE REVIEW SCHEDULE.
- 8- CONSTRUCTION SHALL BE EXECUTED AS PER DRAWINGS, NO ADDITIONS OR REVISIONS WITHOUT WRITTEN PERMISSION FROM THE DESIGNER.
- 9- THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION WITHOUT "CONSTRUCTION SET" STAMPED, & INITIALED BY THE DESIGNER.

No.	DATE	DESCRIPTION	BY
1.	Apr. 23	C. of A. Appl.	pc1.

REVISIONS

OWNER:
 Paul & Susan Seguro
 2470 Sharon Crescent,
 Mississauga, Ontario
 L5C 1Y8

DRAWING TITLE :
SITE PLAN
Minor Variance 2

Mi-Ko Urban Consulting
 Professional Planning Consultants Inc.

16 HIGH STREET
 TORONTO, ONTARIO
 M5Y 3N8
 PH: 416-230-8935 EMAIL: mikourbaninc@gmail.com

DRAWN PKC	CHECKED pc	SCALE 1:100m	SHEET No. SP-1
DATE Apr. 2023	PROJECT No. Holmes-23		

LEGEND:
 LOT 75 & 76:
 Frt - 15.14m Area: 462.97



Mi-Ko Urban Consulting Inc.

• Land Use Planners • Development Consultants
• Project Managers • Design Consultants

16 High St, Etobicoke, Ontario - M8Y 3N8 - Tel: 416-230-6935

Planning Brief

70 Holmes Avenue, City of Hamilton Lots 74, 75 and 76, Registered Plan 516 Minor Variance/Consent Application

The applications before the Committee of Adjustments are for relief of certain provisions of the City of Hamilton's Zoning Bylaw 6593, as amended, to facilitate the development of a detached residential dwelling in accordance to the City's Official Plan and applicable Provincial interests.

There will be 3 applications:

1. Minor Variance Application #1- Lot 74: To seek relief from certain Sections of the Zoning Bylaw to allow the construction of a new detached dwelling
2. Minor Variance Application #2 – Lots 75 & 76: To seek relief from certain Sections of the Zoning Bylaw to regularized the existing buildings.
3. Consent Application: To create the easement on the westerly portion Lot 74 to address Section 9.10.14.2(4) OBC [Limiting Distance], as it relates to the existing openings on the easterly façade of the dwelling.

Subject Property & Background:

The subject lands {Lands} is located in the City of Hamilton {City}, in the Ainslie Wood East Neighbourhood. It is in the westerly portion of City. This is predominately a residential area with a mix of single storeys and 2 storey detached dwelling.

The Lands has a total frontage of 22.71m with a depth of 30.48m, and a total area of approximately 692.20m². The Lands consists of 3 registered lots, namely Lots 74, 75 & 76 of Registered Plan 516. Each of the lots has a frontage of 7.57m and an area of 230.73m². . Correspondence with the City's Clerks Department has indicated that the City of Hamilton has never passed a 'deeming bylaw' pursuant to Section 50(4) of the Planning Act, 1990, RSO, as amended and/or its predecessors.

On the Lands is a small, older one storey detached dwelling with an area of 99.121m² (1066.929 sq.ft.). It was built, circa 1945s. In consideration of the surrounding area, the Lands are quite large. It has full municipal services.

Official Plan – Urban Hamilton Official Plan (UHOP):

The Lands are designated as Neighbourhood in the City’s Official Plan. This designation calls for “*full range of housing forms, types and tenure*” [2.7.4]. It is further designated as Low Density Residential which “*include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings*”; [3.4.3]

The OP talks to maintaining “*the existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood* “. [3.2.4]

Zoning Bylaw:

The Lands are zoned ‘C’ (Urban Protected Residential, etc.) under Bylaw 80-274 subject to C/S-1335; C/S-1335A; and C/S-720.

Application #1 [New Dwelling] Lot 74**The bylaw(s) requires:**

Minimum Lot Frontage: 12m [Byl: 9. (4)]
 Minimum Lot Area: 360m² [Byl: 9.(4)]
 Minimum Front Yard: 6.0m [Byl: 9.(3)(i)]
 Minimum Side Yard: 1.2m [Byl: 9.(3)(ii)]
 Minimum Rear Yard: 7.5m [Byl: 9.(3)(iii)]
 Maximum Height: 2 Storey and 9.0m in height [Byl 95-02, 1(a)]
 Maximum FSI: 0.45x [Byl 95-02, 1(b)], including basement [Byl 95-02, 1(c)]

Proposed:

Minimum Lot Frontage: 7.50m *V-1
 Minimum Lot Area: 230m² *V-2
 Minimum Front Yard: 6.0m
 Minimum Side Yards: 1.20 & 0.90m *V-3
 Minimum Rear Yard: 6.0m *V-4
 Maximum Height: 2 Storey and 9.0m in height
 Maximum FSI: 1.25x *V-5 including basement

Application #2 [Existing Dwelling] Lot 75/76**The bylaw(s) requires:**

Minimum Lot Frontage: 12m [Byl: 9. (4)]
 Minimum Lot Area: 360m² [Byl: 9.(4)]
 Minimum Front Yard: 6.0m [Byl: 9.(3)(i)]
 Minimum Side Yard: 1.2m [Byl: 9.(3)(ii)]
 Minimum Rear Yard: 7.5m [Byl: 9.(3)(iii)]

Proposed:

Minimum Lot Frontage: 15.14m
 Minimum Lot Area: 462.97m²
 Minimum Front Yard: 4.7m *V-1
 Minimum Side Yards: 5.56 & 0.90m *V-2
 Minimum Rear Yard: 13.3m

Maximum Height: 2 Storey and
9.0m in height [Byl 95-02, 1(a)]
Maximum FSI: 0.45x [Byl 95-02, 1(b)],
including basement [Byl 95-02, 1(c)]

Maximum Height: 1 Storey and
6.2m in height
Maximum FSI: 0.43x
including basement

Bill 23: Restrictions for residential units:

- (3) No official plan may contain any policy that has the effect of prohibiting the use of,
- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
 - (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking:

- (3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

Same, minimum unit size:

- (3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

Policies of no effect:

- (3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2).

Restrictions for residential units, Zoning Bylaw:

(1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,

(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking:

(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) of this section.

Same, minimum area:

(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section.

Provisions of no effect:

(1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section.

PPS 2020:

The Provincial Policy Statements provides for policy direction on matters of provincial interest

related to land use planning and development.

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, ad

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

a) efficiently use land and resources;

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

In addition to the above, the recently enacted Bill 23 cites that housing is a Provincial Interest.

Statement:

The proposed application is to facilitate a residential intensification initiative which, as of the enable of Bill 23, is a Provincial Interest. The lots of subject plan of subdivision, Plan 516, are existing. There has not been a passing of a deeming bylaw by the City. This is confirmed by the email from the City Clerk's department (attached). Further, the owner's Solicitor confirms that a separate Property Identification Number (PIN) is available for Lot 74, Plan 516 (attached)

S.50 Planning Act: Designation of plans of subdivision not deemed registered

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4).

The applications before the Committee of Adjustments are as follows:

1. A minor variance application #1 to regularize the existing Lot, namely Lot 74, Registered Plan 516, and to allow the construction of the new dwelling by seeking relief from the City's Zoning Bylaw 6593, as amended, as follows:

a. Variance 1: Minimum Lot Frontage: 7.50m

- b. Variance 2: Minimum Lot Area: 230m²
- c. Variance 3: Minimum Side Yards: 1.20 & 0.90m
- d. Variance 4: Minimum Rear Yard: 6.0m
- e. Variance 5: Maximum FSI including basement: 1.25x

2. A minor variance application #1 to regularize the existing dwelling on Lots 75 & 76, Registered Plan 516, by seeking relief from the City's Zoning Bylaw 6593, as amended, and to allow the construction of a new dwelling as follows:

- a. Variance 1: Minimum Lot Frontage: 7.50m
- b. Variance 2: Minimum Lot Area: 230m²
- c. Variance 3: Minimum Side Yards: 1.20 & 0.90m
- d. Variance 4: Minimum Rear Yard: 6.0m
- e. Variance 5: Maximum FSI including basement: 1.25x

3. A consent application for a Reciprocal Easement on the east setback of Lot 74 and the west setback of Lot 75, pursuant to Section 9.10.15.2(4) Limiting Distance, of the Ontario Building Code, as amended.

Section 45 of the Planning Act, R.S.O. 1990, as amended [Act]:

The application to the Committee of Adjustments was made in pursuant to Section 45(1) of the Act. The Act authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

Four Test of a Minor Variance:

Test 1: Is the application minor in nature

Response: The Zoning Bylaw and Bill 23 allows for a residential dwelling with 2 secondary units and prohibits Zoning Bylaws which only allows for single detached dwellings. This application facilitates the residential development of the same.

Test 2: Is it desirable for the development or use of the land, building or structure

Response: Bill 23 encourages infill development of additional units on residential lots. This development assists in that endeavour. The variances being seek is to provide for a dwelling units which are family sized.

Test 3: Is it in keeping with the general intent and purpose of the zoning bylaw

Response: Bill 23 allows for the detached dwellings to have two secondary units. These units will be of a size to accommodate families.

Test 4: Is it in keeping with the general intent and purpose of the Official Plan

Response: Bill 23 allows for detached dwellings to have two secondary units. This is what is being requested. As such, it is my opinion that the application meets the four test of a minor variance.

Consent Application:

The existing dwelling west wall is located 0.93m from the easterly lot line of Lot 74. Within this wall are several unprotected openings. Pursuant to Section 9.10.152.(4) of the Ontario Building Code, the Limiting Distance can be projected beyond the property provided there is an easement. Section 50(3) of the Planning Act, also allows for such easement to be created.

The application to the Committee of Adjustments will be for the creation of an Easement which will to the benefit of the Owners of 75/76, and to be maintained by both parties.



Peter K. Chee, R.P.P., M.C.I.P.

- Attachment 1. Email from City Clerk
- Attachment 2. Email from Client's Solicitor



Hamilton

APPLICATION FOR A MINOR VARIANCE/PERMISSION

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	70 Holmes Avenue		
Assessment Roll Number	010043014800000		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	516	Lot(s)	74
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:

A Reciprocal Easement joint with Lot 75, Plan 516, for the purpose of S.9310.14.2(4) OP 

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:

East Side Yard from required 1.2m to 0.91m; Rear yard from required 7.5m to 6.0m; a parking space encroachment into front yard from required 3.0m to 0.0m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

In order to build suitable dwelling units in keeping with the intent of Bill 23, (See Planning Report 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
7.57m	30.48m	231.485m	15.24m

Municipal Address	70 Holmes Avenue		
Assessment Roll Number	010043014800000		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	516	Lot(s)	74
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:

A Reciprocal Easement with Lot 75 for the purpose of Section 9.10.14.2(4) of the Ontario

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 Planning Brief, 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 Planning Brief, Attached)

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

Yes No

If yes, please provide an explanation:

Reciprocal Easement (See Planning Brief, Attached)

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
7.7	30.48	231.485	15.24

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
Vacant Lands				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Detached Dwelling with Front Yard parking pad	6.0	6.1	1.21 & 0.9	n/a

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Detached Dwelling	98.5	285.73	2	9.0

- 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.):
 Detached Dwelling with two Secondary Units

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
 Dec 29, 2022

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

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

7.4 Length of time the existing uses of the subject property have continued:
 Since 1912

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- See Brief Attached

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 (Urban Protected Res. Genial etc.) BL 60-274 Sub C S-1335, S S-1335A & C S-720

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:

To be filed for a Reciprocal Easement

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: n/a

8.2 Number of Dwelling Units Proposed: 3

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

(See Planning Brief)

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-23:112	SUBJECT PROPERTY:	70 HOLMES AVENUE, HAMILTON
ZONE:	“C/S-1335/S-1335a/S-720” (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: **Owner:** PAUL & SUSAN SEGURO
 Agent: MIKO URBAN CONSULTING INC. C/O PETER CHEE

The following variances are requested:

1. A front yard depth of a least 4.7 metres shall be permitted instead of the required front yard depth of at least 6.0 metres.
2. A minimum northerly side yard width of 0.91 metres shall be permitted for a building or structure not over two storeys or 9 metres in height instead of the minimum required side yard width of 1.2 metres for a building or structure not over two storeys or 9.0 metres in height.

PURPOSE & EFFECT: To permit a reduction in the required minimum front and side yard in accordance with land severance HM/B-23:25.

Notes:

1. The Former Hamilton Zoning By-law 6593 permits eaves/gutters to project into a required front yard not more than 1.5 metres and no closer than 1.5 metres from the streetline and into a required side yard not more than one-half of its width, or 1.0 metres, whichever is the lesser. Therefore, as per variance #1 and #2 above, eaves and gutters may project a maximum of 1.5 metres into the minimum 4.7 metre required front yard and a maximum of 0.45 metres in the minimum 0.91 metre required side yard. Insufficient information was provided to determine compliance; as such, additional variances may be required.
2. Please be advised the application for Consent HM/B-23:25 and Minor Variance HM/A-23:111 has also been submitted in relation to the property.

HM/A-23:112

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

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

DATE:	Thursday, June 1, 2023
TIME:	9:15 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

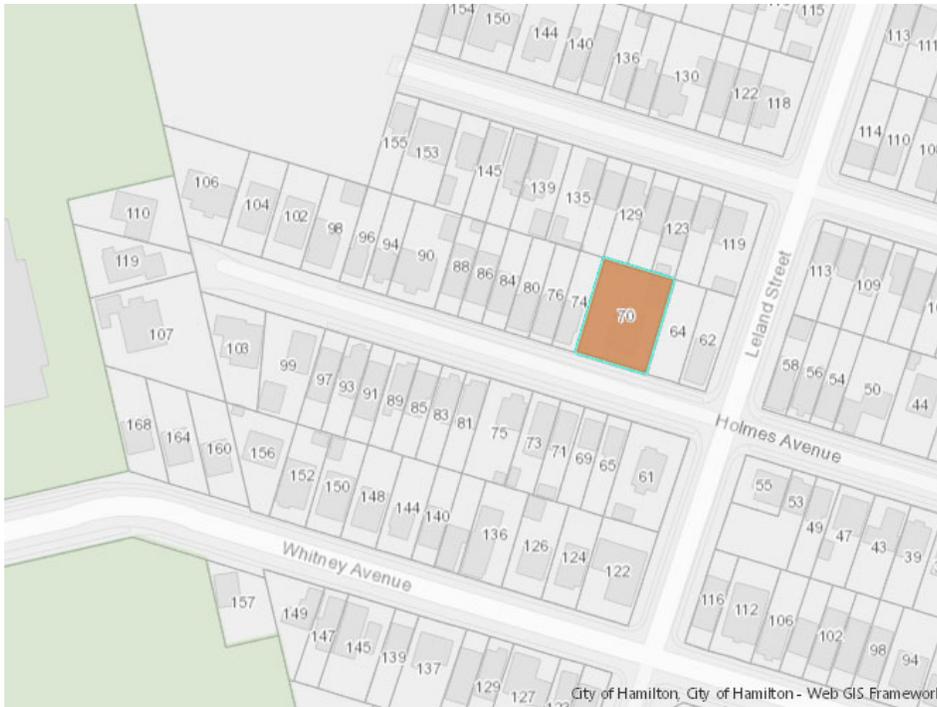
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:112, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-23:112



 **Subject Lands**

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

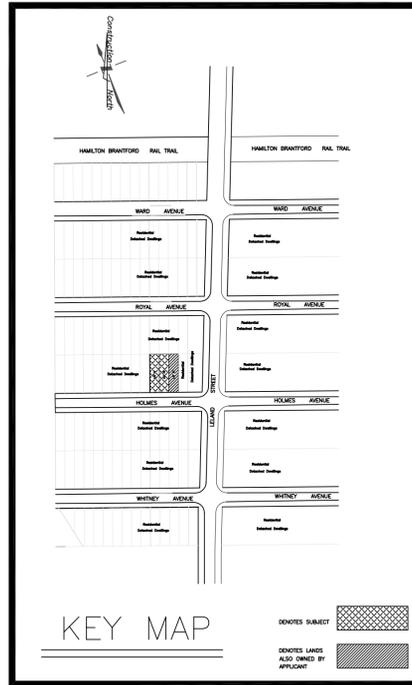
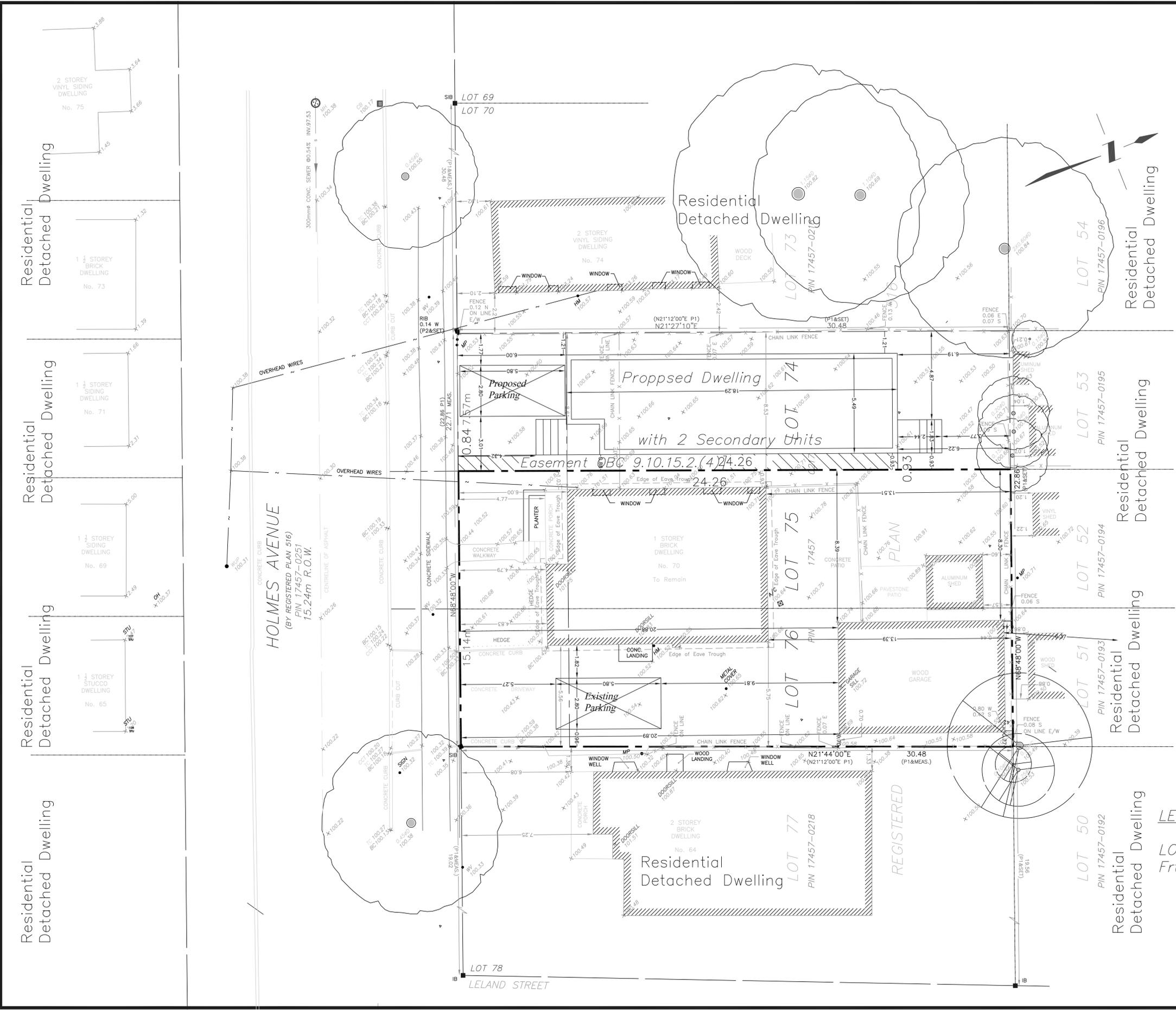
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

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

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

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



PROJECT :
 70 Holmes Avenue,
 Hamilton, Ontario
 Lots 74, 75 & 76
 Registered Plan 516

Committee of Adjustments Applications

NEW CONSTRUCTION
 ADDITION
 INTERIOR ALTERATION

- 1- ALL DRAWINGS AND RELATED DOCUMENTS ARE COPYRIGHT PROPERTY OF MI-KO URBAN CONSULTING INC. AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR WHOLE IS FORBIDDEN WITHOUT THE DESIGNER'S CONSENT IN WRITING.
- 2- THE DRAWINGS AND SPECIFICATIONS APPLY ONLY TO THIS PROJECT AND SHALL NOT BE USED ON OTHER PROJECTS WITHOUT THE DESIGNER'S CONSENT IN WRITING.
- 3- ALL WORK SHALL MEET THE REQUIREMENTS OF THE LATEST GOVERNING BUILDING CODE, MUNICIPAL ORDINANCES AND ALL AUTHORITIES HAVING JURISDICTION OVER THE PROJECT.
- 4- THIS DRAWING IS NOT TRANSFERABLE AND SHALL NOT FORM A PART OF ANY AGREEMENTS WITHOUT THE DESIGNER'S CONSENT IN WRITING.
- 5- CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE SITE AND WITH ALL SUPPLIERS AND REPORT ANY DISCREPANCIES OR ERROR TO THE ARCHITECT BEFORE COMMENCING ANY WORK.
- 6- DO NOT SCALE DRAWINGS.
- 7- PRIOR TO CONSTRUCTION, CONTRACTOR SHALL CONTACT DESIGNER FOR SITE REVIEW SCHEDULE.
- 8- CONSTRUCTION SHALL BE EXECUTED AS PER DRAWINGS, NO ADDITIONS OR REVISIONS WITHOUT WRITTEN PERMISSION FROM THE DESIGNER.
- 9- THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION WITHOUT "CONSTRUCTION SET" STAMPED, & INITIALED BY THE DESIGNER.

No.	DATE	DESCRIPTION	BY
1.	Apr. 23	C. of A. Appl.	pc1.

REVISIONS

OWNER:
 Paul & Susan Seguro
 2470 Sharon Crescent,
 Mississauga, Ontario
 L5C 1Y8

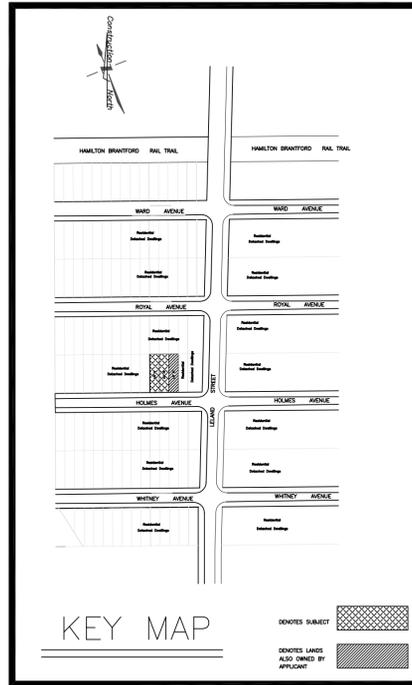
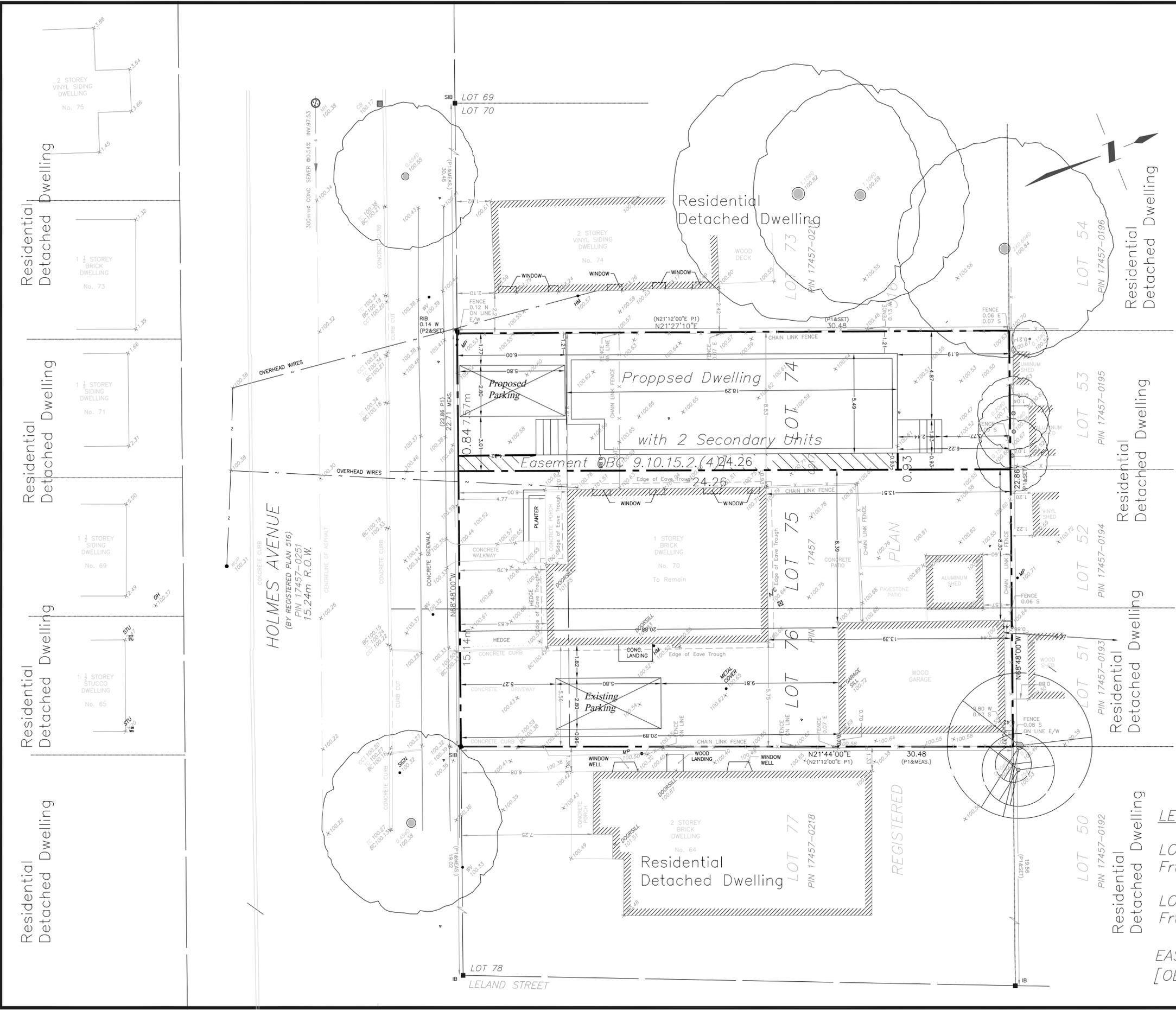
DRAWING TITLE :
SITE PLAN
Minor Variance 2

Mi-Ko Urban Consulting
 Professional Planning Consultants Inc.

16 HIGH STREET
 TORONTO, ONTARIO
 M5Y 3N8
 PH: 416-230-8935 EMAIL: mikourbaninc@gmail.com

DRAWN PKC	CHECKED pc	SCALE 1:100m	SHEET No. SP-1
DATE Apr. 2023	PROJECT No. Holmes-23		

LEGEND:
 LOT 75 & 76:
 Frt - 15.14m Area: 462.97



PROJECT :
 70 Holmes Avenue,
 Hamilton, Ontario
 Lots 74, 75 & 76
 Registered Plan 516

Committee of Adjustments Applications

NEW CONSTRUCTION
 ADDITION
 INTERIOR ALTERATION

- 1- ALL DRAWINGS AND RELATED DOCUMENTS ARE COPYRIGHT PROPERTY OF MI-KO URBAN CONSULTING INC. AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR WHOLE IS FORBIDDEN WITHOUT THE DESIGNER'S CONSENT IN WRITING.
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No.	DATE	DESCRIPTION	BY
1.	Apr. 23	C. of A. Appl.	pc1.

REVISIONS

OWNER:
 Paul & Susan Seguro
 2470 Sharon Crescent,
 Mississauga, Ontario
 L5C 1Y8

LEGEND:

LOT 74:
 Frt - 7.57m Area: 231.485

LOT 75 & 76:
 Frt - 15.14m Area: 462.97

EASEMENT
 [OBC 9.10.15.2.(4)]

DRAWING TITLE:
SITE PLAN
 [Over View]

Mi-Ko Urban Consulting
 Professional Planning Consultants Inc.

16 HIGH STREET
 TORONTO, ONTARIO
 M5Y 3N8
 PH: 416-230-8935 EMAIL: mikourbaninc@gmail.com

DRAWN PKC	CHECKED pc	SCALE 1:100m	SHEET No. SP-1
DATE Apr. 2023	PROJECT No. Holmes-23		

Lot 74, Pl. 516

Lots 75 & 76, Pl. 516

Proposed Dwelling

Existing Dwelling





Mi-Ko Urban Consulting Inc.

• Land Use Planners • Development Consultants
• Project Managers • Design Consultants

16 High St, Etobicoke, Ontario - M8Y 3N8 - Tel: 416-230-6935

Planning Brief

70 Holmes Avenue, City of Hamilton Lots 74, 75 and 76, Registered Plan 516 Minor Variance/Consent Application

The applications before the Committee of Adjustments are for relief of certain provisions of the City of Hamilton's Zoning Bylaw 6593, as amended, to facilitate the development of a detached residential dwelling in accordance to the City's Official Plan and applicable Provincial interests.

There will be 3 applications:

1. Minor Variance Application #1- Lot 74: To seek relief from certain Sections of the Zoning Bylaw to allow the construction of a new detached dwelling
2. Minor Variance Application #2 – Lots 75 & 76: To seek relief from certain Sections of the Zoning Bylaw to regularized the existing buildings.
3. Consent Application: To create the easement on the westerly portion Lot 74 to address Section 9.10.14.2(4) OBC [Limiting Distance], as it relates to the existing openings on the easterly façade of the dwelling.

Subject Property & Background:

The subject lands {Lands} is located in the City of Hamilton {City}, in the Ainslie Wood East Neighbourhood. It is in the westerly portion of City. This is predominately a residential area with a mix of single storeys and 2 storey detached dwelling.

The Lands has a total frontage of 22.71m with a depth of 30.48m, and a total area of approximately 692.20m². The Lands consists of 3 registered lots, namely Lots 74, 75 & 76 of Registered Plan 516. Each of the lots has a frontage of 7.57m and an area of 230.73m². . Correspondence with the City's Clerks Department has indicated that the City of Hamilton has never passed a 'deeming bylaw' pursuant to Section 50(4) of the Planning Act, 1990, RSO, as amended and/or its predecessors.

On the Lands is a small, older one storey detached dwelling with an area of 99.121m² (1066.929 sq.ft.). It was built, circa 1945s. In consideration of the surrounding area, the Lands are quite large. It has full municipal services.

Official Plan – Urban Hamilton Official Plan (UHOP):

The Lands are designated as Neighbourhood in the City’s Official Plan. This designation calls for “*full range of housing forms, types and tenure*” [2.7.4]. It is further designated as Low Density Residential which “*include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings*”; [3.4.3]

The OP talks to maintaining “*the existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood* “. [3.2.4]

Zoning Bylaw:

The Lands are zoned ‘C’ (Urban Protected Residential, etc.) under Bylaw 80-274 subject to C/S-1335; C/S-1335A; and C/S-720.

Application #1 [New Dwelling] Lot 74**The bylaw(s) requires:**

Minimum Lot Frontage: 12m [Byl: 9. (4)]
 Minimum Lot Area: 360m² [Byl: 9.(4)]
 Minimum Front Yard: 6.0m [Byl: 9.(3)(i)]
 Minimum Side Yard: 1.2m [Byl: 9.(3)(ii)]
 Minimum Rear Yard: 7.5m [Byl: 9.(3)(iii)]
 Maximum Height: 2 Storey and 9.0m in height [Byl 95-02, 1(a)]
 Maximum FSI: 0.45x [Byl 95-02, 1(b)], including basement [Byl 95-02, 1(c)]

Proposed:

Minimum Lot Frontage: 7.50m *V-1
 Minimum Lot Area: 230m² *V-2
 Minimum Front Yard: 6.0m
 Minimum Side Yards: 1.20 & 0.90m *V-3
 Minimum Rear Yard: 6.0m *V-4
 Maximum Height: 2 Storey and 9.0m in height
 Maximum FSI: 1.25x *V-5 including basement

Application #2 [Existing Dwelling] Lot 75/76**The bylaw(s) requires:**

Minimum Lot Frontage: 12m [Byl: 9. (4)]
 Minimum Lot Area: 360m² [Byl: 9.(4)]
 Minimum Front Yard: 6.0m [Byl: 9.(3)(i)]
 Minimum Side Yard: 1.2m [Byl: 9.(3)(ii)]
 Minimum Rear Yard: 7.5m [Byl: 9.(3)(iii)]

Proposed:

Minimum Lot Frontage: 15.14m
 Minimum Lot Area: 462.97m²
 Minimum Front Yard: 4.7m *V-1
 Minimum Side Yards: 5.56 & 0.90m *V-2
 Minimum Rear Yard: 13.3m

Maximum Height: 2 Storey and
9.0m in height [Byl 95-02, 1(a)]
Maximum FSI: 0.45x [Byl 95-02, 1(b)],
including basement [Byl 95-02, 1(c)]

Maximum Height: 1 Storey and
6.2m in height
Maximum FSI: 0.43x
including basement

Bill 23: Restrictions for residential units:

(3) No official plan may contain any policy that has the effect of prohibiting the use of,

(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking:

(3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

Same, minimum unit size:

(3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

Policies of no effect:

(3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2).

Restrictions for residential units, Zoning Bylaw:

(1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,

(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking:

(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) of this section.

Same, minimum area:

(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section.

Provisions of no effect:

(1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section.

PPS 2020:

The Provincial Policy Statements provides for policy direction on matters of provincial interest

related to land use planning and development.

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, ad

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

a) efficiently use land and resources;

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

In addition to the above, the recently enacted Bill 23 cites that housing is a Provincial Interest.

Statement:

The proposed application is to facilitate a residential intensification initiative which, as of the enable of Bill 23, is a Provincial Interest. The lots of subject plan of subdivision, Plan 516, are existing. There has not been a passing of a deeming bylaw by the City. This is confirmed by the email from the City Clerk's department (attached). Further, the owner's Solicitor confirms that a separate Property Identification Number (PIN) is available for Lot 74, Plan 516 (attached)

S.50 Planning Act: Designation of plans of subdivision not deemed registered

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4).

The applications before the Committee of Adjustments are as follows:

1. A minor variance application #1 to regularize the existing Lot, namely Lot 74, Registered Plan 516, and to allow the construction of the new dwelling by seeking relief from the City's Zoning Bylaw 6593, as amended, as follows:

a. Variance 1: Minimum Lot Frontage: 7.50m

- b. Variance 2: Minimum Lot Area: 230m²
- c. Variance 3: Minimum Side Yards: 1.20 & 0.90m
- d. Variance 4: Minimum Rear Yard: 6.0m
- e. Variance 5: Maximum FSI including basement: 1.25x

2. A minor variance application #1 to regularize the existing dwelling on Lots 75 & 76, Registered Plan 516, by seeking relief from the City's Zoning Bylaw 6593, as amended, and to allow the construction of a new dwelling as follows:

- a. Variance 1: Minimum Lot Frontage: 7.50m
- b. Variance 2: Minimum Lot Area: 230m²
- c. Variance 3: Minimum Side Yards: 1.20 & 0.90m
- d. Variance 4: Minimum Rear Yard: 6.0m
- e. Variance 5: Maximum FSI including basement: 1.25x

3. A consent application for a Reciprocal Easement on the east setback of Lot 74 and the west setback of Lot 75, pursuant to Section 9.10.15.2(4) Limiting Distance, of the Ontario Building Code, as amended.

Section 45 of the Planning Act, R.S.O. 1990, as amended [Act]:

The application to the Committee of Adjustments was made in pursuant to Section 45(1) of the Act. The Act authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

Four Test of a Minor Variance:

Test 1: Is the application minor in nature

Response: The Zoning Bylaw and Bill 23 allows for a residential dwelling with 2 secondary units and prohibits Zoning Bylaws which only allows for single detached dwellings. This application facilitates the residential development of the same.

Test 2: Is it desirable for the development or use of the land, building or structure

Response: Bill 23 encourages infill development of additional units on residential lots. This development assists in that endeavour. The variances being seek is to provide for a dwelling units which are family sized.

Test 3: Is it in keeping with the general intent and purpose of the zoning bylaw

Response: Bill 23 allows for the detached dwellings to have two secondary units. These units will be of a size to accommodate families.

Test 4: Is it in keeping with the general intent and purpose of the Official Plan

Response: Bill 23 allows for detached dwellings to have two secondary units. This is what is being requested. As such, it is my opinion that the application meets the four test of a minor variance.

Consent Application:

The existing dwelling west wall is located 0.93m from the easterly lot line of Lot 74. Within this wall are several unprotected openings. Pursuant to Section 9.10.152.(4) of the Ontario Building Code, the Limiting Distance can be projected beyond the property provided there is an easement. Section 50(3) of the Planning Act, also allows for such easement to be created.

The application to the Committee of Adjustments will be for the creation of an Easement which will to the benefit of the Owners of 75/76, and to be maintained by both parties.



Peter K. Chee, R.P.P., M.C.I.P.

- Attachment 1. Email from City Clerk
- Attachment 2. Email from Client's Solicitor



Hamilton

APPLICATION FOR A MINOR VARIANCE/PERMISSION

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 _____

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	70 Holmes Avenue		
Assessment Roll Number	010043014800000		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	516	Lot(s)	75 % 76
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:

A Reciprocal Easement joint with Lot 74, Plan 516, for the purpose of S.9310.14.2(4) OP 

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:

West Side Yard from required 1.2m to 0.91m; Front yard from required 6.0m to 4.8m;

Second Dwelling Unit Reconstruction of Existing Dwelling

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

To regularized the existing dwelling on the property.
(See Planning Report 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
15.14m	30.48m	462.97m	15.24m

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
Detached Dwelling	4.8m	13.3m	0.9m & 5.5m	01/01/1950
Detached Garage	20.8m	0.4m	0.7m & 8.3m	01/01/1950

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
N/A				

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Detached Dwelling	99.2m ²	198.4m ²	1	6.8m
Detached Garage	56.2m ²	56.2m ²	1	4.0m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
N/A				

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

- lake or other water body
 other means (specify)

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

- ditches
 other means (specify)

- 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)

<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	

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
Detached Dwelling with two Secondary Units

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
Dec 29, 2022

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

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

7.4 Length of time the existing uses of the subject property have continued:
Since 1912

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- See Brief Attached

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 (Urban Protected Residential etc.) BL 60-274 Sub C S-1335, S S-1335A & C S-720

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:

To be filed for a Reciprocal Easement

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: n/a

8.2 Number of Dwelling Units Proposed: 3

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

(See Planning Brief)

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-23:104	SUBJECT PROPERTY:	19 ALBERT STREET, HAMILTON
ZONE:	“D/S-1822 & G-3” (Urban Protected Residential – 1 & 2 Family Dwellings Etc. & Public Parking Lots)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 22-195

APPLICANTS: **Owner:** MICHAEL & PATRICIA MAAS
 Agent: MICHAEL SABELLI

The following variances are requested:

1. Accessory uses including parking, structures and other amenities located on the rear portion of the lot zoned G-3 to be used in conjunction with the proposed Single-family dwelling on the portion of the lands Zoned D/S-1822 shall be permitted notwithstanding that the use of a single-family dwelling is not permitted in the G-3 district.
2. No landscaped area and no planting strip area shall be permitted to be maintained along the westerly and southerly lot line instead of the minimum required 1.5m wide landscaped area with a planting strip along every side lot line and rear lot line that abuts a residential district or use.

PURPOSE & EFFECT: To facilitate the conversion of the existing building to a single-family dwelling and to establish accessory uses including parking, structures and amenity areas on the rear portion of the lot in conjunction with the proposed single-family dwelling.

Notes:

The applicant requested a variance to permit the existing grading and drainage conditions; however, a variance is not required as it is an existing condition.

The applicant requested a variance to the coverage for the accessory structure. However, the requested variance is not required since there is no minimum rear yard requirement in the G-3 district.

HM/A-23:104

No elevation plans were included in this submission for the accessory building in order to confirm the maximum permitted 4.0m height. The applicant shall ensure that the maximum height is not exceeded; otherwise, further variances shall be required.

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

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

DATE:	Thursday, June 1, 2023
TIME:	9:20 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:104, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-23:104



DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

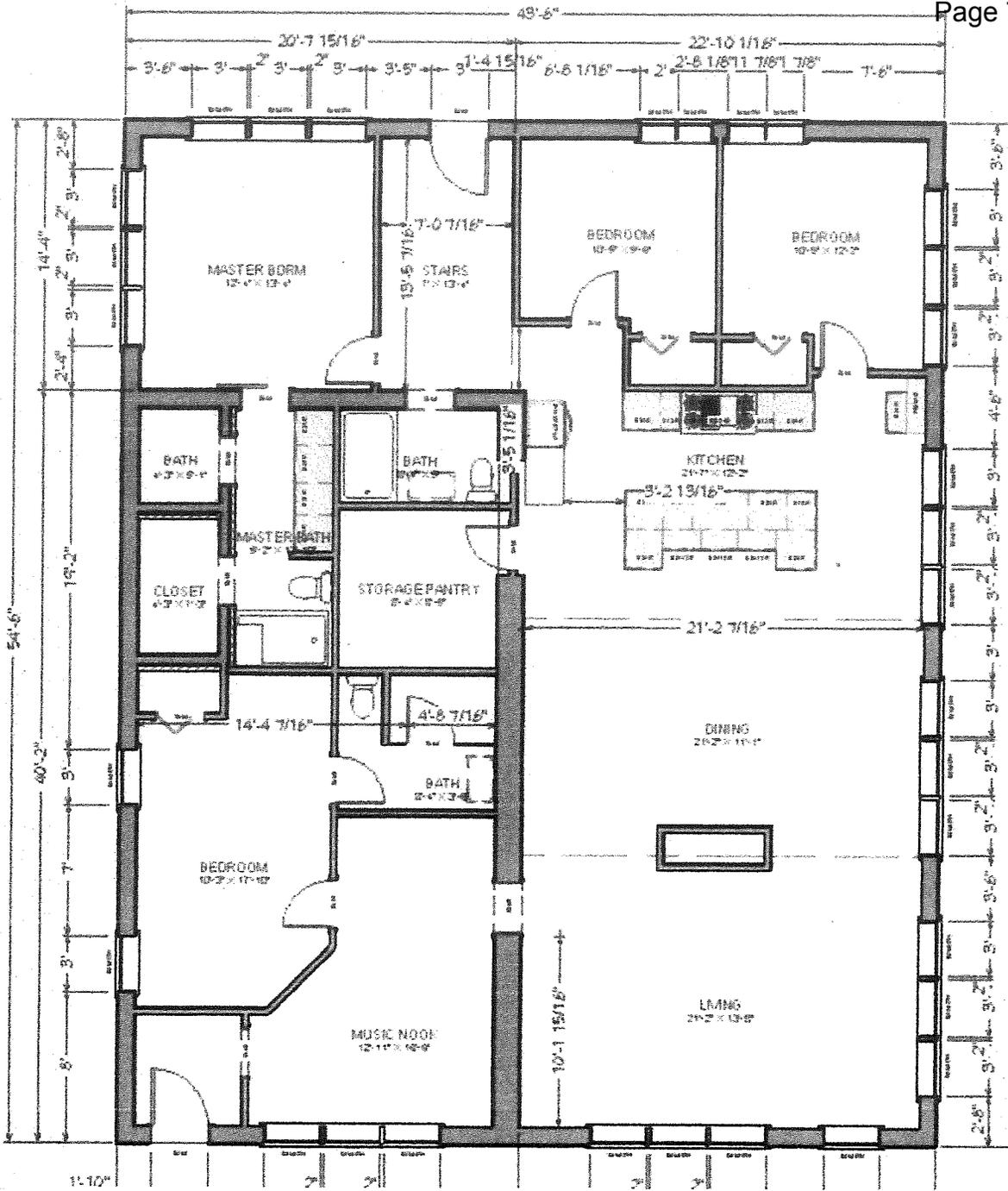
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

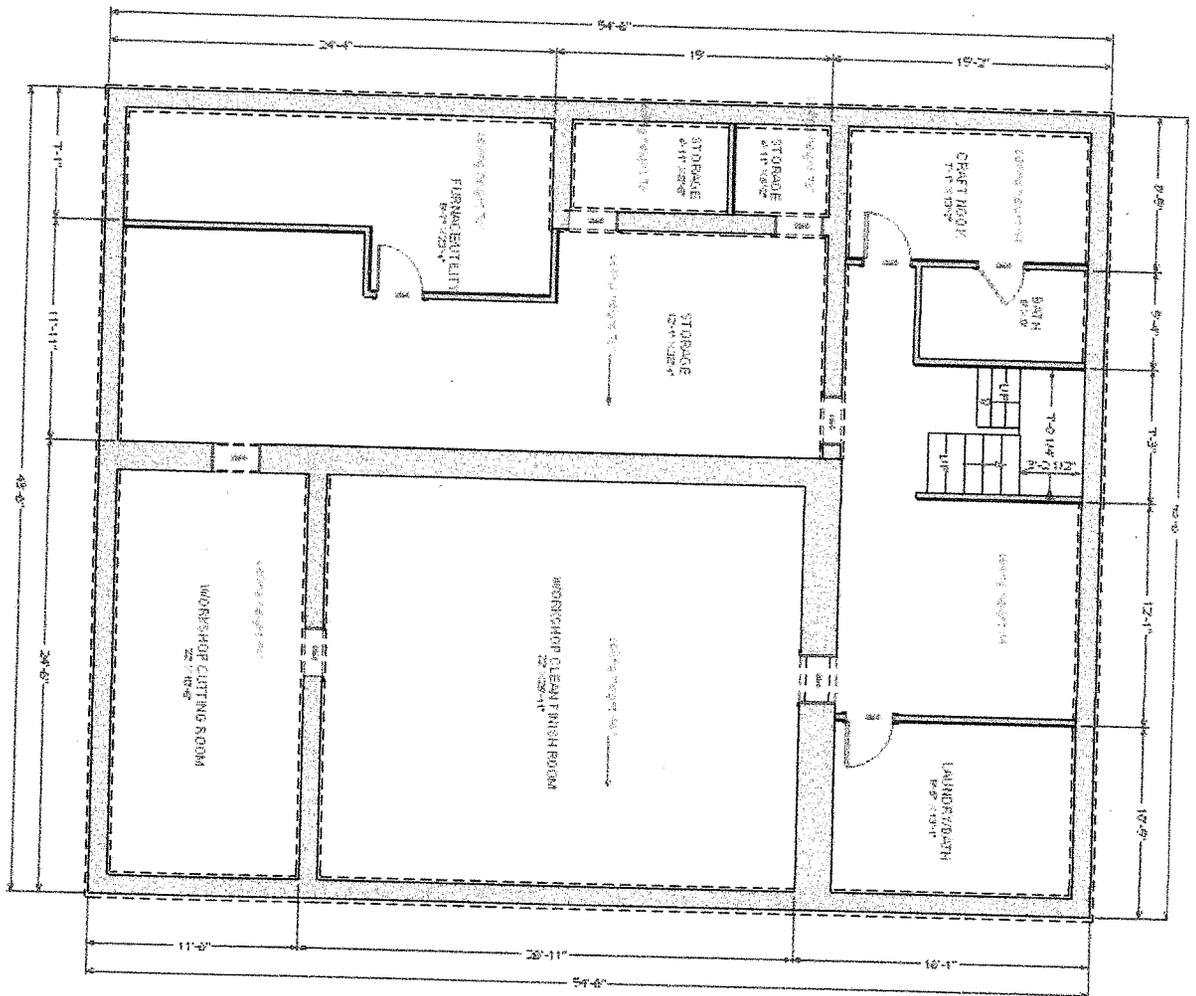
2. In person Oral Submissions

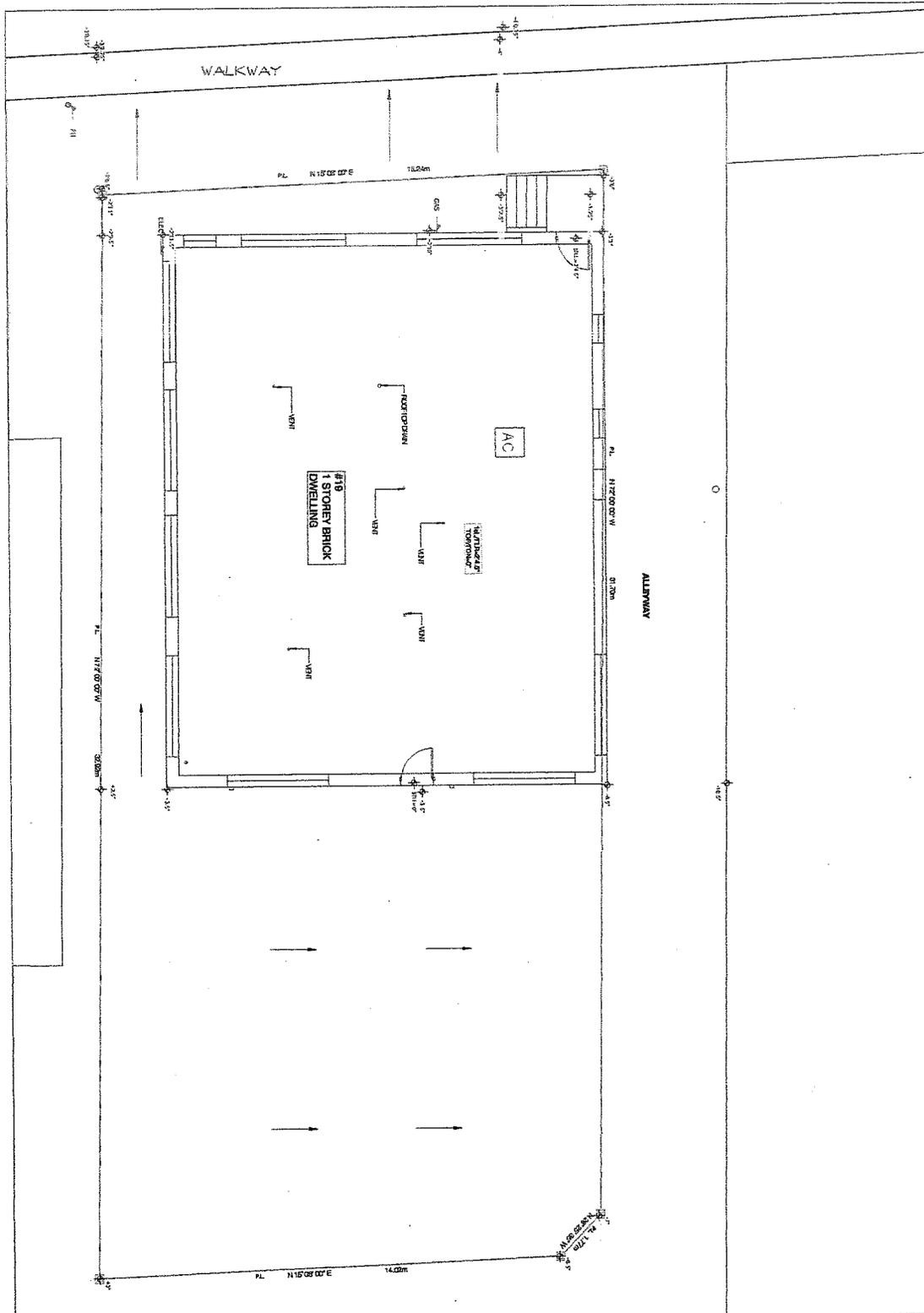
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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







This is an illustrative design. All proposed structures, walls, fences, gates, etc., are to be constructed in accordance with the local zoning ordinance and all other applicable laws and regulations. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The client is also responsible for providing all necessary information and data to the designer. The designer is not responsible for any errors or omissions in this plan. The client is responsible for providing all necessary information and data to the designer. The designer is not responsible for any errors or omissions in this plan.



Project Title:
Maas Residence

Drawing Title:
Drainage Plan

Project Manager:	Name
Drawn By:	Name
Reviewed By:	Name
Scale:	1/4"
Date:	July 11, 2017

1	1
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Hamilton

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

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

**APPLICATION FOR 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	19 ALBERT STREET		
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:

SEE ATTACHED SHEET

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

EXISTING ZONING IN REAR (G-3) DOES NOT PERMIT CONVERSION OF THE REAR YARD PARKING TO AMENITY SPACE.

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
15.24M	32.92M	501 m ²	20M

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
1 STOREY BRICK DWELLING	1.58m	14.5m	NORTH-0.16m NORTH SOUTH-1.97m	MORE THAN 50 YEARS

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
	NO	CHANGE		

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
BRICK DWELLING	214 m ²	214m ²	1	5M (FLAT ROOF)

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
	NO	CHANGE		

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:
APRIL 2016

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

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:
6 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.

PROPOSED VARIANCE IS FOR RESIDENTIAL USE

7.6 What is the existing zoning of the subject land? FRONT PORTION IS "D", REAR PORTION IS "G-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: 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-23:108	SUBJECT PROPERTY:	145 PROVINCE STREET S, HAMILTON
ZONE:	"R1a" (Low Density residential, Small Lot)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** CARMEN & STEPHANIE MACALUSO

The following variances are requested:

1. All accessory buildings shall be permitted to have a maximum height of 5.5 metres instead of the required maximum height of 4.5 metres.

PURPOSE & EFFECT: As to permit the construction of a building accessory to an existing Single Detached Dwelling.

Notes:

1. A variance has been requested for the total aggregated gross floor area of all building's accessory to a single detached dwelling. Insufficient information was provided to determine the variance required for all accessory buildings.

The Hamilton Zoning By-law 05-200 permits all buildings accessory to a single detached dwelling to have an aggregate gross floor area of 45m² or 7.5% of the total lot coverage, whichever is the lesser. Additional information is needed for the existing shed on the property to determine compliance.

2. Eaves or gutters of any accessory building may encroach into any required yard to a maximum of 0.45 metres as per the Hamilton Zoning By-law 05-200. Insufficient information was provided to determine zoning compliance. Additional variances may be required.
3. Insufficient information was provided to determine zoning compliance for parking. Additional variances may be required if compliance with Section five (5) of the Hamilton Zoning By-law 05-200 cannot be achieved.

HM/A-23:108

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

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

DATE:	Thursday, June 1, 2023
TIME:	9:25 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:108, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-23:108



 Subject Lands

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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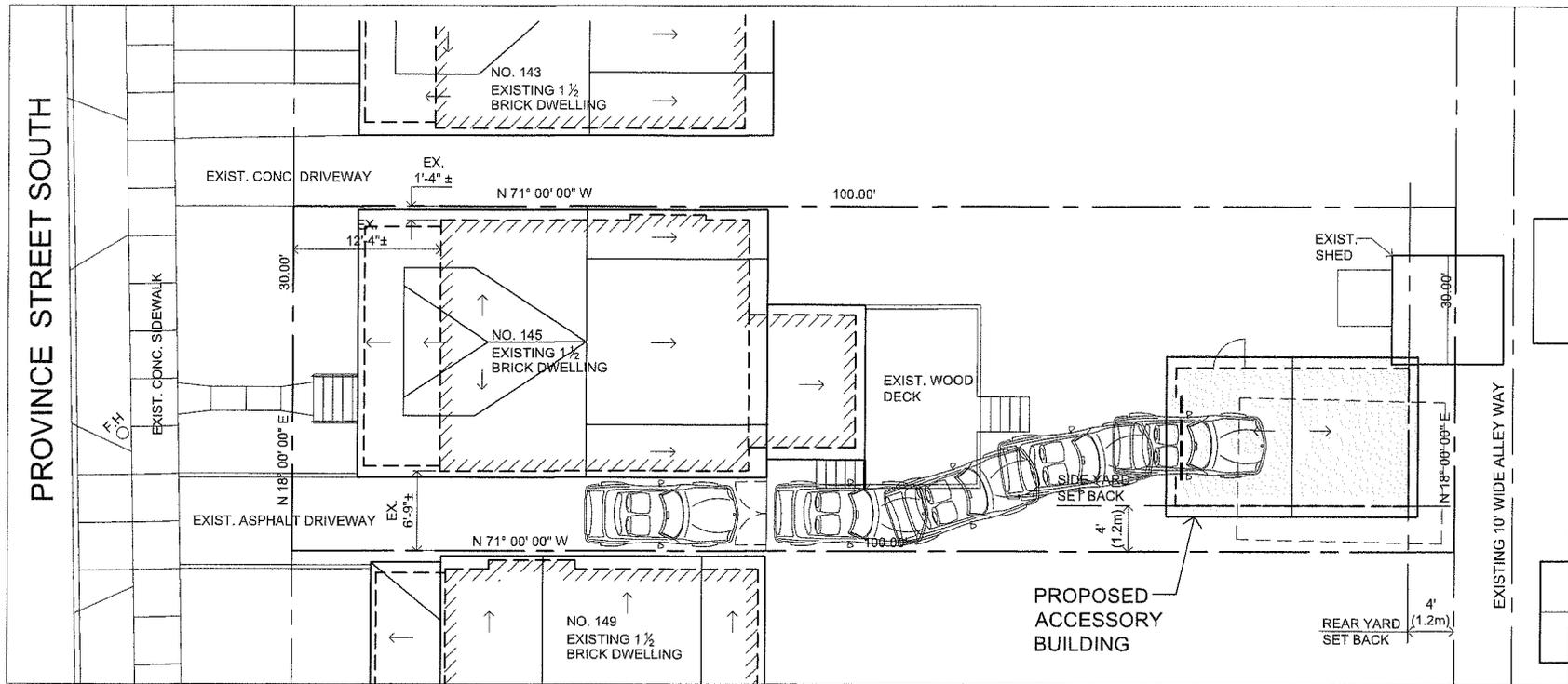
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2. In person Oral Submissions

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Pg 3 of 8

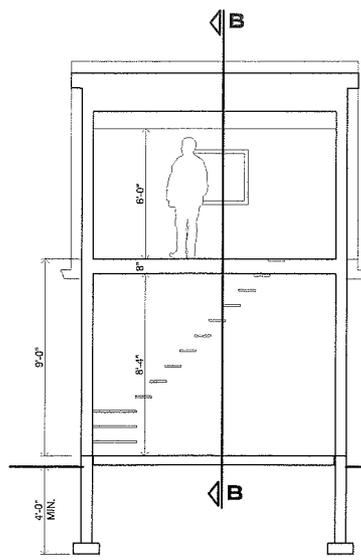
4.3. Proposed

Page 3 of 8

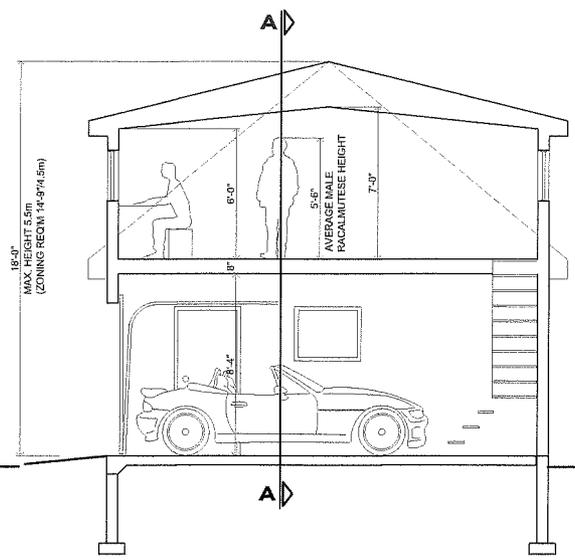
4.3. proposed

Height 5.5m

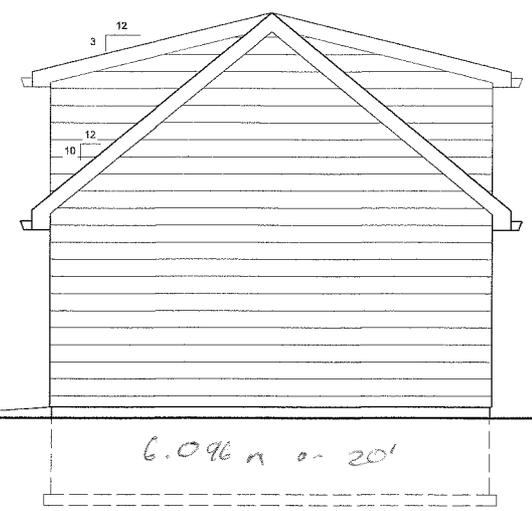
Sp. No. 22.293m²



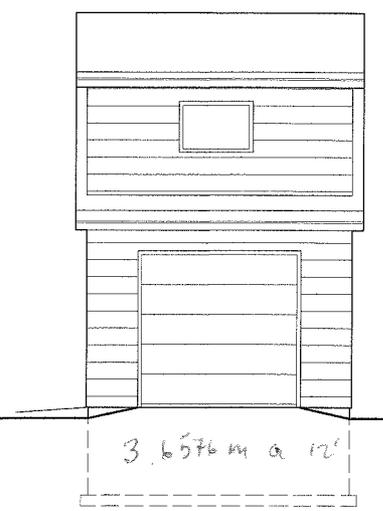
Section A-A



Section B-B



Elevations



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

Phone: (905) 546-2424 ext. 4221
 Email: 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)	[REDACTED]		
Applicant(s)	Same	Same	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 [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	145 Province St S. Hamilton		
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: *Garage minor variance*
Proposed height of detached garage is 5.5m instead of 4.5m
and GFA is 22.3 m² instead of 20.5m².

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

A Larger Building is required for useful storage

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
2.787m	9.29m	2787.09	—

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: *See site plan submitted*

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

Proposed: *See site plan submitted*

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
<i>Garage</i>				

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

Existing: *See site plan submitted*

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
<i>Single Family</i>	<i>120 sq. m.</i>	<i>—</i>	<i>2</i>	<i>—</i>

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
<i>Garage</i>	<i>22.30</i>	<i>—</i>	<i>2</i>	<i>5.5</i>

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 and storage

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:

2012

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

single family home

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

single family home

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

since constructed

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 family home*

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

7.6 What is the existing zoning of the subject land? *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: _____

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-23:98	SUBJECT PROPERTY:	2 HAYES AVENUE, HAMILTON
ZONE:	"D6, 696 & H74" (Downtown Multiple Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 21-243

APPLICANTS: Owner: ROXBOROUGH PARK INC.
Agent: URBAN SOLUTIONS PLANNING C/O MATT JOHNSTON

The following variances are requested:

1. A minimum setback of 0.0 metres for a Multiple Dwelling to a Condominium Road shall be provided instead of the minimum required setback of 4.5 metres for a Multiple Dwelling to a Condominium Road;
2. A parking space associated with a Multiple Dwelling shall have a minimum distance of 0.0 metres from a Condominium Road instead of the requirement that parking spaces for a Multiple Dwelling shall be located a minimum distance of 5.8 metres from the condominium road;
3. Visitor Parking shall be provided at a rate of 0.03 spaces per unit instead of the required minimum Visitor Parking rate of 0.25 spaces per unit;
4. The definition of a Planting Strip shall include Walkways and Sidewalks;
5. The minimum setback for any building or structure to a P5 Zone shall be 0.0 metres instead of the minimum required setback of 5.0 metres to a P5 Zone for any building or structure;
6. A minimum Side Yard Setback of 4.0 metres to a Multiple Dwelling shall be provided instead of the minimum required Side Yard Setback of 4.0 metres.

PURPOSE & EFFECT: So as to permit the construction of a 16 storey and 18 storey Multiple Dwelling connected by a podium notwithstanding that:

HM/A-23:98**Notes:**

- i. The variances have been requested in response to staff comments provided through Site Plan application DA-23-037.
- ii. Be advised, insufficient information has been provided to determine the Minimum Lot Width for the proposed development. As per the definition of “Lot Width” under Hamilton Zoning By-Law 05-200, the following applies:

 Lot Width - Shall mean the horizontal distance between the side lot lines of a lot measured at the required front yard. Provided, however, that in the case of a lot which has a required front yard of less than 6.0 metres, the lot width shall be measured at the 6.0 metre front yard distance.

 As such, the applicant shall ensure the Minimum Lot Width of 12.0 metres is provided as required under Schedule C Section 696. I) iv) A) of Hamilton Zoning By-Law 05- 200. Should the Minimum Lot Width not meet the required 12.0 metres, additional variances may be required.
- iii. Be advised, no Visual Barrier has not been indicated along the Easterly Side Lot Line, adjacent to the R1 zone. As per Section 5.2 a), within a D6 Zone, a 1.5-metre-wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of Hamilton Zoning By-Law 05-200 is required. Should a Planting Strip and Visual Barrier not be provided, additional variances may be required.
- iv. Be advised, insufficient information has been provided to determine Landscaped Areas/ Landscaped Parking Islands within the proposed parking areas. Should the proposed parking area not meet the requirements under 5.2 h) of Hamilton Zoning By-Law 05-200, additional variances may be required.

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

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

DATE:	Thursday, June 1, 2023
TIME:	9:30 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

HM/A-23:98

PUBLIC INPUT

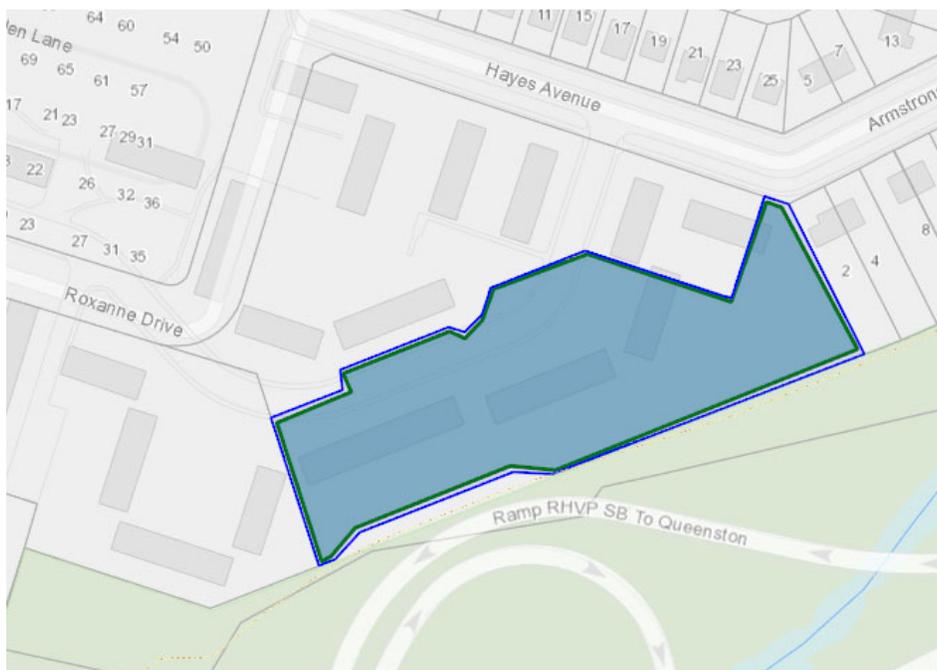
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-23:98, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 Subject Lands

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

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

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

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

VARIANCES TO CITY OF HAMILTON ZONING BY-LAW NO. 05-200 (D6, 696, H74) ZONE

VARIANCE NO. 1: TO REDUCE THE MINIMUM SETBACK FOR A MULTIPLE DWELLING TO A CONDOMINIUM ROAD FROM 4.5 METRES TO 0.0 METRES.

VARIANCE NO. 2: TO REDUCE THE MINIMUM DISTANCE OF A REQUIRED PARKING SPACE TO A CONDOMINIUM ROAD FROM 5.8 METRES TO 0.0 METRES FOR A MULTIPLE DWELLING.

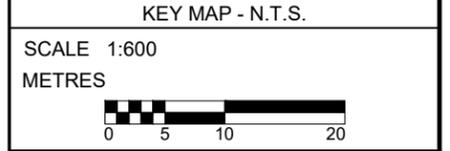
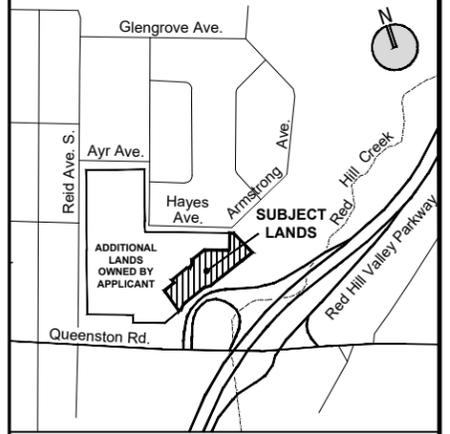
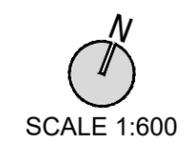
VARIANCE NO. 3: TO REDUCE THE MINIMUM REQUIRED VISITOR PARKING SPACES FROM 0.25 SPACES/UNIT (137 SPACES) TO 0.03 SPACES/UNIT (20 SPACES).

VARIANCE NO. 4: TO REVISE THE DEFINITION OF PLANTING STRIP TO INCLUDE WALKWAYS AND SIDEWALKS.

VARIANCE NO. 5: TO REDUCE THE MINIMUM SETBACK TO A CONSERVATION/HAZARD LAND (P5) ZONE FROM 5.0 METRES TO 0.0 METRE.

VARIANCE NO. 6: TO REDUCE THE MINIMUM SIDE YARD SETBACK TO A MULTIPLE DWELLING FROM 6.0 METRES TO 4.0 METRES.

DEVELOPMENT STATISTICS Downtown Multiple Residential (D6, 696, H74) Zone		
Item	Required	Proposed
Subdivision Unit Total	840	1244
Total Density (Units Per Hectare)	165 UPH	245 UPH
Min. Lot Area	N/A	8,879.25 m ²
Min. Front Yard	3 m	25 m
Min. Side Yard	6 m	4.1 m
Min. Rear Yard	5 m	5 m
Max. Building Height	41.5 m	54.5 m (BLDG. A) 48.5 m (BLDG. B)
Residential Parking	<50 m ² : 0.3 x 95 = 28.5 >50 m ² : 0.8 x 454 = 363.2 Total = 391.7	483 spaces
Visitor Parking	137.25 spaces (0.25 / units)	20 spaces (0.03 / unit)
Parking Total	529 spaces	503 spaces



LEGEND

- SUBJECT LANDS
- PROPOSED BUILDING

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: SRM ARCHITECTS CHECKED BY: S. MCKAY
DRAWN BY: S. ERICKSON DATE: APRIL 14, 2023

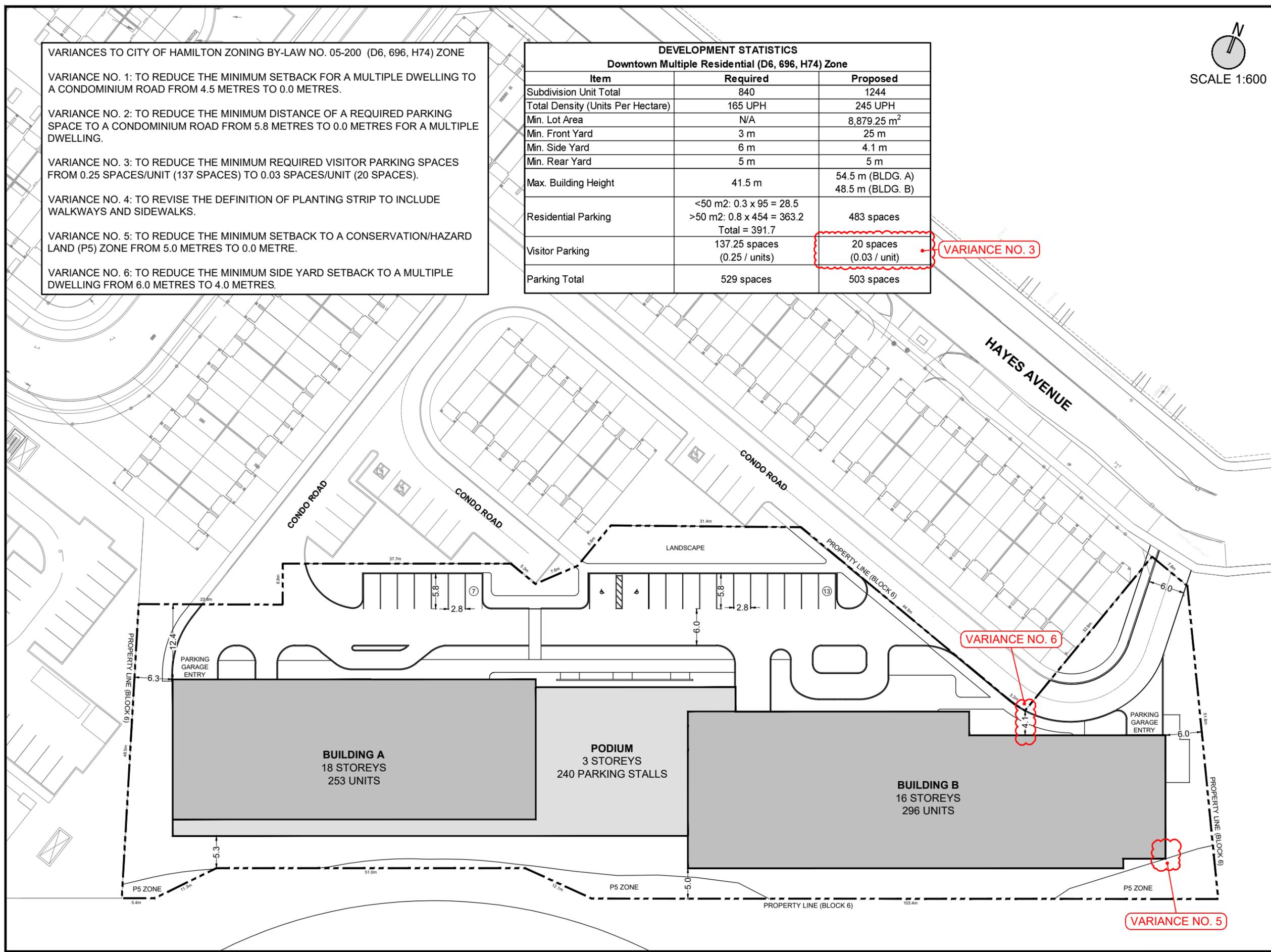
URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, SUITE 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

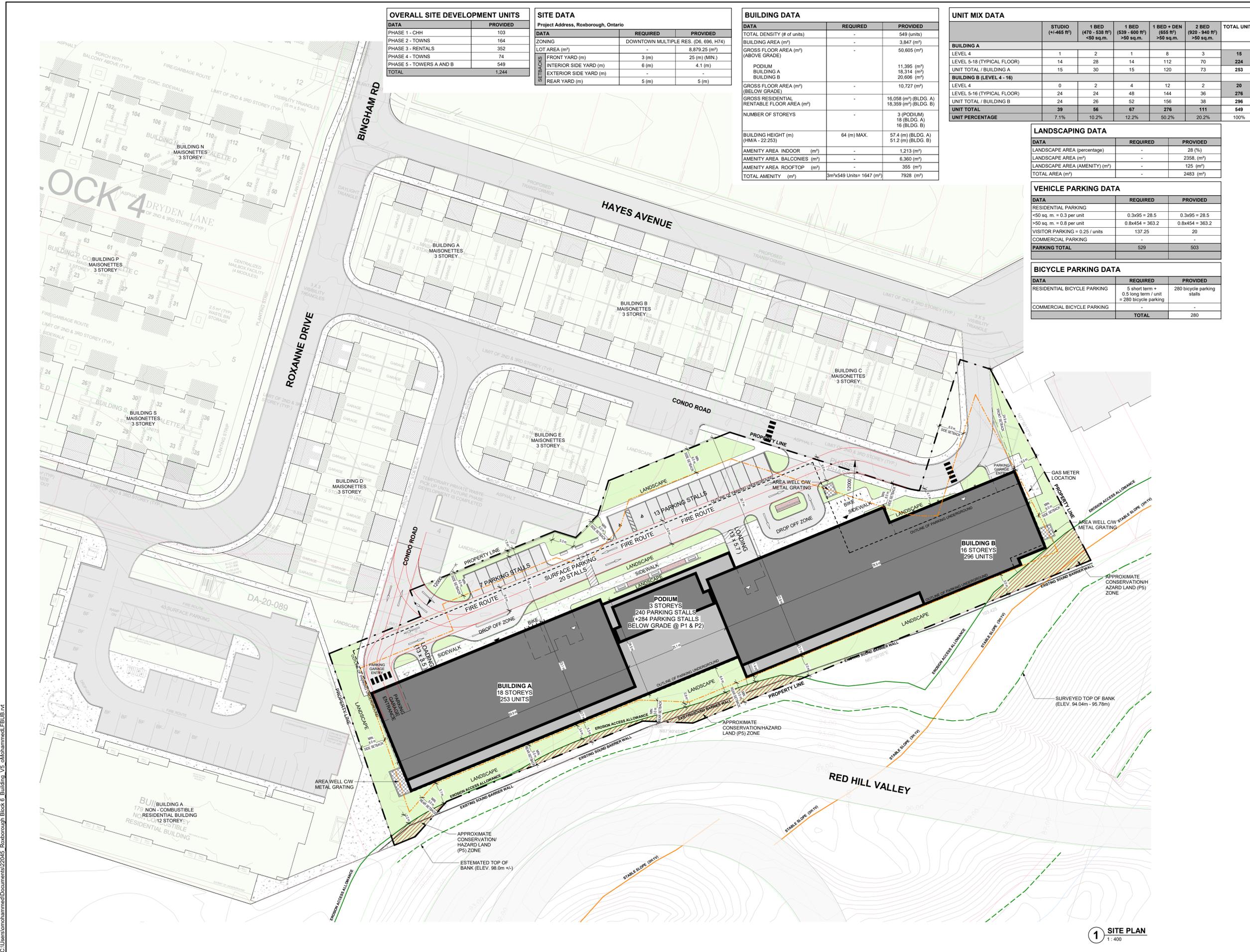
PROJECT:
ROXBOROUGH BLOCK 6
25T-201802
CITY OF HAMILTON

CLIENT:
ROXBOROUGH PARK INC.

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 146-16 SHEET NUMBER: 1





OVERALL SITE DEVELOPMENT UNITS

DATA	PROVIDED
PHASE 1 - CHH	103
PHASE 2 - TOWNS	164
PHASE 3 - RENTALS	352
PHASE 4 - TOWNS	74
PHASE 5 - TOWERS A AND B	549
TOTAL	1,244

SITE DATA

Project Address, Roxborough, Ontario

DATA	REQUIRED	PROVIDED
ZONING	DOWNTOWN MULTIPLE RES. (D6, B96, H74)	
LOT AREA (m ²)		8,879.25 (m ²)
FRONT YARD (m)	3 (m)	25 (m) (MIN.)
INTERIOR SIDE YARD (m)	6 (m)	4.1 (m)
EXTERIOR SIDE YARD (m)	-	-
REAR YARD (m)	5 (m)	5 (m)

BUILDING DATA

DATA	REQUIRED	PROVIDED
TOTAL DENSITY (# of units)	-	549 (units)
BUILDING AREA (m ²)	-	3,847 (m ²)
GROSS FLOOR AREA (m ²) (ABOVE GRADE)	-	50,605 (m ²)
PODIUM BUILDING A		11,395 (m ²)
BUILDING B		18,314 (m ²)
BUILDING A		20,606 (m ²)
GROSS FLOOR AREA (m ²) (BELOW GRADE)	-	10,727 (m ²)
GROSS RESIDENTIAL RENTABLE FLOOR AREA (m ²)	-	16,058 (m ²) (BLDG. A) 18,309 (m ²) (BLDG. B)
NUMBER OF STOREYS	-	3 (PODIUM) 18 (BLDG. A) 16 (BLDG. B)
BUILDING HEIGHT (m) (HMA - 22.253)	64 (m) MAX.	57.4 (m) (BLDG. A) 51.2 (m) (BLDG. B)
AMENITY AREA INDOOR (m ²)	-	1,213 (m ²)
AMENITY AREA BALCONIES (m ²)	-	6,380 (m ²)
AMENITY AREA ROOFTOP (m ²)	-	355 (m ²)
TOTAL AMENITY (m ²)	3m ² x 549 Units = 1647 (m ²)	7928 (m ²)

UNIT MIX DATA

	STUDIO (+/-465 FT ²)	1 BED (470 - 538 FT ²) <50 sq.m.	1 BED (539 - 600 FT ²) >50 sq.m.	1 BED + DEN (655 FT ²) >50 sq.m.	2 BED (920 - 940 FT ²) >50 sq.m.	TOTAL UNITS
BUILDING A						
LEVEL 4	1	2	1	8	3	15
LEVEL 5-18 (TYPICAL FLOOR)	14	28	14	112	70	224
UNIT TOTAL / BUILDING A	15	30	15	120	73	253
BUILDING B (LEVEL 4 - 16)						
LEVEL 4	0	2	4	12	2	20
LEVEL 5-16 (TYPICAL FLOOR)	24	24	48	144	36	276
UNIT TOTAL / BUILDING B	24	26	52	156	38	296
UNIT TOTAL	39	56	67	276	111	549
UNIT PERCENTAGE	7.1%	10.2%	12.2%	50.2%	20.2%	100%

LANDSCAPING DATA

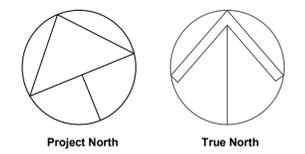
DATA	REQUIRED	PROVIDED
LANDSCAPE AREA (percentage)	-	28 (%)
LANDSCAPE AREA (m ²)	-	2358 (m ²)
LANDSCAPE AREA (AMENITY) (m ²)	-	125 (m ²)
TOTAL AREA (m ²)	-	2483 (m ²)

VEHICLE PARKING DATA

DATA	REQUIRED	PROVIDED
RESIDENTIAL PARKING		
<50 sq. m. = 0.3 per unit	0.3x95 = 28.5	0.3x95 = 28.5
>50 sq. m. = 0.8 per unit	0.8x454 = 363.2	0.8x454 = 363.2
VISITOR PARKING = 0.25 / units	137.25	20
COMMERCIAL PARKING	-	-
PARKING TOTAL	529	503

BICYCLE PARKING DATA

DATA	REQUIRED	PROVIDED
RESIDENTIAL BICYCLE PARKING	5 short term + 0.5 long term / unit = 280 bicycle parking	280 bicycle parking stalls
COMMERCIAL BICYCLE PARKING	-	-
TOTAL	-	280



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.
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- 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.

EROSION CONTEXT LEGEND

- STABLE SLOPE (AS PER EROSION HAZARD LIMIT PLAN PREPARED BY AMEC FOSTER WHEELER (MAY 2018))
- EROSION ACCESS ALLOWANCE (AS PER EROSION HAZARD LIMIT PLAN PREPARED BY AMEC FOSTER WHEELER (MAY 2018))
- SURVEYED TOP OF BANK (AS PER EROSION HAZARD LIMIT PLAN PREPARED BY AMEC FOSTER WHEELER (MAY 2018))

No.	Date	Revision
4	12/04/2023	SITE PLAN RESUBMISSION
3	09/12/2022	ISSUED TO CLIENT
2	14/03/2022	ISSUED FOR CLIENT REVIEW
1	08/03/2022	ISSUED FOR CLIENT REVIEW

srm ARCHITECTS INC.

Project No: 22045
 Project Date: 2022-02-24
 Drawn by: TH
 Checked by: ET
 Plot Date / Time: 2023-04-12 11:24:38 AM

ROXBOROUGH BLOCK 6

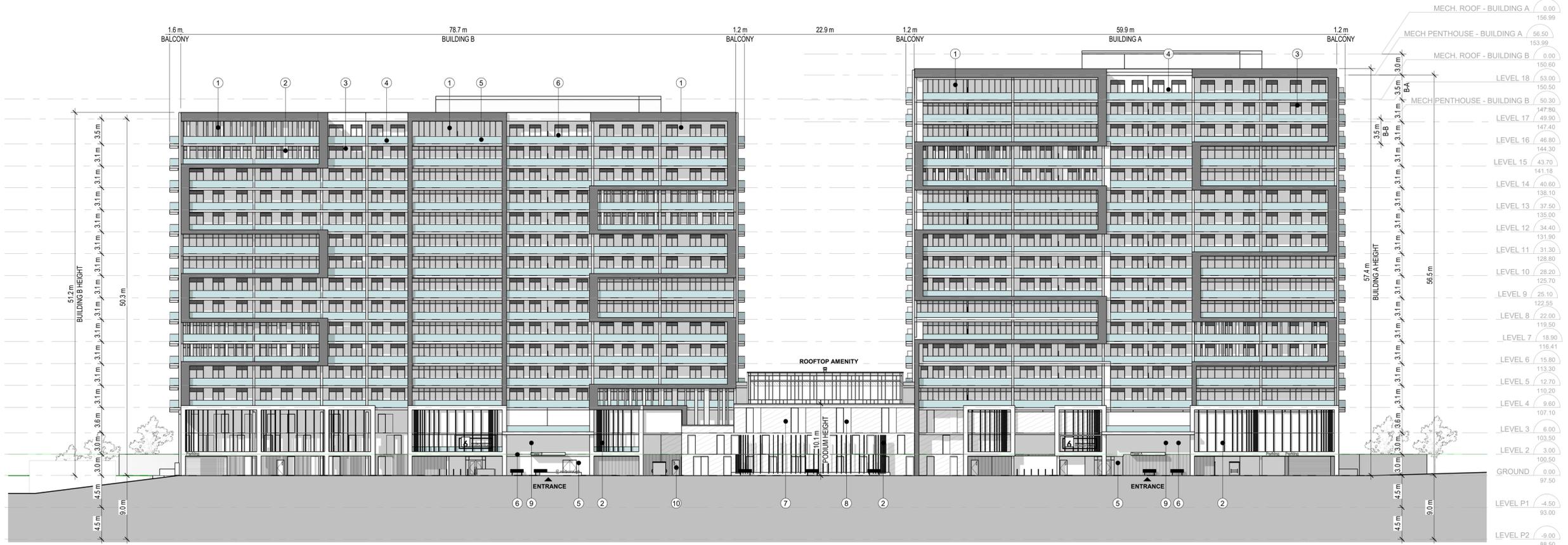
SITE PLAN

Drawing Scale: As indicated
 Status:

Drawing No.: Revision No.:
D1.1 - r4

1 SITE PLAN
 1: 400

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1 NORTH ELEVATION
1:300



2 SOUTH ELEVATION
1:300

- GENERAL NOTES**
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- MATERIALS LEGEND**
- 1 PREFINISHED METAL PANEL
 - 2 PREFINISHED METAL FEATURE FIN
 - 3 GLAZED RAILING SYSTEM
 - 4 PAINTED PRECAST CONCRETE - FORM LINER FINISH 1
 - 5 SEALED GLAZED SYSTEM IN ANODIZED ALUMINIUM FRAME
 - 6 SPANDREL PANEL
 - 7 PAINTED PRECAST CONCRETE - FORM LINER FINISH 2
 - 8 PREFINISHED METAL DECORATIVE PANELS
 - 9 SIGNAGE
 - 10 PAINTED HOLLOW METAL DOOR AND FRAME
 - 11 METAL MESH SCREEN WITH FEATURE PANELS
 - 12 WIND BREAKS
 - 13 LANDSCAPE
 - 14 GRADE
 - 15 PAINTED PRECAST CONCRETE - FORM LINER 3
 - 16 PAINTED PRECAST CONCRETE - FORM LINER 4
 - 17 PAINTED PRECAST CONCRETE - FORM LINER 5

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srm
ARCHITECTS INC.

Project No: 22045
Project Date: 2022-02-24
Drawn by: TH
Checked by: ET
Plot Date / Time: 2023-04-12 9:45:05 AM

ROXBOROUGH BLOCK 6

ELEVATIONS

Drawing Scale: As indicated
Status:

Drawing No. Revision No.
D3.1 - r4

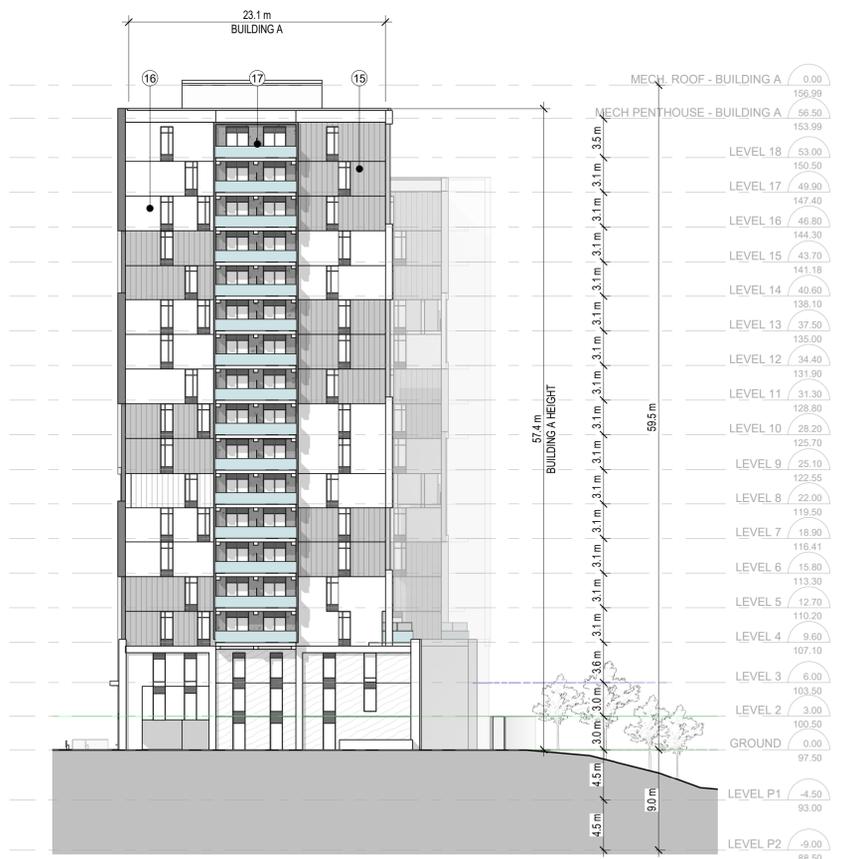
PRELIMINARY



4 TOWER B - WEST ELEVATION
1:300



1 TOWER B - EAST ELEVATION
1:300



2 TOWER A - WEST ELEVATION
1:300



3 TOWER A - EAST ELEVATION
1:300

- GENERAL NOTES**
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 12. WIND BREAKS
 13. LANDSCAPE
 14. GRADE
 15. PAINTED PRECAST CONCRETE - FORM LINER 3
 16. PAINTED PRECAST CONCRETE - FORM LINER 4
 17. PAINTED PRECAST CONCRETE - FORM LINER 5

No.	Date	Revision
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srm
ARCHITECTS INC.

Project No: 22045
Project Date: 2022-02-24
Drawn by: Author
Checked by: Checker
Plot Date / Time: 2023-04-12 9:47:18 AM

ROXBOROUGH BLOCK 6

ELEVATIONS

Drawing Scale: As indicated
Status:

Drawing No.: Revision No.:
D3.2 - r4

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April 19, 2023

146-16

Via Email & Delivered

Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON, L8P 4Y5

Dear Ms. Sheffield,

**RE: 2 Hayes Avenue, Hamilton (DA-23-037 | Block 6 of 62M-1278)
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant for Roxborough Park Inc., the registered owner of the lands municipally known as 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 13, 14, 16, 18, 20, 22 and 24 Hayes Avenue, in the City of Hamilton.

The subject lands are located within a site-specific Neighbourhoods (UHN-25) designation in the Urban Hamilton Official Plan and are within a site-specific Downtown Multiple Residential (D6, 696, H74) Zone containing a Holding Provision (H74) in the City of Hamilton By-law No. 05-200.

Minor Variance Application No. HM/A:22:253 was approved by the Committee of Adjustment on September 6, 2023. This approval was to permit an increase in height and density on site in recognition of a change of built form from townhouses to a multiple dwelling for Block 6 of the Roxborough Park Subdivision. At the time, it was acknowledged that additional variances would likely be identified through the required site plan application process.

Purpose of the Application

The proposed multiple dwelling has proceeded through the site plan application process and through the review of DA-23-037 additional minor variances have been identified. Once identified through the site plan process, two separate meetings were held to discuss improvements to the concept plan and the merit of required variances.

The first meeting regarding the concept plan design have been held with Transportation and Urban Design staff on March 13, 2023. During this meeting, requirements for the implementation of enhanced pedestrian connections and recommendations related to parking and urban design were outlined by staff. These improvements have been incorporated into the revised concept plan and are reflected in the Variance Nos. 1, 2, 4 and 6.

The second meeting with Senior Staff was held on March 21st to discuss the setback to the Conservation/Hazard Land (P5) Zone and the visitor parking ratio and Variance Nos. 3 and 5 reflect those discussions.

Accordingly, this Minor Variance application is intended to achieve relief from Special Exemption No. 696 in Schedule C – Special Exemptions of City of Hamilton Zoning By-law No. 05-200 with respect to the site specific Downtown Multiple Residential (D6, 696, H74) Zone as follows:

- **Variance No. 1:** To reduce the minimum setback for a multiple dwelling to a condominium road from 4.5 metres to 0.0 metres.
- **Variance No. 2:** To reduce the minimum distance of a required parking space to a condominium road from 5.8 metres to 0.0 metres for a multiple dwelling.
- **Variance No. 3:** To reduce the minimum required visitor parking spaces from 0.25 spaces/unit (137 spaces) to 0.03 spaces/unit (20 spaces).
- **Variance No. 4:** To revise the definition of planting strip to include walkways and sidewalks.
- **Variance No. 5:** To reduce the minimum setback to a Conservation/Hazard Land (P5) Zone from 5.0 metres to 0.0 metre.
- **Variance No. 6:** To reduce the minimum side yard setback to a multiple dwelling from 6.0 metres to 4.0 metres.

Analysis

To assist in the evaluation of this application, please refer to the enclosed Committee of Adjustment Sketch. Justification for the proposed variances has been provided below in accordance with Section 45(1) of the Planning Act:

1. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?

The requested variances will facilitate the proposed built form contained in Block 6 of the Roxborough Park Subdivision. Variances 1 & 2 request a decrease to the minimum permitted setbacks from a condominium road to a parking space and a multiple dwelling. These variances are required to recognize the alteration in the proposed built form for Block 6 from townhouses to one stand-alone multiple dwelling. The existing setback regulations are based on the location of parking spaces within townhouse garages, thus conforming to the 5.8 metre requirement. However, as surface parking spaces are now proposed, parking spaces will inherently directly abut a condominium road in order to provide access to said parking spaces. Similarly, as the condominium road will provide access to the multiple dwelling parking garage, the setback from a multiple dwelling to a condominium road will inherently become zero.

These two variances are desirable for the appropriate development as they have been vetted through City engineering, transportation and urban design staff through the site plan process.

Variance 3 is necessary to change the visitor parking ratio to align it with the standard ratio in Zoning By-law No. 05-200. The visitor parking rate of 0.25 spaces/unit was established back in 2018 when the initial Zoning By-law Amendment was completed to facilitate the subdivision as a whole. As time has elapsed and the detailed design of the subdivision has occurred through Site Plan processes for each phase, the quantity of parking spaces proposed has evolved and the site-specific zoning now needs to reflect this evolution. While the required visitor parking rate is being reduced, the proposed parking rate of 0.94 spaces/unit is desirable for the appropriate development as it aligns with the required parking range established in the City of Hamilton Zoning By-law 05-200. Further, the subject property is proximity to several HSR Transit stops inclusive of HSR Route 1, 1A, 3, 10, and 11. In addition to the existing transit availability of the area, the B-Line of the future LRT B.L.A.S.T. network in Hamilton is proposed to run along Queenston Road with a stop in close proximity to the subject property.

Variance 4 is necessary to recognize sidewalks and internal walkways added to the Site Plan which run parallel to the boundary of the lot line at certain locations of the site. When considering the Plan of Subdivision as a whole, it is clear that a landscape strip of 1.5 metres or greater is maintained along all property lines. It is only those areas where internal sidewalks exist which provide connections from the Subdivision Block to the balance of the subdivision lands where a variance to the definition of planting strip is technically required. This variance is desirable for the appropriate development as they have been vetted through City engineering, transportation and urban design staff through the site plan process.

Variance 5 seeks to acknowledge the ultimate limits of the Conservation/Hazard Land (P5) Zone established by the Hamilton Conservation Authority associated with the Red Hill Valley. While a majority of the proposed multiple dwelling maintains the 5.0 metre setback required to a P5 Zone, a pinch point on the southeast corner of the building requires relief from the 5.0 metre setback regulation. Further, the Hamilton Conservation Authority (HCA) reviewed the proposed Site Plan and provided feedback on March 9, 2023 stating they had no objection to the proposed Site Plan as it is located outside of the slope stability hazard. As shown in Figure 1 below, the P5 Zone boundary traverses the southeast corner of the property. However, the current condition of this P5 Zone is flat terrain on the opposite side of a noise wall which borders the Red Hill Valley as shown in Figure 2. Accordingly, the request relief in setback to a P5 Zone is minor in nature as an appropriate setback of flat terrain to the Red Hill Valley is maintained. UrbanSolutions concurs with the comments from the HCA that the proposed building footprint is appropriate given the location of the actual slope hazard.



Figure 1: Zoning Image of Subject Property showing P5 Zone at southeast corner of site



Figure 2: Image showing current condition of P5 Zone at southeast corner of property and proposed building footprint

Variance 6 is highly technical in nature as it seeks to recognize a pinch point in the side yard setback created between the façade of the Building B multiple dwelling and the irregular lot line of the site. As the subject property is one portion of a broader subdivision, the property line does not mirror a typical property line in that it crosses a condominium road and was established prior to the ultimate built form of the subdivision block being determined. Accordingly, while a reduction in permitted side yard setback

is requested, it is desirable for the appropriate development as they have been vetted through City engineering, transportation and urban design staff through the site plan process.

Accordingly, it can be concluded that the requested variances are highly technical in nature, pose no adverse impacts and can be deemed desirable for the appropriate development of the lands.

2. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?

The subject lands are designated as Neighbourhoods in the Urban Hamilton Official Plan which permits the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. Chapter B, Section 2.4.1.3(c) indicated that lands designated Neighbourhoods are to accommodate 40% of the City's growth. The intent of these policies is to encourage and accommodate compatible forms of development which is facilitated through the subject application. The Minor Variances being requested do not impact the overall compatibility of the development with the surrounding neighbourhood and are necessary to facilitate Phase 5 of the Roxborough Park Subdivision. As such, the variances help to implement a built form which aligns with the policies of the Urban Hamilton Official Plan and aid in achieving the growth targets set out for the Neighbourhoods designation. The requested variances can be considered to be in keeping with the purpose and intent of the Urban Hamilton Official Plan.

3. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?

The subject properties are located in a site specific Downtown Multiple Residential (D6, 696, H74) Zone in the City of Hamilton Zoning By-law No. 05-200.

Variances 1, 2 & 6 regarding setbacks from a multiple dwelling or parking space to a condominium road, as well as the side yard setback are highly technical in nature as previously discussed. The ultimate intent of the setback regulations is to ensure that parking spaces and built form are adequately spaced from roads. These variances are required to recognize the inherent 0.0 metre setback necessary to provide access from the condominium road to both the multiple dwelling and the surface parking spaces. Further, the requested relief to the minimum side yard setback is necessary to recognize a pinch point on site due to the irregular shape of the block of Subdivision. When reviewing the location of this pinch point, it is clear the intent of the side yard setback regulation is maintained despite the requested variance. As parking spaces and the proposed built form still maintain a setback from the condominium road outside of these access areas discussed above, the ultimate intent and purpose of the Zoning By-law is maintained.

Variance 3 requests a reduction in the required visitor parking ratio applied to the subject property. The required parking rate established for multiple dwellings in a Downtown Zone is between 0.3 and 1.25 spaces/unit within Zoning By-law 05-200. The proposed multiple dwelling currently proposes a parking rate of 0.92 spaces/unit; falling within the permitted parking range established in the Parent By-law. Furthermore, as there is no requirement for visitor parking spaces established in the parent Zoning By-

law, the provision of any visitor parking spaces is beyond what is typically required. Overall, the requested reduction in visitor parking reduces the total required parking count on site from 531 spaces to 509 spaces. Further, the intent of any parking regulation is to ensure adequate parking is provided on site based on the quantity of future residents and transit availability of the area. As the subject lands are serviced by multiple HSR Transit lines and front the eventual build out of the future Light Rail Transit network B-Line, there are ample transit opportunities to justify a reduction in parking spaces provided.

Variance 4 is required to recognize the existence of walkways and sidewalks abutting lot lines where a landscape strip would typically be located. The intent of a landscape strip is to ensure adequate space for stormwater management to be accommodated on site and to provide softscape buffering along lot lines. The balance of Block 6 maintains the required 1.5 metre landscape strip width along property lines. Although walkways and sidewalks are contemplated within some of the landscape strips, they have been added to ensure the development proposal preserves pedestrian safety and supports connectivity with the balance of the subdivision and municipal sidewalks. Accordingly, the proposed inclusion of sidewalks and walkways in the landscape strip improves site connectivity and the intent of the landscape strip zoning regulation is still maintained on site despite the requested variance.

Variance 5 relates to the required setback of a building to a Conservation/Hazard Land (P5) Zone. The intent of this zoning provision is to secure appropriate buffering between built form and sensitive natural heritage areas, features, or hazards, in this case being the Red Hill Valley. It is important to note that while the variance requests the setback be set at 0.0 metres to the P5 Zone limit, the multiple dwelling maintains a separation of 5.0 metres or greater from the property limit where the Red Hill Valley is located. The Hamilton Conservation Authority reviewed the proposed Site Plan where they assessed the location of the multiple dwelling in proximity to the Red Hill Valley and the limits of the P5 Zone. Their comments dated March 9, 2023 state that they have no objections to the proposal as the building is located outside of the slope stability hazard which was previously identified on site.

As shown in Figure 3 below, the P5 Zone includes a 6m access allowance to maintain the slope. In this instance, access for maintenance is secured through the Redhill Valley Trail that abuts the south side of the noise wall as illustrated in Figure 1 above. Further, the HCA supports the develop as it is located outside of the erosion hazard limits as noted in the March 9, 2023 comments.

Given that all other regulations of the Zoning By-law are achieved, the requested variances are consistent with the intent and purpose of the Zoning By-law and considered to be appropriate for the site.

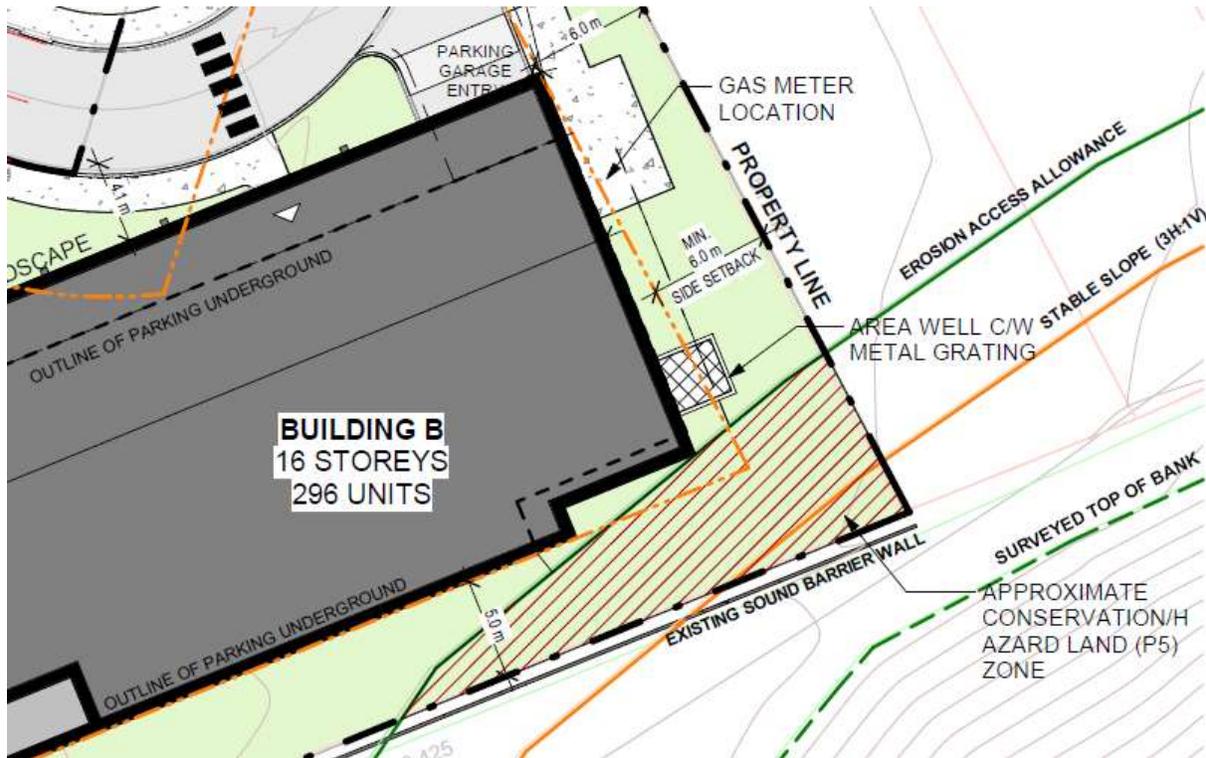


Figure 3: Southeast corner of site showing Erosion Access Allowance and Stable Slope limits

4. Are the proposed minor variances minor in nature?

Variations 1, 2, & 6 are all highly technical in nature to acknowledge the pinch points created through the irregular Block boundary of the site. As discussed above, these variations still maintain the intent of the Zoning By-law and Official Plan and result from a change in proposed built form for the property.

Variance 3 constitutes a reduction from 531 spaces to 509 spaces on a property which is surrounded by existing and future transit opportunities and meets the parent Zoning By-law requirements for visitor and resident parking.

Variance 4 is necessary to ensure adequate walkways are provided throughout the site for the purposes of connectivity with the balance of the subdivision, and does not impact the intent of planting strips within the Zoning By-law.

Further, Variance 5 can be considered minor in nature as the proposed building setback to the P5 Zone has been vetted by the Hamilton Conservation Authority and deemed to be appropriate. As such, the requested variations represent modest relief from the existing zoning regulations to align the Zoning with the Block of Subdivision limits and proposed built form.

Keeping the building envelop out of the P5 Zone requires a significant notch be removed resulting in a loss of 15 dwelling units. Given the noise wall separation of the subject lands and the hazard area, it is appropriate and minor in nature to reduce the setback to 0.0 metres as this represents an appropriate balance of provincial objectives to maximize housing supply while protecting natural heritage.

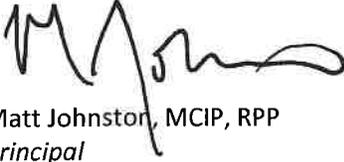
As such, the proposed variance satisfies the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is desirable for the appropriate development of the lands, is minor in nature, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Minor Variance Sketch completed by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton.

We trust that the enclosed is sufficient, however, please feel free to contact us with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Scott Beedie, MCIP, RPP
Planner

cc: Roxborough Park Inc.
Councillor Tammy Hwang, Ward 4, City of 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 AgentSolicitor

1.4 Request for digital copy of sign Yes* No

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

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	2 Hayes Avenue		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	62M-1278	Lot(s)	Block 6
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:

Please see attached PIN Abstract.

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:

N/A

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
Varies	Varies	±55,194.48 sq.m.	±18.0 (Roxanne Drive), ±20.0 (Hayes Ave)

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: N/A

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

Proposed: Please refer to Site Plan

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

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

Existing: N/A

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

Proposed: Please refer to Site Plan

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

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

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

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

- ditches
- other means (specify)

4.6 Type of sewage disposal proposed: (check appropriate box)

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

4.7 Type of access: (check appropriate box)

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

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

Residential (Multiple Dwelling)

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

Residential (Semi Detached Dwelling)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Unknown

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

Townhouses

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): N/ARural Settlement Area: N/AUrban Hamilton Official Plan designation (if applicable) Site Specific Neighbourhoods (UHN-25)

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

Please see Cover Letter.

7.6 What is the existing zoning of the subject land? "D6, E696, H74" (Downtown Multiple Residential)

7.8 Has the owner previously applied for relief in respect of the subject property?

(Zoning By-law Amendment or Minor Variance)

 Yes NoIf yes, please provide the file number: ZAR-21-034, ZAC-18-010 & HM/A-22:253

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

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. N/A

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 549

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

N/A

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/B-23:24	SUBJECT PROPERTY:	114 – 116 PARK STREET N, HAMILTON & 59 CANNON ST W, HAMILTON
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APPLICANTS: **Owner:** MOVENGO DEVELOPMENTS LTD. IN TRUST
 Agent: MARIA NGUYEN & TONY TRAM

PURPOSE & EFFECT: To permit the conveyance of a parcel of land known as 114 – 116 Park Street North and to retain a parcel of land known municipally as 59 Cannon Street West, each containing an existing building (to remain). These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

	Frontage	Depth	Area
RETAINED LANDS (59 Cannon St W):	23.77 m [±]	15.24 m [±]	357 m ² [±]
SEVERED LANDS (114-116 Park St N):	15.35 m [±]	39.31 m [±]	622 m ² [±]

Associated Planning Act File(s): N/A

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

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

DATE:	Thursday, June 1, 2023
TIME:	9:35 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

HM/B-23:24

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

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

PUBLIC INPUT

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

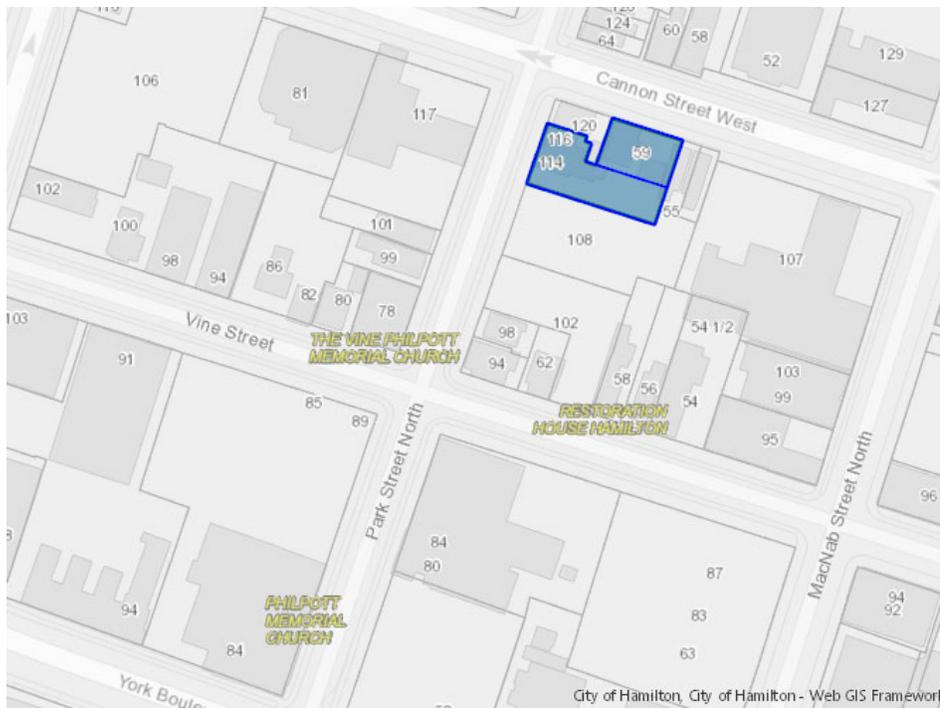
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-23:24, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/B-23:24



 Subject Lands

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/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 or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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

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

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

Planning Data Lookup

59 Cannon Street West, Hamilt X Q

Show search results for 59 ...



-79.863 43.262 Degrees



From: John Vitulli <jvitulli@vitullilawgroup.com>
Date: April 18, 2023 at 4:47:09 PM EDT
To: truongslaw@bell.net
Cc: Rose Mastracci <rmastracci@vitullilawgroup.com>, Teresa Lucarelli <tlucarelli@vitullilawgroup.com>
Subject: Movengo Developments Ltd. In Trust (the "Buyer") p/f Tony Tran and Nuong Nguyen (the "Sellers"), re 114 - 116 Park Street North, Hamilton, ON (the "Property")

Mr. Truong,

Please be advised that we are the lawyers for the Buyer.

While in the process of preparing our letter of requisition, we have reviewed title to the subject Property and adjacent lands and it is clear that when Nuong Nguyen ("Nguyen") conveyed title to the subject Property to Nguyen and Tony Tran ("Tran") on February 19, 2021, the subject Property merged with the adjacent lands described in PIN 17586-0024 (LT) (the "Cannon Property") in that:

1. Both the subject Property and the Cannon Property are adjacent to one another (as shown in the Teraview Map attached) and part lots (as set out in the PINs attached);
2. At the time of the registration of the said transfer, the Cannon Property had been owned by Nguyen and Tran; and
3. For the purposes of the registration, Nguyen and Tran had not been represented by separate counsel and the transfer did not contain the Planning Act statements.

As a result of the foregoing, the charge given to Fisgard Capital II Corporation over the subject Property, as well as the charges given to Olympia Trust Company, Ngoc Phan, Csag Investments Inc., and Susan Roushani over the Cannon Lands are invalid.

Also, and more specific to the subject transaction, as prescribed by Section 15 of the subject Agreement of Purchase and Sale (the "APS"), the Sellers are obligated to procure the Planning Act consents prior to the scheduled Completion Date of April 24, 2023. As no Planning Act application is even pending, the Sellers will not be able to complete the transaction on the Completion Date, or perhaps at all. In the event of the former, the Buyer will be unable to follow through with its intended High-Rise Development of the subject Property and the 3 other surrounding lands (for which it expended significant time and money in approving floor plans, designs, studies, etc.) inasmuch as, among other things, without the subject Property, the Buyer can neither meet the required floor plate of its High Rise Development, nor can it pledge the subject Property as security for its financing. This will result in Buyer being entitled to significant damages against the Seller.

In the event of the former, assuming the Buyer agrees to extend the Completion Date so as to provide the Sellers the opportunity to procure the appropriate Planning Act approvals, the Buyer will nonetheless look to the Sellers for compensation and/or reimbursement to offset the associated delays as a condition to agreeing to such extension.

Overall, perhaps the easiest and simplest manner of handling the foregoing is for the Sellers to also sell to the Buyer the Cannon Property at the same time as the subject Property.

Please consider the foregoing and contact us to discuss at your earliest opportunity.

Yours very truly,

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

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

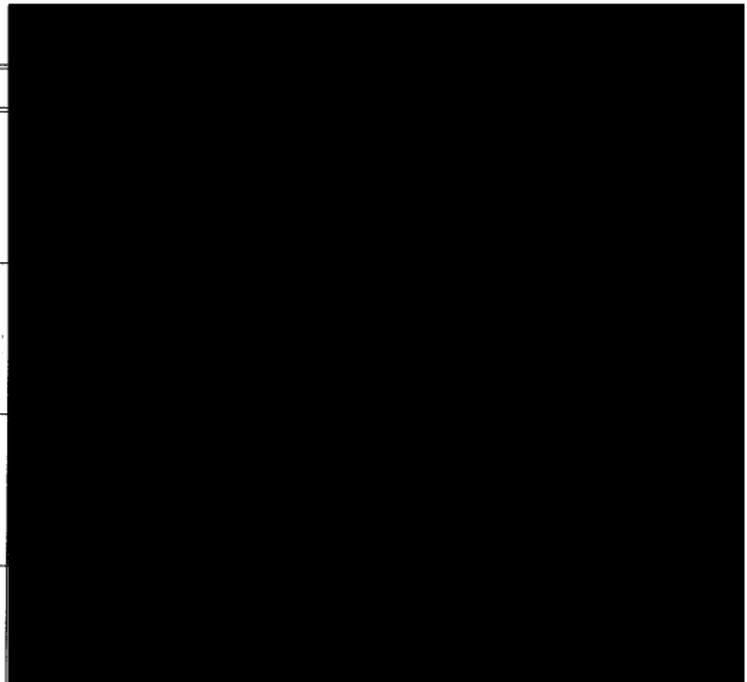


**APPLICATION FOR CONSENT TO SEVER LAND
 and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

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

1. APPLICANT INFORMATION

	NAME
Purchaser*	Movengo Developments Ltd. In Trust
Registered Owners(s)	Maria Nuong Nguyen & Tony <i>Tony Tran</i>
Applicant(s)**	Maria Nuong Nguyen <i>Tony Tran</i>
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	114 Park St N, Hamilton, ON L8R 2N1		
Assessment Roll Number	251802012303390		
Former Municipality	Hamilton		
Lot	LOT 11 PT LOT 12	Concession	
Registered Plan Number	PLAN 39	Lot(s)	BLK 11 PT
Reference Plan Number (s)		Part(s)	PT 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

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)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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

Movengo Developments LTD in TRUST

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, m² or ha), attach additional sheets as necessary.

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

	SEVERED	RETAINED			
Identified on Sketch as:	114-116 Park St	59 Cannon St W			
Type of Transfer	N/A				
Frontage	15.35m	23.77m			
Depth	39.31m	15.24m			
Area	622m ²	357m ²			
Existing Use	Commercial	Triplex			
Proposed Use	Commercial	Triplex			
Existing Buildings/ Structures	2 storey detached dwelling	2 1/2 storey detached dwelling			
Proposed Buildings/ Structures	2 storey detached dwelling	2 1/2 storey detached 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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Downtown Mixed use area

Please provide an explanation of how the application 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? D4

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

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

Yes No Unknown

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

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

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

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes No

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

6.4 How long has the applicant owned the subject land?

17 years

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.

59 Cannon St W & 114-116 Park St N are abutting land and the title merged automatically. Owner wants to separate them back to sell the individual subject property 114-116 Park St N ONLY.

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)

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

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)

Current owner is also the owner of 59 Cannon St W, Hamilton, ON L8R 2B4

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.

0.4 Description of farm consolidation property:

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

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

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

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

Existing Land Use: _____ Proposed Land Use: _____

0.7 Description of surplus dwelling lands proposed to be severed:

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

Front yard set back: _____

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-23:113	SUBJECT PROPERTY:	156 HESS STREET N, HAMILTON
ZONE:	"D" (Urban Protected Residential – One- and Two-Family Dwellings, Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 76-145

APPLICANTS: **Owner:** ANDREW & KELLY SAITO
 Agent: HARRISON ARCHITECTURE INC. C/O CHRIS HARRISON

The following variances are requested:

1. The detached secondary dwelling unit shall be located 0.305 m from the south side lot line instead of the minimum required side yard setback of 1.2 m;
2. The detached secondary dwelling unit shall be located 0.203 m from the east rear lot line instead of the minimum required rear yard setback of 1.2 m; and,
3. The detached secondary dwelling unit shall be located 6.096 m from the principal dwelling instead of the minimum required separation distance of 7.5 m.

PURPOSE & EFFECT: To facilitate the construction of a detached secondary dwelling unit to the rear of the existing dwelling.

Notes:

- i. Variances have been written exactly as requested by the applicant. Insufficient information has been included in the submission to determine all necessary variances. Further variances may be required at such time that a formal zoning review is conducted.

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-23:113

DATE:	Thursday, June 1, 2023
TIME:	9:40 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:113, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-23:113



DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

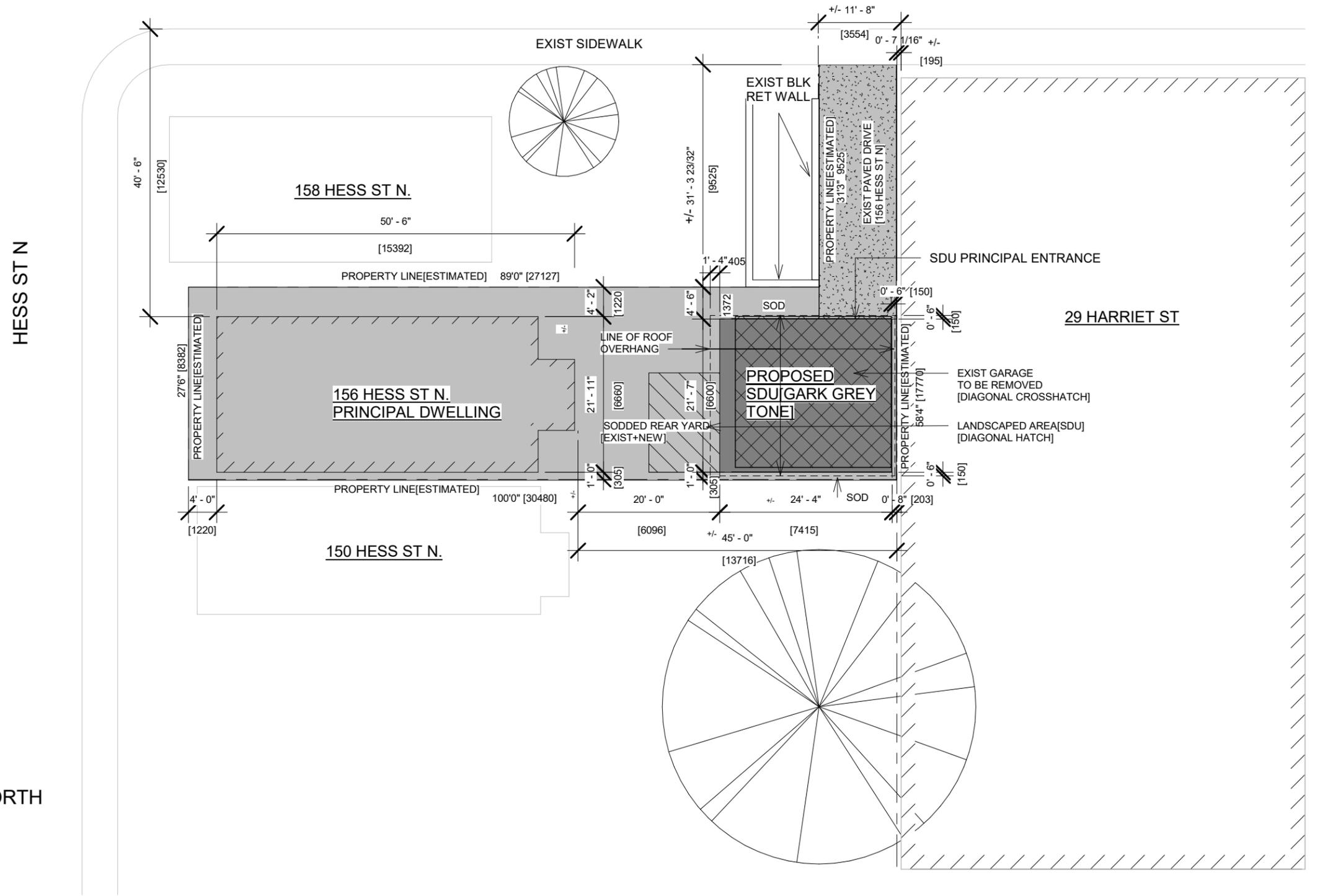
2. In person Oral Submissions

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

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

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

HARRIET ST



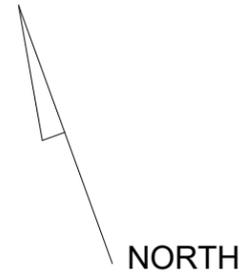
PROJECT DATA

D ZONE _ URBAN PROTECTED RESIDENTIAL
1+2 FAMILY

LOT AREA: 3055SF [283.8M2][ESTIMATED]
LANDSCAPED AREA:
TOTAL[LOT AREA-BUILDING AREAS]: 1486SF[138.1]
SDU: 130SF[12M2]

PRINCIPAL DWELLING[PD]:
BUILDING AREA[FOOTPRINT]: 1045SF [97.1M2]
GFA: 2163SF [201M2]
SDU
BUILDING AREA [FOOTPRINT]: 524SF [48.7M2]
GFA[INCL STORAGE LOFT]: 810SF [75M2]

LOT COVERAGE[SDU]: 17%
%BUILDING AREA SDU/PD: 50%



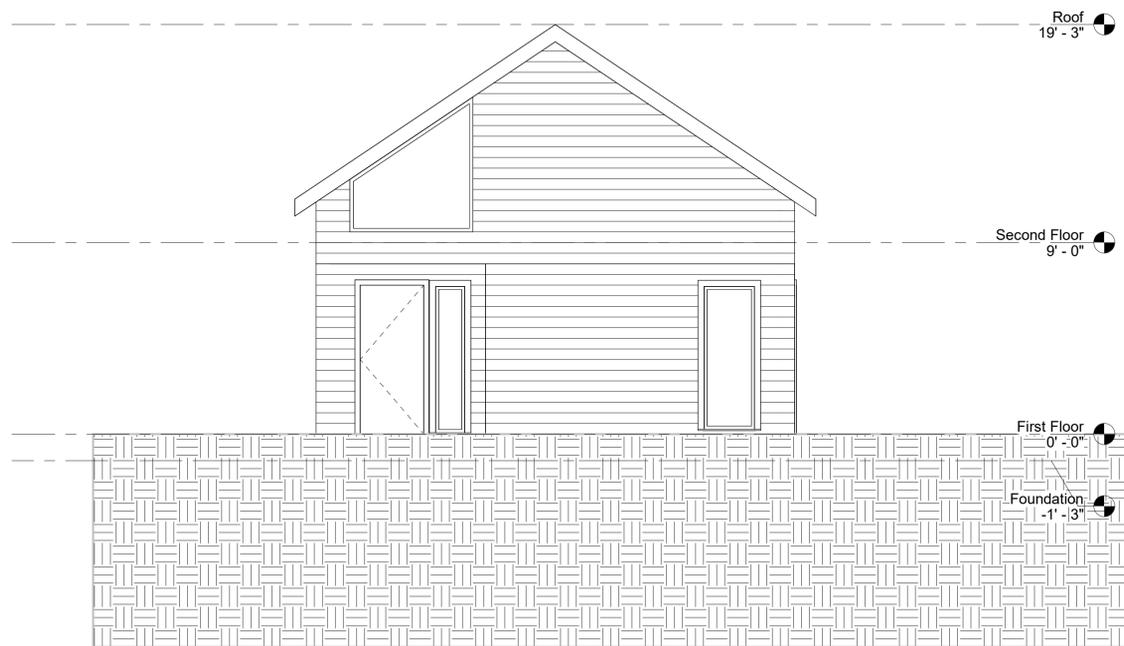
1 Site Plan_Minor Variance_April2023
1/16" = 1'-0"

harrisonarchitecture Inc
6 Ancaster St East Dundas ON L9H 4K3
289 684 7109 chris@harrisonarchitect.com

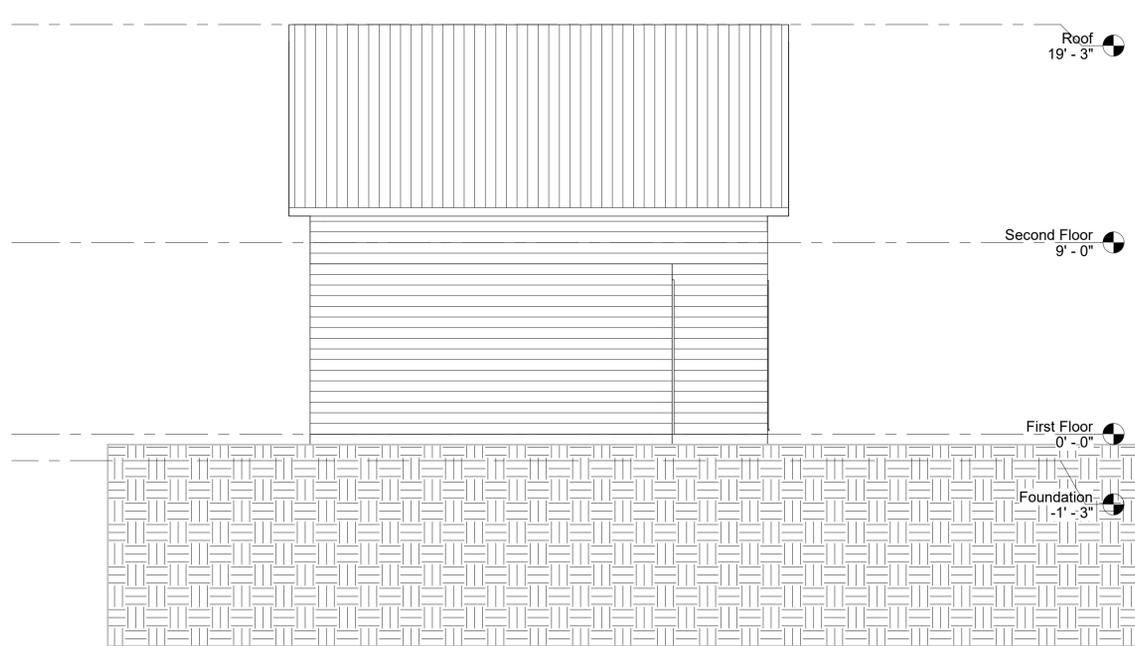
SAITO SDU
156 Hess St North
Hamilton ON L8R 2T3

No.	Description	Date

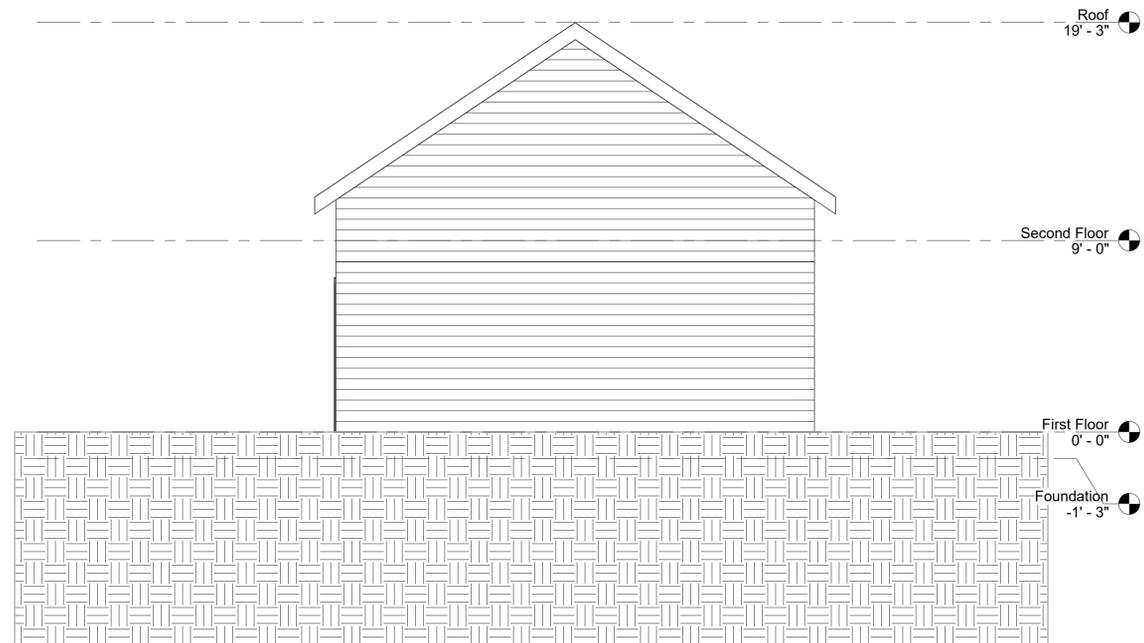
Project number	23.03	SP.MV_01
Date	24 APRIL 2023	
Drawn by	Author	
Checked by	Checker	



1 North
1/4" = 1'-0"



3 East
1/4" = 1'-0"



2 South
1/4" = 1'-0"



4 West
1/4" = 1'-0"

Revisions:

No. 1	ZONING COMPLIANCE	14MARCH 2023
Revision Schedule		

THESE DRAWINGS ARE FOR REPRESENTATION PURPOSES ONLY. ALL DIMENSIONS AND ELEVATIONS MUST BE VERIFIED ON SITE.

harrisonarchitecture
Inc
6 ANCASTER ST. E.
DUNDAS, ON
L9H 4K3

Project: Project No.
SAITO SDU
156 HESS ST N
Drawing Title:

Building Elevations
Building Elevations

Date:	07/09/02	Drawn By:	Author
Scale:	1/4" = 1'-0"	Checked By:	Checker



Hamilton

April 12, 2023

FILE: ALR
 FOLDER: 23-111481-00 ALR
 ATTENTION OF: Sebastian Cuming
 TELEPHONE NO: (905) 546-2424
 EXTENSION: 3904

Chris Harrison
 6 ANCASTER STREET E
 DUNDAS, ON L9H 4K3

Re: APPLICABLE LAW REVIEW – ZONING BYLAW
Present Zoning:
Address: 156 HESS ST N, HAMILTON, ON

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. This application proposes to construct a new Detached Secondary Dwelling Unit in the rear yard of the existing dwelling, which is a permitted use in the D District of Hamilton Zoning By-law 6593.
2. The following comments are based on the regulations of the underlying “D” District pursuant to Hamilton Zoning By-law 6593.
3. There is insufficient information in our records to confirm the recognized number of dwelling units within the principal detached dwelling. This review is based upon there being no increase in the number of dwelling units in the principal dwelling, and there being no more than two (2) lawfully existing dwelling units in the principal dwelling.
4. Although sleeping accommodations are not shown, this review is based upon the “living” area being used for sleeping accommodation, and the entire accessory building being used as one (1) dwelling unit, constituting a Detached Secondary Dwelling Unit.
5. The proposed development has been reviewed and compared to the standards of the D zone as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 10 – D District Requirements			
Maximum Building Height	No building shall exceed three storeys, and		

	Required By By-Law	Provided	Conforming/ Non-Conforming
[as per section 10(2) of Hamilton Zoning By-law 6593]	No structure shall exceed 14.0 metres (45.93 feet) in height	The principal dwelling to which these standards apply is existing and to remain unaltered – <u>Not Applicable</u>	
Minimum Front Yard [as per section 10(3)(i) of Hamilton Zoning By-law 6593]	A front yard of a depth of at least 6.0 metres (19.69 feet)		
Minimum Side Yard [as per section 10(3)(ii) of Hamilton Zoning By-law 6593]	For a building or structure not over two and a half storeys or 11.0 metres (36.09 feet) in height, a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and for any other building or structure, side yards of a width each of at least 2.7 metres (8.86 feet); and		
Minimum Rear Yard [as per section 10(3)(iii) of Hamilton Zoning By-law 6593]	A rear yard of a depth of at least 7.5 metres		
Minimum Lot Width and Area [as per section 10(4) of Hamilton Zoning By-law 6593]	(i) 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); (ii) for a two family dwelling a width of at least 18.0 metres (59.06 feet) and an area of at least 540.0 square metres (5812.70 square feet).		
Section 19 – Residential Conversion Requirements			
Parking for SDU-D [as per section 19.(1) (ii) of By-law 6593]	<p>Parking shall be provided in accordance with Section 18(A) of this Bylaw and the following:</p> <p>(a) No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained;</p> <p style="padding-left: 40px;">1. Notwithstanding Section 19.(1) (ii) (a), one parking space shall be required for a Secondary Dwelling Unit - Detached if it constitutes the fourth Dwelling Unit on a lot.</p> <p><i>Determination: The existing dwelling</i></p>	Although no parking is required, it is unclear if any parking spaces are proposed	<p>Unable to Determine Compliance</p> <p><i>Note: It is unclear whether the paved driveway is to be retained or demolished, and whether any parking spaces will be provided. Any parking spaces provided on the lot must meet the design standards of Section 18A</i></p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<i>was constructed prior to the passing of Hamilton Zoning By-law 6593 and therefore requires zero (0) parking spaces. As noted above, this review is based upon the principal dwelling containing no more than two (2) lawfully recognized dwelling units. As such, the secondary dwelling unit – detached will not be the fourth dwelling unit on a lot and no parking spaces are required for the proposal.</i>		
Maximum Number of Detached Secondary Dwelling Units [as per section 19.(1) 2.(i) of By-law 6593]	A maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling.	One (1) Detached Secondary Dwelling Unit is proposed on a lot containing a Single Detached Dwelling	Conforms
Maximum Number of Bedrooms in an SDU-D [as per section 19.(1) 2.(iv) of By-law 6593]	A Secondary Dwelling Unit - Detached shall contain a maximum of two bedrooms	The Detached Secondary Dwelling Unit contains no more than two bedrooms	Conforms
Location of SDU-D [as per section 19.(1) 2.(v) of By-law 6593]	A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.	The Detached Secondary Dwelling Unit is located in the rear yard	Conforms
Minimum Yards for SDU-D [as per section 19.(1) 2.(vi) of By-law 6593]	A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.	The Detached Secondary Dwelling Unit is located 0.3 m from the southerly interior side lot line and 0.22 m from the easterly rear lot line	Non-Conforming
	(a) Notwithstanding Section 19.(1).2 (vi), an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback.	The eave and gutter projections are not dimensioned in the plans submitted	Unable to Determine Compliance <i><u>Note: The projection of eaves and gutters has not been dimensioned. Since the proposed south side and east rear yards are less than 0.3 m, the eave and gutter projection would comply upon obtaining a Minor Variance for those minimum yards. Please note that any eave or gutter encroachment onto adjacent private</u></i>

	Required By By-Law	Provided	Conforming/ Non-Conforming
			<u>property would require registration of a private encroachment agreement</u>
	(b) In addition to Section 19.(1).2 (vi), a landscape strip is required to be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached and shall be limited to sod, ground cover, permeable pavers, or a planting strip, and may include a visual barrier.	The surface materials in the side yards have not been indicated	Unable to Determine Compliance <u>Note: In future submissions and applications, please revise the site plan to identify the specific, proposed surface material for all areas on the lot and identify any visual barriers or obstructions (ie. fences)</u>
Minimum Flankage Yard for SDU-D [as per section 19.(1) 2.(vii) of By-law 6593]	A Secondary Dwelling Unit – Detached, shall not be located closer to the flankage street than the principal dwelling.	The setback of the existing principal dwelling from the flankage street (Harriet Street) has not been included	Unable to Determine Compliance <u>Note: In future submissions and applications, please revise the site plan to include a dimension from the nearest portion of the existing principal dwelling to the Harriet St street line (drawn perpendicular to the street line)</u>
Unobstructed Path for SDU-D [as per section 19.(1) 2.(viii) of By-law 6593]	An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.	No path is shown in the site plan. <u>Note: An unobstructed path appears to be capable of being provided from Hess Street North, through the northerly interior side yard, or from Harriet Street. If provided from Hess Street North, the path may not be obstructed by any fencing. If provided from Harriet Street, the path may not traverse or occupy the same space as a driveway or parking space. Any</u>	Unable to Determine Compliance <u>Note: In future submissions and applications, please revise the site plan to identify and dimension any proposed path leading from a street to the SDU-D and identify any obstructions (ie. fences).</u>

	Required By By-Law	Provided	Conforming/ Non-Conforming
		<u>parking within the yard abutting Harriet St N would need to be made separate and distinct from the path, and would result in deficient parking space width</u>	
Minimum Building Separation for SDU-D [as per section 19.(1) 2.(ix)(a) of By-law 6593]	Where a Secondary Dwelling Unit – Detached is located in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.	The Detached Secondary Dwelling Unit in the rear yard will be located 6.6 m from the rear wall of the principal dwelling	Non-Conforming
Maximum Building Height for SDU-D [as per section 19.(1) 2.(x) of By-law 6593]	A maximum height of 6.0 metres shall be permitted. (a) Notwithstanding Section 19.(1).2 (x), balconies and rooftop patios shall be prohibited above the first floor level	The Detached Secondary Dwelling Unit has a height of 5.87 m and does not include any balconies or rooftop patios	Conforms
Maximum Building Area for SDU-D [as per section 19.(1) 2.(xi) of By-law 6593]	The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.	The gross floor area of the Detached Secondary Dwelling Unit is approximately 82.5 sq m <i>Note: Gross floor area is the area of both floors of the Detached Secondary Dwelling Unit</i>	Non-Conforming <i>Note: Please revise the statistic for the gross floor area of the Detached Secondary Dwelling Unit to include the area of both floors</i>
	(a) Notwithstanding Section 19.(1).2 (xi), the maximum combined lot coverage of all accessory buildings and the Secondary Dwelling Unit - Detached shall be 25%.	The coverage of the Detached Secondary Dwelling Unit is 41.26 sq m, which is 15% of the lot area, and there are no other accessory buildings	Conforms
	(b) In addition to Section 19.(1).2 (xi), the ground floor area of a Secondary Dwelling Unit – Detached shall not exceed 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres.	It is unclear if the ground floor area of the principal dwelling is less than 105 sq m. However, the ground floor area of the Detached Secondary Dwelling Unit does not appear to exceed 70% of the ground floor area of the principal dwelling	Appears to Conform <i>Note: Please revise the site plan to include statistics for the ground floor area of both the principal dwelling and the Detached Secondary Dwelling Unit</i>
Minimum Landscaped Area for SDU-D [as per section 19.(1) 2.(xii) of By-law 6593]	A minimum landscaped area of 12.0 square metres shall be provided and maintained within the rear yard.	The proposal appears to be capable of providing 12 sq m of landscaped area in the rear yard, though this is not identified in the site plan	Unable to Determine Compliance <i>Note: In future submissions and</i>

	Required By By-Law	Provided	Conforming/ Non-Conforming
			<u>applications, please revise the site plan to identify the specific, proposed surface material for all areas on the lot</u>
18(3)(vi) Encroachments on Yards – <i>In accordance with the requirements of Section 18(3)(vi) of Hamilton Zoning By-law 6593</i> <i>Note: There are no elements shown encroaching within any required yard, exclusive of eave and gutters noted above, so no encroachment permissions have been applied</i>			
Parking - <i>In accordance with the requirements of Section 18A of Hamilton Zoning By-law 6593</i> <i>Note: The proposed site plan notes a paved driveway, however does not identify any parking spaces or indicate intention to retain or remove the paved driveway. As such, a review of parking and associated provisions could not be carried out. In future submissions or applications, please identify and dimension any and all parking spaces and driveways. If the paved driveway will be removed, please indicate the proposed surface material.</i>			
Minimum Number of Parking Spaces [as per section 18A Table 1 of Hamilton Zoning By-law 6593]	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. <i>Determination: The existing dwelling was constructed prior to the enactment of Hamilton Zoning By-law 6593 and therefore requires no parking spaces. Since the secondary dwelling unit is not the fourth dwelling unit on the lot, it does not require any additional parking</i>	Although no parking is required, it is unclear if any parking spaces are proposed	Unable to Determine Compliance <u><i>Note: It is unclear whether the paved driveway is to be retained or demolished, and whether any parking spaces will be provided. Any parking spaces provided on the lot must meet the design standards of Section 18A</i></u>

6. Construction Approvals through a City of Hamilton Planning process do not confirm or establish conformity with the Ontario Building Code (OBC). It is the owner/applicant's responsibility to ensure compliance with the Ontario Building Code for the proposed Secondary Dwelling Unit.

In addition to other areas, the OBC compliance may include: Fire Department Access, type of construction permitted, maximum area(s) of permitted glazed openings, and distance separation requirements to the property lines for the Secondary Dwelling Unit as well at the principle dwelling on the property. Additional requirements around water and sewer servicing requirements shall also be taken into consideration and must comply with the Ontario Building Code and City of Hamilton municipal standards. Note, water and sewer services may be permitted to be connected through the existing dwelling on the property

however this may require additional upgrades to the existing water and or sewer services which could impose additional costs to the owner.

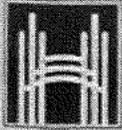
Any proposed construction is also subject to the issuance of building permits in the normal manner and possibly approvals from Growth Management and/or Public Works..

7. This review is based on the plans submitted with the application.

Yours truly

A handwritten signature in cursive script, appearing to read "Stuving", is written in black ink on a light-colored background.

for the Manager of Zoning and Committee of Adjustment



Hamilton

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

Phone: (905) 546-2424 ext. 4221
 Email: coca@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 sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	156 Hess St N Hamilton ON L8R 2T3		
Assessment Roll Number	020.125.04180.0000		
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:

SDU-D:setback from south property line 305mm

SDU-D:setback from east property line 203mm

SDU-D:separation from principal dwelling of 6096

Second Dwelling Unit Reconstruction of Existing Dwelling

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

there is limited space in the existing rear yard and the owners wish to maximize amenity of the useable space between the existing house and the proposed SDU

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
9144	30480	283m ²	9122

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
2.5 storey single family	1220	14900	1220 north 300 south	circa 1880

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
1 storey additional dwg	22000(Hess St N)	220	1220 north 300 south	TBD

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
single detached dwg	102m ²	255m ²	2.5	9144

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
SDU-D	45.3m ²	75m ²	1.5	6000

- 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)

SDU roof RWL to spill to

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+secondary dwelling unit-detached

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
single detached dwelling(north+south), office (east)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

June 30 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:
100yrs [assumed]

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(subject to non dr

Please provide an explanation of how the application conforms with the Official Plan.
the SDU will fit unobtrusively with the character of the neighbourhood and add to the

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

7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-lawAmendment or Minor Variance)

- Yes
- No

If yes, please provide the file number: D

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-23:66	SUBJECT PROPERTY:	125/127 YOUNG ST. & 122/126 AUGUSTA ST.
ZONE:	"E-3/S-1767 & D/S-1767" (Urban Protected Residential, & High-Density Multiple Dwelling)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 19-102

APPLICANTS: **Owner:** 1955132 ONTARIO LTD. C/O MARIO NESCI
 Agent: URBANSOLUTIONS C/O MATT JOHNSTON

The following variances are requested:

Variances to portion of land zoned E-3/S-1767:

1. A maximum building height of 16.0m shall be permitted instead of the maximum permitted building height of 13.5m.

Variances to portion of land zoned D/S-1767:

2. A maximum building height of 14.0m and four (4) storeys shall be permitted instead of the maximum permitted building height of 14.0m and three (3) storeys.

Variances applicable for entire development:

3. No planting strip shall be provided whereas the by-law requires a planting strip to be provided between the parking area and an abutting Residential District.
4. A portion of the driveway providing access to a Multiple Dwelling use shall be located within a Residential zone which does not permit the use of a Multiple Dwelling.

PURPOSE & EFFECT: So as to permit the construction of two (2) new Multiple Dwelling buildings in accordance with DA-22-034:

Notes:

HM/A-23:66

- i. These variances are necessary to facilitate Site Plan Control Application DA-22-034.
- ii. The northerly portion of this property is currently zoned “E-3/S-1767-H” whereas the remaining southerly portion is zoned “D/S-1767” of Hamilton Zoning By-law 6593 and as amended by By-law #19-102. The use of a Multiple Dwelling is permitted within the portion of the property zoned E-3/S-1767. Furthermore, Committee of Adjustment Decision HM/A-20:265 previously approved the use of a Three (3) storey Multiple Dwelling containing 12 dwelling units within the portion of the lot zoned ‘D/S-1767’.

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

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

DATE:	Thursday, June 1, 2023
TIME:	9:45 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:66, you must submit a written request to 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-23:66

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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 **Subject Lands**

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

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

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

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



VARIANCES TO CITY OF HAMILTON ZONING BY-LAW 6593 AS AMENDED BY BY-LAW 19-102 WITH RESPECT TO ZONE "E-3/S-1767-H" FOR THE FOUR STOREY MULTIPLE DWELLING AND THE MOST RESTRICTIVE REQUIREMENTS OF BOTH "E-3/S-1767-H" AND "D/S-1767" ZONES FOR THE THREE STOREY MULTIPLE DWELLING

VARIANCE NO. 1: TO PERMIT A BUILDING HEIGHT OF 16.0 METRES AND FOUR (4) STOREYS, WHEREAS A MAXIMUM OF 13.5 METRES AND THREE (3) STOREYS ARE PERMITTED.

VARIANCE NO. 2: TO PROVIDE 0m PLANTING STRIP BETWEEN THE BOUNDARY OF THE PARKING AREA AND THE RESIDENTIAL DISTRICT WHERE AS A PLANTING STRIP IS REQUIRED.

VARIANCE NO. 3: TO PERMIT AN ACCESS DRIVEWAY SERVING A MULTIPLE DWELLING USE ON THE ABUTTING PROPERTY KNOWN AS 121 YOUNG STREET ZONED 'D'.

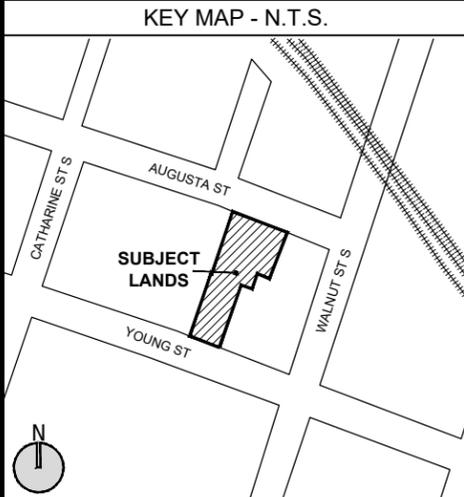
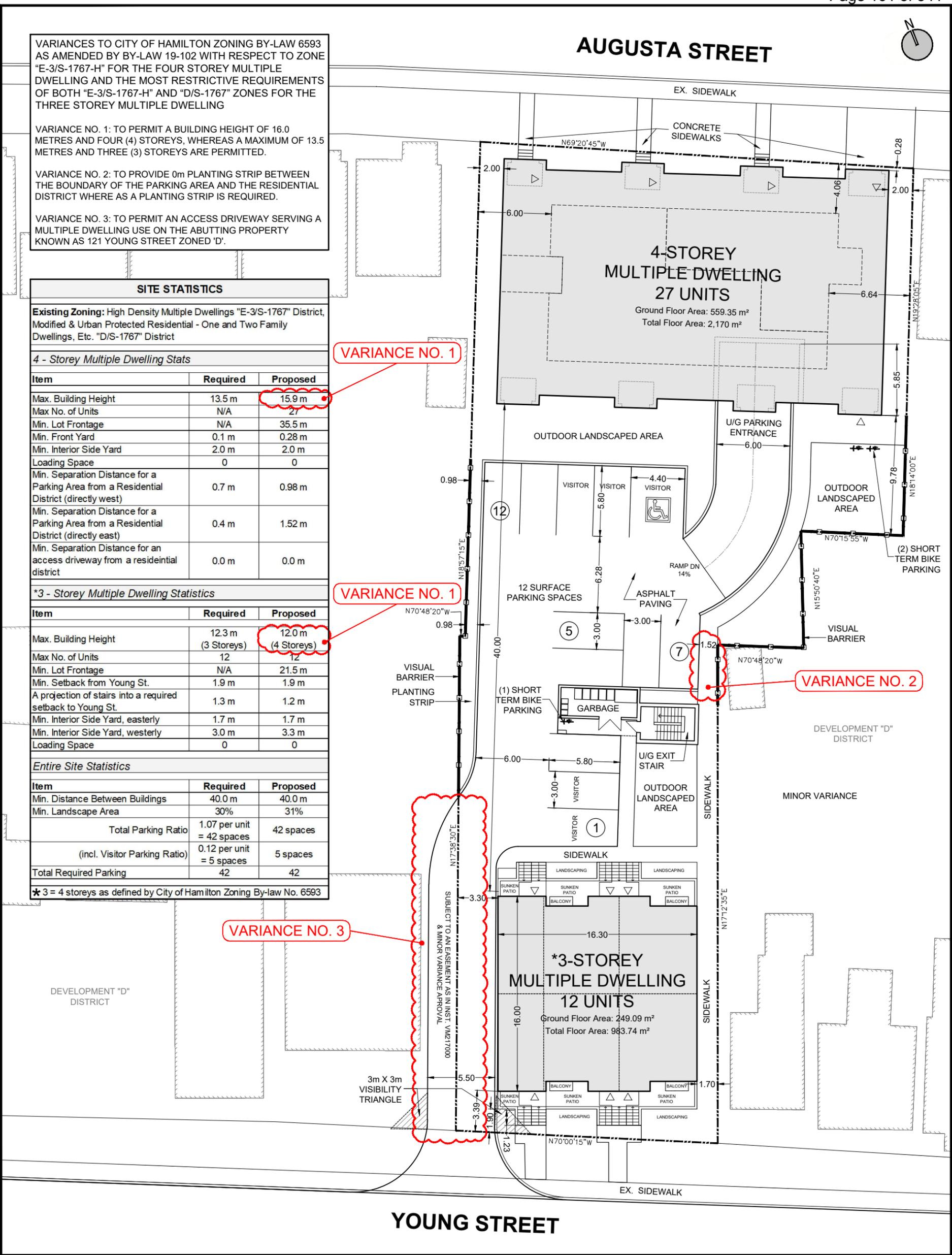
SITE STATISTICS		
Existing Zoning: High Density Multiple Dwellings "E-3/S-1767" District, Modified & Urban Protected Residential - One and Two Family Dwellings, Etc. "D/S-1767" District		
4 - Storey Multiple Dwelling Stats		
Item	Required	Proposed
Max. Building Height	13.5 m	15.9 m
Max No. of Units	N/A	27
Min. Lot Frontage	N/A	35.5 m
Min. Front Yard	0.1 m	0.28 m
Min. Interior Side Yard	2.0 m	2.0 m
Loading Space	0	0
Min. Separation Distance for a Parking Area from a Residential District (directly west)	0.7 m	0.98 m
Min. Separation Distance for a Parking Area from a Residential District (directly east)	0.4 m	1.52 m
Min. Separation Distance for an access driveway from a residential district	0.0 m	0.0 m
*3 - Storey Multiple Dwelling Statistics		
Item	Required	Proposed
Max. Building Height	12.3 m (3 Storeys)	12.0 m (4 Storeys)
Max No. of Units	12	12
Min. Lot Frontage	N/A	21.5 m
Min. Setback from Young St.	1.9 m	1.9 m
A projection of stairs into a required setback to Young St.	1.3 m	1.2 m
Min. Interior Side Yard, easterly	1.7 m	1.7 m
Min. Interior Side Yard, westerly	3.0 m	3.3 m
Loading Space	0	0
Entire Site Statistics		
Item	Required	Proposed
Min. Distance Between Buildings	40.0 m	40.0 m
Min. Landscape Area	30%	31%
Total Parking Ratio	1.07 per unit = 42 spaces	42 spaces
(incl. Visitor Parking Ratio)	0.12 per unit = 5 spaces	5 spaces
Total Required Parking	42	42
* 3 = 4 storeys as defined by City of Hamilton Zoning By-law No. 6593		

VARIANCE NO. 1

VARIANCE NO. 1

VARIANCE NO. 3

VARIANCE NO. 2



LEGEND:

- SUBJECT LANDS
- PROPOSED BUILDING
- EXISTING BUILDING
- VISUAL BARRIER

SCALE 1:300 METRES

PREPARED BY:

URBANSOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

LINTACK ARCHITECTS
INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6145 F: 905.522.2209 E: information@lntack.com
www.lntack.com

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.

TITLE: **MINOR VARIANCE SKETCH**

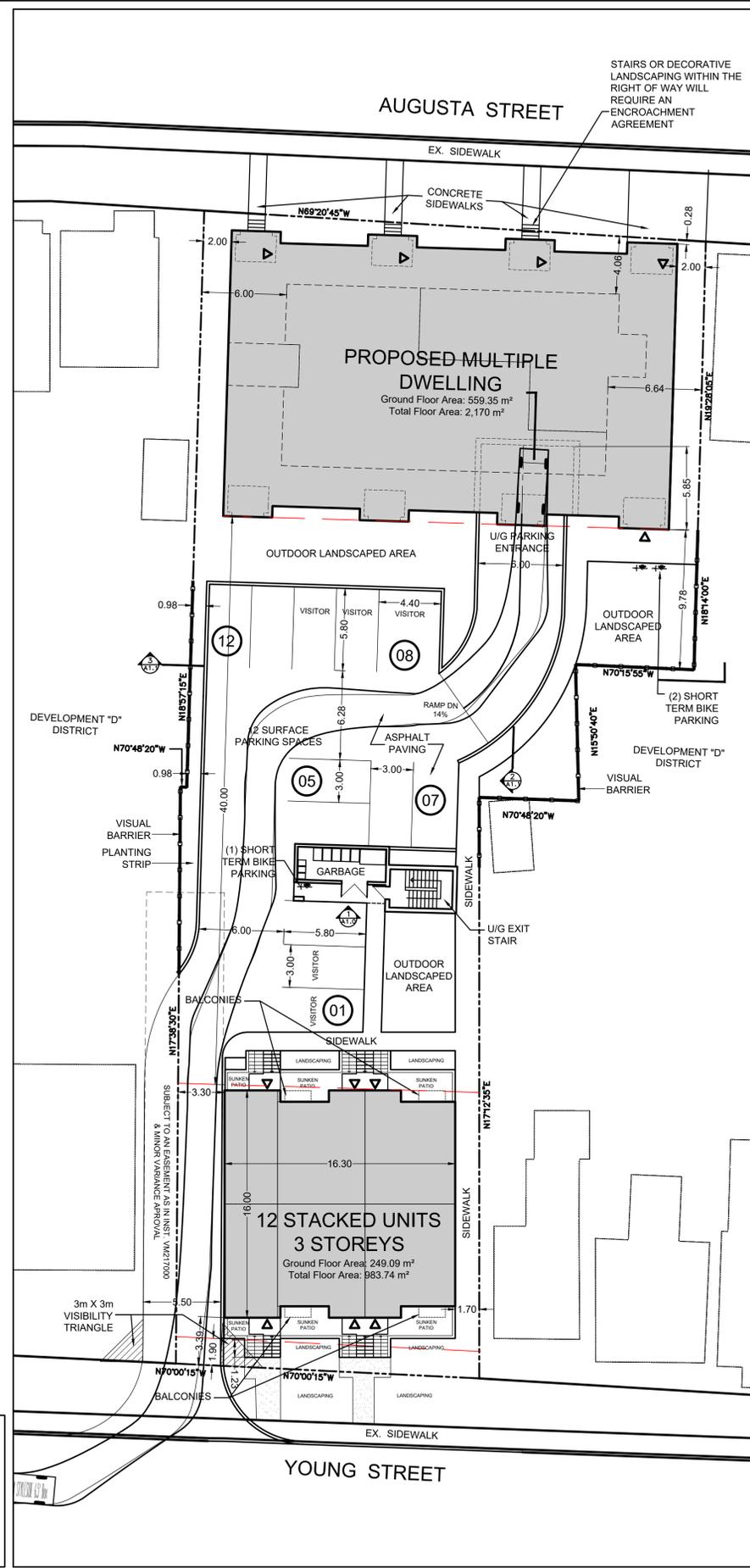
PROJECT:
122 & 126 AUGUSTA STREET &
125 & 127 YOUNG STREET
CITY OF HAMILTON

CLIENT:
1955132 ONTARIO LTD.

DESIGN BY: LINTACK ARCHITECTS
DRAWN BY: S. ERICKSON
U/S FILE NUMBER: 157-16

CHECKED BY: L. DRENNAN
DATE: MARCH 14, 2023
SHEET NUMBER: 1

A1.0 SITE PLAN
2023.03.14 REVISED FOR SPA



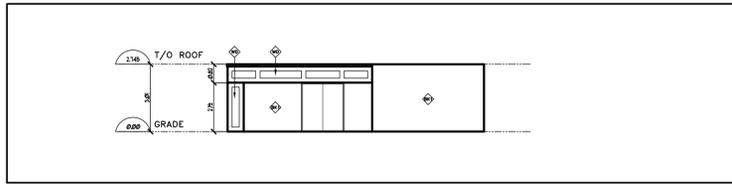
NOTES ON SITE PLAN:

- 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 7.5m 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 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 PERMITS
 - ROAD CUT PERMITS
 - RELOCATION OF SERVICES
 - APPROACH APPROVAL PERMITS
 - ENCROACHMENT AGREEMENTS
 - COMMITTEE OF ADJUSTMENT (IF REQUIRED)
 - 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:
 - 3.0 METRE BY 3.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECT OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
 - ALL SIGNS MUST COMPLY WITH SIGN BY-LAW NO. 10-197.
 - THIS DEVELOPMENT IS ELIGIBLE FOR MUNICIPAL WASTE COLLECTION SUBJECT TO MEETING THE CITY'S REQUIREMENTS.
 - ALL FENCING SHALL CONFIRM TO HAMILTON FENCE BY-LAW NO 10-142.
 - A MINIMUM 1.2m SEPARATION MUST BE PROVIDED WITHIN THE CITY'S ROAD ALLOWANCE AREA BETWEEN DRIVEWAYS, A FENCE AND ANY POLE, UTILITY, FIRE HYDRANT, TREE, SIGN, ETC. ANY COSTS FOR TRAFFIC SIGN OR UTILITY RELOCATION ARE THE SOLE RESPONSIBILITY OF THE APPLICANT/OWNER.
 - ENBRIDGE GAS
 - ENBRIDGE GAS HAS SERVICE LINES RUNNING WITHIN THE AREA WHICH MAY OR MAY NOT BE AFFECTED BY THE DEVELOPMENT. SHOULD THE SITE PLAN IMPACT THE SERVICES IT MAY BE NECESSARY TO RELOCATE THE LINES, ANY SERVICE RELOCATION WOULD BE AT THE COST OF THE PROPERTY OWNER.
- ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.

UNDERTAKING FILE No. _____

- I, (WE) _____ THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION,
- TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;
 - TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(A) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWING ON OR BEFORE _____;
 - 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; AND,
 - THAT THE OWNER AGREES TO AFFIX ADDRESS PLAQUES TO EACH OF THE BUILDING ENTRANCES PROVIDING ACCESS TO RESIDENTIAL UNITS, INDICATING THE ASSIGNED UNIT NUMBERS ACCESSED VIA THE BUILDING THE BUILDING ENTRANCE, FOR THE 12-UNIT STACKED TOWNHOUSE DWELLING.
 - THE OWNER ACKNOWLEDGES AND AGREES TO CONVEY ANY EASEMENT(S) AS DEEMED NECESSARY BY BELL CANADA TO SERVICE THIS NEW DEVELOPMENT. THE OWNER FURTHER AGREES AND ACKNOWLEDGES TO CONVEY SUCH EASEMENTS AT NO COST TO BELL CANADA.
 - THE OWNER AGREES THAT SHOULD ANY CONFLICT ARISE WITH EXISTING BELL CANADA FACILITIES WHERE A CURRENT AND VALID EASEMENT EXISTS WITHIN THE SUBJECT AREA, THE OWNER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY SUCH FACILITIES OR EASEMENTS AT THEIR OWN COST.
 - THAT THE OWNER AGREES TO INCLUDE IN ALL OFFERS OF PURCHASE AND SALE, A STATEMENT THAT ADVISES THE PURCHASER:
 - THAT THE HOME/BUSINESS MAIL DELIVERY WILL BE FROM A DESIGNATED CENTRALIZED MAILBOX.
 - THAT THE DEVELOPERS/OWNERS WILL BE RESPONSIBLE FOR OFFICIALLY NOTIFYING THE PURCHASERS OF THE EXACT CENTRALIZED MAIL BOX LOCATIONS PRIOR TO THE CLOSING OF ANY HOME SALES.
 - THAT THE OWNER AGREES TO ESTABLISH A CENTRALIZED MAIL FACILITY (LOOK BOX ASSEMBLY) AT THEIR OWN EXPENSE.
 - THE OWNER IS RESPONSIBLE FOR ALL WASTE REMOVAL UP UNTIL THE TIME THAT AN AGREEMENT FOR ON-SITE COLLECTION OF SOLID WASTE" IS FINALIZED, AND MUNICIPAL COLLECTION SERVICES ARE INITIATED.
 - FOR MUNICIPAL WASTE COLLECTION, THE OWNER MUST PROVIDE A SIGNED LETTER FROM A PROFESSIONAL ENGINEER CERTIFYING THAT THE ROAD BASE ALONG THE ACCESS ROAD CAN SUPPORT AT LEAST 35,000 KILOGRAMS.
 - PRIOR TO THE START OF MUNICIPAL WASTE COLLECTION SERVICE, THE DEVELOPMENT MUST BE FREE OF CONSTRUCTION DEBRIS AND CONSTRUCTION RELATED ACTIVITIES.
 - IF THE DEVELOPMENT IS NOT DESIGNED ACCORDING TO MUNICIPAL WASTE COLLECTION SPECIFICATIONS, THE OWNER SHALL:
 - ARRANGE A PRIVATE WASTE HAULER FOR THE REMOVAL OF ALL WASTE MATERIALS.
 - AS PART OF THE PURCHASE AND SALE AGREEMENT, THE OWNER MUST DISCLOSE IN WRITING THAT THE PROPERTY IS NOT SERVICEABLE FOR MUNICIPAL WASTE COLLECTION.
 - THAT THE OWNER AGREES TO PHYSICALLY AFFIX THE MUNICIPAL NUMBER OR FULL ADDRESS 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.
 - THIS DWELLING UNIT SHALL BE FITTED WITH A FORCED AIR HEATING SYSTEM AND THE DUCTING, ETC. SHALL BE SIZED TO ACCOMMODATE CENTRAL AIR CONDITIONING. INSTALLATION OF CENTRAL AIR CONDITIONING BY THE OWNER WILL ALLOW WINDOWS AND EXTERIOR DOORS TO REMAIN CLOSED, THEREBY ENSURING THAT THE INDOOR SOUND LEVELS ARE WITHIN THE WECP'S NOISE CRITERIA.
 - WARNING: CANADIAN PACIFIC RAILWAY COMPANY AND/OR METROLINK, GO TRANSIT AND UP EXPRESS, OR ITS ASSIGNS, OR SUCCESSORS IN INTEREST HAVE A RIGHTS-OF-WAY WITHIN 300m FROM THE LAND SUBJECT HEREOF. THERE MAY BE ALTERATIONS TO, OR EXPANSIONS OF, THE RAILWAY FACILITIES ON SUCH RIGHTS-OF-WAY IN THE FUTURE, INCLUDING THE POSSIBILITY THAT GO TRANSIT AND CP RAIL OR ANY RAILWAY ENTERING INTO AN AGREEMENT WITH GO TRANSIT TO SURE THE RIGHT-OF-WAY OR THEIR ASSIGNS OR SUCCESSORS AS AFORESAID MAY EXPAND ITS OPERATIONS, WHICH EXPANSION MAY AFFECT THE LIVING ENVIRONMENT OF THE RESIDENTS IN THE VICINITY, NOTWITHSTANDING THE INCLUSION OF ANY NOISE AND VIBRATION ATTENUATION MEASURES IN THE DESIGN OF THE DEVELOPMENT AND INDIVIDUAL DWELLINGS. CPR & METROLINK WILL NOT BE RESPONSIBLE FOR ANY COMPLAINTS OR CLAIMS ARISING FROM USE OF SUCH FACILITIES AND/OR OPERATIONS ON, OVER OR UNDER THE AFORESAID RIGHTS-OF-WAY.
 - PRIOR TO ISSUANCE OF A BUILDING PERMIT(S), THE APPLICANT SHALL RETAIN THE SERVICES OF A QUALIFIED ACOUSTICAL CONSULTANT TO CERTIFY THAT THE REQUIRED NOISE CONTROL MEASURES HAVE BEEN INCORPORATED INTO THE BUILDING PLANS.
 - PRIOR TO ISSUANCE OF OCCUPANCY PERMIT(S), IT IS RECOMMENDED THE QUALIFIED ACOUSTICAL CONSULTANT CERTIFY THAT THE APPROVED NOISE CONTROL MEASURES HAVE BEEN PROFESSIONALLY INSTALLED.
- DATED THIS _____ DAY OF _____ 21
- WITNESS (SIGNATURE) _____ OWNER(S) (SIGNATURE) _____ (SEAL)
- WITNESS (PRINT) _____ OWNER (PRINT) _____
- ADDRESS OF WITNESS _____

LOT AREA: 2216.4m²



2 SOUTH ELEVATION - OUTDOOR GARBAGE ENCLOSURE & EXIT STAIR SCALE 1:150

1 SITE PLAN SCALE 1:200



KEY PLAN N.T.S. BY GOOGLE MAPS

SITE STATISTICS:

EXISTING ZONING	High Density Multiple Dwellings "E-3/5-1767" District, Modified & Urban Protected Residential - One and Two Family Dwellings, Etc. "D/S-1767" District
-----------------	--

4 - Storey Multiple Dwelling Stats

ITEM	REQUIRED	PROVIDED
Max. Building Height	13.5m	12.90m
Max. No. of Units	N/A	27
Min. Lot Frontage	N/A	35.5m
Min. Front Yard	0.0m	0.0m
Min. Interior Side Yard	2.0m	2.0m
Max. Projection located from a street lot line.	0.0m	0.0m
Loading Space	0	0
Min. Separation Distance for a Parking Area from a Residential District (directly west)	0.7m	0.7m
Min. Separation Distance for a Parking Area from a Residential District (directly east)	0.4m	0.4m
Min. Separation Distance for an access driveway from a residential district	0.0m	0.0m

3 - Storey Multiple Dwelling Stats

ITEM	REQUIRED	PROVIDED
Max. Building Height	12.3m	9.4m
Max. No. of Units	12	12
Min. Lot Frontage	N/A	21.5m
Setback from Young Street	1.9m	1.9m
Min. Interior Side Yard	2.0m	2.0m
A projection of stairs into a required setback to Young Street	1.3m	1.2m
Min. Interior Side Yard, easterly	1.7m	1.7m
Min. Interior Side Yard, westerly	3.0m	3.3m
Loading Space	0	0

Entire Site Statistics

ITEM	REQUIRED	PROVIDED
Min. Dist. Between Buildings	40.0m	40.0m
Min. Landscaped Area	30%	31%
Total Parking Ratio	1.08m	
(incl. Visitor Parking Ratio)	0.16	
Total Required Parking	42	42

ALECTRA UTILITIES

- RELOCATION, MODIFICATION, OR REMOVAL OF ANY EXISTING HYDRO FACILITIES SHALL BE AT THE OWNERS EXPENSE.
- DO NOT EXCAVATE WITHIN 2m OF HYDRO POLE ANCHORS.
- EXCAVATION WITHIN 1m OF UNDERGROUND HYDRO PLANT IS NOT PERMITTED UNLESS APPROVAL IS GRANTED BY A HORIZON UTILITIES REPRESENTATIVE AND IS PRESENT TO PROVIDE DIRECT SUPERVISION. COST ASSOCIATED WITH THIS TASK SHALL BE AT THE OWNER'S EXPENSE.
- ALECTRA UTILITIES MUST BE CONTACTED IF REMOVAL, ISOLATION OR RELOCATION OF EXISTING PLAN IS REQUIRED, ALL COST ASSOCIATED WITH THIS WORK WILL BE AT THE OWNERS EXPENSE.

LINTACK ARCHITECTS
INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
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FOR SITE PLAN APPROVAL

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1	ISSUED FOR SPA	DEC 03, 2021

DA-22-034

PROPOSED:
AUGUSTA AND YOUNG
AUGUSTA STREET & YOUNG STREET
HAMILTON, ON

job no. 16.090

dwg. file

dwn. by JR

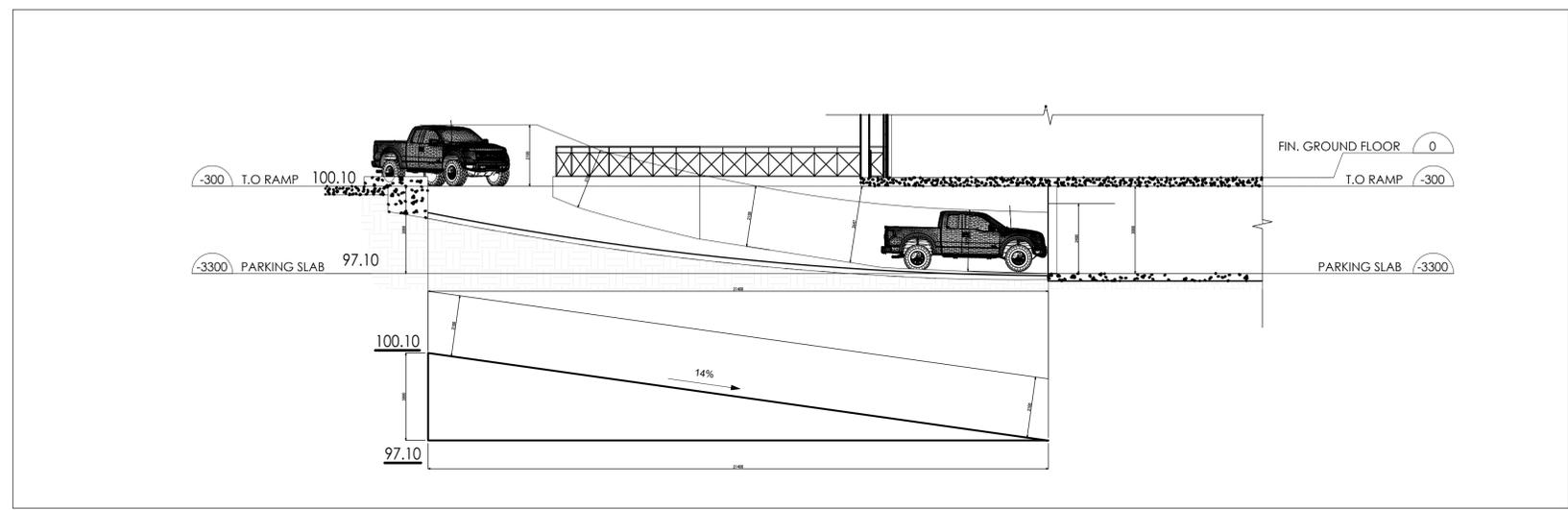
scale AS NOTED

date OCT 2021

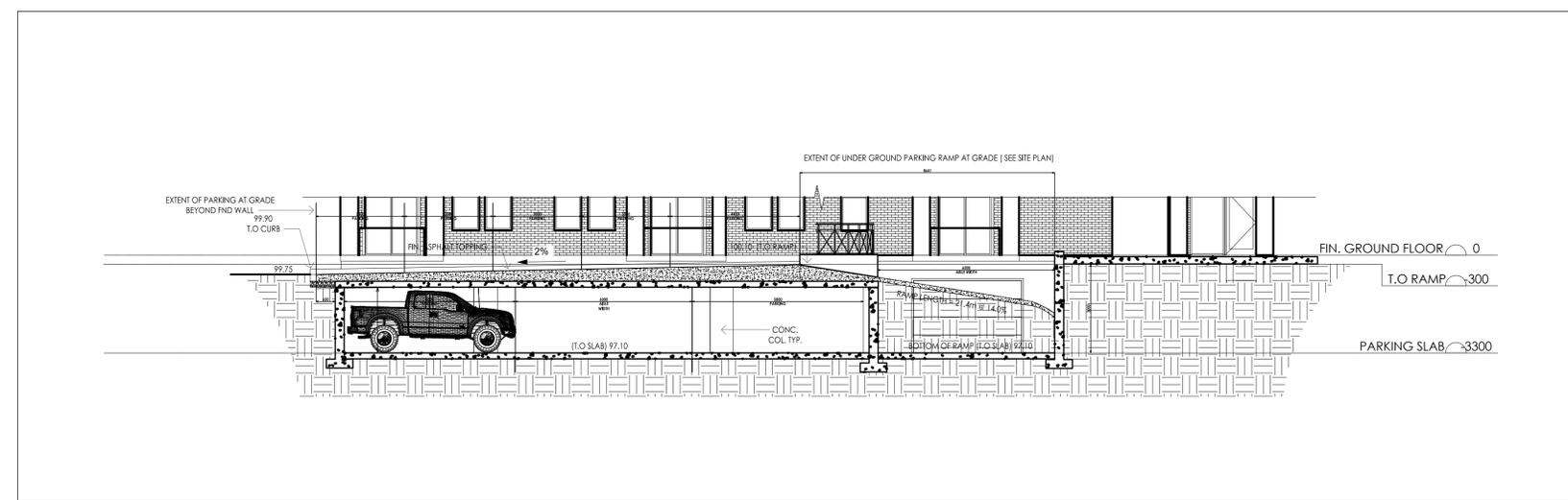
dwg. title
SITE PLAN

dwg. A1.0

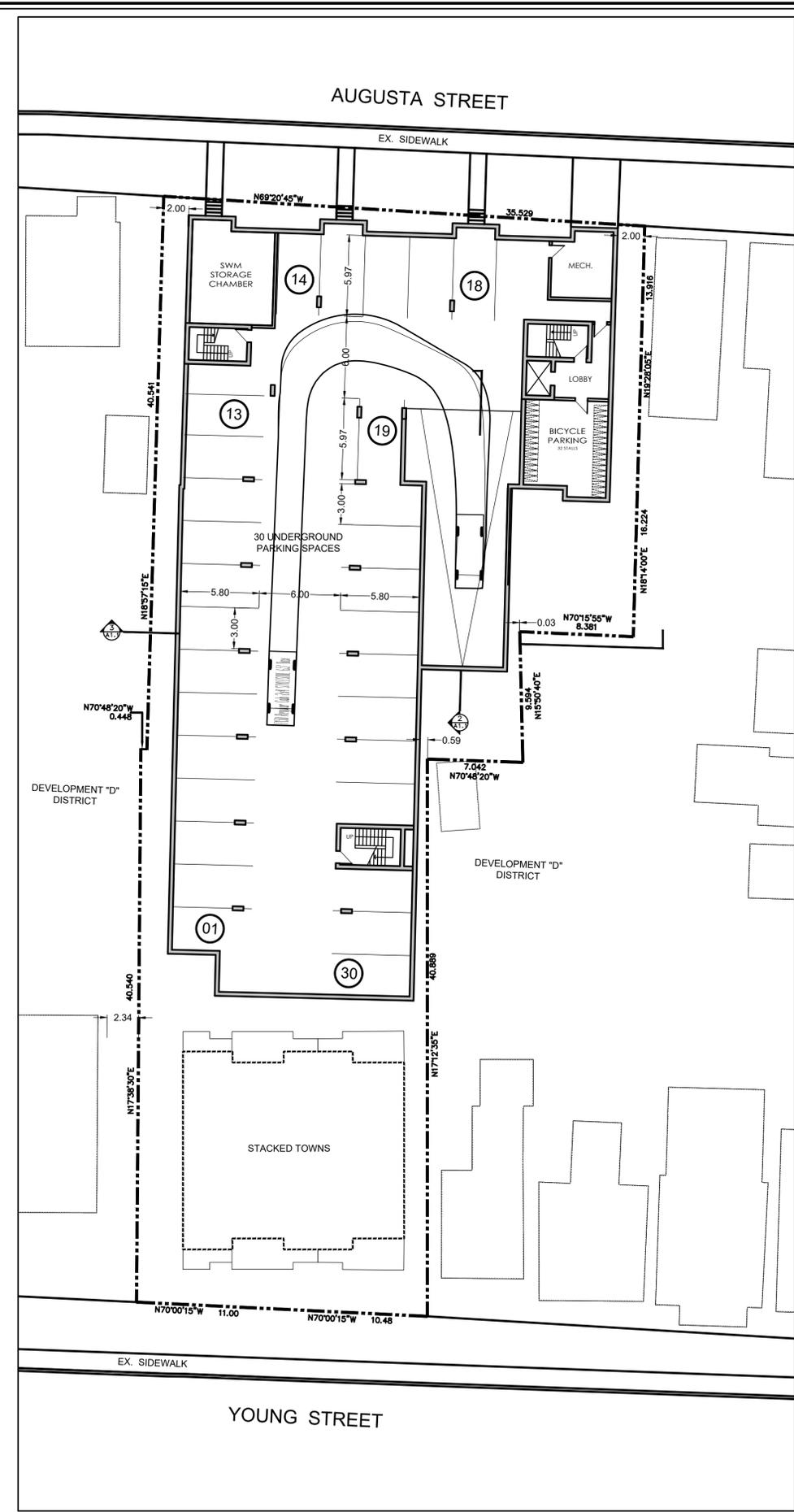
A1.1 UNDERGROUND PARKING PLAN
2023.03.14 REVISED FOR SPA



2 UNDERGROUND PARKING & RAMP SECTION 1
A1.1 SCALE: NTS



3 UNDERGROUND PARKING & RAMP SECTION 2
A1.1 SCALE: NTS



1 UNDERGROUND PARKING PLAN
A1.1 SCALE: 1:200

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FOR SITE PLAN APPROVAL
ONTARIO ASSOCIATION OF ARCHITECTS
RICHARD F. LINTACK
LICENCE 4148

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DA-22-034

PROPOSED:
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HAMILTON, ON

job no. 16.090

dwg. file

dwn. by JR

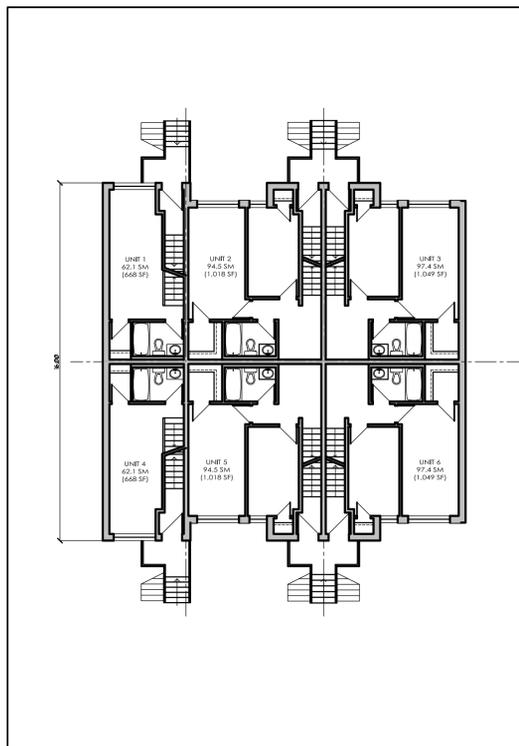
scale AS NOTED

date OCT 2021

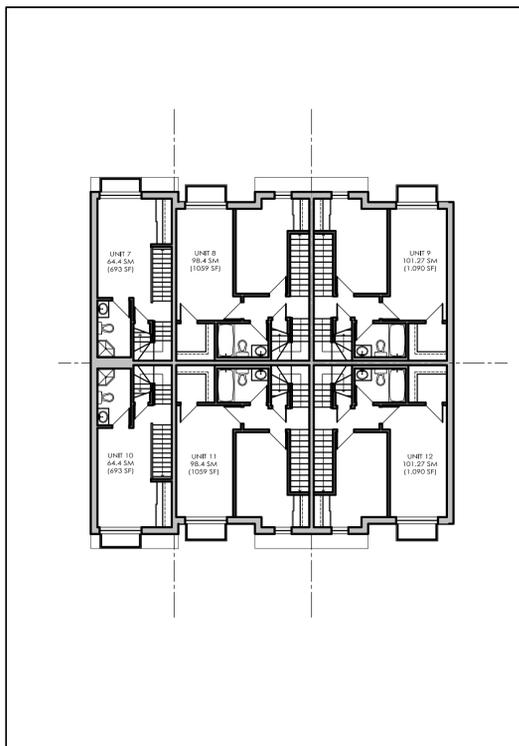
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UNDERGROUND PARKING PLAN

dwg. A1.1

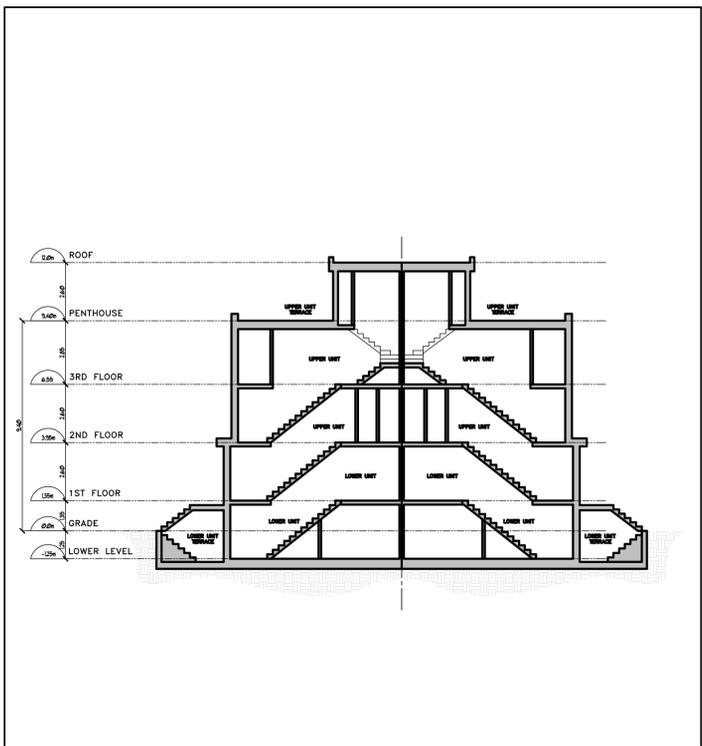
2.1 FLOOR PLANS-YOUNG
2023.11.16 REVISED FOR SPA



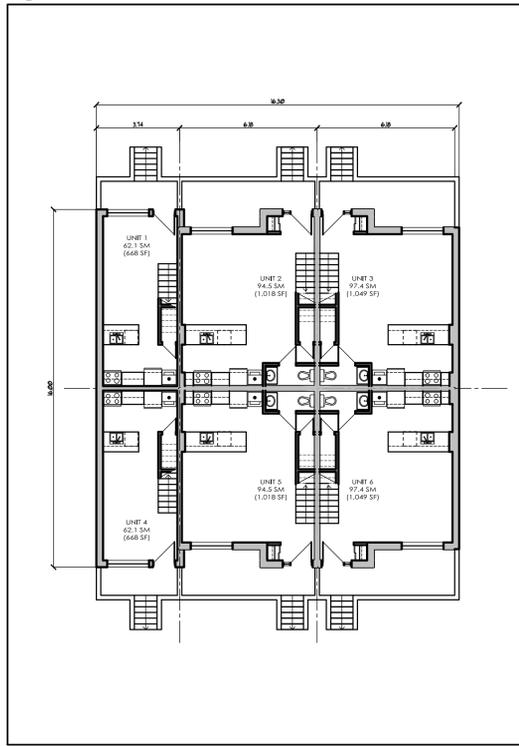
2 LEVEL 1 PLAN - YOUNG STREET
A2.1 SCALE 1:150



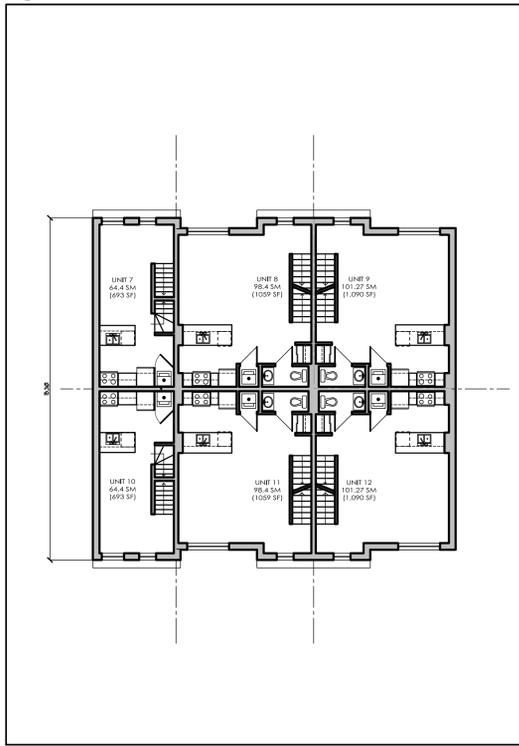
4 LEVEL 3 PLAN - YOUNG STREET
A2.1 SCALE 1:150



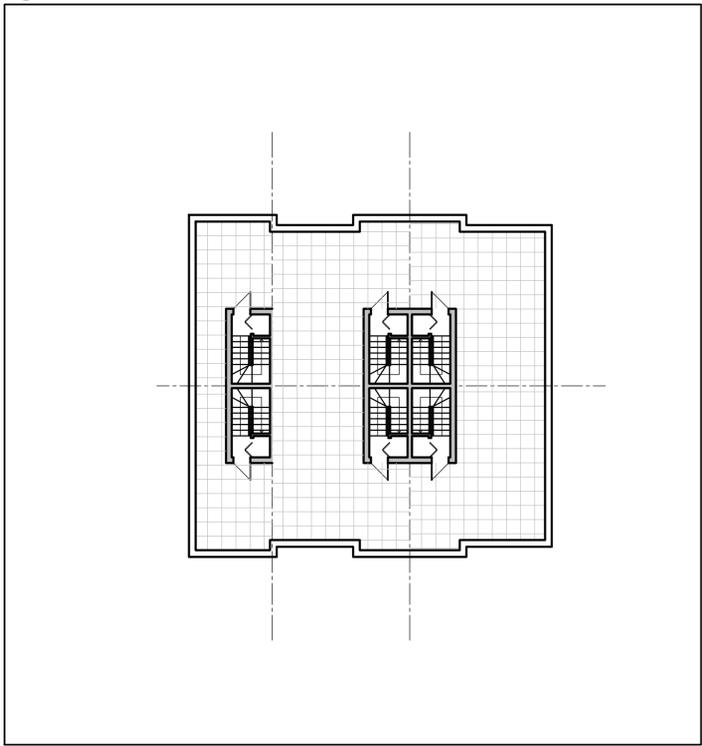
6 BUILDING SECTION
A2.1 SCALE 1:150



1 LOWER LEVEL PLAN - YOUNG STREET
A2.1 SCALE 1:150



3 LEVEL 2 PLAN - YOUNG STREET
A2.1 SCALE 1:150



5 PENTHOUSE LEVEL PLAN - YOUNG STREET
A2.1 SCALE 1:150

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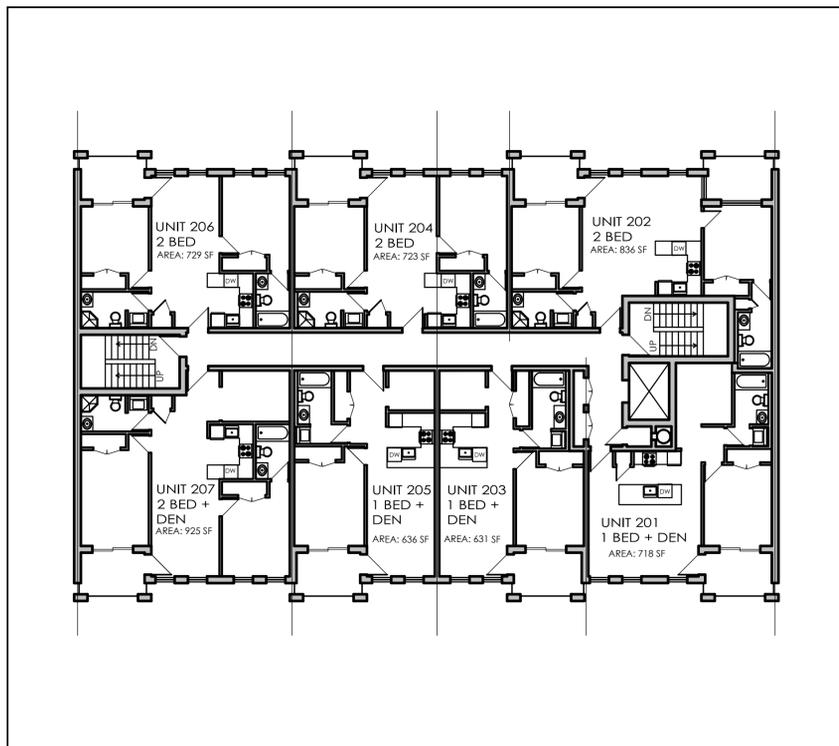
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DA-22-034

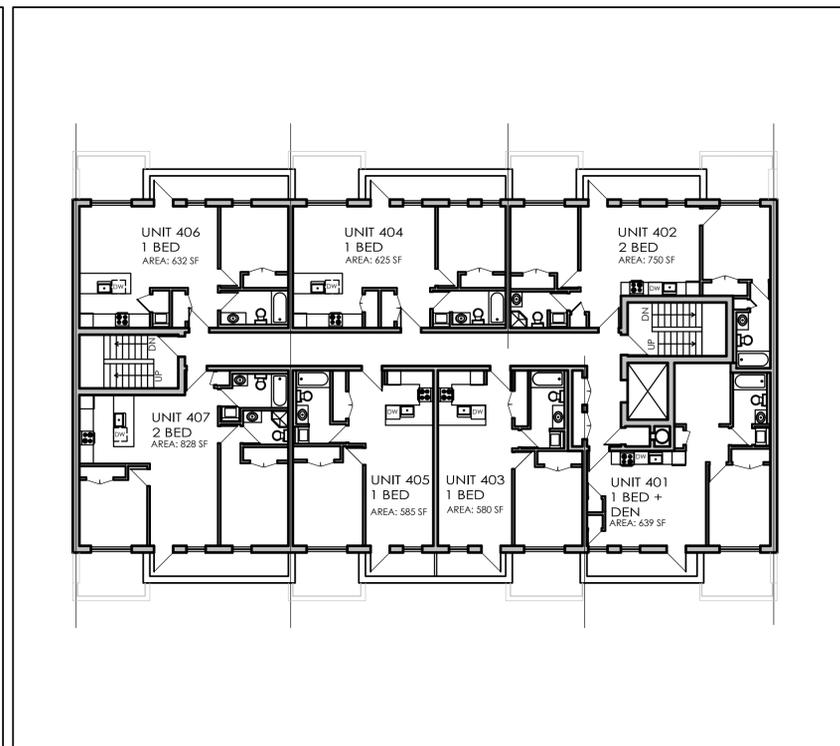
PROPOSED:
AUGUSTA AND YOUNG
AUGUSTA STREET & YOUNG STREET
HAMILTON, ON

job no.	16,090
dwg. file	
dwn. by	JR
scale	AS NOTED
date	OCT 2021
dwg. title	FLOOR PLANS YOUNG ST.
dwg.	A2.1

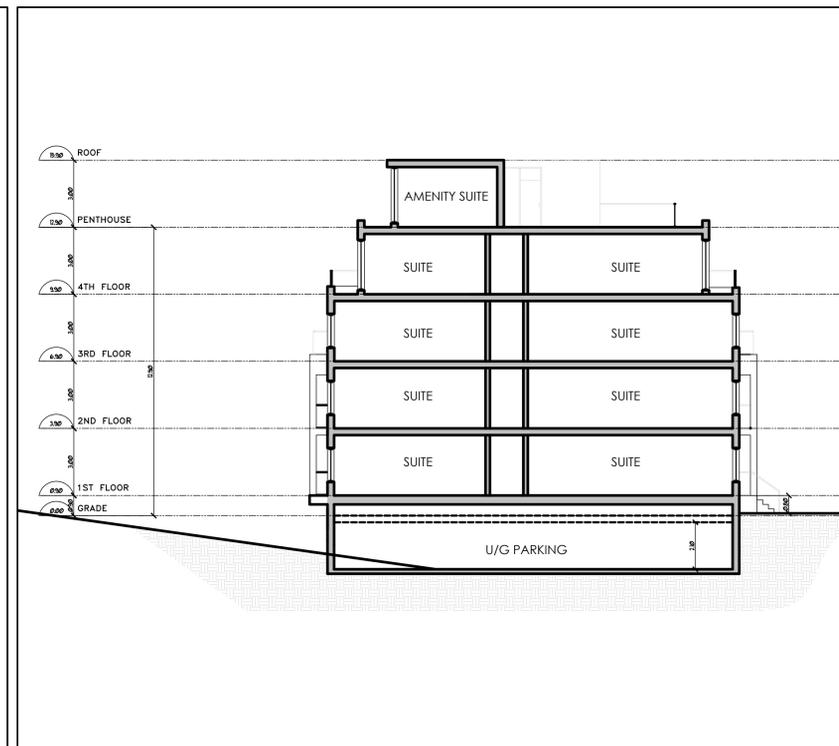
2.2 FLOOR PLANS-AUGUSTA
2023.11.13_UPDATED FOR SPA



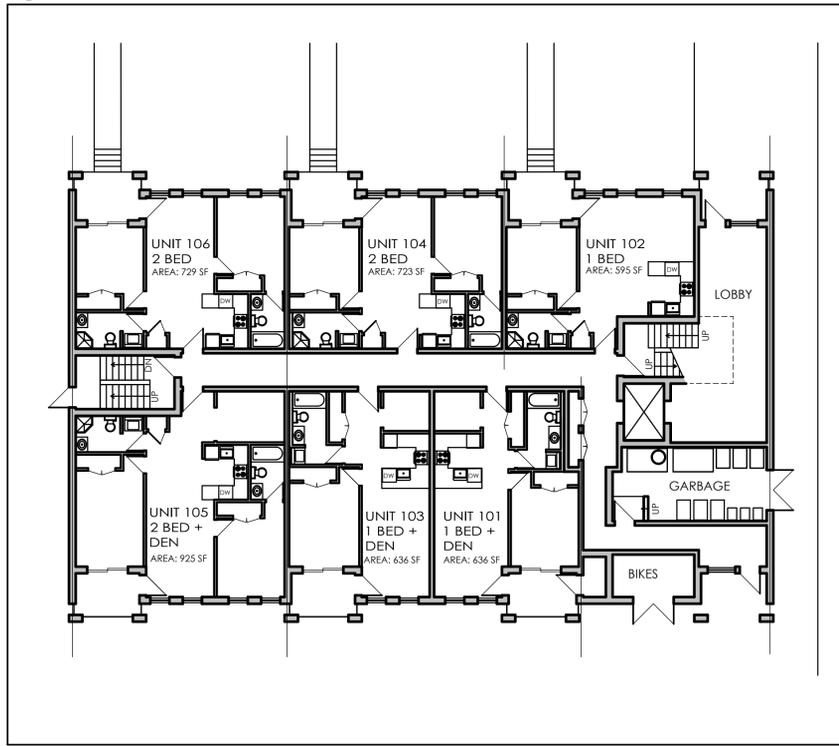
2 SECOND FLOOR PLAN - AUGUSTA STREET
SCALE 1:150



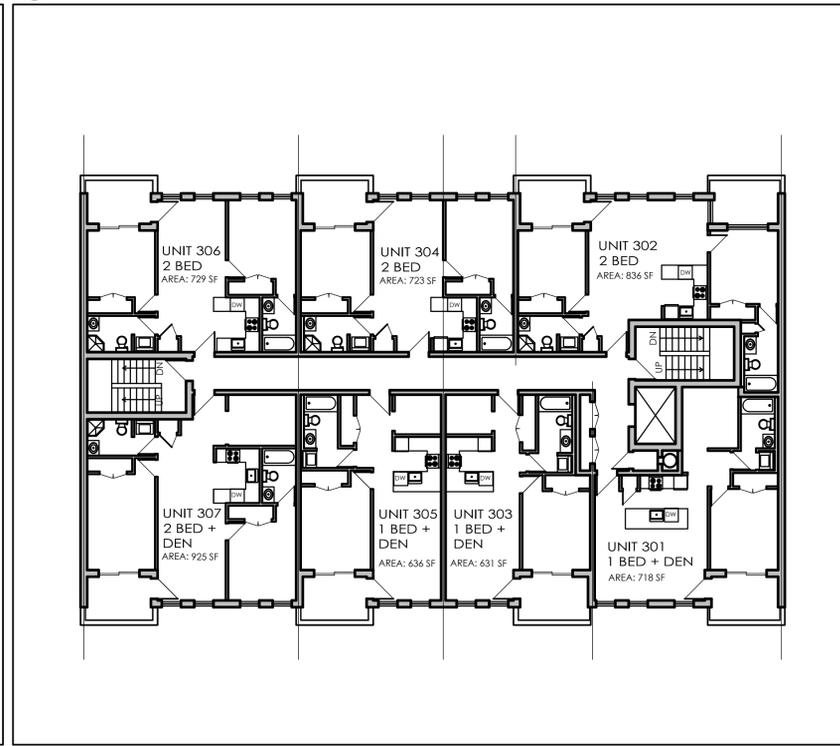
4 FOURTH FLOOR PLAN - AUGUSTA STREET
SCALE 1:150



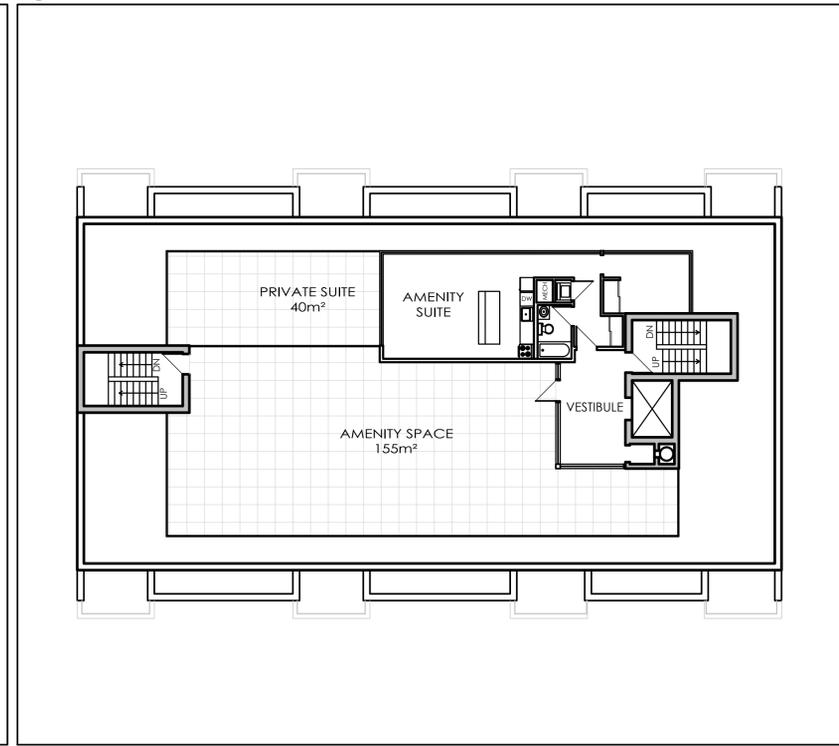
6 BUILDING SECTION - AUGUSTA STREET
SCALE 1:150



1 GROUND FLOOR PLAN - AUGUSTA STREET
SCALE 1:150



3 THIRD FLOOR PLAN - AUGUSTA STREET
SCALE 1:150



5 AMENITY ROOF PLAN - AUGUSTA STREET
SCALE 1:150

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DA-22-034

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AUGUSTA STREET & YOUNG STREET
HAMILTON, ON

job no. 16,090

dwg. file

dwn. by JR

scale AS NOTED

date OCT 2021

dwg. title
FLOOR PLANS & SECTION AUGUSTA ST.

dwg. A2.2

3.1 ELEVATIONS-YOUNG
2023.10.10 REVISED FOR SPA

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DA-22-034

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AUGUSTA AND YOUNG
AUGUSTA STREET & YOUNG STREET
HAMILTON, ON

job no. 16.090

dwg. file

dwn. by JR

scale AS NOTED

date OCT 2021

dwg. title
**ELEVATIONS
YOUNG ST.**

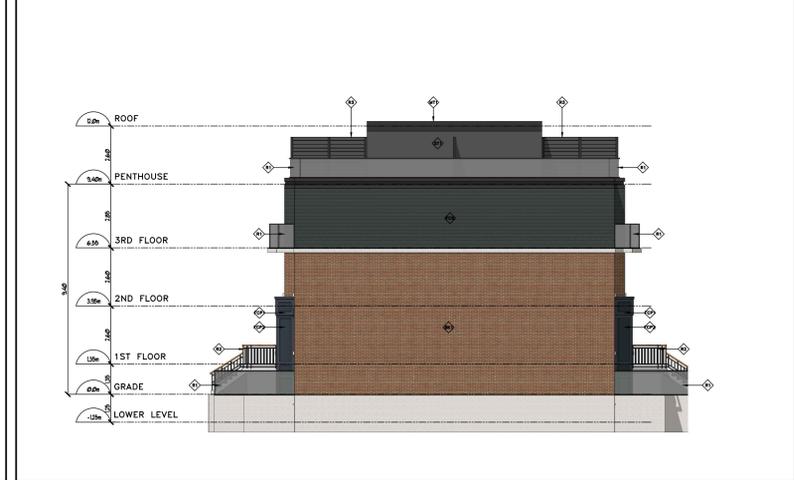
dwg. A3.1

MATERIAL LEGEND

- (BK1) CLAY BRICK MASONRY RAINSCREEN TYPE-1
EQUAL TO CANADA BRICK TRINITY
- (BK2) CLAY BRICK MASONRY RAINSCREEN TYPE-2
EQUAL TO CANADA BRICK PORTLAND
- (SV) STONE VENEER
EQUAL TO ARRSOFRAT NITEG - CAMBRIDGE RENAISSANCE
- (CP) HARD/PANEL FIBRE CEMENT PANELS
COLOUR: BOOTHBAY BLUE
- (CP2) HARD/PANEL FIBRE CEMENT PANELS
COLOUR: EVENING BLUE
- (CS) FIBRE CEMENT SIDING
HARD/PLANK LAP SIDING SMOOTH
COLOUR: LAST EMBERS
- (ST) ACRYLIC STUCCO FINISH
EQUAL TO STO COLOUR 3100 BLACK FINE FINISH
- (MT) PRE-FINISHED METAL SOFFIT AND FASCIA
COLOUR: BLACK
- (R1) DARK TINTED TEMPERED GLASS RAILINGS
EQUAL TO GRECO GLASS RAILING SYSTEMS
SERIES GC500, COLOUR: BLACK
- (R2) PRE-FINISHED METAL RAILINGS CAJ WOOD HANDRAIL
EQUAL TO FORTRESS FA26 RAILING SYSTEMS
RAILING COLOUR: BLACK
TOP RAIL: WOOD OR COMPOSITE WOOD
- (R3) ROOFTOP TERRACE PARTITIONING
EQUAL TO FORTRESS BYVOLVER ALUMINUM FRAMED
COMPOSITE FENCING
COLOUR: BLACK SAND
- (MF) PREFINISHED METAL FLASHING
COLOUR: BLACK
- (OH) OVERHEAD ROLLER DOOR
COLOUR: MEDIUM GREY



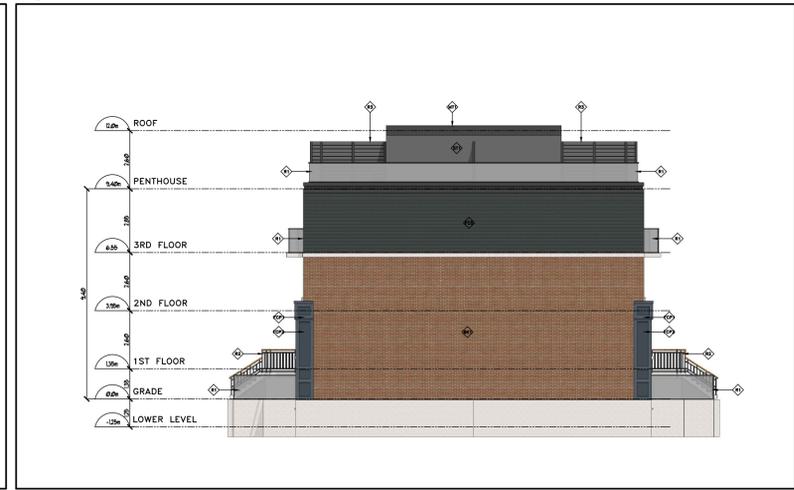
2 NORTH ELEVATION - YOUNG STREET
A3.1 SCALE 1:150



4 EAST ELEVATION - YOUNG STREET
A3.1 SCALE 1:150



1 SOUTH ELEVATION - YOUNG STREET
A3.1 SCALE 1:150



3 WEST ELEVATION - YOUNG STREET
A3.1 SCALE 1:150

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PROPOSED:
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AUGUSTA STREET & YOUNG STREET
HAMILTON, ON

job no. 16,090

dwg. file

dwn. by JR

scale AS NOTED

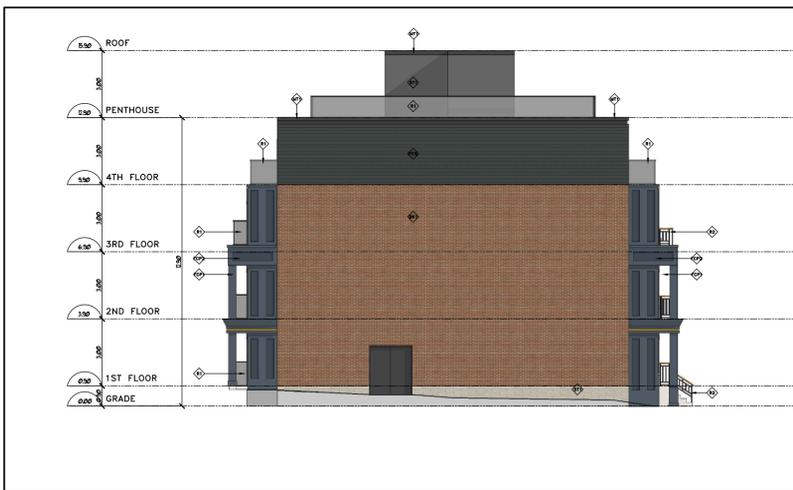
date OCT 2021

dwg. title
**ELEVATIONS
AUGUSTA ST.**

dwg. A3.1



2 NORTH ELEVATION - AUGUSTA STREET
A3.2 SCALE 1:150



4 EAST ELEVATION - AUGUSTA STREET
A3.2 SCALE 1:150



1 SOUTH ELEVATION - AUGUSTA STREET
A3.2 SCALE 1:150



3 WEST ELEVATION - AUGUSTA STREET
A3.2 SCALE 1:150

MATERIAL LEGEND

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EQUAL TO CANADA BRICK PORTLAND
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COLOUR: LAST EMBERS
- (ST) ACRYLIC STUCCO FINISH
EQUAL TO STO COLOUR 3100 BLACK FINE FINISH
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COLOUR: BLACK
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EQUAL TO GRECO GLASS RAILING SYSTEMS
SERIES GCS00, COLOUR: BLACK
- (R2) PRE-FINISHED METAL RAILINGS CW WOOD HANDRAIL
EQUAL TO FORTRESS F206 RAILING SYSTEMS
RAILING COLOUR: BLACK
TOP RAIL: WOOD OR COMPOSITE WOOD
- (R3) ROOFTOP TERRACE PARTITIONING
EQUAL TO FORTRESS EVOLVER ALUMINUM FRAMED
COMPOSITE FENCING
COLOUR: BLACK SAND
- (MF) PRE-FINISHED METAL FLASHING
COLOUR: BLACK
- (OH) OVER-HEAD ROLLER DOOR
COLOUR: MEDIUM GREY



March 17, 2023

157-16

Via Email and Delivered

Ms. Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

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

Dear Ms. Sheffield,

**Re: 125 & 127 Young St. and 122 & 126 Augusta St., Hamilton
Minor Variance Application Submission (DA-22-034)**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Mr. Mario Nesci and 1955132 Ontario Ltd., the registered owner of the lands municipally known as 125 & 127 Young Street and 122 & 126 Augusta Street, in the City of Hamilton (subject lands). On behalf of the owner, UrbanSolutions has prepared the enclosed Minor Variance Application to the City of Hamilton.

Background

The subject lands are zoned "E-3/S-1767-H" & "D/S-1767" in Hamilton Zoning By-law 6593 as amended by By-law 19-102 wherein 2019 Planning Committee approved a Zoning Bylaw Amendment application ZAC-18-013. A previous Minor Variance application HM/A-20:265 was granted by the Committee of Adjustment and became final and binding on September 30, 2021 to permit the use of a Three (3) storey Multiple Dwelling containing 12 dwelling units within the portion of the lot zoned "D/S-1767".

The approval of HM/A-20:265 lead to UrbanSolutions submitting Site Plan Application DA-22-034 which is proposing a 4 storey multiple dwelling with 27 units fronting Augusta Street and a 3* storey multiple dwelling with 12 units fronting Young Street. This application introduced below grade parking to the proposal along with grade level parking yielding a total parking count of 43 spaces, reserving 5 spaces for visitor parking and a bicycle parking count of 32 spaces. Access is proposed off Young Street via 5.5 metre drive aisle necessitating an expanded easement on the subject lands. The drive aisle will remain accessible to the neighbouring property at 121 Young Street to provide continued access to their rear yard. Site Plan Application DA-22-034 received conditional approval February 22nd, 2022.

Purpose of the Application

A Minor Variance application is required as a condition of Site Plan approval for conditionally approved Site Plan Application DA-22-034. This Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law 6593 as amended by By-law 19-102 with respect to zone “E-3/S-1767-H” for the 4 storey multiple dwelling and the most restrictive requirements of both “E-3/S-1767-H” and “D/S-1767” zones for the 3* storey multiple dwelling. As such, variances are required as noted below:

- **Variance No. 1:** To permit a building height of 16.0 metres and four (4) storeys, whereas a maximum of 13.5 metres and three (3) storeys are permitted.
- **Variance No. 2:** To provide 0 metre planting strip between the boundary of the parking area and the residential district whereas a planting strip is required.
- **Variance No. 3:** To permit an access driveway serving a Multiple Dwelling use on the abutting property known as 121 Young Street zoned ‘D’.

Variance No. 1 applies to both 3* storey multiple dwelling fronting onto Young Street and the 4 storey multiple dwelling fronting onto Augusta Street. The multiple dwelling fronting onto Young Street is partially within the “DH/S-1767”, “D/S-1822” zone. The reasoning for the asterisk (*3) is because the development is purposing 3 storeys as well as a level that is partially below ground and as noted in the zoning comments issued as part of the Site Plan DA-22-034, more than half of the lower level is located above grade and therefore considered a “basement” rather than a “cellar” and therefore technically 4 storeys. While the building height of this 3* storey multiple dwelling does not exceed the permitted height in metres, only 3 storeys is permitted and therefore a minor variance is required. In addition, the multiple dwelling fronting onto Augusta is within the “E-3/S-1767-H” Zone. The Concept Plan initially proposed only stairs to an outdoor rooftop patio, now the concept has evolved to an amenity suite on the rooftop. The maximum permitted building height is 4 storeys and 13.5 metres to a maximum of 16.5 metres, only stairs and a rooftop patio are permitted up until 16.5 metres, dwelling units are only permitted to 13.5 metres and therefore a minor variance is required. Variance No. 1 is technical in nature and meets the intent of the Official Plan and Zoning By-law. In addition, the variance is minor and desirable development.

Variance No. 2 is required as there is a parking space and drive aisle to the underground parking ramp abutting the residential zone without a planting strip. In the area abutting the parking space there is a sidewalk proposed for pedestrian connections on site. The purpose of this by-law provision is to provide a buffer from the vehicles to the residential lots however in this area there is a proposed visual barrier proposed and will serve as a buffer. The general purpose and intent of the Official Plan and Zoning By-law is maintained and with the visual barrier. The variance is minor in nature and development is desirable.

The proposal conforms to all other zoning provisions and therefore the overall intent of the Zoning By-law is maintained. As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the

Planning Act as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of this application, please find the enclosed the following:

- One (1) copy of the completed Minor Variance Application form;
- One (1) copy of the Architectural Package prepared by Lintack Architects;
- One (1) copy of the Minor Variance Sketch prepared by UrbanSolutions; and,
- One (1) cheque payable to the City of Hamilton in the amount of **\$3,735.00**.

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



Laura Drennan, CPT
Planning Technician

Cc: Mr. Mario Nesci, 1955132 Ontario Ltd.



Hamilton

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

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

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)	[REDACTED]	
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 sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	122 & 126 Augusta Augusta Street and 125 & 127 Young Street		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	10	Concession	
Registered Plan Number	48	Lot(s)	
Reference Plan Number (s)		Part(s)	Lots 9, 11 & 17

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
35.53m & 21.47m	+/-80.97m	2213.29m ²	+/-20m

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

Existing: **Please refer to Survey.**

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

Proposed: **Please refer to enclosed Minor Variance Sketch.**

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

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

Existing: **Please refer to Survey.**

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

Proposed: **Please refer to enclosed Minor Variance Sketch.**

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

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

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

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

- ditches
- other means (specify)

- 4.6 Type of sewage disposal proposed: (check appropriate box)
- publicly owned and operated sanitary sewage
 system privately owned and operated individual
 septic system other means (specify) _____
- 4.7 Type of access: (check appropriate box)
- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road
Local
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
 To permit a four storey, 27 unit multiple dwelling and four stoe, 12 unti stacked townhouse dwellings.
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
 Single Detached, multiple dwelling, townhouse

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
 Unknown
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 Single Detached
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 Single Detahced
- 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): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

- 7.6 What is the existing zoning of the subject land? Site Specific E-3/S-1767-H
 Site Specific E-3/S-1767
 Site Specific D/S-1767-H
- 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: ZAC-18-013 HM/A-20:265

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

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 [By-law 19-102 Passed May 8, 2019](#)

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: 2

8.2 Number of Dwelling Units Proposed: 39

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

[Please refer to the enclosed Cover Letter and Minor Variance Sketch.](#)

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

CHANGE OF CONDITIONS

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/B-22:59	SUBJECT PROPERTY:	382 SOUTHCOTE ROAD, ANCASTER
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APPLICANTS: **Owner:** 1376412 ONTARIO LTD. C/O ZEINA HOMES
Agent: URBAN SOLUTIONS C/O MATT JOHNSTON

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

	Frontage	Depth	Area
SEVERED LANDS:	13.7 m [±]	38.13 m [±]	522.55 m ² ±
RETAINED LANDS:	12.16 m [±]	38.13 m [±]	448.66 m ² ±
RETAINED LANDS:	13.7 m [±]	38.16 m [±]	521.74 m ² ±

Associated Planning Act File(s): AN/A-22:191

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

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

DATE:	Thursday, June 1, 2023
TIME:	9:50 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

AN/B-22:59

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

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

PUBLIC INPUT

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

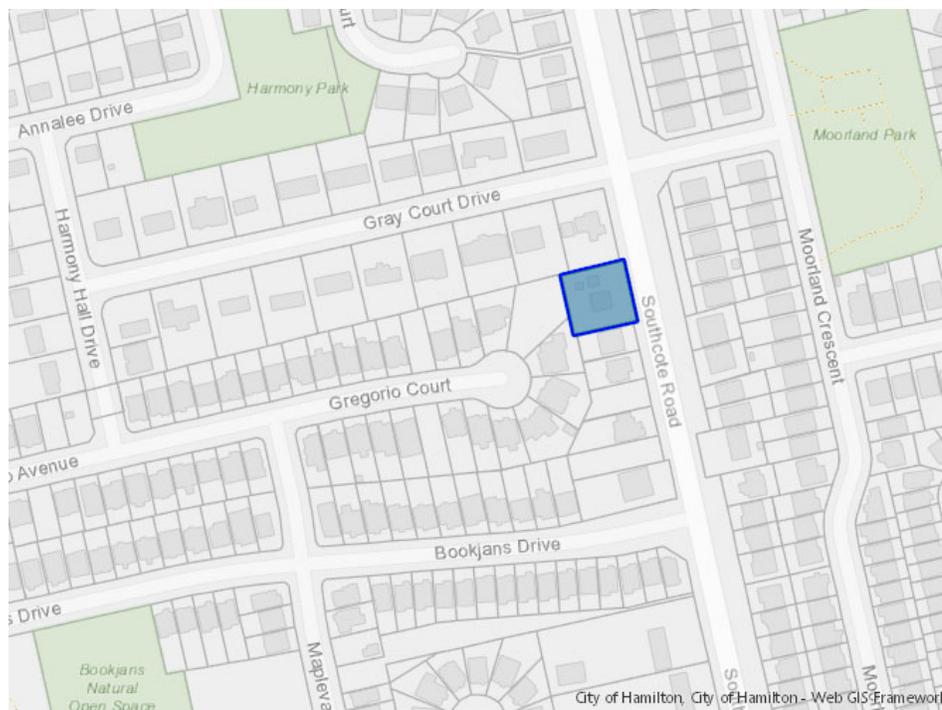
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/B-22:59, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

AN/B-22:59



DATED: May 16, 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

Waste Management Division

Memorandum

To: Jamila Sheffield, Secretary Treasurer, Committee of Adjustment
From: E. Tim Vrooman, Area Planning Manager
 Development Planning – Suburban Team, 905-546-2424 x 5277
Date: April 12, 2023
File: AN/B-22:59
Subject: **Consent Application by Urban Solutions Planning & Land Development Consultants for Lands Located at 382 Southcote, Ancatser (Ward 12)**

The subject lands are designated “Low Density Residential 1a” on Map B.2.3-1, Garner Neighbourhood Secondary Plan – Land Use Plan. The following policy, amongst others, apply to the proposal.

Tree and Woodland Protection

“C.2.11.2 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

To ensure existing mature trees are protected and maintain tree cover post-development, staff require a **Verification of Tree Protection Letter** to ensure installation of appropriate tree protection fencing measures and a **Landscape Plan** indicating a 1:1 tree compensation.

Staff request that the following condition be added to the conditions of approval under section 53(23) of the *Planning Act*:

1. Landscape Plan: That the owner submits and receives approval of a Landscape Plan, prepared by a landscape architect, to the satisfaction of the Manager of Heritage and Urban Design.
2. Verification of Tree Protection Letter: That, prior to any on-site activities, all approved tree saving measures are to be implemented. To confirm that these measures have been implemented, a Verification of Tree Protection Letter is to be prepared by a recognized tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) to the satisfaction of the Director of Planning and Chief Planner.

AN/B-2259
Page 2 of 2

Memorandum

Yours truly,

E. Tim Vrooman
Area Planning Manager (Suburban) – Development Planning

TV:ab



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF DECISION
Consent/Land Severance

APPLICATION NO.:	AN/B-22:59	SUBJECT PROPERTY:	382 SOUTHCOTE ROAD, ANCASTER
-------------------------	-------------------	--------------------------	---------------------------------

APPLICANTS: 1376412 ONTARIO LTD. - ZENIA HOMES
URBANSOLUTIONS - MATT JOHNSTON

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain two (2) parcels of land for residential purposes.

	Frontage	Depth	Area
SEVERED LANDS:	13.7 m [±]	38.13 m [±]	522.55 m ² ±
RETAINED LANDS:	12.16 m [±]	38.13 m [±]	448.66 m ² ±
RETAINED LANDS:	13.7 m [±]	38.16 m [±]	521.74 m ² ±

Associated Planning Act File(s): This file is heard in conjunction with Application Number: AN/A-22:191.

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted

AN/B-22:59

- in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
 3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
 4. That the applicant obtains approval of an Urban Hamilton Official Plan Amendment application to the satisfaction of the Manager of Development Planning.
 5. That the applicant obtains approval of a Zoning By-law Amendment application to the satisfaction of the Manager of Development Planning.
 6. A Permit to injure or remove municipal trees is a requirement of this application. Therefore, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
 7. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,500.00 (2022 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time) all to the satisfaction of the Manager of the Engineering Approvals Section. Cash payments mentioned above are subject to change.
 8. That the Owner provide a cash payment to the City representing the cost recoveries associated with the municipal sanitary sewer on Southcote Road that was completed as part of the 'Meadowlands of Ancaster – Phase 5 subdivision. The cost shall be determined based on the frontage of the subject lands and the cost of construction of these works updated by the Canada Construction Cost Index, as applicable, at the time of final application approval, all to the satisfaction of the City's Manager of Development Approvals.
 9. That, the Owner submits a cash payment to the City for the future urbanization of South Service Road based on the "New Roads Servicing Rates" and the frontage of the severed portion of the lands to the satisfaction of the Manager of the Engineering Approvals Section.
 10. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
 11. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department

AN/B-22:59

(Planning Division – Zoning Examination Section). May be subject to a demolition permit issued in the normal manner.

12. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the lot width, lot area, the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
13. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
14. That the owner submit Municipal Act charges for 382 Southcote Road under Bylaw 11-051. The total payable is \$13,192.40, to the satisfaction of Corporate Services.
15. To the satisfaction and approval of the Manager, Transportation Planning:
 - a. The existing right-of-way at the subject property is approximately 29 metres. Approximately 3 (+/-) metres are to be dedicated to the right-of-way on Southcote Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Southcote Road is to be 32.004 metres from Golf Links Road to Garner Road East.
 - b. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the required right-of-way dedications.

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212- 8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

AN/B-22:59

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot A – 448.88 m²±) will remain as 382 Southcote Road (Ancaster) and the lands to be conveyed (Lot B – 522.55 m²±) will be assigned the address of 386 Southcote Road (Ancaster) and the lands to be retained (Lot C – 521.74 m²±) will be assigned the address of 390 Southcote Road (Ancaster).

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

DATED AT HAMILTON, September 22, 2022.

<hr/>	
M. Dudzic (Acting Chairman)	B. Charters
<hr/>	
N. Mleczko	M. Smith

The date of the giving of this Notice of Decision is **September 29, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (September 29, 2024) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **October 19, 2022**
2. **This decision is not final and binding unless otherwise noted.**



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/A-23:97	SUBJECT PROPERTY:	548 BOOK ROAD E, ANCASTER
ZONE:	"M11 & H37" (Airport Prestige Business Park)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: MICHAEL & JENNIFER HENSCHEL

The following variances are requested:

1. The accessory building may be permitted in a flankage yard and as close as 7.0m from the Southcote street lot line whereas the zoning By-law states that accessory buildings shall not be permitted within a flankage yard.
2. A maximum aggregate Gross Floor Area of 79.5m² shall be permitted for all Accessory Buildings instead of the maximum 45.0m² gross floor area permitted.

PURPOSE & EFFECT: To facilitate the construction of an accessory building (hobby workshop) for the existing dwelling.

Notes:

No elevation plans were provided with this application. The applicant shall ensure that the maximum permitted height of 4.5m shall not be exceeded; otherwise, further variances shall be required.

The applicant shall ensure that an eave or gutter shall not project further than the maximum 0.45m projection permitted into a required yard; otherwise, further variances shall be required.

The applicant shall ensure compliance with all requirements of Section 5 "Parking" including, width of driveway, size of parking, composition of driveway, etc.; otherwise, further variance shall 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.

AN/A-23:97

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

DATE:	Thursday, June 1, 2023
TIME:	10:10 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:97, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

AN/A-23:97



 Subject Lands

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

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

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

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



Hamilton

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

Phone: (905) 546-2424 ext. 4221
 Email: cota@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	548 Book Rd east ancaster on L9G3L1		
Assessment Roll Number	14042048400		
Former Municipality	Glanbrook		
Lot		Concession	5
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	48

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:

Building a 6.097m by 9.144 m accessory building in the backyard 2m from the rear property line to use as a personal woodshop.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

I need it to be bigger than the zoning will allow as it needs to fit my woodworking equipment and the projects being built.

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
41.2m	50.3m	.207 hectare	20m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
house	17.7m	21.9m	4.4m, 10.9m	01/01/1970
shed	36.3m	10.3m	1.0m, 36.8m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
workshop	41.6m	2.0m	22.5m, 7.1m	

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
single family dwelling	2350sf $218.3m^2$	2350sf $218.3m^2$	1	4.5m
storage shed	120sf $11.1m^2$	120sf $11.1m^2$	1	3.2m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
workshop	735sf	735sf	1	3.5m
	$68.284m^2$	$68.284m^2$		

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well

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

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)
-

- 4.6 Type of sewage disposal proposed: (check appropriate box)
- publicly owned and operated sanitary sewage
- system privately owned and operated individual
- septic system other means (specify) _____
- 4.7 Type of access: (check appropriate box)
- provincial highway right of way
- municipal road, seasonally maintained other public road
- municipal road, maintained all year _____
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
single dwelling
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
single dwelling

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
June 5th 2015
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
single dwelling
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
single dwelling
- 7.4 Length of time the existing uses of the subject property have continued:
50 years
- 7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): Urban

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) N/A

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

Plan and Designate lands for a range of housing types and densities.

- 7.6 What is the existing zoning of the subject land? 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: Airport Prestige Business

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/A-23:99	SUBJECT PROPERTY:	36 SCANLON PLACE, ANCASTER
ZONE:	"R4-612" (Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: Owner: COLIN & VICTORIA CHISHOLM

The following variances are requested:

1. A rear yard setback of 3.4m shall be provided for the proposed deck (and associated stairway) whereas the by-law requires a deck to be setback a minimum 6.0m from the rear lot line.

PURPOSE & EFFECT: So as to permit the construction of a new deck in the rear yard of the existing Single Detached Dwelling.

Notes: N/A

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

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

DATE:	Thursday, June 1, 2023
TIME:	10:15 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

AN/A-23:99

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

PUBLIC INPUT

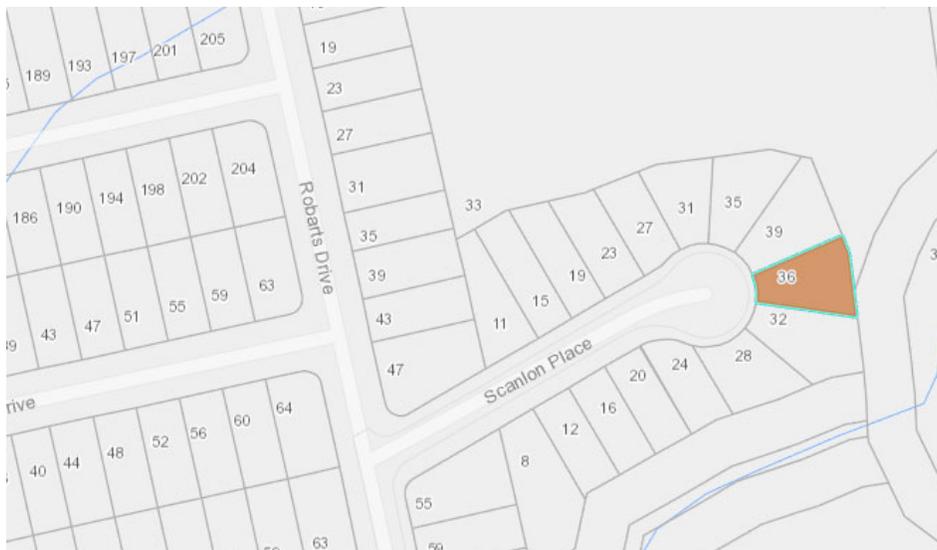
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:99, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

**Subject Lands**

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

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

1. Virtual Oral Submissions

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

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

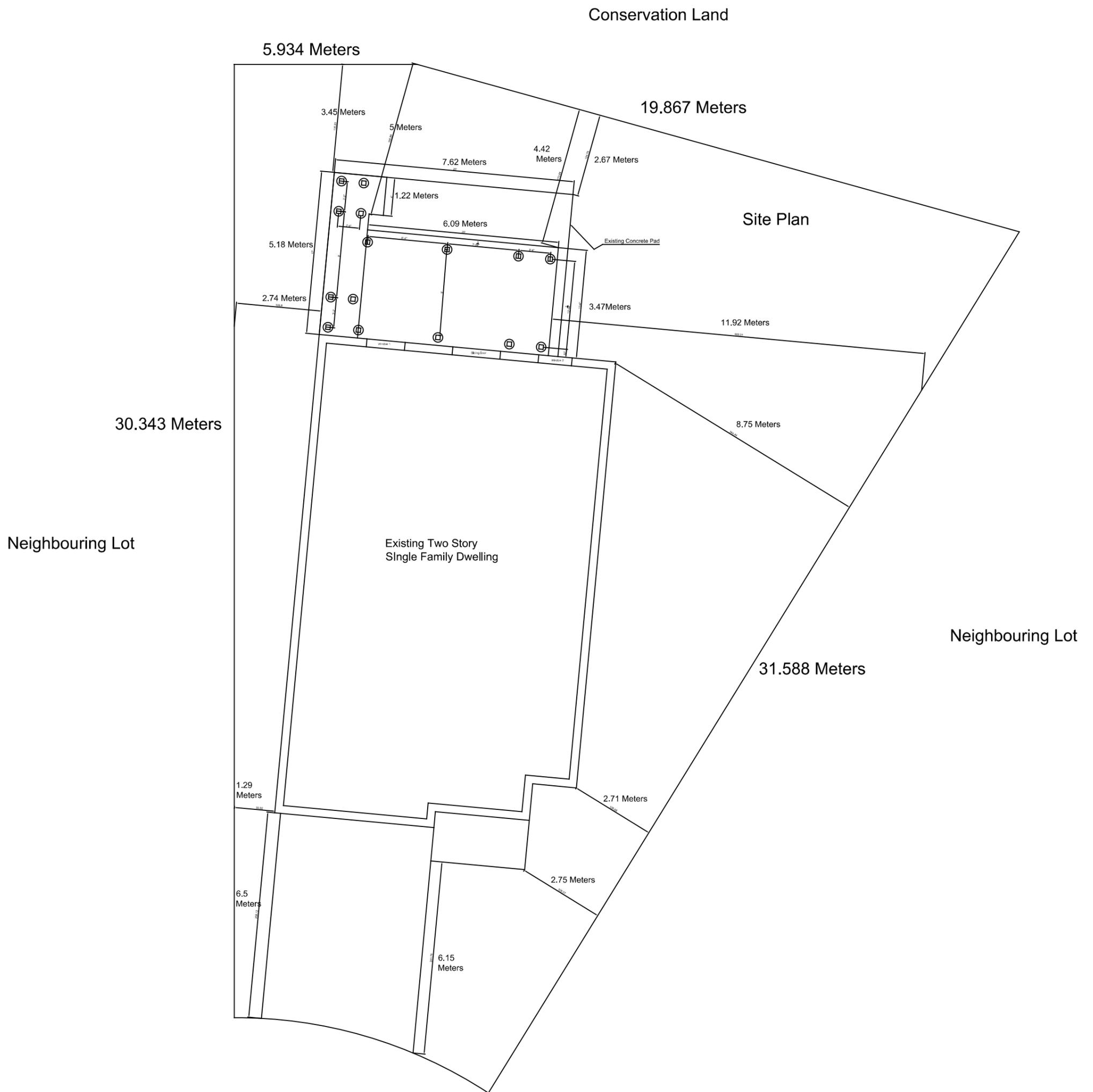
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

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

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

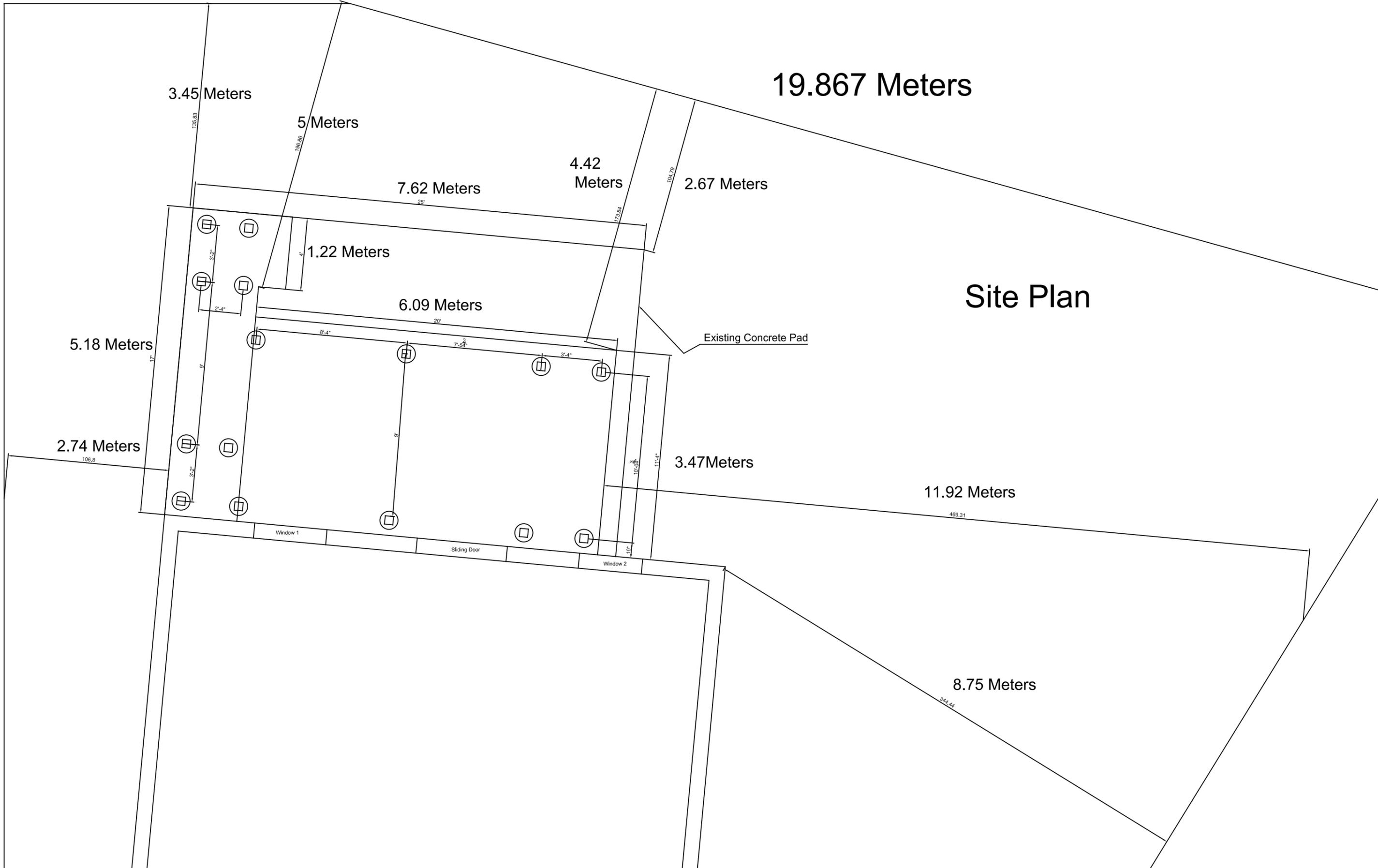
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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



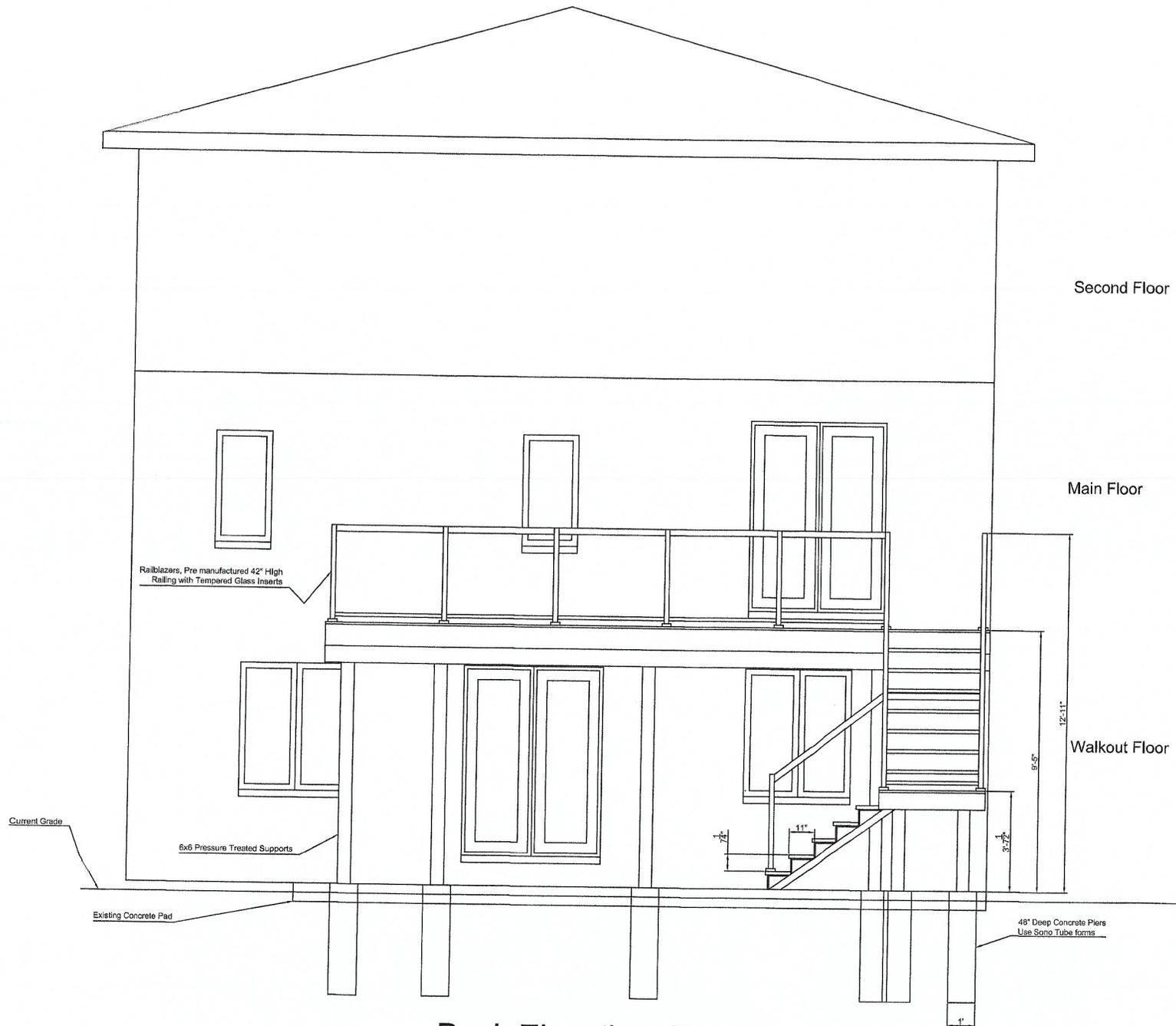
5.934 Meters

19.867 Meters

Site Plan

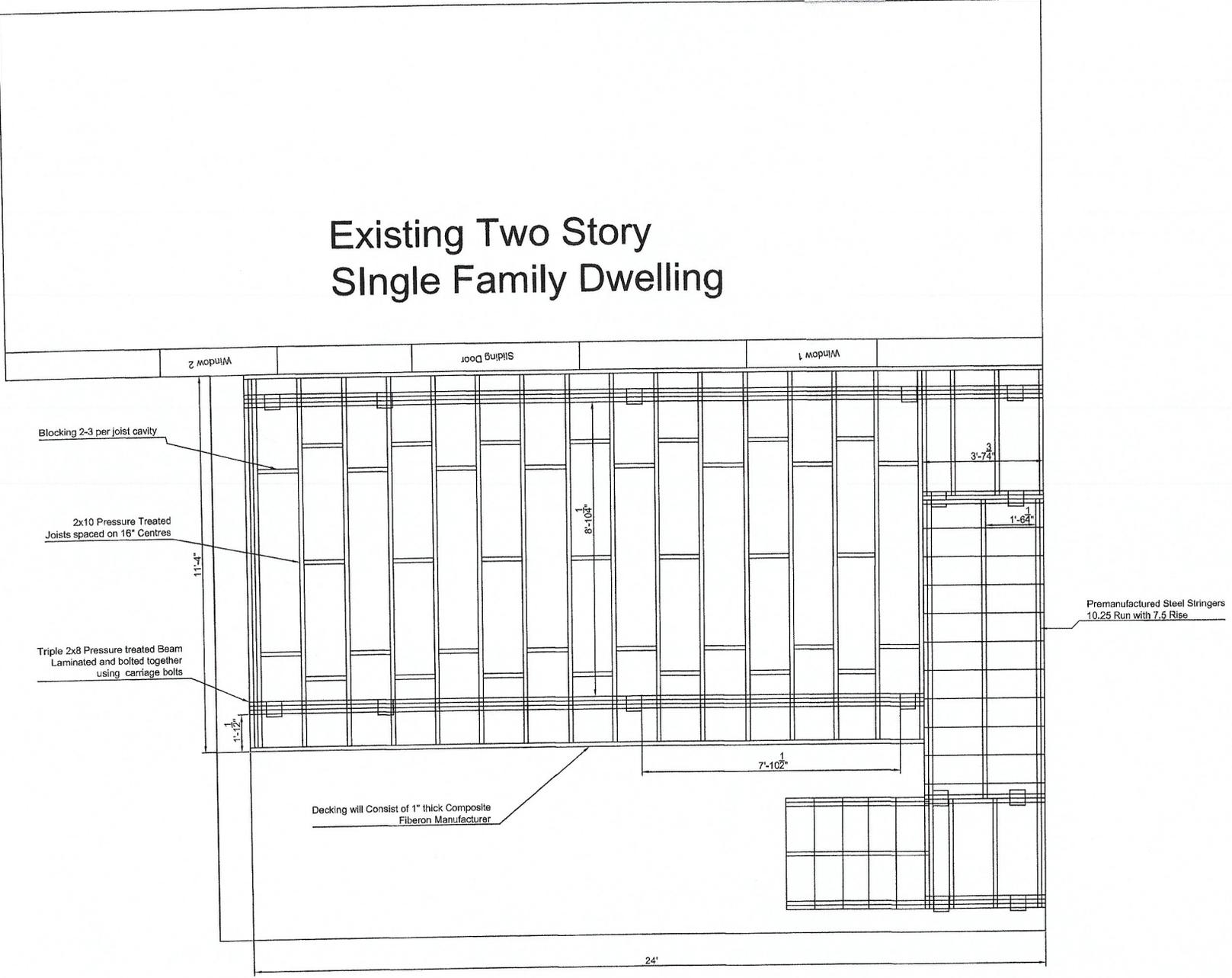


S



Back Elevation, East

Existing Two Story Single Family Dwelling



Top View



Hamilton

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

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

APPLICATION FOR A MINOR VARIANCE/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 AgentSolicitor

1.4 Request for digital copy of sign Yes* No

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

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	36 Scanlon Place, Ancaster, ONT		
Assessment Roll Number	2518140-280386470000		
Former Municipality	Ancaster		
Lot	40	Concession	
Registered Plan Number	62M-	Lot(s)	
Reference Plan Number (s)	17-108575	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:

Zoning is R4-612 stipulates rear setback must be 7.5m. Proposed deck encroaches setback by 3.1m not including allowable 1.5m stair, all other setbacks are met.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Rear yard depth is only 7.7m to meet setback. Deck is only permitted to be 2m squared (too small)

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
16m	31.588m	523.2m squared	9m

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 fam. dwelling	6.6m	7.52m	2.74m & 8.74m	2017

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
deck	21.84m	2.67m	2.74m & 11.92m	TBD

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
2 storey single fam.	234.48m squared	234.48m squared	2	10m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
deck	22m squared	22m squared	2	3.962m

- 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:
Jan 31st 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:
since construction completion in 2017

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.
Typical residential use

7.6 What is the existing zoning of the subject land? R4-612

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

- Yes
- No

If yes, please provide the file number: _____

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

Yes No

If yes, please provide the file number: _____

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: _____

8.2 Number of Dwelling Units Proposed: _____

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/A-22:387	SUBJECT PROPERTY:	7 ARMOUR CRESCENT, ANCASTER
ZONE:	“R4-481” (Residential “R4” Zone)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended 02-319

APPLICANTS: Owner: Shatha Alnajjar

The following variances are requested:

1. A total lot coverage of 42.2% of the lot area (174.31 sq m) shall be permitted instead of the maximum permitted lot coverage of 35% of the lot area (144.56 sq m).
2. An accessory building exceeding 12 sq m of ground floor area shall be permitted to be located 1.80 m from the rear lot line instead of the minimum required rear yard setback of 7.5 m.

PURPOSE & EFFECT: To facilitate the construction of a new detached accessory building in the rear yard of the existing single-family dwelling.

Notes:

- i. The Zoning By-law permits a maximum height of 4.5 m for an accessory building. Based on the elevation drawings provided, a maximum height lower than 4.5 m is proposed. However, a dimension from grade to the highest portion of the proposed accessory building has not been included. The applicant shall ensure that the height of the accessory building, measured from grade as defined in the Zoning By-law, to the highest point of the accessory building does not exceed 4.5 m. If the height of the accessory building exceeds 4.5 m, additional variances will be required.
- ii. The accessory building must remain separated from the principal building, as shown in the submitted plans, otherwise additional variances will be required.
- iii. Based on the plans submitted, no eaves or gutters are proposed for the accessory building. Please note that any eave or gutter of the accessory building must not project more than 0.3 m into any required setback, otherwise additional variances will be required.

AN/A-22:387

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

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

DATE:	Thursday, June 1, 2023
TIME:	10:20 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-22:387, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

AN/A-22:387



DATED: May 16, 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

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PARTICIPATION PROCEDURES

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

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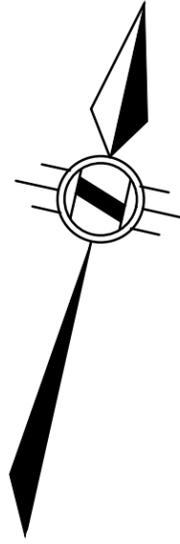
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

SITE PLAN FOR PERGOLA ADDITION
 OF
LOT 126
REGISTERED PLAN 62M-991
 GEOGRAPHIC
TOWNSHIP OF ANCASTER
 IN THE
CITY OF HAMILTON

SCALE 1:200 METRIC



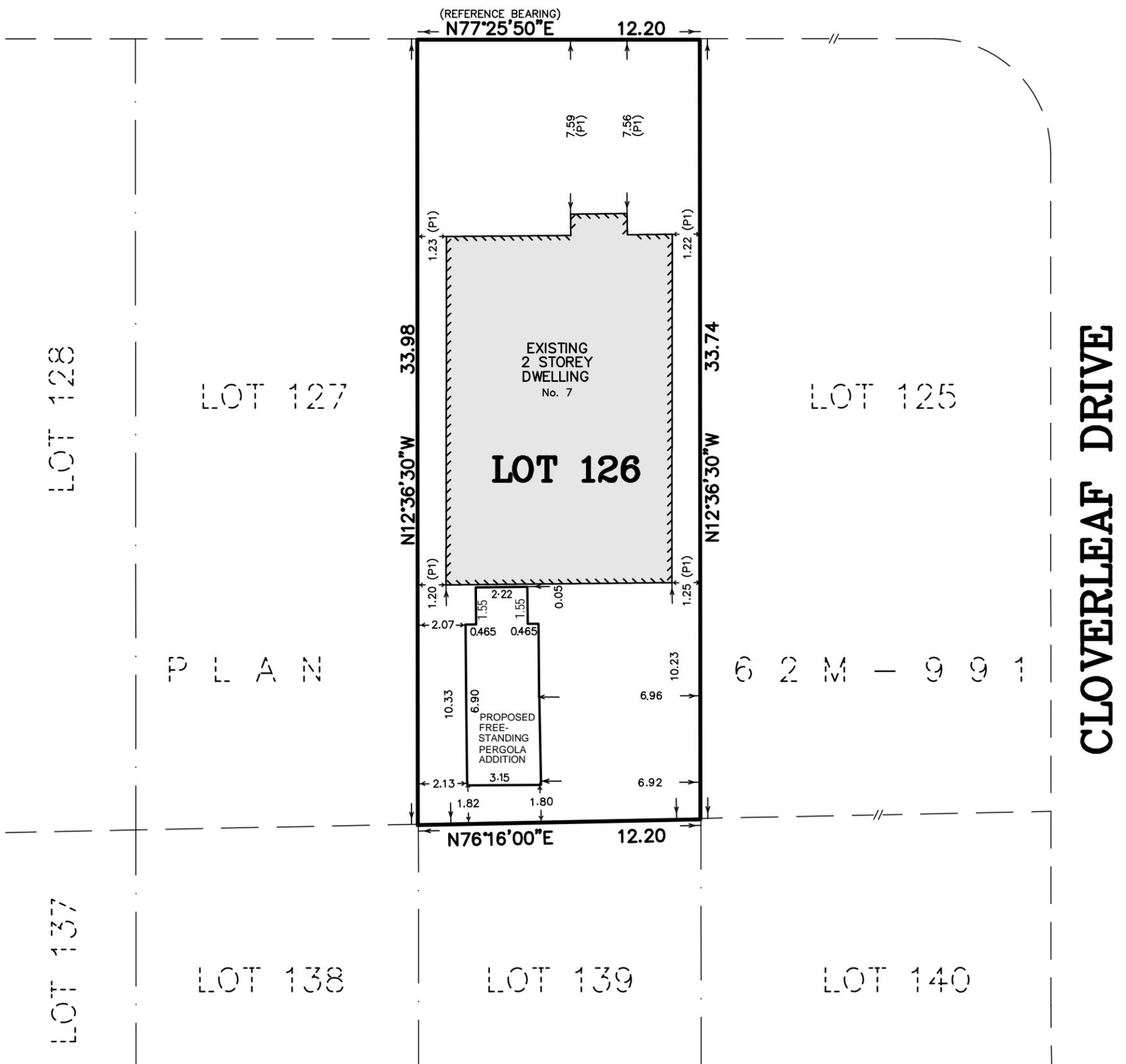
S.D. McLAREN, O.L.S. - 2022



NOTE:

EXISTING BUILDING TIES TAKEN FROM PLAN PREPARED BY ASHENHURST NOUWENS LIMITED DATED MARCH 29, 2005, FILE No. 23188126 (DENOTED AS P1 ON THIS PLAN).

ARMOUR CRESCENT



BEARING NOTE:

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF ARMOUR CRESCENT, WHICH HAS A BEARING OF N77°25'50"E, AS SHOWN ON REG'D PLAN 62M-991

LOT AREA = 413.1m
 LOT COVERAGE (EXISTING DWELLING) = 36.1%
 LOT COVERAGE (PROPOSED PERGOLA) = 8.5%

METRIC NOTE:

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

APRIL 21, 2022.
 DATE

S. Dan McLaren
 S. DAN McLAREN, O.L.S.

© S.D. McLAREN, O.L.S. - 2022. NO PERSON MAY COPY REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.



A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS

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

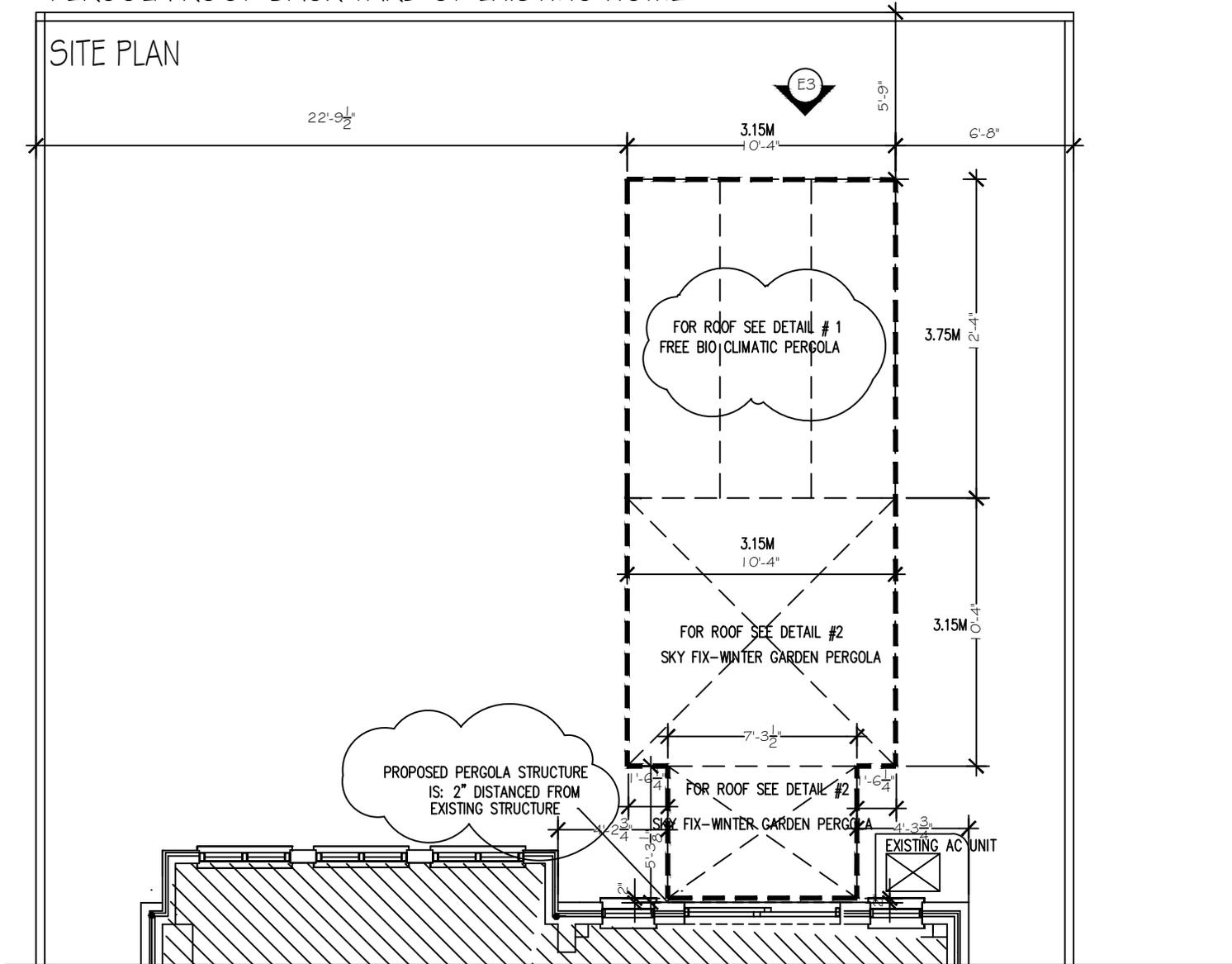
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NEW PROPOSED DESIGN—MARCH 17th,2023

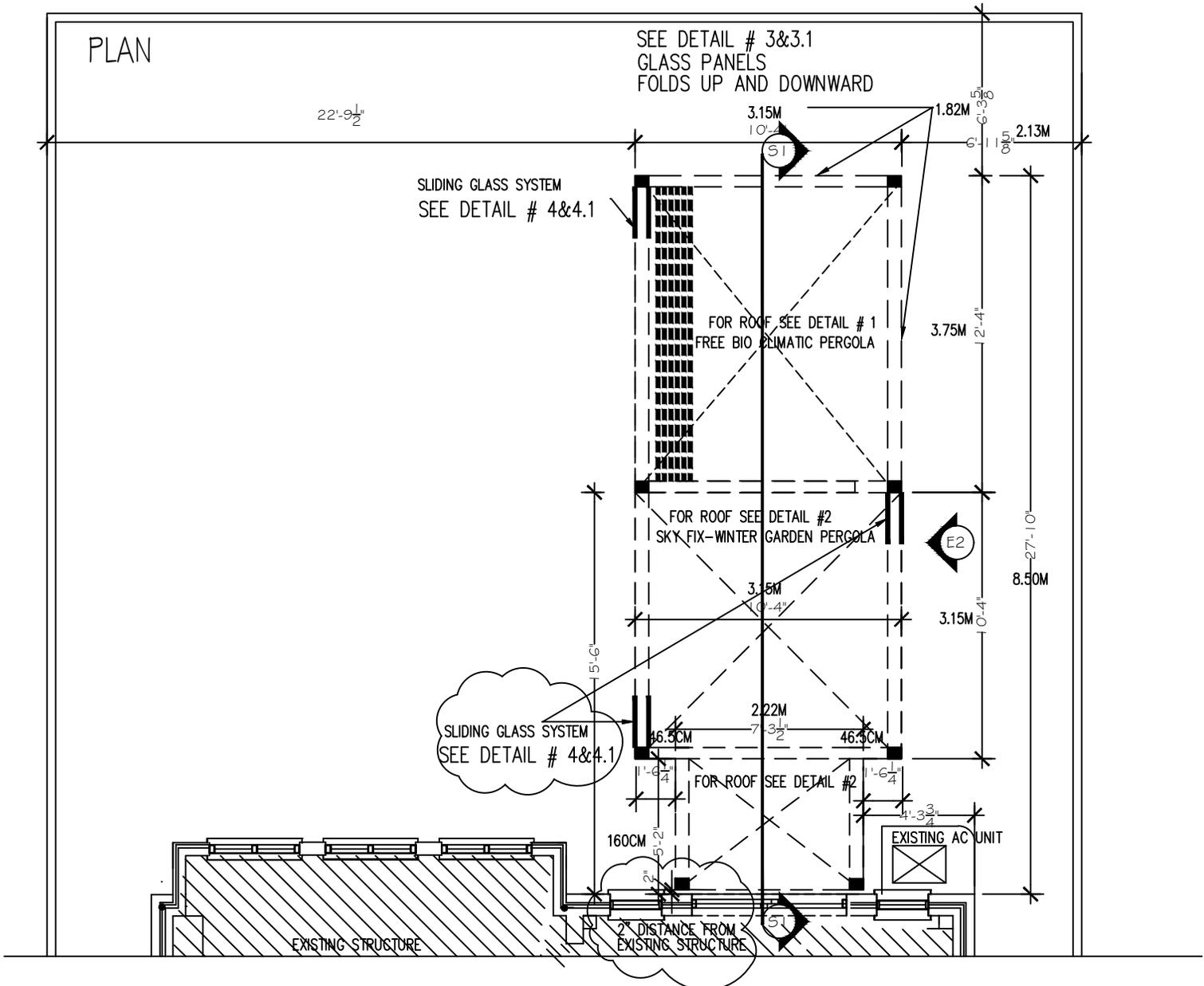
7 ARMOUR CRESCENT, ANCASTER

PROPOSED FREE STANDING PERGOLA

PERGOLA ROOF-BACK YARD OF EXISTING HOME



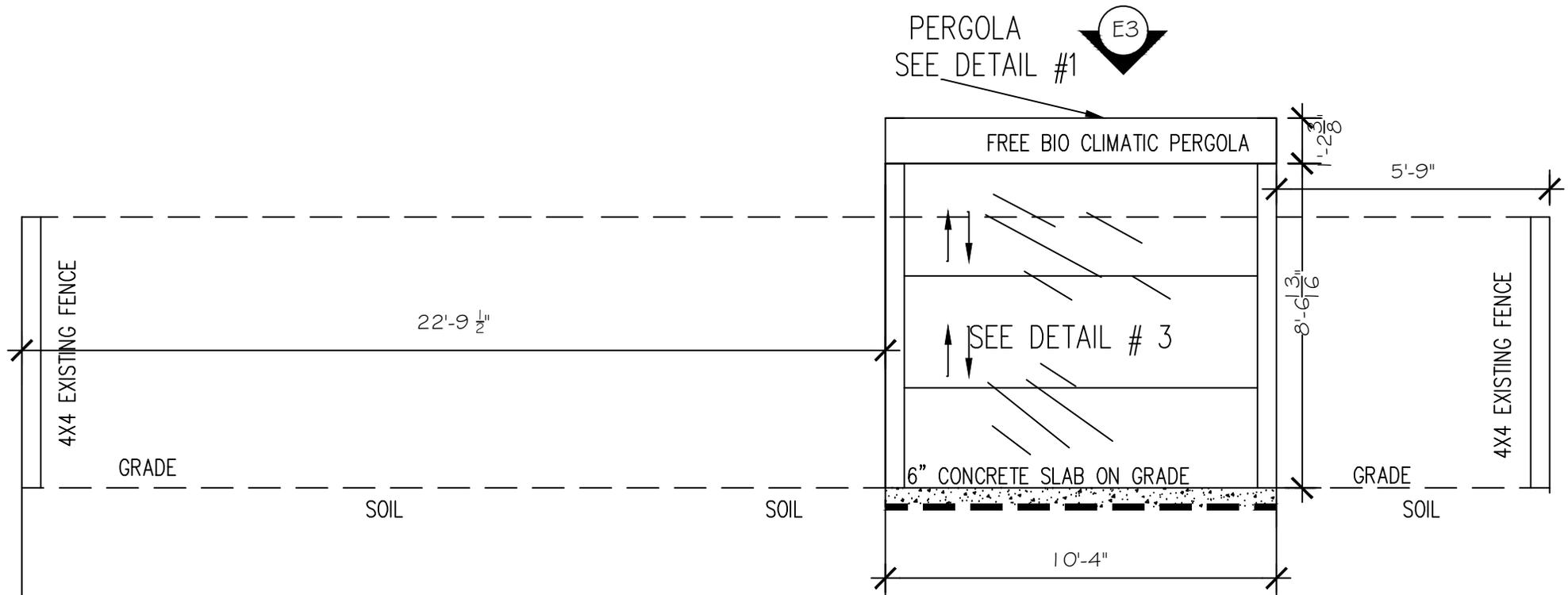
NEW PROPOSED DESIGN—MARCH 17th,2023
 7 ARMOUR CRESCENT, ANCASTER
 PROPOSED FREE STANDING PERGOLA
 PERGOLA PLAN-BACK YARD OF EXISTING HOME



NEW PROPOSED DESIGN—MARCH 17th, 2023

7 ARMOUR CRESCENT, ANCASTER

ELEVATION 3



MINOR VARIANCE APPLICATION.

Applicant, Owner; Shatha Alnajar.

Address; 7 Armour Crescent, Ancaster. Ontario. L9K 1S1.

Subject; Answers for the questions number 4 and 5.

4. Nature and Extent of Relief Applied For:

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

I applied for an accessory permit (Sunroom and Pergola); the Building Administration asked me to obtain a successful application from the Committee of Adjustments regarding the following two items:

- I. The minimum rear yard setback is 7.5m.
- II. Maximum lot coverage is 35%.

I am seeking setback variance to be (1.76m-1.82m) as per the proposed plot plan attached. Also, reconsideration of the coverage ratio calculations, assuming that the proposed accessory has no foundation walls and it is a free standing structure that would be assembled on concrete slab on grade.

I hope to have your kind assistance in obtaining this variance. Please find below the justification and purpose to this proposed plan.

Life Needs:

There can be flexibility in the requirements where the proposed plans are important to people's life needs. My neighbour has set up a big storage shed a foot from our fence, and I didn't complain because I understood that this shed might be essential to his life's needs.

Accordingly, I would hope for a similar understanding, that the setback of about two metres be permitted. My project does not consist of solid blocks, but rather of elegantly designed posts with a sliding roof, resulting in no disruption or blockading to any of my neighbours.

The depth of my backyard is 10.32m, the steps down from the kitchen to the backyard level take up space of 1m, and a rear setback of 7.5m would leave me with a space of only 1.82m which is not enough for any practical use for the backyard.

Safety for my pet:

Our pet cat, whom we love so much, is a member of the family, and her happiest time is the hours she spends in the backyard.

Every day she needs to spend a few hours in the garden and the rest of her time indoors. This routine is literally her whole life.

In the cold winter, she gets sick easily if she goes out to the backyard, and what's worse is that she will definitely get sick and depressed if she doesn't go out. This confusion and my concern for her only worsens after the snow falls and occupies the whole backyard.

Further, we have spotted raccoons and vicious birds that have come to our backyard to intimidate and possibly harm our cat, who is domesticated and a smaller cat for her age. The most important benefit of my proposed accessory is that it will provide adequate space for the safety and health of the weakest member of my family.

12 Months of Usage:

Extending the usage of my backyard in the winter, the detached sunroom would help me to enjoy the falling snow and rain which positively calms my mood a lot. I love the Canadian winter very much; it is not enough for me to enjoy it indoors through the windows rather than have a nice outdoor space that is integrated with the beautiful environment from all sides.

The lifestyle:

The proposed accessory structure would enable me to practice my hobbies in drawing, reading, listening to music and winter gardening which is my favourite thing in my life.

I love plants and flowers. Whenever winter comes, I must bring many of them into my kitchen, which disturbs the space of my house. Unfortunately, most of my plants die due to the lack of sun. What I want to create will help a lot with this issue and save the life of my plants. Besides, it will enable me to enjoy a hobby that I am extremely passionate about, even during the worst weather days.

Privacy:

There are at least 15 of the neighbours' windows that directly overlook my backyard.

I worked hard over the years to plant trees to give us privacy and I succeeded to some extent in the summertime, but when autumn comes and the fall starts, my trees turn into mere branches, so we lose any privacy in the backyard, and end up leaving the favourite third of our house for many months deserted except for piles of snow.

This is another reason for the necessity of the proposed accessory to give all season's life to my backyard which we, the whole family, love so much.

Noisy Summer.

Unfortunately, my neighbours' air-conditioning units are located on the side of their houses that are adjacent to the fence of my garden.

Regardless of if I turn off my own air-conditioning, the neighbours' devices continue to work and you know how loud these devices are, which prevents me from enjoying my backyard throughout the summer months.

In addition, my house is close to Cloverleaf Drive, which gets crowded in the summer with cars for young people specially modified to make loud engine noises, as well as noisy motorbikes.

I don't mind everyone enjoying the beautiful summer days, but I also have the right to enjoy my garden in peace, relaxation and privacy. This will only be achieved by the accessory structure I propose.

Coverage Ratio

Before having found the products that inspired the proposed accessory, I was planning to buy two or three ready-made gazebos that are available in the market and could be installed without the need for a building permit. Hence, I do not understand why the city added the area of the proposed accessory to the coverage ratio calculations.

I expected that my proposed accessory would be covered by the same tolerance and the default leniency as the ready-made gazebos of different sizes, some of which are noticeably big. My proposed accessory has the same specifications as the ready-made gazebos, such as,

- It is not attached to the foundation of the house, nor to the structural system.
- It is not connected to the heating and air conditioning system.
- It is not overlooking the nearby neighbours.

In fact, there are several aspects of the proposed accessory that are better than the ready-made gazebos, for example, it has lower height thanks to its gabled- free flat roof, which means it won't be a visual obstacle for any of the neighbours.

The proposed accessory is of two standalone parts:

- The sunroom: completely transparent with its glass roof and sides, there is two inches space separating it from the existing house structure.
- The pergola: just a linear structure of six aluminium posts and a rectangular frame, the sliding roof can be opened, in other words, it is not a permanent cover for the space under it.



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	N.A.		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 [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	7 ARMOUR CRS. ANCASTER, ON. L9K1S1		
Assessment Roll Number	140280180510000		
Former Municipality			
Lot	126	Concession	
Registered Plan Number	62M-991	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: (PLEASE SEE SHEETS ATTACHED)
 - ADDING FREE-STANDING PERGOLA WITH SLIDING DOOR AND SLIDING ROOF AND A SUNROOM WITH GLASS ROOF AND SLIDING DOORS OF GLASS PANELS. BOTH ARE ON THE BACKYARD AND NOT ATTACHED TO MY EXISTING HOME.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

(PLEASE SEE SHEETS ATTACHED)
 - DUE TO EXCEED OVER LOT COVERAGE AS PER SITE PLAN 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
12.2 M	10.32M BACKYARD/33.98M HOUSE	125.7 Sq.M	N.A.

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
VACANT REAR YARD				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
FREE-STANDING PERGOLA AND SUN ROOM		1.82 M - 1.80 M	2.13 - 2.07 M WEST 6.76 - 6.72 M EAST	

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
VACANT BACKYARD				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
FREE STANDING PERGOLA AND SUN ROOM	11.81 Sqm	11.81 Sqm	1	2.98 M
	13.33 Sqm	13.33 Sqm	1	2.98 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)

N.A.

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

- ditches
- other means (specify)

GUTTERS WITH DOWN SPOUT
AS PER DETAILS ATTACHED

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
 - municipal road, seasonally maintained
 - municipal road, maintained all year
 - right of way
 - other public road
- PRIVATE PROPERTY OWNED BY ME AS THE HOME OWNER

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

(PLEASE SEE ATTACHED SHEETS FOR MORE INFORMATION)
FREE-STANDING PERGOLA WITH SUNROOM

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

VACANT BACKYARD OF MY EXISTING HOUSE.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

14 JUNE 2005

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

BACKYARD / GARDEN

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

BACKYARD OF MY EXISTING HOUSE

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

17 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) REGISTERED PLAN G2M-221

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

7.6 What is the existing zoning of the subject land? ZONING CODE R4-481

PARENT BY-LAW #87-57 ANCASTER / BY-LAW #02-319

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):

PLEASE SEE ATTACHED SHEETS FOR MORE INFORMATION.

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/A-23:110	SUBJECT PROPERTY:	118 SPRINGFIELD BOULEVARD, ANCASTER
ZONE:	"R3-330" (Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended 89-69

APPLICANTS: **Owner:** ANGELA PAPPIN
 Agent: FORTINO BROS. C/O EUGENIO FORTINO

The following variances are requested:

1. A minimum 4.0m rear yard setback shall be provided, instead of the minimum 7.5m rear yard setback required.

PURPOSE & EFFECT: To Facilitate the construction of a proposed covered deck.

Notes:

1. It is noted that a roofed over deck at the rear of a dwelling is considered to be part of the principle dwelling and as such, subject to the rear yard setback requirement of the R3-330 zone.

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

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

DATE:	Thursday, June 1, 2023
TIME:	10:25 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton

AN/A-23:110

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

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

PUBLIC INPUT

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

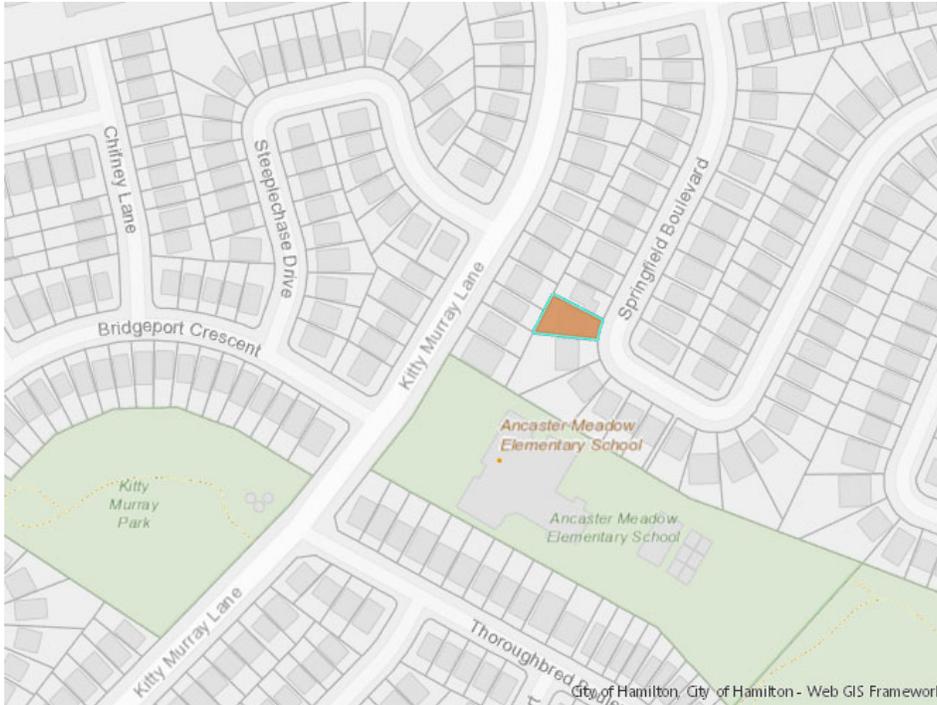
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:110, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

AN/A-23:110



 Subject Lands

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

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

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

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

DESIGN LOADING:

ROOF LOAD: HAMILTON(ABOVE ESCARPMENT–WEST OF JOHN C. MUNRO AIRPORT)

TYP. ROOF DEAD LOAD	= 20psf
Ss	= 32psf
Sr	= 9psf
S	= 30psf

DIMENSIONS/CONFIGURATION IS APPROXIMATE

SITE IS CLASSIFIED AS 'R3-330' ZONE AS PER TOWN OF ANCASTER ZONING BY LAW NO. 84-57

ALL SITE PLAN DIMENSIONS/INFORMATION WAS REFERENCED FROM EXISTING SURVEY

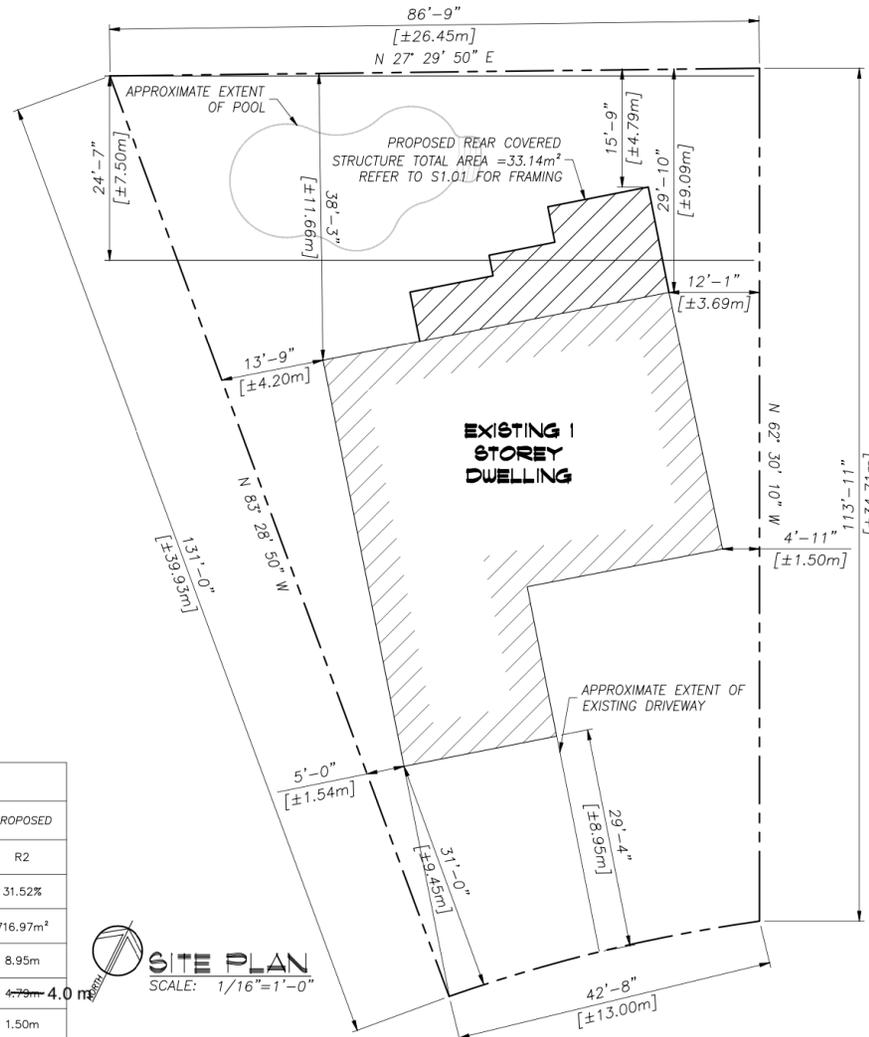
LEGEND:

	PROPOSED REAR COVERED PORCH
	APPROXIMATE LOCATION OF EXISTING LOT LINE



**THE TOWN OF ANCASTER ZONING BY-LAW NO. 87-57:
SECTION 11: RESIDENTIAL ZONES, SECTION 11.3 RESIDENTIAL "R3" ZONE**

ZONE REGULATION			
	PERMITTED USES UNDER ZONING BY-LAW	EXISTING	PROPOSED
ZONING DESIGNATION	SINGLE DETACHED DWELLING	R2	R2
MAX LOT COVERAGE	40%	26.90%	31.52%
MIN. LOT AREA	600 m ²	716.97m ²	716.97m ²
MIN. FRONT YARD	6 m	8.95m	8.95m
MIN. REAR YARD	7.5 m	9.09m	4.0m
MIN. SIDE YARD	1.50 m	1.50m	1.50m
EXISTING BUILDING AREA	N/A	192.8m ²	226.01m ²



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

No.	DATE	REVISION
1	23/04/19	ISSUED FOR REVIEW

REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905.533.9114

PRELIMINARY

COVERED PORCH

118 SPRINGFIELD BLVD.
HAMILTON, ONTARIO

SITE PLAN

DATE APR 2023	DRAWN BY J.H	DRAWING No. S0.01
PROJECT No. 18196	CHECKED BY J.P.C	

PLOT DATE: 2023/04/19 12:05 PM



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 Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant AgentSolicitor

1.4 Request for digital copy of sign Yes* No

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

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	118 Springfield Blvd., Ancaster, ON L9K 1H8		
Assessment Roll Number	14029021092		
Former Municipality	Hamilton-Wentworth		
Lot	41	Concession	
Registered Plan Number	62M-635	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:

Encroach into rear yard setback for covered porch/deck

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Current rear yard setback is 7.5 m, proposed porch requires 4.79 m setback from rear yard on short side

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
+/- 13.00 m	39.93 m (west side)	716.97 sq. m	+/- 7.5 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	8.95 m	9.09 m	1.5 m	1990

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory (Covered Porch)	8.95 m	4.79 m (east side of property)	1.5 m	1990

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
Wood Frame	192.8 sq m	318 sq m	2	6.7 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Wood Frame	226.01 sq m	351.21 sq m	2	6.7 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 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:

1992

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

Raw Land - undeveloped

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:

~23 years

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

Rural Hamilton Official Plan designation (if applicable): Residential

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

Section 13.10 - Committee of Adjustment - "...to rule on applications for minor variance from the provisions of the zoning by-law. In granting a variance, the Committee will be satisfied that such variance is minor, is desirable for the appropriate development or use of the land..."

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: 1

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

See attached site plan

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-23:107	SUBJECT PROPERTY:	79 ESSLING AVENUE, HAMILTON
ZONE:	"R1" (Low Density Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** ABDUL MOLLAH

The following variances are requested:

1. To permit a minimum setback of the proposed gazebo and deck from the rear lot line of 0.90 metres instead of the required 1.0 metres.
2. To permit a minimum setback of the proposed gazebo and deck from the north side-lot line of 0.60 metres instead of the required 1.0 metres.
3. To permit a minimum setback of the proposed shed from the south side-lot line of 0.45 metres instead of the required 1.0 metres.

PURPOSE & EFFECT: To permit a new shed and a new two-level freestanding deck, with a gazebo on the lower level, in the rear yard of the existing detached dwelling.

Notes:

- i. Building permit application #23-114146-00 was received on April 04, 2023 for the proposed two-level deck.

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

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

DATE:	Thursday, June 1, 2023
TIME:	10:30 a.m.
PLACE:	Via video link or call in (see attached sheet for details)

HM/A-23:107

	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

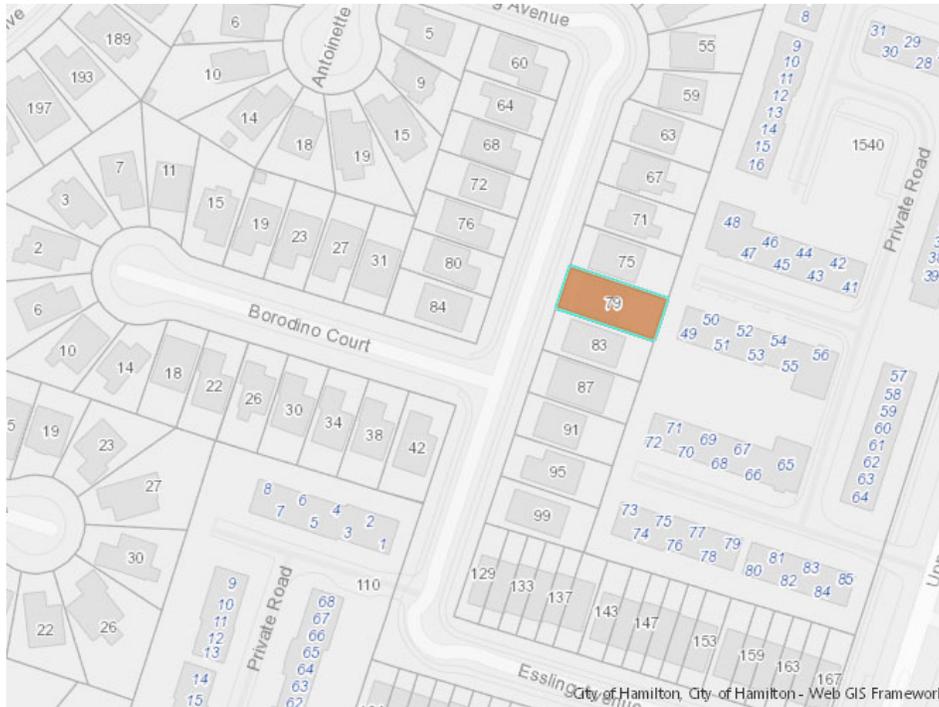
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FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:107, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-23:107



 Subject Lands

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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1. Virtual Oral Submissions

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

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

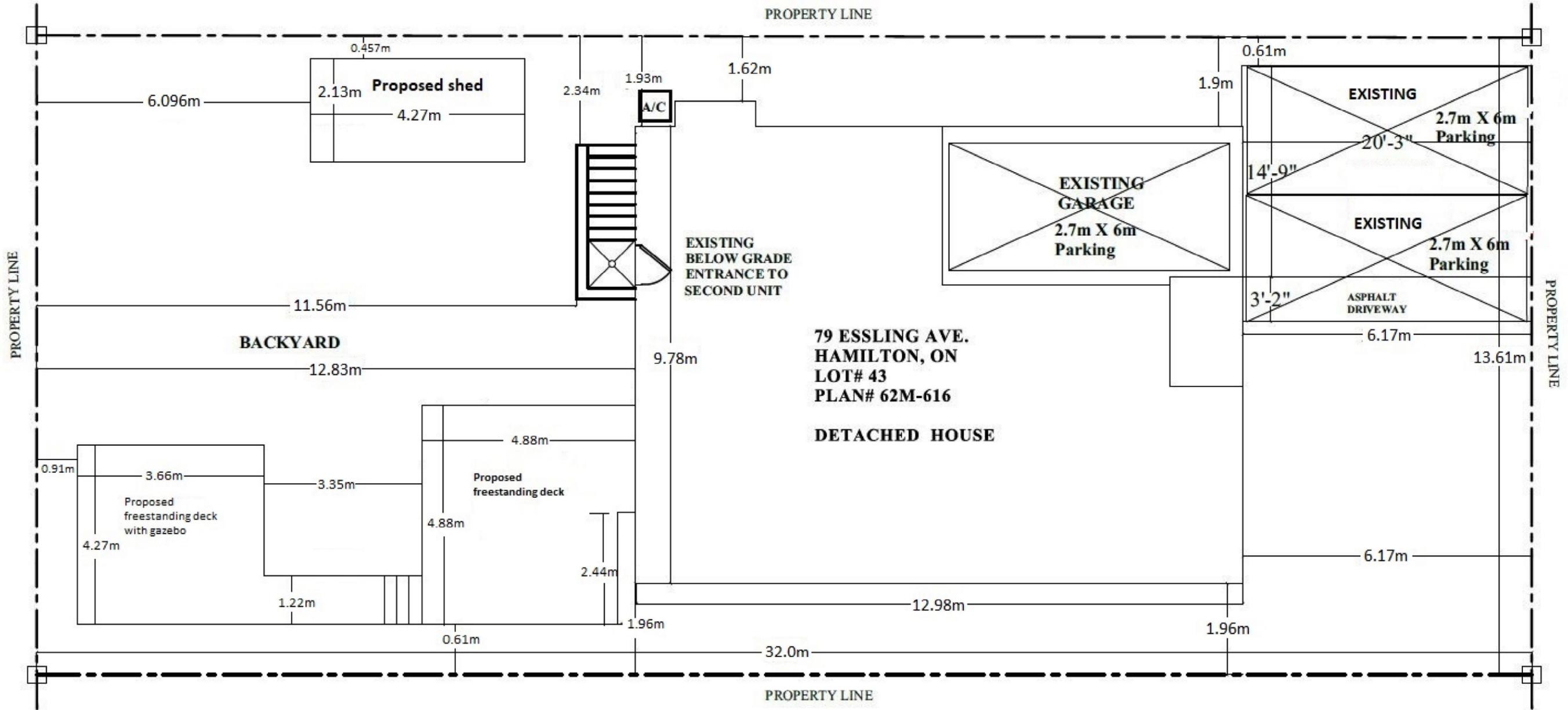
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

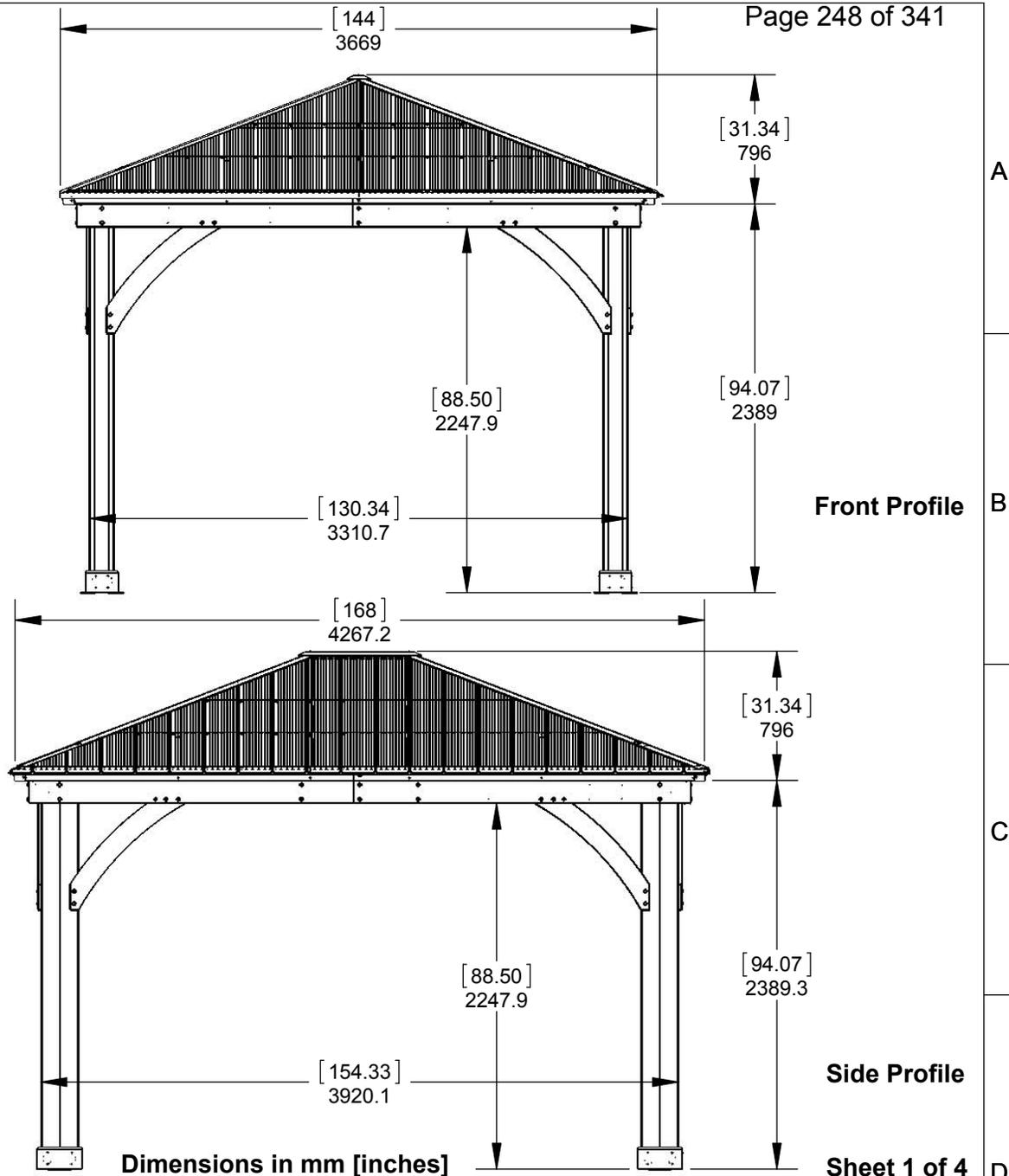
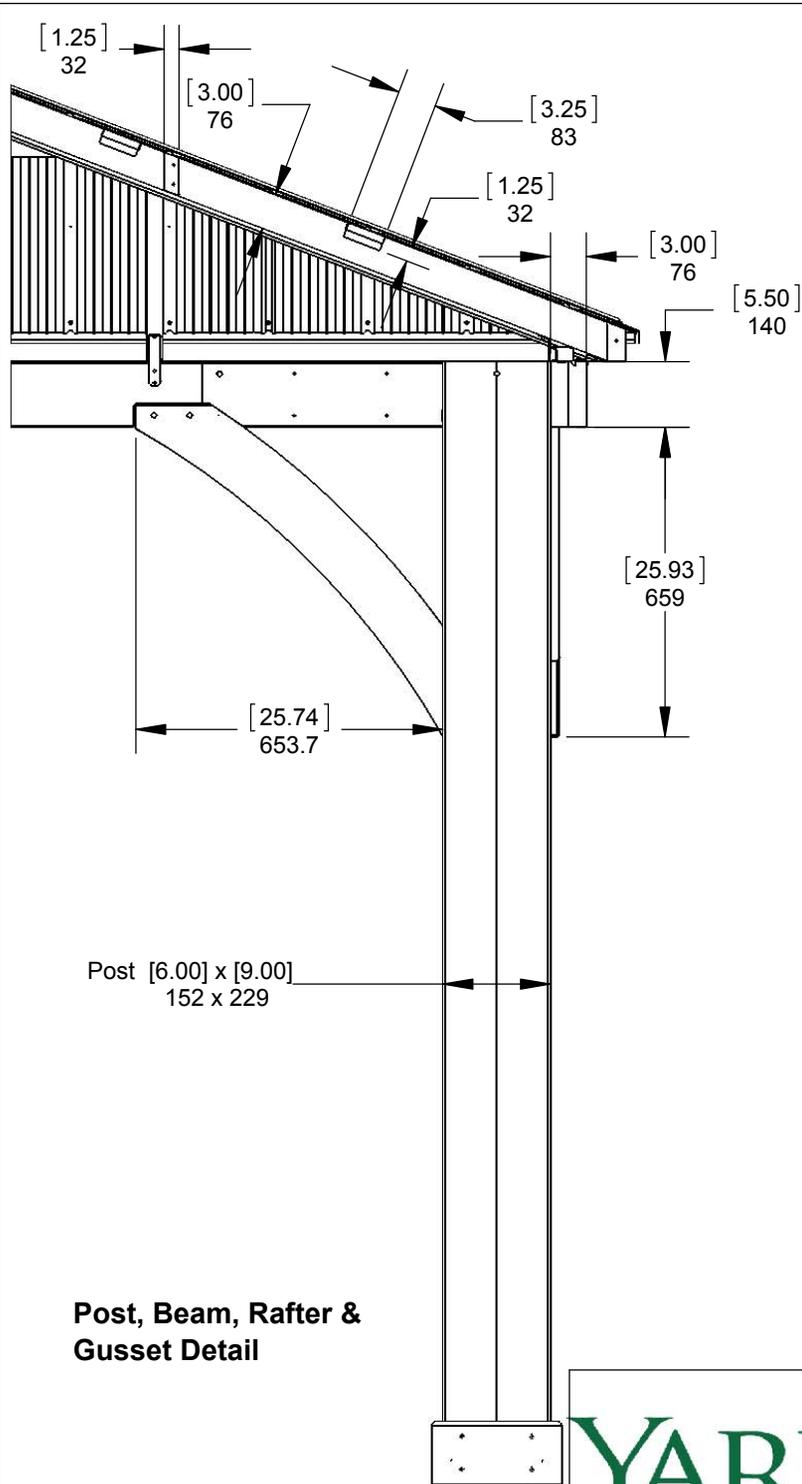
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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



ESSLING AVENUE



YARDISTRY

12 x 14 Wood Gazebo with Aluminum Roof
 Item#1031553 Mfg#YM12941

Date: 2016-11-15

SIZE **A**
 DO NOT SCALE DRAWING

This drawing is proprietary and confidential. All information contained herein is the sole property of Yardistry Ltd. Any transmission or reproduction in part or as a whole without permission of Yardistry is prohibited.

REV	DESCRIPTION	DATE	DRN	APP
5				4





Hamilton

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

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

APPLICATION FOR A MINOR VARIANCE/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 [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	79 Essling Avenue, Hamilton, ON, L9B 2E7		
Assessment Roll Number	070.851.01151.0000		
Former Municipality			
Lot	43	Concession	
Registered Plan Number	62M616	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:

I am looking to build a new freestanding deck and a shed in my backyard. The new proposed deck has two levels and the ground level portion of the deck with gazebo is .9m from the rear fence and 0.6m from the side fence. The proposed shed is 0.457m away from side fence. Which does not conform to By-law No. 05-200.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Reasoning for extending the deck to the rear is that I have a below grade entrance for my 2nd unit along the back of the house and cannot extend along the house. The shed being closer to the side fence is to avoid having the shed extending too far into the 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
13.61m	32m	435.52m ²	

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
Detached house	6.17m	12.82m	Left: 1.95m Right: 1.37m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Rear upper deck		7.9m	0.6m	05/15/2023
Rear lower deck w/gazebo		0.9m	0.6m	05/15/2023
Rear shed		6.1m	0.457m	05/15/2023

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
Detached house	91.32m ²	113.43m ²	2	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Rear upper deck		23.8m ²		0.76m
Rear lower deck w/gazebo		15.6m ²		Deck: 0.4m Gazebo: 3.175m
Rear shed		9.1m ²	1	3.4m

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

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

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

- ditches
- other means (specify)
- _____

- 4.6 Type of sewage disposal proposed: (check appropriate box)
- publicly owned and operated sanitary sewage
 system privately owned and operated individual
 septic system other means (specify) _____
- 4.7 Type of access: (check appropriate box)
- provincial highway 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.):
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
Feb 6, 2020
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Residential duplex.
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Residential single detached dwelling duplex
- 7.4 Length of time the existing uses of the subject property have continued:
5 months.
- 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) Neighbourhoods

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

Accessory buildings are permitted in neighbourhoods

7.6 What is the existing zoning of the subject land? R1

- 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: HM/A - 20:170

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: 2

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	SC/A-23:100	SUBJECT PROPERTY:	63 THIRD ROAD E, STONEY CREEK
ZONE:	"A1" (Agriculture)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: JASON & SABRINA BRUZZESE

The following variances are requested:

1. A maximum gross floor area of 290.0 square metres shall be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to the single detached dwelling shall not exceed a maximum gross floor area of 200 square metres.

PURPOSE & EFFECT: As to permit the construction a new Single Detached Dwelling with an accessory building.

Notes:

1. As per Section 4.8.1.2 of Hamilton Zoning By-law 05-200 the requested variance for the maximum accessory building height is not required.
2. Please be advised accessory buildings shall not be erected prior to the erection of the principle building or structure on the lot.
3. Please be advised no more than one dwelling shall be erected on a lot.
4. All mechanical equipment shall be in accordance with Section 4.9 of the Hamilton Zoning By-law 05-200.

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

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

SC/A-23:100

DATE:	Thursday, June 1, 2023
TIME:	10:35 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
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SC/A-23:100



 Subject Lands

DATED: May 16, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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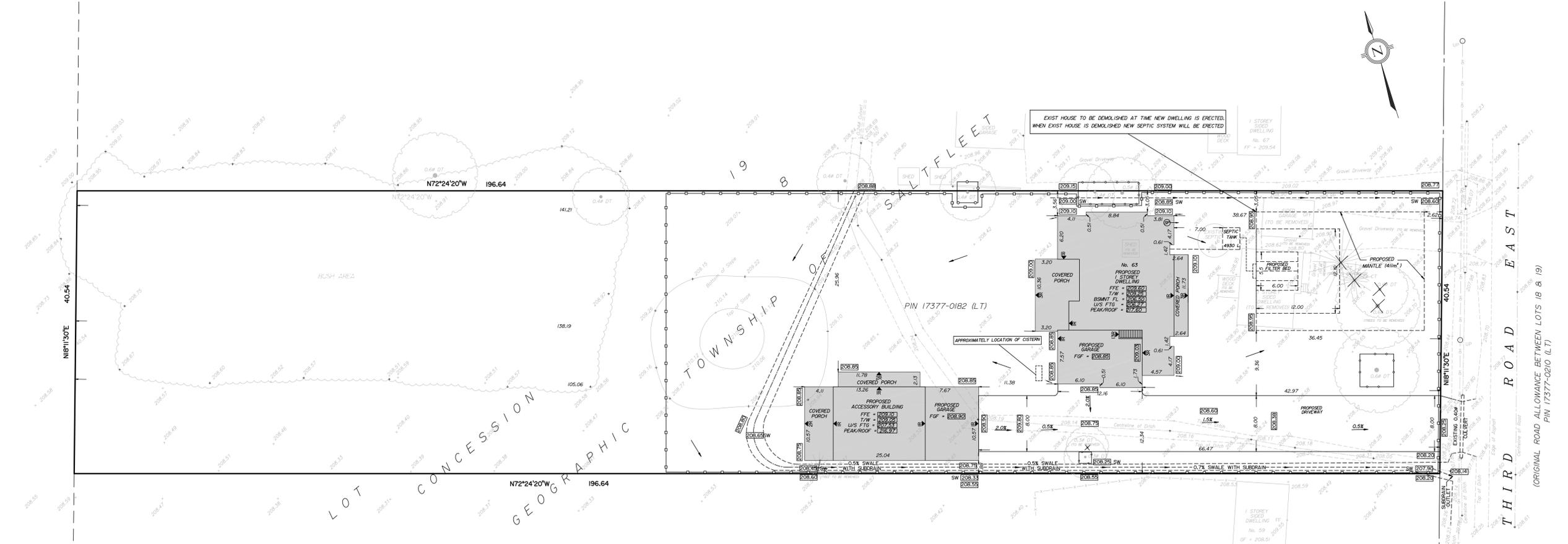
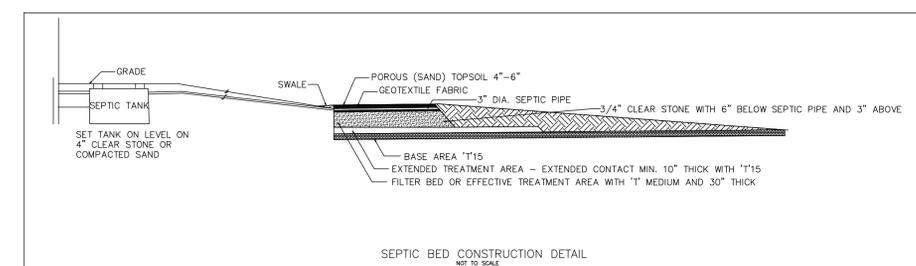
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- GENERAL NOTES**
- THIS/ THESE PLANS IS/ ARE NOT TO BE USED FOR CONSTRUCTION UNTIL SEALED BY THE ENGINEER AND INDICATED ISSUED FOR CONSTRUCTION ON THE DRAWING.
 - THIS/ THESE PLANS IS/ ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF BARICH GRENKIE SURVEYING LTD.
 - 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 FOR SUFFICIENCY. THE CONTRACTOR SHALL ASSUME LIABILITY FOR ANY DAMAGE TO EXISTING WORKS.
 - ALL INFORMATION TAKEN FROM SURVEY BY BARICH GRENKIE SURVEYING LTD. DATED JANUARY 09, 2023.
 - THIS/ THESE PLANS IS/ ARE TO BE USED FOR SERVING AND GRADING ONLY. FOR BUILDING LOCATION REFER TO THE SITE PLAN.
 - MUNICIPAL APPROVAL OF THESE DRAWINGS IS FOR MATERIAL AND COMPLIANCE WITH CITY/TOWN STANDARDS AND 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.
 - ALTERNATE MATERIALS MAY BE ACCEPTABLE PROVIDED WRITTEN APPROVAL HAS FIRST BEEN OBTAINED FROM THE CITY OF HAMILTON AND THE ENGINEER.
 - 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
 - PRIOR TO CONSTRUCTION THE CONTRACTOR MUST:
 - 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 FINDINGS IN WRITING TO THE ENGINEER.
 - OBTAIN ALL UTILITY LOCATES AND REQUIRED PERMITS AND LICENSES.
 - VERIFY ALL FINISHED FLOOR ELEVATIONS AND BASEMENT FLOOR ELEVATIONS WHICH MAY APPEAR ON THESE PLANS CORRELATE WITH THE FINAL ARCHITECTURAL DRAWINGS.
 - CONFIRM ALL DRAWINGS USED FOR CONSTRUCTION ARE OF THE MOST RECENT REVISION.
 - NOTIFY THE ENGINEER OF THE PROPOSED CONSTRUCTION SCHEDULE FOR COORDINATION OF NECESSARY INSPECTIONS.
 - THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE ENGINEER 48 HOURS PRIOR TO THE 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 1.2.2. 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 UNINSPECTED WORKS MAY BE WITHHELD UNTIL THE COMPLETION OF THE POST CONSTRUCTION INSPECTION AND TESTING TO THE SATISFACTION OF THE ENGINEER.
 - 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 MEET INDUSTRY STANDARDS.
 - 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.
 - 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.
 - SERVING CONTRACTOR TO MAINTAIN A "CONFINED TRENCH CONDITION" IN ALL SEWER AND WATERMAIN INSTALLATION TRENCHES.
 - THE SITE SERVING CONTRACTOR SHALL TERMINATE ALL SERVICES 1.0m FROM THE BUILDING FACE. NO BLASTING WILL BE PERMITTED.

- SILTATION AND EROSION CONTROL**
- SILTATION CONTROL BARRIERS SHALL BE PLACED AS DETAILED.
 - ALL SILTATION CONTROL MEASURES SHALL BE CLEANED AND MAINTAINED AFTER EACH RAINFALL AS DIRECTED AND TO THE SATISFACTION OF THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.
 - ADDITIONAL SILT CONTROL LOCATIONS MAY BE REQUIRED AS DETERMINED BY THE ENGINEER, THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.



PROJECT No. 22-3076 DRAWING No. 22-3076 SGP

- GRADING NOTES**
- GENERAL GRADING
 - ALONG ADJOINING PROPERTIES GRADE TO MEET EXISTING OR PROPOSED ELEVATIONS WITH 5000% SLOPES (MIN. 3H TO 1V) AND/OR RETAINING WALLS AS SPECIFIED.
 - ALL RETAINING WALLS, MAINWAYS, CURBS, ETC., SHALL BE PLACED A MIN. OF 0.45m OFF THE PROPERTY LINE. ALL WALLS 1.0m OR HIGHER SHALL BE DESIGNED BY A P.ENG.
 - SHOULDER RETAINING WALLS SHALL BE REQUIRED. THE TOP OF WALL ELEVATIONS SHALL BE SET 150mm ABOVE THE PROPOSED SIDE YARD SWALES.
 - RETAINING WALLS 0.6m IN HEIGHT OR GREATER REQUIRE CONSTRUCTION OF A FENCE OR GUARD RAIL AT THE TOP OF THE REAR OF THE WALL. GUARDS FOR RETAINING WALLS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING GUARDS AS CONTAINED IN THE ONTARIO BUILDING CODE.
 - TOP OF FOUNDATION WALLS FOR BUILDINGS SHALL BE 150mm (MIN) ABOVE FINISHED GRADE.
 - DRIVEWAY SLOPES SHALL NOT BE LESS THAN 2% AND NOT MORE THAN 7.0% REVERSED SLOPED DRIVEWAYS IN NEW DEVELOPMENTS ARE NOT PERMITTED.
 - IF GRADING IS REQUIRED ON LANDS ADJACENT TO THE DEVELOPMENT WHICH ARE NOT OWNED BY THE DEVELOPER, THEN THE DEVELOPER MUST OBTAIN WRITTEN PERMISSION FROM THE ADJACENT PROPERTY OWNER TO ALLOW THE DEVELOPER TO GRADE ON THE ADJACENT LANDS, OTHERWISE RETAINING WALLS MUST BE USED.
 - THE WRITTEN PERMISSION REQUIRED FROM THE ADJACENT LANDOWNER SHALL BE OBTAINED PRIOR TO ENTERING THE LANDS. SHOULD PERMISSION NOT BE OBTAINED OR IS WITHDRAWN PRIOR TO COMMENCING THE WORK, THEN THE DEVELOPER SHALL LIMIT HIS ACTIVITIES TO THE LIMITS OF THE DEVELOPMENT SITE.
 - DRIVEWAY AND DRIVEWAY APPROACHES SHALL BE LOCATED SUCH THAT HYDRO VENTS AND OTHER STREET FURNITURE ARE A MIN. OF 1.2m FROM THE PROJECTIONS OF THE OUTSIDE GARAGE WALLS.
 - ANY CHANGES IN GRADES AND CATCH BASINS REQUIRE THE APPROVAL OF THE CITY'S MANAGER OF DEVELOPMENT ENGINEERING.
 - ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
 - SLOPES OF SWALES FOR BOTH "BACK TO FRONT" AND "SPLIT" DRAINAGE SHALL BE NO LESS THAN 2.0% GRADE AND NO GREATER THAN 33.0% GRADE (3:1 SLOPE).
 - 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 SUITABLE OUTLET (WITH A MINIMUM 0.3m COVER OVER THE SUBDRAIN), OR OTHER MITIGATION MEASURES.
 - MINIMUM GRADE FOR WRAP-AROUND SWALE IN BACKYARDS SHALL BE 1.0% UNLESS OTHERWISE NOTED. THE GROUND BETWEEN PROPOSED ELEVATIONS ON SIDE LOTS SHALL BE GRADED TO A STRAIGHT LINE.
 - GARAGE FLOOR ELEVATIONS TO BE SET 0.3m HIGHER THAN BACK OF WALK, UNLESS OTHERWISE SPECIFIED.
 - ALL FILL PLACED ON LOTS SHALL BE COMPACTED TO A MINIMUM 98% S.P.D. (UNLESS OTHERWISE RECOMMENDED BY THE GEOTECHNICAL ENGINEER). ALL MATERIAL SHALL BE PLACED IN LIFTS NOT EXCEEDING 300mm.
- 2. BACKYARD GRADING**
- A DEFINITION "REQUIRED BACK YARD" SHALL MEAN THE LESSER OF THE DISTANCE REGULATED BY THE ZONING BY-LAW IR 6.0m.
 - 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.
 - 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.
 - GENERALLY, SLOPES SHALL BE PLACED ON THE LOWER LOT, WHEREAS RETAINING WALLS SHALL BE PLACED ON THE HIGHER LANDS.
 - THERE IS NO CONTROL ON THE STEEPNESS OF THE SLOPES IN SIDE YARDS, FRONT YARDS, AND BACK YARDS, OUTSIDE THE AREAS DEFINED IN ITEM "A" ABOVE, PROVIDED THE SLOPES ARE STABLE FOR THE SOILS OF THE AREA (3:1 MAXIMUM).

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

MUNICIPAL ADDRESS
63 THIRD ROAD EAST, STONEY CREEK, HAMILTON

LEGAL DESCRIPTION
LOT 19, CONCESSION 8, GEOGRAPHIC TOWNSHIP OF SALT FLEET IN THE CITY OF HAMILTON

ZONING
AGRICULTURAL (A1) ZONE

MAIN BUILDING

SITE STATISTICS	BYLAW	PROPOSED
LOT AREA	4050 m ²	7971.83 m ² (EX)
LOT WIDTH	30.0 m	40.54 m(EX)
BUILDING AREA	N/A	461.89 m ²

SETBACKS

FRONT YARD (EAST)	7.5 m	36.45 m
REAR YARD (WEST)	7.5 m	138.19 m
SIDE YARD (NORTH)	1.25 m	3.05 m
SIDE YARD (SOUTH)	1.25 m	12.34 m
HEIGHT (PEAK OF ROOF)	11 m	8.00 m

ACCESSORY BUILDING

BUILDING AREA	N/A	289.67 m ²
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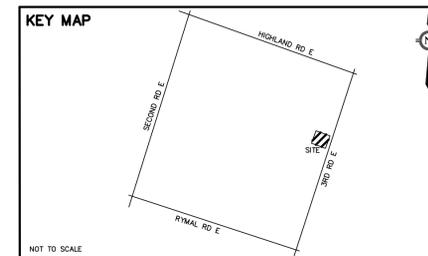
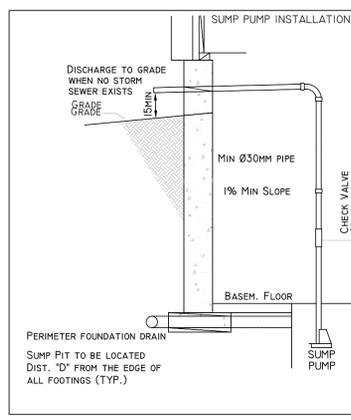
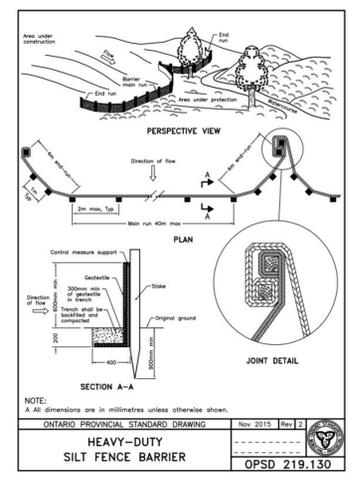
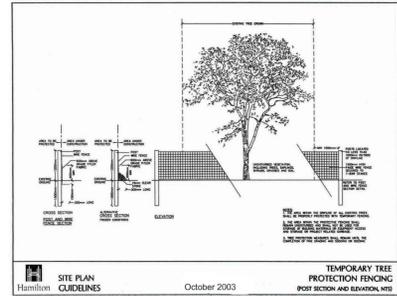
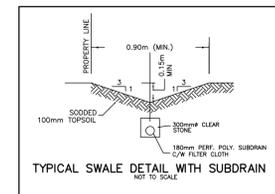
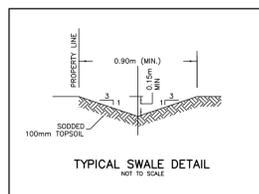
SETBACKS

FRONT YARD (EAST)	7.5 m	66.19 m
REAR YARD (WEST)	7.5 m	105.06 m
SIDE YARD (NORTH)	1.25 m	25.96 m
SIDE YARD (SOUTH)	1.25 m	1.88 m
HEIGHT (PEAK OF ROOF)	11 m	7.87 m

Table 1 - Tree Protection Zones

Trunk Diameter (DBH) ¹	Tree Protection Zone (TPZ) ² Minimum Protection Distances Required ³	Critical Root Zone (CRZ) Distances Required
<10 cm	1.8 m	1.8 m
11-40 cm	2.4 m	4.0 m
41-50 cm	3.0 m	5.0 m
51-60 cm	3.6 m	6.0 m
61-70 cm	4.2 m	7.0 m
71-80 cm	4.8 m	8.0 m
81-90 cm	5.4 m	9.0 m
91-100+ cm	6.0 m	10.0 m

- Tree protection barriers for trees situated on the City road allowance where visibility must be maintained can be 1.2m high and consist of orange plastic web snow fencing on a wood frame of 2" x 4" s, supported on metal "T" bars, 2.0m c/c max. Where orange plastic web snow fencing creates a restriction to sightlines, pipe wire fencing shall be used.
- Where some excavate of fill has to be temporarily located near a tree protection barrier plywood must be used to ensure no material enters the Tree Protection Zone.
- All supports and bracing should be outside the Tree Protection Zone. All such supports should minimize damaging roots outside the Tree Protection Barrier.
- No construction activity, grade changes, surface treatment or excavations of any kind is permitted within the Tree Protection Zone.



KEY MAP

NOT TO SCALE

ADDRESS: 63 THIRD ROAD EAST, STONEY CREEK

SITE AND GRADING PLAN OF PART OF LOT 19 CONCESSION 8, (GEOGRAPHIC TOWNSHIP OF SALT FLEET) IN THE CITY OF HAMILTON

BARICH GRENKIE SURVEYING LTD.
A DIVISION OF GEOMAPLE
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METRIC

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

- LEGEND**
- DT DENOTES DECIDUOUS TREE
 - CT DENOTES CONIFEROUS TREE
 - SV DENOTES SERVICE VALVE
 - SLB DENOTES SUBJECT LANDS BOUNDARY
 - DL DENOTES DEED LINE
 - LL DENOTES LOT LINE
 - FL DENOTES FENCE LINE
 - TR DENOTES TREE TO BE REMOVED
 - NE-SW DENOTES NORTH-EAST-SOUTH-WEST
 - EE DENOTES EXISTING ELEVATION
 - PEE DENOTES PROPOSED ELEVATION
 - PTP DENOTES PROPOSED TREE PROTECTION
 - DS DENOTES DOWN SPOUT WITH SPLASH PAD
 - SP DENOTES SUMP PUMP LOCATION

ELEVATION NOTE

ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928:1978) AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK No. 0011975U230 HAVING AN ELEVATION OF 207.800 m.

NO.	DATE	BY	REVISIONS
4	03/29/2023	GF	AS PER CLIENT REQUEST
3	03/28/2023	GF	AS PER CITY COMMENTS
2	03/09/2023	GF	AS PER CLIENT REQUEST
1	02/28/2023	GF	AS PER CLIENT REQUEST
0	02/03/2023	GF	ISSUED FOR REVIEW

DESIGN	GF	CHK'D	DJ	DATE
DRAWN	GF	CHK'D	DJ	MARCH 29, 2023

Scale 1:300

APPROVALS

STAMP

LICENSED PROFESSIONAL ENGINEER
M. FATHI
100086843
MARCH 29, 2023
PROVINCE OF ONTARIO

Barich Grenkie Surveying Ltd.
301 HWY No. 8 (2ND FLOOR), STONEY CREEK, ON (905) 662-6767
A DIVISION OF GEOMAPLE

DWN BY: GF
CHK BY: MF
JOB No. 22-3076

CLIENT: JASON BRUZZESE

PROJECT NAME: PROPOSED DWELLING
63 THIRD ROAD EAST, STONEY CREEK

TITLE: SITE AND GRADING PLAN

PROJECT No. 22-3076 DRAWING No. 22-3076 SGP

Door and Sill as per 9.10.13.15. Self-closing door shall be tight fitting & weather-stripped to provide an effective barrier against the passage of gas & exhaust fumes (where grade permits)

Provide double joists and L 3 1/2" x 3 1/2" x 1/4" above all basement exterior windows unless noted otherwise

Provide lighting of all entrances as per 9.34.2.1 of O.B.C.

For walk-out and partial walk-out lots, step concrete foundation as required for proposed grades ensuring a maximum of 4'-0" of laterally unsupported wall

Built-up posts to be min. 5 1/2" x 5 1/2" and at least as wide as the supported member O.B.C. 9.17.4.1

All Footings to be minimum 4'-0" below finished grade at all times.

Where patio/terrace door threshold is greater than 2'-0" above finished grade, provide SG-7 guard or provide blocking to prevent door from opening more than 4".

Window sizes shown are approximate. Exact rough openings to be determined by window manufacturer's specifications

Doors and Windows must be resistant to forced entry.

Provide guards (SB-7 type guards for housing and small buildings) at porch where distance from grade to top of porch is 2'-0" or greater.

Roof Space to be vented to exterior by vent area of not less than 1/300 of insulated ceiling area

No openings through guards greater than 4" O.B.C. 9.8.8.5

Provide Built-up wood stud post equal to stud depth and width of beam, at both ends of steel/wood beams unless noted otherwise

All interior stud walls to be 2"x4" unless noted otherwise. All concrete foundations to be 8" unless noted otherwise

Window wells as per 9.7.1.4, and 9.14.6.3 (O.B.C.) typical where required.

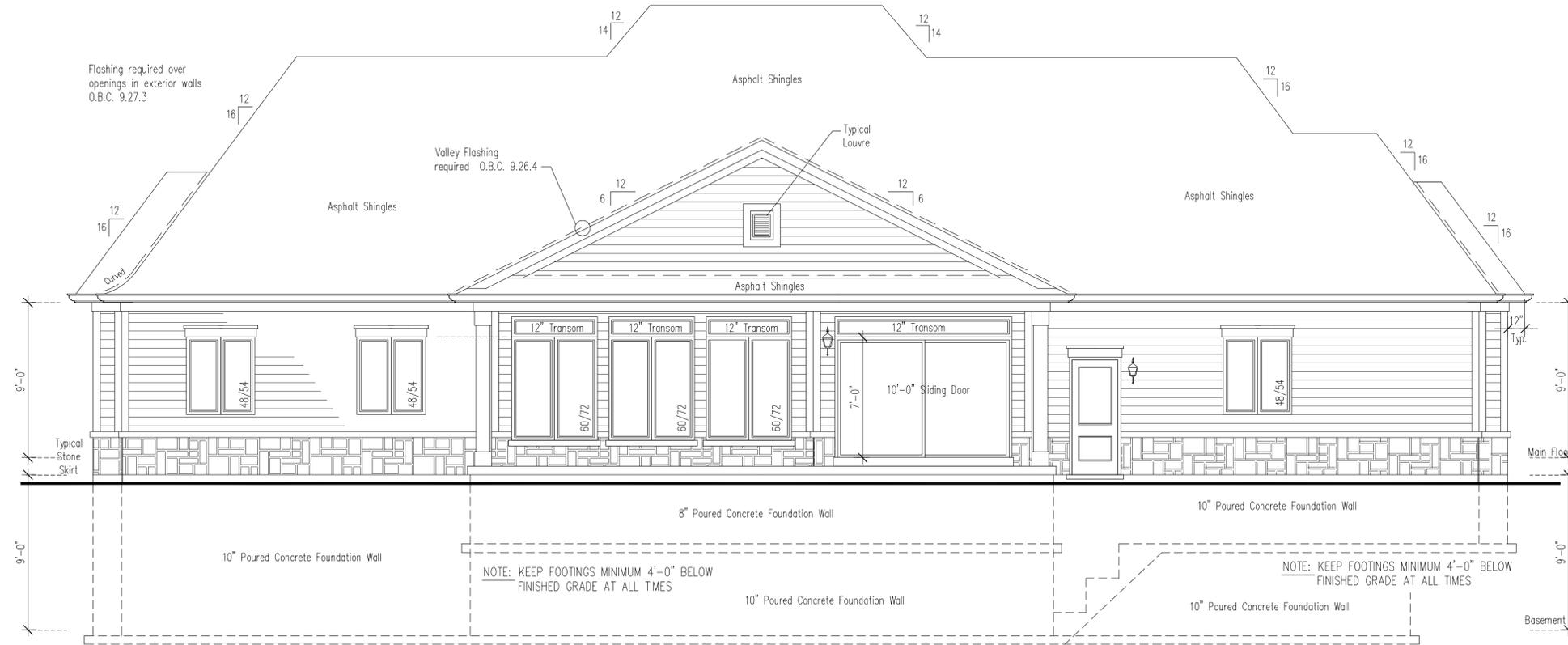
Provide minimum 2 rows of bracing where ceramic tile above. O.B.C. 9.30.6.4

All TJI floor joists, parallel beams and trusses are to be supplied and designed by wood supplier and/or truss manufacturer

Provide double joist framing under all parallel walls above and around stairs

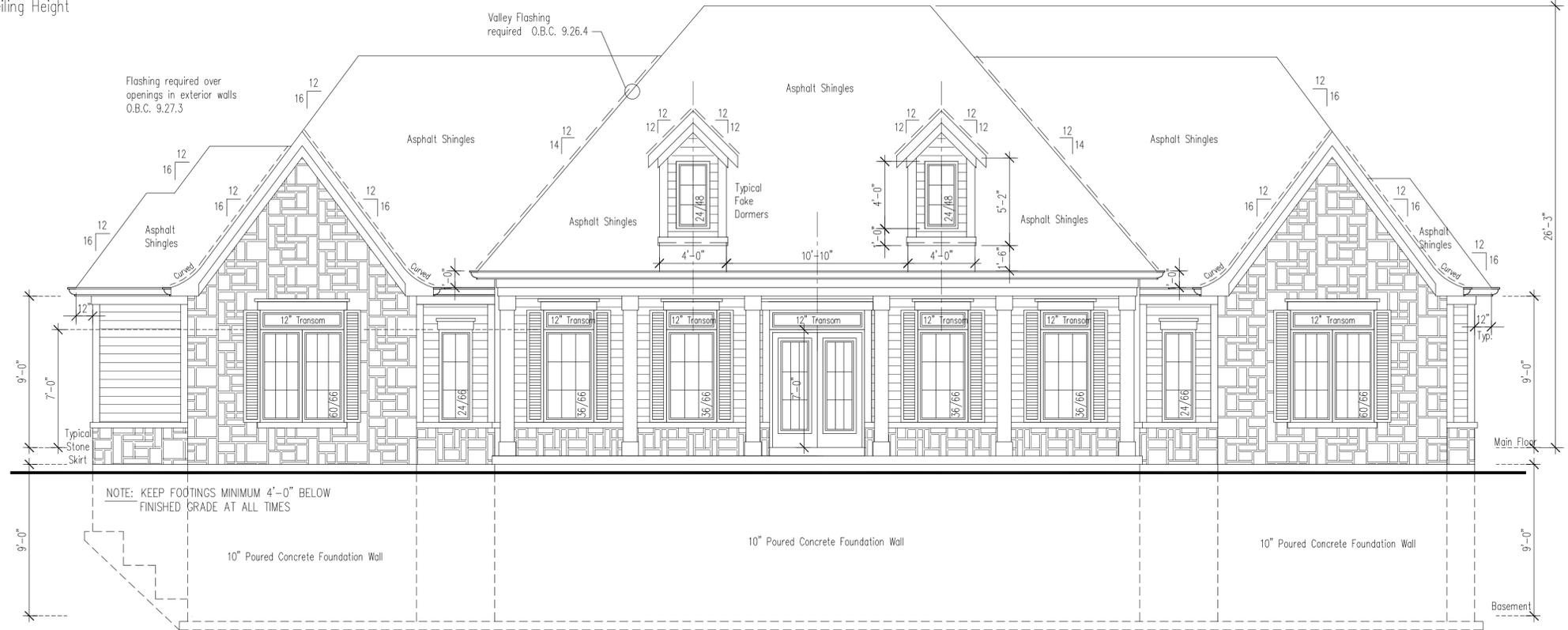
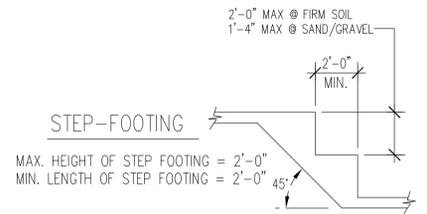
All stairs as per 9.8.3, handrails as per 9.8.7, and guards as per 9.8.8 (O.B.C.)

Construction between garage & dwelling units to be gasproof O.B.C. 9.10.9.16



Rear Elevation

9'-0" Main Floor Ceiling Height
9'-0" Basement Ceiling Height



Front Elevation

9'-0" Main Floor Ceiling Height
9'-0" Basement Ceiling Height

<p>PRESTIGE DESIGNS Tel: (905) 304-8340 Fax: (905) 304-8360</p>	Dwn by: ROB MARINIC Scale: 1/4" = 1'-0" Date: November 2022 Proj. No.: Bruz2X Area: 3080 sq.ft.	Title: Custom Bungalow Description: Front Elevation Rear Elevation	REGISTRATION INFORMATION 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. Name: ROB MARINIC B.O.B. 24456 Firm: PRESTIGE DESIGNS B.O.B. 29621 Signature:	Project: 63 Third Road East Hamilton, Ontario	A1 of 6
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Door and Sill as per 9.10.13.15. Self-closing door shall be tight fitting & weather-stripped to provide an effective barrier against the passage of gas & exhaust fumes (where grade permits)

Provide double joists and L 3 1/2" x 3 1/2" x 1/4" above all basement exterior windows unless noted otherwise

Provide lighting of all entrances as per 9.34.2.1 of O.B.C.

For walk-out and partial walk-out lots, step concrete foundation as required for proposed grades ensuring a maximum of 4'-0" of laterally unsupported wall

Built-up posts to be min. 5 1/2" x 5 1/2" and at least as wide as the supported member O.B.C. 9.17.4.1

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Where patio/terrace door threshold is greater than 2'-0" above finished grade, provide SG-7 guard or provide blocking to prevent door from opening more than 4".

Window sizes shown are approximate. Exact rough openings to be determined by window manufacturer's specifications

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Roof Space to be vented to exterior by vent area of not less than 1/300 of insulated ceiling area

No openings through guards greater than 4" O.B.C. 9.8.8.5

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Window wells as per 9.7.1.4, and 9.14.6.3 (O.B.C.) typical where required.

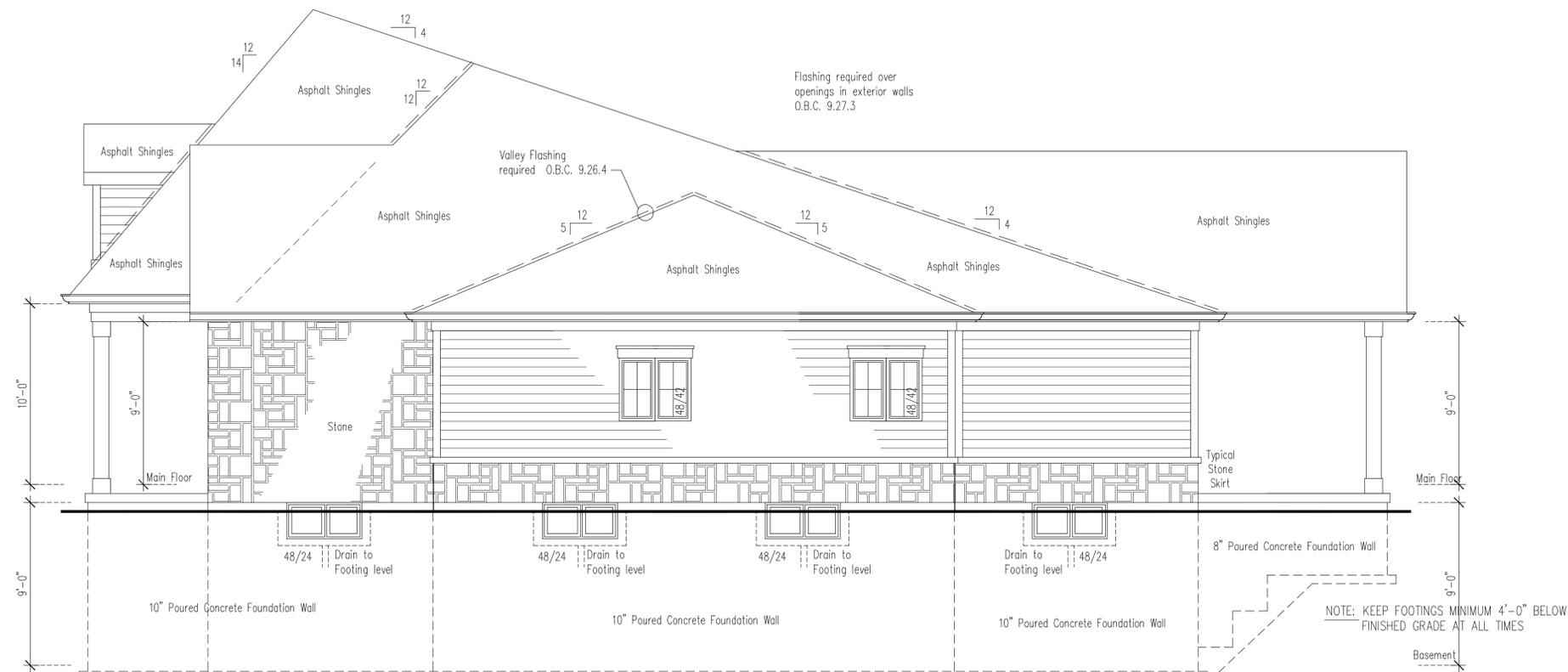
Provide minimum 2 rows of bracing where ceramic tile above. O.B.C. 9.30.6.4

All TJI floor joists, parallel beams and trusses are to be supplied and designed by wood supplier and/or truss manufacturer

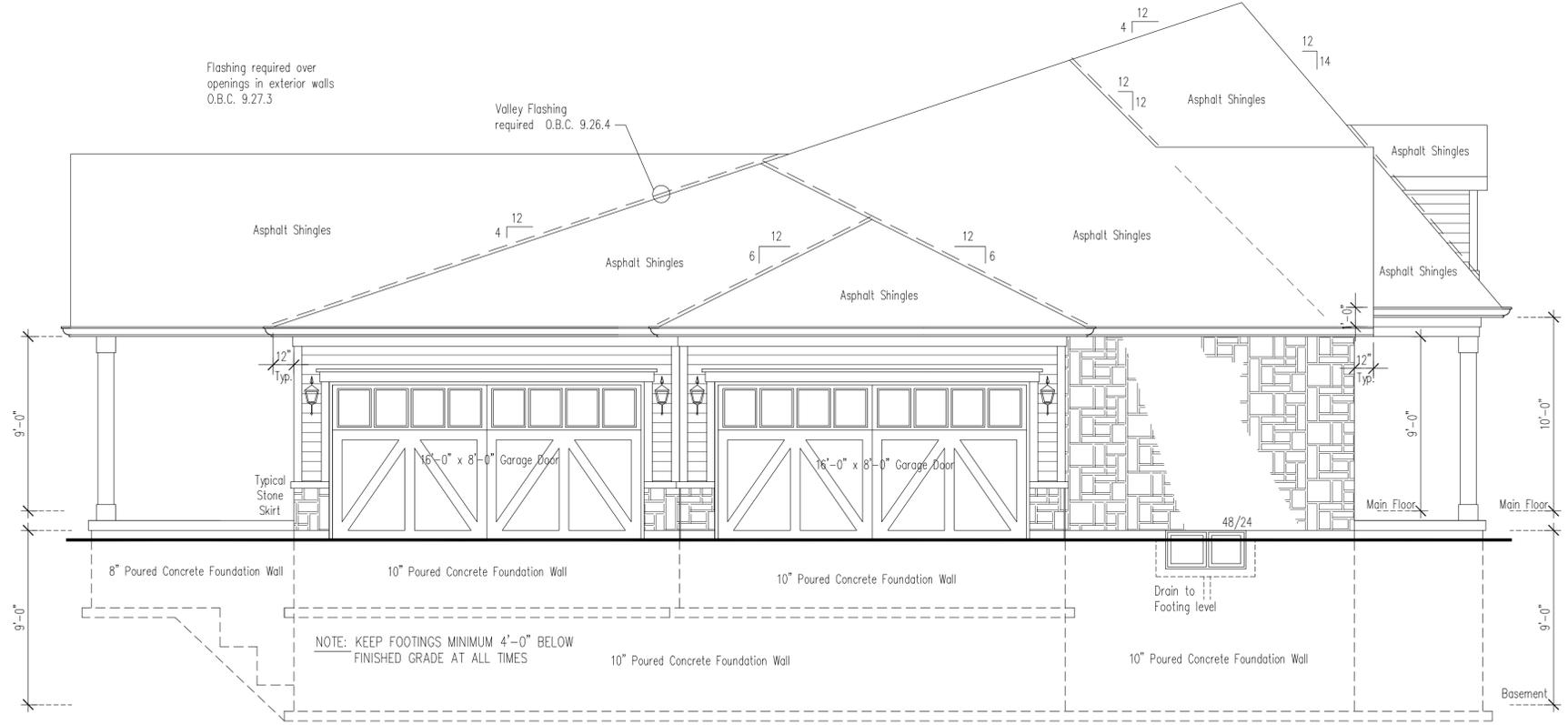
Provide double joist framing under all parallel walls above and around stairs

All stairs as per 9.8.3, handrails as per 9.8.7, and guards as per 9.8.8 (O.B.C.)

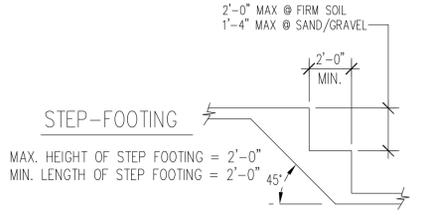
Construction between garage & dwelling units to be gasproof O.B.C. 9.10.9.16



Right Side Elevation
 9'-0" Main Floor Ceiling Height
 9'-0" Basement Ceiling Height



Left Side Elevation
 9'-0" Main Floor Ceiling Height
 9'-0" Basement Ceiling Height



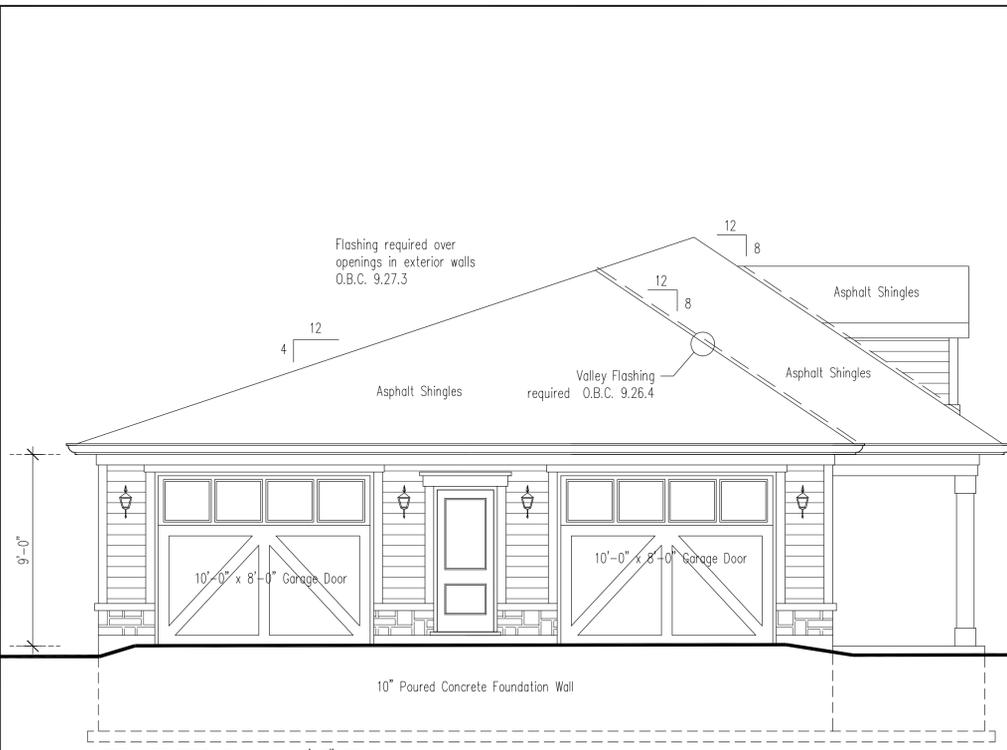
Dwn by: **ROB MARINIC**
 Scale: 1/4" = 1'-0"
 Date: **November 2022**
 Proj. No.: **Bruz2X**
 Area: 3080 sq.ft.

Title: **Custom Bungalow**
 Description: **Left Side Elevation
 Right Side Elevation**

REGISTRATION INFORMATION
 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.
 Name: **ROB MARINIC** BON: 24456
 Firm: **PRESTIGE DESIGNS** BON: 29621

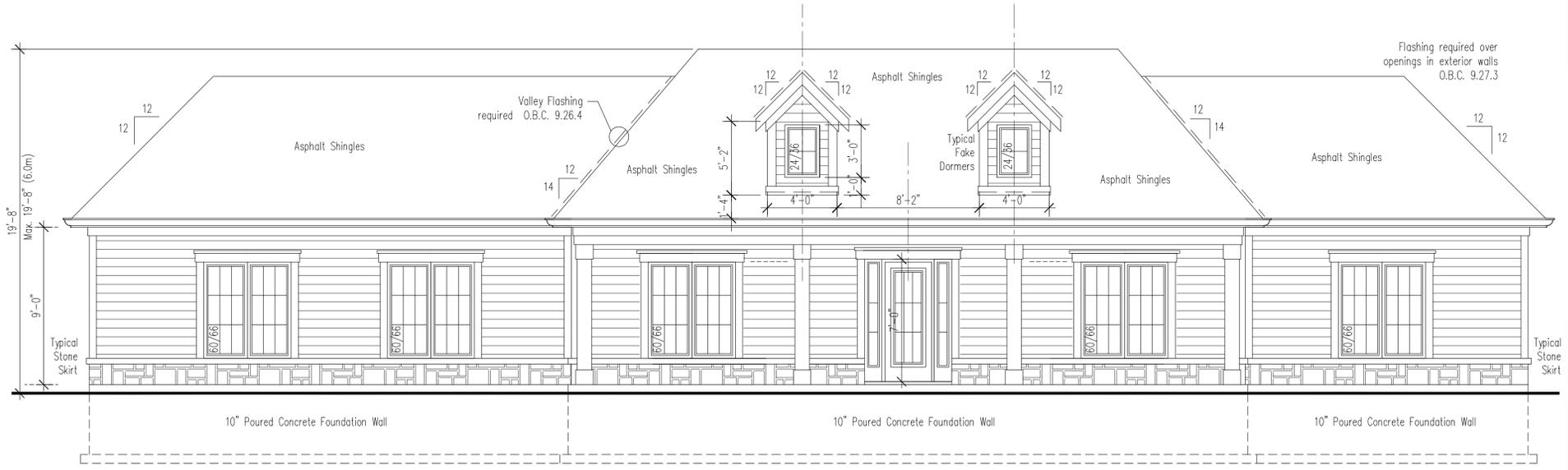
Project: **63 Third Road East
 Hamilton, Ontario**

A2 of 6



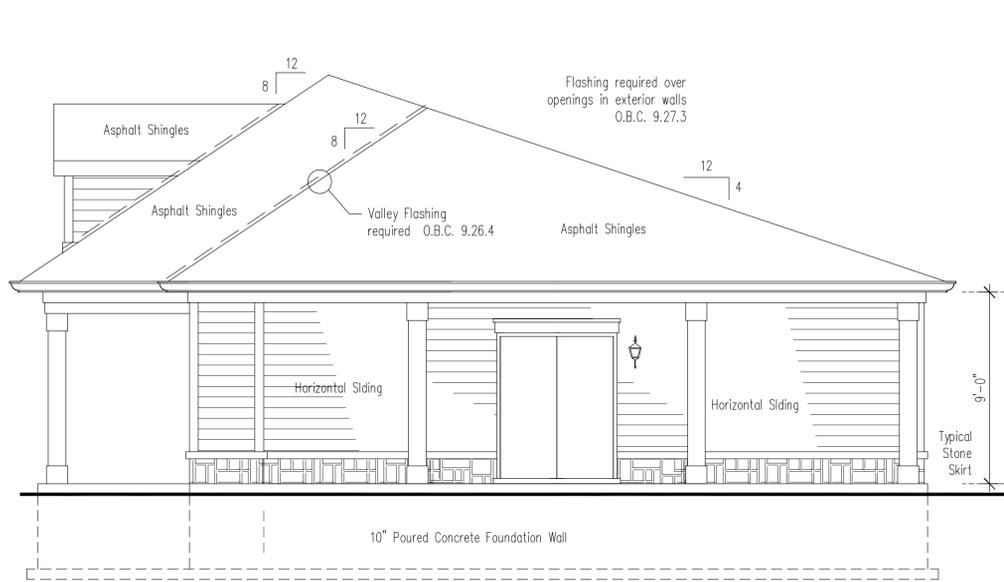
Left Side Elevation
9'-0" Main Floor Ceiling Height

NOTE: KEEP FOOTINGS MINIMUM 4'-0" BELOW FINISHED GRADE AT ALL TIMES



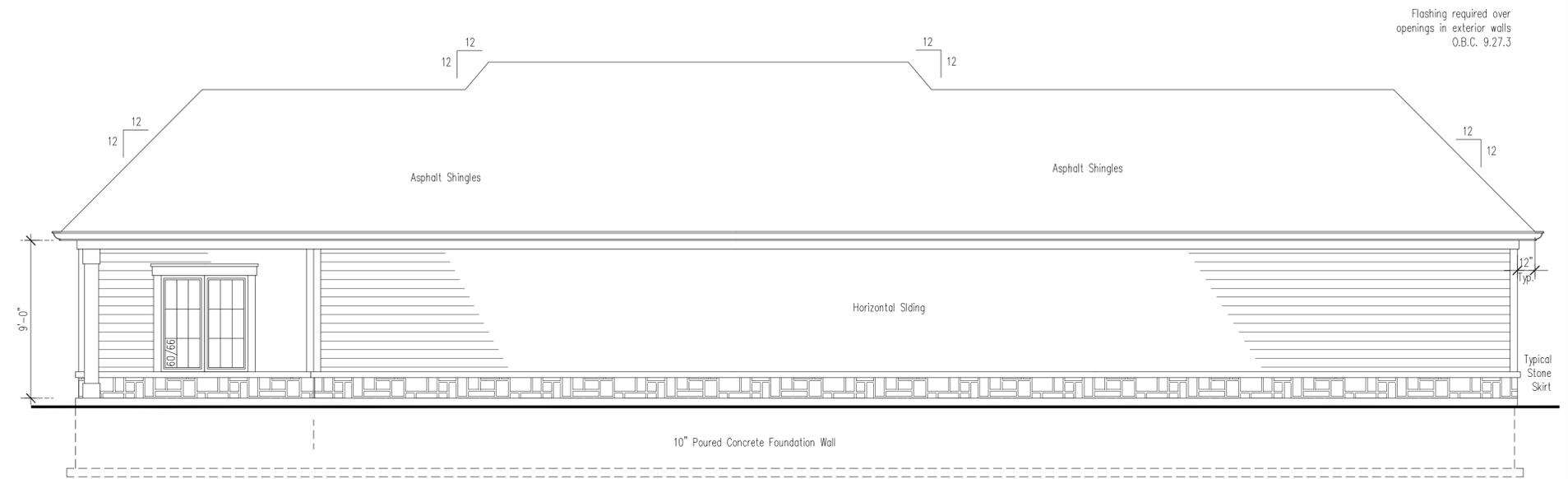
Front Elevation
9'-0" Main Floor Ceiling Height

NOTE: KEEP FOOTINGS MINIMUM 4'-0" BELOW FINISHED GRADE AT ALL TIMES



Right Side Elevation
9'-0" Main Floor Ceiling Height

NOTE: KEEP FOOTINGS MINIMUM 4'-0" BELOW FINISHED GRADE AT ALL TIMES



Rear Elevation
9'-0" Main Floor Ceiling Height

NOTE: KEEP FOOTINGS MINIMUM 4'-0" BELOW FINISHED GRADE AT ALL TIMES

 <p>PRESTIGE DESIGNS Tel: (905) 304-8340 Fax: (905) 304-8380</p>	Dwn by: ROB MARINIC Scale: 1/4" = 1'-0" Date: December 2022 Proj No.: Bruz3X Area: 1500 sq.ft.	Title: Storage Shed Elevations	REGISTRATION INFORMATION 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. Name: ROB MARINIC B.O.N.: 24456 Firm: PRESTIGE DESIGNS B.O.N.: 29621 Signature: 	Project: 63 Third Road East Hamilton, Ontario	A1 of 4
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Door and Sill as per 9.10.13.15. Self-closing door shall be tight fitting & weather-stripped to provide an effective barrier against the passage of gas & exhaust fumes (where grade permits)

Provide double joists and L 3 1/2" x 3 1/2" x 1/4" above all basement exterior windows unless noted otherwise

Provide lighting of all entrances as per 9.34.2.1 of O.B.C.

For walk-out and partial walk-out lots, step concrete foundation as required for proposed grades ensuring a maximum of 4'-0" of laterally unsupported wall

Built-up posts to be min. 5 1/2" x 5 1/2" and at least as wide as the supported member O.B.C. - 9.17.4.1

All Footings to be minimum 4'-0" below finished grade at all times.

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Roof Space to be vented to exterior by vent area of not less than 1/300 of insulated ceiling area

No openings through guards greater than 4" O.B.C. 9.8.8.5

Provide Built-up wood stud post equal to stud depth and width of beam, at both ends of steel/wood beams unless noted otherwise

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Window wells as per 9.7.1.4. and 9.14.6.3 (O.B.C.) typical where required.

Provide minimum 2 rows of bridging where ceramic tile above. O.B.C. 9.30.6.4

All TJI floor joists, parallel beams and trusses are to be supplied and designed by wood supplier and/or truss manufacturer per 9.8.8 (O.B.C.)

Provide double joist framing under all parallel walls above and around stairs

All stairs as per 9.8.3. handrails as per 9.8.7. and guards as per 9.8.8 (O.B.C.)

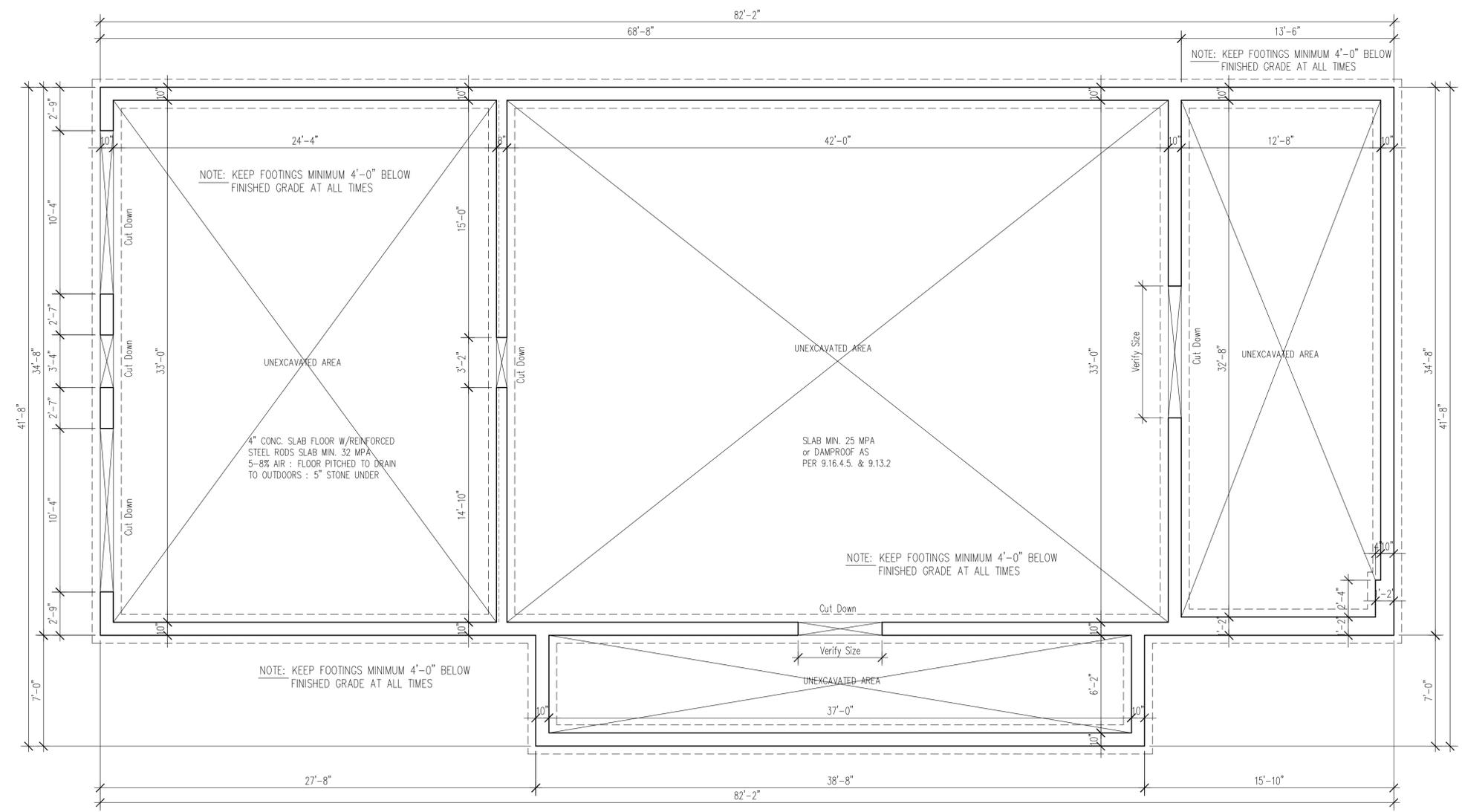
Construction between garage & dwelling units to be gasproof O.B.C. 9.10.9.16

Max. Span STEEL LINTEL SCHEDULE Masonry Veneer AS PER O.B.C.

Vert. Leg	Horiz. Leg	Thickness	4" Stone
3 1/2"	3 1/2"	1/4"	7'-9"
4"	3 1/2"	1/4"	8'-1"
4 7/8"	3 1/2"	5/16"	8'-9"
4 7/8"	3 1/2"	3/8"	10'-10"
4 7/8"	3 1/2"	1/2"	11'-5"
4 7/8"	3 1/2"	3/4"	12'-8"
5 7/8"	3 1/2"	1/2"	13'-3"
5 7/8"	3 1/2"	3/4"	13'-11"
7 1/8"	4"	3/8"	14'-1"
7 1/8"	4"	1/2"	15'-1"

Max. Span WOOD LINTEL SCHEDULE AS PER O.B.C.

LINTEL SIZE	ROOF and CEILING ONLY (6cm)		ROOF, CEILING & 1 STOREY		ROOF, CEILING & 2 STOREYS	
	INT. WALLS (Ø 5.5 Mpa Show Load)	EXT. WALLS (Ø 5.5 Mpa Show Load)	INT. WALLS (Ø 5.5 Mpa Show Load)	EXT. WALLS (Ø 5.5 Mpa Show Load)	INT. WALLS (Ø 5.5 Mpa Show Load)	EXT. WALLS (Ø 5.5 Mpa Show Load)
2 - 2" x 4"	7' - 3"	3' - 7"	3' - 0"	3' - 1"	2' - 10"	2' - 1"
2 - 2" x 6"	11' - 5"	9' - 8"	4' - 5"	4' - 6"	4' - 1"	3' - 10"
2 - 2" x 8"	15' - 1"	12' - 8"	6' - 7"	5' - 4"	5' - 0"	3' - 5"
2 - 2" x 10"	18' - 10"	16' - 5"	8' - 1"	6' - 7"	6' - 1"	4' - 2"
2 - 2" x 12"	21' - 10"	19' - 3"	9' - 4"	7' - 7"	7' - 9"	5' - 5"
						6' - 11"
						4' - 9"



Foundation Plan

<p>PRESTIGE DESIGNS Tel: (905) 304-8340 Fax: (905) 304-8360</p>	Drawn by: ROB MARINIC Scale: 1/4" = 1'-0" Date: December 2022 Proj No.: Bruz3X Area: 1500 sq.ft.	Title: Storage Shed Description: Foundation Plan	REGISTRATION INFORMATION 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. Name: ROB MARINIC B.O.N.: 244556 Firm: PRESTIGE DESIGNS B.O.N.: 29621	Project: 63 Third Road East Hamilton, Ontario	A2 of 4
	Signature:				

Door and Sill as per 9.10.13.15. Self-closing door shall be tight fitting & weather-stripped to provide an effective barrier against the passage of gas & exhaust fumes (where grade permits)

Provide double joists and L 3 1/2" x 3 1/2" x 1/4" above all basement exterior windows unless noted otherwise

Provide lighting of all entrances as per 9.34.2.1 of O.B.C.

For walk-out and partial walk-out lots, step concrete foundation as required for proposed grades ensuring a maximum of 4'-0" of laterally unsupported wall

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Provide minimum 2 rows of bridging where ceramic tile above. O.B.C. 9.30.6.4

All T.I. floor joists, parallel beams and trusses are to be supplied and designed by wood supplier and/or truss manufacturer per 9.8.8 (O.B.C.)

Provide double joist framing under all parallel walls above and around stairs

All stairs as per 9.8.3, handrails as per 9.8.7, and guards as per 9.8.8 (O.B.C.)

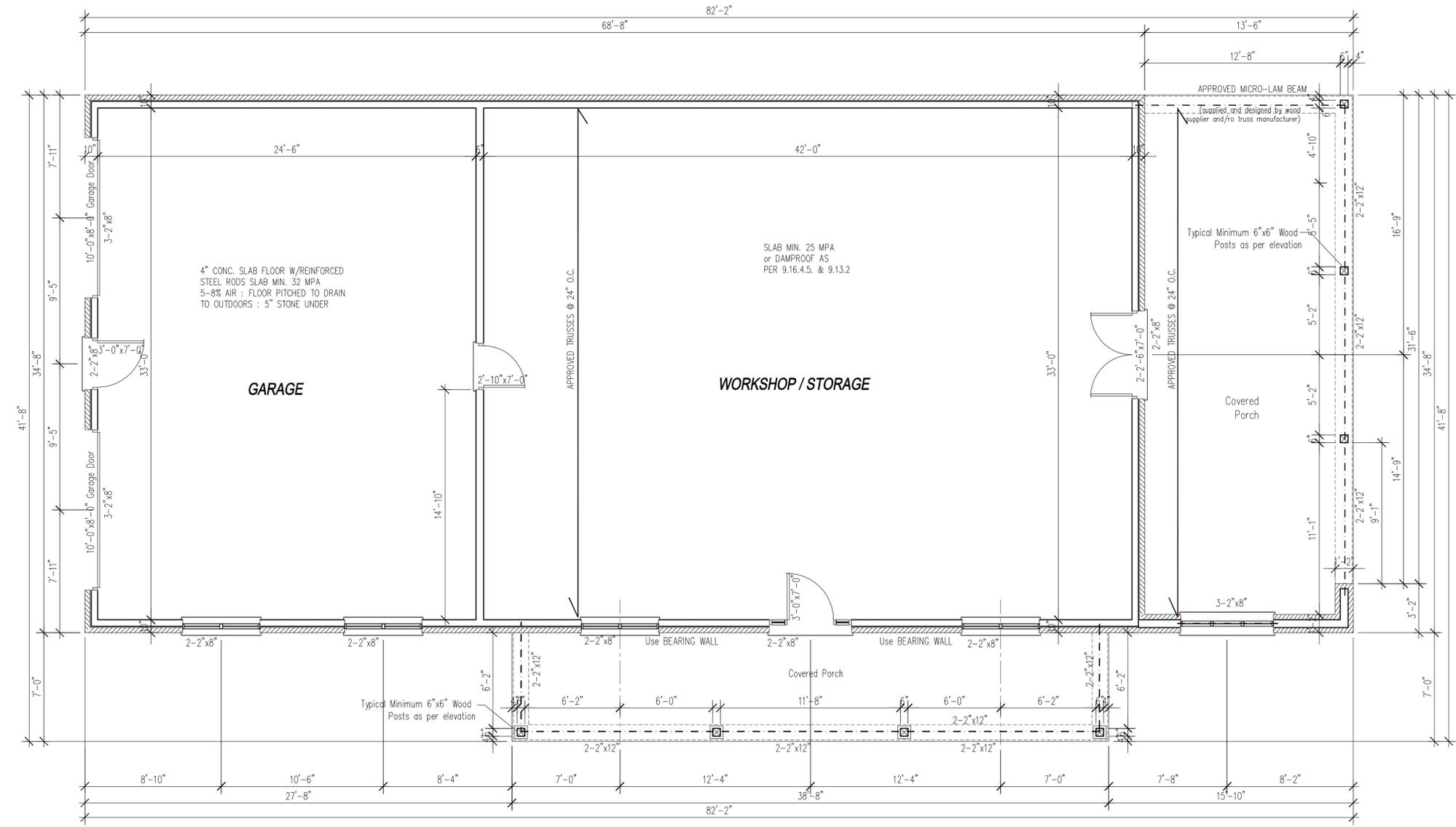
Construction between garage & dwelling units to be gasproof O.B.C. 9.10.9.16

Max. Span WOOD LINTEL SCHEDULE AS PER O.B.C.

LINTEL SIZE	ROOF and CEILING ONLY (0.6m)		ROOF and CEILING ONLY (4.9m)		ROOF, CEILING & 1 STOREY		ROOF, CEILING & 2 STOREYS	
	EXT. WALLS (at 5 kPa Snow Load)	INT. WALLS (at 5 kPa Snow Load)	EXT. WALLS (at 5 kPa Snow Load)	INT. WALLS (at 5 kPa Snow Load)	EXT. WALLS (at 5 kPa Snow Load)	INT. WALLS (at 5 kPa Snow Load)	EXT. WALLS (at 5 kPa Snow Load)	INT. WALLS (at 5 kPa Snow Load)
2 - 2" x 4"	7' - 3"	3' - 7"	3' - 0"	3' - 1"	2' - 5"	2' - 10"	2' - 1"	2' - 1"
2 - 2" x 6"	11' - 5"	9' - 8"	4' - 5"	4' - 6"	3' - 4"	4' - 1"	3' - 10"	3' - 5"
2 - 2" x 8"	15' - 1"	12' - 8"	6' - 7"	5' - 4"	5' - 5"	3' - 11"	5' - 0"	4' - 2"
2 - 2" x 10"	18' - 10"	16' - 5"	8' - 1"	6' - 7"	6' - 8"	4' - 7"	6' - 1"	4' - 2"
2 - 2" x 12"	21' - 10"	19' - 3"	9' - 4"	7' - 7"	7' - 9"	5' - 5"	6' - 11"	4' - 9"

Max. Span STEEL LINTEL SCHEDULE Masonry Veneer AS PER O.B.C.

Vert. Leg	Horiz. Leg	Thickness	4" Stone
3 1/2"	3 1/2"	1/4"	7' - 9"
4"	3 1/2"	1/4"	8' - 1"
4 7/8"	3 1/2"	1/4"	8' - 9"
4 7/8"	3 1/2"	5/16"	10' - 1"
4 7/8"	3 1/2"	3/8"	11' - 5"
4 7/8"	3 1/2"	1/2"	12' - 11"
4 7/8"	3 1/2"	3/4"	13' - 7"
5 7/8"	3 1/2"	1/2"	13' - 5"
5 7/8"	3 1/2"	3/8"	13' - 7"
5 7/8"	3 1/2"	1/4"	14' - 1"
7 1/8"	4"	3/8"	15' - 1"



Main Floor Plan
9'-0" Main Floor Ceiling Height

<p>PRESTIGE DESIGNS Tel: (905) 304-8340 Fax: (905) 304-8360</p>	Drawn by: ROB MARINIC Scale: 1/4" = 1'-0" Date: December 2022 Proj No.: Bruz3X Area: 1500 sq.ft.	Title: Storage Shed Main Floor Plan	REGISTRATION INFORMATION 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. Name: ROB MARINIC B.O.N. 24456 Firm: PRESTIGE DESIGNS B.O.N. 29621 Signature:	Project: 63 Third Road East Hamilton, Ontario	A3 of 4
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General Notes to follow unless noted differently on floor plans, Floor Plan Notes/Numbers/Comments or Details to take precedent.

General Notes

- Notes:**
- It is the Contractor's responsibility to:
 - use figured dimensions in preference to scaling
 - verify and check all dimensions prior to and during construction
 - verify and check the dimensions of dwelling at the job site prior to ordering trusses
 - determine locations of services

- General Notes:**
- All construction shall conform to O.B.C. and local authority having jurisdiction
 - Do not scale drawings. Contractor shall verify all dimensions prior to commencing construction
 - All wood members to be construction spruce No. 2 unless noted otherwise
 - Install double joists under all parallel partitions
 - Bridge at 4'-6" o.c.
 - Air and vapour barrier to conform to section 9.25.3 and 9.25.4 of O.B.C.
 - Smoke alarms to be interconnected as per 9.10.19 of O.B.C.
 - Carbon monoxide detectors as per 9.33.4 of O.B.C.
 - Mechanical Ventilation to conform to section 9.32.3 of O.B.C.
 - Resistance to forced entry to conform to section 9.6.8 of the O.B.C.
 - Direct vent induced draft fireplace as per 9.22 of O.B.C.
 - Any deviation from approved plan must be approved by local building department
 - Sizes of all beams and lintels must be confirmed upon final truss layout
 - All brick veneer angle iron lintels to be anchored at 24" o.c. to prevent twisting
 - Step underside of foundation in accordance with approved lot grading plan
 - Keep underside of footing minimum 4'-0" below grade at all times.
 - All floors with ceramic tile to be reinforced as per 9.30.6 of O.B.C.
 - All lighting and electrical to comply with 9.34 of O.B.C.
 - Range hoods to be vented the exterior c/w non-combustible piping.
 - Attic Ventilation to comply w/ 9.32 of O.B.C.
 - Headroom under ducts and beams min. 6'-5"
 - Provide minimum R-22 in interior garage wall as per O.B.C.
 - Provide minimum R-31 insulation in floor space over garage and ensure walls and ceiling on garage side adjacent to living space are to be drywalled and sealed (gas-proofed)
 - Every floor containing bedrooms must have at least one window with an unobstructed opening with an openable portion not less than 0.35 sq.m. (3.8 sq.ft.) with no dimension less than 380 mm (15") and a sill height no more than 1 m (3'-3") above finished floor.
 - For masonry veneer installation, provide continuous flashing and weepholes every 31" o.c. maximum
 - Reserved
 - Reserved

- Basement Plan:**
- Minimum 26"x8" Continuous strip footing
 - Cold room / Cellar to include vent to exterior
 - Slab minimum 25 MPa or dampproof as per 9.13.2.7. in O.B.C.
 - Dimensioned cutouts of garage door to be 8" below top of garage floor slab
 - Allow for rain water leader and weeping tile hook-up
 - Bearing stud wall are 2"x4" (or 2"x6") @ 16" O.C. 2"x4" (2"x6") sill plate on dampproof material on 14"x6" (16"x6") concrete footing (where required)
 - Cold Room door to be insulated
 - All footings to rest on undisturbed soil, rock or compacted granular fill (9.15.3 O.B.C.) and sono/ pier type (9.15.23 O.B.C.). Builder to provide designer with soil bearing pressure.
 - Reserved

- Main Floor Plan**
- Porch to have 5" Concrete slab with reinforced steel rods
 - Minimum clear garage height is 6'-7"
 - Garage to have 4" Conc. slab floor with reinforced steel rods. Slab minimum 25 MPa 5-8% Air. Floor pitched to drain to outdoors. Min 4" slope and 5" granular base.
 - Door and sill as per 9.10.13.15 (O.B.C.) self-closing door shall be fitting and weather-stripped to provide effective barrier against passage of gas and exhaust fumes.
 - Minimum parking space is 9'-11" x 19'-8"
 - Steps at porch and garage vary according to grading plan
 - Reserved
- Second Floor Plan:**
- Minimum 3.4 sq.ft. attic access insulated and weather-stripped as per 9.19.2.1 (O.B.C.) (no dimension less than 21 1/2")
 - All Railings are minimum 3'-0" height
 - Roof space to be vented to exterior by vent area of not less than 1/300 insulated ceiling area

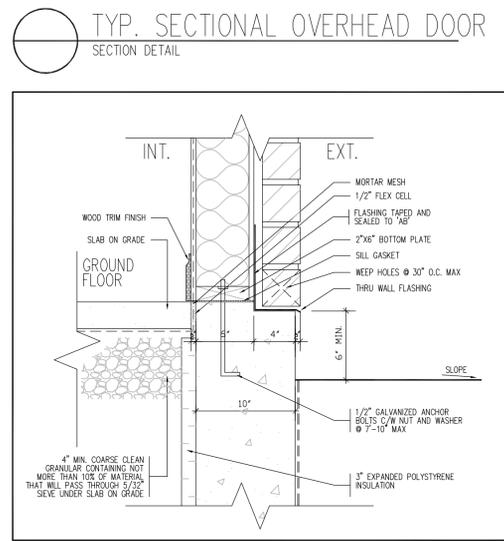
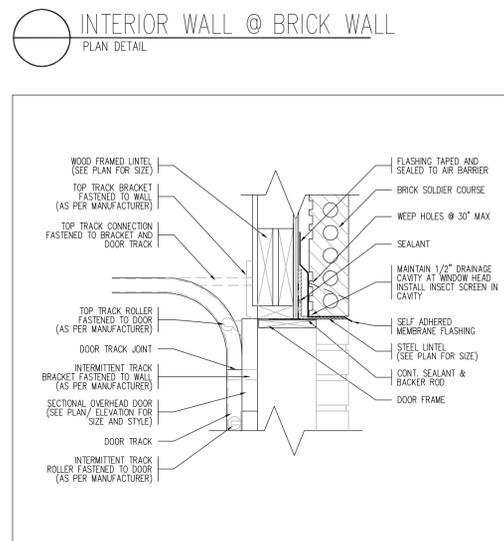
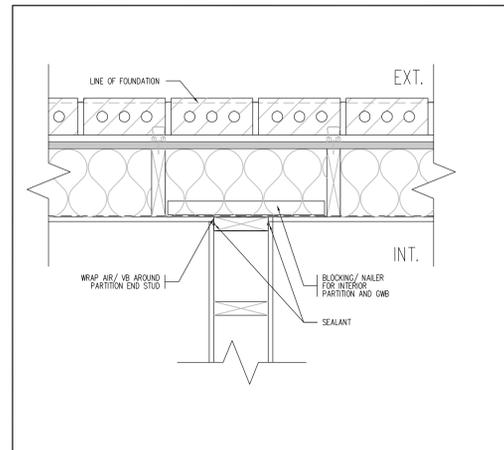
- Elevations:**
- Type 'B' gas vents must be installed with required clearance from combustible material
 - Roof leader shall be connected directly to storm sewer if required by local by-law
 - Where a hose bib is installed in a potable water system to supply a 1/2" or 3/4" garden hose, the hose bib shall contain integrated back siphonage preventer
 - See cross-sections for construction materials of dwelling
 - All siding to be as per 9.27 (O.B.C.)

- Exterior Insulation and finish system – synthetic stucco as per manufacturers specifications. EFS as per 9.28 of O.B.C.
 - Provide lighting at all entrances as per 9.34.2.1 of O.B.C.
 - Reserved
- Concrete/Foundation Notes:**
- Contractor shall check all dimensions on working drawings and report any discrepancies to Prestige Designs before proceeding with the work. Any changes, alterations or revisions must be reported to Prestige Designs before proceeding with the work.
 - All work to be performed in accordance with the construction safety act 1980 & subsequent amendments
 - Remove all topsoil, organic and loose fill material from building area before commencing construction
 - Proof roll existing fill material. Remove any loose or softened areas beneath slab on grade before placing granular fill.
 - All footings shall bear on undisturbed soil or compacted fill with a minimum soil bearing capacity and 3000 psf of O.B.C.
 - Approved granular fill under footings and floor slabs shall be compacted in 8" layers to 98% standard proctor maximum dry density.
 - All exterior footings shall be a minimum 4'-0" below finished exterior grade to protect footings from frost action
 - All Concrete work to conform to CSA standard A23
 - Reinforcing steel shall be deformed hi-bond hard grade with a minimum yield strength of 58,000 p.s.i.
 - Basement windows over 1200mm (3'-11") wide, reinforce with 10M (No. 3) reinforcing rods extending 300mm (12") each side.
 - Bluminous dampproofing and continuous drainage layer on poured concrete walls
 - Concrete walls are 250mm (10") thick unless noted otherwise.
 - Top of all Foundation walls to be min 150mm (6") at exterior masonry or min 200mm (8") at exterior siding above final grade
 - Concrete for slabs on grade shall have a minimum 28 day compressive strength of 4,000 psi.
 - All concrete forms to be wet thoroughly before pouring concrete.
 - Do not add water to concrete. If higher slump concrete is desired, concrete supplier shall design and supply accordingly
 - Water curing of concrete is recommended
 - Use a minimum of 8" compacted layer of 3/4" clear stone under all ground-slabs.
 - Any necessary precautions shall be taken to ensure that existing footings are not disturbed or undermined in any way during excavation
 - The following minimum concrete covers for reinforcing steel shall be provided: Footings 3"; piers and walls 1 1/2" unless noted otherwise
 - Spacing of control joints in concrete slabs shall not exceed 20 feet o.c.
 - Reserved

- Roof Construction:**
- Minimum 3.4 sq.ft. attic access insulated and weather-stripped as per 9.19.2.1 (O.B.C.) (no dimension less than 21 1/2")
 - Provide eave protection from the edge of roof overhanging to not less than 900mm (2'-11") up to the roof slope to a min. 300mm (11 3/4") inside interface of exterior wall and composed of No.15 Asphalt saturated felt laid in 2 plies lapped 480mm (18 7/8") and cemented together with top cement (for pitches less than 8/12)
 - Starter strip No. 85: 4.2 kg/m (85 lb) roll roofing or roof shingles of same weight and quality as used on roof, laid with tabs facing up.
 - Hip and valley rafters to be 50mm (2") deeper than common rafters
 - Roof sheathing shall conform to 9.23.15 (O.B.C.)
 - Roof edge supports to be 38mmx38mm (2"x2") blocking minimum.
 - Wood trusses shall conform to 9.23.13.11 (O.B.C.)
 - Provide 38mmx89mm (2"x4") wall ties across joints or bottom truss chord min. 1220mm (4'-0") o.c. for roof slopes 4/12 or greater.
 - Flt Entry Roof/Terrace: Provide sloped roof to side scupper drain. Install glue down single ply non-slip membrane on 3/25-18G plywood on sloped roof joists. Wrap membrane up and over parapet wall under prefn. alum cap. Install membrane under siding 12" min. fasten to sheathing & seal
- Trusses:**
- Truss Engineer is responsible for adequate design of truss to bearing plate connection which allows for horizontal movement at designated locations. Anchors to accept all horizontal loads, bottom chord of trusses to include a live load of 10 lbs/sq.ft.

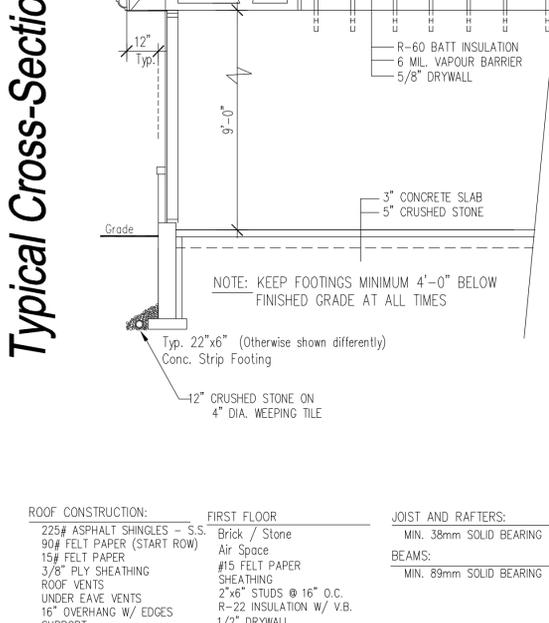
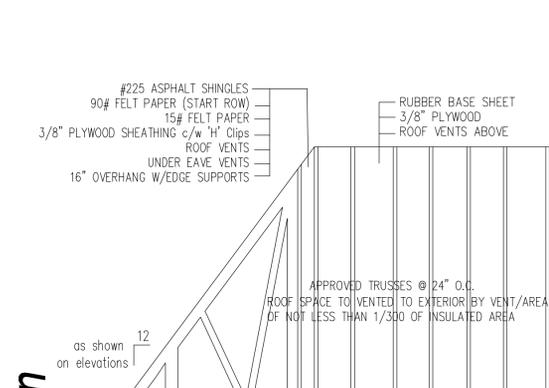
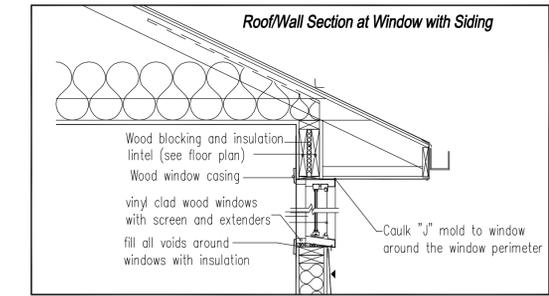
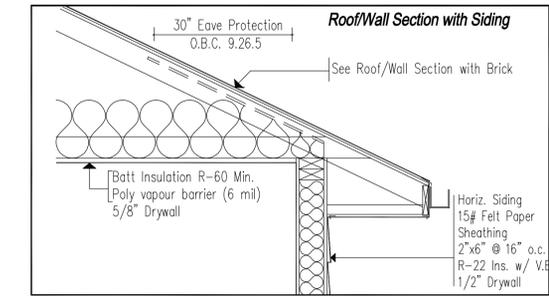
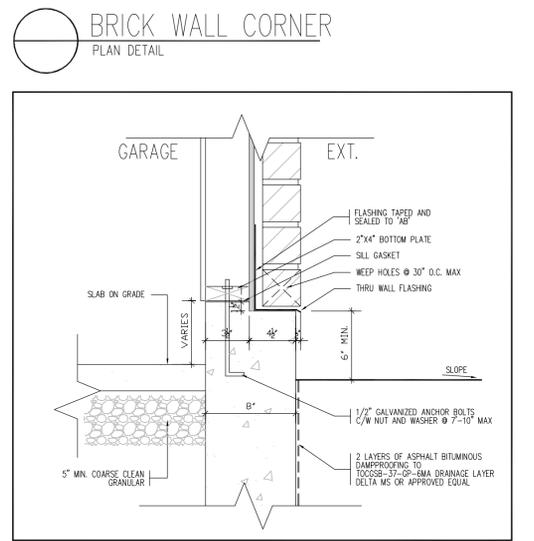
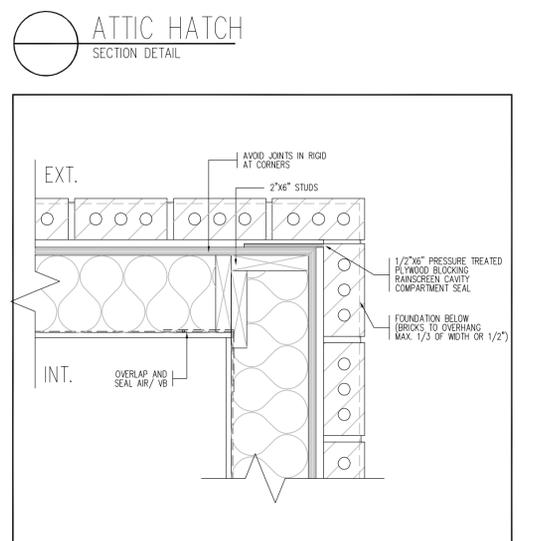
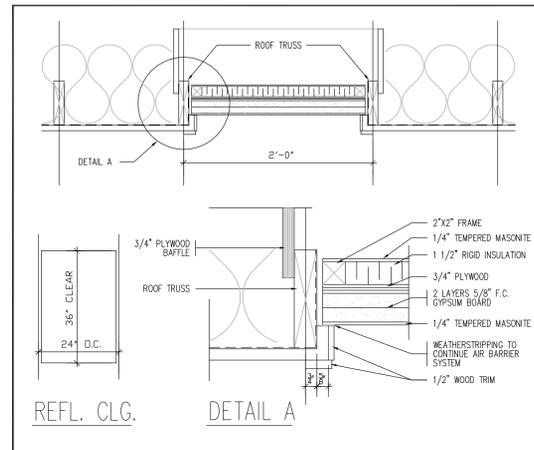
- Stairs and Balconies:**
- Interior stair dimensions:
 - Maximum Rise – 200 mm (7 7/8")
 - Minimum Run – 250 mm (10")
 - Minimum stair headroom – 1950mm (6'-8")
 - Minimum stair width – 860mm (2'-10")
 - Exterior stair dimensions:
 - Maximum Rise – 200 mm (7 7/8")
 - Minimum Run – 250 mm (10")
 - Minimum exterior stair headroom – 2050mm (6'-9")
 - Minimum stair width – 915mm (3'-0")
 - Exterior wood stairs to be supported on concrete base or apron min. 25mm (1") above finished grade.
 - Foundations required if exterior steps have more the 2 treads and 2 risers.
 - See Wood deck detail sheet
 - Handrail:
 - 800mm (31") above stair
 - min. 800mm (31") @ intermediate landings
 - 900mm (36") at main landings
 - landing to be the same width as stairs

- Balcony Guards:
 - Required on balcony and porch if over 600mm (23 5/8") above finished grade.
 - Minimum guard height 1070mm (3'-6")
 - Guards to comply to OBC 9.8.8 (i)
 - Max. 100mm (4") space between vertical pickets with no horizontal members between 100mm(4") and 915mm(36") above balcony floor
- Flashing:**
 - Flashing is required under all jointed sills and overheads of windows and doors in exterior walls if distance below eave is more than 1/4 roof overhang.
 - Flashing required at intersections of roofs and wall, valley and over parapet walls
 - Flashing between roof shingles and wall siding, 0.8mm (20CA) Galv. Metal 75mm (3") up behind sheathing and extend 75mm (3") horizontally
- Masonry Veneer Walls (9.20. O.B.C.)**
 - Min. 70mm (2 3/4") Thickness
 - up to 11m (36'-11") Max height
 - Ties to be corrosion resistant, corrugated 7.6mm (22Ga), 22mm (7/8") wide spaced 400mm (16") o/c horizontal and 600mm (24") vertical nailed to studs through the sheathing
 - Provide 25mm (1") air space between veneer and wall sheathing
 - Drain bottom of space with weep holes at 800mm (2'-7") o/c in starter course min. 150mm (6") above finished grade, 10mm (3/8") dia. holes.
 - Provide 6 mil. polyethylene flashing under starter course under weep holes and 150mm (6") up the wall, under sheathing paper
 - Max. corbel over foundation wall 13mm (1/2")
- Wood Framing Notes:**
 - Steel beam and lintels shall have 3 1/2" minimum end bearing on masonry and 2 1/2" minimum bearing on steel unless indicated otherwise.
 - All beams cantilevered over a column or other support shall have a minimum of 2-3/8" thick stiffener plates each side of web unless indicated otherwise.
 - Column base plates and beam bearing plates shall be grouted with 1 1/2" non-shrink grout.
 - Shop drawings of structural steel shall be submitted to the designer for review before fabrication.
 - Welding of structural steel shall conform to the requirements of CSA standard W59 and shall be undertaken by a fabricator fully approved by the Canadian Welding Bureau and shall be submitted to the builder and designer for review before fabrication.
 - Bolted connections shall use A325 bolts, using bearing type connections.
 - Prefabricated wood trusses shall be designed in accordance with the details and design loads on the architectural drawings and/or O.B.C. requirements. Shop drawings of the roof trusses including layout of the trusses, bridging, bracing and bearing details (including hold-down clips) shall bear the stamp of registered professional engineer of the province of Ontario and shall be submitted to the builder and designer for review before fabrication.
 - All timber for wood trusses shall be kiln dried and well seasoned in order to prevent possible distortion or deformation of the trusses.
 - Nailing requirements (as per O.B.C.) shall be as follows:
 - vertical studs to bottom plates: 4-3" ardox nails
 - vertical studs to top plates: 4-3 1/2" ardox nails
 - roof trusses to plates: to be designed by truss engineer
 - wind bracing (per truss): to be designed by truss engineer
 - bridging (per truss): to be designed by truss engineer
 - lintels: 3 1/2" ardox nails at 12" o.c. horizontal and 4" o.c. vertical, staggered
 - wall sheathing 1 1/2" ardox nails at 8" o.c. to studs and plates
 - The general contractor shall take precautions to not overload the structure during construction.
 - All framing lumber to O.B.C. standards. Sizes of joints, lintels, etc. indicated on drawings specified on Pp. No. 2 (unless otherwise noted)
 - Lateral support – (wall supporting joists) – anchor sill plates at 2400mm (7'-10") o.c. w/ 13mm (1/2") diameter anchor bolts embedded 100mm (4") into masonry or anchored every 4th joint not resting on a plate with 4.8mmx38mm (3/16" x 1 1/2") steel joist anchors. Not required if foundation wall supports solid masonry as per 9.20.10 O.B.C.
 - Lateral support – (walls parallel to joists) – bend 4.8mmx38mm (3/16" x 1 1/2") steel strap 75mm (3") into masonry and fix to 3 parallel joists or fix sill plate (anchored) to 3 rigidly connected floor joists at 2400mm (7'-10") o.c. maximum
 - All joists to have bridging over interior bearing walls and beams
 - Minimum sill plate 38mmx89mm (2"x4")
 - Sill plate anchors to be minimum 13mm (1/2") diameter bolts embedded min. 100mm (4") into foundation walls, maximum spacing 2400mm(7'-10") o.c. as per 9.23.7 O.B.C.
 - Header joists to be doubled if over 1200mm (3'-11") and not over 3200mm (10'-6")
 - Trimmer joists to be double if over 800 mm (2'-7") and not over 2000mm (6'-7")
 - Space floor joists at 300mm (12") o.c. for cantilevers
 - Space floor joists at 300mm (12") o.c. under kitchen appliances
 - Double joists under all parallel partitions
 - Beams or walls of sufficient strength under all parallel bearing partitions.
 - Min. 38mm (1 1/2") end bearing required for support for joists ceiling, roof joists and rafters.
 - Provide Eng. metal-joist hangers for support of wood beams and joists framing into sides of wood beams, trimmers and headers when required.
 - Wood stud (interior) partitions to be made up of 38mmx89mm (2"x4") spr. 400mm (16") o.c. (otherwise show differently) single bottom and double top plates.



Max. Span WOOD LINTEL SCHEDULE AS PER O.B.C.

LINTEL SIZE	ROOF AND CEILING ONLY (0.6m)		ROOF AND CEILING ONLY (4.9m)		ROOF, CEILING & 1 STOREY		ROOF, CEILING & 2 STOREYS	
	EXT. WALLS (9.5 kPa Snow Load)	INTERIOR BRG. WALLS	EXT. WALLS (9.5 kPa Snow Load)	INTERIOR BRG. WALLS	EXT. WALLS (9.5 kPa Snow Load)	INTERIOR BRG. WALLS	EXT. WALLS (9.5 kPa Snow Load)	INTERIOR BRG. WALLS
2 - 2" x 4"	7' - 3"	6' - 1"	3' - 7"	3' - 0"	3' - 1"	2' - 5"	2' - 10"	2' - 1"
2 - 2" x 6"	11' - 5"	9' - 8"	5' - 5"	4' - 5"	3' - 4"	3' - 4"	4' - 1"	2' - 10"
2 - 2" x 8"	15' - 1"	12' - 8"	6' - 7"	5' - 4"	5' - 5"	3' - 11"	5' - 0"	3' - 5"
2 - 2" x 10"	18' - 10"	16' - 3"	8' - 1"	6' - 7"	6' - 8"	4' - 7"	6' - 1"	4' - 2"
2 - 2" x 12"	21' - 10"	19' - 3"	9' - 4"	7' - 7"	7' - 9"	5' - 5"	6' - 11"	4' - 9"



Roof Construction:

- 225# ASPHALT SHINGLES - S.S.
- 90# FELT PAPER (START ROW)
- 3/8" PLYWOOD SHEATHING c/w 'H' Clips
- ROOF VENTS
- UNDER EAVE VENTS
- 16" OVERHANG W/ EDGES SUPPORT

First Floor / Stone

- Brick / Stone
- Air Space
- #15 FELT PAPER SHEATHING
- 2"x6" STUDS @ 16" O.C.
- R-22 INSULATION w/ V.B.
- 1/2" DRYWALL

JOIST AND RAFTERS:

- MIN. 38mm SOLID BEARING
- BEAMS: MIN. 89mm SOLID BEARING

Other Components:

- Category **A1**
- Ceiling with Attic space R-Value **R60**
- Ceiling without Attic space R-Value **R31**
- Exposed Floor Min. R-Value **R31**
- Walls above Grade Min. R-Value **R22**
- Basement Walls Min. R-Value **R20ci**
- Space Heating Equip. Min. AFUE **96%**
- HRV Min. Efficiency **75%**
- Domestic Hot Water Heater **0.80**

As per Table 2.1.1.2.A

REGISTRATION INFORMATION

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.

Name: **ROB MARINIC** BON: 24456
Firm: **PRESTIGE DESIGNS** BON: 29621

Project: **63 Third Road East Hamilton, Ontario**

Signature: _____

A4 of 4

PRESTIGE DESIGNS

Tel: (905) 304-8340
Fax: (905) 304-8380

Dwn by: **ROB MARINIC**
Scale: **1/4" = 1'-0"**
Date: **December 2022**
Proj. No.: **Bruz3X**
Area: **1500 sq.ft.**

Title: **Storage Shed**
Description: **Typical Notes/Details**



Hamilton

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

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

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Registered Owners(s)	[REDACTED]		
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	63 THIRD ROAD EAST. STONEY CREEK.		
Assessment Roll Number	00381059600		
Former Municipality	Stoney Creek.		
Lot 19	Concession	8	
Registered Plan Number	Lot(s)		
Reference Plan Number (s)	Part(s)		

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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:

New construction of 289.77 m² accessory building.
6 m. high.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Extra space required for personal workshop & storage.

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
40.54 m	196.64 m	7971.78 m ²	7 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
SFD	19.94m	167.7m	20.85m/8.59m	2013
Garage	18.67m	170.56m	1m / 34.04m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory BLD.	66.47m	105.13	25.96 / 1.88m	

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
SFD	94m ²	/	1	5.2m
Garage	40.7m ²	/	1	3.5m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory BLD.	289.77m ²	/	1	6m

- 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)

cistern

- 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) Septic system

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

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

single family dwelling, farm land

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

August 26, 2022

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:

60 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.

7.6 What is the existing zoning of the subject land? AI

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	DN/A-23:109	SUBJECT PROPERTY:	116 DAVIDSON BOULEVARD, DUNDAS
ZONE:	"R2" (Single Detached Residential Zone)	ZONING BY-LAW:	Zoning By-law former Town of Dundas 3581-86, as Amended

APPLICANTS: **Owner:** JOHN BERKACH

The following variances are requested:

1. The proposed side yard setback of 1.03 metres to the accessory building does not comply with the minimum side yard setback of 1.2 metres. A minor variance is required to reduce the minimum side yard setback from 1.2 metres to 1.03 metres.
2. The proposed rear yard setback of 7.01 metres to the accessory building does not comply with the minimum rear yard setback of 7.5 metres. A minor variance is required to reduce the rear yard setback from 7.5 metres to 7.01 metres.

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

Notes: N/A

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

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

DATE:	Thursday, June 1, 2023
TIME:	10:45 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton

DN/A-23:109

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

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding DN/A-23:109, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

DN/A-23:109



 Subject Lands

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

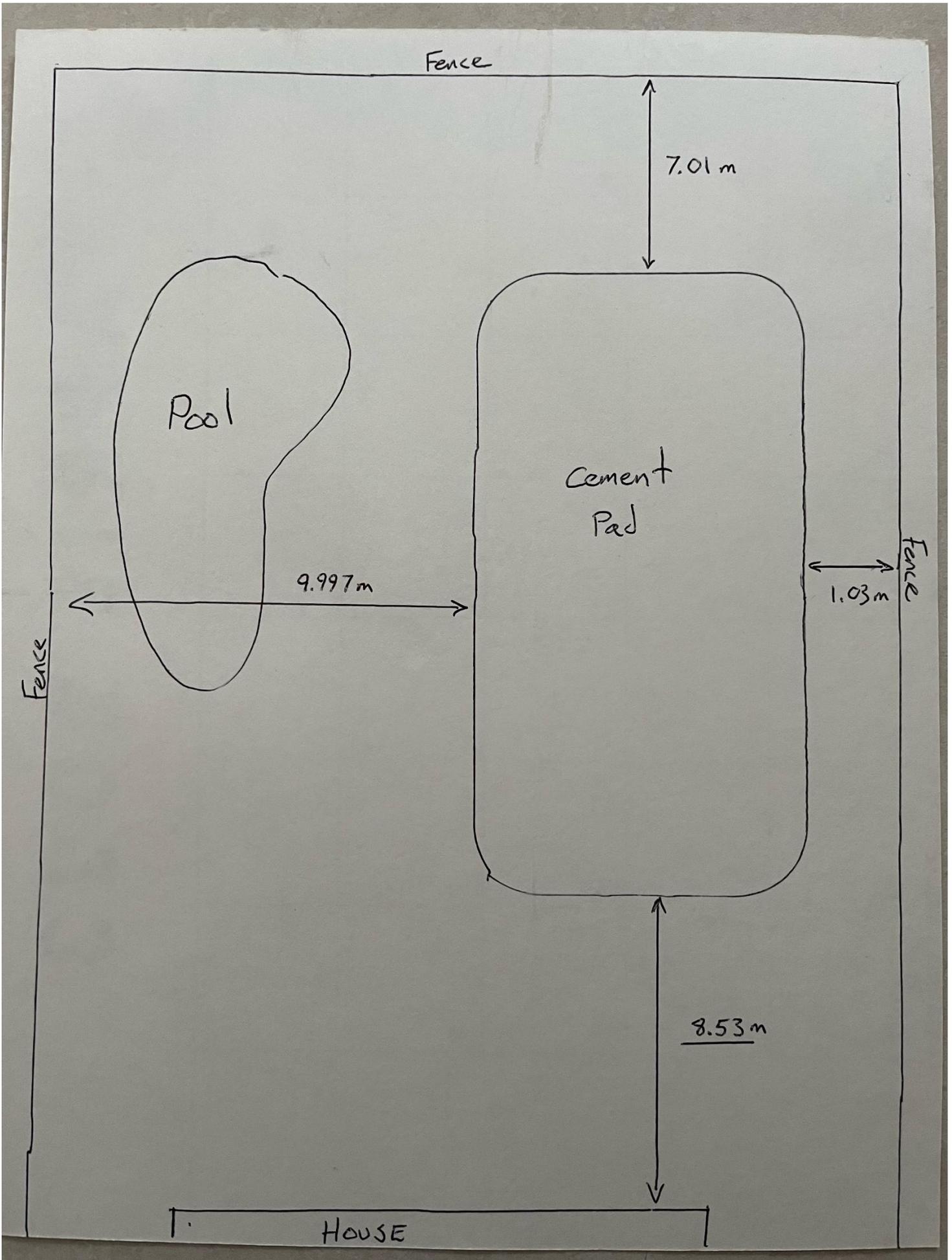
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

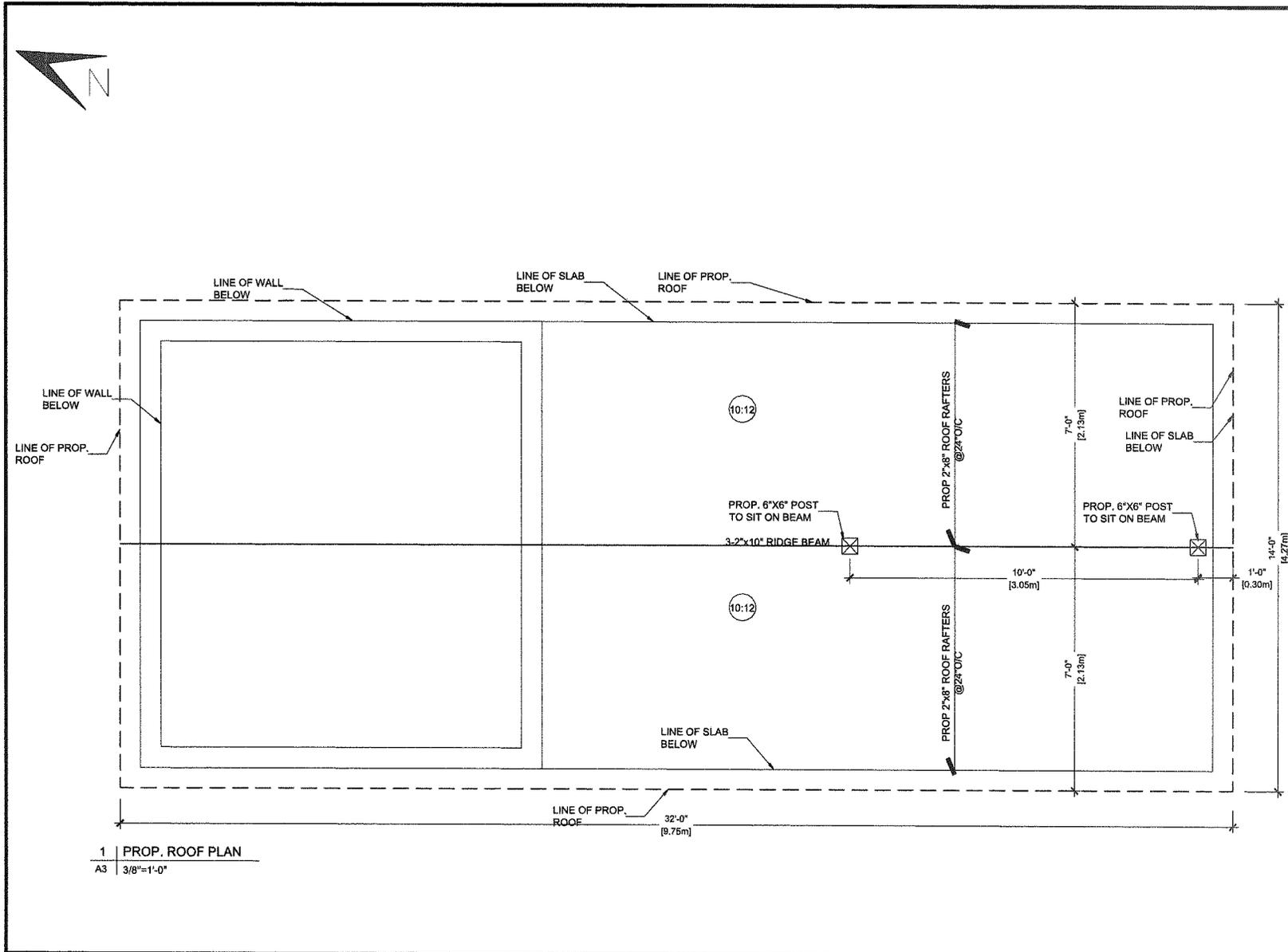
2. In person Oral Submissions

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

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

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



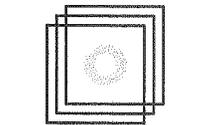


SEAL:

"DO NOT SCALE"
CONTRACTOR MUST VERIFY ALL INFORMATION PRIOR TO COMMENCEMENT OF THE WORK. DRAWINGS & SPECIFICATIONS ARE PROPERTY OF ORANA INC. AND MUST BE RETURNED UPON COMPLETION OF THE WORK. DRAWINGS ARE TO BE USED FOR OTHER PROJECTS WITHOUT WRITTEN CONSENT OF THE DESIGNER.



B	SUBMITTED FOR PERMIT	AC 31
A	SUBMITTED FOR PERMIT	AC 20
REV	DESCRIPTION	BY
STATUS: SUBMITTED FOR PERMIT		



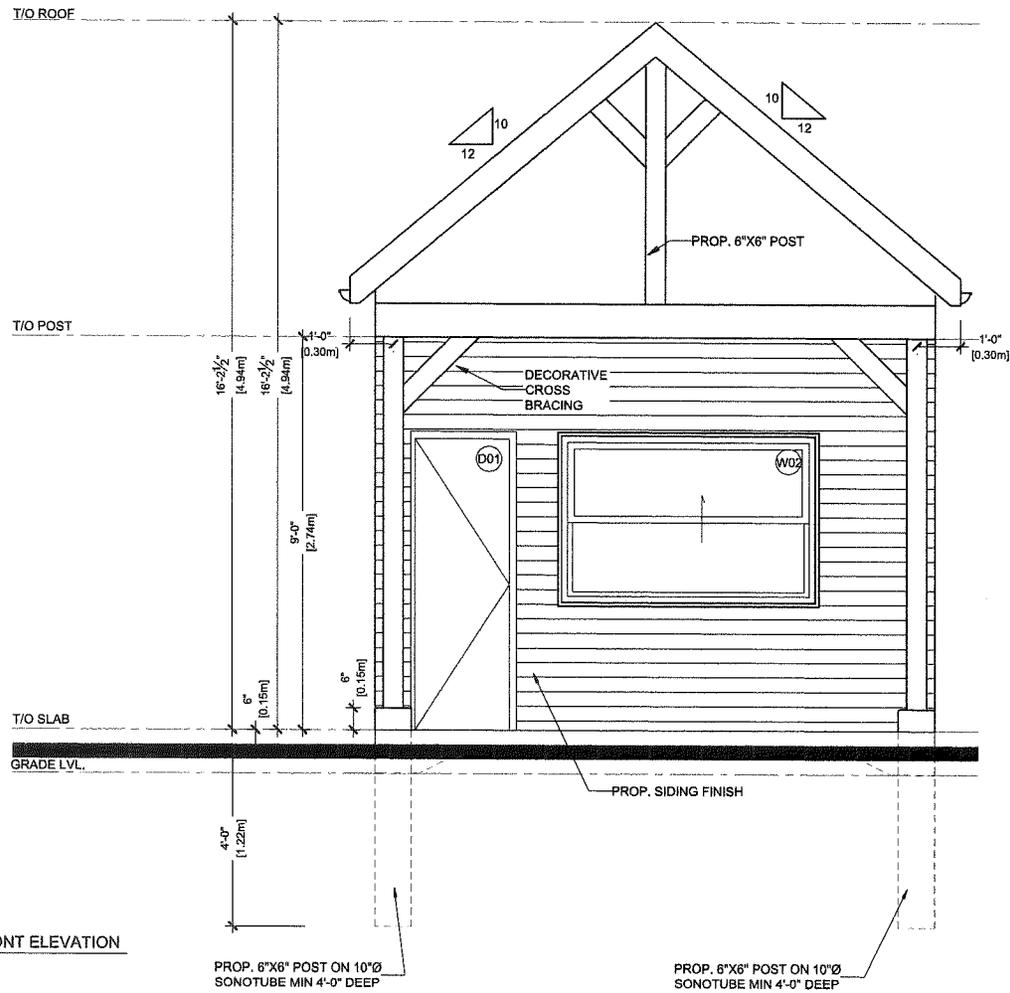
ORANA
DRAFTING
A DIVISION OF ORANA INC

CLIENT: JOHN BERKACH

SITE: 116 DAVIDSON BLVD.
DUNDAS, ON L9H7M5

TITLE: PROPOSED ROOF PLAN

SCALE BY E.P.S.	DATE:	DRAWN:	CHECK:
3/8"=1'-0"	31.03.2023	AC	I
PROJECT NO:	DRAWING ID	REVISED	
23-11	A3		



1 | PROP. FRONT ELEVATION
A4 | 3/8"=1'-0"

PROP. 6"X6" POST ON 10"Ø SONOTUBE MIN 4'-0" DEEP

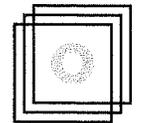
PROP. 6"X6" POST ON 10"Ø SONOTUBE MIN 4'-0" DEEP

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B	SUBMITTED FOR PERMIT	AC 11
A	SUBMITTED FOR PERMIT	AC 30
REV.	DESCRIPTION	BY
STATUS: SUBMITTED FOR PERMIT		



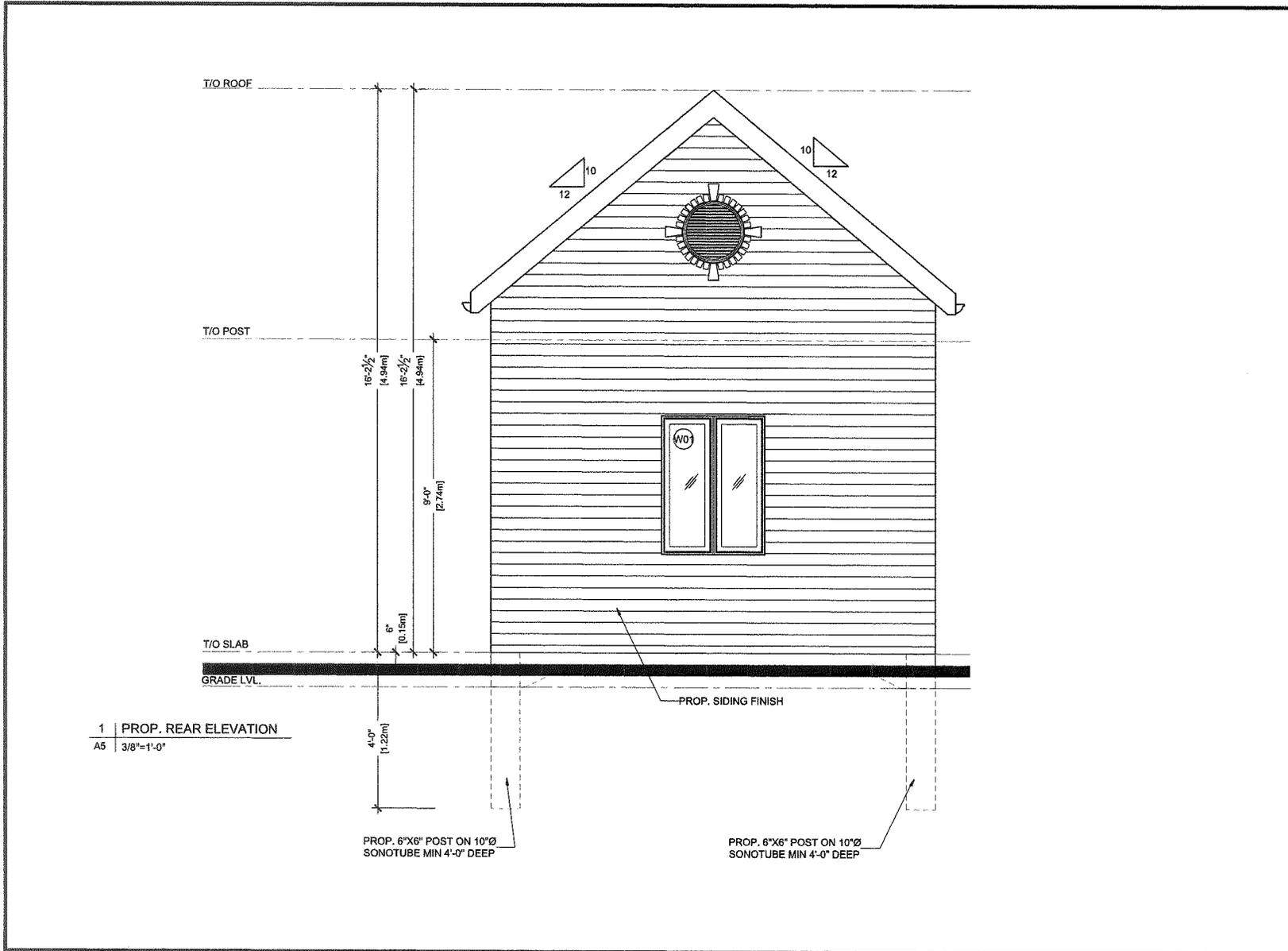
ORANA
DRAFTING
A DIVISION OF ORANA INC

CLIENT: JOHN BERCKACH

SITE: 116 DAVIDSON BLVD.
DUNDAS, ON L9H7M5

TITLE: PROPOSED FRONT ELEVATION

SCALE AT 1/4"=1'-0"	DATE: 31.03.2023	DRAWN: AC	CHECK: I
PROJECT NO: 23-11	DRAWING NO: A4	REVISED: I	REVISION: I

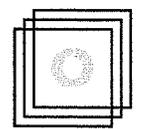


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B	SUBMITTED FOR PERMIT	AC 21
A	SUBMITTED FOR PERMIT	AC 20
REV	DESCRIPTION	BY
STATUS: SUBMITTED FOR PERMIT		



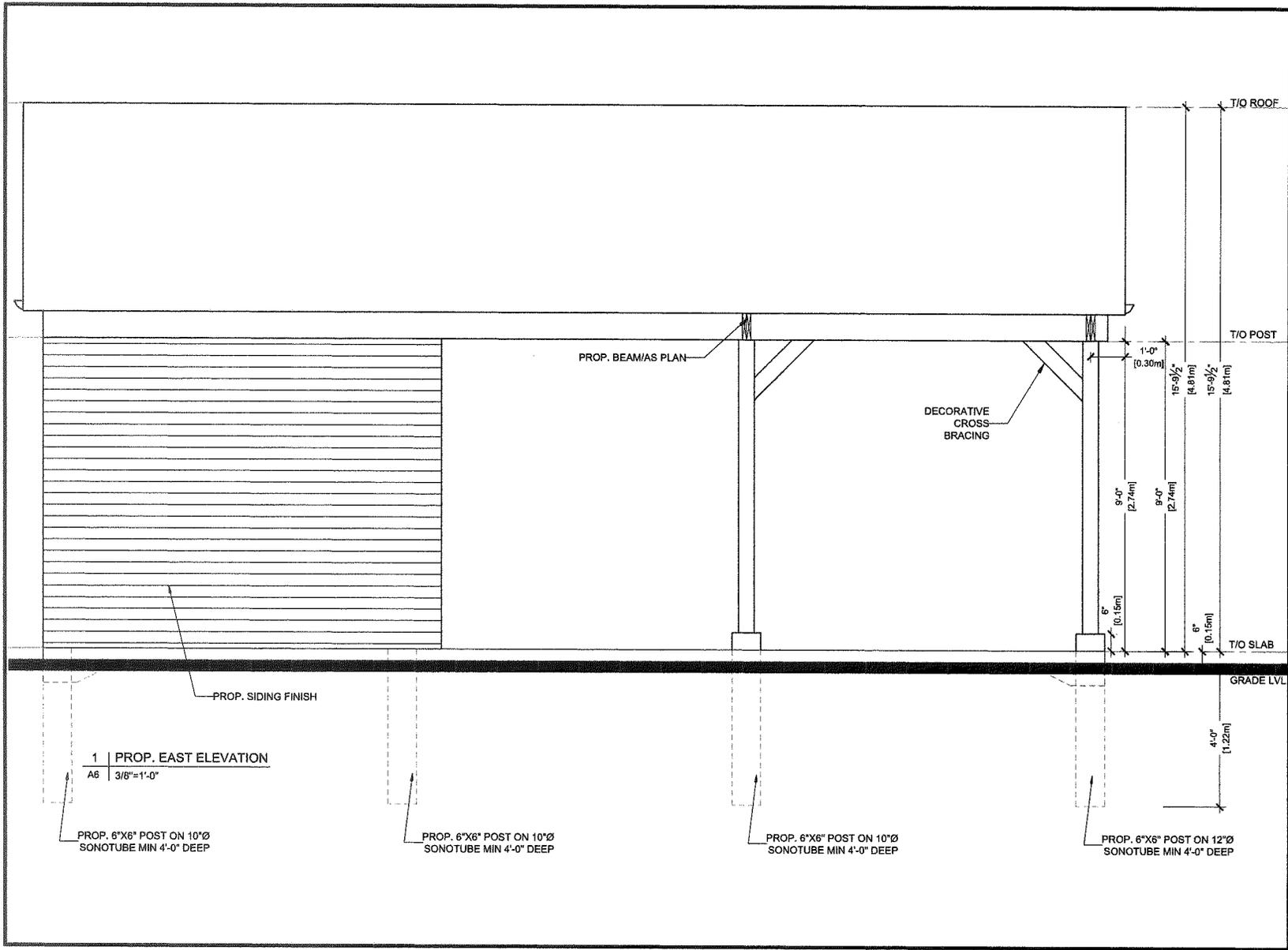
ORANA
 DRAFTING
 A DIVISION OF ORANA INC

CLIENT: JOHN BERCKACH

DATE: 116 DAVIDSON BLVD.
 DUNDAS, ON L9H7M5

TITLE: PROPOSED REAR ELEVATION

SCALE: 1/4" = 1'-0"	DATE: 31.03.2023	DRAWN: AC	CHECK: I
PROJECT NO: 23-11	DRAWING NO: A5	REVISOR:	

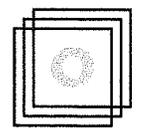


SEAL:

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B	SUBMITTED FOR PERMIT	AC 21
A	SUBMITTED FOR PERMIT	AC 20
REV	DESCRIPTION	BY
STATUS: SUBMITTED FOR PERMIT		



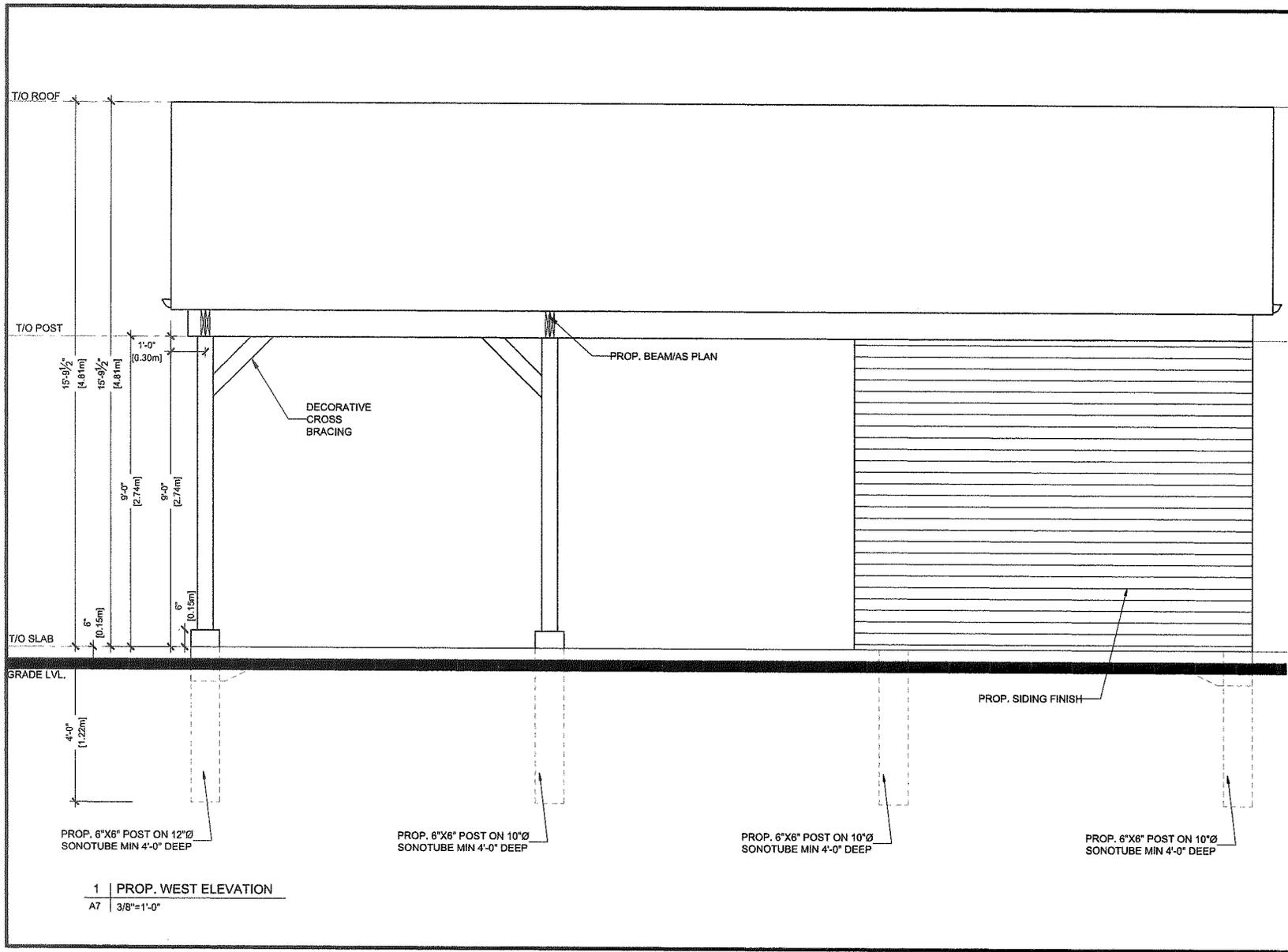
ORANA
 DRAFTING
 A DIVISION OF ORANA INC

CLIENT: JOHN BERCKACH

SITE: 116 DAVIDSON BLVD.
 DUNDAS, ON L9H7M5

TITLE: PROPOSED EAST ELEVATION

SCALE AT 1/4" = 1'-0"	DATE: 31.03.2023	DRAWN: AC	CHECK: I
PROJECT NO: 23-11	DRAWING NO: A6	PROJ: I	REV: I

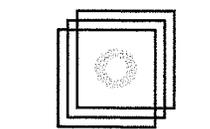


SEAL:

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B	SUBMITTED FOR PERMIT	AC 31
A	SUBMITTED FOR PERMIT	AC 30
REV	DESCRIPTION	BY
STATUS: SUBMITTED FOR PERMIT		



ORANA
 DRAFTING
 A DIVISION OF ORANA INC

CLIENT: JOHN BERCKACH

SITE: 116 DAVIDSON BLVD.
 DUNDAS, ON L9H7M5

TITLE: PROPOSED WEST ELEVATION

DATE AT 11:45 AM	DATE:	3/8"=1'-0"	31.03.2023	DRAWN:	AC	CHECK:	I
PROJECT NO.	DRAWING NO.	23-11	A7	REVISED:			

1 | PROP. WEST ELEVATION
 A7 | 3/8"=1'-0"

SCOPE OF WORK:
REAR YARD GAZEBO

ADDRESS:
116 DAVIDSON BLVD., DUNDAS, ON L9H7M5, CANADA

- GENERAL:**
1. READ STRUCTURAL DRAWINGS IN CONJUNCTION WITH ARCHITECTURAL DRAWINGS AND OTHER CONTRACT DOCUMENTS. CHECK ALL DIMENSIONS AND REPORT ANY INCONSISTENCIES BEFORE PROCEEDING WITH THE WORK.
 2. DESIGN LIVE LOADS FOR EACH PORTION OF THE STRUCTURE ARE SHOWN. DO NOT EXCEED THESE LOADS DURING CONSTRUCTION. ALL LOADS GIVEN ARE UNFACTORED (WORKING) LOADS.
 3. CONFORM TO THE REQUIREMENTS OF THE (ONTARIO BUILDING CODE), (MOST RECENT EDITION), ANY APPLICABLE LOCAL BUILDING BY-LAWS.
 4. THE BUILDING IS DESIGNED FOR THE LOAD SHOWN ON THE DRAWINGS AND THOSE LOADS SPECIFIED IN THE RELEVANT PORTIONS OF THE CODE AS N.B.C PARTS 4 AND 9,(OR EQUIVALENT PROVINCIAL OR CITY CODE), IT IS TO BE CONSTRUCTED STRICTLY IN ACCORDANCE WITH THE GENERAL LAYOUT PLANS AND DETAIL DRAWING & ANY OTHER SPECIFICATIONS SUPPLIED WITH THE CONTRACT DOCUMENTS, NO PORTIONS OF THE BUILDING SHALL BE CHANGED OR MODIFIED UNLESS THE WORK INVOLVED IS EXECUTED UNDER THE DIRECTION OF A REGISTERED PROFESSIONAL ENGINEER, WRITTEN NOTICE AND DETAILS OF ANY SUCH CHANGES OR MODIFICATIONS SHALL BE GIVEN TO THE ENGINEER PRIOR TO SUCH WORK BEING EXECUTED.
 5. THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND DETAILS IN FIELD AND NOTIFY THE ARCHITECT AND ENGINEER OF ANY DISCREPANCIES AND INCOMPATIBILITIES. THE CONTRACTOR IS RESPONSIBLE FOR THE DESIGN OF ALL TEMPORARY SUPPORTS, FORMWORK AND ALL SAFETY ASPECTS OF THE CONSTRUCTION.
 6. DO NOT CUT OR DRILL INTO ANY STRUCTURAL MEMBERS OR CUT REBAR PROJECTIONS WITHOUT THE ENGINEER'S APPROVAL. THE CONTRACTOR IS RESPONSIBLE FOR LABOUR, MATERIALS & EQUIPMENT FOR THE EXECUTION AND QUALITY CONTROL OF THE WORK SHOWN IN THE CONTRACT DOCUMENTS, INCLUDING ALL WORK OF SUB-CONTRACTORS, FIELD REVIEWS SHALL NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITY FOR THE PROPER PERFORMANCE, OF HIS WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, ANY ERRORS AND/OR OMISSIONS IN THE WORK SHALL BE REPORTED TO THE ENGINEER FOR REVIEW.
 7. CONSTRUCTION SHALL NOT EXCEED THE SPECIFIED DESIGN LOADS, OTHER LOADING AS REQUIRED, FOR TEMPORARY CONDITIONS OF CONSTRUCTION MUST BE DESIGNED UNDER THE SUPERVISION OF A PROFESSIONAL ENGINEER REGISTERED IN THE PROVINCE OF ONTARIO.

KEY PLAN/ SITE PLAN:

- INDEX:**
- A0 - COVER SHEET
 - A1 - SITE PLAN
 - A2 - PROPOSED GAZEBO PLAN
 - A3 - PROPOSED GAZEBO ROOF PLAN
 - A4 - PROPOSED GAZEBO FRONT ELEVATION
 - A5 - PROPOSED GAZEBO REAR ELEVATION
 - A6 - PROPOSED GAZEBO EAST ELEVATION
 - A7 - PROPOSED GAZEBO WEST ELEVATION
 - A8 - PROPOSED GAZEBO SECTION-1

SEAL:

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REV:	DESCRIPTION:	BY:
STATUS: SUBMITTED FOR PERMIT		

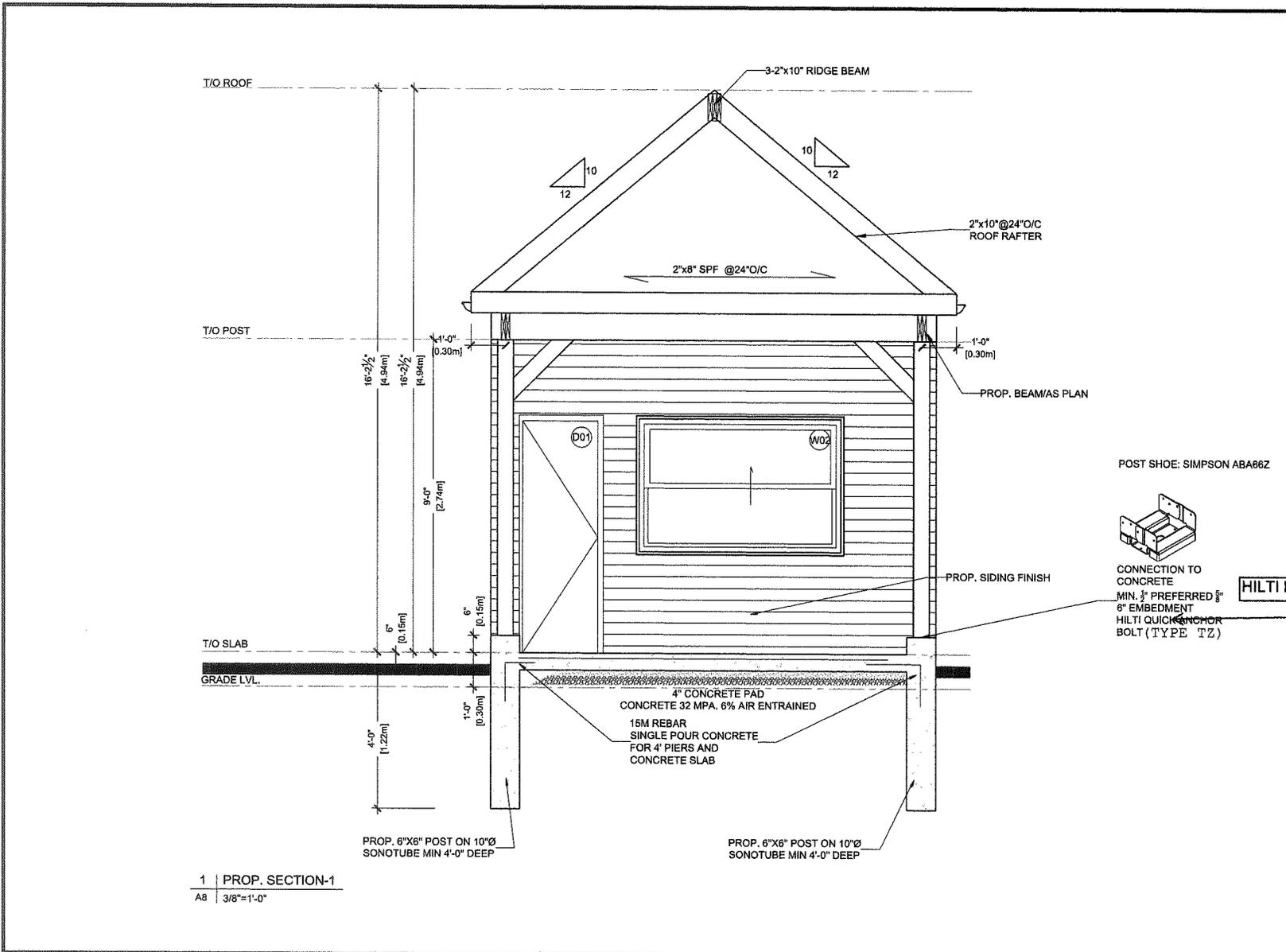


CLIENT: JOHN BERKACH

SITE: 116 DAVIDSON BLVD., DUNDAS, ON L9H7M5

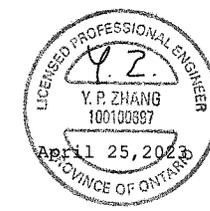
TITLE: COVER SHEET

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PROJECT NO: 23-11	DRAWING NO: A0	REVISOR:	

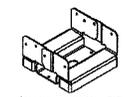


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REV.	DESCRIPTION	BY	
STATUS: SUBMITTED FOR PERMIT			



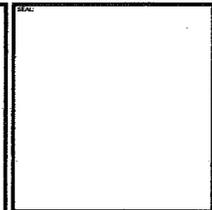
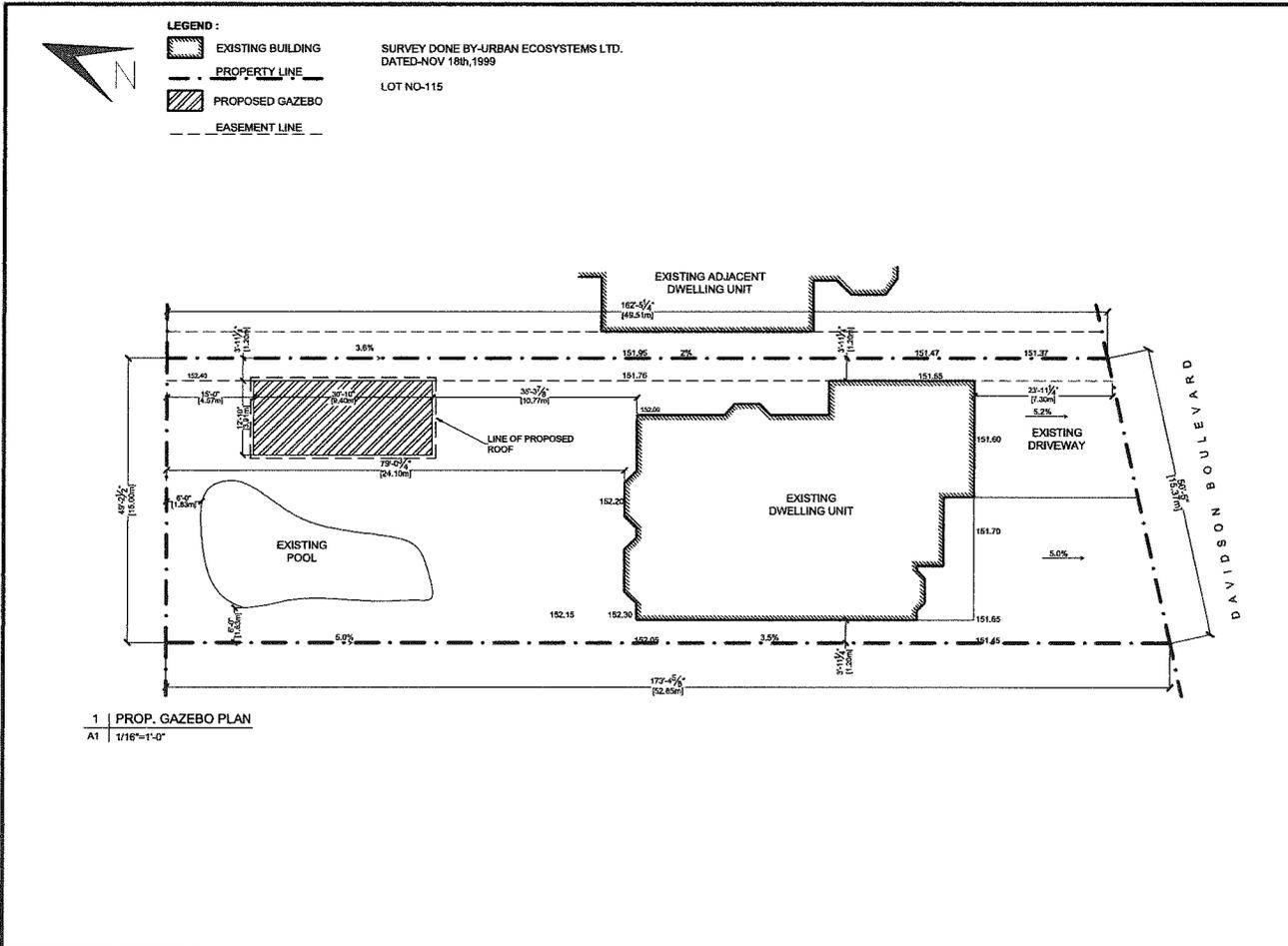
RANA DRAFTING
A DIVISION OF ORANA INC

CLIENT: JOHN BERKACH

SITE: 116 DAVIDSON BLVD.
DUNDAS, ON L9H7M5

TITLE: PROPOSED SECTION-1

SCALE: 1/4"=1'-0"	DATE: 31.03.2023	DRAWN: AC	CHEK: I
PROJECT NO: 23-11	DRAWING NO: A8	REV: I	



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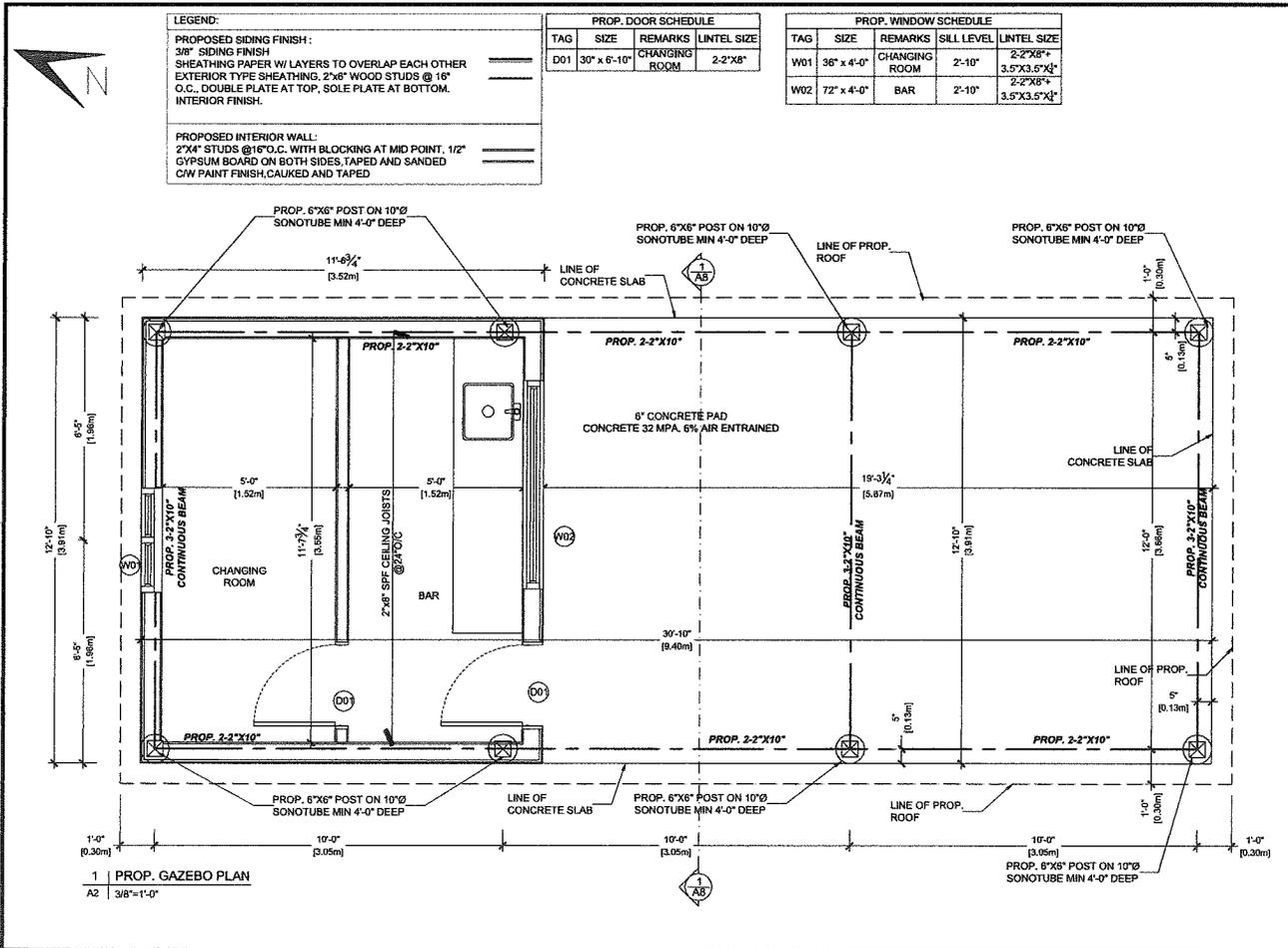
B	SUBMITTED FOR PERMIT	AC: R.03.2020
A	SUBMITTED FOR PERMIT	AC: 06.03.2020
DATE	DESCRIPTION	BY
03.03.2023	PROPOSED GAZEBO PLAN	Y.P.

ORANA
 DRAFTING
 A DIVISION OF ORANA INC.

CLIENT: JOHN BERGKACH

FILE: 116 DAVIDSON BLVD.
 DUNDAS, ON L9H7M5
 TITLE: PROPOSED GAZEBO PLAN

DATE	DATE	DATE	DATE
11/16/2023	31.03.2023	AC	DB
PROJECT NO.	DRAWING NO.	CHECKED	DATE
23-11	A1	B	



LEGEND:

PROPOSED SIDING FINISH:
 3/8" SIDING FINISH
 SHEATHING PAPER W/ LAYERS TO OVERLAP EACH OTHER
 EXTERIOR TYPE SHEATHING, 2"x6" WOOD STUDS @ 16"
 O.C., DOUBLE PLATE AT TOP, SOLE PLATE AT BOTTOM,
 INTERIOR FINISH.

PROPOSED INTERIOR WALL:
 2"x4" STUDS @ 16" O.C. WITH BLOCKING AT MID POINT, 1/2"
 GYPSUM BOARD ON BOTH SIDES, TAPED AND SANDED
 CW PAINT FINISH, CAULKED AND TAPED

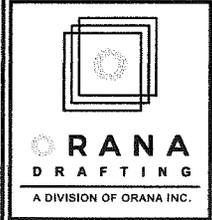
PROP. DOOR SCHEDULE			
TAG	SIZE	REMARKS	INTEL. SIZE
D01	30" x 6'-10"	CHANGING ROOM	2'-2"x8"

PROP. WINDOW SCHEDULE				
TAG	SIZE	REMARKS	SILL LEVEL	INTEL. SIZE
W01	36" x 4'-0"	CHANGING ROOM	2'-2"x8"	3.5"x3.5"x1"
W02	72" x 4'-0"	BAR	2'-10"	2'-2"x8"
				3.5"x3.5"x1"

DO NOT SCALE
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 PRIOR TO COMMENCEMENT OF THE WORK. ALL
 DRAWINGS & SPECIFICATIONS ARE PROPERTY OF
 ORANA INC. AND MUST BE RETURNED UPON
 COMPLETION OF THE WORK. DRAWINGS ARE NOT
 TO BE USED FOR OTHER PROJECTS WITHOUT THE
 WRITTEN CONSENT OF THE DESIGNER.



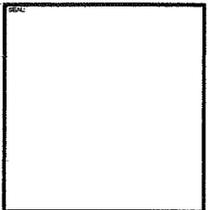
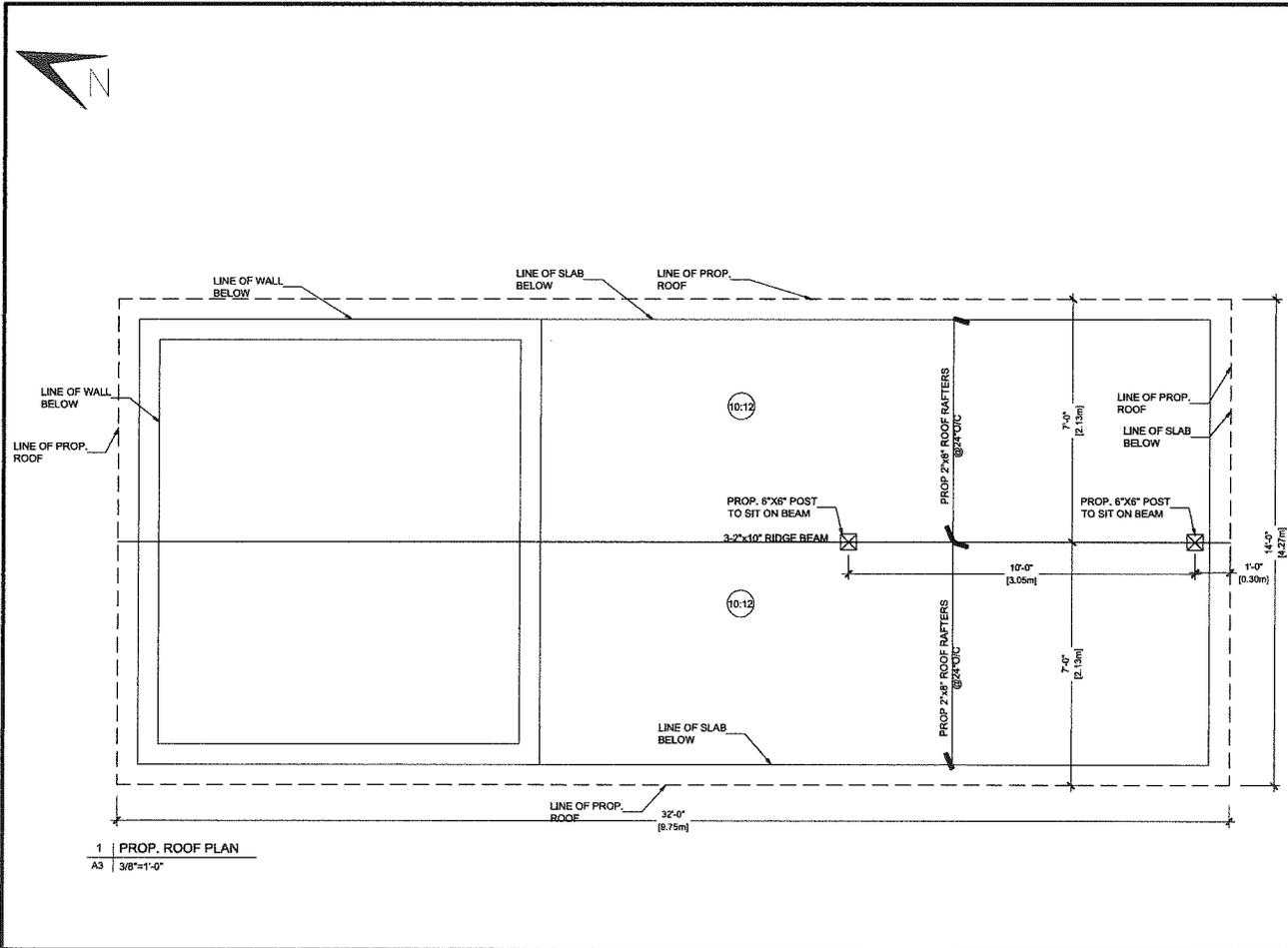
B SUBMITTED FOR PERMIT	AC 23-03-2023
A SUBMITTED FOR PERMIT	AC 23-03-2023
DATE SUBMITTED FOR PERMIT	DATE



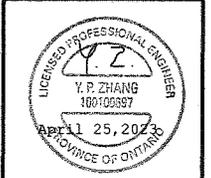
CLIENT: JOHN BERCKACH

116 DAVIDSON BLVD.
 DUNDAS, ON L9H7M5

DATE: 2023-11-27	DATE: 31.03.2023	DRAWN: AC	CHECKED: DS
PROJECT NO: 23-11	DRAWING NO: A2	TITLE: PROPOSED GAZEBO PLAN	REVISION: B



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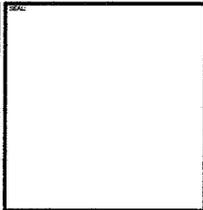
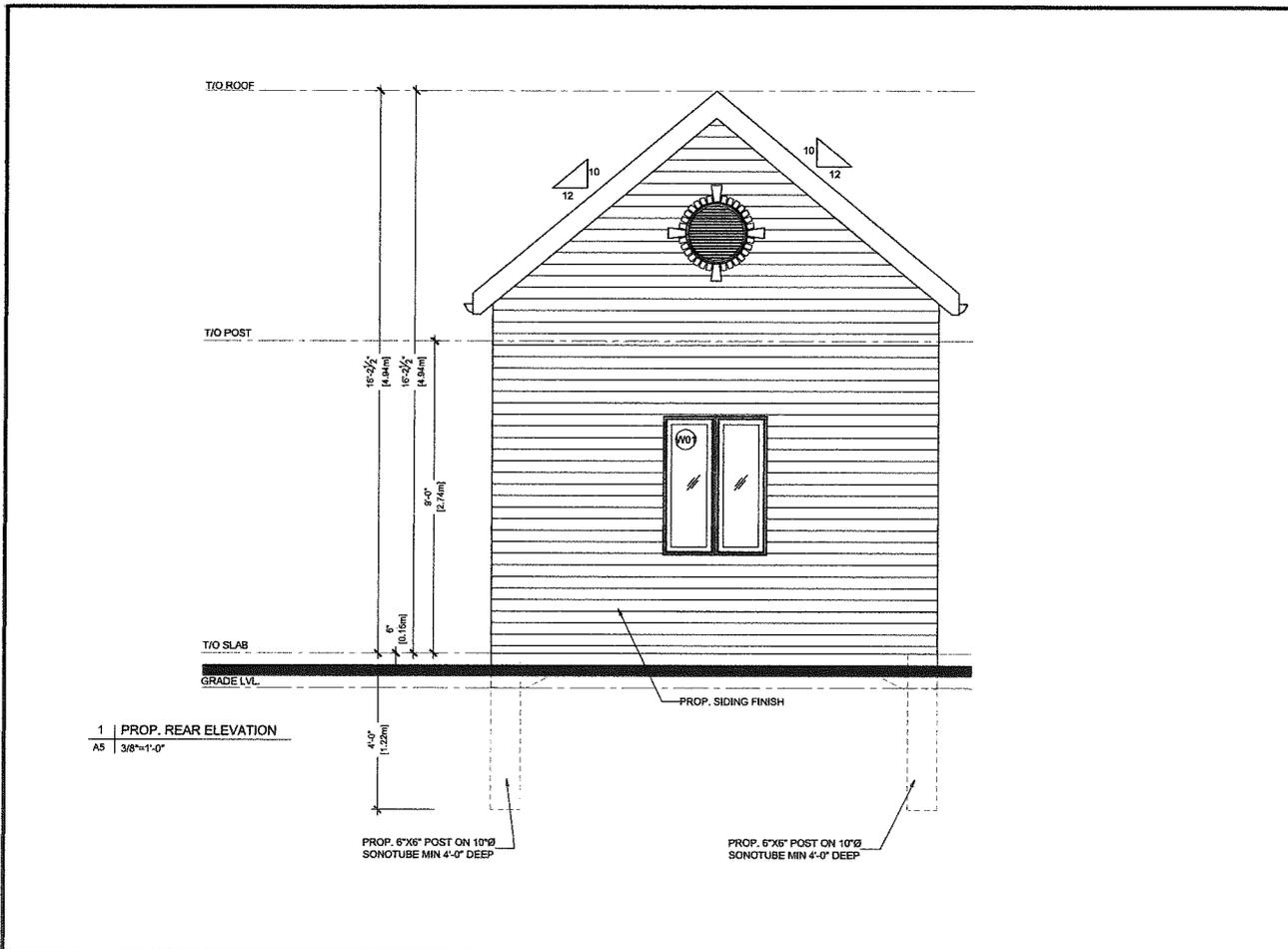
B	SUBMITTED FOR PERMIT	AC	BLA/2023
A	SUBMITTED FOR PERMIT	AD	BLA/2023
REV	DESCRIPTION	BY	DATE
STAR	SUBMITTED FOR PERMIT		

ORANA DRAFTING
A DIVISION OF ORANA INC.

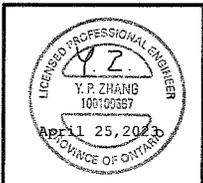
CURR: JOHN BERKACH

116 DAVIDSON BLVD.
DUNDAS, ON L9H7M5

DATE	DATE	DRAWN	CHECKED
3/8/2023	31.03.2023	AC	DB
PROJECT NO	PROJECT NO	SCALE	REVISION
23-11		A3	B



DO NOT SCALE:
CONTRACTOR MUST VERIFY ALL INFORMATION PRIOR TO COMMENCEMENT OF THE WORK. ALL DRAWINGS & SPECIFICATIONS ARE PROPERTY OF ORANA INC. AND MUST BE RETURNED UPON COMPLETION OF THE WORK. DRAWINGS ARE NOT TO BE USED FOR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.



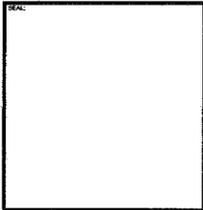
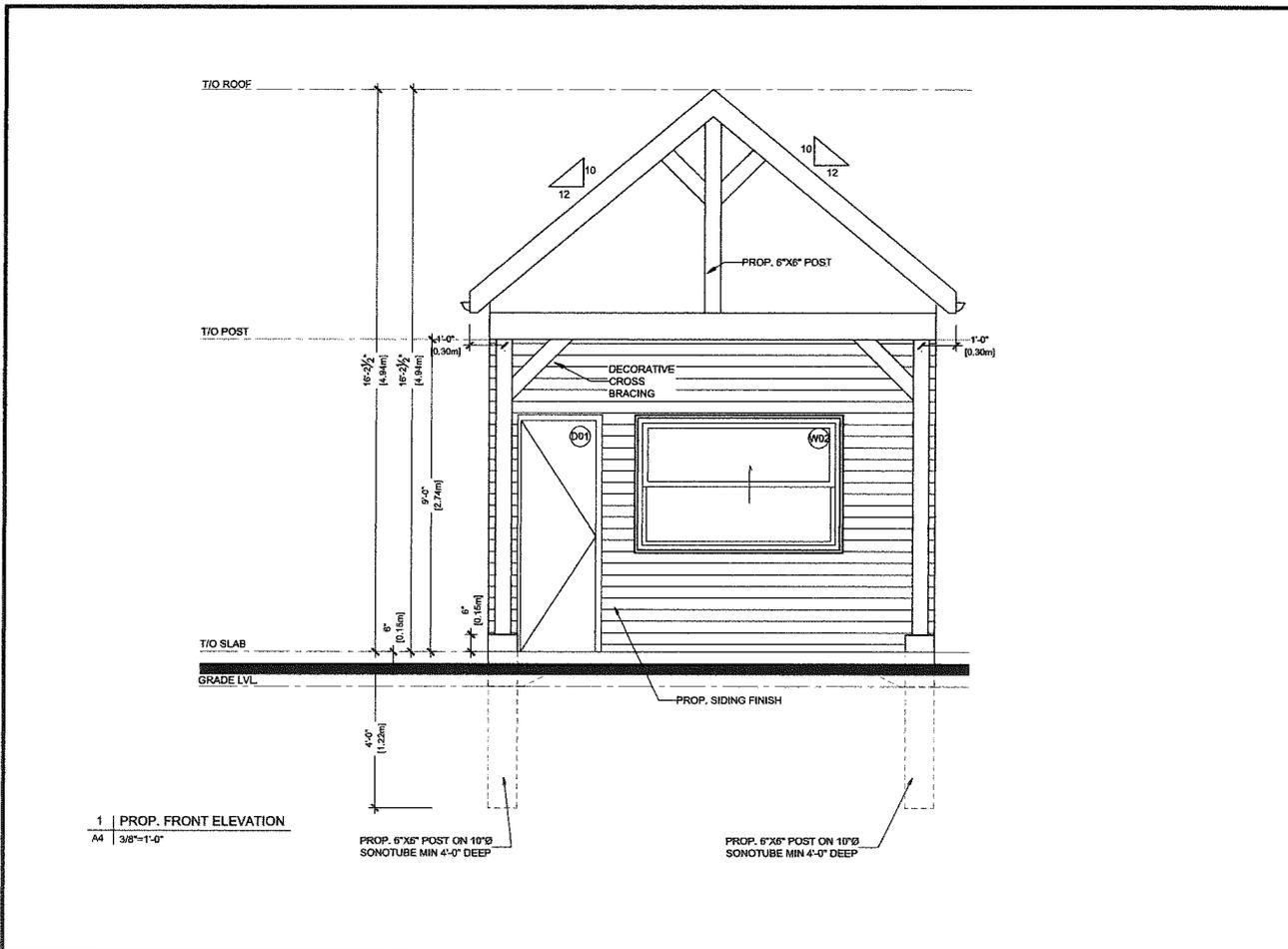
B	SUBMITTED FOR PERMIT	AC	31.03.2023
A	SUBMITTED FOR PERMIT	AD	31.03.2023
DATE SUBMITTED FOR PERMIT		BY	GATE

DRANA
DRAFTING
A DIVISION OF ORANA INC.

CLIENT: JOHN BERCKACH

DATE: 116 DAVIDSON BLVD.
DUNDAS, ON L9H7M5

TITLE: PROPOSED REAR ELEVATION			
DATE	DATE	DRAWN	CHECKED
31.03.23	31.03.2023	AC	DS
PROJECT NO.	DRAWING NO.	REVISION	SCALE
23-11	A5		B



"DO NOT SCALE"
 CONTRACTOR MUST VERIFY ALL INFORMATION PRIOR TO COMMENCEMENT OF THE WORK. ALL DRAWINGS & SPECIFICATIONS ARE PROPERTY OF DRANA INC. AND MUST BE RETURNED UPON COMPLETION OF THE WORK. DRAWINGS ARE NOT TO BE USED FOR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.



B	SUBMITTED FOR PERMIT	AC	R-9-2020
A	SUBMITTED FOR PERMIT	AC	8-20-2020
REV	DESCRIPTION	BY	DATE
1	FORM SUBMITTED FOR PERMIT		

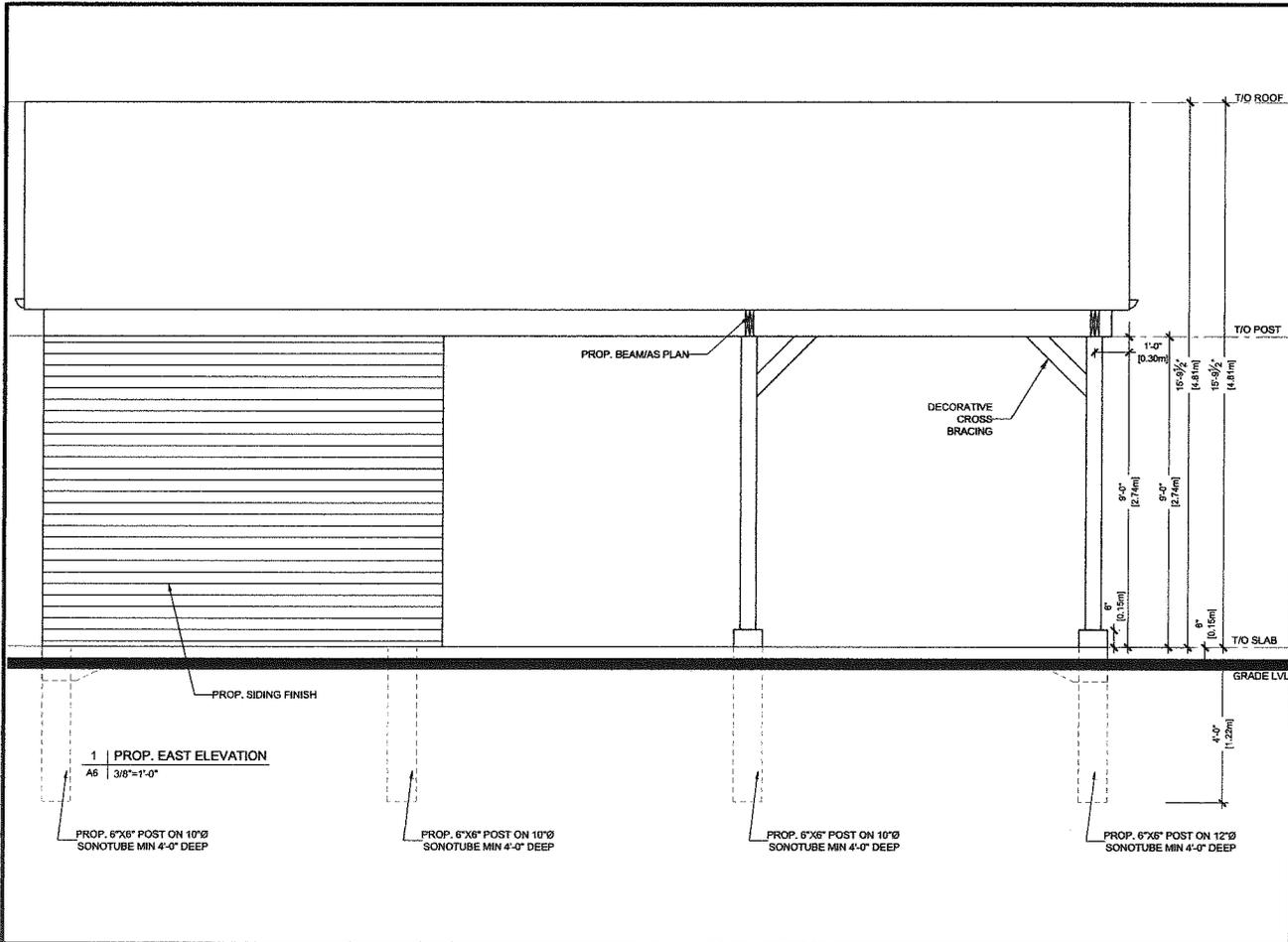


CLIENT: JOHN BERGKACH

DATE: 116 DAVIDSON BLVD.
 DUNDAS, ON L9H7M5

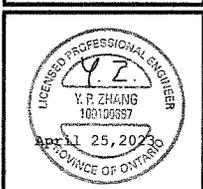
TITLE: PROPOSED FRONT ELEVATION

NO.	DATE	BY	CHKD BY
1	31.01.2023	AC	DB
23-11		A4	B



NO.

"DO NOT SCALE"
 CONTRACTOR MUST VERIFY ALL INFORMATION PRIOR TO COMMENCEMENT OF THE WORK. ALL DRAWINGS & SPECIFICATIONS ARE PROPERTY OF ORANA INC. AND MUST BE RETURNED UPON COMPLETION OF THE WORK. DRAWINGS ARE NOT TO BE USED FOR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.



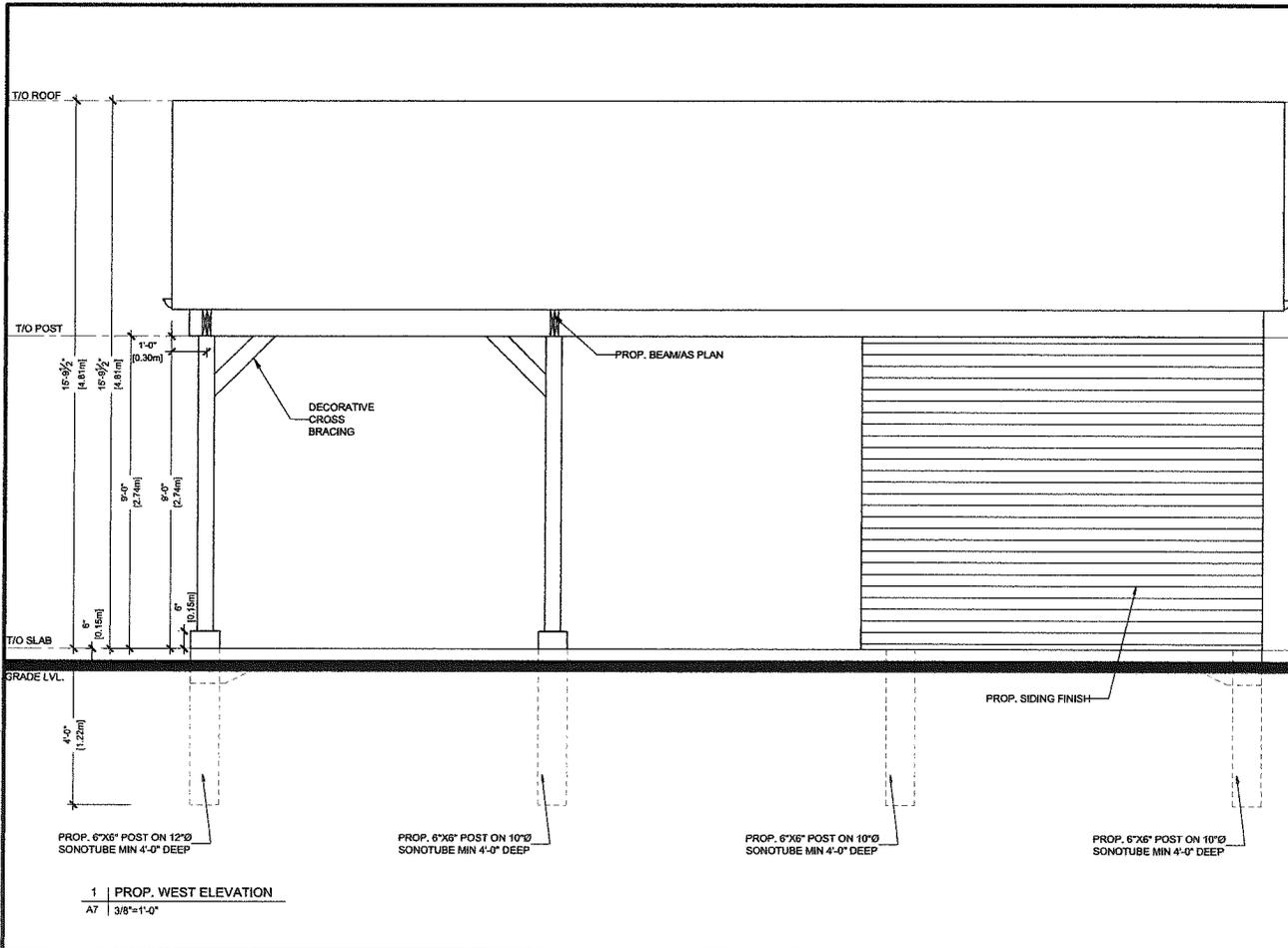
B	SUBMITTED FOR PERMIT	AC	10.03.2022
A	SUBMITTED FOR PERMIT	AC	10.03.2022
REV.	DESCRIPTION	BY	DATE
FOR SUBMITTED FOR PERMIT			



CHECKED: JOHN BERCKACH

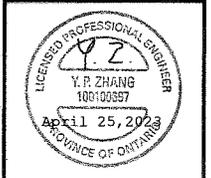
FILE: 118 DAVIDSON BLVD. DUNDAS, ON L9H7M5

TITLE: PROPOSED EAST ELEVATION			
PROJECT NO:	DATE:	DRAWN:	CHECKED:
23-11	30/07/2023	AC	DS
		A6	B

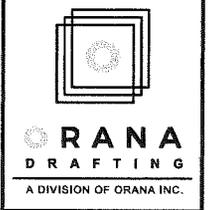


SCALE

CONTRACTOR MUST VERIFY ALL INFORMATION PRIOR TO COMMENCEMENT OF THE WORK. ALL DRAWINGS & SPECIFICATIONS ARE PROPERTY OF ORANA INC. AND MUST BE RETURNED UPON COMPLETION OF THE WORK. DRAWINGS ARE NOT TO BE USED FOR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.



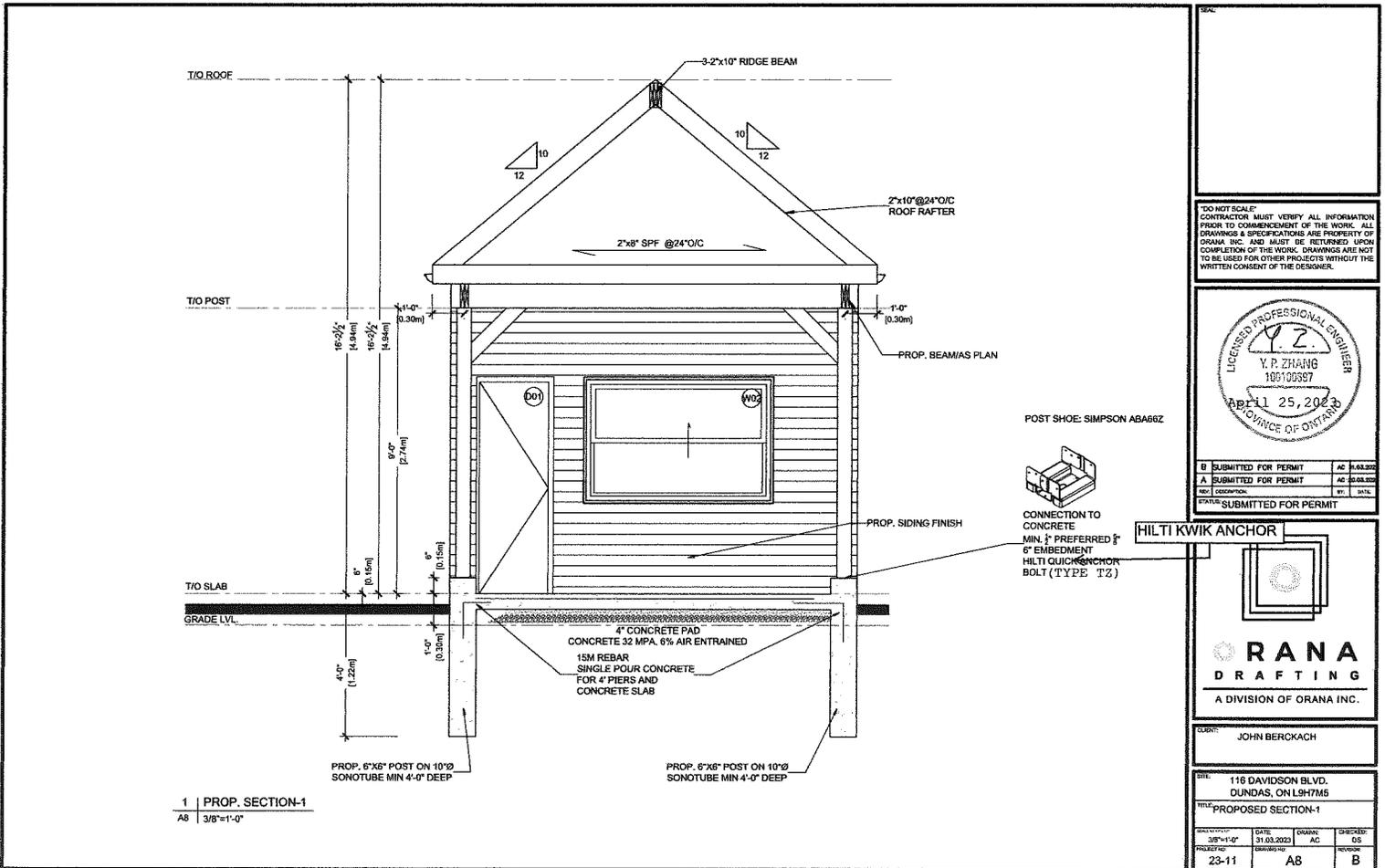
B SUBMITTED FOR PERMIT	AC 16.03.2023
A SUBMITTED FOR PERMIT	AC 16.03.2023
DATE SUBMITTED FOR PERMIT	BY GATE



CLIENT: JOHN BERGKACH

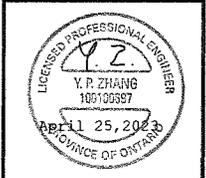
SITE: 116 DAVIDSON BLVD. DUNDAS, ON L9H7M5

TITLE: PROPOSED WEST ELEVATION			
PROJECT NO.	DATE	DRAWN	CHECKED
23-11	31.03.2023	AC	DS
PROJECT	REVISION	DATE	BY
	A7		B



SCALE

DO NOT SCALE
 CONTRACTOR MUST VERIFY ALL INFORMATION PRIOR TO COMMENCEMENT OF THE WORK. ALL DRAWINGS & SPECIFICATIONS ARE PROPERTY OF ORANA INC. AND MUST BE RETURNED UPON COMPLETION OF THE WORK. DRAWINGS ARE NOT TO BE USED FOR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

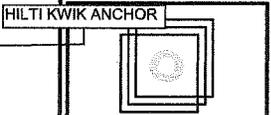


B	SUBMITTED FOR PERMIT	AC	PL-64202
A	SUBMITTED FOR PERMIT	AC	PL-64202
REV	DESCRIPTION	BY	DATE

POST SHOE: SIMPSON ABA66Z



CONNECTION TO CONCRETE
 MIN. 1/2" PREFERRED 3/4"
 6" EMBEDMENT
 HILTI KWIK ANCHOR
 BOLT (TYPE T2)



ORANA
 DRAFTING
 A DIVISION OF ORANA INC.

CLIENT: JOHN BERKACH

118 DAVIDSON BLVD.
 OUNDAS, ON L9H7M5

TITLE: PROPOSED SECTION-1			
DATE	DATE	DATE	DATE
3/8"-1'-0"	31.03.2023	AC	DS
PROJECT NO.	REVISION NO.	REVISION	REVISION
23-11	A8		B

1 | PROP. SECTION-1
 A8 | 3/8"=1'-0"

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

Phone: (905) 546-2424 ext. 4221
 Email: 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)	[REDACTED]		
Applicant(s)			
			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 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	116 Davidson Blvd		
Assessment Roll Number			
Former Municipality	Dundas		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Zoning by-law proposes 7.5 m set back per accessory buildings over 18 sq m. Propose set back is 4.5 m.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Zoning by-law interprets accessory structure ^{size} by ~~area~~ roof line. Actual building foot print is 11.14 sqm

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
15.37 m	52.85 m	770 m	9 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
Dwelling	7.3 m	24.10m	1.2 m	1988

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Cabana	31.51 m	4.5 m	12m / 7.9m	

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	162 sqm	325 sqm	2	10 1/2 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Cabana	36.7 m	36.7 m	1	4.81 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 Detached Dwelling

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

single detached Dwelling - open space at rear of property

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

May 25 of 2022

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

single detached home

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:

1988 35 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.

Official plan designation permits accessory structures in rear yard.

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: _____

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):

I would like to have a change room + shade in back yard.

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	FL/A-23:101	SUBJECT PROPERTY:	30 WENEIL DRIVE, FLAMBOROUGH
ZONE:	"S1" (Settlement Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: LORI ANNE BOURASSA
Agent: LEN ANGELICI DESIGN

The following variances are requested:

1. An accessory building may be permitted in a front yard, instead of the regulation which states accessory buildings shall not be permitted within a front or flankage yard.

PURPOSE & EFFECT: To facilitate the construction of a 44.59m² accessory building;

Notes:

1. Insufficient details provided to determine compliance to section 5 (parking), as such additional variances may be required at such a time that complete zoning review can be completed
2. Applicant to ensure building height is provided as per definition in section 3 of Hamilton Zoning By-law 05-200.

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

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

DATE:	Thursday, June 1, 2023
TIME:	10:50 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for

FL/A-23:101

	details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:101, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

FL/A-23:101



 Subject Lands

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

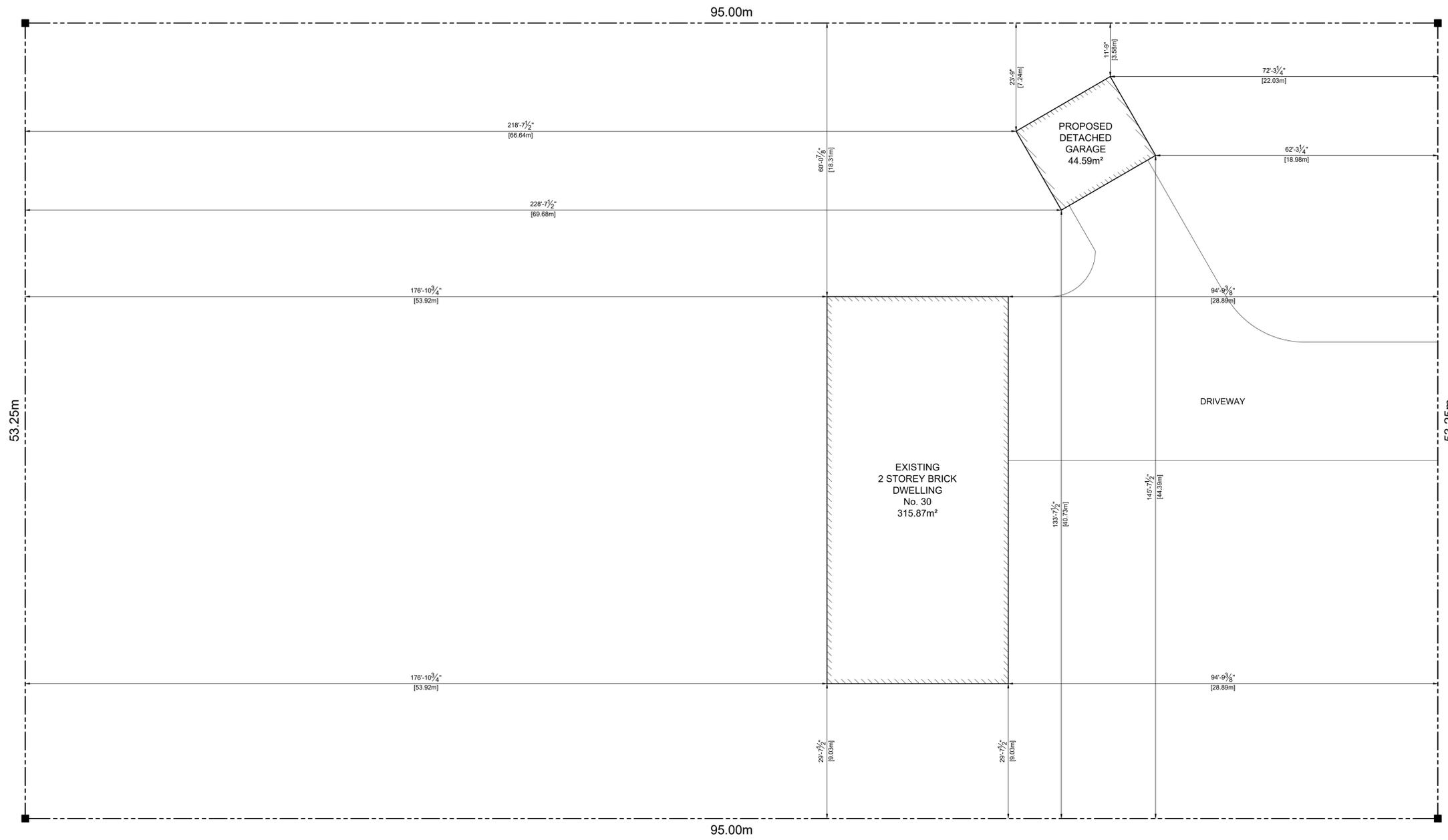
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

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

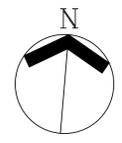
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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



SITE DATA

ZONE:	S1
LOT AREA:	5058.75m ²
EXISTING DWELLING FOOTPRINT:	315.87m ²
PROPOSED DETACHED GARAGE:	44.59m ²
COVERAGE:	7.13%
BUILDING HEIGHT	
No. of STOREYS:	1
GARAGE SETBACKS	
FRONT:	18.98m
REAR:	66.64m
RIGHT SIDE:	3.58m
LEFT SIDE:	40.73m



PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	04/17/2023

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
- THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
- REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
- CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
- DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION

LEONARD ANGELICI 42391
NAME BCIN

REGISTRATION INFORMATION

LEN ANGELICI DESIGN INC. 124457
NAME BCIN

04/17/2023
DATE SIGNATURE

Len Angelici Design

270 SHERMAN AVE N, UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT

**30 WENEIL DR
FRELTON, ON**

SHEET TITLE

SITE PLAN

DRAWN BY	L. ANGELICI
DATE	04/17/2023
SCALE	1:150
PROJECT No.	23015

SP1



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 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	30 WENEIL DR		
Assessment Roll Number			
Former Municipality	FREELTON		
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:

RELIEF FROM BY-LAW 4.8 ACCESSORY BUILDINGS b) ACCESSORY BUILDINGS
SHALL NOT BE PERMITTED WITHIN A FRONT OR FLANKAGE YARD
PROPOSED DETACHED GARAGE TO BE LOCATED IN FRONT YARD

Second Dwelling Unit Reconstruction of Existing Dwelling

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

PROPOSED DETACHED GARAGE TO BE LOACTED OFF OF EXISTING DRIVEWAY
LOCATED 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
53.25m	95.00m	5058.75m ²	N/A

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	28.89m	53.92m	9.03m, 18.31m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
DETACHED GARAGE	18.98m	66.64m	3.58m	

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	315.87m ²		2	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
DETACHED GARAGE	44.59m ²	44.59m ²	1	4.37m

- 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 DWELLING

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:

N/A

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

DETACHED SINGLE FAMILY DWELLING

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

DETACHED SINGLE FAMILY DWELLING

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

SINCE CONSTRUCTION

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? S1 _____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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	FL/A-23:106	SUBJECT PROPERTY:	488 DUNDAS STREET E, FLAMBOROUGH
ZONE:	"C5 & UC-12(H)" (Commercial & Mixed-Use Zone & Urban Commercial)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, former Town of Flamborough 90-145-Z, as Amended as Amended

APPLICANTS: **Owner:** NHDG (WATERDOWN) INC.
 Applicant: GSP GROUP INC. C/O SARAH KNOLL
 Agent: SCARFONE HAWKINS LLP – c/o Jim Mahler

The following variances are requested:

Building "A" requested Variances - C5 Zone

1. A maximum Building setback of 43.0m shall be permitted from the Valley Trail Place street line, instead of the maximum building setback from a street line of 4.5m required
2. A minimum finished floor elevation of 0.1 metres above grade for any dwelling unit shall be permitted instead of the minimum 0.9 metres above grade required
3. A maximum building height of 25.0 metres shall be permitted instead of the maximum 22.0 metre building height permitted

Building "B" requested Variances- UC-12(H) Zone

4. To permit a 6.0m unobstructed two-way driveway width for vehicular movement instead of the minimum 6.4m unobstructed two way driveway width required
5. Parking spaces shall be permitted to be located in a yard abutting a street instead of the requirement that no parking shall be permitted in any yard abutting a street in a "UC" Zone
6. A loading space shall be permitted to be used for waste collection

FL/A-23:106

PURPOSE & EFFECT: To facilitate Site plan Application DA-22-144.

Notes: N/A

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

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

DATE:	Thursday, June 1, 2023
TIME:	10:55 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:106, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

FL/A-23:106



 Subject Lands

DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

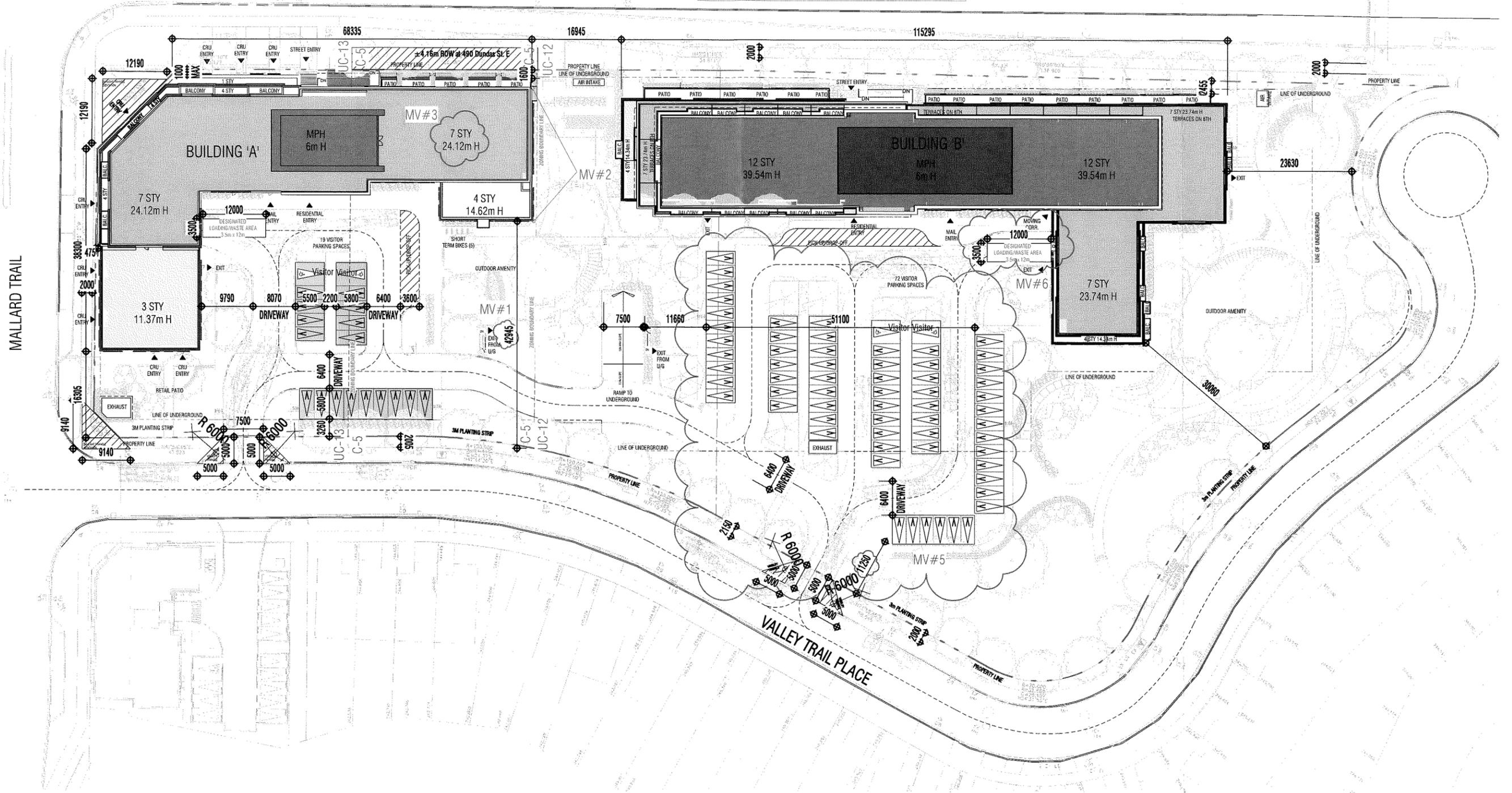
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

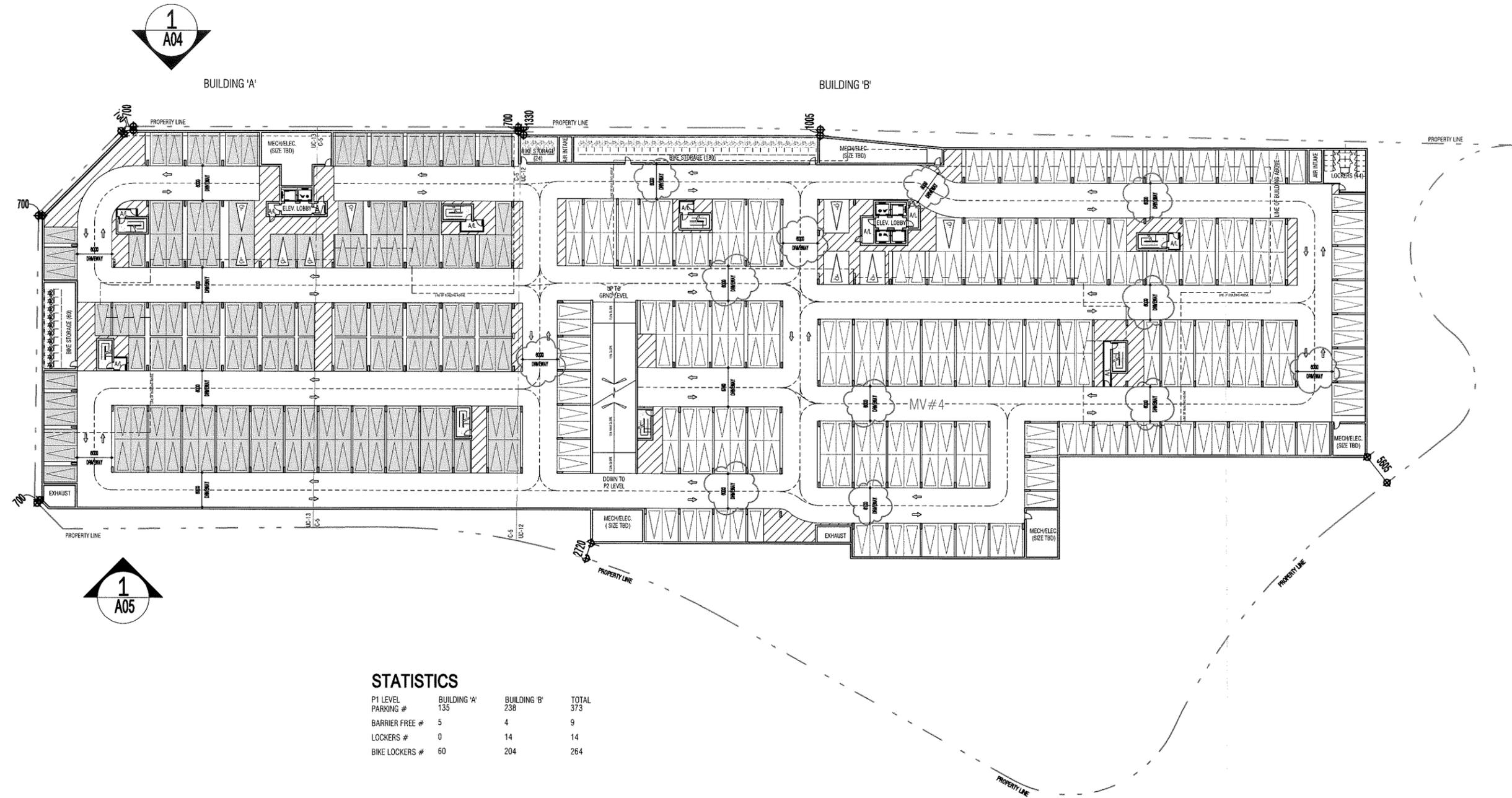
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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

DUNDAS STREET EAST

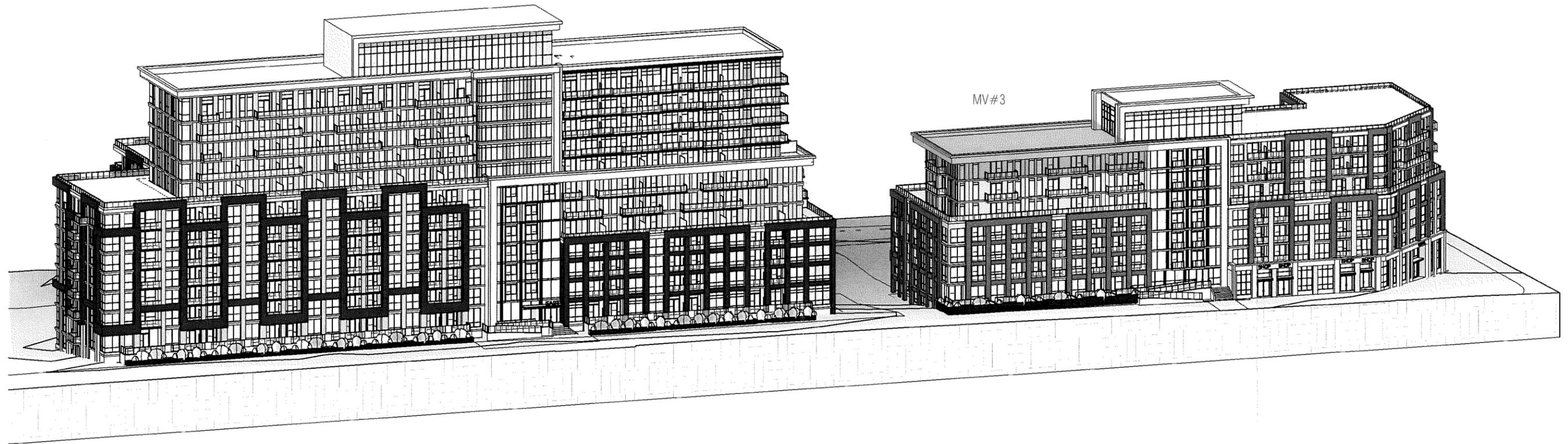
MV#2 - REFER TO ELEVATION DWG A04 AND A05
 MV#3 - REFER TO ELVEVATION DWG A04 AND A05
 AND 3D VIEW A06
 MV#4 - REFER TO U/G PLANS A02 AND A03





STATISTICS

P1 LEVEL	BUILDING 'A'	BUILDING 'B'	TOTAL
PARKING #	135	238	373
BARRIER FREE #	5	4	9
LOCKERS #	0	14	14
BIKE LOCKERS #	60	204	264





Building A South Facing Elevation - ISSUED FOR MINOR VARIANCE

NEW HORIZON DEVELOPMENT GROUP • TREND EAST • 2002.22 • Apr.21.2023

A05

1:400





Building A North Facing Elevation - ISSUED FOR MINOR VARIANCE

• NEW HORIZON DEVELOPMENT GROUP • TREND EAST • 2002.22 • Apr.21.2023

A04

1 : 400



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

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

APPLICATION FOR A MINOR VARIANCE/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	488,490,496,510 Dundas Street East		
Assessment Roll Number			
Former Municipality	Flamborough		
Lot	PT LT 3	Concession	3
Registered Plan Number	62M-1266	Lot(s)	Block 632 & 633
Reference Plan Number (s)	62R-20737	Part(s)	1&2

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

Yes No

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

Easement over all of part 2 on reference plan 62R-20737; Instrument No. CD310871

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:

Six variances are required to permit the proposed development on the site. The proposed development is the subject of a Site Plan Approval application and the requested relief is described in the covering letter.

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 development is situated on an irregular lot and is regulated by three zones that contain differing regulations.

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
49.7m on Mallard Trail	243.58m	1.99ha	30.4m - Mallard Trail

20m - Valley Trail Place

45.8m fronting 488,496,510 Dundas Street East

37.5m fronting 490 Dundas Street East

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
Sales Office-510 Dundas	~21.6m from Dundas St.	Through lot	~13.3m	unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Building A	0.700m Mallard	Through lot	0.425m Dundas	TBD
Building B	~86.096m Mallard	Through lot	2.765m Dundas	TBD

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
See attached site plan				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
see attached site plan				

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well

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

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)

4.6 Type of sewage disposal proposed: (check appropriate box)

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

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
Mixed Use development as per DA-

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

North: vacant and residential/mixed use; South: proposed mixed use and residential; East: residential, West: Mixed use

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

January 10, 2018

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

Vacant

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

New home sales centre on 510 Dundas Street E

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) Mixed Use - Medium Density & Site Specific Policy "D"

Waterdown South Secondary Plan

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

See cover letter and justification

Urban Commercial (UC-13) - 488 Dundas Street E
Mixed Use Medium Density (C5) - 490 Dundas Street E
Urban Commercial (UC-12-H) = 496 & 510 Dundas Street E

7.6 What is the existing zoning of the subject land?

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

- Yes
- No

If yes, please provide the file number: _____

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

Yes No

If yes, please provide the file number: _____

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 605

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

Please see attached cover letter and justification.

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	FL/A-23:103	SUBJECT PROPERTY:	1044 GARDEN LANE, FLAMBOROUGH
ZONE:	"P7 & P8 & A1" (Conservation)	ZONING BY-LAW:	Zoning By-law Choose an item., as Amended Click or tap here to enter text.

APPLICANTS: Owner: ZAHIRA KHALID

The following variances are requested:

1. The proposed accessory building (greenhouse for personal use) shall be permitted to be located in the front yard as close 55.0m from the front lot line whereas the zoning By-law states that accessory buildings shall not be permitted within a front or flankage yard.
2. A maximum building height of 4.7m shall be permitted for the proposed accessory building (greenhouse for personal use) instead of the maximum 4.5m height permitted.

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

Notes:

Variance #2 has been approved under previous Committee Decision FL/A-22:271; however, has been added to this application for consistency.

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

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

DATE:	Thursday, June 1, 2023
TIME:	11:00 a.m.
PLACE:	Via video link or call in (see attached sheet for details)

FL/A-23:103

	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

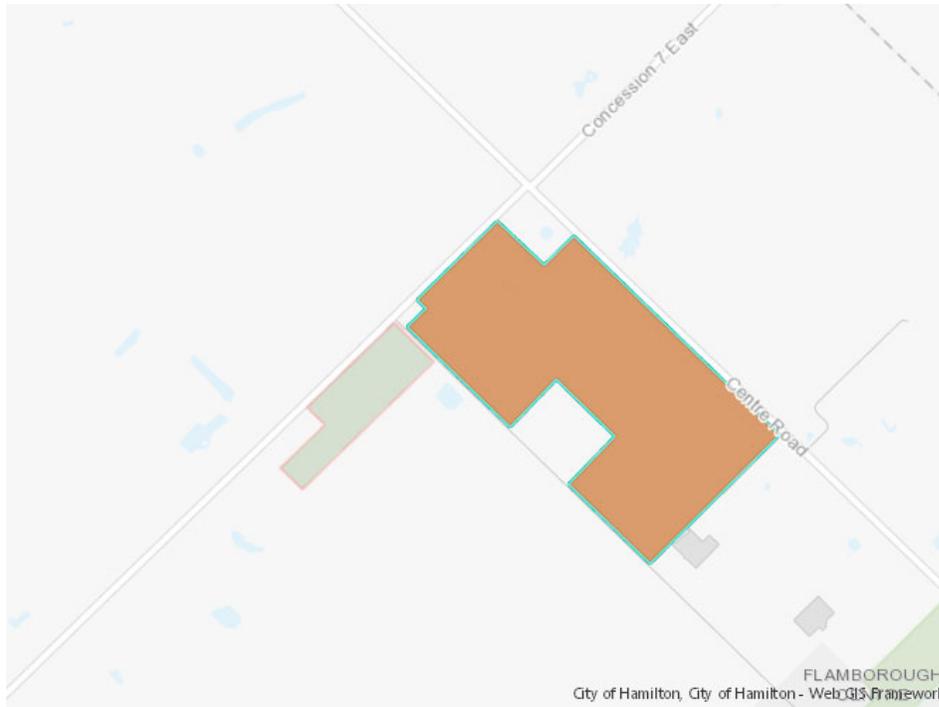
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:103, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

FL/A-23:103



DATED: May 16, 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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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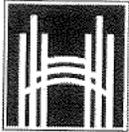
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

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

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

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Hamilton

Phone: (905) 546-2424 ext. 4221
 Email: 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 [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	1044 Garden Lane, Millgrove, ON, L8B1P1		
Assessment Roll Number			
Former Municipality			
Lot	8	Concession	6
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:

Minor variance was approved for greenhouse building in Sept 2022 but front yard setback granted was 65 m based on the measurements that were given which were given from centre of greenhouse but the front yard setback would be 55 ~~m~~ ^{55 metre (210)} from edge of proposed building

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The structure cannot be built at 65 m setback from front yard as the land slants downward and encroaches the conservation area belt where building is not allowed

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
2073,06 ft	1470 ft	82.76 acres	6.5m

631m

448m

334917.8463m.

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	321 ft 98.1	1100 ft 335	159 ft (south) 48.4	Year 2000
office building	313 ft 95.4	1120 ft 341	98.4, 323ft south side 34	Year 2000
barn	476 ft 145.01	300 ft 91.4	423 fr south side 128.9	Year 2000

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Greenhouse	181 ft (55m)	1200 sq ft from rear lot line	105 ft from south property line	07/10/2023

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
Mainhouse	1550x200ft - 472sqm	472sqm	1	5.4m
office	600sqft 182sqm	182sqm	1	4m
barn	35ft x 60ft 640sqm	640sqm	1	4m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Greenhouse	78.97sqm	78.97sqm	1	4.8m

- 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.):

residential and agricultural *single detached dwelling - house - residential
office building - single detached - residential
Barn - detached - agricultural*

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

*single detached dwelling (residential) plus farm agricultural
greenhouses*

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

November 2020

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

residential and agricultural *single detached dwelling - house + office building - residential*

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

residential and agricultural *Barn - agricultural
single detached dwelling - house + office building - residential*

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): Agricultural

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

Building a green house would be for expanding my hobby farm in keeping with Agricultural Plan.

7.6 What is the existing zoning of the subject land? rural *A1, P78 P8 (conservation
Hered land & agriculture)*

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: rural *FL/A - 22 - 271.*

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: FLA 22-271

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: _____

8.2 Number of Dwelling Units Proposed: _____

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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