



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 23-11
Date: June 15, 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/A-23:123195 Rebecca Street, Hamilton (Ward 2) Agent M. Pongetti Owner 2342223 Ontario Inc. – K. McColl	5
2.2 9:20 a.m.HM/A-23:12542 Kingsmount Street North, Hamilton (Ward 1) Agent L. Angelici Owner K. Martin	19
2.3 9:25 a.m.HM/A-23:119122 Florence Street, Hamilton (Ward 1) Agent A.J. Clarke & Associates Ltd. – F. Kloibhofer Owner N. Jain & J. Mahwal-Jain	33
2.4 9:30 a.m.HM/A-23:128235 Emerson Street, Hamilton (Ward 1) Owners M., M., & M. Drinovac	57
2.5 9:35 a.m.SC/A-23:12761 Phyllori Court, Stoney Creek (Ward 5) Agent Stoney Brook Design Build Ltd. – T. Bruculier Owner A. Cornelus	67

3. SUBURBAN

- 3.1 9:40 a.m.SC/B-23:26186 Fruitland Road, Stoney Creek (Ward 10) 83
 Agent A.J. Clarke & Associates Ltd. – F. Kloibhofer
 Applicant Warm Homes – N. Miskovic
 Owner Serland Holdings
- 3.2 9:45 a.m.SC/B-23:27208-218 Arvin Avenue, Stoney Creek (Ward 10) 103
 Agent A.J. Clarke & Associates – S. Fraser
 Owner 1077342 Ontario Inc. (L.P. Custom Machining Ltd.) – G. Singh
- 3.3 9:50 a.m.SC/A-23:1201290 South Service Road & 5 & 23 Vince Mazza Way, Stoney Creek (Ward 10)
 Agent Arcadis IBI Group - J. Marcus
 Owner Winona Point Joint Venture Inc. – F. Puga
Moved to June 29th, 2023
- 3.4 9:55 a.m.HM/A-23:12192 West 34th Street, Hamilton (Ward 14) 119
 Agent L. Angelici
 Owner K. & A. Maclean
- 3.5 B R E A K
- 3.6 10:15 a.m.HM/B-22:79182 West 2nd Street, Hamilton (Ward 8) 133
 Owner H. Randhawa
- 3.7 10:15 a.m.HM/A-22:257182 West 2nd Street, Hamilton (Ward 8) 145
 Owner H. Randhawa
- 3.8 10:20 a.m.AN/A-23:122166 Beverly Court, Ancaster (Ward 12) 155
 Agent smpl Design Studio – L. Bruce
 Owner E. Helstab & c. Kelley
- 3.9 10:25 a.m.GL/A-23:1142633 Upper James Street, Glanbrook (Ward 11) 181
 Agent J. Vitulli
 Applicant Lanhack Steelcon Inc.
 Owner Hamilton Airport Entertainment Inc.

4. RURAL

- 4.1 10:30 a.m.GL/A-23:1156061 White Church Road, Glanbrook (Ward 11) 195
Owners D. & C. Oosterhoff
- 4.2 10:30 a.m.GL/A-23:1166105 White Church Road, Glanbrook (Ward 11) 229
Applicant D. Oosterhoff
Owner B. McKibbon
- 4.3 10:35 a.m.SC/A-23:117147 Slinger Avenue, Stoney Creek (Ward 9) 245
Agent L. Angelici
Owner K. & P. Altenburg
- 4.4 10:40 a.m.SC/B-23:3059 Byron Avenue, Stoney Creek (Ward 9) 261
Agent A. Wellenneiter
Applicant N. Klebert
Owner R. Klebert
- 4.5 10:45 a.m.FL/A-23:118745 Crooks Hollow Road (Ward 13) 275
Agent J. Ling
Owner S. O'Rourke
- 4.6 10:50 a.m.DN/A-23:12651 & 55 Cootes Drive and 110 King Street East, Dundas (Ward 13) 287
Agent GSP Group Inc. – N. Frieday
Owner 7612737 Canada Corp.
- 4.7 10:55 a.m.FL/A-22:305321 Parkside Drive, Flamborough (Ward 15) 313
Owners G. & N. Diffey
- 4.8 11:00 a.m.FL/A-23:08138 McMonies Drive, Flamborough (Ward 15) 333
Owners S. MacLellan & C. Pera

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
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-23:123	SUBJECT PROPERTY:	195 REBECCA STREET, HAMILTON
ZONE:	"D5" (Downtown Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** 2342223 ONTARIO INC. C/O KEIR MCCOLL
 Agent: MICHAEL PONGETTI

The following variances are requested:

1. To permit a restaurant on the ground floor of a mixed-use building that has only one dwelling unit on the second floor instead of the required multiple dwelling units above.

PURPOSE & EFFECT: To permit a restaurant on the ground floor of a mixed-use building.

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 15, 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:

HM/A-23:123

- 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-23:123, 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 30, 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.

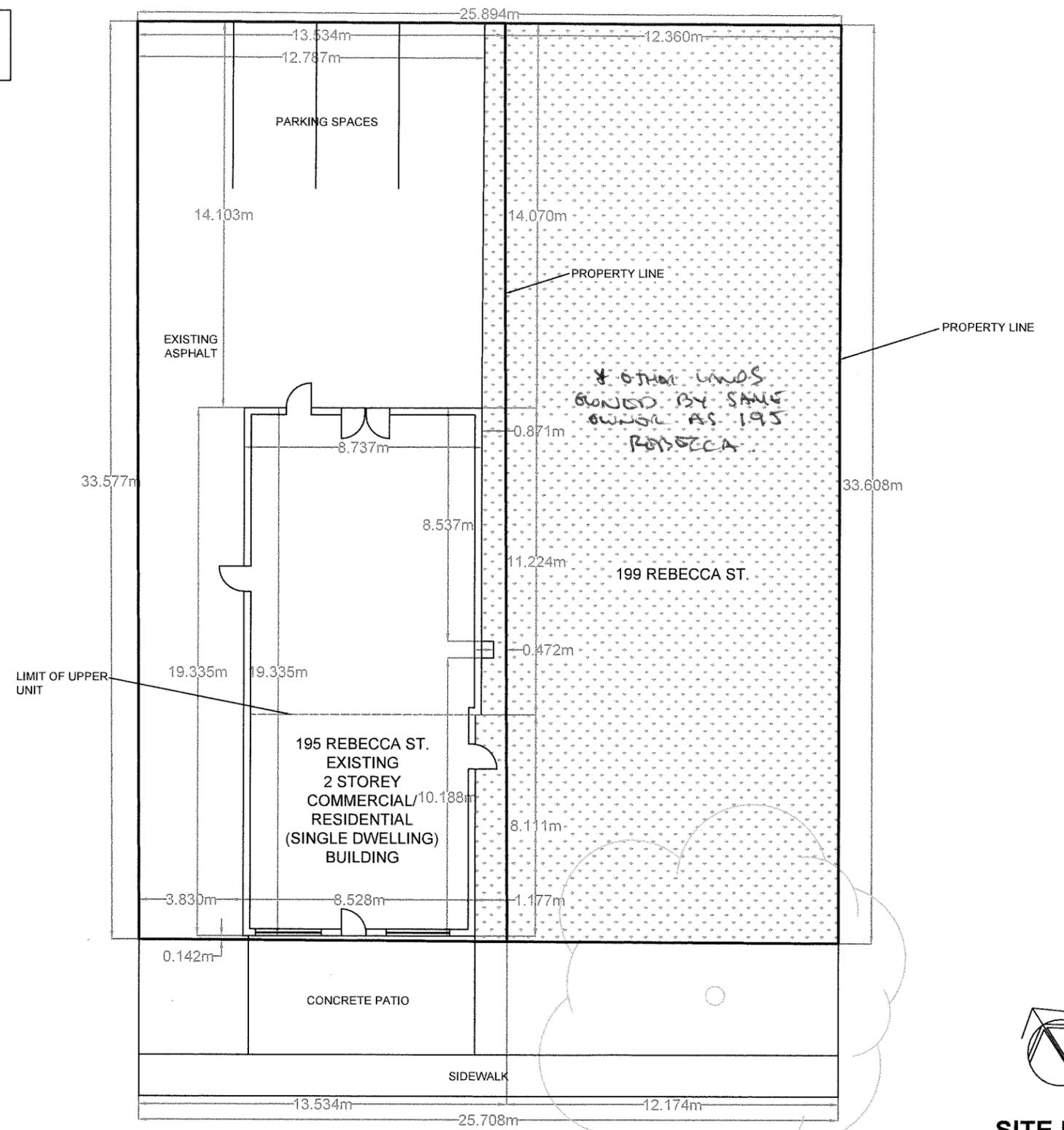
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

EXISTING DIMENSIONS/CONFIGURATION ARE APPROXIMATE

LANDSCAPED AREA - 195 REBECCA ST.
 LOT AREA = 4890ft² = 454.3m²
 LANDSCAPED AREA
 TOTAL AREA = 345.6ft² = 32.1m²
 LANDSCAPED AREA %
 32.1m² / 345.6m² = 7.1%

LANDSCAPED AREA - 195 & 199 REBECCA ST.
 TOTAL LOT AREA = 9324.34ft² = 866.3m²
 LANDSCAPED AREA
 TOTAL AREA = 4779.94ft² = 444.1m²
 LANDSCAPED AREA %
 444.1m² / 866.3m² = 51.3%

FLOOR AREA USES - 195 REBECCA ST.
 TOTAL SQUARE FOOTAGE = 2148.4 ft² = 201.7m²
FLOOR 1
 TOTAL AREA = 1548.4ft² = 143.9m²
 RESTAURANT AREA = 1548.4ft² = 143.9m²
FLOOR 2
 TOTAL AREA = 600.00ft² = 57.8m²
 RESIDENTIAL AREA = 600.00ft² = 57.8m²



#:	DATE:	DESC.
REVISIONS		

DECC INC.
 DESIGN | ENGINEER | CONSULT | CONSTRUCT

SITE:
**195/199 REBECCA ST.
 HAMILTON, ON.**

PROJECT:
**KJT GROUP INC.
 AM - BREAKFAST
 RESTAURANT**

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

DATE: MAR 6, 2023	DRAWN BY: MP	DWG #: 1 / 5
PROJECT #: 046	CHKD BY: MP	

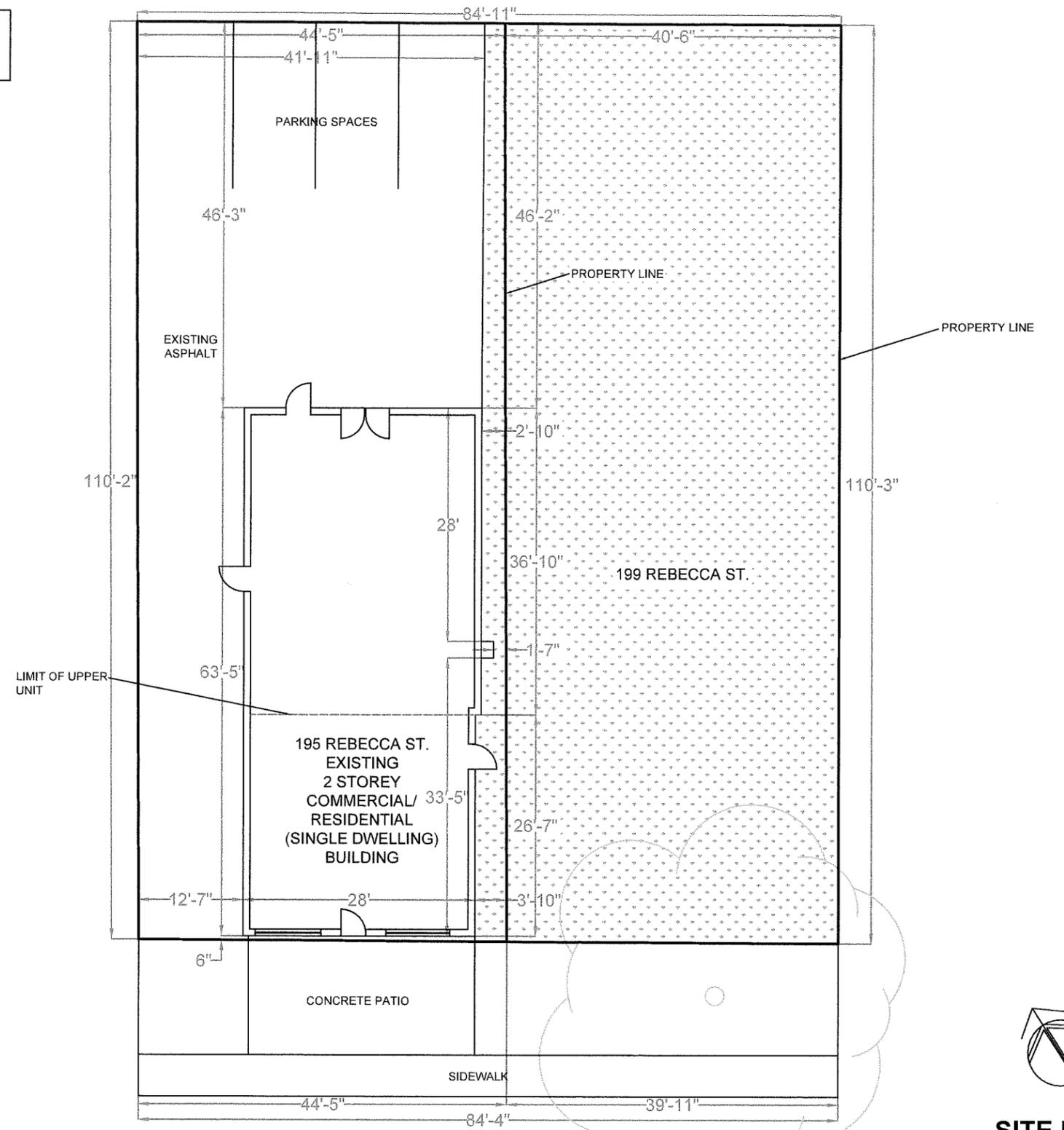
SITE PLAN
 SCALE: 1/16" = 1'-0"

EXISTING DIMENSIONS/CONFIGURATION ARE APPROXIMATE

LANDSCAPED AREA - 195 REBECCA ST.
 LOT AREA = 4890ft² = 454.3m²
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#	DATE	DESC.
REVISIONS		

DECC INC.
 DESIGN | ENGINEER | CONSULT | CONSTRUCT

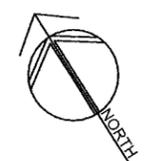
SITE:
 195/199 REBECCA ST.
 HAMILTON, ON.

PROJECT:
 KJT GROUP INC.
 AM - BREAKFAST
 RESTAURANT

DWG:
 SP1.02
 SITE PLAN
 IMPERIAL

DATE: MAR 6, 2023	DRAWN BY: MP	DWG #: 2 / 5
PROJECT #: 046	CHKD BY: MP	

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



- GENERAL NOTES**
1. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST VERSION OF THE ONTARIO BUILDING CODE (O.B.C.) INCLUDING THE LATEST STANDARDS REFERENCED WITHIN.
 2. DRAWINGS ARE NOT TO BE SCALED FOR CONSTRUCTION AT ANY TIME.
 3. ALL DRAWINGS ARE PROPERTY OF THE ENGINEER AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT.
 4. CONTRACTOR IS REQUIRED TO FIELD MEASURE THE STRUCTURE PRIOR TO FABRICATION. ANY DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER.
 5. CONTRACTOR TO CHECK AND VERIFY ALL STRUCTURAL DIMENSIONS PRIOR TO COMMENCING ANY WORK AND TO REPORT ANY DISCREPANCIES TO THE ENGINEER. FAILURE TO DO SO WILL CAUSE FORFEIT TO ANY CLAIM.

EXISTING FLOOR PLAN DIMENSIONS/CONFIGURATION ARE APPROXIMATE

**1ST FLOOR AREA:
+/- 1548.4ft²**

WINDOW/DOOR SCHEDULE		
NO.	WIDTH	HEIGHT
W1	95"	70"
W2	92"	70"
D1	36"	80"
D2	36"	83"
D3 - DBL	35"	83"
D4	36"	82"
D5	35"	83"
D6	33"	82"
D7	34"	80"
D8	30"	76"
D9	30"	76"

NOTE: AS PER O.B.C. 3.7.4.3.(4) EXCEPT AS PROVIDED IN SENTENCES (6) AND (7), THE NUMBER OF WATER CLOSETS REQUIRED FOR DINING ROOMS, RESTAURANTS AND CAFETERIA SHALL CONFORM TO TABLE 3.7.4.3.D.

AS PER THIS TABLE THE NUMBER OF PERSONS OF THE SAME SEX 1-20 AND A TOTAL OCCUPANCY LOAD OF 40, ONLY 1 (ONE) WASHROOM FOR EACH SEX IS REQUIRED

NOTE: O.B.C. 3.1.3.1.(2) IN A BUILDING NOT MORE THAN 3 STOREYS IN BUILDING HEIGHT, IF NOT MORE THAN TWO DWELLING UNITS ARE CONTAINED TOGETHER WITH A GROUP E MAJOR OCCUPANCY, THE FIRE-RESISTANCE RATINGS OF THE FIRE SEPARATION BETWEEN THE TWO MAJOR OCCUPANCIES NEED NOT BE MORE THAN 1 HR.

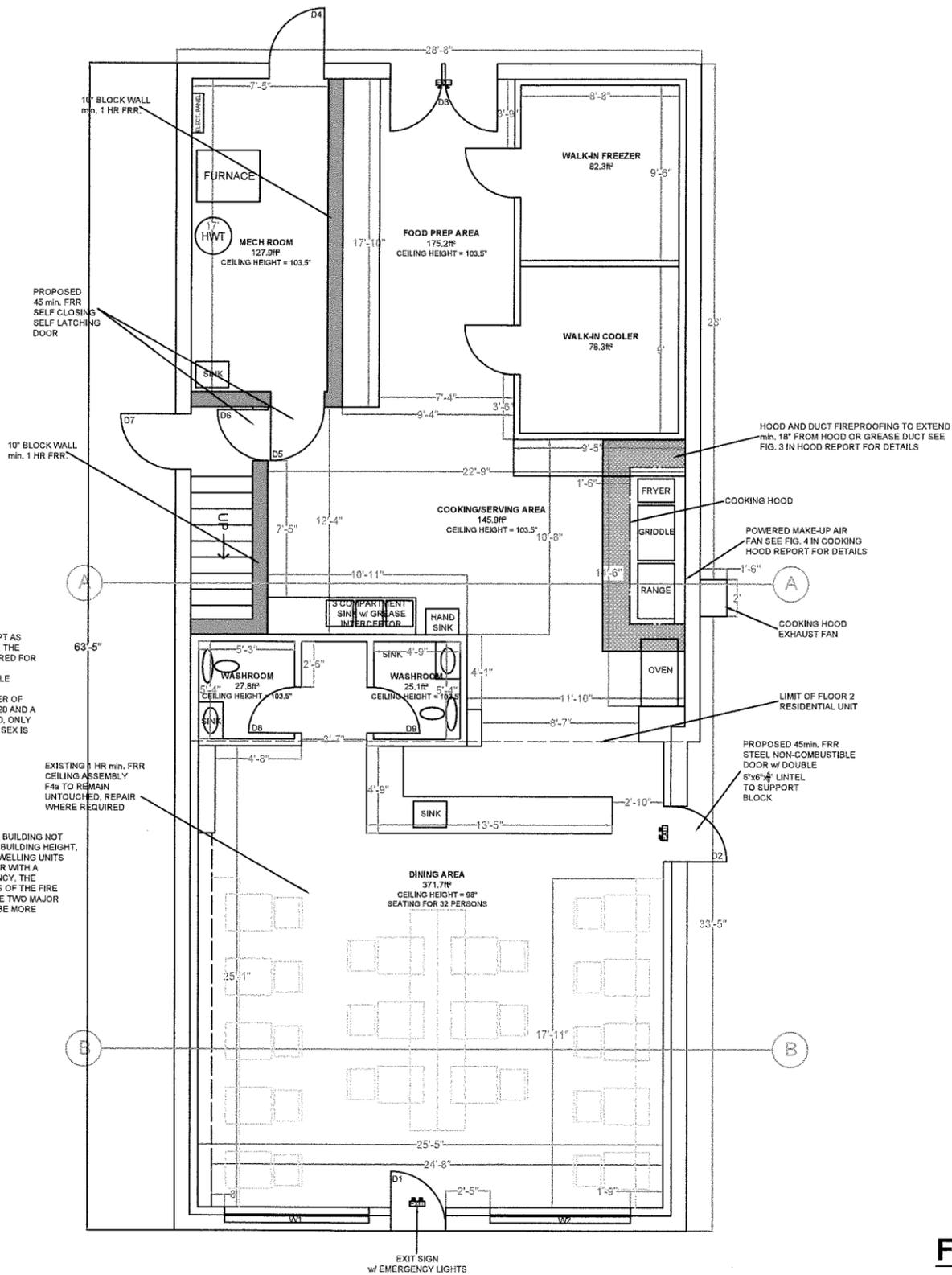
OCCUPANCY LOADING - RESTAURANT

AS PER TABLE 3.1.17.1 OF THE ONTARIO BUILDING CODE,
DINING = 1.1m²/PERSON AND KITCHEN = 9.3m²/PERSON

DINING AREA= 428.4ft² = 39.8m²
AREA PER PERSON = 1.1m²
OCCUPANCY = 39.8m² / 1.1m² = 36 PERSONS

KITCHEN AREA= 430.91ft² = 40.02m²
AREA PER PERSON = 9.3m²
OCCUPANCY = 30.88m² / 1.1m² = 4 PERSONS

THEREFORE THE TOTAL OCCUPANCY LOAD OF THE RESTAURANT ESTABLISHMENT SHOULD BE 40 PERSONS.



- NOTE:
- EXIT SIGNAGE AND EMERGENCY LIGHTING TO BE LOCATED ALONG PATHS OF EGRESS AS PER O.B.C. 3.2.7. AND 3.4.5. DIV. B.
 - PROVIDE EXIT SIGNS AS PER O.B.C. 9.8.11.3. AND 3.2.5.17.
 - ALL WALL AND CEILING FINISHES SHALL POSSESS A FLAME SPREAD RATING NOT EXCEEDING 150
 - PORTABLE FIRE EXTINGUISHERS SHALL BE PROVIDED AND INSTALLED IN CONFORMANCE WITH SECT. 6.2 OF THE FIRE CODE
 - PROVIDE PORTABLE FIRE EXTINGUISHERS IN ACCORDANCE WITH 9.10.19.(4) AND 3.2.5.17.
 - ALL PENETRATIONS THROUGH FIRE SEPARATIONS SHALL BE FIRE STOPPED
 - PROVIDE BARRIER FREE PATHS OF TRAVEL AS PER O.B.C. 3.8.2.1.
 - LIGHTING REQUIREMENTS AS PER O.B.C. 3.2.7.2.
 - NO TRAVEL DISTANCE GREATER THAN 100'-0" EXISTING
 - EXISTING HEATING/COOLING UNITS TO REMAIN AS IS
 - ALL PLUMBING SHOWN IS EXISTING



#:	DATE:	DESC.
REVISIONS		
DECC INC.		
DESIGN ENGINEER CONSULT CONSTRUCT		
SITE:		
195/199 REBECCA ST. HAMILTON, ON.		
PROJECT:		
KJT GROUP INC. AM - BREAKFAST RESTAURANT		
DWG:		
A1.01 1ST FLOOR PLAN		
DATE:	DRAWN BY:	DWG #:
MAR 6, 2023	MP	3 / 5
PROJECT #:	CHKD BY:	
046	MP	

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

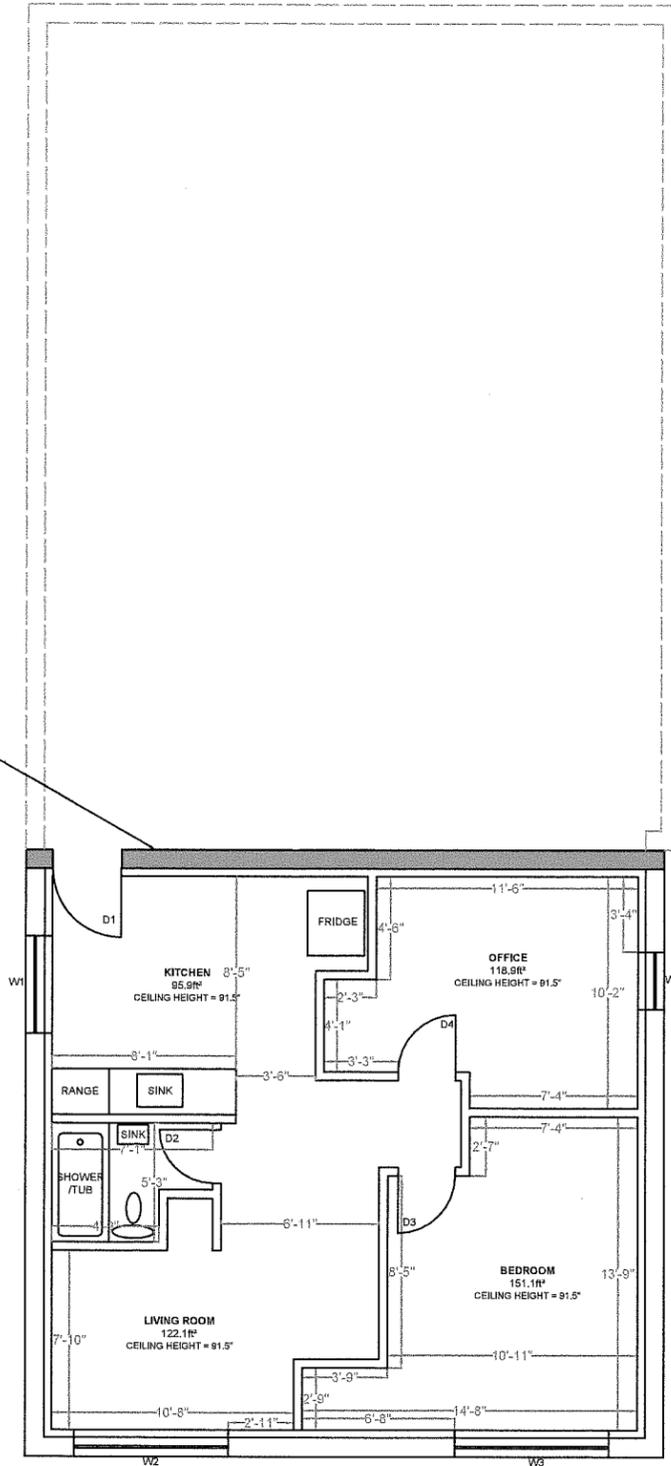
- GENERAL NOTES**
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**EXISTING FLOOR PLAN
DIMENSIONS/CONFIGURATION
ARE APPROXIMATE**

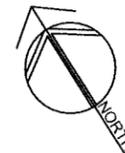
**2ND FLOOR AREA:
+/- 622.0ft²**

WINDOW/DOOR SCHEDULE		
NO.	WIDTH	HEIGHT
W1	26"	51"
W2	81"	51"
W3	81"	51"
W4	30"	51"
D1	36"	83"
D2	28"	78"
D3	30"	78"
D4	30"	78"

10" BLOCK WALL
min. 1 HR FRR

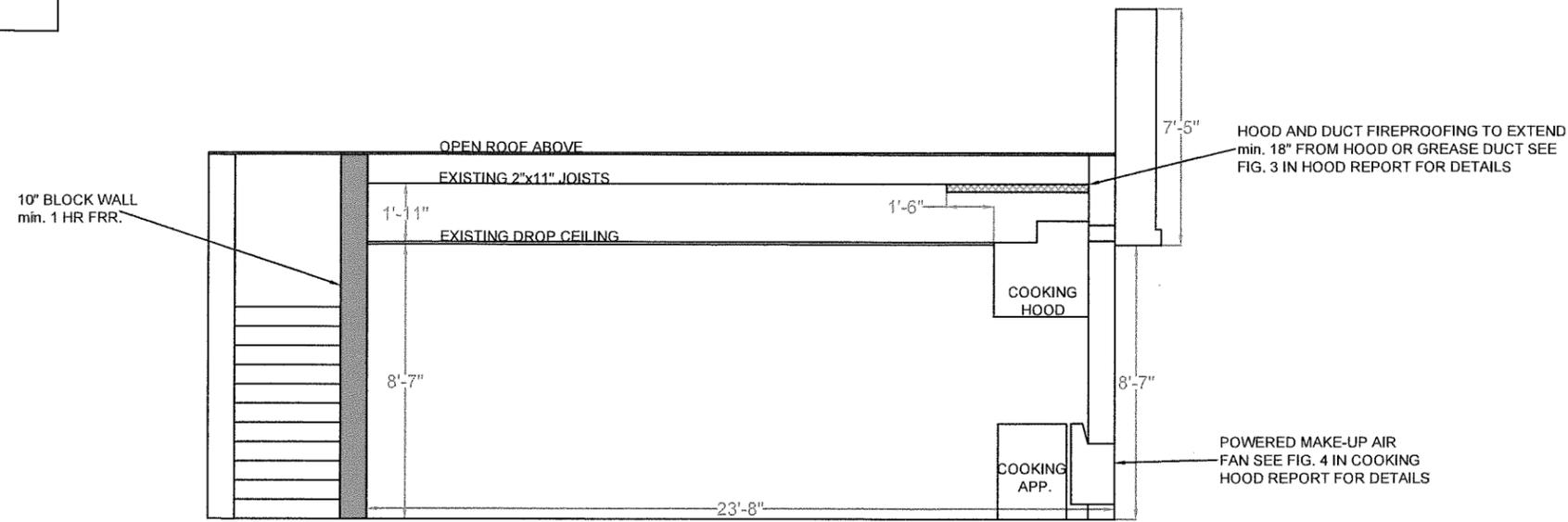


#:	DATE:	DESC.
REVISIONS		
DECC INC. DESIGN ENGINEER CONSULT CONSTRUCT		
SITE: 195/199 REBECCA ST. HAMILTON, ON.		
PROJECT: KJT GROUP INC. AM - BREAKFAST RESTAURANT		
DWG: A1.02 2ND FLOOR PLAN		
DATE: MAR 6, 2023	DRAWN BY: MP	DWG #: 4 / 5
PROJECT #: 046	CHKD BY: MP	

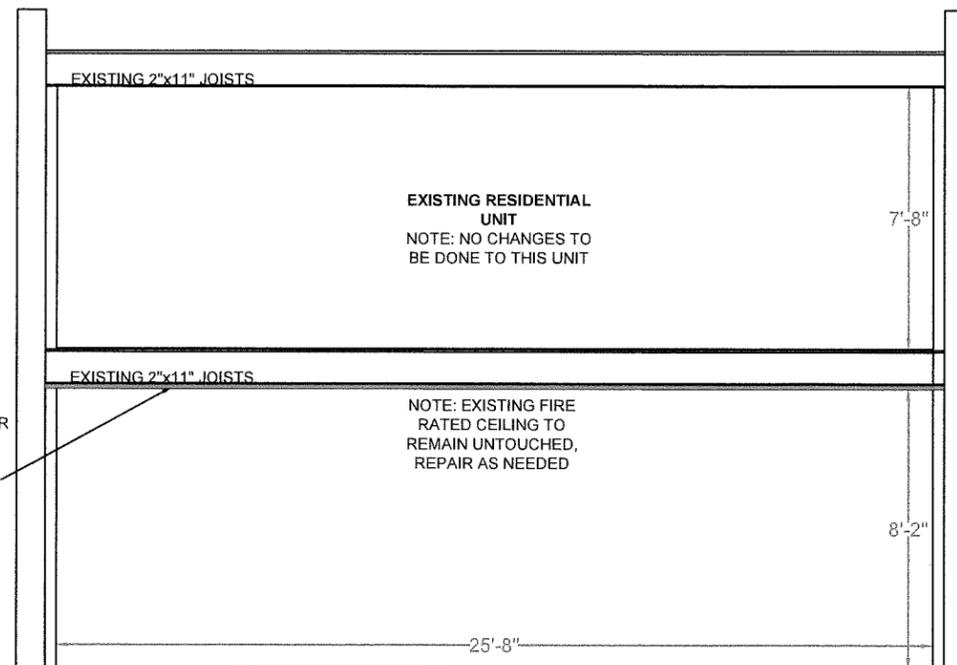


FLOOR PLAN
SCALE: 1/8" = 1'-0"

EXISTING DIMENSIONS/CONFIGURATION ARE APPROXIMATE



CROSS SECTION 'A'



CROSS SECTION 'B'

CROSS SECTIONS
SCALE: $\frac{3}{16}'' = 1'-0''$



#	DATE	DESC.
REVISIONS		
DECC INC. DESIGN ENGINEER CONSULT CONSTRUCT		
SITE: 195/199 REBECCA ST. HAMILTON, ON.		
PROJECT: KJT GROUP INC. AM - BREAKFAST RESTAURANT		
DWG: A4.01 CROSS SECTIONS		
DATE: MAR 6, 2023	DRAWN BY: MP	DWG #: 5 / 5
PROJECT #: 046	CHKD BY: MP	



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)		
Agent or Solicitor		

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

1.3 Sign should be sent to Purchaser Owner
 Applicant AgentSolicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent [REDACTED]

1.5 All correspondence may be sent by email Yes* No

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

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	195 REBECCA STREET		
Assessment Roll Number			
Former Municipality	HAMILTON		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

TO ALLOW FOR ONE DWELLING UNIT ABOVE A RESTAURANT RATHER THAN THE REQUIRED MULTIPLE DWELLINGS

Second Dwelling Unit Reconstruction of Existing Dwelling

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

BUILDING IS EXISTING AND THE SECOND FLOOR ONLY HAS THE AREA TO SUPPORT ONE DWELLING UNIT.

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
12.17m	33.60m	454.2m 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
MIXED USE 2 STOREY BUILDING	.1524m	14.103m	.472m/3.830m	02/08/1950

Proposed:

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

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
MIXED USE	143.85m ²	201.64m ²	2	5.84m

Proposed:

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

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

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

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

- ditches
- other means (specify)

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

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

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
MIXED USE - LOWER LEVEL RESTAURANT, UPPER LEVEL ONE DWELLING UNIT

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
MIXED USE, SINGLE FAMILY DWELLING, MULTIPLE DWELLING

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2017 - MAR 13

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
CHARITY SOUP KITCHEN, ONE DWELLING UNIT

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
CHARITY SOUP KITCHEN, ONE DWELLING UNIT

7.4 Length of time the existing uses of the subject property have continued:
1994

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) DOWNTOWN MIXED USE

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

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

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.:	HM/A-23:125	SUBJECT PROPERTY:	42 KINGSMOUNT STREET N, HAMILTON
ZONE:	“C” (Urban Protected Residential & Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 95-02; 95-033

APPLICANTS: **Owner:** KEVIN MARTIN
 Agent: LEN ANGELICI DESIGN C/O LEN ANGELICI

The following variances are requested:

1. A maximum Gross Floor Area Ratio of 0.5682 (212.2 m²) shall be provided instead of the required maximum Gross Floor Area Ratio of 0.45 (168.06 m²);
2. A minimum of Zero (0) parking spaces shall be provided instead of the minimum required Four (4) parking spaces for a Single-Family Dwelling containing Ten (10) habitable rooms.

PURPOSE & EFFECT: So as to permit the construction of an addition to the existing Single-Family Dwelling within the rear yard notwithstanding that:

Notes:

- i. Please note, the applicant has requested a variance for “Relief from on-site parking” as the proposed addition “exceeds 8 habitable rooms.” It is unclear as to the intended relief the applicant is requesting. Variance #2 has been provided to permit no parking, however all proposed parking, required or not, shall comply to the requirements of Hamilton Zoning By-Law 6593. Any additional variances or alterations to the current items shall be clearly stated.
- ii. Be advised, the applicant has indicated two parking spaces to be partially located offsite. All proposed parking spaces shall be located entirely within the property to be considered a legal parking space. As such, should the applicant propose parking, the spaces shall conform to the requirements of Sections 18A(7) and 18A(10). If parking cannot be provided in accordance with Zoning By-Law 6593, additional variances may be required.

HM/A-23:125

- iii. Be advised, in addition to the above comment, as per Section 18A(24)(a) every access driveway shall provide easy access from a highway to the parking area to which the access driveway is accessory with a minimum of 2.8 metres. The proposed driveway indicates a minimum width of 1.78 metres and does not comply. As such, additional variances may be required.

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

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

DATE:	Thursday, June 15, 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.

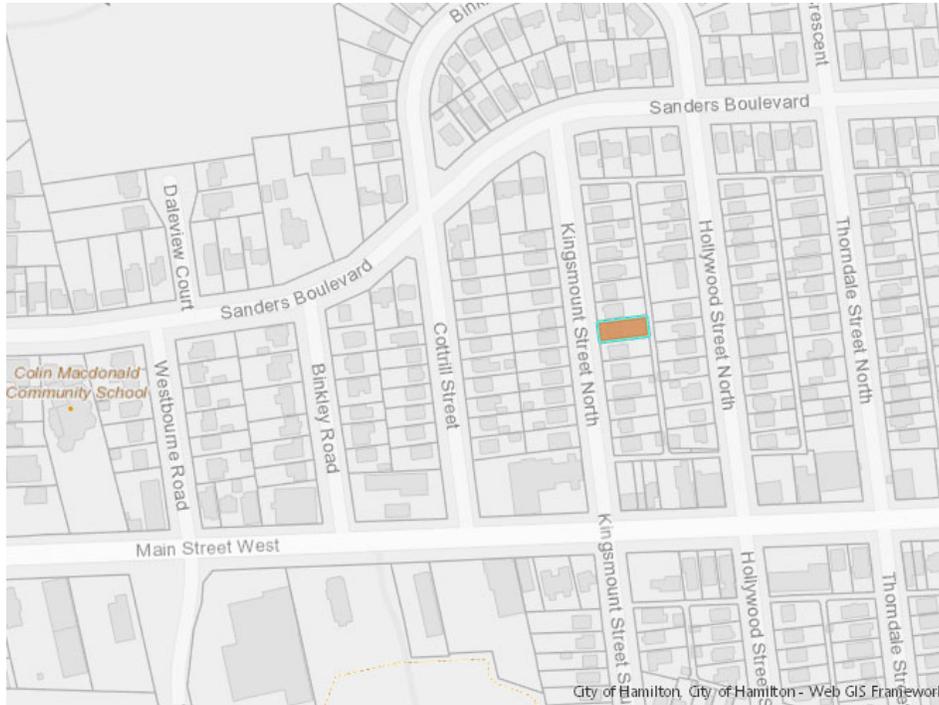
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:125, 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-23:125



 Subject Lands

DATED: May 30, 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

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E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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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.

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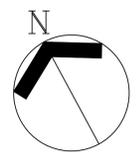
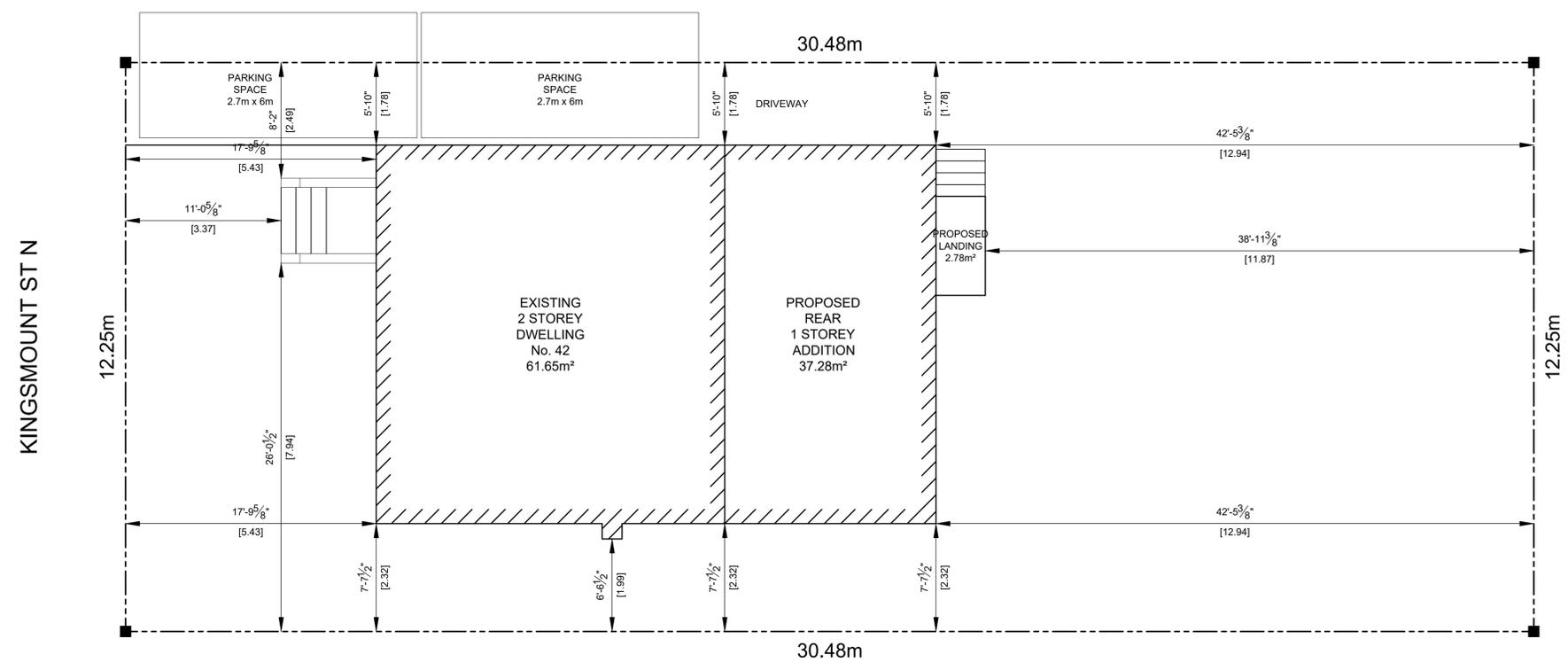
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We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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



SITE DATA	
ZONE:	C C/S-1335 C/S-1335a
LOT AREA:	373.47m²
EXISTING BUILDING FOOTPRINT:	61.65m²
EXISTING FRONT PORCH:	1.97m²
PROPOSED REAR ADDITION:	37.28m²
PROPOSED LANDING:	2.78m²
TOTAL:	98.93m²
LOT COVERAGE:	26.49%
BUILDING HEIGHT	
No. of STOREYS:	2
ADDITION SETBACKS	
REAR:	10.73m
LEFT SIDE:	1.99m
RIGHT SIDE:	1.37m

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	05/03/2023

- 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

05/03/2023
 DATE SIGNATURE

Len Angelici Design

270 SHERMAN AVE N, UNIT MILL-125
 HAMILTON, ON L8L 6N4
 (905) 393-8868
 info@lenangelicidesign.ca

PROJECT

42 KINGSMOUNT ST N
 HAMILTON, ON

SHEET TITLE

SITE PLAN

DRAWN BY	L. ANGELICI
DATE	05/03/2023
SCALE	3/8" = 1'-0"
PROJECT No.	22051

SP1

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	05/03/2023

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
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QUALIFICATION INFORMATION
 LEONARD ANGELICI 42391
 NAME BCIN

REGISTRATION INFORMATION
 LEN ANGELICI DESIGN INC. 124457
 NAME BCIN

05/03/2023
 DATE SIGNATURE

Len Angelici Design

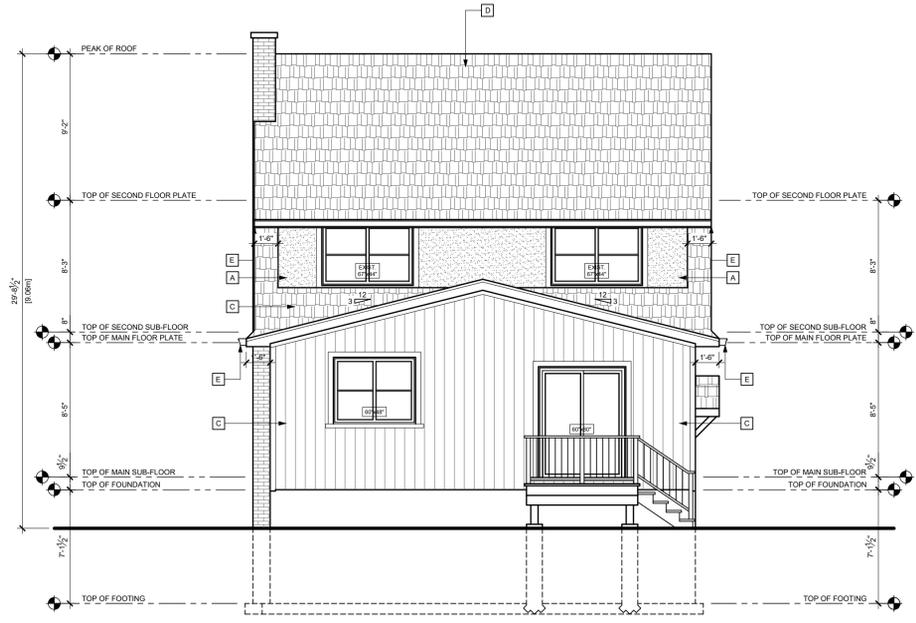
270 SHERMAN AVE N, UNIT MILL-125
 HAMILTON, ON L8L 6N4
 (905) 393-8868
 info@lenangelicidesign.ca

PROJECT
 42 KINGSMOUNT ST N
 HAMILTON, ON

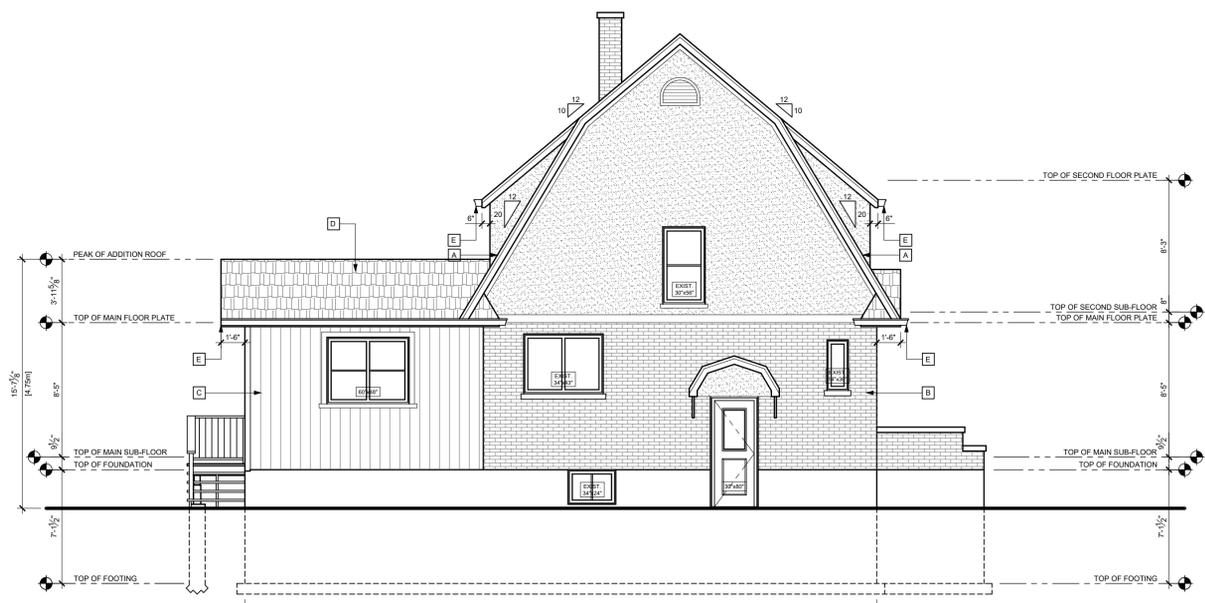
SHEET TITLE
 PROPOSED ELEVATIONS

DRAWN BY	L. ANGELICI
DATE	05/03/2023
SCALE	3/16"=1'-0"
PROJECT No.	22051

A3

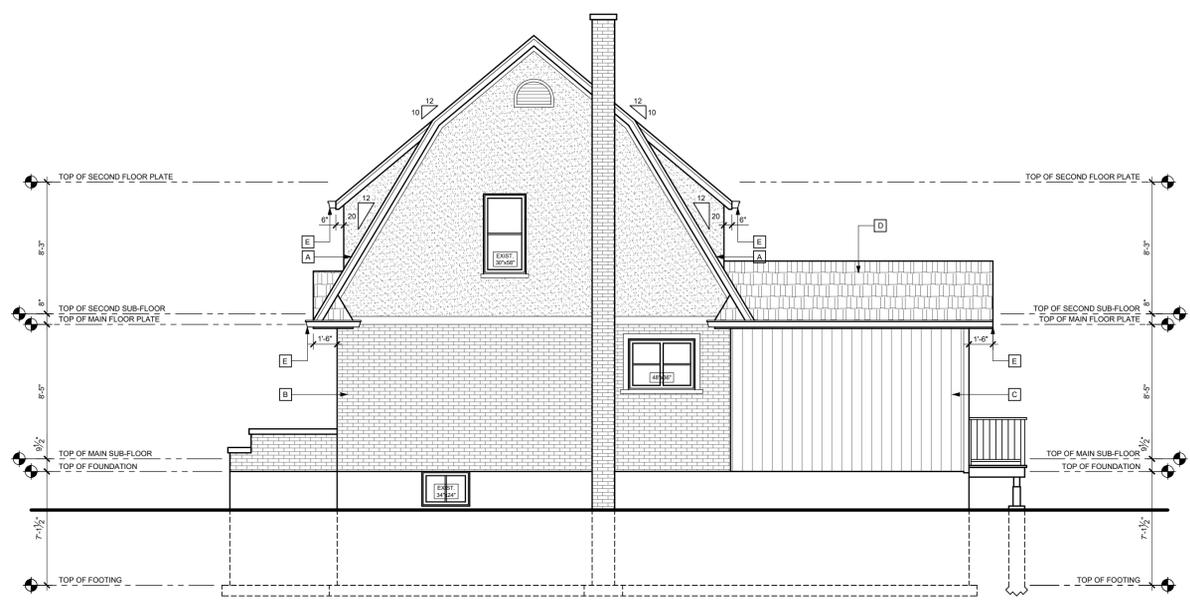


REAR ELEVATION
 SCALE 3/16" = 1' - 0"



LEFT SIDE ELEVATION
 SCALE 3/16" = 1' - 0"

WALL AREA: 62.51m²
 WALL SETBACK: 1.78m
 UNPROTECTED OPENINGS AREA: 4.31m² = 6.89%
 MAXIMUM ALLOWABLE OPENINGS: 8%



RIGHT SIDE ELEVATION
 SCALE 3/16" = 1' - 0"

EXTERIOR FINISH INDEX

A	STUCCO FINISH
B	BRICK VENEER
C	PRE. FIN. WOOD SIDING
D	ASPHALT SHINGLES
E	5" PRE-FIN. ALUM. EAVETROUGH ON 8" WITH PRE-FIN. ALUM. FASCIA C/W PRE-FIN. ALUM. DOWNSPOUT



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 [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	42 KINGSMOUNT ST N, HAMILTON, ON		
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:

RELIEF FROM MAX 45% GROSS FLOOR AREA FOR ZONE C-S/1335 TO
PROPOSED 56.82%

RELIEF FROM ON-SITE PARKING

Second Dwelling Unit Reconstruction of Existing Dwelling

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

PROPOSED REAR ADDITION EXCEEDS THE REQUIRED 45% GFA
NEW ADDITION EXCEEDS 8 HABITABLE ROOMS

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
12.25m	30.48m	373.47m ²	UNKNOWN

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
DWELLING	5.43m	17.51m	1.78m, 2.32m	UNKNOWN

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
1 STOREY ADDITION		12.94m	1.78m, 2.32m	UNKNOWN

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	61.65m ²	115.94m ²	2	9.06m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
1 STOREY ADDITION	37.28m ²	212.22m ²	1	4.75m

- 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)

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:

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) 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? C C/S-1335 C/S-1335a

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
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-
-



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-23:119	SUBJECT PROPERTY:	122 FLORENCE STREET, HAMILTON
ZONE:	"D" (Urban Protected Residential – One- and Two-Family Dwellings, Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: **Owner:** NEERAJ JAIN & JYOTI MAHWAL-JAIN
Agent: A.J. CLARKE & ASSOCIATES C/O FRANZ KLOIBHOFER

The following variances are requested:

1. To permit the use of a Three Family Dwelling whereas the Zoning By-law does not permit a Three Family Dwelling.
2. A minimum front yard setback of 3.0 metres to each building shall be provided whereas the by-law requires a minimum front yard setback of 6.0 metres.
3. A minimum lot width of 10.2 metres for Parts 1 and Part 2 whereas the by-law requires a minimum lot width of 18.0 metres.
4. A minimum lot area of 414 square metres for Part 1 and 416 square metres for Part 2 whereas the by-law requires a minimum lot area of 540.0 square metres.
5. A minimum front yard landscaped area of 45% for Part 1 whereas the By-law requires a minimum front yard landscaped area of 50%.
6. A minimum of 2 parking spaces per building, whereas the By-law requires 3 spaces per building.

PURPOSE & EFFECT: So as to permit the construction of 2 Three Family Dwellings on 2 separate lots as per provisional consent.

Notes: N/A

HM/A-23:119

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 15, 2023
TIME:	9:25 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
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HM/A-23:119



 Subject Lands

DATED: May 30, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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Hamilton

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

E-mail: cofa@hamilton.ca

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Design: Harish Gupta, B.Arch

Drafting & Review:



Zuhdija [Zed] Sakanovic, DIA
 Tel: 613-224-7934
 1081 Meadowlands Drive
 Ottawa, ON K2C 0K5
 E: zsakanovic52@gmail.com

Consultant:

DO NOT SCALE DRAWINGS.
 ANY DISCREPANCIES TO BE REVIEWED
 WITH THE DESIGNER.

ALL CONSTRUCTION TO BE
 COMPLETED IN ACCORDANCE WITH
 THE ONTARIO BUILDING CODE 2012
 AND GOOD CONSTRUCTION PRACTICE.

NO	DATE	REVISION
04		
03	APR.19/23	REVISION: OPEN EMERGENCY EXIT STAIRS & NEW DECKS
02	MAR.20/23	ISSUED FOR MINOR VARIANCE / PERMISSION APPLICATION
01	FEB.23/23	ISSUED FOR REVIEW

Project Title:

2 STOREY DUPLEX RESIDENCE

Location:

122 & 124 Florence Street
 HAMILTON, Ontario

Drawing Title:

SITE PLAN

Owner / Applicant:

Project NO:

2023\2302

Sheet No:

SP

Date:

February 2023

Scale:

AS SHOWN

Revision:

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

Zuhdija Sakanovic *Z. Sakanovic* 31057
 Name Signature BCIN

REGISTRATION INFORMATION

ATRIUM Design 36125
 Firm Name BCIN

LEGEND:

- NEW 2 STOREY DUPLEX RESIDENCE
- DEMOLISH / REMOVE EXISTING HOUSE & GARAGE
- INDICATES MAIN BUILDING ENTRY
- INDICATES EMERGENCY EXIT
- SP1 / SP2 INDICATES PARKING SPOTS (2.6 m X 5.5 m)
- PROPERTY LINE
- SETBACK LINE
- IB INDICATES IRON BAR
- HP INDICATES HYDRO POLE
- 1.2m / 4' SETBACK MEASUREMENT - meter (ft)
- EXISTING DECIDUOUS TREE

ZONE REQUIREMENTS FOR 122 & 124 FLORENCE STREET IN HAMILTON, ONTARIO

'D' District (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS ETC.)
 (Zoning By-law NO. 6593; City of Hamilton - Hamilton Ontario)

FOR UNIT 122

	Required / Permitted	Provided
- LOT WIDTH - Unit 122	18.0 m (59.05 ft)	10.23 m (33.56 ft)***
- LOT AREA	540.0 sq m	414.53 sq m***
- MAX. BUILDING HEIGHT	11.00 m (36.09 ft)	10.99m (36.06 ft)
- FRONT YARD SETBACK	6.0 m (19.7 ft)	3.0 m (9.84 ft)***
- REAR YARD SETBACK	7.5 m (24.61ft)	14.12 m (46.4 ft)
- FRONT YARD AREA		33.46 sq m
- LANDSCAPE YARD AREA (47 %)		15.65 sq m***
- 1st SIDE SET BACK - EAST - MIN.	1.2 m (3.94 ft)	3.1 m (10.2 ft)
- 2nd SIDE SET BACK - WEST - MIN.	1.2 m (3.94 ft)	1.2 m (4.0 ft)

*** MINOR VARIANCE PERMISSION REQUIRED

FOR UNIT 124

	Required / Permitted	Provided
- LOT WIDTH - Unit 124	18.0 m (59.05 ft)	10.24 m (33.60 ft)***
- LOT AREA	540.0 sq m	416.69 sq m***
- MAX. BUILDING HEIGHT	11.00 m (36.09 ft)	10.99 m (36.05 ft)
- FRONT YARD SETBACK	6.0 m (19.7 ft)	3.0 m (9.84 ft)***
- REAR YARD SETBACK	7.5 m (24.61ft)	14.27 m (46.83 ft)
- FRONT YARD AREA		32.27 sq m
- LANDSCAPE FRONT YARD (50.5%)		16.30 sq m
- 1st SIDE SET BACK - EAST - MIN.	1.2 m (3.94 ft)	3.1 m (10.2 ft)
- 2nd SIDE SET BACK - WEST - MIN.	1.2 m (3.94 ft)	1.2 m (4.0 ft)

*** MINOR VARIANCE PERMISSION REQUIRED

GRADING / DRAINAGE AND SITE SERVICING PLAN NOTE:

GRADING / DRAINAGE AND SITE SERVICING PLAN IS PROVIDED BY OTHERS



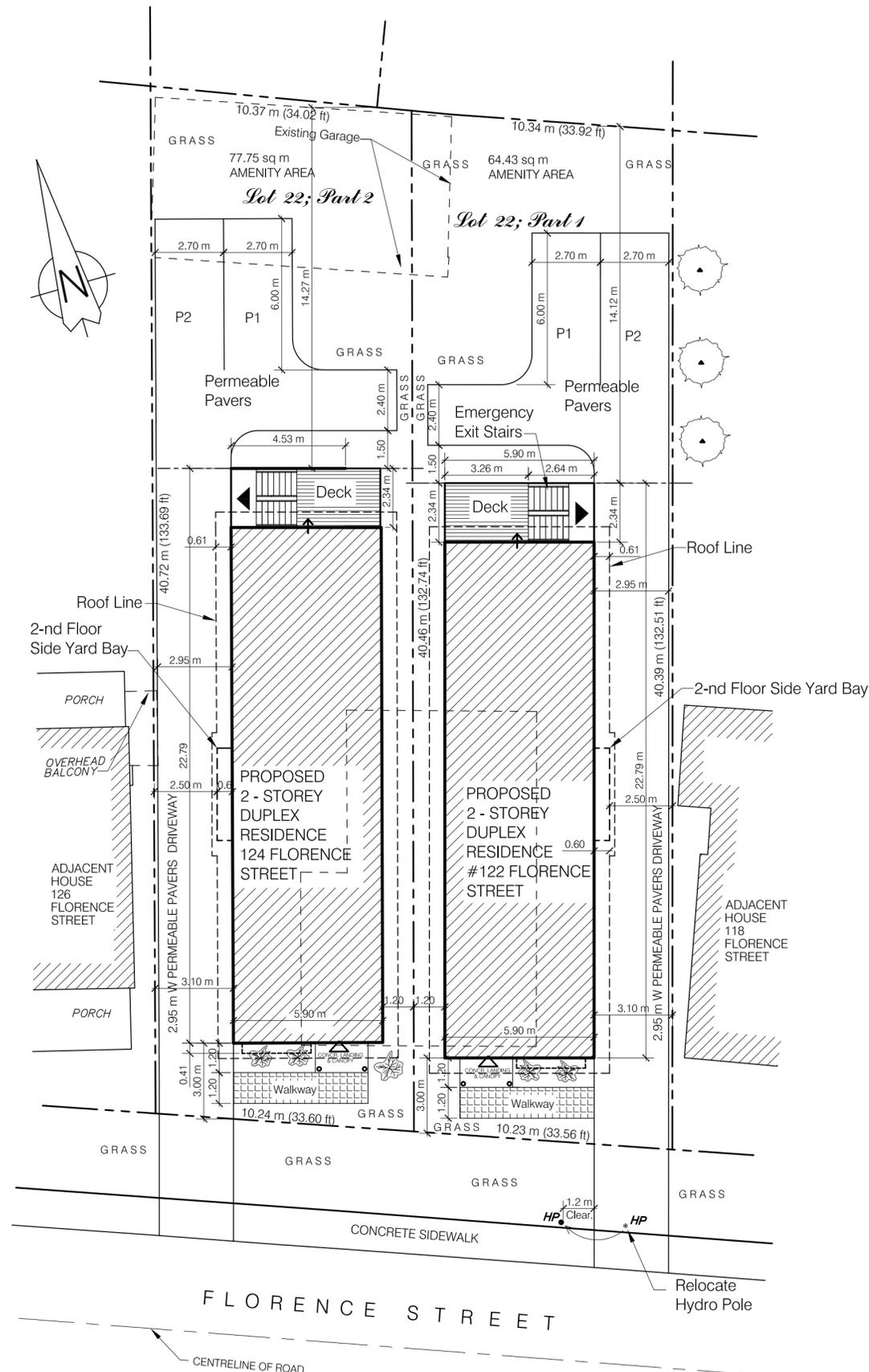
METRIC / IMPERIAL NOTE
 DISTANCES AND OTHER DIMENSION SHOWN ON THIS PLAN IN METRIC CAN BE CONVERTED TO IMPERIAL (FEET) BY DIVIDING BY 0.3048

LOT DESCRIPTION:

*Lot 22; Part 1 & Part 2
 Registered Plan No: 41
 City of Hamilton*

SURVEY INFORMATION IS TAKEN FROM:

A. J. Clarke & Associates Ltd.
 Ontario Land Surveyors, HAMILTON, ONTARIO
 Date: November 09, 2022



1 SITE PLAN
 SP SCALE = 1:150



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

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

May 3, 2023

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

**Re: 122 Florence Street, Hamilton (HM/B-22:90)
Minor Variance Application Submission**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Neeraj Jain and Jyoti Mahwal-Jain (owners) for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 122 Florence Street, in the City of Hamilton. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Minor Variance Application Form;
- One (1) cheque in the amount of \$3,735.00 representing the required Minor Variance Application fee;
- One (1) electronic copy of the Architectural Package including Site Plan and Elevations.

This analysis is in support of the Minor Variance Application submitted for the subject lands. The previously submitted Consent Application has received Provisional Consent Approval, and the enclosed Minor Variance Application will support the clearance of Conditions 4 and 6 for file HM/B-22:90. The proposed development is to facilitate a severance to create two (2) separate residential lots. The existing residential dwelling will be demolished, and two (2) new, triplex structures will be built (one on each new lot).

The subject lands are located on the north side of Florence Street, between Dundurn Street North and Strathcona Avenue North. The subject lands are currently occupied by one (1) single detached dwelling with one (1) detached three-vehicle garage in the rear. On-street parking is permitted on both sides of Florence Street.

The below table details the various lot frontages, depths, and areas, approved through Consent Application (Severance) HM/B-22:90.

	Part 1	Part 2
Lot Frontage	10.23m	10.24m
Lot Depth	40.72m	40.46m
Lot Area	+/- 414.53m ²	+/- 416.69m ²



The surrounding area consists largely of residential uses, and various institutional uses. The neighbourhood is surrounded by mixed and commercial uses on nearby arterial roads. Presently, the subject lot is one of two large lots on a block otherwise characterized by smaller frontages and deep lots. This neighbourhood sits between the York Boulevard and King Street West arterial roads. King Street West is designated as “Mixed Use – Medium Density” along a “Priority Transit Corridor” with various commercial, residential, and mixed-use buildings. York Boulevard also contains numerous commercial, and office uses along the northern limit of this residential neighbourhood.

The neighbourhood includes several places of worship including St. Demetrios Greek Orthodox Church, Our Lady of Mercy Lithuanian Catholic Church, Hamilton Christian Fellowship, and Korean United Church. Victoria Park is central to the neighbourhood, located less than 50 metres from the subject lands, and includes an outdoor pool, playground, gardens, baseball diamond, and tennis club. Further to the northwest of the neighbourhood is an extensive open space area consisting of Dundurn Castle and park, Harvey Park, Kay Drage Park, and Tom Street Park. The subject lands are also within walking distance to numerous transit routes and within 100 metres of the Strathcona Elementary School.

The immediate surrounding land uses include:

North	Single-Detached Dwelling, 1-storey
South	Single-Detached Dwelling, 1- and 2-storey
West	Single-Detached Dwelling, 2.5-storey
East	Single-Detached Dwelling, 1-storey

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

Planning Policy Overview

Planning Act

The Planning Act was most recently amended to include the More Homes Built Faster Act, 2022, S.O. 2022, c. 21 - Bill 23, assented to November 28, 2022. Schedule 9 of this Act describes the amendments to the Planning Act, specifically:

“4 (1) Subsection 16 (3) of the Act is repealed and the following substituted:

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)."

While both the Urban Hamilton Official Plan (UHOP) and the Strathcona Secondary Plan permit duplex and triplex residential built forms, there is a gap within the Hamilton Zoning By-laws that negates the uses permitted by the Planning Act, UHOP, and Strathcona Secondary Plan. This will be discussed in more detail when addressing the Four Tests required under Section 45(1) of the Planning Act.

The proposed severance and associated minor variances will not result in any unreasonable impact to the surrounding neighbourhood and conforms to the Planning Act. The proposed development has sufficient regard for the matters of provincial interest outlined in subsection 2 of the Planning Act, particularly subsections (f), (h), (j), (p), (q), and (r). The proposed development will sever the lands into two equal lots that will facilitate the construction of two triplex structures, where a one-storey, single-detached dwelling currently exists on an underdeveloped lot. This development is an efficient use of the existing infrastructure (f), that continues the orderly development of a safe and healthy community (h), while providing a fuller range of housing than exists in the neighbourhood (j). This development is proposed within the built-up, urban area just out of the downtown core and is a great example of gentle intensification within an existing residential neighbourhood (p), that will help support public transit in a pedestrian-friendly neighbourhood (q). The proposed development uses a well-designed built form that maintains the character of the streetscape with consistent height, form, and building materials. From its outward appearance within the streetscape, the form appears as a single-detached dwelling with the capacity to contain three separate dwellings safely and effectively.

Provincial Policy Statement (PPS), 2020

The proposed consent and development of the lands is consistent with the Provincial Policy Statement (PPS) through numerous applicable policies.

Section 1 of the PPS outlines policy pertaining to building strong healthy communities including managing and directing land use to do so.

- Policy 1.1.1 outlines how healthy, liveable and safe communities are sustained. The proposed development is specifically consistent with subsections a), b), e). The proposed consent and development are an efficient use of land that contributes to appropriate range and mix of residential housing types. The development contributes to satisfying the growth management projections for the area by creating gentle intensification which is transit-supportive and economically efficient by utilizing existing infrastructure.



- Policy 1.1.3.1 further details that settlement areas shall be the focus of growth and development. As discussed, the proposed development is within the built-up, urban boundary of the City of Hamilton. It is further exemplary in its consistency with policy 1.1.3.2 in that it efficiently uses the existing land, resources, infrastructure, and public service facilities while supporting active transportation in a transit-supportive neighbourhood.
- Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification where feasible. Policy 1.1.3.4 states that *“development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”* As previously discussed, the proposed severance and development will add variety to the existing housing stock in a transit-supportive neighbourhood through gentle intensification.
- Section 1.4 regards policy affecting housing and once again reiterates the importance of providing a sufficient supply and range of housing options while promoting intensification, wise use of resources and infrastructure, and transit-supportive development.
- Section 1.6 of the PPS relates to infrastructure and public service facilities. Policy 1.6.3 states that prior to developing new infrastructure and public service facilities, the existing ones should be optimized. The proposed development will utilize the public infrastructure and service facilities that surround it including the water and wastewater systems, roads, parks, and schools.

In accordance with the criteria described above, the proposed development is consistent with the policies of the Provincial Policy Statement, 2020.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G), 2020

The P2G continues to direct planning, keeping in line with the PPS. Of significance to the proposed development is Section 2: Where and How to Grow; this section directs planning policy in the same manner as the PPS as to where development shall occur.

- Policy 2.2.1.2.a) states that *“the majority of growth will be directed in settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities.”* As previously described, the proposed development is fully in line with this policy; the development exists within the built-up, urban boundary with existing infrastructure and will add to the complete community goals and objectives.
- Policy 2.2.6.1.a) states that municipalities will support housing choice through achievement of minimum intensification and density targets by identifying a diverse range and mix of housing options and densities to meet projected needs. The proposed development is consistent with this policy as it creates a wider range of housing options available through gentle intensification that falls within the densities permitted in the Official Plan.

The proposed development is consistent with the policies set forth in the Growth Plan for the Greater Golden Horseshoe, 2020.



Urban Hamilton Official Plan, 2022

The Urban Hamilton Official Plan (UHOP) is the guiding document that provides direction and guidance on the management of the communities, land use change and physical development of the City of Hamilton over the next 30 years.

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

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

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

The approved severance will create lots that conform with the relevant policies and with existing Neighbourhood Plans. Through this enclosed application, several minor variances will be required to address zoning deficiencies required to facilitate the proposed development of two triplex dwellings, on the two newly created lots.

The two (2) lots created via severance generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Florence Street is lined with lots of various widths and sizes; presently, the subject lands are one of the largest on the street. Lot widths on the street range from ± 5.58 metres to ± 21 metres; the average lot frontage is ± 10.68 metres wide along Florence Street, many of which have frontages smaller than 10 metres. The lot to the west has a frontage of approximately ± 10.8 metres and the lot to the east has a lot frontage of approximately ± 10.2 metres.

Policy B.2.4.1.3.c) states that *"30% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned 27,000 housing units to be developed within the Neighbourhoods through intensification."*

Policy E.2.2.6 also states that *"Intensification, redevelopment and compact form will be encouraged generally throughout the built-up area in accordance with appropriate development standards."*

The residential composition of the neighbourhood is predominantly single detached, one-to-2.5 storey dwellings, with limited low-rise multiple dwellings and a 12-storey, high-density, residential apartment structure at the northeast corner of Strathcona Ave. and Florence St. The proposed triplex structures (one



per lot) are consistent with the built form and character of the neighbourhood. The proposed dwellings will have access to the existing municipal infrastructure as it exists along Florence Street.

Additionally, the 'Neighbourhoods' designation contains specific policies in relation to 'Low Density Residential'. The permitted uses within low density residential areas have also been amended to include single-detached, semi-detached, duplex, triplex, fourplex and street townhouse dwellings with a maximum height of three storeys, as per Policy E.3.4.3; the net density maximum will be 60 units per hectare (UPH). While the proposed permitted triplex structures would create a total density of 72 UPH on the subject lands and, in our opinion, the difference is minimal.

Another consideration when addressing permitted densities is to look to the residential conversion policies. Throughout most of the developed city, residential lots with existing dwellings can be converted to contain up to a maximum of four units per lot. This is notable to the proposed development, as Policy E.3.3.3 states "Secondary dwelling units shall not be included in the calculation of residential density (OPA 142)." Were the cellar units that are being proposed constructed through a conversion, the density of the lands would be 48.19 UPH. The proposed structures can be purpose built to accommodate three units in a safer and more effective manner than many conversions would permit. It is our opinion that the land use impact of a newly constructed triplex is no different, in fact lesser than, a converted triplex.

Upon review of the applicable policies, the proposed development conforms to and maintains the intent of the Urban Hamilton Official Plan.

Strathcona Secondary Plan

The subject lands are further designated as "Low Density Residential 3" as per the Land Use Plan, Map B.6.6-1, of the Strathcona Secondary Plan.

Volume 2, Chapter B.6.6 outlines the policies for the Strathcona Secondary Plan. Section B.6.6.5 deals specifically with residential designations. Residential development and infill development shall reflect and enhance the character of the residential areas through implementation of an architectural style that is sympathetic and complementary to the existing residential areas.

Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, fourplex, and street townhouse dwellings (Volume 1, Chapter E.3.4.3). In addition to the policies outlined for "low density residential" designated lands in Chapter E.3.4 of Volume 1, the Strathcona Secondary Plan permits all forms of townhouse dwellings in "Low Density Residential 3" designated lands. The Secondary Plan also limits the height of buildings within this designation at 2.5 storeys and sets a density of 20-60 units per net hectare (UPH).

The proposed structures will reflect and enhance the character of the neighbourhood with complementary style, built form, and building material. The proposed development is a permitted use within Strathcona Secondary Plan. Despite a higher 72 UPH within the subject lands, the proposed development maintains the intent of the Secondary Plan. With the two triplexes proposed, Florence Street would have an overall density of 32.54 UPH. In contrast, were these lots to only facilitate duplexes, the street would have a density of 31.36 UPH; the difference of UPH on the streetscape between the two built forms is negligible.



As the above analysis illustrates, the proposed development conforms to and maintains the intent of the Strathcona Secondary Plan.

Former City of Hamilton Bylaw No. 6593

The subject lands are zoned “D” District – Urban Protected Residential, Etc) within the Former City of Hamilton By-Law No. 6593 as per Zoning Map W17c.

The “D” District zoning permits uses such as: single family dwellings; two-family dwellings; foster homes; residential care facility or retirement home (of no more than 6 residents); day nurseries; school; seminary; and cultural, recreational, or community centre. The zone provisions within Section 9 shall apply to the proposed development. A review of the applicable zone provisions is included below:

Regulation	Requirement (Two-Family Dwelling)	Proposed
Uses Permitted	Two-family dwelling	Triplex (three-family dwelling)
Minimum Lot Frontage	18 metres	10.2 metres
Minimum Lot Area	540 square metre	414 square metres
Minimum Front Yard Depth	6 metres	3 metres
Minimum Side Yard	1.2 metres	1.2 and 3 metre side yards
Minimum Rear Yard	7.5 metres	Minimum 14.12 metres provided
Maximum Building Height	14 metres	11 metres (2 storeys)

Minor Variances

Variances are required for each lot to facilitate the proposed development. The variances are as follows:

Parts 1 (122 Florence) and 2 (124 Florence)

1. A use variance to permit three-family dwellings.
2. To permit a minimum lot frontage of 10.2 metres.
3. To permit a minimum lot area of 414 square metres.
4. To permit a front yard depth of 3.0 metres; whereas, a minimum of 6.0 metres is required.
5. To permit two parking spaces per lot; whereas a minimum of four would be required.
6. To permit Part 1 (122 Florence) a minimum front yard landscaping percentage of 45%; whereas, 50% is required.

This Minor Variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a Minor Variance must meet the requisite four tests as described in Section 45 (1) of the Planning Act. An analysis of these tests, and our professional planning opinion is provided below:



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

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits duplex, triplex, fourplex and street townhouse dwellings. These uses are also permitted within the Strathcona Secondary Plan as the lands are designated “Low Density Residential 3” on Map B.6.6-1. The proposed development will feature a use that is permitted under the current Official Plan and Secondary Plan designations. The proposed dwellings will assist in the diversification of the available housing stock within the neighbourhood while also capitalizing on the existing infrastructure and an opportunity for the gentle intensification of the neighbourhood.

This development proposes an overall density 72 units per hectare (UPH) inclusive of the two proposed lots, which is marginally above the maximum density of 60 UPH, as per Section E of the UHOP. With the two triplexes proposed, Florence Street would have an overall density of ± 32.54 UPH. In contrast, were these lots to only facilitate duplexes, the street would have a density of ± 31.36 UPH; the difference of UPH on Florence Street between the two built forms is negligible and is a density well under the maximum intensification goals for the immediate neighbourhood.

The Strathcona Secondary Plan further requires infill development to be sympathetic and complementary to the existing character and cultural heritage attributes of the neighbourhood, including setbacks, built form, building mass and height, and include materials that are compatible with the existing adjacent residential forms. The proposed building materials are sympathetic and complementary to the existing streetscape. The variance for a reduced front yard setback will allow the proposed development to be located closer to the street line. This will result in a development that is more consistent with the existing street line as the neighbourhood is generally characterized by dwellings that are located within 3 metres of the Florence Street right-of-way. Upon examination of satellite imagery provided on the municipal interactive zoning maps, many dwellings are in fact abutting the right-of-way.

The reduction in parking from the four spaces required of a “three-family dwelling” to two spaces, still maintains the intent of the Official and Secondary Plans. The lands are in a neighbourhood with substantial connections to mass transit facilities including HSR bus routes, GO Transit connections and the proposed Light Rail Transit stops located at the intersection of King Street and Dundurn Street. The aim of not only the Official Plans, but all other provincial planning policy is to direct growth in a manner that promotes the use of mass transit systems. Furthermore, as described above, existing dwellings converted to contain three dwelling units are not required to provide additional parking so long as the original spaces were still provided and maintained. It is our opinion that a converted triplex has the same parking demand as a newly constructed triplex. It should also be noted that on-street parking is also permitted on both sides of the right-of-way.

It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.



2. Do the proposed variances maintain the intent and purpose of the Former City of Hamilton Zoning Bylaw No. 6593?

The required variances to City of Hamilton Bylaw No. 6593 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.

Use variance: Triplex (three-family)

A triplex (three-family) dwelling structure is proposed on each Provisionally Approved Lot. A use variance will be required to facilitate this desired built form.

On August 12th, 2022, the City of Hamilton rezoned much of the existing low-density residential zones including “B-1”, “B-2”, “C”, “R-4”, “D”, and “R-2” Zones. This was to facilitate more comprehensive and inclusive low-density residential zones into R1 and R1a zones while promoting a more compact lot fabric and built form to increase the housing supply and density within the built boundary of the city. By-Law 22-195 amended “B-1”, “B-2”, “C”, “R-4”, “D”, and “R-2” Zones that did not get rezoned into the R1 and R1a zones with a Site Specific “S-1822”. Unfortunately, any neighbourhoods contained within secondary plans, such as the subject lands, were not recognized in this city-wide rezoning exercise. Additionally, triplexes are a permitted built form on lands designated ‘Low-Density Residential 3’. This built form is not included within any low-density residential zones. Zoning By-law 6593 only permits a “three-family” dwelling in zones described as medium density.

Furthermore, the lands are not included in the updated Section 19 Residential Conversion Policies which redefined “two-family dwellings” and set zoning standards that promote a more compact built form and intensification in existing neighbourhoods through conversions of existing dwellings. Lands zoned “D District” outside of Secondary Plans are afforded the permission to convert existing dwellings to contain up to four dwelling units, as per by-law 22-195, Section 4.a).i):

“For the purpose of Section 4 to this By-law, a converted dwelling shall mean a single detached or two-family dwelling, existing as of August 12, 2022, converted to contain greater than two but no more than four Dwelling Units.”

Further, Section 4.a).iv) states:

“No parking spaces are required for Dwelling Units within a converted dwelling, provided the required parking spaces which existed on August 12, 2022 for the existing dwelling shall continue to be provided and maintained.”

This permits any other “D District” residential dwelling to not only contain up to four units, but as per Official Plan Policy, these additional dwelling units shall not be included in density calculations, as per Policy E.3.3.3 which states “Secondary dwelling units shall not be included in the calculation of residential density (OPA 142).” Were Secondary Plans included in the City’s rezoning exercise, a duplex in this zone would be permitted to create an additional unit that would not affect the calculated density of the lands and would not be required to provide any additional parking.

The Planning Act, UHOP, and Strathcona Secondary Plan permit the built form proposed. By omitting Secondary Plans from by-law amendment 22-195, low-density residential areas in the Strathcona,



Downtown Hamilton, and West Harbour Secondary Plans of Urban Hamilton are not permitted to facilitate dwelling types that are not only permitted, but are promoted in the Planning Act, PPS, Growth Plan, UHOP, and Strathcona Secondary Plan. These are the very neighbourhoods where infill development and intensification such as the proposed development should be endorsed.

The built form being proposed is incredibly analogous to a duplex with a converted cellar unit but is structured in a manner that could better accommodate three units than many existing dwellings throughout the city possibly could through conversion. It does so while still maintaining a built form that fits within the existing streetscape and is permitted in every other document of planning legislature. The proposed structure presents as a single-detached, 2-storey dwelling with one front façade entrance that is consistent with the height and width of neighbouring structures. The proposed front yard setback is also consistent with the balance of the streetscape. The building materials are complementary to that of the neighbourhood using brick, stucco, and vinyl siding, and sufficient amenity space is provided in rear yard. A newly constructed triplex would have no different an impact to the surrounding neighbourhood than an existing dwelling converted to a triplex would, and in our opinion, would better accommodate such a use than a simple conversion. The fact that a structure is newly built should not restrict its ability to facilitate housing that would otherwise be permitted through the residential conversion policies in any other “D District” zoned lands throughout Hamilton.

This application seeks to facilitate the demand for housing in a safe and attractive manner. The proposed cellar space will be constructed whether the proposed use variance is permitted or not. If refused, the proposed cellar space would be left underutilized, and the potential to house another household would be lost. Accordingly, the proposed built form is appropriate and compatible with the existing neighbourhood and maintains the overall intent of the Zoning By-law.

Lot Frontage

Part 1 is proposed to have a frontage of 10.23. Part 2 is proposed to have a 10.24 metre lot frontage.

A variance is required to the minimum lot frontage requirement to 10.2 metres on both Part 1 and 2. As previously discussed above, the two (2) lots created via severance generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Florence Street is lined with lots of various widths and sizes; presently, the subject lands are one of the largest on the street. Lot widths on the street range from ± 5.58 metres to ± 21 metres; the proposed lot widths of 10.23m and 10.24m are therefore consistent with the existing streetscape.

The purpose of the by-law requirement is to provide sufficient space for the dwelling structure, and parking access. The proposed design still allows for sufficient parking and driveway access, private yard space, and approximately ± 104 ($\pm 1,119$ sq ft) square metres of living space per unit. The two lots created via the Provisionally Approved Severance generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood while providing sufficient space for driveway and pedestrian access, front yard, and appropriate dwelling width. Accordingly, the proposed reduction in the lot frontage requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.



Lot Area

Parts 1 and 2 are proposed have lot areas of 414.53 square metres and 416.69 square metres, respectively. A variance is required to the minimum lot area requirement for the proposed development. The surrounding neighbourhood contains a range of lot areas with an average lot area of 358.5 square metres along Florence Street.

The included site plan illustrates that sufficient space is provided for driveway access, parking, amenity area, and landscaping space, and two (2) triplex structures with approximately ± 104 square metres of living space per unit. The variance required will not have an adverse affect to the lots themselves, nor the surrounding neighbourhood and will have ample area to facilitate proper grading and drainage. Accordingly, the intent of the Zoning By-law is maintained.

Front Yard Depth

A variance to permit a front yard depth of 3.0 metres is required to facilitate the built form of the two structures proposed. The intent of the by-law is to ensure the streetscape provides sufficient space for landscaping and a consistent built form to create a safe, inviting sense of place.

As discussed above, the requested variance to permit a 3-metre front yard depth will allow the proposed development to be more consistent with the existing character of the street as many dwellings along Florence are located closer to the right-of-way than the zoning permits. Upon examination of satellite imagery provided on the municipal interactive zoning maps, many dwellings are in fact abutting the right-of-way. It should also be noted that the existing structure on the subject lands is located within 3.1 metres of the front lot line (not including front porch). The figure below shows the lot fabric and building setbacks along Florence Street as they exist today. Accordingly, the intent of the Zoning By-law is maintained.





Parking Reduction

A variance to permit two parking spaces per lot is required to facilitate the proposed triplex structures, whereas the current by-law would require four spaces. It is our opinion that such a variance is supportable since the conversion policies in Section 19 of the Zoning By-Law only require that existing parking spaces remain for a converted dwelling, until a fourth unit is proposed; this would permit three units within one lot containing only one parking space. It is our opinion that parking requirements for a dwelling converted to a triplex are no different than a newly built triplex.

Additionally, Zoning By-law 05-200, provides for reductions in parking requirements for all uses. Further, required parking spaces are calculated differently between the two existing by-laws; Hamilton Zoning By-law 6593 requires fractionally calculated spaces to round up, whereas Zoning By-law 05-200 would round down. This would result in a calculated requirement of three spaces for the proposed development.

The proposed development provides two spaces in the rear yard. Ample on-street parking is also provided on both sides of Florence Street. Parking of private vehicles for the proposed triplexes can appropriately be accommodated through the provided on-site spaces and on-street parking. As such, the intent of the by-law is maintained.

Front Yard Landscaping

A variance to permit a front yard landscaped area of 45% of the total front yard area, whereas 50% is required, will facilitate the development of the proposed structures. The intent of this by-law is to prevent the over-development of a residential streetscape with hard, impermeable surfaces. The variance requested for front yard landscaping is a negligible 5%, or $\pm 2 \text{ m}^2$ of the $\pm 32 \text{ m}^2$ front yard proposed and is comparable to the existing landscaped area of many lots along Florence Street.

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

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood, on full municipal services. The proposed built form and use is consistent with the Planning Act, Provincial Policy Statement, and Growth Plan and conforms to the UHOP and Strathcona Secondary Plan. It facilitates gentle intensification in a core residential neighbourhood in an attractive form. The planning policy housing objectives of the Planning Act, PPS, Growth Plan, and the Official and Secondary Plans are all promoted through this application. As noted above, the proposed variances are consistent with the established character of the neighbourhood and are therefore appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the lot frontage, lot area, front yard depth, or landscaping requirements as they are in keeping with the general built form, character and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the triplex structures, as conversion policies would have otherwise permitted. Accordingly, it is my professional planning opinion that the variances are minor in nature.



In accordance with the above criteria, variances to permit a reduced frontage, lot area, front yard depth, landscaping requirements and a use variance to permit triplexes will be required to facilitate the creation of the lots and the desired built form. The lots are generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood. The front yard depth is in keeping with the existing streetscape. The proposed variance to front yard landscaping is minimal and will facilitate a walkway that covers even less area than if it were oriented toward the street. The reduction in parking is in line with the policy direction of the Official Plan and Zoning By-law 05-200, while still providing space for private vehicles. The proposed triplexes will provide housing in a core neighbourhood close to public facilities, mass transit, and active transportation paths. The proposed minor variances will provide relief from these zoning deficiencies which are minor in nature.

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

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

Sincerely,

Franz Kloibhofer, MCIP, RPP

Principal, Planner

A. J. Clarke and Associates Ltd.

Encl.

Copy via email: Jyoti Mahwal-Jain (Jyoti.mj@gmail.com)



Hamilton

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

1. APPLICANT INFORMATION

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	122 Florence		
Assessment Roll Number	01010305330		
Former Municipality	Barton		
Lot	18	Concession	2
Registered Plan Number	41	Lot(s)	22
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:

Triplex Use Variance, Front Yard Depth, Lot Width, Lot Area, Front Yard Landscaping, Permeable Parking, Parking Reduction.

Please see attached cover letter for full details.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please see cover letter for justification and Four Tests (Section 45(1) Analysis)

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
122 Florence=10.23m	Max= 40.46m Min=40.39	414.53m ²	±20.2 metres

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
1-storey, single-detach dwelling	±3.11m	±23.77m	west=±5.75m, east=±5.37m	01/01/1880
3-car garage	±34 m	0.0m	west=0.0m, east=±8.75m	01/01/1880

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
(122) 2-storey duplex	3 metres	14.12m	3.1m and 1.2m	01/01/2024
(124) 2-storey duplex	3 metres	14.27m	3.1m and 1.2m	01/01/2024

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
1-storey, single-detach dwelling	±120m ²	±120m ²	1	±5-6 metres
3-car garage	±72.25m ²	±72.25m ²	1	± 4 metres

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
(122) 2-storey duplex	±132.16m ²	±266.58m ²	2	10.99 m
124) 2-storey duplex	±132.16m ²	±266.58m ²	2	10.99 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.):

Two, two-storey, Triplex dwelling structures (one on each lot).

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

single-detached dwellings

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

July 22, 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 approximately 1880

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.

Low Density Residential 3 as per Strathcona Secondary Plan. See cover letter.

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: HM/B-22:90

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: 6

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

Two, triplex ("three-family") structures to be constructed, one on each provisionally-approved lot. The built form appears to be a single-detached, two-storey dwelling from the streetscape. Units are provided on each level (one in cellar, one on first storey, and one in second storey) and will each have approximately 104m² of living space. Parking is provided in rear and utilizes LID permeable paving for driveway and parking spaces.

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

Cover Letter - Four Tests (Secion 45(1) Evaluation)



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-23:128	SUBJECT PROPERTY:	235 EMERSON STREET, 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 80-274, 95-02, 95-33

APPLICANTS: **Owner:** MIRKO, MATEJA, & MADELINE DRINOVAC
 Agent: MIRKO DRINOVAC

The following variances are requested:

1. The detached secondary dwelling unit shall be permitted to have a ground floor area of 61.2 sq m, equal to 86.1% of the ground floor area of the principal dwelling, instead of the maximum 70% of the ground floor area of the principal dwelling, which is 49.76 sq m.
2. One (1) parking space shall be provided instead of the minimum required number of two (2) parking spaces.

PURPOSE & EFFECT: To facilitate the construction of a detached secondary dwelling unit in the rear yard of the existing single-family dwelling:

Notes:

- i. The submission did not include all plans necessary to conduct a full zoning review. Additional variances may be required in future upon the carrying out of a complete zoning review.

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 15, 2023
TIME:	9:30 a.m.
PLACE:	Via video link or call in (see attached sheet for details)

HM/A-23:128

	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-23:128, 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-23:128



 Subject Lands

DATED: May 30, 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.

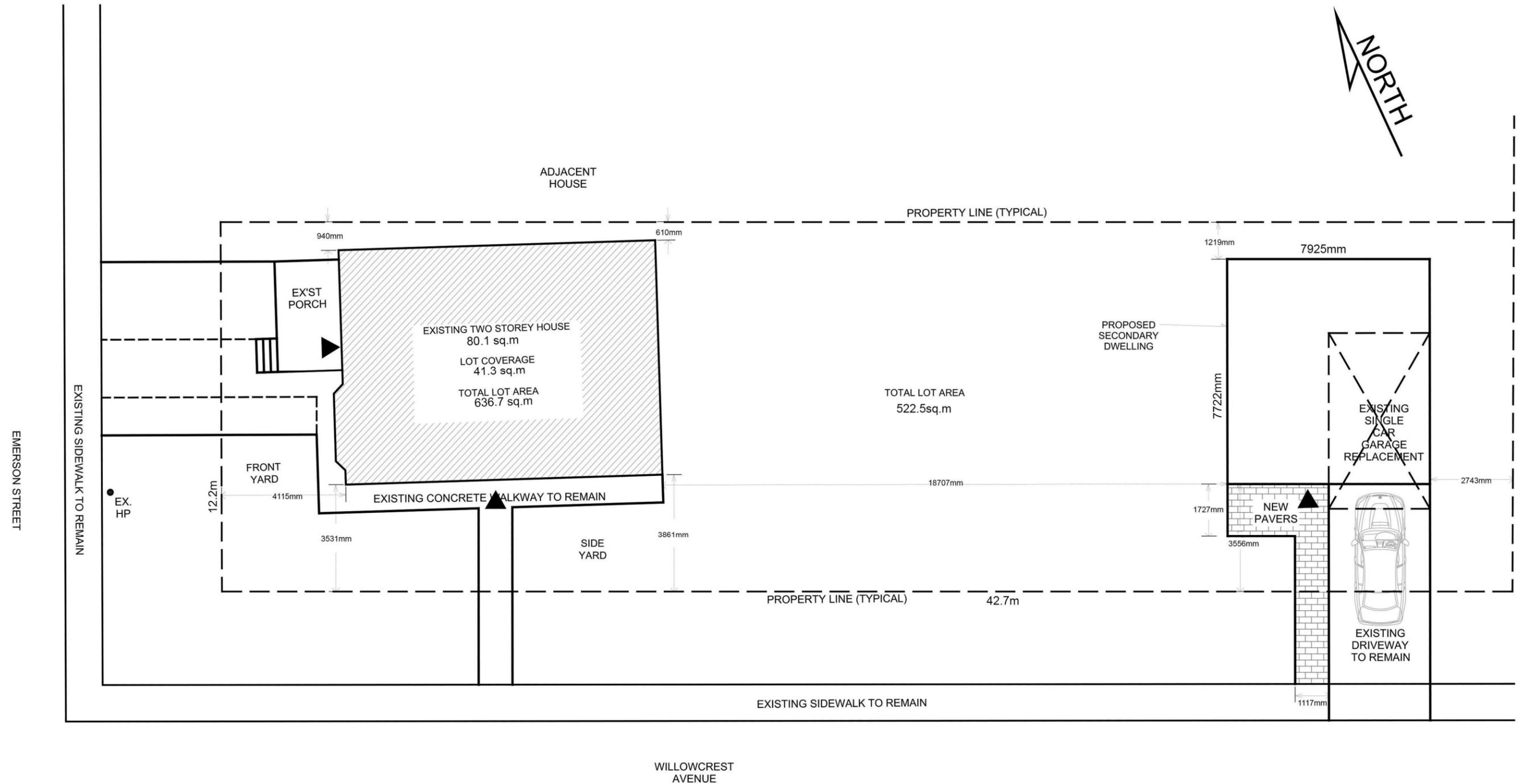
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



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

**235 EMERSON STREET
HAMILTON, ONTARIO**

MARCH 2022

PROPOSED GARAGE REPLACEMENT (R3)

SITE PLAN

DWG 1



Hamilton

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

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

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Registered Owners(s)			
Applicant(s)			
Agent or Solicitor			Phone:
			E-mail:

- 1.2 All correspondence should be sent to Owner Applicant
 Agent/Solicitor
- 1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent [REDACTED]
- 1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	235 Emerson St., Hamilton		
Assessment Roll Number	010041049800000		
Former Municipality			
Lot	58	Concession	
Registered Plan Number	420	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 19.(1).2(xi)(b) requiring that a secondary unit shall not exceed 70% of the ground floor area of the principal dwelling when the principal dwelling is less 105 square meters

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The secondary unit includes the garage size in its gross floor area due to city 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
12.2m	42.7m	522.5sq.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
Principal dwelling detached	3886mm	18694mm	3531mm	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
New secondary dwelling (replace existing garage)	33299mm	2743mm	3556mm	

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
Principal Dwelling	41.3 sq.m	80.1 sq.m	2	existing to remain
Garage	19.4 sq.m	19.4 sq.m	1	3886mm

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
garage / secondary dwelling	50 sq.m	50 sq.m	1	3886mm

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 Principal Dwelling with detached secondary dwelling unit

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:
May 18, 2021

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:
2 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) Urban Protected Residential (no change)

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

ADDING SE. RES. DETACHED DWELLING

7.6 What is the existing zoning of the subject land? C/S-1335 C/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:

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 plus secondary dwelling unit

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

The actual habitable area of the secondary dwelling unit is 36.2 sq.m plus a garage for a total of 50 sq.m gfa building. The 36.2 sq.m would comply with the 19.(1).2(x1)(b) except that the garage has to be included as it is attached to the secondary dwelling



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-23:127	SUBJECT PROPERTY:	61 Phyllori Court, Stoney Creek
ZONE:	"R2" (Single Residential)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner: Ms. Annie Cornelus
Agent: Stoney Brook Design Build Ltd. c/o Tony Brucculieri

The following variances are requested:

1. The accessory building shall be permitted to be located in the front yard whereas the zoning By-law does not permit an accessory building the front yard.
2. The accessory building shall be permitted to be located a distance of 1.2m from the front lot line instead of the minimum required 8.0m setback from the front lot line.
3. The accessory building shall be permitted to maintain a maximum building height of 6.0m whereas the zoning By-law permits a maximum building height of 4.5m for accessory buildings.
4. Eave or gutter projections shall be permitted to be located as close as 0.8m from the front lot line whereas the zoning By-law permits eaves or gutter for accessory building to project into any required yard a distance of 0.25m.

PURPOSE & EFFECT: To facilitate the construction of a new accessory building (private garage) for the existing dwelling.

Notes:

No setback dimension was shown from the front lot line. Therefore, the applicant shall ensure that the requested variances #2 and #4 are correct. Otherwise, further variances shall be required.

The height dimension was not shown from grade as defined in the zoning By-law. Therefore, the applicant shall ensure that requested variance #3 is correct. Otherwise, further variances shall be required.

SC/A-23:127

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 15, 2023
TIME:	9:35 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
	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 SC/A-23:127, 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.

SC/A-23:127



 Subject Lands

DATED: May 30, 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

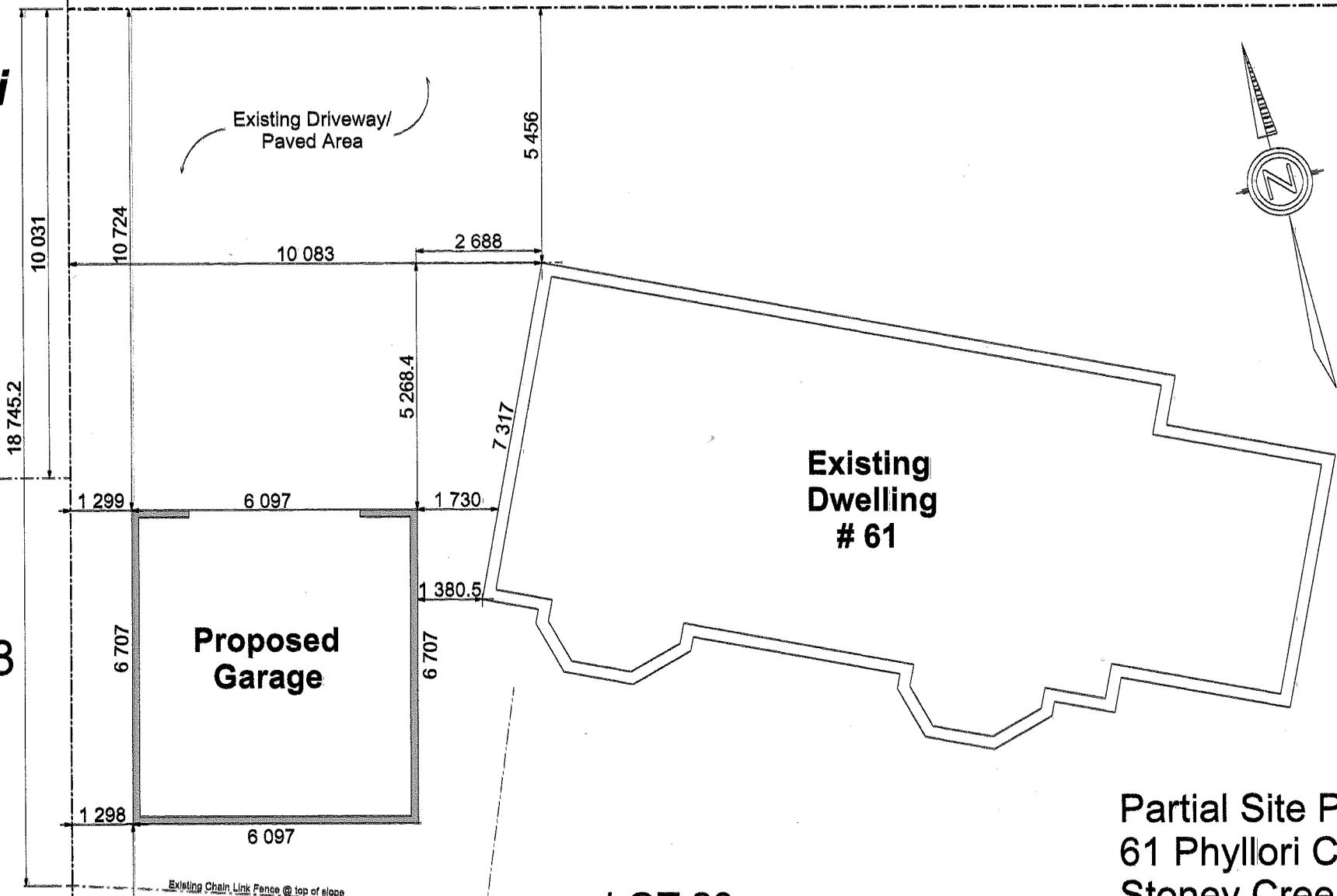
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

76 219

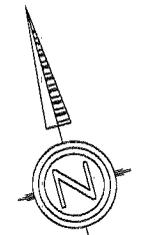
Phyllori Court



Existing Dwelling # 61

Proposed Garage

Existing Driveway/
Paved Area



Lot 8

44 969

**LOT 29
REGISTRAR'S COMPILED
PLAN 1419**

**Partial Site Plan
61 Phyllori Court
Stoney Creek, ON
Scale: 1"=10'**

Phyllori Court

76 219

Lot 8

10 951
10 724
16 745.2

Existing Driveway/
Paved Area

10 083

2 688

5 456

Existing
Swimming Pool

Existing
Dwelling
61



Proposed
Garage

5 268.4

1 730

1 380.5

6 707

6 087

1 288

6 087

68 805.5

44 969

44 969

**LOT 29
REGISTRAR'S COMPILED PLAN 1419**

Site Plan
61 Phyllori Court
Stoney Creek, ON
Scale: 1"=20'

76 219

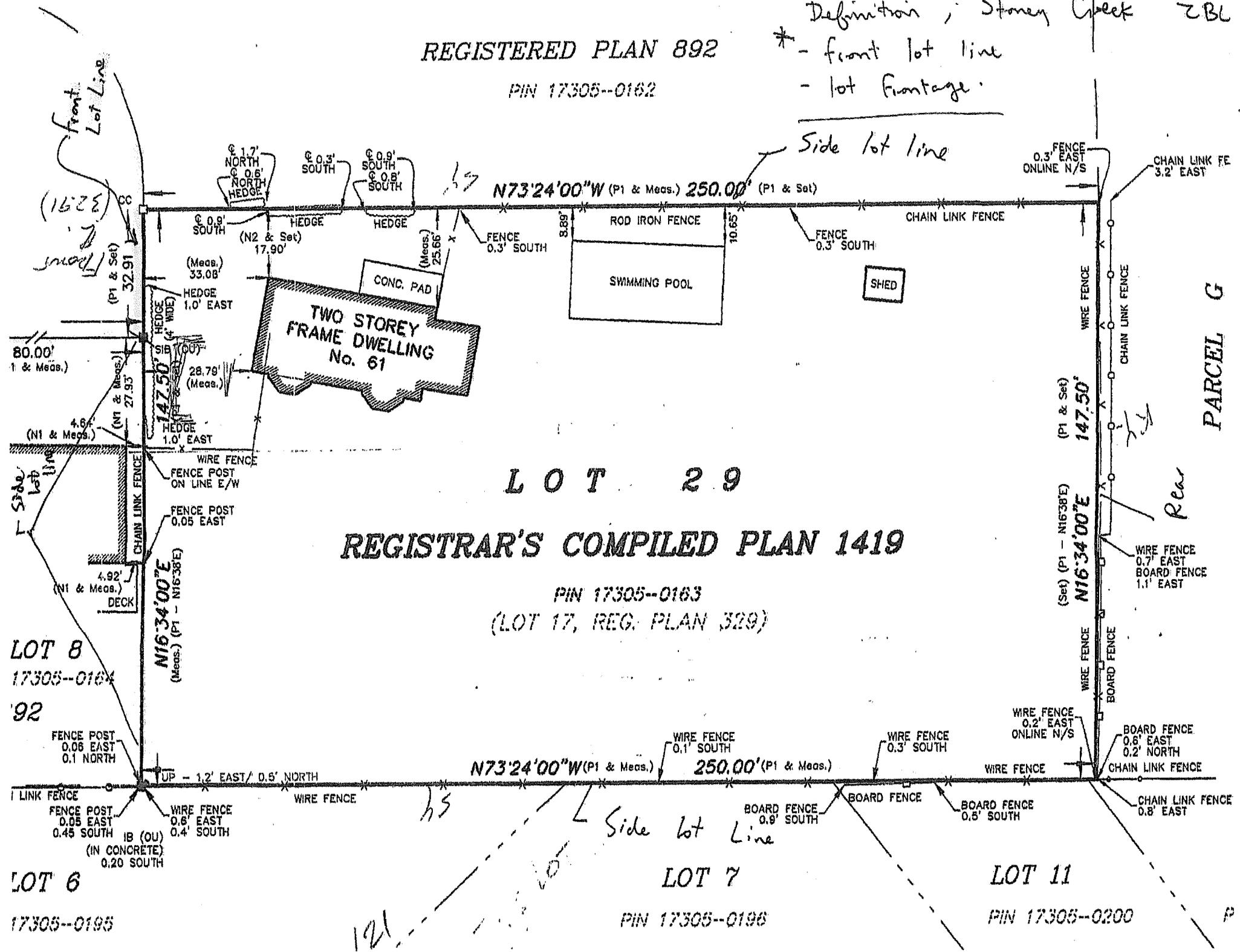
21 528.4

REGISTERED PLAN 892

PIN 17305--0162

Definition ; Stone Creek ZBL
* - front lot line
- lot frontage.

FOR REFERENCE



LOT 8
17305--0164
92

LOT 6
17305--0195

LOT 29

REGISTRAR'S COMPILED PLAN 1419

PIN 17305--0163
(LOT 17, REG. PLAN 329)

LOT 7
PIN 17305--0196

LOT 11
PIN 17305--0200

PARCEL G

front Lot Line

Side lot line

Rear

small Pans

Side Lot

Side lot Line

(16.25) (32.91)

80.00' 1 & Meas.)

4.6' (N1 & Meas.)

4.92' (N1 & Meas.)

FENCE POST 0.08 EAST 0.1 NORTH

FENCE POST 0.05 EAST 0.45 SOUTH

IB (OU) (IN CONCRETE) 0.20 SOUTH

17305--0195

(P1 & Set) 32.91

(N1 & Meas.) 27.95

(N1 & Meas.) 4.92'

FENCE POST 0.08 EAST 0.1 NORTH

FENCE POST 0.05 EAST 0.45 SOUTH

17305--0195

(Meas.) 33.08'

(Meas.) 28.79'

(Meas.) (P1 - N16°38'E)

FENCE POST 0.08 EAST 0.1 NORTH

FENCE POST 0.05 EAST 0.45 SOUTH

17305--0195

(N2 & Set) 17.90'

(Meas.) 28.79'

(Meas.) (P1 - N16°38'E)

FENCE POST 0.08 EAST 0.1 NORTH

FENCE POST 0.05 EAST 0.45 SOUTH

17305--0195

0.3' SOUTH

0.9' SOUTH

0.9' SOUTH

0.8' SOUTH

N73°24'00"W (P1 & Meas.) 250.00' (P1 & Set)

FENCE 0.3' SOUTH

(Meas.) 25.66'

(Meas.) (P1 - N16°38'E)

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FENCE POST 0.05 EAST 0.45 SOUTH

17305--0195

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17305--0195

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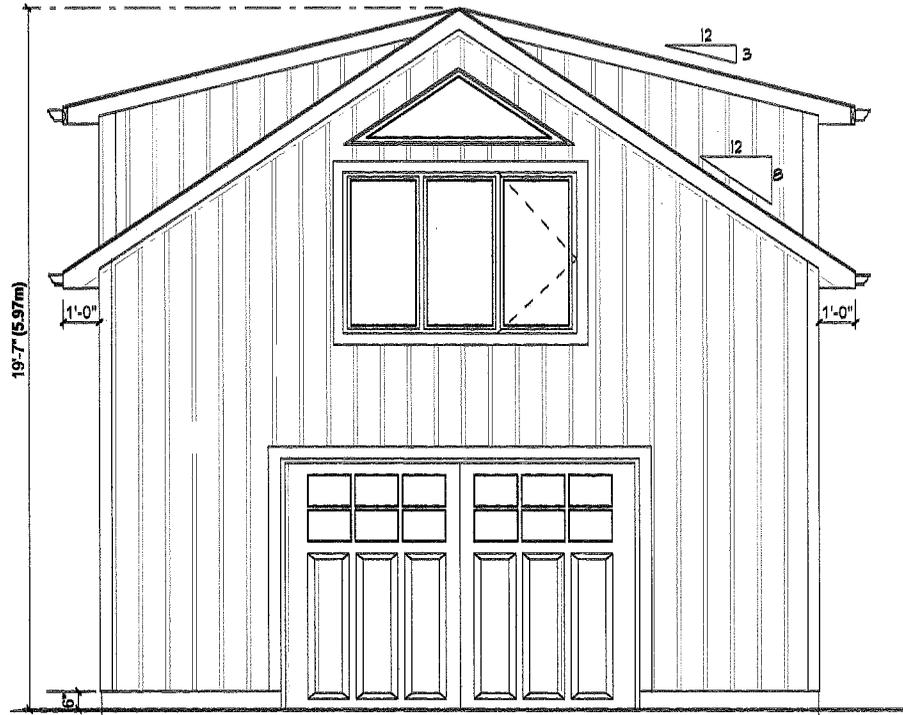
(Meas.) 25.66'

(Meas.) (P1 - N16°38'E)

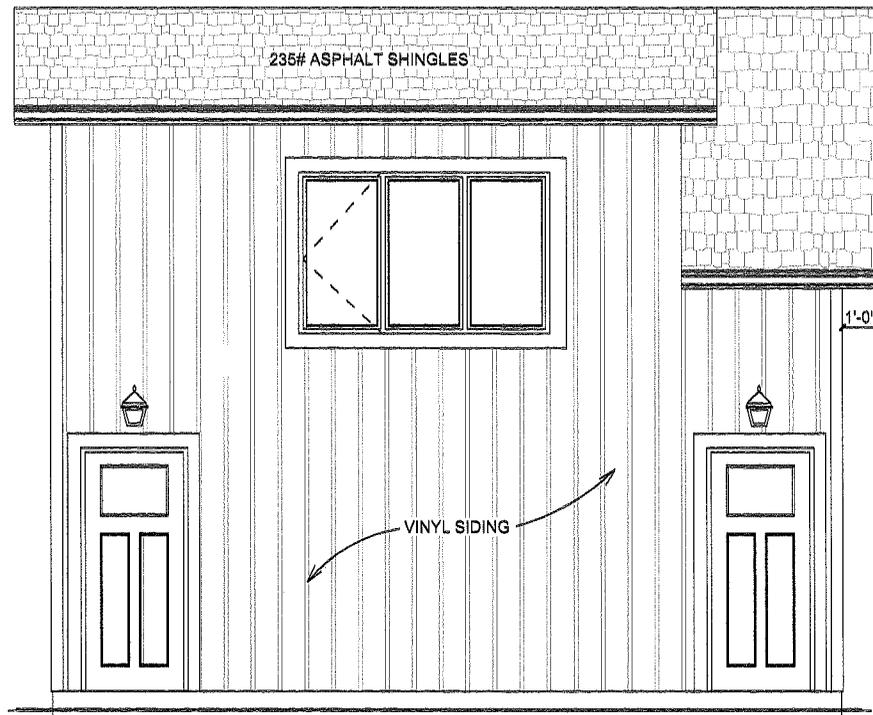
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FENCE POST 0.05 EAST 0.45 SOUTH

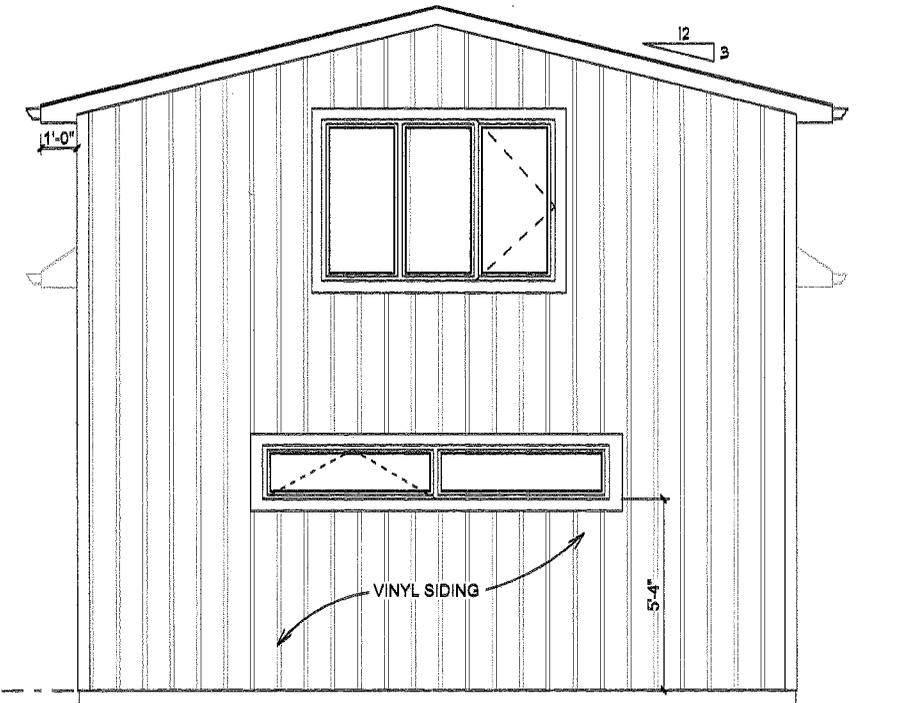
17305--0195



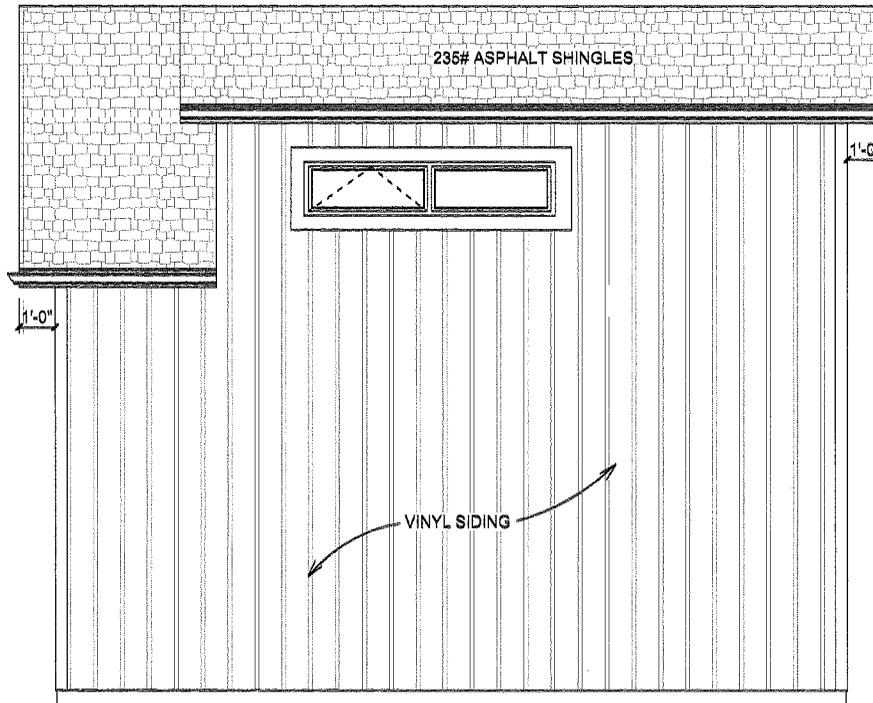
North (Front) Elevation



East (Left) Side Elevation



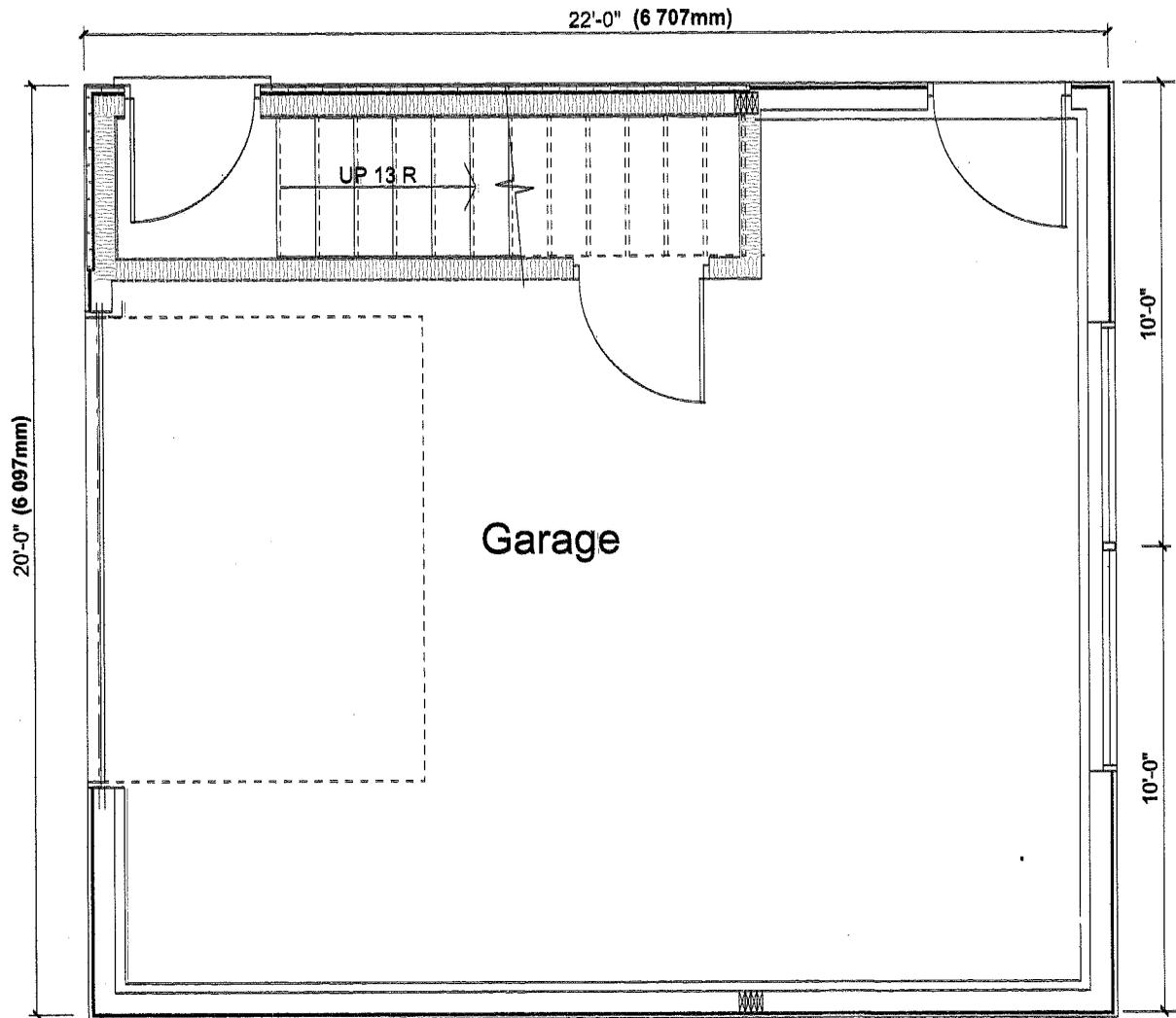
South (Rear) Elevation



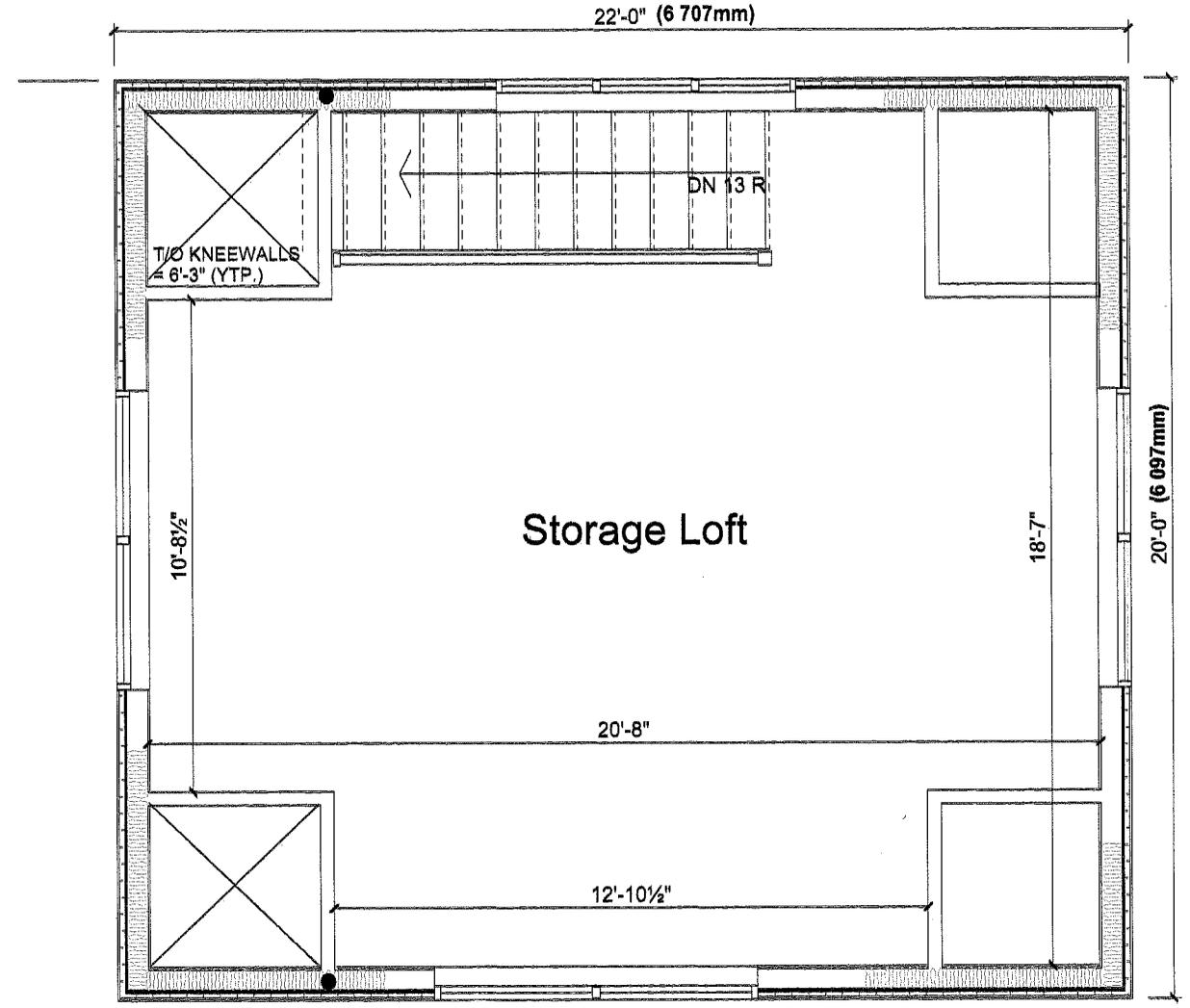
West (Right) Side Elevation

61 Phyllori Court
Hamilton, ON

Scale: 3/16" = 1'-0"
Date: May 9, 2023



Ground Floor Plan - 440sf (40.9m²)
Gross Floor Area = 767sf (75.0m²)



2nd Floor Plan - 367sf (34.1m²)

**61 Phyllori Court
Hamilton, ON**

Scale: 1/4" = 1'-0"
Date: May 9, 2023



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	61 Phyllori Court		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	29	Concession	
Registered Plan Number	1419	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:

Requesting relief from the required maximum height of 4.5m to allow a height of 5.97m.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Additional height is req'd for storage as the existing dwelling does not have a usable base

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

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
10.03m (32.91')	76.219m (250.00')	3,427.49m ² (36,893.5sf)	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
Single Family Dwelling	10.08m (33.08ft)	49.33m (161.8ft)	5.46m (17.90ft north) 29.67m (97.33ft south)	n/a
No accessory structures				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Detached Accessory Structure	n/a	68.82m (225.74ft)	West SY:1.3m (4.26ft) South SY:27.53m (90.32ft) North SY:10.72m (35.18ft)	

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	127.83m ² (1,376sf)	229.09m ² (2,466sf)	2	7.47m (24'-6")
No Accessory Structures				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
No Change to SFD				
Detached Accessory Structure	40.88m ² (440sf)	75m ² (807sf)	1.5	5.97m (19'-7")

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 plus a detached Accessory Structure.

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

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? R2 Zone

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: One

8.2 Number of Dwelling Units Proposed: One

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
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	SC/B-23:26	SUBJECT PROPERTY:	186 FRUITLAND ROAD, STONEY CREEK
-------------------------	-------------------	--------------------------	-------------------------------------

APPLICANTS: **Owner:** SERLAND HOLDINGS
Agent: A.J. CLARKE & ASSOCIATES C/O FRANZ KLOIBHOFER
Applicant: Warm Homes c/o Nik Miskovic

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 669 Highway No. 8, Stoney Creek.

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	N/A m [±]	34.8 m [±]	1,215.2 m ² ±
RETAINED LANDS (Part 1):	14.92 m [±]	42.71 m [±]	634 m ² ±

Associated Planning Act File(s): SC/B-22:104 & SC/B-22:105

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 15, 2023
TIME:	9:40 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:

SC/B-23:26

- 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 SC/B-23:26, 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.

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.



 **Subject Lands**

DATED: May 30, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

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PARTICIPATION PROCEDURES

Written Submissions

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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.

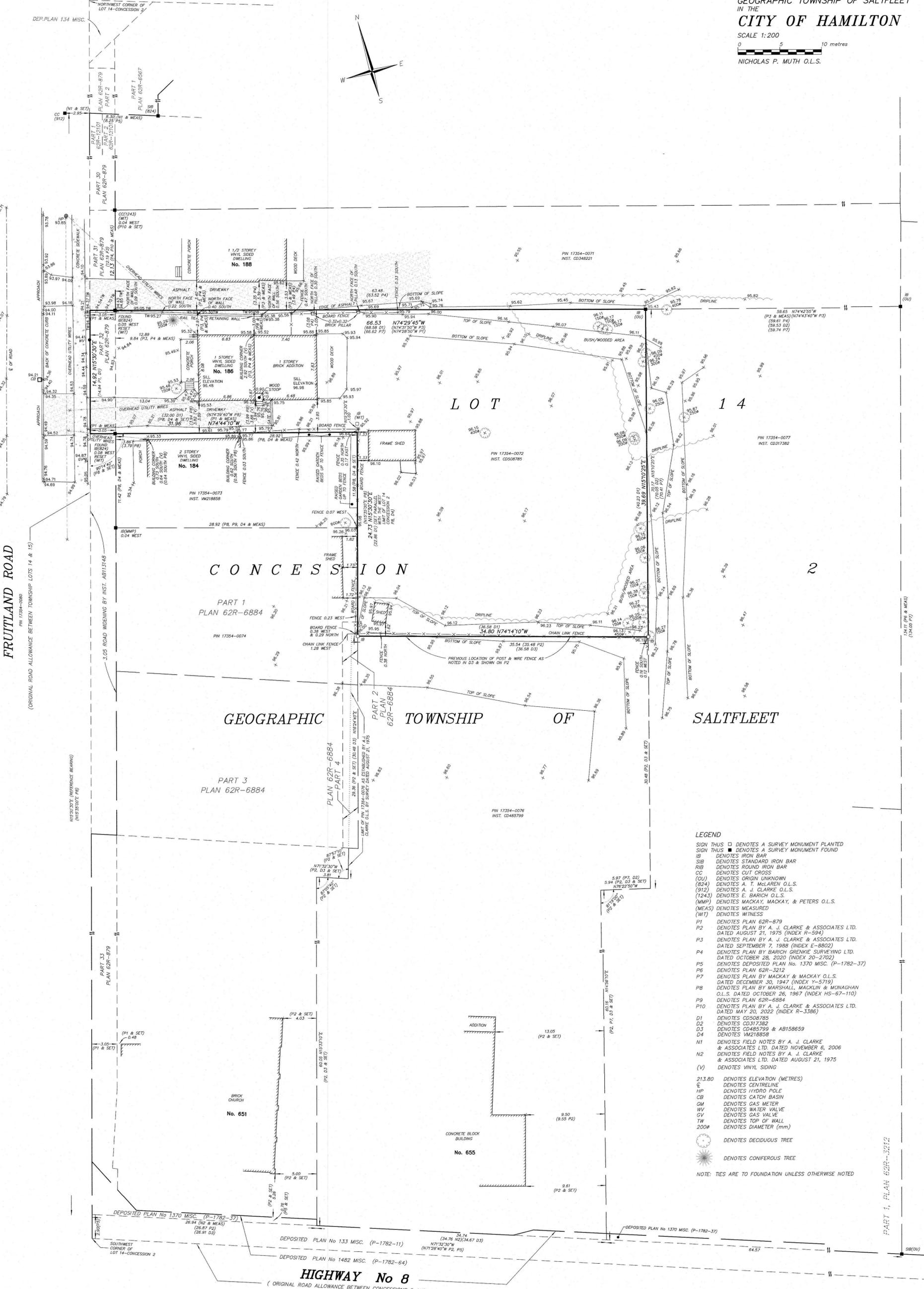
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

PLAN OF SURVEY OF PART OF LOT 14 - CONCESSION 2 GEOGRAPHIC TOWNSHIP OF SALT FLEET IN THE CITY OF HAMILTON

SCALE 1:200 0 5 10 metres NICHOLAS P. MUTH O.L.S.



BARTON STREET



- LEGEND SIGN THIS DENOTES A SURVEY MONUMENT PLANTED SIGN THIS DENOTES A SURVEY MONUMENT FOUND IB DENOTES IRON BAR SIB DENOTES STANDARD IRON BAR RIB DENOTES ROUND IRON BAR CC DENOTES CUT CROSS (OU) DENOTES ORIGIN UNKNOWN (B24) DENOTES A. T. MCLAREN O.L.S. (912) DENOTES A. J. CLARKE O.L.S. (1243) DENOTES E. BARICH O.L.S. (MMP) DENOTES MACKAY, MACKAY, & PETERS O.L.S. (MEAS) DENOTES MEASURED (WT) DENOTES WITNESS P1 DENOTES PLAN 62R-879 P2 DENOTES PLAN BY A. J. CLARKE & ASSOCIATES LTD. DATED AUGUST 21, 1975 (INDEX R-594) P3 DENOTES PLAN BY A. J. CLARKE & ASSOCIATES LTD. DATED SEPTEMBER 7, 1988 (INDEX E-8802) P4 DENOTES PLAN BY BARICH GREWIE SURVEYING LTD. DATED OCTOBER 28, 2020 (INDEX 20-2702) P5 DENOTES DEPOSITED PLAN No. 1370 MISC. (P-1782-37) P6 DENOTES PLAN 62R-3212 P7 DENOTES PLAN BY MACKAY & MACKAY O.L.S. DATED DECEMBER 30, 1947 (INDEX Y-5719) P8 DENOTES PLAN BY MARSHALL, MACKLIN & MONAGHAN O.L.S. DATED OCTOBER 26, 1967 (INDEX HS-67-110) P9 DENOTES PLAN 62R-6884 P10 DENOTES PLAN BY A. J. CLARKE & ASSOCIATES LTD. DATED MAY 20, 2022 (INDEX R-3386) D1 DENOTES CD508785 D2 DENOTES CD317382 D3 DENOTES CD485799 & AB158659 D4 DENOTES VM218858 N1 DENOTES FIELD NOTES BY A. J. CLARKE & ASSOCIATES LTD. DATED NOVEMBER 6, 2006 N2 DENOTES FIELD NOTES BY A. J. CLARKE & ASSOCIATES LTD. DATED AUGUST 21, 1975 (V) DENOTES VINYL SIDING 213.80 DENOTES ELEVATION (METRES) @ DENOTES CENTRELINE HP DENOTES HYDRO POLE CB DENOTES CATCH BASIN GM DENOTES GAS METER WV DENOTES WATER VALVE GV DENOTES GAS VALVE TW DENOTES TOP OF WALL 200# DENOTES DIAMETER (mm) DENOTES DECIDUOUS TREE DENOTES CONIFEROUS TREE NOTE: TIES ARE TO FOUNDATION UNLESS OTHERWISE NOTED

SURVEYOR'S CERTIFICATE: I CERTIFY THAT: 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM. 2. THE SURVEY WAS COMPLETED ON THE 30th DAY OF JANUARY 2023. APRIL 19, 2023 DATE NICHOLAS P. MUTH ONTARIO LAND SURVEYOR

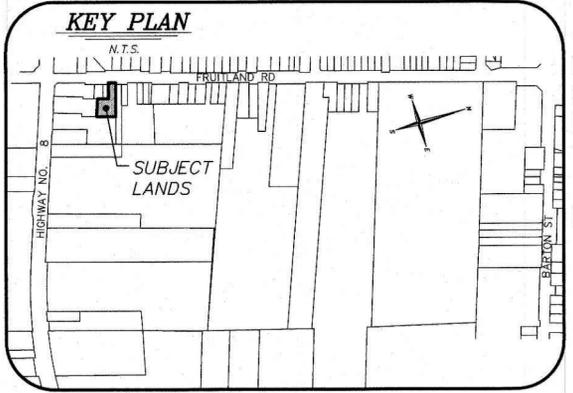
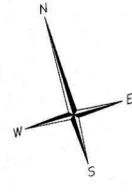
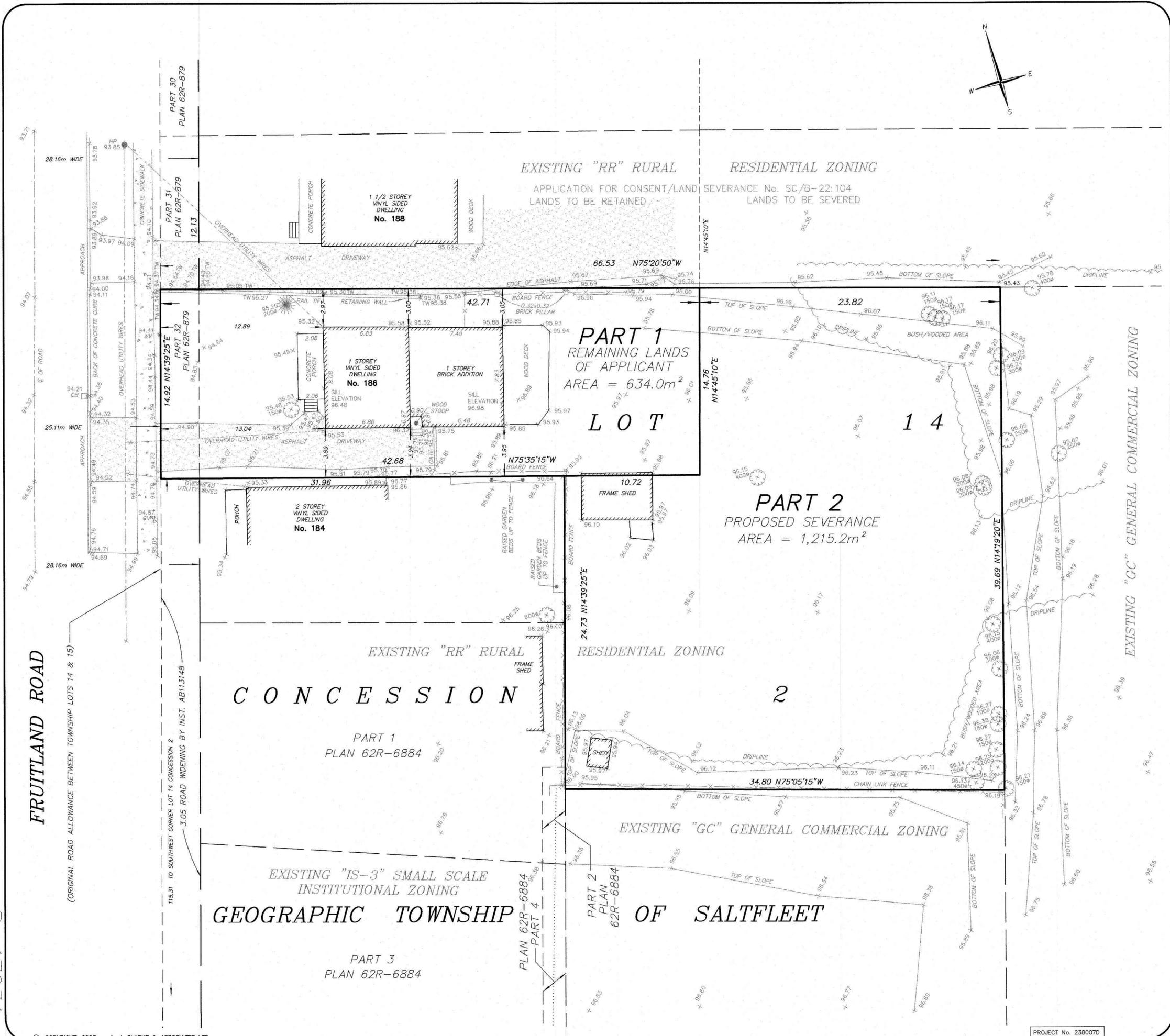


BENCHMARK CITY OF HAMILTON MONUMENT No. 07720020003 RIB WITH BRASS CAP LOCATED IN STONEY CREEK, 5m WEST OF CENTRELINE OF FRUITLAND ROAD, 11m NORTH OF CENTRELINE OF SHERWOOD PARK ROAD AND 2m EAST OF CENTRELINE OF SIDEWALK ELEVATION = 90.742m CGVD 28:78

BEARINGS NOTE: BEARINGS ARE ASTRONOMIC AND REFERRED TO THE EASTERLY LIMIT OF FRUITLAND ROAD AS SHOWN ON PLAN 62R-879 HAVING A BEARING OF N15°30'30". METRIC: DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

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

R-4793A



SKETCH FOR CONSENT TO SEVER
 186 FRUITLAND ROAD
 CITY OF HAMILTON
 SCALE 1:200
 0 5 10 metres

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

NOTES:
 THIS SKETCH WAS PREPARED BASED ON A FIELD SURVEY AND PLAN BY A.J. CLARKE & ASSOCIATES LTD. DATED APRIL 19, 2023 (FILE T-3480)
 THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

CAUTION:
 THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

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

CONSENT SCHEDULE:

PART 1 (LANDS TO BE RETAINED)	AREA= 634.0m ²
PART 2 (PROPOSED SEVERANCE)	AREA= 1,215.2m ²



APRIL 21, 2023
 DATE

NICHOLAS P. MUTH
 ONTARIO LAND SURVEYOR

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

FRUITLAND ROAD

(ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 14 & 15)

115.31 TO SOUTHWEST CORNER LOT 14 CONCESSION 2
3.05 ROAD WIDENING BY INST. AB113148

EXISTING "GC" GENERAL COMMERCIAL ZONING

R-4793A



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

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

April 28, 2023

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

Re: 186 Fruitland Road, Stoney Creek – Severance Application Submission

Dear Madam:

A.J Clarke and Associates Ltd. has been retained by the Warm Homes, care of Nik Miskovic, for the purposes of submitting the enclosed Severance Application Submission. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form for 186 Fruitland Road;
- One (1) cheque in the amount of \$3,220.00 representing the required application fees for both severance application;
- One (1) electronic copy of the Plan of Survey, dated April 19, 2023, depicting the subject lands.
- One (1) electronic copy of the Severance Sketch for 186 Fruitland Road (R-4793A)

The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan and are further designated as “Low Density Residential 2” and “Low Density Residential 3” as per Map B.7.4-1 of the Fruitland-Winona Secondary Plan. The subject lands are zoned “RR – Rural Residential” in the City of Stoney Creek Zoning By-law 3692-92. The lands are currently occupied by one single-detached dwelling and one accessory building. The accessory building will be demolished to facilitate the severance.

The owners of 669 Highway No. 8, have active, conditionally approved, consent applications in the adjacent lands of 188 and 192 Fruitland Road (SC/B-22:104 and SC/B-22:105, respectively). The purpose and intent of the proposal is to merge the severed parts proposed with the lands at 669 Highway No. 8, along with 188 and 192 Fruitland Road, for the purpose of future residential land development while retaining the existing single detached dwelling fronting onto Fruitland Road.

The resultant lots will be as follows:

	Area	Frontage
Part 1	634 m ²	14.92m
Part 2	1,215.2 m ²	N/A

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



City of Hamilton Attn: Jamila Sheffield
Re: 186 Fruitland Road, Stoney Creek
Severance Application Submission

April 28, 2023

Page 2 of 2

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

Yours truly,

A handwritten signature in black ink that reads "Ryan Ferrari". The signature is written in a cursive, flowing style.

Ryan Ferrari MCIP, RPP
Planner
A.J Clarke and Associates Ltd.

Copy: Nik Miskovic
nik@warmhomes.ca

Certificate of Incorporation

Certificat de constitution

Business Corporations Act

Loi sur les sociétés par actions

SERLAND PROPERTIES INCORPORATED

Corporation Name / Dénomination sociale

1000408639

Ontario Corporation Number / Numéro de société de l'Ontario

This is to certify that these articles are effective on

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

January 09, 2023 / 09 janvier 2023

V. Quintanilla W.

Director / Directeur

Business Corporations Act / Loi sur les sociétés par actions

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

Certified a true copy of the record of the
Ministry of Public and Business Service Delivery.

V. Quintanilla W.

Director/Registrar



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

Copie certifiée conforme du dossier du
ministère des Services au public et aux
entreprises.

V. Quintanilla W.

Directeur ou registrateur



Articles of Incorporation

Business Corporations Act

1. Corporation Name

SERLAND PROPERTIES INCORPORATED

2. Registered Office Address

745 South Service Road, 1, Stoney Creek, Ontario, Canada, L8E 5Z2

3. Number of Directors

Minimum/Maximum

Min 1 / Max 5

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

Full Name

BRADLEY ADAMSON

Resident Canadian

Yes

Address for Service

745 South Service Road, 1, Stoney Creek, Ontario, Canada, L8G 5Z2

Full Name

NIKICA MISKOVIC

Resident Canadian

Yes

Address for Service

24 Maple Drive, Stoney Creek, Ontario, Canada, L8G 3C2

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

There shall be no restrictions on business the Corporation may carry on or on powers the Corporation may exercise.

6. The classes and any maximum number of shares that the corporation is authorized to issue:

The Corporation is authorized to issue an unlimited number of common shares, the holders of which are entitled, among other things: (i) to vote at all meetings of shareholders, and (ii) to receive the remaining property of the Corporation upon dissolution. The Corporation is authorized to issue an unlimited number of special shares.

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

(a) The holders of the Special Shares shall in each year in the discretion of the directors, but always in preference and priority to any payment of dividends on the common shares for such year, be entitled to such dividend as may be declared by the board of directors from time to time; (b) The Special Shares shall rank both as regards dividends repayment of capital, in priority to all other shares of the corporation but shall not confer any further rights to participate in profits or assets; (c) The corporation may, upon giving notice as hereinafter provided redeem the whole or any part of the special shares on payment of One Hundred and Five (105%) percent of the amount paid up on each share to be redeemed, together with all dividends declared thereon and unpaid; not less than thirty (30) days notice in writing of such redemption shall be given by mailing such notice to the registered holders of the shares to be redeemed specifying the date and place or places of redemption; if notice of any such redemption be given by the corporation in the manner aforesaid and an amount sufficient to redeem the shares be deposited with any trust company or chartered bank of Canada as specified in the notice, on or before the date fixed for such redemption, dividends on the special shares to be redeemed shall cease after the date so fixed for redemption, and the holders thereof shall thereafter have no rights against the corporation in respect thereof except upon the surrender of certificates for such shares, to receive payment therefore out of the monies so deposited; (d) The corporation may, at any time and from time to time purchase for cancellation the whole or any part of the special shares at the lowest price at which, in the opinion of the directors, such shares are obtainable, but not exceeding One Hundred and Five (105%) percent of the amount paid up thereon together with all dividends declared thereon and unpaid. (e) In the event of the liquidation, dissolution or winding up of the corporation, whether voluntary or involuntary, the holders of the special shares shall be entitled to receive before any distribution of any part of the assets of the corporation among the holders of any other shares, the amount paid upon the special shares and any dividends declared thereon and unpaid and no more; (f) The holders of the special shares shall not, as such having any voting rights for the election of the directors or for any other purpose nor shall they be entitled to attend shareholders' meetings. Holders of special shares shall, however, be entitled to notice of meetings of shareholders called for the purpose of authorizing the dissolution of the corporation or the sale of its undertaking or a substantial part thereof.

8. The issue, transfer or ownership of shares is/is not restricted and the restrictions (if any) are as follows. If none, enter "None":

No share or shares shall be transferred without either: (a) the approval of the directors expressed by a resolution passed at a meeting of the Board of Directors or an instrument or instruments in writing signed by a majority of them, or (b) the approval of the holders of a majority of the common shares of the corporation for the time being outstanding expressed by a resolution passed at a meeting of such shareholders or by an instrument or instruments in writing signed by the holders of a majority of such shares.

9. Other provisions, if any. Enter other provisions, or if no other provisions enter "None":

(a) That the number of its shareholders exclusive of persons who are in its employment and exclusive of persons, who, having been formerly in the employment of the Corporation, were while in that employment, and have continued to be, shareholders of the Corporation, is limited to not more than fifty (50), two (2) or more persons who are the joint registered owners of one or more shares being counted as one shareholder; (b) That any invitation to the public to subscribe for its securities is prohibited; (c) The board of directors may from time to time, in such amounts and on such terms as it deems expedient; (i) borrow money on the credit of the Corporation; (ii) issue, sell or pledge debt obligations (including bonds debentures, notes or other similar obligations, secured or unsecured) of the Corporation; (iii) charge, mortgage, hypothecate or pledge all or any of the currently owned or subsequently acquired real or personal, movable or immovable property of the Corporation, franchises and undertaking, to secure any debt obligations or any money borrowed, or other debt or liability of the Corporation.

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

BRADLEY ADAMSON

Address for Service

745 South Service Road, 1, Stoney Creek, Ontario, Canada, L8G 5Z2

Full Name

NIKICA MISKOVIC

Address for Service

24 Maple Drive, Stoney Creek, Ontario, Canada, L8G 3C2

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

V. Quintanilla W.

Supporting Information - Nuans Report Information

Nuans Report Reference #

121786977

Nuans Report Date

January 09, 2023

The endorsed Articles of Incorporation are not complete without the Certificate of Incorporation.
Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

V. Quintanilla W.

Director/Registrar, Ministry of Public and Business Service Delivery



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)			
Applicant(s)**			
Agent or Solicitor			

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

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

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

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

1.4 Request for digital copy of sign Yes* No

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

1.5 All correspondence may be sent by email Yes* No

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

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	186 Fruitland Road		
Assessment Roll Number	00324021600		
Former Municipality	Saltfleet (Stoney Creek)		
Lot	14	Concession	2
Registered Plan Number	CD508785	Lot(s)	Pt Lt 14
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3 PURPOSE OF THE APPLICATION

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

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

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

Fruitland Property Group Inc.

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

669 Highway No.8

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	14.92m	n/a			
Depth	42.71m	34.8m			
Area	634.0m ²	1,215.2m ²			
Existing Use	residential	vacant			
Proposed Use	residential	vacant			
Existing Buildings/ Structures	single-detached dwelling and accessory shed	frame shed			
Proposed Buildings/ Structures	existing dwelling	none			
Buildings/ Structures to be Removed	accessory shed				

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) Type of water supply proposed: (check appropriate box)

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify)

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

publicly owned and operated sanitary sewage system

privately owned and operated individual septic system

other means (specify) _____

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

electricity

telephone

school bussing

garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Low-density residential 2 & 3
(Fruitland Winona Secondary Plan)

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

Lot addition will facilitate future residential development in line with Fruitland-Winona Secondary Plan, which aims to accommodate an overall density of 70 persons/ jobs per hectare.

- 5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?
 Yes No Unknown

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

- 5.3 What is the existing zoning of the subject land? Rural Residential (RR) in S.C. By-law 3692-0

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"/>	±12 metres
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"/>	"GC" - HVAC sales, hair salon, post office adjacent to subject lands
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?

Since 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.

Owns 188, 190, 192 Fruitland Road, as well as 669 Highway No.8. (severed portion will be added to this property)

7 PROVINCIAL POLICY

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

Yes No (Provide explanation)

Consistent with policy statements and provincial plans.

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

Yes No (Provide explanation)

PPS promotes range of housing options to support residential intensification in designated lands that effectively use existing infrastructure. Future development follows this and will help sustain financial well-being of province/ municipality.

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

Yes No (Provide explanation)

Future development will support growth of complete communities, make efficient use of land and infrastructure with higher densities of diverse housing options that will manage the projected growth in the area.

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

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

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

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

Yes No (Provide explanation)

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

Yes No (Provide explanation and details on plan)

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

9 ADDITIONAL INFORMATION - CANCELLATION

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

Yes No (Provide explanation)

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

Yes No (Provide explanation and details on plan)

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

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

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

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

10.2 Location of farm consolidation property:

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

10.3 Rural Hamilton Official Plan Designation(s)

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

10.4 Description of farm consolidation property:

Frontage (m):	Area (m 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: _____

10.7 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
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	SC/B-23:27	SUBJECT PROPERTY:	220 ARVIN AVENUE, 226/ 208 ARVIN AVENUE, 218/209-217 BARTON STREET, STONEY CREEK
-------------------------	-------------------	--------------------------	---

APPLICANTS: **Owner:** 1077342 ONTARIO INC. (L.P. CUSTOM MACHINING LTD.) C/O
GURDEV SINGH
Agent: A.J. CLARKE & ASSOCIATES C/O STEPHEN FRASER

PURPOSE & EFFECT: To permit the conveyance of a parcel of land containing a manufacturing plant and accessory storage building (to remain) and to retain a parcel of land containing an existing 1 storey industrial plaza (to remain).

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	60.05 m [±]	106.68 m [±]	6,329.58 m ² ±
RETAINED LANDS (Part 1):	94.79/ 94.15 m [±]	183.27 m [±]	17,423.13 m ² ±

Associated Planning Act File(s): SC/B-22:131

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 15, 2023
TIME:	9:45 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

SC/B-23:27

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.

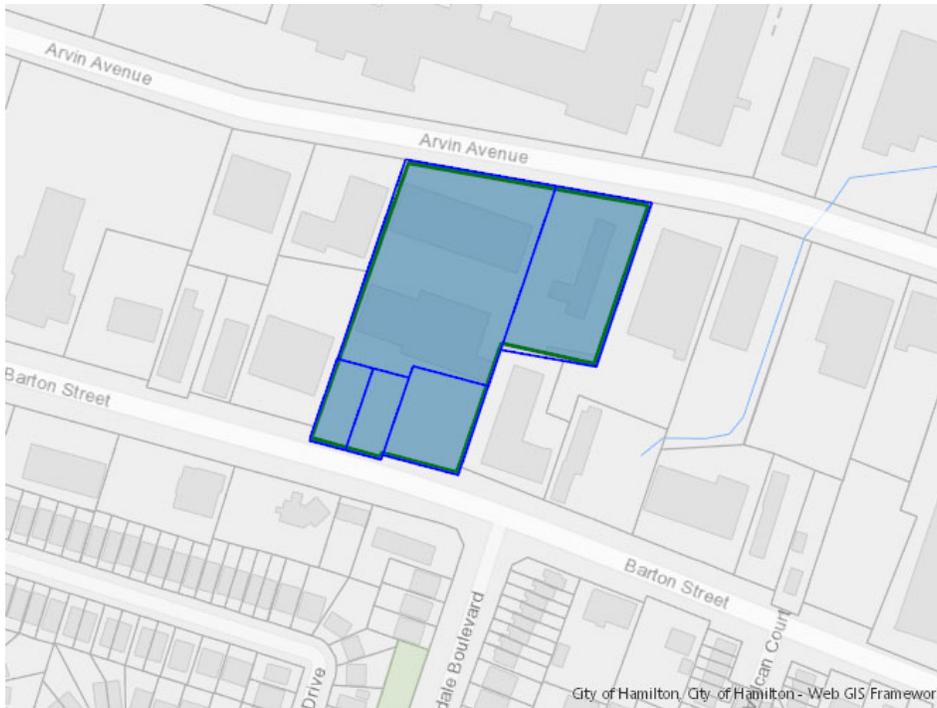
FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-23:27, 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.

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

SC/B-23:27



 Subject Lands

DATED: May 30, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 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

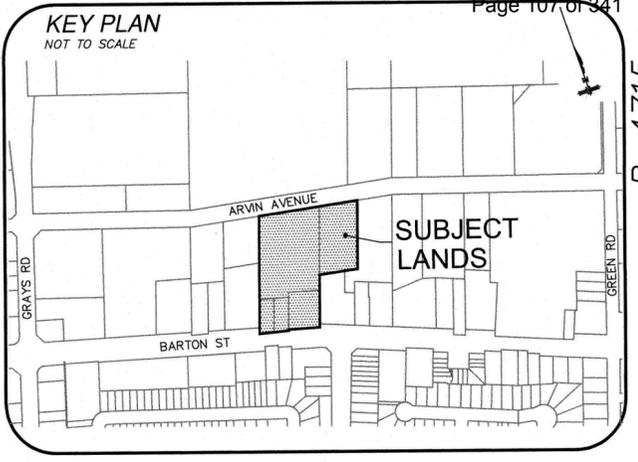
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before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



SKETCH FOR CONSENT TO SEVER
208 - 218 ARVIN AVENUE,
220 - 224 ARVIN AVENUE &
209 - 217 BARTON STREET
CITY OF HAMILTON

SCALE 1:750

THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS:
 PART OF LOTS 21 AND 22
 CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF SALTFLEET

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

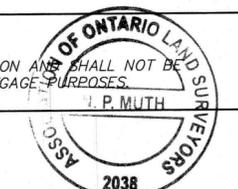
NOTE:
 THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE APPROXIMATE - COMPILED FROM PLANS ON FILE IN OUR OFFICE AND THE LAND REGISTRY OFFICE AND IS NOT BASED ON A FIELD SURVEY.

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

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

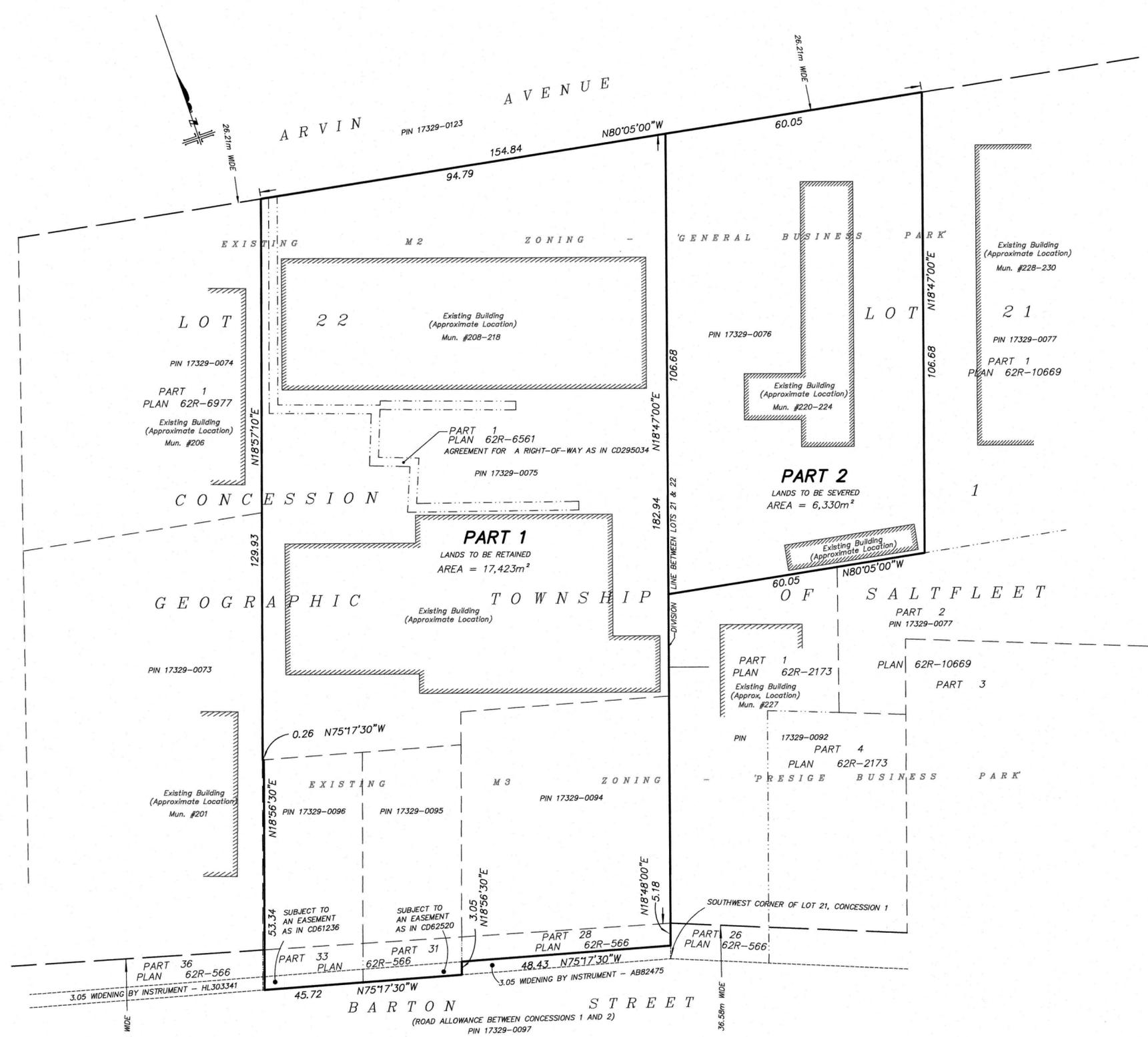
CONSENT SCHEDULE:
 PART 1 (LANDS TO BE RETAINED) AREA=17,423m²
 PART 2 (LANDS TO BE SEVERED) AREA=6,330m²

CAUTION:
 THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.



APRIL 24, 2023
 DATE

NICHOLAS P. MUTH
 ONTARIO LAND SURVEYOR



R-4715

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



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

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

May 1, 2023

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

**Re: 208-218, 220-224 Arvin Avenue and 209-217 Barton Street, Hamilton
Severance Application Submission**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by 1077342 Ontario Inc., c/o Gurdev Singh, for the purposes of submitting the enclosed Severance (Consent) Application for the subject lands, municipally known as 208-218 Arvin Avenue and 209-217 Barton Street (proposed Part 1) and 220-224 Arvin Avenue (proposed Part 2), in the City of Hamilton. A previous submission was made to sever the subject lands (City File No: SC/B-22:131). This previous application was conditionally approved, with no appeals, on March 2, 2023. There is no change to the lands proposed to be severed in this resubmission, however during the process of clearing conditions our offices became aware that the owners also owned the lands municipally known as 209, 211, and 217 Barton Street. As these lands are adjacent to 208-218 Arvin Avenue they also have merged on title and a resubmission was required to address the merged lots. The purpose of this resubmission remains a technical matter to reinstate the previous lot fabric of 220-224 Arvin Avenue.

The subject municipal properties abut one another along the south side of Arvin Avenue between Grays Road to the west and Green Road to the east, in the City of Hamilton. The lands are designated 'Employment Area – Business Park' and Zoned 'M2 – General Business Park' and 'M3 – Prestige Business Park.' The subject lands are currently occupied by a one-storey, industrial plaza building and two machining manufacturing buildings, along with associated parking and storage.

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

	208-218 Arvin Avenue & 209-217 Barton (Retained)	220-224 Arvin Avenue (Severed)
Lot Width	±94.79m	±60.05m
Lot Depth	±183.27m	±106.68m
Lot Area	±17,423.13m ²	±6,329.58m ²

The surrounding area is provincially significant employment lands. This boundary ends at Barton St, south of the subject lands, where the land use transitions to the 'Neighbourhoods' designation as per Schedule E-1 of the Urban Hamilton Official Plan. An active railway line runs east-west approximately 250 metres north of the subject lands.



The immediate surrounding land uses include:

North	Trucking Company
South	Commercial Retail Plaza/ Residential/ Place of Worship
West	Manufacturing
East	Manufacturing/ Industrial Equipment Supplier

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

Planning Policy Overview

Urban Hamilton Official Plan

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

The subject lands are designated “Business Park” within the Employment Area Designations, as per Schedule E-1 of the UHOP.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.5 indicates various conditions that must be met by a proposed severance for lands designated as ‘Employment Area’. The conditions are as follows;

- a) *The lots comply with the policies of this Plan including secondary plans, where one exists;*
- b) *The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- c) *The lots are fully serviced by municipal water and wastewater systems; and,*
- d) *The lots have frontage on a public road.*

The proposed severance will create lots that are consistent with the relevant policies. The severed lot is proposed to reinstate the previous lot fabric and will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding area. The proposed lot will have access to the existing municipal infrastructure and transportation systems.

City of Hamilton Zoning By-law No. 05-200

The majority of the subject lands are zoned “General Business Park (M2) Zone” as per the City of Hamilton Zoning By-law 05-200. The “M2” zone permits a very wide range of uses including alcohol production, artist studio, animal shelter, aquaponics, building, lumber and contracting suppliers, cannabis facilities, commercial motor vehicle sales, rental and service establishments, communications, contractor’s establishment, couriers, craftsperson shop, dry cleaning plant, equipment and machinery sales, rental and service establishments, greenhouses, industrial administrative offices, laboratories, labour association halls, landscape contracting, manufacturing, motor vehicle repairs, private power generation, production studio, research and development, trade schools, tradeperson’s shop, transport terminal, warehouses, waste processing and transfer facilities.

The southern subject lands municipally known as 209-217 Barton Street are zoned “Prestige Business Park (M3) Zone” as per Zoning By-law 05-200. This zoning is similar in nature to the (M3) Zone described above and permits many of the same uses with several exceptions. Land zoned (M3) do not permit dry cleaning



plants, landscape contracting, or waste processing and transfer facilities. The zone also permits several other more sensitive lands uses including hotels, conference and convention centres, and restaurants.

The lots as proposed in this severance application will comply with Section 9.2.3 of the City of Hamilton Zoning By-law 05-200.

As such, the subject land is appropriate for the proposed severance of the subject lands, has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*, represents good planning, and should be approved.

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

Sincerely,

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

Encl.

Copy via email: 1077342 Ontario Inc., c/o Gurdev Singh (preet.singh@lpcustom.com)



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)			
Applicant(s)**			
Agent or Solicitor			

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

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

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

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

1.4 Request for digital copy of sign Yes* No

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

1.5 All correspondence may be sent by email Yes* No

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

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	220 Arvin Ave 226/ 208 Arvin Ave 218/209-217 Barton Street		
Assessment Roll Number	00314035800/ 00314035600/ 00314040600/ 00314040400/ 00314040		
Former Municipality	Saltfleet		
Lot	22	Concession	1
Registered Plan Number	ab140279/cd355397	Lot(s)	
Reference Plan Number (s)		Part(s)	Pt Lt 21 & Pt Lt 22

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:

Part 1, Plan 62R-6561, Agreement for right-of-way as in CD295034 (Union Gas ROW)

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:

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	±94.79m/ ±94.15	±60.05m			
Depth	±183.27	±106.68m			
Area	±17,423.13m ²	±6,329.58m ²			
Existing Use	Industrial	Industrial			
Proposed Use	Industrial	Industrial			
Existing Buildings/ Structures	1-storey industrial plaza; manufacturing plant	Manufacturing plant and accessory storage building			
Proposed Buildings/ Structures	no change	no change			
Buildings/ Structures to be Removed	none	none			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year

- right of way
 other public road

b) Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)

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

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

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

- electricity telephone school bussing garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Employment Area - Business Park

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

This application only seeks to re-establish previous lot fabric of 220-224 Arvin Avenue. Lands inadvertently merged on title.

- 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? M2 - General Business Park/ M3 - Prestige Business Park

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.

SC/B-22:131. This application to amend file to include 209-217 Barton St in retained lands.

- 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 checked="" type="checkbox"/>	manufacturing
An active railway line	<input type="checkbox"/>	250m
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.

SC/B-22:131. Conditionally approved March 2, 2023.

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

This application to amend file to include 209-217 Barton St in retained lands.

- 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?

2000 (208 Arvin Avenue & 211 Barton St), 2011 (220 Arvin Ave), 2007 (209 & 217 Barton St)

- 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)

Simply re-establishing previous parcel fabric from inadvertent merger. Follows OP and ZBL

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

Yes No (Provide explanation)

Simply re-establishing previous parcel fabric from inadvertent merger. Follows OP and ZBL

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

Yes No (Provide explanation)

Simply re-establishing previous parcel fabric from inadvertent merger. Follows OP and ZBL

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

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

Yes No (Provide explanation)

~~8 ADDITIONAL INFORMATION - VALIDATION~~

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

~~Yes No (Provide explanation)~~

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

~~Yes No (Provide explanation and details on plan)~~

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

~~9 ADDITIONAL INFORMATION - CANCELLATION~~

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

~~Yes No (Provide explanation)~~

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

~~Yes No (Provide explanation and details on plan)~~

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

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

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

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

10.2 ~~Location of farm consolidation property:~~

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

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

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

10.4 ~~Description of farm consolidation property:~~

Frontage (m):	Area (m² 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 (m² or ha):
--------------------------	--

~~Existing Land Use: _____ Proposed Land Use: _____~~

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

Frontage (m): (from Section 4.1)	Area (m² 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-23:121	SUBJECT PROPERTY:	92 WEST 34TH STREET, HAMILTON
ZONE:	"B-1/S-1822" (Suburban Agriculture & Residential")	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: **Owner:** KYLE & AMY MACLEAN
 Agent: LEN ANGELICI DESIGN C/O LEN ANGELICI

The following variances are requested:

1. A front yard depth of 6.57 metres shall be permitted instead of the required front yard depth of at least 7.5 metres.

PURPOSE & EFFECT: To permit the construction of a two-storey addition to an existing single detached dwelling.

Notes:

1. Insufficient information was provided to determine zoning compliance for the proposed parking and front yard landscaping. Additional variances may be required if compliance with the Hamilton Zoning By-law 6593 cannot be achieved.

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

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

DATE:	Thursday, June 15, 2023
TIME:	9:55 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

HM/A-23:121

	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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:121, 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-23:121



 Subject Lands

DATED: May 30, 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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Oral Submissions

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1. Virtual Oral Submissions

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

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

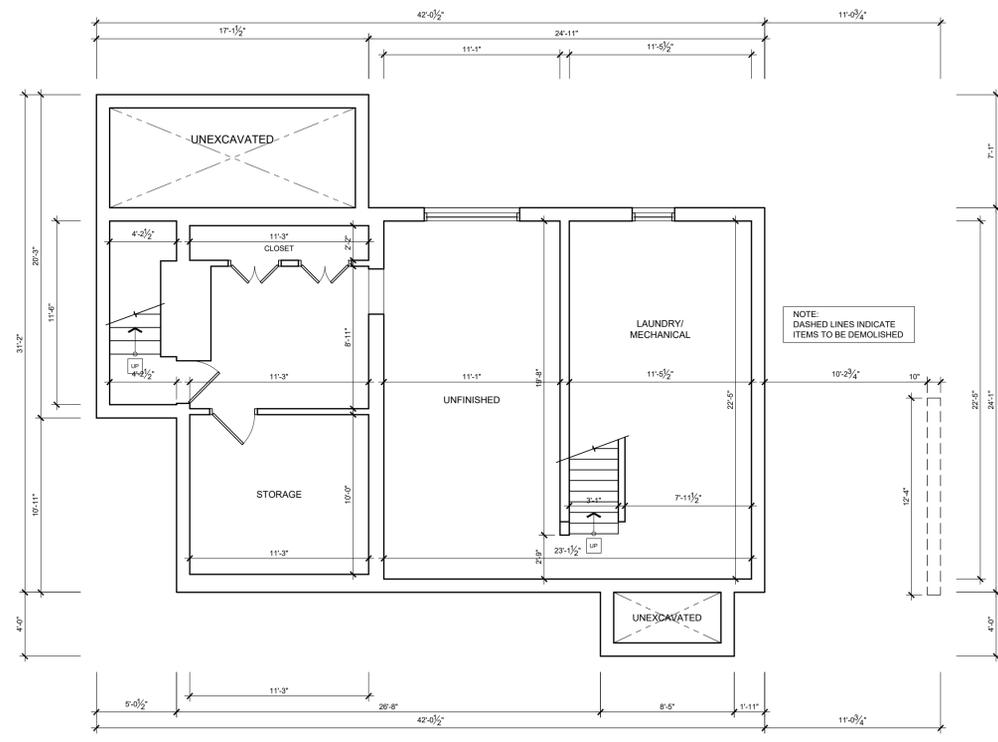
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2. In person Oral Submissions

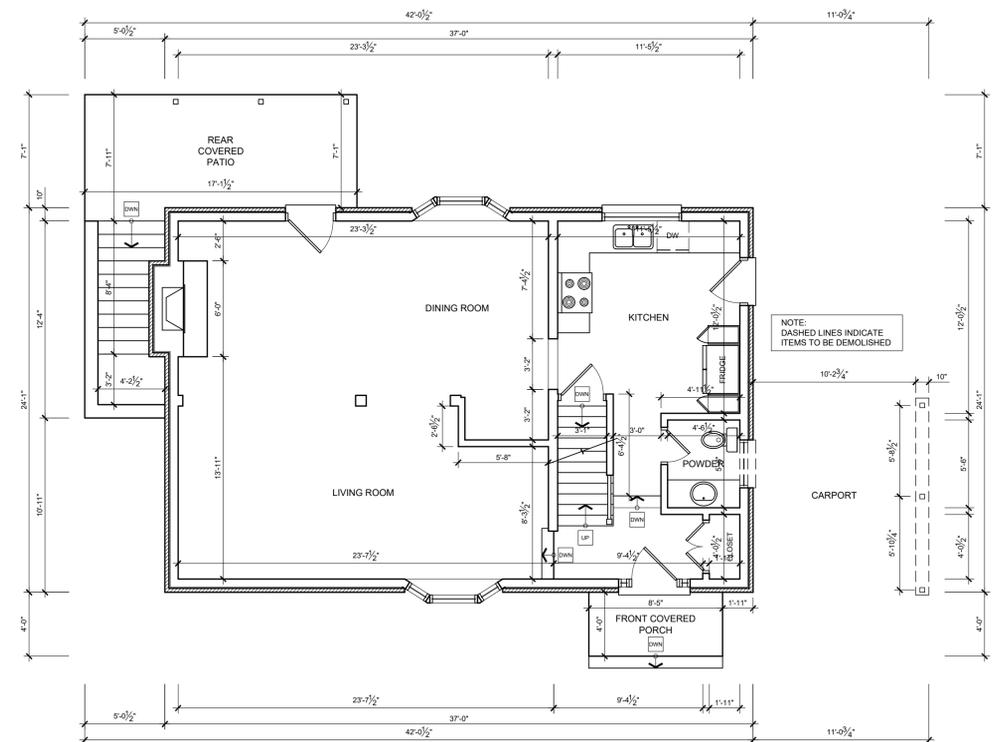
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

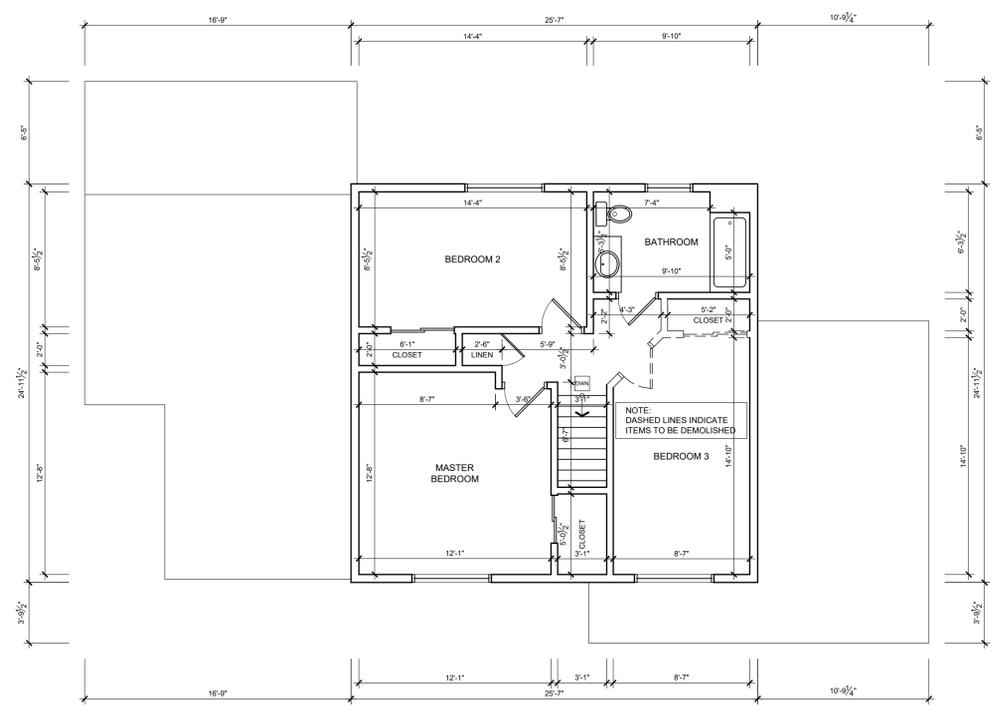
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EXISTING FOUNDATION PLAN
SCALE 3/16" = 1' - 0"



EXISTING MAIN FLOOR PLAN
SCALE 3/16" = 1' - 0"



EXISTING SECOND FLOOR PLAN
SCALE 3/16" = 1' - 0"

PROJECT NORTH	TRUE NORTH
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No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	05/02/2023

- 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.
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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 124457
NAME BCIN

05/02/2023
DATE SIGNATURE

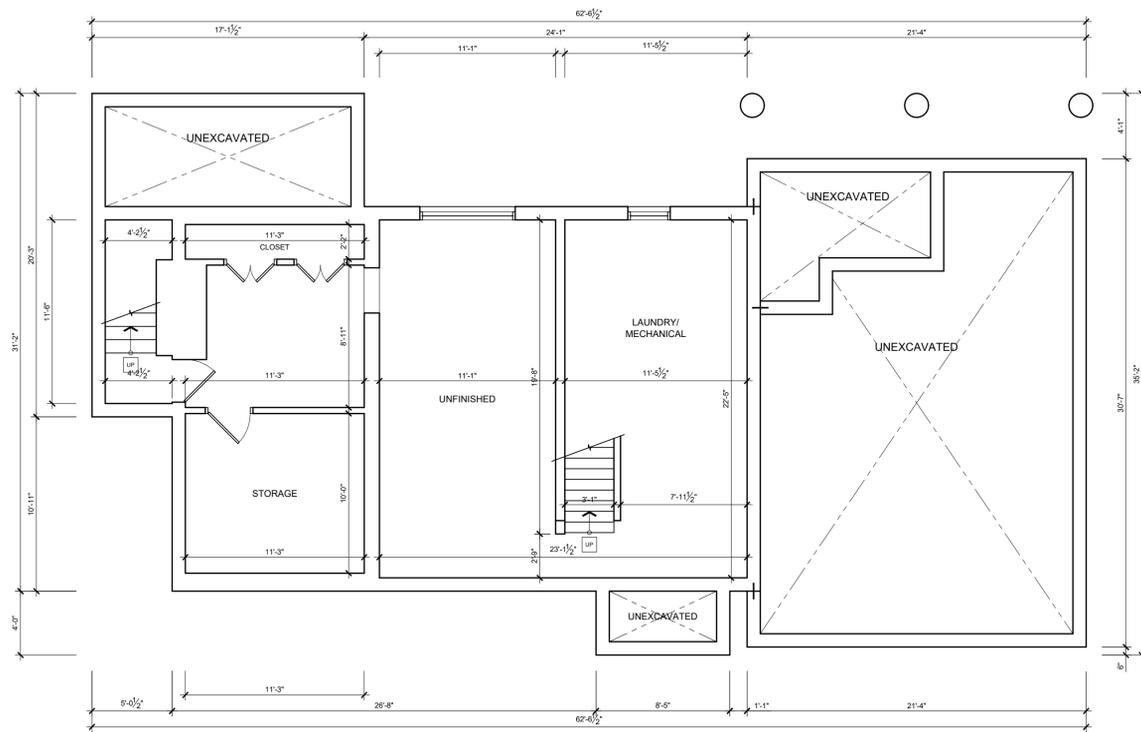
Len Angelici Design

270 SHERMAN AVE N, UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

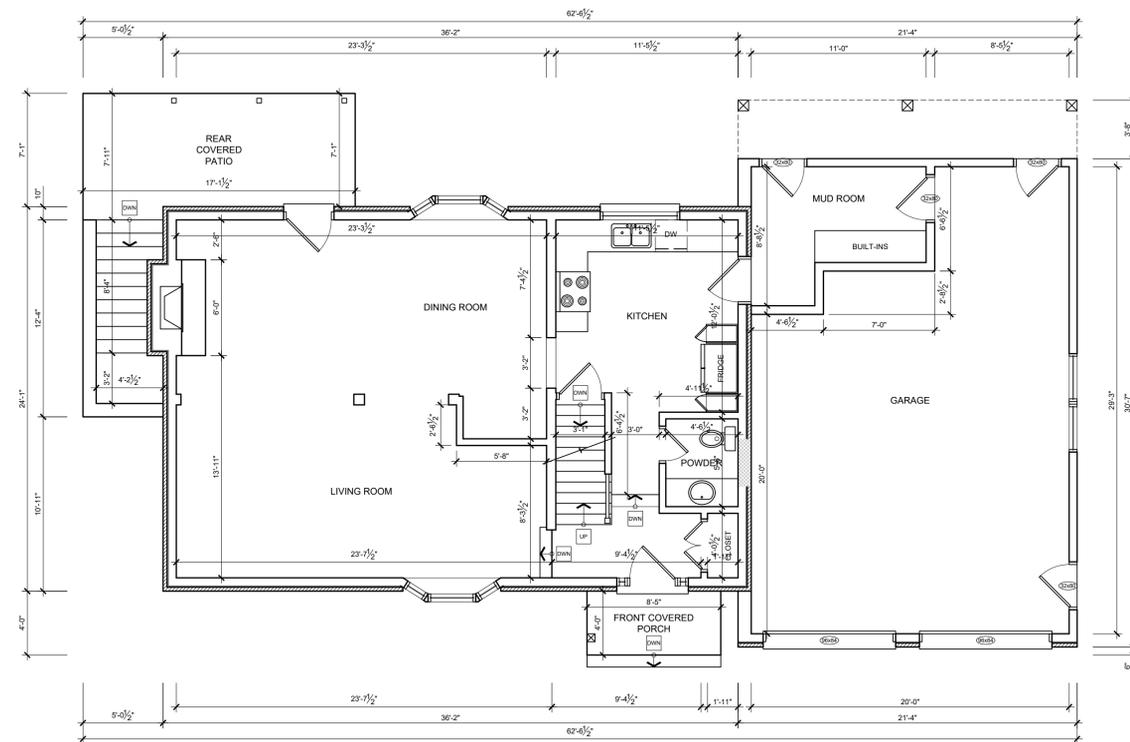
PROJECT
PROPOSED RESIDENCE
92 WEST 34TH ST
HAMILTON, ON
L9C 5K2

SHEET TITLE
EXISTING FLOOR PLANS

DRAWN BY L. ANGELICI	A1
DATE 05/02/2023	
SCALE 3/16"=1'-0"	
PROJECT No. 22071	

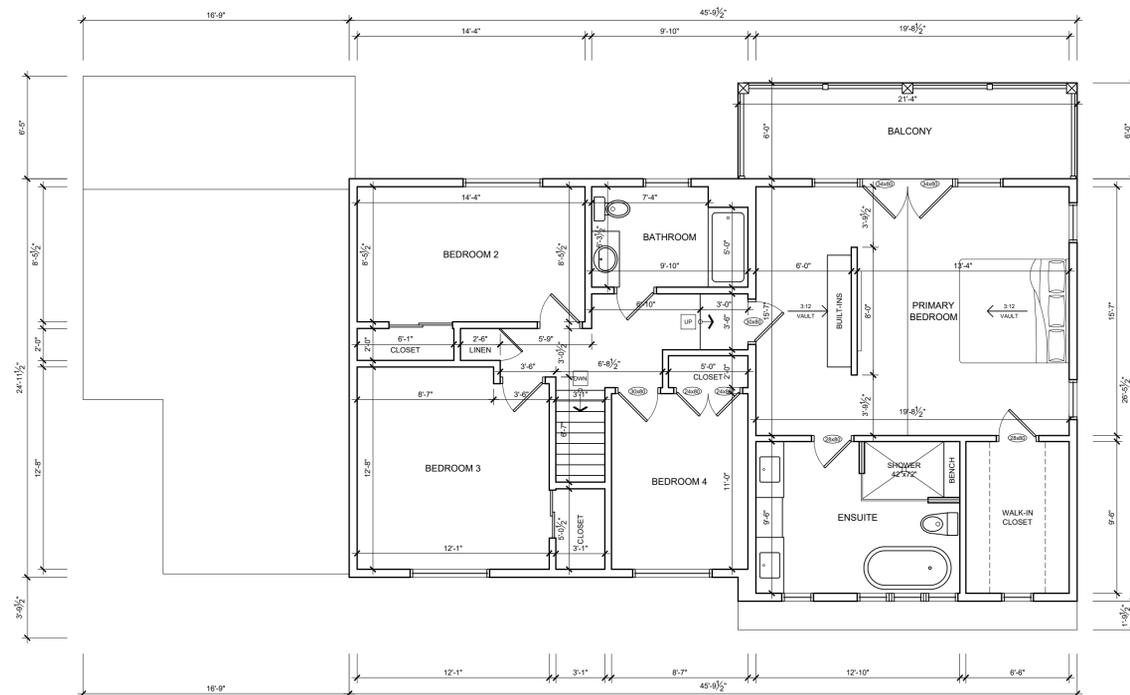


PROPOSED FOUNDATION PLAN
SCALE 3/16" = 1' - 0"



PROPOSED MAIN FLOOR PLAN
SCALE 3/16" = 1' - 0"

GARAGE AREA: 536.30sqft (49.82m²)
MUD ROOM: 96.07sqft (8.93m²)
BALCONY OVERHANG: 78.22sqft (7.27m²)
COVERED FRONT PORCH: 33.67sqft (3.13m²)



PROPOSED SECOND FLOOR PLAN
SCALE 3/16" = 1' - 0"

PRIMARY SUITE: 536.36sqft (49.83m²)
COVERED BALCONY: 128.00sqft (11.89m²)

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
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QUALIFICATION INFORMATION
LEONARD ANGELICI 42391
NAME BCIN

REGISTRATION INFORMATION
LEN ANGELICI DESIGN 124457
NAME BCIN

05/02/2023
DATE SIGNATURE

Len Angelici Design

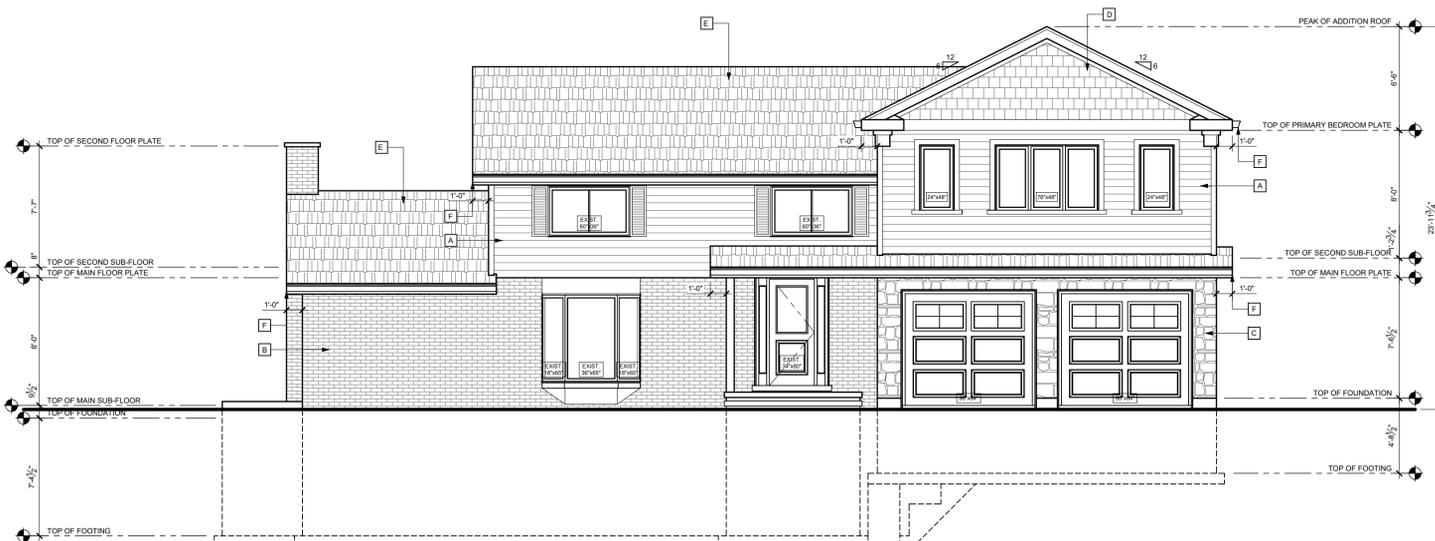
270 SHERMAN AVE N, UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE
92 WEST 34TH ST
HAMILTON, ON
L9C 5K2

SHEET TITLE
PROPOSED FLOOR PLANS

DRAWN BY	L. ANGELICI
DATE	05/02/2023
SCALE	3/16"=1'-0"
PROJECT No.	22071

A2



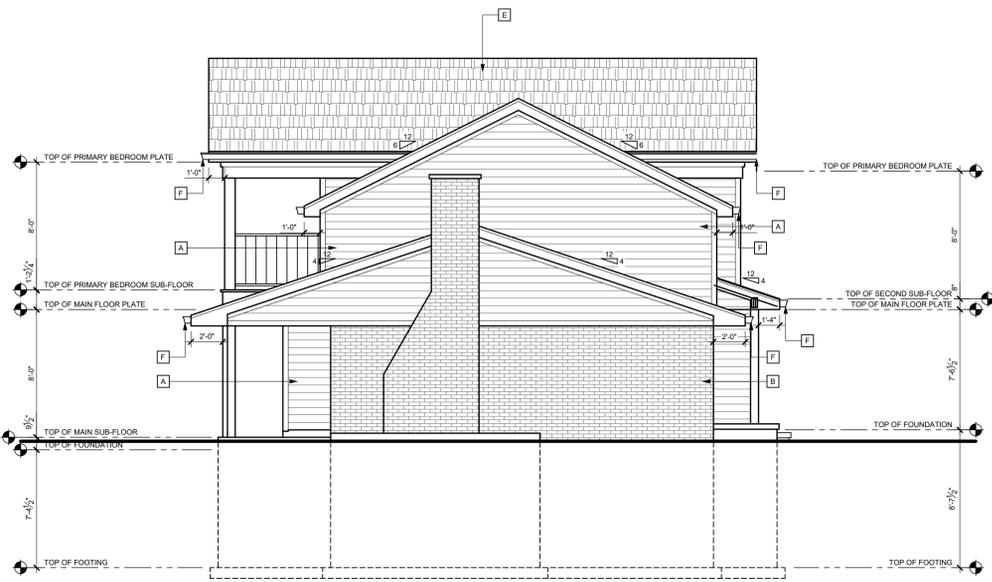
FRONT ELEVATION
SCALE 3/16" = 1' - 0"



REAR ELEVATION
SCALE 3/16" = 1' - 0"



RIGHT SIDE ELEVATION
SCALE 3/16" = 1' - 0"



LEFT SIDE ELEVATION
SCALE 3/16" = 1' - 0"

EXTERIOR FINISH INDEX

- A PRE-FIN. WOOD SIDING
- B BRICK VENEER
- C NATURAL STONE VENEER
- D CEDAR STYLE SHINGLES
- E ASPHALT SHINGLES
- F 5" PRE-FIN. ALUM. EAVETROUGH ON 8" WITH PRE-FIN. ALUM. FASCIA C/W PRE-FIN. ALUM. DOWNSPOUT

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
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QUALIFICATION INFORMATION

LEONARD ANGELICI	42391
NAME	BCIN

REGISTRATION INFORMATION

LEN ANGELICI DESIGN	124457
NAME	BCIN

05/02/2023
DATE SIGNATURE

Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE
**92 WEST 34TH ST
HAMILTON, ON
L9C 5K2**

SHEET TITLE
PROPOSED ELEVATIONS

DRAWN BY	A3
L. ANGELICI	
DATE	
05/02/2023	
SCALE	
3/16"=1'-0"	
PROJECT No.	22071



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 [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	92 WEST 34TH ST		
Assessment Roll Number			
Former Municipality	HAMILTON		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

RELIEF FROM REQUIRED FRONT YARD SETBACK OF 7.5m TO PROPOSED 6.57m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

EXISTING FRONT PORCH HAS FRONT YARD SETBACK OF 6.41m, PROPOSED ADDITION CONSTRUCTION NOT TO EXTEND PAST FRONT PORCH

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
22.86m	30.48m	696.77m 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	7.43m	15.30m	2.40m, 9.18m	UNKNOWN
FRONT PORCH	6.41m			

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
DWELLING (ADDITION)	6.57m	14.59m	2.93m, 13.42m	UNKNOWN
ADDITION BALCONY		13.47m	2.93m, 13.42m	

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	83.88m ²	141.55m ²	2	6.54m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
DWELLING (ADDITION)	58.75m ²	108.58m ²	2	7.31m
ADDITION BALCONY	11.89m 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 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) 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? B-1/S-18227.8 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
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/B-22:79	SUBJECT PROPERTY:	182 WEST 2ND STREET, HAMILTON
-------------------------	-------------------	--------------------------	----------------------------------

APPLICANTS: **Owner:** H. SINGH RANDHAWA

PURPOSE & EFFECT: To permit the conveyance of a parcel of land containing one half of a semi-detached dwelling and to retain a parcel of land containing one half of a semi-detached dwelling. Existing single-family dwelling to be removed.

	Frontage	Depth	Area
SEVERED LANDS (Part 1):	7.6 m [±]	48.2 m [±]	367 m ² [±]
RETAINED LANDS (Part 2):	7.6 m [±]	48.2 m [±]	367 m ² [±]

Associated Planning Act File(s): HM/A-22:257

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 15, 2023
TIME:	10:15 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-22:79

- Visit www.hamilton.ca/committeeofadjustment
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- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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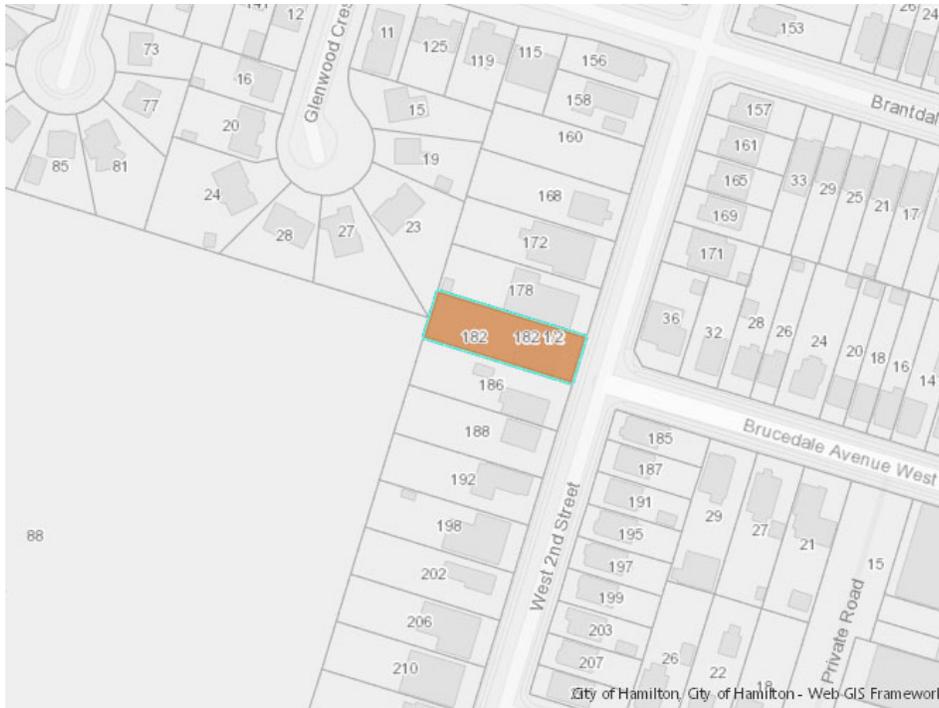
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If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

HM/B-22:79



 **Subject Lands**

DATED: May 30, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

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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.**

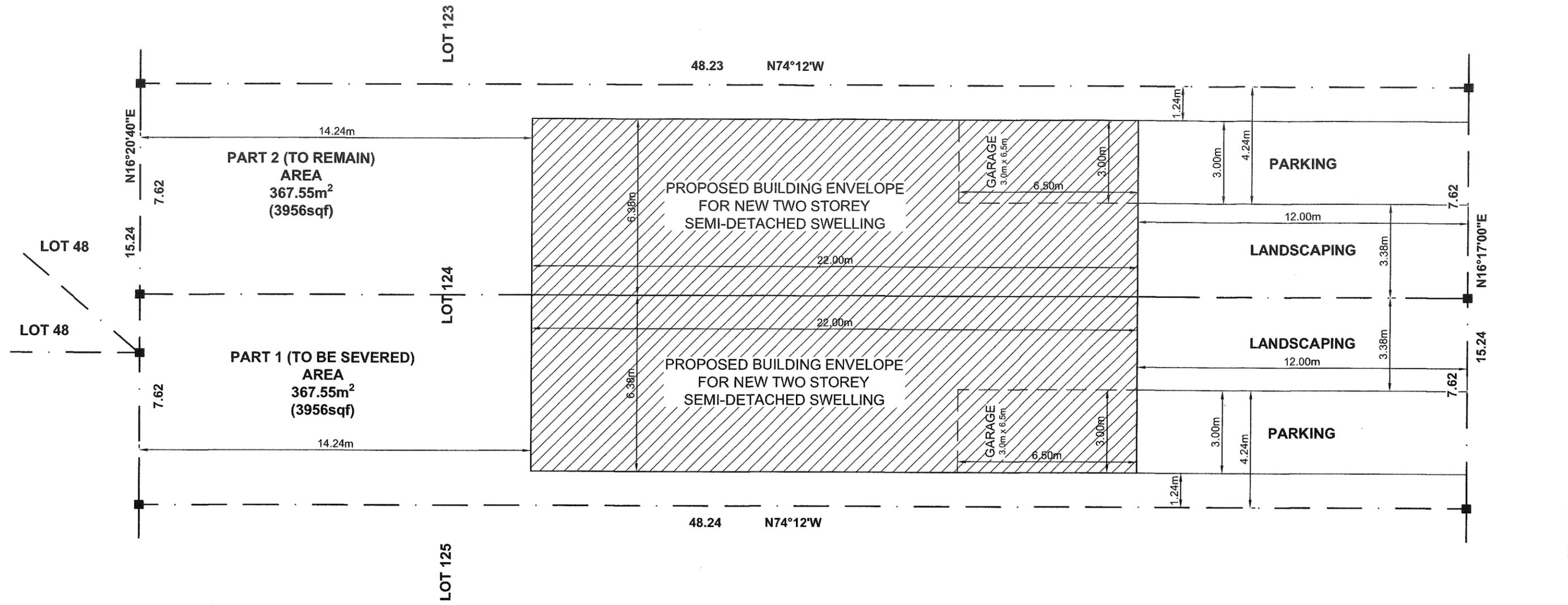
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We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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



WEST 2nd STREET

SITE STATISTICS

TOTAL EXISTING LOT AREA	7912 sqf	(735.0 m ²)
PART 1 (SEVERED LAND) LOT AREA		
PROPOSED DWELLING (GROUND FLOOR)	1511 sqf	(140.36 m ²)
FRONT YARD AREA	984 sqf	(91.44 m ²)
FRONT YARD LANDSCAPING AREA	438 sqf	(40.68 m ²) (44%)
PART 2 (REMNANT LAND) LOT AREA		
PROPOSED DWELLING (GROUND FLOOR)	1511 sqf	(140.36 m ²)
FRONT YARD AREA	984 sqf	(91.44 m ²)
FRONT YARD LANDSCAPING AREA	438 sqf	(40.68 m ²) (44%)

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

3		 DeFILIPPIS DESIGN 687 BARTON ST. E., SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095
2	MAY, 2022	
1	JUNE, 2021	
REV.		
JOB NO.		HARNEK SINGH 182 WEST 2nd STREET HAMILTON, ONTARIO
CHKD. BY		
DRN. BY		
DATE: MAY, 2021		
SCALE: N.T.S.		SITE PLAN
DWG NO. SP-1		





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

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

**APPLICATION FOR CONSENT TO SEVER LAND
 UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone: E-mail:
Registered Owners(s)	HANEK SINGH RANA HAWA		
Applicant(s)**	SAH		
Agent or Solicitor	DEFILIPPIS DESIGN		

*Purchaser must provide a copy of the power of attorney that authorizes the purchaser to make the application subject of the application. (O. Reg. 786/21)

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
HAMILTON			
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address	182 West 7 th St		Assessment Roll N°.

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

Yes No

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

[Empty box for describing easements]

3 PURPOSE OF THE APPLICATION

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

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

creation of a new lot
 addition to a lot
 an easement

Other: a charge
 a lease
 a correction of title

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

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

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

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

PENDING

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

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed (lease, easement, charge etc.):

Frontage (m)	Depth (m)	Area (m ² or ha)
<u>7.6m</u>	<u>48.2m</u>	<u>367 sqm ±</u>

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: SINGLE FAMILY TO BE DEMOLISHED.

Proposed: TWO SEMI-DETACHED TWO STOREY DWELLINGS.

Existing structures to be removed: _____

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be Retained (remainder): PART 2

Frontage (m)	Depth (m)	Area (m ² or ha)
<u>71.6m</u>	<u>48.2m</u>	<u>367 sqm</u>

Certificate Request for Retained Lands: Yes* No

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

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: SINGLE FAMILY TO BE DEMOLISHED

Proposed: TWO TWO STOREY SEMI-DETACHED DWLG.

Existing structures to be removed: YES

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
- telephone
- school bussing
- garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable) URBAN SETTLEMENT

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

INTENSIFICATION IN AN AREA DESIGNATED FOR EXPANSION

- 5.2 What is the existing zoning of the subject land? C
 If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? NO
- 5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

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

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use NA
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown

6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown

6.11 What information did you use to determine the answers to 6.1 to 6.10 above?

SINGLE FAMILY RESIDENTIAL USE
IN EXCESS OF 60 YEARS

6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

7.1 a) Is this application consistent with the Policy Statements issued under subsection of the Planning Act? (Provide explanation)

Yes No

INTENSIFICATION IN AN
EXISTING URBAN NEIGHBORHOOD

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

Same as 7.1(a)

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

SAME AS 7.1(a)

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

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

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

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

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

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

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

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

Front yard set back: _____

d) Surplus farm dwelling date of construction:

Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

Habitable Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

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

12 ACKNOWLEDGEMENT CLAUSE

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

July 15/2022
 Date

[Signature]
 Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:257	SUBJECT PROPERTY:	182 WEST 2ND STREET, HAMILTON
ZONE:	"C" (Urban Protected Residential, Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 87-09

APPLICANTS: **Owner:** H. SINGH RANDHAWA

The following variances are requested:

1. A minimum northerly side yard width of 0.0 metres shall be provided for the portion of the lands to be severed (Part 1), and a minimum southerly side yard width of 0.0 metres shall be provided for the portion of the lands to be retained (Part 2), instead of the minimum required side yard width of 1.2 metres.
2. A minimum lot width of 7.62 metres shall be provided for the portion of the lands to be severed (Part 1) and the portion of the lands to be retained (Part 2), instead of the minimum required lot width of 12.0 metres.
3. The front yard landscaped area shall be a minimum of 44 percent of the gross area of the front yard instead of the minimum 50.0 percent of the gross area of the front yard required.

PURPOSE & EFFECT: To facilitate the creation of two (2) lots in conjunction with Application for Consent/Land Severance No. HM/B-22:79, and the construction of a semi-detached dwelling consisting of two (2) single family dwellings, notwithstanding that:

Notes:

1. Please note this application is to be heard in conjunction with Application for Consent/Land Severance No. HM/B-22:79.
2. The submitted application indicates that the proposed development of both the portion lands to be severed ("Part 1") and the portion of the lands to be retained ("Part 2") as a Semi-Detached

HM/A-22:257

Dwelling. Please note that a Semi-Detached Dwelling is not a use permitted in the current “C” District. However, should the Application for Consent/Land Severance No. HM/B-22:79 be approved as proposed and prior to development occurring on the lands, the development as indicated would be two (2) Single Family Dwellings, one each on the portion of the lands to be severed (“Part 1”) and the portion of the lands to be retained (“Part 2”).

3. The submitted application indicates the proposed semi-detached dwelling is to be two (2) storey’s in height. Please note that detailed elevation drawings have not been provided to confirm the height of the proposed semi-detached dwelling. As per Section 9(2), no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres in height. Additional variances may be required if compliance with Section 9(2) is not possible.
4. Specific details regarding parking space(s) on each lot have not been provided to confirm zoning compliance. From the materials provided, it appears a minimum of two (2) parking spaces can be accommodated on each lot. Please note that additional variances may be required if compliance with Section 18A is not possible.
5. Please note that as per Section 18A(1)(a), for a single family dwelling a minimum of two (2) parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit are required, plus 0.5 parking spaces for each additional habitable room. Detailed floor plans have not been provided to confirm the total number of required parking spaces. From the materials provided, it appears a minimum of two (2) parking spaces can be accommodated on each lot. Please note that additional variances may be required if compliance with Section 18A is not possible.
6. Specific details regarding proposed yard encroachments and other supplementary requirements as established by Section 18, were not included as part of this application. Further variances may be required if compliance with Section 18 cannot be achieved.
7. Construction of the proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

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 15, 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:

HM/A-22:257

- 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-22:257, 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 30, 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.

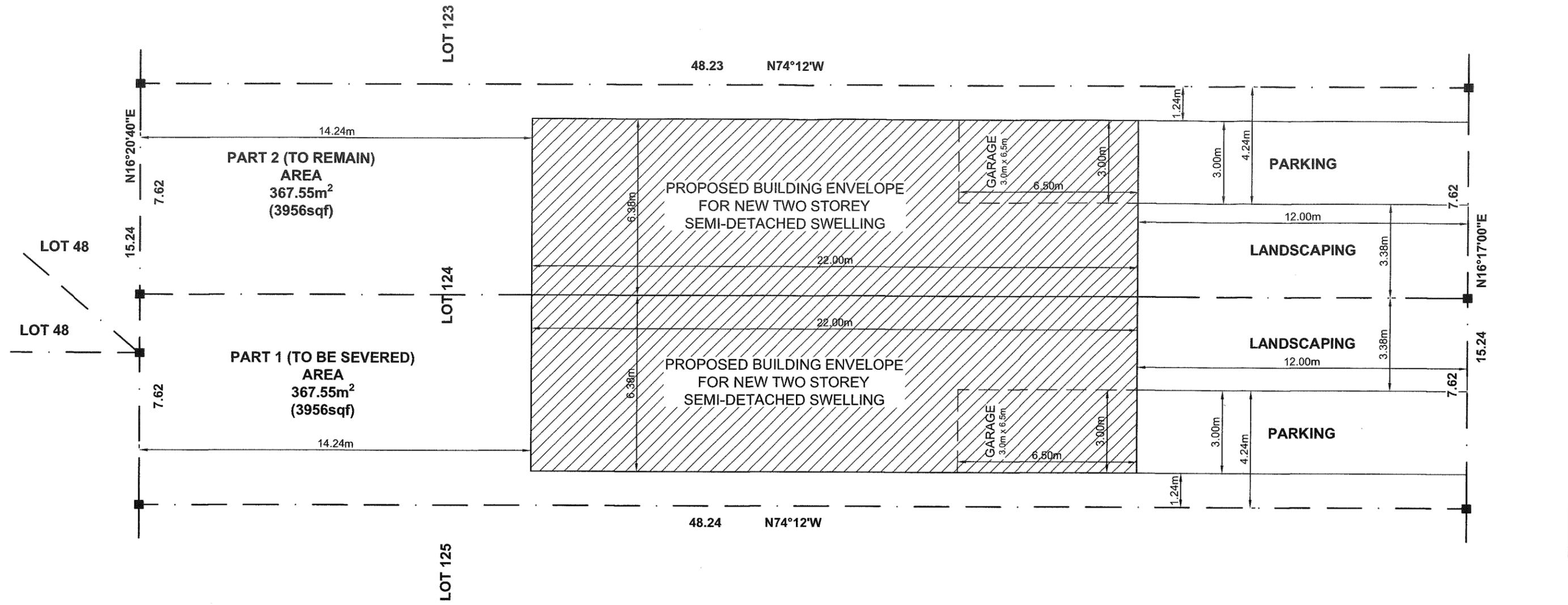
2. In person Oral Submissions

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.

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



WEST 2nd STREET

SITE STATISTICS

TOTAL EXISTING LOT AREA	7912 sqf	(735.0 m ²)
PART 1 (SEVERED LAND) LOT AREA		
PROPOSED DWELLING (GROUND FLOOR)	1511 sqf	(140.36 m ²)
FRONT YARD AREA	984 sqf	(91.44 m ²)
FRONT YARD LANDSCAPING AREA	438 sqf	(40.68 m ²) (44%)
PART 2 (REMNANT LAND) LOT AREA		
PROPOSED DWELLING (GROUND FLOOR)	1511 sqf	(140.36 m ²)
FRONT YARD AREA	984 sqf	(91.44 m ²)
FRONT YARD LANDSCAPING AREA	438 sqf	(40.68 m ²) (44%)

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

3		 DeFILIPPIS DESIGN 687 BARTON ST. E., SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095
2	MAY, 2022	
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CHKD. BY		
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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

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

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME
Registered Owners(s)	HARVEK SINGH RANDEHAWA
Applicant(s)*	SAM
Agent or Solicitor	DE FILIPPES DESIGN

Note: Unless otherwise requested all information shall be kept confidential.

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

N/A

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

4. Nature and extent of relief applied for: *FRONT YARD LANDSCAPE OF 44% INSTEAD OF 50%*
 PART 2 - SOUTH SIDE YARD OF 0.0M
 PART 1 NORTH SIDE YARD OF 0.0M
 PART 1/2 - LOT FRONTAGE OF 7.6M INSTEAD OF 12.0M
 Second Dwelling Unit Reconstruction of Existing Dwelling

5. Why is it not possible to comply with the provisions of the By-law?
ACHIEVE INTENSIFICATION WITH COMPATIBLE STREET USE (SEMI-DETACHED DWELL)

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
182 WEST 2ND ST, HAMILTON

7. PREVIOUS USE OF PROPERTY
 Residential Industrial Commercial
 Agricultural Vacant
 Other _____

8.1 If Industrial or Commercial, specify use *N/A*

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes No Unknown

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

Yes No Unknown

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

RESIDENTIAL USE ON PROPERTY
IN EXCESS OF 60 YEARS

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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

JULY
Date

[Signature]
Signature Property Owner(s)
HARNEK SINGH RANDHAWA
Print Name of Owner(s)

10. Dimensions of lands affected: (INDIVIDUAL PARTS 1 & 2)

Frontage 7.6m ±
Depth 48.7m ±
Area 366 sq m ±
Width of street 20m

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

Existing:

SINGLE FAMILY TO BE
DEMOLISHED

Proposed

TWO STOREY SEMI-DETACHED
DWELLING (SEE SITE SKETCH)

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

Existing:

SINGLE FAMILY TO
BE DEMOLISHED

Proposed:

SEE SITE SKETCH

13. Date of acquisition of subject lands:
2017
14. Date of construction of all buildings and structures on subject lands:
Jan 2017
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SINGLE FAMILY
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE FAMILY
17. Length of time the existing uses of the subject property have continued:
60 years plus
18. Municipal services available: (check the appropriate space or spaces)
 Water Connected
 Sanitary Sewer Connected
 Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:
URBAN SETTLEMENT
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
C-RESIDENTIAL
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
 If yes, please provide the file number:
HM/A-218331
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information (please include separate sheet if needed)
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/A-23:122	SUBJECT PROPERTY:	166 BEVERLY COURT, ANCASTER
ZONE:	“ER Zone” (Existing Residential Zone)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended 18-105

APPLICANTS: **Owner:** EDMOND HELSTAB & COLLEEN KELLEY
 Agent: SMPL DESIGN STUDIO C/O LINDSEY BRUCE

The following variances are requested:

1. A minimum rear (southerly) yard setback of 5.98 m shall be permitted instead of the minimum required rear yard setback of 39.11 m; and
2. The attached garage shall be permitted to project 3.96 m beyond the front façade of the dwelling instead of the maximum projection of 2 m.

PURPOSE & EFFECT: To facilitate the construction of a new single detached dwelling with an attached garage:

Notes:

- i. Please be advised that a portion of this property is within an area regulated by Hamilton Conservation Authority. Please contact (905) 525-2181 or nature@conservationhamilton.ca prior to any development.
- ii. A rear portion of the property is within an area controlled by the Niagara Escarpment Planning and Development Act. For further information, please contact the Niagara Escarpment Commission at (905) 877-5191 or necgeorgetown@ontario.ca.

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

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

AN/A-23:122

DATE:	Thursday, June 15, 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.

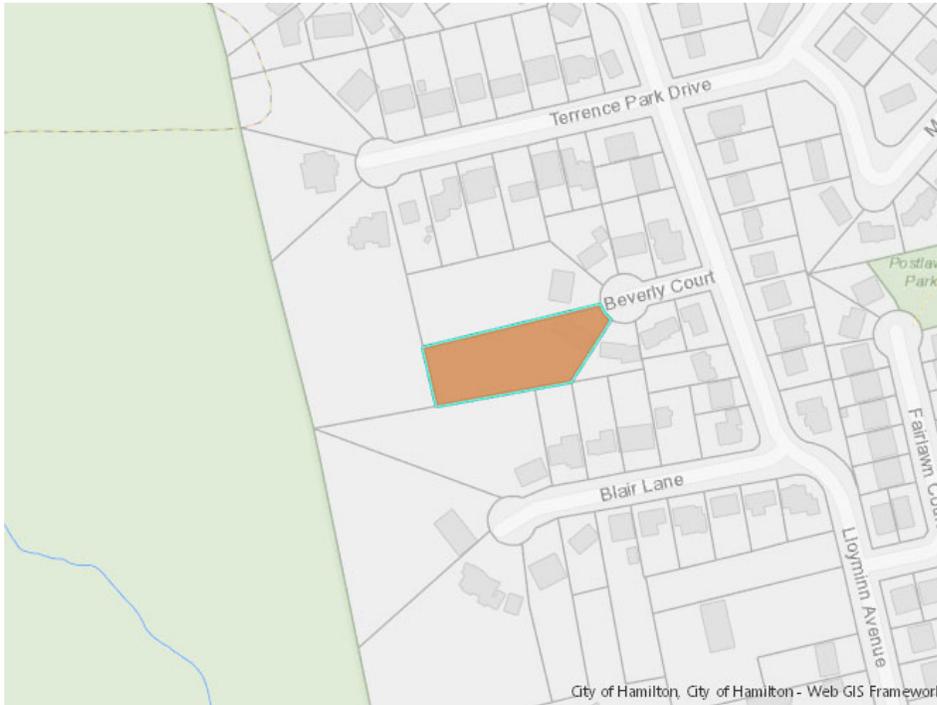
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:122, 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-23:122



DATED: May 30, 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.

TOPOGRAPHIC SURVEY OF
LOT 87
REGISTERED PLAN 783
CITY OF HAMILTON

SCALE 1:200
0 5 10 15 METRES
B.A. JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYOR

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

ELEVATION NOTE:
ELEVATIONS SHOWN ON THIS PLAN ARE REFERRED TO VERTICAL
CONTROL MONUMENT No. 0720020077.
LOCATION: RIB WITH BRASS CAP, LOCATED IN ANCASTER, 7 m.
EAST OF THE CENTRELINE OF LLOYDMINN AVENUE, 8 m. SOUTH
OF THE CENTRELINE OF JERSEYVILLE ROAD AND 2 m. NORTH
OF CENTRELINE OF SIDEWALK.
ELEVATION = 250.858 m. (CGVD28: 78)

LEGEND & NOTES:
■ DENOTES SURVEY MONUMENT FOUND
IB DENOTES IRON BAR
IP DENOTES IRON PIPE
CM DENOTES CONCRETE MONUMENT
(OU) DENOTES ORIGIN UNKNOWN
(1912) DENOTES A.J. CLARKE O.L.S.
(1629) DENOTES B.A. JACOBS O.L.S.
(M&M) DENOTES MACKAY & MACKAY LTD.
G.W. DENOTES GUY WIRE
U.P. DENOTES UTILITY POLE
W.V. DENOTES WATER VALVE
0.3# DENOTES DIAMETER OF TREE

THIS PLAN SHOULD BE READ IN CONJUNCTION WITH A SURVEYOR'S
REAL PROPERTY REPORT PREPARED BY THIS OFFICE (FILE: 16a32-B)

NOTE:
UNDERGROUND SERVICE LOCATIONS WERE DERIVED FROM
INFORMATION PROVIDED BY THE CITY OF HAMILTON.
UNDERGROUND SERVICE LOCATIONS MUST BE VERIFIED
PRIOR TO ANY DESIGN OR CONSTRUCTION.

JANUARY 12, 2023
DATE

B.A. Jacobs
BRYAN JACOBS
ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L8N 1L3)
PHONE 905-521-1535 ba.jacobs@rogers.com

COPYRIGHT JOB No. 22976-T



REGISTERED

PLAN

LOT 86
P.I.N. 17422-0156 (LT)

LOT 85

LOT 74
P.I.N. 17422-0143 (LT)

37.42
N 13° 01' W

LOT 87
P.I.N. 17422-0157 (LT)

BEVERLY COURT
(BY REGISTERED PLAN 783, P.I.N. 17422-0160 (LT))

LOT 88
P.I.N. 17422-0158 (LT)

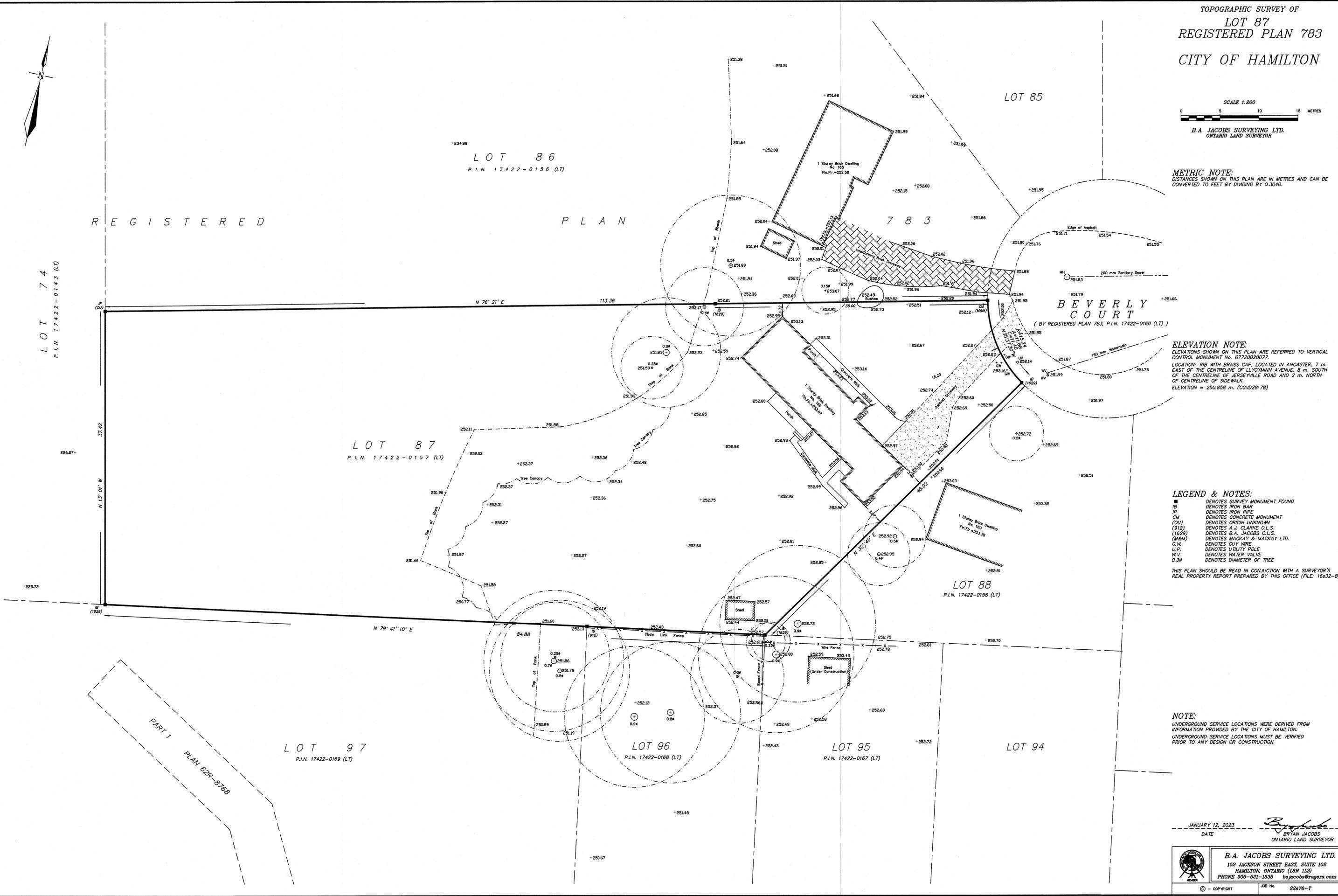
LOT 96
P.I.N. 17422-0168 (LT)

LOT 95
P.I.N. 17422-0167 (LT)

LOT 94

LOT 97
P.I.N. 17422-0169 (LT)

PART 1
PLAN 62R-5768



166 Beverly Court, Ancaster, Ontario

Project Description:

- New Construction

DO NOT SCALE DRAWINGS

Note:

- 1) Contractor to check all dimensions, specifications, and on site and shall be responsible for reporting any discrepancy to the engineer and/or designer.
- 2) These plans are to remain and the property of the designer and must be returned upon request. These plans must not be used in any other location without the written approval of the designer.
- 3) All works to be in accordance with the Ontario Building Code.



DESIGN STUDIO

smpl

Drawing Submissions:

Date:	Type:
May 04, 2023	Planning

166 Beverly Court
Ancaster, Ontario

Square Footage:

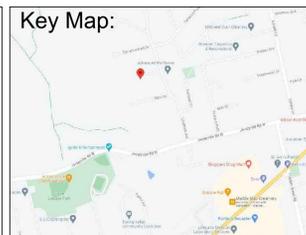
Basement	3312.43 ft ²	307.73 m ²
Main	3730.70 ft ²	346.59 m ²
Garage	963.38 ft ²	89.50 m ²

Architectural Design Firm:
SMPL Design Studio

Address: 15 Colbourne St,
Hamilton, Ontario

Postal: L8R 2G2

Phone: 905-529-7675



Reviewed By: JT

Drawn By: HD²

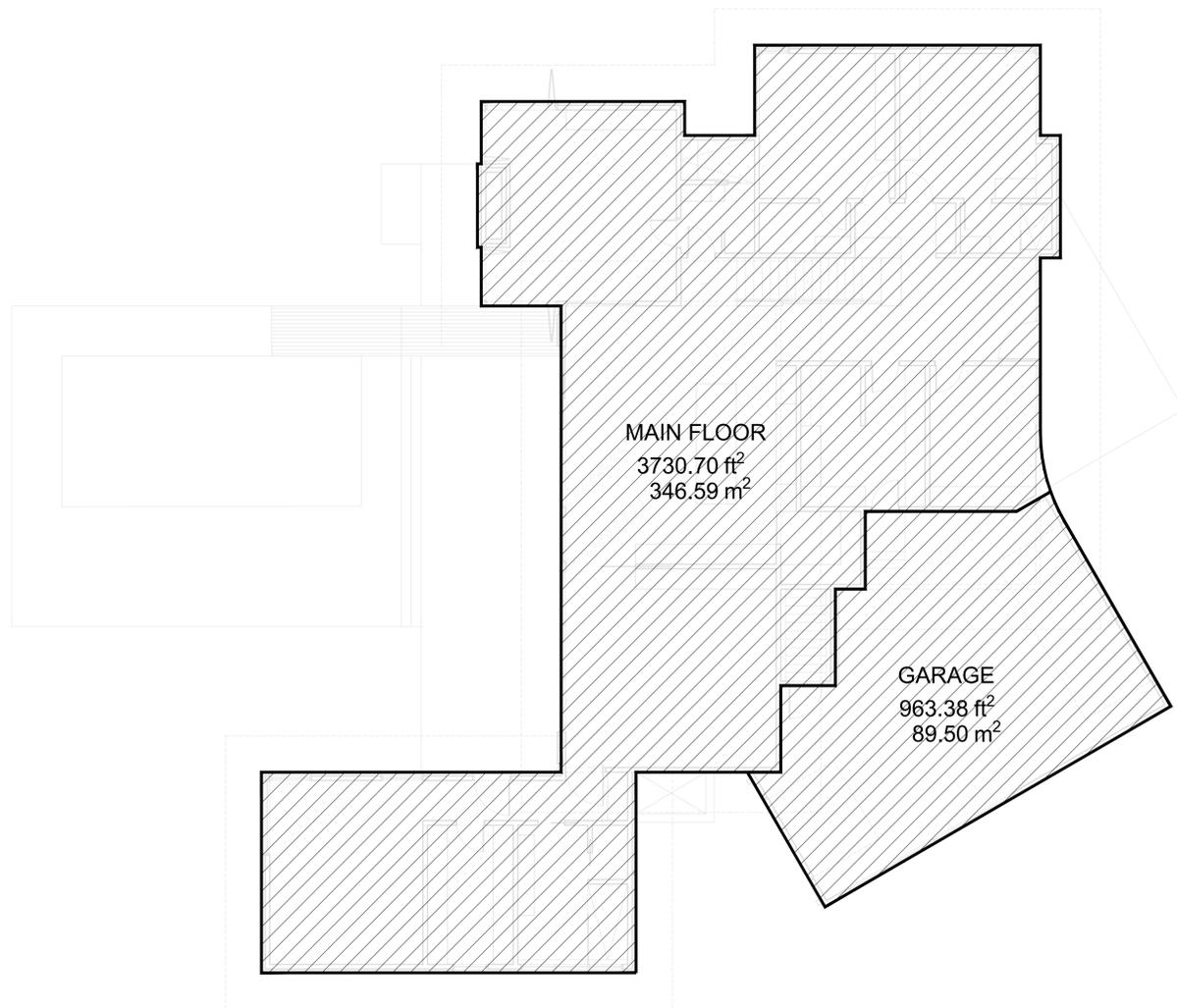
Page
A0.01

Cover Page

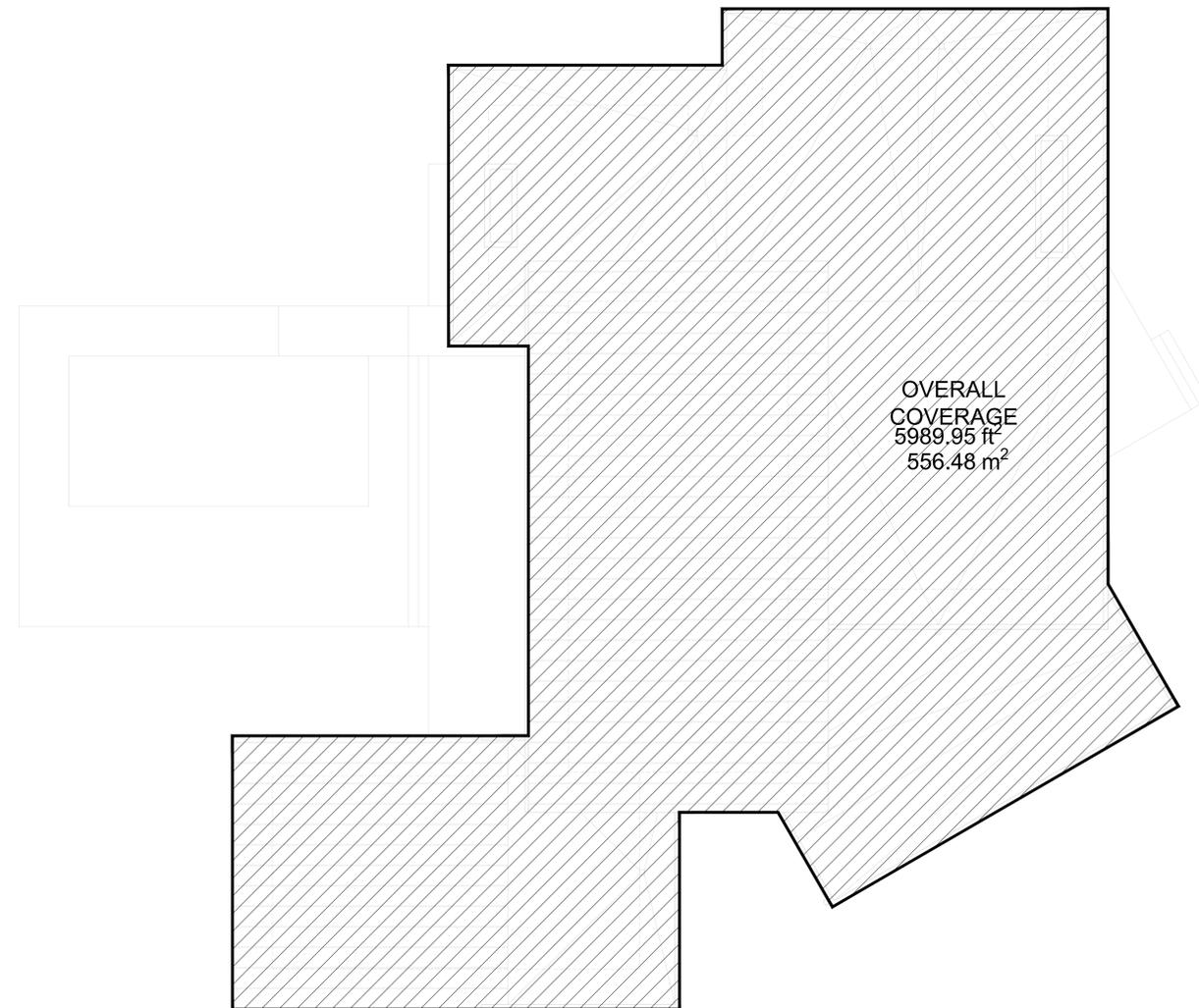
DO NOT SCALE DRAWINGS

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1
Z1.01
Main Floor Zoning
Scale 1:100



2
Z1.01
Overall Coverage
Scale 1:100

smpl DESIGN STUDIO

Drawing Submissions:
Date: May 04, 2023 Type: Planning

166 Beverly Court
Ancaster, Ontario

Reviewed By: JT
Drawn By: HD²

Page
Z1.01

Zoning

DO NOT SCALE DRAWINGS

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LOT STATISTICS

166 Beverly Court, Ancaster, Ontario

Zoning Designation - ER
 Lot Area: 4221.49m²
 Lot Frontage: 16.97m
 Lot Depth: 97.78m

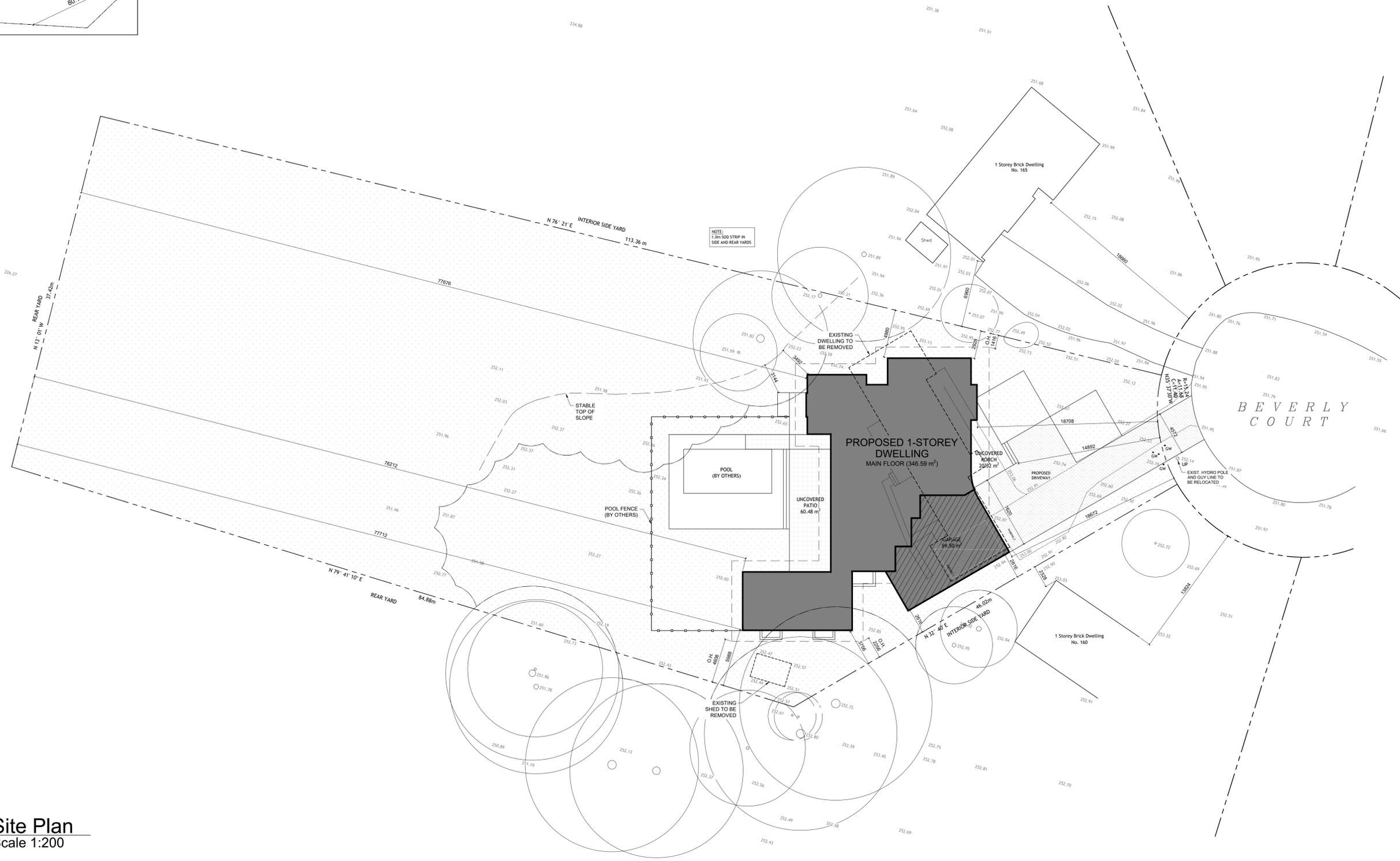
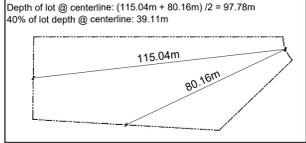
Front Yard: Required Min 12.99m, Max 19.49m; Proposed 14.89m
 Rear Yard (West): Required 39.11m; Proposed 76.21m
 Rear Yard (South): Required 39.11m; Proposed 5.98m
 North Side Yard: Required 2.00m; Proposed 2.92m
 South Side Yard: Required 2.00m; Proposed 2.61m

Lot Coverage: Allowed: 30% (1266.45m²); Proposed 13.18% (556.48m²)
Gross Floor Area: Proposed 346.59m²

Building Height: Allowed 7.50m (2 storey); Proposed 6.05m
 Driveway: Allowed 1477.5m² (35%); Proposed 133.8m (3.07%)

-  BUILDING
-  GARAGE
-  PORCH/ PATIO
-  DRIVEWAY
-  LANDSCAPE

NOTE:
 ALL DIMENSIONS SHOWN IN MILLIMETERS UNLESS NOTED OTHERWISE



smpl DESIGN STUDIO

Drawing Submissions:
 Date: May 04, 2023
 Type: Planning

166 Beverly Court
 Ancaster, Ontario

Reviewed By: JT
 Drawn By: HD²

Page
SP1.01

Site Plan

DO NOT SCALE DRAWINGS

Note:

- 1) Contractor to check all dimensions, specifications, etc. on site and shall be responsible for reporting any discrepancy to the engineer and/or designer.
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- 3) All works to be in accordance with the Ontario Building Code.



smp DESIGN STUDIO

Drawing Submissions:
Date: May 04, 2023 Type: Planning

166 Beverly Court
Ancaster, Ontario

Reviewed By: JT
Drawn By: HD

Page
A1.01

Basement
Floor Plan

1
A1.01 **Proposed Basement Floor Plan**
Scale 1:70

DO NOT SCALE DRAWINGS

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smp DESIGN STUDIO

Drawing Submissions:
Date: May 04, 2023 Type: Planning

166 Beverly Court
Ancaster, Ontario

Reviewed By: JT
Drawn By: HD

Page
A1.02

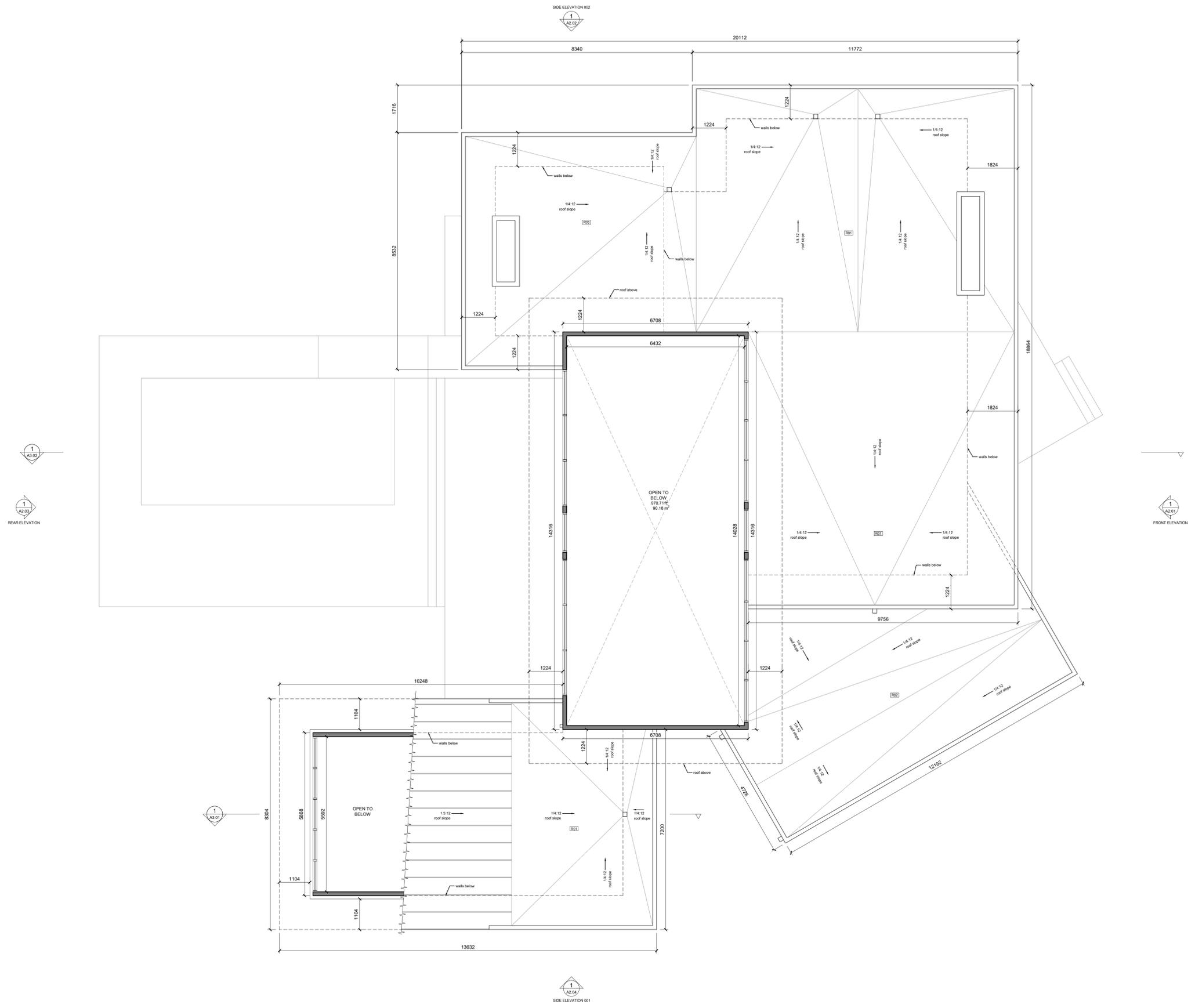
Main Floor Plan

Proposed Main Floor Plan
Scale 1:70

DO NOT SCALE DRAWINGS

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smp DESIGN STUDIO

Drawing Submissions:
 Date: May 04, 2023
 Type: Planning

166 Beverly Court
 Ancaster, Ontario

Reviewed By: JT
 Drawn By: HD²

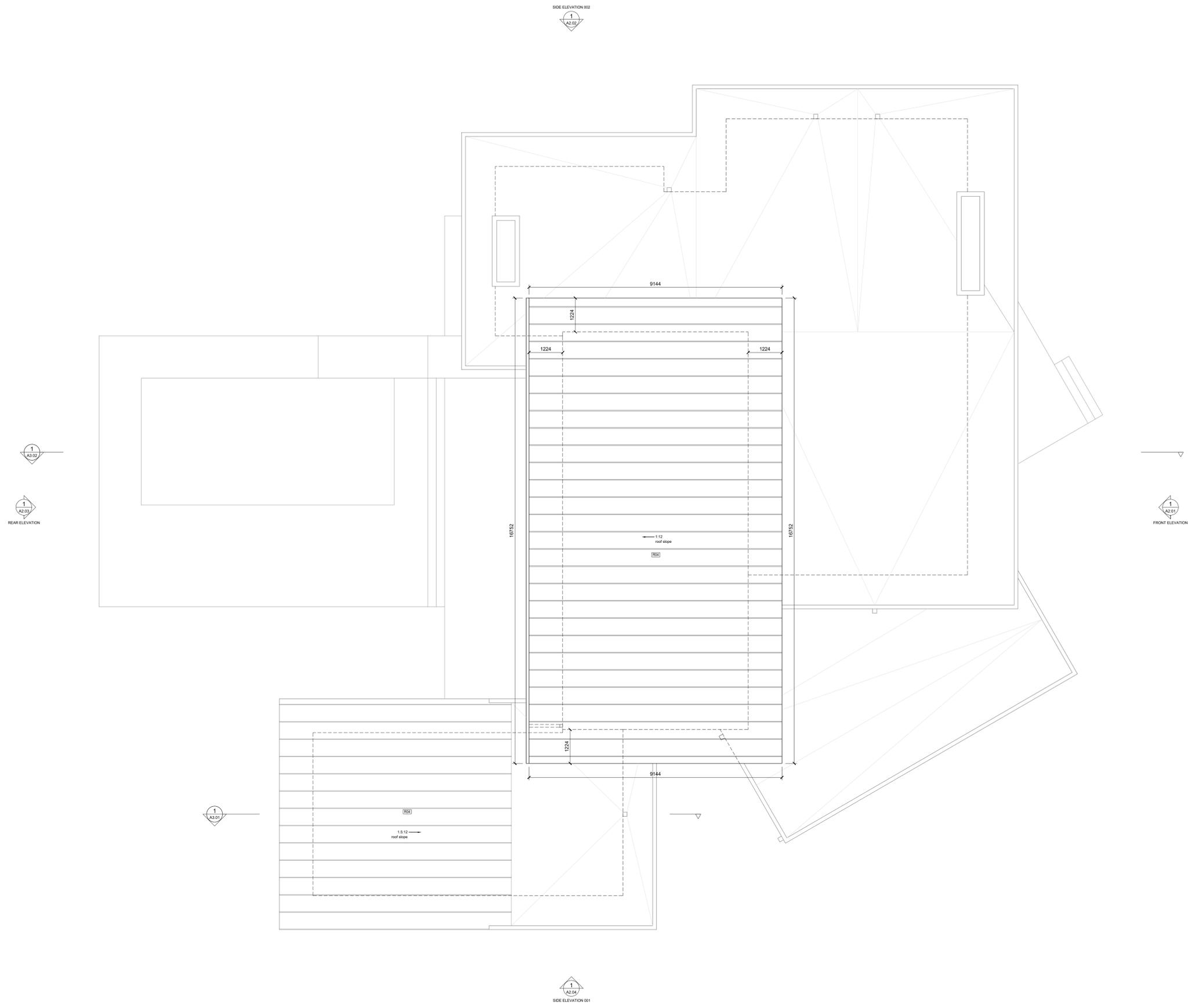
Page
A1.03

Clerestory
 Plan

DO NOT SCALE DRAWINGS

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smpl DESIGN STUDIO

Drawing Submissions:
 Date: May 04, 2023
 Type: Planning

166 Beverly Court
 Ancaster, Ontario

Reviewed By: JT
 Drawn By: HD²

Page
A1.04

Roof
 Plan

Proposed Roof Plan
 Scale 1:70

1
 A1.04

DO NOT SCALE DRAWINGS

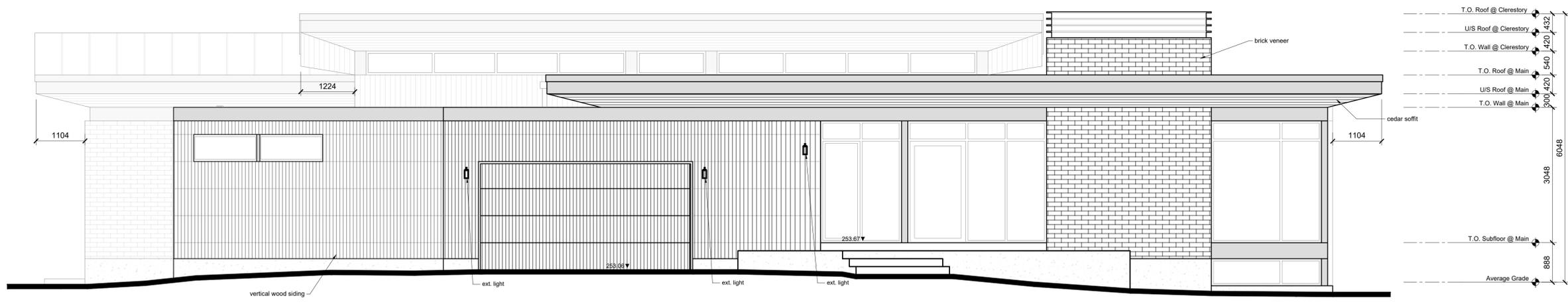
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smpl DESIGN STUDIO

Drawing Submissions:
 Date: May 04, 2023 Type: Planning

166 Beverly Court
 Ancaster, Ontario

Reviewed By: JT
 Drawn By: HD²
 Page: **A2.01**
 Elevations



Front Elevation
 Scale 1:50

DO NOT SCALE DRAWINGS

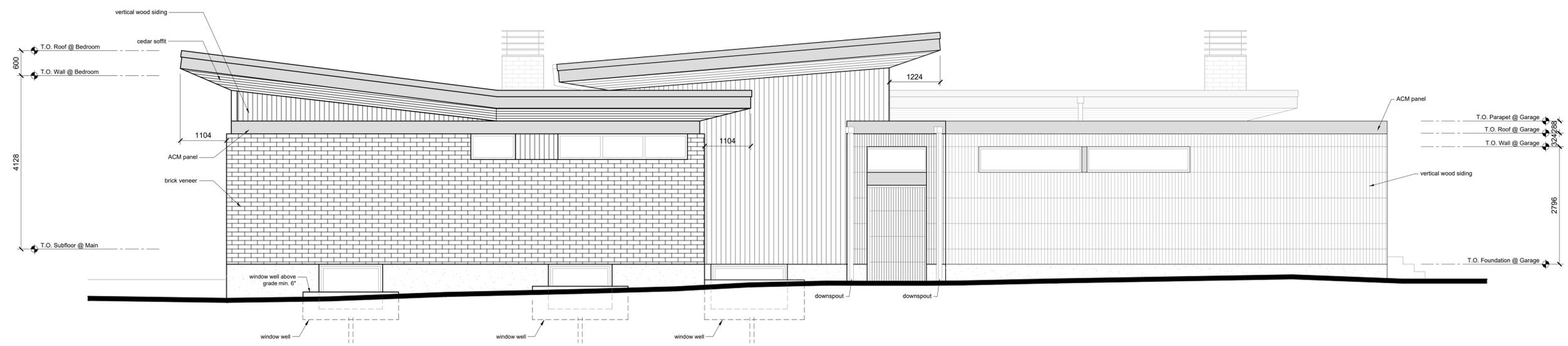
Note:

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smpl DESIGN STUDIO

Drawing Submissions:

Date:	Type:
May 04, 2023	Planning



1
A2.02

Side Elevation 001 (South)
Scale 1:50

166 Beverly Court
Ancaster, Ontario

Reviewed By JT
Drawn By HD²

Page
A2.01

Elevations

DO NOT SCALE DRAWINGS

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smpl DESIGN STUDIO

Drawing Submissions:
 Date: May 04, 2023 Type: Planning

166 Beverly Court
 Ancaster, Ontario

Reviewed By: JT
 Drawn By: HD²
 Page: **A2.03**
 Elevations



DO NOT SCALE DRAWINGS

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smpl DESIGN STUDIO

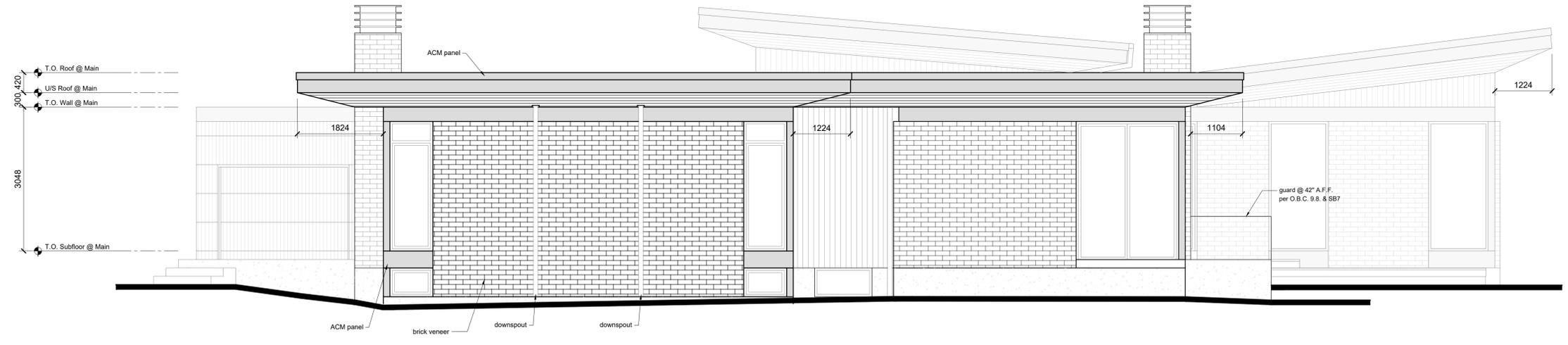
Drawing Submissions:
 Date: May 04, 2023 Type: Planning

166 Beverly Court
 Ancaster, Ontario

Reviewed By: JT
 Drawn By: HD²

Page
A2.03

Elevations



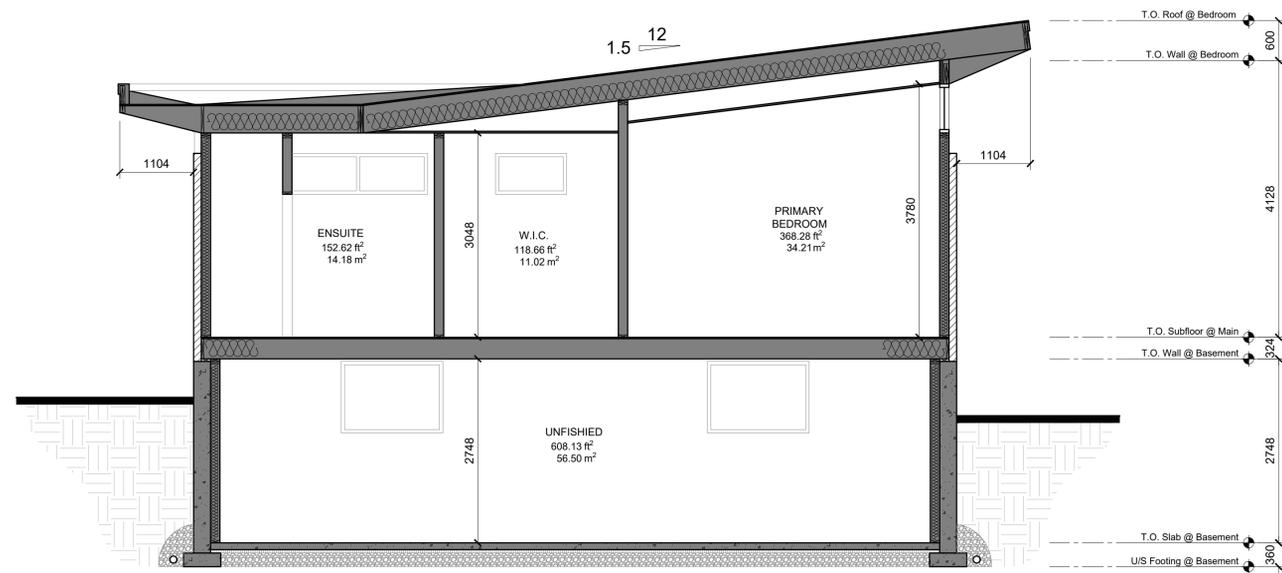
Side Elevation 002 (North)
 Scale 1:50

1
 A2.04

DO NOT SCALE DRAWINGS

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smpl DESIGN STUDIO

Drawing Submissions:

Date:	Type:
May 04, 2023	Planning

166 Beverly Court
Ancaster, Ontario

Reviewed By JT
Drawn By HD²

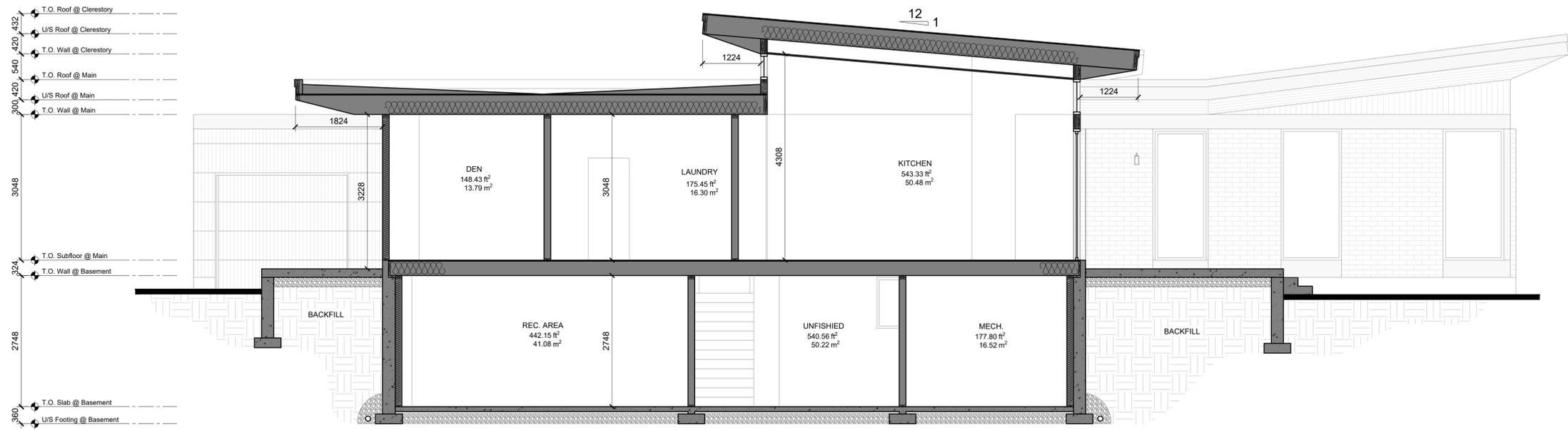
Page
A3.01

Sections

DO NOT SCALE DRAWINGS

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smpl DESIGN STUDIO

Drawing Submissions:
Date: May 04, 2023 Type: Planning

166 Beverly Court
Ancaster, Ontario

Reviewed By: JT
Drawn By: HD²

Page
A3.02

Sections

May 4, 2023

Committee of Adjustment
City Hall, 5th Floor,
71 Main Street West
Hamilton, ON L8P 4Y5
cofa@hamilton.ca

RE: Minor Variance Application – 166 Beverly Court, Ancaster ON L9G 1C1

smpl Design Studio is the authorized architectural consultant for the property owner of 166 Beverly Court in the City of Hamilton. We are pleased to submit this application for a Minor Variance on their behalf.

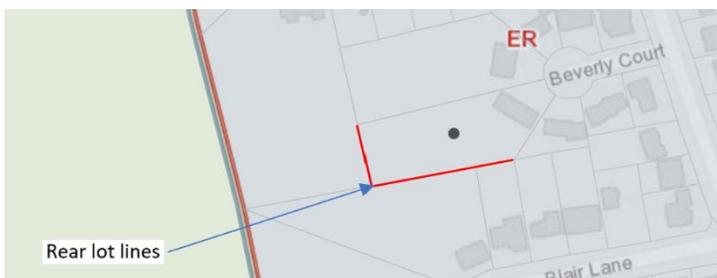
The subject lands are designated Neighbourhoods on Schedule E-1 Urban Land Use Designation in the Urban Hamilton Official Plan, and reside in the Existing Residential (ER) Zone in the Ancaster Zoning By-law No. 87-57. The lands are regulated by Hamilton Conservation Authority, and the rear portion of the property is within the Niagara Escarpment Development Control Area and is designated as Escarpment Natural Area. This 0.4 ha lot fronts onto Beverly Court and is surrounded by similar residential uses. The proposed development consists of demolishing the existing 1-storey detached residential dwelling and constructing a new 1-storey dwelling with attached garage and rear yard patio and pool with associated landscaping, and new asphalt driveway.

This Minor Variance application is intended to achieve relief from the Ancaster Zoning By-law No. 87-57 with respect to the Existing Residential (ER) Zone to permit the development of the lands for the proposed new 1-storey residential dwelling.

The following minor variance is requested:

1. To permit a **minimum rear yard setback (south) of 5.98m**, whereas 39.11m is required.

The requested relief should be viewed in the context of the existing 5-sided irregular lot and the definitions of lot lines and lot depth in the Ancaster Zoning By-law No. 87-57. As confirmed by Zoning Staff, this lot consists of two rear lot lines as noted below:



In a situation such as this, and upon advice from Staff, the lot depth was calculated taking the average length of the dimensions from the centre of the front lot line to the centre of each rear lot line.

As the average depth was confirmed to be greater than 50m, per the Zoning By-law, the required rear yard setback is to be 40% of this distance, or in this case 39.11m.

The proposed rear yard setback to the westerly rear lot line is in excess of what is required, at 76.21m, however with the technical determination of the southerly lot line as a rear lot line, the site plan, as proposed, is deficient.

The requested relief is minor in this context and will result in a form of development that is in keeping with the character of the surrounding area and will contribute to a built form that is desirable for the appropriate development of the land. Given that all other regulations of the By-law are met, the request is consistent with the Zoning By-law, and represents a use of land that is permitted in the City's Official Plan.

As such, the proposed variance satisfies the four tests as 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 land, and meets the general intent and purpose of the Official Plan and Zoning Bylaw.

In support of our minor variance application, the following material is provided for review:

- Application Form, prepared by SMPL Design Studio, dated May 3, 2023;
- Plan of Survey, prepared by B.A. Jacobs Surveying, dated January 12, 2023;
- Architectural & Site Plan, prepared by SMPL Design Studio, dated May 4, 2023; and,
- Copy of cheque in the amount of \$3,735.00 payable to the City of Hamilton, dated May 3, 2023.

We look forward to working with staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Sincerely,

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

Lindsey Bruce
Director of Operations
lindsey@smpldesignstudio.com



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	166 Beverly Court, Ancaster ON L9G 1C1		
Assessment Roll Number	25181402303980000000		
Former Municipality	Ancaster		
Lot	87	Concession	
Registered Plan Number	783	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

1) Required Rear Yard Setback (40% lot depth = 39.11m); Proposed southerly rear yard setback of 5.98m.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Due to the irregular lot shape, we are deficient in our rear yard setback on the southern rear lot line. Please see cover letter for details.

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
16.97m	97.78m	0.4 ha	+15.0m

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 TBR	18.23m	(w) 81.71m (s) 17.18m	(n) 1.72m (s) 3.07m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Detached Dwelling	14.89m	(w) 76.21m (s) 5.98m	(n) 2.92m (s) 2.61m	

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 TBR	159.92m ²	159.92	1	unknown

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Detached Dwelling	436.09m ² (w garage)	346.59m ²	1	6.05m

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

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

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

- ditches
- other means (specify)
- _____

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

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

4.7 Type of access: (check appropriate box)

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

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

Single Detached Dwelling

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

Single Detached Dwellings

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Unknown

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:

Longstanding residential use.

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 (Schedule E-1)

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

Proposal represents a use of land that is permitted in the Urban Hamilton Official Plan.

7.6 What is the existing zoning of the subject land? Existing Residential (ER) Zone (97-57)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: Existing Residential (ER) Zone (97-57)

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):

Please see cover letter.

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.:	GL/A-23:114	SUBJECT PROPERTY:	2633 UPPER JAMES, GLANBROOK
ZONE:	"P4, 160" (Open Space)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** HAMILTON AIRPORT ENTERTAINMENT INC.
 Agent: LANHACK STEELCON INC. C/O STEVE PONGRACZ

The following variances are requested:

1. A maximum go-kart track length of 1.25km shall be permitted instead of the maximum permitted length of 0.8km.

PURPOSE & EFFECT: To permit the expansion of the existing go-kart track.

Notes:

- i. This variance is necessary to facilitate Site Plan Control Application SPA-23-018.

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 15, 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
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

GL/A-23:114

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.

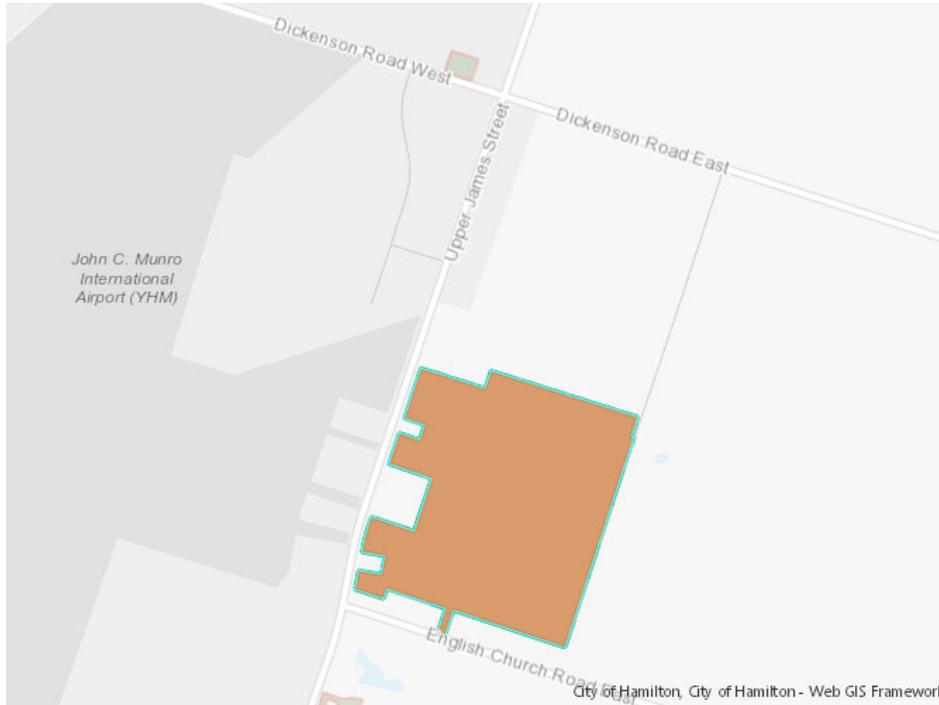
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding GL/A-23:114, 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.

GL/A-23:114



 Subject Lands

DATED: May 30, 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.

CAUTION - THIS PLAN IS PREPARED IN ACCORDANCE WITH SEC 81(2) OF THE REGISTRY ACT, R.S.O. 1970, CAP 409, FOR THE PURPOSE OF ILLUSTRATING GRAPHICALLY THE RELATIVE POSITION OF THE INSTRUMENTS SHOWN IN THE SCHEDULE FOR IDENTIFICATION AS BOUNDARY INFORMATION, SEE PREVIOUSLY REGISTERED INSTRUMENTS

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF SECTION 27(33) OF THE PLANNING AND DEVELOPMENT ACT, APPROVAL FROM THE MUNICIPAL PLANNING AUTHORITY MAY BE REQUIRED FOR CONFORMANCE WITH THE ACT AND REGULATIONS.

PLAN N^o 1486

REGISTERED IN LAND REGISTRY OFFICE
FOR THE REGISTRY DIVISION OF
WENTWORTH (N^o 62)

AT 10.30 O'CLOCK A.M., ON THE
17th DAY OF February 1978

D. E. WENTWORTH
LAND REGISTRAR

APPROVED FOR REGISTRATION

5th January 1978

A. C. Napier
ASSISTANT EXAMINER OF SURVEYS

PROPERTY OF THE
REGISTRY OFFICE

LOT 7

**REGISTRAR'S
COMPILED PLAN**

BEING A GRAPHIC INDEX OF

PART OF THE SOUTH HALF OF
LOT 6, CONCESSION III

FORMERLY IN THE
TOWNSHIP OF GLANFORD

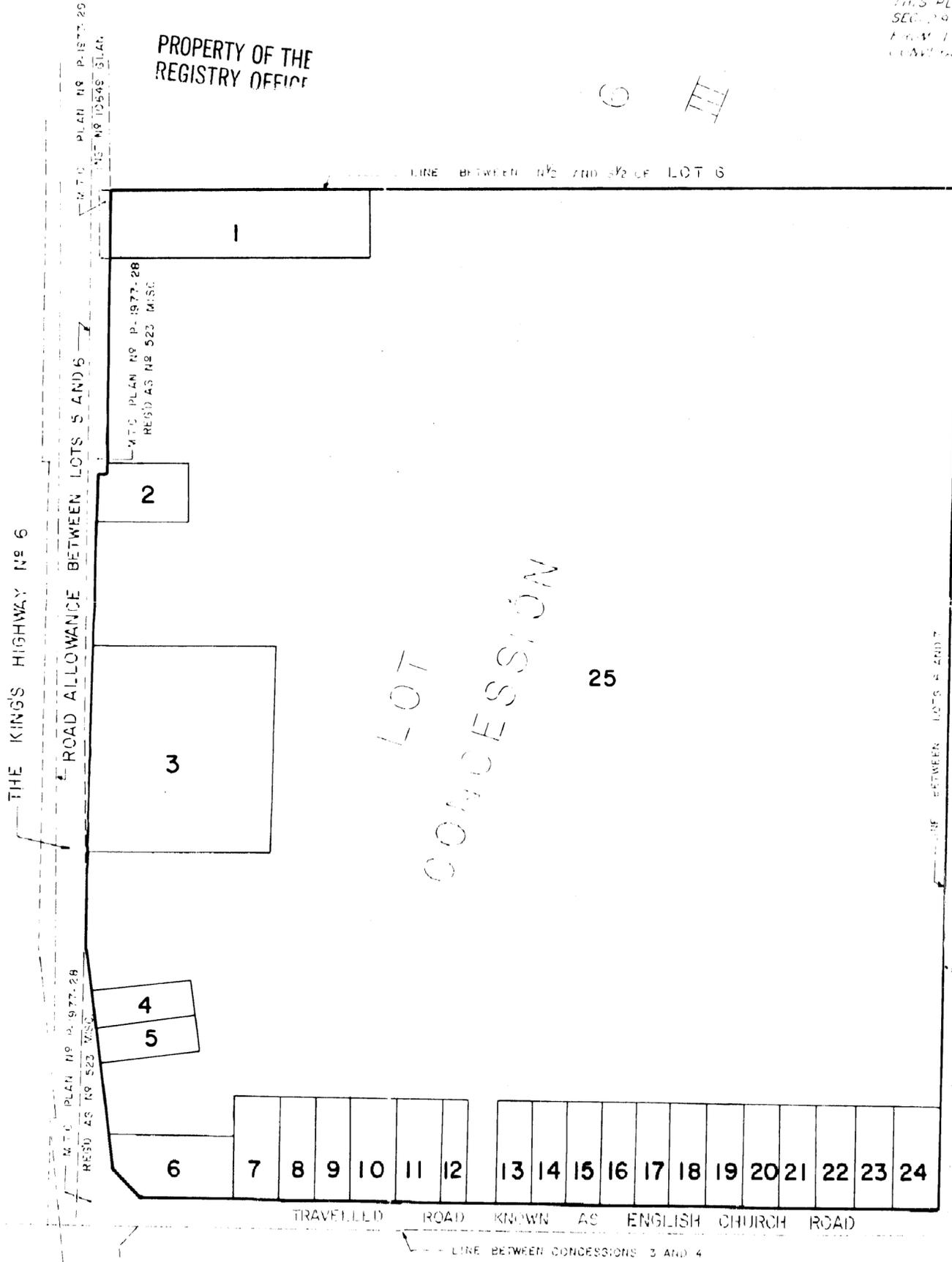
NOW IN THE TOWNSHIP OF GLANBROOK
REGIONAL MUNICIPALITY OF

HAMILTON-WENTWORTH

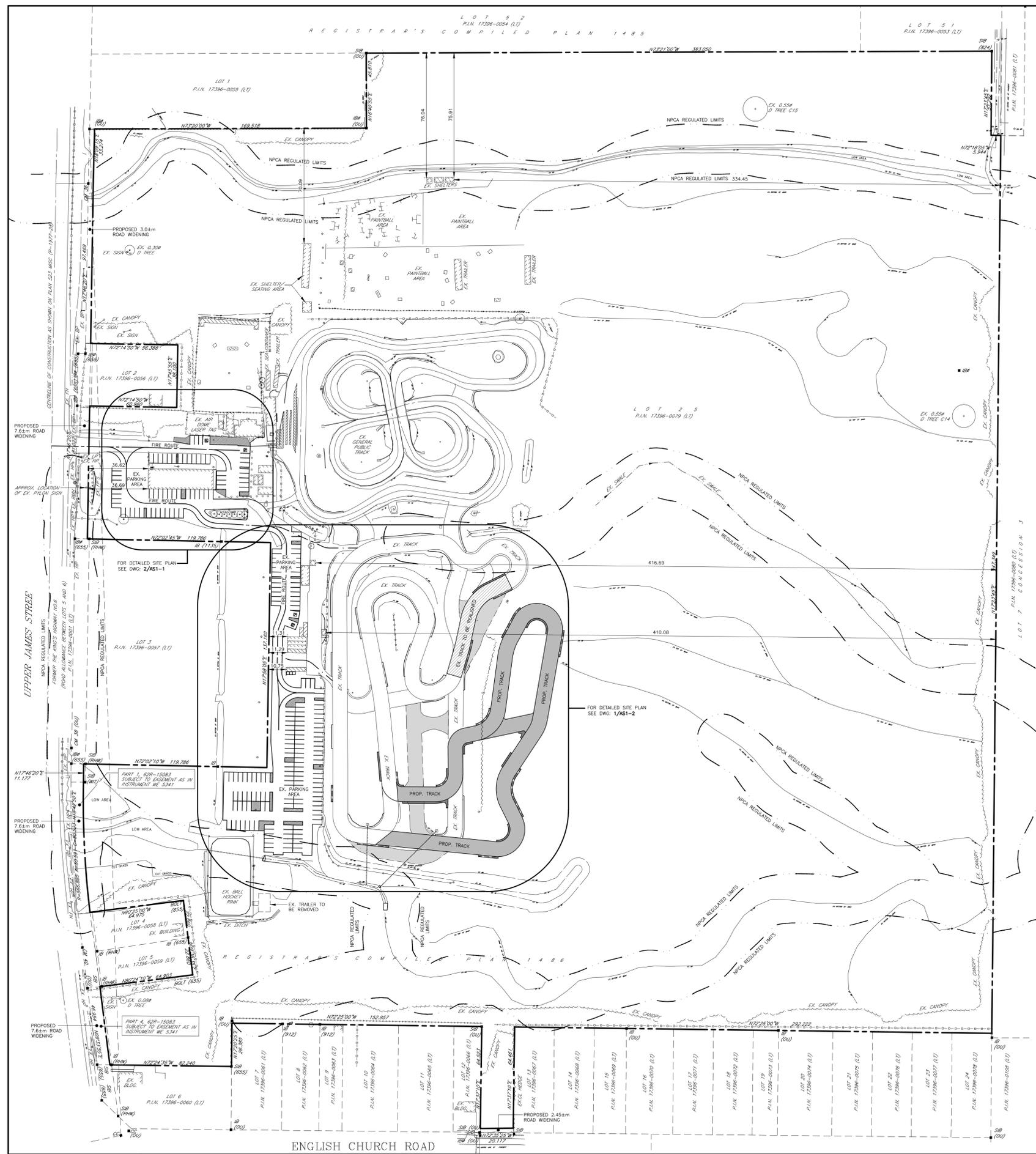
SCALE: 1" = 200 FEET

PROPERTY OF THE
REGISTRY OFFICE

SCHEDULE					
LINE	LOT	INSTRUMENT	OLD PARCEL	LOT	INSTRUMENT
1	1	290852 HL	11	14	31178 CD
2	2	46481 AB	13	15	53277 CD
3	3	65247 HL	12	16	211728 AB
4	4	237179 HL	10	17	113749 AB
5	5	83354 HL	16	18	112678 HL
6	6	10648	19	19	9225
7	7	8220	20	20	32211 HL
8	8	8484	21	21	52345 HL
9	9	8922	17	22	180553 AB
10	10	8687	7	23	400430 AB
11	11	9100	6	24	26585 HL
12	12	393763 AB	24	25	383377 AB
13	13	321127 AB			



1486



1 Overall Site Plan
 ASI-1 1:1250

LEGEND

APPROX.	APPROXIMATE	FH	FIRE HYDRANT
BOL.	BOLLARD	FP	FLAG POLE
BB	BOTTOM OF BANK	GM	GAS METER
BLDG.	BUILDING	GW	GUY WIRE
CB	CATCH BASIN	HP	HYDRO POLE
CLF	CHAIN LINK FENCE	LP	LIGHT POLE
CONC.	CONCRETE	PROP.	PROPOSED
CUL	CULVERT	TB	TOP OF BANK
EX.	EXISTING	TYP.	TYPICAL

CONSTRUCTION NORTH

Development Details

Project Number: 22057
 Address: 2633 Upper James Street, Hamilton, ON
 Zone: P4 Open Space - Exception 160
 Existing Use: Recreation

Minimum Side Yard	Required: 7.50 m	Provided: 10.75 s.m.
Minimum Rear Yard	Required: 7.50 m	Provided: 70.09 s.m.
Max. Building Height	Required: 11.00 m	Provided: Max. 11.00 m
Exception 160 Max. Length of Go-Kart Track	Required: 0.80 km	Provided: 1.36 km*

* Indicates Minor Variance Required

Site Statistics

Project Number: 22057
 Address: 2633 Upper James St., Hamilton, ON

Site Area (Lot Area)	3,286,035 s.f.	305,282.68 s.m.
Total Building Coverage Ex. Building Area	11,466 s.f.	1,065.25 s.m.
Total Gross Floor Area Ex. Building Area	11,466 s.f.	1,065.25 s.m.

Parking Requirements (Zoning By-Law 2020)

Ex. Buildings - 1 Space / 30m ²	Required: 35.51 Spaces	Provided: 218.0 Spaces
Total Parking Spaces (inc. Barrier Free)	35.00 Spaces	218.0 Spaces
Barrier Free Spaces	1.00 Spaces	4.0 Spaces

SITE PLAN NOTES:

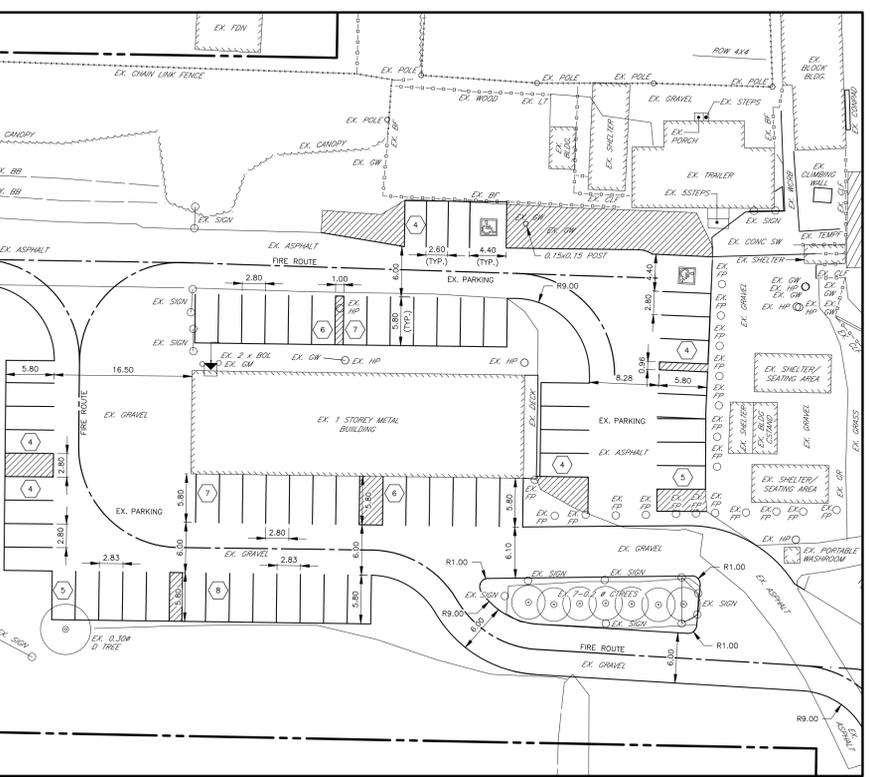
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
- MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - BUILDING PERMIT
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - ENCROACHMENT AGREEMENTS
 - COMMITTEE OF ADJUSTMENT (IF REQUIRED)
 - SEWER AND WATER PERMITS
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS
- ABANDONED ACCESSWAYS MUST BE REMOVED AND THE CURBS AND BOLLARDS RESTORED WITH SOG 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:
 - "5.0 METRE BY 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBSTACLE OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.20 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET."
- ALL SIGNS MUST COMPLY WITH SIGN BY-LAW NO. 10-197.

BEFORE STARTING WORK

- THE CONTRACTOR SHALL NOTIFY THE CITY OF HAMILTON AND LANHACK CONSULTANTS INC. AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION.
- THE POSITION OF THE POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
- PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, ALL BENCHMARKS, ELEVATIONS, DIMENSIONS, AND GRASSES MUST BE CHECKED BY THE CONTRACTOR AND ANY DISCREPANCIES REPORTED TO THE ENGINEER.
- ALL EXISTING UNDERGROUND UTILITIES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LOCATED, MARKED AND PROTECTED. ANY UTILITIES DAMAGED OR DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE ENGINEER, AT THE CONTRACTOR'S EXPENSE.
- AT LEAST TWO DIFFERENT BENCHMARKS MUST BE REFERRED TO AT ALL TIMES.

UNDERTAKING RE: 680 TRADEWIND DR. FILE NO. MDA-15-058
 I, THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION, (A) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM; (B) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(A) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWING(S) IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL AS SET OUT IN THE LETTER OF APPROVAL DATED _____; (C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(B) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING, INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS; AND, (D) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED _____, AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FEE TO OBTAIN COMPLIANCE WITH THIS PLAN.
 DATED THIS _____ DAY OF _____ 20____

WITNESS (SIGNATURE) _____ OWNER(S) (SIGNATURE) _____ (SEAL)
 WITNESS (PRINT) _____ OWNER (PRINT) _____
 ADDRESS OF WITNESS _____



2 Detailed Site Plan
 ASI-1 1:400



Contractor must verify all dimensions on the Project Site and report any discrepancies before proceeding with the Work.
 This drawing is a part of the Contract Documents and is to be read in conjunction with all other Contract Documents.
 © COPYRIGHT - LANHACK Steelcon Inc. All rights reserved.

Revision Record

No.	Description	Date (m/d/y)
A	ISSUED FOR SPA	12/12/22

Issue Record

No.	Description	Date (m/d/y)

LANHACK Steelcon Inc. Consulting Engineers
 1709 Upper James Street
 Hamilton, ON L9B 1K7
 Tel: (905) 777-1454
 Fax: (905) 336-8142

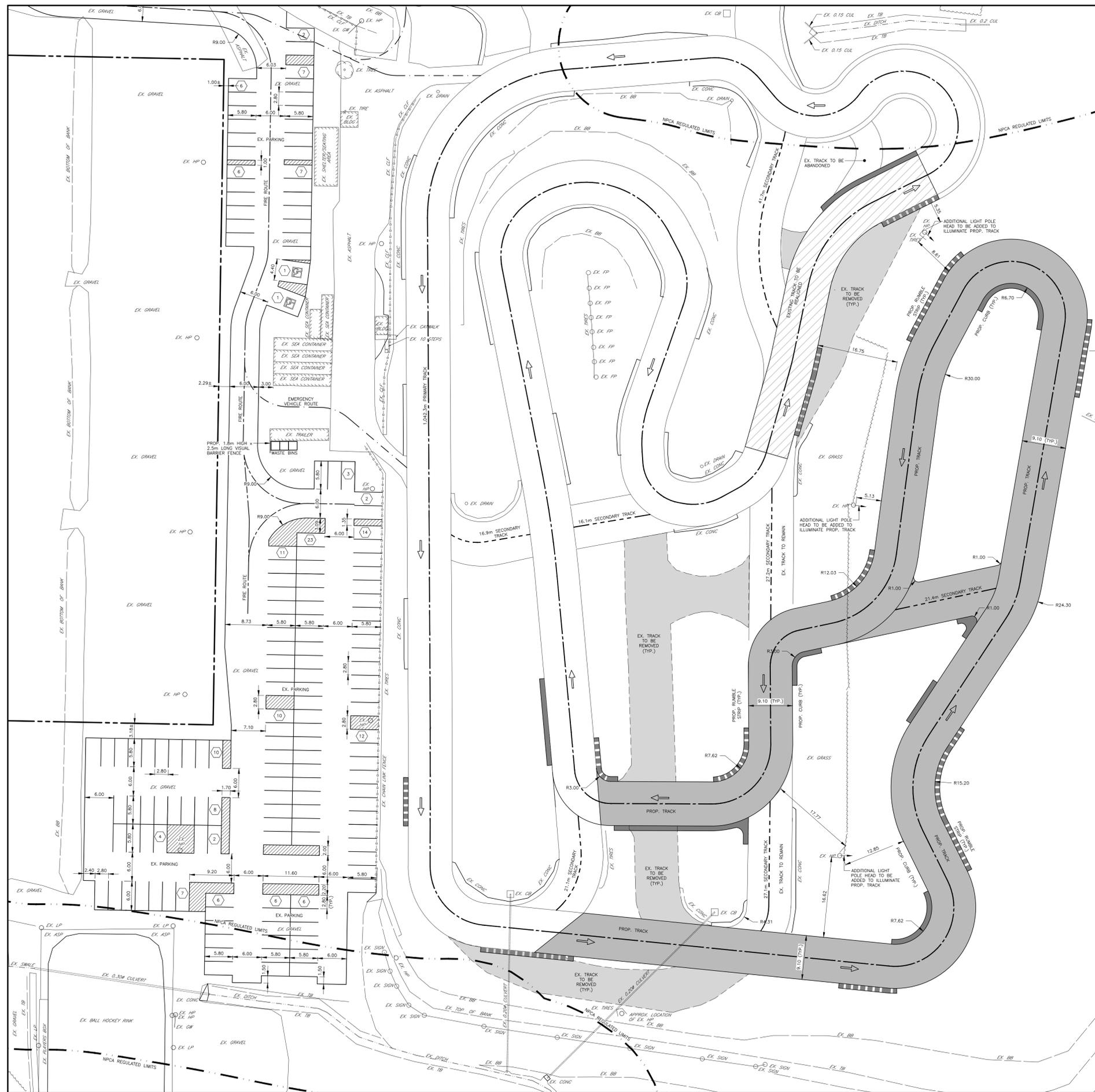
Cameron Speedway

2633 UPPER JAMES ST
 HAMILTON, ON

Date: NOVEMBER 2022
 Drawn By: GRW
 Chkd By: SMP
 Scale: AS NOTED

Overall and Detailed Site Plan

Project No.: ASI-1 Drawing No.: 22057 Rev.: A
 Plot Date: 12/12/22
 M2022-001 - Site Plan



LEGEND

APPROX.	APPROXIMATE	FH	FIRE HYDRANT
BOL.	BOLLARD	FP	FLAG POLE
BB	BOTTOM OF BANK	GM	GAS METER
BLDG.	BUILDING	GW	GUY WIRE
CB	CATCH BASIN	HP	HYDRO POLE
CLF	CHAIN LINK FENCE	LP	LIGHT POLE
CONC.	CONCRETE	PROP.	PROPOSED
CUL	CULVERT	TB	TOP OF BANK
EX.	EXISTING	TYP.	TYPICAL

- ### SITE PLAN NOTES:
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
 - FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
 - MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m 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
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT (IF REQUIRED)
 - SEWER AND WATER PERMITS
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS
 - ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOO 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 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY SUBJECTS 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.
- ### BEFORE STARTING WORK
- THE CONTRACTOR SHALL NOTIFY THE CITY OF HAMILTON AND LANHACK CONSULTANTS INC. AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION.
 - THE POSITION OF THE POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
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 - AT LEAST TWO DIFFERENT BENCHMARKS MUST BE REFERRED TO AT ALL TIMES.

Development Details

Project Number	22057
Address	2633 Upper James Street Hamilton, ON
Zone	P4 Open Space - Exception 160
Existing Use	Recreation

	Required	Provided
Minimum Side Yard	7.50 m	10.75 s.m.
Minimum Rear Yard	7.50 m	70.09 s.m.
Max. Building Height	11.00 m	Max. 11.00 m
Exception 160		
Max. Length of Go-Kart Track	0.80 km	1.22 km*

* Indicates Minor Variance Required

Site Statistics

Project Number	22057
Address	2633 Upper James St. Hamilton, ON
Site Area (Lot Area)	3,286,035 s.f. / 305,282.68 s.m.
Total Building Coverage	
Ex. Building Area	11,466 s.f. / 1,065.25 s.m.
Total Gross Floor Area	
Ex. Building Area	11,466 s.f. / 1,065.25 s.m.
Parking Requirements (Zoning By-Law 2020)	
Ex. Buildings - 1 Space / 30m2	Required: 35.51 Spaces / Provided: 218.0 Spaces
Total Parking Spaces (Inc. Barrier Free)	35.00 Spaces / 218.0 Spaces
Barrier Free Spaces	1.00 Spaces / 4.0 Spaces



Contractor must verify all dimensions on the Project Site and report any discrepancies before proceeding with the Work.

This drawing is a part of the Contract Documents and is to be read in conjunction with all other Contract Documents.

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SOURCE
 - EXISTING BOUNDARY SURVEY AND TOPOGRAPHICAL INFORMATION OBTAINED FROM A.T. MCLAREN LTD.

THE POSITION OF THE POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.

Revision Record

No.	Description	Date (m/d/y)
A	ISSUED FOR SPA	12/12/22

Issue Record

No.	Description	Date (m/d/y)



LANHACK Steelcon Inc.
 Consulting Engineers
 1709 Upper James Street
 Hamilton, ON L9B 1K7
 Tel: (905) 777-1454
 Fax: (905) 336-8142

Cameron Speedway

2633 UPPER JAMES ST
 HAMILTON, ON

Date: NOVEMBER 2022
 Drawn By: GRW
 Chkd By: SMP
 Scale: AS NOTED

Detailed Site Plan

Project No.: ASI-1 Drawing No.: 22057 Rev.: A
 Plot Date: 12/12/22
 2022_2021 - Site Plan.dwg



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 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	2633 UPPER JAMES STREET		
Assessment Roll Number			
Former Municipality	TOWNSHIP OF GLANBROOK		
Lot	SOUTH HALF OF LOT 6	Concession	3
Registered Plan Number	1486	Lot(s)	25
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: EXTENSION OF MOTORTRACK. THE PROPOSED CONSTRUCTION IS TO ADD TRACK WITHIN THE EXISTING TRACK SPACE AND CHANGE THE EXISTING FORMAT OF THE TRACK TO LOCATE IT FURTHER AWAY FROM THE EXISTING BERM.

Second Dwelling Unit

Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law? THIS PROPERTY IS P4 ZONING, WITH EXCEPTION #160. PRESENTLY THE PROFESSIONAL GO-KART TRACK IS 0.8 km LONG AND WOULD LIKE TO EXTEND IT TO 1.22 km LONG.

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
APPROX 340m (+/-)	VARIABLES / APPROX. 556m (+/-)	APPROX. 76 ACRES	APPROX. 38m (+/-)

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 ATTACHED PLANS*

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

Proposed: *NONE*

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: *SEE ATTACHED PLANS*

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

Proposed: *NONE*

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.):

RECREATIONAL USE (PUBLIC GO-KART TRACK, PAINT BALL, LASER TAG, ROCK WALL CLIMBING, BUMPER TRAMPOLINE, RACE COURSES, BUBBLE SOCCER AND BALL HOCKEY)
PROFESSIONAL GOLF CART TRACK

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

SINGLE DETACHED RESIDENTIAL DWELLINGS

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands: 2022

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

RECREATIONAL (SEE ITEM 4.8)

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

RECREATIONAL (SEE ITEM 4.8)

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

25 YEARS (+/-)

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

Rural Hamilton Official Plan designation (if applicable): P4 ZONE

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.

7.6 What is the existing zoning of the subject land? P4 Zone

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? NOT APPLICABLE

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. NOT APPLICABLE

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: SEE ATTACHED PLANS

8.2 Number of Dwelling Units Proposed: NONE

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.:	GL/A-23:115	SUBJECT PROPERTY:	6061 WHITE CHURCH ROAD, GLANBROOK
ZONE:	"A1" (Agriculture Zone)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 15-178 & 22-114

APPLICANTS: **Owner:** DARRYL & CAROLYN OOSTERHOFF

The following variances are requested:

Retained land (6105 White Church Rd)

1. A minimum lot area of 16.44 ha shall be permitted for an agriculture use instead of the minimum required lot area of 40 ha.

Lot to which severed lands are being added (6061 White Church Rd)

2. A minimum lot area of 0.28 ha shall be permitted for a single detached dwelling instead of the minimum required lot area of 0.4 ha for a single detached dwelling.
3. A minimum lot area of 0.28 ha shall be permitted for a single detached dwelling containing an additional dwelling unit instead of the minimum required lot area of 0.6 ha for a single detached dwelling containing an additional dwelling unit.
4. Two (2) entrances shall be permitted in the front façade of a dwelling containing an additional dwelling unit instead of the maximum number of one (1) entrance in the front façade.

PURPOSE & EFFECT: To facilitate the conveyance of land through lot addition, from 6105 to 6061 White Church Rd, and the construction of an addition to the dwelling on 6061 White Church Rd which will contain an additional dwelling unit:

Notes:

- i. Variances 1 and 2 are necessary to facilitate Consent Decision Number GL/B-22:115.

GL/A-23:115

- ii. 6105 White Church Rd is listed in the City of Hamilton's Inventory Heritage Buildings as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at culturalheritageplanning@hamilton.ca or visit www.hamilton.ca/heritageplanning for further information.

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 15, 2023
TIME:	10:30 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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding GL/A-23:115, 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.

GL/A-23:115



 Subject Lands

DATED: May 30, 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.

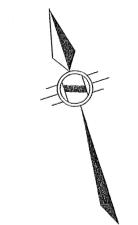
2. In person Oral Submissions

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.

PLAN OF SURVEY
OF PART OF
LOT 13
CONCESSION 6
GEOGRAPHIC
TOWNSHIP OF GLANFORD
IN THE
CITY OF HAMILTON
SCALE 1:200 METRIC
S.D. McLAREN, O.L.S. - 2023



SCHEDULE			
PART	LOT	CON/PLAN	P.I.N.
1			ALL OF PIN 17390 - 0049 (LT)
2	PART OF LOT 13	CONCESSION 6	PART OF PIN 17390 - 0048 (LT)
3			

PLAN 62 R- 22123
RECEIVED AND DEPOSITED
Date April 26, 2023

"MILENA REDDA"
REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF WENTWORTH (No. 62)

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.
Date April 24, 2023
S. DAN McLAREN, O.L.S.

TYNESIDE ROAD

PART 1
PLAN 62R-11313

PART 6
PLAN 62R-11313

LOT 13
CONCESSION 5

WHITE CHURCH ROAD

PART 1- EXISTING 6061 WHITE CHURCH
PART 2- LANDS TO BE SEVERED AND MERGED
PART 3 - ROAD WIDENING RIGHT OF WAY

PART 2 TO BE MERGED WITH PART 1 - MAKING
THE PROPERTY OF 6061 WHITE CHURCH
0.28ha / 2,897.76 m2

NEBO ROAD

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999647393

INTEGRATION DATA

POINT ID	NORTHING	EASTING
CRP A	4778140.355	592155.179
CRP B	4775807.466	592212.107

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

- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - IB IRON BAR
 - PB PLASTIC BAR
 - CC CUT CROSS
 - CP CONCRETE PIN
 - SB STANDARD IRON BAR
 - SIB SHORT STANDARD IRON BAR
 - 824 A.T. McLAREN, O.L.S.
 - 825 J.T. PETERS O.L.S.
 - 1213 J.D. PETERS O.L.S.
 - 1511 G.V. CONIGAL, O.L.S.
 - M&I MEASURED
 - TB TOP OF BANK
 - SB BOTTOM OF BANK
 - IS INTERLOCKING STONE
 - CF CHAIN LINK FENCE
 - BY BIVERT
 - OV OVERT
 - WS WOODEN STAKE
 - GM GAS METER
 - DS DOORHILL
 - SHP SHIPING
 - P1 PLAN 62R-11313
 - P2 PLAN ATTACHED TO INST. A828514
 - P3 PLAN 62R-2855
 - P4 PLAN 62R-4437
 - P5 PLAN BY A.T. McLAREN, O.L.S. DATED MARCH 28, 2023 - FILE 37298

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

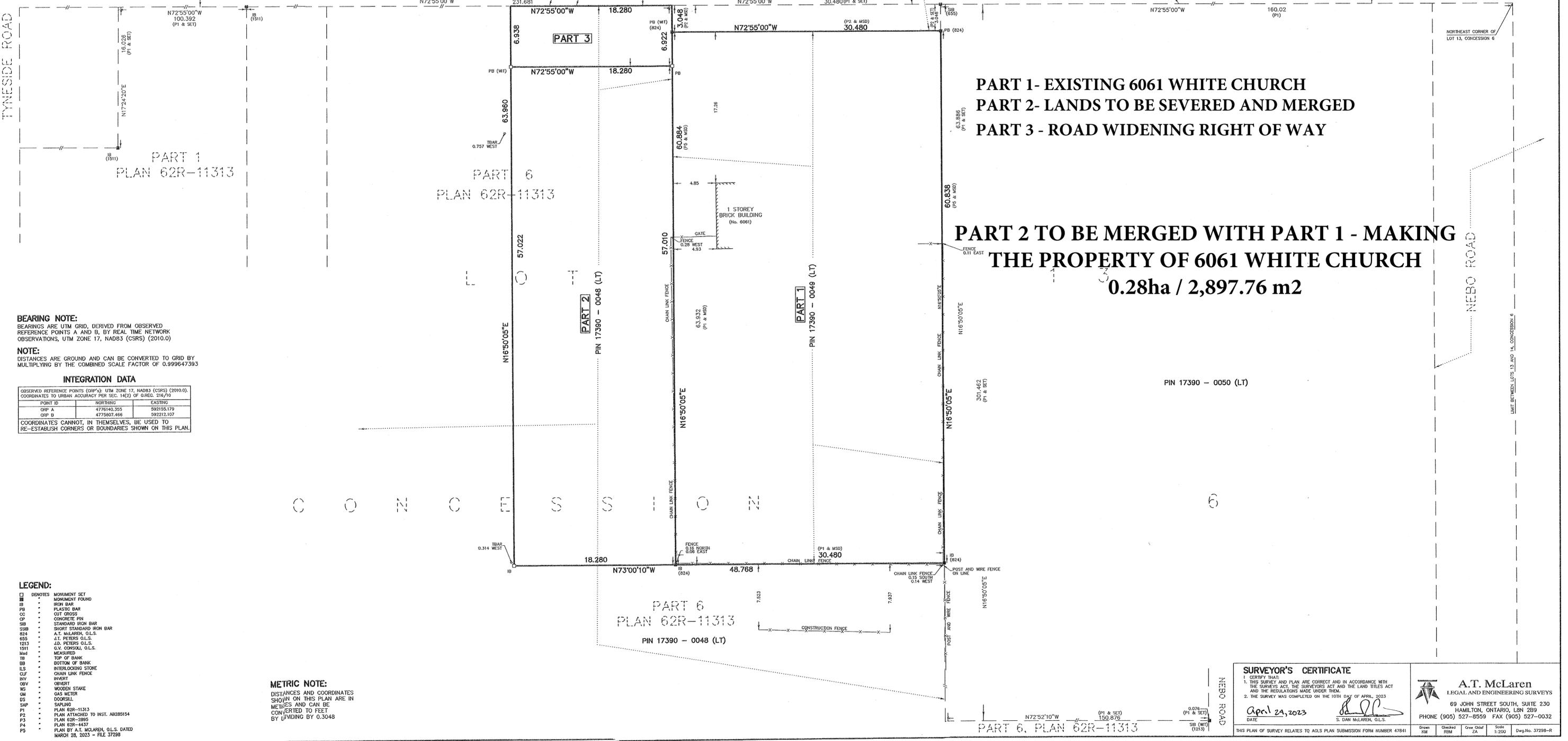
SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM,
2. THE SURVEY WAS COMPLETED ON THE 10TH DAY OF APRIL, 2023

Date April 24, 2023
S. DAN McLAREN, O.L.S.

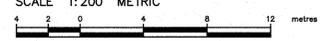
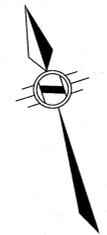
A.T. McLaren
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L9N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 47841

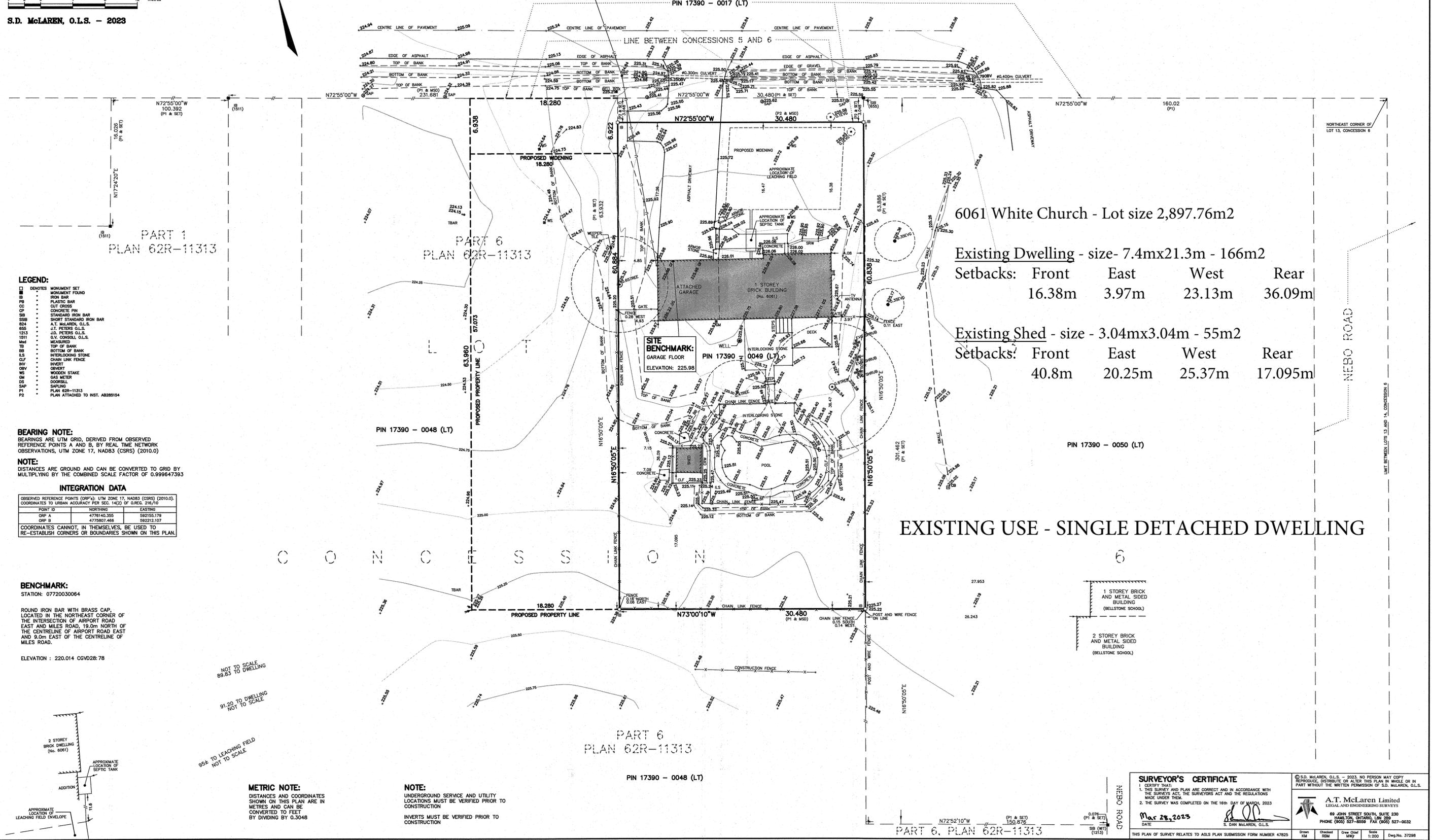


SURVEYOR'S REAL PROPERTY REPORT
 PART 1, PLAN OF PART OF
LOT 13
CONCESSION 6
 GEOGRAPHIC
TOWNSHIP OF GLANFORD
 IN THE
CITY OF HAMILTON
 SCALE 1:200 METRIC
S.D. McLAREN, O.L.S. - 2023

SURVEYOR'S REAL PROPERTY REPORT (PART 2)
 PART OF LOT 13, CONCESSION 6, GEOGRAPHIC TOWNSHIP OF GLANFORD IS NOT SUBJECT TO ANY EASEMENTS.
 THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.
 THIS PLAN WAS PREPARED FOR DARRYL AND CAROLYN OOSTERHOFF.



WHITE CHURCH ROAD
 (GIVEN ROAD)
 PIN 17390 - 0017 (LT)



6061 White Church - Lot size 2,897.76m²

Existing Dwelling - size - 7.4mx21.3m - 166m²

Setbacks:	Front	East	West	Rear
	16.38m	3.97m	23.13m	36.09m

Existing Shed - size - 3.04mx3.04m - 55m²

Setbacks:	Front	East	West	Rear
	40.8m	20.25m	25.37m	17.095m

EXISTING USE - SINGLE DETACHED DWELLING

- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - IRON BAR
 - PLASTIC BAR
 - CUT GROSS
 - CONCRETE PIN
 - STANDARD IRON BAR
 - SHORT STANDARD IRON BAR
 - A.T. McLAREN, O.L.S.
 - J.T. PETERS O.L.S.
 - J.D. PETERS O.L.S.
 - S.V. CONNELL O.L.S.
 - MEASURED
 - TOP OF BANK
 - BOTTOM OF BANK
 - INTERLOCKING STONE
 - CHAIN LINK FENCE
 - INVERT
 - WOODEN STAKE
 - GAS METER
 - DOOR/SILL
 - SARKING
 - PLAN 62R-11313
 - PLAN ATTACHED TO INST. A8285154

BEARING NOTE:
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

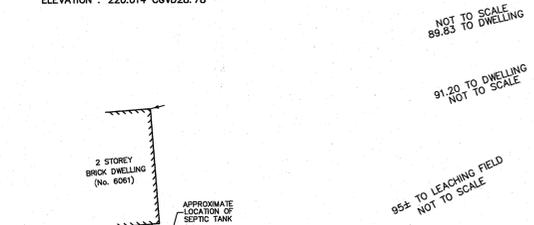
NOTE:
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999647393

INTEGRATION DATA

POINT ID	NORTHING	EASTING
CRP A	4776140.355	592155.179
CRP B	4775807.466	592212.107

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

BENCHMARK:
 STATION: 07720030064
 ROUND IRON BAR WITH BRASS CAP, LOCATED IN THE NORTHEAST CORNER OF THE INTERSECTION OF AIRPORT ROAD EAST AND MILES ROAD, 19.0m NORTH OF THE CENTRELINE OF AIRPORT ROAD EAST AND 9.0m EAST OF THE CENTRELINE OF MILES ROAD.
 ELEVATION : 220.014 CGVD28:78



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

NOTE:
 UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION
 INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

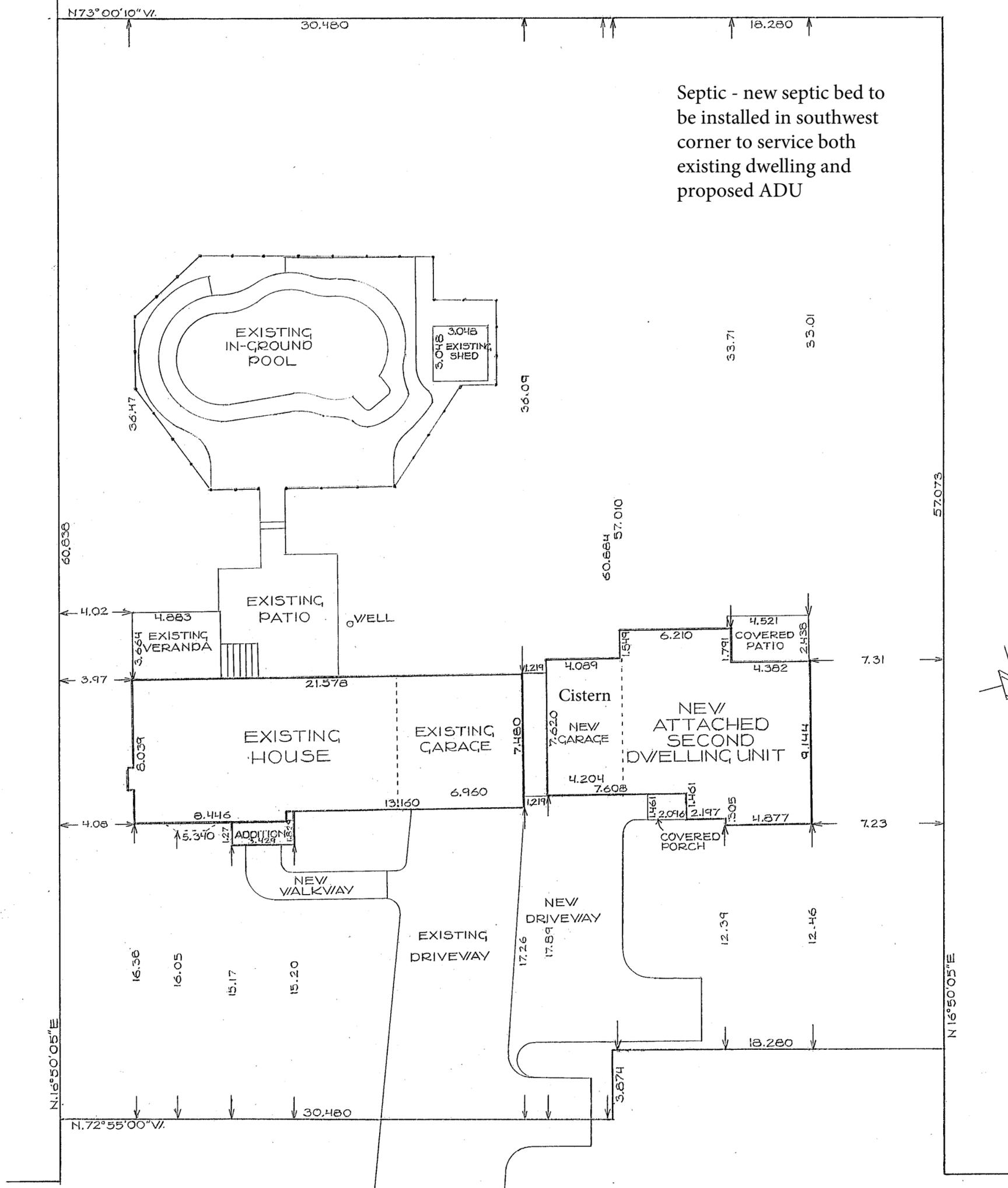
SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS REGULATION AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 16th DAY OF MARCH, 2023
 DATE: **Mar 28, 2023**
 S. DAN McLAREN, O.L.S.

© S.D. McLAREN, O.L.S. - 2023. 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 2K5
 PHONE (905) 577-8888 FAX (905) 527-0032
 Drawn: KM, Checked: RBM, Date: MWP, Scale: 1:200, Dwg. No.: 37298



PART 6, PLAN 62R-11313

Existing Dwelling plus garage - 166m²
Proposed attached ADU plus garage - 132.25m²
Total combined - 298.25m²

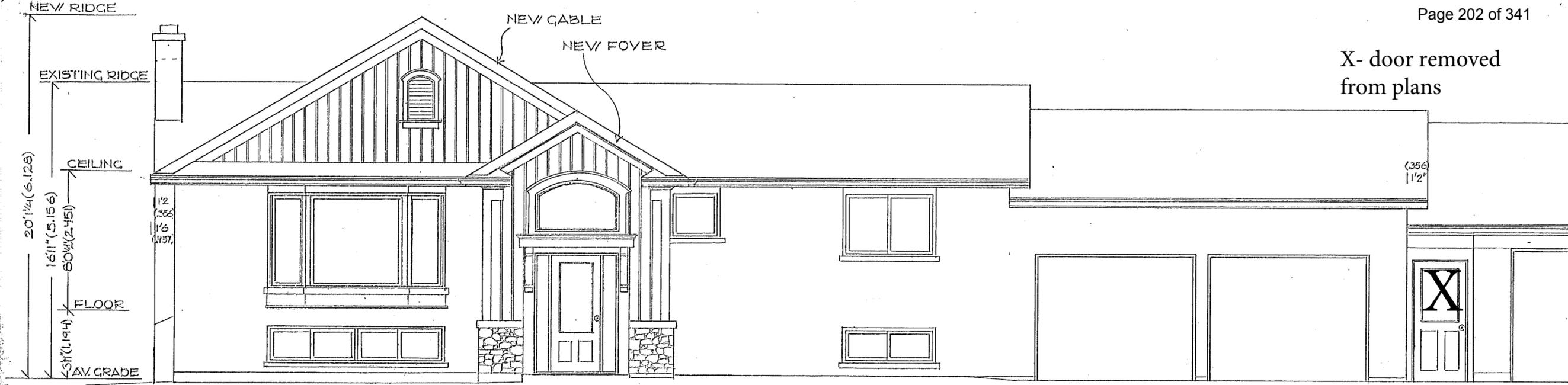


WHITE CHURCH RD.

SITE PLAN

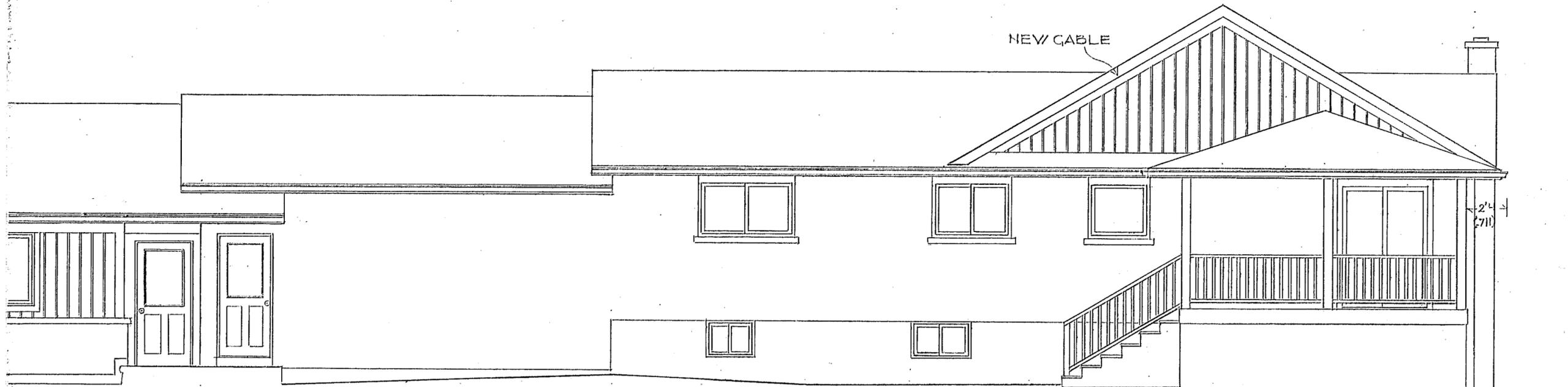
DARRYL & CAROLYN OOSTERHOFF	
6061 WHITE CHURCH RD., HAMILTON	
SCALE 1:200	0323
INFORMATION FROM A.T. MCLAREN LTD. SURVEY 2023 & SITE MEASURES	

X- door removed from plans

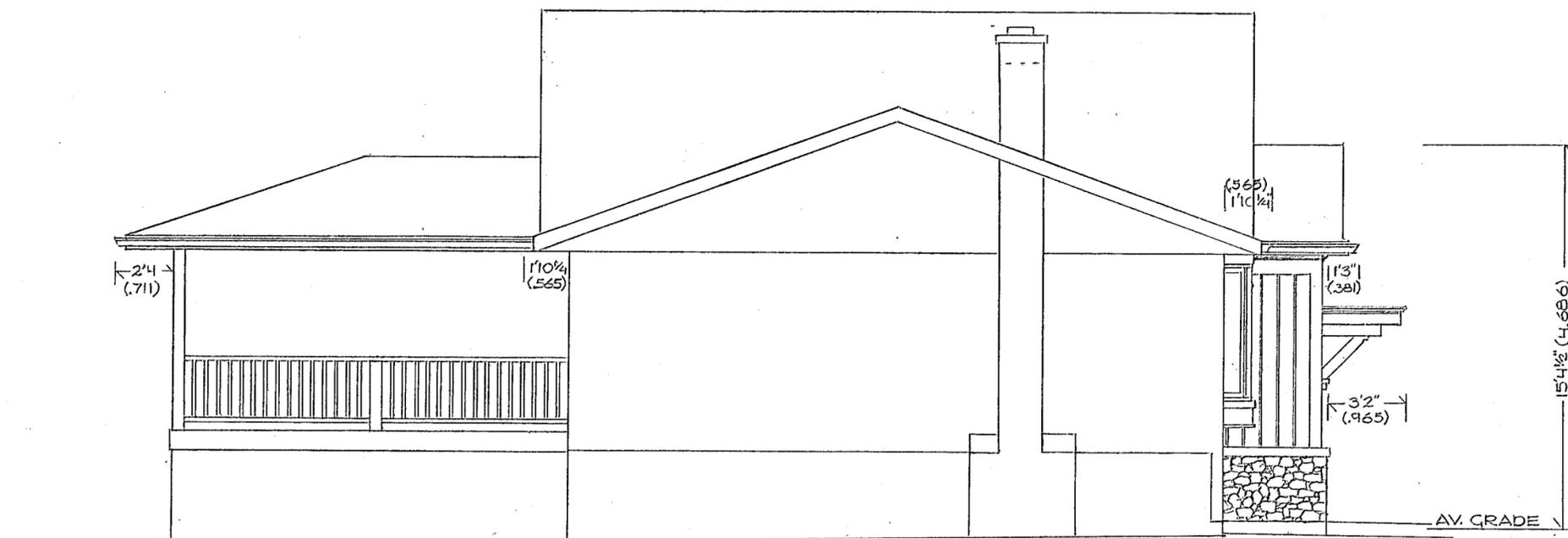


FRONT ELEVATION (NORTH)

EXISTING | ADDITION

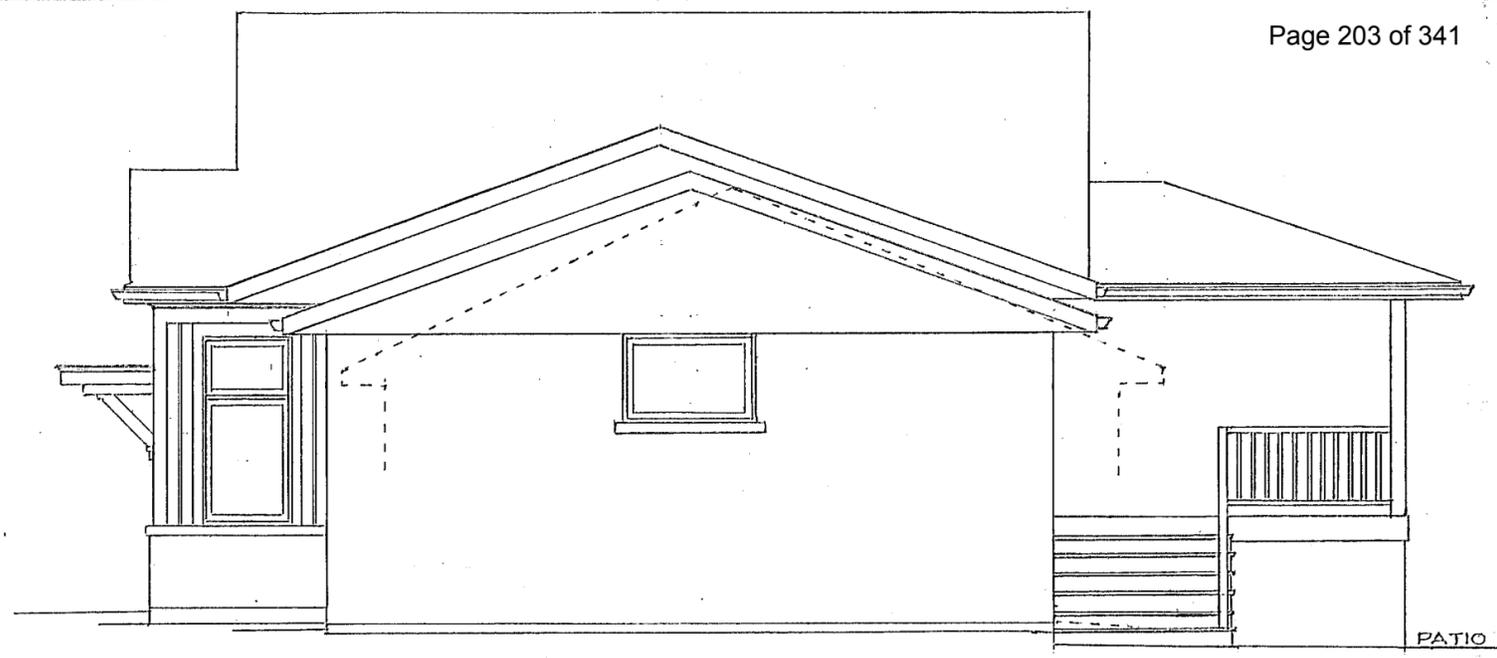


REAR ELEVATION (SOUTH)

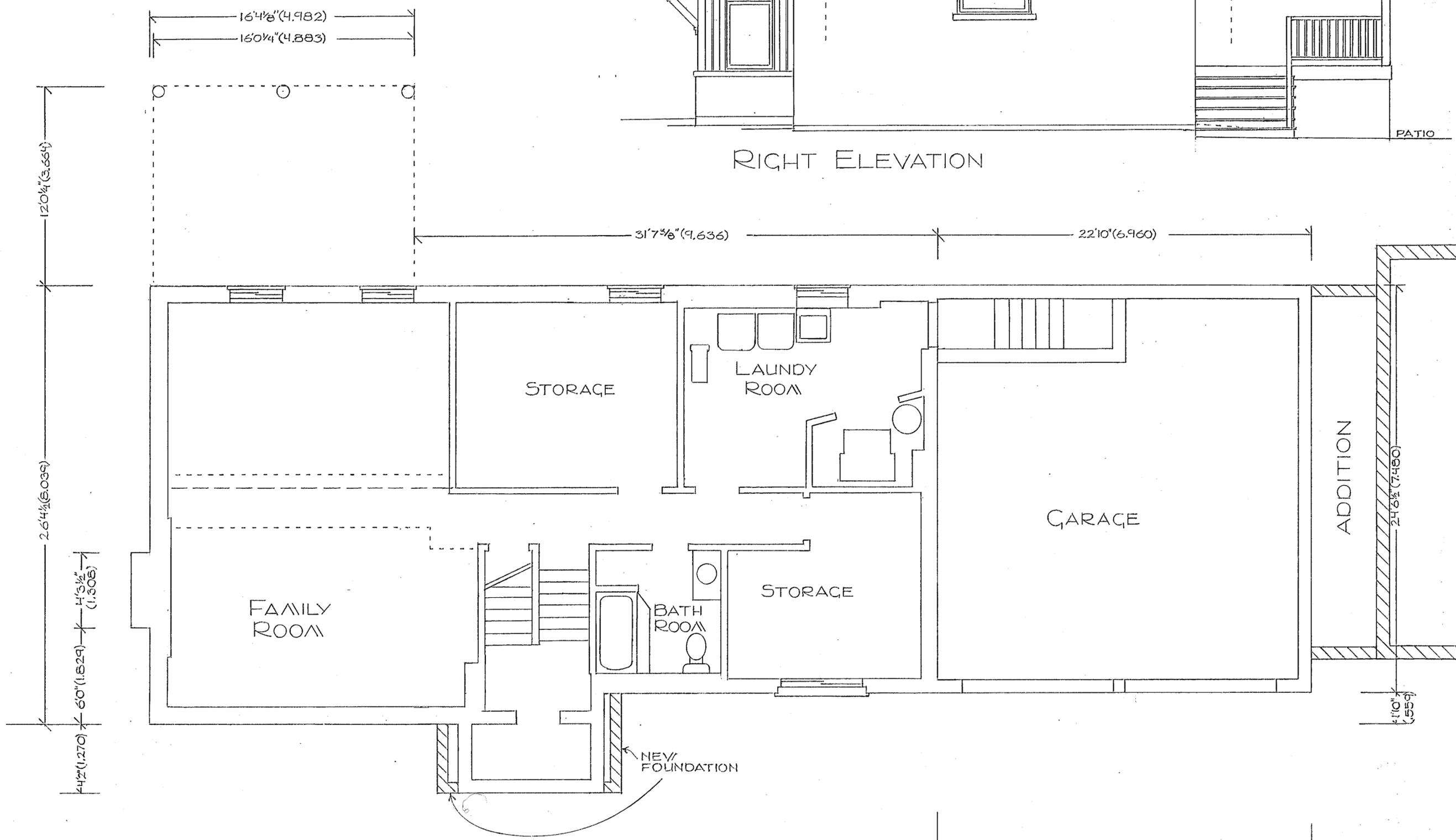


LEFT ELEVATION (EAST)

A EXISTING HOUSE
DARRYL & CAROLYN OOSTERHOFF
6061 WHITE CHURCH RD, HAMILTON
SCALE 3/16"=1' 0323



RIGHT ELEVATION

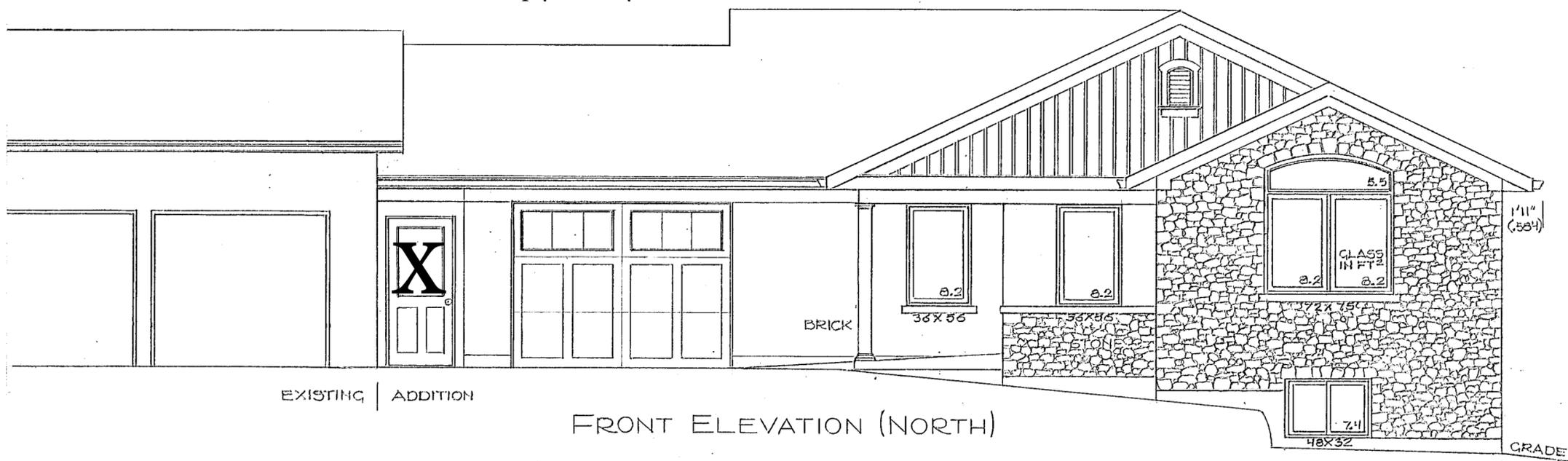


BASEMENT PLAN

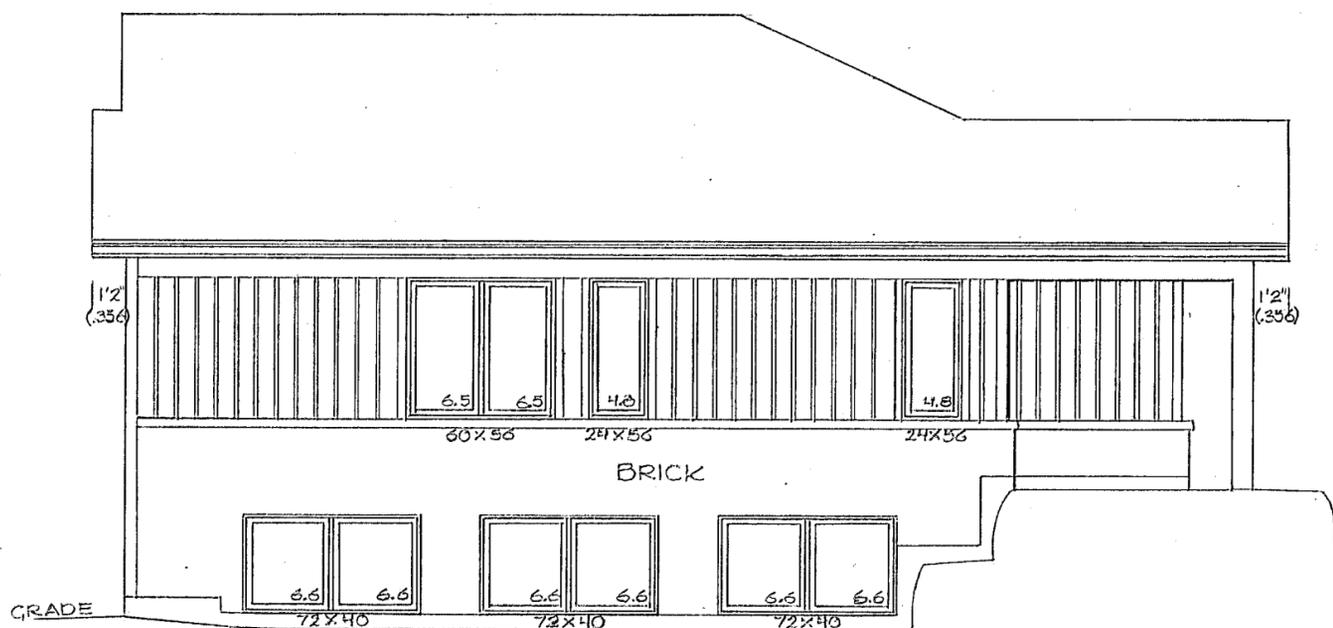
DARRYL & CAROLYN OOSTERHOFF	
6061 WHITE CHURCH RD.,	
HAMILTON	SCALE 3/16"=1'
0323	

A

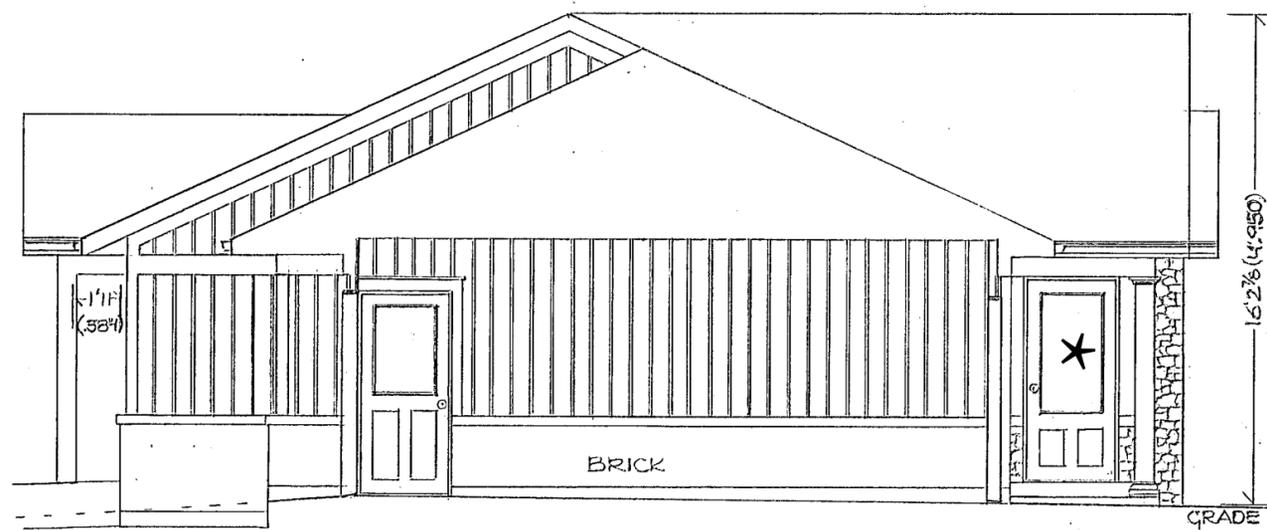
As of May 17, 2023 - the north facing man-door to the breezeway between the existing and proposed garages is removed from the plans. There will be no door but the opening will remain in order to allow access. This is done to comply with By Law 05-200 Sec 4.33.1(d) marked with an X



FRONT ELEVATION (NORTH)

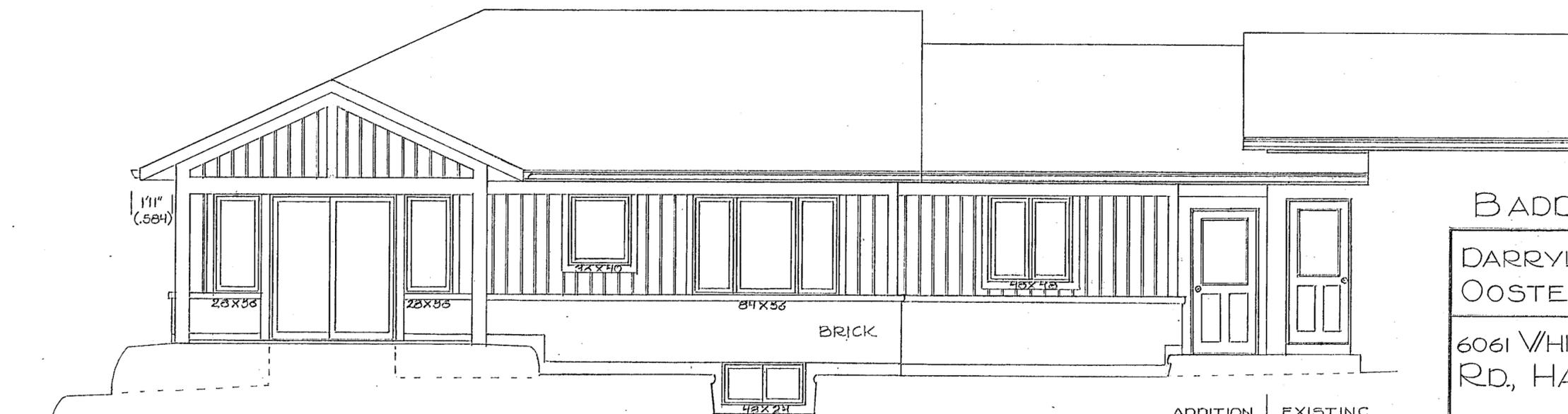


RIGHT ELEVATION (WEST)



LEFT ELEVATION (EAST)

* this entry door is on the front facade of the dwelling but it is not facing the street



REAR ELEVATION (SOUTH)

B ADDED UNIT

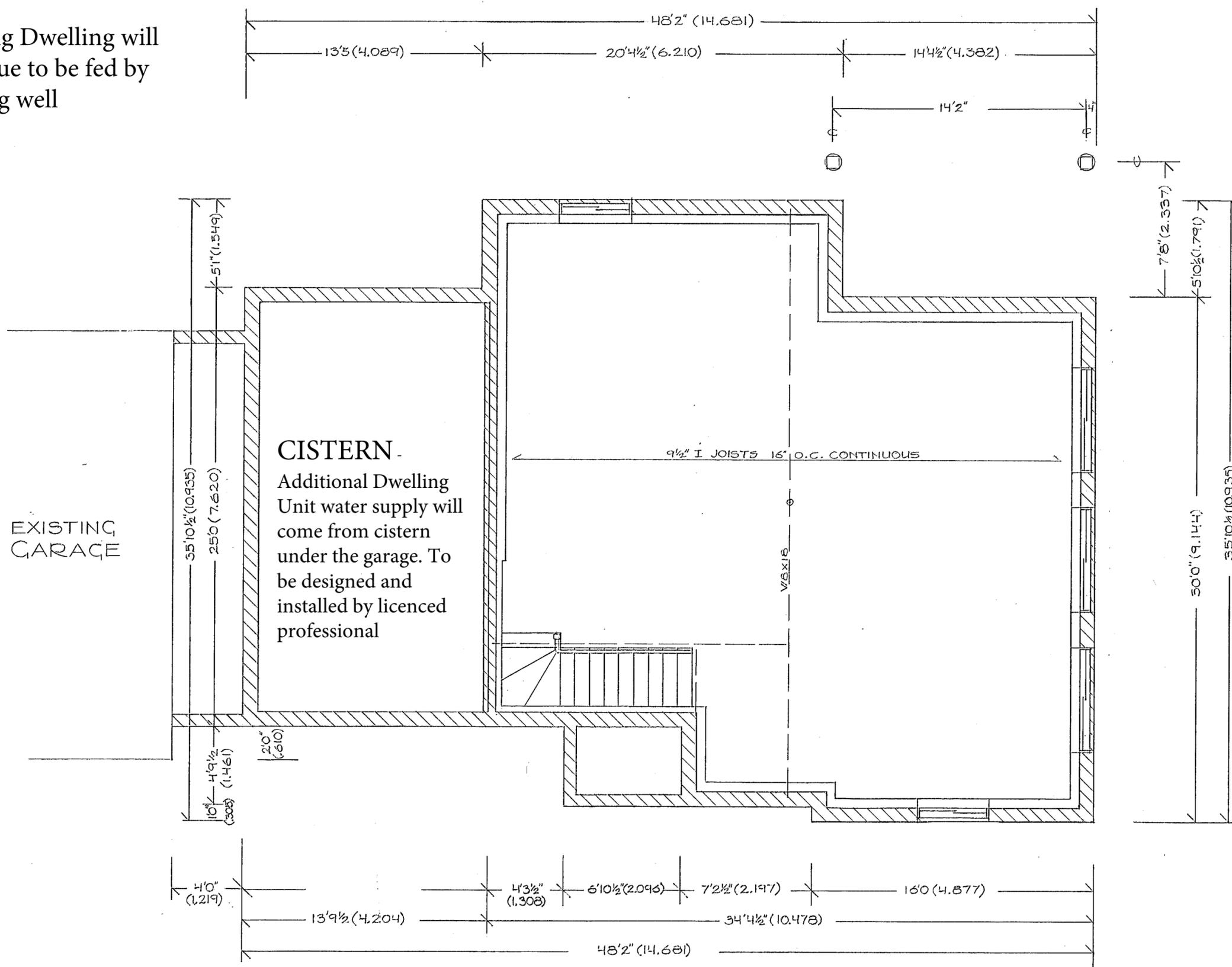
DARRYL & CAROLYN OOSTERHOFF

6061 WHITE CHURCH RD, HAMILTON

SCALE 3/16" : 1'

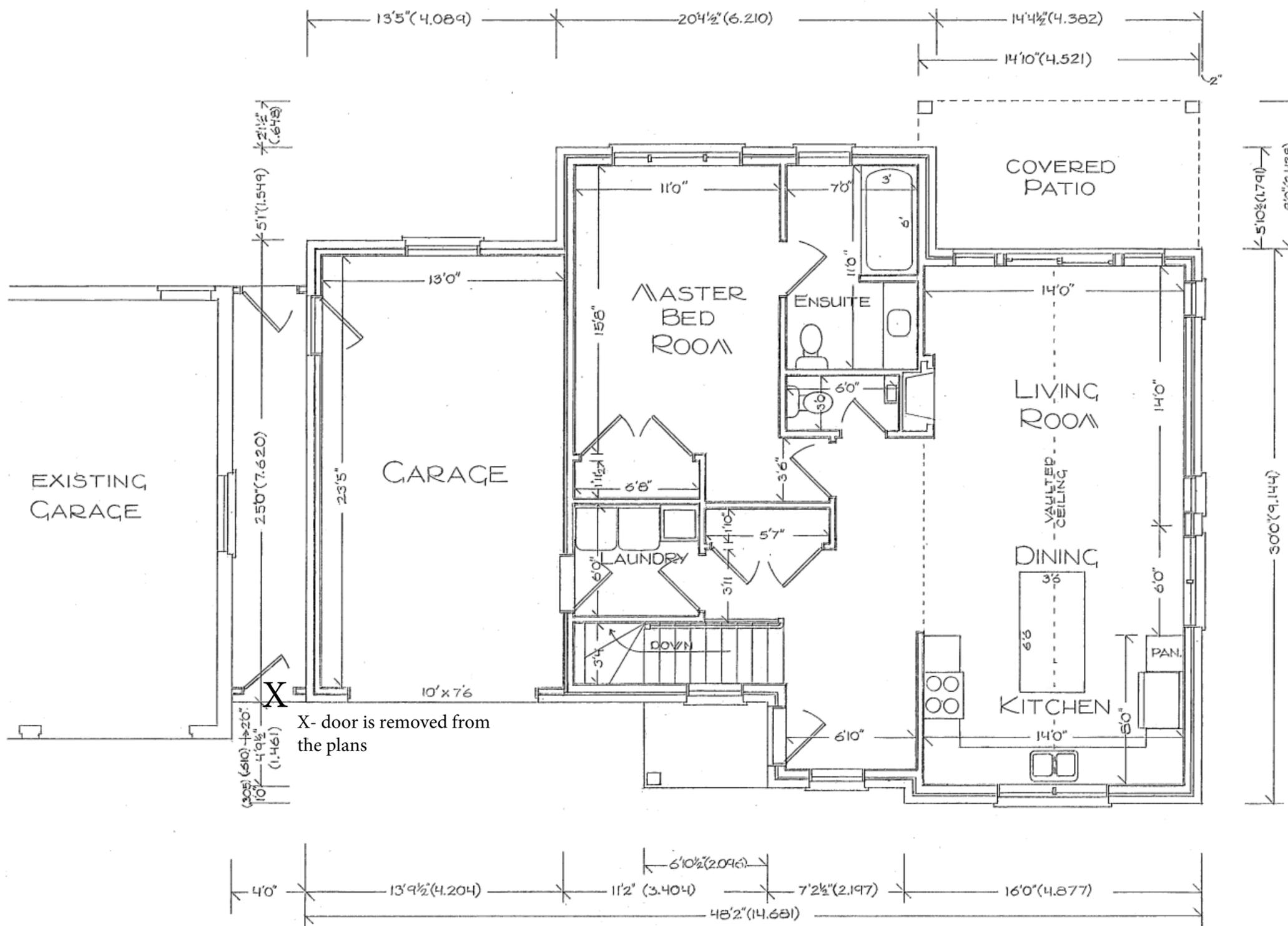
0323

Existing Dwelling will continue to be fed by existing well



BASEMENT PLAN

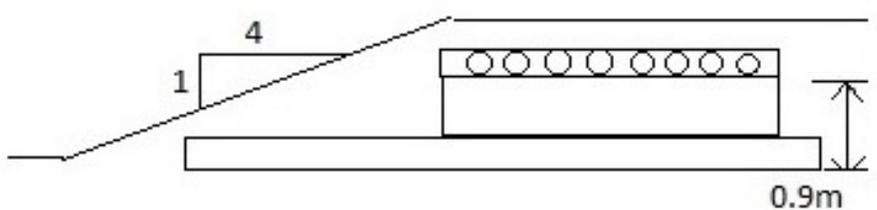
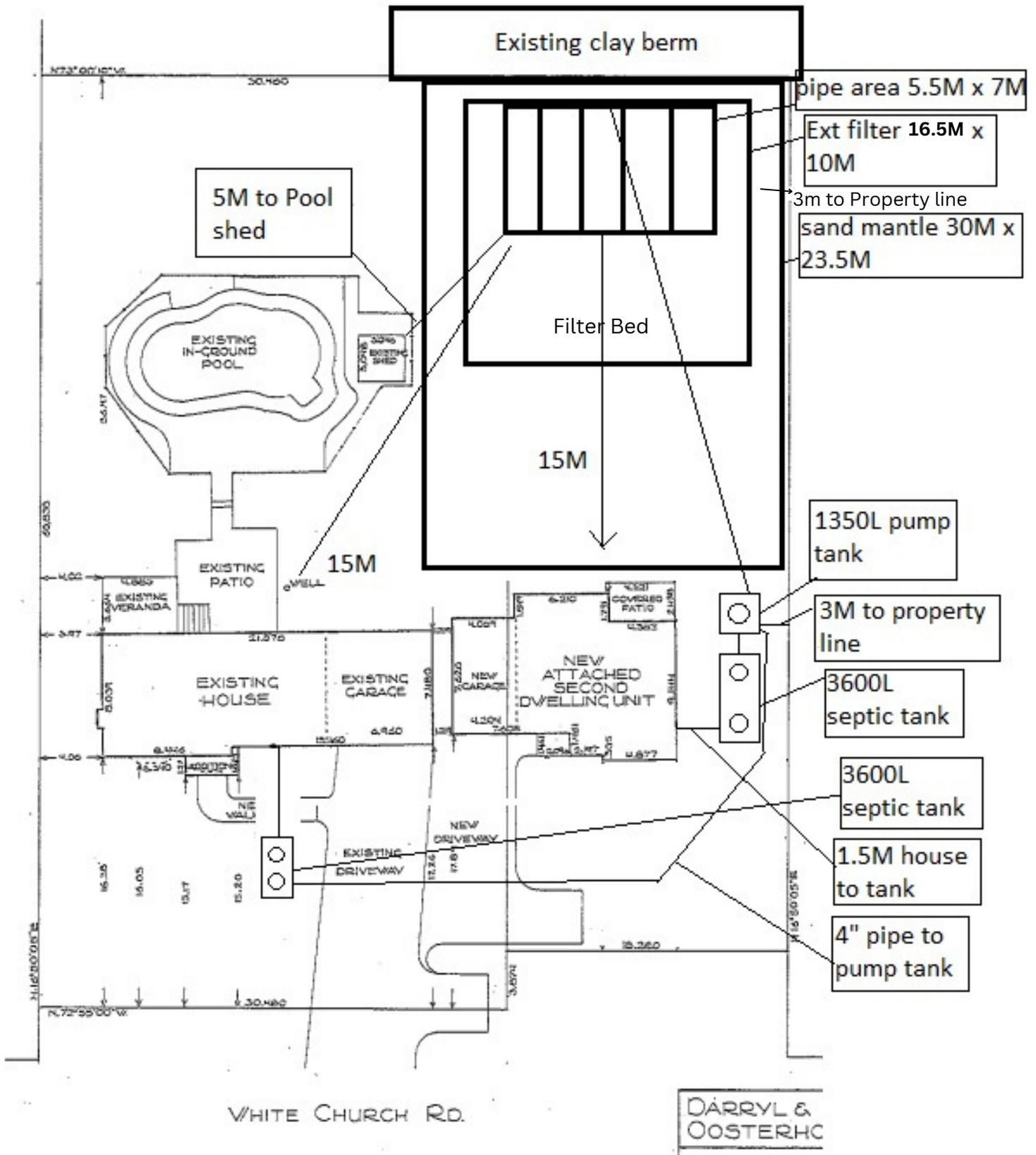
B	
DARRYL OOSTERHOFF	
6061 WHITE CHURCH RD. HAMILTON	
SCALE 3/16" : 1'	0323



FLOOR PLAN

B

DARRYL OOSTERHOFF	
6061 WHITE CHURCH RD. HAMILTON	
SCALE 3/16" = 1'	0323



Schedule 1: Designer Information

Use one form for each individual who reviews and takes responsibility for design activities with respect to the project.

A. Project Information			
Building number, street name		Unit no.	Lot/con.
Municipality	Postal code	Plan number/ other description 251890261063400	
B. Individual who reviews and takes responsibility for design activities			
Name		Firm	
Street address		Unit no.	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax number		Cell number
C. Design activities undertaken by individual identified in Section B. [Building Code Table 3.5.2.1. of Division C]			
<input type="checkbox"/> House	<input type="checkbox"/> HVAC – House	<input type="checkbox"/> Building Structural	
<input type="checkbox"/> Small Buildings	<input type="checkbox"/> Building Services	<input type="checkbox"/> Plumbing – House	
<input type="checkbox"/> Large Buildings	<input type="checkbox"/> Detection, Lighting and Power	<input type="checkbox"/> Plumbing – All Buildings	
<input type="checkbox"/> Complex Buildings	<input type="checkbox"/> Fire Protection	<input type="checkbox"/> On-site Sewage Systems	
Description of designer's work			
D. Declaration of Designer			
I _____ declare that (choose one as appropriate): (print name)			
I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4. of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.			
Individual BCIN: _____			
Firm BCIN: _____			
I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under subsection 3.2.5. of Division C, of the Building Code.			
Individual BCIN: _____			
Basis for exemption from registration: _____			
The design work is exempt from the registration and qualification requirements of the Building Code.			
Basis for exemption from registration and qualification: _____			
I certify that:			
1. The information contained in this schedule is true to the best of my knowledge.			
2. I have submitted this application with the knowledge and consent of the firm.			
_____	_____		
Date	Signature of Designer		

NOTE:

- For the purposes of this form, "individual" means the "person" referred to in Clause 3.2.4.7(1) (c) of Division C, Article 3.2.5.1. of Division C, and all other persons who are exempt from qualification under Subsections 3.2.4. and 3.2.5. of Division C.
- Schedule 1 is not required to be completed by a holder of a license, temporary license, or a certificate of practice, issued by the Ontario Association of Architects. Schedule 1 is also not required to be completed by a holder of a license to practise, a limited license to practise, or a certificate of authorization, issued by the Association of Professional Engineers of Ontario.

Schedule 2: Sewage System Installer Information

A. Project Information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/ other description 251890261063400	
B. Sewage system installer			
Is the installer of the sewage system engaged in the business of constructing on-site, installing, repairing, servicing, cleaning or emptying sewage systems, in accordance with Building Code Article 3.3.1.1, Division C?			
<input type="checkbox"/> Yes (Continue to Section C)		<input type="checkbox"/> No (Continue to Section E)	<input type="checkbox"/> Installer unknown at time of application (Continue to Section E)
C. Registered installer information (where answer to B is "Yes")			
Name		BCIN	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
D. Qualified supervisor information (where answer to section B is "Yes")			
Name of qualified supervisor(s)		Building Code Identification Number (BCIN)	
E. Declaration of Applicant:			
<p>I _____ declare that:</p> <p style="text-align: center;">(print name)</p> <p><input type="checkbox"/> I am the applicant for the permit to construct the sewage system. If the installer is unknown at time of application, I shall submit a new Schedule 2 prior to construction when the installer is known;</p> <p><u>OR</u></p> <p><input type="checkbox"/> I am the holder of the permit to construct the sewage system, and am submitting a new Schedule 2, now that the installer is known.</p> <p>I certify that:</p> <ol style="list-style-type: none"> 1. The information contained in this schedule is true to the best of my knowledge. 2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership. <p>_____</p> <p style="display: flex; justify-content: space-between;"> Date Signature of applicant </p>			

1. Project information			
Street Number, Street Name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	

2. Daily design sewage flow (DDSF) (Q)

See Table 1 – DDSF values for bedrooms _____ (litres per day) **(A)**

Total floor area _____ (metres²)

For every 10 metres² or part thereof over 200 metres², up to 400 metres² _____ x 100 = _____ (litres per day)

For every 10 metres² or part thereof over 400 metres², up to 600 metres² _____ x 75 = _____ (litres per day)

For every 10 metres² or part thereof over 600 metres² _____ x 50 = _____ (litres per day)

Total DDSF for floor area _____ (litres per day) **(B)**

See Table 2 - Total fixture units _____

Each fixture unit over 20 _____ x 50 = _____ (litres per day) **(C)**

DDSF (Q) = _____ (A) + _____ (larger of (B) or (C)) = _____ (litres per day) (Q)

3. Leaching bed size (metres)

Conventional - Total length of distribution pipe **(L) = (Q x T) ÷ 200**

Treatment systems or chambers - Total length of distribution pipe **(L) = (Q x T) ÷ 300**

Total length of distribution pipe (L) = (_____ (Q) x _____ (T)) Percolation time of native or imported soil ÷ (200 or 300) = _____ (metres)

4. Filter bed loading area (metres²)

If Q ≤ 3000 litres per day, use Q ÷ 75

If Q > 3000 litres per day, use Q ÷ 50

Loading area = _____ (Q) ÷ _____ (75, 50 or 100) = _____ (metres²)

Level II-IV treatment unit only, use Q ÷ 100

5. Filter bed contact area (metres²)

Contact area = (_____ (Q) x _____ (T)) ÷ 850 = _____ (metres²)

Contact area = (Q x T) ÷ 850

Use T of native soil; if contact area < loading area, use loading area for both values

6. Shallow buried trenches (metres)

See Table 4 - Shallow buried trench length **(L) = _____ (Q) ÷ _____ (75, 50 or 30) = _____ metres**

7. Type A dispersal bed (metres²)

Stone layer

If Q ≤ 3000 litres per day, use Q ÷ 75

If Q > 3000 litres per day, use Q ÷ 50

Stone layer = _____ (Q) ÷ _____ (75 or 50) = _____ (metres²)

Sand layer

If T is between 1 and 15 use **(Q x T) ÷ 850**

If T is greater than 15 use **(Q x T) ÷ 400**

Sand layer = (_____ (Q) x _____ (T)) ÷ (850 or 400) = _____ (metres²)

Use T of native soil; if sand layer area < stone layer area, use stone layer area for both values

8. Type B dispersal bed (metres²)

Area = (Q x T) ÷ 400

Linear loading rate

If T < 24 minutes, use 50 litres per minute

If T ≥ 24 minutes, use 40 litres per minute

Area = ((Q) _____ x _____ (T)) ÷ 400 = _____ (metres²)

Pump chamber capacity (Q) = _____ (litres)

Table 1 – DDSF values for bedrooms <small>(Ontario Building Code, Division B, Part 8, Table 8.2.1.3.A)</small>				Table 2 – Fixture units <small>(Ontario Building Code, Division B, Part 7, Table 7.4.9.3)</small>			Table 3 – Loading rates for fill based absorption trenches and filter beds <small>(Ontario Building Code, Division B, Part 8, Table 8.7.4.1)</small>	
Bedrooms	Litres per day	Bedrooms	Litres per day		Number of units	Total	Percolation time (T) of soil (minutes)	Loading rates (litres per metres ² per day)
1	750	4	2000	Bathroom group (3 to 4 piece bathroom)	_____ x 6.0 = _____		1 < T ≤ 20	10
				Bathtub (with or without shower)	_____ x 1.5 = _____		20 < T ≤ 35	8
				Toilet	_____ x 4.0 = _____		35 < T ≤ 50	6
2	1100	5	2500	Clothes washer	_____ x 1.5 = _____		T > 50	4
				Dishwasher	_____ x 1.0 = _____		Table 4 – Shallow buried trench length <small>(Ontario Building Code, Division B, Part 8, Table 8.7.3.1)</small>	
				Laundry tubs	_____ x 1.5 = _____		Percolation time (T) of soil (minutes)	Length of distribution pipe (metres)
3	1600	Per bedroom over 5	500	Shower drain	_____ x 1.5 = _____		1 < T ≤ 20	Q ÷ 75 metres
				Sinks	_____ x 1.5 = _____		20 < T ≤ 50	Q ÷ 50 metres
				Other	_____ x . = _____		50 < T < 125	Q ÷ 30 metres
				Total = _____				

1. Project information		
Street Number, Street Name	Unit number	Lot/con.
Municipality	Postal code	Plan number/other description

Structure	<input type="checkbox"/> New <input type="checkbox"/> Existing	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	If the sewage system is non-residential, attach a separate copy of the specifications and plans.	
Number of bedrooms	Number of fixture units	Total finished area _____ (metres ²)	Daily design sewage flow (Q) _____ (litres per day)	Septic tank capacity (2 x Q) _____ (litres)
_____	_____	<input type="checkbox"/> Including walkout basement	Account for backwash water from any water treatment unit (i.e. water softener)	(minimum of 3600 litres)

Water supply	<input type="checkbox"/> Proposed <input type="checkbox"/> Existing	<input type="checkbox"/> Drilled Well Casing depth _____ (metres)	<input type="checkbox"/> Dug, bored, or blasted well	<input type="checkbox"/> Municipal	<input type="checkbox"/> Surface water
		<input type="checkbox"/> Sandpoint or drivepoint	<input type="checkbox"/> Cistern	<input type="checkbox"/> Shore well	

Soils

Indicate soil types (sand, silt, clay), bedrock, and the high ground water table below.

Test Pit (metres)

0.0	
0.3	
0.6	
0.9	
1.2	
1.5	

Estimated percolation rate of native soil	Tested percolation rate of imported soil
T = _____ (minutes per centimeter)	T = _____ (minutes per centimeter)

Holding tank capacity (7 x Q)
(Class 5 only)
(minimum of 9000 litres)

_____ (litres)

Class 4 sewage system type

Conventional leaching bed
 Chamber system leaching bed
 Filter media bed
 Building Materials Evaluation Committee area bed
 Shallow buried trenches*
 Type A dispersal bed*
 Type B dispersal bed*

* These sewage systems **require** a Level IV treatment unit certified to the CAN/BNQ 3680-600 standard, or a treatment unit described in Supplementary Standard SB-5.

Treatment unit

Level II Level III Level IV
 Service agreement provided
Manufacturer _____
Model _____
 Building Materials Evaluation Committee authorization provided

Conventional leaching bed
(minimum 40 metres)

Total distribution pipe _____ (metres)

Mantle required Pump required

Chamber system leaching bed
(minimum 40 metres)

Total chamber length _____ (metres)

Manufacturer _____
Model _____
Number of pieces _____

Mantle required Pump required

Filter media bed

Loading area _____ (metres²)
Contact area _____ (metres²)
Total distribution pipe _____ (metres)

Mantle required Pump required

Shallow buried trenches
(minimum 30 metres)

Total trench length _____ (metres)

Building Materials Evaluation Committee area or type A dispersal bed

Stone layer area _____ (metres²) Sand layer area _____ (metres²) Mantle required

Type B dispersal bed Stone layer area _____ (metres²) Linear loading rate 50 litres per metre 40 litres per metre
Pump chamber capacity _____ (litres)

Loading rate (from Table 3) = _____ (Q) ÷ _____ (litres per metres² per day) = _____ area (metres²)

Soils Certification

I, _____ (Licensed Installer under Section 3.3 of the Building Code Act), verify that the material used in the construction of the sewage system, under the permit herein, meets the requirements of the Ontario Building Code, the percolation rate identified on the permit and the soils analysis submitted to City of Kingston

Note: Leaching bed fill means soil used for the construction of conventional and chamber leaching beds, filter beds, dispersal beds, and area beds as prescribed under specific Building Materials Evaluation Commission authorizations. It may not include a requirement for other soils as prescribed by treatment unit manufacturers; check with the manufacturer before installation. The silt content of leaching bed fill must be included in the analysis. City of Kingston may require you to submit soil samples for analysis.

Licensed installer's signature

Date:



1333 HWY 3
DUNNVILLE, ONTARIO
N1A 2W7
phone: (905) 774-4307
fax: (905) 774-1168

THE DRAWINGS AND SPECIFICATIONS
ARE THE PROPERTY OF THE ENGINEER
TO BE USED ONLY FOR THE PROJECT
FOR WHICH THEY WERE ISSUED.

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W.D. MOODY CONCRETE

2019 TANK
COMPLIANCE

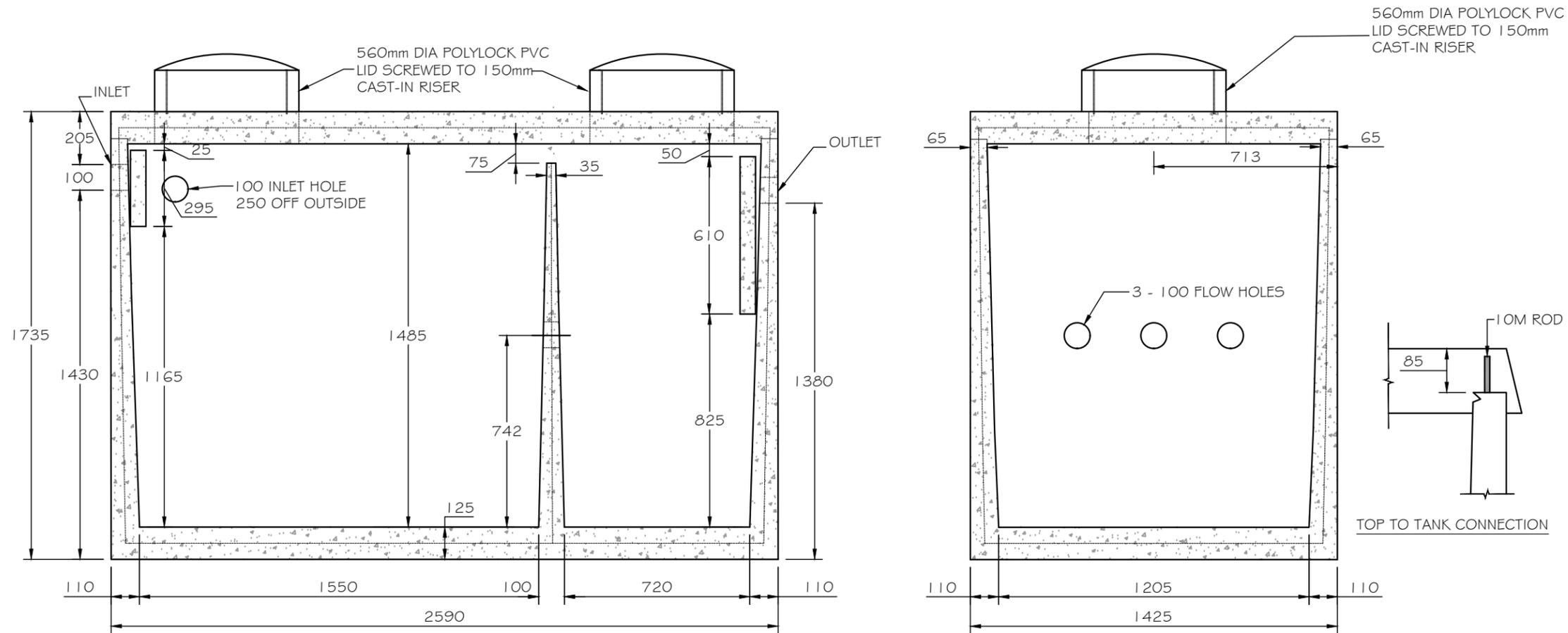
DRAWING

800 IMP. GAL
SEPTIC TANK

SCALE: 1:750 FILE NUMBER: ----

DRAWING FILE: DWG5-2018/REV 1 - 1000 GAL SEPTIC TANK - M10-18-196.dwg

DRAWN BY: DALLAS DEAMUDE	DRAWING NUMBER: S-1
DATE: MAY 21, 2019	
SHEET: 1 OF 1	



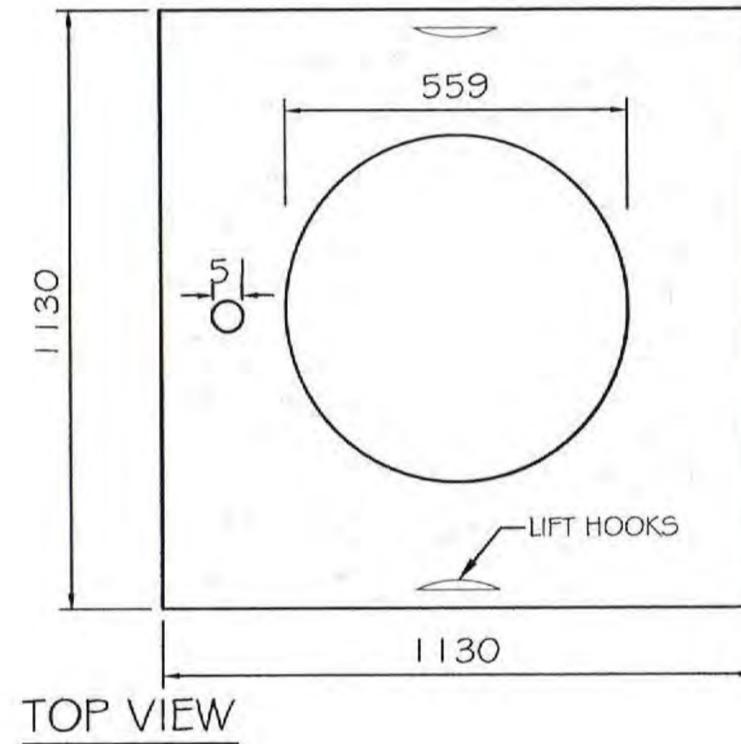
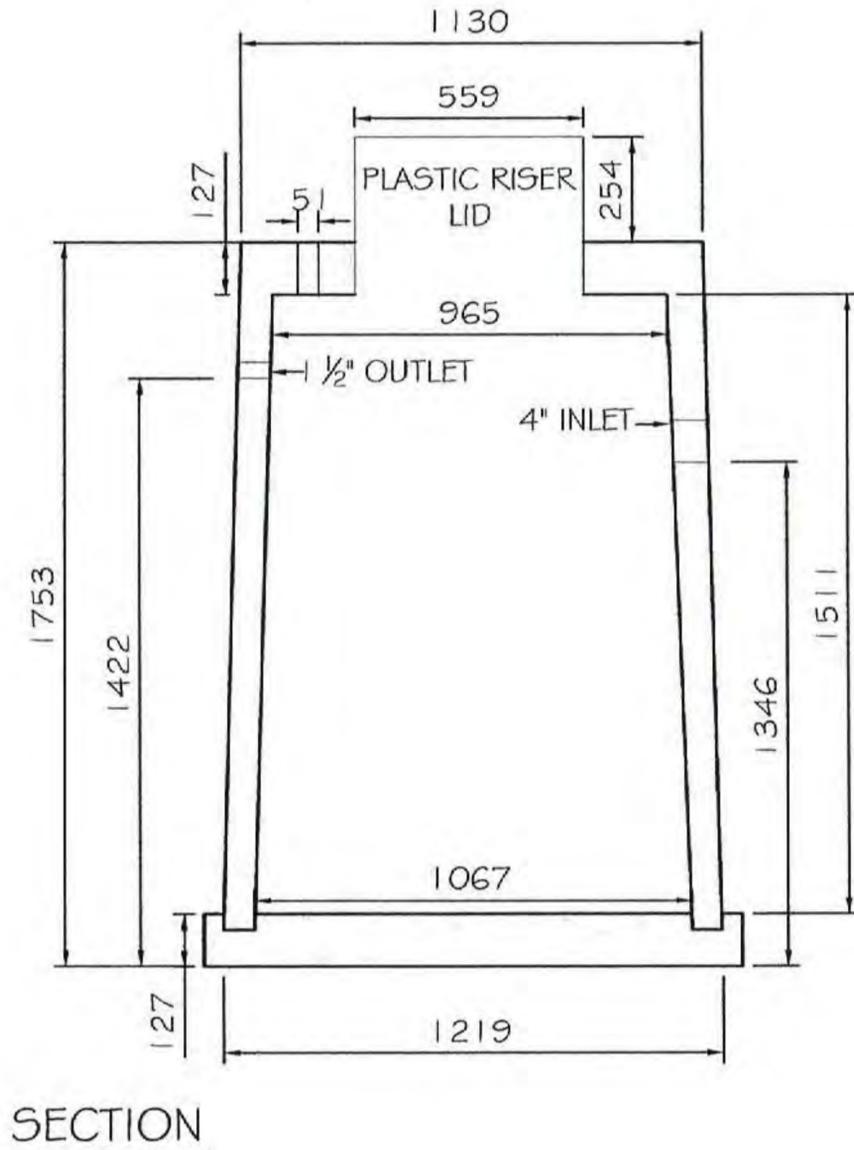
SECTION A-A

SECTION B-B

PLAN VIEW

SPECIFICATIONS:

- CONCRETE: 32 MPA MINIMUM AT 28 DAYS
- 5% TO 8% AIRE ENTRAINMENT
- REINFORCEMENT: 7 - 10M RODS IN BOTTOM
- 12 - 10M RODS IN LID
- SIKA FIBERMESH 650 - USED AT RATE OF 3.0 LBS PER CUBIC YARD
- ASSEMBLED WEIGHT: 4,700 KG
- MODEL #: MC - 8005
- FEATURES: INLET - 100 POLYLOCK OPEN-END BOOT SEAL
- TANK IDENTIFICATION: W.D. MOODY CONCRETE LTD.
MC 8005(1 M NON-SUL
KLS 2019



SPECIFICATIONS:

CONCRETE: 35 MPA MINIMUM AT 28 DAYS
5% TO 8% AIR ENTRAINMENT

REINFORCEMENT: 8 - 10MM ROD IN TOP AND SIDES
8 - 10MM ROD IN BOTTOM

TOP SECTION JOINED TO BOTTOM BY 10MM
ROD SET IN FRESH CEMENT OF BOTTOM MOULD

THE DRAWING AND SPECIFICATION ARE THE PROPERTY OF THE ENGINEER TO BE USED ONLY FOR THE PROJECT FOR WHICH THEY WERE ISSUED. ALL AUTHORIZED DRAWINGS HAVE INDIVIDUAL AND ORIGINAL SIGNATURES. KLS ENGINEERING COPYRIGHT 2010

KLS ENGINEERING		
DUNNVILLE ONT. (905) 774-4307		
DRAWING: 1,500 LITRE PUMP CHAMBER		
PROJECT:	W.D. MOODY CONCRETE	DRAWN BY: DEANNA CHILTON
SCALE:	DATE:	FILE NO.
AS NOTED	APR. 30/10	M5-10-115



- ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE NOTES

Committee of Adjustment Staff,

Minor Variance GL/A-23:115 – 6061 White Church Rd, Mount Hope.
May 30, 2023

My name is Dorothy Oosterhoff and my husband is Jesse Oosterhoff. The owner of 6061 White Church Rd, Darryl Oosterhoff, is our son. The purpose of this minor variance application is to allow an “attached” additional dwelling unit to be built on the property of 6061 White Church Rd, where my husband and I plan to live.

We are writing this letter to convey just how important building the additional dwelling unit is to us. We have already sold our home in Smithville so that we could downsize and build an affordable housing unit, and still have funds left over so that we can retire. The in-law suite will provide us with a long term, alternative country housing arrangement which allows us to retain our independence. We can be close to family who can take care of us when needed in the future.

We feel that this also helps with the housing shortage in Ontario, lowers cost for senior care services, and keeps us out of a nursing home. All things the Ford government is trying to promote.

We ask you to look favourably on this minor variance application.

Thank you,
Dorothy and Jesse Oosterhoff



Darryl Oosterhoff <doosterhoff@gmail.com>

RE: Zoning Compliance Review GL/B-22:115 - 23-113651 ALR

Brito, Victoria <Victoria.Brito@hamilton.ca>
To: "doosterhoff@gmail.com" <doosterhoff@gmail.com>

Fri, Apr 28, 2023 at 12:12 PM

Hello Darryl,

Unfortunately, I'm unable to clear Conditions #5 and #6 of Consent Application GL/B-22:115 at this time. Please note that as outlined in the Consent decision, variances are required from the requirements of the Zoning By-law. The proposal will result in two lots with a deficient lot area by way of severance, merging of lands and dedication of lands to the right-of-way.

Please note, I will hold-on to your Applicable Law Application until such time that a successful minor variances is received.

Let me know if you have any further questions or concerns.

Kind Regards,

Victoria Brito

Zoning Examiner/Code Correlator

Planning and Economic Development

Planning Division, City of Hamilton

(905) 546-2424 Ext.7628



Committee of Adjustment Staff – GL/A-23:115**Variance – Doors on Front Façade**

The occupants of the ADU will be my parents, who are currently in their sixties. A main entrance on the "front facade" that can be wheel chair accessible is needed for the future. Also, having only an entrance inside the garage would not be suitable or safe for elderly tenants. The proposed front door is required for emergency access to the ADU, and it is designed to be perpendicular to the street... in order to make this variance minor in nature.

Variance 2- Minimum 0.6ha lot size for ADU

As the home owner, I have enlisted the services of Egger Excavating (a licenced septic design/installation company). The existing (aged) septic system in the front lawn of 6061 White Church will be discontinued and new tanks and a new raised septic bed will be installed in the southwest corner of the property. Egger has confirmed that there is sufficient room on the property for a septic bed that will meet the Ontario standards to service both the existing dwelling and the ADU.

I hope to submit drawings of this proposed septic system when they become available.

The plans will also show a cistern to be installed under the garage of the proposed ADU. This will service the ADU, while the existing well will continue to service only the existing dwelling.

These wastewater / water plans will help show that the lot size of 0.28ha is sufficient to satisfy the requirements of the Source Protection Planning Dept. This will also negate the need for a Hydrogeological Assessment to be done.

Respectfully,

Darryl Oosterhoff

Home owner 6061 White Church Rd

May 24, 2023

Site Statistics for 6061 White Church Rd., Hamilton

Zoning Designation

	A1	
	required	actual
Lot area	.6 hectares	2,897.76 m ²
Setback for existing house		
Front: to existing house minimum	10.0 m	16.38 m
to bay window of house minimum	10.0 m	16.05 m
to eavestrough of existing house (.45 m. encroachment)	9.55 m	15.82 m
to addition minimum	10.0 m	15.17 m
to eavestrough of addition (.45 m. encroachment)	9.55 m	14.79 m
to entry canopy	9.55 m	14.22 m
Rear: to existing house minimum	10.0 m	36.09 m
to eavestrough of existing house	9.55 m	35.53 m
to existing veranda	10.0 m	32.81 m
to eavestrough of existing veranda	9.55 m	32.10 m
Side right: to existing garage minimum	3.0 m	23.13 m
(west) to eavestrough of existing garage	2.55 m	22.77 m
Side left: to existing house minimum	3.0 m	3.97 m
(east) to eavestrough of existing house	2.55 m	3.61 m
to existing veranda minimum	3.0 m	4.02 m
to eavestrough of existing veranda	2.55 m	3.31 m
to eave of new gable	2.55 m	3.62 m
Maximum Building height		
Existing house	10.5 m	5.52 m
Proposed gable	10.5 m	6.13 m
Setback for secondary dwelling unit addition to house		
Front: to secondary dwelling addition minimum	10.0 m	12.39 m
to eavestrough of addition (.45 m. encroachment)	9.55 m	12.34 m
Rear: to secondary dwelling addition minimum	10.0 m	33.71 m
to eavestrough of addition	9.55 m	33.13 m
to addition covered patio	10.0 m	33.01 m
to eave of addition covered patio	9.55 m	32.65 m
Side right: to secondary dwelling addition minimum	3.0 m	7.23 m
(west) to eavestrough of addition minimum	2.55 m	6.65 m
Side left: to secondary dwelling addition minimum	3.0 m	26.77 m
(east) to eave of addition minimum	2.55 m	24.08 m
Maximum Building height		
Proposed ridge	10.5 m	4.95 m

Lot Coverage

Area of existing house	114.06 m ²
Area of existing house with garage	166.12 m ²
Area of existing shed (3.048 m x 3.048 m, 3.023 m high)	9.29 m ²
Total existing lot coverage	175.41 m ²
Ratio of existing lot coverage to lot area	6.05 %
Area of proposed foyer addition	4.54 m ²
Total area of primary residence with proposed foyer addition	118.60 m ²
Area of proposed secondary dwelling addition	100.22 m ²
Area of proposed secondary dwelling addition with garage	132.25 m ²
Total existing and proposed additions	312.20 m ²
Ratio of existing and proposed total lot coverage to lot area	10.77 %

Spatial Separation for Secondary Dwelling Addition

East side – no unprotected openings	
West side – Total wall area of 39.41 m ² & 7.23m limiting distance allows 80% opening	31.53 m ²
Total unprotected openings from east elevation	5.78 m ²



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.:	GL/B-22:115	SUBJECT PROPERTY:	6105 White Church Rd, Glanbrook
-------------------------	--------------------	--------------------------	---------------------------------

APPLICANTS: Owner: Darryl Oosterhoff
Agent: Brian McKibbon

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 6061 White Church Road, Mount Hope.

	Frontage	Depth	Area
SEVERED LANDS:	18.28 m [±]	63.93 m [±]	1,169.15 m ² [±]
RETAINED LANDS:	143.27 m [±]	617.80 m [±]	166,898 m ² [±]

Associated Planning Act File(s): N/A

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The existing right-of-way along the frontage of White Church Road is approximately ± 17.00 metres. Approximately ± 7.00 metres of the lands to be severed are to be dedicated to the right-of-way on White Church Road, per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. White Church Road is to be 30.480 metres from Glancaster Road to Trinity Church Road. (To the satisfaction and approval of the Manager, Transportation Planning)
5. 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).
6. The owner shall submit survey evidence that the lands to be retained and the severed lands including 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).
7. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section or Building Engineering Section).

DATED AT HAMILTON, December 8, 2022.

D. Smith (Chairman)	M. Dudzic
B. Charters	T. Lofchik
N. Mieczko	D. Serwatak
M. Smith	M. Switzer

The date of the giving of this Notice of Decision is **December 15, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (December 15, 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 **January 4, 2023**. A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



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	6061 White Church Rd, Mount Hope, ON, L0R1W0		
Assessment Roll Number	90261063400		
Former Municipality	Glanbrook		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-22123	Part(s)	1, 2

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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:

Clearing of Conditions #5 and #6 for Consent Application GL/B-22:115

To allow Minimum Lot Area, Single Detached Dwelling, of 0.28 ha, reduced from 0.4 ha
Zoning By-Law City of Hamilton 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?

The applicant was unable to purchase enough property to bring the total to 0.4 ha

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
48.76m	60.838m	0.28ha / 2,897.76m ²	15.8m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	16.38m	36.09m	East- 3.97m West- 23.13m	01/01/1970
Shed	40.8m	17.095m	East- 20.25m West -25.37m	01/01/2013

Proposed:

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

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	114m2	166m2	1	5.52m
Shed	9.29m2	9.29m2	1	3.02m

Proposed:

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

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

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

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

- ditches
- other means (specify)

- 4.6 Type of sewage disposal proposed: (check appropriate box)
- publicly owned and operated sanitary sewage
- system privately owned and operated individual
- septic system other means (specify) _____
- 4.7 Type of access: (check appropriate box)
- provincial highway 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.):
- Agricultural and Single Detached Dwelling

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
- 2017
- 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:
- 50+ 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: Glanbrook
- 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? A1
- 7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-law Amendment or Minor Variance)
- Yes No
- If yes, please provide the file number: A1

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: GL/B-22:115

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.:	GL/A-23:116	SUBJECT PROPERTY:	6105 WHITE CHURCH ROAD, GLANBROOK
ZONE:	"A1" (Agriculture)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** BRIAN MCKIBBON
 Agent: DARRYL OOSTERHOFF

The following variances are requested:

1. To permit a minimum lot area of 16.2 hectares instead of the required 40.4 hectares.

PURPOSE & EFFECT: To permit a lot in accordance with land severance consent GL/B-22:115.

Notes:

- i. This variance is necessary to facilitate consent GL/B-22:115 granted by the Committee at a previous hearing.

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 15, 2023
TIME:	10:30 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

GL/A-23:116

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 GL/A-23:116, 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.

GL/A-23:116



 Subject Lands

DATED: May 30, 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.

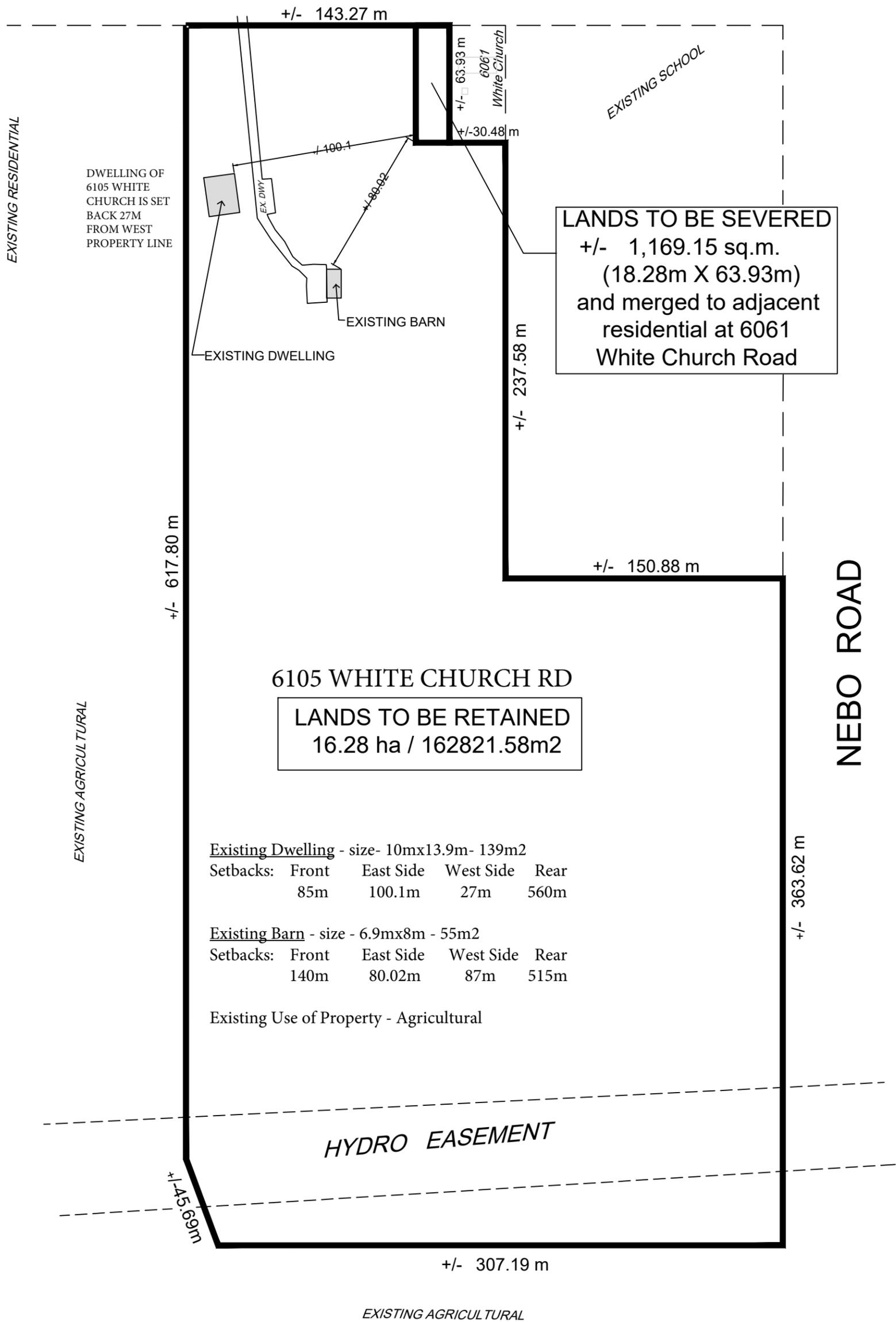
2. In person Oral Submissions

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.

WHITE CHURCH ROAD



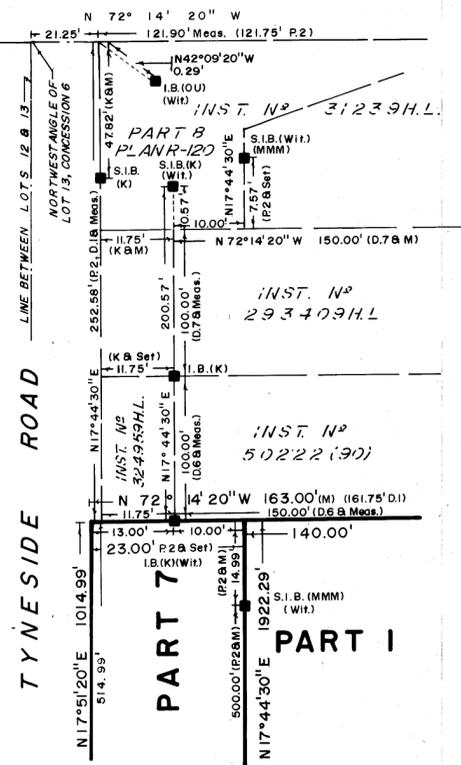
MINOR VARIANCE SKETCH

6105 WHITE CHURCH ROAD



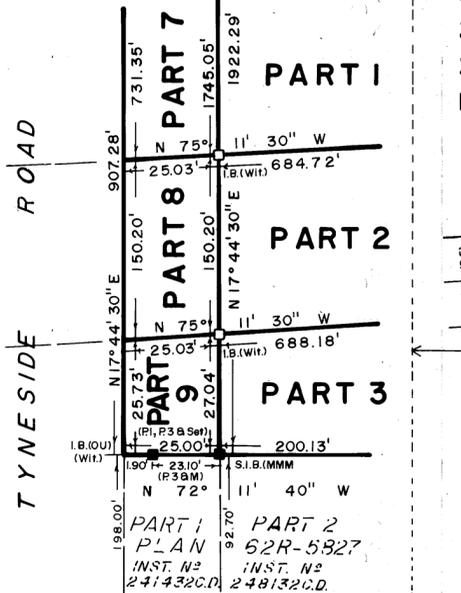
N.T.S.

WHITE CHURCH ROAD

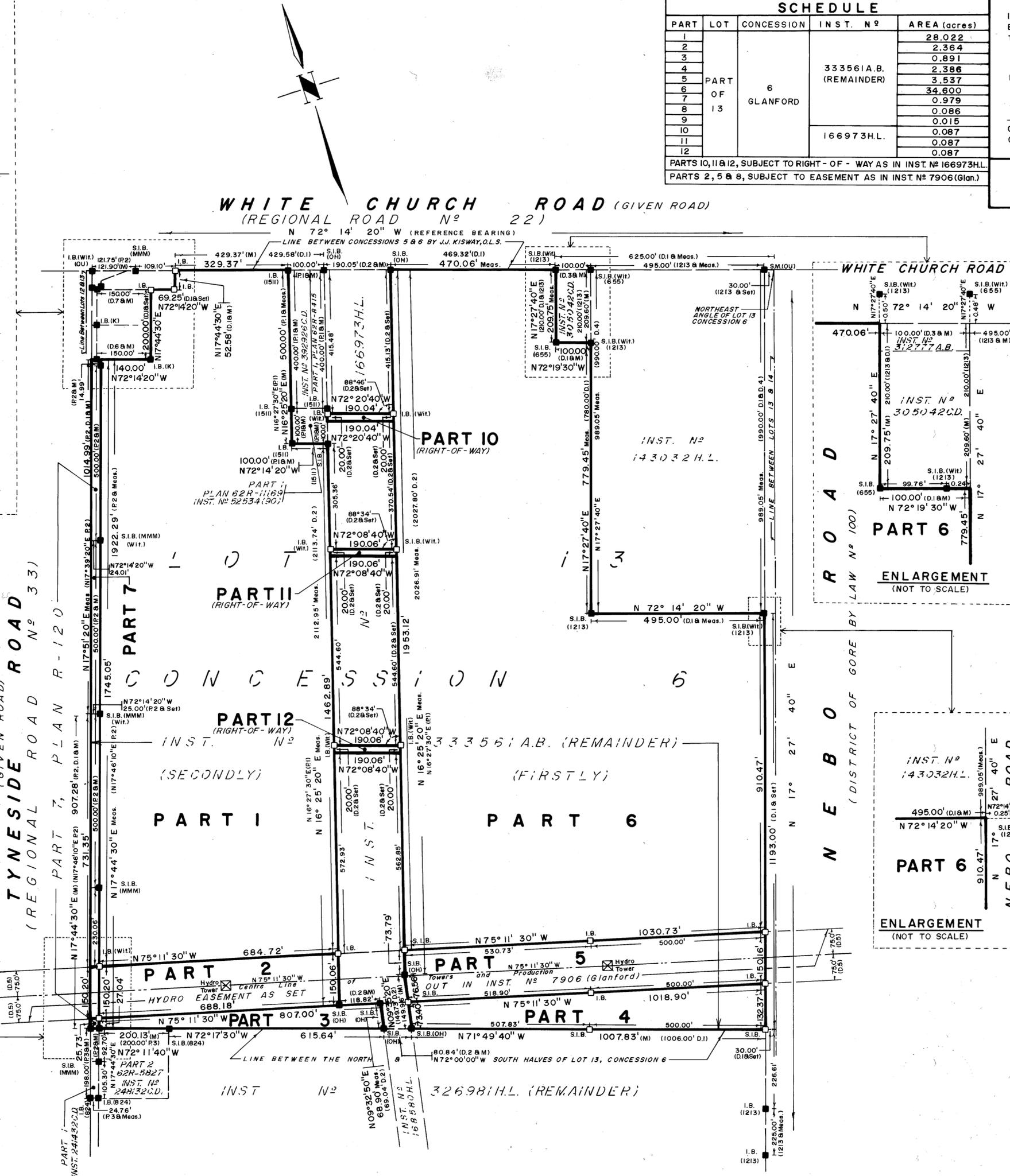


ENLARGEMENT (NOT TO SCALE)

ENLARGEMENT (NOT TO SCALE)



ENLARGEMENT (NOT TO SCALE)



SCHEDULE				
PART	LOT	CONCESSION	INST. N°	AREA (acres)
1	PART OF 13	6	333561 A.B. (REMAINDER)	28.022
2				2.364
3				0.891
4				2.386
5				3.537
6				34.800
7				0.979
8				0.086
9				0.015
10				0.087
11				0.087
12				0.087

PARTS 10, 11 & 12, SUBJECT TO RIGHT-OF-WAY AS IN INST. N° 166973 H.L.
 PARTS 2, 5 & 8, SUBJECT TO EASEMENT AS IN INST. N° 7906 (Glan.)

PLAN 62R-11313

RECEIVED AND DEPOSITED

DATE: JULY 10, 1990.

G. V. Consoli
G. V. CONSOLI
ONTARIO LAND SURVEYOR

DATE: 1990.07.19

C. Olenkiw
LAND REGISTRAR FOR THE
REGISTRY DIVISION OF
WENTWORTH (N° 62).

CAUTION:
THIS PLAN IS NOT A PLAN OF SUBDIVISION
WITHIN THE MEANING OF THE PLANNING ACT.

PLAN OF SURVEY OF
**PART OF LOT 13
 CONCESSION 6**
 TOWNSHIP OF GLANBROOK
 (FORMERLY TOWNSHIP OF GLANFORD)
 REGIONAL MUNICIPALITY OF
 HAMILTON - WENTWORTH
 (FORMERLY COUNTY OF WENTWORTH)

SCALE = 1" = 200'

GUIDO CONSOLI
 ONTARIO LAND SURVEYOR
 1990.

BEARING NOTE:
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO
 THE SOUTHERLY LIMIT OF WHITE CHURCH ROAD
 AS SHOWN ON REFERENCE PLAN R-120, HAVING A
 BEARING OF N 72° 14' 20" W.

LEGEND:

SURVEY MONUMENT FOUND.	■
SURVEY MONUMENT PLANTED.	□
STANDARD IRON BAR.	I.B.
IRON BAR.	I.B.
ORIGIN UNKNOWN.	OH
ONTARIO HYDRO.	OH
MACKAY, MACKAY & PETERS, O.L.S.	I213, 655
MARSHALL, MACKLIN & MONAGHAN, O.L.S.	MMM
STONE MONUMENT.	S.M.
A.T. McLAREN, O.L.S.	824
WITNESS.	Wit.
REFERENCE PLAN 62R-11169.	R1
REFERENCE PLAN R-120.	R2
REFERENCE PLAN 62R-5827.	R3
INSTRUMENT N° 333561 A.B.	D.1
INSTRUMENT N° 166973 H.L.	D.2
INSTRUMENT N° 312777 A.B.	D.3
INSTRUMENT N° 143032 H.L.	D.4
INSTRUMENT N° 7906 (Glanford).	D.5
INSTRUMENT N° 50222 (90).	D.6
INSTRUMENT N° 293409 H.L.	D.7
J.J. KISWAY, O.L.S.	K.
MEASURE.	Meds., M

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
- THE SURVEY WAS COMPLETED ON THE 3rd DAY OF JULY, 1990.

JULY 10, 1990.
DATE

G. V. Consoli
G. V. CONSOLI
ONTARIO LAND SURVEYOR

GUIDO CONSOLI
SURVEYING LTD.
 152 JACKSON STE. HAMILTON · SUITE 102
 TEL. (416) 521-1535 · (L8N IL 3)



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.:	GL/B-22:115	SUBJECT PROPERTY:	6105 White Church Rd, Glanbrook
-------------------------	--------------------	--------------------------	---------------------------------

APPLICANTS: Owner: Darryl Oosterhoff
Agent: Brian McKibbon

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 6061 White Church Road, Mount Hope.

	Frontage	Depth	Area
SEVERED LANDS:	18.28 m [±]	63.93 m [±]	1,169.15 m ² [±]
RETAINED LANDS:	143.27 m [±]	617.80 m [±]	166,898 m ² [±]

Associated Planning Act File(s): N/A

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The existing right-of-way along the frontage of White Church Road is approximately ± 17.00 metres. Approximately ± 7.00 metres of the lands to be severed are to be dedicated to the right-of-way on White Church Road, per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. White Church Road is to be 30.480 metres from Glancaster Road to Trinity Church Road. (To the satisfaction and approval of the Manager, Transportation Planning)
5. 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).
6. The owner shall submit survey evidence that the lands to be retained and the severed lands including 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).
7. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section or Building Engineering Section).

DATED AT HAMILTON, December 8, 2022.

D. Smith (Chairman)

M. Dudzic

B. Charters

T. Lofchik

N. Mieczko

D. Serwatak

M. Smith

M. Switzer

The date of the giving of this Notice of Decision is **December 15, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (December 15, 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 **January 4, 2023**. A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



Darryl Oosterhoff <doosterhoff@gmail.com>

RE: Zoning Compliance Review GL/B-22:115 - 23-113651 ALR

Brito, Victoria <Victoria.Brito@hamilton.ca>
To: "doosterhoff@gmail.com" <doosterhoff@gmail.com>

Fri, Apr 28, 2023 at 12:12 PM

Hello Darryl,

Unfortunately, I'm unable to clear Conditions #5 and #6 of Consent Application GL/B-22:115 at this time. Please note that as outlined in the Consent decision, variances are required from the requirements of the Zoning By-law. The proposal will result in two lots with a deficient lot area by way of severance, merging of lands and dedication of lands to the right-of-way.

Please note, I will hold-on to your Applicable Law Application until such time that a successful minor variances is received.

Let me know if you have any further questions or concerns.

Kind Regards,

Victoria Brito

Zoning Examiner/Code Correlator

Planning and Economic Development

Planning Division, City of Hamilton

(905) 546-2424 Ext.7628





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		**@yahoo.com	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	6105 White Church Rd, Mount Hope, ON, L0R1W0		
Assessment Roll Number	90261063200		
Former Municipality	Glanbrook		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-11313	Part(s)	4, 5, 6

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:

There is a hydro easement (Hydro One) at the very south end of the property

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:

Clearing of Conditions #5 and #6 for Consent Application GL/B-22:115
To allow Minimum Lot Area, Agricultural, of 16.28 ha, reduced from 40.0 ha
Zoning By-Law City of Hamilton 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?

The subject lands were short of the 40ha prior to this Consent Application and the subject lands will continue to be short of the 40ha after the Consent.

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
124.99m	663.49m	16.28ha / 162,821.58m ²	15.8m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	85m	560m	west-27m east-100.1m	01/01/1870
Barn	140m	515m	west-87m east-80.02m	01/01/1985

Proposed:

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

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	139m ²	240m ²	2	8.4M
Barn	55m ²	55m ²	1	3.8m

Proposed:

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

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

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

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

- ditches
- other means (specify)

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

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

4.7 Type of access: (check appropriate box)

- provincial highway 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.):
 Agricultural

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

1967

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

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

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

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? A1

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

Yes No

If yes, please provide the file number: A1

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: GL/B-22:115

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):

See Deposited Reference Plan 62R-11313 - Parts 4,5,6 make up the property of 6105 White Church Rd. According to this plan the property is 16.39ha. After the consent to sever (GL/B-22:115) the retained lands of 6105 White Church will be a total of 16.28ha (162,821.58m²).

Reference Plan 62R-11313 is accurate in its measurements and boundaries. No changes, deletions, or alterations have been made to the boundaries of 6105 White Church Rd since Plan 62R-11313 was deposited.

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-23:117	SUBJECT PROPERTY:	147 SLINGER AVENUE, STONEY CREEK
ZONE:	"R2" (Single Residential - Two)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: **Owner:** KENNETH & PATRICIA ALTENBURG
 Agent: LEN ANGELICI DESIGN C/O LEN ANGELICI

The following variances are requested:

1. A minimum side yard of 0.99 metres shall be permitted for a dwelling unit with an attached garage. Instead of the requirement of a minimum 1 metre side yard for a dwelling unit with an attached garage.

PURPOSE & EFFECT: To permit a second storey addition of an 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 15, 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
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

SC/A-23:117

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 SC/A-23:117, 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.

SC/A-23:117



 Subject Lands

DATED: May 30, 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.

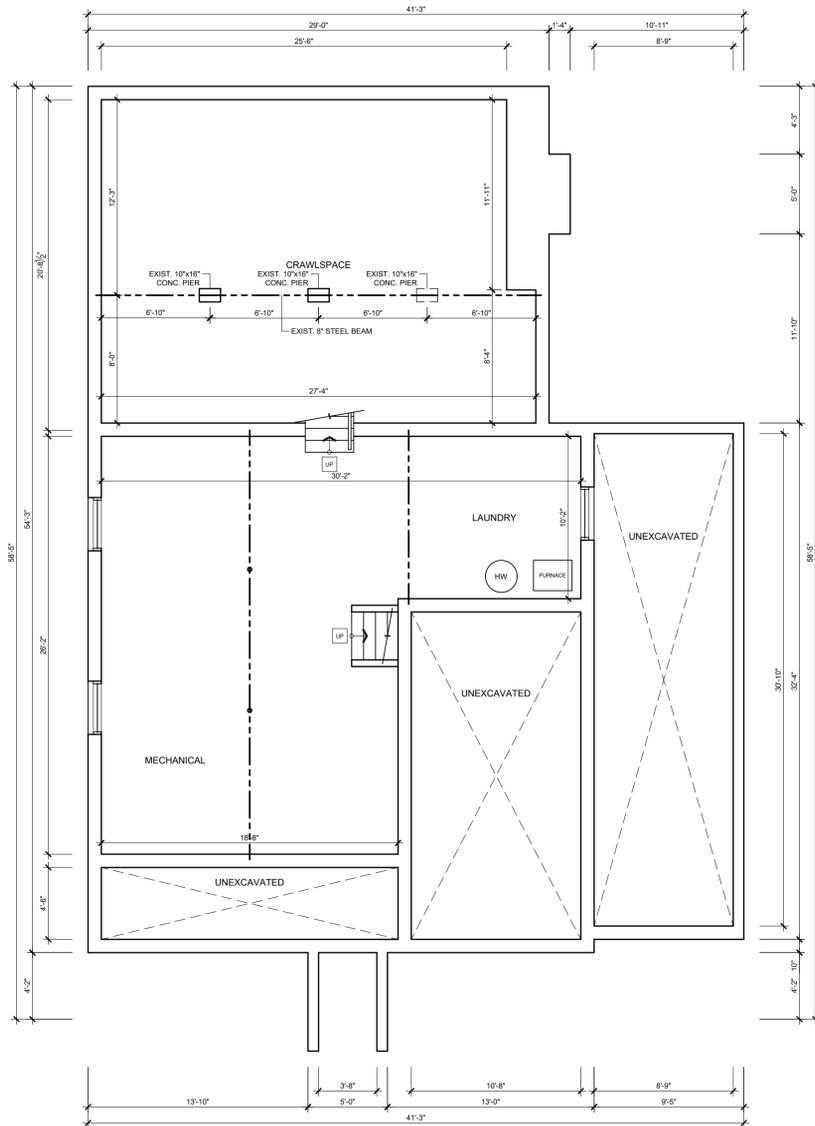
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

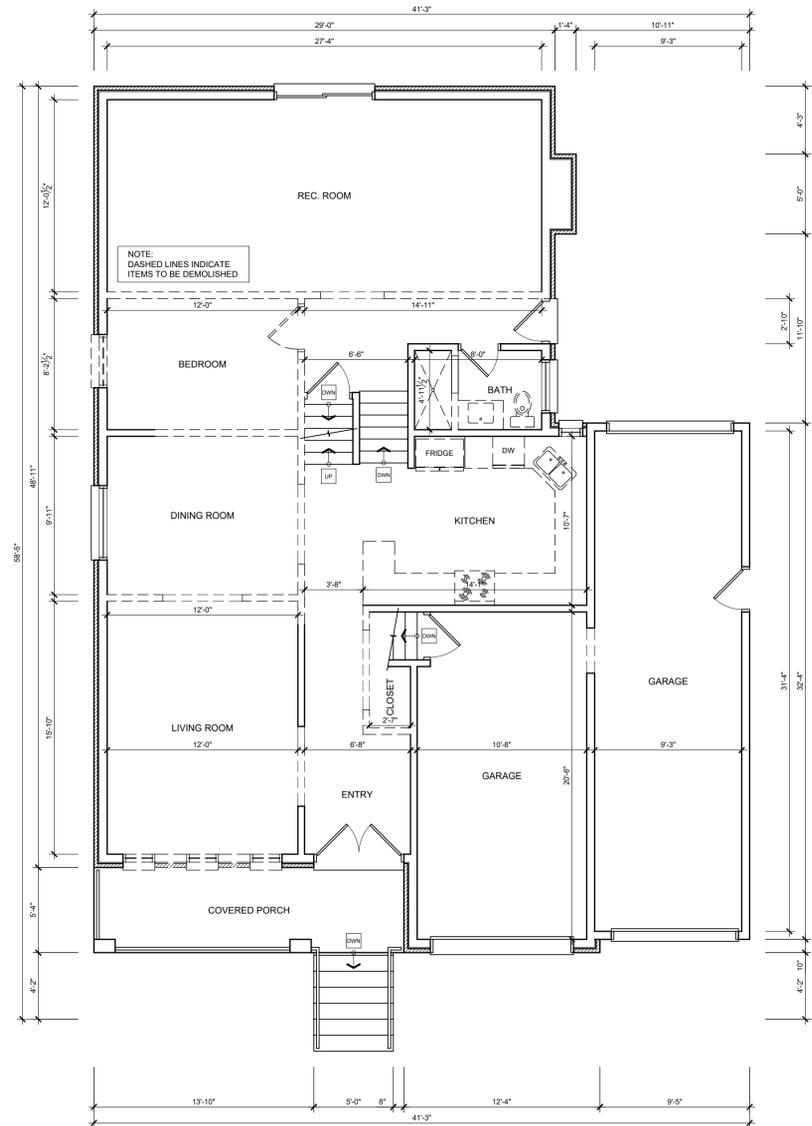
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

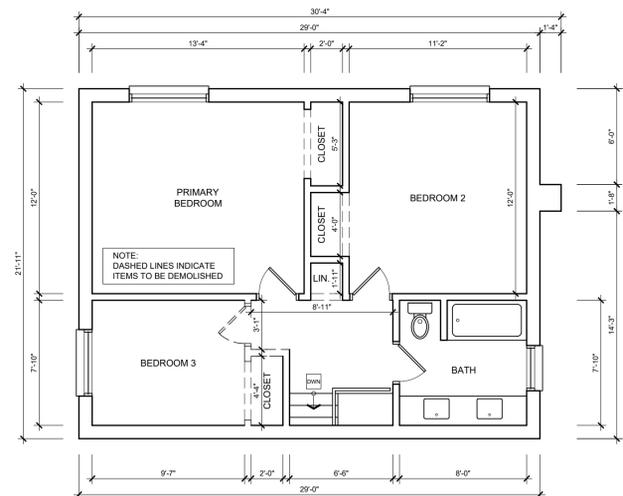
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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



EXISTING BASEMENT PLAN
SCALE 3/16" = 1' - 0"



EXISTING LOWER AND UPPER MAIN FLOOR PLANS
SCALE 3/16" = 1' - 0"



EXISTING SECOND FLOOR PLAN
SCALE 3/16" = 1' - 0"

PROJECT NORTH	TRUE NORTH
---------------	------------

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	05/02/2023

- 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.
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- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	124457
NAME	BCIN
05/02/2023	<i>[Signature]</i>
DATE	SIGNATURE

Len Angelici Design

270 SHERMAN AVE N, UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE
**147 SLINGER AVE.
STONE CREEK, ON**

SHEET TITLE
EXISTING FLOOR PLANS

DRAWN BY	L. ANGELICI
DATE	05/02/2023
SCALE	3/16" = 1'-0"
PROJECT No.	22069

A1

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	05/02/2023

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QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	124457
NAME	BCIN
05/02/2023	
DATE	SIGNATURE

Len Angelici Design

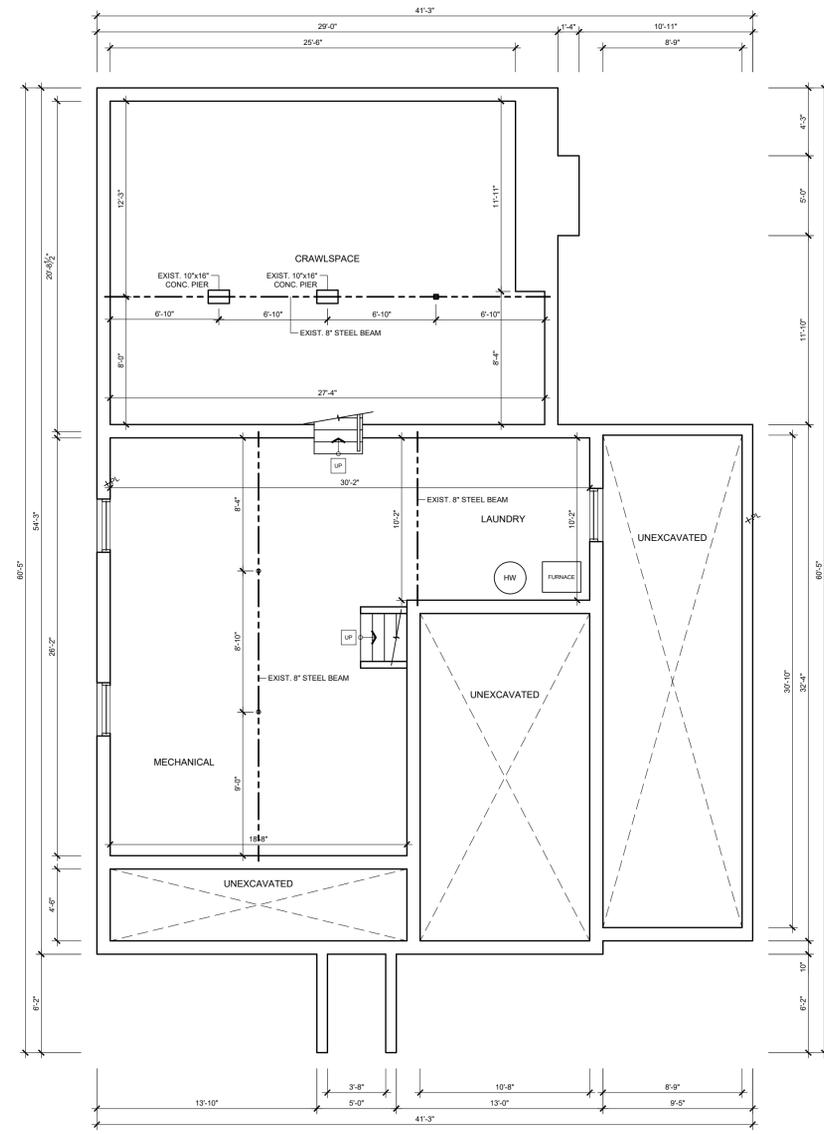
270 SHERMAN AVE N, UNIT MILL-125
 HAMILTON, ON L8L 6N4
 (905) 393-8868
 info@lenangelicidesign.ca

PROJECT
 PROPOSED RESIDENCE
 147 SLINGER AVE.
 STONEY CREEK, ON

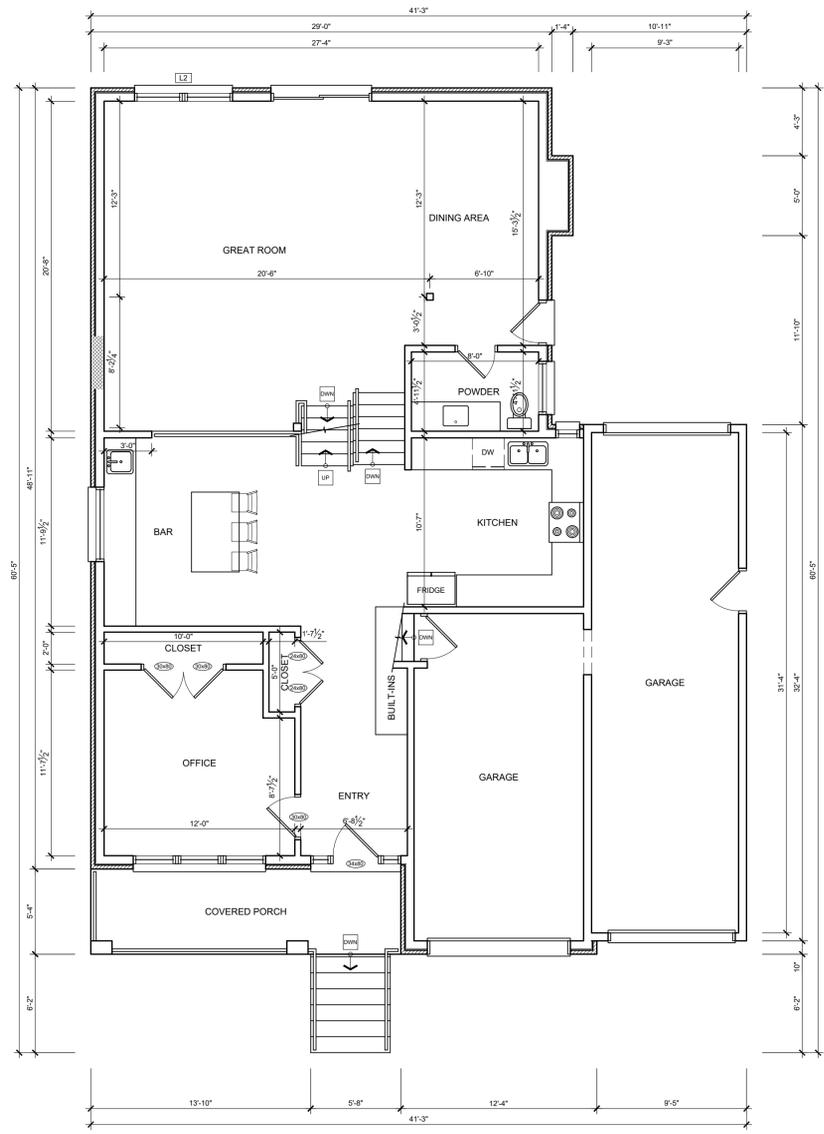
SHEET TITLE
 PROPOSED FLOOR PLANS

DRAWN BY	L. ANGELICI
DATE	05/02/2023
SCALE	3/16" = 1'-0"
PROJECT No.	22069

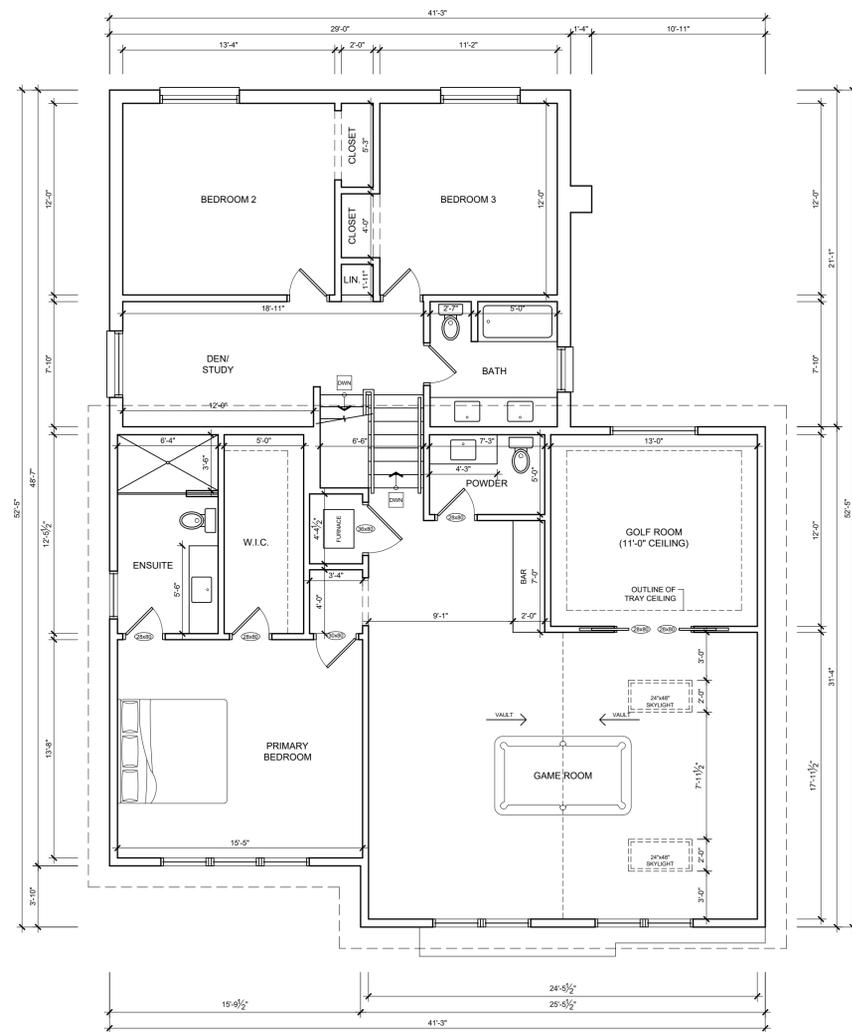
A2



PROPOSED BASEMENT PLAN
 SCALE 3/16" = 1' - 0"



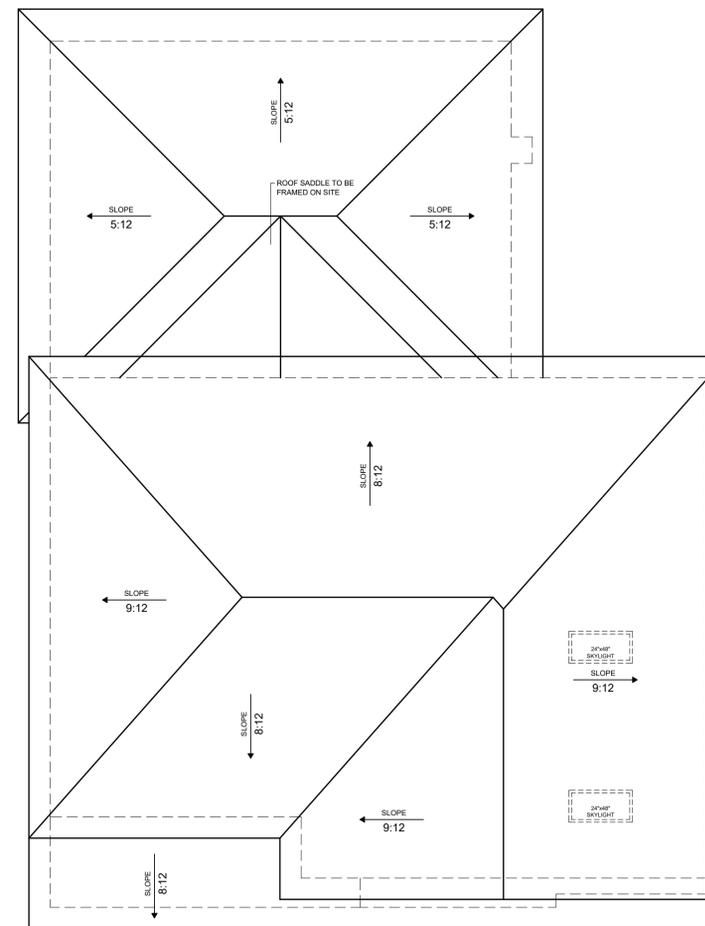
PROPOSED LOWER AND UPPER MAIN FLOOR PLANS
 SCALE 3/16" = 1' - 0"



PROPOSED LOWER & UPPER SECOND FLOOR PLAN

SCALE 3/16" = 1' - 0"

FLOOR AREA: 1219.13ft²



PROPOSED ROOF PLAN

SCALE 3/16" = 1' - 0"

PROJECT NORTH	TRUE NORTH

01.	DRAWINGS FOR VARIANCE	05/02/2023
No.	REVISION	DATE

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QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	124457
NAME	BCIN
05/02/2023	
DATE	SIGNATURE

Len Angelici Design

270 SHERMAN AVE N, UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE
147 SLINGER AVE.
STONE CREEK, ON

SHEET TITLE
PROPOSED SECOND FLOOR & ROOF PLANS

DRAWN BY	L. ANGELICI
DATE	05/02/2023
SCALE	3/16"=1'-0"
PROJECT No.	22069

A3



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 [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	147 SLINGER AVE, STONEY CREEK, ON		
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:

RELIEF FROM REQUIRED RIGHT SIDE SETBACK OF 1.25m TO PROPOSED 0.99m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

PROPOSED ADDITION IS TO BE BUILT OVER EXISTING GARAGE WALL WHICH HAS A SETBACK OF 0.99m

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
15.26m	41.00m	618.27m 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	7.68m	16.13m	1.68m, 0.99m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
2ND STOREY ADDITION	8.07m	22.55m	1.68m, 0.99m	

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	122.28m ²	181.53m ²	2	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
2ND STOREY ADDITION		113.26m ²		10.32m

- 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)

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:

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) 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? R2

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

Yes

No

If yes, please provide the file number: _____

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

Yes No

If yes, please provide the file number: _____

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

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 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
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	SC/B-23:30	SUBJECT PROPERTY:	59 BYRON AVENUE, STONEY CREEK
-------------------------	-------------------	--------------------------	-------------------------------

APPLICANTS: **Owner:** NORMAN & RUTH KLEBERT
Agent: WELLENREITER LLP C/O ANTHONY WELLENREITER

PURPOSE & EFFECT: To sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot and the retained lands will contain the existing dwelling which is intended to remain.

	Frontage	Depth	Area
SEVERED LANDS:	17.55 m [±]	45.72 m [±]	743.24 m ² [±]
RETAINED LANDS:	18.15 m [±]	45.72 m [±]	829.3 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 15, 2023
TIME:	10:40 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:

SC/B-23:30

- 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 SC/B-23:30, 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.

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

SC/B-23:30



DATED: May 30, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 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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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.

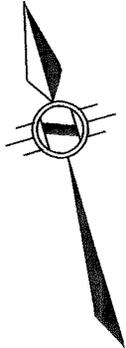
Site Sketch

SKETCH FOR SEVERANCE APPLICATION
OF
59 BYRON AVENUE
IN THE
CITY OF HAMILTON

SCALE 1:250 METRIC



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



ZONING NOTE

ZONING INFORMATION PROVIDED BY THE CITY OF STONEY CREEK ZONING BY-LAW No. 3692-92, SECTION 6.3: SINGLE RESIDENTIAL "R2" ZONING

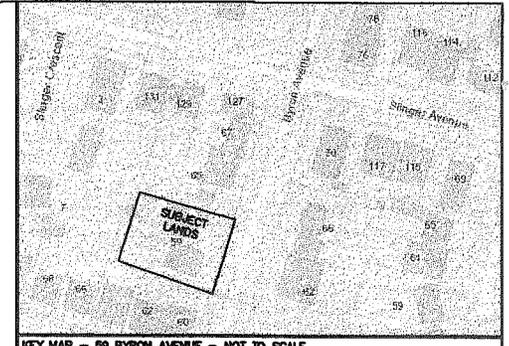
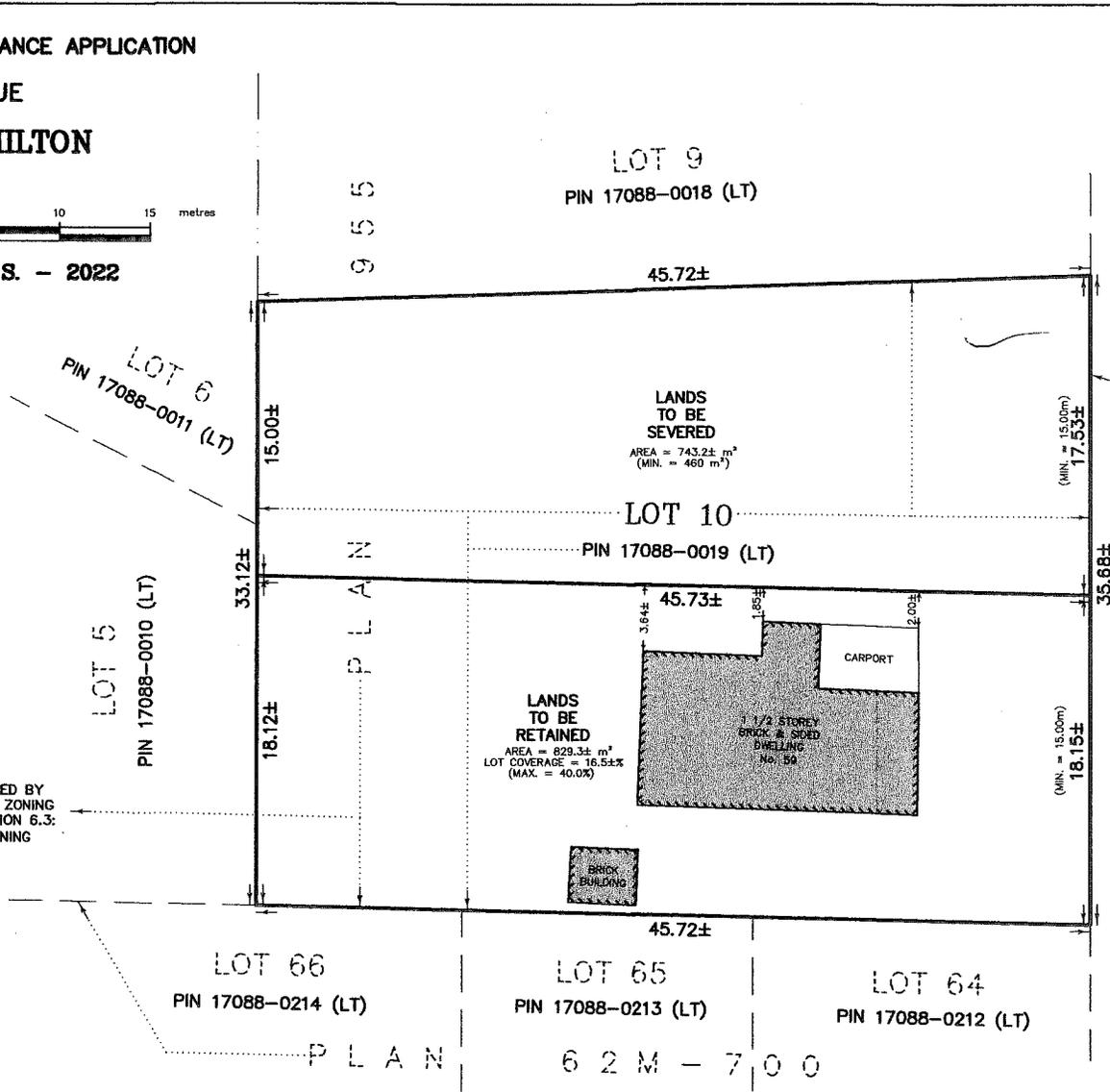
CAUTION

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

THIS SKETCH IS PROTECTED BY COPYRIGHT ©

DIMENSIONS NOTE

DIMENSIONS SHOWN ON THIS SKETCH ARE DERIVED FROM REGISTERED PLAN 955.



GEOGRAPHIC LOCATION:
ALL OF LOT 10, PLAN 955

BYRON AVENUE

METRIC NOTE:

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

OCTOBER 27, 2022
DATE

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

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

Drawn JM	Checked SDM	Scale 1:250	Dwg.No. 37032-SK
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WELLENREITER LLP

LAWYERS

280 PLAINS ROAD WEST
BURLINGTON, ONTARIO
CANADA L7T 1G4

Tel: 905-529-4520
Fax: 905-529-7943

ANTHONY WELLENREITER, K.C.*
RICHARD A. WELLENREITER, B.A. (Hons.) LL.B.*
WALTER R. WELLENREITER, B.A., LL.B., LL.M.*
MICHAEL N. RUBENSTEIN, B.A., LL.B.



awellenreiter@wellenreiter.ca
rwellenreiter@wellenreiterllp.ca
wwellenreiter@wellenreiterllp.ca
mrubenstein@wellenreiterllp.ca

April 20, 2023

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

Dear Madam/Sir:

Re: Our Client: Norman Klebert
Application for Consent to Sever Land
59 Byron Ave, Stoney Creek
Our File No.: R-90050

attn David Bonaventura

Delivered by Regular Mail

May 2nd 2023

Re submitted - as requested May 1/23

Kindly review.

aw

Please see the attached Application for Consent to Sever Land for the above-noted property along with our cheque for the application fee in the sum of \$3,220.00.

Thank you.

Yours very truly,

Wellenreiter LLP

Per:

Anthony. Wellenreiter*

AW:jew

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

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

1. APPLICANT INFORMATION

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

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

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

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

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

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____

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

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	59 Byron Ave. Stoney Creek L8J2T1		
Assessment Roll Number	0038004200		
Former Municipality	Stoney Creek		
Lot	N/A	Concession	
Registered Plan Number	955	Lot(s) 10	PIN 17088-0019 LT
Reference Plan Number (s)	—	Part(s) —	—

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

 Yes No

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

3 PURPOSE OF THE APPLICATION

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

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

the applicant will designate when known

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

N/A3.4 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:	Land Retained	Subject Parcel to be Severed			
Type of Transfer	N/A	deed transfer			
Frontage	18.15 m	17.55			
Depth	45.72	45.72			
Area	829.3 m ²	743.24 m ²			
Existing Use	Single family	vacant lot			
Proposed Use	"	single family dwelling			
Existing Buildings/ Structures	1/2 storey brick & siding dwelling	vacant lot			
Proposed Buildings/ Structures	single family dwelling	→ single family dwelling			
Buildings/ Structures to be Removed	N/A none	none - vacant land			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

b) Type of water supply proposed: (check appropriate box)

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

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

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

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

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

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

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

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) residential R2

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? residential R2

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"/>	none apply
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.

N/A

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

Yes No

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

6.4 How long has the applicant owned the subject land?

Sept 30/66 when his parents Wennen and Ruth Klebent acquired title

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)

In filling by the creation of a severed lot

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

Yes No (Provide explanation)

as in 7.1 above

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

Yes No (Provide explanation)

as in 7.1 above

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

Yes No (Provide explanation)

The existing property is part of a recognized subdivision

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

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

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

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

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

Yes No (Provide explanation)

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

Yes No (Provide explanation and details on plan)

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

N/A The title is not in issue, as only, a severance is sought

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)

N/A

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION10.1 Purpose of the Application (Farm Consolidation) *N/A*

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: *N/A*

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) *N/A*

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: *N/A*

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): *N/A*

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

Existing Land Use: _____ Proposed Land Use: _____

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

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

Front yard set back: _____

10.7 Surplus farm dwelling *N/A*

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 *\$3,220.00 - enclosed ✓*
- Site Sketch
- Complete Application form
- Signatures Sheet

11.2 Validation of Title *N/A - However the abstract of the title is attached -*

- 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 *N/A*

- 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 *N/A*

- 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.:	FL/A-23:118	SUBJECT PROPERTY:	745 CROOKS HOLLOW ROAD, FLAMBOROUGH
ZONE:	"P6" (Conservation / Hazard Land – Rural Zone)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** SUSAN O'ROURKE
 Agent: JAMES LING GROUP LTD C/O JAMES LING

The following variances are requested:

1. A maximum gross floor area of 170.38m² shall be permitted for a building accessory to a single detached dwelling instead of the maximum 45m² gross floor area for buildings accessory to a single detached dwelling required.
2. A maximum accessory building height of 7.92m shall be permitted instead of the maximum 4.5m accessory building height permitted.

PURPOSE & EFFECT: To permit the construction of a proposed detached garage;

Notes:

1. Elevation drawings not provided, further variances may be required at such a time that complete zoning review can be conducted.
2. Floor plans for the proposed accessory building not provided, as such compliance to section 5 (parking) could not be determined and further variances may be required at such a time that complete zoning review can be 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:

FL/A-23:118

DATE:	Thursday, June 15, 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
	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-23:118, 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-23:118



DATED: May 30, 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.

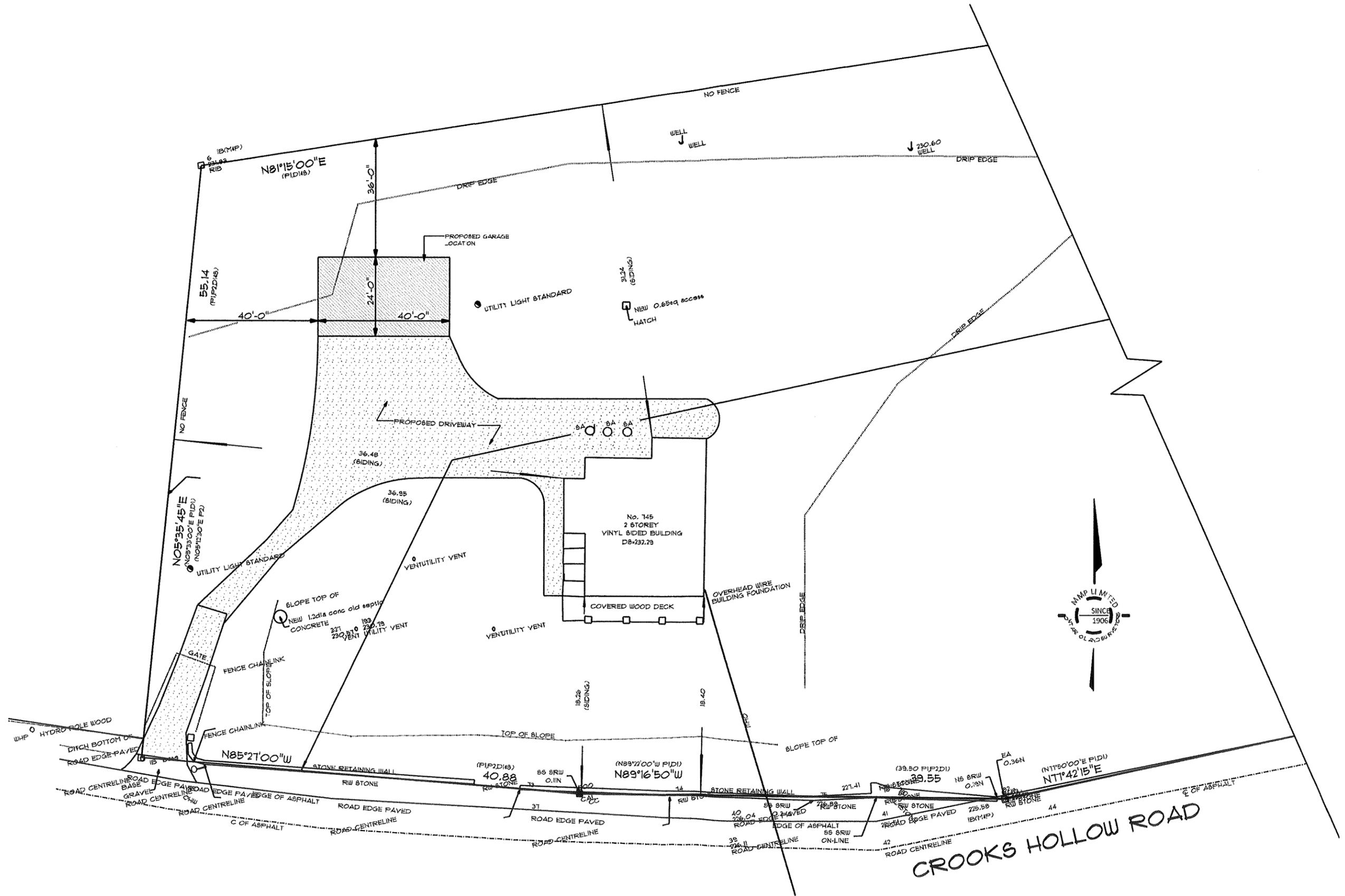
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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: 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 be sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	[REDACTED]		
Assessment Roll Number	302230170000000		
Former Municipality	Dundas		
Lot	7 & 8	Concession	2
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Height and Size of Accessory Building

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

By-law restrictions do not allow enough space for a 3 car garage with storage overtop.

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
221	55	12155	20

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
Primary Residence	18.26	31.24	36.48, 169.62	01/01/1800

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Three Car Garage	36.85	10.97	12.19, 196.62	09/01/2023

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Family Home	164.53	203.08	1.5	10

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Three Car Garage	89.19	170.38	1.5	7.92

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 Dwelling

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
2017
- 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:
100 years or more
- 7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): Rural Settlement

Rural Settlement Area: Greenville

Urban Hamilton Official Plan designation (if applicable) N/A

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

- 7.6 What is the existing zoning of the subject land? P6
- 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.:	DN/A-23:126	SUBJECT PROPERTY:	51/55 COOTES DRIVE & 110 KING ST. E, DUNDAS
ZONE:	"C5" (Mixed Use Medium Density)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** 7612737 CANADA CORP. C/O ALLEN GREENSPOON
Agent: GSP GROUP INC. C/O NANCY FRIEDAY

The following variances are requested:

1. To permit a minimum of 80 motor vehicle parking spaces whereas the By-law requires a minimum of 90 motor vehicle parking spaces.

PURPOSE & EFFECT: So as to permit the construction of 6-storey apartment building with 80 vehicle parking spaces.

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 15, 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 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:

DN/A-23:126

- 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-23:126, 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.



DATED: May 30, 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.

PART 2
THIS PLAN MUST BE READ IN
CONJUNCTION WITH SURVEY REPORT
DATED: APRIL 28, 2017.

SURVEYOR'S REAL PROPERTY REPORT - PART 1
PLAN OF
LOT 1 AND
PART OF LOT 2
BLOCK 76
REGISTERED PLAN 1465
CITY OF HAMILTON

KING STREET EAST

(FORMERLY NORTH STREET, BY REGISTERED PLAN 1465, P.I.N. 17478-0194 (LT))

N 76° 56' E (REFERENCE BEARING)

SCALE 1:300



B.A. JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYOR

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

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE
SOUTHERLY LIMIT OF KING STREET EAST AS SHOWN ON
PLAN 62R-7923, HAVING A BEARING OF N 76° 56' E.

ELEVATION NOTE:
ELEVATIONS SHOWN ON THIS PLAN ARE GEODETIC AND ARE
REFERRED TO CITY OF HAMILTON BENCH MARK No. 75U004.
LOCATION: ONTARIO HYDRO AREA OFFICE, ALONG EAST SIDE
OF OLYMPIC DRIVE, NORTHWEST OF POWER HOUSE, 0.3 km.
NORTH OF INTERSECTION WITH HIGHWAY No. 102 OR COOTES
DRIVE, TABLET IN WEST CONCRETE FOUNDATION, 1.31 m. FROM
SOUTHWEST CORNER, 30 cm. BELOW BRICKWORK, 2 m. ABOVE
ROAD LEVEL.
ELEVATION = 80.281 m.

- LEGEND:**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - SIB DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - IB# DENOTES ROUND IRON BAR
 - CC DENOTES CUT CROSS
 - WT DENOTES WITNESS
 - (OU) DENOTES ORIGIN UNKNOWN
 - P1 DENOTES PLAN BY MACKAY MACKAY & PETERS LTD. (FILE No. S-7101)
 - P2 DENOTES FIELD NOTES BY A.T. McLAREN LTD. (PAGE FILE: 1802B)
 - N1 DENOTES INSTRUMENT No. 233508CD (1135)
 - D1 DENOTES L.G. WOODS O.L.S. (1213)
 - D1 DENOTES J.D. PETERS O.L.S. (824)
 - F.V. DENOTES A.T. McLAREN O.L.S.
 - L.S. DENOTES FRAME VERANDAH
 - S.R.W. DENOTES LIGHT STANDARD
 - T.C. DENOTES STONE RETAINING WALL
 - T.L. DENOTES TRAFFIC LIGHT
 - T.S. DENOTES TOP OF STONE
 - W.V. DENOTES WATER VALVE
 - 0.3# DENOTES DIAMETER OF TREE

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2006453

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 28(3).

THIS REPORT WAS PREPARED FOR 7612737 CANADA CORP.

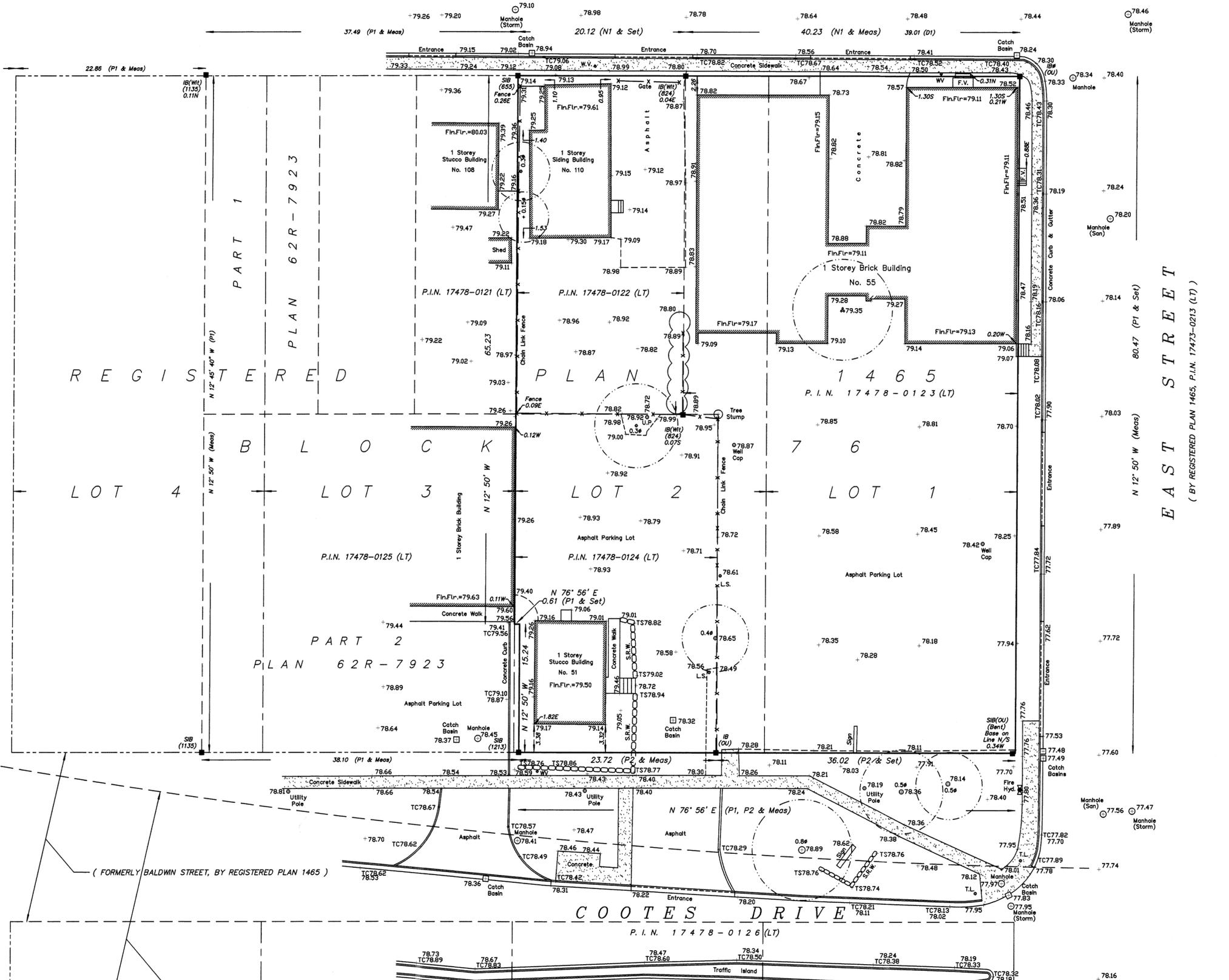
SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON APRIL 24, 2017.

APRIL 28, 2017.
DATE

BRYAN JACOBS
ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L3N 1L3)
PHONE 905-521-1535 FAX 905-521-0089



20.12 (P1 & Set)

22.86 (P1 & Meas)

37.49 (P1 & Meas)

20.12 (N1 & Set)

40.23 (N1 & Meas)

38.01 (D1)

SSIB (1135)

IB(Wt) (1135) 0.11N

N 12° 45' 40" W (P1)

PART 1
PLAN 62R-7923

REGISTERED

PLAN 1465

LOT 4

LOT 3

LOT 2

LOT 1

PART 2
PLAN 62R-7923

(FORMERLY BALDWIN STREET, BY REGISTERED PLAN 1465)

COOTES DRIVE

P.I.N. 17478-0126 (LT)

DEPOSITED PLAN No. 173 MISC. (P-1640-4)



Permitted Uses	CS-581 Zone Mixed Use Medium Density Min. Interior Side Yard Mod. by By-Law 19-052	Required	Proposed	Compliance
Multiple Dwelling - 129 Units	10.5.1	Multiple Dwelling - 129 Units	Multiple Dwelling - 129 Units	Yes
Min. Building Setback from Street Line	10.5.3 (i) and (j)	Min. 3.0 m for a 3kg, with residential units on the ground floor facing a street	Min. 3.0 m Max. 4.5 m	Yes
Min. Rear Yard (Rear Yd. E.)	10.5.3 (k)	7.5 m	7.5 m	Yes
Min. Interior Side Yard	10.5.3 (l)	7.5 m (excluding the area of the lot used for the site)	7.8 m	Yes
Min. Interior Side Yard*	10.5.3 (m)	1.3 m	1.3 m	Yes
Max. Building Height	10.5.3 (n) (i) and (iv) and (v)	22.0 m	22.0 m	Yes
Build Form - New Development	10.5.3 (o)	Roof-top mechanical equipment shall be located and/or screened from adjoining streets	Roof-top equipment screened	Yes
Build Form - New Development	10.5.3 (p)	Corner Lot: Min. combined width of the ground floor facade facing the front lot line and setback of the measurement of all lot lines abutting a street.	Area = 115.9 x 158.48 = 0.7313 x 100 = 73.13% 51.22 m = 158.48 m	Yes
Build Form - New Development	10.5.3 (q)	A min. of 1 principal entrance shall be within the ground floor facade that is set back a minimum of 1.0 m from the building facade with direct access from a public sidewalk.	Entrance from East Street North	Yes
Build Form - New Development	10.5.3 (r)	A walkway shall be provided in a paved strip where required by the By-Law	No paving strip required (see below)	Yes
Min. Amenity Area for Multiple Dwellings	10.5.3 (s)	4 m ² unit for units less than 50 m ²	Landscaped Area = 1288 sq. m	Yes
	10.5.3 (t)	6 m ² unit for units greater than 50 m ²	Minimum of 720 sq. m required	Yes
Min. Amenity Area for Multiple Dwellings	10.5.3 (u)	An amenity area outdoors shall be provided for the use of residents of the building.	Outdoor Amenity Area open to light and air	Yes
Planning Strip Requirement	10.5.3 (v)	N/A - abuts a CS-581 Zone	N/A	Yes
Visual Barrier Requirement	10.5.3 (w)	N/A - abuts a CS-581 Zone	N/A	Yes
Permitted Yard Encroachment - Ramp	4.6 (c)	Encroachment permitted	Encroaches into Front Yard and Package Yard	Yes
Permitted Yard Encroachment - Balconies	4.6 (d)	1.0 m encroachment into front yard and may be permitted for a balcony or a porch.	All balconies encroach less than 1.0 m into yards	Yes
Parking Stall Size	5.2 (b) (i)	2.8 m x 5.8 m	2.8 m x 5.8 m	Yes
Small Parking Stall Allowance	5.2 (b) (ii)	Max. permitted spaces for small cars shall be 2.8 x 5.5 m	Provided 4 spaces for small cars	Yes
Min. Aisle Width	5.2 (c)	6.0 m	6.0 m	Yes
Short Term Bicycle Parking	5.7 (c)	Multiple dwelling - 5 spaces	5	Yes
Long Term Bicycle Parking	5.7 (d)	0.5 per dwelling unit	64	Yes
Barrier Free Parking Number	5.5 (a)	4 barrier free stalls	4 barrier free stalls	Yes
Barrier Free Parking Stall Sizes	5.2 (b)	4.4 m x 5.8 m	4.4 m x 5.8 m	Yes
Location of Loading Facilities	5.2.1	N/A - abuts a CS-581 Zone	N/A	Yes

NOTES

- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
- MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5 M UNLESS OTHERWISE STATED.
- FOR VISIBILITY TRIANGLES AT ALL THE VEHICULAR ACCESS POINTS THE FOLLOWING NOTE APPLIES: 3 METRE BY 3 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY SPECIFIC OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5 M SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - BUILDING PERMIT
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - ENCROACHMENT AGREEMENTS (IF REQ'D)
 - COMMITTEE OF ADJUSTMENT
 - SEWER AND WATER PERMITS
 - RELOCATION OF SERVICES
- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOIL AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE CORRIDOR MANAGEMENT SECTION, PUBLIC WORKS DEPARTMENT.
- ALL SIGNS MUST COMPLY WITH SIGN BY-LAW NO. 10-197.
- THIS PROPERTY IS ELIGIBLE FOR WEEKLY COLLECTION OF GARBAGE, RECYCLE, ORGANICS AND LEAF & YARD WASTE THROUGH THE CITY OF HAMILTON SUBJECT TO COMPLIANCE WITH SPECIFICATION INDICATED BY THE PUBLIC WORKS DEPARTMENT AND SUBJECT TO COMPLIANCE WITH THE CITY'S SOLID WASTE MANAGEMENT BY-LAW 09-067, AS AMENDED.
- CAUTION: NOTWITHSTANDING CURRENT SURFACE CONDITIONS, THE PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHAEOLOGICAL POTENTIAL. ALTHOUGH AN ARCHAEOLOGICAL ASSESSMENT IS NOT REQUIRED BY THE CITY OF HAMILTON, THE PROPONENT IS CAUTIONED THAT DURING DEVELOPMENT ACTIVITIES, SHOULD DEEPLY BURIED ARCHAEOLOGICAL MATERIALS BE FOUND ON THE PROPERTY, THE ONTARIO MINISTRY OF TOURISM, CULTURE AND SPORT (MTC) SHOULD BE NOTIFIED IMMEDIATELY (416-314-7143). IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE PROPONENT SHOULD IMMEDIATELY CONTACT BOTH MTC AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE GENETIC REGULATION UNIT OF THE MINISTRY OF SMALL BUSINESS AND CONSUMER SERVICES (416-326-8392).
- UNION GAS: UNION 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.

FILE NO. UNDERTAKING RE:

- (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(s) in accordance with the conditions of approval as set out in the Letter of Approval dated _____;
 - 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,
 - In the event that the Owner does not comply with the plan dated _____, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

Dated this _____ day of _____, 20____

Witness (signature) _____ Owners' (signature) _____ (seal)

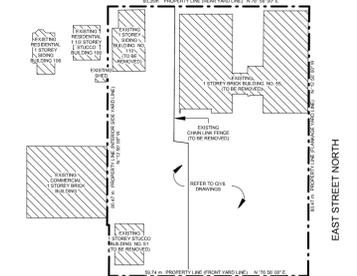
Witness (print) _____ Owner (print) _____ (seal)

Address of Witness _____

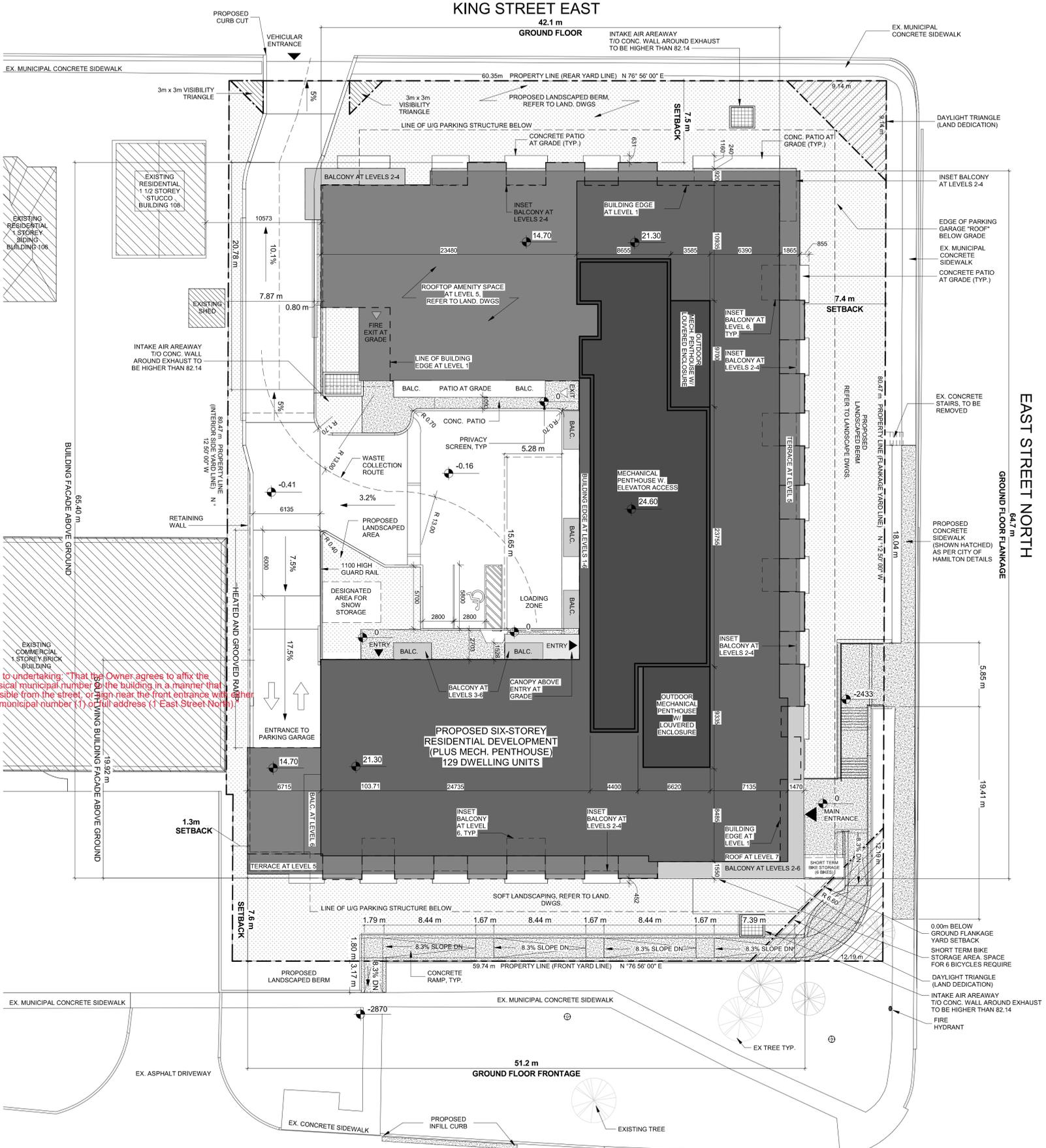
OVERALL DEVELOPMENT STATISTICS

LOT AREA:	4,846 m ²
AREA W/O DAYLIGHT TRIANGLES:	4,732 m ²
BUILDING COVERAGE:	2,151 m ²
COVERAGE %:	43.9%
DENSITY:	266 Units/HA
GROSS FLOOR AREA:	9,798 m ²
(EXCL. 3617 m ² PARKING)	
NO. OF UNITS:	129 TOTAL
	(102 > 50m ² + 27 < 50m ²)
LANDSCAPED AREA:	1288 m ² (AT GRADE)
AMENITY AREA:	1400 m ²
AVERAGE GRADE:	81.89 m ASL
REGULATION FLOOD LEVEL:	82.14 m
GROUND FLOOR LEVEL:	82.20 m

Indicate where Short Term and Long Term Bicycle Parking Spaces will be.



LOCATION SITE PLAN - EXISTING CONDITIONS



SITE PLAN - SPA

GENERAL NOTE: ALL NEW CURBS TO BE DESIGNED AS PER HAMILTON CITY STANDARD RD-107 TYPE CONCRETE CURB DETAIL, REFER TO LANDSCAPE DWGS. FOR DETAILS. ALL SIDEWALKS TO BE DESIGNED/REINSTATED AS PER HAMILTON CITY STANDARD

PROJECT LOGO

TRUE NORTH CONSTRUCTION NORTH

KEY PLAN

LEGEND

- PROPERTY LINE
- BUILDING EXIT
- LANDSCAPED AREA
- BUILDING ENTRANCE
- INTAKE/EXHAUST AREAWAY
- CONCRETE SIDEWALK / RAMP FINISH

No.	DESCRIPTION	DATE
6	ISSUED FOR SPA	11-04-2022
4	REISSUED FOR SPA	10-01-2021
4	REISSUED FOR SPA	11-15-2019
3	REISSUED FOR SPA	07-18-2019
2	ISSUED FOR SPA	06-13-2019
1	ISSUED FOR PRELIMINARY CONSULTATION WITH CITY	03-28-2019

DISCREPANCIES MUST BE REPORTED IMMEDIATELY TO THE ARCHITECT BEFORE PROCEEDING. ONLY THE DRAWING DIMENSIONS MUST BE USED. THE CONTRACTOR MUST CHECK THE DIMENSIONS ON SITE. THE DRAWING IS PROTECTED BY COPYRIGHT. ALL DIMENSIONS ARE SHOWN IN MILLIMETERS.

DO NOT SCALE THE DRAWINGS.

McCallumSather
Westinghouse HQ, 2nd Floor
286 Sanford Ave. N
Hamilton, ON L8L 6A1
905.526.6700
www.mccallumsather.com

ONTARIO ASSOCIATION
WILLIAM J. NEAL
LICENCE 7825

THE CITY OF HAMILTON

CONSULTANTS:
Plans and drawings approved pursuant to Section 41 of the Planning Act.

Date of Approval _____

Manager, Heritage and Urban Design
Planning & Economic Development Department

Cootes Drive Development - DA-18-018

1 EAST ST NORTH, DUNDAS, ONTARIO

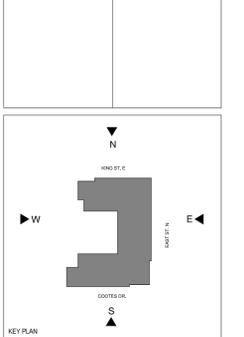
DRAWING TITLE: SITE PLAN

DRAWN BY: AA/HO/MC DATE: 10/01/21

CHECKED BY: WN SCALE: As indicated

PROJECT NO: 20052

DRAWING NO: A100.



NOTES:
R.F.E. REGULATORY FLOOD ELEVATION

NO.	DESCRIPTION	DATE
6	ISSUED FOR SPA	11-04-2022
5	ISSUED FOR SPA	10-01-2021
4	ISSUED FOR SPA	11-15-2019
3	ISSUED FOR SPA	07-18-2019
2	ISSUED FOR SPA	05-13-2019
1	ISSUED FOR PRELIMINARY CONSULTATION WITH CITY	03-26-2019

REVISIONS:
DISCREPANCIES MUST BE REPORTED IMMEDIATELY TO THE ARCHITECT BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS MUST BE USED. THE CONTRACTOR MUST CHECK THE DIMENSIONS ON SITE. THE DRAWING IS PROTECTED BY COPYRIGHT. ALL DIMENSIONS ARE SHOWN IN MILLIMETERS.

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McCallumSather
Westinghouse HQ, 2nd Floor
286 Sanford Ave. N
Hamilton, ON L8L 6A1
905.526.6700
www.mccallumsather.com



CONSULTANTS:

PROJECT:
Cootes Drive Development - DA-18-018

1 EAST ST NORTH, DUNDAS, ONTARIO

DRAWING TITLE:
EAST ELEVATION

DRAWN BY: AAJH/MC DATE: 02/26/19
CHECKED BY: WN SCALE: As indicated

PROJECT NO. **20052**

DRAWING NO. **A400.**

THE CITY OF HAMILTON

Plans and drawings approved pursuant to Section 41 of the Planning Act.

Date of Approval

Manager, Heritage and Urban Design
Planning & Economic Development Department

- EAST ELEVATION- SPA** 1
1:100 A400
- 01 METAL PANEL CLADDING
Dark Grey
 - 02 GREY BRICK VENEER
Stacked Bond
 - 03 GREY BRICK VENEER
Stacked Bond - Vertical
 - 04 CLEAR GLAZING WINDOW
W/ BLACK FRAMING
 - 05 SPANDREL GLAZING PANEL
Clear Glazing
 - 06 GRADIENT FILM
Clear Glazing
 - 07 GLAZING FOR BALCONY GUARDRAIL
Clear Glazing
 - 08 GLAZING FOR BALCONY GUARDRAIL
Translucent
 - 09 METAL RAILING GUARDRAIL
 - 10 METAL COPING
 - 11 CONCRETE COPING
 - 12 MECHANICAL PENTHOUSE CLADDING
Black Sliding
 - 13 LOUVRED SCREEN
 - 14 EXTERIOR STAIRS + CONCRETE
ELEMENTS
Exposed Cast in Place Concrete

MATERIALS LEGEND



SOUTH ELEVATION-SPA 1
1:100 A401.

THE CITY OF HAMILTON
Plans and drawings approved pursuant to
Section 41 of the Planning Act.

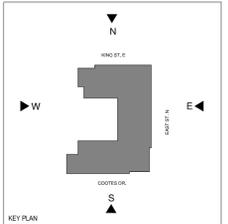
Date of Approval

Manager, Heritage and Urban Design
Planning & Economic Development Department

- 01 METAL PANEL CLADDING
Dark Grey
- 02 GREY BRICK VENEER
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- 03 GREY BRICK VENEER
Stacked Bond - Vertical
- 04 CLEAR GLAZING WINDOW
W/ BLACK FRAMING
- 05 SPANDREL GLAZING PANEL
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Black Sliding
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- 14 EXTERIOR STAIRS + CONCRETE
ELEMENTS
Exposed Cast in Place Concrete

MATERIALS LEGEND

PROJECT LOGO



NOTES:
R.F.E. REGULATORY FLOOD ELEVATION

No.	DESCRIPTION	DATE
6	ISSUED FOR SPA	11-04-2022
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REVISIONS:
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DO NOT SCALE THE DRAWINGS.

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CONSULTANTS:

PROJECT:
Cootes Drive Development -
DA-18-018

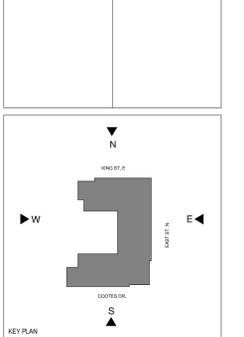
**1 EAST ST NORTH, DUNDAS,
ONTARIO**

DRAWING TITLE:
SOUTH ELEVATION

DRAWN BY: AAJ/DMC **DATE:** 07/19/21
CHECKED BY: WN **SCALE:** As indicated

PROJECT NO. 20052

DRAWING NO. A401.

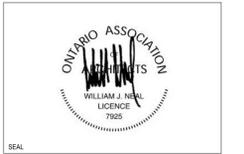


NOTES:
R.F.E. REGULATORY FLOOD ELEVATION

NO.	DESCRIPTION	DATE
6	ISSUED FOR SPA	11-04-2022
5	ISSUED FOR SPA	10-01-2021
4	ISSUED FOR SPA	11-15-2019
3	ISSUED FOR SPA	07-18-2019
2	ISSUED FOR SPA	05-13-2019
1	ISSUED FOR PRELIMINARY CONSULTATION WITH CITY	03-26-2019

REVISIONS:
DISCREPANCIES MUST BE REPORTED IMMEDIATELY TO THE ARCHITECT BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS MUST BE USED. THE CONTRACTOR MUST CHECK THE DIMENSIONS ON SITE. THE DRAWING IS PROTECTED BY COPYRIGHT. ALL DIMENSIONS ARE SHOWN IN MILLIMETERS.
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286 Sanford Ave. N
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905.526.6700
www.mccallumsather.com



CONSULTANTS:

PROJECT:
Cootes Drive Development - DA-18-018

1 EAST ST NORTH, DUNDAS, ONTARIO

DRAWING TITLE:
WEST ELEVATION

DRAWN BY: AAJH/MC DATE: 01/10/21
CHECKED BY: WN SCALE: As indicated

PROJECT NO. **20052**

DRAWING NO. **A402.**

WEST ELEVATION -SPA 1
1 : 100 A402.

THE CITY OF HAMILTON

Plans and drawings approved pursuant to Section 41 of the Planning Act.

Date of Approval _____

Manager, Heritage and Urban Design
Planning & Economic Development Department

- 01 METAL PANEL CLADDING
Dark Grey
- 02 GREY BRICK VENEER
Stacked Bond
- 03 GREY BRICK VENEER
Stacked Bond - Vertical
- 04 CLEAR GLAZING WINDOW
W/ BLACK FRAMING
- 05 SPANDREL GLAZING PANEL
Clear Glazing
- 06 GRADIENT FILM
Clear Glazing
- 07 GLAZING FOR BALCONY GUARDRAIL
Clear Glazing
- 08 GLAZING FOR BALCONY GUARDRAIL
Translucent
- 09 METAL RAILING GUARDRAIL
- 10 METAL COPING
- 11 CONCRETE COPING
- 12 MECHANICAL PENTHOUSE CLADDING
Black Sliding
- 13 LOUVRED SCREEN
- 14 EXTERIOR STAIRS + CONCRETE
ELEMENTS
Exposed Cast in Place Concrete

MATERIALS LEGEND



NORTH ELEVATION-SPA
1
1:100 A403

THE CITY OF HAMILTON
Plans and drawings approved pursuant to
Section 41 of the Planning Act.

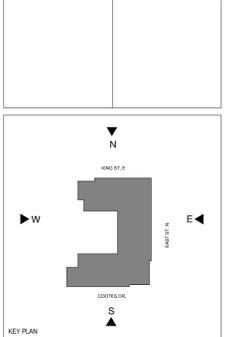
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Planning & Economic Development Department

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MATERIALS LEGEND

PROJECT LOGO



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1	ISSUED FOR PRELIMINARY CONSULTATION WITH CITY	03-26-2019

REVISIONS:
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CONSULTANTS:

PROJECT:
Cootes Drive Development - DA-18-018

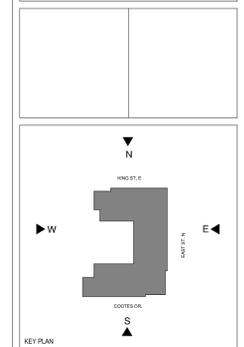
1 EAST ST NORTH, DUNDAS, ONTARIO

DRAWING TITLE:
NORTH ELEVATION

DRAWN BY: AAJH/MC DATE: 07/19/21
CHECKED BY: WN SCALE: As indicated
PROJECT NO.: **20052**
DRAWING NO.: **A403.**



PROJECT LOGO



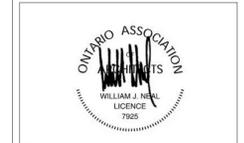
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No.	DESCRIPTION	DATE
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3	ISSUED FOR SPA	07-18-2019
2	ISSUED FOR SPA	05-13-2019
1	ISSUED FOR PRELIMINARY CONSULTATION WITH CITY	03-28-2019

REASONS:
DISCREPANCIES MUST BE REPORTED IMMEDIATELY TO THE ARCHITECT BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS MUST BE USED. THE CONTRACTOR MUST CHECK THE DIMENSIONS ON SITE. THE DRAWING IS PROTECTED BY COPYRIGHT. ALL DIMENSIONS ARE SHOWN IN MILLIMETERS.

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CONSULTANTS:

PROJECT:
Cootes Drive Development - DA-18-018

1 EAST ST NORTH, DUNDAS, ONTARIO

DRAWING TITLE:
COURTYARD ELEVATION - NORTH

DRAWN BY: AAJ/DMC	DATE: 02/26/19
CHECKED BY: WN	SCALE: As indicated

PROJECT NO. **20052**

DRAWING NO. **A404.**

COURTYARD NORTH - SPA 1
1:100 A404.

THE CITY OF HAMILTON

Plans and drawings approved pursuant to Section 41 of the Planning Act.

Date of Approval

Manager, Heritage and Urban Design
Planning & Economic Development Department

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Dark Grey
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ELEMENTS
Exposed Cast in Place Concrete

MATERIALS LEGEND



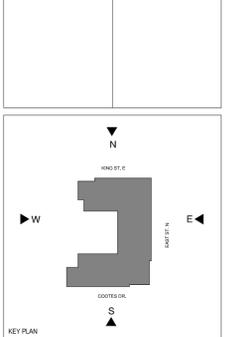
COURTYARD SOUTH - SPA 1
1:100 A405

THE CITY OF HAMILTON
Plans and drawings approved pursuant to
Section 41 of the Planning Act.
Date of Approval: _____
Manager, Heritage and Urban Design
Planning & Economic Development Department

- 01 METAL PANEL CLADDING
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MATERIALS LEGEND

PROJECT LOGO



NOTES:
R.F.E. REGULATORY FLOOD ELEVATION

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CONSULTANTS:

PROJECT:
Cootes Drive Development - DA-18-018
1 EAST ST NORTH, DUNDAS, ONTARIO

DRAWING TITLE:
COURTYARD ELEVATION - SOUTH

DRAWN BY: AAJH/MC DATE: 10/01/21
CHECKED BY: WN SCALE: As indicated

PROJECT NO. **20052**

DRAWING NO. **A405.**



**55 Cootes Drive
Hamilton, Ontario
Parking Study**

Please contact
cofa@hamilton.ca for
full package

Paradigm Transportation Solutions Limited

November 2022
210697





SHAPING GREAT COMMUNITIES

May 10, 2023

Project No. 17033

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

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

**RE: MINOR VARIANCE APPLICATION
 51 & 55 Cootes Drive & 110 King Street East**

On behalf of 7612737 Canada Corporation, GSP Group is pleased to submit a Minor Variance Application to permit a reduced number of parking spaces associated with the conditionally approved Site Plan for a six (6) storey apartment building on the above-referenced land ("Site"/"Subject Lands") (Site Plan File No. DA-18-018).

Site Plan Approval Background

The Site Plan Application for a six (6) storey apartment building on the Subject Lands was initially deemed complete on January 12, 2018. Through the circulation process, staff identified matters to be addressed prior to approval. A revised set of Site Plan drawings was submitted to the City in August 2019. The Site Plan was conditionally approved on January 15, 2020 (Concurrent Site Plan / Building Permit Review Process).

The Site Plan approved on January 15, 2020, showed a six (6) storey building with 121 multiple dwelling units and 74 parking spaces. A total of 41 units were shown at less than 50 square metres and 80 units were greater than 50 square metres. The required number of parking spaces was provided based on the parking regulations of By-law 17-240.

In 2022, a revised Site Plan was prepared showing 129 units rather than 121 units. The number of dwelling units less than 50 square metres decreased from 41 units to 27 units. There are now 102 units greater than 50 square metres. Given the increase in the number of units and the redistribution of unit sizes, the required parking has increased from 74 spaces to 90 parking spaces. The Site can accommodate 81 parking spaces. As such, a parking variance is being requested.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

A Parking Study, prepared by Paradigm Transportation Solutions Limited, dated November 2022 was submitted to the City with the revised Site Plan drawings on November 15, 2022.

On January 17, 2023, the conditional Site Plan approval was extended by the City until January 17, 2024.

Transportation Planning staff comments, dated January 27, 2023, state, in part:

2. *The parking study indicates a total of 91 parking stalls are required as per the City of Hamilton Comprehensive Zoning By-law but only 81 spaces will be provided corresponding to a 10-parking stall shortfall. Transportation will approve and accept the shortfall in parking subject to the following conditions:*
 - a. *The site plan be revised to indicate the required 6 short-term and 64 long-term bicycle parking stalls. Long-term bicycle parking will NOT be accepted to be located within individual residential units and shall be located in a secure environment.*
 - b. *The Owner agree to unbundling the cost of an individual parking stall with the purchase of a residential unit. This requires the provision of a Letter of Intent signed by the Owner as a special condition of Site Plan approval.*

On March 10, 2023, the City granted conditional approval to the revised Site Plan and issued an addendum to the 2020 conditional Site Plan approval.

Two (2) new special conditions were added, regarding parking which state:

- That the Owner apply for and receive approval from the Committee of Adjustment for a reduced number of parking spaces being 80 parking spaces, whereas 89 parking spaces are required.
- That the Owner shall provide a letter of intent to unbundle the cost of an individual parking stall with the purchase of a residential unit, subject to the satisfaction and approval of the Manager, Transportation Planning.

Based on our calculations, a total of 90 parking spaces are required and 81 are being provided. City staff reference 89 spaces required and 80 being provided. The differences may be a result of 'rounding' and we ask that Zoning staff confirm the number of parking spaces required.

Parking Required

The Parking Schedule for all Zones, except the Downtown Zones is within Section 5.6 c) of Zoning By-law 05-200. The Site is zoned Commercial Mixed Use -Medium Density (C5), Exception 581. For a Multiple Dwelling in the C5 Zone, the parking is based on Dwelling Units less than 50 square metres GFA and greater than 50 square metres, GFA.

For units less than 50 square metres, the minimum parking is 0.3 per unit.

$$27 \text{ units} \times 0.30 = \mathbf{8.1 \text{ parking spaces}}$$

For units greater than 50 square metres, the minimum parking is:

$$1-14 \text{ units} - 0.7 \text{ per unit}$$

$$14 \text{ units} \times 0.70 = \mathbf{9.8 \text{ parking spaces}}$$

$$15-50 \text{ units} - 0.85 \text{ per unit}$$

$$36 \text{ units} \times 0.85 = \mathbf{30.6 \text{ parking spaces}}$$

$$51+ - 1.0 \text{ per unit}$$

$$52 \text{ units} \times 1.0 = \mathbf{52 \text{ parking spaces}}$$

In the past, we have been advised to add up the fractions and then round down to the nearest whole number. $8.1 + 9.8 + 30.6 + 52 = 100.5 = 100$ parking spaces.

Should each fraction be reduced and then added the total would be $8 + 9 + 30 + 52 = 99$ required parking spaces.

The required number of parking spaces is 100. This number can be reduced by one (1) vehicle space for every 5 long term bicycle spaces provided, up to a maximum of 10% of the original motor vehicle parking requirement. As 64 long-term bicycle spaces are provided, the parking requirement can be reduced by 10 to 90 parking spaces required.

There are 79 parking spaces provided at grade, under the building, including three (3) barrier free parking spaces. There are two (2) spaces provided above ground, including one (1) barrier free parking spaces for a total of 81 parking spaces.

Minor Variance Justification

The proposed variance is to reduce the required parking from 90 spaces to 81 spaces. The four tests are discussed below.

1. Does the requested variance maintain the general intent and purpose of the City of Hamilton's Urban Official Plan (UHOP)?

The Subject Lands are located at the eastern edge of the Dundas Community Node and are designated Mixed Use – Medium Density on Schedule E-1 (Urban Land Use Designations in the UHOP).

Section E.4.6.4 of the UHOP states:

- 4.6.4 It is also the function of areas designated Mixed Use - Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential *development*. Residential development enhances the function of these areas as *transit supportive* nodes and corridors.

Lands designated Mixed Use – Medium Density can contain a range of densities and building heights, with a six-storey maximum and additional height up to twelve-storeys permitted provided certain criteria are met.

The following policies apply to the Mixed Use – Medium Density designation:

- 4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be balanced with the need to improve pedestrian access and opportunities for active transportation.
- 4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.

Chapter C, Section 4.0 – Integrated Transportation Network contains policies regarding Transportation Demand Management Measures. Policy 4.2.5.1 states:

- 4.2.5.1 *Transportation demand management measures* may include:
- a) provision of active *transportation* features including secure bicycle storage facilities and pedestrian and cycling access to the road network; (OPA 167)
 - b) supporting transit through an array of incentives and disincentives to automobile dependence and single-occupancy vehicles such as reduced parking standards for some land uses where appropriate and making provisions to support shared mobility such as car-sharing spaces through the site plan process where feasible and appropriate; and, (OPA 167)

- c) other measures detailed in the Transportation Master Plan and described in Section F.3.1.8 – Transportation Master Plan.

For the 129-unit building, a total of 64 indoor secure bicycle parking spaces will be provided. As stated in the Parking Study, the parking spaces provided will be purchased separately from the dwelling units (unbundled). These measures aim to reduce dependence on the automobile and required parking.

The Zoning By-law requires 90 parking spaces for the proposed building, and 81 parking spaces will be provided. There are a number of policies in the UHOP related to Traffic Management, Transportation Demand Management measures and Function of the Transportation Master Plan that support a potential reduction in parking.

Through the Parking Study provided, it has been shown that a parking reduction is supported and does meet the general intent and purpose of the UHOP.

Policy F.3.1.9.6 of the UHOP states:

- 3.1.9.6 Provisions for bicycle parking/storage facilities, carpooling parking spaces, park n' ride spaces and appropriate parking spaces shall be regulated through the Zoning By-Law.

2. Does the requested variance maintain the general intent and purpose of By-law 05-200?

Required parking and reductions permitted thereto are specifically regulated through the Zoning By-law.

The Subject Lands are zoned C5-Exception 581. The implementation of the parking requirements in Zoning By-law 05-200 result in 100 parking spaces required with a reduction of 10% (10 spaces) based on following provision in the Zoning By-law:

- 5.6 g) Notwithstanding Subsection 5.6 a) and c), for any use within the Commercial and Mixed Use (C4), (C5) and (C5a) Zones, the required motor vehicle parking may be reduced in accordance with the following regulations:
 - i) 1 motor vehicle space for every 5 long term bicycle spaces is provided and maintained up to a maximum of 10% of the original motor vehicle parking requirement;

Given the provision of 64 long term bicycle spaces, the 10% reduction permitted by Section 5.6 g) i) of the Zoning By-law can be utilized.

The provision of long term bicycle spaces is considered a transportation demand management measure and it is incorporated into the Zoning By-law. There are other incentives within the Zoning By-law to reduce the required number of parking spaces.

The Parking Study refers to other TDM measures, not currently written into the Zoning By-law, which can further reduce required parking. One measure is that the building owner can agree to charge for parking as a separate cost to occupants.

Transportation Planning staff have reviewed the Parking Study as part of their review of the revised Site Plan (November 2022). As mentioned above, a new condition has been added to the conditional Site Plan approval that requires the Owner to provide a letter of intent to unbundle the cost of an individual parking stall with the purchase of a residential unit, subject to the satisfaction and approval of the Manager, Transportation Planning.

There are specific provisions in the Zoning By-law that address the ability to reduce required parking. The Parking Study refers to other data, proxy surveys and TDMs that help justify a further reduction in required parking by nine (9) spaces. The requested variance maintains the general intent and purpose of By-law 05-200.

3. Is the requested variance desirable for the appropriate development or use of the land, building or structure?

The Subject Lands are contaminated and a Risk Assessment Report has been submitted to the Ministry of the Environment under the Environmental Protection Act and Schedule C in Ontario Regulation 153/04 Records of Site Condition. The Ministry has approved the report. The Subject lands are also located in the Regulatory Floodplain of Lower Spencer Creek and subject to Dundas Area Specific Policy UD-3 in the UHOP – Dundas Two Zone Floodplain Area. All development must be floodproofed to the regulatory flood elevation. The proposed development has been designed in compliance with the UD-3 policies in the UHOP.

Based on the foregoing, the parking is being provided at grade, and the building constructed above, with berms and landscaping to surrounding the parking area. Based on both site contamination and flooding policies, the building must sit above grade and parking is provided at grade. Additional parking is also being provided on an upper level (service area).

Based on market trends, the Owner has decreased the number of smaller units [less than 50 square metres (538 square feet)]. This decision has resulted in an increase in the number of parking spaces required. Based on policies in the UHOP and related documents regarding supporting transit through increased densities and reduced parking, where appropriate, it is our opinion that the parking variance is desirable for the appropriate development of the land.

4. Is the requested variance minor in nature?

'Minor in nature' has been interpreted to mean little to no impact on the surrounding area. When the proposed new building is marketed, potential buyers will be aware that 81 parking spaces are available and they will be given information on existing and planned transit in the area. Should a buyer not have a vehicle, they will not be required to purchase parking.

Transit is available to the Site and its frequency will improve over time. The Parking Study has identified the location of car share providers within the area. As stated in the Parking Study, the Walk Score for the Site is considered "Very Walkable", meaning most errands can be accomplished on foot.

The Parking Study concludes that the parking demand will meet the proposed supply. The proposed variance is minor in nature and will not have a negative impact on the surrounding area.

Conclusion

In conclusion, the proposed parking variance meets the four (4) tests under the *Planning Act* and is supported by the Parking Study prepared by Paradigm Transportation Solutions Limited.

Should you have any questions, or require any additional information, please do not hesitate to contact me at 289-778-1431 or by email at nfrieday@gspgroup.ca.

Yours truly,

GSP GROUP INC.



Nancy Frieday, MCIP, RPP
Senior Planner

cc: 7612737 Canada Corporation

Enclosures: Application Form
Site Plan
Parking Study
Survey



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 [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	51 & 55 Cootes Drive and 110 King Street East		
Assessment Roll Number			
Former Municipality	Dundas		
Lot	LT 1 & LT 2 & PTLT 2	Concession	
Registered Plan Number	1465	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:

Request for a reduction in the number of required parking spaces from 90 to 81

Second Dwelling Unit Reconstruction of Existing Dwelling

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

See Cover/Justification 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
59.74m	80.47m	4,846m ²	44.1m - Cootes

20m - King Street
20m East Street North

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 commercial building		2.26 m		
1 storey stucco building	3.32 m			

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Residential Apartment Building				

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
Existing buildings to be demolished				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Residential Apartment Building				
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

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year

King Street E

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

Residential apartment building containing 129 dwelling units

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

Single detached dwelling, commercial and parkland

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)

Commercial

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

Commercial

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

Several decades

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

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

See Cover/Justification letter

7.6 What is the existing zoning of the subject land? C5, Exception 581

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

(Zoning By-law Amendment or Minor Variance)

Yes

No

If yes, please provide the file number: C5, Exception 581

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: 129

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-22:305	SUBJECT PROPERTY:	321 PARKSIDE DR, FLAMBOROUGH
ZONE:	"R1-3" (Urban Residential (Single Detached))	ZONING BY-LAW:	Zoning By-law former Town of Flamborough 90-145-Z, as Amended

APPLICANTS: Owners: GEOFF & NICOLE DIFFEY

The following variances are requested:

1. A maximum lot coverage of 31% shall be permitted instead of the maximum 25% allowed.
2. A northly side yard setback of 0.0m shall be permitted instead of the 1.2m minimum required.

PURPOSE & EFFECT: To permit the construction of a 22.23 square metre pergola, as well as a 11.6 square metre enclosed "breeze way".

Notes:

1. The "side canopy" has been considered part of the principle dwelling for the purposes of this review.
2. Based on the site statistics provided, the total lot coverage including the proposed construction will be 246.09m². resulting in a lot coverage of 30.46% rather than the 29.9% indicated on the site statistics. Should the proposed construction area change, additional variances will be required.

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

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

DATE:	Thursday, June 15, 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

FL/A-22:305

	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-22:305, 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-22:305



 Subject Lands

DATED: May 30, 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.

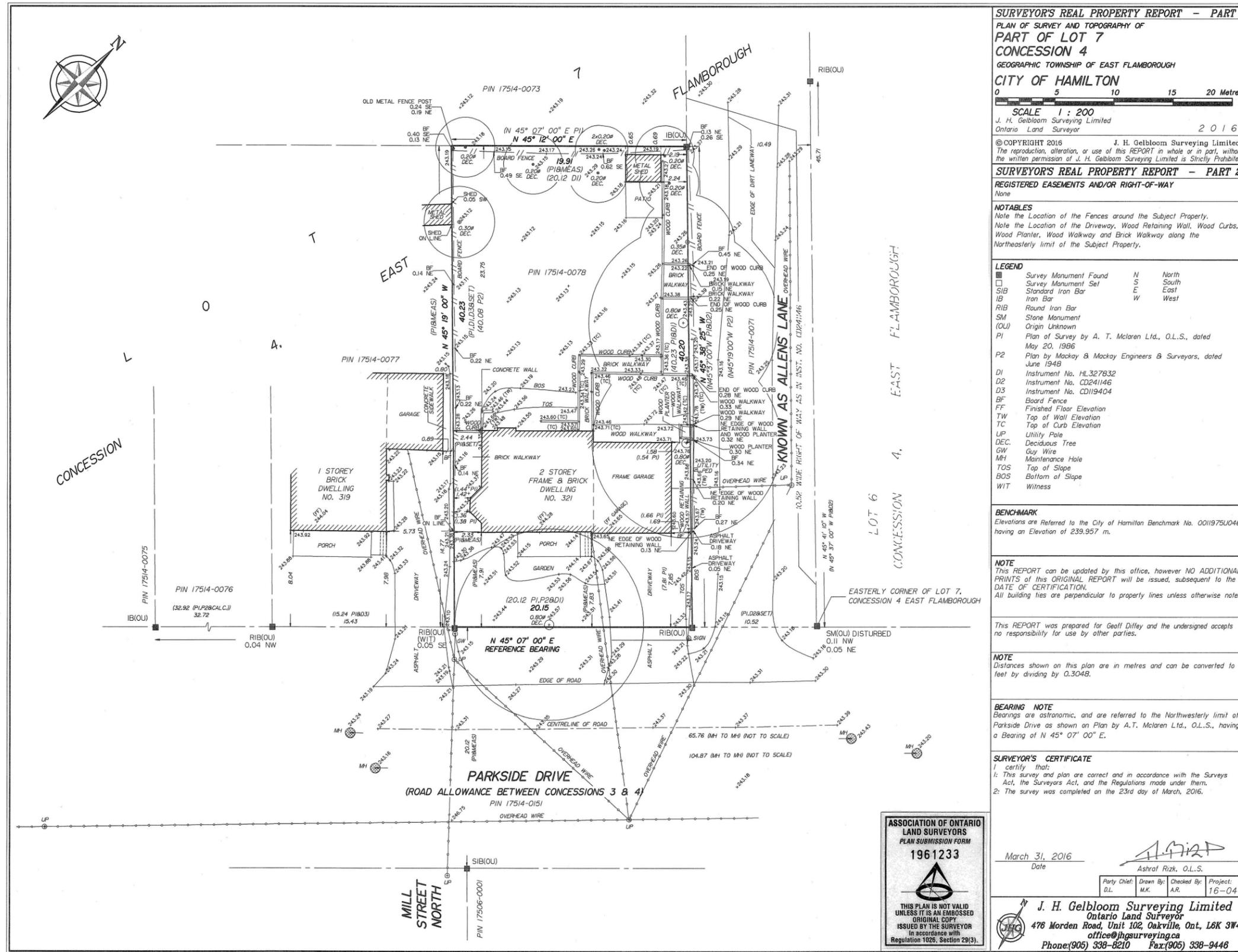
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



SURVEYOR'S REAL PROPERTY REPORT - PART 1
 PLAN OF SURVEY AND TOPOGRAPHY OF
PART OF LOT 7
CONCESSION 4
 GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH
CITY OF HAMILTON

0 5 10 15 20 Metres

SCALE 1 : 200
 J. H. Gelbloom Surveying Limited
 Ontario Land Surveyor 2016

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SURVEYOR'S REAL PROPERTY REPORT - PART 2
REGISTERED EASEMENTS AND/OR RIGHT-OF-WAY
 None

NOTABLES
 Note the Location of the Fences around the Subject Property.
 Note the Location of the Driveway, Wood Retaining Wall, Wood Curbs, Wood Planter, Wood Walkway and Brick Walkway along the Northeasterly limit of the Subject Property.

LEGEND

■	Survey Monument Found	N	North
□	Survey Monument Set	S	South
SIB	Standard Iron Bar	E	East
IB	Iron Bar	W	West
RIB	Round Iron Bar		
SM	Stone Monument		
(OU)	Origin Unknown		
PI	Plan of Survey by A. T. McLaren Ltd., O.L.S., dated May 20, 1986		
P2	Plan by Mackay & Mackay Engineers & Surveyors, dated June 1948		
D1	Instrument No. HL327832		
D2	Instrument No. CD241146		
D3	Instrument No. CD119404		
BF	Board Fence		
FF	Finished Floor Elevation		
TW	Top of Wall Elevation		
TC	Top of Curb Elevation		
UP	Utility Pole		
DEC.	Deciduous Tree		
GW	Guy Wire		
MH	Maintenance Hole		
TOS	Top of Slope		
BOS	Bottom of Slope		
WIT	Witness		

BENCHMARK
 Elevations are Referred to the City of Hamilton Benchmark No. 0011975U046, having an Elevation of 239.957 m.

NOTE
 This REPORT can be updated by this office, however NO ADDITIONAL PRINTS of this ORIGINAL REPORT will be issued, subsequent to the DATE OF CERTIFICATION.
 All building ties are perpendicular to property lines unless otherwise noted.

This REPORT was prepared for Geoff Diffeey and the undersigned accepts no responsibility for use by other parties.

NOTE
 Distances shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

BEARING NOTE
 Bearings are astronomic, and are referred to the Northwesterly limit of Parkside Drive as shown on Plan by A.T. McLaren Ltd., O.L.S., having a Bearing of N 45° 07' 00" E.

SURVEYOR'S CERTIFICATE
 I certify that:
 1: This survey and plan are correct and in accordance with the Surveys Act, the Surveyors Act, and the Regulations made under them.
 2: The survey was completed on the 23rd day of March, 2016.

March 31, 2016
 Date
 Ashraf Rizk, O.L.S.

Party Chief:	DL	Drawn By:	M.K.	Checked By:	A.R.	Project:	16-041
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J. H. Gelbloom Surveying Limited
 Ontario Land Surveyor
 476 Morden Road, Unit 102, Oakville, Ont, L6K 3W4
 office@jhgsurveying.ca
 Phone:(905) 338-8210 Fax:(905) 338-9448

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 1961233

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR In accordance with Regulation 1026, Section 29(3).



Project Name:
HOUSE DIFFEY

Project Address:
**321 PARKSIDE DR
 WATERDOWN
 HAMILTON
 ON**

Legal Survey 2016

B J A
 LIVE THE DREAM

Belinda Jones Architect
 159 Martin Street
 Milton ON
 L9T 2R3

Project #: 17-010

P 416-662 6024

Revision Schedule			
Rev	Date	By	Description

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Sheet: **LEGAL SURVEY PLAN**

Scale: 1" = 20'-0"

Sheet Number: **A1.1**

SITE STATISTICS:

Project Description: Exterior work including New Stair to Second Floor Roof Deck, Wood Pergola and Breezeway
Zoning / Occupancy: R1-3 (Urban Residential). Single Detached Dwelling
Occupancy Load: 10 persons (2 per sleeping room)
Total Site Area: 807.96 sqm (8 696.8 SF)

EXISTING PROPOSED

Building Area (sqm): 193.0 Hse 11.6 (Side Canopy)
 9.2 Shed 4.3 sqm (Ext. Stair)
 22.23sqm (Pergola- uncovered)
 5.76sqm (Mudroom Addition)

LOT COVERAGE: **EXIST. PROPOSED Permitted/Required**
 25%(202.2sqm) 29.9%(241.9sqm) 25% (202sqm)

LOT DEPTH: 40.2m no change
LOT FRONTAGE: 20.1m no change
LOT AREA 807.96 sqm no change
HEIGHT (Res) 7.69 m (Top of ridge) no change - 11m (max)

SETBACKS:

FRONT YARD: 7.71m 5.63m 7.5m (min)
REAR YARD: 21.4m 17.3m (Hse) 7.5m (min)
WEST SIDE YARD: 2.3m unchanged 1.2m (min)
EAST SIDE YARD: 1.22m 0m 1.2m (min)

SCOPE OF WORK

EXTERIOR WORK INCLUDING PROPOSED STAIR TO DECK, WOOD PERGOLA AND BREEZWAY WITH ROOF

PROJECT INFORMATION

PROJECT DESCRIPTION: SMALL RESIDENTIAL EXTERIOR ALTERATIONS & ADDITION
ZONING CLASSIFICATION: R1-3 URBAN RESIDENTIAL (SINGLE DETACHED)
TYPE OF CONSTRUCTION: COMBUSTIBLE / NON-COMBUSTIBLE
PROPOSED USE OF BUILDING: RESIDENTIAL - SINGLE DETACHED
CURRENT USE OF BUILDING: RESIDENTIAL - SINGLE DETACHED

OCCUPANT LOAD: 10

AREA OF NEW CONSTRUCTION: SIDE CANOPY = 11.5 sqm [124.4 SFT.]
 EXTERIOR STAIRS = 4.32 sqm [46.4 SFT]
 PERGOLA = 22.23 sqm [239.3 sft]
 MUDROOM ADDITION = 5.76m (58.31 sqm)

PROJECT CONTACTS

ARCHITECT: **BELINDA JONES ARCHITECT**
 159 MARTIN STREET
 MILTON, ON, L9T 2R3
CONTACT: Belinda Jones
PH: (416) 662-6024
EM: Belinda@Belindajones.ca



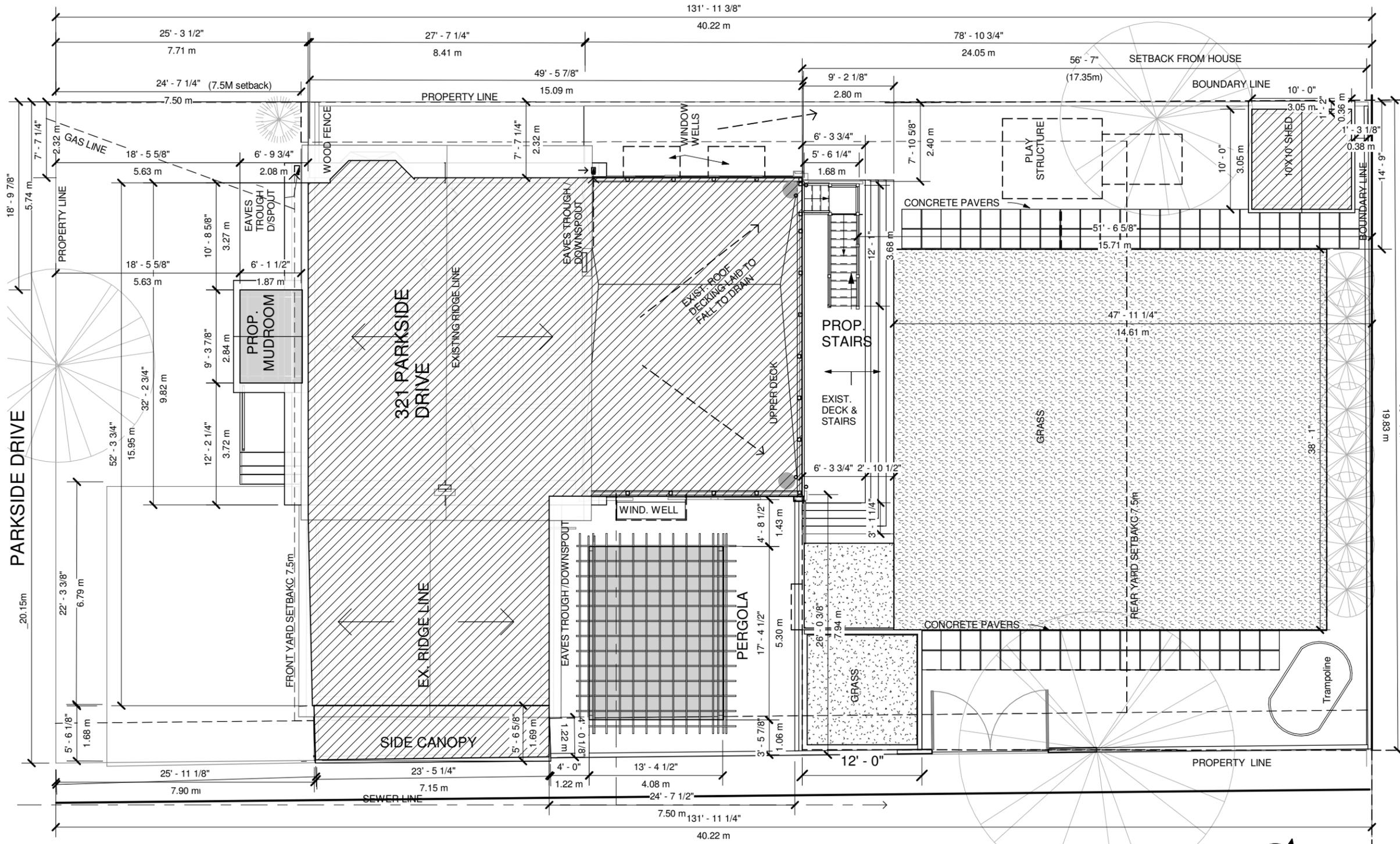
Project Name: HOUSE DIFFEY
Project Address: 321 PARKSIDE DR
 WATERDOWN
 HAMILTON
 ON

B J A Belinda Jones Architect
 159 Martin Street
 Milton ON
 L9T 2R3
 P 416-662 6024
 Project #: 17-010

Revision Schedule			
Rev	Date	By	Description
1	20/07/27	BJ	Minor permit Subm

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Sheet: PROJECT DETAILS
Scale: As indicated
Sheet Number: A0



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

Project Name:
HOUSE DIFFEY

Project Address:
**321 PARKSIDE DR
WATERDOWN
HAMILTON
ON**



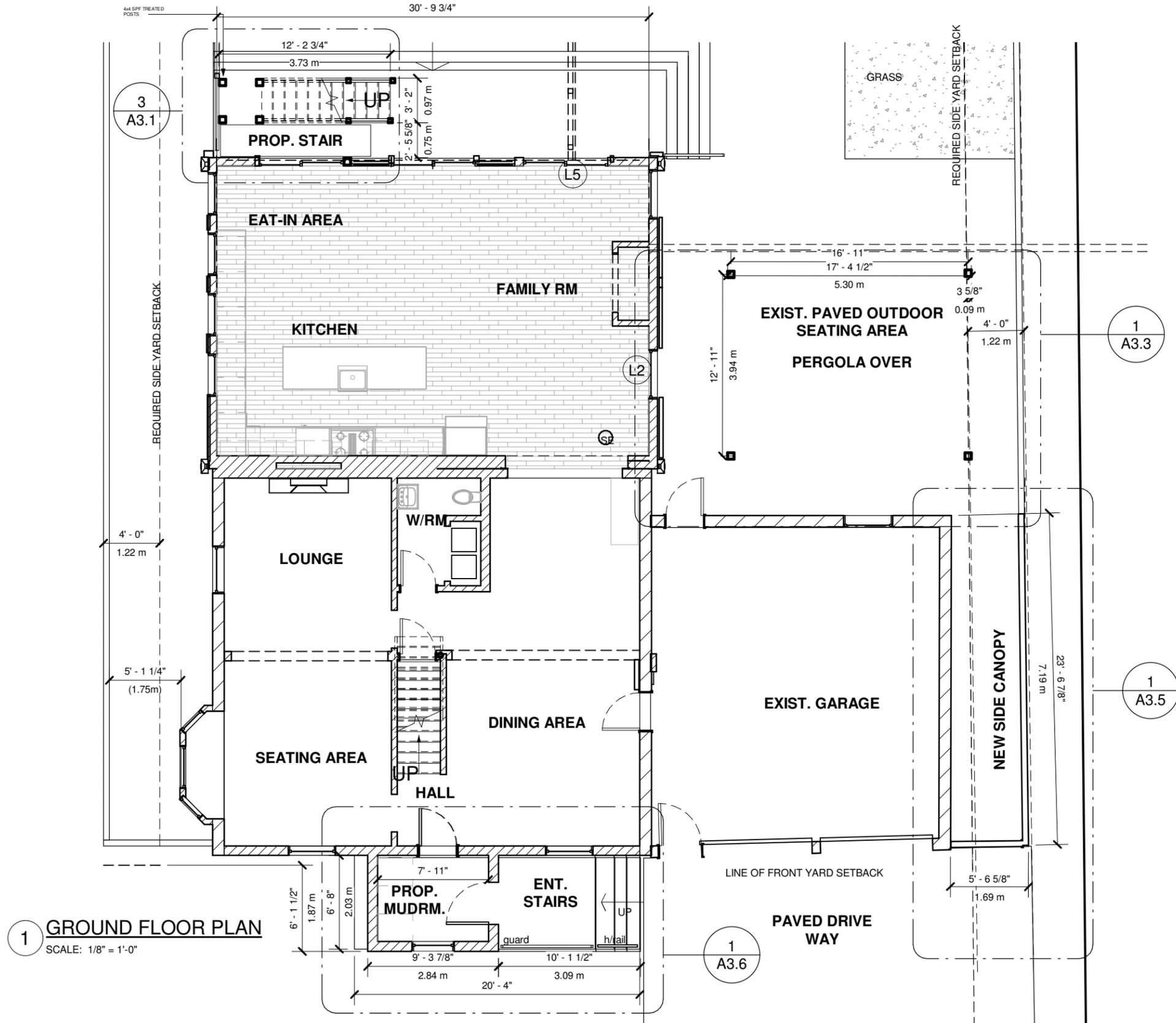
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Sheet: **SITE PLAN**
Scale 3/32" = 1'-0"

Sheet Number: **A1**



Project Name:
HOUSE DIFFEY

Project Address:
**321 PARKSIDE DR
WATERDOWN
HAMILTON
ON**

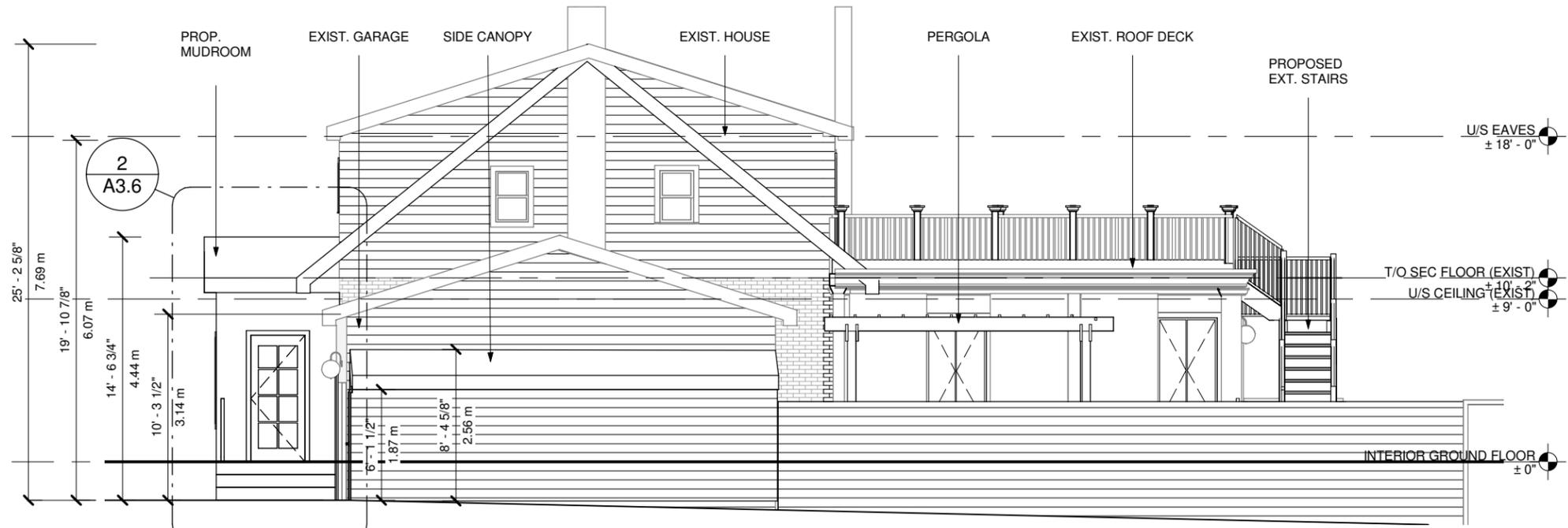
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Project #: 17-010

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Rev	Date	By	Description

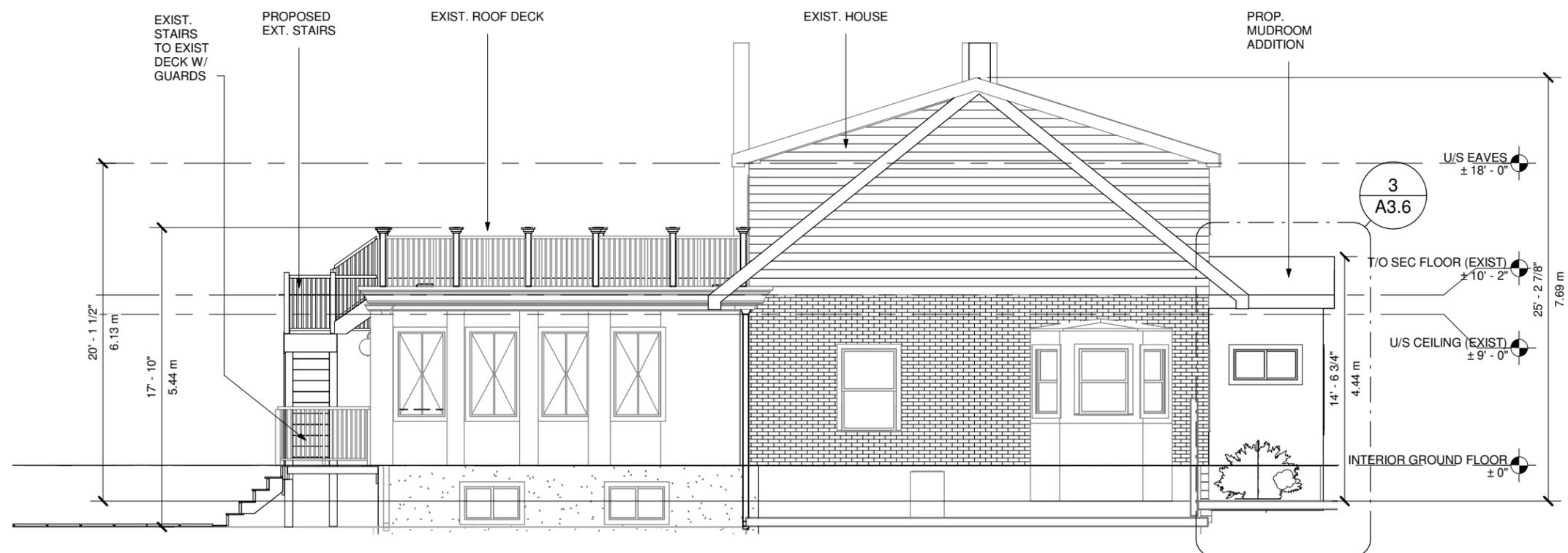
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Sheet: **GROUND FLOOR PLAN**
Scale: 1/8" = 1'-0"

Sheet Number: **A1.2**



1 Exterior Elevation - EAST SS
SCALE: 1/8" = 1'-0"



2 Exterior Elevation - WEST SS
SCALE: 1/8" = 1'-0"



Project Name:
HOUSE DIFFEY

Project Address:
**321 PARKSIDE DR
WATERDOWN
HAMILTON
ON**

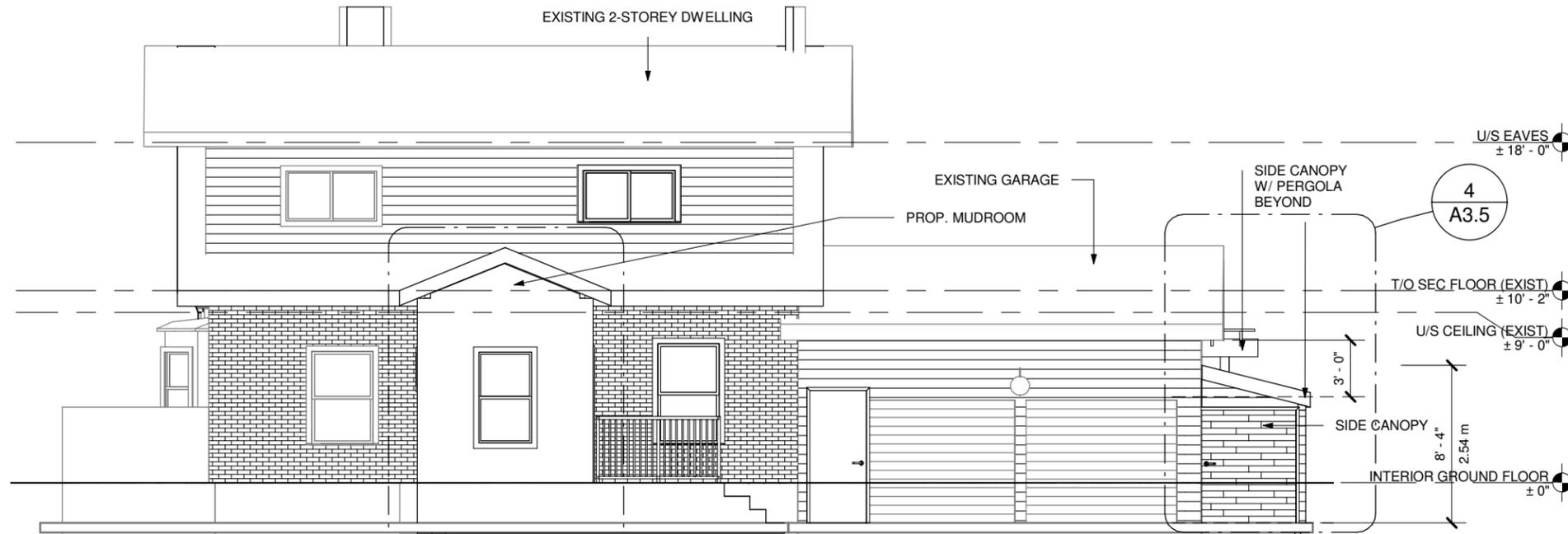
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Revision Schedule			
Rev	Date	By	Description
1	20/07/27	BJ	Minor permit Subm

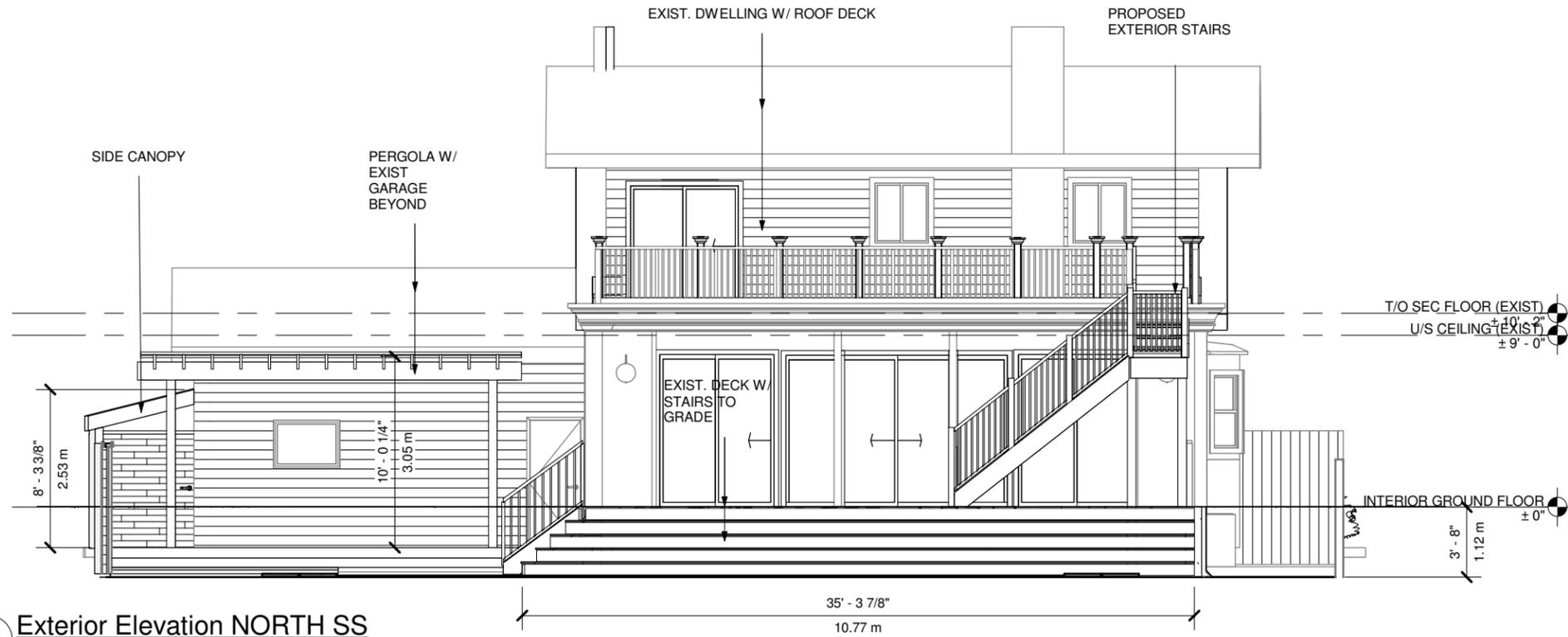
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Sheet: **ELEVATIONS 1**
Scale: 1/8" = 1'-0"

Sheet Number: **A2.1**



1 Exterior Elevation - SOUTH SS
SCALE: 1/8" = 1'-0"



2 Exterior Elevation NORTH SS
SCALE: 1/8" = 1'-0"



Project Name:
HOUSE DIFFEY

Project Address:
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HAMILTON
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B J A Belinda Jones Architect
159 Martin Street
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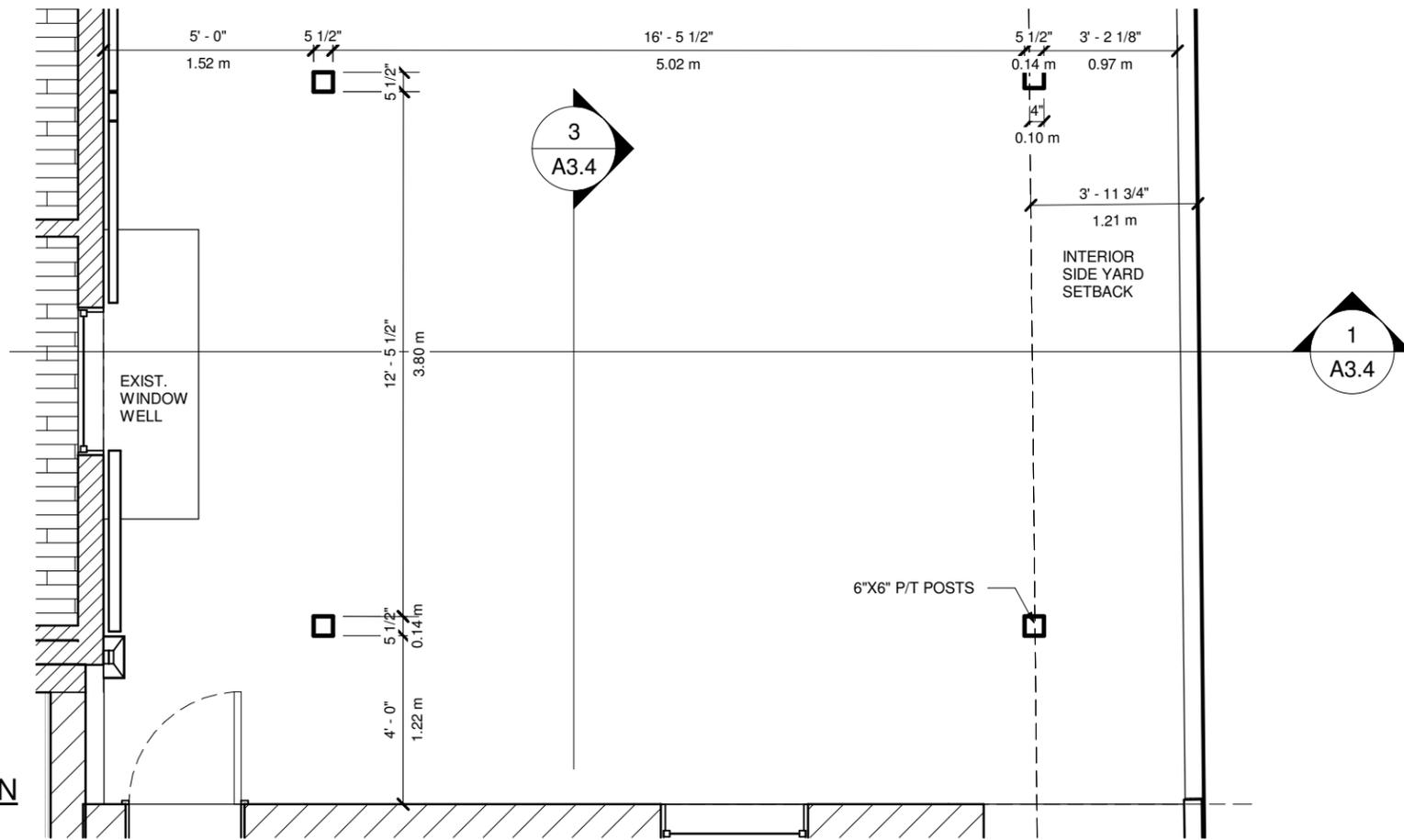
Revision Schedule			
Rev	Date	By	Description
1	20/07/27	BJ	Minor permit Subm

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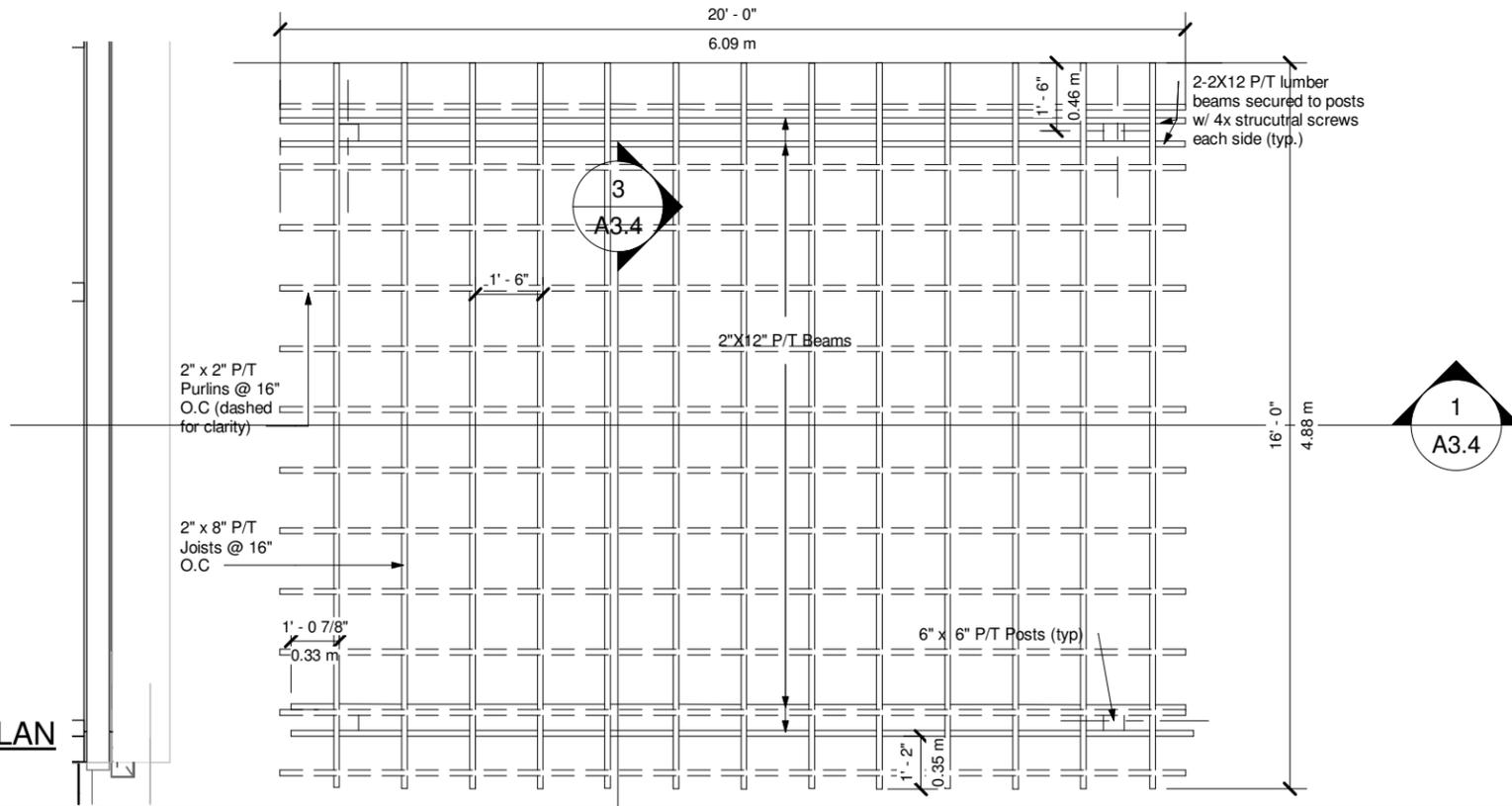
Sheet: **ELEVATIONS 2**
Scale: 1/8" = 1'-0"

Sheet Number: **A2.2**

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



2 PERGOLA FRAMING PLAN
SCALE: 1/4" = 1'-0"



Project Name:
HOUSE DIFFEY

Project Address:
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ON**

B J A Belinda Jones Architect
159 Martin Street
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Revision Schedule			
Rev	Date	By	Description

LINE OF ROOF OF GARAGE

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Sheet: **PERGOLA DETAILS 1**
Scale: 1/4" = 1'-0"

Sheet Number: **A3.3**

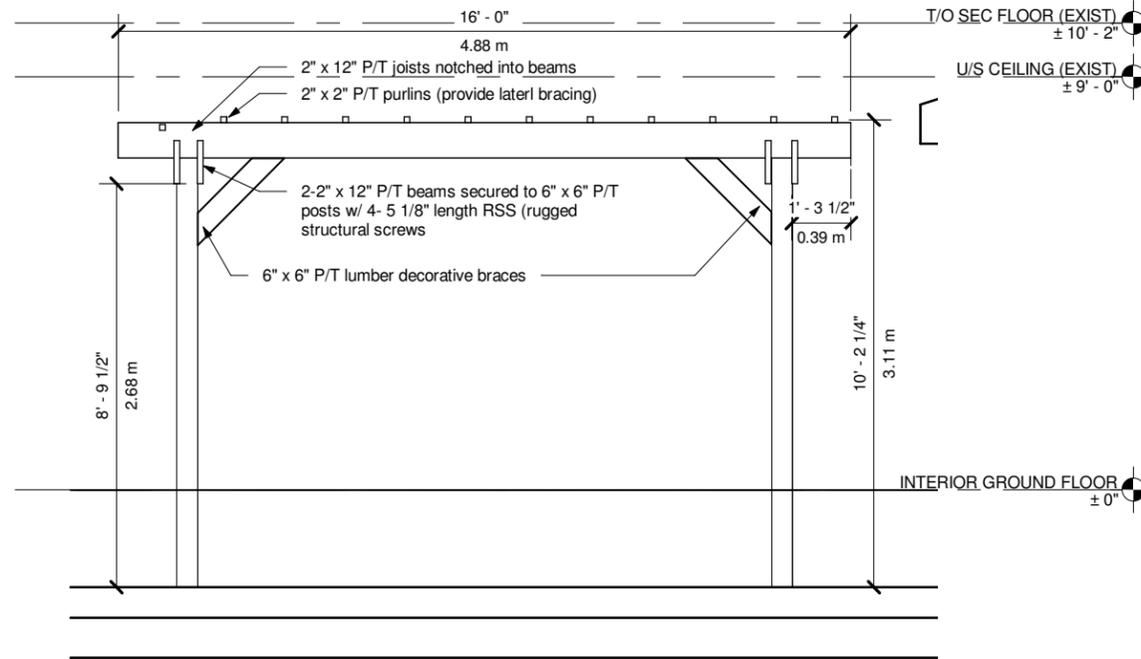
PERGOLA FRAMING NOTES

GENERAL FRAMING:
 MIN. SPECIFICATION FOR ALL FRAMING MEMBERS: PRESSURE-TREATED LUMBER OR EXTERIOR GRADE CEDAR.
 JOISTS SPACED 416m O.C. (16")
 JOISTS NOTCHED INTO BEAM MIN. 4 " IN DEPTH.

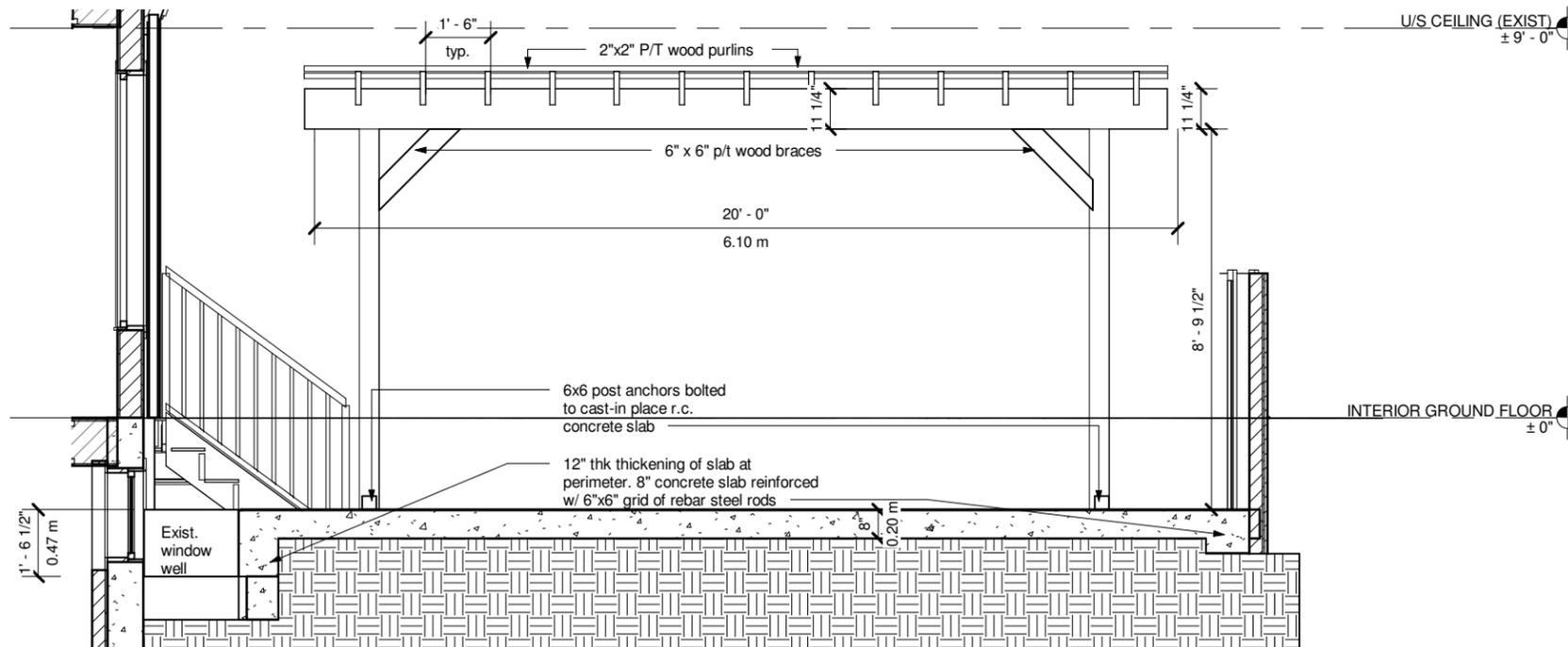
BEAMS SECURED TO POSTS WITH RUGGED STRUCTURAL SCREWS (5/16" X 5-1/8" LONG GRK FASTENERS)
 6X6 P/T POSTS BOLTED TO 8" DEEP REINFORCED CONCRETE SLAB W/ SIMPSON STRONG TIE STEEL GALV. POST BASE BRACKET (ZMAX CODE ABU66Z). BOLT ANCHOR TO EXTEND MIN DEPTH OF 4 " INTO CONCRETE.
 SLAB HAS 12" DEEP PERIMETER THICKENING AND REINFORCED W/ 6"X6" REBAR GRID

BEAMS CONN. TO POSTS WITH 4- 5/16" X 5 1/8" RSS SCREWS BOTH SIDES OF POSTS
 JOISTS ARE Laterally BRACED BY 2"X2" P/T PURLINS ABOVE. PURLINS TOE NAILED W/ DECK SCREWS TO JOISTS.

CANTILEVER PORTION OF BEAM/JOIST TO CANTILEVER MAX. 1/6 OF BEAM/JOIST SPAN.



3 PERGOLA CROSS SECTION
 SCALE: 1/4" = 1'-0"



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



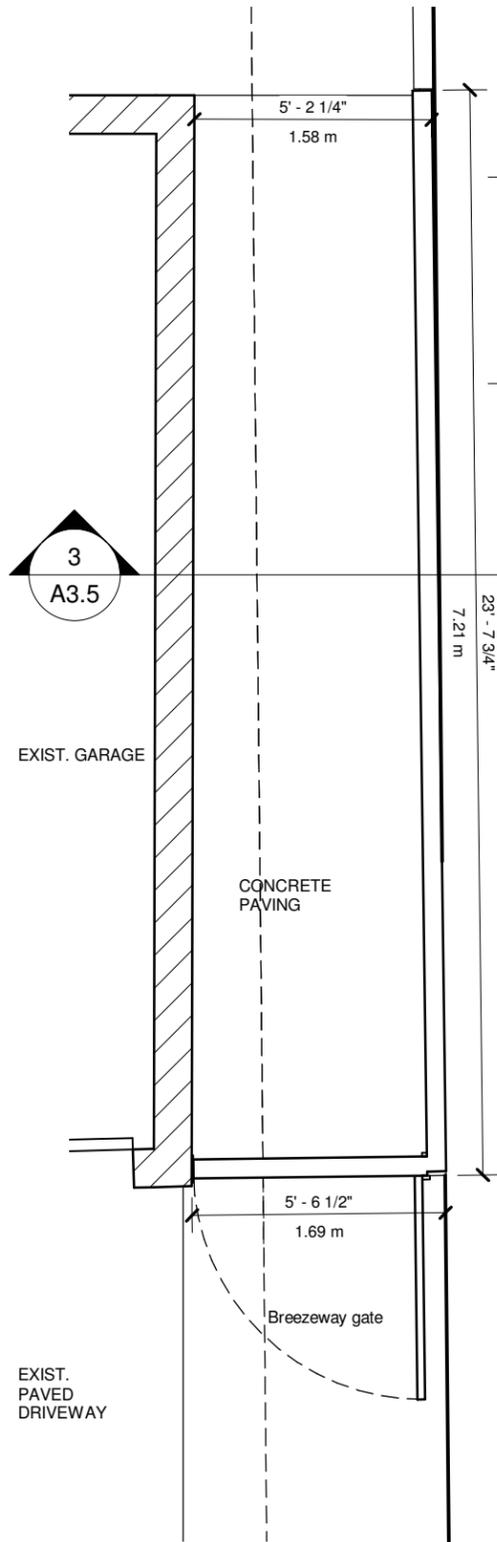
Project Name: **HOUSE DIFFEY**
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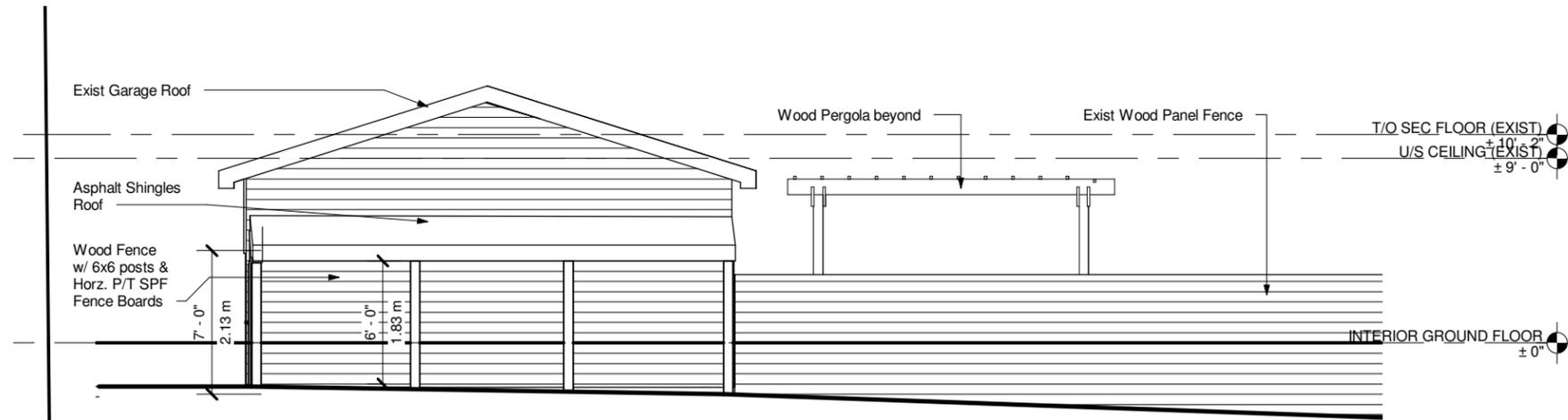
Revision Schedule			
Rev	Date	By	Description

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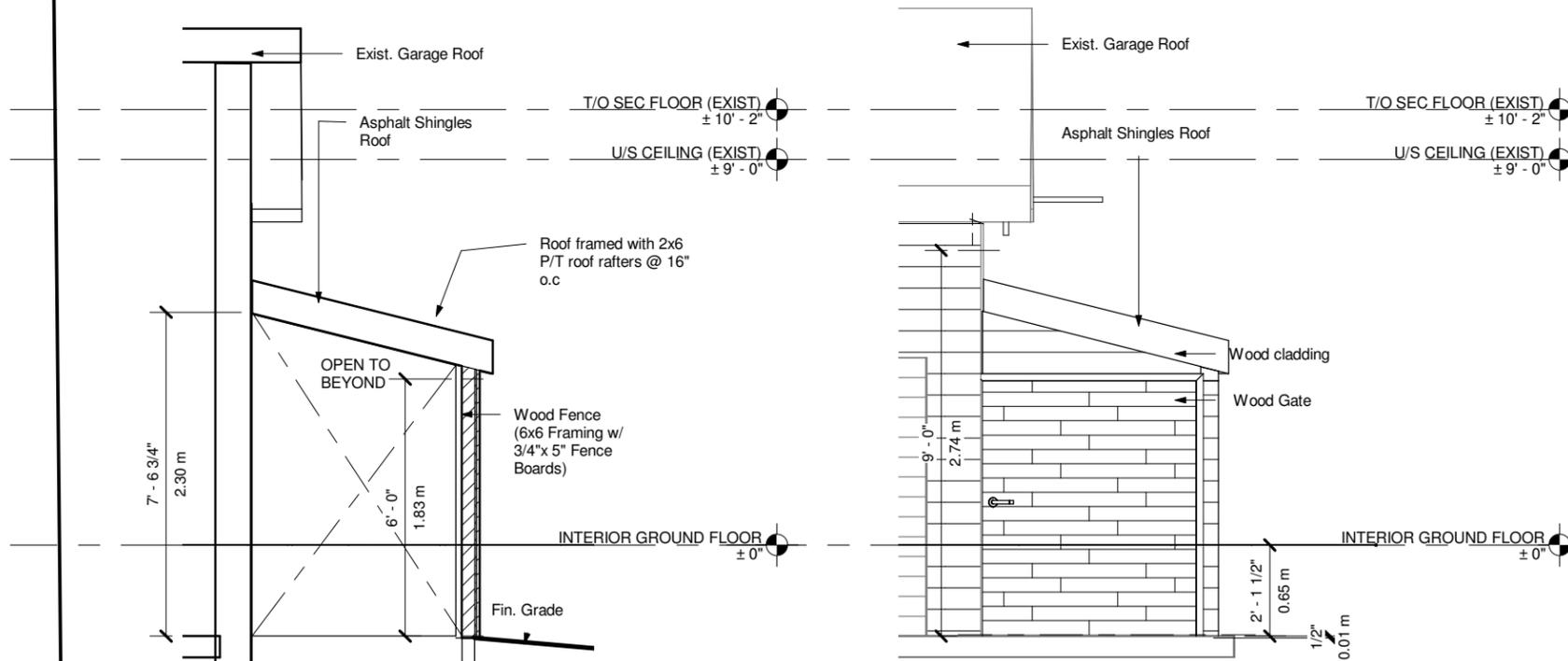
Sheet: **PERGOLA
 DETAILS 2**
 Scale: 1/4" = 1'-0"
 Sheet Number: **A3.4**



1 SIDE CANOPY PLAN
SCALE: 1/4" = 1'-0"



2 SIDE CANOPY ELEVATION
SCALE: 1/8" = 1'-0"



3 SIDE CANOPY SECTION
SCALE: 1/4" = 1'-0"

4 FRONT VIEW OF SIDE CANOPY
SCALE: 1/4" = 1'-0"

Project Name:
HOUSE DIFFEY

Project Address:
**321 PARKSIDE DR
WATERDOWN
HAMILTON
ON**



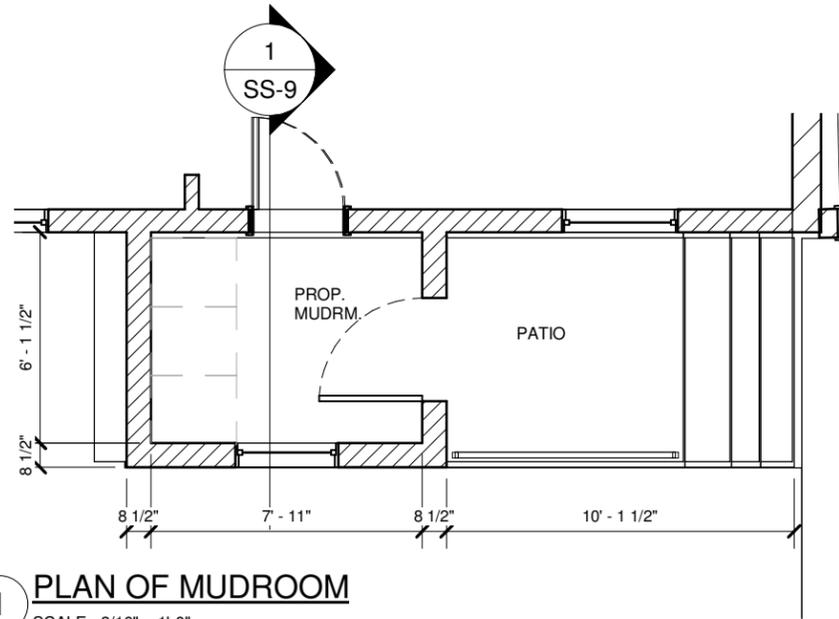
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Revision Schedule			
Rev	Date	By	Description

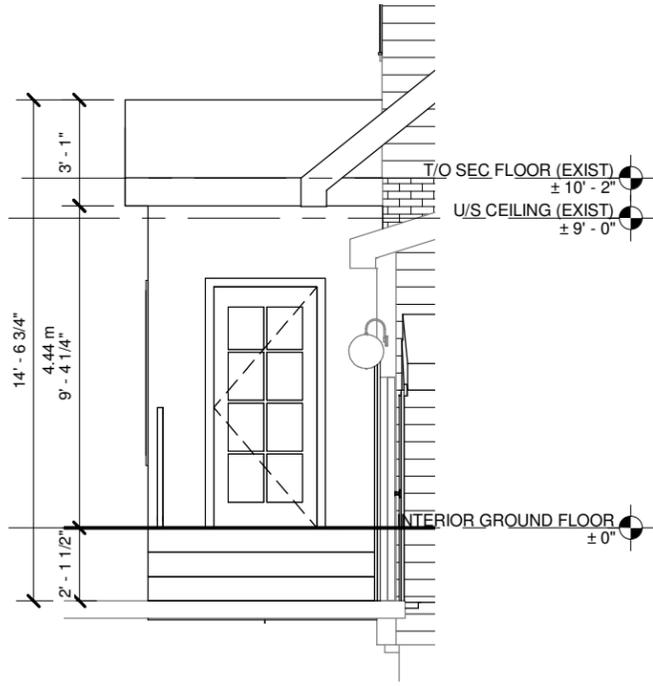
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Sheet: **SIDE CANOPY DETAILS**
Scale: As indicated

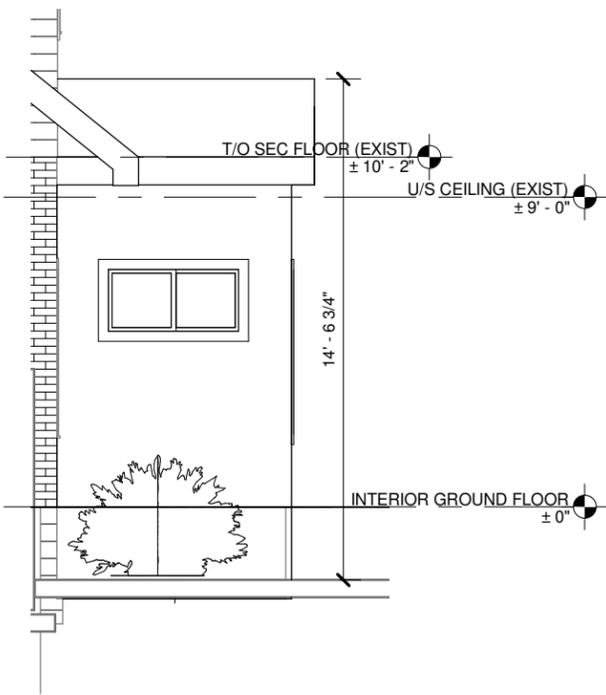
Sheet Number: **A3.5**



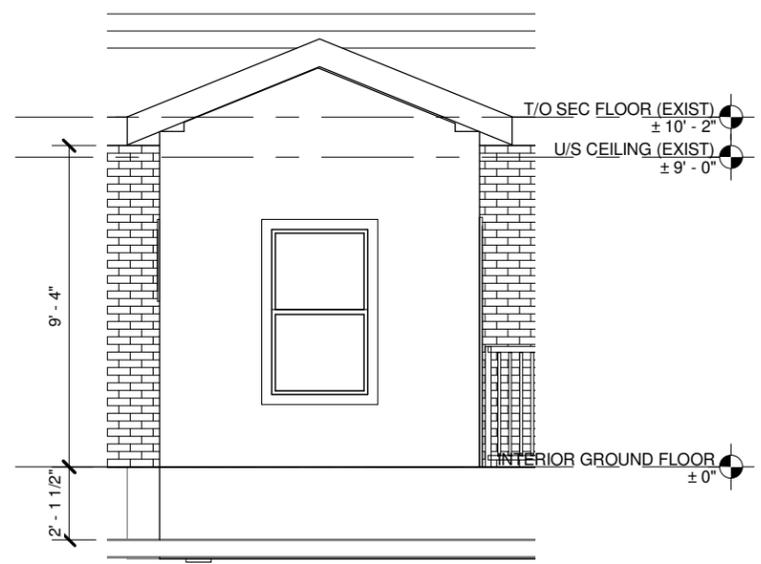
1 PLAN OF MUDROOM
SCALE: 3/16" = 1'-0"



2 MUDROOM ELEVATION 1
SCALE: 3/16" = 1'-0"



3 MUDROOM ELEVATION 2
SCALE: 3/16" = 1'-0"



4 MUDROOM ELEVATION 3
SCALE: 3/16" = 1'-0"



Project Name:
HOUSE DIFFEY

Project Address:
**321 PARKSIDE DR
WATERDOWN
HAMILTON
ON**

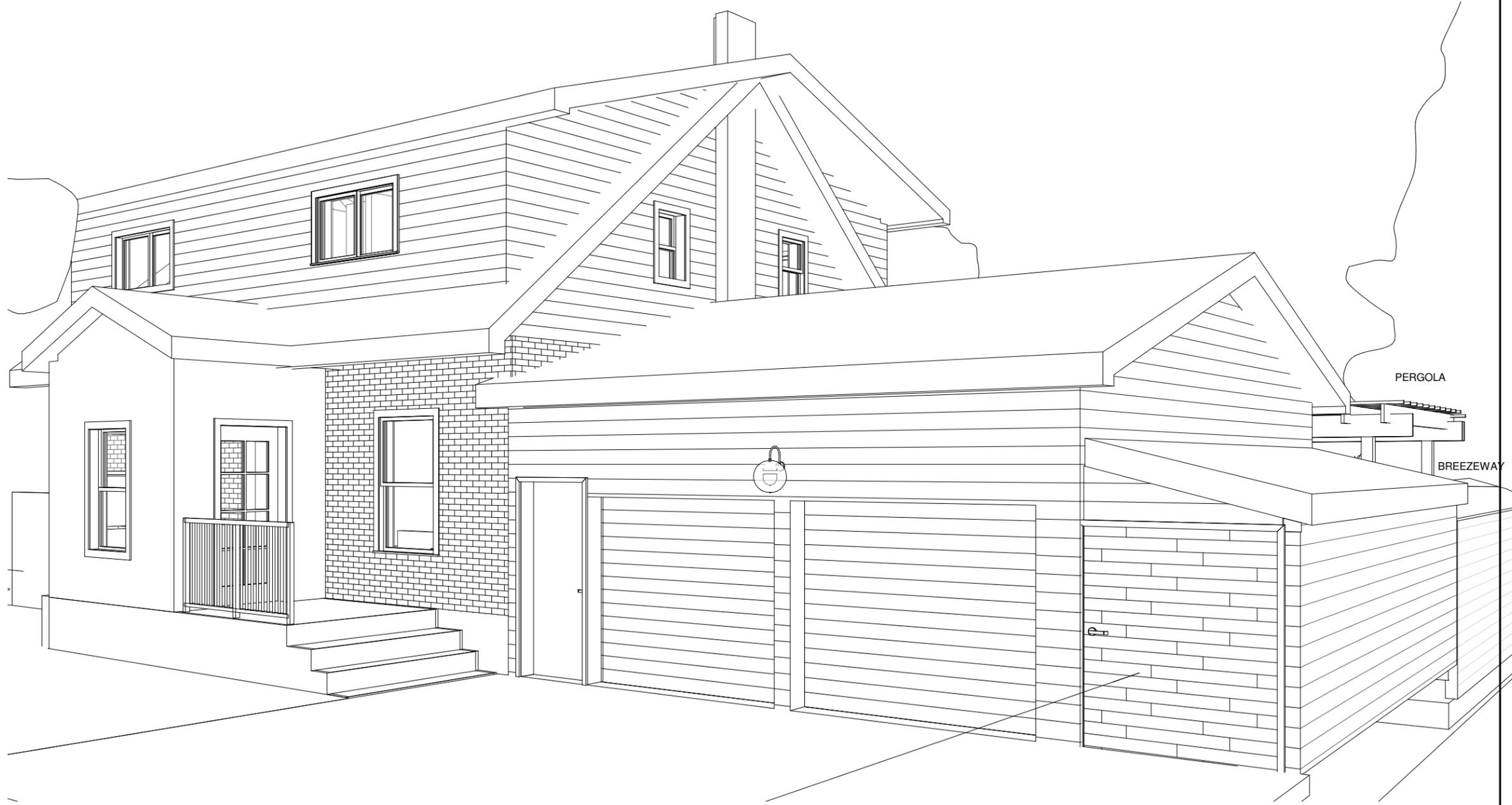
B J A Belinda Jones Architect
159 Martin Street
Milton ON
L9T 2R3
P 416-662 6024
Project #: 17-010

Revision Schedule			
Rev	Date	By	Description

These Drawings and Specifications are confidential and shall remain the sole property of the Architect. They shall not be reproduced (in whole or in part), shared with third parties or used in any manner on other projects or extensions to this project without the prior written consent of the Architect. These drawings and specifications are intended to show only design intent unless marked "Issue for Construction" and may not reflect actual site conditions. No party shall have any obligation nor liability to the Architect (except as stated above) until a written agreement is fully executed by Architect and Client parties.

Sheet: **DETAILS OF MUDROOM**
Scale 3/16" = 1'-0"

Sheet Number: **A3.6**



3D VIEW FRONT OF HOUSE



Project Name:
HOUSE DIFFEY

Project Address:
**321 PARKSIDE DR
WATERDOWN
HAMILTON
ON**

B J A
LIVE THE DREAM

Belinda Jones Architect
159 Martin Street
Milton ON
L9T 2R3

P 416-662 6024

Project #: 17-010

Revision Schedule			
Rev	Date	By	Description

These Drawings and Specifications are confidential and shall remain the sole property of the Architect. They shall not be reproduced (in whole or in part), shared with third parties or used in any manner on other projects or extensions to this project without the prior written consent of the Architect. These drawings and specifications are intended to show only design intent unless marked "Issue for Construction" and may not reflect actual site conditions. No party shall have any obligation nor liability to the Architect (except as stated above) until a written agreement is fully executed by Architect and Client parties.

Sheet: **Perspective**

Scale:

Sheet Number: **A5.0**

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	MAILING ADDRESS	
Registered Owners(s)	GROFF DITNEY NICOLE DITNEY	[REDACTED]	
Applicant(s)*			Phone:
			E-mail:
Agent or Solicitor			Phone:
			E-mail:

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

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

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

4. Nature and extent of relief applied for:

SIDE YARD BRICKWAY } COVERAGE
 PERGOLA.

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

STRUCTURES ARE IN PLACE AND IT AFFECTS OF
 OVERALL DESIGN, LOOK, & FEEL.

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

321 PARKSIDE DRIVE, WARDEN AVE OUT LOR 2HO
 PART OF LOT 7 CONVESSION 4

7. PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

Yes No Unknown

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

WE HAVE LIVED IN THE HOUSE FOR 6+ YEARS.

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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

9/27/2022
Date

[Signature]
Signature Property Owner(s)

NICOLE AND GUY DUFFY
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 201.5 M
 Depth 40.27 (131'-11 3/8")
 Area 807.96
 Width of street 2 LANES.

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

Existing:
 193,01² HOUSE
 9.2 SHED

Proposed
 11,67m BRIDGEWAY
 4,52m PORCH.

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

Existing:
 FRONT/MID

Proposed:
 EAST SIDE - BRIDGEWAY
 EAST SIDE - PORCH.

13. Date of acquisition of subject lands:

DEC 15 2015

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

HOUSE UNKNOWN / ADDITION 2016 / STAB + PORCH 7 FEBRUARY 2019

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

SINGLE FAMILY

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

VACANT LANE WAY / SINGLE FAMILY

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

OVER 70 YEARS.

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

Water Connected
Sanitary Sewer Connected
Storm Sewers

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

NA

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

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

Yes No

If yes, please provide the file number:

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

Yes No

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

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

Yes No

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

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	FL/A-23:08	SUBJECT PROPERTY:	138 McMonies Drive, Flamborough
ZONE:	"R6-39" (Medium Density Residential Zone)	ZONING BY-LAW:	Zoning By-law former Town of Flamborough 90-145-Z, as Amended 15-186

APPLICANTS: **Owner:** SARAH MACLELLAN & CHRISTOPHER PERA

The following variances are requested:

1. The proposed accessory structures (gazebo and deck) shall be permitted to be located 0 m from the westerly interior side lot line and the rear lot line, instead of the minimum required setback of 1.0 m.

PURPOSE & EFFECT: To facilitate the construction of new accessory structures (deck and gazebo) in the rear yard of the existing street townhouse.

Notes:

- i. The Zoning By-law permits a maximum height of 4.6 m for an accessory structure. The site plan notes a height of 2.91 m for the proposed gazebo, but elevation drawings including dimensions from grade to the highest portion of the proposed accessory structures have not been included. The applicant shall ensure that the height of the accessory structure, measured from grade, as defined in the Zoning By-law, to the highest point of the accessory structure does not exceed 4.6 m. If the height of the accessory structure exceeds 4.6 m, additional variances will be required.

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 15, 2023
TIME:	11:00 a.m.
PLACE:	Via video link or call in (see attached sheet for details)

FL/A-23:08

	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.

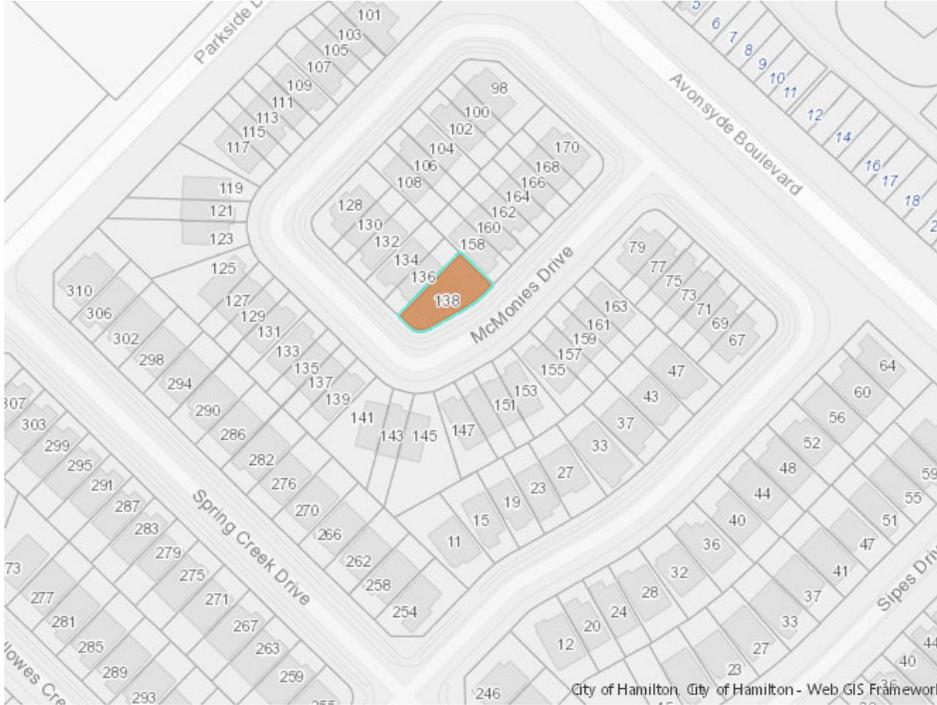
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:08, 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-23:08



DATED: May 30, 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.

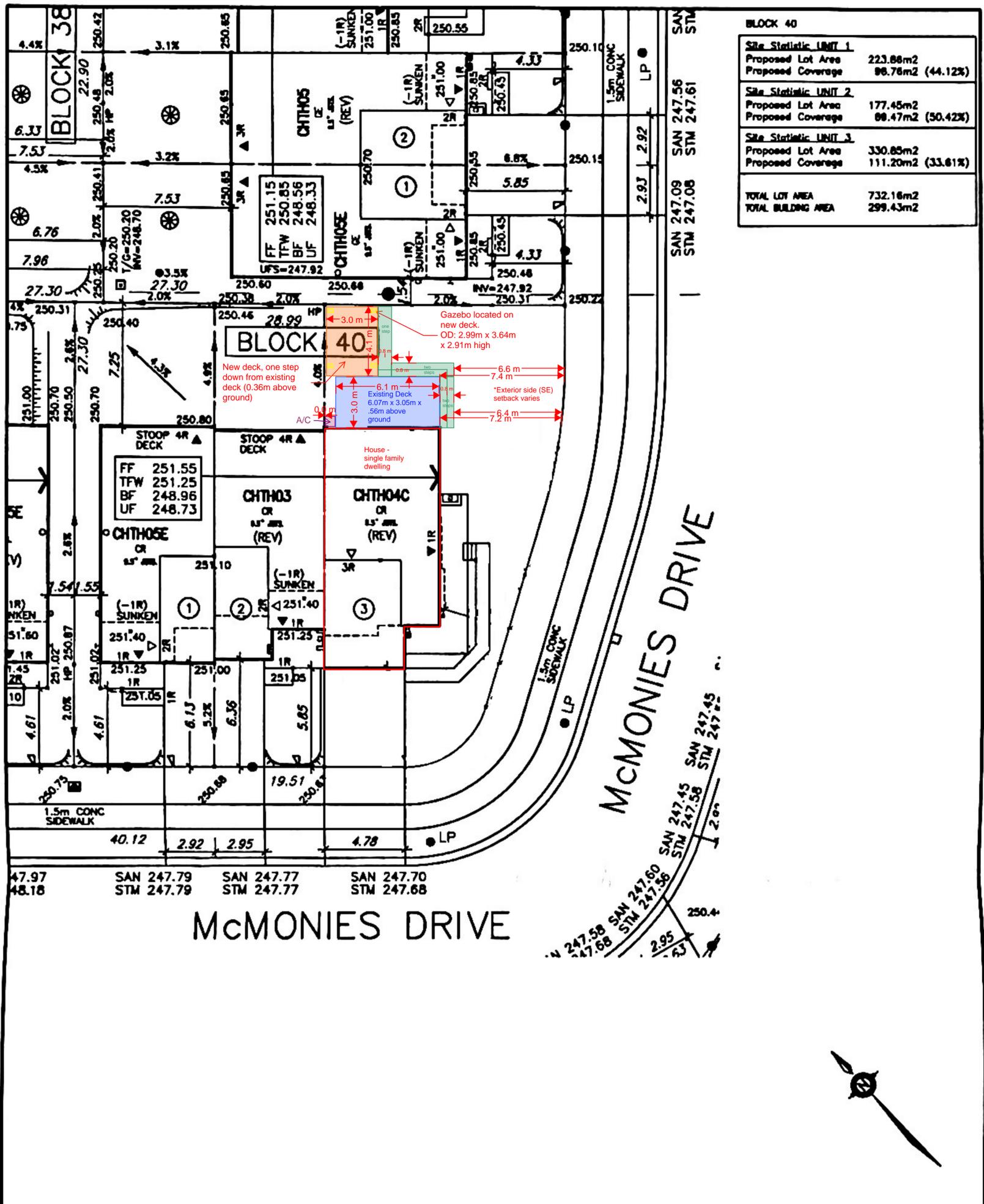
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



Zoning	Lot Number	Plan Number	Lot Area	Lot Frontage	Lot Depth
90-145-Z	Block 40		330.85 sq m	8.02 m	27.3 m
R6-39	Unit 3				

Description	Existing	Addition	Total	Setbacks	Existing	Proposed
Lot Coverage by accessory structures	18.58 sq m	12.46 sq m	31.04 sq m	Interior Rear	4.1 m	0 m
				Interior Side (NW)	0 m	0 m
				Exterior Side (SE)	7.2 m	6.4 m
				Front	No Change	

Client: MATTAMY HOMES	Sheet Title LOT No: BLOCK 40		Q4 Architects Inc. 2171 Avenue Road, Suite 302 Toronto, Ontario M5M 4B4 TEL: (416) 322-6334 FAX: (416) 322-7294 EMAIL: info@q4architects.com	
	Project Name: CRANBERRY HILL WATERDOWN PHASE 2 HAMILTON	Scale: 1:300		
	Date: NOV. 2015	Checked by:	Project No. 13029	File: WAT-SP2
			Drawing No. 1 OF 1	



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

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

APPLICATION FOR A MINOR VARIANCE

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

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	MAILING ADDRESS	
Registered Owners(s)	Sarah MacLellan Christopher Pera		
Applicant(s)*	Sarah MacLellan Christopher Pera		
Agent or Solicitor			Phone:
			E-mail:

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
 TD Canada Trust - Mortgage Lender

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

4. Nature and extent of relief applied for:

- Gazebo setbacks off of rear and interior side yard lot line (0 m)
- Deck setbacks off of rear and interior side yard lot line (0 m)
- Lot coverage of accessory buildings and structures

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

Safety of my children playing on deck. We want the fence to border the two sides with no gap that they could fall into.

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

Part Block 40, Plan 62M1222, Part 24, Plan 62R2030

138 McMonies Dr. Waterdown, Ontario

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant Other

Other _____

8.1 If Industrial or Commercial, specify use _____

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

13. Date of acquisition of subject lands:
Jan. 2019
-
14. Date of construction of all buildings and structures on subject lands:
2016
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family townhouse
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single family townhouses
17. Length of time the existing uses of the subject property have continued:
5 years
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Town of Flamborough Zoning By-Law No. 90-145-Z, zone R6-39
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.