



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 23-14
Date: July 27, 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-23:5518 Tom Street, Hamilton (Ward 1) *Moved to August 10 Hearing* | |
| | Agent Bayfront Law – S. Costa
Owner A. Schneider | |
| 2.2 | 9:20 a.m.HM/A-23:16749 Ray Street North, Hamilton (Ward 1) | 5 |
| | Agent Structured Creations Inc. – D. Sanger-Smith
Owner W. Thayer & M. Macdonald | |
| 2.3 | 9:25 a.m.HM/A-23:17126 Florence Street, Hamilton (Ward 1) | 25 |
| | Agent M. Pongetti
Owner F. Boonstra & I. Verlint | |
| 2.4 | 9:30 a.m.HM/B-22:126547-549 Main Street East, Hamilton (Ward 3) | 41 |
| | Agent MB1 Development Consulting Inc. – M. Barton
Owner Malleum Real Estate Partners IV LP Malleum Core Partners LP/GP – T. Pearson | |

2.5	9:30 a.m.HM/A-22:391547-549 Main Street East, Hamilton (Ward 3)	85
	Agent MB1 Development Consulting Inc. – M. Barton Owner Malleum Real Estate Partners IV LP Malleum Core Partners LP/GP – T. Pearson	
2.6	9:35 a.m.HM/A-23:174922 Main Street East, Hamilton (Ward 3)	103
	Agent Cianfrone Architect Inc. Owner Luso Canadian Charitable Society	
3.	SUBURBAN	
3.1	9:40 a.m.HM/A-23:165198 Hawkswood Trail, Hamilton (Ward 14)	115
	Agent C. MacPhail Applicant G. Day Owner S. Duncan	
3.2	9:45 a.m.SC/A-23:28394 Winona Road, Stoney Creek (Ward 10)	127
	Agent IBI Group – J. Marcus Owner 2782488 Ontario Inc.	
3.3	9:50 a.m.AN/A-23:172312 Fiddler’s Green Road, Ancaster (Ward 12)	151
	Agent On the 6 Design – D. Wray Owner D. Belovari	
3.4	B R E A K	
3.5	10:10 a.m.AN/B-23:47376 Phillip Place, Ancaster (Ward 12)	163
	Agent S. Khan Owners D. Sohail, U., S. & S. Daniel	
3.6	10:10 a.m.AN/A-23:170376 Phillip Place, Ancaster (Ward 12)	179
	Agent S. Khan Owners D. Sohail, U., S. & S. Daniel	
3.7	10:15 a.m.AN/A-22:161182 Central Drive, Ancaster (Ward 12)	193
	Agent D. Iampietro Owner I. & P. Maric	

- 3.8 10:20 a.m.AN/A-23:169165 Blair Lane, Ancaster (Ward 12) 205
Agent smpl Design Studio – L. Bruce
Owner J. & M. Lungul
- 3.9 10:25 a.m.AN/B-23:4634 Lloymin Avenue, Ancaster (Ward 12) 219
Agent A.J. Clarke & Associates Ltd. – F. Kloibhofer
Owner C. Galli
- 3.10 10:30 a.m.GL/A-23:7214 Ambitious Court, Glanbrook (Ward 11) 237
Agent A.J. Clarke & Associates Ltd. – L. Doherty
Applicant K. Preece
Owner Beedie ON (Ambitious Court) Property Limited Partnership
- 3.11 10:35 a.m.GL/A-23:65280 Trinity Church Road, Glanbrook (Ward 11) 263
Owner G. Acaro

4. RURAL

- 4.1 10:40 a.m.GL/A-23:1681404 Hendershot Road, Glanbrook (Ward 11) 277
Owner K. Wright
- 4.2 10:45 a.m.FL/A-23:1641 James Street, Flamborough (Ward 15) 301
Agent Galvez Design – S. Galvez
Owner G. Parker, A. Weir, & P. Dimaddalena
- 4.3 10:50 a.m.FL/A-23:16699 7th Concession Road East, Flamborough (Ward 15) 317
Owners A. & C. Bradshaw
- 4.4 10:55 a.m.FL/A-23:1731259 Sodom Road, Flamborough (Ward 15) 337
Owners J. & N. VanderHout
- 4.5 11:00 a.m.FL/B-23:451142 Concession 4th West, Flamborough (Ward 13) 355
Owners R. & M. Sealey

4.6 11:05 a.m.DN/B-23:4498 Sydenham Street, Dundas (Ward 13)

379

Agent UrbanSolutions Planning & Land Development Consultants Inc. –
M. Johnston
Owner M. & J. Anderson

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-23:167	SUBJECT PROPERTY:	49 RAY STREET N, HAMILTON
ZONE:	"D" (urban Protected Residential – One- and Two-Family Dwellings and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 75-135

APPLICANTS: **Owner:** MEGHAN MACDONALD & W. THAYER
Agent: STRUCTURED CREATIONS INC. C/O DARREN SANGER-SMITH

The following variances are requested:

1. A rear yard setback of 5.31m shall be provided instead of the minimum required 7.5m rear yard setback.
2. A side yard setback of 0.91m shall be provided instead of the minimum required 1.2m rear yard setback.

PURPOSE & EFFECT: So as to permit a covered porch within the front yard of an existing single-family dwelling notwithstanding that:

Notes:

- i. The variance has been written exactly as requested. Be advised, as per the supporting documentation submitted with this application the Acknowledgement Clause contained within the Zoning Compliance Review in Support of a Minor Variance has not been completed and signed. As such, the attached supporting documentation has not been applied to this review and a new review has been conducted to determine requirements of the proposed development.
- ii. Be advised, a side yard setback of 0.45 metres has been requested. It is noted that the eaves/gutters of the proposed covered porch is shown to encroach 0.26 metres into the required side yard. As per Section 18(3)(vi)(b), eaves/gutters may encroach not more than one-half of its width, or 1.0m whichever is the lesser. As such, a variance may be required to permit the eaves/ gutters as proposed.

HM/A-23:167

- iii. Be advised, insufficient information has been provided to determine front yard landscaping requirements as required through Section 14(14)(i) of Hamilton Zoning By-Law 6593. It is noted within the site statistics table that 1.0m² of proposed structures is intended however the proposed deck appears to be more than 1.0m². Should landscaping be less than 50% within the front yard as a result of the proposed porch and stairs, additional variances may be required.
- iv. Please be advised, an Encroachment Agreement with Public Works may be required for the proposed steps encroaching into the Ray Street North Right of Way.

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, July 27, 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-23:167, 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

HM/A-23:167

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: July 11, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

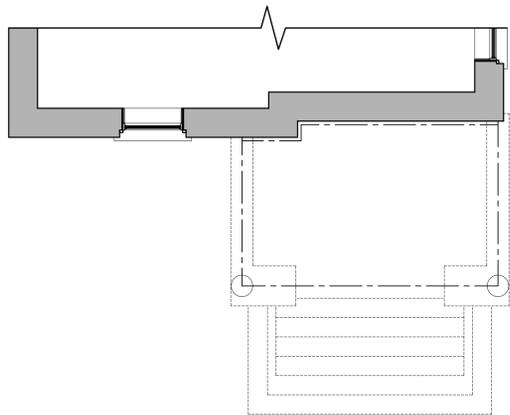
2. In person Oral Submissions

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

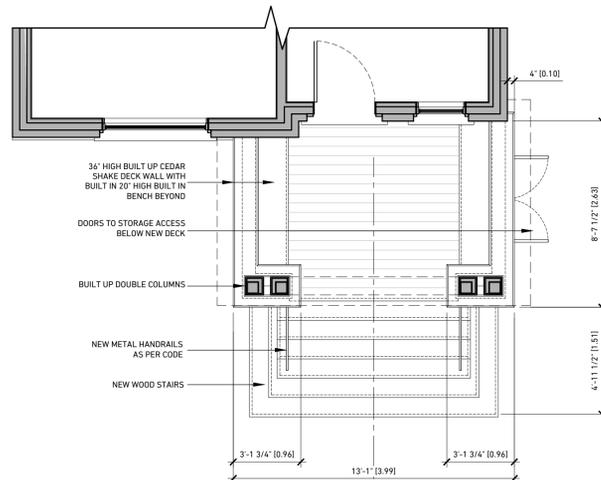
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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

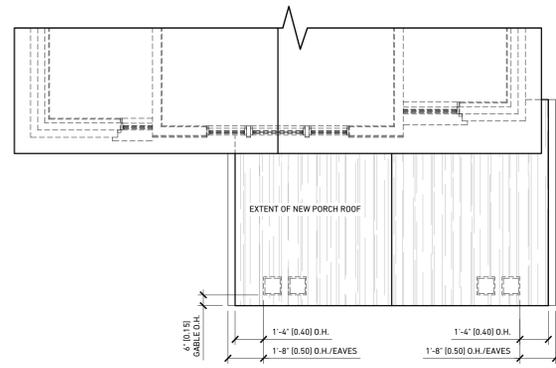
SITE STATISTICS	
PROJECT NAME:	THAYER / MACDONALD RESIDENCE
PROJECT NO.:	22-069
PROJECT ADDRESS:	49 RAY ST N, HAMILTON, ON
REGISTERED PLAN:	LOT 8, BLOCK 2, RANGE 2, PLAN 1435
ZONING:	D (URBAN PROTECTED RESIDENTIAL)
LOT AREA:	(340.00 SQM MIN - 198.30 SQM
LOT FRONTAGE:	(MIN. 12.0 M - 8.08 M
REQ'D SETBACKS	
FRONT YARD:	6.0 M
SIDE YARD:	1.2 M
INTERIOR SIDE YARD:	N/A
REAR YARD:	7.5 M
ATTACHED GARAGE OR CARPORT:	NO
COVERAGE	
MAX. ALLOWABLE COVERAGE:	3000.0 SQM 30%



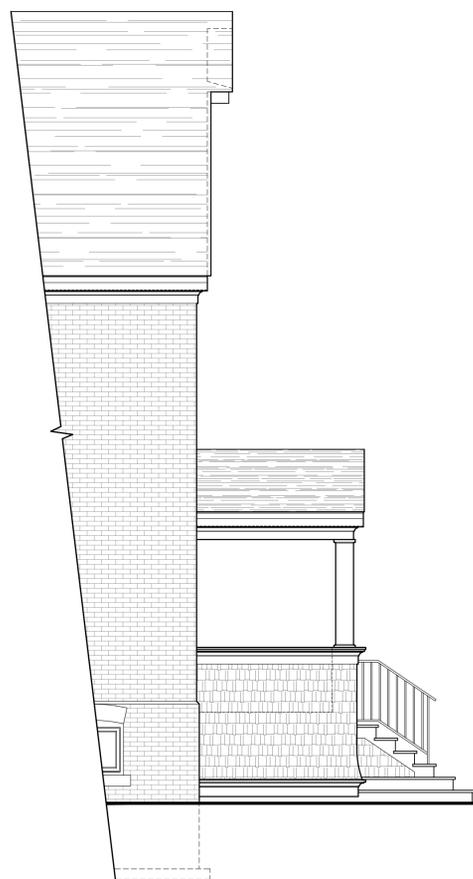
1 | PROP FDN PLAN
A2 | SCALE: 1/4"=1'-0"



2 | PROP FLOOR PLAN
A2 | SCALE: 1/4"=1'-0"



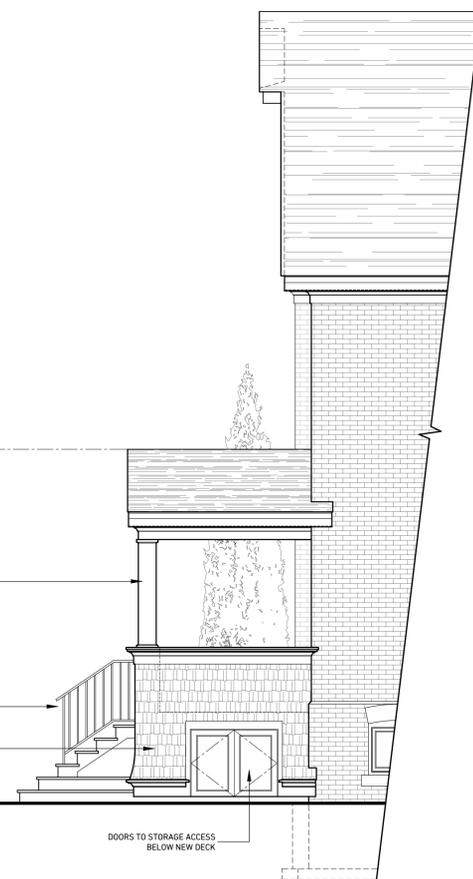
3 | PROP ROOF PLAN
A2 | SCALE: 1/4"=1'-0"



4 | PROP SIDE (SOUTH) ELEVATION
A2 | SCALE: 1/4"=1'-0"



5 | PROP FRONT (EAST) ELEVATION
A2 | SCALE: 1/4"=1'-0"



6 | PROP SIDE (NORTH) ELEVATION
A2 | SCALE: 1/4"=1'-0"



416.204.0351 | 1-2061 MARIA ST., BURLINGTON, ON | info@structuredcreations.com

THAYER MACDONALD RES PORCH ADDITION

49 RAY ST N HAMILTON ONTARIO

PROJECT NORTH ENG. STAMP:



BCIN STAMP

OBC REGISTRATION

I, DARREN SANGER-SMITH, DECLARE THAT I HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE DESIGN ON BEHALF OF A FIRM REGISTERED UNDER SUBSECTION 3.2.4 OF THE ONTARIO BUILDING CODE. I AM REGISTERED, AND THE FIRM IS REGISTERED IN THE APPROPRIATE CLASSES/CATEGORIES.

27-Dec-17 DATE
SIGNATURE OF DESIGNER

D. SANGER-SMITH, B.A.R.C.H. BCIN 26286
STRUCTURED CREATIONS INC. BCIN 29617

GENERAL NOTES

ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE ARCHITECT PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE ARCHITECT MUST BE NOTIFIED IMMEDIATELY.

UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SHORING, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.

ALL DRAWINGS AND RELATED DOCUMENTS SHALL REMAIN THE PROPERTY AND COPYRIGHT OF STRUCTURED CREATIONS. USE LATEST REVISED DRAWINGS. DO NOT SCALE DRAWINGS.

CONTRACTOR IS RESPONSIBLE TO OBTAIN ALL REQUIRED ELECTRICAL PERMITS PERTAINING TO THIS PROJECT. ALL WORK PERFORMED AND APPROVALS OF ELECTRICAL PERMITS ARE THE RESPONSIBILITY OF THE CONTRACTOR.

CONTRACTOR TO NOTIFY DESIGNER OF ANY CONFLICTS PERTAINING TO PROPOSED MECHANICAL, ELECTRICAL AND STRUCTURE PRIOR TO CONSTRUCTION AND INSTALLATION.

CONTRACTOR TO PROVIDE STRUCTURED CREATIONS INC. WITH WINDOW SHOP DRAWINGS FOR REVIEW PRIOR TO ORDERING. CONTRACTOR TO COORDINATE WITH THE WINDOW COMPANY FOR ON-SITE MEASUREMENTS OF FRAMING/CONSTRUCTION CONDITIONS TO CONFIRM ALL NEW AND EXISTING WINDOW SIZES PRIOR TO ORDERING. CONTRACTOR AND WINDOW COMPANY TO VERIFY ALL PROPOSED WINDOW SIZES WITH STANDARD WINDOW COMPANY FRAME SIZES AND INFORM DESIGNER OF ANY COMPLICATIONS DUE TO CUSTOM SIZES AND ASSOCIATED COSTS AS A RESULT PRIOR TO ORDERING.

CONTRACTOR TO REVIEW ALL FINAL DRAWINGS AND CONFIRM AVAILABILITY OF SPECIFIED NOMINAL AND ENGINEERED LUMBER. ANY SUBSTITUTION FOR POST OR BEAM SIZE AND/OR TYPE DUE TO TIMING AND/OR AVAILABILITY ISSUES ARE TO BE SUBMITTED TO THE DESIGNER FOR REVIEW AND APPROVAL PRIOR TO ORDERING. IT IS THE CONTRACTOR'S RESPONSIBILITY TO INFORM THE CLIENT AND DESIGNER OF ANY COST DIFFERENCES ASSOCIATED WITH THE CHANGE PRIOR TO ORDERING. STRUCTURED CREATIONS INC. IS NOT RESPONSIBLE FOR ISSUES PERTAINING TO AVAILABILITY AND/OR TIMING OF SPECIFIED LUMBER AND MATERIAL DELIVERY.

CONTRACTOR TO PROVIDE STRUCTURED CREATIONS INC. WITH TRUSS DRAWINGS PRIOR TO ORDERING FOR REVIEW. CONTRACTOR TO COORDINATE WITH TRUSS COMPANY FOR ON-SITE MEASUREMENTS TO VERIFY ALL NEW/EXISTING FRAMING CONDITIONS AND VERIFY/CONFIRM WITH TRUSS SHOP DRAWINGS.

CONTRACTOR TO REVIEW SUBMITTED FINAL DRAWINGS FOR ANY HANGER LOCATIONS THROUGHOUT FLOOR, WALL AND/OR ROOF FRAMING AND COORDINATE WITH LUMBER COMPANY FOR THE MANUFACTURING OF ANY CUSTOM HANGERS PRIOR TO CONSTRUCTION.

CONTRACTOR TO COORDINATE WITH STAIR MANUFACTURER FOR ALL STAIR AND LANDING STRUCTURE, HEIGHTS, CONSTRUCTION AND INSTALLATION, AND CONTACT DESIGNER FOR ANY CLARIFICATIONS. PROVIDE SHOP DRAWINGS UPON REQUEST FOR REVIEW.

6	08.06.23	SUB FOR CDA	D.S.S.
5	26.04.23	SUB FOR ZC	D.S.S.
4	14.04.23	ISSUE FOR FINAL APPR	D.S.S.
3	06.12.22	INITIAL DESIGN PRESENTATION	D.S.S.
2	14.11.22	AS-BUILTS	C.B.
1	01.11.22	SITE MEASURE	C.B.

DRAWING ISSUES | REVISIONS

PROP PLANS AND EXT. ELEVATIONS AND NOTES

DESIGN BY	DRAWN BY	APPROVED BY
D.S.S.	J.S.	D.S.S.
SCALE	DATE	PROJECT #
1/4"=1'-0"	JUNE 8/23	22-069

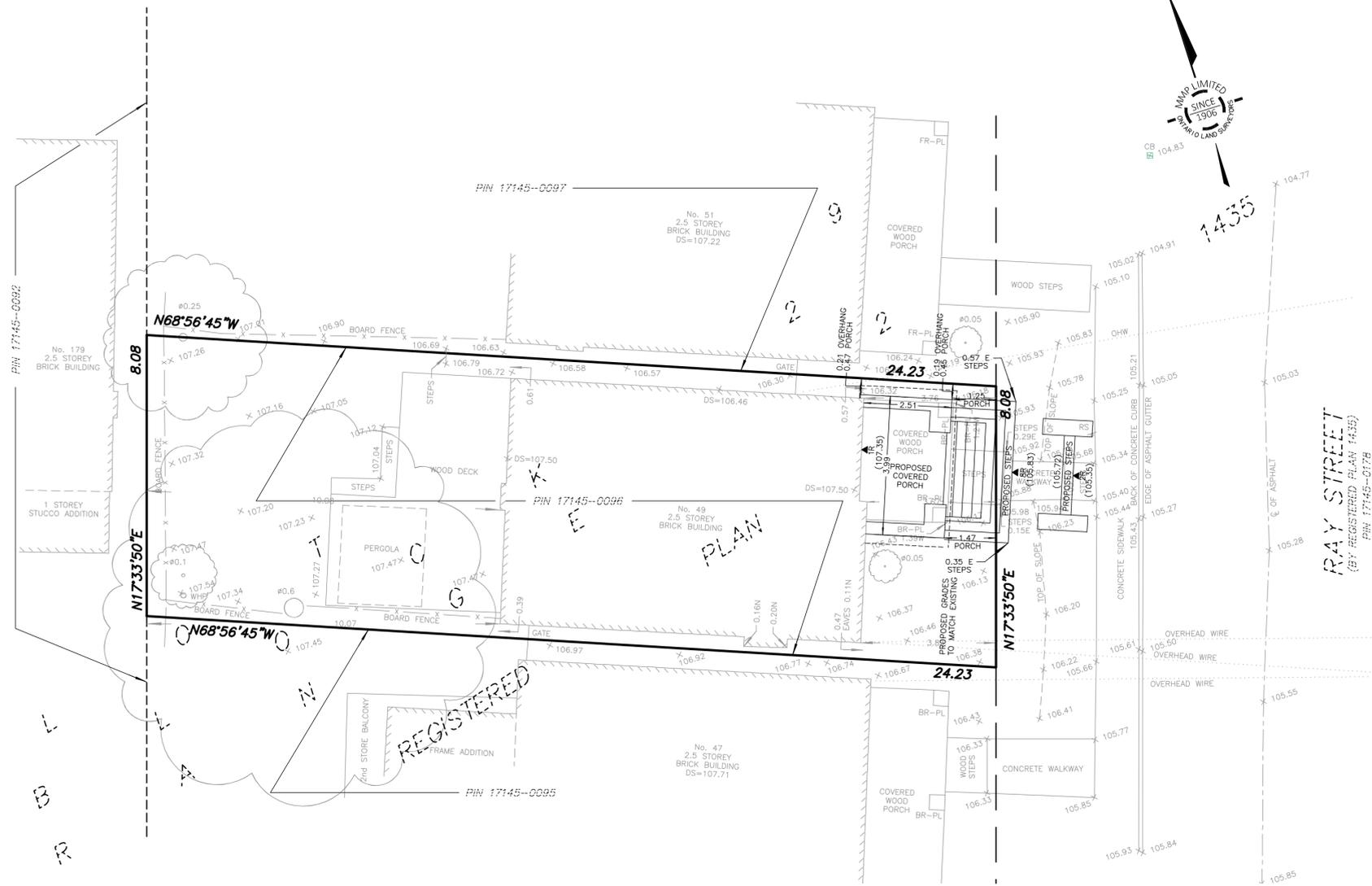
DRAWING #

A2

CITY OF HAMILTON ZONING BY-LAW 6593
ZONING REGULATION - D

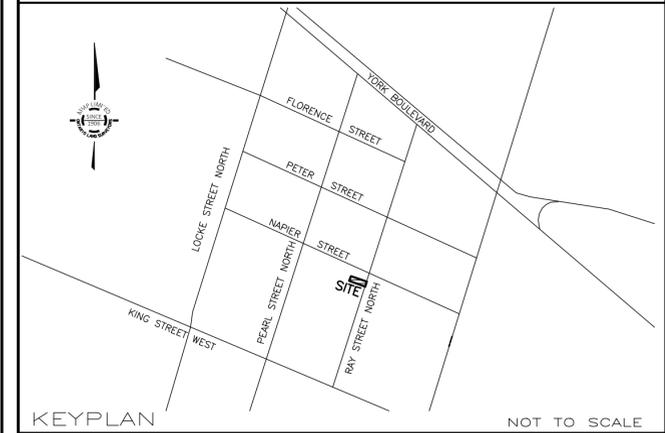
ZONE	REQUIRED	PROVIDED
LOT WIDTH	12.0 m (min)	8.08 m
LOT AREA	360.0 sq.m. (min)	195.4 m
FRONT YARD	6.0 m (min)	3.67 m
REAR YARD	7.5 m (min)	10.07 m
SIDE YARD	1.2 m (min) (NORTH)	0.57 m
	1.2 m (min) (SOUTH)	0.39 m
BUILDING AREA		80.8 sq.m. (EXISTING STRUCTURES) 1.0 sq.m. (PROPOSED STRUCTURES) 81.8 sq.m. (TOTAL AREA)
LOT COVERAGE	N/A	41.9%
BUILDING HEIGHT	14.0 m (max)	EXISTING

PROPOSED FRONT PORCH



49 RAY STREET NORTH

SITE & GRADING PLAN FOR BUILDING PERMIT



KEYPLAN NOT TO SCALE
GEOGRAPHIC LOCATION NOTE
PART OF LOT 9
BLOCK 2, RANGE 2
REGISTERED PLAN 1435
IN THE
CITY OF HAMILTON
SCALE 1 : 100

MacKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS
© 2023

METRIC DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048 COLOUR THE ORIGINAL SIGNED PRINT OF THIS SITE PLAN CONTAINS COLOUR

BENCHMARK NOTE
BENCHMARK No. 0011965U649
ELEVATION = 112.302 METRES (CGVD28:78 ADJUSTMENT)
HOUSE No. 34 QUEEN STREET SOUTH AT SOUTHWEST CORNER OF INTERSECTION OF GEORGE STREET PLATE IN NORTH BRICK WALL AT NORTHEAST CORNER

LEGEND
R DENOTES RISER
DS DENOTES DOWNSPOUT
DIRECTION OF DRAINAGE
XXX.XX DENOTES EXISTING ELEVATIONS
(XXX.XX) DENOTES PROPOSED ELEVATIONS
PIN DENOTES PROPERTY IDENTIFICATION NUMBER
○ DENOTES DECIDUOUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES
DS DENOTES DOOR SILL
CB DENOTES CATCH BASIN
MH DENOTES MANHOLE
RS DENOTES ROAD SIGN

NOTES
- PROPOSED TIES SHOWN HEREON ARE TO FOUNDATION ONLY
- BUILDING DIMENSIONS WERE TAKEN FROM PLANS SUPPLIED BY THE CLIENT
- EXISTING ELEVATIONS ARE GEODETIC AND ARE REFERRED TO THE VERTICAL BENCHMARK NOTED ABOVE
- LOT GRADING SHALL MATCH WITH THE EXISTING DRAINAGE PATTERNS
- BUILDER TO VERIFY ALL EXISTING GRADES PRIOR TO CONSTRUCTION INCLUDING ROAD AND LOT LINE GRADES
- DOWNSPOUTS TO DRAIN TO PERMEABLE SURFACE VIA SPLASH PADS
- ALL UNDERGROUND SERVICES MUST BE LOCATED BY CONTRACTOR PRIOR TO ANY CONSTRUCTION
- CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK
- LOT DIMENSIONS ARE AS SHOWN ON SURVEYOR'S REAL PROPERTY REPORT BY MMP LIMITED, DATED MARCH 29, 2023 (23-023)
- PROPOSED PORCH IS POSITIONED BY CALCULATION, NOT BY AN ACTUAL SURVEY
- THIS PROPOSED PLAN IS PRELIMINARY UNTIL THE APPROPRIATE BUILDING DEPARTMENT'S SIGNED APPROVAL HAS BEEN OBTAINED
- ANY AMENDMENT OR ALTERATION OF THIS PLAN MUST BE REPORTED TO MMP LIMITED PRIOR TO LAYOUT OF BUILDING IN THE FIELD
- UTILITIES AND SERVICES SHOWN ON THIS SKETCH ARE APPROXIMATE AND MUST BE VERIFIED BEFORE CONSTRUCTION
- NO NEW SERVICE CONNECTIONS ARE PROPOSED

CAUTION
- THIS IS NOT ORIGINAL COPY UNLESS EMBOSSED
- THIS PRODUCT SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN TITLE BLOCK
- THIS PRODUCT IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES
- THIS PRODUCT IS PROTECTED BY COPYRIGHT INCLUDING ALL RELATED DIGITAL PRODUCTS

CERTIFICATION NOTE
BOUNDARY DIMENSIONS SHOWN HEREON ARE DERIVED FROM LAND REGISTRY OFFICE RECORDS AND SURVEY RECORDS OF MMP LIMITED
WE HAVE REVIEWED THE PLANS FOR CONSTRUCTION OF A FRONT PORCH LOCATED AT 49 RAY STREET NORTH AND CERTIFY THAT THE GRADING SHOWN HEREON IS COMPATIBLE WITH THE ADJACENT PROPERTIES AND EXISTING MUNICIPAL SERVICES
PROPOSED BUILDING SETBACKS AS SHOWN
PROPOSED LOT COVERAGE AS SHOWN
PROPOSED BUILDING SITE STATISTICS AS SHOWN

JUNE 13, 2023
DATE
ROY C. MAYO
ONTARIO LAND SURVEYOR
FOR: MACKAY, MACKAY & PETERS LIMITED

No.	DATE	REVISIONS
1	JUNE 8, 2023	SITE PLAN COMPLETED

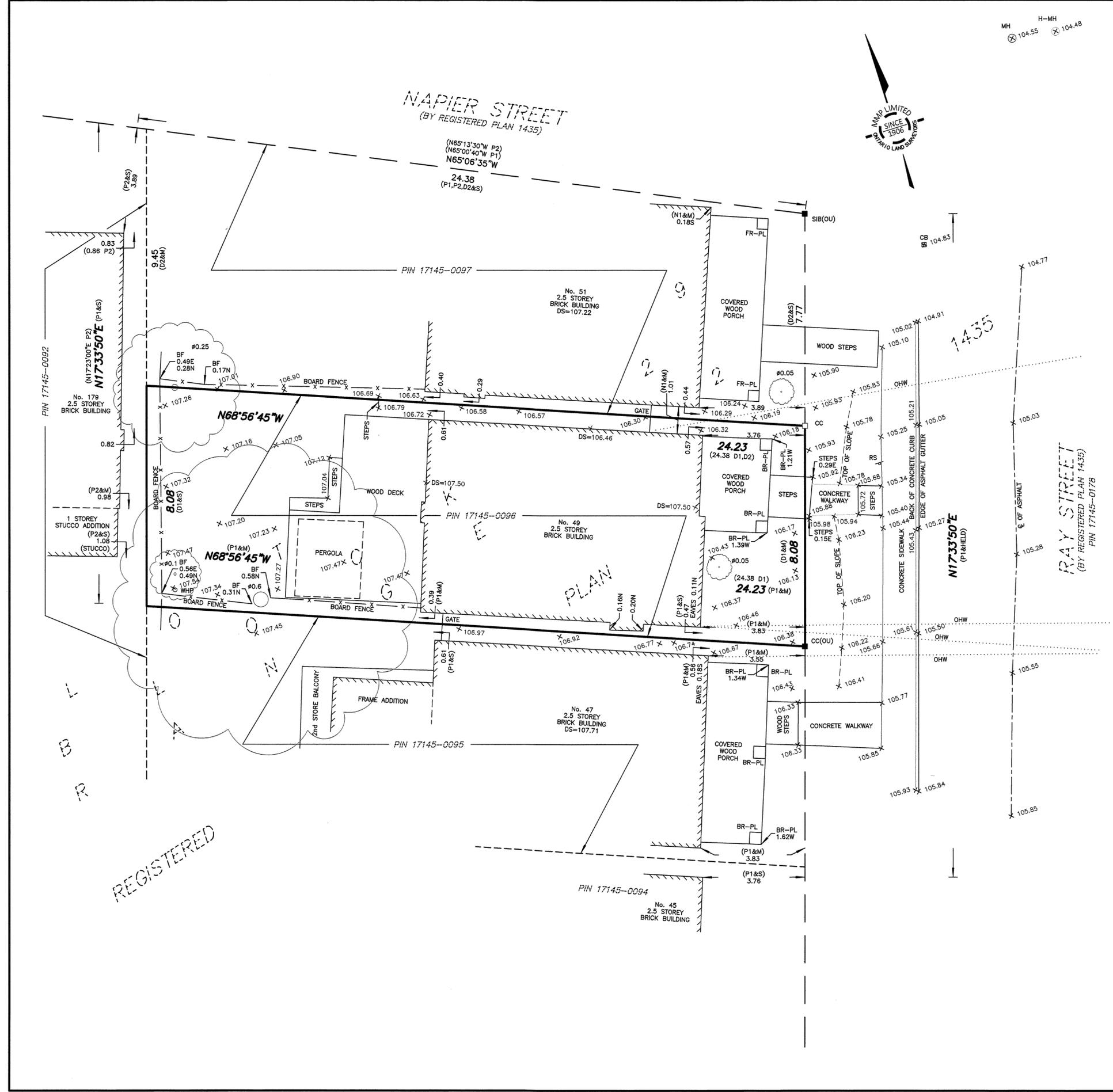
MMP
MacKAY, MacKAY & Peters Limited
LAND SURVEYORS & MAPPERS
SINCE 1906

3380 South Service Road
Unit 101
Burlington, ON
L7N 3J5
(905) 639-1375
halton@mmplimited.com
mmplimited.com

E:\(62) Hamilton-Wentworth\Registered Plans\RP1435\BLOCK 2\RANGE 2\LOT 9\23-023\SP\23-023-SP.dwg

DRAWN BY:	CHECKED BY:	PROJECT No.	DWG. No.
A.S.	D.R.	23-023-SP	1





SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF SURVEY SHOWING TOPOGRAPHY OF
PART OF
LOT 9
BLOCK 2
RANGE 2
REGISTERED PLAN 1435
 IN THE
CITY OF HAMILTON
 SCALE 1 : 100

KNOWN AS MUNICIPAL No. 49 RAY STREET NORTH
PART 2 - REPORT SUMMARY (TO BE READ IN CONJUNCTION WITH PART 1)
 LAND REGISTRY OFFICE TITLE INFORMATION ON SUBJECT PROPERTY INCLUDING BOUNDARIES, EASEMENTS AND RIGHT OF WAYS - JANUARY 31, 2023
REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:
 - NONE
ADDITIONAL REMARKS:
 - REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES & UTILITIES

MackKAY, MacKAY & PETERS LIMITED grants STRUCTURED CREATIONS INC ("The Client"), their solicitor and other related parties permission to use "Original Copies" of the Surveyor's Real Property Report in transactions involving "The Client"

METRIC DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
V-49496

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 1026, SECTION 29(3)

- LEGEND**
- DENOTES A SURVEY MONUMENT FOUND
 - DENOTES A SURVEY MONUMENT PLANTED
 - SIB DENOTES STANDARD IRON BAR
 - CC DENOTES CUT CROSS
 - P1 DENOTES PLAN BY GUIDO CONSOLI SURVEYING LTD DATED AUGUST 16, 1991
 - P2 DENOTES PLAN BY MMP LIMITED DATED MARCH 15, 1984 (Y-19097)
 - D1 DENOTES INST. No. VM6240
 - D2 DENOTES ISNT. No. 237706
 - N1 DENOTES NOTES BY CITY OF HAMILTON (NO DATE)
 - PIN DENOTES PROPERTY IDENTIFICATION NUMBER
 - (OU) DENOTES ORIGIN UNKNOWN
 - ⊙ DENOTES CENTRELINE
 - DS DENOTES DOOR SILL
 - BF DENOTES BOARD FENCE
 - OHW DENOTES OVERHEAD WIRE
 - BR-PL DENOTES BRICK PILLAR
 - FR-PL DENOTES FRAME PILLAR
 - CB DENOTES CATCH BASIN
 - MH DENOTES MANHOLE
 - H-MH DENOTES HYDRO MANHOLE
 - RS DENOTES ROAD SIGN
 - DENOTES DECIDUOUS TREE SCALED TO TRUNK SIZE, TRUNK SIZE SHOWN IN METRES

ALL BUILDING TIES ARE TO BRICK AND ARE PERPENDICULAR TO PROPERTY LINES UNLESS OTHERWISE NOTED

BENCHMARK NOTE
 BENCHMARK No. 0011965U649
 ELEVATION = 112.302 METRES (CGVD28:78 ADJUSTMENT)
 HOUSE No. 34 QUEEN STREET SOUTH AT SOUTHWEST CORNER OF INTERSECTION OF GEORGE STREET PLATE IN NORTH BRICK WALL AT NORTHEAST CORNER

BEARING REFERENCE
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF RAY STREET AS SHOWN ON P1 HAVING A BEARING OF N17°33'50"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 29th DAY OF MARCH, 2023.

MARCH 29, 2023
 DATE

F.K. Rad
 F.K. RAD
 ONTARIO LAND SURVEYOR
 FOR MACKAY, MACKAY & PETERS LIMITED

E:\(62) Hamilton-Wentworth\Registered Plans\RP1435\BLOCK 2\RANGE 2\LOT 9\23-023\23-023.dwg

MMP
 MacKay, MacKay & Peters Limited
 LAND SURVEYORS & MAPPERS
 SINCE 1906

3380 South Service Road
 Unit 101
 Burlington, ON
 L7N 3J5
 (905) 639-1375
 halton@mmplimited.com
 mmplimited.com

DRAWN BY: G.S.
 PARTY CHIEF: F.K.
 CHECKED BY: F.K.
 PROJECT No.: 23-023



Hamilton

May 17, 2023

FILE: ALR
 FOLDER: 23-117403-00 ALR
 ATTENTION OF: William Campbell
 TELEPHONE NO: (905) 546-2424
 EXTENSION: 6754-

Darren Sanger-Smith
 590 WOODLAND AVE
 BURLINGTON, ON L7R 2S5

Attention:

Re: **APPLICABLE LAW REVIEW – ZONING BYLAW**
 Present Zoning:
 Address: **49 RAY ST N HAMILTON, ON**

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

COMMENTS:

1. The applicant is proposing the construction of a new covered porch
2. It is noted that the stairs projecting off what is labeled “proposed covered wood porch” are considered to be part of the porch for the purposes of setbacks
3. It appears that a portion of the proposed steps traverse the front lot line into the Ray St N road allowance. As such an encroachment agreement with public works may be required to establish the proposed covered porch and steps
4. There does not appear to be any proposed parking area, as such this application has not been reviewed against the regulations of section 18A (parking)
5. The proposed construction has been reviewed and compared to the regulations of the “D” Urban protected residential one and two family dwellings zoning designation in the following chart;

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 10 – D Urban Protected Residential- One and Two Family Dwellings, Etc			
Height Requirements [as per section 9 (2) of	In a "D" District, no building shall exceed 3 storeys, and no structure shall exceed 14.0	no proposed change	Existing

	Required By By-Law	Provided	Conforming/ Non-Conforming
Hamilton Zoning By-law 6593]	metres		
Front Yard Depth [as per section 10 (3)(i) of Hamilton Zoning By-law 6593]	6.0 metres	existing 3.76m	Existing
Minimum Side Yard [as per section 10 (3)(ii) of Hamilton Zoning By-law 6593]	For a building or structure not over two and a half storeys or 11.0 metres (36.09 feet) in height, a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and for any other building or structure, side yards of a width each of at least 2.7 metres (8.86 feet);	Northerly setback to proposed covered porch of 0.43m	Non-conforming Variance required
[as per section 18(3) (v) of Hamilton Zoning By-law 6593]	In the case of a lot of record without sufficient width, depth or area to meet the requirements of this By-Law, a single family dwelling may nevertheless be erected upon it, provided that each side yard has a width of at least ten per cent of the width of the lot, but in no case less than 0.9 metres	southerly side yard setback not changed	Existing
Rear Yard Depth [as per section 10 (3)(iii) of Hamilton Zoning By-law 6593]	7.5 metres	no proposed change	Existing
Minimum Lot Frontage [as per section 10 (4)]	12.0 metres for a single family dwelling 18 metres for a two family	existing 8.08	Existing

	Required By By-Law	Provided	Conforming/ Non-Conforming
of Hamilton Zoning By-law 6593]	dwelling		
Minimum Lot Area [as per section 10 (4) of Hamilton Zoning By-law 6593]	360 square meters for a single family dwelling 540 square metres for a two family dwelling	198.3m ² existing	Existing
Encroachments on Yards			
<i>In accordance with the requirements of Section 18 (3)(vi) of Hamilton Zoning By-law 6593</i>			
Yard encroachments [as per section 18(3)(vi) of Hamilton Zoning By-law 6593]	A canopy, cornice, eave or gutter may project (iii) into a required side yard not more than one-half of its width, or 1.0 metre, whichever is the lesser required northerly setback of 0.9m $0.9 / 2 = 0.45m$	iii) 0.2m northerly side yard setback to proposed overhang	Will Conform with reduced side yard setback variance <i>note: with a minimum northerly side yard setback of 0.4m, the proposed overhang will be setback half the distance of the required yard</i>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	d) A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres and every such projecting porch shall be distant at least 1.5 metres from the front lot line, and the enclosure of such a porch to the following extent shall not be deemed enclosure for the purpose of this Section	Proposed porch and steps appear to traverse the front lot line into the Ray St N road allowance onsite setback of 0.0m	Non-conforming

6. Sign details not provided. All proposed signage shall conform to Hamilton Sign By-law 10-197. A building permit(s) is required for all signage
7. Fence details not provided. All proposed Fencing shall conform to Hamilton Fence By-law 10-142
8. Construction of the proposed covered porch 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
9. This review is based on the plans submitted with the application

Based on this Division's review, the Notice for Minor Variance shall be composed as follows:

1. A Northerly side yard Setback of 0.4m shall be permitted instead of the 0.9m required for a lot of record
2. A roofed over porch, including eaves and gutters may project the full extent of the required front yard and provide a maximum setback of 0.0m from the front lot line instead of the maximum 1.5m projection and minimum 1.5m setback from the front lot line

Yours truly

William Campbell

for the Manager of Zoning and Committee of Adjustment

ACKNOWLEDGEMENT CLAUSE (FOR ZONING COMPLIANCE REVIEW APPLICATIONS IN SUPPORT OF A ZONING BY-LAW AMENDMENT, SITE PLAN, OR MINOR VARIANCE APPLICATION)

I/We hereby acknowledge and understand the above noted comments and further acknowledge that the supporting documentation submitted with this Zoning Compliance Review application has not been changed or modified between the date of this letter and the date of application for the subsequent Zoning By-law Amendment, Site Plan, or Minor Variance application.

If the supporting documentation has been changed or modified, a new application for Zoning Compliance Review may be required prior to acceptance of a formal application for Zoning By-law Amendment, Site Plan, or Minor Variance application.

--	--	--

Owner

Owner Signature

Date

--	--	--

Applicant (I have the authority to bind the Owner)

Applicant Signature

Date

--	--	--

Agent (I have the authority to bind the Owner)

Agent Signature

Date



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	49 RAY ST N, CITY OF HAMILTON		
Assessment Roll Number			
Former Municipality			
Lot	9 BLK 2 RANGE 2	Concession	
Registered Plan Number	1435	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. A NORTH SIDE YD SETBACK OF 0.45M INSTEAD OF 0.9M
2. A ROOFED OVER PORCH, INCL EAVES AND GUTTERS MAY PROJECT THE FULL EXTENT OF THE REQ'D FRONT YARD OF 0.0M INSTEAD OF 1.5M

Second Dwelling Unit Reconstruction of Existing Dwelling

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

REPLACING AN EXISTING DECK AND WITH EX GRADES, THE NUMBER OF STEPS WILL PROTRUDE PAST THE FRONT YARD AS PER EXISTING CONDITIOINS

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

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
2 STOREY SFD	3.76 (HOUSE)	10.36	0.57 (NORTH)/0.47 (SOUTH)	
COVERED FRONT PORCH	1.21 (BRICK PIER)	NA	0.55 (NORTH)/4.08 (SOUTH)	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
COVERED FRONT PORCH	1.13(DECK) 0.0(STAIRS)	NA	0.43(NORTH)/3.64(SOUTH)	01/09/2023

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
SFD	71.66 SQM	143.32SQM	2	11.20 +/-
COVERED FRONT PORCH	8.59 SQM	NA	1	4.97 +/-

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
COVERED FRONT PORCH	15.77 SQM	NA	1	5M
	INCL STAIRS			

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

- lake or other water body
 other means (specify)

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

- ditches
 other means (specify)

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

publicly owned and operated sanitary sewage

system privately owned and operated individual

septic system other means (specify) _____

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year _____

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

RESIDENTIAL

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

RESIDENTIAL

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

FEBRUARY 11, 2022

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

RESIDENTIAL

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

RESIDENTIAL

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

80+ YEARS

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

Rural Hamilton Official Plan designation (if applicable): MEDIUM DENSITY RES

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? D (URBAN PROTECTED RES)

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: D (URBAN PROTECTED RES)

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

Yes No

If yes, please provide the file number: _____

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

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-23:171	SUBJECT PROPERTY:	26 FLORENCE STREET, HAMILTON
ZONE:	"D" (Urban Protected Residential – One- and Two-Family Dwellings and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 75-135

APPLICANTS: **Owner:** FRED BOONSTRA & ILONA VERLINT
 Agent: MICHAEL PONGETTI

The following variances are requested:

1. A minimum of 17% landscaping shall be provided within the front yard instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area;
2. A minimum of zero (0) parking spaces shall be provided for a Single-Family Dwelling instead of the minimum required two (2) parking spaces.

PURPOSE & EFFECT: So as to permit the alteration of the front porch to accommodate an electric vehicle charging station notwithstanding that:

Notes:

- i. Please be advised, the portion of the proposed parking space located within the lot is indicated to be less than 6.0 metres, as required under Section 18a (7) of Hamilton Zoning By-Law 6593. As such, variance #2 has been provided to address the proposed parking conditions.
- ii. In addition to the above comment, a Residential Boulevard Parking Agreement with Public Works is required to permit a parking space within the Public Right of Way. It is noted that the proposed parking space, partially located on the private lot and partially located within the public right of way, is measured at 6.0 metres in length and 2.7 metres in width.

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

HM/A-23:171

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

DATE:	Thursday, July 27, 2023
TIME:	9:25 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- 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.

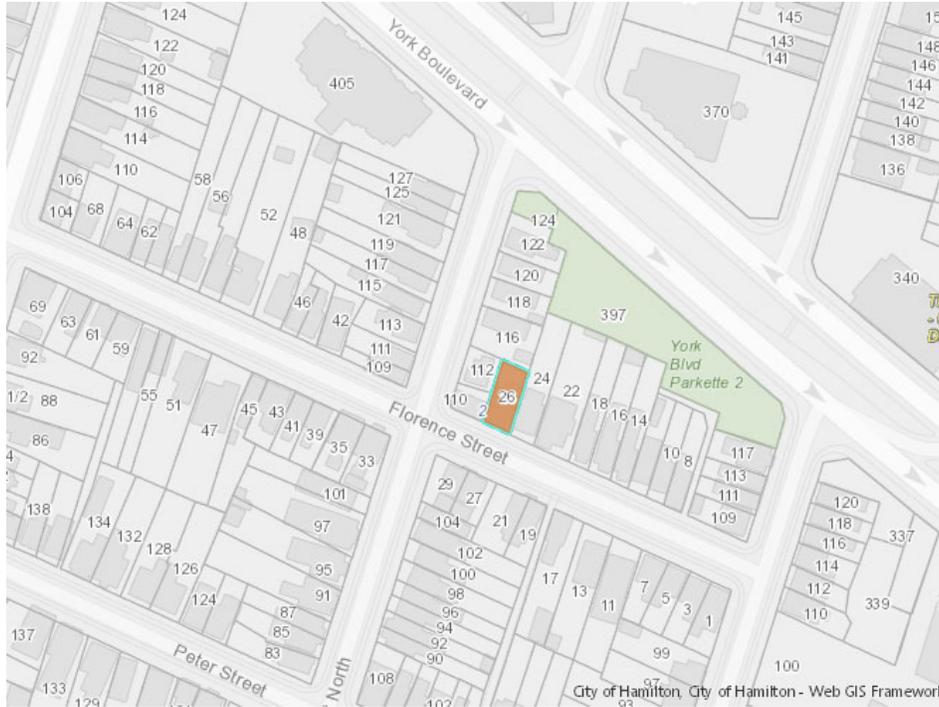
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:171, 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-23:171



 Subject Lands

DATED: July 11, 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.

26 FLORENCE ST. PORCH ALTERATION BOULEVARD VEHICLE PARKING

GENERAL NOTES	
1.	ALL CONSTRUCTION AND MATERIALS TO BE IN ACCORDANCE WITH THE LATEST VERSION OF THE ONTARIO BUILDING CODE (O.B.C.) INCLUDING THE LATEST STANDARDS REFERENCED WITHIN.
2.	DRAWINGS ARE NOT TO BE SCALED 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 TO CHECK AND VERIFY ALL DIMENSIONS PRIOR TO COMMENCING ANY WORK AND REPORT ANY DISCREPANCIES TO THE ENGINEER. FAILURE TO DO SO WILL CAUSE FORFEIT TO ANY CLAIM.
5.	IF ANY ERRORS OR OMISSIONS ARE FOUND ON THESE DRAWINGS, THEY SHALL BE REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION. DRAWINGS MUST BE REVIEWED.

DESIGN LOADS		
1.	GROUND SNOW (Ss) / RAIN (Sr):	1.3 kPa / 0.4 kPa
2.	MAXIMUM ROOF SNOW (S):	1.44 kPa
3.	ROOF DEAD LOAD (D):	1.0 kPa
4.	WIND LOAD (q50):	0.46 kPa
5.	FLOOR LIVE LOAD (L):	1.9 kPa
6.	FLOOR DEAD LOAD (D):	1.0 kPa

LUMBER NOTES	
1.	ALL SAWN LUMBER TO BE S.P.F. No. 2 GRADE OR BETTER AND CONFORM TO CSA-0141
2.	ALL ENGINEERED BUILT UP BEAMS ARE TO BE LVL'S (GRADE 2.0x10E4 PSI) UNLESS OTHERWISE NOTED. REPLACEMENT WITH A HIGHER GRADE IS NOT ALWAYS A SUITABLE EQUIVALENT.
3.	CONTACT ENGINEER FOR EQUIVALENT.
4.	PROVIDE SOLID BLOCKING BETWEEN JOISTS BELOW ALL LOAD BEARING WALLS/COLUMNS WHICH ARE PERPENDICULAR TO THE JOISTS.
5.	WOOD IS NOT TO BEAR DIRECTLY ON CONCRETE/MASONRY, PROVIDE PRESSURE TREATED, POLY OR SILL GASKET BETWEEN CONCRETE/MASONRY AND WOOD SILL PLATE.
6.	ALL JOISTS SHOULD HAVE A MINIMUM OF 40 mm (1-1/2") OF BEARING WITH JOIST HANGARS.
7.	ALL BUILT UP BEAMS TO PROVIDE 2 ROWS OF SDS SCREWS ON E/S 1/4" x 3-1/2" LG. @12" O.C. w/ MINIMUM 3-1/2" OF BEARING.

FOUNDATION NOTES	
1.	ALL FOOTINGS TO BEAR ON NATIVE UNDISTURBED SOIL HAVING A SAFE BEARING CAPACITY OF 3000 P.S.F.
2.	PROVIDE 4'-0" MINIMUM OF FROST COVER FOR ALL EXTERIOR FOOTINGS.
3.	ALL REINFORCING STEEL TO BE 400W AND SHALL CONFORM TO CSA-G30.18-M92.
4.	CONCRETE TO BE MIN. 32 MPa COMPRESSIVE STRENGTH @ 28 DAYS, 5-8% AIR ENTRAINMENT.
5.	END BEARING - ALL WOOD & STEEL BEAMS SHALL HAVE EVEN & LEVEL BEARING & SHALL NOT HAVE LESS THAN 3-1/2" OF BEARING AT END OF SUPPORTS AS PER O.B.C. 9.23.8.1.
6.	ALL FLOOR JOISTS SHALL HAVE NO LESS THAN 1-1/2"(38mm) IN LENGTH FOR END BEARING EXCEPT WHEN SUPPORTED ON RIBBON BOARDS AS PER O.B.C. 9.23.9.1(1).

STRUCTURAL STEEL NOTES	
1.	STRUCTURAL STEEL DESIGN MUST CONFORM TO CSA S16
2.	STRUCTURAL STEEL W SECTIONS AND COLUMNS SHALL CONFORM TO ASTM A992 U.O.N.
3.	STRUCTURAL STEEL CHANNELS, HSS, ANGLES, MUST CONFORM TO CSA G40.21, GRADE 350W U.O.N
4.	ALL WELDING TO CONFORM TO C.W.B. APPROVED PROCEDURES. ALL WELDING TO BE CARRIED OUT BY WELDERS CERTIFIED BY THE C.W.B., EMPLOYED BY A FIRM CERTIFIED IN DIVISION 1 OR 2
5.	ALL STRUCTURAL STEEL SHALL RECEIVE A MINIMUM OF ONE COAT OF SHOP PRIMER
6.	DO NOT SPLICE OR CUT OPENING IN STRUCT. STEEL WITHOUT THE ENGINEERS APPROVAL

CONCRETE & REINFORCING NOTES	
1.	ALL CONCRETE WORK SHALL CONFORM TO THE LATEST REQUIREMENTS OF CSA A23.1, A23.2 & 23.3.
2.	REINFORCING SHALL CONFORM TO CSA G30.18, GRADE 400W, FY=400MPa
3.	WELDED WIRE MESH AND WELDED WIRE FABRIC SHALL CONFORM TO CSA G30.5, FY=450MPa & HAVE A MINIMUM LAP OF 150mm (6") AT JOINTS U.O.N.
4.	ALL REINFORCING LAP SPLICES SHALL CONFORM TO THE LATEST CSA STANDARD A23.3 & ALL BAR SPLICES TO BE CLASS 'B' TENSION U.O.N.
5.	CRACK CONTROL SHOULD BE PLACED ALONG THE CENTRE OF THE LENGTH AND WIDTH OF AREA AND PLACED NO MORE THAN 14'-0" O/C. PROVIDE JOINT FILLER IN CONTROL JOINTS
6.	ALL CONCRETE COVER SHALL CONFORM TO CSA A23.1 AND THE FOLLOWING BELOW U.O.N.
7.	A. CONCRETE CAST AGAINST EARTH: 75mm B. EXTERIOR BEAMS, SLABS, COLUMNS, PIERS AND WALLS: 40mm C. INTERIOR SLABS: 25mm

STAIRS/HANDRAILS/GUARDS (TO COMPLY WITH O.B.C. 9.8.)	
-	ALL INTERIOR & EXTERIOR STAIRS TO CONFORM TO O.B.C. 9.8.2.
-	MIN. STAIR WIDTH TO BE 2'-10" 9.8.2.1(2).
-	ALL STAIRS TO BE UNIFORM IN RISE & RUN (MIN. RISE 4-15/16" / MAX. RISE 7-7/8" & MIN. RUN 8-1/4" / MAX. RUN 14")
-	NOSING TO BE 1" MAX.
-	RAILING MUST HAVE A CLEARANCE OF 2" ERGONOMIC DESIGN(9.8.7.5.)
-	FIRST ATTACHMENT FOR HANDRAILS MUST BE MAX. 12" FROM EITHER END.
-	MIN. HANDRAIL HEIGHT TO BE 34", MAX. HANDRAIL HEIGHT TO BE 38"
-	CLOSED STAIRS (CLOSED WITH WALLS ON BOTH SIDES) REQUIRE RAILING ON ONE SIDE, IF STAIRS ARE WIDER THAN 43" THEN RAILINGS ARE REQUIRED ON BOTH SIDES
-	IF STAIRS ARE OPEN ON BOTH SIDES, GUARDS ARE REQUIRED BOTH SIDES OF STAIRS AND RAILING ONE SIDE. IF STAIRS ARE WIDER THAN 43" THAN HANDRAILS REQUIRED ON BOTH IN ADDITION TO GUARDS.
-	GUARDRAIL AROUND STAIR OPENING TO BE MINIMUM OF 42" IN HEIGHT, COMPLY WITH 9.8.8. AND WITHSTAND LOADING PROVIDED IN TABLE 9.8.8.2.
-	OPENINGS IN GUARD SHALL PREVENT THE PASSAGE OF A 4" OBJECT



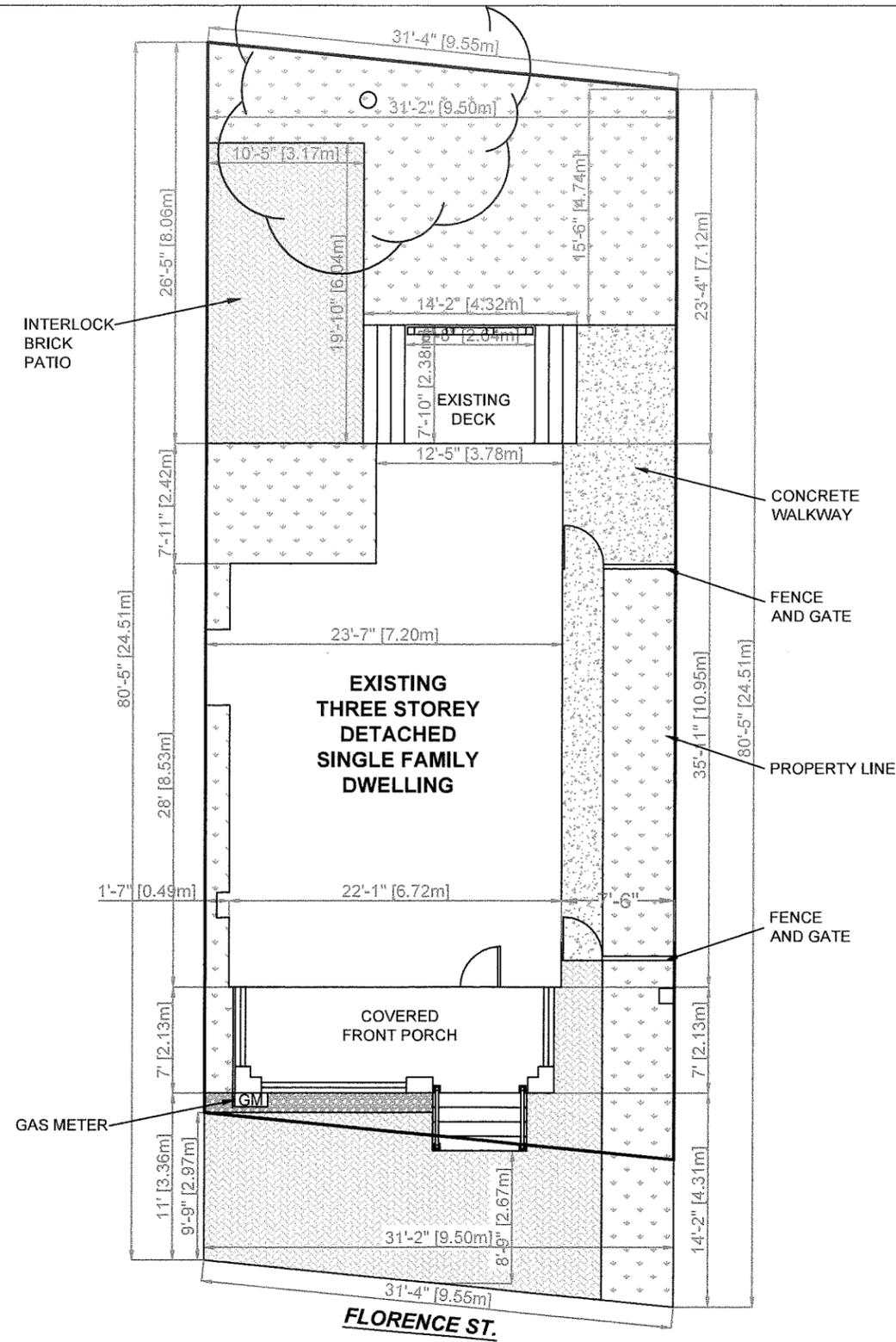
#:	DATE:	DESC.
REVISIONS		
DECC INC. DESIGN ENGINEER CONSULT CONSTRUCT		
SITE: 26 FLORENCE ST. HAMILTON, ONTARIO		
PROJECT: PORCH ALTERATION/ BOULEVARD VEHICLE PARKING		
DWG: A0.01 GENERAL NOTES		
DATE: JUN 26, 2023	DRAWN BY: MP	DWG #: 1 / 7
PROJECT #: 082	CHKD BY: MP	

GENERAL NOTES
SCALE: NTS

EXISTING DIMENSIONS
AND CONFIGURATION
ARE APPROXIMATE

GREENSPACE AREA
 LOT AREA = 204.58m² = 2202.04ft²
 GREENSPACE AREA = 67.80m² = 729.76ft²
 PERCENTAGE OF LOT GREENSPACE AREA = 33.14%

FRONT OF PROPERTY - GREENSPACE AREA
 FRONT AREA = 29.96m² = 322.51ft²
 GREENSPACE AREA = 7.19m² = 77.44ft²
 PERCENTAGE OF LOT GREENSPACE AREA = 24.01%



#	DATE	DESC.
REVISIONS		

DECC INC.
 DESIGN | ENGINEER | CONSULT | CONSTRUCT

SITE:
**26 FLORENCE STREET
 HAMILTON, ONTARIO**

PROJECT:
**PORCH ALTERATION/
 BOULEVARD
 VEHICLE PARKING**

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

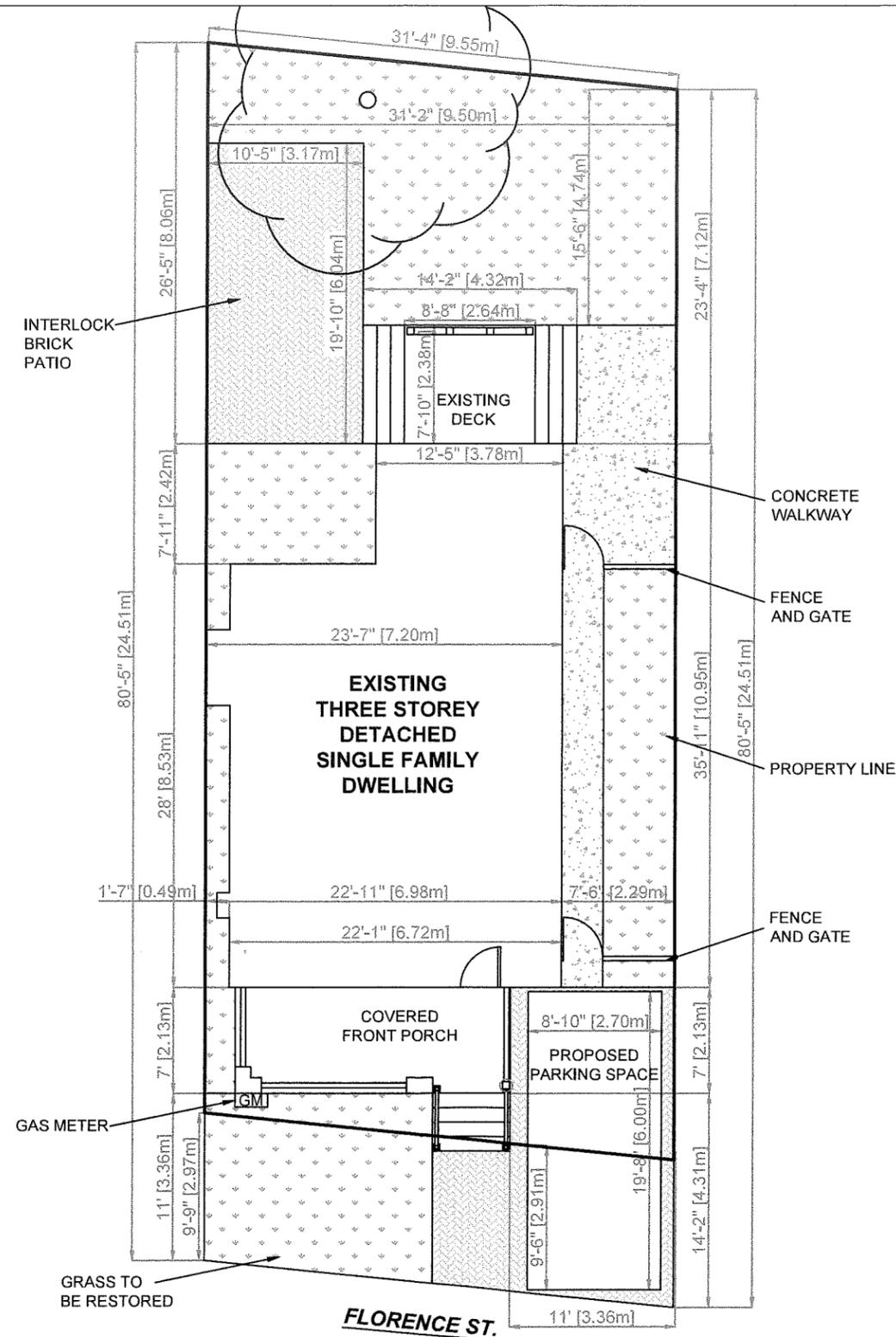
DATE: JUN 26, 2023	DRAWN BY: MP	DWG #: 2 / 7
PROJECT #: 082	CHKD BY: MP	

SITE PLAN
 SCALE: 1:125

EXISTING DIMENSIONS AND CONFIGURATION ARE APPROXIMATE

GREENSPACE AREA
 LOT AREA = 204.58m² = 2202.04ft²
 GREENSPACE AREA = 65.93m² = 709.70ft²
 PERCENTAGE OF LOT GREENSPACE AREA = 32.23%

FRONT OF PROPERTY - GREENSPACE AREA
 FRONT AREA = 29.96m² = 322.51ft²
 GREENSPACE AREA = 5.28m² = 56.79ft²
 PERCENTAGE OF LOT GREENSPACE AREA = 17.61%



#	DATE	DESC.

REVISIONS
DECC INC.
 DESIGN | ENGINEER | CONSULT | CONSTRUCT

SITE:
26 FLORENCE STREET
HAMILTON, ONTARIO

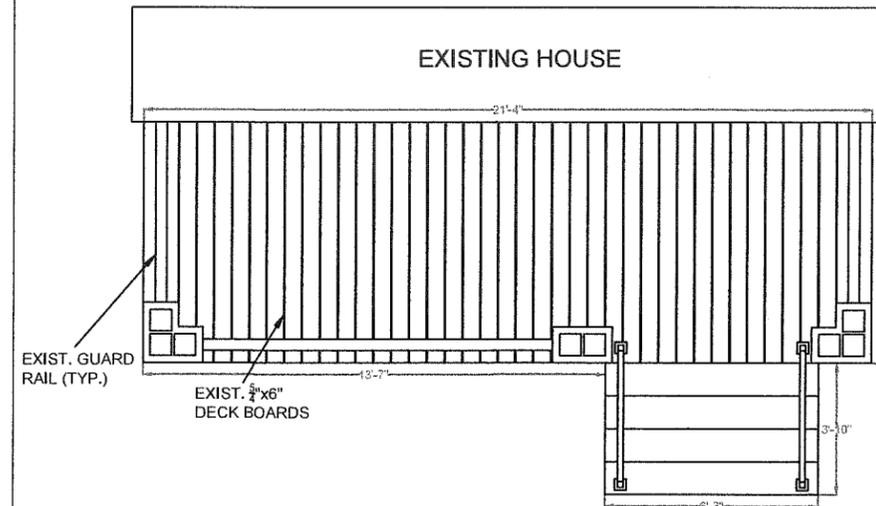
PROJECT:
**PORCH ALTERATION/
 BOULEVARD
 VEHICLE PARKING**

DWG:
**SP1.02
 SITE PLAN
 PROPOSED**

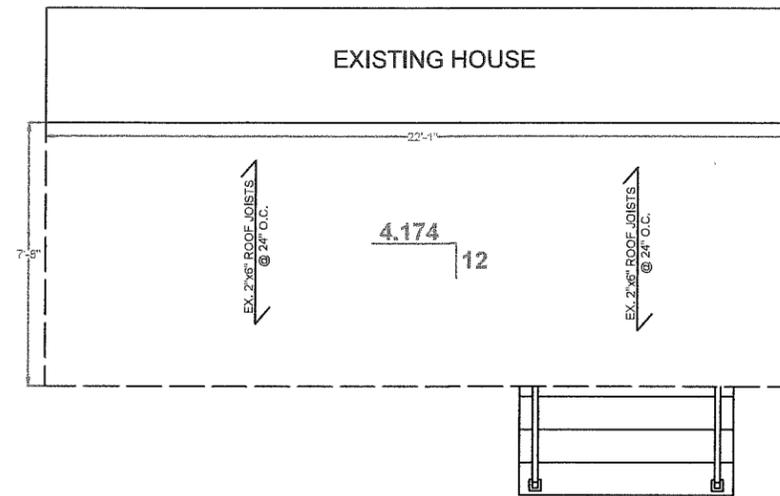
DATE: JUN 26, 2023	DRAWN BY: MP	DWG #: 3 / 7
PROJECT #: 082	CHKD BY: MP	

SITE PLAN
 SCALE: 1:125

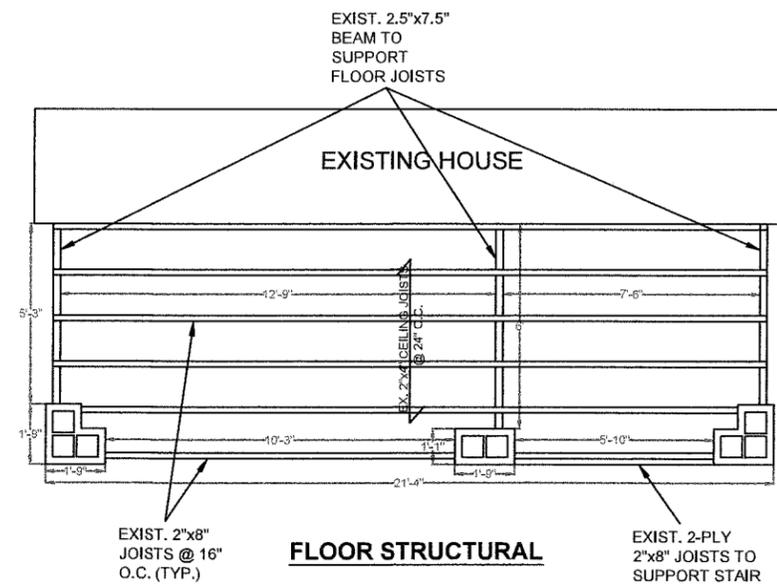
EXISTING FLOOR PLAN
DIMENSIONS/CONFIGURATION
ARE APPROXIMATE



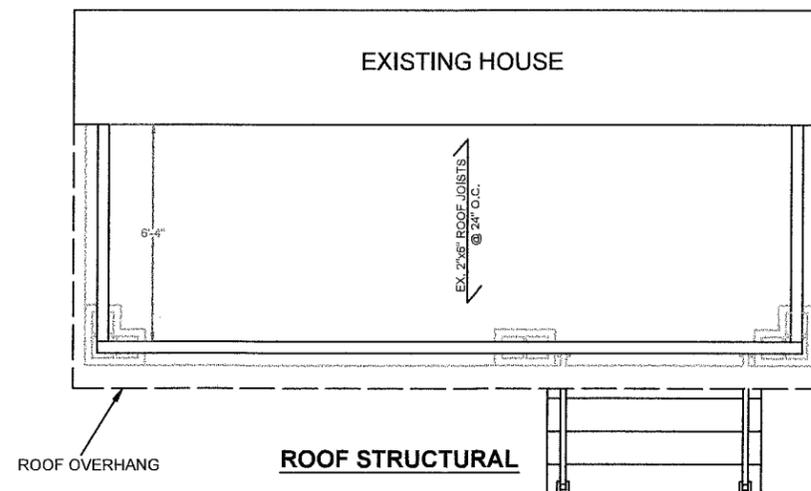
FLOOR PLAN



ROOF PLAN



FLOOR STRUCTURAL



ROOF STRUCTURAL



#:	DATE:	DESC.

REVISIONS

DECC INC.
DESIGN | ENGINEER | CONSULT | CONSTRUCT

SITE:
**26 FLORENCE STREET
HAMILTON, ONTARIO**

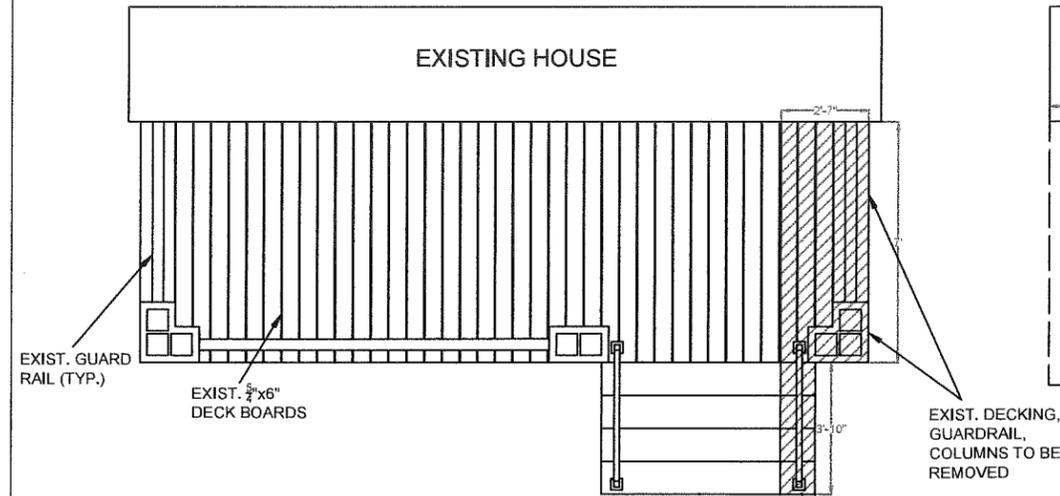
PROJECT:
**PORCH ALTERATION/
BOULEVARD
VEHICLE PARKING**

DWG: **A1.01
SECTION PLANS
EXISTING**

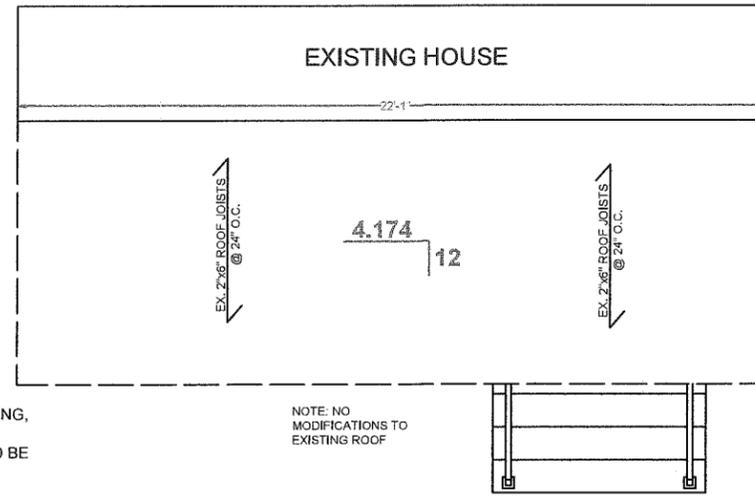
DATE: JUN 26, 2023	DRAWN BY: MP	DWG #: 4 / 7
PROJECT #: 082	CHKD BY: MP	

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

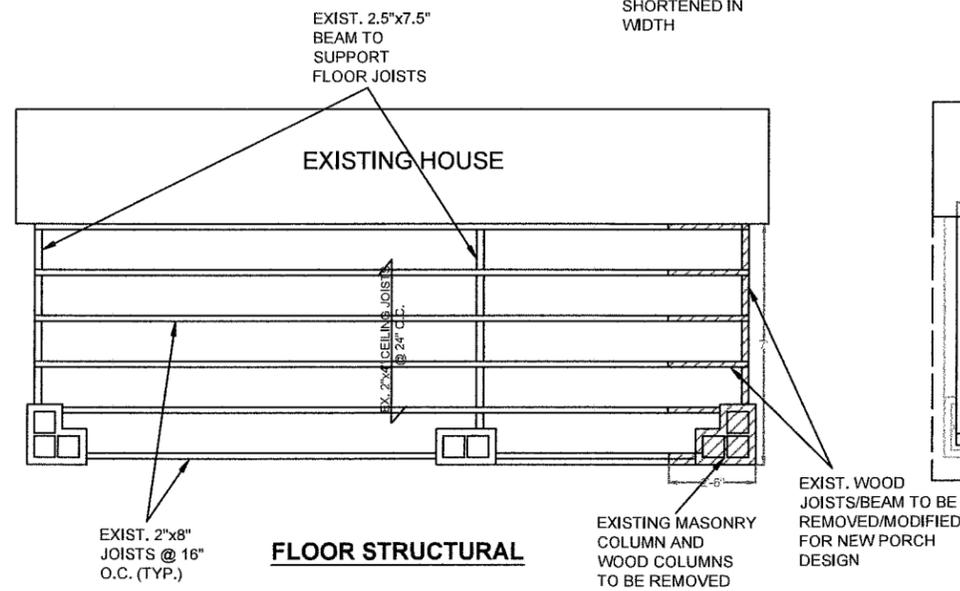
EXISTING FLOOR PLAN
DIMENSIONS/CONFIGURATION
ARE APPROXIMATE



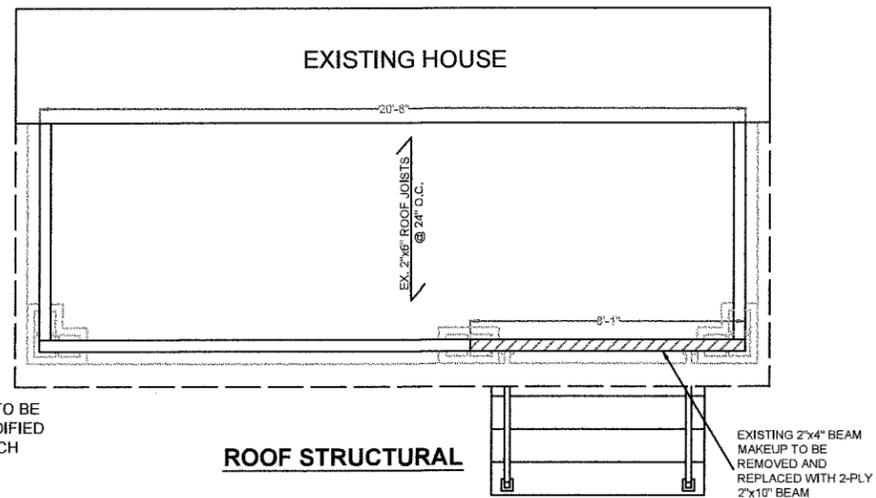
FLOOR PLAN



ROOF PLAN



FLOOR STRUCTURAL



ROOF STRUCTURAL



#:	DATE:	DESC.
REVISIONS		

DECC INC.

DESIGN|ENGINEER|CONSULT|CONSTRUCT

SITE:
**26 FLORENCE STREET
HAMILTON, ONTARIO**

PROJECT:
**PORCH ALTERATION/
BOULEVARD
VEHICLE PARKING**

DWG: **A1.02
SECTION PLANS
REMOVALS**

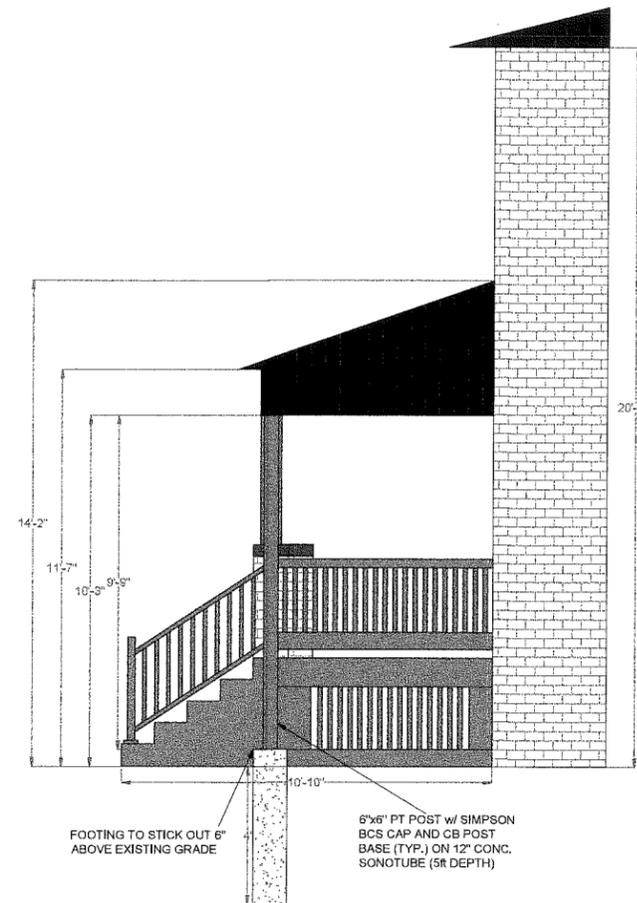
DATE: JUN 26, 2023	DRAWN BY: MP	DWG #: 5 / 7
PROJECT #: 082	CHKD BY: MP	

SECTION PLANS
SCALE: $\frac{3}{16}" = 1'-0"$

EXISTING FLOOR PLAN
DIMENSIONS/CONFIGURATION
ARE APPROXIMATE



SOUTH ELEVATION



EAST ELEVATION



#:	DATE:	DESC.
----	-------	-------

REVISIONS

DECC INC.
DESIGN|ENGINEER|CONSULT|CONSTRUCT

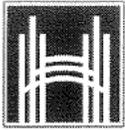
SITE:
**26 FLORENCE STREET
HAMILTON, ONTARIO**

PROJECT:
**PORCH ALTERATION/
BOULEVARD
VEHICLE PARKING**

DWG: **A2.01**
**ELEVATION PLANS
PROPOSED**

DATE: JUN 26, 2023	DRAWN BY: MP	DWG #: 717
PROJECT #: 082	CHKD BY: MP	

SECTION PLANS
SCALE: $\frac{3}{16}'' = 1'-0''$



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 MIKE@DECC-INC.COM

1.5 All correspondence may be sent by email Yes* No

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

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	26 FLORENCE 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 PERMIT LESS THAN THE REQUIRED 50% FRONT YARD GREENSPACE

Second Dwelling Unit Reconstruction of Existing Dwelling

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

PROPOSED PARKING SPACE FOR ELECTRIC VEHICLE TO CHARGE WILL REDUCE THE AREA OF GREENSPACE IN THE FRONT YARD.

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

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
9.351m	24.333m	226.32m ²	6.94m

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	1.677m	.230m	5.323m	02/08/1950
COVERED FRONT PORCH	2.970m	18.085m	.617m/2.242m	02/08/1950
REAR DECK	16.269m	4.758m	3.166m/1.820m	02/08/1950
FRONT STAIRS	2.483m	20.219m	4.623m/2.776m	02/08/1950

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
PARKING SPACE	.198m	23.313m	1.061m/2.242m	

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	83.39m ²	124.05m ²	3	9.13m
FRONT PORCH/STAIRS	15.97m ²	15.97m ²	1	3.553m
REAR DECK	10.28m ²	10.28m ²	1	1.74m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
PARKING SPACE	8.5m ²	8.5m ²	0m	0m

4.4 Type of water supply: (check appropriate box)

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

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

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)

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

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

4.7 Type of access: (check appropriate box)

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

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

SINGLE FAMILY DWELLING

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:

APRIL 22, 2021

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:

PROPERTIES EXISTANCE

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) NEIGHBOURHOOD

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

PROVIDING SINGLE FAMILY DWELLING AS PER. PROVIDED VARIANCE FOR THIS PURPOSE

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

7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-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
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-22:126	SUBJECT PROPERTY:	547-549 MAIN STREET E, HAMILTON
-------------------------	--------------------	--------------------------	------------------------------------

APPLICANTS: **Owner:** MALLEUM REAL ESTATE PARTNERS C/O TYLER PEARSON
Agent: MB1 DEVELOPMENT CONSULTING INC. C/O MICHAEL BARTON

PURPOSE & EFFECT: To sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot for proposed multiple dwelling units and the retained lands will contain the existing buildings which are intended to be retained.

	Frontage	Depth	Area
SEVERED LANDS:	9.5 m [±]	27.5 m [±]	0.02 ha [±]
RETAINED LANDS:	22.82 m [±]	41.794 m [±]	0.11 ha [±]

Associated Planning Act File(s): HM/A-22:391

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, July 27, 2023
TIME:	9:30 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-22:126

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-22:126, 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.

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-22:126



 **Subject Lands**

DATED: July 11, 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/committeefadadjustment

Oral Submissions During the Virtual Meeting

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

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

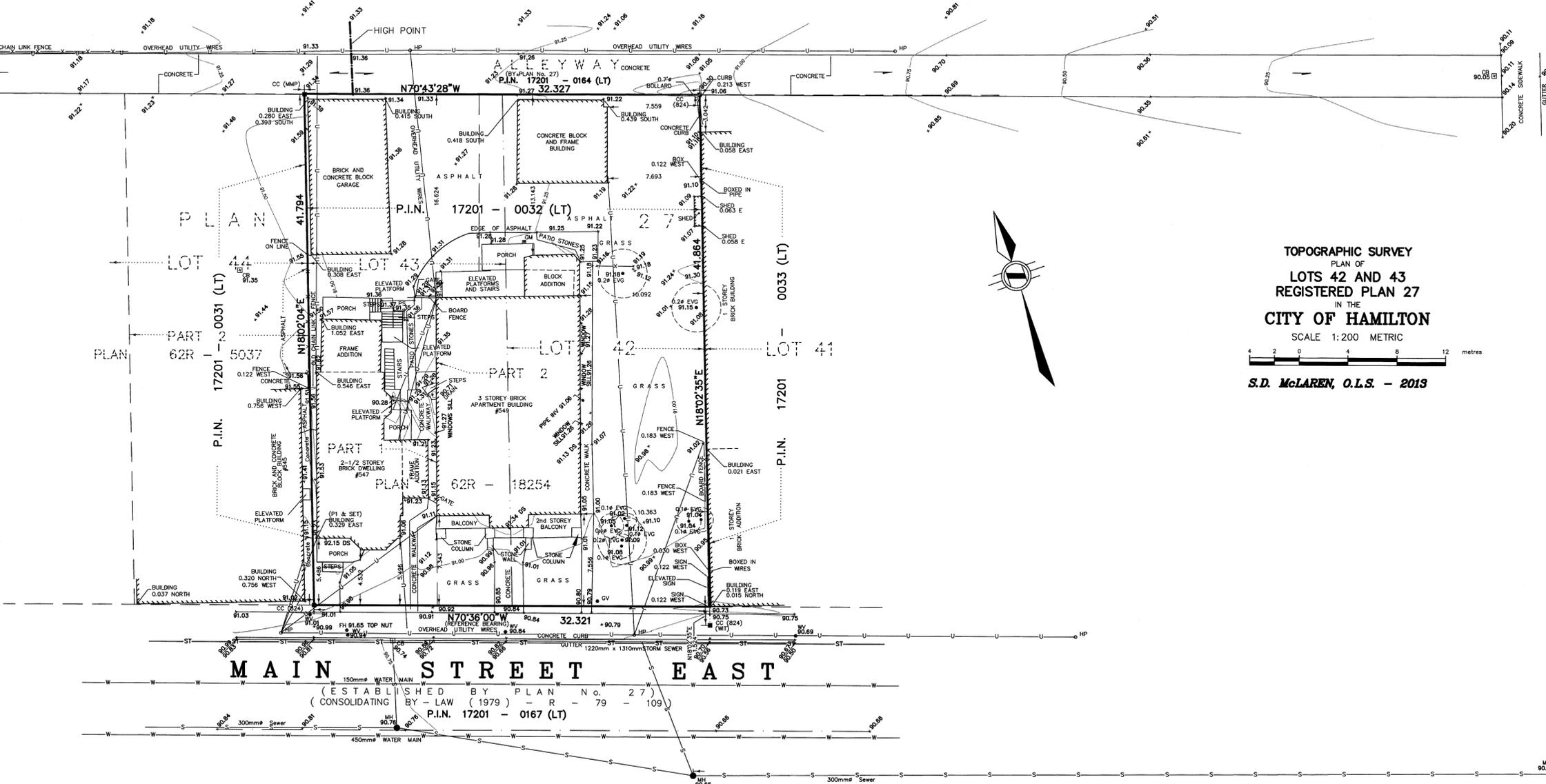
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

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.

WENTWORTH STREET

SANFORD AVENUE



TOPOGRAPHIC SURVEY
 PLAN OF
LOTS 42 AND 43
 REGISTERED PLAN 27
 IN THE
CITY OF HAMILTON
 SCALE 1:200 METRIC

4 2 0 4 8 12 metres

S.D. McLaren, O.L.S. - 2013



- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - IB IRON BAR
 - SB STANDARD IRON BAR
 - RB ROUND IRON BAR
 - CC CUT CROSS
 - M# MEASURED
 - S# SIGHTED
 - 1213 A.T. McLaren, O.L.S.
 - M# J.D. Peters, O.L.S.
 - MP MACKAY MACKAY & PETERS
 - OU ORIGIN UNKNOWN
 - CB CATCH BASIN
 - MP MANHOLE
 - WV WATER VALVE
 - FH FIRE HYDRANT
 - DS DOOR SILL

BENCHMARK NOTE:
 ELEVATIONS ARE GEODETIC AND ARE REFERRED TO CITY OF HAMILTON BENCHMARK #4-20, HOUSE #600 MAIN STREET EAST AT SOUTHWEST CORNER OF INTERSECTION OF GLADSTONE AVENUE.
 ELEVATION = 91.534m

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

BEARING NOTE:
 BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF MAIN STREET EAST AS SHOWN ON PLAN 62R-5037 AS BEING N70°36'00\"/>

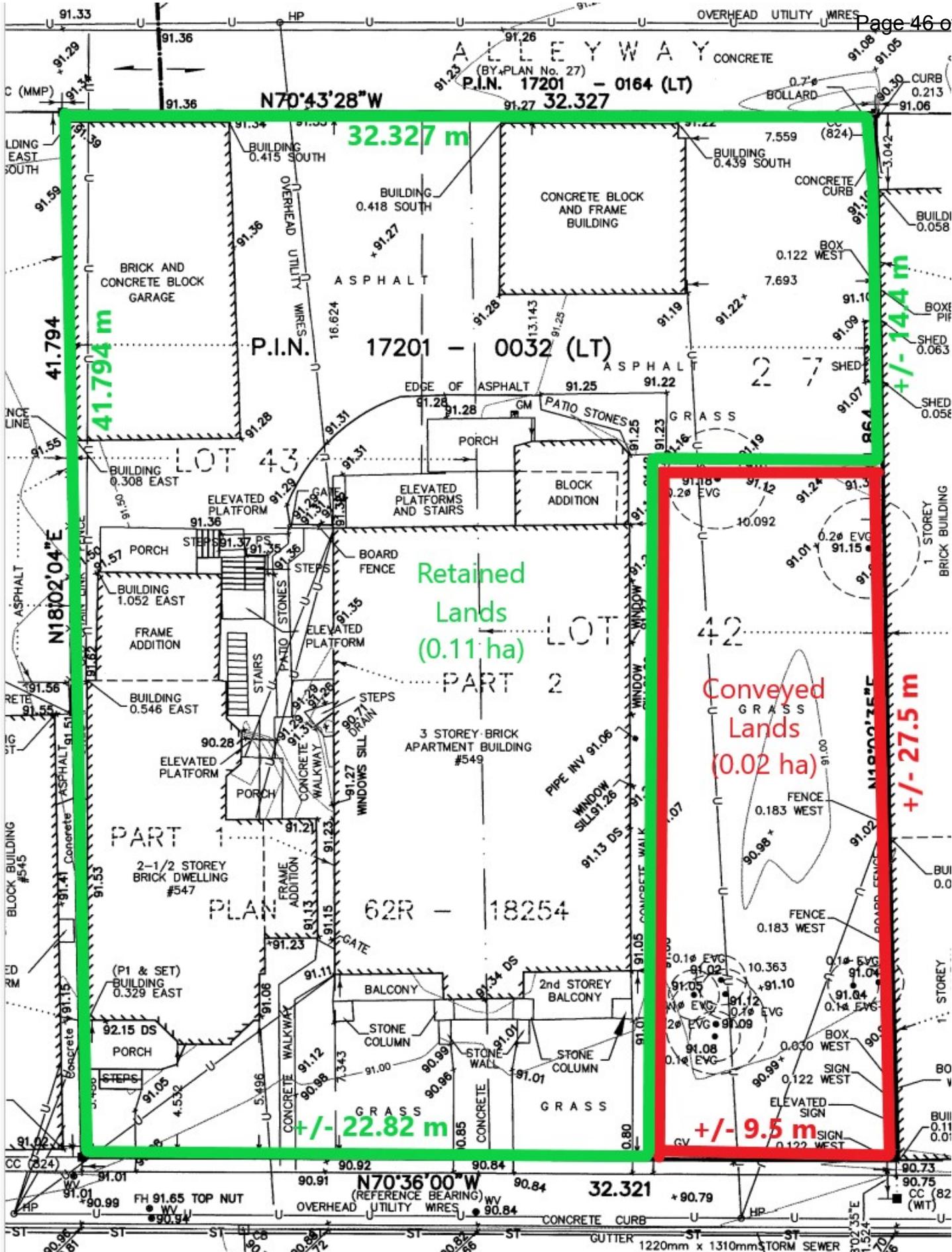
SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM
 2. THE SURVEY WAS COMPLETED ON THE 24th DAY OF APRIL, 2013

APRIL 8, 2013
 DATE S.D. McLaren, O.L.S.

A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS

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

Drawn JB Checked DG Scale 1:200 Dwg.No. 33973



ALLEYWAY CONCRETE
 (BY PLAN No. 27)
 P.I.N. 17201 - 0164 (LT)
 32.327

N70°43'28"W

32.327 m

P.I.N. 17201 - 0032 (LT)

+/- 144 m

Retained
 Lands
 (0.11 ha)

Conveyed
 Lands
 (0.02 ha)

+/- 27.5 m

+/- 9.5 m

+/- 22.82 m

N70°36'00"W

32.321

IN STREET EAST

(ESTABLISHED BY PLAN No. 27)
 (CONSOLIDATING BY-LAW (1979) - R - 79 - 109)



**Planning Justification Report
547 – 549 Main Street East, Hamilton**

Prepared for:

**The City of Hamilton
June 2022**

MB1 | Urban Planning

Table of Contents

1.	Introduction and Overview	3
1.1	<i>Qualifications and Expertise</i>	3
1.2	<i>Retainer</i>	3
1.3	<i>Background</i>	3
1.4	<i>Summary of Land Use Planning Opinion</i>	3
1.5	<i>Recommendations</i>	4
2.	Existing Conditions and Context	4
2.1	<i>Site Location and Existing Conditions</i>	4
2.2	<i>Surrounding Uses and Built Form</i>	7
2.3	<i>Neighbourhood Lot Pattern</i>	9
2.4	<i>Existing Land Use Designations</i>	10
3.	Development Proposal	11
3.1	<i>Proposal Details</i>	11
3.2	<i>Land Use Planning Applications</i>	14
4.	Land Use Planning Analysis	15
5.	Conclusions and Recommendations	29

1. Introduction and Overview

1.1 Qualifications and Expertise

I (Michael Barton) am a Registered Professional Planner (RPP) and full member of the Ontario Professional Planners Institute (OPPI). I am the President and Founder of MB1 Development Consulting Inc. (“MB1”) and a highly qualified land use planning and real estate development professional with extensive and diverse experience in all aspects of commercial and residential real estate development. I have practiced land use planning for over 20 years in communities across Ontario and Canada. I have been qualified as an expert in land use planning by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal (LPAT) and Ontario Municipal Board (OMB)), as well as the Toronto Local Appeal Body (TLAB).

1.2 Retainer

I have been retained by the Owner of 547 – 549 Main Street East in the City of Hamilton. These properties have merged on title to form the “Subject Property”. I have prepared this Planning Justification Report in support of the proposed consent to sever the Subject Property to create one new lot (the “conveyed lands”) with the existing structures remaining on the “retained lands”.

1.3 Background

The Subject Property is composed of 547 and 549 Main Street East, which have merged on title, and includes a three-family dwelling (547 Main Street East) and multiple dwelling (5439 Main Street East). There is also a rear surface parking area that is accessed from the laneway running along the rear of the Subject Property. The proposal includes consent to sever the vacant portion of 549 Main Street East to create one new lot (the “conveyed lands”). The conveyed lands are intended to be used for construction of a new multiple dwelling while the existing three-family dwelling and multiple dwelling will be maintained on the retained lands. No changes are proposed to the built form or land use character of these lands. In addition to the consent, a minor variance application has been submitted to facilitate the proposed lot creation and reflect the existing built form conditions on the severed and retained lands.

1.4 Summary of Land Use Planning Opinion

It is my opinion that the proposed consent application will result in a land use pattern and built form that is appropriate and compatible with surrounding community, and:

MB1 | Urban Planning

- Satisfies the criteria under section 51(24) of the Planning Act;
- Is consistent with the applicable policies of the Provincial Policy Statement, 2020;
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe; and
- Conforms to the Urban Hamilton Official Plan, including policies related to land division.

It is also my opinion that the requested minor variances:

- Are consistent with the Provincial Policy Statement, 2020;
- Conform to the Growth Plan;
- Maintain the general purpose and intent of Urban Hamilton Official Plan;
- Maintain the general purpose and intent of Zoning By-Law 05-200;
- Are minor in nature; and
- Are desirable for the appropriate development and use of the Subject Property.

1.5 Recommendations

Based on my land use planning analysis and opinion outlined in this Planning Justification Report, it is my recommendation that that the City of Hamilton approve the requested consent and minor variance applications for the Subject Property.

2. Existing Conditions and Context

2.1 Site Location and Existing Conditions

The Subject Property is located on the north side of Main Street East between Sanford Avenue South and Wentworth Street South, as illustrated in **Figure 1**. The property has frontage of 32.3 metres (106 feet) on Main Street East and lot area of 1,357 m² (14,606.61 ft²). The Subject Property is currently occupied by a two-storey triplex (547 Main Street East) and a 9-unit multiple dwelling (549 Main Street East), for a total of 12 dwelling units. The street view of these structures is illustrated in **Figure 2**. There is an existing surface parking area in the rear yard that is striped for 11 parking spaces, as well as a detached garage for four vehicles, which are accessed from the rear laneway behind the Subject Property (**Figure 3**). The aerial view included in **Figure 4** illustrates the existing site and building configuration.

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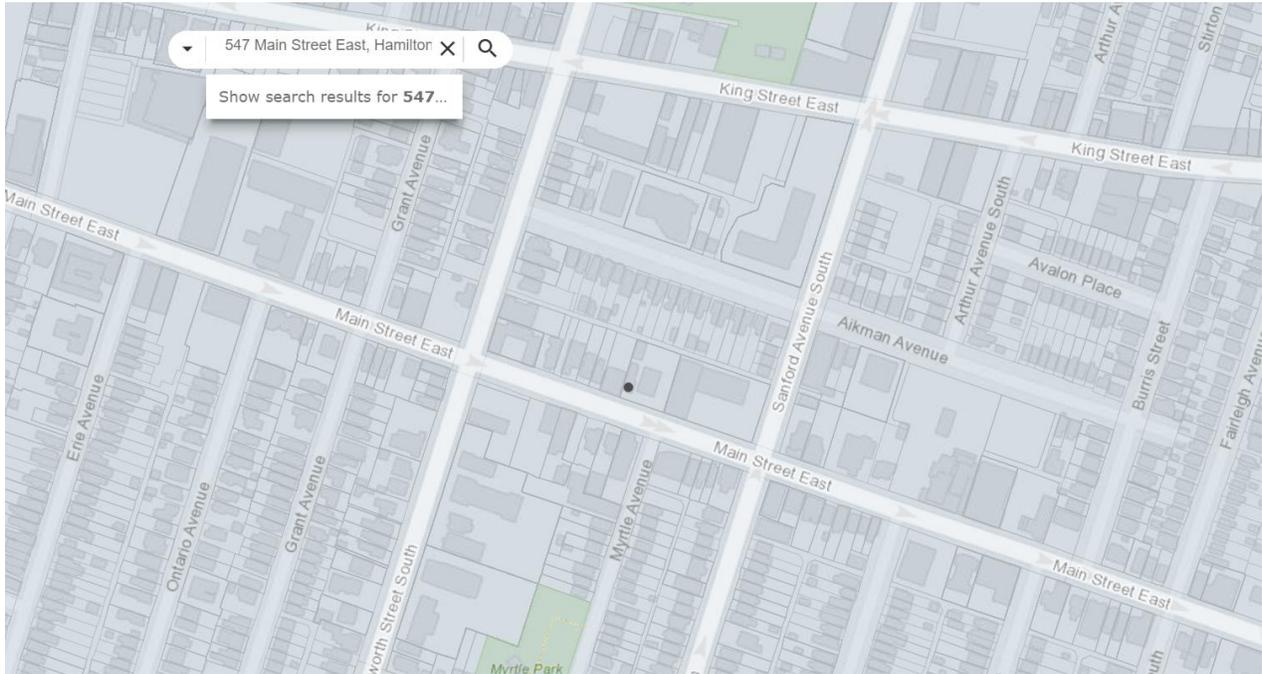


Figure 1 – Site Location

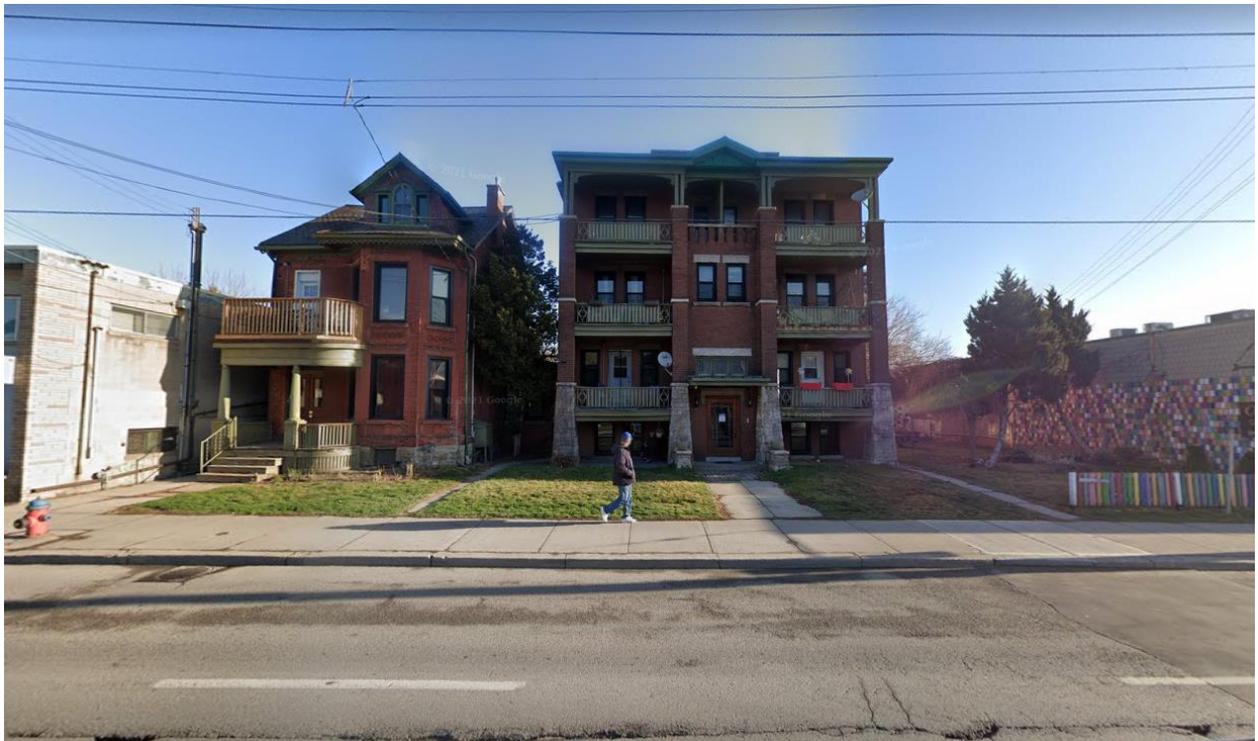


Figure 2 – Street View of Subject Property (from Main Street East)

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Figure 3 – Existing Surface Parking Area at Rear of Subject Property



Figure 4 – Aerial View of Subject Property and Surrounding Area

2.2 Surrounding Uses and Built Form

The subject property is surrounded by the following uses:

- To the north: Single detached dwellings backing onto the rear laneway (**Figure 5**);
- To the south: Low rise commercial, mixed use and residential buildings on south side of Main Street East (**Figure 6**);
- To the east: 1-storey commercial plaza (**Figure 7**); and
- To the west: Mixed use and commercial buildings (**Figure 8**).

Main Street East provides convenient and regular transit service in immediate proximity to the Subject Property.

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Figure 5 – Single Detached Dwellings to North of Subject Property (Backing onto Rear Laneway)



Figure 6 – Commercial, Mixed Use and Residential Buildings to South of Subject Property

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Figure 7 – Commercial Plaza to East of Subject Property

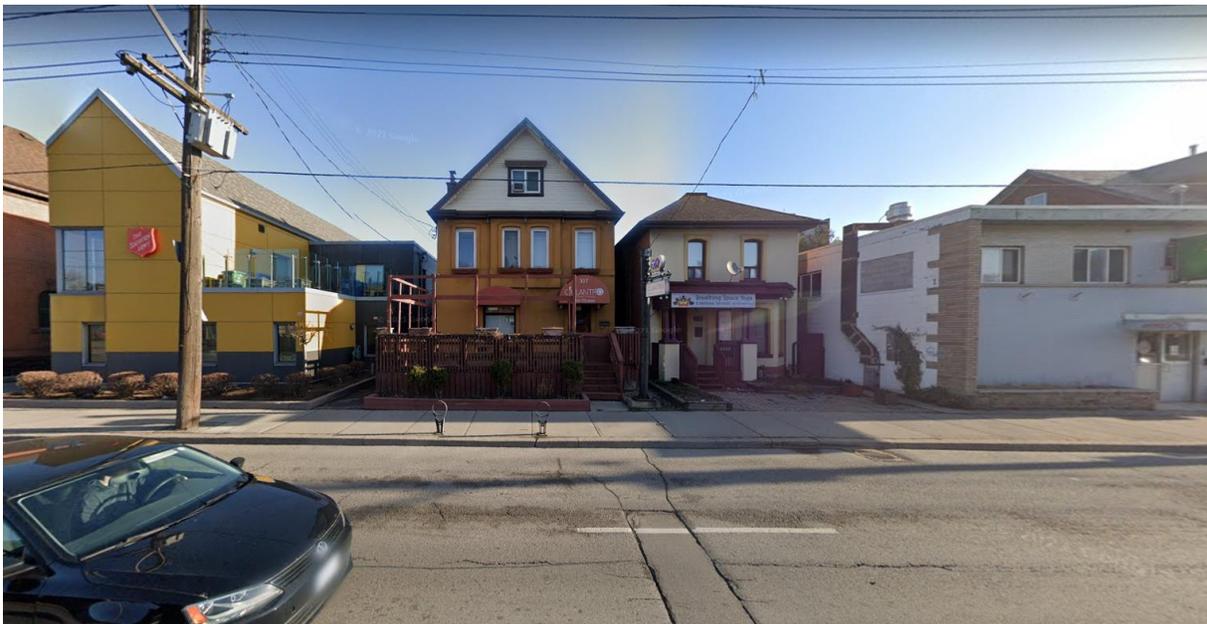


Figure 8 – Mixed Use and Commercial Buildings to West of Subject Property

2.3 Neighbourhood Lot Pattern

Figure 9 illustrates the existing lot pattern in the neighbourhood surrounding the Subject Property. It is clear that the Subject Property is considerably greater in area and frontage and the majority of surrounding properties.

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- The residential lots to the north (backing onto the rear laneway) are in the order of 7.5 metres (24.7 feet) wide and 330 m² (3,550 ft²) in area.
- 545 Main Street East is approximately 15 metres wide, or effectively equal to merging of two residential lots that back onto the rear laneway to the north;
- 541 Main Street is approximately 8 metres wide and 330 m² in area, similar to the lots backing onto the rear laneway to the north.

On this basis, there is variability in lot frontage and area throughout the community. Moreover, many of the existing dwellings and other structures in the surrounding area have also been constructed up to or in close proximity to front and side lot lines.

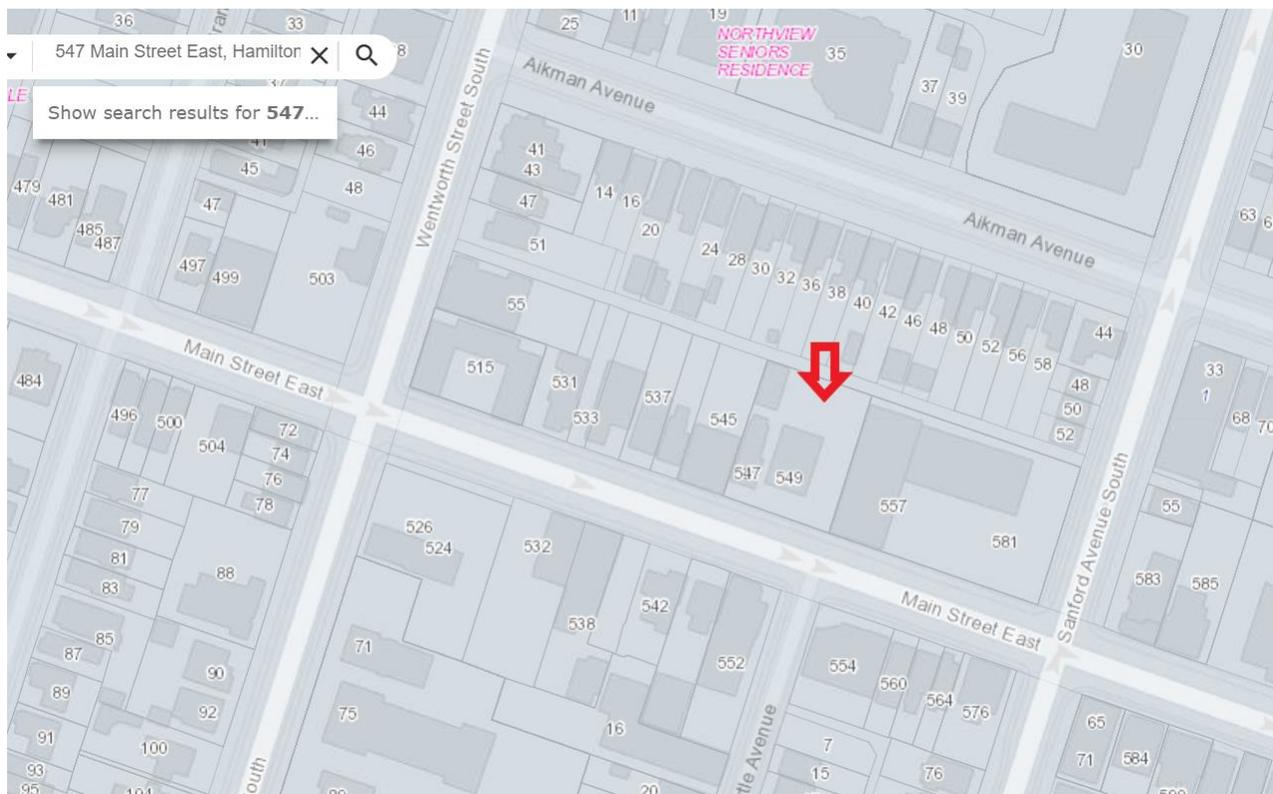


Figure 9 – Existing Neighbourhood Lot Pattern

2.4 Existing Land Use Designations

2.3.1 Urban Hamilton Official Plan

The Subject Property is designated “Neighbourhoods” and Main Street East is designated as a “Primary Corridor” on Schedule E (Urban Structure) of the Urban Hamilton Official Plan (UHOP). The Subject Property is

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maintained for shared use by the retained and conveyed lands, in addition to the 4-car garage remaining on the retained lands. The proposed severance is shown conceptually in **Figures 13 and 14**.

The proposed lot is consistent in width, depth and area with the residential lots to the north backing onto the rear laneway and compatible with the existing lot dimensions along Main Street East in the vicinity of the Subject Property. The Subject Property represents a merger under the Planning Act of previously separately registered properties. The proposed consent will establish a separate parcel for construction of a new multiple dwelling while retaining the existing structures on the retained lands in their current form and function. Moreover, there is existing transit service, as well as sidewalks and surface and on-street parking in close proximity to the Subject Property that will facilitate transit and active modes of transportation.

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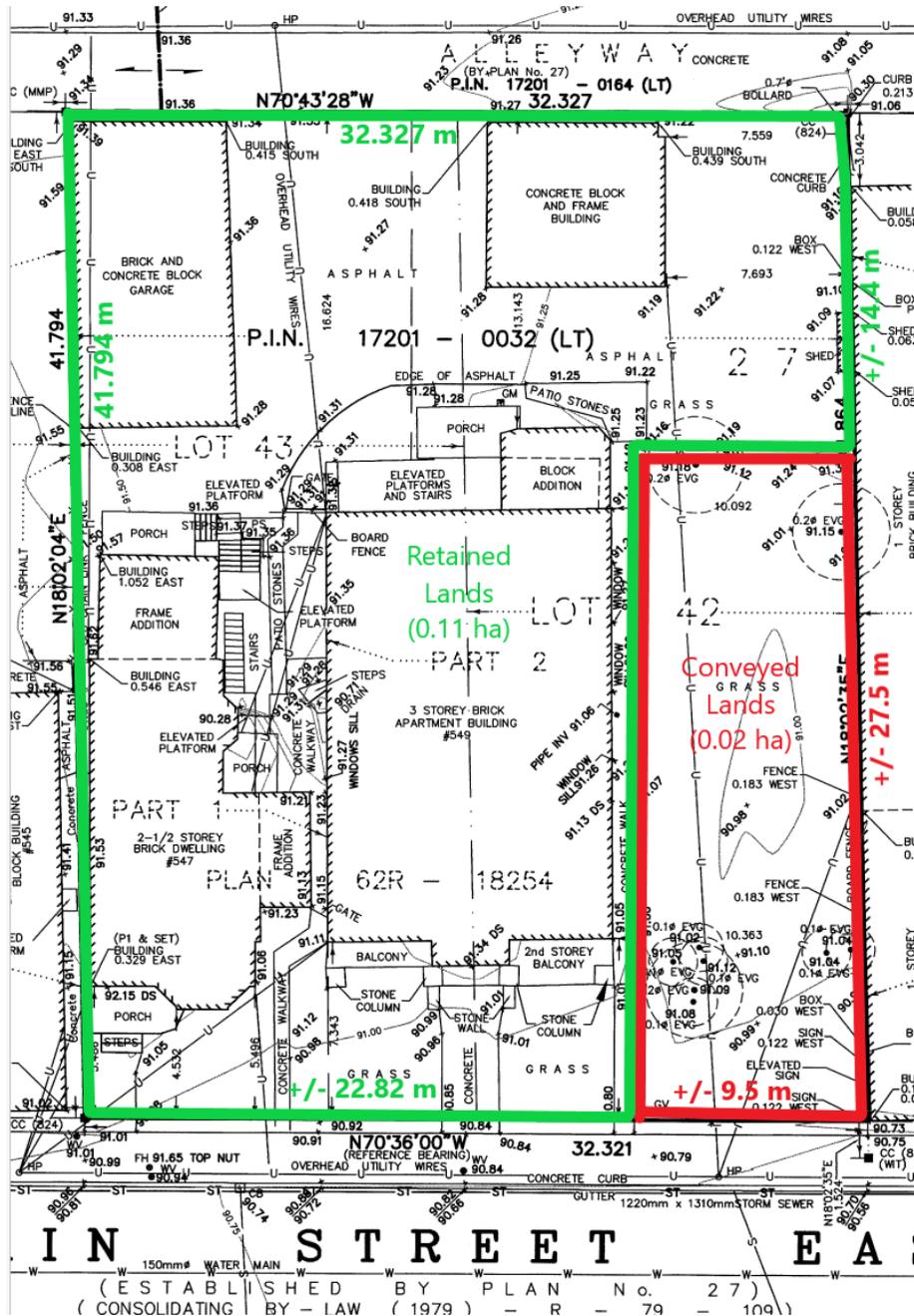


Figure 13 – Severance Reference Plan



Figure 14 – Conceptual Severance Reference Plan (Aerial)

3.2 Land Use Planning Applications

An application has been submitted to the City of Hamilton for consent to sever the Subject Property to establish separate one new parcel (the “conveyed lands”) from the portion of the Subject Property known municipally as 549 Main Street East. The “retained lands” reflect the balance of 549 Main Street East and all of 547 Main Street East, which will remain merged. No changes are proposed to the structures on the retained lands and a new multiple dwelling will ultimately be constructed on the conveyed lands.

The following minor variances are requested to facilitate the proposed consent and maintain the existing built form conditions:

Conveyed lands

- To permit a Minimum Lot Width of 9.5 metres (15 metres required);

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- To permit an on-site parking supply of 0 spaces (parking to be shared with retained lands).

Retained lands

- To permit a west side yard setback of 0 metres (existing);
- To permit an east side yard setback of 0 metres (to proposed property line);
- To permit the existing front yard setback of 7.343 metres to the 3-storey apartment building at 549 Main Street East;
- To permit the floor area and resulting floor area ratio of the existing structures;
- To permit a minimum parking supply of 15 spaces (11 surface parking spaces and 4 enclosed parking spaces) to be shared with conveyed lands.

4. Land Use Planning Analysis

4.1 Provincial Policy Context

4.1.1 Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS 2020) is issued under the authority of section 3 of the Planning Act and came into effect on May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” this Provincial Policy Statement.

It is my opinion that the development proposal and Committee of Adjustment applications are consistent with the applicable policies of PPS 2020. The following policy matrix summarizes the policies of PPS 2020 that are applicable to this application and my land use planning analysis.

Policy Analysis Matrix – PPS 2020

Policy Section	Policy Analysis
<p>Part V: Policies</p> <p>1.0 Building Strong Healthy Communities</p> <p>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p> <p>1.1.1 Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and</p>	<ul style="list-style-type: none"> • The development proposal will maintain the three-dwelling unit and multiple dwelling while establishing one new lot to facilitate construction of a new multiple dwelling; • The proposed dwelling units are and will remain connected to existing municipal services already installed and available in the community; • The maintenance of the existing residential units on the retained lands with the addition of new dwelling units on the conveyed lands, in conjunction with the existing on-site parking supply, represents efficient

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<p>municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity</p>	<p>land use that is transit-supportive and also compatible with the existing land use and built form character of the surrounding area.</p>
<p>1.1.3 Settlement Areas</p> <p>1.1.3.1 Settlement areas shall be the focus of growth and development.</p> <p>1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p> <p>1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p> <p>1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for</p>	<ul style="list-style-type: none"> • The Subject Property is located within the existing Urban Area is located within the “Neighbourhoods” designation under the Urban Hamilton Official Plan; the Subject Property is also located along a Primary Corridor; • The proposal will make more efficient use of an existing property located on a primary corridor and in close proximity to existing transit service; • The proposed severance in conjunction with maintaining the existing parking supply on the conveyed and retained lands will facilitate the objectives of “Transit-Supportive” development and “Active Transportation” as defined in Section 6.0; • The proposal represents compact land use and built form character that respects the quality and character of the surrounding community, including the mix of uses, minimal building setbacks and limited on-site parking.

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<p>affected areas.</p> <p>1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	
<p>1.4 Housing</p> <p>1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p> <p>1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:</p> <p>a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;</p> <p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3; <p>c) directing the development of new housing towards locations</p>	<ul style="list-style-type: none"> • The proposal will increase the range of housing options on the Subject Property and available in the community in close proximity to transit service and infrastructure supportive of active modes of transportation; • The proposed density and built form character are compatible with the surrounding community, including the building setbacks and proposed parking supply; and • The proposed built form and density is transit-supportive and will make efficient use of existing services and infrastructure.

MB1 | Urban Planning

<p>where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;</p> <p>d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;</p> <p>e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and</p> <p>f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.</p>	
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It is my opinion that the development proposal is consistent with PPS 2020 on the following basis:

- The proposal represents efficient and compact use of land and available municipal services in an existing mixed use community that abuts a low density residential community;
- The proposal will increase the number and range of dwelling types available in the community, in a manner that is consistent with the existing land use and built form character and also supports the existing transit service and infrastructure along Main Street East;
- The proposed lots and structures will be compatible with the existing land use and built form character of the surrounding area and on the retained lands, including setbacks and on-site parking supply; and
- The proposal supports objectives for transit and active transportation, particularly given the location of the Subject Property in close proximity to existing transit corridors and use of existing on-site parking opportunities.

4.1.2 A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe 2019 was prepared and approved under the Places to Grow Act, 2005 to take effect on May 16, 2019. Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 was approved by the Lieutenant Governor in Council, Order in Council No 1244/2020 to take effect on August 28, 2020. As set out in Section 1.2.2 of this Plan, all decisions in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise.

The following policy matrix provides an overview of the relevant policies of the Growth Plan.

Policy Matrix – A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

MB1 | Urban Planning

Policy Section	Policy Analysis
<p>Section 1.2.1 Guiding Principles</p> <ul style="list-style-type: none"> • Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. • Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability. • Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households. • Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions. 	<p>The development proposal is supportive of these Guiding Principles for the following reasons:</p> <ul style="list-style-type: none"> • The proposal will intensify land use while increasing the residential density and floor area in a manner that will be compatible with the existing land use and built form character in the established urban area and mixed use neighbourhood; • The proposal seeks to maintain existing built form character with minimal building setbacks and on-site parking as opposed to providing new surface parking and open space characteristics; • There are no natural heritage features on or adjacent to the Subject Property that will be impacted by the proposal; • The proposal supports the concept of “complete communities” per the following definition from Section 6.0: <p>Complete Communities: Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.</p>
<p>2.2 Policies for Where and How to Grow</p> <p>2.2.1 Managing Growth</p> <p>2. Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> i. have a delineated built boundary; ii. have existing or planned municipal water and wastewater systems; and iii. can support the achievement of complete communities; <p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> i. delineated built-up areas; ii. strategic growth areas; iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and iv. areas with existing or planned public service facilities; <p>d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;</p> <p>e) development will be generally directed away from hazardous</p>	<ul style="list-style-type: none"> • The Subject Property is an appropriate location for growth and intensification due to its location in the existing urban area and in close proximity to transit corridors; • The development proposal will connect to and make efficient use of existing municipal services; • The proposal will facilitate “compact built form” per the following definition: <p>Compact Built Form: A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.</p>

MB1 | Urban Planning

<p>lands; and f) the establishment of new settlement areas is prohibited.</p> <p>4. Applying the policies of this Plan will support the achievement of complete communities that:</p> <p>a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; d) expand convenient access to:</p> <ul style="list-style-type: none"> i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; ii. public service facilities, co-located and integrated in community hubs; iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and iv. healthy, local, and affordable food options, including through urban agriculture; <p>e) provide for a more compact built form and a vibrant public realm, including public open spaces; f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and g) integrate green infrastructure and appropriate low impact development.</p>	
<p>2.2.6 Housing</p> <p>1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:</p> <p>a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:</p> <ul style="list-style-type: none"> i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and ii. establishing targets for affordable ownership housing and rental housing; 	<ul style="list-style-type: none"> • The development proposal will increase the range and availability of housing options in the community in a manner that is consistent and compatible with the built form and land use character. • The proposed severance will allow for separate ownership of the conveyed and retained lands and allow for construction of an additional multiple dwelling on these lands.

It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Growth Plan for the following reasons:

MB1 | Urban Planning

- The proposal will increase population density and built form intensity of the Subject Property in a manner that is compatible with the land use and built form character of the surrounding community;
- The proposal supports the concept of “complete communities” by increasing the number of residents living on the Subject Property and in the neighbourhood in a manner that encourages use of transit and active modes of transportation, which is particularly important given the pedestrian-focus for this area;
- The existing structures are connected to existing municipal services with available allocation rather than requiring extension or upgrades of services or infrastructure; and
- The proposal will facilitate compact built form that is transit-supportive and a hallmark of complete communities.

4.2 Municipal Policy Context

4.2.1 Urban Hamilton Official Plan

The following policy matrix summarizes the relevant policies of the Urban Hamilton Official Plan.

Policy Matrix – Urban Hamilton Official Plan

Policy Section	Policy Analysis
<p>2.4 Residential Intensification</p> <p>2.4.1 General Residential Intensification Policies</p> <p>2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.</p> <p>2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.</p> <p>2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:</p> <p>a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target.</p> <p>b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.</p>	<ul style="list-style-type: none"> • The Subject Property is located on in an appropriate location for intensified land use and uses that rely on transit and active modes of transportation with no on-site parking. • The proposal maintains the existing land use and built form character in a manner that is also more compact and also supportive of transit and active modes of transportation.

MB1 | Urban Planning

<p>c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.</p> <p>2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:</p> <ul style="list-style-type: none"> a) a balanced evaluation of the criteria in b) through g), as follows; b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form; c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures; d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques; e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure; f) infrastructure and transportation capacity; and, g) the ability of the development to comply with all applicable policies. 	
<p>Urban Systems and Designations (Chapter E)</p> <p>Section E.1.0 sets out goals for the urban systems and land use designations of UHOP, including the following:</p> <ul style="list-style-type: none"> a) Designate land uses to facilitate the development of a node and corridor based urban structure. b) Support and facilitate development and investment that contributes to the development of the overall urban structure. c) Develop compact, mixed use urban environments that support transit and active transportation. d) Develop complete communities where people can live, work, learn, and play. e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs. f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places. g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors. 	<ul style="list-style-type: none"> • The proposal supports compact built form in a manner that is consistent and compatible with the existing land use and built form character of the community. • The compact built form character and limited on-site parking support and encourage use of transit and active modes of transportation, which are directly accessible. • The existing residential units on the retained will be maintained in their current form for continued use in conjunction with the proposal for the conveyed lands.

MB1 | Urban Planning

<p>h) Recognize that Hamilton's neighbourhoods are stable, not static.</p> <p>Section 2.1 further stresses that Hamilton's urban structure shall be a node and corridor structure guided by the following general principles:</p> <p>a) Nodes and corridors are the focus of reurbanization activities (i.e. population growth, private and public redevelopment, and infrastructure investment).</p> <p>b) Nodes and corridors provide focal points of activity for Hamilton's local communities and neighbourhoods.</p> <p>c) Nodes and corridors are connected to each other and are internally served by various modes of transportation, including higher order transit.</p> <p>d) Nodes and corridors provide a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design.</p> <p>e) Nodes and corridors evolve with higher residential densities and mixed use developments to achieve their planned functions and support transit.</p>	
<p>3.3 Urban Design Policies</p> <p>3.3.1 Urban Design Goals</p> <p>The following goals shall apply in the urban area:</p> <p>3.3.1.1 Enhance the sense of community pride and identification by creating and maintaining unique places.</p> <p>3.3.1.2 Provide and create quality spaces in all public and private development.</p> <p>3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.</p> <p>3.3.1.4 Create communities that are transit-supportive and promote active transportation.</p> <p>3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.</p> <p>3.3.1.6 Create places that are adaptable and flexible to accommodate future demographic and environmental changes</p> <p>3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.</p>	<ul style="list-style-type: none"> • The proposal will maintain the current built form on Subject Property and provide opportunities for enhancement and/or redevelopment of the conveyed and retained lands through separate ownership. • Separating the existing detached dwelling and mixed use building allows for separate ownership and operation to make changes over time to accommodate current and future needs. • The surrounding community will experience no changes in land use or built form as a result of the proposed severance and minor variances. • The proposal is appropriate in the context of the Subject Property in a pedestrian-focus area transit-oriented corridor zone in that the result will be compact and efficient land use relying on transit and active modes of transportation. • The reduced setbacks and encroachments facilitate appropriate built form that establishes and protects the streetscape and the context of the existing structures to one another and the structures on surrounding properties.

MB1 | Urban Planning

3.3.2 General Policies and Principles

This subsection contains policies describing general design principles and directions that contribute to the achievement of the goals stated in Section B.3.3.1. The successful integration of new development and redevelopment of in the urban area and its integration with surrounding neighbourhoods requires the form of development to follow appropriate urban design principles. Every design direction will not apply in all situations.

3.3.2.1 The physical design of a site shall:

- a) relate to its role in the overall urban structure of the City;
- b) enhance the function of the applicable urban structure element described in Section E.2.0 – Urban Structure; and,
- c) be in accordance with the applicable policies of Chapter E – Urban Systems and Designations, secondary plans, specific design studies and other plans or studies that make specific design recommendations.

3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable.

3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) respecting prominent sites, views, and vistas in the City; and,
- i) incorporating public art installations as an integral part of

MB1 | Urban Planning

urban design.

3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

3.3.2.8 Urban design should promote environmental sustainability by:

- a) achieving compact development and resulting built forms

3.3.3 Built Form

3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.

3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

3.3.3.3 New development shall be massed to respect existing and planned street proportions.

3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.

3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building

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<p>entrances parallel to and as close to the street as possible;</p> <p>b) including ample glazing on ground floors to create visibility to and from the public sidewalk;</p> <p>c) including a quality landscape edge along frontages where buildings are set back from the street;</p> <p>d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,</p> <p>e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.</p>	
<p>Section 1.14 of Chapter F of UHOP provides policies for Division of Land.</p> <p>Section 1.14.3.1 includes the following criteria for permitting lot creation in the Urban Area and, more specifically, the Neighbourhoods Designation:</p> <p>a) The lots comply with the policies of this Plan, including secondary plans, where one exists;</p> <p>b) The lots comply with existing Neighbourhood Plans;</p> <p>c) The lots are in conformity with the Zoning By-law or a minor variance is approved;</p> <p>d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;</p> <p>e) The lots are fully serviced by municipal water and wastewater systems; and</p> <p>f) The lots have frontage on a public road.</p>	<ul style="list-style-type: none"> • The requested minor variances will establish zoning conformity for lots and structures that are consistent and compatible with the existing land use and built form character of the Subject Property and surrounding community. • The proposed lots represent properties with separate municipal addresses, structures and uses, and tax roll numbers. • The lots are fully serviced and will make use of the existing servicing connections without requiring any extensions or upgrades. • The conveyed and retained lands will both have frontage on public roads.

It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Urban Hamilton Official Plan and should be approved on the following basis:

- There will be no change in built form and land use character on the Subject Property and the proposed lot configuration is consistent and compatible with the built form character of the surrounding community;
- The proposal represents compact form and efficient land use that is appropriate for the location in immediate proximity to transit, cycling and pedestrian infrastructure;
- The Subject Property has limited on-site parking under existing conditions and this condition will be maintained, which supports the existing built form character and objectives for land use that supports transit and active modes of transportation;
- Separation of the detached dwelling and mixed use building will provide opportunity for separate ownership, redevelopment and use under current and future conditions in a manner that is compatible with the character of the area; and

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- In general, the proposal conforms to the policies specifically identified in this section, including urban design and division of land.

4.2.2 City of Hamilton Zoning By-Law 05-200

As outlined in Section 1.5 of Chapter F of the Urban Hamilton Official Plan, the Zoning By-law is one of the key implementation tools to “ensure the City’s goals, objectives and policies of this Plan are realized”. This is done through regulations on permitted uses and associated performance standards, setbacks, lot areas, height, landscaping and parking requirements. The information and opinion outlined in this report demonstrate that the proposed severance and minor variances will facilitate land use and built form that conforms to the Urban Hamilton Official Plan. While minor variances are required to the parking, building setback and other regulations, these minor variances reflect existing built form conditions and will establish compact, efficient and transit-supportive built form. Given that the minor variances will facilitate appropriate land use and built form character that is consistent with the existing neighbourhood and supports objectives for transit and active modes of transportation, it is my opinion that the requested minor variances maintain the general purpose and intent of the Zoning By-Law.

4.2.3 Authority to Grant Consents (Ontario Planning Act)

Section 53(1) of the Planning Act authorizes consents to be granted if it is determined that a plan of subdivision is not required for the proper and orderly development of the municipality. Key to determining whether consent should be granted is section 53(12), which requires the approval authority to have regard to the matters under section 51(24), which are the following:

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
 - d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;

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- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*.

Section 51(24)a) refers to the following matters of Provincial interest that the municipality shall have regard to:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
 - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the co-ordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) the promotion of built form that,
 - is well-designed,
 - encourages a sense of place, and

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- provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

It is my opinion that the proposed consent satisfies these matters on the following basis:

- The proposal conforms to the applicable policies of the Urban Hamilton Official Plan;
- The Subject Property is suitable for the proposed uses as the uses are existing and there will be no changes to the existing land use or built form character;
- The size and configuration of the proposed lots are consistent with the neighbourhood character and will allow the existing structures and used to be maintained on both the conveyed and retained lands;
- Existing municipal services are available and connected to the conveyed and retained lands;
- The conveyed and retained lands have direct access to a public road that also includes transit, pedestrian and cycling infrastructure;
- The existing dwelling units and commercial floor area will be maintained; and
- There are no natural heritage features that will be adversely impacted.

5. Conclusions and Recommendations

On the basis of the land use planning analysis and opinions provided in this report, it is my opinion that:

- The development proposal and Committee of Adjustment applications are consistent with PPS 2020 and conform to the applicable policies of the Growth Plan for the Greater Golden Horseshoe;
- The proposed consent conforms to the applicable policies of the Urban Hamilton Official Plan and satisfies the specific land division policies;
- The requested minor variances maintain the general purpose and intent of the Urban Hamilton Official Plan and Zoning By-Law 05-200; and
- The requested minor variances are minor in nature and desirable for the appropriate development and use of the Subject Property.

On this basis, it is my recommendation that the applications for consent and minor variance be approved.

Regards,



Michael Barton, MCIP, RPP
President

Committee of AdjustmentCity 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)	Tyler Pearson c/o Malleum Real Estate Partners IV LP Malleum Core Partners I LP Malleum Core Partners I G		
Applicant(s)**	Michael Barton c/o MB1 Development Consulting Inc.		
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	547-549 Main Street East		
Assessment Roll Number	03023100910		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	27	Lot(s)	42/43
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:

TBD

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:	Retained lands	Conveyed lands			
Type of Transfer	N/A				
Frontage	22.82 m	9.5 m			
Depth	41.94 m	27.5 m			
Area	0.11 ha	0.02 ha			
Existing Use	Residential	Vacant			
Proposed Use	Existing	Multiple dwelling			
Existing Buildings/ Structures	2-storey triplex/multiple dwelling	N/A			
Proposed Buildings/ Structures	Existing to remain	Multiple dwelling			
Buildings/ Structures to be Removed	N/A	N/A			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

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

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify) _____

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

publicly owned and operated sanitary sewage system

privately owned and operated individual septic system

other means (specify) _____

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

electricity

telephone

school bussing

garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please refer to Planning Justification Report submitted with this application

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? Multiple Dwellings, Lodges, Clubs (E/S-1594)

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.

Concurrent minor variance application

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

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

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

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

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

Yes No

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

6.4 How long has the applicant owned the subject land?

4 years

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

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

7 PROVINCIAL POLICY

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

Yes No (Provide explanation)

Please refer to Planning Justification Report submitted with this application

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

Yes No (Provide explanation)

Please refer to Planning Justification Report submitted with this application

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

Yes No (Provide explanation)

Please refer to Planning Justification Report submitted with this application

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

Yes No (Provide explanation)

N/A

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

Yes No (Provide explanation)

N/A

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

N/A

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

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
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-22:391	SUBJECT PROPERTY:	547-549 MAIN STREET E, HAMILTON
ZONE:	"E/S-1594" (Multiple Dwellings, Lodges & Clubs Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 09-157

APPLICANTS: **Owner:** MALLEUM REAL ESTATE PARTNERS C/O TYLER PEARSON
Agent: MB1 DEVELOPMENT CONSULTING INC. C/O MICHAEL BARTON

The following variances are requested:

Lands to be Severed;

1. A minimum Lot area of 200m² shall be permitted for a proposed multiple dwelling, instead of the minimum 450m² lot area required.
2. A minimum lot width of 9.5m shall be permitted for a proposed multiple dwelling , instead of the minimum 10m lot width required pursuant to Amending By-law 09-157.
3. To permit zero (0) on site parking, instead of the minimum 1 space per Class A dwelling unit required for a multiple dwelling.
4. To permit a minimum front yard depth of 4.0m.
5. To permit a rear yard depth of 2.2m.

Lands to be Retained;

1. An easterly side yard width of 1.0m shall be permitted instead of the minimum 1.2m side yard width required.
2. A westerly side yard width of 0.0m shall be permitted instead of the minimum required 0.3m side yard depth required.

HM/A-22:391

3. The existing 7.343m front yard depth shall be permitted, instead of a front yard of a depth 11-5 of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, but no such front yard shall have a depth of less than 3.0 metres and need not have a depth of more than 7.5 metres.
4. The existing floor area and resulting ratio instead of the minimum requirement of No building or structure in an "E" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 1.7.
5. A minimum parking requirement of 15 parking spaces, to be shared between the lands to be severed and the lands to be retained shall be permitted instead of the minimum 1 parking space per unit requirement.

PURPOSE & EFFECT: To facilitate Severance application HM/B-22:126 at the lands known municipally as 547-549 Main Street E;

Notes:

1. Details regarding the number of units within the existing multiple dwelling not provided, as such required parking could not be determined.
2. Details regarding parking space design not provided, as such Variance #5 for the lands to be retained written as requested by applicant.

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

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

DATE:	Thursday, July 27, 2023
TIME:	9:30 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

HM/A-22:391

PUBLIC INPUT

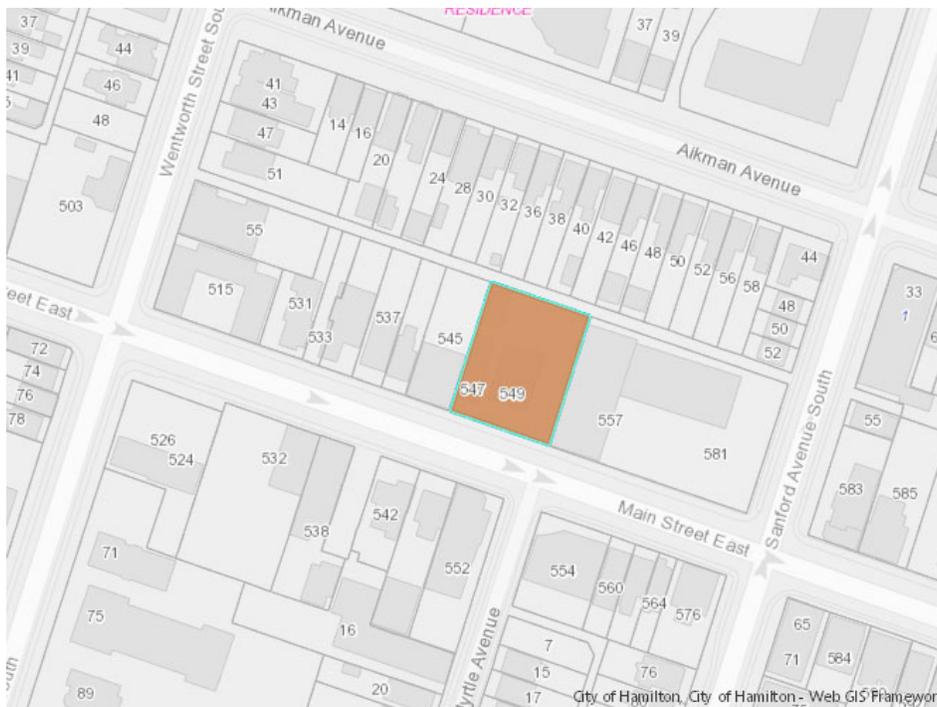
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-22:391, 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: July 11, 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.

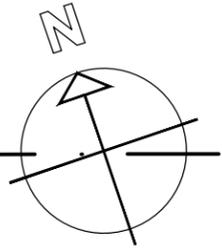
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

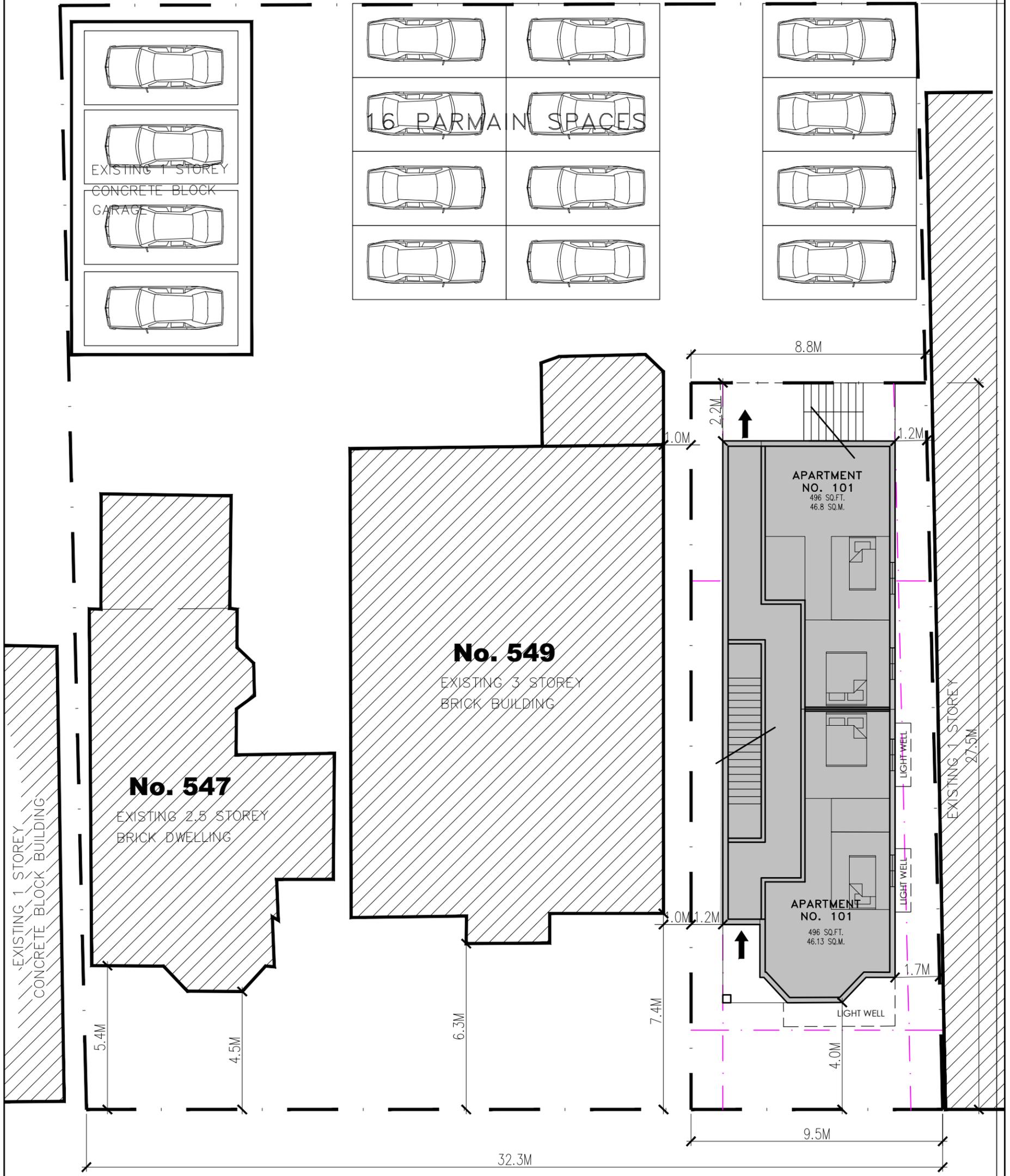
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

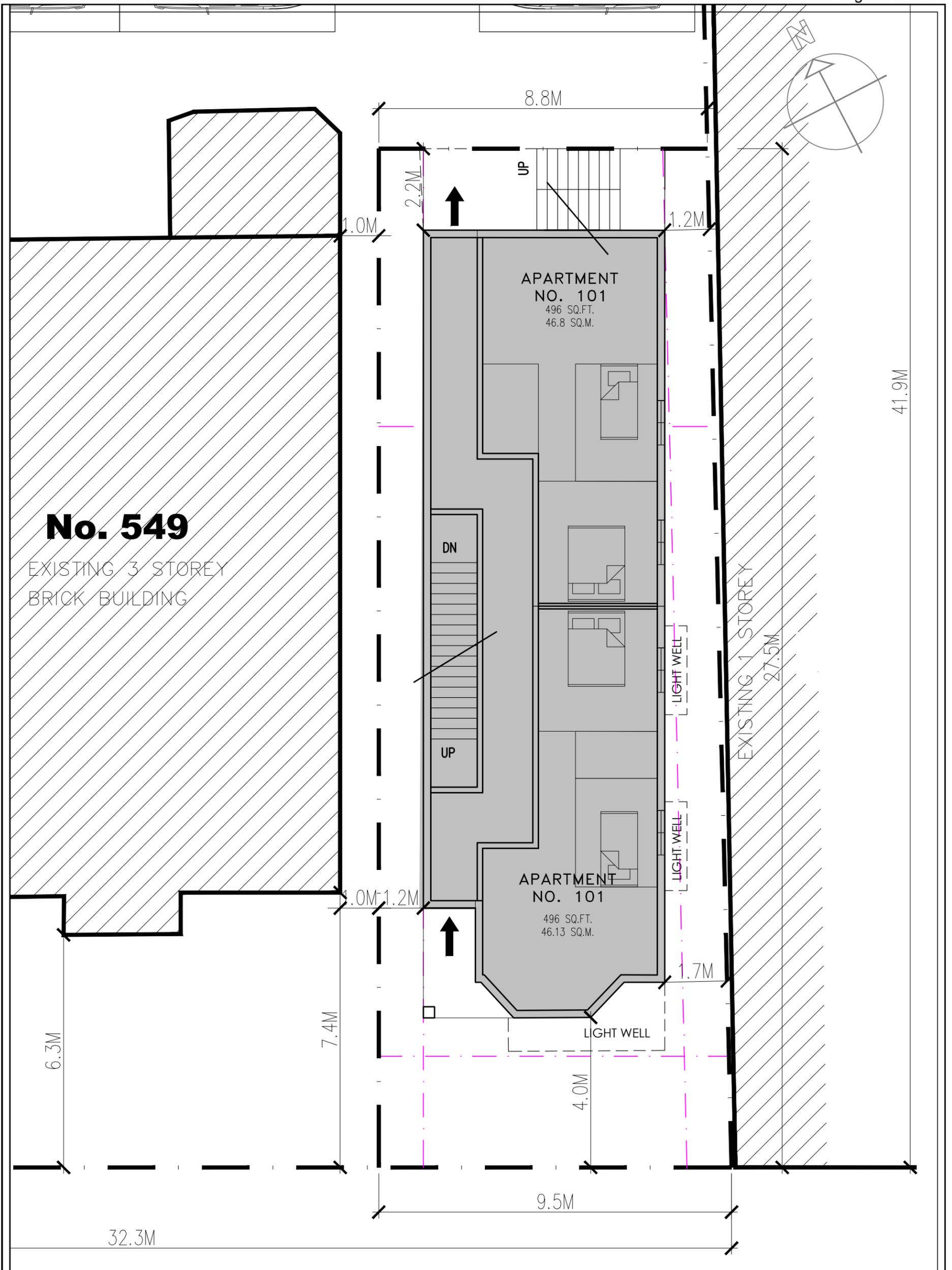


ALLEYWAY



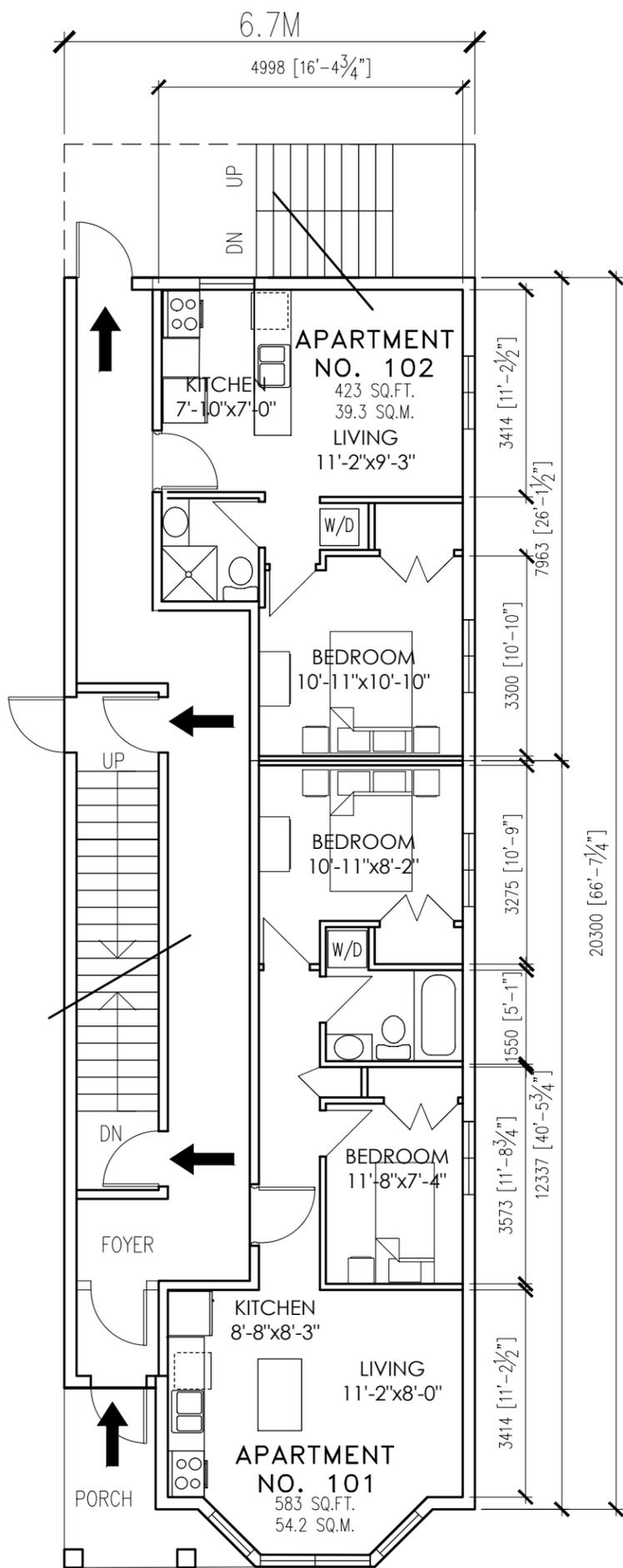
MAIN STREET EAST

<p>PROPOSED 547-549 MAIN ST E. MALLEUM PARTNERS</p> <p>547-549 MAIN STREET EAST HAMILTON</p>	<p>SCALE: 1:150</p> <p>DATE: APR 2023</p>	<p>LINTACK ARCHITECTS INCORPORATED</p> <p>244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.6165 • F: 905.522.2209 • E: information@lintack.com www.lintack.com</p>	<p>SITE PLAN</p> <p>JOB No. 23.018</p> <p>DWG. No. A1.1</p>
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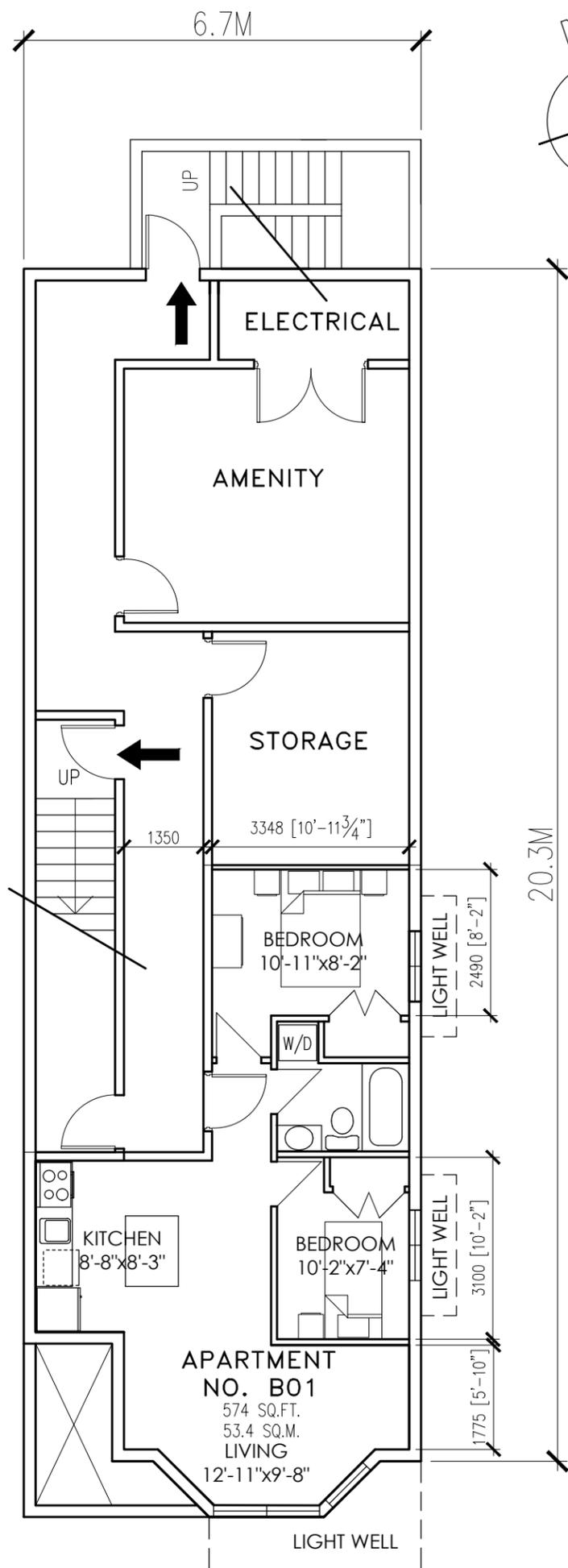


MAIN STREET EAST

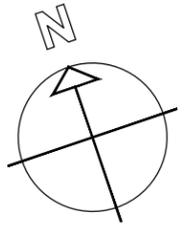
<p>PROPOSED 547-549 MAIN ST E. MALLEUM PARTNERS</p> <p>547-549 MAIN STREET EAST HAMILTON</p>	<p>SCALE: 1:100</p> <p>DATE: AP 2023</p>	<p>LINTACK ARCHITECTS INCORPORATED</p> <p>244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.6165 ▪ F: 905.522.2209 ▪ E: information@lintack.com www.lintack.com</p>	<p>SITE PLAN</p> <p>JOB No. 23.018 DWG. No. A1.2</p>
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GROUND FLOOR



BASEMENT PLAN



PROPOSED
547-549 MAIN ST E.
MALLEUM PARTNERS

547-549 MAIN STREET EAST
 HAMILTON

SCALE:
 1:100

DATE:
 AP 2023

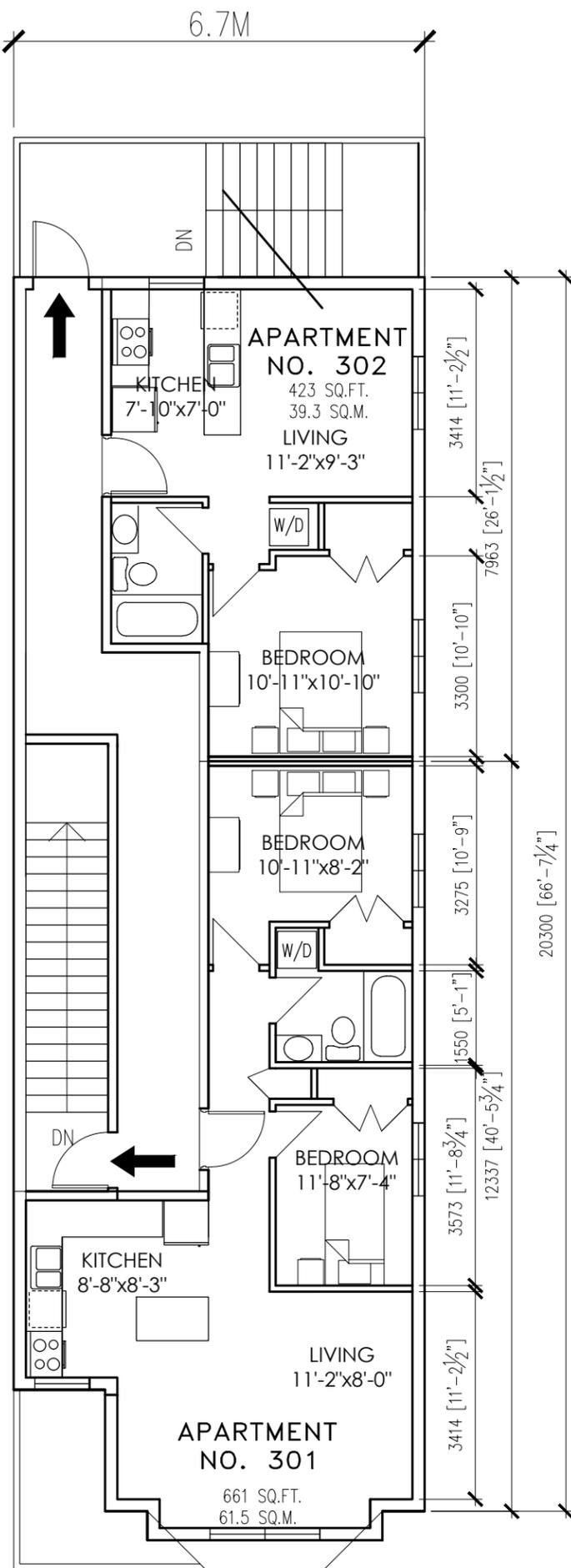
LINTACK ARCHITECTS
INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
 T: 905.522.6165 • F: 905.522.2209 • E: information@lintack.com
 www.lintack.com

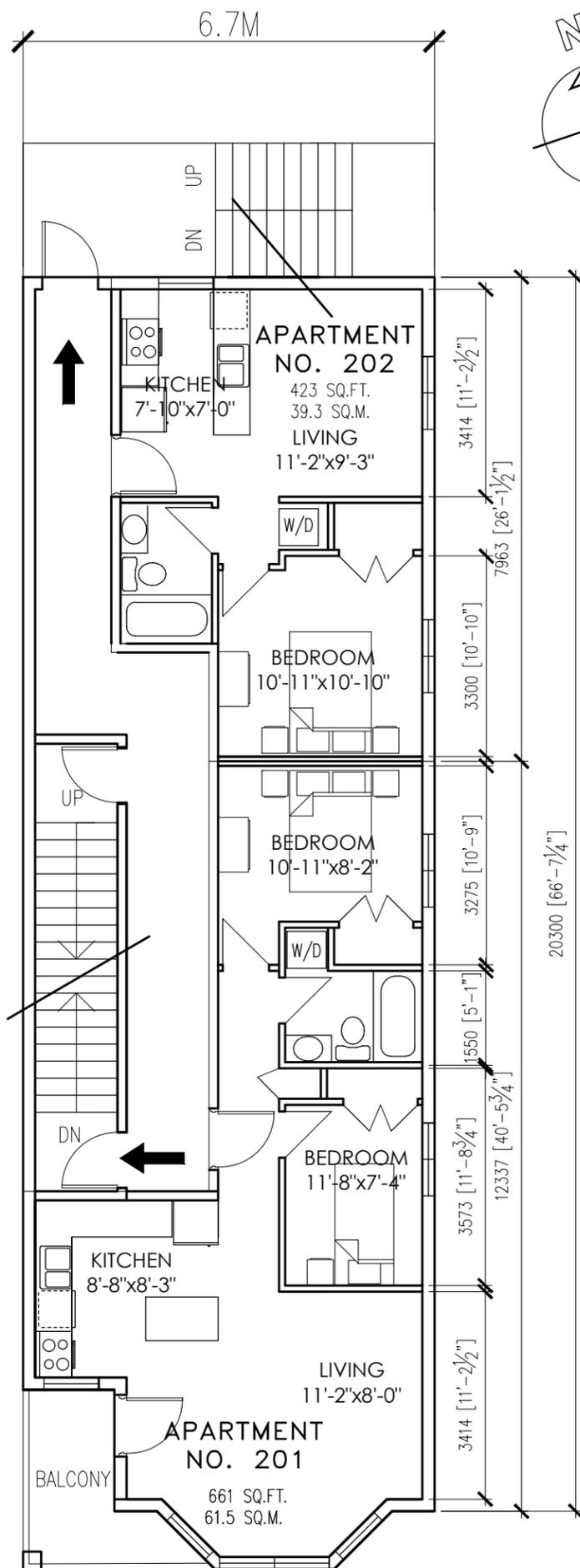
BASEMENT &
GROUND
FLOOR PLANS

JOB No.
 23.018

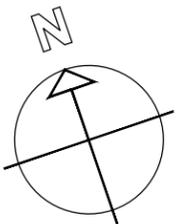
DWG. No.
A2



THIRD FLOOR



SECOND FLOOR



PROPOSED
547-549 MAIN ST E.
MALLEUM PARTNERS

547-549 MAIN STREET EAST
 HAMILTON

SCALE:

NTS

DATE:

APR 2023

LINTACK ARCHITECTS

INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
 T: 905.522.6165 • F: 905.522.2209 • E: information@lintack.com
 www.lintack.com

SECOND & THIRD FLOOR PLANS

JOB No.

23.018

DWG. No.

A2



NORTH (REAR) ELEVATION



MAIN STREET ELEVATION

PROPOSED
547-549 MAIN ST E.
MALLEUM PARTNERS
 547-549 MAIN STREET EAST
 HAMILTON

SCALE: 1:100
 DATE: APR 2023

LINTACK ARCHITECTS
I N C O R P O R A T E D
 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
 T: 905.522.6165 • F: 905.522.2209 • E: information@lintack.com
 www.lintack.com

ELEVATIONS
 JOB No. 23.018
 DWG. No. **A3.1**

ELEVATIONS

JOB No.
23.018

DWG. No.
A3.2

LINTACK ARCHITECTS

I N C O R P O R A T E D

244 JAMES STREET SOUTH, HAMILTON, ONTARIO L8P 3B3
T: 905.522.2209 • F: 905.522.6165 • E: information@lintack.com
www.lintack.com

SCALE:

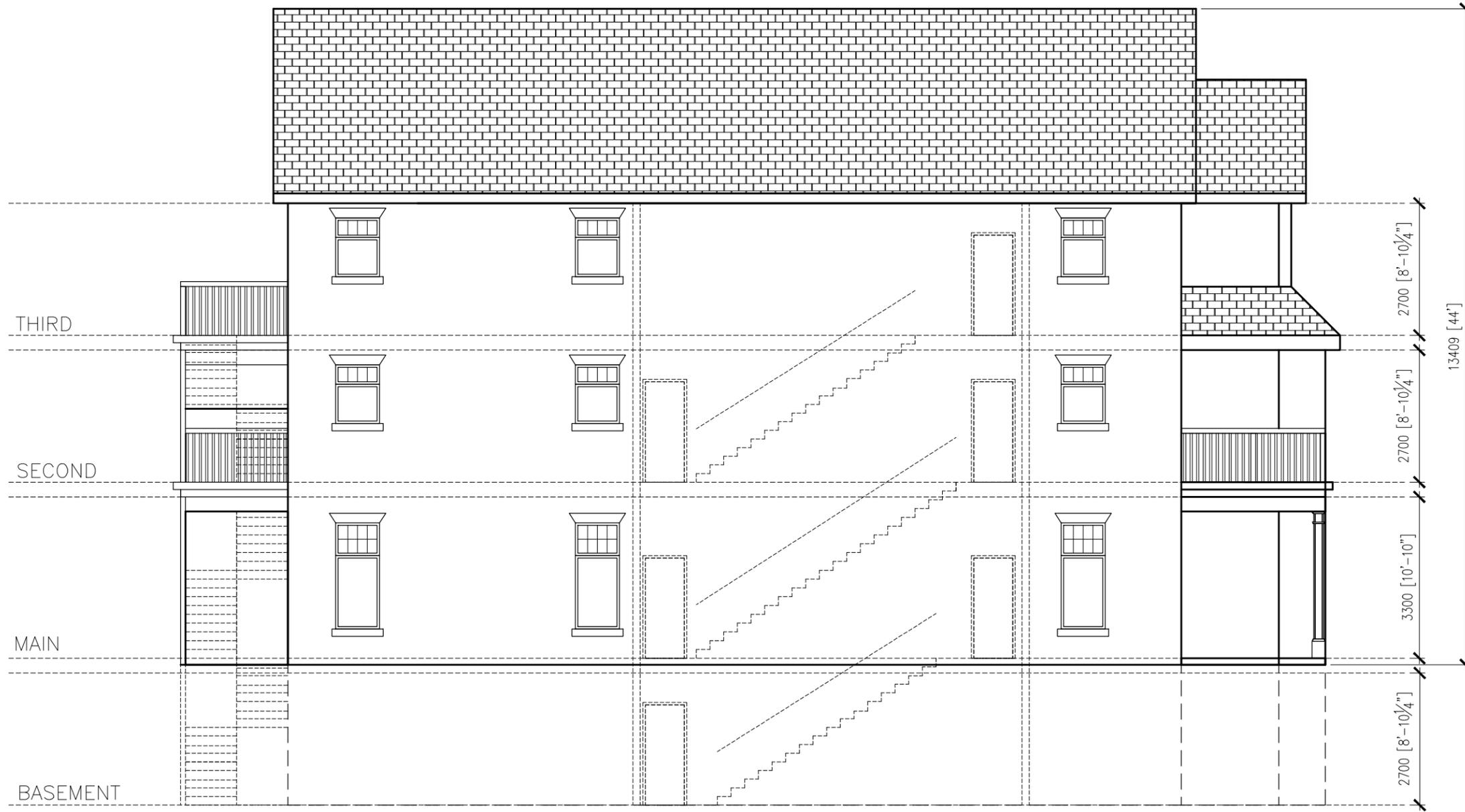
1:100

DATE:

APR 2023

PROPOSED
547-549 MAIN ST E.
MALLEUM PARTNERS

547-549 MAIN STREET EAST
HAMILTON



WEST ELEVATION

THIRD

SECOND

MAIN

BASEMENT

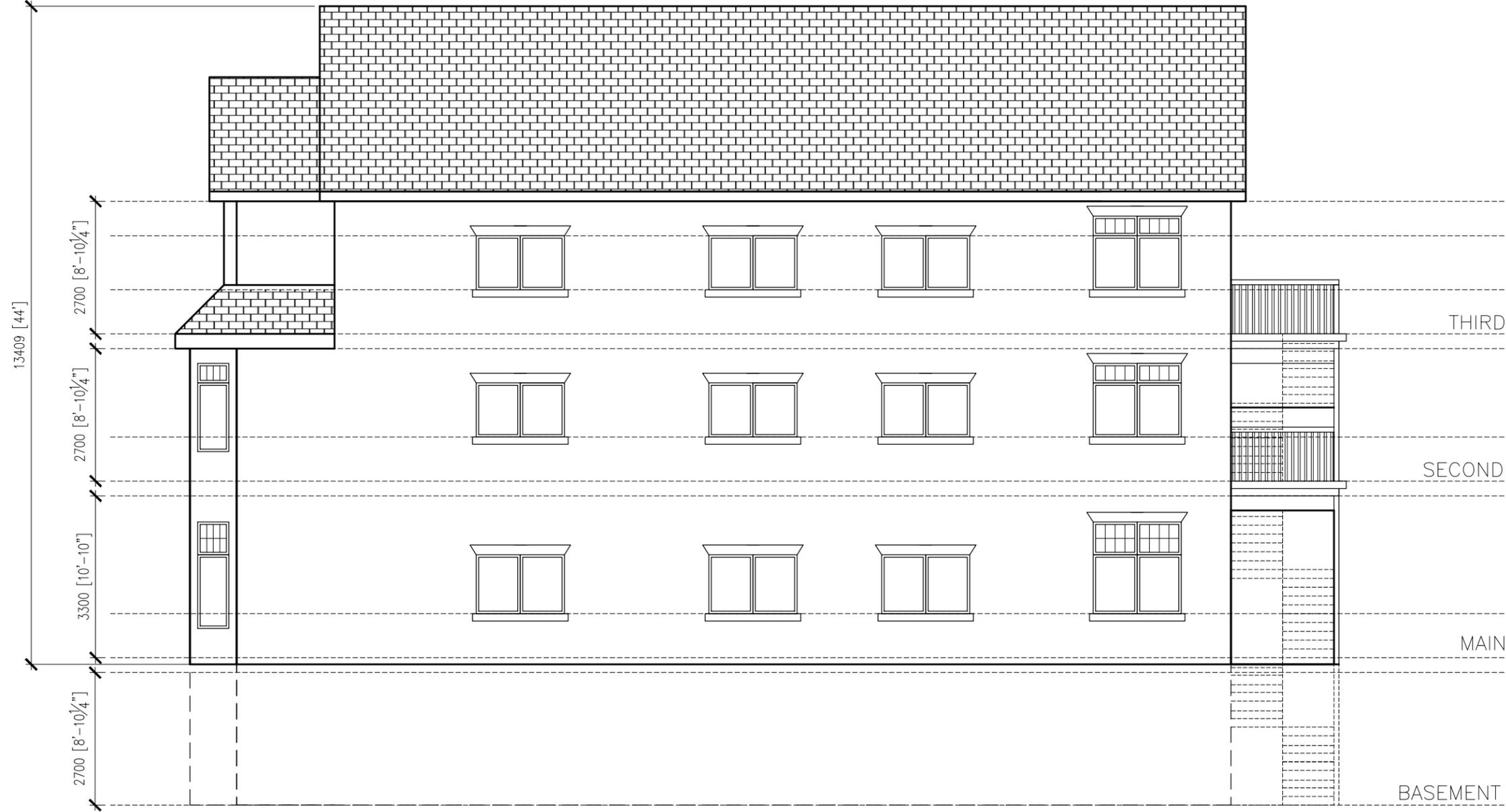
2700 [8'-10 1/4"]

2700 [8'-10 1/4"]

3300 [10'-10"]

2700 [8'-10 1/4"]

13409 [44']



EAST ELEVATION

PROPOSED
547-549 MAIN ST E.
MALLEUM PARTNERS
 547-549 MAIN STREET EAST
 HAMILTON

SCALE:
 1:100

DATE:
 APR 2023

LINTACK ARCHITECTS

I N C O R P O R A T E D

244 JAMES STREET SOUTH, HAMILTON, ONTARIO L8P 3B3
 T: 905.522.2209 • F: 905.522.6165 • E: information@lintack.com
 www.lintack.com

ELEVATIONS

JOB No.
 23.018

DWG. No.
A3.3



Hamilton

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

1. APPLICANT INFORMATION

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

- 1.2 All correspondence should be sent to Owner Applicant
 Agent/Solicitor
- 1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____
- 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	547-549 Main Street East		
Assessment Roll Number	03023100910		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	27	Lot(s)	42/43
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:

Severed Lands: 1. Minimum lot area of 200m² for proposed multiple dwelling, instead of minimum 450m²; 2. Minimum lot width of 9.5m for proposed multiple dwelling, instead of the minimum 10m (By-law 09-157). 3. To permit zero on site parking, instead of the minimum 1 space per Class A dwelling unit required for multiple dwelling. 4. To permit minimum front yard of 4 m. 5. To permit a rear yard of 2.2 m.

Retained Lands: 1. Easterly side yard width of 1 m instead of minimum 1.2m. 2. Westerly side yard width of 0 m instead of the minimum 0.3 m. 3. Existing 7.343m front yard depth instead of a front yard of required depth. 4. The existing floor area and resulting ratio instead of gross floor area no greater than 1.7 times the lot area. 5. Minimum parking requirement of 15 parking spaces, to be shared between the severed and retained lands, instead of the minimum 1 parking space per unit.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Please refer to Planning Justification Report submitted with this application

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

Yes

No

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
9.5 m (conveyed) 22.82 m (retained)	27.5 m (conveyed) 41.94 m retained	0.11 (retained) 0.02 (conveyed)	

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
Triplex	4.532 m		0.329 m (west)	N/A
Multiple Dwelling	7.343 m			N/A
Detached garage		0.415 m	0.308 m (west)	N/A

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Triplex (retained)	4.532 m	existing	0.329 m (west)	N/A
Multiple Dwelling (retained)	7.343 m	existing	1.0 m (east)	N/A
Detached garage (retained)		0.415 m	0.308 m (west)	N/A
Multiple dwelling (severed)	4.0 m	2.2 m	1.2 m/1.2 m	TBD

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Triplex			2	
Multiple dwelling			3	
Detached garage			1	

Proposed: Existing structures to remain

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Multiple dwelling (severed)	136.75 m ²	409.3 m ²	3	13.409 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.):
 Multiple dwelling on conveyed lands; existing structures to remain on retained lands

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
 2019

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

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

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

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) 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? Multiple Dwellings, Lodges, Clubs, etc. (E/S-1594)

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:
Concurrent application HM/B-22:126

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: 12

8.2 Number of Dwelling Units Proposed: 12 existing + 7 in proposed building on severed lands

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-23:174	SUBJECT PROPERTY:	922 MAIN STREET E, HAMILTON
ZONE:	"H" (Community Shopping and Commercial and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: **Owner:** LUSO CANADIAN CHARITABLE SOCIETY
 Agent: CIANFRONE ARCHITECT INC.

The following variances are requested:

1. A maximum of 45 residents shall be permitted instead of the requirement that not more than twenty (20) residents shall be permitted for a Residential Care Facility;
2. A Residential Care Facility shall be permitted on the lands municipally known as 922 Main Street East instead of the requirement that every residential care facility emergency shelter or corrections residence shall be situated on a lot having a minimum radial separation distance of 300.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility, emergency shelter, corrections residence or correctional facility;
3. A Westerly Side Yard Setback of 0.7 metres shall be provided instead of the minimum required side yard setback of 2.7 for a building used wholly or partly for human habitation over two and a half storeys or 11.0 metres in height
4. A parking area setback of 3.0 metres from the easterly side lot line shall be provided instead of the minimum required front yard setback of 6.0 metres.

PURPOSE & EFFECT: So as to permit the construction of a six (6) storey Residential Care Facility addition to an existing building notwithstanding that:

Notes:

- i. Please be advised, insufficient information has been provided to determine yard encroachments as required under Section 18 (3)(vi) of Hamilton Zoning By-Law 6593. Should any applicable architectural features or structures exceed the permitted encroachment requirements, additional variances may be required.

HM/A-23:174

- ii. Note, no elevation drawings have been provided to determine the height of the proposed 6 storey building. It is noted that the building is indicated within the site statistics chart to be 23.05 metres from grade, where 26.0 metres is permitted. Should the height of the proposed building exceed the permitted height, additional variances may be required.
- iii. Be advised, details regarding the garbage refuse located in the rear yard have not been provided. Should the intent be to roof over the refuse enclosure it will be considered an accessory structure and it will be subject to the regulations of Section (18)(4)(v) of Hamilton Zoning By-law 6593. Otherwise, should the structure not be roofed over and enclosed the structure shall be subject to the Hamilton Fence By-Law 10-142.

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, July 27, 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 HM/A-23:174, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of



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.

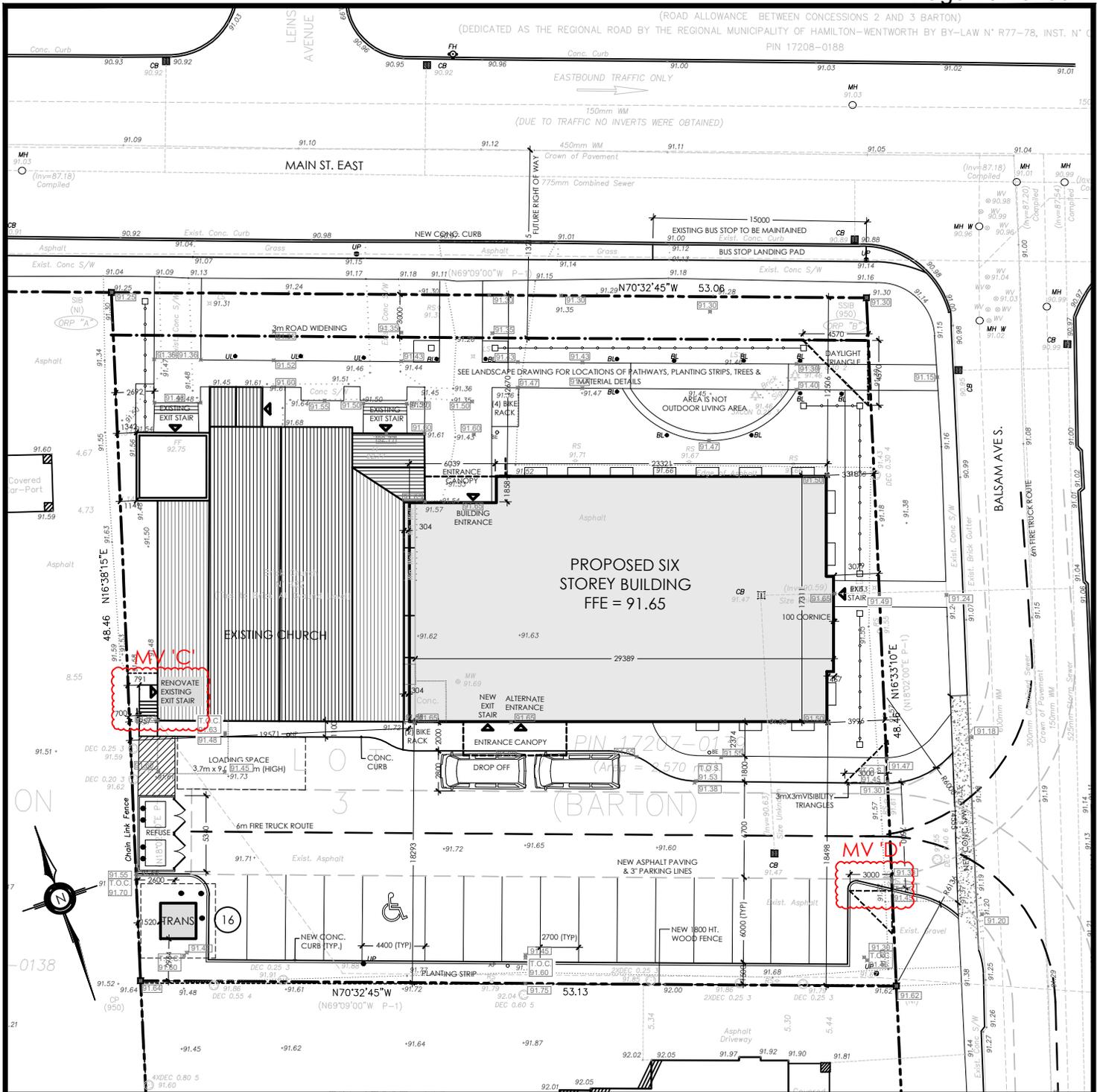
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



PROPERTY DETAILS

ADDRESS: 922 MAIN STREET EAST
 HAMILTON, ONTARIO
 ZONING: 'H'
 LEGAL: PART OF LOT 7
 DESCRIPTION: CONCESSION 3
 (GEOGRAPHIC TOWNSHIP OF BARTON)
 CITY OF HAMILTON

NET LOT AREA: ±2,570 m² (0.64 Acres)
 LOT FRONTAGE: ±53.06 m
 BUILDING AREA: ±880 m²
 BUILDING COVERAGE: 33.0%
 BUILDING HEIGHT PROPOSED: 22.85 m (6 STOREYS)
 BUILDING HEIGHT FROM GRADE: 23.05 m
 BUILDING HEIGHT PERMITTED: 26.0 m (8 STOREYS)
 LANDSCAPE AREA PROPOSED: ±1,050 m² (40.9%)

BUILDING AREA

PROPOSED AREA: ±501 m²
 EXISTING AREA: ±379 m²
 TOTAL AREA: ±880 m²

GROSS FLOOR AREA:

FLOOR LEVEL	EXISTING	PROPOSED	TOTALS
BASEMENT:	±379 m ²	±501 m ²	±880 m ²
GROUND FLOOR:	-	±501 m ²	±501 m ²
MEZZANINE:	±258 m ²	-	±258 m ²
SECOND FLOOR:	±368 m ²	±501 m ²	±869 m ²
THIRD FLOOR:	±76 m ²	±497 m ²	±573 m ²
FOURTH FLOOR:	-	±497 m ²	±497 m ²
FIFTH FLOOR:	-	±497 m ²	±497 m ²
SIXTH FLOOR:	-	±497 m ²	±497 m ²
ROOF ACCESS / MECH. RM.:	±163 m ²	±163 m ²	±163 m ²
TOTAL GFA:	±1,081 m ²	±3,654 m ²	±4,735 m ²

OF RESIDENTIAL UNITS: 5 FLOORS x 6 UNITS
 30 UNITS TOTAL (145 RESIDENTS) **MV 'A'**

REQUIRED PARKING: 1 SPACE/3 PERSONS = 15 SPACES
 PROPOSED PARKING: 16 SPACES

LOADING SPACE: 1 SPACE REQUIRED
 (3.7m x 18.0m x 4.3m HIGH)

PROPOSED SETBACKS

NORTH: 12.506 m
 SOUTH: 18.293 m
 EAST: 3.079 m
 WEST: 0.70 m

PROPOSED BICYCLE SPACES: 6 SPACES



cianfrone
architect

HAMILTON ON I N C. (905) 570 1656

project title:
 PROPOSED RESIDENTIAL CARE FACILITY
 922 MAIN ST. E., HAMILTON

drawing title:
 MINOR VARIANCE SKETCH

drawn:
 MAC
 date:
 JUNE 23 2023

checked:
 ARC
 date:
 JUNE 27 2022

scale:
 1:10,000

project number:
 SPA-21-057

DRAWING NUMBER:

SKETCH1



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 Owner Applicant
 Agent/Solicitor

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

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

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____

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

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

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

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Second Dwelling Unit Reconstruction of Existing Dwelling

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

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

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street

**APPLICATION FOR MINOR VARIANCE
922 MAIN STREET EAST, HAMILTON, ON**

3. PURPOSE OF THE APPLICATION

3.1 Nature and extent of relief applied for:

As per received "Applicable Law Review – Zoning Bylaw, June 13, 2023":

- A. Increase of residents to (45), as only a maximum of (20) is permitted.
- B. Relief for proximity of the proposed use as a Residential Care Facility, as "Every Residential care facility shall be situated on a lot having a minimum radial separation distance of 300.0m from (...) any other lot occupied by a residential care facility (...)"
- C. A westerly side yard setback of 0.7 meters, whereas a minimum westerly side yard setback of 2.7 meters is required.
- D. A parking area setback of 3.0 meters from the easterly side lot line, whereas a 6.0 meters setback is required.

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

- A. There is a need for residential care facilities for individuals & families living with physical and/or developmental disabilities.
- B. *As per "Applicable Law Review – Zoning Bylaw, June 13, 2023"*, as there are (2) existing residential care facilities less than 300.0m from this site.
- C. The existing church building erected in 1924 has an existing exit stair (at southwest corner) which needs to be maintained as an exit.
- D. The proposed parking area is located 3.0 metres from the easterly side lot line to maximize required parking stalls.

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

Existing:

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

Proposed:

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

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

Existing:

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

Proposed:

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

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

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

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

- ditches
- other means (specify)
-

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

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

4.7 Type of access: (check appropriate box)

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

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

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

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

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

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

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

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

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

- Yes No

If yes, please provide the file number:

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

Yes No

If yes, please provide the file number:

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

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: _____

8.2 Number of Dwelling Units Proposed: _____

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 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-23:165	SUBJECT PROPERTY:	198 HAWKSWOOD TRAIL, HAMILTON
ZONE:	"R1" (Low Density Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 22-197

APPLICANTS: **Owner:** SCOTT DUNCAN
 Agent: CHARLES MACPHAIL

The following variances are requested:

1. The proposed rear deck shall be permitted to encroach a maximum of 4.5 m into the required 7.5 m rear yard instead of the maximum permitted encroachment of 1.5 m.

PURPOSE & EFFECT: To facilitate the construction of a deck attached to the rear of the existing 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, July 27, 2023
TIME:	9:40 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

HM/A-23:165

- 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.

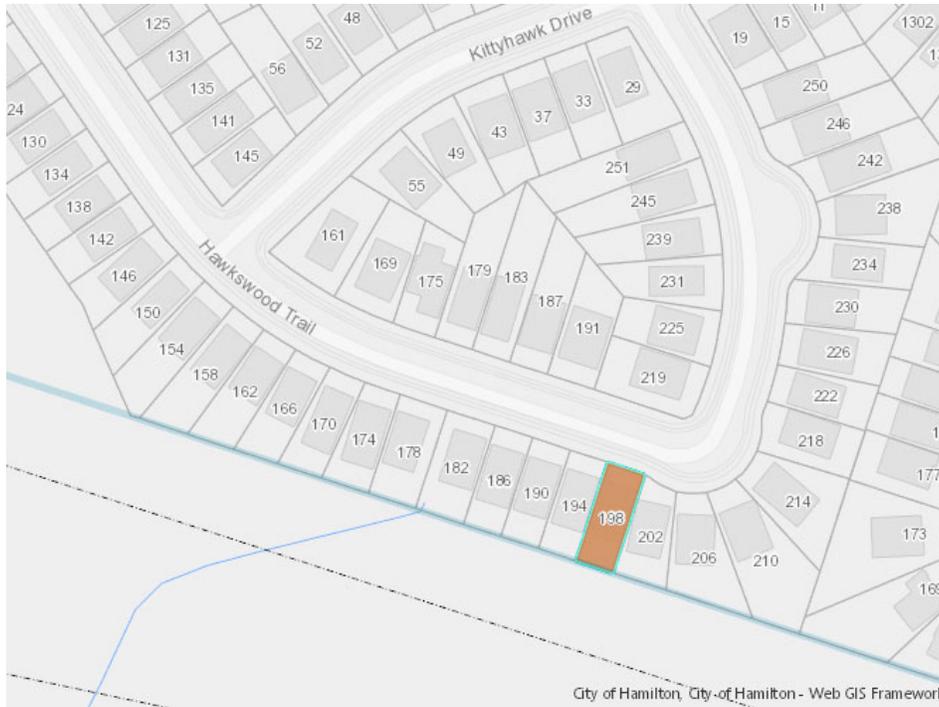
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:165, 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-23:165



 Subject Lands

DATED: July 11, 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.

DRAWINGS FOR A NEW DECK TO A SINGLE FAMILY DWELLING 198 HAWKSWOOD TRAIL HAMILTON, ONTARIO

SCOPE OF WORK

- NEW 5.6m² COVERED REAR DECK TO REPLACE EXISTING
- NEW 27.9m² REAR DECK

~ HAWKSWOOD TRAIL ~

1 GENERAL NOTES

- ALL CONSTRUCTION TO COMPLY WITH THE 2012 ONTARIO BUILDING CODE, AS AMENDED, AND ALL APPLICABLE LOCAL AND MUNICIPAL BY-LAWS AND REGULATIONS.
- THESE DRAWINGS DO NOT INCLUDE ANY ELECTRICAL WORK THAT MAY BE REQUIRED.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL WORK ON SITE WITH OTHER SUBCONTRACTORS TO PREVENT CONFLICTS.
- PRIOR TO THE START OF THE WORK, THE CONTRACTOR IS RESPONSIBLE FOR MAKING ARRANGEMENTS WITH THE CONSULTANT FOR THEIR REVIEW AS PER THE CONSULTANT'S REQUIREMENTS.
- FOR PROJECTS THAT REQUIRE DEMOLITION AND/OR RENOVATION WORK, THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND EXISTING CONSTRUCTION. SHOULD A DISCREPANCY BE FOUND THE CONTRACTOR IS TO REPORT THEIR FINDINGS TO THE DESIGNER BEFORE PROCEEDING.
- PRIOR TO THE START OF THE WORK, THE CONTRACTOR IS RESPONSIBLE FOR MAKING ARRANGEMENTS TO OBTAIN LOCATES FOR ALL UTILITIES THAT MAY BE IN THE AREA OF WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES DURING CONSTRUCTION OR DUE TO ITS CONSTRUCTION ACTIVITIES.
- THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AND NOTIFY THE DESIGNER OF ANY CONTEMPLATED DEVIATIONS FROM THESE DRAWINGS TO SUIT SITE CONDITIONS PRIOR TO MAKING CHANGES.
- ANY PROPOSED DEVIATION FROM THESE DRAWINGS THAT WOULD BE CONSIDERED A MATERIAL CHANGE SHALL BE SUBMITTED TO THE DESIGNER FOR REVIEW AND APPROVAL, AND THEN TO THE AUTHORITY HAVING JURISDICTION FOR REVIEW AND APPROVAL, PRIOR TO THE CHANGES BEING CARRIED OUT.
- REQUIRED INSPECTIONS BY THE AUTHORITIES HAVING JURISDICTION TO BE ARRANGED BY THE CONTRACTOR. ALL INSPECTIONS TO BE CARRIED OUT, AND THE CONSTRUCTION APPROVED, BEFORE PROCEEDING TO THE NEXT STAGE.
- ACCESS TO EXITS AND STAIRWAYS SHALL BE MAINTAINED FREE OF DEBRIS AND ACCESSIBLE AT ALL TIMES.

- POSITIVE DRAINAGE SHALL BE PROVIDED THROUGHOUT THE SITE AT ALL TIMES DURING THE CONSTRUCTION.
- UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. THE CONTRACTOR IS TO PROVIDE ALL NECESSARY BRACING AND SHORING REQUIRED FOR STRESSES AND INSTABILITY OCCURRING FROM ANY CAUSE DURING CONSTRUCTION. THE CONTRACTOR SHALL ACCEPT FULL RESPONSIBILITY FOR ALL SUCH MEASURES. IT WILL ALSO BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING SHORING SHEET PILING OR OTHER TEMPORARY SUPPORTS TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THE WORK.
- ALL DESIGN, DETAILING, CONSTRUCTION, AND SHORING MUST CONFORM TO THE PRESENT ONTARIO BUILDING CODE, OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS. LATEST ADDITION. ALL ASSOCIATED COSTS FOR THE DESIGN SUPPLY AND INSTALLATION OF TEMPORARY SHORING ARE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- REVIEW OF SHOP DRAWINGS BY THE DESIGNER IS ONLY TO ASSESS THAT SUBMITTED SHOP DRAWINGS REFLECT THE INTENT OF THE DESIGN.
- REVIEW BY THE CONSULTANT SHALL NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY FOR SEEING THAT THE WORK IS COMPLETE, ACCURATE, AND IN CONFORMITY WITH THE DRAWINGS AND SPECIFICATIONS.
- ALL AREAS SHOWN ON PLAN WHICH ARE DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO THEIR ORIGINAL CONDITION OR BETTER. GRASSED AREAS SHALL BE RESTORED WITH NEW SOD ON MINIMUM 6" OF TOP SOIL.
- ALL DEBRIS SHALL BE REMOVED FROM THE SITE AND LEGALLY DISPOSED OF.
- TYPICAL DETAILS SHALL BE USED WHERE SPECIFIC DETAILS ARE NOT SHOWN ON THE DRAWINGS.

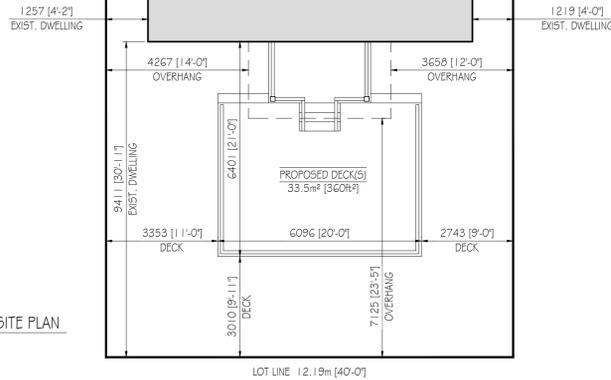
2 CONSTRUCTION NOTES

- IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT ANY NECESSARY SHORING OR TEMPORARY SUPPORTS THAT MAY BE REQUIRED ARE INSTALLED PRIOR TO THE START OF ANY WORK.
- NEW FOOTINGS TO BEAR ON UNDISTURBED SOILS WITH A MINIMUM BEARING CAPACITY OF: 100 kPa (SL5) 150 kPa (UL5)
- ALL CONCRETE IN ACCORDANCE WITH CSA A23.1:19A23.2:19 "CONCRETE MATERIALS AND METHODS OF CONCRETE CONSTRUCTION TEST METHODS AND STANDARD PRACTICES FOR CONCRETE".
- PLACEMENT AND CURING OF CONCRETE UNDER HOT WEATHER (MORE THAN 27°C) AS PER CLAUSE 7.5 "ENVIRONMENTAL PROTECTION" OF CAN/CSA-A23.1:19/23.2:19.
- SUPPLY AND PLACE CONCRETE IN ACCORDANCE WITH TABLE 1, THIS PAGE.
- CONTRACTOR TO PROVIDE STEEL SHOP DRAWINGS TO DESIGNER FOR REVIEW AND APPROVAL PRIOR TO ANY FABRICATION.
- STRUCTURAL STEEL ROLLED SHAPES # HSS TO MEET THE REQUIREMENTS OF CAN/CSA G40.21-04, GRADE 350W. STEEL PLATES TO BE GRADE 300W.
- FABRICATION AND ERECTION SHALL BE IN COMPLIANCE WITH CSA S16.1. WELDING TO BE PERFORMED BY A COMPANY CERTIFIED TO CSA W47.1 IN EITHER DIVISION 1 OR DIVISION 2. ALL WELDING TO CSA W59-03.
- STRUCTURAL STEEL TO BE PRIMED, PAINTED, OR OTHERWISE PROTECTED FROM CORROSION.
- WHERE NOT INDICATED ON DRAWINGS, MINIMUM CONCRETE COVER FOR REINFORCING STEEL SHALL BE AS FOLLOWS:
 - ALL STEEL NOT CAST IN FORMS PERMANENTLY AGAINST EARTH OR ROCK AND IN NON-CORROSIVE ENVIRONMENTS, COVER TO BE 75 mm (3").
 - ALL STEEL CAST IN FORMS SHALL CONFORM TO TABLE 2, THIS PAGE.
- SEE DRAWINGS FOR ADDITIONAL NOTES.

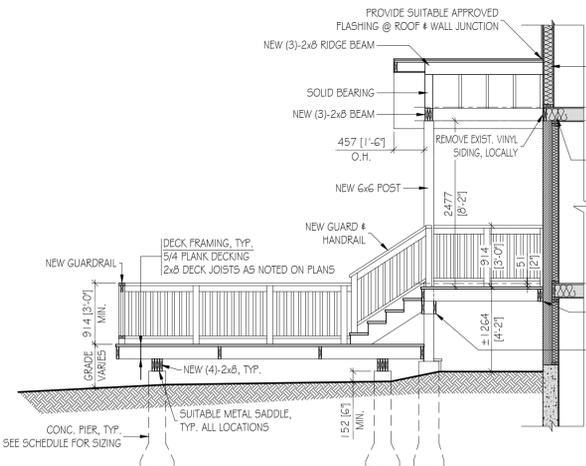
LOCATION	MIN COMPRESSIVE STRENGTH (f _{cd}) AT 28 DAYS (MPa) (PSI)	SUMP (mm (in))	EXPOSURE CLASS	AIR CONTENT (%)
FND. WALL (STRIP) FOOTING AND SPREAD FOOTINGS	25 (3500)	80 ± 30 (3 ± 1)	R-1	0
FND. WALLS, PIERS ABOVE GRADE WALLS RETAINING WALLS	35 (5000)	80 ± 30 (3 ± 1)	R-2	5-8
SIDEWALK/CURBS PAVING SLABS, EXTERIOR CONC.	35 (5000)	40 ± 20 (1 1/2 ± 3/4)	C-2	5-8
HOUSEKEEPING PADS	25 (3500)	80 ± 30 (3 ± 1)	N	0
NON-SHRINKABLE GROUT	30	AS PER MANUF. RECOMM.	N	0
LEAN MIX CONCRETE	8 (1000)	80 ± 30 (3 ± 1)	N	0
TOPPING	25 (3500)	50 ± 25 (2 ± 1)	N	0

STRUCTURAL ELEMENT	COVER (mm (in))	STRUCTURAL ELEMENT	COVER (mm (in))
CONCRETE POURED IN FORMS BUT EXPOSED TO WEATHER OR EARTH		CONCRETE NOT EXPOSED TO WEATHER OR EARTH	
BARS LARGER THAN 15M	50(2")	SLABS AND WALLS	25(1")
BARS 15M AND SMALLER	35(1 1/2")	BEAMS AND GRIDDERS	35(1 1/2")
PIES & OTHER ELEMENTS POURED AGAINST EARTH	75(3")	COLUMNS MAIN STEEL	50(2")

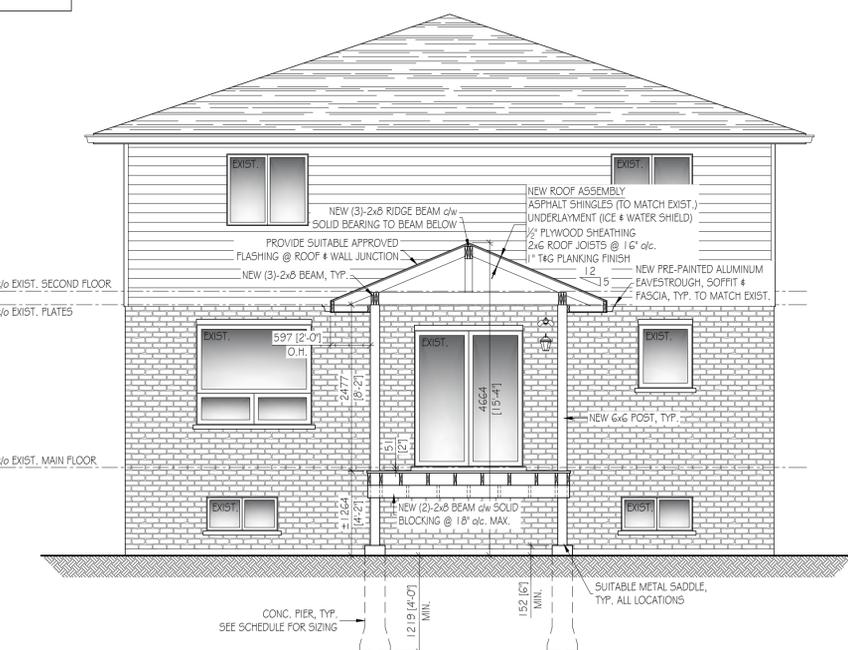
3 PROPOSED SITE PLAN
SCALE: 1:100



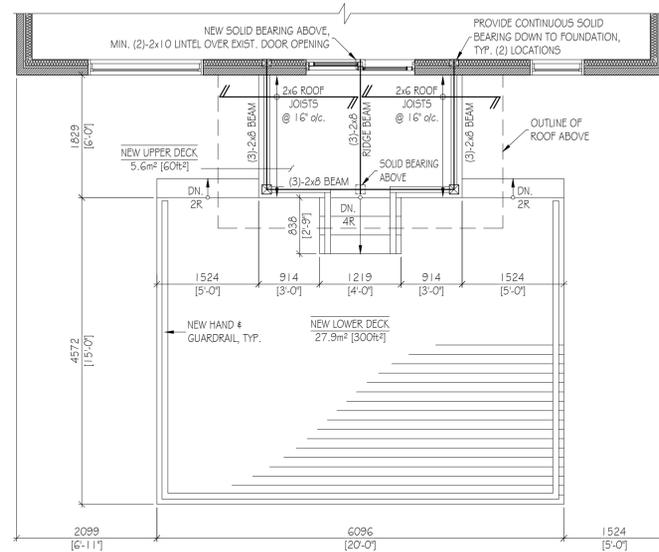
6 LOWER DECK CROSS SECTION
SCALE: 1:50



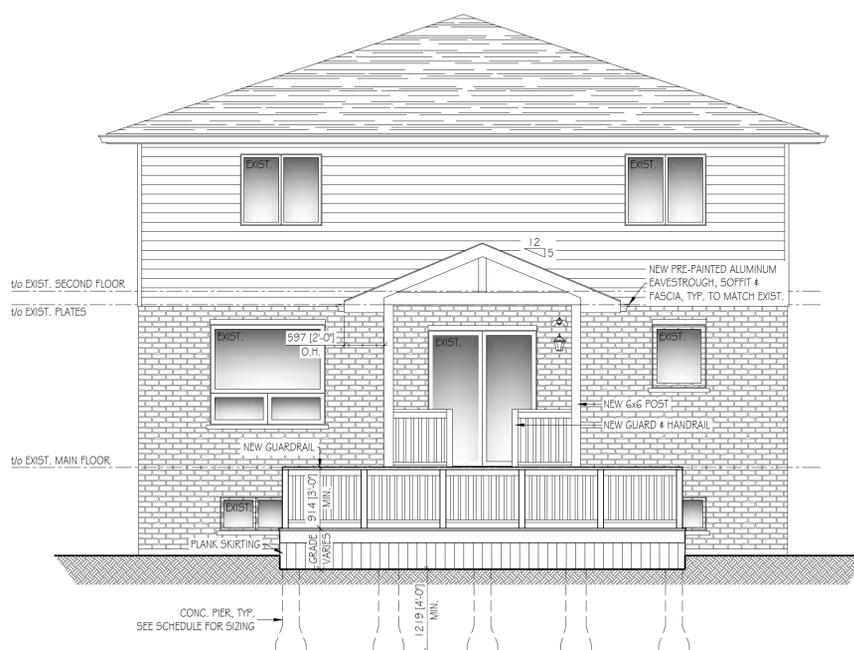
6 UPPER DECK CROSS SECTION
SCALE: 1:50



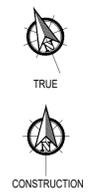
4 FOUNDATION PLAN w/ DECK FRAMING ABOVE
SCALE: 1:50



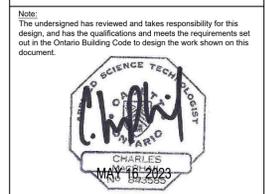
5 DECK FINISH PLAN w/ ROOF FRAMING ABOVE
SCALE: 1:50



7 REAR (SOUTH) ELEVATION
SCALE: 1:50



CHARLES LINSEY & ASSOCIATES LIMITED
37 Main Street South, P.O. Box 1479, Waterdown, ON L0R 2H0
Tel: (905) 548-7407, Info@charleslinsey.com, www.charleslinsey.com



CHARLES MacPHAIL, CHARLES LINSEY & ASSOCIATES LIMITED, BCIN# 25723, BCIN# 41983

LEGEND
EXISTING ASSEMBLY / CONSTR. TO REMAIN

TYPICAL NOTES

STAIRS (AS PER O.B.C. 9.8.8)

- RISE - MIN. 4 1/2", MAX. 7 1/2"
- RUN - MIN. 10", MAX. 14"

HANDRAILS (AS PER O.B.C. 9.8.7)

- MIN. 2'-10" HIGH, MAX. 3'-6" HIGH
- OPENINGS BETWEEN PICKETS TO BE LESS THAN 4"

GUARDS (AS PER O.B.C. 9.8.8)

- MIN. 2'-11" HIGH, U.N.D.
- OPENINGS BETWEEN PICKETS TO BE LESS THAN 4"

PIER / FOOTING SCHEDULE

NEW 6x6 WOOD POST w/ SUITABLE METAL SADDLE ON 1'0" Ø CONC. PIER c/w 1'8" Ø BELLED FOOTING, MIN. 4'-0" BELOW GRADE

NEW 6x6 WOOD POST w/ SUITABLE METAL SADDLE ON 1'2" Ø CONC. PIER c/w 1'6" Ø BELLED FOOTING, MIN. 4'-0" BELOW GRADE

REV.	DESCRIPTION	DATE
0	FOR BUILDING PERMIT APPLICATION	MAY 16/23

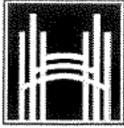
client: HOME OWNER

project: 198 HAWKSWOOD TRAIL, HAMILTON, ONTARIO

PROJECT No. 23-100

title: SCOPE OF WORK, GENERAL & CONSTRUCTION NOTES, SITE PLAN, PLANS, DECK CROSS SECTIONS / ELEVATIONS

drawn	G.D.	checked	C.M.
date	MAY 2023	scale	AS NOTED
revision number	0	drawing number	AO



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



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	198 HAWKSWOOD TRAIL		
Assessment Roll Number	08110201398		
Former Municipality	HAMILTON		
Lot	25	Concession	
Registered Plan Number	62M837	Lot(s)	LT500787
Reference Plan Number (s)	62R-14396	Part(s)	1,2,3,4,5,6 & 7

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 A 3m REAR YARD SETBACK
FROM THE REQUIRED 6m FOR A DECK

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

CONSTRUCTING A REASONABLY SIZED DECK RELATIVE TO THE BACKYARD SIZE THAT IS SITUATED LOW TO THE GROUND TO PREVENT ONLOOK AND PRIVACY TO AND FROM NEIGHBOURING PROPERTIES. THE HEIGHT FROM MAIN FLOOR TO GRADE AT THE REAR IS SUBSTANTIAL WHICH REQUIRES A NUMBER OF STEPS TO GET DOWN AND THEREFORE REQUIRING A GREATER DECK DEPTH OVERALL.

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
12.19	32	390.08	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
DWELLING	±6.5	9.41	1.26 & 1.22	07/01/2000

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
DECK	N/A	3.01	3.35 & 2.74	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
DWELLING	~150	~230	2	~7.5

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
DECK	N/A	33.5	N/A	VARIES (1'-8" TO 4'-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 DWELLING

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

~2000

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:

~23

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

7.6 What is the existing zoning of the subject land? R1

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.:	SC/A-23:28	SUBJECT PROPERTY:	394 WINONA ROAD, STONEY CREEK
ZONE:	"C6, 727" (District Commercial Zone)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 19-062

APPLICANTS: **Owner:** 2782488 ONTARIO INC.
 Agent: IBI GROUP C/O JARED MARCUS

The following variances are requested:

1. A maximum street line setback of 17.5 m shall be permitted instead of the maximum permitted street line setback of 4.5 m;
2. A minimum rear yard of 1.4 m shall be permitted instead of the required minimum 6.0 m rear yard;
3. Parking, stacking lanes, or aisles shall be permitted to be located between the building façade and the front lot line, instead of the requirement that no parking, stacking lanes or aisles be located between the front façade and front lot line.
4. No principal entrance shall be provided within the ground floor façade that is setback closest to a street and has direct access to the public sidewalk shall be required, instead of the requirement that one principal entrance be located within the ground floor façade setback closest to the street and having direct access from the public sidewalk.
5. Accessory buildings and structures (vacuums) shall be permitted within the front yard instead of the requirement that no accessory building or structure be located within a front yard.
6. To permit an Accessory Building to be located 4.9m from a front lot line.

PURPOSE & EFFECT: To permit the construction of a new motor vehicle washing establishment.

Notes:

- i. These variances are necessary to facilitate Site Plan Control Application No. DA-21-155.

SC/A-23:28

- ii. Please be advised as per a previous interpretation Railway Street is not a public Right-of-Way. As such, the subject lands cannot be considered “Corner Lot” in accordance with the definition in the Zoning By-law.
- iii. Variance No. 6, concerning a minimum front yard setback for an accessory building, has been included as requested by the applicant but this variance is not required. The Zoning By-law does not require a minimum accessory building setback from a front lot line. The Zoning By-law prohibits locating an accessory building within a front yard and relief from this restriction is requested under Variance No. 5.

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, July 27, 2023
TIME:	9:45 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-23:28, 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.

SC/A-23:28

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: July 11, 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.

GENERAL NOTES:

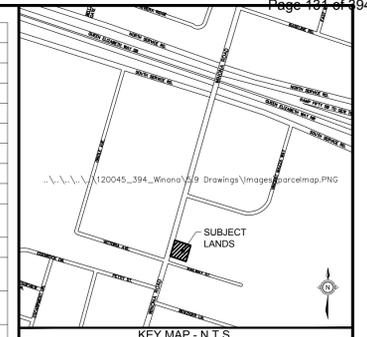
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE 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:
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT
 - BUILDING PERMITS
 - SEWER PERMITS
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)

UTILITY NOTES:

- THE OWNER/APPLICANT TO CONTACT ALECTRA UTILITIES ENGINEERING DESIGN DEPARTMENT AT 905-521-4907.
- RELOCATION, MODIFICATION, OR REMOVAL OF ANY EXISTING HYDRO FACILITIES SHALL BE AT THE OWNER'S EXPENSE. PLEASE CONTACT ALECTRA UTILITIES TO FACILITATE THIS.
- DEVELOPERS SHALL BE RESPONSIBLE FOR THE COST OF CIVIL WORK ASSOCIATED WITH DUCT STRUCTURES, TRANSFORMER FOUNDATIONS, AND ALL RELATED DISTRIBUTION EQUIPMENT.
- DEVELOPER TO ACQUIRE AN EASEMENT, IF REQUIRED.
- CALL BEFORE YOU DIG - ARRANGE FOR UNDERGROUND HYDRO CABLE LOCATE(S) BEFORE BEGINNING CONSTRUCTION BY CONTACTING ONTARIO ONE CALL AT 1-800-400-2255.

- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
- 3 METRE BY 3 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.60 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
- THIS PROPERTY IS ELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE THROUGH THE CITY OF HAMILTON. WASTE WILL BE MANAGED THROUGH A PRIVATE COMPANY.
- ALL SIGNAGE MUST COMPLY WITH THE CITY OF HAMILTON SIGN BY-LAW No. 10-197.
- ALL FENCES MUST COMPLY WITH THE CITY OF HAMILTON FENCE BY-LAW No. 10-142.
- A MINIMUM OF 1.2m SEPARATION MUST BE PROVIDED WITHIN THE CITY'S ROAD ALLOWANCE AREA BETWEEN A DRIVEWAY AND ANY UTILITY POLE, TREE, TRAFFIC SIGN, ETC. ANY COST FOR TRAFFIC SIGNS OR UTILITY RELOCATION ARE THE SOLE RESPONSIBILITY OF THE APPLICANT/OWNER.

ZONING DETAILS			
CURRENT ZONING	C6-727 - DISTRICT COMMERCIAL WITH SPECIAL EXCEPTION		
PERMITTED USES	MOTOR VEHICLE SERVICE STATION & WASHING ESTABLISHMENT		
PROVISIONS	REQUIRED	PROVIDED	VARIANCE
BUILDING SETBACK FROM A STREET LINE	MINIMUM 1.5m	17.27m	NO
	MAXIMUM 4.5m	17.27m	YES
MINIMUM REAR YARD	6.0m	1.44m	YES
MINIMUM INTERIOR SIDE YARD	1.5m	5.33m	NO
MAXIMUM HEIGHT	14.0m	3.66m	NO
MAXIMUM GROSS FLOOR AREA FOR INDIVIDUAL COMMERCIAL USE	10,000.0m²	±152m²	NO
BUILT FORM FOR NEW DEVELOPMENT			
MIN. WIDTH OF GROUND FLOOR FACADE	40% = 23.16m x 40% = 9.26m	19.49m = 84.1%	NO
NO PARKING/AISLE BETWEEN FACADE AND STREET LINE	NOT PERMITTED	PROVIDED	YES
MIN. OF ONE PRINCIPLE ENTRANCE ACCESSIBLE FROM STREET	REQUIRED	NOT PROVIDED	YES
PARKING REQUIREMENTS			
MIN. NUMBER OF PARKING SPACES ±152m² GFA	1/30.0m² and 2/BAY = 11 SPACES	12 SPACES	NO
3 MANUAL BAYS			
BARRIER FREE PARKING	1 SPACE	1 SPACE	NO
PARKING SETBACK TO A STREET LINE	3.0m	WINONA ROAD = 4.67m	NO
PLANTING STRIP ABUTTING A STREET LINE	3.0m	WINONA ROAD = 3.0m	NO
SHORT TERM BICYCLE PARKING	5 SPACES	6 SPACES	NO
ACCESSORY BUILDINGS			
LOCATION WITHIN A FRONT OR FLANKAGE YARD	NOT PERMITTED	PROPOSED	YES
MAX. HEIGHT	4.5m	<4.5m	NO
MAX. GFA	18m²	3.3m²	NO
MIN. YARD SETBACK			
FRONT YARD:	NOT PERMITTED	4.92m	YES
REAR YARD:		0.6m	NO
SIDE YARD:		0.6m	NO
FLANKAGE YARD:		1.5m	NO



KEY MAP - N.T.S.

LEGEND

DESCRIPTION	REQUIREMENT	PROVIDED	VARIANCE
MIN. WIDTH OF GROUND FLOOR FACADE	40% = 23.16m x 40% = 9.26m	19.49m = 84.1%	NO
NO PARKING/AISLE BETWEEN FACADE AND STREET LINE	NOT PERMITTED	PROVIDED	YES
MIN. OF ONE PRINCIPLE ENTRANCE ACCESSIBLE FROM STREET	REQUIRED	NOT PROVIDED	YES
MIN. NUMBER OF PARKING SPACES ±152m² GFA	1/30.0m² and 2/BAY = 11 SPACES	12 SPACES	NO
BARRIER FREE PARKING	1 SPACE	1 SPACE	NO
PARKING SETBACK TO A STREET LINE	3.0m	WINONA ROAD = 4.67m	NO
PLANTING STRIP ABUTTING A STREET LINE	3.0m	WINONA ROAD = 3.0m	NO
SHORT TERM BICYCLE PARKING	5 SPACES	6 SPACES	NO
LOCATION WITHIN A FRONT OR FLANKAGE YARD	NOT PERMITTED	PROPOSED	YES
MAX. HEIGHT	4.5m	<4.5m	NO
MAX. GFA	18m²	3.3m²	NO
MIN. YARD SETBACK			
FRONT YARD:	NOT PERMITTED	4.92m	YES
REAR YARD:		0.6m	NO
SIDE YARD:		0.6m	NO
FLANKAGE YARD:		1.5m	NO



NOT FOR CONSTRUCTION

SOURCE: TOPOGRAPHIC SURVEY COMPLETED BY A.J. CLARKE AND ASSOCIATES LTD. DATED 2019-12-10.

ARCHITECTURAL BUILDING DESIGN AND SITE LAYOUT OBTAINED FROM CHARLES LINSEY & ASSOCIATES DWG No. 20-168, DATED JUNE 2021.

BENCHMARK: MONUMENT No. 07720100036 RIB WITH BRASS CAP

MONUMENT IS LOCATED AT THE EAST SIDE OF MAHONY PARK, ~90.0m NORTH OF THE CENTRE LINE OF BAYTON STREET EAST, ~15.0m NORTH OF THE CENTRE LINE OF GOGGIN AVENUE AND ~16.0m WEST OF THE CENTRE LINE OF ADELINA AVENUE.

ELEVATION = 86.893 CGVD 28

SCALE: 1:125 (m)

DESIGN BY: CHARLES LINSEY CHECKED BY: T. TUCKER
 DRAWN BY: J. MARCUS DATE: 2021-08-10

NO.	DATE	BY	DESCRIPTION
3	2023-02-10	JM	MINOR VARIANCE APPLICATION
2	2022-06-28	JM	SECOND SITE PLAN SUBMISSION
1	2021-08-10	JM	FIRST SITE PLAN SUBMISSION

DRAWING ISSUE RECORD

NO.	DATE	BY	DESCRIPTION

APPROVALS

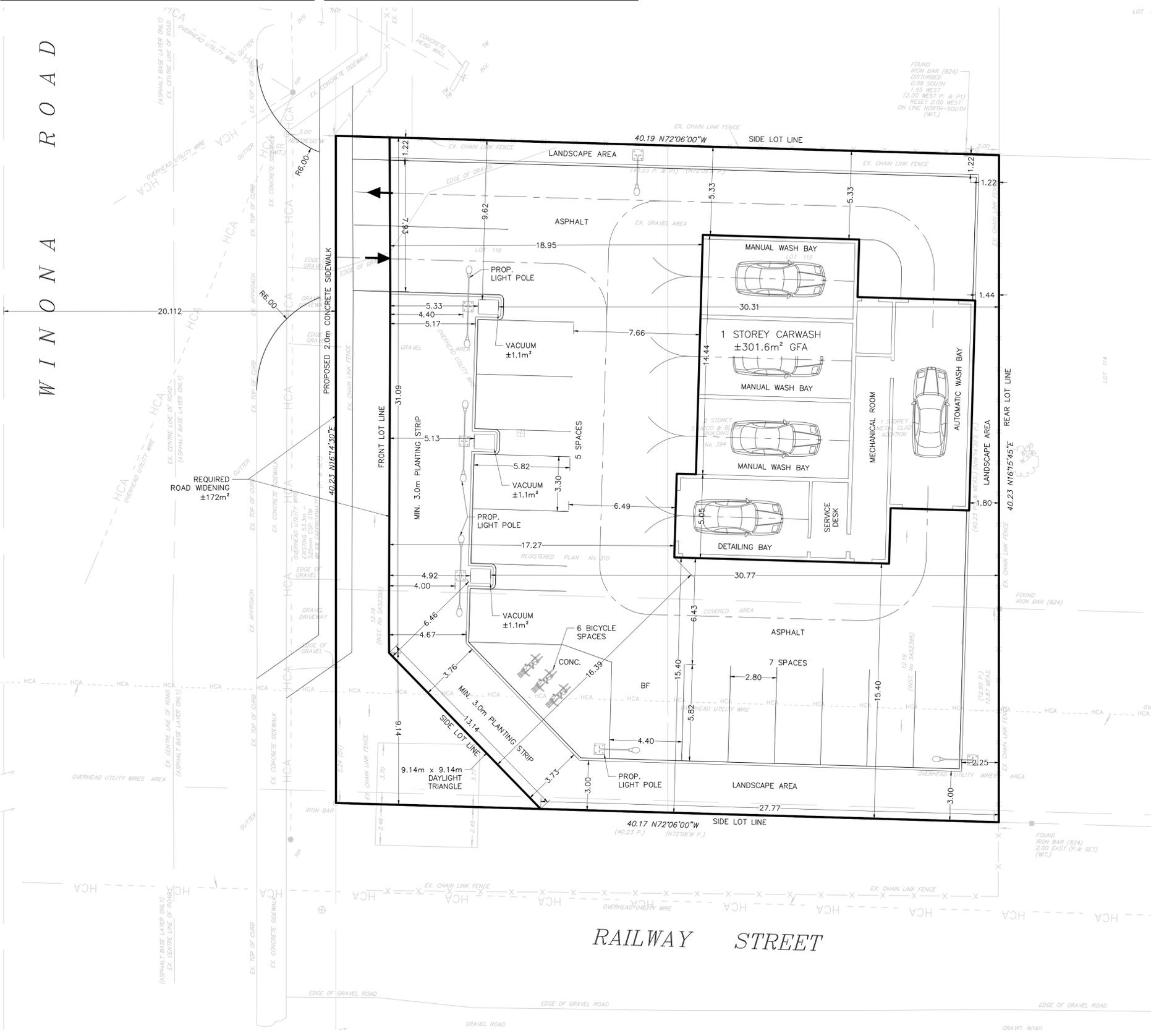
IBI GROUP
 200 East Wing-360 James Street North
 Hamilton ON L8L 1H5 Canada
 tel 905 546 1010 fax 905 546 1011
 ibigroup.com

2782488 ONTARIO INC.

PROPOSED CAR WASH
 394 WINONA ROAD
 STONEY CREEK, ON

SITE PLAN
 DA-21-155

FILE NUMBER: 133197 SHEET NUMBER: SP1



UNDERTAKING RE: 394 Winona Road, Stoney Creek
 File No. DA-21-155

We, 2782488 Ontario Inc., the owner 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 _____, 2022;

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

(d) In the event that the Owner does not comply with the plan dated _____, 2022, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

(e) "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 Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Dated this ____ day of _____, 2022

Witness (signature) _____ Owner(s) (signature) _____
 Witness (print) _____ Owner(s) (print) _____
 Address of Witness _____

394 Winona Road, Stoney Creek Minor Variance List

1. S.10.6.3(a)(ii): To permit a maximum building setback from street line of 17.5m, whereas 4.5m is required;
2. S.10.6.3(b): To permit a minimum rear yard of 1.4m, whereas 6.0m is required;
3. S.10.6.3(g)(vi): To permit parking, stacking lanes, or aisles to be located between a building façade and the front and flankage lot line;
4. S.10.6.3(g)(vii): That no principal entrance shall be provided within the ground floor façade, and no direct access to the public sidewalk is required;
5. S.4.8(b): To permit an Accessory Building (Vacuums) to be located within front yard; and,
6. S.4.8.3(a): To permit an Accessory Building to be located 4.9m from a front lot line.



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

IBI GROUP

February 8, 2023

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

Dear Ms. Sheffield:

394 WINONA ROAD, STONEY CREEK - MINOR VARIANCE APPLICATION

On April 10th, 2019, Arcadis IBI Group submitted a Formal Consultation application to construct a single-storey, 152 square metre car wash facility, including two in-bay car washes, two self-serve car washes, drive through, with 12 surface parking spaces (herein referred to as the “proposed development”) at 394 Winona Road, Stoney Creek (herein referred to as the “subject lands”). The Formal Consultation document confirmed that a Site Plan and Minor Variance application would be required to implement the proposal.

On August 13th, 2021, a Site Plan application was submitted to construct the proposed development. It was noted that at the time, a formal Minor Variance application would be submitted after Conditional Site Plan Approval was issued. On September 13th, 2022, Municipal staff provided revised comments on the Site Plan application, stating that staff cannot support minor variances to permit the site-layout as proposed.

The applicant, their Architect, and Arcadis IBI Group reviewed the staff comments and worked towards a revised site layout that sought to eliminate completely or remove as many variances as possible, including options that brought the proposed building up to the streetline. Unfortunately these options were neither acceptable to City staff, nor the owner, and as such, Arcadis IBI Group has been retained by the Client to prepare and submit a Minor Variance application for the above noted property and proposed development, prior to conditional Site Plan approval.

1.0 SITE LOCATION AND CONTEXT

The subject lands are municipally known as 394 Winona Road, Stoney Creek and are located along the east side of Winona Road between the intersections of Vince Mazza Way and Victoria Avenue, illustrated in **Figure 1**. The subject lands are legally described as Lots 115 & 116 in Plan 310, subject to the instrument SA52395 in the Geographic Township of Stoney Creek, within the City of Hamilton. Currently, the subject lands have a frontage of approximately 40 metres along Winona Road, a frontage of approximately 40 metres along Railway Street (which is an unimproved right-of-way, but has been determined to function as a right-of-way) with a lot area of approximately 1,610 square metres.

Currently, the subject lands contain a vacant derelict two-storey stucco and brick building, which is approximately 527 square metres in size, and a small gravel driveway and parking area. The subject lands are also encumbered by an easement in favour of Hydro One Networks Inc. (“HONI”) and a transmission tower that is located partially straddling the southerly lot line. **Figure 2** below shows a Google Streetview image looking east at the subject lands.

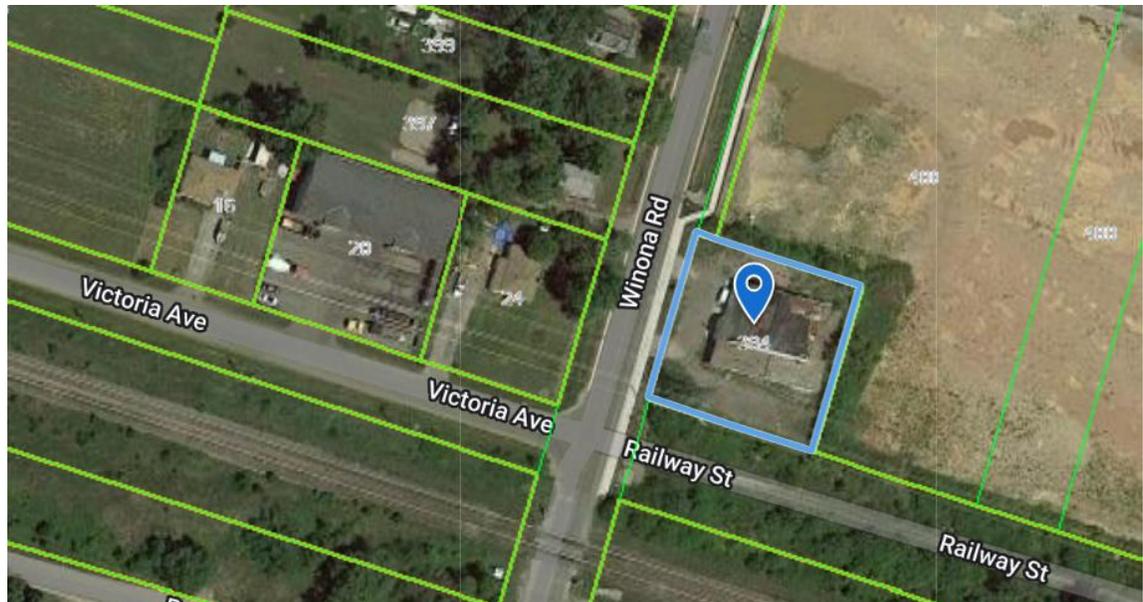


Figure 1: Aerial View of the Subject Lands, Retrieved from Geowarehouse



Figure 2: Street-View of Subject Lands, Retrieved from Google Streetview

2.0 PROPOSED MINOR VARIANCES

The subject lands are zoned "District Commercial" (C6, 727) Zone in the City of Hamilton Zoning By-law 05-200 (the "Zoning By-law") as amended by By-law 19-062. The subject lands are located along Railway Street, which is an unimproved right of way, but has been determined to function of a right of way for the purposes of the Zoning By-law. As seen on the Site Plan provided, the frontage along Railway Street has been determined to be 'flankage lot line', while the frontage along Winona Road is considered the 'front lot line' as confirmed by municipal staff in the comments provided.

In the context of establishing the proposed development, the following variances have been identified based on our review and interpretation of the Zoning By-Law:

1. A maximum front yard setback of 17.5 metres shall be provided, instead of the maximum front yard setback required of 4.5 metres;
2. A minimum rear yard setback of 1.4 metres shall be provided, instead of the minimum rear yard setback required of 6.0 metres;
3. A drive aisle and parking between a facade and street line shall be permitted, whereas the Zoning By-Law does not permit one; and
4. A minimum of one principal entrance to a building accessible from street shall not be required, whereas the Zoning By-Law does require one;
5. The location of accessory buildings (vacuums) within the front yard shall be permitted, whereas the Zoning By-law does not permit accessory buildings in the front yard.

Planning Act Section 45 (1) Compliance

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

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

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

2.1 Variance 1: Maximum Front Yard Setback

The current zoning requires a maximum front yard setback of 4.5 metres. The proposed development requires a variance to permit an increased maximum front yard setback of 17.5 metres.

1. Is the Variance Minor in Nature?

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance. It is our opinion that the requested minor variance to the maximum front yard setback is minor in nature, as it does not impact the overall character of the neighbourhood.

At 400 Winona Road, located immediately north of the subject lands, a Minor Variance application was approved for an expansion to the existing shopping centre in which the rear of one of the buildings will face Winona Road. While the application dealt with parking allocation, the Site Plan drawings included with the application show a commercial building that appears to be setback slightly more than 5 metres from Winona Road, separated from the street line by a planting strip. While the proposed use of 400 Winona Road means that it is subject to a different set of policy requirements, the intent of that proposal will not contribute to the stated goal to provide a strong pedestrian orientation along the street given that the rear of a commercial building, despite any attention given to the façade design, does not provide for any opportunity for pedestrian interaction.

Furthermore, the lands on west side of Winona Road are zoned and designated for Prestige Business uses. The Prestige Business Park zone category on these lands requires a minimum yard setback abutting a street (i.e., Winona Road) of 6.0 metres and

a maximum of 27.0 metres. Further, the Industrial zoning regulations do not prohibit parking and drive aisles between a building and a street line, and a typical development scenario would see an industrial use separated from the street line by as much as 20m to facilitate parking and access. This type of interface can be seen along the South Service Road business area just northwest of the subject lands.

Therefore, the future development context within this section of Winona Road will not have a continuous pedestrian orientation, and the requested variance of an increased maximum front yard setback will not cause any adverse impacts on the area.

2. Is the Variance Desirable and Appropriate?

As mentioned above, the future use of adjacent properties will consist of increased setbacks from Winona Road and include uses that do not provide direct pedestrian interaction with the street. The requested variance is desirable and appropriate as it will be compatible with the future neighbourhood built-form.

3. Does The Variance Maintain The General Intent And Purpose Of The Official Plan?

The subject lands are designated 'District Commercial' in the Urban Hamilton Official Plan on Schedule E-1 – Urban Land Use Designation. The policies permit commercial uses, including car washes and service stations. The proposed variance is to accommodate a carwash facility; therefore, it meets the general intent of the Official Plan. Furthermore, it is our opinion that the variance should not be subject to specific policies within the UHOP as suggested by staff, and as outlined below. [emphasis added in **bold**]

Policy E4.7.2 *The following uses shall be permitted on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations: a) commercial uses including **retail stores**, personal services, financial establishments, live work units, restaurants, including gas bars, **car washes**, and service stations;*

Policy E.4.7.11 *In new areas designated District Commercial or for additions or redevelopments of existing District Commercial designated areas, smaller **retail buildings** shall be located up to the street to create a strong pedestrian orientation, particularly along adjoining collector roads.*

Policy E.4.7.16 *Single use stores greater than 5,000 square metres may be situated in the interior or at the rear of the site with smaller foot print buildings located close to the street. Alternatively, larger stores could be located up to the streetline along an arterial road or along a collector road provided in the latter situation they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape along the collector road.*

The above policies are taken from Section 4.7 District Commercial Designation policies of the UHOP. In Section 4.7.2, it is clear that specific types of commercial uses are considered for lands within the designation. Looking at Policy E.4.7.11, it is clear that those same uses have been considered in the policies that direct the design of the built form. Further, when you look at Policy E.4.7.16 the reference to those same specific uses has been dropped in place of a more generic terms of “*single use stores*” and “*larger stores*”. It is our opinion that this specific use of definitions is clear and that the policies of Section 4.7.11 do not apply to a car wash or service station. A car wash is a clearly distinguished use from a retail store, which is reflected by them being identified as separate permitted uses. Therefore, the requirement to locate a car wash use up to a street to establish a strong pedestrian orientation and animate the streetscape does not apply.

4. Does The Variance Maintain The General Intent And Purpose Of The Zoning By-Law?

The proposed variance meets the general intent of the Zoning By-law. The intent of a maximum front yard setback is to provide an active street-frontage. However, as we have described above the proposed land use to the immediate north, and the built form regulations that apply to the lands on the west side of Winona Road will not make a continuous streetscape or provide opportunities for pedestrian interaction along this section of street. Nonetheless, it is recognized that there is importance in the interface between the development and the street so the proposal will include an enhanced and increased landscape buffer between the parking area and the street to provide sufficient buffering which will address any potential negative impact on the street.

2.2 Variance 2: Minimum Rear Yard Setback

The current zoning requires a minimum rear yard setback of 6 metres. The proposed development requires a variance to permit a reduced minimum rear yard setback of 1.4 metres.

1. Is The Variance Minor In Nature?

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance. It is our opinion that the requested minor variance to the minimum rear yard is minor in nature, as it does not impact the overall character of the neighbourhood, nor will it cause any adverse impact to the adjacent lands.

The lands adjacent to the north and east of the subject lands are also zoned District Commercial (C6) Zone and are proposed to contain large scale commercial uses which will contain services activities, such as parking and loading abutting the rear lot line of the subject lands. Therefore, a reduced rear yard setback will not result in any adverse impacts to the adjacent properties and existing neighbourhood.

2. Is The Variance Desirable And Appropriate?

The requested variance is desirable and appropriate as it is compatible with the existing neighbourhood and current and future built form. As previously mentioned, the adjacent properties are also zoned District Commercial (C6) Zone and will contain future large scale commercial uses. The Site Plan drawing for 400 Winona Road, shown in **Figure 3** below, was included with Minor Variance applications SC/A-21:306 & 307 and illustrates the proposed built form of the future development. The rear yard of the subject lands will be separated from the adjacent building by a 5-metre landscape strip and a drive aisle and parking. Therefore, the requested variance will not result in privacy and overlook concerns or create any adverse impact to the adjacent commercial uses.

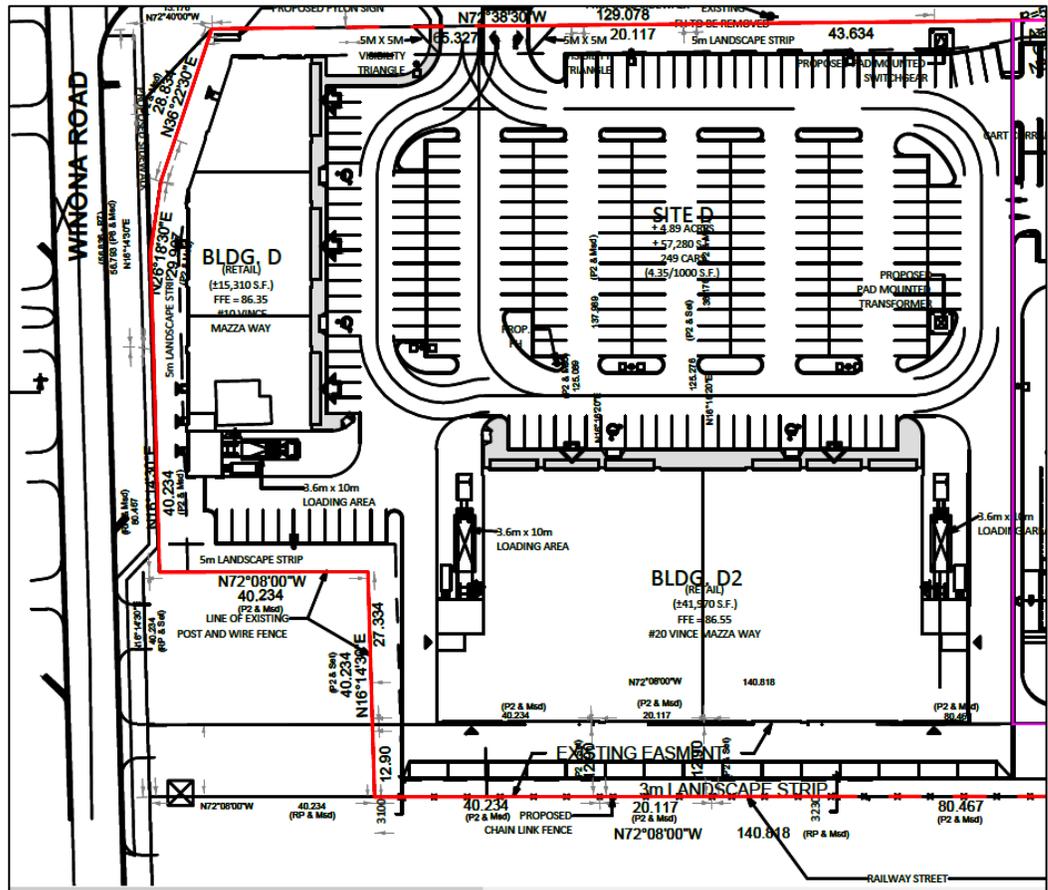


Figure 3: Site Plan for 400 Winona Road, retrieved from the Committee of Adjustment agenda package for file no. SC/A-21:307.

3. Does the variance maintain the general intent and purpose of the Official Plan? and,

The variance meets the general intent of the Official Plan. The variance will permit the car wash, which is a permitted use that is compatible with the surrounding commercial uses.

4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The intent of the rear yard setback is to ensure that there are no adverse impacts with adjacent land uses. The existing and proposed land uses adjacent to the subject lands are proposed large scale commercial buildings that contain service type uses, such as parking, loading, and access, abutting the rear lot line of the subject lands. The reduced rear yard setback will not create and any adverse impact with the use of the subject lands.

The variance meets the general intent of the Zoning By-law, as the reduced minimum rear yard setback does not create any adverse impact with the existing or future adjacent land uses.

2.3 Variance 3: Drive Aisle and Parking Between a Facade and Street Line

The current zoning does not permit a drive aisle between a facade and street line, whereas the proposed development proposes one.

1. Is The Variance Minor In Nature?

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance. It is our opinion that the requested minor variance to permit parking and a drive aisle between the façade and street line is minor in nature and does not impact the overall character of the neighbourhood.

As described above, the existing and proposed land uses within this section of Winona Road will not contribute to a strong pedestrian interface but will rather include uses that are setback significantly from the streetline or propose uses where the rear of the building faces the street and will lack opportunity for pedestrian interaction.

In addition, the subject lands are the last parcel of land on the east side of Winona Road and are located immediately adjacent to an unopened right of way, and a CN Rail line, and are partially encumbered by a HONI easement and transmission corridor. The increased setback will not create a gap in an existing or proposed streetscape. Any potential impact will be mitigated by increased landscape planting strip along the street line.

2. Is The Variance Desirable And Appropriate?

After the applicant received staff comments they reviewed multiple design options for the subject lands, including versions that complied with this zoning regulation. Those options were rejected by staff as they presented potential safety conflicts for vehicle ingress and egress from the site. Upon review of the options, it was our opinion that the preferred design included the building setback from the street with parking and drive aisle in between.

On this balance the requested variance is desirable and appropriate as it allows for the efficient use of the subject lands and ensures safety for both users of the site and users of the municipal sidewalk. Any potential impact of the parking and drive aisle can be mitigated by enhanced landscaping along the street line.

3. Does the variance maintain the general intent and purpose of the Official Plan? and,

As discussed above, the subject lands are designated 'District Commercial' in the Urban Hamilton Official Plan on Schedule E-1 – Urban Land Use Designation. The policies permit commercial uses, including car washes and service stations. The proposed variance is to accommodate parking and a drive aisle between the building façade and the street line. The variance should be read in the context of **Policy E.4.7.13** of the UHOP which states the following:

Policy E.4.7.13 *No parking, driveways, lanes, stacking lanes, or aisles **should** be permitted between buildings and the public sidewalk except as provided for in Policy E.4.7.16. [emphasis added in **bold**]*

When reading the policies within the UHOP, we consider the use of terms like *should*, *shall* and *must*. In the case of the former, the word *should* is accepted to be more permissive and less strict than *must* and *shall*, and indicates the desire and direction of a policy, rather than a strict requirement for compliance.

In the case of Policy E.4.7.13 the intent is to bring buildings closer to the street to activate the streetscape. However, as noted earlier, the proposed street scape along this section of Winona Road will likely consist of built forms that allow parking and drive aisles between the building and street line, in the case of all the lands on the west side of Winona Road or, will include the rear of a building that while being located adjacent to the street line will not provide any opportunity for pedestrian interaction. It is our opinion that "*should*" does not necessarily apply in all instances, and that in instances where it is not possible to

provide that condition, then efforts can be taken to mitigate with the addition of enhanced landscape buffering between the proposed parking and the street line. This is the case with the proposed development where a larger planting strip is proposed. Between the parking and the streetline.

It is our opinion that with the proposed landscape buffering the proposed variance is therefore in keeping with the intent of the Official Plan.

4. Does The Variance Maintain The General Intent And Purpose Of The Zoning By-Law?

The variance meets the general intent of the Zoning By-law. The intent of the Zoning By-law provision is to have an active street frontage, however, where that condition cannot be provided it is an accepted urban design principle that the use can be buffered from the street line by enhanced landscaping.

2.4 Variance 4: Minimum of One Principal Entrance Accessible from Street

The current zoning requires a minimum of one principal entrance to a building to be accessible from the street, whereas the proposed development does not propose an entrance accessible from the street.

1. Is The Variance Minor In Nature?

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance. The proposed car wash building does not contain a publicly accessible space that is typical of other types of commercial uses and the interior of the building is not designed to facilitate visits from the general pedestrian public given that the service is automobile focused and there is no public service proposed within the common areas of the building. The proposal does include washrooms and a small waiting area, but there are no spaces that provide a service to the public, and these are not uses that are generally envisioned as requiring high visibility to the traveling pedestrian public.

For this reason, there is no principal entrance and therefore the proposal cannot comply with the requirement. It is our opinion that the regulation is not applicable to the proposal, however, as it has been identified by City staff during the Site Plan review it has been included here.

2. Is The Variance Desirable And Appropriate?

As noted above the proposed carwash use does not contain a public area and therefore does not contain a principal entrance accessible from the street.

3. Does The Variance Maintain The General Intent And Purpose Of The Official Plan? And,

The variance meets the general intent of the Official Plan. As the subject lands are designated District Commercial, the proposed variance is to accommodate a car wash facility, which is a permitted use under **Policy 4.7.2 (a)** of the UHOP. Furthermore, the application would be subject to **Policy B.7.4.5.2** within the Fruitland Winona Secondary Plan which states the following:

Policy B.7.4.5.2 *In addition to Section E.3.8 – Local Commercial, Section E.4.7 – District Commercial and Section E.4.8 – Arterial Commercial of Volume 1, the following policy shall apply to all lands designated Commercial on Map B.7.4-1- Fruitland Winona Secondary Plan - Land Use Plan:*

- a) *Principal entrances shall address the public street or an exterior open space directly adjacent to the public street”*

As we have noted above, the proposed car wash facility includes washrooms and a small waiting room but does not include a public space that provides a service to the general public and therefore the building does not contain an entrance that is accessible from or addresses the public street. It is our opinion that **Policy B.7.4.5.2** does not apply to this proposal.

The general intent of the policy is to provide an access to the buildings that is visible from the street and services the general public. There are entrances to the washroom and a small waiting room, but these do not need to address the streetscape.

4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The variance meets the general intent and purpose of the Zoning By-law. The purpose of a principal entrance is to provide an access point to a building that is within view from the Winona Road, in addition to facilitating an active street frontage. As stated earlier, the building does not contain uses within the building that provide a service to the public but rather are ancillary to the principal use of the subject lands. Therefore, the requirement for a principal entrance accessible to the street is not required, nor is it desired as part of the site functionality.

2.5 Variance 5: Accessory Building Location Within a Front or Flankage Yard

The current zoning does not permit accessory buildings in the front yard. The proposed vacuums are deemed an accessory building and are proposed within the front yard abutting Winona Road.

1. Is The Variance Minor In Nature?

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance. The proposed “accessory buildings” are in fact three vacuums located adjacent to the proposed parking spaces along the street. The proposed location of the vacuums does not create a negative impact on the streetscape and will be partially screened from view by the enhanced landscaping along the street line. It is our opinion that the requested minor variance is minor in nature, as the proposed vacuums do not impact the overall character of the neighbourhood and will not create an adverse impact to the surrounding land uses.

2. Is The Variance Desirable And Appropriate?

The requested variance is desirable and appropriate as it will not have a negative or adverse impact on the adjacent land uses and will have a minor impact on the overall streetscape presence along Winona Road.

3. Does The Variance Maintain The General Intent And Purpose Of The Official Plan?

The general intent of the Official Plan is to ensure an appropriate streetscape and built form in the Fruitland Winona Secondary Plan area. As we have described above some of the policies do not apply to the subject lands and the future development along this section of Winona Road will not have a consistent streetscape that focuses on a strong pedestrian realm. Nonetheless, an appropriate streetscape is important and the permission to include vacuums in the front yard will not detract from that presence since there are only three vacuums proposed and the size of each individually, and cumulatively, will not overwhelm the streetscape. Additionally, any minor impact on the streetscape will be mitigated by the enhanced landscape area that is proposed along the street line. It is our opinion that the general intent and purpose of the Official Plan has been met.

4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The variance meets the general intent and purpose of the Zoning By-law. The intent of placing accessory buildings beyond the front yard is to ensure that there is an active and attractive streetscape.

As stated earlier, the future context of this section of Winona Road will not include a consistent pedestrian-oriented streetscape. The proposed variance meets the intent of the Zoning By-law as there will be sufficient enhanced landscape buffer along the Winona Road street line to shield views of the vacuums which will improve the visuals along the west boundary of the site.

2.0 CONCLUSION AND RECOMMENDATIONS

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

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

Regards,

Arcadis IBI Group



Ritee Haider BES MCIP RPP
Planner



Isabelle Ilagan
Student Planner



Jared Marcus, CPT
Associated – Manager, Planning

February 10, 2023

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

Dear Ms. Sheffield:

**394 WINONA ROAD, STONEY CREEK
MINOR VARIANCE APPLICATION**

On behalf the property owners, 2782488 Ontario Inc., we are pleased to submit a Minor Variance application for the above noted property.

The proposed applications would facilitate Site Plan application DA-21-155 and supports the creation of a carwash facility with three manual carwash bays, one automatic carwash bay and one detailing bay. The building will also include a small mechanical room, as well as washrooms and waiting area.

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

- One (1) digital copy of the completed Minor Variance application form;
- One (1) digital copy of the Site Plan drawing;
- One (1) digital copy of the Building Elevation drawing;
- One (1) digital copy of the Survey Plan; and,
- One (1) copy of the Planning Opinion memo supporting the proposed variances.

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

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

Yours truly,
Arcadis IBI Group



Jared Marcus, CPT
Associate, Manager – Planning

Cc: 2782488 Ontario Inc.

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

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



Hamilton

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)		
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	394 Winona Road		
Assessment Roll Number	251800311008200		
Former Municipality	Stoney Creek		
Lot		Concession	
Registered Plan Number	310	Lot(s)	115 & 116
Reference Plan Number (s)		Part(s)	

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

Yes No

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

Inst. SA52395 - Hydro One easement

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Please see attached Minor Variance list.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The zoning regulations do not envision a use without a public space. The building cannot

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

Yes

No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
40.23m	40.19m	1,616sq.m	20m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
2 storey block building	10.62m	3.30m	9.03m & 11.81m	unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
1 storey carwash	17.27m	1.44m	5.33m & 15.40m	

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
2 storey block building	383sq.m	656sq.m	2	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
1 storey car wash	289sq.m	2789sq.m	1	3.66m

4.4 Type of water supply: (check appropriate box)

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

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

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)
-

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

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

4.7 Type of access: (check appropriate box)

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

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

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
 North and East - Commercial - Big Box Store and vacant land; South - Hydro One corridor and CN Rail; West - Winona Road.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
 2020

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

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

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

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) District Commercial - Special Policy Area "E"

Please provide an explanation of how the application conforms with the Official Plan.
 Please see attached Planning Opinion memo.

7.6 What is the existing zoning of the subject land? District Commercial (C6, 727)

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: None

8.2 Number of Dwelling Units Proposed: None

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

Applicant proposes a 1-storey car wash facility with one automatic bay, three manual bays, and a detailing bay. Proposal is subject to Site Plan application DA-21-155, conditional approval has not yet been issued.

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/A-23:172	SUBJECT PROPERTY:	312 FIDDLERS GREEN ROAD, ANCASTER
ZONE:	"R3" (Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: **Owner:** DEAN BELOVARI
 Agent: ON THE 6 DESIGNS C/O DAVID WRAY

The following variances are requested:

1. A rear yard setback of 1.6m shall be provided instead of the minimum required rear yard setback of 7.5m.

PURPOSE & EFFECT: To permit the construction of a new two (2) storey addition in the rear yard and to establish the use of a Secondary Dwelling Unit within the existing Single Detached Dwelling.

Notes:

- i. Please be advised that a maximum building height of 10.5m is permitted in the current zoning designation.

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, July 27, 2023
TIME:	9:50 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

AN/A-23:172

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-23:172, 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-23:172



 Subject Lands

DATED: July 11, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

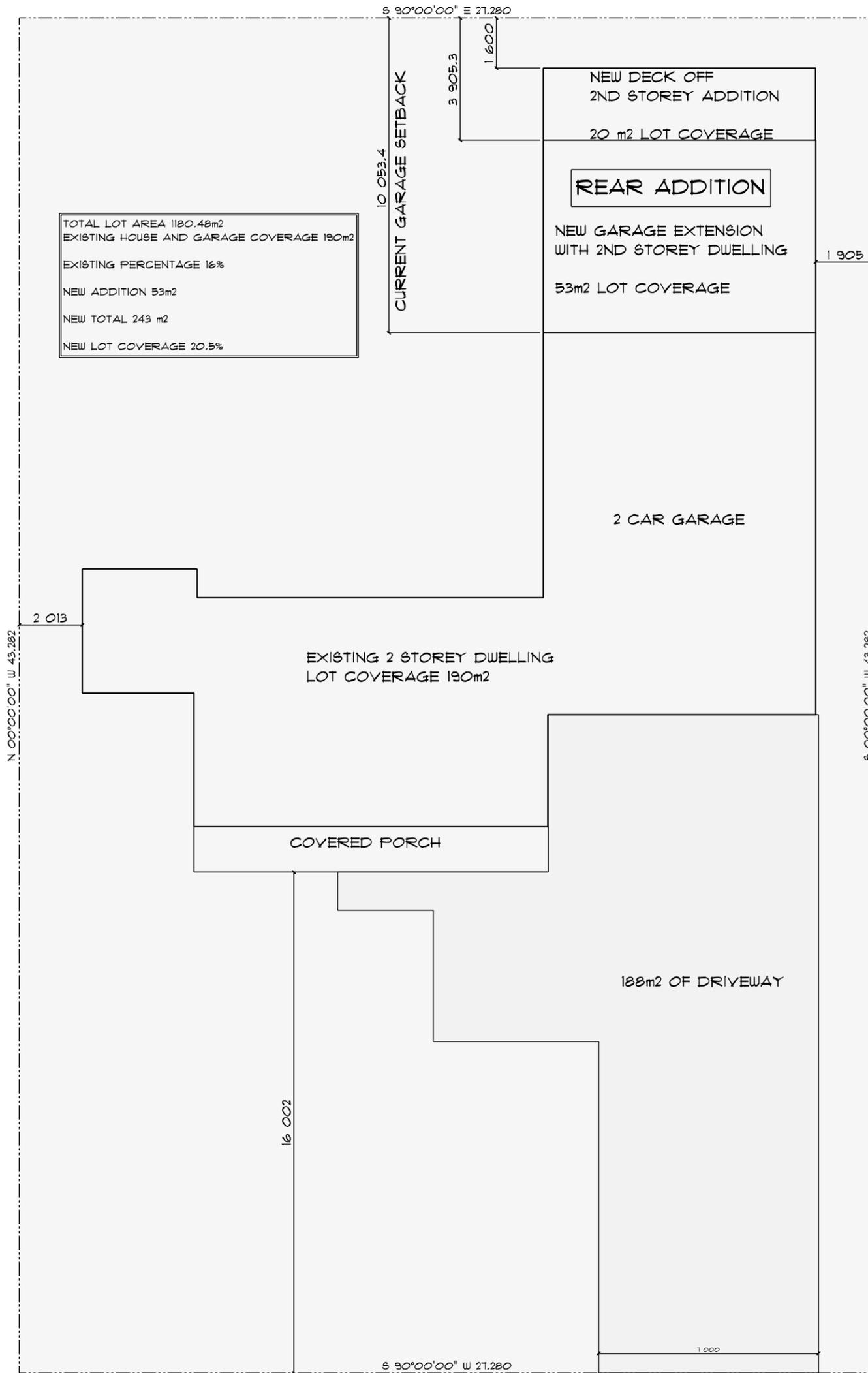
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

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

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

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



SITE PLAN FOR VARIANCE

SCALE: 1:150

PAGE: 1 / 2	Dean Belovari 312 Fiddlers Green Ancaster ON	DRAWN BY: D.W.	 Architectural Designer 905.541.8226 onthe6designs@gmail.com	QUALIFICATION INFORMATION THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER. DAVID WRAY 3342T FIRM BCIN 125250 SIGNATURE <i>David Wray</i>
	SITE PLAN	SCALE: 1:150		
		DATE: June 26, 2023		
		(Empty cell)		



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

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

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

1. APPLICANT INFORMATION

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

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

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

1.4 Request for digital copy of sign Yes* No

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

1.5 All correspondence may be sent by email Yes* No

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

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	312 Fiddlers Green		
Assessment Roll Number			
Former Municipality	Ancaster		
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:

setback at rear of garage for addition on rear of garage and new dwelling above

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

rear set back is 7.5m

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
27.2m	43.4m	1180.48 m ²	5m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
house w/ attached garage	17.1m	9m	1.9	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
extend garage add addition on top	17.1	1.6	1.9	08/01/2023

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
house	190m2	167 m2	2	8.2

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
house	242m2	323	2	8.2

- 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.):
residential house adding a second dwelling
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
single detached

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands: 1997
- 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 BUILT
- 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) RESIDENTIAL
- Please provide an explanation of how the application conforms with the Official Plan.

- 7.6 What is the existing zoning of the subject land? R3
- 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: 23

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

Yes No

If yes, please provide the file number: _____

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

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/B-23:47	SUBJECT PROPERTY:	376 PHILIP PLACE, ANCASTER
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APPLICANTS: **Owner:** DEREK SOHAIL, USHA DANIEL, SHOPHAN DANIEL, & SUZEEN DANIEL
Agent: SADDIQUE KHAN

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwellings will be demolished to facilitate this application.

	Frontage	Depth	Area
SEVERED LANDS:	22.24 m [±]	30.67 m [±]	663.07 m ² [±]
RETAINED LANDS:	18.45 m [±]	36.06 m [±]	604.04 m ² [±]

Associated Planning Act File(s): AN/A-23:170

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, July 27, 2023
TIME:	10:10 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:

AN/B-23:47

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

PUBLIC INPUT

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

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

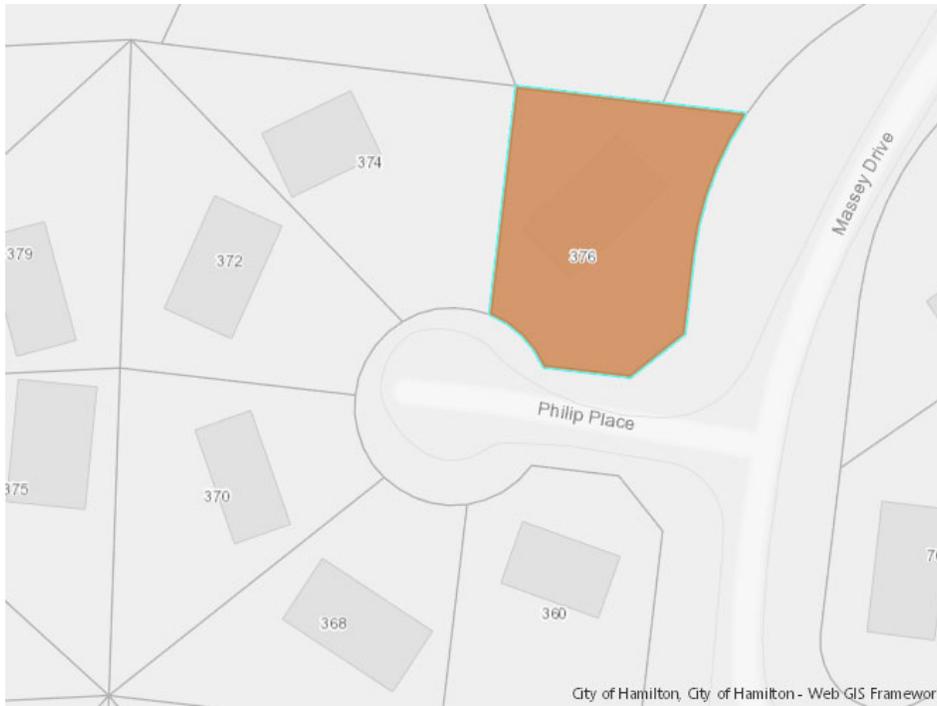
FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/B-23:47, 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.

AN/B-23:47



 Subject Lands

DATED: July 11, 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/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.

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

June 25, 2023

Dear Ms. Sheffield,

Re: 376 Philip Place, Ancaster, Consent to Sever and Minor Variance Application

We Derek Sohail, Usha Daniel, Shophan Daniel and Suzeen Daniel are the owners of the land municipally known as 376 Philip Place Ancaster, in the City of Hamilton. Please accept the enclosed Applications for Consent to Sever and Minor Variance to facilitate the severance of the subject property. The subject lands are in the Existing Residential "ER" Zone of the Former Town of Ancaster Zoning By-law 87-57.

Important Notes: Please note that the attached site plan was already reviewed before submission of this application and supported by the City of Hamilton Zoning, Planning and Transportation planning departments. (written confirmations can be provided if required).

Purpose of the Application

The purpose of the Consent Application is to sever an existing +/- 1,267.11 m² parcel with lot frontage of +36.01 m into two (2) lots. The retained lot is proposed to have a lot area of 604.04 m² and a frontage of 18.48m. The severed lot will have a lot area of 663.04 m² with 22.24m of frontage. The proposed severance is illustrated on the enclosed Severance Sketch.

A Minor Variance Application is required to bring the severed and retained parcels into conformity with the Zoning By-law. The purpose of the Minor Variance Application is to facilitate the Consent to Sever Application with the proposed variance being:

The subject lands are designated as "Neighbourhoods" in the Urban Hamilton Official Plan with this designation permitting the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. Chapter B, Section 2.4.1.3(c) indicates that lands designated Neighbourhoods are to accommodate 40% of the City's growth. The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application. The proposed severance is in keeping with the neighbourhood's residential land use and will continue to be used as such. It is our opinion the proposed application meets the general intent of the Urban Hamilton Official plan.

The subject lands are located in an Existing Residential "ER" Zone of the Former Town of Ancaster Zoning By-law 87-57. The variance being requested is to provide a decreased minimum Lot area of 663.07m² for the severed and Lot area of 604.04m² for retained lots. The intent of the zoning provision is to ensure that the built form and lot fabric are compatible with the surrounding neighbourhood. The requested variance will meet this intent as it will allow the subject lands to have frontages more similar to the properties located directly adjacent to the subject lands. The two severed lots will have lot frontages greater than the minimum requirement of 18m where the retained lot will have lot frontage of 18.48m

and the severed lot will have lot frontage of 22.24m. In addition, the proposed severance will maintain the existing and permitted use of Single Detached Dwellings and the proposal complies to all other zoning provisions. It is therefore our opinion that the proposed application meets the general purpose and intent of the Town of Ancaster Zoning Bylaw 87-57.

ZONING INFORMATION - ZONING BY LAW			
ER ZONE			
Table 13.2	REQ'D (S/M)	PROV.(S/M)	
		LOT A (RETAINED)	LOT B (SEVERED)
LOT FRONTAGE (M)	18	18.48	22.24
LOT AREA (SM)	695	604.04	663.07
BUILDING AREA (SM)	N/A	203.002	229.00
LOT COVERAGE (%)	35%	33.61%	34.54%
GROSS FLOOR AREA (SM)	N/A	406.00	458.00
SETBACKS		REQUIRED (M)	
MIN. FRONT YARD - ABUTTING STREET	6.0	8.67	6.23
MIN. SIDE YARD	2.0	2.45	2.00
MIN. FLANKAGE YARD	6.0	2.02	6.32
MIN. REAR YARD	7.5	7.50	8.17
BUILDING HEIGHT - MAXIMUM	9.5M	9	9

Lastly, as it pertains to the requested reduction in minimum flankage yard for the severed lands, we believe this to be a technical variance due to definitions of Zoning By-law No. 87-57. It should be noted that the proposed yard acts and functions as a side yard to the neighbouring 374 Phillip Place property. The proposed yard of 2.0m is consistent with the minimum side yard requirement of the Existing Residential "ER" Zone and would therefore be appropriate given the intent and function of this yard setback.

The requested variance is minor in nature as it is necessary to facilitate the Consent to Sever Application, will not result in any adverse impacts on the surrounding neighbourhood, represents an appropriate form of development, and conforms to all other zone provisions.

Based on the above, both the applications represent good land use planning and satisfy Sections 45(1) and 53(1) of the Planning Act and provides for additional housing consistent with the policy statement, appropriate and desirable for the existing neighbourhood, and the City of Hamilton.

Regards.

Derek Sohail

Derek Sohail

Usha Daniel

Usha Daniel

Shophan

Shophan Daniel

Suzeen

Suzeen Daniel

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

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

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

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

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

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent [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	376 Philip Place Ancaster ON L9G 3G8		
Assessment Roll Number	14026008200		
Former Municipality	Hamilton		
Lot	185	Concession	
Registered Plan Number	769	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3 PURPOSE OF THE APPLICATION

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(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:	Lot A	Lot B			
Type of Transfer	N/A	N/A			
Frontage	18.45m				
Depth	36.06m	30.67m			
Area	604.04sm	663.07sm			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	2 Storey	2 storey			
Proposed Buildings/ Structures	2 Storey Residential House to be	2 Storey Residential House to be			
Buildings/ Structures to be Removed	Yes	Yes			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

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

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

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

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

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

- electricity
- telephone
- school bussing
- garbage collection

5 CURRENT LAND USE

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

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

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

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

- 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? Existing Residential

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

- 5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?
 Yes No Unknown

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

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

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

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

N/A

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.

N/A

6.4 How long has the applicant owned the subject land?

March. 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.

3 Pavel Place Hamilton

7 PROVINCIAL POLICY

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

The Proposal is in conformity with NEC Plan & the lands are located where proposed residential development is permitted

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

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
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-23:170	SUBJECT PROPERTY:	376 PHILIP PLACE, ANCASTER
ZONE:	“ER” (Existing Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: **Owner:** DEREK SOHAIL, USHA DANIEL, SHOPHAN DANIEL, & SUZEEN DANIEL
Agent: SADDIQUE KHAN

The following variances are requested:

1. A minimum lot area of 604 square metres for lot A shall be provided whereas the bylaw requires a minimum lot area of 695 square metres.
2. A minimum lot area of 663 square metres for Lot B shall be provided whereas the bylaw requires a minimum lot area of 695 square metres.
3. A minimum lot frontage of 12.06 metres for Lot B shall be provided whereas the bylaw requires a minimum lot frontage of 18 metres.
4. A minimum rear yard setback of 2.0 metres for Lot B shall be provided whereas the by-law requires a minimum of 25% of the lot depth and no less than 7.5 metres.

PURPOSE & EFFECT: So as to permit the construction of two new Single Detached Dwellings, each on their own individual lot.

Notes:

1. Notwithstanding the definition of “lot line – front” the 12.06 metres lot line for Lot B shall be considered the front lot line.
2. Insufficient information was provided to determine zoning compliance for front yard setback, rear yard setback and parking. Additional variances may be required if compliance with Section 7, 9 and 10 of Ancaster Zoning By-law 87-57 cannot be achieved.

AN/A-23:170

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, July 27, 2023
TIME:	10:10 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:170, 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-23:170



 Subject Lands

DATED: July 11, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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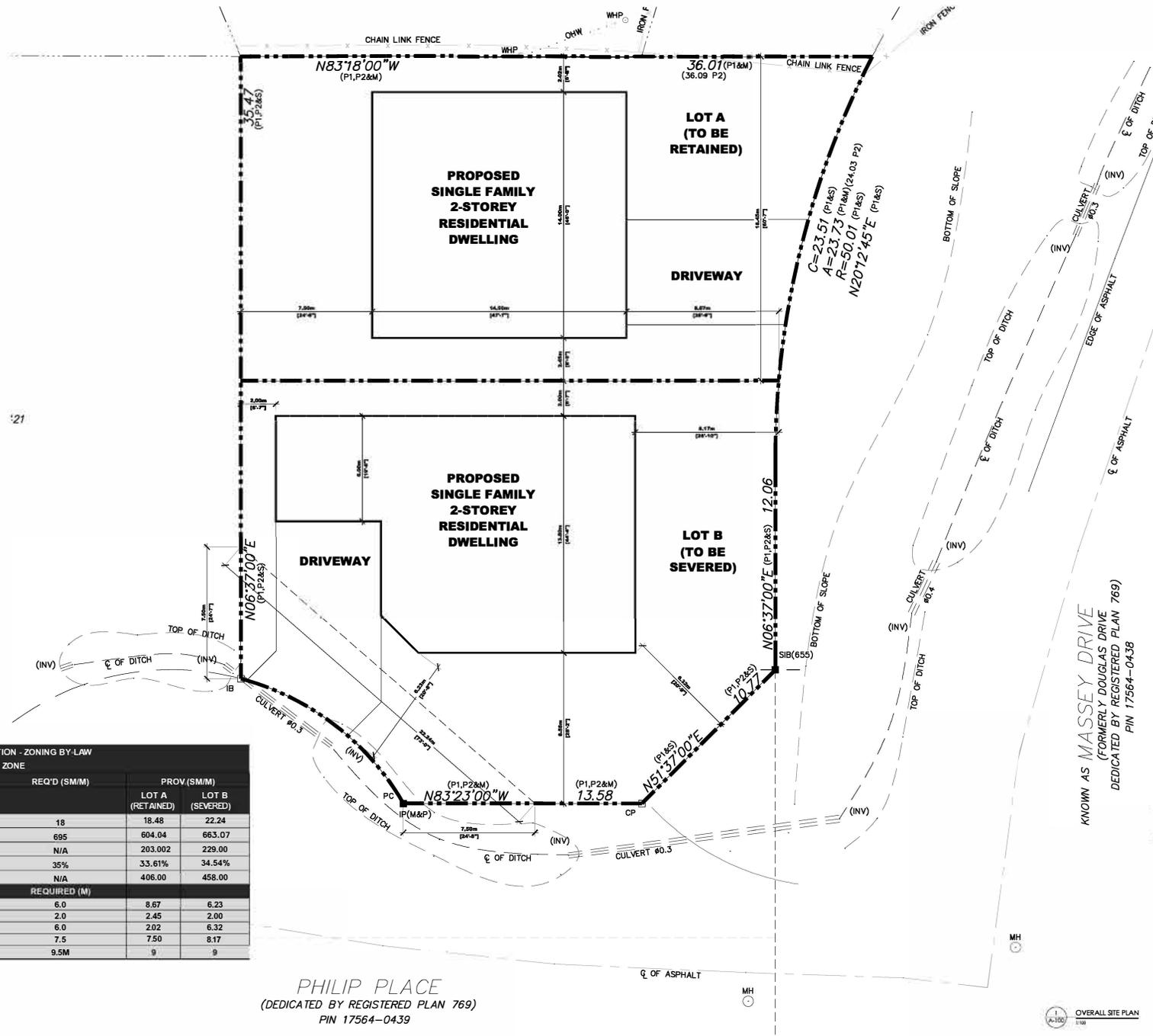
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GARBAGE AND RECYCLING
 THIS PROPERTY IS ELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE. RECYCLING IS STRONGLY ENCOURAGED. ALL WASTE TO BE STORED WITHIN THE BUILDING UNTIL REGULAR DAY OF WASTE COLLECTION. SITE SUPERINTENDENT WILL MOVE ALL GARBAGE/RECYCLABLES TO A DESIGNATED AREA ON SITE FOR PICKUP.

LIGHTING NOTE
 LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS. MUST PROVIDE HOUSING OF WHERE NEEDED, TO COMPLETELY ELIMINATE GLARE TO ADJACENT PROPERTIES. ALL LIGHT FIXTURES TO BE WALL MOUNTED ONLY.

GENERAL NOTES:
 DO NOT SCALE DRAWINGS. USE ONLY DRAWINGS MARKED "ISSUED FOR CONSTRUCTION". VERIFY CONFIGURATIONS & DIMENSIONS ON SITE BEFORE BEGINNING WORK. NOTIFY ARCHITECTURE INC IMMEDIATELY OF ANY ERRORS, OMISSIONS OR DISCREPANCIES.

NO.	REV.	DESCRIPTION	DATE
1	BP	ISSUED FOR PRECONSULTATION	23-04-24
	BP		2023
	BP		17-06-20



DATE: 27/03/2023 Ontario Inc.
 1447 Bruce Street, Unit 10
 Ancaster, ON, L9G 3H4



PHILLIP PLACE DEVELOPMENT
 376 Phillip Place, Ancaster ON
 OVERALL SITE PLAN

DATE: 23-05-24
 BY: AS NOTED
 CHECKED: 23/05/24

OVERALL SITE PLAN
 1:100

A-100

ZONING INFORMATION - ZONING BY LAW
 ER ZONE

Table 13.2

	REQ'D (SM/M)	PROV. (SM/M)	
		LOT A (RETAINED)	LOT B (SEVERED)
LOT FRONTAGE (M)	18	18.48	22.24
LOT AREA (SM)	695	604.04	663.07
BUILDING AREA (SM)	N/A	203.002	229.00
LOT COVERAGE (%)	35%	33.61%	34.54%
GROSS FLOOR AREA (SM)	N/A	406.00	458.00
SETBACKS		REQUIRED (M)	
MIN. FRONT YARD - ABUTTING STREET	6.0	8.67	6.23
MIN. SIDE YARD	2.0	2.45	2.00
MIN. FLANKAGE YARD	6.0	2.02	6.32
MIN. REAR YARD	7.5	7.50	8.17
BUILDING HEIGHT - MAXIMUM	9.5M	9	9

PHILIP PLACE
 (DEDICATED BY REGISTERED PLAN 769)
 PIN 17564-0439

2023/05/24 10:00 AM - 2023/05/24 10:00 AM - 2023/05/24 10:00 AM - 2023/05/24 10:00 AM

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

June 25, 2023

Dear Ms. Sheffield,

Re: 376 Philip Place, Ancaster, Consent to Sever and Minor Variance Application

We Derek Sohail, Usha Daniel, Shophan Daniel and Suzeen Daniel are the owners of the land municipally known as 376 Philip Place Ancaster, in the City of Hamilton. Please accept the enclosed Applications for Consent to Sever and Minor Variance to facilitate the severance of the subject property. The subject lands are in the Existing Residential "ER" Zone of the Former Town of Ancaster Zoning By-law 87-57.

Important Notes: Please note that the attached site plan was already reviewed before submission of this application and supported by the City of Hamilton Zoning, Planning and Transportation planning departments. (written confirmations can be provided if required).

Purpose of the Application

The purpose of the Consent Application is to sever an existing +/- 1,267.11 m² parcel with lot frontage of +36.01 m into two (2) lots. The retained lot is proposed to have a lot area of 604.04 m² and a frontage of 18.48m. The severed lot will have a lot area of 663.04 m² with 22.24m of frontage. The proposed severance is illustrated on the enclosed Severance Sketch.

A Minor Variance Application is required to bring the severed and retained parcels into conformity with the Zoning By-law. The purpose of the Minor Variance Application is to facilitate the Consent to Sever Application with the proposed variance being:

The subject lands are designated as "Neighbourhoods" in the Urban Hamilton Official Plan with this designation permitting the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. Chapter B, Section 2.4.1.3(c) indicates that lands designated Neighbourhoods are to accommodate 40% of the City's growth. The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application. The proposed severance is in keeping with the neighbourhood's residential land use and will continue to be used as such. It is our opinion the proposed application meets the general intent of the Urban Hamilton Official plan.

The subject lands are located in an Existing Residential "ER" Zone of the Former Town of Ancaster Zoning By-law 87-57. The variance being requested is to provide a decreased minimum Lot area of 663.07m² for the severed and Lot area of 604.04m² for retained lots. The intent of the zoning provision is to ensure that the built form and lot fabric are compatible with the surrounding neighbourhood. The requested variance will meet this intent as it will allow the subject lands to have frontages more similar to the properties located directly adjacent to the subject lands. The two severed lots will have lot frontages greater than the minimum requirement of 18m where the retained lot will have lot frontage of 18.48m

and the severed lot will have lot frontage of 22.24m. In addition, the proposed severance will maintain the existing and permitted use of Single Detached Dwellings and the proposal complies to all other zoning provisions. It is therefore our opinion that the proposed application meets the general purpose and intent of the Town of Ancaster Zoning Bylaw 87-57.

ZONING INFORMATION - ZONING BY LAW			
ER ZONE			
Table 13.2	REQ'D (S/M)	PROV.(S/M)	
		LOT A (RETAINED)	LOT B (SEVERED)
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MIN. FLANKAGE YARD	6.0	2.02	6.32
MIN. REAR YARD	7.5	7.50	8.17
BUILDING HEIGHT - MAXIMUM	9.5M	9	9

Lastly, as it pertains to the requested reduction in minimum flankage yard for the severed lands, we believe this to be a technical variance due to definitions of Zoning By-law No. 87-57. It should be noted that the proposed yard acts and functions as a side yard to the neighbouring 374 Phillip Place property. The proposed yard of 2.0m is consistent with the minimum side yard requirement of the Existing Residential "ER" Zone and would therefore be appropriate given the intent and function of this yard setback.

The requested variance is minor in nature as it is necessary to facilitate the Consent to Sever Application, will not result in any adverse impacts on the surrounding neighbourhood, represents an appropriate form of development, and conforms to all other zone provisions.

Based on the above, both the applications represent good land use planning and satisfy Sections 45(1) and 53(1) of the Planning Act and provides for additional housing consistent with the policy statement, appropriate and desirable for the existing neighbourhood, and the City of Hamilton.

Regards.

Derek Sohail

Derek Sohail

Usha Daniel

Usha Daniel

Shophan

Shophan Daniel

Suzeen

Suzeen Daniel



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 Applicant Owner Agent/Solicitor

1.3 Sign should be sent to Purchaser Applicant Owner 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	376 Philip Place Ancaster ON L9G 3G8		
Assessment Roll Number	14026008200		
Former Municipality	Hamilton		
Lot	182	Concession	
Registered Plan Number	769	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:

Lot Area required is 695 sq.m whereas Lot 'A' (Retained) is 663.07 sq.m and Lot 'B' (Severed) is 604.04 sq.m. Flankage on Lot B is 2.02m instead of 6.0m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

In order to meet all the other zoning setback requirements, it is really hard to meet lot area requirement.

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
29.68	35.47	1243.27	7.0m

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
Single Storey Bungalow	15.33m	6.2m	8.63m flankage & 4.65 m int	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
2 Storey Dwelling (Lot A)	8.67m	7.5m	2.45m & 6.32, int.	
2 Storey Dwelling (Lot B)	6.23m	8.17m	2.02m flankage & 2.0m int	

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
One storey Bungalow	49.85 sq.m.	101.43 sq.m	1	4.87m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Two storey Dwelling Lot A	203	406	2	9.0m
Two Storey Dwelling Lot B	229	458	2	9.0m

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

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

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

- ditches
- other means (specify)
- _____

- 4.6 Type of sewage disposal proposed: (check appropriate box)
- publicly owned and operated sanitary sewage
- system privately owned and operated individual
- septic system other means (specify) _____
- 4.7 Type of access: (check appropriate box)
- provincial highway right of way
- municipal road, seasonally maintained other public road
- municipal road, maintained all year _____
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
- single detached dwelling
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
- single detached dwelling

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
- Mar. 11, 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:
- 40+

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighborhoods Designations

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

The application conforms with the Official plan as it maintains the same use.

- 7.6 What is the existing zoning of the subject land? Existing Residential 'ER'
- 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: AN/A-22:175

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: Not assigned yet

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

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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



Hamilton

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

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

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NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/A-22:161	SUBJECT PROPERTY:	182 CENTRAL DRIVE, ANCASTER
ZONE:	“ER” (Existing Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: **Owner:** PETAR & IRINA MARIC
 Agent: DANIELLE IAMPIETRO

The following variances are requested:

1. A rear yard setback of 4.5m shall be provided whereas the by-law requires a minimum 7.5m rear yard setback for accessory buildings having a gross floor area in excess of 12.0 square metres.

PURPOSE & EFFECT: To permit the construction of a new accessory building in the rear yard of the existing Single Detached Dwelling.

Notes: N/A

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

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

DATE:	Thursday, July 27, 2023
TIME:	10:15 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

AN/A-22:161

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

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-22:161, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

AN/A-22:161



DATED: July 11, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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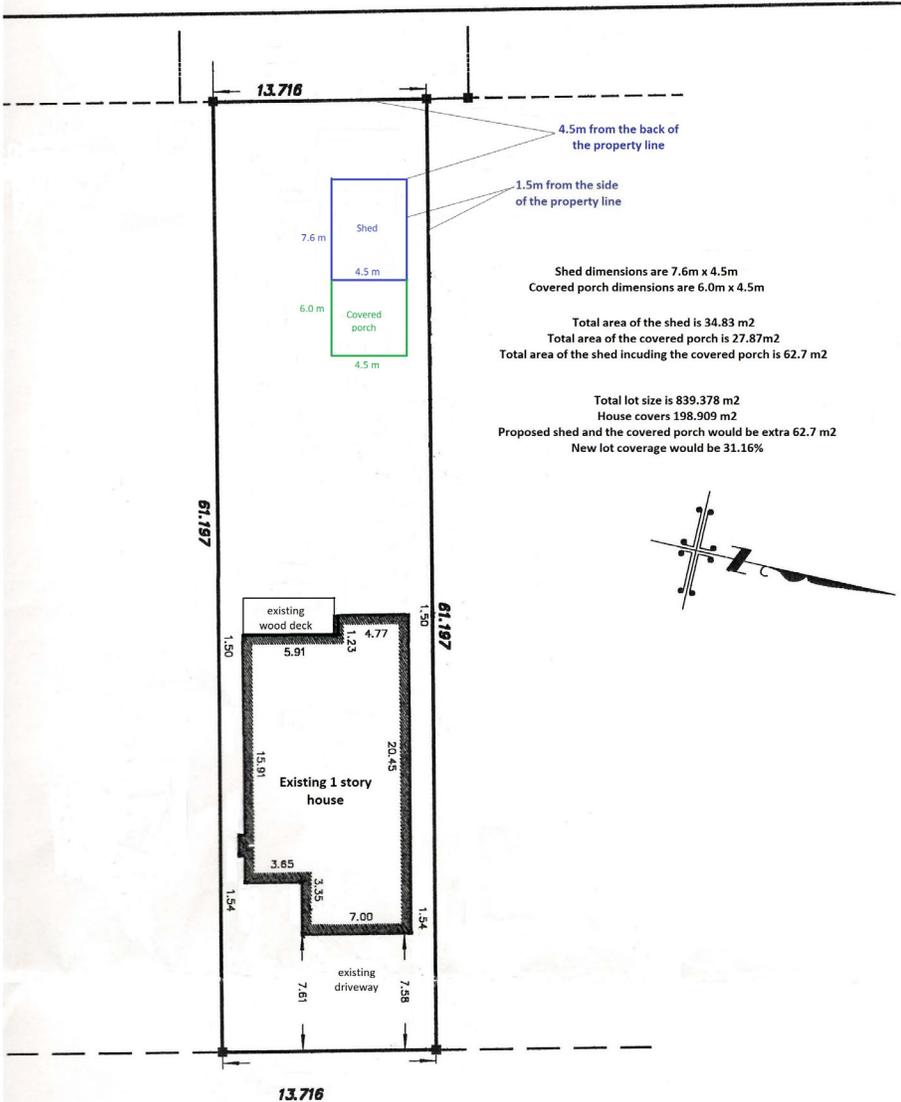
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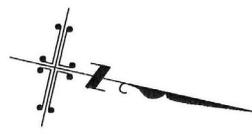
4.5m from the back of the property line

1.5m from the side of the property line

Shed dimensions are 7.6m x 4.5m
Covered porch dimensions are 6.0m x 4.5m

Total area of the shed is 34.83 m²
Total area of the covered porch is 27.87m²
Total area of the shed including the covered porch is 62.7 m²

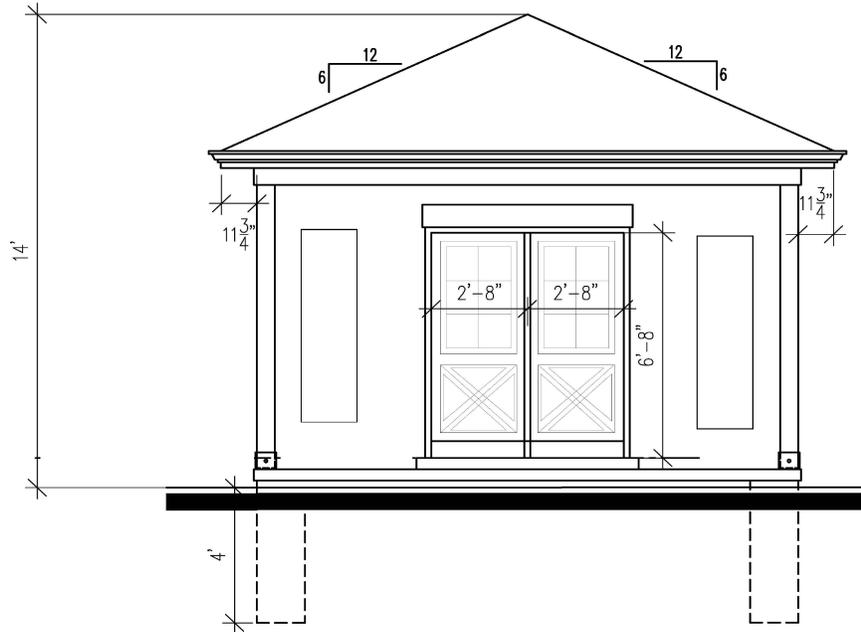
Total lot size is 839.378 m²
House covers 198.909 m²
Proposed shed and the covered porch would be extra 62.7 m²
New lot coverage would be 31.16%

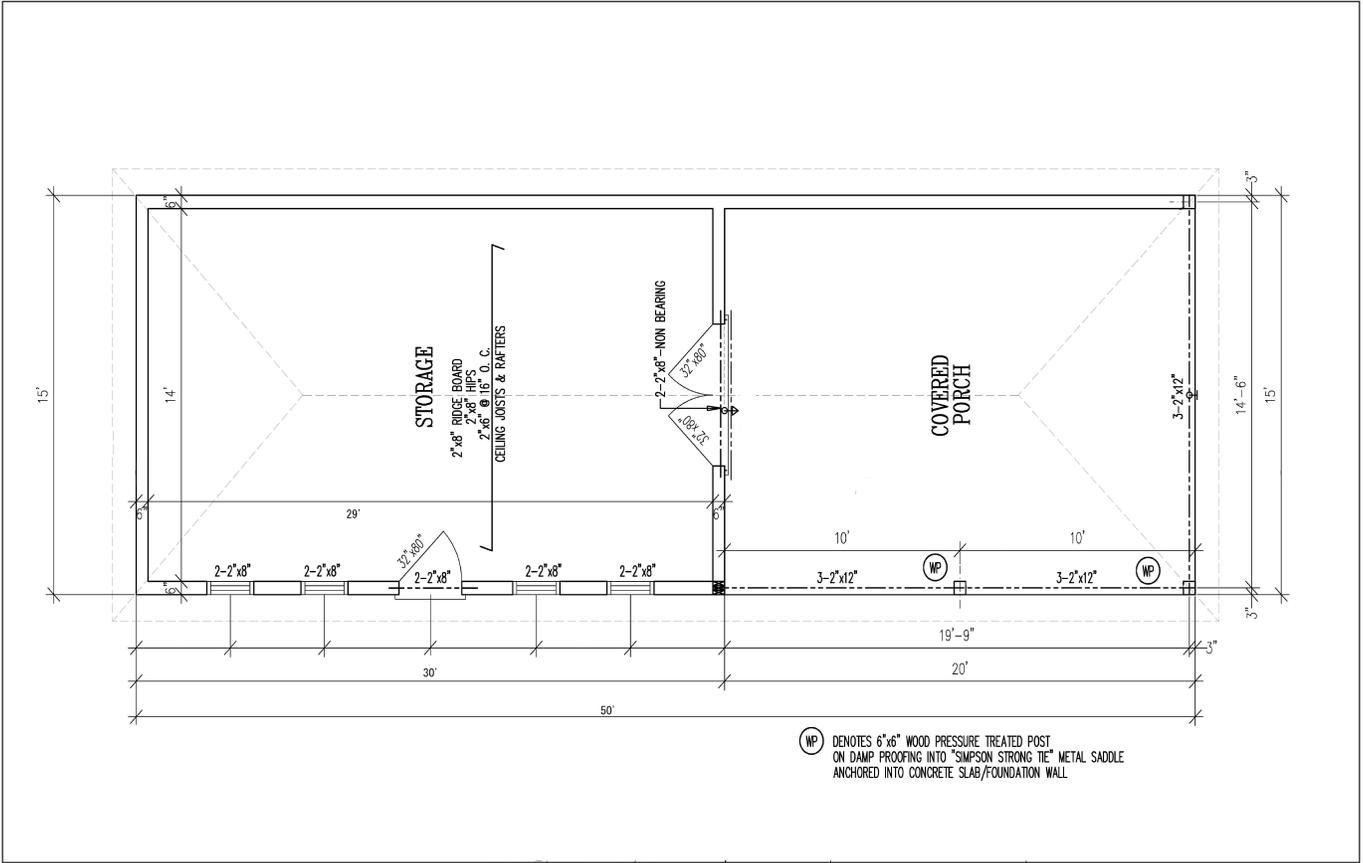


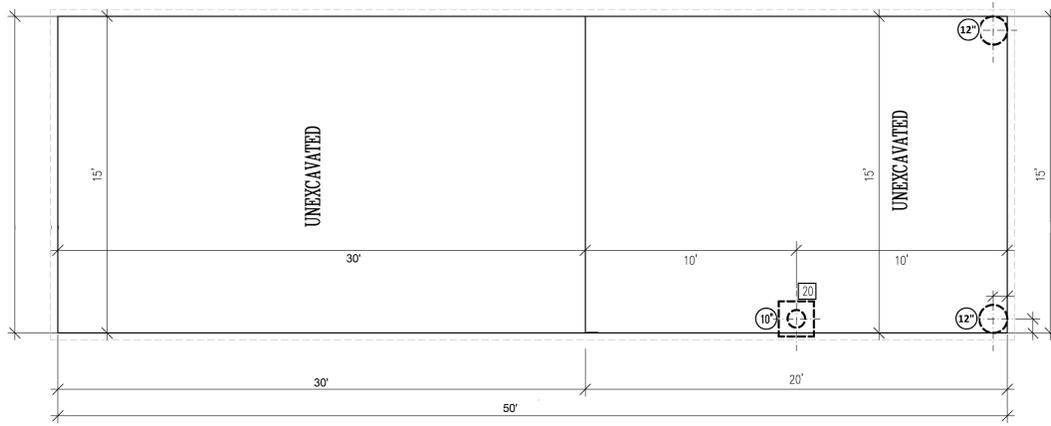
CENTRAL

DRIVE

ESTABLISHED BY REGISTERED PLAN 793
PIN 17429-0269 (L1)







(12") DENOTES 12" diameter SONO TUBE FOOTING

FOUNDATION SLAB ON GRADE



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)		
Applicant(s)*		
Agent or Solicitor		

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

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

Tangerine 3389 Steeles Avenue East Toronto, ON M2H 0A1

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

4. Nature and extent of relief applied for:

Accessory building / shed in the backyard to be 1.8 m from the back property line as opposed to 7.5 m stated under ER zoning by laws

Second Dwelling Unit Reconstruction of Existing Dwelling

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

If we construct the shed 7.5 m away from the back of the property line, it will not look nice as our backyards are all open and setting the shed 7.5 m from back property line will position the shed almost in the middle of the backyard.

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 Central Drive, Ancaster, ON L9G 2A4
PT LT 48 PL 793, BEING PT 2 ON 62R15739, ANCASTER ; S/T EASEMENT OVER PT 2 ON 62R15739 AS IN WE69203; CITY OF HAMILTON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

13. Date of acquisition of subject lands:
May 21, 2021
14. Date of construction of all buildings and structures on subject lands:
The house was built in 2002
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single family
17. Length of time the existing uses of the subject property have continued:
N/A
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected yes
Sanitary Sewer _____ Connected yes
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
PT LT 48 PL 793, BEING PT 2 ON 62R15739, ANCASTER
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
ER zoning
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:
Unknown
- 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)
We are including the drawings of the shed and the lot for your review
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-23:169	SUBJECT PROPERTY:	165 BLAIR LANE, ANCASTER
ZONE:	“ER” (Existing Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: **Owner:** JOHN & MARILYN LUNGUL
 Agent: SMPL DESIGN STUDIO C/O LINDSEY BRUCE

The following variances are requested:

1. A rear yard setback of 1.2m shall be provided whereas the by-law requires a minimum 7.5m rear yard setback for accessory buildings having a gross floor area in excess of 12.0 square metres.
2. Eaves and gutters associated with an accessory building may extend 51cm into a required setback area whereas the by-law permits a maximum eave and gutter encroachment of 30cm.

PURPOSE & EFFECT: To permit the construction a new 25.71 square metre accessory building in the rear yard of the existing Single Detached Dwelling.

Notes: N/A

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

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

DATE:	Thursday, July 27, 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

AN/A-23:169

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.

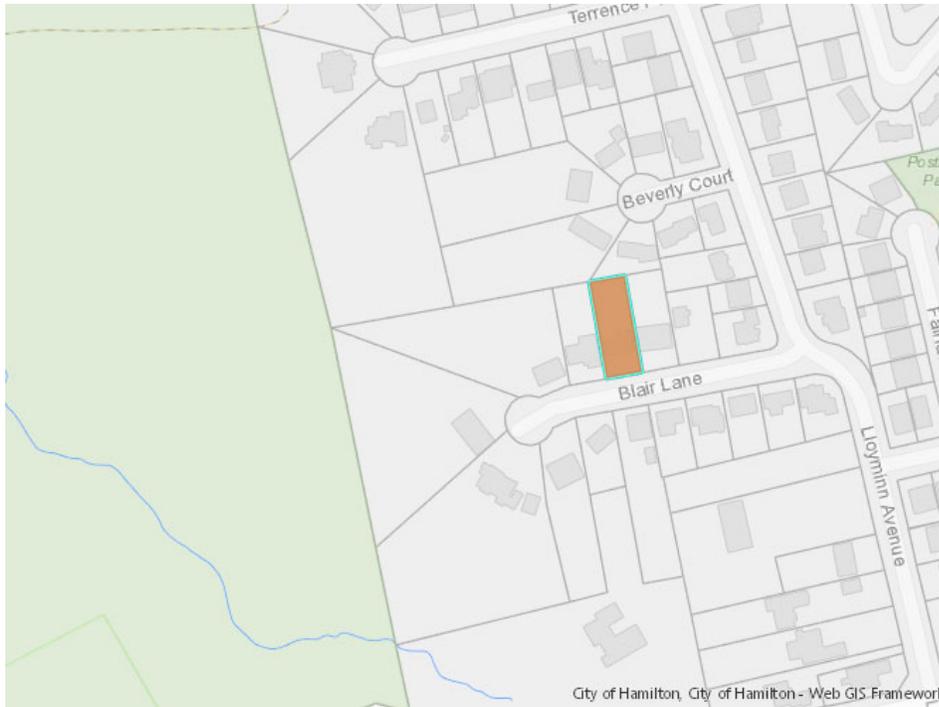
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:169, 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-23:169



 **Subject Lands**

DATED: July 11, 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 2 - REPORT SUMMARY**

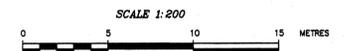
DESCRIPTION OF LAND
BEING ALL OF LOT 95, REGISTERED PLAN 783, KNOWN AS MUNICIPAL No. 185 BLAIR LANE (ANCASTER), CITY OF HAMILTON

REGISTERED EASEMENTS AND/OR RIGHTS OF WAY
NO EASEMENTS LISTED ON THE PARCEL REGISTER FOUND IN THE LAND REGISTRY OFFICE.

BOUNDARY FEATURES
NOTE LOCATION OF THE FENCES AS THEY RELATE TO THE BOUNDARIES OF THE SUBJECT PROPERTY.

COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS
NOT CERTIFIED BY THIS REPORT

**SURVEYOR'S REAL PROPERTY REPORT - PART 1
PLAN OF
LOT 95
REGISTERED PLAN 783
CITY OF HAMILTON**



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.

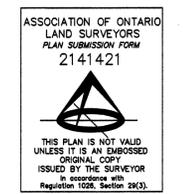
BEARING NOTE:
BEARINGS ARE ASTROMONIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF BLAIR LANE AS SHOWN ON REGISTERED PLAN 783, HAVING A BEARING OF N 79° 48' E.

ELEVATION NOTE:
ELEVATIONS SHOWN ON THIS PLAN ARE REFERRED TO VERTICAL CONTROL MONUMENT No. 07720020077.
LOCATION: RIB WITH BRASS CAP, LOCATED IN ANCASTER, 7 m. EAST OF THE CENTRELINE OF LLOYDMIN 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
- DENOTES SURVEY MONUMENT PLANTED
- IB DENOTES IRON BAR
- CM DENOTES CONCRETE MONUMENT
- WT. DENOTES WITNESS
- (OU) DENOTES ORIGIN UNKNOWN
- P1 DENOTES REGISTERED PLAN 783
- P2 DENOTES PLAN 62R-9144
- P3 DENOTES PLAN BY A.T. MCLAREN O.L.S. (JUNE 13, 1989)
- PROP. DENOTES PROPORTIONED DISTANCE
- (824) DENOTES A.T. MCLAREN O.L.S.
- (892) DENOTES J.G. FLAHERTY O.L.S.
- (912) DENOTES A.J. CLARKE O.L.S.
- (M&M) DENOTES MACKAY & MACKAY LTD.
- A.C. DENOTES AIR CONDITIONER
- R.W. DENOTES RETAINING WALL
- S.R.W. DENOTES STONE RETAINING WALL
- T.R.W. DENOTES TIMBER RETAINING WALL
- T.S. DENOTES TOP OF STONE
- T.W. DENOTES TOP OF WALL
- U.P. DENOTES UTILITY POLE
- W.V. DENOTES WATER VALVE
- 0.3φ DENOTES DIAMETER OF TREE

DWELLING TIES WERE TAKEN TO BRICK AND/OR SIDING



THIS REPORT WAS PREPARED FOR JOHN LUNGUL

SURVEYOR'S CERTIFICATE

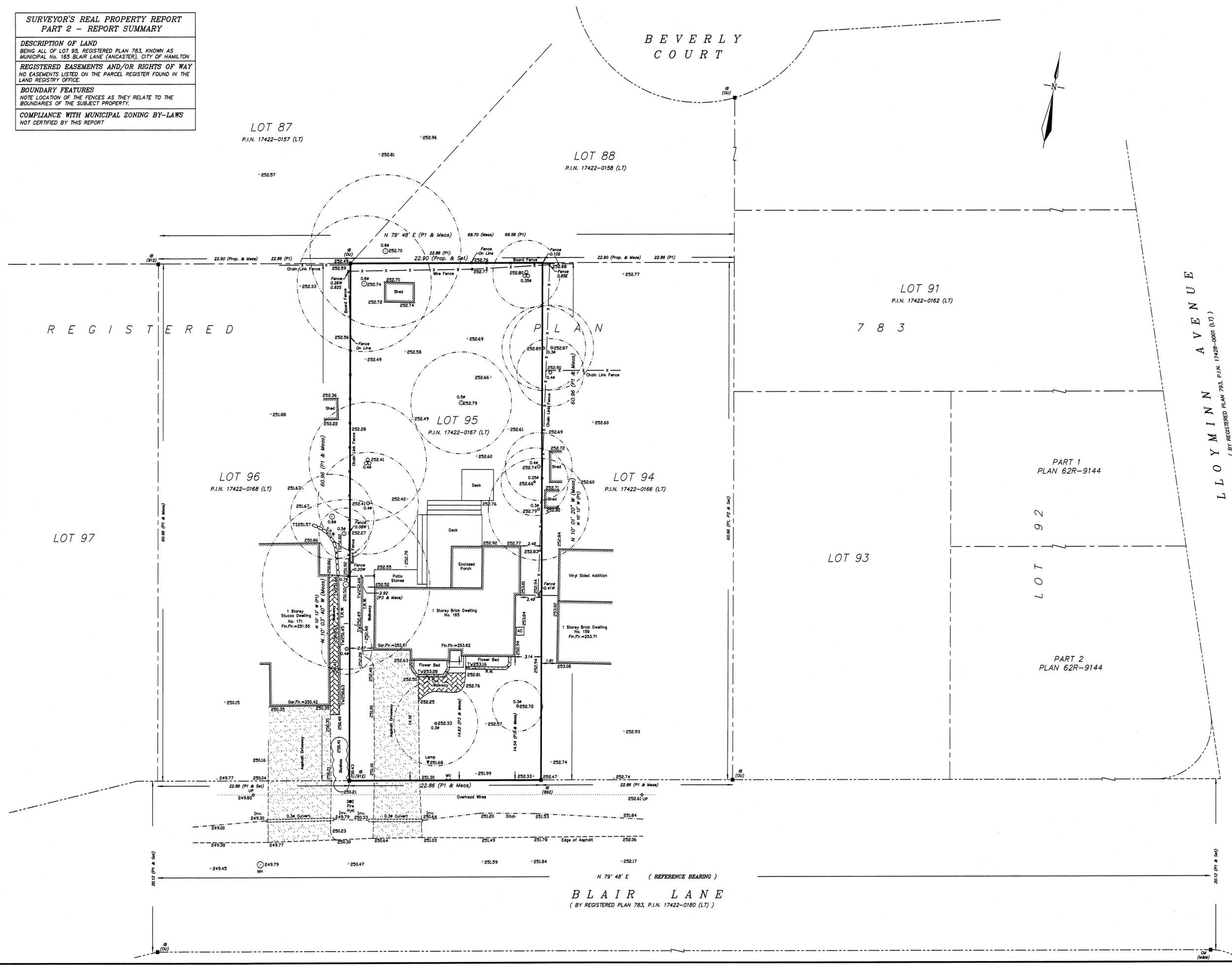
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON NOVEMBER 10, 2020

NOVEMBER 19, 2020. DATE
BRYAN JACOBS
ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L8N 1L3)
PHONE 905-621-1555 ba.jacobs@rogers.com

© - COPYRIGHT JOB No. 20s69



N 79° 48' E (REFERENCE BEARING)
BLAIR LANE
(BY REGISTERED PLAN 783, P.I.N. 17422-0180 (LT))

LOT STATISTICS
 165 Blair Lane, Ancaster, Ontario
 Zoning Designation - ER
 Lot Area: Minimum 695 m², Actual 1392.40 m²
 Lot Frontage: Minimum 18m, Actual 22.86m
 Lot Coverage: Allowed 35%; Proposed 17.79% (248.77m²)
 Cabana Height: Allowed 4.5m, Proposed 3.38m

PROJECT DESCRIPTION
 - New Cabana

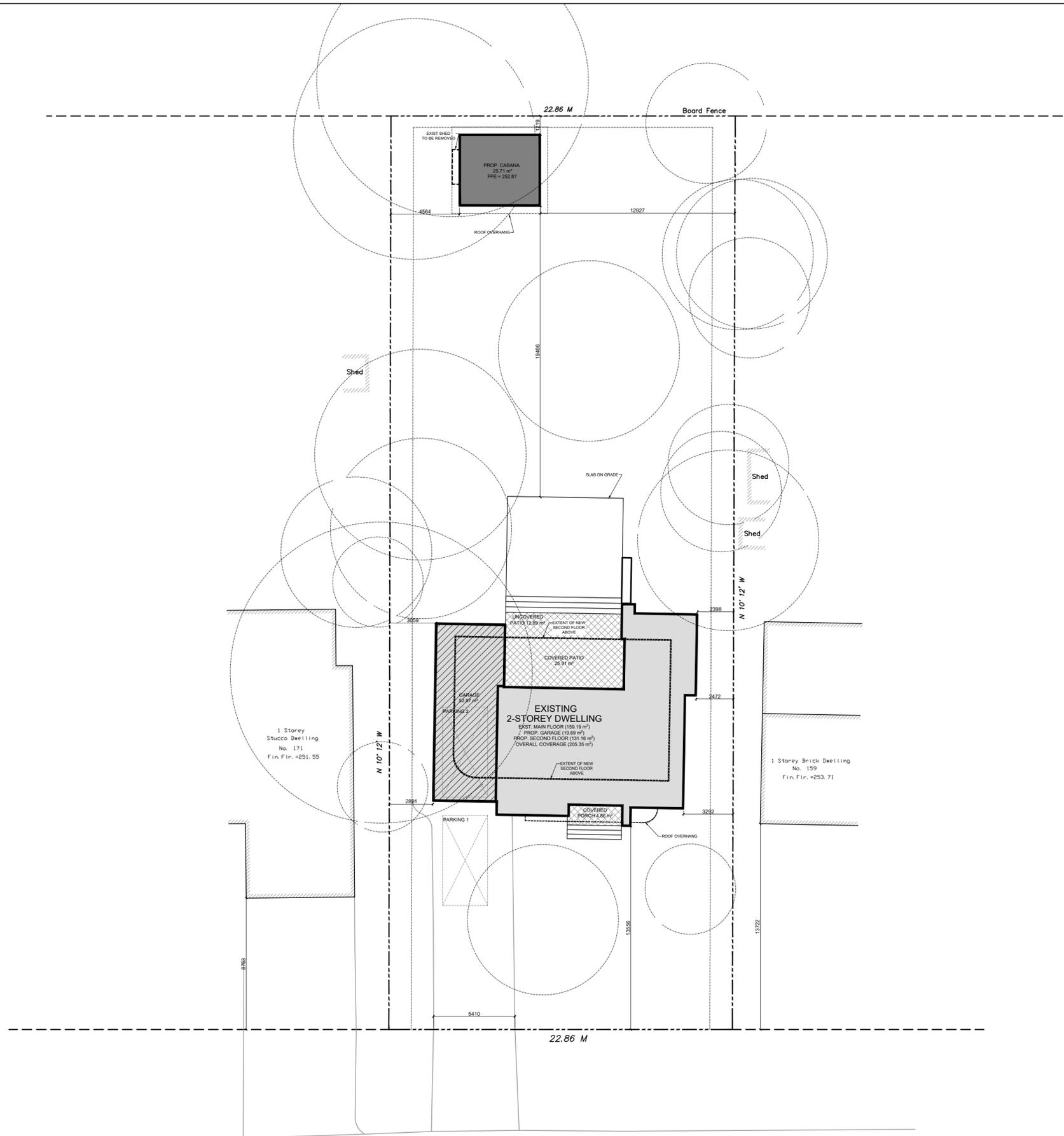
EXIST. BUILD
 GARAGE
 PATIO / PORCH

NOTE:
 all dimensions shown in millimeters unless noted otherwise



DO NOT SCALE DRAWINGS

- Note:
- 1) Contractor to check all dimensions, specifications, ect. 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.



www.smpdesignstudio.com

Drawing Submissions:	
Date:	Type:
May 10, 2022	Approvals
June 27, 2022	SP Revisions

165 Blair Lane
 Ancaster, Ontario

Reviewed By: JT
 Drawn By: HD², JK
 Plot Date:

Page
SP1.01

Site Plan

1
 SP1.01
Proposed Site Plan
 Scale 1:100

In accordance with 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: 19618 Firm BCIN: 31829 David Shouldice CBCO MAATO

B L A I R L A N E



June 26, 2023

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

RE: Minor Variance Application – 165 Blair Lane, Ancaster ON L9G 1B8

smpl Design Studio is the authorized architectural consultant for the property owner of 165 Blair Lane 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. A portion of this property is furthermore regulated by Hamilton Conservation Authority. This +-0.14 ha lot fronts onto Blair Lane and is surrounded by similar residential uses.

A building permit was issued for a new dwelling on June 26, 2021, and for a new rear yard accessory structure on July 14, 2022. Construction is underway and the structures are nearing completion at this time. City Staff recently advised that it has come to their attention that the accessory structure does not comply with the required rear yard setback and that the building permit for this structure was issued in error by Building Division. At this time the permit has been revoked and we've been directed to apply for a variance to support the location of the accessory structure. Staff have also agreed to waive the minor variance fee due to their error.

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 accessory structure that is currently under construction as per the previously approved plans.

The following minor variance is requested:

1. To permit a **minimum rear yard setback (accessory structure) of 1.2m**, whereas 7.5m is required.

The requested relief is being requested due to Building Staff error, however granting this relief will result in a form of development that is in keeping with the character of the surrounding area, while contributing 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. Granting this minor variance will also allow the constructed accessory structure to remain.

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

- Application Form, prepared by SMPL Design Studio, dated June 23, 2023;
- Plan of Survey, prepared by B.A. Jacobs Surveying, dated November 19, 2020;
- Site Plan, prepared by SMPL Design Studio, dated June 27, 2022; and,
- Approved Permit, prepared by Building Division on July 14, 2022.

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



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 N/A

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	165 Blair Lane Ancaster ON		
Assessment Roll Number	25181402304140000000		
Former Municipality	Ancaster		
Lot	95	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:

N/A

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Required rear yard setback for accessory building is 7.5m

Proposed rear yard setback for accessory building is 1.2m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Building permit was issued for the accessory structure on July 14, 2022, as it was noted to comply with relevant zoning regulations. This structure is under construction currently and cannot be moved. City of Hamilton staff have now revoked the permit citing an error in their review (deficient rear yard setback).

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
22.86m	60.96m	1392.40m ²	20.1m

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	13.55m	32.50m	(w) 2.89 & (e) 2.39m	
Accessory	N/A	1.21m	(w) 4.56 & (e) 12.92m	

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	178.88m ²	257.07m ²	2	7.75m
Cabana	25.71m ²	25.71m ²	1	3.98m

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.):

Single detached dwelling.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

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

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 refer to 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
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/B-23:46	SUBJECT PROPERTY:	34 LLOYMINN AVENUE, ANCASTER
-------------------------	-------------------	--------------------------	---------------------------------

APPLICANTS: **Owner:** CARLA GALLI
 Agent: A.J. CLARKE & ASSOCIATES LTD. C/O FRANZ KLOIBHOFER

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 40 Lloyminn Avenue. The existing single detached dwelling will be demolished.

	Frontage	Depth	Area
SEVERED LANDS:	7.62 m [±]	120.89 m [±]	920.18 m ² [±]
RETAINED LANDS:	34.95 m [±]	120.89 m [±]	5470.1 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, July 27, 2023
TIME:	10:25 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:

AN/B-23:46

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

PUBLIC INPUT

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

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

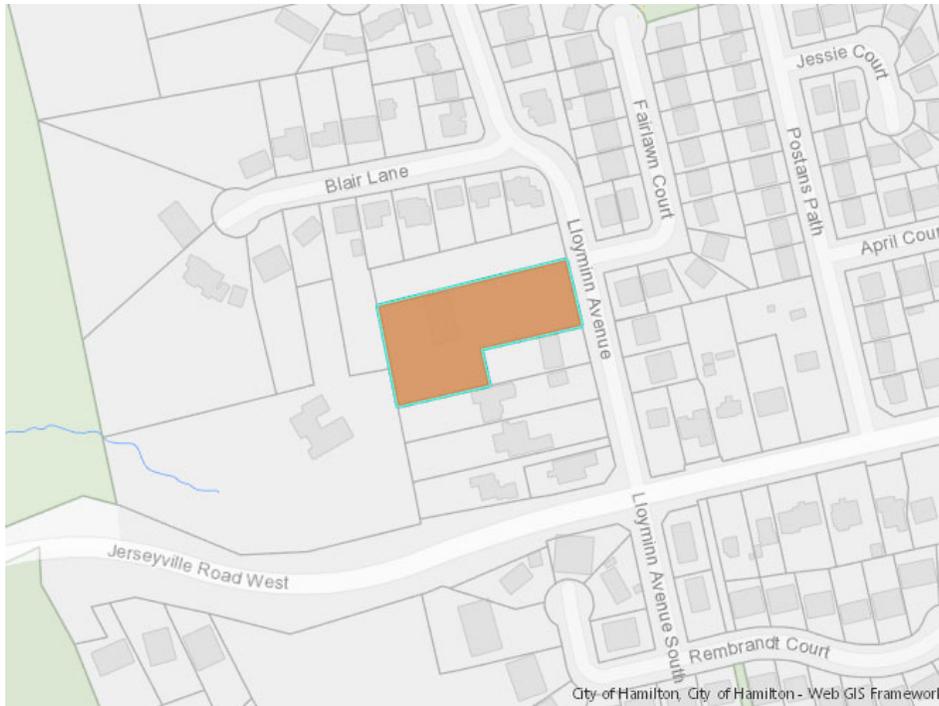
FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/B-23:46, 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.

AN/B-23:46



 Subject Lands

DATED: July 11, 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/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.**

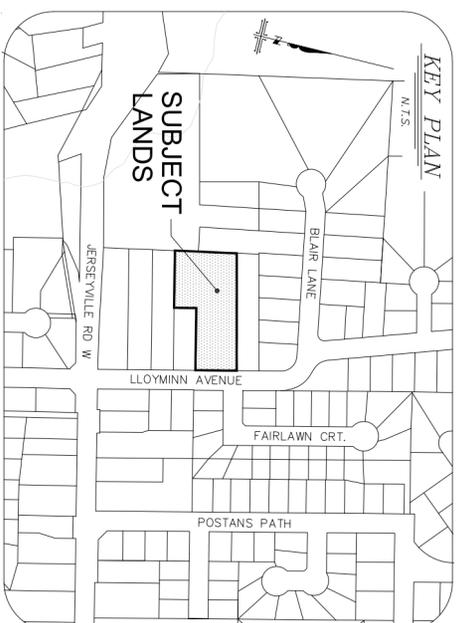
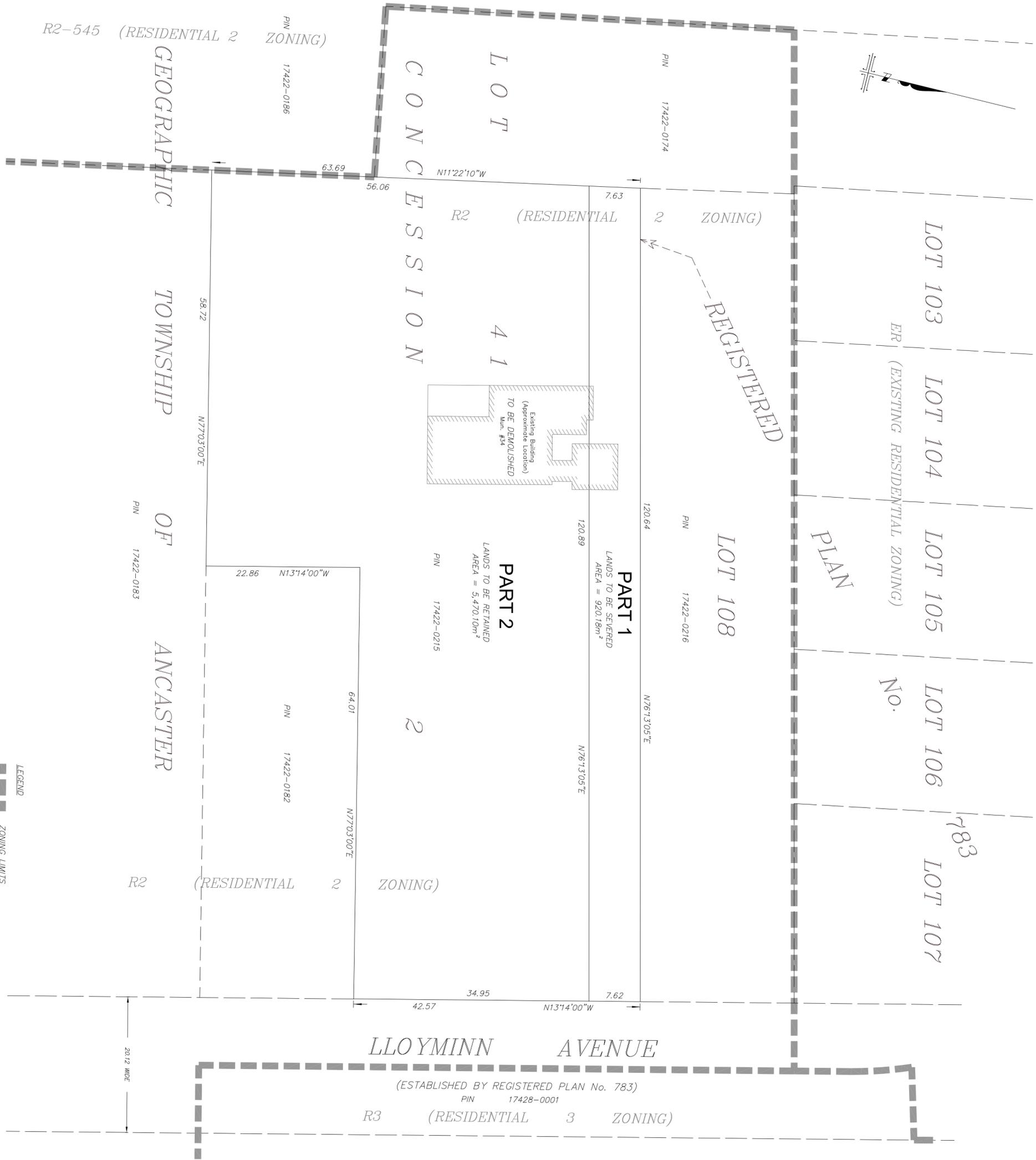
To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing 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.

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 A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.



SKETCH FOR CONSENT TO SEVER
34 LLOYMINN AVENUE
 CITY OF HAMILTON
 (ANCASTER)



THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS: PART OF LOT 41, CONCESSION 2, GEOGRAPHIC TOWNSHIP OF ANCASTER, CITY OF HAMILTON.

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

NOTE:
 THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE BASED ON A SURVEYOR'S REAL PROPERTY REPORT BY WEST & RUUSKA LTD. (FILE NO. N150245) DATED OCT. 26, 2018, AND NOT BASED ON A FIELD SURVEY.

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

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

CONSENT SCHEDULE:
 PART 1 (LANDS TO BE SEVERED) AREA=920.18m²
 PART 2 (LANDS TO BE RETAINED) AREA=5,470.10m²

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

DATE: JUNE 19, 2023
 SURVEYOR: 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



Mailing Address:
Hamilton City Hall
71 Main Street West, 6th Floor
Hamilton, ON, L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Growth Management Division

Physical Address: 71 Main Street West, 6th Floor
Phone: 905-546-2424 Ext. 4883 Fax: 905-540-5611
Amna.Amir@hamilton.ca

Hamilton

February 23, 2023

VIA E-MAIL

Carl Galli – cgalli@rogers.com
34 Lloyminn Avenue
Hamilton, ON, L9G 1H3

THE FOLLOWING MUNICIPAL ADDRESS HAS BEEN ASSIGNED:

40 Lloyminn Avenue (Ancaster) – Lot 108 on Plan 783
Roll Number 251814023043800; Teranet PIN 174220181

THE FOLLOWING MUNICIPAL ADDRESSES WILL CONTINUE TO BE USED:

34 Lloyminn Avenue (Ancaster) – Part of Lot 41 on Plan 783
Roll Number 251814023044000; Teranet PIN 174220181

REASON FOR NEW ADDRESS

As a result of existing lot of record, a new municipal address is required for proper data management and location purposes.

LOCATION

See attached map.

NOTES

Please note that due to the current situation, a hardcopy will not be provided unless requested.

It is the responsibility of the Owner to physically affix the municipal number or full address to either the building or on a sign in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

Please update your records accordingly. Should you have any questions regarding the above, please contact Amna Amir at 905-546-2424 Ext. 4883.



For:

Heather Travis, MCIP, RPP
Manager

Legislative Approvals / Staging of Development, Growth Management Division

c.c.

Electrical Safety Authority

MPAC

City of Hamilton

Source Rogers Cogeco
Cable

Alectra Utilities

Hydro One Networks Inc.

Canada Post

Angus GeoSolutions Inc.

Blue Line Taxi

Union Gas

Fire and Police

Bell Canada Eng.

Bell Street Guide

Bell Canada (911)

Map Mobility

DMTI Spatial

DARTS

Ham.-Went. School Boards
(Public & Separate)

Canada Mortgage and Housing Corp.

Hamilton CACC Ambulance Dispatch

Hamilton-Burlington District Real Estate

Canadian Cartographic Corp.

Hamilton Automobile Club

Telus



● Site Location



City of Hamilton

Municipal Address Map

Subject Property



40 Lloyminn Avenue (Ancaster)

File Name/Number:

40 Lloyminn Av

Date:

February 8, 2023

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

*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

June 22, 2023

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

**Re: 34 and 40 Lloyminn Avenue, Ancaster (Hamilton), ON
Severance (Lot Boundary Adjustment) Application Submission**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by owner Carla Galli, for the purposes of submitting the enclosed Severance (Consent) Application Package for the subject lands, municipally known as 34 Lloyminn Avenue. This application is to adjust the boundary dividing 34 and 40 Lloyminn Avenue. Below is a summary of the materials submitted to your attention:

- One (1) digital copy of the required filled and signed Severance (Consent) Application Form for 34 Lloyminn Avenue;
- One (1) digital copy of a cheque in the amount of \$3,220.00, representing the required application fee for a fully serviced lot;
- One (1) digital copy of the Severance Sketch (Lot Boundary Adjustment), prepared by A.J. Clarke & Associates Ltd., dated June 19, 2023, depicting the lands to be added to 40 Lloyminn Avenue as Part 1;
- One (1) digital copy of an Official Address Letter, recognizing the addresses of 40 Lloyminn Avenue and 34 Lloyminn Avenue.

The purpose of this application is a lot boundary adjustment of the parcel boundary dividing 34 and 40 Lloyminn Avenue. An area of ±920.18 square metres with a width of approximately ±7.62 metres will be severed from 34 Lloyminn Avenue and added to the property municipally known as 40 Lloyminn Avenue. The existing single-detached dwelling structure will be removed to facilitate the construction of two single detached dwellings (one per lot).

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.



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 be sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	34 Lloyminn Avenue		
Assessment Roll Number	251814023044000		
Former Municipality	Ancaster		
Lot	41	Concession	2
Registered Plan Number	783	Lot(s)	108 & Pt Lt 41
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:

NGE Land Holdings Inc.

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

40 Lloyminn Avenue; ARN 251814023043800

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 2	Part 1			
Type of Transfer	N/A	lot addition			
Frontage	±34.95m	±7.62m			
Depth	±120.89m	±120.89m			
Area	±5,470.1m ²	±920.18m ²			
Existing Use	1 detached dwelling	1 detached dwelling			
Proposed Use	1 detached dwelling	1 detached dwelling			
Existing Buildings/ Structures	1/2 of single detached dwelling	1/2 of single detached dwelling			
Proposed Buildings/ Structures	single detached dwelling	single detached dwelling			
Buildings/ Structures to be Removed	single detached dwelling	single detached dwelling			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

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

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify) _____

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

publicly owned and operated sanitary sewage system

privately owned and operated individual septic system

other means (specify) _____

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

electricity

telephone

school bussing

garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) "Neighbourhoods"

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

Gentle intensification through infill development of one single-detached dwelling per lot.

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 2 (R2) of Ancaster Zoning By-law 87-57

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

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

Yes No Unknown

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

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	±480m from Wilson Street C6 Commercial Shopping area
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?

February 2023

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

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

19 McCrimmon Court, Ancaster, Ontario L9G 4N9

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)

It is in line with all other applicable Planning Policy Plans and Acts

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

Yes No (Provide explanation)

Minor boundary adjustment to facilitate building of two single-detached dwellings.

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

Yes No (Provide explanation)

Minor boundary adjustment to facilitate building of two single-detached dwellings.

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

Yes No (Provide explanation)

Designated 'Urban Area' - permitted use proposed. Lot line adjustment - no lot creation.

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)

Subject to NEP - Urban Area Designation

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: _____

10.6 Description of surplus dwelling lands proposed to be severed:

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

Front yard set back: _____

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

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

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.2 Validation of Title

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

11.3 Cancellation

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

11.4 Other Information Deemed Necessary

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



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-23:72	SUBJECT PROPERTY:	14 AMBITIOUS COURT, GLANBROOK
ZONE:	"M3" (Prestige Business Park)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 10-128

APPLICANTS: **Owner:** BEEDIE ON (AMBITIOUS COURT) HOLDINGS LTD. C/O KRISTINA PREECE
Agent: A.J. CLARKE AND ASSOCIATES LTD. C/O LIAM DOHERTY

The following variances are requested:

1. A minimum of one (1) Parking Space shall be provided for each 99 square metres of Gross Floor Area of a Planned Business Centre instead of the minimum of one (1) Parking Space required for each 50 square metres of Gross Floor Area of a Planned Business Centre.
2. A combined minimum of 2.6% Landscaped Area(s) and Landscaped Parking Island(s) Parking Space of the area of the parking lot and associated access driveway and manouvering areas shall be provided and maintained instead of the required 10% Landscaped Area(s) and Landscaped Parking Island(s) of the area of the parking lot and associated access driveway and manouvering areas shall be provided and maintained.

PURPOSE & EFFECT: So as to permit a parking lot as designed for the proposed Planned Business Centre notwithstanding that:

Notes:

- i) This application is required to facilitate Site Plan application DA-22-149, which received Conditional Approval on January 19, 2023.

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:

GL/A-23:72

DATE:	Thursday, July 27, 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-23:72, 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-23:72



 Subject Lands

DATED: July 11, 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.

TURNER FLEISCHER

TurnerFleischerArchitects Inc.
67 Leslie Road
Toronto, ON, M5B 2T8
T 416 425 2222
turnerfleischer.com

This drawing, as an instrument of service, is provided by and is the property of Turner Fleischer Architects Inc. The contractor must verify and accept responsibility for all dimensions and details on site and must notify Turner Fleischer Architects Inc. of any variations from the supplied information. This drawing is not to be scaled. The architect is not responsible for the accuracy of survey, structural, mechanical, electrical, etc., information shown on this drawing. Refer to the appropriate consultants' drawings before proceeding with the work. Construction must conform to applicable codes and requirements of authorities having jurisdiction. The contractor working from drawings not specifically marked 'For Construction' must assume full responsibility and coordinate any construction or changes necessary from this work.
The file also prepared by Turner Fleischer is based on a legal survey showing the boundaries of the lot together with the current location of any existing buildings, features or encroachments prepared by MTE ONTARIO LAND SURVEYORS, dated AUGUST 04, 2022 as provided by BEEDIE - BUILT FOR GOOD.

STATISTICS

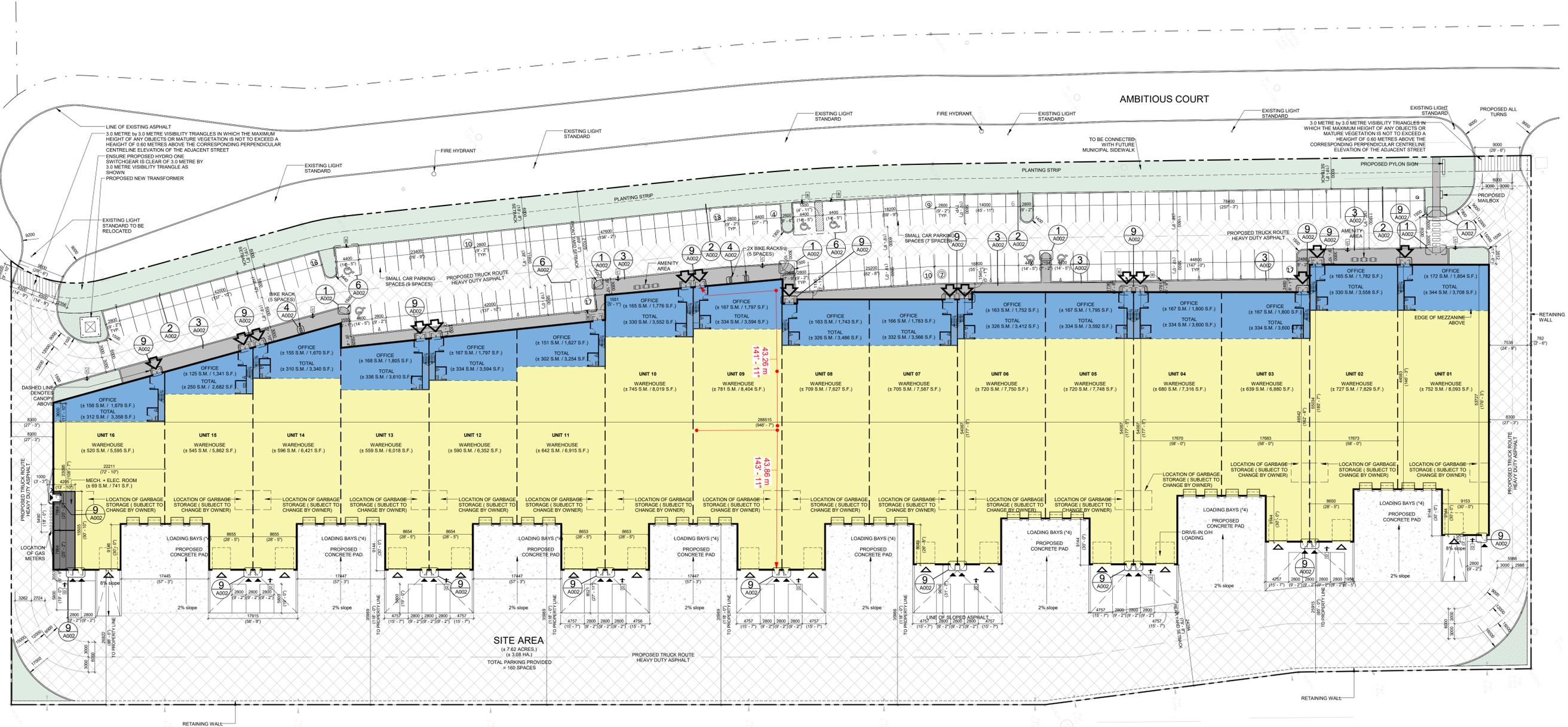
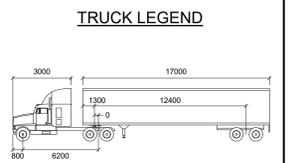
TOTAL SITE AREA	7.61 ACRES	3.08 HA.
PROPOSED GROUND FLOOR AREA	142,897 S.F.	13,276 S.M.
OFFICE AREA	27,794 S.F.	2,582 S.M.
WAREHOUSE AREA	114,362 S.F.	10,625 S.M.
ME AREA	741 S.F.	69 S.M.
PROPOSED MEZZANINE AREA	27,794 S.F.	2,582 S.M.
OFFICE AREA		
TOTAL OFFICE AREA	55,588 S.F.	5,164 S.M.
TOTAL GROSS BUILDING AREA	170,691 S.F.	15,858 S.M.
PROPOSED COVERAGE	43.10 %	
TOTAL LANDSCAPE AREA	2,970 S.F.	275 S.M.

ZONING COMPLIANCE TABLE	REQUIRED	PROPOSED
TEMPORARY BIKE STORAGE		15 SPACES
PARKING REQUIREMENT		
± 15,858 S.M. (1 STALL PER 50 S.M.)	318 STALLS	160 STALLS 1.00 / 100 S.M.
MIN. LOT AREA	4,000 S.M.	30,837 S.M.
MIN. STALL SIZE, TYPICAL	2.8M x 5.8M	2.8M x 5.8M
BARRIER-FREE STALLS	4.4m x 5.8M	4.4m x 5.8M
MIN. 2 STALL + 2% OF TOTAL REQ.	9 SPACES	6 SPACES
MIN. INDUSTRIAL USE LOADING SPACE	15.2m x 3.6m	15.2m x 3.6m
MAX. NO. OF BAYS	TBC	32 BAYS
MIN. FRONT YARD SETBACK	6.0M	21.02M
MAX. FRONT YARD SETBACK	25.0M	21.02M
MIN. LANDSCAPE BUFFER	6.0M	6.0M
MIN. PLANTING STRIP WITHIN LANDSCAPE	3.0M	3.0M
MAX. BUILDING HEIGHT	11.0M	11.0M



2 KEY PLAN
A001 1:2000

- ### LEGEND
- PROPOSED ENTRANCE
 - PROPOSED EXIT
 - PROPOSED OH DOOR
 - PROPOSED SIGN
 - PROPOSED EV CAR CHARGER PEDESTAL
 - PROPOSED FIRE TRUCK ROUTE (HEAVY DUTY ASPHALT)
 - PROPOSED CONCRETE SIDE WALK
 - PROPOSED CONCRETE APRON
 - OFFICE AREAS
 - WAREHOUSE AREAS
 - PLANTING STRIP
 - LANDSCAPE AREAS



1 SITE PLAN
A001 1:400

#	DATE	DESCRIPTION	BY
12	2023-08-07	ISSUED FOR COORDINATION	MHT
11	2023-05-28	ISSUED FOR 50% COORDINATION	ACY
10	2023-05-19	ISSUED FOR COORDINATION	ACY
9	2023-03-31	ISSUED FOR SPA	NAR
8	2022-08-13	ISSUED FOR SPA	NAR



PROJECT
BEEDIE INDUSTRIAL BUILDING
14 AMBITIOUS COURT, HAMILTON, ON

DRAWING
SITE PLAN / GROUND FLOOR PLAN

PROJECT NO.
22.123P01

DRAWN BY
NAR

CHECKED BY
KMD

SCALE
As indicated





June 16, 2023

City of Hamilton
 Planning and Economic Development Department
 Transportation Planning and Parking Division
 100 King Street West, 9th Floor
 Hamilton, ON L8P 1A2

Attention: Bart Brosseau
 Transportation Planning Technologist

Proposed Industrial Development
 Ambitious Court, City of Hamilton
 Updated Parking Justification

Dear Bart Brosseau:

This parking review is intended to supersede the parking review undertaken and documented in a March 9, 2023 letter and a May 4, 2023 letter.

As you're aware, the proposed industrial development at 14 Ambitious Court in Hamilton is not proposing a parking supply which conforms to the City of Hamilton's Zoning By-law No. 05-200 (ZBL) requirements. The building will have a total gross floor area (GFA) of 15,858 m², subdivided into 16 units ranging in size from 520 m² to 752 m². The units will primarily be comprised of warehouse space, with some ancillary office space at the front. Based on a "planned business centre" usage, the ZBL stipulates a requirement of one parking space per 50 m² of gross floor area (GFA). Given a GFA of 15,858 m², this parking rate would correspond to a parking requirement of 318 spaces at the subject site.

Since the site plan (included as **Attachment 1**) is proposing less than the 318 parking spaces, a parking justification study has been requested by the City of Hamilton.

The terms of reference for a parking justification study were previously discussed with City staff. Four potential proxy sites were identified by Dillon on August 16, 2022 for review by City staff. City staff provided a response to this list of proxy sites on November 9, 2022. City staff removed two sites from the list of four, and identified an additional site (at 680 Tradewind Drive) to be included in the parking surveys; leaving a total of three proxy sites.

...cont'd

235 Yorkland Blvd.
 Suite 800
 Toronto, Ontario
 Canada
 M2J 4Y8
 Telephone
 (416) 229-4646
 Fax
 (416) 229-4692

Dillon Consulting
 Limited

City of Hamilton, Bart Brosseau
 Page 2
 June 16, 2023

1.0 Parking Surveys

Table 1 lists the three proxy sites where parking surveys were undertaken.

Table 1: Parking Survey Proxy Sites

Address	Area	Location	GFA (m ²)
560/566 Arvin Avenue	Stoney Creek	South of QEW, west of Fruitland Road	10,700
1377 Cormorant Road	Ancaster	South of Highway 403, east of Highway 6	4,343
680 Tradewind Drive	Ancaster	South of Highway 403, east of Highway 6	4,240

As outlined in the March 9, 2023 parking letter, a few vacancies existed in the Tradewind Drive site and Cormorant Road site at the time of the surveys. The total GFA at each of these buildings was reduced to reflect the occupied space only.

The parking surveys were undertaken by Ontario Traffic Inc. (OTI) on Tuesday, December 13 and Wednesday, December 14, 2022. The sites were surveyed between 6:00 AM and 7:00 PM on both dates. These survey periods were identified based on the operating hours of the various businesses. Parking occupancy was recorded at 30-minute intervals. The parking demand observed at each site throughout both days is illustrated in *Figure 1*. The raw data from the surveys is included in **Attachment 2**.

Table 2 presents the maximum parking demand observed at all three sites on each day, and the equivalent parking rate when compared against each site's GFA.

Table 2: Maximum Observed Parking Occupancy

Site	GFA (m ²)	Maximum observed occupancy		Maximum parking rate
		Tuesday, December 13, 2022	Wednesday, December 14, 2022	
560/566 Arvin Avenue	10,700	94	85	1 space per 114 m ² GFA
1377 Cormorant Road	4,343	44	40	1 space per 99 m ² GFA
680 Tradewind Drive	4,240	50	38	1 space per 85 m ² GFA

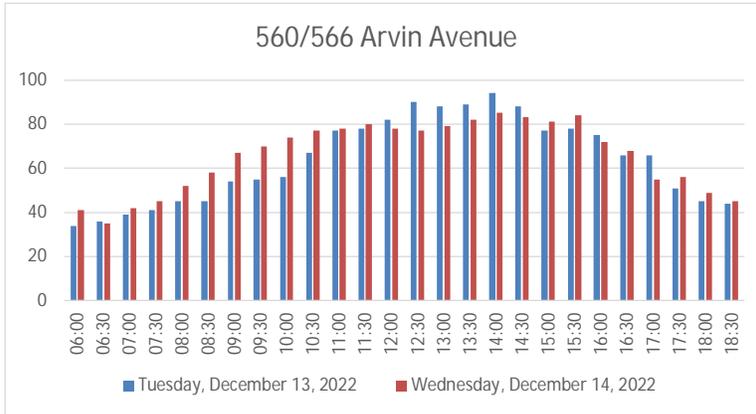
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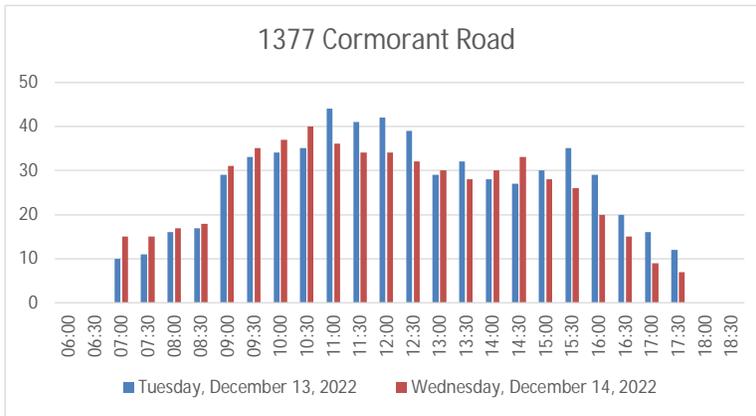
City of Hamilton, Bart Brosseau
 Page 3
 June 16, 2023

Figure 1: Observed Parking Occupancy

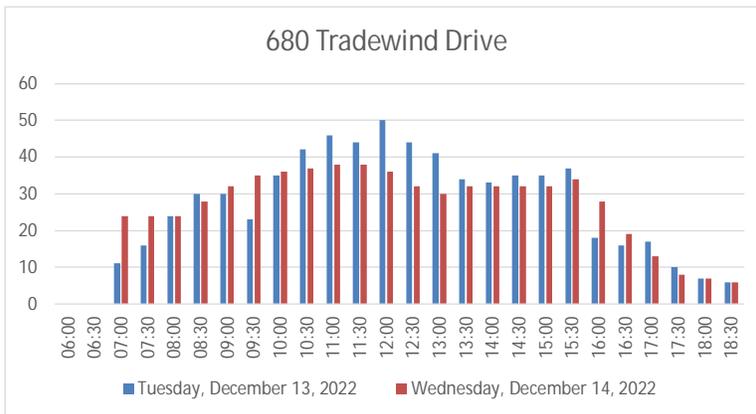
560/566 Arvin Avenue



1377 Cormorant Road



680 Tradewind Drive



...cont'd



City of Hamilton, Bart Brosseau

Page 4

June 16, 2023

2.0 680 Tradewind Drive Site

A follow up site visit was undertaken at the 680 Tradewind Drive site to confirm the vacancies assumed within the building. In doing so, it became apparent that this site is not an appropriate proxy site for the following reasons:

- The two ends of the building have two-storey office space with no provision for loading space/dock facilities. It is apparent that this space in the building was designed solely for office uses, and not as an industrial unit.
- The unit which contains TT Liquid has a large office and retail component (approximately 50%) to their operation. This is not consistent with the unit owners/tenants within an industrial building with loading dock facilities.
- Heartwood Renovations (who occupy one of the end office spaces) has a fleet of work vehicles on site. So, regardless of whether staff actually show up on site, there are parked fleet vehicles there. This usage is inconsistent with that of an industrial building with loading dock facilities.
- This building does not have any loading docks, since it is apparent that these units have not been planned for larger warehouse uses.

Based on the foregoing reasons, we believe that the 680 Tradewind Drive site is not an appropriate proxy site, and that the parking occupancy data from that site should not be considered as part of the parking justification study.

Removing the 680 Tradewind Drive site from the list of proxy sites leaves two sites (the Arvin Avenue site and the Cormorant Road site). The peak parking demand resulting from those two remaining sites occurred at the Cormorant Road site, which exhibited a peak parking demand of 1 space per 99 m² of GFA. Applying that rate to the 14 Ambitious Court site would yield a peak parking demand of 160 spaces (15,858 / 99 = 160.2, rounded to 160).

3.0 Summary

A review of the parking requirements was undertaken for the proposed industrial development application at 14 Ambitious Court. The following summarizes the findings of this review:

- The site has a proposed GFA of 15,858 m².
- Under the City's ZBL, a parking supply of 318 spaces would be required (based on a rate of 1 space per 50 m² GFA for a planned business centre).



City of Hamilton, Bart Brosseau

Page 5

June 16, 2023

- Parking surveys were undertaken at three similar developments elsewhere in Hamilton. One of those developments was determined to be in appropriate as a proxy site.
- The maximum parking rate observed at the remaining two proxy site buildings was 1 space per 99 m² GFA.
- Applying this rate to the proposed development would result in a parking requirement of 160 spaces.
- The site plan proposes a supply of 160 spaces, which is sufficient to accommodate the demand based on the maximum observed parking rate of the proxy sites.

* * *

Should you have any further questions, please contact me at (416) 229-4647, extension 2376, or at mwalters@dillon.ca.

Yours sincerely,

DILLON CONSULTING LIMITED

Mike Walters, P.Eng.
Project Manager

Our File: 22-4920

Attachment 1:
Proposed Site Plan

TURNER FLEISCHER

TurnerFleischerArchitects Inc.
67 Leslie Road
Toronto, ON, M5B 2T8
T 416 425 2222
turnerfleischer.com

This drawing, as an instrument of service, is provided by and is the property of Turner Fleischer Architects Inc. The contractor must verify and accept responsibility for all dimensions and details on site and must notify Turner Fleischer Architects Inc. of any variations from the supplied information. This drawing is not to be scaled. The architect is not responsible for the accuracy of survey, structural, mechanical, electrical, etc., information shown on this drawing. Refer to the appropriate consultants' drawings before proceeding with the work. Construction must conform to applicable codes and requirements of authorities having jurisdiction. The contractor working from drawings not specifically marked 'For Construction' must assume full responsibility and cost for any construction or omissions resulting from this work.
The file also prepared by Turner Fleischer is based on a legal survey showing the boundaries of the lot together with the current location of any existing buildings, features or encroachments prepared by MTE ONTARIO LAND SURVEYORS, dated AUGUST 04, 2022 as provided by BEEDIE - BUILT FOR FOOD.

STATISTICS

TOTAL SITE AREA	7.61 ACRES	3.08 HA
PROPOSED GROUND FLOOR AREA	142,897 S.F.	13,276 S.M.
OFFICE AREA	27,794 S.F.	2,582 S.M.
WAREHOUSE AREA	114,362 S.F.	10,625 S.M.
ME AREA	741 S.F.	69 S.M.
PROPOSED MEZZANINE AREA	27,794 S.F.	2,582 S.M.
OFFICE AREA		
TOTAL OFFICE AREA	55,588 S.F.	5,164 S.M.
TOTAL GROSS BUILDING AREA	170,691 S.F.	15,858 S.M.
PROPOSED COVERAGE	43.10 %	
TOTAL LANDSCAPE AREA	2,970 S.F.	275 S.M.
ZONING COMPLIANCE TABLE	REQUIRED	PROPOSED
TEMPORARY BIKE STORAGE		15 SPACES
PARKING REQUIREMENT		
± 15,858 S.M.	318 STALLS	160 STALLS
(1 STALL PER 50 S.M.)		1.00 / 100 S.M.
MIN. LOT AREA	4,000 S.M.	30,837 S.M.
MIN. STALL SIZE, TYPICAL	2.8M x 5.8M	2.8M x 5.8M
BARRIER-FREE STALLS	4.4m x 5.8M	4.4m x 5.8M
MIN. 2 STALL + 2% OF TOTAL REQ.	9 SPACES	6 SPACES
MIN. INDUSTRIAL USE LOADING SPACE	15.2m x 3.6m	15.2m x 3.6m
MAX. NO. OF BAYS	TBC	32 BAYS
MIN. FRONT YARD SETBACK	6.0M	21.02M
MAX. FRONT YARD SETBACK	25.0M	21.02M
MIN. LANDSCAPE BUFFER	6.0M	6.0M
MIN. PLANTING STRIP WITHIN LANDSCAPE	3.0M	3.0M
MAX. BUILDING HEIGHT	11.0M	11.0M

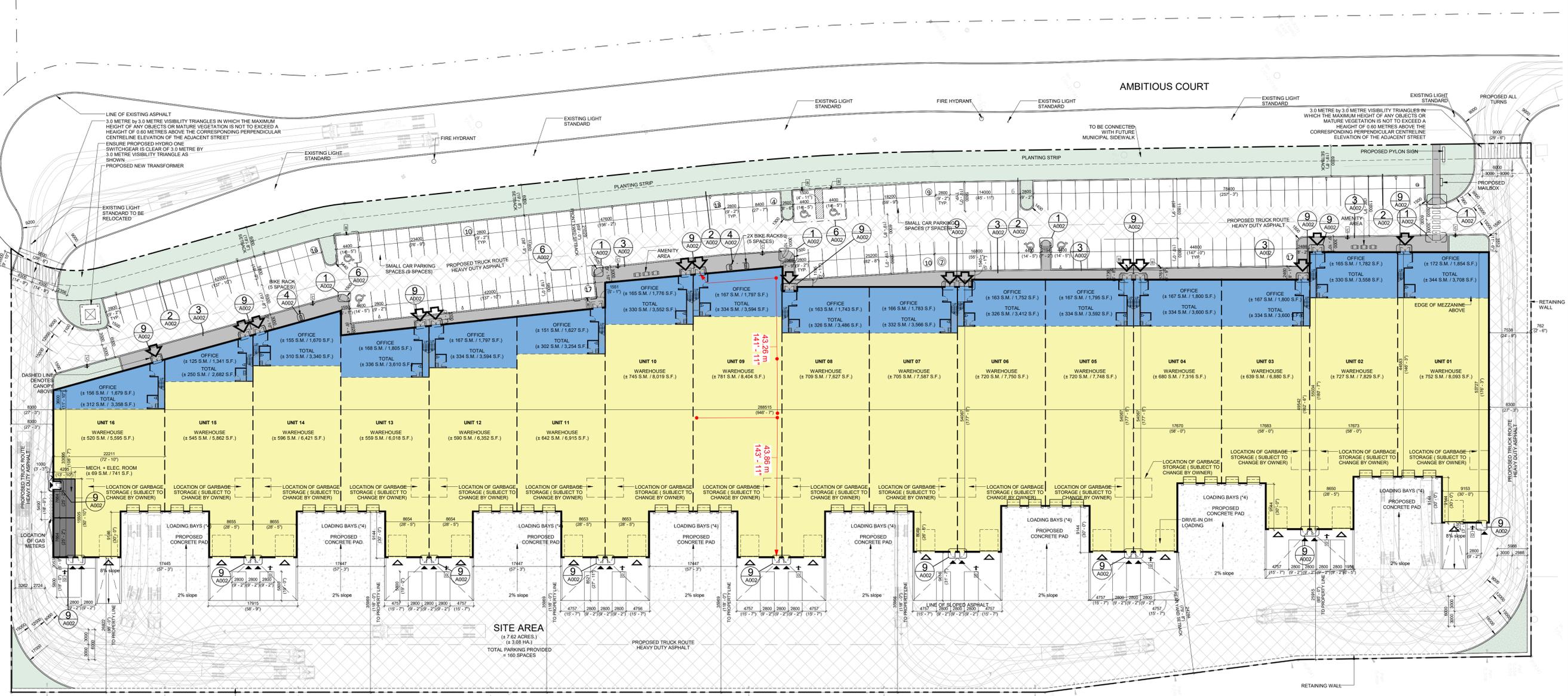
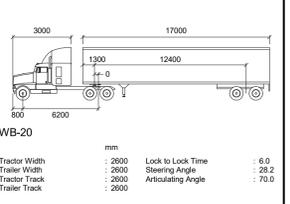


2 KEY PLAN
A001 1:2000

LEGEND

- PROPOSED ENTRANCE
- PROPOSED EXIT
- PROPOSED OH DOOR
- PROPOSED SIGN
- PROPOSED EV CAR CHARGER PEDESTAL
- PROPOSED FIRE TRUCK ROUTE (HEAVY DUTY ASPHALT)
- PROPOSED CONCRETE SIDE WALK
- PROPOSED CONCRETE APRON
- OFFICE AREAS
- WAREHOUSE AREAS
- PLANTING STRIP
- LANDSCAPE AREAS

TRUCK LEGEND



1 SITE PLAN
A001 1:400

#	DATE	DESCRIPTION	BY
12	2023-06-07	ISSUED FOR COORDINATION	MHT
11	2023-05-28	ISSUED FOR 50% COORDINATION	ACY
10	2023-05-19	ISSUED FOR COORDINATION	ACY
9	2023-03-31	ISSUED FOR SPA	NAR
8	2022-08-13	ISSUED FOR SPA	NAR

Beedie Built for good

PROJECT
BEEDIE INDUSTRIAL BUILDING
14 AMBITIOUS COURT, HAMILTON, ON

DRAWING
SITE PLAN / GROUND FLOOR PLAN

PROJECT NO.
22.123P01

DRAWN BY
NAR

CHECKED BY
KMD

SCALE
As indicated



Attachment 2:
Parking Survey Data

Ontario Traffic Inc - Parking Occupancy Counts

Time	Tuesday, December 13, 2022									Wednesday, December 14, 2022								
	560/566 Arvin Avenue			1377 Cormorant Road		680 Tradewind Drive			560/566 Arvin Avenue			1377 Cormorant Road		680 Tradewind Drive				
	Regular	Accessible	Visitor	Regular	Visitor	Regular	Accessible	Visitor	Regular	Accessible	Visitor	Regular	Visitor	Regular	Accessible	Visitor		
06:00 to 06:30	34	0	0						41	0	0							
06:30 to 07:00	36	0	0						35	0	0							
07:00 to 07:30	39	0	0	3	7	3	0	8	42	0	0	5	10	5	0	19		
07:30 to 08:00	41	0	0	5	6	4	0	12	45	0	0	5	10	5	0	19		
08:00 to 08:30	44	0	1	9	7	8	0	16	52	0	0	7	10	10	0	14		
08:30 to 09:00	45	0	0	8	9	13	0	17	58	0	0	8	10	16	0	12		
09:00 to 09:30	54	0	0	18	11	19	0	11	67	0	0	21	10	20	0	12		
09:30 to 10:00	55	0	0	21	12	11	0	12	70	0	0	25	10	23	0	12		
10:00 to 10:30	56	0	0	22	12	21	0	14	74	0	0	27	10	24	0	12		
10:30 to 11:00	67	0	0	23	12	23	0	19	77	0	0	30	10	25	0	12		
11:00 to 11:30	77	0	0	29	15	25	0	21	78	0	0	26	10	26	0	12		
11:30 to 12:00	78	0	0	33	8	31	0	13	80	0	0	24	10	26	0	12		
12:00 to 12:30	81	0	1	34	8	33	0	17	78	0	0	26	8	24	0	12		
12:30 to 13:00	89	0	1	32	7	34	0	10	77	0	0	26	6	22	0	10		
13:00 to 13:30	88	0	0	24	5	29	0	12	79	0	0	24	6	20	0	10		
13:30 to 14:00	89	0	0	26	6	23	0	11	81	0	1	23	5	20	0	12		
14:00 to 14:30	94	0	0	22	6	21	0	12	84	0	1	25	5	20	0	12		
14:30 to 15:00	87	1	0	21	6	22	0	13	83	0	0	28	5	20	0	12		
15:00 to 15:30	77	0	0	27	3	23	0	12	81	0	0	23	5	20	0	12		
15:30 to 16:00	78	0	0	31	4	23	0	14	84	0	0	21	5	20	0	14		
16:00 to 16:30	75	0	0	25	4	11	0	7	72	0	0	15	5	16	0	12		
16:30 to 17:00	66	0	0	16	4	7	0	9	68	0	0	11	4	9	0	10		
17:00 to 17:30	65	0	1	11	5	8	0	9	55	0	0	7	2	7	0	6		
17:30 to 18:00	51	0	0	8	4	2	0	8	56	0	0	5	2	4	0	4		
18:00 to 18:30	45	0	0			3	0	4	49	0	0			3	0	4		
18:30 to 19:00	44	0	0			1	0	5	45	0	0			3	0	3		
Available Spaces =	180	2	2	92	20	139	2	50	180	2	2	92	20	139	2	50		



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

June 23, 2023

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

**Re: 14 Ambitious Court, Hamilton
Minor Variance Application GL/A-23:72, in support of DA-22-149
Request to Revive Tabled Application**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Beedie ON (Ambitious Court) Property Limited Partnership for the purposes of submitting a Minor Variance Application for the subject lands, municipally known as 14 Ambitious Court, in the City of Hamilton. The subject lands have Conditional Site Plan Approval as per application DA-22-149. The plan is for a 16-tenant warehouse building with 15,858m² Gross Floor Area.

A Minor Variance application was submitted and accepted, #GL/A-23:72. We subsequently requested and were granted a meeting deferral on April 18, 2023. The delay allowed time to reach an agreement with Staff regarding the Parking Study.

We now request that our application be brought forward to Committee. Attached to this submission is a revised Site Plan where all parking stalls comply with the Building Department policies and a revised Parking Study.

The submission package includes the following:

- This Cover Letter and Planning Justification Brief
- Copy of Staff Comments for DA-22-149, dated May 23, 2023
 - Includes Zoning Examination by Liam Tapp.
- Site Plan, prepared by Turner Fleischer Architects
- Parking Justification Report, prepared by Dillon Consulting

Requested Variances

1. Notwithstanding the regulations of Section 5: PARKING, Subsection 5.6 c), a Planned Business Centre shall provide a minimum of 1 parking space required for each 99 square metres of gross floor area.
2. Notwithstanding the regulations of Section 5: PARKING, Subsection 5.2 h), Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 2.6% of the area of the parking lot and associated access driveway and manoeuvring areas shall be provided and maintained.



Proposed Site Plan

The site plan was prepared by Turner Fleisher Architects Inc. A revised drawing, dated March 8, 2023, was submitted to the City as part of the concurrent Site Plan Approval and Building Permit process. The proposed plan has:

- 15,582 square metres of gross floor area, divided into 16 units.
 - 5,164 square metres of Office Area and 10,694 square metres of Warehouse Area.
- 15 bicycle parking spaces
- 16 short (9-metre-deep) loading docks, or 1 per unit.
- 32 long (28-metre-deep) loading docks, or 2 per unit
- 160 vehicular parking spaces (*not including 3 spaces that were converted to landscaping*).

The multiple units under the same management defines the site as a Planned Business Centre for parking requirement purposes. 160 car parking spaces is a rate of 1 vehicular parking space per 99 metres square of gross floor area.

Calculating Parking Lot Area and Parking Lot Landscaped Area

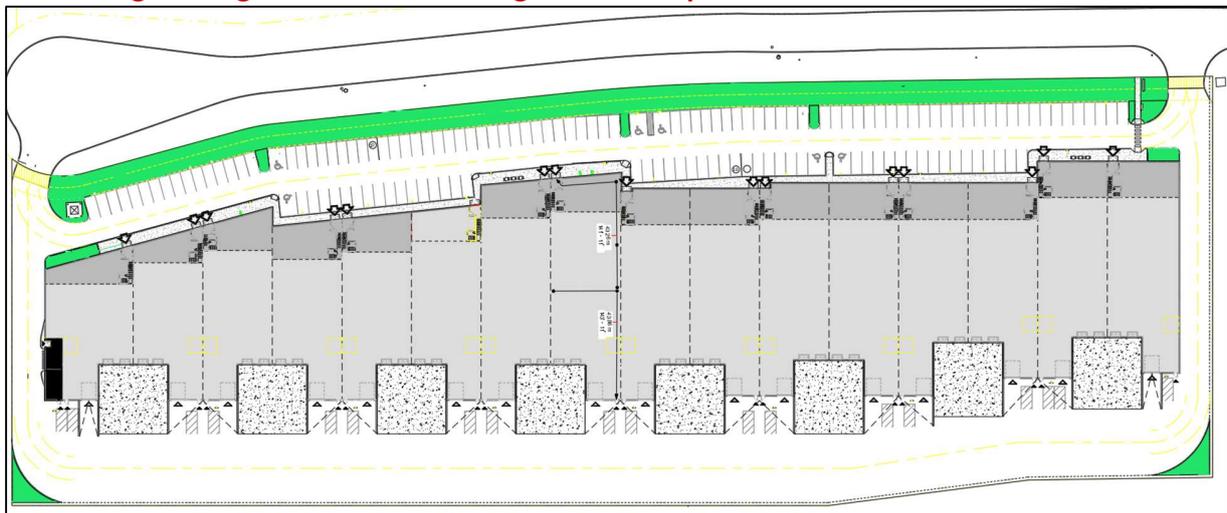


Figure 1: Approved Site Plan showing all landscaping, parking, and asphalt.

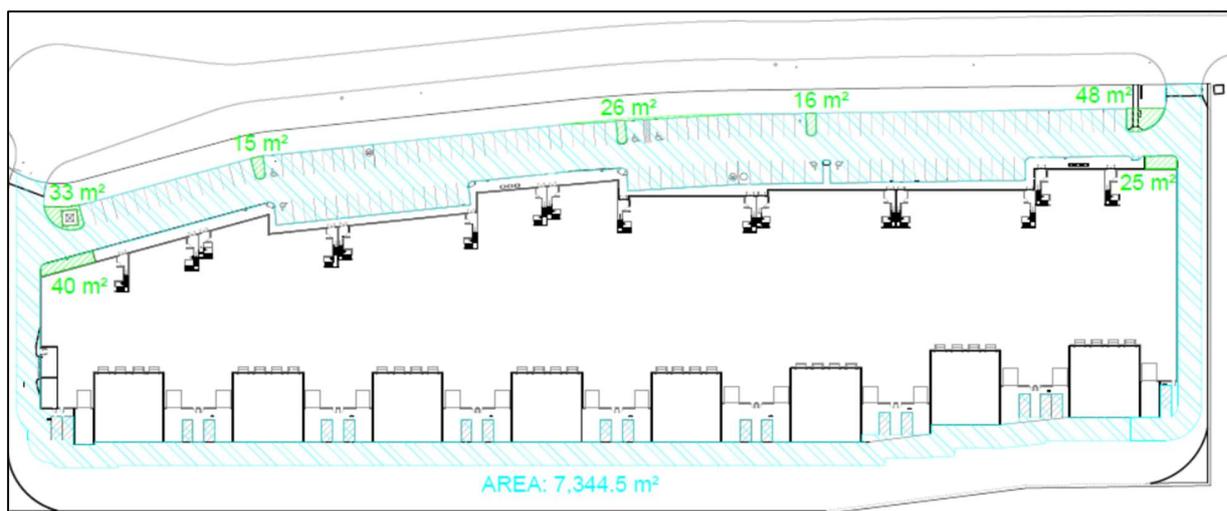


Figure 2: Site Plan showing agreed upon Parking Lot Area and Parking Lot Landscaping.



Figure 1 above show the approved Site Plan will all landscaped areas in green and Figure 2 shows the landscaped areas that count towards the Parking Area Landscaping Requirement.

Parking Justification Report

Dillon Consulting Limited was retained to prepare an analysis of the parking requirements for the project. They undertook a parking survey of comparable developments (proxy sites) in Hamilton. Their observations found a maximum peak demand of 1 space per 99 metres square of gross floor area.

“Applying this rate to the proposed development would result in a parking requirement of 160 spaces. The site plan proposes a supply of 160 spaces, which is sufficient to accommodate the demand based on the maximum observed parking rate of the proxy sites.

The report is signed by Mike Walters, P. Eng., and dated June 16, 2023.

Four Tests

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

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

The subject site is designated ‘Employment - Business Park’ on Schedule E-1 Urban Land Use Designations in the Urban Hamilton Official Plan. Policy E. 5.1.9 states as a policy goal to *Support the development of Employment Areas which are transit-supportive with reduced surface parking*. This is followed by 5.1.16 *Encourage efficient use of existing employment areas by increasing employment densities, and through the establishment of minimum density targets which reflect opportunities for intensification of employment area uses on sites that support active transportation and are served by existing or planned transit*.

The reduction the parking requirement to a level appropriate for the design and use of the building is in keeping with the intent to develop efficient employment uses.

The area is within the planned expansion of the Hamilton transit network. (see Figure 3 below) The variances will facilitate the development of the lands with a use intended for this designation in a manner that makes efficient use of urban land and the urban servicing network. The development will further support the efficient expansion of the Hamilton transit network.



Figure 3: Planned Expansion to HSR bus network, December 2022 Report to Council

Employment Area – Business Park Designation, Design

5.4.7 The following policies shall apply to the lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations:

- a) New development and redevelopment of existing sites shall contribute to a quality image for the business park by incorporating quality building and landscaping designs in those areas adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites.

The site plan, as per the M3 zoning regulations, has a 6 metre Landscaping/Planting Strip along the Ambitious Court frontage. The variance to the Parking Lot Landscaping will not reduce the required Landscaped Area/Planting Strip abutting a street and will not detract from 'quality image for the business park' visible from a public road.

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 Zoning By-law?

The intent of the parking requirements in the by-law is to ensure individual properties have enough parking for their users without overflowing onto the municipal right of way and/or neighbouring properties. The building is designed as a multi-unit warehouse building. Every unit has two loading design for full-size tractor-trailers and an at grade overhead door. The non-zone-specific 'Planned Business Centre' parking rate is intended for multi-tenant buildings typically comprised of offices, retail, and commercial showrooms. The proposed parking variance, as supported by the parking study, will provide sufficient parking for the proposed multi-warehouse building.

The variance to allow development with 160 parking spaces meets the intent and purpose of Zoning By-Law 05-200.



The intent of the Parking Area Landscaping policy 5.2 h) i) is to reduce overall asphalt surface area and contribute to a greener standard of development. More specifically, it is to break up the massive asphalt parking lots typically found around large shopping areas, offices and factories. (See below).



Figure 4: Photo of Burlington Mall

The proposed site plan has a single aisle of parking in the front with 142 spaces and 18 spaces scattered in the rear abutting the truck movement area. The Building Department has interpreted the By-law such that the access to the individual spaces at the rear and the spaces themselves are part of the Parking Lot Area. Further, the required Landscaping abutting a road does not count towards Parking Lot Area Landscaping.

The Site Plan does not have a large block of parking. The front parking lot has a 6-metre-wide landscaping block beside it to go along with the seven landscaping islands in the parking lot. The spaces at the rear tie into a truck movement area that cannot be landscaped due to the large sweeping radii necessary to accommodate large truck turning movements. The intent of the zoning by-law to balance parking with greenspace is maintained.

The proposed variances maintain the intent and purpose of Zoning By-Law 05-200.

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

As noted above, the variances are intended to facilitate the development of a multi-unit warehouse building. The variance will allow the efficient use of the lands in a manner without requiring the provision of unnecessary parking spaces.

The Site Plan Approved building has 48 loading docks in the rear for the multi-unit warehouse. The size and number of trucks moving requires sufficient area to function properly and safely. The City Building Department has defined that part of the truck movement area and the truck access routes on either side of the building are part of the Parking Lot Area. Converting 10% of the defined Parking Lot Area in the approved Site Plan to Landscaping would at a minimum hinder and possibly block the safe functioning of the warehouse loading area. The variances are appropriate and necessary for the proper development of the subject lands.



14 Ambitious Court
Cover Letter – Minor Variance Application

A. J. Clarke & Associates Ltd.
June 23, 2023

4. Are the proposed variances minor in nature?

The parking variance is minor in nature as it permits a parking rate that has been demonstrated to be appropriate to the proposed uses and will not create negative impacts on the surrounding properties or road network.

The Parking Area Landscaping variance is minor in nature as the true Parking Lot has the desired amount of landscaping with a 6-meter-wide planting strip and several landscaped islands.

Conclusion

As such, the subject land is appropriate for the redevelopment of as proposed and has sufficient regard for the matters listed under Section 2 of the *Planning Act*, represents good planning and should be approved.

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

Sincerely,


M. Liam Doherty, MCIP, RPP
Senior Planner
A. J. Clarke and Associates Ltd.





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	14 Ambitious Court		
Assessment Roll Number			
Former Municipality	Glanbrook		
Lot		Concession	
Registered Plan Number	62M-1259	Lot(s)	Block 3
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 parking space required for each 85 square metres of gross floor area of a Planned Business Centre, reduced from 1 parking space required for each 50 square metres of gross floor area.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Compliance with the By-law would require the reduction of the Building as approved via Site Plan Approval application DA-22-149 and the provision of unnecessary parking.

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

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
308 m	84 to 102 m	3.0845 ha	26.00 m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
None				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Multi-tenant Building	19.67 m	24.28 m	8.3 & 8.3 m	08/01/2023

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
None				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Multi-tenant Building	13,301 m sq	18,447 m sq	2	11.0 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.):

One multi-tenant industrial building.

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

Industrial uses, rail trail.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

March 14th, 2022.

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

Vacant/Farmland

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

Vacant

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

2015 - date of Draft Plan of Subdivision registration.

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) Employment Business Park

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

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

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

(Zoning By-law Amendment or Minor Variance)

Yes

No

If yes, please provide the file number: _____

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

Yes No

If yes, please provide the file number: _____

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

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

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-23:65	SUBJECT PROPERTY:	280 TRINITY CHURCH ROAD, GLANBROOK
ZONE:	"M3" (Prestige Business Park)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** GINO ARCARO
 Agent: ARCADIS IBI GROUP C/O JARED MARCUS

The following variances are requested:

1. To permit the extension a legal non-conforming use by adding an attached garage to the existing single detached dwelling.
2. A minimum side lot line setback for an accessory building less than 18m² of 0.0 metres whereas the by-law requires a minimum of 1.0 metres.
3. A minimum side lot line setback for an accessory building greater than 18m² of 0.1 metres whereas the by-law requires a minimum of 1.2 metres.
4. A maximum gross floor area of 245m² for all accessory buildings.
5. A maximum encroachment of 1.2 metres for eaves or gutters of an accessory building whereas the by-law permits a maximum of 0.45 metres.

PURPOSE & EFFECT: So as to permit the construction of an attached garage to the existing non-conforming Single Detached Dwelling and to recognize the existing accessory buildings.

Notes:

1. The by-law does not have a minimum requirement for maximum gross floor area for this property and as such is not a requirement.

GL/A-23:65

2. Variances for location and height for accessory buildings are not a required to obtain compliance as Section 1.11 d) i) states the following:

“Swimming pools, hot tubs, and accessory buildings, including but not limited to sheds, garages and gazebos on a lot containing a single detached dwelling or duplex dwelling which is prohibited by the applicable zoning by-law, but which was lawfully used as a single detached or duplex dwelling on the date of the passing of this By-law shall be permitted as follows:

- i) That the location and height comply with the applicable provisions of this by-law.”

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, July 27, 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

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-23:65, 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.

GL/A-23:65

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: July 11, 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.

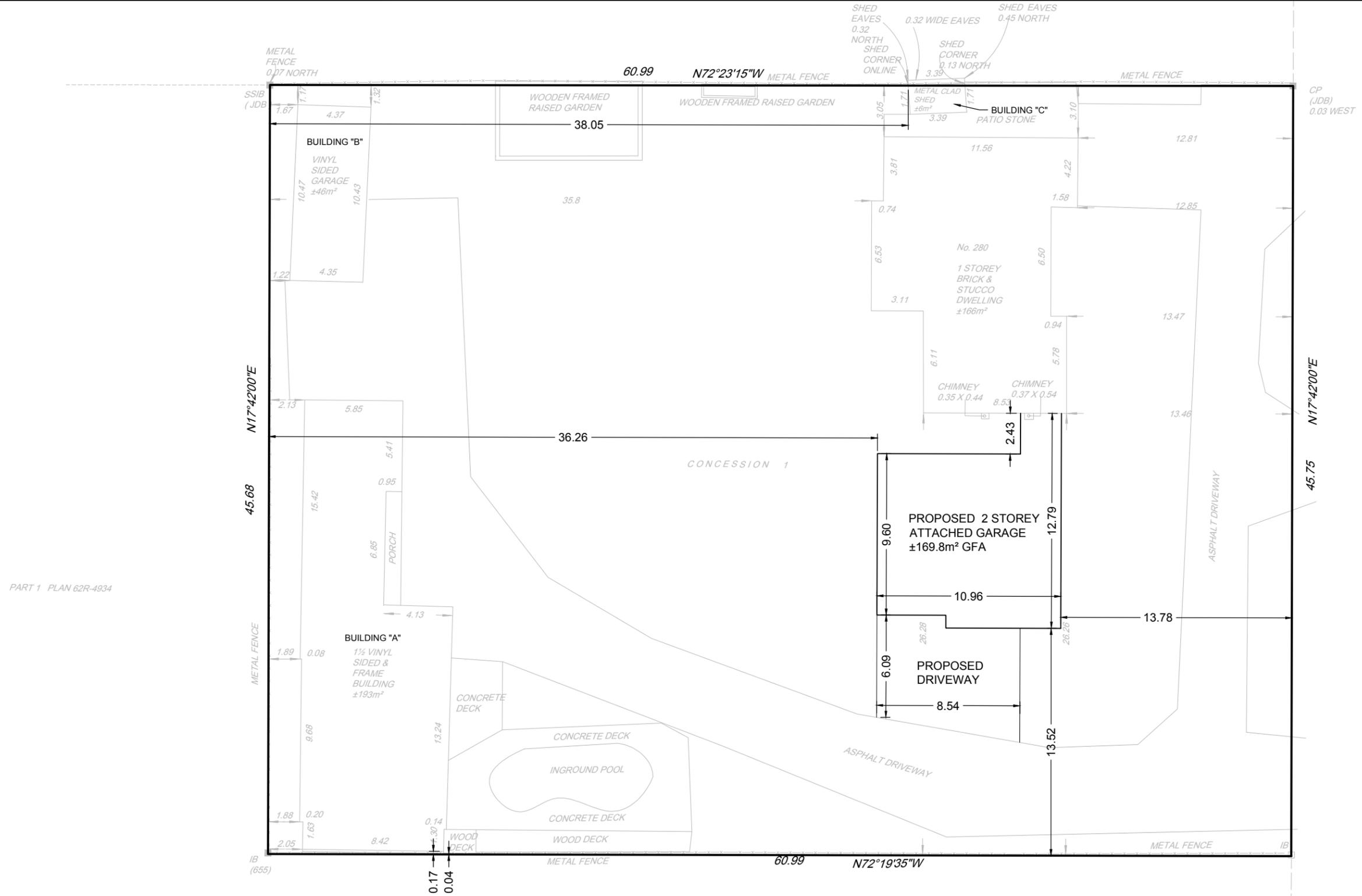
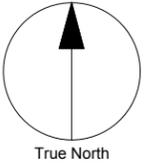
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



TRINITY CHURCH ROAD
(ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIPS OF BINBROOK & GLANFORD)

DRAFT

CITY OF HAMILTON ZONING BY-LAW 05-200						
	REQUIRED	PROVIDED			VARIANCE	
		BUILDING "A" 193m ²	BUILDING "B" 46m ²	BUILDING "C" 6m ²		
4.8(b)	ACCESSORY BUILDING SHALL NOT BE PERMITTED WITHIN A FRONT OR FLANKAGE YARD	N/A	N/A	N/A		
4.8(g)	MAXIMUM BUILDING HEIGHT	4.5m	<4.5m	<4.5m		
4.8(h)	GUTTER ENCROACHMENT	0.45m	1.2m	1.0m	YES	
4.8.1.1(a)	MAX. GROSS FLOOR AREA	45m ² OR 7.5% LOT AREA, WHICHEVER IS LESSER	245m ²		YES	
ACCESSORY BUILDINGS <18m ²						
4.8.1.1(c)(i)	SETBACK FROM REAR LOT LINE	1.0m	N/A	N/A	38.05m	
4.8.1.1(c)(ii)	SETBACK FROM SIDE LOT LINE	1.0m	N/A	N/A	0.0m	
ACCESSORY BUILDINGS >18m ²						
4.8.1.1(d)(i)	SETBACK FROM REAR LOT LINE	1.2m	1.88m	1.22m	N/A	
4.8.1.1(d)(ii)	SETBACK FROM SIDE LOT LINE	1.2m	0.17m	1.17m	N/A	

CLIENT GINO ARCARO 1576 STONE CHURCH ROAD EAST, UNIT 12 HAMILTON, ON L8W 3P9	PROJECT NAME 280 TRINITY CHURCH RD. 280 TRINITY CHURCH ROAD HANNON, ON L0R 1P0		ARCADIS Suite 200 - 360 James Street North Hamilton, ON L8L 1H5 tel 905 546 1010 fax 905 546 1011 arcadis.com	
	SCALE: 1:250 PROJECT MGR: J.MARCUS CHECKED BY: J.MARCUS PROJECT NO: 139975	DATE: 2023-05-05 DRAWN BY: J.MARCUS APPROVED BY: J.MARCUS	FIGURE NAME MINOR VARIANCE SKETCH	FIGURE NO. MV

File Location: J:\139975_280_Trinity_17_0_Production\7_03_Design\17_Planning\Sheets\139975SP.dwg Last Saved: June 8, 2023, by Jared Marcus Plotted: Tuesday, June 20, 2023 12:12:48
 SCALE CHECK 1 in 10mm PM by Jared Marcus

Arcadis Inc.
360 James Street North – Suite 200
Hamilton
Ontario L8L 1H5
Canada
Phone: 905-546-1010 ext. 63139
www.arcadis.com



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

Subject: 280 Trinity Church Road, Glanbrook – GL/A-23:65
Date: June 20, 2023

Dear Ms. Sheffield,

As you are aware we recently represented the owner of the above noted property at a Committee of Adjustment hearing in respect to Minor Variance application GL/A-23:65. The purpose of the initial application sought permission to expand a legal non-conforming use; however, the staff review identified that the proposed garage did not meet the requirements to be considered as attached and therefore the requested variance was amended to reflect the proposal as an accessory structure. Subsequently, the matter was tabled so that the applicant could review and revise the proposal.

In discussions with the owner, the development has been amended so that the proposed garage will now have a 2.43m, one-storey connection and will be attached to the existing dwelling. Therefore, the applicant is still proposing an extension to a legal non-conforming use.

In addition, the Committee raised questions at the hearing related to the size of the existing accessory structures on the subject lands as there was concern that the information presented in the comments package may not have accurately reflected the existing conditions. The applicant has obtained a current existing conditions survey and as a result we have flagged the following additional variances:

1. For an accessory structure less than 18m² a setback of 0m to a side lot line;
2. For an accessory structure greater than 18m² a setback of 0.1m from a side lot line;
3. A maximum gross floor area of 245m² for all accessory structures; and
4. A maximum encroachment of 1.2m for eaves or gutters of an accessory structure.

In support of the revised Minor Variance application please find enclosed a digital copy of the Site Plan and Building Layout drawings.

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

Regards,

A handwritten signature in black ink, appearing to read "Jared Marcus", written over a white background.

Jared Marcus, CPT
Associate – Manager, Planning



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)			Phone:
			E-mail:
Agent or Solicitor			Phone:
			E-mail:

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

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

1.4 Request for digital copy of sign Yes* No

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

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	280 Trinity Church Road, Hannon		
Assessment Roll Number	251890212064000		
Former Municipality	Hannon		
Lot	16	Concession	1
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

*GARAGE MAXIMUM 4.5 CURRENTLY
NEED 7.46*

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

HEIGHT RESTRICTION

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

Yes

No

If yes, please provide an explanation:

Existing single detached dwelling is legal non-conforming and the owner would like to construct a 1 storey garage attached to the dwelling via the roof.

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
45.72m	60.96m	2,787sq.m	20m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
single detached	12.6m	35.8m	3.05m & 26.26m	
OUTBUILDING A	2.5	10	1	11.6
OUT BUILDING B	16	16	1	11.6

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
garage	13.5m	35.8m	12.8m	

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
single detached dwelling				
OUT BUILDING A	205 m ²	10 m	1	6 m.
OUT BUILDING B	16	16	1	11.6

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
garage	111sq.m	164	1	7.5m

- 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

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
2000
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
single detached
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
single detached
- 7.4 Length of time the existing uses of the subject property have continued:
40 years
- 7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Business Park

Please provide an explanation of how the application conforms with the Official Plan.
Use is existing legal non-conforming.

- 7.6 What is the existing zoning of the subject land? M3(425)
- 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: M3(425)

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):

Existing single detached dwelling is considered legal non-conforming and is reflected as a permitted existing use within the site specific zoning on the subject lands. The owner wants to construct a 1 storey garage which would be attached to the existing dwelling at the roof.

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-23:168	SUBJECT PROPERTY:	1404 HENDERSHOT ROAD, GLANBROOK
ZONE:	"A1" (Agriculture)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** KEVIN WRIGHT

The following variances are requested:

1. A maximum height of 7.16 metres for the accessory building shall be provided whereas the by-law requires a maximum height of 6.0 metres.
2. A maximum encroachment of 0.48 metres for the eaves and gutters shall be provided whereas the by-law requires a maximum encroachment of 0.45 metres.

PURPOSE & EFFECT: So as to permit the construction of a new accessory building in the rear yard to complement the existing Single Detached Dwelling.

Notes: N/A

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

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

DATE:	Thursday, July 27, 2023
TIME:	10:40 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

GL/A-23:168

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-23:168, 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-23:168



DATED: July 11, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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1. Virtual Oral Submissions

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

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

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

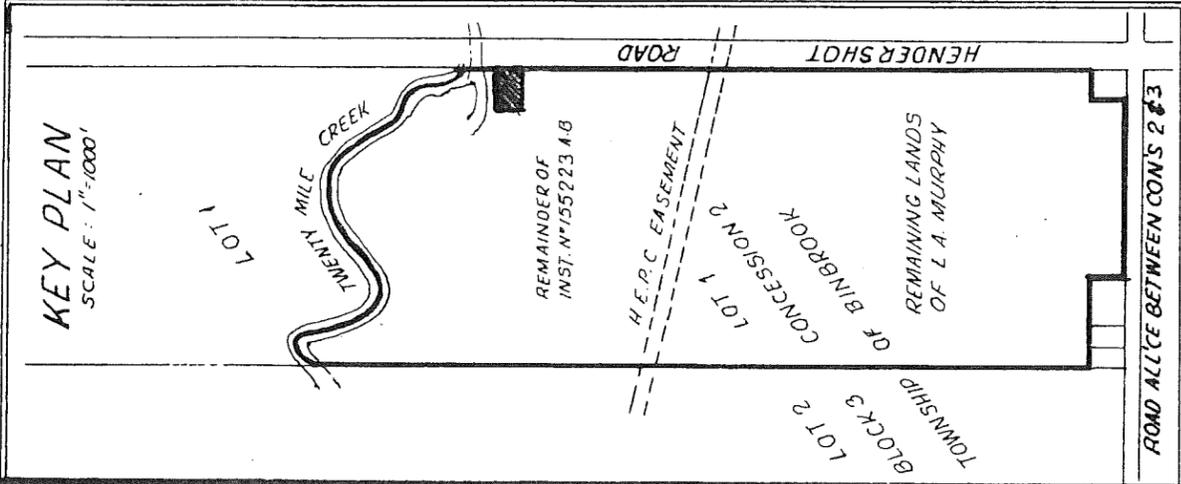
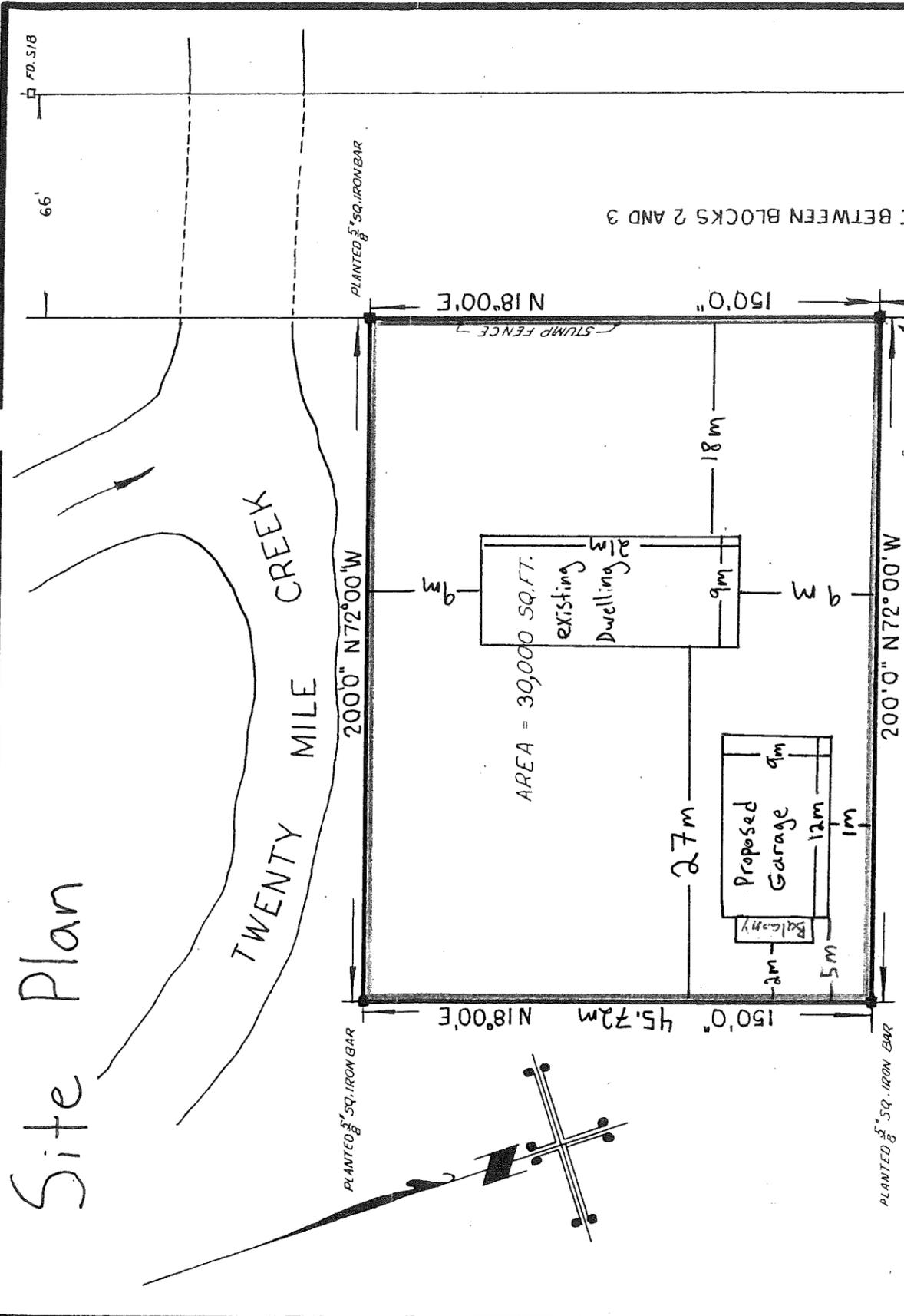
2. In person Oral Submissions

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

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

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

Site Plan



PLAN
OF SURVEY SHOWING
PART OF LOT 1 - BLOCK 3 - CONCESSION 2
IN THE
TOWNSHIP OF BINBROOK
COUNTY OF WENTWORTH
SCALE: 1" = 50'
1972

LANDS OF L.A. MURPHY
INST. N° 155223 A B

LOT 1
CONCESSION 2
BLOCK 3
IN THE
TOWNSHIP OF
BINBROOK

BEARINGS SHOWN HEREON ARE REFERRED
TO THE WESTERN LIMIT OF HENDERSHOT
ROAD ON A COURSE OF N18°00'E

Surveyor's Certificate:

I HEREBY CERTIFY THAT:
THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE
REGULATIONS MADE THEREUNDER

THIS SURVEY WAS COMPLETED ON THE 6TH DAY OF APRIL 1972.

HAMILTON, ONTARIO
APRIL 13, 1972

A. J. Clarke
A. J. CLARKE
ONTARIO LAND SURVEYOR

ROAD ALLOWANCE BETWEEN
CONCESSIONS 2 AND 3

SOUTHEAST CORNER OF LOT 1
BLOCK 3, CONCESSION 2

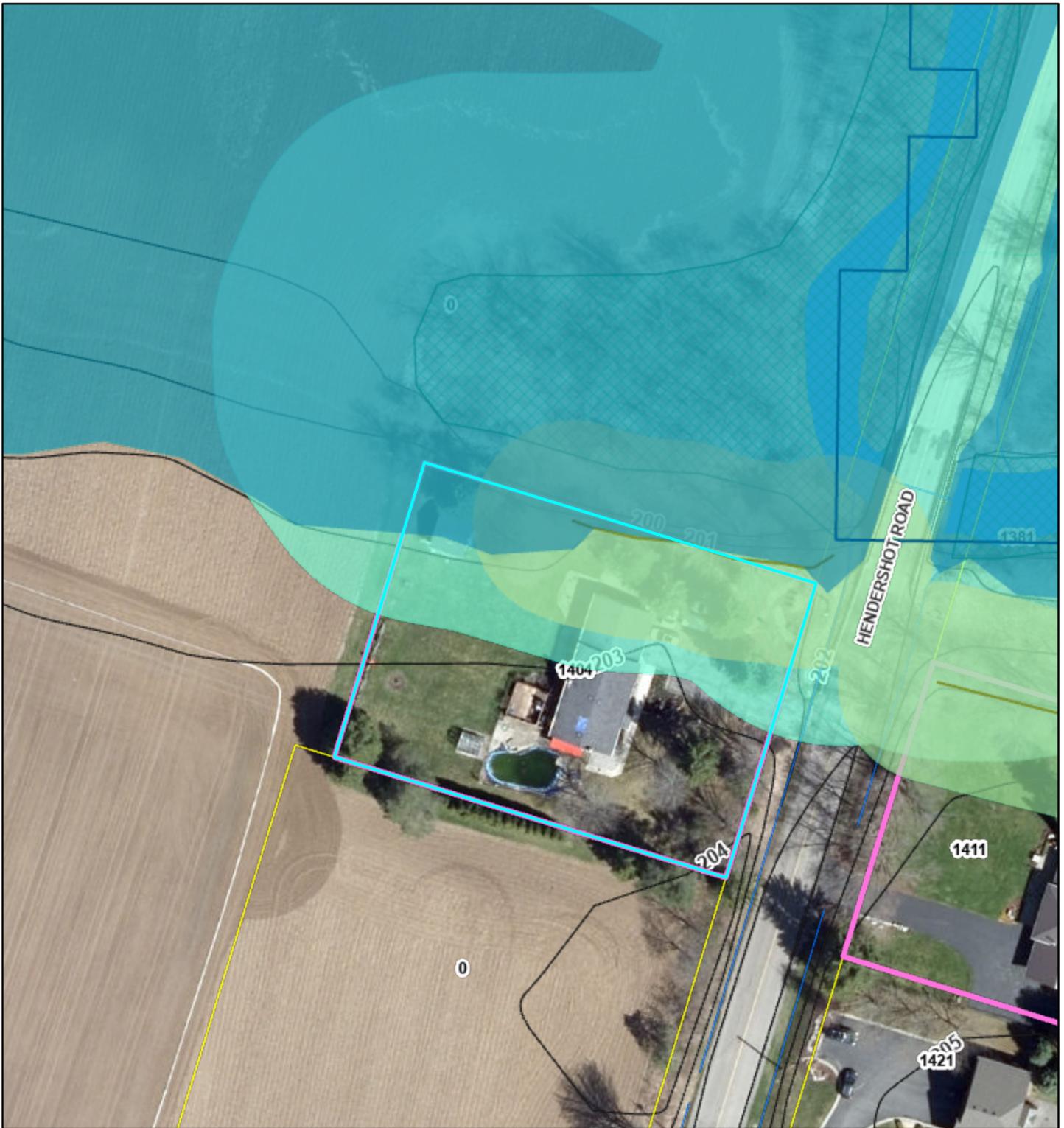
HENDERSHOT ROAD

ROAD ALLOWANCE BETWEEN BLOCKS 2 AND 3

A. J. Clarke
ONTARIO LAND SURVEYOR
HAMILTON ONTARIO

H-8403

1404 Hendershot Road Map



6/26/2023, 4:46:43 PM

1:1,128

SWOOP 2020 NPCA

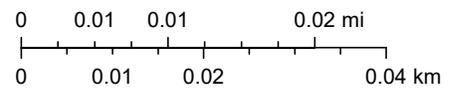
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Roads

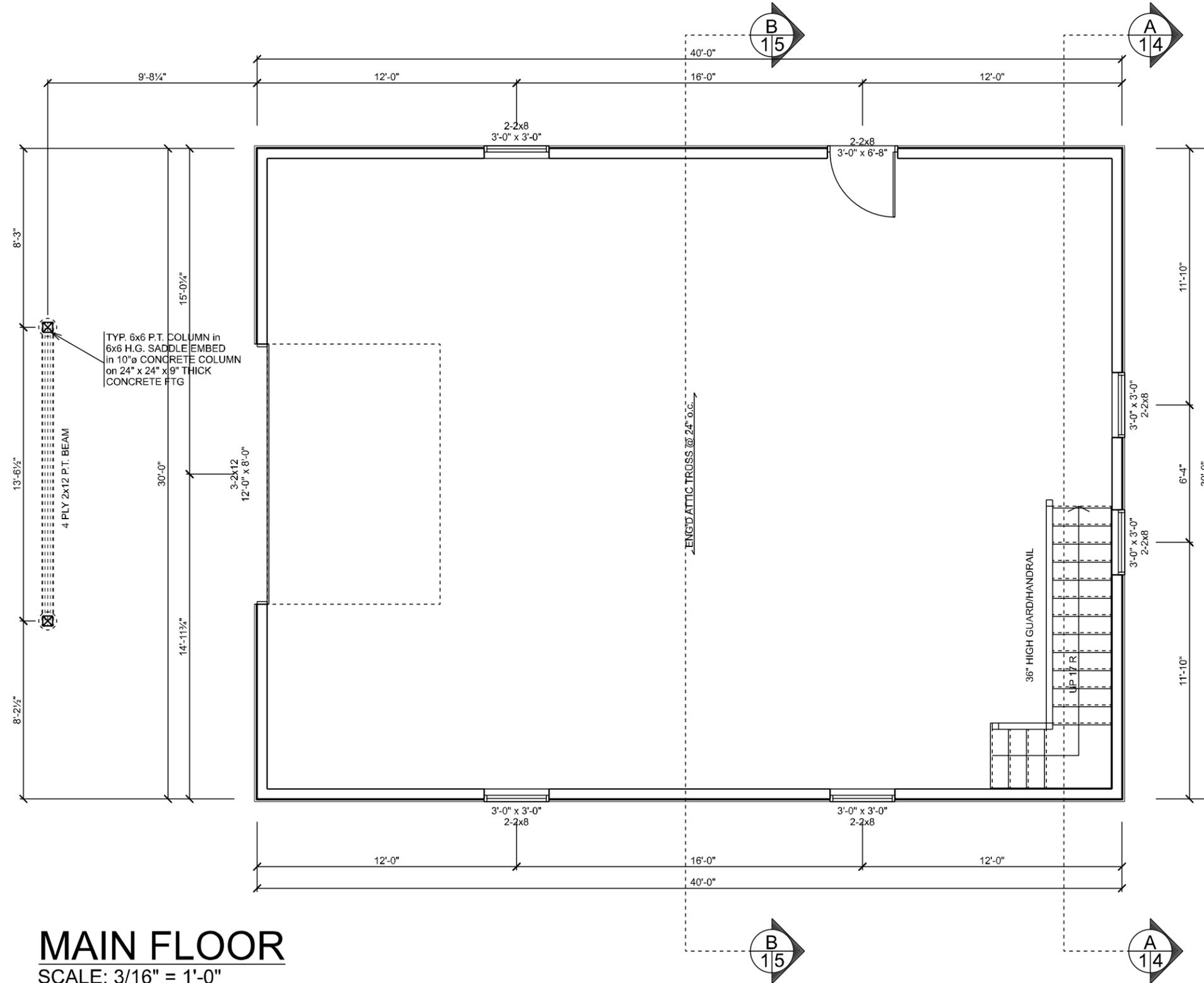
■ NPCA APPROXIMATE REGULATION LANDS

Regulated Floodplain Extent

■ Regulated



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



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

NOTES:
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QUALIFICATION INFORMATION
Required unless design is exempt under Division C-3.2.5.1 of the 2012 O.B.C.

[Signature]
John Vanderwoerd BCIN 21611
REGISTRATION INFORMATION
Required unless design is exempt under Division C-3.2.4.1 of the 2012 O.B.C.
Firm Name: Vanderwoerd Drafting & Design
BCIN 38975

VANDERWOERD
DRAFTING & DESIGN
John Vanderwoerd, M.A.A.T.O.
34 Duke Street, Arthur, Ontario N0G 1A0
www.home-design-bcin.ca
519-848-2128

DRAWN BY:
JOHN VANDERWOERD,
M.A.A.T.O. BCIN: 21611

STARTING DATE: April 6, 2023	LAST REVISION DATE: Apr 10, 2023
---------------------------------	-------------------------------------

CUSTOMER:
Kevin Wright
1404 Hendershot Road
Hannon, On

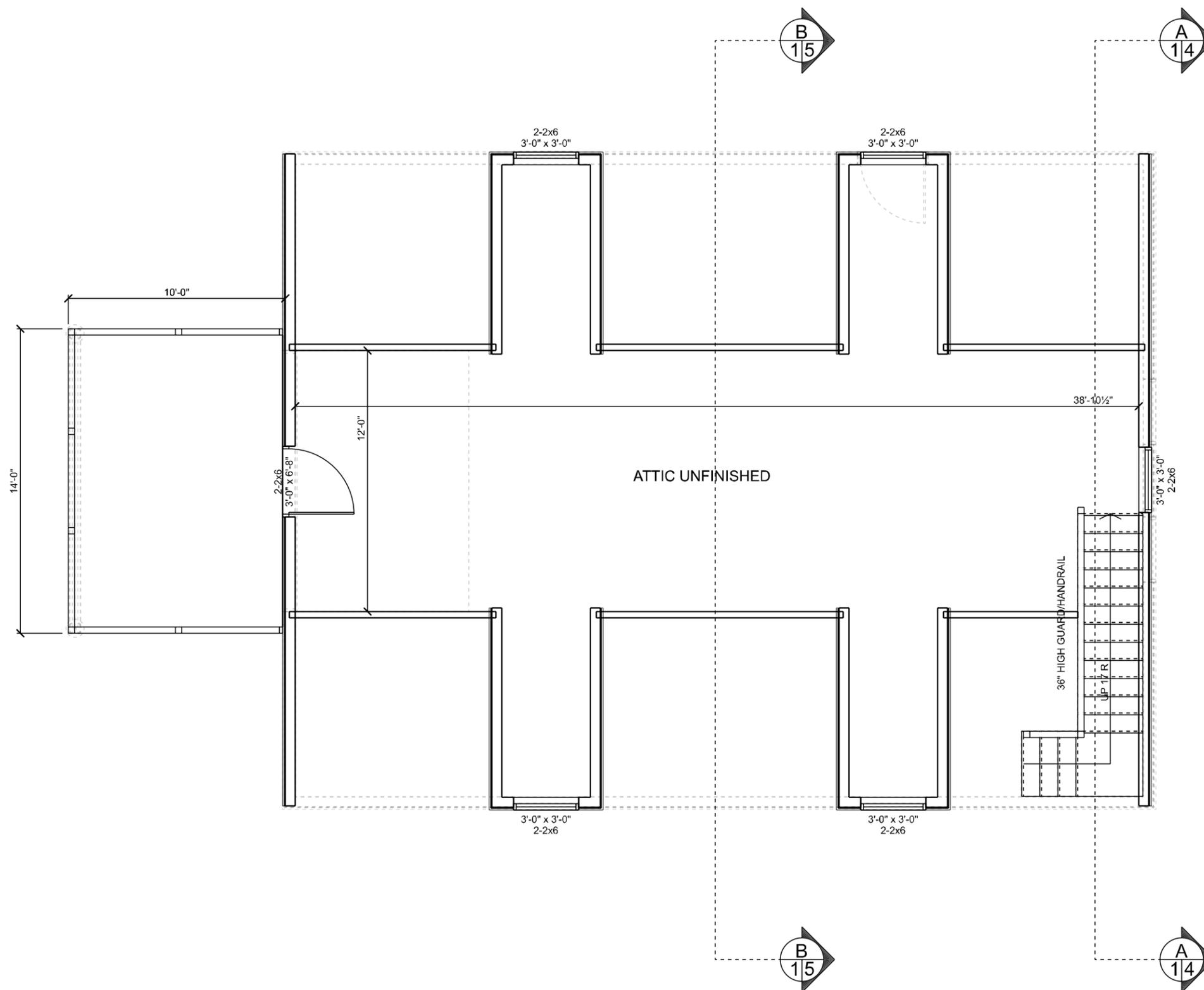
PROJECT:
Garage

DRAWING TITLE:
Main Floor Plan

DRAWING #: 23-066	PAGE #: 1 of 11
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SCALE:
3/16" = 1'-0"

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

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www.home-design-bcin.ca
519-848-2128

DRAWN BY:
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M.A.A.T.O. BCIN: 21611

STARTING DATE: April 6, 2023	LAST REVISION DATE: Apr 10, 2023
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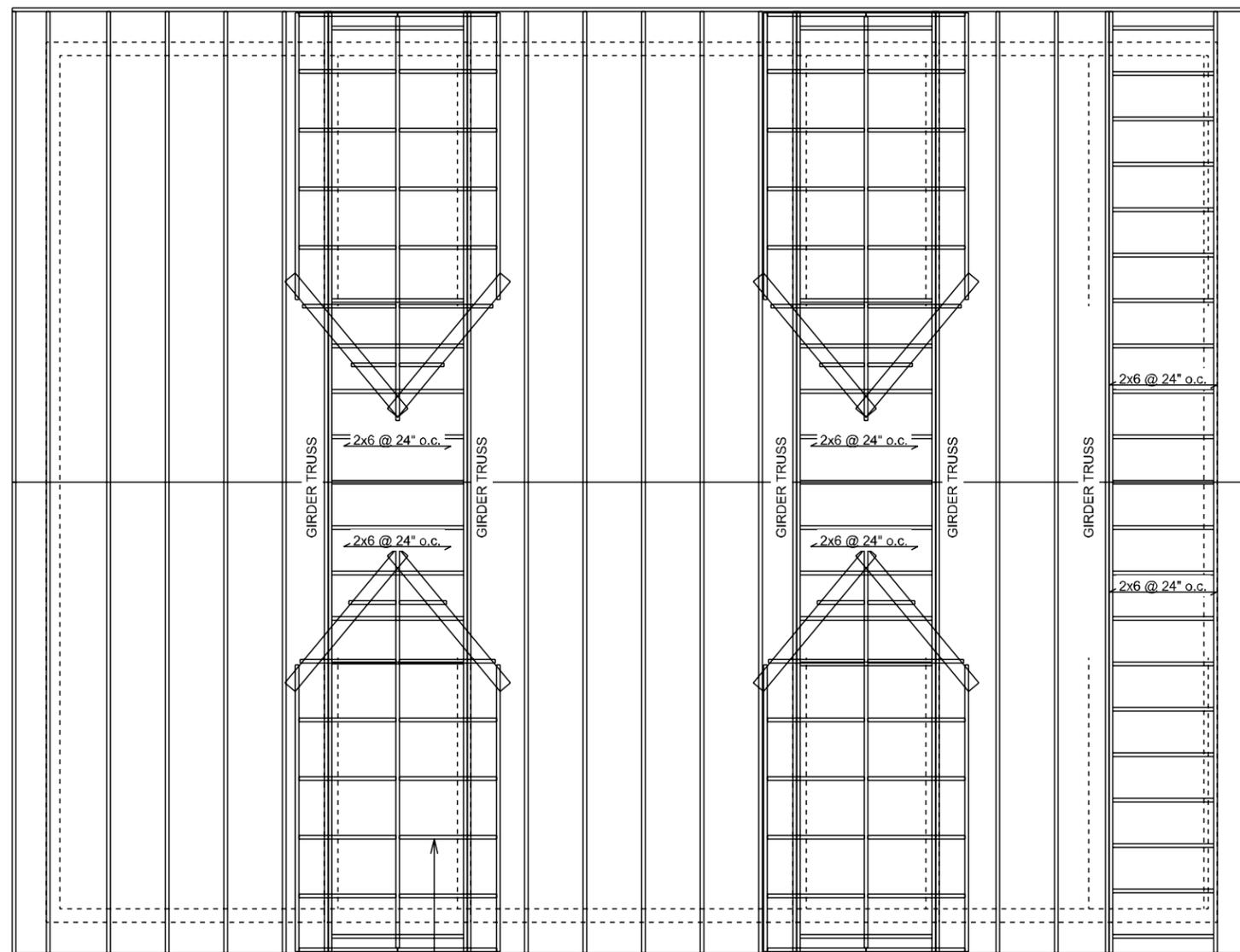
CUSTOMER:
Kevin Wright
1404 Hendershot Road
Hannon, On

PROJECT:
Garage

DRAWING TITLE:
Attic Floor Plan

DRAWING #: 23-066	PAGE #: 2 of 11
SCALE: 3/16" = 1'-0"	

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TYP. DORMER FRAMING:
 2x6 RIDGE BOARD
 2x4 RAFTERS @ 24" o.c.
 2x4 CEILING JOISTS @ 24" o.c.
 2x6 VALLEY RAFTERS

ROOF PLAN

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

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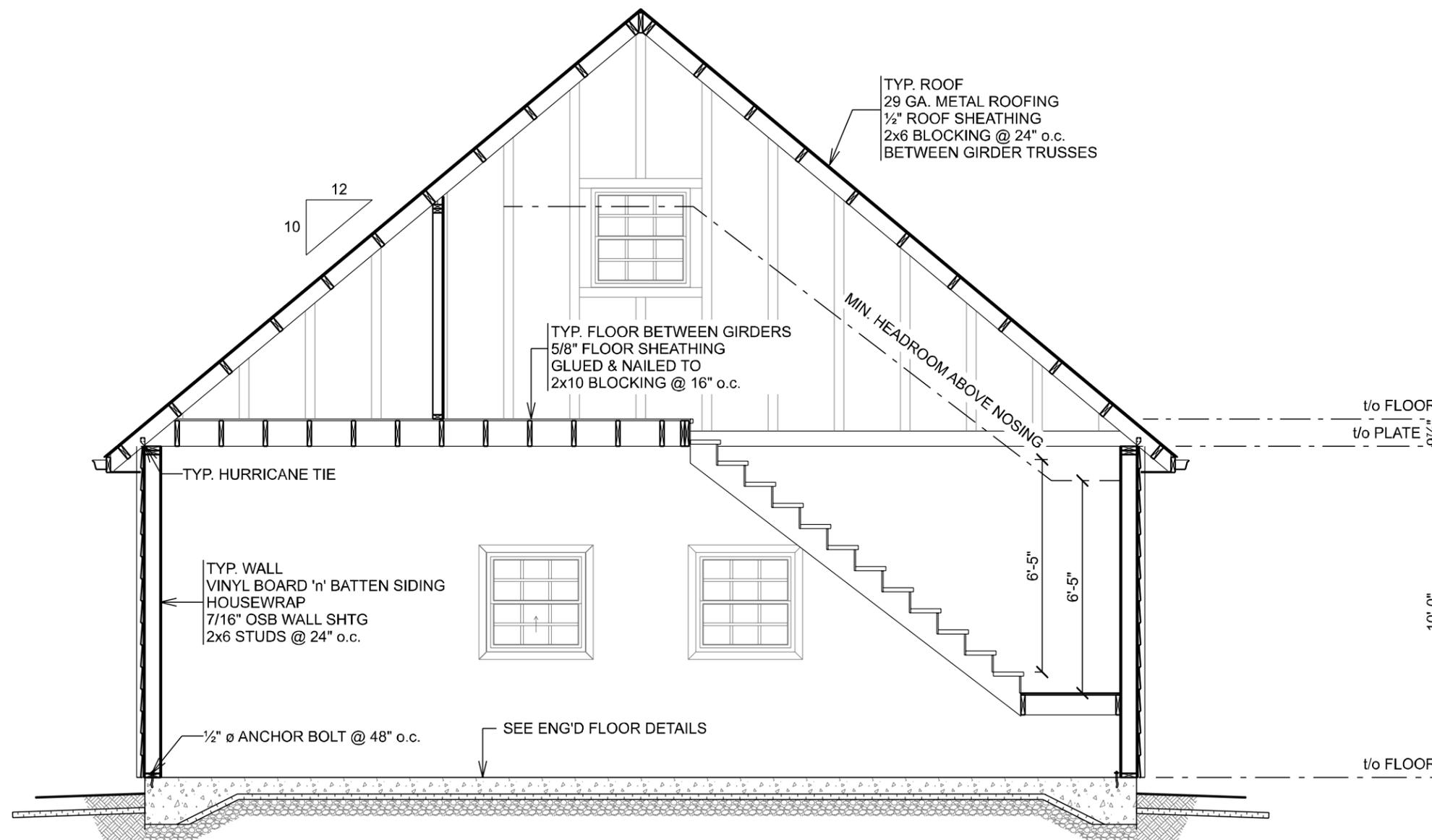
CUSTOMER:
 Kevin Wright
 1404 Hendershot Road
 Hannon, On

PROJECT:
 Garage

DRAWING TITLE:
 ROOF FRAMING PLAN

DRAWING #: 23-066	PAGE #: 3 of 11
SCALE: 3/16" = 1'-0"	

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A
1/4
CROSS SECTION A
SCALE: 1/4" = 1'-0"

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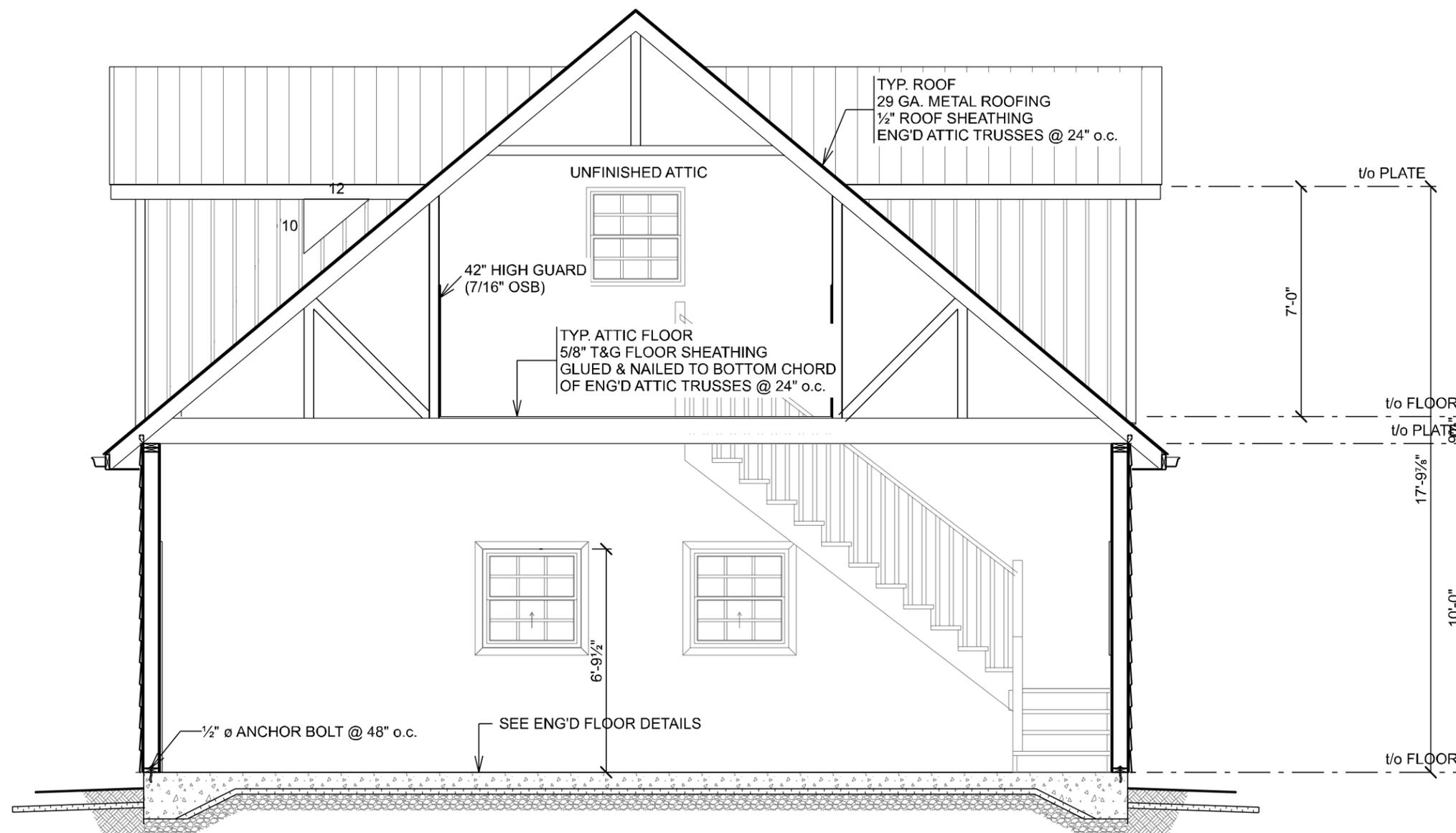
CUSTOMER:
Kevin Wright
1404 Hendershot Road
Hannon, On

PROJECT:
Garage

DRAWING TITLE:
Cross Section A

DRAWING #: 23-066
PAGE #: 4 of 11
SCALE: 1/4" = 1'-0"

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B
1/5

CROSS SECTION B

SCALE: 1/4" = 1'-0"

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519-848-2128

DRAWN BY:
JOHN VANDERWOERD,
M.A.A.T.O. BCIN: 21611

STARTING DATE: April 6, 2023	LAST REVISION DATE: Apr 10, 2023
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CUSTOMER:
Kevin Wright
1404 Hendershot Road
Hannon, On

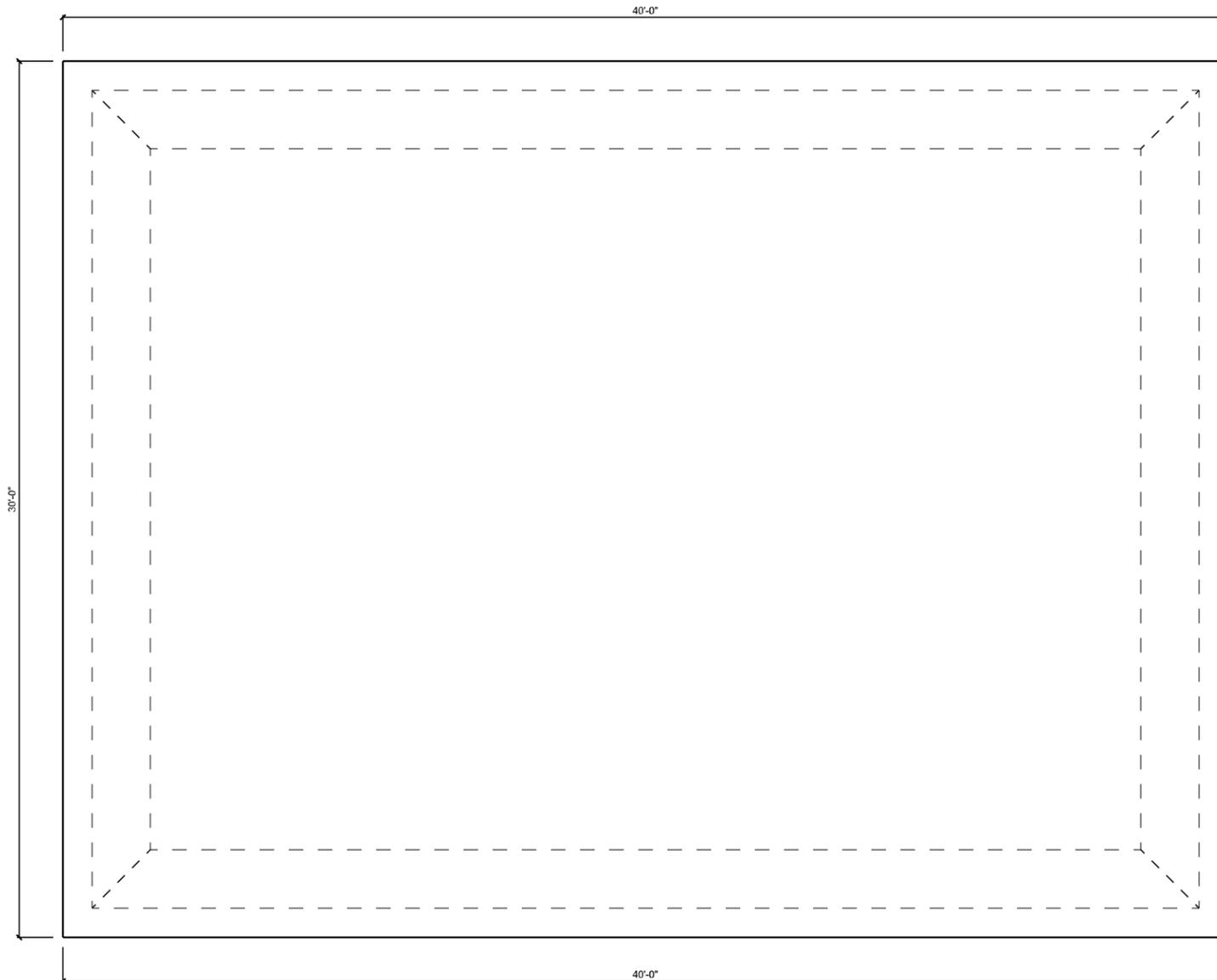
PROJECT:
Garage

DRAWING TITLE:
Cross Section B

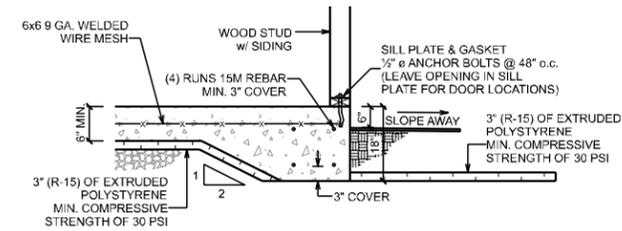
DRAWING #: 23-066	PAGE #: 5 of 11
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SCALE:
1/4" = 1'-0"

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FOUNDATION PLAN



TYPICAL EDGE DETAIL

SCALE: 3/8" = 1'-0"

NOTES:

1. SUBGRADE SHALL BE RATED FOR 1500 P.S.F. (75 kPa) AND NOT HIGHLY FROST SUSCEPTIBLE
2. SEE BELOW REGARDING INSULATION OPTIONS:
3. REMOVE ALL TOPSOIL AND ORGANIC MATERIAL FROM THE BUILDING AREA
4. SLAB TO BE ON MIN. 6" COMPACTED GRANULAR FILL ON ORIGINAL SOIL
5. GRADE MUST SLOPE TO DRAIN AWAY FROM BUILDING
6. ALL REBAR TO BE GRADE 400 REBAR SPLICE 18" LAP (15 M BARS) WELDED WIRE MESH 9" LAP
7. ANY SORT OF MASONRY IS NOT PERMITTED TO BE USED.
8. THIS DETAIL MAY ONLY BE USED ON SINGLE STOREY WOOD FRAMED BUILDINGS WITH A BUILDING AREA OF 592 SQ. FT. OR LESS, UNLESS REVIEWED BY ENGINEER.
9. ALL CONCRETE ON THIS PROJECT SHALL HAVE A MINIMUM OF 28 DAYS COMPRESSIVE STRENGTH OF 32 MPa WITH 6% AIR ENTRAINMENT AND 0.45 MAX WATER TO CEMENT RATIO.
10. ALL CONCRETE WORK SHALL BE CARRIED OUT IN ACCORDANCE TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE, CAN/CSA-A23.1/A23.2-M90 AND LOCAL BY-LAWS.
11. CONCRETE COVER SHALL BE AS FOLLOWS:
A) 3" WHERE CONCRETE IS IN CONTACT WITH EARTH (I.E. FOOTINGS)
B) 2" WHERE IN FORMS TO WEATHER OR EARTH (I.E. SIDE OF FLOATING SLAB)
12. SLAB ON GRADE SHALL BEAR ON MIN. 6" GRANULAR 'A' FILL (COMPACTED TO 98% SPDD) ON ORIGINAL SUBGRADE
13. SAW CUT SLAB TO 1/4 DEPTH THE SLAB THICKNESS. SPACE SAW CUTS @ 15'-0" o.c.
14. SLAB IS NOT TO BE POURED ON FROZEN GROUND.

PROVIDE INSULATION AS PER CANADIAN FOUNDATION ENGINEERING MANUAL. UNDER SLAB INSULATION: IF NOT INSTALLED, CLIENT/CONTRACTOR ACCEPTS THE POTENTIAL OF CRACKING/HEAVING OVER TIME (IF BUILDING IS NOT HEATED) OR HEAT LOSS (IF BUILDING IS HEATED) PERIMETER INSULATION: IF NOT INSTALLED, CLIENT/CONTRACTOR ACCEPTS THE POTENTIAL OF CRACKING/HEAVING OVER TIME.

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John Vanderwoerd BCIN 21611

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BCIN 38975



John Vanderwoerd, M.A.A.T.O.
34 Duke Street, Arthur, Ontario N0G 1A0
www.home-design-bcin.ca
519-848-2128

DRAWN BY:

JOHN VANDERWOERD,
M.A.A.T.O. BCIN: 21611

STARTING DATE:

April 6, 2023

LAST REVISION DATE:

Apr 10, 2023

CUSTOMER:

Kevin Wright
1404 Hendershot Road
Hannon, On

PROJECT:

Garage

DRAWING TITLE:

Floating Slab Detail

DRAWING #:

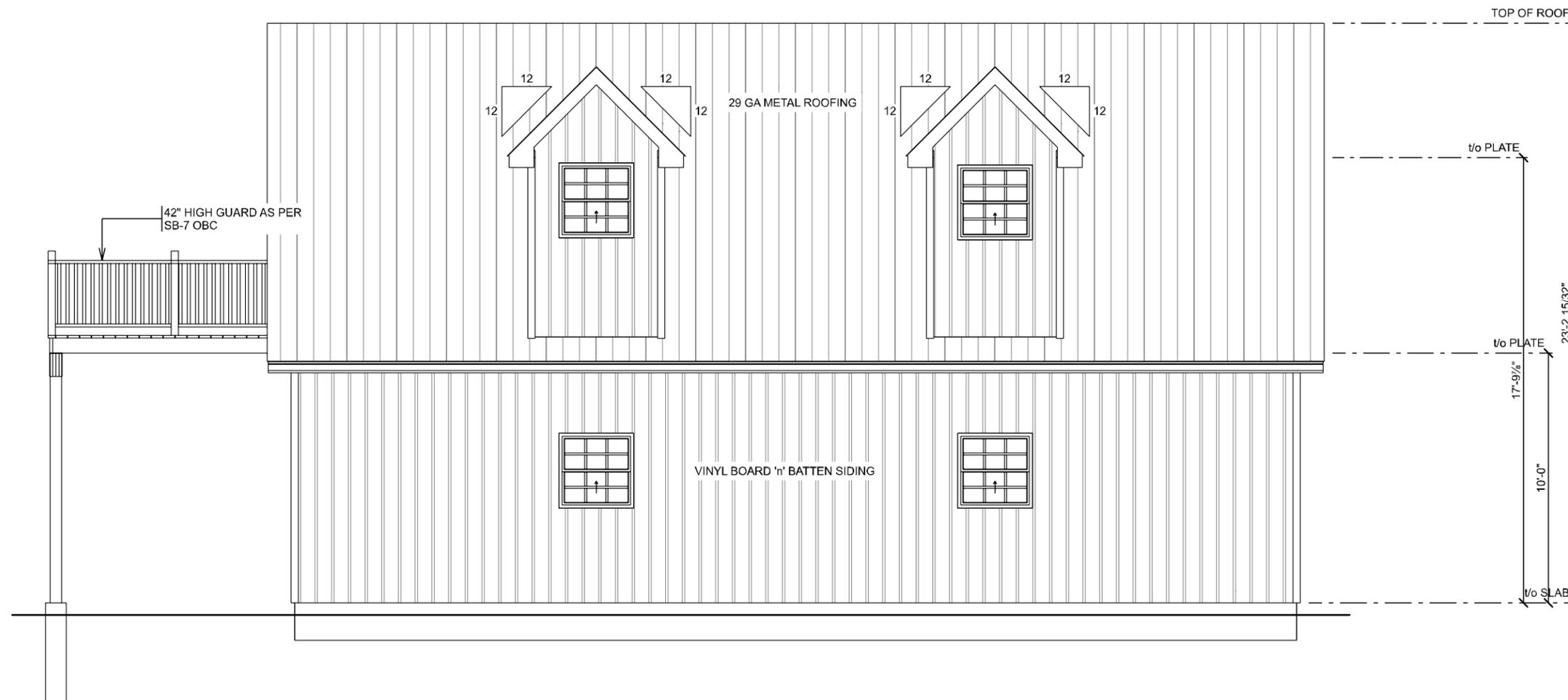
23-066

PAGE #:

6 of 11

SCALE:

3/16" = 1'-0"



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

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519-848-2128

DRAWN BY:
JOHN VANDERWOERD,
M.A.A.T.O. BCIN: 21611

STARTING DATE: April 6, 2023	LAST REVISION DATE: Apr 10, 2023
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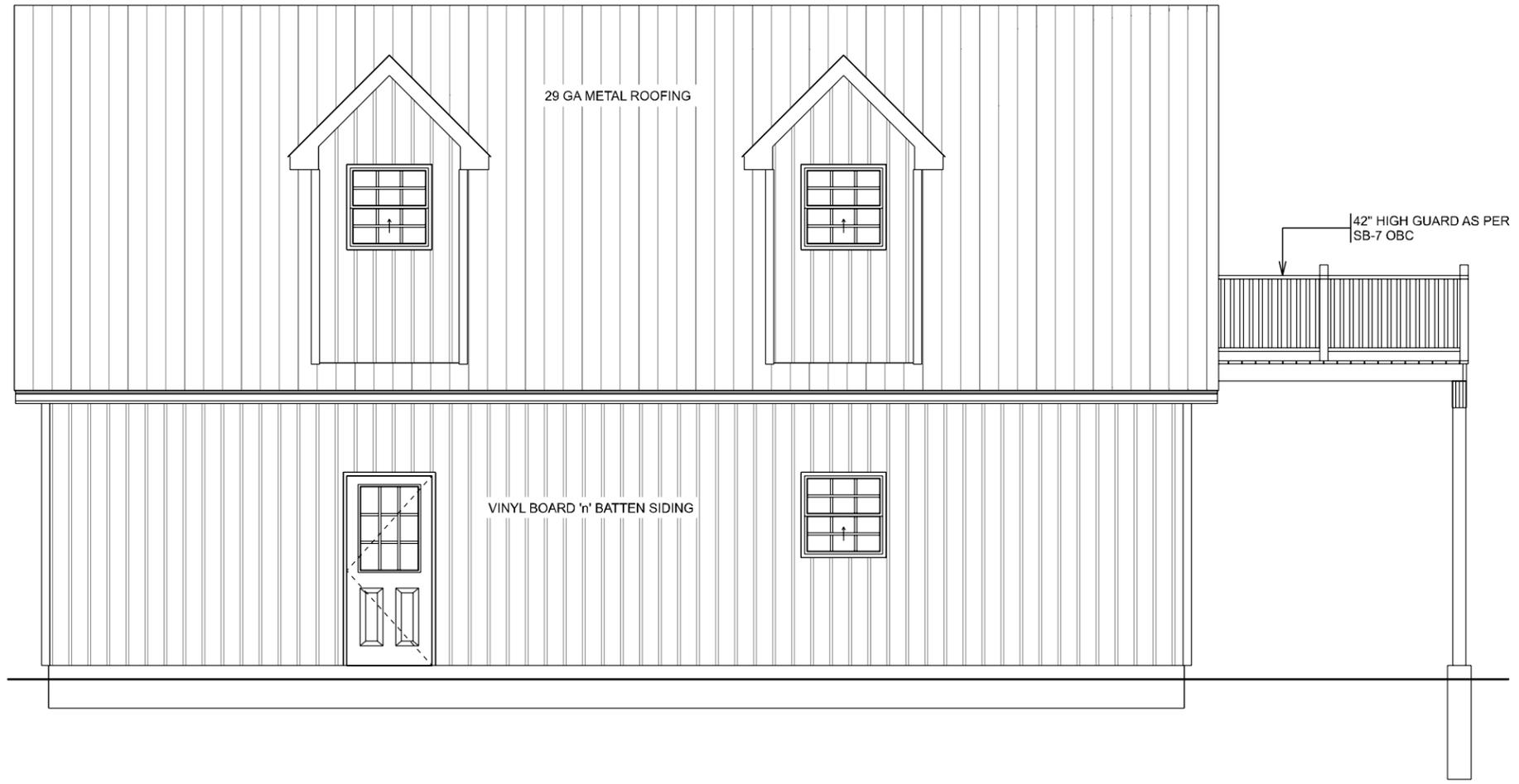
CUSTOMER:
Kevin Wright
1404 Hendershot Road
Hannon, On

PROJECT:
Garage

DRAWING TITLE:
West Elevation

DRAWING #: 23-066	PAGE #: 7 of 11
SCALE: 3/16" = 1'-0"	

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

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DRAWN BY:
 JOHN VANDERWOERD,
 M.A.A.T.O. BCIN: 21611

STARTING DATE: April 6, 2023	LAST REVISION DATE: Apr 10, 2023
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CUSTOMER:
 Kevin Wright
 1404 Hendershot Road
 Hannon, On

PROJECT:
 Garage

DRAWING TITLE:
 East Elevation

DRAWING #: 23-066	PAGE #: 8 of 11
-----------------------------	---------------------------

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

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

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 M.A.A.T.O. BCIN: 21611

STARTING DATE: April 6, 2023	LAST REVISION DATE: Apr 10, 2023
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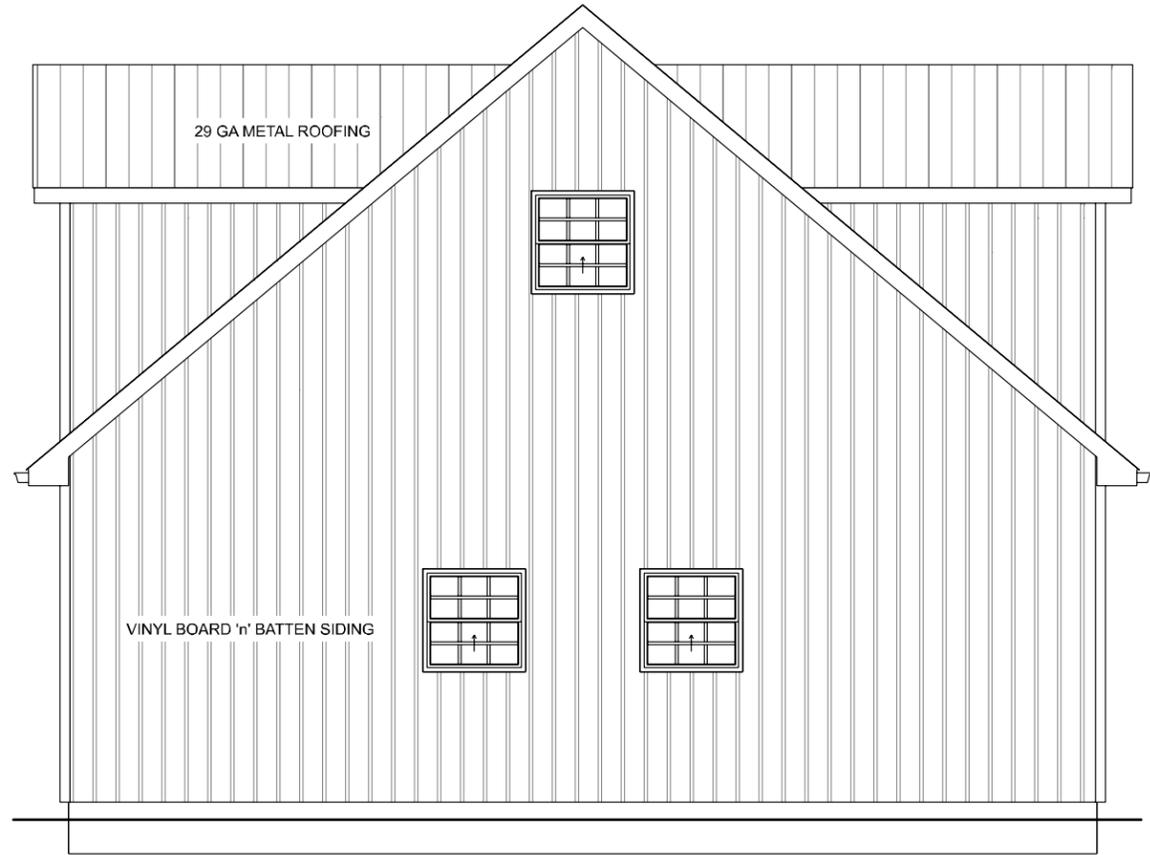
CUSTOMER:
 Kevin Wright
 1404 Hendershot Road
 Hannon, On

PROJECT:
Garage

DRAWING TITLE:
North Elevation

DRAWING #: 23-066	PAGE #: 9 of 11
SCALE: 3/16" = 1'-0"	

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

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STARTING DATE: April 6, 2023	LAST REVISION DATE: Apr 10, 2023
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CUSTOMER:
Kevin Wright
1404 Hendershot Road
Hannon, On

PROJECT:
Garage

DRAWING TITLE:
South Elevation

DRAWING #: 23-066	PAGE #: 10 of 11
SCALE: 3/16" = 1'-0"	

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9.3.1. Concrete

9.3.1.1. General
 (1) Except as provided in Sentence (2), unreinforced and nominally reinforced concrete shall be designed, mixed, placed, cured and tested in accordance with the requirements for "R" class concrete stated in Clause 8.13 of CSA A23.1, "Concrete Materials and Methods of Concrete Construction".
 (2) Unreinforced and nominally reinforced site-batched concrete shall be designed, mixed, placed and cured in accordance with Articles 9.3.1.2. to 9.3.1.9.

9.3.1.2. Cement
 (1) Cement shall meet the requirements of CAN/CSA-A3001, "Cementitious Materials for Use in Concrete".

9.3.1.3. Concrete in Contact with Sulfate Soil
 (1) Concrete in contact with sulfate soil, which is deleterious to normal cement, shall conform to the requirements in Clause 15.5 of CAN/CSA-A23.1, "Concrete Materials and Methods of Concrete Construction".

9.3.1.4. Aggregates
 (1) Aggregates shall,
 (a) consist of sand, gravel, crushed rock, crushed air-cooled blast furnace slag, expanded shale or expanded clay conforming to CAN/CSA-A23.1, "Concrete Materials and Methods of Concrete Construction", and
 (b) be clean, well-graded and free of injurious amounts of organic and other deleterious material.

9.3.1.5. Water
 (1) Water shall be clean and free of injurious amounts of oil, organic matter, sediment or any other deleterious material.

9.3.1.6. Compressive Strength
 (1) Except as provided elsewhere in this Part, the compressive strength of unreinforced concrete after 28 days shall be not less than,
 (a) 32 MPa for garage floors, carport floors and all exterior flatwork,
 (b) 20 MPa for interior floors other than those for garages and carports, and
 (c) 15 MPa for all other applications.

(2) Concrete used for garage and carport floors and exterior steps shall have air entrainment of 5 to 8%.

9.3.1.7. Concrete Mixes
 (1) For site-batched concrete, the concrete mixes described in Table 9.3.1.7. shall be considered acceptable if the ratio of water to cementing materials does not exceed,
 (a) 0.45 for garage floors, carport floors and all exterior flatwork,
 (b) 0.65 for interior floors other than those for garages and carports, and
 (c) 0.70 for all other applications.

(2) The size of aggregate in unreinforced concrete mixes referred to in Sentence (1) shall not exceed,
 (a) 1/5 the distance between the sides of vertical forms, or
 (b) 1/3 the thickness of flatwork.

9.3.1.8. Admixtures
 (1) Admixtures shall conform to ASTM C260, "Air-Entraining Admixtures for Concrete", or ASTM C494 / C494M, "Chemical Admixtures for Concrete", as applicable.

9.3.1.9. Cold Weather Requirements
 (1) When the air temperature is below 5°C, concrete shall be,
 (a) kept at a temperature of not less than 10°C or more than 25°C while being placed, and
 (b) maintained at a temperature of not less than 10°C for 72 h after placing.
 (2) No frozen material or ice shall be used in concrete described in Sentence (1).

9.20.13.12. Drips Beneath Window Sills

(1) Except for wall openings located less than 150 mm above ground level, where a concealed flashing is not installed beneath window and door sills, such sills shall be provided with an outward slope and a drip located not less than 25 mm from the wall surface.

9.23 Wood Frame Construction

9.23.2.1. Strength and Rigidity
 (1) All members shall be so framed, anchored, fastened, tied and braced to provide the necessary strength and rigidity.

9.23.3. Fasteners

9.23.3.1. Standards for Nails and Screws
 (1) Unless otherwise indicated, nails specified in this Section shall be common steel wire nails or common spiral nails, conforming to CSA B111, "Wire Nails, Spikes and Staples".
 (2) Wood screws specified in this Section shall conform to ANSI/ASME B18.6.1., "Wood Screws (Inch Series)".

9.23.3.2. Length of Nails
 (1) All nails shall be long enough so that not less than half their required length penetrates into the second member. 9.23.3.3. Prevention of Splitting

9.23.3.3. Prevention of Splitting
 (1) Splitting of wood members shall be minimized by staggering the nails in the direction of the grain and by keeping nails well in from the edges.

9.23.3.4. Nailing of Framing
 (1) Except as provided in Sentence (2), nailing of framing shall conform to Table 9.23.3.4.

9.23.16. Wall Sheathing

9.23.16.1. Required Sheathing
 (1) Exterior walls and gable ends shall be sheathed when the exterior cladding requires intermediate fastening between supports or if the exterior cladding requires solid backing.

9.23.16.2. Thickness, Rating and Material Standards
 (1) Where wall sheathing is required, it shall conform to Table 9.23.16.2.A. or Table 9.23.16.2.B

9.23.16.5. Joints in Panel-Type Sheathing
 (1) A gap of not less than 2 mm shall be left between sheets of plywood, OSB, waferboard or fibreboard.

**Table 9.23.16.2.B.
 Rating For Wall Sheathing When Applying CAN/
 CSA-O325.0**

Forming Part of Sentence 9.23.16.2.(1)

Item	Column 1 Maximum Spacing of Supports, mm	Column 2 Panel Mark
1.	406	W16
2.	508	W20
3.	610	W24

**Table 9.23.3.4.
 Nailing for Framing**

Forming Part of Sentence 9.23.3.4.(1)

Item	Column 1 Construction Detail	Column 2 Minimum Length of Nails, mm	Column 3 Minimum Number or Maximum Spacing of Nails
1.	Floor joist to plate – toe nail	82	2
2.	Wood or metal strapping to underside of floor joists	57	2
3.	Cross bridging to joists	57	2 at each end
4.	Double header or trimmer joists	76	300 mm (o.c.)
5.	Floor joist to stud (balloon construction)	76	2
6.	Ledger strip to wood beam	82	2 per joist
7.	Joist to joist splice (See also Table 9.23.13.8.)	76	2 at each end
8.	Header joist end nailed to joists along perimeter	101	3
9.	Tail joist to adjacent header joist (end nailed) around openings	82	5
10.	Each header joist to adjacent trimmer joist (end nailed) around openings	101	3
10.	Each header joist to adjacent trimmer joist (end nailed) around openings	82	5
10.	Each header joist to adjacent trimmer joist (end nailed) around openings	101	3
11.	Stud to wall plate (each end) toe nail or end nail	82	4
11.	Stud to wall plate (each end) toe nail or end nail	82	2
12.	Doubled studs at openings, or studs at walls or wall intersections and corners	76	750 mm (o.c.)
13.	Doubled top wall plates	76	600 mm (o.c.)
14.	Bottom wall plate or sole plate to joists or blocking (exterior walls) ⁽¹⁾	82	400 mm (o.c.)
15.	Interior walls to framing or subflooring	82	600 mm (o.c.)
16.	Horizontal member over openings in non-load-bearing walls – each end	82	2
17.	Lintels to studs	82	2 at each end
18.	Ceiling joist to plate – toe nail each end	82	2
19.	Roof rafter, roof truss or roof joist to plate – toe nail	82	3
20.	Rafter plate to each ceiling joist	101	2
21.	Rafter to joist (with ridge supported)	76	3
22.	Rafter to joist (with ridge unsupported)	76	See Table 9.23.13.8.
23.	Gusset plate to each rafter at peak	57	4
24.	Rafter to ridge board – toe nail – end nail	82	3
25.	Collar tie to rafter – each end	76	3
26.	Collar tie lateral support to each collar tie	57	2
27.	Jack rafter to hip or valley rafter	82	2
28.	Roof strut to rafter	76	3
29.	Roof strut to load-bearing wall – toe nail	82	2
30.	38 mm x 140 mm or less plank decking to support	82	2
31.	Plank decking wider than 38 mm x 140 mm to support	82	3
32.	38 mm edge laid plank decking to support (toe nail)	76	1
33.	38 mm edge laid plank to each other	76	450 mm (o.c.)

**Table 9.23.16.2.A.
 Wall Sheathing Thickness and Specifications**

Forming Part of Sentence 9.23.16.2.(1)

Item	Column 1 Type of Sheathing	Column 2	Column 3	Column 4 Material Standards
		Minimum Thickness, mm ⁽¹⁾ With Supports 406 mm o.c.	With Supports 610 mm o.c.	
1.	Fibreboard (insulating)	9.5	11.1	CAN/ULC-S706
2.	Gypsum Sheathing	9.5	12.7	CAN/CSA-A82.27-M ASTM C1177 / C1177M ASTM C1396 / C1396M
3.	Lumber	170	170	See Table 9.3.2.1.
4.	Mineral Fibre, Rigid Board, Type 2	25	25	CAN/ULC-S702
5.	OSB, O-2 Grade	6.0	7.5	CSA O4370
6.	OSB, O-1 Grade, and Waferboard, R-1 Grade	6.35	7.9	CSA O4370
7.	Phenolic, faced	25	25	CAN/CGSB-51.25-M
8.	Plywood (exterior type)	6	7.5	CSA O121-M CSA O151 CSA O153-M
9.	Polystyrene, Types 1 and 2	38	38	CAN/ULC-S701
10.	Polystyrene, Types 3 and 4	25	25	CAN/ULC-S701
11.	Polyurethane and Polyisocyanurate Type 1, faced	38	38	CAN/ULC-S704
12.	Polyurethane and Polyisocyanurate Types 2 and 3, faced	25	25	CAN/ULC-S704

9.27.4. Caulking

9.27.4.1. Required Caulking
 (1) Caulking shall be provided where required to prevent the entry of water into the structure.
 (2) Caulking shall be provided between masonry, siding or stucco and the adjacent door and window frames or trim, including sills unless such locations are completely protected from the entry of rain.
 (3) Caulking shall be provided at vertical joints between different cladding materials unless the joint is suitably lapped or flashed to prevent the entry of rain.

9.27.4.2. Materials
 (1) Caulking shall be,
 (a) a non-hardening type suitable for exterior use,
 (b) selected for its ability to resist the effects of weathering, and
 (c) compatible with and adhere to the substrate to which it is applied.
 (2) Caulking shall conform to,
 (a) CGSB 19-GP-5M, "Sealing Compound, One Component, Acrylic Base, Solvent Curing",
 (b) CAN/CGSB-19.13-M, "Sealing Compound, One Component, Elastomeric, Chemical Curing",
 (c) CGSB 19-GP-14M, "Sealing Compound, One Component, Butyl-Polyisobutylene Polymer Base, Solvent Curing", or
 (d) CAN/CGSB-19.24-M, "Multicomponent, Chemical Curing Sealing Compound".

9.23.15. Roof Sheathing

9.23.15.1. Required Roof Sheathing
 (1) Except as provided in Section 9.26., continuous lumber or panel-type roof sheathing shall be installed to support the roofing.

9.23.15.2. Material Standards
 (1) Wood-based panels used for roof sheathing shall conform to the requirements of,
 (a) CSA O121-M, "Douglas Fir Plywood",
 (b) CSA O151, "Canadian Softwood Plywood",
 (c) CSA O153-M, "Poplar Plywood",
 (d) CAN/CSA-O325.0, "Construction Sheathing", or
 (e) CSA O437.0, "OSB and Waferboard".

9.23.15.3. Direction of Installation
 (1) Plywood roof sheathing shall be installed with the surface grain at right angles to the roof framing.
 (2) OSB roof sheathing conforming to CAN/CSA-O325.0, "Construction Sheathing", or to O-1 and O-2 grades as specified in CSA O437.0, "OSB and Waferboard", shall be installed with the direction of face orientation at right angles to the roof framing members.

9.23.15.4. Joints in Panel-Type Sheathing
 (1) Panel-type sheathing board shall be applied so that joints perpendicular to the roof ridge are staggered where,
 (a) the sheathing is applied with the surface grain parallel to the roof ridge, and
 (b) the thickness of the sheathing is such that the edges are required to be supported.

(2) A gap of not less than 2 mm shall be left between sheets of plywood, OSB or waferboard.

9.23.15.6. Edge Support
 (1) Except as permitted in Sentence (2), where panel-type roof sheathing requires edge support, the support shall consist of,
 (a) metal H clips, or
 (b) not less than 38 mm by 38 mm blocking securely nailed between framing members.

(2) The supports referred to in Sentence (1) are not required when tongued-and-grooved edged panel-type sheathing board is used.

9.23.15.7. Thickness or Rating
 (1) The thickness or rating of roof sheathing on a flat roof used as a walking deck shall conform to either Table 9.23.14.5.A. or Table 9.23.14.5.B. for subfloors.

9.34.2.6. Garages and Carports

(1) A lighting outlet with fixture shall be provided for an attached, built-in or detached garage or carport.
 (2) Except as provided in Sentence (3), lighting outlets required in Sentence (1) shall be controlled by a wall switch near the doorway.
 (3) Where the lighting outlet and fixture required in Sentence (1) are ceiling mounted above an area not normally occupied by a parked car, or are wall mounted, a fixture with a built-in switch is permitted to be used.
 (4) Where a carport is lighted by a light at the entrance to a dwelling unit, additional carport lighting is not required.

9.15.3.9. Step Footings

(1) Where step footings are used,
 (a) the vertical rise between horizontal portions shall not exceed 600 mm, and
 (b) the horizontal distance between risers shall be not less than 600 mm.

9.15.4.6. Extension above Ground Level

(1) Exterior foundation walls shall extend not less than 150 mm above finished ground level.

9.15.6. Parging and Finishing of Foundation Walls

9.15.6.1. Foundation Walls Below Ground
 (1) Concrete block foundation walls shall be parged on the exterior face below ground level as required in Section 9.13.
 9.15.6.2. Foundation Walls Above Ground
 (1) Exterior surfaces of concrete block foundation walls above ground level shall have tooled joints, or shall be rendered, parged or otherwise suitably finished.

9.15.4. Foundation Walls

9.15.4.2. Foundation Wall Thickness and Required Lateral Support
 (1) Except as required in Sentence (2), the thickness of foundation walls made of unreinforced concrete block or solid concrete and subject to lateral earth pressure shall conform to Table 9.15.4.2.A. for walls not exceeding 2.5 m in unsupported height.

(4) Where average stable soils are encountered and wind loads on the exposed portion of the foundation are no greater than 0.70 kPa, the thickness and reinforcing of foundation walls made of reinforced concrete block and subject to lateral earth pressure shall conform to Table 9.15.4.2.B. and Sentences (5) to (10).

(5) For concrete block walls required to be reinforced, continuous vertical reinforcement shall,
 (a) be provided at wall corners, wall ends, wall intersections, at changes in wall height, at the jambs of all openings and at movement joints,
 (b) extend from the top of the footing to the top of the foundation wall,
 (c) where foundation walls are laterally unsupported at the top, have not less than 600 mm embedment into the footing, and
 (d) where foundation walls are laterally supported at the top, have not less than 50 mm embedment into the footing, if the floor slab does not provide lateral support at the wall base.

(6) Where foundation walls are laterally unsupported, the footing shall be designed according to Part 4 to resist overturning and sliding, if the maximum height of finished ground above the basement floor or crawl space ground cover exceeds 1.50 m.

(7) At the base of concrete block walls required to be reinforced and where the height of finished ground above the basement floor or crawl space ground cover exceeds 2.0 m, not less than one 15M intermediate vertical bar reinforcement shall be installed midway between adjacent continuous vertical reinforcement, and shall,
 (a) extend to not less than 600 mm above the top of the footing, and
 (b) have not less than 50 mm embedment into the footing, if the floor slab does not provide lateral support at the wall base.

(8) For concrete block walls required to be reinforced, a continuous horizontal bond beam containing at least one 15M bar shall be installed,
 (a) along the top of the wall,
 (b) at the sill and head of all openings greater than 1.20 m in width, and
 (c) at structurally connected floors.

(9) In concrete block walls required to be reinforced, all vertical bar reinforcement shall be installed along the centre line of the wall.

(10) In concrete block walls required to be reinforced, ladder or truss type lateral reinforcement not less than 3.8 mm (No. 9 ASWG) shall be installed in the bed joint of every second masonry course.

9.15.4.3. Foundation Walls Considered to be Laterally Supported at the Top
 (1) Sentences (2) to (4) apply to lateral support for walls described in Sentence 9.15.4.2.(1).
 (2) Foundation walls shall be considered to be laterally supported at the top if,
 (a) such walls support solid masonry superstructure,
 (b) the floor joists are embedded in the top of the foundation walls, or
 (c) the floor system is anchored to the top of the foundation walls with anchor bolts, in which case the joists may run either parallel or perpendicular to the foundation walls.

(3) Unless the wall around an opening is reinforced to withstand earth pressure, the portion of the foundation wall beneath an opening shall be considered laterally unsupported, if,
 (a) the opening is more than 1.2 m wide, or
 (b) the total width of the openings in the foundation wall constitutes more than 25% of the length of the wall.

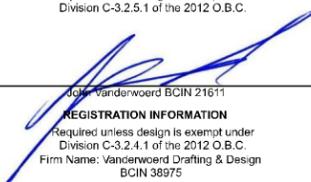
(4) For the purposes of Sentence (3), the combined width of the openings shall be considered as a single opening if the average width is greater than the width of solid wall between them.

CLIMATIC & DESIGN LOAD DATA	
Hamilton - Above Escarpment - E of J.C. Monro Airport, Ontario	
ROOF LOADING	KPA (psf)
GROUND SNOW LOAD Ss	1.3 (27.15 psf)
RAIN LOAD Sr	0.4 (8.35 psf)
SNOW LOAD FACTOR Cb	0.55
ROOF DESIGN SNOW LOAD	1.12 (23.29 psf)
ROOF & CEILING DESIGN DEAD LOAD	0.57 (12.00 psf)
FLOOR LOADING	
GROUND & SECOND FLOOR	1.92 (40.00 psf)
FLOOR/CEILING DESIGN DEAD LOAD	0.72 (15.00 psf)
WIND LOADING	
1/50 WIND PRESSURE	0.46 (9.61 psf)
1/10 WIND PRESSURE	0.36 (7.52 psf)
TEMPERATURE	
DEGREE DAYS BELOW 18°C	3460
SOIL	
ASSUMED ALLOWABLE BEARING PRESSURE AT FOOTING FOUNDING ELEVATION(S)	75 (1556 psf)
ROCK	
FREEZING INDEX	1071
ELEVATION	200
THE DESIGN DEAD LOADS SPECIFIED ABOVE ARE BASED ON THE DRAWINGS AND MATERIALS EITHER SPECIFIED OR ASSUMED. WHERE DIFFERENT OR HEAVIER MATERIALS ARE PROPOSED THE CONTRACTOR MUST NOTIFY THE DESIGNER PRIOR TO CONSTRUCTION OF ANY LOAD-BEARING ELEMENTS THAT MAY BE ADVERSELY AFFECTED.	

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

QUALIFICATION INFORMATION
 Required unless design is exempt under Division C-3.2.5.1 of the 2012 O.B.C.


 John Vanderwoerd BCIN 21611

REGISTRATION INFORMATION
 Required unless design is exempt under Division C-3.2.4.1 of the 2012 O.B.C.
 Firm Name: Vanderwoerd Drafting & Design
 BCIN 38975


**VANDERWOERD
 DRAFTING & DESIGN**

John Vanderwoerd, M.A.A.T.O.
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 www.home-design-bcin.ca
 519-848-2128

DRAWN BY:
**JOHN VANDERWOERD,
 M.A.A.T.O. BCIN: 21611**

STARTING DATE: **April 6, 2023** LAST REVISION DATE: **Apr 10, 2023**

CUSTOMER:
**Kevin Wright
 1404 Hendershot Road
 Hannon, On**

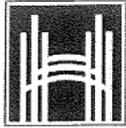
PROJECT:
Garage

DRAWING TITLE:
NOTES

DRAWING #: **23-066** PAGE #: **11 of 11**

SCALE:
NOT TO SCALE

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Hamilton

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

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

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Registered Owners(s)			
Applicant(s)			
Agent or Solicitor			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	1404 Hendershot Rd.		
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:

Construction of detached garage
to permit a 7.16m tall structure as opposed to the 6m Allowance

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The proposed building is 7.16m high whereas the bylaw allows for a max height of 6m

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
150' or 45.72 m	300' or 91.44 m	30,000 sqft. or 2787.0912 m ²	10 m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	18m	27m	9m	1972

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Detached Garage	42m	2m	1m	2023/2024

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	94m ²	188m ²	1 + Basement	5.5m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Detached garage	112m ²	158m ²	1 + Attic	7.16m

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

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

Cistern

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

- ditches
- other means (specify)

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

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

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.):

Farm land (Murphy's Produce)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

September 24, 2018

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 it's construction in 1972

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

Rural Hamilton Official Plan designation (if applicable): Agricultural

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

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

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*? Yes No

If yes, please provide the file number: _____

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired? Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	FL/A-23:164	SUBJECT PROPERTY:	1 JAMES STREET, FLAMBOROUGH
ZONE:	"R1-3" (Urban Residential (Single Detached))	ZONING BY-LAW:	Zoning By-law former Town of Flamborough 90-145-Z, as Amended

APPLICANTS: **Owner:** ADAM WEIR, GEORGE THOMAS PARKER, & PAOLA DIMADDALENA
Agent: GALVEZ DESIGN INC. C/O SERGIO GALVEZ

The following variances are requested:

1. A minimum exterior side yard of 2.01 metres shall be provided instead of the minimum required exterior side yard of 7.5 m.

PURPOSE & EFFECT: So as to permit an addition (attached garage) within the exterior side yard of the existing Single Detached Dwelling notwithstanding:

Notes:

1. Be advised, insufficient information has been provided to determine parking space size and location within proposed garage addition. It appears the proposed garage provides sufficient area to permit a parking space with dimensions of 2.6 metres in width by 5.8 metres in length, however parking space dimensions have not been clearly indicated on proposed site plan. Note, a doorway is not permitted to swing into a proposed parking space, as indicated on the proposed plan. Should parking not meet the requirements of Flamborough Zoning By-Law 90-145z, additional variances may be required.
2. Be advised, insufficient information has been provided to determine eaves and gutter encroachments into the exterior side yard. As per section 5.30 of Flamborough Zoning By-Law 90-145z, eaves and gutters may project into a required yard not more than 0.65m. Should the proposed eaves or gutters not meet the requirements of Flamborough Zoning By-Law 90-145z, additional variances may be required.

FL/A-23:164

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, July 27, 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-23:164, 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-23:164



 **Subject Lands**

DATED: July 11, 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.

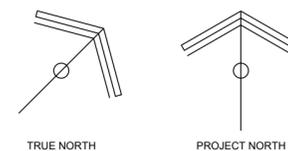
2. In person Oral Submissions

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.

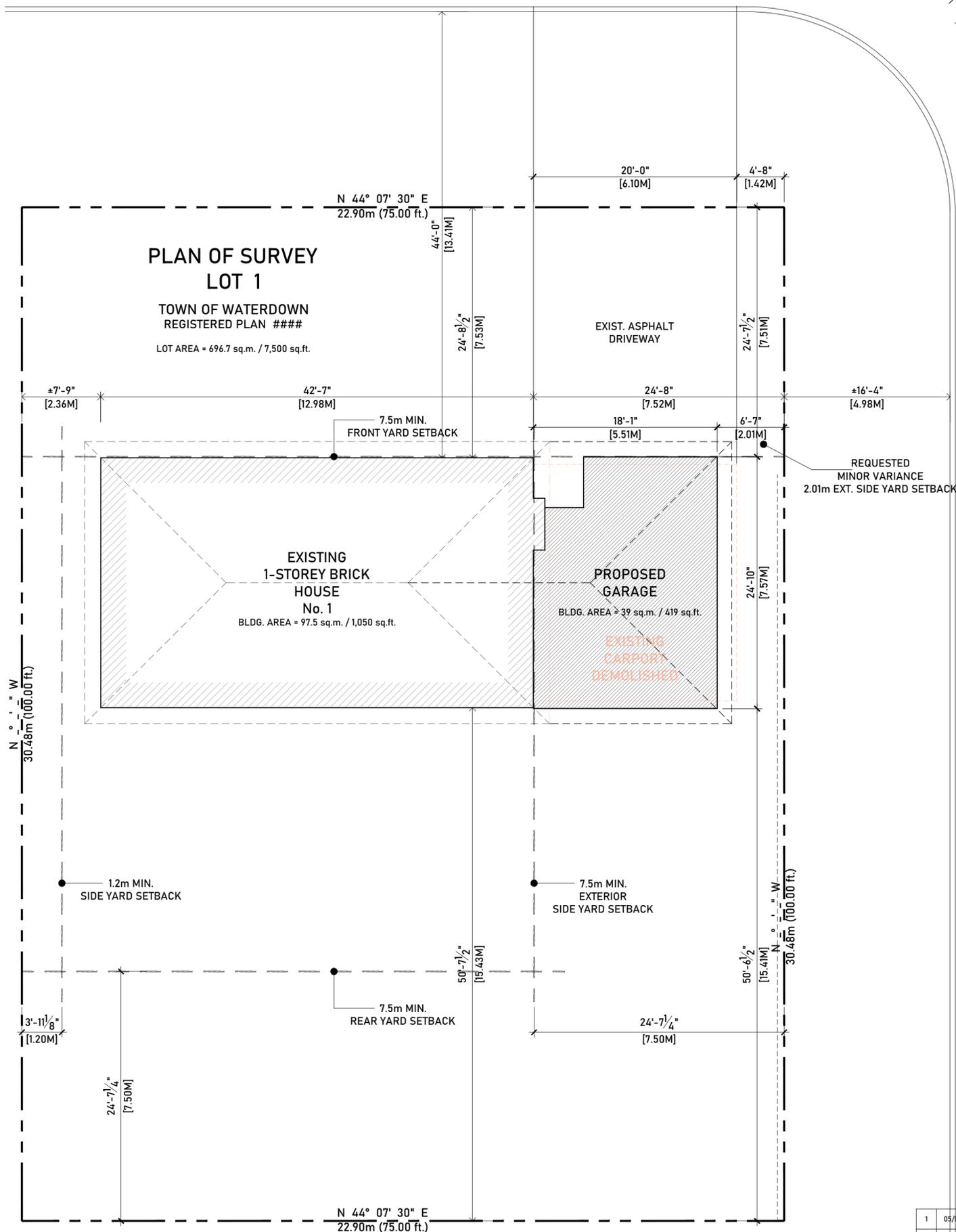
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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.

JAMES STREET



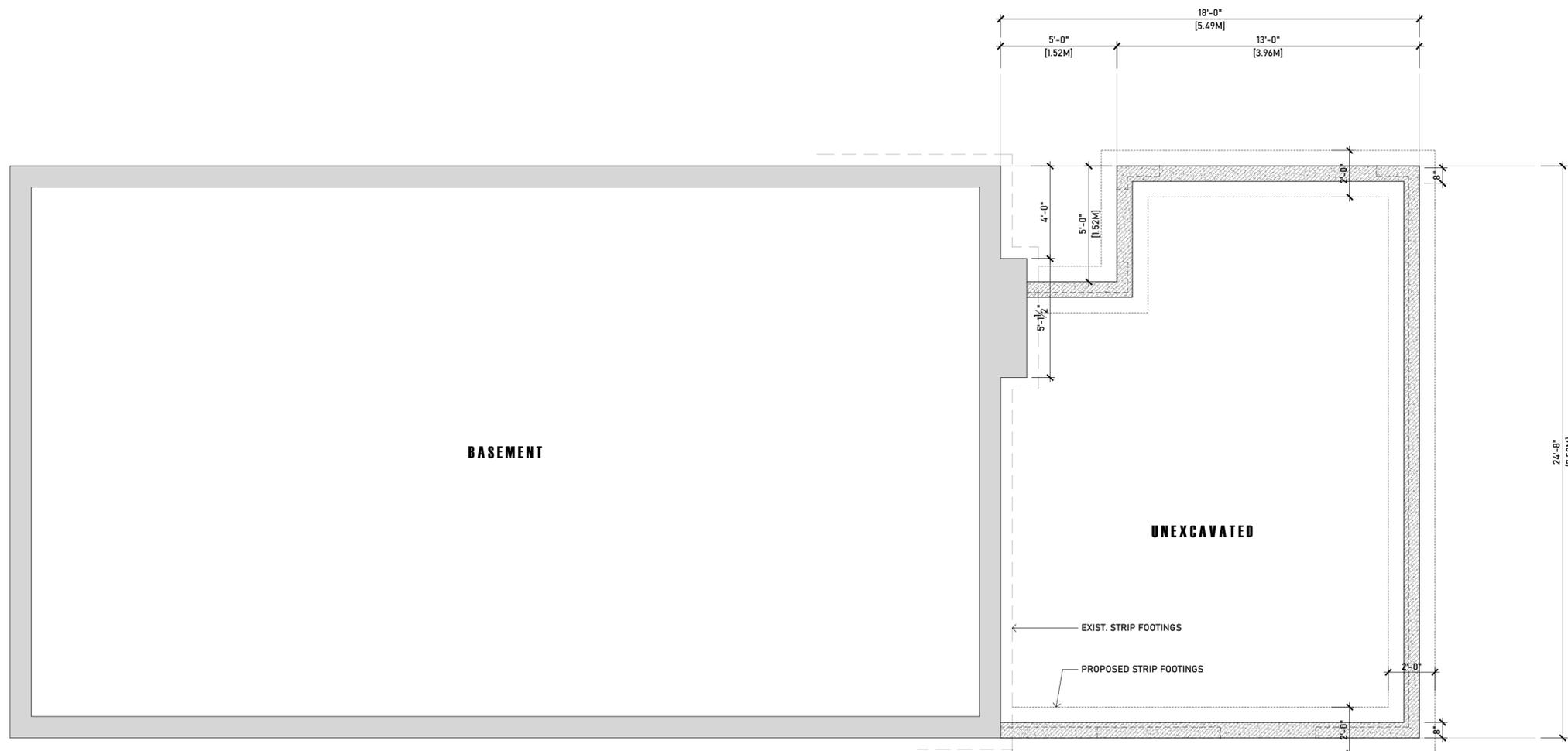
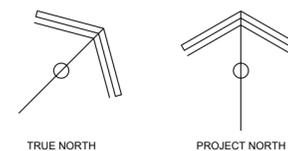
LOT & BUILDING REQUIREMENTS	SITE DATA - EXISTING	SITE DATA - PROPOSED
CITY:	CITY OF HAMILTON	
ZONING BY-LAW:	BY-LAW 90-145-Z FLAMBOROUGH, BY-LAW 05-200	
ZONING: (#22-193)	R1-3 URBAN RESIDENTIAL (SINGLE DETACHED)	
MIN. LOT AREA:	665 sq.m. / 7,158.0 sq.ft.	696.7 sq.m. (7,500 sq.ft.)
MIN. FRONTAGE:	18m	22.90m / 75'-0"
MAX. HGT.:	11.0m	4.74m / 15'-6 1/2"
MAX. LOT COVERAGE:	25%	14%
BUILDING AREA - EXISTING	97.5 sq.m. (1,050 sq.ft.)	
BUILDING AREA - PROPOSED		39 sq.m. (419 sq.ft.)
BUILDING AREA - TOTAL	97.5 sq.m. (1,050 sq.ft.)	136.5 sq.m. (1,469 sq.ft.)
MIN. FRONT YARD:	7.5m	7.53m / 24'-8 1/2"
MIN. REAR YARD:	7.5m	15.43m / 50'-7 1/2"
MIN. INTERIOR SIDE YARD:	1.2m	20.82m / 68'-3 3/4"
MIN. EXTERIOR SIDE YARD:	7.5m	2.01m / 6'-7" (MV REQUIRED)
LANDSCAPED OPEN SPACE	NO MIN.	



PROPOSED 1 SITE PLAN
SCALE: 1/8" = 1'-0"
INFORMATION FOR SITE PLAN TAKEN FROM SURVEY PLAN #, LOT 1, TOWNSHIP OF WATERDOWN DATED #, #

QUALIFICATION INFORMATION
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN OF THIS PROJECT AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.
SERGIO GALVEZ DESIGN INC. GALVEZ DESIGN INC.
INDIVIDUAL BCIN: 11230 11272
FIRM BCIN: 11272
SIGNATURE: *S. Galvez*

1	05/06/2023	APPLICATION FILED FOR MINOR VARIANCE	S.G.
#	DATE dd/mm/yyyy	REVISION / ISSUE	CHKD.



PROPOSED
1 FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

QUALIFICATION INFORMATION
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN OF THIS PROJECT AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.
SERGIO GALVEZ DESIGN FIRM: GALVEZ DESIGN INC
INDIVIDUAL BCIN: 112310 FIRM BCIN: 112712
SIGNATURE: *S. Galvez*

#	DATE dd/mm/yyyy	REVISION / ISSUE	CHKD.
1	05/06/2023	APPLICATION FILED FOR MINOR VARIANCE	S.G.



RESIDENTIAL DESIGN
DRAFTING
COLLABORATION
2030 Bristol Circle, Suite 210
Oakville, ON L4H 4P5
T: 289-888-1694
www.GalvezDesignInc.com

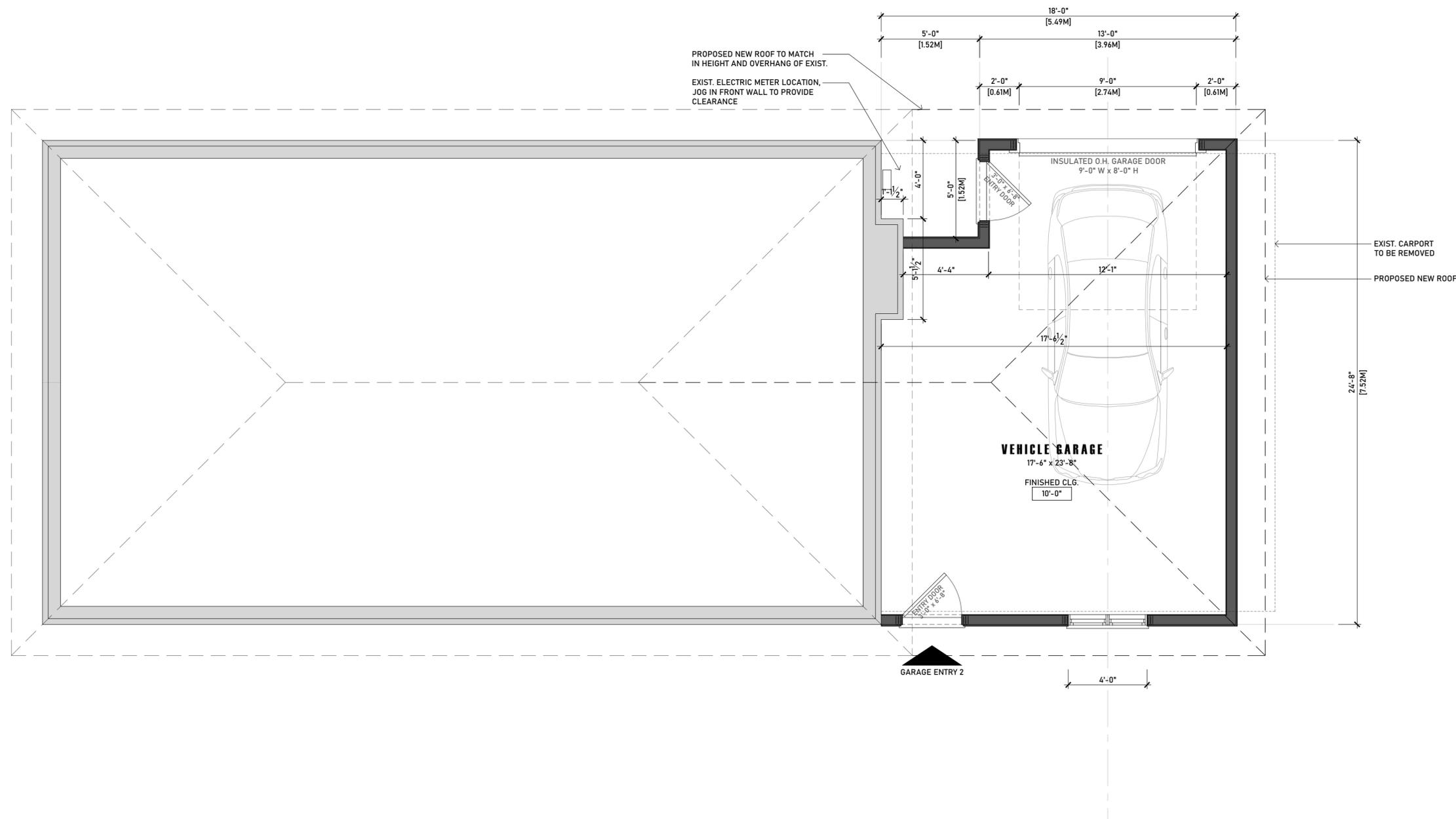
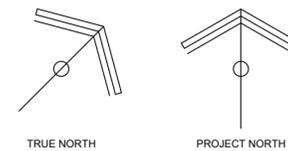
NOTE: THESE DRAWINGS ARE THE PROPERTY OF GALVEZ DESIGN INC. AND MAY NOT BE COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN CONSENT. THE CONTRACTOR IS TO CHECK AND VERIFY DIMENSIONS, EXISTING CONDITIONS AND SITE CONDITIONS BEFORE COMMENCING ANY WORK AND REPORT ANY DISCREPANCIES TO DESIGNER IMMEDIATELY. DO NOT SCALE THE DRAWINGS. ALL WORK TO BE COMPLETED IN COMPLIANCE WITH THE ONTARIO BUILDING CODE, LATEST EDITION.

PROJECT: **GARAGE ADDITION**
CLIENT: ADAM WEIR
1 James St, Waterdown, ON L0R 2H3

SHEET TITLE: **PROPOSED FIRST FLOOR PLAN**

DATE: **JUNE 05, 2023**
SCALE: **1/4" = 1'-0"**
DESIGNER: **SERGIO GALVEZ**
PROJECT ID: **219.04.23**
SHEET SIZE: **18 x 24**

A1.1



PROPOSED
1 GROUND FLOOR PLAN

SCALE: 1/4" = 1'-0"

SYMBOL	DESCRIPTION
	NEW CONSTRUCTION / ADDITION
	EXISTING WALLS
	WALLS REMOVED
	ROOF ABOVE

NOTE: THESE DRAWINGS ARE THE PROPERTY OF GALVEZ DESIGN INC. AND MAY NOT BE COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN CONSENT. THE CONTRACTOR IS TO CHECK AND VERIFY DIMENSIONS, EXISTING CONDITIONS AND SITE CONDITIONS BEFORE COMMENCING ANY WORK AND REPORT ANY DISCREPANCIES TO DESIGNER IMMEDIATELY. DO NOT SCALE THE DRAWINGS. ALL WORK TO BE COMPLETED IN COMPLIANCE WITH THE ONTARIO BUILDING CODE, LATEST EDITION.

PROJECT: **GARAGE ADDITION**
CLIENT: ADAM WEIR
1 James St, Waterdown, ON L0R 2H3

SHEET TITLE: **PROPOSED ROOF PLAN**

DATE: JUNE 05, 2023
SCALE: 1/4" = 1'-0"
DESIGNER: SERGIO GALVEZ
PROJECT ID: 219.04.23
SHEET SIZE: 18 x 24

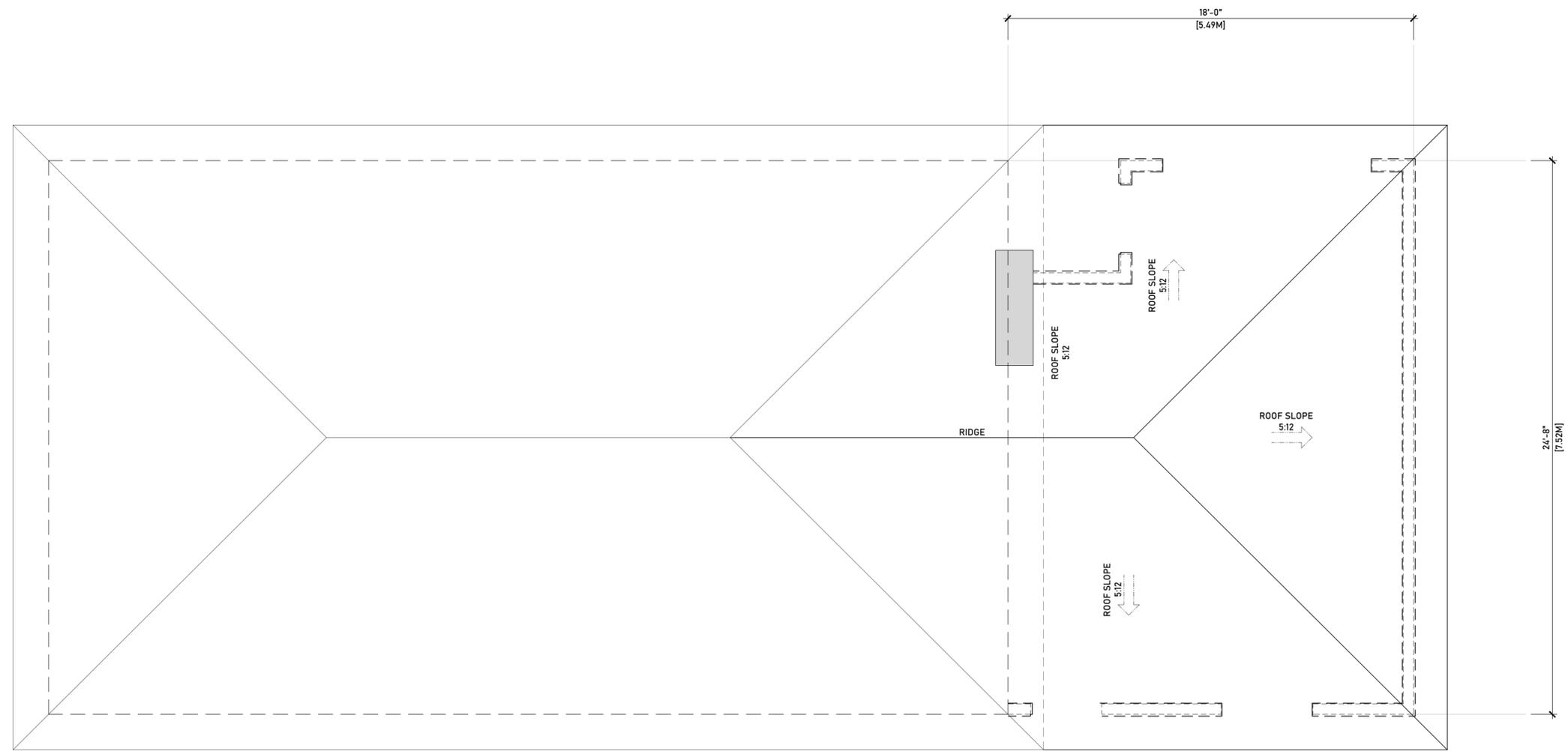
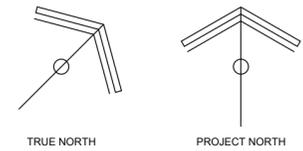
QUALIFICATION INFORMATION
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN OF THIS PROJECT AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.
SERGIO GALVEZ
DESIGN FIRM: GALVEZ DESIGN INC
INDIVIDUAL BCIN: 11330
FIRM BCIN: 11373
SIGNATURE: *S. Galvez*

#	DATE	REVISION / ISSUE	CHKD.
1	05/06/2023	APPLICATION FILED FOR MINOR VARIANCE	S.G.



RESIDENTIAL DESIGN
DRAFTING
COLLABORATION
2030 Bristol Circle, Suite 210
Oakville, ON L4H 4P5
T: 289-888-1694
www.GalvezDesignInc.com

A1.2



PROPOSED
1 ROOF PLAN
SCALE: 1/4" = 1'-0"

QUALIFICATION INFORMATION
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN OF THIS PROJECT AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.
SERGIO GALVEZ DESIGN INC. GALVEZ DESIGN INC.
INDIVIDUAL BCIN: 11330 FIRM BCIN: 113713
SIGNATURE: *S. Galvez*

1	05/06/2023	APPLICATION FILED FOR MINOR VARIANCE	S.G.
#	DATE dd/mm/yyyy	REVISION / ISSUE	CHKD.



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2030 Bristol Circle, Suite 210
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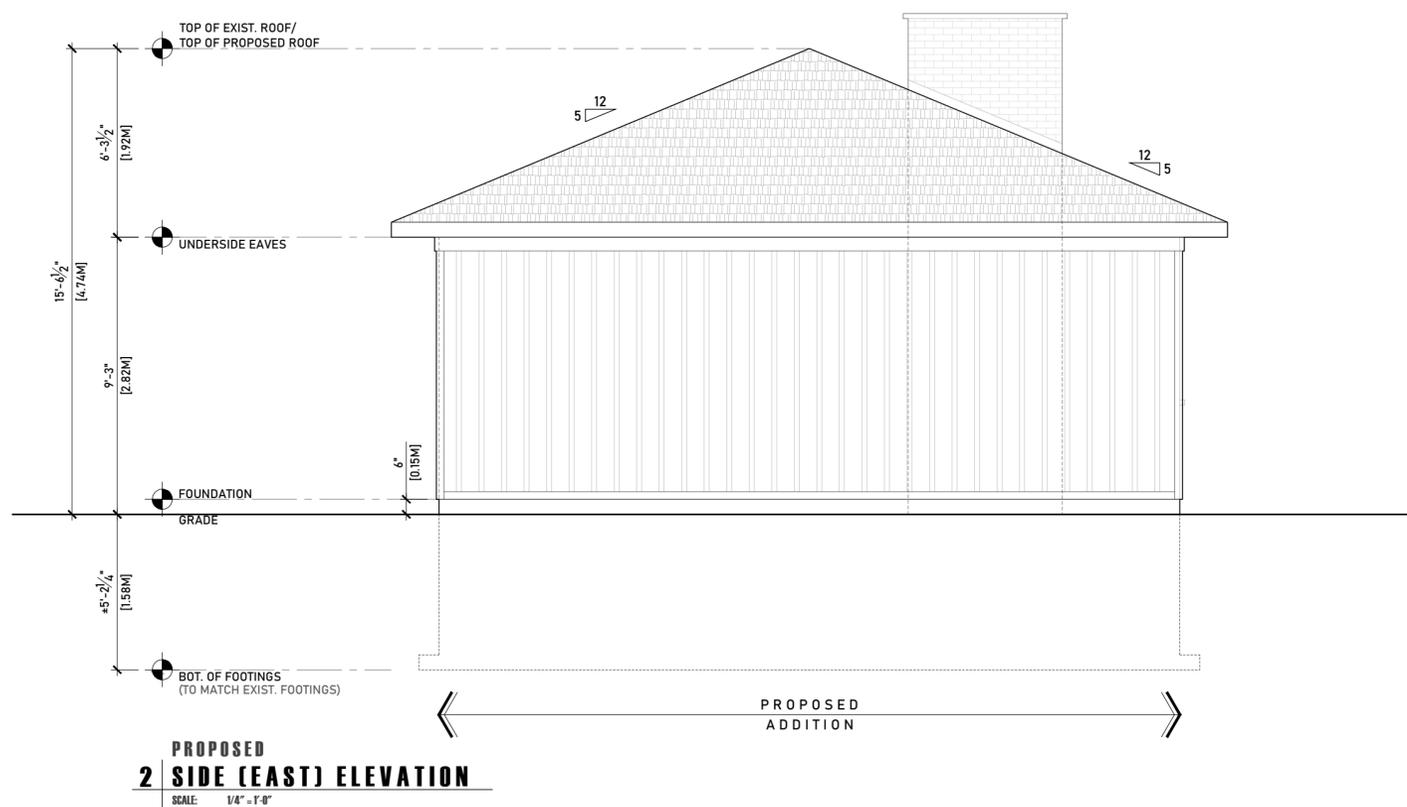
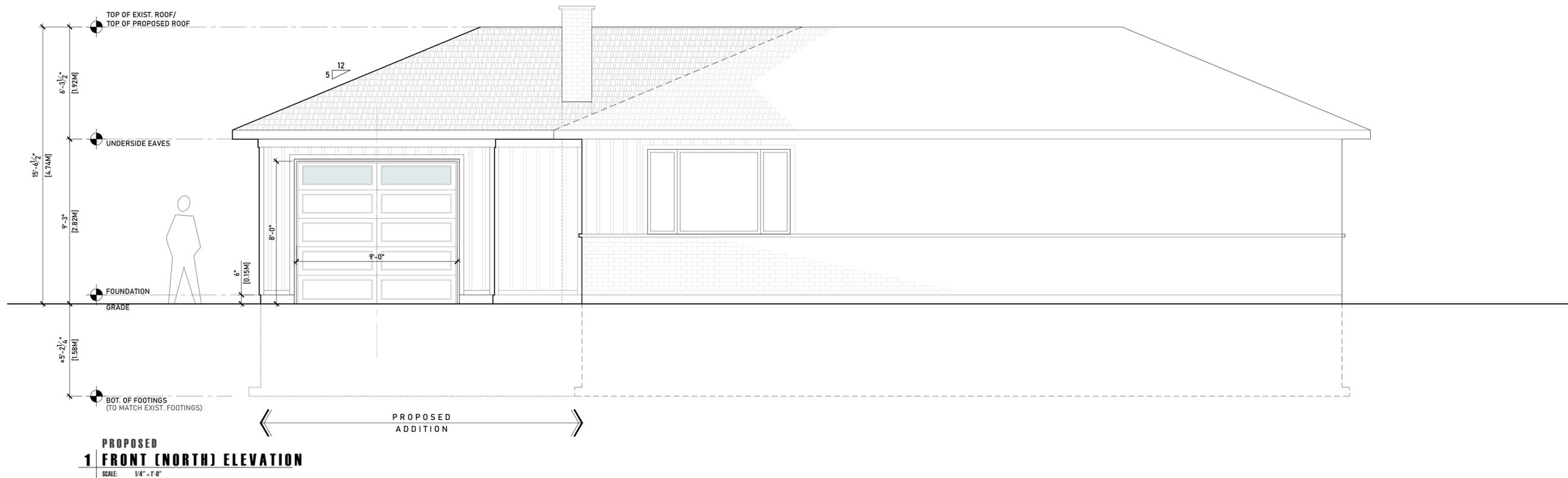
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PROJECT: **GARAGE ADDITION**
CLIENT: ADAM WEIR
1 James St, Waterdown, ON L0R 2H3

SHEET TITLE: **PROPOSED ROOF PLAN**

DATE: **JUNE 05, 2023**
SCALE: **1/4" = 1'-0"**
DESIGNER: **SERGIO GALVEZ**
PROJECT ID: **219.04.23**
SHEET SIZE: **18 x 24**

A1.3



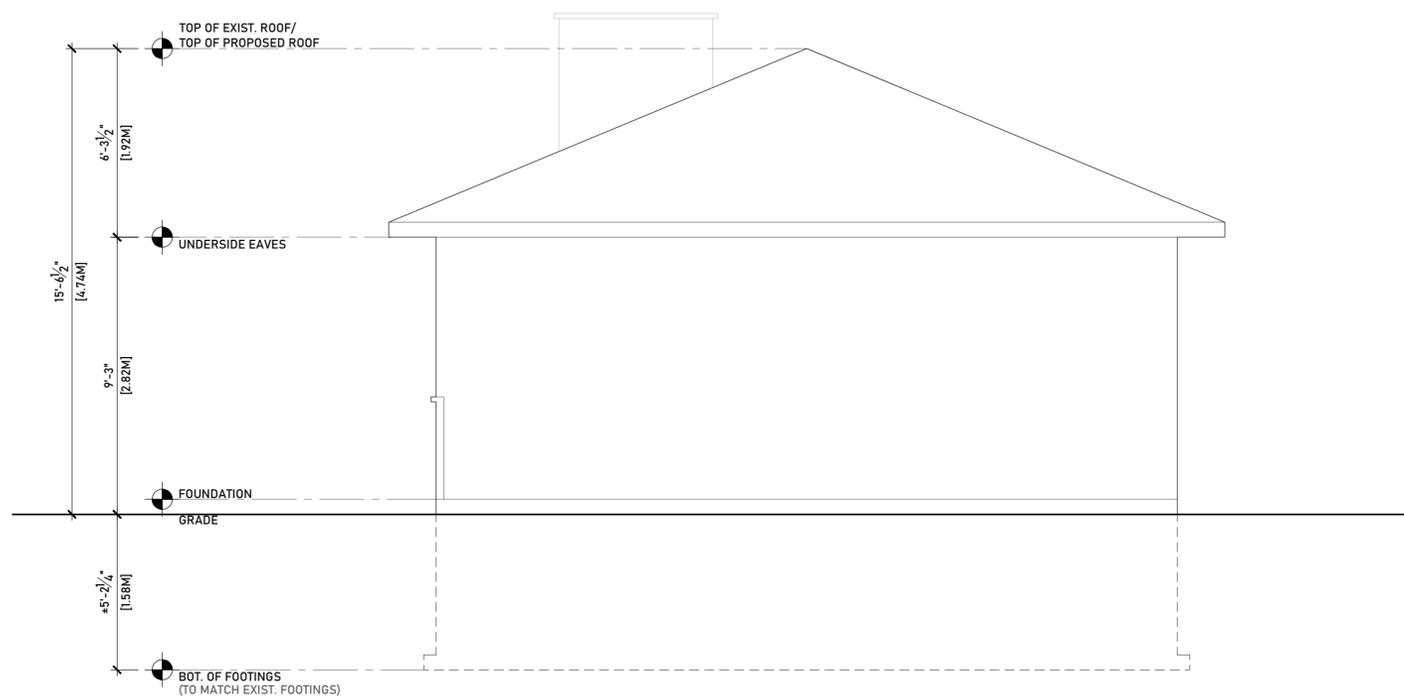
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SERGIO GALVEZ DESIGN INC. GALVEZ DESIGN INC. INDIVIDUAL BCIN: 112310 FIRM BCIN: 112712
SIGNATURE: *S. Galvez*

#	DATE	REVISION / ISSUE	CHKD.
1	05/06/2023	APPLICATION FILED FOR MINOR VARIANCE	S.G.



PROPOSED
1 REAR (SOUTH) ELEVATION

SCALE: 1/4" = 1'-0"



NO CHANGES
2 SIDE (WEST) ELEVATION

SCALE: 1/4" = 1'-0"

QUALIFICATION INFORMATION:
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN OF THIS PROJECT AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

SERGIO GALVEZ
DESIGN FIRM: GALVEZ DESIGN INC
INDIVIDUAL BCIN: 112310
FIRM BCIN: 112712

SIGNATURE:
S. Galvez

1	05/06/2023	APPLICATION FILED FOR MINOR VARIANCE	S.G.
#	DATE dd/mm/yyyy	REVISION / ISSUE	CHKD.



Hamilton

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)	George Thomas Parker Adam Weir Paola Dimaddalena	
Applicant(s)	Sergio Galvez Galvez Design Inc.	
Agent or Solicitor	Sergio Galvez, Galvez Design	

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	1 James St, Waterdown, ON L0R 2H3		
Assessment Roll Number			
Former Municipality	Waterdown		
Lot	1	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:

1) Seeking Variance for reduction in Side Yard Setback, from 7.5m to 2.01m for Proposed 1 Storey Garage Addition.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Wall of house where proposed garage addition to be located is currently at the 7.5m Side Yard Setback.

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
22.90m	30.48m	696.7 sq.m.	20m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
HOUSE	7.53m	15.43m	2.36m / 7.5m	01/30/1964

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
GARAGE	7.51m	15.41m	2.01m	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
HOUSE	97.5 sq.m.	97.5 sq.m.	1	4.74m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
GARAGE	39 sq.m.	39 sq.m.	1	4.74m

- 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, Residential

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

Single Detached Dwellings, Residential

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

OCTOBER 2017

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

Residential / Farmland

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:

Minimum 50 plus years

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The garage is in keeping with the architectural style and character of the surrounding area, with a roof line that matches existing house.

7.6 What is the existing zoning of the subject land? R1-3 URBAN RESIDENTIAL

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

- Yes No

If yes, please provide the file number: R1-3 URBAN RESIDENTIAL

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

Yes No

If yes, please provide the file number: _____

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

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

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

The property has an existing Carport which was built roughly 30 years ago from previous home owner. Size of carport measures 6.10m Wide by 7.11m in Length. It is 1.42m from Property Line adjacent to 1st Street. Total height to peak of Lean-to-Roof measures to Underside of house eaves, which is 2.82m. Total Building Area measures 43.3 sq.m.

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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



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-23:166	SUBJECT PROPERTY:	99 7TH CONCESSION ROAD E, FLAMBOROUGH
ZONE:	"A1" (Agriculture)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** ANDREW & CHERYL BRADSHAW

The following variances are requested:

1. To permit a minimum front yard of 5.0m instead of the required minimum front yard of 10.0m.
2. To permit an additional dwelling unit within the A1 zone on a lot that is a minimum of 0.25 hectares in area instead of the minimum required lot area size of 0.6 hectares.

PURPOSE & EFFECT: To facilitate an additional dwelling unit and one storey addition to a single family 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, July 27, 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

FL/A-23:166

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

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

PUBLIC INPUT

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

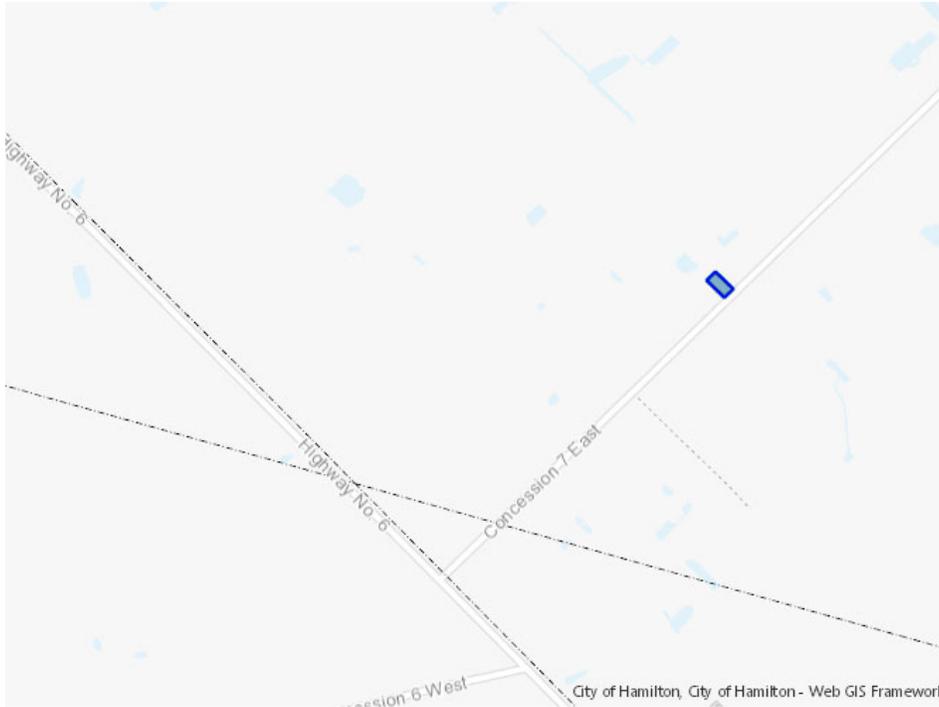
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FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:166, 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-23:166



 Subject Lands

DATED: July 11, 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.

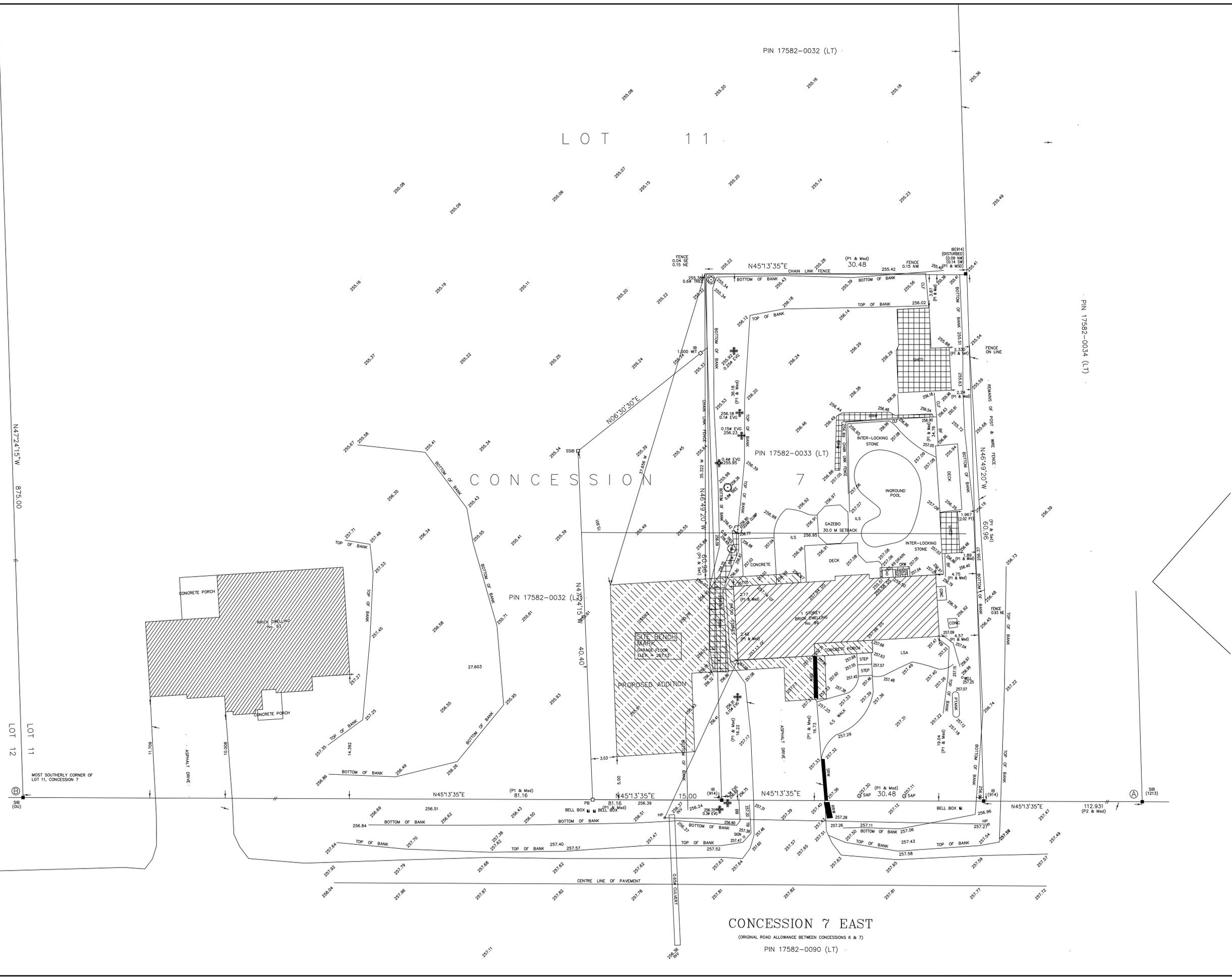
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2. In person Oral Submissions

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We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca 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.



NO.	DESCRIPTION	DATE	BY
XX	XXXX	MM/YY/YY	XX

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS PLAN BEING ACCURATE AND COMPLETE. ANY CHANGES TO BE MADE MUST BE SET OUT IN THE CHANGING BUILDING CODE TO BE A RECORD.

DESIGNATION INFORMATION
 NAME: KEVIN WEBSTER
 SIGNATURE: [Signature]
 REG. NO. OF THE 2006 REG. ACT: 1331

DESIGNATION INFORMATION
 NAME: KEVIN WEBSTER
 SIGNATURE: [Signature]
 REG. NO. OF THE 2006 REG. ACT: 1331

68 NORTH VALLEY DR.
 WELAND, ONT
 L3C 7L6
 905.639.2009
 kevin@kwdesigns.ca

KEVIN WEBSTER
DESIGNS INC.

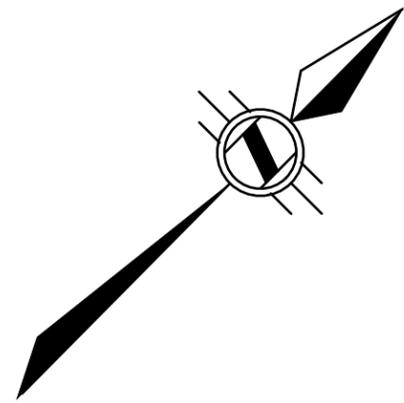
PROJECT NO.	202152	CHECKED BY:	KW
DATE:	NOV / 2021	DRAWN BY:	JIM
PROJECT NAME:	DETAILS AND CONSTRUCTION NOTES		
FACE NO.	01	PROJECT NAME:	67 HUXLEY AVE N HAMILTON, ONT. L8H 4P5

**SKETCH TO ILLUSTRATE LAND DIVISION
OF
93 CONCESSION 7 EAST
IN THE
CITY OF HAMILTON**

SCALE 1:400 METRIC

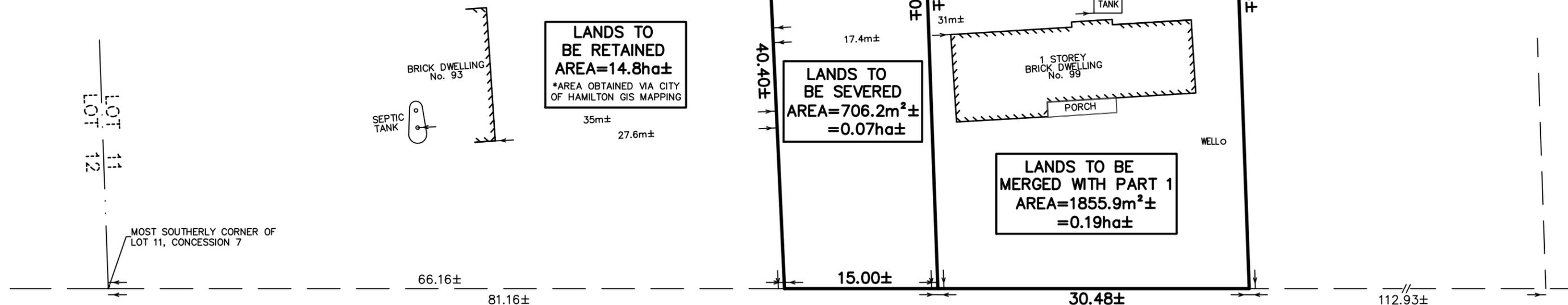


R.A. McLAREN, O.L.S. - 2022



C O N C E S S I O N

L O T



CONCESSION 7 EAST
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 6 & 7)

CAUTION:

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

B) THIS PLAN IS PROTECTED BY COPYRIGHT ©

NOTE:

DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN BY A.T. McLAREN LTD. DATED MAY 30, 2022

METRIC NOTE:

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

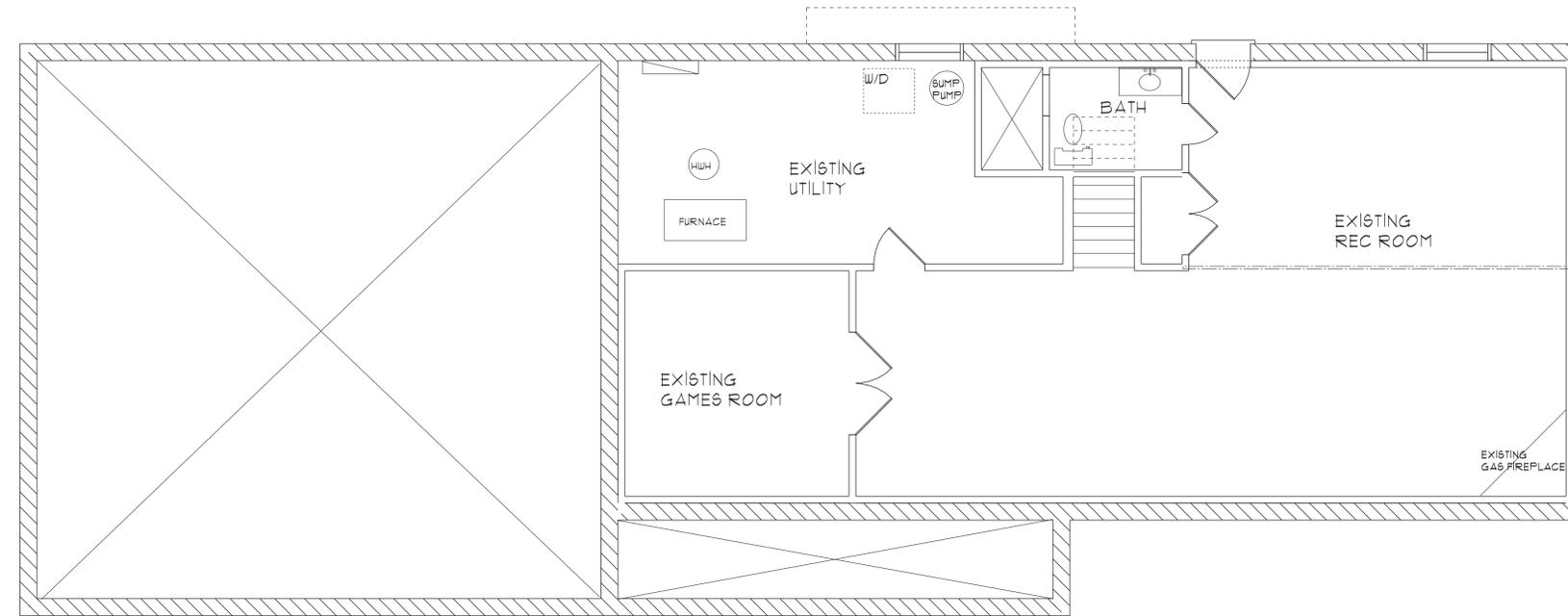
JUNE 17, 2022
DATE



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 JC	Checked RAM	Crew Chief	Scale 1:400	Dwg.No. 36970-SK
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EXISTING BASEMENT PLAN



EXISTING GROUND FLOOR PLAN

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PRICING	05/30/23	K.W.

REVISIONS	

Kevin Webster Designs Inc.
 RESIDENTIAL & COMMERCIAL
 DESIGN, DRAFTING & CONSULTING
 68 North Valley Dr., Welland, Ontario L3C 7L6
 (905)639-2009

PROJECT NO. 202312	DATE MAY 2023
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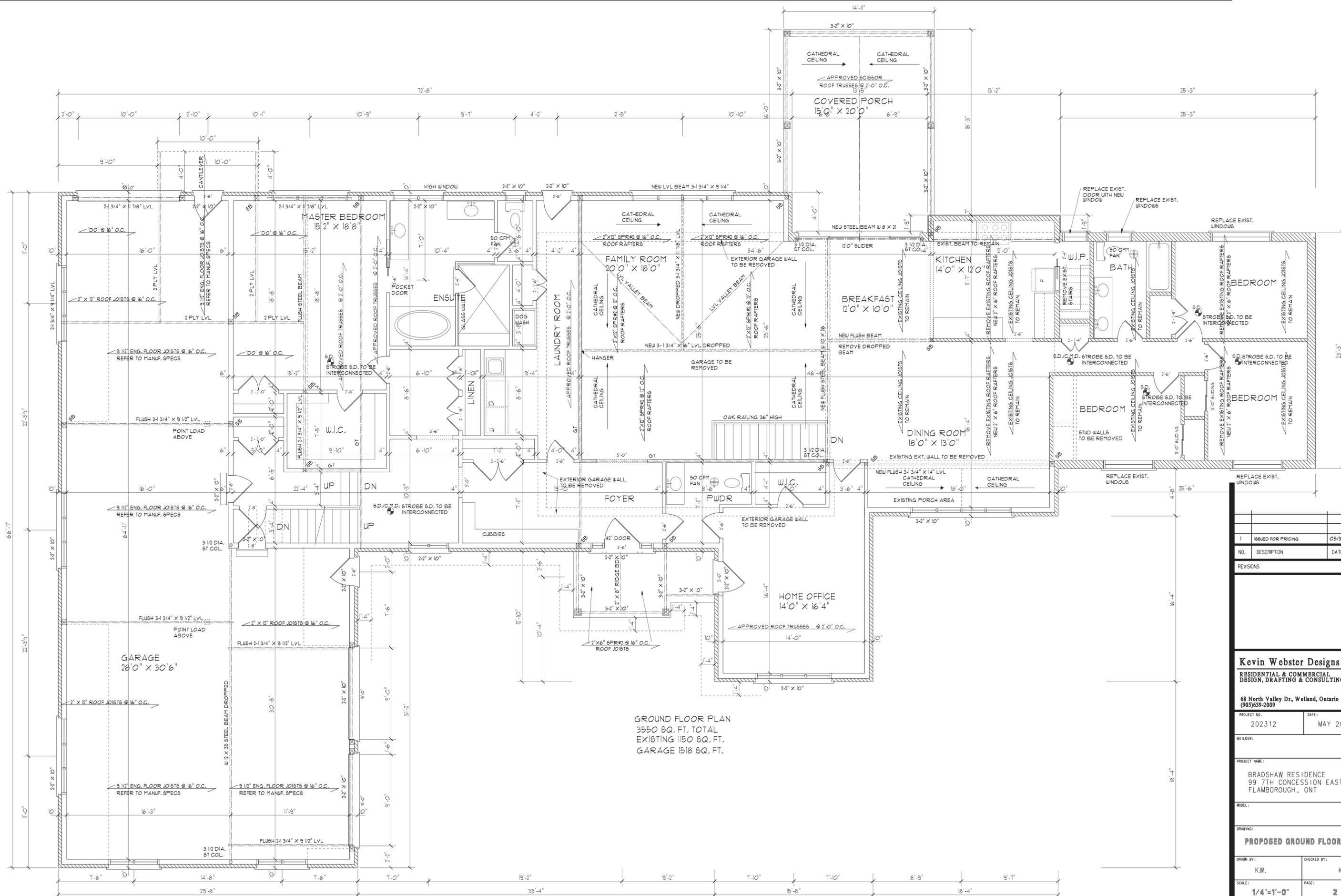
BUILDER:

PROJECT NAME:
BRADSHAW RESIDENCE
99 7TH CONCESSION EAST
FLAMBOROUGH, ONT

MODEL:

DRAWING:
EXISTING PLANS

DRAWN BY: K.W.	CHECKED BY: K.W.
SCALE: 1/4"=1'-0"	PAGE: 1

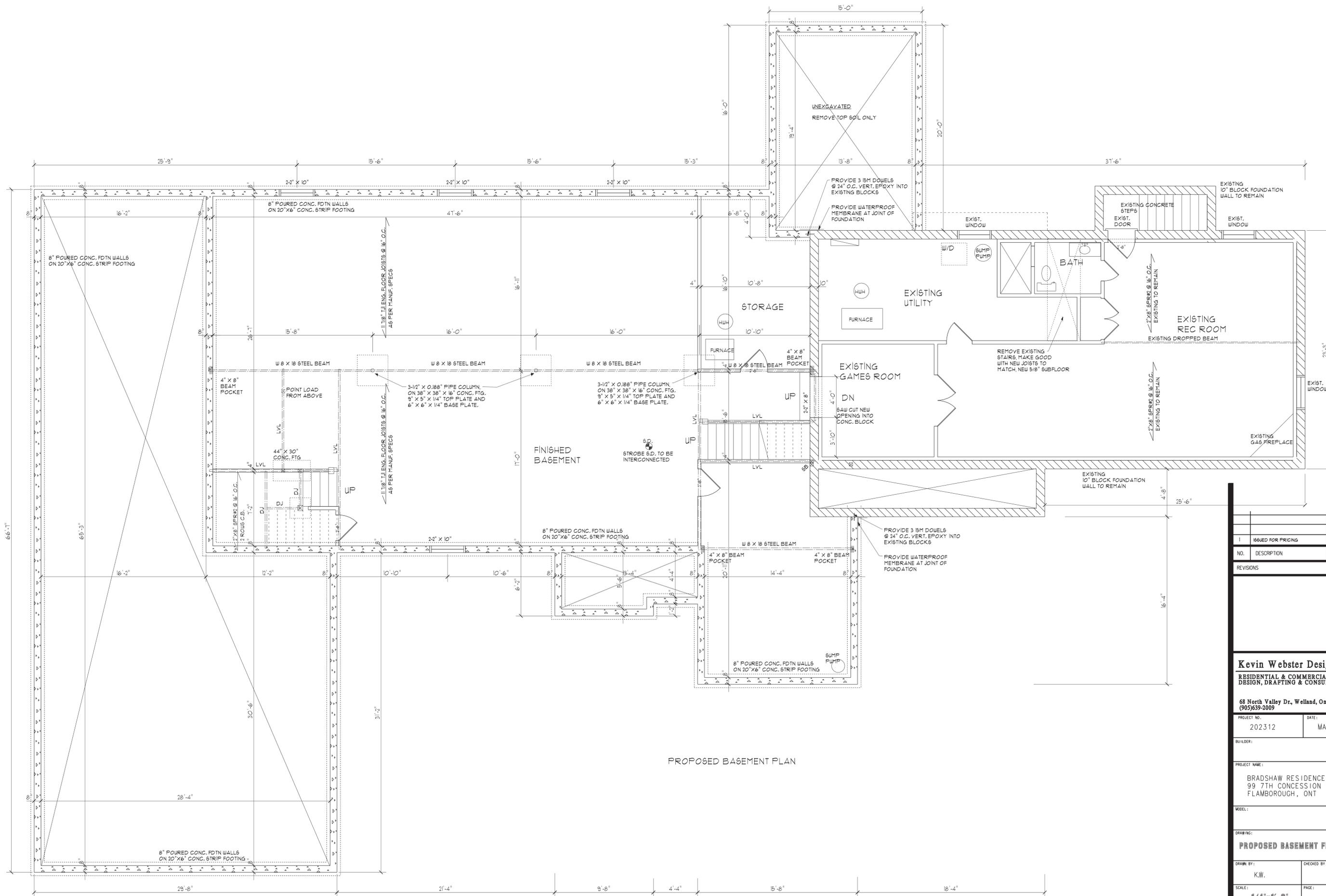


GROUND FLOOR PLAN
 3550 SQ. FT. TOTAL
 EXISTING 1150 SQ. FT.
 GARAGE 1518 SQ. FT.

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PRICING	05/30/23	KW

REVISIONS	

Kevin Webster Designs Inc.	
RESIDENTIAL & COMMERCIAL DESIGN, DRAFTING & CONSULTING	
68 North Valley Dr., Welland, Ontario L3C 7L6 (905)639-2009	
PROJECT NO. 202312	DATE MAY 2023
BUILDER:	
PROJECT NAME: BRADSHAW RESIDENCE 99 7TH CONCESSION EAST FLAMBOROUGH, ONT	
MODEL:	
DRAWING: PROPOSED GROUND FLOOR PLAN	
DRAWN BY: K.W.	CHECKED BY: K.W.
SCALE: 1/4"=1'-0"	PAGE: 2

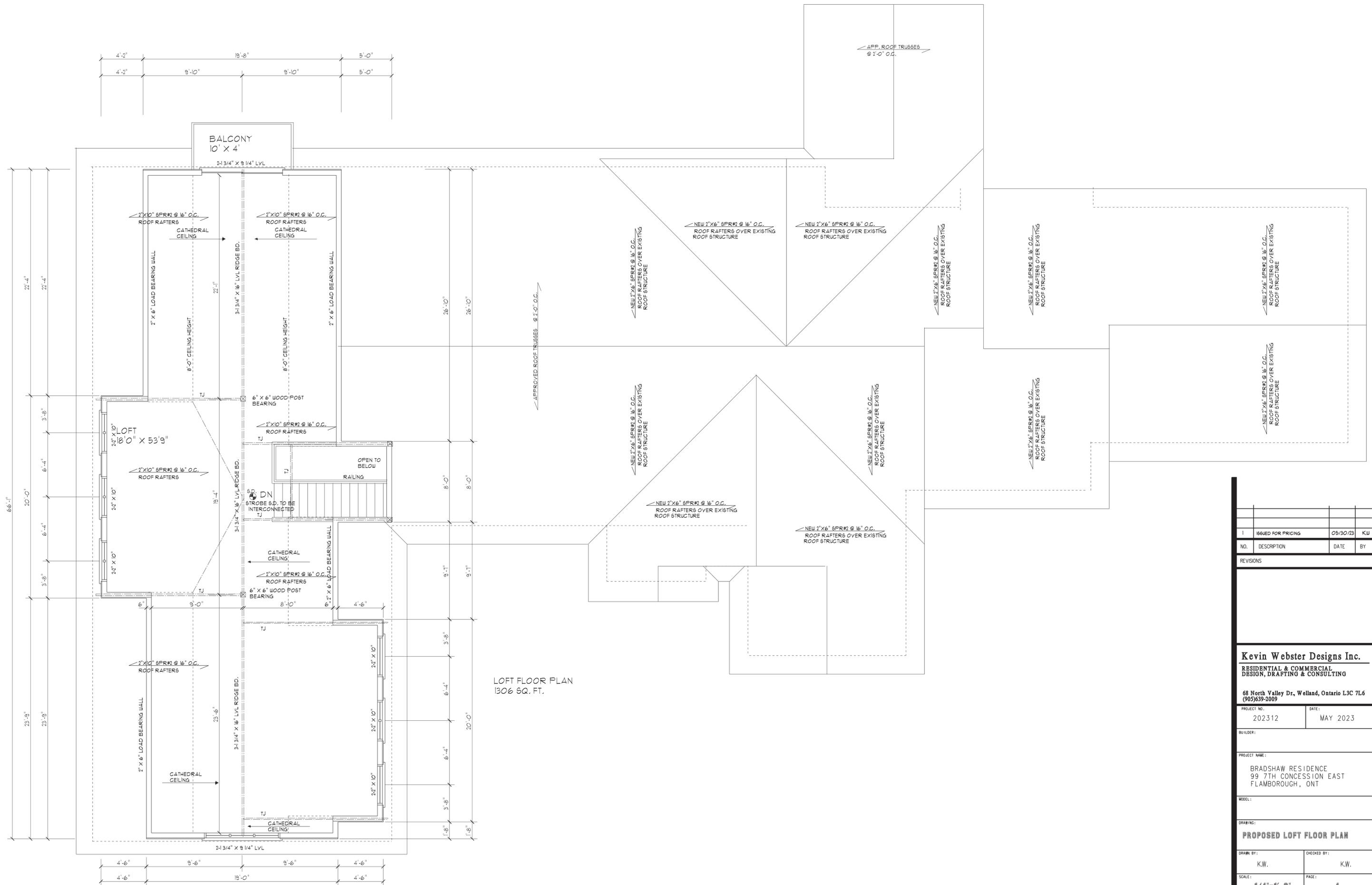


PROPOSED BASEMENT PLAN

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PRICING	05/30/23	KW

REVISIONS	

Kevin Webster Designs Inc.	
RESIDENTIAL & COMMERCIAL DESIGN, DRAFTING & CONSULTING	
68 North Valley Dr., Welland, Ontario L3C 7L6 (905)639-2009	
PROJECT NO. 202312	DATE MAY 2023
PROJECT NAME BRADSHAW RESIDENCE 99 7TH CONCESSION EAST FLAMBOROUGH, ONT	
DRAWING PROPOSED BASEMENT FLOOR PLAN	
DRAWN BY: K.W.	CHECKED BY: K.W.
SCALE: 1/4"=1'-0"	PAGE: 3

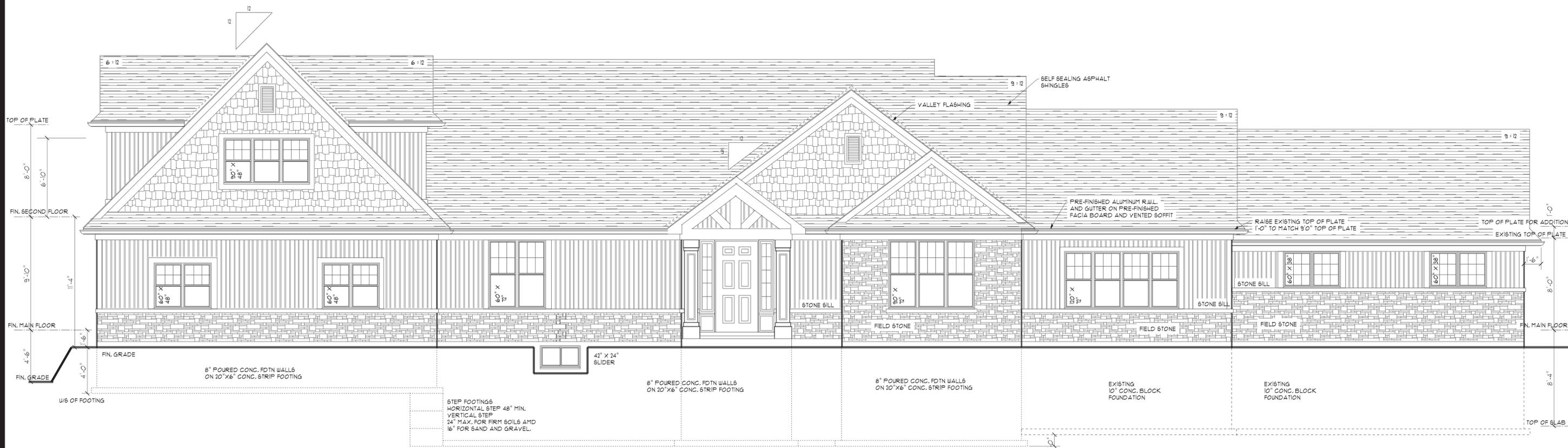


LOFT FLOOR PLAN
1306 SQ. FT.

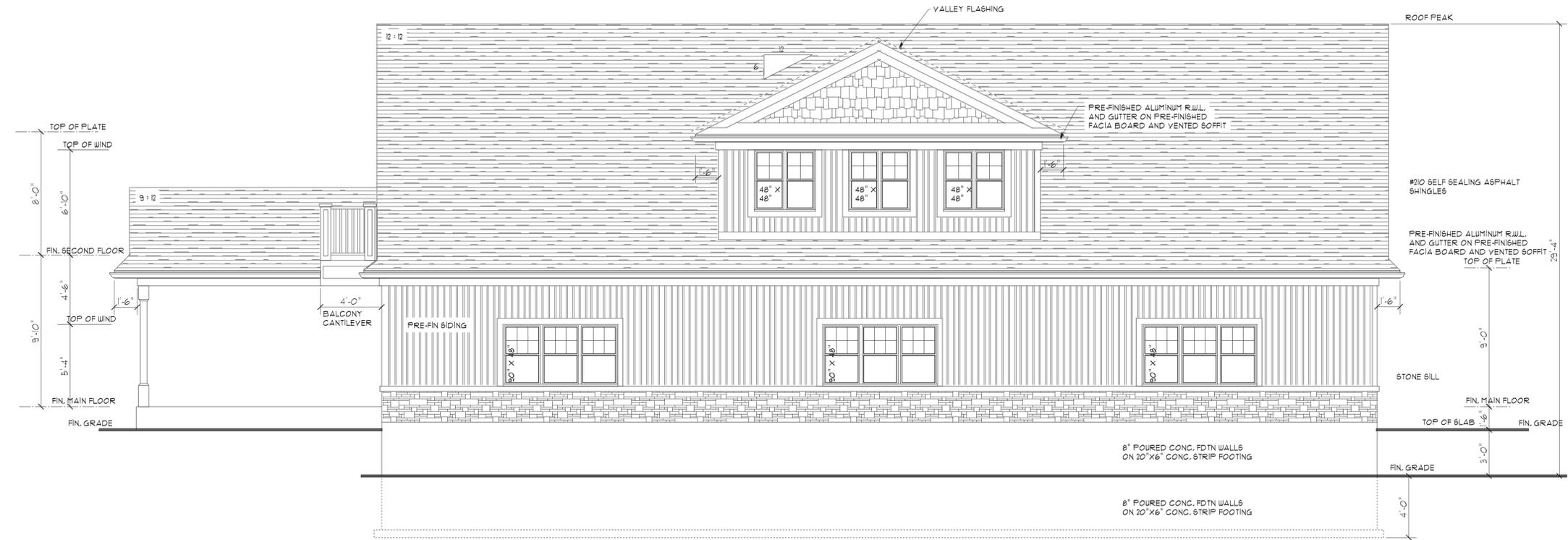
NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PRICING	05/30/23	KW

REVISIONS	

Kevin Webster Designs Inc.	
RESIDENTIAL & COMMERCIAL DESIGN, DRAFTING & CONSULTING	
68 North Valley Dr., Welland, Ontario L3C 7L6 (905)639-2009	
PROJECT NO: 202312	DATE: MAY 2023
BUILDER:	
PROJECT NAME: BRADSHAW RESIDENCE 99 7TH CONCESSION EAST FLAMBOROUGH, ONT	
MODEL:	
DRAWING: PROPOSED LOFT FLOOR PLAN	
DRAWN BY: K.W.	CHECKED BY: K.W.
SCALE: 1/4" = 1'-0"	PAGE: 4



FRONT ELEVATION

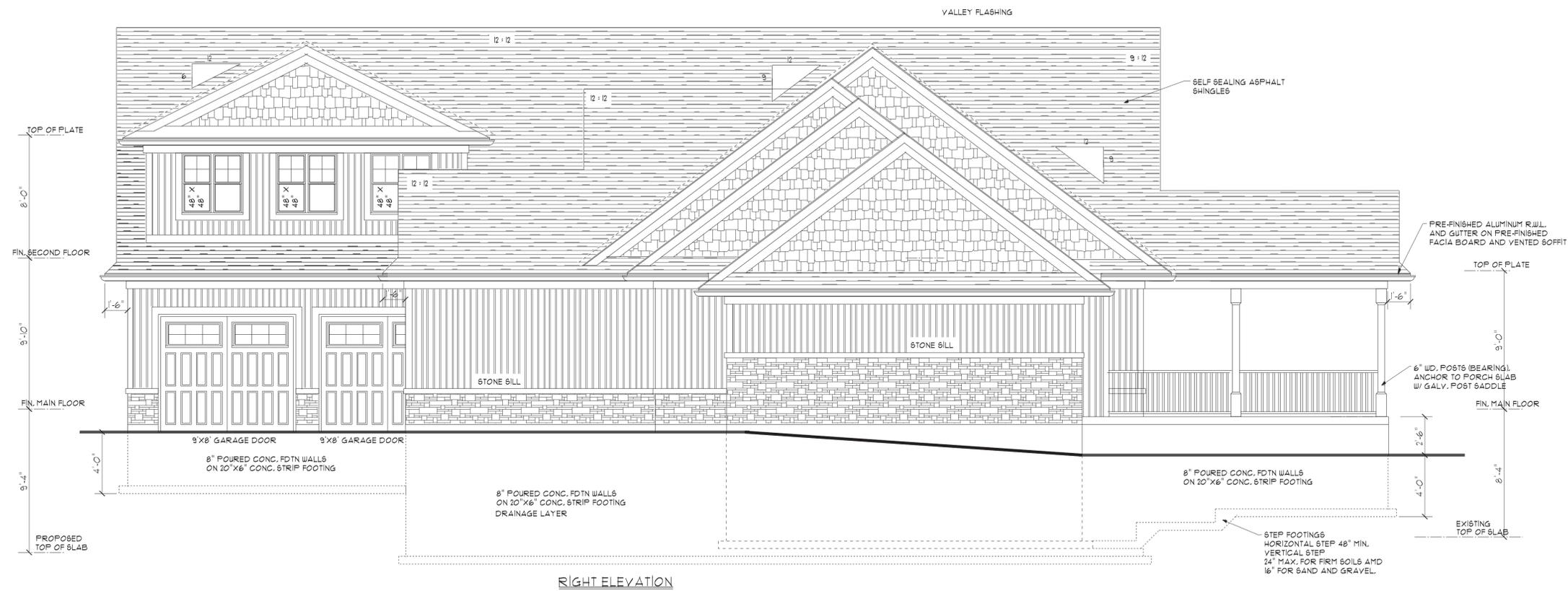
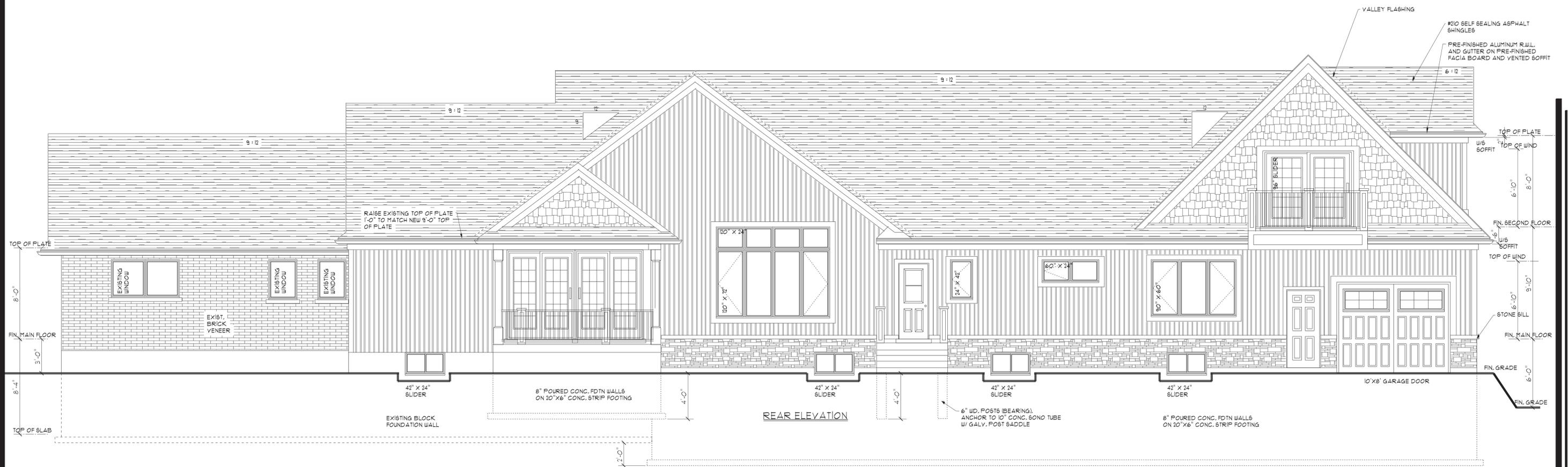


LEFT ELEVATION

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PRICING	05/30/23	KW

NO.	DESCRIPTION	DATE	BY

Kevin Webster Designs Inc. RESIDENTIAL & COMMERCIAL DESIGN, DRAFTING & CONSULTING 68 North Valley Dr., Welland, Ontario L3C 7L6 (905)639-2009	
PROJECT NO. 202312	DATE MAY 2023
PROJECT NAME: BRADSHAW RESIDENCE 99 7TH CONCESSION EAST FLAMBOROUGH, ONT	
MODEL: DRAWING: FRONT & LEFT ELEVATIONS	
DRAWN BY: K.W.	CHECKED BY: K.W.
SCALE: 1/4"=1'-0"	PAGE: 5



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PRICING	05/30/23	K.W.

REVISIONS

Kevin Webster Designs Inc.
 RESIDENTIAL & COMMERCIAL
 DESIGN, DRAFTING & CONSULTING

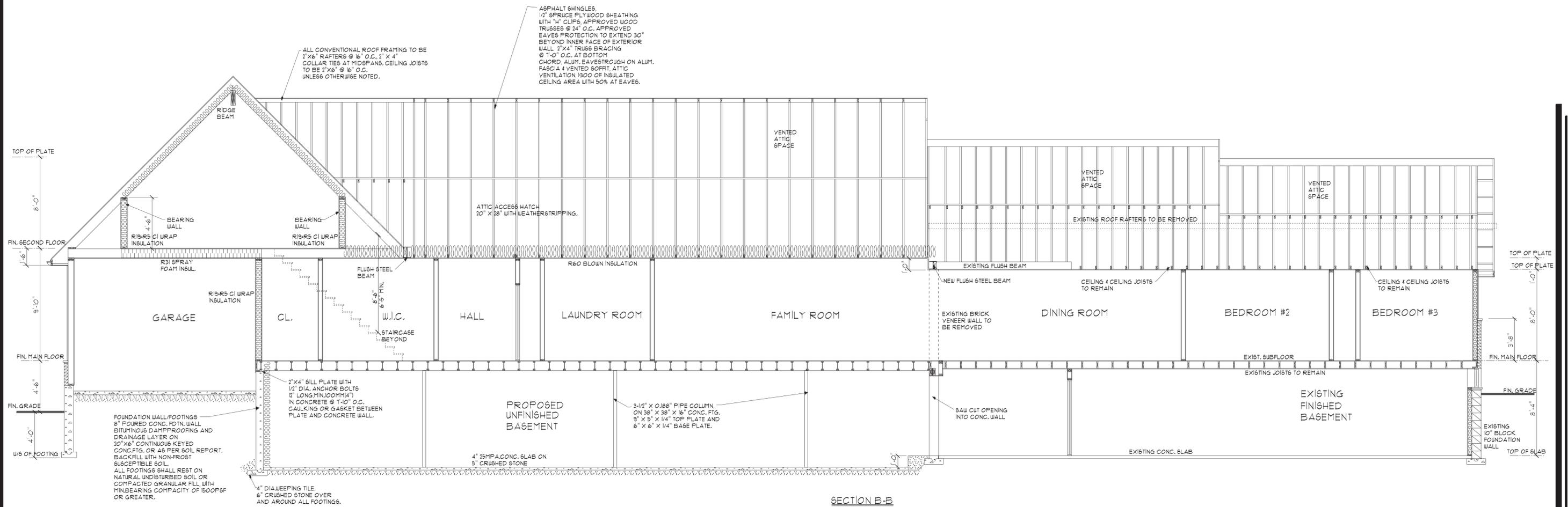
68 North Valley Dr., Welland, Ontario L3C 7L6
 (905)639-2009

PROJECT NO. 202312	DATE MAY 2023
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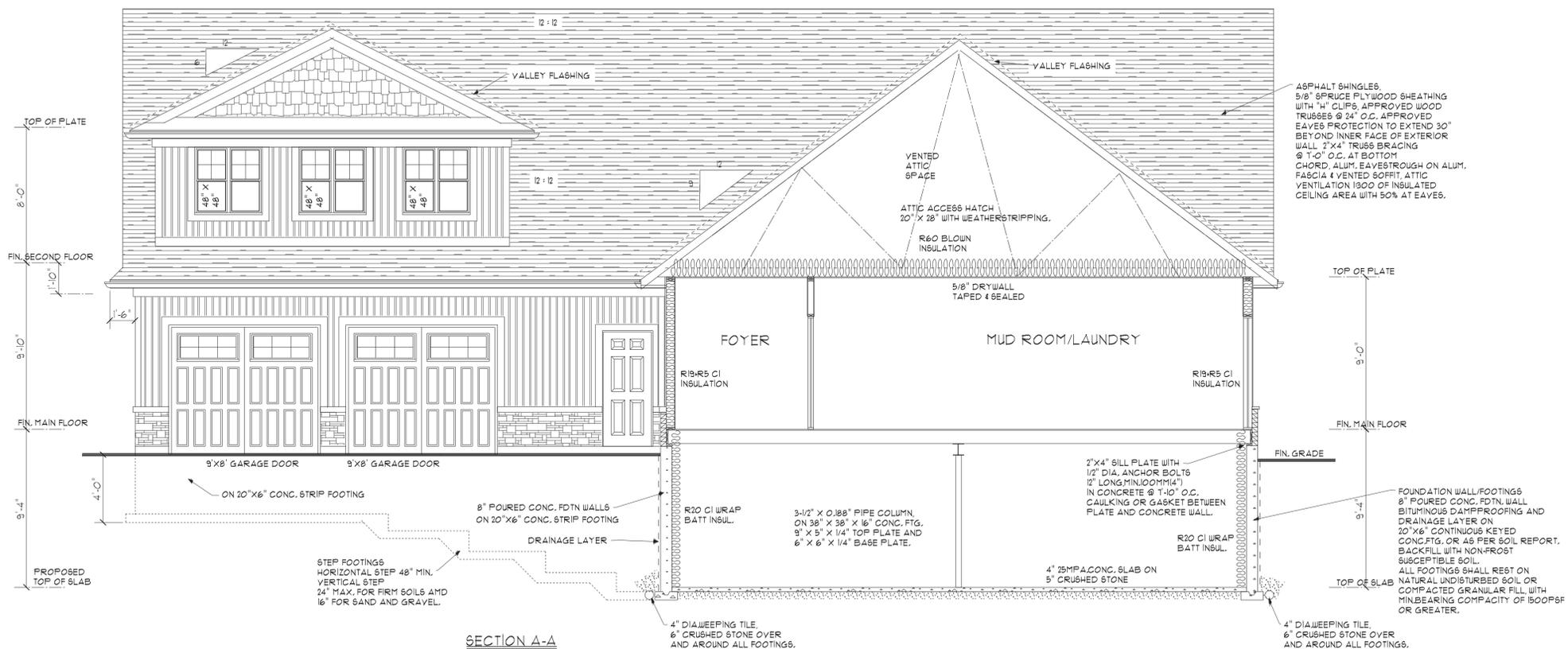
BUILDER:
 PROJECT NAME:
 BRADSHAW RESIDENCE
 99 7TH CONCESSION EAST
 FLAMBOROUGH, ONT

MODEL:
 DRAWING:
REAR & RIGHT ELEVATIONS

DRAWN BY: K.W.	CHECKED BY: K.W.
SCALE: 1/4" = 1'-0"	PAGE: 6



SECTION B-B



SECTION A-A

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PRICING	05/30/23	KW

REVISIONS	

Kevin Webster Designs Inc.	
RESIDENTIAL & COMMERCIAL DESIGN, DRAFTING & CONSULTING	
68 North Valley Dr., Welland, Ontario L3C 7L6 (905)639-2009	
PROJECT NO: 202312	DATE: MAY 2023
PROJECT NAME: BRADSHAW RESIDENCE 99 7TH CONCESSION EAST FLAMBOROUGH, ONT	
DRAWING: CROSS SECTIONS	
DRAWN BY: K.W.	CHECKED BY: K.W.
SCALE: 1/4"=1'-0"	PAGE: 7



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 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	99 Concession 7 E Millgrove ON L8B1T7		
Assessment Roll Number	2906-030-005-24600-0000		
Former Municipality	Flamborough		
Lot	11	Concession	7E
Registered Plan Number		Lot(s)	11
Reference Plan Number (s)	62 R-21983	Part(s)	1 and 2 per Reference

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.By-Law 12.1.3.3 requires 10m front setback.

Requesting 5m front setback to allow for new double car garage to fit in front of house. Ref attached site plan.

2.By-Law 4.33.3 requires land size of 0.6ha for additional dwelling unit within the primary dwelling.

Requesting approval for secondary dwelling unit with current land size of 0.26ha.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

1. Current house was built closer to the road than neighbouring houses. Unable to build behind my house because of conservation rules, and there is not enough space to the side, so extending the garage towards the front is our only option.

2. I already purchased as much land as I could from my neighbours and cannot acquire any more. We would like have an additional dwelling unit in the new basement for elder family members to live in.

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
45.48m	60.96m	0.26ha	7.16m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
House	16m	34.76m	Left 11.17m Right 4.57m	1965
Shed 1 (Rear yard)	>10m	3.87m	2.24m	UNKNOWN
Shed 2 (Right side yard)	>10m	>10m	1.89m	UNKNOWN
Garage (to be removed)	16m	34.76m	17.4m	1965

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
House	11.75m	34.60m	Left 3.03m Right 4.57m	06/13/2024
Attached Garage	5m	34.60m	Left 3.03m	06/13/2024

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
House	92.6 sq m	106.83 sq m	1	4.21m
Shed 1 (Rear yard)	42.92 sq m	49.42 sq m	1	3.70m
Shed 2 (Right side yard)	8.45 sq m	9.75 sq m	1	3.45m
Garage (to be removed)	66.89 sq m	76.92 sq m	1	4.80m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
House	286.93 sq m	329.81 sq m	1	9.10m
Attached Garage	122.69 sq m	141.03 sq m	1	9.10m

4.4 Type of water supply: (check appropriate box)

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

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

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)
-

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

4.7 Type of access: (check appropriate box)

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

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

Single detached dwelling

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

Single detached dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Part 2 acquired Oct 2014. Part 1 acquired Feb 2023

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:

47 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: Flamborough

Urban Hamilton Official Plan designation (if applicable) _____

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

Does not negatively affect the agricultural resources in the area and is compatible with neighbouring uses of land.

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: _____

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

Yes

No

If yes, please provide the file number: _____

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

Yes

No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

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

I am proposing to add a secondary dwelling or nanny suite in the new basement for elder family members or older children to live.

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	FL/A-23:173	SUBJECT PROPERTY:	1259 SODOM ROAD, FLAMBOROUGH
ZONE:	"A1" (Agriculture)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner: JAN & NELLIE VANDERHOUT**

The following variances are requested:

1. To permit a maximum height of 8.2 metres for an accessory building instead of the required maximum accessory building height of 6.0 metres.
2. To permit an aggregate Gross Floor Area of all accessory buildings of 390 square metres instead of the required aggregate Gross Floor Area of all accessory buildings of 200 square metres or 5% lot coverage, whichever was lesser.
3. To permit an accessory building in a front yard instead of the required location of neither in the front or flankage yards.

PURPOSE & EFFECT: To facilitate the construction of an accessory building (implement shed).

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, July 27, 2023
TIME:	10:55 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton

FL/A-23:173

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

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

PUBLIC INPUT

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

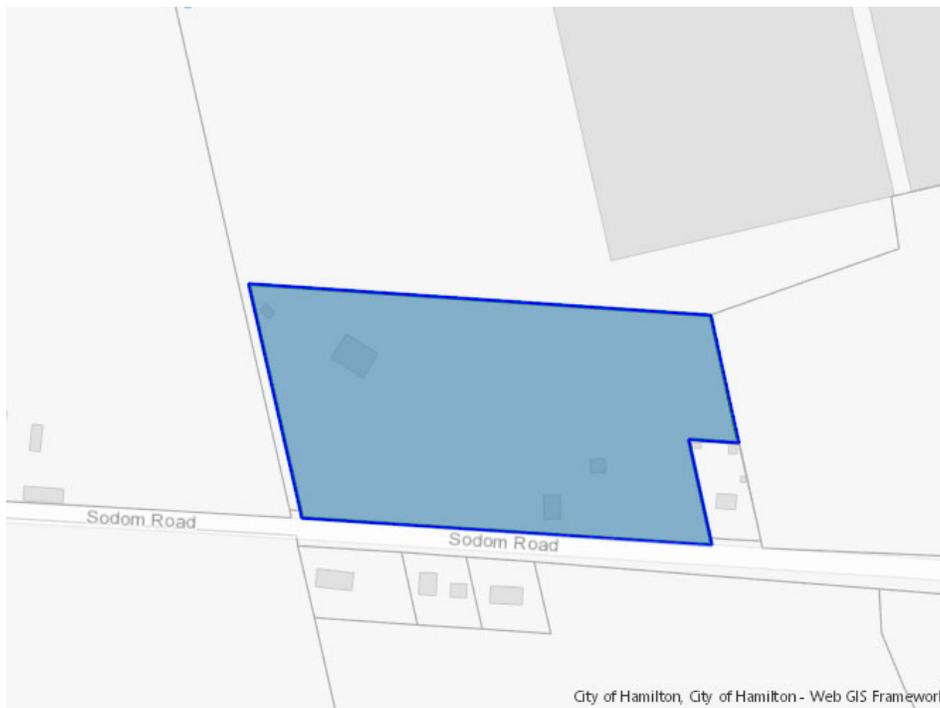
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:173, 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.

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FL/A-23:173



DATED: July 11, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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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

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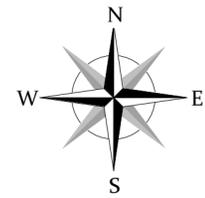
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Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure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

EXISTING AND PROPOSED STRUCTURES

STRUCTURE	AREA	HEIGHT	STREET SETBACK	REAR SETBACK	SIDE SETBACK (WEST)	SIDE SETBACK (EAST)
EXISTING DWELLING UNIT 1	290.6 m ²	8.54 m	89.68 m	33.88 m	38.21 m	215.65 m
EXISTING DWELLING UNIT 2	98.2 m ²	7.90 m	6.98 m	119.47 m	151.27 m	86.58 m
EXISTING SHED 1	36.9 m ²	4.04 m	121.58 m	17.15 m	1.36 m	272.36 m
EXISTING SHED 2	36.4 m ²	4.12m	38.51 m	95.12 m	188.67 m	55.79 m
PROPOSED IMPLEMENT SHED	174.65 m ²	8.16 m	80.11m	43.81 m	8.51 m	253.20 m



- GENERAL NOTES**
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No.	DESCRIPTION	DATE
DRL	Conceptual Design	03.25.2022
DIR2	Issued For Client Review	02.17.2023
DR3	Issued For Client Review	03.01.2023
DR4	Issued For Client Review	03.20.2023
DR5	Issued For Client Review	04.04.2023
DR6	Revised Site Plan	04.20.2023
DR7	Issued For Review	05.02.2023

Ian Jonkman reviews and takes responsibility for the design work on behalf of a firm, Andy Jonkman Construction Ltd., registered under sub-section 3.2.4. of Division C of the Building Code.
 Individual BCIN: 45579
 Firm BCIN: 103245
Ian Jonkman
 NAME SIGNATURE

iDESIGN DRAFTING
 580 Sheffield Rd., R.R.#1,
 Troy, Ontario LOR 2B0
 Office: 519-647-3223
 Cell: 519-751-8412 i-design.ca

PROJECT INFORMATION
VanderHout Implement Shed
 1259 Sodom Road
 Hamilton, ON L9H 5E2

SHEET TITLE
 Site Plan

OWNER: J & N VanderHout
DRAWN BY: B.Powell
CHECKED BY: I.Jonkman
DATE: 05.02.2023 **SHEET**
SCALE: As indicated **A.10**
 OF 9
PROJECT No. : J21110

1 Site Plan
 A.10 1" = 50'-0"

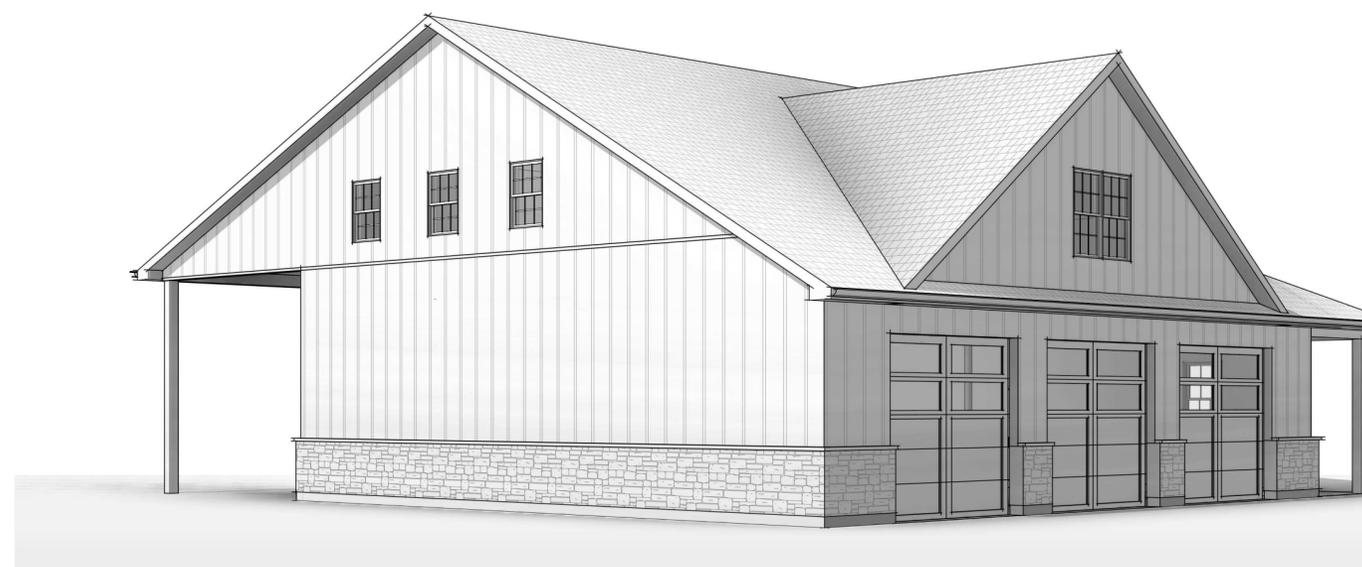


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VanderHout Implement Shed



PROJECT INFORMATION

ITEM	DESCRIPTION
1.	Building Area & Gross Area Main Floor = 1,880 sq. ft. Second Floor Loft = 1,513 sq. ft.
2.	Storeys = 1 1/2 storey
3.	Specified Snow Load = 1.225kPa

No.	DATE	DESCRIPTION
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PROJECT INFORMATION

**VanderHout
Implement Shed**

1259 Sodom Road
Hamilton, ON L9H 5E2

SHEET TITLE

Title Page

OWNER: J & N VanderHout

DRAWN BY: B.Powell

CHECKED BY: I.Jonkman

DATE: 05.02.2023 SHEET: A.1

SCALE: 1/4" = 1'-0" OF 9

PROJECT No. : J21110



- GENERAL NOTES**
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Ian Jonkman

NAME SIGNATURE



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 Cell: 519-751-8412 i-design.ca

PROJECT INFORMATION
VanderHout Implement Shed
 1259 Sodom Road
 Hamilton, ON L9H 5E2

SHEET TITLE
 East & West Elevations

OWNER: J & N VanderHout

DRAWN BY: B.Powell

CHECKED BY: I.Jonkman

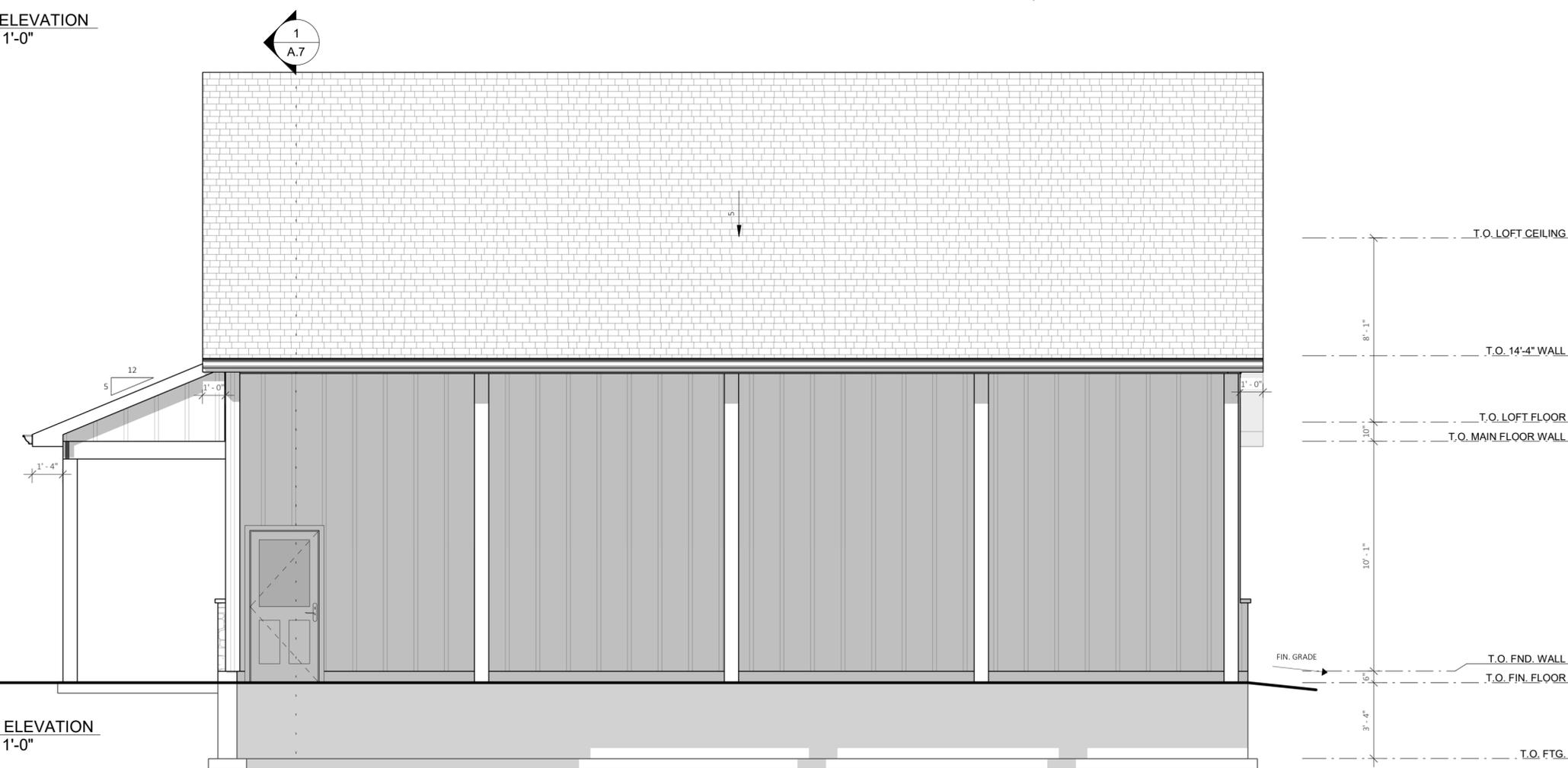
DATE 05.02.2023 **SHEET**

SCALE 1/4" = 1'-0" OF **A.2**

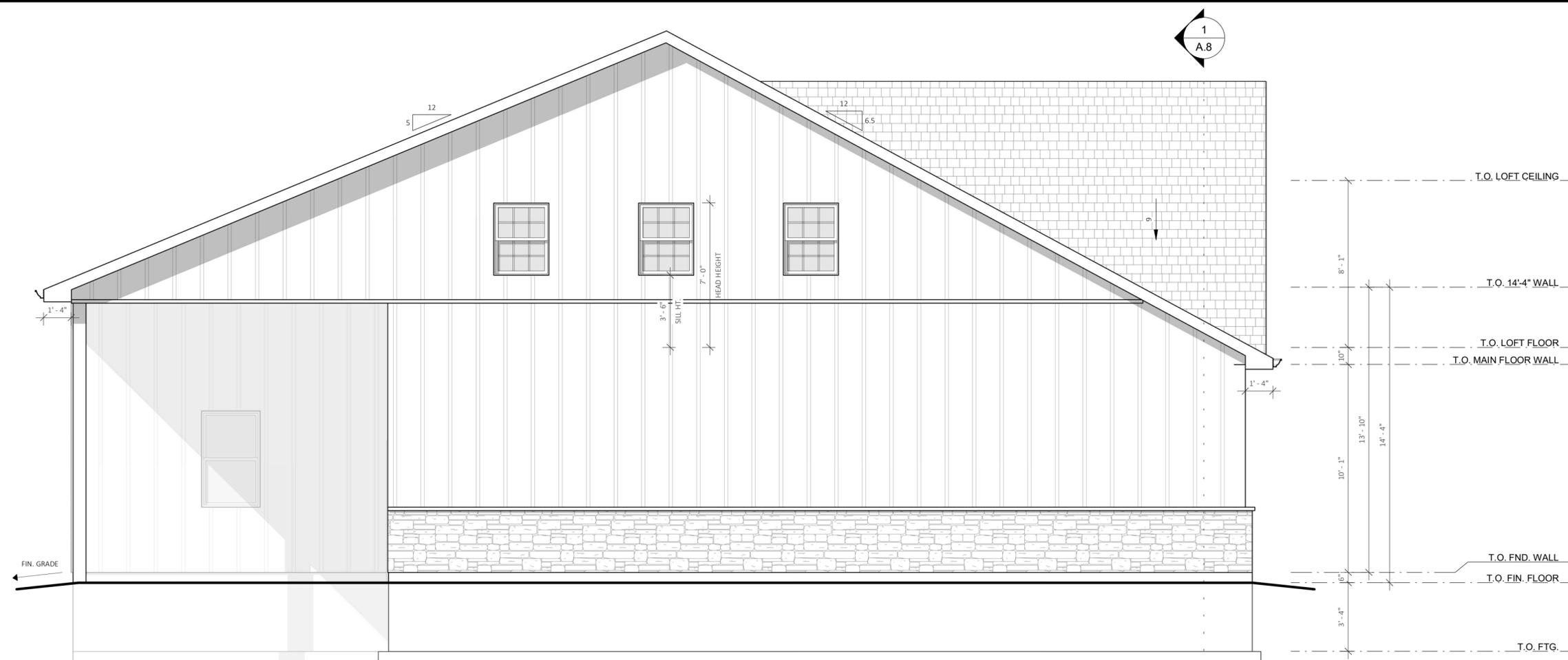
PROJECT No. : J21110



1 EAST ELEVATION
 A.2 1/4" = 1'-0"



2 WEST ELEVATION
 A.2 1/4" = 1'-0"



1 SOUTH ELEVATION
A.3 1/4" = 1'-0"



2 NORTH ELEVATION
A.3 1/4" = 1'-0"

CONTRACTOR TO ENSURE GRADE SLOPES AWAY FROM BUILDING

- GENERAL NOTES**
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DIR7	05.02.2023	Issued For Review

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PROJECT INFORMATION
VanderHout Implement Shed
 1259 Sodom Road
 Hamilton, ON L9H 5E2

SHEET TITLE
North & South Elevations

OWNER: J & N VanderHout
DRAWN BY: B.Powell
CHECKED BY: I.Jonkman

DATE 05.02.2023 **SHEET** A.3
SCALE 1/4" = 1'-0" OF 9
PROJECT No. : J21110



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DR6	04.20.2023	Revised Site Plan
DR7	05.02.2023	Issued For Review

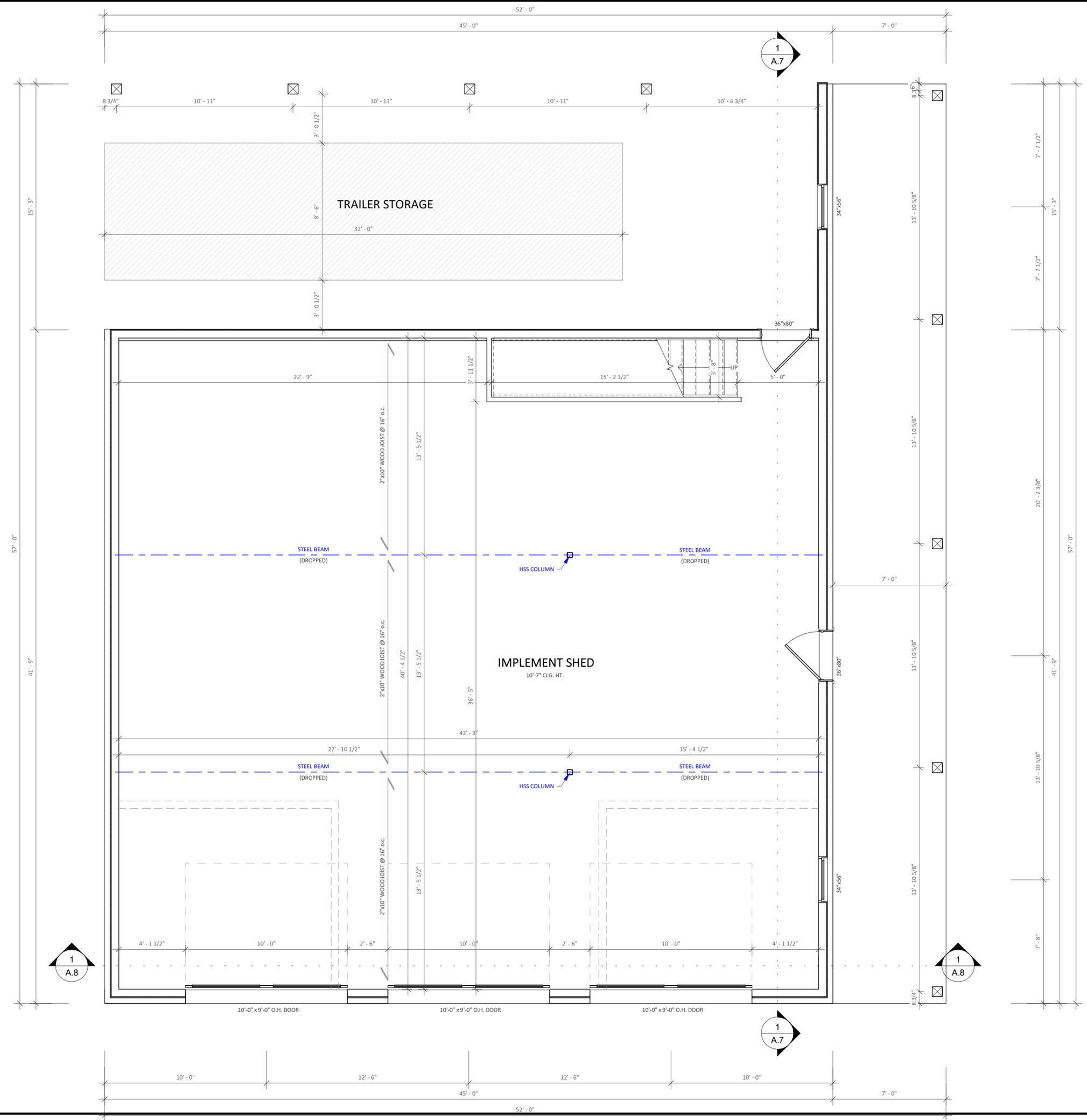
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PROJECT INFORMATION
VanderHout Implement Shed
 1259 Sodom Road
 Hamilton, ON L9H 5E2

SHEET TITLE
Main Floor Plan

OWNER: J & N VanderHout
DRAWN BY: B.Powell
CHECKED BY: I.Jonkman
DATE: 05.02.2023 **SHEET:** A.5
SCALE: 1/4" = 1'-0" OF 9
PROJECT No.: J21110



1 MAIN FLOOR PLAN
A.5 1/4" = 1'-0"



- GENERAL NOTES**
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DIR	04.20.2023	Revised Site Plan
DIR	05.02.2023	Issued For Review

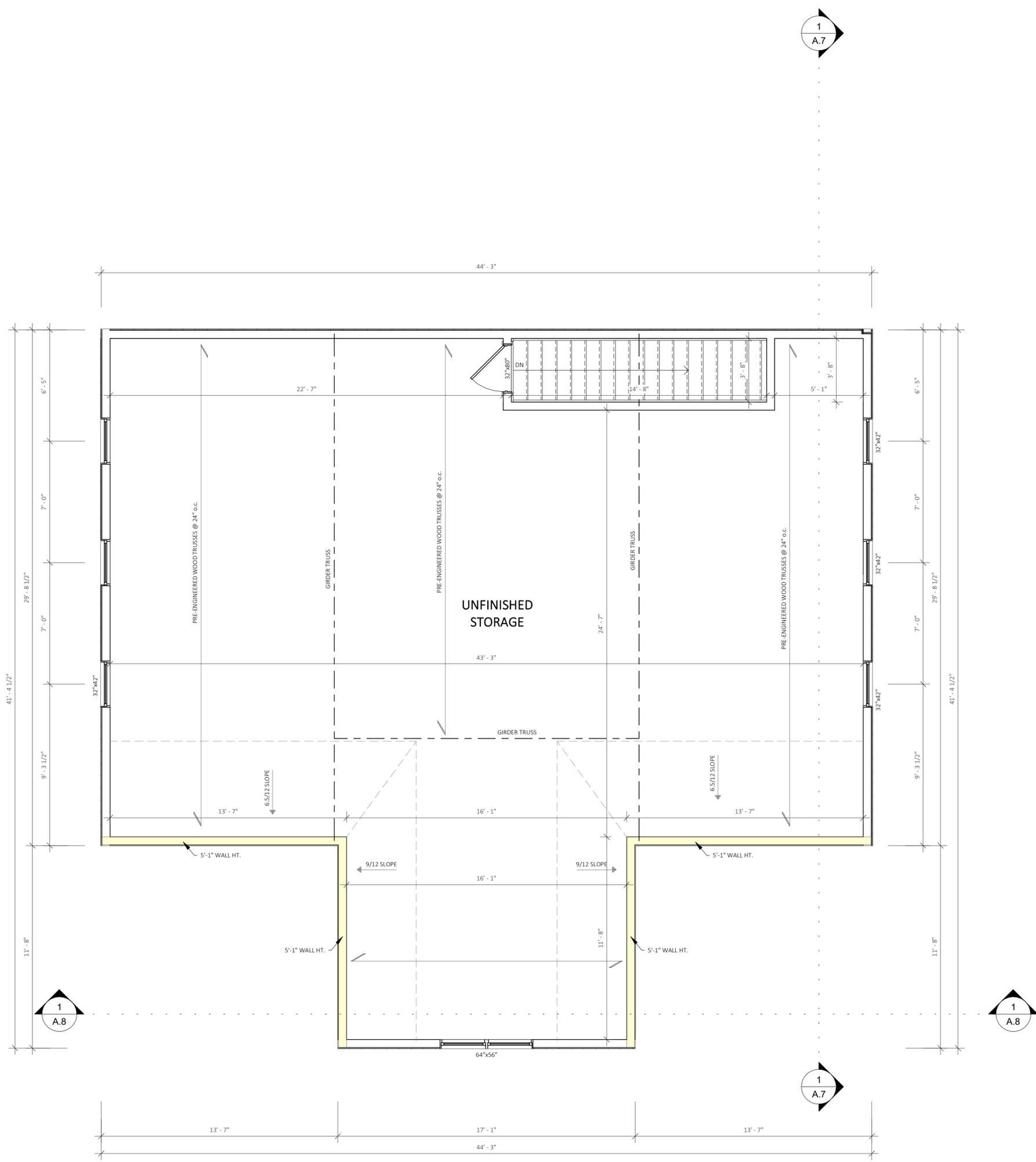
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PROJECT INFORMATION
VanderHout Implement Shed
 1259 Sodom Road
 Hamilton, ON L9H 5E2

SHEET TITLE
Loft Floor Plan

OWNER: J & N VanderHout
DRAWN BY: B.Powell
CHECKED BY: I.Jonkman
DATE: 05.02.2023 **SHEET**
SCALE: 1/4" = 1'-0" **A.6**
PROJECT No. : J21110



1
A.6
LOFT FLOOR PLAN
 1/4" = 1'-0"



- GENERAL NOTES**
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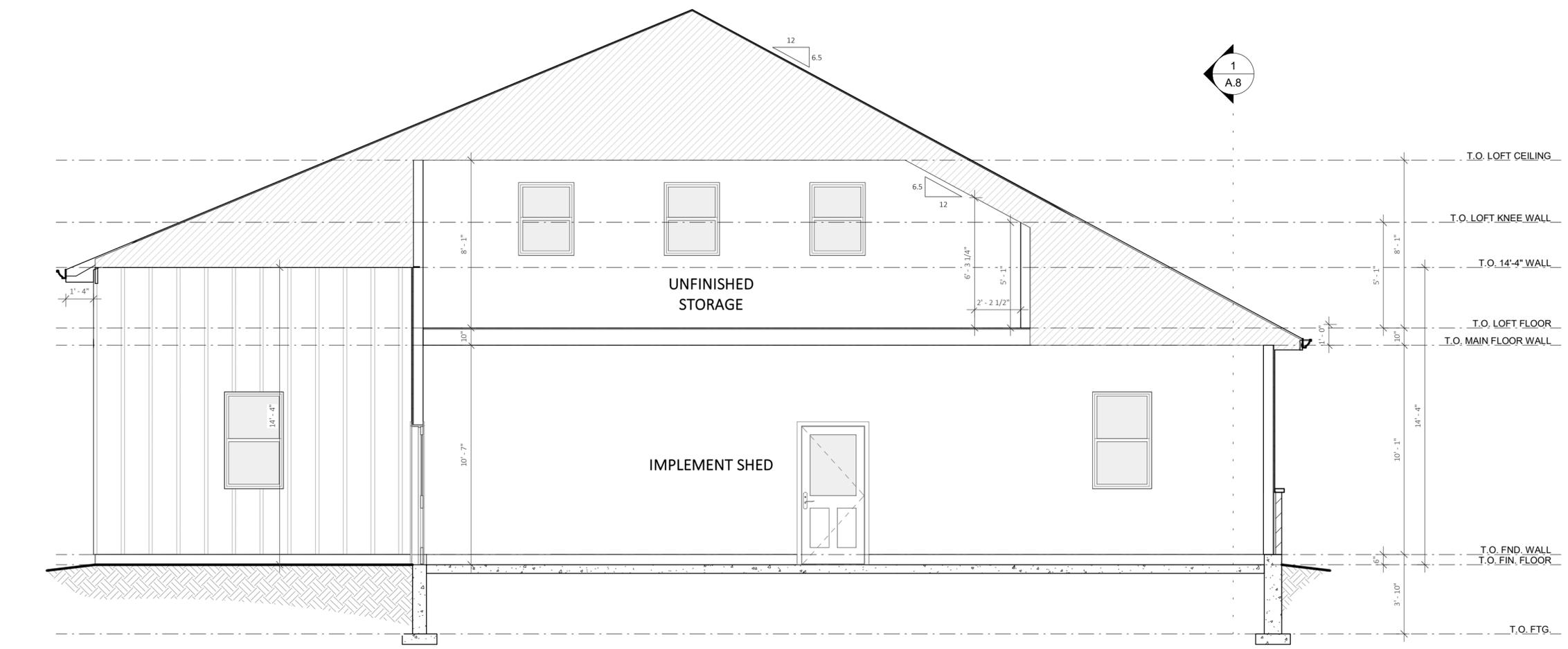
PROJECT INFORMATION
VanderHout Implement Shed
 1259 Sodom Road
 Hamilton, ON L9H 5E2

SHEET TITLE
Building Sections & Details

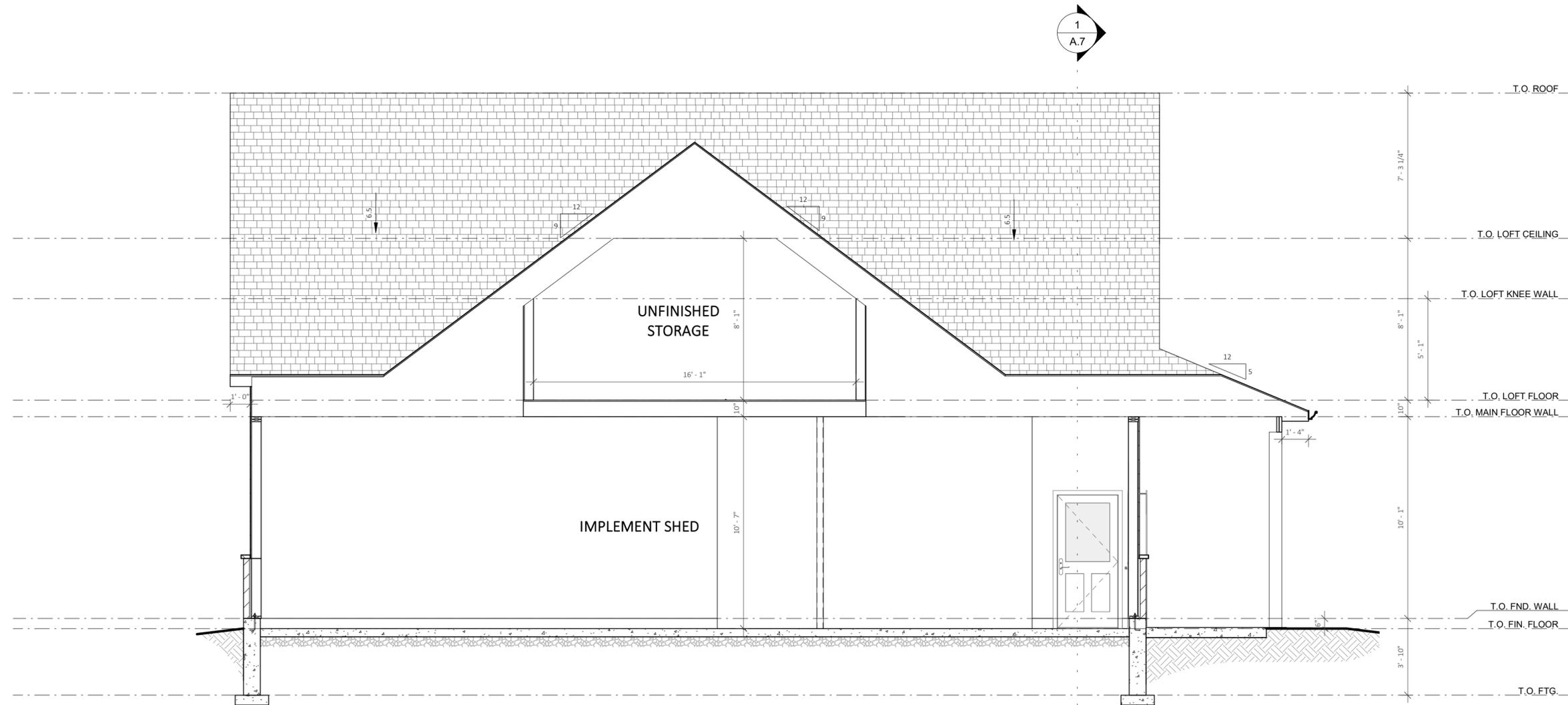
OWNER: J & N VanderHout
DRAWN BY: B.Powell
CHECKED BY: I.Jonkman

DATE 05.02.2023 **SHEET** **A.7**
SCALE 1/4" = 1'-0" **OF** 9

PROJECT No. : J21110



1 **CROSS SECTION 1**
 A.7 1/4" = 1'-0"



1 CROSS SECTION 2
A.8 1/4" = 1'-0"

GENERAL STRUCTURAL NOTES

GENERAL

- ALL STRUCTURAL NOTES LISTED IN THIS DOCUMENT ARE A FEW OF THE MINIMUM REGULATORY GUIDELINES THAT MUST COMPLIED WITH FOR THE WORK DESCRIBED IN THESE DOCUMENTS. THE GUIDELINES AND/OR NOTES LISTED BELOW DO NOT CONTAIN ALL THE REQUIRED GUIDELINES AND/OR REGULATIONS THAT THE WORK MUST CONFORM TO. ALL WORK IS TO MEET AND TO BE CARRIED OUT ACCORDING TO THE CURRENT REQUIREMENTS OF THE ONTARIO BUILDING CODE (O.B.C.) 2012 EDITION INCLUDING ALL REVISIONS, MUNICIPAL BY-LAWS, AND ANY OTHER REGULATIONS THAT MAY APPLY TO A PARTICULAR PROJECT.
 - ALL DIMENSIONS AND NOTES SHOWN ON STRUCTURAL, ARCHITECTURAL, MECHANICAL, AND ELECTRICAL DRAWINGS SHALL BE COMPARED TOGETHER AND IF INCONSISTENCIES ARE FOUND THE DESIGNER OR ENGINEER MUST BE NOTIFIED PRIOR TO PROCEEDING WITH THE WORK.
 - STRUCTURES SHALL CONFORM TO O.B.C. PART 9, OF THE MOST RECENT VERSION, UNLESS OTHERWISE NOTED.
 - DESIGN LIVE LOADS FOR EACH PORTION OF THE STRUCTURE ARE INDICATED ON THE DRAWINGS. DO NOT EXCEED THESE LOADINGS DURING CONSTRUCTION.
- FOUNDATION WALLS, FOOTINGS, SLABS & REINFORCEMENT**
- ALL CONCRETE WORK SHALL CONFORM TO THE LATEST REQUIREMENTS OF CSA A23.1, A23.2 & A23.3.
 - ALL CONCRETE COVER SHALL CONFORM TO CSA A23.1 AND THE FOLLOWING BELOW U.N.O.
 - CONCRETE CAST AGAINST EARTH: 3"
 - EXTERIOR BEAMS, SLABS, COLUMNS/PIERS, & WALLS: 2"
 - INTERIOR BEAMS & COLUMNS/PIERS: 1.5"
 - INTERIOR SLABS: 1"
 - PROVIDE 4'-0" MINIMUM FROST COVER ABOVE THE UNDERSIDE OF ALL EXTERIOR FOUNDATION WALLS
 - ALL FOOTINGS TO BEAR ON NATIVE UNDISTURBED SOIL HAVING A SAFE BEARING CAPACITY OF 3,000 P.S.F. OR STRUCTURAL FILL COMPACTED TO 98% STANDARD PROCTOR DENSITY, WHICH IS TO BE CONFIRMED BY A CERTIFIED GEOTECHNICAL ENGINEER BEFORE PLACING CONCRETE. THE BOTTOM OF EVERY EXCAVATION SHALL BE FREE OF ALL ORGANIC MATERIAL.
 - FTG. THICKNESS SHALL NOT BE LESS THAN THE GREATER OF 4" OR THE WIDTH OF THE PROJECTION OF THE FOOTING BEYOND THE SUPPORTED ELEMENT.
 - CONTRACTOR TO NOTIFY ENGINEER PRIOR TO THE PLACEMENT OF CONCRETE FOR:
 - VERIFICATION OF SOIL BEARING CAPACITY.
 - INSPECTION OF REINFORCING.

- CONCRETE FOUNDATION WALLS & FOOTINGS TO HAVE A MINIMUM 28 DAY STRENGTH OF 3000 P.S.I.
 - EXTERIOR CONCRETE SLABS TO HAVE A MINIMUM 28 DAY STRENGTH OF 4641 P.S.I. (32 MPa).
 - AIR CONTENT IN CONCRETE EXPOSED TO WEATHER 4% - 6%.
 - ALL PIERS SHALL BE POURED INTEGRALLY WITH FOUNDATION WALLS.
 - IF THE T.O. FND. WALL IS REDUCED IN THICKNESS TO PERMIT THE INSTALLATION OF FLOOR JOISTS, THE REDUCED SECTION SHALL BE NOT MORE THAN 13 3/4" HIGH AND NOT LESS THAN 3 1/2" THICK.
 - IF THE T.O. FND. WALL IS REDUCED IN THICKNESS TO PERMIT THE INSTALLATION OF MASONRY EXTERIOR FACING, THE REDUCED SECTION SHALL BE NOT LESS THAN 3 1/2" THICK AND SHALL BE TIED TO THE FACING MATERIAL WITH METAL TIES SPACED NOT MORE THAN 8" VERTICALLY AND 12" HORIZONTALLY. THE CAVITY BETWEEN THE FND. WALL AND MASONRY FACING IS TO BE FILLED WITH MORTAR.
 - PROVIDE DOOR BUCKS TO DEPTH SHOWN AT ALL EXTERIOR DOOR LOCATIONS AS SHOWN.
 - CONTRACTOR IS TO ENSURE THAT THERE IS ADEQUATE FOUNDATION DRAINAGE AVAILABLE TO ELIMINATE HYDROSTATIC PRESSURES.
 - FOUNDATION WALLS ARE NOT DESIGNED FOR LOADING FROM EQUIPMENT NEXT THE FOUNDATION WALLS. CONTRACTOR IS TO TAKE CAUTION WHEN BACKFILLING AGAINST THE FOUNDATION WALLS.
 - ALL REINFORCING STEEL TO BE 400W AND SHALL CONFORM TO CSA-G30.18-M92. MINIMUM YIELD STRENGTH OF 60 K.S.I. (400 MPa) DEFORMED BARS.
 - WELDED WIRE MESH & WELDED WIRE FABRIC SHALL CONFORM TO CSA G30.5, GY=450 MPa & HAVE A MINIMUM LAP OF 6" AT JOINTS U.N.O.
 - ALL REINFORCING LAP SPLICES SHALL CONFORM TO THE LATEST CSA STANDARD A23.3-94. ALL BARS SPLICES TO BE CLASS 'B' TENSION U.N.O.
 - CONCRETE SLABS: CRACK CONTROL SHOULD BE PLACED ALONG THE CENTRE OF THE LENGTH AND WIDTH OF AREA AND PLACED NO MORE THAN 14'-0" o.c. PROVIDE JOINT FILLER IN CONTROL JOINTS.
- UNIT MASONRY**
- MASONRY UNIT STANDARDS TO COMPLY WITH THE STANDARDS LISTED IN THE O.B.C. 9.20.2.1.(1)(a) to (k)
 - CONCRETE BLOCKS EXPOSED TO THE WEATHER SHALL HAVE WEIGHT AND ABSORPTION CHARACTERISTICS CONFORMING TO CLASSES A, B, C or D DESCRIBED IN CAN/CSA-A165.1.
 - ALL MASONRY AND GROUT SHALL COMPLY WITH CAN/CSA-A179.
 - MIN. COMPRESSIVE STRENGTH OF SOLID OR HOLLOW CONCRETE BLOCKS SHALL BE 15 MPa FOR BLOCKS EXPOSED TO THE WEATHER AND 10 MPa FOR BLOCKS NOT EXPOSED TO THE WEATHER.

- MORTAR FOR EXTERIOR MASONRY ABOVE GRADE SHALL BE:
 - TYPE S - LOAD BEARING BELOW AND ABOVE GRADE
 - TYPE N OR S - NON-LOAD BEARING WALLS AND COLUMNS, PARAPETS, CHIMNEYS, AND MASONRY VENEER
 - MORTAR FOR EXTERIOR MASONRY BELOW GRADE SHALL BE:
 - TYPE S - FOUNDATION WALLS AND CHIMNEYS = 8"
 - MORTAR FOR INTERIOR MASONRY SHALL BE: = 4"
 - TYPE N - LOAD BEARING AND NON-LOAD BEARING WALLS AND COLUMNS
 - MORTAR MIX PROPORTIONS AND GROUT MIX PROPORTIONS TO MEET THE REQUIREMENTS IN TABLES 9.20.3.2.B. AND TABLE 9.20.3.2.C. IN THE O.B.C. SUFFICIENT AMOUNT OF WATER ADDED TO CREATE A CONSISTENCY ADEQUATE FOR LAYING MASONRY UNITS.
 - ALL MASONRY TO BE SUPPORTED ON MASONRY, CONCRETE, STEEL, OR FOUNDATIONS OF WOOD FRAME.
 - EVERY MASONRY WALL SHALL BE AT LEAST AS THICK AS THE WALL IT SUPPORTS.
 - STEEL LINTELS SUPPORTING MASONRY SHALL HAVE EVEN AND LEVEL BEARING AND SHALL HAVE NOT LESS THAN 6" OF BEARING AT END SUPPORTS. BEARING TO BE ON MASONRY, CONCRETE, OR STEEL.
 - STEEL LINTELS SUPPORTING MASONRY SHALL BE PRIMED OR PAINTED, OR OTHERWISE PROTECTED FROM CORROSION.
 - MINIMUM BEARING DISTANCE ON MASONRY WALLS ARE:

O.W.S.J. = 4"	LINTELS
BEAMS = 6"	CONC. SLABS
- WOOD FRAMING**
- WOOD STRUCTURAL ELEMENTS SHALL COMPLY WITH CSA STANDARD 086-01.
 - ALL LUMBER TO BE S.P.F. No. 1 OR 2 OR BETTER UNLESS OTHERWISE NOTED.
 - MOISTURE CONTENT OF LUMBER SHALL BE NOT MORE THAN 19% WHEN INSTALLED.
 - ALL LVL BEAMS TO BE VERSA-LAM 2.0E OR APPROVED EQUIVALENT UNLESS SHOWN OTHERWISE BY A DESIGNER OR ENGINEER.
 - CONVENTIONAL WOOD FLOOR JOISTS, WOOD LINTELS, AND BUILT-UP WOOD BEAM SPANS ARE TAKEN FROM THE 2009 EDITION CANADIAN WOOD COUNCIL "THE SPAN BOOK".
 - IF THE FLOOR SYSTEM IS A PRE-ENGINEERED FLOOR REFER TO MANUFACTURER'S SPECIFICATIONS FOR INSTALLATION REQUIREMENTS.
 - UNLESS OTHERWISE NOTED, BEAMS SHALL HAVE EVEN AND LEVEL BEARING AND SHALL HAVE MIN. 3 1/2" BEARING AT END SUPPORTS. 3-PLY BEAMS REQUIRE MIN. 4 1/2" OF BEARING.

- CONVENTIONAL FLOOR JOISTS SHALL HAVE NOT LESS THAN 1 1/2" END BEARING.
 - PRE-ENGINEERED FLOOR JOISTS SHALL HAVE NOT LESS THAN 1 3/4" END BEARING OR OTHERWISE NOTED BY THE JOIST SUPPLIER.
 - ROOF JOISTS AND RAFTERS SHALL BE NOT LESS THAN 1 1/2" END BEARING.
 - FLOOR JOISTS MAY BE SUPPORTED ON THE TOP OF BEAMS OR FRAMED INTO THE SIDES OF BEAMS. THE JOISTS MAY BE SUPPORTED BY A SUITABLE JOIST HANGERS OR A SUITABLE SIZE LEDGER STRIP.
 - HEADER JOISTS AROUND FLOOR OPENINGS SHALL BE DOUBLED WHEN THEY EXCEED 3'-11". IF THE LENGTH EXCEEDS 10'-6" CALCULATIONS ARE REQUIRED TO DETERMINE SIZE.
 - TRIMMER JOISTS AROUND FLOOR OPENINGS SHALL BE DOUBLED WHEN THE LENGTH OF THE HEADER JOISTS EXCEEDS 2'-7". IF THE HEADER JOISTS EXCEEDS 6'-7" IN LENGTH, CALCULATIONS ARE REQUIRED TO DETERMINE THE TRIMMER SIZE.
 - GIRDER TRUSSES, BUILT-UP WOOD BEAMS, OR TIMBER BEAMS SHALL BE SUPPORTED AT THE BEARING ENDS BY A WOOD BUILT-UP POST MATCHING THE TOTAL WIDTH OF THE BEAM IT IS SUPPORTING, UNLESS OTHERWISE NOTED.
 - TRUSS / FLOOR DESIGNER(S) OR THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON THE JOB SITE PRIOR TO ORDERING PRE-ENGINEERED TRUSSES OF PRE-ENGINEERED FLOOR JOISTS.
 - ALL INTERIOR LOAD BEARING WALLS FRAMED WITH GIRTS @ MID-HEIGHT.
- STRUCTURAL STEEL**
- ALL STEEL TO CONFORM TO CSA G40.21 GR44W OR 50W.
 - ALL BOLTS SHALL BE ASTM A325 OR BETTER STRENGTH BOLTS. ANCHOR BOLTS MAY BE ASTM A307.
 - WELD STEEL JOISTS AND STEEL BEAMS TO SUPPORTING MEMBERS UNLESS OTHERWISE NOTED.
 - ALL WELDING TO CONFORM TO C.W.B. APPROVED PROCEDURES. ALL WELDING TO BE CARRIED OUT BY WELDERS CERTIFIED BY THE C.W.B., EMPLOYED BY A FIRM CERTIFIED IN DIVISION 1 OR 2.
 - EXTERIOR STEEL BEAMS SUSCEPTIBLE TO CORROSION SHALL BE PRIMED WITH RUST INHIBITIVE PAINT.
 - WHEN FLUSH STEEL BEAMS ARE REQUIRED PACK THE WEB OF THE BEAM SOLID WITH 2x LUMBER AND/OR PLYWOOD FLUSH WITH THE OUTSIDE OF THE BEAM FLANGE. BOLT PACKING TO STEEL BEAM WITH 1/2" Ø THRU-BOLTS @ 16" o.c. STAGGERED OR OTHER APPROVED EQUIVALENT FASTENING SYSTEM. USE ONLY HANGERS APPROVED BY THE JOIST OR BEAM DESIGNER.

- GENERAL NOTES**
- The contractor must check and verify all dimensions on the job prior to construction.
 - Before ordering roof trusses, verify all dimensions on site.
 - Drawings are not to be scaled.
 - All construction is to meet the current requirements of the Ontario Building Code (O.B.C.) & municipal By-laws. The required permits & approvals are to be obtained before the contractor commences with the work.
 - If there are any desired changes to the design of the building in which the building permit was issued for, the designer must be notified of such 'desired changes' and give approval before the change commences.
 - If any errors are discovered on the drawings, the designer must be notified before construction commences.

No.	DATE	DESCRIPTION
DR1	03.25.2022	Conceptual Design
DR2	02.17.2023	Issued For Client Review
DR3	03.01.2023	Issued For Client Review
DR4	03.20.2023	Issued For Client Review
DR5	04.04.2023	Issued For Client Review
DR6	04.20.2023	Revised Site Plan
DR7	05.02.2023	Issued For Review

Ian Jonkman reviews and takes responsibility for the design work on behalf of a firm, Andy Jonkman Construction Ltd., registered under sub-section 3.2.4. of Division C of the Building Code.
 Individual BCIN: 45579
 Firm BCIN: 103245
Ian Jonkman
 NAME SIGNATURE



580 Sheffield Rd., R.R.#1,
 Troy, Ontario L0R 2B0
 Office: 519-647-3223
 Cell: 519-751-8412 i-design.ca

PROJECT INFORMATION
VanderHout
Implement Shed
 1259 Sodom Road
 Hamilton, ON L9H 5E2

SHEET TITLE
Building Sections & Details

OWNER: J & N VanderHout

DRAWN BY: B.Powell

CHECKED BY: I.Jonkman

DATE 05.02.2023 **SHEET** A.8

SCALE 1/4" = 1'-0" OF 9

PROJECT No. : J21110



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	NA		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	1259 Sodom Road, Dundas L9H 5E2		
Assessment Roll Number	2518 301 340 70400		
Former Municipality	Flamborough		
Lot	33	Concession	3
Registered Plan Number		Lot(s)	2518
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:

natural gas easement along east property line

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:
 - higher max gross building area
 - higher max height
 - garage closer to road than house

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

- we want and need a larger building

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
253.5m	148m	9.5 acres	± 17.1m

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
Existing Dwelling 1	89.68m	33.88m	38.21m, 215.65m	1/2 1989
Existing Dwelling 2	6.98m	119.47m	151.27m, 86.58m	1/2 1876
Existing Shed 1	121.58m	17.15m	1.36m, 272.36m	7- 1998
Existing Shed 2	38.15m	95.12m	188.67m, 55.79m	± 1975

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Implement Shed	80.11m	39.42m	5.11m, 253.2m	

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 1	290.6 m ²	1/2 450 m ²	2	8.54m
Dwelling 2	98.2 m ²	1/2 170 m ²	1 1/2	7.90m
Shed 1	36.4 m ²	36.4 m ²	1	4.04m
Shed 2	36.4 m ²	36.4 m ²	1	4.12m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Implement Shed	174.66 m ²	315.22 m ²	1 1/2	8.16m

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.):

farm and residential

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

farm field to the west, single detached dwelling and farm field to the east and farm field to the north

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands: *Nov. 2021*

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

same as now

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

farm and residential

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

over 30 years

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

Rural Hamilton Official Plan designation (if applicable): *Schedule D: Agriculture*

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? *Agriculture (A1) Zone in Hamilton Zoning Bylaw No. 05-200*

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

- Yes
- No

If yes, please provide the file number: _____

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

Yes No

If yes, please provide the file number: _____

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

Yes No NA

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

NA

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 2

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
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.:	FL/B-23:45	SUBJECT PROPERTY:	1142 CONCESSION 4 W, FLAMBOROUGH
-------------------------	-------------------	--------------------------	-------------------------------------

APPLICANTS: **Owner:** RONALD & MARY SEALEY

PURPOSE & EFFECT: To permit the conveyance of two parcels of land to be added to property known municipally as 1164 Concession 4 West.

	Frontage	Depth	Area
SEVERED LANDS (Parts 5):	N/A m [±]	15.24 m [±]	0.309 ha [±]
SEVERED LANDS (Part 6):	N/A m [±]	76.74 m [±]	1.545 ha [±]
RETAINED LANDS (Part 1):	202.69 m [±]	161.71 m [±]	3.278 ha [±]

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, July 27, 2023
TIME:	11:00 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:

FL/B-23:45

- 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.

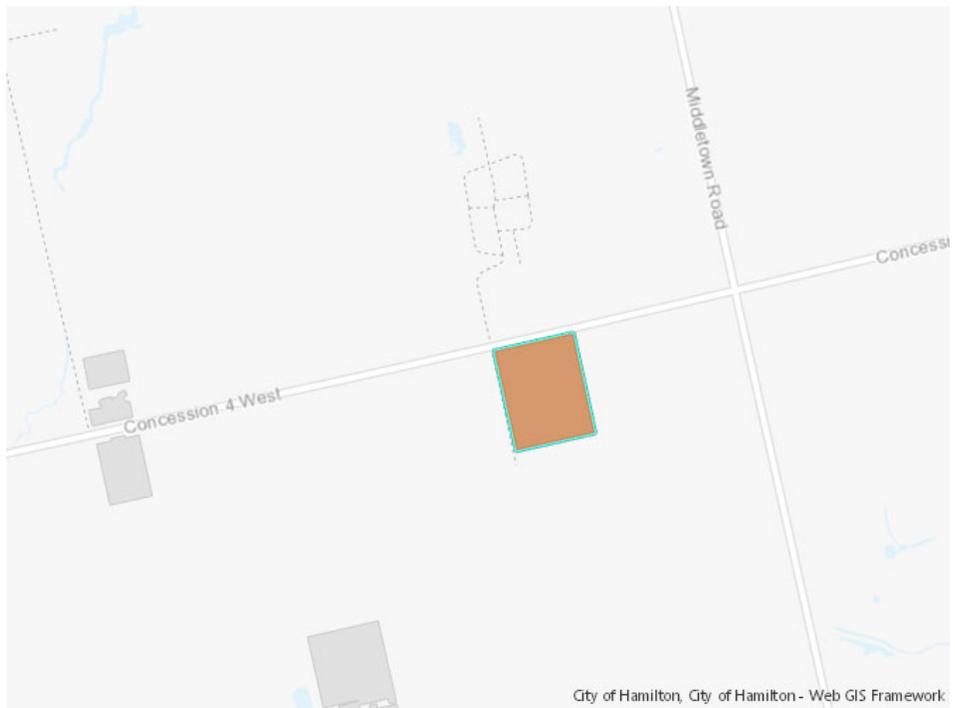
FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/B-23:45, 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.

FL/B-23:45



 **Subject Lands**

DATED: July 11, 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/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.

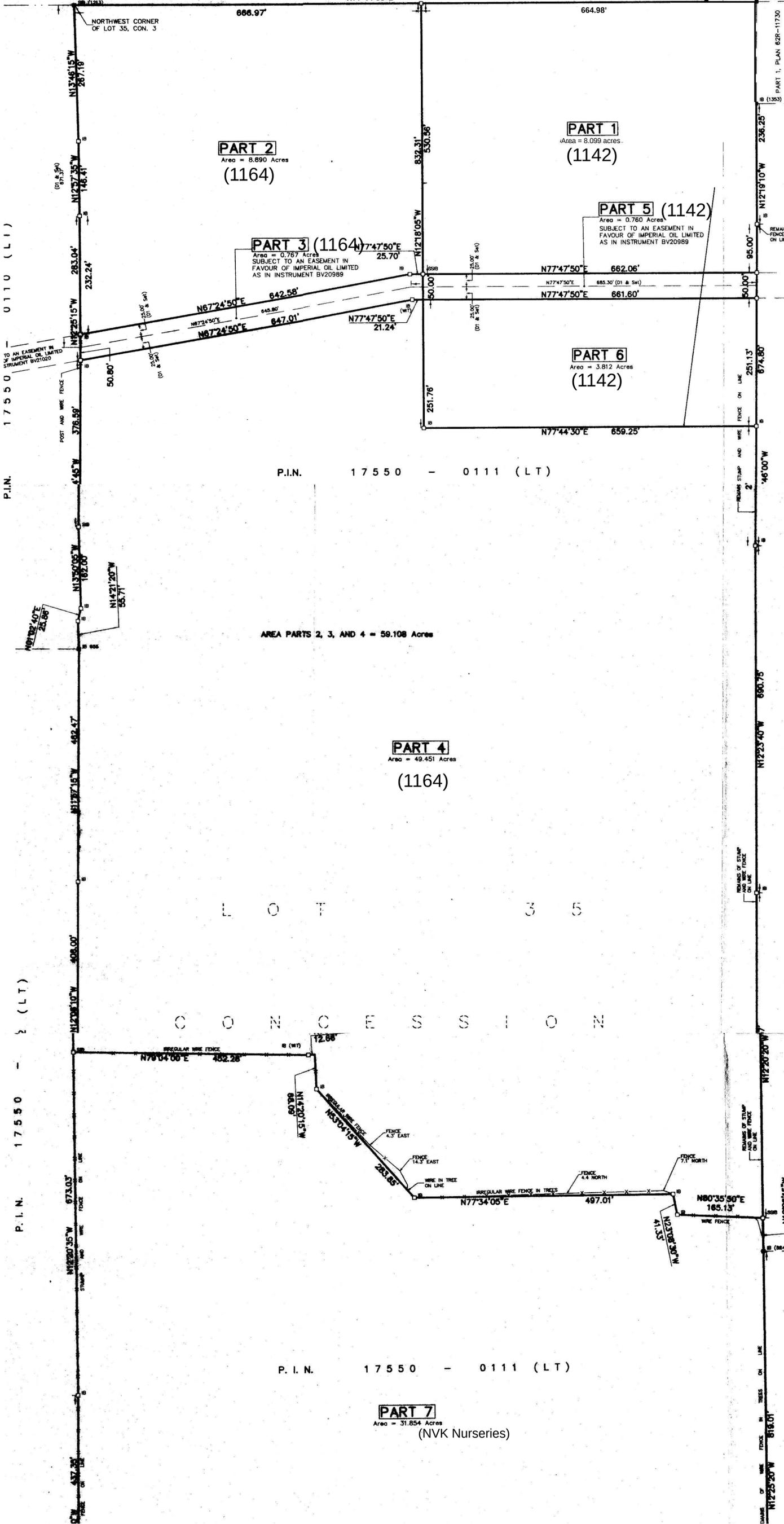
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

Page 2 Concession 3 Lot 35 Beverly Township Survey

4TH CONCESSION ROAD (ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 3 AND 4) P.I.N. 17542-0091(LT)

SCHEDULE			
PART	LOT	CON.	P.I.N.
1	PART OF 35	3	ALL OF 17550-0111(LT)
2			
3			
4			
5			
6			
7			

PLAN 62 R-
RECEIVED AND DEPOSITED
Date _____
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF MENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
Date FEBRUARY 17, 2004
S.D. McLaren
S.D. McLAREN, O.L.S.



PLAN OF SURVEY
OF PART OF
LOT 35
GEOGRAPHIC
CONCESSION 3
TOWNSHIP OF BEVERLY
IN THE
CITY OF HAMILTON
SCALE 1 INCH = 100 FEET
S.D. McLaren, O.L.S. - 2004

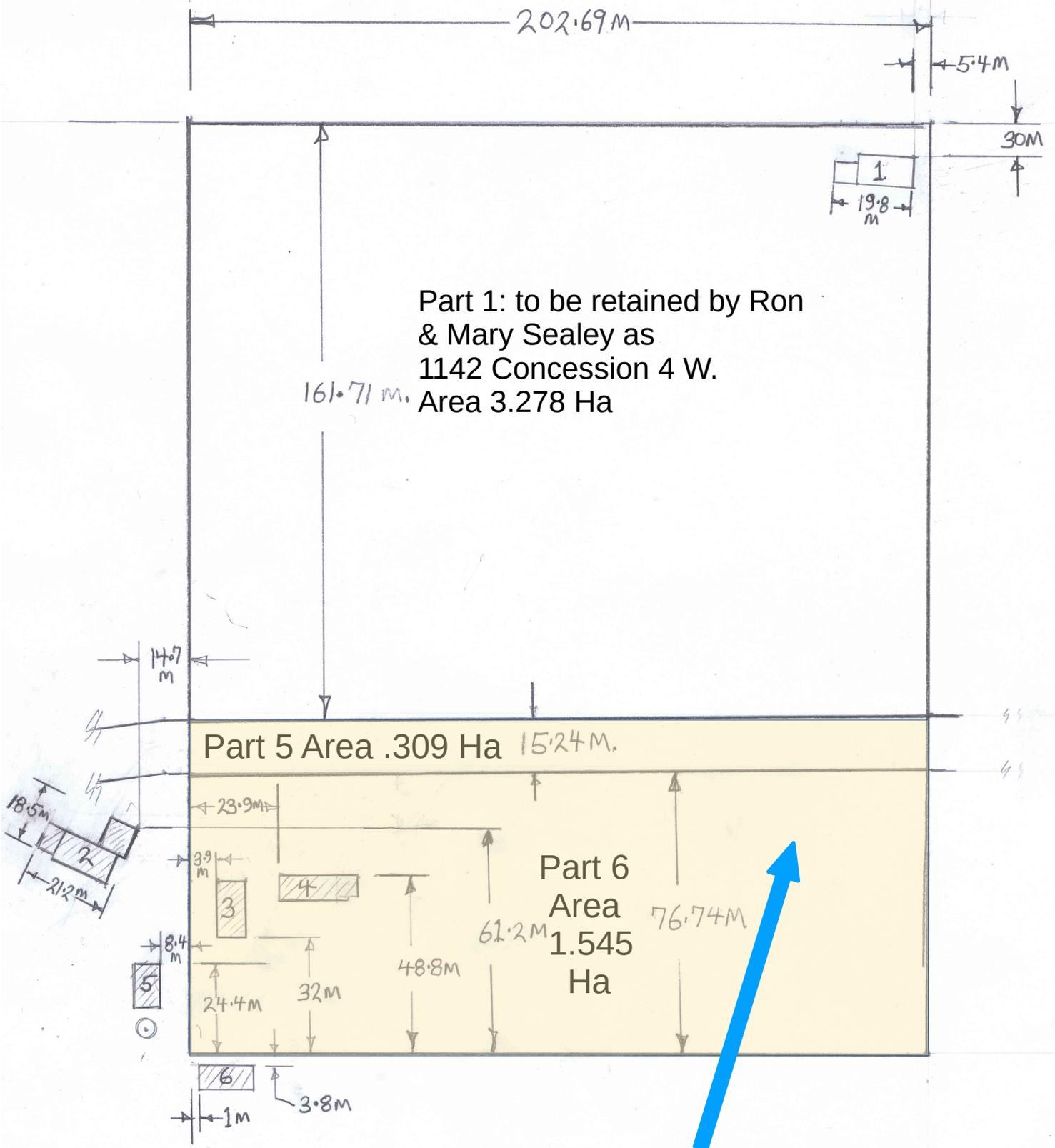


P.I.N. 17550 - 0111 (LT)

150 - 0114 (LT)

Page 3 Areas to be Purchased by Imperial Oil Ltd.

(Please see page 2 for orientation of shown parts.)



Size of Buildings

- 1. Residence 1142 8.5 M x 19.8 M
- 2 Residence 1164 18.5 M x 21.2 M
- 3. Red Shed 7.3 M x 14.9 M
- 4. Steel Shed 7.3 M x 21.3 M
- 5 Implement Shed 7.7 M x 12.4 M
- 6 Storage Shed 7.3 M x 14.9 M

Areas to be Purchased by Imperial Oil Ltd:
 Part 5 and Part 6 (highlighted in yellow)
 To become part of 1164 Concession 4 W.

Requested Severance Application Description and Sketch

Page 1

Location: Lot 35, Concession 3, (Former) Township of Beverly, City of Hamilton

**Applicants: Ron and Mary Sealey, Owners, 1142 Concession 4 W, Waterdown, ON L8B 1K3
Roll # 301340683000000**

**Legal Description: CON 3 PT LOT 35 RP 62R16738
PARTS 1, 5 AND 6 RP 62R4707
PART 1 / REG / 12.65 AC FR D**

**Buyer: Imperial Oil Ltd, Owner, 1164 Concession 4 W, Waterdown, ON L8B 1K3
Roll # 301340682000000**

**Legal Description: CON 3 PT LOT 35 RP 62R16738
PARTS 2 TO 4
REG / 59.11 AC FR D**

Reason for Requested Severance

In April 2022, our son Robert Andrew Sealey, was forced to leave his house at 1164 Concession 4 W Waterdown, ON as a result of an Imperial Oil 12" pipeline failure. This failure occurred in the Imperial Oil Easement that runs through his property and also our property, 1142 Concession 4 W causing groundwater contamination and petroleum vapours leaking into his house. As a result Imperial Oil Limited agreed to purchase his property and did so. Now, as a result of this sale, Ron and Mary Sealey have some buildings and land that we would like to sever and sell to Imperial Oil Ltd. (present owner of 1164 Concession 4 W) as they are "orphaned" beside our son's (former) house. Note that laneway access to these buildings is on property now belonging to Imperial Oil. The electrical service for the buildings comes from the 1164 service and gas service for the 1164 residence comes from a gas meter located on the 1142 property. We unofficially agreed to this arrangement at the time when Robert had his house built several years before. Both properties would now be better served if this severance is granted.

Requested Severance

Ron and Mary Sealey wish to sever Part 5 (subject to easement to Imperial Oil) [0.307 ha] and Part 6 [1.543 ha] from their holdings at their 1142 Concession 4 W property (Roll # 301340683000000) and sell it to Imperial Oil Ltd. on the condition that it be added to their property holdings at their 1164 Concession 4 W property (Roll # 301340682000000).

Notes

1. All land to be severed in the application is zoned A1 Agriculture and will continue with that zoning.
2. Imperial Oil Ltd. has agreed to purchase this property (Parts 5 and 6) and will add it to their holding at 1164 Concession 4 W if the severance is approved.

Please see:

Page 2--- Concession 3 Lot 35 Beverly Township Survey

Page 3--- Area to be Purchased by Imperial Oil

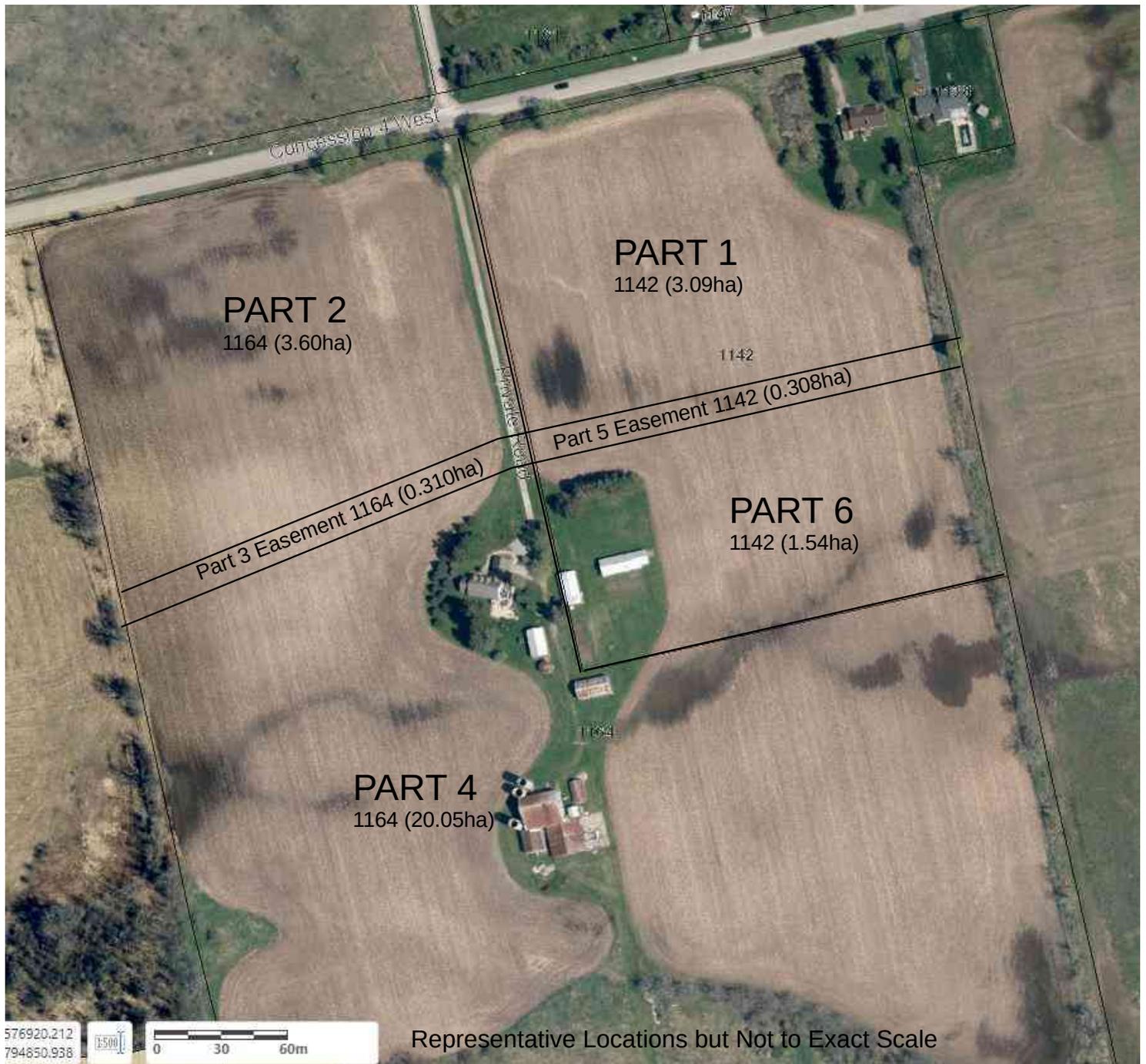
History of Ownership
1164 and 1142 Concession 4 West, Waterdown, ON
Part of Lot 35 Concession 3 Township of Beverly
In the City of Hamilton

1. Muriel Graham (formerly Muriel Sealey) purchased the 1164 Concession 4 West farm from Ed Anderson in 1967. Her husband Thomas (step-father to Ron Sealey) farmed the land. He ran a beef farm, grew nursery stock and did market gardening at various stages in time. Ron attended university and various employment opportunities and helped Thomas on the farm in his spare time.
2. Muriel Graham had a ½-acre lot severed in 1979 for Ron to build a house in the northeast corner of Lot 35. The new address was 1142 Concession 4 West. At the time, this corner of the farm had very shallow soil on flat rock and could not be farmed. Many loads of fill had to be trucked in to build the house.
3. Muriel Graham died in 1986 and willed the farm to Ron while leaving full use of the farm to Thomas Graham for his lifetime. Before Muriel's death, a building permit was issued to Ron to build a greenhouse on what is now Part 6 of Lot 35.
4. In 2003, after the death of Thomas Graham in 2002, Ron applied for and was granted a severance. Part 7 of Lot 35 was sold to Neil Vanderkruk (NVK Nurseries) for nursery stock farming, Parts 2, 3 and 4 (1164 Conc. 4 W) were sold to Robert Andrew Sealey (Robert demolished the old farmhouse and built a new house where the original stood) and Ron Sealey retained Parts 1, 5 and 6 (1142 Conc. 4 W) with the greenhouse operation. All arable lands on 1142 and 1164 at this point were rented to Kenneth Hanes. Kenny still rents this land at the present time. The greenhouse was shut down and dismantled in 2006 due to high natural gas prices, poor market conditions and an aging owner. Gardening continued around the former greenhouse.
5. In April of 2022, the Imperial Oil Line in the easement just north of Robert's house failed, contaminating the ground water under Robert's house. Robert was evicted from his house for two months because of the contamination. Imperial Oil took responsibility and in negotiations with Robert agreed to buy his property at a fair price. Imperial Oil feels the property will be remediated but this will take some time. Their goal is to sell the property as a farm.

It is to be noted that with all the land transactions that have occurred, all of the arable land has been in continuous use since 1967. While the owners may not have done the farming themselves, the land was always in continuous production. Cash crop farmers, Kenneth Hanes for example, need to have the availability of reasonably priced land rental in order to justify their expensive machinery. The severance being requested will not change the use of any of this land from its agricultural base.

Photos of Buildings and Features of 1142/1164 Concession 4 W. Waterdown, ON L8B 1K3 Located on Part of Lot 35, Concession 3, former Township of Beverly, City of Hamilton

1. Google Satellite view of Part of Lot 35 Concession 3.



2. Google Satellite View Showing Part Lot 35, Concession 3, Hamilton Conservation Authority Protected Wetlands in Amber Colour. (Please note that no part of the 1142 property lies on HCA Protected Land)



1. 1142 Conc. 4 W Residence, Looking South from Conc. 4 W.
Located in the NE corner of Part 1 on Lot 35



2. Entrance Laneway to 1164 Conc. 4 W.



3. 1164 Conc. 4 W. residence located approx. 225 M South of Conc. 4 W. on the West side of the lane way in Part 4 of Lot 35. A shed and barns in background are also in located in Part 4



4. View of shed and barns located South of 1164 residence, all are located in Part 4 of Lot 35



5. The red shed and former greenhouse packing shed are located to the East of the 1164 residence but are located in Part 6 of Lot 35



View from South



6. The red shed and former packing room were designed to be an integral part of the 1164 Conc. 4 W property. Note how close the shed is to the house. Also all the buildings are supplied electrical power from one common hydro meter on a pole maintained by the 1164 property. Additionally the high pressure natural gas service is billed through a meter on the former packing room which is now part of the 1142 Conc. 4 W holdings.



7. Imperial Oil is committed to testing ground water contaminated by the pipeline failure. These photos show some of the many test wells drilled and maintained by Imperial oil on the property. Imperial Oil Ltd is committed to keeping the property in agricultural production and will sell the property for such when it is safe to do so.



Committee of AdjustmentCity 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*			Phone:
			E-mail:
Registered Owners(s)			
Applicant(s)**			
Agent or Solicitor			Phone:
			E-mail:

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

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

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

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

1.4 Request for digital copy of sign Yes* No

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

[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	1142 Concession 4 W, Waterdown, ON, L8B 1K3		
Assessment Roll Number	#301340683000000		
Former Municipality	Township of Beverly		
Lot	Part of Lot 35	Concession	3
Registered Plan Number	62R16738	Lot(s)	
Reference Plan Number (s)	62R4707	Part(s)	1,5,6

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:

Lot35 Part 5 Easement to Imperial Oil Ltd. 12" petroleum pipeline right of way (Instrument #

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:

Imperial Oil Ltd, Owner of 1164 Concession 4 W. Waterdown, ON L8B 1K3

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

1164 Concession 4 W, Waterdown ON L8B 1K3

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 5	PART 6		
Type of Transfer	N/A	Land ownership	Land ownership		
Frontage	202.69M	202.69M	202.69		
Depth	161.71M	15.24M	76.74M		
Area	3.278Hectares	0.309Hectares	1.545 Hectares		
Existing Use	Farm with 1 Res	Farmland with	Farmland with		
Proposed Use	Farm with 1 Res	Farmland with	Farmland with		
Existing Buildings/ Structures	one house	Imperial Oil 12" High Pressure Oil Line	2 Storage Buildings		
Proposed Buildings/ Structures	Nil	Nil	Nil		
Buildings/ Structures to be Removed	Nil	Nil	Nil		

* 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): Agriculture (A1)

Rural Settlement Area: Flamborough

Urban Hamilton Official Plan designation (if applicable) _____

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

This application asks for transfer of ownership of the designated PARTS from 1142 Concession 4 W to 1164 Concession 4 W with no change in land use.

- 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? Agriculture (A1)

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

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

Yes No Unknown

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

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

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

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

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

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

Yes No

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

Application No. FL/B-03:206, Submission No. B-206/03 Dec 17, 2003. Robert Andrew Sealey

6.4 How long has the applicant owned the subject land?

36 years

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

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

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)

2 parcels of land are being transferred from one rural property to another adjacent rural property. There will be no change to the land use of transferred parcels.

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

Land remains as farmland

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)

zoned A1 Agriculture

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

Yes No (Provide explanation)

Note that the A1 Agriculture zoned land parcels being transferred are not in the Hamilton Conservation Authority protected wetlands area.

8 ADDITIONAL INFORMATION - VALIDATION

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

Yes No (Provide explanation)

N/A

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

Yes No (Provide explanation and details on plan)

N/A

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

N/A

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.:	DN/B-23:44	SUBJECT PROPERTY:	98 SYDENHAM STREET, DUNDAS
-------------------------	-------------------	--------------------------	-------------------------------

APPLICANTS: **Owner:** MICHAEL & JENNA ANDERSON
Agent: URBANSOLUTIONS INC. C/O MATT JOHNSTON

PURPOSE & EFFECT: To sever the existing residential lot into three parcels, the severed lands will be a vacant residential building lots and the retained lands will contain the existing dwelling which is intended to be retained.

	Frontage	Depth	Area
SEVERED LANDS (Part 1):	18.52 m [±]	35.97 m [±]	629.55 m ² [±]
SEVERED LANDS (Part 2):	18.62 m [±]	32.61 m [±]	633.69 m ² [±]
RETAINED LANDS:	51.11 m [±]	39.51 m [±]	1762.82 m ² [±]

Associated Planning Act File(s): DN/B-05:209 & DN/B-05:210

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, July 27, 2023
TIME:	11:05 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

DN/B-23:44

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.

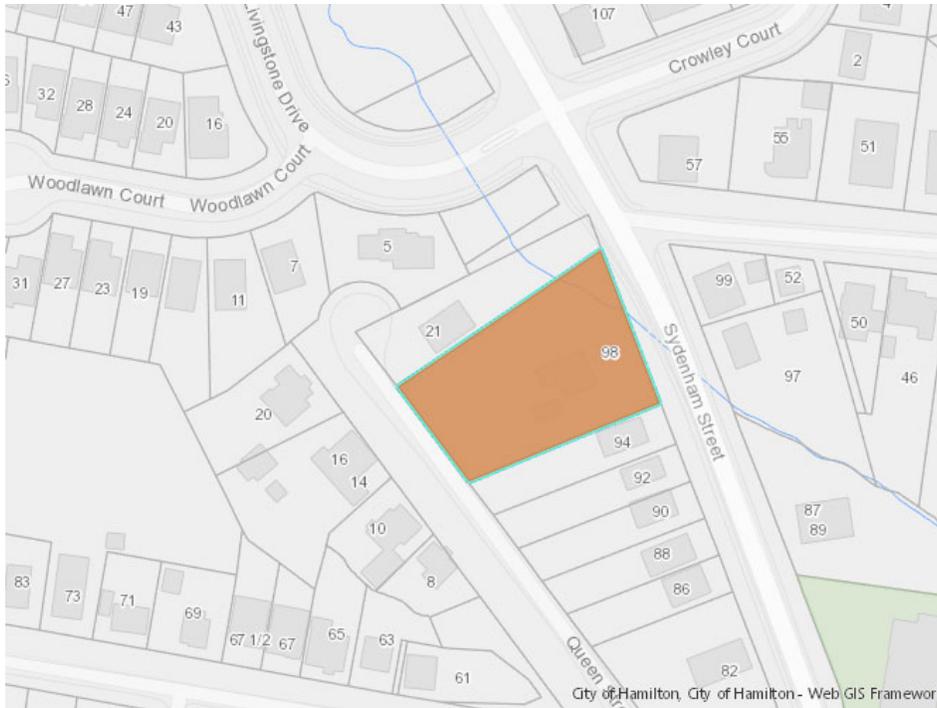
FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding DN/B-23:44, 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.

DN/B-23:44



 Subject Lands

DATED: July 11, 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

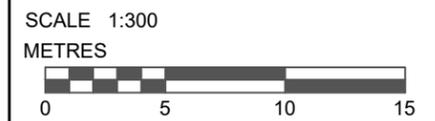
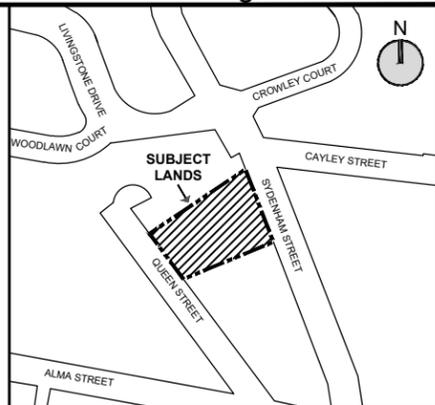
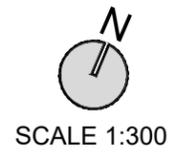
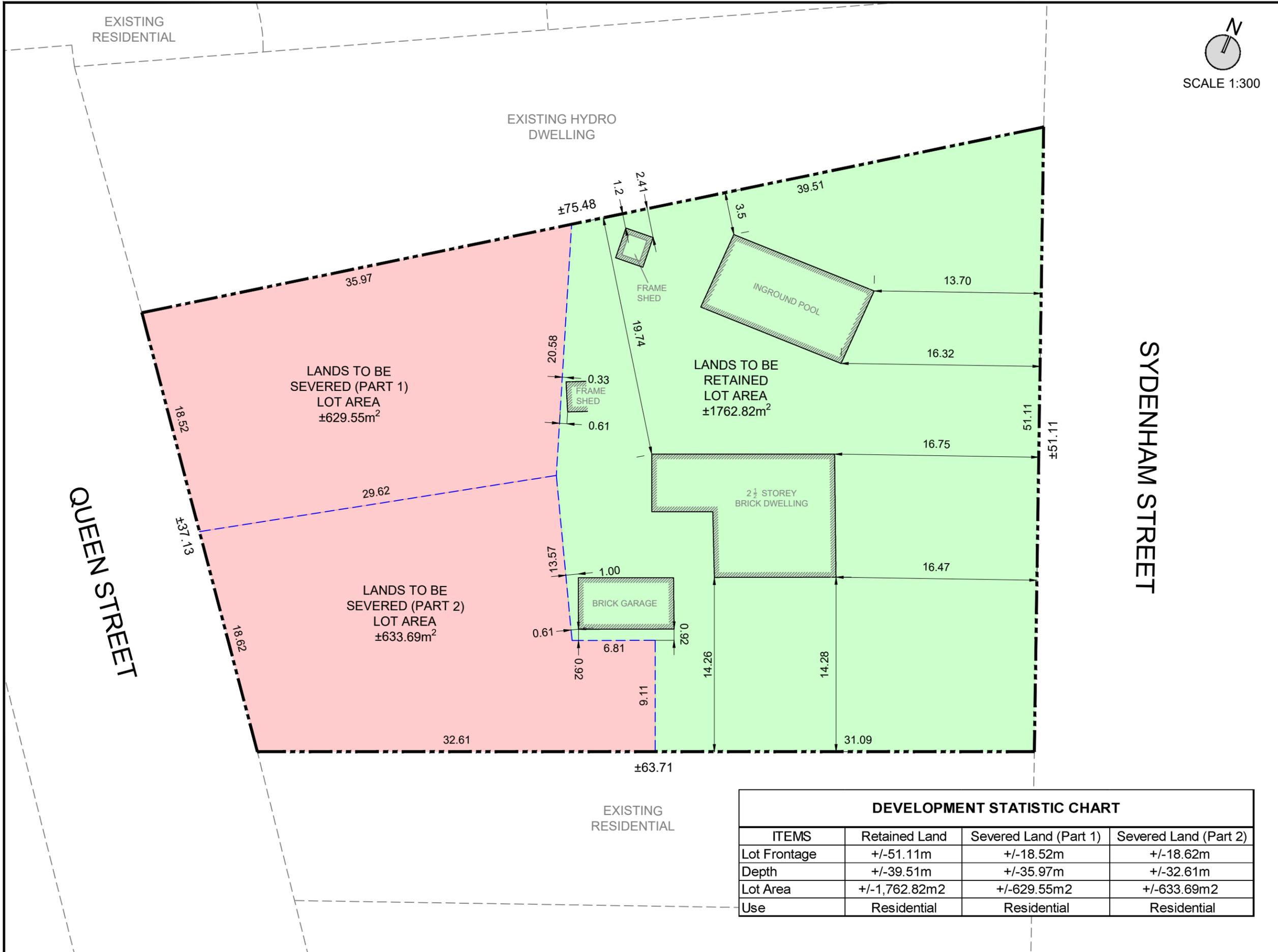
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before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



- LEGEND**
- SUBJECT LANDS
 - PROPOSED SEVERANCE LINE
 - LANDS TO BE SEVERED
 - LANDS TO BE RETAINED
 - EXISTING BUILDINGS

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: J. STANLEY CHECKED BY: S. ERICKSON
DRAWN BY: J. STANLEY DATE: JUNE 21, 2023

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

PROJECT: **MICHAEL & JENNA ANDERSON**
98 SYDENHAM STREET
CITY OF HAMILTON

TITLE: **SEVERANCE SKETCH**

U/S FILE NUMBER: 483-23 SHEET NUMBER: 1

DEVELOPMENT STATISTIC CHART			
ITEMS	Retained Land	Severed Land (Part 1)	Severed Land (Part 2)
Lot Frontage	+/-51.11m	+/-18.52m	+/-18.62m
Depth	+/-39.51m	+/-35.97m	+/-32.61m
Lot Area	+/-1,762.82m ²	+/-629.55m ²	+/-633.69m ²
Use	Residential	Residential	Residential



June 21, 2023

483-23

Via Email & Delivered

Ms. Jamila Sheffield
Secretary Treasurer

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

Dear Ms. Sheffield,

**Re: 98 Sydenham Street, Dundas
Consent to Sever Applications
Previous File Nos. DN/B-05:209 & DN/B-05:210**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Mr. Michael Anderson and Ms. Jenna Anderson, for the lands municipally known as 98 Sydenham Street, in the former Township of Dundas. Please accept the enclosed Consent to Sever applications to facilitate the severances of the subject property on their behalf.

The subject property is a +/- 3,026.06 m² parcel which is a though lot with +/- 51.11 m of frontage onto Sydenham Street and +/- 37.13 m of frontage onto Queen Street. The parcel is designated as '*Neighbourhoods*' in the Urban Hamilton Official Plan and is zoned '*Open Space Conservation (OS) Zone*' and '*Single Detached Residential (R2) Zone*' in the Town of Dundas Zoning By-law No. 3581-86. The lands to be severed are wholly contained within the '*Single Detached Residential (R2) Zone*'.

The lands have been previously subject to two Consent to Sever applications in 2005 [File Nos. DN/B-05:209 and DN/B-05:210]. These previous severances were fully supported by the Hamilton Conservation Authority and City of Hamilton Planning Staff, and therefore obtained conditional approval on June 7th, 2005; however, work on the project had ceased before all conditions of approval were met and the file subsequently lapsed. This submission intends to re-apply for the same conditionally approved severances from the original applications.

Purpose of the Application

The purpose of this Consent Application is to sever the existing single detached dwelling from the rear portion of the property, and further divide the rear portion of the property into two separate parcels. The lands to be retained will have +/- 1,762.82 m² of area and +/- 51.11 m of frontage onto Sydenham Street. The lands to be severed, referred to as 'Part 1' and 'Part 2' as shown within the enclosed Consent to Sever sketch, will have +/- 629.55 m² and +/- 633.69 m² of area, and +/- 18.52 m and +/- 18.62 m of frontage onto Queen Street, respectively.

To assist in the evaluation of the application, please refer to the enclosed Consent to Sever Sketch.

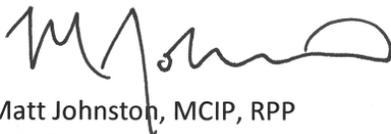
Based on the above analysis, UrbanSolutions believes that the application represents good land use planning and satisfies Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The proposal is consistent with the Ontario PPS and conforms to the Growth Plan as it facilitates intensification within delineated urban areas. The proposed severances conform to and implement the 'Neighbourhoods' policies of the Urban Hamilton Official Plan. Additionally, all zoning requirements in the "R2" zone will be met including lot area and lot frontage and therefore the proposal conforms to and implements the Town of Dundas Zoning By-law No. 3581-86. Based on the above analysis, the previous support from the Hamilton Conservation Authority, Planning Staff, and the prior approvals from the Committee of Adjustment, the proposed severances represent good land use planning.

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

- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the Severance Sketch, prepared by UrbanSolutions;
- One (1) copy of the Hamilton Conservation Authority memo regarding the on-site stream; and,
- One (1) cheque in the amount of **\$3,220.00** made payable to the City of Hamilton for the Consent to Sever Application fee.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Stefano Rosatone, BES
Planner

cc: Mr. Michael Anderson & Mrs. Jenna Anderson
^Councillor A. Wilson, Ward 13, City of Hamilton (via Email)



BY FAX AND MAIL

April 27, 2006

File: DN/B-05:209
& DN/B-05:210

Ms. Carol Connor
Committee of Adjustment
City Hall, 7th Floor
71 Main Street West
Hamilton, Ontario L8P 4Y5

COPY

Dear Ms. Connor:

**RE: SEVERANCE APPLICATION NO. DN/B-05:209 & DN/B-05:210
MARY TERESA MCTURK
98 SYDENHAM STREET, CITY OF HAMILTON
(FORMER TOWN OF DUNDAS)**

Further to our letter of December 12, 2005, the Hamilton Conservation Authority (HCA) has recently received a Creek and Culvert Profile drawing, Sheet No. 2, dated April 18, 2006 and culvert calculations, both prepared by Sidney W. Woods Engineering Inc. that shows that the revised Regional Storm flood plain is confined to the existing channel, to the north of the existing residence, with the two proposed severed lots being located entirely outside the floodplain. On this basis, the Authority has no further objection to the approval of the two subject applications to create two new lots having frontage on Queen Street.

Should you have any questions, please do not hesitate to contact Nora Jamieson, Watershed Planner at ext. 132.

Yours truly

COPY

for Katherine J. Menyes
Director Watershed Planning and Engineering

NJ/

cc: David J. Ramsbottom, Agent (by fax 905-627-8083)
Daniel Joyce, Sidney W. Woods Engineering Inc. (by fax 905-627-2818)

A Member of



Healthy Streams...Healthy Communities!

P.O. Box 7099, 838 Mineral Springs Road, Ancaster, Ontario L9G 3L3 905-525-2181 or 905-648-4427

Office Fax 905-648-4622 • Shop Fax 905-525-2214 • E-mail: nature@conservationhamilton.ca • Website: www.conservationhamilton.ca



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	98 Sydenham Street		
Assessment Roll Number			
Former Municipality	Dundas		
Lot	Part of Lot 112	Concession	
Registered Plan Number	391	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3 PURPOSE OF THE APPLICATION

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

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

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

N/A

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

N/A

3.4 Certificate Request for Retained Lands: Yes*

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

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

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

Identified on Sketch as:	'Land to be Retained'	'Part 1'	'Part 2'		
Type of Transfer	N/A	N/A	N/A		
Frontage	+/- 51.11 m	+/- 18.52 m	+/- 18.62 m		
Depth	+/- 39.51 m	+/- 35.97 m	+/- 32.61 m		
Area	+/- 1,762.82 m2	+/- 629.55 m2	+/- 633.69 m2		
Existing Use	Residential	Residential	Residential		
Proposed Use	Residential	Residential	Residential		
Existing Buildings/ Structures	Brick Dwelling, Brick Separated Garage, Small Shed	N/A	N/A		
Proposed Buildings/ Structures	N/A	N/A	N/A		
Buildings/ Structures to be Removed	N/A	N/A	N/A		

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

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

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

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

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

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

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

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

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

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) 'Neighbourhoods'

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

Lot creation is permitted within the Neighbourhoods designation. As such, the proposal is in conformity with the Urban 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.

N/A

5.3 What is the existing zoning of the subject land? Open Space Conservation (OS) Zone and Single Detached Residential (R2) Zone.

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

N/A

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

Yes No Unknown

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

N/A

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	N/A
A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	N/A
A provincially significant wetland within 120 metres	<input type="checkbox"/>	N/A
A flood plain	<input type="checkbox"/>	N/A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	N/A
An active railway line	<input type="checkbox"/>	275m to the north
A municipal or federal airport	<input type="checkbox"/>	N/A

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

DN/B-05:209 & DN/B-05:210. File closed after conditional approval.

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

No changes are proposed.

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

Yes No

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

N/A

6.4 How long has the applicant owned the subject land?

October 20th, 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.

N/A

7 PROVINCIAL POLICY

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

Yes No (Provide explanation)

Please refer to cover letter.

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

Yes No (Provide explanation)

Please refer to cover letter.

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

Yes No (Provide explanation)

Please refer to cover letter.

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

Yes No (Provide explanation)

The lands are designated as "Urban Area" in the Niagara Escarpment Plan (NEP).

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

Yes No (Provide explanation)

N/A

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

The lands are designated as "NEP Area" in the Greenbelt Plan. The NEP designates the land as "Urban Area".

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

Yes No (Provide explanation)

N/A

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):
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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):
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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)
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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
