



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

**Meeting #:** 23-15  
**Date:** August 10, 2023  
**Time:** 9:00 a.m.  
**Location:** Room 264, 2nd Floor, City Hall (hybrid) (RM)  
71 Main Street West

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

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	<b>Pages</b>
<b>1. PREVIOUSLY TABLED</b>	
<b>2. URBAN</b>	
2.1 9:15 a.m.HM/A-23:5518 Tom Street, Hamilton (Ward 1) Agent S. Costa Owner A. Schneider	5
2.2 9:25 a.m.HM/A-23:6418 Chilton Place, Hamilton (Ward 2) Owner W. Korol & J. Booy	17
2.3 9:30 a.m.HM/A-23:18016 Bruce Street, Hamilton (Ward 2) Agent Park Eight Inc. – P. VandenArend Owner O. Lovics & J. Butt	53
2.4 9:35 a.m.HM/A-23:184512 Bay Street North, Hamilton (Ward 2) *TABLED* Agent Carrothers & Associates – D. Carrothers Owner P. & G. Petit	73
2.5 9:40 a.m.HM/A-21:430845 King Street East, Hamilton (Ward 3) Agent King Homes Inc. - K. Bekendam Owner 12762781 Canada Inc. – A. Pannozzo	95

2.6 9:45 a.m.HM/A-23:177677 Beach Boulevard, Hamilton (Ward 5) 109  
 Agent M. Atashi  
 Owner R. Holdaway

2.7 9:50 a.m.SC/A-21:41515 Centennial Parkway South, Hamilton (Ward 5) 137  
 Owner T. Thach & C. Ho

### 3. SUBURBAN

3.1 9:55 a.m.SC/A-22:216417 Highway 8, Stoney Creek (Ward 10) 157  
 Agent A.J. Clarke & Associates Ltd. – R. Ferrari  
 Owner Qz4 Holdings Inc.

3.2 10:00 a.m.AN/A-23:183341 & 347 Fiddlers Green Road, Ancaster (Ward 12) 197  
 Agent MHBC Planning – G. Tchisler  
 Owner Autumn Lea Developments Ltd. – P. Probo

3.3 10:00 a.m.AN/B-23:48341 Fiddlers Green Road, Ancaster (Ward 12) 223  
 Agent MHBC Planning – G. Tchisler  
 Owner Autumn Lea Developments Ltd. – P. Probo

3.4 10:00 a.m.AN/B-23:49347 Fiddlers Green Road, Ancaster (Ward 12) 251  
 Agent MHBC Planning – G. Tchisler  
 Owner Autumn Lea Developments Ltd. – P. Probo

3.5 B R E A K

### 4. RURAL

4.1 10:20 a.m.AN/A-23:182795 Book Road West, Ancaster (Ward 12) 279  
 Agent UrbanSolutions Planning & Land Development Consultants Inc. –  
 M. Johnston  
 Owner J. Roque

4.2 10:25 a.m.SC/A-23:17615 Treeview Court, Stoney Creek (Ward 9) 295  
 Agent On the 6 Designs – D. Wray  
 Owner B. Wolfe

- 4.3 10:30 a.m.GL/A-23:1753105 Fletcher Road, Glanbrook (Ward 11) 307  
Agent A.J. Clarke & Associates Ltd. – L. Doherty  
Owner Cachet Developments (Binbrook) Inc.
- 4.4 10:35 a.m.GL/A-23:1785116 Chippewa Road, Glanbrook (Ward 11) 327  
Agent S. De Rose  
Owner G. Szalachetk
- 4.5 10:40 a.m.GL/A-23:1502575 Regional Road 56, Glanbrook (Ward 11) 339  
Agent Dynasty Contracting – S. Kowalyshyn  
Owner M. Friday
- 4.6 10:45 a.m.FL/A-23:181161 Concession 10 East, Flamborough (Ward 15) 357  
Applicant T. Zanatta  
Owner A. Zanatta
- 4.7 10:50 a.m.FL/A-22:4111268 Highway 6, Flamborough (Ward 15) 371  
Agent Jennifer Lawrence and Associates – J. Lawrence  
Owner F. & M-L. Mangialardi
- 4.8 10:55 a.m.DN/A-23:18513 South Street West, Dundas (Ward 13) 381  
Agent Park Eight Inc. – P. VandenArend  
Owner A. George & J. Cattrysse
- 4.9 11:00 a.m.FL/A-23:118745 Crooks Hollow Road (Ward 13) 395  
Agent J. Ling  
Owner S. O'Rourke

5. **CLOSED**

6. **ADJOURNMENT**





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:55</b>	<b>SUBJECT PROPERTY:</b>	18 TOM STREET, HAMILTON
<b>ZONE:</b>	"D" (Urban Protected Residential One- & Two-Family Dwellings)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      **Owner:** ALYSSA SCHNEIDER  
                                 **Agent:** SANTIAGO COSTA

The following variances are requested:

1. Accessory buildings shall be permitted to be located within the front yard and be as close as 0.0m to the westerly side lot line, and 1.779m from the front lot line instead of the requirement no accessory buildings or structures shall be located within a front yard.
2. The front yard landscaped area shall be a minimum of 39.2% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.

**PURPOSE & EFFECT:**      To permit the construction of a shed;

**Notes:**

1. Height details for the proposed shed not provided. It is noted that the maximum height permitted for accessory buildings is 4.0m. should the proposed shed exceed 4.0m in height, additional variances will be required.
2. It is unclear if the proposed shed encroaches into the Tom Street Road allowance based on the plans submitted. As such, an encroachment agreement may be required to permit the shed within the Tom St Road allowance.

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

**HM/A-23:55**

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>9:15 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

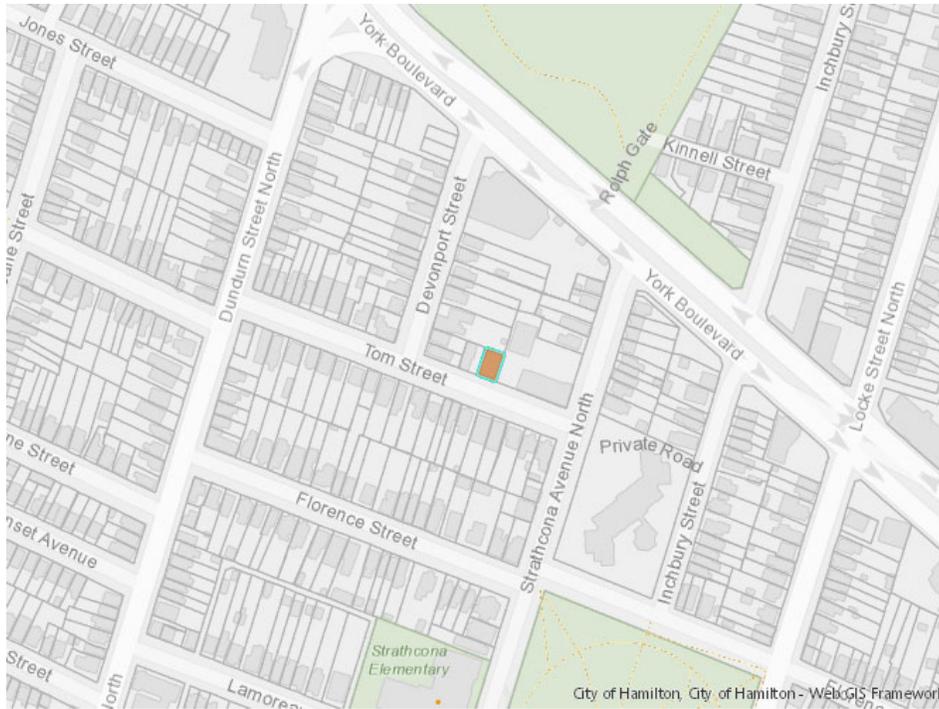
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:55, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

HM/A-23:55



 Subject Lands

DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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## PARTICIPATION PROCEDURES

### Written Submissions

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

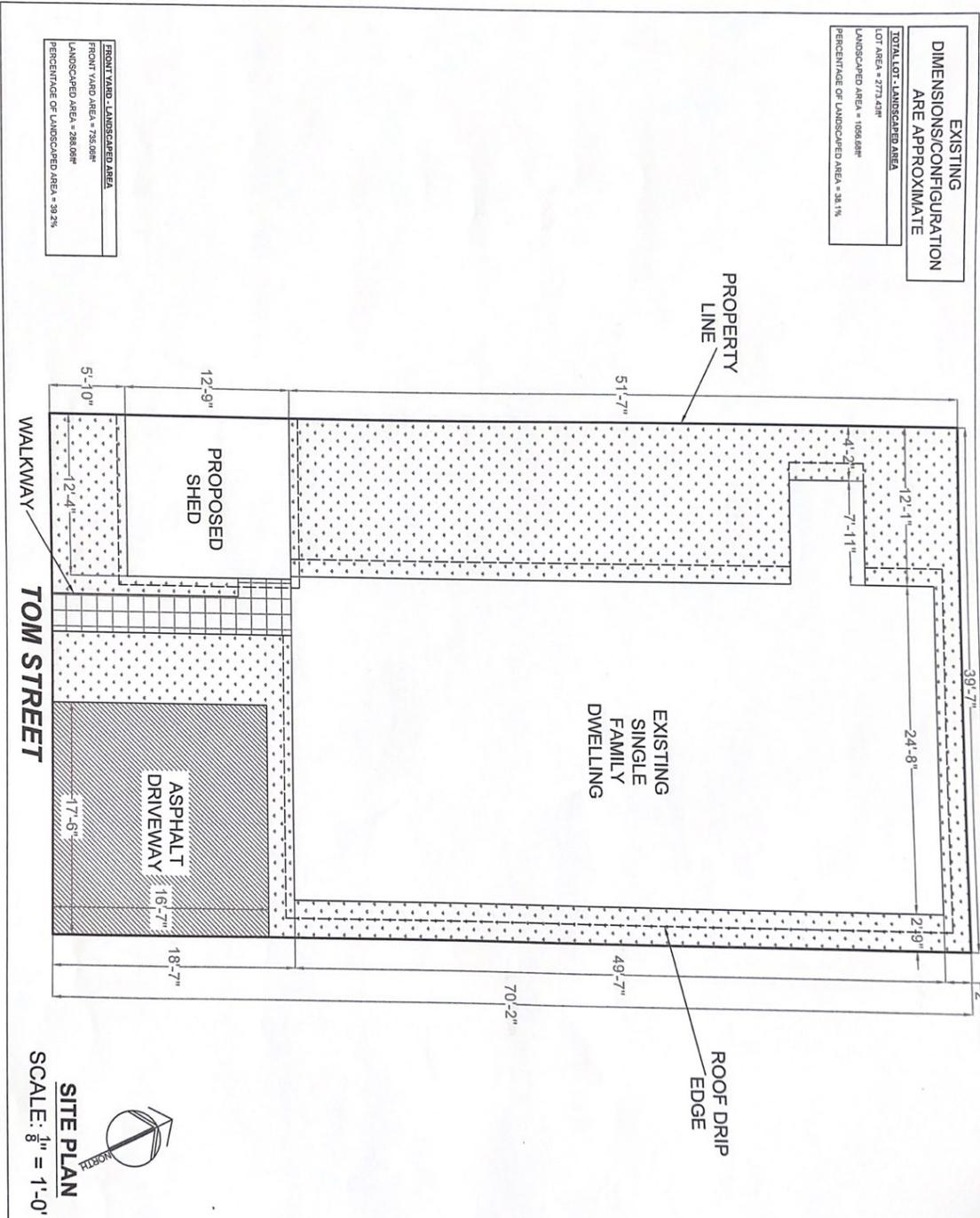
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

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

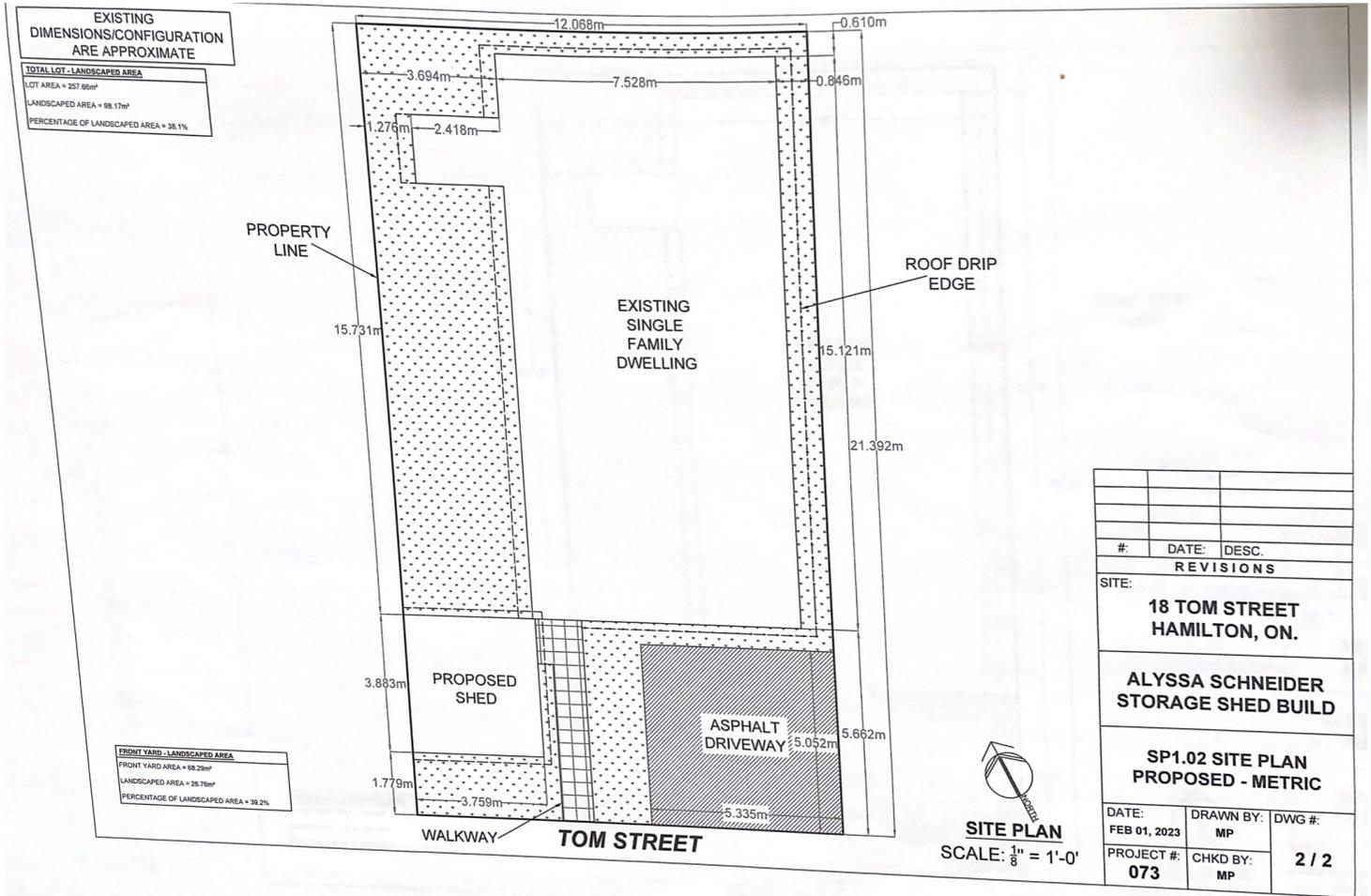
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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



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

DATE: FEB 01, 2023			DRAWN BY: MIP			DWG #: 1 / 2		
PROJECT #: 073			CHKD BY: MP					
<p><b>ALYSSA SCHNEIDER</b>  <b>STORAGE SHED BUILD</b></p> <p><b>SP1.01 SITE PLAN</b>  <b>PROPOSED</b></p>								
<p><b>SITE:</b>  <b>18 TOM STREET</b>  <b>HAMILTON, ON.</b></p>								
#	DATE	DESC.	REVISIONS					



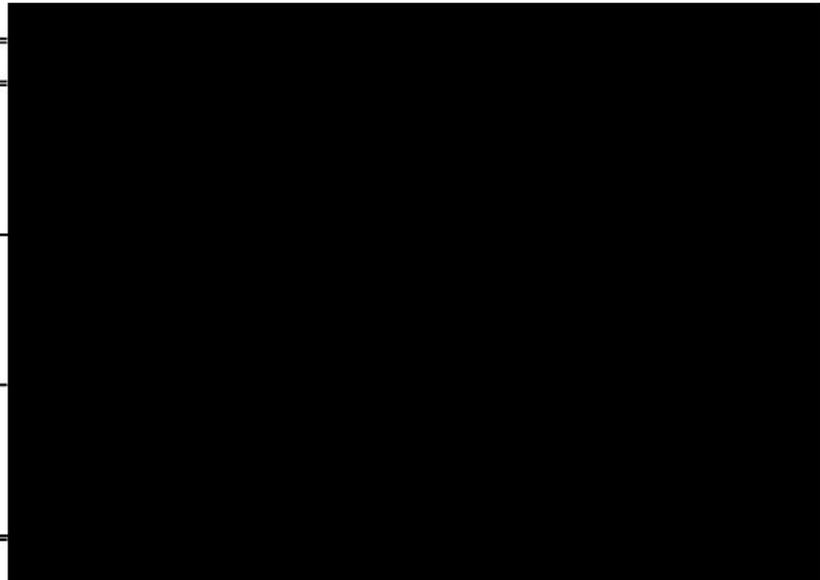
#	DATE	DESC.
REVISIONS		
SITE:		
<b>18 TOM STREET HAMILTON, ON.</b>		
<b>ALYSSA SCHNEIDER STORAGE SHED BUILD</b>		
<b>SP1.02 SITE PLAN PROPOSED - METRIC</b>		
DATE:	DRAWN BY:	DWG #:
FEB 01, 2023	MP	
PROJECT #:	CHKD BY:	
073	MP	2 / 2



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

**1. APPLICANT INFORMATION**

	<b>NAME</b>
<b>Registered Owners(s)</b>	Alyssa Schneider
<b>Applicant(s)</b>	
<b>Agent or Solicitor</b>	Santiago Hernan Costa



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 housesinc2020@gmail.com

1.5 All correspondence may be sent by email  Yes\*  No

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

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	18 Tom St Hamilton, ON L8R 1X3		
Assessment Roll Number			
Former Municipality			
Lot	51	Concession	
Registered Plan Number	PL41	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 use more than 50% of the gross area of the front yard. To keep property in current state. The Minor Variance is related to the construction of a shed.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

50% or more of the front yard is in use.

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 257.66 m <sup>2</sup>	Width of Street
39'-7" 12.068m	70'2" 21.392 m	2773.43ft <sup>2</sup>	22 ft wide 6.7056 m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
single family Dwelling	18' - 7" 5.662m	2' 0.610m	12'- 1", 2' - 9" 3.694 m, 0.846m	1920s

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Shed	5'-10" 1.779m	51'-7" 15.731m	0, 26'-8" 0m, 8.128m	06/14/2022

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	1600 sq ft 148.64486 sq m	N/A	1	17ft 5.1816 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Shed	N/A	1036 sq ft 96.247549 sq m	1	11 ft 3.3528m

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

- lake or other water body  
 other means (specify)

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

- ditches  
 other means (specify)

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

publicly owned and operated sanitary sewage

system privately owned and operated individual

septic system other means (specify) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

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

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

Single family detached dwelling

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

Church, Single family residence

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

July 4, 2014

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

Single family detached dwelling

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

Single family detached dwelling

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

Year

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? I1 - Neighbourhood Institutional

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: I1 - ~~Neighbourhood Institutional~~

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

Yes  No

If yes, please provide the file number: \_\_\_\_\_

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

Yes  No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 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
- 
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Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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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

<b>APPLICATION NO.:</b>	<b>HM/A-23:64</b>	<b>SUBJECT PROPERTY:</b>	18 CHILTON PLACE, HAMILTON
<b>ZONE:</b>	"C/S-721 & S-1822 (Urban Protected Residential & Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      **Owner:** WARREN KOROL & JANET BOOY

The following variances are requested:

1. A maximum accessory building height of 5.96m shall be permitted instead of the maximum 4.0m accessory building height permitted.
2. A minimum of 0.0m shall be provided from the nearest lot line instead of the 0.45m minimum distance from the nearest lot line required for an accessory building located entirely in the rear yard.
3. An eave or gutter may encroach the full extent of the required yard for an accessory building.

**PURPOSE & EFFECT:**      To permit the construction of a proposed accessory building in the rear yard of an existing Single-Family dwelling;

**Notes:**

1. It is noted that insufficient information has been provided to determine compliance for section 18A of former Hamilton Zoning By-law 6593, as such additional variances may be required at such a time that parking may be reviewed.
2. It is noted that portions of the eaves and gutters projected beyond the extent of the northerly side lot line, into the public laneway. As such an encroachment agreement will be required to establish the propped projection.

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

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

HM/A-23:64

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>9:25 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
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## **PUBLIC INPUT**

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

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## **FURTHER NOTIFICATION**

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HM/A-23:64



DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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## PARTICIPATION PROCEDURES

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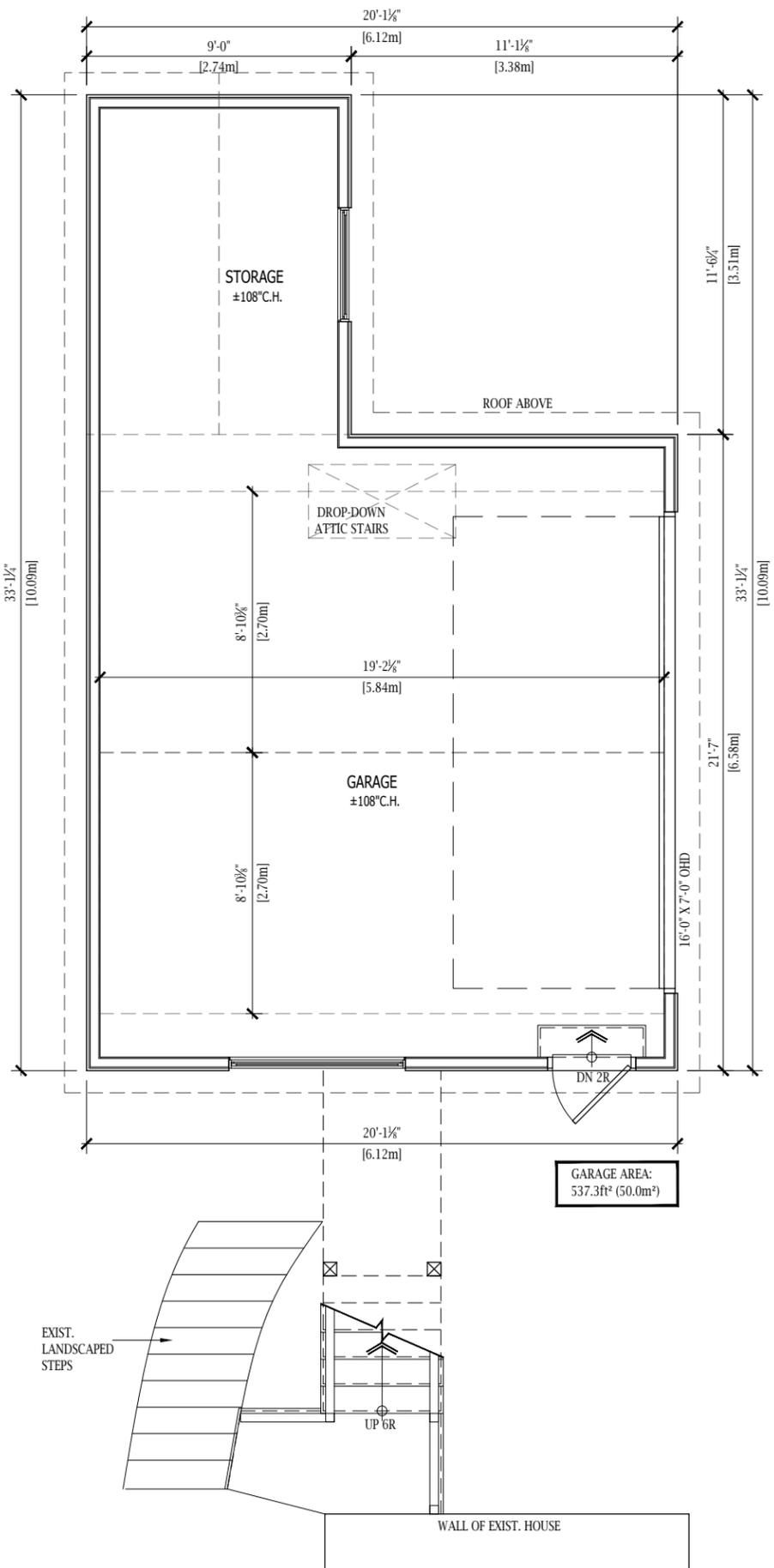
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#### 2. In person Oral Submissions

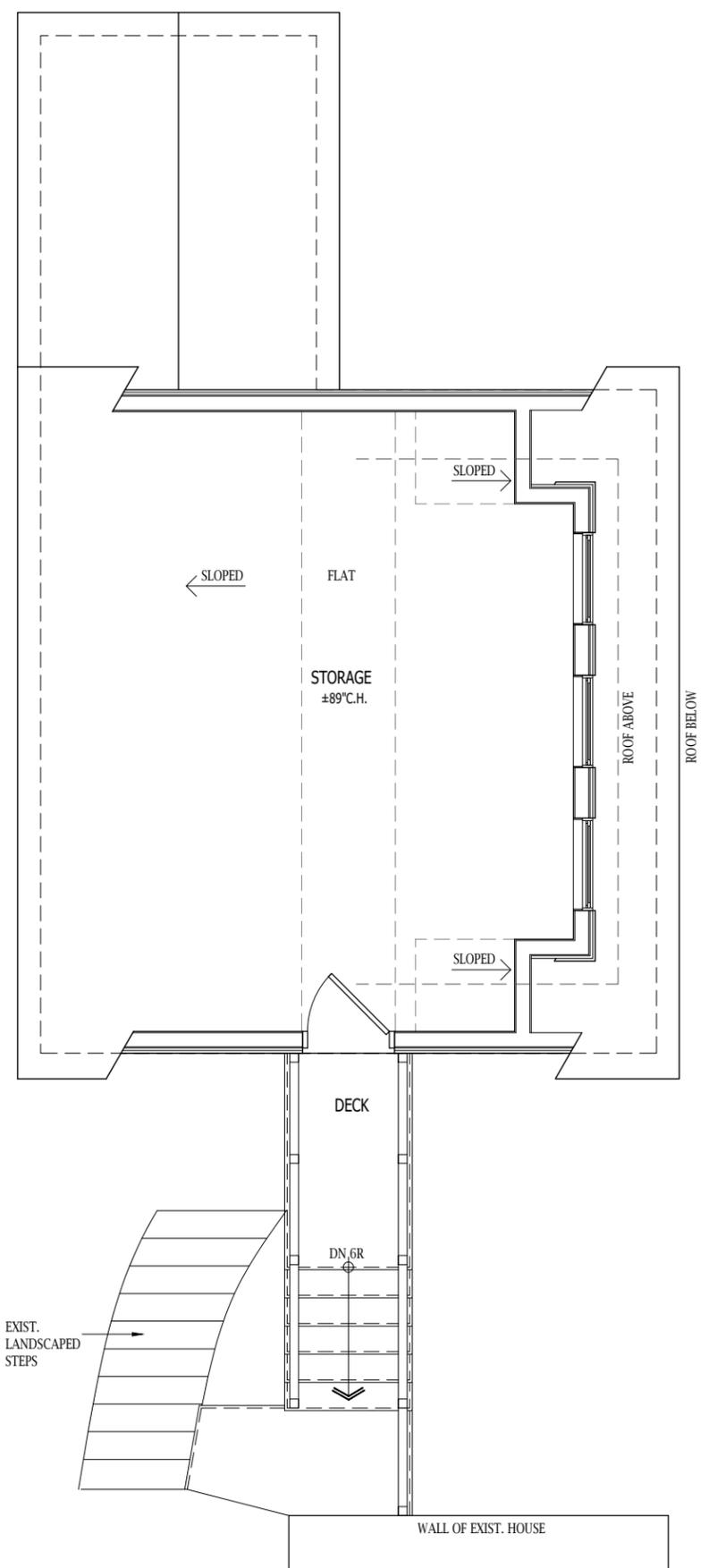
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We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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

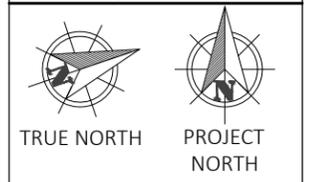


1 GARAGE FLOOR PLAN  
A1.01 3/16" = 1'-0"



2 STORAGE LOFT PLAN  
A1.01 3/16" = 1'-0"

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.



2	05.26.23	ISSUED FOR COA
1	04.09.23	ISSUED FOR REVIEW
REF.	DATE:	DESCRIPTION:

RESIDENTIAL DESIGN AND DRAFTING SERVICES

CHRISTINE BROWN  
Architectural Technologist  
905.802.5272  
444 UPPER GAGE AVE.  
HAMILTON, ON L8V 4H9  
cbrown@friendlycadmonkey.com

CLIENT:  
**KOROL GARAGE**

Ministry of Municipal Affairs and Housing

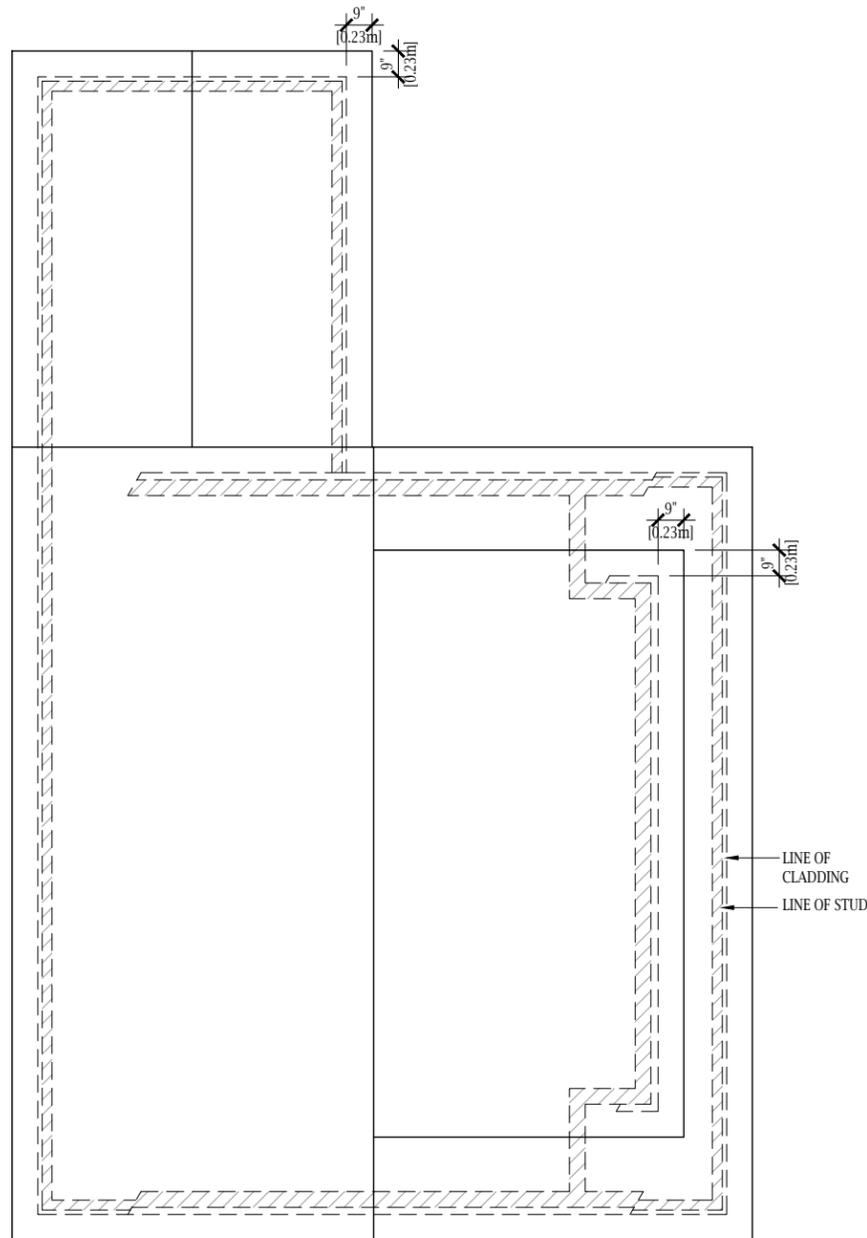
**QUALIFICATION INFORMATION**

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONT. BUILDING CODE TO BE A DESIGNER. REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION 'C' SECTION 3.2 OF THE O.B.C.

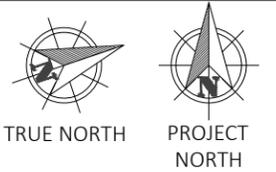
BCIN 37240	CHRISTINE BROWN
BCIN 113120	MY HOUSE DESIGNS

ADDRESS: 18 CHILTON PLACE  
CITY: HAMILTON, ONTARIO, L8P 3G7  
DRAWING TITLE:  
**GARAGE & STORAGE FLOOR PLAN**

DRAWN: CB	SCALE: 3/16" = 1'-0"
DATE: May 27, 23	SHEET: 1 of 6
JOB NO.: 23-024	<b>A1.01</b>



Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.



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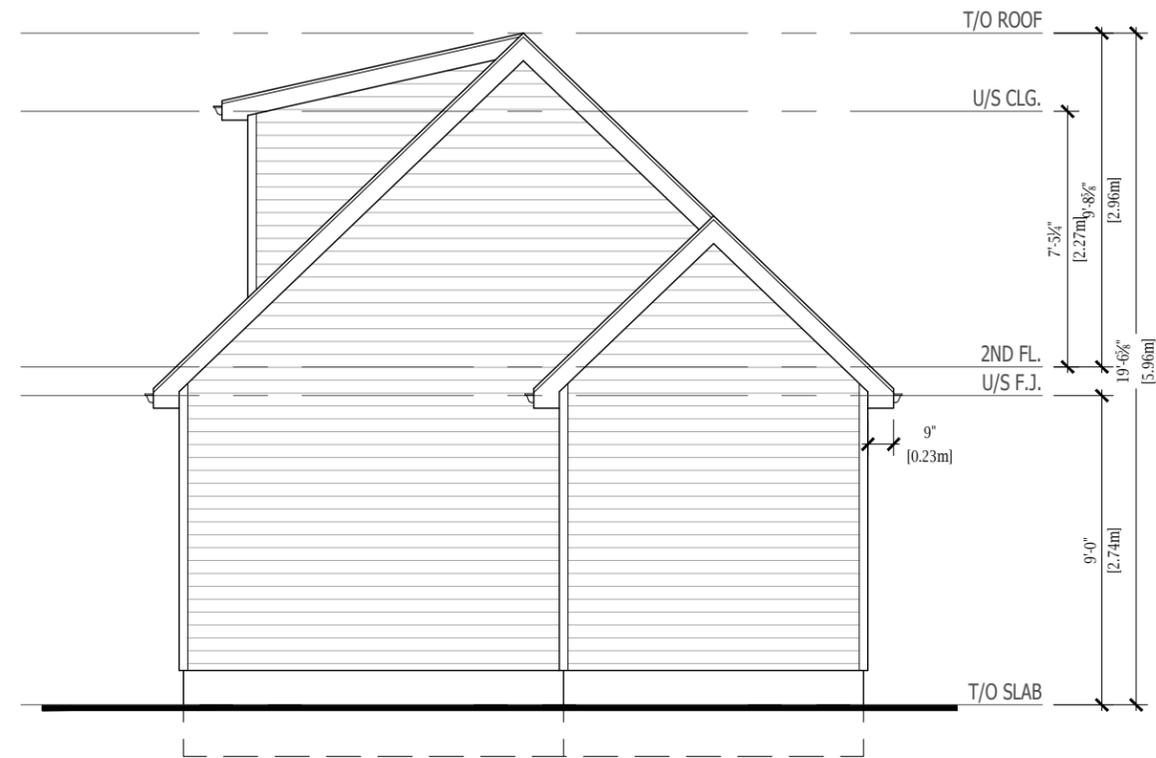
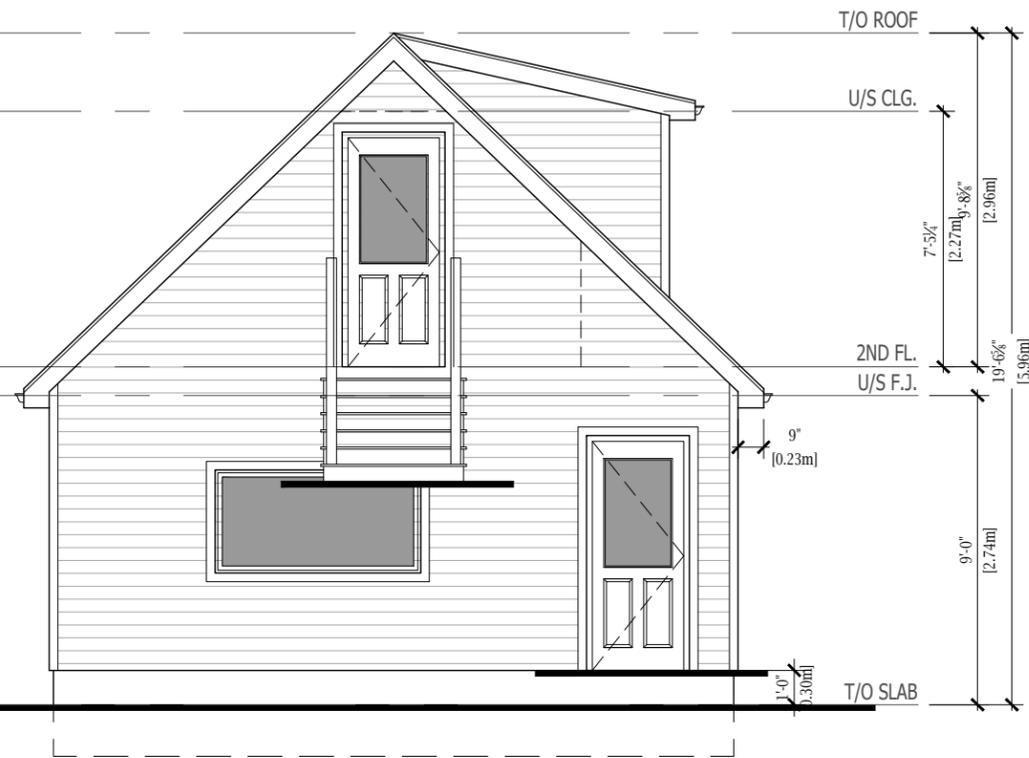
ADDRESS: 18 CHILTON PLACE  
CITY: HAMILTON, ONTARIO, L8P 3G7

DRAWING TITLE:  
**ROOF PLAN**

 Ministry of Municipal Affairs and Housing  
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1 ROOF PLAN  
A1.02 3/16" = 1'-0"

BCIN 37240 CHRISTINE BROWN	BCIN 113120 MY HOUSE DESIGNS	DRAWN: CB DATE: May, 27, 23	SCALE: 3/16" = 1'-0"
		JOB NO.: 23-024	SHEET: A1.02 2 of 6



Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

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RESIDENTIAL  
DESIGN AND  
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cbrown@friendlycadmonkey.com

CLIENT:  
**KOROL GARAGE**

ADDRESS: 18 CHILTON PLACE  
CITY: HAMILTON, ONTARIO, L8P 3G7

DRAWING TITLE:  
**LEFT (WEST) & RIGHT (EAST)  
ELEVATION**

 Ministry of Municipal  
Affairs and Housing  
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SECTION 3.2 OF THE O.B.C.

BCIN  
CHRISTINE BROWN 37240

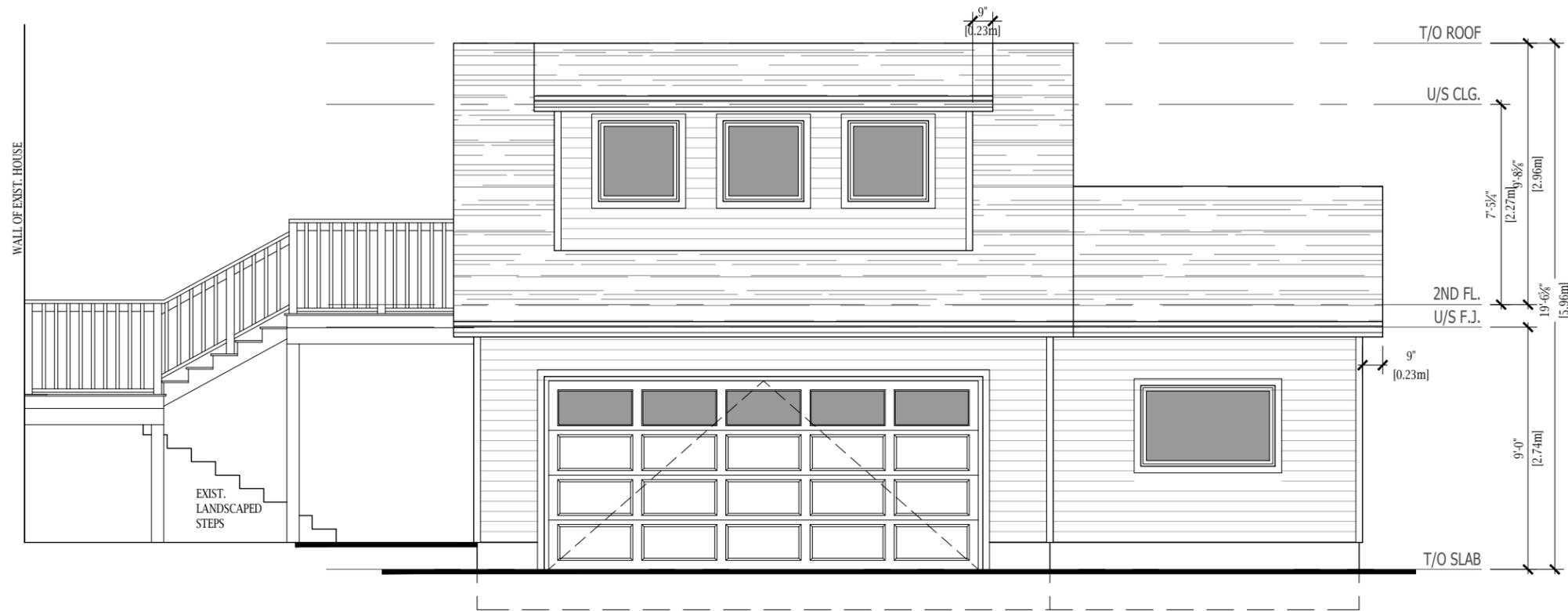
BCIN  
MY HOUSE DESIGNS 113120

DRAWN: CB  
DATE: May, 27, 23  
JOB NO.: 23-024

SCALE:  
3/16" = 1'-0"  
SHEET:  
**A2.01** 3 of 6

1 LEFT (WEST) ELEVATION  
A2.01 3/16" = 1'-0"

2 RIGHT (EAST) ELEVATION  
A2.01 3/16" = 1'-0"



1 FRONT (NORTH) ELEVATION  
 A2.02 3/16" = 1'-0"

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CLIENT:  
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 Ministry of Municipal Affairs and Housing  
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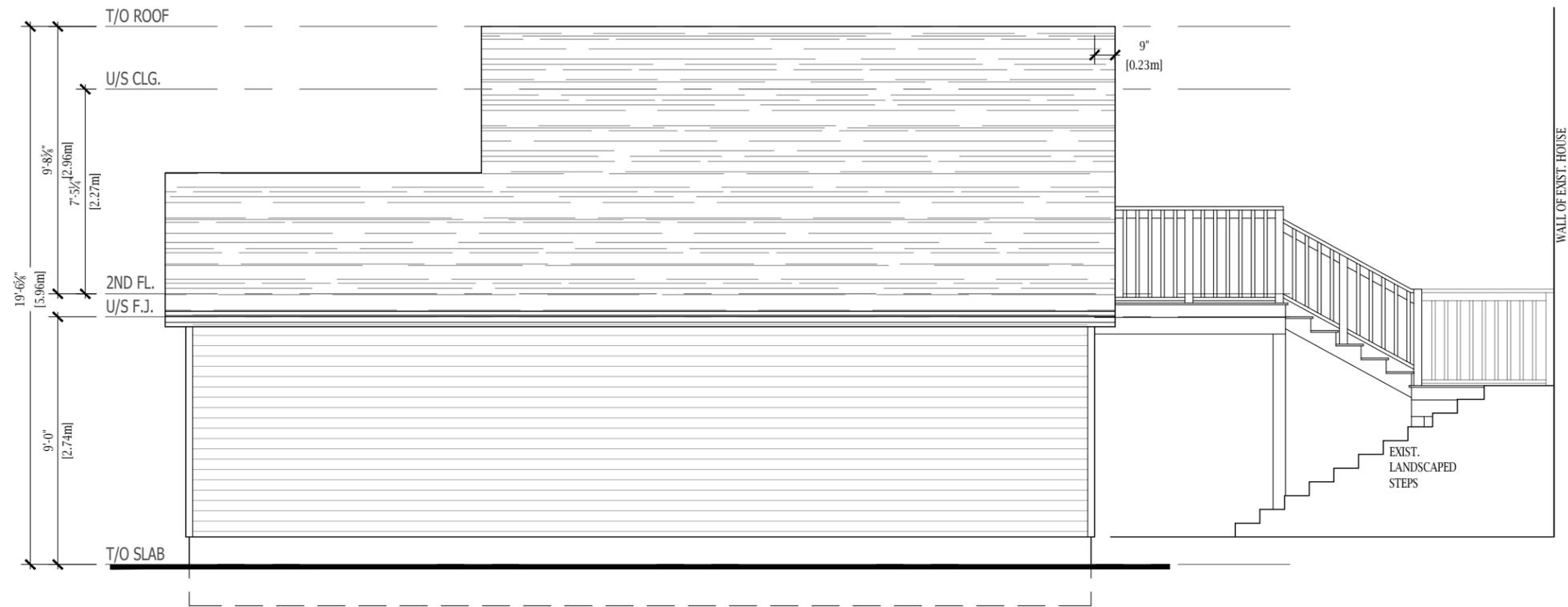
ADDRESS: 18 CHILTON PLACE  
 CITY: HAMILTON, ONTARIO, L8P 3G7

DRAWING TITLE:  
**FRONT (NORTH) ELEVATION**

BCIN 37240  
 CHRISTINE BROWN

BCIN 113120  
 MY HOUSE DESIGNS

DRAWN: CB	SCALE:
DATE: May. 27, 23	3/16" = 1'-0"
JOB NO.: 23-024	SHEET: A2.02



1 REAR (SOUTH) ELEVATION  
 A2.03 3/16" = 1'-0"

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REF.	DATE:	DESCRIPTION:



**MY HOUSE**  
DESIGNS

RESIDENTIAL  
DESIGN AND  
DRAFTING SERVICES



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CLIENT:  
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 Ministry of Municipal  
 Affairs and Housing

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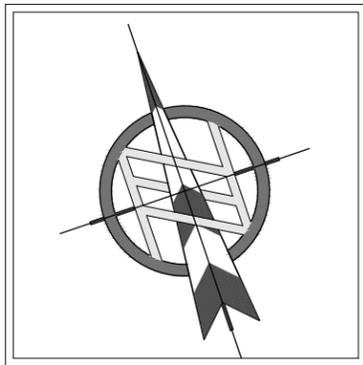
ADDRESS: 18 CHILTON PLACE  
 CITY: HAMILTON, ONTARIO, L8P 3G7

DRAWING TITLE:  
**REAR (SOUTH) ELEVATION**

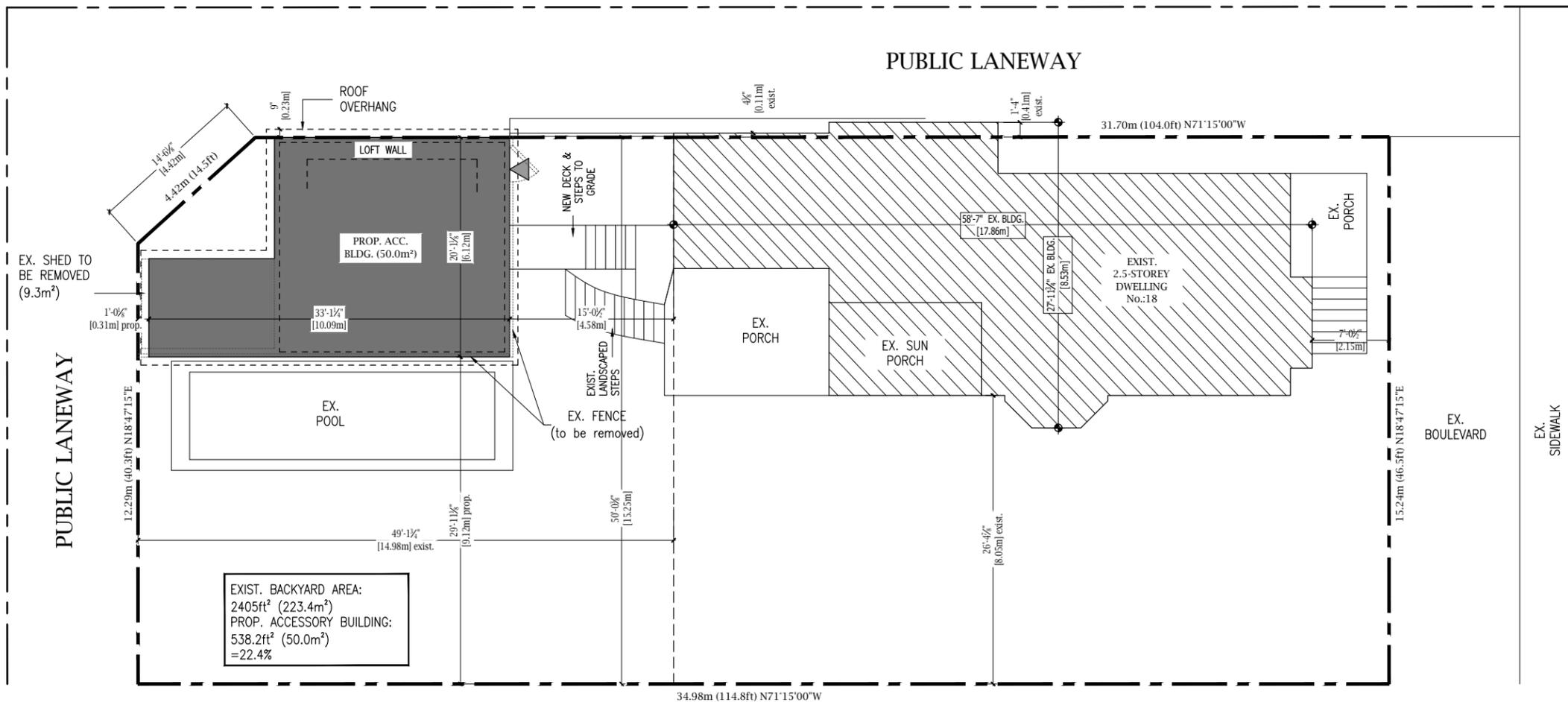
BCIN  
 37240  
 CHRISTINE BROWN

BCIN  
 113120  
 MY HOUSE DESIGNS

DRAWN: CB	SCALE:
DATE: May, 27, 23	3/16" = 1'-0"
JOB NO.: 23-024	SHEET: A2.03



SITE PLAN LEGEND:	
	PROPERTY LINE
	BUILDING ENVELOPE
	EXISTING TO BE REMOVED
	PROPOSED SOLID HOARDING
	PROPOSED FRAMED HOARDING
	NEW WATER LINE
	NEW SANITARY LINE
	NEW NATURAL GAS LINE
	NEW BURIED HYDRO VAULT
	NEW SUMP LINE TO GRADE
	CONSTRUCTION ACCESS
	EXISTING GRADE
	PROPOSED FINISHED GRADE
	MAIN ENTRY, FRONT DOOR
	SECONDARY ENTRANCE
	EXISTING BUILDING TO REMAIN
	PROPOSED NEW CONSTRUCTION
	PROPOSED NEW DRIVEWAY
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED
	RAIN WATER LEADERS



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1	04.09.23	ISSUED FOR REVIEW
REF.	DATE:	DESCRIPTION:

RESIDENTIAL DESIGN AND DRAFTING SERVICES

CHRISTINE BROWN  
 Architectural Technologist  
 905.802.5272  
 444 UPPER GAGE AVE.  
 HAMILTON, ON L8V 4H9  
 cbrown@friendlycadmonkey.com

CLIENT:  
**KOROL GARAGE**

ADDRESS: 18 CHILTON PLACE  
 CITY: HAMILTON, ONTARIO, L8P 3G7  
 DRAWING TITLE:  
**SITE PLAN**

Ministry of Municipal Affairs and Housing  
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CHRISTINE BROWN  
 BCIN 37240

MY HOUSE DESIGNS  
 BCIN 113120

DRAWN: CB  
 DATE: May, 27, 23  
 JOB NO.: 23-024

SCALE: 1:150  
 SHEET: SP1.01

1 SITE PLAN  
 SP1.01 1:150

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

**APPLICANTS:** Warren Korol & Janet Booy, owners

**June 21, 2023**

**CONTINUATION OF APPLICATION FOR MINOR VARIANCE/PERMISSION**

**HM/A – 23:64**

**UNDER SECTION 45 OF THE PLANNING ACT**

**ZONING BY-LAW: Zonying By-law 6593, as Amended by By-law 83-66**

**ZONING:** “D/S-1787 (Urban Protected Residential – One and Two Family Dwellings, etc. – Special Exception) district.

**PORPOSE AND EFFECT:** To permit the construction of a detached two-story accessory building to be used as a private garage/workshop with second floor storage for an existing one family dwelling.

Janet Booy and Warren Korol (the applicants) are a married couple and co-owners of the single-family dwelling at 18 Chilton Place, Hamilton, Ontario (“the property”). They wish to build an accessory building/garage with second storey storage at the rear of their home. This will allow for covered two-car parking in an existing exposed two car parking area.

On January 9, 2023, the applicants applied for a building permit. The building department replied to the permit application with instructions to apply for a Heritage Building Permit and an Application for a Minor Variance/Permission.

On January 11, 2023, an application was made for a Heritage Permit.

On February 21, 2023, the applicants had a virtual meeting with the Heritage Review Subcommittee regarding the Heritage Permit. The subcommittee supported the proposal.

On March 15, 2023, an application was made to the Committee of Adjustment for a Minor Variance.

On March 20, 2023, the Committee of Adjustment advised of the Hybrid Participation Procedure set for April 20, 2023.

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

**APPLICANTS:** Warren Korol & Janet Booy, owners

On March 31, 2023, a meeting was held by the Hamilton Municipal Heritage Committee. The Heritage Committee supported the proposal.

On April 4, 2023, the Heritage Permit was approved by the Planning Committee and forwarded to Council.

On April 12, 2023, Hamilton Municipal Council met and approved Heritage Permit HP2023-005 with several conditions (See Appendix 1).

On April 19, 2023, the Planning and Economic Development Department provided a report to the Committee of Adjustment that did not support Variance 1 of the 3 Variances we had proposed for the build (See Appendix 2).

On April 20, 2023, the applicants attended the Committee of Adjustment meeting virtually while being supported by Joshua Korol who asked to stand down the application review. The adjournment was granted so that the applicants could discuss the concern that *“the height may cause negative impacts to the surrounding area...and negative impacts may arise from the addition height of the accessory structure.”*

On May 9, 2023, the applicants sent an email to City Planner Joe Buordolone advising:

*We were directed to speak to you about our Minor Variance Application.*

*We have read the recommendations of City Staff and were allowed an adjournment so that we could speak to city staff about one of their recommendations.*

*We are grateful for the recommendations by City Staff in relation to variances # 2 and # 3, however perplexed in the lack of support for variance # 1 in regards to a 6.88 feet height difference as we believe the objection is void of detail.*

*There is a concern of negative impacts that may arise from the additional height of the accessory structure. However no negative impacts are listed.*

*Staff are of the opinion that the variance does not meet the four tests of a minor variance, however no details are provided.*

*We have attached more pictures of the proposed build with heights of adjacent structures for perspective in case we did not give enough detail in our application.*

*Could we have a meeting with you to discuss the City’s concern.*

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

**APPLICANTS:** Warren Korol & Janet Booy, owners

Photographs showing context were included in the email to Joe Buordolone (See Appendix 3).

On May 19, 2023, Joe Buordolone sent the applicants an email that read:

*Sorry for that missed call.*

*After further review with my manager, staff would be in support with a 6.0 metre accessory structure as it would be in line with more of our up to date height for secondary structures.*

*You can contact committee of adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) to go back to committee when you wish.*

On June 10, 2023, the applicants had plans completed to depict the 6.0 metre request (See Appendix 4).

On June 13, 2023, the applicants shared the plans with neighbours who have provided letters of support (See Appendix 5)

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

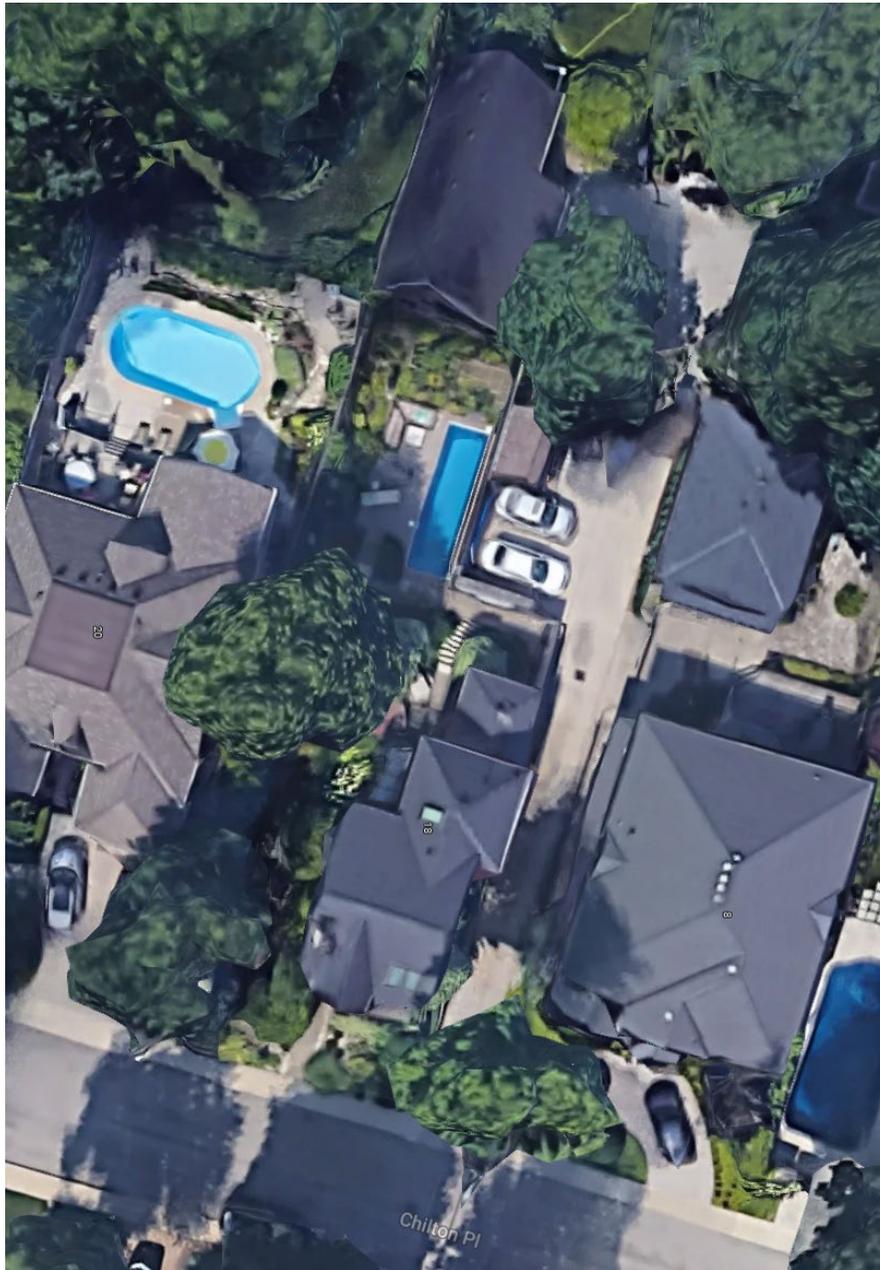
**APPLICANTS:** Warren Korol & Janet Booy, owners



**1.0** 18 Chilton Place, Hamilton, ON

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

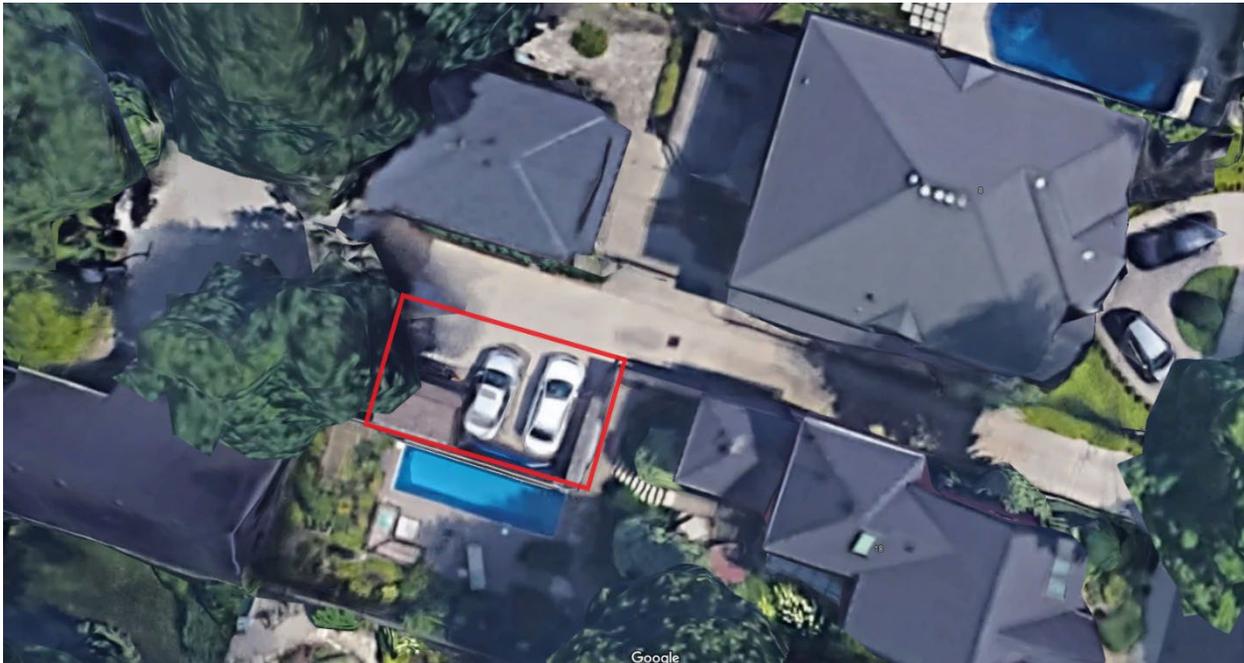
**APPLICANTS:** Warren Korol & Janet Booy, owners



**1.1** Aerial West View – 18 Chilton Place, Hamilton, ON

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

**APPLICANTS:** Warren Korol & Janet Booy, owners



**1.2** Arial View - Proposed Garage Build Area

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

**APPLICANTS:** Warren Korol & Janet Booy, owners



**1.3 West View – Alley that divides 18 Chilton Place and 8 Chilton Place.**

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

**APPLICANTS:** Warren Korol & Janet Booy, owners



**1.4 West View – Alley that divides 18 Chilton Place and 8 Chilton Place.**

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

**APPLICANTS:** Warren Korol & Janet Booy, owners



**1.5 North West View – Garage at rear of 8 Chilton Place, Hamilton (5182mm height).**

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

**APPLICANTS:** Warren Korol & Janet Booy, owners



**1.6 South West View** – Two car parking area and moveable shed at rear of 18 Chilton Place, Hamilton. Area of requested garage with storage on top. Two car garage with storage above to the south of the shed in neighbouring property at 77 Markland Street, Hamilton.

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

**APPLICANTS:** Warren Korol & Janet Booy, owners



**1.7 South View – Lane between 18 Chilton Place, Hamilton and 77 Markland Street, Hamilton.**

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

**APPLICANTS:** Warren Korol & Janet Booy, owners



**1.8 South East View – Two car parking area and moveable shed at rear of 18 Chilton Place, Hamilton. Area of requested garage with storage on top.**

**SUBJECT PROPERTY:** Municipal Address **18 Chilton Place, Hamilton**

**APPLICANTS:** Warren Korol & Janet Booy, owners



**1.9 South View** – Two car parking area and shed at rear of 18 Chilton Place, Hamilton. Area of requested garage with storage on top. Three car garage with storage in neighbouring property at 77 Markland Street, Hamilton.

## Appendix 1



Hamilton

Mailing Address:  
71 Main Street West  
Hamilton, Ontario  
Canada L8P 4Y5  
www.hamilton.ca

Planning and Economic Development Department  
Planning Division  
71 Main Street West, 4th Floor, Hamilton, Ontario, L8P 4Y5  
Phone: 905-546-2424 ext. 1291  
Fax: 905-540-5611

FILE: HP2023-005

April 13, 2023

Warren Korol  
18 Chilton Place  
Hamilton, Ontario  
L8P 3G7

**Re: Notice of Council Decision for Heritage Permit Application HP2023-005 for 18 Chilton Place, Hamilton (Ward 2), Durand-Markland Heritage Conservation District, Designated under Part V of the *Ontario Heritage Act* (By-law No. 94-184)**

---

Please be advised that Council, at its meeting of April 12, 2023, made the following decision:

That Heritage Permit Application HP2023-005, for the erection of a rear detached accessory structure on the designated property at 18 Chilton Place, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix "A" to Report PED23001, be approved, subject to the approval of any required *Planning Act* applications and the following Heritage Permit conditions:

- (i) That the final details of the windows and garage doors be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- (ii) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,
- (iii) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2025. If the construction and site alterations are not completed by March 31, 2025, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part V of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as

**Re: Notice of Council Decision for Heritage Permit Application HP2023-005 for 18 Chilton Place, Hamilton (Ward 2), Durand-Markland Heritage Conservation District, Designated under Part V of the *Ontario Heritage Act* (By-law No. 94-184)**

**April 13, 2023  
Page 2 of 2**

provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Ontario Land Tribunal within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

If you have any further questions, please feel free to contact myself at 905-546-2424 ext. 1291 or via email at [lisa.christie@hamilton.ca](mailto:lisa.christie@hamilton.ca).

Yours truly,

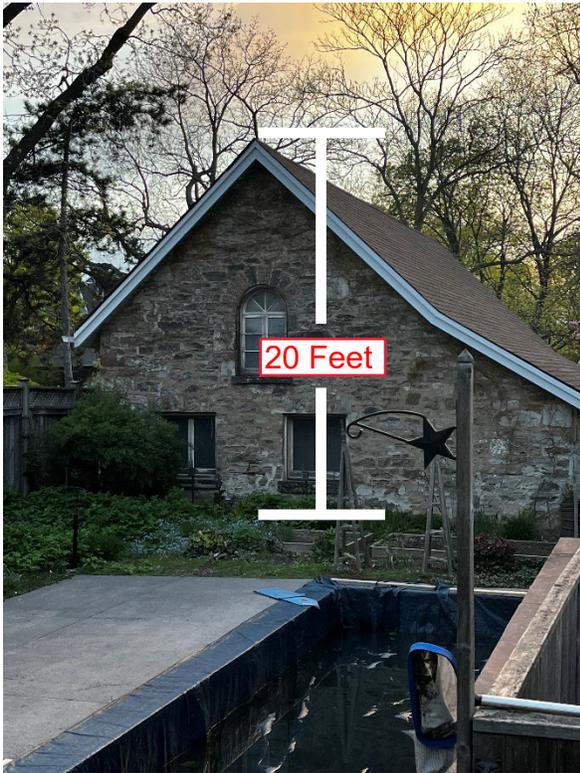


Lisa Christie  
Cultural Heritage Planner

cc: Chantal Costa, Plan Examination Secretary  
Matt Gautier, Legislative Coordinator  
Kevin Baksh, Registrar, Ontario Heritage Trust  
Councillor Cameron Kroetsch, Ward 2

## Appendix 2





77 Markland Street, Hamilton



18 Chilton Place, Hamilton



8 Chilton Place, Hamilton



Hamilton

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

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

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

**1. APPLICANT INFORMATION**

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

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

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

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent [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	18 Chilton Place, Hamilton, ON L8P 3G7		
Assessment Roll Number	020130155-000000		
Former Municipality			
Lot	8	Concession	
Registered Plan Number	40	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:

The allowable height for accessory structures in this zoning is 4m and the required setback is 0.45 m. The location of proposed accessory structure does not meet the minimum setback requirements in the Zoning By-law.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The request is being made so that a vehicle can be accommodated in the garage. Vehicles would not fit in the garage if the setbacks were adhered to.

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
15240mm	34980mm	52904mm	7620mm

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	2150mm	15090mm	410mm over/6860mm	01/01/1895

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Building	32000mm	152mm	0mm/8000m	05/01/2023

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Family Dwelling	8735mmsquared	18520mmsquared	3	11877mm

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory Building	5295mm	6161mmsquared	2	6096mm

- 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  
public lane \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
Accessory building/garage with storage

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

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:  
November 1, 2014

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:  
128 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) Roll# 020130155-000000

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

7.6 What is the existing zoning of the subject land? 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: 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: 1

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

See attached documents.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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

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Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:180</b>	<b>SUBJECT PROPERTY:</b>	16 BRUCE STREET, HAMILTON
<b>ZONE:</b>	"R1a" (Low Density Residential – Small Lot)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** JOSIAH BUTT & OLIVIA LOVICS  
**Agent:** PARK EIGHT INC. C/O PETE VANDENAREND

The following variances are requested:

1. A 1.77m setback from the front lot line shall be permitted instead of the minimum 3.0m setback from a front lot line required.

**PURPOSE & EFFECT:**      To permit the construction of a proposed addition to the front of an existing single detached dwelling.

**Notes:** N/A

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>9:30 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

**HM/A-23:180**

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:180, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

HM/A-23:180



 Subject Lands

DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

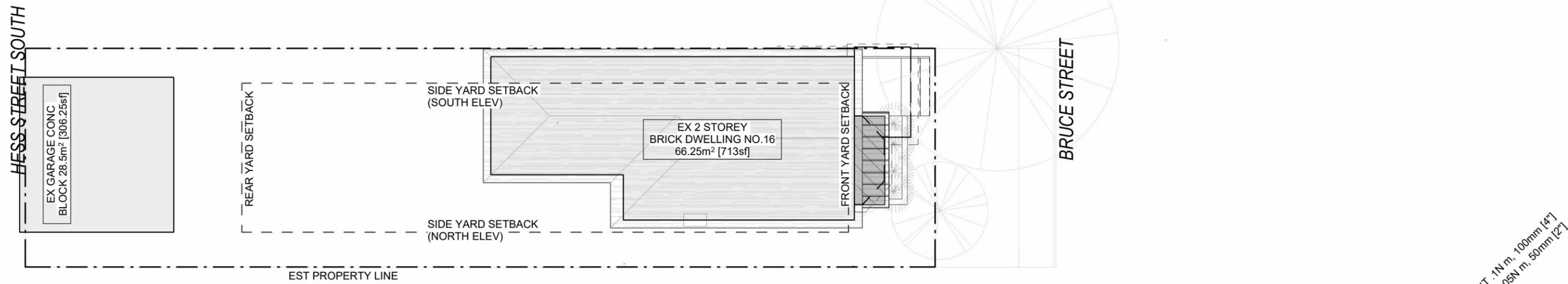
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

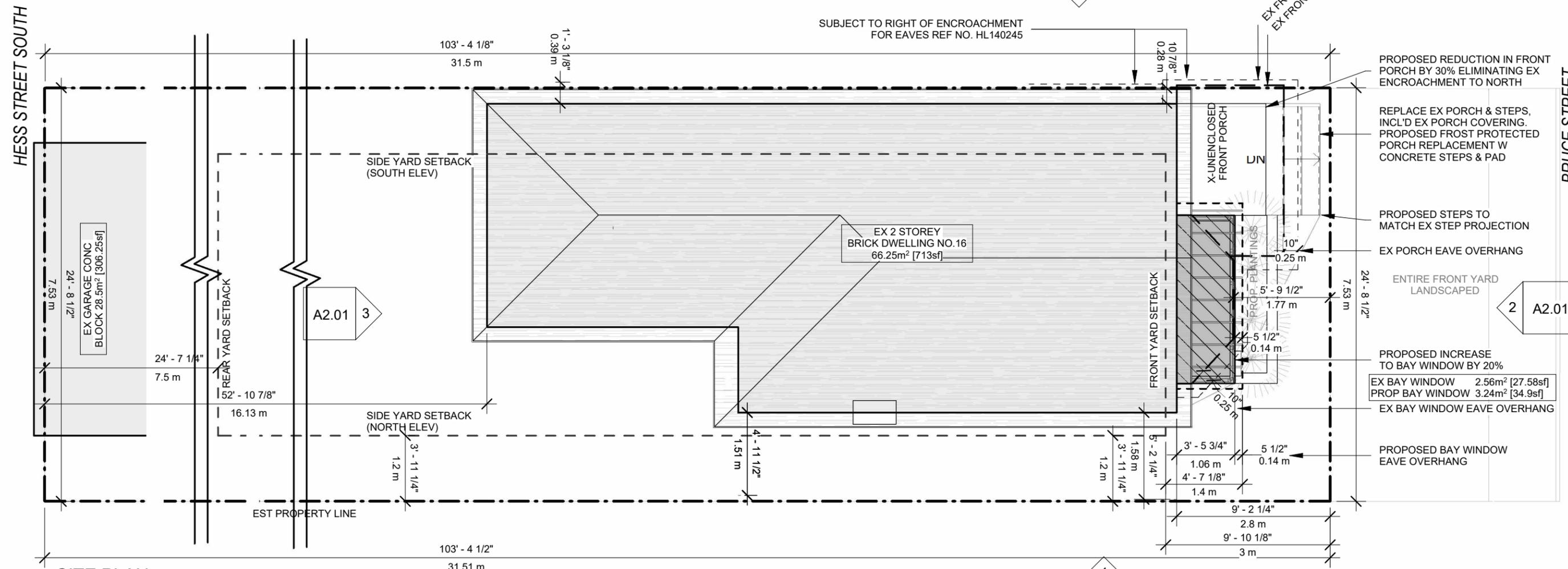
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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

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



2 SITE - KEY PLAN  
1 : 150



1 SITE PLAN  
1 : 75

SITE STATISTICS		
ZONING DESIGNATION = R1a	PERMITTED	PROVIDED
LOT AREA	270m <sup>2</sup> minimum	*237.27m <sup>2</sup> EX UNCHANGED
LOT FRONTAGE	9m minimum	*7.53m EX UNCHANGED
FRONT YARD SETBACK	3m	1.77m
SIDE YARD SETBACKS	1.2m	*.28m/1.51m *ex not further offended by proposed
REAR YARD SETBACK	7.5m	16.13m EX UNCHANGED
BUILDING HEIGHT	10.5m	±8.71m

[\*] Denotes existing condition

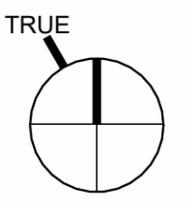
LOT COVERAGE SUMMARY:		
LOT AREA: 237.27m <sup>2</sup> EX UNCHANGED		
	EXISTING	PROPOSED
EX BUILDING AREA:	66.25m <sup>2</sup>	66.94m <sup>2</sup>
LOT COVERAGE DWELLING:	27.92%	28.21%
FRONT YARD AREA:	21.08m <sup>2</sup>	21.08m <sup>2</sup>
Front yard landscaped area:	13.01m <sup>2</sup>	13.85m <sup>2</sup>
LANDSCAPE COVERAGE %:	61.7%	65.7%

✓ COMPLIES MIN 50% COVERAGE

**SITE PLAN LEGEND**

EX BUILDING (hatched box)

PROPOSED BAY WINDOW REPLACEMENT (cross-hatched box)



**PARK EIGHT**  
ENG // ARCH

**FACADE IMPROVEMENTS**  
16 BRUCE ST, HAMILTON

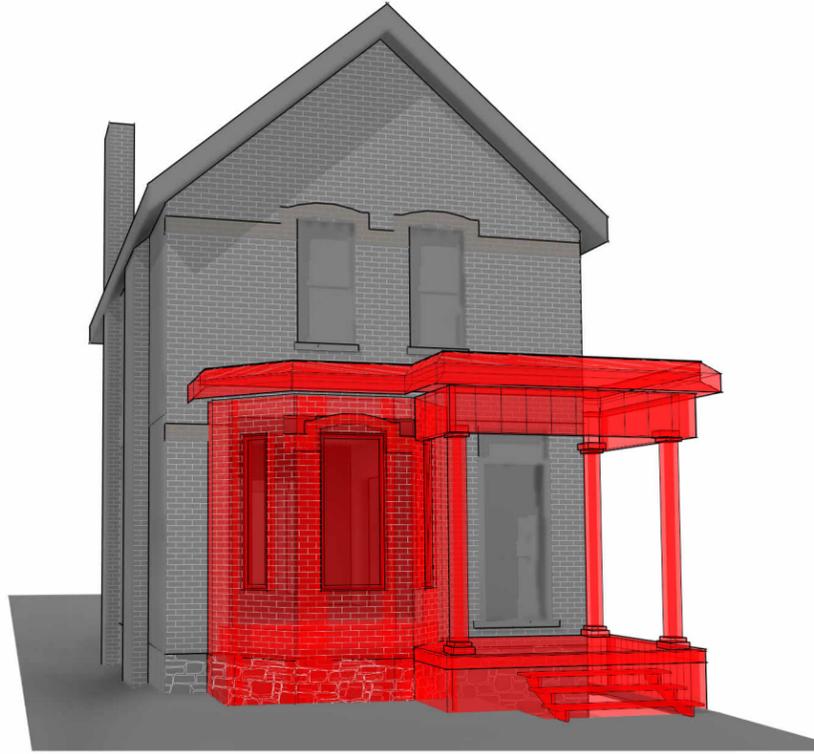
Project No. 23017  
Revisions

Scale As indicated

**SITE PLAN**

**SP1.01**

Sheet No. ©2021



1 PROPOSED REMOVALS



2 PROPOSED SCHEMATIC

PARK EIGHT  
ENG // ARCH

FACADE IMPROVEMENTS

16 BRUCE ST, HAMILTON

Project No. 23017

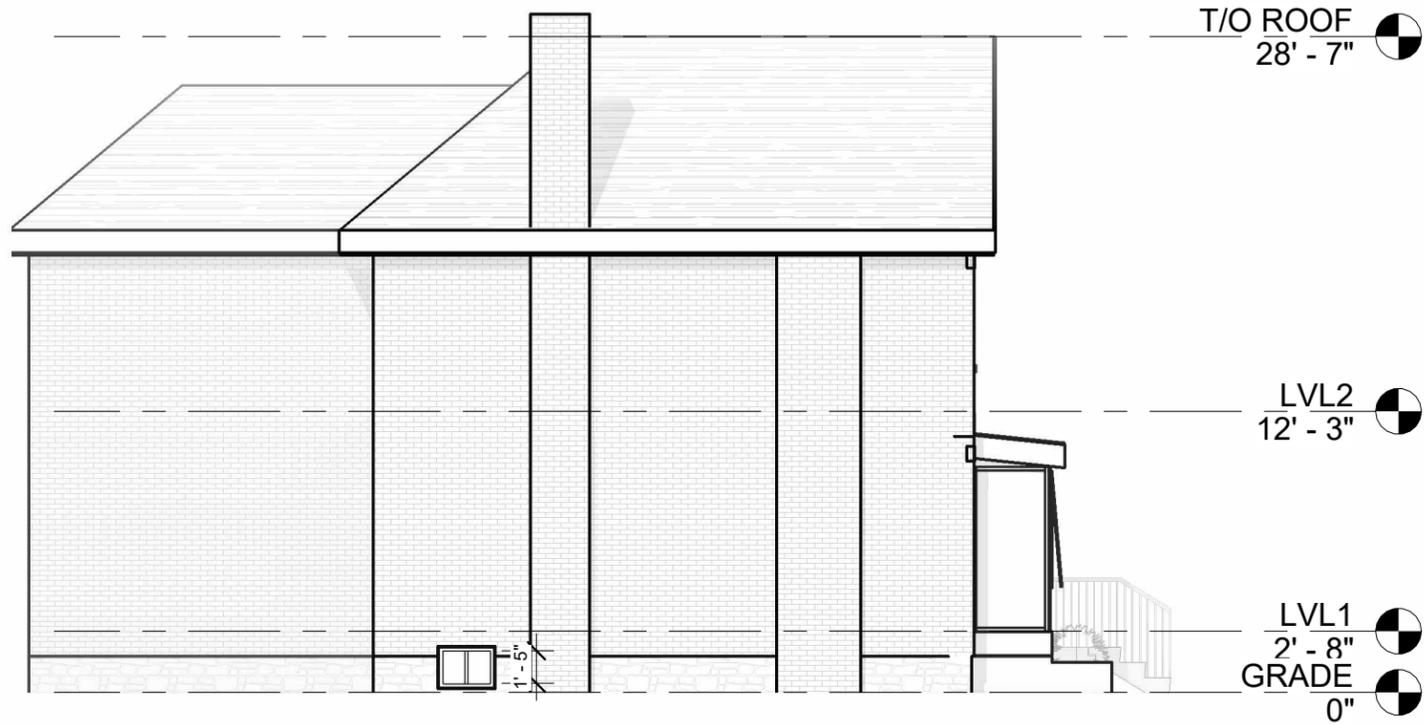
Revisions

Scale

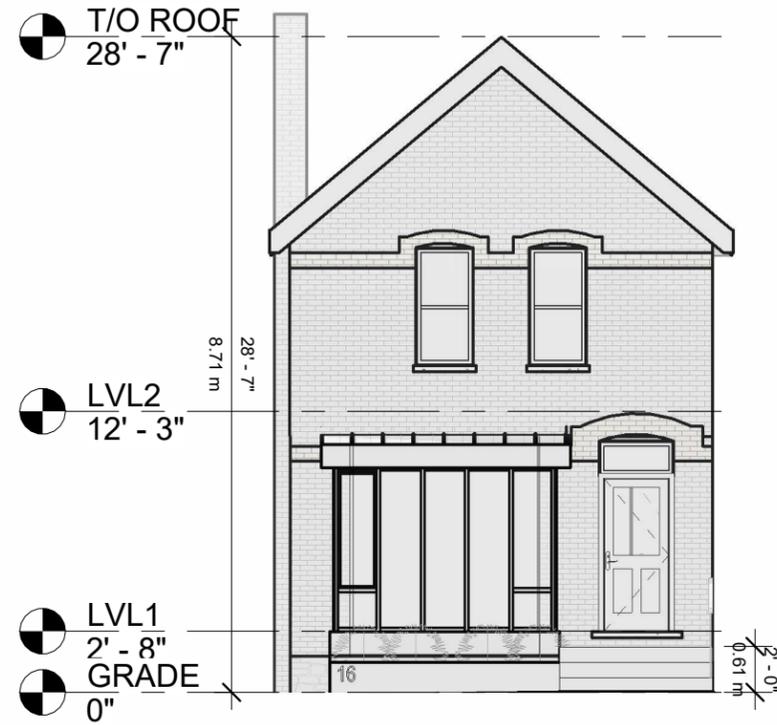
INQUIRY TO VARIANCE

A0.03

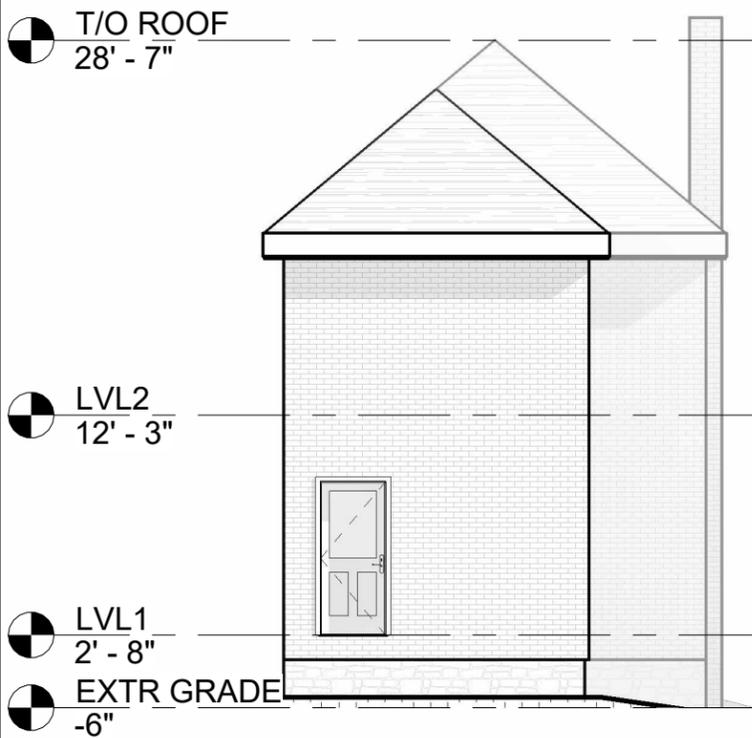
Sheet No. ©2021



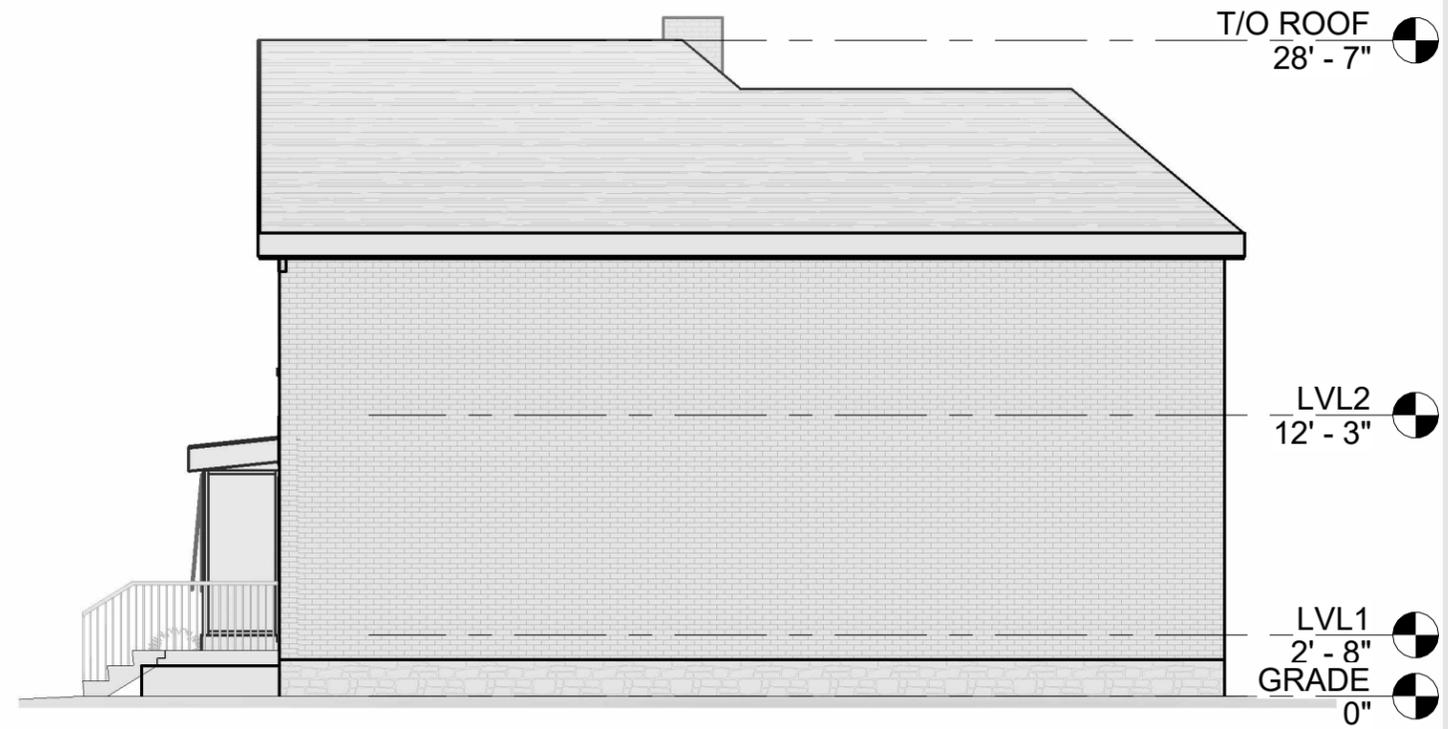
① EXTR ELEV SIDE (NORTH ELEV)  
1/8" = 1'-0"



② EXTR ELEV FRONT  
1/8" = 1'-0"



③ EXTR ELEV REAR  
1/8" = 1'-0"



④ EXTR ELEV SIDE (SOUTH ELEV)  
1/8" = 1'-0"

## **APPLICATION FOR A MINOR VARIANCE/PERMISSION SUPPORTING DOCUMENTATION**

### **3. PURPOSE OF THE APPLICATION**

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

We are proposing to replace the existing bay window and in doing so support the entire facade to salvage the brickwork. This work would include underpinning, installing a proper foundation, footing and water proof to help prevent future movement. Understandably this kind of work requires some invasiveness to be done correctly and would require removal of the front porch. We are proposing a modern rectilinear bay window in lieu of the angled bay window. This provides a tasteful facade enhancement & clear delineation between existing brick & new. The proposed trade off is a simplified bay window of similar to existing size for a smaller unenclosed porch which eliminates existing encroachments to the north. All proposed work is contained to the front yard of the house and has no impact on existing parking or the rear yard in any way.

Being that this property is Registered Non-Designated we have engaged heritage for their valued feedback. Attached is a letter from heritage & urban design planning in support of our proposal. We can provide the third party structural engineering report regarding the settling upon request.

We are proposing the modern bay window route with careful removal of existing front porch from one of the reputable salvage companies the city has worked with in the past.

Below is a street view of the neighbouring property for reference (our site is the one concealed by the tree right next door).



Yours truly,

**PARK EIGHT Inc.**  
**Brent Wybenga, M.A.Sc., P.Eng.**  
Principal

**Pete VandenArend, B.I.D, NCIDQ, ARIDO**  
Interior Designer



# Hamilton

June 19, 2023

FILE: ALR  
 FOLDER: 23-122650-00 ALR  
 ATTENTION OF: William Campbell  
 TELEPHONE NO: (905) 546-2424  
 EXTENSION: 6754-

Pete Vandenarend  
 8 PARKSIDE AVE  
 DUNDAS, ON L9H 2S5

**Attention:**

**Re: APPLICABLE LAW REVIEW – ZONING BYLAW**  
**Present Zoning:**  
**Address: 16 BRUCE ST HAMILTON, ON**

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

**COMMENTS:**

\*\*\* PARK EIGHT CLARIFICATIONS IN ORANGE  
 & IN ALIGNMENT WITH DRAWINGS

1. The applicant is proposing to replace the existing front porch, along with the existing bay window.
2. For the purposes of this review, the proposed “Bay window” has been considered part of the principle building as it appears to be proposed having a solid foundation. As such, the proposed addition would be subject to a minimum 3.0m front yard setback
3. The site plan provided indicates the proposed front porch will be reduced in size by 30%, and the front steps will match the existing projection once reconstructed. Section 1.1 c) i) of Hamilton Zoning By-law 05-200 states the following;

*The repair, restoration, or replacement of an existing porch, deck, balcony, unenclosed fire escape, or open stair of an existing Single Detached, Semi-Detached, or Duplex Dwelling shall be permitted, provided that such repair, restoration, or replacement will not increase the height, area or volume, or site coverage of such structure*

based on the above, and details provided on the site plan, the proposed porch conforms

4. This property is included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest as a non-designated property. Council requires 60 days’ notice of any intention to demolish or remove any building or structure on the property. Please contact a Cultural Heritage Planner at [culturalheritageplanning@hamilton.ca](mailto:culturalheritageplanning@hamilton.ca) for further information

5. The proposed construction has been reviewed and compared to the regulations of the R1a zone in the following chart;

	Required	Provided	Conforming/ Non-Conforming
<b>Single Detached, Duplex Dwelling, and Day Nursery Regulations</b> <i>as per section 15.2.2 of Hamilton Zoning By-law 05-200</i>			
<b>Minimum Lot Area</b> [as per section 15.2.2.1 a) of Hamilton Zoning By-law 05-200]	270.0 square metres	details not provided	would be deemed to comply pursuant to section 4.12 j)
<b>Minimum Lot Width</b> [as per section 15.2.2.1 b) of Hamilton Zoning By-law 05-200]	9.0 metres	7.53m	Deemed to comply pursuant to section 4.12 j)
<b>Minimum Setback from the front lot line</b> [as per section 15.2.2.1 c) of Hamilton Zoning By-law 05-200]	3.0 metres	1.77m setback provided to new proposed "bay"	non-conforming
<b>Minimum Setback from a side lot line</b> [as per section 15.2.2.1 d) of Hamilton Zoning By-law 05-200]	1.2 metres	Existing side yard setbacks not further offended by proposed construction	Conforms pursuant to policy ZON-041
<b>Minimum Setback from a Flankage Lot line</b> [as per section 15.2.2.1 e) of Hamilton Zoning By-law 05-200]	3.0 metres	interior lot	N/A
<b>Minimum Setback from the rear lot line</b> [as per section 15.2.2.1 f) of Hamilton Zoning By-law 05-200]	7.5 metres	rear yard setback exceeds 7.5m	conforms
<b>Maximum building height</b> [as per section 15.2.2.1 g) of Hamilton Zoning By-law 05-200]	10.5 metres	elevation drawings indicate a building height of 8.7118m	appears to conform

	Required	Provided	Conforming/ Non-Conforming
<b>Parking</b> [as per section 15.2.2.1 h) of Hamilton Zoning By-law 05-200]	<p>i) In accordance with the requirements of Section 5 of this By-law.</p> <p>ii) Notwithstanding Section 5.6 c) i., 2 parking spaces shall be required for a Single Detached Dwellings</p>	existing conditions to continue	<b>N/a</b>
<b>General Provisions</b>			
<i>in accordance with section 4 of Hamilton Zoning By-law 05-200</i>			
<b>Yard encroachments</b> [as per section 4.6 of Hamilton Zoning By-law 05-200]	The usual projections of window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances may be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser;	it appears the eave off the proposed "Bay window" encroaches into the required 3.0m setback 1.37m <b>P8 CLARIFICATION; PROPOSED BAY WINDOW ENCROACHMENT OF 1.4M INTO REQUIRED 3M SETBACK IS LESS THAN EX PROJECTION OF BAY WINDOW</b>	<b>non-conforming</b> <i>will conform with front yard setback minor variance</i>
<b>landscape requirements</b> [as per section 4.35 of Hamilton Zoning By-law 05-200]	<p>On lots containing a single detached dwelling, semi-detached dwelling, duplex dwelling, or street townhouse dwelling in all zones, the following shall be provided:</p> <p>a) A minimum 50% landscaped area in the Front Yard, and;</p> <p>b) A minimum 50% landscaped area in the Flankage Yard.</p>	<p>details not provided</p> <p><b>P8 CLARIFICATION; INCREASE TO FRONT YARD AREA CURRENTLY 100% LANDSCAPED WILL RESULT IN MORE LANDSCAPED AREA</b></p>	<b>unable to determine compliance</b>

6. Sign details have not been provided; all signage shall conform to Hamilton Sign By-law 10-197. A building permit(s) is required for all signage
7. Fencing details have not been provided; all fencing shall conform to Hamilton Fence By-law 10-142
8. Construction of the proposed porch, and "Bay Window" is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback 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 minimum front yard setback of 1.77m shall be permitted instead of the 3.0 minimum front yard setback required

Yours truly

William Campbell

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for the Manager of Zoning and Committee of Adjustment



Pete VandenArend &lt;pete@parkeight.ca&gt;

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**23017 - Proposal for 16 Bruce Street, Hamilton (Listed/Registered) - for feedback**

---

**Bent, Emily** <Emily.Bent@hamilton.ca>  
To: Pete VandenArend <pete@parkeight.ca>

Fri, May 19, 2023 at 2:40 PM

Hi Pete,

It's taken a bit of time to put together a fulsome response after reviewing the plans and the report, so thank you for following up!

Heritage staff encourage the restoration of the existing masonry and retention of the bay window and porch on the front facade. However, we do understand that some measures required to correct structural concerns may necessitate the removal of historic features on the front façade. Our preference would be that those features be installed back into place or replicated where re-installation is not possible once the structural/ waterproofing works have been completed. We have a list of historic masonry specialists that we are happy to provide at your request. Additionally, I have attached the City's guidelines to repairing historic masonry.

Should a more modern approach be the chosen course of action, we recommend salvaging any of the porch materials as well as masonry. In addition to the list of masons, we also have a list of salvage companies that will compensate the owner for historic materials. Please let me know if that is of interest. We would also advise that some bricks be salvaged and stored in the event that future repairs to the exterior of the dwelling are required.

Please let me know if you have additional questions.

Best,

**Emily Bent** *MRTPI*

Cultural Heritage Planner

Heritage & Urban Design, Planning Division

Planning and Economic Development

City of Hamilton

(905) 546-2424 Ext.6663

[Quoted text hidden]

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 **pedpolicies-masonry-restoration-guidelines.pdf**  
165K



Hamilton

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

**1. APPLICANT INFORMATION**

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

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

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

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

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

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

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	16 Bruce St, Hamilton, ON L8P 3M6		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	4	Concession	
Registered Plan Number	88	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:

---

Subject to .16m encroachment toward the north-east of lot ref. no. HL140245

### 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
14.6m	41.235m	999.43m <sup>2</sup>	8.5m

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

## Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	1.77m	16.13m	.28 / 1.51	1895

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	1.77m	16.13m	.28 / 1.51	-

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	66.25m <sup>2</sup> [713sf]	132.5m <sup>2</sup> [1426sf]	2	±28'-7" [8.71m]
Garage	28.5m <sup>2</sup> [306.25sf]	28.5m <sup>2</sup> [306.25sf]	1	±9'-0" [2.7m]

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	66.94m <sup>2</sup> [720.5sf]	133.17m <sup>2</sup> [1433.5sf]	2	< 10.5m (max)

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

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

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

- ditches  
 other means (specify)
- 

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

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

4.7 Type of access: (check appropriate box)

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

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

---

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

---

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
 July 26, 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:  
 100+ years

---

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

Rural Hamilton Official Plan designation (if applicable): -

Rural Settlement Area: -

Urban Hamilton Official Plan designation (if applicable) 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? R1a Low Density Residential

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

Yes  No

If yes, please provide the file number:

---

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

Yes  No

If yes, please provide the file number:

---

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

Yes  No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:184</b>	<b>SUBJECT PROPERTY:</b>	512 BAY STREET N, HAMILTON
<b>ZONE:</b>	"D" (Urban Protected Residential – One- & Two-Family Dwellings, Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      **Owner:** PAUL & GAIL PETIT  
**Agent:** DAVID CARROTHERS & ASSOCIATES C/O ALEX BLANCHARD

The following variances are requested:

1. A minimum front yard setback of 1.44 m shall be permitted instead of the minimum required front yard setback of 6 m;
2. A minimum east side yard setback of 0.47 m shall be permitted instead of the minimum required east side yard setback of 0.9 m;
3. A minimum rear yard setback of 4.98 m shall be permitted instead of the minimum required rear yard of 7.29 m;
4. No parking spaces shall be provided instead of the requirement to provide three (3) parking spaces; and
5. A minimum of 19% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials, instead of the requirement to provide 50% of the gross area of the front yard as landscaped area.

**PURPOSE & EFFECT:**      To facilitate the construction of a new single detached dwelling containing a secondary dwelling unit:

**Notes:**

- i. The variances have been written as identified by the applicant.

**HM/A-23:184**

- ii. Although a variance for 0 parking spaces is requested, a parking space is identified in the plans submitted. Please note that any proposed parking space, including a surplus non-required space, is subject to zoning requirements including but not limited to access and minimum dimension requirements. As such, additional deficiencies may be required.

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>9:35 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:184, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

HM/A-23:184



 Subject Lands

DATED: July 25, 2023

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

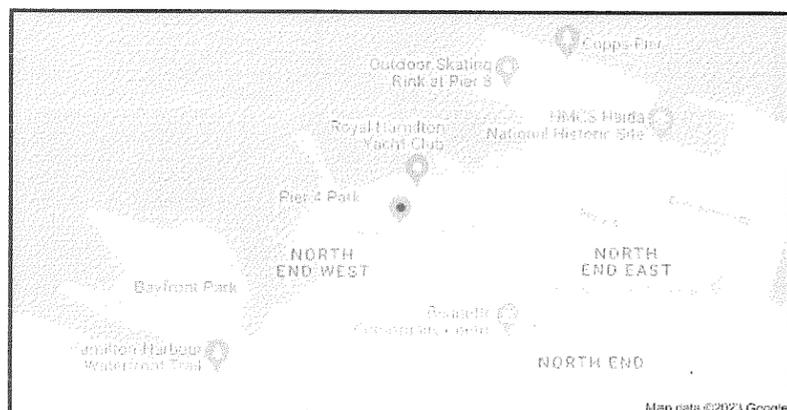
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

# PRIVATE RESIDENCE

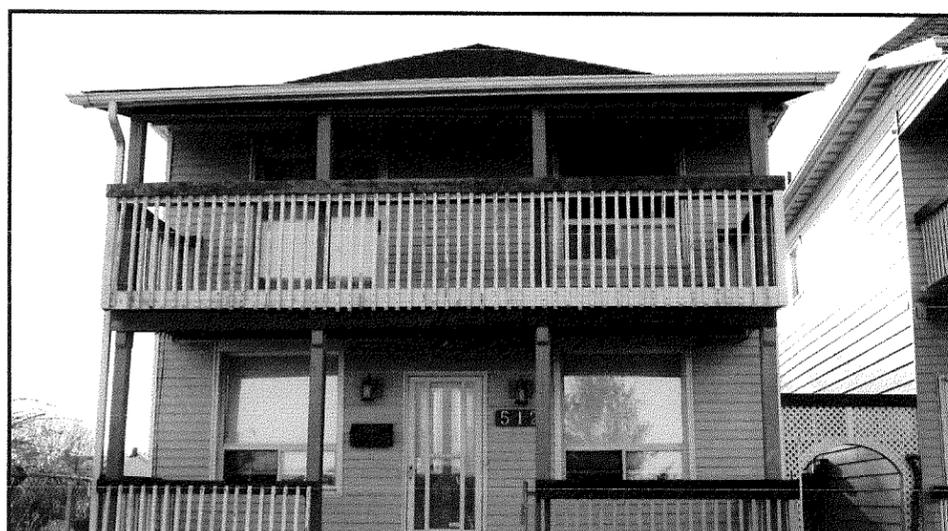
## NEW CUSTOM SINGLE FAMILY DWELLING

512 BAY STREET NORTH, HAMILTON, ON. L8L 1N6

ISSUED FOR COMMITTEE OF ADJUSTMENT



NEW ELEVATION (FOR REF. ONLY):



EXISTING DWELLING (FOR REF. ONLY):

LOCATION MAP:

**BUILDING STATISTICS:**

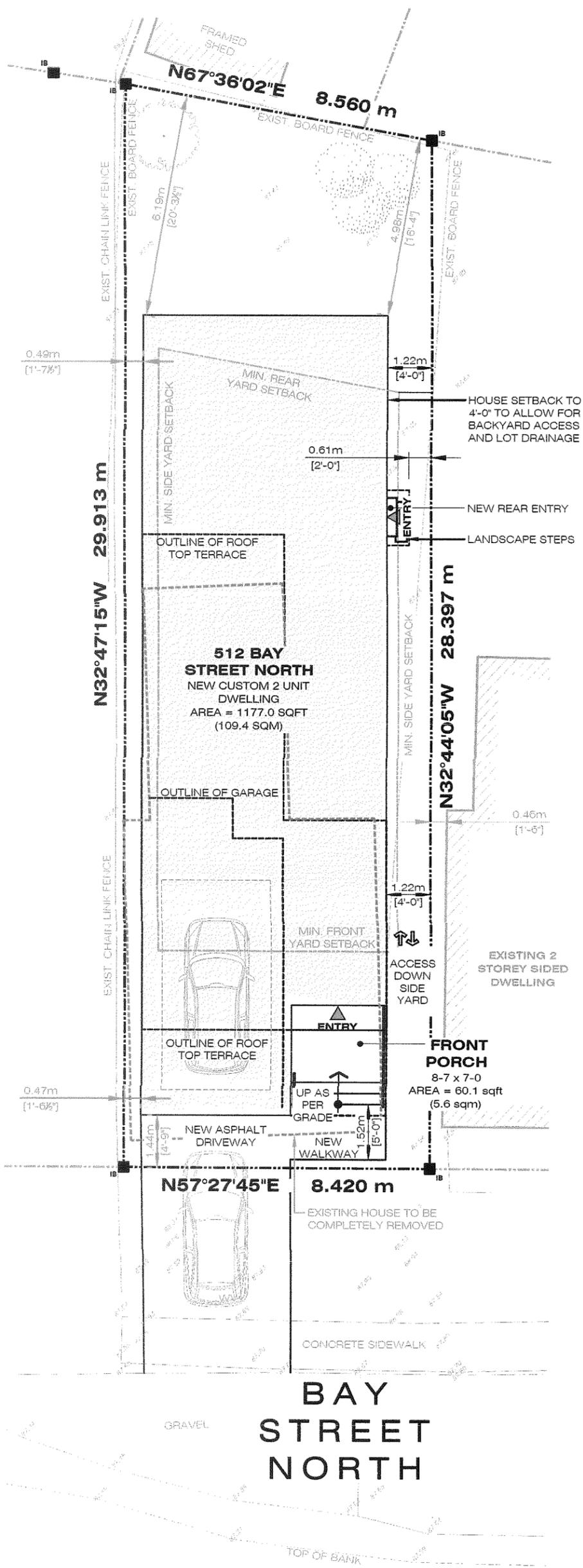
BUILDING FOOTPRINT	= 1516.1 sq.ft (140.9 sqm)
FRONT PORCH AREA	= 60.1 sq.ft (5.6 sqm)
RENTAL UNIT AREA	= 786.9 sqft (73.1 sqm)
GREEN/SOLAR ROOF AREA	= 707.3 sqft (65.7 sqm)
<hr/>	
MAIN FLOOR AREA	= 1096.1 sq.ft (101.8 sqm)
SECOND FLOOR AREA	= 1430.8 sq.ft (132.9 sqm)
THIRD FLOOR AREA	= 1298.3 sq.ft (120.6 sqm)
NEW TOTAL GFA	= 3825.2 sq.ft (355.4 sqm)



NEW ELEVATION (FOR REFERENCE ONLY):

ISSUED FOR  
COMMITTEE OF  
ADJUSTMENT

Project Name: <b>PRIVATE RESIDENCE                  NEW CUSTOM SINGLE                  FAMILY DWELLING</b> 512 BAY STREET NORTH HAMILTON, ON. L8L 1N6		Drawn By: Checked By: Scale: 1/8"=1'-0" Date: JULY 2023 Project No: 2022-81															
Sheet Title: <b>COVER PAGE AND                  BUILDING STATISTICS</b>		<h1>A1</h1>															
<table border="1"> <thead> <tr> <th>No.</th> <th>Date:</th> <th>Issue/Revision</th> <th>By:</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>JUL 10/23</td> <td>ISSUED FOR C OF A</td> <td></td> </tr> <tr> <td>2</td> <td>JUL 04/23</td> <td>ISSUED FOR REVIEW</td> <td></td> </tr> <tr> <td>1</td> <td>JUN 21/23</td> <td>ISSUED FOR REVIEW</td> <td></td> </tr> </tbody> </table>			No.	Date:	Issue/Revision	By:	3	JUL 10/23	ISSUED FOR C OF A		2	JUL 04/23	ISSUED FOR REVIEW		1	JUN 21/23	ISSUED FOR REVIEW
No.	Date:	Issue/Revision	By:														
3	JUL 10/23	ISSUED FOR C OF A															
2	JUL 04/23	ISSUED FOR REVIEW															
1	JUN 21/23	ISSUED FOR REVIEW															



ZONING AND PROPERTY STATISTICS		
ADDRESS:	512 BAY STREET NORTH, HAMILTON, ON.	
ZONING:	D	
	BY-LAW:	EXISTING:
MIN. LOT AREA:	540.0 m <sup>2</sup>	246.1 m <sup>2</sup>
MIN. LOT FRONTAGE:	18.0 m	8.42 m

GROSS FLOOR AREA		
	BY-LAW:	PROPOSED:
BASEMENT FLOOR (NOT INCLUDED)		144.2 m <sup>2</sup>
GARAGE		39.0 m <sup>2</sup>
MAIN FLOOR		101.8 m <sup>2</sup>
SECOND FLOOR		137.0 m <sup>2</sup>
THIRD FLOOR		120.6 m <sup>2</sup>
TOTAL GFA (1ST, 2ND & 3RD FLR):	N/A	359.4 m <sup>2</sup>

LOT COVERAGE		
	AREA:	PERCENTAGE:
BUILDING FOOTPRINT (GARAGE INCLUDED)	140.9 m <sup>2</sup>	57.2%
FRONT PORCH	5.6 m <sup>2</sup>	2.3%
TOTAL PROPOSED COVERAGE:	146.4 m <sup>2</sup>	59.5%

SETBACKS		
	BY-LAW:	PROPOSED:
FRONT YARD TO HOUSE	6.0 m	**1.44 m
REAR YARD TO HOUSE	7.29 m	**4.98 m
RIGHT YARD TO HOUSE	0.9 m	1.22 m
RIGHT YARD CANOPY PROJECTION	0.45 m	0.61 m
LEFT YARD TO HOUSE	0.9 m	**0.47 m

	BY-LAW:	PROPOSED:
MAX. BUILDING HEIGHT	14.0 m	±13.5 m
PARKING SPOTS	3	**0
SECONDARY DWELLING UNIT	1	1
FRONT YARD LANDSCAPING	50%	**19.8%

\*\* MINOR VARIANCE REQUIRED

TO BE USED IN CONJUNCTION WITH PLAN OF SURVEY PREPARED BY A.T. MCLAREN LIMITED LEGAL AND ENGINEERING SURVEYS, DATED DECEMBER 13, 2022.

**PLAN**  
SHOWING PARTS OF  
**LOT 11, BLOCK 12**  
**REGISTERED PLAN 127**  
IN THE  
**CITY OF HAMILTON**  
REGIONAL MUNICIPALITY OF HAMILTON

**LEGEND**

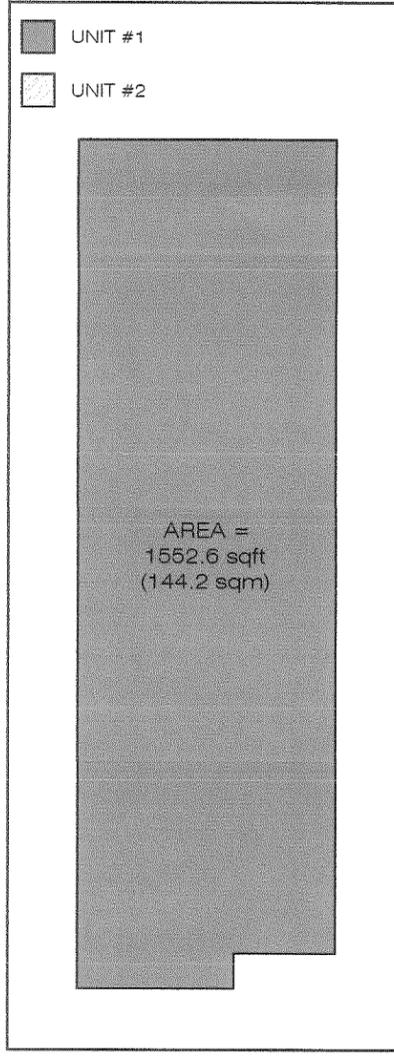
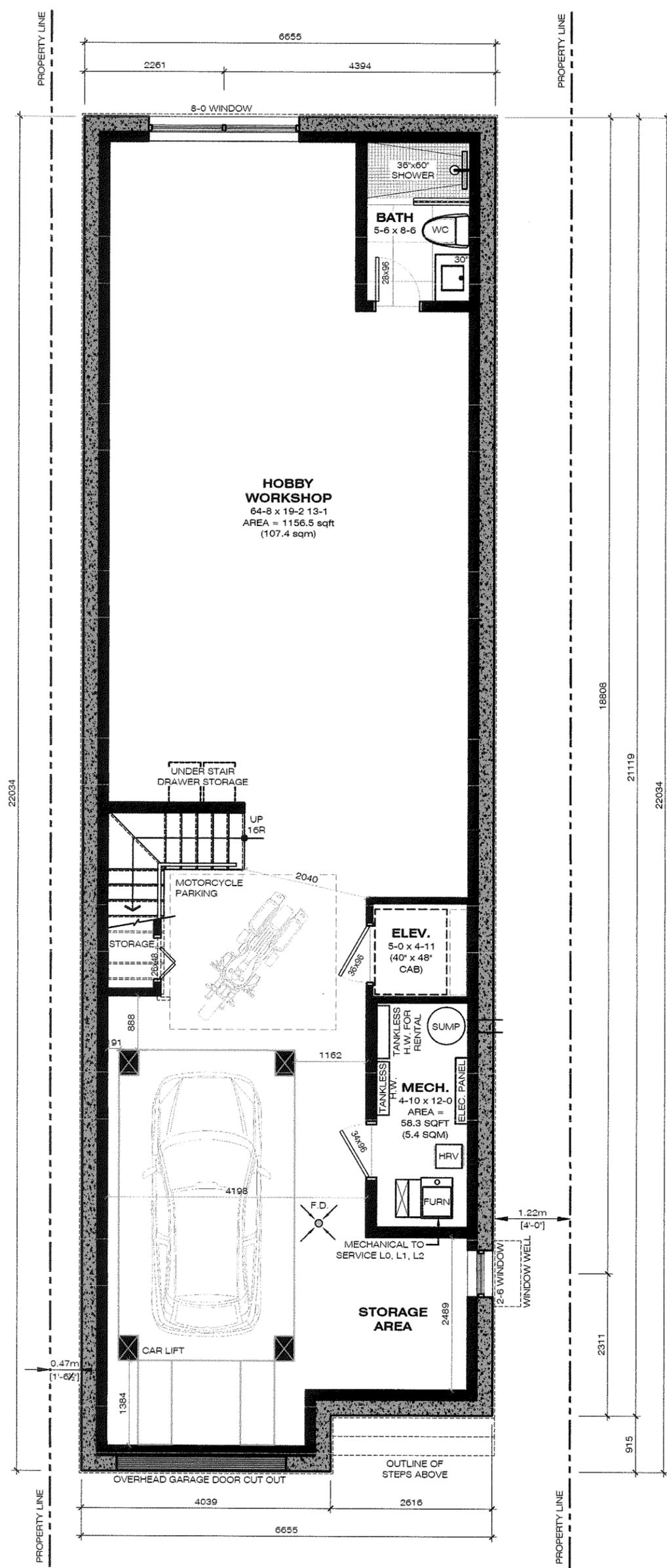
- EXISTING HOUSE
- ZONING SETBACKS
- [Hatched Box] PROPOSED HOUSE

INCREASE IN FOOTPRINT = 260.6 sqft (24.2 sqm) FOR AN INCREASE OF 77.8%



ISSUED FOR COMMITTEE OF ADJUSTMENT

Project Name: <b>PRIVATE RESIDENCE NEW CUSTOM SINGLE FAMILY DWELLING 512 BAY STREET NORTH HAMILTON, ON. L8L 1N6</b>		Drawn By:	
Sheet Title: <b>SITE PLAN AND ZONING STATISTICS</b>		Checked By:	
		Scale:	1:125
		Date:	JULY 2023
		Project No.:	2022-81
		<b>SP</b>	
No.	Date:	Issue/Revision	By:
3	JUL 10/23	ISSUED FOR C OF A	
2	JUL 04/23	ISSUED FOR REVIEW	
1	JUN 21/23	ISSUED FOR REVIEW	



**WALL LEGEND**

	NEW FOUNDATION WALLS
	NEW CONSTRUCTION WALLS

**LOWER LEVEL FLOOR PLAN**  
 AREA = 1552.6 sqft (144.2sqm)  
 CEILING HEIGHT = 12'-0" U.N.O.

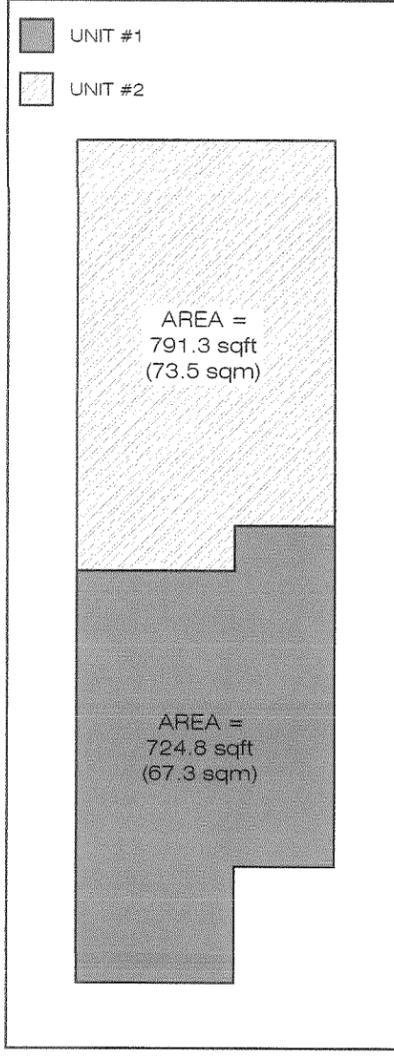
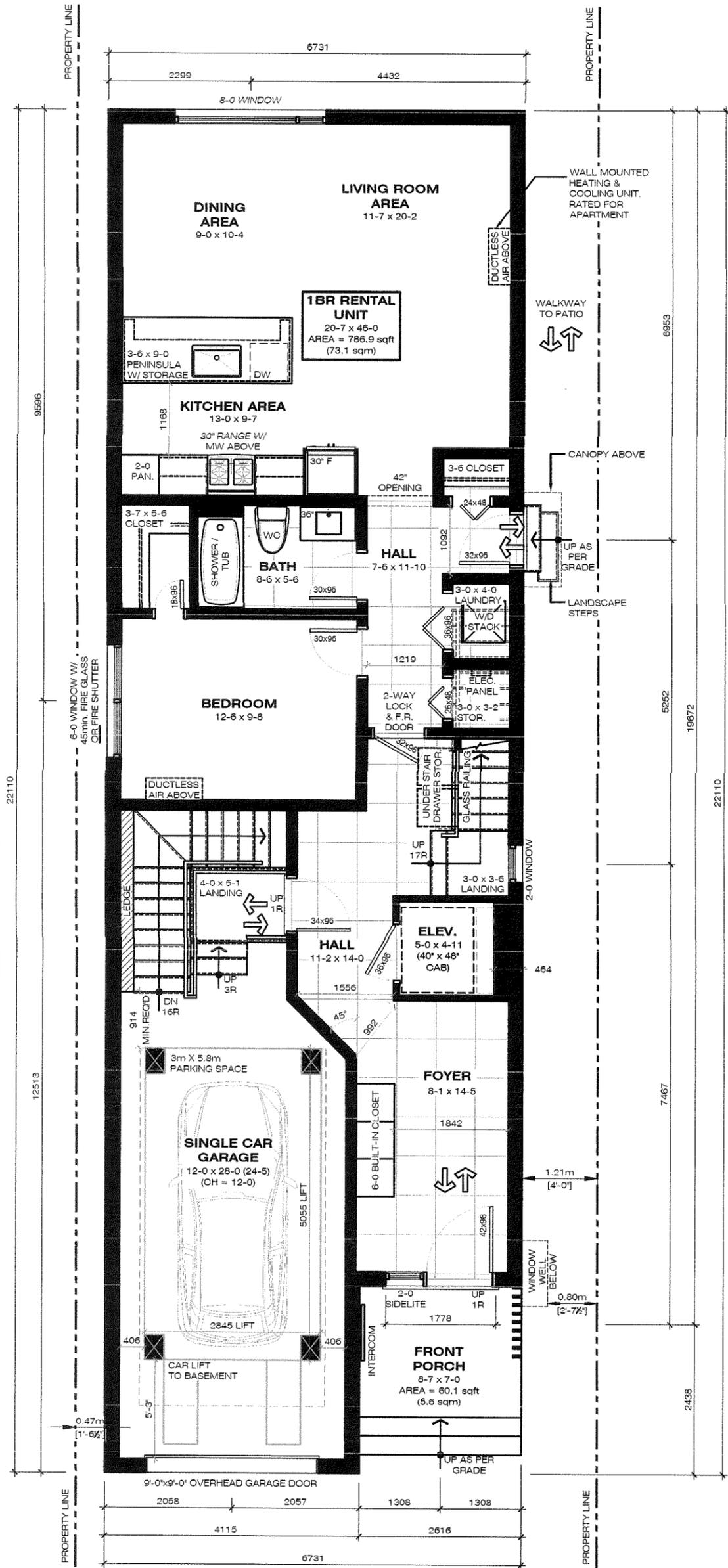
ISSUED FOR  
 COMMITTEE OF  
 ADJUSTMENT

Project Name:  
**PRIVATE RESIDENCE**  
 NEW CUSTOM SINGLE  
 FAMILY DWELLING  
 512 BAY STREET NORTH  
 HAMILTON, ON. L8L 1N6

Sheet Title:  
**LOWER LEVEL FLOOR PLAN**  
 (UNIT #1)

No.	Date:	Issue/Revision	By:
3	JUL 10/23	ISSUED FOR C OF A	
2	JUL 04/23	ISSUED FOR REVIEW	
1	JUN 21/23	ISSUED FOR REVIEW	

Drawn By:	
Checked By:	
Scale:	1:75
Date:	JULY 2023
Project No:	2022-81
<b>A2</b>	



**WALL LEGEND**  
 [Solid black line] NEW CONSTRUCTION WALLS



**MAIN FLOOR PLAN**  
 AREA = 1096.1 sqft (101.8 sqm)  
 GARAGE AREA = 420.2 sqft (39.0 sqm)  
 BUILDING FOOTPRINT = 1516.1 sqft (140.9 sqm)  
 CEILING HEIGHT = 10'-0" U.N.O.

ISSUED FOR  
 COMMITTEE OF  
 ADJUSTMENT

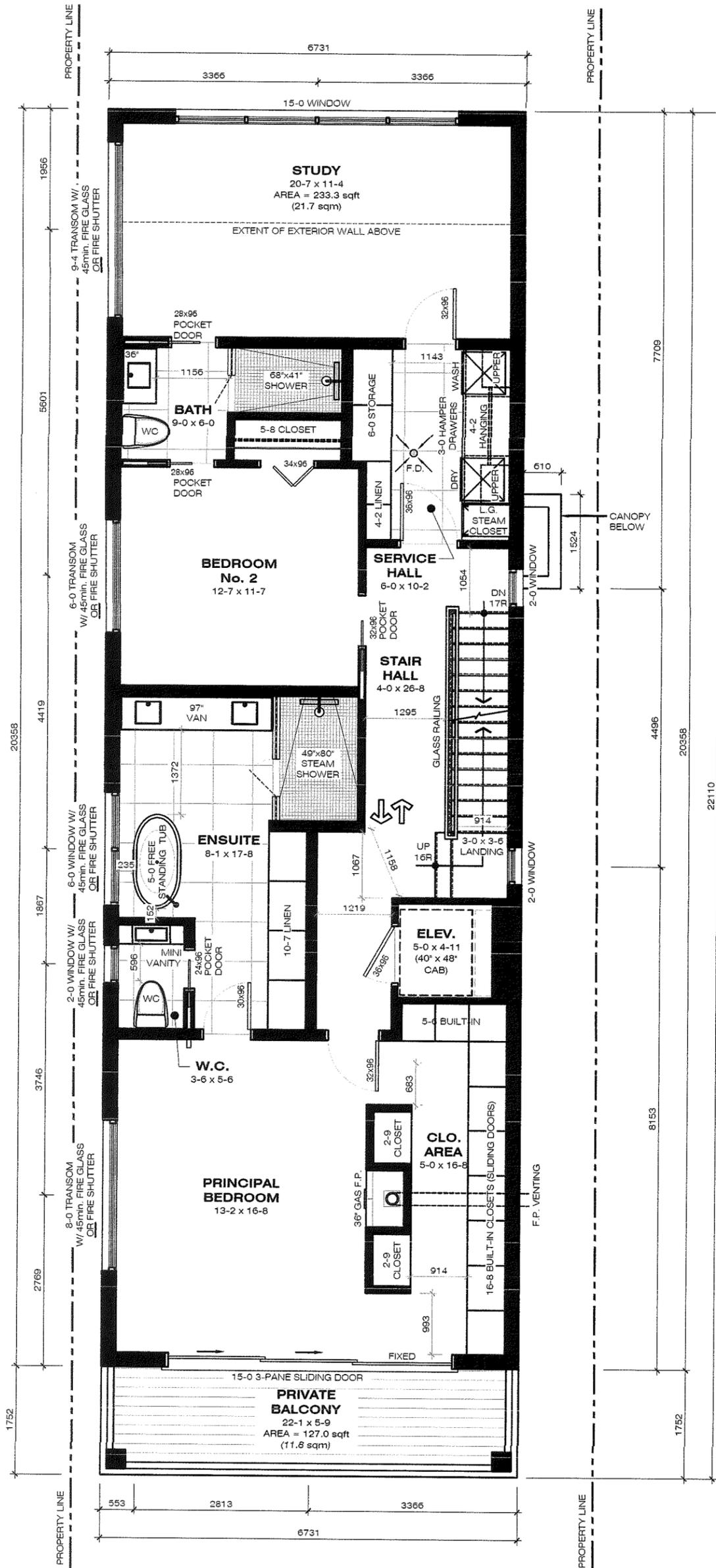
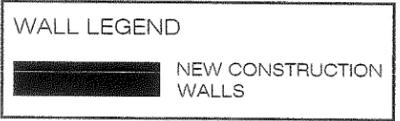
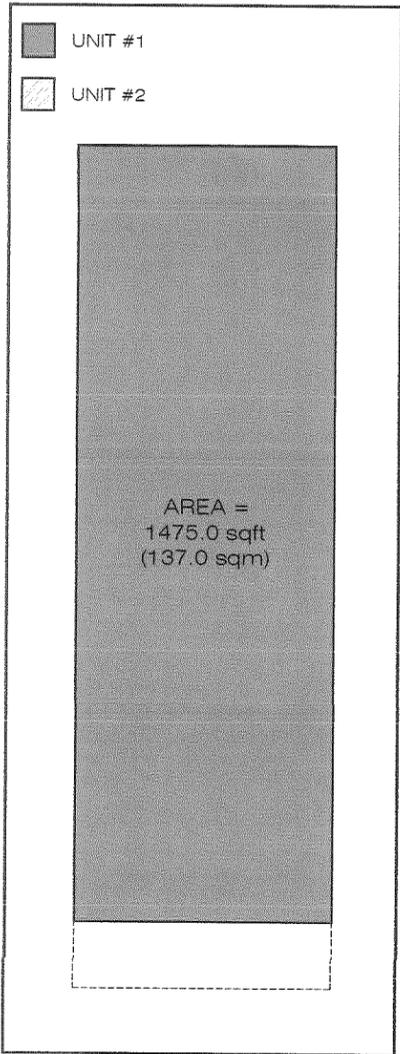
Project Name:  
**PRIVATE RESIDENCE**  
 NEW CUSTOM SINGLE  
 FAMILY DWELLING  
 512 BAY STREET NORTH  
 HAMILTON, ON. L8L 1N6

Sheet Title:  
**MAIN FLOOR PLAN**  
 (UNIT #1 & UNIT #2)

No.	Date	Issue/Revision	By:
3	JUL 10/23	ISSUED FOR C OF A	
2	JUL 04/23	ISSUED FOR REVIEW	
1	JUN 21/23	ISSUED FOR REVIEW	

Drawn By:	
Checked By:	
Scale:	1:75
Date:	JULY 2023
Project No:	2022-81

**A3**



**SECOND FLOOR PLAN**  
 AREA = 1475.0 sqft (137.0 sqm)  
 CEILING HEIGHT = 9'-0" U.N.O.

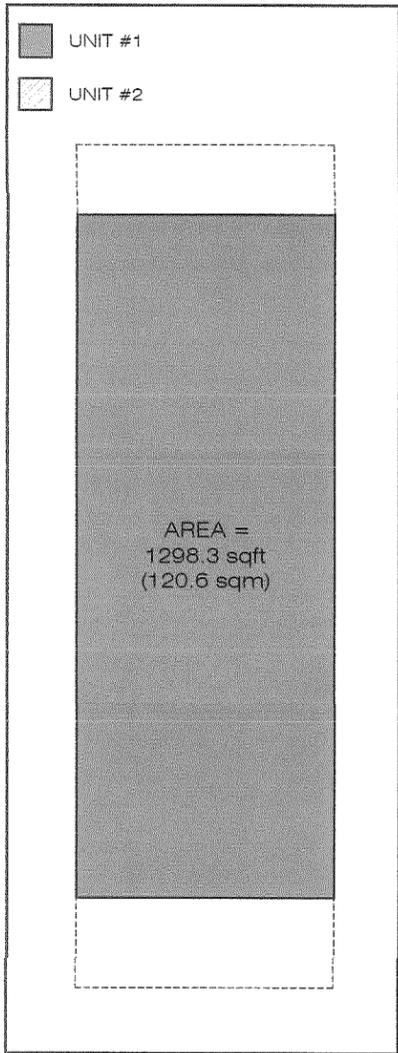
ISSUED FOR  
 COMMITTEE OF  
 ADJUSTMENT

Project Name:  
**PRIVATE RESIDENCE**  
 NEW CUSTOM SINGLE  
 FAMILY DWELLING  
 512 BAY STREET NORTH  
 HAMILTON, ON. L8L 1N6

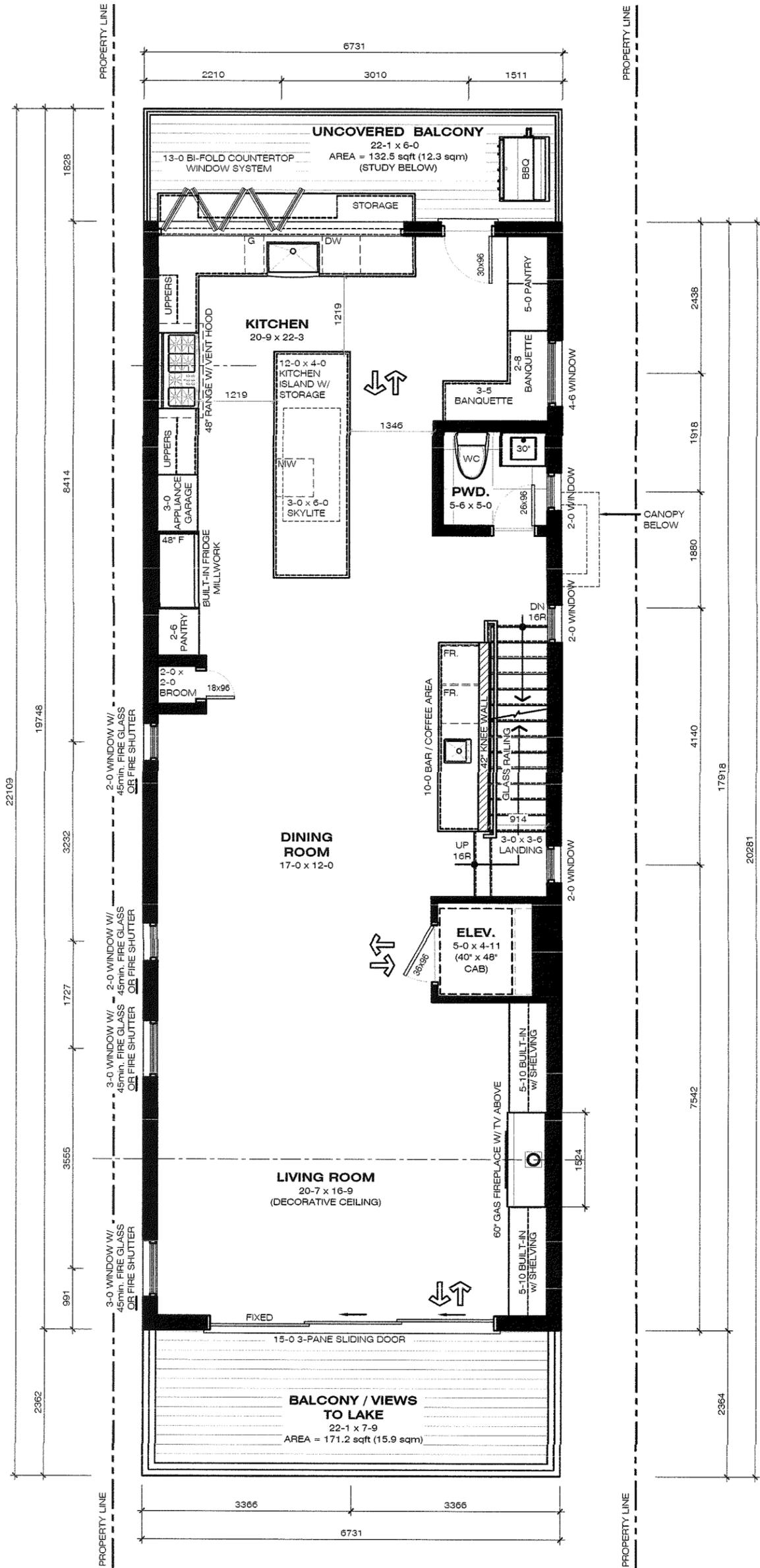
Sheet Title:  
**SECOND FLOOR PLAN**  
 (UNIT #1)

No.	Date	Issue/Revision
3	JUL 10/23	ISSUED FOR C OF A
2	JUL 04/23	ISSUED FOR REVIEW
1	JUN 21/23	ISSUED FOR REVIEW

Drawn By:	
Checked By:	
Scale:	1:75
Date:	JULY 2023
Project No:	2022-81
<b>A4</b>	



**WALL LEGEND**  
 NEW CONSTRUCTION WALLS



**THIRD FLOOR PLAN**  
 AREA = 1298.3 sqft (120.6 sqm)  
 CEILING HEIGHT = 9'-0" U.N.O.

ISSUED FOR  
 COMMITTEE OF  
 ADJUSTMENT

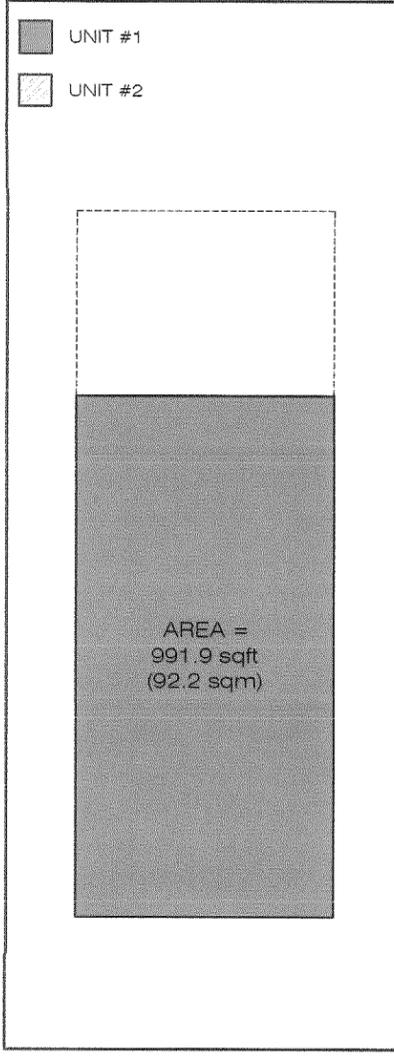
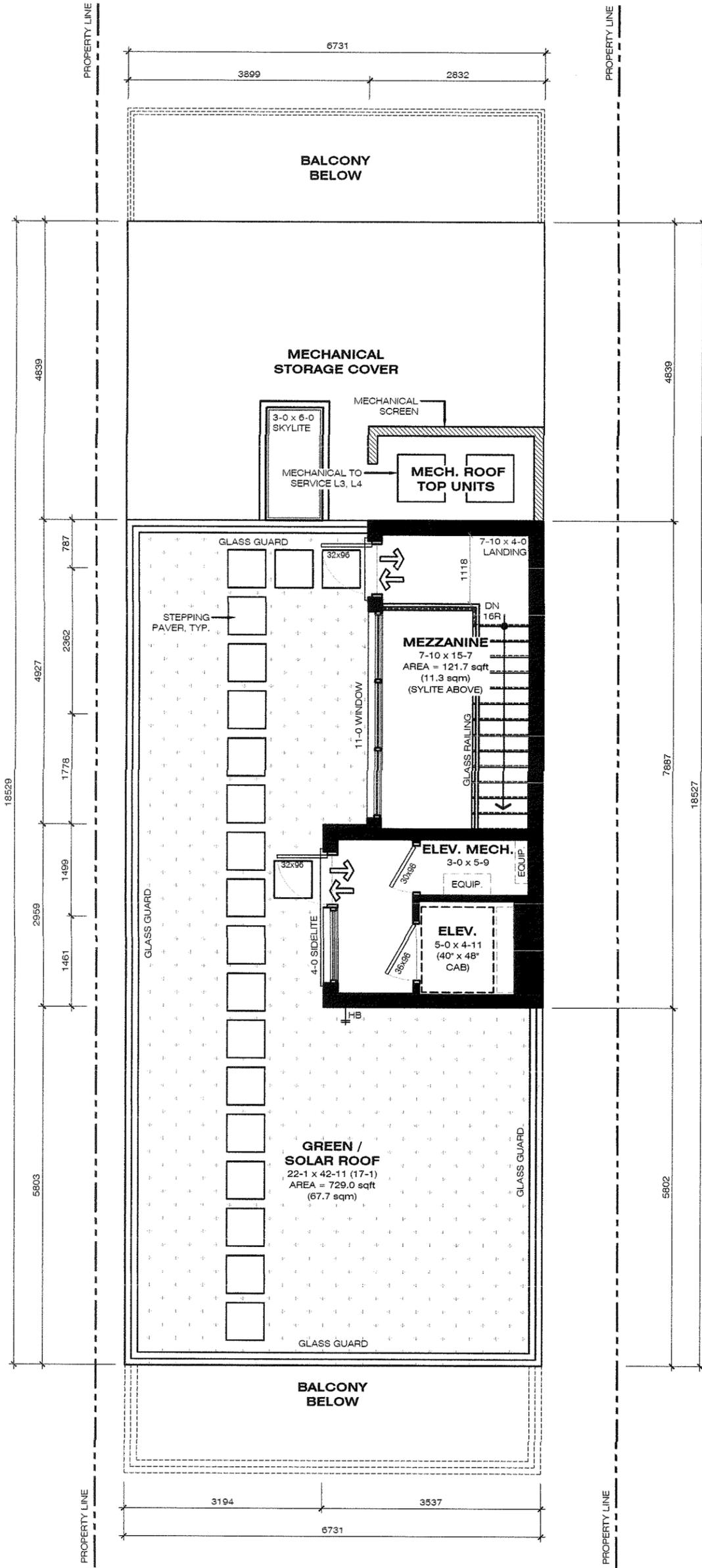
Project Name:  
**PRIVATE RESIDENCE**  
 NEW CUSTOM SINGLE  
 FAMILY DWELLING  
 512 BAY STREET NORTH  
 HAMILTON, ON. L8L 1N6

Sheet Title:  
**THIRD FLOOR PLAN**  
 (UNIT #1)

No.	Date	Issue/Revision	By:
3	JUL 10/23	ISSUED FOR C OF A	
2	JUL 04/23	ISSUED FOR REVIEW	
1	JUN 21/23	ISSUED FOR REVIEW	

Drawn By:	
Checked By:	
Scale:	1:75
Date:	JULY 2023
Project No:	2022-81

**A5**



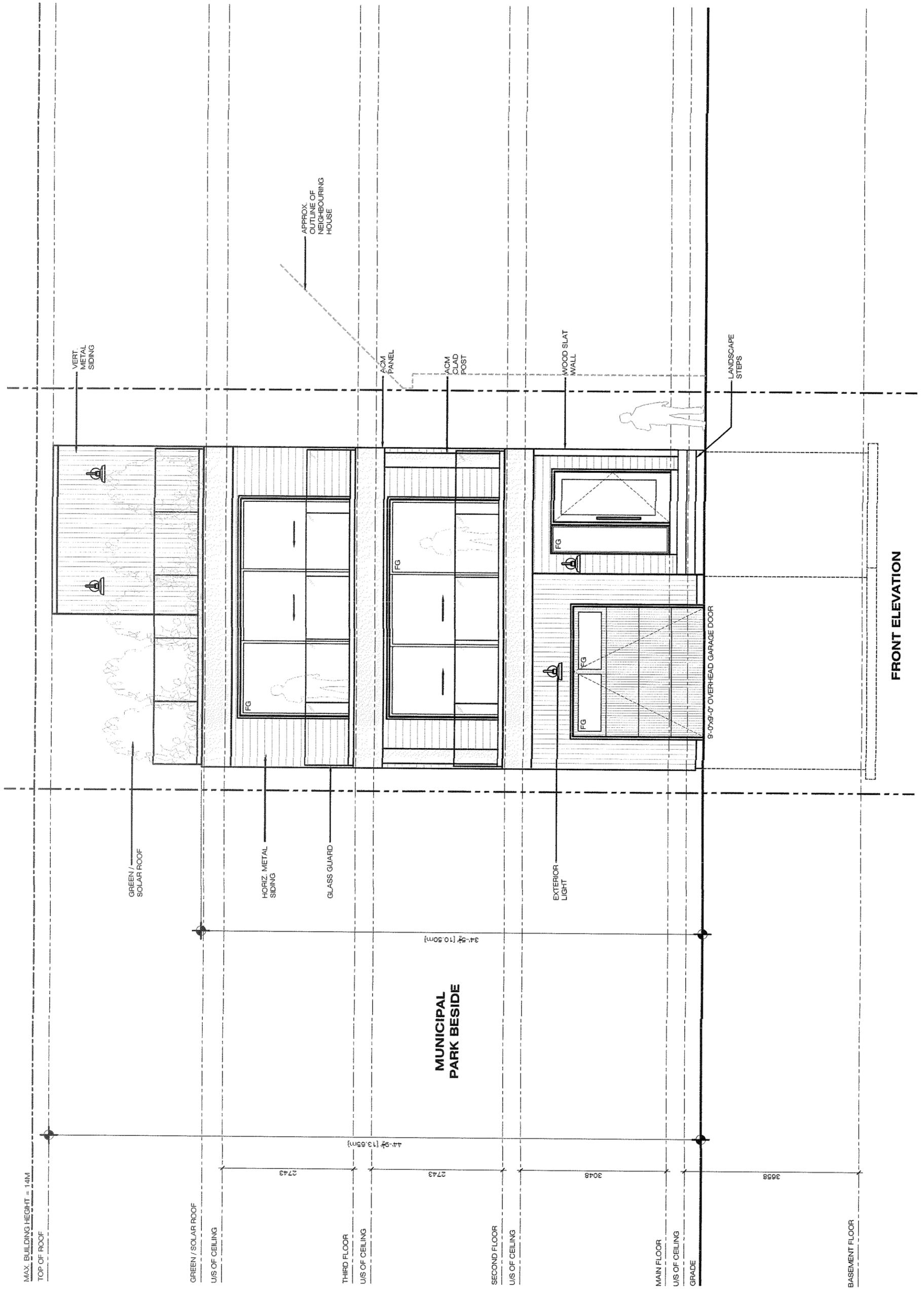
**WALL LEGEND**  
 NEW CONSTRUCTION WALLS



**GREEN/ SOLAR ROOFTOP**  
 AREA = 587.5 sqft (54.6 sqm)

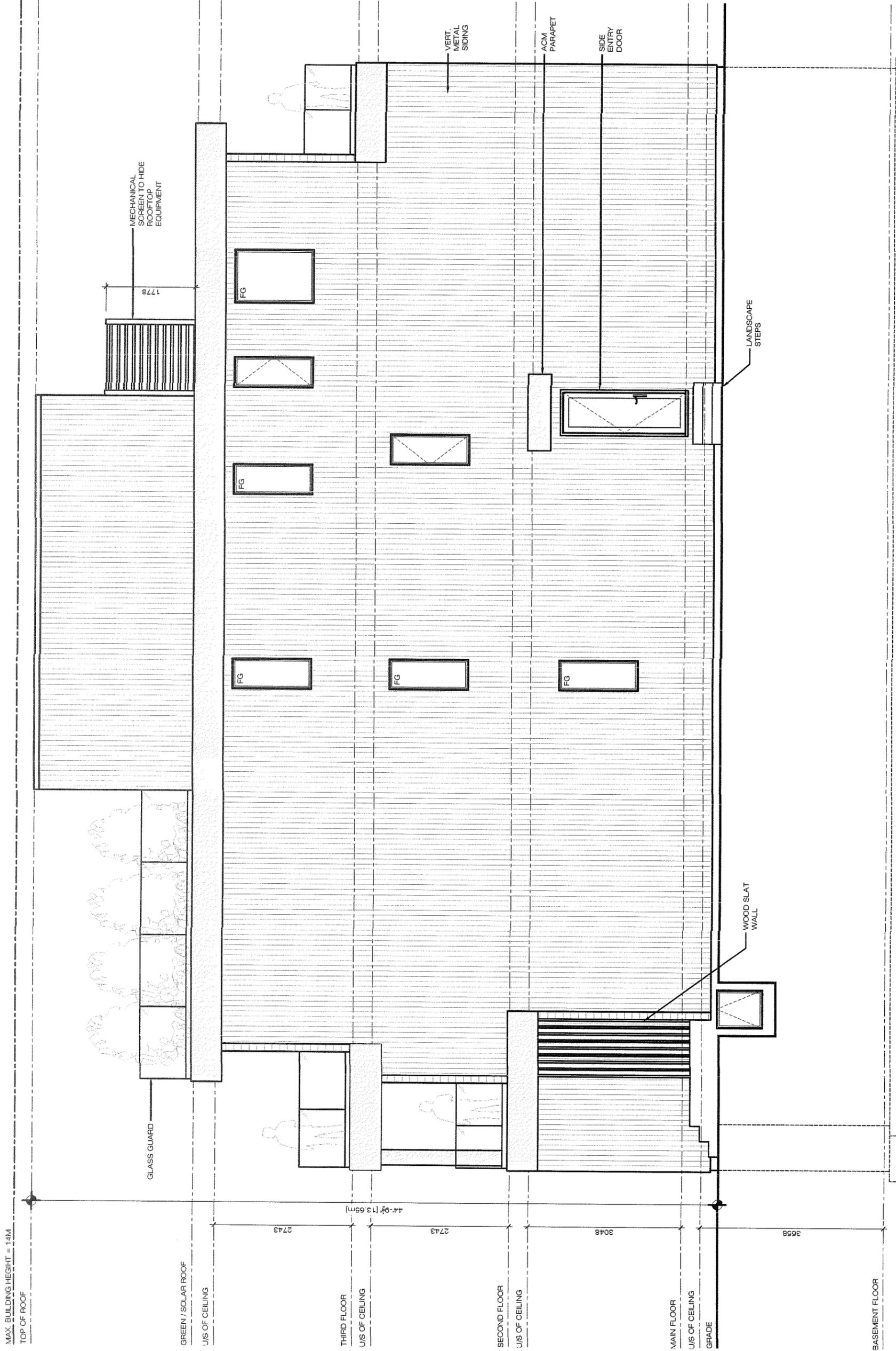
ISSUED FOR  
 COMMITTEE OF  
 ADJUSTMENT

Project Name: <b>PRIVATE RESIDENCE          NEW CUSTOM SINGLE          FAMILY DWELLING          512 BAY STREET NORTH          HAMILTON, ON. L8L 1N6</b>		Drawn By:
Sheet Title: <b>GREEN/SOLAR ROOF PLAN          (UNIT #1)</b>		Checked By:
		Scale: 1:75
		Date: JULY 2023
		Project No: 2022-81
		<b>A6</b>
No.	Date:	
Issue/Revision		
By:		



FRONT ELEVATION

<h1 style="margin: 0;">ISSUED FOR COMMITTEE OF ADJUSTMENT</h1>	Project Name: <b>PRIVATE RESIDENCE</b> NEW CUSTOM SINGLE FAMILY DWELLING 512 BAY STREET NORTH HAMILTON, ON. L8L 1N6			Drawn By: Checked By: Scale: 1:75 Date: JULY 2023 Project No: 2022-81											
	Sheet Title: <b>FRONT ELEVATION</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">No.</th> <th style="width: 15%;">Date:</th> <th style="width: 80%;">Issue/Revision</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>JUL 10/23</td> <td>ISSUED FOR C OF A</td> </tr> <tr> <td>2</td> <td>JUL 04/23</td> <td>ISSUED FOR REVIEW</td> </tr> <tr> <td>1</td> <td>JUN 21/23</td> <td>ISSUED FOR REVIEW</td> </tr> </tbody> </table>	No.	Date:	Issue/Revision	3	JUL 10/23	ISSUED FOR C OF A	2	JUL 04/23	ISSUED FOR REVIEW	1	JUN 21/23	ISSUED FOR REVIEW	A7
No.	Date:	Issue/Revision													
3	JUL 10/23	ISSUED FOR C OF A													
2	JUL 04/23	ISSUED FOR REVIEW													
1	JUN 21/23	ISSUED FOR REVIEW													



RIGHT SIDE ELEVATION

ISSUED FOR  
COMMITTEE OF  
ADJUSTMENT

Project Name:  
**PRIVATE RESIDENCE**  
NEW CUSTOM SINGLE  
FAMILY DWELLING  
512 BAY STREET NORTH  
HAMILTON, ON. L8L 1N6

Sheet Title:  
**RIGHT SIDE  
ELEVATION**

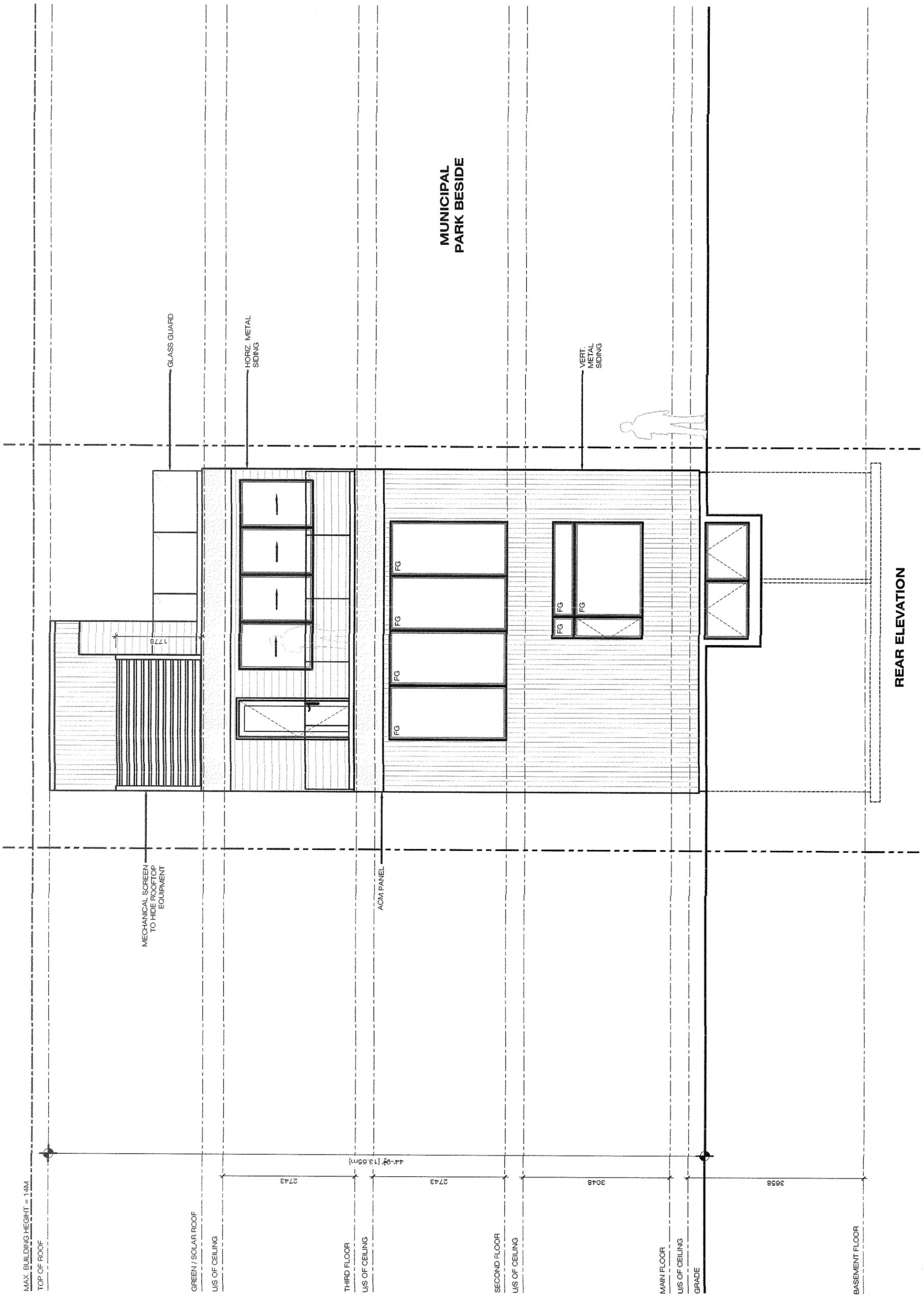
No.	Date	Issue/Revision
3	JUL 10/23	ISSUED FOR C OF A
2	JUL 04/23	ISSUED FOR REVIEW
1	JUN 21/23	ISSUED FOR REVIEW

Drawn By:	
Checked By:	
Scale:	1:75
Date:	JULY 2023
Project No:	2022-81

**A8**

MUNICIPAL  
PARK BESIDE

REAR ELEVATION



ISSUED FOR  
COMMITTEE OF  
ADJUSTMENT

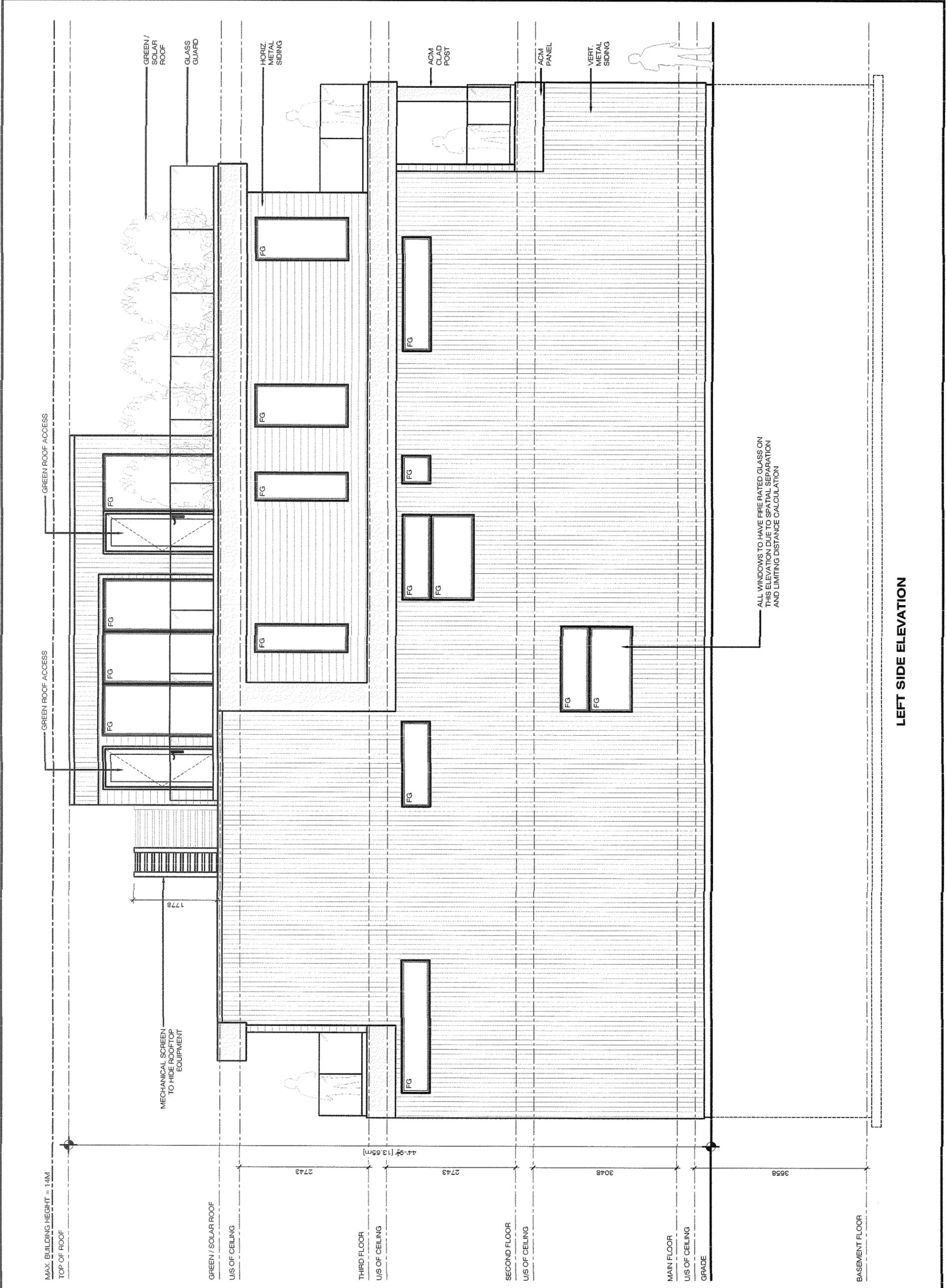
Project Name:  
**PRIVATE RESIDENCE**  
NEW CUSTOM SINGLE  
FAMILY DWELLING  
512 BAY STREET NORTH  
HAMILTON, ON. L8L 1N6

Sheet Title:  
REAR ELEVATION

No.	Date:	Issue/Revision
3	JUL 10/23	ISSUED FOR C OF A
2	JUL 04/23	ISSUED FOR REVIEW
1	JUN 21/23	ISSUED FOR REVIEW

Drawn By:	
Checked By:	
Scale:	1:75
Date:	JULY 2023
Project No:	2022-81

**A9**



ISSUED FOR  
COMMITTEE OF  
ADJUSTMENT

Project Name:  
**PRIVATE RESIDENCE**  
NEW CUSTOM SINGLE  
FAMILY DWELLING  
512 BAY STREET NORTH  
HAMILTON, ON. L8L 1N6

Sheet Title:  
**LEFT SIDE  
ELEVATION**

No.	Date:	Issue/Revision
3	JUL 10/23	ISSUED FOR C OF A
2	JUL 04/23	ISSUED FOR REVIEW
1	JUN 21/23	ISSUED FOR REVIEW

Drawn By:	
Checked By:	
Scale:	1:75
Date:	JULY 2023
Project No:	2022-81

**A10**



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 [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	512 Bay Street North		
Assessment Roll Number			
Former Municipality			
Lot	Lot 11, Block 12	Concession	
Registered Plan Number	127	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:

- Front Yard Setback - Provided = 1.44m (Required = 6.0m)
- Side Yard Setback - Provided = 0.47m (Required = 0.9m)
- Rear Yard Setback - Provided = 4.98m (Required = 7.29m)
- Front Yard Landscaping - Provided = 19.8% (Required = 50%)

- Parking Spaces  
Provided = 0  
(Required = 3)

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

See attached sheet

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
8.42 m	29.17 m	246.1 m <sup>2</sup>	4.42m

- 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	0.73m	12.78m	1.33m + 0.0m	± 1970

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	1.44m	4.98m	1.22m + 0.47m	Nov 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	85.1 m <sup>2</sup>	145.4 m <sup>2</sup>	2	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	140.9 m <sup>2</sup>	359.4	3	± 10.5 m

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

lake or other water body  
 other means (specify)

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

ditches  
 other means (specify)

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- 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 Detached Dwelling

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

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:  
November 2022

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

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

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

Urban Hamilton Official Plan designation (if applicable) Central Hamilton

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

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

- Yes
- No

If yes, please provide the file number:

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

Yes  No

If yes, please provide the file number:

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

Yes  No

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
- \_\_\_\_\_
- \_\_\_\_\_

Due to the narrowness (8.42m) and unique characteristics of the lot, creating a functional new design creates the need for variances.

The new home will maintain similar side yard setbacks to the existing non-conforming. Rear yard setback variances are requested in order to incorporate the space required for a secondary dwelling.

There will be parking provided inside the garage for the main house, but due to the car lift impeding on the required minimum parking space, the lot will technically have 0 parking spots, which mimics the existing site conditions.



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-21:430</b>	<b>SUBJECT PROPERTY:</b>	845 KING STREET E, HAMILTON
<b>ZONE:</b>	"TOC3" (Transit Oriented Corridor Multiple Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** ADRIAN PANNOZZO  
                                 **Agent:** KING HOMES INC. C/O KEN BEKENDAM

The following variances are requested:

1. The proposed dwelling units shall be permitted at 0.0m above grade, whereas the zoning By-law requires that the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade.

**PURPOSE & EFFECT:**      To facilitate the establishment of three (3) dwelling units on the ground floor of the existing two storey building.

**Notes:**

The existing commercial retail uses are intended to be removed and replaced with the proposed residential units. Please note that upon removal of the existing commercial retail units, this property will no longer permit the conversion to any commercial uses.

The applicant shall ensure that a minimum of 10.0% of the lot area shall be maintained as landscaped area as required for multiple dwellings; otherwise, additional variances shall be required.

The lands are subject to Site Plan Control.

No parking and no bicycle parking are required for the proposed residential dwelling units located within the existing building so long as any existing parking on the effective date of the passing of Hamilton Zoning By-law 05-200 shall continue to be provided and maintained.

The front lot line is considered to be the southerly lot line abutting King Street East.

**HM/A-21:430**

The location of the existing building is deemed to comply pursuant to Section 4.12 (e) of By-law 05-200:

“Notwithstanding any other provisions of this By-law, any lot within the Transit Oriented Corridor Zones of this By-law, and the location thereon of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by 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:

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>9:40 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-21:430, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

HM/A-21:430



 Subject Lands

DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

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

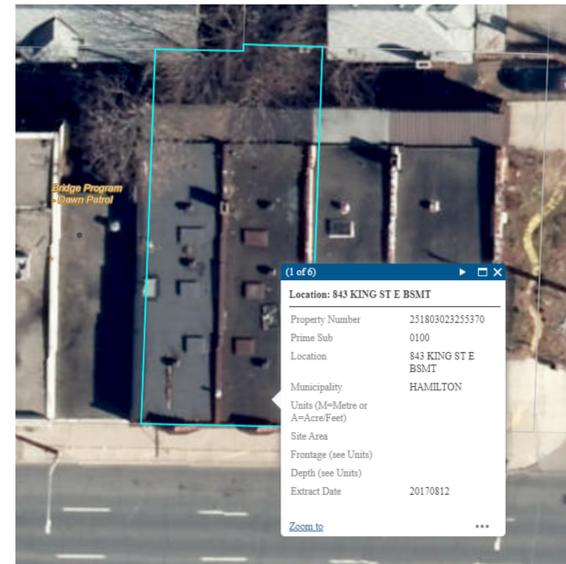
# COMMERCIAL TO RESIDENTIAL UNIT CONVERSION

843-845 KING STREET EAST - HAMILTON, ON.

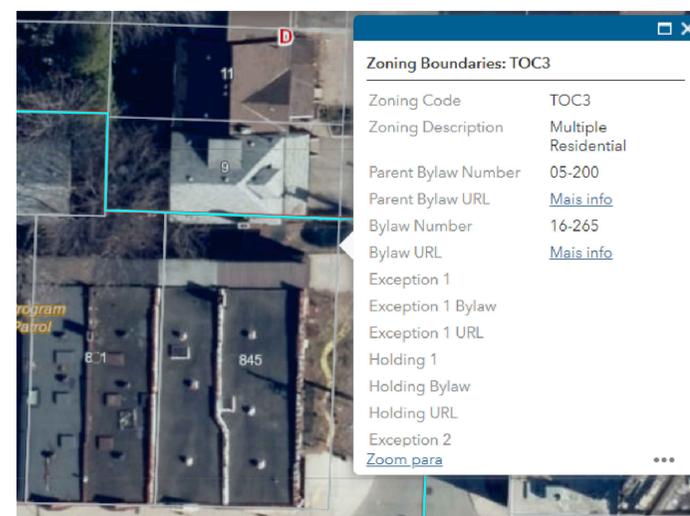
UNITS HIGHLIGHTED IN YELLOW SUBJECT TO INTERIOR ALTERATIONS



EXISTING BUILDING IMAGE



AERIAL MAP



ZONING MAP

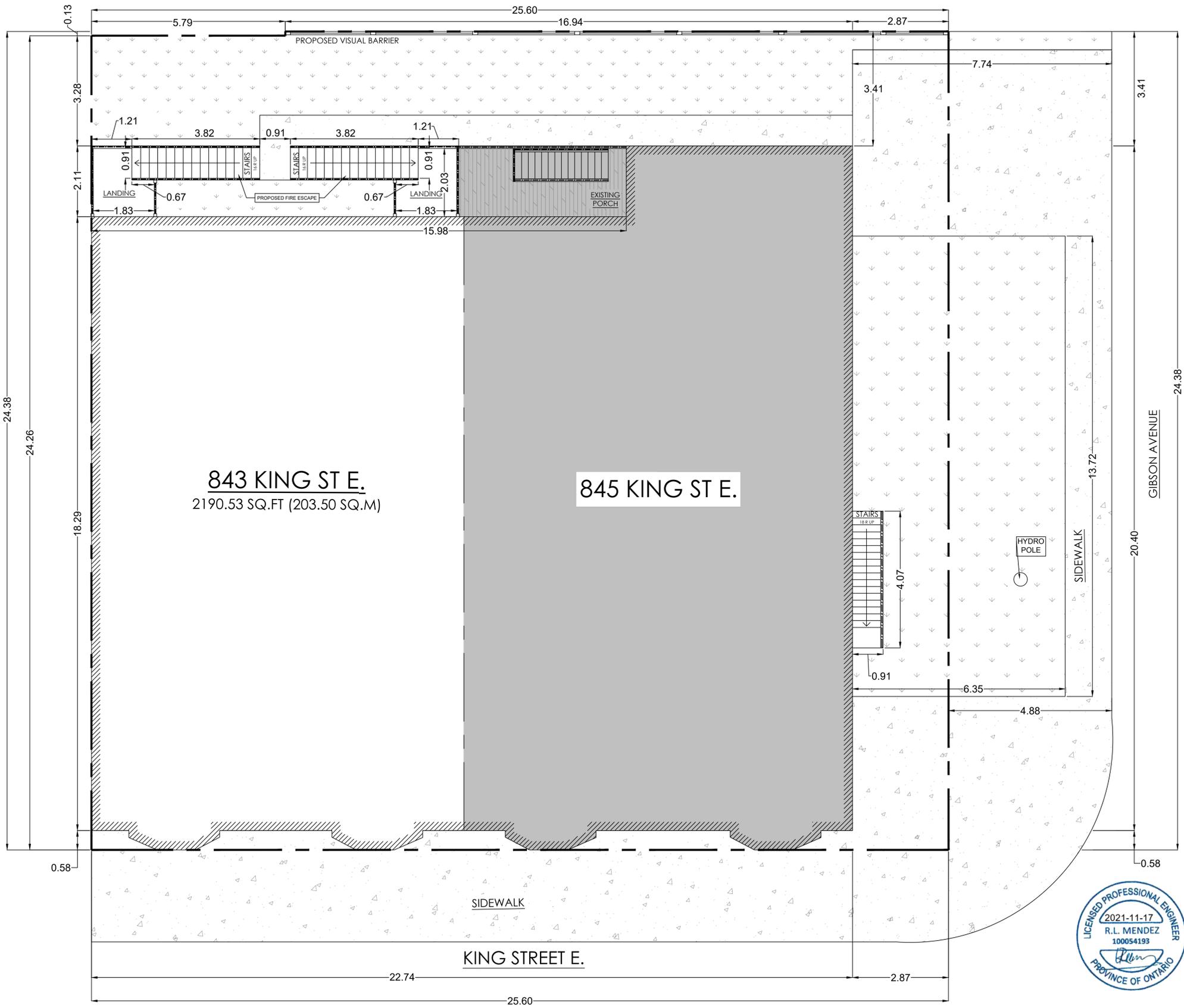


PLANS LEGEND	
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[Symbol]	ROOM NAME
[Symbol]	EXHAUST FAN
[Symbol]	SPECIFICATION TAG
[Symbol]	SMOKE ALARM
[Symbol]	CARBON MONOXIDE ALARM
[Symbol]	CEILING HEIGHT
[Symbol]	STRUCTURAL BEAM OR WALL
[Symbol]	PLUMBING STACK
[Symbol]	WATER METER
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[Symbol]	STRUCTURAL COLUMN
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[Symbol]	NEW EXTERIOR WALLS
[Symbol]	EXISTING INTERIOR WALLS
[Symbol]	NEW INTERIOR WALLS
[Symbol]	STRUCTURAL WALLS
[Symbol]	NEW STRUCTURAL BEAMS
[Symbol]	WINDOWS
[Symbol]	SUPPLY REGISTER
[Symbol]	RETURN GRILLE
[Symbol]	DOOR TYPE
[Symbol]	DOOR SIZE



	LEAD DESIGNER & CONSULTANT Ken Bekendam B.A. BUSCOM, L.T. kenbekendam@gmail.com office: 855.546.4467 cell: 905.961.0647	LEAD ENGINEER Robert Mendez P. Eng 100054193 robertmendez@yahoo.com cell: 416.807.1572
	Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.	
ADDRESS:	<b>843 KING STREET E HAMILTON, ON.</b>	
SUBJECT:	<b>TITLE PAGE</b>	
PROJECT:	<b>INTERIOR ALTERATIONS</b>	
DATE:	NOV 2021	SHEET#: A 0.01

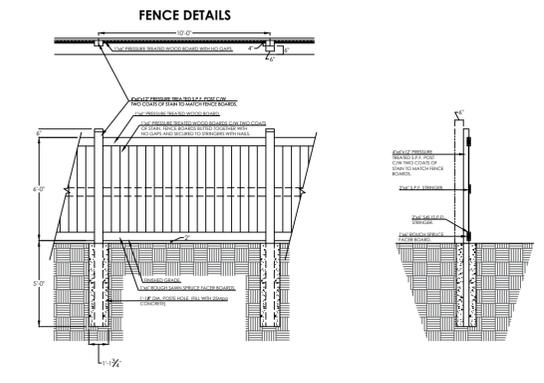
SITE INFORMATION & STATISTICS	
ADDRESS	843 KING STREET EAST - HAMILTON - ON.
ZONING TYPE	TOC1
LOT AREA	2880 SQ FT (267.56 SQ M)
LOT FRONTAGE	36' (10.97m)



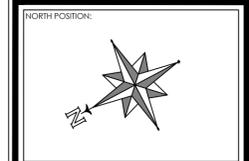
- GENERAL NOTES:**
1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
  2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
  3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
  4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
  5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
  6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
  7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION, AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
  8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS. THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
  9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
  10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
  11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
  12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

**EXISTING STRUCTURE NOTE:**  
OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK. OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

**BUILDING CODE COMPLIANCE NOTE:**  
THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.



BATH	ROOM NAME
EF	EXHAUST FAN
ST	SPECIFICATION TAG
SA	SMOKE ALARM
CA	CARBON MONOXIDE ALARM
CH	CEILING HEIGHT
SB	STRUCTURAL BEAM OR WALL
PS	PLUMBING STACK
WM	WATER METER
FD	FLOOR DRAIN
SC	STRUCTURAL COLUMN
FW	FOUNDATION WALL
EE	EXISTING EXTERIOR WALLS
NE	NEW EXTERIOR WALLS
EI	EXISTING INTERIOR WALLS
NI	NEW INTERIOR WALLS
SW	STRUCTURAL WALLS
NS	NEW STRUCTURAL BEAMS
W	WINDOWS
SR	SUPPLY REGISTER
RG	RETURN GRILLE
DT	DOOR TYPE
DS	DOOR SIZE



**LEAD DESIGNER & CONSULTANT**  
Ken Bekendam B.A. BUSCOM, L.T.  
kenbekendam@gmail.com  
office: 855.546.4467 cell: 905.961.0647

**LEAD ENGINEER**  
Robert Mendez P.Eng 100054193  
robertmendez@yahoo.com  
cell: 416.807.1572

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.

No.	DESCRIPTION	DATE

ADDRESS:  
**843 KING STREET E  
HAMILTON, ON.**

SUBJECT:  
**SITE PLAN**

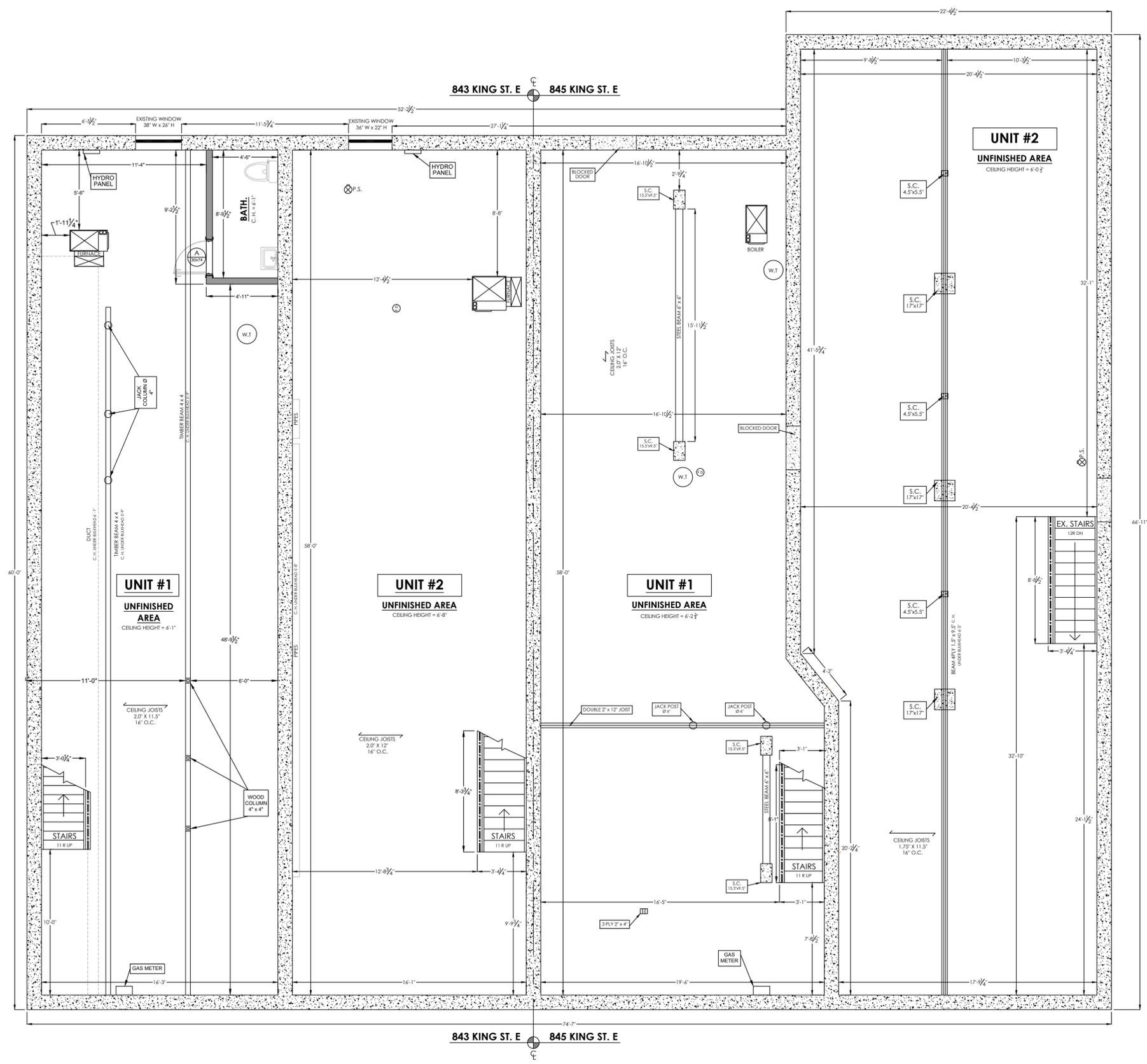
PROJECT:  
**INTERIOR ALTERATIONS**

DATE: **NOV 2021**      SCALE: **3/16" = 1'**      SHEET#: **SP 1.01**

**SITE PLAN:**  
BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCR OACH ONTO ADJOINING PROPERTIES



**NO CHANGES TO EXISTING SITE CONDITIONS**

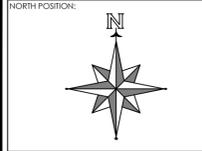


**PLANS LEGEND**

Symbol	ROOM NAME
[Symbol]	EXHAUST FAN
[Symbol]	SPECIFICATION TAG
[Symbol]	SMOKE ALARM
[Symbol]	CARBON MONOXIDE ALARM
[Symbol]	C.E.H. = 8'-10" CEILING HEIGHT
[Symbol]	STRUCTURAL BEAM OR WALL
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[Symbol]	NEW STRUCTURAL BEAMS
[Symbol]	WINDOWS
[Symbol]	SUPPLY REGISTER
[Symbol]	RETURN GRILLE
[Symbol]	DOOR TYPE
[Symbol]	DOOR SIZE

**DOOR LEGEND**

- A. PANEL DOOR
- B. FIRE DOOR w/ SELF CLOSER (45 MIN)
- C. FIRE DOOR w/ SELF CLOSER (20 MIN)
- D. EXTERIOR DOOR
- E. BIFOLD CLOSET
- F. SLIDING DOOR
- G. POCKET DOOR



**LEAD DESIGNER & CONSULTANT**  
 Ken Bekendam B.A. BUSCOM, L.T.  
 kenbekendam@gmail.com  
 office: 855.546.4467 cell: 905.961.0647

**LEAD ENGINEER**  
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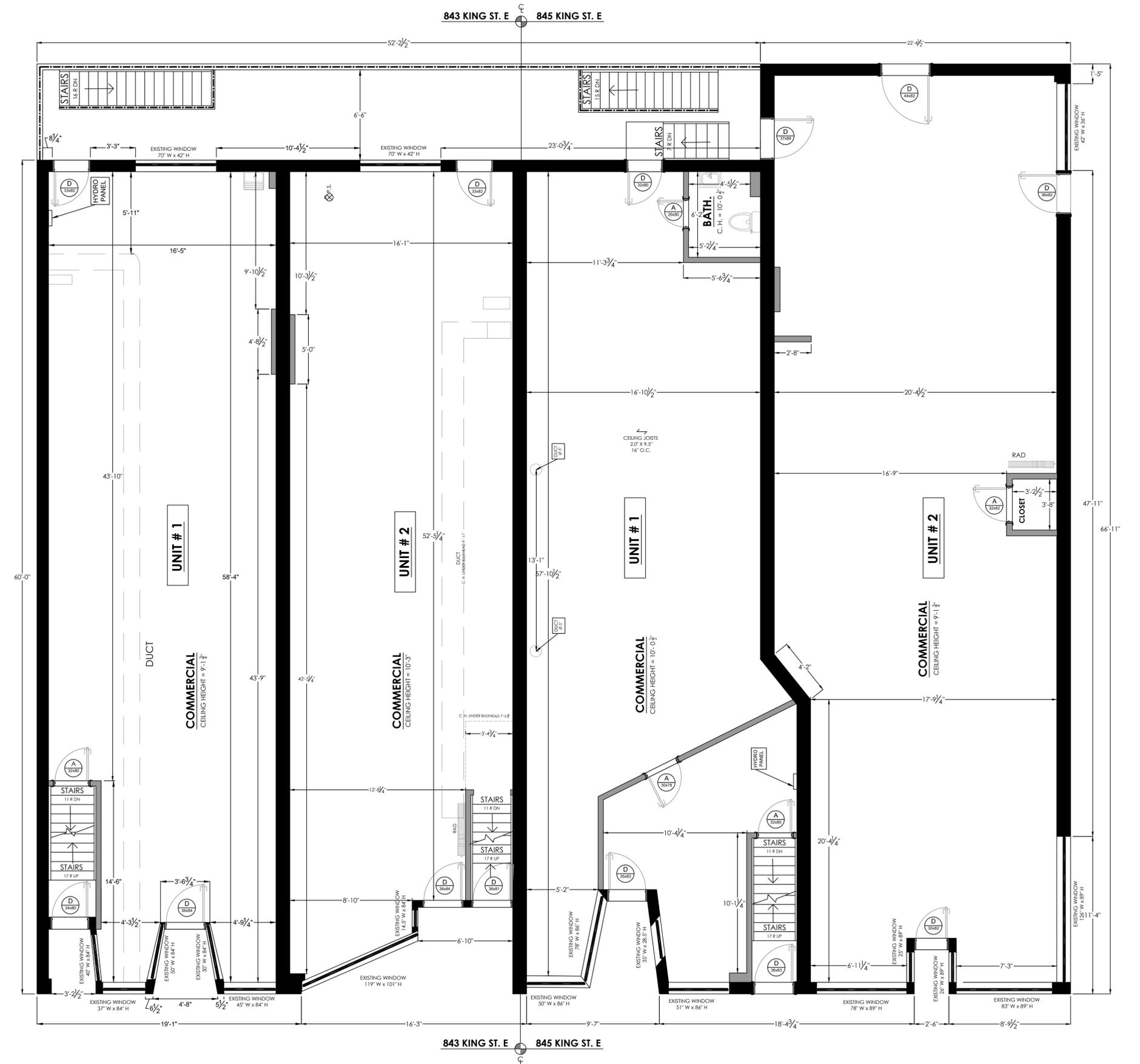
No.	DESCRIPTION	DATE

ADDRESS:  
**843 KING STREET E  
 HAMILTON, ON.**

SUBJECT:  
**EXISTING BASEMENT**

PROJECT:  
**INTERIOR ALTERATIONS**

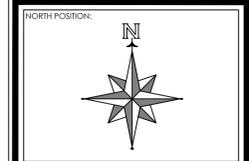
DATE: <b>NOV 2021</b>	SCALE: <b>1/4" = 1'</b>	SHEET#: <b>A 1.01</b>
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PLANS LEGEND	
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[Symbol]	EXHAUST FAN
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[Symbol]	SMOKE ALARM
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[Symbol]	SUPPLY REGISTER
[Symbol]	RETURN GRILLE
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DOOR LEGEND	
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[Symbol]	D. EXTERIOR DOOR
[Symbol]	E. BIFOLD CLOSET
[Symbol]	F. SLIDING DOOR
[Symbol]	G. POCKET DOOR



	LEAD DESIGNER & CONSULTANT Ken Bekendam B.A. BUSCOM, L.T. kenbekendam@gmail.com office: 855.546.4467 cell: 905.961.0647	LEAD ENGINEER Robert Mendez P. Eng 100054193 robertmendez@yahoo.com cell: 416.807.1572
	Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.	

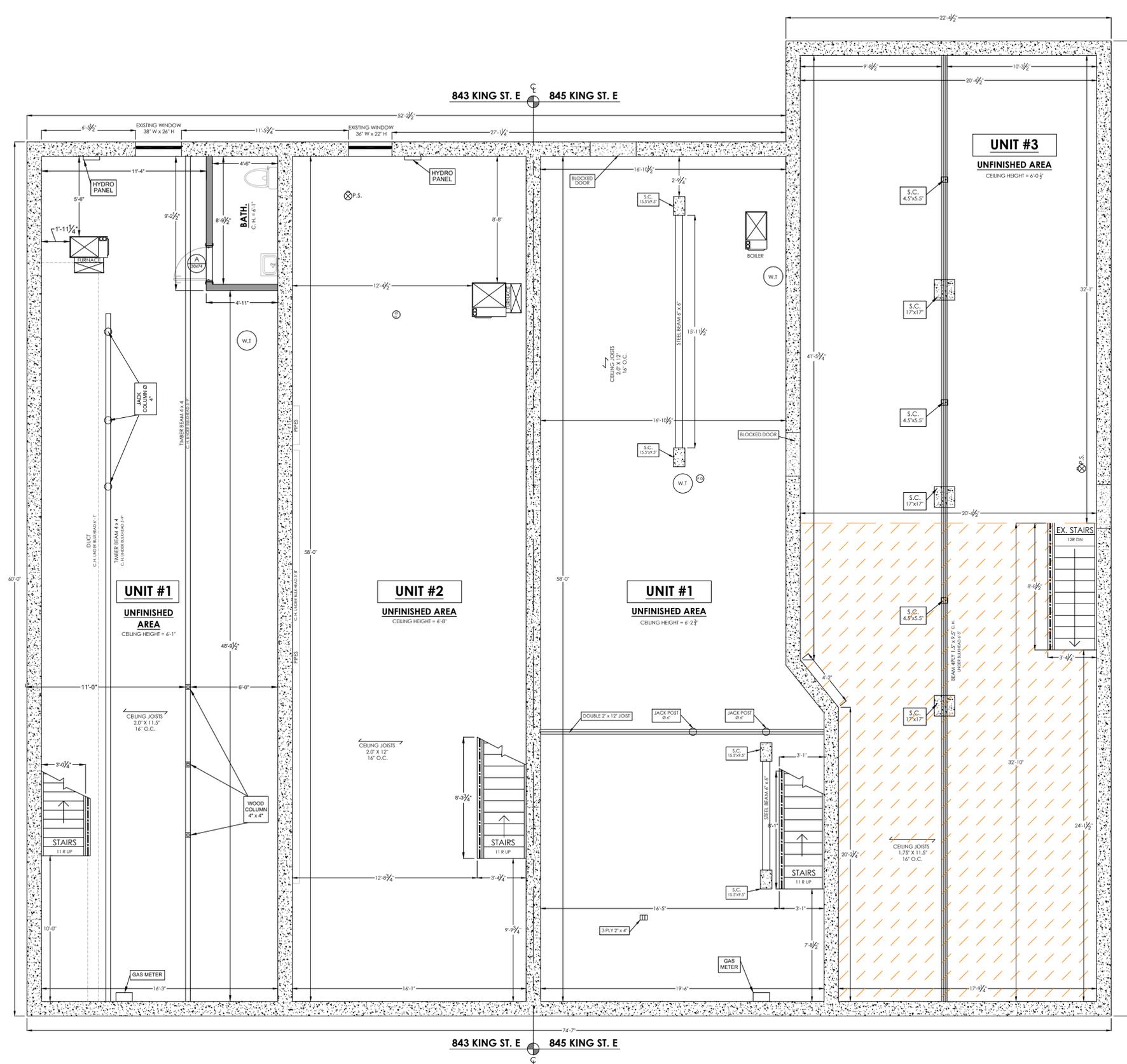
No.	DESCRIPTION	DATE

ADDRESS:  
**843 KING STREET E  
HAMILTON, ON.**

SUBJECT:  
**EXISTING GROUND FLOOR**

PROJECT:  
**INTERIOR ALTERATIONS**

DATE: <b>NOV 2021</b>	SCALE: <b>1/4" = 1'</b>	SHEET#: <b>A 1.02</b>
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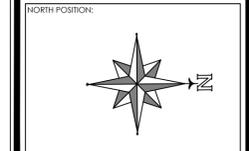


SEE HVAC DESIGN FOR DETAILS ON NEW HEATING SYSTEMS

**UNDER SIDE OF UNIT 2**  
 SEPARATION BETWEEN RESIDENTIAL SUITES TO HAVE A FIRE RESISTANCE RATING OF 30 MINS AS PER O.B.C. 9.10.9.14 (1), PART 11, C.I.S.I. (2) AND PART 9.1.2.1 (1) - STC 30. REFER TO S83 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.  
**HORIZONTAL PARTITION (CEILING) - FIBRE (30MIN FRK. STC30)**  
 1. 2x WOOD JOISTS @ 16" O.C.  
 2. 6" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCKWOLAG W/ MIN 90mm & MIN. SURFACE AREA MASS OF 28 KG/CSQ. M)  
 3. RESILIENT METAL CHANNELS SPACED @ 24" O.C.  
 4. 1 LAYER 5/8" TYPE X GYPSUM BOARD ON CEILING SIDE



PLAN LEGEND	ROOM NAME
[Symbol]	BATH
[Symbol]	EXHAUST FAN
[Symbol]	SPECIFICATION TAG
[Symbol]	SMOKE ALARM
[Symbol]	CARBON MONOXIDE ALARM
[Symbol]	CEILING HEIGHT
[Symbol]	C.H. = 8'-10"
[Symbol]	STRUCTURAL BEAM OR WALL
[Symbol]	PLUMBING STACK
[Symbol]	WATER METER
[Symbol]	FLOOR DRAIN
[Symbol]	STRUCTURAL COLUMN
[Symbol]	FOUNDATION WALL
[Symbol]	EXISTING EXTERIOR WALLS
[Symbol]	NEW EXTERIOR WALLS
[Symbol]	EXISTING INTERIOR WALLS
[Symbol]	NEW INTERIOR WALLS
[Symbol]	STRUCTURAL WALLS
[Symbol]	NEW STRUCTURAL BEAMS
[Symbol]	WINDOWS
[Symbol]	SUPPLY REGISTER
[Symbol]	RETURN GRILLE
[Symbol]	DOOR TYPE
[Symbol]	POCKET DOOR



**legal second suites.com**

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 Ken Bekendam B.A. BUSCOM, L.T.  
 kenbekendam@gmail.com  
 office: 855.546.4467 cell: 905.961.0647

**LEAD ENGINEER**  
 Robert Mendez P.Eng 100054193  
 robertmendez@yahoo.com  
 cell: 416.807.1572

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc. **KING**

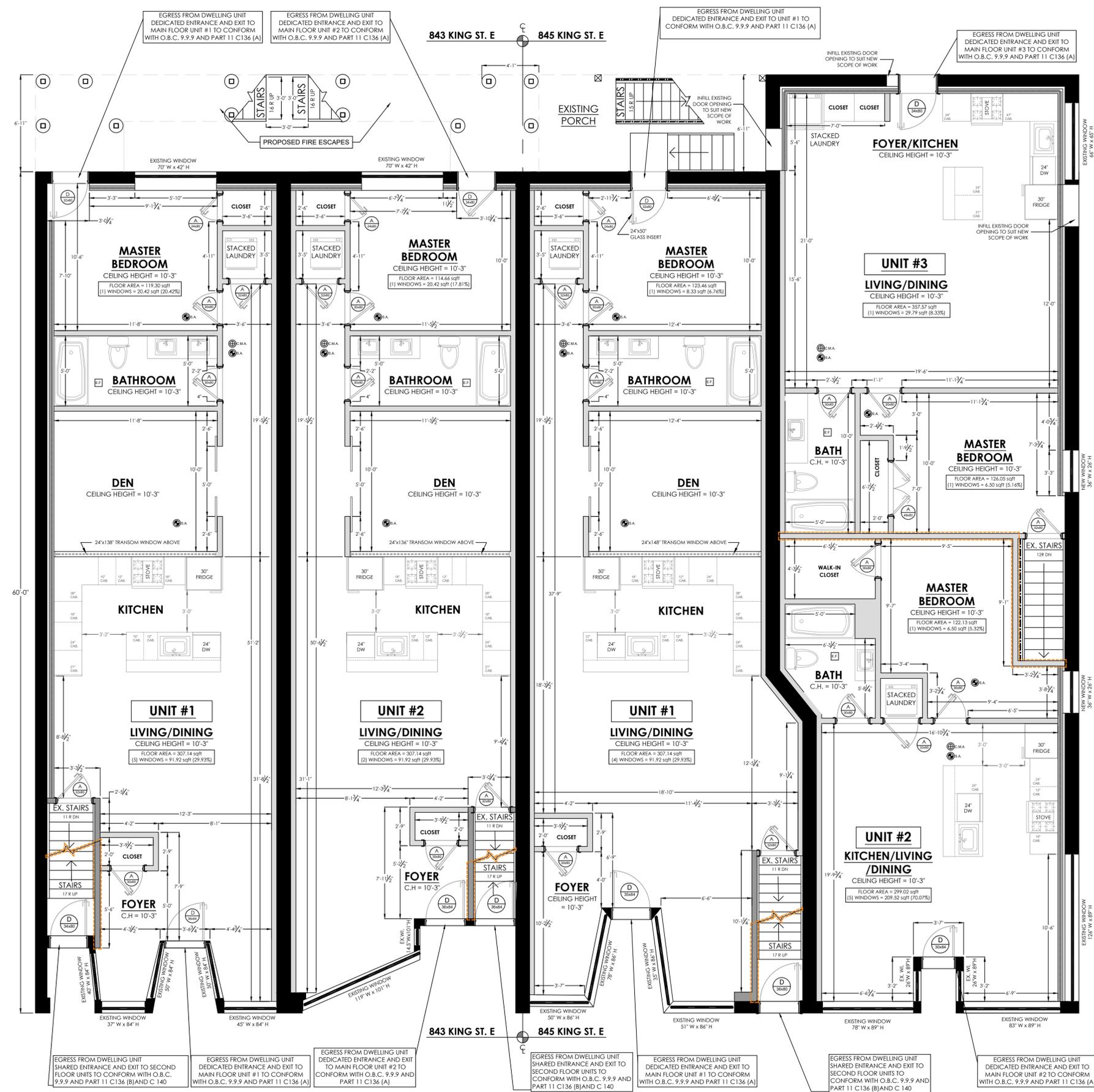
No.	DESCRIPTION	DATE

ADDRESS:  
**843 KING STREET E  
 HAMILTON, ON.**

SUBJECT:  
**PROPOSED BASEMENT**

PROJECT:  
**INTERIOR ALTERATIONS**

DATE: **NOV. 2021**      SCALE: **1/4" = 1'**      SHEET: **A 1.03**



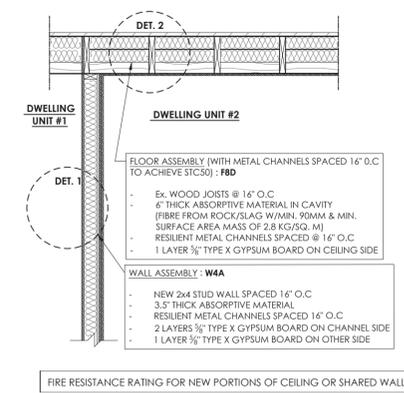
THIS BUILDING IS UNDER 600sqm AND LESS THAN 3 STORIES AS DEFINED IN PART ONE 1.1.2.4 AND IS SUBJECT TO ALL SECTIONS OF PART 9 AND PART 11 COMPLIANCE ALTERNATIVES

**SEPARATION OF RESIDENTIAL SUITES**  
SEPARATION BETWEEN SUITES TO HAVE A FIRE RESISTANCE RATING OF 30 MIN AS PER O.B.C. 9.10.9.14 (1), PART 11 C136 (B) AND PART 11.2.2 (1) - SEE SO. REFER TO 383 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

**VERTICAL PARTITION (WALLS) - WWA (1HR FR. STC50)**  
NEW 2x4 STUD WALL SPACED 16" O.C.  
3.5" THICK ABSORPTIVE MATERIAL  
RESILIENT METAL CHANNELS SPACED 16" O.C.  
2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE  
1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

**EXISTING SHARED PARTITIONS:**  
EX. 1/2" REGULAR GYPSUM BOARD TO REMAIN AS IS  
ADDITIONAL LAYER OF 5/8" TYPE X TO BE APPLIED OVER EXISTING EX. LATH AND PLASTER TO REMAIN AS IS  
MEETS A 30 MIN FR. AS PER 58-2 TABLE 2.3.4 A.C.

**HORIZONTAL PARTITION (CEILING) - FBD (30MIN FR. STC50)**  
EX. WOOD JOISTS @ 16" O.C.  
4" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN. 90MM & MIN. SURFACE AREA MASS OF 2.8 KG/SQ. M)  
RESILIENT METAL CHANNELS SPACED @ 16" O.C.  
1 LAYER 5/8" TYPE X GYPSUM BOARD ON CEILING SIDE



PLEASE NOTE: EXISTING VERTICAL FIRE ASSEMBLIES TO REMAIN. THESE ASSEMBLY DETAILS ONLY PERTAIN TO NEW PORTIONS AS REQUIRED TO MAINTAIN A CONTINUOUS FIRE SEPARATION BETWEEN RESIDENTIAL SUITES

**SCOPE OF WORK**

- NEW KITCHENS
- NEW BATHROOMS
- NEW PLUMBING
- NEW ELECTRICAL
- NEW FLOORING, TRIM AND DOORS
- NEW HEATING SYSTEMS
- EXISTING WALL AND CEILING FIRE SEPARATIONS TO REMAIN
- ONLY INTERNAL RENOVATIONS TO THE UNITS

SEE HVAC DESIGN FOR DETAILS ON NEW HEATING SYSTEMS



**FIRE ALARM SYSTEM IS NOT REQUIRED AS PER PART 9.10.18.2 (2)**  
A fire alarm system is not required in a residential occupancy where an exit or public corridor serves not more than 4 suites or where each suite has direct access to an exterior exit facility leading to ground level

**legal second suites.com**

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Robert Mendez P. Eng 100054193  
robertmendez@yahoo.com  
cell: 416.807.1572

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No.	DESCRIPTION	DATE

ADDRESS:  
**843 KING STREET E  
HAMILTON, ON.**

SUBJECT:  
**PROPOSED GROUND FLOOR**

PROJECT:  
**INTERIOR ALTERATIONS**

DATE: <b>NOV. 2021</b>	SCALE: <b>1/4" = 1'</b>	SHEET#: <b>A 1.04</b>
---------------------------	----------------------------	--------------------------

**PLANS LEGEND**

- BATH
- ROOM NAME
- EXHAUST FAN
- SPECIFICATION TAG
- SMOKE ALARM
- CARBON MONOXIDE ALARM
- CEILING HEIGHT
- STRUCTURAL BEAM OR WALL
- PLUMBING STACK
- WATER METER
- FLOOR DRAIN
- STRUCTURAL COLUMN
- FOUNDATION WALL
- EXISTING EXTERIOR WALLS
- NEW EXTERIOR WALLS
- EXISTING INTERIOR WALLS
- NEW INTERIOR WALLS
- STRUCTURAL WALLS
- NEW STRUCTURAL BEAMS
- WINDOWS
- SUPPLY REGISTER
- RETURN GRILLE
- DOOR TYPE
- POCKET DOOR

**DOOR LEGEND**

- A. PANEL DOOR
- B. FIRE DOOR w/ SELF CLOSER (45 MIN)
- C. FIRE DOOR w/ SELF CLOSER (20 MIN)
- D. EXTERIOR DOOR
- E. BIFOLD CLOSET
- F. SLIDING DOOR
- G. POCKET DOOR

NORTH POSITION:

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

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

**APPLICATION FOR A MINOR VARIANCE**

FOR OFFICE USE ONLY.

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

SECRETARY'S  
SIGNATURE \_\_\_\_\_

**The Planning Act**

**Application for Minor Variance or for Permission**

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

1, 2

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:  
n/a

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

4. Nature and extent of relief applied for:

To permit residential units at 0m above grade whereas the bylaw requires 0.9m above grade as per 11.1.1.1(i)(1). No min. setback to a street whereas the bylaw requires 3m as per 11.1.3(a)(i). Min rear yard setback of 3.4m whereas the bylaw requires 7.5m

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

Existing site conditions

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**):

845-847 King St E

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
 Agricultural       Vacant       Other

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use \_\_\_\_\_

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes  No  Unknown

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

Existing commercial uses on site - Spice Shop, Toy Store

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

Is the previous use inventory attached? Yes  No

**9. ACKNOWLEDGEMENT CLAUSE**

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

Nov 18, 2021  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Signature Property Owner(s)  
 I have the authority to bind the corporation  
 12762781 Canada Inc  
 \_\_\_\_\_  
 Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>30.25'</u>
Depth	<u>80'</u>
Area	<u>2420 sqft</u>
Width of street	<u>unknown</u>

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

Existing:     
 See site plan

Proposed  
 See site plan

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

Existing:  
 See site Plan

Proposed:  
 See Site plan

13. Date of acquisition of subject lands:  
2021
- 
14. Date of construction of all buildings and structures on subject lands:  
unknown
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Commercial Retail on ground level, residential units above
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Commercial Retail on ground level, residential units above
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
TOC1
21. Has the owner previously applied for relief in respect of the subject property?  
Yes  No   
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes  No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:177</b>	<b>SUBJECT PROPERTY:</b>	677 BEACH BOULEVARD, HAMILTON
<b>ZONE:</b>	"C/S-1435 & S-1822" (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 99-169 & 22-195

**APPLICANTS:**      **Owner:** ROBERT HOLDAWAY  
                              **Agent:** MOHAMMAD ATASHI

The following variances are requested:

1. A minimum northerly side yard width of 1.2m shall be permitted for the addition instead of the minimum 1.7m side yard width required.
2. A minimum northerly side yard width of 0.6m shall be permitted for the proposed rear uncovered deck instead of the minimum 1.7m side yard width required.
3. A minimum of two (2) parking spaces shall be permitted instead of the five (5) parking spaces required.
4. A minimum manoeuvring aisle having a width of 4.0m shall be permitted instead of the minimum 6.0m manoeuvring aisle width required.

**PURPOSE & EFFECT:**      To facilitate the construction of two new rear additions and uncovered rear deck to the existing single-family dwelling.

**Notes:**

The applicant shall ensure that the minimum required 2.7m wide x 6.0m long parking space can be accommodated within the private garage; otherwise, further variances shall be required.

The zoning by-law permits an eave or gutter to encroach into a required side yard not more than one-half of its width or 1.0m whichever is the lesser. The applicant shall ensure that any proposed eave or gutter encroachment shall conform to the encroachments as permitted by the Zoning By-law; otherwise, further

**HM/A-23:177**

variances shall be required.

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>9:45 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:177, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

HM/A-23:177



 Subject Lands

DATED: July 25, 2023

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

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

PROJECT:

NEW REAR EXTENSION & DECK FOR  
EXISTING RESIDENTIAL BUILDING LOCATED AT  
677 BEACH BOULEVARD, HAMILTON, ONTARIO

SHEET INDEX	
S0.01	COVER PAGE
S0.02	CONSTRUCTION AND GENERAL NOTES
SP1.01	SITE PLAN
S1.01	EXISTING BASEMENT PLAN
S1.02	EXISTING FIRST PLAN
S1.03	EXISTING SECOND PLAN
S1.04	PROPOSED BASEMENT PLAN
S1.05	PROPOSED FIRST PLAN
S1.06	PROPOSED SECOND PLAN
S1.07	ROOF PLAN
S3.01	DETAIL 1, NEW REAR DECK
S3.02	DETAIL 2, NEW STAIRCASE PLAN & SECTIONS
S3.03	NEW STAIRCASE, DETAILS & NOTES
S2.01	EAST VIEW
S2.02	NORTH VIEW
S2.03	SOUTH VIEW
S2.04	SECTION A
S5.01	SCHEDULES, GENERAL NOTES

ENGINEER  
SEAL:



**SAUZTEQ Engineering Inc.**  
www.sauzteq.ca  
Tel: 905-330-2431  
Email: info@sauzteq.ca

No.	Revision/Issue	Date

**PROJECT:**  
677 Beach Boulevard  
Hamilton, On

**TITLE:**  
Cover Page

SCALE:	DRAWING NO.
DESIGNED BY:	S0.01
APPROVED BY:	
BY:	

CONSTRUCTION NOTES:

- ① **ROOF CONSTRUCTION WITH ATTIC SPACE**  
210 (9.5KG/M<sup>2</sup>) ASPHALT SHINGLES, 5/8" (16) PLYWOOD SHEATHING WITH "H" CLIPS ON RAFTERS, 3' (915) STRIP, AS PER O.B.C. 9.26.5.2 EAVE PROTECTION, METAL EAVE TROUGH ON ALUM. FASCIA AND VENTED SOFFIT. ATTIC VENTILATION 1:300 OF INSULATED CEILING AREA WITH 50% AT EAVES. WITH R60 INSULATION.
- ② **SIDE WALL CONSTRUCTION W/CONTINUOUS INSULATION**  
VINYL SIDING ATTACHED TO FURRING MEMBERS ON APPROVED AIR/WATER BARRIER AS PER O.B.C. 9.27.3. ON EXTERIOR TYPE 1" THICK RIGID INSULATION (JOINTS UNTAPERED) MECHANICAL FASTENED AS PER MANUFACTURERS SPECIFICATIONS ON 3/8"(9.5) EXT. GRADE SHEATHING ON 2"x2"(38X140) STUDS@16"(408) O.C., R19 INSULATION BETWEEN STUDS, APPROVED 6 MIL. POLYETHYLENE AIR/VAPOUR BARRIER ON 1/2"(12.7), (GYPSUM WALL BOARD INTERIOR FINISH) (GYPSUM SHEATHING, RIGID INSULATION AND FIBERBOARD SHALL NOT BE USED FOR THE ATTACHMENT OF SIDING (9.23.16.3.(1))
- ③ **CONVENTIONAL FLOOR JOIST, SUBFLOOR, JOIST STRAPPING AND BRIDGING**  
FINISHED FLOOR ON 5/8"(16) T & G SUB FLOOR ON FLOOR JOISTS. ALL JOISTS TO BE BRIDGED WITH 2"x2" CROSS BRACING OR SOLID BLOCKING @ MID SPAN. JOISTS TO SIT ON EXTERIOR WALLS EXCEPT AT STAIRCASE LOCATION.
- ④ **INTERIOR PARTITION**  
(NON LOAD BEARING), 1/2"(12.7) THICK G.W.B. EACH SIDE OF 2"x4" (38X89) WOOD STUDS @16"(408) O.C. FINISHED WITH PAINT AS SELECTED BY OWNER.
- ⑤ **BASEMENT SLAB OR SLAB ON GRADE (9.16.4.3.)**  
4" (102) MIN. 25MPa (3600psi) CONCRETE SLAB C/W 6X6 6/6 W.W.M. IN CENTER OF SLAB ON CONTINUOUS 6 MIL. POLY AIR-VAPOUR BARRIER ON 4" (102) COARSE GRANULAR FILL.
- ⑥ **SILL PLATE**  
2"x6" (38X140) SILL PLATE FASTENED TO FOUNDATION WALL WITH 1/2"(12.7) DIA. ANCHOR BOLTS SPACED 4"(1219) OCS. X 6"(150) LONG. ANCHOR BOLTS WITH NUTS AND WASHERS TO BE EMBEDDED NOT LESS THAN 4"(100) IN THE FOUNDATION. GROUT WITH 16.7MPa GROUT. SILL PLATE TO BE LEVELLED ON A FULL BED OF MORTAR OR IF TOP OF FOUNDATION IS PERFECTLY LEVELLED, AN APPROVED SILL PLATE GASKET OR LAYER OF MINERAL WOOL AT LAST 1"(25) THICK TO BE PROVIDED. ALL AS PER OBC.9.23.6.
- ⑦ **FOUNDATION WALL**  
10"(254) THICK POURED CONCRETE FOUNDATION WALL, WITH REINFORCEMENT AS SHOWN. WITH 2 COATS BITUMINOUS DAMP PROOFING & DRAINAGE LAYER FROM GRADE TO FOOTING ON
- ⑧ **DAMP PROOFING MATERIAL: CONFORM TO 9.13.2.2(1)**
- ⑨ **CONCRETE FOOTING**  
NEW CONCRETE FOOTING 30"x8" WITH REBARS AS SHOWN AT SAME LEVEL OF EXISTING FOOTINGS WITH COMPRESSION STRENGTH OF CONCRETE 30MPa TO SIT ON UNDISTURBED SOIL. NEW FOOTING DEPTH TO BE AT LEVEL OF EXISTING BASEMENT FOOTING (MINIMUM 4FT BELOW GRADE).
- ⑩ **DRAIN TILE OR PIPE**  
DRAIN TILE AND PIPE TO BE 4" MIN. DIA. AND INSTALLED ON UNDISTURBED SOIL. AND CONNECT TO EXISTING DRAIN TILE. THE TOP AND SIDES OF DRAIN PIPE OR TILE TO BE COVERED WITH NOT LESS THAN 6" OF CRUSHED STONE OR OTHER COARSE CLEAN GRANULAR MATERIAL. ALL AS PER OBC 9.14.3. SHALL NOT ACCUMULATE NEAR THE BUILDING OR AFFECT SURFACE DRAINAGE OF ADJACENT PROPERTIES.
- ⑪ **BASEMENT WALL WITH CONTINUOUS INSULATION**  
1/2" GYP. WALLBOARD ON 6 MILL (0.15) POLYETHYLENE VAPOUR BARRIER ON 2"x4"@16" WOOD STUDS, 4" THICK (R20) RIGID CONTINUOUS INSULATION. ALL INSULATION TO EXTEND FROM US OF SUB FLOOR TO FINISH BASEMENT FLOOR.
- ⑫ **FLAT ROOF BALCONY**  
DURASTRONG RUBBER ROOF TILES ON 2 PLY OF MODIFIED WATERPROOF BITUMINOUS MEMBRANE ON 3/4" THICK PLYWOOD ON 2"x6"@16" TAPERED SLEEPERS (2% MIN. SLOPE) ON CEILING JOISTS WITH R31 SPRAY FOAM INSULATION IN BETWEEN JOISTS & 1/2" GYP. BOARD INTERIOR FINISH.

GENERAL NOTES:

- 1-CONFORM TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE 2012 AND ANY APPLICABLE ACTS OF AUTHORITY HAVING JURISDICTION
- 2-CHECK ALL DIMENSIONS, LEVELS, AND ELEVATIONS PROVIDED BY THE DRAWINGS AND REPORT ANY INCONSISTENCIES TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
- 3-EXCAVATION: EXCAVATION SHALL BE UNDERTAKEN IN SUCH A MANNER AS TO PREVENT MOVEMENT WHICH WOULD CAUSE DAMAGE TO ADJACENT PROPERTIES, EXISTING STRUCTURES, UTILITIES, ROADS AND SIDEWALKS AT ALL STAGE OF CONSTRUCTION. WHERE THE DEPTH OF EXCAVATION EXCEED 1220MM, EXCAVATION AT A 45 DEGREE ANGLE OR IN ACCORDANCE WITH APPROVED SHORING DETAILS. EXCAVATION AND/OR CONSTRUCTION ON ADJACENT PROPERTIES REQUIRES THE CONSENT OF AFFECTED PROPERTY OWNERS. NO WORK TO ENCRONCH ONTO ADJOINING PROPERTIES, SURFACE DRAINAGE SHALL NOT BE DISCHARGED DIRECTLY OR INDIRECTLY ONTO SIDEWALK, DRIVEWAY, STAIRWAY OR AN ADJOINING PROPERTY. EXCAVATION THAT EXCEEDED 1.2M ARE REQUIRED TO BE SHORED OR CUTBACK AT THE TOP SO THAT THE ANGLE OF THE CUT DOES NOT EXCEED 1:1. IF SHORING IS TO BE PROVIDED SUBMIT DRAWINGS WITH DESIGN PARAMETERS CLEARLY STATED FOR APPROVAL UNDER SEPARATE PERMIT APPLICATION. A SOIL REPORT AND/OR CALCULATION MAY BE REQUESTED.
- 4-BACKFILL: BACKFILL WITH ENGINEERED SOIL WITH PROPER COMPACTION. DO NOT BACKFILL BASEMENT WALLS UNTIL MAIN FLOOR JOISTS ARE IN PLACE UNLESS WALLS ARE ADEQUATELY BRACED.
- 5-CAST IN PLACE CONCRETE
- 5.1 CONFORM TO THE REQUIREMENT OF CSA STANDARD A23.1-04. COMPRESSION STRENGTH OF CONCRETE 30MPa.
- 5.2 REINFORCEMENT:
  - a) CONFORM TO THE REQUIREMENTS OF CSA STANDARD G30 SERIES
  - b) REINFORCING BARS SHALL HAVE A MINIMUM YIELD STRENGTH FY=400MPa.
- 5.3- ALL CONCRETE FOOTING TO BE MIN. 4R (1220mm) BELOW GRADE ON NATURAL UNDISTURBED SOIL HAVING AN ALLOWABLE BEARING CAPACITY OF 75KPA OR GREATER. COMPRESSION STRENGTH OF CONCRETE TO BE 30MPa @28 DAYS C/W (UNLESS NOTED OTHERWISE). INSTALL WEEPING TILE OR PIPE AT PERIMETER WALLS AS PER OBC. 9.16. STEP FOOTINGS ARE REQUIRED TO HAVE A MAX. VERTICAL RISE OF 600MM AND A MIN. OF HORIZONTAL DISTANCE OF 600MM BETWEEN THE RISERS, AS PER OBC.9.15.3.9. FOR FOOTING SIZES SEE FLOOR PLAN.
- 6.4- PROTECT THE FRESH CONCRETE DURING COLD WEATHER WHEN AIR TEMPERATURE FALLING BELOW 5 DEGREE CENTIGRADE, REFER TO CANCSA-A23.1.
- 6- STRUCTURAL STEEL:
  - 6.1 STRUCTURAL STEEL SHALL CONFORM TO CAN/CSA-G40.20/G40.21. "W" SECTIONS TO BE GRADE 350W, ALL OTHER STEEL TO BE GRADE 300W.
  - 6.2 ALL STRUCTURAL STEEL TO BE GALVANIZED OR RUST PROOF AFTER INSTALLATION
  - 6.3 WELDING TO COMPLY WITH CSA W59 AND BE CARRIED OUT BY CERTIFIED WELDERS.
  - 6.4 WELDING ELECTRODES TO BE E480XX. BEFORE START OF WELDING, MAKE ALL WELDING SURFACES CLEAN FROM RUST.
  - 6.5 ALL BOLTS SHALL BE CONFORMING TO ASTM SPECIFICATION A307.
- 7- WOOD
  - 7.1 LUMBERS: UNLESS OTHERWISE NOTED, TO BE SPRUCE SPECIES GRADE NO. 2 CONFORMING TO CSA STANDARD Q141 WITH MAXIMUM MOISTURE CONTENT OF 15% AT TIME OF INSTALLATION. LUMBER SHALL BEAR THE GRADING STAMP OF AN AGENCY APPROVED BY THE CANADIAN LUMBER STANDARDS ADMINISTRATION BOARD. MATERIAL FOR NEW LVL BEAMS IS 2.0E (FROM WEST FRASER TIMBER). LVL SCREWS FROM FLATLOK
  - 7.2 LUMBERS EXPOSED TO EXTERIOR WEATHER TO BE SPRUCE NO. 2 GRADE PRESSURE TREATED.
  - 7.3- STUD WALL REQUIREMENT, PROVIDE FULL WIDTH SILL PLATES MIN. 2"x6" (38X140) @16" (408) SPACING WITH 2 STUDS AT ALL CORNERS, INTERSECTIONS AND ON SIDES OF WALL OPENINGS. STUDS TO BE FULL STORY HEIGHT (NO SPLICE), WITH MID-HEIGHT BLOCKING. TWO TOP PLATES REQUIRED FOR LOAD BEARING WALLS.
- 8-CONTRACTOR SHOULD BRACE ALL CONSTRUCTION TEMPORARY UNTIL ROOF AND FLOOR SHEATHING AND OTHER PERMANENT STRUCTURE ELEMENTS/BRACING ARE IN PLACE.
- 9-DO SITE MEASUREMENTS FOR EXACT SIZES OF NEW BEAMS, JOISTS AND POSTS.
- 10-PROVIDE TEMPORARY SUPPORT FOR EXTERIOR WALLS BEFORE MAKING NEW OPENINGS.
- 11-CONTRACTOR TO CAREFULLY EXAMINE ALL EXISTING SITE CONDITIONS AND BUILDING COMPONENTS, SO THAT A CLEAR AND COMPREHENSIVE UNDERSTANDING OF THE SCOPE OF WORK IS ACHIEVED.
- 12-VERIFY DIRECTION OF EXISTING JOISTS AS SHOWN ON DRAWINGS. REPORT TO ENGINEER IF FOUND DISCREPANCIES BEFORE START OF CONSTRUCTION.
- 13-WHERE EXISTING CONSTRUCTION TO REMAIN IS DAMAGED BY CONTRACTOR'S DEMOLITION WORK, THE CONSTRUCTION MUST BE REPAIRED TO MATCH EXISTING.
- 14- RADON GAS MITIGATION, RADON GAS BARRIER (OPTION2 FROM CITY OF HAMILTON WEBSITE)
  - 14-1) A SOIL GAS BARRIER ON THE FOUNDATION WALLS (BITUMINOUS DAMPPROOFING), AND OBC REFERENCE: SENTENCE 9.13.4.2.(3), OF DIVISION B
  - 14-2) UNDER THE BASEMENT FLOOR SLAB USING 6 MIL POLYETHYLENE LAPPED NOT LESS THAN 300 MM, AND OBC REFERENCE: FIGURES SB-9A OR SB-9B OF SUPPLEMENTARY STANDARD SB-9
  - 14-3) SEALING ALONG THE PERIMETER OF THE BASEMENT FLOOR SLAB AND AT ALL PENETRATIONS USING FLEXIBLE SEALANT (POLYURETHANE CAULKING). OBC REFERENCE: CLAUSE 9.13.4.2.(4)(A), OF DIVISION B, AND SUPPLEMENTARY STANDARD SB-9
  - 14-4) CARE MUST BE TAKEN WHEN INSTALLING 6 MIL POLYETHYLENE SINCE IT IS PRONE TO PUNCTURE. PLEASE ENSURE THE 6 MIL POLYETHYLENE IS ADEQUATELY PROTECTED.

ENGINEER  
SEAL:



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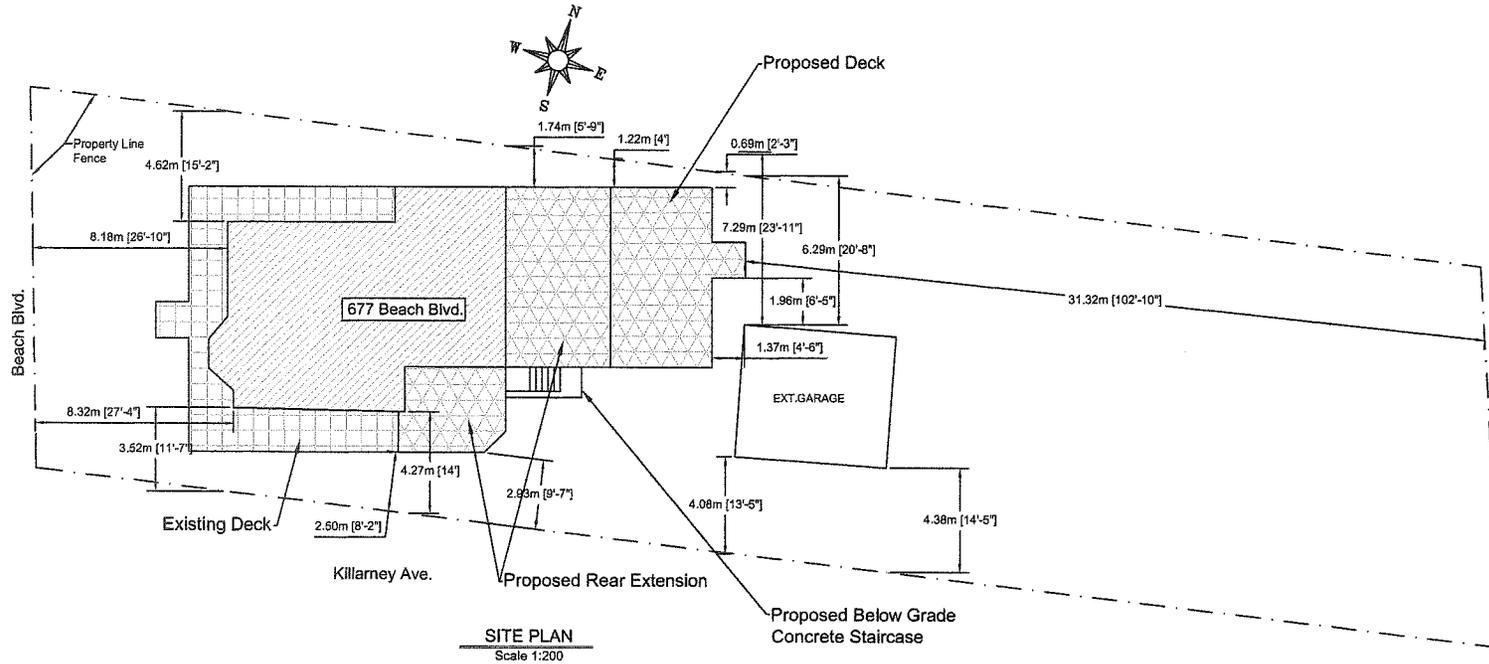
No.	Revision/Issue	Date

PROJECT:

677 Beach Boulevard  
Hamilton, On

TITLE:  
Construction and  
General Notes

SCALE:	DRAWING NO.
DESIGNED BY:	S0.02
APPROVED BY:	
BY:	



**SITE PLAN**  
Scale 1:200

**ENGINEER SEAL:**

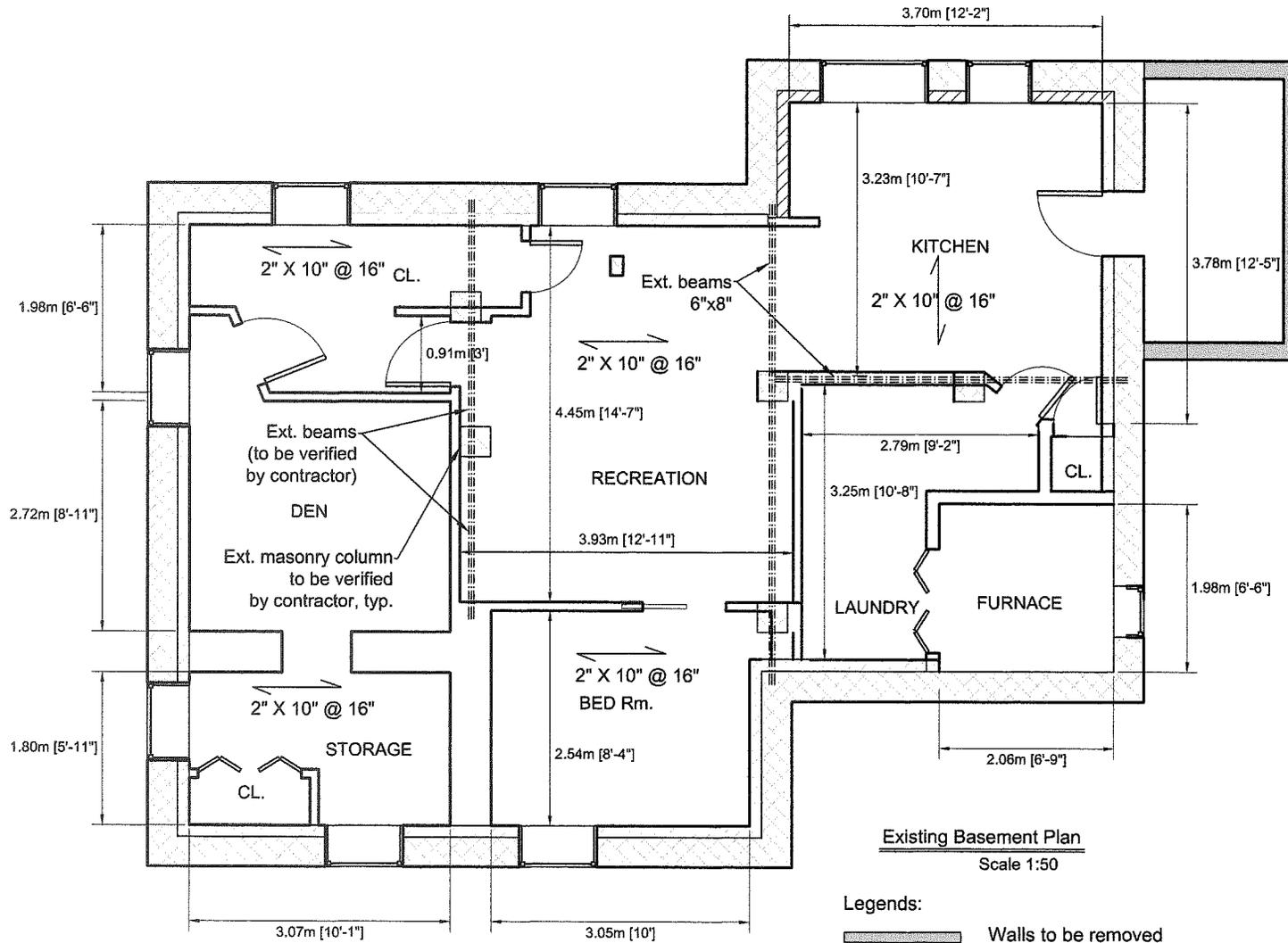
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No.	Revision/Issue	Date

**PROJECT:**  
677 Beach Boulevard  
Hamilton, On

**TITLE:**  
Site Plan

SCALE:	DRAWING NO.
DESIGNED BY:	SP1.01
APPROVED BY:	
BY:	



ENGINEER  
SEAL:



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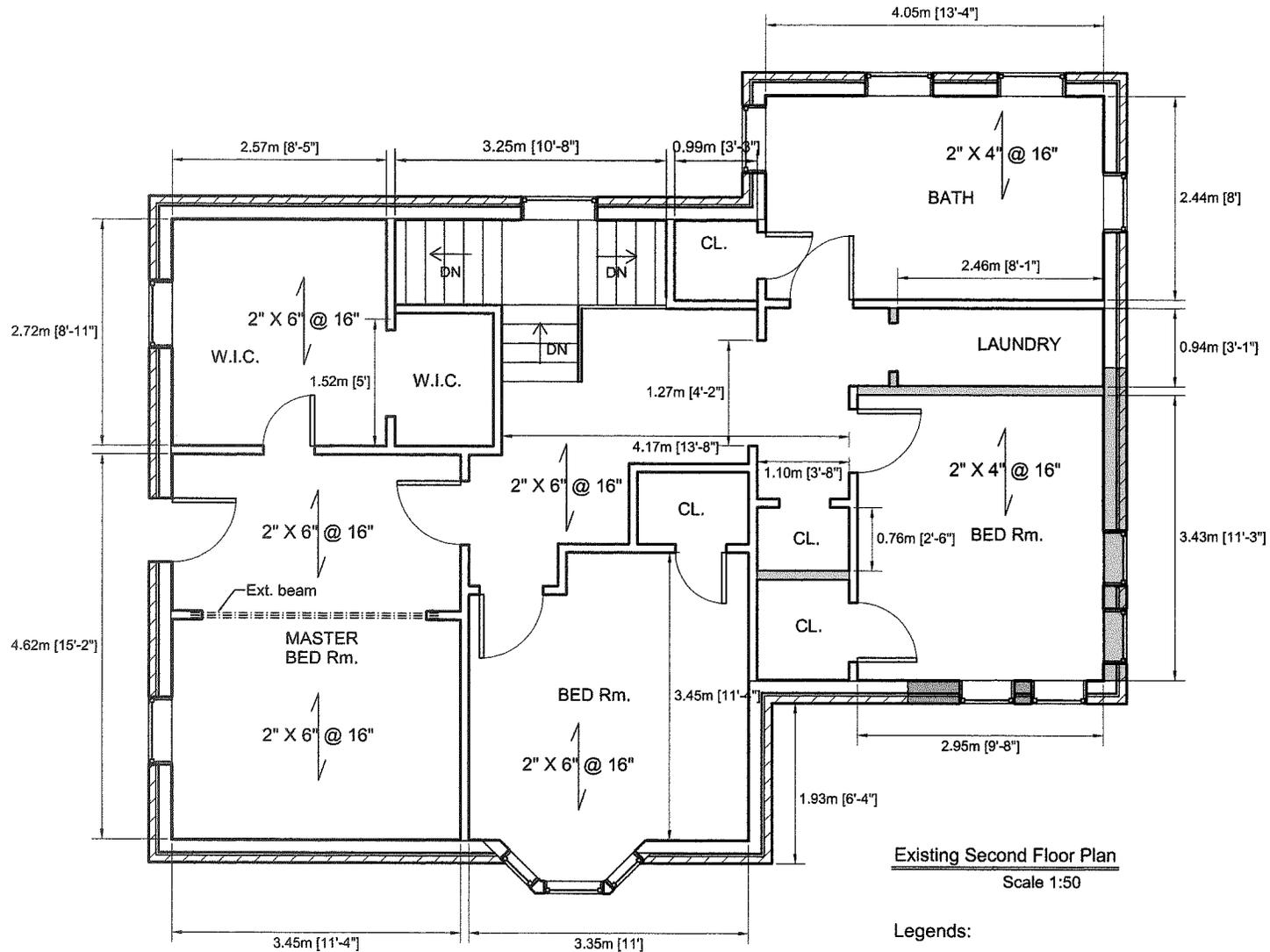
No.	Revision/Issue	Date

**PROJECT:**  
677 Beach Boulevard  
Hamilton, On

**TITLE:**  
Existing Basement  
Plan

SCALE:	DRAWING NO.
DESIGNED BY:	<b>S1.01</b>
APPROVED BY:	
BY:	





Existing Second Floor Plan  
Scale 1:50

Legends:  
 Walls to be removed

ENGINEER SEAL:



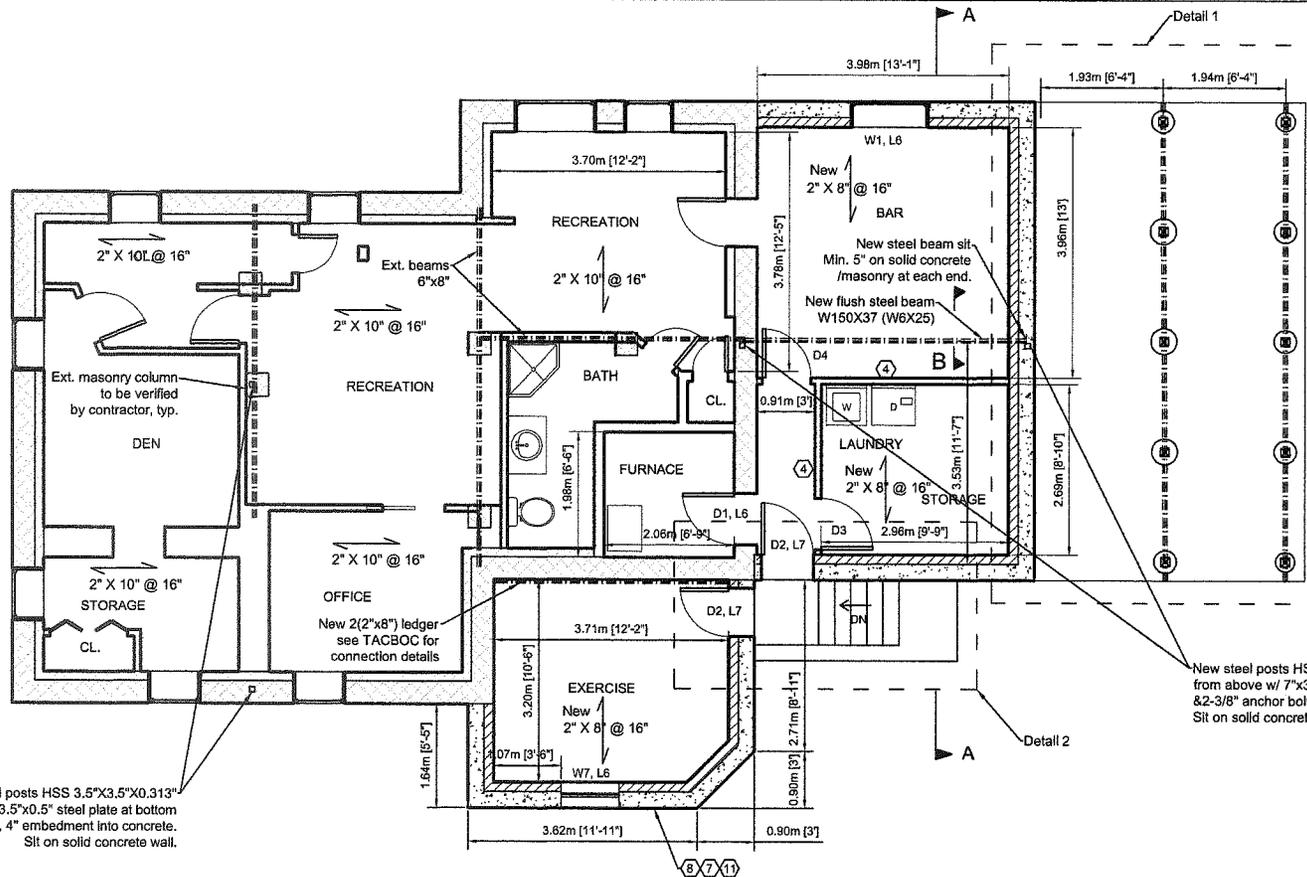
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**PROJECT:**  
 677 Beach Boulevard  
 Hamilton, On

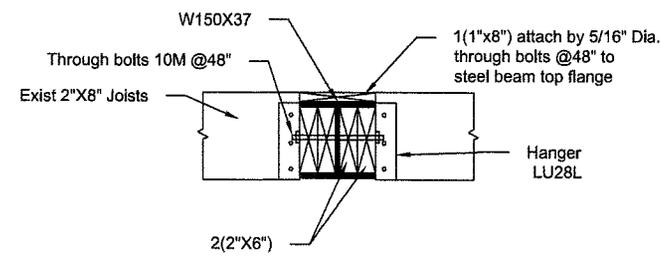
**TITLE:**  
 Existing Second Floor Plan

SCALE:	DRAWING NO.
DESIGNED BY:	<b>S1.03</b>
APPROVED BY:	
BY:	



New steel posts HSS 3.5"x3.5"x0.313" from above w/ 7"x3.5"x0.5" steel plate at bottom & 2-3/8" anchor bolts, 4" embedment into concrete. Sit on solid concrete wall.

**Proposed Basement Plan**  
Scale 1:75



**Section B-B**  
Scale 1/10

**ENGINEER SEAL:**

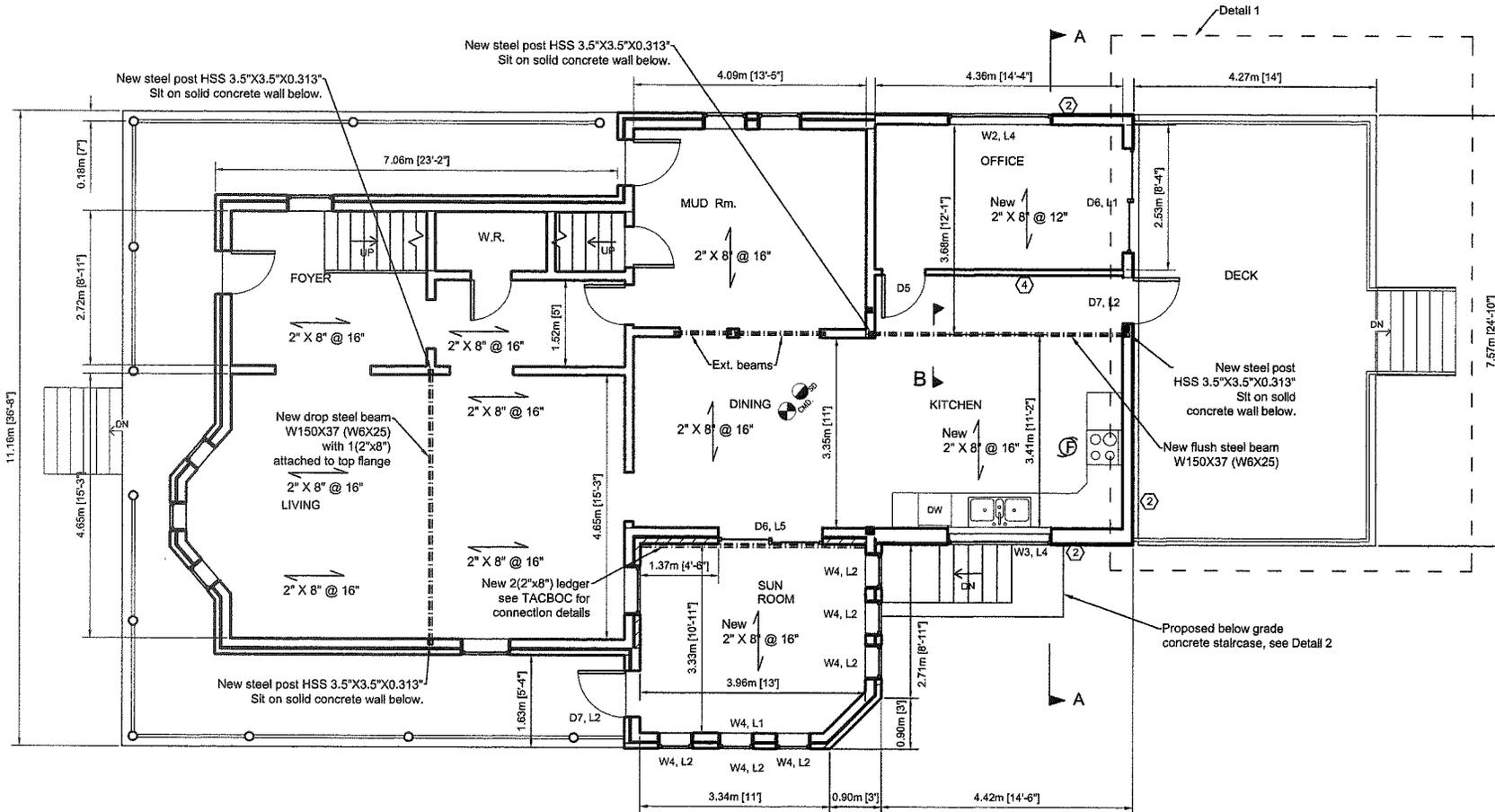
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No.	Revision/Issue	Date

**PROJECT:**  
677 Beach Boulevard  
Hamilton, On

**TITLE:**  
Proposed Basement Plan

SCALE:	DRAWING NO.
DESIGNED BY:	S1.04
APPROVED BY:	



**Proposed First Floor Plan**  
Scale 1:75

ENGINEER  
SEAL:



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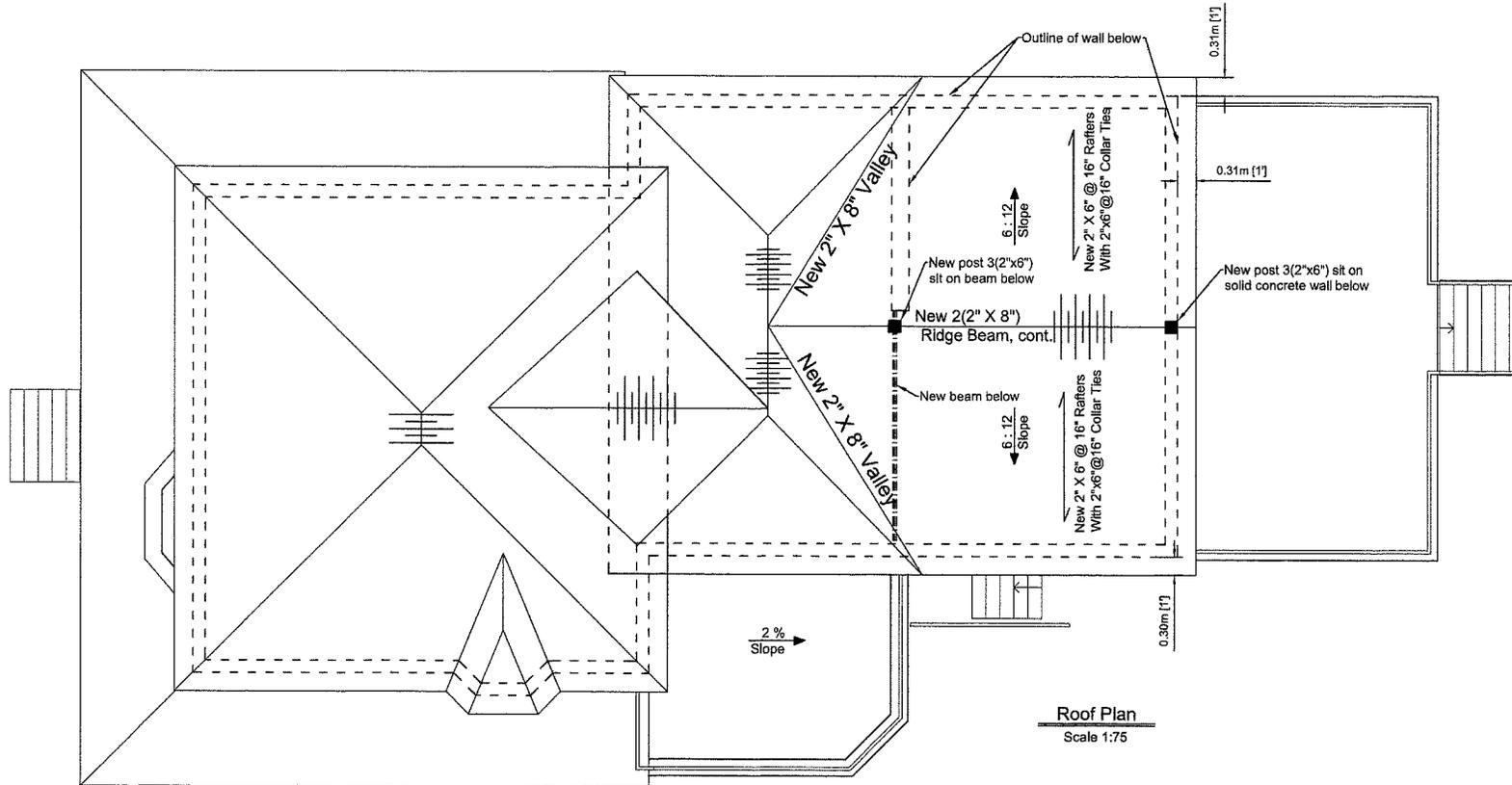
No.	Revision/Issue	Date

**PROJECT:**  
677 Beach Boulevard  
Hamilton, On

**TITLE:**  
Proposed First  
Floor Plan

SCALE:	<b>S1.05</b>
DESIGNED BY:	
APPROVED BY:	
DRAWING NO.:	





**Roof Plan**  
Scale 1:75

ENGINEER SEAL:



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Email: info@sauzteq.ca

No.	Revision/Issue	Date

**PROJECT:**  
677 Beach Boulevard  
Hamilton, On

**TITLE:**  
Roof Plan

SCALE:	DRAWING NO.
DESIGNED BY:	S1.07
APPROVED BY:	



East View  
Scale 1:75

ENGINEER  
SEAL:



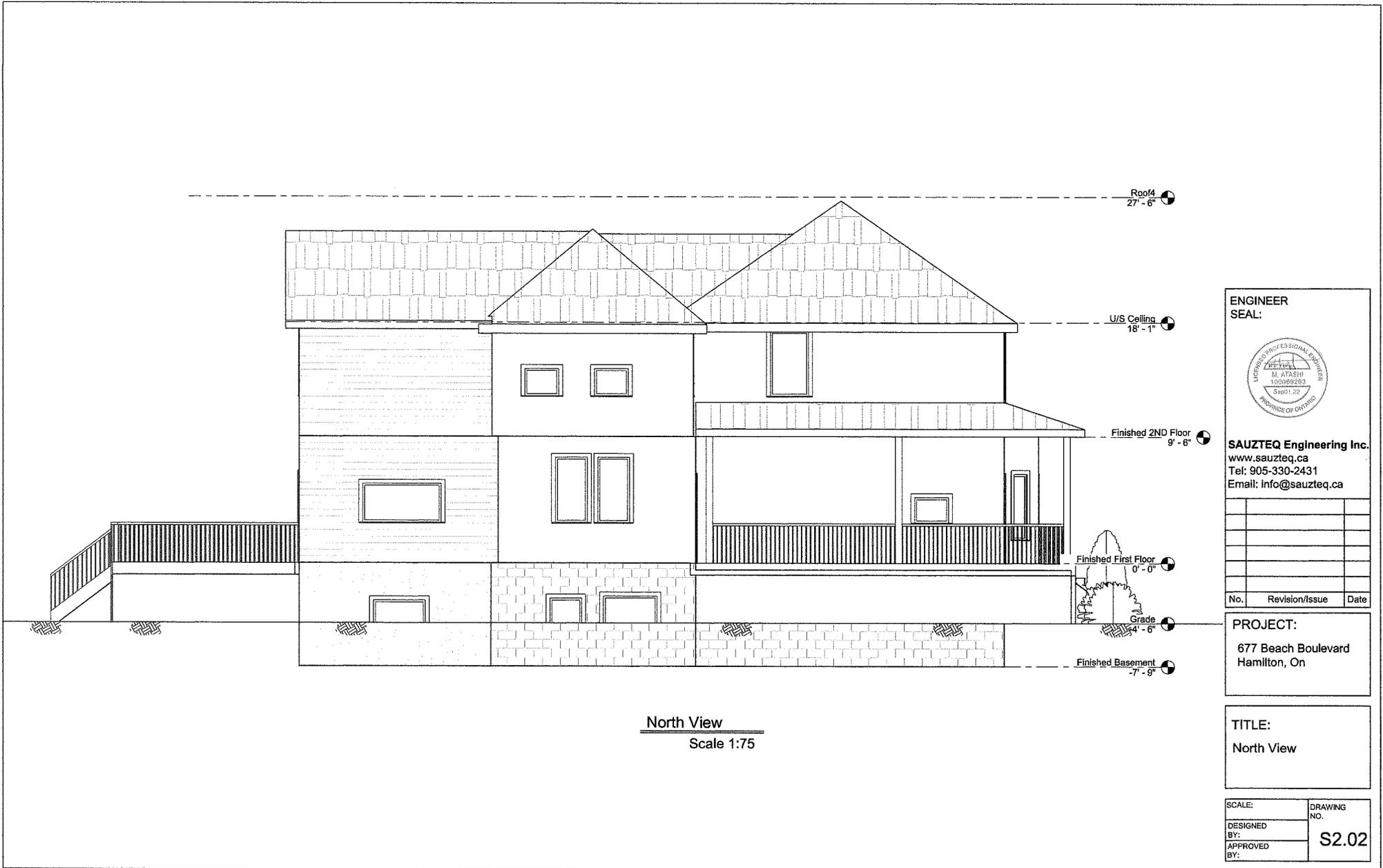
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No.	Revision/Issue	Date

**PROJECT:**  
677 Beach Boulevard  
Hamilton, On

**TITLE:**  
East View

SCALE:	DRAWING NO.
DESIGNED BY:	S2.01
APPROVED BY:	



North View  
Scale 1:75

ENGINEER  
SEAL:



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Email: info@sauzteq.ca

No.	Revision/Issue	Date

**PROJECT:**  
677 Beach Boulevard  
Hamilton, On

**TITLE:**  
North View

SCALE:	DRAWING NO.
DESIGNED BY:	S2.02
APPROVED BY:	



South View  
Scale 1:75

ENGINEER  
SEAL:



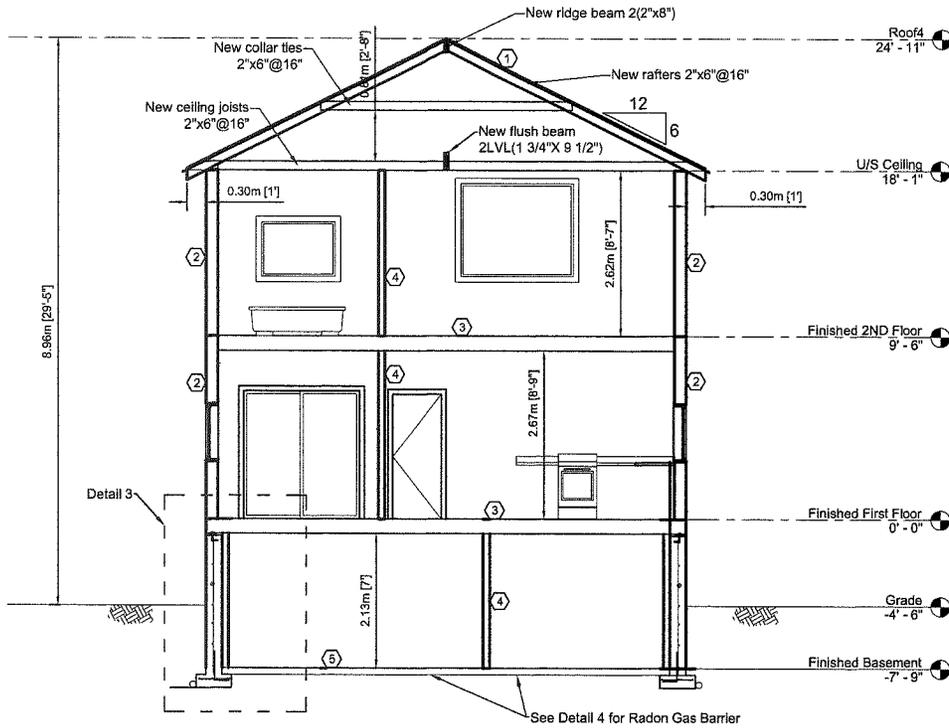
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No.	Revision/Issue	Date

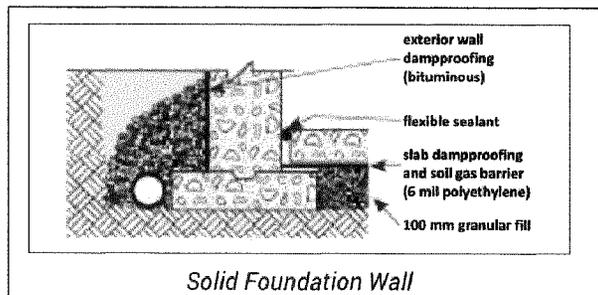
**PROJECT:**  
677 Beach Boulevard  
Hamilton, On

**TITLE:**  
South View

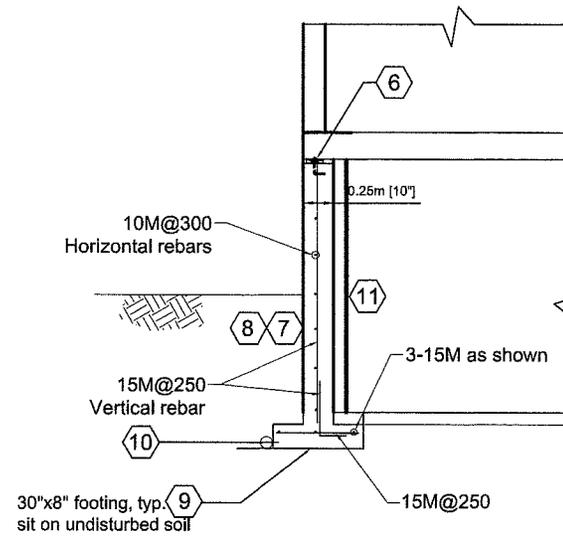
SCALE:	DRAWING NO.
DESIGNED BY:	S2.03
APPROVED BY:	



**Section A**  
Scale 1:75



**Detail 4- Radon Gas Barrier**  
See also note # 14



**Detail 3**  
Scale 1:40

ENGINEER  
SEAL:



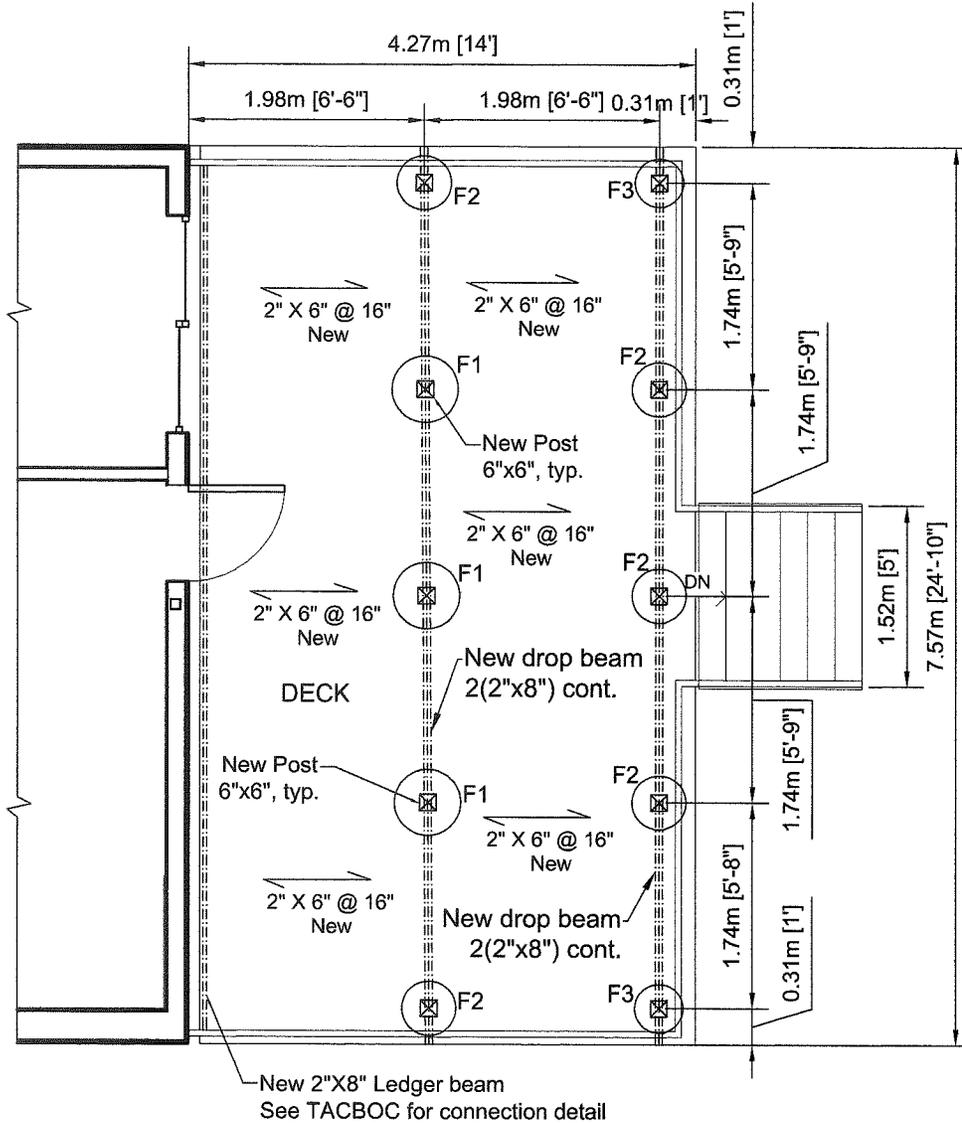
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Email: info@sauzteq.ca

No.	Revision/Issue	Date

**PROJECT:**  
677 Beach Boulevard  
Hamilton, On

**TITLE:**  
Section A

SCALE:	DRAWING NO.
DESIGNED BY:	S2.04
APPROVED BY:	



**Detail1- Proposed Rear Deck**

Scale: 1/40

**Notes:**

1) New Footing Sizes:

- F1, Concrete Pier Dia.= 22 inch (by Sonotube)
- F2, Concrete Pier Dia.=18 inch (by Sonotube)
- F3, Concrete Pier Dia.=16 inch (by Sonotube)
- Compression strength of concrete 30MPa (Min.)

- 2) All footings to be embedded minimum 4ft below grade and sit on undisturbed soil.
- 3) Top of footing should be minimum 6inch above grade.
- 4) Attach all new posts (6"x6") to concrete footings by Simpson Column Base RCPS5.5HDG or Equivalent.
- 5) Lumbers exposed to exterior weather to be Spruce No. 1/No.2 grade pressure treated.
- 6) Refer to attached TACBOC drawings for details of guardrails, handrails, stairs and deck

ENGINEER SEAL:



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 Email: info@sauzteq.ca

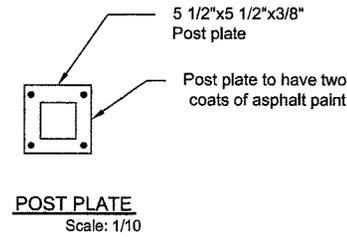
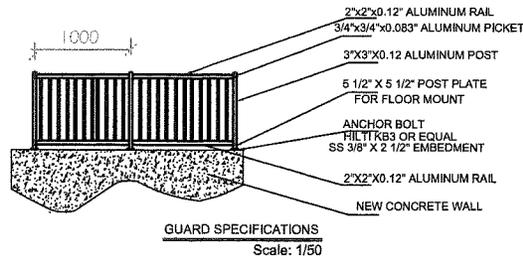
No.	Revision/Issue	Date

**PROJECT:**  
 677 Beach Boulevard  
 Hamilton, On

**TITLE:**  
 Detail 1  
 New Rear Deck

SCALE:	DRAWING NO.
DESIGNED BY:	S3.01
APPROVED BY:	





**GENERAL**

- 1-Conform to the requirements of the Ontario building code 2012 and any applicable acts of authority having jurisdiction
- 2-Check all dimensions, levels, and elevations provided by the drawings and report any inconsistencies to the engineer before proceeding with the work.
- 3- Verify dimension of stair and total depth by site measurement and report to engineer if find any discrepancy, before start of construction

**MATERIAL**

- 4) Concrete
  - a) Conform to the requirement of CSA standard A23.1-04.
  - b) Concrete to have a minimum 28 day compression strength of 30MPa
- 5) Reinforcement:
  - a) Conform to the requirements of CSA standard G30 series
  - b) Reinforcing bars shall have a minimum yield strength  $f_y=400\text{MPa}$ .
- 6) Aluminum:
 

Structural members made of aluminum shall conform to CAN/CSA-S157

7) Lumbers, S-P-F select structural

**8) Execution:**

- a) Verify location of existing utilities before start of excavation
- b) Protect or relocate the existing utilities by authorized persons
- c) Protect existing structures/fences, Excavation should not be done below the elevation of the existing footing.
- d) Contractor shall protect the fresh concrete during cold weather when air temperature falling below 5 degree centigrade, refer to CAN/CSA-A23.1.

<b>ENGINEER SEAL:</b>		
		
<b>SAUZTEQ Engineering Inc.</b> www.sauzteq.ca Tel: 905-330-2431 Email: info@sauzteq.ca		
<b>PROJECT:</b>		
677 Beach Boulevard Hamilton, On		
<b>TITLE:</b>		
New concrete staircase Details & Notes		
<b>SCALE:</b>	<b>DRAWING NO.</b>	
<b>DESIGNED BY:</b>		<b>S3.03</b>
<b>APPROVED BY:</b>		
<b>BY:</b>		

DOOR SCHEDULE	
D1	NEW INTERIOR 32"(W)X80"(H)
D2	NEW EXTERIOR 32"(W)X80"(H)
D3	NEW INTERIOR 32"(W)X80"(H)
D4	NEW INTERIOR 32"(W)X80"(H)
D5	NEW INTERIOR 30"(W)X80"(H)
D6	NEW PATIO 72"(W)X80"(H)
D7	NEW EXTERIOR 32"(W)X80"(H)
D8	NEW INTERIOR 28"(W)X80"(H)
D9	NEW INTERIOR 2(28"(W)X80"(H))

WINDOW SCHEDULE	
W1	NEW 48"(W)X24"(H)
W2	NEW 72"(W)X36"(H)
W3	NEW 72"(W)X36"(H)
W4	NEW 24"(W)X80"(H)
W5	NEW 72"(W)X48"(H)
W6	NEW 72"(W)X48"(H)
W7	NEW 36"(W)X20"(H)

LINTEL SCHEDULE	
L1	3(2"X8") W/ 3(2"X6") POST EACH SIDE
L2	2(2"X8") W/ 2(2"X6") POST EACH SIDE
L3	3(2"X8") W/ 3(2"X4") POST EACH SIDE
L4	3(2"X10") W/ 3(2"X6") POST EACH SIDE
L5	2LVL(1 3/4"X 7 1/4") W/ 3(2"X4") POST EACH SIDE
L6	STEEL ANGLES 2-L 3.5"X3.5"X0.25" ONE AT EACH SIDE W/ 6INCH BEARING EACH END
L7	3(2"X8") WITH 4" BEARING ON CONCRETE AT EACH END

**LEGENDS:**

-  SMOKE ALARM
-  CARBON MONOXIDE DETECTOR
-  EXHAUST FAN

ENGINEER SEAL:



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 Email: info@sauzteq.ca

No.	Revision/Issue	Date

**PROJECT:**  
 677 Beach Boulevard  
 Hamilton, On

**TITLE:**  
 Schedules

SCALE:	DRAWING NO.
DESIGNED BY:	S5.01
APPROVED BY:	



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

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

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

**1. APPLICANT INFORMATION**

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

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

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

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

1.5 All correspondence may be sent by email                       Yes\*                       No

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

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	677 Beach Blvd		
Assessment Roll Number	050513030100000		
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:

The property falls within a zone under the Hamilton 6593 bylaw, which requires additional parking spots when the dwelling exceeds 8 habitable rooms.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Please see attached city comments

3.3 Is this an application 45(2) of the Planning Act.  
 Yes  No

If yes, please provide an explanation:

2 Car garage + 2 car drive way would have to cut down mature tree to add 1 paking spot

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
16.03	62	980.06	

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
Residential	8.2	41.25	1.49, 3.52	N/A

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Residential Addition at rear	8.2	31.32	0.69, 3.52	N/A

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Residential	101	193	2	9.75

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Residential	42.17	75.53	2	8.96

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

lake or other water body  
 other means (specify)

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

ditches  
 other means (specify)

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

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

4.7 Type of access: (check appropriate box)

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

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

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

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:  
N/A

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

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

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

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

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

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

Urban Hamilton Official Plan designation (if applicable) N/A

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

7.6 What is the existing zoning of the subject land? Urban Protected Residential

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

Yes  No  
If yes, please provide the file number: \_\_\_\_\_

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  Yes  No

If yes, please provide the file number: \_\_\_\_\_

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  Yes  No

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

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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

\_\_\_\_\_  
\_\_\_\_\_



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>SC/A-21:415</b>	<b>SUBJECT PROPERTY:</b>	15 CENTENNIAL PARKWAY S, STONEY CREEK
<b>ZONE:</b>	"RM1(H)" (Multiple Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:**      **Owner:** TUONGVI THI THACH & CAY HO  
                                 **Agent:** RIANNA VALVASORI

The following variances are requested:

1. A maximum residential gross floor area of 46.5 m<sup>2</sup> or 38% of the dwelling shall be permitted for purposes of a home occupation (nail salon), instead of the maximum permitted residential gross floor area of 20% of the dwelling unit for the purposes of a home occupation;
2. Outdoor display for a home occupation shall be permitted, instead of no outdoor display being permitted for a home occupation;
3. Employees who do not reside within the dwelling shall be permitted to attend the dwelling for home occupation purposes, instead of no employees being permitted to visit the dwelling for home occupation purposes;
4. A minimum parking space width of 2.70 m shall be permitted instead of the minimum required parking space width of 2.75 m; and
5. A maximum of two (2) parking spaces shall be permitted to be located within the required front yard of 6 m, instead of the maximum of one (1) parking space.

**PURPOSE & EFFECT:**      To facilitate a home occupation (nail salon) within the existing dwelling:

**Notes:**

- i. Floor plans and elevation drawings were not provided with the submission. As such, additional variances may be required.

**SC/A-21:415**

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>9:50 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-21:415, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

SC/A-21:415



 Subject Lands

DATED: July 25, 2023

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

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

# CENTENNIAL PARKWAY SOUTH

PROPERTY LINE (200')

PROPERTY LINE (50')



PROPOSED STYLE OF GROUND SIGN

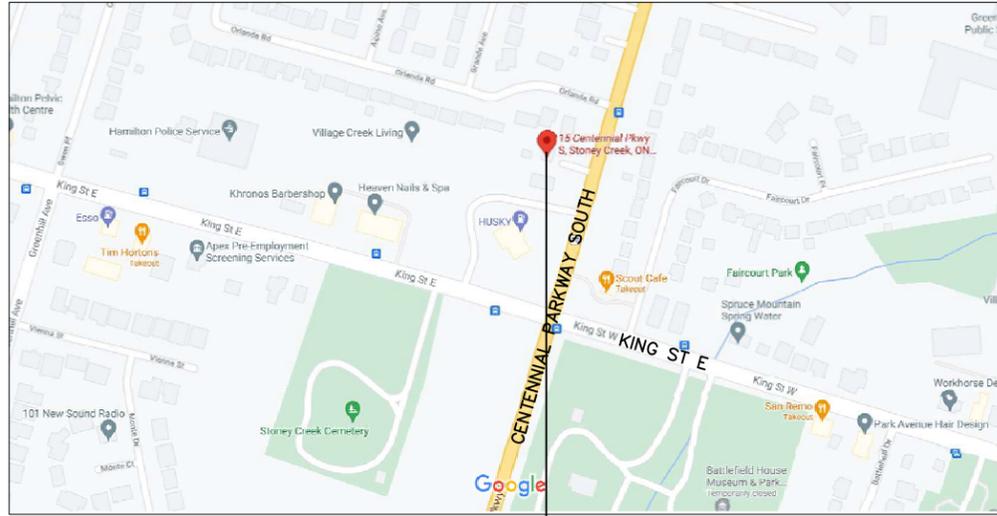
**GATEWAY GROUP**

PROJECT  
15 CENTENNIAL PARKWAY SOUTH

DRAWING  
PROPOSED GROUND SIGN

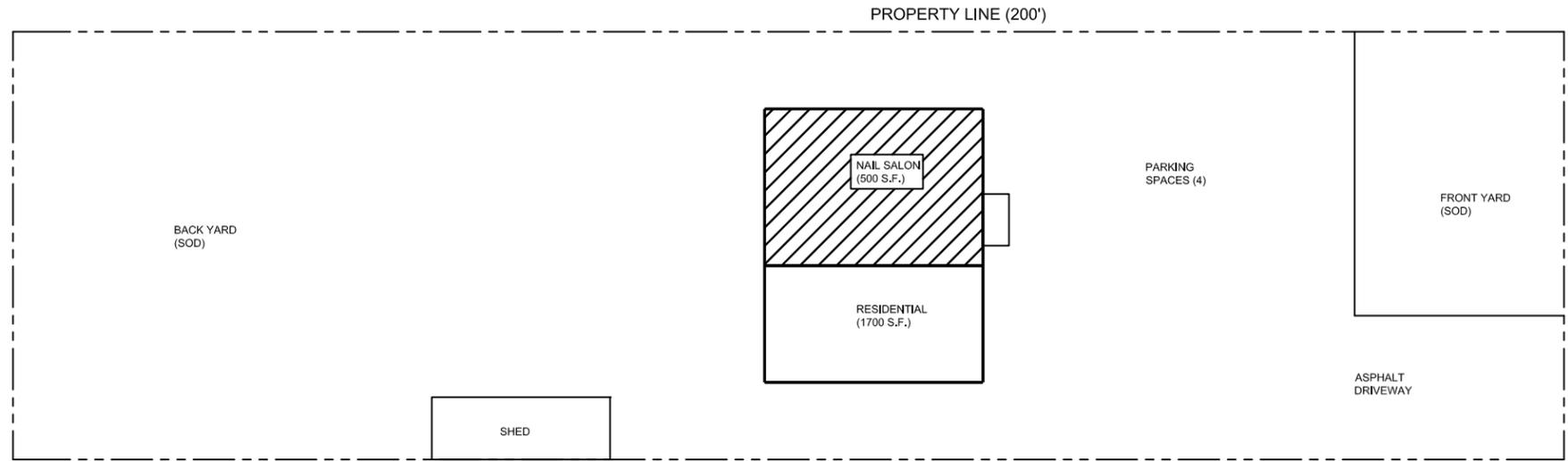
No.	DATE	REVISION	BY
1.			

SCALE: 1:150



PROPOSE NAIL SALON  
(500 SF OR 46 m<sup>2</sup>)

1 KEY PLAN  
A0 NTS



2 SITE PLAN  
A0 NTS

**SITE STATISTIC:**

LOT AREA :	10,000SF (929m <sup>2</sup> )
PARKING :	4 SPACES
PROPERTY AREA :	2200 S.F. (100%)
COMMERCIAL AREA (NAIL SALON) :	500 S.F. (23%)
RESIDENTIAL AREA :	1700 S.F. (77%)

CENTENNIAL PARKWAY SOUTH

PROPERTY LINE (50')

PROPERTY LINE (200')

FRONT YARD (SOD)

ASPHALT DRIVEWAY

PARKING SPACES (4)

NAIL SALON (500 S.F.)

RESIDENTIAL (1700 S.F.)

SHED

BACK YARD (SOD)

REVISION:		
No:	Date:	Description:
1	JUN 2021	FOR PERMIT



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PROJECT: **NAIL SALON**  
**15 CENTENNIAL PARKWAY S**  
**STONEY CREEK, ON**

TITLE: **KEY/SITE PLAN**

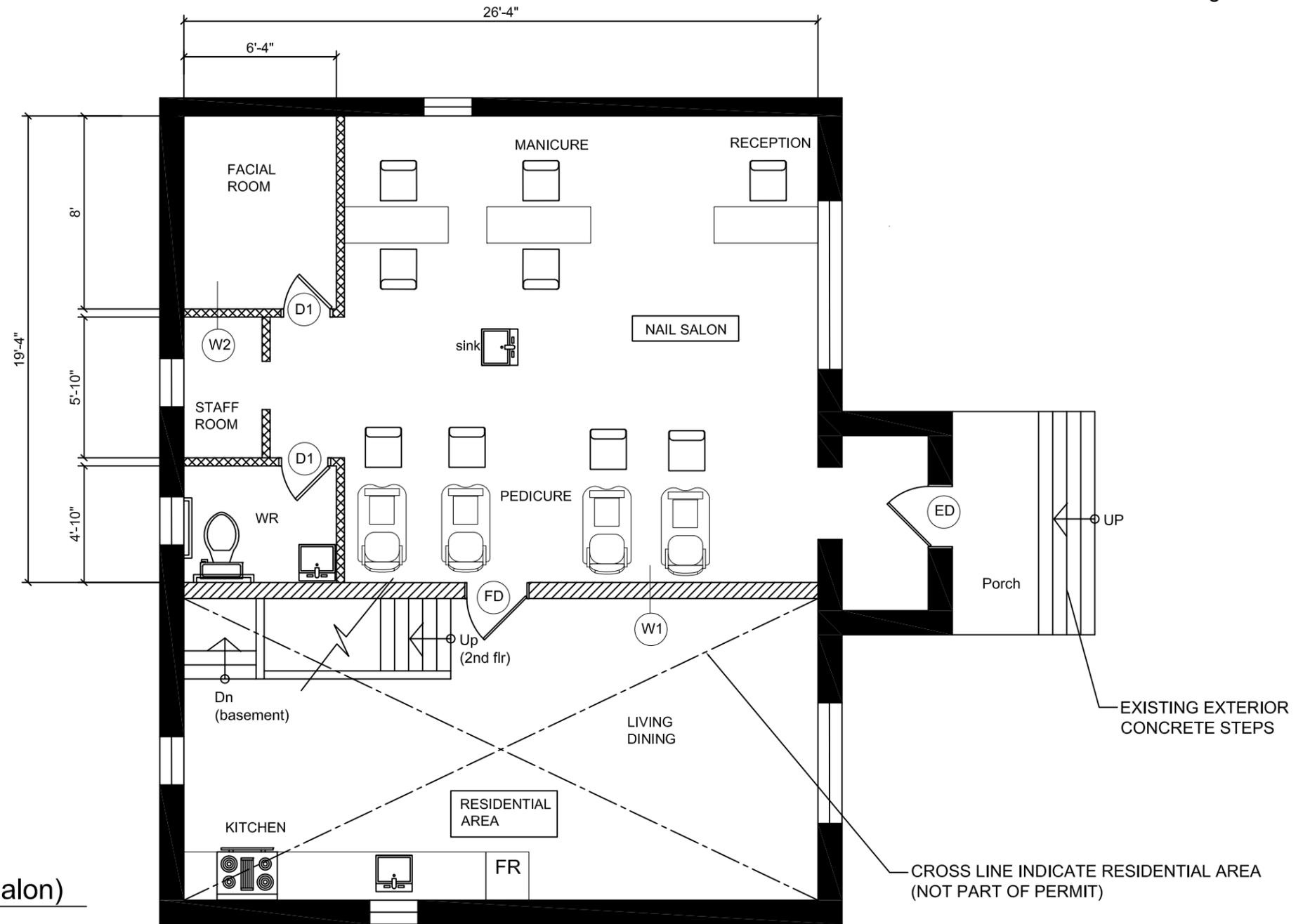
**CKL DESIGN INC**  
19 OAK STREET, UNIT B  
NORTH YORK, ON M9N 0A4  
416.792.9218  
kelly@knarchitect.ca  
www.knarchitect.ca

PROJECT No: C-21  
DRAWN BY / APPROVE BY: KNA / KNA  
SCALE: NTS  
DATE: JUN/2021

DRAWING No. **A0**

**LEGEND:**

-  EXISTING EXTERIOR WALL
-  DEMISING WALL 45min FFR  
- 2X4 WOOD STUD @16" O/C  
- 4" THICK ABSORPTIVE MATERIAL  
- RESILIENT METAL CHANNELS ON ONE SIDE@16" O/C  
- 1 LAYER OF GYPSUM BOARD ON EACH SIDE
-  NEW PARTITION 2"X4" METAL STUD @ 16" O/C WITH 1/2" DRYWALL ON BOTH SIDES
-  EXISTING EXTERIOR DOOR
-  NEW INTERIOR DOOR
-  EXISTING INTERIOR DOOR
-  NEW FIRE-RATED DOOR (1 HR FFR)



**1** PROPOSED PARTIAL 1ST FLOOR PLAN (Nail Salon)  
**A1** SCALE: 3/16" = 1'-0"

CROSS LINE INDICATE RESIDENTIAL AREA (NOT PART OF PERMIT)

REVISION:		
No:	Date:	Description:
1	JUN 2021	FOR PERMIT



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PROJECT: **NAIL SALON**  
**15 CENTENNIAL PARKWAY S**  
**STONE CREEK, ON**

TITLE: **PROPOSED PARTIAL**  
**1ST FLOOR PLAN**

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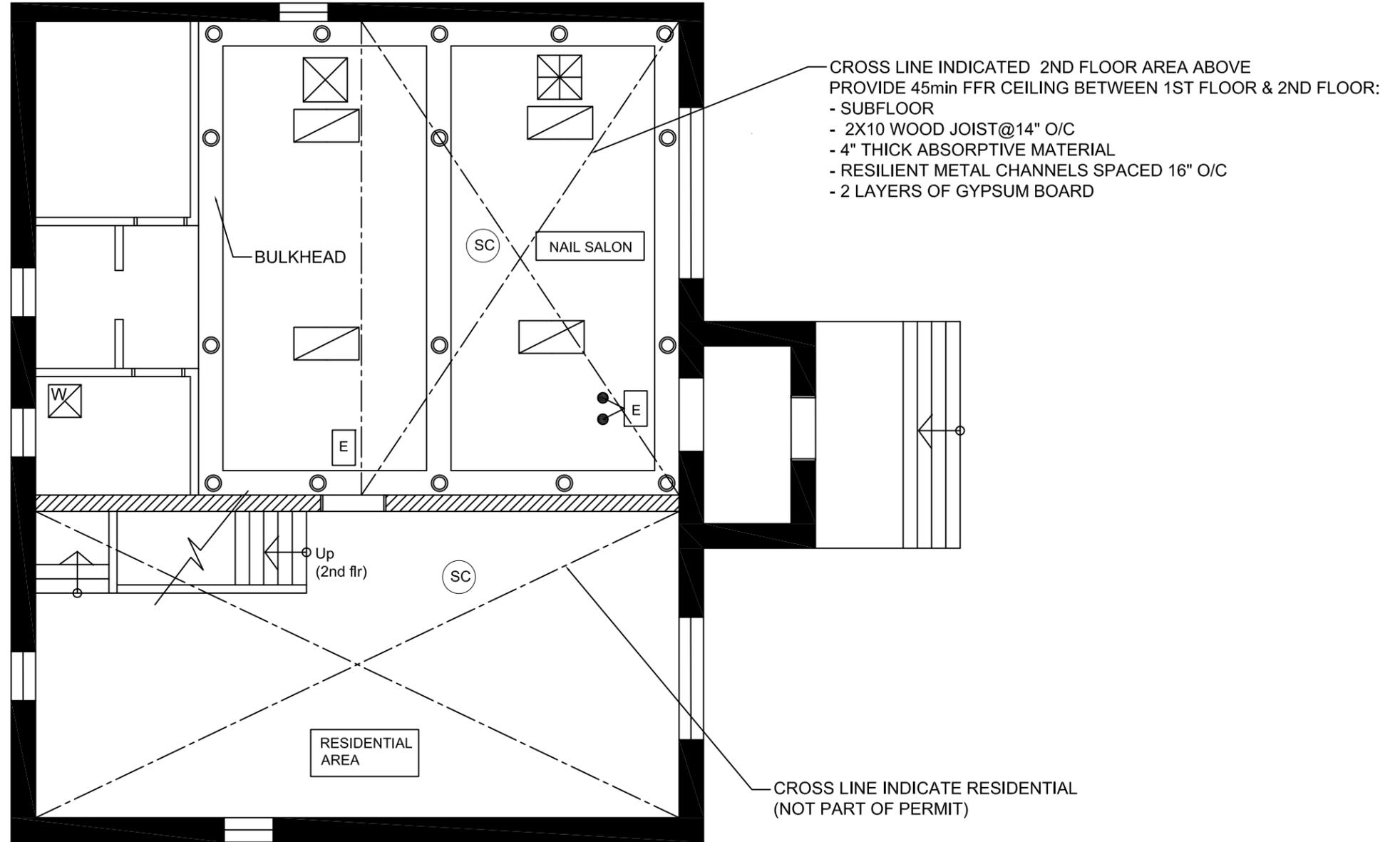
PROJECT No: C-21  
 DRAWN BY / APPROVE BY: KNA / KNA  
 SCALE: 3/16" = 1'-0"  
 DATE: JUN/2021

DRAWING No. **A1**

**LEGEND:**

-  EXIT & EMERGENCY LIGHT  
( green pictogram)
-  EXIT LIGHT ( green pictogram)
-  POTLIGHT
-  FLOURESCENT LIGHT
-  DUAL SMOKE ALARM & CARBON DIOXIDE ALARM  
INTERCONNECTED BETWEEN COMMERCIAL AND  
RESIDENTIAL AREA W/ VISUAL  
SIGNALING /BATTERY BACKUP POWER
-  WASHROOM EXHAUST FAN
-  CEILING EXHAUST REGISTER
-  MAKE UP AIR SUPPLY

CONTRACTOR REQUIRED TO APPLY A SEPERATE ELECTRICAL PERMIT THROUGH ELECTRICAL SAFETY AUTHORITY (ESA)



1 PROPOSED RCP (Nail Salon)  
A2 SCALE: 3/16" = 1'-0"

REVISION:		
No:	Date:	Description:
1	JUN 2021	FOR PERMIT



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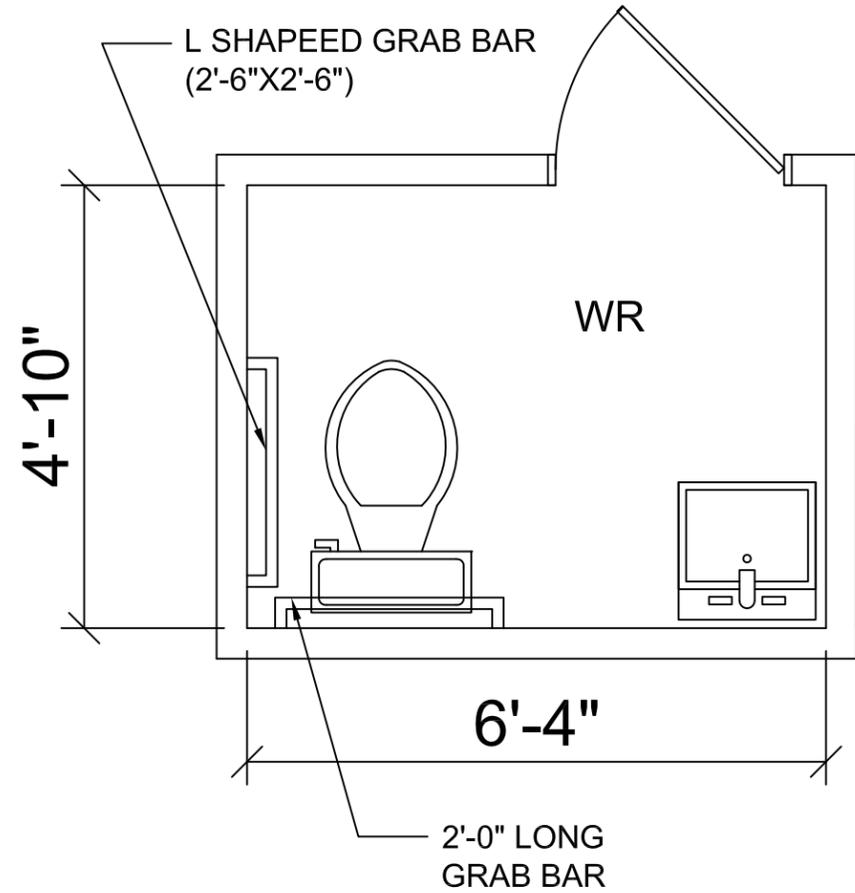
PROJECT: **NAIL SALON**  
**15 CENTENNIAL PARKWAY S**  
**STONEY CREEK, ON**

TITLE: **PROPOSED CEILING PLAN**

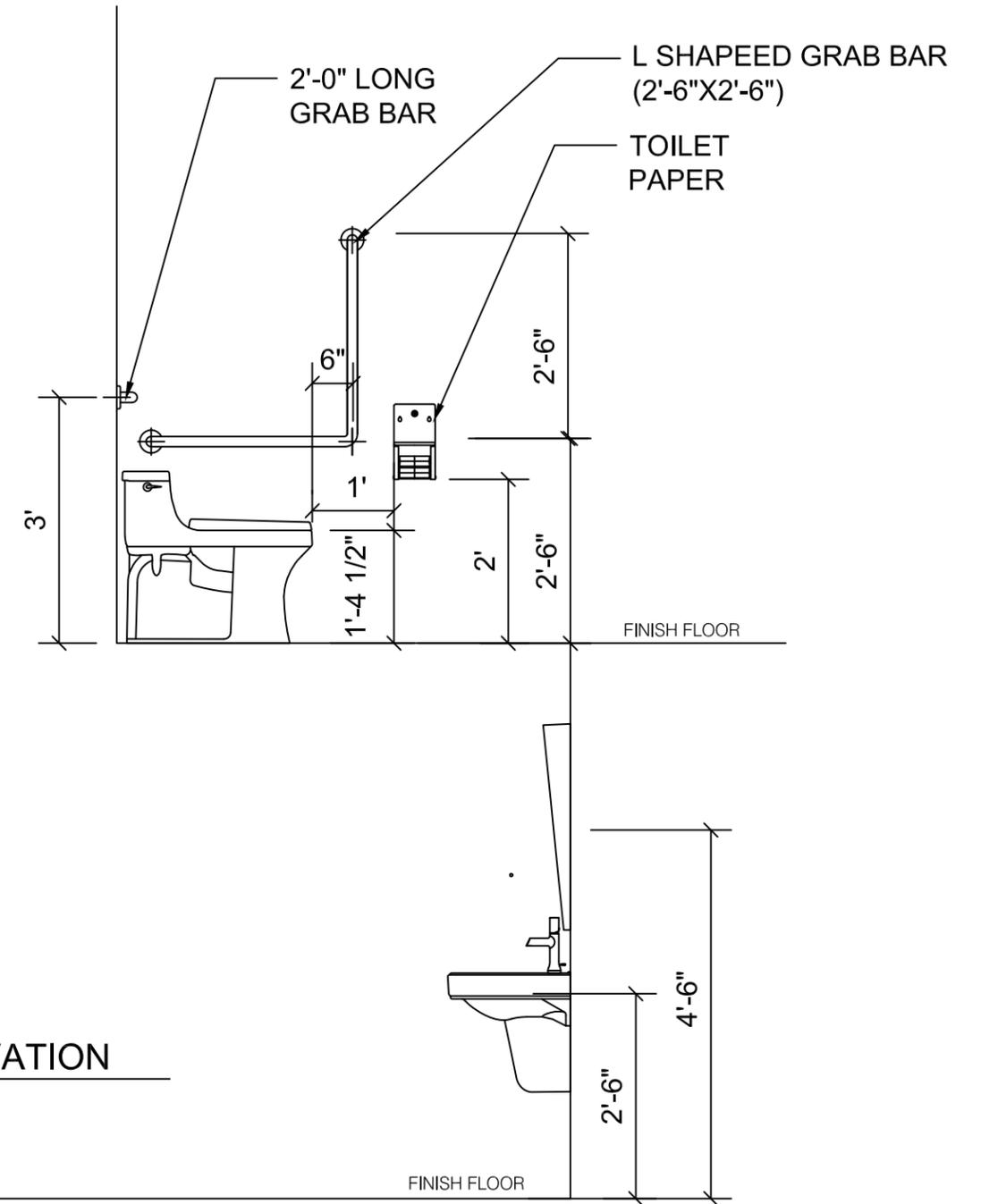
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kelly@knarchitect.ca  
www.knarchitect.ca

PROJECT No: C-21  
DRAWN BY / APPROVE BY: KNA / KNA  
SCALE: 3/16" = 1'-0"  
DATE: JUN/2021

DRAWING No. **A2**



1 WASHROOM PLAN  
A3 SCALE: 1/4" = 1'-0"



2 WASHROOM ELEVATION  
A3 SCALE: 1/4" = 1'-0"

REVISION:		
No:	Date:	Description:
1	JUN 2021	FOR PERMIT



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PROJECT: **NAIL SALON**  
**15 CENTENNIAL PARKWAY S**  
**STONEY CREEK, ON**

TITLE: **WASHROOM**

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PROJECT No: C-21

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KNA / KNA

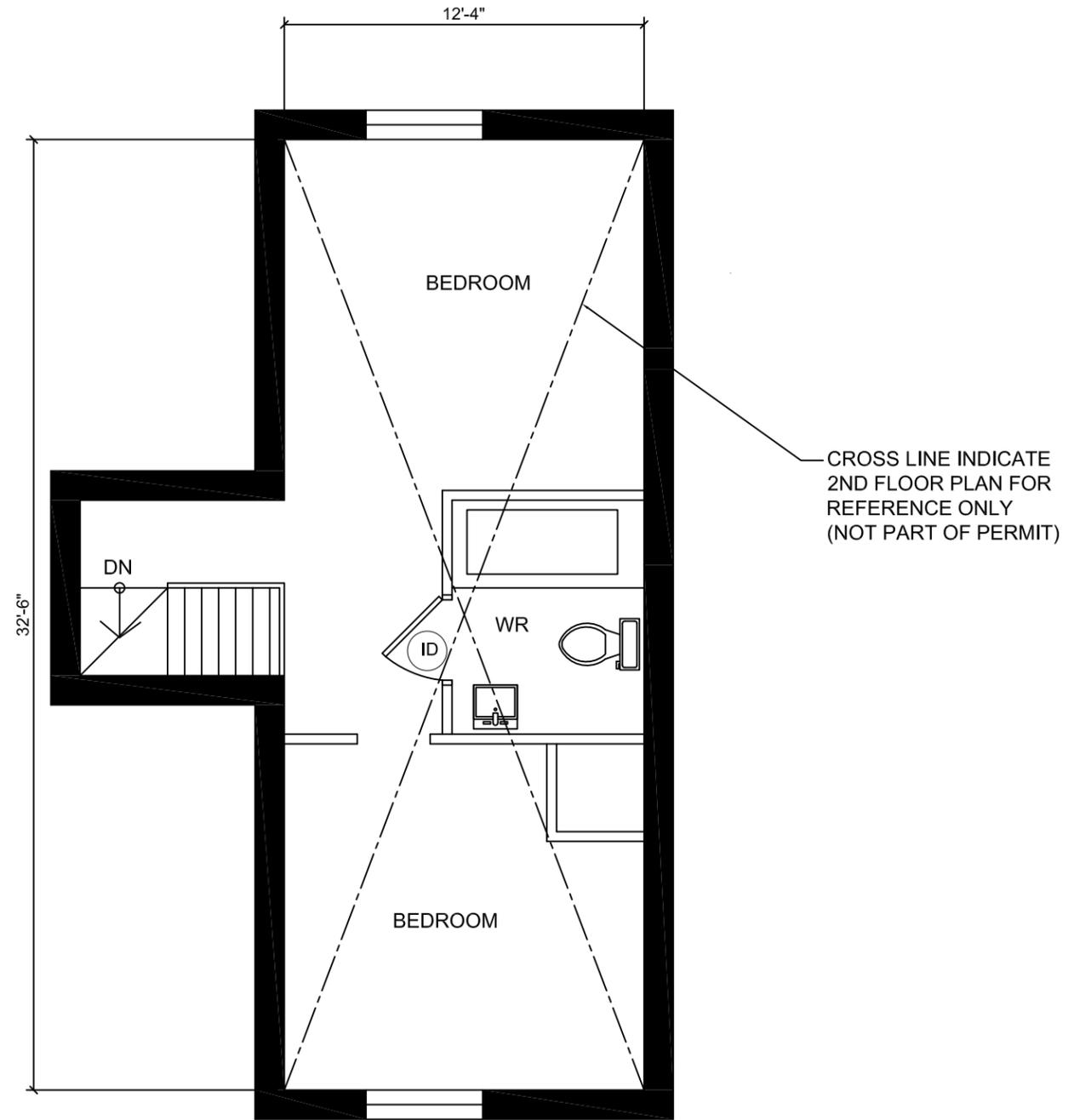
SCALE:  
1/4" = 1'-0"

DATE:  
JUN/2021

DRAWING No.  
**A3**

**LEGEND:**

-  EXISTING EXTERIOR WALL
-  EXISTING PARTITION 2"X4" METAL STUD @ 16" O/C WITH 1/2" DRYWALL ON BOTH SIDES
-  EXISTING INTERIOR DOOR



**1** EXISTING 2ND FLOOR PLAN  
A4 SCALE: 3/16" = 1'-0"

REVISION:		
No:	Date:	Description:
1	JUN 2021	FOR PERMIT



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PROJECT: **NAIL SALON**  
**15 CENTENNIAL PARKWAY S**  
**STONEY CREEK, ON**

TITLE: **EXISTING**  
**2ND FLOOR PLAN**

**CKL DESIGN INC**

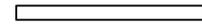
19 OAK STREET, UNIT B  
NORTH YORK, ON M9N 0A4  
416.792.9218  
kelly@knarchitect.ca  
www.knarchitect.ca

PROJECT No: C-21	DRAWING No. <b>A4</b>
DRAWN BY / APPROVE BY: KNA / KNA	
SCALE: 3/16" = 1'-0"	
DATE: JUN/2021	

**LEGEND:**



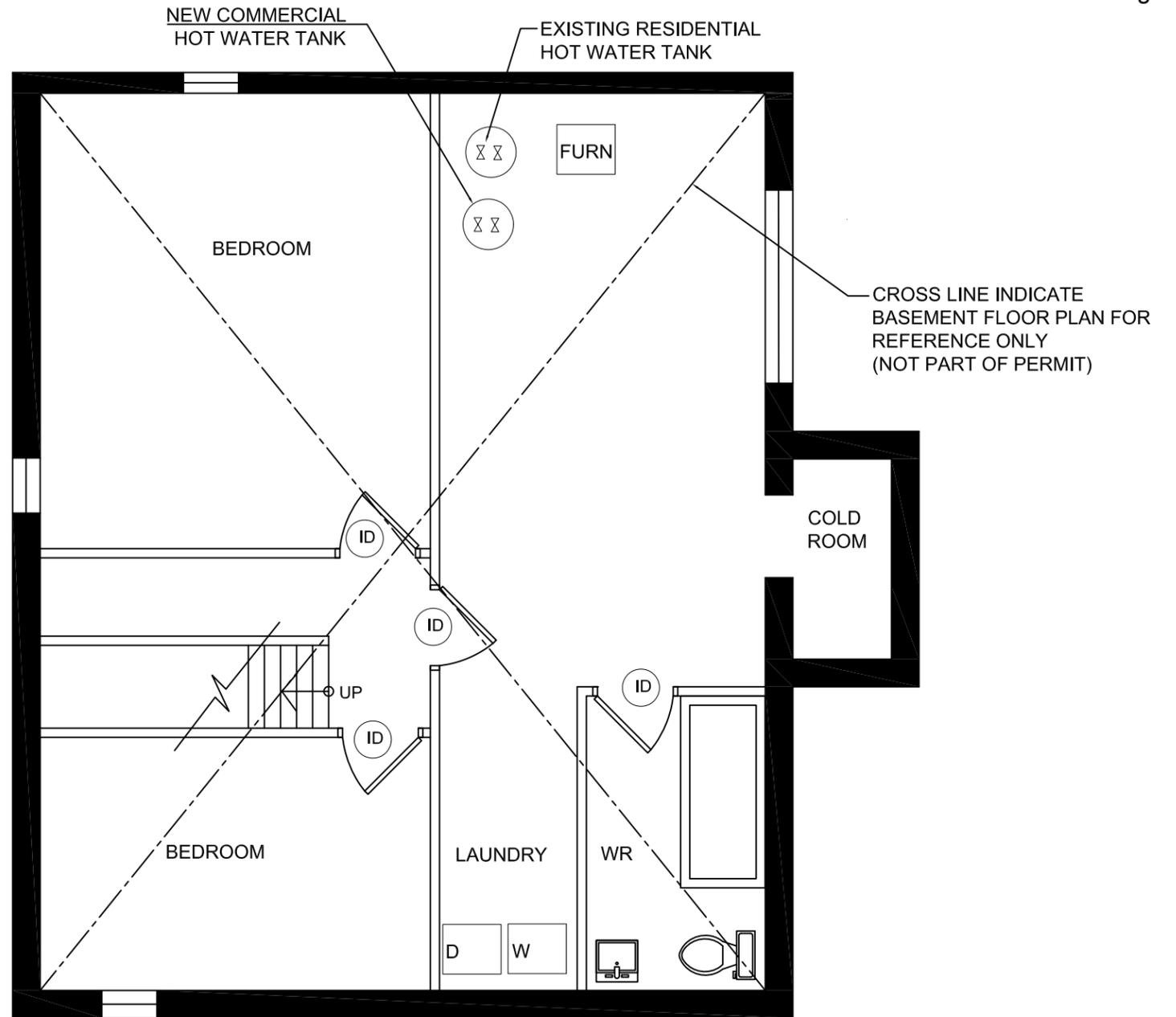
EXISTING EXTERIOR WALL



EXISTING PARTITION 2"X4" METAL STUD @ 16" O/C WITH 1/2" DRYWALL ON BOTH SIDES



EXISTING INTERIOR DOOR



**1** EXISTING BASEMENT FLOOR PLAN  
**A5** SCALE: 3/16" = 1'-0"

REVISION:		
No:	Date:	Description:
1	JUN 2021	FOR PERMIT



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PROJECT: **NAIL SALON**  
**15 CENTENNIAL PARKWAY S**  
**STONE CREEK, ON**

TITLE: **EXISTING BASEMENT FLOOR PLAN**

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PROJECT No: C-21

DRAWN BY / APPROVE BY: KNA / KNA

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

DATE: JUN/2021

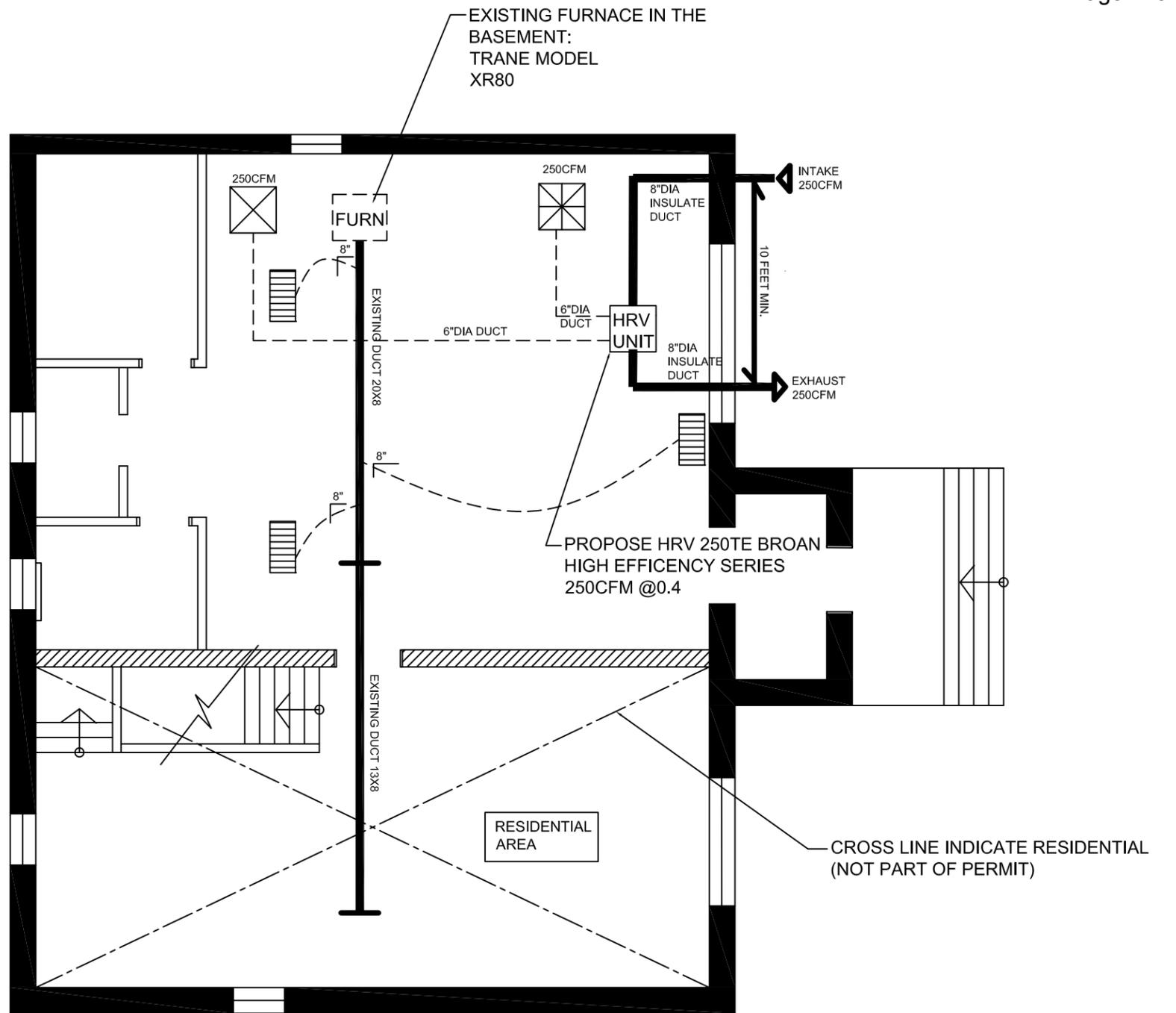
DRAWING No. **A5**

**LEGEND:**

-  CEILING EXHAUST REGISTER
-  MAKE UP AIR SUPPLY
-  FLOOR GRILLE 4"X10"
-  WASHROOM EXHAUST FAN
-  EXISTING FURNACE
-  HRV FAN

SEE M2 FOR VENTILATION CALCULATIONS

**1** HVAC PLAN  
 M1 SCALE: 3/16" = 1'-0"



CROSS LINE INDICATE RESIDENTIAL (NOT PART OF PERMIT)

RESIDENTIAL AREA

REVISION:		
No:	Date:	Description:
1	JUN 2021	FOR PERMIT

The undersigned has reviewed and take responsibility for this design and has the qualifications and meets the requirements set out in the OBC to be a designer QUALIFICATION INFORMATION required unless the design is exemption under 2.17.5.1 of the building code

NAME: MINH NGUYEN  
 BCBE: 41087  
 SIGNATURE:   
 FIRM NAME: CKL DESIGN INC  
 BCBE: 38388

Contractors quoting on job must visit site and make allowances where necessary, report any discrepancies to the designer before commencing any work.  
 Do not scale drawings.  
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PROJECT: **NAIL SALON**  
**15 CENTENNIAL PARKWAY S**  
**STONE CREEK, ON**

TITLE: **HVAC PLAN**

**CKL DESIGN INC**

19 OAK STREET, UNIT B  
 NORTH YORK, ON M9N 0A4  
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 kelly@knarchitect.ca  
 www.knarchitect.ca

PROJECT No: C-21

DRAWN BY / APPROVE BY: KNA / KNA

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

DATE: JUN/2021

DRAWING No. **M1**

MIN.FRESH AIR CALCULATION -as per ASHRAE Standard 62.1 (2010)							
ZONE/ROOM NAME	OCCUPANCY CATEGORY	ZONE FLOOR AREA (Az)	ZONE POPULATION (Pz)	OUTDOOR AIRFLOW RATE REQUIRE PER PERSON(Rp)	OUTDOOR AIRFLOW RATE REQUIRE PER AREA(Ra)	FRESH AIR REQUIRED PER ZONE Vbz=Rp*Pz+Ra*Az	TOTAL MINIMUM FRESH AIR REQUIRED AND PROVIDED
PEDICURE/ MANICURE	NAIL SALON	400 sf	4 person	Rp=20cfm/person	Ra=012 cfm/sq.ft	Vbz=20*4+0.12*400=108cfm	Vtot =176cfm PROVIDED BY HRV
FACIAL ROOM	NAIL SALON	50 sf	2 person	Rp=20cfm/person	Ra=012 cfm/sq.ft	Vbz=20*2+0.12*50=46cfm	
STAFF ROOM	LUNCH ROOM	20 sf	1 person	Rp=20cfm/person	Ra=012 cfm/sq.ft	Vbz=20*1+0.12*20=22cfm	

MIN.EXHAUST AIR -as per ASHRAE Standard 62.1 (2010)					
ZONE/ROOM NAME	OCCUPANCY CATEGORY	ZONE FLOOR AREA (Az)	EXHAUST RATE REQ UIRED PER AREA (Re)	EXHAUST RATE REQ UIRED FOR ZONE/ROOM Vez = Az*Re	TOTAL EXHAUST AIRFLOW PROVIDED FOR ZONE
PEDICURE/ MANICURE	NAIL SALON	400 sf	Re=0.60 cfm/sq.ft	Vez=400*0.60=323	240cfm EXHAUST BY HRV

HEAT RECOVERY VENTILATION (HRV) SCHEDULE									
TAG	MAKE	EFFICIENCY @-13F	CFM	ESP	ELECTRICAL		DUCT CONNECTIONS		REMARKS
					AMPS	VOLTAGE	BUILDING PORTS	OUTSIDE PORTS	
HRV	BROAN	250TE	250	0.4	2.2	120 /1/ 60	6" DIA	6" DIA	CONTINUOUS OPERATION

**1** VENTILATION CALCULATION (ASHRAE 62.1-10) + HRV SPEC  
 M2 SCALE: 3/16" = 1'-0"

REVISION:		
No:	Date:	Description:
1	JUN 2021	FOR PERMIT

The undersigned has reviewed and take responsibility for this design and has the qualifications and meets the requirements set out in the CBC to be a designer QUALIFICATION INFORMATION required unless the design is exemption under 2.17.5.1 of the building code

NAME: MINH NGUYEN  
 BCBE: 41087  
 SIGNATURE:   
 FIRM NAME: CKL DESIGN INC  
 BCBE: 38388

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PROJECT: NAIL SALON  
 15 CENTENNIAL PARKWAY S  
 STONEY CREEK, ON

TITLE: HVAC SPECIFICATION

**CKL DESIGN INC**  
 19 OAK STREET, UNIT B  
 NORTH YORK, ON M9N 0A4  
 416.792.9218  
 kelly@knarchitect.ca  
 www.knarchitect.ca

PROJECT No: C-21  
 DRAWN BY / APPROVE BY: KNA / KNA  
 SCALE: 3/16" = 1'-0"  
 DATE: JUN/2021

DRAWING No.  
**M2**

**PLUMBING LEGEND:**

- · — EXISTING SAN. LINE ( BELOW FLOOR)      CO CLEAN OUT
- - - NEW DRAINAGE LINE (BELOW FLOOR)      FD ⊗ FLOOR DRAIN
- NEW DRAINAGE LINE (ABOVE FLOOR)

FIXTURES	WASTE	VENT	COLD WATER	HOT WATER
WATER CLOSET (TANK)	3"	2"	1/2"	-
SINGLE SINK	1.5"	1.25"	1/2"	1/2"
HAND SINK	1.5"	1.25"	1/2"	1/2"
LAVATORY	1.5"	1.25"	1/2"	1/2"
F.D & H.D (FLOOR DRAIN & HUB DRAIN)	3"	2"	-	-

**PLUMBING NOTES:**

CONTRACTORS TO PROVIDE COMPLETE PLUMBING, DRAINAGE, VENT AND WATER PRIMER PIPING TO ALL PLUMBING FIXTURES INDICATED ON THE DRAWINGS FOR THE COMPLETE AND PROPER OPERATION AND ACCORDANCE WITH ONTARIO BUILDING CODE.

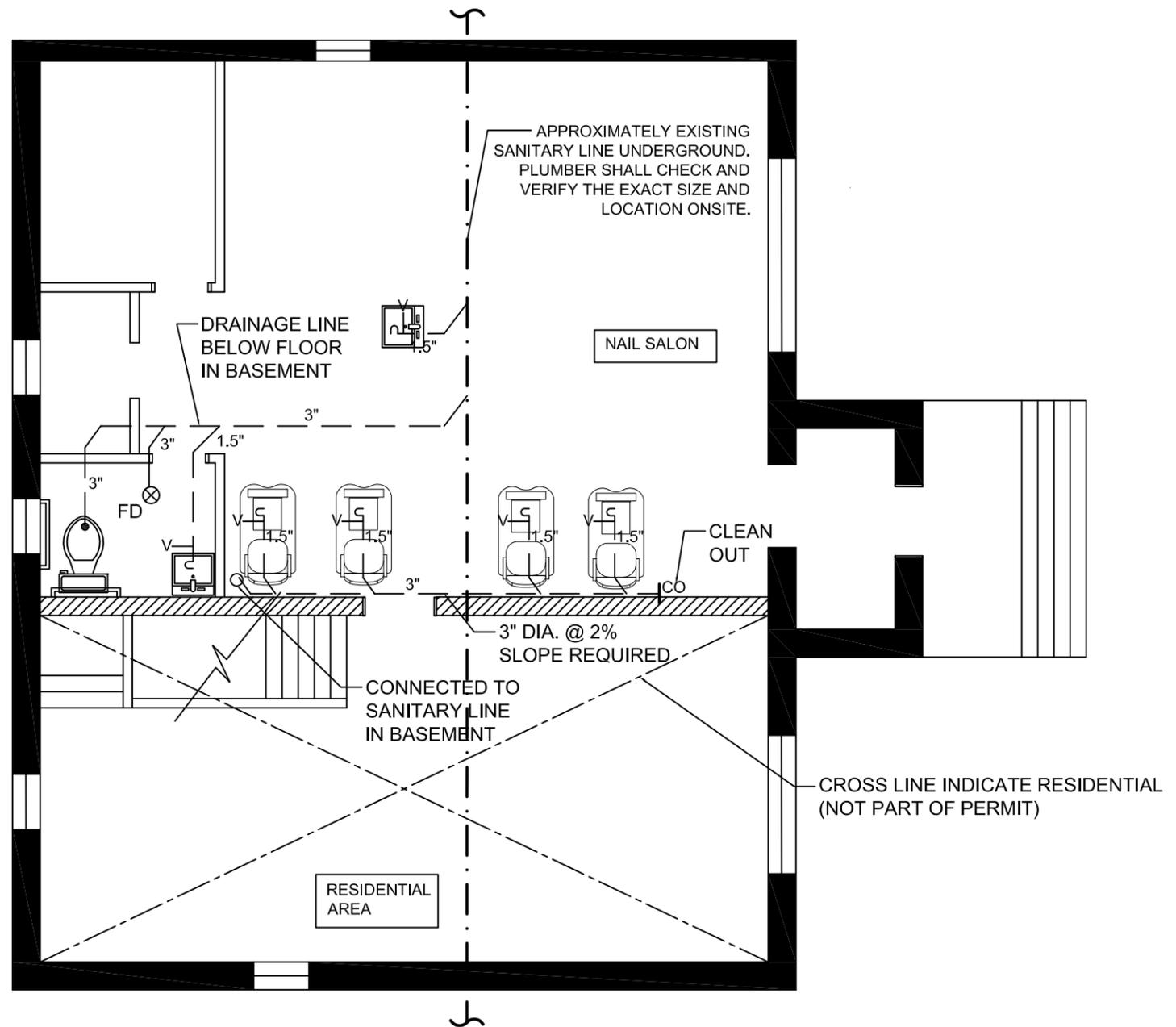
ALL COMPONENTS OF A PLUMBING SYSTEM SHALL BE INSTALLED SO THAT THE MATERIALS ARE COMPATIBLE AND COMPLY WITH THE REQUIREMENTS OF THE LATEST ONTARIO BUILDING CODE.

**SANITARY DRAINS AND VENT PIPING (ABOVE GRADE):**

- 3" AND SMALLER SHALL BE TYPE DWV HARD DRAWN COPPER PIPE OR PVC PIPE OR ABS-DWV PIPE.

**HOT AND COLD WATER PIPING (ABOVE GRADE):**

- PIPE 2" AND SMALLER SHALL BE TYPE "L" HARD DRAWN COPPER TUBING WITH SOLDER JOINT FITTINGS.
- UNION: PROVIDE DIELECTRIC UNIONS OR COUPLINGS AT ALL CONNECTIONS BETWEEN COPPER TUBING AND FERROUS PIPING.
- GATE VALVES: 2" AND SMALLER SHALL BE CRANE FIG. 1320C OR EQUAL. 2-1/2" AND LARGER SHALL BE CRANE FIG. 440C OR EQUAL.
- GLOBE VALVES: 2" AND SMALLER SHALL BE CRANE FIG. 1310 OR EQUAL. 2-1/2" AND LARGER SHALL BE CRANE FIG. 7 AND 17 OR EQUAL.
- CHECK VALVES: 2" AND SMALLER SHALL BE CRANE FIG. 1342 OR EQUAL. 2-1/2" AND LARGER SHALL BE CRANE FIG. 37 OR EQUAL.



**1**  
**P1** PROPOSED DRAINAGE PLAN  
SCALE: 3/16" = 1'-0"

REVISION:		
No:	Date:	Description:
1	JUN 2021	FOR PERMIT

The undersigned has reviewed and take responsibility for this design and has the qualifications and meets the requirements set out in the OBC to be a designer  
**QUALIFICATION INFORMATION** required unless the design is exemption under 2.17.5.1 of the building code

NAME: MINH NGUYEN  
 BCIN: 41087  
 SIGNATURE: *[Signature]*

FIRM NAME: CKL DESIGN INC  
 BCIN: 36388

Contractors quoting on job must visit site and make allowances where necessary, report any discrepancies to the designer before commencing any work.  
 Do not scale drawings.  
 This document is the property of CKL DESIGN INC and is submitted for use only with project proposed or authorized by CKL DESIGN INC. These drawings should not be used or duplicated for any purposes without written permission from CKL DESIGN INC.

PROJECT: **NAIL SALON**  
**15 CENTENNIAL PARKWAY S**  
**STONEY CREEK, ON**

TITLE: **PROPOSED DRAINAGE PLAN**

**CKL DESIGN INC**

19 OAK STREET, UNIT B  
 NORTH YORK, ON M9N 0A4  
 416.792.9218  
 kelly@knarchitect.ca  
 www.knarchitect.ca

PROJECT No: C-21  
 DRAWN BY / APPROVE BY: KNA / KNA  
 SCALE: 3/16" = 1'-0"  
 DATE: JUN/2021

DRAWING No. **P1**

**PLUMBING LEGEND:**

-  NEW HOT WATER TANK
-  HOT WATER LINE
-  COLD WATER LINE
-  BACK FLOW PREVENTER

FIXTURES	WASTE	VENT	COLD WATER	HOT WATER
WATER CLOSET (TANK)	3"	2"	1/2"	-
SINGLE SINK	1.5"	1.25"	1/2"	1/2"
HAND SINK	1.5"	1.25"	1/2"	1/2"
LAVATORY	1.5"	1.25"	1/2"	1/2"
F.D & H.D (FLOOR DRAIN & HUB DRAIN)	3"	2"	-	-

**PLUMBING NOTES:**

CONTRACTORS TO PROVIDE COMPLETE PLUMBING, DRAINAGE, VENT AND WATER PRIMER PIPING TO ALL PLUMBING FIXTURES INDICATED ON THE DRAWINGS FOR THE COMPLETE AND PROPER OPERATION AND ACCORDANCE WITH ONTARIO BUILDING CODE.

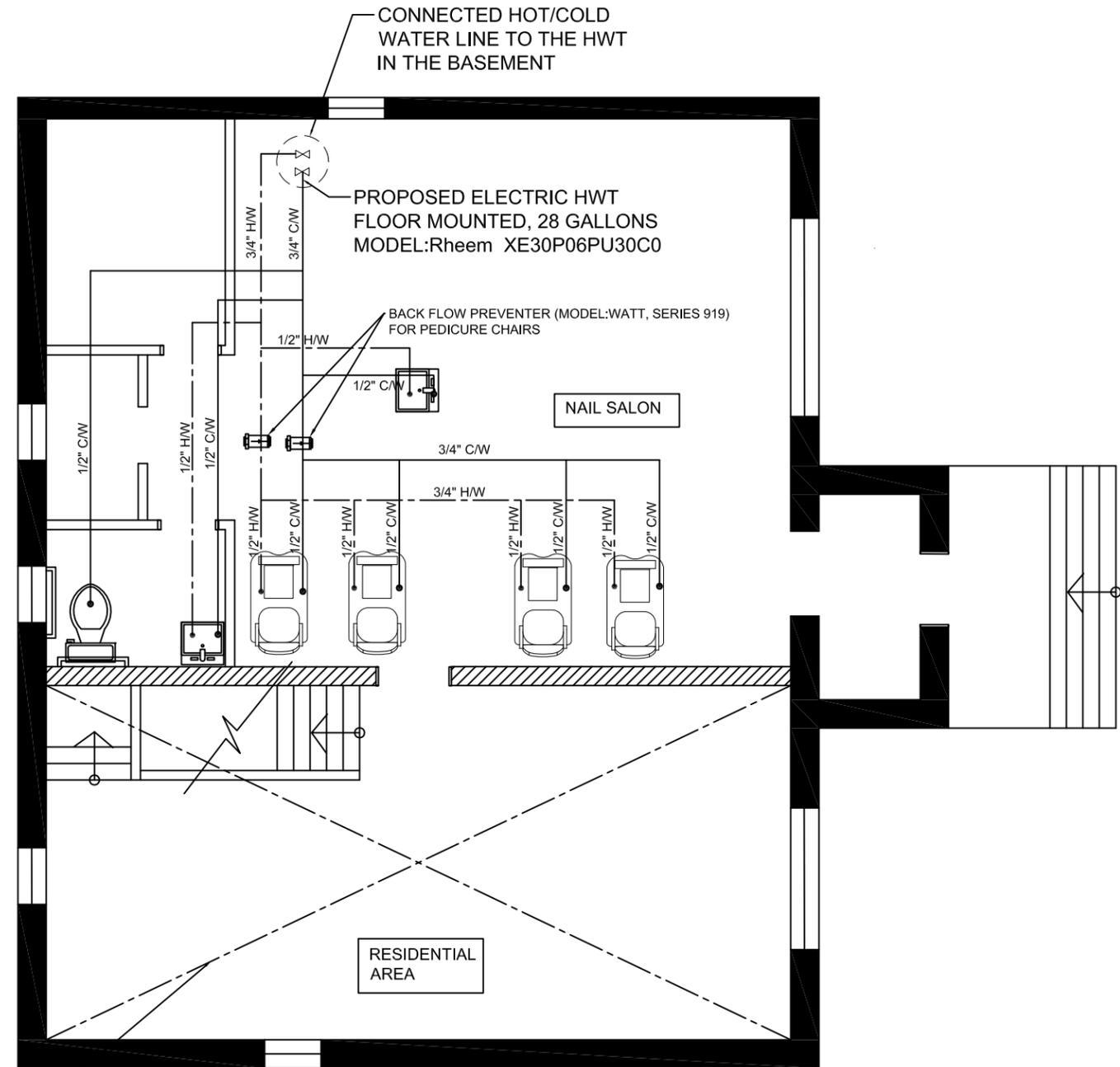
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- CHECK VALVES: 2" AND SMALLER SHALL BE CRANE FIG. 1342 OR EQUAL. 2-1/2" AND LARGER SHALL BE CRANE FIG. 37 OR EQUAL.



CROSS LINE INDICATE RESIDENTIAL  
(NOT PART OF PERMIT)

**1** PROPOSED HOT/COLD WATER PLAN  
**P2** SCALE: 3/16" = 1'-0"

REVISION:		
No:	Date:	Description:
1	JUN 2021	FOR PERMIT

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the CBC to be a designer.

**QUALIFICATION INFORMATION** required unless the design is exemption under 2.17.5.1 of the building code

NAME: **NGUYEN NGUYEN**  
 BCIN: **41087**  
 SIGNATURE: 

FIRM NAME: **CKL DESIGN INC**  
 BCIN: **38398**

Contractors quoting on job must visit site and make allowances where necessary, report any discrepancies to the designer before commencing any work.  
 Do not scale drawings.

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PROJECT: **NAIL SALON**  
**15 CENTENNIAL PARKWAY S**  
**STONEY CREEK, ON**

TITLE: **PROPOSED**  
**HOT/COLD WATER PLAN**

**CKL DESIGN INC**

19 OAK STREET, UNIT B  
 NORTH YORK, ON M9N 0A4  
 416.792.9218  
 kelly@knarchitect.ca  
 www.knarchitect.ca

PROJECT No: **C-21**

DRAWN BY / APPROVE BY:  
 KNA / KNA

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

DATE:  
 JUN/2021

DRAWING No.  
**P2**



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

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

**APPLICATION FOR A MINOR VARIANCE**

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

**The Planning Act**

**Application for Minor Variance or for Permission**

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

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)		
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:

Home Trust  
 145 King St. W.  
 Suite 2300, Toronto  
 ON M5H 1S8

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:

more square footage for the nail salon, from ~~400~~ <sup>200</sup> sq feet to 500 sq feet.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

Using previous space from residence as nail salon.

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**):

15 Centennial Pkwy S., Stoney Creek, ON L8G 2B8

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
 Agricultural       Vacant       Other

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use \_\_\_\_\_

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes       No       Unknown

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

Yes  No  Unknown

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

Been residing at Property for more than 10 years. Previous owners never represented anything regarding those statements.

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

Is the previous use inventory attached? Yes  No

9. ACKNOWLEDGEMENT CLAUSE

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

11/11/2021  
Date

\_\_\_\_\_  
Signature Property Owner(s)

Tuongvi Thach / Cay Ho  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 50'  
Depth 200'  
Area 10,000 SF  
Width of street \_\_\_\_\_

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

Existing:\_\_\_

- House Nail Salon: main floor, front door  
- garage  
- shed

Proposed

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

Existing:

Highway 20

Proposed:

Nails Salon

13. Date of acquisition of subject lands:  
November 2009
14. Date of construction of all buildings and structures on subject lands:  
~ 1942
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
- single family  
- home business
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
17. Length of time the existing uses of the subject property have continued:  
- Nail Salon: June 2020  
- Dwelling: November 2009
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                          |
|----------------|-------------------------------------|-----------|--------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                          |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Residential to Commercial
21. Has the owner previously applied for relief in respect of the subject property?  
Yes  No   
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes  No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>SC/A-22:216</b>	<b>SUBJECT PROPERTY:</b>	417 HWY 8, STONEY CREEK
<b>ZONE:</b>	"C2 & 673" (Neighbourhood Commercial)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 18-087

**APPLICANTS:**      **Owner:** QZ4 HOLDINGS INC.  
                              **Agent:** A.J. CLARKE & ASSOCIATES LTD. C/O RYAN FERRARI

The following variances are requested:

1. The amenity area associated with the dwelling units shall be permitted on the ground floor whereas the zoning By-law only permits the access, accessory office and utility area of the associated with residential use to be located on the ground floor.
2. Dwelling units shall be permitted to occupy 70.0% of the gross floor area of the building instead of the maximum 50.0% permitted.
3. No planting strip shall be provided along the southerly lot line measuring 8.06m abutting the Residential zone instead of the minimum 1.5m wide planting strip required.
4. A minimum of forty-five (45) parking spaces shall be permitted for the entire site instead of the minimum fifty-nine (59) parking spaces required.

**PURPOSE & EFFECT:**      To facilitate the construction of a four (4) storey mixed use building consisting of twenty-seven (27) dwelling units and commercial ground floor:

**Notes:**

Variances have been written exactly as requested by the applicant. Please note, that this property is subject to Site Plan Control SPA-22-029; to date, a recirculation of the revised plan has not been submitted and a full zoning review has not been conducted for the new proposal. Further variances may be required at such time that a full zoning review is conducted on the new proposal.

**SC/A-22:216**

The elevation height dimension has not been provided from grade as defined. The applicant shall ensure that the maximum permitted height is not exceeded; otherwise, further variances shall be required. The applicant shall ensure that a maximum of 50.0% glazing on the west facing windows shall be composed of transparent vision glass.

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>9:55 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-22:216, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

SC/A-22:216



DATED: July 25, 2023

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

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



STATISTICS		
<b>SITE</b>		
LOT AREA	3,688m <sup>2</sup>	39,700 ft <sup>2</sup>
LOT FRONTAGE	61.05 m	200'-3"
LANDSCAPED AREA	TBD	TBD
<b>BUILDING - 4 STOREYS</b>		
COVERAGE	816 m <sup>2</sup>	8,784 ft <sup>2</sup>
GFA - BUILDING	2,826.5 m <sup>2</sup>	30,424 ft <sup>2</sup>
GFA - COMMERCIAL	597.9 m <sup>2</sup>	6,436 ft <sup>2</sup>
GFA - RESIDENTIAL	1,992.5 m <sup>2</sup>	21,447 ft <sup>2</sup>
<b>TOTAL UNITS</b>		<b>24</b>
	1 BEDROOM	9
	2 BEDROOM	8
	2 BEDROOM + DEN	7
<b>TOTAL PARKING PROVIDED</b>		<b>45</b>
	SURFACE	45

PROPOSED DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
 OPTION 4

STONEY CREEK, ON

This drawing must not be scaled.  
 General Contractor shall verify all dimensions, datums and levels prior to commencement of the work.  
 All errors and omissions are to be reported immediately to the Architect.

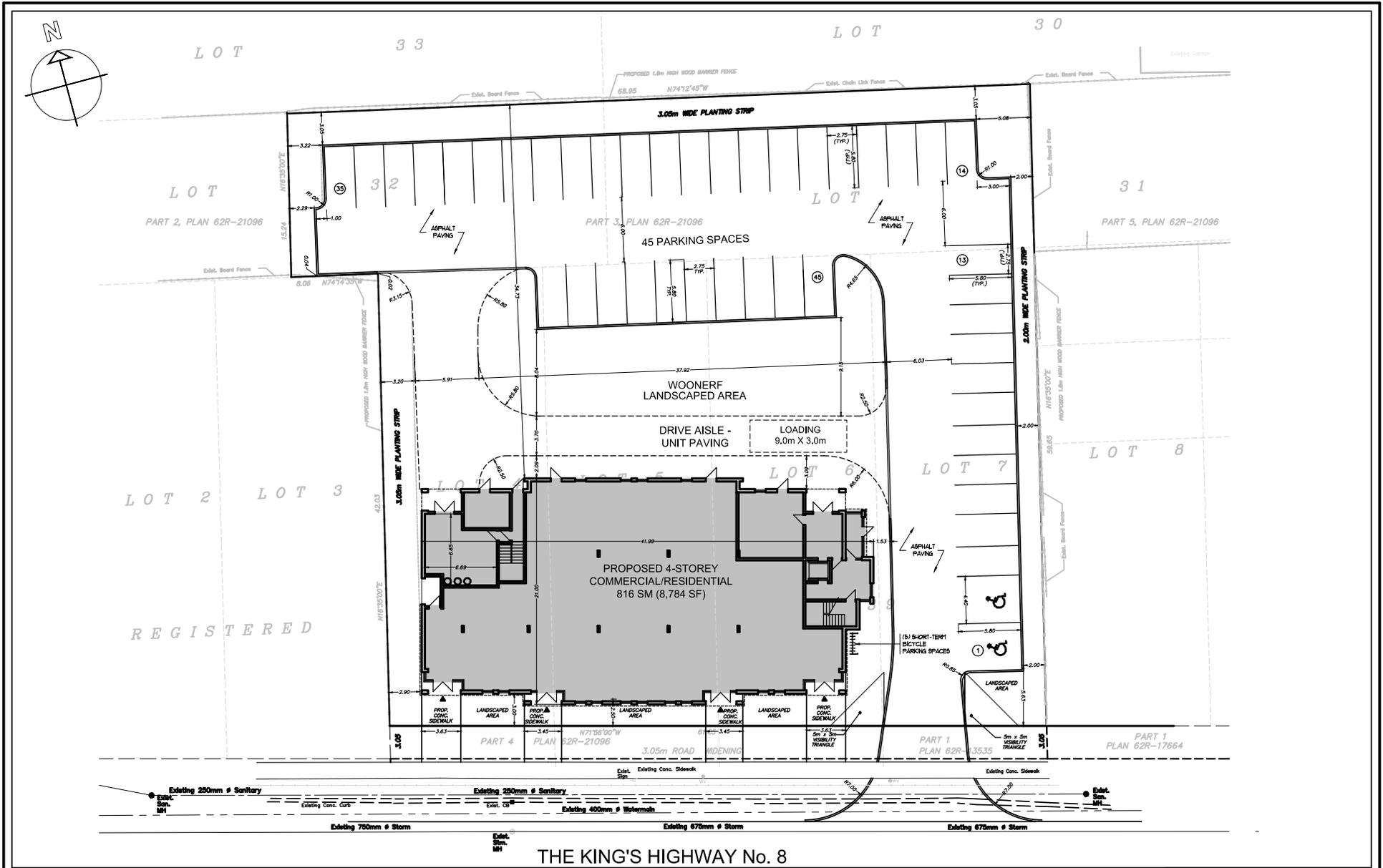
**LINTACK ARCHITECTS**  
 INCORPORATED  
 244 JAMES STREET SOUTH,  
 HAMILTON, ONTARIO, L8P 3B3  
 T: 905.522.6165 • F: 905.522.2209  
 E: information@lintack.com  
 www.lintack.com

COVER/STATS

job no.  
**22.029**

dwg. no.

AO SITE  
LAI OPTION 4\_2022.08.10



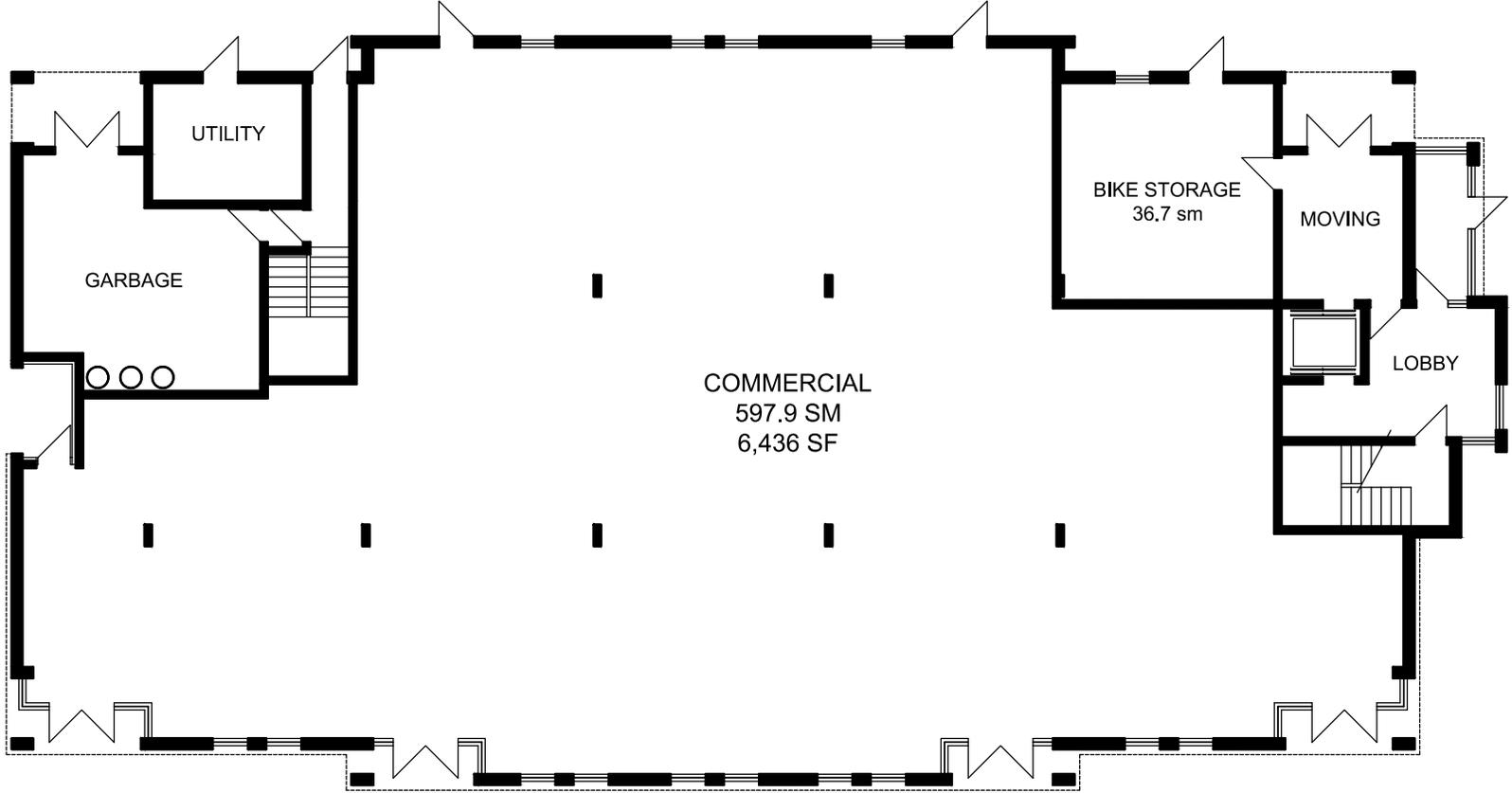
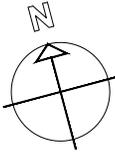
PROPOSED MIXED USE DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE  
 OPTION 4**  
 STONEY CREEK, ON

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**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

<b>SITE</b>	
job no. <b>22.029</b>	dwg. no. <b>A0</b>

A1 GND  
LAI OPTION 4\_2022.08.10



PROPOSED DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
OPTION 4  
  
STONEY CREEK, ON

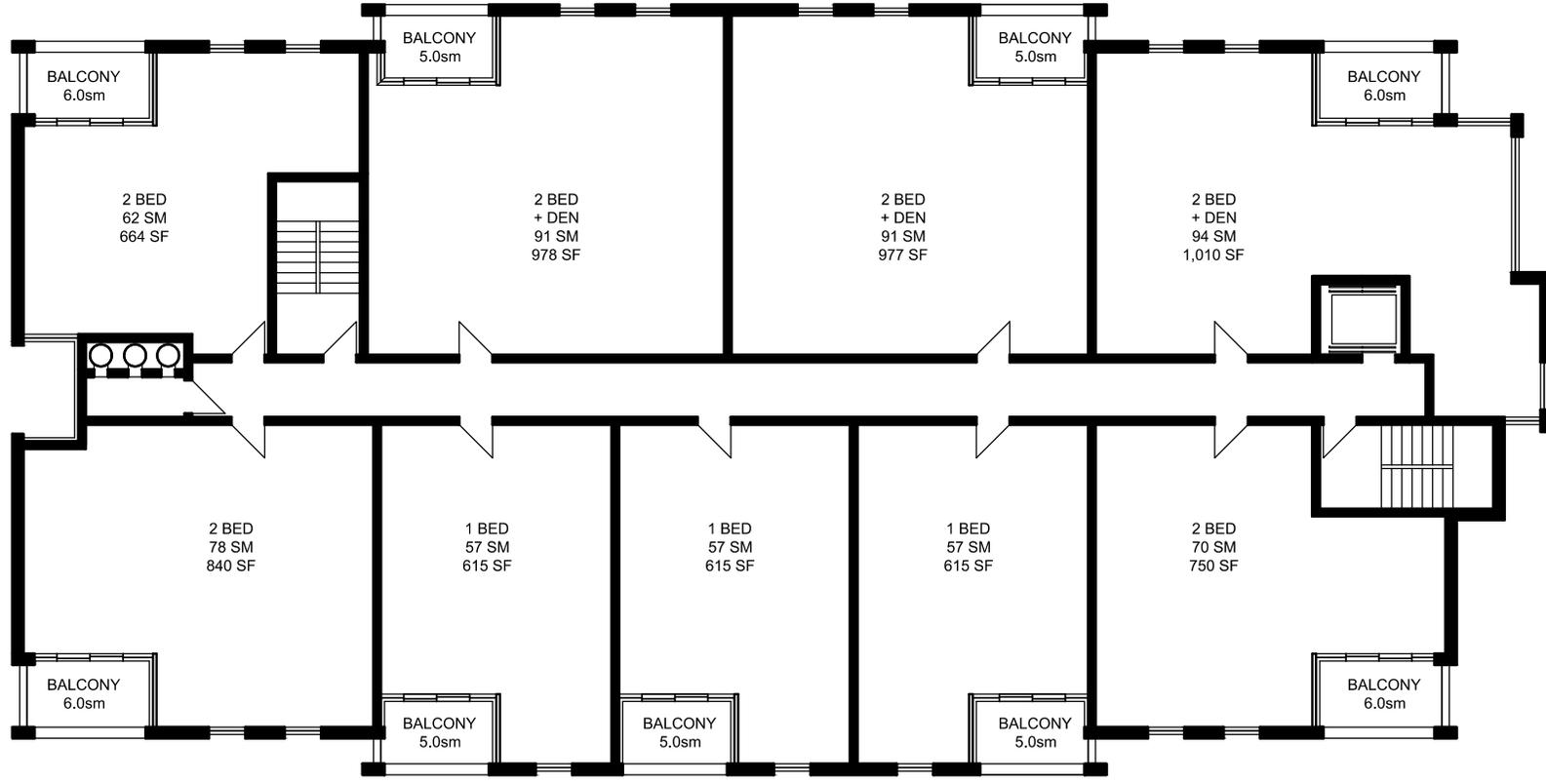
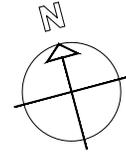
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**LINTACK ARCHITECTS**  
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HAMILTON, ONTARIO, L8P 3B3  
T: 905.522.6165 • F: 905.522.2209  
E: information@lintack.com  
www.lintack.com

**GROUND**

job no.	dwg. no.
22.029	A1

A2 2ND & 3RD  
LAI OPTION 4\_2022.08.10



PROPOSED DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
 OPTION 4  
 STONEY CREEK, ON

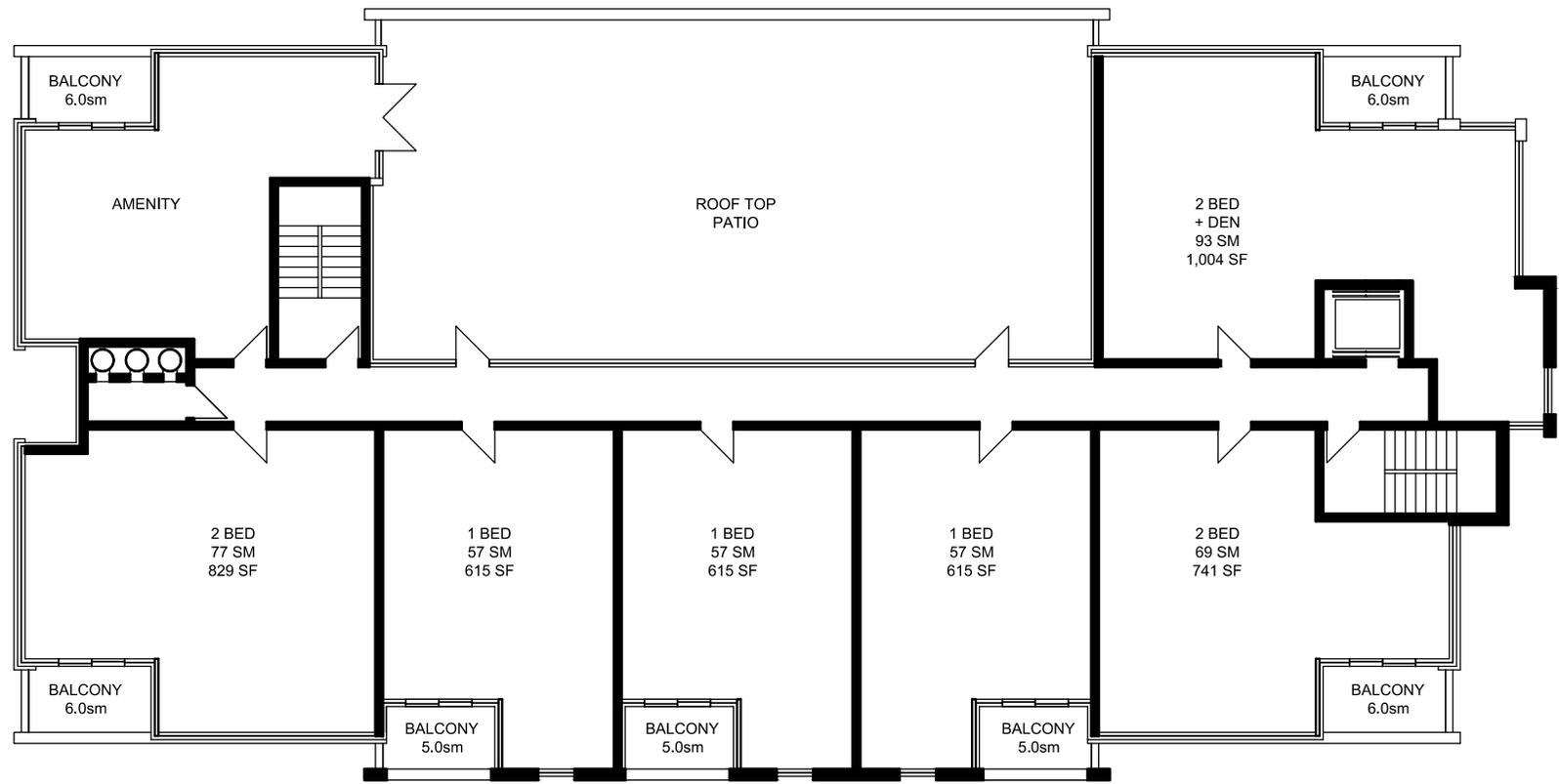
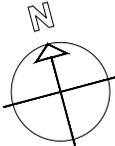
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**SECOND & THIRD**

job no. <b>22.029</b>	dwg. no. <b>A2</b>
--------------------------	-----------------------

A3 4TH  
LAI OPTION 4\_2022.08.10



PROPOSED DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
 OPTION 4  
 STONEY CREEK, ON

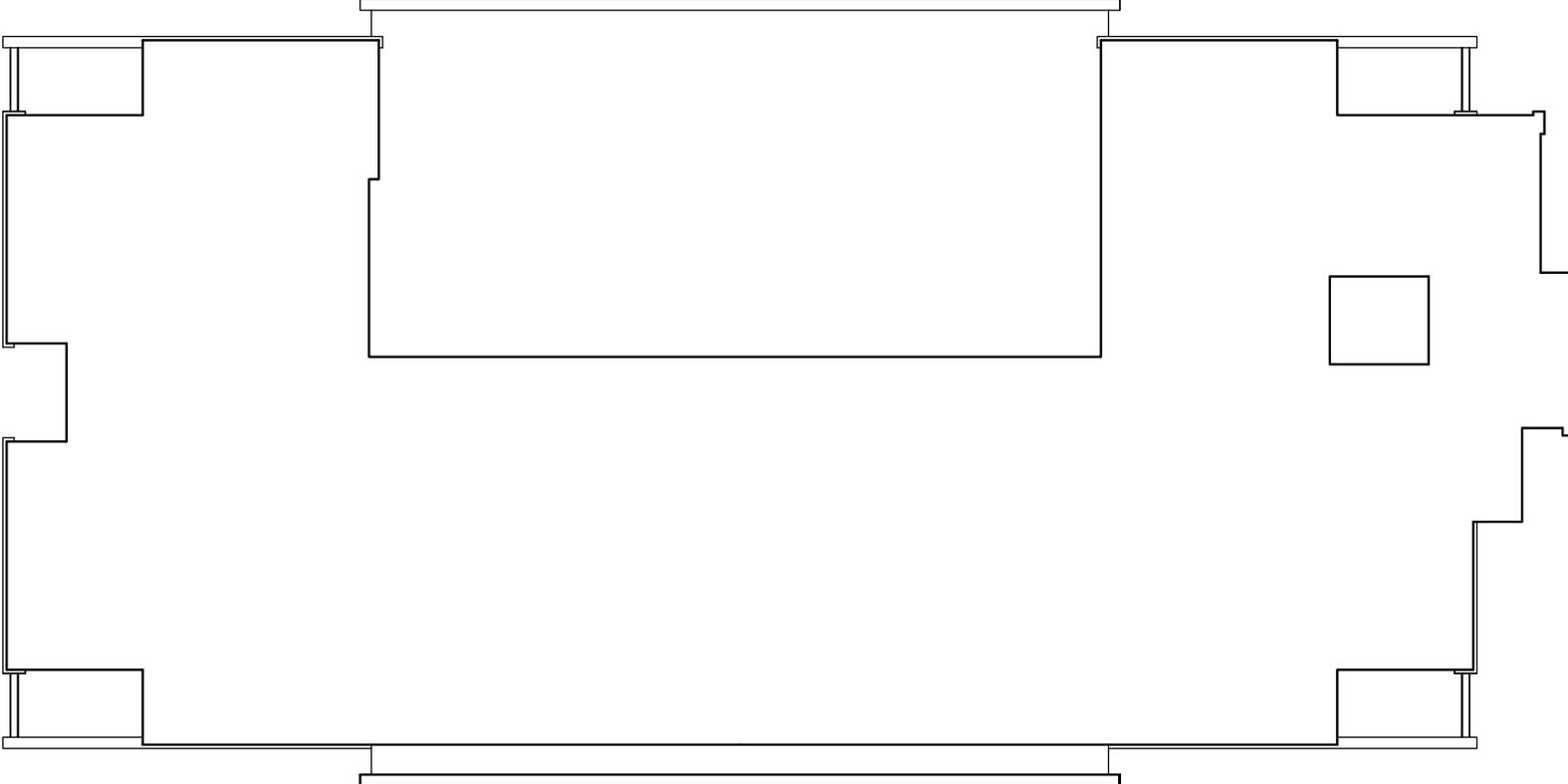
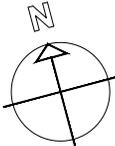
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 HAMILTON, ONTARIO, L8P 3B3  
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 E: information@lintack.com  
 www.lintack.com

**FOURTH**

job no. <b>22.029</b>	dwg. no. <b>A3</b>
--------------------------	-----------------------

A4 ROOF  
LAI OPTION 4\_2022.08.10



PROPOSED DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
OPTION 4  
  
STONEY CREEK, ON

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**ROOF**

job no.	dwg. no.
22.029	A4

A5 ELEVATIONS  
LAI OPTION 4\_2022.08.10



SOUTH



NORTH

PROPOSED DEVELOPMENT  
HWY 8 & MILLEN MIXED USE  
OPTION 4

STONEY CREEK, ON

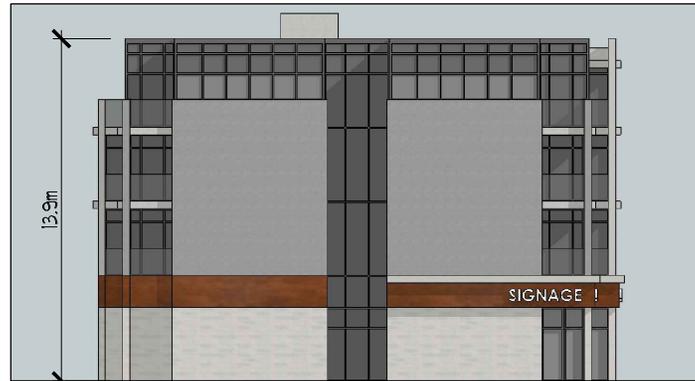
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ELEVATIONS	
job no. 22.029	dwg. no. A5



EAST



WEST

MAXIMUM GLAZING OF FACADE:

TOTAL GLAZING:	109.5 sm
TOTAL TRANSPARENT VISION GLASS	20.4 sm
PERCENTAGE OF TRANSPARENT VISION GLASS	18.6%

PROPOSED DEVELOPMENT  
HWY 8 & MILLEN MIXED USE  
OPTION 4

STONEY CREEK, ON

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ELEVATIONS

job no.  
22.029

dwg. no.  
A6

A7 N AERIAL  
LAI OPTION 4\_2022.08.10



PROPOSED DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
OPTION 4  
  
STONEY CREEK, ON

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E: information@lintack.com  
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NORTH AERIAL

job no.  
22.029

dwg. no.  
A7



5A-150 Pinebush Road  
Cambridge ON N1R 8J8  
p: 519.896.3163  
905.381.2229  
416.479.9684

[www.ptsl.com](http://www.ptsl.com)

01 December 2022  
Project: (220645)

Dr. Sami Qureshi  
c/o Ryan Ferrari  
A.J. Clarke and Associates  
25 Main Street West, Suite 300,  
Hamilton ON L8P 1H1

## **RE: 417 HIGHWAY 8, HAMILTON – PARKING ANALYSIS BRIEF**

---

Paradigm Transportation Solutions Limited (Paradigm) has been retained to provide a parking analysis for the mixed-use development located at 417 Highway 8 proposed to the City of Hamilton. **Figure 1 (attached)** outlines the location of the subject site.

The subject site is located at 417 Highway 8 in the City of Hamilton. The development proposes 24 residential units and 598m<sup>2</sup> (6,436 sq.ft.) commercial space. A parking supply of 45 parking spaces is proposed. **Appendix A** includes reduced-scale Architectural plans.

### **Area Description**

The subject site is along Highway 8, an east-west major arterial road with a five-lane cross-section (two lanes in each direction and a center two-way left-turn lane). The posted speed limit is 60 km/h. Sidewalks are present on both sides of the road. There are no dedicated cycling facilities along the roadway.

HSR transit route 55 (Stoney Creek Central) runs along Highway 8 between Eastgate Terminal and Jones at Highway 8. The route has regular seven-day Service with 15-minute headways on weekdays/Saturdays and 30-minute headways on Sundays. The closest transit stops are less than 100 m away, at Highway 8 and Millen Road intersection.

## Zoning Requirements

The City of Hamilton zoning by-law requirements governs parking requirements. It is recognized that the actual demand for parking spaces may vary from development to development.

### By-Law 18-087

By-law 18-087<sup>1</sup> is the current by-law applied to the site. This by-law stipulates that for the development, a flat rate of 59 parking spaces shall be provided and maintained for the entire site. The by-law also removes the lands of 417 Highway 8 from the City of Stoney Creek Zoning by-law 3692-92 and adds the lands into the City of Hamilton zoning by-law 05-200.

It is noted that the 59 parking spaces stipulated by this By-law are a flat rate reflected by the previous proposal for the site (A Professional Office and a separate Restaurant Building). The By-law was brought into the Hamilton 05-200 Zoning By-law "as is" and reflects a previous proposal that does not reflect the current development program. The parking rates in this By-law don't reflect the new parking rates established through By-law 05-200; they reflect the old rates in the Stoney Creek By-law.

### By-Law 05-200

The City of Hamilton's Comprehensive Zoning By-law No. 05-200 came into effect in 2005 and is being implemented in stages. The by-law stipulates the following minimum parking rates for the zoning class associated with the property:

- ▶ Multiple residential dwelling units
  - 1.0 spaces per unit;
- ▶ Commercial (As a specific tenant isn't defined for the commercial space, several potential uses have been considered to show the extent of the zoning requirements)
  - Retail - 0.0 space where use is less than 450 square metres. 1.00 space per each 17.0 square metres between 450 and 4,000 square metres, or
  - Personal Service - 0.0 space where a use is less than 450 square metres. 1.00 space per each 16.0 square metres between 450 and 4,000 square metres, or
  - Office - 0.0 space where a use is less than 450 square metres. 1.00 space per each 30.0 square metres above 450 square metres.

**Table 1** outlines the parking demand using the rates outlined in Zoning By-Law 05-200.

<sup>1</sup> Zoning By-Law 18-087 < <https://www.hamilton.ca/sites/default/files/2022-05/18-087.pdf>>



**TABLE 1: ZONING BY 05-200 PARKING REQUIREMENTS**

Use	Units	GFA m <sup>2</sup>	Parking Rate	Spaces Required
Apartment Dwelling	24	-	1.00 space per unit	24.0
Retail	-	598	1 space/17m <sup>2</sup> in excess of 450m <sup>2</sup>	8.7
<b>Residential + General Retail Total Parking Required</b>				<b>32</b>
Apartment Dwelling	24	-	1.00 space per unit	24.0
Personal Service	-	598	1 space/16m <sup>2</sup> in excess of 450m <sup>2</sup>	9.3
<b>Residential + Personal Service Total Parking Required</b>				<b>33</b>
Apartment Dwelling	24	-	1.00 space per unit	24.0
Office	-	598	1 space/30m <sup>2</sup> in excess of 450m <sup>2</sup>	4.9
<b>Residential + Office Total Parking Required</b>				<b>28</b>

Based on the above minimum parking rates, 24 residential and 4-9 commercial parking spaces would be required, totalling between 28 and 33 parking spaces for the development. As the development provides for 45 parking spaces, the parking supply exceeds the requirements of By-law 05-200.

## Parking Demand

### ITE Parking Rates

Numerous industry associations and institutions are dedicated to surveying and reviewing parking requirements related to various land uses. These associations, such as the Institute of Transportation Engineers (ITE), collect, review and disseminate information related to parking demand, supply, and appropriate design standards. This data helps establish a typical range of requirements.

The most recent parking generation manual available is the 5th edition, a comparative starting point to determine baseline assumptions. The following ITE Land Use Codes (LUC) were reviewed:

- ▶ LUC 221 (Multifamily Housing – Mid Rise) includes apartments and condominiums with three to ten residence floors. The weekday peak parking demand ratio is 1.31 spaces per unit.
- ▶ LUC 820 (Shopping Centre) includes commercial establishments and groups of commercial establishments operating as a unit. The weekday peak parking demand ratio is 1.95 spaces per 1,000 sq. ft. GFA. This parking demand ratio is based on a wide range of commercial establishments of varying sizes. The proposed commercial development is on the low end of the parking data. As such, the commercial parking rate should be considered a conservative estimate.

**Table 2** outlines the parking demand with the use of ITE parking rates.



**TABLE 2: PARKING DEMAND – ITE RATES**

Use	Units	GFA	Parking Rate	Spaces Required
Apartment Dwelling	24	-	1.31 per unit	31.4
Commercial Use	-	598 m <sup>2</sup> (6,436 sq.ft.)	1.95 per 1,000 sq.ft.	12.6
<b>Total Parking Required</b>				<b>43</b>

The ITE parking rates stipulate that 43 parking spaces (31 residential and 12 commercial) are required. The parking requirements prescribed in the City's zoning by-law 18-087 are significantly higher, requiring 59 parking spaces, while Zoning by-law 05-200 parking requirements align with the estimated demand. **Appendix B** contains the ITE summary sheets.

### Vehicle Ownership Rates

A review of vehicle ownership provided by the 2016 Transportation Tomorrow Survey (TTS) for the following traffic zones in the City of Hamilton (5106, 5113, 5086, 5081) suggests the actual vehicle ownership, based on a weighted average, is 1.08 vehicles per unit. **Appendix C** contains the data.

The potential parking supply for the proposed 24 units can be estimated using the vehicle ownership data set. This analysis indicates residential demand will be 26 spaces.

As the commercial rates for zoning by-law 05-200 could require up to 9 parking spaces, the projected total supply for the site based on the vehicle ownership rates plus the zoning requirements for commercial uses equates to 35 spaces.

**Table 3** outlines the parking demand with the use of vehicle ownership rates.

**TABLE 3: PARKING DEMAND – VEHICLE OWNERSHIP**

Use	Units	GFA m <sup>2</sup>	Parking Rate	Spaces Required
Apartment Dwelling	24	-	<sup>a</sup> 1.08 per unit	26
Commercial Use	-	598	<sup>b</sup> 1 space/16m <sup>2</sup> in excess of 450m <sup>2</sup>	9
<b>Total Parking Required</b>				<b>35</b>

a - TTS 2016

b - Zoning By-Law 05-200



## Conclusions and Recommendations

The site-specific By-law requires 59 parking spaces. It is noted that this is a flat rate reflected by the previous proposal for the site (A Professional Office and a separate Restaurant Building).

The By-law was brought into the Hamilton 05-200 Zoning By-law "as is" and reflects a previous proposal that does not reflect the current development program. The proposal now entails 24 residential units and 598 m<sup>2</sup> (6,436 sq.ft.) of commercial space with a parking supply of 45 spaces.

If the development land uses are considered with the parking rates outlined in by-law 05-200, a total of between 28 and 33 parking spaces would be required for the site (dependent on the commercial use). The parking demand for the development is also estimated to be 43 parking spaces based on ITE parking rates.

In addition, the proposed parking supply is supported for the area based on a review of vehicle ownership rates for the traffic zones surrounding and including the subject site. This data reflects an average rate of 1.08 space per residential unit. As the commercial rates for zoning by-law 05-200 could require up to 9 parking spaces, the projected supply equates to 35 spaces with vehicle ownership rates.

Based on a review of the by-law parking requirements and an analysis of the parking demand, the proposed parking supply of 45 parking spaces is sufficient for the proposed development.

Yours very truly,

### PARADIGM TRANSPORTATION SOLUTIONS LIMITED

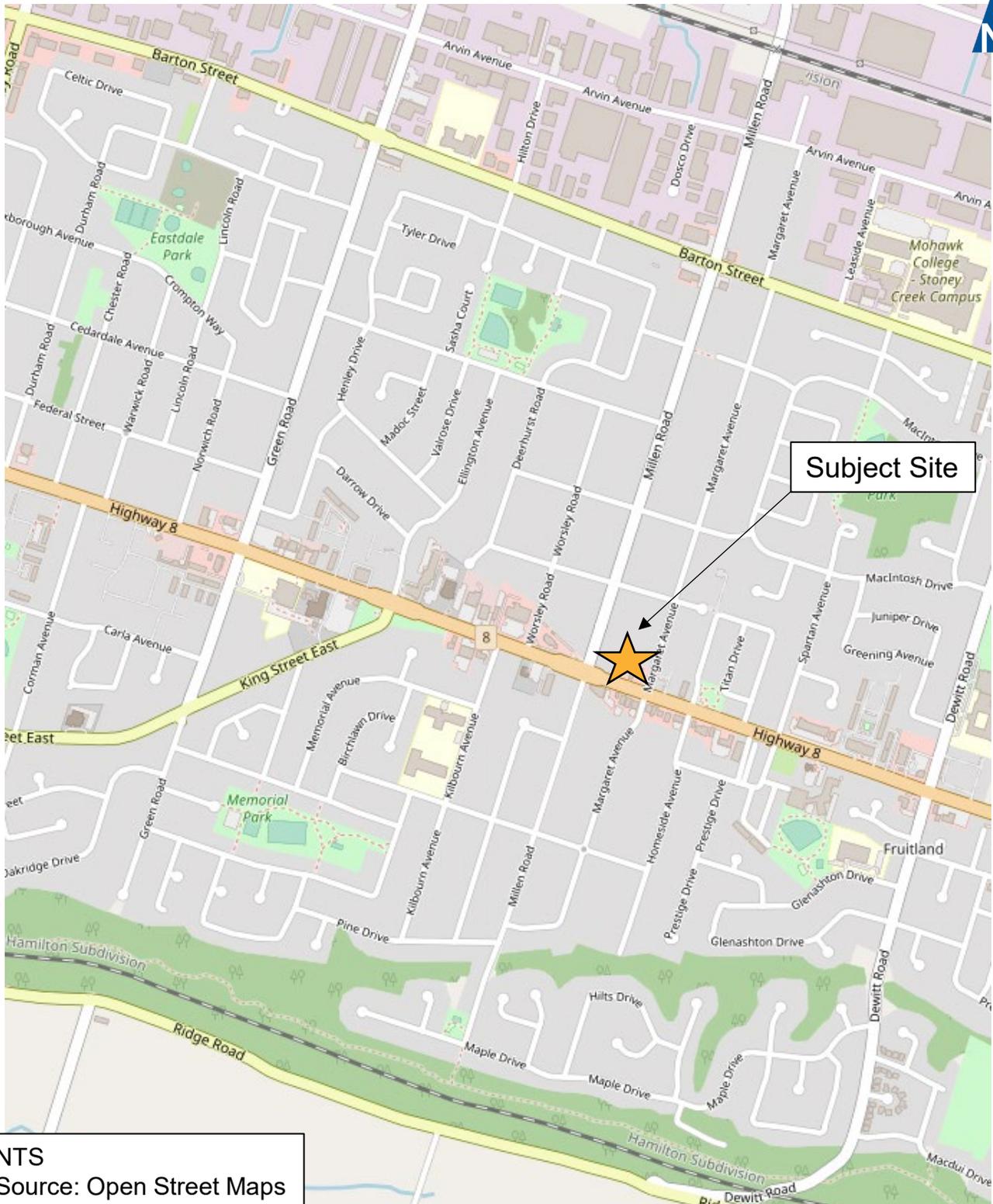


**Adam J. Makarewicz**  
Dipl. T., C.E.T. MITE  
Senior Project Manager, Associate



**Stew Elkins**  
BES, MITE  
Vice President and Chief Resource Officer





NTS  
Source: Open Street Maps



## Development Location

## Appendix A

### REDUCED SCALE ARCHITECTURAL PLANS

---



COVER  
LAI OPTION 3\_2022.06.15



STATISTICS		
<b>SITE</b>		
LOT AREA	3,688m <sup>2</sup>	39,700 ft <sup>2</sup>
LOT FRONTAGE	61.05 m	200'-3"
LANDSCAPED AREA	TBD	TBD
<b>BUILDING - 4 STOREYS</b>		
COVERAGE	816 m <sup>2</sup>	8,784 ft <sup>2</sup>
GFA - BUILDING	3,000.0 m <sup>2</sup>	32,292 ft <sup>2</sup>
GFA - COMMERCIAL	597.9 m <sup>2</sup>	6,436 ft <sup>2</sup>
GFA - RESIDENTIAL	2,225.4 m <sup>2</sup>	23,954 ft <sup>2</sup>
<b>TOTAL UNITS</b>		<b>27</b>
	1 BEDROOM	9
	2 BEDROOM	9
	2 BEDROOM + DEN	9
<b>TOTAL PARKING PROVIDED</b>		<b>46</b>
	SURFACE	46

PROPOSED DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
 OPTION 3

STONEY CREEK, ON

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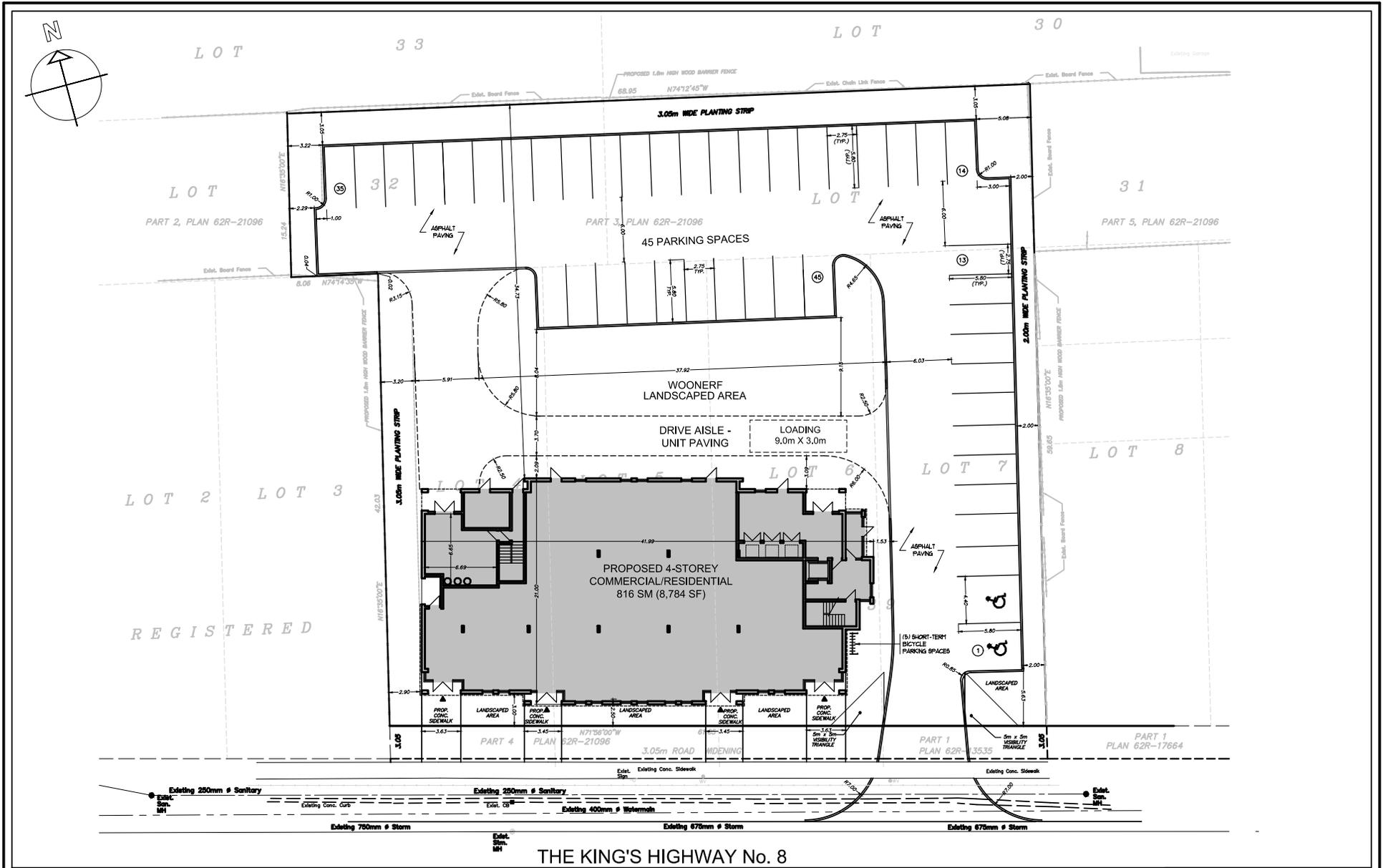
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COVER/STATS

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**22.029**

dwg. no.

AO SITE  
LAI OPTION 3\_2022.06.15



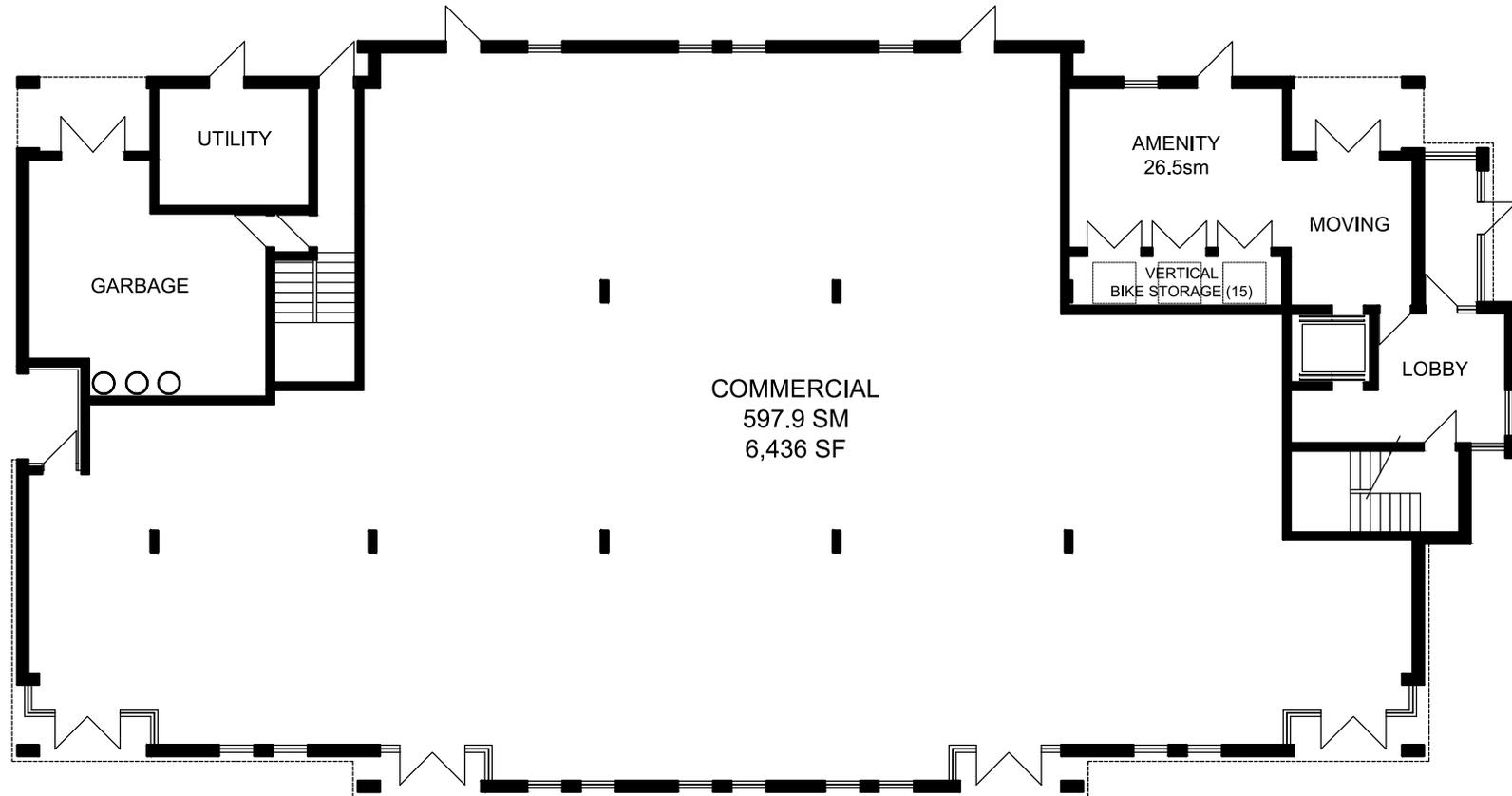
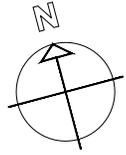
PROPOSED MIXED USE DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
 OPTION 3  
 STONEY CREEK, ON

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 www.lintack.com

<b>SITE</b>	
job no. <b>22.029</b>	dwg. no. <b>A0</b>

A1 GND  
LAI OPTION 3\_2022.06.15



PROPOSED DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
 OPTION 3  
 STONEY CREEK, ON

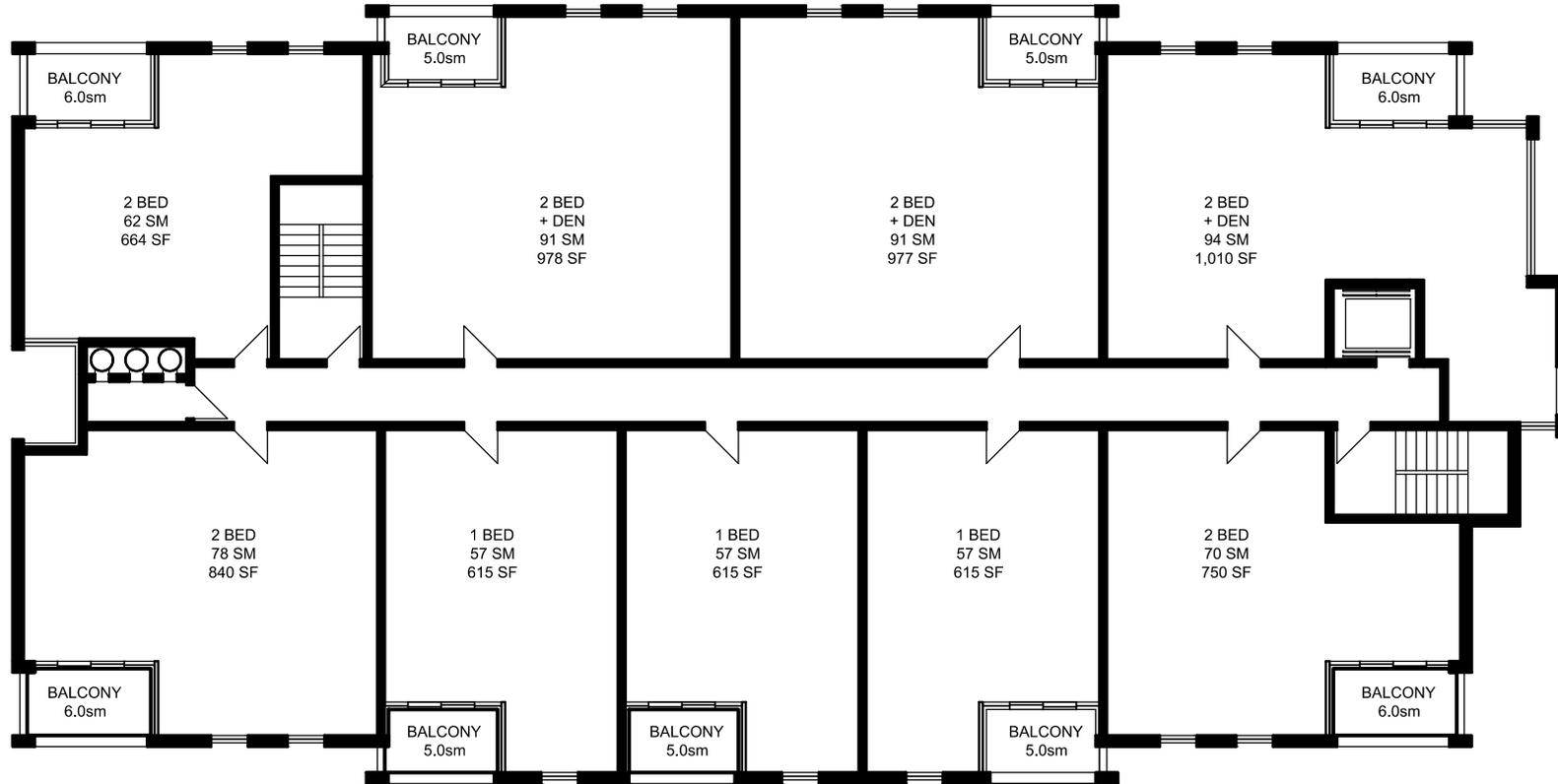
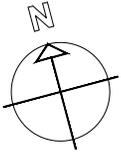
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**GROUND**

job no.	dwg. no.
22.029	A1

A2 2ND & 3RD  
LAI OPTION 3\_2022.06.15



PROPOSED DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
OPTION 3

STONEY CREEK, ON

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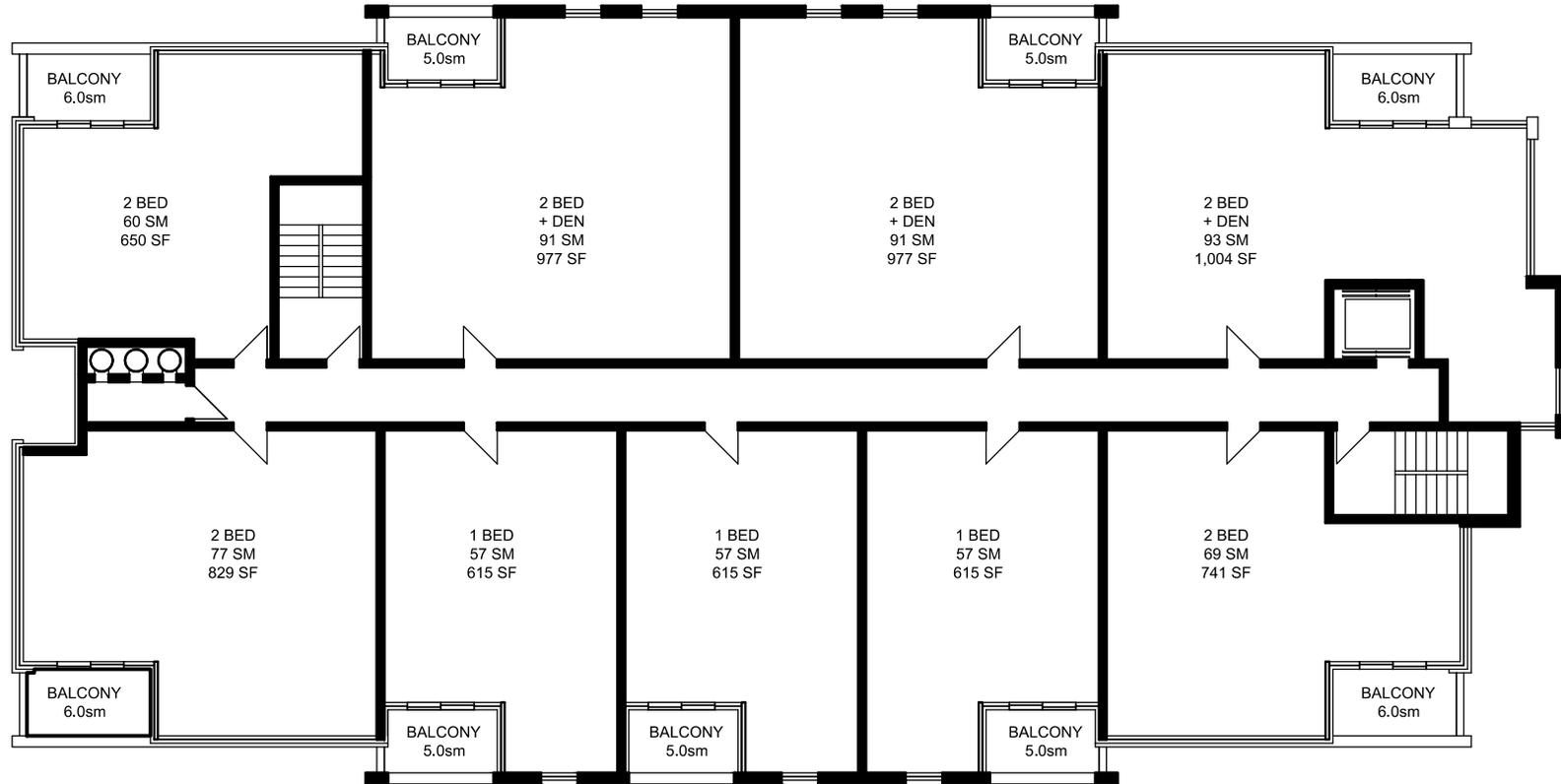
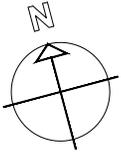
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SECOND & THIRD

job no.  
22.029

dwg. no.  
A2

A3 4TH  
LAI OPTION 3\_2022.06.15



PROPOSED DEVELOPMENT  
HWY 8 & MILLEN MIXED USE  
OPTION 3

STONEY CREEK, ON

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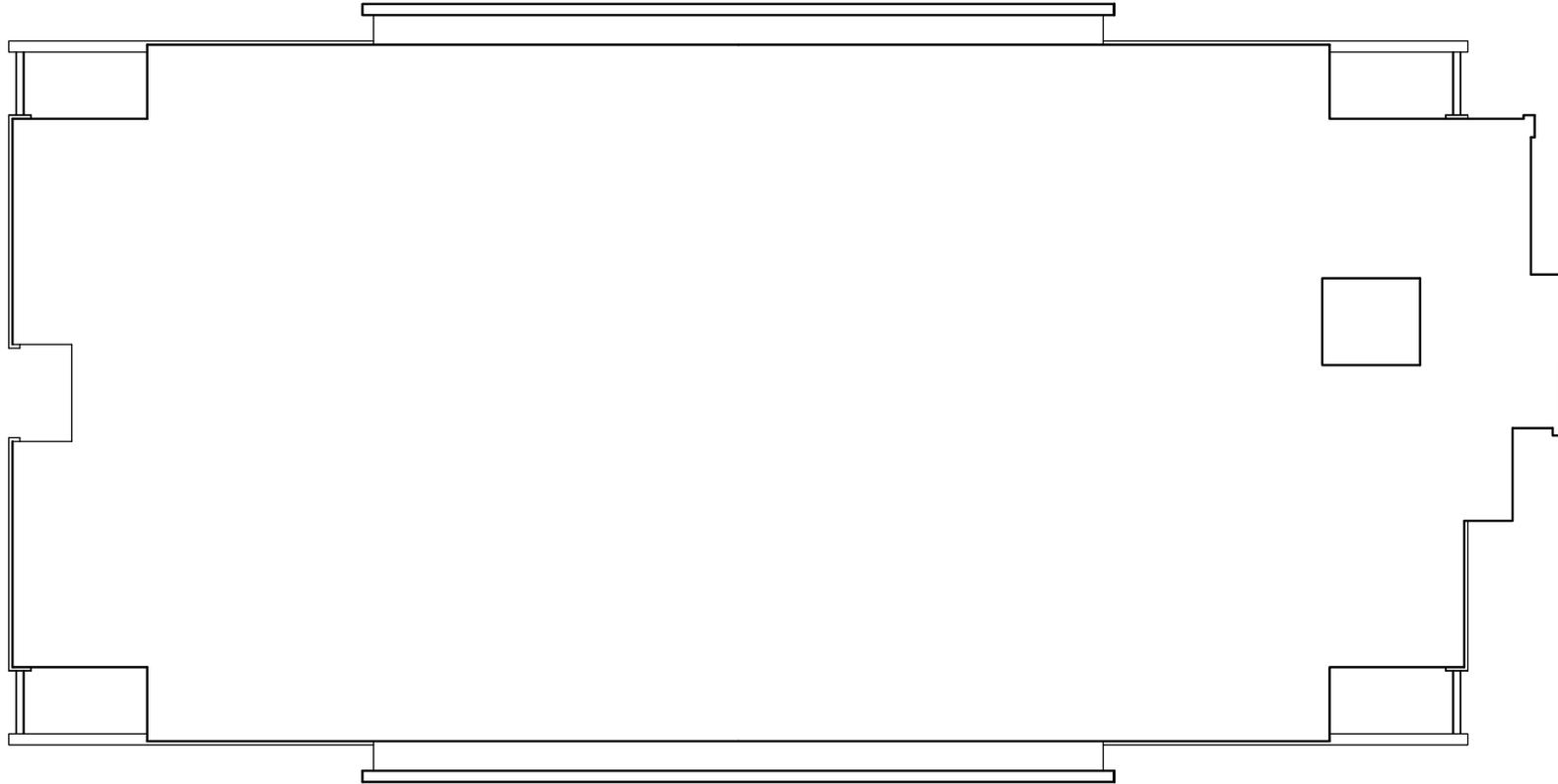
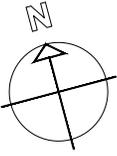
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FOURTH

job no.  
22.029

dwg. no.  
A3

A4 ROOF  
LAI OPTION 3\_2022.06.15



PROPOSED DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
OPTION 3

STONEY CREEK, ON

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<b>ROOF</b>	
job no. <b>22.029</b>	dwg. no. <b>A4</b>

A5 ELEVATIONS  
LAI OPTION 3\_2022.06.15



SOUTH



NORTH

PROPOSED DEVELOPMENT  
**HWY 8 & MILLEN MIXED USE**  
 OPTION 3  
 STONEY CREEK, ON

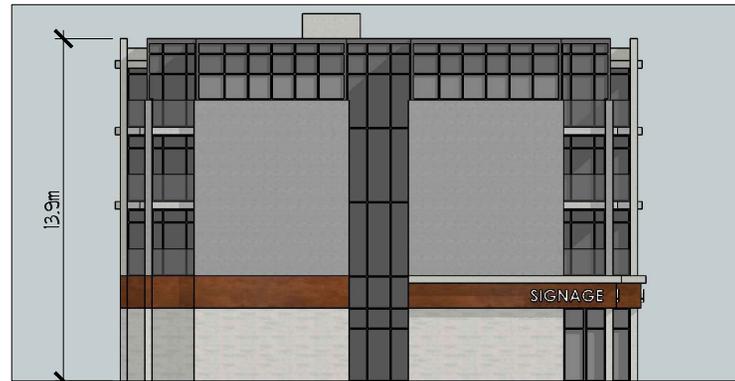
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ELEVATIONS	
job no. 22.029	dwg. no. A5



EAST



WEST

MAXIMUM GLAZING OF FACADE:

TOTAL GLAZING:	109.5 sm
TOTAL TRANSPARENT VISION GLASS	20.4 sm
PERCENTAGE OF TRANSPARENT VISION GLASS	18.6%

PROPOSED DEVELOPMENT  
HWY 8 & MILLEN MIXED USE  
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ELEVATIONS

job no.  
22.029

dwg. no.  
A6

## Appendix B

### ITE SUMMARY SHEETS

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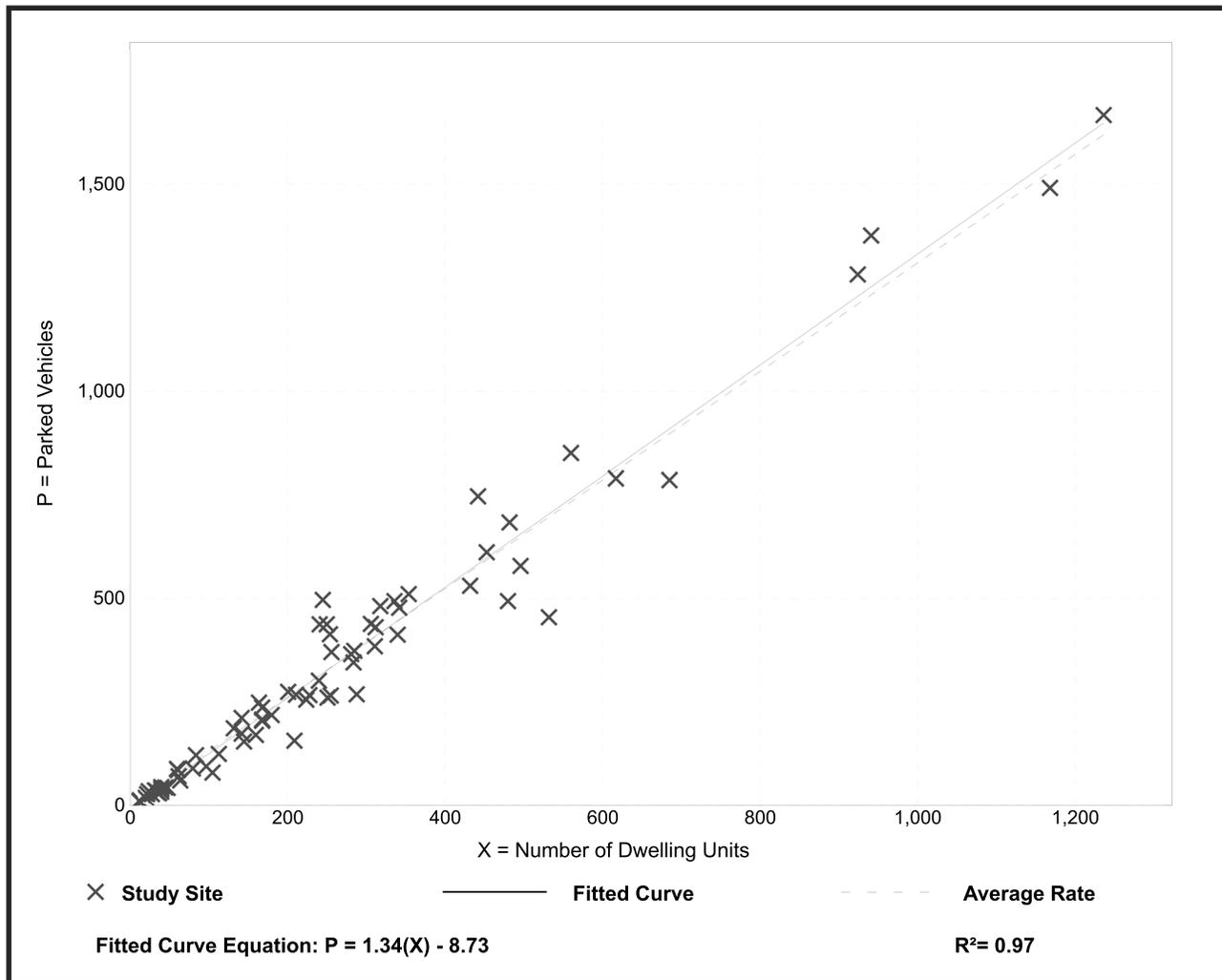
# Multifamily Housing (Mid-Rise) (221)

**Peak Period Parking Demand vs: Dwelling Units**  
**On a: Weekday (Monday - Friday)**  
**Setting/Location: General Urban/Suburban (no nearby rail transit)**  
**Peak Period of Parking Demand: 10:00 p.m. - 5:00 a.m.**  
 Number of Studies: 73  
 Avg. Num. of Dwelling Units: 261

## Peak Period Parking Demand per Dwelling Unit

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.31	0.75 - 2.03	1.13 / 1.47	1.26 - 1.36	0.22 (17%)

## Data Plot and Equation



*Parking Generation Manual, 5th Edition* • Institute of Transportation Engineers

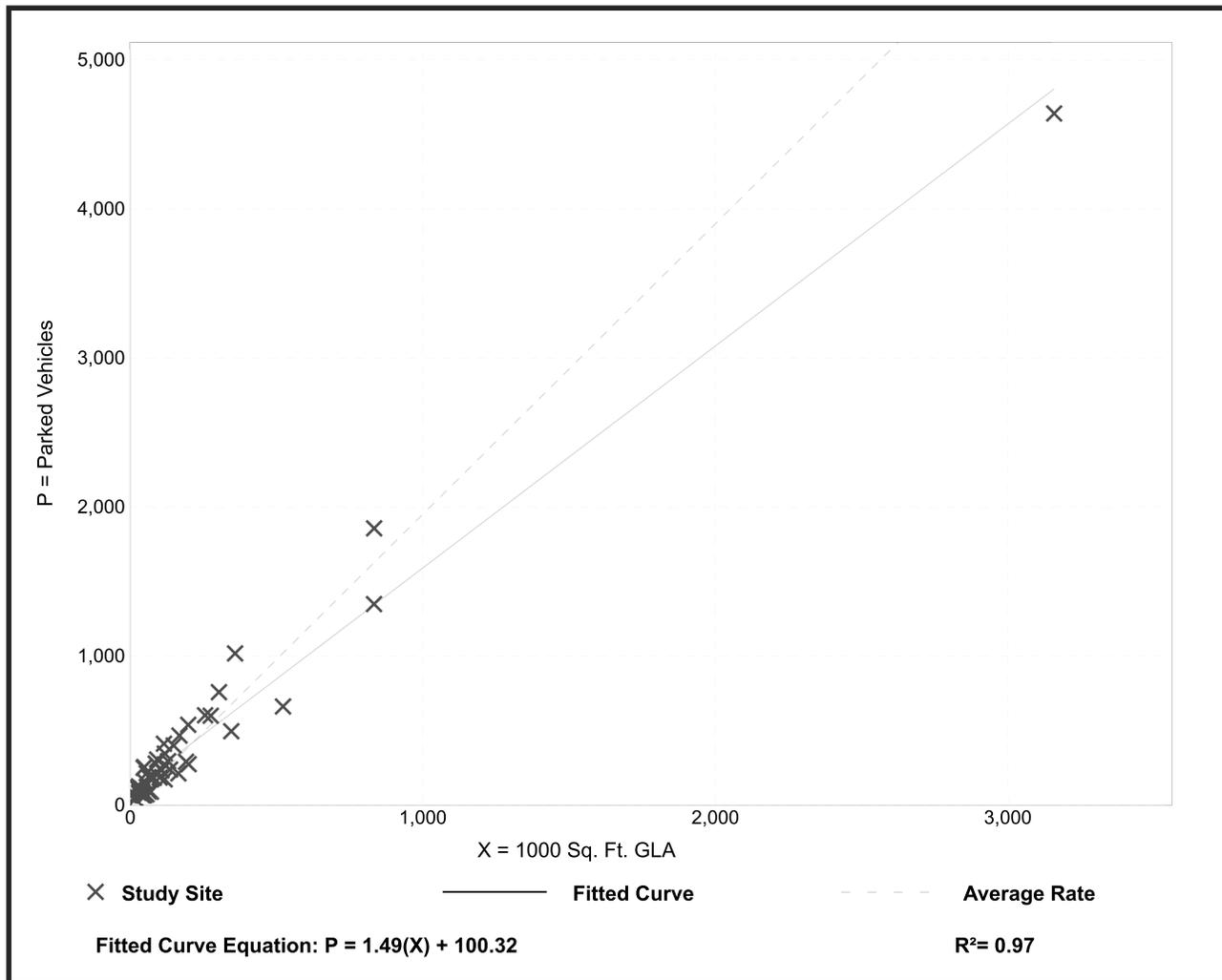
## Shopping Center - Non-December (820)

**Peak Period Parking Demand vs: 1000 Sq. Ft. GLA**  
**On a: Weekday (Monday - Thursday)**  
**Setting/Location: General Urban/Suburban**  
**Peak Period of Parking Demand: 12:00 - 6:00 p.m.**  
 Number of Studies: 46  
 Avg. 1000 Sq. Ft. GLA: 218

### Peak Period Parking Demand per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.95	1.27 - 7.98	1.99 / 3.68	1.73 - 2.17	0.75 (38%)

### Data Plot and Equation



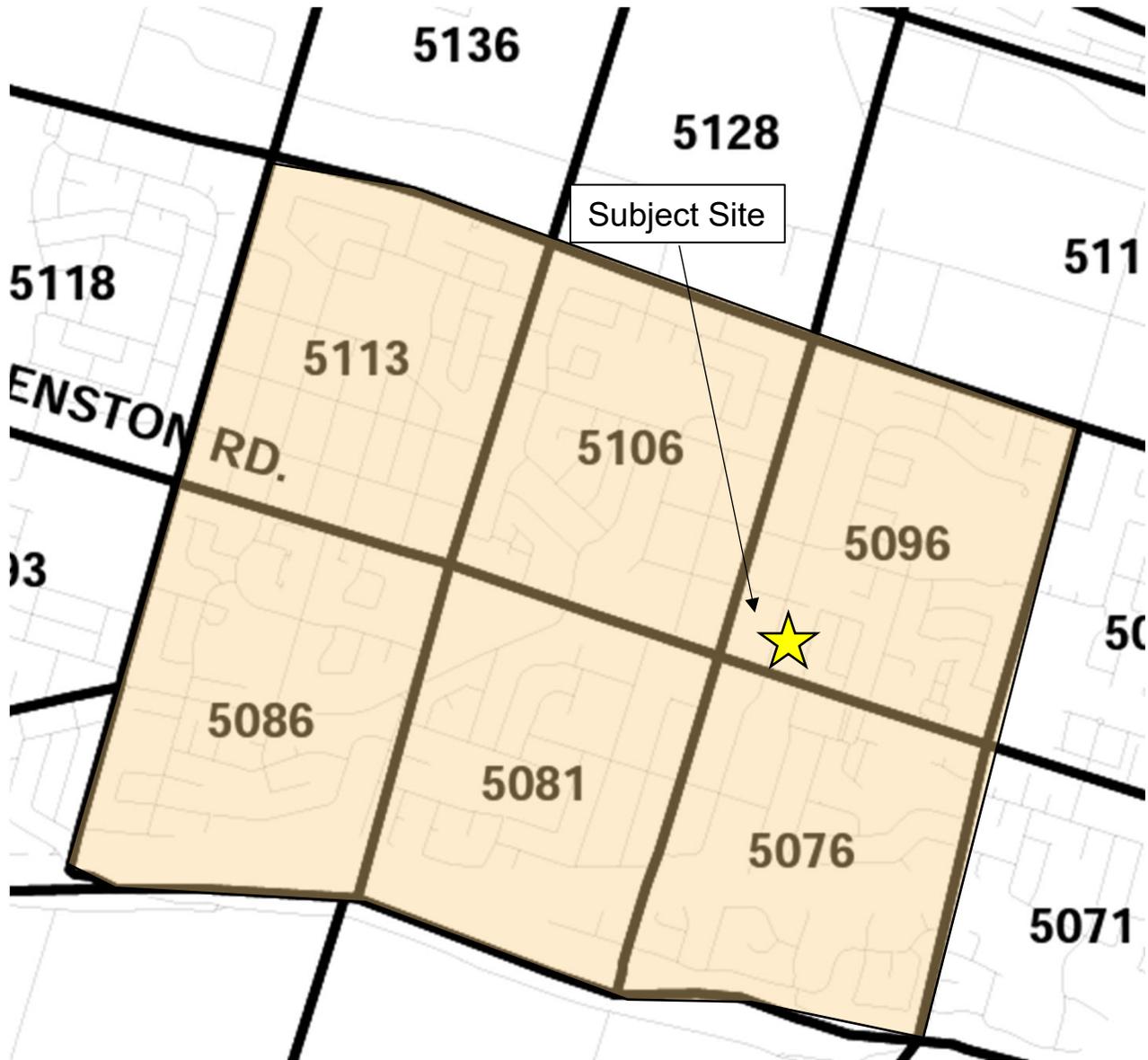
*Parking Generation Manual, 5th Edition* • Institute of Transportation Engineers

## Appendix C

### TTS VEHICLE OWNERSHIP RATES

---





Wed Nov 23 2022 16:37:41 GMT-0500 (Eastern Standard Time) - Run Time: 761ms

Cross Tabulation Query Form - Household - 2016 v1.1

Row: Type of dwelling unit - dwell\_type

Column: No. of vehicles in household - n\_vehicle

Filters:

2006 GTA z      5081      5076      5096      5113      5086

Household 2016

Table:

	0	1	2	3	4	5	
Apartment	0	393	33	0	0	0	426 Units
	0	393	66	0	0	0	459 Vehicles
							1.08 Ownership Rates



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

June 23, 2023

City of Hamilton  
 Planning and Economic Development  
 City Hall 5<sup>th</sup> Floor  
 71 Main St W, Hamilton, ON L8P 4Y5

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

**Re: 417 Highway No. 8 – Minor Variance Resubmission SC/A-22:216**

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Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by QZ4 Holdings Inc., owners of the property municipally known as 417 Highway No. 8 for the purposes of resubmitting the enclosed Minor Variance Application. The following revised materials have been submitted in support of the application.

- One (1) digital copy of the Architectural Package, dated September 9<sup>th</sup>, 2022, prepared by Lintack Architects Inc.
- One (1) digital copy of the Parking Brief, dated December 1<sup>st</sup>, 2022. Prepared by Paradigm Transportation Solutions Inc.

The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan and are zoned Local Commercial (C2, 673) Zone in City of Hamilton Zoning By-law No. 05-200.

The application was tabled at the July 27, 2023 Committee of Adjustment Hearing. Since that time, additional discussion with staff has taken place to amend the proposal. The result is the revised proposal before the Committee.

The proposal is to construct a four (4) storey mixed-use building containing a total of 24 residential units. Fifteen of which will be two-bedroom units. In total, 45 parking spaces are proposed to support the use. In total, 597m<sup>2</sup> of commercial space at grade is proposed. It is the intent to divide up the commercial space into multiple units.

One variance has been amended as follows:

1. A total of 70% of the gross floor area for dwelling units be permitted to occupy area of the building instead of the maximum 50.0% permitted.

The proposal is for a four (4) storey mixed use building. As noted in the previous submission, the variance results in 3 storeys of residential units and 1 storey of commercial on the ground floor. It is not desirable to maintain a second storey of commercial within this building. It is also desirable to maintain the existing footprint, to account for on site parking which is also proposed to be reduced.

June 23, 2023



Re: 417 Highway No. 8, City of Hamilton  
Minor Variance Application Resubmission – SC/A-22:216

Page 2 of 2

To reduce the number of residential space being provided, the proposal has been revised to include a rooftop terrace on the fourth floor.

### Conclusion

In accordance with the above criteria, variances to permit a higher percentage of residential uses on site and a reduction in required parking will be required to facilitate the proposed development. The development conforms with the City of Hamilton Official Plan and Western Development Area Secondary Plan.

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.

Yours truly,

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

Copy: QZ4 Holdings Inc.  
Fiddlers Green P.O Box 81068, Ancaster ON



Hamilton

**Committee of Adjustment**

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

Phone: (905) 546-2424 ext. 4221

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

**APPLICATION FOR A MINOR VARIANCE**

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

**The Planning Act**

**Application for Minor Variance or for Permission**

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

1, 2	NAME	MAILING ADDRESS
<b>Registered Owners(s)</b>	QZ4 Holdings Inc.	
<b>Applicant(s)*</b>	(same as owner)	
<b>Agent or Solicitor</b>	A.J. Clarke & Associates Ltd. c/o Ryan Ferrari	

**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:

Unknown

**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:

Minor variance for reduction in parking; residential v commercial ratio.  
Please see Attached Cover Letter for full details.

Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

See Attached Cover Letter.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Part Lots 4, 5, 6, 7, 31 & 32 Plan 639 Part 3 62r21096 City Of Hamilton

7. PREVIOUS USE OF PROPERTY

Residential                       Industrial                       Commercial

Agricultural                       Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use Restaurant, now Hair Salon

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

Yes                       No                       Unknown

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

Yes                       No                       Unknown

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

Yes                       No                       Unknown

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

Yes                       No                       Unknown

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

Yes                       No                       Unknown

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

Yes                       No                       Unknown

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

Yes                       No                       Unknown

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

Yes                       No                       Unknown

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

Yes  No  Unknown

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

Online mapping and property owner information.

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

Is the previous use inventory attached? Yes  No

**9. ACKNOWLEDGEMENT CLAUSE**

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

6/10/2022  
Date

DocuSigned by:  
*Dr. Sami Alwaleed*  
8009C09A8A7AF3  
Signature Property Owner(s)  
  
QZ4 Holdings Inc.  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	+/- 61.05 m
Depth	+/- 59.65
Area	+/- 3,688 sq m
Width of street	+/- 34 m

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

Existing: \_

One-storey, commercial building (hair salon). Approx. 16 m length, 9 m width, 144 sq m GFA.

Proposed

Four-storey (13.9 m) mixed use development with commercial at grade and residential above. 42 m in width, +/- 21 m in depth. 816 sq m in ground floor area. Total GFA of 32,292 sq m across four storeys.

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

Existing:

One storey commercial building. Approximately 3 m front yard depth, 4.5 m east side yard, 40 m rear yard.

Proposed:

Four storey mixed use development with commercial at grade and residential above. 2.5 m front yard, ~35.24 m rear yard, 2.91 west side yard.

13. Date of acquisition of subject lands:  
Unknown
14. Date of construction of all buildings and structures on subject lands:  
Unknown
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Commercial, C2, Exception 673 Zoning
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single family dwellings (north and west), commercial (south and east)
17. Length of time the existing uses of the subject property have continued:  
Unknown
18. Municipal services available: (check the appropriate space or spaces)  
Water  Connected   
Sanitary Sewer  Connected   
Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods (UHOP)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Local Commercial (C2, 673)
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:  
ZAC-17-028
- 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)  
Please see cover letter for more information.
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>AN/A-23:183</b>	<b>SUBJECT PROPERTY:</b>	341 & 347 FIDDLERS GREEN ROAD, ANCASTER
<b>ZONE:</b>	“ER” (Existing Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended

**APPLICANTS:**      **Owner:** MHBC PLANNING CONSULTANTS C/O GERRY TCHISLER  
**Agent:** AUTUMN LEA DEVELOPMENTS LTD. C/O PASQUALINO PROBO

The following variances are requested:

1. A minimum lot area of 557 square metres shall be provided for 341 Fiddlers Green Rd whereas the bylaw requires a minimum lot area of 695 square metres.
2. A minimum lot area of 547 square metres shall be provided for 347 Fiddlers Green Rd whereas the bylaw requires a minimum lot area of 695 square metres.
3. A minimum lot frontage of 15.3 metres shall be provided whereas the by-law requires a minimum lot frontage of 18.0 metres.
4. A minimum front yard setback of 8.4 metres shall be provided for 341 Fiddlers Green Road whereas the by-law requires a minimum of 10.58 metres.
5. A minimum flankage yard of 4.4 metres shall be provided whereas the by-law requires a minimum flankage yard of 6.0 metres.
6. A minimum rear yard setback of 4.7 metres for 341 and 347 Fiddlers Green Rd whereas the by-law requires a minimum rear yard of 7.5 metres.

**PURPOSE & EFFECT:**      So as to permit the construction of a single detached dwelling, on a newly created lot.

**Notes:** N/A

**AN/A-23:183**

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>10:00 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:183, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

AN/A-23:183



 Subject Lands

DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

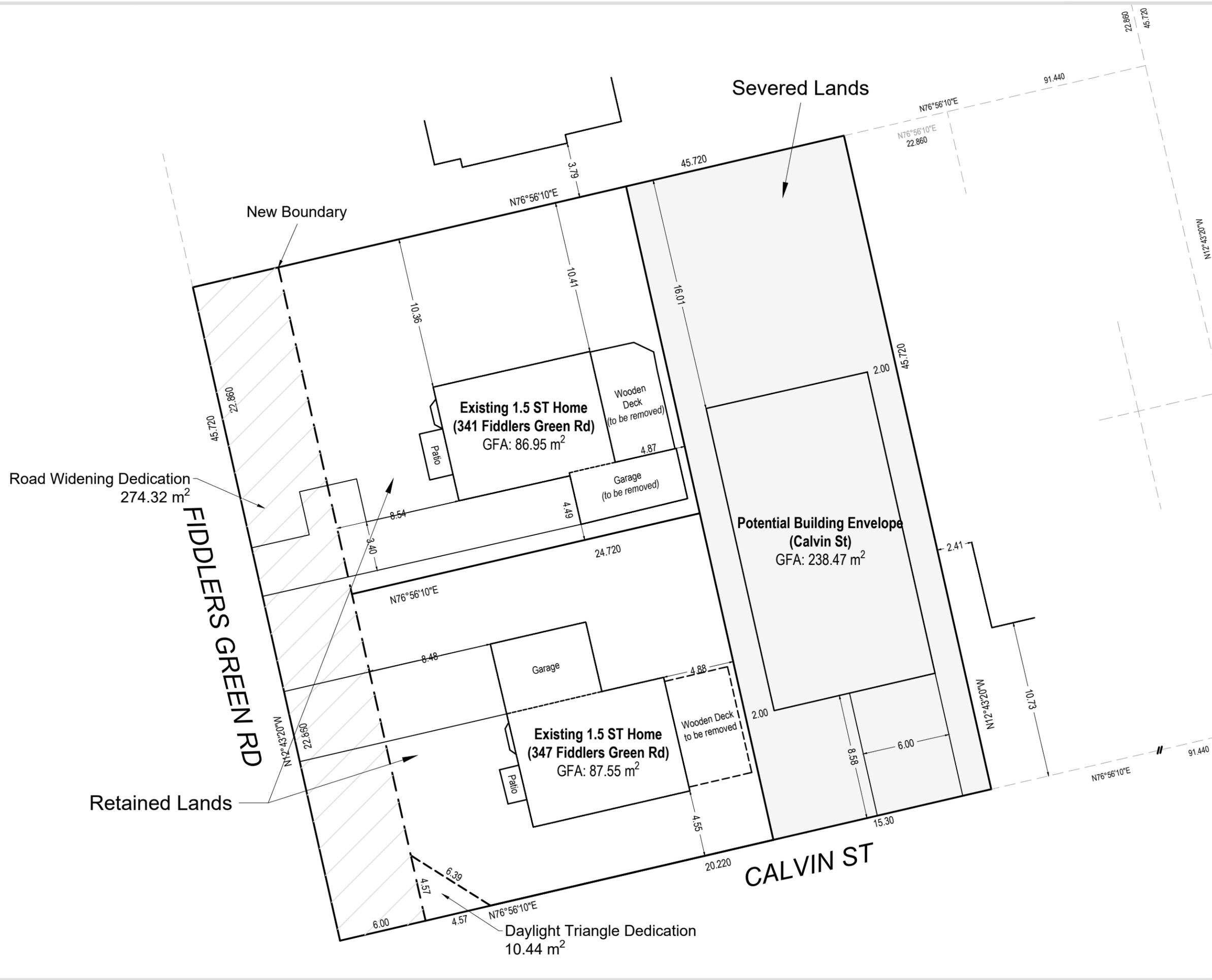
#### 2. In person Oral Submissions

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

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

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

# SEVERANCE SKETCH



341 FIDDLER'S GREEN RD			
Regulation	Required	Proposed	Compliance
Min. Lot Area	695 m <sup>2</sup>	558.32 m <sup>2</sup>	No
Min. Lot Frontage	18 m	22.86 m	Yes
Max. Lot Coverage	35%	113.66 m <sup>2</sup> (20%)	Yes
Front Yard Setback	Within 20% of the average front yard setback of the two nearest principal dwellings on either side of the lot <small>(347 Fiddlers Green Rd @ 15.86 m + 347 Fiddlers Green Rd @ 8.48 m) / 2 = 12.17 m</small>	8.54 m	No
Side Yard Setback	2.0 m	4.49 m	Yes
Rear Yard Setback	35% of lot depth (24.72 m) = 8.65 m	4.87 m	No

347 FIDDLER'S GREEN RD			
Regulation	Required	Proposed	Compliance
Min. Lot Area	695 m <sup>2</sup>	547.78 m <sup>2</sup>	No
Min. Lot Frontage	18 m	22.86 m	Yes
Max. Lot Coverage	35%	120.24 m <sup>2</sup> (22%)	Yes
Front Yard Setback	Within 20% of the average front yard setback of the one nearest principal dwelling facing the same street <small>(341 Fiddlers Green Rd @ 8.54 m + 347 Fiddlers Green Rd @ 8.48 m) / 2 = 8.51 m</small>	8.48 m	Yes
Side Yard Setback	2.0 m interior side yard; 6.0 m flankage yard	4.55 m	No
Rear Yard Setback	35% lot depth (24.72 m) = 8.65 m	4.88 m	No

PROPOSED CALVIN ST LOT			
Regulation	Required	Proposed	Compliance
Min. Lot Area	695 m <sup>2</sup>	699.66 m <sup>2</sup>	Yes
Lot Frontage	18 m	15.3 m	No
Max. Lot Coverage	35%	238.47 m <sup>2</sup> (34%)	Yes
Front Yard Setback	Within 20% of the average front yard setback of the one nearest principal dwelling of the interior lot <small>(341 Fiddlers Green Rd @ 8.54 m + 347 Fiddlers Green Rd @ 8.48 m) / 2 = 8.51 m</small>	8.58 m	Yes
Side Yard Setback	2.0 m	2.0 m	Yes
Rear Yard Setback	35% of lot depth (45.72 m) = 16.01 m	16.01 m	Yes

Road Widening

Lands to be Conveyed

- NOTES:**
- Existing garage for 341 Fiddlers Green Road to be removed. Existing decks for both 341 and 347 Fiddlers Green Road to be removed.
  - Wooden decks on both existing dwellings to be removed
  - Driveways of existing dwellings are not surveyed, and are for illustrative purposes only

No. Date Issue/Revision By

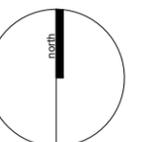
204-442 BRANT STREET, BURLINGTON, ON, L7R 2G4 | P: 905.639.6686 | WWW.MHBCPLAN.COM

Plotted: Wednesday, May 24, 2023

File No.: 1594 - O	Drawn By: R.M.
Scale: 1:250	Checked By: G.T.

SEVERANCE WITH EXISTING DWELLINGS

341 & 347 Fiddlers Green Rd  
Ancaster, ON





PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

July 4, 2023

Jamila Sheffield, Secretary Treasurer  
Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

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

Dear Ms Sheffield:

**RE: CONSENT FOR SEVERANCE AND MINOR VARIANCE APPLICATIONS  
341 & 347 FIDDLERS GREEN ROAD, HAMILTON  
Our File: 15940**

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On behalf of our client, Autumn Lea Development Ltd ("Owner"), we are pleased to submit the enclosed Consent for Severance and Minor Variance Applications with respect to the properties generally located at the northeast corner of Fiddlers Green Road and Calvin Street, and municipally addressed as 341 and 347 Fiddlers Green Road in the City of Hamilton (the "Subject Lands"). This letter sets out a description of the proposed consent application, variances, and supporting information.

In support of these applications, please find enclosed the following:

- One (1) copy of the completed Consent Application Form for 341 Fiddlers Green Road;
- One (1) copy of the completed Consent Application Form for 347 Fiddlers Green Road;
- One (1) copy of the completed Minor Variance Application Form;
- One (1) copy of a severance sketch identifying the retained and severed lands;
- Payment in the amount of \$3,220.00 made payable to the City of Hamilton being the Consent Application Fee for 341 Fiddlers Green Road;
- Payment in the amount of \$3,220.00 made payable to the City of Hamilton being the Consent Application Fee for 347 Fiddlers Green Road and,
- Payment in the amount of \$3,735.00 made payable to the City of Hamilton being the Minor Variance Application Fee.

Payment in the above noted amounts will be made via credit card at the time of application.

## **SITE CONTEXT**

The Subject Lands are located at the northeast corner of Fiddlers Green Road and Calvin Street, approximately 250 metres north of Highway 403, with frontage on both Fiddlers Green Road and Calvin Street of approximately 45 metres, in the City of Hamilton. The Subject Lands consist of two separate properties with a total combined area of 1,835.76 square metres, and are currently occupied by two single detached dwellings with driveways onto Fiddlers Green Road. Both existing dwellings are currently occupied by tenants. Immediately to the north is a large recently constructed single detached dwelling, followed by a recently constructed three-storey senior's residence. Immediately east is an existing single detached dwelling.

## **POLICY CONTEXT**

### *Urban Hamilton Official Plan ("UHOP")*

The Subject Lands are designated Neighbourhoods within the UHOP ("UHOP"). Fiddlers Green Road is identified as a Minor Arterial with a planned right-of-way width of 32.004 metres. The proposed severance to permit an additional single detached dwelling is in accordance with the Neighbourhoods designation of the UHOP.

### *Ancaster Zoning By-law 87-57*

The Subject Lands are subject to Ancaster Zoning By-law 87-57, within which they are zoned ER (Existing Residential). The ER Zone permits one detached dwelling per lot, as well as any accessory buildings or structures.

The proposed severance and associated variances intend to create a third lot from the rear yard of the existing two lots, in order to permit an additional detached dwelling as per the ER Zone. A series of variances are required as a result of the severance, as described below.

## **PROPOSAL SUMMARY**

The purpose of these consent applications is to sever 15.3 metres from the rear yards of the existing two lots comprising the Subject Lands in order to create an additional third lot which could accommodate a future residential dwelling.

The proposed severed lot would have a width of 15.3 metres and depth of 45.72 metres with a total area of 699.66 square metres. The severed parcel will have frontage on Calvin Street.

Both 341 and 347 Fiddlers Green Road, the existing lots, would have a reduced depth of 24.72 metres and width of 22.86 metres. Additionally, 341 Fiddlers Green would have a reduced lot area of 558.32 square metres and 347 Fiddlers Green would have a reduced lot area of 547.78

square metres. Note that as part of this application, the City requires dedication for the purposes of road widening and daylight triangle along the Fiddlers Green Road frontage. The required road widening dedication has a depth of 6 metres, further reducing the depth of the existing lots, as well as a 4.57m x 4.57m daylight triangle at the intersection with Calvin Road for 347 Fiddlers Green Road. If not for the road widening dedication, the existing lots would have a depth of 30.72 metres and maintain the required minimum lot areas of 695 square metres. Servicing for the new lot will be provided off of Calvin Street, as confirmed with City Engineering staff.

To accommodate the severance, the existing wooden decks for both existing parcels will be removed, as well as the existing garage on 341 Fiddlers Green Road. Once the existing decks are removed, new stairs will be constructed to provide access from the dwellings to the rear yards, and will be constructed within the permitted encroachment permissions of the By-law.

To facilitate the severance, three minor variances are required for each of the retained parcels, and one for the severed parcel. With the exception of these variances, the severed and retained parcels fully comply with the applicable zone regulations.

## **DESCRIPTION OF VARIANCES**

To facilitate the proposed Consent Application, the following variances are required:

### 341 Fiddlers Green Road (Existing Parcel)

1. To permit a minimum lot area of 557 square metres, whereas the By-law requires 695 square metres.

Zoning By-law 87-57, through provision 10.3.2, requires a minimum lot area of 695 square metres. While the proposed severance does not result in the existing parcel having insufficient lot area, the additionally required road widening conveyance along Fiddlers Green Road reduces the lot area to 557 square metres, necessitating a variance not required by the proposed severance.

2. To permit a minimum front yard setback of 8.4 metres, whereas the By-law requires a front yard setback within 20% of the average front yard setback of the two nearest principal dwellings on either side of the lot.

Zoning By-law 87-57, through provision 10.3.4, requires a minimum front yard setback for a lot between an interior lot and a corner lot within 20% of the average front yard setback of the two nearest principal dwellings on either sides of the lot. The adjacent dwelling to the south and the existing dwelling share a similar setback of 8.54 and 8.48 metres, however, the recently constructed dwelling adjacent to the north has a setback of approximately 17.96 metres, resulting in a required setback within the range of 10.58 to 13.22 metres for 341 Fiddlers Green

Road. This discrepancy is due to the required road widening conveyance on 341 and 347 Fiddlers Greed Road, which was not taken from the adjacent lot to the north. Therefore, this variance is only required due to the required road widening conveyance, and not required by the proposed severance.

3. To permit a minimum rear yard setback of 4.7 metres whereas the By-law requires 8.65 metres based on 35% of the lot depth.

Zoning By-law 87-57, through provision 10.3.6, requires a minimum rear yard setback of 35% of the lot depth. As a result of the proposed severance, the lot depth is reduced to 24.72 metres, resulting in a required 8.65 metre setback whereas 4.7 metres is proposed. While reduced, the resulting rear yard depth still maintains the ability to provide for adequate outdoor space to serve the existing dwelling unit with a total rear yard area of approximately 110 square metres as well as a generous side yard. The reduced rear yard does not impact abutting properties as the rear yards face the proposed new lot.

#### 347 Fiddlers Green Road (Existing Parcel)

1. To permit a minimum lot area of 547 square metres, whereas the By-law requires 695 square metres.

Zoning By-law 87-57, through provision 10.3.2, requires a minimum lot area of 695 square metres. While the proposed severance does not result in the existing parcel having insufficient lot area, the additionally required road widening conveyance along Fiddlers Green Road reduces the lot area to 547 square metres, necessitating a variance not required by the severance alone.

2. To permit a minimum flankage yard of 4.4 metres, whereas the By-law requires 6.0 metres.

Zoning By-law 87-57, through provision 10.3.5, requires a minimum flankage yard of 6.0 metres. The existing dwelling on 347 Fiddlers Green Road is setback 4.55 metres from the flankage lot line, therefore a variance is required to permit the existing flankage setback, which is not proposed to change as a result of the proposed severance. Therefore, this variance is required to recognize and existing condition.

3. To permit a minimum rear yard setback of 4.7 metres, whereas the By-law requires 8.65 metres based on 35% of the lot depth.

Zoning By-law 87-57, through provision 10.3.6, requires a minimum rear yard setback of 35% of the lot depth. As a result of the proposed severance, the lot depth is reduced to 24.72 metres, resulting in a required 8.65 metre setback whereas 4.7 metres is proposed. While reduced, the resulting rear yard depth still maintains the ability to provide for adequate outdoor space to serve the existing dwelling unit with a total rear yard area of approximately 110 square metres

as well as a generous side yard. The reduced rear yard does not impact abutting properties as the rear yards face the proposed new lot.

#### Severed Parcel

1. To permit a minimum lot frontage of 15.3 metres whereas the By-law requires a minimum of 18.0 metres.

Zoning By-law 87-57, through provision 10.3.2, requires a minimum lot frontage of 18.0 metres, whereas the severed lot has a proposed frontage of 15.3 metres along Calvin Street. The proposed lot width is sufficient to place a single detached dwelling on the severed lot complying with all other zone provisions, and is also consistent with other lot frontages within the surrounding area, including parcels along Bloomsbury Court (12.5 metres) and Knightsbridge Crescent (12.5 metres), among others.

### **JUSTIFICATION OF PROPOSAL**

#### CONSENT

##### *Planning Act*

While this application is a Consent under Section 53 of the *Planning Act*, the determination of whether the approval of the Consent should be granted is noted in Section 53(12). Section 53(12) notes that the granting of approval is based on whether there is sufficient regard for the matters under Section 51(24). In our opinion, the proposed severance does have regard for the matters set out in Section 51(24) of the *Planning Act* as follows:

*"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,"*

- a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

With respect to Section 51(24)(a), the application is to sever the existing two lots and create a new third parcel, and no plan of subdivision is proposed. The proposed lots are consistent with the matters of provincial interest listed in Section 2 of the *Planning Act*, including providing for orderly development, supporting public transit and locating growth and development in an appropriate location.

- b) *whether the proposed subdivision is premature or in the public interest;*

Section 51(24)(b) has been met as the lots are located on an existing municipal road, within the built boundary and serviced by municipal water and wastewater. The consent will result in contiguous and orderly development of the site that is not premature with uses that are permitted within the Official Plan and Zoning By-law.

- c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

Section 51(24)(c) has been met as the proposal conforms to the UHOP. The Subject Lands are designated 'Neighbourhoods', which permits the existing and proposed detached dwelling uses. The proposal also meets the criteria for consents outlined in Policy F.1.14.3.1 of the UHOP while helping to meet Hamilton's residential intensification targets through a form of 'gentle intensification'.

*d) the suitability of the land for the purposes for which it is to be subdivided;*

The proposed severance application will create one additional parcel which is appropriate for and compatible for the intended development of the lots. The lands are already being used for residential purposes and will continue to be used as such after the lands are severed.

*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;*

No highways or public roads are proposed as part of the development. The site has access to the surrounding road network Fiddlers Green Road and Calvin Street.

*f) the dimensions and shapes of the proposed lots;*

The proposal results in the creation of one new parcel having a shape and size that generally complies with the applicable Zoning By-law requirements, with the exception of one variance proposed for the new parcel. The proposed parcels will be suitable for the existing and proposed residential uses as contemplated in the Zoning By-law. The retained lots will have a reduced rear yard which will continue to maintain an appropriate amount of outdoor amenity space in the range of approximately 110 square metres plus a generous side yard.

*g) conservation of natural resources and flood control;*

Natural resources and flood control is not expected to be impacted through the proposed lot creation.

*i) the adequacy of utilities and municipal services;*

Section 51(24)(i) has been fulfilled for the retained lands as the properties are presently fully serviced. Servicing for the proposed severed lot will be provided from Calvin Street, as confirmed with City Engineering staff.

*k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

Land dedications are proposed for both retained parcels, consisting of a 6.0m right-of-way dedication along the length of the Fiddlers Green Road frontage, as well as a daylight triangle of 4.57m x 4.57m as required by the policies of the UHOP.

*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.*

Development of the proposed lot will be reviewed and approved through a future building permit application and will be in accordance with existing zoning, as amended to permit a reduced lot frontage.

*Urban Hamilton Official Plan*

Section 1.14.3.1 of the UHOP addresses Consent policies for the Neighbourhoods land use designation applicable to the Subject Lands, as follows:

*"Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:"*

*a) The lots comply with the policies of this Plan, including secondary plans, where one exists;*

The proposed lots conform to the UHOP, and are designated Neighbourhoods. The Neighbourhoods designation is to primarily consist of residential uses and provide for a full range of housing types, forms, and tenure. Changes are permitted provided they are compatible with the existing character and function of the neighbourhood. The proposed lots maintain the scale and character of the surrounding established development pattern, including lot frontages, areas, and setbacks as discussed further below.

*b) The lots are in conformity with the Zoning By-law or a minor variance is approved;*

A minor variance application has been submitted concurrently with the proposed severance application, with a number of variances proposed as discussed below.

*c) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*

The proposed existing and retained lots maintain the scale and character of the established development pattern in the surrounding area, including lot frontages, areas, and setbacks. The existing detached dwellings are to remain, with the rear portions of the lots severed to allow for an additional lot having a scale similar to those of the surrounding neighbourhood. Although some minor reductions are required to the severed and retained lots as outlined in this letter, these reductions reflect a natural progression in development intensity as one approach Fiddlers Green Road, which is classified as a Minor Arterial Road in the UHOP, from the interior of the neighbourhood. A progression in development intensity is contemplated in the Low Density Residential policies (Policy E.3.4.3) which identifies that permitted uses in low density residential areas include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings in addition to multiple dwellings for lots in proximity to collector or arterial roads. Although this consent does not contemplate a multiple dwelling, Policy E.3.4.3 nonetheless

demonstrates the expectation of greater development intensity around the edges of low density areas as defined by the collector and arterial road network.

*d) the lots are fully serviced by municipal water and wastewater systems; and,*

The proposed lots are fully serviced by municipal infrastructure. The severed lot will be serviced from Calvin Street.

*e) the lots have frontage on a public road.*

The proposed lots have access to the surrounding road network through frontage on Fiddlers Green Road and Calvin Street.

#### MINOR VARIANCE

Section 45(1) of the *Planning Act* identifies four tests which must be satisfied in order for the requested minor variances to be approved. The proposed variances both individually and cumulatively meet the four tests, as demonstrated in the analysis below.

***a) The variance maintains the general intent and purpose of the Official Plan.***

The requested variances are required to facilitate the proposed severance and creation of a new parcel to accommodate a future residential dwelling on the severed lands. The Subject Lands are designated Neighbourhoods in the UHOP, which permits residential uses as currently exist on site and are proposed for the Subject Lands. Section B.3.2.1.6 of the UHOP notes that within the Urban Area it is the City's goal to increase the mix and range of housing types, forms, tenures, densities, and affordability levels throughout the City. Section E.2.7.7 of the UHOP further notes that applications for residential intensification within Neighbourhoods shall be reviewed in consideration of the local context, be compatible with the existing function of the neighbourhood, and be evaluated based on the balance of residential intensification criteria as set out in the UHOP.

Section B.2.4.1.1 notes that residential intensification shall be encouraged throughout the entire build-up area. Section B.2.4.1.4 provides for the evaluation criteria to be applied to residential intensification within the built-up area, which include the following criteria:

- b) "The relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;*
- d) the compatible integration of the proposed 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;*
- i) the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;"*

The proposed variances to the severed and retained lots are consistent with the established built form and development patterns of the surrounding neighbourhood. The proposed reductions in minimum lot frontage will result in a new lot having a similar scale and function to lots in the surrounding area. The proposed reductions in minimum lot area and minimum front yard setback are a result of the required right-of-way dedications along Fiddlers Green Road, and reflect the existing conditions along either side of the street, as would be required for any future applications elsewhere along this section of the corridor. The proposed reductions in minimum rear yard setbacks maintain the ability to provide adequate outdoor space, and will appear as generous side yards as viewed from Calvin Street. The proposed reduction in minimum flankage yard recognizes the existing condition, which therefore already forms part of the established development pattern. When the proposed severance and associated variances are assessed in relation to the above criteria, it can be concluded that the resulting built form and lot pattern is consistent and compatible with the established surrounding context. The proposal further provides for gentle intensification which supports existing transit service along Fiddlers Green Road.

Section B.2.4.2.2 provides further evaluation criteria to be applied to residential intensification within the Neighbourhoods designation, which include the following criteria:

- b) "compatibility with adjacent land uses including matters such as shadowing, overlook noise, lighting, traffic, and other nuisance effects;*
- c) the relationship of the proposed buildings with the height, massing, and scale of nearby residential buildings;*
- e) the relationship of the proposed lots with the lot pattern and configuration within the neighbourhood;*
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;*
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations"*

The proposed severance and resulting variances maintain the established lot pattern and configuration of the surrounding established neighbourhood, as discussed above. The result of the proposed variances is one additional residential lot, having zoning provisions which reflect those of the surrounding area, and therefore will not negatively impact existing adjacent land uses, including shadowing, overlook, lighting, traffic, and other nuisance effects which will be further reviewed through a future building permit application. Since the houses on the retained lands front onto Fiddlers Green Road, their rear yards will face the proposed new house on the severed lands, creating no impact on the existing adjacent uses. The reduced rear yards will still maintain the ability to provide for adequate outdoor amenity space on the lots; approximately 110 metres will be provided as well as generous side yards. The existing streetscape patterns, including block lengths, setbacks, and building separations will be maintained through the proposed variances, with the only perceivable change being the addition of one additional dwelling having setbacks consistent with the surrounding neighbourhood.

Section E.3.4.6c) further states that a mix of lot widths and sizes compatible with streetscape character, and a mix of dwelling unit types and sizes compatible in exterior design, including scale, character, appearance, and design shall be encouraged. As assessed throughout this letter, the proposed variances provide for lot sizes and widths compatible with the surrounding character, and implement the form of 'gentle intensification' broadly encouraged within the UHOP. The requested variances therefore maintain the general intent and purpose of the UHOP.

***b) The variance maintains the general intent and purpose of the Zoning By-law.***

The Subject Lands are zoned ER (Existing Residential) within Ancaster Zoning By-law 87-57. The ER Zone permits one detached dwelling per lot.

The following zone provisions apply to the Subject Lands:

Lot Provisions	ER Zone Requirement	Retained Parcel (341 Fiddlers)	Retained Parcel (347 Fiddlers)	Severed Parcel	
Min. Lot Area	695 sq.m.	557 sq.m.	547 sq.m.	699.66 sq.m.	
Min. Lot Frontage	18.0 m	22.86 m	22.86 m	15.3 m	
Max. Lot Coverage	35%	20%	22%	34%	
Front Yard Setback	Within 20% of the average front yard setback of the two nearest principal dwellings on either side of the lot:		8.4 m	8.4 m	8.5 m
	341:	10.58m - 13.22m			
	347:	6.83m - 10.25m			
	Severed:	8.58m - 10.73m			
Min. Side Yard	2.0 m	4.49 m	5.0 m	2.0 m	
Min. Flankage Yard	6.0 m	n/a	4.4 m	n/a	
Min. Rear Yard	35% of lot depth:		4.7 m	4.7 m	16.0 m
	341:	8.65m			
	347:	8.65m			
	Severed:	16.0m			
Max. Height	9.5 m	<9.5 m	<9.5 m	< 9.5 m	

The intent of the minimum lot area provision within the Zoning By-law is to ensure that both sufficient area to provide for residential dwellings and associated greenspace can be accommodated, while also providing for a consistent lot pattern throughout the surrounding area. The proposed reduction in lot area for both 341 and 347 Fiddlers Green Road is not a result of the proposed severance, which could occur while maintaining sufficient lot area and creating an additional lot, but rather a result of the required right-of-way dedication (6.0 metres)

which is being taken from the Fiddlers Green Road frontage. In effect, the proposed severance has no impact on the reduction other than triggering the dedication. The reduction does not conflict with the intent of the Zoning By-law, as the lots will remain consistent with the surrounding area and will reflect the varied lot sizes on either side of and along Fiddlers Green Road.

The intent of the minimum front yard setback provisions within the Zoning By-law is to provide for a consistent street wall condition, by ensuring that building facades are within 20% of one another and achieve a consistent transition throughout the broader area. The proposed reduction in front yard setback for both 341 and 347 Fiddlers Green Road is not a result of the proposed severance, but rather a result of the required right-of-way dedication being taken from the Fiddlers Green Road frontage. While the 6.0 m dedication is to be taken from both retained parcels, this dedication was not taken from the abutting property to the north, meaning that the setback of the retained parcels is made artificially smaller than the abutting property to the north, and requiring the requested variances to permit reduced setbacks. The reduction is consistent with the intent of the By-law as the existing buildings are not proposed to be removed, and the existing streetwall relative to the adjacent properties is to be maintained as currently exists.

The intent of the minimum rear yard setback provisions within the Zoning By-law are both to ensure sufficient separation distance is provided between neighbouring properties and to ensure adequate greenspace is provided on the lot for the residential use. The existing dwellings on 341 and 347 Fiddlers Green Road currently provide for rear yards of 10.43 and 20.18 metres respectively, while the minimum By-law requirement is 35% of the lot depth. As a result of the proposed severance, as well as the required ROW dedication, the lot depth of both lots is to be reduced from 45.72 to 24.72 metres. This accordingly reduces the required rear yard to 8.65 metres, while 4.7 metres is proposed for both severed lots. This reduction maintains the ability of the severed lots to provide for adequate outdoor space with rear yard areas of approximately 110 square metres each, accompanied by generous side yards. This reduction also maintains sufficient separation distance, which allows for landscaping to screen the severed and retained lots from the adjacent parcels. Should a future application for a two-storey dwelling be sought on the severed lot, it can be designed with fewer windows on the upper storey and/or include clerestory windows to avoid overlook on the adjacent parcels. The interface created by the reduced rear yard on the retained parcels does not impact the existing adjacent parcels as it will back onto the severed lot.

The intent of the minimum flankage yard setback provision within the Zoning By-law is to ensure a consistent streetwall and appropriate greenspace are provided along the secondary street frontage of the lot. The existing dwelling on 347 Fiddlers Green Road was constructed prior to the adoption of Zoning By-law 87-57 and provides a setback to the flankage lot line of 4.55 metres. The proposed reduction therefore is not the result of the proposed severance, and is meant to recognize the existing condition on the lot, bringing it into conformity with the By-law.

The intent of the minimum lot frontage provision of the Zoning By-law is to maintain a consistent lot pattern throughout the surrounding area, and ensure sufficient width is provided to accommodate both greenspace and driveway requirements for residential uses. The severed lot proposes a minimum lot frontage of 15.3 metres along Calvin Street, whereas the By-law requires a minimum of 18.0 metres. This proposed lot width is consistent with other lot frontages in the surrounding area, which range between 12.5 metres across Fiddlers Green Road on both Bloomsbury Court and Knightsbridge Crescent, to 18.0 metres along Calvin Street. Notably, provision 7.15 within By-law 87-57 speaks to any lot within a residential zone that existed prior to the passing of By-law 87-57, and states that any such lot having a frontage less than is required shall be deemed to comply provided that it has not less than 15 metres of frontage. While the proposed severed lot is not subject to this provision, this provision does speak to the intent of the minimum lot frontage within the Existing Residential (ER) Zone to provide for no less than 15 metres in frontage. The proposed lot frontage for the severed parcel of 15.3 metres is therefore consistent with the intent of the By-law. Additionally, since the houses on the retained lands front onto Fiddlers Green Road, their rear yards will face the proposed new house on the severed lands. Their 4.7 metre rear yards will appear as generous side yard setbacks as viewed from Calvin Street whereas the zoning by-law would only require a 2 metre side yard. Therefore, the rhythm in lot pattern and built form as intended by the by-law will be maintained.

With the exception of the three requested variances for each of the retained parcels, and one requested variance for the severed parcel, all other regulations of the ER Zone within By-law 87-57 are met with the proposed severance. Based on the above, the requested variances maintain the general intent and purpose of the Zoning By-law.

***c) The variance is desirable and appropriate for the development and use of the land.***

The proposed severance is intended to optimize the use of the Subject Lands, retaining both existing dwellings on the retained parcels, while allowing for an additional parcel in the rear with frontage on Calvin Street to accommodate a future residential dwelling. The City in February 2023 committed to the construction of 47,000 new housing units by 2031, and reaffirmed Council direction for growth through intensification with the signing of the Municipal Housing Pledge. The City's Official Plan, as discussed above, states that it is the City's goal to increase the amount of housing within the Urban Area, and encourages residential intensification within Neighbourhoods that is compatible with the local context, as contemplated through this proposal. Similarly, the Zoning By-law permits residential dwellings as are contemplated through the proposed severance within the ER Zone, and the proposal is consistent with the City's goals as provided in both the Official Plan and Zoning By-law.

The proposed variances collectively will facilitate the creation of a residential infill lot which represents a form of 'gentle intensification' on a lot that is on the periphery of a neighbourhood, next to an arterial road in proximity to public transit.

The requested reductions in minimum lot area and minimum front yard setback are a result of the required ROW dedication along Fiddlers Green Road, rather than the proposed severance, and will result in both lot areas and setbacks consistent with those in the surrounding area. The requested reductions in minimum rear yard are similarly appropriate and reflect the reduced lot depth resulting from the severance. The requested reduction in minimum lot frontage for the severed parcel will maintain a frontage consistent with the intent of the By-law and surpassing frontages existing within the surrounding area. These reductions represent a gradual progression in development intensity as one approaches Fiddlers Green Road (Minor Arterial Road) from the interior of the neighbourhood. As discussed in the consent justification above, the UHOP policies for low density areas contemplate greater development intensity around the edges of low density areas as defined by the collector and arterial road network.

The proposed reductions and variances will not negatively or functionally impact the adjacent parcels, and based on the above are both desirable and appropriate for the development and use of the Subject Lands.

*d) The variance is minor in nature.*

The requested variances to minimum lot area, minimum front, rear, and flankage yard setbacks, and minimum lot frontage are minor in nature, and will not result in any unacceptable or adverse impacts on the Subject Lands or surrounding area. Of the 7 total requested variances, 4 are directly resulting from the required 6.0m ROW dedication along Fiddlers Green Road, 1 is to recognize an existing flankage yard condition, and 2 are the result of the proposed severance but maintain the lot fabric and characteristics as found within the surrounding area.

Additionally, the proposed variances seek reductions to zoning provisions that would not impact abutting properties. For example, the proposed reduced rear yards for the retained lands will face the proposed new lot while the reduction in their front yards are a direct result of the taking land by the City for future road widening. The only required variance for the proposed new lot is a 2.7 metre reduction in lot frontage which would not be perceptible to the public from the street.

The requested variances will facilitate the creation of a new residential lot, in keeping with Council direction for gentle intensification, as well as the intent of the UHOP and Zoning By-law.

Based on the above, the requested variances are minor in nature.

**CONCLUSION**

In conclusion, the applications for consent address all matters under the *Planning Act* and in the UHOP. The requested variances both individually and cumulatively conform to the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the use of the Subject Lands, and are minor in nature. For the reasons set out above, it can be concluded that the requested variances satisfy the four tests set out in Section 45 (1) of the *Planning Act* and should be approved.

We are pleased to submit additional information as required and respond to any questions you may have.

Thank you.

Yours truly,  
**MHBC**



Gerry Tchisler, M.Pl., MCIP, RPP  
Partner



Andrew Hannaford, BES, MCIP, RPP  
Associate

*cc: Pasqualino Probo, Silvestri Investments*



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

**1. APPLICANT INFORMATION**

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

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*  No

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

1.5 All correspondence may be sent by email  Yes\*  No

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

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	341 & 347 Fiddlers Green Road, Hamilton		
Assessment Roll Number	251814036001200 & 251814036001400		
Former Municipality	Ancaster		
Lot	5 & 6	Concession	
Registered Plan Number	831	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:

Variances to minimum lot area, front yard setback, rear yard setback, flankage yard setback, and frontage to facilitate proposed severance. Please refer to Variance and Consent Letter included with submission.

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 Variance and Consent Letter included with submission.

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
22.860	45.720	1,805.76	26.2m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Detached Dwelling	14.54m	20.17m	10.36m & 1.09m	
Detached Dwelling	14.48m	20.18m	5.0m & 4.55m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Existing Dwelling	8.54m	4.87m	10.36m & 4.49m	
Existing Dwelling	8.48m	4.88m	5.0m & 4.55m	
Proposed Dwelling	8.58m	16.01m	2.0m & 2.0m	

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Detached Dwelling	86.95 sq.m.	Unknown	1.5	
Detached Dwelling	87.55 sq.m.	Unknown	1.5	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Proposed Dwelling	TBD (238.5 sq.m.)	TBD	TBD	

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

- lake or other water body  
 other means (specify)

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

- ditches  
 other means (specify)

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

publicly owned and operated sanitary sewage

system privately owned and operated individual

septic system other means (specify) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

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

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

Single detached dwelling

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

Single detached dwellings.

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

July 2022

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

Single detached dwellings.

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:

>75 years

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

Rural Hamilton Official Plan designation (if applicable): n/a

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

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

Please refer to attached covering letter.

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

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

Yes

No

If yes, please provide the file number: ER - Existing Residential

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

Yes       No

If yes, please provide the file number: Filed concurrently

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

Yes       No    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: 2

8.2 Number of Dwelling Units Proposed: 1

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

Please refer to attached covering letter for full description of proposed severance and variances.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>AN/B-23:48</b>	<b>SUBJECT PROPERTY:</b>	341 FIDDLERS GREEN ROAD, ANCASTER
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**APPLICANTS:**      **Owner:** AUTUMN LEA DEVELOPMENTS LTD. C/O PASQUALINO PROBO  
**Agent:** MHBC PLANNING CONSULTANTS C/O GERRY TCHISLER

**PURPOSE & EFFECT:**      To sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot to be heard concurrently with AN/B-23:49 a lot addition from 347 Fiddlers Green Road. The retained lands will contain the existing dwelling which is intended to remain (Garage and Deck to be demolished).

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	15.3 m <sup>±</sup>	22.86 m <sup>±</sup>	349.76 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	22.82 m <sup>±</sup>	24.72 m <sup>±</sup>	558.32 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): AN/A-23:183 & AN/B-23:49

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>10:00 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

**AN/B-23:48**

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/B-23:48, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

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

**AN/B-23:48**



 **Subject Lands**

**DATED: July 25, 2023**

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**Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment**

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

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

### Oral Submissions During the Virtual Meeting

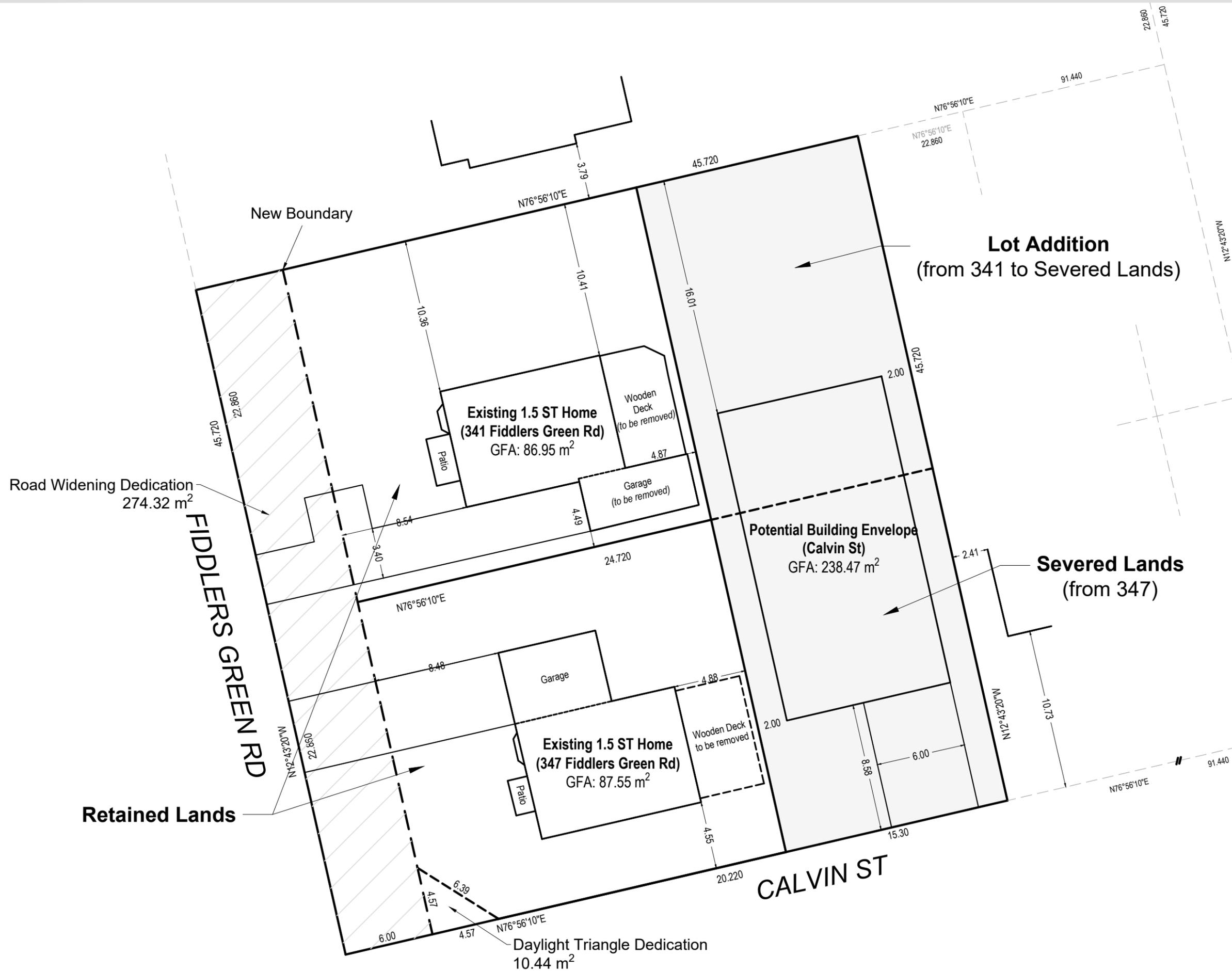
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before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

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

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

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

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



341 FIDDLER'S GREEN RD			
Regulation	Required	Proposed	Compliance
Min. Lot Area	695 m <sup>2</sup>	558.32 m <sup>2</sup>	No
Min. Lot Frontage	18 m	22.86 m	Yes
Max. Lot Coverage	35%	113.66 m <sup>2</sup> (20%)	Yes
Front Yard Setback	Within 20% of the average front yard setback of the two nearest principal dwellings on either side of the lot <small>(341 Fiddlers Green Rd @ 15.86 m + 347 Fiddlers Green Rd @ 8.48 m) / 2 = 12.17 m</small>	8.54 m	No
Side Yard Setback	2.0 m	4.49 m	Yes
Rear Yard Setback	35% of lot depth (24.72 m) = 8.65 m	4.87 m	No

347 FIDDLER'S GREEN RD			
Regulation	Required	Proposed	Compliance
Min. Lot Area	695 m <sup>2</sup>	547.78 m <sup>2</sup>	No
Min. Lot Frontage	18 m	22.86 m	Yes
Max. Lot Coverage	35%	120.24 m <sup>2</sup> (22%)	Yes
Front Yard Setback	Within 20% of the average front yard setback of the one nearest principal dwelling facing the same street <small>(341 Fiddlers Green Rd @ 15.86 m + 347 Fiddlers Green Rd @ 8.48 m) / 2 = 12.17 m</small>	8.48 m	Yes
Side Yard Setback	2.0 m interior side yard; 6.0 m flankage yard	4.55 m	No
Rear Yard Setback	35% of lot depth (24.72 m) = 8.65 m	4.88 m	No

PROPOSED CALVIN ST LOT (SEVERED & ADDITION)			
Regulation	Required	Proposed	Compliance
Min. Lot Area	695 m <sup>2</sup>	699.66 m <sup>2</sup>	Yes
Lot Frontage	18 m	15.3 m	No
Max. Lot Coverage	35%	238.47 m <sup>2</sup> (34%)	Yes
Front Yard Setback	Within 20% of the average front yard setback of the one nearest principal dwelling of the interior lot <small>(341 Fiddlers Green Rd @ 15.86 m + 347 Fiddlers Green Rd @ 8.48 m) / 2 = 12.17 m</small>	8.58	Yes
Side Yard Setback	2.0 m	2.0 m	Yes
Rear Yard Setback	35% of lot depth (45.72 m) = 16.01 m	16.01	Yes

Road Widening

Lands to be Conveyed

- NOTES:**
- Existing garage for 341 Fiddlers Green Road to be removed. Existing decks for both 341 and 347 Fiddlers Green Road to be removed.
  - Wooden decks on both existing dwellings to be removed
  - Driveways of existing dwellings are not surveyed, and are for illustrative purposes only

No.	Date	Issue/Revision	By
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Plotted: **Wednesday, July 19, 2023**

File No.: <b>1594 - O</b>	Drawn By: <b>R.M.</b>
Scale: <b>1:250</b>	Checked By: <b>G.T.</b>

**SEVERANCE WITH EXISTING DWELLINGS**

341 & 347 Fiddlers Green Rd  
 Ancaster, ON



PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

July 4, 2023

Jamila Sheffield, Secretary Treasurer  
Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

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

Dear Ms Sheffield:

**RE: CONSENT FOR SEVERANCE AND MINOR VARIANCE APPLICATIONS  
341 & 347 FIDDLERS GREEN ROAD, HAMILTON  
Our File: 15940**

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On behalf of our client, Autumn Lea Development Ltd ("Owner"), we are pleased to submit the enclosed Consent for Severance and Minor Variance Applications with respect to the properties generally located at the northeast corner of Fiddlers Green Road and Calvin Street, and municipally addressed as 341 and 347 Fiddlers Green Road in the City of Hamilton (the "Subject Lands"). This letter sets out a description of the proposed consent application, variances, and supporting information.

In support of these applications, please find enclosed the following:

- One (1) copy of the completed Consent Application Form for 341 Fiddlers Green Road;
- One (1) copy of the completed Consent Application Form for 347 Fiddlers Green Road;
- One (1) copy of the completed Minor Variance Application Form;
- One (1) copy of a severance sketch identifying the retained and severed lands;
- Payment in the amount of \$3,220.00 made payable to the City of Hamilton being the Consent Application Fee for 341 Fiddlers Green Road;
- Payment in the amount of \$3,220.00 made payable to the City of Hamilton being the Consent Application Fee for 347 Fiddlers Green Road and,
- Payment in the amount of \$3,735.00 made payable to the City of Hamilton being the Minor Variance Application Fee.

Payment in the above noted amounts will be made via credit card at the time of application.

## **SITE CONTEXT**

The Subject Lands are located at the northeast corner of Fiddlers Green Road and Calvin Street, approximately 250 metres north of Highway 403, with frontage on both Fiddlers Green Road and Calvin Street of approximately 45 metres, in the City of Hamilton. The Subject Lands consist of two separate properties with a total combined area of 1,835.76 square metres, and are currently occupied by two single detached dwellings with driveways onto Fiddlers Green Road. Both existing dwellings are currently occupied by tenants. Immediately to the north is a large recently constructed single detached dwelling, followed by a recently constructed three-storey senior's residence. Immediately east is an existing single detached dwelling.

## **POLICY CONTEXT**

### *Urban Hamilton Official Plan ("UHOP")*

The Subject Lands are designated Neighbourhoods within the UHOP ("UHOP"). Fiddlers Green Road is identified as a Minor Arterial with a planned right-of-way width of 32.004 metres. The proposed severance to permit an additional single detached dwelling is in accordance with the Neighbourhoods designation of the UHOP.

### *Ancaster Zoning By-law 87-57*

The Subject Lands are subject to Ancaster Zoning By-law 87-57, within which they are zoned ER (Existing Residential). The ER Zone permits one detached dwelling per lot, as well as any accessory buildings or structures.

The proposed severance and associated variances intend to create a third lot from the rear yard of the existing two lots, in order to permit an additional detached dwelling as per the ER Zone. A series of variances are required as a result of the severance, as described below.

## **PROPOSAL SUMMARY**

The purpose of these consent applications is to sever 15.3 metres from the rear yards of the existing two lots comprising the Subject Lands in order to create an additional third lot which could accommodate a future residential dwelling.

The proposed severed lot would have a width of 15.3 metres and depth of 45.72 metres with a total area of 699.66 square metres. The severed parcel will have frontage on Calvin Street.

Both 341 and 347 Fiddlers Green Road, the existing lots, would have a reduced depth of 24.72 metres and width of 22.86 metres. Additionally, 341 Fiddlers Green would have a reduced lot area of 558.32 square metres and 347 Fiddlers Green would have a reduced lot area of 547.78

square metres. Note that as part of this application, the City requires dedication for the purposes of road widening and daylight triangle along the Fiddlers Green Road frontage. The required road widening dedication has a depth of 6 metres, further reducing the depth of the existing lots, as well as a 4.57m x 4.57m daylight triangle at the intersection with Calvin Road for 347 Fiddlers Green Road. If not for the road widening dedication, the existing lots would have a depth of 30.72 metres and maintain the required minimum lot areas of 695 square metres. Servicing for the new lot will be provided off of Calvin Street, as confirmed with City Engineering staff.

To accommodate the severance, the existing wooden decks for both existing parcels will be removed, as well as the existing garage on 341 Fiddlers Green Road. Once the existing decks are removed, new stairs will be constructed to provide access from the dwellings to the rear yards, and will be constructed within the permitted encroachment permissions of the By-law.

To facilitate the severance, three minor variances are required for each of the retained parcels, and one for the severed parcel. With the exception of these variances, the severed and retained parcels fully comply with the applicable zone regulations.

## **DESCRIPTION OF VARIANCES**

To facilitate the proposed Consent Application, the following variances are required:

### 341 Fiddlers Green Road (Existing Parcel)

1. To permit a minimum lot area of 557 square metres, whereas the By-law requires 695 square metres.

Zoning By-law 87-57, through provision 10.3.2, requires a minimum lot area of 695 square metres. While the proposed severance does not result in the existing parcel having insufficient lot area, the additionally required road widening conveyance along Fiddlers Green Road reduces the lot area to 557 square metres, necessitating a variance not required by the proposed severance.

2. To permit a minimum front yard setback of 8.4 metres, whereas the By-law requires a front yard setback within 20% of the average front yard setback of the two nearest principal dwellings on either side of the lot.

Zoning By-law 87-57, through provision 10.3.4, requires a minimum front yard setback for a lot between an interior lot and a corner lot within 20% of the average front yard setback of the two nearest principal dwellings on either sides of the lot. The adjacent dwelling to the south and the existing dwelling share a similar setback of 8.54 and 8.48 metres, however, the recently constructed dwelling adjacent to the north has a setback of approximately 17.96 metres, resulting in a required setback within the range of 10.58 to 13.22 metres for 341 Fiddlers Green

Road. This discrepancy is due to the required road widening conveyance on 341 and 347 Fiddlers Greed Road, which was not taken from the adjacent lot to the north. Therefore, this variance is only required due to the required road widening conveyance, and not required by the proposed severance.

3. To permit a minimum rear yard setback of 4.7 metres whereas the By-law requires 8.65 metres based on 35% of the lot depth.

Zoning By-law 87-57, through provision 10.3.6, requires a minimum rear yard setback of 35% of the lot depth. As a result of the proposed severance, the lot depth is reduced to 24.72 metres, resulting in a required 8.65 metre setback whereas 4.7 metres is proposed. While reduced, the resulting rear yard depth still maintains the ability to provide for adequate outdoor space to serve the existing dwelling unit with a total rear yard area of approximately 110 square metres as well as a generous side yard. The reduced rear yard does not impact abutting properties as the rear yards face the proposed new lot.

#### 347 Fiddlers Green Road (Existing Parcel)

1. To permit a minimum lot area of 547 square metres, whereas the By-law requires 695 square metres.

Zoning By-law 87-57, through provision 10.3.2, requires a minimum lot area of 695 square metres. While the proposed severance does not result in the existing parcel having insufficient lot area, the additionally required road widening conveyance along Fiddlers Green Road reduces the lot area to 547 square metres, necessitating a variance not required by the severance alone.

2. To permit a minimum flankage yard of 4.4 metres, whereas the By-law requires 6.0 metres.

Zoning By-law 87-57, through provision 10.3.5, requires a minimum flankage yard of 6.0 metres. The existing dwelling on 347 Fiddlers Green Road is setback 4.55 metres from the flankage lot line, therefore a variance is required to permit the existing flankage setback, which is not proposed to change as a result of the proposed severance. Therefore, this variance is required to recognize and existing condition.

3. To permit a minimum rear yard setback of 4.7 metres, whereas the By-law requires 8.65 metres based on 35% of the lot depth.

Zoning By-law 87-57, through provision 10.3.6, requires a minimum rear yard setback of 35% of the lot depth. As a result of the proposed severance, the lot depth is reduced to 24.72 metres, resulting in a required 8.65 metre setback whereas 4.7 metres is proposed. While reduced, the resulting rear yard depth still maintains the ability to provide for adequate outdoor space to serve the existing dwelling unit with a total rear yard area of approximately 110 square metres

as well as a generous side yard. The reduced rear yard does not impact abutting properties as the rear yards face the proposed new lot.

#### Severed Parcel

1. To permit a minimum lot frontage of 15.3 metres whereas the By-law requires a minimum of 18.0 metres.

Zoning By-law 87-57, through provision 10.3.2, requires a minimum lot frontage of 18.0 metres, whereas the severed lot has a proposed frontage of 15.3 metres along Calvin Street. The proposed lot width is sufficient to place a single detached dwelling on the severed lot complying with all other zone provisions, and is also consistent with other lot frontages within the surrounding area, including parcels along Bloomsbury Court (12.5 metres) and Knightsbridge Crescent (12.5 metres), among others.

### **JUSTIFICATION OF PROPOSAL**

#### CONSENT

##### *Planning Act*

While this application is a Consent under Section 53 of the *Planning Act*, the determination of whether the approval of the Consent should be granted is noted in Section 53(12). Section 53(12) notes that the granting of approval is based on whether there is sufficient regard for the matters under Section 51(24). In our opinion, the proposed severance does have regard for the matters set out in Section 51(24) of the *Planning Act* as follows:

*"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,"*

- a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

With respect to Section 51(24)(a), the application is to sever the existing two lots and create a new third parcel, and no plan of subdivision is proposed. The proposed lots are consistent with the matters of provincial interest listed in Section 2 of the *Planning Act*, including providing for orderly development, supporting public transit and locating growth and development in an appropriate location.

- b) *whether the proposed subdivision is premature or in the public interest;*

Section 51(24)(b) has been met as the lots are located on an existing municipal road, within the built boundary and serviced by municipal water and wastewater. The consent will result in contiguous and orderly development of the site that is not premature with uses that are permitted within the Official Plan and Zoning By-law.

- c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

Section 51(24)(c) has been met as the proposal conforms to the UHOP. The Subject Lands are designated 'Neighbourhoods', which permits the existing and proposed detached dwelling uses. The proposal also meets the criteria for consents outlined in Policy F.1.14.3.1 of the UHOP while helping to meet Hamilton's residential intensification targets through a form of 'gentle intensification'.

*d) the suitability of the land for the purposes for which it is to be subdivided;*

The proposed severance application will create one additional parcel which is appropriate for and compatible for the intended development of the lots. The lands are already being used for residential purposes and will continue to be used as such after the lands are severed.

*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;*

No highways or public roads are proposed as part of the development. The site has access to the surrounding road network Fiddlers Green Road and Calvin Street.

*f) the dimensions and shapes of the proposed lots;*

The proposal results in the creation of one new parcel having a shape and size that generally complies with the applicable Zoning By-law requirements, with the exception of one variance proposed for the new parcel. The proposed parcels will be suitable for the existing and proposed residential uses as contemplated in the Zoning By-law. The retained lots will have a reduced rear yard which will continue to maintain an appropriate amount of outdoor amenity space in the range of approximately 110 square metres plus a generous side yard.

*g) conservation of natural resources and flood control;*

Natural resources and flood control is not expected to be impacted through the proposed lot creation.

*i) the adequacy of utilities and municipal services;*

Section 51(24)(i) has been fulfilled for the retained lands as the properties are presently fully serviced. Servicing for the proposed severed lot will be provided from Calvin Street, as confirmed with City Engineering staff.

*k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

Land dedications are proposed for both retained parcels, consisting of a 6.0m right-of-way dedication along the length of the Fiddlers Green Road frontage, as well as a daylight triangle of 4.57m x 4.57m as required by the policies of the UHOP.

*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.*

Development of the proposed lot will be reviewed and approved through a future building permit application and will be in accordance with existing zoning, as amended to permit a reduced lot frontage.

*Urban Hamilton Official Plan*

Section 1.14.3.1 of the UHOP addresses Consent policies for the Neighbourhoods land use designation applicable to the Subject Lands, as follows:

*"Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:"*

*a) The lots comply with the policies of this Plan, including secondary plans, where one exists;*

The proposed lots conform to the UHOP, and are designated Neighbourhoods. The Neighbourhoods designation is to primarily consist of residential uses and provide for a full range of housing types, forms, and tenure. Changes are permitted provided they are compatible with the existing character and function of the neighbourhood. The proposed lots maintain the scale and character of the surrounding established development pattern, including lot frontages, areas, and setbacks as discussed further below.

*b) The lots are in conformity with the Zoning By-law or a minor variance is approved;*

A minor variance application has been submitted concurrently with the proposed severance application, with a number of variances proposed as discussed below.

*c) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*

The proposed existing and retained lots maintain the scale and character of the established development pattern in the surrounding area, including lot frontages, areas, and setbacks. The existing detached dwellings are to remain, with the rear portions of the lots severed to allow for an additional lot having a scale similar to those of the surrounding neighbourhood. Although some minor reductions are required to the severed and retained lots as outlined in this letter, these reductions reflect a natural progression in development intensity as one approach Fiddlers Green Road, which is classified as a Minor Arterial Road in the UHOP, from the interior of the neighbourhood. A progression in development intensity is contemplated in the Low Density Residential policies (Policy E.3.4.3) which identifies that permitted uses in low density residential areas include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings in addition to multiple dwellings for lots in proximity to collector or arterial roads. Although this consent does not contemplate a multiple dwelling, Policy E.3.4.3 nonetheless

demonstrates the expectation of greater development intensity around the edges of low density areas as defined by the collector and arterial road network.

*d) the lots are fully serviced by municipal water and wastewater systems; and,*

The proposed lots are fully serviced by municipal infrastructure. The severed lot will be serviced from Calvin Street.

*e) the lots have frontage on a public road.*

The proposed lots have access to the surrounding road network through frontage on Fiddlers Green Road and Calvin Street.

#### MINOR VARIANCE

Section 45(1) of the *Planning Act* identifies four tests which must be satisfied in order for the requested minor variances to be approved. The proposed variances both individually and cumulatively meet the four tests, as demonstrated in the analysis below.

***a) The variance maintains the general intent and purpose of the Official Plan.***

The requested variances are required to facilitate the proposed severance and creation of a new parcel to accommodate a future residential dwelling on the severed lands. The Subject Lands are designated Neighbourhoods in the UHOP, which permits residential uses as currently exist on site and are proposed for the Subject Lands. Section B.3.2.1.6 of the UHOP notes that within the Urban Area it is the City's goal to increase the mix and range of housing types, forms, tenures, densities, and affordability levels throughout the City. Section E.2.7.7 of the UHOP further notes that applications for residential intensification within Neighbourhoods shall be reviewed in consideration of the local context, be compatible with the existing function of the neighbourhood, and be evaluated based on the balance of residential intensification criteria as set out in the UHOP.

Section B.2.4.1.1 notes that residential intensification shall be encouraged throughout the entire build-up area. Section B.2.4.1.4 provides for the evaluation criteria to be applied to residential intensification within the built-up area, which include the following criteria:

- b) "The relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;*
- d) the compatible integration of the proposed 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;*
- i) the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;"*

The proposed variances to the severed and retained lots are consistent with the established built form and development patterns of the surrounding neighbourhood. The proposed reductions in minimum lot frontage will result in a new lot having a similar scale and function to lots in the surrounding area. The proposed reductions in minimum lot area and minimum front yard setback are a result of the required right-of-way dedications along Fiddlers Green Road, and reflect the existing conditions along either side of the street, as would be required for any future applications elsewhere along this section of the corridor. The proposed reductions in minimum rear yard setbacks maintain the ability to provide adequate outdoor space, and will appear as generous side yards as viewed from Calvin Street. The proposed reduction in minimum flankage yard recognizes the existing condition, which therefore already forms part of the established development pattern. When the proposed severance and associated variances are assessed in relation to the above criteria, it can be concluded that the resulting built form and lot pattern is consistent and compatible with the established surrounding context. The proposal further provides for gentle intensification which supports existing transit service along Fiddlers Green Road.

Section B.2.4.2.2 provides further evaluation criteria to be applied to residential intensification within the Neighbourhoods designation, which include the following criteria:

- b) "compatibility with adjacent land uses including matters such as shadowing, overlook noise, lighting, traffic, and other nuisance effects;*
- c) the relationship of the proposed buildings with the height, massing, and scale of nearby residential buildings;*
- e) the relationship of the proposed lots with the lot pattern and configuration within the neighbourhood;*
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;*
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations"*

The proposed severance and resulting variances maintain the established lot pattern and configuration of the surrounding established neighbourhood, as discussed above. The result of the proposed variances is one additional residential lot, having zoning provisions which reflect those of the surrounding area, and therefore will not negatively impact existing adjacent land uses, including shadowing, overlook, lighting, traffic, and other nuisance effects which will be further reviewed through a future building permit application. Since the houses on the retained lands front onto Fiddlers Green Road, their rear yards will face the proposed new house on the severed lands, creating no impact on the existing adjacent uses. The reduced rear yards will still maintain the ability to provide for adequate outdoor amenity space on the lots; approximately 110 metres will be provided as well as generous side yards. The existing streetscape patterns, including block lengths, setbacks, and building separations will be maintained through the proposed variances, with the only perceivable change being the addition of one additional dwelling having setbacks consistent with the surrounding neighbourhood.

Section E.3.4.6c) further states that a mix of lot widths and sizes compatible with streetscape character, and a mix of dwelling unit types and sizes compatible in exterior design, including scale, character, appearance, and design shall be encouraged. As assessed throughout this letter, the proposed variances provide for lot sizes and widths compatible with the surrounding character, and implement the form of 'gentle intensification' broadly encouraged within the UHOP. The requested variances therefore maintain the general intent and purpose of the UHOP.

***b) The variance maintains the general intent and purpose of the Zoning By-law.***

The Subject Lands are zoned ER (Existing Residential) within Ancaster Zoning By-law 87-57. The ER Zone permits one detached dwelling per lot.

The following zone provisions apply to the Subject Lands:

Lot Provisions	ER Zone Requirement	Retained Parcel (341 Fiddlers)	Retained Parcel (347 Fiddlers)	Severed Parcel	
Min. Lot Area	695 sq.m.	557 sq.m.	547 sq.m.	699.66 sq.m.	
Min. Lot Frontage	18.0 m	22.86 m	22.86 m	15.3 m	
Max. Lot Coverage	35%	20%	22%	34%	
Front Yard Setback	Within 20% of the average front yard setback of the two nearest principal dwellings on either side of the lot:		8.4 m	8.4 m	8.5 m
	341:	10.58m - 13.22m			
	347:	6.83m - 10.25m			
	Severed:	8.58m - 10.73m			
Min. Side Yard	2.0 m	4.49 m	5.0 m	2.0 m	
Min. Flankage Yard	6.0 m	n/a	4.4 m	n/a	
Min. Rear Yard	35% of lot depth:		4.7 m	4.7 m	16.0 m
	341:	8.65m			
	347:	8.65m			
	Severed:	16.0m			
Max. Height	9.5 m	<9.5 m	<9.5 m	< 9.5 m	

The intent of the minimum lot area provision within the Zoning By-law is to ensure that both sufficient area to provide for residential dwellings and associated greenspace can be accommodated, while also providing for a consistent lot pattern throughout the surrounding area. The proposed reduction in lot area for both 341 and 347 Fiddlers Green Road is not a result of the proposed severance, which could occur while maintaining sufficient lot area and creating an additional lot, but rather a result of the required right-of-way dedication (6.0 metres)

which is being taken from the Fiddlers Green Road frontage. In effect, the proposed severance has no impact on the reduction other than triggering the dedication. The reduction does not conflict with the intent of the Zoning By-law, as the lots will remain consistent with the surrounding area and will reflect the varied lot sizes on either side of and along Fiddlers Green Road.

The intent of the minimum front yard setback provisions within the Zoning By-law is to provide for a consistent street wall condition, by ensuring that building facades are within 20% of one another and achieve a consistent transition throughout the broader area. The proposed reduction in front yard setback for both 341 and 347 Fiddlers Green Road is not a result of the proposed severance, but rather a result of the required right-of-way dedication being taken from the Fiddlers Green Road frontage. While the 6.0 m dedication is to be taken from both retained parcels, this dedication was not taken from the abutting property to the north, meaning that the setback of the retained parcels is made artificially smaller than the abutting property to the north, and requiring the requested variances to permit reduced setbacks. The reduction is consistent with the intent of the By-law as the existing buildings are not proposed to be removed, and the existing streetwall relative to the adjacent properties is to be maintained as currently exists.

The intent of the minimum rear yard setback provisions within the Zoning By-law are both to ensure sufficient separation distance is provided between neighbouring properties and to ensure adequate greenspace is provided on the lot for the residential use. The existing dwellings on 341 and 347 Fiddlers Green Road currently provide for rear yards of 10.43 and 20.18 metres respectively, while the minimum By-law requirement is 35% of the lot depth. As a result of the proposed severance, as well as the required ROW dedication, the lot depth of both lots is to be reduced from 45.72 to 24.72 metres. This accordingly reduces the required rear yard to 8.65 metres, while 4.7 metres is proposed for both severed lots. This reduction maintains the ability of the severed lots to provide for adequate outdoor space with rear yard areas of approximately 110 square metres each, accompanied by generous side yards. This reduction also maintains sufficient separation distance, which allows for landscaping to screen the severed and retained lots from the adjacent parcels. Should a future application for a two-storey dwelling be sought on the severed lot, it can be designed with fewer windows on the upper storey and/or include clerestory windows to avoid overlook on the adjacent parcels. The interface created by the reduced rear yard on the retained parcels does not impact the existing adjacent parcels as it will back onto the severed lot.

The intent of the minimum flankage yard setback provision within the Zoning By-law is to ensure a consistent streetwall and appropriate greenspace are provided along the secondary street frontage of the lot. The existing dwelling on 347 Fiddlers Green Road was constructed prior to the adoption of Zoning By-law 87-57 and provides a setback to the flankage lot line of 4.55 metres. The proposed reduction therefore is not the result of the proposed severance, and is meant to recognize the existing condition on the lot, bringing it into conformity with the By-law.

The intent of the minimum lot frontage provision of the Zoning By-law is to maintain a consistent lot pattern throughout the surrounding area, and ensure sufficient width is provided to accommodate both greenspace and driveway requirements for residential uses. The severed lot proposes a minimum lot frontage of 15.3 metres along Calvin Street, whereas the By-law requires a minimum of 18.0 metres. This proposed lot width is consistent with other lot frontages in the surrounding area, which range between 12.5 metres across Fiddlers Green Road on both Bloomsbury Court and Knightsbridge Crescent, to 18.0 metres along Calvin Street. Notably, provision 7.15 within By-law 87-57 speaks to any lot within a residential zone that existed prior to the passing of By-law 87-57, and states that any such lot having a frontage less than is required shall be deemed to comply provided that it has not less than 15 metres of frontage. While the proposed severed lot is not subject to this provision, this provision does speak to the intent of the minimum lot frontage within the Existing Residential (ER) Zone to provide for no less than 15 metres in frontage. The proposed lot frontage for the severed parcel of 15.3 metres is therefore consistent with the intent of the By-law. Additionally, since the houses on the retained lands front onto Fiddlers Green Road, their rear yards will face the proposed new house on the severed lands. Their 4.7 metre rear yards will appear as generous side yard setbacks as viewed from Calvin Street whereas the zoning by-law would only require a 2 metre side yard. Therefore, the rhythm in lot pattern and built form as intended by the by-law will be maintained.

With the exception of the three requested variances for each of the retained parcels, and one requested variance for the severed parcel, all other regulations of the ER Zone within By-law 87-57 are met with the proposed severance. Based on the above, the requested variances maintain the general intent and purpose of the Zoning By-law.

***c) The variance is desirable and appropriate for the development and use of the land.***

The proposed severance is intended to optimize the use of the Subject Lands, retaining both existing dwellings on the retained parcels, while allowing for an additional parcel in the rear with frontage on Calvin Street to accommodate a future residential dwelling. The City in February 2023 committed to the construction of 47,000 new housing units by 2031, and reaffirmed Council direction for growth through intensification with the signing of the Municipal Housing Pledge. The City's Official Plan, as discussed above, states that it is the City's goal to increase the amount of housing within the Urban Area, and encourages residential intensification within Neighbourhoods that is compatible with the local context, as contemplated through this proposal. Similarly, the Zoning By-law permits residential dwellings as are contemplated through the proposed severance within the ER Zone, and the proposal is consistent with the City's goals as provided in both the Official Plan and Zoning By-law.

The proposed variances collectively will facilitate the creation of a residential infill lot which represents a form of 'gentle intensification' on a lot that is on the periphery of a neighbourhood, next to an arterial road in proximity to public transit.

The requested reductions in minimum lot area and minimum front yard setback are a result of the required ROW dedication along Fiddlers Green Road, rather than the proposed severance, and will result in both lot areas and setbacks consistent with those in the surrounding area. The requested reductions in minimum rear yard are similarly appropriate and reflect the reduced lot depth resulting from the severance. The requested reduction in minimum lot frontage for the severed parcel will maintain a frontage consistent with the intent of the By-law and surpassing frontages existing within the surrounding area. These reductions represent a gradual progression in development intensity as one approaches Fiddlers Green Road (Minor Arterial Road) from the interior of the neighbourhood. As discussed in the consent justification above, the UHOP policies for low density areas contemplate greater development intensity around the edges of low density areas as defined by the collector and arterial road network.

The proposed reductions and variances will not negatively or functionally impact the adjacent parcels, and based on the above are both desirable and appropriate for the development and use of the Subject Lands.

*d) The variance is minor in nature.*

The requested variances to minimum lot area, minimum front, rear, and flankage yard setbacks, and minimum lot frontage are minor in nature, and will not result in any unacceptable or adverse impacts on the Subject Lands or surrounding area. Of the 7 total requested variances, 4 are directly resulting from the required 6.0m ROW dedication along Fiddlers Green Road, 1 is to recognize an existing flankage yard condition, and 2 are the result of the proposed severance but maintain the lot fabric and characteristics as found within the surrounding area.

Additionally, the proposed variances seek reductions to zoning provisions that would not impact abutting properties. For example, the proposed reduced rear yards for the retained lands will face the proposed new lot while the reduction in their front yards are a direct result of the taking land by the City for future road widening. The only required variance for the proposed new lot is a 2.7 metre reduction in lot frontage which would not be perceptible to the public from the street.

The requested variances will facilitate the creation of a new residential lot, in keeping with Council direction for gentle intensification, as well as the intent of the UHOP and Zoning By-law.

Based on the above, the requested variances are minor in nature.

**CONCLUSION**

In conclusion, the applications for consent address all matters under the *Planning Act* and in the UHOP. The requested variances both individually and cumulatively conform to the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the use of the Subject Lands, and are minor in nature. For the reasons set out above, it can be concluded that the requested variances satisfy the four tests set out in Section 45 (1) of the *Planning Act* and should be approved.

We are pleased to submit additional information as required and respond to any questions you may have.

Thank you.

Yours truly,  
**MHBC**



Gerry Tchisler, M.Pl., MCIP, RPP  
Partner



Andrew Hannaford, BES, MCIP, RPP  
Associate

*cc: Pasqualino Probo, Silvestri Investments*

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

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

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

Hamilton

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

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

**1. APPLICANT INFORMATION**

	<b>NAME</b>
<b>Purchaser*</b>	
<b>Registered Owners(s)</b>	Autumn Lea Developments Ltd. c/o pasqualino Probo
<b>Applicant(s)**</b>	MHBC Planning c/o Gerry Tchisler
<b>Agent or Solicitor</b>	

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

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

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

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

1.4 Request for digital copy of sign  Yes\*  No

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

1.5 All correspondence may be sent by email  Yes\*  No

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

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	341 Fiddlers Green Road, Hamilton		
Assessment Roll Number	251814036001200		
Former Municipality	Ancaster		
Lot	5	Concession	
Registered Plan Number	831	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

---

## 3 PURPOSE OF THE APPLICATION

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

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

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

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

Lands to be added to new lot created by severance of adjacent 347 Fiddlers Green Road.

3.4 Certificate Request for Retained Lands:  Yes\*

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

## 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

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

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

Identified on Sketch as:	Retained (341 F	Addition to New			
Type of Transfer	N/A				
Frontage	22.82m	15.3m			
Depth	24.72m	45.72m			
Area	558.32 sq.m.	699.66 sq.m.			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Detached Dwelling	n/a			
Proposed Buildings/ Structures	Detached Dwelling	Detached Dwelling			
Buildings/ Structures to be Removed	Garage and Deck	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) Neighbourhood

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

Please refer to attached Covering 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? ER - Existing Residential

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

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

Yes  No  Unknown

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

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

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

**6 HISTORY OF THE SUBJECT LAND**

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

Yes       No       Unknown

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

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

---

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

Yes       No

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

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6.4 How long has the applicant owned the subject land?

July 2022

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

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

347 Fiddlers Green Rd.

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**7 PROVINCIAL POLICY**

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

Yes       No      (Provide explanation)

Please refer to attached covering letter.

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

Yes       No      (Provide explanation)

Please refer to attached covering letter.

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

Yes       No      (Provide explanation)

Please refer to attached covering letter.

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

Yes       No      (Provide explanation)

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

Yes  No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes  No (Provide explanation)

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

Yes  No (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

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

Yes  No (Provide explanation)

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

Yes  No (Provide explanation and details on plan)

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

## 9 ADDITIONAL INFORMATION - CANCELLATION

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

Yes  No (Provide explanation)

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

Yes  No (Provide explanation and details on plan)

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

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

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

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

**10.2 Location of farm consolidation property:**

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

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

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

**10.4 Description of farm consolidation property:**

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

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

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

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>AN/B-23:49</b>	<b>SUBJECT PROPERTY:</b>	347 FIDDLERS GREEN ROAD, ANCASTER
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**APPLICANTS:**      **Owner:** AUTUMN LEA DEVELOPMENTS LTD. C/O PASQUALINO PROBO  
**Agent:** MHBC PLANNING CONSULTANTS C/O GERRY TCHISLER

**PURPOSE & EFFECT:**      To permit the creation of a new residential building lot through the addition of the severed lands to the lands severed from 341 Fiddlers Green Road (HM/B-23:48). The retained lands will contain the existing dwelling which is intended to remain (Deck to be demolished).

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	N/A	22.86 m <sup>±</sup>	349.76 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	22.82 m <sup>±</sup>	24.72 m <sup>±</sup>	547.78 m <sup>2</sup> ±

Associated Planning Act File(s): AN/A-23:183 & AN/B-23:48

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>10:00 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

**AN/B-23:49**

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/B-23:49, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

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

**AN/B-23:49**



 **Subject Lands**

**DATED: July 25, 2023**

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**Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment**

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

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

### Oral Submissions During the Virtual Meeting

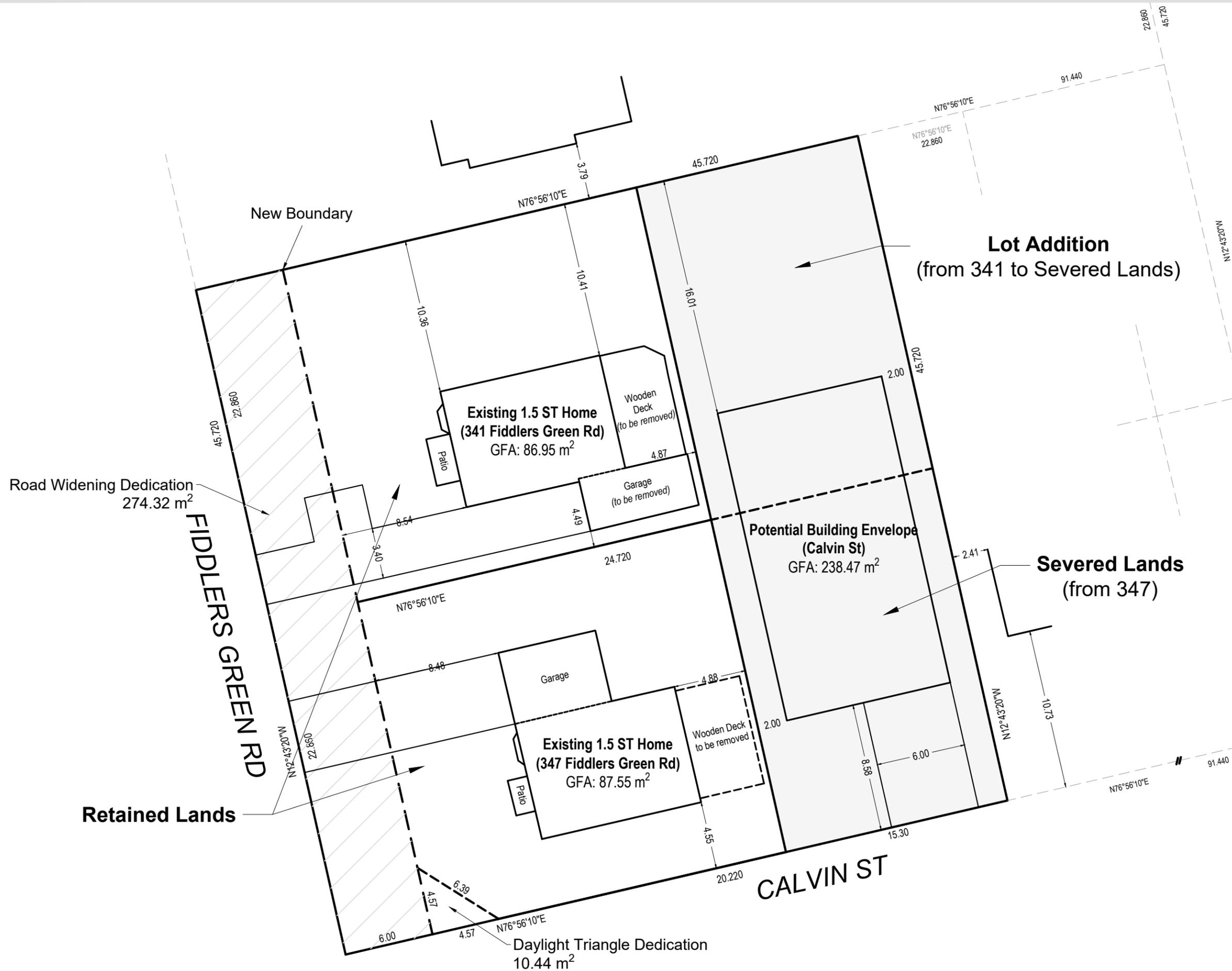
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before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

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

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

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

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



341 FIDDLER'S GREEN RD			
Regulation	Required	Proposed	Compliance
Min. Lot Area	695 m <sup>2</sup>	558.32 m <sup>2</sup>	No
Min. Lot Frontage	18 m	22.86 m	Yes
Max. Lot Coverage	35%	113.66 m <sup>2</sup> (20%)	Yes
Front Yard Setback	Within 20% of the average front yard setback of the two nearest principal dwellings on either side of the lot <small>(341 Fiddlers Green Rd @ 15.86 m + 347 Fiddlers Green Rd @ 8.48 m) / 2 = 12.17 m</small>	8.54 m	No
Side Yard Setback	2.0 m	4.49 m	Yes
Rear Yard Setback	35% of lot depth (24.72 m) = 8.65 m	4.87 m	No

347 FIDDLER'S GREEN RD			
Regulation	Required	Proposed	Compliance
Min. Lot Area	695 m <sup>2</sup>	547.78 m <sup>2</sup>	No
Min. Lot Frontage	18 m	22.86 m	Yes
Max. Lot Coverage	35%	120.24 m <sup>2</sup> (22%)	Yes
Front Yard Setback	Within 20% of the average front yard setback of the one nearest principal dwelling facing the same street <small>(341 Fiddlers Green Rd @ 15.86 m + 347 Fiddlers Green Rd @ 8.48 m) / 2 = 12.17 m</small>	8.48 m	Yes
Side Yard Setback	2.0 m interior side yard; 6.0 m flankage yard	4.55 m	No
Rear Yard Setback	35% of lot depth (24.72 m) = 8.65 m	4.88 m	No

PROPOSED CALVIN ST LOT (SEVERED & ADDITION)			
Regulation	Required	Proposed	Compliance
Min. Lot Area	695 m <sup>2</sup>	699.66 m <sup>2</sup>	Yes
Lot Frontage	18 m	15.3 m	No
Max. Lot Coverage	35%	238.47 m <sup>2</sup> (34%)	Yes
Front Yard Setback	Within 20% of the average front yard setback of the one nearest principal dwelling of the interior lot <small>(12.17 m @ 10.71, 20% = 2.44 m)</small>	8.58	Yes
Side Yard Setback	2.0 m	2.0 m	Yes
Rear Yard Setback	35% of lot depth (45.72 m) = 16.01 m	16.01	Yes

- Road Widening
- Lands to be Conveyed

**NOTES:**

- Existing garage for 341 Fiddlers Green Road to be removed. Existing decks for both 341 and 347 Fiddlers Green Road to be removed.
- Wooden decks on both existing dwellings to be removed
- Driveways of existing dwellings are not surveyed, and are for illustrative purposes only

No.	Date	Issue/Revision	By
<b>PLANNING URBAN DESIGN &amp; LANDSCAPE ARCHITECTURE</b> <small>201-442 BRANT STREET, BURLINGTON, ON, L7R 2G4   P: 905.639.6686   WWW.MHBCPLAN.COM</small>			

Plotted: **Wednesday, July 19, 2023**

File No.: <b>1594 - O</b>	Drawn By: <b>R.M.</b>
Scale: <b>1:250</b>	Checked By: <b>G.T.</b>

**SEVERANCE WITH EXISTING DWELLINGS**

341 & 347 Fiddlers Green Rd  
Ancaster, ON



PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

July 4, 2023

Jamila Sheffield, Secretary Treasurer  
Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

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

Dear Ms Sheffield:

**RE: CONSENT FOR SEVERANCE AND MINOR VARIANCE APPLICATIONS  
341 & 347 FIDDLERS GREEN ROAD, HAMILTON  
Our File: 15940**

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On behalf of our client, Autumn Lea Development Ltd ("Owner"), we are pleased to submit the enclosed Consent for Severance and Minor Variance Applications with respect to the properties generally located at the northeast corner of Fiddlers Green Road and Calvin Street, and municipally addressed as 341 and 347 Fiddlers Green Road in the City of Hamilton (the "Subject Lands"). This letter sets out a description of the proposed consent application, variances, and supporting information.

In support of these applications, please find enclosed the following:

- One (1) copy of the completed Consent Application Form for 341 Fiddlers Green Road;
- One (1) copy of the completed Consent Application Form for 347 Fiddlers Green Road;
- One (1) copy of the completed Minor Variance Application Form;
- One (1) copy of a severance sketch identifying the retained and severed lands;
- Payment in the amount of \$3,220.00 made payable to the City of Hamilton being the Consent Application Fee for 341 Fiddlers Green Road;
- Payment in the amount of \$3,220.00 made payable to the City of Hamilton being the Consent Application Fee for 347 Fiddlers Green Road and,
- Payment in the amount of \$3,735.00 made payable to the City of Hamilton being the Minor Variance Application Fee.

Payment in the above noted amounts will be made via credit card at the time of application.

## **SITE CONTEXT**

The Subject Lands are located at the northeast corner of Fiddlers Green Road and Calvin Street, approximately 250 metres north of Highway 403, with frontage on both Fiddlers Green Road and Calvin Street of approximately 45 metres, in the City of Hamilton. The Subject Lands consist of two separate properties with a total combined area of 1,835.76 square metres, and are currently occupied by two single detached dwellings with driveways onto Fiddlers Green Road. Both existing dwellings are currently occupied by tenants. Immediately to the north is a large recently constructed single detached dwelling, followed by a recently constructed three-storey senior's residence. Immediately east is an existing single detached dwelling.

## **POLICY CONTEXT**

### *Urban Hamilton Official Plan ("UHOP")*

The Subject Lands are designated Neighbourhoods within the UHOP ("UHOP"). Fiddlers Green Road is identified as a Minor Arterial with a planned right-of-way width of 32.004 metres. The proposed severance to permit an additional single detached dwelling is in accordance with the Neighbourhoods designation of the UHOP.

### *Ancaster Zoning By-law 87-57*

The Subject Lands are subject to Ancaster Zoning By-law 87-57, within which they are zoned ER (Existing Residential). The ER Zone permits one detached dwelling per lot, as well as any accessory buildings or structures.

The proposed severance and associated variances intend to create a third lot from the rear yard of the existing two lots, in order to permit an additional detached dwelling as per the ER Zone. A series of variances are required as a result of the severance, as described below.

## **PROPOSAL SUMMARY**

The purpose of these consent applications is to sever 15.3 metres from the rear yards of the existing two lots comprising the Subject Lands in order to create an additional third lot which could accommodate a future residential dwelling.

The proposed severed lot would have a width of 15.3 metres and depth of 45.72 metres with a total area of 699.66 square metres. The severed parcel will have frontage on Calvin Street.

Both 341 and 347 Fiddlers Green Road, the existing lots, would have a reduced depth of 24.72 metres and width of 22.86 metres. Additionally, 341 Fiddlers Green would have a reduced lot area of 558.32 square metres and 347 Fiddlers Green would have a reduced lot area of 547.78

square metres. Note that as part of this application, the City requires dedication for the purposes of road widening and daylight triangle along the Fiddlers Green Road frontage. The required road widening dedication has a depth of 6 metres, further reducing the depth of the existing lots, as well as a 4.57m x 4.57m daylight triangle at the intersection with Calvin Road for 347 Fiddlers Green Road. If not for the road widening dedication, the existing lots would have a depth of 30.72 metres and maintain the required minimum lot areas of 695 square metres. Servicing for the new lot will be provided off of Calvin Street, as confirmed with City Engineering staff.

To accommodate the severance, the existing wooden decks for both existing parcels will be removed, as well as the existing garage on 341 Fiddlers Green Road. Once the existing decks are removed, new stairs will be constructed to provide access from the dwellings to the rear yards, and will be constructed within the permitted encroachment permissions of the By-law.

To facilitate the severance, three minor variances are required for each of the retained parcels, and one for the severed parcel. With the exception of these variances, the severed and retained parcels fully comply with the applicable zone regulations.

## **DESCRIPTION OF VARIANCES**

To facilitate the proposed Consent Application, the following variances are required:

### 341 Fiddlers Green Road (Existing Parcel)

1. To permit a minimum lot area of 557 square metres, whereas the By-law requires 695 square metres.

Zoning By-law 87-57, through provision 10.3.2, requires a minimum lot area of 695 square metres. While the proposed severance does not result in the existing parcel having insufficient lot area, the additionally required road widening conveyance along Fiddlers Green Road reduces the lot area to 557 square metres, necessitating a variance not required by the proposed severance.

2. To permit a minimum front yard setback of 8.4 metres, whereas the By-law requires a front yard setback within 20% of the average front yard setback of the two nearest principal dwellings on either side of the lot.

Zoning By-law 87-57, through provision 10.3.4, requires a minimum front yard setback for a lot between an interior lot and a corner lot within 20% of the average front yard setback of the two nearest principal dwellings on either sides of the lot. The adjacent dwelling to the south and the existing dwelling share a similar setback of 8.54 and 8.48 metres, however, the recently constructed dwelling adjacent to the north has a setback of approximately 17.96 metres, resulting in a required setback within the range of 10.58 to 13.22 metres for 341 Fiddlers Green

Road. This discrepancy is due to the required road widening conveyance on 341 and 347 Fiddlers Greed Road, which was not taken from the adjacent lot to the north. Therefore, this variance is only required due to the required road widening conveyance, and not required by the proposed severance.

3. To permit a minimum rear yard setback of 4.7 metres whereas the By-law requires 8.65 metres based on 35% of the lot depth.

Zoning By-law 87-57, through provision 10.3.6, requires a minimum rear yard setback of 35% of the lot depth. As a result of the proposed severance, the lot depth is reduced to 24.72 metres, resulting in a required 8.65 metre setback whereas 4.7 metres is proposed. While reduced, the resulting rear yard depth still maintains the ability to provide for adequate outdoor space to serve the existing dwelling unit with a total rear yard area of approximately 110 square metres as well as a generous side yard. The reduced rear yard does not impact abutting properties as the rear yards face the proposed new lot.

#### 347 Fiddlers Green Road (Existing Parcel)

1. To permit a minimum lot area of 547 square metres, whereas the By-law requires 695 square metres.

Zoning By-law 87-57, through provision 10.3.2, requires a minimum lot area of 695 square metres. While the proposed severance does not result in the existing parcel having insufficient lot area, the additionally required road widening conveyance along Fiddlers Green Road reduces the lot area to 547 square metres, necessitating a variance not required by the severance alone.

2. To permit a minimum flankage yard of 4.4 metres, whereas the By-law requires 6.0 metres.

Zoning By-law 87-57, through provision 10.3.5, requires a minimum flankage yard of 6.0 metres. The existing dwelling on 347 Fiddlers Green Road is setback 4.55 metres from the flankage lot line, therefore a variance is required to permit the existing flankage setback, which is not proposed to change as a result of the proposed severance. Therefore, this variance is required to recognize and existing condition.

3. To permit a minimum rear yard setback of 4.7 metres, whereas the By-law requires 8.65 metres based on 35% of the lot depth.

Zoning By-law 87-57, through provision 10.3.6, requires a minimum rear yard setback of 35% of the lot depth. As a result of the proposed severance, the lot depth is reduced to 24.72 metres, resulting in a required 8.65 metre setback whereas 4.7 metres is proposed. While reduced, the resulting rear yard depth still maintains the ability to provide for adequate outdoor space to serve the existing dwelling unit with a total rear yard area of approximately 110 square metres

as well as a generous side yard. The reduced rear yard does not impact abutting properties as the rear yards face the proposed new lot.

#### Severed Parcel

1. To permit a minimum lot frontage of 15.3 metres whereas the By-law requires a minimum of 18.0 metres.

Zoning By-law 87-57, through provision 10.3.2, requires a minimum lot frontage of 18.0 metres, whereas the severed lot has a proposed frontage of 15.3 metres along Calvin Street. The proposed lot width is sufficient to place a single detached dwelling on the severed lot complying with all other zone provisions, and is also consistent with other lot frontages within the surrounding area, including parcels along Bloomsbury Court (12.5 metres) and Knightsbridge Crescent (12.5 metres), among others.

### **JUSTIFICATION OF PROPOSAL**

#### CONSENT

##### *Planning Act*

While this application is a Consent under Section 53 of the *Planning Act*, the determination of whether the approval of the Consent should be granted is noted in Section 53(12). Section 53(12) notes that the granting of approval is based on whether there is sufficient regard for the matters under Section 51(24). In our opinion, the proposed severance does have regard for the matters set out in Section 51(24) of the *Planning Act* as follows:

*"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,"*

- a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

With respect to Section 51(24)(a), the application is to sever the existing two lots and create a new third parcel, and no plan of subdivision is proposed. The proposed lots are consistent with the matters of provincial interest listed in Section 2 of the *Planning Act*, including providing for orderly development, supporting public transit and locating growth and development in an appropriate location.

- b) *whether the proposed subdivision is premature or in the public interest;*

Section 51(24)(b) has been met as the lots are located on an existing municipal road, within the built boundary and serviced by municipal water and wastewater. The consent will result in contiguous and orderly development of the site that is not premature with uses that are permitted within the Official Plan and Zoning By-law.

- c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

Section 51(24)(c) has been met as the proposal conforms to the UHOP. The Subject Lands are designated 'Neighbourhoods', which permits the existing and proposed detached dwelling uses. The proposal also meets the criteria for consents outlined in Policy F.1.14.3.1 of the UHOP while helping to meet Hamilton's residential intensification targets through a form of 'gentle intensification'.

*d) the suitability of the land for the purposes for which it is to be subdivided;*

The proposed severance application will create one additional parcel which is appropriate for and compatible for the intended development of the lots. The lands are already being used for residential purposes and will continue to be used as such after the lands are severed.

*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;*

No highways or public roads are proposed as part of the development. The site has access to the surrounding road network Fiddlers Green Road and Calvin Street.

*f) the dimensions and shapes of the proposed lots;*

The proposal results in the creation of one new parcel having a shape and size that generally complies with the applicable Zoning By-law requirements, with the exception of one variance proposed for the new parcel. The proposed parcels will be suitable for the existing and proposed residential uses as contemplated in the Zoning By-law. The retained lots will have a reduced rear yard which will continue to maintain an appropriate amount of outdoor amenity space in the range of approximately 110 square metres plus a generous side yard.

*g) conservation of natural resources and flood control;*

Natural resources and flood control is not expected to be impacted through the proposed lot creation.

*i) the adequacy of utilities and municipal services;*

Section 51(24)(i) has been fulfilled for the retained lands as the properties are presently fully serviced. Servicing for the proposed severed lot will be provided from Calvin Street, as confirmed with City Engineering staff.

*k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

Land dedications are proposed for both retained parcels, consisting of a 6.0m right-of-way dedication along the length of the Fiddlers Green Road frontage, as well as a daylight triangle of 4.57m x 4.57m as required by the policies of the UHOP.

*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.*

Development of the proposed lot will be reviewed and approved through a future building permit application and will be in accordance with existing zoning, as amended to permit a reduced lot frontage.

*Urban Hamilton Official Plan*

Section 1.14.3.1 of the UHOP addresses Consent policies for the Neighbourhoods land use designation applicable to the Subject Lands, as follows:

*"Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:"*

*a) The lots comply with the policies of this Plan, including secondary plans, where one exists;*

The proposed lots conform to the UHOP, and are designated Neighbourhoods. The Neighbourhoods designation is to primarily consist of residential uses and provide for a full range of housing types, forms, and tenure. Changes are permitted provided they are compatible with the existing character and function of the neighbourhood. The proposed lots maintain the scale and character of the surrounding established development pattern, including lot frontages, areas, and setbacks as discussed further below.

*b) The lots are in conformity with the Zoning By-law or a minor variance is approved;*

A minor variance application has been submitted concurrently with the proposed severance application, with a number of variances proposed as discussed below.

*c) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*

The proposed existing and retained lots maintain the scale and character of the established development pattern in the surrounding area, including lot frontages, areas, and setbacks. The existing detached dwellings are to remain, with the rear portions of the lots severed to allow for an additional lot having a scale similar to those of the surrounding neighbourhood. Although some minor reductions are required to the severed and retained lots as outlined in this letter, these reductions reflect a natural progression in development intensity as one approach Fiddlers Green Road, which is classified as a Minor Arterial Road in the UHOP, from the interior of the neighbourhood. A progression in development intensity is contemplated in the Low Density Residential policies (Policy E.3.4.3) which identifies that permitted uses in low density residential areas include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings in addition to multiple dwellings for lots in proximity to collector or arterial roads. Although this consent does not contemplate a multiple dwelling, Policy E.3.4.3 nonetheless

demonstrates the expectation of greater development intensity around the edges of low density areas as defined by the collector and arterial road network.

*d) the lots are fully serviced by municipal water and wastewater systems; and,*

The proposed lots are fully serviced by municipal infrastructure. The severed lot will be serviced from Calvin Street.

*e) the lots have frontage on a public road.*

The proposed lots have access to the surrounding road network through frontage on Fiddlers Green Road and Calvin Street.

#### MINOR VARIANCE

Section 45(1) of the *Planning Act* identifies four tests which must be satisfied in order for the requested minor variances to be approved. The proposed variances both individually and cumulatively meet the four tests, as demonstrated in the analysis below.

***a) The variance maintains the general intent and purpose of the Official Plan.***

The requested variances are required to facilitate the proposed severance and creation of a new parcel to accommodate a future residential dwelling on the severed lands. The Subject Lands are designated Neighbourhoods in the UHOP, which permits residential uses as currently exist on site and are proposed for the Subject Lands. Section B.3.2.1.6 of the UHOP notes that within the Urban Area it is the City's goal to increase the mix and range of housing types, forms, tenures, densities, and affordability levels throughout the City. Section E.2.7.7 of the UHOP further notes that applications for residential intensification within Neighbourhoods shall be reviewed in consideration of the local context, be compatible with the existing function of the neighbourhood, and be evaluated based on the balance of residential intensification criteria as set out in the UHOP.

Section B.2.4.1.1 notes that residential intensification shall be encouraged throughout the entire build-up area. Section B.2.4.1.4 provides for the evaluation criteria to be applied to residential intensification within the built-up area, which include the following criteria:

- b) "The relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;*
- d) the compatible integration of the proposed 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;*
- i) the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;"*

The proposed variances to the severed and retained lots are consistent with the established built form and development patterns of the surrounding neighbourhood. The proposed reductions in minimum lot frontage will result in a new lot having a similar scale and function to lots in the surrounding area. The proposed reductions in minimum lot area and minimum front yard setback are a result of the required right-of-way dedications along Fiddlers Green Road, and reflect the existing conditions along either side of the street, as would be required for any future applications elsewhere along this section of the corridor. The proposed reductions in minimum rear yard setbacks maintain the ability to provide adequate outdoor space, and will appear as generous side yards as viewed from Calvin Street. The proposed reduction in minimum flankage yard recognizes the existing condition, which therefore already forms part of the established development pattern. When the proposed severance and associated variances are assessed in relation to the above criteria, it can be concluded that the resulting built form and lot pattern is consistent and compatible with the established surrounding context. The proposal further provides for gentle intensification which supports existing transit service along Fiddlers Green Road.

Section B.2.4.2.2 provides further evaluation criteria to be applied to residential intensification within the Neighbourhoods designation, which include the following criteria:

- b) "compatibility with adjacent land uses including matters such as shadowing, overlook noise, lighting, traffic, and other nuisance effects;*
- c) the relationship of the proposed buildings with the height, massing, and scale of nearby residential buildings;*
- e) the relationship of the proposed lots with the lot pattern and configuration within the neighbourhood;*
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;*
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations"*

The proposed severance and resulting variances maintain the established lot pattern and configuration of the surrounding established neighbourhood, as discussed above. The result of the proposed variances is one additional residential lot, having zoning provisions which reflect those of the surrounding area, and therefore will not negatively impact existing adjacent land uses, including shadowing, overlook, lighting, traffic, and other nuisance effects which will be further reviewed through a future building permit application. Since the houses on the retained lands front onto Fiddlers Green Road, their rear yards will face the proposed new house on the severed lands, creating no impact on the existing adjacent uses. The reduced rear yards will still maintain the ability to provide for adequate outdoor amenity space on the lots; approximately 110 metres will be provided as well as generous side yards. The existing streetscape patterns, including block lengths, setbacks, and building separations will be maintained through the proposed variances, with the only perceivable change being the addition of one additional dwelling having setbacks consistent with the surrounding neighbourhood.

Section E.3.4.6c) further states that a mix of lot widths and sizes compatible with streetscape character, and a mix of dwelling unit types and sizes compatible in exterior design, including scale, character, appearance, and design shall be encouraged. As assessed throughout this letter, the proposed variances provide for lot sizes and widths compatible with the surrounding character, and implement the form of 'gentle intensification' broadly encouraged within the UHOP. The requested variances therefore maintain the general intent and purpose of the UHOP.

***b) The variance maintains the general intent and purpose of the Zoning By-law.***

The Subject Lands are zoned ER (Existing Residential) within Ancaster Zoning By-law 87-57. The ER Zone permits one detached dwelling per lot.

The following zone provisions apply to the Subject Lands:

Lot Provisions	ER Zone Requirement	Retained Parcel (341 Fiddlers)	Retained Parcel (347 Fiddlers)	Severed Parcel	
Min. Lot Area	695 sq.m.	557 sq.m.	547 sq.m.	699.66 sq.m.	
Min. Lot Frontage	18.0 m	22.86 m	22.86 m	15.3 m	
Max. Lot Coverage	35%	20%	22%	34%	
Front Yard Setback	Within 20% of the average front yard setback of the two nearest principal dwellings on either side of the lot:		8.4 m	8.4 m	8.5 m
	341:	10.58m - 13.22m			
	347:	6.83m - 10.25m			
	Severed:	8.58m - 10.73m			
Min. Side Yard	2.0 m	4.49 m	5.0 m	2.0 m	
Min. Flankage Yard	6.0 m	n/a	4.4 m	n/a	
Min. Rear Yard	35% of lot depth:		4.7 m	4.7 m	16.0 m
	341:	8.65m			
	347:	8.65m			
	Severed:	16.0m			
Max. Height	9.5 m	<9.5 m	<9.5 m	< 9.5 m	

The intent of the minimum lot area provision within the Zoning By-law is to ensure that both sufficient area to provide for residential dwellings and associated greenspace can be accommodated, while also providing for a consistent lot pattern throughout the surrounding area. The proposed reduction in lot area for both 341 and 347 Fiddlers Green Road is not a result of the proposed severance, which could occur while maintaining sufficient lot area and creating an additional lot, but rather a result of the required right-of-way dedication (6.0 metres)

which is being taken from the Fiddlers Green Road frontage. In effect, the proposed severance has no impact on the reduction other than triggering the dedication. The reduction does not conflict with the intent of the Zoning By-law, as the lots will remain consistent with the surrounding area and will reflect the varied lot sizes on either side of and along Fiddlers Green Road.

The intent of the minimum front yard setback provisions within the Zoning By-law is to provide for a consistent street wall condition, by ensuring that building facades are within 20% of one another and achieve a consistent transition throughout the broader area. The proposed reduction in front yard setback for both 341 and 347 Fiddlers Green Road is not a result of the proposed severance, but rather a result of the required right-of-way dedication being taken from the Fiddlers Green Road frontage. While the 6.0 m dedication is to be taken from both retained parcels, this dedication was not taken from the abutting property to the north, meaning that the setback of the retained parcels is made artificially smaller than the abutting property to the north, and requiring the requested variances to permit reduced setbacks. The reduction is consistent with the intent of the By-law as the existing buildings are not proposed to be removed, and the existing streetwall relative to the adjacent properties is to be maintained as currently exists.

The intent of the minimum rear yard setback provisions within the Zoning By-law are both to ensure sufficient separation distance is provided between neighbouring properties and to ensure adequate greenspace is provided on the lot for the residential use. The existing dwellings on 341 and 347 Fiddlers Green Road currently provide for rear yards of 10.43 and 20.18 metres respectively, while the minimum By-law requirement is 35% of the lot depth. As a result of the proposed severance, as well as the required ROW dedication, the lot depth of both lots is to be reduced from 45.72 to 24.72 metres. This accordingly reduces the required rear yard to 8.65 metres, while 4.7 metres is proposed for both severed lots. This reduction maintains the ability of the severed lots to provide for adequate outdoor space with rear yard areas of approximately 110 square metres each, accompanied by generous side yards. This reduction also maintains sufficient separation distance, which allows for landscaping to screen the severed and retained lots from the adjacent parcels. Should a future application for a two-storey dwelling be sought on the severed lot, it can be designed with fewer windows on the upper storey and/or include clerestory windows to avoid overlook on the adjacent parcels. The interface created by the reduced rear yard on the retained parcels does not impact the existing adjacent parcels as it will back onto the severed lot.

The intent of the minimum flankage yard setback provision within the Zoning By-law is to ensure a consistent streetwall and appropriate greenspace are provided along the secondary street frontage of the lot. The existing dwelling on 347 Fiddlers Green Road was constructed prior to the adoption of Zoning By-law 87-57 and provides a setback to the flankage lot line of 4.55 metres. The proposed reduction therefore is not the result of the proposed severance, and is meant to recognize the existing condition on the lot, bringing it into conformity with the By-law.

The intent of the minimum lot frontage provision of the Zoning By-law is to maintain a consistent lot pattern throughout the surrounding area, and ensure sufficient width is provided to accommodate both greenspace and driveway requirements for residential uses. The severed lot proposes a minimum lot frontage of 15.3 metres along Calvin Street, whereas the By-law requires a minimum of 18.0 metres. This proposed lot width is consistent with other lot frontages in the surrounding area, which range between 12.5 metres across Fiddlers Green Road on both Bloomsbury Court and Knightsbridge Crescent, to 18.0 metres along Calvin Street. Notably, provision 7.15 within By-law 87-57 speaks to any lot within a residential zone that existed prior to the passing of By-law 87-57, and states that any such lot having a frontage less than is required shall be deemed to comply provided that it has not less than 15 metres of frontage. While the proposed severed lot is not subject to this provision, this provision does speak to the intent of the minimum lot frontage within the Existing Residential (ER) Zone to provide for no less than 15 metres in frontage. The proposed lot frontage for the severed parcel of 15.3 metres is therefore consistent with the intent of the By-law. Additionally, since the houses on the retained lands front onto Fiddlers Green Road, their rear yards will face the proposed new house on the severed lands. Their 4.7 metre rear yards will appear as generous side yard setbacks as viewed from Calvin Street whereas the zoning by-law would only require a 2 metre side yard. Therefore, the rhythm in lot pattern and built form as intended by the by-law will be maintained.

With the exception of the three requested variances for each of the retained parcels, and one requested variance for the severed parcel, all other regulations of the ER Zone within By-law 87-57 are met with the proposed severance. Based on the above, the requested variances maintain the general intent and purpose of the Zoning By-law.

***c) The variance is desirable and appropriate for the development and use of the land.***

The proposed severance is intended to optimize the use of the Subject Lands, retaining both existing dwellings on the retained parcels, while allowing for an additional parcel in the rear with frontage on Calvin Street to accommodate a future residential dwelling. The City in February 2023 committed to the construction of 47,000 new housing units by 2031, and reaffirmed Council direction for growth through intensification with the signing of the Municipal Housing Pledge. The City's Official Plan, as discussed above, states that it is the City's goal to increase the amount of housing within the Urban Area, and encourages residential intensification within Neighbourhoods that is compatible with the local context, as contemplated through this proposal. Similarly, the Zoning By-law permits residential dwellings as are contemplated through the proposed severance within the ER Zone, and the proposal is consistent with the City's goals as provided in both the Official Plan and Zoning By-law.

The proposed variances collectively will facilitate the creation of a residential infill lot which represents a form of 'gentle intensification' on a lot that is on the periphery of a neighbourhood, next to an arterial road in proximity to public transit.

The requested reductions in minimum lot area and minimum front yard setback are a result of the required ROW dedication along Fiddlers Green Road, rather than the proposed severance, and will result in both lot areas and setbacks consistent with those in the surrounding area. The requested reductions in minimum rear yard are similarly appropriate and reflect the reduced lot depth resulting from the severance. The requested reduction in minimum lot frontage for the severed parcel will maintain a frontage consistent with the intent of the By-law and surpassing frontages existing within the surrounding area. These reductions represent a gradual progression in development intensity as one approaches Fiddlers Green Road (Minor Arterial Road) from the interior of the neighbourhood. As discussed in the consent justification above, the UHOP policies for low density areas contemplate greater development intensity around the edges of low density areas as defined by the collector and arterial road network.

The proposed reductions and variances will not negatively or functionally impact the adjacent parcels, and based on the above are both desirable and appropriate for the development and use of the Subject Lands.

*d) The variance is minor in nature.*

The requested variances to minimum lot area, minimum front, rear, and flankage yard setbacks, and minimum lot frontage are minor in nature, and will not result in any unacceptable or adverse impacts on the Subject Lands or surrounding area. Of the 7 total requested variances, 4 are directly resulting from the required 6.0m ROW dedication along Fiddlers Green Road, 1 is to recognize an existing flankage yard condition, and 2 are the result of the proposed severance but maintain the lot fabric and characteristics as found within the surrounding area.

Additionally, the proposed variances seek reductions to zoning provisions that would not impact abutting properties. For example, the proposed reduced rear yards for the retained lands will face the proposed new lot while the reduction in their front yards are a direct result of the taking land by the City for future road widening. The only required variance for the proposed new lot is a 2.7 metre reduction in lot frontage which would not be perceptible to the public from the street.

The requested variances will facilitate the creation of a new residential lot, in keeping with Council direction for gentle intensification, as well as the intent of the UHOP and Zoning By-law.

Based on the above, the requested variances are minor in nature.

**CONCLUSION**

In conclusion, the applications for consent address all matters under the *Planning Act* and in the UHOP. The requested variances both individually and cumulatively conform to the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the use of the Subject Lands, and are minor in nature. For the reasons set out above, it can be concluded that the requested variances satisfy the four tests set out in Section 45 (1) of the *Planning Act* and should be approved.

We are pleased to submit additional information as required and respond to any questions you may have.

Thank you.

Yours truly,  
**MHBC**



Gerry Tchisler, M.Pl., MCIP, RPP  
Partner



Andrew Hannaford, BES, MCIP, RPP  
Associate

*cc: Pasqualino Probo, Silvestri Investments*

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

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

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

Hamilton

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

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

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)			
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	347 Fiddlers Green Road, Hamilton		
Assessment Roll Number	251814036001400		
Former Municipality	Ancaster		
Lot	6	Concession	
Registered Plan Number	831	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

---

## 3 PURPOSE OF THE APPLICATION

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

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

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

---

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

---

3.4 Certificate Request for Retained Lands:  Yes\*

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

## 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

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

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

Identified on Sketch as:	Retained (347 F	Conveyed			
Type of Transfer	N/A				
Frontage	22.82m	15.3m			
Depth	24.72m	45.72m			
Area	547.78 sq.m.	699.66 sq.m.			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Detached Dwelling	n/a			
Proposed Buildings/ Structures	Detached Dwelling	Detached Dwelling			
Buildings/ Structures to be Removed	Garage and Deck	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) Neighbourhood

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

Please refer to attached Covering 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? ER - Existing Residential

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

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

Yes  No  Unknown

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

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

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

## 6 HISTORY OF THE SUBJECT LAND

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

Yes       No       Unknown

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

---

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

---

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?

July 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.

341 Fiddlers Green Rd

---

## 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 attached covering letter.

---

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

Yes       No      (Provide explanation)

Please refer to attached covering letter.

---

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

Yes       No      (Provide explanation)

Please refer to attached covering letter.

---

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

Yes       No      (Provide explanation)

---

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

Yes  No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes  No (Provide explanation)

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

Yes  No (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

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

Yes  No (Provide explanation)

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

Yes  No (Provide explanation and details on plan)

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

## 9 ADDITIONAL INFORMATION - CANCELLATION

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

Yes  No (Provide explanation)

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

Yes  No (Provide explanation and details on plan)

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

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

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

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

**10.2 Location of farm consolidation property:**

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

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

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

**10.4 Description of farm consolidation property:**

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

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

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

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

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

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

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

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

**a) Date of construction:**

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

**b) Condition:**

- Habitable       Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.2 Validation of Title

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

### 11.3 Cancellation

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

### 11.4 Other Information Deemed Necessary

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>AN/A-23:182</b>	<b>SUBJECT PROPERTY:</b>	795 BOOK ROAD W, ANCASTER
<b>ZONE:</b>	"A1" (Agriculture)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 15-173

**APPLICANTS:**      **Owner:** JASON ROQUE  
                              **Agent:** URBANSOLUTIONS C/O MATT JOHNSTON

The following variances are requested:

1. A maximum aggregate Gross Floor Area for an Accessory Building shall be 245 square metres instead of the maximum required aggregate Gross Floor Area of 200.0 square metres;
2. An Accessory Building shall be permitted within a front yard;
3. A maximum Building Height of 13.5 metres shall be provided for a Single Detached Dwelling instead of the maximum required Building Height of 10.5 metres.

**PURPOSE & EFFECT:**      So as to permit the development of a single detached dwelling, an accessory structure and accessory pool house notwithstanding that:

**Notes:**

- i. Be advised, insufficient information has been provided to determine Building Height of the proposed Single Detached Dwelling. Should the height of the proposed Single Detached Dwelling exceed the requested 13.5 metres, additional variances may be required.
- ii. In addition to the above, insufficient information has been provided to determine Building Height of the proposed Accessory Building(s). Should the height of the proposed Barn or Pool House exceed the 6.0 metres permitted under Section 4.8.1.2 a), additional variances may be required.
- iii. Insufficient information has been provided to determine the Accessory Building setback to the P7 Zone. Should the proposed be less than 7.5 metres to a P7 zone as per Section 4.23 d), additional variances may be required.

**AN/A-23:182**

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>10:20 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

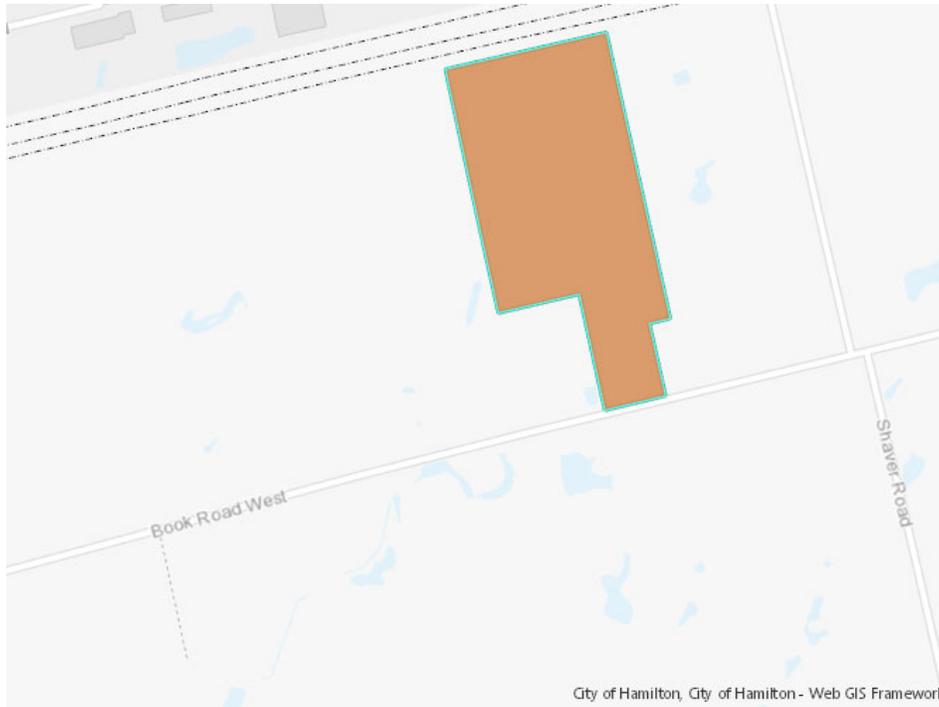
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:182, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

AN/A-23:182



 Subject Lands

DATED: July 25, 2023

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

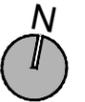
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

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

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

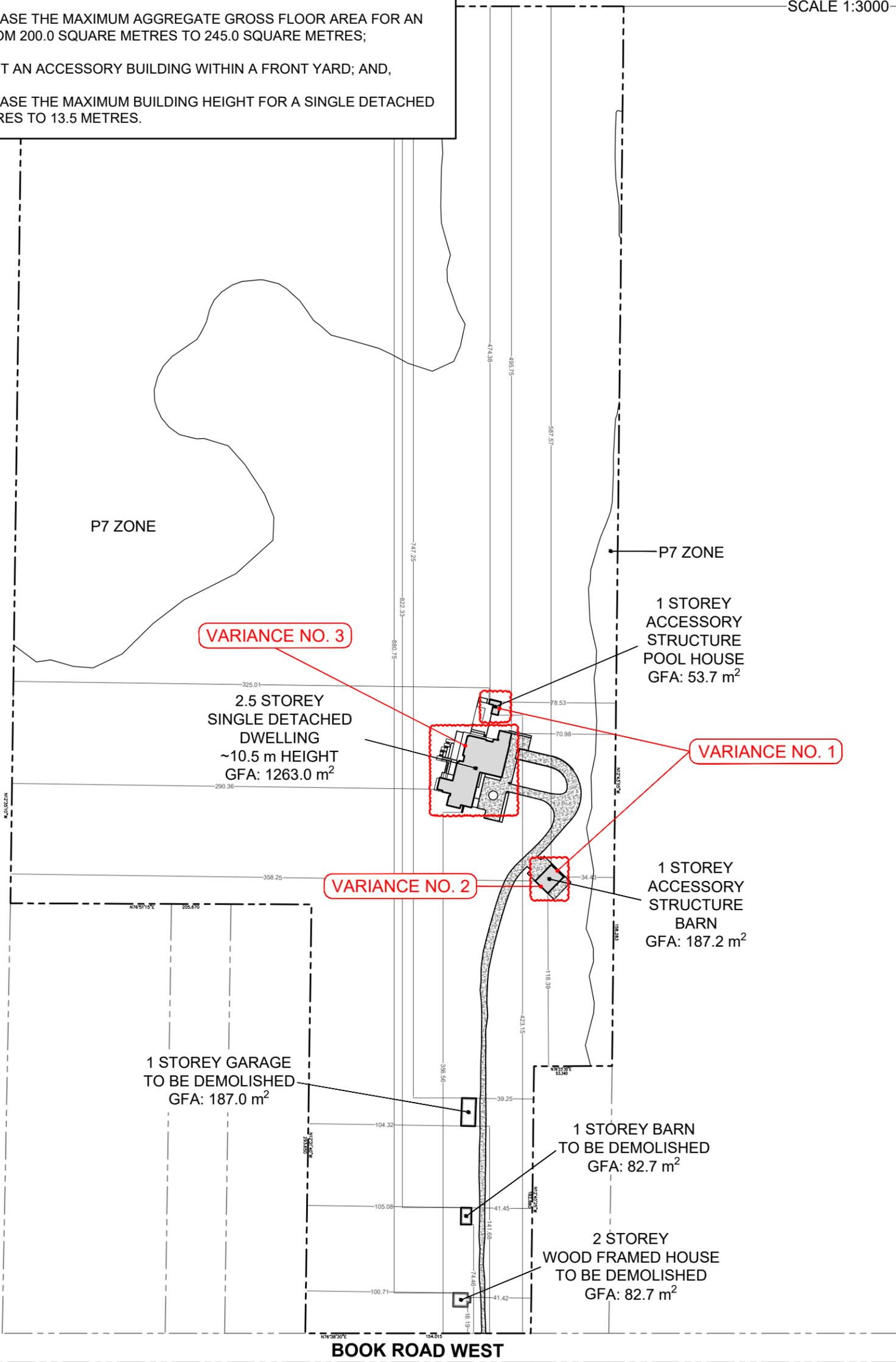
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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



SCALE 1:3000

VARIANCES TO CITY OF HAMILTON ZONING BY-LAW NO. 05-200 AGRICULTURE (A1) ZONE

- VARIANCE NO. 1: TO INCREASE THE MAXIMUM AGGREGATE GROSS FLOOR AREA FOR AN ACCESSORY BUILDING FROM 200.0 SQUARE METRES TO 245.0 SQUARE METRES;
- VARIANCE NO. 2: TO PERMIT AN ACCESSORY BUILDING WITHIN A FRONT YARD; AND,
- VARIANCE NO. 3: TO INCREASE THE MAXIMUM BUILDING HEIGHT FOR A SINGLE DETACHED DWELLING FROM 10.5 METRES TO 13.5 METRES.



P7 ZONE

P7 ZONE

VARIANCE NO. 3

VARIANCE NO. 1

VARIANCE NO. 2

1 STOREY GARAGE TO BE DEMOLISHED  
GFA: 187.0 m<sup>2</sup>

1 STOREY ACCESSORY STRUCTURE POOL HOUSE  
GFA: 53.7 m<sup>2</sup>

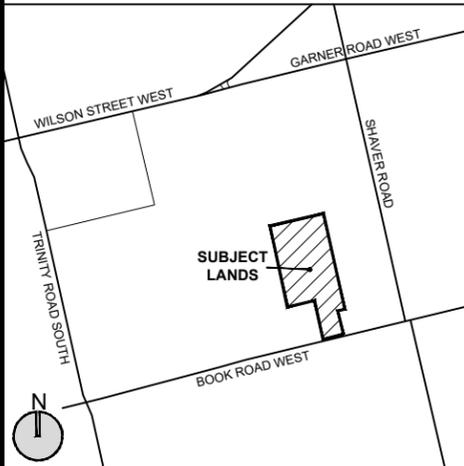
1 STOREY ACCESSORY STRUCTURE BARN  
GFA: 187.2 m<sup>2</sup>

1 STOREY BARN TO BE DEMOLISHED  
GFA: 82.7 m<sup>2</sup>

2 STOREY WOOD FRAMED HOUSE TO BE DEMOLISHED  
GFA: 82.7 m<sup>2</sup>

BOOK ROAD WEST

KEY MAP - N.T.S.



LEGEND:

- SUBJECT LANDS
- PROPOSED BUILDING
- EXISTING BUILDING TO BE REMOVED
- DRIVEWAY

SCALE 1:3000  
METRES



PREPARED BY:



3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

NOT FOR CONSTRUCTION  
ISSUED FOR REVIEW & COMMENTS ONLY

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

TITLE:

**MINOR VARIANCE SKETCH**

PROJECT:

**795 BOOK ROAD WEST  
TOWN OF ANCASTER**

CLIENT:

**795 BOOK ROAD WEST**

DESIGN BY: S. ERICKSON

CHECKED BY: S. MCKAY

DRAWN BY: S. ERICKSON

DATE: JULY 7, 2023

U/S FILE NUMBER:

375-20

SHEET NUMBER:

1

TOPOGRAPHIC SURVEY  
 OF PART OF  
**LOT 35**  
**CONCESSION 4**  
 GEOGRAPHIC  
 TOWNSHIP OF ANCASTER  
 IN THE  
**CITY OF HAMILTON**

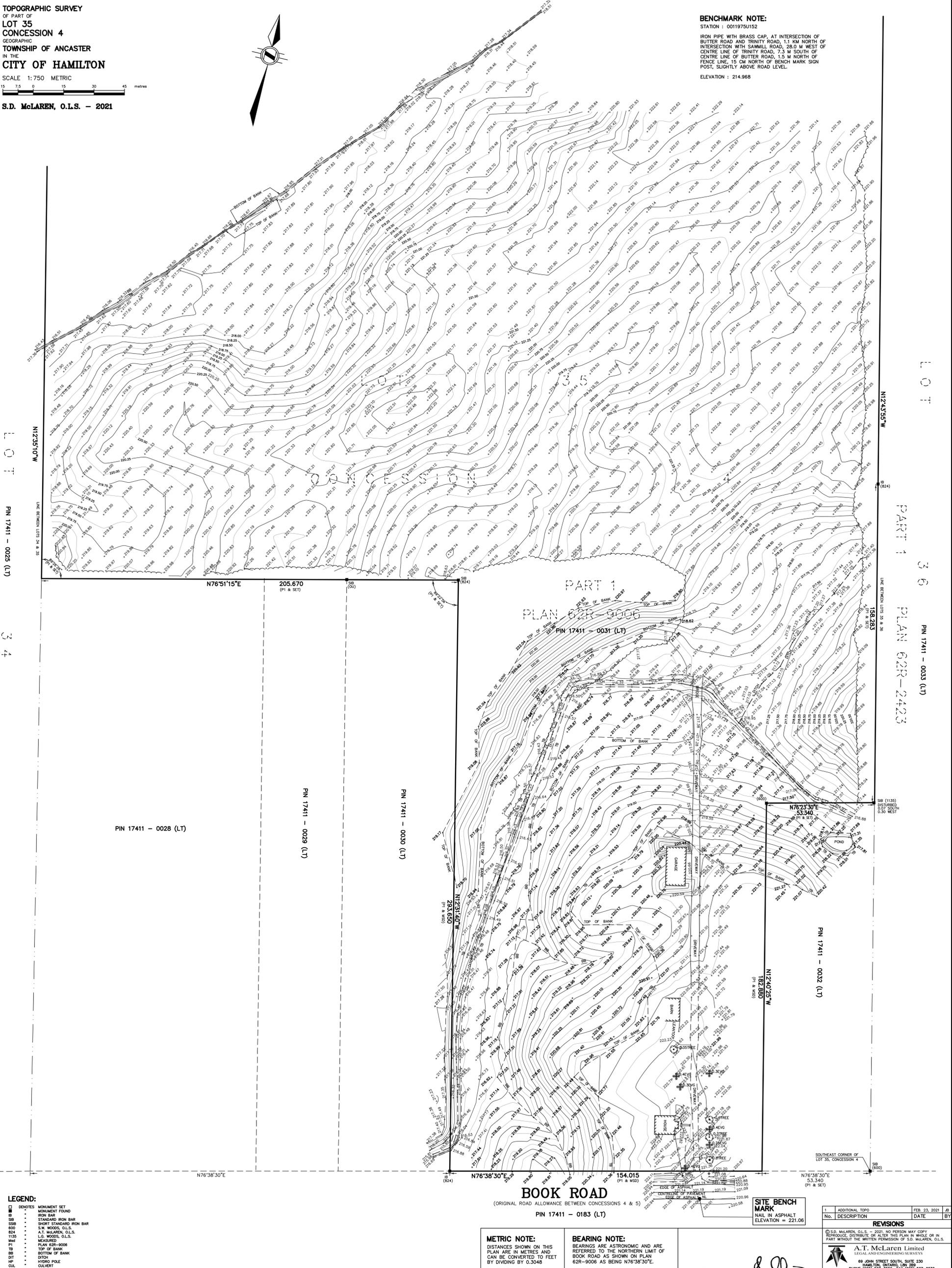
SCALE 1:750 METRIC

S.D. McLAREN, O.L.S. - 2021



**BENCHMARK NOTE:**

STATION : 0011975U152  
 IRON PIPE WITH BRASS CAP, AT INTERSECTION OF BUTTER ROAD AND TRINITY ROAD, 1.1 KM NORTH OF INTERSECTION WITH SAMMILL ROAD, 28.0 M WEST OF CENTRE LINE OF TRINITY ROAD, 7.3 M SOUTH OF CENTRE LINE OF BUTTER ROAD, 1.5 M NORTH OF FENCE LINE, 15 CM NORTH OF BENCH MARK SIGN POST, SLIGHTLY ABOVE ROAD LEVEL.  
 ELEVATION : 214.968



LOT 34  
 PIN 17411 - 0025 (LT)

34

LOT 36  
 PART 1  
 PLAN 62R-2423  
 PIN 17411 - 0033 (LT)

PIN 17411 - 0028 (LT)

PIN 17411 - 0029 (LT)

PIN 17411 - 0030 (LT)

PIN 17411 - 0032 (LT)

**BOOK ROAD**  
 (ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 4 & 5)  
 PIN 17411 - 0183 (LT)

- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - SB IRON BAR
  - SSB STANDING IRON BAR
  - SSSB SHORT STANDING IRON BAR
  - 600 S.W. WOODS, O.L.S.
  - 824 A.T. McLAREN, O.L.S.
  - 1136 L.C. WOODS, O.L.S.
  - MEAS MEASURED
  - PT PLAN 62R-9006
  - TS TOP OF BANK
  - BB BOTTOM OF BANK
  - DT DITCH
  - HP HYDRO POLE
  - CL CULVERT

**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 ASTROMOMIC AND ARE REFERRED TO THE NORTHERN LIMIT OF BOOK ROAD AS SHOWN ON PLAN 62R-9006 AS BEING N76°38'30"E.

**SITE BENCH MARK**  
 NAIL IN ASPHALT  
 ELEVATION = 221.06

No.	DESCRIPTION	DATE	BY
1	ADDITIONAL TOPO	FEB. 23, 2021	JB

**REVISIONS**

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**A.T. McLaren Limited**  
 LEGAL AND ENGINEERING SURVEYS  
 69 JOHN STREET SOUTH, SUITE 200  
 HAMILTON, ONTARIO, L9W 3J9  
 PHONE (905) 527-8559 FAX (905) 527-0532  
 Owner: S.D. McLaren Surveyor  
 Drawn: KM  
 Check: RBM  
 Scale: 1:750  
 Date: JANUARY 14, 2020  
 Dwg. No. 36556

S. DAN McLAREN, O.L.S.



July 5, 2023

375-20

**Via Email and Delivered**

Ms. Jamila Sheffield  
Secretary-Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield,

**RE: 795 Book Road West, Hamilton  
Minor Variance Application**

---

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), has been retained to act as the authorized planning consultant for Mr. Jason Roque, owner of the lands known municipally as 795 Book Road West, in the City of Hamilton. We are pleased to submit this Minor Variance application on their behalf to facilitate the proposed development.

The subject lands are within the "Agriculture" designation of the Rural Hamilton Official Plan. Additionally, the subject lands are located in the Agriculture (A1) Zone in the City of Hamilton Zoning By-law No. 05-200.

A Minor Variance application is required to facilitate the development of a single detached dwelling, an accessory structure and accessory pool house on the subject lands. To facilitate said development, this Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law No. 05-200 with respect to the Agriculture (A1) Zone as follows:

Variance 1: *To increase the maximum aggregate Gross Floor Area for an Accessory Building from 200.0 square metres to 245.0 square metres;*

Variance 2: *To permit an Accessory Building within a front yard; and,*

Variance 3: *To increase the maximum building height for a Single Detached Dwelling from 10.5 metres to 13.5 metres.*

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

**1. Is the proposed minor variance in keeping with the general purpose and intent of the Official Plan?**

The subject lands are designated as 'Agriculture' in the Rural Hamilton Official Plan which permits the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. Chapter B, Section 3.2 indicated that within the boundaries of the Rural Hamilton Official Plan, the need for a certain land area to accommodate sustainable private servicing means that multi-dwelling housing forms cannot be permitted in the rural area, and densities must remain low. The intent of these policies is to encourage and accommodate compatible forms of low-density development which is exemplified in the subject application. The Minor Variances being requested do not compromise the ability of the proposed single detached dwelling to be compatible with the surrounding neighbourhood and in keeping with the current built form.

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

The subject property is located in the Agriculture (A1) Zone, in the City of Hamilton Zoning By-law No. 05-200.

The variances requested are to permit an accessory building within the front yard, provide an increased maximum gross floor area for accessory buildings and increase maximum building height by 3.0 metres for the subject lands. The intent of the zoning provisions for which we are requesting relief are to maintain built form and lot fabric to ensure compatibility with current and future surrounding neighbourhoods. The requested variances will meet this intent as the ultimate height of the single detached dwelling and gross floor area of the accessory buildings will be largely consistent with the existing built form of the area. Further, while the accessory building is located in the front yard by definition, it is setback approximately 300.0 metres from the street line. Additionally, the accessory building will not be visible from the street line as it will be located on the portion of the property which is blocked from view of the street by the existing dwelling located at 773 Book Road West. Accordingly, it can be concluded that the proposed variances do not present any adverse impacts to the overall compatibility of the proposed built form on site and therefore do not contravene the intent of the Zoning By-law.

The proposal conforms to all other zoning provisions and therefore the overall intent of the Zoning By-law is maintained.

**3. Is the proposed variance minor in nature?**

The proposed variances are minor in nature and necessary to facilitate the proposed single detached dwelling and associated accessory buildings. The intent of this application is to request an increase to the maximum permitted building height, increase in accessory building gross floor area and permission to locate an accessory building in the front yard.

The variance relating to building height seeks to increase the maximum height for a single detached dwelling from 10.5 metres to 13.5 metres. According to the definition contained within the Zoning by-law, building height is calculated using the average level of the proposed or finished grade adjoining a building calculated along the perimeter of all exterior walls. In this particular circumstance, the proposed building footprint is irregular in shape and the proposed grades change dramatically depending on the section of the dwelling due to some portions of the basement being technically above grade. As a result, while the proposed single detached dwelling will not reach 13.5 metres in reality, we have built in relief in the requested variance to account for the complexity of determining building height based on the By-law definition and the probability for exact grades to vary from the current iteration of the Plan.

Further, the variance relating to the gross floor area for accessory buildings seeks to increase the maximum gross floor area from 200 square metres to 245 square metres. The gross floor area accounts for the combined gross floor area for all accessory buildings on site. The 187.0 square metre accessory building to be located in the front yard falls below the 200 square metre maximum. However, when combined with the 54.0 square metre pool house, a variance becomes necessary to recognize the modest departure from the typical maximum. These reductions represent minor increases in applicable regulations that will not result in any noticeable increase in the built form from a visual perspective. Further, as both the single detached dwelling and the accessory building are proposed to be setback over 300 metres from the street line, the slight increase in permitted size is considered negligible.

With regards to the variance respecting the location of an accessory building in the front yard, the conditions of the site ensure the variance is minor in nature. The restriction of accessory structures in the front yard is to prevent sheds and detached garages and other accessory structures from being visible from the street and altering the streetscape. In this particular circumstance, while the accessory building is located in the front yard, it is over 300 metres setback from the street line located behind the existing single detached dwelling abutting the property at 773 Book Road West. As such, there is no potential for adverse visual impacts or impacts to the streetscape character of the area.

Given the negligible visual change to the permitted built form as a result of the variances and that all other regulations of the By-law remain, the request is consistent with the Zoning By-law and is considered to be minor in nature.

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

The requested variance will facilitate the construction of a single detached dwelling and accessory buildings on site, which will result in a built form consistent with what is currently existing on site which is in keeping with the character of the surrounding area, and represents a use of land that is permitted in the Rural Hamilton Official Plan and Zoning By-law 05-200. The proposed height of the dwelling and gross floor area of the accessory buildings are compatible with the pattern established by the existing dwellings that surround the subject lands. Therefore, the application is desirable and appropriate for the development of the lands.

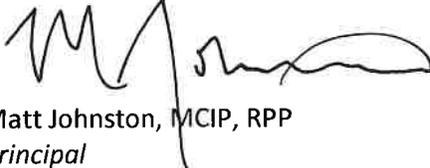
As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of our Minor Variance application, please find enclosed the following supporting material:

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

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

Kind Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Scott Beedie, MCIP, RPP  
*Planner*

cc: Mr. Jason Roque (via Email)  
Taylor Smyth Architects (via Email)



**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	795 Book Road West		
Assessment Roll Number			
Former Municipality	Ancaster		
Lot	Part of 35	Concession	4
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

N/A

### 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Please refer to Cover Letter.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Please refer to Cover Letter.

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

Yes  No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
±154.0 m	±908.4 m	±303,870.3 m <sup>2</sup>	±20 m

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

Existing: Please refer to Survey

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

Proposed: Please refer to Minor Variance Sketch

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

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

Existing: Please refer to Survey

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

Proposed: Please refer to Minor Variance Sketch

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

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

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

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

- ditches
- other means (specify)

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

publicly owned and operated sanitary sewage

system privately owned and operated individual

septic system other means (specify) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

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.):

To permit the development of a single detached dwelling, an accessory structure and accessory pool house on the subject lands.

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

Single detached dwellings.

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Unknown

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

Single Detached dwelling, agriculture

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

Single Detached dwelling, agriculture

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): Agriculture

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) N/A

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

Please see Cover Letter

7.6 What is the existing zoning of the subject land? N/A

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: N/A

---

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

Yes  No

If yes, please provide the file number: N/A

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

Yes  No N/A

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

## 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 the enclosed Cover Letter and Minor Variance Sketch.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>SC/A-23:176</b>	<b>SUBJECT PROPERTY:</b>	15 TREEVIEW COURT, STONEY CREEK
<b>ZONE:</b>	"R2-11" (Single Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:**      **Owner:** BOB WOFLE  
                              **Agent:** ON THE 6 DESIGNS C/O DAVID WRAY

The following variances are requested:

1. A minimum rear yard setback of 2.0 metres for the attached covered patio shall be provided whereas the by-law requires a minimum rear yard setback of 7.5 metres.

**PURPOSE & EFFECT:**      So as to permit the construction of an attached covered patio 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:

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>10:25 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

**SC/A-23:176**

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-23:176, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

SC/A-23:176



 Subject Lands

DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

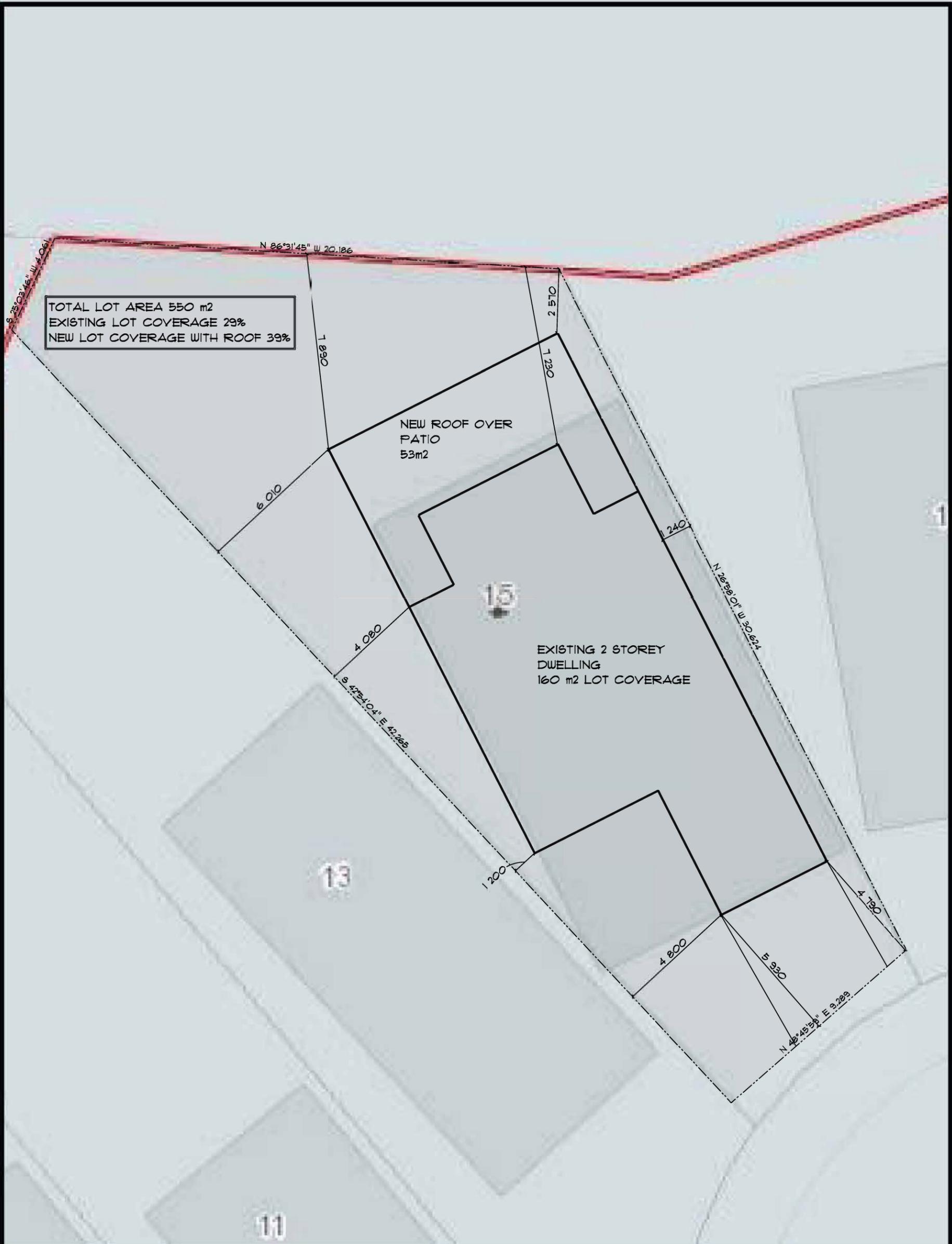
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

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

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

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



# BOB WOLFE COVERED DECK

SCALE: 1:150

PAGE:	<b>Bob Wolfe</b>	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 33421 FIRM BCIN 125250   SIGNATURE
	15 Treeview Court	SCALE: 1:150		
	Stoney Creek ON	DATE: June 26, 2023		
	<b>BOB SITE PLAN</b>			



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

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

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

**1. APPLICANT INFORMATION**

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

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

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

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent [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	15 Treeview Court		
Assessment Roll Number			
Former Municipality	Stoney Creek		
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 to add a covered no enclosed deck

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

current requirements in this zone is for covered deck to be 7.5m looking to reduce to 2m

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
9.8m	46m	582 m2	7.8m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
residential house	6.3m	8.1m	1.2	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
new roof over patio	6.3m	2m	1.2m	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	160m <sup>2</sup>	270 m <sup>2</sup>	2	8.2m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
house	160m <sup>2</sup>	270 m <sup>2</sup>	2	8.2m
roof over patio	53 m <sup>2</sup>	53 m <sup>2</sup>	1	4m

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

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

\_\_\_\_\_

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

- ditches
- other means (specify)

\_\_\_\_\_

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

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

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
residential house adding a non-enclosed covered deck

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:  
2007

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 1995

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

Rural Hamilton Official Plan designation (if applicable): n/a

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

Urban Hamilton Official Plan designation (if applicable) ~~n/a~~ RESIDENTIAL

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

7.6 What is the existing zoning of the subject land? R2-11

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

- Yes
- No

If yes, please provide the file number: \_\_\_\_\_

---

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

Yes  No

If yes, please provide the file number: \_\_\_\_\_

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

Yes  No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>GL/A-23:175</b>	<b>SUBJECT PROPERTY:</b>	3105 FLETCHER ROAD, GLANBROOK
<b>ZONE:</b>	"R4-295, RM2-296" (Residential R4, Residential Multiple RM2)	<b>ZONING BY-LAW:</b>	Zoning By-law former Township of Glanbrook 464, as Amended

**APPLICANTS:**      **Owner:** CACHET DEVELOPMENTS (BINBROOK) INC.  
                                 **Agent:** A.J. CLARKE & ASSOCIATES LTD. C/O LIAM DOHERTY

The following variances are requested:

Variances required for lands zoned "H-R4-295" pursuant to Glanbrook Zoning By-law No. 464.

1. The minimum setback of any building or structure to a daylighting triangle or a visibility triangle shall be 0.0 metres.
2. In addition to the definition of "Daylighting Triangle" in Section 4 Definitions, the following shall apply: For the purpose of determine front lot line, and exterior side lot line abutting a street, a daylight triangle is deemed not to exist, provided that the minimum distance of the proposed setbacks, in the By-law, is maintained.

Variances required for lands zoned "H-RM2-296" pursuant to Glanbrook Zoning By-law No. 464.

1. The minimum setback from any building or structure to a daylight triangle or a visibility triangle shall be 0.0 metres.
2. In addition to the definition of "Daylight Triangle" in Section 4 Definitions, the following shall apply. For the purpose of determining Font Lot Line, and exterior Side Lot Line abutting a street, a daylight triangle is deemed not to exist, provided that the minimum distance of the prescribed setbacks, in the By-law, is maintained.

**GL/A-23:175**

**PURPOSE & EFFECT:** To permit the construction of a single detached dwelling on each of the lots zoned “H-R4-295” and street townhouse dwellings on each of the lots zoned “H-RM2-296” pursuant to Draft Plan of Subdivision File No. 25T- 2014-05.

**Notes:**

1. Please be advised the variances have been written as requested by the applicant.
2. Please be advised both zones are subject to a holding provision. The “H” (holding provision shall be removed prior to development of the lots.

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>10:30 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding GL/A-23:175, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

**GL/A-23:175**

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



DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

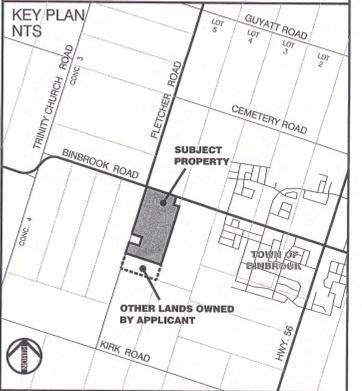
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

# DRAFT PLAN OF SUBDIVISION

PART OF LOT 5, BLOCK 4, CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF BINBROOK  
NOW IN THE CITY OF HAMILTON

**25T-2014-05**  
**ZAC-14-028**  
**UHOPA-14-014**

**April 29, 2016**



### ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O., 1990

- (a) AS SHOWN ON DRAFT PLAN
- (b) AS SHOWN ON DRAFT AND KEY PLANS
- (c) AS SHOWN ON KEY PLAN
- (d) THE LAND IS TO BE USED ACCORDING TO THE SCHEDULE OF LAND USE
- (e) AS SHOWN ON DRAFT AND KEY PLANS
- (f) AS SHOWN ON DRAFT PLAN
- (g) AS SHOWN ON DRAFT AND KEY PLANS
- (h) MUNICIPAL WATER SUPPLY TO BE MADE AVAILABLE
- (i) SOIL IS SILTY CLAY
- (j) AS SHOWN ON DRAFT PLAN
- (k) FULL MUNICIPAL SERVICES TO BE MADE AVAILABLE
- (l) SUBJECT TO EASEMENTS AS SHOWN ON THE DRAFT PLAN

### SCHEDULE OF LAND USE

LAND USE	BLOCKS	UNITS		AREA (ha) (ac)
		MIN.	MAX.	
DETACHED RESIDENTIAL	3-6, 8-10, 12-16, 18-31	214	334	10.98 27.1
FREEHOLD TOWNHOUSE RES.	1, 2, 7, 11, 17	67	96	1.88 4.6
FUTURE DEVELOPMENT	32 and 33	5	6	0.29 0.7
BLOCK TOWNHOUSE RES.	34 and 35	84	129	2.30 5.7
COMMERCIAL	36			1.16 2.9
SCHOOL	37			2.43 6.0
PARK	38			0.60 1.5
STORMWATER MANAGEMENT	39			1.62 4.0
ROAD WIDENING	40 and 41			0.39 1.0
0.3m RESERVES	42 to 48			0.02 0.1
ROADS (LINEAR: 3634m)	STREETS A to Q			8.08 19.9
<b>TOTAL</b>		<b>370</b>	<b>565</b>	<b>29.75 73.5</b>

All distance dimensions on curves are chord length unless otherwise stated.

Scale 1:1000



### PLANNER'S CERTIFICATE

PLAN PREPARED BY MAM GROUP LIMITED.  
*Chad B. John-Baptiste* April 29, 2016  
Chad B. John-Baptiste, MCP, RPP, MAM Group Ltd. DATE

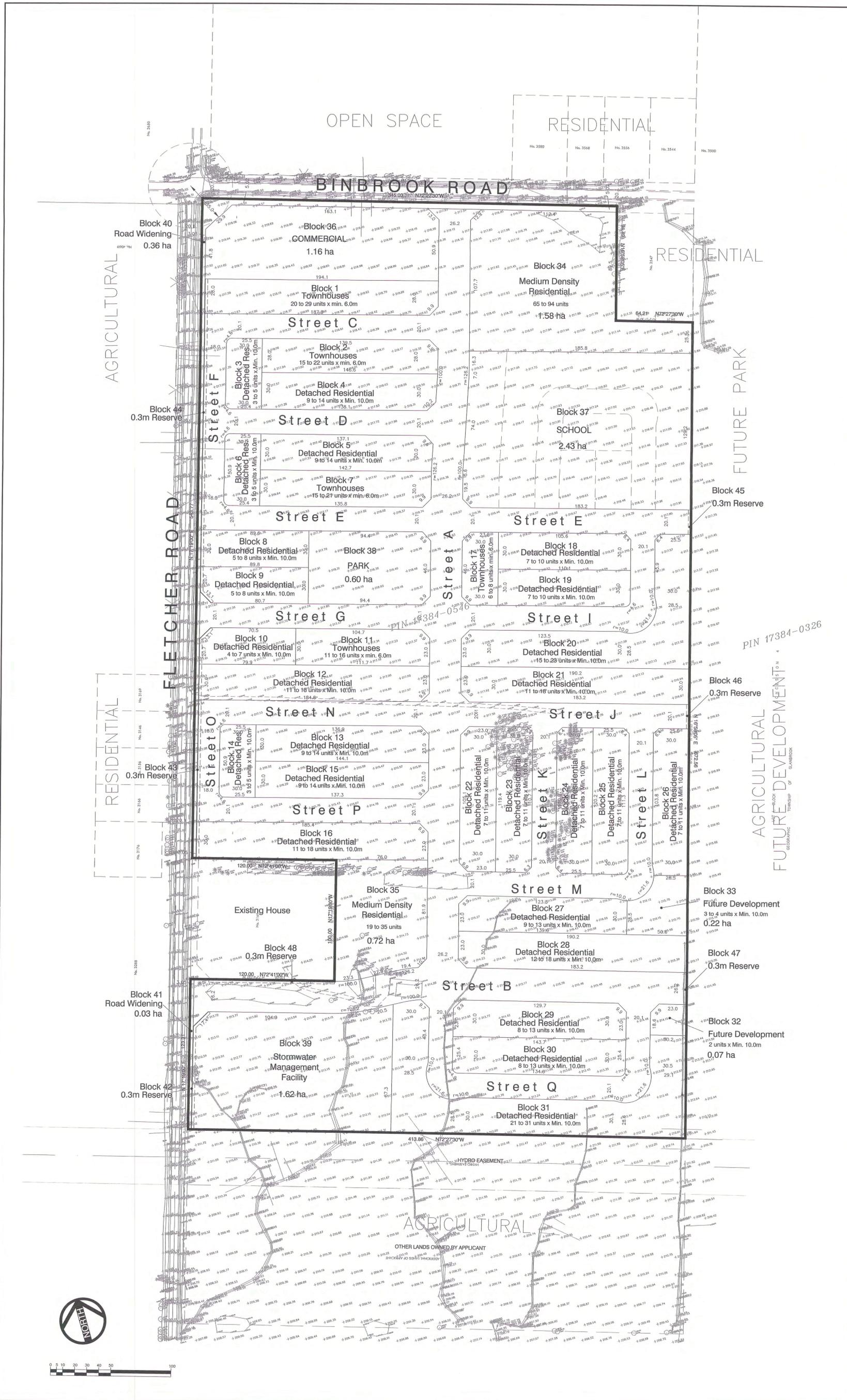
### OWNER'S AUTHORIZATION

I HEREBY AUTHORIZE MAM GROUP LIMITED TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF HAMILTON FOR APPROVAL.  
*Michael Murphy* May 7, 2016  
Michael Murphy DATE

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.  
*Fernando De Lencastre* August 20, 2014  
Fernando De Lencastre, OLS, MAM Group Ltd. DATE

APPROVED BY THE O.M.B.	DATE
Issue Date: SEPT 23, 2016	
Decision/Order No. PL 150/2014	



25T-2014-05 - ZAC-14-028 - UHOPA-14-014 - MAM Group Ltd. - 2016-04-29 - 14201 001 P01  
 25T-2014-05 - ZAC-14-028 - UHOPA-14-014 - MAM Group Ltd. - 2016-04-29 - 14201 001 P01



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

June 21, 2023

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

Attn: Jamila Sheffield, Secretary-Treasurer  
Delivered via e-mail: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca)

**Re: 3105 Fletcher Road, Hamilton (Binbrook) – Minor Variance Application**

Dear Madam:

A. J. Clarke and Associates Ltd. has been retained by the owners of 3105 Fletcher Road for the purposes of submitting the enclosed Minor Variance Application. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the completed and signed Minor Variance Application form;
- One (1) cheque in the amount of \$3,735 representing the required application fee;
- One (1) electronic copy of the Draft Plan of Subdivision;

The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan, “Low Density Residential 2e” as per the Binbrook Village Secondary Plan, and are zoned “H-R4-295; Holding - Residential” and “H-RM2-296” Zones in the Township of Glanbrook Zoning By-law 464. Additionally, By-laws 16-167, 16-168, and 16-169 were previously approved by the Ontario Municipal Board (OMB) under Case Number: PL150224.

The subject lands comprise the entirety of Block 1 and Block 2 as illustrated in Schedule A of Zoning By-law 16-168.

**Existing Zone Provisions**

The existing “H-R4-295, GL/A-22:43” zone is subject to the following provisions:

(e) Minimum Side Yard

(iii) On a corner lot, the minimum side yard abutting the flankage street shall be 2.4 m, except that an attached garage or attached carport which fronts on the flankage street shall not be located within 6 m of the flanking street line.



3105 Fletcher Road, Hamilton (Binbrook)  
Minor Variance Application

June 21, 2023  
Page 2 of 8

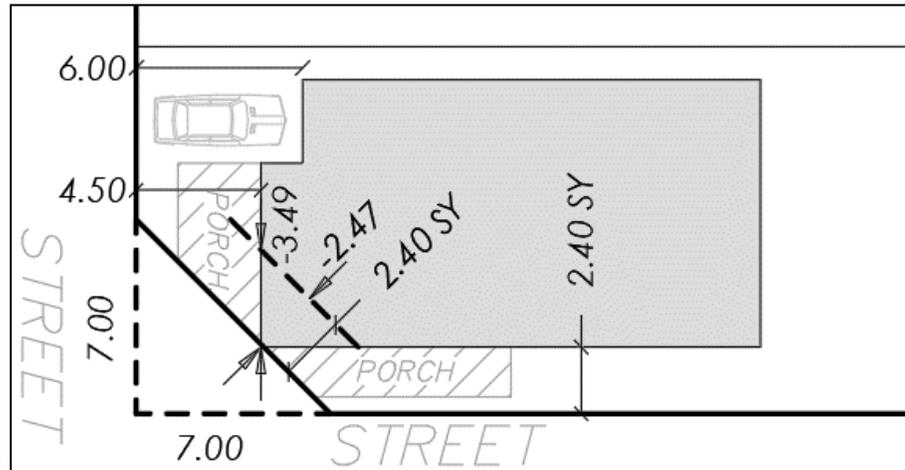


Illustration of Effect:

The existing “H-RM2-296, GL/A-22:43” zone is subject to the following provisions:

- (e) Minimum Side Yard
  - (ii) 2.4 m on an end unit on a corner lot abutting a flanking street.

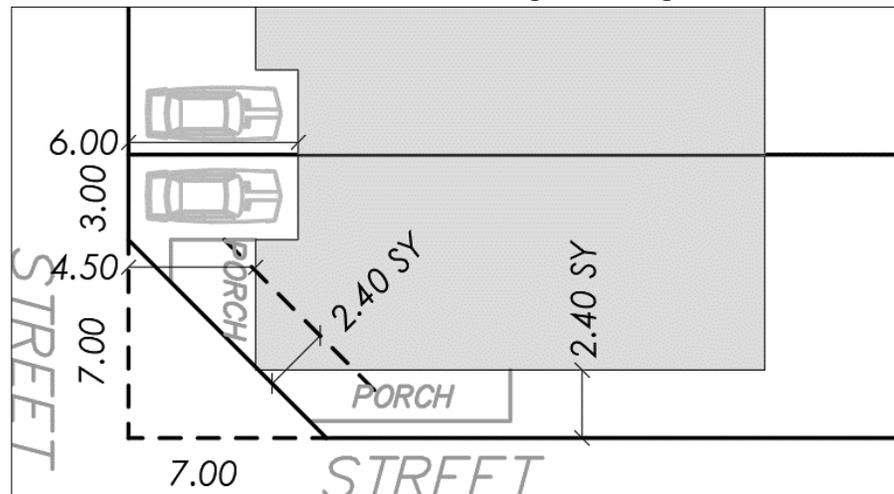


Illustration of Effect:

### Minor Variances Requested

The intent of the application is to permit Minor Variances to the existing Minimum Exterior Side Yard provisions as they apply to daylight triangles. The variances will apply to the “H-R4-295” zone, and the “H-RM2-296” zone within the subject lands. The required variances are as follows:

Notwithstanding Subsections 16.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING) of SECTION 16: RESIDENTIAL “R4” ZONE, Clause (e), the following uses and regulations shall apply to those lands zoned site-specific Residential “R4-295”:



- a) the minimum setback for any building or structure to a daylighting triangle or a visibility triangle shall be 0.0 metres;
- b) In addition to the definition of “Daylight Triangle” in Section 4 DEFINITIONS, the following shall apply: For the purposes of determining FRONT LOT LINE, and EXTERIOR SIDE LOT LINE abutting a street, a daylight triangle is deemed not to exist, provided that the minimum distance of the prescribed setbacks, in the By-law, is maintained.

Notwithstanding the regulations of SECTION 18: RESIDENTIALMULTIPLE “RM2” ZONE, Subsection 18.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 18.1, Clause (e), the following regulations shall apply to the lands zoned “RM2-296”:

- a) the minimum setback for any building or structure to a daylighting triangle or a visibility triangle shall be 0.0 metres;
- b) In addition to the definition of “Daylight Triangle” in Section 4 DEFINITIONS, the following shall apply: For the purposes of determining FRONT LOT LINE, and EXTERIOR SIDE LOT LINE abutting a street, a daylight triangle is deemed not to exist, provided that the minimum distance of the prescribed setbacks, in the By-law, is maintained.

### **Planning Analysis**

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 planning opinion are outlined below:

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

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits residential development. Further, the subject site is also designated “Low Density Residential 2e” as per the Binbrook Village Secondary Plan, which permits a range and mix of residential housing types, including single-detached and townhouse dwellings.

The daylighting triangle variances will provide relief from the “H-R4-295” zone and the “H-RM2-296” zone by permitting:

1. the minimum setback for any building or structure to a daylighting triangle or a visibility triangle of 0.0 metres.

The Minimum Exterior Side Yard regulation is intended to ensure desirable and functional streetscapes. Daylighting Triangles are intended to protect visibility at intersections for safety purposes. The Urban Hamilton Official Plan in Chapter C Section 4.5.7 requires the



conveyance of appropriate land for a daylighting triangle at intersections. The dedicated land is in of itself the necessary safety provision. The policy does not speak to or require additional setbacks.

The proposed visibility triangle variance does not permit encroachment into the daylighting triangle, and as such it conforms to the daylighting triangle policy.

This variance will not change the built form of the site. The development will continue to be as prescribed by the Official Plan designation and the planning approval process.

Based on the above, it is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

**2. Do the proposed variances maintain the intent and purpose of the Township of Glanbrook Zoning By-law 464?**

The daylighting triangle variances will maintain the specified setbacks to the street lines.

The By-law recognizes that a daylight triangle is separate from the Front Lot Line and a Side Lot Line, as evidenced by the definition of Lot Frontage which directs that the measurement of such should ignore the daylight triangle and *“is to be determined by measuring along the front lot line after the side lot line and the front lot line have been extended to the point of intersection of the two (2) streets”*.

Reductions of setback to daylight triangles are common in the site-specific zones in Glanbrook. Examples include R4-173, RM3-173, R4-218, RM2-194, R4-209, R4-218, R4-222, RM2-224, R4-228, C3-242, R4-252, RM3-284, R4-290, RM2-292, C3-304, R4-318, and RM2-317.

Based on the above, it is my professional opinion that the proposed variances maintain the intent and purpose of the Township of Glanbrook Zoning By-law 464.

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

The variances will facilitate a development form that has been proposed for the subject lands through the approval process. The resulting streetscape, form, and massing will conform to the intended vision for the neighbourhood. The variances allow the zoning provisions to have the intended effect on the form of development and allow for the orderly growth of the City.

The variances are therefore appropriate for the development of the subject lands and consistent with other residential zones across the City of Hamilton.

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



3105 Fletcher Road, Hamilton (Binbrook)  
Minor Variance Application

June 21, 2023  
Page 5 of 8

The variances do not change the setbacks to the main street lines of the abutting municipal roadways. There are no perceived impacts stemming from the variances as it is in keeping with the general built form for single-detached and townhouse dwellings within this neighbourhood.

Accordingly, it is my professional planning opinion that the variances are minor in nature.

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

Yours truly,

Liam Doherty, RPP  
Senior Planner

905-528-8761 ext. 287

liam.doherty@ajclarke.com



*Copy via email: Cachet Developments (Binbrook) Inc. Attn: Andrew Eldebs*



3105 Fletcher Road, Hamilton (Binbrook)  
 Minor Variance Application

June 21, 2023  
 Page 6 of 8



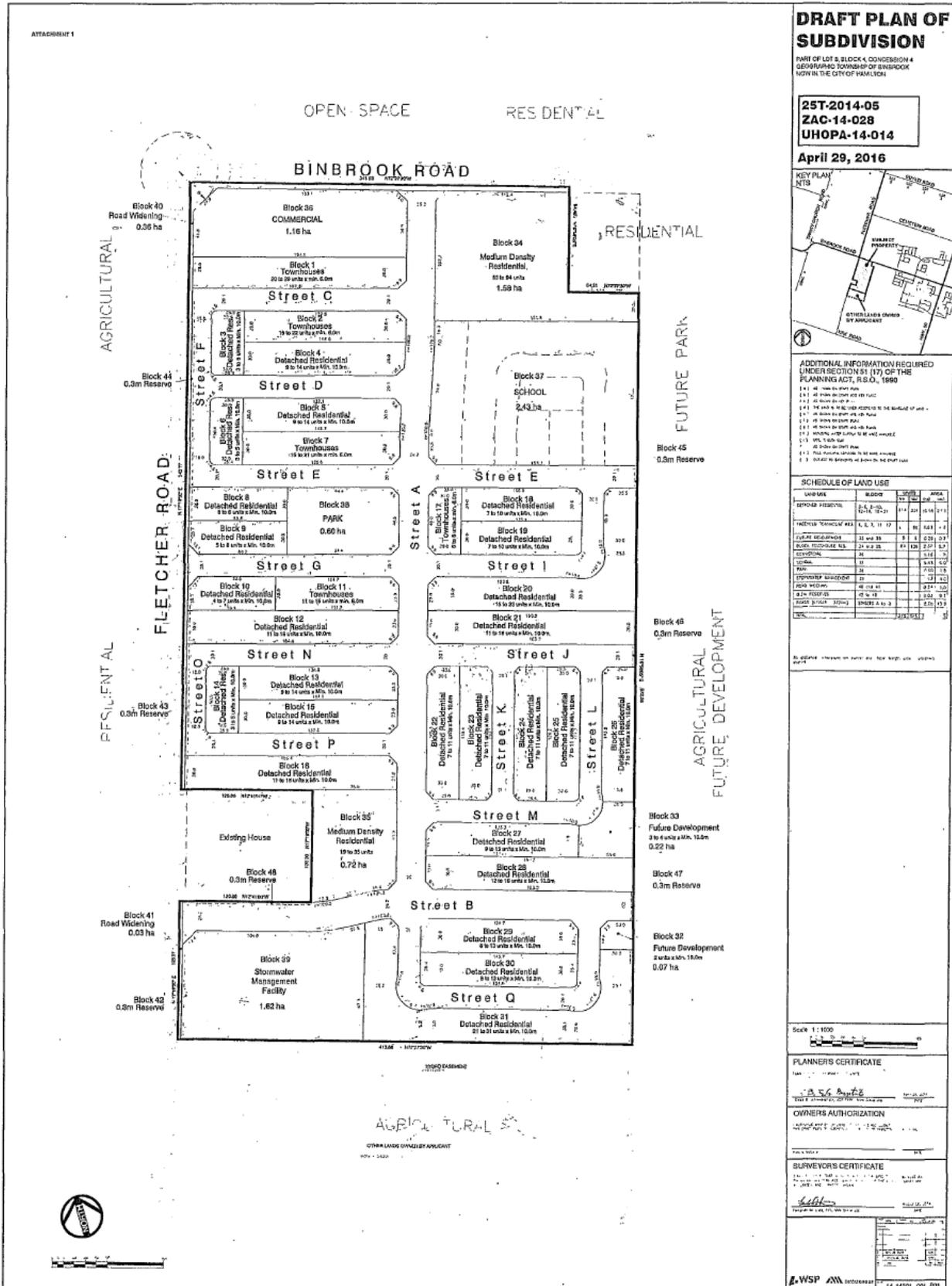
This is Schedule "A" to By-law No. 16-  Passed the ..... day of ....., 2016	_____ Mayor  _____ Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of                  By-law No. 16-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 464</p>		<p><b>Subject Property</b>                  3015 Fletcher Road</p> <ul style="list-style-type: none"> <li> <b>Block 1</b> - Change in Zoning from Restricted Agricultural "A2" Zone to the Holding - Residential "H-R4-295" Zone, Modified</li> <li> <b>Block 2</b> - Change in Zoning from Restricted Agricultural "A2" Zone to the Holding - Residential Multiple "H-RM2-296" Zone, Modified</li> <li> <b>Block 3</b> - Change in Zoning from Restricted Agricultural "A2" Zone to the Holding - Residential Multiple "H-RM3-297" Zone, Modified</li> <li> <b>Block 4</b> - Change in Zoning from Restricted Agricultural "A2" Zone to the Holding - Residential Multiple "H-RM3-298" Zone, Modified</li> <li> <b>Block 5</b> - Change in Zoning from Restricted Agricultural "A2" Zone to the Holding - General Commercial "H-C3-299" Zone, Modified</li> <li> Refer to By-law 05-200</li> </ul>
Scale: N.T.S.	File Name/Number: ZAC-14-028/UHOPA-14-014/25T-201405	<p><b>Hamilton</b></p>
Date: April 27, 2016	Planner/Technician: GMAL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



3105 Fletcher Road, Hamilton (Binbrook)  
Minor Variance Application

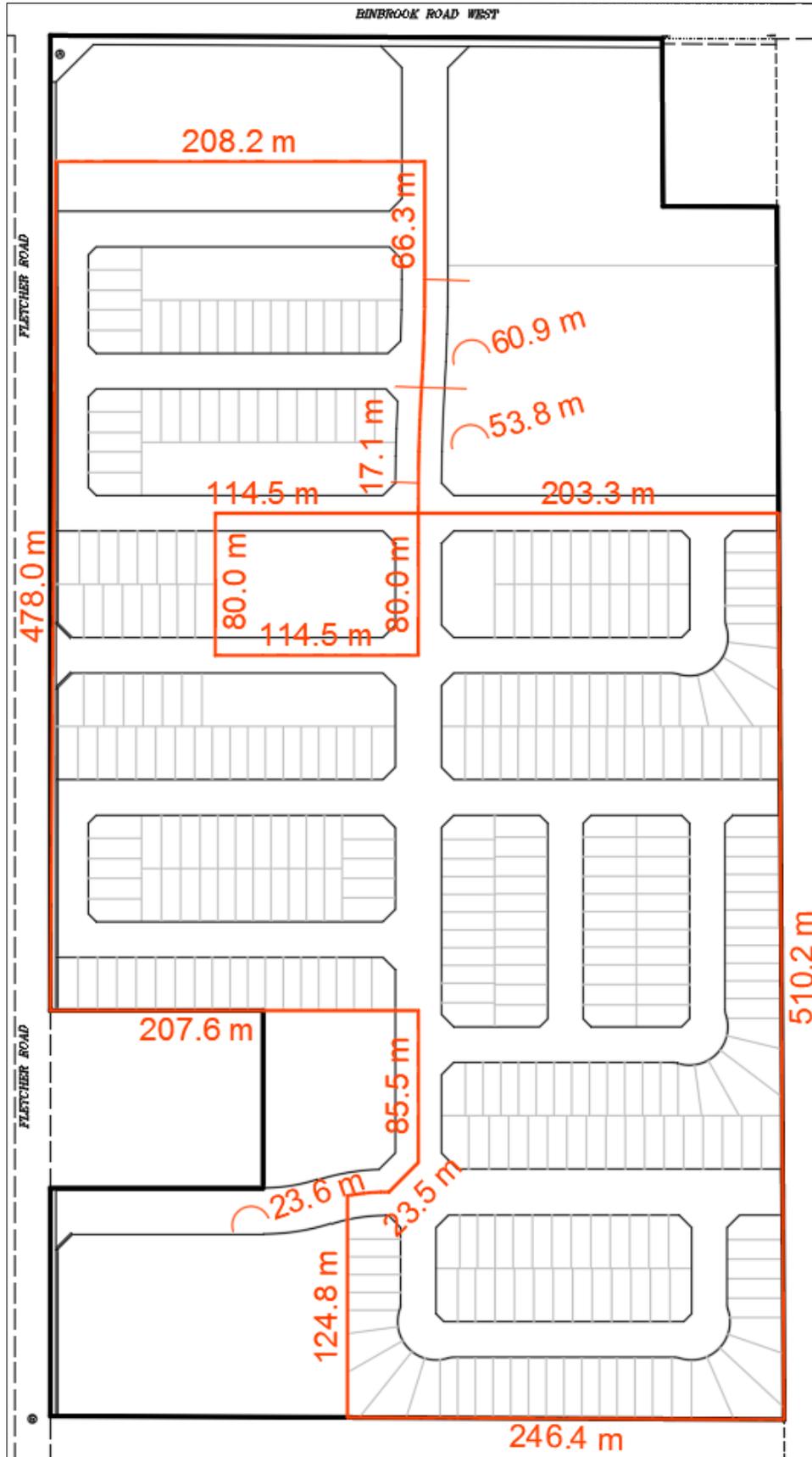
June 21, 2023  
Page 7 of 8





3105 Fletcher Road, Hamilton (Binbrook)  
Minor Variance Application

June 21, 2023  
Page 8 of 8





*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

June 20, 2023

The City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

*Sent via email*  
**ONLINE SUBMISSION**

Attn: Committee of Adjustment

**Re: Minor Variance Application**  
**3105 Fletcher Road, Binbrook, Hamilton**

---

## DRAFT MINOR VARIANCES

### *For lands zoned R4-295-H:*

Notwithstanding Subsections 16.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING) of SECTION 16: RESIDENTIAL "R4" ZONE **insert subsection here**, the following uses and regulations shall apply to those lands zoned site-specific Residential "R4-295":

- a) the minimum setback for any building or structure to a daylighting triangle or a visibility triangle shall be 0.0 metres;
- b) In addition to the definition of "Daylight Triangle" in Section 4 DEFINITIONS, the following shall apply: For the purposes of determining FRONT LOT LINE, and EXTERIOR SIDE LOT LINE abutting a street, a daylight triangle is deemed not to exist, provided that the minimum distance of the prescribed setbacks, in the By-law, is maintained.

### *For lands zoned H-RM2-296*

Notwithstanding the regulations of SECTION 18: RESIDENTIAL MULTIPLE "RM2" ZONE, Subsection 18.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 18.1, Clause (e), the following regulations shall apply to the lands zoned "RM2-296":

- a) the minimum setback for any building or structure to a daylighting triangle or a visibility triangle shall be 0.0 metres;
- b) In addition to the definition of "Daylight Triangle" in Section 4 DEFINITIONS, the following shall apply: For the purposes of determining FRONT LOT LINE, and EXTERIOR SIDE LOT LINE abutting a street, a daylight triangle is deemed not to exist, provided that the minimum distance of the prescribed setbacks, in the By-law, is maintained.

Prepared By,

Liam Doherty, RPP  
Senior Planner

905-528-8761 ext. 287

[liam.doherty@ajclarke.com](mailto:liam.doherty@ajclarke.com)

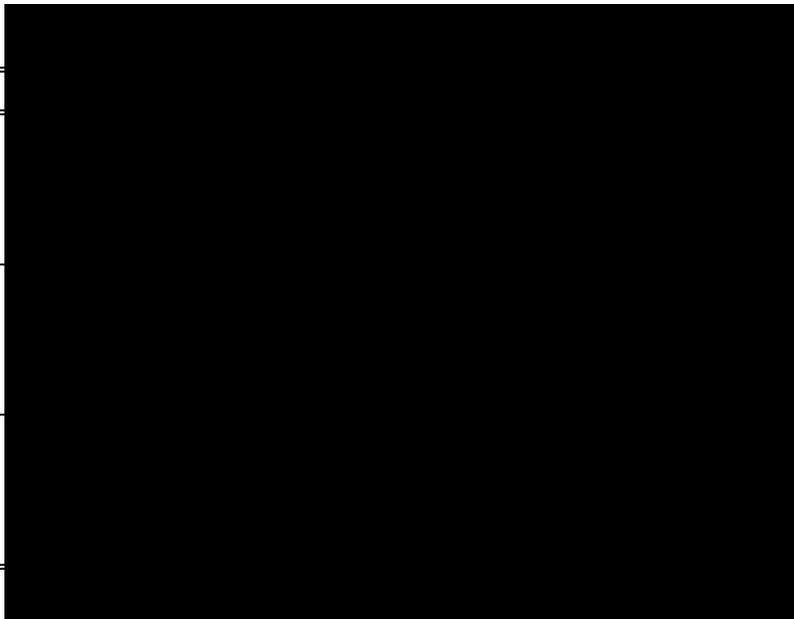


Hamilton

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

**1. APPLICANT INFORMATION**

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



1.2 All correspondence should be sent to

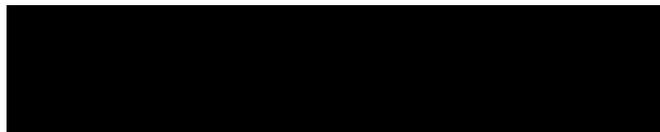
- Applicant                       Agent/Solicitor

1.3 Sign should be sent to

- Purchaser                       Owner  
 Applicant                       AgentSolicitor

1.4 Request for digital copy of sign                       Yes\*

If YES, provide email address where sign is to be se



1.5 All correspondence may be sent by email

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	3105 Fletcher Road, Binbrook		
Assessment Roll Number	251890141061000		
Former Municipality	BINBROOK,		
Lot	PT LT 5 BLK 4	Concession	4
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R20456	Part(s)	1,2,3

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:

R4-295-H and H-RM2-296 zones a) the minimum setback for any building or structure to a daylighting triangle or a visibility triangle shall be 0.0 metres; b) In addition to the definition of "Daylight Triangle" in Section 4 DEFINITIONS, the following shall apply: For the purposes of determining FRONT LOT LINE, and EXTERIOR SIDE LOT LINE abutting a street, a daylight triangle is deemed not to exist, provided that the minimum distance of the prescribed setbacks, in the By-law, is maintained.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Please see attached cover letter.

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

Yes

No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
+/- 345m	+/- 924m	39.34 ha	See Draft Plan of Subdivision

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
See Draft Plan of Subdivision				

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
Per Approved Zoning				

- 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 dwellings as per approved Plan of Subdivision and Zoning By-law.

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:

November 15, 2021

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

Agricultural

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

Agricultural

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

Over 100 years.

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

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

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods / Low Density 2e  
(Detached) - 2h (Towns) Site Specific J

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

Please see attached cover letter.

7.6 What is the existing zoning of the subject land? R4-295-H and H-RM2-296 zones

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: GL/A-22:43 and GL/A-21:427

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

Yes  No

If yes, please provide the file number: \_\_\_\_\_

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

Yes  No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 565

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

The subject lands comprised the whole of Blocks 1 to 31 of Approved Draft Plan of Subdivision 25T-2014-05.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report

Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance

- Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>GL/A-23:178</b>	<b>SUBJECT PROPERTY:</b>	5116 CHIPPEWA ROAD, GLANBROOK
<b>ZONE:</b>	"A2" (Rural)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** GRZEGORZ SZALACHETKA  
                                 **Agent:** SAM DE ROSE

The following variances are requested:

1. An accessory building shall be located within the front yard whereas the by-law prohibits an accessory building from being located within a Front or Flankage yard.

**PURPOSE & EFFECT:**      So as to permit the construction of a new detached garage in the front yard of the existing single detached dwelling.

**Notes:**

- i. The current zoning designation permits a maximum building height of 6.0m for accessory buildings. Insufficient information has been provided to determine zoning compliance. Further variances will be required if compliance cannot be achieved.
- ii. The Hamilton Zoning By-law 05-200 permits eaves and gutters associated with an accessory building to project a maximum of 0.45m into the minimum required 1.0m side yard setback. Further variances will be required if compliance cannot be achieved.

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>10:35 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>

GL/A-23:178

	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

## PUBLIC INPUT

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

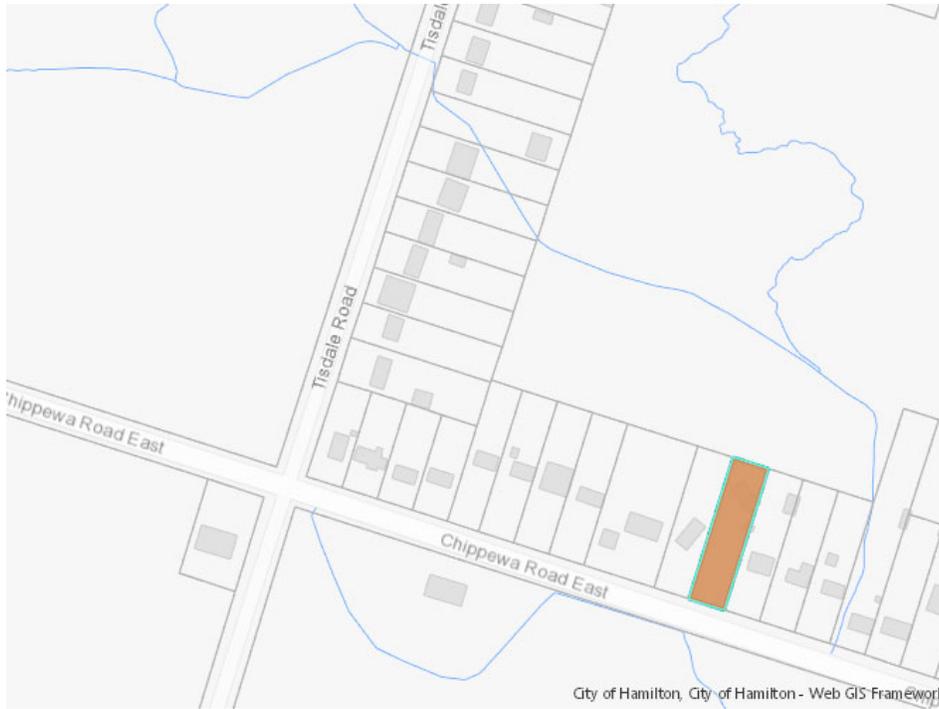
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding GL/A-23:178, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

GL/A-23:178



 Subject Lands

DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

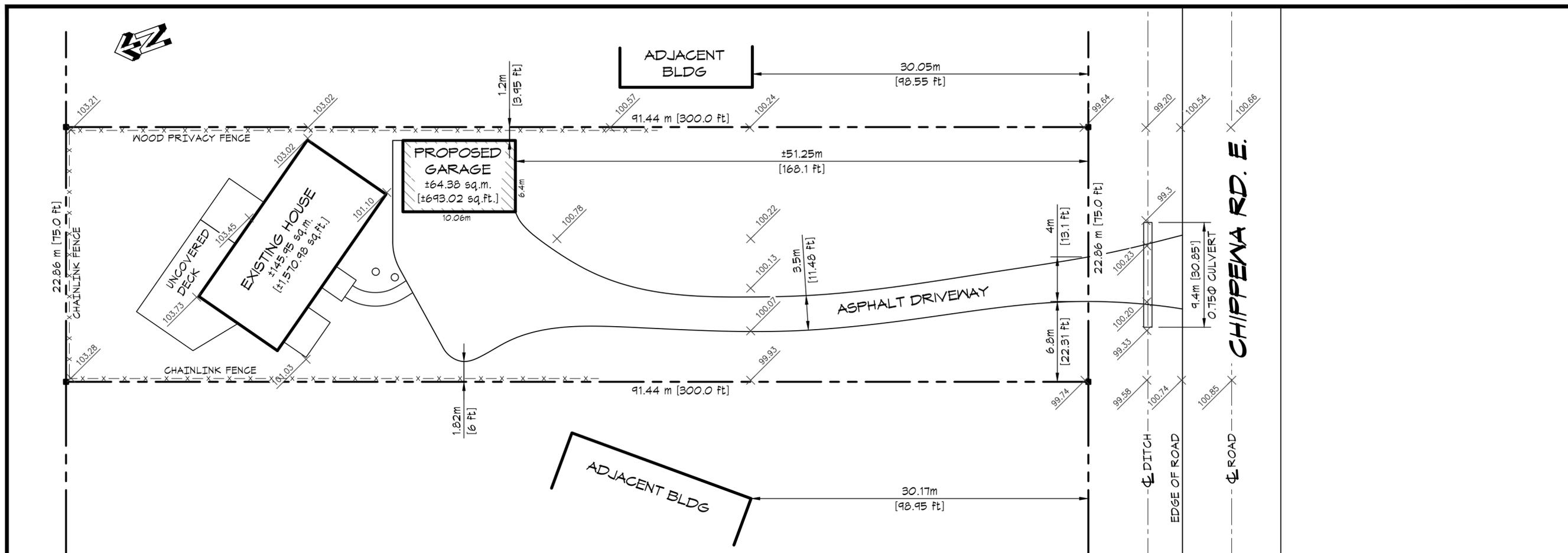
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

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

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

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



**PROPERTY SITE PLAN**

SCALE: 1:250

LAND USE SCHEDULE		
TOTAL LOT AREA	2,090.32 sq.m [22,500.0 sq.ft.]	100.0%
EXIST. BLDG. FOOTPRINT	±145.95 sq.m. [±1,570.98 sq.ft.]	7.0%
NEW GARAGE FOOTPRINT	±64.38 sq.m. [±693.02 sq.ft.]	3.1%
TOTAL BLDG FOOTPRINT	±210.33 sq.m. [±2,264.0 sq.ft.]	10.1%

SEAL:	
SUBMITTED FOR PERMIT	18 MAR 2020
REVISION	DATE

**SAM DE ROSE, P.ENG.**  
 6497 CHARNWOOD AVE.,  
 NIAGARA FALLS, ONTARIO  
 L2H 1Y8  
 TEL: (905) 324-4394

DRN BY :	G.C.H.
DATE:	20 MAR 2020
SCALE:	AS STATED
PROJ:	

CUSTOMER:	-
-----------	---

DWG TITLE:	5116 CHIPPEWA RD. E. HAMILTON, ON NEW SITE PLAN
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PROJ. NO.:	-
DWG NO.:	<b>A1</b>
DWG 1 of 1	△



Hamilton

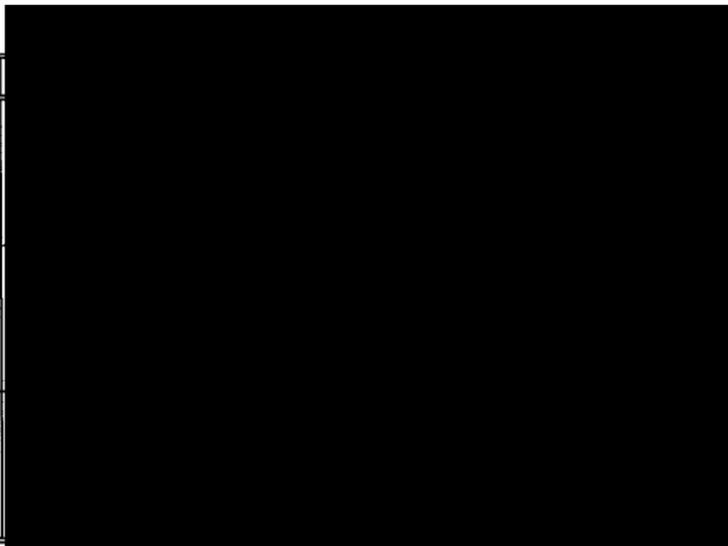
Committee of Adjustment  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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

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

**1. APPLICANT INFORMATION**

	NAME
Registered Owners(s)	GRZEGORZ SZALACHETK
Applicant(s)	Same as Agent
Agent or Solicitor	SAM DE ROSE P. ENG



- 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	5116 CHIPPAWA ROAD, GKLANBROOK ONTARIO L0R 1W0		
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:

TO CONSTRUCT A GARAGE IN THE FRONT OF THE RESIDENCE

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

THE HOUSE IS LOCATED IN THEBACK OF THE LOT

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
22.86 M	91.44 M	2090.32 M2	7M

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
1 STOREY BRICK	50M	9.5M	WEST 2.2M EAST1M	01/01/1980

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
WOOD FRAME	41M	24M	WEST 12.3M EAST1.2M	08/30/2023

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
1 STOREY	145.95 M2	291.9M2	1	7.6M

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
WOOD FRAME	64.38M2	64.38M2	1	6M

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

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

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

- ditches  
 other means (specify)  
 \_\_\_\_\_

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

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

4.7 Type of access: (check appropriate box)

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

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

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

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:

JANUARY 2019

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

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

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

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

Rural Hamilton Official Plan designation (if applicable): 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? GL/A-20:95 A2

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

- Yes
- No

If yes, please provide the file number: GL/A-20:95

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

 Yes No

If yes, please provide the file number: \_\_\_\_\_

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

 Yes No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>GL/A-23:150</b>	<b>SUBJECT PROPERTY:</b>	2575 REGIONAL ROAD 56, GLANBROOK
<b>ZONE:</b>	"C5a & 570" (Mixed Use Medium Density – Pedestrian Focus)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 17-240

**APPLICANTS:**      **Owner:** MICHAEL FRIDAY  
                              **Agent:** DYNASTY CONTRACTING C/O STEVE KOWALYSHYN

The following variances are requested:

1. An Additional Dwelling Unit -Detached shall be permitted for lands zoned C5a, 570 on a lot containing an existing legally established non-conforming single detached dwelling whereas the Zoning By-law only permits Additional Dwelling Units - Detached for lands zoned D5, I1, I2, C1, TOC3, R1, R1 on a lot containing an existing single detached dwelling, semi-Detached Dwelling or a Street Townhouse Dwelling.

**PURPOSE & EFFECT:**      To facilitate the establishment of an additional Dwelling Unit – Detached for the existing legally established non-conforming single detached dwelling.

**Notes:**

The applicant shall ensure that the required 1.2m wide landscaped strip shall be provided and maintained within the require side yard adjacent to the proposed additional Dwelling Unit – Detached; otherwise, further variances shall be required.

The applicant shall ensure that a minimum 1.0m wide path with a minimum clearance of 2.1 in height shall be maintained from the street line to the entrance of the additional Dwelling Unit – Detached; otherwise, further variances shall be required.

The applicant shall ensure that the proposed Additional Dwelling Unit – Detached shall not exceed 70.0% of the ground floor area of the principal dwelling. Insufficient details were provided, in addition the submitted plan is illegible; as such, compliance could not be confirmed.

**GL/A-23:150**

The applicant shall ensure that a minimum landscaped area of 12.0m<sup>2</sup> shall be provided and maintained within the rear yard; otherwise, further variances shall be required.

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>10:40 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

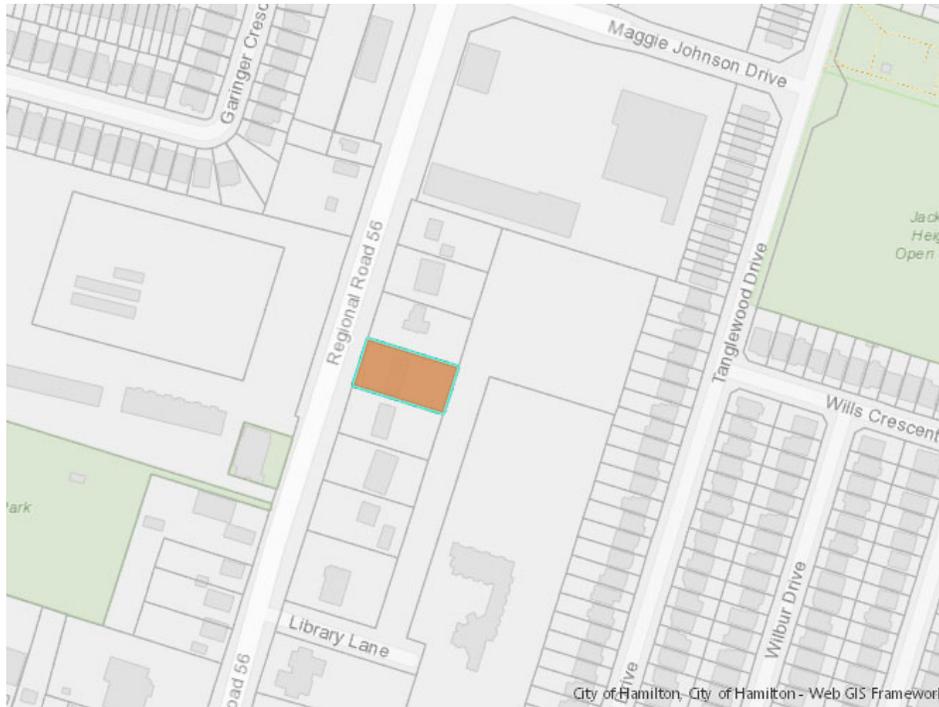
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding GL/A-23:150, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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GL/A-23:150



 Subject Lands

DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

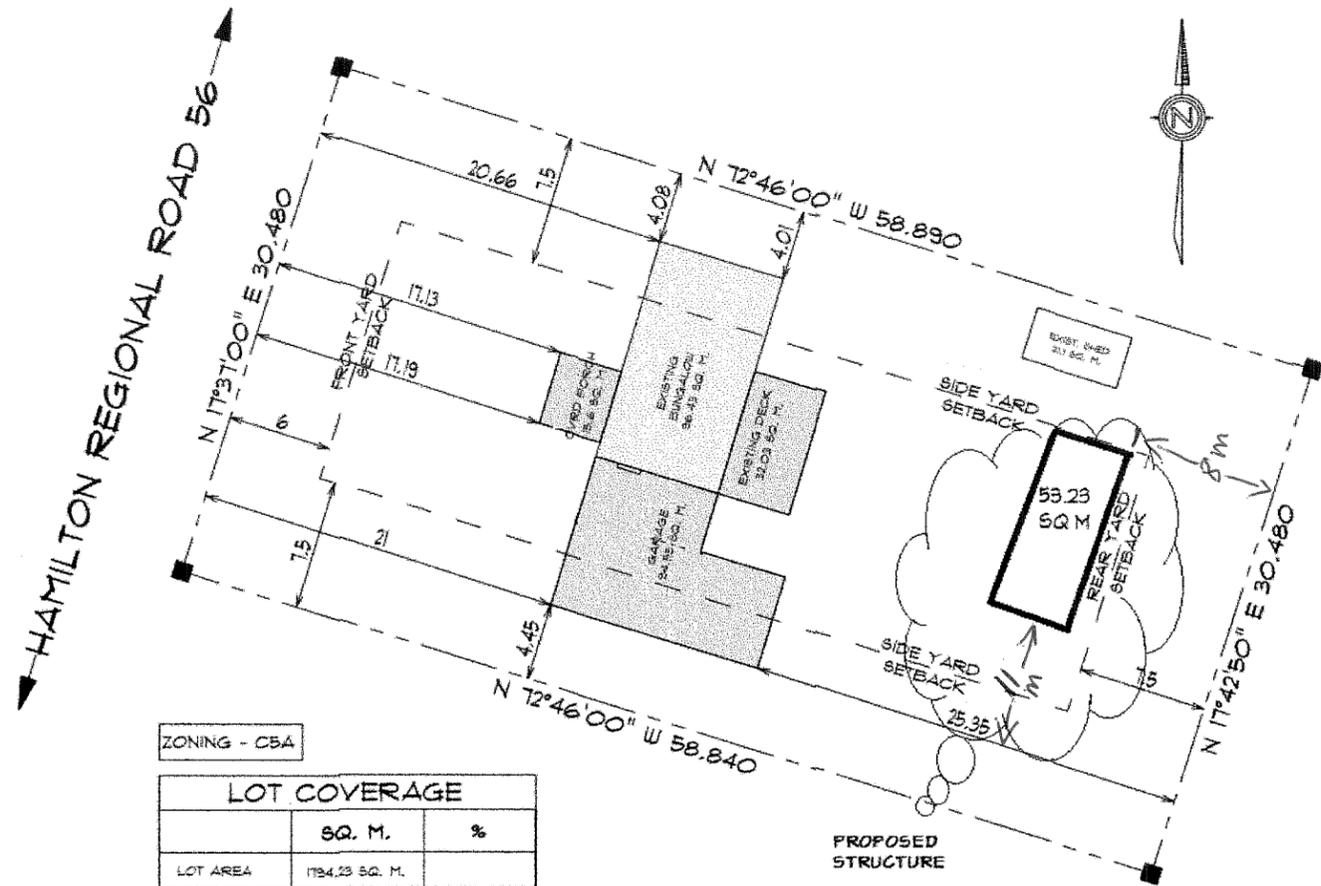
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#### 2. In person Oral Submissions

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

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

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



ZONING - C5A

LOT COVERAGE		
	SQ. M.	%
LOT AREA	1734.23 SQ. M.	
LOT COVERAGE	206.58 SQ. M. (2)	11.8%
PROPOSED STRUCTURE	52,862 SQ. M.	2.9%

- ① EXISTING DECK NOT INCLUDED, EXISTING GARAGE AND SHED INCLUDED
- ② EXISTING DECK, DETACHED SHED, GARAGE AND PORCH ADDITION INCLUDED

ALL MEASUREMENTS IN METERS

SURVEY PROVIDED BY RASCH & HYDE LTD.  
SURVEY NUMBER: 21-010

2575 HAMILTON REGIONAL RD. 56  
BINBROOK, ON.  
**SITE PLAN**



REVISION TABLE	
NUMBER	DATE
1	17/07/2023

2575 HAMILTON REGIONAL RD. 56  
BINBROOK ONT.

DRAWINGS PROVIDED BY:

DATE:  
25/05/2023

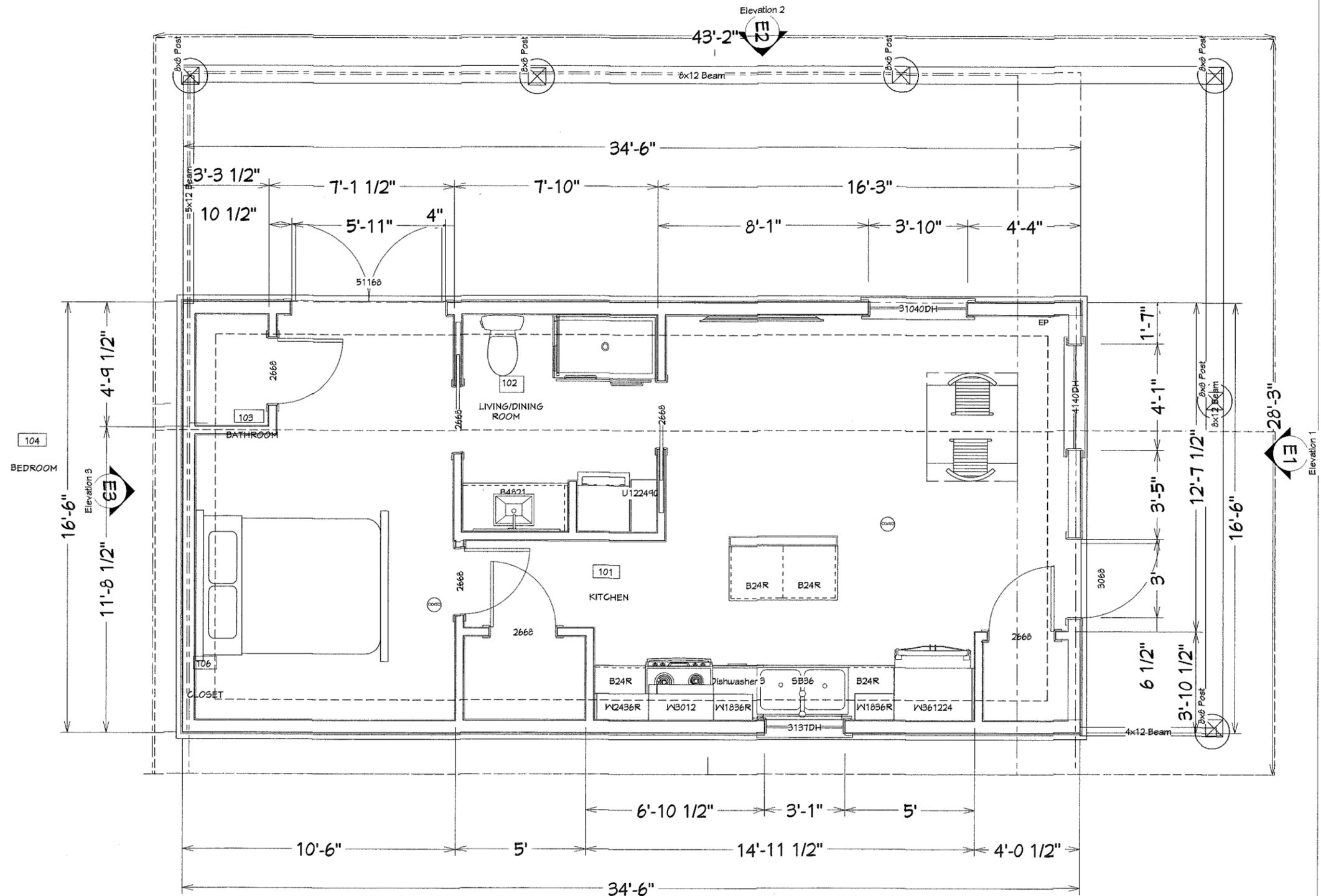
SCALE:

SHEET:

P-02



1st Floor



LIVING AREA  
566 SQ.FT.



REVISION TABLE	REVISED BY	DESCRIPTION
NUMBER	DATE	

2575 HAMILTON  
REGIONAL RD. 56  
BINBROOK ONT.

DRAWINGS PROVIDED BY:

DATE:

25/05/2023

SCALE:

1/2" TO 1'

SHEET:

P-04

THE ONTARIO BUILDING CODE | APPLIANCES AND EQUIPMENT TO BE LOCATED IN A SERVICE ROOM

9.10.10.4. Appliances and Equipment to be Located in a service Room

(1) Except as provided in Sentences (2) and (3) and Article 9.10.10.5., fuel-fired appliances shall be located in a service room separated from the remainder of the building by a fire separation having not less than a 1 h fire-resistance rating.

(2) Except as required in the appliance installation standards referenced in Sentences 6.2.1.4.(1) and 9.33.1.2.(1), fuel-fired space-heating appliances, space-cooling appliances and service water heaters need not be separated from the remainder of the building as required in Sentence (1) where the equipment serves,

(a) not more than one room or suite, or

Note: On July 1, 2017, Clause 9.10.10.4.(2)(a) of Division B of the Regulation is revoked and the following substituted: (See: O. Reg. 139/17, s. 105)

(a) not more than one room or suite,

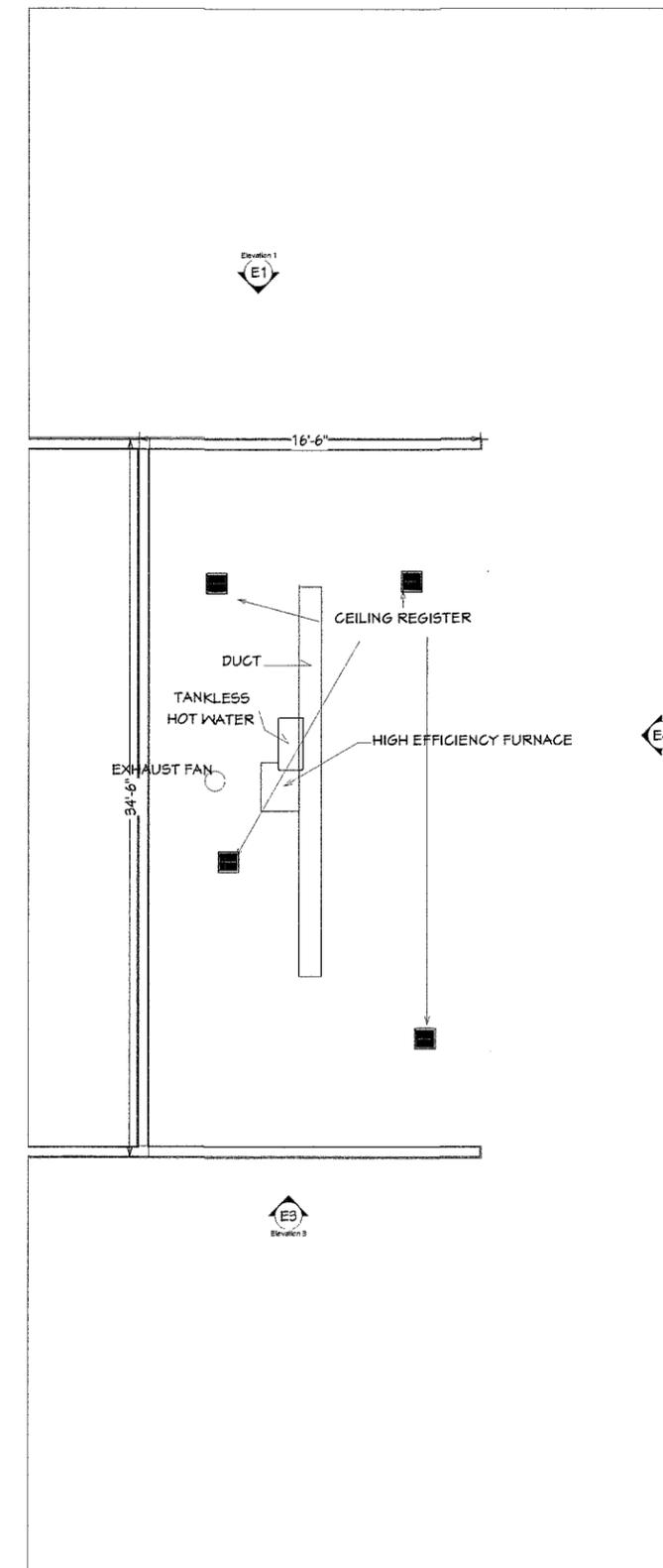
(b) a building with a building area of not more than 400 m<sup>2</sup> and a building height of not more than 2 storeys.

Note: On July 1, 2017, Clause 9.10.10.4.(2)(b) of Division B of the Regulation is revoked and the following substituted: (See: O. Reg. 139/17, s. 105)

(b) a house, or

(c) a building, other than a house, with a building area of not more than 400 m<sup>2</sup> and a building height of not more than 2 storeys.

(3) Sentence (1) does not apply to fireplaces and cooking appliances.



Attic

NUMBER	DATE	REVISION TABLE	REVISED BY	DESCRIPTION

2575 HAMILTON  
REGIONAL RD. 56  
BINBROOK ONT.

DRAWINGS PROVIDED BY:

DATE:

25/05/2023

SCALE:

SHEET:

P-05



THE ONTARIO BUILDING CODE | SLAB CONSTRUCTION

9.39.1.4. Slab Construction

- (1) Concrete shall be cast against form work in accordance with CSA A23.1, "Concrete Materials and Methods of Concrete Construction".
- (2) The slab shall be not less than 125 mm thick.
- (3) The slab shall be reinforced with 10M bars spaced not more than 200 mm o.c. in each direction, with 30 mm clear cover from the bottom of the slab to the first layer of bars, and the second layer of bars laid directly on top of the lower layer in the opposite direction.
- (4) The slab shall bear not less than 75 mm on the supporting foundation walls and be anchored to the walls with 600 mm x 600 mm 10M bent dowels spaced at not more than 600 mm o.c.
- (5) Exposed slabs shall be sloped to effectively shed water away from the exterior wall

THE ONTARIO BUILDING CODE | GENERAL

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.
- (3) Except as provided in Sentence (4), Subsection 9.15.4. and Section 9.39., reinforced concrete shall be designed to conform to the requirements of Part 4.
- (4) For flat insulating concrete form walls not exceeding 2 storeys in building height, and having a maximum floor to floor height of 3 m, in buildings of light-frame construction containing only a single dwelling unit, the concrete and reinforcing shall comply with Part 4 or,
  - Note: On July 1, 2017, Sentence 9.3.1.1.(4) of Division B of the Regulation is amended by striking out the portion before Clause (a) and substituting the following: (See: O. Reg. 139/17, s. 69)
  - (a) the concrete shall conform to CSA A23.1, "Concrete Materials and Methods of Concrete Construction", with a maximum aggregate size of 19 mm, and
  - (b) the reinforcing shall,
    - (i) conform to CSA G30.18, "Carbon Steel Bars for Concrete Reinforcement",
    - (ii) have a minimum specified yield strength of 400 MPa, and
    - (iii) be lapped a minimum of 450 mm for 10M bars and 650 mm for 15M bars.

NUMBER	DATE	REVISION TABLE	REVISOR	DESCRIPTION

2575 HAMILTON REGIONAL RD. 56 BINBROOK ONT.

DRAWINGS PROVIDED BY:

DATE:

25/05/2023

SCALE:

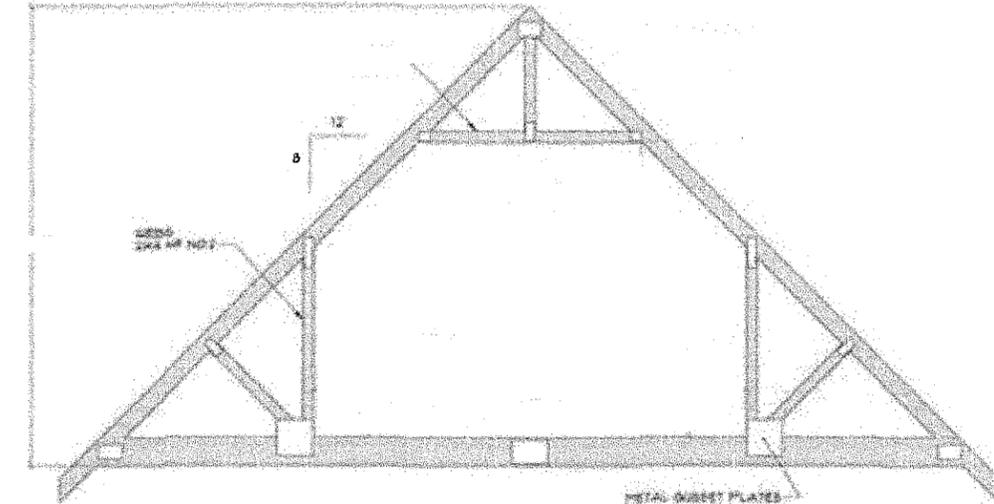
SHEET:

p-0

THE ONTARIO BUILDING CODE | DESIGN BASIS

4.2.4.1. design Basis

- (1) The design of foundations, excavations and soil- and rock-retaining structures shall be based on a subsurface investigation carried out by a person competent in this field of work, and on any of the following:
  - (a) application of generally accepted geotechnical and civil engineering principles by a person especially qualified in this field of work as provided in this Section and other Sections of this Part,
  - (b) established local practice where such practice includes successful experience both with soils and rocks of similar type and condition and with a foundation or excavation of similar type, construction method, size and depth, or
  - (c) in situ testing of foundation units such as the load testing of piles, anchors or footings carried out by a person competent in this field of work.
- (2) The foundations of a building shall be capable of resisting all the loads stipulated in Section 4.1., in accordance with limit states design in Subsection 4.1.3.
- (3) For the purpose of the application of the load combinations given in Table 4.1.3.2.A., the geotechnical components of loads and the factored geotechnical resistances at ULS shall be determined by a suitably qualified and experienced person.
- (4) Geotechnical components of service loads and geotechnical reactions for SLS shall be determined by a suitably qualified and experienced person.
- (5) The foundation of a building shall be designed to satisfy SLS requirements within the limits that the building is designed to accommodate, including total settlement and differential settlement, heave, lateral movement, tilt or rotation.
- (6) Communication, interaction and coordination between the designer and the person responsible for the geotechnical aspects of the project shall take place to a degree commensurate with the complexity and requirements of the project.

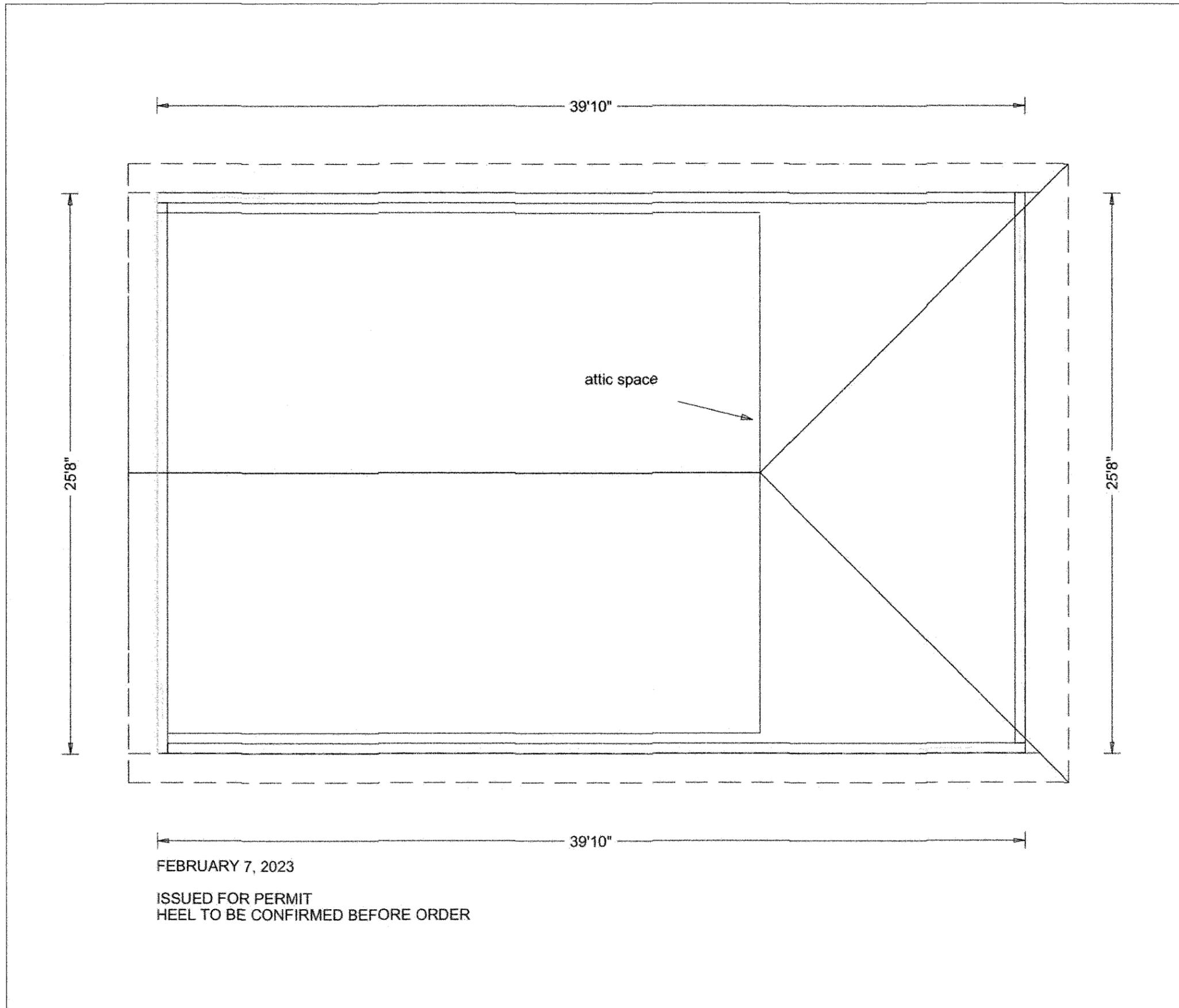


THE ONTARIO BUILDING CODE | ATTICS AND ROOF SPACES

9.4.2.4. attics and Roof Spaces

- (1) ceiling joists or truss bottom chords in residential attic or roof spaces having limited accessibility that precludes the storage of equipment or material shall be designed for a total specified load of not less than 0.35 kPa, where the total specified load is the sum of the specified dead load plus the specified live load of the ceiling.

9.4.3. Deflections



FEBRUARY 7, 2023

ISSUED FOR PERMIT  
HEEL TO BE CONFIRMED BEFORE ORDER

Job Description: addition  
 Job Location: 2575 RR 56  
 Designed By: Nicole Ou  
 Customer: Dynasty Construction

JOB NO:  
230123-q

PAGE NO:  
1 OF 1

NUMBER	DATE	REVISION TABLE	REVISED BY	DESCRIPTION

2575 HAMILTON  
REGIONAL RD. 56  
BINBROOK ONT.

DRAWINGS PROVIDED BY:

DATE:

25/05/2023

SCALE:

SHEET:

p-0





Hamilton

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

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

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

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
Registered Owners(s)	[REDACTED]		
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	2575 Regional Road #56		
Assessment Roll Number	25189014104000		
Former Municipality	Glanbrook		
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:

- Build a detached SDU

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Zone does not permit second dwelling currently

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

Yes

No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
	<del>57.89</del> 58.89	1794.23	<del>30.48</del> 30.48

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Family Home	17.13	25.35	4.01/4.45	1955
Shed - to be removed / Demo				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
SDU		8m	7.8/11	

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 Fam Home	108.63 m <sup>2</sup>	108.63 m <sup>2</sup>	1	19'

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
SDU	53.23	53.23	1	16.6' / 5.03m

- 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)

Grade - existing  
- Storm

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.):

*Ad an SDU*

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:

*Since 1955*

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

Rural Hamilton Official Plan designation (if applicable): *RI*

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

Urban Hamilton Official Plan designation (if applicable) *Mixed Use Medium Density*

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

7.6 What is the existing zoning of the subject land? *C-5A - Exception 570*

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

- Yes
- No

If yes, please provide the file number: *GLA - 22:26*

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):

*This SDO is a build needed for an elderly woman who recently lost her husband to Cancer. This is her son's property. The woman is sick and does require to be around her family for care.*

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>FL/A-23:181</b>	<b>SUBJECT PROPERTY:</b>	161 CONCESSION 10 E, FLAMBOROUGH
<b>ZONE:</b>	"A1, P7, P8" (Agriculture, Conservation/ Hazard Lands, Rural)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** AARON ZANATTA  
                              **Agent:** ZANATTA CONTRACTING C/O TAT ZANATTA

The following variances are requested:

1. A farm labour residence shall be permitted to exist prior to the principle farm dwelling instead of the requirement that a farm labour residence shall only be permitted on the same lot as an existing permanent farm dwelling.
2. A farm labour residence shall be located within 218 metres of the farm dwelling instead of the requirement that a farm labour residence shall be located within 30 metres of the farm dwelling.
3. A maximum floor area of 146 square metres shall be permitted instead of the permitted maximum of 116.2 square metres for a temporary detached dwelling.

**PURPOSE & EFFECT:**      To permit the construction of a new principle farm dwelling and the conversion of an existing structure into a farm labour residence.

**Notes:**

1. Insufficient information was provided to determine parking regulations. Additional variances may be required if conformity with Section 5 in the 05-200 Hamilton Zoning By-law cannot be achieved.
2. Insufficient information was provided to determine special setbacks from the P7 and P8 Zones. Additional variances may be required if compliance with Section 4.23 of the 05-200 Hamilton Zoning By-law cannot be achieved.
3. Please be advised a portion of the property falls under the Halton Conservation Authority. Please contact them prior to any development.

FL/A-23:181

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

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

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>10:45 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## **PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

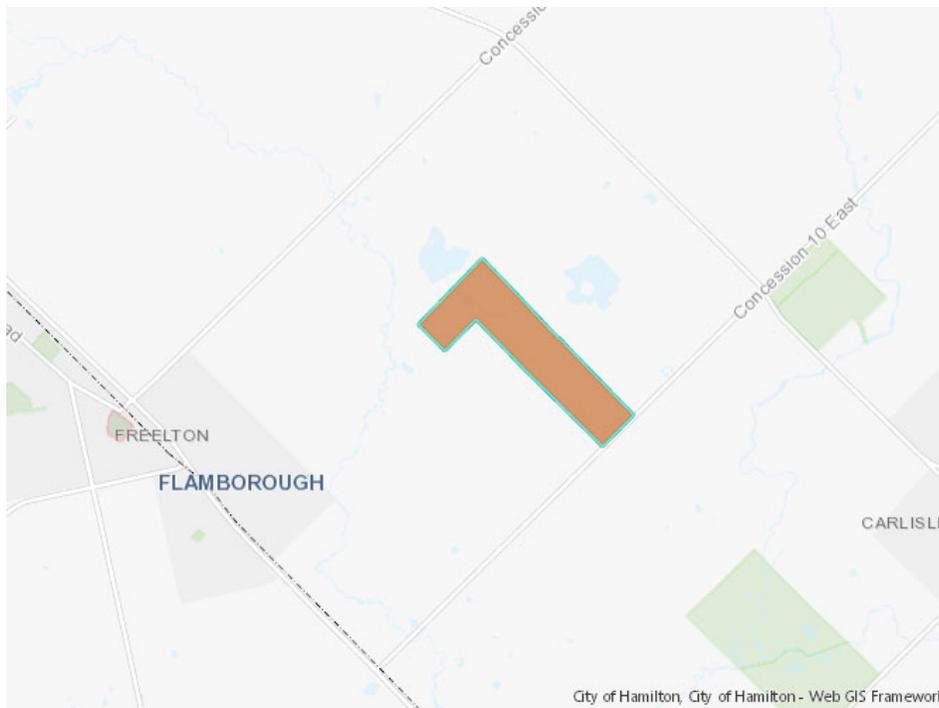
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:181, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

FL/A-23:181



 Subject Lands

DATED: July 25, 2023

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions.



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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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.

LOT 2 62M--754  
PART 5 62R--14273

PART 3 62R--6338

PIN 17524-0230 (LT)

PART 2  
62R--6338

N 43°35'05"E 450.63

LOT 11

PIN 17524-0226 (LT)

N 46°00'25"W  
182.58

N 44°07'35"E  
218.85

PART 1 62R--6338

Limit between Lots 9 & 10

182.78

N 44°56'25"W

PART 1 62R--1407 (REMAINDER)

PIN 17524-0232 (LT)

LOT

N 44°54'20"W 324.73

PIN 17524-0231 (LT)

854.0±

Barn

Shed

183.79

N 44°05'05"W

PIN 17524-0294 (LT)

PART 1 62R--18536

174.71

N 44°26'05"W

8.22

N 71°45'05"W

Shed

Shed

Shed

Existing Removable Residence  
To Be converted to Farm  
Labour Residence

248m

CONCESSION 10

Proposed Dwelling

(EAST FLAMBOROUGH)

SEE DETAIL "A"

558.10

N 46°05'15"W

61.3±

121.3±

PIN 17524-0283 (LT)

PART 1 62R--18336

Shed

Shed

189.3±

PART 2  
62R--16579

PIN 17524-0284 (LT)

PART 1  
62R--16579

61.21

N 44°34'55"E

LOT

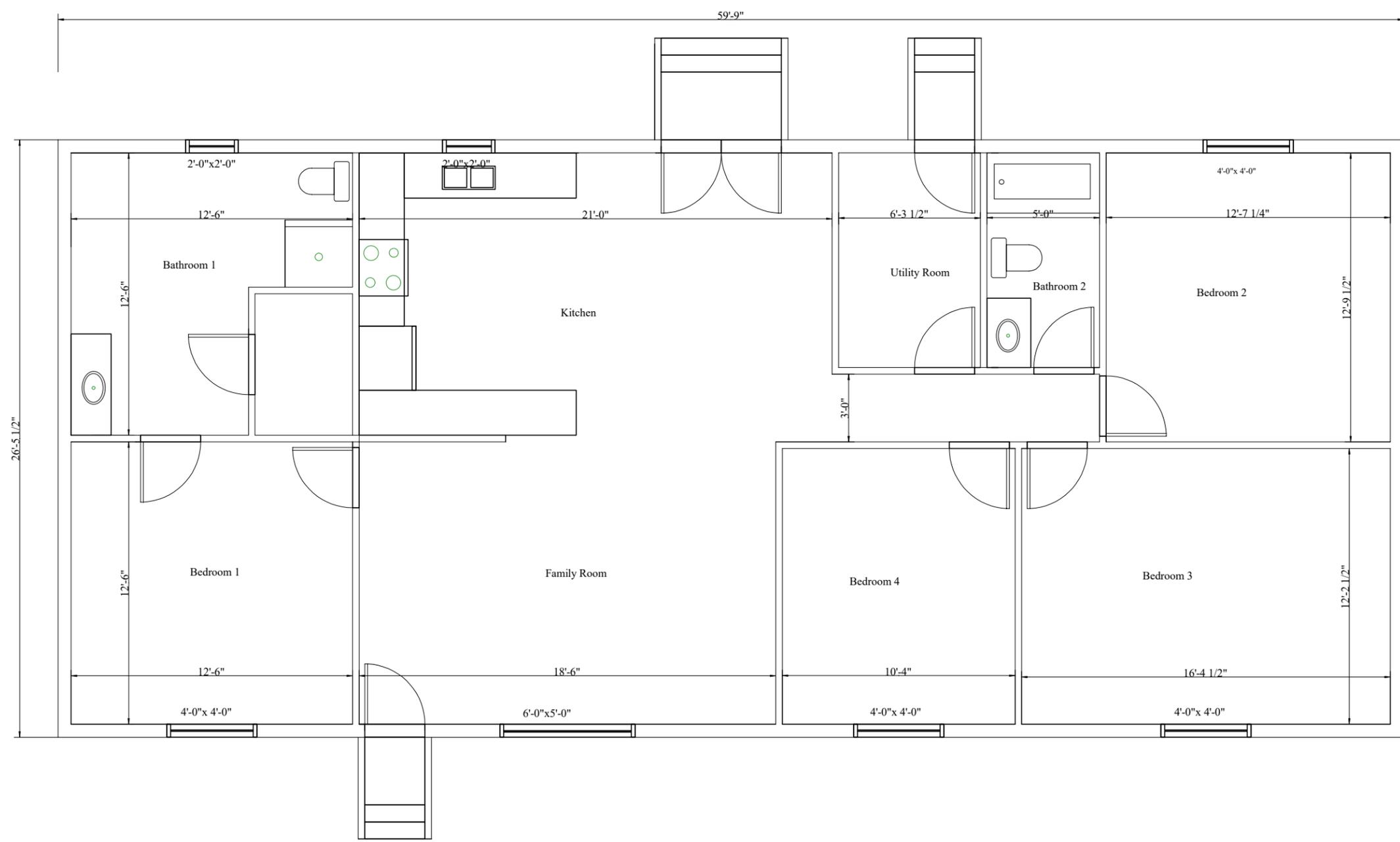
154.73

N 44°52'55"E

10th CONCESSION ROAD EAST

PIN 17524-0257 (LT)

ORIGINAL TOWNSHIP ROAD ALLOWANCE BETWEEN CONCESSIONS 9 & 10 (EAST FLAMBOROUGH)



1581 sq.ft (146.8 sq.m)

Existing Removable Residence

161 Concession 10E  
Freelton, ON

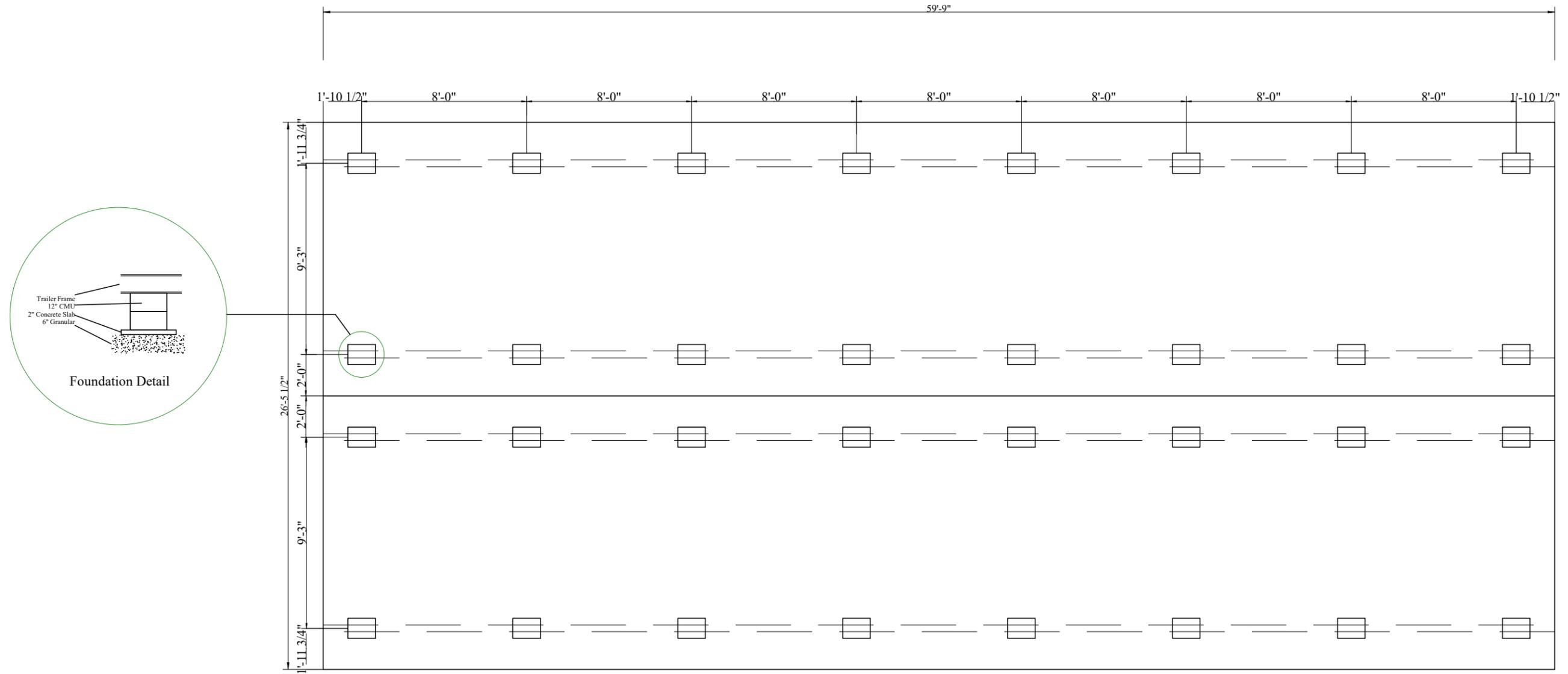
Scale: 3/16"=1'

Existing Floor Plan

A-1

Issued

June 2023



Existing  
Removable  
Residence

161 Concession 10E  
Freelton, On

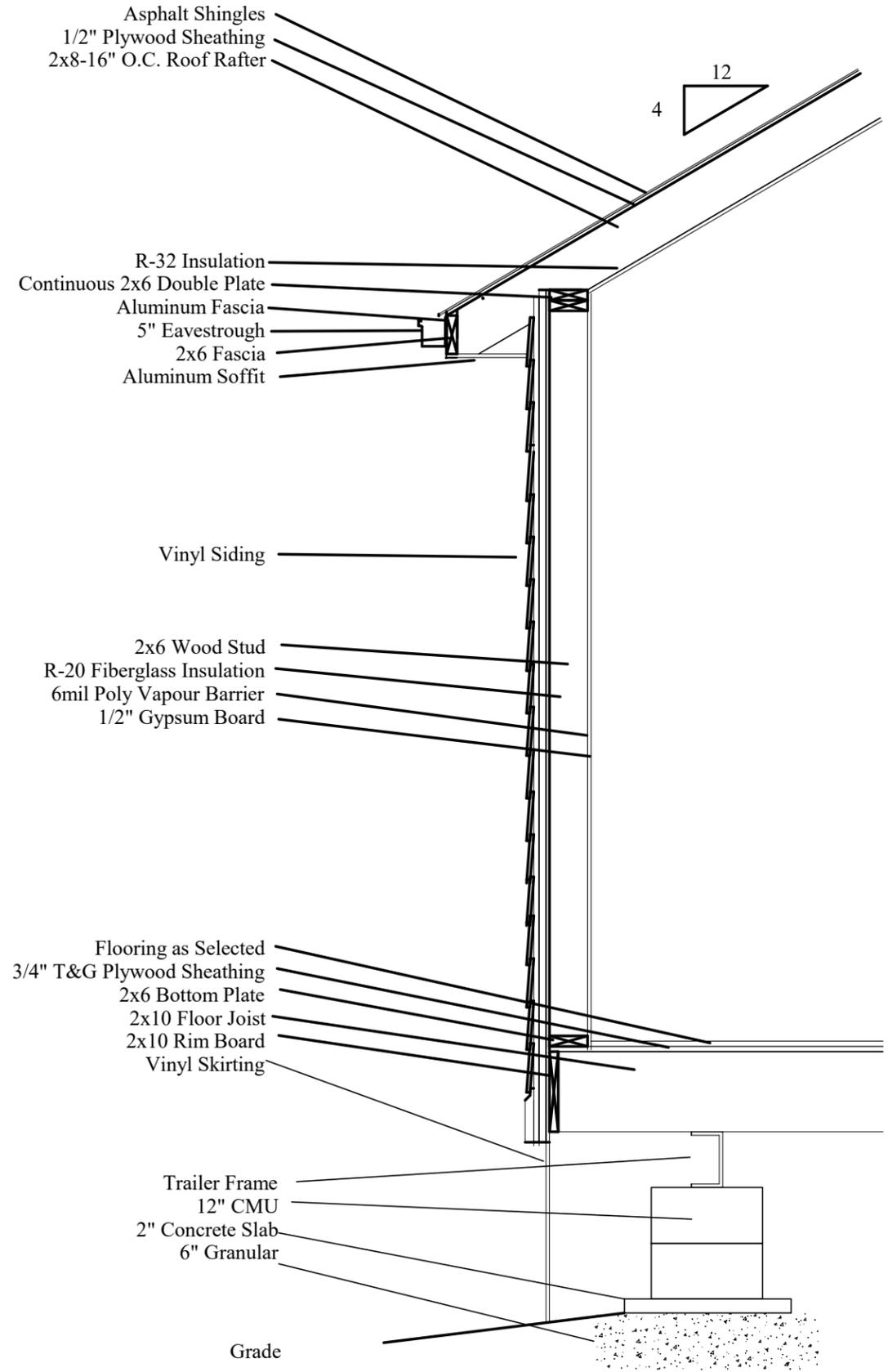
Scale: 3/16"=1'

Existing Foundation

A-3

Issued

June 2023



Existing Removable Residence

161 Concession 10E  
Freelton, On

Scale: 3/16"=1'

Existing Building  
Cross Section

A-4



Hamilton

Committee of Adjustment  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE/PERMISSION  
 UNDER SECTION 45 OF THE PLANNING ACT**

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
Registered Owners(s)			
Applicant(s)			
Agent or Solicitor			
			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	161 Concession 10E Freerton L8B 1H3		
Assessment Roll Number			
Former Municipality			
Lot	Part Lot 9 and 10	Concession	10
Registered Plan Number	62R-6338	Lot(s)	9 and 10
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

### 3. PURPOSE OF THE APPLICATION

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for: To allow existing removable structure to become a farm labour residence, even though it is 218m from the primary residence and 30m<sup>2</sup> over the allowable footage

Second Dwelling Unit

Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?

Trailer is existing and is already equipped with septic, hydro, water and gas

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
215.94 m	<del>98.78 m</del> 1064 m	28 Hectares	8m

4.2 Location of all buildings and structures on or proposed for the subject lands:  
(Specify distance from side, rear and front lot lines)

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	189.3	854	61.3	2023
Barn	523	534	72	1950
Existing Trailer	440	617	90	1998

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
As Above				

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	592 m <sup>2</sup>	490 m <sup>2</sup>	2	<del>8.6 m</del> 8.6 m
Barn	396 m <sup>2</sup>	792 m <sup>2</sup>	2	10 m
Existing Trailer	146 m <sup>2</sup>	146 m <sup>2</sup>	1	4.5 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
As Above				

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
  - privately owned and operated individual well

- lake or other water body
- other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
  - swales

- ditches
- other means (specify)

4.6 Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage
- system privately owned and operated individual
- septic system other means (specify) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

*single detached / Farm agricultural*

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

*single detached / Farm agricultural*

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:

*2016*

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

*As above*

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

*As above*

7.4 Length of time the existing uses of the subject property have continued:

*100+ years*

7.5 What is the existing official plan designation of the subject land?

*AI*

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?

*AI*

7.8 Has the owner previously applied for relief in respect of the subject property?  
(Zoning By-law Amendment or Minor Variance)

- Yes
- No

If yes, please provide the file number: \_\_\_\_\_

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes  No

If yes, please provide the file number: \_\_\_\_\_

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes  No

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 + Farm labour residence

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

<b>APPLICATION NO.:</b>	<b>FL/A-22:411</b>	<b>SUBJECT PROPERTY:</b>	1268 HWY 6, FLAMBOROUGH
<b>ZONE:</b>	"A2, P7 & P8" (Rural Zone, Conservation/Hazard Land Rural)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 15-173

**APPLICANTS:**      **Owner:** FRANCIS MANGIALARDI  
**Agent:** JENNIFER LAWRENCE AND ASSOCIATES C/O JENNIFER LAWRENCE

The following variances are requested:

1. A minimum front yard setback of 6.83 m shall be provided instead of the minimum required front yard setback of 10 m.
2. A minimum setback of 6.83 m shall be provided from the provincial highway right-of-way instead of the minimum required 14 m.

**PURPOSE & EFFECT:**      To construct additions to the existing single detached dwelling.

**Notes:**

- i. Elevation drawings were not included with the submission so compliance with the maximum permitted building height of 8.5 m could not be determined. The applicant shall verify that the proposed additions do not exceed 8.5 m, otherwise additional variances may be required.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

This application will be heard by the Committee as shown below:

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>10:50 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>

FL/A-22:411

	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## **PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-22:411, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

FL/A-22:411



 Subject Lands

DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions.



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

8TH CONCESSION ROAD EAST  
(ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8)

PLAN OF SURVEY ILLUSTRATING TOPOGRAPHY OF  
**PART OF LOT 13**  
**CONCESSION 7**  
(GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH)  
**CITY OF HAMILTON**  
SCALE 1 : 300

J.D. BARNES LIMITED  
© COPYRIGHT  
**METRIC** DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**ELEVATION NOTE**  
ELEVATIONS ARE OF GEODETIC ORIGIN (CGVD-1928-78), AND ARE DERIVED FROM  
GNSS OBSERVATIONS AND NATURAL RESOURCES CANADA'S GEOD MODEL HT2.0.

**LOCAL BENCHMARK**  
SPIKE SET IN GRAVEL SHOULDER ON SOUTH SIDE OF THE DRIVEWAY ONTO THE  
SUBJECT PROPERTY, APPROXIMATELY 2.4 METRES FROM THE EDGE OF ASPHALT  
ROAD, AS SHOWN ON THE FACE OF THE PLAN.  
ELEVATION=256.31m

**NOTES**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B,  
BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)  
(2010.0).  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY  
THE COMBINED SCALE FACTOR OF 0.999643.

**INTEGRATION DATA**

POINT ID	EASTING	NORTHING
ORP (A)	581 904.90	4 801 820.90
ORP (B)	582 130.21	4 801 599.89

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH  
CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.  
THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 315.92 N45°35'40"E

**LEGEND**

■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SB	DENOTES STANDARD IRON BAR
SSB	DENOTES SHORT STANDARD IRON BAR
IB	DENOTES ROUND IRON BAR
W	DENOTES WITNESS
P1	DENOTES PLAN OF SURVEY BY J.D. BARNES LIMITED, DATED NOVEMBER 2, 2022 (REF. NO. 21-30-766-00-A)
P2	DENOTES PLAN 62R-20332
P3	DENOTES PLAN 1556 MISC (P-1699-71)
MEAS	DENOTES MEASURED
JOB	DENOTES J.D. BARNES LIMITED
655	DENOTES J.T. PETERS, O.L.S.
824	DENOTES A.T. MCLAREN, O.L.S.
MMP	DENOTES MACKAY, MACKAY & PETERS LIMITED
N	DENOTES NOT IDENTIFIABLE
CLF	DENOTES CHAIN LINK FENCE
N	DENOTES NORTH / S=SOUTH / E=EAST / W=WEST
HM	DENOTES HYDRO MARKER
G	DENOTES GAS METER
HP	DENOTES HYDRO POLE
CSP	DENOTES CORRUGATED STEEL PIPE
BM	DENOTES BENCH MARK
+	DENOTES OVERHEAD HYDRO CABLE
○	DENOTES DECIDUOUS TREE
○	DIA=DIAMETER OF TRUNK IN METRES

BEFORE DIGGING, UNDERGROUND SERVICES SHOULD BE LOCATED ON  
SITE BY THE RESPECTIVE AGENCIES.  
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THAT  
LOCAL BENCHMARKS HAVE NOT BEEN ALTERED OR DISTURBED AND  
THAT THE RELATIVE ELEVATIONS AGREE WITH THE INFORMATION  
SHOWN ON THIS PLAN.

PRIMARY CONTOURS ARE AT 1.00m INTERVALS.  
SECONDARY CONTOURS ARE AT 0.25m INTERVALS.

**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 1st DAY OF NOVEMBER, 2022.

December 8, 2022  
DATE  
SUNIL PERERA  
ONTARIO LAND SURVEYOR



**J.D. BARNES LIMITED GIS**  
LAND INFORMATION SPECIALISTS  
401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1  
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY: MB CHECKED BY: SP REFERENCE NO: 21-30-766-00-C  
FILE: C:\21-30-766\00\Drawings\21-30-766-00-C.dwg DATED: 12/07/2022  
PLOTTED: 12/8/2022

PART 1, PLAN 62R-20332

P I N 1 7 5 8 2 - 0 1 2 1 ( L T )

L O T 1 3

1 7 5 8 2 - 0 0 0 5 ( L T )

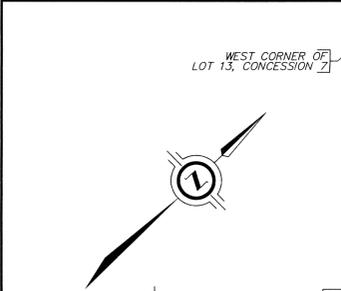
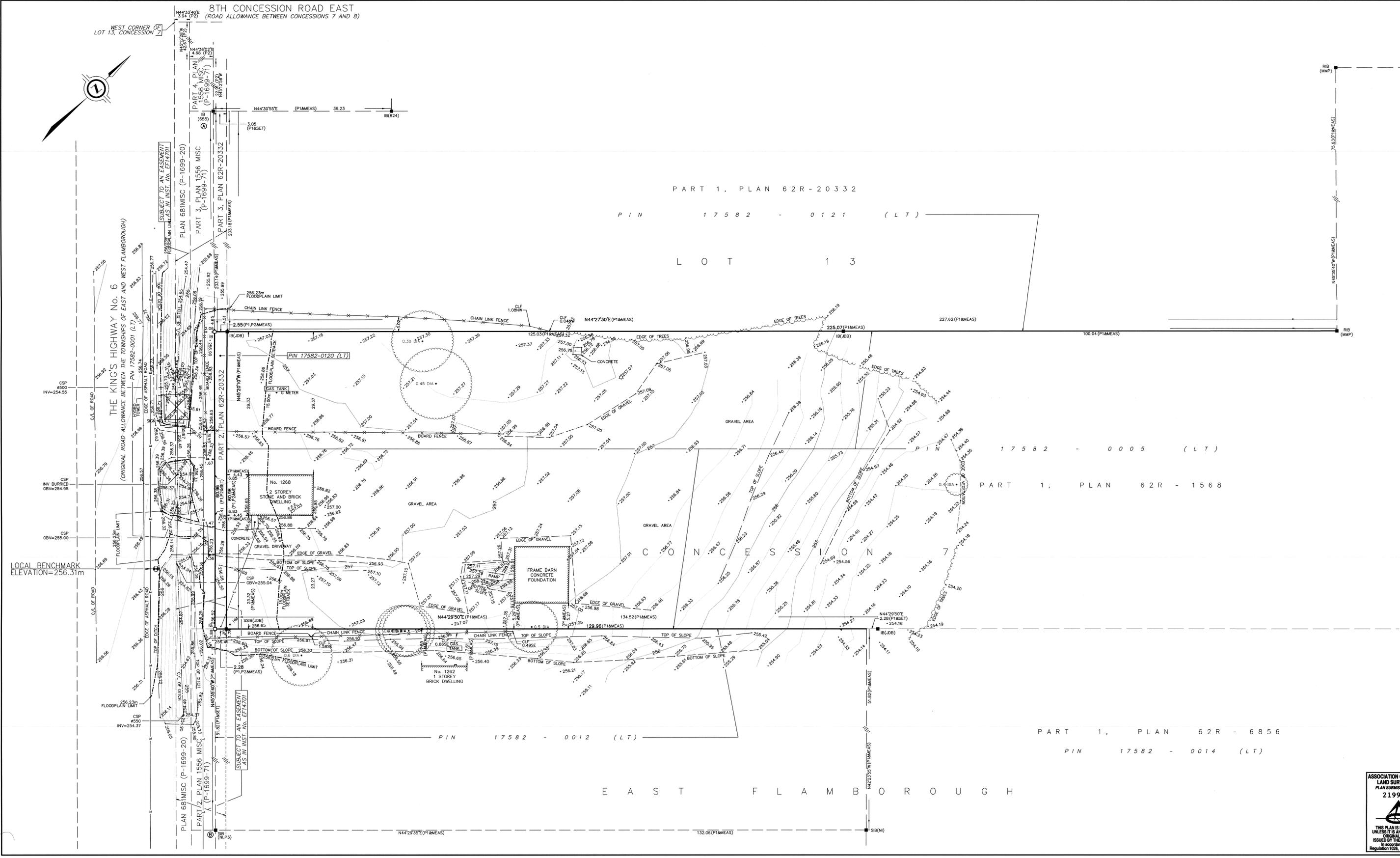
PART 1, PLAN 62R-1568

C O N C E S S I O N 7

PART 1, PLAN 62R-6856

P I N 1 7 5 8 2 - 0 0 1 4 ( L T )

E A S T F L A M B O R O U G H



LOCAL BENCHMARK  
ELEVATION=256.31m

THE KING'S HIGHWAY No. 6  
(ORIGINAL ROAD ALLOWANCE BETWEEN THE TOWNSHIPS OF EAST AND WEST FLAMBOROUGH)

132.06(P1&MEAS)



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 frankm@libertygrp.ca

1.5 All correspondence may be sent by email  Yes\*  No  
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	1268 Highway 6		
Assessment Roll Number	17582-0005 (LT)		
Former Municipality	Flamborough		
Lot	13	Concession	7
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-1568, 62R-20332	Part(s)	1 and 2

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

### 3. PURPOSE OF THE APPLICATION

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Requesting relief from the minimum front yard setback of 10m. The house, prior to the pr

Second Dwelling Unit  Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?

The previous owner built an addition onto the existing house without permission from the

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
60.96m	411m	3.2ha	approx. 27m

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	6.83-6.85m	393.1m	23.3m and 29.3m	unknown
Barn	60m	341.3m	5.27m and 42m	unknown

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Second Storey Addition to House	6.83-6.85m	393.1m	23.3m and 29.3m	2018

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	109.5 sq.m.	109.5 sq.m.	1.5	8.94m
Barn	130 sq.m.	167 sq.m.	1	unknown

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing House with Addition	109.5 sq.m.	219 sq.m.	2	8.94m

- 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)

overland flow

- 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 to the south, gas station to the north

---

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
 May 7, 2021

---

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 single detached dwelling

---

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 single detached dwelling

---

7.4 Length of time the existing uses of the subject property have continued:  
 60+ years

---

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): Rural

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) n/a

Please provide an explanation of how the application conforms with the Official Plan.

7.6 What is the existing zoning of the subject land? A2, P7, P8 (house is within the A2 zone)

7.8 Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

Yes  No

If yes, please provide the file number:

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes  No

If yes, please provide the file number:

---

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes  No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being “received” for processing.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

The current landowner purchased the property on May 7, 2021 only to discover that the



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

<b>APPLICATION NO.:</b>	<b>DN/A-23:185</b>	<b>SUBJECT PROPERTY:</b>	13 SOUTH STREET W, DUNDAS
<b>ZONE:</b>	"R2" (Single Detached Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Dundas 3581-86, as Amended

**APPLICANTS:**      **Owner:** JEFF CATTRYSSE & ALEXANDRA GEORGE  
**Agent:** PARK EIGHT INC. C/O PETE VANDENAREND

The following variances are requested:

1. A minimum rear yard setback of 0.61 metres for an Accessory Building (Garage) shall be provided instead of the minimum required rear yard setback of 2.0 metres for accessory structures on properties where a garage does not form part of a principle dwelling.

**PURPOSE & EFFECT:**      So as to permit an accessory building within the interior side yard of an existing Single Detached Dwelling notwithstanding that:

**Notes:**

- i) Please note, in accordance with the requested variance to reduce the minimum required rear yard, the eaves and gutters indicated on the elevation drawings of the proposed Accessory Building (Garage) are in compliance with the encroachment requirements under Section 6.6.2.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

This application will be heard by the Committee as shown below:

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>10:55 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>

DN/A-23:185

	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>
--	---

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## PUBLIC INPUT

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding DN/A-23:185, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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DN/A-23:185



 Subject Lands

DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions.



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

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#### 1. Virtual Oral Submissions

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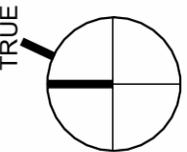
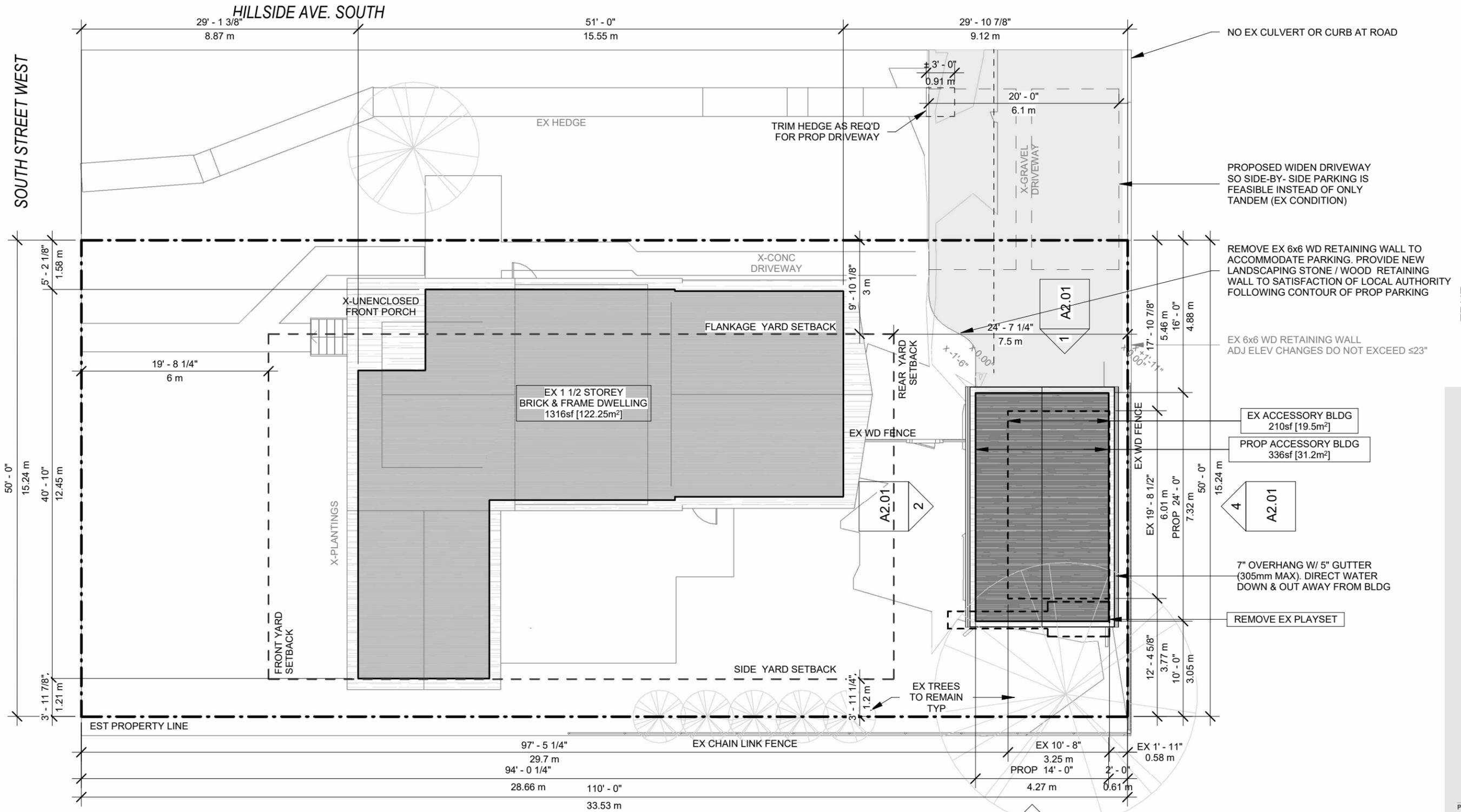
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SITE STATISTICS		
ZONING DESIGNATION = R2	PERMITTED	PROVIDED
LOT AREA	450m <sup>2</sup> minimum	511.07m <sup>2</sup> UNCHANGED
LOT FRONTAGE	15m minimum	15.24m UNCHANGED
FRONT YARD SETBACK		
PROP. ACCESSORY BLDG	N/A	N/A
SIDE YARD SETBACKS		
PROP. ACCESSORY BLDG	1.2m	*3.69m UNCHANGED
FLANKAGE YARD SETBACKS		
PROP. ACCESSORY BLDG	3m	4.24m
REAR YARD SETBACK		
PROP. ACCESSORY BLDG	7.5m	*.610m UNCHANGED
BUILDING HEIGHT		
PROP. ACCESSORY BLDG	4.5m	3.8m (≤4m MAX)

LOT COVERAGE SUMMARY:		
LOT AREA: 511.07m <sup>2</sup> EX UNCHANGED		
EXISTING PROPOSED		
EX BUILDING AREA:	±122.25m <sup>2</sup>	±122.25m <sup>2</sup> (EX UNCHANGED)
ACCESSORY BLDG AREAS:		
EX ACCESSORY	±19.5m <sup>2</sup>	0
PROP. ACCESSORY BLDG	n/a	31.2m <sup>2</sup>
	141.75m <sup>2</sup>	153.45m <sup>2</sup>
TOTAL COVERAGE		
LOT COVERAGE DWELLING:	23.9%	23.9% (EX UNCHANGED)
LOT COVERAGE ACCESSORY:	3.8%	6.1%
LOT COVERAGE TOTAL:	27.7%	30%

- SITE PLAN LEGEND**
- EX DRIVEWAY / HARDSCAPING
  - EX BUILDING
  - PROPOSED ACCESSORY BUILDING
  - DEMO EX
  - ACCESSORY
  - STRUCTURES



3 FRONT ELEVATION

**PARK EIGHT**  
ENG // ARCH

**ACCESSORY BUILDING**

**13 SOUTH ST WEST, DUNDAS**

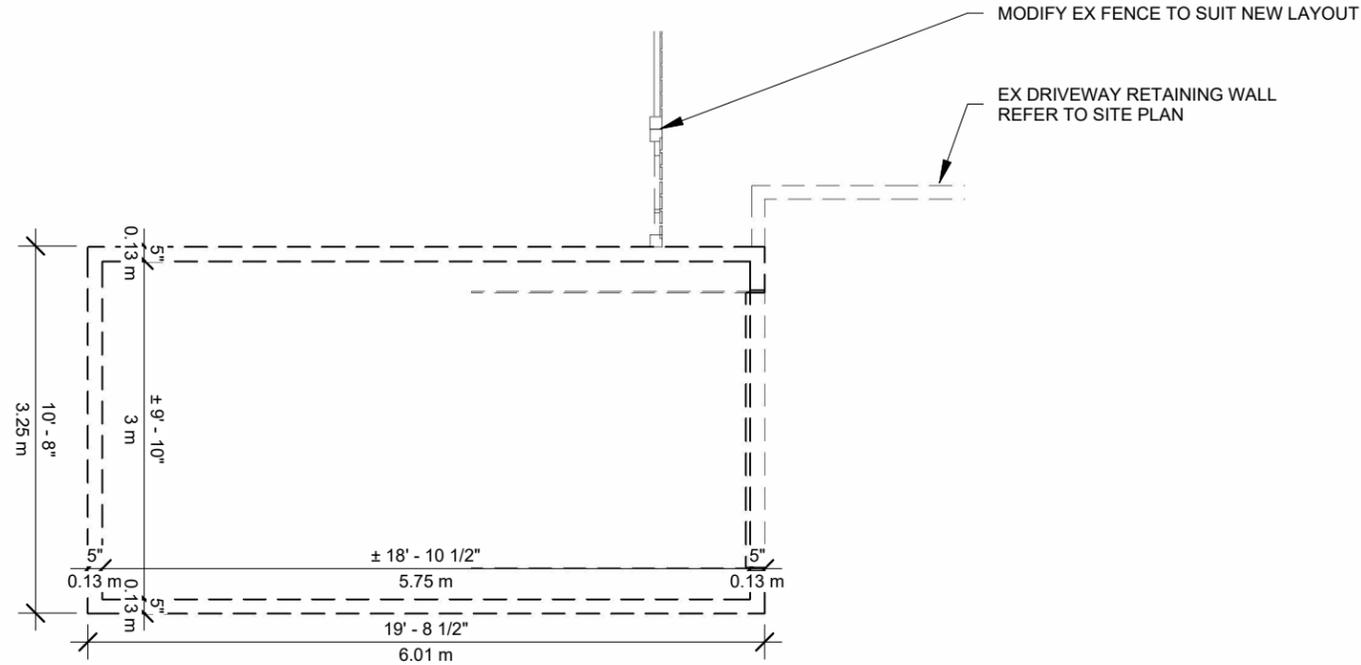
Project No. 23019  
Revisions

Scale As indicated

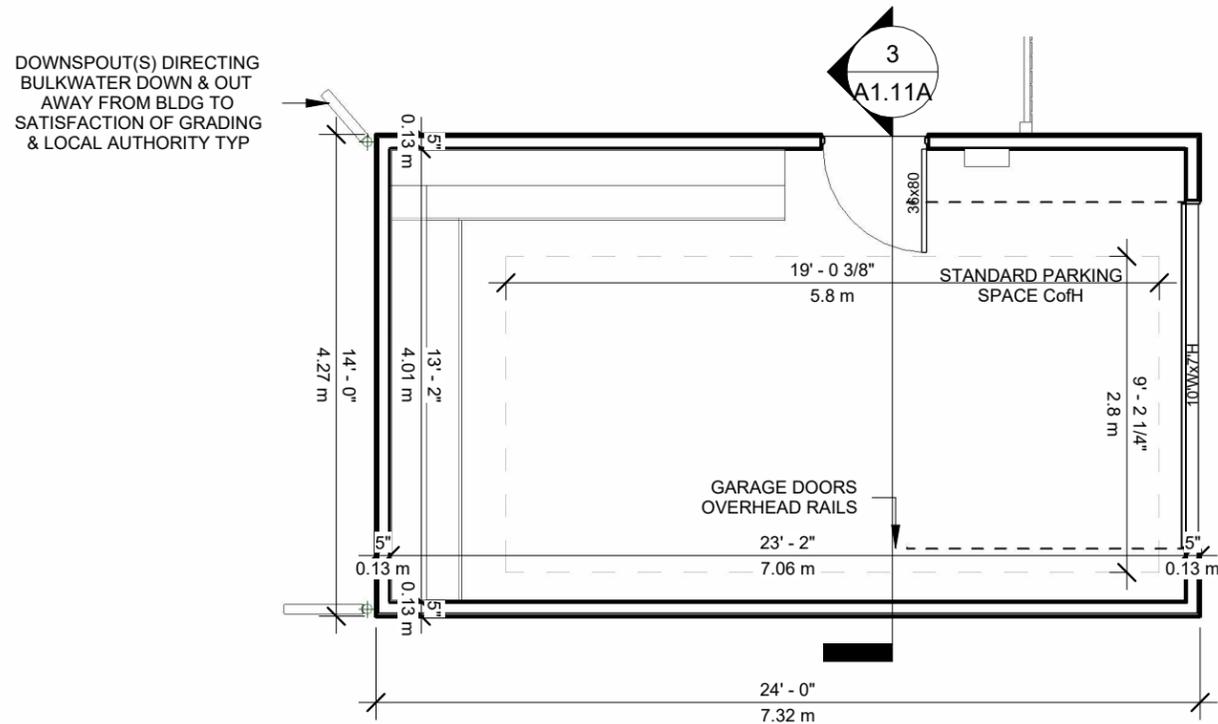
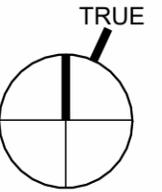
**SITE PLAN**

**SP1.01**

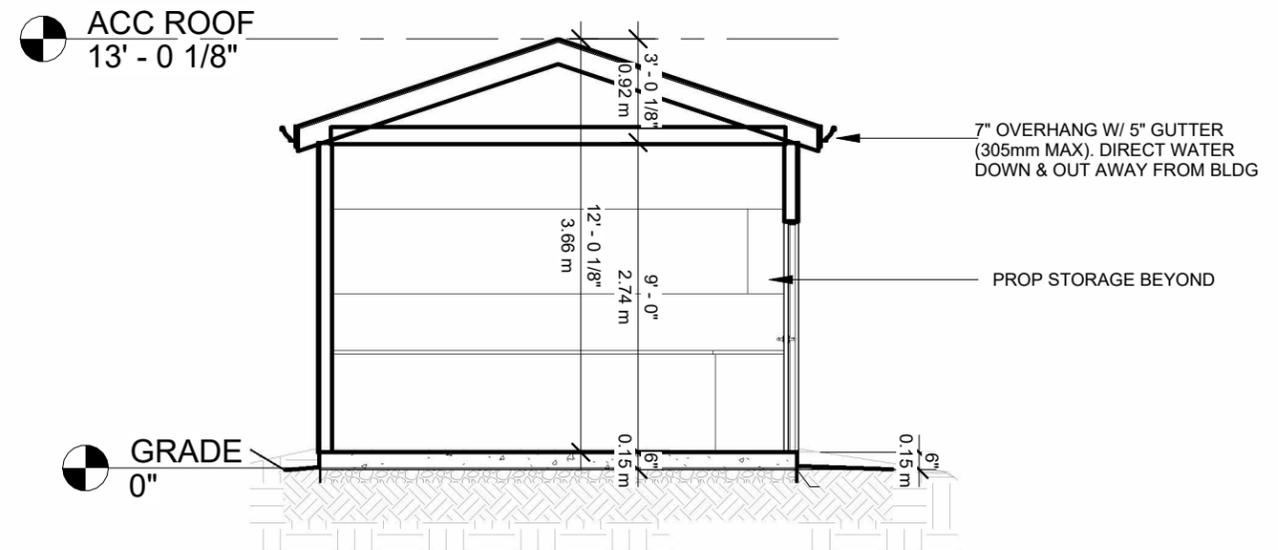
Sheet No. ©2021



① LVL1 DEMO ACCESSORY  
3/16" = 1'-0"



② LVL1 PROP. ACCESSORY  
3/16" = 1'-0"



③ E/W BLDG SECTION  
3/16" = 1'-0"



ACCESSORY BUILDING

13 SOUTH ST WEST, DUNDAS

Project No. 23019

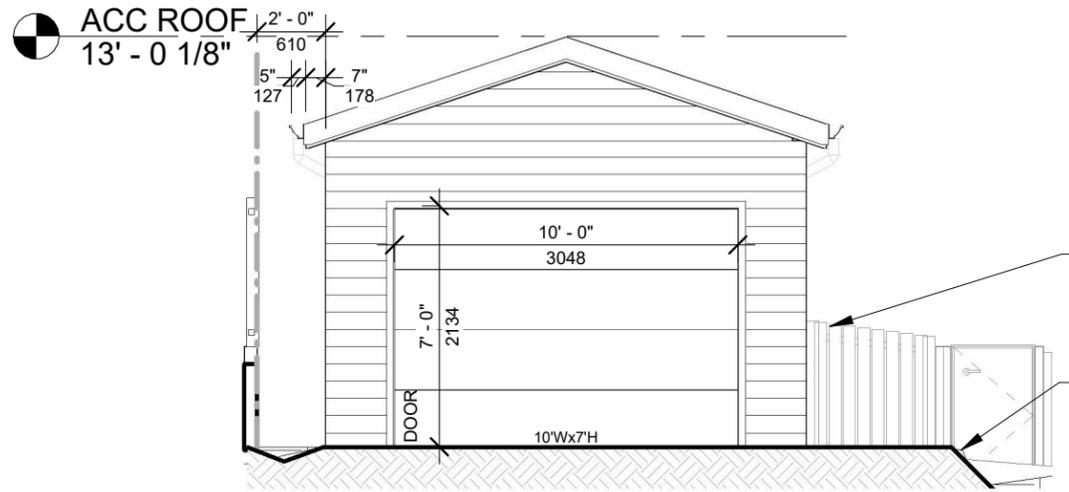
Revisions

Scale 3/16" = 1'-0"

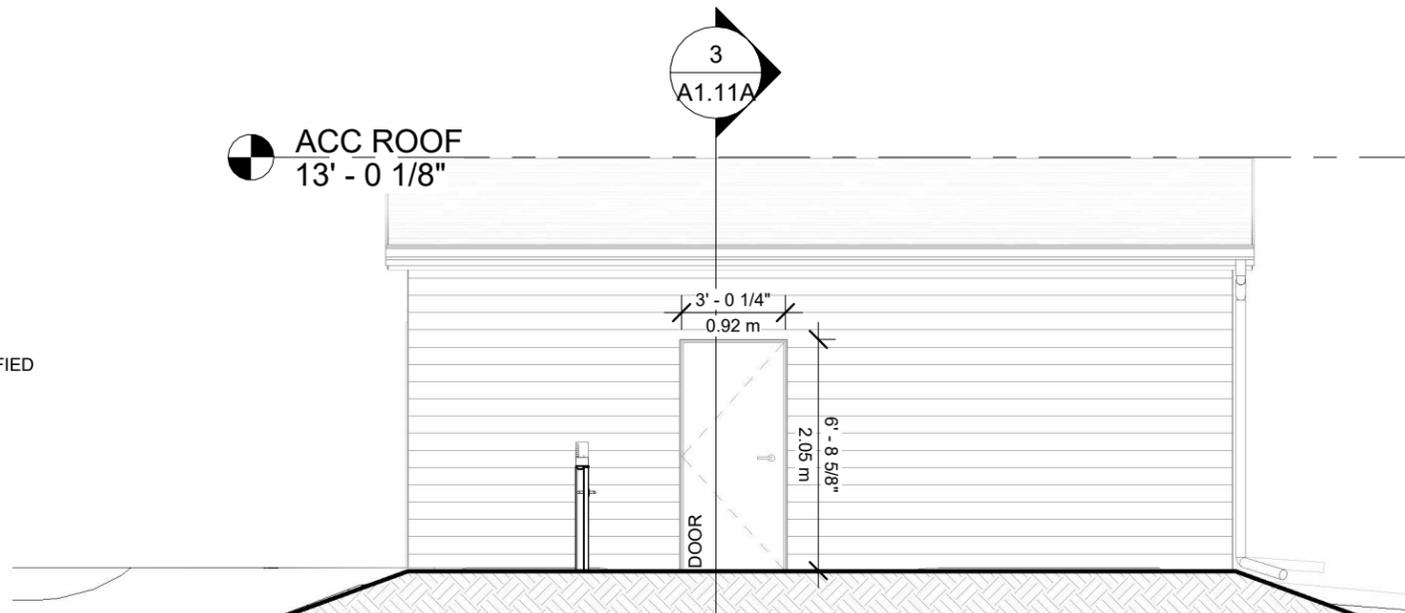
FLOOR PLANS & SECTION

A1.11A

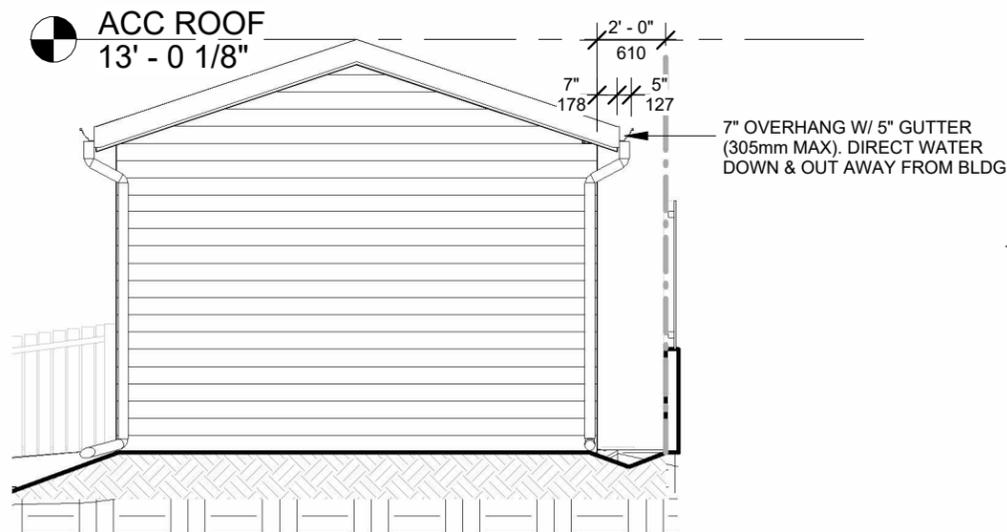
Sheet No. ©2021



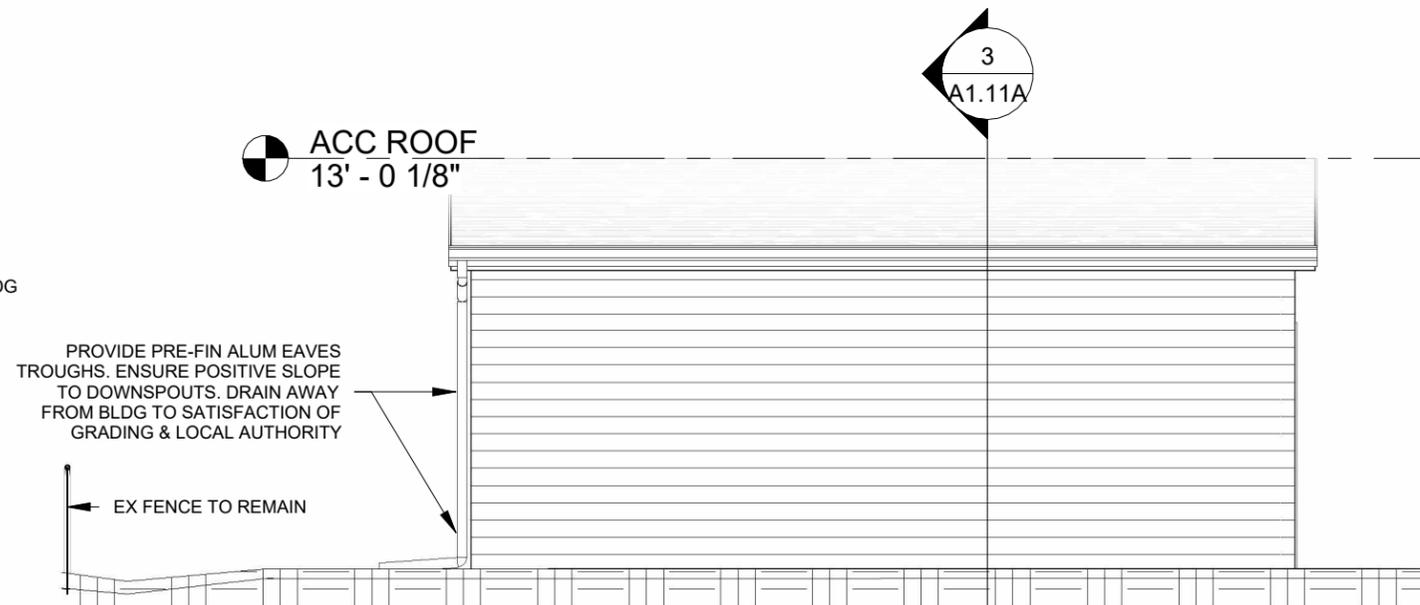
① EXTR ELEV FRONT (WEST)  
3/16" = 1'-0"



② EXTR ELEV SIDE (NORTH)  
3/16" = 1'-0"



③ EXTR ELEV REAR (WEST)  
3/16" = 1'-0"



④ EXTR ELEV SIDE (WEST)  
3/16" = 1'-0"

PARK  
EIGHT  
ENG // ARCH

ACCESSORY BUILDING

13 SOUTH ST WEST, DUNDAS

Project No. 23019

Revisions

Scale 3/16" = 1'-0"

ELEVATIONS

A2.01

Sheet No. ©2021



**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
<b>Registered Owners(s)</b>			
<b>Applicant(s)</b>			
<b>Agent or Solicitor</b>			<b>Phone:</b>
			<b>E-mail:</b>

1.2 All correspondence should be sent to  Owner  Applicant  
 Agent/Solicitor

1.2 All correspondence should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No  
 If YES, provide email address where sign is to be sent [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	13 South St W, Dundas, ON L9H 4C3		
Assessment Roll Number			
Former Municipality	Dundas		
Lot	53	Concession	1
Registered Plan Number	1465	Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

---

### 3. PURPOSE OF THE APPLICATION

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Second Dwelling Unit  Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
15.24m	33.53m	511.07m <sup>2</sup>	8.5m

4.2 Location of all buildings and structures on or proposed for the subject lands:  
(Specify distance from side, rear and front lot lines)

## Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	6.42m	15.2m	.91m/ 3.64m	±1960's
Ex Accessory	29.7m	.58m	5.46m/ 3.77m	±1960's

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	6.42m	15.2m	.91m/ 3.64m	ex unchanged
Accessory	28.66m	.61m	5.46m/ 3.69m	

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	117m2 [1258sf]	234m2 [2518sf]	1	±5.5m [18'-0"]
Ex Accessory	19.5m2 [210sf]	19.5m2 [210sf]	1	±3.05m [10'-0"]

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	-	-	-	UNCHANGED
Accessory	26m2 [208sf]	26m2 [208sf]	1	≤4m [13'-1/2"] MAX

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

N/A

---

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

N/A

---

- 4.6 Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify)

N/A

4.7 Type of access: (check appropriate box)

- provincial highway  right of way  
 municipal road, seasonally maintained  other public road  
 municipal road, maintained all year

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Single detached Dwelling (unchanged)

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Single detached Dwellings

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

October 19, 2015

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:

±95 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.

7.6 What is the existing zoning of the subject land? R2 Single Detached Residential

7.8 Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

 Yes  No

If yes, please provide the file number:

---

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes  No

If yes, please provide the file number:

---

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes  No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

**11 COMPLETE APPLICATION REQUIREMENTS**

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- \_\_\_\_\_
- \_\_\_\_\_





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

<b>APPLICATION NO.:</b>	<b>FL/A-23:118</b>	<b>SUBJECT PROPERTY:</b>	745 CROOKS HOLLOW ROAD, FLAMBOROUGH
<b>ZONE:</b>	"P6" (Conservation / Hazard Land -Rural Zone)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** SUSAN O'ROURKE  
                                 **Agent:** JAMES LING GROUP LTD C/O JAMES LING

The following variances are requested:

1. A maximum gross floor area of 89.2m<sup>2</sup> shall be permitted for a building accessory to a single detached dwelling instead of the maximum 45m<sup>2</sup> gross floor area for buildings accessory to a single detached dwelling required.
2. A maximum accessory building height of 7.65m shall be permitted instead of the maximum 4.5m accessory building height permitted.

**PURPOSE & EFFECT:**      To permit the construction of a proposed detached garage;

**Notes:**

1. It is noted that the intent of regulation 4.8.1.1 a) is to regulate total lot coverage, for the purposes of zoning review for a two-storey accessory building, only the total coverage is considered, rather than the entire building GFA.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

This application will be heard by the Committee as shown below:

<b>DATE:</b>	<b>Thursday, August 10, 2023</b>
<b>TIME:</b>	<b>11:00 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>

FL/A-23:118

	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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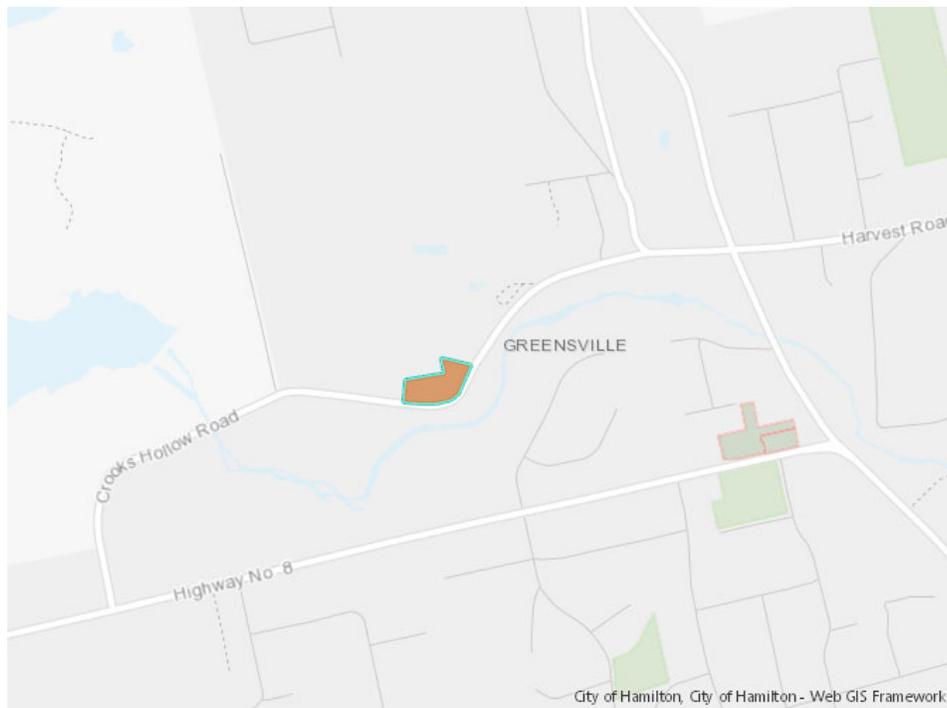
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## **FURTHER NOTIFICATION**

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FL/A-23:118

 Subject Lands

DATED: July 25, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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Hamilton

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SURVEYOR'S REAL PROPERTY REPORT  
PART 1 - PLAN OF SURVEY SHOWING TOPOGRAPHY OF  
PART OF  
LOTS 7 & 8  
CONCESSION 2  
GEOGRAPHIC TOWNSHIP OF WEST FLAMBOROUGH  
NOW IN THE  
CITY OF HAMILTON  
SCALE 1 : 300

THE INTENDED PLOT SIZE OF THIS PLAN IS 880mm IN WIDTH BY 510mm IN HEIGHT  
WHEN PLOTTED AT A SCALE OF 1:300 (INCLUDING 15mm BEYOND EACH BORDER)  
MacKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS  
© 2022

KNOWN AS MUNICIPAL No. 745 CROOKS HOLLOW ROAD

PART 2 - REPORT SUMMARY (TO BE READ IN CONJUNCTION WITH PART 1)  
LAND REGISTRY OFFICE TITLE INFORMATION ON SUBJECT PROPERTY INCLUDING  
BOUNDARIES, EASEMENTS AND RIGHT OF WAYS - SEPTEMBER 14, 2022

REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:  
- NONE

ADDITIONAL REMARKS:  
- REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES & UTILITIES

MacKAY, MacKAY & PETERS LIMITED grants SUSAN O'ROURKE ("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-42954



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
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- AI DENOTES ANGLE IRON
- P1 DENOTES PLAN BY MACKAY & MACKAY DATED DECEMBER 5, 1955 (S-3149)
- P2 DENOTES PLAN 62R-5887
- D1 DENOTES INST. No. AB1104
- PIN DENOTES PROPERTY IDENTIFICATION NUMBER
- (OU) DENOTES ORIGIN UNKNOWN
- SA DENOTES SEPTIC ACCESS
- LS DENOTES LIGHT STANDARD
- WHP DENOTES WOOD HYDRO POLE
- OHW DENOTES OVERHEAD WIRE
- WF DENOTES WIRE FENCE
- CLF DENOTES CHAIN LINK FENCE
- SRW DENOTES STONE RETAINING WALL
- PL DENOTES PILLAR
- EA DENOTES EDGE OF ASPHALT
- SS DENOTES SOUTH SIDE
- NS DENOTES NORTH SIDE
- DENOTES DECIDUOUS TREE SCALED TO CANOPY TRUNK SIZE SHOWN IN METRES
- ⊗ DENOTES CONIFEROUS TREE SCALED TO CANOPY TRUNK SIZE SHOWN IN METRES

ALL BUILDING TIES ARE TO FOUNDATION AND ARE PERPENDICULAR TO PROPERTY LINES  
UNLESS OTHERWISE NOTED

BENCHMARK NOTE

BENCHMARK No. 0011975U050  
ELEVATION = 218.528 METRES (CGVD28:78 ADJUSTMENT)  
BROCK ROAD BRIDGE OVER SPENCER CREEK 300 METRES NORTHWEST OF INTERSECTION  
WITH HIGHWAY No. 8 TABLET IN TOP OF WEST CONCRETE CURB 1.37 METRES SOUTH OF  
NORTH END OF BRIDGE 0.21 METRES EAST OF STONE GUARD WALL SLIGHTLY ABOVE ROAD  
LEVEL.

BEARING REFERENCE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE LIMIT OF LOTS 7 & 8 CONCESSION  
2 TOWNSHIP OF FLAMBOROUGH WEST AS SHOWN IN D1 HAVING A BEARING OF N12'09"00"W

SURVEYOR'S CERTIFICATE

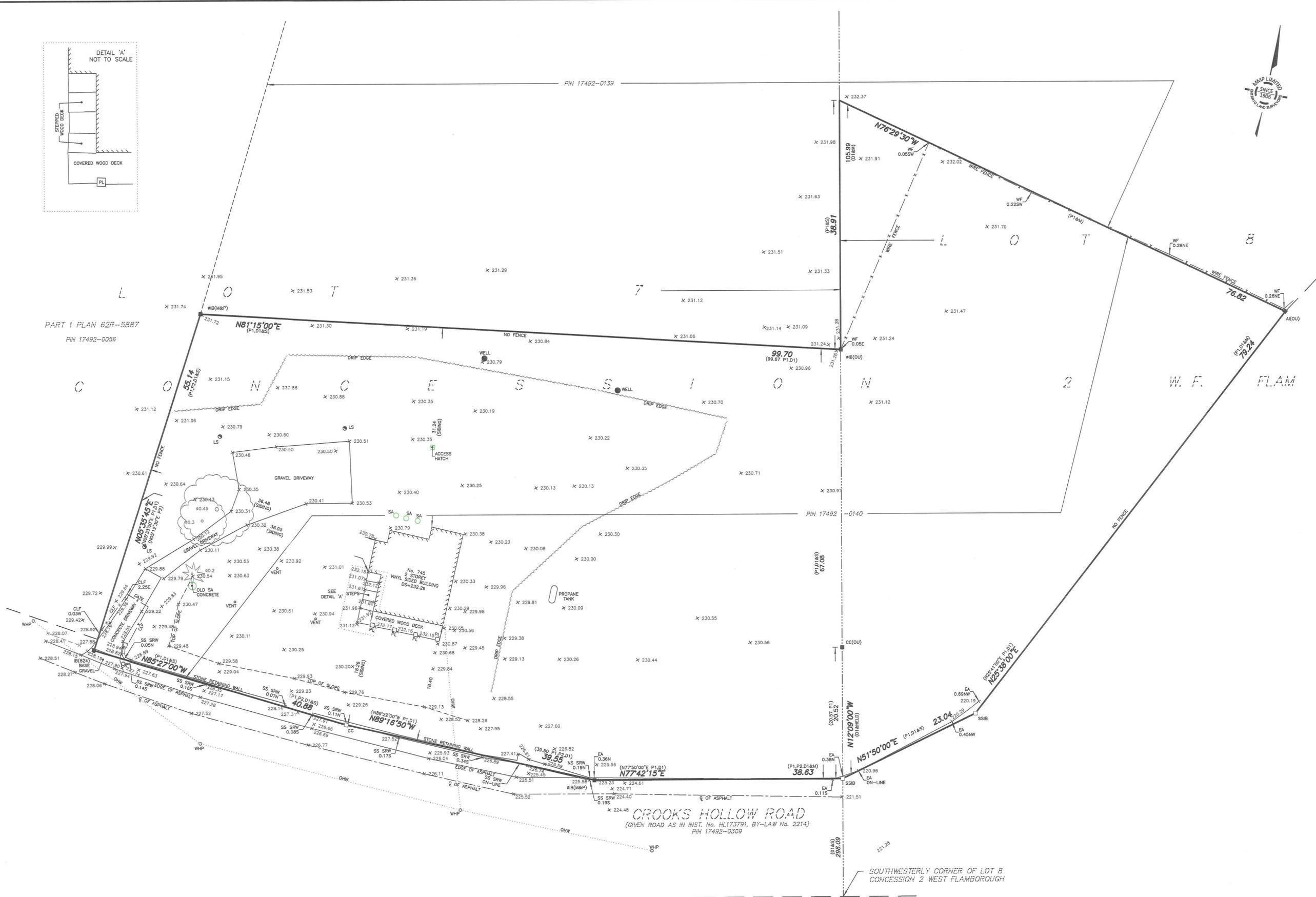
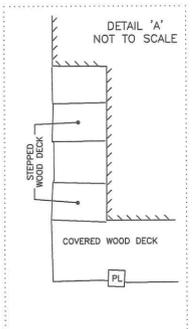
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT,  
THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 21st DAY OF DECEMBER, 2022.

Jan 3, 2023  
DATE

J. Red  
F.K. RAD  
ONTARIO LAND SURVEYOR  
FOR MACKAY, MACKAY & PETERS LIMITED

EX-62 Hamilton-Wentworth (TWP) FLAMBOROUGH WEST CON 2\LOT 7, 8\22-270-22-270.dwg

<b>MMP</b> MacKAY, MacKAY & PETERS LIMITED LAND SURVEYORS & MAPPERS SINCE 1906	3380 South Service Road Unit 101 Burlington, ON L7N 3R5 (905) 639-1375 halton@mmplimited.com mmplimited.com	DRAWN BY: G.S. PARTY CHIEF: C.M. CHECKED BY: FK PROJECT No.: 22-270
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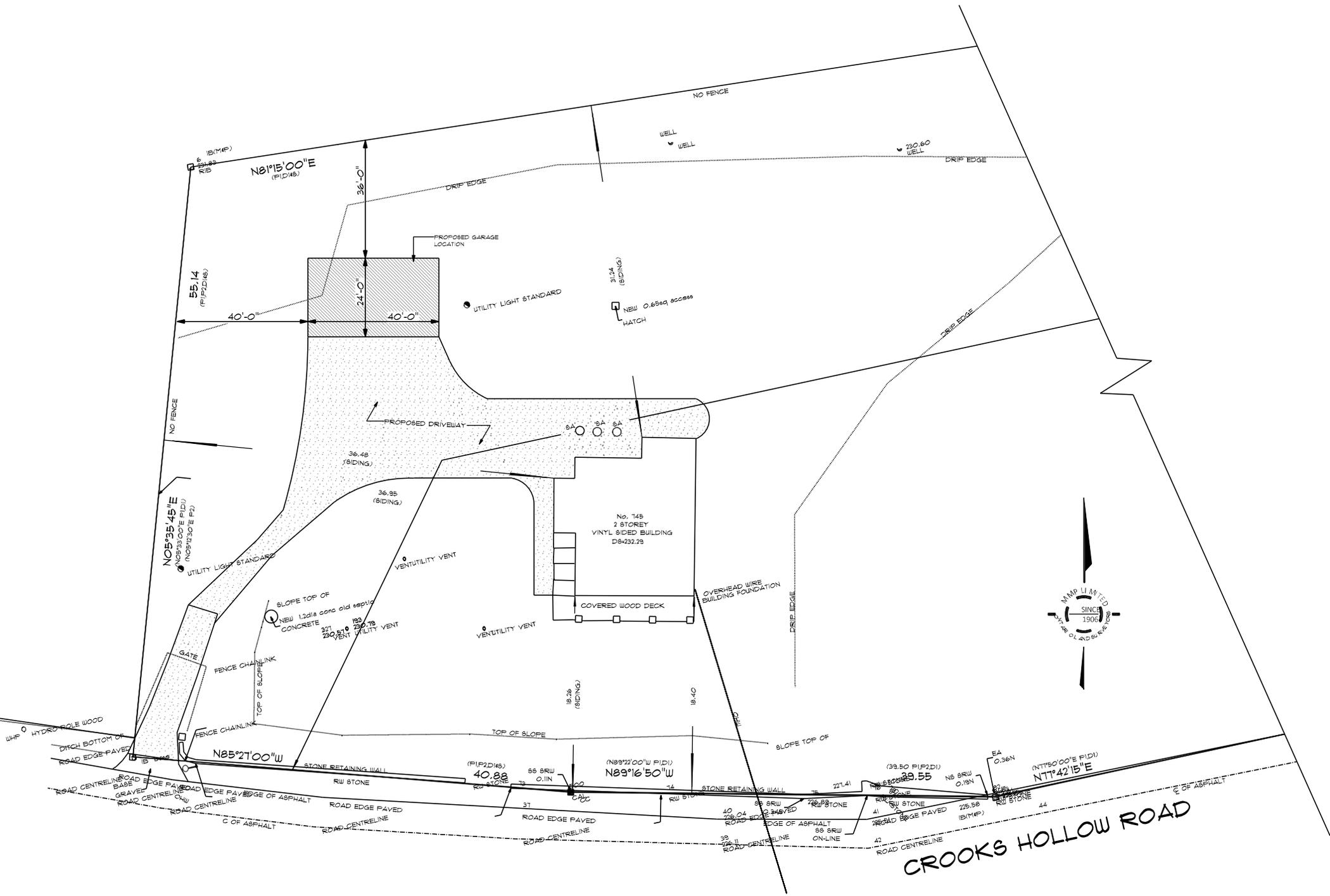


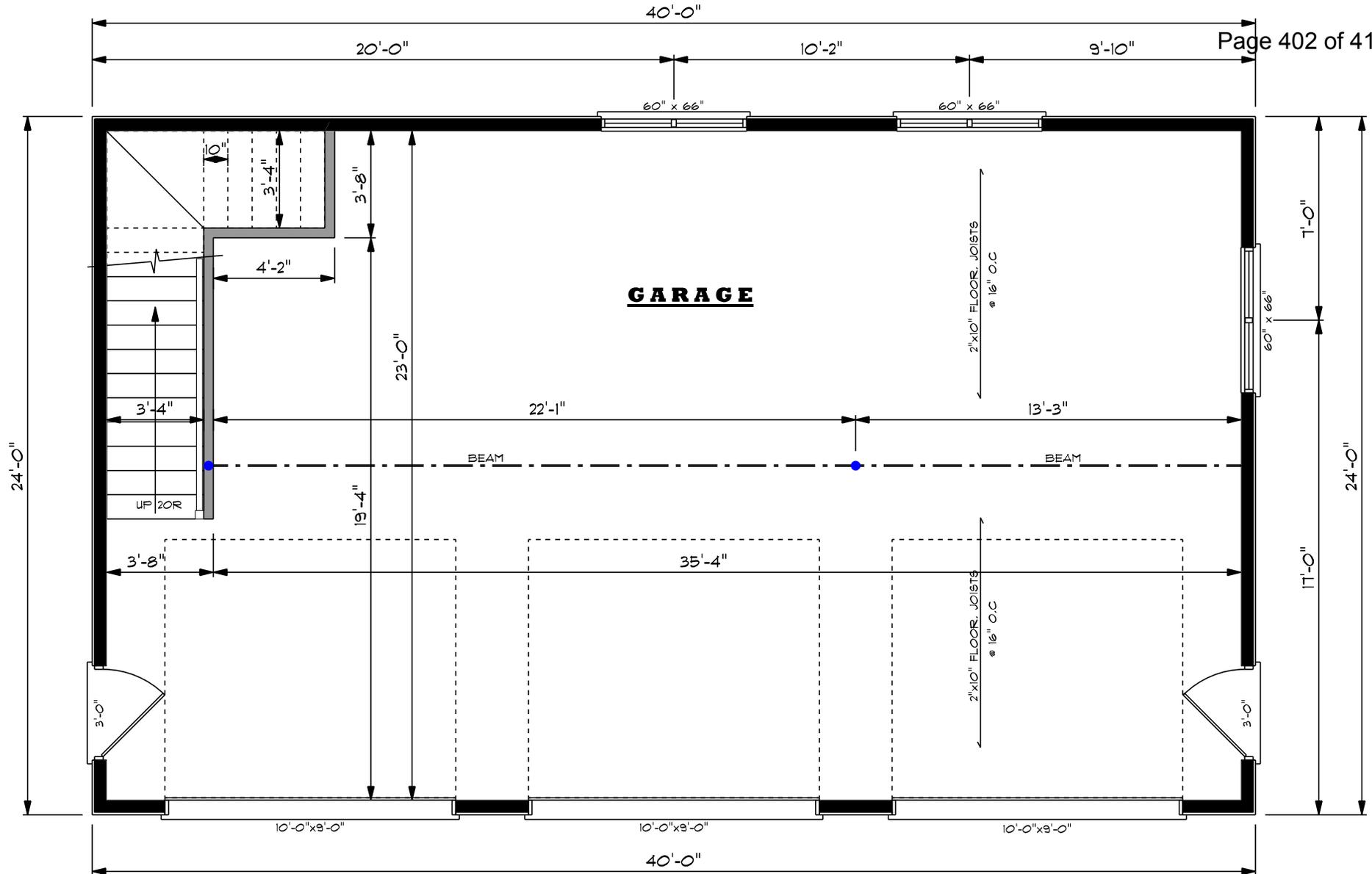
PART 1 PLAN 62R-5887  
PIN 17492-0056

CROOKS HOLLOW ROAD  
(GIVEN ROAD AS IN INST. No. HL173791, B1-LAW No. 2214)  
PIN 17492-0309

SOUTHWESTERLY CORNER OF LOT 8  
CONCESSION 2 WEST FLAMBOROUGH







**MAIN FLOOR PLAN "A"**

(NOT FOR CONSTRUCTION)

Not to scale

Z:\Projects\JAMES LING GROUP\Bowen\

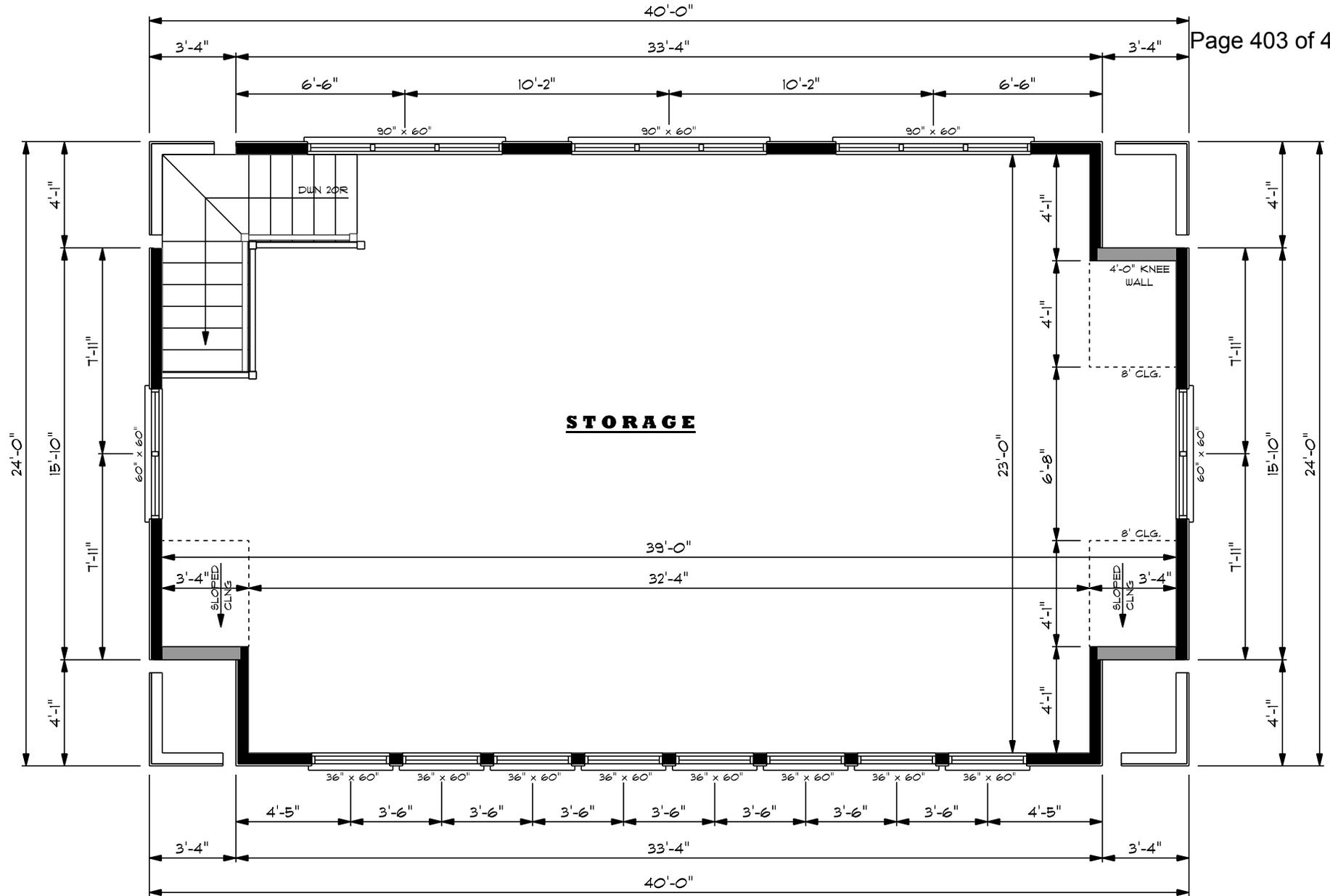
March 23, 2023

Square Footage: 960.0 sq ft.

Client's Email:

Rijus Home Design Inc www.rijus.com

Jason Schilstra (J.D) 905-701-1110



**SECOND FLOOR PLAN "A"**

(NOT FOR CONSTRUCTION)

Not to scale

S:\Projects\JAMES LING GROUP\Bowen\

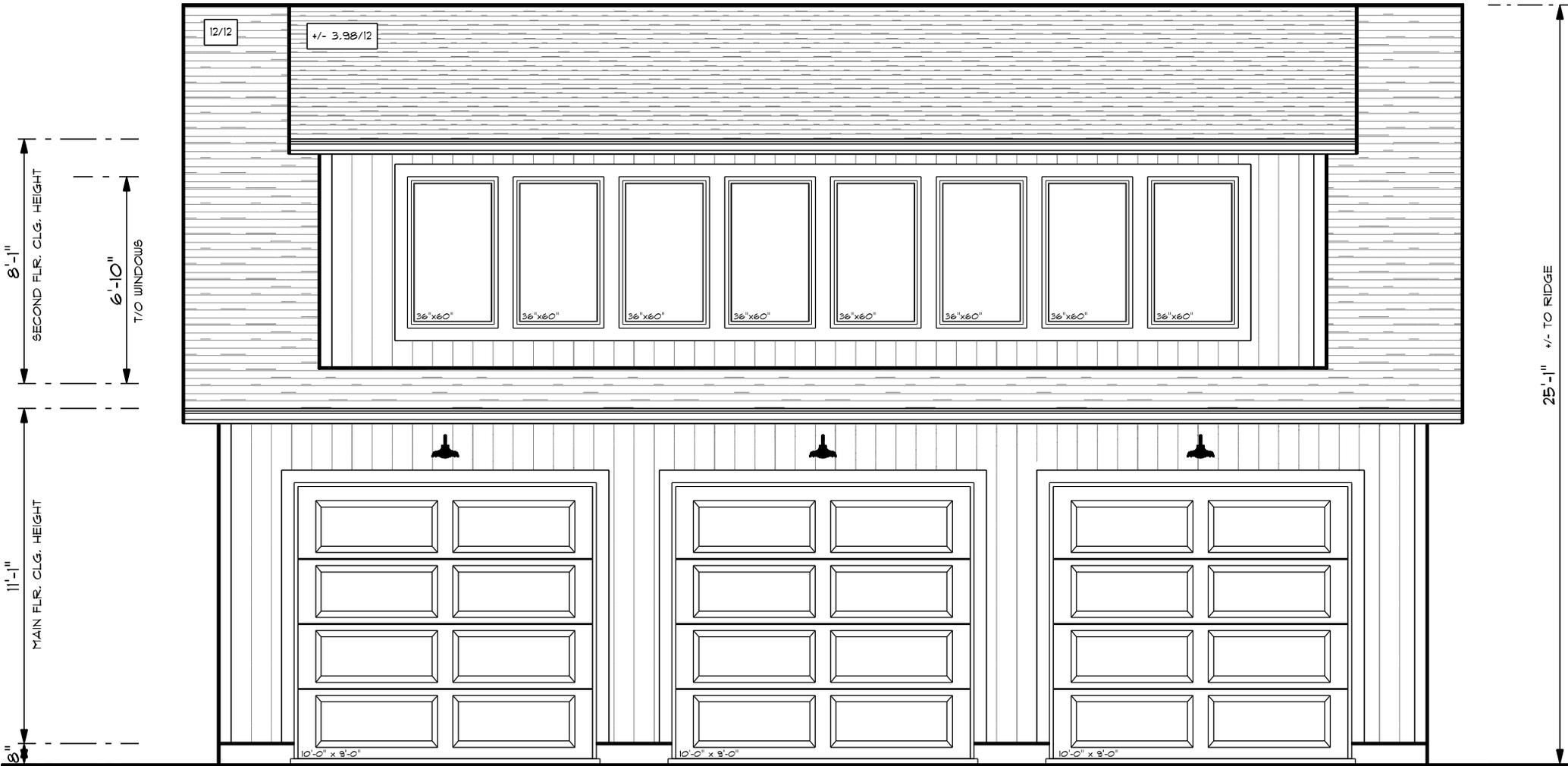
March-22-23

Square Footage: 874.0 sq ft.

Client's Email:

Rijus Home Design Inc www.rijus.com

Jason Schilstra (CH) 905-701-1110



# FRONT ELEVATION "A"

-NOT FOR CONSTRUCTION-

SCALE: NTS

S:\Projects\JAMES LING GROUP\Bowen\

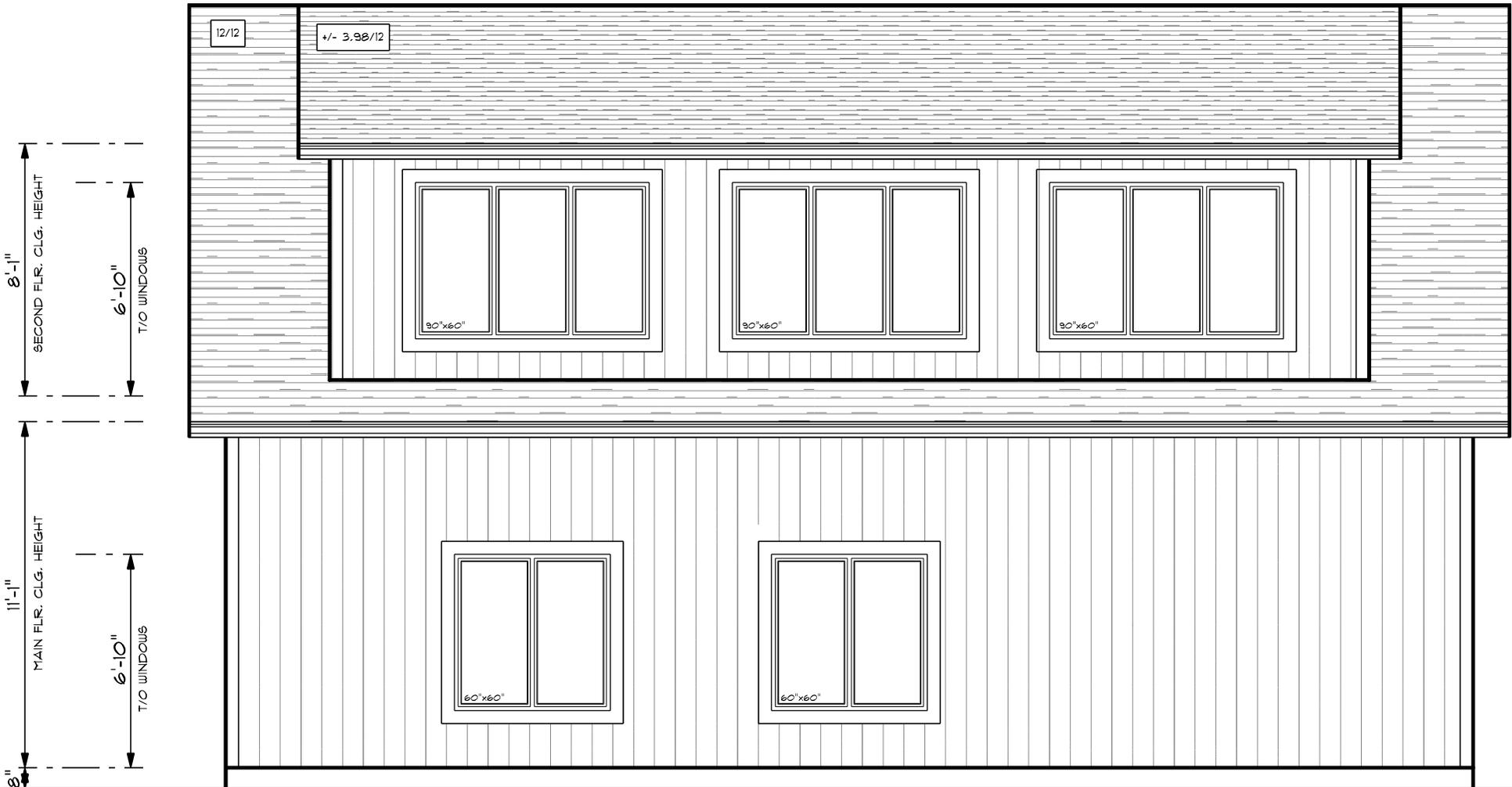
March-22-23

Rijus Home Design Inc

Jason Schilstra (CH)

www.rijus.com

905-701-1110



# REAR ELEVATION "A"

-NOT FOR CONSTRUCTION-

SCALE: NTS

S:\Projects\JAMES LING GROUP\Bowen\

March-22-23

Rijus Home Design Inc Jason Schilstra (CH)

www.rijus.com

905-701-1110



Hamilton

Committee of Adjustment  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)		
Agent or Solicitor		

1.2 All correspondence should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent [REDACTED]

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	[REDACTED]		
Assessment Roll Number	302230170000000		
Former Municipality	Dundas		
Lot	7 & 8	Concession	2
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

### 3. PURPOSE OF THE APPLICATION

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Height and Size of Accessory Building

Second Dwelling Unit  Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?

By-law restrictions do not allow enough space for a 3 car garage with storage overtop.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
221	55	12155	20

4.2 Location of all buildings and structures on or proposed for the subject lands:  
(Specify distance from side, rear and front lot lines)

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Primary Residence	18.26	31.24	36.48, 169.62	01/01/1800

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Three Car Garage	36.85	10.97	12.19, 196.62	09/01/2023

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Family Home	164.53	203.08	1.5	10

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Three Car Garage	89.19	170.38	1.5	7.92

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)
- \_\_\_\_\_

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)
- \_\_\_\_\_

- 4.6 Type of sewage disposal proposed: (check appropriate box)
- publicly owned and operated sanitary sewage
- system privately owned and operated individual
- septic system other means (specify) \_\_\_\_\_
- 4.7 Type of access: (check appropriate box)
- provincial highway  right of way
- municipal road, seasonally maintained  other public road
- municipal road, maintained all year \_\_\_\_\_
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
Single Family Dwelling
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
Single Family Dwelling

## 7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:  
2017
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Single Family Dwelling
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Single Family Dwelling
- 7.4 Length of time the existing uses of the subject property have continued:  
100 years or more
- 7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): Rural Settlement

Rural Settlement Area: Greenville

Urban Hamilton Official Plan designation (if applicable) N/A

Please provide an explanation of how the application conforms with the Official Plan.

- 7.6 What is the existing zoning of the subject land? P6
- 7.8 Has the owner previously applied for relief in respect of the subject property?  
(Zoning By-law Amendment or Minor Variance)
- Yes  No
- If yes, please provide the file number: \_\_\_\_\_

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7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

 Yes No

If yes, please provide the file number: \_\_\_\_\_

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

 Yes No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
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