



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

**Meeting #:** 23-22  
**Date:** November 16, 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. West Development</b>	
2.1 9:15 a.m.HM/A-23:275238 Bond Street North, Hamilton (Ward 1) Agent J. Bognar Owner M. Orr	5
2.2 9:20 a.m.HM/A-23:184512 Bay Street North, Hamilton (Ward 2) Agent Carrothers & Associates – D. Carrothers Owner P. & G. Petit	21
2.3 9:25 a.m.HM/A-23:271369 Barton Street East, Hamilton (Ward 3) Agent J.P. Samuel & Associates Inc. – J. Samuel Owner 14451384 Canada Inc. – E. Obienu	43
2.4 9:30 a.m.HM/A-23:2741033 Main Street East, Hamilton (Ward 3) Agent A.J. Clarke & Associates Ltd. – F. Kloibhofer Owner M. & N. Geleynse	67

2.5	9:35 a.m.HM/A-23:28121 Fairleigh Avenue North, Hamilton (Ward 3)	87
	Agent L. Angelici Owner 2727288 Ontario Inc.	
2.6	9:40 a.m.AN/A-23:26325, 35, 40 Farr Court, Ancaster (Ward 12)	101
	Agent Antech Design – C. Micucci Applicant D. Doyle Owner S. Modi	
2.7	9:45 a.m.AN/A-23:270162 Daniels Street, Ancaster (Ward 12)	127
	Owners D. & M. Berrisford	
2.8	9:50 a.m.AN/A-23:280275 Springbrook Avenue, Ancaster (Ward 12)	139
	Agent R. Wardlaw Owner S. Butt & M. Hanif	
2.9	9:55 a.m.FL/A-23:27221 Barnabas Street, Flamborough (Ward 12)	151
	Owner S. A. & C. Boudreau	
2.10	10:00 a.m.FL/A-23:27749 Jameson Drive, Flamborough (Ward 13)	171
	Applicant V. Pongetti Owner M. & M. Zitella	
2.11	B R E A K	
<b>3. East Development</b>		
3.1	10:20 a.m.GL/A-23:278474 Provident Way, Glanbrook (Ward 11)	187
	Agent The MBTW Group – M. Hannay Owner Cachet MDRE (Mount Hope) Inc.	
3.2	10:25 a.m.SC/B-23:7213 Kilbourn Avenue, Stoney Creek (Ward 10)	205
	Agent A. J. Clarke & Associates – S. Fraser Owner Hillwood Homes Inc.	
3.3	10:25 a.m.SC/A-23:27913 Kilbourn Avenue, Stoney Creek (Ward 10)	221
	Agent A. J. Clarke & Associates – S. Fraser Owner Hillwood Homes Inc.	

- 3.4 10:30 a.m.SC/B-23:68276 Millen Road, Stoney Creek (Ward 10) 233  
Owners D. & Y. Ewelukwa
- 3.5 10:30 a.m.SC/A-23:269276 Millen Road, Stoney Creek (Ward 10) 257  
Owners D. & Y. Ewelukwa
- 3.6 10:35 a.m.SC/B-23:70329 Highland Road West, Stoney Creek (Ward 9) 273  
Agent WEBB Planning Consultant  
Owner R. Vitucci
- 3.7 10:35 a.m.SC/B-23:71329 Highland Road West, Stoney Creek (Ward 9) 291  
Agent WEBB Planning Consultant  
Owner R. Vitucci
- 3.8 10:40 a.m.HM/A-23:141382 Upper Sherman Avenue, Hamilton (Ward 7) 309  
Agent Ontario Drafting Services  
Owner A. Masoudi & V. T. Ho
- 3.9 10:45 a.m.SC/A-23:27317 Elm Avenue, Stoney Creek (Ward 5) 323  
Agent Barich Grenkie  
Surveying Ltd. - D. Curcic  
Owner F. Mucolli
- 3.10 10:50 a.m.HM/A-23:282358 Beach Boulevard, Hamilton (Ward 5) 335  
Owner S. Ali
- 3.11 10:55 a.m.HM/A-23:276110 McAnulty Boulevard, Hamilton (Ward 4) 357  
Agent A. Siddiqui  
Owner Kakar Group Inc.

4. **CLOSED**

5. **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-23:275</b>	<b>SUBJECT PROPERTY:</b>	238 BOND STREET N, HAMILTON
<b>ZONE:</b>	"C/S-1364" (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 96-125

**APPLICANTS:**      **Owner:** MARK ORR  
                              **Agent:** JENNY BOGNAR

The following variances are requested:

1. A maximum floor area ratio of 0.72 shall be permitted instead of the maximum 0.45 floor area ratio permitted.
2. A minimum rear yard setback of 1.0m shall be permitted instead of the minimum 1.2m rear yard setback required.
3. A minimum distance of 6.3m shall be permitted between the rear wall of the principle dwelling and the Secondary Dwelling Unit – Detached instead of the minimum required 7.5m distance between the rear wall of the principle dwelling and the Secondary Dwelling Unit – Detached.
4. A minimum side yard setback of 1.2m shall be permitted for a roofed-over unenclosed deck instead of the minimum 1.2m setback required.

**PURPOSE & EFFECT:**      To facilitate the construction of a Secondary Dwelling Unit – Detached for the existing Single-Family Dwelling.

**Notes:**

The applicant shall ensure that the floor area ratio variance is correct; otherwise, further variances shall be required.

The applicant shall ensure that an eave or gutter shall not extend more than 30.0cm into a required yard; otherwise, further variances shall be required.

**HM/A-23:275**

The required landscaped strip has not been clearly labelled on the submitted plan. Therefore, the applicant shall ensure that the required 1.2m wide landscaped strip is provided and maintained adjacent to the Secondary Dwelling Unit – Detached; otherwise, further variances shall be required.

The applicant shall ensure that the height dimension is determined from grade as defined in the zoning 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, November 16, 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.

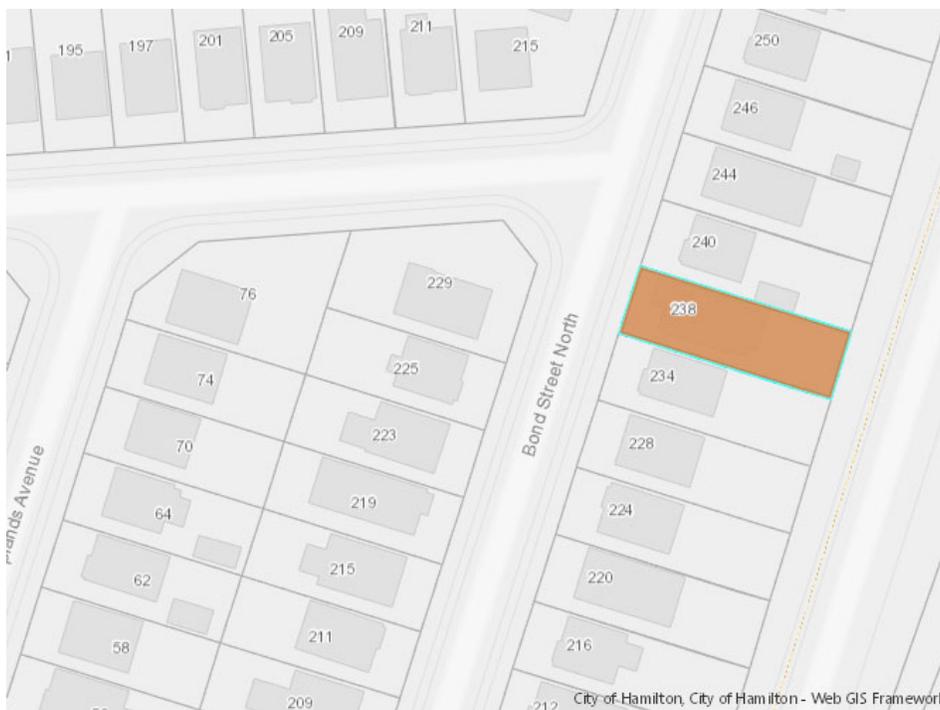
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:275, 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-23:275



 **Subject Lands**

DATED: October 31, 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.

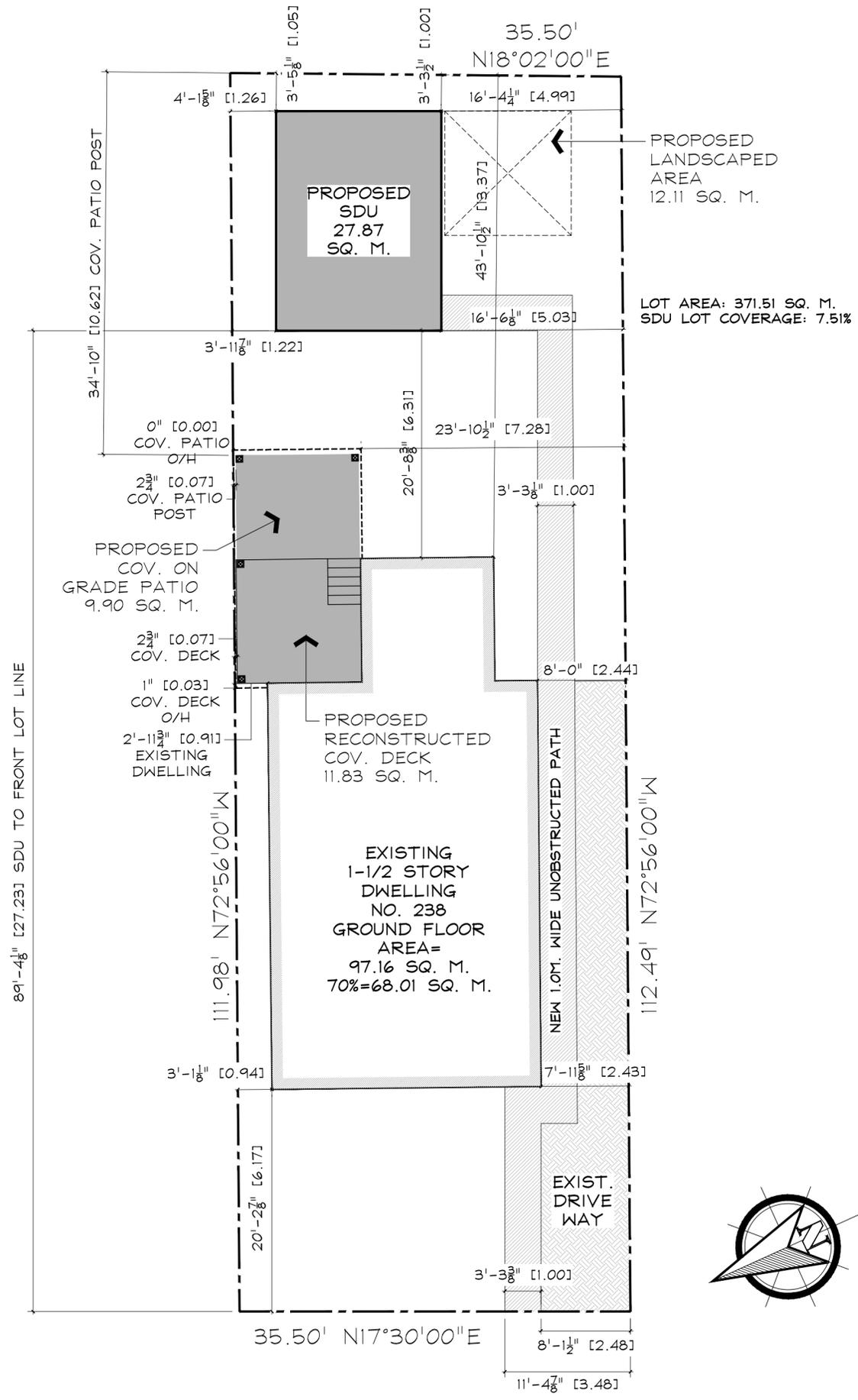
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

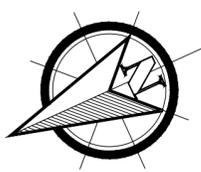
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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.



BOND STREET NORTH



1 SITE PLAN  
A1 1:100

THE ORR RESIDENCE  
238 BOND STREET NORTH  
HAMILTON, ON  
L8S 3W9

**drafting + design**

- 193 East 43rd Street
- Hamilton, ON L8T 3C3
- jbdraftinganddesign@live.ca
- 905.517.6027

10.06.23 *Jennifer Bognar* signature required  
Jennifer Bognar reviews and takes responsibility for the design work described in this document  
firm bcin 103416 individual bcin 33001

DATE	ISSUE DESCRIPTION
06.30.23	ISSUED FOR REVIEW
08.16.23	ISSUED FOR REVIEW
08.28.23	ISSUED FOR REVIEW
10.06.23	ISSUED FOR MV

ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED IMMEDIATELY. THE DESIGNER IS NOT LIABLE FOR ANY CHANGES MADE BY THE CONTRACTOR WITHOUT THE DESIGNER'S KNOWLEDGE AND PERMISSION.

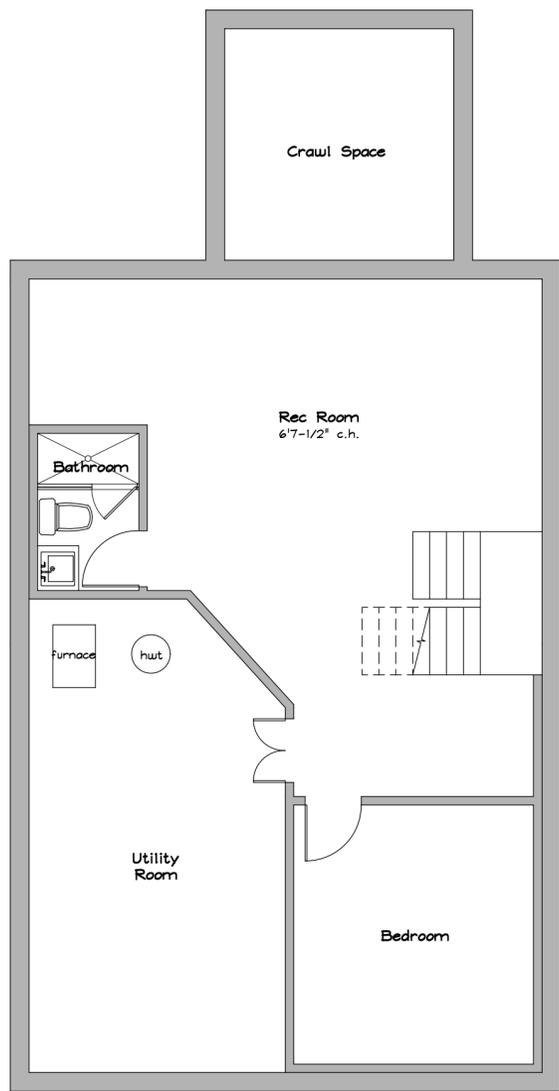
FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.

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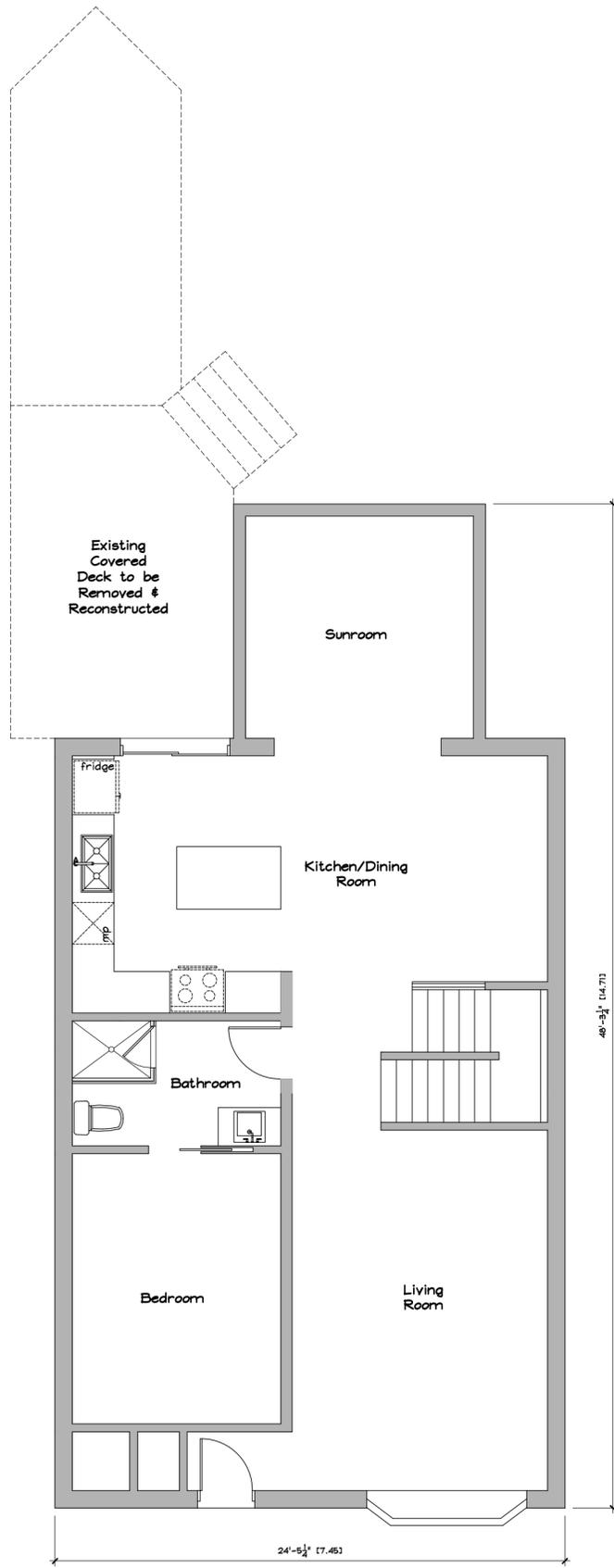
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SITE PLAN

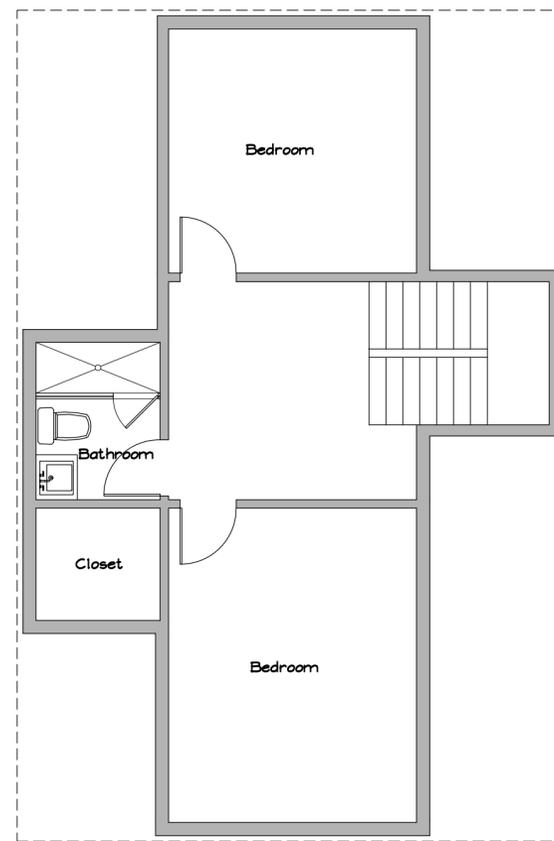
SHEET **A1** OF 5



Existing Basement Floor Area: 855.80 sq. ft. (79.51 sq. m.)



Existing Main Floor: 1045.77 sq. ft. (97.16 sq. m.)



Existing Second Floor: 566.04 sq. ft. (52.59 sq. m.)

1 EXISTING BASEMENT PLAN  
A2 3/16" = 1'-0"

2 EXISTING FIRST FLOOR PLAN  
A2 3/16" = 1'-0"

3 EXISTING SECOND FLOOR PLAN  
A2 3/16" = 1'-0"

THE ORR RESIDENCE  
238 BOND STREET NORTH  
HAMILTON, ON  
L8S 3W9

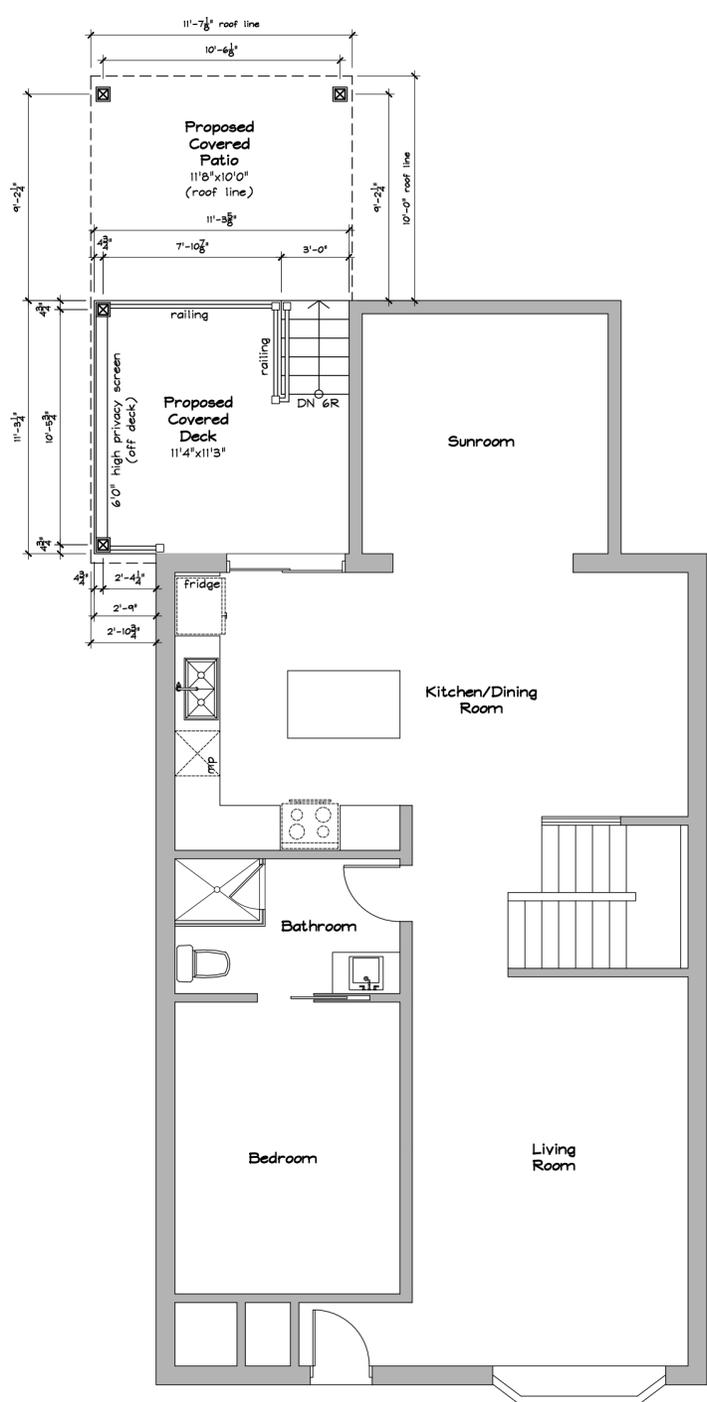
**drafting + design**  
 ■ 193 East 43rd Street ■  
 ■ Hamilton, ON ■ L8T 3C3 ■  
 ■ jbdraftinganddesign@live.ca ■  
 ■ 905.517.6027 ■

10.06.23 *Jennifer Bogner* signature required  
 Jennifer Bogner reviews and takes responsibility for the design work described in this document  
 firm bcin 103416 ■ individual bcin 33001

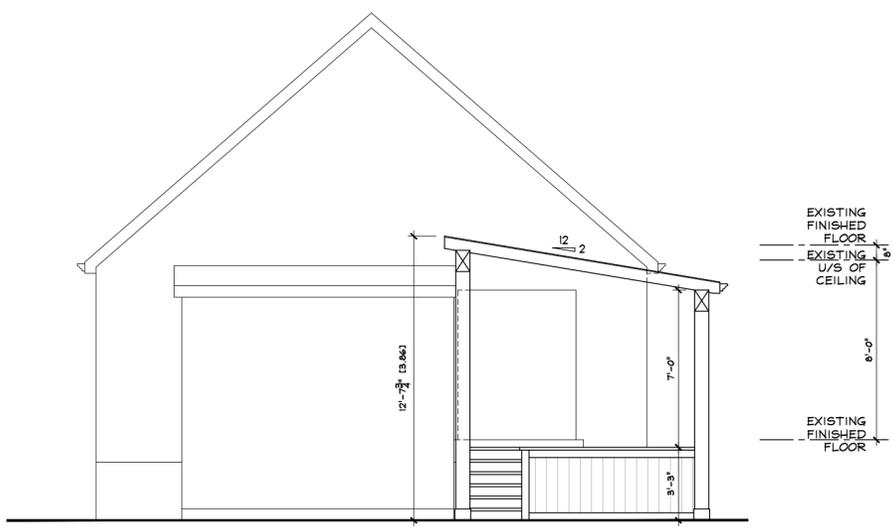
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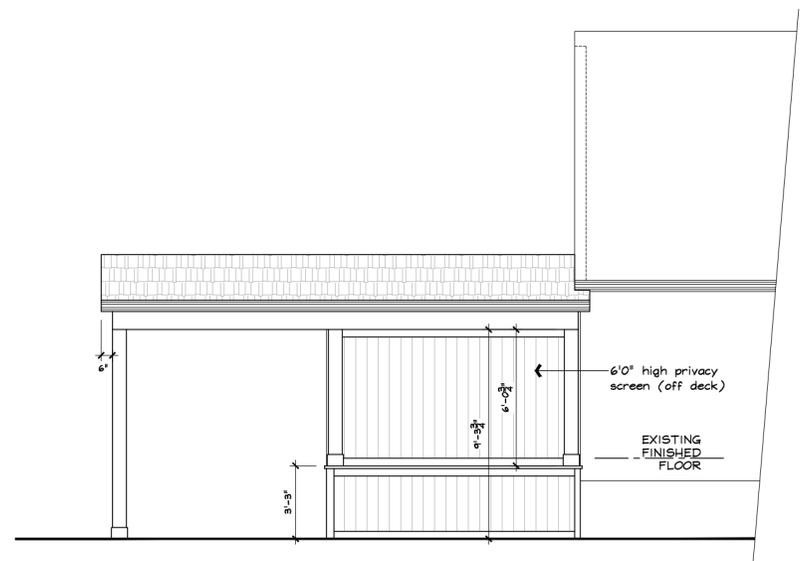
EXISTING MAIN DWELLING FLOOR PLANS  
 SHEET **A2** OF 5



1 PROPOSED DECK PLAN  
A3 3/16" = 1'-0"



2 PROPOSED DECK REAR ELEVATION  
A3 3/16" = 1'-0"



3 PROPOSED DECK SIDE ELEVATION  
A3 3/16" = 1'-0"

THE ORR RESIDENCE  
238 BOND STREET NORTH  
HAMILTON, ON  
L8S 3W9

**drafting + design**  
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Hamilton, ON L8T 3C3  
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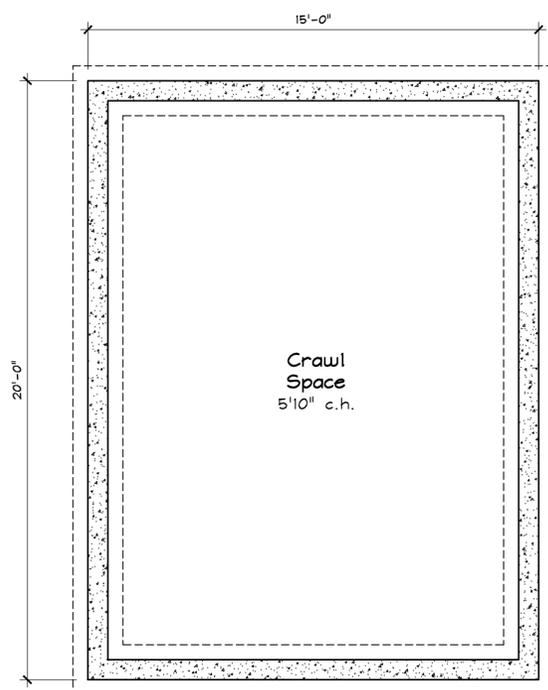
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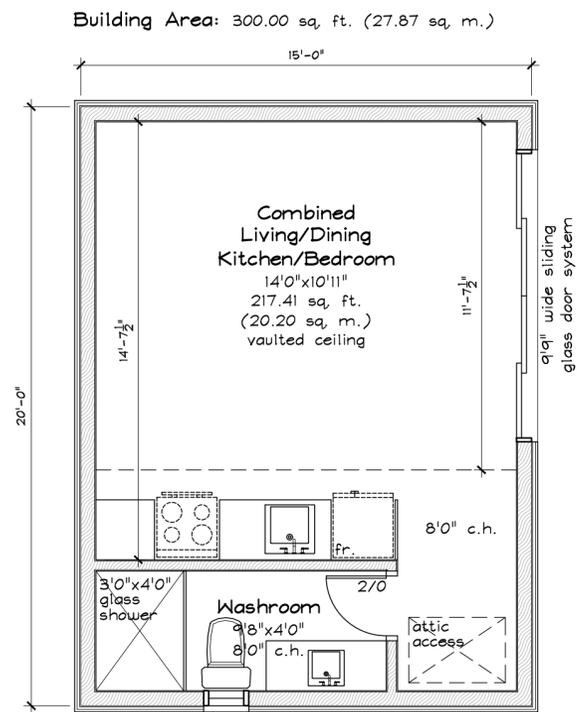
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PROPOSED DECK PLAN & ELEVATIONS

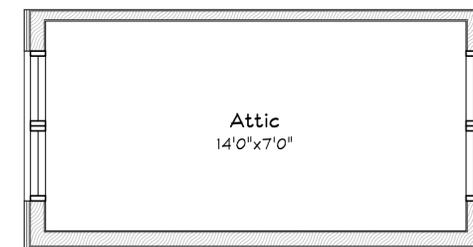
SHEET **A3** OF 5



1 PROPOSED FOUNDATION PLAN  
A4 1/4" = 1'-0"



2 PROPOSED FLOOR PLAN  
A4 1/4" = 1'-0"



3 PROPOSED ATTIC PLAN  
A4 1/4" = 1'-0"

THE ORR RESIDENCE  
238 BOND STREET NORTH  
HAMILTON, ON  
L8S 3W9

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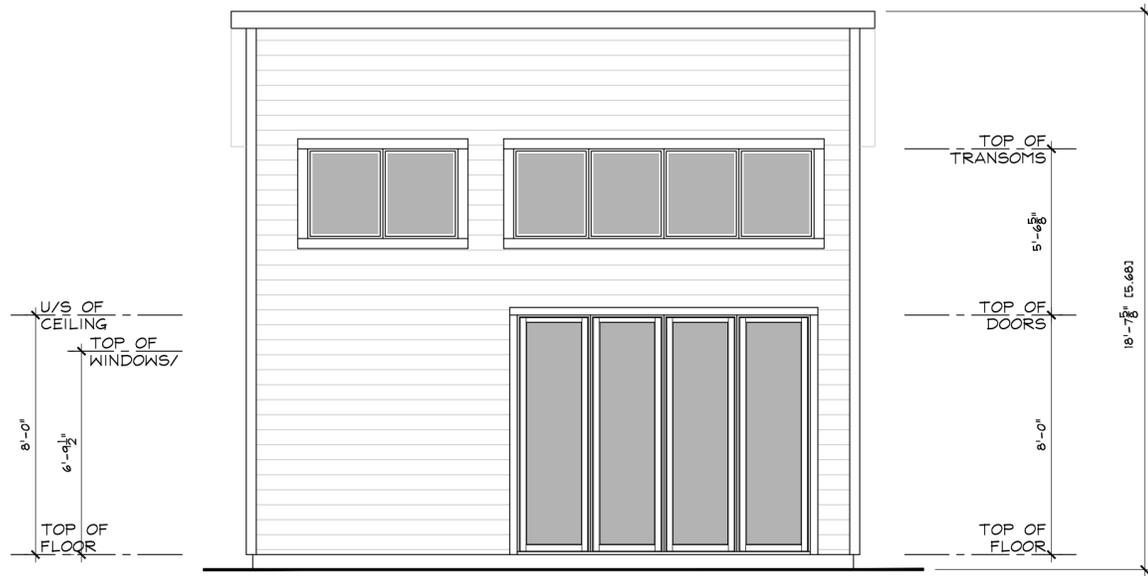
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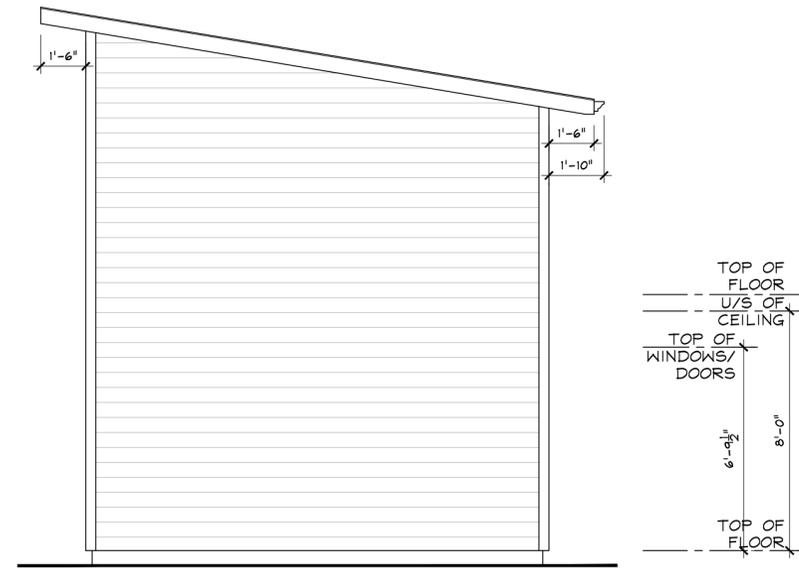
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PROPOSED SDU FLOOR PLANS

SHEET **A4** OF 5



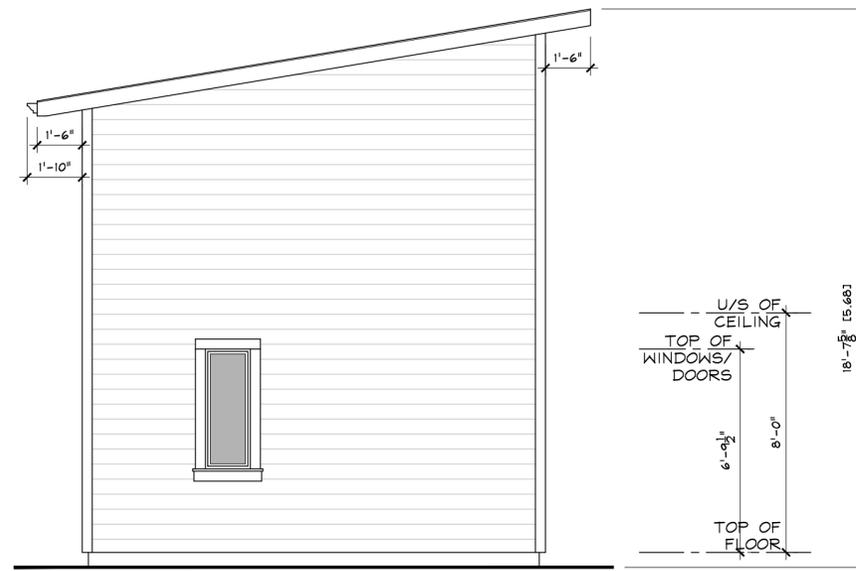
1 FRONT ELEVATION  
A5 1/4" = 1'-0"



2 RIGHT SIDE ELEVATION  
A5 1/4" = 1'-0"



3 REAR ELEVATION  
A5 1/4" = 1'-0"



4 LEFT SIDE ELEVATION  
A5 1/4" = 1'-0"

THE ORR  
RESIDENCE  
238 BOND STREET NORTH  
HAMILTON, ON  
L8S 3W9

**drafting + design**  
 ■ 193 East 43rd Street ■  
 ■ Hamilton, ON ■ L8T 3C3 ■  
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SDU  
ELEVATIONS

SHEET  
**A5**  
OF 5

### **Minor Variance Supplementary Information - 238 Bond Street North, Dundas**

We are kindly requesting a number of variances to facilitate the construction of a detached SDU and reconstruct an existing covered deck to create a new covered deck & patio.

#### **Variances Requested**

1. To provide a 1.0m. east(rear) side yard setback to the detached SDU instead of the required 1.2m.
2. To provide a 6.31m. setback in between the detached SDU & the main dwelling instead of the required 7.5m.
3. To provide a north side yard setback of 0.0m. to replace/reconstruct the existing covered deck with a new covered deck & covered patio, instead of the required 1.2m. A variance was received previously (HM/A-04:155) for the existing covered deck at a 0.0m. setback.

The home owner desires to build a detached SDU to provide a living space for his son, who needs his own space. We are proposing a very small, modest unit that will look supplementary to the main dwelling and add value & interest to the lot. We feel we are providing a great unit to help with the intensification that the city so greatly desires.

We chose to reduce the rear yard setback to 1.0m. from 1.2m. so that we could provide more space between the SDU and the main dwelling, although a variance for a reduced setback between the two buildings of 6.31m. is still required. We felt that this reduction on the rear yard setback was fairly minor and that this space behind the SDU is fairly unusable anyways so we'd prefer to give more depth between the two buildings if we could.

Both setbacks still allow for plenty of amenity space in the year yard, for both units.

We are positive that the reduced rear yard setback will have very little effect on anyone as the rear lot line of this property backs onto Longwood Road and is at the top of an incline in comparison to the road so will most likely be barely visible from the road.

The home owner would also like to reconstruct an existing covered deck to create a new covered (smaller) deck and an on grade covered patio. We are reducing the deck area at the floor level but adding a grade level covered patio space.

The existing covered deck currently sits at a 0.0m. setback, as a variance was received in the past. The home owner would like maintain this setback to keep the deck space a useable size. The neighboring property has a detached garage structure in this general location on their property, there for there would be very little negative impact on their property and it's use. However, the home owner would like to provide a privacy screen to ensure privacy for both himself and the neighboring property, if the detached garage should ever cease to exist. Both homeowners have both been satisfied with this setup for years and would like maintain this situation. We feel this request is minor in nature as its not changing the existing situation or making it any worse. Any and all drainage will be directed away from the neighboring property to ensure no negative impacts.

For all the reasons above we feel that these variances are in keeping with the official plan and there for meet the purpose & intent of the bylaw and are minor in nature. We appreciate your time and consideration on this matter.



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

**1. APPLICANT INFORMATION**

	NAME		
<b>Registered Owners(s)</b>	Mark Orr		
<b>Applicant(s)</b>	Jenny Bognar		
<b>Agent or Solicitor</b>	As per applicant		
		As per applicant	<b>Phone:</b> <b>E-mail:</b>

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  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	238 Bond Street North		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

### 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

See attached

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

See attached

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

Yes  No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
7.45 m.	14.71 m.	371.51 sq. m.	15.0 m.

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	6.17 m.	13.37 m.	0.91 m./ 2.43 m.	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
SDU	n/a	1.0 m.	1.22 m./4.99 m.	
Covered Deck	n/a	10.62 m.	0.0 m./7.28 m.	

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	97.16 sq. m.	229.26 sq. m.	1.5	6.88 m.

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
SDU	27.87 sq. m.	27.87 sq. m.	1	5.68 m.
Covered Deck	21.73 sq. m.	21.73 sq. m.	1	4.16 m.

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

- lake or other water body  
 other means (specify)

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

- ditches  
 other means (specify)

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

publicly owned and operated sanitary sewage

system privately owned and operated individual

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

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

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

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

Single Family Dwelling

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

Single Family Dwellings

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Dec. 11, 1997

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:

Always

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? HM/A-04:155

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

(Zoning By-law Amendment or Minor Variance)

Yes

No

If yes, please provide the file number: HM/A-04:155

---

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):

Main dwelling unit & D-SDU

## 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- and two-family Dwellings)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      **Owner:** PAUL & GAIL PETIT  
**Agent:** CARROTHERS AND ASSOCIATES C/O NIKKI FUDGE

The following variances are requested:

1. A minimum front yard setback of 0.75m shall be permitted instead of the minimum 6.0m front yard setback required
2. A minimum rear yard setback of 6.31m shall be permitted instead of the minimum 7.29m rear yard setback required
3. A north easterly side yard setback of 0.47m shall be permitted instead of the minimum 0.9m side yard setback required for a lot of record
4. A minimum of 14.5% front yard landscaping shall be permitted instead of the minimum 50% front yard landscaping required
5. 0 on-site parking shall be required instead of the minimum 3 parking spaces required

**PURPOSE & EFFECT:**      To permit the construction of a proposed new single detached dwelling with an internal secondary dwelling unit

**Notes:**

1. A “hobby workshop” is noted in the basement of the proposed dwelling. For purposes of this review, the space has been considered a personal hobby space and not a home occupation. If a home occupation is intended, the requirements and restrictions of Section 2.(2) H.(iii) of Hamilton Zoning By-law 6593 shall apply.

HM/A-23:184

**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, November 16, 2023</b>
<b>TIME:</b>	<b>9:20 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

## **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: October 31, 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.

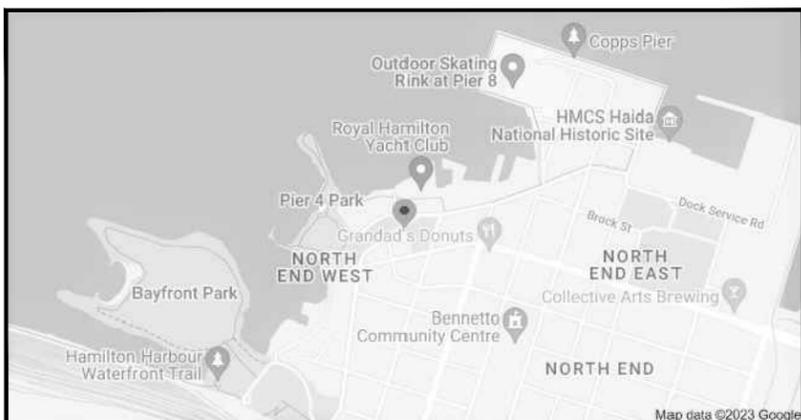
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

# PRIVATE RESIDENCE

## NEW CUSTOM SINGLE FAMILY DWELLING

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

ISSUED FOR COMMITTEE OF ADJUSTMENT



LOCATION MAP:



NEW ELEVATION (FOR REF. ONLY):

**BUILDING STATISTICS:**

BUILDING FOOTPRINT	= 1528.5 sq.ft (142.0 sqm)
FRONT PORCH AREA	= 60.1 sq.ft (5.6 sqm)
RENTAL UNIT AREA	= 755.0 sqft (70.1 sqm)
GREEN/SOLAR ROOF AREA	= 983.1 sqft (91.3 sqm)
<hr/>	
MAIN FLOOR AREA	= 1062.1 sq.ft (98.7 sqm)
SECOND FLOOR AREA	= 1443.8 sq.ft (134.1 sqm)
THIRD FLOOR AREA	= 1267.2 sq.ft (117.7 sqm)
NEW TOTAL GFA	= 3773.1 sq.ft (350.5 sqm)



EXISTING DWELLING (FOR REF. ONLY):



NEW ELEVATION (FOR REFERENCE ONLY):

ISSUED FOR  
COMMITTEE OF  
ADJUSTMENT

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

Sheet Title:  
**COVER PAGE AND  
BUILDING STATISTICS**

No.	Date:	Issue/Revision
5	SEP 26/23	ISSUED FOR C OF A
4	AUG 17/23	ISSUED FOR CLIENT REVIEW
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: N.T.S.  
Date: SEPTEMBER 2023  
Project No. 2022-81

**A1**

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)		139.9 m <sup>2</sup>
GARAGE		33.8 m <sup>2</sup>
MAIN FLOOR		98.7 m <sup>2</sup>
SECOND FLOOR		134.1 m <sup>2</sup>
THIRD FLOOR		117.7 m <sup>2</sup>
<b>TOTAL GFA (1ST, 2ND &amp; 3RD FLR):</b>	<b>N/A</b>	<b>350.5 m<sup>2</sup></b>

LOT COVERAGE		
	AREA:	PERCENTAGE:
BUILDING FOOTPRINT (GARAGE INCLUDED)	136.4 m <sup>2</sup>	55.4%
FRONT PORCH	5.6 m <sup>2</sup>	2.3%
<b>TOTAL PROPOSED COVERAGE:</b>	<b>142.0 m<sup>2</sup></b>	<b>57.7%</b>

SETBACKS		
	BY-LAW:	PROPOSED:
FRONT YARD TO HOUSE	6.0 m	**0.75 m
REAR YARD TO HOUSE	7.29 m	**6.31m (0.98m DIF.)
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

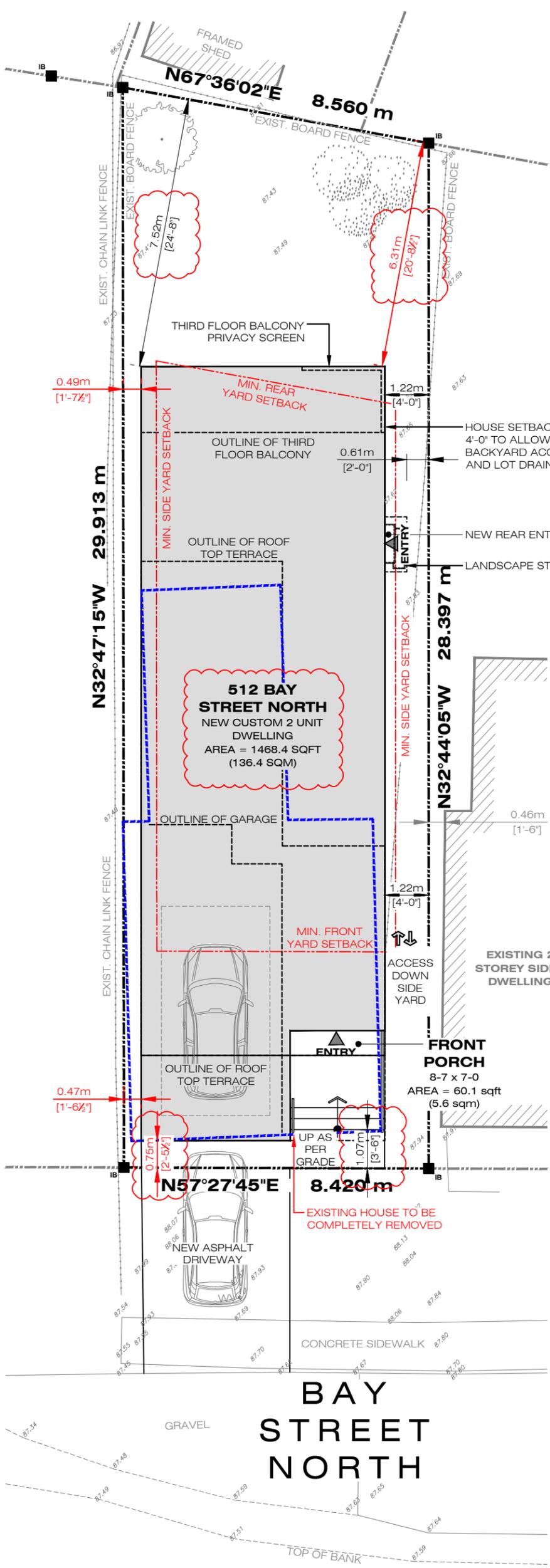
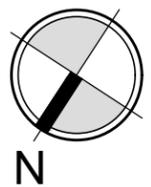
	BY-LAW:	PROPOSED:
MAX. BUILDING HEIGHT	14.0 m	±13.5 m
PARKING SPOTS	3	**0
SECONDARY DWELLING UNIT	1	1
FRONT YARD LANDSCAPING	50%	**14.5%

\*\* 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
	PROPERTY LINE
	ZONING SETBACKS
	PROPOSED HOUSE



**ISSUED FOR COMMITTEE OF ADJUSTMENT**

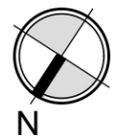
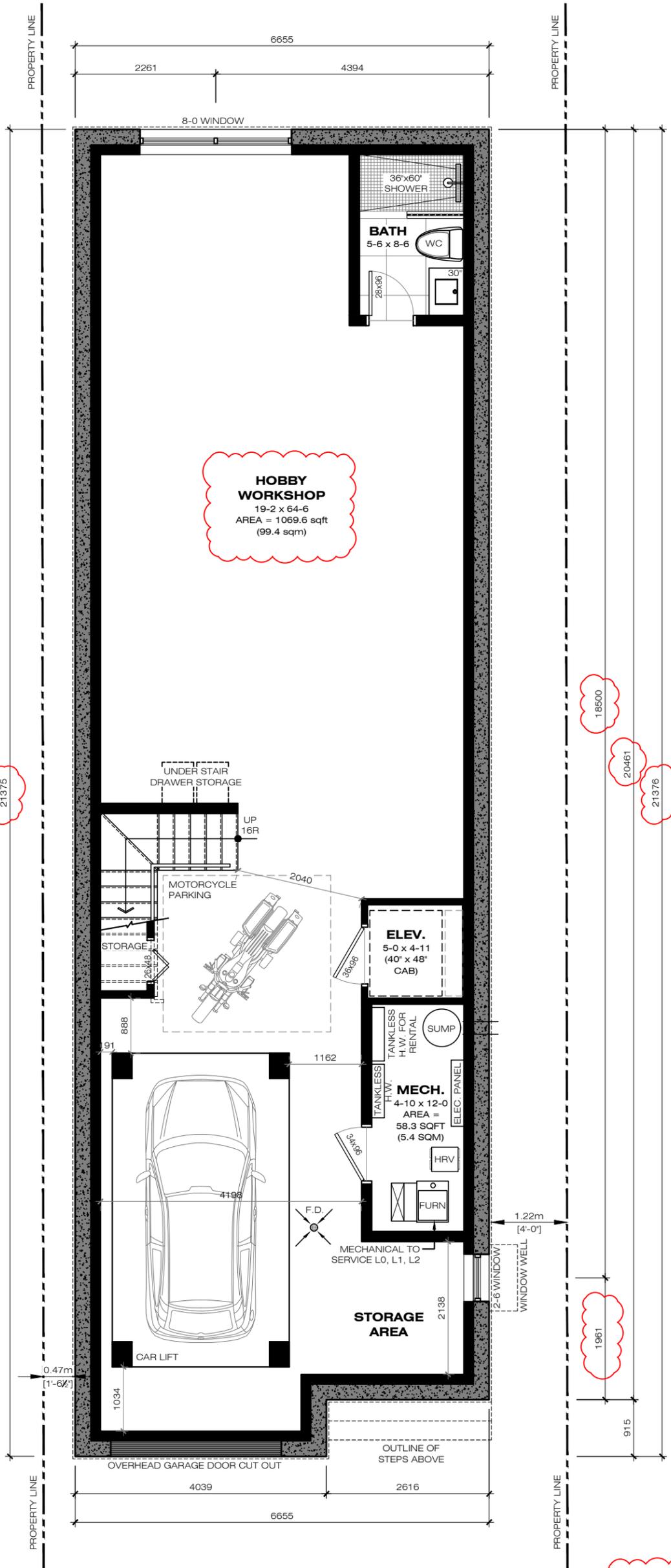
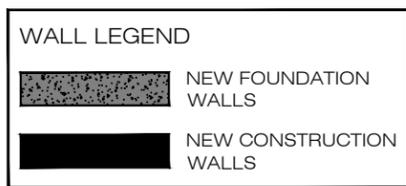
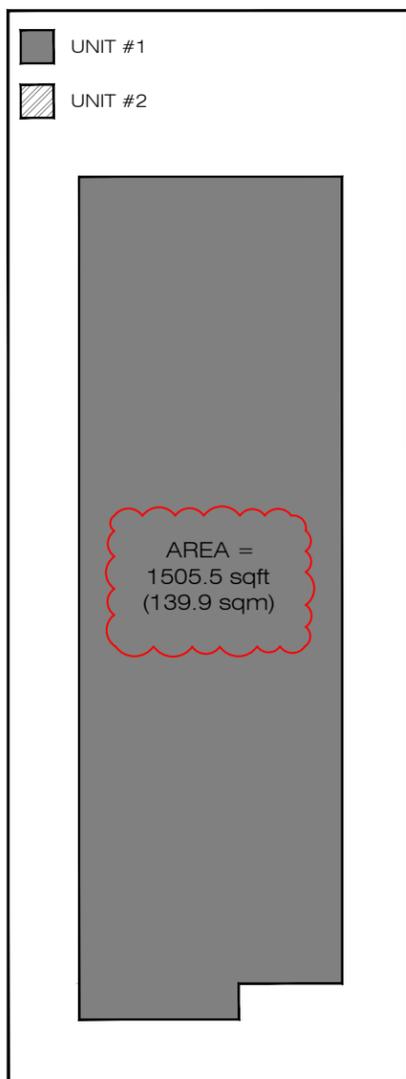
Project Name:  
**PRIVATE RESIDENCE**  
NEW CUSTOM SINGLE FAMILY DWELLING  
512 BAY STREET NORTH  
HAMILTON, ON. L8L 1N6

Sheet Title:  
**SITE PLAN AND ZONING STATISTICS**

No.	Date:	Issue/Revision
5	SEP 26/23	ISSUED FOR C OF A
4	AUG 17/23	ISSUED FOR CLIENT REVIEW
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:	1:125
Date:	SEPTEMBER 2023
Project No.	2022-81

**SP**



**LOWER LEVEL FLOOR PLAN**  
AREA = 1505.5 sqft (139.9 sqm)  
CEILING HEIGHT = 12'-0" U.N.O.

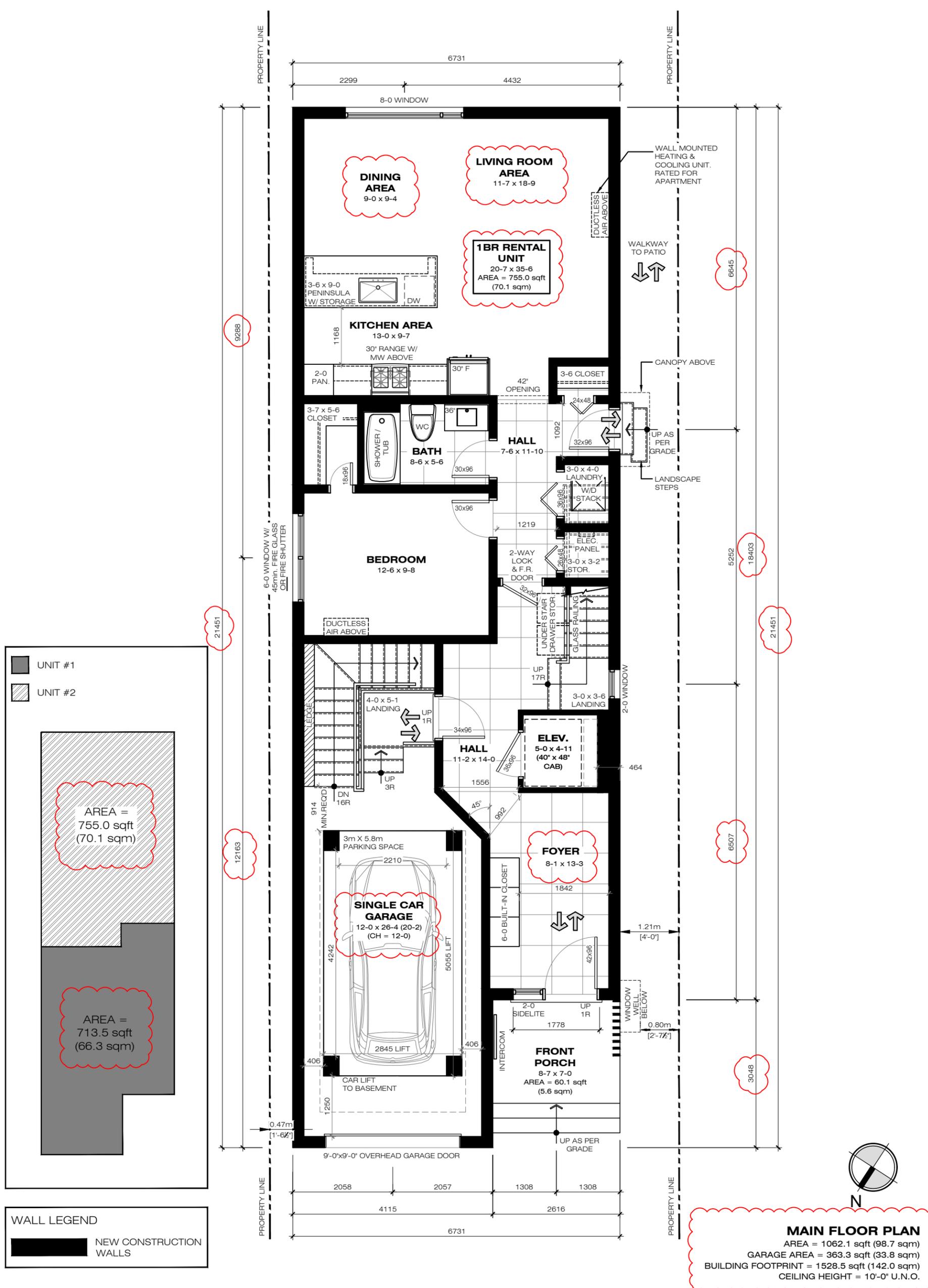
**ISSUED FOR COMMITTEE OF ADJUSTMENT**

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
5	SEP 26/23	ISSUED FOR C OF A
4	AUG 17/23	ISSUED FOR CLIENT REVIEW
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:	SEPTEMBER 2023
Project No.:	2022-81
<b>A2</b>	



ISSUED FOR COMMITTEE OF ADJUSTMENT

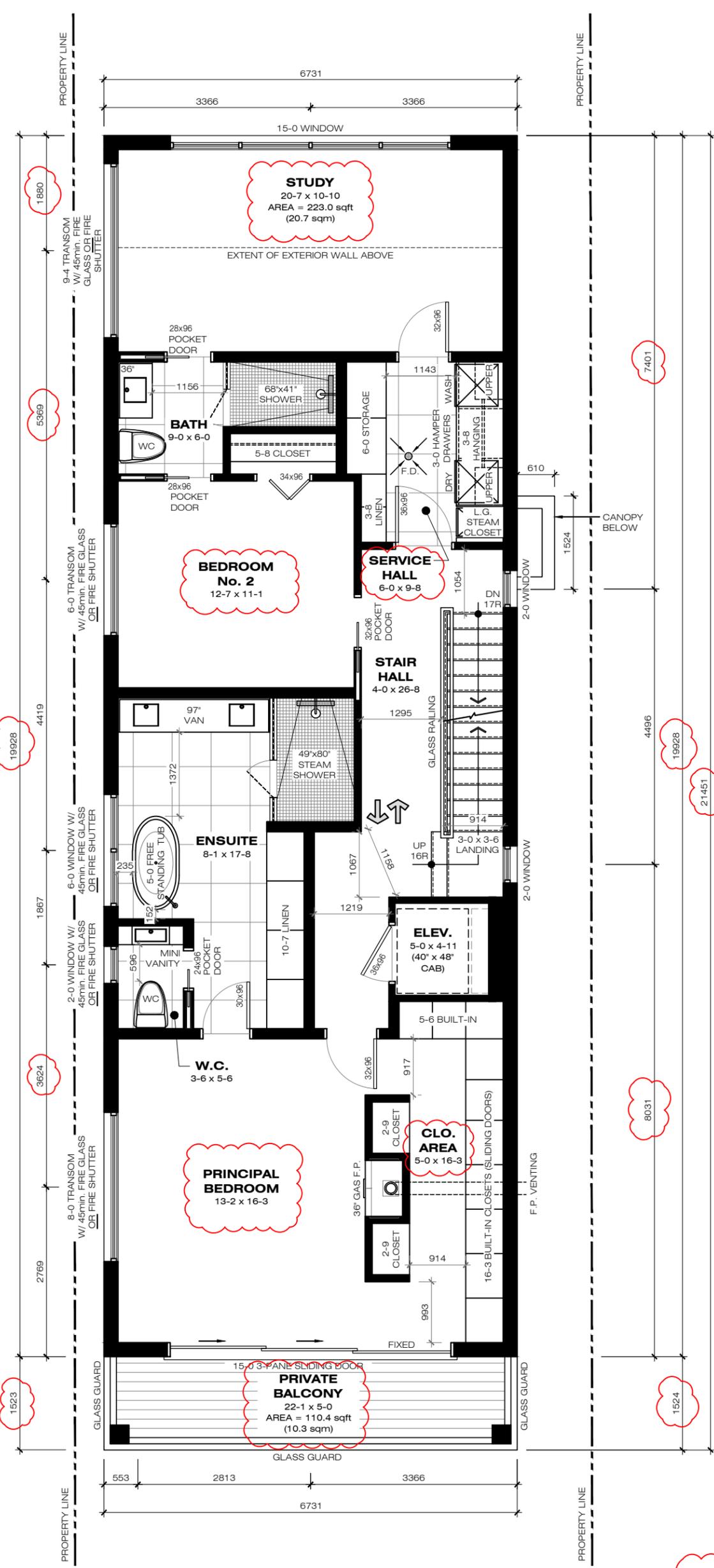
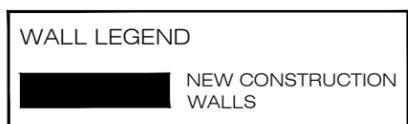
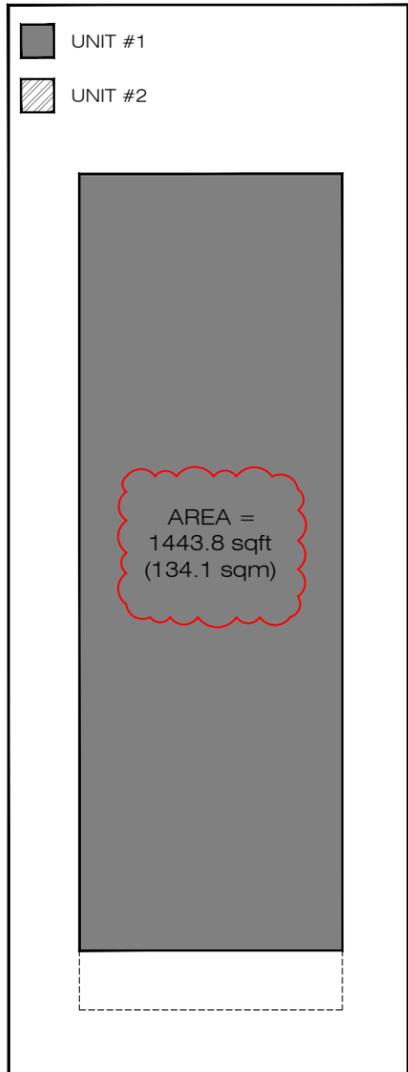
Project Name:  
**PRIVATE RESIDENCE**  
 NEW CUSTOM SINGLE FAMILY DWELLING  
 512 BAY STREET NORTH  
 HAMILTON, ON. L8L 1N6

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

No.	Date:	Issue/Revision
5	SEP 26/23	ISSUED FOR C OF A
4	AUG 17/23	ISSUED FOR CLIENT REVIEW
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:	SEPTEMBER 2023
Project No.	2022-81

**A3**



**SECOND FLOOR PLAN**  
 AREA = 1443.8 sqft (134.1 sqm)  
 CEILING HEIGHT = 9'-0" U.N.O.



**ISSUED FOR COMMITTEE OF ADJUSTMENT**

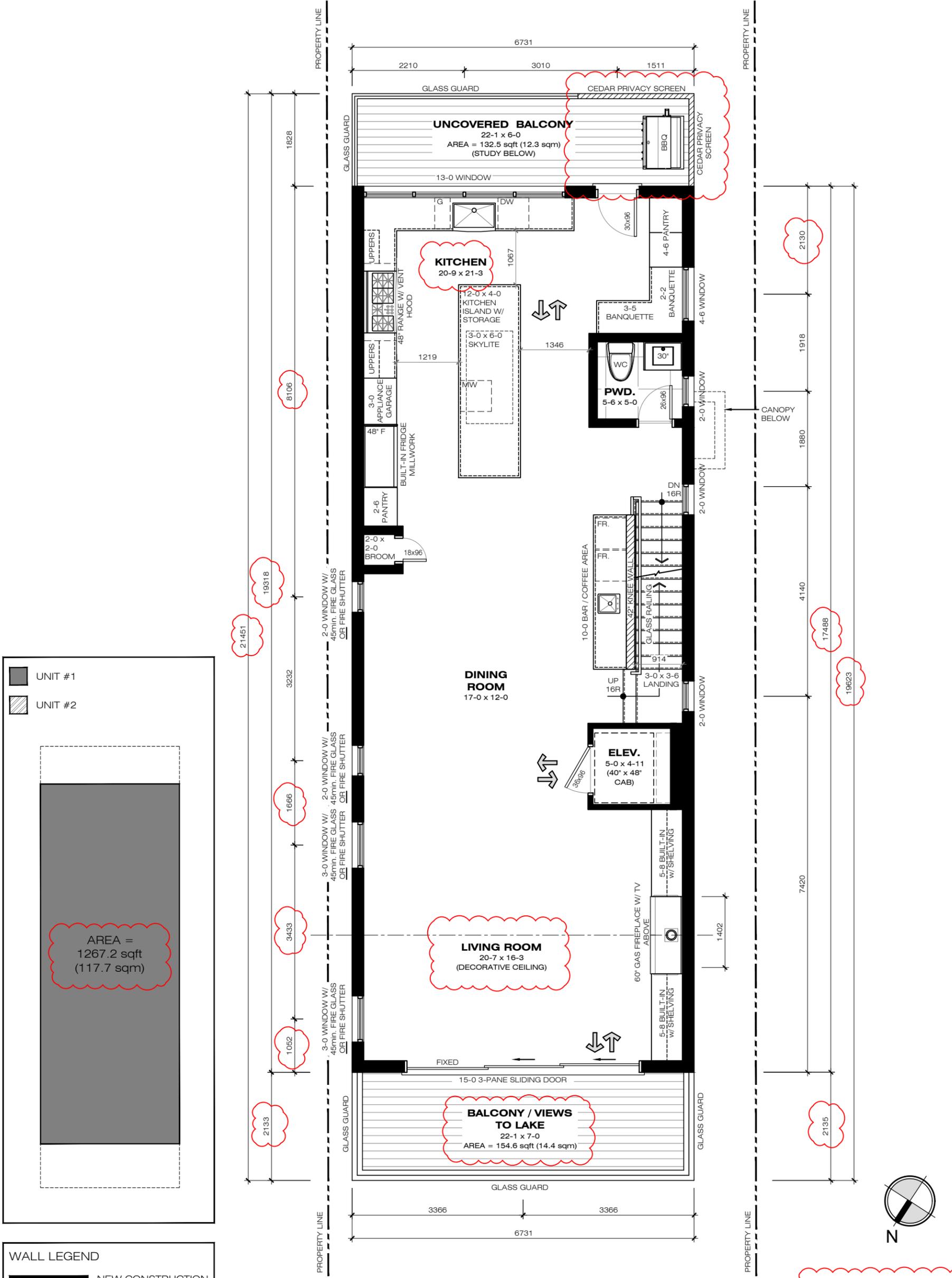
Project Name:  
**PRIVATE RESIDENCE**  
 NEW CUSTOM SINGLE FAMILY DWELLING  
 512 BAY STREET NORTH  
 HAMILTON, ON. L8L 1N6

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

No.	Date:	Issue/Revision
5	SEP 26/23	ISSUED FOR C OF A
4	AUG 17/23	ISSUED FOR CLIENT REVIEW
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:	SEPTEMBER 2023
Project No.	2022-81

**A4**



**THIRD FLOOR PLAN**  
 AREA = 1267.2 sqft (117.7 sqm)  
 CEILING HEIGHT = 9'-0" U.N.O.

**ISSUED FOR COMMITTEE OF ADJUSTMENT**

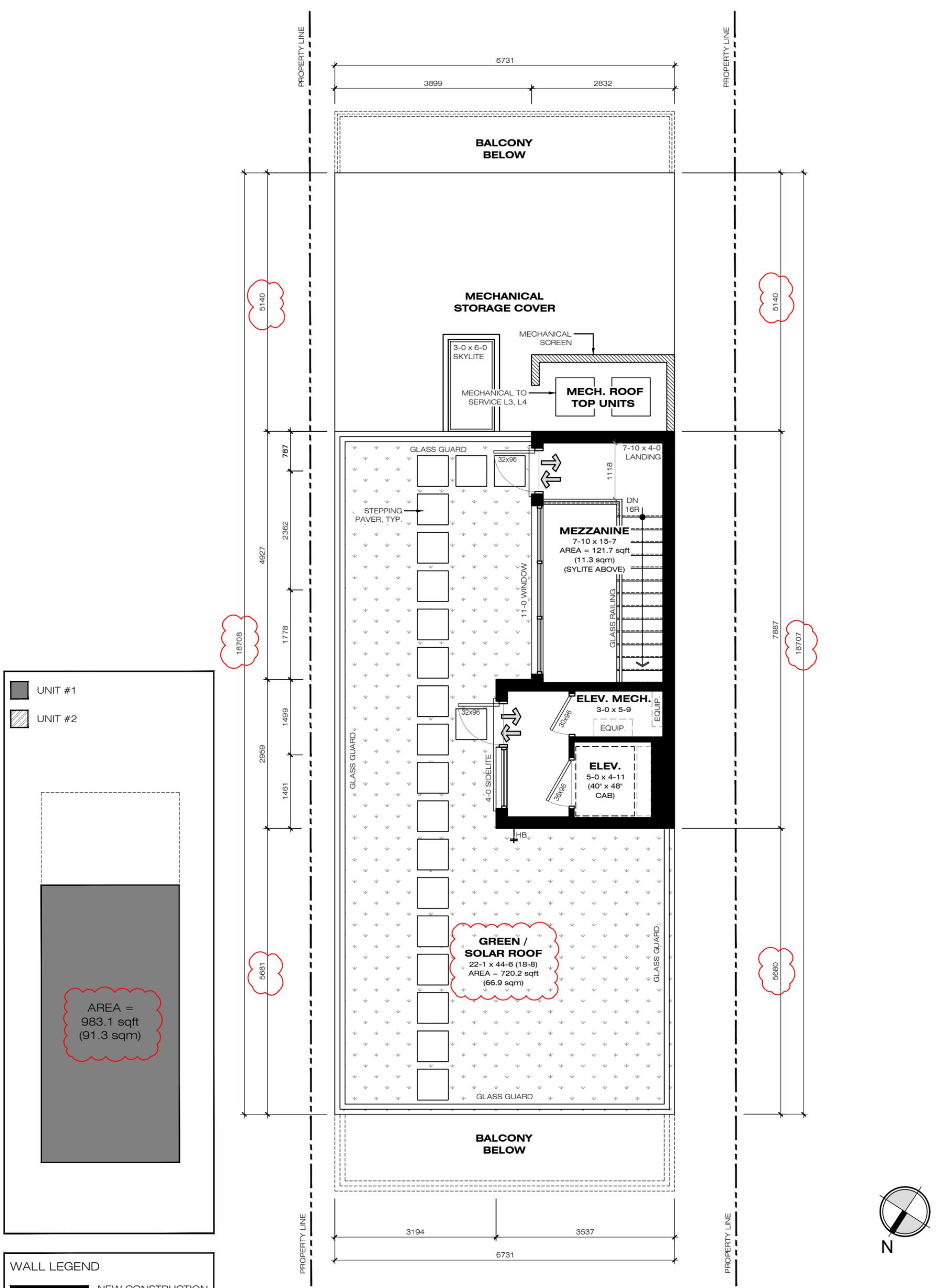
Project Name:  
**PRIVATE RESIDENCE**  
 NEW CUSTOM SINGLE FAMILY DWELLING  
 512 BAY STREET NORTH  
 HAMILTON, ON. L8L 1N6

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

No.	Date:	Issue/Revision
5	SEP 26/23	ISSUED FOR C OF A
4	AUG 17/23	ISSUED FOR CLIENT REVIEW
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:	SEPTEMBER 2023
Project No.	2022-81

**A5**



**GREEN/ SOLAR ROOFTOP**  
 AREA = 983.1 sqft (91.3 sqm)

**ISSUED FOR COMMITTEE OF ADJUSTMENT**

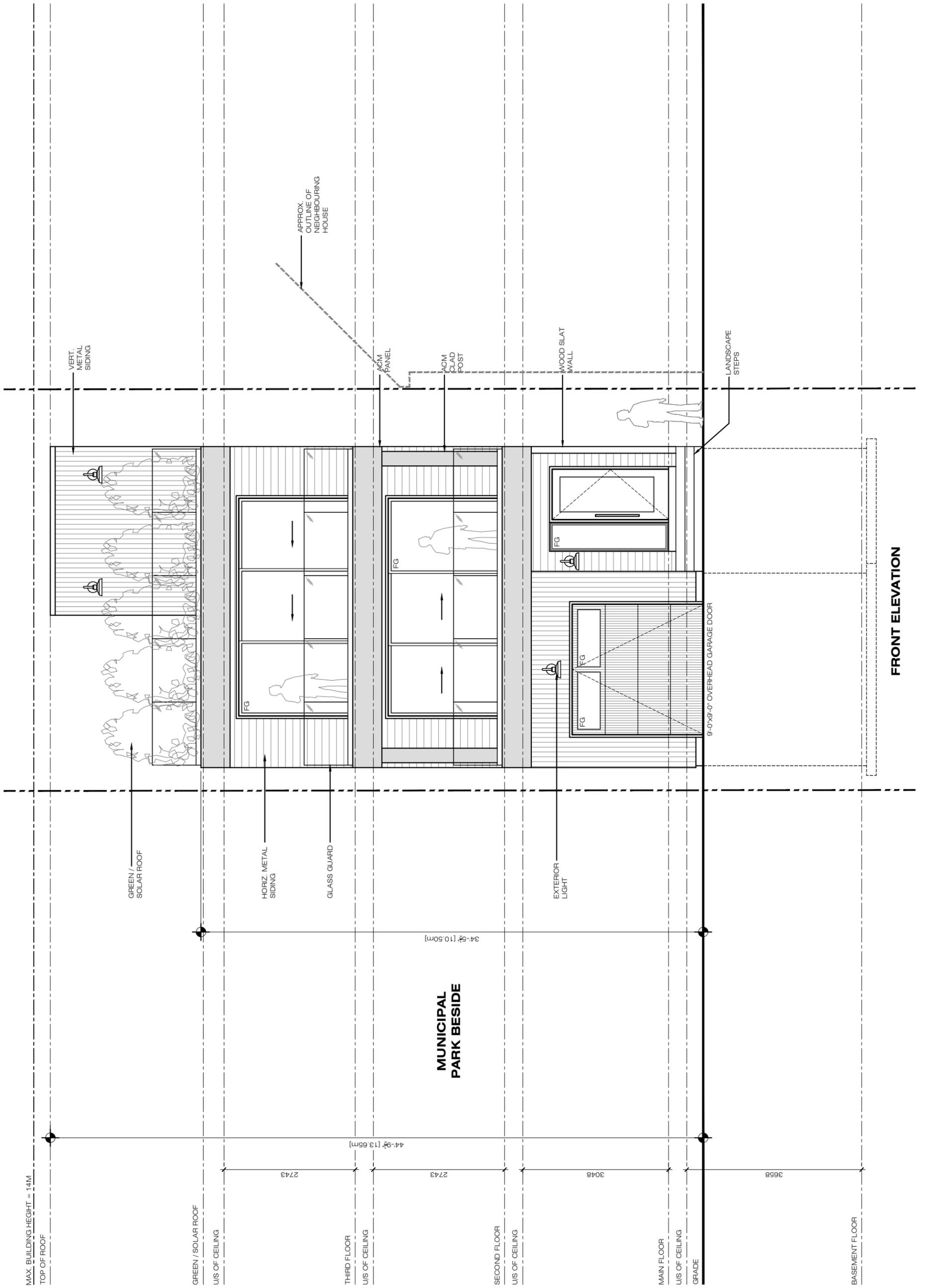
Project Name:  
**PRIVATE RESIDENCE**  
 NEW CUSTOM SINGLE FAMILY DWELLING  
 512 BAY STREET NORTH  
 HAMILTON, ON. L8L 1N6

Sheet Title:  
**GREEN/SOLAR ROOF PLAN (UNIT #1)**

No.	Date:	Issue/Revision
5	SEP 26/23	ISSUED FOR C OF A
4	AUG 17/23	ISSUED FOR CLIENT REVIEW
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:	SEPTEMBER 2023
Project No.	2022-81

**A6**



FRONT ELEVATION

MUNICIPAL PARK BESIDE

ISSUED FOR COMMITTEE OF ADJUSTMENT

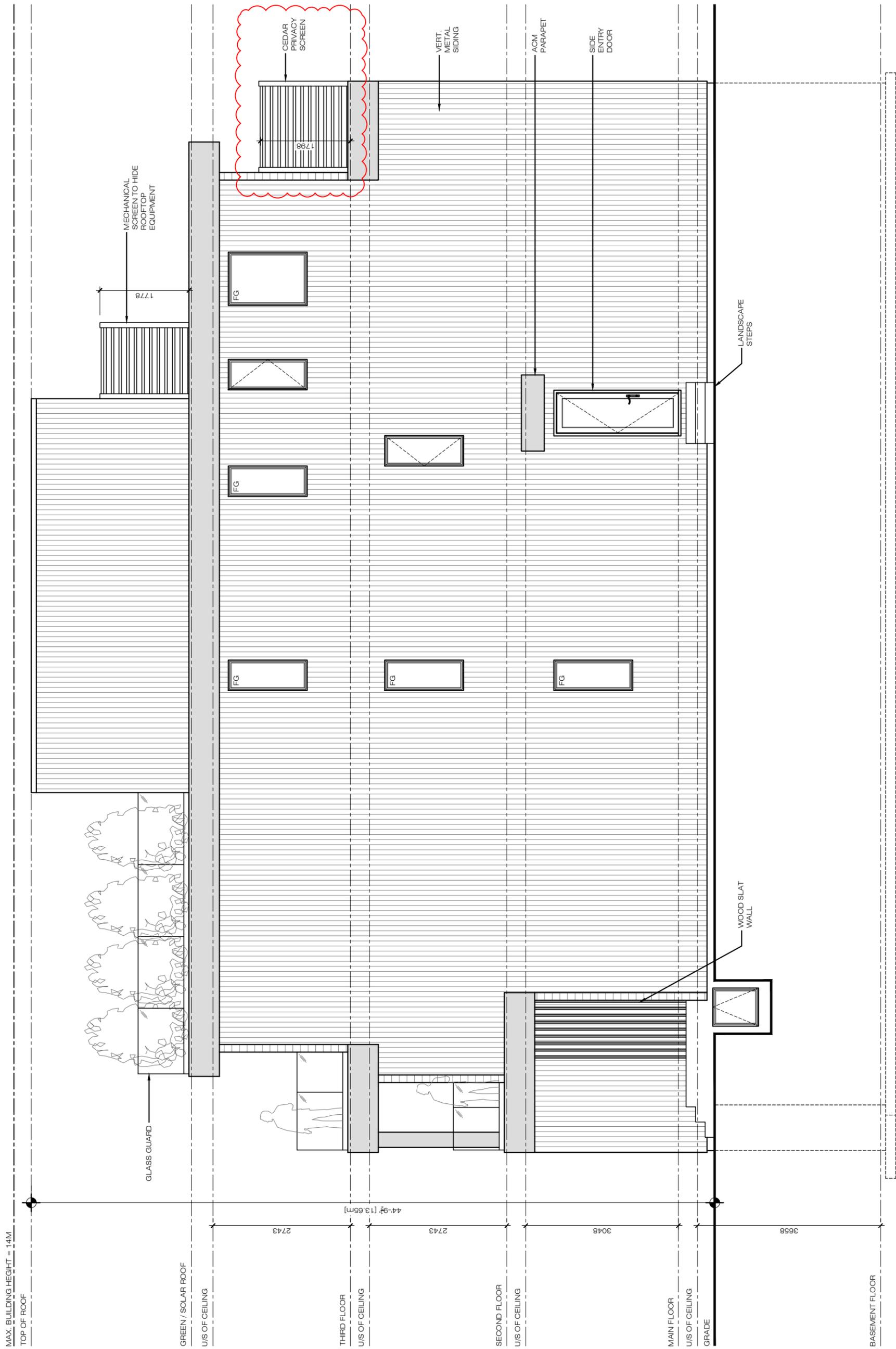
Project Name:  
**PRIVATE RESIDENCE**  
 NEW CUSTOM SINGLE FAMILY DWELLING  
 512 BAY STREET NORTH  
 HAMILTON, ON. L8L 1N6

Sheet Title:  
**FRONT ELEVATION**

No.	Date:	Issue/Revision
5	SEP 26/23	ISSUED FOR C OF A
4	AUG 17/23	ISSUED FOR CLIENT REVIEW
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:	SEPTEMBER 2023
Project No.	2022-81

**A7**



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

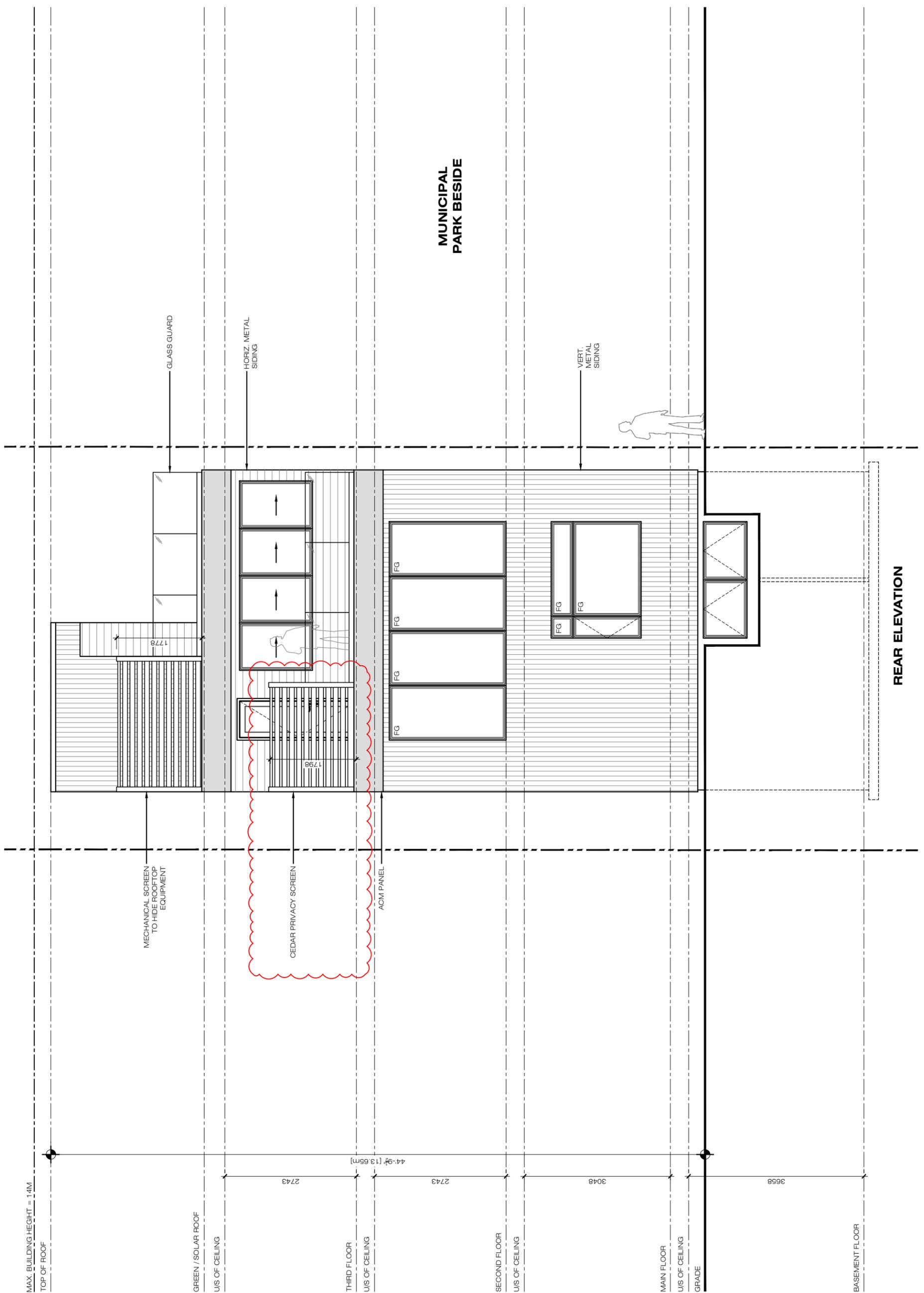
Sheet Title:  
**RIGHT SIDE  
ELEVATION**

No.	Date:	Issue/Revision
5	SEP 26/23	ISSUED FOR C OF A
4	AUG 17/23	ISSUED FOR CLIENT REVIEW
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:	SEPTEMBER 2023
Project No.	2022-81

**A8**

MUNICIPAL  
PARK BESIDE



REAR ELEVATION

ISSUED FOR  
COMMITTEE OF  
ADJUSTMENT

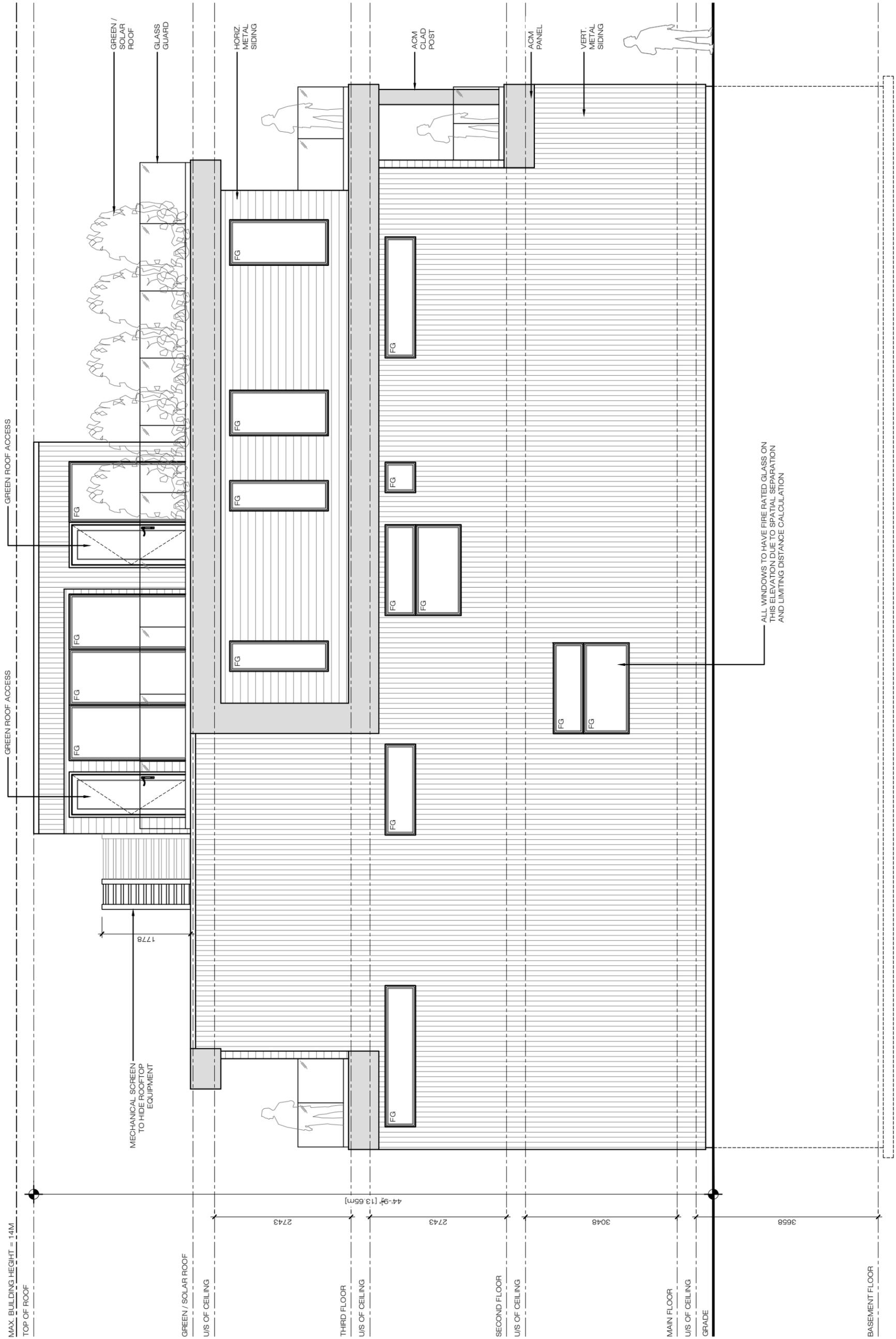
Project Name:  
**PRIVATE RESIDENCE**  
NEW CUSTOM SINGLE  
FAMILY DWELLING  
512 BAY STREET NORTH  
HAMILTON, ON. L8L 1N6

Sheet Title:  
**REAR ELEVATION**

No.	Date:	Issue/Revision
5	SEP 26/23	ISSUED FOR C OF A
4	AUG 17/23	ISSUED FOR CLIENT REVIEW
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:	SEPTEMBER 2023
Project No.	2022-81

**A9**



ALL WINDOWS TO HAVE FIRE RATED GLASS ON THIS ELEVATION DUE TO SPATIAL SEPARATION AND LIMITING DISTANCE CALCULATION

LEFT 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:  
**LEFT SIDE ELEVATION**

No.	Date:	Issue/Revision
5	SEP 26/23	ISSUED FOR C OF A
4	AUG 17/23	ISSUED FOR CLIENT REVIEW
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:	SEPTEMBER 2023
Project No.	2022-81

**A10**

**From:** [Alex Blanchard](#)  
**To:** [Committee of adjustment](#)  
**Cc:** [Nikki Fudge](#)  
**Subject:** HM/A-23:184 - 512 Bay Street North, Hamilton  
**Date:** Tuesday, October 10, 2023 9:23:39 AM  
**Attachments:** [Bay Street Custom 09 26 2023.pdf](#)  
[Resubmission - CofA Application.pdf](#)  
[CofA Letter.pdf](#)

---

Hello,

Attached are our amended drawings, application form, and transmittal for our Minor Variance application at 512 Bay Street North.

Hard copies were dropped off this morning and the amendment fee was paid. Please schedule us for the next available hearing date.

Thank you,

**Alex Blanchard | Architectural Manager**

Tel: 905-574-1504 ext. 3  
Carrothers and Associates  
505 York Boulevard Unit 3 Hamilton, Ontario L8R 3K4



Web: [www.carrothersandassociates.com](http://www.carrothersandassociates.com)

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Any unauthorized review, use or disclosure is prohibited. If you received this in error, please contact the sender and delete all copies of the e-mail together with any attachment.

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

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



**Hamilton**

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

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
<b>Registered Owners(s)</b>	Paul + Gail Petit	
<b>Applicant(s)</b>	Nikki Fudge Carrothers and Associates	
<b>Agent or Solicitor</b>	David Carrothers Carrothers and Associates	

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	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 = 0.75m (Required = 6.0m)
  - Side Yard Setback - Provided = 0.47m (Required = 0.9m)
  - Rear Yard Setback - Provided = 6.31m (Required = 7.29m)
  - Front Yard Landscaping - Provided = 14.5% (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

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
8.42m	29.17m	246.1m <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	0.75m	6.31m	1.22m + 0.47m	Spring 2024

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	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	136.4 m <sup>2</sup>	350.5 m <sup>2</sup>	3	+/- 13.5m

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

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

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

- ditches  
 other means (specify)  
 \_\_\_\_\_

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

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

4.7 Type of access: (check appropriate box)

- provincial highway  
 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 + 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: HM/A-23:184 (Tabled)

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

Yes  No

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

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

Yes  No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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

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Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:271</b>	<b>SUBJECT PROPERTY:</b>	369 BARTON STREET E, HAMILTON
<b>ZONE:</b>	"C5a" (Mixed Use Medium Density – Pedestrian Focus)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** 14451384 CANADA INC. C/O EMEKA OBIENU  
**Agent:** J.P. SAMUEL & ASSOCIATES INC. C/O JAMES SAMUEL

The following variances are requested:

1. A minimum of zero (0) parking spaces shall be permitted to be maintained instead of the minimum eight (8) parking spaces required.
2. A minimum zero (0) bicycle parking spaces shall be permitted to be maintained instead of the minimum five (5) bicycle parking spaces required.

**PURPOSE & EFFECT:** To facilitate the establishment of a medical clinic on within the front portion of the ground floor of the existing building.

**Notes:** N/A

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

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

<b>DATE:</b>	<b>Thursday, November 16, 2023</b>
<b>TIME:</b>	<b>9:25 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

**HM/A-23:271**

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-23:271, 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-23:271



DATED: October 31, 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.

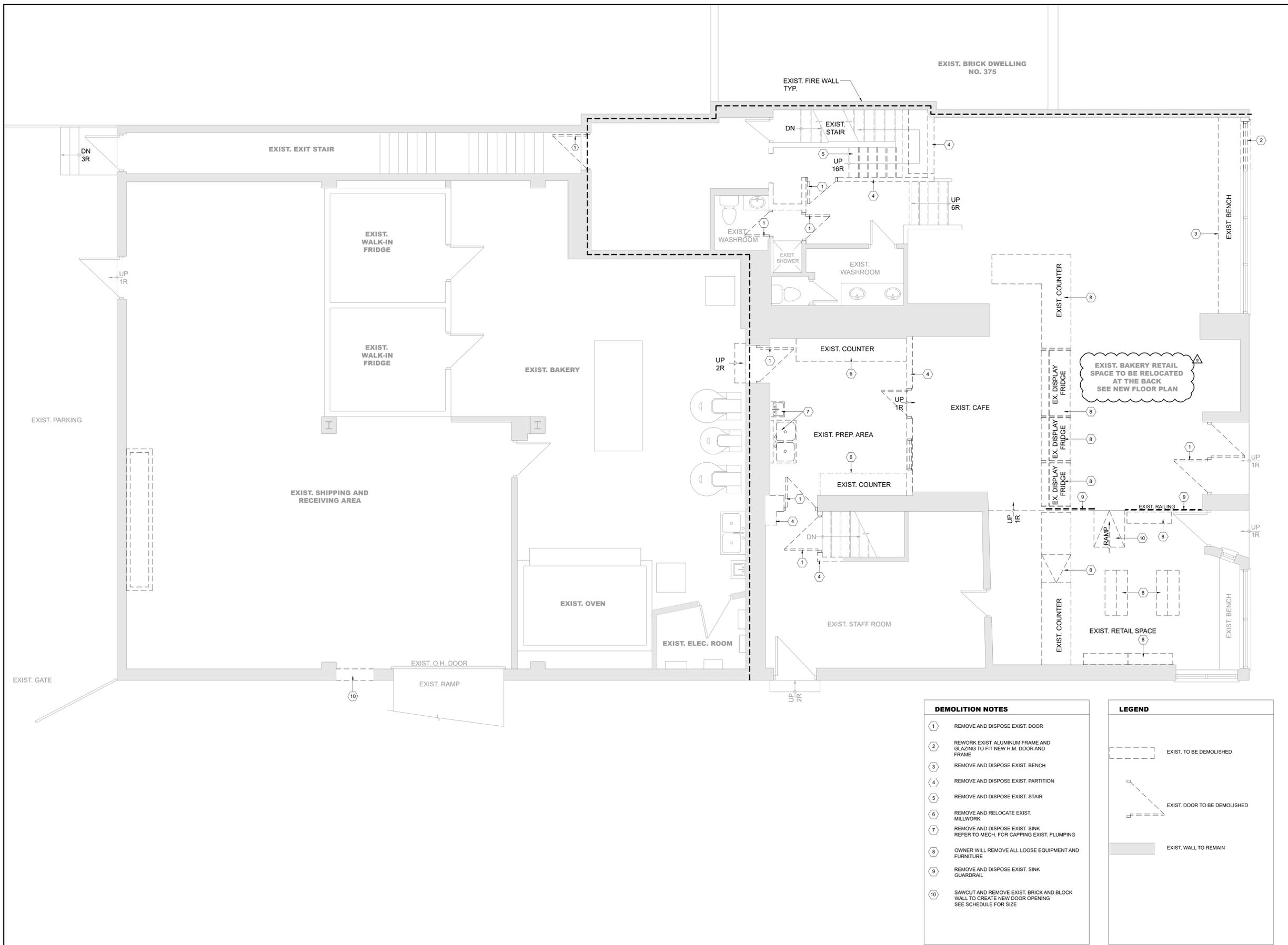
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



NOTE:  
 CONFIRM ALL GRIDS, DIMENSIONS AND ELEVATIONS WITH ARCHITECTURAL DRAWINGS.  
 CONTACT ARCHITECT AND ENGINEER FOR ANY DISCREPANCIES.  
 PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE ENGINEER AND MUST BE RETURNED UPON REQUEST. PLANS MUST NOT BE USED IN ANY OTHER LOCATION WITHOUT WRITTEN PERMISSION OF THE ENGINEER.  
 THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SIGNED BY THE ENGINEER.  
 DATE: \_\_\_\_\_

NO	REVISIONS	DATE	BY
B	RE-ISSUED FOR PERMIT	02/10/2023	J.S.
A	ISSUED FOR PERMIT / TENDER	29/06/2023	J.S.

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

CLIENT:

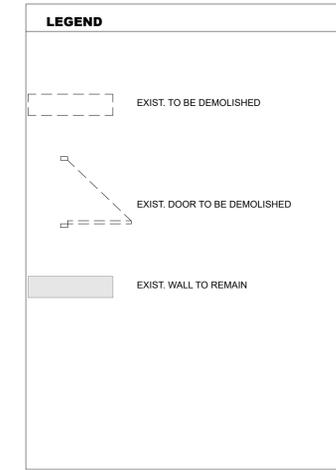
PROJECT:  
**INTERIOR RENOVATION**  
 373 BARTON ST E  
 HAMILTON, ONTARIO

**J. P. SAMUEL AND ASSOCIATES INC.**  
 STRUCTURAL ENGINEERS  
 1040 Garner Road W, Suite C203  
 Ancaster, ON L9G 0J2  
 Tel: (647) 671-8530  
 email: jsamuel@jpsamuel.com  
 www.jpsamuel.com

Scale: AS NOTED

**GROUND FLOOR DEMOLITION PLAN**

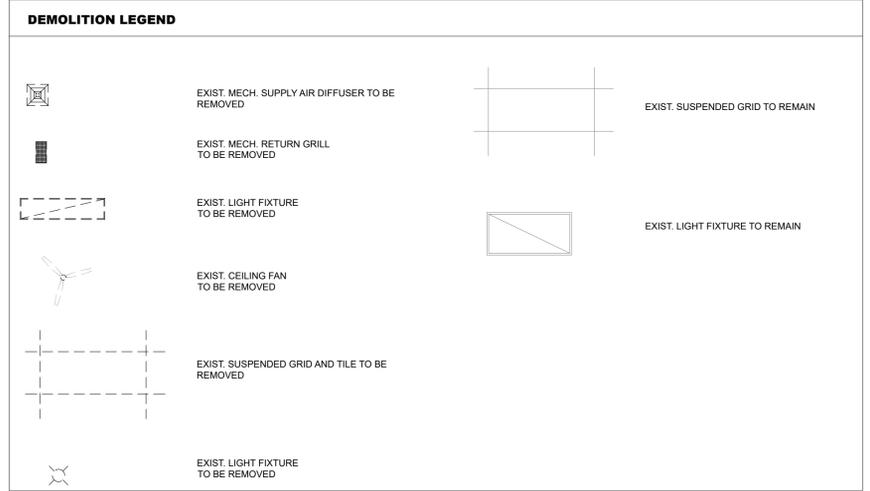
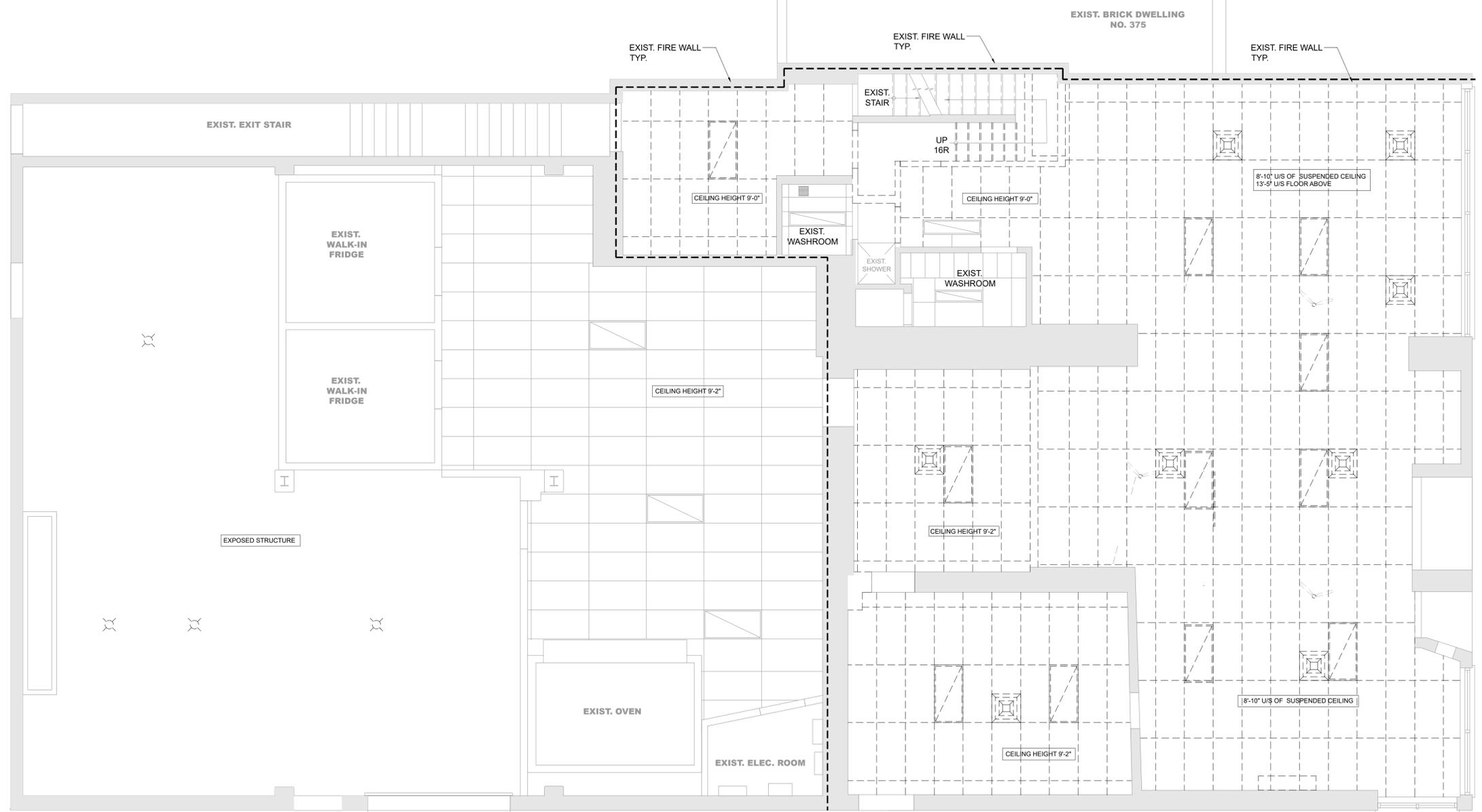
- DEMOLITION NOTES**
- 1 REMOVE AND DISPOSE EXIST. DOOR
  - 2 REWORK EXIST. ALUMINUM FRAME AND GLAZING TO FIT NEW H.M. DOOR AND FRAME
  - 3 REMOVE AND DISPOSE EXIST. BENCH
  - 4 REMOVE AND DISPOSE EXIST. PARTITION
  - 5 REMOVE AND DISPOSE EXIST. STAIR
  - 6 REMOVE AND RELOCATE EXIST. MILLWORK
  - 7 REMOVE AND DISPOSE EXIST. SINK REFER TO MECH. FOR CAPPING EXIST. PLUMBING
  - 8 OWNER WILL REMOVE ALL LOOSE EQUIPMENT AND FURNITURE
  - 9 REMOVE AND DISPOSE EXIST. SINK GUARDRAIL
  - 10 SAWCUT AND REMOVE EXIST. BRICK AND BLOCK WALL TO CREATE NEW DOOR OPENING SEE SCHEDULE FOR SIZE



**GROUND FLOOR DEMOLITION PLAN**  
 SCALE: 1/4"=1'-0"

DRAWN BY:	S.K.	JOB No.	2023-JPS-063
CHECKED BY:	J.S.	DRAWING No.	<b>D-100</b>
DATE:	MAY 2023		
ISSUED:			





NOTE:  
 CONFIRM ALL GRIDS, DIMENSIONS AND ELEVATIONS WITH ARCHITECTURAL DRAWINGS.  
 CONTACT ARCHITECT AND ENGINEER FOR ANY DISCREPANCIES.  
 PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE ENGINEER AND MUST BE RETURNED UPON REQUEST. PLANS MUST NOT BE USED IN ANY OTHER LOCATION WITHOUT WRITTEN PERMISSION OF THE ENGINEER.  
 THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SIGNED BY THE ENGINEER.  
 DATE: \_\_\_\_\_

NO	REVISIONS	DATE	BY
B	RE-ISSUED FOR PERMIT	02/10/2023	J.S.
A	ISSUED FOR PERMIT / TENDER	29/06/2023	J.S.

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

CLIENT:

PROJECT:  
**INTERIOR RENOVATION**  
 373 BARTON ST E  
 HAMILTON, ONTARIO

**J. P. SAMUEL AND ASSOCIATES INC.**  
 STRUCTURAL ENGINEERS  
 1040 Garner Road W, Suite C203  
 Ancaster, ON L9G 0J2  
 Tel: (647) 671-8530  
 email: jsamuel@jpsamuel.com  
 www.jpsamuel.com

Scale: AS NOTED

**REFLECTED CEILING DEMOLITION PLAN**



DRAWN BY:	S.K.	JOB No.	2023-JPS-063
CHECKED BY:	J.S.	DRAWING No.	<b>D-101</b>
DATE:	MAY 2023		
ISSUED:			

**GENERAL NOTES**

- THE GENERAL NOTES MUST BE READ IN CONJUNCTION WITH THE DESIGN DRAWINGS AND SPECIFICATIONS OF ENGINEERS AND ARCHITECTURAL DISCIPLINES WHICH FORM PART OF THIS CONTRACT. THIS INCLUDES DRAWING SPECIFICATIONS AND SKETCHES. SHOULD THERE BE CONTRADICTORY INFORMATION BETWEEN DRAWINGS, SKETCHES AND SPECIFICATIONS, THE ONE WHICH CLEARLY DEFINES THE INTENT OF THE DESIGN TAKES PRECEDENCE.
- ALL DESIGN, DETAILING, CONSTRUCTION AND SHORING, MUST CONFORM TO THE PRESENT ONTARIO BUILDING CODE, OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS LATEST EDITION. ALL ASSOCIATED COST WITH THE DESIGN, SUPPLY AND INSTALLATION OF TEMPORARY SHORING IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR. GENERAL CONTRACTOR TO PROVIDE STAMPED, ENGINEERED SHORING DRAWINGS.
- THE GENERAL CONTRACTOR IS RESPONSIBLE TO COORDINATE WORK OF ALL SUBCONTRACTORS.
- THE GENERAL CONTRACTOR MUST REVIEW ALL DIMENSIONS PRIOR TO THE COMMENCEMENT OF ALL WORK AND MUST REPORT ALL DISCREPANCIES TO THE ENGINEER/ARCHITECT.
- PROJECTS WHICH INCLUDE ANY DEMOLITION AND OR RENOVATION WORK, THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND EXISTING CONSTRUCTION. SHOULD A DISCREPANCY ON EITHER BE FOUND, REPORT FINDINGS TO ENGINEER/ARCHITECT.
- CONTRACTOR TO THOROUGHLY CLEAN ALL SURFACES WITHIN THE WORK AREA AND REMOVE ALL CONSTRUCTION DEBRIS PRIOR TO COMPLETION.
- REPAIR AND MAKE GOOD ANY DAMAGES THAT OCCURS DURING THE DEMOLITION OF THIS CONTRACT.
- CONTRACTOR TO PROVIDE AN UPDATED SET OF CAD DRAWINGS ON DISC AND 2 HARD COPIES REFLECTING THE AS-BUILT CONDITIONS TO THE OWNER. UPDATED DRAWINGS INCLUDE ALL DISCIPLINES INVOLVED IN THE PROJECT.
- CONTRACTOR TO PROVIDE THE OWNER WITH A MAINTENANCE MANUAL FOR ALL MATERIALS AND EQUIPMENT USED DURING THE PROJECT. COORDINATE AND COLLECT INFORMATION FROM ALL DISCIPLINES. CUT SHEETS AND MANUFACTURER RECOMMENDED MAINTENANCE INFORMATION TO BE PROVIDED IN A BOUND DOCUMENT. DOCUMENT TO HAVE TITLE IDENTIFYING PROJECT ALONG WITH A TABLE OF CONTENTS IDENTIFYING EQUIPMENT AND DRAWING CROSS-REFERENCE. EXAMPLE: CEILING TILE LABELED MANUFACTURERS NAME AND IN BRACKETS DRAWING DESIGNATION (C1) PROVIDE TABBED SECTIONS TO FACILITATE LOCATING INFORMATION QUICKLY. DOCUMENT TO BE OF A PROFESSIONAL QUALITY MADE FROM ORIGINAL DOCUMENTS. PHOTOGRAPHED MATERIAL WILL NOT BE ACCEPTED. A PDF VERSION ON DISC IS TO BE INCLUDED IN THE MANUAL.

**DEMOLITION**

- GENERAL CONTRACTOR SHALL PROTECT AREAS TO BE DEMOLISHED WITH HOARDINGS, DUST CONTROL MEASURES ETC THAT ARE ACCEPTABLE WITH THE OWNER AND CONSULTANT.
- GENERAL CONTRACTOR SHALL CO-ORDINATE THE DEMOLITION INCLUDING APPROVED ACCESS ROUTES FOR REMOVAL OF MATERIALS FROM THE WORK SITE WITH THE OWNER.
- ANY ACCESS ROUTE USED BY THE CONTRACTOR SHALL BE REPAIRED AND MADE GOOD TO THE OWNERS APPROVAL. ALL SURFACE FINISHES SHALL BE REINSTATED TO THEIR PRE-DEMOLITION CONDITION.
- DEMOLITION AREAS SHALL BE MODIFIED TO MATCH EXISTING CONDITIONS. ALL WALL, FLOOR AND CEILING FINISHES SHALL MATCH EXISTING MATERIALS/COLORS/TEXTURES SHALL BE APPROVED BY THE OWNER PRIOR TO MATERIAL ORDERING.
- GENERAL CONTRACTOR SHALL MAKE GOOD ALL SURFACES AFFECTED BY THIS PROJECT TO THE OWNERS SATISFACTION.
- ALL FIRE RATED ASSEMBLIES SHALL BE MAINTAINED. NEW CONSTRUCTION, REQUIRED AFTER DEMOLITION SHALL MEET OR EXCEED THE EXISTING FIRE RATINGS.

**GYPSUM BOARD SYSTEMS**

- MATERIALS**
- STEEL STUDS FRAMING SHALL CONFORM TO ASTM C645.
- NON LOAD BEARING STUD SYSTEMS, AND FURRING CHANNELS, SHALL BE 20 GAUGE IN THICKNESS, HOT DIP GALVANIZED, SHEET STEEL, OF SIZES INDICATED ON PLANS.
- FLOOR AND CEILING TRACKS SHALL BE 1 1/2" FLANGE HEIGHT, OF SIZES INDICATED ON PLANS.
- GYPSUM BOARD FOR INTERIOR APPLICATIONS SHALL BE 1/2" THICK, UNLESS NOTED OTHERWISE, 4'-0" WIDE x MAXIMUM PRACTICAL LENGTH. ENDS SHALL BE CUT SQUARE AND EDGES SHALL BE TAPED.
- ACCESSORIES AND TRIM SHALL BE APPROPRIATE FOR EACH SPECIFIC APPLICATION IN ACCORDANCE WITH STANDARDS OF GOOD PRACTICE
- EXECUTION**
- INSTALL STEEL STUDS PLUMB, LEVEL AND FLUSH WITH EXISTING INSIDE WALL, AND SECURE TO FLOOR AND CEILING AT 2'-0" o.c. MAINTAIN CLEARANCE UNDER BEAMS AND STRUCTURAL SLABS TO AVOID TRANSMISSION OF LOADS BY PROVIDING DOUBLE TRACK DEFLECTION TRACKS.
- ATTACH STUDS TO TRACKS USING SCREWS (BOTH SIDES).
- PROVIDE TWO STUDS, FASTENED TOGETHER, FRAMING FROM FLOOR TO CEILING EACH SIDE OF OPENINGS.
- PROVIDE ALL BLOCKING, BRIDGING AND BRACING AS REQUIRED FOR STABILITY AND BY OTHER TRADES.
- PROVIDE ALL FURRING FOR ACCESS PANELS, BULKHEADS, AND WHERE OTHERWISE REQUIRED.
- DO NOT INSTALL GYPSUM BOARDS UNTIL INSULATION, VAPOUR BARRIER, ELECTRICAL AND MECHANICAL WORK ARE APPROVED.
- APPLY SINGLE LAYER GYPSUM BOARD WITH A MAXIMUM SCREW SPACING OF 12" o.c..
- INSTALL ACCESSORIES STRAIGHT, PLUMB OR LEVEL, USING FULL LENGTH PIECES WHERE POSSIBLE. MITRE AND FIT ALL CORNERS.
- INSTALL ACCESS DOORS TO ELECTRICAL AND MECHANICAL FIXTURES AS REQUIRED.
- FILL SCREW HEAD DEPRESSIONS WITH JOINTING COMPOUND AND TAPE ALL JOINTS. APPLY 3 COATS OF JOINTING COMPOUND, FEATHERING AND SANDING BETWEEN COATS. FINISHED SURFACE TO BE FREE FROM VISUAL DEFECTS, TOOL MARKS AND READY TO RECEIVE FINISHES. TOUCH UP AND SAND AS REQUIRED.
- INSTALLATION CONTRACTOR SHALL HAVE A MINIMUM FIVE YEARS PROVEN SATISFACTORY EXPERIENCE.
- COMPLETE WORK IN ACCORDANCE WITH ASTM 840-98, SPECIFICATION FOR APPLICATION AND FINISHING OF GYPSUM BOARD, UNLESS SPECIFIED ELSEWHERE
- DRYWALL TO BE INSTALLED AND FINISHED SMOOTH AND FREE FROM DEFECTS. DRYWALL PARTITIONS TO BE TAPED, FILLED, SANDED, PRIMED AND READY FOR FINISH. ALL WALLS TO BE TIGHTLY FITTED TO ALL PENETRATIONS C/W ACOUSTIC SEALANT, TYP. PREP ACCORDING TO MANUFACTURERS BEST PRACTICES.

**STRUCTURAL STEEL STUDS**

- ALL MATERIALS, COMPONENTS AND WORKMANSHIP SHALL CONFORM TO THE CURRENT CAN/CSA-S158-M89 (COLD FORMED STEEL STRUCTURAL MEMBERS).
- ALL STEEL SHALL MEET THE REQUIREMENTS OF ASTM A446 STANDARD SPECIFICATION FOR SHEET STEEL, ZINC COATED (GALVANIZED) BY THE HOT-DIP PROCESS, STRUCTURAL (PHYSICAL) QUALITY.  
MINIMUM GRADES TO BE:  
GRADE A, 228 MPa MINIMUM YIELD, FOR .048" MATERIAL OR THINNER.  
GRADE D, 345 MPa MINIMUM YIELD, FOR .060" MATERIAL OR THICKER
- ALL STEEL TO BE A MINIMUM Z275 GALVANIZED OR EQUIVALENT METALLIC COATING.
- MINIMUM STEEL STUD THICKNESS TO BE 1.22mm. USE STEEL STUDS BY BAILEY, OR APPROVED EQUIVALENT.
- PROVIDE BRIDGING AT A MAXIMUM SPACING OF 1220(48") o.c.
- PROVIDE BRICK TIES WITH CORROSION RESISTANCE CONFORMING TO THE MINIMUM REQUIREMENTS OF CAN3-A370-M84 (CONNECTORS FOR MASONRY).
- USE BAILEY (WAT) 10-18 HOT-DIPPED GALVANIZED ADJUSTABLE MASONRY TIES OR EQUIVALENT, WRAPPED AROUND AND CONNECTED DIRECTLY TO THE STEEL STUDS. PROVIDE PROPER WATER TIGHT SEAL AROUND BRICK TIES. SEALS TO BE INSPECTED AND APPROVED BY AN INDEPENDENT INSPECTION COMPANY.
- PROVIDE DRILLED EXPANSION ANCHORS AT BOTTOM TRACK AT TYPICALLY 760(30") MAXIMUM SPACING.
- SUBMIT SHOP DRAWINGS FOR STRUCTURAL STEEL STUDS STAMPED AND SIGNED BY A PROFESSIONAL ENGINEER.
- THE COMPLETED WALL ASSEMBLY SHALL BE INSPECTED BY A QUALIFIED INDEPENDENT INSPECTION COMPANY.

**DOORS AND FRAMES**

- SUBMIT COMPLETE, DETAILED SHOP DRAWINGS OF DOORS, HARDWARE INCLUDE DOOR AND FRAME SCHEDULES, MATERIALS, FINISHES, HARDWARE PREPARATIONS AND FRAME ANCHORAGE DETAILS.
- UNLESS SPECIFIED OTHERWISE, MEET THE REQUIREMENTS OF THE "CANADIAN MANUFACTURING SPECIFICATION FOR STEEL DOORS AND FRAMES" AND "RECOMMENDED DIMENSIONAL STANDARDS FOR COMMERCIAL STEEL DOORS AND FRAMES" PUBLISHED BY THE CANADIAN STEEL DOOR MANUFACTURERS ASSOCIATION (CDFMA).
- FIRE PROTECTION REQUIREMENTS: FIRE RATED DOORS AND FRAMES SHALL BEAR U/LC OR WHI LABEL FOR REQUIRED RATING AND SHALL BE INSTALLED WITH NFPA 80 - FIRE DOORS AND WINDOWS, CURRENT EDITION. PROVIDE TEMPERATURE RISE RATED ASSEMBLIES WHERE REQUIRED. HARDWARE FOR THESE DOORS SHALL MEET THE SAME FIRE RATINGS AS TO THE DOORS BEING INSTALLED ON.
- HOLLOW METAL FRAMES SHALL BE 16 GAUGE METAL REINFORCED TO RECEIVE HARDWARE. COORDINATE FRAME REQUIREMENTS WITH OTHER DIVISIONS AND PROVIDE ALL OTHER NECESSARY REQUIREMENTS FOR THE INSTALLATION OF OTHER TRADES. SHEET STEEL TO BE METALLIC COATED TO ASTM A924-M, HOT DIP GALVANNEALED TO ASTM A653-M, MIN. ZINC-IRON ALLOY COATING DESIGNATION ZF 120 FOR INTERIOR FRAMES. PROVIDE APPROPRIATE ANCHORAGE TO FLOOR AND WALL CONSTRUCTION. MAXIMUM DIAGONAL DISTORTION: 1.5mm MEASURED WITH STRAIGHT EDGES, CROSSED CORNER TO CORNER. INSTALLATION TO BE IN ACCORDANCE WITH CSDFMA. FIRE LABELS TO BE METAL RIVETED.
- HOLLOW METAL DOORS SHALL BE 38mm THICK, FULLY INSULATED, USING 16 GAUGE METAL TACKED AND FILLED SEAMS. DOORS SHALL BE PREPARED TO RECEIVE HINGES, CYLINDRICAL OR MORTISE LOCK SETS ETC. PER ANSI A115 SERIES STANDARDS (REFER TO DOOR SCHEDULES). CORE MATERIALS FOR FIRE RATED DOORS IS IN ACCORDANCE WITH FIRE TEST REQUIREMENTS. INTERIOR DOORS EXCEPT FIRE RATED DOORS TO BE HONEYCOMB OF RIGID, PRE-EXPANDED RESIN IMPREGNATED KRAFT PAPER HAVING MAXIMUM 25mm HEXAGONAL SHAPED CELLS.

**GLAZING SYSTEMS**

**GENERAL**  
COMPLETE ALL WORK IN ACCORDANCE WITH THE FLAT GLASS MANUFACTURERS ASSOCIATION GLAZING MANUAL.

PROVIDE SEALED GLASS UNIT MANUFACTURERS WARRANTY STATING THAT THE FACTORY SEALED GLASS UNITS ARE GUARANTEED AGAINST FAILURE OF THE SEAL AND DEPOSITS ON THE INNER FACE OF THE GLASS, FOR A PERIOD OF TEN (10) YEARS FROM THE DATE OF SUBSTANTIAL PERFORMANCE.

PROVIDE A WRITTEN WARRANTY FOR THE COMPLETE INSTALLATION OF FRAMES AGAINST DEFECTS IN WORKMANSHIP AND MATERIALS UNDER NORMAL USAGE FOR A PERIOD OF TWO (2) YEARS FROM THE DATE OF SUBSTANTIAL PERFORMANCE.

PROVIDE CONTINUITY OF THE BUILDING ENCLOSURE VAPOUR AND AIR BARRIERS USING THE INNER LITE OF MULTIPLE LITE SEALED UNITS

SUBMIT SHOP DRAWINGS OF FRAMES AND GLAZING FOR REVIEW.

**MATERIALS**  
ACCEPTABLE MANUFACTURERS: KAWNEER, OR ALTERNATIVE APPROVED BY OWNER.

ALL PRODUCTS TO BE FROM ONE MANUFACTURER.

FLOAT GLASS TO CAN/CGSB-12.3, 6mm THICK.

TEMPERED SAFETY GLASS TO CAN/CGSB-12.1, TRANSPARENT, 6mm THICK.

WIRED GLASS TO CAN/CGSB-12.8, TYPE 1 POLISHED BOTH SIDES (TRANSPARENT), 6mm THICK, WIRE MESH STYLE SQUARE.

ARGON FILLED, SEALED INSULATING GLASS UNITS TO CAN/CGSB-12.8, DOUBLE UNIT, 22mm OVERALL THICKNESS, 5mm TEMPERED GLASS THICKNESS, FABRICATE IN ACCORDANCE WITH IGMCAC CERTIFICATION PROGRAM.

ALL FRAMES TO BE ALUMINIUM WITH CLEAR ANODIZED FINISH.

PROVIDE ALL NECESSARY SETTING BLOCKS, SHIMS, GLAZING TAPES, WEATHER-STRIPPING, MIRROR ATTACHMENTS, ETC. REQUIRED FOR A COMPLETE INSTALLATION, IN ACCORDANCE WITH STANDARDS OF GOOD PRACTICE.

**EXECUTION**  
INSTALL FRAMES PLUMB AND LEVEL AND IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS.

FILL ALL EXTERIOR FRAMES WITH SPRAY-IN-PLACE POLYURETHANE INSULATION.

INSTALL GLAZING TAPE AND SEALANT TO ENSURE FULL PERIMETER SEAL BETWEEN GLASS AND FRAME.

INSTALL GLAZING UNITS WITH SETTING BLOCKS AT QUARTER POINTS, WITH EDGE BLOCKS 150mm FROM CORNERS.

INSTALL REMOVABLE STOPS WITH SPLINES BETWEEN GLAZING AND STOPS.

FOLLOWING INSTALLATION, MARK LITS WITH AN 'X' USING REMOVABLE PLASTIC TAPE.

**PAINTING**

- ALL SURFACES SHALL BE DRY, CLEAN, FREE FROM DUST, GREASE, ETC., WHICH COULD BE DETRIMENTAL TO A SATISFACTORY FINISH.
- ALL EXISTING WALLS BEING PAINTED ARE TO BE PATCHED, PRIMED AND FILLED AS REQUIRED TO PROVIDE A SMOOTH FINISH. EXISTING WALLS TO BE CLEANED PRIOR TO BEING PAINTED. CARE TO BE TAKEN WHEN EDGING TO PROVIDE NICE CLEAN BREAKS IN THE PAINT, MASK AS REQUIRED.
- PAINTING CONTRACTOR SHALL HAVE A MINIMUM FIVE YEARS PROVEN SATISFACTORY EXPERIENCE.
- COMPLETE ALL WORK IN ACCORDANCE WITH CANADIAN PAINTING CONTRACTORS ASSOCIATIONS (CPCA) ARCHITECTURAL SPECIFICATION MANUAL.
- PROVIDE A WRITTEN WARRANTY, IN THE NAME OF THE OWNER, STATING THAT THE WORK WAS PERFORMED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND THE CPCA MANUAL, AND IS WARRANTED AGAINST DEFECTS IN MATERIAL AND/OR INSTALLATION, FOR A PERIOD OF TWO YEARS, COMMENCING AT DATE OF SUBSTANTIAL PERFORMANCE.
- PROVIDE COLOUR CARDS TO THE CONSULTANT. THE CONSULTANT WILL FURNISH COLOUR NUMBERS AND SCHEDULE AS THE JOB PROGRESSES.
- ALL LADDERS, GUARDS, BOLLARDS, GAS LINES, ETC. TO BE SAFETY YELLOW.

**MATERIALS**

- ALL PAINTS AND PRIMERS SHALL BE PREMIUM QUALITY PRODUCTS BY SHERWIN AND WILLIAMS OR ALTERNATIVE APPROVED BY OWNER.
- GYPSUM BOARD WALLS: 1 COAT ALKYD OIL BASE PRIMER AND 2 COATS ALKYD-OIL BASE SEMI-GLOSS PAINT.
- CONCRETE/BLOCK SURFACES: 1 COAT EXTERIOR ACRYLIC LATEX PRIMER AND 2 COATS EXTERIOR ALKYD SEMI-GLOSS PAINT.
- DOORS AND FRAMES: 1 COAT ALKYD PRIMER AND 2 COATS ALKYD ENAMEL, SEMI-GLOSS PAINT.

**EXECUTION**

- ALL SURFACES TO BE PREPARED IN ACCORDANCE WITH THE CPCA ARCHITECTURAL SPECIFICATION MANUAL.
- PROTECT ALL ADJACENT SURFACES FROM OVERSPRAY. REMOVE OR PROTECT ALL HARDWARE, ACCESSORIES, FIXTURES, SIGNAGE ETC. PRIOR TO PAINTING OPERATIONS.
- CARE IS TO BE TAKEN TO PROTECT EXISTING EQUIPMENT FROM PAINTING. COORDINATE WITH OWNER SHELTERS OR PROTECTION FOR EQUIPMENT AS REQUIRED. PROTECT FLOOR AND CEILING FINISHES FROM NEW PAINT IN ALL CASES. OWNER TO PROVIDE WRITTEN APPROVAL ON ALL EQUIPMENT PROTECTION PRIOR TO COMMENCING.
- PREPARE, PRIME, AND PAINT ALL SURFACES IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS.
- TOUCH-UP ALL SURFACES OR PROVIDE ADDITIONAL COATS WHERE REQUIRED TO PROVIDE UNIFORM FINISH AND COLOUR.

**ACOUSTICAL SUSPENSION SYSTEM**

**MATERIAL**

- BASIC MATERIALS FOR SUSPENSION SYSTEM: COMMERCIAL QUALITY COLD ROLLED STEEL.
- SUSPENSION SYSTEM, NON-FIRE RATED, TWO DIRECTIONAL EXPOSED TEE BAR GRID, REFER TO ACOUSTICAL CEILINGS FOR ACCEPTABLE MATERIAL.
- HANGER WIRE: GALVANIZED SOFT ANNEALED STEEL WIRE, 3.6mmØ FOR ACCESS TILE CEILINGS AND 2.6mmØ FOR OTHER CEILINGS.
- HANGER INSERTS: PURPOSE MADE.
- CARRYING CHANNELS: SIZE AND GAUGE TO SUIT LOADS.
- ACCESSORIES: SPLICES, CLIPS, WIRE TIES, RETAINERS AND WALL MOULDING REVEAL, TO COMPLEMENT SUSPENSION SYSTEM COMPONENTS, AS RECOMMENDED BY SYSTEM MANUFACTURER.

**EXECUTION**

- INSTALL SUSPENSION SYSTEM TO MANUFACTURERS INSTRUCTIONS.
- DO NOT ERECT CEILING SUSPENSION SYSTEM UNTIL WORK ABOVE CEILING HAS BEEN INSPECTED BY CONSULTANT.
- SECURE HANGERS TO OVERHEAD STRUCTURE.
- INSTALL HANGERS SPACED AT 4'-0" o.c. MAX. AND WITHIN 6" FROM ENDS OF MAIN TEES.
- LAYOUT SYSTEM ACCORDING TO REFLECTED CEILING PLAN.
- ENSURE SUSPENSION SYSTEM IS CO-ORDINATED WITH LOCATION OF RELATED COMPONENTS.
- INSTALL WALL MOULDING TO PROVIDE CORRECT CEILING HEIGHT.
- COMPLETED SUSPENSION SYSTEM TO SUPPORT SUPER-IMPOSED LOADS, SUCH AS LIGHTING FIXTURES, DIFFUSERS, GRILLES AND SPEAKERS.
- SUPPORT AT LIGHT FIXTURES, DIFFUSERS WITH ADDITIONAL CEILING SUSPENSION HANGERS WITHIN 6" OF EACH CORNER AND AT 2'-0" MAX. AROUND PERIMETER OF FIXTURE.
- ATTACH CROSS MEMBER TO MAIN RUNNER TO PROVIDE RIGID ASSEMBLY.
- FRAME AT OPENINGS FOR LIGHT FIXTURES, AIR DIFFUSERS, SPEAKERS AND AT CHANGES IN CEILING HEIGHTS.
- FINISHED CEILING SYSTEM TO BE SQUARE WITH ADJOINING WALLS AND LEVEL WITHIN 1:1000.

**ACOUSTICAL CEILINGS**

**MATERIAL**

- NEW GRID AND TILE 24" x 48" CEILING TILES SHALL BE SINFONIA SILENCIA RAL9010 BY OWA OR APPROVED EQUAL.
- INSTALL AS PER MANUFACTURERS RECOMMENDATIONS.
- STAPLES, NAILS AND SCREWS TO CSA B111 NON-CORROSIVE FINISH AS RECOMMENDED BY ACOUSTIC UNIT MANUFACTURER.

**EXECUTION**

- DO NOT INSTALL ACOUSTICAL PANELS AND TIES UNTIL WORK ABOVE CEILING HAS BEEN INSPECTED BY CONSULTANT.
- INSTALL ACOUSTICAL PANELS AND TILES IN CEILING SUSPENSION SYSTEM.
- INSTALL ACOUSTICAL UNITS PARALLEL TO BUILDING LINES WITH EDGE UNIT NOT LESS THAN 50% OF UNIT WIDTH AND WITH DIRECTIONAL PATTERN RUNNING IN THE SAME DIRECTION.
- SCRIBE ACOUSTICAL UNITS TO FIT ADJACENT WORK. BUTT JOINTS TIGHT, TERMINATE EDGES WITH TRIM PIECES.

F

E

D

C

B

A

NOTE:  
CONFIRM ALL GRIDS, DIMENSIONS AND ELEVATIONS WITH ARCHITECTURAL DRAWINGS.

CONTACT ARCHITECT AND ENGINEER FOR ANY DISCREPANCIES.

PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE ENGINEER AND MUST BE RETURNED UPON REQUEST. PLANS MUST NOT BE USED IN ANY OTHER LOCATION WITHOUT WRITTEN PERMISSION OF THE ENGINEER.

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SIGNED BY THE ENGINEER.

DATE: \_\_\_\_\_

B	RE-ISSUED FOR PERMIT	02/10/2023	J.S.
A	ISSUED FOR PERMIT / TENDER	29/06/2023	J.S.
NO	REVISIONS	DATE	BY

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

CLIENT:

- DO NOT INSTALL ACOUSTICAL PANELS AND TIES UNTIL WORK ABOVE CEILING HAS BEEN INSPECTED BY CONSULTANT.
- INSTALL ACOUSTICAL PANELS AND TILES IN CEILING SUSPENSION SYSTEM.
- INSTALL ACOUSTICAL UNITS PARALLEL TO BUILDING LINES WITH EDGE UNIT NOT LESS THAN 50% OF UNIT WIDTH AND WITH DIRECTIONAL PATTERN RUNNING IN THE SAME DIRECTION.
- SCRIBE ACOUSTICAL UNITS TO FIT ADJACENT WORK. BUTT JOINTS TIGHT, TERMINATE EDGES WITH TRIM PIECES.

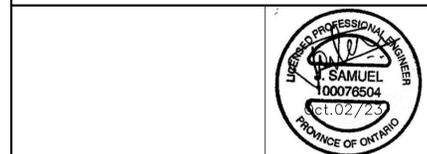
PROJECT:

**INTERIOR RENOVATION**  
373 BARTON ST E  
HAMILTON, ONTARIO

 **J. P. SAMUEL AND ASSOCIATES INC.**  
STRUCTURAL ENGINEERS  
1040 Garner Road W, Suite C203  
Ancaster, ON L9G 0J2  
Tel: (647) 671-8530  
email: jsamuel@jpsamuel.com  
www.jpsamuel.com

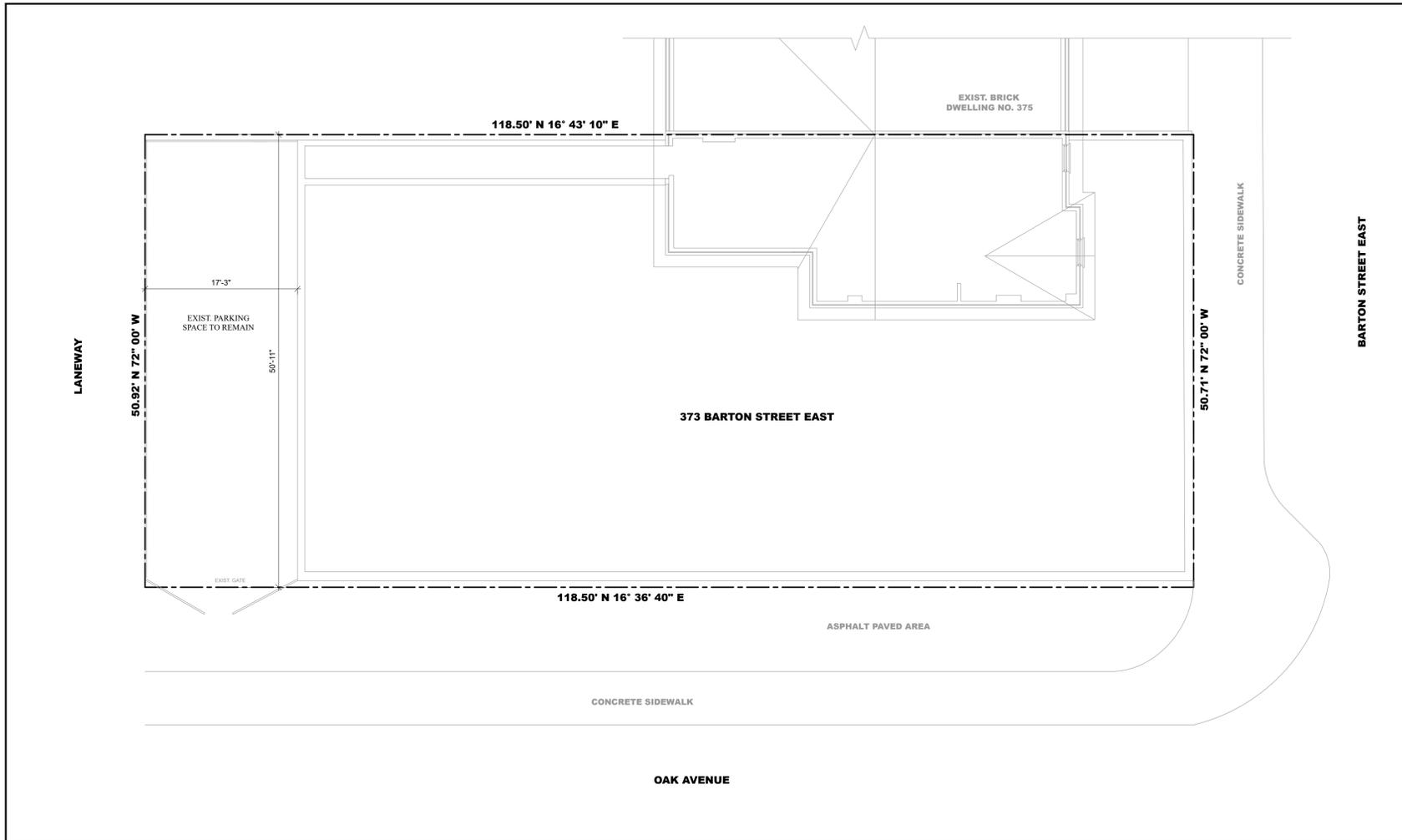
Scale: AS NOTED

**GENERAL NOTES**

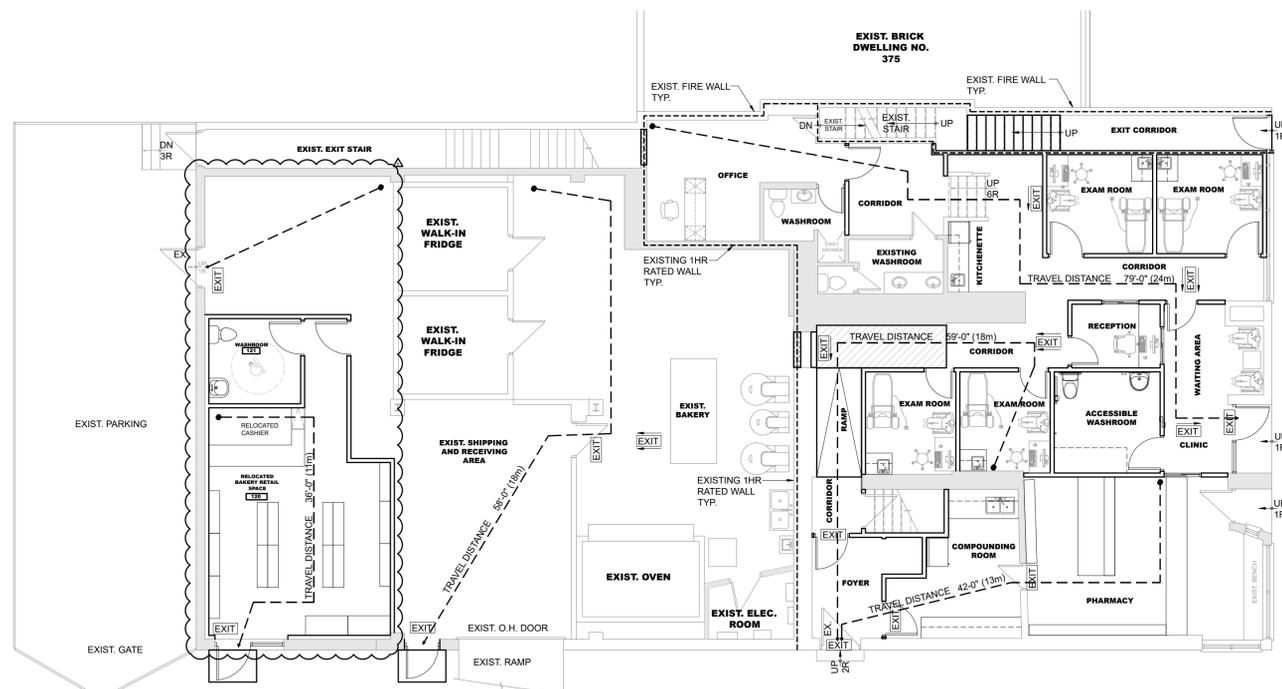


1  
5-001 EXISTING GROUND FLOOR PLAN  
SCALE: 1/4"=1'-0"

DRAWN BY:	S.K.	JOB No.	2023-JPS-063
CHECKED BY:	J.S.	DRAWING No.	<b>S-001</b>
DATE:	MAY 2023		
ISSUED:			



1 SITE PLAN  
SP-101 SCALE: 1/8"=1'-0"



2 LIFE SAFETY PLAN  
SP-101 SCALE: 1/8"=1'-0"

FIRM NAME: J.P. SAMUEL AND ASSOCIATES INC. STRUCTURAL ENGINEERS 1040 Garner Road W, Suite C203 Ancaster, ON L9G 0J2 Tel: (647) 671-8530 www.jpsamuel.com		NAME OF PROJECT: PHARMACY & DOCTOR'S OFFICE RENOVATION LOCATION: 373 BARTON ST. E. HAMILTON, ON.	
<b>ONTARIO BUILDING CODE DATA MATRIX - PART 11 - RENOVATION OF EXISTING BUILDING</b>			
11.1	EXISTING BUILDING CLASSIFICATION	DESCRIBE EXISTING USE: BAKERY (GROUP E) CONSTRUCTION INDEX: n/a HAZARD INDEX: n/a <input type="checkbox"/> NOT APPLICABLE (NO CHANGE OF MAJOR OCCUPANCY)	11.2.1 T 11.2.1.1A T 11.2.1.1K
11.2	ALTERATION TO EXISTING BUILDING IS:	BASIC RENOVATION <input checked="" type="checkbox"/> EXTENSIVE RENOVATION <input type="checkbox"/> STRUCTURAL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO BY INCREASE IN OCCUPANT LOAD: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO BY CHANGE IN MAJOR OCCUPANCY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PLUMBING: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO SEWERAGE SYSTEM: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	11.3.1 11.3.2 11.4.2 11.4.2.1 11.4.2.2 11.4.2.3 11.4.2.4 11.4.2.5
11.3	REDUCTION IN PERFORMANCE LEVEL		
11.4	COMPENSATING CONSTRUCTION	STRUCTURAL: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (EXPLAIN) INCREASE IN OCCUPANT LOAD: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (EXPLAIN) CHANGE OF MAJOR OCCUPANCY: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (EXPLAIN) PLUMBING: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (EXPLAIN) SEWERAGE SYSTEM: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (EXPLAIN)	11.4.3 11.4.3.2 11.4.3.3 11.4.3.4 11.4.3.5 11.4.3.6
11.5	COMPLIANCE ALTERNATIVES PROPOSED	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (GIVE NUMBERS)	11.5.1
Item		Ontario's 2012 Building Code Data Matrix Part 3 or 9	OBC Reference References are to Division B unless noted [A] for Division A or [C] for Division C
1	Project Description: Interior Renovation	<input type="checkbox"/> New <input checked="" type="checkbox"/> Part 11 <input type="checkbox"/> Addition 11.1 to 11.4 <input type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Part 3 1.1.2. [A] 1.1.2. [A] & 9.10.1.3
2	Major Occupancy(s) Group D (Medical Clinic / Pharmacy) & E (Bakery with retail)		3.1.2.1.(1) 9.10.2
3	Building Area (m <sup>2</sup> ) Existing 474 sm New 0.0 sm Total 476 sm		1.4.1.2. [A] 1.4.1.2. [A]
4	Area of this Building under this Permit Application: Group D (Medical clinic / Pharmacy / Exit corridor) = 220.0 SM Group E (Relocated retail space) = 70.70 SM		1.4.1.2. [A] 1.4.1.2. [A]
5	Number of Storeys Above grade 3 Below grade 1		1.4.1.2. [A] & 3.2.1.1 1.4.1.2.[A] & 9.10.4
6	Number of Streets/Fire Fighter Access 2		3.2.2.10 & 3.2.5. 9.10.20
7	Building Classification Group - D (Medical Clinic / Pharmacy). Group - E (Exist. bakery with relocated retail space) Group - C (Exist. Residence)		3.2.2.20-83 9.10.2
8	Sprinkler System Proposed	<input type="checkbox"/> entire building (Existing) <input type="checkbox"/> selected compartments <input type="checkbox"/> selected floor areas <input type="checkbox"/> basement <input type="checkbox"/> in lieu of roof rating <input checked="" type="checkbox"/> not required	3.2.2.20-83 3.2.1.5 3.2.2.17 INDEX INDEX
9	Standpipe required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Existing	3.2.9 N/A
10	Fire Alarm required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Existing	3.2.4 9.10.18
11	Water Service/Supply is Adequate	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.5.7 N/A
12	High Building	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.2.6 N/A
13	Construction Restrictions	<input type="checkbox"/> Combustible permitted <input checked="" type="checkbox"/> Combustible <input checked="" type="checkbox"/> Non-combustible required <input type="checkbox"/> Both	3.2.2.20-83 9.10.6
14	Mezzanine(s) Area m <sup>2</sup>	N/A	3.2.1.1.(3)-(8) 9.10.4.1
15	Occupant load based on	<input checked="" type="checkbox"/> m <sup>2</sup> /person <input type="checkbox"/> design of building	3.1.17. 9.9.1.3
		Occupant Load 12 persons	
16	Barrier - Free Design	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.8.2.3(5) 9.5.2
17	Hazardous Substances	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.3.1.2. & 3.3.1.19 9.10.1.3(4)
18	Required Fire Resistance Rating (FRR)	Horizontal Assemblies FRR (Hours) Floors: 45Min At EXIT CORRIDOR Roof: N/A Mezzanine: N/A FRR of Supporting Members Floors: N/A Roof: N/A Mezzanine: N/A	Listed Design No. or Description (SB-3) ----- N/A Existing Structure N/A Listed Design No. Or Description (SB-3) N/A Existing Structure N/A Existing Structure N/A
19	Spatial Separation - Existing	Wall Area of EBF (m <sup>2</sup> ) L.D. (m) L/H or H/L Permitted Max. % of Openings Proposed % of Openings FRR (Hours)	3.2.3.1.C. 9.10.14. Listed Design or Description Comb Const Comb. Constr. Nonc. Cladding Non-comb. Constr.
		West Existing to Remain	n/a n/a <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
		East Existing to Remain	n/a n/a <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
		South Existing to Remain	n/a n/a <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
		North Existing to Remain	n/a n/a <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
20	Travel Distance:	max. 24m (79' - 0")	Actual: see plan 3.4.2.4
<b>PARKING STATISTICS</b>			
MEDICAL CLINIC	REQUIRED HAMILTON ZONING BY-LAW 05200 1 FOR EACH 16.0 SQUARE METRES OF GROSS FLOOR AREA. PARKING CALCULATION AREA OF CLINIC 143m <sup>2</sup> 143m <sup>2</sup> / 16 = 8.9 REQUIRED PARKING = 9 SPACES	PROVIDED 0	VARIANCE REQUIRED YES
RESIDENTIAL UNIT	1 FOR EACH UNIT	1 EXIST.	NO
PHARMACY	0 WHERE A USE IS LESS THAN 450.0 SQUARE METRES IN GROSS FLOOR AREA;	0	NO
BAKERY	0 WHERE A USE IS LESS THAN 450.0 SQUARE METRES IN GROSS FLOOR AREA;	0	NO

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NO	REVISIONS	DATE	BY
B	RE-ISSUED FOR PERMIT	02/10/2023	J.S.
A	ISSUED FOR PERMIT / TENDER	29/06/2023	J.S.

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

CLIENT:

PROJECT:  
**INTERIOR RENOVATION**  
373 BARTON ST E  
HAMILTON, ONTARIO

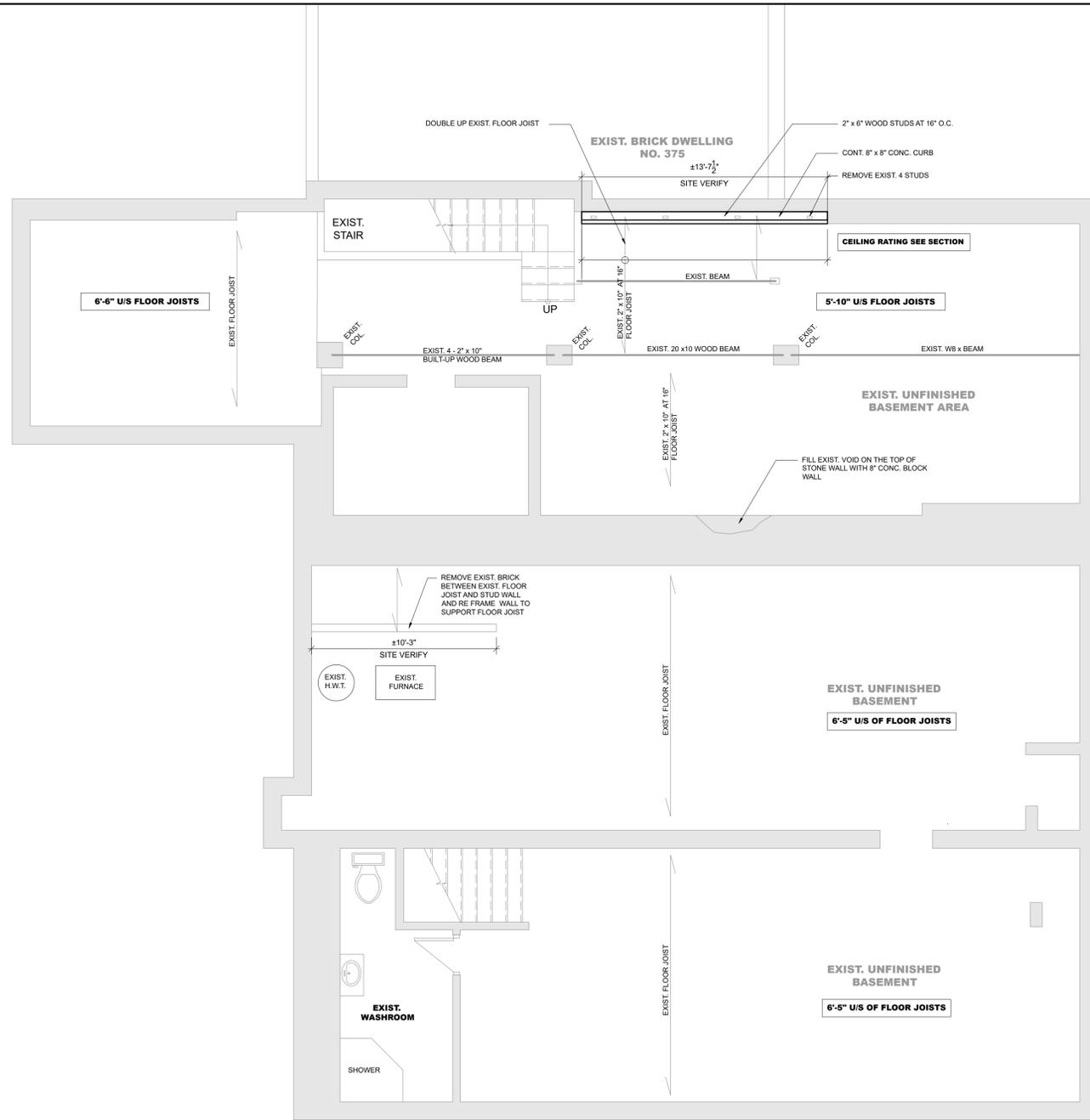
J. P. SAMUEL AND ASSOCIATES INC.  
STRUCTURAL ENGINEERS  
1040 Garner Road W, Suite C203  
Ancaster, ON L9G 0J2  
Tel: (647) 671-8530  
email: jsamuel@jpsamuel.com  
www.jpsamuel.com

Scale: AS NOTED

**OBC MATRIX AND LIFE SAFETY PLAN**



DRAWN BY:	S.K.	JOB No.:	2023-JPS-063
CHECKED BY:	J.S.		
DATE:	MAY 2023	DRAWING No.:	SP-101
ISSUED:			



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 373 BARTON ST E  
 HAMILTON, ONTARIO

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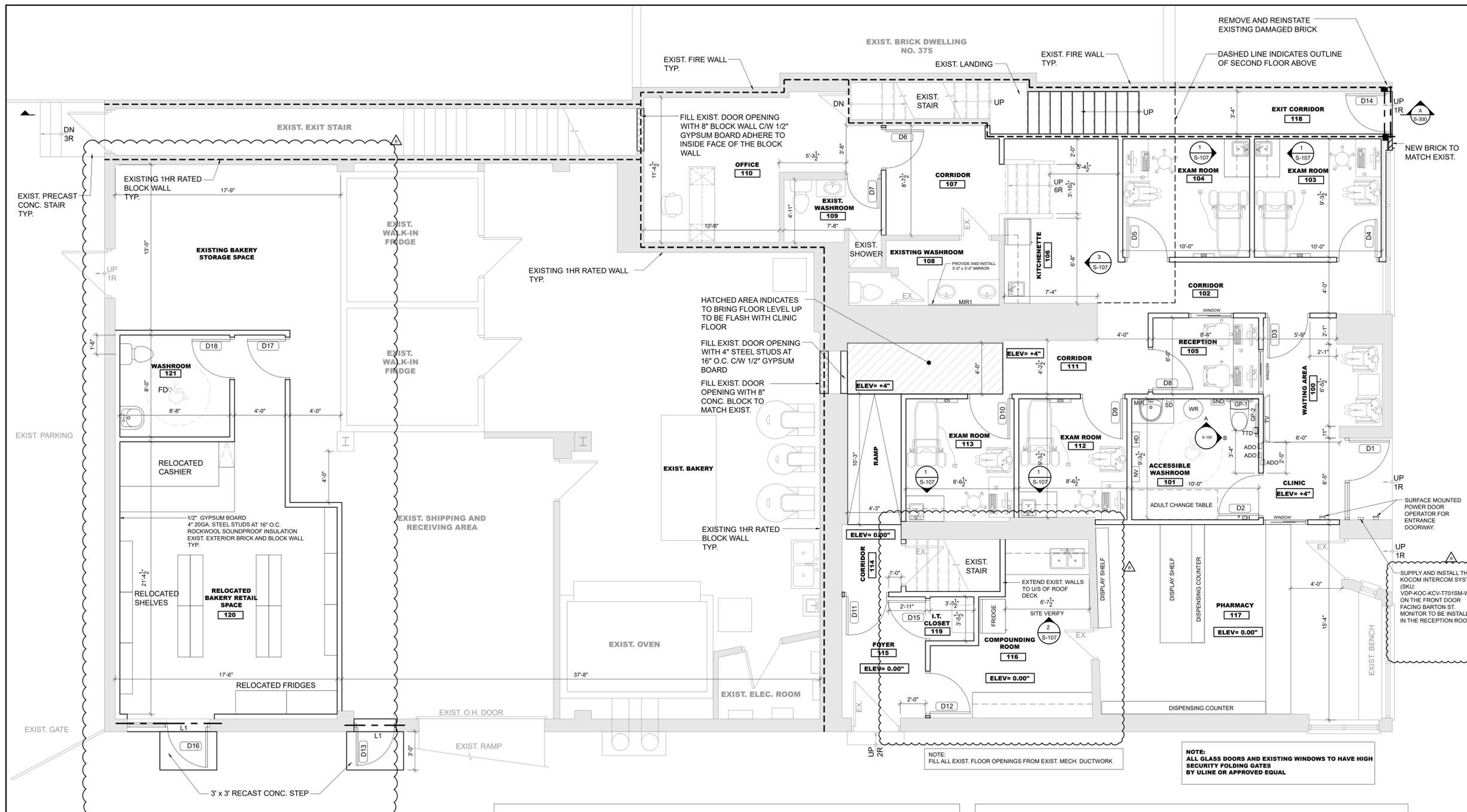
Scale: AS NOTED

**EXIST. BASEMENT FLOOR PLAN**



DRAWN BY:	S.K.	JOB No.	2023-JPS-063
CHECKED BY:	J.S.	DRAWING No.	<b>S-100</b>
DATE:	MAY 2023		
ISSUED:			

**EXIST. BASEMENT FLOOR PLAN**  
 SCALE: 1/4"=1'-0"



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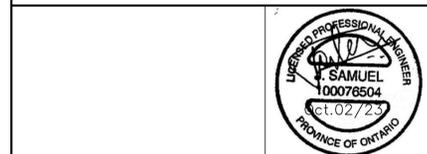
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www.jpsamuel.com

Scale: AS NOTED

**GROUND FLOOR PLAN**



DRAWN BY:	S.K.	JOB No.	2023-JPS-063
CHECKED BY:	J.S.	DATE:	MAY 2023
ISSUED:		DRAWING No.	<b>S-101</b>

BARRIER FREE WASHROOM ACCESSORIES		
MARKED	DESCRIPTION	ALL WASHROOM ACCESSORIES SHALL BE BY BOBRICK
MIR	TILT MIRROR WITH STAINLESS STEEL FRAME	B-293
SD	SURFACE-MOUNTED SOAP DISPENSER FOR ANTIBACTERIAL SOAPS	818615
GP-1	32mm (1 1/4") DIAMETER STAINLESS STEEL GRAB BARS WITH SNAP FLANGE	B-5806
GP-2	1 1/2" (38mm) DIAMETER STAINLESS STEEL 30" X 30" (762 X 762mm) 90-DEGREE GRAB BAR	B-6888.99
CH	COAT HOOK WITH BUMPER	B-212
WR	FLOOR-STANDING LARGE-CAPACITY WASTE RECEPTACLE	B-2400
HD	SURFACE-MOUNTED AUTOMATIC HAND DRYER	B-710
TTD	SURFACE-MOUNTED MULTI-ROLL TOILET TISSUE DISPENSER	B-3588
NV	SURFACE-MOUNTED NAPKIN/TAMPON VENDOR	B-47069
SND	SURFACE-MOUNTED SANITARY NAPKIN DISPOSAL	B-270

**LEGEND**

- EXISTING WALLS
- EXISTING RATED WALL
- PARTITION WALLS  
1/2" GYPSUM BOARD  
4" 20GA. STEEL STUDS AT 16" O.C.  
ROCKWOOL SOUNDPROOF INSULATION  
1/2" GYPSUM BOARD  
EXTEND WALL TO U/S OF EXIST. ROOF/FLOOR DECK ABOVE
- PARTITION WALL ASSEMBLY ULC-W408  
1/2" TYPE-X GYPSUM BOARD  
4" 20GA. STEEL STUDS AT 16" O.C.  
ROCKWOOL SOUNDPROOF INSULATION  
1/2" TYPE-X GYPSUM BOARD  
EXTEND WALL TO U/S OF EXIST. ROOF/FLOOR DECK ABOVE
- NEW DOOR  
SEE DOOR SCHEDULE
- EXISTING DOOR
- INTEGRATED DIAGNOSTIC SYSTEM  
PROVIDE POWER FOR THE WALL MOUNTED EQUIPMENT

1. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO FABRICATING.

**LINTEL SCHEDULE**

MARKED	SIZE
L1	NEW LINTEL GALV. 2" L4" x 4" x 1/4" C/W C/W 1/4" BOTTOM PLATE + GALV. LOOSE LINTEL L3.5" x 5" x 1/4" FOR BRICK MIN. OF 8" BEARING



LEGEND	
	NEW GRID AND TILE 24" X 48" CEILING TILES SHALL BE SINFONIA SILENCIA RAL9010 BY OWA OR APPROVED EQUAL CEILING HEIGHT 9'-0" FROM F.F.L.
	1/2" GYPSUM CEILING CW 20GA STEEL STUDS AT 16" O.C.
	EXHAUST FAN (REFER TO MECH.)
	DIFFUSER (SEE MECH. DWGS.)
	RETURN GRILL (SEE MECH. DWGS.)
	24" X 48" FLAT DROP IN CEILING LED LIGHT FIXTURE REFER TO ELEC.
	SURFACE MOUNTED 24" X 48" LED LIGHT FIXTURE REFER TO ELEC.
	SUSPENDED 24" X 48" LED LIGHT FIXTURE REFER TO ELEC.
	POT LIGHT REFER TO ELEC.
	EXIST. 24" X 48" DROP IN CEILING LIGHT FIXTURE

**NOTE:**  
THIS DRAWING TO BE READ IN CONJUNCTION WITH MECHANICAL DRAWINGS.  
PROVIDE AND INSTALL EMERGENCE LIGHTING AS REQUIRED BY CODE

NOTE:  
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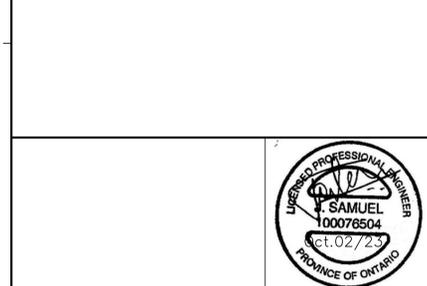
CLIENT:

PROJECT:  
**INTERIOR RENOVATION**  
373 BARTON ST E  
HAMILTON, ONTARIO

**J. P. SAMUEL AND ASSOCIATES INC.**  
STRUCTURAL ENGINEERS  
1040 Garner Road W, Suite C203  
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Scale: AS NOTED

**REFLECTED CEILING PLAN**

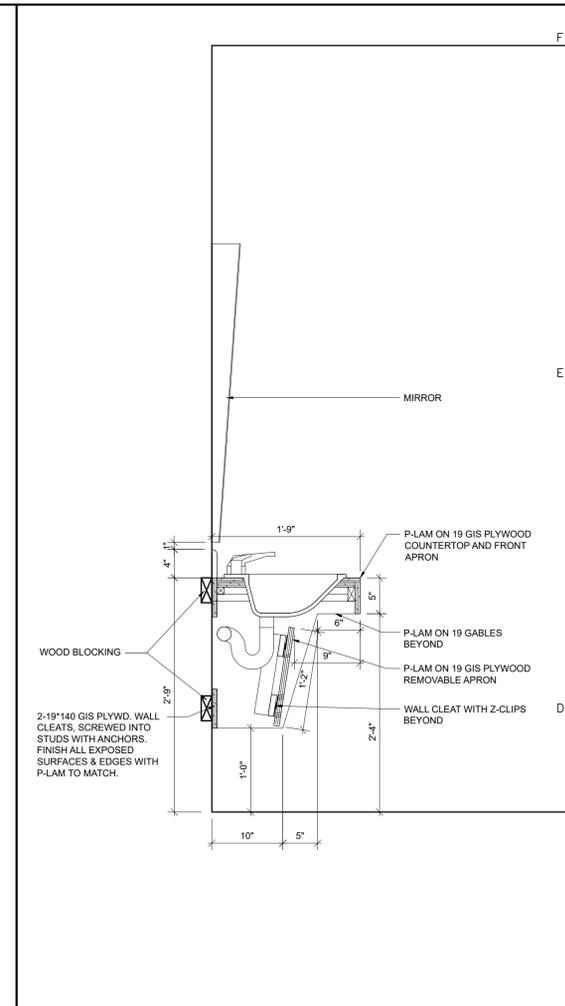
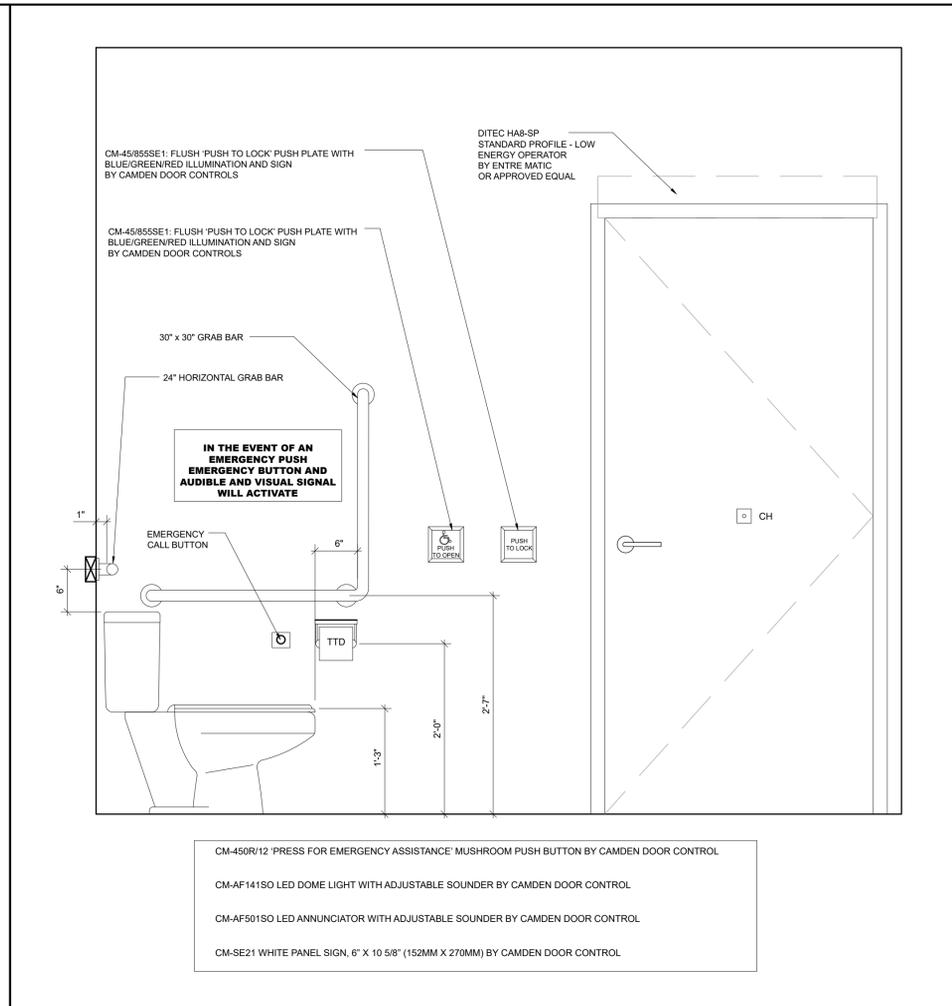
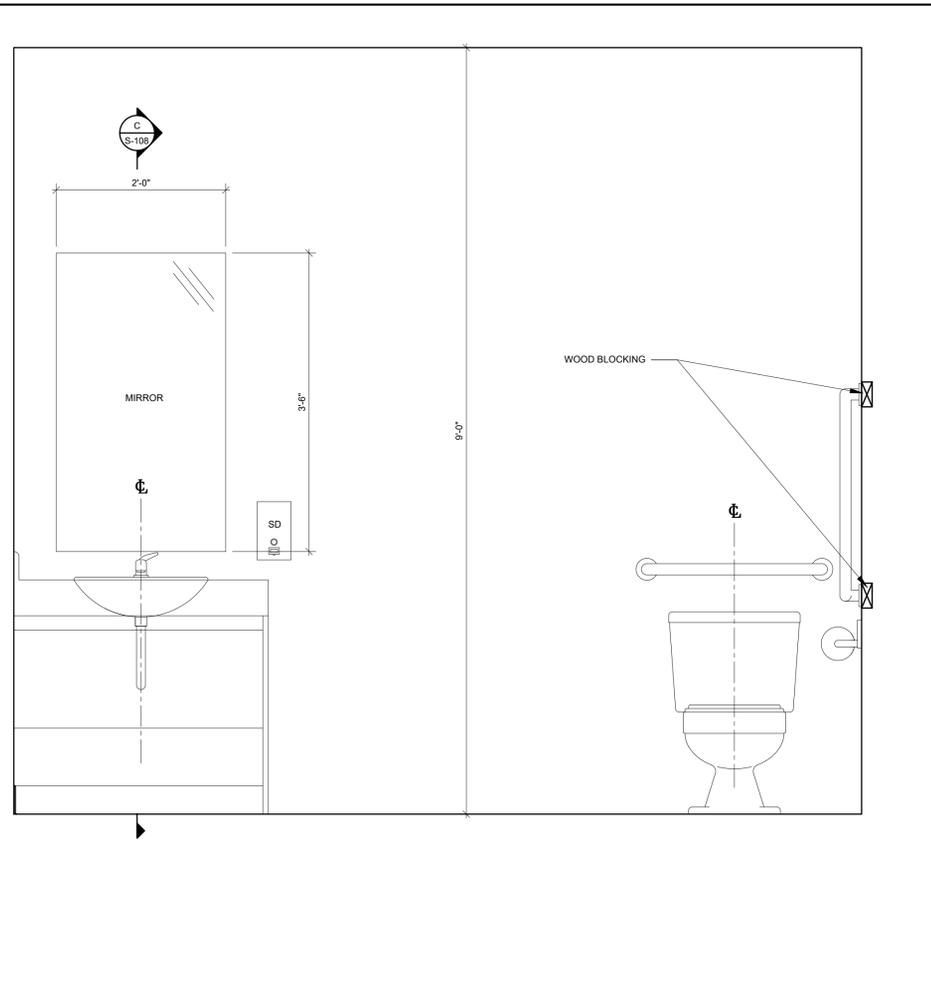


DRAWN BY:	S.K.	JOB No.	2023-JPS-063
CHECKED BY:	J.S.		
DATE:	MAY 2023	DRAWING No.	<b>S-102</b>
ISSUED:			









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NO	REVISIONS	DATE	BY

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**A** INTERIOR ELEVATION  
SCALE: 1"=1'-0"

**B** INTERIOR ELEVATION  
SCALE: 1"=1'-0"

**C** SECTION  
SCALE: 1"=1'-0"

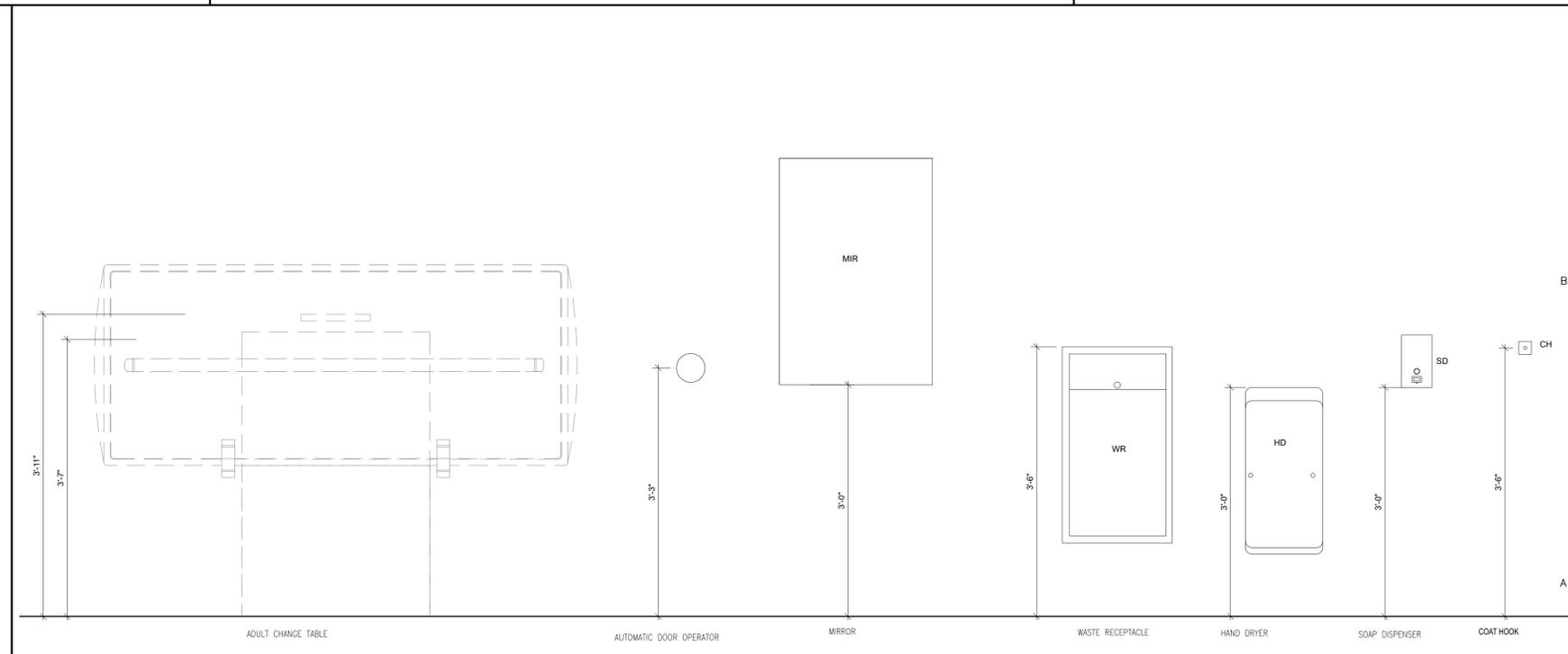
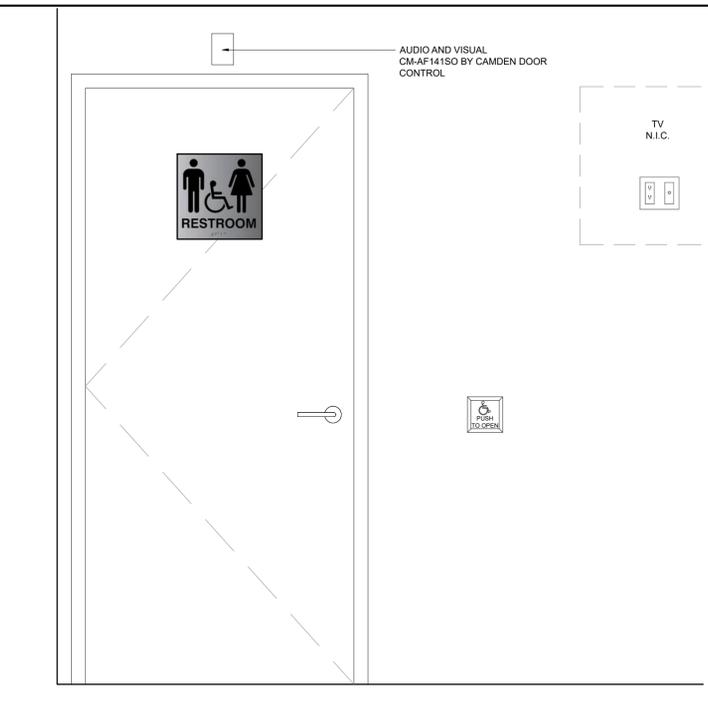
CLIENT:

PROJECT:  
**INTERIOR RENOVATION**  
373 BARTON ST E  
HAMILTON, ONTARIO

**J. P. SAMUEL AND ASSOCIATES INC.**  
STRUCTURAL ENGINEERS  
1040 Garner Road W, Suite C203  
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Tel: (647) 671-8530  
email: jsamuel@jpsamuel.com  
www.jpsamuel.com

Scale: AS NOTED

**BARRIER FREE WASHROOM DETAILS**

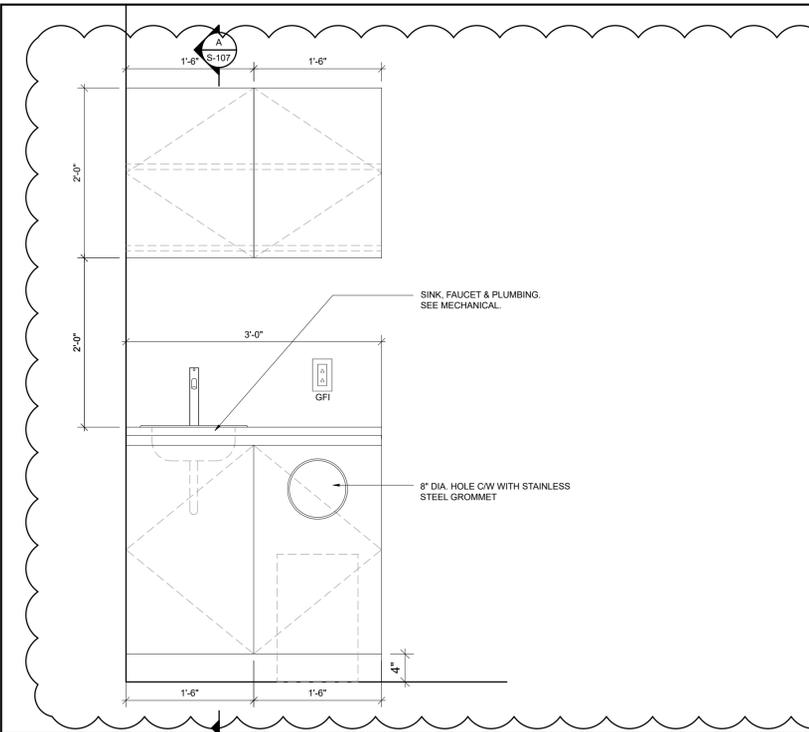


**D** EXTERIOR SIDE OF BARRIER FREE WASHROOM  
SCALE: 1"=1'-0"

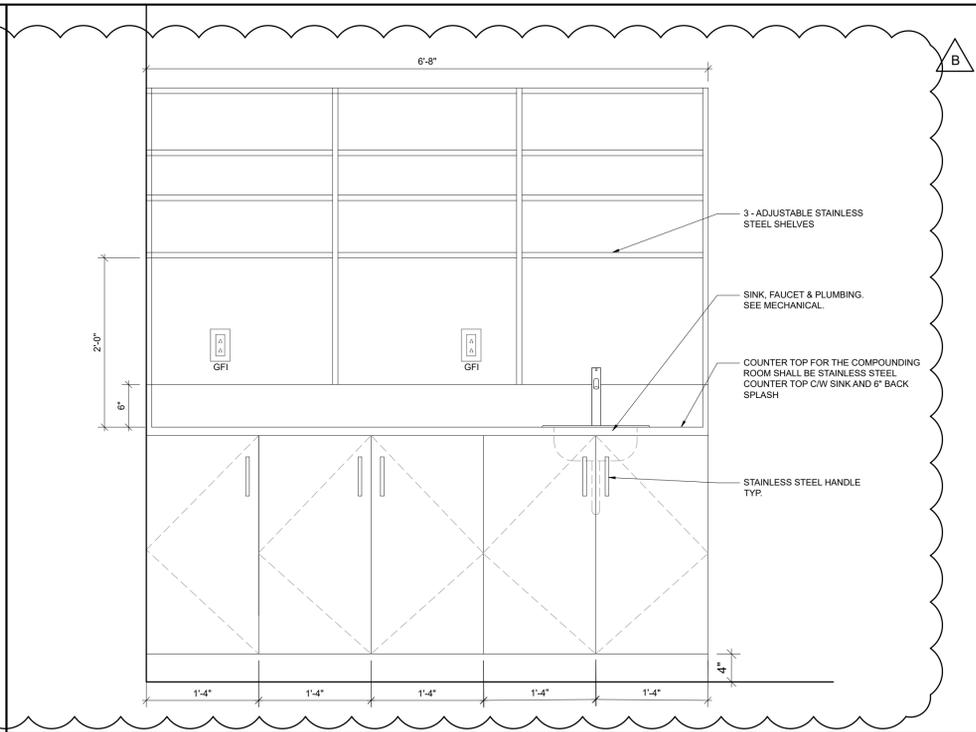
**E** TYP. MOUNTING DETAILS  
SCALE: 1"=1'-0"

DRAWN BY:	S.K.	JOB No.:	2023-JPS-063
CHECKED BY:	J.S.	DATE:	MAY 2023
ISSUED:		DRAWING No.:	<b>S-106</b>





1 TYP. EXAM ROOM MILLWORK DETAIL  
SCALE: 1"=1'-0"



2 COMPOUNDING ROOM MILLWORK DETAIL  
SCALE: 1"=1'-0"

**GENERAL NOTES**

ALL MILLWORK CASING AND DOORS ARE TO BE CONSTRUCTED OF 3/4" MDF COVERED WITH WHITE MELAMINE FOIL WITH PLASTIC EDGING CONTRACTOR TO SUPPLY SAMPLES

SHELVES ARE TO BE 5/8" MDF COVERED WITH WHITE MELAMINE TO MATCH ABOVE.

DRAWER SIDES ARE TO BE CONSTRUCTED OF 3/4" MDF COVERED WITH WHITE MELAMINE FOIL WITH PLASTIC EDGING

INTERNAL EDGES MAY BE VENEER TAPE TO MATCH.

ALL ADJUSTABLE SHELVES ARE TO BE INSTALLED ON RECESSED PILASTER STRIPS.

ALL TRIMS, CASING & STOPS TO MATCH THE FACE VENEER.

ALL MILLWORK IS TO BE SECURELY FASTENED TO ABUTTING WALLS.

SEALANT TO BE PROVIDED & INSTALLED AT ALL JUNCTION OF CABINETS & COUNTER TOPS & ADJACENT WALLS.

**COUNTERTOP**

3/4" THICK BLACK CORIAN COUNTER TOP AND BACKSLASH WHERE NOTED.

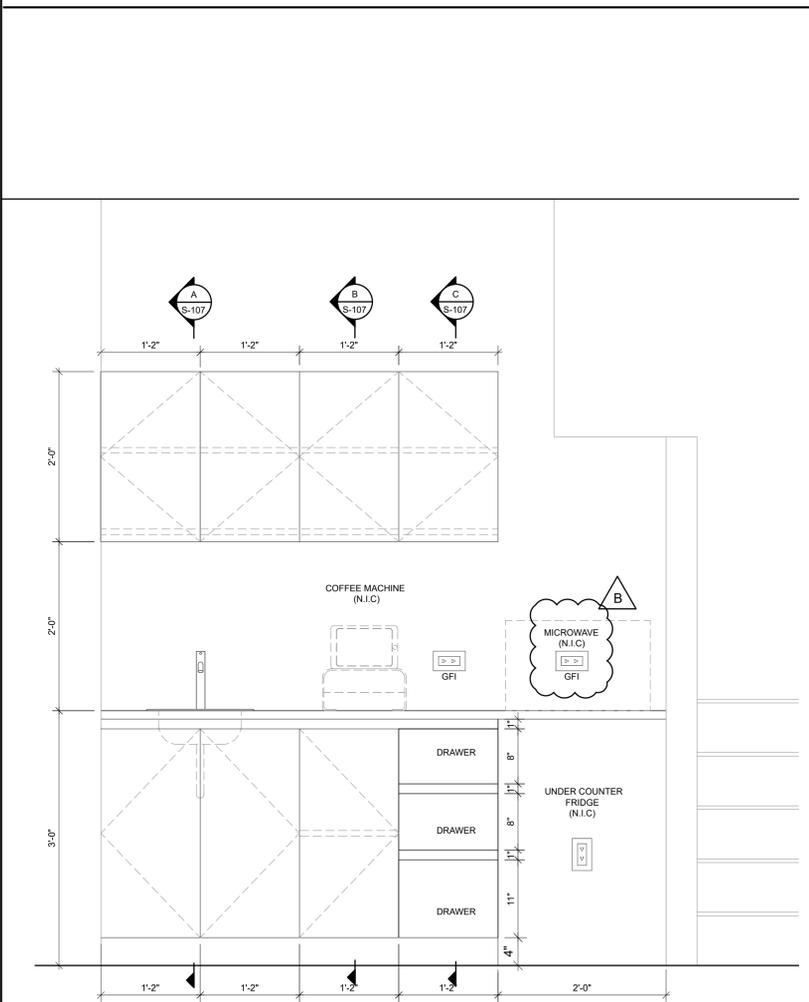
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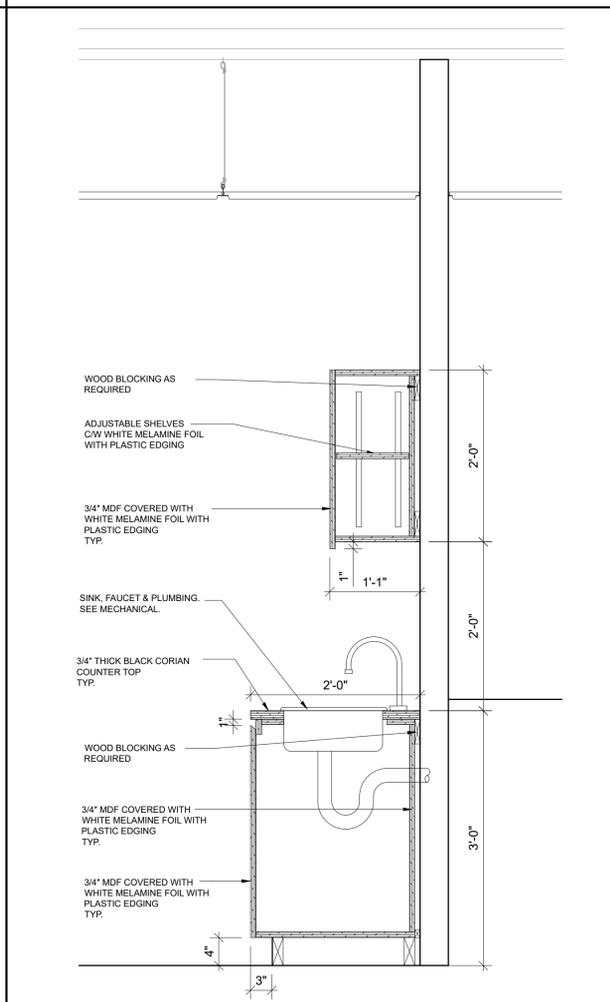
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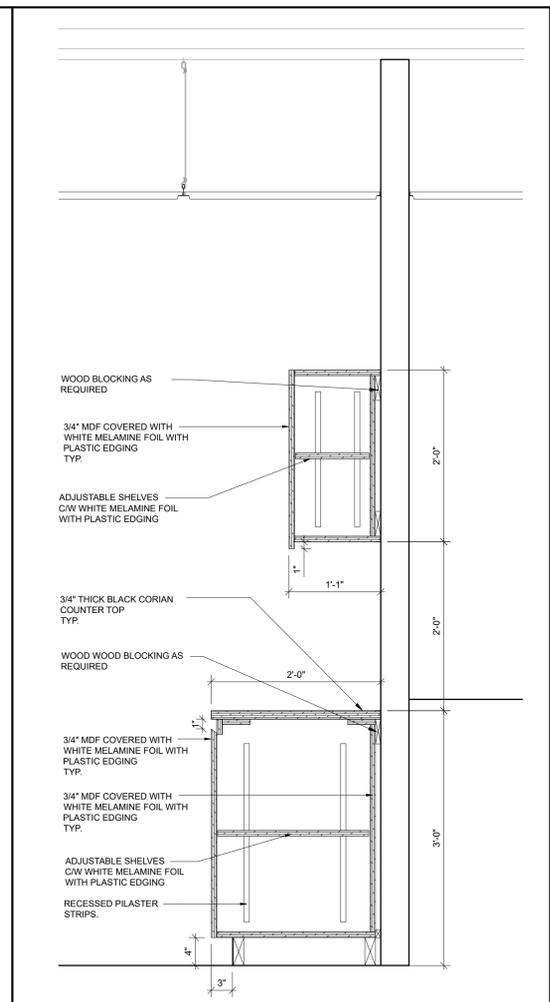
DATE: \_\_\_\_\_



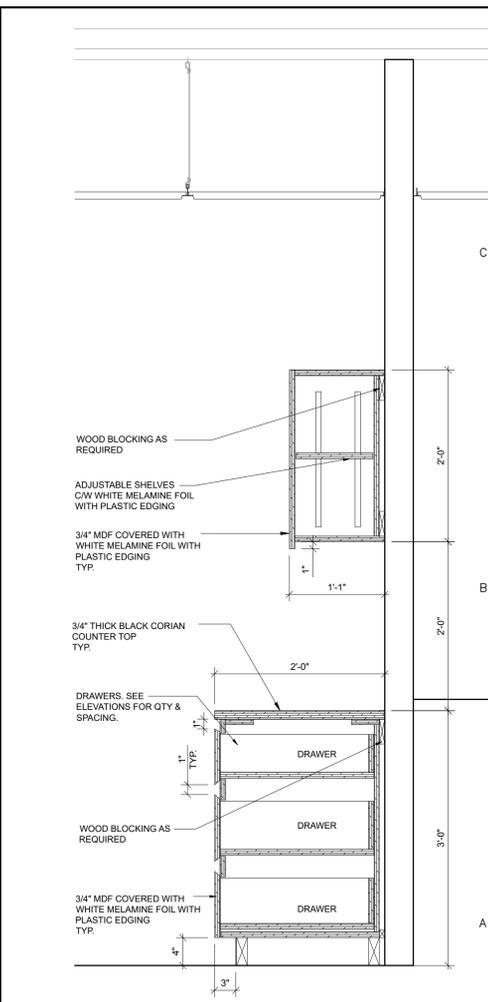
3 INTERIOR ELEVATION  
SCALE: 1"=1'-0"



4 INTERIOR ELEVATION  
SCALE: 1"=1'-0"



5 SECTION  
SCALE: 1"=1'-0"



6 SECTION  
SCALE: 1"=1'-0"

B	RE-ISSUED FOR PERMIT	02/10/2023	J.S.
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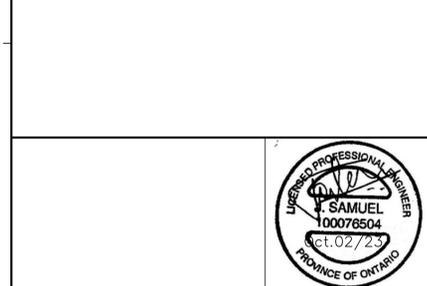
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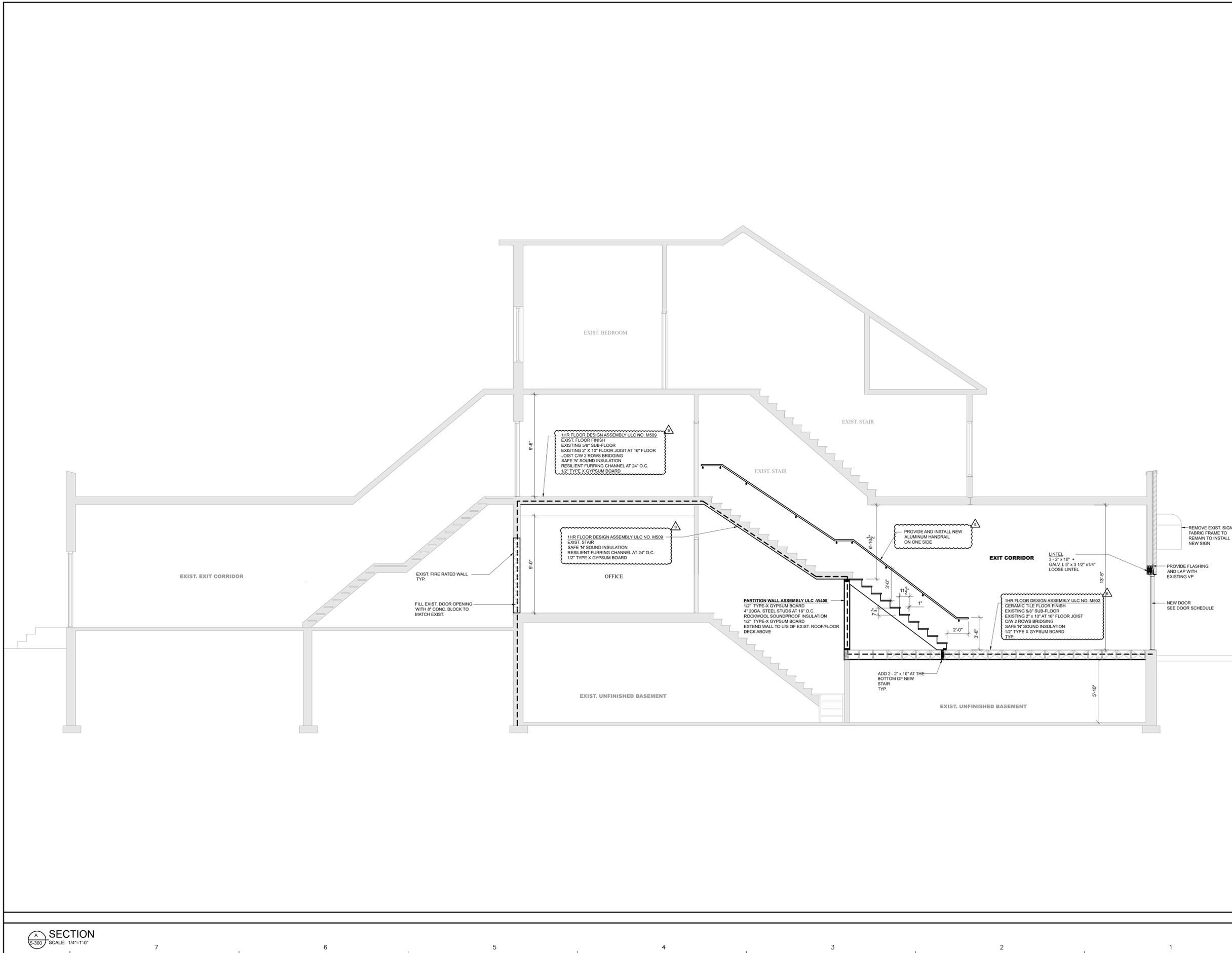
Scale: AS NOTED

**MILLWORK DETAILS**



DRAWN BY:	S.K.	JOB No.	2023-JPS-063
CHECKED BY:	J.S.	DATE:	MAY 2023
ISSUED:		DRAWING No.	<b>S-107</b>





NOTE:  
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**SECTION**



DRAWN BY:	S.K.	JOB No.:	2023-JPS-063
CHECKED BY:	J.S.	DRAWING No.:	<b>S-300</b>
DATE:	MAY 2023		
ISSUED:			



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)	14451384 CANADA INC EMEKA OBIENU	
Applicant(s)	J.P. Samuel & Associates Inc. James Samuel	
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 be sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	369 Barton Street E, Hamilton, ON		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

### 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Variance required for number of parking provided for new medical clinic at 369 Barton Street E.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The existing building covers most of the site and has no area on the property to add parking

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

Yes

No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
15.52m	36.12m	560.58m <sup>2</sup>	6.30m

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
Commercial Bakery	0.0m	5.25m	0.0m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Medical Clinic	0.0m	5.25m	0.0m	

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
Commercial Bakery	474m <sup>2</sup>	474m <sup>2</sup>	1	4.08m
Residential dwelling unit (2nd Floor)	0	152m <sup>2</sup>	2	4.95m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Medical Clinic (Ground Floor)	143m <sup>2</sup>	143m <sup>2</sup>	1	4.08m
Commercial Bakery (Ground Floor)	281m <sup>2</sup>	281m <sup>2</sup>		4.08m
Pharmacy (Ground Floor)	50m <sup>2</sup>	50m <sup>2</sup>	1	4.08m
Residential dwelling unit (2nd Floor)	0	152m <sup>2</sup>	2	4.95m

- 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.):  
Medical Clinic & Pharmacy, and Bakery with retail, and Residential single dwelling unit

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

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands: 28 February, 2023

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Commercial Bakery, residential dwelling unit on second floor

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Commercial Bakery, residential dwelling unit on second floor

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

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

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

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

Urban Hamilton Official Plan designation (if applicable) Mixed use

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

7.6 What is the existing zoning of the subject land? C5a

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: C5a

---

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 one existing dwelling unit on the 2nd and 3rd floor is to remain.

## 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-23:274</b>	<b>SUBJECT PROPERTY:</b>	1033 MAIN STREET E, HAMILTON
<b>ZONE:</b>	"C2" (Neighbourhood Commercial)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** MARTINUS & NINA GELEYNSE  
                               **Agent:** A.J. CLARKE & ASSOCIATES LTD. C/O FRANZ KLOIBHOFER

The following variances are requested:

1. To permit the use of a converted dwelling with a total of four units whereas the by-law does not permit a converted dwelling as a use.

**PURPOSE & EFFECT:** As to permit the additional use of a converted dwelling with a total of four dwelling units.

**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, November 16, 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-23:274**

- 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.

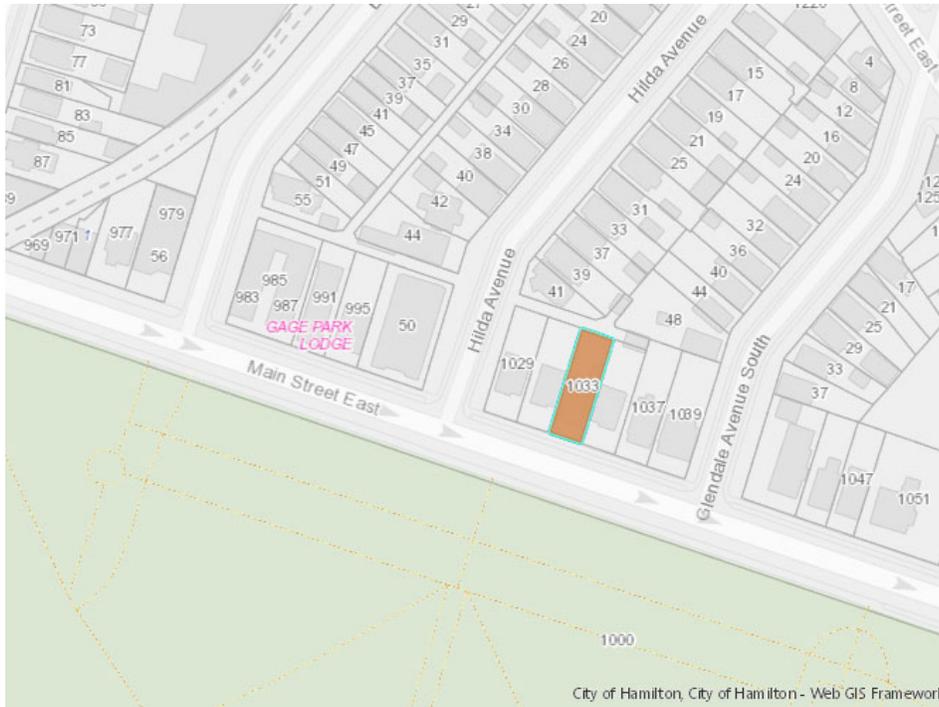
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:274, 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-23:274



 Subject Lands

DATED: October 31, 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.

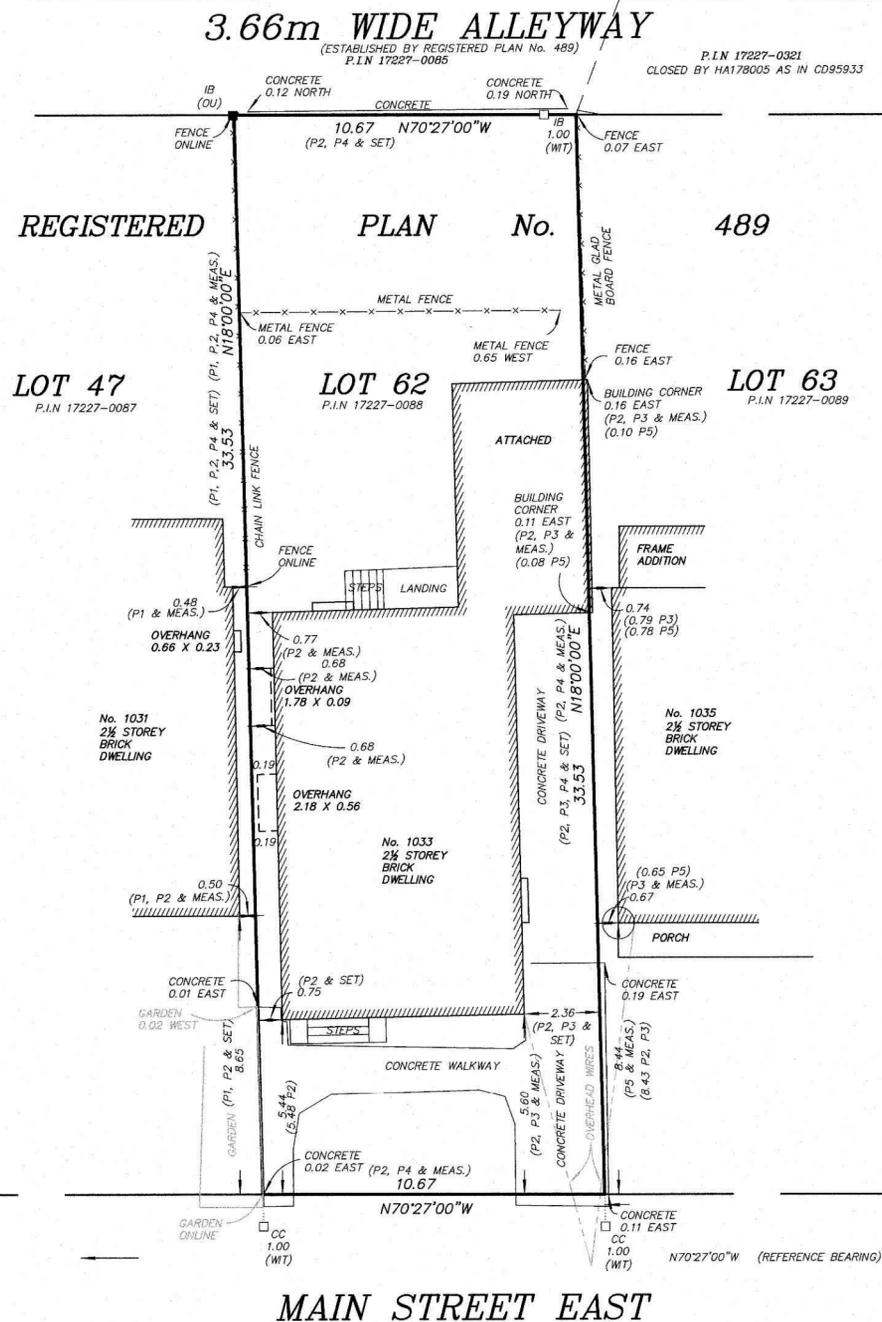
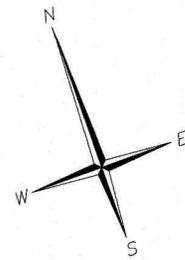
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

PLAN OF SURVEY  
LOT 62  
REGISTERED PLAN No. 489  
IN THE  
**CITY OF HAMILTON**

SCALE 1:200



KEVIN H. BROWN, O.L.S



**3.66m WIDE ALLEYWAY**  
(ESTABLISHED BY REGISTERED PLAN No. 489)  
P.I.N 17227-0085

REGISTERED PLAN No. 489

LOT 47  
P.I.N 17227-0087

LOT 62  
P.I.N 17227-0088

LOT 63  
P.I.N 17227-0089

**MAIN STREET EAST**  
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 2 & 3 GEOGRAPHIC TOWNSHIP OF BARTON)  
P.I.N 17227-0320

REPORT

PART 1 - PLAN R-4826

PART 2  
-THE SUBJECT LANDS ARE COMPRISED OF ALL OF PIN 17227-0088 AND LEGALLY DESCRIBED AS LOT 62 REGISTERED PLAN No. 489  
-PARCEL IS NOT SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY  
-FOR THE SPECIFIC LOCATION OF THE OVERHEAD WIRES REFER TO THE FACE OF THE PLAN  
-FOR THE SPECIFIC LOCATION OF FENCES REFER TO THE FACE OF THE PLAN  
-NOTE THE LOCATION OF THE ATTACHED GARAGE IS LOCATED AT A MAXIMUM OF 0.16m EAST OF THE EAST LIMIT OF THE SUBJECT LANDS

THIS REPORT WAS PREPARED FOR  
MARTINUS GELETNSE

NOTE:  
RIES ARE TAKEN TO FOUNDATION  
UNLESS OTHERWISE NOTED

NOTE:  
A. J. CLARKE & ASSOCIATES LTD. is not liable for use of this REPORT by any party or parties for FUTURE TRANSACTIONS or for any unrelated purposes.  
This REPORT reflects conditions at time of survey. UPDATING may be required to issue ADDITIONAL COPIES subsequent to DATE of the SURVEYOR'S CERTIFICATE.

GLENDALE AVENUE SOUTH

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM

V-63641



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
in accordance with  
Regulation 1026, Section 29(3)

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 4th DAY OF OCTOBER, 2023

OCTOBER 10, 2023  
DATE

*Kevin H. Brown*  
KEVIN H. BROWN  
ONTARIO LAND SURVEYOR

**A. J. Clarke and Associates Ltd.**

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

DRAWN BY: MW	CHECKED BY: KB	PROJECT No. PROJECT No#	INDEX No. R-4826
-----------------	-------------------	----------------------------	---------------------

- LEGEND:
- DENOTES SURVEY MONUMENT PLANTED
  - DENOTES SURVEY MONUMENT FOUND
  - IB DENOTES IRON BAR
  - (824) DENOTES A.T. McLAREN LIMITED
  - (OU) DENOTES ORIGIN UNKNOWN
  - (MEAS.) DENOTES MEASURED
  - (P1) DENOTES PLAN BY A.T. McLAREN LIMITED DATED APRIL 11, 1979 (INDEX 1326)
  - (P2) DENOTES BUILDING LOCATION SURVEY BY A.T. McLAREN LIMITED DATED AUGUST 17, 1987 (INDEX 23245)
  - (P3) DENOTES PLAN BY A.T. McLAREN LIMITED DATED JULY 28, 1977 (INDEX 9708)
  - (P4) DENOTES REGISTERED PLAN 489
  - (P5) DENOTES PLAN BY MacKAY MacKAY & PETERS DATED JULY 31, 1952 (INDEX 47467)

BEARINGS NOTE:  
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERN LIMIT OF MAIN STREET EAST AS SHOWN ON REGISTERED PLAN No. 489, HAVING A BEARING OF N70°27'00"W

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

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*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

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

October 6, 2023

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

**Re: 1033 Main Street East, Hamilton  
Minor Variance Application Submission**

---

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Martinus Geleynse (owner) for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 1033 Main Street East, in the City of Hamilton. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Minor Variance Application Form;
- One (1) cheque in the amount of \$3,735.00 representing the required Minor Variance Application fee;
- One (1) electronic copy of a Real Surveyor's Property Report (Plan of Survey)
- One (1) electronic copy of Exterior Building Plans.

This analysis is in support of the Minor Variance Application submitted for the subject lands. The proposed use variance is to facilitate the conversion of an existing, single-detached dwelling into a fourplex.

The subject lands are located on the north side of Main Street East, between Hilda Avenue, to the west, and Glendale Avenue South, to the east, with Gage Park located to the south. The subject lands are currently occupied by 2.5-storey, single-detached dwelling with an attached garage with driveway leading to Main Street East. Three (3) additional surface parking spaces are provided in the rear with access provided via the north-adjacent alleyway leading to Hilda Avenue. The lands have a frontage of ±10.67 metres, a depth of 33.53 metres, and an overall area of ±357.4 square metres.

The surrounding area in the Crown Point West neighbourhood consists largely of residential and neighbourhood commercial land uses. Gage Park is located to the south, directly across Main Street East; the park includes expansive landscaped space and trail system, tropical greenhouse, tennis, baseball, and lawn bowling clubs. Multiple elementary schools are located within 1 kilometre of the lands including Memorial Elementary Public School, Adelaide Hoodless Public School, Holy Name of Jesus Catholic Elementary, and Notre-Dame French-Immersion Catholic Elementary. Bernie Custis Public Secondary School, Bernie Morelli Recreation Centre, and Jimmy Thompson Memorial Pool are located approximately 650 metres from the subject lands with Tim Horton's Field located north adjacent. St. Peter's Hospital is



located approximately 850 metres from the subject lands. All of the above public facilities are located within an approximate 12-minute walk of the subject lands. Multiple places of worship are also within a 15-minute walk of the subject lands.

Eastbound public transit is provided directly on Main Street East with a stop located 38 metres from the front door of the existing dwelling. Westbound public transit is located on King Street East 250 metre (4-minute walk) from the subject lands; this route will be upgraded to the anticipated, two-way LRT line. Both transit routes are the lower-city public transit backbone, connecting to dozens of other routes to provide public transit access to all urban Hamilton.

The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwelling, 2.5-storey
<b>South</b>	Gage Park (City-Wide Park Classification)
<b>West</b>	Converted Dwelling: Mixed Use Commercial and Residential, 2.5-storey
<b>East</b>	Converted triplex dwelling, 2.5-storey

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

### **Planning Policy Overview**

#### **Provincial Policy Statement (PPS), 2020**

The proposed conversion is consistent with the Provincial Policy Statement (PPS) through numerous applicable policies.

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

- Policy 1.1.1 outlines how healthy, liveable and safe communities are sustained. The proposed development is specifically consistent with subsections a), b), e). The proposed conversion is an efficient use of land that contributes to appropriate range and mix of residential housing types. The conversion contributes to satisfying the growth management projections for the area by creating gentle intensification which is transit-supportive and economically efficient by utilizing existing infrastructure.
- Policy 1.1.3.1 further details that settlement areas shall be the focus of growth and development. The proposed conversion is within the built-up, urban boundary of the City of Hamilton. It is further exemplary in its consistency with policy 1.1.3.2 in that it efficiently uses the existing land, resources, infrastructure, including the preservation of the existing exterior built form, and public service facilities while supporting active transportation in a transit-supportive neighbourhood.
- Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification where feasible. Policy 1.1.3.4 states that *“development standards should be promoted which facilitate intensification, redevelopment and compact form,*



*while avoiding or mitigating risks to public health and safety.”* As previously discussed, the proposed conversion will add variety to the existing housing stock in a transit-supportive neighbourhood through gentle intensification.

- Section 1.4 regards policy affecting housing and once again reiterates the importance of providing a sufficient supply and range of housing options while promoting intensification, wise use of resources and infrastructure, and transit-supportive development.
- Section 1.6 of the PPS relates to infrastructure and public service facilities. Policy 1.6.3 states that prior to developing new infrastructure and public service facilities, the existing ones should be optimized. The proposed development will utilize the public infrastructure and service facilities that surround it including the water and wastewater systems, roads, parks, hospital, recreation centres, and schools.

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

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

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

- Policy 2.2.1.2.a) states that *the “vast majority of growth will be directed in settlement areas that i. have a delineated built boundary, ii. have existing or planned municipal water and wastewater systems and iii) can support the achievement of complete communities.”*

As previously described, the proposed development is fully in line with this policy; the development exists within the built-up, urban boundary with existing infrastructure and will add to the complete community goals and objectives.

- Policy 2.2.1.4 states that applying the policies of the Growth Plan will support the achievement of complete communities that features diverse land uses with convenient access to shopping, services, and public service facilities; improve social equity and overall quality of life; provide a diverse range and mix of housing options; expand convenient access to a range of transportation options, public service facilities, open green space, and healthy food options; provide for a more compact built form and vibrant public realm; mitigate and adapt to climate change impacts, reduce greenhouse emissions, and contribute to environmental sustainability.

The proposed use variance will contribute to a complete community with access to nearby shopping, services, and public service facilities while contributing to a diverse range and mix of housing options. Access to a range of transportation options is present including active transportation, mass transit (including future LRT), and private automobile.

- Policy 2.2.6.1.a) states that municipalities will support housing choice through achievement of minimum intensification and density targets by identifying a diverse range and mix of housing



options and densities to meet projected needs. The proposed development is consistent with this policy as it creates a wider range of housing options available through gentle intensification that falls within the densities permitted in the Official Plan.

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

### **MINOR VARIANCE APPLICATION TO PERMIT A CONVERTED, FOUR-UNIT DWELLING**

The proposal looks to merely add the permitted use of a converted fourplex through the conversion of an existing single-detached residential dwelling. Should the lands be redeveloped for commercial use in the future, it will not require a zoning by-law amendment to do so. By adding this intensified use through a minor variance, the lands can maintain the C2 zoning for the intended future development while currently providing much-needed housing in an appropriate location and conserving the cultural heritage of this inventoried property.

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

#### **1. Does the proposed variance maintain the intent and purpose of the Urban Hamilton Official Plan?**

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

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

Policy B.2.4.1.3 b) states the *"Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target."*

*Policy B.2.4.1.4 Residential intensification developments within the built-up area shall be evaluated based on the following criteria:*

- a) a balanced evaluation of the criteria in b) through l), as follows;*
- b) the relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;*
- c) the contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;*
- 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;*



- e) *the contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;*
- f) *existing and planned water, wastewater and stormwater capacity;*
- g) *the incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;*
- h) *the contribution of the proposed development to supporting and facilitating active transportation modes;*
- i) *the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;*
- j) *the availability and location of existing and proposed public community facilities/services;*
- k) *the ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and,*
- l) *compliance of the proposed development with all other applicable policies. (OPA 167)*

The requested use variance will permit the conversion of an existing single-detached dwelling and does not propose any new structure to be built. In this regard, the proposal is compatible and maintains the existing character of the area while providing a range of dwelling types and tenure. The proposal will facilitate a higher density of housing along a primary corridor with existing water and wastewater services. The increased density is transit-supportive and in proximity to numerous public community facilities and services, as previously described. The existing yards will be maintained with no removal of vegetation proposed. The proposal conforms to all other applicable policies except for a particular zoning by-law (discussed in greater detail below).

*Policy B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:*

- a) *the matters listed in Policy B.2.4.1.4;*
- 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 building(s) with the height, massing, and scale of nearby residential buildings;*
- d) *the consideration of transitions in height and density to adjacent residential buildings;*
- e) *the relationship of the proposed lot(s) 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;*
- h) *the ability to complement the existing functions of the neighbourhood;*
- i) *the conservation of cultural heritage resources; and,*
- j) *infrastructure and transportation capacity and impacts.*

Within Subsection B.3.4.3 is a subsection describing policies relating to Established Historical Neighbourhoods:



*Established historical neighbourhoods are neighbourhoods that were substantially built prior to 1950. These neighbourhoods exhibit unique character, provide examples of historical development patterns, and contain concentrations of cultural heritage resources.*

*B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.*

*B.3.4.3.7 Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.*

The subject lands are located within the Main Street East Cultural Heritage Landscape and are one of the four inventoried properties within a four-block span across from Gage Park.

As already discussed, the proposal is a conversion of an existing single-detached dwelling. As such, it is compatible with adjacent land uses (including the converted triplex to the east) and maintains the character of the existing structure. Amenity space will be provided in the rear yard and the proximity to Gage Park should be heavily considered in this regard. As the proposed conversion will not affect the exterior of the building, it continues to conserve the cultural heritage of the site. The building is already serviced and is adjacent to and in proximity to numerous mass transit lines.

Chapter E of the UHOP sets the goals and policies for urban systems and land use designations in the City of Hamilton. The following goals listed in Policy E.1.0 are applicable to the subject application:

- a) Designate land uses to facilitate the development of a node and corridor based urban structure.*
- b) Support and facilitate development and investment that contributes to the development of the overall urban structure.*
- c) Accommodate growth through the development of compact, mixed use urban environments that support existing or planned transit, including higher order transit, and active transportation. (OPA 167)*
- d) Develop complete communities where people can live, work, learn, and play.*
- e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.*
- f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.*
- g) Promote and support appropriate residential intensification throughout the urban area with focused attention to development in the strategic growth areas of the Urban Nodes, Urban Corridors, and Major Transit Station Areas. (OPA 167)*



- h) Recognize that Hamilton's neighbourhoods will evolve over time to accommodate projected household growth, and changing demographics, and respond to the changing needs of complete communities. (OPA 167)*

The subject lands are located on a primary corridor, as per Schedule E. Approval of the subject application will support development and investment that contributes to the overall urban structure and to a complete community. The intensification of the subject lands current land use of a single-detached dwelling utilizes a compact, urban form of housing that adds to the diversity of available housing options and is supportive of existing and planned transit and active transit as it is located in proximity to bike paths and trails. The exterior of the dwelling will maintain its appearance, respecting the character of the streetscape and neighbourhood. This development aims to accommodate projected household growth and is an exemplary example of responding to the changing needs of the community as the current housing crisis continues to impact the GTHA. Providing additional dwelling units within an existing single-detached dwelling should be considered a better use of the lands and built form as opposed to forcing any renovations to instead provide ground floor neighbourhood commercial in a corridor that already has numerous commercial vacancies to accommodate such.

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

The use is permitted in the Official Plan designation and would have typically been added through a Minor Zoning By-law Amendment, as described in Chapter F - Implementation, Policy F.1.5.8 and F.1.5.9:

**1.5.8** *A Minor Zoning By-law Amendment includes any or all of the following circumstances:*

- e) To add a use permitted by the Official Plans;*

**1.5.9** *Council may, by By-law, delegate to the Chief Planner or other designated staff the authorization to pass a Minor Zoning By-law Amendment in accordance with policy F.1.5.8. (OPA 175)*

However, this Minor Zoning By-law Amendment implementation tool is no longer available to be applied for – despite the specific language describing such circumstance. Applying for a rezoning of the lands would further complicate potential future redevelopment and be an unnecessary burden on the City's resources. As such, a minor variance to add a use permitted within the 'Neighbourhoods' designated lands was suggested to permit the conversion of this dwelling.

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

## **2. Does the proposed variance maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?**

The subject lands are zoned Neighbourhood Commercial (C2) Zone in the City of Hamilton Zoning By-law 05-200. In a conformity exercise with OPA 69 in 2017, the City rezoned the subject lands from "E-1/S-746" (Multiple Dwellings, Lodges, Clubs, etc.) to the current Neighbourhood Commercial (C2) zoning.



The E-1 Zoning allowed for residential uses including triplexes, multiple dwellings lodging homes, student residences, and residential care facilities along with institutional and limited commercial uses including offices. However, this zoning limited the use of residential dwellings in the same building occupied by an office. The C2 zone does permit limited mixed-use development, however any residential use must be located above the ground floor and only occupy 50% of the total gross floor area.

The C2 Zone permits uses such as: Artist Studio, Catering Service, Commercial School, Craftsperson Shop, Day Nursery, Dwelling Unit (Mixed Use), Emergency Shelter, Financial Establishment, Medical Clinic, Motor Vehicle Service Station, Office, Personal Services, Repair Services, Restaurant, Retail, Social Services Establishment, and Veterinary Service.

The required variance to the City of Hamilton Zoning By-law 05-200 is intended to facilitate the conversion of an existing single-detached residential dwelling to contain no more than four units. In addition to the zoning by-law review above, the proposed residential conversion also meets or exceeds the requirements of the residential conversion policies set in Section 4.34 of the Zoning By-law:

#### **4.34 CONVERTED DWELLINGS**

- a) *For the purpose of Section 4.34, a Converted Dwelling shall mean a Single Detached Dwelling or Duplex Dwelling, existing as of August 12, 2022, converted to contain greater than two but no more than four Dwelling Units.*
- b) *A Converted Dwelling shall be permitted on a lot in an "R1" or "R1a" Zone.*
- c) *All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.34.*
- d) *Notwithstanding any applicable regulations of this By-law, no more than four Dwelling Units shall be permitted on a lot subject to Converted Dwelling permissions as identified in Section 4.34 (b).*
- e) *No parking spaces are required for Dwelling Units within a Converted Dwelling, provided the required parking spaces which existed on August 12, 2022 for the existing dwelling shall continue to be provided and maintained.*
  - i. *Notwithstanding Section 4.34 (e), one parking space is required for the following conditions:*
    - A. *For the fourth Dwelling Unit in a Converted Dwelling, and,*
    - B. *For the fourth Dwelling Unit on a lot.*

With the obvious exception that the lands are not zoned R1 or R1a, the proposal meets all of the requirements for conversion. Parking is provided in an existing garage and driveway accessed from Main Street East; parking is also through three additional spaces provided in the rear accessed by the adjacent rear alleyway entered from Hilda Avenue.

It should be noted that the lands located directly adjacent to the north, are a R1a – Low Density Residential zoned neighbourhood. Further, the three neighbouring parcels to the east are all residential conversions containing dwelling units on the ground floor.

Based on the discussion above, it is my professional opinion that the proposed variances maintain the intent and purpose of the Zoning By-law.

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



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

**4. Are the proposed variances minor in nature?**

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the use variance to permit a residential conversion containing four units, as conversion policies would have otherwise permitted. The lands are currently a low-density residential land use, and the interior renovations would permit gentle intensification of the lands. Accordingly, it is my professional planning opinion that the variance is minor in nature.

As such, the subject land is appropriate for the intensification of the subject lands. Rezoning applications would be an unnecessary process that could hinder any potential future development for commercial use should the demand be present. The application has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*, represents good planning and should be approved.

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

Sincerely,

James Thomas, MBA  
Planner  
**A. J. Clarke and Associates Ltd.**

Reviewed by:

Franz Kloibhofer, MCIP, RPP, BES (Hons.)  
Principal, Project Manager  
**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email: Martinus Geleynse ([mgeleynse@sothebysrealty.ca](mailto:mgeleynse@sothebysrealty.ca))

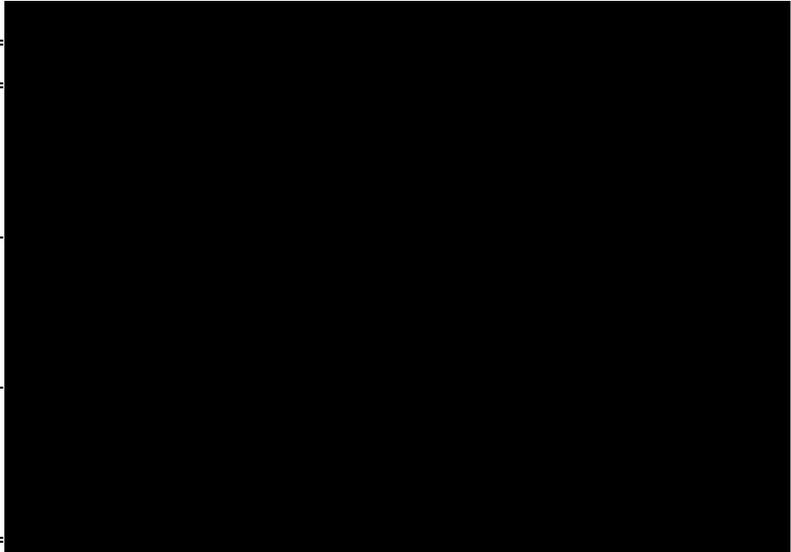


Hamilton

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

**1. APPLICANT INFORMATION**

	<b>NAME</b>
<b>Registered Owners(s)</b>	Martinus Geleyense & Nina Geleyense
<b>Applicant(s)</b>	
<b>Agent or Solicitor</b>	



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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*  No

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

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	1033 Main Street East		
Assessment Roll Number	04028102090		
Former Municipality	Hamilton		
Lot	6	Concession	2
Registered Plan Number	489	Lot(s)	62
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

### 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

To permit a use variance of a fourplex conversion of an existing single-detached dwelling.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Lands rezoned C2 Commercial. Minor Zoning Bylaw Amendment implementation tool removed.

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

Yes  No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
±10.67	33.53	±357.4m <sup>2</sup>	±20.1 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-detached dwe	5.44m	8.24m	0.0 (east),0.75 (west)	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
no exterior changes	existing	existing	existing	

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
single-detached dwe	125.6m <sup>2</sup>		2.5	±8.8m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
no changes				

- 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.):

Converted fourplex

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

triplex (east), converted mixed use (west), single-detached (north), city-wide park

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2022

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

Singe-detached dwelling

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

single-detached dwelling

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

since construction estimated 1920s

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.

See attached cover letter

7.6 What is the existing zoning of the subject land? \_\_\_\_\_

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

(Zoning By-law Amendment or Minor Variance)

Yes

No

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

---

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

 Yes No

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

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: 4

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

Please see attached cover letter with 4 Tests justification

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 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-23:281</b>	<b>SUBJECT PROPERTY:</b>	21 FAIRLEIGH AVENUE N, 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:** 2727288 ONTARIO INC. C/O MARY STRAZZERI  
                                 **Agent:** LEN ANGELICI

The following variances are requested:

1. An exterior staircase may encroach into a required side yard to a maximum of 0.87 metres instead of the requirement that an exterior staircase may encroach into a required side yard to a maximum of 1.5 metres or to a maximum of half the distance of the required yard, whichever is the lesser.

**PURPOSE & EFFECT:**      To construct an additional dwelling unit and exterior staircase to an existing single detached dwelling.

**Notes:**

1. Insufficient information was provided regarding existing or proposed parking. Additional Variances may be required if conformity with the 05-200 Hamilton Zoning By-law 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, November 16, 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>

HM/A-23:281

<a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>
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For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](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-23:281, 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-23:281



 Subject Lands

DATED: October 31, 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.



PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	10/17/2023

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
- THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
- REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
- CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
- DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	124457
NAME	BCIN
10/17/2023	SIGNATURE
DATE	

**Len Angelici Design**

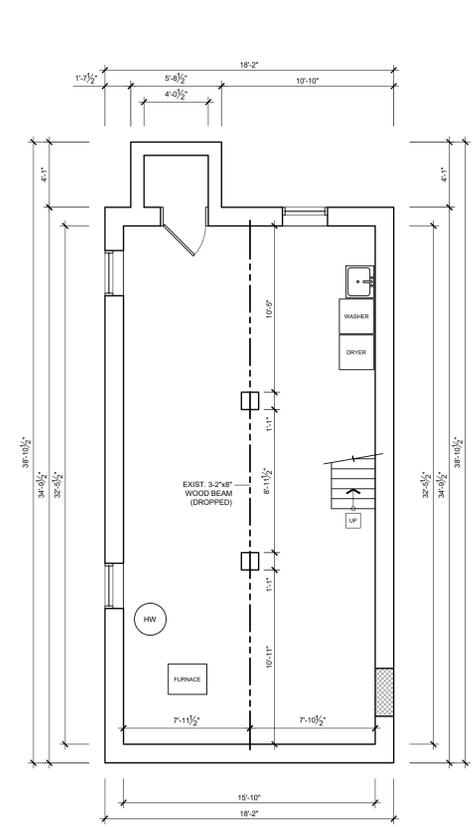
270 SHERMAN AVE N, UNIT MILL-125  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT  
PROPOSED KITCHEN REMODEL  
21 FAIRLEIGH AVE N  
HAMILTON, ON

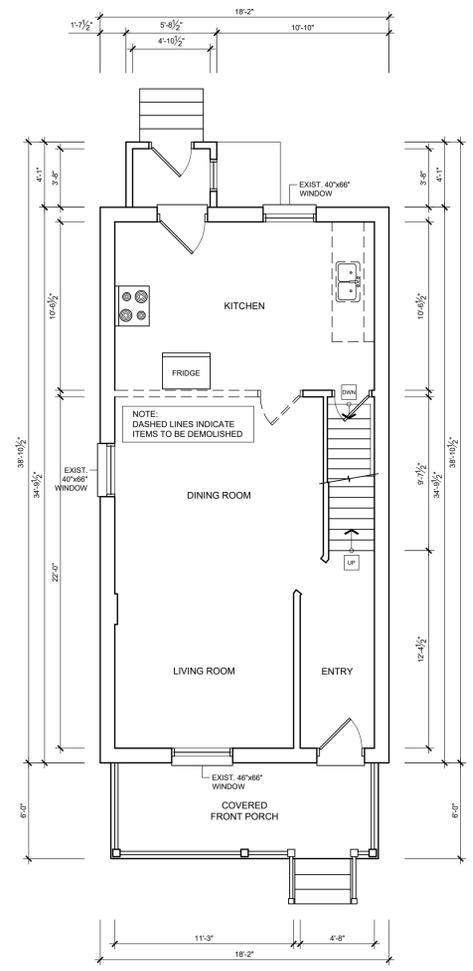
SHEET TITLE  
EXISTING FLOOR PLANS

DRAWN BY	L. ANGELICI
DATE	10/17/2023
SCALE	3/16" = 1'-0"
PROJECT No.	23041

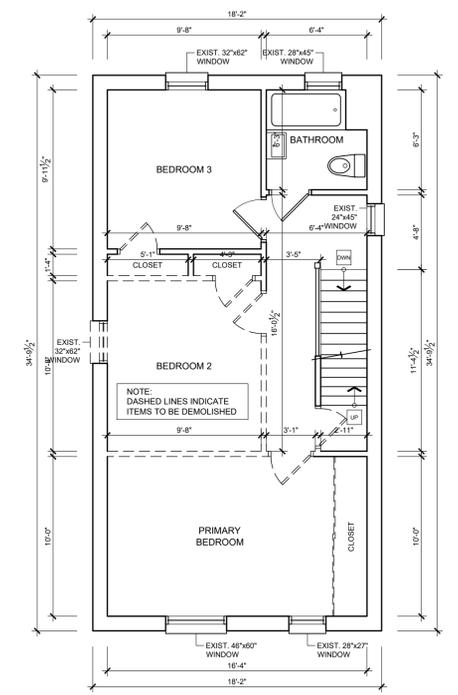
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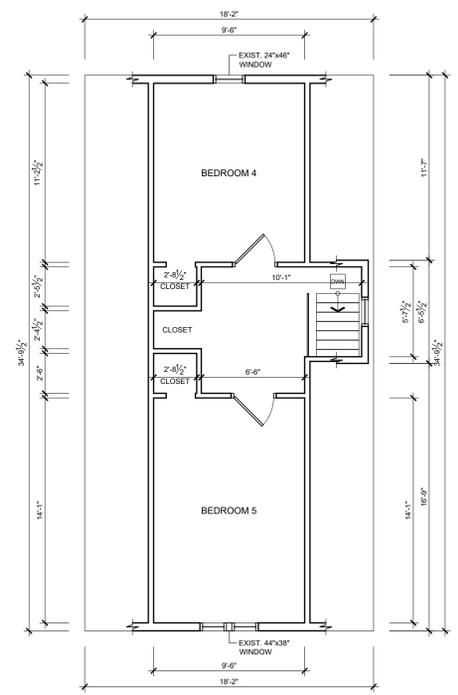
EXISTING BASEMENT PLAN  
SCALE 3/16" = 1' - 0"



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



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



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





Hamilton

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		
<b>Registered Owners(s)</b>	2727288 ONTARIO INC		
<b>Applicant(s)</b>	LEN ANGELICI		
<b>Agent or Solicitor</b>		<b>Phone:</b>	
		<b>E-mail:</b>	

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*  
 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	21 FAIRLEIGH AVE N		
Assessment Roll Number			
Former Municipality	HAMILTON		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

### 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

RELIEF FROM REQUIRED SIDE YARD SETBACK PROJECTION FOR OPEN STAIRWAY OF ONE THIRD OF ITS WIDTH (0.41m) TO PROPOSED PROJECTION OF 0.87m (REQUIRED SETBACK OF 0.79m TO PROPOSED 0.33m)

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

WIDTH OF SIDE YARD DOES NOT ALLOW AN ADEQUATELY SIZED STAIRCASE FOR SECONDARY UNIT ACCESS

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

Yes  No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
7.71m	30.08m	229.87m <sup>2</sup>	N/A

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
DWELLING	2.48m	16.49m	1.55m, 0.63m	N/A

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
EXTERIOR STAIRCASE	3.33m	21.42m	0.33m	

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	58.72m <sup>2</sup>	152.5m <sup>2</sup>	2.5	8.94m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
EXTERIOR STAIRCASE		6.44m <sup>2</sup>	1	3.24

- 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.):

2 UNIT DWELLING

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

SINGLE FAMILY DWELLINGS

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

N/A

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

SINGLE FAMILY 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:

SINCE CONSTRUCTION

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

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

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

Urban Hamilton Official Plan designation (if applicable) NEIGHBOURHOODS

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

7.6 What is the existing zoning of the subject land? R1a

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

Yes

No

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

---

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

Yes  No

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

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

Yes  No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>AN/A-23:263</b>	<b>SUBJECT PROPERTY:</b>	25, 35 & 40 FARR COURT, ANCASTER
<b>ZONE:</b>	"M2, Exception 611" (General Business Park)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** SANJAY MODI  
                                 **Agent:** ANTECH DESIGN C/O CANDICE MICUCCI

The following variances are requested:

1. A minimum 3.0-metre-wide Landscaped Area shall be permitted between a parking space, aisle or driveway abutting a street. Instead of the required 6.0 metre Landscaped area which includes a 3.0-metre-wide planting strip.
2. Where 50 or more parking spaces are provided on a lot, Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 7% of the area of the parking lot and associated access driveway and maneuvering areas shall be provided and maintained. Instead of the required minimum combined area of 10% of the area of the parking lot and associated success driveway and maneuvering areas shall be provided and maintained.

**PURPOSE & EFFECT:**      To facilitate to construction of two (2) industrial buildings.

**Notes:**

1. Please be advised a portion of the property falls under Conservation management. Please contact the Grand River Conservation prior to any development.

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

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

## AN/A-23:263

<b>DATE:</b>	<b>Thursday, November 16, 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.

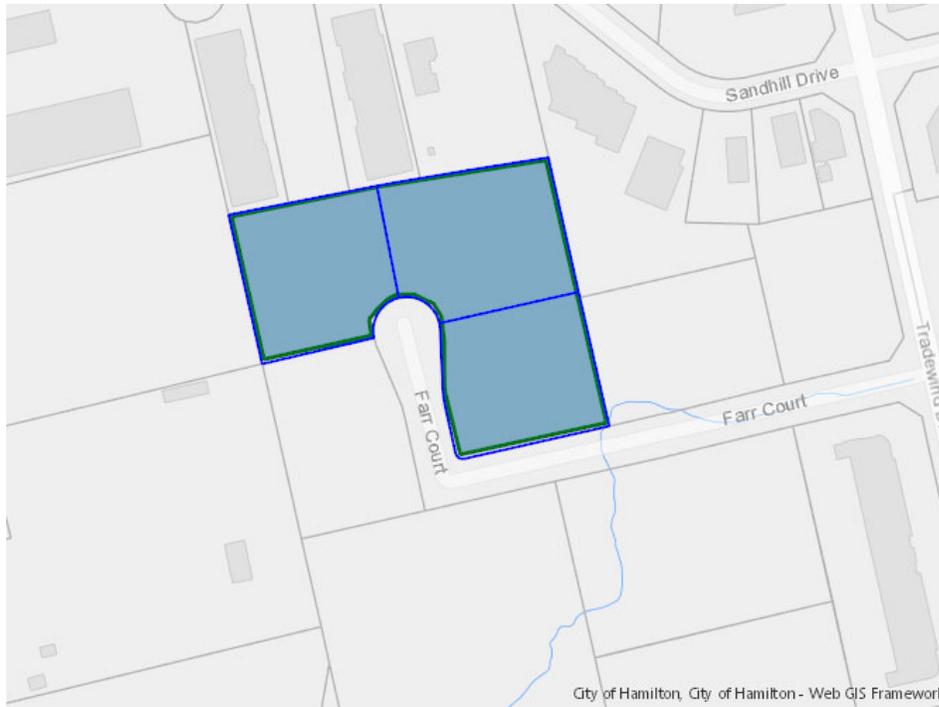
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:263, 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-23:263



 Subject Lands

DATED: October 31, 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.**

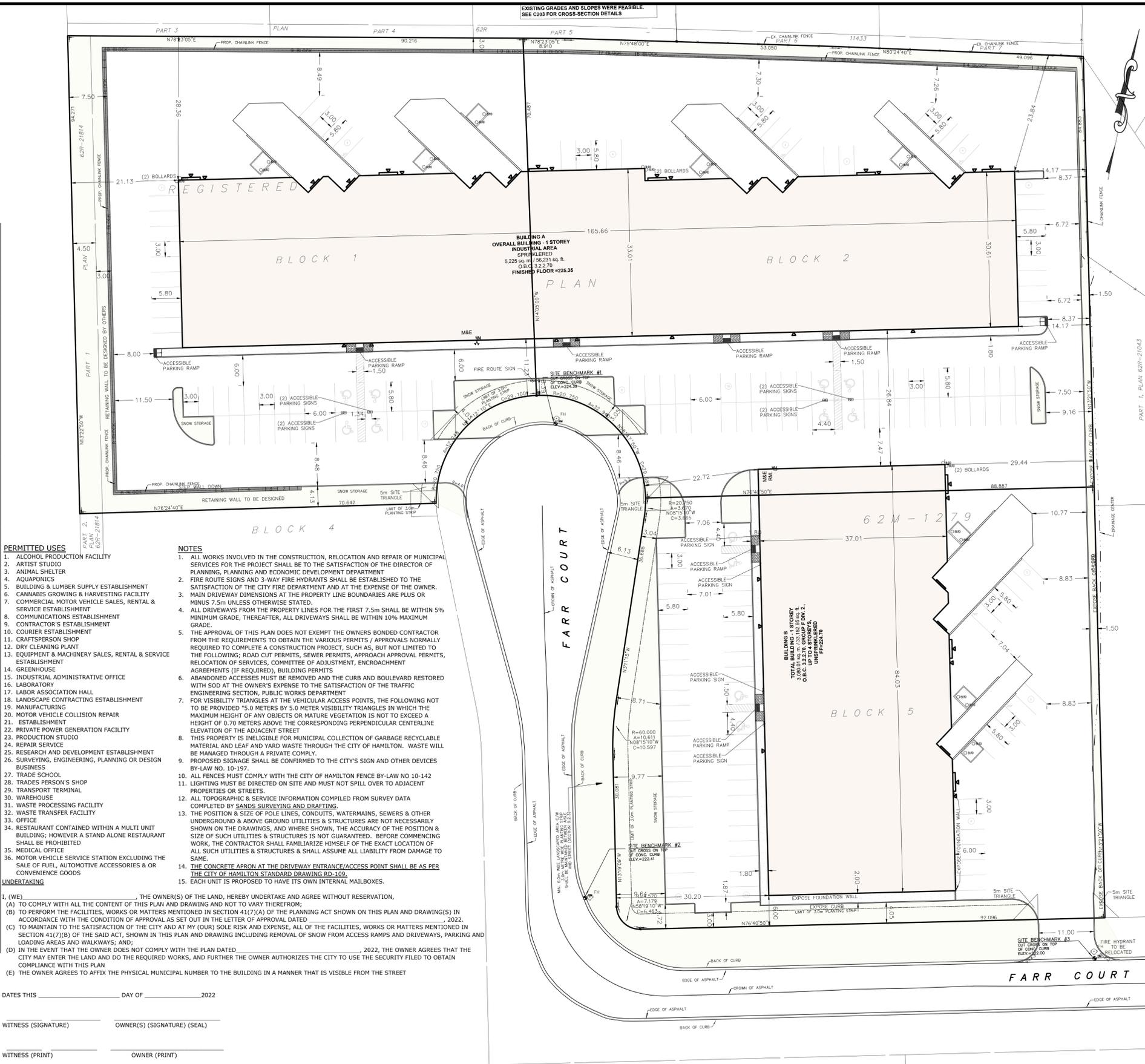
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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.



**KEY PLAN**

SITE STATISTICS		
ZONING REQUIREMENTS	PROPOSED	
OFFICIAL PLAN CATEGORY	INDUSTRIAL	
ZONING BY-LAW CATEGORY	GENERAL BUSINESS PARK M2 EXCEPTION:611	
MINIMUM LOT AREA	4000m <sup>2</sup>	25480.4m <sup>2</sup>
MINIMUM YARD ABUTTING A STREET	3.0m	3.0m
MINIMUM FRONT YARD SETBACK		11.2m
MINIMUM REAR YARD SETBACK		23.8m
MINIMUM SIDE YARD SETBACK		21.1m
MINIMUM SIDE YARD SETBACK		6.0m
LANDSCAPE AREA & PLANTING STRIP	MINIMUM 3.0m WIDE LANDSCAPED AREA SHALL BE PROVIDED & MAINTAINED ABUTTING A STREET, EXCEPT FOR POINTS OF INGRESS & EGRESS	
LOCATION & SCREENING OF OUTDOOR STORAGE & OUTDOOR ASSEMBLY	NOTWITHSTANDING ABOVE WHERE A PARKING SPACE, AISLE OR DRIVEWAY IS LOCATED IN A YARD ABUTTING A STREET A MINIMUM 6.0m WIDE LANDSCAPE AREA, WHICH INCLUDES A 3.0m WIDE PLANTING STRIP SHALL BE REQUIRED & MAINTAINED BETWEEN THE SAID PARKING SPACE AISLE, OR DRIVEWAY & A STREET, EXCEPT FOR POINTS OF INGRESS & EGRESS. OUTDOOR STORAGE & OUTDOOR ASSEMBLY OF GOODS, MATERIALS OR EQUIPMENT SHALL BE PERMITTED IN CONJUNCTION WITH A BUILDING & THE FOLLOWING REGULATIONS SHALL APPLY: 0m	
LOCATION OF OUTDOOR DISPLAY	OUTDOOR STORAGE & OUTDOOR ASSEMBLY SHALL NOT BE PERMITTED IN THE FRONT YARD OR A REQUIRED FLANKAGE YARD. OUTDOOR STORAGE & OUTDOOR ASSEMBLY SHALL NOT EXCEED 85% OF THE TOTAL LOT AREA. OUTDOOR STORAGE & OUTDOOR ASSEMBLY SHALL BE SCREENED FROM VIEW FROM ANY ABUTTING STREET BY A VISUAL BARRIER IN ACCORDANCE WITH SECTION 4.19 OF THIS BY-LAW.	
LOCATION RESTRICTION OF WASTE PROCESSING FACILITY & WASTE TRANSFER FACILITY	IN ADDITION TO THE REGULATIONS OF SECTION 9.2.3, ANY BUILDING, STRUCTURE OR LAND USED FOR A WASTE PROCESSING FACILITY OR A WASTE TRANSFER FACILITY, SHALL BE LOCATED A MINIMUM OF 30.0m FROM A RESIDENTIALLY ZONED OR INSTITUTIONALLY ZONED PROPERTY LOT LINE.	
MAXIMUM GROSS FLOOR AREA FOR INDUSTRIAL ADMINISTRATIVE OFFICE OR SURVEYING, ENGINEERING, PLANNING OR DESIGN BUSINESS	AN INDUSTRIAL ADMINISTRATIVE OFFICE OR A SURVEYING, ENGINEERING, PLANNING OR DESIGN BUSINESS SHALL BE LIMITED TO A GROSS FLOOR AREA OF LESS THAN 10,000 SQUARE METERS ON A LOT	
MAXIMUM GROSS FLOOR AREA FOR ALCOHOL PRODUCTION FACILITY	5,000 SQUARE METERS	
MAXIMUM GROSS FLOOR AREA FOR AREA FOR ACCESSORY RETAIL SHOWROOM AREA AND TASTING ROOM	25% OF THE GROSS FLOOR AREA OF THE PRINCIPAL USE OR 500.0 SQUARE METERS GROSS FLOOR AREA, WHICHEVER IS THE LESSER; AND	
PARKING	IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 5 OF THIS BY-LAW. STANDARD PARKING SHALL BE A MINIMUM OF 2.8m BY 5.8m BARRIER FREE PARKING SHALL BE 4.4m BY 5.8m. LANDSCAPED AREA & LANDSCAPED PARKING ISLANDS SHALL HAVE A MINIMUM AREA OF 10m <sup>2</sup> . LANDSCAPED AREA & LANDSCAPED PARKING ISLANDS WITH A MINIMUM COMBINED AREA OF 10% OF THE AREA OF THE PARKING LOT AND ASSOCIATED DRIVEWAY AND MANEUVERING AREAS SHALL BE PROVIDED & MAINTAINED. MINIMUM AISLE WIDTH OF 6.0m	
ACCESSORY BUILDINGS	IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 4.8 IN ADDITION TO THE ABOVE NO ACCESSORY BUILDING SHALL BE PERMITTED WITHIN A FRONT YARD OR A FLANKAGE YARD.	
ADDITIONAL REGULATIONS FOR A CANNABIS GROWING AND HARVESTING FACILITY	SEE ZONING BY-LAW	



- PERMITTED USES**
1. ALCOHOL PRODUCTION FACILITY
  2. ARTIST STUDIO
  3. ANIMAL SHELTER
  4. AQUAPONICS
  5. BUILDING & LUMBER SUPPLY ESTABLISHMENT
  6. CANNABIS GROWING & HARVESTING FACILITY
  7. COMMERCIAL MOTOR VEHICLE SALES, RENTAL & SERVICE ESTABLISHMENT
  8. COMMUNICATIONS ESTABLISHMENT
  9. CONTRACTOR'S ESTABLISHMENT
  10. COURIER ESTABLISHMENT
  11. CRAFTSPERSON SHOP
  12. DRY CLEANING PLANT
  13. EQUIPMENT & MACHINERY SALES, RENTAL & SERVICE ESTABLISHMENT
  14. GREENHOUSE
  15. INDUSTRIAL ADMINISTRATIVE OFFICE
  16. LABORATORY
  17. LABOR ASSOCIATION HALL
  18. LANDSCAPE CONTRACTING ESTABLISHMENT
  19. MANUFACTURING
  20. MOTOR VEHICLE COLLISION REPAIR
  21. ESTABLISHMENT
  22. PRIVATE POWER GENERATION FACILITY
  23. PRODUCTION STUDIO
  24. REPAIR SERVICE
  25. RESEARCH AND DEVELOPMENT ESTABLISHMENT
  26. SURVEYING, ENGINEERING, PLANNING OR DESIGN BUSINESS
  27. TRADE SCHOOL
  28. TRADES PERSON'S SHOP
  29. TRANSPORT TERMINAL
  30. WAREHOUSE
  31. WASTE PROCESSING FACILITY
  32. WASTE TRANSFER FACILITY
  33. OFFICE
  34. RESTAURANT CONTAINED WITHIN A MULTI UNIT BUILDING; HOWEVER A STAND ALONE RESTAURANT SHALL BE PROHIBITED
  35. MEDICAL OFFICE
  36. MOTOR VEHICLE SERVICE STATION EXCLUDING THE SALE OF FUEL, AUTOMOTIVE ACCESSORIES & OR CONVENIENCE GOODS

- NOTES**
1. ALL WORKS INVOLVED IN THE CONSTRUCTION, RELOCATION AND REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
  2. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
  3. MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
  4. ALL DRIVEWAYS FROM THE PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MINIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
  5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNERS BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS / APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING; ROAD CUT PERMITS, SEWER PERMITS, APPROACH APPROVAL PERMITS, RELOCATION OF SERVICES, COMMITTEE OF ADJUSTMENT, ENCROACHMENT AGREEMENTS (IF REQUIRED), BUILDING PERMITS
  6. ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT
  7. FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOT TO BE PROVIDED "5.0 METERS BY 5.0 METER VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METERS ABOVE THE CORRESPONDING PERPENDICULAR CENTERLINE ELEVATION OF THE ADJACENT STREET
  8. THIS PROPERTY IS INELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE RECYCLABLE MATERIAL AND LEAF AND YARD WASTE THROUGH THE CITY OF HAMILTON. WASTE WILL BE MANAGED THROUGH A PRIVATE COMPLY.
  9. PROPOSED SIGNAGE SHALL BE CONFIRMED TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW NO. 10-197.
  10. ALL FENCES MUST COMPLY WITH THE CITY OF HAMILTON FENCE BY-LAW NO 10-142
  11. LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.
  12. ALL TOPOGRAPHIC & SERVICE INFORMATION COMPILED FROM SURVEY DATA COMPLETED BY SANDS SURVEYING AND DRAFTING.
  13. THE POSITION & SIZE OF POLE LINES, CONDUITS, WATERMANS, SEWERS & OTHER UNDERGROUND & ABOVE GROUND UTILITIES & STRUCTURES ARE NOT NECESSARILY SHOWN ON THE DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION & SIZE OF SUCH UTILITIES & STRUCTURES IS NOT GUARANTEED. BEFORE COMMENCING WORK, THE CONTRACTOR SHALL FAMILIARIZE HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES & STRUCTURES & SHALL ASSUME ALL LIABILITY FOR DAMAGE TO SAME.
  14. THE CONCRETE APRON AT THE DRIVEWAY ENTRANCE/ACCESS POINT SHALL BE AS PER THE CITY OF HAMILTON STANDARD DRAWING RD-109
  15. EACH UNIT IS PROPOSED TO HAVE ITS OWN INTERNAL MAILBOXES.

I, (WE) \_\_\_\_\_ THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION, (A) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM; (B) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(A) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWING(S) IN ACCORDANCE WITH THE CONDITION OF APPROVAL AS SET OUT IN THE LETTER OF APPROVAL DATED \_\_\_\_\_, 2022. (C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(B) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS; AND; (D) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED \_\_\_\_\_, 2022, THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FIED TO OBTAIN COMPLIANCE WITH THIS PLAN (E) THE OWNER AGREES TO AFFIX THE PHYSICAL MUNICIPAL NUMBER TO THE BUILDING IN A MANNER THAT IS VISIBLE FROM THE STREET

DATES THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

WITNESS (SIGNATURE) \_\_\_\_\_ OWNER(S) (SIGNATURE) (SEAL)

WITNESS (PRINT) \_\_\_\_\_ OWNER (PRINT)

ADDRESS OF WITNESS \_\_\_\_\_

Required Parking Spaces	Designated Barrier Free Parking Spaces
1 - 49 spaces	Minimum 1 space.
50 - 100 spaces	Minimum 4% of the total number of required parking spaces.
101 - 200 spaces	Minimum 1 space + 3% of the total number of required parking spaces.
201 - 1000 spaces	Minimum 2 spaces + 2% of the total number of required parking spaces; and,
1000 or more spaces	Minimum 11 + 1% of the total number of required parking spaces.

SURVEY SYMBOLS	STORM, SANITARY WATER SERVICE SYMBOLS	FIRE HYDRANT	UTILITY SERVICES SYMBOLS	GRADING SYMBOLS	OTHER SYMBOLS	UNDERGROUND SERVICES	PROPERTY LINES
<ul style="list-style-type: none"> <li>FOUND MONUMENTS</li> <li>SET MONUMENTS</li> <li>IRON BAR</li> <li>STD. IRON BAR</li> <li>SHORT STD. IRON BAR</li> <li>CURT CROSS</li> <li>NAIL &amp; WASHER</li> </ul>	<ul style="list-style-type: none"> <li>REGISTERED PLAN</li> <li>ORIGIN UNKNOWN</li> <li>MEASURED</li> <li>PROPORTIONED</li> <li>WITNESS</li> <li>BENCHMARK</li> <li>IRON PIPE</li> </ul>	<ul style="list-style-type: none"> <li>HYD SPRINKLER HEAD</li> <li>TEST HOLE</li> <li>BOREHOLE</li> <li>MONITORING WELL</li> <li>CULVERT</li> <li>CATCH BASIN</li> <li>DOUBLE CATCH BASIN</li> <li>DITCH INLET CATCH BASIN</li> </ul>	<ul style="list-style-type: none"> <li>MANHOLE - SANITARY</li> <li>MANHOLE - STORM</li> <li>CATCH BASIN MANHOLE</li> <li>DBL. CATCH BASIN MANHOLE</li> <li>MANHOLE - HYDRO</li> <li>MANHOLE - TRAFFIC</li> <li>MANHOLE - BELL</li> <li>MANHOLE - FIBER OPTIC</li> <li>MANHOLE - UNSPECIFIED</li> <li>GAS VALVE</li> <li>TEST HOLE</li> <li>HYDRO GUIDE WIRE</li> <li>HYDRO TRANSFORMER</li> <li>BELL MARKER</li> <li>BELL PEDESTAL</li> <li>CABLE TV MARKER</li> <li>CABLE PEDESTAL</li> </ul>	<ul style="list-style-type: none"> <li>EXISTING GRADE (m)</li> <li>PROPOSED GRADE (m)</li> <li>SEDIMENT TRAP</li> <li>DIRECTION OF SURFACE WATER</li> </ul>	<ul style="list-style-type: none"> <li>TREELINE</li> <li>TRAFFIC SIGN</li> <li>RAILWAY SIGN</li> <li>SN SIGN (OTHER)</li> <li>TRAFFIC LIGHT</li> <li>TRAFFIC CONTROL BOX</li> <li>RAILWAY SIGNAL CTRL BOX</li> <li>FLAG POLE</li> <li>DECORATIVE POLE</li> <li>BOLLARD</li> <li>PILLAR</li> <li>MAIL BOX</li> <li>PARKING METER</li> <li>FLOOR LIGHT</li> <li>AIR CONDITIONER</li> </ul>	<ul style="list-style-type: none"> <li>ST - STORM</li> <li>S - SANITARY</li> <li>B - BELL / PHONE / CABLE</li> <li>P - HYDRO</li> <li>G - GAS</li> <li>W - WATER</li> <li>OHV - OVER-HEAD WIRES</li> <li>SILT FENCING - LIGHT DUTY</li> <li>SILT FENCING - HEAVY DUTY</li> <li>SWALE / DIRECTION</li> <li>GRADE SLOPE INDICATOR (CW SLOPE ABOVE), OVERALL DISTANCE (BELOW)</li> </ul>	

**NOTES**

1. SEE DETAILS V102

REV	DESCRIPTION	DATE	APPROV BY
2	SUBMISSION 2 SITE PLAN	2023.06.06	CHM
1	SUBMISSION 1 SITE PLAN	2022.12.14	CHM
0	INITIAL RELEASE	2022.05.25	---

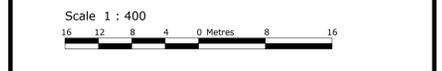
**PROJECT**

**PROPOSED SITE PLAN OF**

PART OF LOT 32  
CONCESSION 4  
BEING BLOCKS 1, 2 & 5  
GEOGRAPHIC TOWNSHIP OF ANCASTER  
CITY OF HAMILTON

FARR COURT  
ANCASTER, ONTARIO

CITY FILE NO. NA



**UNITS & CONVERSION**

ALL DIMENSIONS IN METRES.  
(CONVERT TO FEET: DIVIDE BY 0.3048)

**BEARING NOTE**

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**ANTECH DESIGN & ENGINEERING GROUP**  
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GENERAL CONTRACTORS  
PROJECT MANAGERS, DESIGN BUILDERS

DRAWN	CHECKED	DATE
CHM	JAB	2022.05.25

SHEET: **SITE PLAN**

DRAWING NO. **221211 - V101**

REV. **2**

# Appendix B

## Proposed Landscape Plan



**KEY PLAN**

- SPECIFICATIONS**
- PLANT MATERIAL**
1. PLANT MATERIAL: COMPLY WITH METRIC GUIDE - SPECIFICATION OF NURSERY STOCK, 1984 EDITION OF CANADIAN NURSERY TRADES ASSOCIATION REFERRING TO SIZE AND DEVELOPMENT OF PLANT MATERIAL AND ROOT BALL. MEASURE PLANTS WHEN BRANCHES ARE IN THEIR NATURAL POSITION. HEIGHT & SPREAD DIMENSIONS REFER TO MAIN BODY OF PLANT & NOT FROM BRANCH TIP TO BRANCH TIP. USE TREES AND SHRUBS OF NO. 1 GRADE.
  2. PLANT MATERIAL TO CONFORM TO THE CANADIAN TRADES ASSOCIATION METRIC GUIDE SPECIFICATIONS FOR NURSERY STOCK, LATEST EDITION.
  3. ALL TREE SPECIES SHALL HAVE A CALIPER OF AT LEAST 50mm MEASURED AT 150mm ABOVE THE ROOT COLLAR AND BE AT LEAST 2m IN HEIGHT WHEN PLANTED.
  4. ALL TREES SHALL HAVE A SINGLE STEM, STRAIGHT TRUNK, WELL DEVELOPED LEADER, BRANCHES & ROOT SYSTEM.

- PLANTING**
1. COORDINATE SHIPPING OF PLANTS AND EXCAVATION OF HOLES TO ENSURE MINIMUM TIME LAPSE BETWEEN DIGGING AND PLANTING.
  2. PLANT ONLY UNDER CONDITIONS THAT ARE CONDUCTIVE TO THE HEALTH AND PHYSICAL CONDITION OF PLANTS.
  3. EXCAVATE PLANTING PITS AND BEDS TO DEPTH INDICATED ON DETAILS. FILL WITH A PLANTING MIXTURE OF ONE PART PEAT MOSS, SIX PARTS TOPSOIL WITH COMMERCIAL BONEMEAL FOR PLANTING HOLES IN HEAVY SOILS WHERE NATURAL DRAINAGE DOES NOT EXIST HAVE METHOD APPROVED.
  4. IMMEDIATELY FOLLOWING ANY PLANTING OPERATIONS, REMOVE ALL DEBRIS AND EXCESS MATERIAL FROM THE SITE, LEAVING THE SITE NEAT AND TIDY.
  5. FOR BARE ROOT STOCK, PLACE 75-100mm BACKFILL SOIL IN BOTTOM OF HOLE. PLANT SHRUBS AND GROUND COVERS WITH ROOTS PLACED STRAIGHT OUT IN HOLE. PLACE THE CLUMP OF ROOTS IN HOLE WITH TOP OF ROOT CROWN AT GROUND LEVEL. BACKFILL WITH APPROVED TOPSOIL AND PACK DOWN LIGHTLY, WORKING THE SOIL IN BETWEEN THE ROOTS AND TAMPING FIRMLY TO REMOVE ANY AIR POCKETS AND TO SECURE PLANT INTO THE SOIL. APPLY WATER TO SETTLE SOIL, AND APPLY ADDITIONAL SOIL TO FILL VOIDS.
  6. FOR JUTE BURLAPPED ROOT BALLS, CUT AWAY TOP ONE THIRD OF WRAPPING AND WIRE BASKET WITHOUT DAMAGING ROOTBALL. DO NOT PULL BURLAP OR ROPE FROM UNDER ROOT BALL. CUT AND REMOVE ALL NYLON ROPE AROUND TRUNKS.
  7. FOR CONTAINER STOCK OR ROOT BALLS IN NON DEGRADABLE WRAPPING, REMOVE ENTIRE CONTAINER WRAPPING WITHOUT DAMAGING ROOT BALL.
  8. PLACE PLANT MATERIAL TO DEPTH EQUAL TO DEPTH THEY WERE ORIGINALLY GROWING IN NURSERY. BUILD A SOIL SAUCER AROUND OUTER EDGE OF HOLE TO ASSIST WITH MAINTENANCE WATERING.
  9. WATER PLANT MATERIAL THOROUGHLY. AFTER SOIL SETTLEMENT HAS OCCURRED, FILL WITH SOIL TO FINISH GRADE.
  10. PLANTS SHALL BE PRUNED AFTER PLANTING. THE AMOUNT OF PRUNING SHALL BE LIMITED TO THE MINIMUM NECESSARY TO REMOVE DEAD OR INJURED BRANCHES.
  11. PRUNING SHALL BE COMPLETED IN SUCH A MANNER AS TO PRESERVE THE NATURAL CHARACTER AND FORM OF THE PLANTS.

- PLANTING SCHEDULE & LAYOUT**
1. STAKE OUT ALL LOCATIONS AND PLANTING BEDS AND OBTAIN APPROVAL FROM ARCHITECT/LANDSCAPE ARCHITECT/OWNER BEFORE EXCAVATION. THE LOCATION OF TREES AND PLANTING AREAS WHERE SHOWN ON THE DRAWINGS IS APPROXIMATE ONLY AND MAY REQUIRE ADJUSTMENT DUE TO SITE CONDITIONS OR AS DIRECTED BY THE CONSULTANT.
  2. OBTAIN APPROVAL OF PLANTING FROM LANDSCAPE PROFESSIONAL BEFORE APPLYING MULCHING MATERIAL. ALL MULCH SHALL CONSIST OF CLEAN SHREDDED BARK MULCH AND BE FREE FROM MATURED SEEDS, LIVING PLANT MATERIALS THAT MAY BECOME ESTABLISHED, OR ANY CHEMICAL DETRIMENTAL TO THE DEVELOPMENT OF PLANTS. LOOSEN SOIL IN PLANTING BEDS AND REMOVE DEBRIS AND WEEDS.
  3. CONTRACTOR TO VERIFY QUANTITIES LISTED. PLANT QUANTITIES TO BE SUPPLIED AS SHOWN ON PLAN IN CASE OF DISCREPANCIES BETWEEN PLAN AND QUANTITIES LISTED. SUBSTITUTIONS WITH OTHER SPECIES OR CULTIVARS WILL BE ACCEPTED ONLY WITH THE WRITTEN APPROVAL OF THE LANDSCAPE PROFESSIONAL.

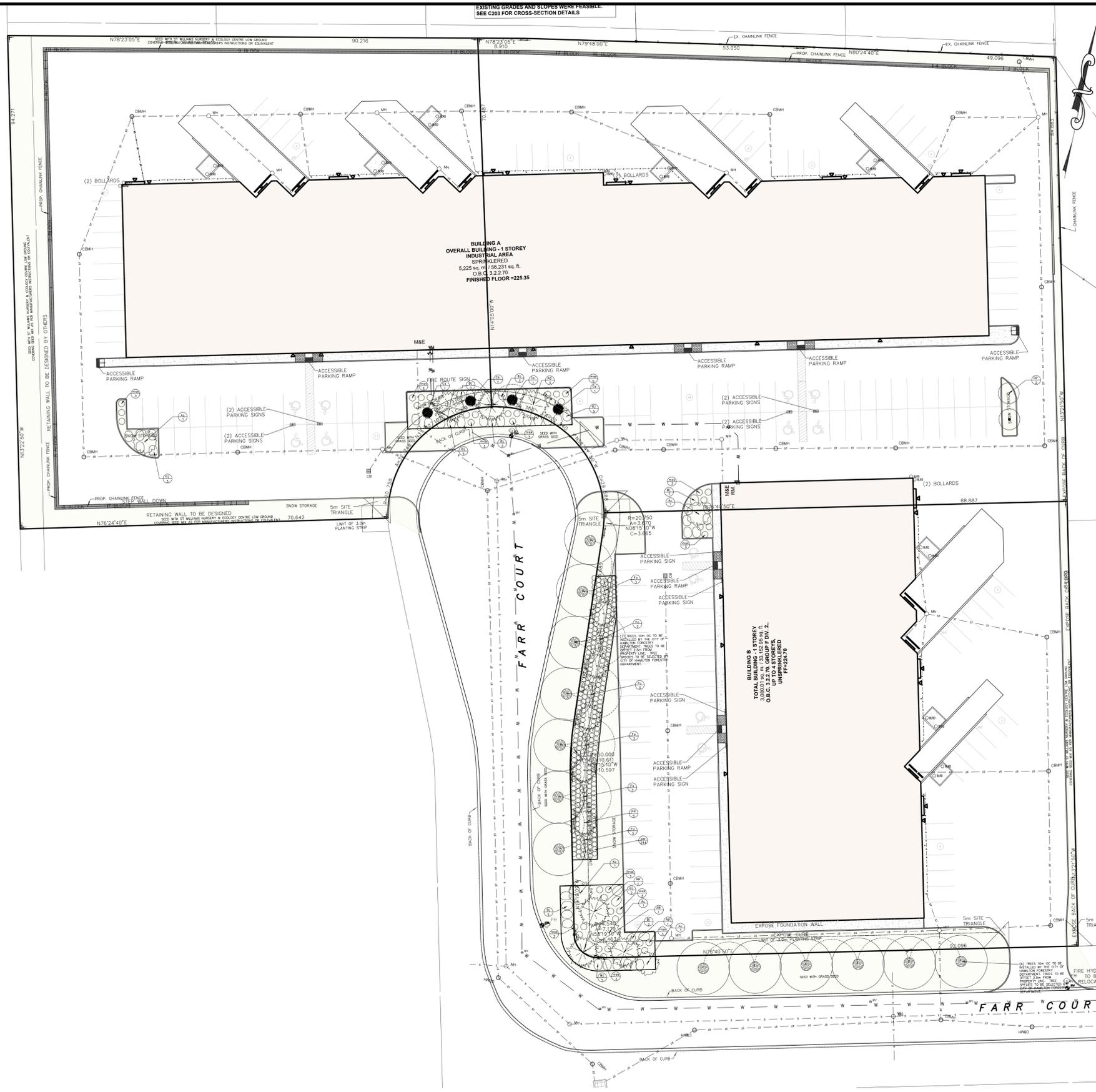
- MULCHING**
1. MULCH SHALL BE APPLIED IN A CONTINUOUS LAYER THROUGHOUT ALL TREE AND SHRUB PLANTING AREAS. (PLANTING SOIL AREAS THAT ARE NOT SEEDING)
  2. APPLY MULCH TO THE FOLLOWING MINIMUM THICKNESS:
    - 100mm MULCH IN ALL TREE AND SHRUB PLANTING AREAS.
    - KEEP MULCH 100mm AWAY FROM THE CROWN OF PLANT.
    - ENSURE SOIL SETTLEMENT HAS BEEN CORRECTED PRIOR TO MULCHING.
  3. ALL TREES SHALL BE MULCHED WITH AN AREA CONSISTING ON A 1m RADIUS AROUND THE STEM OF THE TREE. NO MULCH SHALL BE IN CONTACT WITH THE TREE TRUNK.
  4. NATURAL COLOURED BARK SHALL BE USED AS MULCH

- TOPSOIL PLACEMENT & FINE GRADING**
1. ENSURE THAT THE APPROVAL HAS BEEN OBTAINED FOR ROUGH GRADING PRIOR TO PROCEEDING WITH THIS SECTION OF WORK.
  2. SCARIFY THE ROUGH GRADED AREAS TO PROVIDE A LOOSENED SURFACE IN ORDER TO ALLOW BONDING OF THE TOPSOIL.
  3. SPREAD TOPSOIL ON THE PREPARED AND ACCEPTED ROUGH GRADED SURFACE TO A MINIMUM DEPTH OF 150mm FIRMLY PACKED.
  4. KEEP TOPSOIL 25mm BELOW FINISHED GRADE FOR SODDED AREAS. ELSEWHERE BRING TOPSOIL UP TO FINISHED GRADE OF ADJACENT SURFACES.
  5. THE FINISHED SURFACE IS TO BE SMOOTH AND EVEN WITH NO RUTS, CLODS OR CONTAMINANTS.
  6. REMOVE STONES IN EXCESS OF 10mm FOR AREAS TO BE SEED
  7. HAND RAKE AREAS TO BE SEED OR SODDED AS A FINAL SURFACE PREPARATION AND TO COORDINATE THE FOLLOWING WORK. THIS SHALL ENSURE THAT SEEDING OR SODDING CAN OCCUR AS SOON AS POSSIBLE AFTER RAKING HAS BEEN COMPLETED.
  8. APPLY TOPSOIL TO THE FOLLOWING MINIMUM THICKNESS:
    - 150mm DEPTH FOR ALL SOD/SEED AREAS
    - 300mm DEPTH FOR ALL SHRUB / PLANTING BEDS
    - AREAS ACCOMMODATING TREES ARE REQUIRED TO HAVE A MINIMUM OF 1.0m CONTINUOUS TOPSOIL DEPTH OR A MINIMUM OF 20m<sup>3</sup> OF SOIL PER VOLUME OF TREE.

- SODDING**
1. SCHEDULE DELIVERIES IN ORDER TO KEEP STORAGE AT JOB SITE TO A MINIMUM WITHOUT CAUSING DELAYS.
  2. SOD SHALL BE CERTIFIED #1 NURSERY GROWN SOD CONTAINING 50% MERION BLUE GRASS AND 50% KENTUCKY BLUE GRASS. IT SHALL BE NO GREATER THAN 40mm IN THICKNESS AND BE IN ACCORDANCE WITH THE CLASSIFICATION OF TURF GRASS SOD FOR THE PROVINCE BY THE NATIONAL SOD GROWERS ASSOCIATION.
  3. LAY SOD IN ROWS PERPENDICULAR TO SLOPE, SMOOTH AND EVEN WITH ADJOINING AREAS AND WITH JOINTS STAGGERED. BUTT SECTIONS CLOSELY WITHOUT OVERLAPPING OR LEAVING GAPS BETWEEN SECTIONS. CUT OUT IRREGULAR OR THIN SECTIONS WITH A SHARP KNIFE.
  4. STAKE ALL SOD ON SLOPES GREATER THAN 1:5 (20%)
  5. ROLL SOD IMMEDIATELY AFTER LAYING TO PRESS SOD FIRMLY ON TO THE SURFACE SOIL.
  6. WATER IMMEDIATELY AFTER SOD LAYING TO OBTAIN MOISTURE PENETRATION THROUGH SOD INTO TOP 100mm OF TOPSOIL. WATER BY MEANS OF A WATER TRUCK OR IF APPROVED, BY HYDRANT TO OBTAIN A COMPLETE DRENCHING. WATERING BY SMALL HOSE OR SPRINKLER IS NOT SUFFICIENT. FOR THE FIRST 30 DAYS, SOAK TO THIS DEPTH AT LEAST ONCE A WEEK.
  7. WATER IN A SIMILAR MANNER THEREAFTER IF SUFFICIENT RAIN DOES NOT FALL IN ORDER TO KEEP THE UNDERLYING SURFACE MOIST. WATERING UNTIL ACCEPTANCE OF THE SOD IS THE CONTRACTOR'S RESPONSIBILITY.
  8. IMMEDIATELY CLEAN UP SOIL OR DEBRIS SPILLED ONTO PAVEMENT AND DISPOSE OF DELETERIOUS MATERIALS.
  9. SODDED AREAS WILL BE ACCEPTED AND WARRANTY PERIOD WILL BEGIN PROVIDED THAT:
    - SOD IS COMPLETELY GREEN
    - SODDED AREAS HAVE BEEN CUT A MINIMUM OF TWO TIMES
    - SOD IS KNIT TO UNDERLYING SOIL AND CANNOT BE LIFTED WHEN TUGGED BY HAND
  10. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN SOD UNTIL TIME OF ACCEPTANCE.
  11. MAINTENANCE OF SOD AFTER ACCEPTANCE IS THE RESPONSIBILITY OF THE OWNER.

- SEEDING**
1. SEED MIX SHALL BE # 1SEED MIX # 1. SUPPLIER: ONTARIO SEED COMPANY, WATERLOO, ONTARIO
    - 40% PERENNIAL RYE
    - 20% SHEEPS FESCUE
    - 20% KENTUCKY BLUEGRASS
    - 10% TALL FESCUE
  2. SEED AT A RATE OF 8 lbs./1000 SQUARE FEET.

- WARRANTY & MAINTENANCE**
1. PROVIDE ONE YEAR WARRANTY FOR PLANT MATERIAL AS ITEMIZED ON PLANT LIST. AT END OF WARRANTY INSPECTION, ALL PLANT MATERIAL SHALL BE IN VIGOROUS GROWING CONDITION, FREE OF PESTS AND DISEASE AND TRUE TO NATURAL FORM.
  2. DURING WARRANTY PERIOD, REMOVE FROM SITE ANY PLANT MATERIAL THAT HAS DIED OR FAILED TO GROW SATISFACTORY AS DETERMINED BY OWNER/ARCHITECT/LANDSCAPE ARCHITECT. EXTEND WARRANTY ON REPLACEMENT PLANT MATERIAL FOR A PERIOD EQUAL TO THE LENGTH OF ORIGINAL WARRANTY PERIOD. REMOVE TRUNK WRAPPING, TREE STAKES AND GUY WIRES AT THE END OF THE WARRANTY PERIOD. UPON REQUEST, REMOVE TRUNK WRAPPINGS FOR VISUAL INSPECTION AND REWRAP.
  3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN PLANT MATERIAL FROM 30 DAYS FOLLOWING PLANTING OR UNTIL TIME OF FINAL ACCEPTANCE.
  4. MAINTENANCE OF PLANT MATERIAL DURING WARRANTY PERIOD IS THE OWNER'S RESPONSIBILITY.
  5. MAINTENANCE TASKS UNTIL TIME OF FINAL ACCEPTANCE TO INCLUDE ALL OF THE FOLLOWING:
    - WATERING
    - WEED CONTROL
    - PRUNING
    - FERTILIZING
    - INSECT AND FUNGUS CONTROL
  6. SUBMIT SEPARATE MAINTENANCE COST FOR CONSIDERATION BY OWNER DURING WARRANTY PERIOD ONLY.



**LANDSCAPE DETAILS**

1. THE LANDSCAPE PLAN HAS BEEN PREPARED IN COORDINATION WITH SITE PLAN AND ENGINEERING PLANS.
2. THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL CONDITIONS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWINGS. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
4. ALL PLANT MATERIAL TO BE NO. 1 GRADE, NURSERY GROWN IN ACCORDANCE WITH THE CANADIAN NURSERY TRADES ASSOCIATION.
5. ANY AREAS OUTSIDE THE LIMIT OF WORK DAMAGED BY THE CONTRACTOR SHALL BE RESTORED BY THE CONTRACTOR TO CITY OF KITCHENER STANDARDS AT NO ADDITIONAL COST TO THE OWNER.
6. ALL UNDERGROUND UTILITIES TO BE LOCATED BY THE LANDSCAPE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORK.
7. ANY PLANT MATERIAL WHICH COMES OVER OR UNDER ANY UTILITY WILL BE RELOCATED AS DIRECTED BY THE ENGINEER.
8. SUBSTITUTION OF PLANT MATERIAL SHALL BE APPROVED BY THE ENGINEER.
9. SUPPLY AND INSTALL A SHREDDED BARK MULCH ON ALL PLANTING BEDS TO A 100mm DEPTH.
10. THE LANDSCAPE BEDS AT THE ENTRANCES AND EXITS WITHIN THE 4.57 METER VISIBILITY TRIANGLE SHALL NOT BE CONSTRUCTED TO DEVELOP HIGHER THAN 0.6 METERS FOR VISIBILITY PURPOSES.
11. SUPPLY AND INSTALL BOARD FENCE ALONG RESIDENTIAL PROPERTY LINES 2.44m MINIMUM IN HEIGHT. REMOVE AND REPLACE EXISTING CHAINLINK FENCING WHERE REQUIRED OR AB EXISTING FENCING.
12. SAVE EXISTING TREES WHERE POSSIBLE. REPLACE TREES WHERE REQUIRED.
13. A 2% PARKLAND DEDICATION FEE IS REQUIRED

REV	DESCRIPTION	DATE	APPROV BY
2	SUBMISSION 2 SITE PLAN	2023.06.06	CHM
1	SUBMISSION 1 SITE PLAN	2022.12.14	CHM
0	INITIAL RELEASE	2022.05.25	---

**PROJECT**

**PROPOSED SITE PLAN OF**

PART OF LOT 32  
CONCESSION 4  
BEING BLOCKS 1, 2 & 5  
GEOGRAPHIC TOWNSHIP OF ANCASTER  
CITY OF HAMILTON

FARR COURT  
ANCASTER, ONTARIO

CITY FILE NO. NA

Scale 1 : 400

**UNITS & CONVERSION**

ALL DIMENSIONS IN METRES.  
(CONVERT TO FEET: DIVIDE BY 0.3048)

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SURVEY SYMBOLS		STORM, SANITARY, WATER SERVICE SYMBOLS		FIRE HYDRANT		UTILITY SERVICES SYMBOLS		GRADING SYMBOLS		OTHER SYMBOLS		UNDERGROUND SERVICES		PROPERTY LINES	
■ FOUND MONUMENTS	PL REGISTERED PLAN	◇ HW WATER VALVE	◇ HD FIRE HYDRANT	○ G GAS VALVE	○ MH-S MANHOLE - SANITARY	○ GUY HYDRO GUIDE WIRE	○ EXISTING GRADE (m)	○ TREE LINE	○ BOLLARD	○ ST STORM	○ OWH OVER-HEAD WIRES	○ ST STORM	○ OWH OVER-HEAD WIRES	○ S SANITARY	○ BELL / (PHONE) / CABLE
□ SET MONUMENTS	OU ORIGIN UNKNOWN	◇ CS CURB STOP VALVE	○ IS SPRINKLER HEAD	○ BMK BOREHOLE	○ MH-ST MANHOLE - STORM	○ BGR BELL GUIDE WIRE	○ PROPOSED GRADE (m)	○ RAILWAY SIGN	○ PLR PILLAR	○ GUARD POST	○ MB MAIL BOX	○ P P HYDRO	○ P P HYDRO	○ G G GAS	○ SWALE / DIRECTION
IB IRON BAR	M MEASURED	◇ V VALVE CHAMBER	○ TH TEST HOLE	○ MW MONITORING WELL	○ CMH CATCH BASIN MANHOLE	○ HTR HYDRO TRANSFORMER	○ TOP OF CURB	○ SN (OTHER)	○ FM FLOOD LIGHT	○ F FLOOD LIGHT	○ G G GAS	○ W W WATER	○ W W WATER	○ AC AIR CONDITIONER	○ GRADE SLOPE INDICATOR
SB STD. IRON BAR	PROP PROPORTIONED	◇ DN DRAIN	○ BH BELL HOLE	○ CB CATCH BASIN	○ DBL CATCH BASIN MANHOLE	○ CABLE TV MARKER	○ TC TOP OF CURB	○ TRAFFIC LIGHT	○ TB TRAFFIC CONTROL BOX	○ RSB RAILWAY SIGNAL CTRL BOX	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ OVERALL DISTANCE (BELOW)
SSB SHORT STD. IRON BAR	WT WITNESS	◇ VC VALVE CHAMBER	○ MW MONITORING WELL	○ CB CATCH BASIN	○ MH-H MANHOLE - HYDRO	○ BELL PEDESTAL	○ TW TOP OF WALL	○ TRAFFIC LIGHT	○ TB TRAFFIC CONTROL BOX	○ RSB RAILWAY SIGNAL CTRL BOX	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ OVERALL DISTANCE (BELOW)
CS CURT CROSS	BM BENCHMARK	◇ DN DRAIN	○ CB CATCH BASIN	○ DBL CATCH BASIN	○ MH-B MANHOLE - BELL	○ CABLE TV MARKER	○ SW SWALE	○ TRAFFIC LIGHT	○ TB TRAFFIC CONTROL BOX	○ RSB RAILWAY SIGNAL CTRL BOX	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ OVERALL DISTANCE (BELOW)
N&W NAIL & WASHER	IP IRON PIPE	◇ W WELL	○ CB CATCH BASIN	○ DBL CATCH BASIN	○ MH-U MANHOLE - UNSPECIFIED	○ CABLE TV MARKER	○ SW SWALE	○ TRAFFIC LIGHT	○ TB TRAFFIC CONTROL BOX	○ RSB RAILWAY SIGNAL CTRL BOX	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ AC AIR CONDITIONER	○ OVERALL DISTANCE (BELOW)

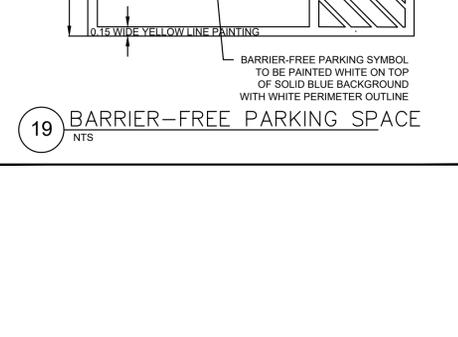
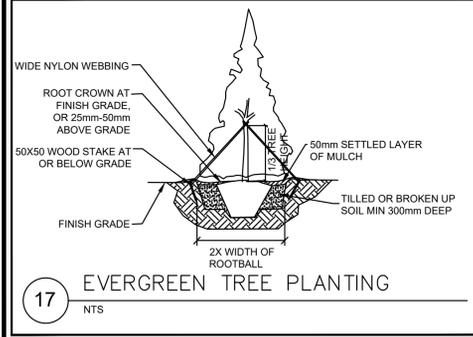
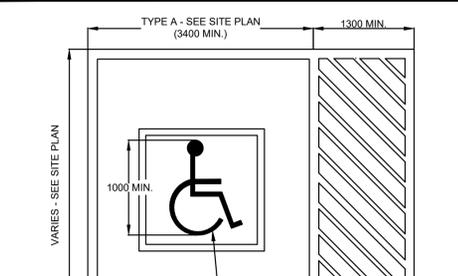
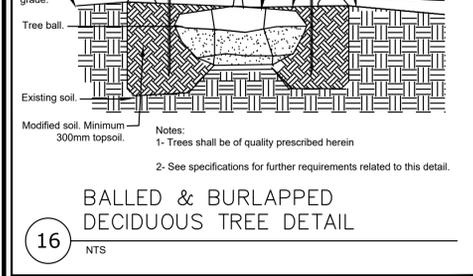
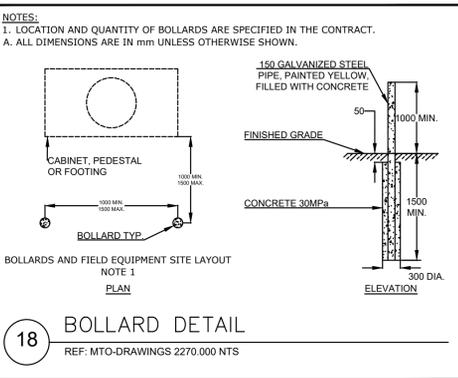
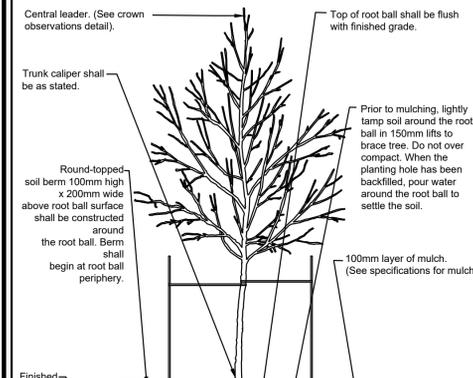
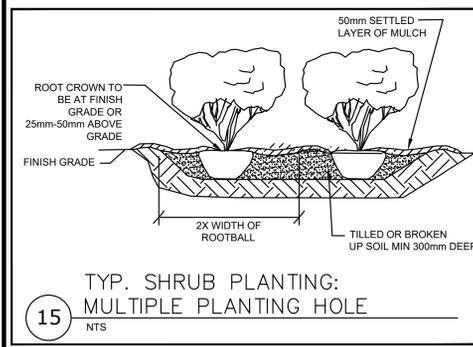
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LANDSCAPE PLAN		
DRAWING NO.	REV.	
221211 - L101	2	



QTY	KEY	BOTANICAL NAME	COMMON NAME	CONDITION	CAL/SIZE	MATURE HEIGHT (m)	MATURE SPREAD (m)	SPACING (m)	COMMENTS
TREES									
6	AB	ABIES BALSAMEA	BALSAM FIR	W.B.	200cm	20.0m	8.0m	8.0m OC	SLOW GROWING, SYMMETRICAL, NATIVE TO NORTH AMERICA
5	PP	PICEA PUNGENS BABY BLUE	BABY BLUE SPRUCE	W.B.	200cm	8.0m	4.5m	10.0m OC	NATIVE TO NORTH AMERICA, DROUGHT TOLERANT, POLLUTION TOLERANT
2	QP	QUERCUS PALUSTRIS GREEN PILLAR (PRINGREEN)	GREEN PILLAR OAK	W.B.	45mm	16.0m	4.0m	-----	NARROW, COLUMNAR, STREET TREE
SHRUBS									
4	Ac	AMELANCHIER CANADENSIS (CLUMP)	SHADBLow SERVICEBERRY	W.B.	200cm	4.6m	4.6m	---	
4	Cs	CORNUS SERICEA	RED OSIER DOGWOOD	W.B.	0.5m 3 gal	2.0m	2.5m	----	NATIVE, LOW MAINTENANCE
18	Fo	FORSYTHIA OVATA NORTHERN GOLD	NORTHERN GOLD FORSYTHIA	W.B.	0.5m 3 gal	2.0m	1.5m	----	DROUGHT-TOLERANT, URBAN POLLUTION TOLERANT
45	BJ	JUNIPERUS HORIZ PLUMOSA COMPACTA	COMPACT ANDORRA JUNIPER	W.B.	0.5m 3 gal	0.5m	1.5m	----	DROUGHT-TOLERANT, URBAN POLLUTION TOLERANT, NATIVE
GRASSES & PERENNIALS									
40	ms	MISCANTHUS SINENSIS STRICTUS	PORCUPINE GRASS	C.G.#1		2.4m	1.2m	4.25cm	URBAN POLLUTION TOLERANT
---	per	PEROVSKIA ATRIPLICIFOLIA	RUSSIAN SAGE	C.G.#1		1.5m	0.9m	4.25cm	URBAN POLLUTION TOLERANT, DROUGHT TOLERANT

GRASS ALTERNATIVE ST WILLIAMS NURSERY & ECOLOGY CENTRE LOW GROUND COVERING SEED MIX AS PER MANUFACTURERS INSTRUCTIONS OR EQUIVALENT

**KEY PLAN**



REV.	DESCRIPTION	DATE	APPROV BY
2	SUBMISSION 2 SITE PLAN	2023.06.06	CHM
1	SUBMISSION 1 SITE PLAN	2022.12.14	CHM
0	INITIAL RELEASE	2022.05.25	--

**PROJECT**

**PROPOSED SITE PLAN OF**

PART OF LOT 32  
CONCESSION 4  
BEING BLOCKS 1, 2 & 5  
GEOGRAPHIC TOWNSHIP OF ANCASTER  
CITY OF HAMILTON

FARR COURT  
ANCASTER, ONTARIO

CITY FILE NO. NA

**UNITS & CONVERSION**  
ALL DIMENSIONS IN METRES.  
(CONVERT TO FEET: DIVIDE BY 0.3048)

**BEARING NOTE**  
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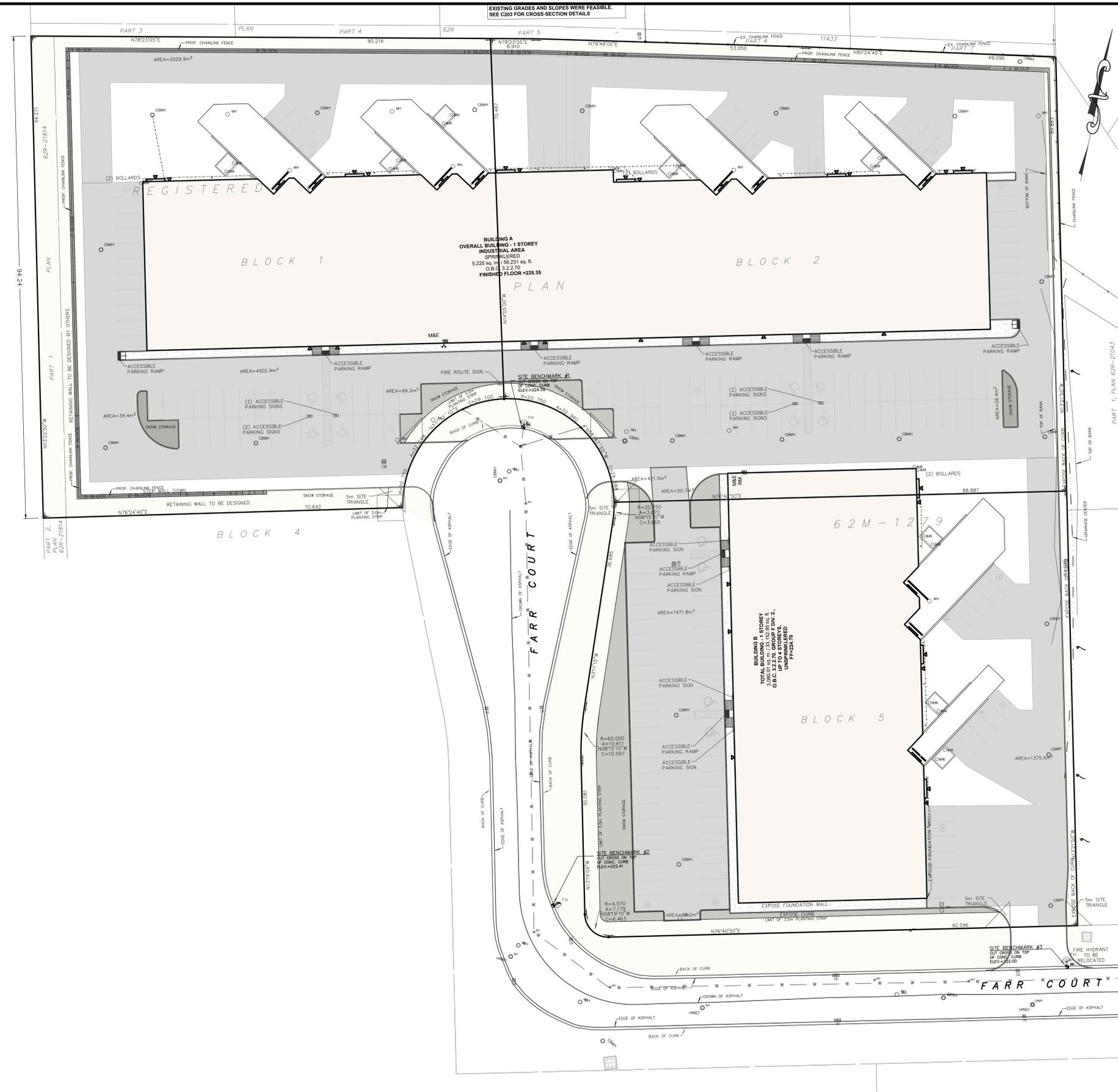
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CHM	JAB	2022.05.25
SHEET: LANDSCAPE PLAN DETAILS		
DRAWING NO.	REV.	
221211 - L102	2	

# Appendix C

## Proposed Landscape Percentages



**KEY PLAN**



**AREA NOTES**

DARK GREEN	39.4m <sup>2</sup>	PARKING & DRIVE AREA	4502.9m <sup>2</sup>
	99.2m <sup>2</sup>		2029.9m <sup>2</sup>
	50.7m <sup>2</sup>		1471.5m <sup>2</sup>
	421.5m <sup>2</sup>		1375.6m <sup>2</sup>
	63.2m <sup>2</sup>		
<b>TOTALS</b>	<b>674.0m<sup>2</sup></b>		<b>9380.2m<sup>2</sup> = 7.1%</b>

**NOTES**

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**PROJECT**  
**PROPOSED SITE PLAN OF**  
 PART OF LOT 32  
 CONCESSION 4  
 BEING BLOCKS 1, 2 & 5  
 GEOGRAPHIC TOWNSHIP OF ANCASTER  
 CITY OF HAMILTON  
  
 FARR COURT  
 ANCASTER, ONTARIO  
  
 CITY FILE NO. NA



**UNITS & CONVERSION**  
 ALL DIMENSIONS IN METRES.  
 (CONVERT TO FEET: DIVIDE BY 0.3048)

**BEARING NOTE**  
 BEARINGS ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B", BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010.0). DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999603.

**ANTECH DESIGN & ENGINEERING GROUP**  
 Engineers and Urban Planners  
 25 King Street, Brantford, ON. N3T 3C4  
[www.atechdesign.com](http://www.atechdesign.com)

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CLIENT  
**LANCA GENERAL CONTRACTING LIMITED**  
 GENERAL CONTRACTORS  
 PROJECT MANAGERS, DESIGN BUILDERS

<p><b>SURVEY SYMBOLS</b></p> <ul style="list-style-type: none"> <li>FOUND MONUMENTS</li> <li>SET MONUMENTS</li> <li>IRON BAR</li> <li>STD. IRON BAR</li> <li>SHORT STD. IRON BAR</li> <li>CUT CROSS</li> <li>NAIL &amp; WASHER</li> </ul>	<p><b>REGISTERED PLAN</b></p> <ul style="list-style-type: none"> <li>ORIGIN UNKNOWN</li> <li>MEASURED</li> <li>PROPORTIONED</li> <li>WITNESS</li> <li>BENCHMARK</li> <li>IRON PIPE</li> </ul>	<p><b>STORM, SANITARY, WATER SERVICE SYMBOLS</b></p> <ul style="list-style-type: none"> <li>PIPE INVERT DIM.</li> <li>WATER VALVE</li> <li>CURB STOP VALVE</li> <li>VALVE CHAMBER</li> <li>DRAIN</li> <li>WATER WELL</li> </ul>	<p><b>FIRE HYDRANT</b></p> <ul style="list-style-type: none"> <li>SPRINKLER HEAD</li> <li>TEST HOLE</li> <li>BOREHOLE</li> <li>MONITORING WELL</li> <li>CATCH BASIN</li> <li>DOUBLE CATCH BASIN</li> <li>DITCH INLET CATCH BASIN</li> </ul>	<p><b>MANHOLE - SANITARY</b></p> <ul style="list-style-type: none"> <li>MANHOLE - STORM</li> <li>CATCH BASIN MANHOLE</li> <li>DBL. CATCH BASIN MANHOLE</li> <li>MANHOLE - HYDRO</li> <li>MANHOLE - TRAFFIC</li> <li>MANHOLE - BELL</li> <li>MANHOLE - FIBER OPTIC</li> <li>MANHOLE - UNSPECIFIED</li> </ul>	<p><b>UTILITY SERVICES SYMBOLS</b></p> <ul style="list-style-type: none"> <li>GAS VALVE</li> <li>GAS MARKER</li> <li>UTILITY POLE</li> <li>HYDRO POLE</li> <li>BELL POLE</li> <li>LIGHT STD.</li> <li>HYDRO LIGHT STD.</li> </ul>	<p><b>HYDRO GUIDE WIRE</b></p> <ul style="list-style-type: none"> <li>BELL GUIDE WIRE</li> <li>HYDRO TRANSFORMER</li> <li>BELL MARKER</li> <li>BELL PEDESTAL</li> <li>CABLE TV MARKER</li> <li>CABLE PEDESTAL</li> </ul>	<p><b>GRADING SYMBOLS</b></p> <ul style="list-style-type: none"> <li>EXISTING GRADE (m)</li> <li>PROPOSED GRADE (m)</li> <li>SEDIMENT TRAP</li> <li>DIRECTION OF SURFACE WATER</li> </ul>	<p><b>OTHER SYMBOLS</b></p> <ul style="list-style-type: none"> <li>TREELINE</li> <li>RAILWAY SIGN</li> <li>SN SIGN (OTHER)</li> <li>TRAFFIC LIGHT</li> <li>TRAFFIC CONTROL BOX</li> <li>RAILWAY SIGNAL CTRL BOX</li> </ul>	<p><b>UNDERGROUND SERVICES</b></p> <ul style="list-style-type: none"> <li>STORM</li> <li>SANITARY</li> <li>BELL / PHONE / CABLE</li> <li>HYDRO</li> <li>GAS</li> <li>WATER</li> </ul>	<p><b>PROPERTY LINES</b></p> <ul style="list-style-type: none"> <li>OVER-HEAD WIRES</li> <li>SILT FENCING - LIGHT DUTY</li> <li>SILT FENCING - HEAVY DUTY</li> <li>SWALE / DIRECTION</li> <li>GRADE SLOPE INDICATOR</li> </ul>
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DRAWN:	CHECKED:	DATE:
CHM	JAB	2022.05.25
SHEET:		
LANDSCAPE PERCENTAGES		
DRAWING NO.	REV.	
221211 - L103	2	



## PLANNING JUSTIFICATION REPORT

**PROJECT NAME:**

Farr Court – Industrial Development  
Minor Variance

**PROJECT ADDRESS:**

Farr Court

**PROJECT NO.**

221211

**DATE SUBMITTED**

September 19, 2023

ANTECH DESIGN

# Project Summary

## Project No.

221211

## Client

Lana General Contacting Limited  
General Contactors

Version	Date	Description
1.0	2023.09.19	Initial Release

## Client Contact

--

## Consultant Team

Candice Micucci MCIP, RPP, OALA  
Andrew Butler, P.Eng.

## Property Address

Farr Court  
Ancaster, Ontario

## Disclaimer

This project has been prepared solely for the client and project named on this title page. Antech Design and Engineering accepts no responsibility or liability for any damages arising from the use of this document for any project other than the project for which it was commissioned. Antech Design and Engineering accepts no responsibility or liability for the use of this document by any party other than the client named on this title page, along with the approval and commenting municipalities and agencies involved in the project. To the extent this report is based on information supplied by other parties, Antech Design and Engineering accepts no liability for any loss or damage suffered by the client stemming from any conclusions based on data supplied by those parties.

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## 1.0 INTRODUCTION

Antech Design & Engineering Group has been retained to prepare a Planning Justification Report for the development of the property located on Farr Court, Ancaster, Ontario, located in the Valery Business Park.

The purpose of this Justification Report is to outline the technical details of the proposed Minor Variance and to evaluate if the application meets the four tests of a Minor Variance, being:

- Is the application minor in nature?
- Is the variance desirable for the appropriate development?
- Generally is the application inside the intent of the Zoning By-law?
- Would the approval of the application conform with the City's existing Official Plan?

Included in [Appendix A](#) is the proposed site plan.

The proposed Minor Variance is to:

1. Section 9.2.3 c of Zoning By-law 05-200: amend the requirement of 6.0-meter landscaped area to 3.0 landscaped area including the 3.0-meter-wide planting strip.
2. Section 5.3 h of Zoning By-law 05-200: reduce the landscaped area(s) and landscaped parking Island(s) to a minimum of 7.0% from the required 10%.

### 1.1 POLICY FRAMEWORK

The Subject Lands are designated as "Employment Areas and "Industrial Land" as per the Urban Hamilton Official Plan and "General Business Park (M2 611)" within the City of Hamilton's Zoning By-law.

Accordingly, the justification report addresses the:

- Ontario Planning Act
- Provincial Policy Statement
- Official Plan
- Zoning Bylaw
- 4 Tests of a Minor Variance

### 1.2 OUR APPROACH

In response to the vision for the subject lands to accommodate two (2) new industrial buildings, Antech Design and Engineering, have on behalf of the Owner, prepared this Planning Justification Report to illustrate how the proposed development is in accordance with the above policies. Specifically, relevant policies of these documents will be evaluated.



### 3.2 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act establishes key Provincial interests with regard to land use planning. The PPS requires that decisions affecting planning matters “shall be consistent with” policy statement issued under said Act. Part III of the document, How to Read the Provincial Policy Statement, states, “the Provincial Policy Statement is to be read in its entirety, and all relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together”

The general purpose of the PPS is to provide policy direction on matters of provincial interest related to land use planning and development in Ontario. The Provincial Policy Statement sets the policy foundation for regulating the development and use of land and it supports the provincial goal to enhance the quality of life for all Ontarians. As the focus of the PPS is on the outcomes or end-states, the process used to achieve these outcomes is at the discretion of the development team.

Due to the nature of the proposed application, being that the application is site specific and does not involve any major policy considerations, it is my professional opinion that there are no provincial interests.

### 3.3 OFFICIAL PLAN

The subject lands are designated as “Employment Areas” in Schedule E – Urban Structure and designated as “Business Park” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP Volume 1).

Given that the proposed Minor Variance is seeking permission to vary the landscaping and does not impact the permitted uses and overall guiding policies of the Official Plan it is my professional opinion that the proposed development is in keeping with the general intent of the Industrial and Business Park policies of the Official Plan.

### 3.4 ZONING BY-LAW

The subject lands are classified as General Business Park (M2,611) Zone which permits the following uses.

The permitted uses with the General Business Park M2 Zone are as follows:

- Alcohol Production Facility
- Artist Studio
- Animal Shelter
- Aquaponics
- Building and Lumber Supply Establishment
- Cannabis Growing and Harvesting Facility
- Commercial Motor Vehicle Sales, Rental and Service Establishment
- Communications Establishment
- Contractor’s Establishment
- Courier Establishment

- Craftsperson Shop
- Dry Cleaning Plant
- Equipment and Machinery Sales, Rental and Service Establishment
- Greenhouse
- Industrial Administrative Office
- Laboratory
- Labour Association Hall
- Landscape Contracting Establishment
- Manufacturing
- Motor Vehicle Collision Repair Establishment
- Private Power Generation Facility
- Production Studio
- Repair Service
- Research and Development Establishment
- Surveying, Engineering, Planning or Design Business
- Trade School
- Tradesperson’s Shop
- Transport Terminal
- Warehouse
- Waste Processing Facility
- Waste Transfer Facility
- Office
- Restaurant contained within a multi unit building; however a stand-alone restaurant shall be prohibited
- Medical Office
- Motor Vehicle service station excluding the sale of fuel, automotive accessories & or convenience goods

The proposed uses are permitted.

**Minor Variance 1: Landscaped Area and Planting Strip Requirements**

**Section:** 9.2.3 c of Zoning By-law 05-200

Requirement from the Zoning By-law

Landscaped Area and Planting Strip Requirements	Minimum 3.0 metre wide Landscaped Area shall be provided and maintained abutting a street, except for points of ingress and egress;
	Notwithstanding i) above, where a parking space, aisle or driveway is located in a Yard abutting a Street, a minimum 6.0 metre wide Landscaped Area, which includes a 3.0-metre-wide Planting Strip, shall be required and maintained between the said parking space, aisle, or driveway and a street, except for points of ingress and egress

**Variance Requested:** *Amend the requirement of 6.0-meter landscaped area to 3.0 landscaped area including the 3.0-meter-wide planting strip.*

The applicant intends to construct two industrial buildings with the required parking and drive aisles. Due to the location of the property, at the end of the Farr Court cul-du-sac, and the geometry of said cul-du-sac, it is not possible to maintain the required 6.0 meters.

The purpose of the 6.0-meter landscaping buffer where parking is located abutting a street is to buffer the car lights reflecting on the road and improve the street scape. In this case, while the parking is proposed closer to the street than the required 6.0 meters a fully planted landscape buffer is proposed that will limit the impact of headlights on the street and create a visually appealing streetscape. Additionally, the subject lands are located at the end of a cul-du-sac where there is limited vehicular traffic. The proposed Landscape Plan is included as [Appendix B](#).

### **Minor Variance 2: Planting Strip Requirements**

**Section:** 5.3 h of the City of Hamilton Zoning By-law

Requirement from the Zoning By-law

h) In addition to Section 5.1 a) v) and Subsection 5.2 e), the following Planting Strip requirements shall apply to surface parking lots in all zones where 50 or more parking spaces are provided on a lot:

- i) Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated access driveway and maneuvering areas shall be provided and maintained;
- ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres; and,
- iii) In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2 h) i), up to a maximum of 10% of the required parking spaces.

### **Variance Requested**

*Reduce the Landscaped Area(s) and Landscaped Parking Island(s) to a minimum of 7.0% from the required 10%.*

The proposed design accommodates landscaped space within the parking area where possible. The proposed development requires significant area for truck maneuvering and loading bays which has led to limited area for landscaping within these areas. Included as [Appendix C](#) is a drawing illustrating the areas and landscaped space included.

All other requirements of the Zoning By-law are met.

### 3.5 FOUR TESTS OF A MINOR VARIANCE

Is the application minor in nature? The requested variances are considered minor in nature as the proposed development will be consistent with the built form in the area and the use of the property will remain consistent with the permitted uses. In addition, there are no perceived adverse impacts on the neighbouring properties as a result of the proposed variances. The intent of the provisions for landscaping within the Zoning By-law is to ensure sufficient / consistent landscape area is provided and that buffer is provided to ensure safe developments. As per the attached plans there is sufficient landscaping being provided.

Is the variance desirable for the appropriate development or use of the land, building or structure? The use of the property is consistent with the Official Plan designation and the proposed built form is consistent with the Zoning By-law and Valery Business Park design without amendment.

Is the application inside the intent of the Zoning By-law? Except for the two noted variances all other requirements of the Zoning By-law are being maintained. It is my professional opinion that because all other requirements are being met, the application is within the general intent of the requirements of the Zoning By-law.

Would the approval of the application conform with the City's existing Official Plan? Approval of the proposed application for minor variance does not impact the Official Plan policies.

## 4.0 CONCLUSION

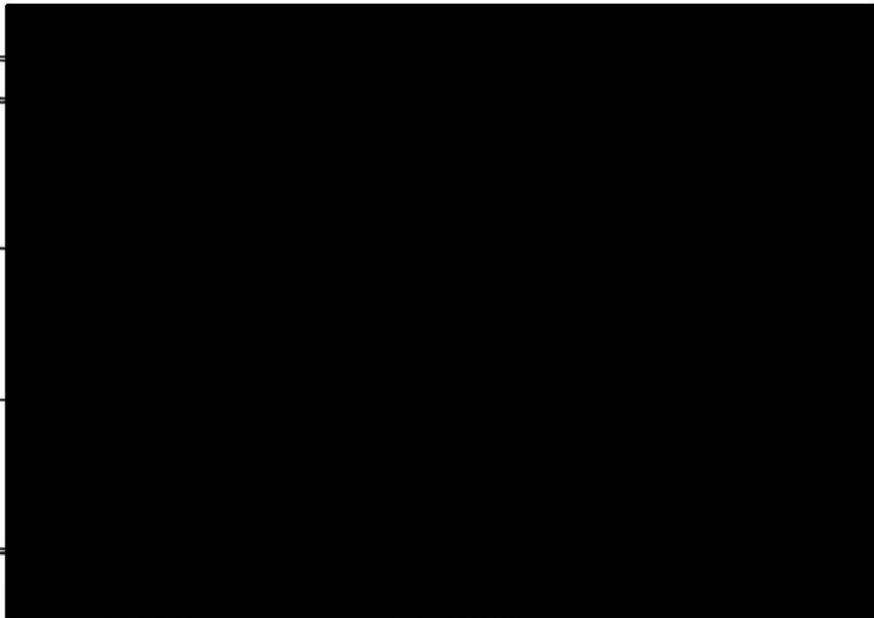
The application for Minor Variance as described in this report has been fully reviewed from a land use planning perspective. It is our professional opinion that approval of the application should be granted for the following reasons:

- The application is minor in nature.
- The variance is desirable for the appropriate development.
- The application maintains the intent of the requirements of the Zoning By-law.
- The application conforms with the policies of the City of Hamilton's Official Plan

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

**1. APPLICANT INFORMATION**

	NAME
Registered Owners(s)	Saijay Modi
Applicant(s)	Dylon Doyle
Agent or Solicitor	Candice Micucci Antech Design



1.2 All correspondence should be sent to

- 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	Farr Court		
Assessment Roll Number			
Former Municipality			
Lot	Pt Lt 32	Concession	Con 4
Registered Plan Number	62M-1279	Lot(s)	Blk 1,2,3
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

Part 1 Plan 62R-21814 for storm.

### 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:

Section 9.2.3 c 6m landscape buffer to 3m  
Section 5.3 h 10% landscape area to 7%

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Shape of the road and the need for many loading docks and truck movements. See Planning report.

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
254m ±	88m ±	25480.4m <sup>2</sup> ±	26m

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
Nil				_____

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Industrial A	11.2m	23.8m	14.1m 21.1m	_____
Industrial B	22.7m	29.4m	6.0m 1/1reg	_____

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
Nil				_____

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Industrial A	5225m <sup>2</sup>	5225m <sup>2</sup>	1	
Industrial B	3080m <sup>2</sup>		up to 4	

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.):

Industrial

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

Industrial

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:

January 10<sup>th</sup> 2021

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

Vacant

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

Vacant ↔ Industrial Business Park

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? Industrial

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

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

Urban Hamilton Official Plan designation (if applicable) Industrial  
General Business Park  
M2:611

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

Please see planning report

7.6 What is the existing zoning of the subject land? General Business Park M2:61

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: Site Plan Control DA-23-013

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

Yes  No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 0

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

Please see attached Planning Report

**11 COMPLETE APPLICATION REQUIREMENTS**

## 11.1 All Applications

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

## 11.4 Other Information Deemed Necessary

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>AN/A-23:270</b>	<b>SUBJECT PROPERTY:</b>	162 DANIELS STREET, ANCASTER
<b>ZONE:</b>	"R4-437" (Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended

**APPLICANTS:**      **Owner:** DEREK & MANTZE BERRISFORD

The following variances are requested:

1. A maximum side yard setback of 1.02 metres to the rear yard addition shall be provided whereas the by-law requires a minimum side yard setback of 1.2 metres.
2. A maximum rear yard setback of 4.03 metres to the rear yard addition shall be provided whereas the by-law requires a minimum rear yard setback of 7.5 metres.

**PURPOSE & EFFECT:**      As to permit the construction of a rear yard addition to 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, November 16, 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>

**AN/A-23:270**

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.

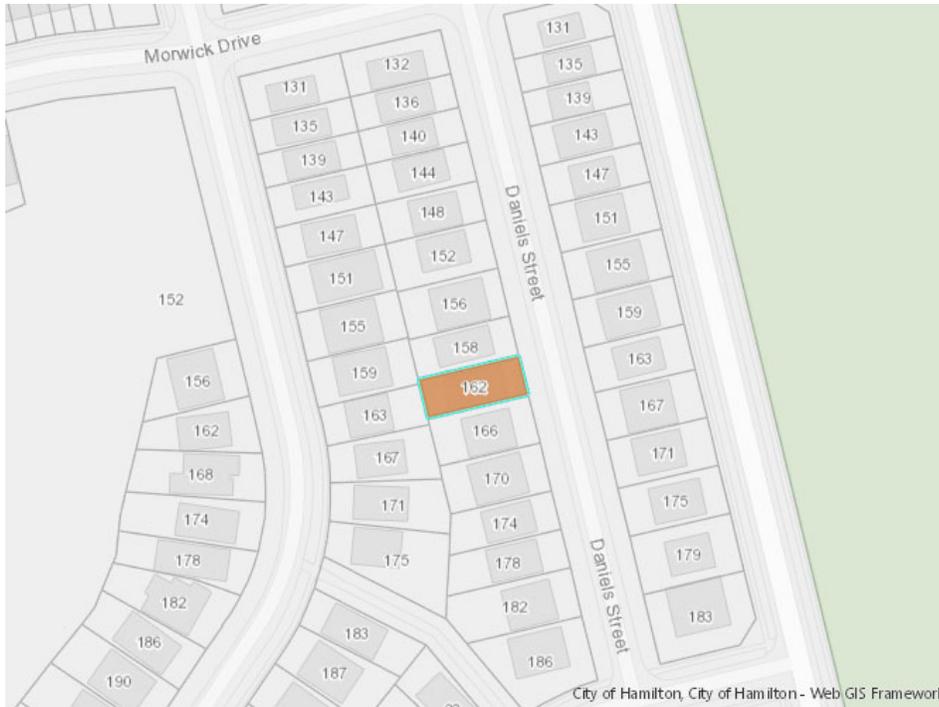
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:270, 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-23:270



DATED: October 31, 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.

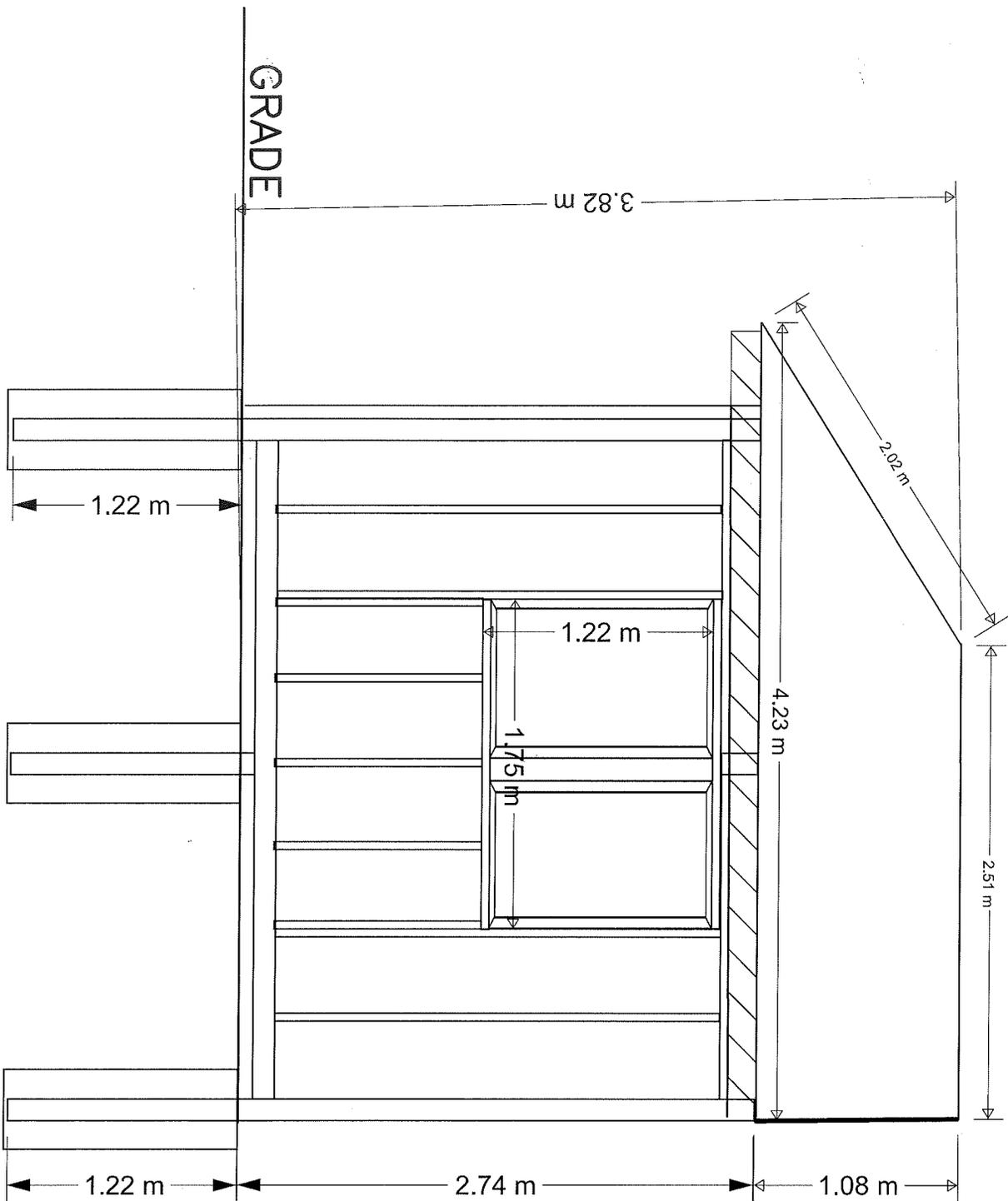
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



GRADE

# A4.02 - INSIDE NORTH ELEVATION

Derek Berrisford - April 2023

162 Daniels St. HAMILTON ONTARIO L9G 4Y3	
DATE	APRIL 2023
SCALE	30mm : 1m
PAGE	3 OF 7

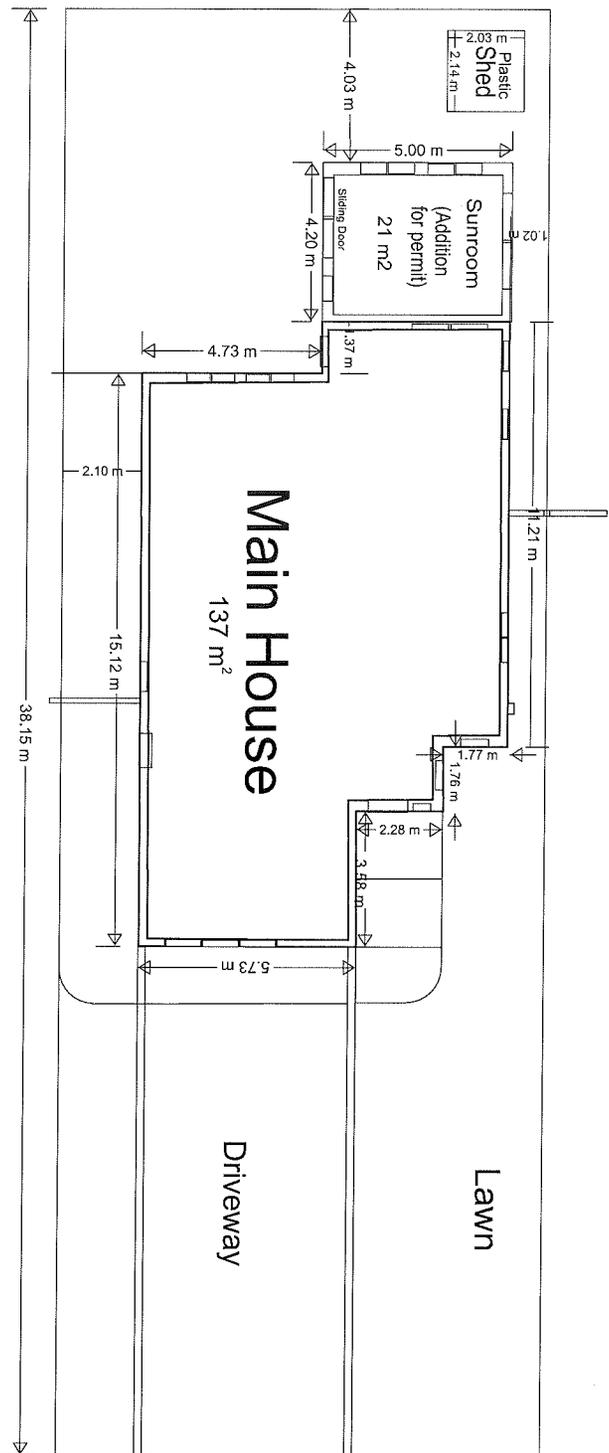
OCT *[Signature]*

162 Daniels St.  
Ancaster, Ontario  
L9G 4Y3



# SP1.01 Main Property Layout

Derek Berrisford - April 2023



Main Property 511.6 m<sup>2</sup>  
Building(s) 158.0 m<sup>2</sup>  
= Proposed Building Percentage 33.5 %

162 Daniels St. HAMILTON ONTARIO L9G 4Y3	
DATE	APRIL 2023
SCALE	5mm : 1m
PAGE	1 OF 7



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)	Derek & ManTze Berrisford
Applicant(s)	Derek & ManTze Berrisford
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 [ben1014@gmail.com](mailto:ben1014@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	162 Daniels St.,		
Assessment Roll Number	251814032070088		
Former Municipality	Town of Ancaster		
Lot	23	Concession	42 / Parkview Hts 424
Registered Plan Number	62M797	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:

Seeking relief to required setback of 7.5m where we need 4m

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Lot constraints make the building of any structure impossible without

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

Yes  No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
13.41	38.15m	511.60m <sup>2</sup>	20m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
House	42m	8.23m	3.72	01/01/2000

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Sunroom	N/A	4.03	3.72	07/01/2023

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	158m <sup>2</sup>	~500m <sup>2</sup>	2	~25ft

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Wood Frame	20m <sup>2</sup>	20m <sup>2</sup>	1	3.82m

4.4 Type of water supply: (check appropriate box)

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

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

\_\_\_\_\_

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)

\_\_\_\_\_

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

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

4.7 Type of access: (check appropriate box)

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

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

Residential

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

Abutting three residential homes and a street on the East

## 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)

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:

23 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) Neighborhoods

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

Accessory use to residential use

7.6 What is the existing zoning of the subject land? \_\_\_\_\_

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

(Zoning By-law Amendment or Minor Variance)

- Yes  No

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

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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):

Construction of a three season sun-room. No HVAC installed nor will it be heated or cooled by the main dwelling services. Designed to be aesthetically pleasing and would conform to the elevation of the rest of the dwelling.

The reason for the variance request is to permit a 4m rear yard setback.

## 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>AN/A-23:280</b>	<b>SUBJECT PROPERTY:</b>	275 SPRINGBROOK AVENUE, ANCASTER
<b>ZONE:</b>	R4-663 & R4-548 (Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended

**APPLICANTS:**      **Owner:** MUHAMMAD HANIF & SAMER BUTT  
                                 **Agent:** RENEE WARDLAW

The following variances are requested:

1. An above-ground swimming pool and its supporting structure shall be 1.5m from the side and rear lot lines whereas the by-law requires a minimum setback of 2.9m from any lot line.

**PURPOSE & EFFECT:** To permit the construction of a new above-ground swimming pool in the rear yard of the existing single detached dwelling.

**Notes:**

- i. The Ancaster Zoning By-law 87-57 requires an above-ground swimming pool and its supporting structure to be constructed not less than 1.5m to any lot line that does not abut a street, plus a distance equal to the height that the top edge of the supporting structure is above the grade. The required setback of 2.9m has been determined based on a proposed swimming pool height of 55 inches (1.397m).

**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, November 16, 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</b>

**AN/A-23:280**

	<b>details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

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

**PUBLIC INPUT**

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

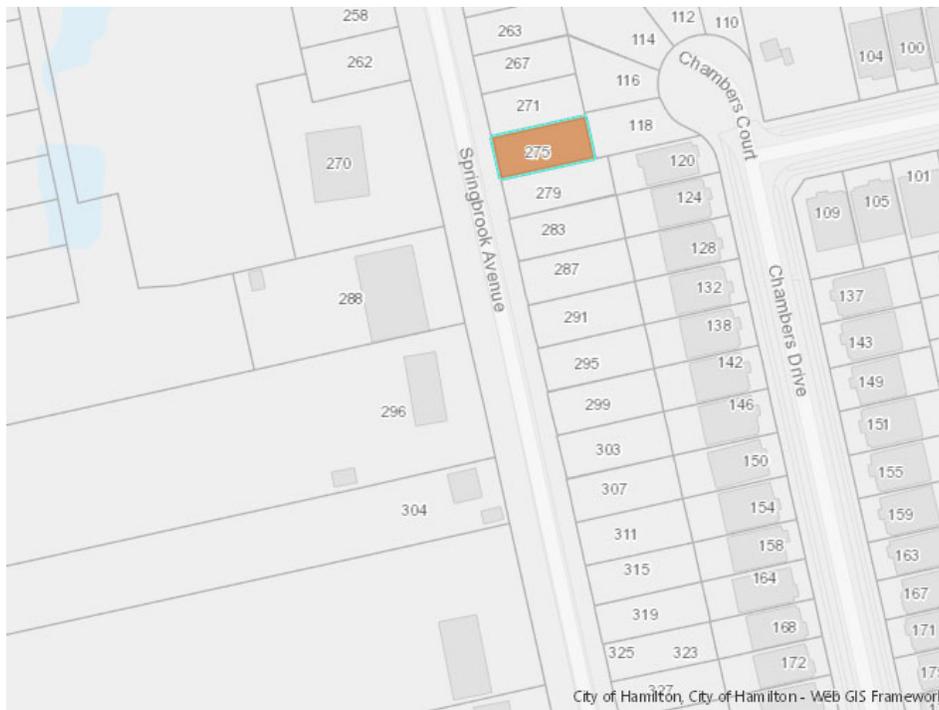
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:280, 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-23:280



 **Subject Lands**

DATED: October 31, 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.

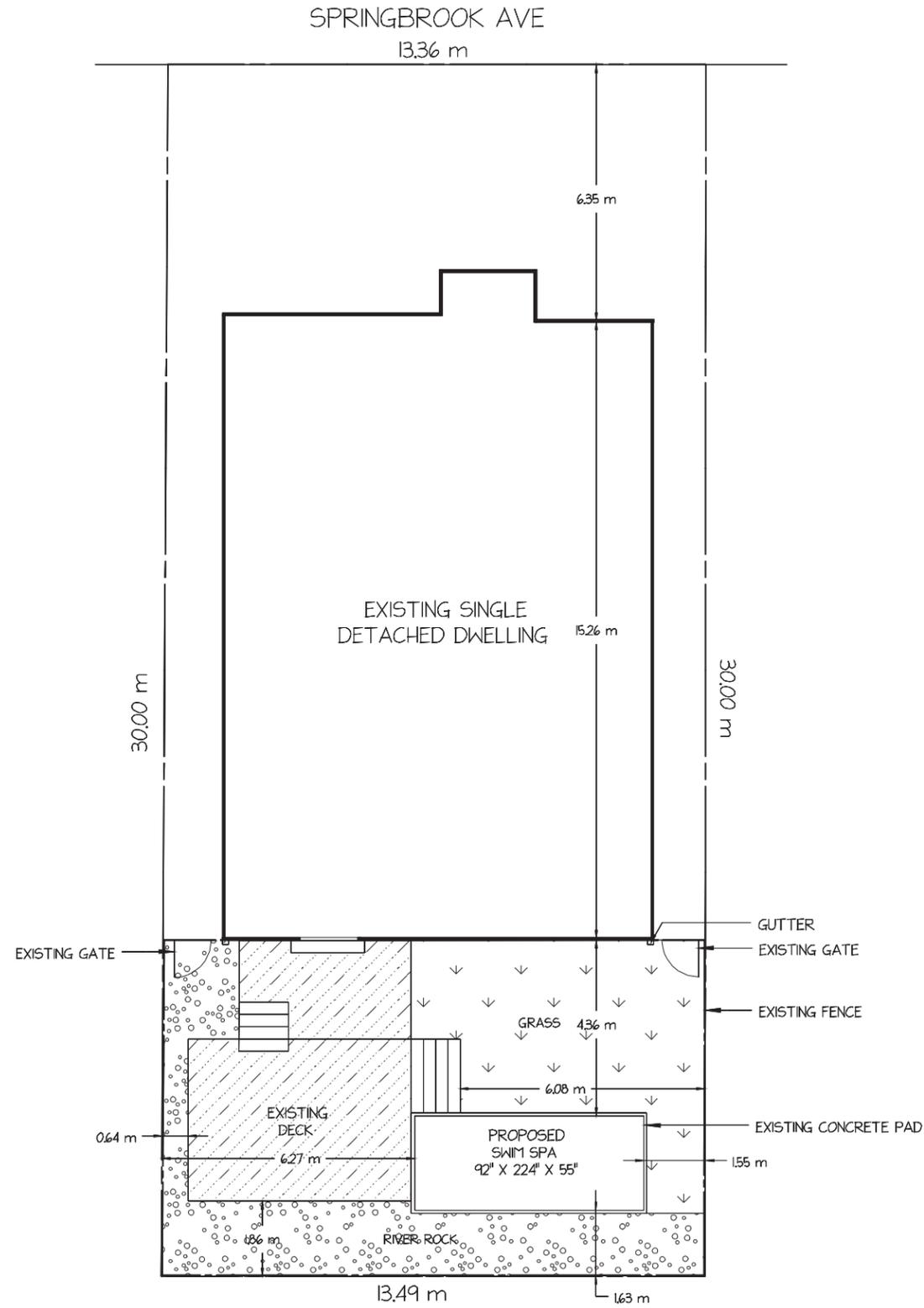
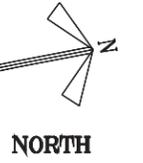
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



BUTT RESIDENCE SITE PLAN  
 275 SPRINGBROOK AVE, ANCASTER

SCALE 1:150  
 DATE 2023-10-10  
 DRAWING #



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
<b>Registered Owners(s)</b>	Samer Butt, Muhammad Hanif	[REDACTED]
<b>Applicant(s)</b>	Renee Wardlaw	
<b>Agent or Solicitor</b>		

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

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

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent [renee@greencollar.ca](mailto:renee@greencollar.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	275 Springbrook Ave, Ancaster		
Assessment Roll Number			
Former Municipality			
Lot	6	Concession	
Registered Plan Number	62M-1264	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 setback of the swim spa is 1.5 m away from the property line. The height of the pool's supporting structure has to be added to the setback. The setback from the property line should be 2.8 m.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

We weren't aware that the height of the pool's supporting structure has to be added to the setback.

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

Yes

No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
13.36	30.00	402	9

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	6.36	8.30	1.31 & 1.25	05/12/2021
Deck	21.69	1.86	0.64 & 6.08	08/23/2023
Concrete pad	25.96	1.55	1.5	08/23/2023

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Swim Spa	26.03	1.63	1.53	

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	432.81	965.91	2	6

Proposed:

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

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

- lake or other water body  
 other means (specify)

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

- ditches  
 other means (specify)

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

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

## 7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
- July 2020
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
- Land
- 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:
- May 12 2021- to present
- 7.5 What is the existing official plan designation of the subject land?

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

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

Urban Hamilton Official Plan designation (if applicable) Residential

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

Residential Swim spa

- 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: \_\_\_\_\_

8.2 Number of Dwelling Units Proposed: \_\_\_\_\_

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

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 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-23:272</b>	<b>SUBJECT PROPERTY:</b>	21 BARNABAS STREET, FLAMBOROUGH
<b>ZONE:</b>	"S1" (Settlement Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** CORY & ANDREA BOUDREAU

The following variances are requested:

1. To permit a maximum of 7.5% total lot coverage for all accessory buildings instead of the required maximum aggregate Gross Floor Area of 45 square metres or 7.5% total lot coverage, whichever is the lesser.

**PURPOSE & EFFECT:**      To facilitate the construction of an accessory building (storage) in the rear yard of a single-family 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, November 16, 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:

**FL/A-23:272**

- 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.

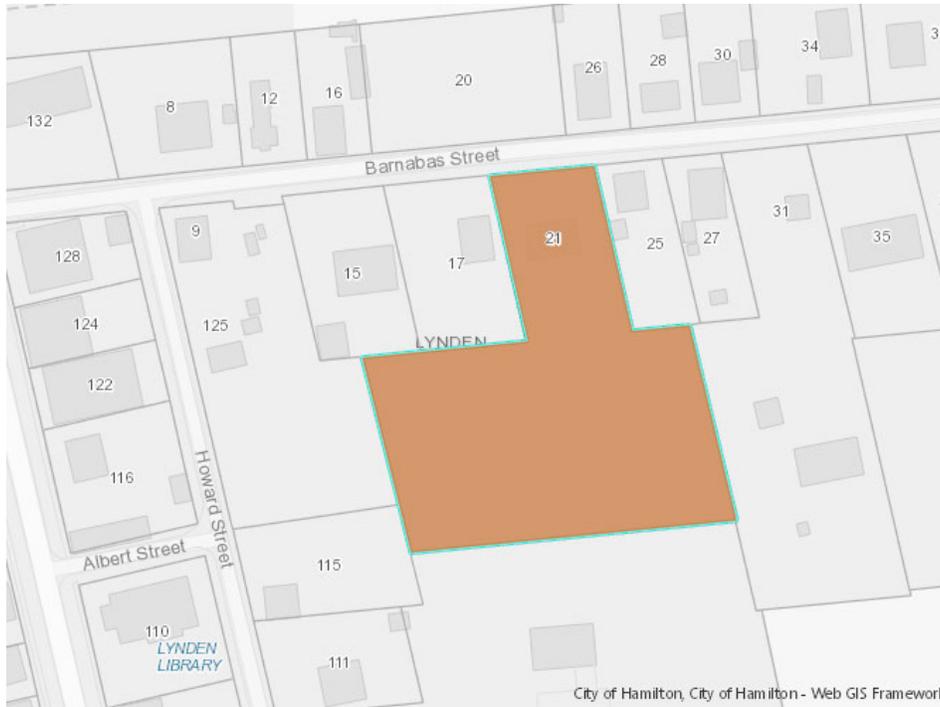
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:272, 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-23:272



 **Subject Lands**

DATED: October 31, 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

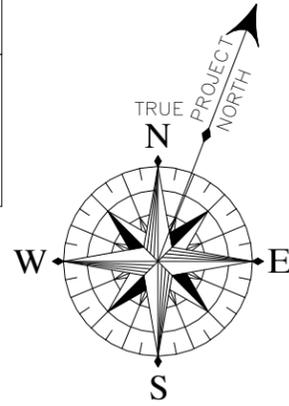
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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.

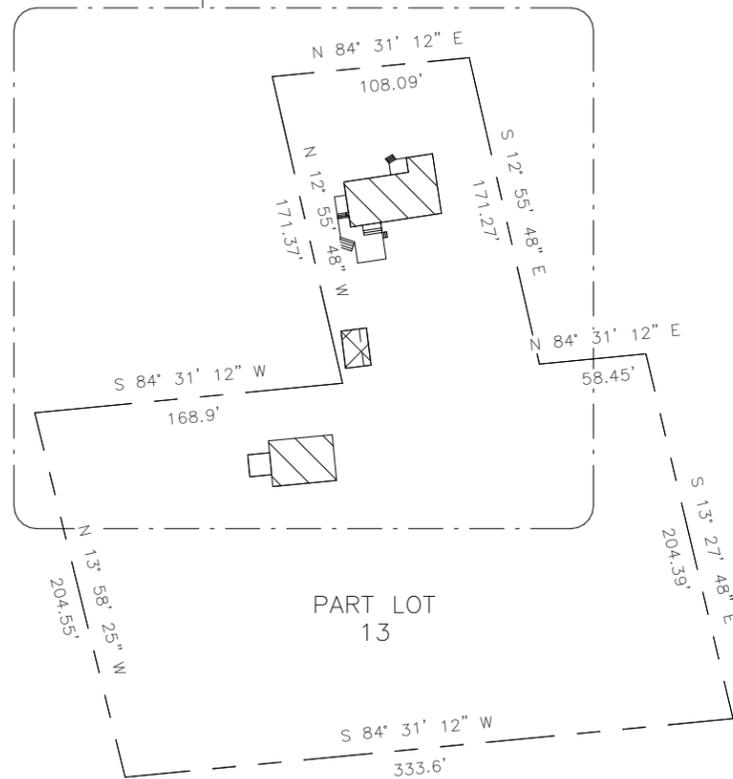
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

**SITE PLAN NOTE**

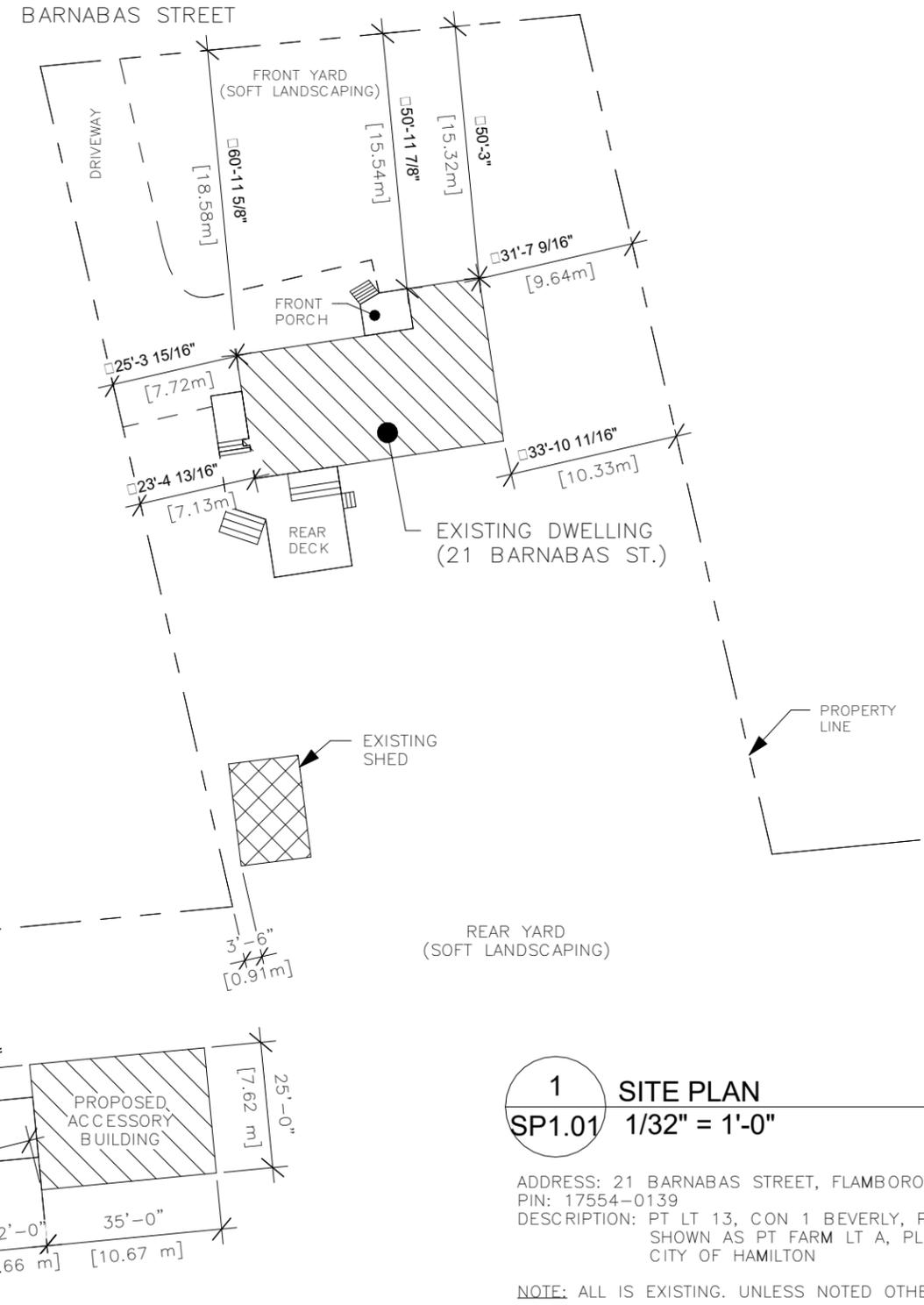
THIS IS NOT A LEGAL SURVEY AND SHALL NOT BE USED FOR MORTGAGE OR TRANSCATION PURPOSES. PROPERTY LIMITS HAVE BEEN COMPILED FROM LAND REGISTRY OFFICE RECORDS



**1**  
SP1.01



**2**  
KEY PLAN  
SP1.01 1" = 100'-0"



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

ADDRESS: 21 BARNABAS STREET, FLAMBOROUGH, ON, L0R 1T0  
 PIN: 17554-0139  
 DESCRIPTION: PT LT 13, CON 1 BEVERLY, PT 1, 62R3556, SHOWN AS PT FARM LT A, PL 197; FLAMBOROUGH CITY OF HAMILTON

NOTE: ALL IS EXISTING. UNLESS NOTED OTHERWISE.

692 Centre Road  
 Flamborough, Ontario  
 Canada, L8N 2Z7  
 (416) 993-1509  
 jacdesigninc@gmail.com

PROPERTY and BUILDING AREAS	
86,048.62 SF [7994.2 m <sup>2</sup> ]	TOTAL PROPERTY SIZE
1362.1 SF [126.54 m <sup>2</sup> ]	EXISTING DWELLING
74.6 SF [6.93 m <sup>2</sup> ]	EXISTING FRONT PORCH
467.96 SF [43.47 m <sup>2</sup> ]	EXISTING REAR DECK
285.83 SF [26.55 m <sup>2</sup> ]	EXISTING SHED
2.54 %	EXISTING LOT COVERAGE
875.0 SF [81.29 m <sup>2</sup> ]	PROPOSED ACCESSORY BUILDING
144.0 SF [13.4 m <sup>2</sup> ]	PROPOSED SIDE PATIO
3.72 %	PROPOSED LOT COVERAGE

REV. NO.	DATE	REVISION DETAILS

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PROJECT NAME  
**ANDREA BOUDREAU**

PAGE DETAILS  
**DETACHED STORAGE BUILDING  
SITE PLAN**

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS AS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER AND APART OF THE REGISTERED DESIGN FIRM.

DESIGNER: NAME: Julia Cangemi BCIN: [blank]  
 DESIGN FIRM: NAME: Jac Design Inc. BCIN: 110671

date \_\_\_\_\_  
 DATE SIGNATURE

NOT VALID UNLESS DATED and SIGNED

DRAWN BY: RS/JC  
 APPROVED BY: JC  
 DATE: 2023-06-06  
 SCALE: As indicated  
 FILE: J230524  
 SHEET: **SP1.01**

City Req'd Blankspace

# ANDREA BOUDREAU

21 BARNABAS STREET,  
HAMILTON, ON.,  
L0R 1T0

DRAFT

Jac Design Inc.

PAGE LIST	
A0.01	TITLEPAGE
A1.01	ARCHITECTURAL FLOOR PLAN
A1.02	ARCHITECTURAL FLOOR PLAN
A2.01	ARCHITECTURAL ELEVATION
A2.02	ARCHITECTURAL ELEVATION
A2.03	ARCHITECTURAL ELEVATION
A2.04	ARCHITECTURAL ELEVATION
R1.01	RENDERS – EXTERIOR OPTIONS
R1.02	RENDERS – EXTERIOR OPTIONS
S4.01	STRUCTURAL SECTIONS
S4.02	STRUCTURAL SECTIONS

\*\*\*ALL NOTES SHOWN ON FINAL UNWATERMARKED DESIGN DRAWING FILES TO BE FOLLOWED\*\*\*



**Jac'd**  
Residential Building Design

692 Centre Road  
Flamborough, Ontario  
Canada, L8N 2Z7  
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jacdesigninc@gmail.com

IN COLLABORATION WITH:



**FLAMBOROUGH**  
BUILDERS

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PROJECT NAME

**ANDREA BOUDREAU**

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PAGE DETAILS

**DETACHED STORAGE BUILDING**

**TITLEPAGE**

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DESIGNER: NAME: Julia Cangemi BCIN:                      DESIGN FIRM: NAME: Jac Design Inc. BCIN: 110671

\_\_\_\_\_  
DATE                      SIGNATURE

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DRAWN BY: as noted

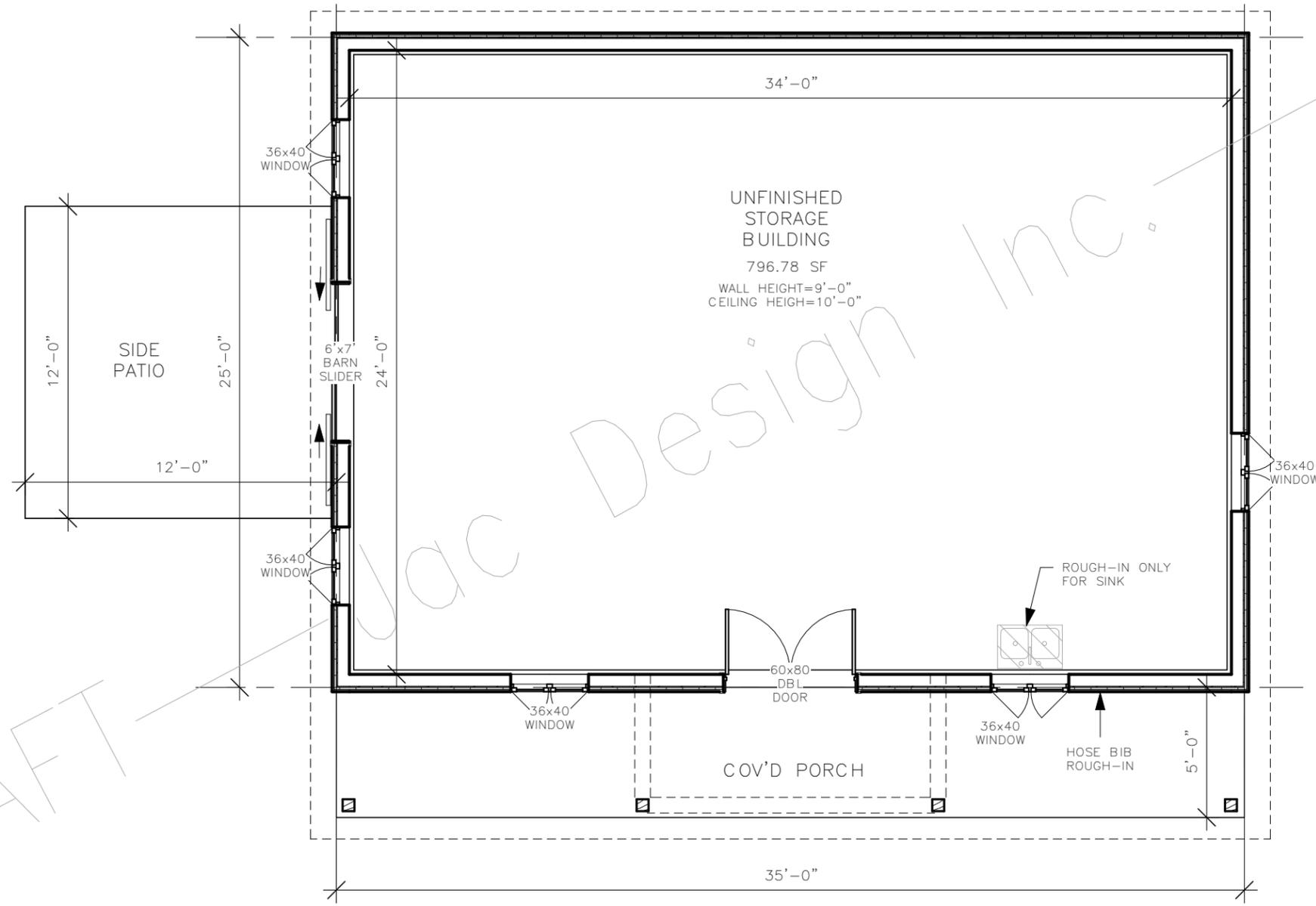
APPROVED BY: JC

DATE: 2023-06-06

SCALE:

FILE: J230524

SHEET: **A0.01**



1 MAIN STOREY - OPT 1  
A1.01 3/16" = 1'-0"

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PROJECT NAME  
**ANDREA BOUDREAU**

PAGE DETAILS  
**DETACHED STORAGE BUILDING  
ARCHITECTURAL FLOOR PLAN**

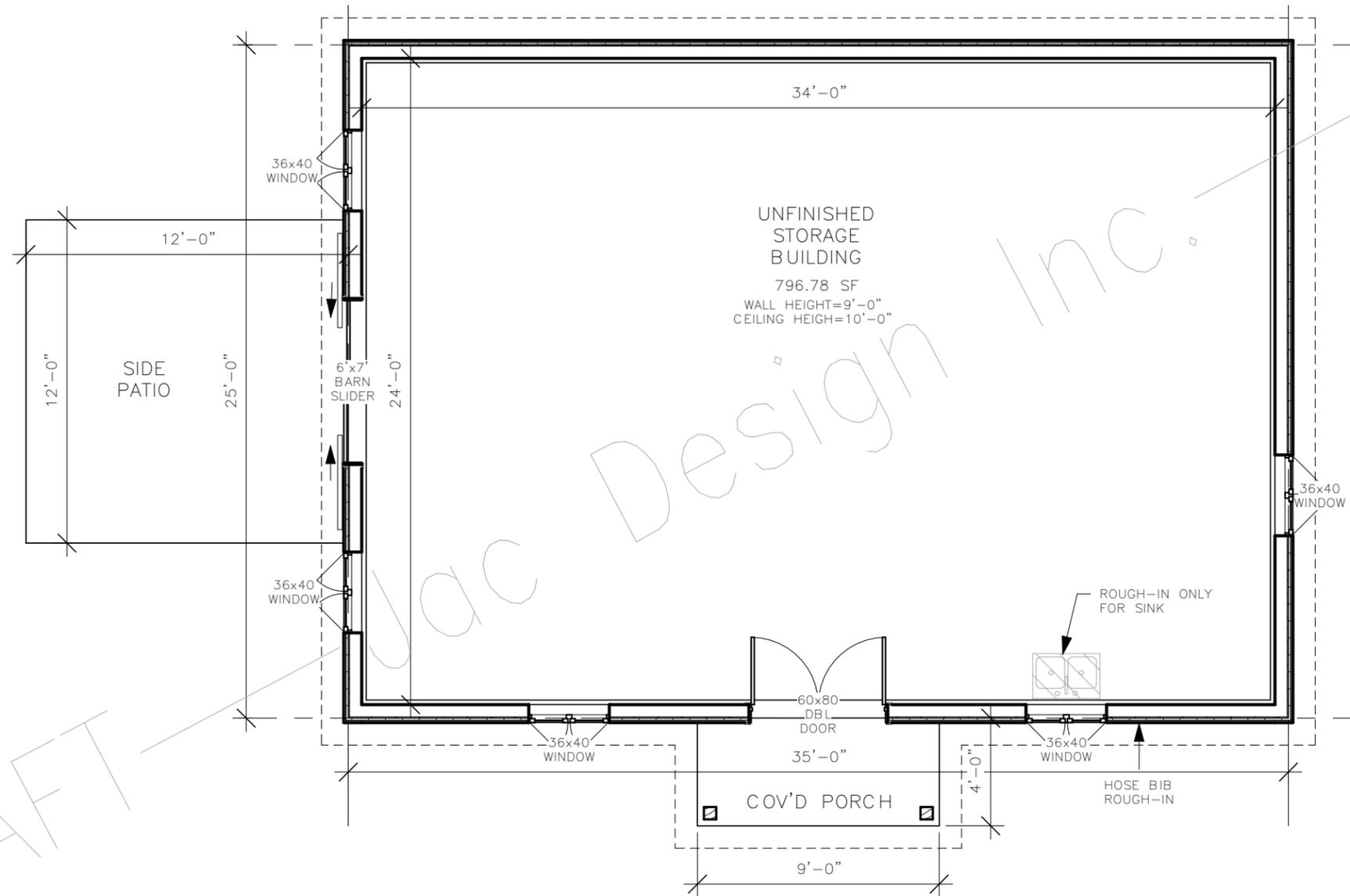
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DESIGN FIRM: NAME: Jac Design Inc. BCIN: 110671

\_\_\_\_\_  
DATE SIGNATURE

NOT VALID UNLESS DATED and SIGNED

DRAWN BY: CH  
APPROVED BY: JC  
DATE: 2023-06-06  
SCALE: 3/16" = 1'-0"  
FILE: J230524  
SHEET: **A1.01**



DRAFT

DRAFT

1 MAIN STOREY - OPT 2  
A1.02 3/16" = 1'-0"

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**ANDREA BOUDREAU**

PAGE DETAILS  
**DETACHED STORAGE BUILDING  
ARCHITECTURAL FLOOR PLAN**

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DESIGNER: NAME: Julia Cangemi BCIN:   
DESIGN FIRM: NAME: Jac Design Inc. BCIN: 110671

\_\_\_\_\_  
DATE SIGNATURE

NOT VALID UNLESS DATED and SIGNED

DRAWN BY: JR/CH  
APPROVED BY: JC  
DATE: 2023-06-06  
SCALE: 3/16" = 1'-0"  
FILE: J230524  
SHEET: **A1.02**

DRAFT

City Req'd Blankspace



1 FRONT ELEVATION (SOUTH)  
A2.01 1/4" = 1'-0"

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Residential Building Design

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PAGE DETAILS  
**DETACHED STORAGE BUILDING  
ARCHITECTURAL ELEVATION**

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DESIGNER: NAME: Approver BCIN:      DESIGN FIRM: NAME: Jac Design Inc. BCIN: 110671

\_\_\_\_\_  
DATE      SIGNATURE

NOT VALID UNLESS DATED and SIGNED

DRAWN BY: JR/CH  
APPROVED BY: JC  
DATE: 2023-06-06  
SCALE: 1/4" = 1'-0"  
FILE: J230524  
SHEET: **A2.01**







City Req'd Blankspace



1 EXT. VIEW - OPT 1 (FRONT)  
R1.01 12" = 1'-0"

2 EXT. VIEW - OPT 1 (SIDE)  
R1.01 12" = 1'-0"

NOTE: MATERIALS ARE FOR VISUAL REPRESENTATION AND SUBJECT TO VARIATION BASED ON SITE CONDITIONS AND CONSTRUCTION DRAWINGS.

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PROJECT NAME

ANDREA BOUDREAU

PAGE DETAILS

DETACHED STORAGE BUILDING  
RENDERS - EXTERIOR OPTIONS

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DATE SIGNATURE

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DRAWN BY: CH  
APPROVED BY: JC  
DATE: 2023-06-06  
SCALE: 12" = 1'-0"  
FILE: J230524  
SHEET: R1.01

City Req'd Blankspace



1 EXT. VIEW - OPT 2 (FRONT)  
R1.02 12" = 1'-0"



2 EXT. VIEW - OPT 2 (SIDE)  
R1.02 12" = 1'-0"

NOTE: MATERIALS ARE FOR VISUAL REPRESENTATION AND SUBJECT TO VARIATION BASED ON SITE CONDITIONS AND CONSTRUCTION DRAWINGS.

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IN COLLABORATION WITH:



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PROJECT NAME

ANDREA BOUDREAU

PAGE DETAILS

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RENDERS - EXTERIOR OPTIONS

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DESIGNER: NAME: Julia Cangemi BCIN: NAME: Jac Design Inc. BCIN: 110671

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DRAWN BY: JC  
APPROVED BY: JC  
DATE: 2023-06-06  
SCALE: 12" = 1'-0"  
FILE: J230524  
SHEET: R1.02



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)	Andrea Boudreau Cory Boudreau	[Redacted]
Applicant(s)	Andrea Boudreau	
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 register (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	21 Barnabas St. Lynden, ON, LOR 1T0		
Assessment Roll Number	301110742000000		
Former Municipality	Flamborough		
Lot	PT LT 13	Concession	CON 1 Beverly
Registered Plan Number	PL197	Lot(s)	
Reference Plan Number (s)	62R3556	Part(s)	PT FARM LTA

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:

By-law 4.8.1.1 a) Accessory Building exceeds  $45\text{m}^2$  (but is still under 7.5% of total lot coverage).

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Require a larger square footage than the by-law  
(To store personal belongings, lawn & garden equipment (personal permits) and a "she-shed" to pursue gardening.

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

Yes

No

If yes, please provide an explanation:

Also need space for our son (3 yrs) to safely play when Mom is in "she-shed" as our son is Autistic & elopes.

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
32.95 metres	114.58 metres	7994.20 $\text{m}^2$	10 metres

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
House	15.32 metres	87.35 metres	7.13 metres	1953

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Building	60.15 metres	45.69 metres	35.51 m / 8.35m	

- 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	126.5 m <sup>2</sup>	253 m <sup>2</sup>	1	5.49 metres

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory Building	81.29 m <sup>2</sup>	81.29 m <sup>2</sup>	1	4.49 metres

- 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) *No sewage disposal required.*  
 publicly owned and operated sanitary sewage  
 system privately owned and operated individual  
 septic system other means (specify) \_\_\_\_\_

4.7 Type of access: (check appropriate box)  
 provincial highway  
 municipal road, seasonally maintained  
 municipal road, maintained all year  
 right of way  
 other public road  
 \_\_\_\_\_

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

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

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:  
*August 20<sup>th</sup>, 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:  
*At least since 1953*

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

Rural Hamilton Official Plan designation (if applicable): S1

Rural Settlement Area: S1

Urban Hamilton Official Plan designation (if applicable) S1

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

7.6 What is the existing zoning of the subject land? S1: Settlement 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 no additional dwellings proposed.

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

**11 COMPLETE APPLICATION REQUIREMENTS**

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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

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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-23:277</b>	<b>SUBJECT PROPERTY:</b>	49 JAMESON DR, FLAMBOROUGH
<b>ZONE:</b>	“S1 Exception: 76” (Settlement Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** MARIO & MARY ZITELLA  
                                 **Agent:** VIC PONGETTI

The following variances are requested:

1. To permit a maximum height of 5.25m for the proposed accessory building (Cabana) instead of the required maximum accessory building height of 4.5 metres.

**PURPOSE & EFFECT:** To facilitate the construction of an accessory building (Cabana).

**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, November 16, 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:

**FL/A-23:277**

- 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.

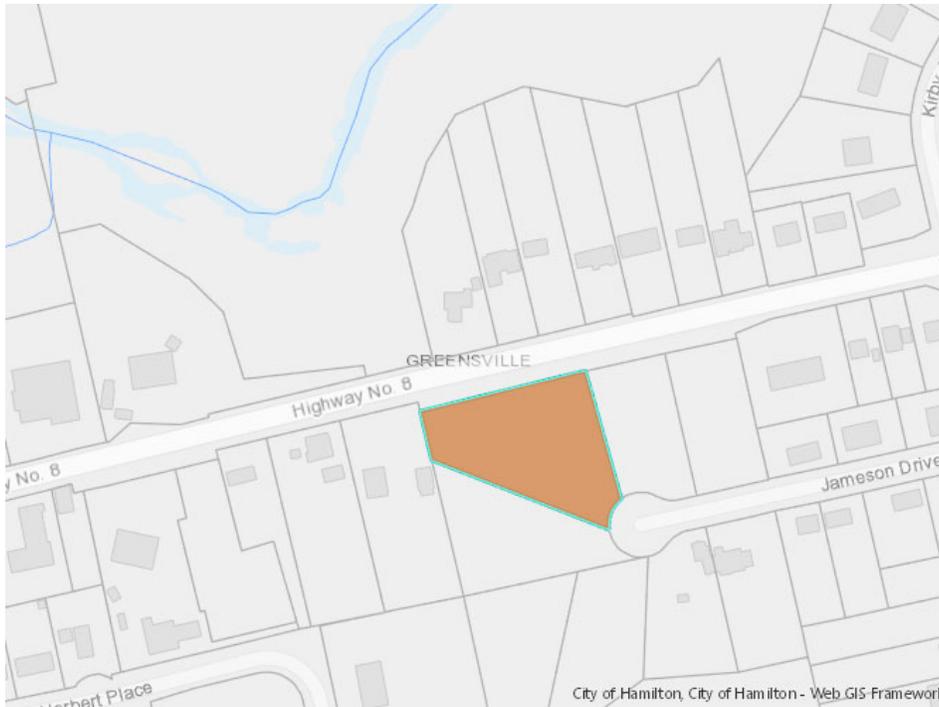
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:277, 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-23:277



 Subject Lands

DATED: October 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

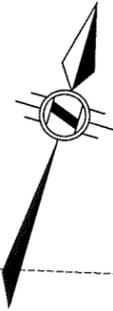
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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

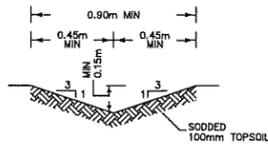
**SITE AND GRADING PLAN**  
OF  
**LOT 3**  
**PLAN 62M-1162**  
IN THE  
**CITY OF HAMILTON**

SCALE 1:300 METRIC

S.D. McLAREN, O.L.S. - 2023

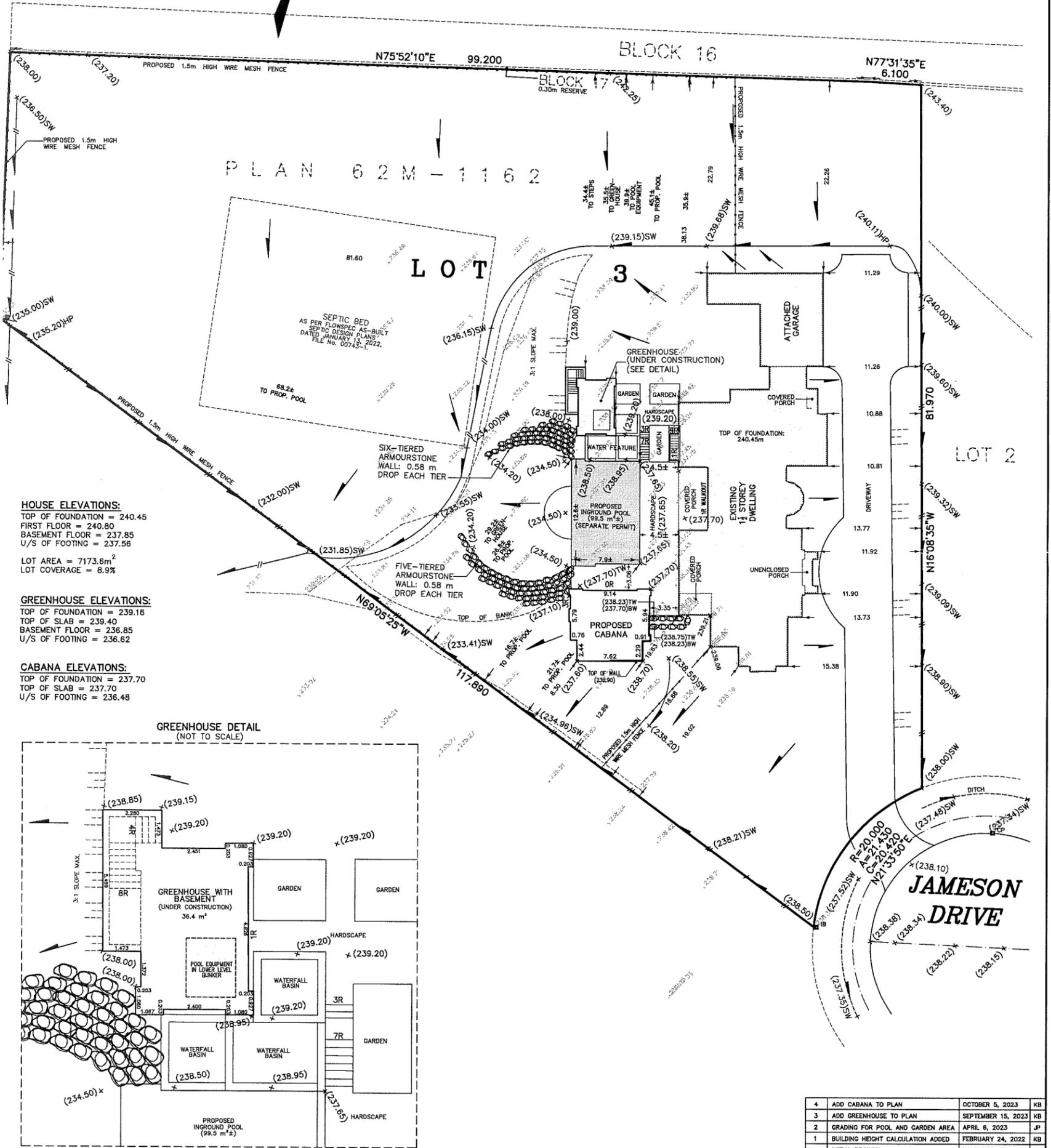


**TYPICAL SWALE DETAIL**



**BENCH MARK:**

No. 75U133  
THE NEW HOPE CHRISTIAN CENTER,  
ALONG HWY. 8, 1.8 KM WEST OF  
INTERSECTION WITH BROCK ROAD, IN  
EAST CONCRETE FOUNDATION  
10.88m FROM SOUTHEAST CORNER  
21CM BELOW  
BRICKWORK. ELEVATION = 251.924

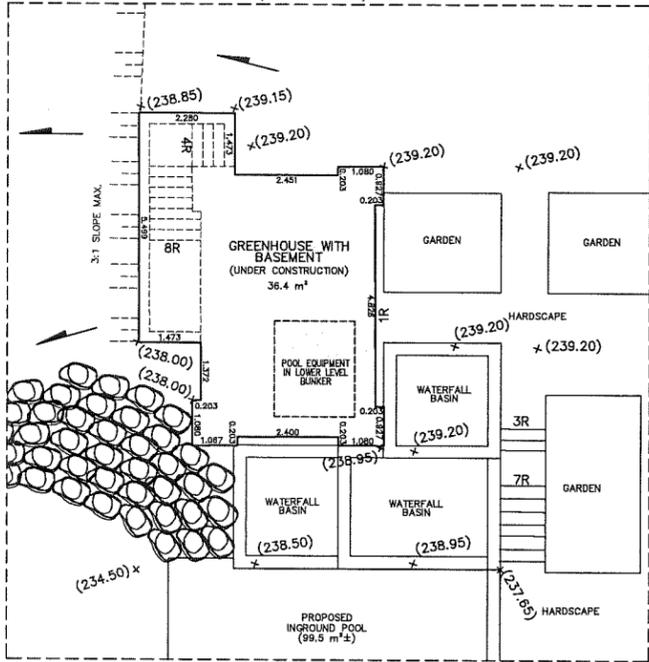


**HOUSE ELEVATIONS:**  
TOP OF FOUNDATION = 240.45  
FIRST FLOOR = 240.80  
BASEMENT FLOOR = 237.85  
U/S OF FOOTING = 237.56  
LOT AREA = 7173.6m<sup>2</sup>  
LOT COVERAGE = 8.9%

**GREENHOUSE ELEVATIONS:**  
TOP OF FOUNDATION = 239.16  
TOP OF SLAB = 239.40  
BASEMENT FLOOR = 236.85  
U/S OF FOOTING = 236.62

**CABANA ELEVATIONS:**  
TOP OF FOUNDATION = 237.70  
TOP OF SLAB = 237.70  
U/S OF FOOTING = 236.48

**GREENHOUSE DETAIL**  
(NOT TO SCALE)



- LEGEND:**
- 000.00 DENOTES EXISTING ELEVATION
  - (000.00) \* PROPOSED ELEVATION
  - DIRECTION OF FLOW
  - PROPOSED SWALE
  - R RISER
  - \* REVISED DIMENSION

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

- NOTES:**
- RETAINING WALLS ARE TO BE INSTALLED A MINIMUM OF 0.45m FROM THE PROPERTY LINE.
  - SEPTIC BED LOCATION WAS TAKEN FROM FLOWSPEC ENGINEERING WASTEWATER DESIGN PLANS DATED JANUARY 13, 2022, FILE No. 00743-1.

No.	DESCRIPTION	DATE	BY
4	ADD CABANA TO PLAN	OCTOBER 5, 2023	KB
3	ADD GREENHOUSE TO PLAN	SEPTEMBER 15, 2023	KB
2	GRADING FOR POOL AND GARDEN AREA	APRIL 6, 2023	JP
1	BUILDING HEIGHT CALCULATION ADDED	FEBRUARY 24, 2022	KB
	INITIAL DRAWING	NOVEMBER 25, 2021	KB

**REVISIONS**

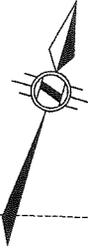


**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

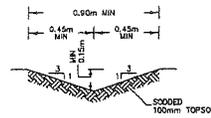
DATE: S. D. McLAREN, P.Eng Drawn JP Checked KB Scale 1:300 Dwg.No. 33339-35

**SITE AND GRADING PLAN**  
 OF  
**LOT 3 & 4**  
**PLAN 62M-1162**  
 IN THE  
**CITY OF HAMILTON**  
 SCALE 1:300 METRIC

S.D. McLAREN, O.L.S. - 2023

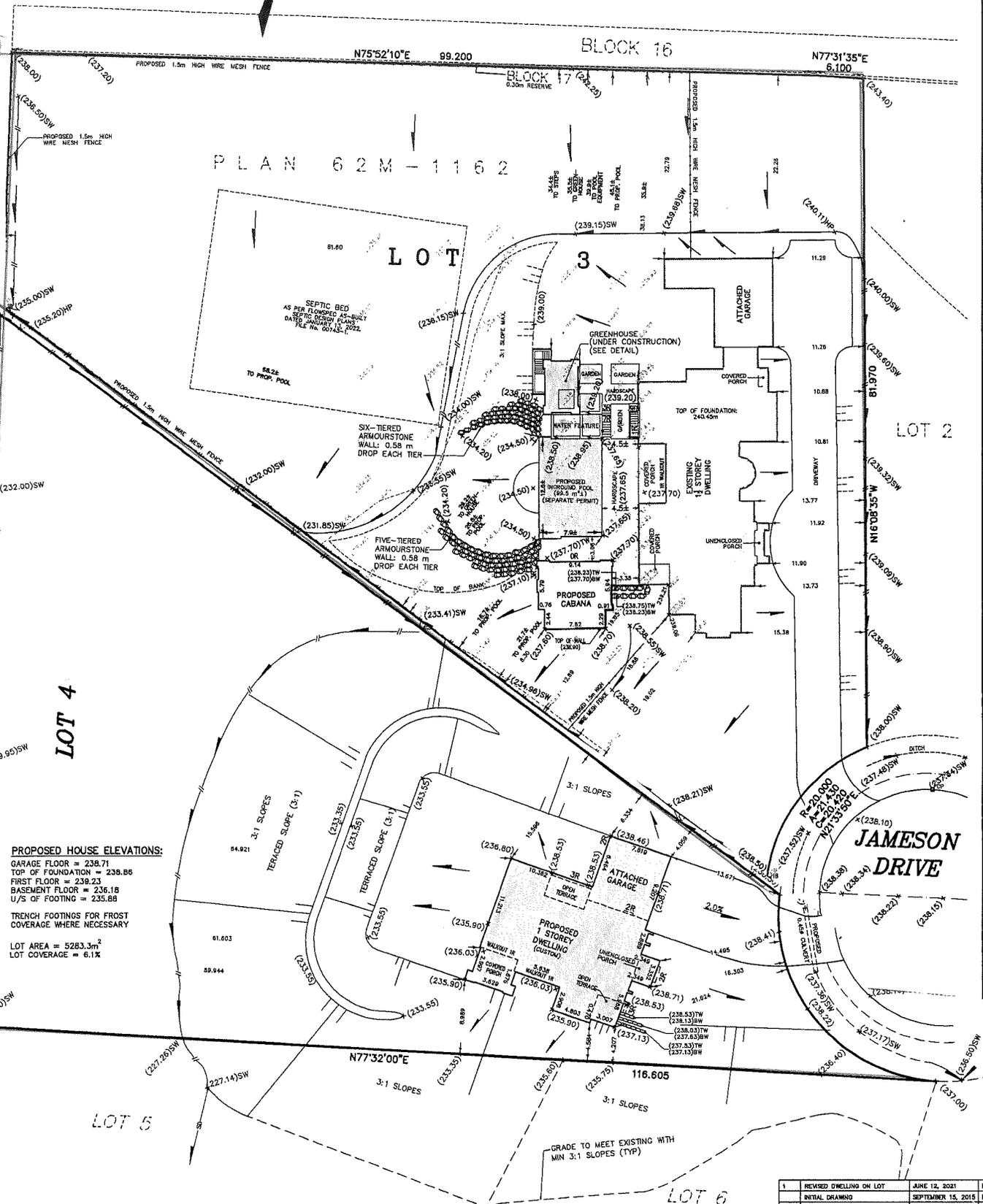


**TYPICAL SWALE DETAIL**



**BENCH MARK:**  
 No. 75U133

THE NEW HOPE CHRISTIAN CENTER,  
 ALONG HWY. 8, 1.8 KM WEST OF  
 INTERSECTION WITH ROCK ROAD, IN  
 EAST CONCRETE FOUNDATION  
 10.88m FROM SOUTHEAST CORNER  
 21CM BELOW  
 BRICKWORK, ELEVATION = 251.924



**PROPOSED HOUSE ELEVATIONS:**  
 GARAGE FLOOR = 238.71  
 TOP OF FOUNDATION = 238.86  
 FIRST FLOOR = 238.23  
 BASEMENT FLOOR = 236.18  
 U/S OF FOOTING = 235.88  
 TRENCH FOOTINGS FOR FROST  
 COVERAGE WHERE NECESSARY  
 LOT AREA = 5283.3m<sup>2</sup>  
 LOT COVERAGE = 6.1%

**NOTES:**  
 U/S FOOTINGS TO BE MINIMUM OF  
 1.2m BELOW FINISHED GRADE

No.	DESCRIPTION	DATE	BY
1	REVISED DWELLING ON LOT	JUNE 12, 2021	KB
	INITIAL DRAWING	SEPTEMBER 15, 2015	BY

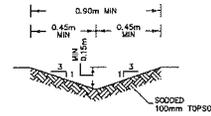
**REVISIONS**

**LEGEND:**  
 000.00 DENOTES EXISTING ELEVATION  
 (1000 MM) \* DENOTES PROPOSED ELEVATION  
 METRIC NOTE

**SITE AND GRADING PLAN**  
OF  
**LOT 3**  
**PLAN 62M-1162**  
IN THE  
**CITY OF HAMILTON**  
SCALE 1:300 METRIC

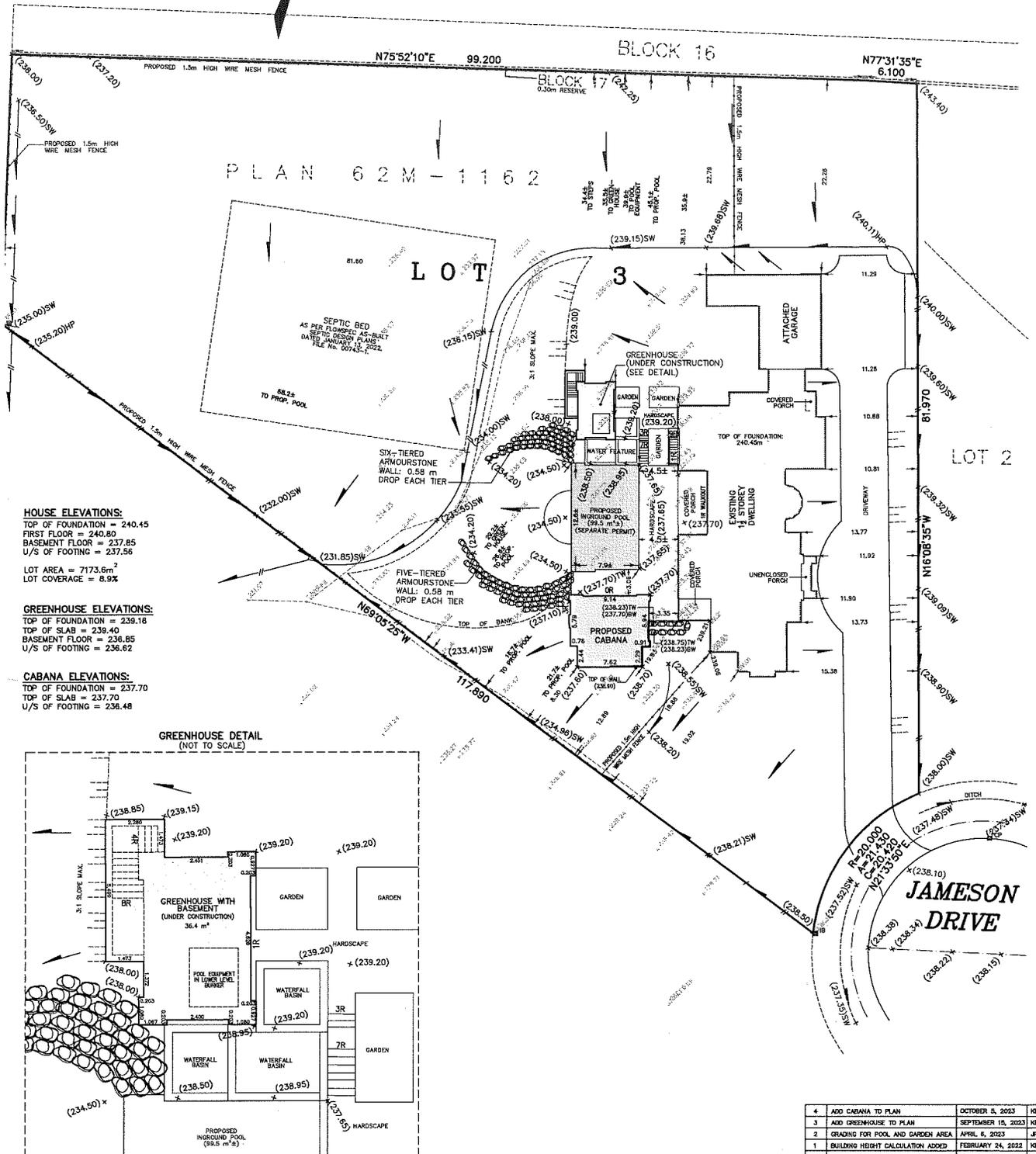
S.D. McLAREN, O.L.S. - 2023

**TYPICAL SWALE DETAIL**



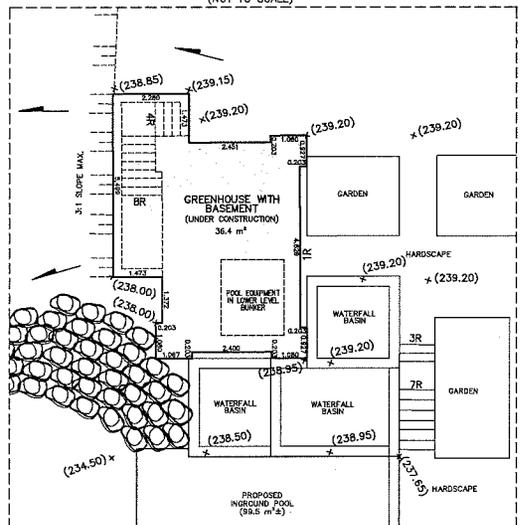
**BENCH MARK:**

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THE NEW HOPE CHRISTIAN CENTER,  
ALONG HWY. 8, 1.8 KM WEST OF  
INTERSECTION WITH BROCK ROAD, IN  
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BASEMENT FLOOR = 236.85  
U/S OF FOOTING = 236.62
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TOP OF FOUNDATION = 237.70  
TOP OF SLAB = 237.70  
U/S OF FOOTING = 236.48

**GREENHOUSE DETAIL**  
(NOT TO SCALE)



- LEGEND:**  
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- - - DIRECTION OF FLOW  
- - - PROPOSED SWALE  
R RISER  
\* REVERSED DIMENSION

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**REVISIONS**



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69 JOHN STREET SOUTH, SUITE 230  
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PHONE (905) 527-8539 FAX (905) 527-0032

DATE	S. D. McLAREN, P.Eng	Drawn: JP	Checked: KB	Scale: 1:300	Dwg No.: 33339-3S
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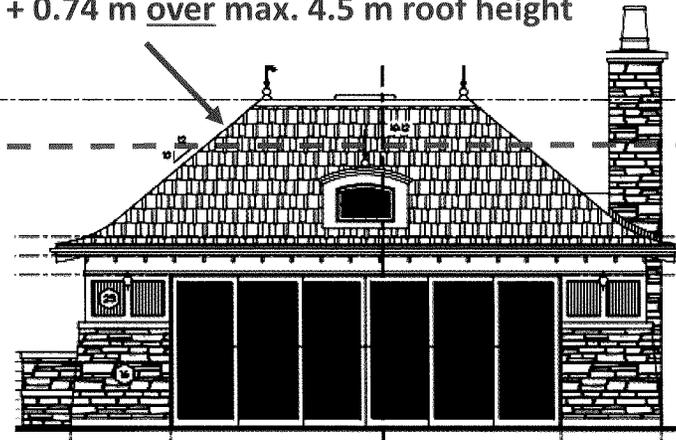
49 JAMESON DRIVE, GREENSVILLE

PROPOSED ACCESSORY BUILDING - POOL CABANA

+ 0.74 m over max. 4.5 m roof height

MAX ROOF HEIGHT 4.5 M

+ 0.74 m over max. 4.5 m roof height



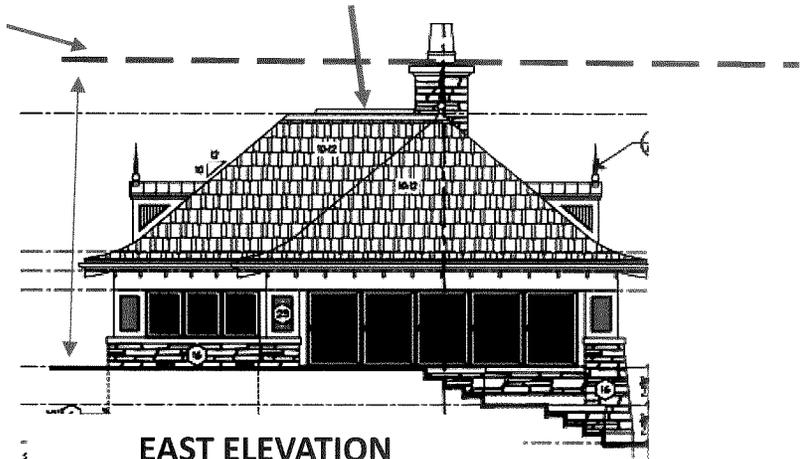
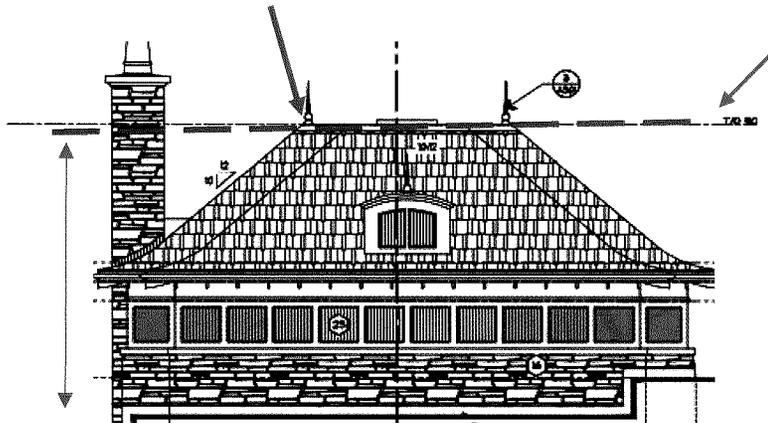
NORTH ELEVATION

WEST ELEVATION

- 0.10 m under max. 4.5 m roof height

MAX ROOF HEIGHT 4.5 M

-0.54 m under max. 4.5 m roof height



SOUTH ELEVATION

EAST ELEVATION

## ADDENDUM

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

1. Reducing the proposed building roof height by 0.74 m will defeat the architectural design of complimenting the new surrounding houses. The proposed building flat roof area would increase resulting in a terrible design.
2. The roof height along the south and east elevation of the proposed building complies with the Bylaw having roof heights less than 4.5 m -some grades +/- 0.50 m under the maximum height.
3. The nearest neighboring property, 55 Jameson Drive, that can see the proposed building is 8.50 m away from property line. Also, the roof height facing 55 Jameson complies with the Bylaw.



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)	MARIO ZITELLA MARY ZITELLA		
Applicant(s)	VIC PONGETTI		
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	49 JAMESON DR. GREENSVILLE		
Assessment Roll Number			
Former Municipality			
Lot	PART OF LOT 7	Concession	1
Registered Plan Number	02M-1162	Lot(s)	3
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

### 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

PROPOSED ACCESSORY BUILDING ROOF HEIGHT IS 0.74 m  
OVER MAXIMUM PERMITTED HEIGHT OF 4.5 m  
FOR ACCESSORY BUILDINGS.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

SEE ADDENDUM

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
30.21 m	99.93 m	9173 SM	

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 1/2 STOREY	20.0 m	78.0 m	22.79 , 18.88	2021 - UNDER CONST.
ACCESSORY BLDG	53.0 m	65.0 m	34.40 , 29.0	2023 - UNDER CONST.

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
ACCESSORY BLDG	31.5	73.0	8.30 , 60.0	

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
1 1/2 STOREY	386.11 SM	460.53 SM	1 1/2	FRT. 7.75 m BCK 11.58 m
ACCESSORY BLDG	26.0	26.0	1	ABOVE GRADE 150 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ACCESSORY BUILDING	72.7 SM	72.7 SM	1	FRT. 5.24 m BCK LESS THAN 4.5 m

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

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

5000 GAL CISTERN - POTABLE

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

- ditches
- other means (specify)

5000 GAL CISTERN - IRRIGATION

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) WASTE WATER TREATMENT SYSTEM

4.7 Type of access: (check appropriate box)  
 provincial highway  right of way  
 municipal road, seasonally maintained  other public road  
 municipal road, maintained all year

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

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

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:  
FEBRUARY 24, 2021

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
VACANT LOT IN NEW SUBDIVISION, THE GREYSTONES REGISTERED PLAN G2M-1162 SEPT. 6 2021

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 REGISTRATION

7.5 What is the existing official plan designation of the subject land?  
 Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: REG'D PLAN G2M-1162

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

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

7.6 What is the existing zoning of the subject land? S1

7.8 Has the owner previously applied for relief in respect of the subject property?  
 (Zoning By-law Amendment or Minor Variance)  
 Yes  No  
 If yes, please provide the file number: \_\_\_\_\_

---

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

Yes

No

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

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

Yes

No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: \_\_\_\_\_

8.2 Number of Dwelling Units Proposed: \_\_\_\_\_

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 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-23:278</b>	<b>SUBJECT PROPERTY:</b>	474 PROVIDENT WAY, GLANBROOK
<b>ZONE:</b>	"RM-3 284(B)" (Residential Multiple)	<b>ZONING BY-LAW:</b>	Zoning By-law former Township of Glanbrook 464, as Amended

**APPLICANTS:**      **Owner:** THE MBTW GROUP C/O MICHAEL HANNAY  
                                 **Agent:** CACHET MDRE (MOUNT HOPE) INC.

The following variances are requested:

1. As to permit the development for Street or Block Townhouses containing a total of 106 units fronting either a condominium road, Spitfire Drive, or Provident Way notwithstanding that; For the purpose of the regulations contained in Section 11.12 of the Glanbrook Zoning By-law No 464, the boundary of Block 264 according to registered Plan 62M-1275 shall be deemed to be the lot line for this purpose and the regulations of the RM3-284(B) Zone, Section 44 including by not limited to the lot area, lot frontage, lot depth, lot coverage, parking and building setbacks, shall apply and be from the boundaries of Block 264 according to Registered plan 62M-1275 and not the individual property boundaries of the dwelling units created by registration of a condominium plan or created by Part Lot control.
2. To permit a 3.5 metres setback from the northerly block boundary to the front or side façade of a townhouse dwelling, and 6.0m to the rear façade of a townhouse dwelling whereas the by-law permits 3.5 metres from the northerly block boundary to the front façade of a townhouse dwelling.
3. To permit a minimum side yard setback of 3.0 metres from the southerly block boundary to the side or front façade of a townhouse dwelling whereas the by-law permits a 3.0 metres setback to the side façade of a townhouse dwelling only.

**PURPOSE & EFFECT:**      As to permit the development of a total of 106 street or block townhouses.

**Notes:** N/A

**GL/A-23:278**

**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, November 16, 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 GL/A-23:278, 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-23:278



 Subject Lands

DATED: October 31, 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.

**474 PROVIDENT WAY**  
**CONCEPT PLAN - BLOCK 264**  
 BY-LAW: RM3-284(B) FILE #: 25T-200723

- 1. SITE AREA:**  
 TOTAL AREA = 2.392ha (5,911 acre) = 23,924.82 sm
- 2. PART A:**  
 2.1. NUMBER OF UNITS:  
 TYPE 'A', 5.50 M TRADITIONAL TOWNHOUSE, 2 STOREY = 47 UNITS  
 TYPE 'B' 5.50 M TRADITIONAL TOWNHOUSES, 3 STOREY = 19 UNITS  
 TYPE 'B', 6.22M REAR LANE TOWNHOUSE, 3 STOREY = 40 UNITS  
 TOTAL = 106 UNITS

- 2.2. DENSITY: 100 UNITS PER HA (MAXIMUM)  
 106 UNITS / 5.911 ACRE = 17.93 UNITS PER ACRE (44.31 UNITS PER HA)
- 2.3. RESIDENT PARKING REQ'D = 106 UNITS X 2 = 212 SPACES REQ'D
- 2.4. RESIDENT PARKING PROV'D = 212 SPACES PROV'D
- 2.5. VISITOR PARKING REQ'D = 106 UNITS / 0.50 = 53 SPACES REQ'D
- 2.6. VISITOR PARKING PROV'D = 51 SPACES PROV'D + 3 ACCESSIBLE SPACES  
 TOTAL REQUIRED PARKING SPACES = 265 SPACES  
 TOTAL PROVIDED PARKING SPACES = 266 SPACES

2.7. NO PARKING SPACE OR AREA SHALL BE LOCATED CLOSER TO A STREET LINE THAN 1.5m AND 2.5m TO ANY RESIDENTIAL ZONE (EXCEPT 0.0m FROM NORTHERLY LOT LINE)

**3. COVERAGE**

TOTAL LAND AREA = 23,924.82 SM X 0.35 MAX. LOT COVERAGE = 8373.68 SM (MAX. LOT COVERAGE)

COVERAGE = TOTAL BUILDING COVERAGE / TOTAL LAND AREA = 8650 SM / 23,924.82 SM = **36.20%** TOTAL BUILDING COVERAGE

**PARKING SPACES**

ASPHALT PARKING SPACES

**4.0 LANDSCAPE CALCULATION**

LANDSCAPE CALCULATIONS	PROPOSED	
1) LOT AREA	23,924.82 SM	100.00 %
4) BUILDING AREA	8650 SM	36.20 %
2) ROAD / CURB / PARKING AREA	5039.54 SM	21.07 %
3) DRIVEWAY AREA	1733.25 SM	7.24 %
3) LANDSCAPE AREA	8501.26 SM	35.53 %

**AREAS**

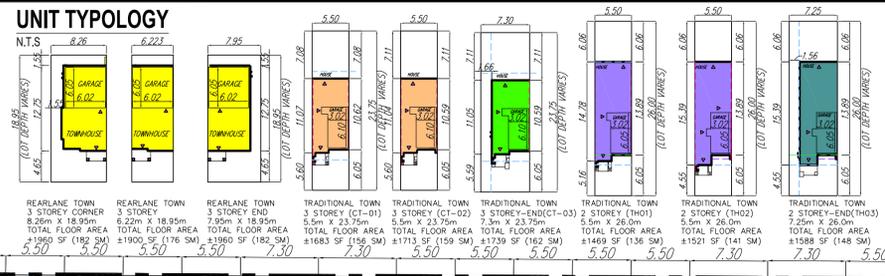
BUILDING AREA = 8625.77 SM  
 ROAD + CURB + PARKING AREA = 5039.54 SM  
 DRIVEWAY AREA = 1733.25 SM

STANDARD	BY-LAW REQUIREMENT	PROPOSED
MAXIMUM DENSITY	100 DWELLING UNITS PER HEC	SEE STATS ABOVE
BUILDING HEIGHT	MAX. 14M	SEE BLOCK ELEVATION CONCEPTS
MIN. FLOOR AREA	88 SQM	138 SQM
MAX. LOT COVERAGE	35%	36.20%
LANDSCAPE AREA	MINIMUM 30%	35.53%
FRONT YARD	3.5m TO MAIN WALL	3.5m TO MAIN WALL W/ 1.5m COVERED PORCH ENCROACHMENT
FRONT YARD TO GARAGE	6.0 m	6.0 m
SIDE YARD - REAR YARD	1.5 METRES FOR A WESTERLY SIDE YARD	AS PER CONCEPT PLAN
RM3-284	5M FOR AN EASTERLY SIDE YARD FROM THE SIDE FAÇADE OF A TOWNHOUSE; 7.5M FOR AN EASTERLY SIDE YARD FROM THE REAR FAÇADE OF A TOWNHOUSE; 6M FOR A REAR YARD	
INTERIOR SIDE YARD	3.5m FOR A NORTHERLY BLOCK BOUNDARY TO THE FRONT OF A TOWNHOUSE DWELLING; 4.5m FROM THE WESTERLY BLOCK BOUNDARY TO THE SIDE FAÇADE OF A TOWNHOUSE DWELLING; 3m FROM THE SOUTHERLY BLOCK BOUNDARY TO THE SIDE FAÇADE OF A TOWNHOUSE DWELLING	AS PER CONCEPT PLAN
MINIMUM BUILDING SEP.	2.4m BETWEEN TWO EXT. WALLS	3.0m BETWEEN TWO EXT. WALLS
GARAGE MUST BE 0.30 ABOVE CENTERLINE OF STREET	0.30m	
GARAGE PARKING SPACE	MIN. SIZE 3m x 6m	MIN. SIZE 3m x 6m
DRIVEWAY SURFACE PARKING	MIN. SIZE 2.6m x 5.5m	MIN. SIZE 2.6m x 5.5m
MIN. GROSS FLOOR AREA	88 sqm PER DWELLING UNIT	88 sqm PER DWELLING UNIT
DAYLIGHT TRIANGLE	0m FROM DAYLIGHT TRIANGLE	AS PER CONCEPT PLAN

\*\*\* HEIGHTS ARE SUBJECT TO CHANGE WHEN GRADING IS APPLIED



**KEYMAP**  
**SITE PLAN**  
 SCALE 1:200



DETAILS REGARDING MUNICIPAL SERVICES UNDER ENGINEER REVIEW

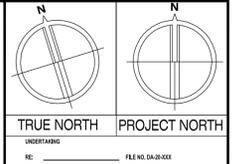
**LEGEND**

- HOUSE SETBACK
- VISIBILITY TRIANGLE
- AIR CONDITIONING
- HYDRO METER
- PORCH SETBACK
- GARAGE SETBACK
- MAIL BOXES
- GAS METER

THE CITY OF HAMILTON  
 PLANS AND DRAWINGS APPROVED PURSUANT TO SECTION 41 OF THE PLANNING ACT.

DATE OF APPROVAL

MANAGER, HERITAGE AND URBAN DESIGN  
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT



**PROJECT NORTH**

UNDERTAKING

RE: FILE NO. DA-22-032

LAND REVEY QUANTITY AND THE OWNERS OF THE LAND AGREE WITHOUT RESERVATION.

(A) TO COMPLY WITH ALL THE CONTENTS OF THIS PLAN AND DRAWINGS APPROVED PURSUANT TO SECTION 41 OF THE PLANNING ACT.

(B) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41 OF THE PLANNING ACT WITHIN THE PERIOD OF APPROVAL AS SET OUT IN THE LETTER OF APPROVAL.

(C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT ALL TIMES TO BE KEPT OPEN AND ACCESSIBLE TO ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41 OF THE PLANNING ACT AND TO MAINTAIN ACCESS TO THE PERIOD OF APPROVAL AS SET OUT IN THE LETTER OF APPROVAL.

(D) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED:

(E) THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS AND FURTHER THAT THE OWNER AGREES TO BE RESPONSIBLE FOR THE COST OF SUCH WORKS IN COMPLIANCE WITH THIS PLAN.

(F) THAT THE OWNER ACKNOWLEDGES AND AGREES TO CONVEY AND ASSIGN AS NECESSARY TO THE CITY OF HAMILTON TO SERVE THE NEW DEVELOPMENT, THE OWNER'S FUTURE ADDRESS AND KNOWLEDGE TO CONVEY SUCH INTERESTS AT ALL COST TO HELL CANADA. THE OWNER AGREES THAT SHOULD ANY CONFLICT ARISE BETWEEN EXISTING HELL CANADA FACILITIES WHERE A CURRENT AND VALID ADDRESS EXISTS WITHIN THE SUBJECT AREA, THE OWNER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY FACILITIES AND ADDRESS AS NECESSARY TO CONVEY SUCH INTERESTS TO THE CITY OF HAMILTON.

(G) THAT THE OWNER AGREES TO SUPPLY THE MUNICIPAL ADDRESS AND UNIT NUMBER IN ACCORDANCE WITH THE REQUIREMENTS OF THE SENIOR DIRECTOR OF GEOMATIC MANAGEMENT.

(H) THAT THE OWNER APPLICANT AGREES TO PLACE TO EACH ADDRESS UNIT NUMBER AND ADDRESS AS NECESSARY TO THE RELOCATION OF THE ADDRESS AND UNIT NUMBER IN ACCORDANCE WITH THE REQUIREMENTS OF THE SENIOR DIRECTOR OF GEOMATIC MANAGEMENT.

(I) THAT THE OWNER SHALL COMPLY TO THE SATISFACTION OF THE SENIOR DIRECTOR OF GEOMATIC MANAGEMENT OF THE CITY OF HAMILTON AND CANADA POST:

(J) INCLUDE ON ALL OFFERS OF PURCHASE AND SALE, A STATEMENT THAT AGREES THE PROSPECTIVE PURCHASER:

(K) THAT THE HOME MAIL DELIVERY WILL BE PROVIDED BY CANADA POST TO THE PROPERTY ADDRESS AS SET OUT IN THE DEVELOPMENT APPROVAL AND BE RESPONSIBLE FOR OFFICIALLY NOTIFYING THE SENIOR DIRECTOR OF THE EXACT CENTRALIZED MAIL BOX LOCATION PRIOR TO THE COMMENCEMENT OF ANY HOME MAIL.

(L) THE OWNER FURTHER AGREES TO:

(M) NOTIFY CANADA POST TO OBTAIN AND PROVIDE TEMPORARY SUFFICIENT CENTRALIZED MAIL BOXES TO BE USED BY THE DEVELOPER AND HOME MAIL DELIVERY SERVICE PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE COST OF SUCH MAIL BOXES AND SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY MAIL BOXES AS NECESSARY TO CONVEY SUCH INTERESTS TO THE CITY OF HAMILTON.

(N) PROVIDE A CONCRETE PAD IN ACCORDANCE WITH THE REQUIREMENTS OF CANADA POST TO FACILITATE THE PLACEMENT OF COMMUNITY MAIL BOXES.

(O) IDENTIFY THE ADDRESS ABOVE ON THE ENGINEERING DRAWINGS AND HAVE THEM TO BE FORWARDED AT THE TIME OF THE SUBMITTAL AND/OR CITY DISCUSSION.

(P) PROVIDE THE LOCATION OF ALL CENTRALIZED MAIL RECEIVING FACILITIES IN CO-OPERATION WITH CANADA POST TO FACILITATE THE RELOCATION OF ANY MAIL BOXES AS NECESSARY TO CONVEY SUCH INTERESTS TO THE CITY OF HAMILTON.

(Q) MAPS ARE ALSO TO BE PROMPTLY DEVELOPED AND PROVIDED TO CANADA POST TO FACILITATE THE PLACEMENT OF COMMUNITY MAIL BOXES.

(R) CANADA POST MAIL DELIVERY POLICY, WHICH REQUIRES THAT THE DEVELOPER PROVIDE THE CENTRALIZED MAIL FACILITY LOCK BOX ASSEMBLY AT THEIR OWN EXPENSE. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY MAIL BOXES AS NECESSARY TO CONVEY SUCH INTERESTS TO THE CITY OF HAMILTON.

(S) THE DEVELOPER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY MAIL BOXES AS NECESSARY TO CONVEY SUCH INTERESTS TO THE CITY OF HAMILTON.

(T) PROVIDE A PRIVATE WASTE REMOVAL SERVICE HAVE BEEN INDICATED. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY MAIL BOXES AS NECESSARY TO CONVEY SUCH INTERESTS TO THE CITY OF HAMILTON.

(U) PROVIDE A PRIVATE WASTE REMOVAL SERVICE HAVE BEEN INDICATED. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY MAIL BOXES AS NECESSARY TO CONVEY SUCH INTERESTS TO THE CITY OF HAMILTON.

(V) PROVIDE A PRIVATE WASTE REMOVAL SERVICE HAVE BEEN INDICATED. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY MAIL BOXES AS NECESSARY TO CONVEY SUCH INTERESTS TO THE CITY OF HAMILTON.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

WITNESSES SIGNATURES:

WITNESS (PRINT):

OWNER(S) SIGNATURE(S):

OWNER(S) (PRINT):

ADDRESS OF WITNESS:

ISSUED FOR FINAL APPROVAL: SSR 2023.03.13

ISSUED FOR REVIEW: SSR 2023.03.13

**STAMP**

I hereby certify that this plan/report was prepared by or under the supervision of a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute (O.P.P.I.) Act, 1990.

Michael C. Hartney  
 Registered Professional Planner

DATE: August 8, 2023

**HUNT HUNTS ASSOCIATES INC.**  
 DESIGN ASSOCIATES INC.  
 8006 Woodbine Ave., Markham, ON L3R 0P7  
 T 905.737.5133 F 905.737.7326 email: hoi@huntsos.ca

SITE PLAN - 474 PROVIDENT WAY  
 MOUNT HOPE, HAMILTON, ON.

**219017 - CACHET HOMES**  
 MOUNT HOPE, HAMILTON, ON.

SSR 1200  
 219017SP01-SCH-EM-C

FILE #: DA-22-032

# APPENDIX - A

PLAN 62M-1275

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (62) AT 10:14 O'CLOCK ON THE 31 DAY OF August 2021 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER 17400-1035(LT)

### APPROVAL CERTIFICATE

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, c.P. 13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-323.

THIS 3<sup>rd</sup> DAY OF August, 2021

*[Signature]*  
FOR GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT  
CITY OF HAMILTON

AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. WE1542167

*[Signature]*  
REPRESENTATIVE FOR LAND REGISTRAR

THIS PLAN COMPRISES ALL OF PIN 17400-1035(LT)

PART OF LOTS 2 TO 21, INCLUSIVE, ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT HL253780

PLAN OF SUBDIVISION  
OF PART OF  
LOT 4  
CONCESSION 5  
GEOGRAPHIC  
TOWNSHIP OF GLANFORD  
IN THE  
CITY OF HAMILTON

SCALE 1: 1000 METRIC

S.D. McLAREN, O.L.S. - 2021

LOT/BLOCK	RADIUS	ARC	CHORD	BEARING	
C1	1	21.000	5.571	5.555	N09°40'20"E
C2	2	21.000	9.131	9.059	N10°23'00"W
C3	3	21.000	9.184	9.111	N35°22'05"W
C4	4	21.000	2.673	2.671	N51°32'35"W
C5	5	21.000	3.945	3.939	N60°35'15"W
C6	6	21.000	8.234	8.182	N77°57'05"E
C7	7	21.000	9.059	8.989	N84°21'35"E
C8	8	21.000	9.078	9.038	N29°37'00"E
C9	9	21.000	0.026	0.026	N171°15'0"E
C10	10	21.000	7.920	7.873	N06°21'30"E
C11	11	21.000	11.101	10.972	N19°35'25"W
C12	BLOCK 269	21.000	9.665	9.580	N47°55'10"W
C13	BLOCK 268	21.000	3.864	3.858	N66°22'35"W
C14	12	21.000	0.593	0.593	N72°27'00"W
C15	13	81.000	11.936	11.925	N69°02'35"W
C16	14	81.000	13.593	13.577	N60°00'50"W
C17	15	100.000	7.793	7.791	N34°29'10"E
C18	16	99.000	11.514	11.507	N69°56'00"W
C19	17	99.000	10.267	10.262	N63°37'50"W
C20	18	99.000	8.857	8.854	N58°05'50"W
C21	19	99.000	0.565	0.565	N55°22'10"E
C22	20	21.000	0.769	0.769	N181°19'20"E
C23	21	21.000	6.653	6.626	N82°26'50"W
C24	22	21.000	11.999	11.836	N53°53'35"E
C25	23	80.000	7.131	7.129	N34°09'55"E
C26	24	80.000	19.846	19.796	N24°30'15"E
C27	25	80.000	0.174	0.174	N172°00'0"E
C28	26	21.000	4.658	4.649	N79°45'55"W
C29	BLOCK 268	21.000	12.463	12.281	N77°33'40"E
C30	BLOCK 262	21.000	14.866	14.558	N40°16'45"E
C31	26	21.000	1.000	1.000	N18°38'10"E

**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CGRS) (2010)

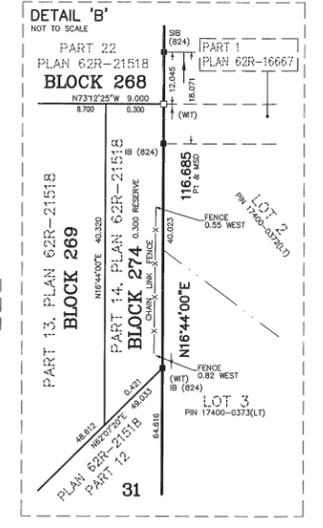
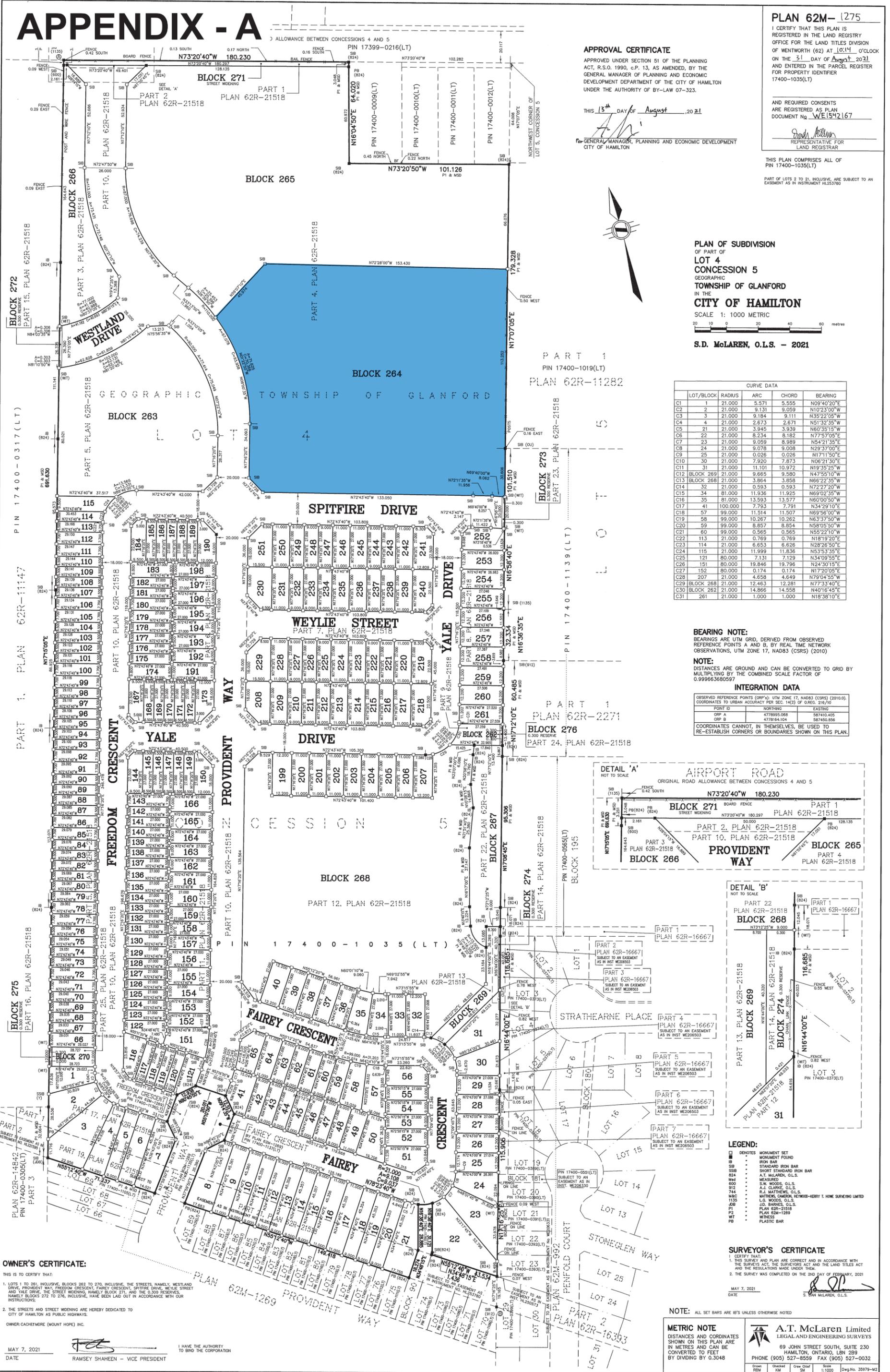
**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999963680597

### INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP'S) UTM ZONE 17, NAD83 (CGRS) (2010), COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF OREG. 216/10

ORP A	NORTHING	EASTING
ORP B	4778995.068	587410.405
ORP C	4778164.104	587450.856

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.



- LEGEND:**
- MONUMENT SET
  - MONUMENT FOUND
  - IRON BAR
  - ▬ STANDARD IRON BAR
  - ▬ SHORT STANDARD IRON BAR
  - ▬ A.T. McLAREN, O.L.S.
  - MEASURED
  - S.W. WOODS, O.L.S.
  - A.J. CLARKE, O.L.S.
  - R.J. MATTHEWS, O.L.S.
  - MATTHEWS, CAMERON, HENWOOD-HERRY T. HOME SURVEYING LIMITED
  - 1:35
  - J.D. BARNES, O.L.S.
  - PLAN 62M-1269
  - PLAN 62M-1269
  - WITNESS
  - PLASTIC BAR

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE UNDER THEM  
2. THE SURVEY WAS COMPLETED ON THE 2ND DAY OF FEBRUARY, 2021

MAY 7, 2021  
DATE

*[Signature]*  
S. D. McLAREN, O.L.S.

**NOTE:** ALL SET BARS ARE I.B.'S UNLESS OTHERWISE NOTED

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

**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn: RMB Checked: JAM Crew Chief: SM Scale: 1:1000 Dwg No.: 35979-02

**OWNER'S CERTIFICATE:**

THIS IS TO CERTIFY THAT:

- LOTS 1 TO 261, INCLUSIVE, BLOCKS 262 TO 270, INCLUSIVE, THE STREETS, NAMELY, WESTLAND DRIVE, PROVIDENT WAY, FREEDOM CRESCENT, FAIREY CRESCENT, SPITFIRE DRIVE, WEYLIE STREET AND YALE DRIVE, THE STREET MOWING NAMELY BLOCK 271, AND THE 0.300 RESERVE, NAMELY BLOCKS 272 TO 276, INCLUSIVE, HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUMENTS.
- THE STREETS AND STREET MOWING ARE HEREBY DEDICATED TO CITY OF HAMILTON AS PUBLIC HIGHWAYS.

OWNER: CACHEMORE (MOUNT HOPE) INC.

MAY 7, 2021  
DATE

*[Signature]*  
RAMSEY SHAHEEN - VICE PRESIDENT

I HAVE THE AUTHORITY TO BIND THE CORPORATION

## PLANNING JUSTIFICATION LETTER MOUNT HOPE – BLOCK 264 MINOR VARIANCE APPLICATION

**Date:** October 13, 2023

**To:** **Secretary-Treasurer**  
Committee of Adjustment  
Planning and Economic Development Department, City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON, L8P 4Y5

**Re: Planning Justification Letter – Mount Hope Block 264 Variance Application**

Dear Committee,

This Planning Justification Letter is for the Mount Hope Community in the City of Hamilton and is in support of a Minor Variance Application for Block 264, Plan 62M-1275 in the approved Draft Plan of Subdivision (File No. 25T-200723). The letter provides an introduction to the subject lands, a description of the overall subdivision and the proposed site plan (File No. DA-22-032), a review of the requested minor variances, and an analysis of the four main criteria for evaluating a minor variance.

### 1.0 INTRODUCTION

The Mount Hope Community is bound by Airport Road West to the north, an existing subdivision to the east, White Church Road West to the south and agricultural lands to the west, which have been identified as being within the Airport Employment Growth District Secondary Plan area. Highway 6 intersects the subject lands and separates the lands into two parts. The majority of the lands are within the Mount Hope Secondary Plan area.

The Mount Hope Community will be a complete community, providing a balance of services and facilities to meet the needs of people at all stages of life. The community will consist of a predominately residential character with a proposed commercial development to the north, adjacent to Airport Road West, and a Neighbourhood Park central within the community. The lands located to the west of Highway 6 are proposed to be used as a storage pond that will accommodate stormwater resulting from major events. The proposed Mount Hope Community is integrated with the existing Mount Hope neighbourhood to the east by connecting with Provident Way and Rosebury Way.

Housing typologies within the overall subdivision development include single-detached homes, traditional townhouses, and rear lane townhouses. The medium density built form consists of townhouses and is strategically located at the northern extent of the site in proximity to Airport Road West, the district commercial area to the north, and potential future transit routes.

This Planning Justification Letter and the proposed Minor Variance Application includes a request to amend the existing Zoning By-Law exceptions RM3-284(B) and associated RM3-284(A) with additional language to permit the OLT settlement Site Plan (File No. DA-22-032) for the Medium Density Block 264 to be implemented. The development block of 106 townhouse units is located directly east of the

Provident Way and north of Spitfire Drive, has a total area of 2.39 hectares (5.91 acres), and is identified on the Registered Plan of Subdivision 62M-1275 (Appendix A). The applicant worked with city staff to revise the site plan which was ultimately presented and agreed to at the OLT Settlement hearing on August 11, 2023.

## 2.0 MINOR VARIANCE REVIEW

### 2.1 Requested Variances

The requested minor variances as part of this application included amendments to:

- Zoning By-Law No. 464, Section 44, RM3-284(B) – Add the following language:
  - So as to permit the development for Street or Block Townhouses containing a total of 106 units fronting either a condominium road, Spitfire Drive, or Provident Way notwithstanding that; For the purpose of the regulations contained in Section 11.12 of the Glanbrook Zoning By-law No 464, the boundary of Block 264 according to registered Plan 62M-1275 shall be deemed to be the lot line for this purpose and the regulations of the RM3-284(B) Zone, Section 44 including by not limited to the lot area, lot frontage, lot depth, lot coverage, parking and building setbacks, shall apply and be from the boundaries of Block 264 according to Registered plan 62M-1275 and not the individual property boundaries of the dwelling units created by registration of a condominium plan or created by Part Lot control.
- Zoning By-Law No. 464, Section 44, RM3-284(A) – amend the south boundary setback language to include the front façade of a townhouse dwelling. Proposed language:
  - 3.0 metres from the southerly block boundary to the side *or front* façade of a townhouse dwelling
- Zoning By-Law No. 464, Section 44, RM3-284(A) – amend the north boundary setback to include the side façade and rear façade of a townhouse dwelling. Proposed language:
  - 3.5 metres from the northerly block boundary to the front *or side* façade of a townhouse dwelling, and 6.0m to the rear façade of a townhouse dwelling.

Zoning By-Law exceptions RM3-284(A) and RM3-284(B) were initially prepared at the time of Draft Plan approval in 2017. Block 264 was initially intended be a school block and was dual zoned in order to permit a medium density condominium site plan should the school board determine they did not want to pursue it. On December 12, 2022, Hamilton-Wentworth Catholic District School Board sent notice to the City of Hamilton that it would not pursue the acquisition of Block 264. It has been determined that based on current market conditions a common element condominium development would best suit the needs of future purchasers and ensure better attainability by not placing additional financial obligations that a full condominium would to future residents.

The common element site plan has been submitted, reviewed, and refined multiple times in consultation with staff and most recently was subject of an OLT settlement hearing (Case No: OLT-22-004589) on August 11, 2023. The settlement Site Plan has been included as Appendix B to this letter.

Through a subsequent zoning compliance review, it was determined that common element condominiums would automatically be reviewed under the RM2 Zone based on Section 11.12 of the Glanbrook Zoning By-Law No. 464 instead of the in-effect site specific zoning RM3-284(B). The evaluation

under RM2 creates a large number of non-compliances as the site plan had been designed on the basis of current site specific exception RM3-284(B). It was recommended by Staff to seek a minor variance with specific language that defines that the exterior boundaries of the development block to be the lot lines in which the RM3-284(B) and subsequent connected Zoning By-Laws would be reviewed against. Based on this boundary methodology proposed by staff, the location of front, side, and rear yards will be fixed to the block boundaries and not individual units and their internal orientation. Staff have advised that the west block boundary (Provident Way) will be considered the front yard and therefore the south and north block boundaries considered the side yards, and east block boundary considered the rear yard.

Based on this boundary methodology, two additional minor amendments are requested to implement the settlement Site Plan. The setback to townhouses fronting the south boundary (Spitfire Drive) are facing the block's side yard and therefore requires an amendment to the existing south boundary setback language to include "front façade" of a townhouse building. No amendment to this metric is proposed. Similarly, the townhouse units backing or flanking onto the north boundary, which is the blocks side yard, therefore requires an amendment to the existing north boundary setback to include language that includes the side façade of a townhouse and maintains the same rear yard setback of 6.0m as per the remainder of the settlement Site Plan.

## 2.2 Is the variance minor?

The following list describes why the proposed minor variances to the existing Zoning By-Law exceptions as described in section 2.1 of this letter are minor:

- The applicant worked with city staff to revise the site plan. The resulting settlement was formally agreed to at the OLT hearing on – August 11, 2023 (Case No: OLT-22-004589)
- The minor variances will allow for the implementation of the settlement Site Plan.
- The minor variances will not impact the interface to the surrounding community negatively and seeks to ensure positive streetscapes are achieved.
- The settlement site plan has been reviewed by staff as well as through a zoning compliance review which determined that additional clarifying language would be required in order to ensure a further review at the building implementation stage would be able to indicate compliance.

## 2.3 Is the variance desirable for the appropriate development or use of the land, building or structure?

The requested minor variances are desirable and appropriate and will not have an adverse impact on the existing or future homes within the community.

- The minor variances will allow the identified development block to be constructed in a fashion that will be consistent with the settlement Site Plan and surrounding development.
- The minor variances support the attainability of housing without changing the built form by reducing financial obligations of future purchasers.
- The minor variance supports an appropriate building to street interface by providing a high level of compatibility to the built form on opposite sides of the public streets.
- The minor variance does not adversely impact existing / future homes within the neighbourhood.

- The minor variances will accommodate the approved architectural floor plans and resolve conditions where rear yards become inaccessible from the rear deck, therefore making the minor variances desirable for future homeowners.

## 2.4 Does the proposal maintain the general intent and purpose of the Zoning By-law?

The requested minor variances maintain the general intent and purpose of the Zoning By-law while also fully complying with all other regulations.

- The settlement Site Plan was designed based on the requirements of the in-effect zoning regulation for the site (RM3-284(B)).
- The proposed minor variances are intended to provide clarifying language that allows for a common element site plan to be evaluated based on the originally intended RM3-284(B) zone, and not the RM2 zone.
- The settlement Site Plan continues to meet or exceed the regulations for all other zoning requirements that have not been requested to be amended through this minor variance application.

## 2.5 Does the proposal maintain the general intent and purpose of the Official Plan?

The requested minor variances maintain the general intent and purpose of the Official Plan and do not adversely impact the proposal's ability to provide positive and desirable streetscapes.

- Official Plan Chapter B, Policy 2.4.2.2.e speaks to the relationship of proposed buildings with existing lot patterns and configurations being considered in residential applications.
  - The proposed minor variances support the Official Plan policy by ensuring that the built form provides a positive interface and building orientation by providing direct frontages on the surrounding public streets which reflect the same characteristics of the existing or proposed surrounding built form.
- Official Plan Chapter B, Policy 3.2.1 includes a list of goals for housing in the urban area. These goals range from providing a range of housing types, forms, and tenure, creating complete communities, and affordability.
  - The proposed minor variances support the Official Plan policy by contributing to the range of housing types with different tenures. The settlement Site Plan is a common element condominium with freehold lots. There balance of the Mount Hope community includes fully freehold residential lots, as well as a full condominium medium density residential block.
- Official Plan Chapter B, Policy 3.2.4.1 speaks to planning for an appropriate range and mix of housing forms, types, and densities to meet market-based and affordable housing needs of current and future residents through options which include new development.
  - The proposed minor variances support this Official Plan policy by responding to market-based needs in the development of a common element condominium residential development.

### 3.0 ANALYSIS AND CONCLUSION

The Mount Hope Community promotes efficient development and the creation of a compact and complete community. Minor variances are requested to provide clarifying language in order to ensure alignment with the settlement Site Plan Block 264 and that the in-effect RM3-284(B) zoning regulation is referred to when evaluating the building permits at the implementation stage.

- Add language that permits a common element condominium with the block boundaries identified as the property lines in which zoning metrics will be evaluated against.
- Add language to the south boundary setback to include the front façade of a townhouse dwelling.
- Add language to the north boundary setback to include the side façade of a townhouse dwelling at the already listed 3.5m and a rear façade of a townhouse dwelling at with the same 6.0 metre rear yard setback established for the remainder of the townhouses.

The requested minor variances do not alter the community vision but enable the original intent of the approved built form and any public exposure viewpoints or private internal interfaces associated with them. It also works to ensure that the proposed development aligns with the intent, policies, and regulations outlined throughout provincial and municipal planning legislation. The proposal is considered to be compatible with and complementary to the planned development in the immediate area. Based on this, it is our professional opinion, that the requested minor variances constitute good planning, and in addition, meets the four main criteria for the evaluation of a minor variance application.

Regards,



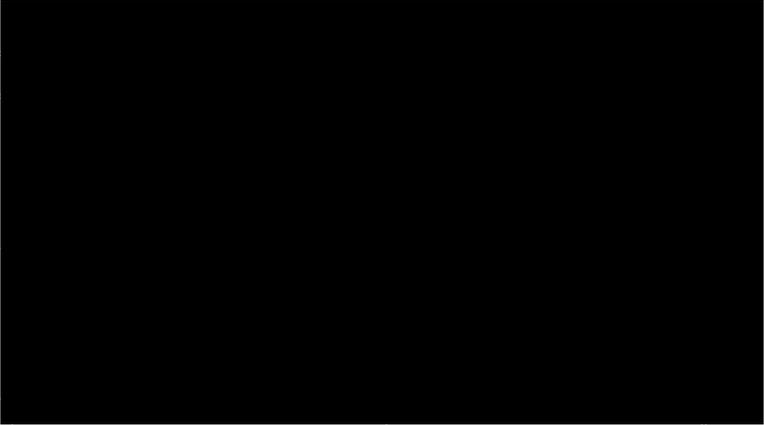
**Michael C. Hannay** MCIP RPP | Principal, MBTW|WAI



Hamilton

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

**1. APPLICANT INFORMATION**

	NAME	
<b>Registered Owners(s)</b>	Cachet MDRE (Mount Hope) Inc.	
<b>Applicant(s)</b>		
<b>Agent or Solicitor</b>		
		<b>E-mail:</b>

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*

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	474 Provident Way		
Assessment Roll Number	N/A		
Former Municipality	Mount Hope		
Lot		Concession	
Registered Plan Number	62M-1275	Lot(s)	Block 264
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

### 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

**Please see attached justification 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 see attached justification letter.**

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

Yes  No

If yes, please provide an explanation:

**Please see attached justification letter.**

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

4.1 Dimensions of Subject Lands: **Please see attached justification letter and appendix containing fully dimensioned Site Plan**

Lot Frontage	Lot Depth	Lot Area	Width of Street

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

Existing:

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

Proposed:

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

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

Existing:

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

Proposed:

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

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

- lake or other water body  
 other means (specify)

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

- ditches  
 other means (specify)

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

publicly owned and operated sanitary sewage

system privately owned and operated individual

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

4.7 Type of access: (check appropriate box)

provincial highway

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.):

106 common element townhouse units.

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

residential

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

January 2019

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

Vacant

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

Vacant

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

10+ 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) Neighbourhoods

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

**Please see attached justification letter.**

7.6 What is the existing zoning of the subject land? RM3-284b in Glanbrook Zoning By-law 464 with Amending By-law 18-014

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

Yes

No

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

---

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

Yes  No

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

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

Yes  No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 106

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

Please see attached justification letter

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

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

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

<b>APPLICATION NO.:</b>	<b>SC/B-23:72</b>	<b>SUBJECT PROPERTY:</b>	13 KILBOURN AVENUE, STONE CREEK
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**APPLICANTS:**      **Owner:** HILLWOOD HOMES C/O PETER ELIA  
                               **Agent:** A.J. CLARKE & ASSOCIATES C/O STEPHEN FRASER

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

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	13.72 m <sup>±</sup>	38.57 m <sup>±</sup>	529.2 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	13.71 m <sup>±</sup>	38.57 m <sup>±</sup>	528.7 m <sup>2</sup> ±

Associated Planning Act File(s): SC/A-23:279

**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, November 16, 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>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

**SC/B-23:72**

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

**PUBLIC INPUT**

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

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

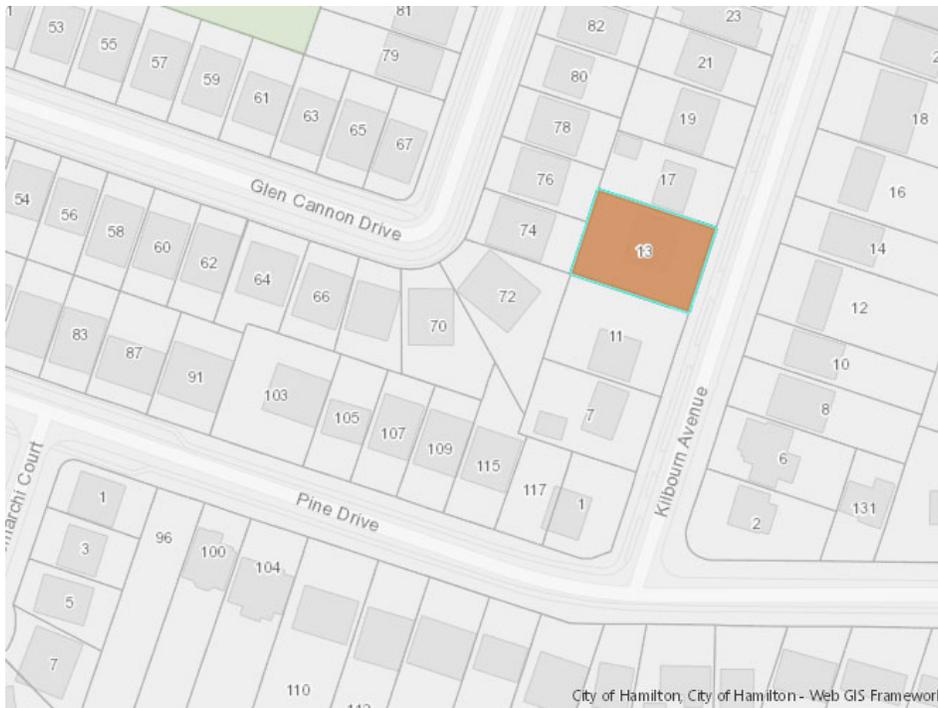
**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-23:72, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

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

SC/B-23:72



DATED: October 31, 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/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions During the Virtual Meeting

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

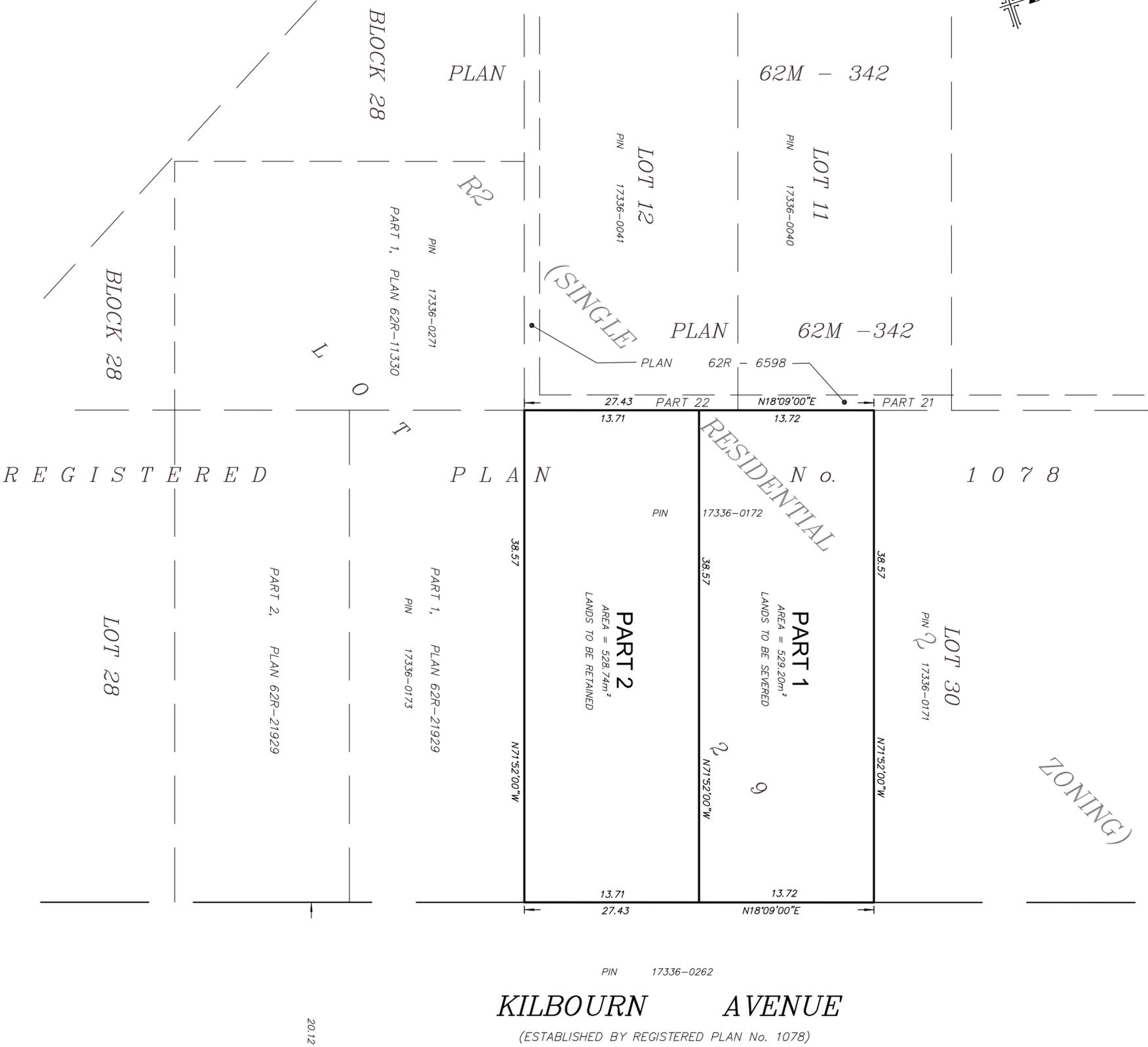
To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish 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.

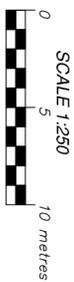
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PROJECT No. 238149P

**KEY PLAN**  
N.T.S.

SKETCH FOR CONSENT TO SEVER  
**13 KILBOURN AVENUE**  
 CITY OF HAMILTON  
 (STONE CREEK)



THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS: PART OF LOT 29,  
 REGISTERED PLAN 1078, CITY OF HAMILTON.

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

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

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

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

**CONSENT SCHEDULE:**  
 PART 1 (LANDS TO BE SEVERED) AREA=529.20m<sup>2</sup>  
 PART 2 (LANDS TO BE REMAINED) AREA=528.74m<sup>2</sup>

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

DATE: SEPT. 29, 2023  
 SURVEYOR: NICHOLAS P. MUTH  
 ONTARIO LAND SURVEYOR

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



*A. J. Clarke and Associates Ltd.*  
SURVEYORS • PLANNERS • ENGINEERS

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

October 17, 2023

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

**Re: 13 Kilbourn Avenue, Stoney Creek – Severance Application Submission**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by the owner of 13 Kilbourn Avenue for the purposes of submitting the enclosed Severance Application. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Severance Application Form;
- One (1) cheque in the amount of \$3,220.00 representing the required application fee;
- One (1) electronic copy of the Severance Sketch.

The subject land is designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan, “Low Density Residential 2b” on Map B.7.1-1 of the Western Development Secondary Plan and is zoned “R2 – Single Residential – Two” Zone in the former City of Stoney Creek Zoning By-law 3692-92. The subject lands are currently occupied by a single detached dwelling intended to be demolished. The proposed development will be to sever the parcel of land in accordance with the concurrently submitted sketch and to construct a new dwelling on each lot.

With respect to the relevant questions within section 7 of the application form, the following is provided:

*“Is this application consistent with the Policy Statements issued under subsection “2” of the Planning Act?”*

The proposed development has sufficient regard for the matters of provincial interest outlined in subsection 2 of the Planning Act.

*“Is this application consistent with the Provincial Policy Statement (PPS)?”*

This property is appropriate for future development as it is within a settlement area as defined in the PPS, and settlement areas shall be the focus of growth. The subject lands are also within the built-up area and the proposed consent application will facilitate compatible residential intensification through infill development on full municipal water and wastewater services, and with frontage on a municipal road. As such, this application is consistent with the PPS (2020).



*“Does this application conform to the Growth Plan for the Greater Golden Horseshoe?”*

The Growth Plan (2019) stresses the importance of optimizing the existing supply of land already within the built-up area for urban development (intensification) within the Greater Golden Horseshoe to avoid over-designating new land for future urban development. The proposal conforms to the Growth Plan as it will encourage residential intensification through infill development and will optimize the use of existing infrastructure to support growth in a compact, compatible, and efficient form.

A Minor Variance will be required as a condition of severance approval (if granted) to permit a reduction to the minimum frontage requirement as per the R2 Zone in Zoning By-law 3692-92. To facilitate that application process, the Minor Variance has been submitted concurrently.

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,

A handwritten signature in blue ink, appearing to read 'Stephen Fraser'.

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

Copy via email: Hillwood Homes Inc.  
c/o Mr. Peter Elia and Ms. Lucy Santoro



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

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

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

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

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
Purchaser*			Phone: E-mail:
Registered Owners(s)	Hillwood Homes Inc. (c/o Pe		
Applicant(s)**	Same as owner		
Agent or Solicitor	A. J. Clarke and Associates		

\*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	13 Kilbourn Avenue, Stoney Creek		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	1078	Lot(s)	pt of lot 29
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:

Unknown at this time.

### 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:	Part 2	Part 1			
Type of Transfer	N/A				
Frontage	+/-13.71	+/-13.72m			
Depth	38.57m	38.57m			
Area	+/-528.7sq.m	+/-529.2sq.m			
Existing Use	residential	residential			
Proposed Use	residential	residential			
Existing Buildings/ Structures	single detached dwelling	single detached dwelling <input checked="" type="checkbox"/>			
Proposed Buildings/ Structures	single detached dwelling	single detached dwelling <input checked="" type="checkbox"/>			
Buildings/ Structures to be Removed	existing single detached dwelling	existing single detached dwelling <input checked="" type="checkbox"/>			

\* Additional fees apply.

#### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

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

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

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

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

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

- electricity     
  telephone     
  school bussing     
  garbage collection

### 5 CURRENT LAND USE

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

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

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

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods - Schedule E-1

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

Please refer to the concurrently submitted cover letter.

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

Yes  No  Unknown

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

5.3 What is the existing zoning of the subject land? Single Residential "R2" Zone

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.

Minor variance application submitted concurrently.

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?

Since September 29, 2023

---

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

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

Applicant owns the abutting lands at 9 & 11 Kilbourn Ave., and is currently constructing homes for sale.

---

## 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 the concurrently submitted cover letter.

---

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

Yes       No      (Provide explanation)

Please refer to the concurrently submitted cover letter.

---

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

Yes       No      (Provide explanation)

Please refer to the concurrently submitted cover 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)

Please refer to the concurrently submitted cover letter.

## 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>SC/A-23:279</b>	<b>SUBJECT PROPERTY:</b>	13 KILBOURN AVENUE, STONE CREEK
<b>ZONE:</b>	"R2" (Single Residential "R2" Zone)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:**      **Owner:** HILLWOOD HOMES C/O PETER ELIA  
                              **Agent:** A.J. CLARKE & ASSOCIATES C/O STEPHEN FRASER

The following variances are requested:

1. A minimum Lot Frontage of 13.7 metres shall be provided instead of the minimum required Lot Frontage of 15.0 metres.

**PURPOSE & EFFECT:**      To permit the construction of two Single Detached Dwellings on the lots to be severed notwithstanding that:

**Notes:**

- i) This application shall be heard in conjunction with Consent application SC/B-23:72.
- ii) Please note, the above Variance is provided as it pertains to both the lot to be Retained and lot to be Conveyed, referred to as Part Lot 1 and Part Lot 2 of Lot 29, as indicated on the provided Survey Plan R – 4844.
- iii) Be advised, insufficient information has been provided to determine Zoning requirements for the proposed Single Detached Dwelling(s). Should the proposed Single Detached Dwelling(s) not comply with the regulations under Stoney Creek Zoning By-Law 9692-92, 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:

SC/A-23:279

<b>DATE:</b>	<b>Thursday, November 16, 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>

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.

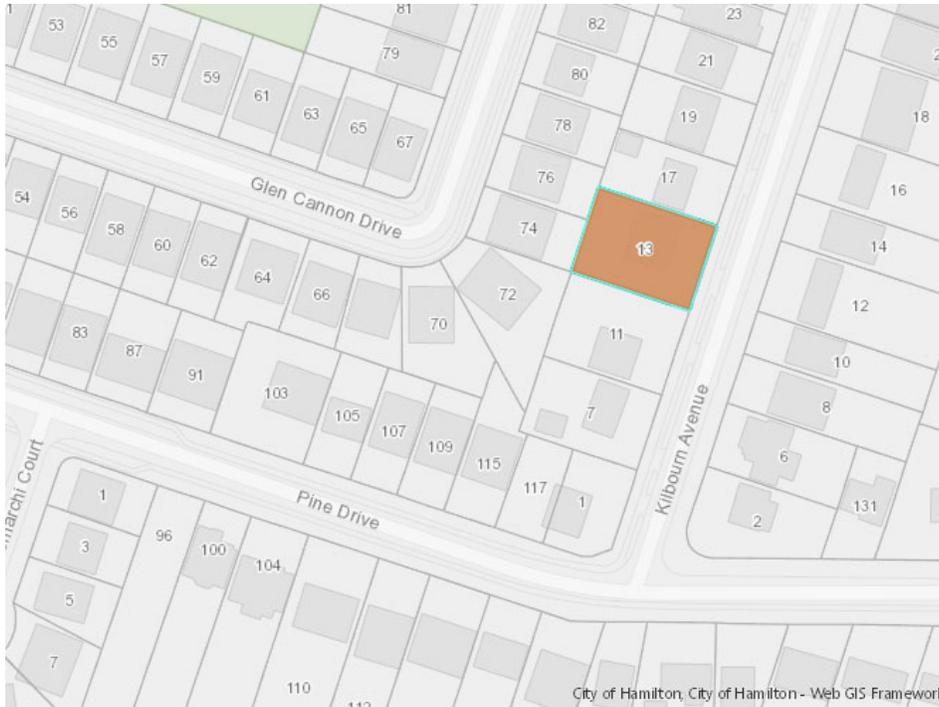
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-23:279, 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-23:279





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.

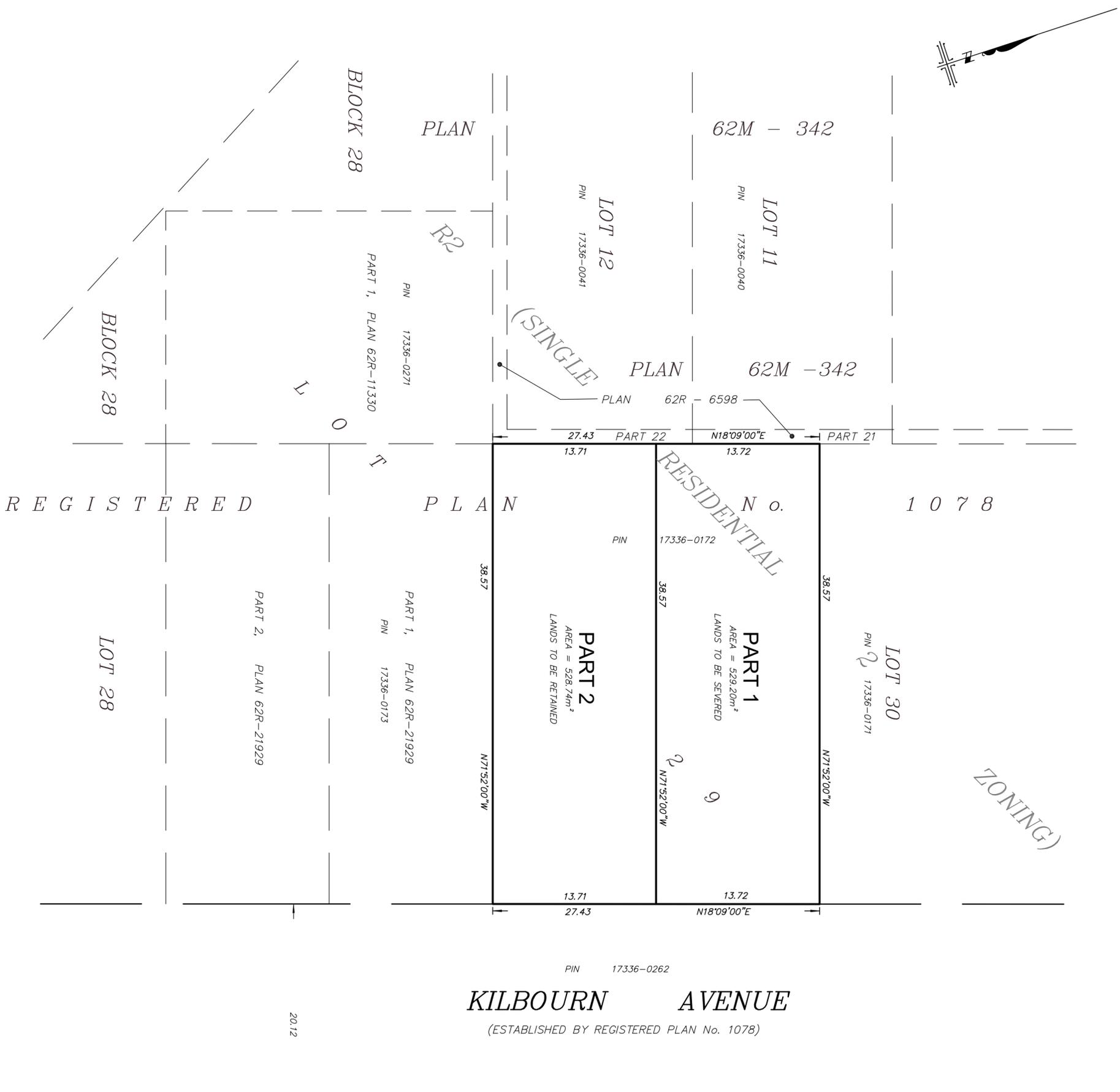
#### 2. In person Oral Submissions

**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.

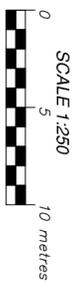
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PROJECT No. 238149P

**KEY PLAN**  
N.T.S.

SKETCH FOR CONSENT TO SEVER  
**13 KILBOURN AVENUE**  
 CITY OF HAMILTON  
 (STONEY CREEK)



THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS: PART OF LOT 29,  
 REGISTERED PLAN 1078, CITY OF HAMILTON.

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

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

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

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

**CONSENT SCHEDULE:**  
 PART 1 (LANDS TO BE SEVERED) AREA=529.20m<sup>2</sup>  
 PART 2 (LANDS TO BE REMAINED) AREA=528.74m<sup>2</sup>

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

DATE: SEPT. 29, 2023  
 NICHOLAS P. MUTH  
 ONTARIO LAND SURVEYOR

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



*A. J. Clarke and Associates Ltd.*  
SURVEYORS • PLANNERS • ENGINEERS

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

October 17, 2023

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

**Re: 13 Kilbourn Avenue, Stoney Creek – Minor Variance Application Submission**

---

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by the owner of 13 Kilbourn Avenue for the purposes of submitting the enclosed Minor Variance Application. Please note, a severance application for the subject property has been submitted concurrently. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Minor Variance Application Form;
- One (1) cheque in the amount of \$3,735.00 representing the required application fee;
- One (1) electronic copy of the sketch submitted for the concurrent severance application.

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,

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

Copy via email: Hillwood Homes Inc.  
c/o Mr. Peter Elia and Ms. Lucy Santoro

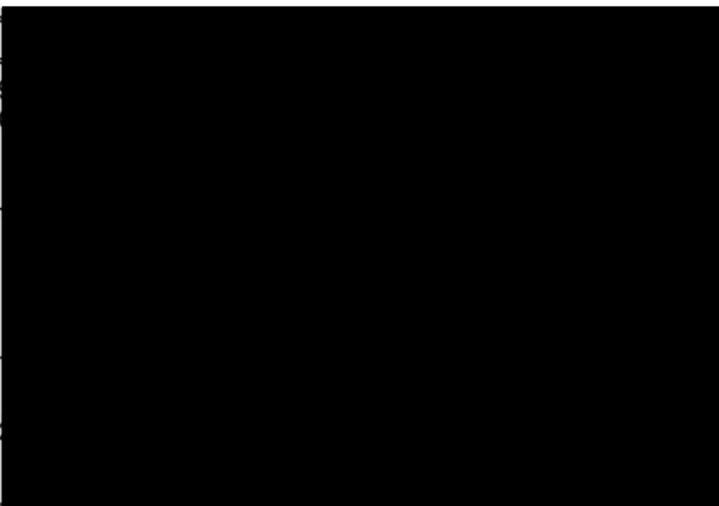
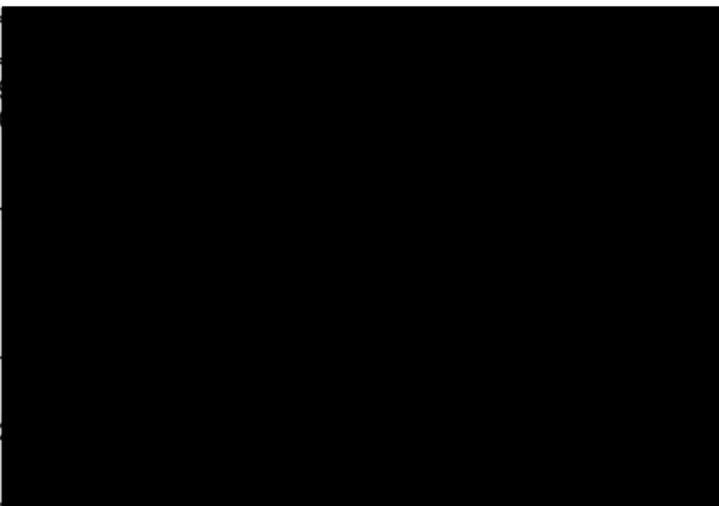
**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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
<b>Registered Owners(s)</b>	Hillwood Homes Inc. (c/o Pe  +
<b>Applicant(s)</b>	Same as owner
<b>Agent or Solicitor</b>	A. J. Clarke and Associates I  +

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	13 Kilbourn Avenue, Stoney Creek		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	1078	Lot(s)	pt of lot 29
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

### 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

To permit a minimum lot frontage of 13.7m; whereas 15m is required for an interior lot in an R2 zone.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Minor variance for lot frontage will facilitate a consent application approval, submitted concurrently.

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

Yes  No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
27.43m (current)	38.57m	+/-1,058sq.m (current)	20.12m

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 single-detached dwelling (to be demolished)				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
1 single-detached dwelling per lot via consent	6m (min)	7.5m (min)	1.25m & 1.0m (min)	

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

Existing:

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

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
see above	unknown	unknown	1-2	11m (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  
 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 per lot created by consent application submitted concurrently.

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:

September 29, 2023

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

Single-detached dwelling

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

Single-detached dwelling

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

Over 30 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.

Please refer to the cover letter submitted concurrently.

7.6 What is the existing zoning of the subject land? Single Residential R2 Zone

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

- Yes  No

If yes, please provide the file number: Single Residential R2 Zone

---

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: Submitted 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

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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

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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** **Consent/Land Severance**

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

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

<b>APPLICATION NO.:</b>	<b>SC/B-23:68</b>	<b>SUBJECT PROPERTY:</b>	276 MILLEN ROAD, STONEY CREEK
-------------------------	-------------------	--------------------------	-------------------------------

**APPLICANTS:**      **Owner:** DEREK EWELUKWA & YVONNE OGOLLA-EWELUKWA

**PURPOSE & EFFECT:**      To sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot and the retained lands will contain the existing dwelling which is intended to remain.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	15.5 m <sup>±</sup>	28.05 m <sup>±</sup>	424 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	15 m <sup>±</sup>	32.5 m <sup>±</sup>	483.5 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): SC/A-23:269

**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, November 16, 2023</b>
<b>TIME:</b>	<b>10:30 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <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)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**SC/B-23:68**

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-23:68, 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/B-23:68



 **Subject Lands**

DATED: October 31, 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.

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

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

### Oral Submissions During the Virtual Meeting

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

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

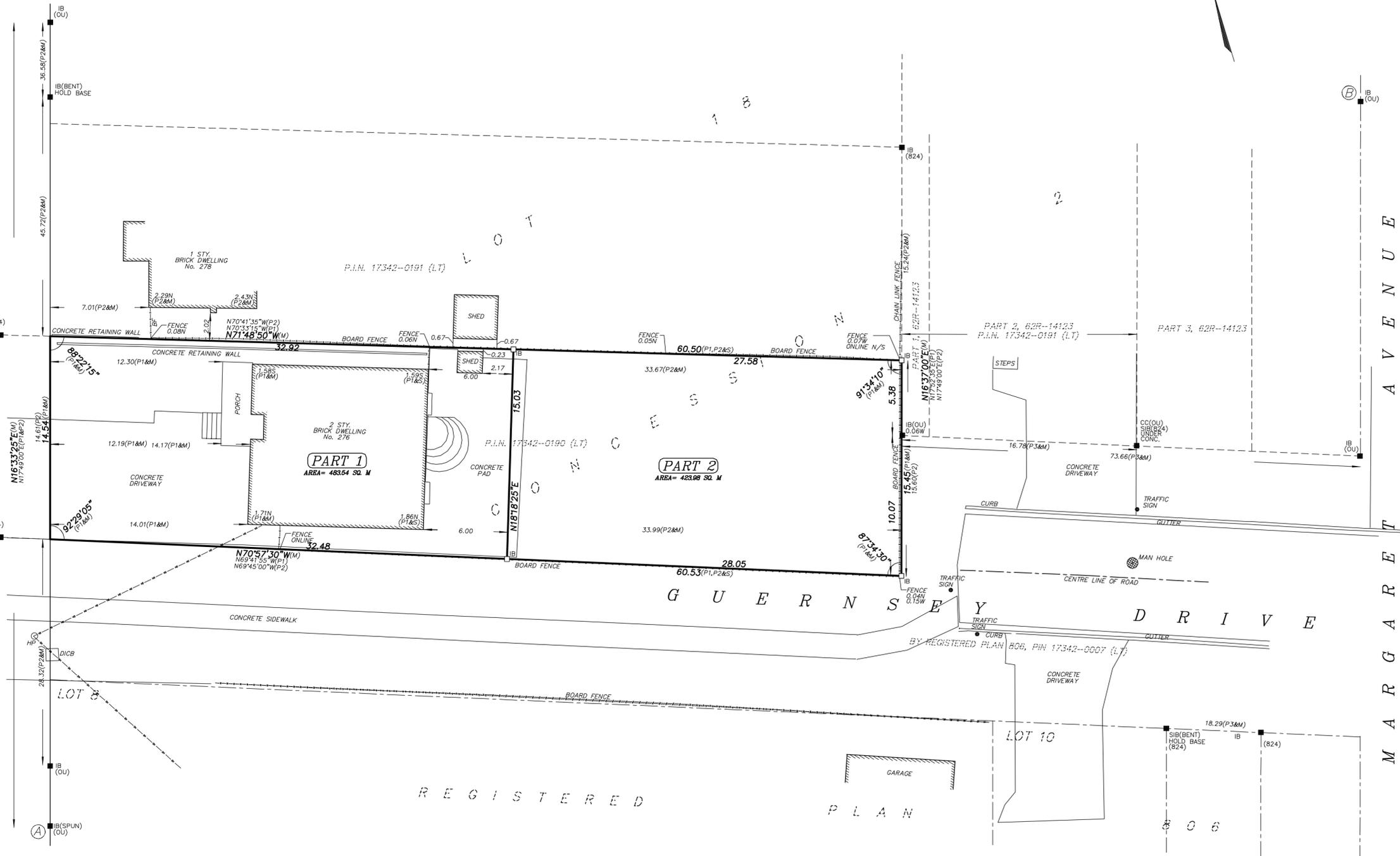
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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.

M I L L E N R O A D

M A R G A R E T A V E N U E

ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 18 & 19, PIN 17342-0000 (LT)



REGISTERED

PLAN

**BEARING NOTE**

COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE POWERNET (RTN) SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD 83 (CSRS) (1997).

COORDINATE VALUES ARE TO A URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
A	4786510.654	603895.902
B	4786642.268	604074.924

COORDINATES CAN NOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

PLAN 62R-  
RECEIVED AND DEPOSITED

DATE: \_\_\_\_\_

THOMAS GONDO

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

**SCHEDULE**

PART	LOT	PLAN/CONCESSION	PIN No.	AREA
1	PART OF LOT 18	CONCESSION 2, SALTFLEET	P.I.N. 17342-0190 (LT)	483.54 sqm
2	PART OF LOT 18	CONCESSION 2, SALTFLEET	P.I.N. 17342-0190 (LT)	423.98 sqm

PART 1 & 2 COMPRISE ALL OF P.I.N. 17342-0190 (LT).

**PLAN OF SURVEY OF  
PART OF LOT 18  
CONCESSION 2 SALTFLEET  
IN THE  
TOWN OF STONEY CREEK  
(REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH)**

SCALE & NOTES

SCALE: 1:200

THOMAS GONDO  
ONTARIO LAND SURVEYOR

**LEGEND**

- DENOTES SUBJECT LANDS BOUNDARY
- DENOTES DEED LINE
- DENOTES LOT LINE
- DENOTES LIMIT OF STREET
- x-x-x- DENOTES FENCE LINE
- SURVEY MONUMENT FOUND
- SURVEY MONUMENT PLANTED
- SIB STANDARD IRON BAR
- IB IRON BAR
- CC CUT CROSS
- (OU) DENOTES ORIGIN UNKNOWN
- (824) DENOTES A.T. McLAREN LIMITED
- N-E-W-S DENOTES NORTH - EAST - WEST - SOUTH
- S DENOTES SET
- M DENOTES MEASURED
- P1 DENOTES PLAN BY S. DAN McLAREN, O.L.S. DATED: DECEMBER 17, 2015
- P2 DENOTES PLAN BY G.V. CONSOLI, O.L.S. DATED: OCTOBER 14, 1988
- P3 DENOTES PLAN 62R-14123
- BF DENOTES BOARD FENCE
- WIT DENOTES WITNESS
- HP DENOTES HYDRO POLE
- DICB DENOTES DITCH INLET CATCH BASIN

**METRIC**

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

TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99971255.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON JULY 12, 2023.

DATE: JULY 14, 2023

THOMAS GONDO  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXX

Lejan land Surveying Inc.

572 Barton Street  
Stoney Creek, ON L8E 5N3  
Phone: 905-662.8969  
Email: info@lejansurveying.ca

DWN BY: KC

CHK BY: TG

JOB No. 23-054



October 2, 2023

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

Dear Ms. Sheffield,

Re: 276 Millen Road Stoney Creek - Consent to Sever and Minor Variance Applications

We, Derek Ewelukwa and Yvonne Ogolla-Ewelukwa, the owners of the municipal property located at 276 Millen Road in Stoney Creek (subject property), is pleased to submit this consent to sever and minor variance applications for the subject property.

The purpose of the proposed severance is to create a new single family residential lot by dividing the subject property into two (2) parts. A new detached single family residential dwelling is proposed to be built on the severed lot. The existing detached single family residential dwelling will remain on the retained lot.

The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan Schedule E-1 - Urban Land Use, and zoned Single Residential (R2) within Stoney Creek By-law No. 3692-92. The subject site is in the established Guernsey Neighbourhood of Stoney Creek, which is characterized by single detached dwellings.

The subject site (see Figure 1) is south of Barton Street, with a frontage of approximately 15 metres along the south-east side of Millen Road and a depth of approximately 60.5m, with the rear of the lot (east end) abutting Guernsey Drive. The subject site is considered an interior lot with an area of approximately 907.5 square metres (0.22 acres or 0.09 hectare). The subject site currently contains an existing two storey single family residential dwelling which is proposed to remain on the retained lot.

The subject site is proposed to be divided approximately along the north-south direction, with the retained lot fronting Millen Road, while the severed lot is proposed to be fronting Guernsey Drive.

Figure 1



As mentioned earlier, the subject site is located in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. Please see Table 1 below that highlights the zoning compliance (or lack of thereof) of the proposed severance.

Table 1 – Severance Compliance Matrix

Single Residential (R2) Zone – Stoney Creek By-law No. 3692-92					
Bylaw Regulation (Section 6.3)		Retained Lot	Severed Lot	Compliance (Yes or No)	Comments
Permitted Use	Single detached dwelling	Single detached dwelling	Single detached dwelling		
Min. Lot Area (Int. Lot)	460m <sup>2</sup>	483.54m <sup>2</sup>	423.98m <sup>2</sup>	No	Minor variance requested
Minimum Lot Frontage (Int. Lot)	15m	15m	15m	Yes	
Min. Front Yard	6m	12m	6m min	Yes	
Min Side Yard (Garage Side)	1m	1.7m	1m min	Yes	
Min. Side Yard (Non-Garage Side)	1.25m	1.5m	1.25m min	Yes	
Min. Rear Yard	7.5m	6.0m	7.5m min	No	Minor variance requested
Max. Building Height	11m	11m	11m max	Yes	
Parking	2	6	2	Yes	

It is our belief that the proposed severance will foster an efficient use of land and resources as well as utilize existing infrastructure and public service facilities, both in line with the current Provincial Policy Statement (PPS) and in keeping with the facilitation of residential intensification within Hamilton's Built-Up Area.

In order for the proposed severance application to be in conformity with the applicable "Single Residential R2" zoning regulations, a Minor Variance application is required. Specifically, a reduction in the minimum rear yard setback is required regarding the existing detached residential dwelling, which is to remain on the retained lot. Additional variance pertaining to minimum lot area will be required to bring the severed portion of the land into conformity with the Zoning By-law.

The requested variances are as follows:

- Variance No. 1 - To permit a reduction in minimum rear yard setback of 6.0 metres (for the retained lot), whereas 7.5 metres is required.
- Variance No. 2 -To permit a reduction in minimum lot area of 423.98m<sup>2</sup>, whereas 460m<sup>2</sup> is required.

According to Section 45(1) of the Planning Act, R.S.O, 1990, as amended, applications to the Committee of Adjustment that vary from the Zoning By-law must meet 4 tests as outlined below:

1. The variance is minor in nature.
2. The proposal meets the general intent and purpose of the Official Plan.
3. The proposal meets the general intent and purpose of the Zoning By-Law; and,
4. The proposal is desirable for the appropriate development or use of the land.

The variance is minor in nature.

Variance No. 1 is required to allow the existing residential dwelling, which is to remain on the retained lot, legally to conform with the zoning bylaw and in our information gathering exercise, similar rear lot setback relief had been supported by the City in the past.

Variance No. 2 is requested to bring the severed lot into conformity with the zoning bylaw, by slightly under-sizing the lot while at the same time being able to support a building envelope in accordance with the zoning provisions for the R2 zone and maintaining desirability for the immediate neighbourhood. As such, the variances are minor in nature.

The proposal meets the general intent and purpose of the Official Plan.

The Neighbourhoods Designation encourages compatible intensification, of which the proposed development directly represents. The Neighbourhoods designation on the lands supports residential intensification and permits lot creation. Further, the proposal implements the Official Plan's policies surrounding intensification by appropriately increasing the City's developable land base in a location that has seen recent growth and Planning Act applications.

The requested minor variance will facilitate the division of the subject site and the development of an additional single detached dwelling on the severed lot. This memo purports to demonstrate that the proposed severance would be in conformity with the UHOP Neighbourhoods designation, neighbourhoods urban structure element, and the residential intensification policies. In addition, the subject site is located in the Western Development Area Secondary Plan and designated "Low Density Residential 2b" on Land Use Plan Map B.7.1-1. The applicable policies for this designation as contained in Vol. 2, B.7.1.1.2 are as follows:

- a) the permitted uses shall be single, semi detached and duplex dwellings.
- b) the density shall range from 1 to 29 units per net residential hectare.

In line with the above policies and being that the proposed use of the subject site is for single detached dwellings at a density of 22.2 units per hectare (2 dwellings divided by 0.09 hectares), which is less than the permitted maximum density.

Based on the foregoing analysis, the proposal meets the intent and purpose of the Urban Hamilton Official Plan.

The proposal meets the general intent and purpose of the Zoning By-Law

The subject site is in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. The zoning compliance of the proposed severance is shown in Table 1. Apart from the minimum lot area and minimum rear lot setback requirements, the proposed severance meets all other requirements of the Zoning By-law. The variances for the lands to be severed will provide an adequate building envelope for a future single detached dwelling on the severed land. The general intent and purpose of the Single Residential (R2) Zone is to permit single detached dwellings in a suburban setting. With the approval of the requested variances, the severed land will maintain this intent and purpose and ensure the land can be developed for a single detached dwelling in the future. As such, the proposal meets the intent and purpose of the Zoning By-law.

The proposal is desirable for the appropriate development or use of the land.

The requested variances are desirable and appropriate for the lands because they would facilitate creation of a new lot and enable residential intensification in a form and density that is consistent with the current form of the surrounding neighbourhood. As aforementioned, the variances are required for the Zoning By-law to have regard for existing conditions on the lands to be retained and to facilitate the development of a future single detached dwelling on the lands to be severed. It is our belief that the application represents good land use planning and satisfies Section 53(1) of the Planning Act, R.S.O.,1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The proposal is also in line with the Ontario Provincial Planning Statement (PPS) and conforms to the Growth Plan as it will facilitate intensification within delineated urban areas. The proposed severances will conform to and implement the 'Neighbourhoods' policies of the Urban Hamilton Official Plan. Based on the above analysis, the proposed severances and variances from the Zoning By-law represent good land use planning.

In support of our application, we have enclosed the following,

- One (1) copy of the completed Minor Variance Application form.
- One (1) copy of the completed Consent to Sever Application form.
- One (1) copy of the Survey Plan, prepared by Lejan Land Surveying Inc. (OLS).
- Appendix A – Copies of email correspondence with City staff per feasibility of our Consent and Minor Variance application.
- Please process Credit Card payment - charge to Derek Ewelukwa, 289-489-6327 - to cover the payments for the Minor Variance Application fee; and the Consent to Sever Application fee.

We look forward to the favourable review of our applications. Please do not hesitate to contact the undersigned, should you have any questions and/or concerns.

Yours sincerely,

  
Derek Ewelukwa, M.Sc., P.Eng.

derek.ewelukwa@gmail.com ; 289 489-6327

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1 of 3

Mail

**From:** Transportation Planning <[Transportation.Planning@hamilton.ca](mailto:Transportation.Planning@hamilton.ca)>  
**Sent:** Wednesday, May 3, 2023 2:15 PM  
**To:** Morton, Devon <[Devon.Morton@hamilton.ca](mailto:Devon.Morton@hamilton.ca)>  
**Cc:** Hansra, Aman <[Aman.Hansra@hamilton.ca](mailto:Aman.Hansra@hamilton.ca)>  
**Subject:** FW: Feasibility of lot severance

Chat

Spaces

Meet

Hi Devon,

Transportation Planning would only allow access off Guernsey Drive for this severance application. The Applicant/Owner would have to reconstruct the sidewalk alinement away from the proposed new driveway. All costs would be at the Applicant/Owners expense. See below



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1 of 3

Mail

transportation planning would only allow access on Guernsey Drive for this severance application. The Applicant/Owner would have to reconstruct the driveway alignment away from the proposed new driveway. All costs would be at the Applicant/Owners expense. See below

Chat

Spaces

Meet



Thanks

Bart Brosseau  
 Transportation Planning Technologist  
 Planning and Economic Development Department  
 Transportation Planning and Parking Division  
 100 King Street West, 9<sup>th</sup> Floor, L8P1A2



devon



Active ? ⚙️ ☰

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1 of 3

Mail

Chat

Spaces

Meet



**Derek Ewelukwa** <derek1805@gmail.com>

May 3, 2023, 5:14 PM

to Devon

Hello Devon,

This makes sense. Thanks a lot for your inputs on this matter. I guess the next steps will be to proceed with the severance process and applications?

Kind regards,

Derek Ewelukwa, MSc., P.Eng.  
Consulting Engineer  
289-489 632

3 Attachments • Scanned by Gmail



**Morton, Devon** <Devon.Morton@hamilton.ca>

May 4, 2023, 9:44 AM

to Aman, me

Hi Derek,



devon



Active ? ⚙️ ☰

56

1 of 3

Mail



**Morton, Devon** <Devon.Morton@hamilton.ca>  
to Aman, me

May 4, 2023, 9:44 AM

Chat

Hi Derek,

Spaces

You may proceed with the understanding there are never any guarantees made by staff that the application will be successful. The final decision is made by the Committee of Adjustment.

Meet

Should you decide to proceed, more information regarding the process and submission requirements can be found [here](#).

Thank you,

**Devon M. Morton, MCIP, RPP** (he/him/his)  
Planner I – Site Plan  
Heritage and Urban Design  
Planning & Economic Development Department  
City of Hamilton, 71 Main St. W., 4<sup>th</sup> Floor, L8P 4Y5  
Ph: (905) 546 2424 ext. 1384  
Email: [Devon.Morton@hamilton.ca](mailto:Devon.Morton@hamilton.ca)





devon



Active ? ⚙️ ☰

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1 of 3

Mail

Chat

Spaces

Meet



**Derek Ewelukwa** <derek1805@gmail.com>

to Devon, Aman

Jun 12, 2023, 2:45 PM

Hello Devon,

Circling back to our previous conversations on the possibility of severing 276 Millen Rd, Stoney Creek, It is my understanding that 276 Millen is currently zoned residential R2. The proposed severed lot will be a little bit shy of the required minimum lot area. In this case does it mean an application for minor variance will also have to be made to accompany the application for land severance? Just thinking out loud here. Thanks.

Kind regards,

Derek Ewelukwa, MSc., P.Eng.

Consulting Engineer

289-489 632



**Morton, Devon** <Devon.Morton@hamilton.ca>

to me, Aman

Jun 12, 2023, 4:03 PM

Hi Derek,

Aman will need to confirm if the City supports variances to the minimum lot size.

Thank you,

**Devon M. Morton, MCIP, RPP** (he/him/his)

Planner I – Site Plan

Heritage and Urban Design

Planning & Economic Development Department



devon



Active ? ⚙️ ☰

56

1 of 3

Mail

Chat

Spaces

Meet



**Hansra, Aman** <Aman.Hansra@hamilton.ca>

Jun 16, 2023, 2:13 PM

to me, Devon

Good afternoon Derek ,

It is hard to determine all the variances that would be required for the severed and the retained lot. I will not be able to give you a firm answer until a formal submission has been made.

The lot currently is about 890.30 square metres (0.22 acres listed on our MPAC mapping). The required lot area for both new lots should be 460 sq. m.. That being said, I don't see an issue with having one of the lots be undersized as long as it meets the intent of the Zoning By-law – can support a building envelope keeping in mind zoning provisions for the R2 zone and is minor in nature and desirable for the neighbourhood.

The rear yard setback will require a variance for the retained lot , it seems to be less than the required 7.5 metres. Typically in the past, staff have supported a rear yard setback of 6.0 metre within low residential zones. Anything less than 6.0 m may cause drainage concerns for Development Engineering staff.

City of Stoney Creek Zoning By-law 3692-92 can be found here: <https://www.hamilton.ca/sites/default/files/2023-06/stoney-creek-zoning-by-law-3692-92-consolidation-nov22-v3.pdf>

I hope that helps. Please let me know if you have any further questions.

Thank you,

Aman Hansra

Planning Technician I – Suburban Team

Development Planning

**Office Location:** 71 Main Street West, 5<sup>th</sup> Floor, Hamilton, ON L8P 4Y5



**Derek Ewelukwa** <derek1805@gmail.com>

Jun 16, 2023, 2:46 PM

to Aman, Devon

Thanks a lot Aman for your inputs.



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

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

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

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

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
Purchaser*	N/A		Phone: E-mail:
Registered Owners(s)	Derek Ewelukwa & Yvonne (	[REDACTED]	
Applicant(s)**	Same as owners		
Agent or Solicitor	N/A		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 \_\_\_\_\_

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	276 Millen Road, Stoney Creek, L8E2G9		
Assessment Roll Number	003.250.28700.0000		
Former Municipality	Hamilton-Wentworth		
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

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:

N/A

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

N/A

3.4 Certificate Request for Retained Lands:  Yes\*

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

## 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, 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:	Part 1	Part 2			
Type of Transfer	N/A				
Frontage	15m	15.5m			
Depth	32.5m	28.05m			
Area	483.5 sq m	424 sq m			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Single family detached	None			
Proposed Buildings/ Structures	No Change	Single family detached			
Buildings/ Structures to be Removed	None	None			

\* Additional fees apply.

#### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

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

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify)

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

publicly owned and operated sanitary sewage system

privately owned and operated individual septic system

other means (specify) \_\_\_\_\_

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

electricity

telephone

school bussing

garbage collection

## 5 CURRENT LAND USE

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

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

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

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please see cover letter

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

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

- 5.3 What is the existing zoning of the subject land? Single Residential (R2)

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

- 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?  
 since June 2021
- 

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

## 7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?  
 Yes       No      (Provide explanation)

Please see cover letter

---

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

Please see cover letter

---

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

Please see cover 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>SC/A-23:269</b>	<b>SUBJECT PROPERTY:</b>	276 MILLEN ROAD, STONEY CREEK
<b>ZONE:</b>	"R2" (Single Residential - Two)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:**      **Owner:** DEREK EWELUKWA & YVONNE OGOLLA-EWELUKWA

The following variances are requested:

Lot to be conveyed (Part 1 of Part Lot 18)

1. A minimum lot area for a corner lot of 480 sq. m. shall be provided instead of the minimum lot area of 505 sq. m.
2. A minimum lot frontage for a corner lot of 14.54 metres shall be provided instead of the minimum lot frontage of 16.5 metres.
3. A minimum rear yard setback of 6.0 metres shall be provided instead of a minimum rear yard of 7.5 metres.

Lot to be retained (Part 2 of Part Lot 18)

1. A minimum lot area for a corner lot of 422 sq. m. shall be provided instead of the minimum lot area of 505 sq. m.
2. A minimum lot frontage for a corner lot of 10.07 metres shall be provided instead of the minimum lot frontage of 16.5 metres.

**PURPOSE & EFFECT:**      The variances are to facilitate a severance creating 2 lots on the subject lands:

**Notes:**

- i) This application shall be heard in conjunction with Consent application HM/B-22:68

**SC/A-23:269**

**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, November 16, 2023</b>
<b>TIME:</b>	<b>10:30 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-23:269, 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-23:269



 **Subject Lands**

DATED: October 31, 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

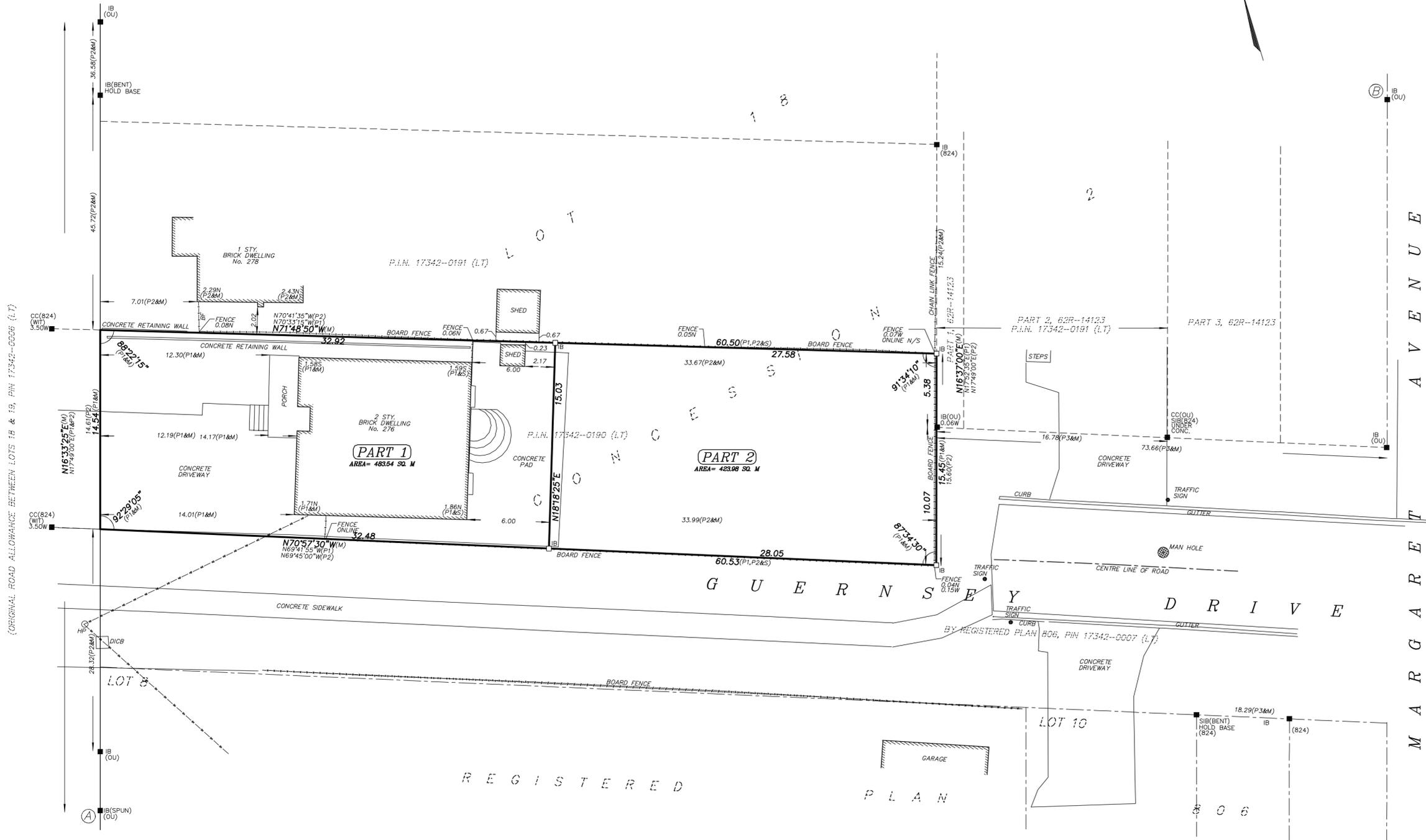
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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.

M I L L E N R O A D

M A R G A R E T A V E N U E



REGISTERED PLAN

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

PLAN 62R—  
RECEIVED AND DEPOSITED

DATE: \_\_\_\_\_

THOMAS GONDO

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

SCHEDULE				
PART	LOT	PLAN/CONCESSION	PIN No.	AREA
1	PART OF LOT 18	CONCESSION 2, SALT FLEET	P.I.N. 17342-0190 (LT)	483.54 sqm
2	PART OF LOT 18	CONCESSION 2, SALT FLEET	P.I.N. 17342-0190 (LT)	423.98 sqm

PART 1 & 2 COMPRISE ALL OF P.I.N. 17342-0190 (LT).

**PLAN OF SURVEY OF  
PART OF LOT 18  
CONCESSION 2 SALT FLEET  
IN THE  
TOWN OF STONEY CREEK  
(REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH)**

SCALE & NOTES

SCALE: 1:200

THOMAS GONDO  
ONTARIO LAND SURVEYOR

**LEGEND**

- DENOTES SUBJECT LANDS BOUNDARY
- DENOTES DEED LINE
- DENOTES LOT LINE
- DENOTES LIMIT OF STREET
- x-x-x- DENOTES FENCE LINE
- SURVEY MONUMENT FOUND
- SURVEY MONUMENT PLANTED
- SIB STANDARD IRON BAR
- IB IRON BAR
- CC CUT CROSS
- (OU) DENOTES ORIGIN UNKNOWN
- (824) DENOTES A.T. McLAREN LIMITED
- N-E-W-S DENOTES NORTH - EAST - WEST - SOUTH
- S DENOTES SET
- M DENOTES MEASURED
- P1 DENOTES PLAN BY S. DAN McLAREN, O.L.S. DATED: DECEMBER 17, 2015
- P2 DENOTES PLAN BY G.V. CONSOLI, O.L.S. DATED: OCTOBER 14, 1988
- P3 DENOTES PLAN 62R-14123
- BF DENOTES BOARD FENCE
- WIT DENOTES WITNESS
- HP DENOTES HYDRO POLE
- DICB DENOTES DITCH INLET CATCH BASIN

**METRIC**

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

TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99971255.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON JULY 12, 2023.

DATE: JULY 14, 2023

THOMAS GONDO  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXX

Lejan land Surveying Inc.

572 Barton Street  
Stoney Creek, ON L8E 5N3  
Phone: 905-662.8969  
Email: info@lejansurveying.ca

DWN BY: KC

CHK BY: TG

JOB No. 23-054

**BEARING NOTE**

COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE POWERNET (RTN) SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD 83 (CSRS) (1997).

COORDINATE VALUES ARE TO A URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
A	4786510.654	603895.902
B	4786642.268	604074.924

COORDINATES CAN NOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

October 2, 2023

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

Dear Ms. Sheffield,

Re: 276 Millen Road Stoney Creek - Consent to Sever and Minor Variance Applications

We, Derek Ewelukwa and Yvonne Ogolla-Ewelukwa, the owners of the municipal property located at 276 Millen Road in Stoney Creek (subject property), is pleased to submit this consent to sever and minor variance applications for the subject property.

The purpose of the proposed severance is to create a new single family residential lot by dividing the subject property into two (2) parts. A new detached single family residential dwelling is proposed to be built on the severed lot. The existing detached single family residential dwelling will remain on the retained lot.

The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan Schedule E-1 - Urban Land Use, and zoned Single Residential (R2) within Stoney Creek By-law No. 3692-92. The subject site is in the established Guernsey Neighbourhood of Stoney Creek, which is characterized by single detached dwellings.

The subject site (see Figure 1) is south of Barton Street, with a frontage of approximately 15 metres along the south-east side of Millen Road and a depth of approximately 60.5m, with the rear of the lot (east end) abutting Guernsey Drive. The subject site is considered an interior lot with an area of approximately 907.5 square metres (0.22 acres or 0.09 hectare). The subject site currently contains an existing two storey single family residential dwelling which is proposed to remain on the retained lot.

The subject site is proposed to be divided approximately along the north-south direction, with the retained lot fronting Millen Road, while the severed lot is proposed to be fronting Guernsey Drive.

Figure 1



As mentioned earlier, the subject site is located in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. Please see Table 1 below that highlights the zoning compliance (or lack of thereof) of the proposed severance.

Table 1 – Severance Compliance Matrix

Single Residential (R2) Zone – Stoney Creek By-law No. 3692-92					
Bylaw Regulation (Section 6.3)		Retained Lot	Severed Lot	Compliance (Yes or No)	Comments
Permitted Use	Single detached dwelling	Single detached dwelling	Single detached dwelling		
Min. Lot Area (Int. Lot)	460m <sup>2</sup>	483.54m <sup>2</sup>	423.98m <sup>2</sup>	No	Minor variance requested
Minimum Lot Frontage (Int. Lot)	15m	15m	15m	Yes	
Min. Front Yard	6m	12m	6m min	Yes	
Min Side Yard (Garage Side)	1m	1.7m	1m min	Yes	
Min. Side Yard (Non-Garage Side)	1.25m	1.5m	1.25m min	Yes	
Min. Rear Yard	7.5m	6.0m	7.5m min	No	Minor variance requested
Max. Building Height	11m	11m	11m max	Yes	
Parking	2	6	2	Yes	

It is our belief that the proposed severance will foster an efficient use of land and resources as well as utilize existing infrastructure and public service facilities, both in line with the current Provincial Policy Statement (PPS) and in keeping with the facilitation of residential intensification within Hamilton’s Built-Up Area.

In order for the proposed severance application to be in conformity with the applicable “Single Residential R2” zoning regulations, a Minor Variance application is required. Specifically, a reduction in the minimum rear yard setback is required regarding the existing detached residential dwelling, which is to remain on the retained lot. Additional variance pertaining to minimum lot area will be required to bring the severed portion of the land into conformity with the Zoning By-law.

The requested variances are as follows:

- Variance No. 1 - To permit a reduction in minimum rear yard setback of 6.0 metres (for the retained lot), whereas 7.5 metres is required.
- Variance No. 2 -To permit a reduction in minimum lot area of 423.98m<sup>2</sup>, whereas 460m<sup>2</sup> is required.

According to Section 45(1) of the Planning Act, R.S.O, 1990, as amended, applications to the Committee of Adjustment that vary from the Zoning By-law must meet 4 tests as outlined below:

1. The variance is minor in nature.
2. The proposal meets the general intent and purpose of the Official Plan.
3. The proposal meets the general intent and purpose of the Zoning By-Law; and,
4. The proposal is desirable for the appropriate development or use of the land.

The variance is minor in nature.

Variance No. 1 is required to allow the existing residential dwelling, which is to remain on the retained lot, legally to conform with the zoning bylaw and in our information gathering exercise, similar rear lot setback relief had been supported by the City in the past.

Variance No. 2 is requested to bring the severed lot into conformity with the zoning bylaw, by slightly under-sizing the lot while at the same time being able to support a building envelope in accordance with the zoning provisions for the R2 zone and maintaining desirability for the immediate neighbourhood. As such, the variances are minor in nature.

The proposal meets the general intent and purpose of the Official Plan.

The Neighbourhoods Designation encourages compatible intensification, of which the proposed development directly represents. The Neighbourhoods designation on the lands supports residential intensification and permits lot creation. Further, the proposal implements the Official Plan's policies surrounding intensification by appropriately increasing the City's developable land base in a location that has seen recent growth and Planning Act applications.

The requested minor variance will facilitate the division of the subject site and the development of an additional single detached dwelling on the severed lot. This memo purports to demonstrate that the proposed severance would be in conformity with the UHOP Neighbourhoods designation, neighbourhoods urban structure element, and the residential intensification policies. In addition, the subject site is located in the Western Development Area Secondary Plan and designated "Low Density Residential 2b" on Land Use Plan Map B.7.1-1. The applicable policies for this designation as contained in Vol. 2, B.7.1.1.2 are as follows:

- a) the permitted uses shall be single, semi detached and duplex dwellings.
- b) the density shall range from 1 to 29 units per net residential hectare.

In line with the above policies and being that the proposed use of the subject site is for single detached dwellings at a density of 22.2 units per hectare (2 dwellings divided by 0.09 hectares), which is less than the permitted maximum density.

Based on the foregoing analysis, the proposal meets the intent and purpose of the Urban Hamilton Official Plan.

The proposal meets the general intent and purpose of the Zoning By-Law

The subject site is in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. The zoning compliance of the proposed severance is shown in Table 1. Apart from the minimum lot area and minimum rear lot setback requirements, the proposed severance meets all other requirements of the Zoning By-law. The variances for the lands to be severed will provide an adequate building envelope for a future single detached dwelling on the severed land. The general intent and purpose of the Single Residential (R2) Zone is to permit single detached dwellings in a suburban setting. With the approval of the requested variances, the severed land will maintain this intent and purpose and ensure the land can be developed for a single detached dwelling in the future. As such, the proposal meets the intent and purpose of the Zoning By-law.

The proposal is desirable for the appropriate development or use of the land.

The requested variances are desirable and appropriate for the lands because they would facilitate creation of a new lot and enable residential intensification in a form and density that is consistent with the current form of the surrounding neighbourhood. As aforementioned, the variances are required for the Zoning By-law to have regard for existing conditions on the lands to be retained and to facilitate the development of a future single detached dwelling on the lands to be severed. It is our belief that the application represents good land use planning and satisfies Section 53(1) of the Planning Act, R.S.O.,1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The proposal is also in line with the Ontario Provincial Planning Statement (PPS) and conforms to the Growth Plan as it will facilitate intensification within delineated urban areas. The proposed severances will conform to and implement the 'Neighbourhoods' policies of the Urban Hamilton Official Plan. Based on the above analysis, the proposed severances and variances from the Zoning By-law represent good land use planning.

In support of our application, we have enclosed the following,

- One (1) copy of the completed Minor Variance Application form.
- One (1) copy of the completed Consent to Sever Application form.
- One (1) copy of the Survey Plan, prepared by Lejan Land Surveying Inc. (OLS).
- Appendix A – Copies of email correspondence with City staff per feasibility of our Consent and Minor Variance application.
- Please process Credit Card payment - charge to Derek Ewelukwa, 289-489-6327 - to cover the payments for the Minor Variance Application fee; and the Consent to Sever Application fee.

We look forward to the favourable review of our applications. Please do not hesitate to contact the undersigned, should you have any questions and/or concerns.

Yours sincerely,

  
Derek Ewelukwa, M.Sc., P.Eng.

derek.ewelukwa@gmail.com ; 289 489-6327



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)	Derek Ewelukwa & Yvonne (	
Applicant(s)	Same as owners	
Agent or Solicitor	N/A	
		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	276 Millen Road, Stoney Creek, L8E2G9		
Assessment Roll Number	003.250.28700.0000		
Former Municipality	Hamilton-Wentworth		
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:

Please see cover letter

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Variance and relief is required to facilitate Severance application concurrently submitted.  
Please see 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
15m	60.5m	907.5 sq m	15m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single detached dwelling	12m	6m	1.5m	06/30/2016

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single detached dwelling	6m	7.5m	1.25m	

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single detached dwelling	132 sq m	223 sq m	2	11m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single detached dwelling	Design not finalized	Design not finalized	Design not finalized	Design not finalized

- 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:  
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:  
Unknown - perhaps since inception

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.  
Please see cover letter

7.6 What is the existing zoning of the subject land? Single Residential R2

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

- Yes
- No

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

---

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

 Yes No

If yes, please provide the file number: Unknown file # - severance submitted 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

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

Please see cover letter

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

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

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

<b>APPLICATION NO.:</b>	<b>SC/B-23:70</b>	<b>SUBJECT PROPERTY:</b>	329 HIGHLAND ROAD W, STONE CREEK
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**APPLICANTS:**      **Owner:** ROBERTO VITUCCI  
**Agent:** WEBB PLANNING CONSULTANTS C/O JAMES WEBB

**PURPOSE & EFFECT:**      To sever the existing residential lot into two parcels, the severed lands will be a vacant lot for future residential development and the retained lands will contain the existing dwelling which is intended to remain.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	9.8 m <sup>±</sup>	80.0 m <sup>±</sup>	3990 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	23.4 m <sup>±</sup>	48.5 m <sup>±</sup>	1151.2 m <sup>2</sup> ±

Associated Planning Act File(s): SC/B-23:71

**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, November 16, 2023</b>
<b>TIME:</b>	<b>10:35 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>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)

**SC/B-23:70**

- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-23:70, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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

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

SC/B-23:70



 Subject Lands

DATED: October 31, 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.

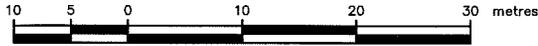
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

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.

**SKETCH FOR LAND DIVISION - APPLICATION 1  
329 HIGHLAND ROAD WEST**

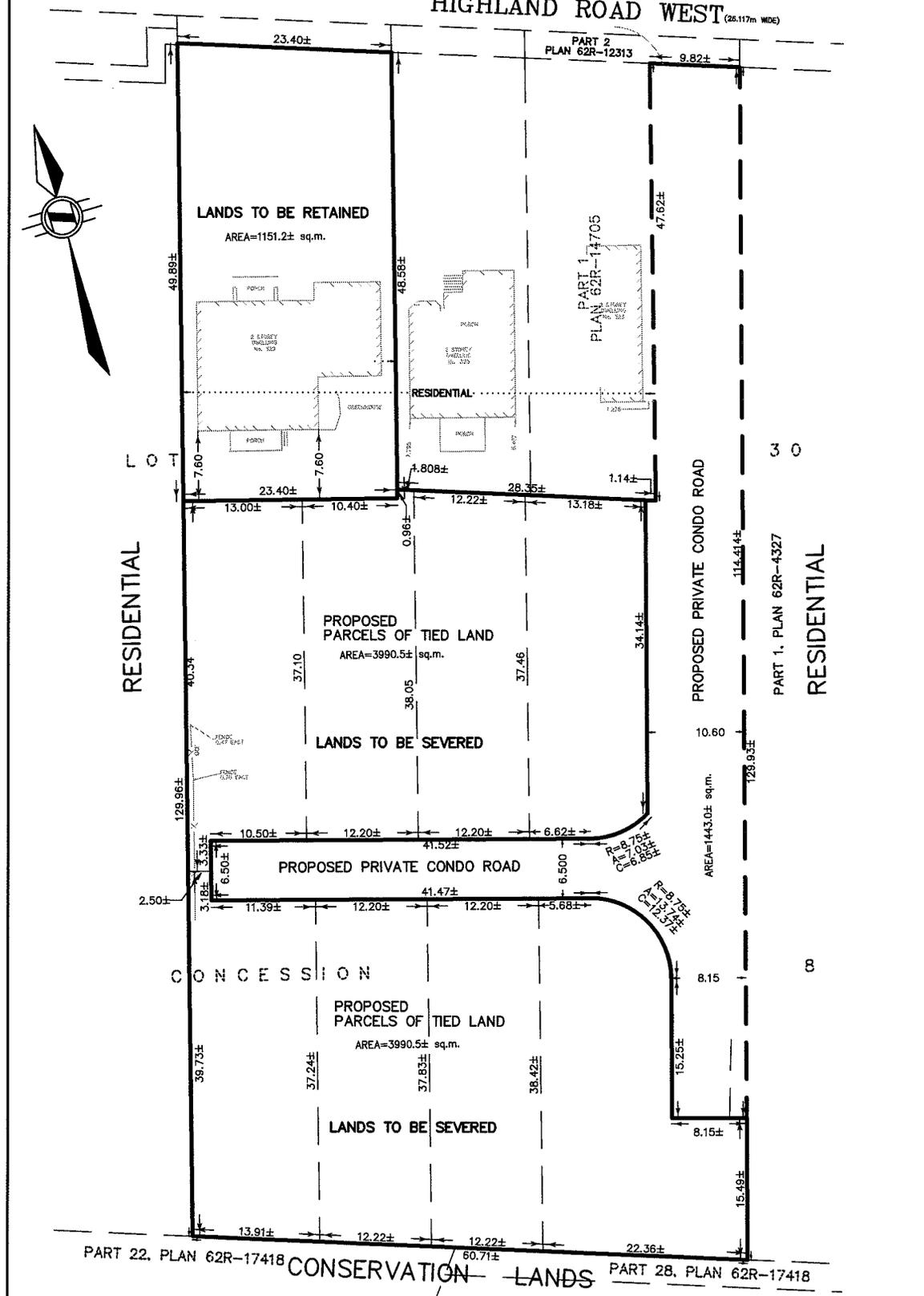
SCALE 1:500 METRIC



**CAUTION:**

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

R.A. McLAREN, O.L.S. - 2023



**METRIC NOTE**

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



**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS

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

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October 12, 2023

City of Hamilton  
Committee of Adjustment  
Economic Development & Planning Department  
71 Main Street West  
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield,  
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Consent  
329 Highland Road West, Stoney Creek, City of Hamilton

---

WEBB Planning Consultants are retained by the owners of the property located at 329 Highland Road West to provide land use planning services in connection with the proposed development of the lands for residential dwellings.

The lands subject to this application are within the West Mountain neighbourhood of the former City of Stoney Creek and located on the south side of Highland Road West, adjacent to the Eramosa Karst Conversation Area.

The development proposal for the lands is an 8 unit infill project comprising single detached dwellings in keeping with the intent of the Low Density Residential 2b designation of the West Mountain Area Secondary Plan. The development is proposed to be established as a Common Element Condominium with the private street held as a common element and the 8 development lots as freehold tenure. The internal private street will function as a shared access, owned and maintained by the Condominium Corporation.

The individual building lots are proposed to be created by Applications to the Committee of Adjustment for Consent. As confirmed with the Secretary Treasurer, two Applications are required: the initial application will sever the development parcel from the existing dwelling to be retained at 329 Highland Road, the second Application will create the 8 building lots by a combination of severed parcels and concurrent approvals. The 8 building lots will have frontage onto the private street created by the Common Element Condominium which will be Registered concurrently with finalization of the severance Applications.

An illustration of the proposed development and lot fabric is provided on the following page.



### Analysis of Proposed Lot Creation

The proposal will facilitate the infilling of an underutilized property with lot sizes and a housing form that is similar to the established residential character and streetscaping of the surrounding area.

The proposed severance has been considered having regard for the matters outlined in Section 51(24) of the Planning Act. It is our opinion that a Plan of Subdivision is not required for proper and orderly development as the lands abut an existing municipal street and appropriate municipal services are existing. As documented below, the proposal conforms to the Official Plan, full municipal services are available, there are no conflicts with natural or cultural heritage resources, or natural hazards. It is our opinion that the proposal is consistent with the relevant sections of the Planning Act.

Policies for the Division of Land are outlined in Section F.1.14 of the Urban Hamilton Official Plan (UHOP). Specific to Lot Creation within the Neighbourhoods Designation, Consents for new lot creation shall be permitted provided the following conditions are met:

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

We have considered the above criteria in the context of both the lands to be severed and retained and in our opinion the proposal conforms in all regards.

The property is within the Urban Area and designated as Neighbourhoods by the UHOP and more particularly Low Density Residential 2b by the West Mountain Area Secondary Plan. The proposed lots will be developed on the basis of full municipal services at a form and scale that conform with the Policies intended to guide intensification within the Neighbourhoods Designation. The lots to be developed with detached dwellings comply with the applicable Policies of the Secondary Plan with regard to the permitted uses and proposed scale of development.

Attn.: Ms. Jamila Sheffield  
Re: 329 Highland Road West

October 12, 2023  
Page 4

The subject lands have recently been the subject of an Application for Zone Change to implement the proposed development. Approved by City Council in July 2023, the Application for Rezoning has resulted in a change in Zoning from the prior "R1" Zone of the Stoney Creek Zoning By-law to the "R1" Zone of Comprehensive Zoning By-law 05-200. The retained and severed lots comply in all regards with the Zoning Bylaw Regulations.

The prevailing character of the surrounding area is predominantly single detached dwellings fronting onto public streets with full municipal services available. The proposed dwellings are of a scale and intensity that is generally in keeping with the prevailing character of the area. The development is unique in that the lots will front onto a private street that connects to Highland Road West, this arrangement does not detract from the character of the streetscape and instead provides an appropriate condition to allow compatible development on the underutilized portion of the property.

Highland Road is constructed with full municipal services, laterals will be extended to service the proposed lots with sanitary sewer and water and storm sewers. A Functional Servicing Report has been reviewed and approved by the City, confirming the proposed services are adequate for the intended scale of development.

On the basis of the above discussion, it is our opinion that the proposed Consent Applications conform to the applicable Lot Creation Policies of the UHOP.

In keeping with the City's requirements for the submission of an Application for Consent we are submitting the following materials in addition to this cover letter:

- Application for Consent – 329 Highland Road – Severance of Development Parcel;
- Application for Consent – Development Parcel – Lot Creation
- Combined Application Fee of \$16,390.00 payable to the City of Hamilton;
- Sketch Plans illustrating proposed Severances.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing these Applications. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

**WEBB Planning Consultants Inc.**



James Webb, MCIP, RPP

cc: Roberto Vitucci



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 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*	TBD		Phone:
Registered Owners(s)	Roberto Vitucci	[REDACTED]	
Applicant(s)**	Roberto Vitucci		
Agent or Solicitor	WEBB Planning Consultan		E-mail:
		[REDACTED]	

\*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	329 Highland Road West		
Assessment Roll Number			
Former Municipality	City of Stoney Creek, Former Twp of Saltfleet		
Lot	Part Lot 30	Concession	8
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

---

## 3 PURPOSE OF THE APPLICATION

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:

TBD

---

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

N/A

---

3.4 Certificate Request for Retained Lands:  Yes\*

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

## 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

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

Identified on Sketch as:	Retained Land	Severed Land			
Type of Transfer	N/A				
Frontage	23.4 m	Nil			
Depth	48.5 m	80.0 m			
Area	1151.2 sq. m	3990 sq. m			
Existing Use	Single Family	vacant			
Proposed Use	no change	single family (8)			
Existing Buildings/ Structures	detached dwelling	accessory buildings			
Proposed Buildings/ Structures	None	detached dwellings			
Buildings/ Structures to be Removed	None	accessory buildings			

\* Additional fees apply.

#### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

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

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify) \_\_\_\_\_

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

publicly owned and operated sanitary sewage system

privately owned and operated individual septic system

other means (specify) \_\_\_\_\_

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

electricity

telephone

school bussing

garbage collection

## 5 CURRENT LAND USE

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

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

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

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods Low Density Res 2b

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

Lands within West Mountain (Heritage Green) Secondary Plan Area and designated Low Density Residential 2b, proposed use and scale complies with applicable policies, proposal will implement appropriate intensification of underutilized property on basis of full municipal services

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? R1, Exception 850 (By-law No. 23-129)

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.

was the subject of Zone Change Apln., file No. ZAC-20-004, Approved July 2023

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

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

**6 HISTORY OF THE SUBJECT LAND**

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?  
 Yes       No       Unknown

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

---

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

N/A

---

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?  
 Yes       No

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

---

- 6.4 How long has the applicant owned the subject land?

In excess of 30 years

---

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

**7 PROVINCIAL POLICY**

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

Yes       No      (Provide explanation)

See discussion below with regard to the PPS

---

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

Yes       No      (Provide explanation)

Property within designated settlement area and will develop on basis for full municipal services, no conflicts with natural or cultural heritage resources. Appropriate form of intensifications

---

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

Yes       No      (Provide explanation)

Property within designated settlement area and within built-up area, will developed on basis of full municipal services. Proposal will implement appropriate intensification and add to range of housing options. No conflicts with natural or cultural heritage resources.

---

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

Yes       No      (Provide explanation)

---

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

Yes  No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes  No (Provide explanation)

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

Yes  No (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

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

Yes  No (Provide explanation)

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

Yes  No (Provide explanation and details on plan)

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

## 9 ADDITIONAL INFORMATION - CANCELLATION

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

Yes  No (Provide explanation)

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

Yes  No (Provide explanation and details on plan)

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

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

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

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

**10.2 Location of farm consolidation property:**

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

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

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

**10.4 Description of farm consolidation property:**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

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

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

**a) Date of construction:**

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

**b) Condition:**

- Habitable       Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.2 Validation of Title

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

### 11.3 Cancellation

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

### 11.4 Other Information Deemed Necessary

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

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Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

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

### **NOTICE OF PUBLIC HEARING** **Consent/Land Severance**

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

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

<b>APPLICATION NO.:</b>	<b>SC/B-23:71</b>	<b>SUBJECT PROPERTY:</b>	329 HIGHLAND ROAD W, STONE CREEK
-------------------------	-------------------	--------------------------	-------------------------------------

**APPLICANTS:**      **Owner:** ROBERTO VITUCCI  
**Agent:** WEBB PLANNING CONSULTANTS C/O JAMES WEBB

**PURPOSE & EFFECT:**      To sever the lot into 8 parcels, the severed lands will be vacant residential building lots and the retained lands will also be a vacant residential building lot. Access to be provided by private condo road.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>RETAINED LANDS (Part 1):</b>	12.2 m <sup>±</sup>	37.1 m <sup>±</sup>	490 m <sup>2</sup> ±
<b>SEVERED LANDS (Part 2):</b>	12.2 m <sup>±</sup>	37.1 m <sup>±</sup>	454 m <sup>2</sup> ±
<b>SEVERED LANDS (Part 3):</b>	12.2 m <sup>±</sup>	37.4 m <sup>±</sup>	460 m <sup>2</sup> ±
<b>SEVERED LANDS (Part 4):</b>	12.2 m <sup>±</sup>	37.4 m <sup>±</sup>	479 m <sup>2</sup> ±
<b>SEVERED LANDS (Part 5):</b>	12.2 m <sup>±</sup>	37.2 m <sup>±</sup>	520 m <sup>2</sup> ±
<b>SEVERED LANDS (Part 6):</b>	12.2 m <sup>±</sup>	37.2 m <sup>±</sup>	457 m <sup>2</sup> ±
<b>SEVERED LANDS (Part 7):</b>	12.2 m <sup>±</sup>	37.8 m <sup>±</sup>	465 m <sup>2</sup> ±
<b>SEVERED LANDS (Part 8):</b>	12.2 m <sup>±</sup>	38.4 m <sup>±</sup>	731 m <sup>2</sup> ±

Associated Planning Act File(s): SC/B-23:70, ZAC-20-004, 25CDM-202003

**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.**

**SC/B-23:71**

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

<b>DATE:</b>	<b>Thursday, November 16, 2023</b>
<b>TIME:</b>	<b>10:35 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

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

**PUBLIC INPUT**

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

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

**FURTHER NOTIFICATION**

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

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

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

SC/B-23:71



 Subject Lands

DATED: October 31, 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/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions During the Virtual Meeting

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

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

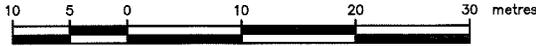
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

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.

**SKETCH FOR LAND DIVISION - APPLICATION 2**  
**329 HIGHLAND ROAD WEST**

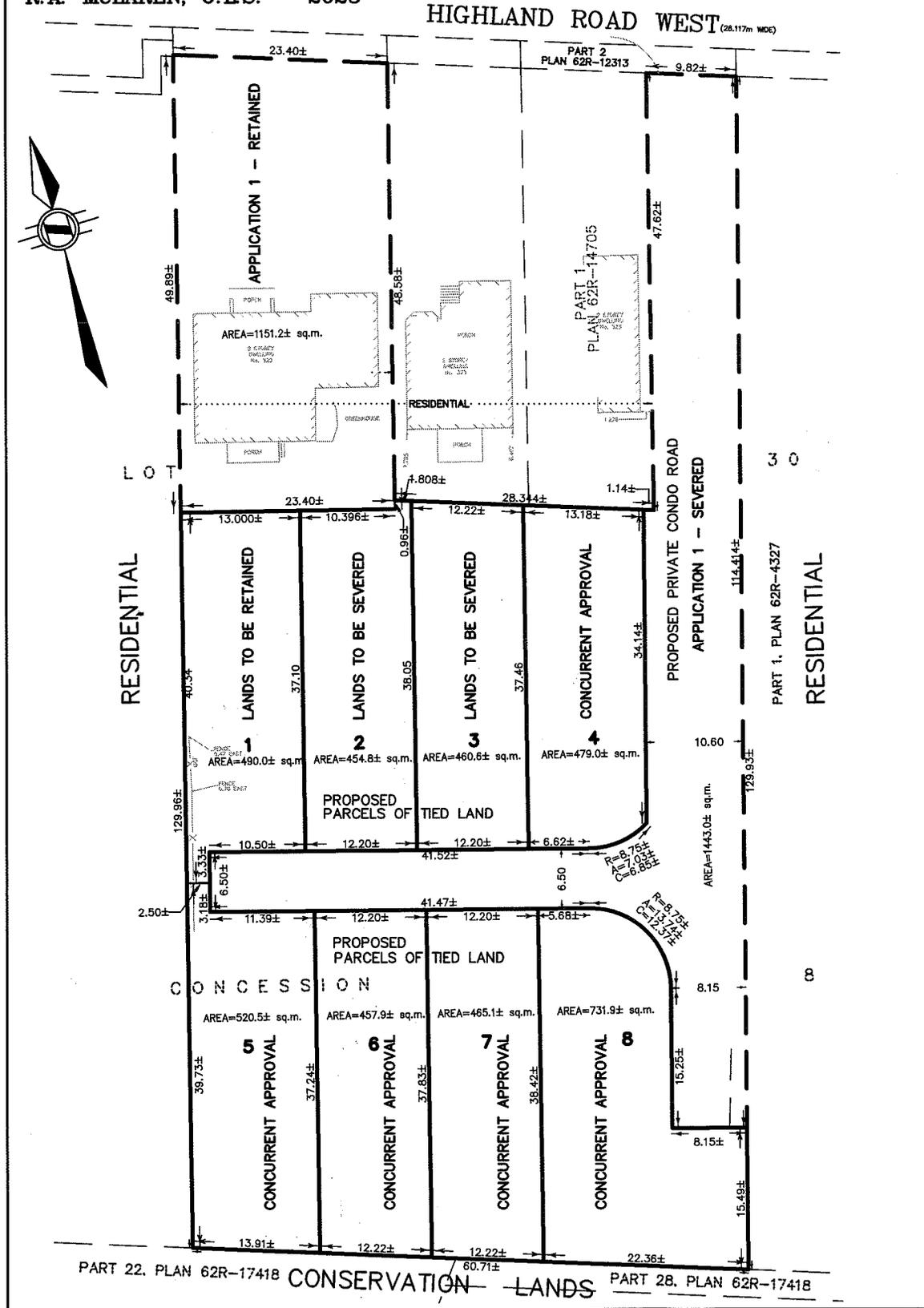
SCALE 1:500 METRIC



**CAUTION:**

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

R.A. McLAREN, O.L.S. - 2023



**METRIC NOTE**

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

**A.T. McLaren Limited**  
 LEGAL AND ENGINEERING SURVEYS  
 69 JOHN STREET SOUTH, SUITE 230  
 HAMILTON, ONTARIO, L8N 2B9  
 PHONE (905) 527-8559 FAX (905) 527-0032

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October 12, 2023

City of Hamilton  
Committee of Adjustment  
Economic Development & Planning Department  
71 Main Street West  
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield,  
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Consent  
329 Highland Road West, Stoney Creek, City of Hamilton

---

WEBB Planning Consultants are retained by the owners of the property located at 329 Highland Road West to provide land use planning services in connection with the proposed development of the lands for residential dwellings.

The lands subject to this application are within the West Mountain neighbourhood of the former City of Stoney Creek and located on the south side of Highland Road West, adjacent to the Eramosa Karst Conversation Area.

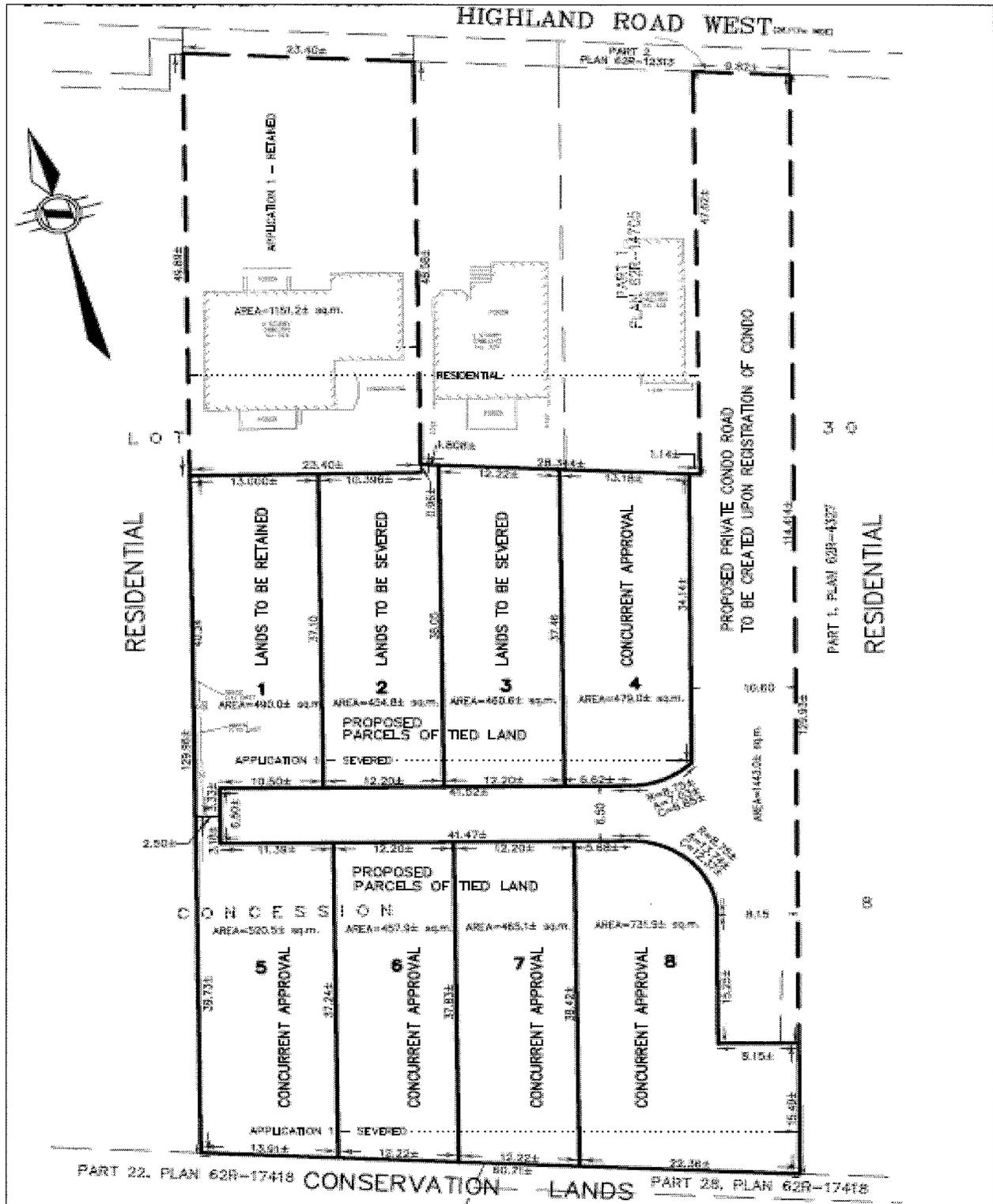
The development proposal for the lands is an 8 unit infill project comprising single detached dwellings in keeping with the intent of the Low Density Residential 2b designation of the West Mountain Area Secondary Plan. The development is proposed to be established as a Common Element Condominium with the private street held as a common element and the 8 development lots as freehold tenure. The internal private street will function as a shared access, owned and maintained by the Condominium Corporation.

The individual building lots are proposed to be created by Applications to the Committee of Adjustment for Consent. As confirmed with the Secretary Treasurer, two Applications are required: the initial application will sever the development parcel from the existing dwelling to be retained at 329 Highland Road, the second Application will create the 8 building lots by a combination of severed parcels and concurrent approvals. The 8 building lots will have frontage onto the private street created by the Common Element Condominium which will be Registered concurrently with finalization of the severance Applications.

An illustration of the proposed development and lot fabric is provided on the following page.

Attn.: Ms. Jamila Sheffield  
Re: 329 Highland Road West

October 12, 2023  
Page 2



PROPOSED LOT CREATION

### Analysis of Proposed Lot Creation

The proposal will facilitate the infilling of an underutilized property with lot sizes and a housing form that is similar to the established residential character and streetscaping of the surrounding area.

The proposed severance has been considered having regard for the matters outlined in Section 51(24) of the Planning Act. It is our opinion that a Plan of Subdivision is not required for proper and orderly development as the lands abut an existing municipal street and appropriate municipal services are existing. As documented below, the proposal conforms to the Official Plan, full municipal services are available, there are no conflicts with natural or cultural heritage resources, or natural hazards. It is our opinion that the proposal is consistent with the relevant sections of the Planning Act.

Policies for the Division of Land are outlined in Section F.1.14 of the Urban Hamilton Official Plan (UHOP). Specific to Lot Creation within the Neighbourhoods Designation, Consents for new lot creation shall be permitted provided the following conditions are met:

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

We have considered the above criteria in the context of both the lands to be severed and retained and in our opinion the proposal conforms in all regards.

The property is within the Urban Area and designated as Neighbourhoods by the UHOP and more particularly Low Density Residential 2b by the West Mountain Area Secondary Plan. The proposed lots will be developed on the basis of full municipal services at a form and scale that conform with the Policies intended to guide intensification within the Neighbourhoods Designation. The lots to be developed with detached dwellings comply with the applicable Policies of the Secondary Plan with regard to the permitted uses and proposed scale of development.

Attn.: Ms. Jamila Sheffield  
Re: 329 Highland Road West

October 12, 2023  
Page 4

The subject lands have recently been the subject of an Application for Zone Change to implement the proposed development. Approved by City Council in July 2023, the Application for Rezoning has resulted in a change in Zoning from the prior "R1" Zone of the Stoney Creek Zoning By-law to the "R1" Zone of Comprehensive Zoning By-law 05-200. The retained and severed lots comply in all regards with the Zoning Bylaw Regulations.

The prevailing character of the surrounding area is predominantly single detached dwellings fronting onto public streets with full municipal services available. The proposed dwellings are of a scale and intensity that is generally in keeping with the prevailing character of the area. The development is unique in that the lots will front onto a private street that connects to Highland Road West, this arrangement does not detract from the character of the streetscape and instead provides an appropriate condition to allow compatible development on the underutilized portion of the property.

Highland Road is constructed with full municipal services, laterals will be extended to service the proposed lots with sanitary sewer and water and storm sewers. A Functional Servicing Report has been reviewed and approved by the City, confirming the proposed services are adequate for the intended scale of development.

On the basis of the above discussion, it is our opinion that the proposed Consent Applications conform to the applicable Lot Creation Policies of the UHOP.

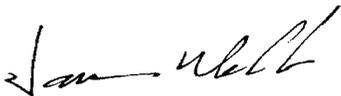
In keeping with the City's requirements for the submission of an Application for Consent we are submitting the following materials in addition to this cover letter:

- Application for Consent – 329 Highland Road – Severance of Development Parcel;
- Application for Consent – Development Parcel – Lot Creation
- Combined Application Fee of \$16,390.00 payable to the City of Hamilton;
- Sketch Plans illustrating proposed Severances.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing these Applications. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

**WEBB Planning Consultants Inc.**



James Webb, MCIP, RPP

cc: Roberto Vitucci





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 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>	TBD
<b>Registered Owners(s)</b>	Roberto Vitucci
<b>Applicant(s)**</b>	Roberto Vitucci
<b>Agent or Solicitor</b>	WEBB Planning Consultant

\*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	329 Highland Road West		
Assessment Roll Number			
Former Municipality	City of Stoney Creek, Former Twp of Saltfleet		
Lot	Part Lot 30	Concession	8
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

---

## 3 PURPOSE OF THE APPLICATION

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:

TBD

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

N/A

3.4 Certificate Request for Retained Lands:  Yes\*

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

## 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

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

Identified on Sketch as:	Part 1	Part 2	Part 3	Part 4	Part 5
Type of Transfer	N/A				
Frontage	12.2 m	12.2 m	12.2 m	13.1 m	12.2 m
Depth	37.1 m	37.1 m	37.4 m	37.4	37.2 m
Area	490 sq. m	454 sq. m	460 sq m	479 sq m	520 sq m
Existing Use	vacant	vacant	vacant	vacant	vacant
Proposed Use	single family	single family	single family	single family	single family
Existing Buildings/ Structures	accessory buildings	none	none	none	none
Proposed Buildings/ Structures	detached dwelling	detached dwelling	detached dwelling	detached dwelling	detached dwelling
Buildings/ Structures to be Removed	accessory dwellings	none	none	none	none

\* Additional fees apply. SEE attached Appendix "A" for Additional Lots to be created

#### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

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

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

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

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

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

- electricity     
  telephone     
  school bussing     
  garbage collection

### 5 CURRENT LAND USE

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

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

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

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods Low Density Res 2b

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

Lands within West Mountain (Heritage Green) Secondary Plan Area and designated Low Density Residential 2b, proposed use and scale complies with applicable policies, proposal will implement appropriate intensification of underutilized property on basis of full municipal services

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? Severed: R1, Exception 850

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.

was the subject of Zone Change Apn., file No. ZAC-20-004, Approved July 2023

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

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

## 6 HISTORY OF THE SUBJECT LAND

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

Yes  No  Unknown

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

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

N/A

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

Yes  No

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

6.4 How long has the applicant owned the subject land?

In excess of 30 years

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

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

## 7 PROVINCIAL POLICY

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

Yes  No (Provide explanation)

See discussion below with regard to the PPS

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

Yes  No (Provide explanation)

Property within designated settlement area and will develop on basis for full municipal services, no conflicts with natural or cultural heritage resources. Appropriate form of intensifications

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

Yes  No (Provide explanation)

Property within designated settlement area and within built-up area, will developed on basis of full municipal services. Proposal will implement appropriate intensification and add to range of housing options. No conflicts with natural or cultural heritage resources.

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

Yes  No (Provide explanation)

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

Yes       No      (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes       No      (Provide explanation)

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

Yes       No      (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

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

Yes       No      (Provide explanation)

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

Yes       No      (Provide explanation and details on plan)

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

## 9 ADDITIONAL INFORMATION - CANCELLATION

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

Yes       No      (Provide explanation)

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

Yes       No      (Provide explanation and details on plan)

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

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

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

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

**10.2 Location of farm consolidation property:**

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

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

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

**10.4 Description of farm consolidation property:**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

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

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

**a) Date of construction:**

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

**b) Condition:**

- Habitable       Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.2 Validation of Title

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

### 11.3 Cancellation

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

### 11.4 Other Information Deemed Necessary

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

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Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:141</b>	<b>SUBJECT PROPERTY:</b>	382 UPPER SHERMAN AVENUE, HAMILTON
<b>ZONE:</b>	"R1" (Low Density Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** ALI MASOUDI & VY THUY HO  
                                  **Agent:** ONTARIO DRAFTING SERVICES C/O KRISTEN SACHS

The following variances are requested:

1. A northerly side yard setback of 0.4m shall be provided instead of the minimum required side yard setback of 1.2m.
2. A rear yard setback of 0.4m shall be provided instead of the minimum required rear yard setback of 7.5m.

**PURPOSE & EFFECT:**      So as to permit the construction of a new addition in the rear yard of the existing single detached dwelling.

**Notes:**

- i. The proposed construction is intended between the existing dwelling and the detached garage in the rear yard. As a result of the proposed building, the existing detached garage and the principal dwelling are effectively forming one whole building. As such, all structures are now considered part of the principal building and are now subject to the principal building requirements of a Single Detached Dwelling.
- ii. Details respecting the parking spaces on-site have not been provided. The applicant should be advised that a Single Detached Dwelling requires a minimum of two (2) parking spaces to be provided and maintained on-site in accordance with Section 5 of Hamilton Zoning By-law 05-200.
- iii. Please be advised that eaves and gutters are permitted to project into a required yard setback not more than 0.6m or half the distance of the required yard, whichever is the lesser. Insufficient information has been provided to confirm zoning compliance.

HM/A-23:141

**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, November 16, 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.

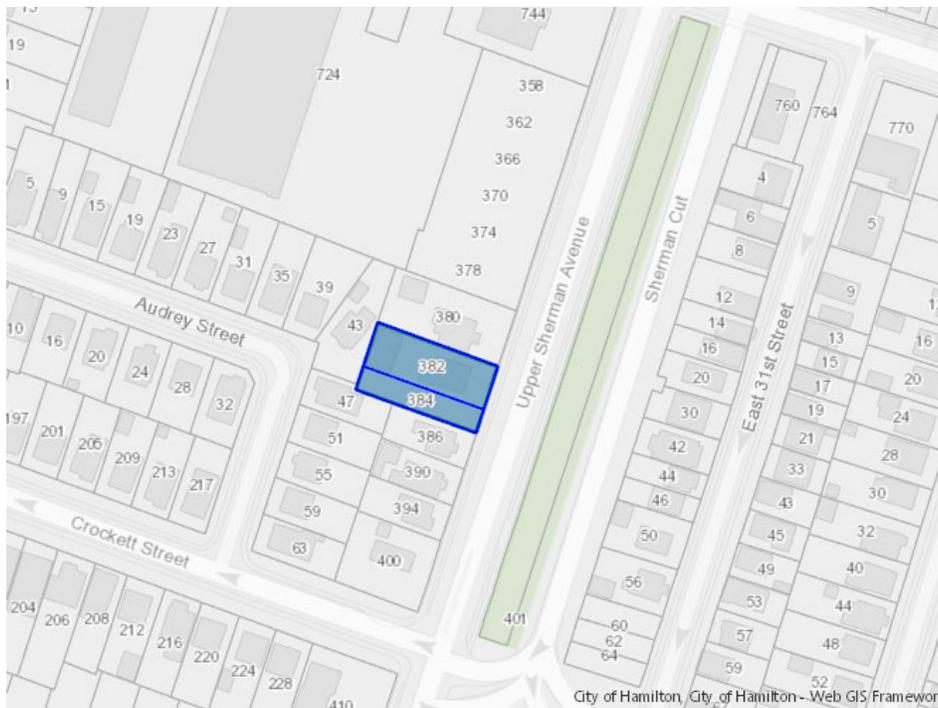
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:141, 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-23:141



 Subject Lands

DATED: October 31, 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.

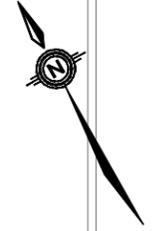
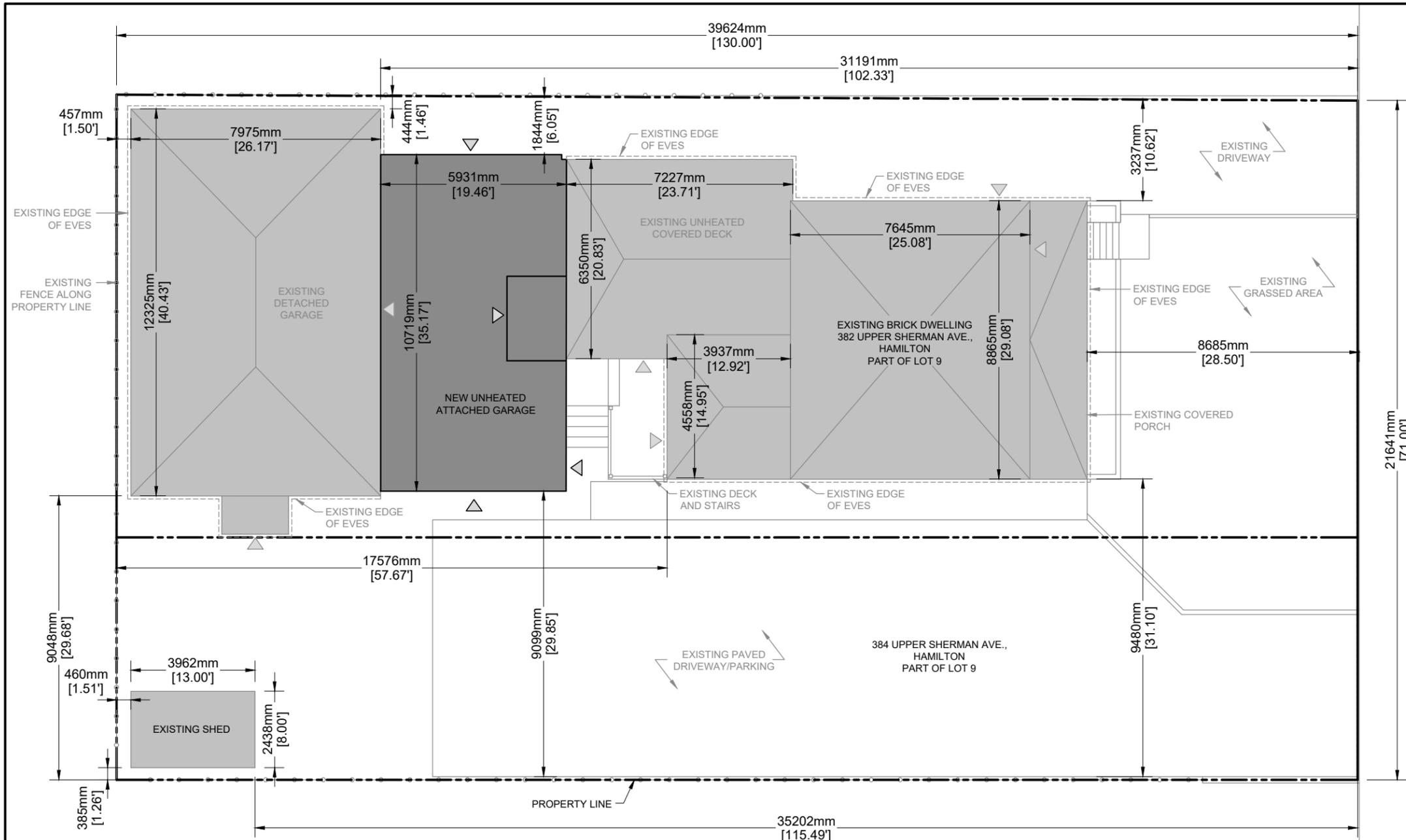
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



#	DATE	REVISION

UPPER SHERMAN AVE

I, KRISTEN SACHS, HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE DESIGN WORK AND ACTIVITIES HEREIN THIS DOCUMENT.

*Kristen Sachs* 121545  
SIGNATURE B.C.I.N.

**Ontario** Drafting Services  
109 CEDAR VALLEYVIEW RD  
HANOVER - ONTARIO - N4N3B8  
519-400-9698  
ONTARIODRAFTINGSERVICES.COM

**382 UPPER SHERMAN AVE.  
HAMILTON, ONTARIO**

**SITE PLAN**

DATE: **MAY 2023** DRAWING No.: **A001**

SCALE: **1:150** DWG. **1** OF **8**

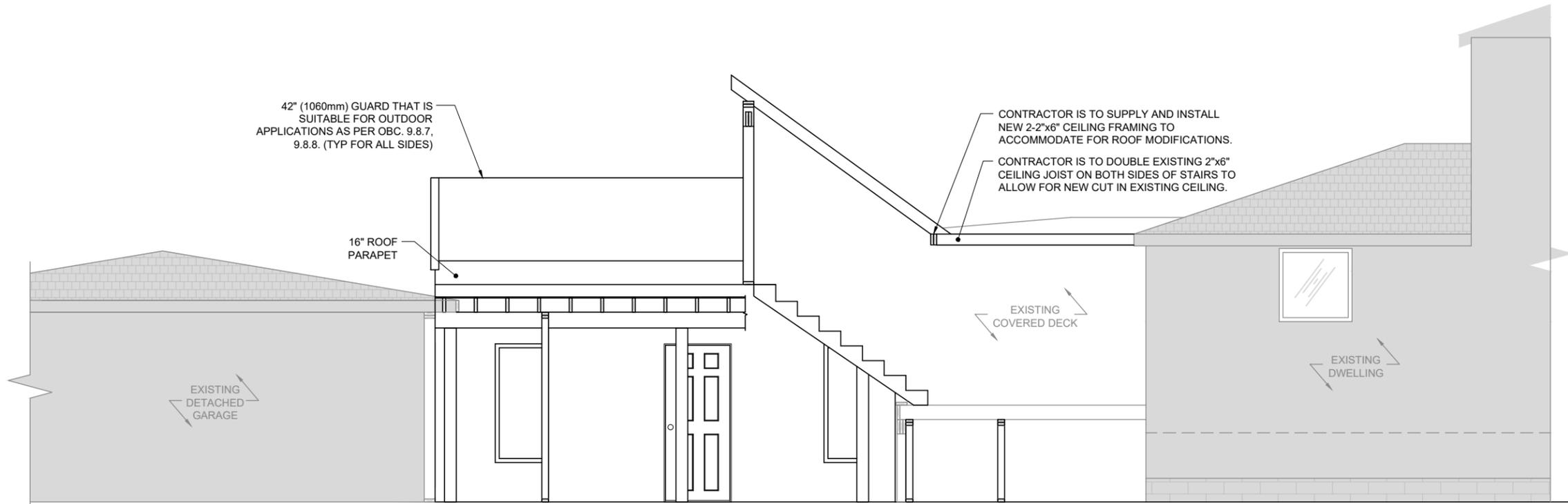
**LOT ZONING CLASS - R1**

ZONING STATISTICS	REQUIRED MAX.	ACTUAL
LOT AREA 382 UPPER SHERMAN AVE.		558.9m <sup>2</sup> (6017ft <sup>2</sup> )
LOT AREA 384 UPPER SHERMAN AVE.		305.9m <sup>2</sup> (3293ft <sup>2</sup> )
LOT COVERAGE - EXISTING DWELLING (FRONT)		155.5m <sup>2</sup> (1674ft <sup>2</sup> )
LOT COVERAGE - EXISTING DETACHED GARAGE (REAR)		100.8m <sup>2</sup> (1085ft <sup>2</sup> )
LOT COVERAGE - EXISTING SHED		9.66m <sup>2</sup> (104ft <sup>2</sup> )
LOT COVERAGE - PROPOSED ATTACHED GARAGE		63.4m <sup>2</sup> (683ft <sup>2</sup> )
LOT COVERAGE - TOTAL ACCESSORY BUILDING	45m <sup>2</sup> - 7.5%	173.86m <sup>2</sup> - 20%
MINIMUM SETBACK TO FRONT LOT LINE	3.0m (32.29ft <sup>2</sup> )	8.63m (28.33')
MINIMUM SETBACK TO SIDE LOT LINE	1.2m (3.94')	1.87m (6.16')
MINIMUM SETBACK TO REAR LOT LINE	7.5m (24.6')	8.43m (27.66')
MAX BUILDING HEIGHT	4.5m (14.76')	5.48m (18')

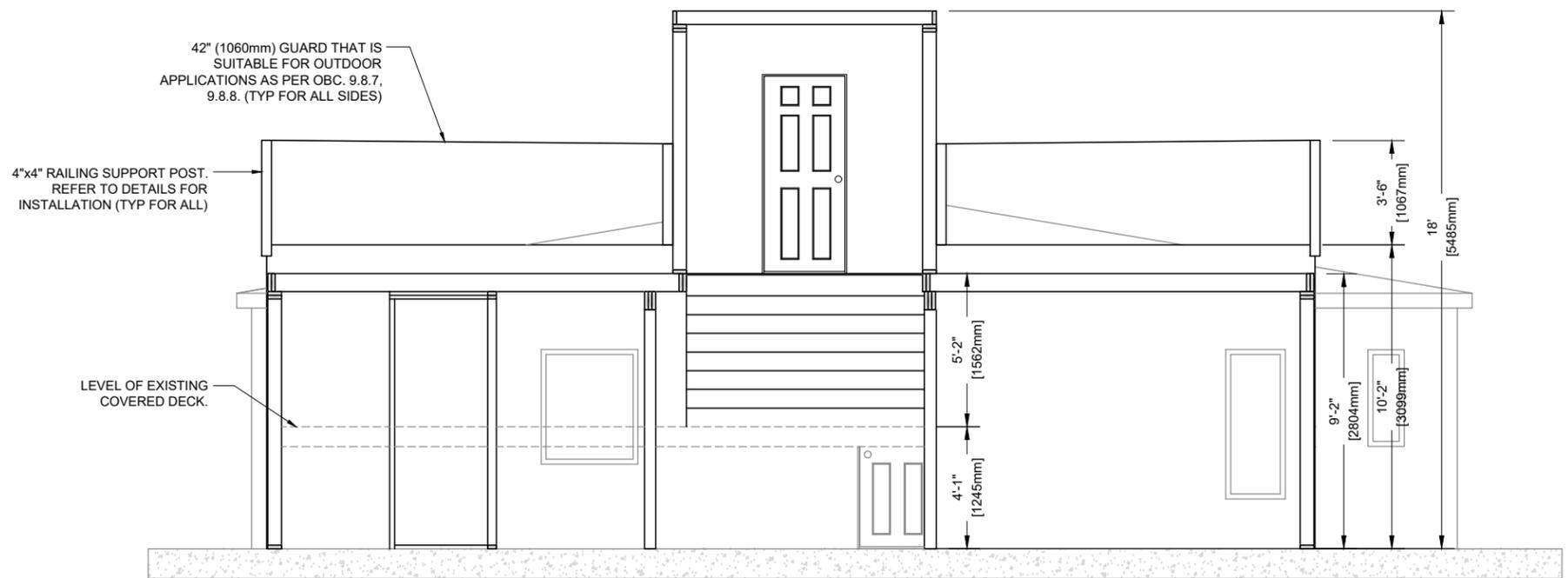
**LEGEND**

- NEW ENTRANCE
- EXISTING ENTRANCE

#	DATE	REVISION



**SECTION 1**  
SCALE = 3/16" = 1'-0"



**SECTION 2**  
SCALE = 3/16" = 1'-0"

I, KRISTEN SACHS, HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE DESIGN WORK AND ACTIVITIES HEREIN THIS DOCUMENT.

*Kristen Sachs* 121545  
SIGNATURE B.C.I.N.

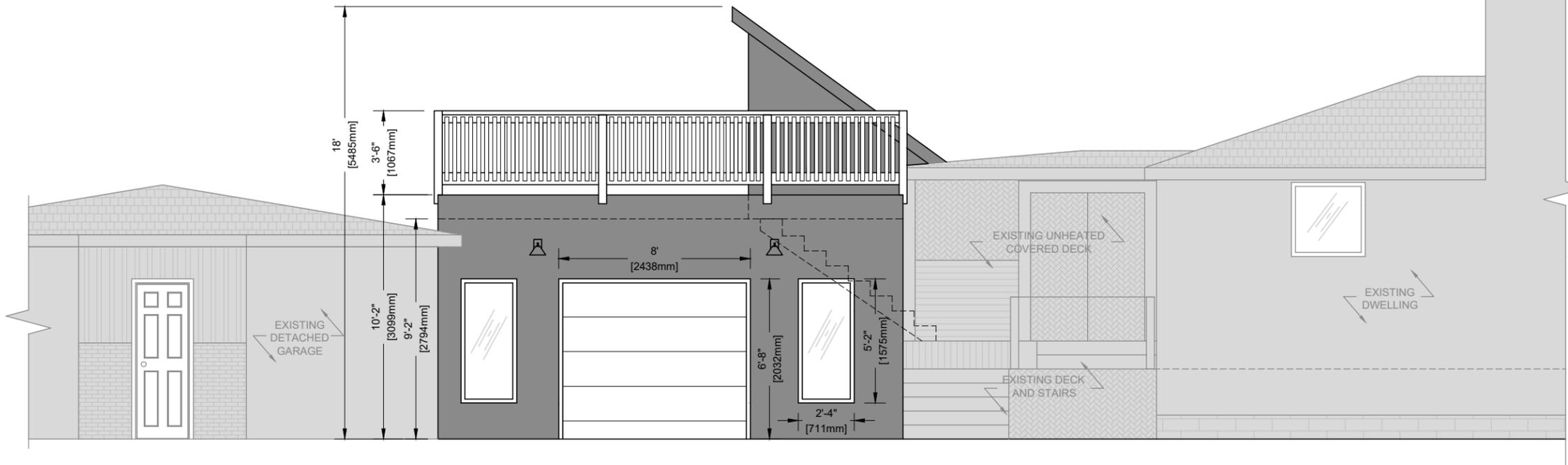
**Ontario** Drafting Services  
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HANOVER - ONTARIO - N4N3B8  
519-400-9698  
ONTARIODRAFTINGSERVICES.COM

**382 UPPER SHERMAN AVE.  
HAMILTON, ONTARIO**

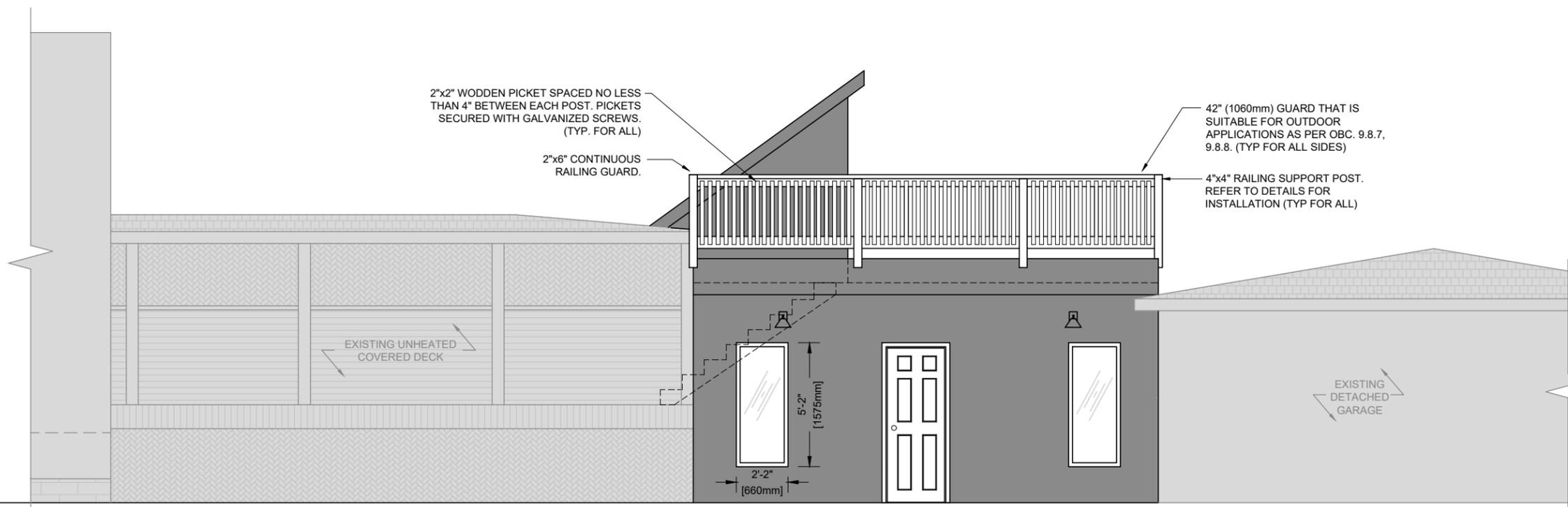
**GARAGE SECTIONS**

DATE NOVEMBER 2022	DRAWING No. A005
SCALE 3/16" = 1'-0"	DWG. 5 OF 8

#	DATE	REVISION



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



**2** ELEVATION 2  
SCALE = 3/16" = 1'-0"

I, KRISTEN SACHS, HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE DESIGN WORK AND ACTIVITIES HEREIN THIS DOCUMENT.

*Kristen Sachs* 121545  
SIGNATURE B.C.I.N.

**Ontario**  
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519-400-9698  
ONTARIODRAFTINGSERVICES.COM

**382 UPPER SHERMAN AVE.  
HAMILTON, ONTARIO**

**GARAGE  
ELEVATIONS**

DATE NOVEMBER 2022	DRAWING No. A006
SCALE 3/16" = 1'-0"	DWG. 6 OF 8



**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	382-384 Upper Sherman Ave.		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	Part of lot 9	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:

Attached Garage building lot coverage, height of building

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Building is in-construction

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

Yes  No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
21.64m	39.62m	864.8msq	4 lanes

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	8685mm	17576mm	3237mm/9480mm	01/09/1945
Detached Garage	31191mm	457mm	444mm/9048mm	01/06/1965
Existing Shed	35202mm	460mm	385mm	01/06/1965

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Attached Garage	N/A	N/A	1844mm/9099mm	05/01/2022

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	155.5msq	155.5msq	2	6405mm
Detached Garage	100.8msq	n/a	1	3657mm
Existing Shed	9.66msq	n/a	1	3048mm

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Attached Garage	63.4msq	n/a	1	5.48m

- 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.):  
 Attached Garage (unheated)

- 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:  
 Feb 14, 2018
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Single detached dwelling
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Single detached dwelling
- 7.4 Length of time the existing uses of the subject property have continued:  
 Since initial construction
- 7.5 What is the existing official plan designation of the subject land?

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

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

Urban Hamilton Official Plan designation (if applicable) Mixed Use - Medium Density

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

Residential - R1 - No change

- 7.6 What is the existing zoning of the subject land? R1
- 7.8 Has the owner previously applied for relief in respect of the subject property?  
 (Zoning By-law Amendment or Minor Variance)
- Yes  No
- If yes, please provide the file number: R1

---

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

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-23:273</b>	<b>SUBJECT PROPERTY:</b>	17 ELM AVENUE, STONEY CREEK
<b>ZONE:</b>	"R6, OS" (Residential Six, Open Space)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:**      **Owner:** FATOS MUCOLLI  
                              **Agent:** BARICH GRENKIE SURVEYING LTD. C/O DEJANA CURCIC

The following variances are requested:

1. A Single Detached Dwelling shall be a permitted use in the "OS" Open Space Zone in the Stoney Creek Zoning By-law 3692-92.

**PURPOSE & EFFECT:**      To permit the construction of a one (1) storey addition to an existing single detached dwelling.

**Notes:**

1. The subject property falls under conservation management. Please contact the Hamilton Conservation Authority prior to any development.
2. Please be advised the property has dual zoning. The subject property falls under the "R6" and "OS" Zone in the Stoney Creek Zoning By-law 3692-92.
3. Please be advised insufficient information was provided regarding the existing/proposed parking. Additional variances may be required if zoning conformity 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:

SC/A-23:273

<b>DATE:</b>	<b>Thursday, November 16, 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 SC/A-23:273, 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-23:273



DATED: October 31, 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.

**GENERAL NOTES**

- THIS/ THESE PLANS (S) IS/ ARE NOT TO BE USED FOR CONSTRUCTION UNTIL SEALED BY THE ENGINEER AND PRINTED/ ISSUED FOR CONSTRUCTION ON THE DRAWING.
- THIS/ THESE PLANS (S) IS/ ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF BARICH GRENKIE SURVEYING LTD.
- INFORMATION REGARDING ANY EXISTING SERVICES AND/OR UTILITIES SHOWN ON THE APPROVED SET OF CONSTRUCTION DRAWINGS ARE FURNISHED AS THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL INTERPRET THIS INFORMATION AS HE SEES FIT WITH THE UNDERSTANDING THAT THE OWNER AND HIS AGENTS DISCLAIM ALL RESPONSIBILITY FOR ITS ACCURACY AND /OR SUFFICIENCY. THE CONTRACTOR SHALL ASSUME LIABILITY FOR ANY DAMAGE TO EXISTING WORKS.
- A SITE PLAN INFORMATION TACKER SURVEY BY BARICH GRENKIE SURVEYING LTD DATED JANUARY 6, 2023.
- THIS/ THESE PLANS (S) TO BE USED FOR SERVING AND GRADING ONLY, FOR BUILDING LOCATION REFER TO TO THE SITE PLAN.
- MUNICIPAL APPROVAL OF THESE DRAWINGS IS FOR MATERIAL AND COMPLIANCE WITH CITY/TOWN STANDARDS AND PROVINCIAL SPECIFICATIONS AND STANDARDS ONLY. APPROVAL AND INSPECTION OF THE WORKS BY THE CITY/TOWN STAFF DOES NOT CERTIFY THE LINE AND GRADE OF THE WORKS NOR RELIEVE THE CONTRACTOR OF CERTIFICATION OF ALL WORKS BY THE OWNER'S ENGINEER.
- ALTERNATE MATERIALS MAY BE ACCEPTABLE PROVIDED WRITTEN APPROVAL HAS FIRST BEEN OBTAINED FROM THE CITY OF HAMILTON AND THE ENGINEER.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
  - ROAD CUT PERMITS
  - SEWER PERMITS
  - APPROACH APPROVAL PERMITS
  - RELOCATION OF SERVICES
  - COMMITTEE OF ADJUSTMENT
  - ENCROACHMENT AGREEMENTS
- PRIOR TO CONSTRUCTION THE CONTRACTOR MUST:
  - CHECK AND VERIFY ALL DIMENSIONS AND EXISTING ELEVATIONS WHICH INCLUDE BUT ARE NOT LIMITED TO THE BENCHMARK ELEVATIONS, EXISTING SERVICE CONNECTIONS, EXISTING INVERTS AND REPORT FINDING IN WRITING TO THE ENGINEER.
  - OBTAIN ALL UTILITY LOCATES AND REQUIRED PERMITS AND LICENSES.
  - VERIFY ALL FINISHED FLOOR ELEVATIONS AND BASEMENT FLOOR ELEVATIONS WHICH MY APPEAR ON THESE PLANS COMPLY WITH THE FINAL ARCHITECTURAL DRAWINGS.
  - CONFIRM ALL DRAWINGS USED FOR CONSTRUCTION ARE OF THE MOST RECENT REVISION.
 NOTIFY THE ENGINEER OF THE PROPOSED CONSTRUCTION SCHEDULE FOR COORDINATION OF NECESSARY INSPECTIONS.
- THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE ENGINEER 48 HOURS PRIOR TO THE COMMENCING OF SITE WORKS TO ARRANGE FOR INSPECTION. THE ENGINEER SHALL DETERMINE THE EXTENT OF INSPECTION AND TESTING REQUIRED FOR CERTIFICATION OF THE UNDERGROUND SERVICE INSTALLATION AS MANDATED BY THE ONTARIO BUILDING CODE DIVISION C, PART 1, SECTION 12.2.2 GENERAL REVIEW. FAILURE TO MAKE SUITABLE ARRANGEMENTS FOR INSPECTION WILL LEAD TO POST CONSTRUCTION TESTING AND INSPECTION AS DETERMINED BY THE ENGINEER, THE COSTS OF WHICH INCLUDING ANY DELAYS IN CONSTRUCTION SHALL BE BORNE BY THE CONTRACTOR. FULL PAYMENT FOR UN-INSPECTED WORKS MAY BE WITHHELD UNTIL THE COMPLETION OF THE POST CONSTRUCTION INSPECTION AND TESTING TO THE SATISFACTION OF THE ENGINEER.
- INSPECTION BY THE OWNER'S ENGINEER IS FOR CERTIFICATION AND GENERAL CONFORMANCE PURPOSES AND DOES NOT CERTIFY LINE AND GRADE OR IMPLY AN ASSURANCE OF QUALITY CONTROL. THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE THE INSTALLATION OF THE WORKS TO PROPER LINE, GRADE AND QUALITY TO CURRENT INDUSTRY STANDARDS.
- ANY UTILITY RELOCATIONS AND RESTORATIONS DUE TO THE DEVELOPMENT TO BE UNDERTAKEN AT THE EXPENSE OF THE OWNER/DEVELOPER AND SHALL BE COORDINATED BY THE CONTRACTOR.
- ALL RESTORATIONS AND RECONSTRUCTIONS SHALL BE COMPLETED TO MATCH EXISTING CONDITIONS OR BETTER AND ARE TO BE PERFORMED TO THE SATISFACTION OF THE ENGINEER AND THE CITY/TOWN STANDARDS.
- SERVICING CONTRACTOR TO MAINTAIN A "CONFINED TRENCH CONDITION" IN ALL SEWER AND WATERMAIN INSTALLATION TRENCHES.
- THE SITE SERVING CONTRACTOR SHALL TERMINATE ALL SERVICES 1.0m FROM THE BUILDING FACE. NO PLASTING WILL BE PERMITTED.

**GRAVING NOTES**

- GENERAL GRADING
  - ALONG ADJOINING PROPERTIES GRADE TO MEET EXISTING OR PROPOSED ELEVATIONS WITH SLOOED SLOPES (MIN. 3% TO 1%) AND/OR RETAINING WALLS AS SPECIFIED.
  - ALL RETAINING WALLS, DRIVEWAYS, CURBS, ETC. SHALL BE PLACED A MIN. OF 0.45m OFF THE PROPERTY LINE. ALL WALLS 1.0m OR HIGHER SHALL BE DESIGNED BY A P.E.N.G.
  - SHOULD A RETAINING WALL BE REQUIRED, THE TOP OF WALL ELEVATIONS SHALL BE SET 150mm ABOVE THE PROPOSED SIDE YARD SWALES.
  - RETAINING WALLS 0.6m IN HEIGHT OR GREATER REQUIRE CONSTRUCTION OF A FENCE OR GUARD RAIL AT THE TOP OF THE REAR OF THE WALL. GUARDS FOR RETAINING WALLS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF EXTERIOR GUARDS AS CONTAINED IN THE ONTARIO BUILDING CODE.
  - TOP OF FOUNDATION WALLS FOR BUILDINGS SHALL BE 150mm (MIN) ABOVE FINISHED GRADE.
  - DRIVEWAY SLOPES SHALL NOT BE LESS THAN 2% AND NOT MORE THAN 7.0% REVERSED SLOPED DRIVEWAYS IN NEW DEVELOPMENTS ARE NOT PERMITTED.
- IF GRADING IS REQUIRED ON LANDS ADJACENT TO THE DEVELOPMENT WHICH ARE NOT OWNED BY THE DEVELOPER, THEN THE DEVELOPER MUST OBTAIN WRITTEN PERMISSION FROM THE ADJACENT PROPERTY OWNER TO ALLOW THE DEVELOPER TO GRADE ON THE ADJACENT LANDS, OTHERWISE RETAINING WALLS MUST BE USED.
- THE WRITTEN PERMISSION REQUIRED FROM THE ADJACENT LANDOWNER SHALL BE OBTAINED PRIOR TO ENTERING THE LANDS. SHOULD PERMISSION NOT BE OBTAINED OR IS WITHDRAWN PRIOR TO COMMENCING THE WORK, THEN THE DEVELOPER SHALL LIMIT HIS ACTIVITIES TO THE LIMITS OF THE DEVELOPMENT SITE.
- DRIVEWAY AND DRIVEWAY APPROACHES SHALL BE LOCATED SUCH THAT HYDRO VAULTS AND OTHER STREET FURNITURE ARE A MIN. OF 1.2m FROM THE PROJECTIONS OF THE OUTSIDE GARAGE WALLS.
- ANY CHANGES IN GRADES AND CATCH BASINS REQUIRE THE APPROVAL OF THE CITY'S MANAGER OF DEVELOPMENT ENGINEERING.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
- SLOPES OF SWALES FOR BOTH "BACK TO FRONT" AND "SPLIT" DRAINAGE SHALL BE NO LESS THAN 2.0% GRADE AND NO GREATER THAN 33.0% GRADE (3:1 SLOPE).
- WHEN MATCHING TO EXISTING PROPERTIES WHERE A 2.0% GRADE CANNOT BE ACHIEVED, A 1.5% GRADE IS PERMITTED, PROVIDED A 150mm SUBDRAIN IS INSTALLED BELOW THE BOTTOM OF THE SWALE AND DRAINED TO A SUITABLE OUTLET (WITH A MINIMUM 0.3m COVER OVER THE SUBDRAIN), OR OTHER MITIGATION MEASURES.
- MINIMUM GRADE FOR WRAP-AROUND SWALE IN BACKYARDS SHALL BE 1.0%.
- UNLESS OTHERWISE NOTED, THE GROUND BETWEEN PROPOSED ELEVATIONS ON SIDE LOTS SHALL BE GRADED IN A STRAIGHT LINE.
- GARAGE FLOOR ELEVATIONS TO BE SET 0.3m HIGHER THAN BACK OF WALK, UNLESS OTHERWISE SPECIFIED.
- ALL FILL PLACED ON LOTS SHALL BE COMPACTED TO A MINIMUM 95% S.P.D. (UNLESS OTHERWISE RECOMMENDED BY THE GEOTECHNICAL ENGINEER). ALL MATERIAL SHALL BE PLACED IN LIFTS NOT EXCEEDING 300mm.

**BACKYARD GRADING**

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

**COMPACTION REQUIREMENTS**

UNLESS OTHERWISE NOTED OR DIRECTED BY THE GEOTECHNICAL CONSULTANT, THE FOLLOWING SHALL APPLY:

- ALL BEDDING AND BACKFILL MATERIAL, ROAD SUB-GRADES AND GENERALLY ALL MATERIAL USED FOR LOT GRADING AND FILL SECTIONS, ETC., SHALL BE COMPACTED TO MIN. 95% S.P.D. ALL MATERIAL SHALL BE PLACED IN LAYERS NOT EXCEEDING 300mm LIFTS.
- ALL GRANULAR ROAD BASE MATERIALS SHALL BE COMPACTED TO 98% S.P.D.
- FOR ALL SEWERS AND WATERMANS IN FILL SECTIONS, THE COMPACTION SHALL BE CERTIFIED BY A GEOTECHNICAL ENGINEER PRIOR TO LAYING OF PIPE.

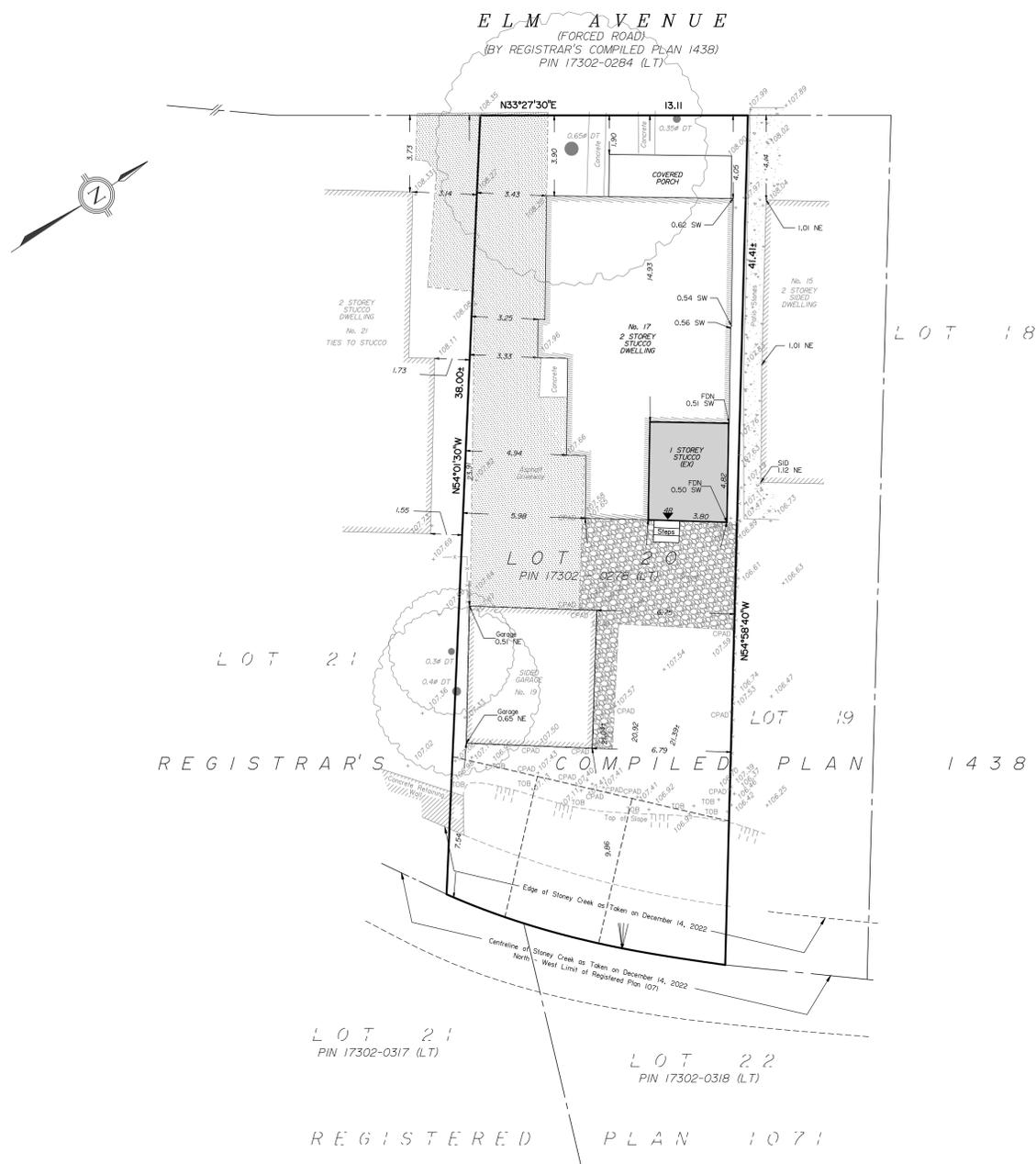
**SILTATION AND EROSION CONTROL**

- SILTATION CONTROL BARRIERS SHALL BE PLACED AS DETAILED.
- ALL SILTATION CONTROL MEASURES SHALL BE CLEANED AND MAINTAINED AFTER EACH RAINFALL AS DIRECTED AND TO THE SATISFACTION OF THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.
- ADDITIONAL SILT CONTROL LOCATIONS MAY BE REQUIRED AS DETERMINED BY THE ENGINEER, THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.

**RESTORATIONS**

- ALL TRENCH EXCAVATION WITHIN EXISTING ROAD ALLOWANCES SHALL BE BACKFILLED WITH GRANULAR "A", COMPACTED TO 98% S.P.D. PAVEMENT RESTORATION SHALL BE PERFORMED AS PER RD-100.01 & 100.02.
- ALL BOULEVARDS TO BE RESTORED WITH #1 NURSERY SOG ON 100mm MINIMUM THICK SELECT TOPSOIL.
- BEDDING MATERIALS TO BE AS PER FORM 600. COMPACTION TO BE AS PER FORM 900.

MUNICIPAL ADDRESS		
17 ELM AVENUE, STONEY CREEK		
LEGAL DESCRIPTION		
LOT 20, REGISTRAR'S COMPILED PLAN 1438, CITY OF HAMILTON		
ZONING		
RESIDENTIAL ZONE (R6)		
SITE STATISTICS	BYLAW	PROPOSED
LOT AREA	310 m <sup>2</sup>	537.27m <sup>2</sup> (EX)
LOT COVERAGE	40% (MAX)	21.0%
LOT WIDTH	12.0 m	13.11 m (EX)
SETBACKS		
FRONT YARD	6.0 m	14.93 m
REAR YARD	7.5 m	20.92 m
SIDE YARD (NORTH)	1.25 m	8.95 m
SIDE YARD (SOUTH)	1.25 m	0.5 m



NOT TO SCALE  
ADDRESS: 17 ELM AVENUE, STONEY CREEK

SITE AND GRADING PLAN OF  
**LOT 20**  
**REGISTRAR'S COMPILED PLAN 1438**  
IN THE  
**CITY OF HAMILTON**

BARICH GRENKIE SURVEYING LTD.  
A DIVISION OF GEOMAPLE  
© COPYRIGHT 2023

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

**LEGEND**

CB	DENOTES CATCH BASIN
DT	DENOTES DECIDUOUS TREE
CT	DENOTES CONIFEROUS TREE
S	DENOTES SERVICE VALVE
---	DENOTES SUBJECT LANDS BOUNDARY
---	DENOTES DEED LINE
---	DENOTES LOT LINE
---	DENOTES LIMIT OF STREET
---	DENOTES FENCE LINE
N-E-S-W	DENOTES NORTH-EAST-SOUTH-WEST
100.00	DENOTES EXISTING ELEVATION
100.00	DENOTES PROPOSED ELEVATION
---	DENOTES DOWNSPOUT WITH SPLASH PAD

**ELEVATION NOTE**  
ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928:1978) AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK No. 0772002012 HAVING AN ELEVATION OF 84.543 m.

NO.	DATE	BY	REVISIONS	
0	10/05/2023	DC	ISSUED FOR REVIEW	
DESIGN	DC	CHK'D	DJ	DATE
DRAWN	DC	CHK'D	DJ	OCTOBER 05, 2023

Scale 1:150  
0 2 4 6 8 10 METRES

**APPROVALS**

STAMP

**Barich Grenkie Surveying Ltd.**  
301 HWY No. 8 (2ND FLOOR) STONEY CREEK, ON  
(905) 682-6767  
A DIVISION OF GEOMAPLE

DWN BY: DC  
CHK BY: MF  
JOB No. 22-2935I

CLIENT  
**FATOS MUCOLLI RESIDENCE**

PROJECT NAME  
**EXISTING ADDITION  
17 ELM AVENUE**

TITLE  
**SITE AND GRADING PLAN**

PROJECT No. 22-2935I DRAWING No. 22-2935I SGP

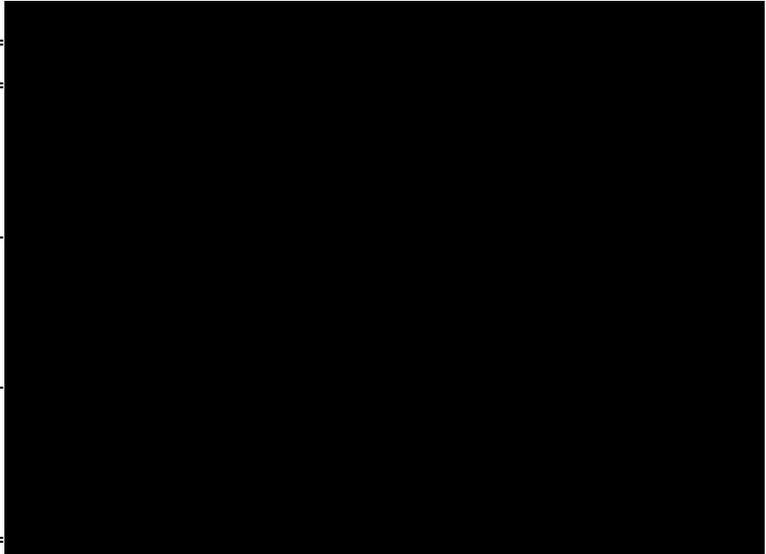


Hamilton

**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  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\*

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	17 Elm Avenue, Stoney Creek		
Assessment Roll Number			
Former Municipality			
Lot	20	Concession	
Registered Plan Number	1438	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

### 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Minor variance is required for the addition in the open space zone

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

OS do not permit a single dwelling as a 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	Width of Street
13.11m	40.59m	537.27m <sup>2</sup>	8.4m

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	3.90m	21.04m	0.51m;3.43m	
garage	23.91m	7.54	0.51m;6.75m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
addition	14.93m	21.39m	0.50m	

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	114.49m <sup>2</sup>		2 storey	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
addition	18.59m <sup>2</sup>	14.40m <sup>2</sup>	1 storey	

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

- lake or other water body  
 other means (specify)

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

- ditches  
 other means (specify)

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

publicly owned and operated sanitary sewage

system privately owned and operated individual

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

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

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

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

Single detached dwelling

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

Single detached dwelling

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

November 25, 2020

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

Single detached dwelling

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

Single detached dwelling

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

45+ 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) yes

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

Changing exterior look of the house

7.6 What is the existing zoning of the subject land? R6 and OS 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: R6 and OS zone

---

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: \_\_\_\_\_

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-23:282</b>	<b>SUBJECT PROPERTY:</b>	358 BEACH BOULEVARD, HAMILTON
<b>ZONE:</b>	“C/S-1436b & S-1822” (Urban Protected Residential, Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 19-277 & 22-195

**APPLICANTS:**      **Owner:** SAFDAR ALI

The following variances are requested:

1. A minimum required Side Yard Setback of 1.5 metres shall be provided instead of the minimum required Side Yard Setback of 1.7 metres.
2. A minimum of 2 parking spaces shall be required instead of the minimum required 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room.

**PURPOSE & EFFECT:**      To permit the construction of a Single-Family Dwelling notwithstanding that;

**Notes:**

- i. Please note, Floor Plans have not been provided with this submission and the exact number of parking spaces could not be confirmed. Parking calculations have been provided based on the Zoning Compliance Review calculations.

**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, November 16, 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>

**HM/A-23:282**

	<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 HM/A-23:282, 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-23:282



 Subject Lands

DATED: October 31, 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.

TREE PROTECTION NOTE

- 1. ALL EXISTING TREES WHICH ARE TO REMAIN SHALL BE FULLY PROTECTED WITH HOARDING, ERECTED BEYOND THEIR DRIP LINE PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT...

EROSION AND SILTATION CONTROL

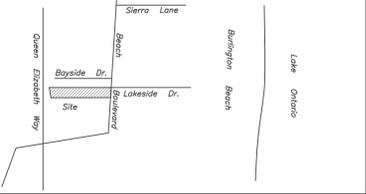
- A) ALL EROSION AND SEDIMENTATION CONTROL DEVICES ARE TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF HAMILTON AND HAMILTON CONSERVATION AUTHORITY;

MUNICIPAL RIGHT-OF-WAY NOTES

- 1. ALL WORKS WITHIN THE PUBLIC RIGHT-OF-WAY ARE TO BE CARRIED TO THE SATISFACTION OF THE CITY OF HAMILTON PUBLIC WORKS.

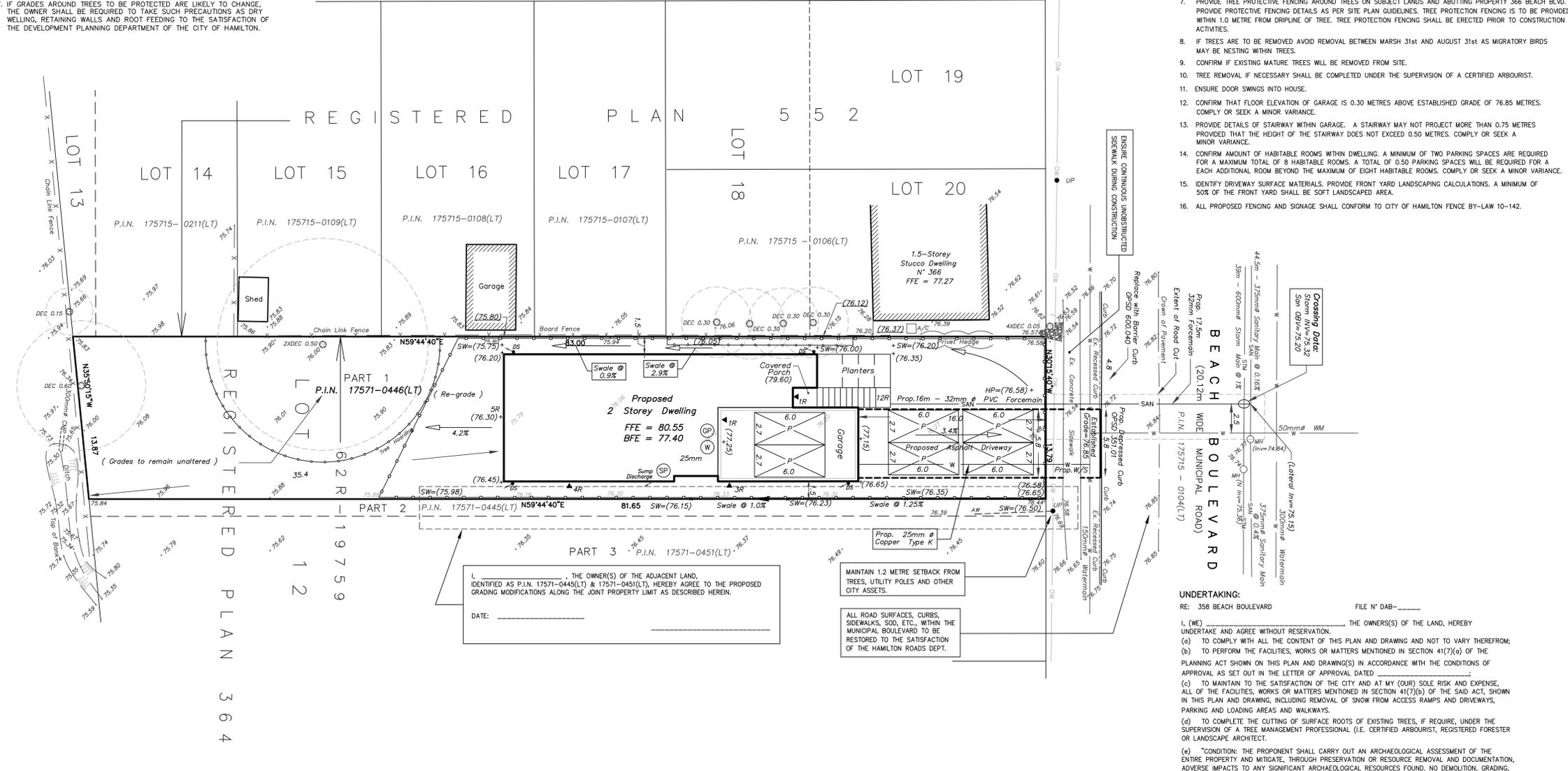


KEY PLAN



STANDARD DEVELOPMENT NOTES

- (A) ENGINEERING AND CONSTRUCTION DEPARTMENT
1. DRIVEWAYS ON THE MUNICIPAL RIGHT-OF-WAY SHALL BE PAVED BY THE APPLICANT.
2. AT THE ENTRANCES TO THE SITE, THE MUNICIPAL CURB AND SIDEWALK WILL BE CONTINUOUS THROUGH THE DRIVEWAY AND A CURB DEPRESSION WILL BE PROVIDED FOR THE ENTRANCE.



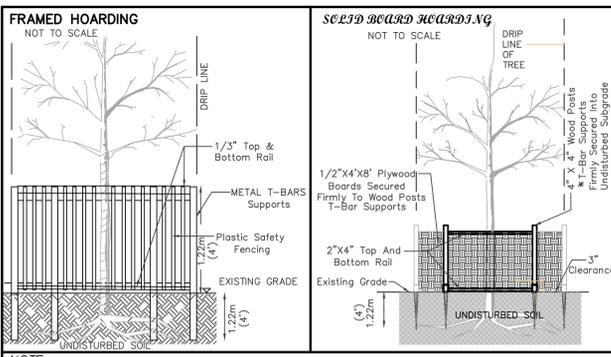
I, \_\_\_\_\_, THE OWNER(S) OF THE ADJACENT LAND, IDENTIFIED AS P.I.N. 17571-0445(LT) & 17571-0451(LT), HEREBY AGREE TO THE PROPOSED GRADING MODIFICATIONS ALONG THE JOINT PROPERTY LIMIT AS DESCRIBED HEREIN.

MAINTAIN 1.2 METRE SETBACK FROM TREES, UTILITY POLES AND OTHER CITY ASSETS.

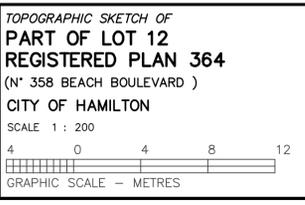
UNDERTAKING:

- RE: 358 BEACH BOULEVARD FILE N° DAB-\_\_\_\_\_
1. (WE) \_\_\_\_\_ THE OWNERS(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION.
(a) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;

WITNESS (signature) OWNER(S) (signature)
WITNESS (print) OWNER(S) (print)
ADDRESS OF WITNESS



DESIGN LEGEND table with symbols for proposed/existing grades, drainage, and various utility lines.



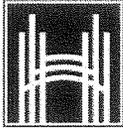
BOUNDARY NOTE
ALL BOUNDARY DATA SHOWN HEREON WAS COMPILED FROM THE REGISTRY OFFICE RECORDS AND WAS VERIFIED IN THE FIELD.
ELEVATION NOTE
ALL ELEVATIONS SHOWN HEREON ARE GEODETIC AND WERE DERIVED FROM THE GEODETIC SURVEY OF CANADA BENCHMARK N 0011910003 HAVING AN ELEVATION OF 76.602m (CGVD=1928.1978).

LEGEND table defining symbols for anchor wires, bell boxes, gas valves, and other utility features.

UNDERGROUND SERVICES NOTE
ONLY UNDERGROUND SERVICES VISIBLE ON THE GROUND WERE LOCATED FOR THIS PLAN.
SURVEYOR'S NOTE
1. THIS PLAN WAS PREPARED FOR DESIGN PURPOSES ONLY AND IS NOT SUITABLE FOR LEGAL TRANSACTIONS.

SITE STATISTICS - ZONE C/S-1436B table listing lot area, frontage, coverage, and setbacks.

Revision table with columns for date, description, and initials, and a title block for 'N° 358 BEACH BOULEVARD, HAMILTON SITE PLAN'.



# Hamilton

September 28, 2023

FILE: ALR  
 FOLDER: 23-137447-00 ALR  
 ATTENTION OF: William Campbell  
 TELEPHONE NO: (905) 546-2424  
 EXTENSION: 6754-

Mike Metzloff  
 48 MONTCALM DRIVE  
 KITCHENER, ONTARIO N2B 2R1

**Attention:**

**Re: APPLICABLE LAW REVIEW – ZONING BYLAW**  
**Present Zoning: C/S-1436b**  
**Address: 358 BEACH BLVD HAMILTON, ON**

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

**COMMENTS:**

1. The applicant is proposing to construct a new single family dwelling on the lands known municipally as 358 Beach Boulevard
2. The property in question is zoned C/S-1436b pursuant to former Hamilton Zoning by-law 6593
3. The proposed use is permitted within the current zoning designation
4. This is an interior lot, based on "front lot line" as defined, the lot line adjacent to Beach Boulevard is considered the front lot line for the purposes of the development
5. The proposed single family dwelling has been reviewed and compared to the regulations of the C/S-1436b zoning designation in the following chart;

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Section 9 – C District Requirements</b>			
<b>Residential Permitted Uses</b> [as per section 9(1) of Hamilton Zoning By-	A single family dwelling, together with the accommodation of lodgers to the number of more than three	single family dwelling proposed	<b>Conforms</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
law 6593]			
<b>Maximum Building Height</b> [as per section 9(2) of Hamilton Zoning By-law 6593]	No building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres in height	building height appears to be provided as 2 storeys and 10.66m	<b>Conforms</b> <i>Note: The height conforms based on the elevation plans. Building height is based on grade and will be confirmed at the building permit review stage</i>
<b>Minimum Front Yard</b> [as per section 9(3)(i) of Hamilton Zoning By-law 6593]	A front yard of a depth of at least 6.0 metres	16.0m	<b>Conforms</b>
<b>Minimum Side Yard</b> [as per Amending By-law 99-170 and 19-277 1. (a), (b) & (c) of Hamilton Zoning By-law 6593]	(a) all buildings and structures, including accessory buildings, shall provide a side yard along each side lot line, of a width of at least 1.7 metres; and,  (b) notwithstanding clause (a), a side yard maybe reduced to a width of at least 1.5 metres, only where a common swale between the adjoining properties has been approved under a Site Plan Control Agreement; and,  (c) notwithstanding clauses (a) and (b), Section 18(3)(v), (viccc), and (vi)(e) shall not apply to side yards	1.5m side yard provided	<b>Non-Conforming</b>
<b>Minimum Rear Yard</b> [as per section 9(3)(iii) of Hamilton Zoning By-law 6593]	A rear yard of a depth of at least 7.5 metres	35.4m	<b>Conforms</b>
<b>Minimum Lot Width</b> [as per section 9(4) of Hamilton Zoning By-law 6593]	A width of at least 12.0 metres (39.27 feet)	13.79m lot width provided	<b>Conforms</b>
<b>Minimum Lot Area</b>	An area of at least 360.0 square	1,136.1m <sup>2</sup>	<b>Conforms</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
[as per section 9(4) of Hamilton Zoning By-law 6593]	metres (3,875.13 square feet) within the district		
<b>Minimum Ground Floor Elevation</b> [as per Amending By-law 99-170 and 19-277 1.(d) of Hamilton Zoning By-law 6593]	The minimum ground floor elevation of any building or any building addition shall be 76.5 metres above mean sea level, as defined by the Geodetic Survey Datum, except for any building addition less than 14 square metres in area and any accessory building or structure.	Established grade provided as 76.85m as per site statistics chart	<b>Conforms</b>
<b>Basement or Cellar</b> [as per Amending By-law 99-170 1.(e) of Hamilton Zoning By-law 6593]	No basement or cellar shall be permitted for any building	no basement or cellar has been proposed, all rooms are proposed above grade	<b>Conforms</b>
<b>Lot Grading Agreement</b> [as per Amending By-law 99-170 and 19-277 1.(g) of Hamilton Zoning By-law 6593]	Prior to the issuance of a building permit for every new building, a Lot Grading Agreement with the City of Hamilton shall be entered into and registered on title to the satisfaction of the Building Department Director, except for developments that require approval under the Site Plan Control By-law 15-175, as amended.	<b>compliance to be determined by the building department</b>	
<b>18(3)(vi) Encroachments on Yards –</b> <i>In accordance with the requirements of Section 18(3)(vi) of Hamilton Zoning By-law 6593</i>			
<b>Eave or Gutter</b> [as per section 18(3)(vi)(b) of Hamilton Zoning By-law 6593]	(i) into a required front yard not more than 1.5 metre (4.92 feet) provided that no such projection shall be closer to a street line than 1.5 metres	it does not appear that any eave or gutter will project beyond what is permitted	<b>Conforms</b>
	(ii) into a required rear yard not more than 1.5 metre (4.92 feet)		
	(iii) into a required side yard not more than one half of its width, or 1.0 metre (3.28 feet), whichever is the lesser		

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Balcony</b> [as per section 18(3)(vi)(cc) of Hamilton Zoning By-law 6593]	(i) into a required front yard not more than 1.0 metre (3.28 feet), provided that no such projection shall be closer to a street line than 1.5 metres	it does not appear that any balcony will project beyond what is permitted	<b>Conforms</b>
	(ii) into a required rear yard not more than 1.0 metre (3.28 feet)		
	Into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser		
<b>Roofed-Over or Screened by otherwise Unenclosed One-Storey Porch at the First Storey Level</b> [as per section 18(3)(vi)(d) of Hamilton Zoning By-law 6593]	A roofed-over or screened by otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres (9.84 feet), and every such projecting porch shall be distance at least 1.5 metres (4.92 feet) from the front lot line, and the enclosure of such a porch to the following extent shall not be deemed enclosure for the purpose of this Section: <ul style="list-style-type: none"> <li>(i) the porch may have a solid guard around the perimeter of the porch not more than 1.0 metres (3.28 feet) in height measured from the floor of the porch;</li> <li>(ii) the roof may be supported on columns or piers having maximum width of 0.5 metres (1.64 feet);</li> <li>(iii) the beam, lintel or crown of an arch shall be no more than 3.0 metres (0.98 feet) in depth;</li> <li>(iv) the minimum distance between piers or columns shall be 1.0 metre (3.28 feet) and in the case of arches, the arches shall have a minimum clear width of 1.0 metre (3.28 feet)</li> </ul>	it does not appear that any proposed porch will project beyond what is permitted	<b>Conforms</b>
<b>Mechanical Equipment -</b> <i>In accordance with the requirements of Section 18(4)(v) of Hamilton Zoning By-law 6593</i>			

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Air Conditioners and Pumps</b> [as per section 18(4)(v) of Hamilton Zoning By-law 6593]	Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:  (a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,	<b>Applicant to note</b>	
	(b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.	<b>applicant to note</b>	
<b>Front Yard Landscaping -</b> <i>In accordance with the requirements of Section 18(14) of Hamilton Zoning By-law 6593</i>			

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Front Yard Landscaping</b> [as per section 18(14) of Hamilton Zoning By-law 6593]	Notwithstanding any other provisions of this By-law, for any single family dwelling, two family dwelling or three family dwelling:  (i) not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials;  (ii) for the purpose of clause 14.(i), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:  (a) unenclosed entrance porches; (b) vestibules; (c) ramps; (d) front steps; (e) chimneys; (f) bay windows; (g) ornamental projections; (h) terraces; (i) platforms; and, (j) a walkway between the front entrance of the principle building and the front lot line or driveway with a maximum width of 0.6m;	52% as per site plan statistics provided	<b>Conforms</b>
<b>Parking -</b> <i>In accordance with the requirements of Section 18A of Hamilton Zoning By-law 6593</i>			
<b>Minimum Required Manoeuvring Space for Parking Areas</b> [as per section 18A(1)(f) of Hamilton Zoning By-law 6593]	Manoeuvring space abutting upon and accessory to each required parking space, having an aisle width mentioned in column 2 of Table 6 for each parking space having a parking angle mentioned	6.0m maneuvering space appears to be able to be provided	<b>conforms</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	in column 1. 6.0m maneuvering space		
<b>Minimum Parking Space Size</b> [as per section 18A(7) of Hamilton Zoning By-law 6593]	Every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 6.0 metres long.	parking spaces provided as 2.7m x 6.0m	<b>Conforms</b>
<b>Open Stairway into Required Parking Space</b> [as per section 18A(7a) of Hamilton Zoning By-law 6593]	Notwithstanding Subsection (7), for a single family dwelling where more than one parking space is provided in an attached garage, then an open stairway may project into the length of the required parking space not more than 0.75 metres provided that the height of the stairway does not exceed 0.5 metres.	it does not appear that stairs are proposed to encroach into a parking space	<b>Conforms</b>
<b>Finished Level of Attached Garage Floor</b> [as per section 18A(7b) of Hamilton Zoning By-law 6593]	Where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade.	Minimum finished floor level of the proposed garage is provided 0.3m above grade	<b>Conforms</b>
<b>Minimum Parallel Parking Space Size</b> [as per section 18A(8) of Hamilton Zoning By-law 6593]	Every parallel parking space shall have dimensions not less than 2.5 metres wide and 6.7 metres long.	none provided	N/A
<b>Location of Parking</b> [as per section 18A(9) of Hamilton Zoning By-law 6593]	Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot on which the principle use, building or structure is located.	parking provided on the same lot as the use requiring such parking	<b>Conforms</b>
<b>Access to Parking</b> [as per section 18A(10) of Hamilton Zoning By-law 6593]	Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and	parking spaces are obstructed by other parking spaces	<b>non-conforming</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.		
<b>Location</b> [as per section 18A(14g) of Hamilton Zoning By-law 6593]	Except as provided for in clauses (14a), (14b) and (14h), no part of the required parking area in a residential district shall be located in a required front yard.	See below (14h)	
<b>Location – Single Family Dwelling</b> [as per section 18A(14h) of Hamilton Zoning By-law 6593]	For the purposes of a single family dwelling, the following shall apply:  (i) only one of the required parking spaces may be located in the front yard, and	4 parking spaces appear to be provided in the front yard	<b>Non-conforming</b>
	(ii) notwithstanding Subsection 10, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces  (i.e. tandem)	4 spaces are obstructed by another vehicle	<b>Non-conforming</b>
<b>Location of Parking and Manoeuvring</b> [as per section 18A(21) of Hamilton Zoning By-law 6593]	All required parking spaces and manoeuvring spaces shall have access by means of one or more access driveways,  (a) located on the lot; or  (b) located partly on the lot in the case of a mutual driveways; or  (c) by means of a right of way.  Policy ZON-024 states the following;  <i>For a single family dwelling permitted to have a required parking space in the front yard – as permitted by Section 18A(14h) – the maneuvering space is permitted on the road allowance</i>  since one space is permitted in the front yard, only one space is permitted to have off site	2 spaces require off site maneuvering	<b>non-conforming</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	maneuvering		
<b>Parking Manoeuvring Obstructions</b> [as per section 18A(22) of Hamilton Zoning By-law 6593]	All manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.	parking spaces are obstructed	<b>Non-Conforming</b>
<b>Access Driveway</b> [as per section 18A(23) of Hamilton Zoning By-law 6593]	Every access driveway shall provide easy access from a highway to the parking area to which the access driveway is accessory.	access to beach boulevard provided	<b>Conforms</b>
<b>Minimum Access Driveway Width</b> [as per section 18A(24)(a) of Hamilton Zoning By-law 6593]	Every parking area for a use where,  (a) there are five or less parking spaces shall have not less than one access driveway or one mutual driveway, having a width of at least 2.8 metres.	driveway width of 5.8m provided  garage door opening appears to exceed 2.8m	<b>Conforms</b>
<b>Surface Material</b> [as per section 18A(31) of Hamilton Zoning By-law 6593]	A gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to a single family dwelling, a two family dwelling, and to street townhouse dwellings each having separate access driveways.	asphalt driveway indicated	<b>Conforms</b>
<b>Minimum Number of Parking Spaces</b> [as per section 18A Table 1 of Hamilton Zoning By-law 6593]	2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room.  determination;  Lower Level – 5 habitable rooms  Main floor- 7 habitable rooms  Upper floor- 3 habitable rooms  15 total habitable rooms.  first 8 rooms- 2 parking spaces	6 parking spaces provided on plans, 2 in the attached garage, 4 on proposed asphalt driveway	<b>Conforms</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	7 habitable rooms beyond 8- 7 x 0.5 = 3.5 therefore 4 spaces  6 total parking spaces required		
<b>Special Provisions Blocks "1" and "2" on Schedule A-3 of Amending By-law 99-169 - In accordance with the requirements of Section 2. of Amending By-law 99-169 <u>See Amending By-law to determine if the subject property is within this area.</u></b>			
<b>Building, Structure</b> [as per section 2. of Amending By-law 99- 170]	No building or structure, except fences shall be located within 4.5 metres of the rear lot line:  (i) every fence, excluding the supporting posts must be at least 0.075m from the ground to the bottom of the fence, so as not to obstruct the natural flow of water.	applicant to note	

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, as well as amending by-law 99-170 as noted in the table above
8. Construction of the proposed Single-Family Dwelling 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

Yours truly

*William Campbell*

---

for the Manager of Zoning and Committee of Adjustment



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)	Safdar Ali
Applicant(s)	
Agent or Solicitor	E-mail:
	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	358 BEACH BLVD.		
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:

REQUEST SIDE YARD SETBACK & PARKING PROVISIONS AS PER ZONING COMPLIANCE REVIEW NON-CONFORMING ITEMS

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

AS PER ZONING COMPLIANCE REVIEW

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

Yes

No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
13.79m	81.65m	360 sq.m	20.12m

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

Existing:

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

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
S.o.F.o.D.o	16 m	35.4 m	1.5 m	T.B.D.

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

Existing:

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

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
S.o.F.o.D.o	225m <sup>2</sup>	603 m <sup>2</sup>	2.5	10.5m

4.4 Type of water supply: (check appropriate box)

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

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

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)

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

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

4.7 Type of access: (check appropriate box)

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

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

SINGLE FAMILY DWELLING

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

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:

October 30, 2020

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

VACANT LOT

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

VACANT LOT

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

N/A

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

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

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

Urban Hamilton Official Plan designation (if applicable) NEIGHBOURHOODS

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

7.6 What is the existing zoning of the subject land? C/S 1436B

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

- Yes
- No

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

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

Yes  No

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

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

Yes  No

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

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 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

ZONING COMPLIANCE REVIEW

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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-23:276</b>	<b>SUBJECT PROPERTY:</b>	110 MCANULTY BOULEVARD, HAMILTON
<b>ZONE:</b>	"R1a" (Low Density Residential – Small Lots)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** KAKAR GROUP INC.  
                                 **Agent:** C-ARCHITECTURE C/O ARSHAD SIDDIQQUI

The following variances are requested:

1. A minimum of 7.45 metres setback from a Railway Right-of-Way shall be provided instead of 30.0 metres setback from a Railway Right-of-Way.
2. A minimum rear yard setback of 7.45 metres shall be provided instead of 7.5 metres rear yard setback.

**PURPOSE & EFFECT:**      The variances are to facilitate the construction of a single detached dwelling:

**Notes:**

- i) The variances are written as requested by the applicant.
- ii) Please be advised, insufficient information has been provided to determine the encroachment of the staircase indicated within the Westerly Side Yard. Should the staircase encroach more than 0.6 metres into the required side yard, 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, November 16, 2023</b>
<b>TIME:</b>	<b>10:55 a.m.</b>

**HM/A-23:276**

<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-23:276, 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-23:276



 Subject Lands

DATED: October 31, 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

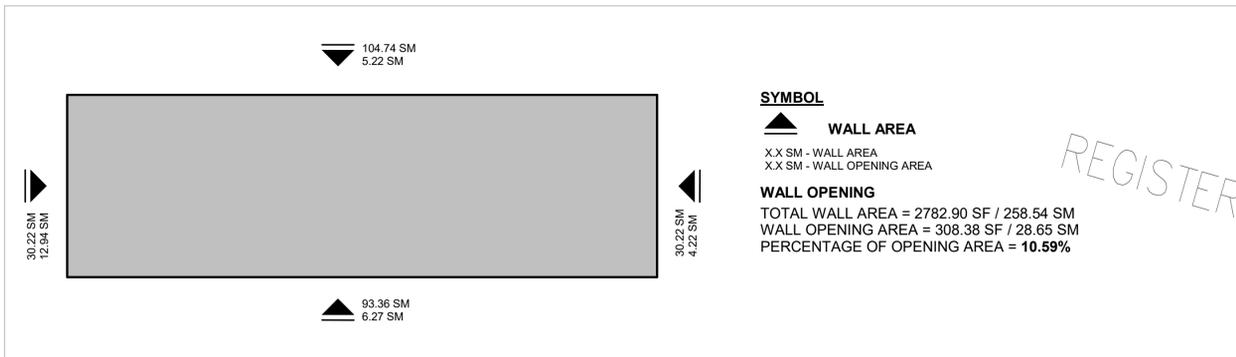
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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.



**1 SITE PLAN**  
A0.01 1/8" = 1'-0"



**2 KEY PLAN**  
A0.01 1/8" = 1'-0"

**SYMBOL**  
 ▲ WALL AREA  
 X X SM - WALL AREA  
 X X SM - WALL OPENING AREA  
**WALL OPENING**  
 TOTAL WALL AREA = 2782.90 SF / 258.54 SM  
 WALL OPENING AREA = 308.38 SF / 28.65 SM  
 PERCENTAGE OF OPENING AREA = 10.59%

**SCOPE OF WORK**

1	PROPOSED 2 STOREY FAMILY RESIDENCE
2	PROPOSED DRIVEWAY

**LEGEND**

---	PROPERTY LINE
▬	PROPOSED BUILDING
▬	DRIVEWAY
▬	WALKWAY
▬	LANDSCAPE
▬	DEMOLISHED
▲	PRIMARY ENTRANCE
△	SECONDARY ENTRANCE
△	O.H.

**PROJECT STATISTICS**  
 ADDRESS: 110 MCANULTY BLVD, HAMILTON ; ZONING: D  
 LOT DESCRIPTION : LOT 110

LOT AREA	2500SF / 232.25 SM
LOT FRONTAGE	7.62 M

**GROSS FLOOR AREA (GFA)**

AREA IN SF / SM	
MAIN FLOOR	535.4 SF / 49.7 SM
SECOND FLOOR	746.63 SF / 69.36 SM
TOTAL GFA	1282.03 SF / 119.10 SM
BASEMENT	535.4 SF / 49.7 SM

**LOT COVERAGE**

DWELLING FOOTPRINT:	674.69 SF / 62.68 SM
GARAGE	242.91 SF / 22.56 SM
COVERED PORCH	35.75 SF / 3.32 SM
TOTAL LOT COVERAGE	38.16% (953.35 SF / 88.56 SM)

**APPLICABLE ZONING BY LAW**

	REQUIRED	PROVIDED
MINIMUM FRONT YARD	6M	6M
MINIMUM REAR YARD	7.5M	7.5M
MINIMUM INTERIOR SIDEYARD	1.2M	1.26M / 1.22M
MAXIMUM HEIGHT	14M	7.69M
LANDSCAPING IN FRONT YARD	50%	51.3%

**PARKING SPACE**

PARKING SIZE (IN DRIVEWAY)	2.8M X 5.8M	3.5M X 6.0M
PARKING SIZE (INSIDE GARAGE)	2.8M X 5.8M	3.1M X 6.0M
PARKING SPACE REQUIRED	2	2

**PART-1 AVERAGE GRADE CALCULATION**

	POINT 1	POINT 2	POINT 3	POINT 4
A	80.65	80.83	81.24	81.41
B	80.60	80.91	81.57	81.55
			TOTAL	648.76
A.G.			TOTAL/8	81.09

REV #	ISSUE DATE	DRAWING ISSUE	DRAWN/REVISED
(1)	2022.11.09	BLDG PERMIT APPLICATION	SP AS
	ISSUE # / ISSUE DATE	PROJECT ISSUE	DRAWN/REVISED

OWNER / CLIENT

**KAKAR GROUP INC.**  
 905.997.8097 | ahmadkhan@kakargroup.ca

**ARCHITECT**  
  
**C-Architecture Ltd**  
 202 - 3485 REBECCA ST, OAKVILLE  
 ON L6L 0H4  
 647.741.5917 | info@c-archi.com

**SEAL**  
  
 M. ARSHAD SIDDIQUI  
 LICENCE 8950

**TRUE NORTH**

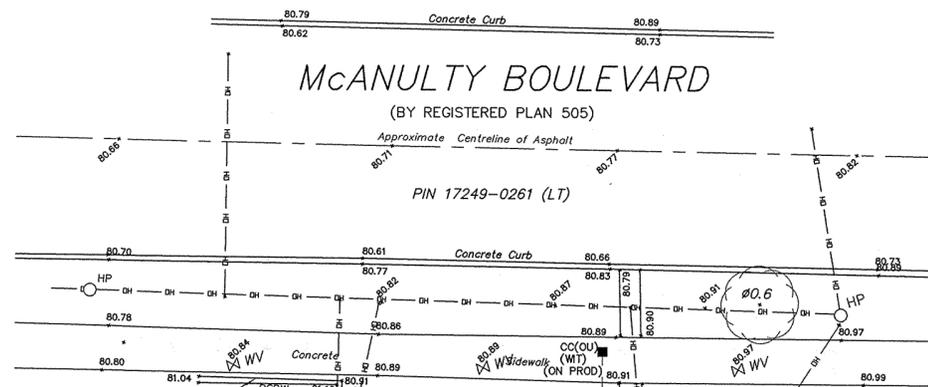
THIS DRAWING, AS AN INSTRUMENT OF SERVICE IS THE PROPERTY OF C-ARCHITECTURE LTD. THE COPYRIGHT IN THE SAME BEING RESERVED TO THEM. NO REPRODUCTION IS ALLOWED WITHOUT THE PERMISSION OF C-ARCHITECTURE LTD. AND WHEN MADE MUST BEAR ITS NAME. THIS DRAWING IS NOT TO BE SCALED. THE CONTRACTOR IS TO VERIFY DIMENSIONS AND DATA NOTED HEREIN WITH THE CONDITIONS ON SITE AND IS RESPONSIBLE FOR REPORTING ANY DISCREPANCY TO C-ARCHITECTURE LTD. FOR ADJUSTMENT.

**PROJECT**  
 SINGLE FAMILY DETACHED  
 110 MCANULTY BLVD, HAMILTON

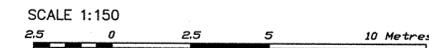
**DRAWING TITLE**  
 SITE PLAN

**PROJECT NO.** 21-232  
**SCALE** AS NOTED  
**SHEET NO.** A0.01

C:\Users\info\Dropbox\C Architecture\Projects\2021\Archive\21-232 - CH, 110 McAnulty Blvd, Hamilton\05-BIM\21-232.rvt



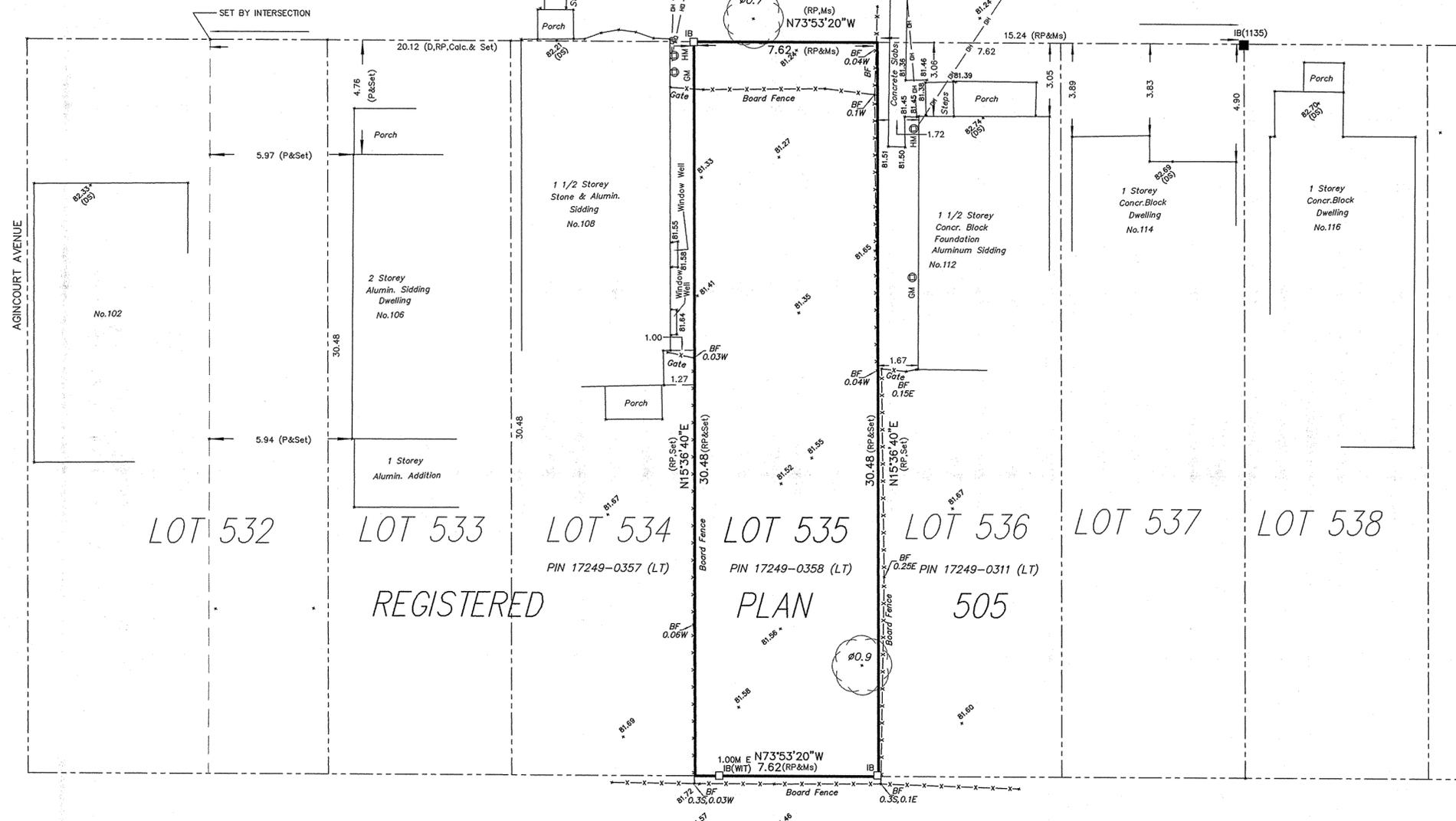
PLAN OF SURVEY  
SHOWING TOPOGRAPHIC FEATURES OF  
**LOT 535**  
**REGISTERED PLAN 505**  
CITY OF HAMILTON



SCALE 1:150  
MAURO GROUP INC.  
ONTARIO LAND SURVEYORS  
© 2023

**METRIC**

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



**BEARING NOTE**

BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATION USING THE "TOPNET" GPS NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

**BEARING ROTATION NOTE**

ADJUST FOR BEARING COMPARISONS, A ROTATION OF 2'23"20" COUNTER-CLOCKWISE WAS APPLIED TO ASTRONOMIC BEARINGS ON REGISTERED PLAN 505 TO CONVERT TO UTM ZONE 17, NAD 83 (CSRS).

**BENCHMARK NOTE**

ELEVATIONS HEREON ARE GEODETIC IN ORIGIN AND WERE DERIVED FROM COSINE BENCHMARK No. 07720100038 HAVING A PUBLISHED VALUE OF 80.171m.

**LEGEND**

- DENOTES FOUND BAR
- DENOTES PLANTED BAR
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- PB DENOTES PLASTIC BAR
- CC DENOTES CUT CROSS
- Ms DENOTES MEASURED
- WIT DENOTES WITNESS
- OU DENOTES ORIGIN UNKNOWN
- 1135 DENOTES L.G. WOODS, OLS
- RP DENOTES REGISTERED PLAN 505
- DS DENOTES DOOR SILL
- BF DENOTES BOARD FENCE
- CB DENOTES CATCH BASIN
- GM DENOTES GAS METER
- HM DENOTES HYDRO METER
- PROD DENOTES PRODUCTION
- HP DENOTES HYDRO POLE
- WV DENOTES WATER VALVE
- DENOTES DECIDUOUS TREE WITH DIAMETER
- BSRW DENOTES BOTTOM OF STONE RETAINING WALL
- TSRW DENOTES TOP OF STONE RETAINING WALL

CANADIAN NATIONAL RAILWAY  
PIN 17249-0335 (LT)

**SURVEYOR'S CERTIFICATE**

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 9th DAY OF MARCH 2023

MAR 21, 2023  
DATE  
S. Sundar  
GANESH SUNDAR B.Eng.  
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
V-45359

THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
In accordance with  
Regulation 1028, Section 29(3).

**MAURO GROUP INC.**  
ONTARIO LAND SURVEYORS

2 HOLLAND DRIVE, UNIT 5, BOLTON, ONTARIO L7E 1E1  
PHONE 905.951.6000 - FAX 905.857.4811  
www.youngsurveying.ca - info@youngsurveying.ca

PARTY CHIEF: DEV | DRAWN/CALC BY: IG | CHECKED BY: GS

CLIENT: CArchitecture

PATH=F:\PROJECTS\2023\B8067\MSCAD\B8067\_SRPR\_T.DWG

**PROJECT No. 23-B8067**





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

**1. APPLICANT INFORMATION**

	NAME	
<b>Registered Owners(s)</b>	KAKAR GROUP INC.	
<b>Applicant(s)</b>	ARSHAD SIDDIQUI	
<b>Agent or Solicitor</b>	NA	NA
		<b>E-mail:</b>

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\* 

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	110 MCANULTY BLVD, HAMILTON		
Assessment Roll Number			
Former Municipality			
Lot	535	Concession	
Registered Plan Number	505	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:

NA

### 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

REQUEST OF RELIEF IN SETBACK FROM RAILWAY RIGHT-OF-WAY FROM 30 METRES TO 16.59 METRES (DEFICIENCY OF 13.41 METRES)

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

EXISTING LOT IS WITHIN A SUBDIVISION WITH HOUSES WELL WITHIN 30 METRES, LEAVING 30 METRES WILL NOT ALLOW FOR PROPOSED DEVELOPMENT.

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

Yes  No

If yes, please provide an explanation:

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

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
7.62 M	30.48 M	232.25	7.3 METRES

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

## Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
VACANT LAND	NA	NA	NA	

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
SINGLE FAMILY DETACHED HOUSE	6.0 M	7.48 M	1.18 M / 1.24 M	

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

## Existing:

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

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
SINGLE FAMILY DETACHED DWELLING	49.7	119.10	02	7.69

- 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 HOUSE

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

SINGLE FAMILY DETACHED DWELLINGS

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2021

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

VACANT LAND

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

VACANT LAND

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

2 YEARS

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

Rural Hamilton Official Plan designation (if applicable): NA

Rural Settlement Area: NA

Urban Hamilton Official Plan designation (if applicable) NA

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

NA

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: D

---

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

 Yes No

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

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

 Yes No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 1

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

PROPOSED TWO STOREY SINGLE FAMILY DETACHED HOUSE, WITH NEW DRIVEWAY, ROAD CUT / CURB CUT.

## 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

NA

---

---