**COMMITTEE OF ADJUSTMENT**

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: cofa@hamilton.ca

# NOTICE OF PUBLIC HEARING
## Minor Variance

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

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

**APPLICATION NO.:** **FL/A-20:12**

**APPLICANTS:** Christina & Jason Sousa

**SUBJECT PROPERTY:** Municipal address **24 McDonald Crt., (Flamborough) City of Hamilton**

**ZONING BY-LAW:** Zoning By-law 0-145-Z, as Amended

**ZONING:** "R1-6" Urban Residential (Single Detached) district

**PROPOSAL:** To permit the construction of a two-storey 113 square metre addition to the existing single detached dwelling, notwithstanding that;

1. A maximum lot coverage of 20 percent shall be permitted, instead of the maximum permitted 15 percent lot coverage.

2. A minimum interior side yard of 1.2 metres shall be permitted, instead of the minimum required 3 metre interior side yard.

3. A maximum floor space of 220 square metres shall be permitted for one storey, instead of the maximum 182 square metre floor space permitted for one storey.

4. An accessory building with a maximum height of 6 metres shall be permitted, instead of the maximum permitted height of 4.6 metres for an accessory building.

5. Eaves and gutters shall be permitted to encroach into the required interior side yard a maximum of 0.8 metres, instead of the maximum 0.65 metres that eaves and gutters are permitted to encroach into the required interior side yard.

NOTE:

1. No elevation plans were provided for the proposed accessory building in order to confirm the requested variance is correct.

2. Any proposed outdoor swimming pools shall be permitted in accordance with Section 5.22.

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

**DATE:** **Thursday, June 25th, 2020**
**TIME:** **1:25 p.m.**
**PLACE: Via video link or call in (see attached sheet for details)**
**To be streamed at** www.hamilton.ca/committeeofadjustment
**for viewing purposes only**

…/2

**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.

**MORE INFORMATION**

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

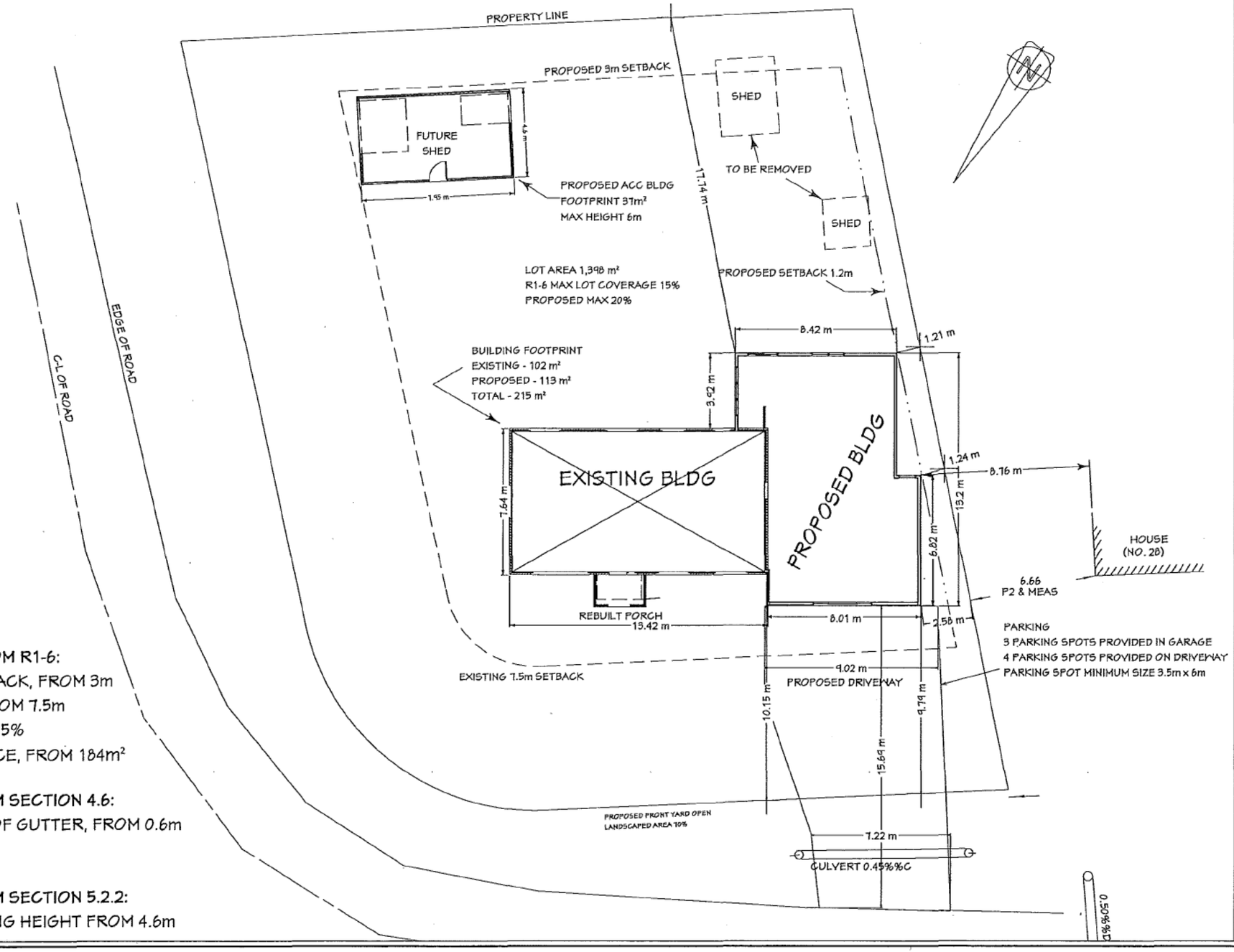
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 9th, 2020.

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.***

FLA-20:12.
Sketch(1)




**PROPOSED DEVIATIONS FROM R1-6:**
1.2m INNER SIDE YARD SETBACK, FROM 3m
3m REAR YARD SETBACK, FROM 7.5m
20% LOT COVERAGE, FROM 15%
220m² 1-STOREY FLOOR SPACE, FROM 184m²

**PROPOSED DEVIATION FROM SECTION 4.6:**
0.8m MAX ENCROACHMENT OF GUTTER, FROM 0.6m
(SEE ROOF PLAN)

**PROPOSED DEVIATION FROM SECTION 5.2.2:**
6m MAX ACCESSORY BUILDING HEIGHT FROM 4.6m

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 1 | RG 220 PLAREA | JS | 01/08/2020 |

SHEET TITLE: SITE PLAN PROPOSAL

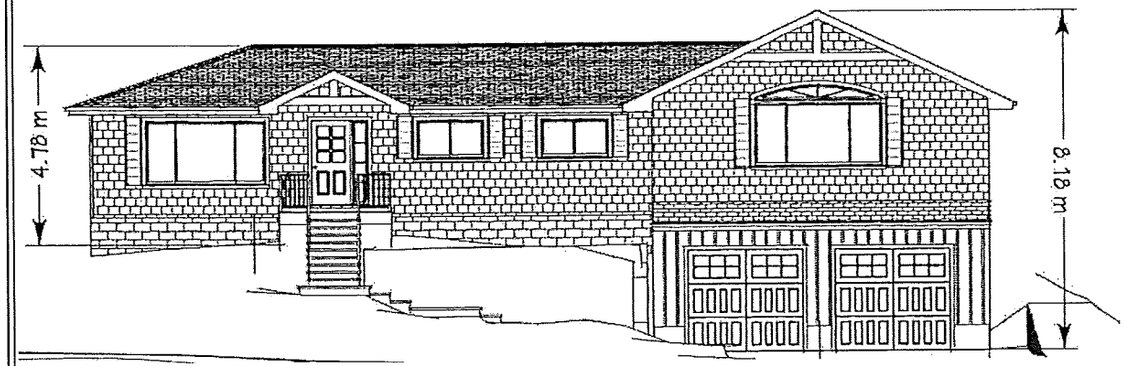
PROJECT DESCRIPTION: 24 McDonald Crt

DRAWINGS PROVIDED BY: HOMEOWNER

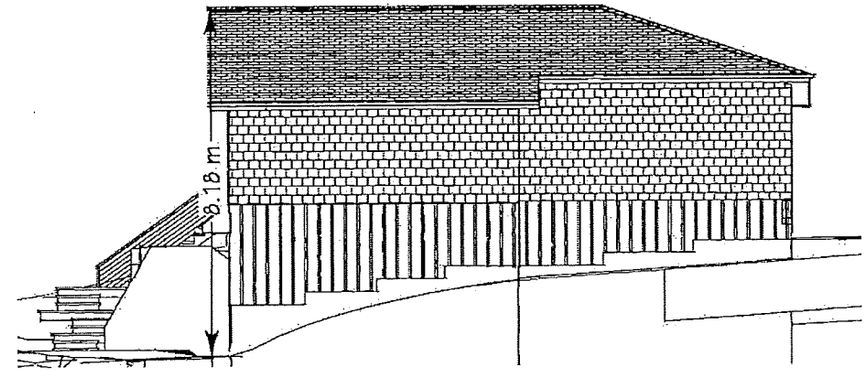
DATE: 2020-02-05

SCALE: 1/16":1'

SHEET: A-1

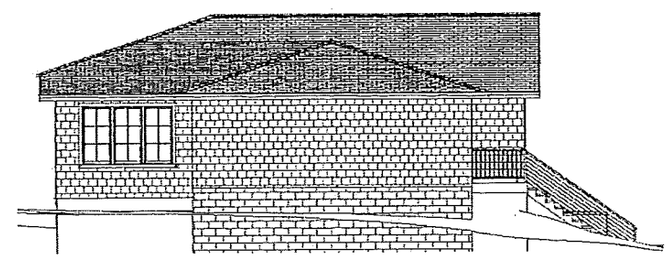



FRONT ELEVATION




RIGHT ELEVATION


REAR ELEVATION



LEFT ELEVATION

FL/A-20:12
Sketch(2).

NOT TO SCALE OR CONSISTENT BETWEEN VIEWS, REFERENCE ONLY

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 1 | R2/220 FL.AREA | JS | 01/06/2020 |

SHEET TITLE: ELEVATIONS

PROJECT DESCRIPTION: 24 McDonald Crt

DRAWINGS PROVIDED BY: HOMEOWNER

DATE: 2020-02-05

SCALE: NONE

SHEET: A-4


Front Elevation

FL/A-20: 12.
Sketch(3)

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 1 | RG 220 FL AREA | JS | 01/05/2020 |

SHEET TITLE:

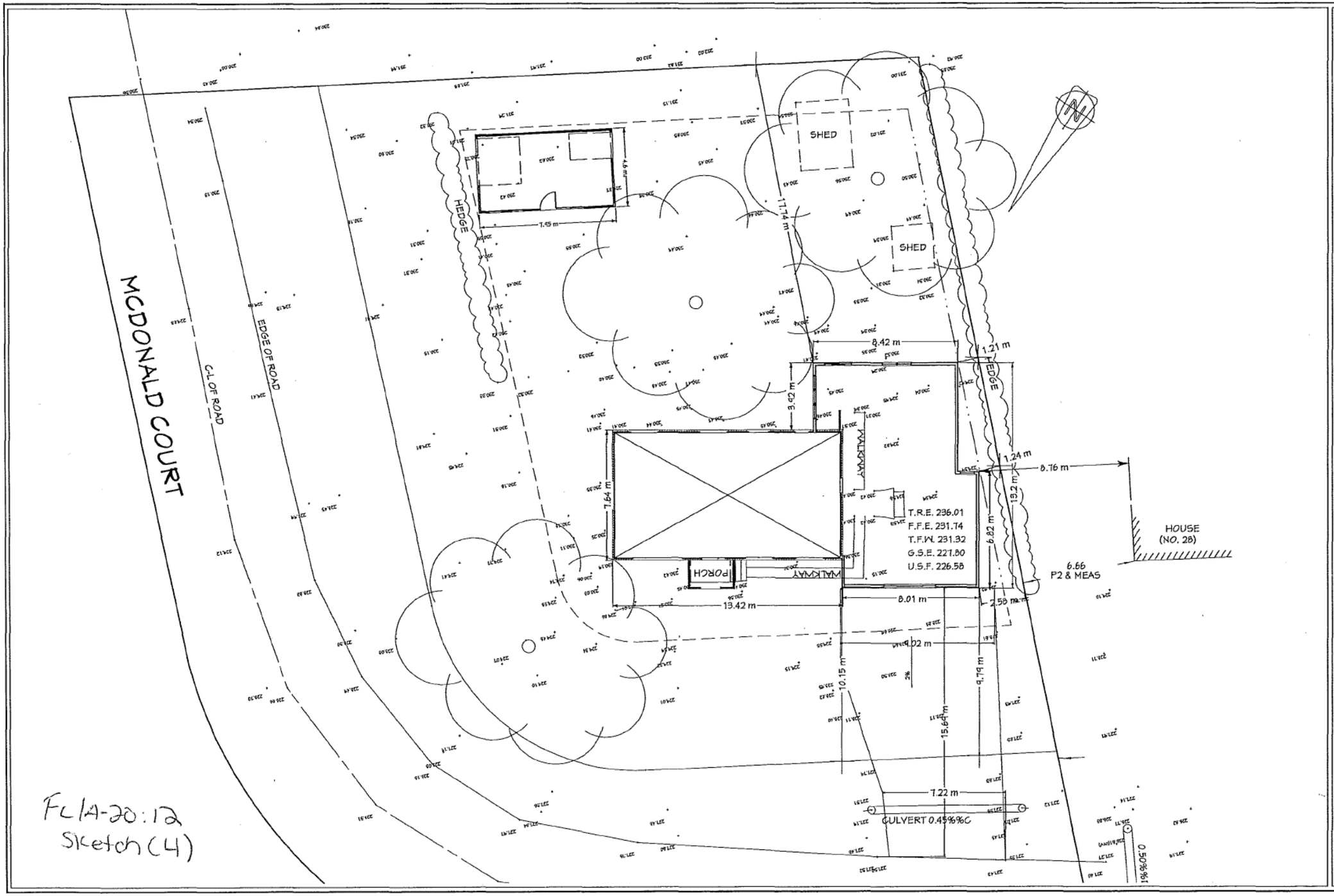
PROJECT DESCRIPTION: 24 McDonald Crt

DRAWINGS PROVIDED BY: HOMEOWNER

DATE: 2020-02-05

SCALE:

SHEET: A-5




FCA-20:12
Sketch (4)

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 1 | RG 220 FLANEA | JS | 01/08/2020 |

SHEET TITLE:

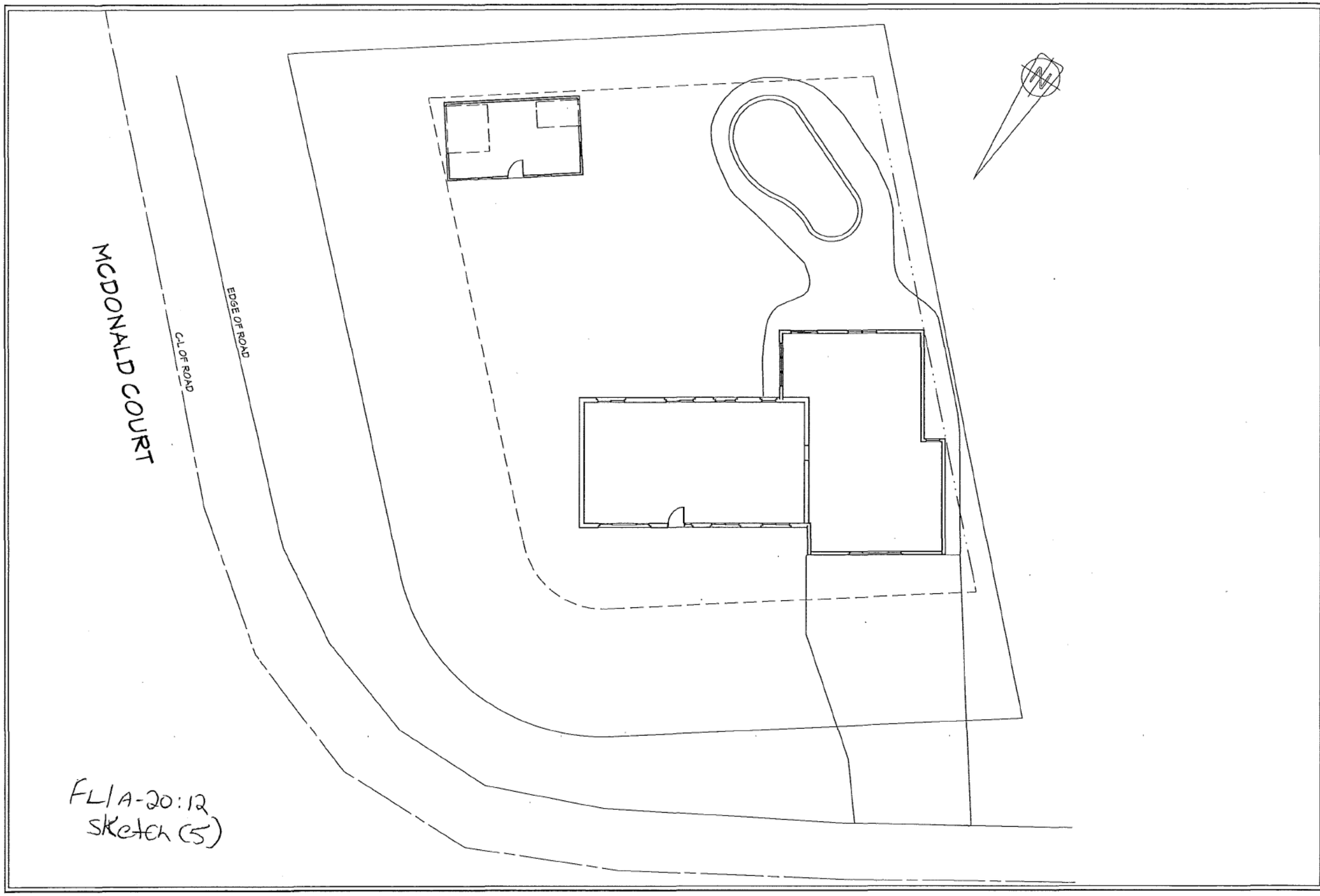
PROJECT DESCRIPTION: 24 McDonald Crt

DRAWINGS PROVIDED BY: HOMEOWNER

DATE: 2020-02-05

SCALE:

SHEET: A-6




FL/A-20:12
sketch (5)

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 1 | RG 220 FL AREA | JS | 01/06/2020 |

SHEET TITLE: SITE PLAN MASTER

PROJECT DESCRIPTION: 24 McDonald Crt

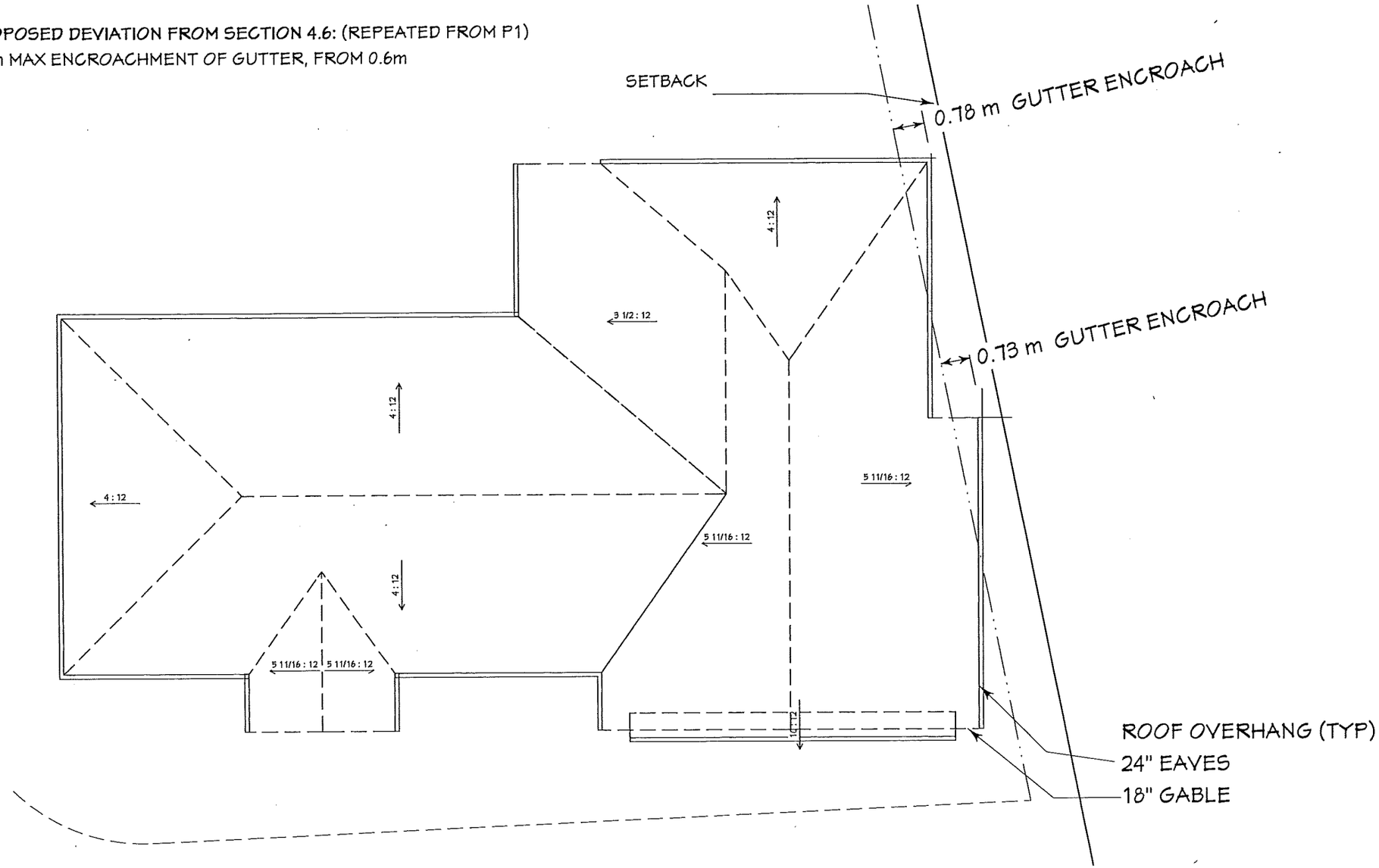
DRAWINGS PROVIDED BY: HOMEOWNER

DATE: 2020-02-05

SCALE: 1/16":1'

SHEET: A-2

**PROPOSED DEVIATION FROM SECTION 4.6:** (REPEATED FROM P1)
0.8m MAX ENCROACHMENT OF GUTTER, FROM 0.6m




FLIA-20.12
Sketch(6)

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 1 | RG 220 FL.AREA | JS | 01/08/2020 |

SHEET TITLE: ROOF PLAN

PROJECT DESCRIPTION: 24 McDonald Crt

DRAWINGS PROVIDED BY: HOMEOWNER

DATE: 2020-02-05

SCALE: 1/8":1'

SHEET: A-3

20-146680

Hamilton

**Committee of Adjustment**
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Planning and Economic Development Department
Planning Division

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND RETURN TO THE CITY OF HAMILTON PLANNING DEPARTMENT.**

**FOR OFFICE USE ONLY.**

**APPLICATION NO.** FL/A-2012 **DATE APPLICATION RECEIVED** Jan. 9/20

**PAID** _____ **DATE APPLICATION DEEMED COMPLETE** _____

**SECRETARY'S SIGNATURE** _____

**CITY OF HAMILTON**
**COMMITTEE OF ADJUSTMENT**
**HAMILTON, ONTARIO**

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**The *Planning Act***

**Application for Minor Variance or for Permission**

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

1. Name of Owner JASON SOUSA & CHRISTINA SOUSA Telephone No. [redacted]

2. [redacted]

3. Name of Agent _____ Telephone No. _____
   FAX NO. _____ E-mail address. _____

4. Address _____
   _____ Postal Code _____

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

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:
   MERIDIAN CREDIT UNION LTD. 75 CORPORATE PARK DR., ST. CATHARINES, ON Postal Code L2S 3W3
   _____
   _____ Postal Code _____

6. Nature and extent of relief applied for:

1.2m SETBACK, FROM 3m (INNER SIDE YARD)
3m REAR YARD SETBACK, FROM 7.5m
20% LOT COVERAGE, FROM 15%
220 $m^2$ 1-STOREY FLOOR SPACE, FROM 184 $m^2$
0.8m MAX GUTTER ENCROACHMENT, FROM 0.6m

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

LOCATION OF EXISTING STRUCTURE IS NOT IDEAL FOR ADDING A DOUBLE CAR-WIDE GARAGE. FLOOR SPACE LIMITATION DOES NOT ACOMMODATE WORKING FROM HOME AND GROWING FAMILY.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

LT 32, PL 1189; S/T HL235120 FLAMBOROUGH
CITY OF HAMILTON. 24 MCDONALD COURT.

9. PREVIOUS USE OF PROPERTY

Residential ✓ Industrial ____ Commercial ____

Agricultural ____ Vacant ____

Other ____

9.1 If Industrial or Commercial, specify use

____

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

Yes ____ No X Unknown ____

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

Yes ____ No X Unknown ____

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

Yes ____ No X Unknown ____

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

Yes X No ____ Unknown ____ RESIDENTIAL SEPTIC

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

Yes ____ No X Unknown ____

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

Yes ____ No X Unknown ____

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

Yes ____ No X Unknown ____

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

Yes ____ No X Unknown ____

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

Yes ____ No X Unknown ____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

PARCEL REGISTER.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ____ No X

RESIDENTIAL USE SINCE 1961 - SEE ATTACHED SURVEY AND PARCEL REGISTER.

**ACKNOWLEDGEMENT CLAUSE**

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

JAN 7, 2020
Date

[redacted]
Signature Property Owner

JASON SOUSA
Print Name of Owner

10. Dimensions of lands affected:

| | |
|---|---|
| Frontage | 114.60 ft |
| Depth | 135.75 ft |
| Area | 0.345 ACRES |
| Width of street | 66 ft LOT TO LOT AS PER PLAN 1189 ATTACHED |

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

Existing: SEE ATTACHED. APPROX. 25'x45' BUNGALO, 1100 SQFT SINGLE FAMILY HOME; 6'x6' WOODEN SHED, 8'x12' METAL SHED.

Proposed: 26'x42' GARAGE ADDITION W/ LIVING SPACE ABOVE, ATTACHED TO EXISTING HOME. SINGLE 15'x26' SHED TO REPLACE TWO EXISTING SHEDS.

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

Existing: SEE ATTACHED DRAWINGS

Proposed: SEE ATTACHED DRAWINGS

13. Date of acquisition of subject lands:
JUNE, 2019

14. Date of construction of all buildings and structures on subject lands:
~ 1960, SHEDS UNKNOWN

15. Existing uses of the subject property: RESIDENTIAL

16. Existing uses of abutting properties: RESIDENTIAL

17. Length of time the existing uses of the subject property have continued:
~ 60 YEARS

18. Municipal services available: (check the appropriate space or spaces)
Water ✓ Connected ✓
Sanitary Sewer ✓ Connected ✓
Storm Sewers _____

19. Present Official Plan/Secondary Plan provisions applying to the land:
LOW DENSITY RESIDENTIAL 2E

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
R1-6

21. Has the owner previously applied for relief in respect of the subject property?
Yes (No)
If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes (No)

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

**NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.**

**PART 24 AFFIDAVIT OR SWORN DECLARATION**

This declaration to be sworn by a Commissioner of Oaths.

[redacted]

**PART 25 OWNER'S AUTHORIZATION**

As of the date of this application, I (NAME) JASON SOUSA am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

_____ of _____

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE _____ SIGNED _____

**PART 26 CONSENT OF THE OWNER**

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, JASON SOUSA, the Owner, hereby agree and acknowledge
*(Print name of Owner)*
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

JAN 8, 2020 [redacted]
Date

**PART 27 PERMISSION TO ENTER**

Date: JAN 8, 2020

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;
Re: Application to Committee of Adjustment
Location of Land: 24 MCDONALD COURT, DUNDAS
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.

[redacted]

Signature of Owner or Authorized agent

JASON SOUSA

Please print name

**Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.**

**PART 28 COLLECTION OF INFORMATION**

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.