



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 Fax (905) 546-4202  
E-mail: [morgan.evans@hamilton.ca](mailto:morgan.evans@hamilton.ca) or [jamila.sheffield@hamilton.ca](mailto:jamila.sheffield@hamilton.ca)

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

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**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
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**APPLICATION NO.:** HM/A-19:280

**APPLICANTS:** John Sibenik on behalf of the owner Waylon John Lech-Baur

**SUBJECT PROPERTY:** Municipal address **4 Glenview Crt., City of Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** D/S-263 (Urban Protected Residential - One and Two Family Dwellings) district

**PROPOSAL:** To to establish the front yard landscaping for one half of a semi-detached dwelling notwithstanding that:

1. The front yard landscaped area shall be a minimum of 40.0% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.

**NOTES:**

1. Variances have been written exactly as requested by the applicant. Fully scaled and dimensioned site plans showing the entire semi-detached dwelling with elevations and interior floor plans have not been provided; therefore, only front yard landscaping and parking requirements have been reviewed for zoning compliance. A full zoning review could not be conducted. Be advised, further variances may be required at such time that a full zoning review is conducted.

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

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**DATE:** Thursday, July 9th, 2020  
**TIME:** 2:10 p.m.  
**PLACE:** **Via video link or call in (see attached sheet for details)**  
**To be streamed at [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)**  
**for viewing purposes only**

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**PUBLIC INPUT**

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

**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](http://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](mailto:cofa@hamilton.ca)

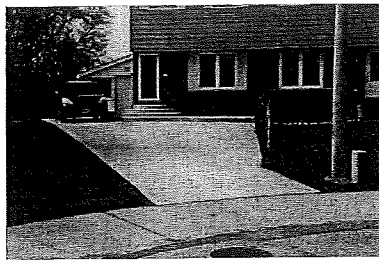
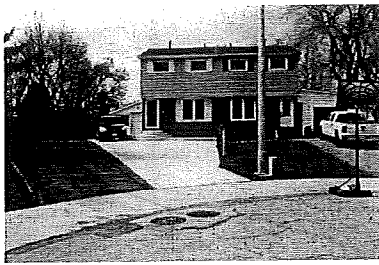
DATED: June 23rd, 2020.

*Original Signed*

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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.***

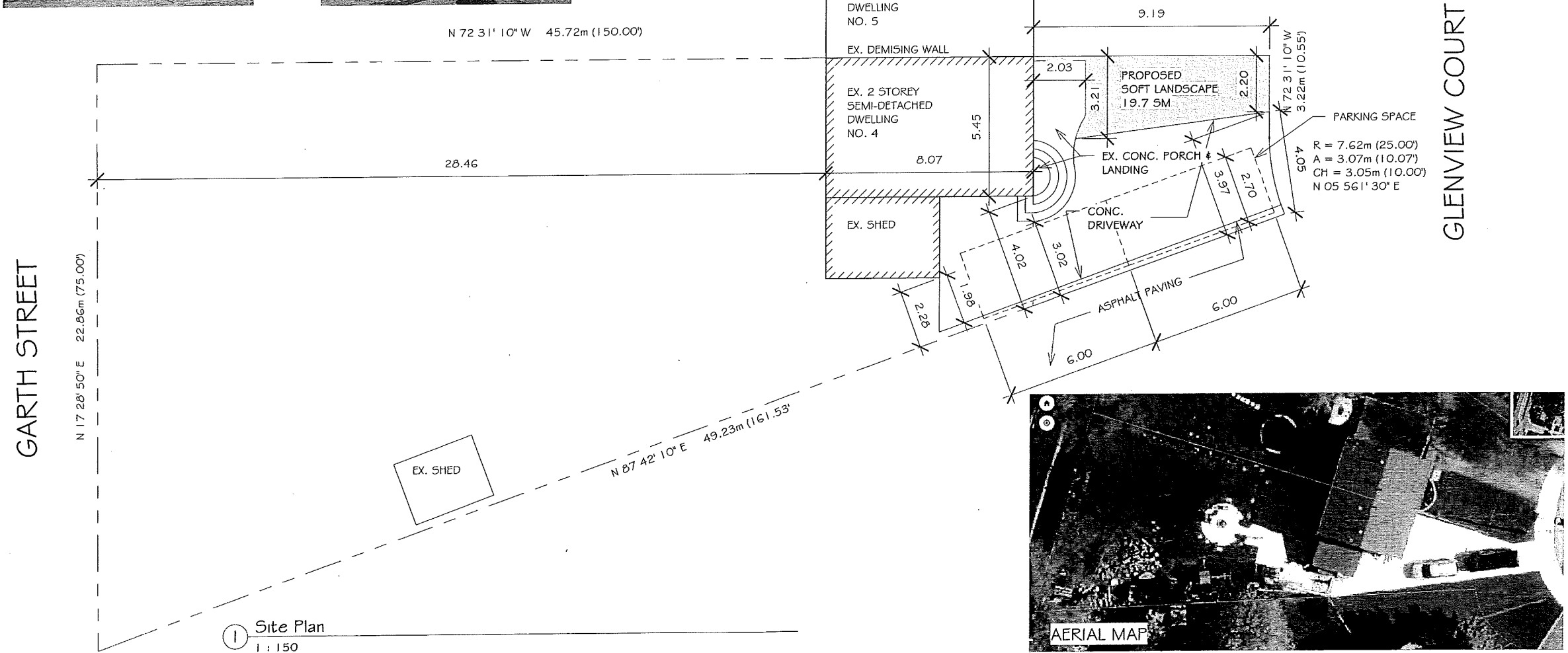


**LEGAL DESCRIPTION**

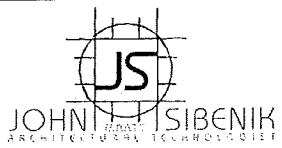
LOT 145  
 PLAN M-129  
 CITY OF HAMILTON  
 (FORMERLY TOWNSHIP OF BARTON)  
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

**SITE STATISTICS**

FRONT YARD AREA	74.84 SM
PORCH STAIR & LANDING	-10.58 SM
TOTAL FRONT YARD	64.26 SM
SOFT LANDSCAPE (19.72+64.26)	19.72 SM (30.7%)
DRIVEWAY AREA	44.54 SM



1 Site Plan  
 1 : 150



24 Ovida Ave., Toronto  
 Ontario M9B 1E1  
 Tel. (416) 236-2809; Cell (416) 729-8497  
 Email: john.sibenik@sympatico.ca

Project:  
**Driveway Residence**  
 4 Glenview Court,  
 Hamilton, ON

No.	Description	Date
A	PROPOSED FRONT YARD	SEPT. 19/19
B	SOFT LANDSCAPE % REVISED	FEB. 17/20

Site Plan		Amended. Hm/A 19:280
Project number	2019-05	A101
Date	January 17, 2019	
Drawn by	J.S.	
Checked by	J.S.	
Scale		1 : 150



Hamilton

Planning and Economic Development Department  
Planning Division

19-138080

**Committee of Adjustment**

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

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.**

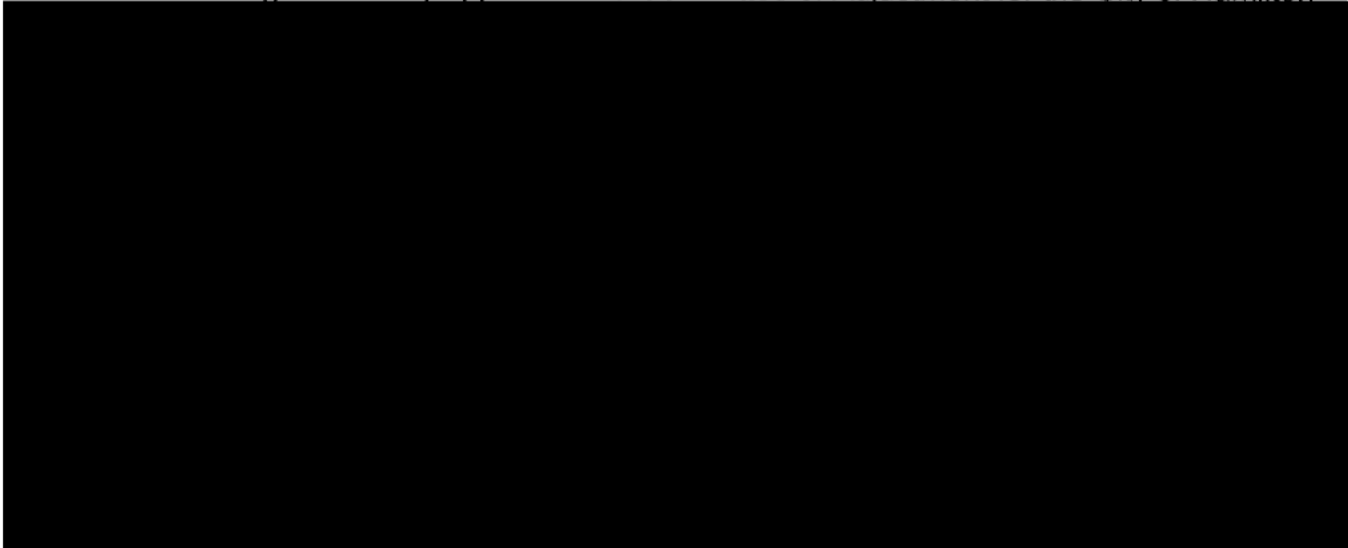
<b>FOR OFFICE USE ONLY.</b>	
APPLICATION NO. <u>HMIA-19-280</u>	DATE APPLICATION RECEIVED <u>AUG 11/19</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

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

*The Planning Act*

**Application for Minor Variance or for Permission**

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton



**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:

TD Canada Trust

1565 Upper James St, Hamilton, ON

Postal Code

L9B 1K2

Postal Code

6. Nature and extent of relief applied for: 2.1% ✓  
Front yard landscaping where ~~26.3%~~ is proposed, whereas 50% is required

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7. Why it is not possible to comply with the provisions of the By-law?  
Pie shaped lot and driveway access prevent compliance of the landscape requirement of the zoning bylaw

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8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):  
Plan M-129, Lot 145, 4 Glenview Court

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9. PREVIOUS USE OF PROPERTY  
Residential X 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 \_\_\_\_\_ No X Unknown \_\_\_\_\_

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?

**Personal knowledge**

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

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 \_\_\_\_\_

**ACKNOWLEDGEMENT CLAUSE**

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

July 9, 2019  
Date

[Redacted Signature]

Signature Property Owner

[Redacted Name]

Print Name of Owner

10. Dimensions of lands affected:

Frontage **6.29m**  
Depth **45.72m**  
Area **670.00 sm**  
Width of street \_\_\_\_\_

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

Existing: **Ground Floor Area 43.96 sm, Gross Floor Area 87.92 sm**  
**Two Storey, Width 5.45m, Length 8.07m, Height 7.35m**  
**Front Yard Area 74.84 sm**

Proposed: ~~Front Yard Landscaping 19.72 sm (26.3%)~~  
**REFER TO SITE PLAN**

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

Existing: **Dwelling: Front Yard 9.19m, South Side Yard 4.02m, North Side Yard 0.0m**  
**Rear Yard 28.46m**

Proposed: **NOT APPLICABLE**

13. Date of acquisition of subject lands: July 6, 2018

14. Date of construction of all buildings and structures on subject lands:  
Unknown

15. Existing uses of the subject property: Residential  
SINGLE FAMILY DWELLING - SEMI DETACHED  
SEMI DETACHED

16. Existing uses of abutting properties: Residential - SINGLE FAMILY  
DWELLING

17. Length of time the existing uses of the subject property have continued:  
1974 According to Survey

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

19. Present Official Plan/Secondary Plan provisions applying to the land:  
NEIGHBORHOODS

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
D/S - 263 URBAN PROTECTED RESIDENTIAL  
ONE & TWO FAMILY DWELLINGS

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**

[Redacted] Commissioner of Oaths. <  
of the City of \_\_\_\_\_ of  
Etobicoke in the City of Ontario  
solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the  
at the City of Hawthorn  
in the City  
of Ontario  
this 1st day of August A.D. 2019



Scott Cameron Baldry  
A Commissioner, etc. **SCOTT CAMERON BALDRY,**  
a Commissioner, etc., Province of Ontario,  
for City of Hamilton.  
Expires November 20, 2020.

**PART 25 OWNERS AUTHORIZATION**

**Waylon John Lech-Baur  
Katie Ann Pugh**

As of the date of this application, I (NAME) \_\_\_\_\_ 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 [Redacted] of these facts, and I hereby authorize: \_\_\_\_\_ of **Toronto**

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 process [Redacted]

DATE July 9, 2019 SIGNED [Redacted]

**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



\_\_\_\_\_, the Owner, hereby agree and acknowledge

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.

July 9, 2019  
Date





**PART 27 PERMISSION TO ENTER**

Date: July 9, 2019

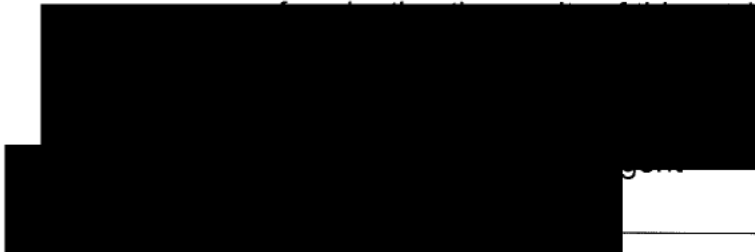
Secretary/Treasurer  
Committee of Adjustment  
City of Hamilton,  
City Hall

Dear Secretary/Treasurer;  
Re: Application to Committee of Adjustment

Location of Land: 4 Glenview Court  
(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

duration of this application.



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, 1<sup>st</sup> floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.