



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

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-20:13

**APPLICANTS:** Joe & Shelley Graci

**SUBJECT PROPERTY:** Municipal address **103 Whitney Avenue**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended by By-laws 95-02, 95-33, 80-274 & 19-307

**ZONING:** "C/S-1335, 1335a, 720 & 1788" (Urban Protected Residential further amended) district

**PROPOSAL:** To permit the increase in the number of habitable rooms in an existing single-family dwelling from 7 to 10 notwithstanding that;

1. A minimum of 2.3 m access width shall be maintained instead of the minimum required access driveway having a width of at least 2.8 m.

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

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**DATE:** Thursday, July 9th, 2020

**TIME:** 3:30 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.***

2



Am/A 20:13  
Sketch 1

1.175





## Committee of Adjustment

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

Planning and Economic Development Department  
546-2424 ext.4221  
Planning Division

Phone (905)

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. Hm/A 20:13DATE APPLICATION RECEIVED Jan 9/20

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 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 Joe Graci & Shelley Graci Telephone No. [REDACTED]2. [REDACTED] Postal Code L8B 0J2

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:

NA

Postal Code \_\_\_\_\_

Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:  
variance to by-law 6593 section 18A – the proposal is to add 3 habitable rooms to the existing 7 habitable rooms for a total of 10 rooms. The parking by-law regulations require 2 parking spaces for the 1<sup>st</sup> 8 rooms and 0.5 spaces per additional room which would equal a total of 3 parking spaces required. As per the by-law, each parking space is to be 2.7m wide by 6.0m long and the access driveway must have a width of 2.8m.

7. Why it is not possible to comply with the provisions of the By-law?  
Due to the position of the existing home, the minimum driveway width at the west property line is 2.34m (short by 0.46m)

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

part of lot 173 and 174, registered plan 426, 103 Whitney ave.  
Hamilton

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?

Visual inspection and conversation with elder who has lived in the neighbourhood for over 50 years


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

#### 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. 9 2020  
Date

  
Signature Property Owner

Shelley Graci Joe Graci  
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>10.97m</u>
Depth	<u>30.68</u>
Area	<u>336.56 sqm</u>
Width of street	<u>11.5m</u>

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

Existing: main floor area 84 sqm, gross floor area 185 sqm, 2 story home, approx. 7m wide x 12m long, 6.7m high

Proposed

no changes made to existing

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

Existing: 4.06m from north p.line, 1.3m from east p.line, 2.34m from west p.line and 13.44m from south p.line Existing Shed

Proposed: no changes made to existing  
Existing shed to be removed.

13. Date of acquisition of subject lands:  
June, 2019
14. Date of construction of all buildings and structures on subject lands:  
1952 (estimated)
15. Existing uses of the subject property: single family home
16. Existing uses of abutting properties: single family home
17. Length of time the existing uses of the subject property have continued:  
+50 years (estimated)
18. Municipal services available: (check the appropriate space or spaces)
- |                |          |           |          |
|----------------|----------|-----------|----------|
| Water          | <u>X</u> | Connected | <u>X</u> |
| Sanitary Sewer | <u>X</u> | Connected | <u>X</u> |
| Storm Sewers   | <u>X</u> |           |          |
- 19.

Present Official Plan/Secondary Plan provisions applying to the land:  
Urban land use – residential dwelling

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Zone C/S-1335

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

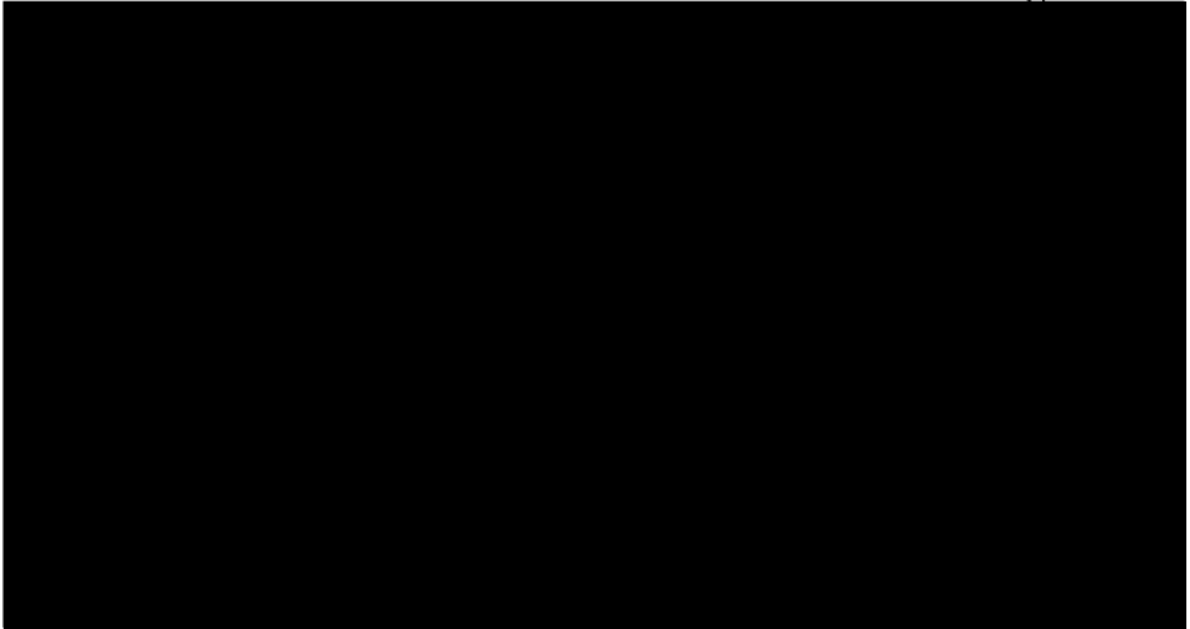
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such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



**PART 25 OWNERS AUTHORIZATION**

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 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 Jan 9, 2020 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, Shelley Graci, Joe Graci, 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 9, 2020 Date  Signature of Owner

SURVEYOR'S REAL PROPERTY REPORT  
PART 1 - PLAN OF SURVEY  
PART OF LOT 173 AND 174  
REGISTERED PLAN 426  
(GEOGRAPHIC TOWNSHIP OF )  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH  
SCALE 1 : 200

J.D. BARNES LIMITED

© COPYRIGHT

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

PART 2 - SURVEY REPORT

- DESCRIPTION  
PART OF LOT 173 AND 174, REGISTERED PLAN 426, BEING ALL OF PIN 17588-0245 (LT).
- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY  
TOGETHER WITH RIGHT OF WAY AS IN INST. No. AB393456.
- ZONING COMPLIANCE  
COMPLIANCE WITH ONTARIO BUILDING CODE SETBACK REQUIREMENTS ARE NOT VERIFIED BY THIS SURVEY.
- ADDITIONAL REMARKS  
PLAN PREPARED FOR BRANTCO CONSTRUCTION.

LEGEND

- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT SET
  - ⊠ DENOTES ROUND IRON BAR
  - ⊡ DENOTES IRON BAR
  - CP DENOTES CONCRETE PIN AND WASHER
  - P1 BUILDING LOCATION SURVEY BY MACKAY AND MACKAY ENGINEERS & SURVEYORS DATED JANUARY 30, 1942
  - P2 DENOTES PLAN 62R-6627
  - P3 DENOTES REGISTERED PLAN 426
  - MEAS DENOTES MEASURED
  - JDB DENOTES J.D. BARNES LIMITED
  - N DENOTES NOT IDENTIFIABLE
  - OC DENOTES OVERHEAD CABLE
- N=North / S=South / E=East / W=West

ALL BUILDING TIES ARE TAKEN TO FOUNDATION WALL.

NOTES

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERN LIMIT OF WHITNEY AVENUE, PLAN 62R-6627, HAVING A BEARING OF N73°10'30"W.

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 NOVEMBER 26, 2019.

Dec 5, 2019  
DATE

SUNIL PERERA  
ONTARIO LAND SURVEYOR



J.D. BARNES LIMITED		SURVEYING MAPPING GIS	
LAND INFORMATION SPECIALISTS			
401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1			
T: (905) 875-9935		F: (905) 875-9936 www.jdbarnes.com	
DRAWN BY:	AA	CHECKED BY:	SP
REFERENCE NO:		19-30-463-00	
FILE: G:\19-30-463\00\Drawings\19-30-463-00-A.dgn		DATED: 12/04/19	
PLOTTED: 12/5/2019			

