



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)

## **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
- 

**APPLICATION NO.:** HM/A-20:54

**APPLICANTS:** W. Botetzayas, J. Marchesan & L. DiNardo

**SUBJECT PROPERTY:** Municipal address **50 Broadway Ave. City of Hamilton**

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

**ZONING:** "C/S-1335; C/S-1335a; C/S-1788" (Urban Protected Residential) district 95-02, 95-33, 19:307

**PROPOSAL:** To permit the alterations to an existing single family dwelling to establish eleven habitable rooms notwithstanding that:

1. A minimum three (3) parking spaces shall be provided instead of the minimum required four (4) parking spaces.
2. No on-site maneuvering space shall be provided.
3. Two (2) required parking spaces shall be obstructed instead of the requirement that every parking space shall be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking.
4. One parking space as well as a portion of a second parking space is permitted to be located within the front yard.

**NOTES:**

1. This site requires a minimum of four (4) parking spaces based on a total of eleven (11) habitable rooms.
2. The owner shall be made aware that a Lodging House is not a permitted use in the C/S-1335; C/S-1335a; C/S-1788 District. The variances have been written for a Single Family Dwelling only.

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

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

**TIME:** 3:35 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.***

LOTS 144  
WEST HAMILTON  
REGISTERED PLAN 420  
CITY OF HAMILTON

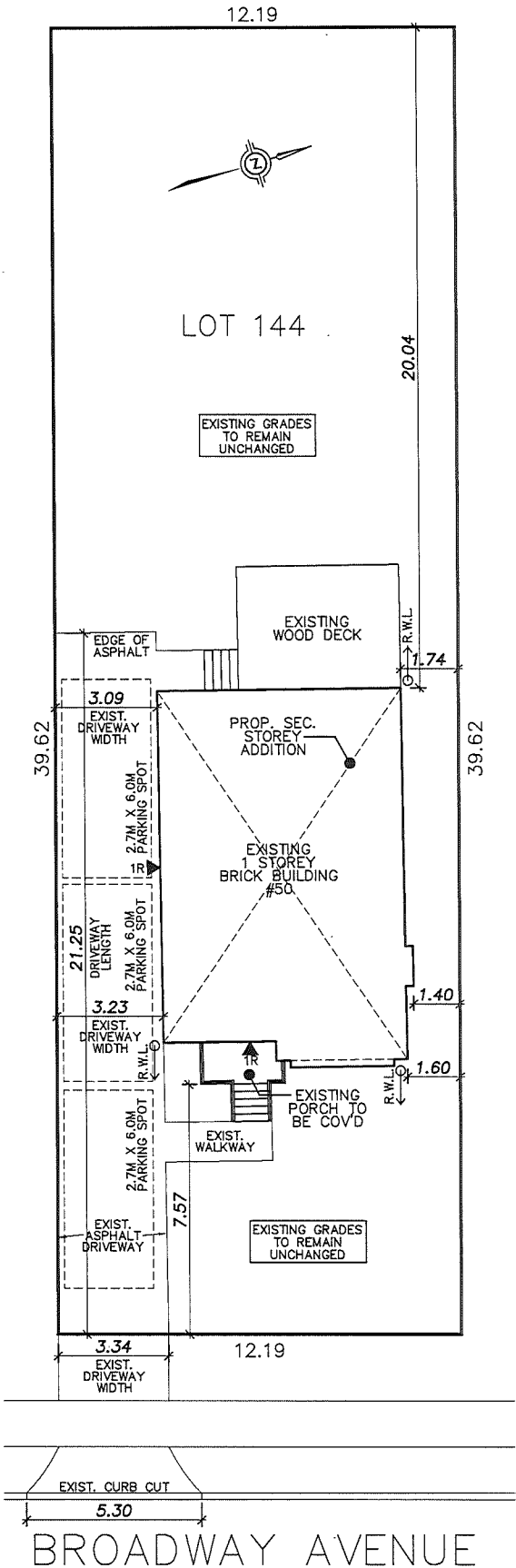
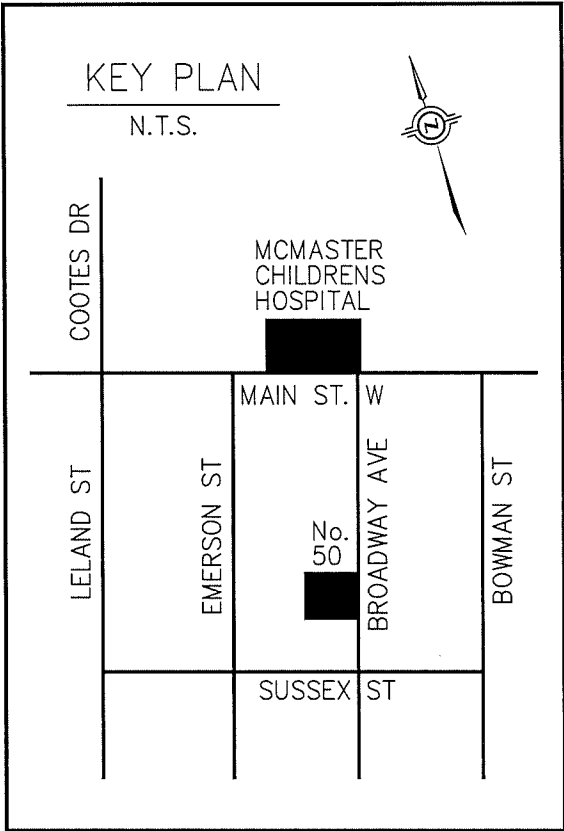
LEGEND:

- R.W.L.

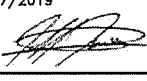

DENOTES RAIN WATER LEADERS  
DIRECTION & SPLASH PADS
- ENTRY POINTS INTO BUILDING

LANDSCAPE AREA

EXISTING FRONT YARD AREA = 99.66 m2  
EXISTING PAVED AREA = 32.77 m2  
EXISTING LANDSCAPE AREA = 67.12%

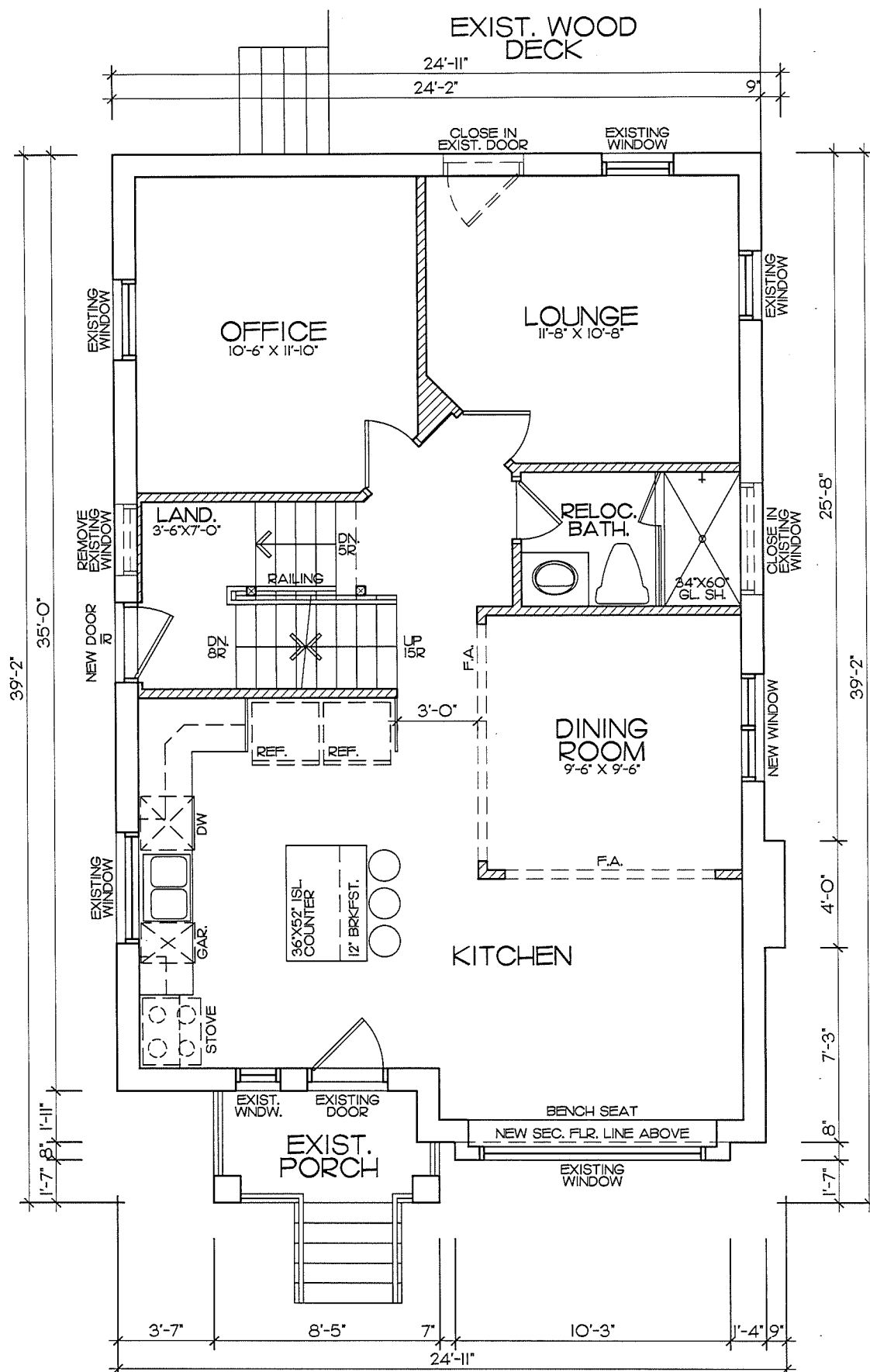


PROJECT ADDRESS: 50 BROADWAY AVENUE

REVISIONS			QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2019 SIGNATURE: 	PROJECT LUCIANO	DRAWING SITE PLAN	
NO.	DATE	DESCRIPTION				
1.	MAR. 3/2020	ADDED DRIVEWAY DIMS. AND LANDSCAPE AREA CALCS.				
 70 Main Street N., P.O. Box 38 Campbellville, ON, L0P 1B0 Ph. 905-854-9696 Fax 905-854-9559 EMAIL : jeffjansen@xplomet.com			OWNERS INFORMATION LUCIANO DINARDO		SCALE 1:200	DATE JAN. 27/2019
					DRAWN BY C.A.	MODEL TYPE H-O48
					PROJECT LOCATION HAMILTON	PROJECT NO. 2019-048
					FILE NO. 2019-048S	DRAWING NO. S1

Amended  
HMLA-20:54  
Sketch (1)







## MAIN FLOOR PLAN


EXISTING MAIN FLOOR AREA = 878 S.F.
NEW SECOND FLOOR AREA ADDED = 810 S.F.
NEW FIN. BSMNT. FLR. AREA ADDED = 601 S.F.
TOTAL AREA = 2289 S.F. ( 212.65 M2 )

LOT AREA = 482.97 M2  
GROSS FLOOR AREA ALLOWED AT 45% = 217.33 M2 ( 2339.46 S.F. )

 = NEW WALLS

PROJECT ADDRESS: 50 BROADWAY AVENUE

<b>REVISIONS</b>			<b>QUALIFIED DESIGNER BCIN - 30272</b>		<b>DRAWING</b>	
<b>NO.</b>	<b>DATE</b>	<b>DESCRIPTION</b>	FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE: 		<b>PROJECT</b>	<b>MAIN FLOOR PLAN</b>
					<b>DINARDO</b>	
					<b>SCALE</b>	<b>DATE</b>
					3/16"=1'-0"	JAN. 27/2020
						<b>MODEL TYPE</b>
						H-O48



**Jansen Consulting**  
DESIGN • CONSULTING • MANAGEMENT

70 Main Street N, P.O. Box 38  
Campbelville, ON, L0P 1B0  
Ph. 905-854-9696  
Fax 905-854-9559  
EMAIL : jeffjansen@xplomet.com

**OWNERS INFORMATION**  
LUCIANO DINARDO

<b>DRAWN BY</b>	<b>CHK'D BY</b>	<b>PROJECT NO.</b>
C.A.	J.J.	2019-048
<b>PROJECT LOCATION</b>		
HAMILTON		
<b>FILE NO.</b>		<b>DRAWING NO.</b>
2019-048F		A2

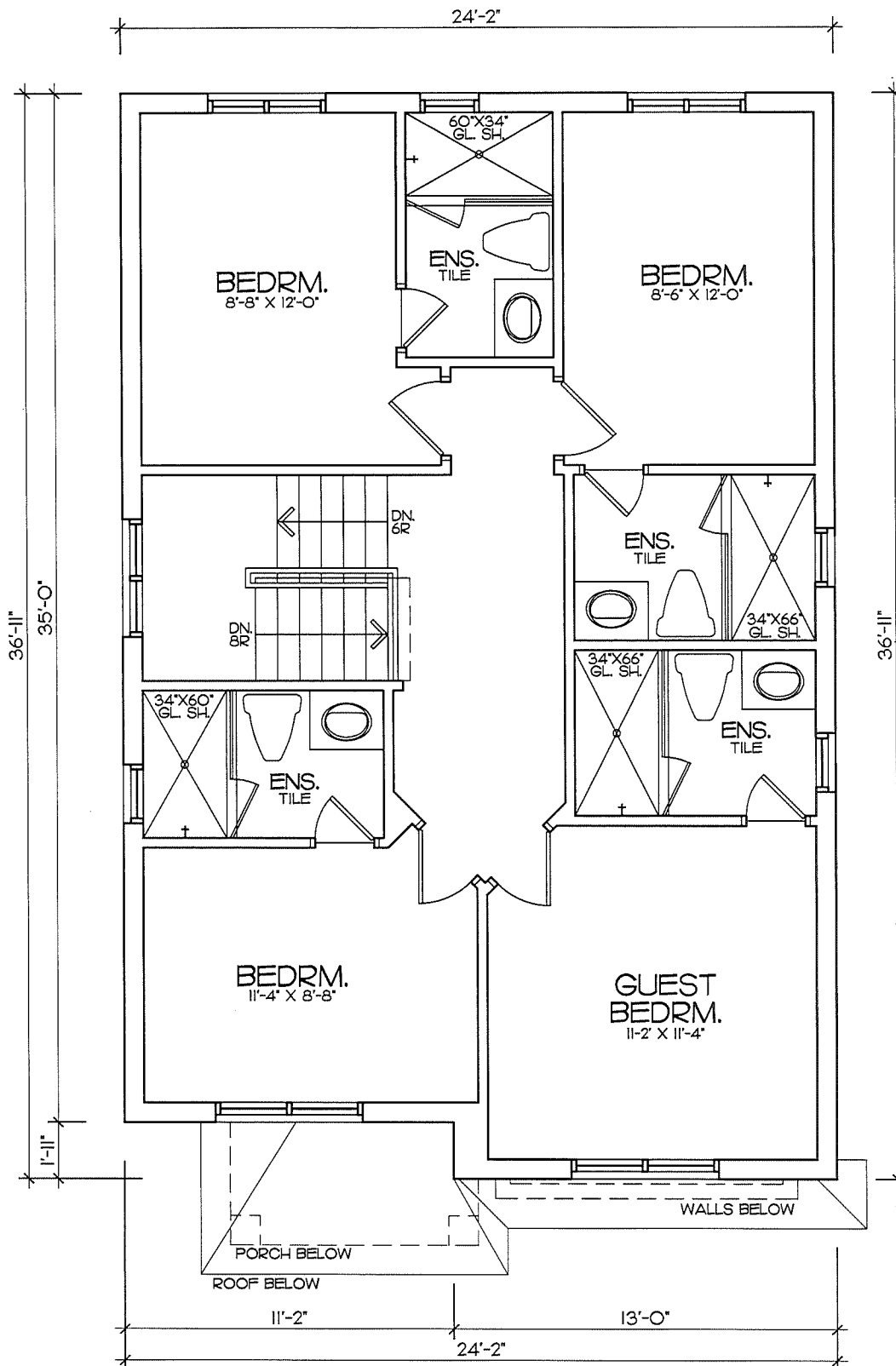


**Jansen Consulting**  
PROFESSIONAL CONSULTANTS

70 Main Street N., P.O. Box 38  
Campbellville, ON, L0P 1B0  
Ph. 905-854-9696  
Fax 905-854-9559  
EMAIL : [jeffjansen@explomet.com](mailto:jeffjansen@explomet.com)

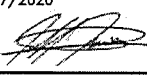

OWNERS INFORMATION  
LUCIANO DINARDO

Amended  
HMA 20:54  
Sketch (3)

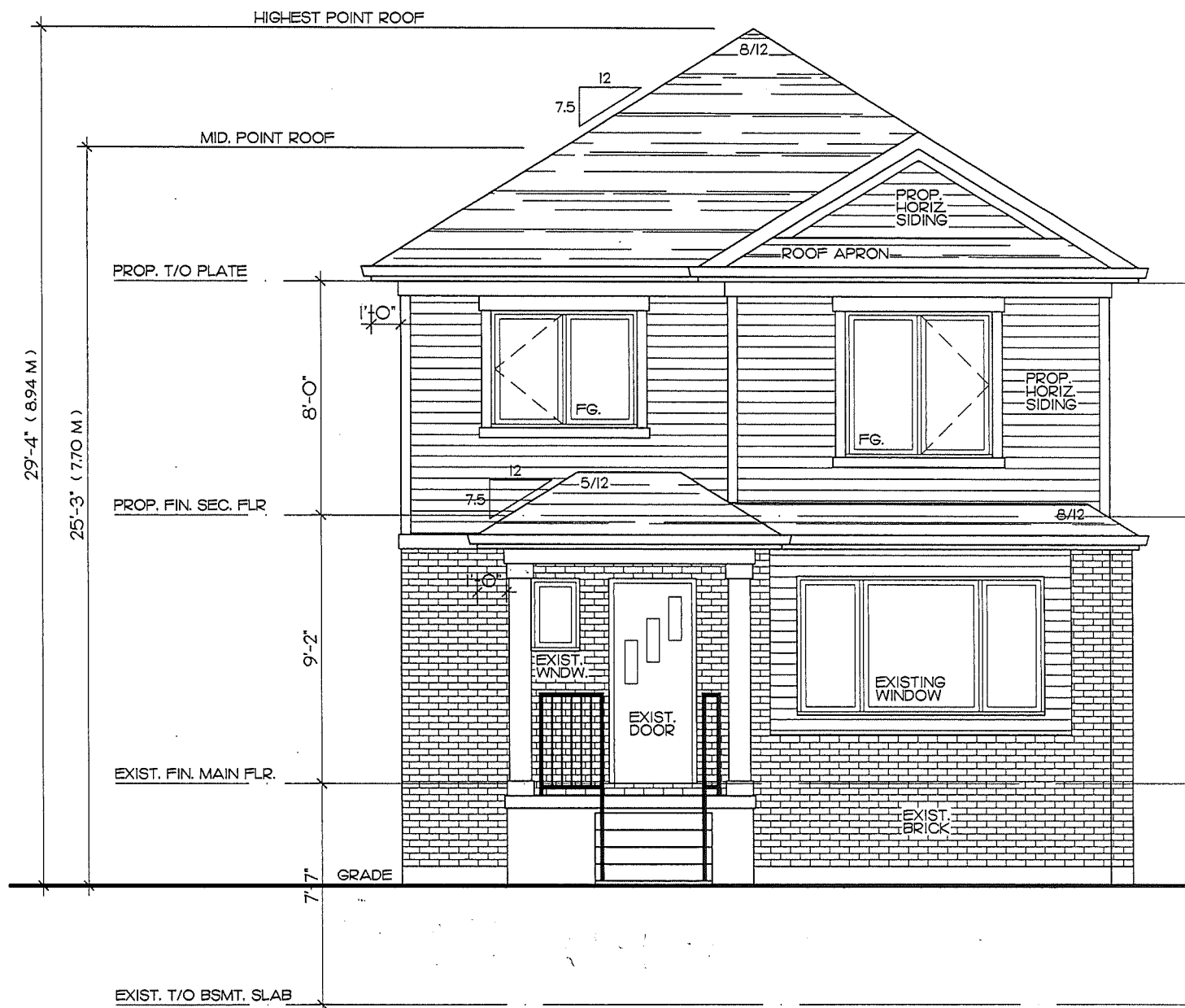


NEW SECOND FLOOR PLAN

PROJECT ADDRESS: 50 BROADWAY AVENUE

REVISIONS			QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE: 	PROJECT DINARDO	DRAWING SECOND FLOOR PLAN	
NO.	DATE	DESCRIPTION			SCALE 3/16"=1'-0"	DATE JAN. 27/2020
 <p>70 Main Street N., P.O. Box 38 Campbellville, ON, L0P 1B0 Ph. 905-854-9696 Fax 905-854-9559 EMAIL: jeffjansen@xplomet.com</p>				OWNERS INFORMATION LUCIANO DINARDO		MODEL TYPE H-O48
				DRAWN BY C.A.		PROJECT NO. 2019-048
				PROJECT LOCATION HAMILTON		DRAWING NO. A3
				FILE NO. 2019-048F		

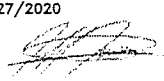
Amended  
HMLA-20:34  
Sketch. (4)



FRONT ELEVATION

Am/A 20:54  
Sketch 5

PROJECT ADDRESS: 50 BROADWAY AVENUE

REVISIONS NO. DATE DESCRIPTION		QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE: 	PROJECT DINARDO		DRAWING FRONT ELEVATION	
			SCALE 3/16"=1'-0"	DATE JAN. 27/2020	MODEL TYPE H-O48	
 70 Main Street N, P.O. Box 38 Campbellville, ON, L0P 1B0 Ph. 905-854-9696 Fax 905-854-9559 EMAIL: jeffjansen@explomet.com			DRAWN BY C.A.		CHK'D BY J.J.	PROJECT NO. 2019-048
			PROJECT LOCATION HAMILTON		DRAWING NO. A4	
			FILE NO. 2019-048E			



Hamilton

Planning and Economic Development Department  
Planning Division

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.

FOR OFFICE USE ONLY.

APPLICATION NO. HM/A-20:54 DATE APPLICATION RECEIVED 2020-07-20

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.

WILLIAM BOTETZAYAS, JOHN MARCHESAN,

1. Name of Owner LUCIANO DI NARDO Telephone No. [REDACTED]

2. [REDACTED]

Postal Code [REDACTED]

3. Name of Agent CLINTON ARCHER Telephone No. [REDACTED]

4. [REDACTED]

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:

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

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



6. Nature and extent of relief applied for:  
ONLY HAVE ROOM FOR X3 PARKING SPOTS,  
WHERE 4 SPOTS ARE REQUIRED.
7. Why it is not possible to comply with the provisions of the By-law?  
DUE TO THE ADDITIONAL ROOMS BEING  
ADDED AND RESTRICTED SIZE OF  
EXISTING DRIVEWAY
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):  
LOT 144, 50 BROADWAY AVENUE
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 ☒ Unknown ☐
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?  
Yes ☐ No ☒ Unknown ☐
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
Yes ☐ No ☒ 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 ☒ 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 ☒ Unknown ☐
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
Yes ☐ No ☒ 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 ☒ 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 ☒ 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?

OWNER'S KNOW HISTORY OF PROPERTY

- 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.

FEB. 7/2020  
Date

\_\_\_\_\_  
Signature Property Owner

\_\_\_\_\_  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 12.19m  
Depth 39.62m  
Area 482.97m  
Width of street 9.5m

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: 1-STORY BRICK DWELLING  
7.36m WIDE, 11.45m DEEP,  
GROUND FLOOR AREA = 81.57m<sup>2</sup>,  
HEIGHT = 6.3m

Proposed: 2-STORY DWELLING  
7.36m WIDE, 11.45m DEEP,  
GROUND FLOOR AREA = 81.57m<sup>2</sup>, SECOND FLOOR  
AREA = 75.25m<sup>2</sup>, HEIGHT = 8.94m

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

Existing: FRONT SETBACK = 7.57m, RIGHT YARD  
SETBACK = 1.6m, REAR YARD SETBACK = 20.04m,  
LEFT YARD SETBACK = 3.09m

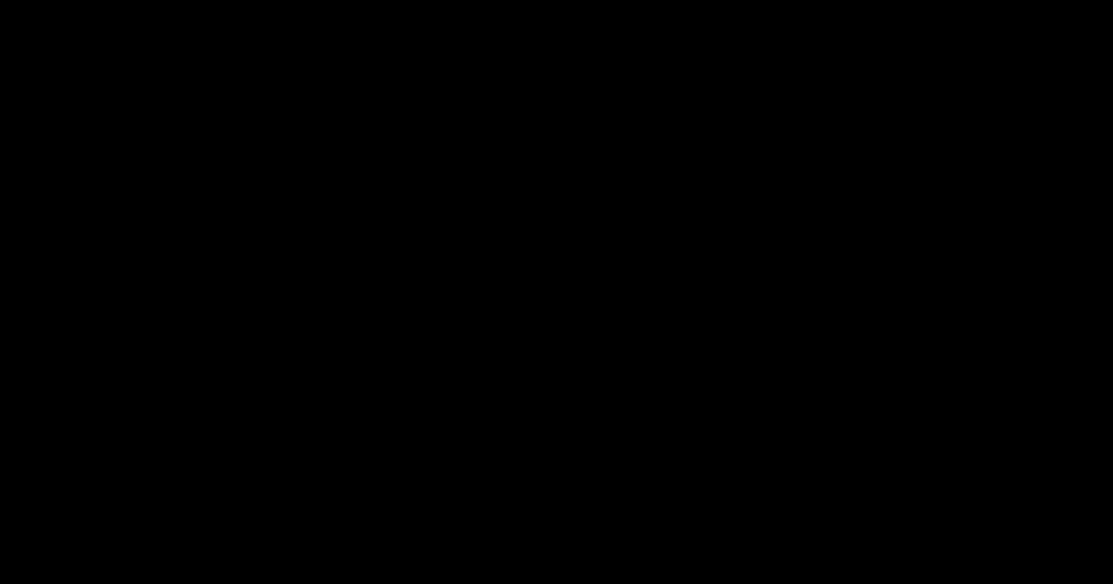
Proposed: FRONT SETBACK = 7.57m, RIGHT YARD  
SETBACK = 1.6m, REAR SETBACK = 20.04m,  
LEFT YARD SETBACK = 3.09m

13. Date of acquisition of subject lands:  
NOVEMBER 2019
14. Date of construction of all buildings and structures on subject lands:  
UNKNOWN SINGLE FAMILY
15. Existing uses of the subject property: RESIDENTIAL DWELLING
16. Existing uses of abutting properties: RESIDENTIAL DWELLINGS  
SINGLE FAMILY
17. Length of time the existing uses of the subject property have continued:  
UNKNOWN
18. Municipal services available: (check the appropriate space or spaces)  
Water ✓ Connected ✓  
Sanitary Sewer ✓ Connected ✓  
Storm Sewers ✓
19. Present Official Plan/Secondary Plan provisions applying to the land:  
LOW DENSITY RESIDENTIAL 2  
AINSLIE WOOD WESTDALE SECONDARY PLAN
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
C/S 1335 C/S 1335a
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.



A Commissioner, etc.

Expires July 30, 2022.

**PART 25 OWNERS AUTHORIZATION**

As of the date of this application, I (NAME) X John Marchesan X Luciano DiNola 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:

CLINTON ARCHER OR JEFF JANSEN, of JANSEN CONSULTING

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

Feb 3 / 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. John Marchesan

I, William Buletzayov Luciano DiNola 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.

Date

Feb 3 / 2020

Signature of Owner



**PART 27 PERMISSION TO ENTER**

Date: FEB. 7/2020

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

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 50 BROADWAY AVE.  
(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.



Signature of Owner or Authorized agent

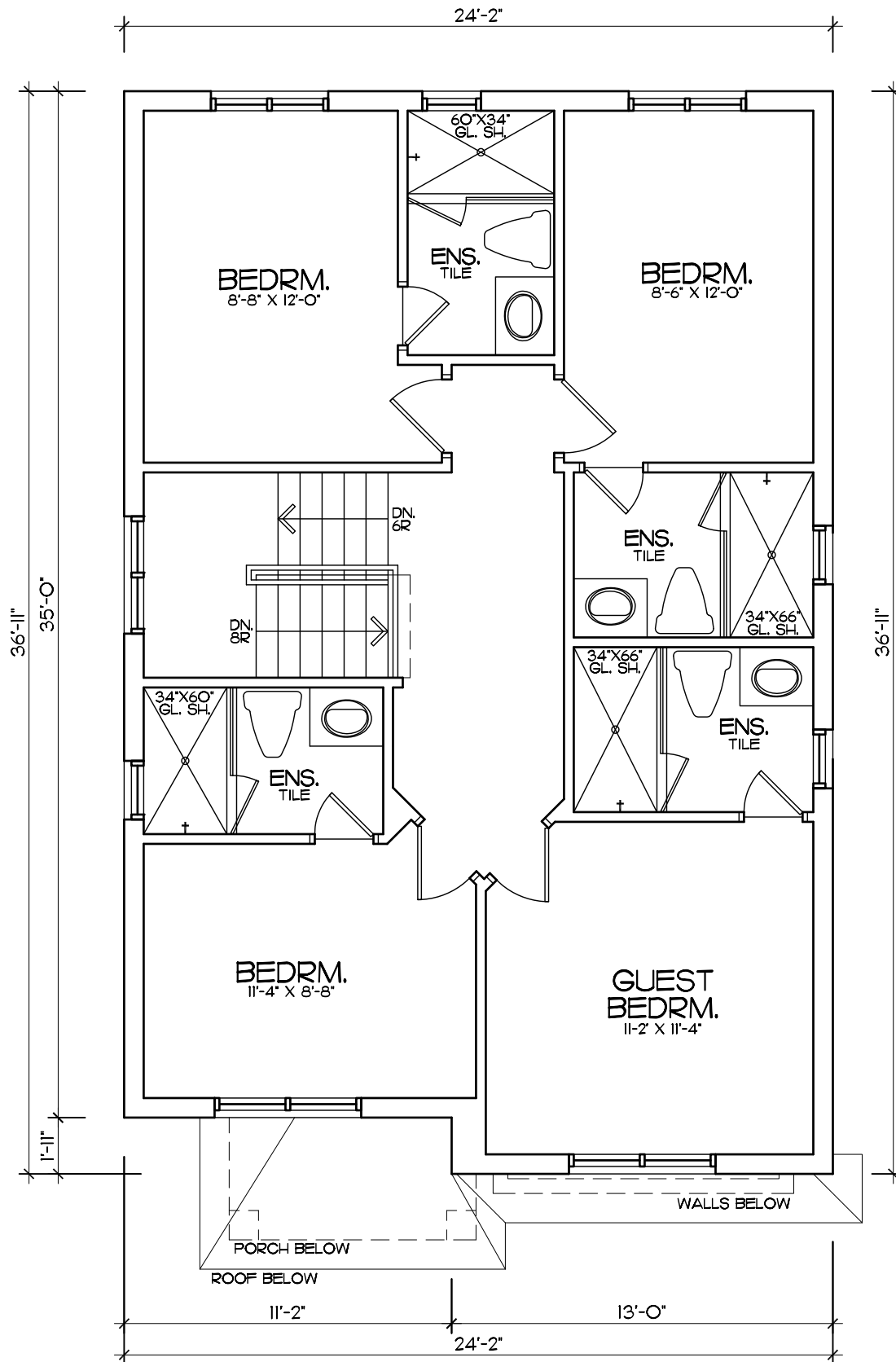
CLINTON ARCHER

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**

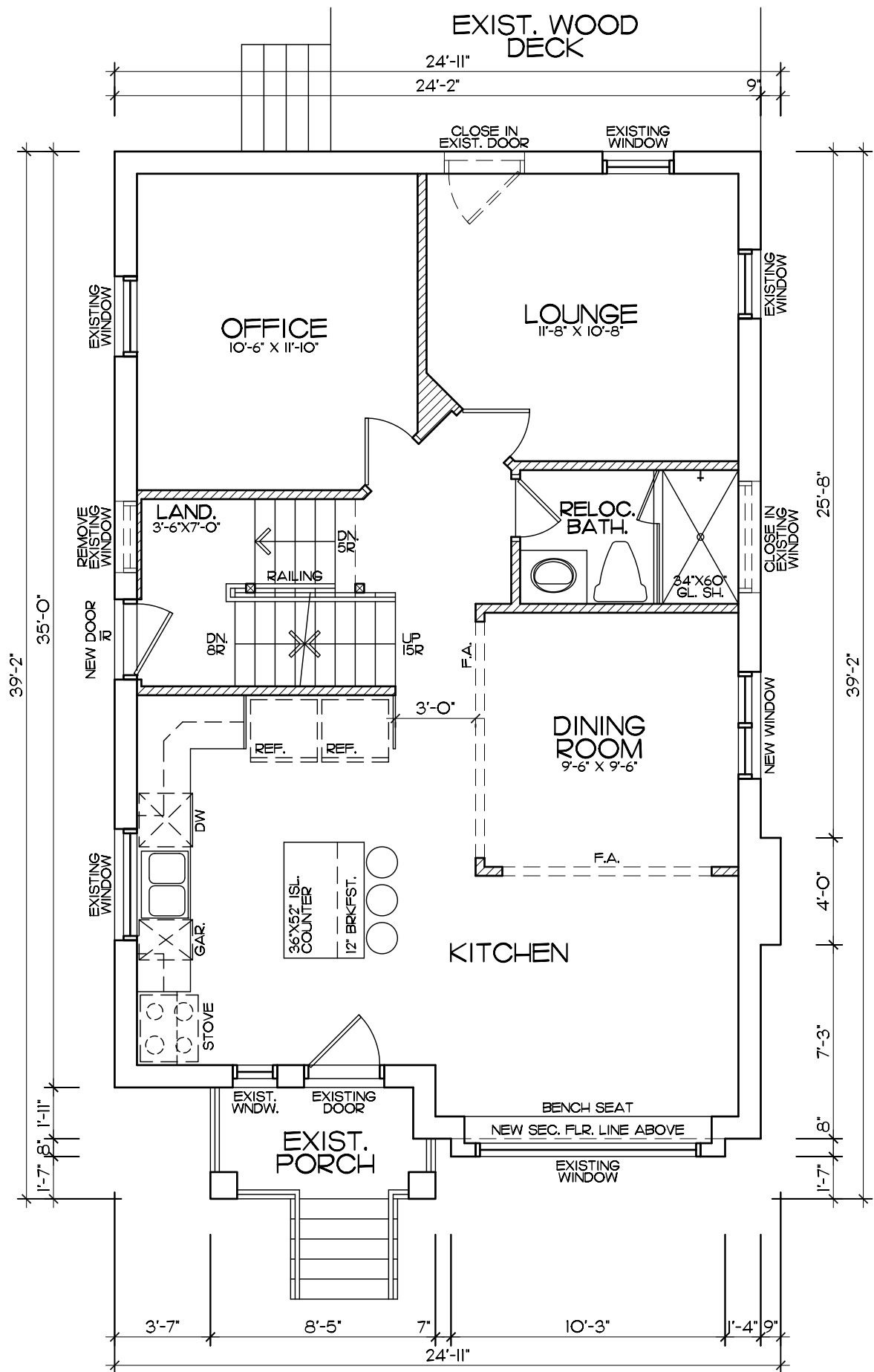
The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions 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.



NEW SECOND FLOOR PLAN

PROJECT ADDRESS: 50 BROADWAY AVENUE


REVISIONS			QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE: 	PROJECT		DRAWING	
NO.	DATE	DESCRIPTION		DINARDO		SECOND FLOOR PLAN	
				SCALE		DATE	
				3/16"=1'-0"		JAN. 27/2020	
				DRAWN BY		CHK'D BY	
				C.A.		J.J.	
OWNERS INFORMATION LUCIANO DINARDO				PROJECT LOCATION		PROJECT NO.	
				HAMILTON		2019-048	
 70 Main Street N, P.O. Box 38 Campbellville, ON, L0P 1B0 Ph. 905-854-9696 Fax 905-854-9559 EMAIL : jeffjansen@xplomet.com				FILE NO.		DRAWING NO.	
				2019-048F		A3	




MAIN FLOOR PLAN

EXISTING MAIN FLOOR AREA = 878 S.F.
NEW SECOND FLOOR AREA ADDED = 810 S.F.
NEW FIN. BSMNT. FLR. AREA ADDED = 601 S.F.
TOTAL AREA = 2289 S.F. ( 212.65 M2 )

LOT AREA = 482.97 M2
GROSS FLOOR AREA ALLOWED AT 45% = 217.33 M2 ( 2339.46 S.F. )

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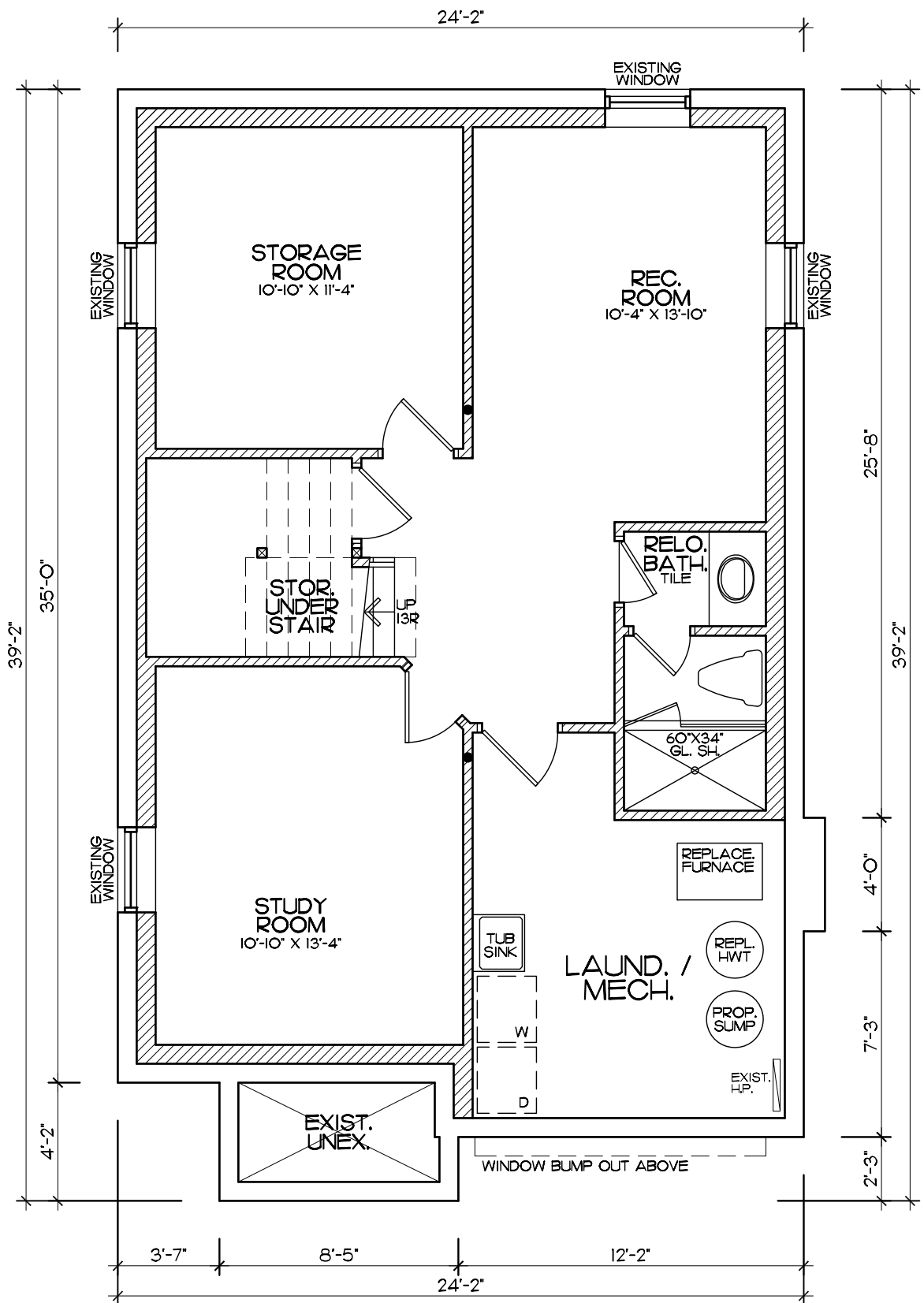
PROJECT ADDRESS: 50 BROADWAY AVENUE

REVISIONS			QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE: 	PROJECT		DRAWING	
NO.	DATE	DESCRIPTION		DINARDO		MAIN FLOOR PLAN	
				SCALE	3/16"=1'-0"	DATE	JAN. 27/2020
				DRAWN BY	C.A.	CHK'D BY	J.J.
				PROJECT LOCATION	HAMILTON	PROJECT NO.	2019-048
				FILE NO.	2019-048F	DRAWING NO.	A2



70 Main Street N, P.O. Box 38  
Campbellville, ON, L0P 1B0  
Ph. 905-854-9696  
Fax 905-854-9559  
EMAIL : jeffjansen@xplomet.com



OWNERS INFORMATION  
LUCIANO DINARDO



BASEMENT FLOOR PLAN

= NEW WALLS

PROJECT ADDRESS: 50 BROADWAY AVENUE

REVISIONS			QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE: 	PROJECT		DRAWING	
NO.	DATE	DESCRIPTION		DINARDO		BASEMENT PLAN	
				SCALE 3/16"=1'-0"		DATE JAN. 27/2020	MODEL TYPE H-O48
 70 Main Street N., P.O. Box 38 Campbellville, ON, L0P 1B0 Ph. 905-854-9696 Fax 905-854-9559 EMAIL : jeffjansen@xplomet.com				DRAWN BY C.A.		CHK'D BY J.J.	PROJECT NO. 2019-048
				PROJECT LOCATION HAMILTON		DRAWING NO. A1	
				FILE NO. 2019-O48F			
OWNERS INFORMATION LUCIANO DINARDO							



LOTS 144  
WEST HAMILTON  
REGISTERED PLAN 420  
CITY OF HAMILTON

LEGEND:

←

R.W.L.

○

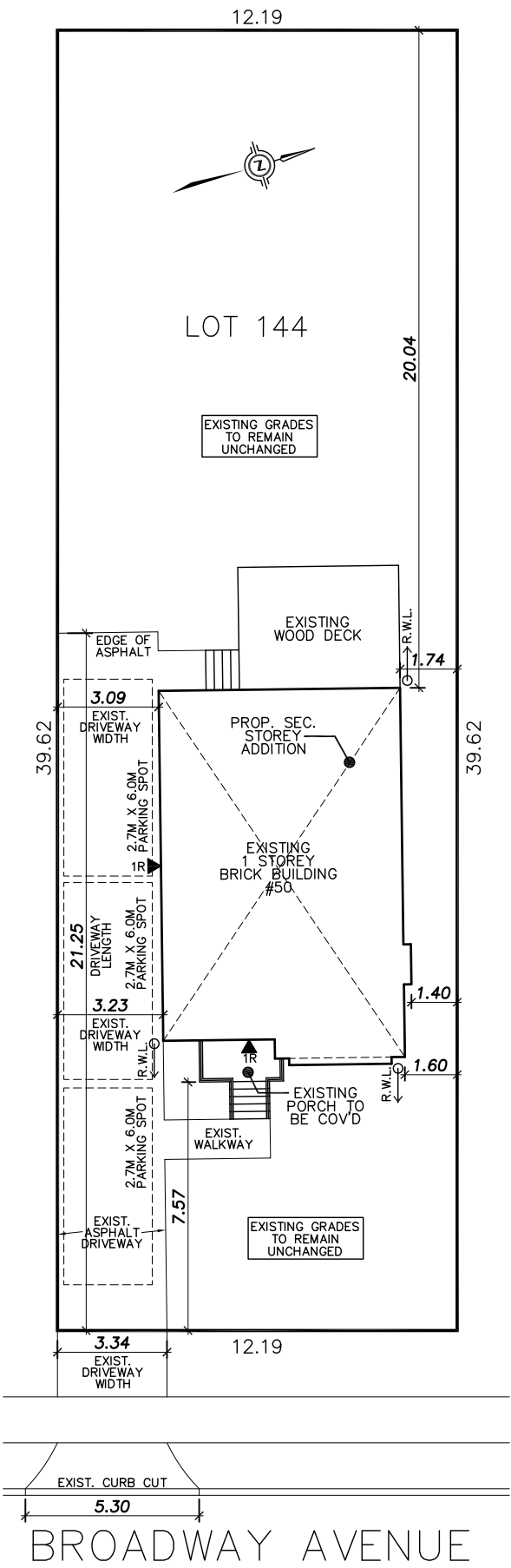
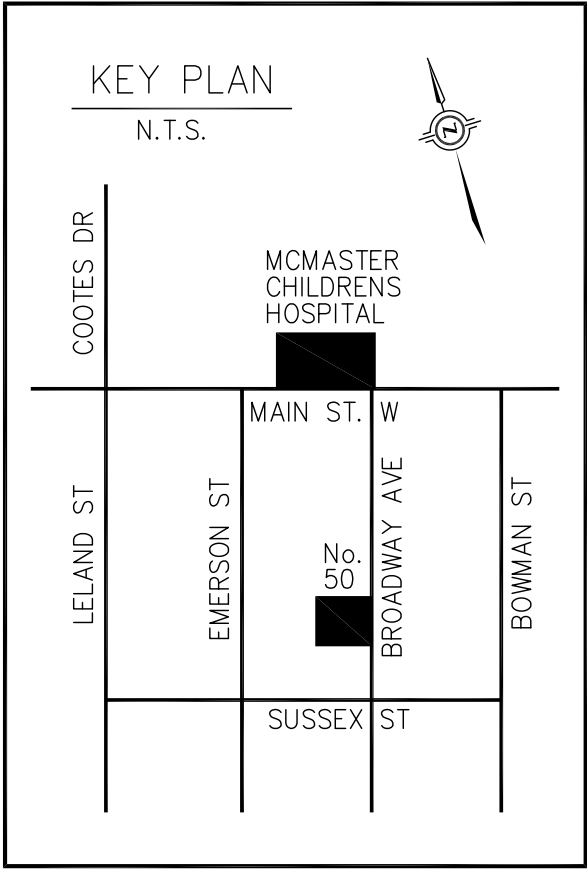
DENOTES RAIN WATER LEADERS  
DIRECTION & SPLASH PADS

▶

ENTRY POINTS INTO BUILDING

LANDSCAPE AREA

EXISTING FRONT YARD AREA = 99.66 m2  
EXISTING PAVED AREA = 32.77 m2  
EXISTING LANDSCAPE AREA = 67.12%



PROJECT ADDRESS: 50 BROADWAY AVENUE

REVISIONS NO.	DATE	DESCRIPTION
I.	MAR. 3/2020	ADDED DRIVEWAY DIMS. AND LANDSCAPE AREA CALCS.

QUALIFIED DESIGNER BCIN - 30272  
FIRM BCIN - 110042  
DATE: JAN. 27/2019  
SIGNATURE: 

PROJECT LUCIANO	DRAWING SITE PLAN	
SCALE 1:200	DATE JAN. 27/2019	MODEL TYPE H-O48
DRAWN BY C.A.	CHK'D BY J.J.	PROJECT NO. 2019-048
PROJECT LOCATION HAMILTON		DRAWING NO. S1
FILE NO. 2019-O48S		



Jansen Consulting  
DESIGN • CONSULTING • MANAGEMENT

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