



Hamilton

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: morgan.evans@hamilton.ca or scott.baldry@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.: HM/A-20:24

APPLICANTS: Herman Turkstra on behalf of the owner Adrienne Young

SUBJECT PROPERTY: Municipal address **70 & 72 Picton St. W., City of Hamilton**

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

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings and etc.) district

PROPOSAL: To permit a lot to be conveyed for the construction of a new single family dwelling (to be known as 70 Picton Street West) and to permit a lot to be retained containing an existing single family dwelling and existing frame shed (known as 72 Picton Street West) in order to facilitate Consent Application File No. HM/B-20:07 notwithstanding that:

For the Lands to Be Retained (72 Picton Street West):

1. A minimum easterly side yard width of 0.9m shall be permitted instead of the minimum required side yard width of 1.2m.
2. A minimum lot width of 7.8m shall be provided instead of the minimum required lot width of 12.0m.
3. A minimum lot area of 157.0m² shall be provided instead of the minimum required lot area of 360m².
4. One (1) parking space shall be provided instead of the minimum required two (2) parking spaces.
5. No on-site aisle width manoeuvring space shall be provided instead of the minimum required aisle width manoeuvring space aisle width of 6.0m.
6. The existing frame shed shall be at least 2.5m from the westerly side lot line instead of being a minimum of 6.0m from the westerly side lot line.

For the Lands to Be Conveyed (70 Picton Street West):

1. A minimum front yard depth of 3.0m shall be permitted instead of the minimum required front yard depth of 6.0m.
2. A minimum westerly side yard width of 0.0m and a minimum easterly side yard width of 0.9m shall be permitted instead of the minimum required side yard width of 1.2m.

.../2

3. A minimum rear yard depth of 3.0m shall be permitted instead of the minimum required rear yard depth of 7.5m
4. A minimum lot width of 8.5m shall be provided instead of the minimum required lot width of 12.0m.
5. A minimum lot area of 216.0m² shall be provided instead of the minimum required lot area of 360m².
6. No parking spaces shall be provided instead of the minimum required two (2) parking spaces.

NOTE:

- i) The variances are necessary to facilitate Consent Application File No. HM/B-20:07.
- ii) The applicant has confirmed that the portion of the existing wood deck at the rear of the existing single family dwelling (known municipally as 72 Picton Street West) which is presently shown to encroach into the proposed parking space and is shown to encroach over the new easterly side lot line will be removed. If the rear wood deck is not removed, further variances shall be required.
- iii) As no alterations to the front, rear and westerly side yards are intended for the existing single family dwelling on the lands to be retained, these yards are considered legally established non-conforming.
- iv) The applicant has advised that both the existing single family dwelling on the lands to be retained and the proposed single family dwelling on the lands to be conveyed will contain 8 or less habitable rooms.
- v) An Encroachment Agreement with the City of Hamilton's Public Works Department may be required for the portion of the existing single family dwelling on the lands to be retained encroaching onto the Bay Street North road allowance.

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

DATE: Thursday, July 16th, 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
for viewing purposes only

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 30th, 2020.

Original Signed

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.

15

No 127

PLAN

EXISTING "D" ZONING
(URBAN PROTECTED RESIDENTIAL
ONE AND TWO FAMILY DWELLINGS)

REGISTERED

LOT 10

PROPOSED SEVERANCE
(AREA=216.94m²)

PART 2

PICTON STREET WEST

PR 17153 - 0187

PN 17153 - 016-
(ESTABLISHED ACCORDING TO REGISTERED PLAN NO 127)

BAY	STREET		NORTH
	CONCRETE	APPROACH	
CONCRETE		CONCRETE	SIDWALK

17153 - 0184
IN No 127)

(NOT TO SCALE)
2012

2012
(NOT TO SCALE)

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MACNAB STREET NORTH

CNAB STREET

KEY PLAN

NOT TO SCALE

SKETCH FOR CONSENT TO SEVER
70/72 PICTON STREET WEST
IN THE
CITY OF HAMILTON

SCALE 1:150
0 1 2 3 4 5 metres

NICHOLAS P. MUTH O.L.S.

THE ABOVE NOTED LANDS ARE
MORE PARTICULAR DESCRIBED AS:
LOT 10-BLOCK 15
SIR ALLAN MACNAB SURVEY
REGISTERED PLAN No 127

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

NOTE:
THIS BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH
ARE BASED ON A SURVEYOR'S REAL PROPERTY REPORT
PREPARED FOR H. TURKSTRA DATED MARCH 9, 2020

THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION
TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT
OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

THIS SKETCH IS NOT VALID UNLESS IT IS
AN EMBOSSED ORIGINAL COPY OR CERTIFIED
DIGITAL COPY ISSUED BY THE SURVEYOR

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
USED FOR TRANSACTION OR MORTGAGE PURPOSES.

APRIL 13, 2020
DATE

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

PROJECT No. 208026D

R-4338A



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th 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. _____ DATE APPLICATION RECEIVED _____

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 ARIELLE YUANG

3. Name of Agent Herman Lutsstra

4.

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:

NONE

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

3' Side Yards for 72 Acton Street
10' Rear and Front yards for 70 Acton Street
2' no side yard West for 70 Acton Street
3' Side yard East for 70 Acton Street
Sewer main 12" from 70

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

Required yards prohibit development

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

Part lot 10 Block 15
Sir Gillan MacNab Survey
Registered Plan 127

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?
Discussions with long time neighbours

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.

Jan 15 2020
Date

Signature Property Owner

Adrienne Young
Print Name of Owner

10. Dimensions of lands affected:

Frontage 55.22'
Depth 71.90'
Area _____
Width of street 66'

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: 72 Picton: Existing One Storey Single
Family home as shown
in plan
70 Picton Two Storey New house

Proposed: _____

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

Existing: Shown in plan

Proposed: Building envelope shown in plan

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:
Prior to 1930
15. Existing uses of the subject property: Residential
16. Existing uses of abutting properties: Vacant and Residential
17. Length of time the existing uses of the subject property have continued:
Since prior to 1950
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:
Residential
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Residential
21. Has the owner previously applied for relief in respect of the subject property?
☒ Yes ☐ No
If the answer is yes, describe briefly.
Withdrawn
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.

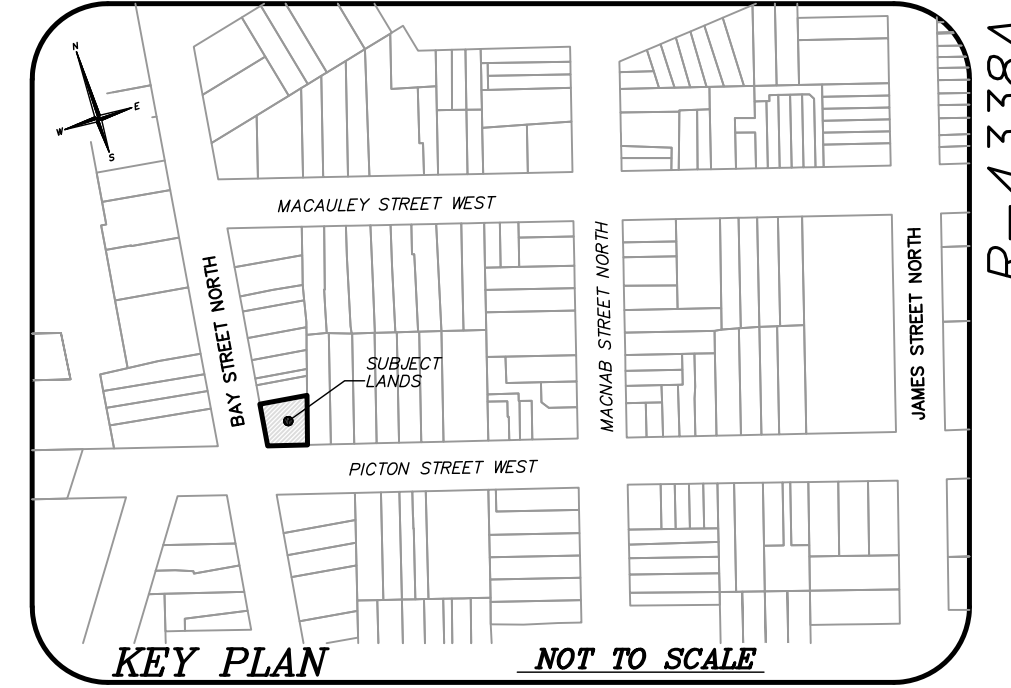
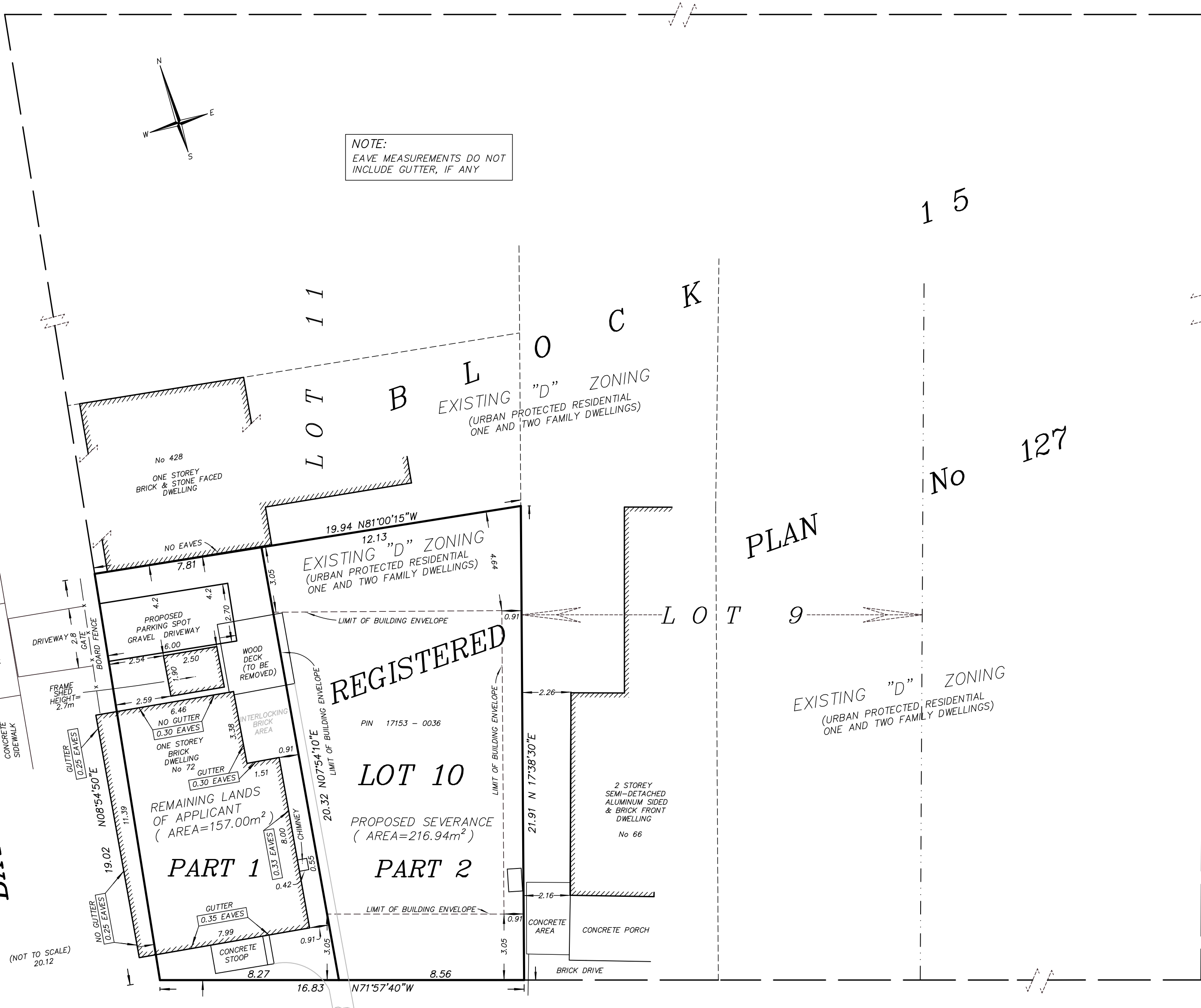
NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

R-4338A

PIN 17153 - 0184

(ESTABLISHED ACCORDING TO REGISTERED PLAN No 127)

NORTH
BAY STREET



SKETCH FOR CONSENT TO SEVER
70/72 PICTON STREET WEST
IN THE
CITY OF HAMILTON
SCALE 1:150
0 1 2 3 4 5 metres
NICHOLAS P. MUTH O.L.S.

THE ABOVE NOTED LANDS ARE
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HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

72 Picton Street
Application to Sever Land
Application for Minor Variance

Design Notes:

72 Picton Street is a older formerly two family dwelling on a corner lot at Picton and Bay Streets built sometime before 1940. The addition which housed the second family unit was removed as it was structurally unsound in 2005. This left a vacant lot approximately 32 feet wide fronting on Picton Street, 39 feet at the rear and 71 feet on the East boundary.

The applicant studied placing a second single family dwelling attached to the East Wall of the existing house and an alternative of leaving a walkway next to the existing house. While the corner lot has rear access from Bay Street, leaving a walkway along the East side of the existing house provides for easier access to the existing house from Bay Street and increases the level of privacy for both houses by physically separating them.

The study of the attached house design is attached as Exhibit 1.

An alternative design was also undertaken in which the space between two free standing houses was used for storage. It was concluded that this design was less functional than two completely separated houses in that the storage area removed the walkway to the back door of 72 and potentially created conflicts over use of the storage area. This design is attached as Exhibit 2.

Research was then conducted on small homes which would function well on the vacant lot if that lot had a zero lot line on its West side and a three foot sideyard/walkway on its East side. The resulting building envelope would be 26 feet wide on Picton Street, 47 feet along the east side, and approximately 30 feet at the rear, leaving a 10 foot back yard.

This building envelope design is shown on Exhibit 3. (This is the sketch required by the application.)

A number of single family designs were considered which fit in the resulting building envelope. (Exhibits 4, 5 & 6)

A very attractive architect designed house on Bay Street has functioned well as a family home for over 50 years and would fit in the building envelope. (Exhibit 7)
There are many houses on Bay Street which are on lots with 30 feet of frontage or less.

It was clear that a functional single family urban house could be built on the 26 foot wide building envelope on a 30 foot wide house.

The Applicant concluded that a design which left a walkway on the East side of 72 and created a building envelope which would have a zero lot line on its West side and a three foot walkway for the second house on the East side of the vacant lot.

The vacant lot has an existing mature tree. Although the tree is somewhat diseased, it currently is structurally sound and the Applicant proposes that the new house would be built North of the existing drip line.

The front boundary of the proposed building envelope will continue the line of the front walls of 72 and 68 Picton to provide a harmonious street wall.

As to parking, many houses on Picton use street parking. The occupant of 72 Picton has used the parking space in front of the house/lot for many years without conflict. However, in order to provide for street parking for the new house, the applicant has applied for, received and constructed a driveway and parking place at the North Side of 72 Picton so the street parking for both 72 and 70 would be available for 70.

The proposed lot lines severance and variances are consistent with the decision of the Ontario Municipal Board relating to 498 and 500 Bay Street.

The variances are needed because the outdated existing Zoning By-law sideyards would prevent construction of a second house on the lot, The building envelope permitted under the existing Zoning By-Law is shown on Exhibit 8. The existing Zoning ByLaw does permit two family homes.

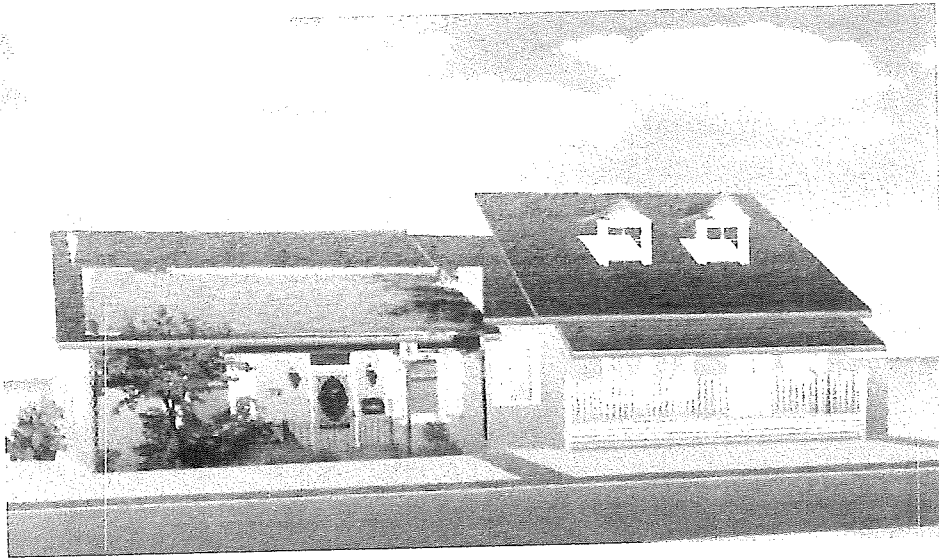
The severance and variances will produce two single family houses that are appropriate for the neighbourhood, permit sound design of the new house which complies with current intensification policies, complies with the approved Secondary Plan and with all relevant provincial policies.

Adrienne Young,
500 Bay Street North
Hamilton, ON, L8L 1N5
905-540-9188

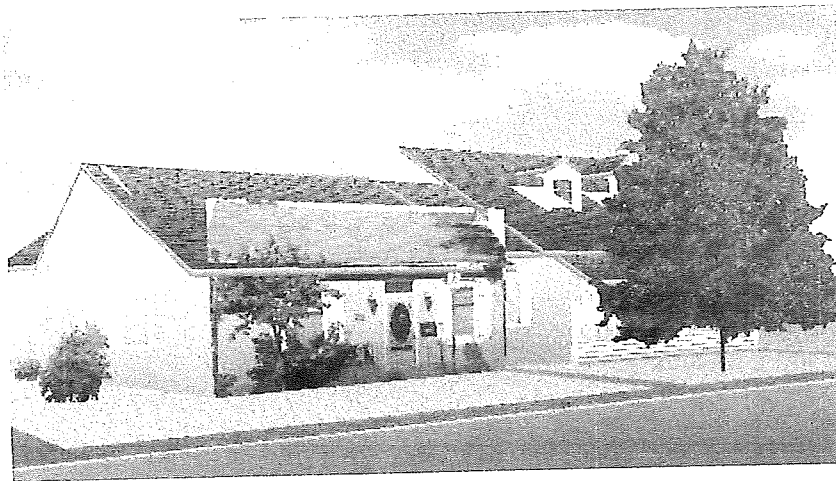
January 15, 2020.

70 -72 Picton Street Design Study:

In view of the position of the neighbour across the street, the site has been examined from the perspective of developing a design with a single building theme. The area is zoned for two family and the existing house, prior to the removal of the back structure shown on the survey had two family occupancy for a number of years.

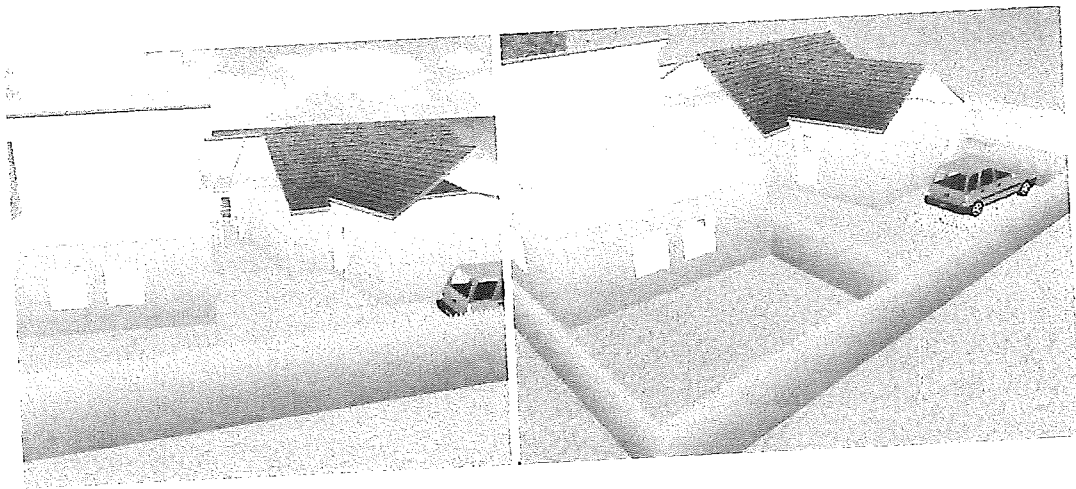


This shows the existing house (photograph) with the new house attached to it by a storage area that has the appearance of a continuation of the residence. The primary entrance to the new house will be the side entrance using essentially the same design as approved by the OMB for 500 Bay Street North. This drawing shows the new house without the existing tree. With the tree it looks like this:

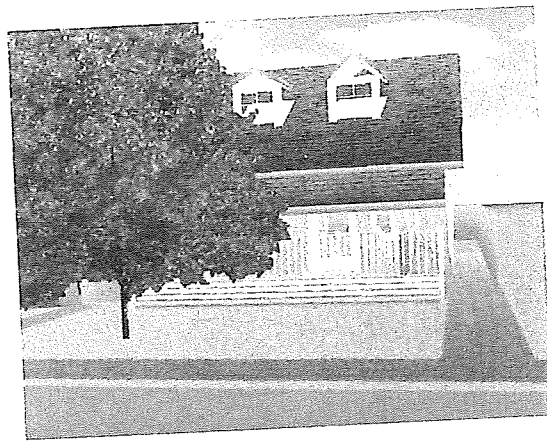


The new house can be constructed outside of the drip line of the existing tree and after allowance for an amenity area in the rear, provides for an 800 square foot floor area on the first floor and about 600 square feet on the second floor

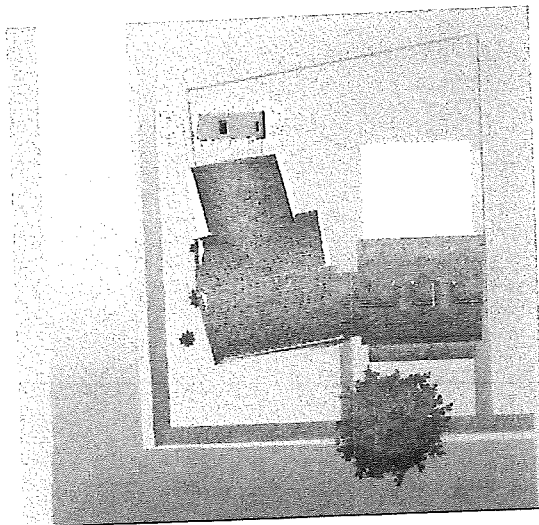
Exhibit 1.



The joining structure is actually a storage area for the existing house and the two amenity areas will be separated by a privacy fence shown in the next sketch. The existing amenity area for the existing house is maintained as it is now. The primary entrance to the new house will be at the East side, following the design of 500 Bay Street North.



The aerial view below shows the overall siting of the addition.



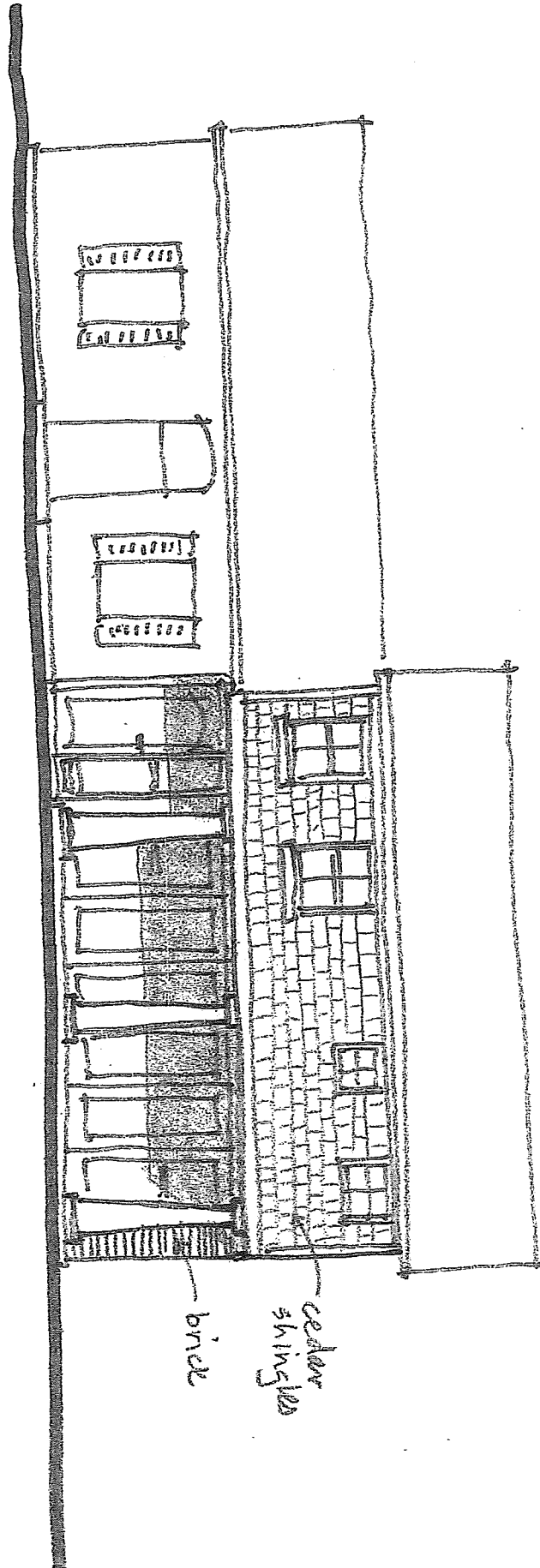
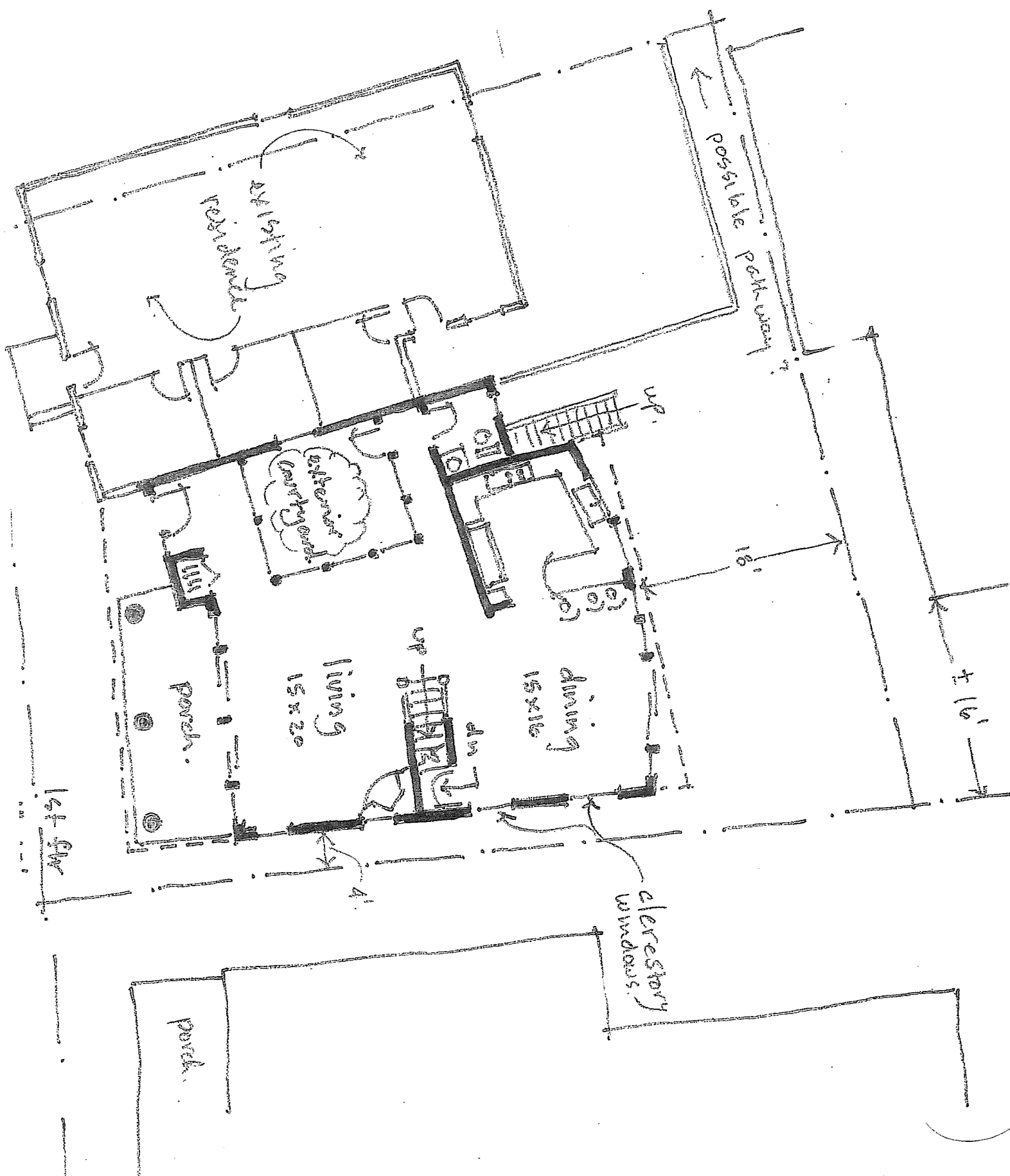
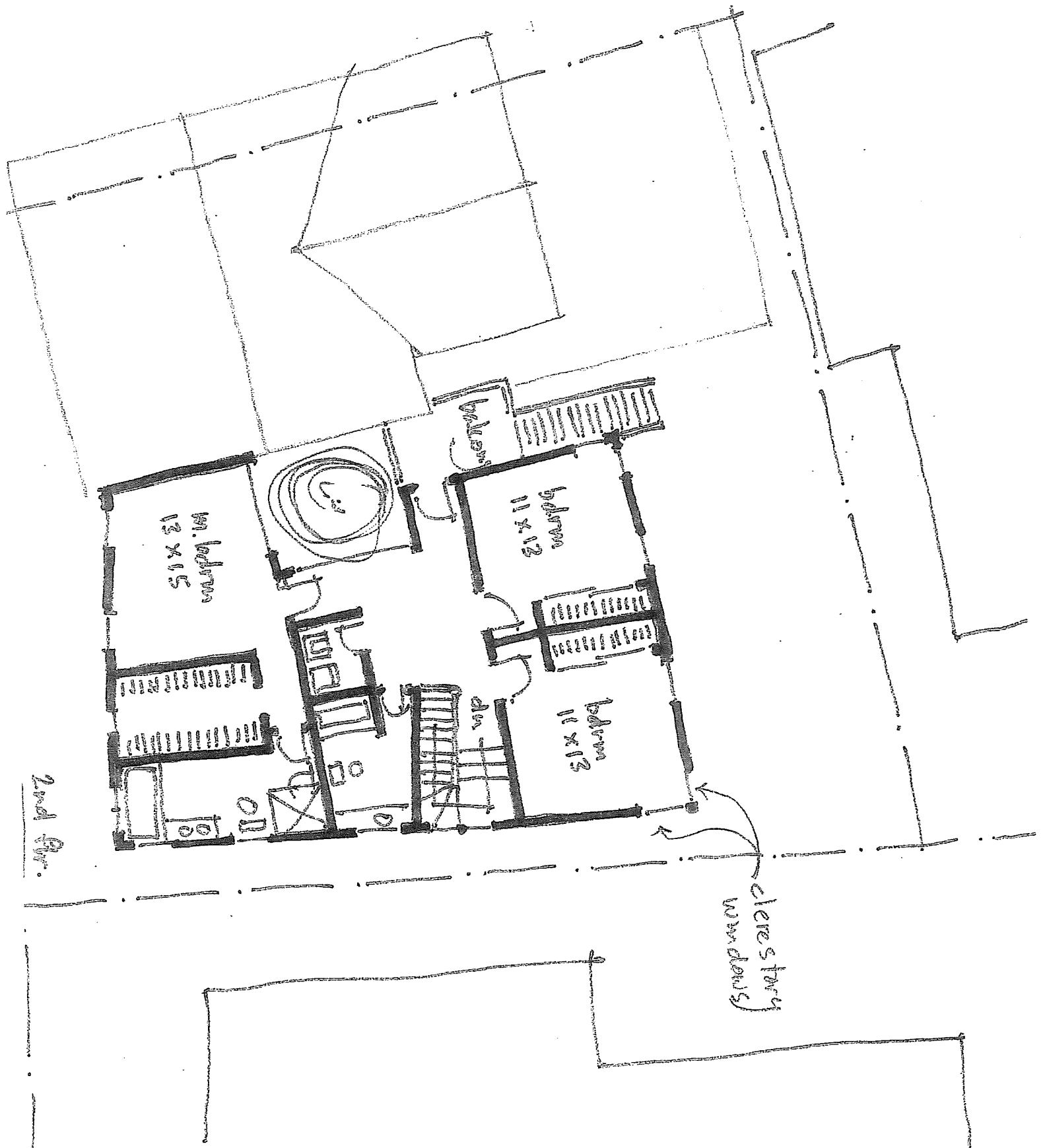
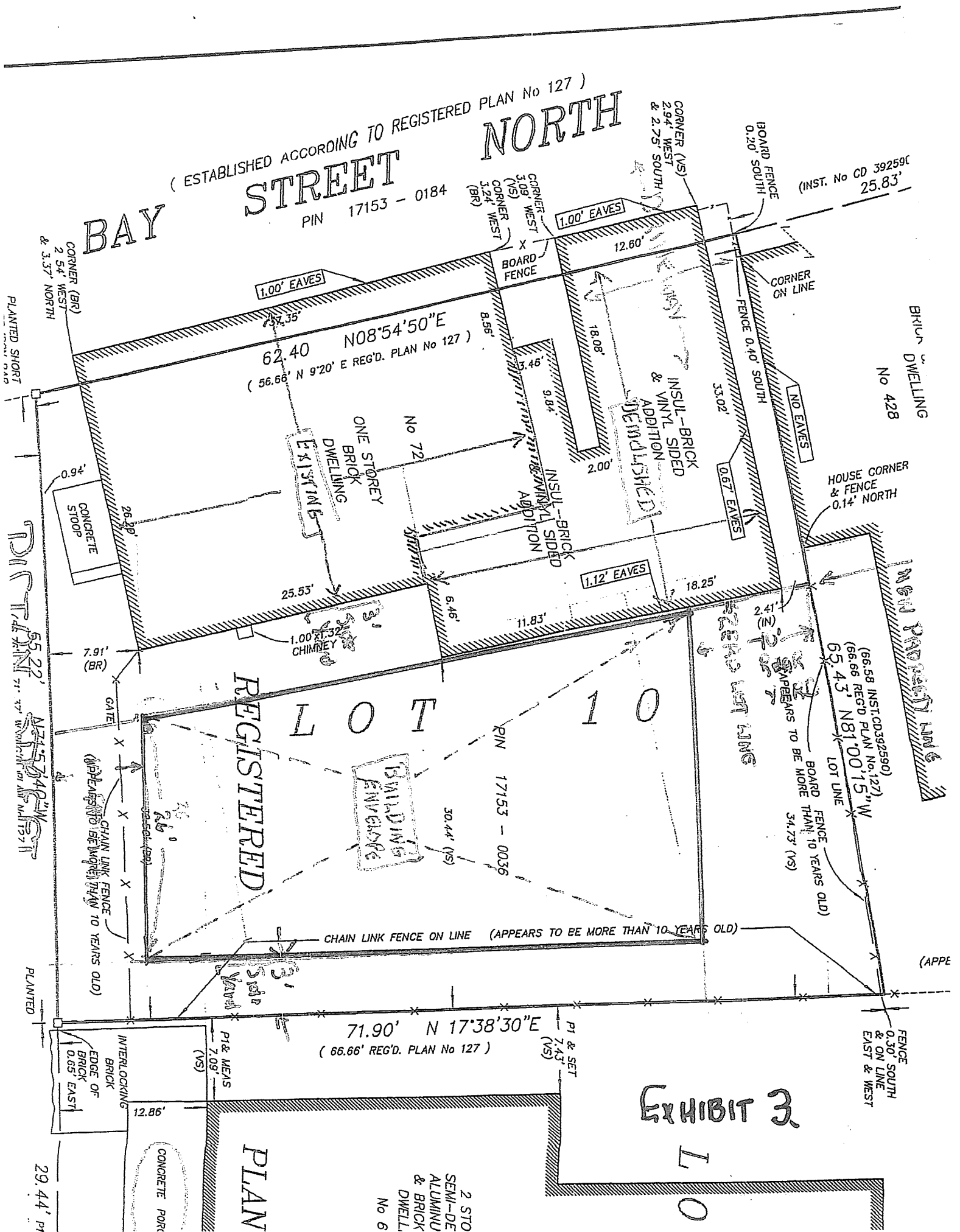


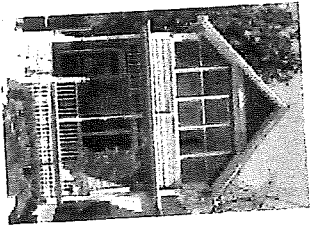
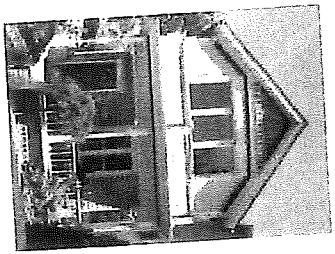
Exhibit 2





2nd floor.

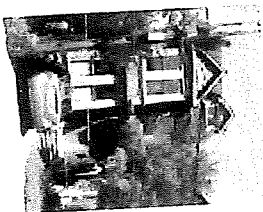
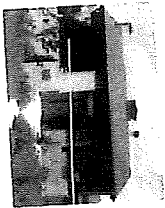
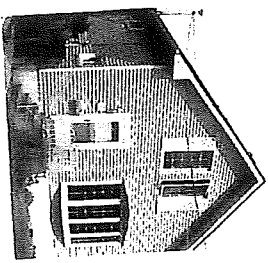


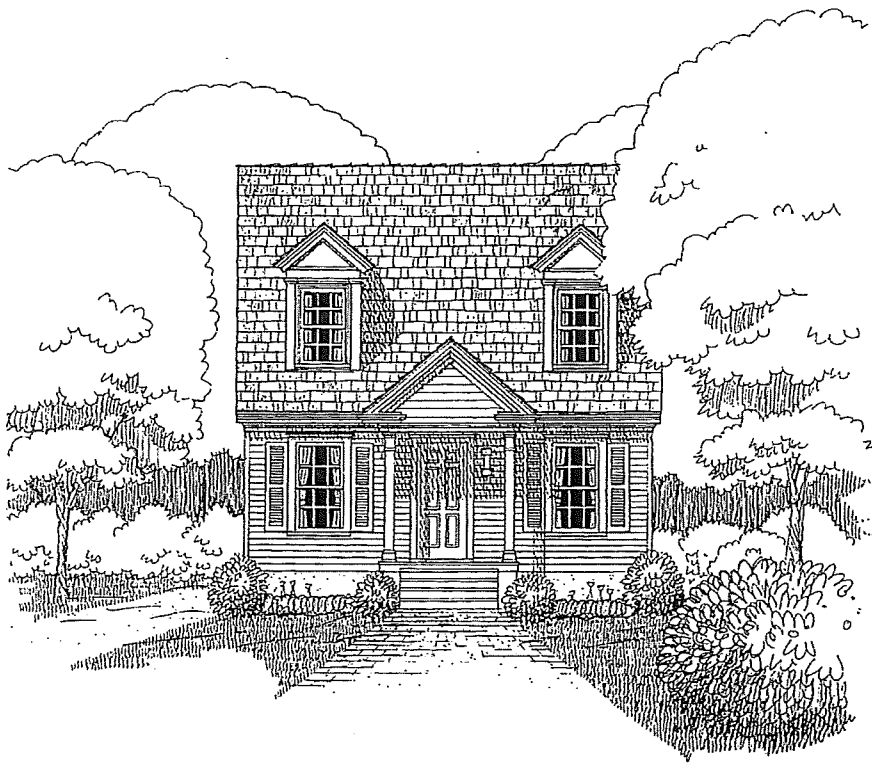


Each home picture will fit on the proposed lot.

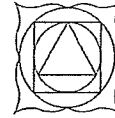
Small Homes of the Future

A practical example





Rick Thompson
Architect



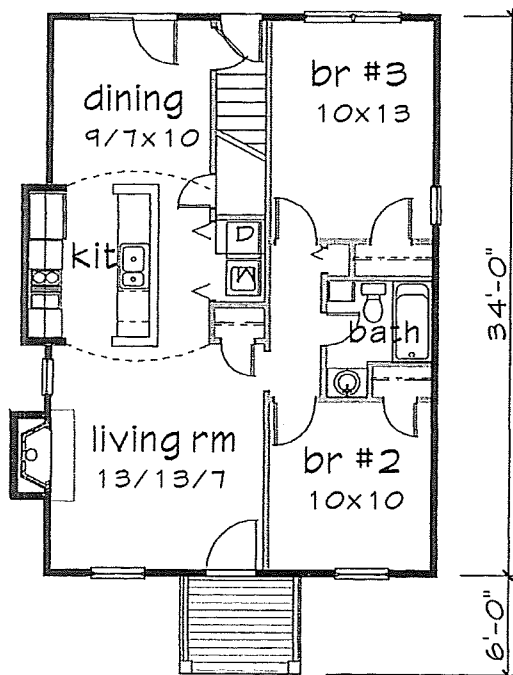
www.thompsonplans.com

P O Box 160
Lake Junaluska, NC
28745

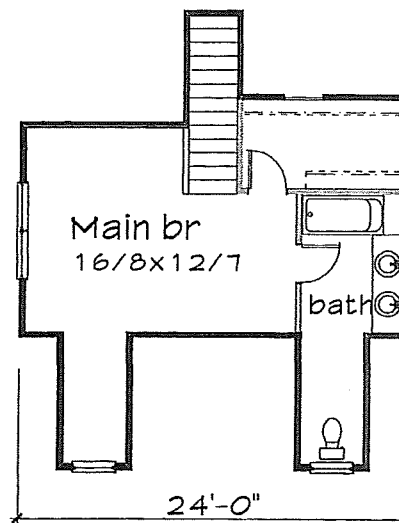
828-627-1479

plan #

1104A



Floor 1 plan



Floor 2 plan

Size fl 1 830
Size fl 2 393
Size Total 1223

Width 24'+ 1'-6"
Depth 34'-0"
Porch 5'

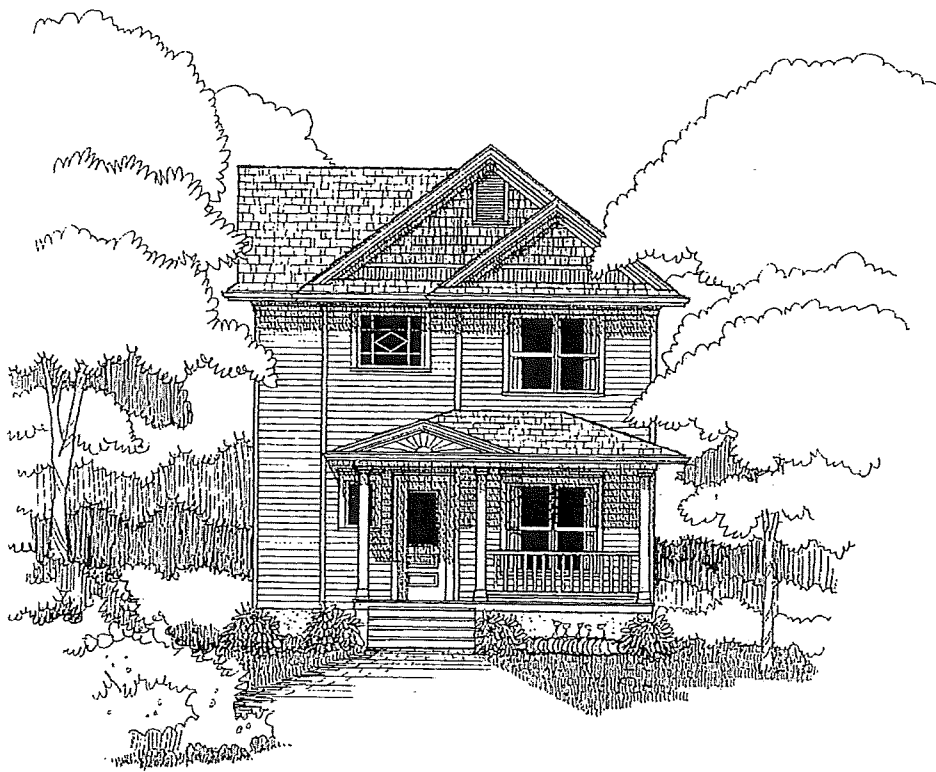
Fl 1 ceiling 8'
Fl 2 ceiling Vaulted
Roof pitch 9/12
Height 22'

Prints 5 sets Please see
Prints 8 sets web site for
Vellums current
Material list pricing
CAD thank you

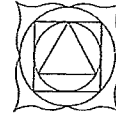
Exhibit 5

Please specify foundation type (crawl standard) Available types - Crawl, Slab or Basement

© 2002 Rick Thompson



Rick Thompson
Architect



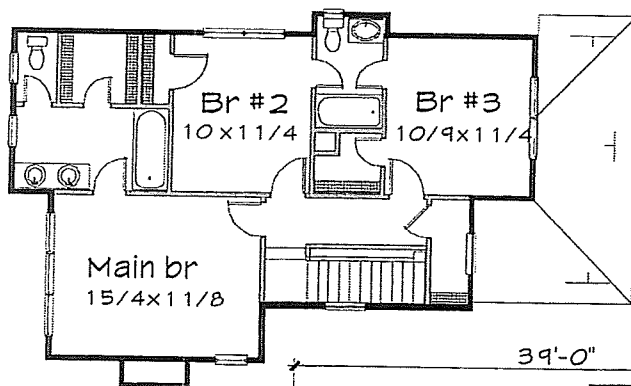
www.thompsonplans.com

P O Box 160
Lake Junaluska, NC
28745

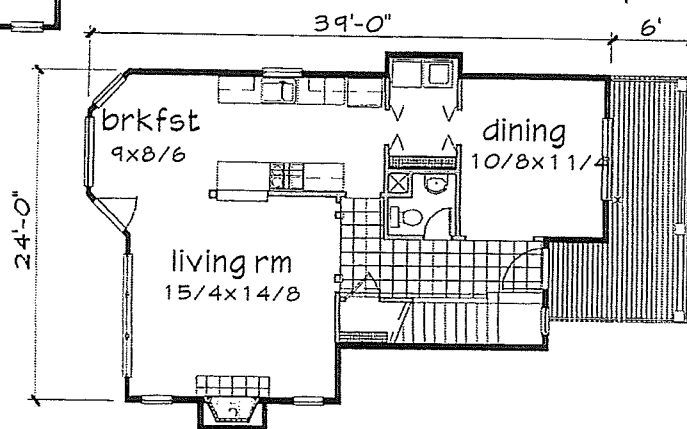
828-627-1479

plan #

1501A



Floor 2 plan



Floor 1 plan

Size fl 1 784
Size fl 2 745
Size Total 1529

Width 24'-0"
Depth 39'-0"
Porch 6'-0"

Fl 1 ceiling 9'
Fl 2 ceiling 8'
Roof pitch 9/12
Height 26'-6"

Prints 5 sets Please see
Prints 8 sets web site for
Vellums current
Material list pricing
CAD thank you

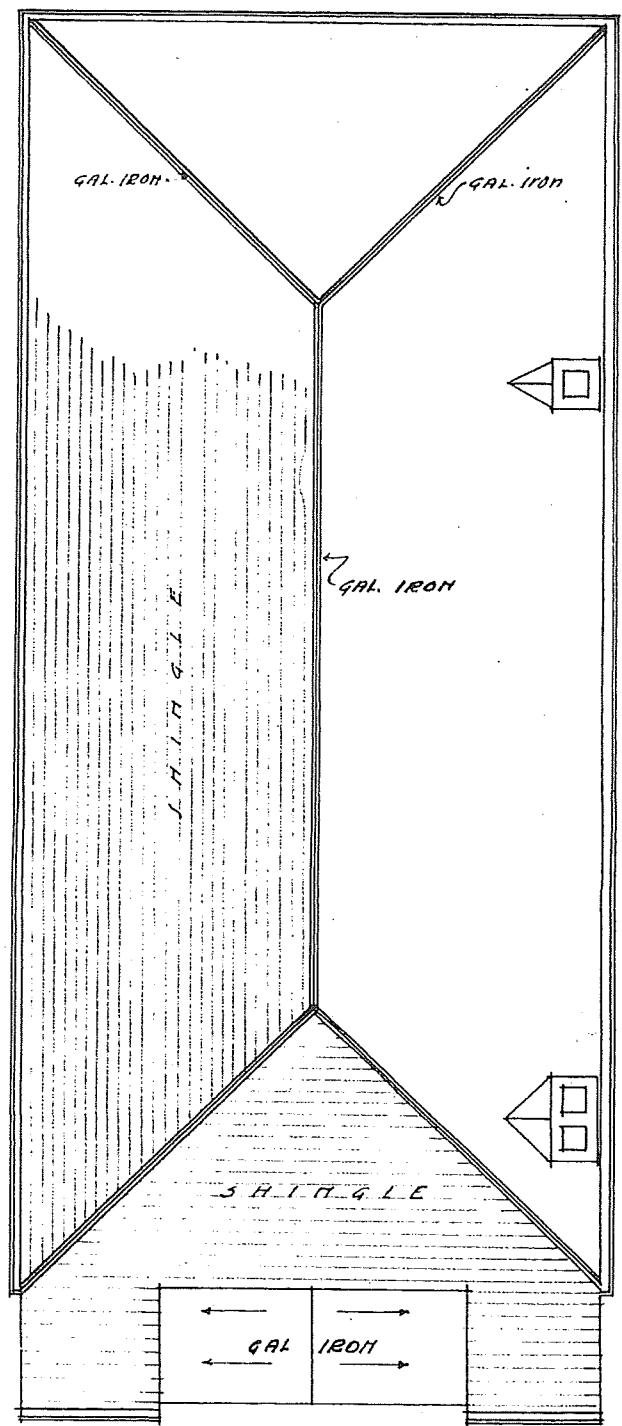
Exhibit C

Please specify foundation type (crawl standard) Available types - Crawl, Slab or Basement

RESIDENCE FOR H.J. FELL ESQ.
BAY ST. N. HAMILTON. ONT.

FRYER & EVANS HOME BANK BLDG.
REGISTERED ARCHITECTS HAMILTON. ONT.

SCALE $\frac{1}{4}" = 1'-0"$



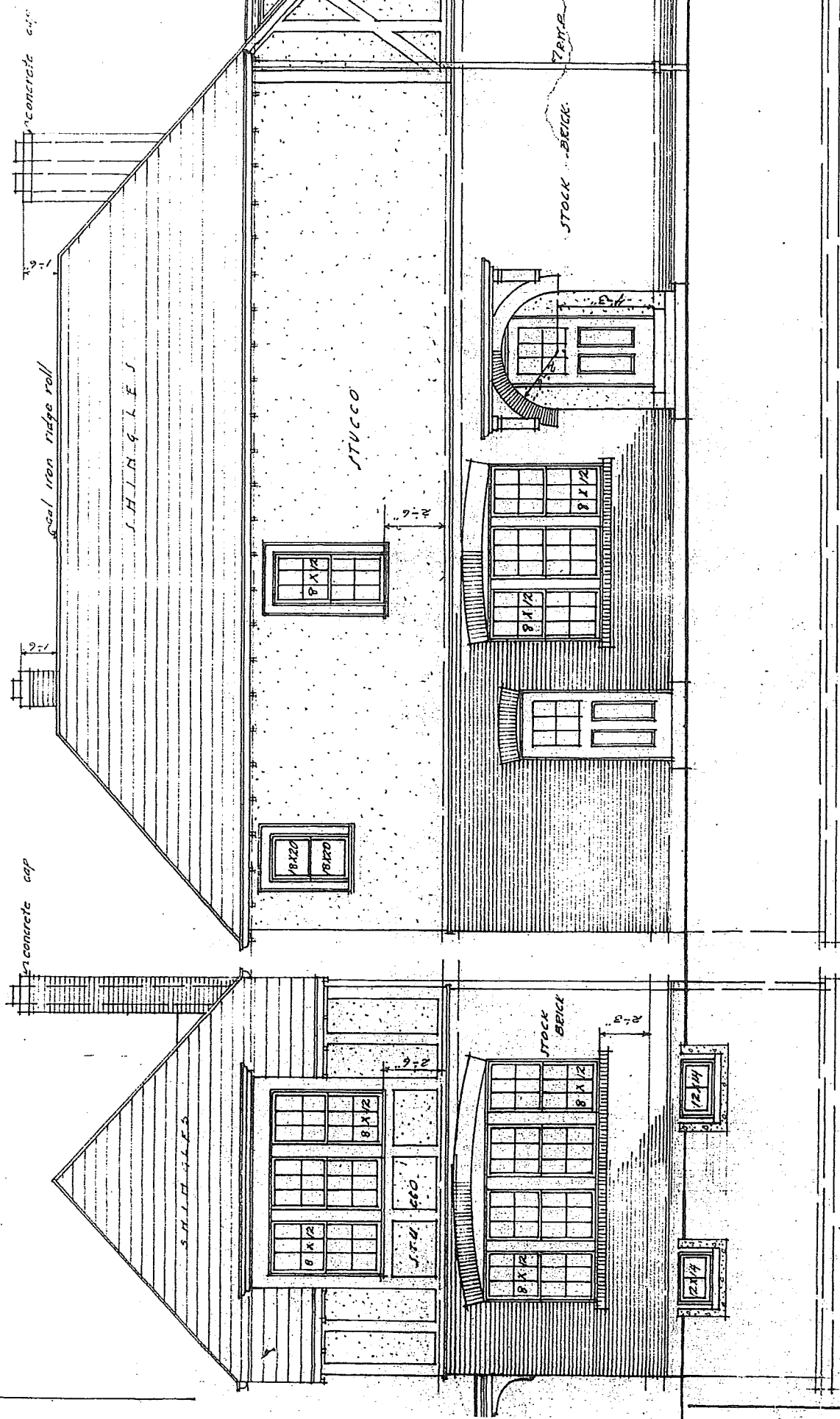
ROOF PLAN

164

12

Jan 16/

EXHIBIT 7



NORTH ELEVATION

EAST ELEVATION

164

4

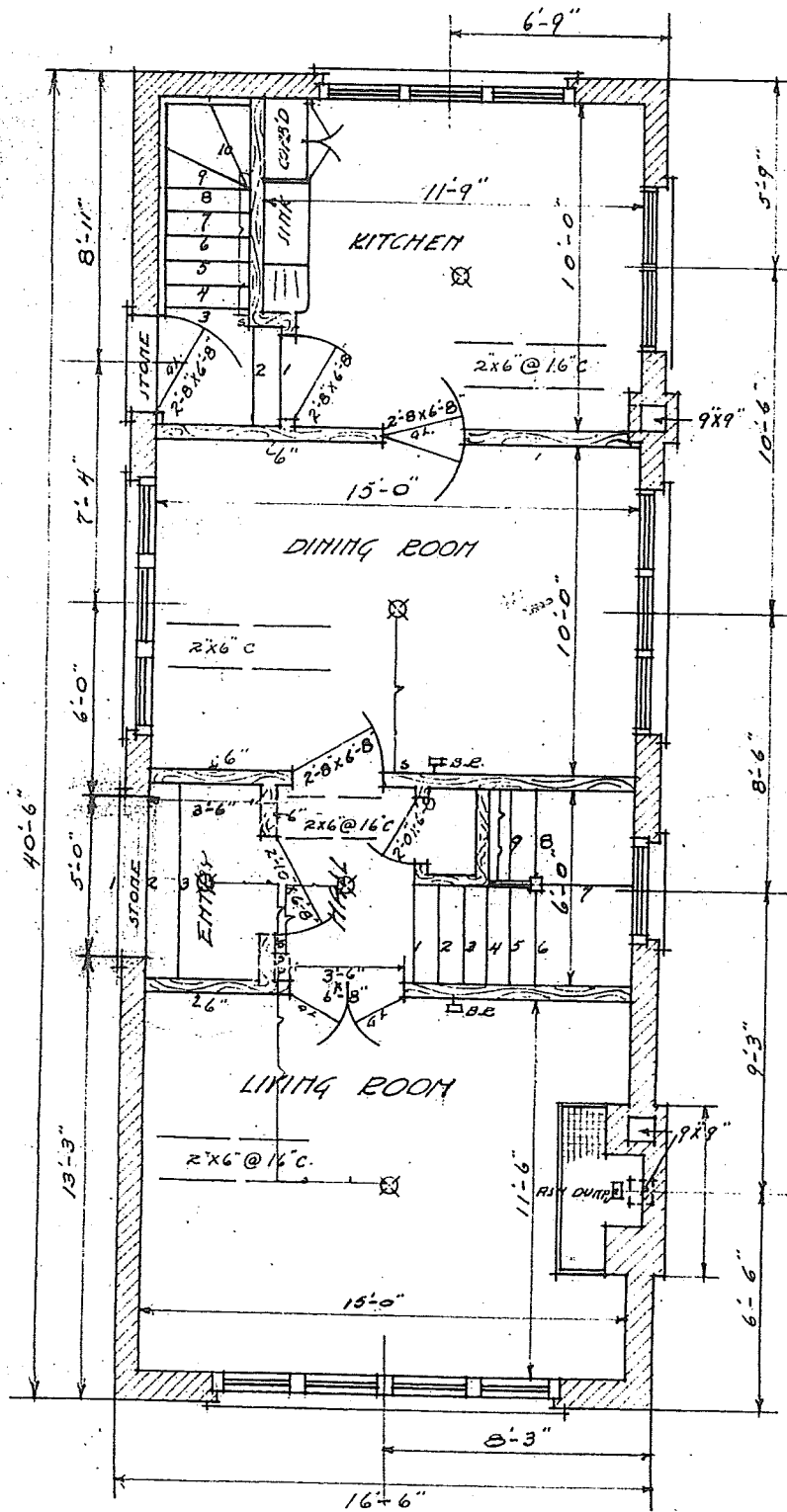
FRYER & EVANS HOME BANK BLDG
REGISTERED ARCHITECTS. HAMILTON ONT.

SCALE $\frac{1}{4}" = 1'-0"$

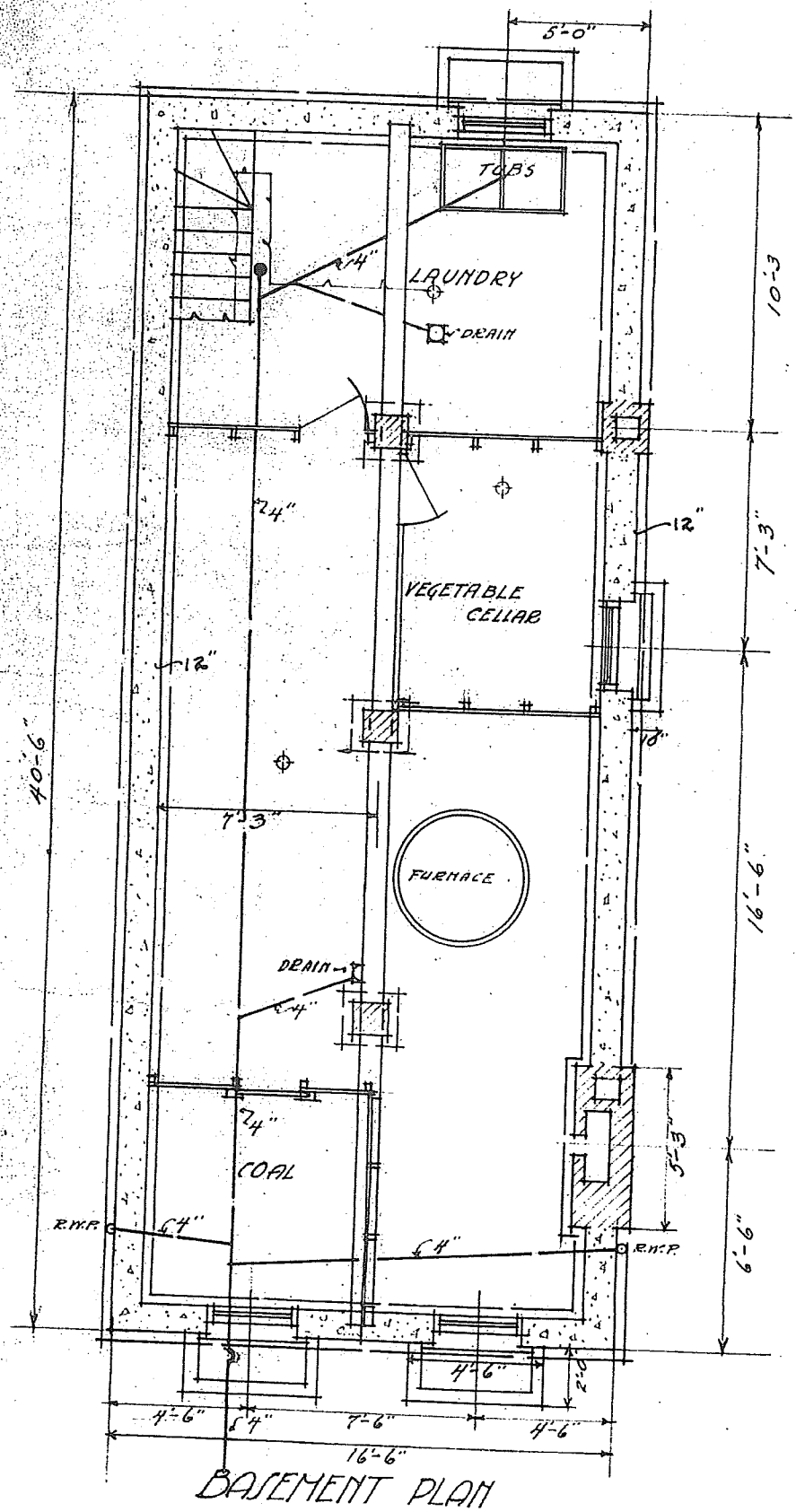


FIRST FLOOR.

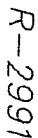
Jan 16/22.



GROUND FLOOR



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