



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 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.: HM/A-20:115

APPLICANTS: Owner: Karen Schmidt
Agent: Jenny Bognar

SUBJECT PROPERTY: Municipal address **210 Bond St. N., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 96-125 and 19-307

ZONING: C/S-1364 and C/S-1788 (Urban Protected Residential, etc.)district

PROPOSAL: To permit the reconstruction of the existing “three seasons room” at the rear of the existing single family dwelling, notwithstanding,

1. A floor area ratio of 0.67 shall be applied, permitting a maximum gross floor area of 216.90 square metres, instead of applying the maximum permitted floor area ratio of 0.45 which permits a maximum gross floor area of 145.68 square metres; and,
2. Two (2) parking spaces shall be provided instead of providing a minimum of three (3) parking spaces which are required to be provided for a single family dwelling containing nine (9) habitable rooms.

NOTES:

1. A lot area of 323.74 square metres (0.08 acres), obtained from GISNet, has been used to calculate the proposed floor area ratio.
2. By-law 96-125 allows for the floor occupied by heating and laundry equipment to be deducted from the total gross floor area of the dwelling for the purpose of determining the maximum permitted gross floor area. Details regarding the total area deducted for the area occupied by heating and air conditioning equipment and laundry facilities have not been provided. Pursuant to Zoning Policy ZON-006, a maximum of 15.8 square metres may be deducted for the area occupied by heating and air conditioning equipment and laundry facilities. A further variance will be required if the total area deducted for heating and air conditioning equipment and laundry facilities exceeds 15.8 square metres.
3. A further variance will be required if any portion of the dwelling provides a ceiling height in excess of 4.6 metres.
4. A further variance will be required if the eave and gutter for the proposed addition encroaches greater than 0.45 metres into the required northerly side yard.

5. Minor variance application HM/A-19:153 was previously approved to facilitate the proposed reconstruction of the existing sunroom.

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

DATE: Thursday, August 6th, 2020
TIME: 1:50 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

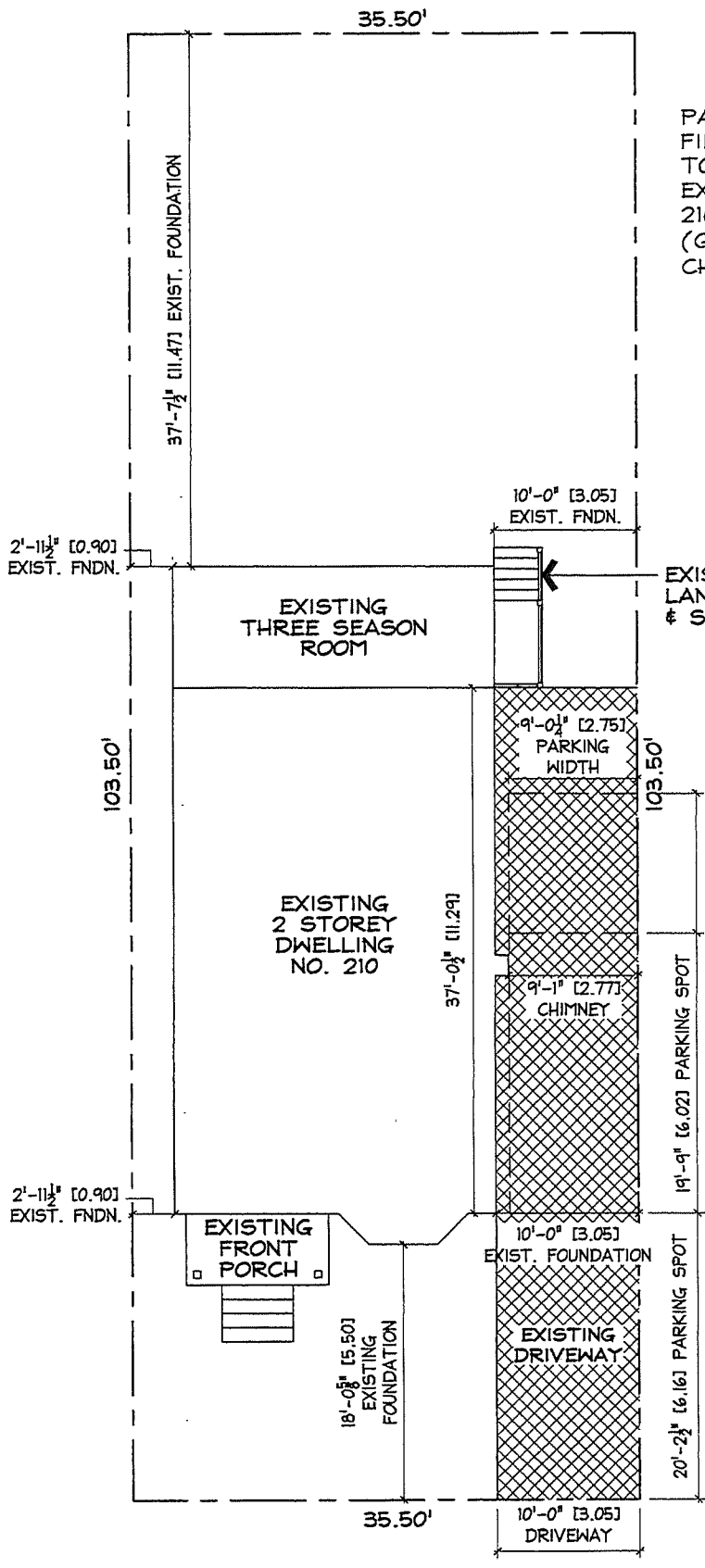
For more information on this matter, including access to drawings illustrating this request:

- 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: July 21st, 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.



PARTIAL VARIANCES RECEIVED:
 FILE #HM/A-19:153
 TOTAL LOT AREA: 341.35 SQ. M.
 EXISTING GROSS FLOOR AREA:
 216.88 SQ. M. = 64%
 (GROSS FLOOR AREA NOT TO CHANGE)

THE SCHMIDT RESIDENCE
 210 BOND STREET NORTH
 HAMILTON, ON
 L8S 3W9

drafting + design
 ■ 193 East 43rd Street ■
 ■ Hamilton, ON ■ L8T 3C3 ■
 ■ jbdraftinganddesign@live.ca ■
 ■ 905.517.6027 ■

05.22.20 *Judy Bogar* signature required
 Jennifer Bogar reviews and takes responsibility for the design work described in this document firm bcin 103416 ■ individual bcin 33001

DATE	ISSUE DESCRIPTION
05.22.20	ISSUE FOR C.D.E.A.

ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED IN THE FIELD AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND VERIFICATION BY ITS COMPONENTS. UNLESS LASTING CONDITIONS OR SERVICES ARE FOUND TO HAVE BEEN MET AS REQUIRED BY THE DRAWINGS, THE DESIGNER(S) IS/ARE RELEASED FROM LIABILITY. THE DESIGNER IS NOT LIABLE FOR ANY CHANGES MADE BY THE CONTRACTOR WITHOUT THE DESIGNER'S KNOWLEDGE AND PERMISSION.

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SITE PLAN
 1:150

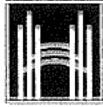
SHEET **A1** OF 4

BOND STREET NORTH

RECEIVED

JUN 10 2020

20-171431



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. <u>Hm/A-20.115</u>	DATE APPLICATION RECEIVED <u>June 10/20</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 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.

- Name of Owner Karen Schmidt Telephone No.
-
- Name of Agent Jenny Bognar Telephone No.
-

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

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
First National 100 University Ave.
Suite 1200, North Tower Postal Code M5S 1V6
Toronto, Ontario
Postal Code _____

6. Nature and extent of relief applied for:

Gross Floor Area of 63.54% instead of the maximum 45%

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

This application is to make the existing dwelling gross floor area, legal.

No changes to the dwelling are proposed.

ALSO SEE ATTACHED

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

210 Bond Street North

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 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?

Historical knowledge of area.

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.

May 8, 2020
Date



Signature Property Owner

Karen Schmidt
Print Name of Owner

10. Dimensions of lands affected:

Frontage 10.82 m.
Depth 31.55 m.
Area 341.35 sq. m.
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: 1-1/2 stories, 6.87 m. wide x 14.58 m. length, 6.77 m. height
Ground Floor Area = 97.03 sq. m. Gross Floor Area = 216.88 sq. m.

Proposed: All to remain as is.

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

Existing: 3.05 m. right yard setback, 0.90 m. left yard setback, 5.50 m. front yard setback,
11.47 m. rear yard setback

Proposed: All to remain as is.

13. Date of acquisition of subject lands:

April 30, 2008

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

Approx. 1946

15. Existing uses of the subject property: Single family residential

16. Existing uses of abutting properties: Residential

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

Always

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:

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

C/S-1788, C/S-1364

21. Has the owner previously applied for relief in respect of the subject property?

x Yes

No

If the answer is yes, describe briefly.

Received variances for side yard setback to existing 3 season room.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

x 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

May 22, 2020

Supporting Document for Minor Variance Submission – 210 Bond Street North

To whom it may concern,

For this project we are submitting for a minor variance for an existing gross floor area of 64%.

This gross floor area, as well as the existing layouts and rooms in the house have been this way since the home owner purchased the dwelling in 2008.

Our hope it to reconstruct the existing three season room at the rear, in the exact same spot and the exact same size, on the existing foundation. This sunroom was originally built in 2000 and is currently causing water problems because of the skylights.

In May of 2019 we received an approved variance for the existing north side yard setback.

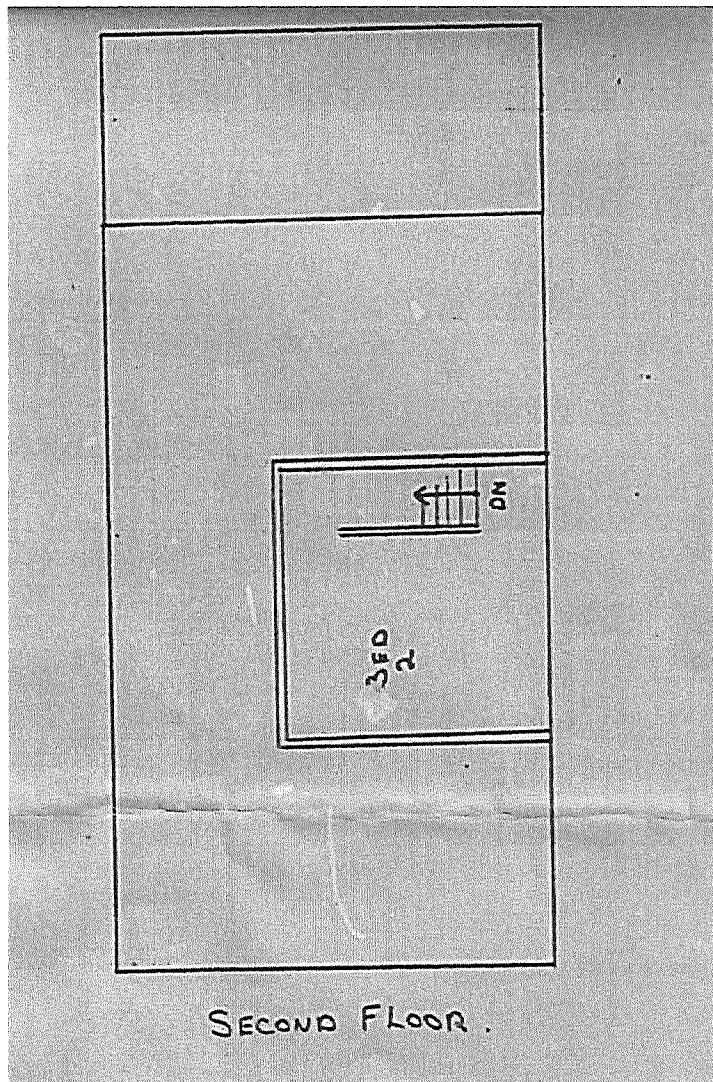
In the “Notes” section of the comments for this meeting, the city provided the following statement:

“The zoning By-law permits a maximum gross floor area ratio of 45.0% for the subject lands. Our records indicate that the existing gross floor area ratio for this property is 43.27% which also includes the subject existing sunroom. Please note, if the proposed alterations result in a gross floor area ratio greater than 45.0% further variances will be required.”

As our proposal of rebuilding the three-season room would not result in a larger gross floor area than the existing, no further investigation was taken out (measuring of the existing second floor). We had not provided a second floor layout with the application. We trusted that the city’s records were accurate.

However, they were not. A records request to obtain the existing drawings indicated that the former owner was not truthful about the state of the existing second floor area. They provided a second floor plan showing just one small room (see scan on following page), when in actuality there are two full rooms up there along with a washroom. A quick google street view (shown below) shows that their plan was not accurate and that there has always been a front window on the second floor (street view can be found as far back as 2007) (a few of the shots can be even seen with an air conditioner in it), which would indicate a room in the front of the dwelling.





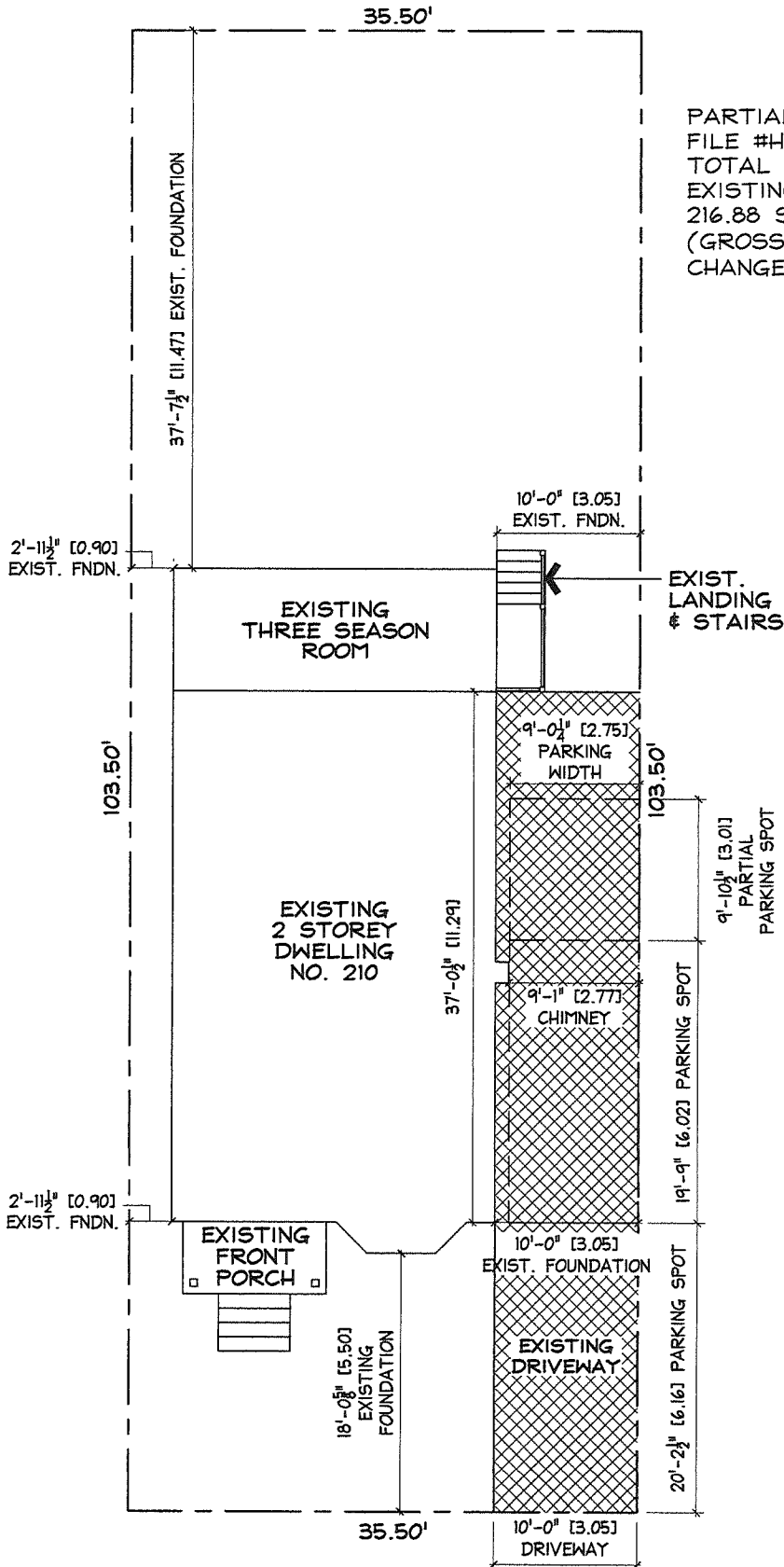
We are frustrated with the former owner's lack of honesty in this matter and feel it is important to note that the dwelling is the exact same as when the current home owner had purchased it.

It is also important to note that we would have been happy to add this variance to the first application in 2019, had the comment not stated what the city's records shown.

If they had not stated what the records were, and rather just the regulation was, then we would have done our due diligence and provided a correct drawing for the second floor, and added this variance to the first application.

If you're able to please take all this into consideration when reviewing this file, that would be greatly appreciated.

Thanks,
Jenny Bognar



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**THE SCHMIDT
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**drafting
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05.22.20 *Jay Bogar*
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 firm bcfn 103416 ■ individual bcfn 33001

DATE	ISSUE DESCRIPTION
05.22.20	ISSUED FOR C.A.

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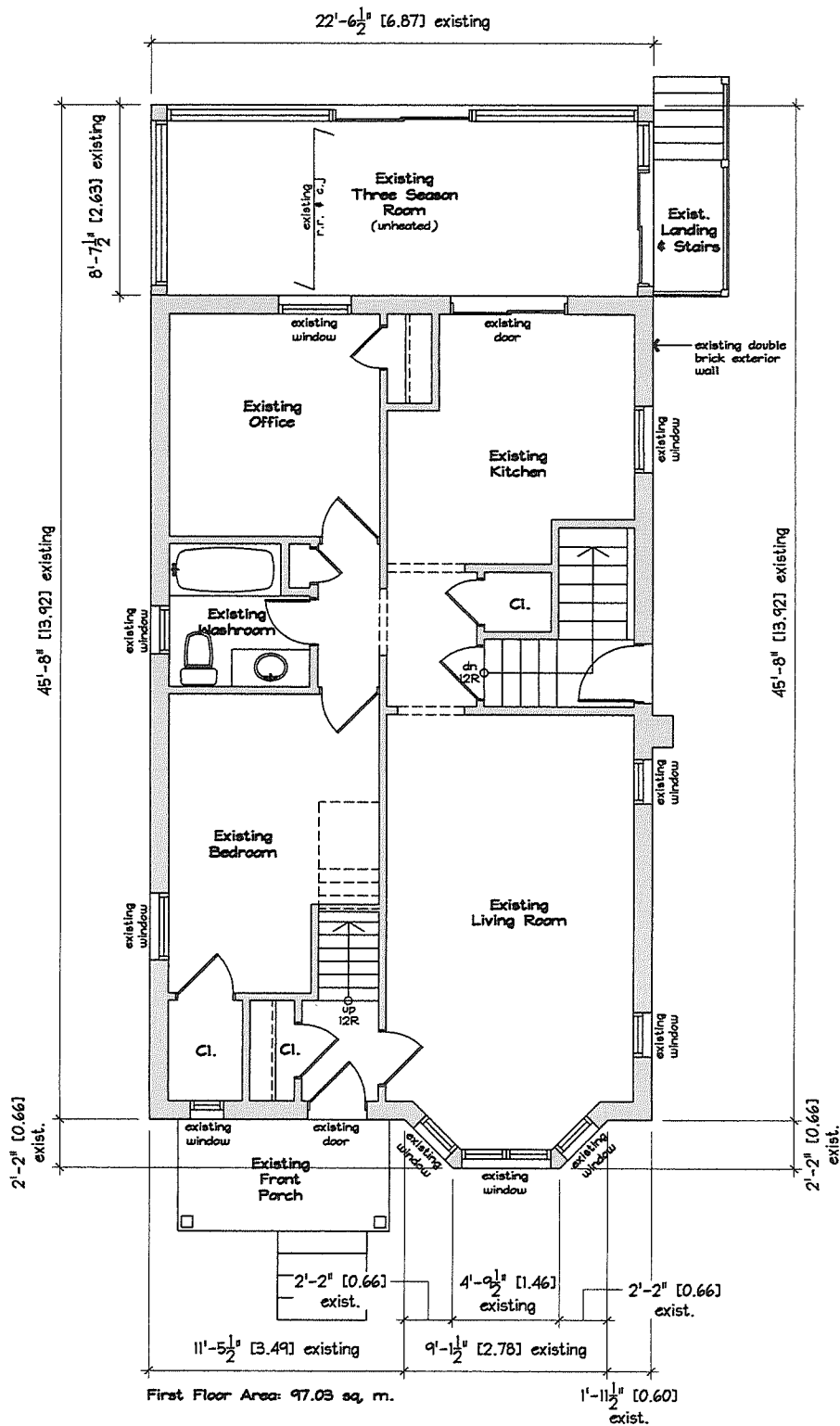
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FIELD NOTES OR FIELD NOTED DIMENSIONS ON THE DRAWINGS AND PROVIDED HAS OCCURRED IN THE FIELD OR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SHORING, SHEET PILING OR OTHER TEMPORARY SUPPORTS TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.

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SITE
 PLAN
 1:150

SHEET
A1
 OF 4



**THE SCHMIDT
RESIDENCE**
210 BOND STREET NORTH
HAMILTON, ON
L8S 3W9

**drafting
+ design**

193 East 43rd Street
Hamilton, ON L8T 3C3
jbdraftinganddesign@live.ca
905.517.6027

05.22.20 *Jay Bogar* signature required
Jennifer Bogar reviews and takes responsibility for the design work described in this document
firm bcfn 103416 individual bcfn 33001

DATE	ISSUE DESCRIPTION
05.22.20	ISSUED FOR I.C.F.A.

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EXISTING FIRST
FLOOR PLAN
1/8" = 1'-0"

SHEET
A3
of 4

