



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: [cofa@hamilton.ca](mailto:cofa@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-20:139

**APPLICANTS:** B. Silva-Nguyen & T. Phong Nguyen, owners

**SUBJECT PROPERTY:** Municipal address **61 Picton St. W., Hamilton**

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

**ZONING:** "D" (Urban Protected Residential) district

**PROPOSAL:** To permit the conversion of the existing single family dwelling to contain two dwelling units notwithstanding that:

1. One (1) parking space shall be provided instead of the minimum required two (2) parking spaces.
2. A 4.6m manoeuvring space shall be provided instead of the minimum required 6.0m manoeuvring space.
3. A 2.4m wide access driveway shall be provided instead of the minimum required 2.8m wide access driveway.

**NOTE:**

- i. The access driveway provided is shared between the subject lands and the property known as 59 Picton Street West. Please note that only 1.7m of this driveway is situated on the subject lands with the remainder being on the neighbouring property. The applicant shall also ensure that the appropriate agreements are in place to permit the mutual driveway.
- ii. Please note that Hamilton Zoning By-law 6593 requires the exterior appearance and character of a converted dwelling to be maintained and preserved. It is unclear at this time if any changes to the exterior of the building are intended. Further variances may be required if changes are proposed.

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

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**DATE:** Thursday, August 27th, 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)

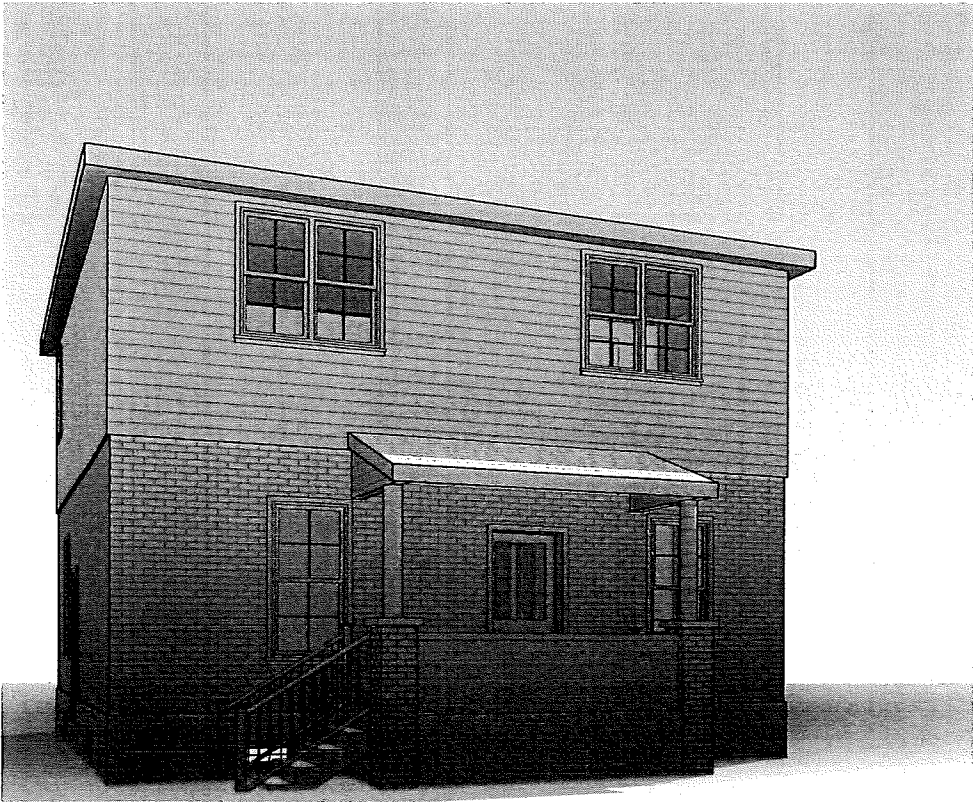
DATED: August 11th, 2020.

  
Jamila Sheffield  
Secretary-Treasurer  
Committee of Adjustment

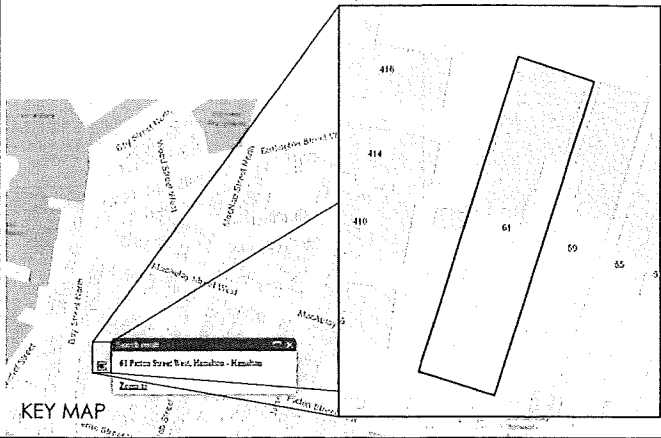
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.***

# 61 PICTON ST. W.     HAMILTON, ON

## ZONING REVIEW & COMMITTEE OF ADJUSTMENT



**TITLE SHEET**

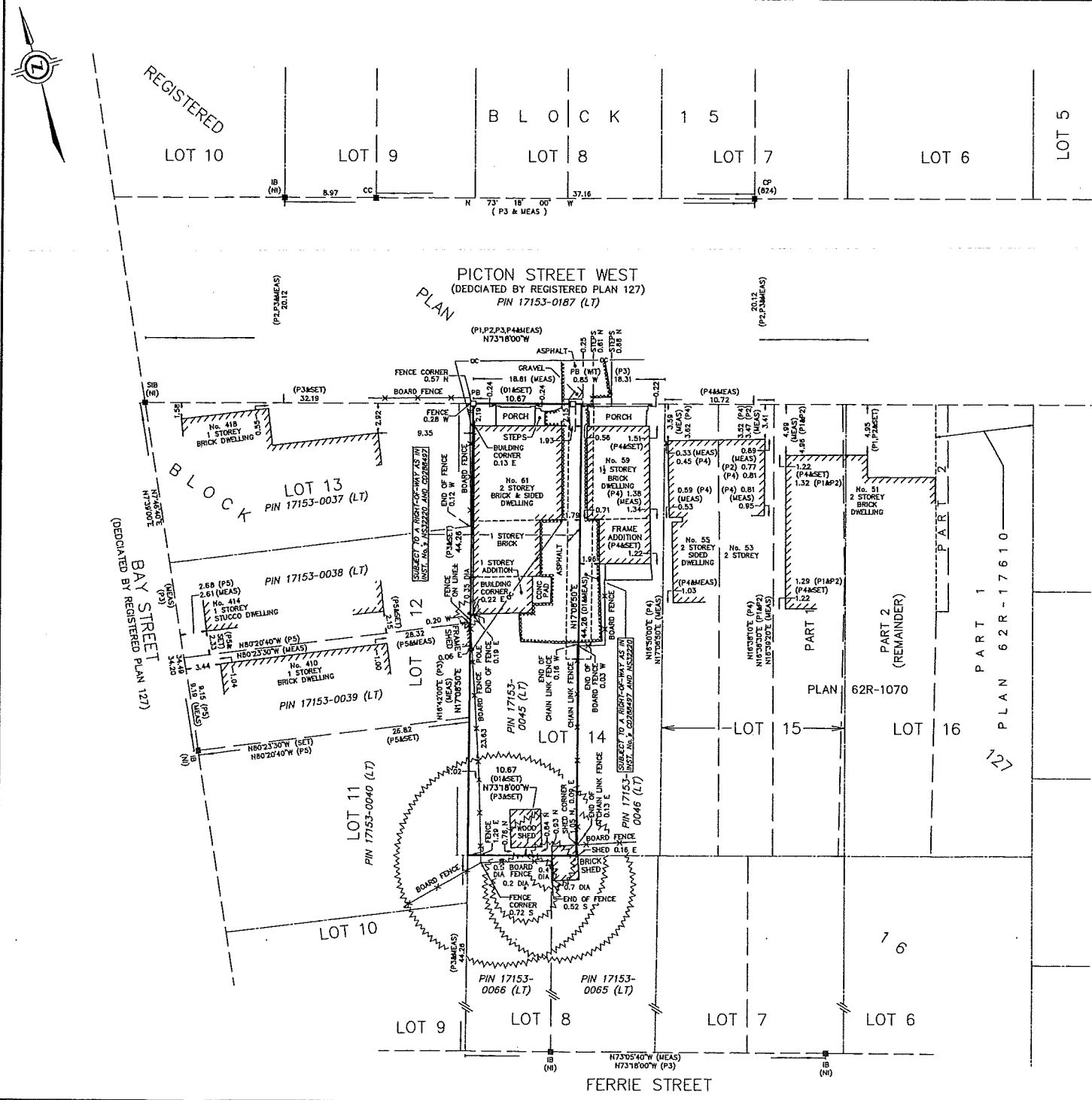


DRAWING LIST - ZONING	
TITLE SHEET	Z01.1
SITE PLAN	Z02.1
BASEMENT PLAN (UNIT A)	Z02.2
MAIN FLOOR PLAN (UNIT A)	Z02.3
2nd FLOOR PLAN (UNIT B)	Z02.4

Scale: 2020-06-25 8:47:06 AM

INTERIOR RENO & ALTERATION  
61 PICTON ST. W., HAMILTON, ON

FINE LINES DESIGN     Z01.1



SURVEYOR'S REAL PROPERTY REPORT  
PART 1 - PLAN OF SURVEY OF  
PART OF LOT 14, BLOCK 16  
REGISTERED PLAN 127  
CITY OF HAMILTON  
SCALE 1 : 250  
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 14, BLOCK 16, REGISTERED PLAN 127, AS DESCRIBED IN INSTRUMENT No. HL89652.  
- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY SUBJECT TO, AND TOGETHER WITH, A RIGHT-OF-WAY AS IN INSTRUMENT No. NS32220.  
- ZONING COMPLIANCE  
COMPLIANCE WITH ONTARIO BUILDING CODE SETBACK REQUIREMENTS ARE NOT VERIFIED BY THIS SURVEY.  
- ADDITIONAL REMARKS  
PLAN PREPARED FOR BERNADETTE SILVA-NGUYEN.  
NOTES  
BEARINGS ARE UTM GRID, DERIVED FROM REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999697.  
FOR BEARING COMPARISONS, A ROTATION OF 120°40' COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P1, P2 AND P5.  
FOR BEARING COMPARISONS, A ROTATION OF 1°41'00" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P3, P4 AND P5.

- LEGEND
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT SET
  - SIB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - CC DENOTES CUT CROSS
  - CP DENOTES CONCRETE PIN AND WASHER
  - PB DENOTES PLASTIC BAR
  - WT DENOTES WITNESS
  - P1 DENOTES PLAN 62R-17610
  - P2 DENOTES PLAN 62R-1070
  - P3 DENOTES REGISTERED PLAN 127
  - P4 DENOTES BUILDING LOCATION SURVEY BY SIDNEY W. WOODS INC., DATED JULY 11, 1986, FILE No. C-4495.
  - P5 DENOTES PLAN OF SURVEY BY H.B. ASHENHURST, O.L.S., DATED DECEMBER 21, 1976, INSTRUMENT No. HL89652
  - D1 DENOTES MEASURED
  - MEAS DENOTES MEASURED
  - PROP DENOTES PROPORTION
  - B24 DENOTES A.T. McLAREN LIMITED
  - NI DENOTES NOT IDENTIFIABLE
  - OC DENOTES OVERHEAD CABLE
- N=NORTH / S=SOUTH / E=EAST / W=WEST

ALL SET PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.R.G. 525/91.

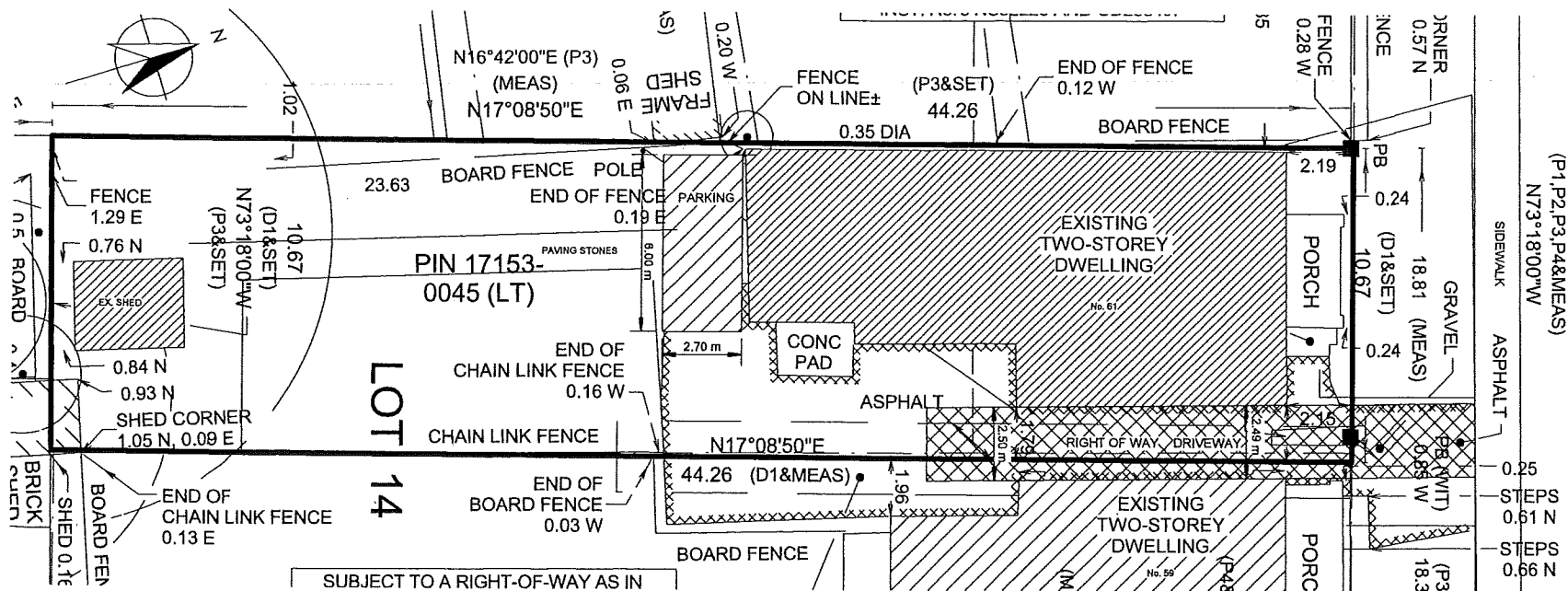
SURVEYOR'S CERTIFICATE  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 26th DAY OF MARCH, 2020.

APRIL 2nd, 2020  
DATE  
GRANT T. STOWILL  
ONTARIO LAND SURVEYOR



**J.D. BARNES**  
LIMITED  
LAND INFORMATION SPECIALISTS  
401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1  
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY:	AP	CHECKED BY:	GTS	REFERENCE NO.:	20-30-495-00-A	
FILE:	C:\20-30-495\00\Working\20-30-495-A_spr.dwg				DATED:	APRIL 2nd, 2020
					PLOTTED:	4/2/2020



**PICTON STREET WEST**  
 (DEDICATED BY REGISTERED PLAN 12  
 PIN 17153-0187 (LT)

See Site plan in separate attachment as this one is incorrect

## SITE PLAN

Scale: 1:150

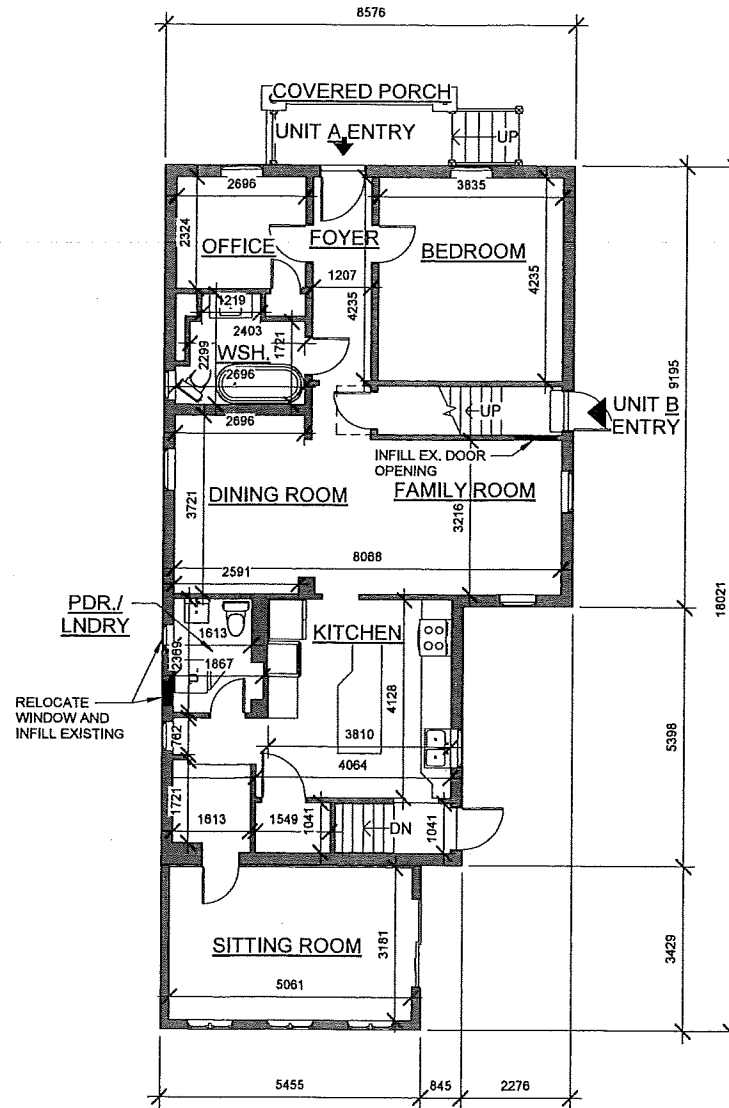
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INTERIOR RENO & ALTERATION  
 61 PICTON ST. W., HAMILTON, ON

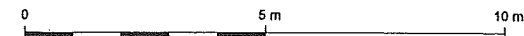
FINE LINES DESIGN

Z02.1





FLOOR AREAS		
ABOVE GRADE		
1ST FLOOR	131.56 m <sup>2</sup>	1416 ft <sup>2</sup>
2ND FLOOR	79.98 m <sup>2</sup>	861 ft <sup>2</sup>
	211.54 m <sup>2</sup>	2277 ft <sup>2</sup>



## MAIN FLOOR PLAN (UNIT A)

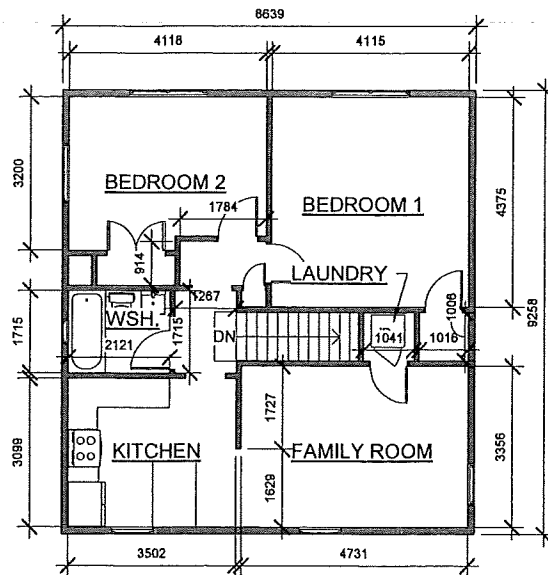
INTERIOR RENO & ALTERATION  
61 PICTON ST. W., HAMILTON, ON

Scale: 1 : 100

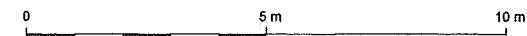
2020-06-25 8:47:07 AM

FINE LINES DESIGN

Z02.3



FLOOR AREAS		
ABOVE GRADE		
1ST FLOOR	131.56 m²	1416 ft²
2ND FLOOR	79.98 m²	861 ft²
	211.54 m²	2277 ft²



## 2nd FLOOR PLAN (UNIT B)

Scale: 1 : 100

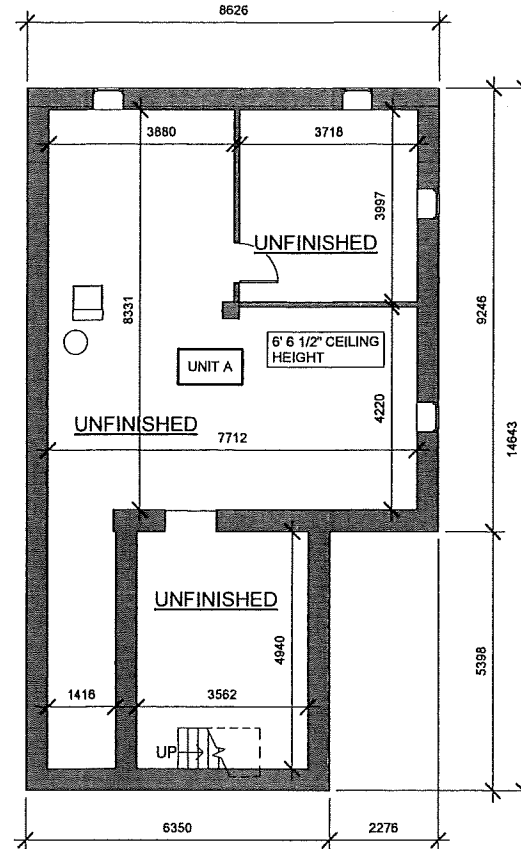
2020-06-25 8:47:08 AM

INTERIOR RENO & ALTERATION  
61 PICTON ST. W., HAMILTON, ON

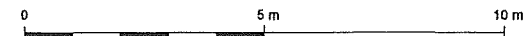
FINE LINES DESIGN

Z02.4





FLOOR AREAS		
ABOVE GRADE		
1ST FLOOR	131.56 m²	1416 ft²
2ND FLOOR	79.98 m²	861 ft²
	211.54 m²	2277 ft²



## BASEMENT PLAN (UNIT A)

Scale: 1 : 100

2020-06-25 8:47:07 AM

INTERIOR RENO & ALTERATION  
61 PICTON ST. W., HAMILTON, ON

FINE LINES DESIGN

Z02.2



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. \_\_\_\_\_ 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. \_\_\_\_\_

2. \_\_\_\_\_

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:

Bank of Nova Scotia \_\_\_\_\_ Postal Code L6H 6K7  
2391 Trafalgar Rd. Oakville \_\_\_\_\_  
\_\_\_\_\_ Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:

See Attached Document

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

Pre-existing conditions.  
current property has one spot

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 14 Block 16 Registered plan 127  
City of Hamilton - 61 Pictou St. W.

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 ☒ Unknown ☐

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Historical use of land. House is over 100 years old.

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.

Date \_\_\_\_\_

10. Dimensions of lands affected:

Frontage 10.67 m  
Depth 44.26 m  
Area 472.25 m<sup>2</sup>  
Width of street 2.55 m

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: two storey house. First floor 131.56 m<sup>2</sup>, Second floor 79.98 m<sup>2</sup>.

Proposed: No change

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

Existing: see attached survey



Proposed: No change

13. Date of acquisition of subject lands:  
January 7, 2020.
14. Date of construction of all buildings and structures on subject lands:  
> 100 years
15. Existing uses of the subject property: single family dwelling
16. Existing uses of abutting properties: single family dwelling
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:  
Minor Urban Centres Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Zoning District D
21. Has the owner previously applied for relief in respect of the subject property?  
Yes \_\_\_\_\_ No (X)  
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 (X)
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]

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.

[REDACTED]

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 \_\_\_\_\_ 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,

[REDACTED] provide  
[REDACTED] submitted  
[REDACTED] knowledge

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.

CITY OF HAMILTON  
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this 17 day of June, 2020.

BETWEEN

[REDACTED]  
hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
  - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated Jun 17, 2020 with respect to the lands described in Schedule "A" hereto.
  - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.



4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.

17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at Oakville this 2 day of July, 2020



DATED at Hamilton, Ontario this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City of Hamilton

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Clerk

Schedule "A"  
Description of Lands

**SCHEDULE "B"**  
**FORM OF ASSUMPTION AGREEMENT**

THIS AGREEMENT dated the 17 day of June 2020.

BETWEEN

  
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

-and-

OF THE SECOND PART

CITY OF HAMILTON  
(hereinafter called the "Municipality")

OF THE THIRD PART

**WHEREAS** the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated July 2, 2020

**AND WHEREAS** Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

**AND WHEREAS** Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

**NOW THEREFORE THIS AGREEMENT WITNESSETH THAT** in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledgement Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except

for such modifications as are necessary to make said clauses applicable to the Assignee.

**IN WITNESS WHEREOF** the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

**SIGNED, SEALED AND DELIVERED**



Title:  
I have authority to bind the corporation

\_\_\_\_\_  
Assignee: c/s

Title:  
I have authority to bind the corporation

**CITY OF HAMILTON**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



## Attachment – Application for Minor Variance Question 6

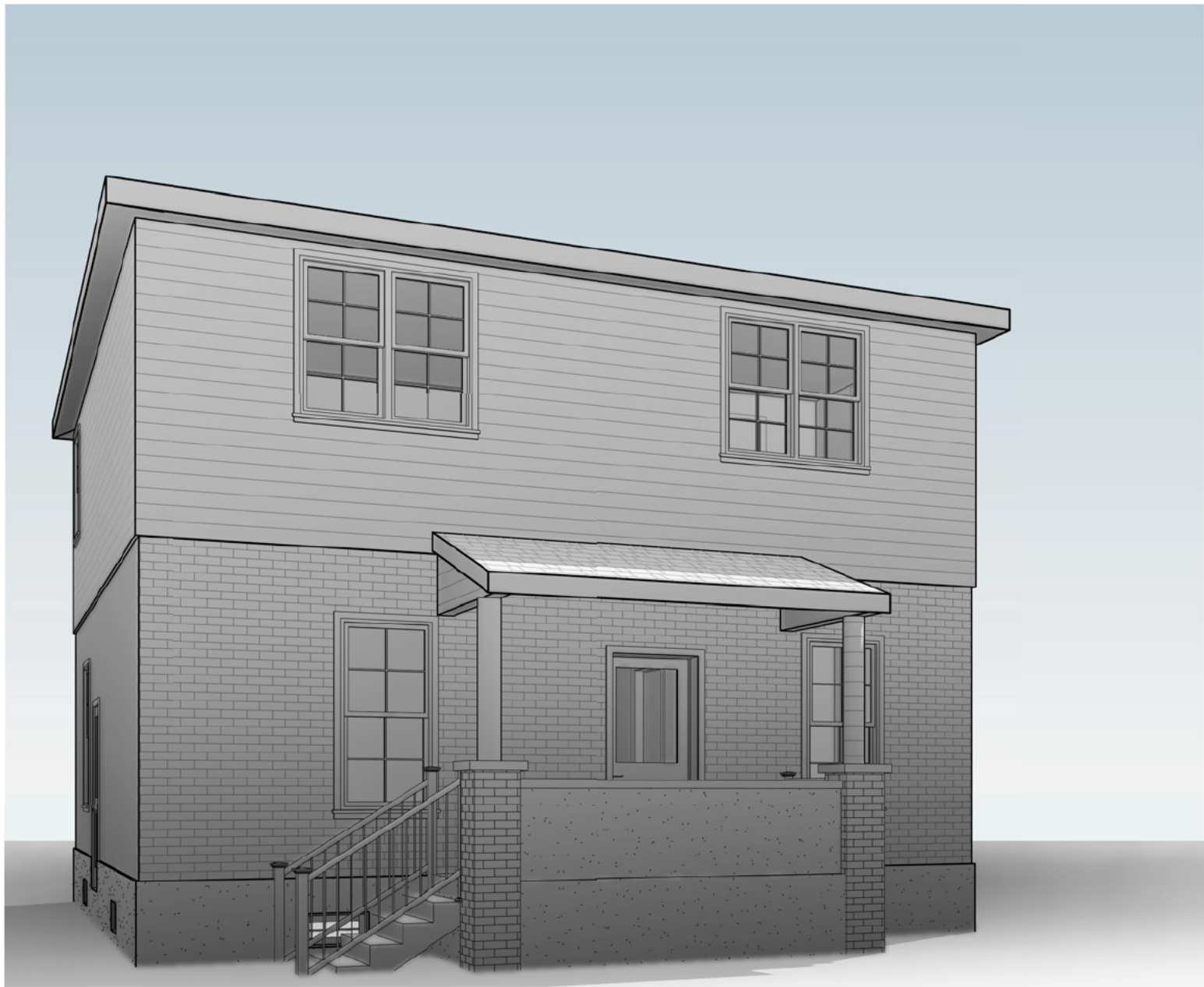
Background – Conversion of single family dwelling to a two family dwelling.

Three Minor Variances required for:

1. Relief from requirement to have 2 parking spots for two family dwelling (Section 18A Table 1)
  - Requesting only **1 parking spot** to be made available.
2. Relief for access width to rear parking of 2.8 metres (Section 18A (24)(a)).
  - Available width is 1.79 metres on my property and 0.7 metres on the neighbouring property for a **total of 2.49 metres**. Current right of way exists for access and egress (See attached title documents) as per instrument numbers NS32220 and CD288497.
3. Relief required for maneuvering space of 6 m (Section 18A Table 6)
  - Available maneuvering space adjacent to parking spot is 4.61 metres on my property and 0.99 metres on adjoining property (right of way indicated above applies) for a **total of 5.6 metres**.

# 61 PICTON ST. W.     HAMILTON, ON

## ZONING REVIEW & COMMITTEE OF ADJUSTMENT



**TITLE SHEET**

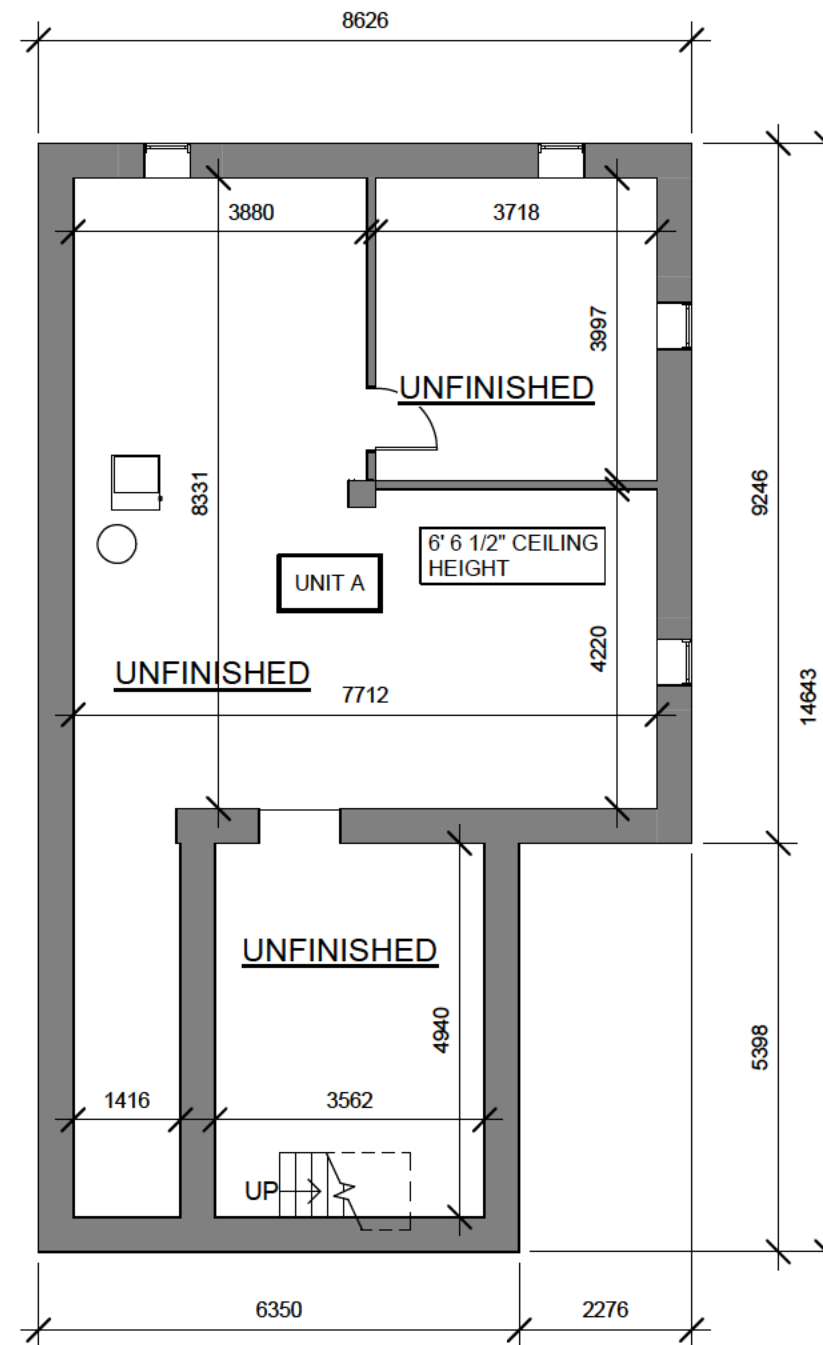


DRAWING LIST - ZONING	
TITLE SHEET	Z01.1
SITE PLAN	Z02.1
BASEMENT PLAN (UNIT A)	Z02.2
MAIN FLOOR PLAN (UNIT A)	Z02.3
2nd FLOOR PLAN (UNIT B)	Z02.4

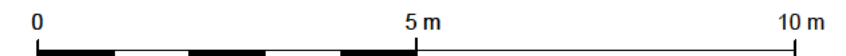
Scale: 2020-06-25 8:47:06 AM







FLOOR AREAS		
ABOVE GRADE		
1ST FLOOR	131.56 m <sup>2</sup>	1416 ft <sup>2</sup>
2ND FLOOR	79.98 m <sup>2</sup>	861 ft <sup>2</sup>
	211.54 m <sup>2</sup>	2277 ft <sup>2</sup>

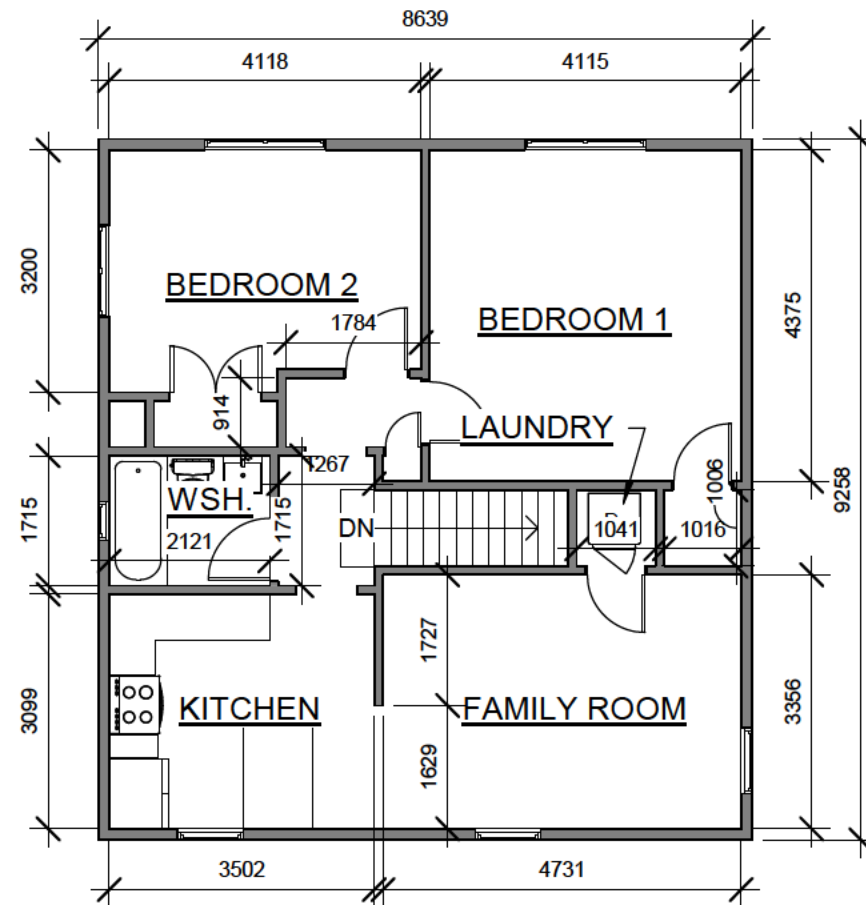


## BASEMENT PLAN (UNIT A)

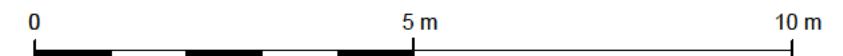
Scale: 1 : 100

2020-06-25 8:47:07 AM





FLOOR AREAS		
ABOVE GRADE		
1ST FLOOR	131.56 m <sup>2</sup>	1416 ft <sup>2</sup>
2ND FLOOR	79.98 m <sup>2</sup>	861 ft <sup>2</sup>
	211.54 m <sup>2</sup>	2277 ft <sup>2</sup>



## 2nd FLOOR PLAN (UNIT B)

Scale: 1 : 100

2020-06-25 8:47:08 AM

PIN 17153-0187 (LT)

N73°18'00"W

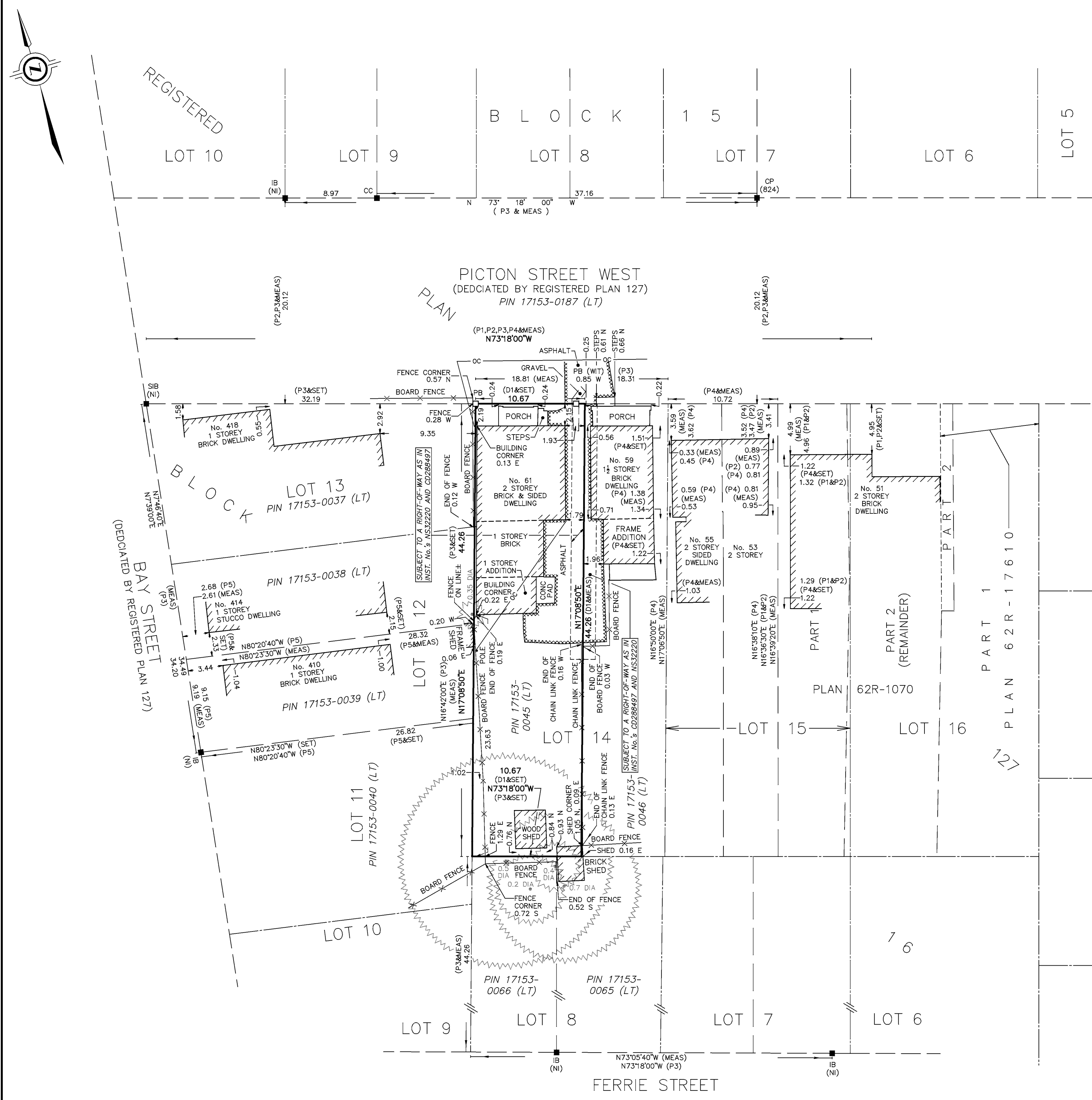
— 0.25  
— STEPS  
0.61 N  
— STEPS  
0.66 N



2020-06-29 4:36:14 PM

FINE LINES **DESIGN**

## Z02.1



SURVEYOR'S REAL PROPERTY REPORT  
PART 1 - PLAN OF SURVEY OF  
PART OF LOT 14, BLOCK 16  
REGISTERED PLAN 127  
CITY OF HAMILTON

SCALE 1 : 250  
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 14, BLOCK 16, REGISTERED PLAN 127, AS DESCRIBED IN INSTRUMENT No. HL89652.  
- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY  
SUBJECT TO, AND TOGETHER WITH, A RIGHT-OF-WAY AS IN INSTRUMENT No. NS32220.  
- ZONING COMPLIANCE  
COMPLIANCE WITH ONTARIO BUILDING CODE SETBACK REQUIREMENTS ARE NOT VERIFIED BY THIS SURVEY.  
- ADDITIONAL REMARKS  
PLAN PREPARED FOR BERNADETTE SILVA-NGUYEN.

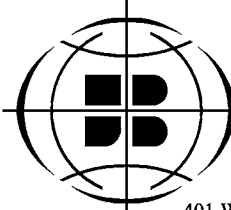
NOTES  
BEARINGS ARE UTM GRID, DERIVED FROM REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999697.  
FOR BEARING COMPARISONS, A ROTATION OF 1°20'40" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P1, P2 AND P5.  
FOR BEARING COMPARISONS, A ROTATION OF 1°41'00" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P3, P4 AND P5.

LEGEND		
■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
CC	DENOTES	CUT CROSS
CP	DENOTES	CONCRETE PIN AND WASHER
PB	DENOTES	PLASTIC BAR
WIT	DENOTES	WITNESS
P1	DENOTES	PLAN 62R-17610
P2	DENOTES	PLAN 62R-1070
P3	DENOTES	REGISTERED PLAN 127
P4	DENOTES	BUILDING LOCATION SURVEY BY SIDNEY W. WOODS INC., DATED JULY 11, 1986. FILE No. C-4495.
P5	DENOTES	PLAN OF SURVEY BY H.B. ASHENHURST, O.L.S., DATED DECEMBER 21, 1976. INSTRUMENT No. HL89652
D1	DENOTES	MEASURED
MEAS	DENOTES	PROPORTION
PROP	DENOTES	A.T. McLAREN LIMITED
824	DENOTES	NOT IDENTIFIABLE
NI	DENOTES	OVERHEAD CABLE
-OC-	DENOTES	
N=NORTH / S=SOUTH / E=EAST / W=WEST		

ALL SET PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

SURVEYOR'S CERTIFICATE  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 26th DAY OF MARCH, 2020.

APRIL 2nd, 2020  
DATE  
GRANT T. STIDWILL  
ONTARIO LAND SURVEYOR



**J.D. BARNES**  
LIMITED  
LAND INFORMATION SPECIALISTS  
401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1  
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY: AP	CHECKED BY: GTS	REFERENCE NO.: 20-30-495-00-A
FILE: G:\20-30-495\00\Drawing\20-30-495-A_srpr.dgn		DATED: APRIL 2nd, 2020