

## **NOTICE OF PUBLIC HEARING**

### **Minor Variance**

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**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
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**APPLICATION NO.:** AN/A-20:157

**APPLICANTS:** Scanlan Contracting c/o B. Scanlan on behalf of the owner Vish Surat

**SUBJECT PROPERTY:** Municipal address **23 Dougherty Crt., Ancaster**

**ZONING BY-LAW:** Zoning By-law 87-57, as Amended by By-law 11-014

**ZONING:** "R4-612" (Residential) district

**PROPOSAL:** To the construction of a 23.8 square metres rear deck accessible from the ground floor and a 13.4 square metre rear deck with stairs accessible from the second floor of a single detached dwelling, notwithstanding that:

1. A deck with an area of over 15 square metres shall be permitted to be setback a minimum distance of 5.7 metres from the rear lot line instead of the required 6.0 metres;

**NOTES:**

1. The Zoning By-law defines "deck" as follows:

"Deck means a platform or series of platforms, accessory to a dwelling unit, exceeding a height of 60 cm measured from the lowest point of grade at the platform perimeter to the floor of the platform. Decks may be free-standing or attached to a dwelling and are intended for use as an outdoor living area. Decks may be roofed over with a trellis or trellis-like structure only, screened-in and enclosed by a hand rail not exceeding a height of 122 cm above the platform floor, otherwise a deck shall not be enclosed. Any and all stairs, as measured to the exterior parameters of the framing structure, shall be considered to constitute part of the deck with respect to all relevant setbacks and lot coverage regulations. Any decking less than 60 cm in height shall not be considered to be a deck for the purpose of this by-law, but rather, shall be considered as landscaping material only".

As such, the proposed 13.4 square metre deck with stairs that is accessible from the second floor of the dwelling is considered to meet the definition of a deck. If there were no stairs, it would be considered to be a balcony, a term which is not defined. It is also noted that the second floor deck does not require any variances.

2. The Zoning By-law defines "Lot Coverage" as "the percentage of the lot covered by all buildings, but shall not include swimming pools and decks". Therefore, the area proposed for decks would be excluded from the calculation for lot coverage.

3. The variance is written as requested by the applicant.

4. The R4-612 Zone, applicable to the subject property was passed by amending by-law 11-014 and includes a special provision to permit the front yard to be 4.5m to a dwelling and 6m to an attached garage.

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

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**DATE:** Thursday, September 10th, 2020  
**TIME:** 2:30 p.m.

**PLACE:** Via video link or call in (see attached sheet for details)  
**To be streamed at** [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
**for viewing purposes only**

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## PUBLIC INPUT

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## MORE INFORMATION

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

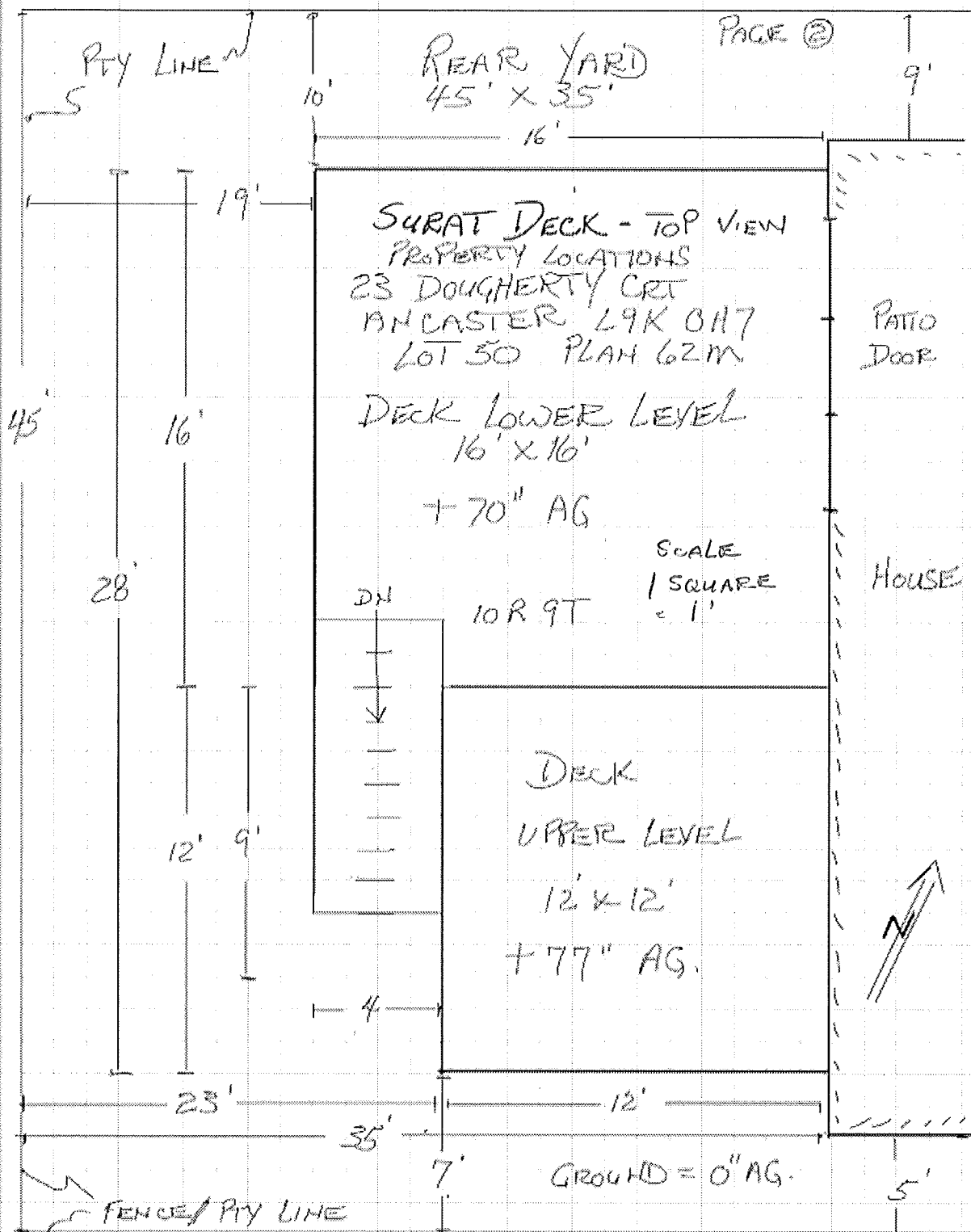
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: August 25th, 2020.

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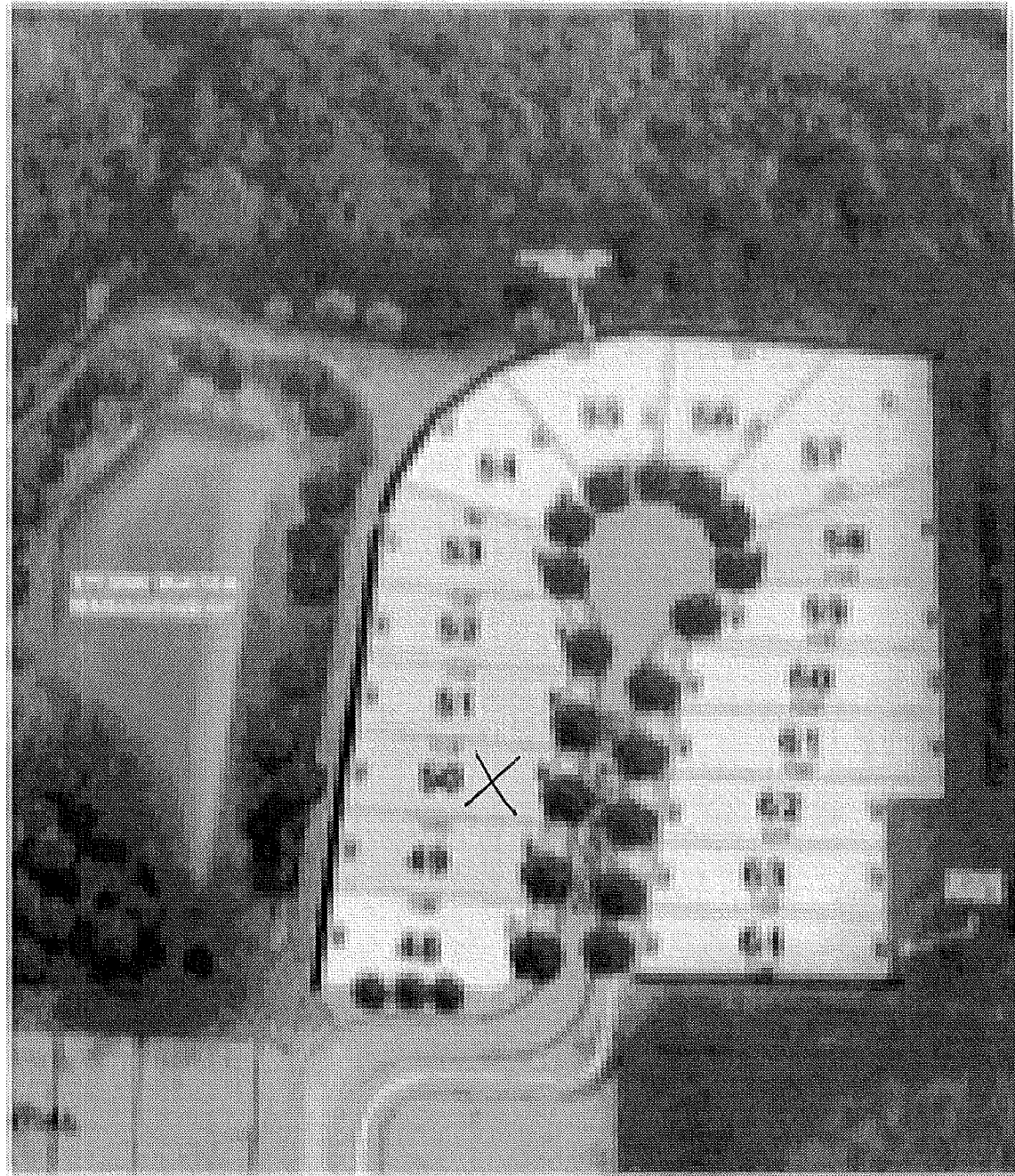
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***













6. Nature and extent of relief applied for:

TO BUILD A DECK AT BACK OF HOUSE

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

THE DECK WOULD BE TOO SMALL

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

LOT 50 PLAN 62M

CITY OF HAMILTON

23 DOUGHERTY CUR ANCASTER L9K0H7

9. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☒

Other ☐

9.1 If Industrial or Commercial, specify use

N/A

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?  
New Residential Site - Built by Losani Homes

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.

June 22, 2020

Date

X

Signature Property Owner

Vish Surat Type text here  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 14.034 M

Depth \_\_\_\_\_

Area 75 M<sup>2</sup>

Width of street \_\_\_\_\_

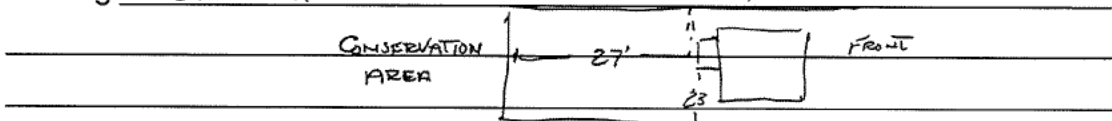
11. Particulars of all buildings and structures on or proposed for the subject lands:  
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Deck 8' x 10'

Proposed: Deck 16' x 16' 70" AG + Deck 12' x 12' 77" AG  
STAIRS 4' x 9' TOTAL 426 S.F.

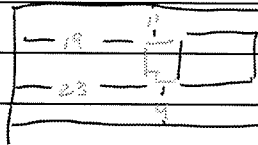
12. Location of all buildings and structures on or proposed for the subject lands;  
(Specify distance from side, rear and front lot lines)

Existing: SIDE 11' SIDE 23' REAR 27'





Proposed: SIDE 11' SIDE 9' REAR 19' REAR 23'



13. Date of acquisition of subject lands:  
May 2018
14. Date of construction of all buildings and structures on subject lands:  
Feb 2017
15. Existing uses of the subject property: Residential
16. Existing uses of abutting properties: Residential
17. Length of time the existing uses of the subject property have continued:  
Ongoing
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:  
SINGLE FAMILY RESIDENCE
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
~~SETBACK FROM WESTMINSTER AREA 111 ROAD~~  
Storm Water Management
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