

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-20:165

APPLICANTS: Owner: Mike & Heather Mileski
Agent: Mark Deboer

SUBJECT PROPERTY: Municipal address **31 Hilda Ave., Hamilton**

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

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

PROPOSAL: To permit the construction of a two (2) storey addition at the rear of the existing single family dwelling, notwithstanding,

1. A minimum northerly side yard width of 0.6 metres shall be permitted instead of the minimum required side yard width of 1.2 metres;
2. The eave and gutter shall be permitted to encroach the entire width of the required northerly side yard instead of the maximum permitted encroachment of one-half the width of the required side yard; and,
3. No on-site parking spaces shall be required instead of providing a minimum of three (3) parking spaces.

NOTES:

Parking at a rate of 2 spaces, plus an additional 0.5 spaces for each habitable room in excess of eight (8) habitable rooms is required to be provided for a single family dwelling. Based on the submitted floor plans, nine (9) habitable rooms, including “foundation” level, are proposed for the single family dwelling.

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

DATE: Thursday, September 17th, 2020

TIME: 1:35 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:

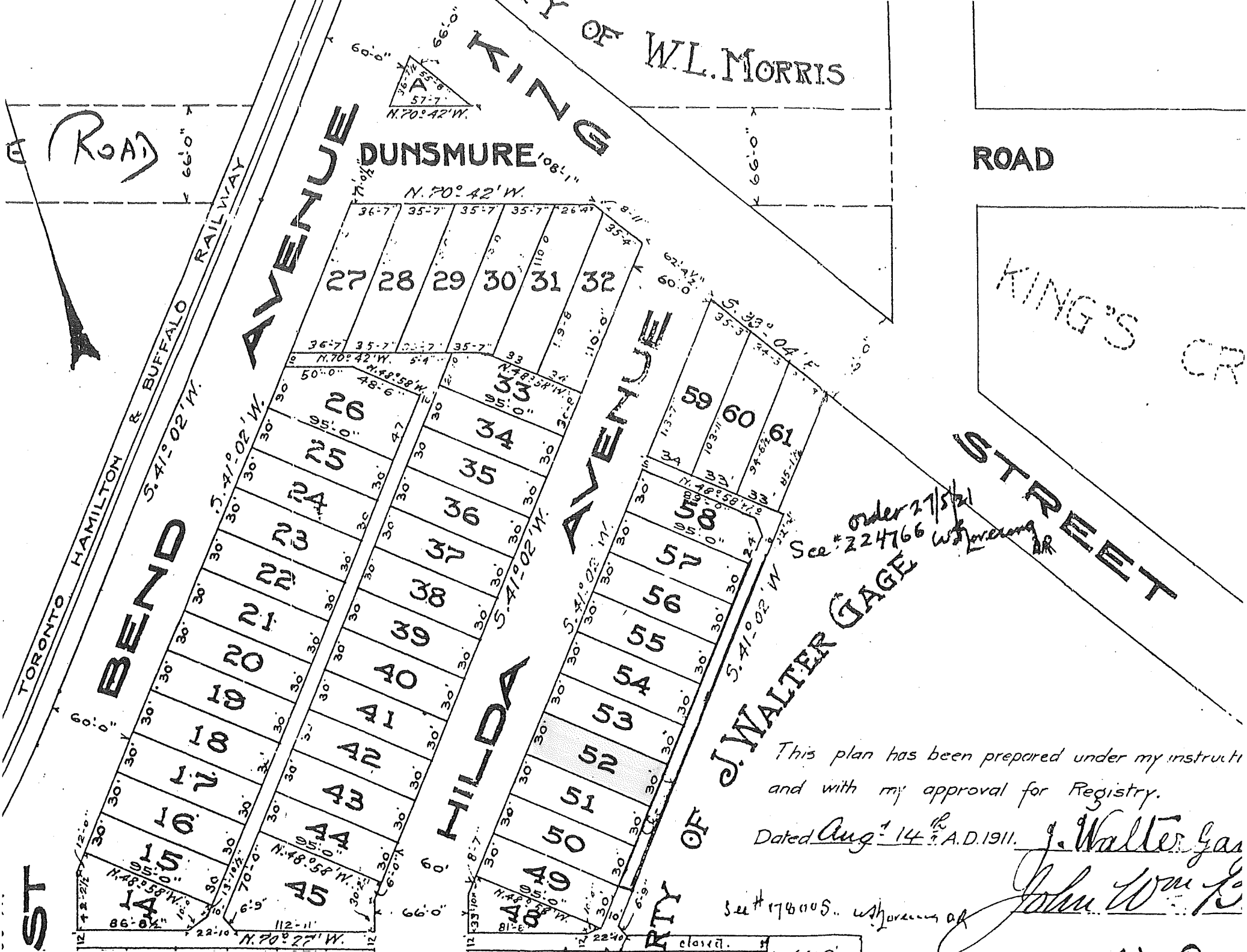
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 4144
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: September 1st, 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.

(Road)



W.L. MORRIS

ROAD

KING'S

STREET

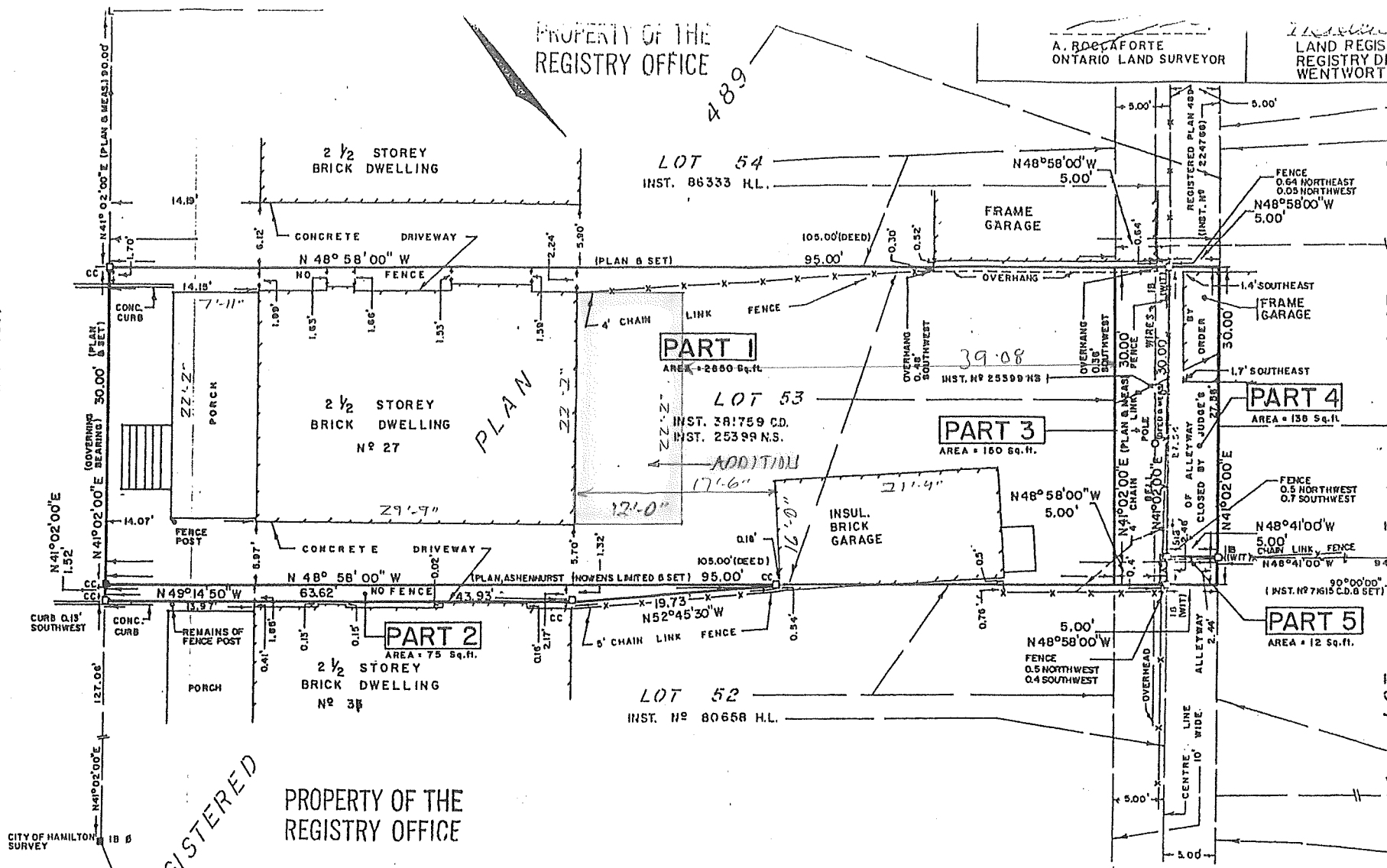
J. WALTER GAGE

This plan has been prepared under my instructions and with my approval for Registry.

Dated Aug¹⁴ A.D. 1911.

John W. Gage

HILDA AVENUE
(BY REGISTERED PLAN 489)



REGISTERED

PROPERTY OF THE
REGISTRY OFFICE

PROPERTY OF THE
REGISTRY OFFICE

A. ROCAFORTE
ONTARIO LAND SURVEYOR

LAND REGISTRY
REGISTRY DIVISION
WENTWORTH

FOR THE
ION OF
No 62)

LOT SIZE	2850'
HOUSE	659'
ADDITION	266'
TOTAL	925'
COVERAGE	32.5%
GARAGE	341'
COVERAGE	11.9%
TOTAL COVERAGE	44.4%

PLAN 621
REGISTERED
INST. NO 188529 H.L.
30.00' INST. NO 188529 H.L. & SET
N 41° 02' 00" E (MEAS)
18 (1497)

CRESCENT
GLENDALE

THE
ICE
THIN THE MEANING

62R 860

NOTES
BEARINGS HEREON ARE ASTRONOMIC, REFERRED TO THE
EASTERLY LIMIT OF HILDA AVENUE, REGISTERED PLAN
489, HAVING A BEARING OF N 41° 02' 00" E.

■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT PLANTED
SIB DENOTES STANDARD IRON BAR
IB DENOTES IRON BAR
Ø DENOTES ROUND
MEAS. DENOTES MEASURED

PLAN OF SURVEY OF LOT 53 AND PART OF
LOT 52 AND PART OF ALLEYWAY (CLOSED BY ORDER 224766)
DELTA SURVEY
REGISTERED PLAN 489
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

CAUTION THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 31ST DAY OF DECEMBER, 1986.

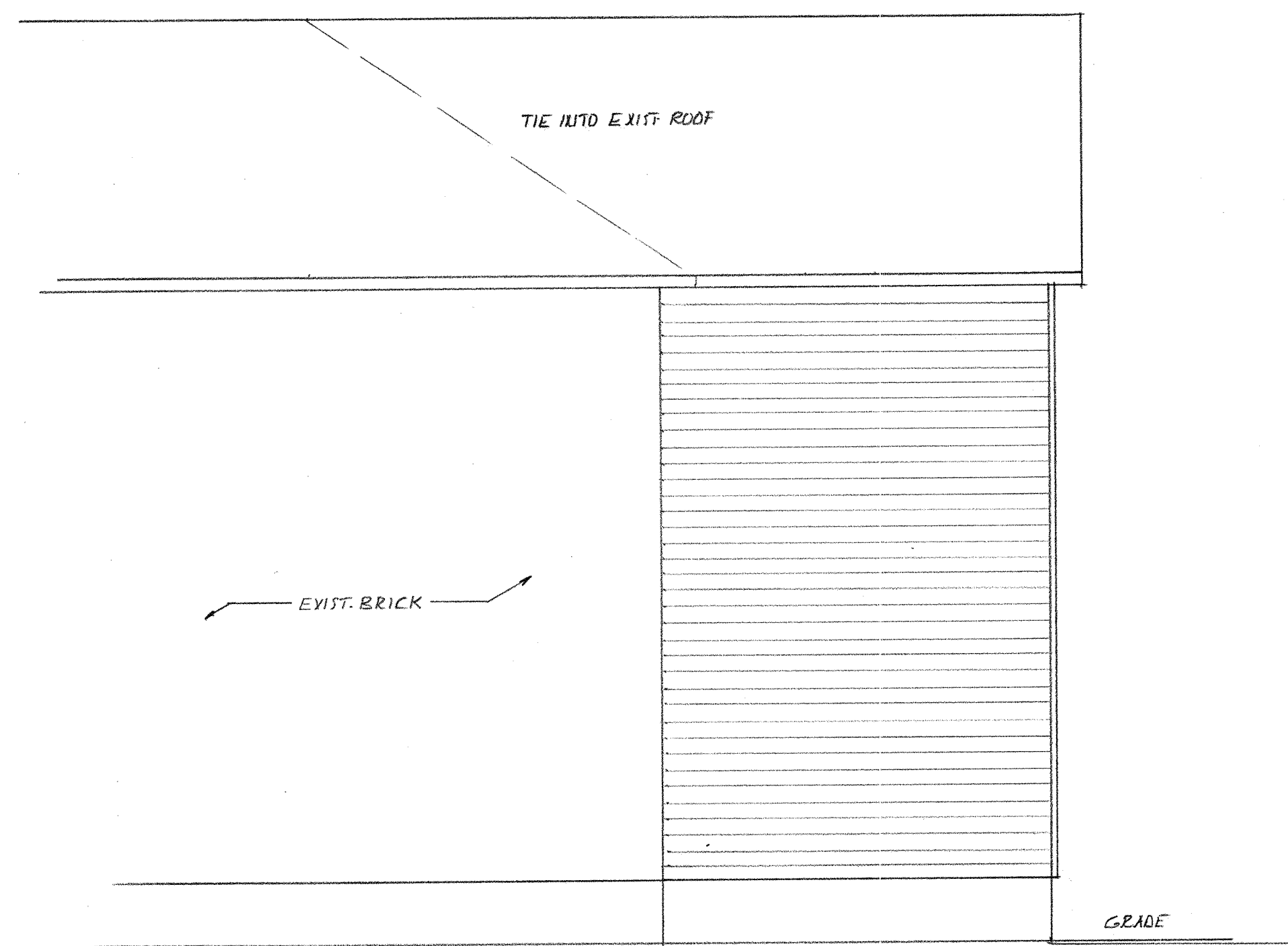
DATE DECEMBER 31, 1986

R. J. VIS
ONTARIO LAND SURVEYOR

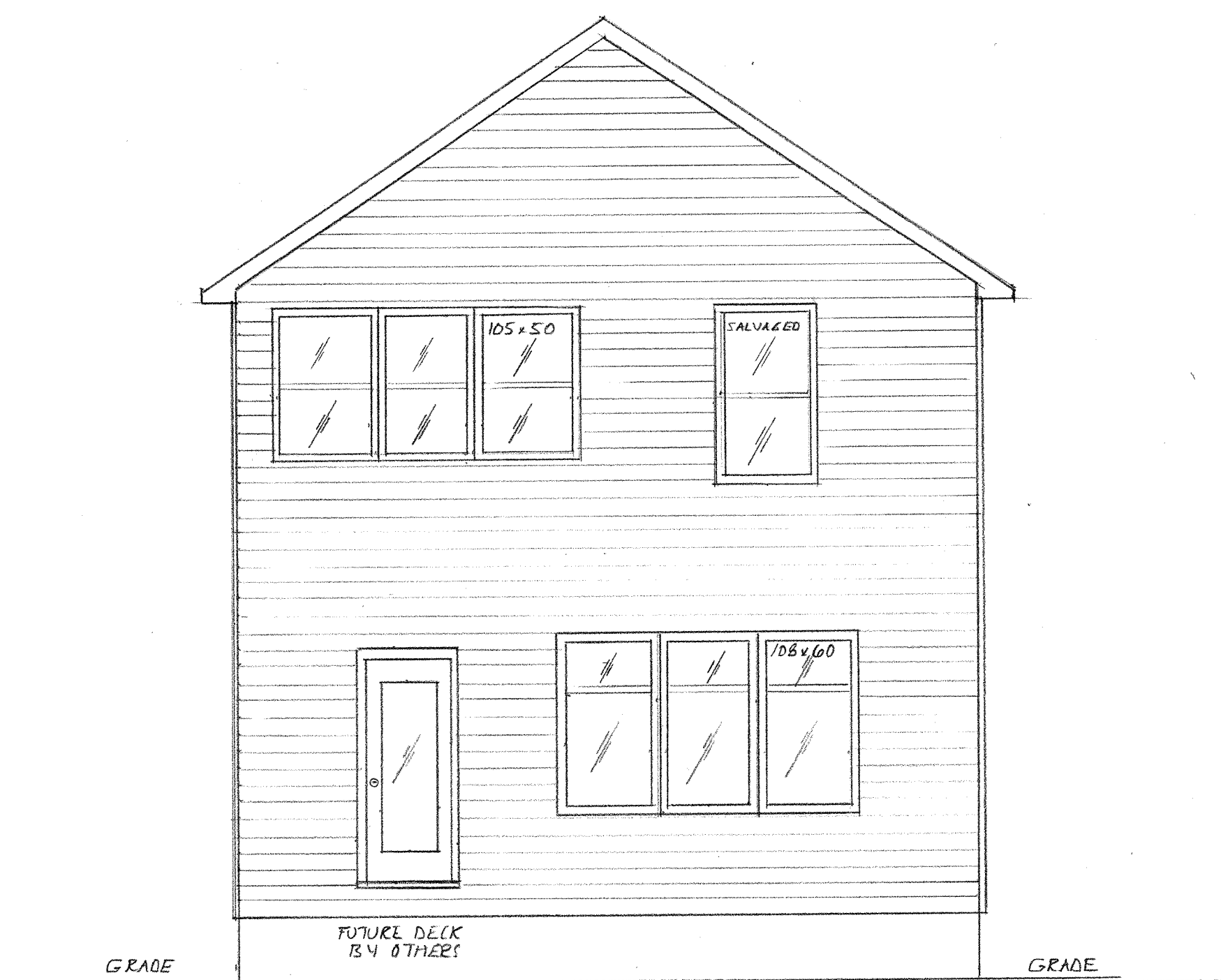
J. D. BARNES LIMITED
Cadastral, • Geodetic, • Photogrammetric

TH THE SURVEYS ACT,
UNDER,
1986.

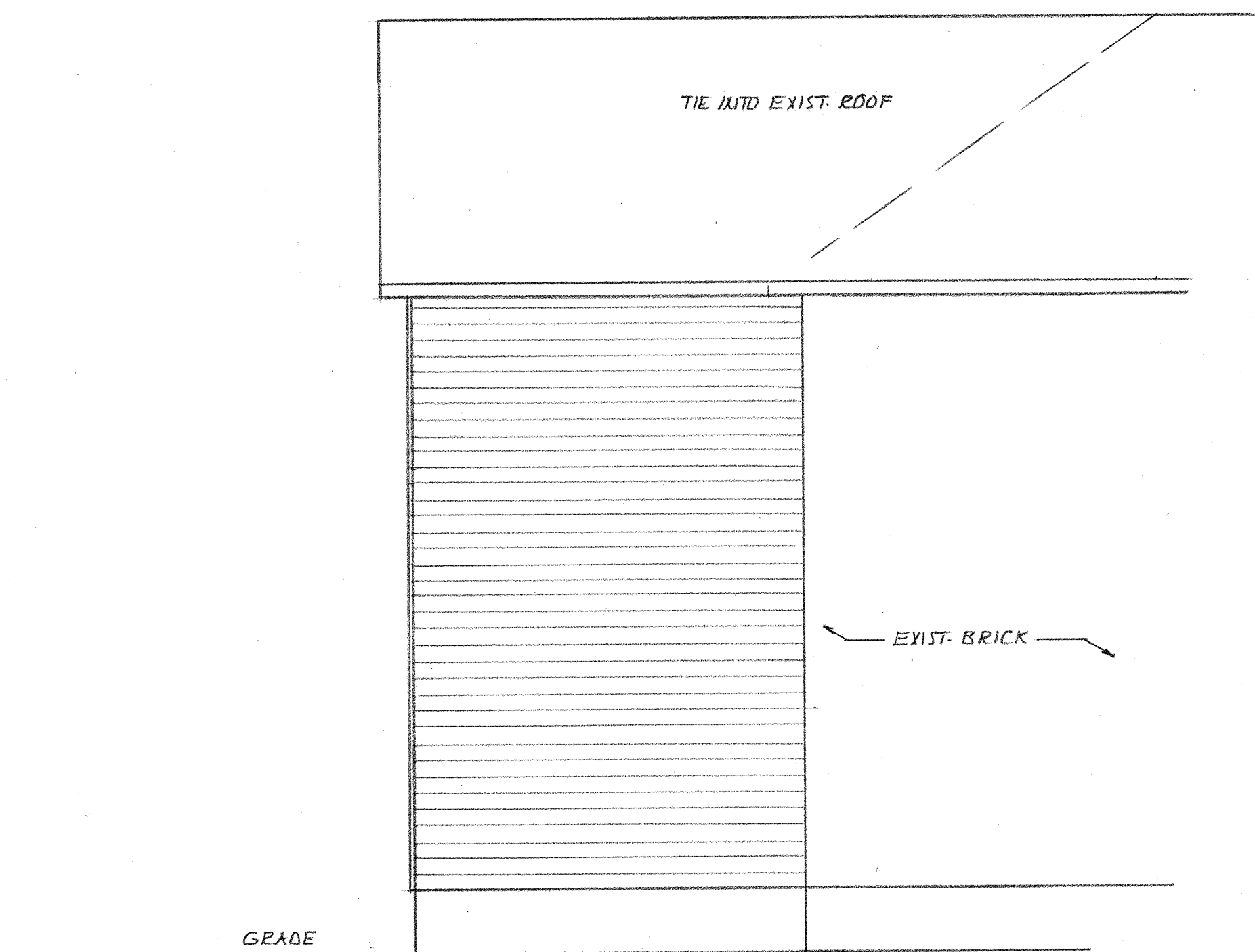
D, Surveyors



WEST ELEVATION



REAR ELEVATION



EAST ELEVATION

MILESKE RESIDENCE			
SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY: M.D.B.	REVISED:
DATE: 28-02-2020			
31 HILDA AVE. HAMILTON			
MARCON CONSTRUCTION LTD			DRAWING NUMBER 2 OF 2



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.**

20-179355

FOR OFFICE USE ONLY.

APPLICATION NO. HM/A-20-1185 DATE APPLICATION RECEIVED Aug. 18/20

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.

1. Name of Owner MIKE J HARTER MILESKE Telephone N _____

2. _____

3. Name of Agent MARK DABOER Telephone N _____

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:

CIBC Mortgage Servicing Centre
PO Box 115 Commerce Court Postal Code MSL 1E5
Postal Station, Toronto ON
Postal Code _____

6. Nature and extent of relief applied for:

SIDE YARD ALLOWANCE IS SET AT 1.2m
EXISTING HOME IS 0.68m

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

EXISTING HOME IS LEGAL NOW CONFORMING

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

LOT 53
PLAN 989
31 Hilda Ave.

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?

STANDARD BUILDING LOT IN CITY DEVELOPMENT

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.

August 12/2020
Date


Signature Property Owner

Heather Mileski Michael Mileski
Print Name of Owner

10. Dimensions of lands affected:

Frontage 30'-0"
Depth 95'-0"
Area 2850^{sq}
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: TWO STOREY HOME 29'-9" x 22'-2" = 659^{sq} x 2 = 1318^{sq}
TOTAL HEIGHT 28'-9"
DETACHED GARAGE 16'-0" x 21'-9" = 341^{sq}
HEIGHT OF 12'-6"

Proposed: REAR ADDITION 12'-0" x 22'-2" = 265^{sq} 2 FLOORS = 532^{sq}
TOTAL HEIGHT 28'-9"

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

Existing: HOUSE FRONT 14.07' REAR 51.18 SIDE 5.7' SIDE 2.24
GARAGE FRONT 61.44' REAR 12.27 SIDE 0 SIDE 14'-0"

Proposed: ADDITION FRONT 43.82
REAR 39.08
SIDE 5.70
SIDE 2.24

13. Date of acquisition of subject lands:
AUG 11 2006
14. Date of construction of all buildings and structures on subject lands:
± 1900
15. Existing uses of the subject property: S.F.D.
16. Existing uses of abutting properties: S.F.D.
17. Length of time the existing uses of the subject property have continued:
SINCE CONSTRUCTION
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:
ZONE D
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
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.

From: Endeman, Rochelle Rochelle.Endeman@hamilton.ca
Subject: RE: Variance
Date: Jul 28, 2020 at 1:00:16 PM
To: Marcon marconconstruction1@gmail.com

Hi Mark,

Here are the required setbacks in the Zone (D).
Anything not conforming to these would require a variance.

Max Height: 14.0m

- (i) a front yard of a depth of at least 6.0 metres (19.69 feet); (79-288) (80-049)
- (ii) for a building or structure not over two and a half storeys or 11.0 metres (36.09 feet) in height, a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and for any other building or structure, side yards of a width each of at least 2.7 metres (8.86 feet); and (6902/52) (79-288) (80-049)
- (iii) a rear yard of a depth of at least 7.5 metres (24.61 feet). (79-288) (80-049)

Sorry for the delay, as you know we were away. I also am supposed to be reducing my time at City hall, and am not supposed to handle any more paper permits as I am expecting, so I think it would be best if you couriered in or dropped off anything new that you have. There is now a drop off counter on the Main floor of City Hall, but they are not answering any questions there.

Thanks,

Rochelle Endeman
Plans Examiner

To: Endeman, Rochelle <Rochelle.Endeman@hamilton.ca>

Subject: Re: Variance

Thanks Rochelle.

I still have a concern about the detached garage that is showing on the survey. It has been there since the home was built by the look of it and it is actually extending into the neighbours yard. Is that something I need to deal with on my application?

Your email reads two ways?

Are you handling more paper work than you were expecting or are YOU EXPECTING?

I don't want to start any rumours, but congrats if the two of you are EXPECTING.

I will attempt to drop my next application off to the main floor. Glad they are doing that now.

Regards

Mark Deboer

Marcon Construction Ltd.

905 332 9834

Sent from my iPad

On Jul 28, 2020, at 1:00 PM, Endeman, Rochelle
<Rochelle.Endeman@hamilton.ca> wrote:

Hi Mark,

From: Endeman, Rochelle Rochelle.Endeman@hamilton.ca
Subject: RE: Variance
Date: Jul 28, 2020 at 2:19:09 PM
To: Marcon marconconstruction1@gmail.com

Hi Mark,

If you aren't making any changes to the existing garage, I wouldn't be concerned.

And yes - we are expecting 😊. Thanks!

Let me now if you need anything else...

Cheers,

Rochelle Endeman
Plans Examiner
Planning and Economic Development
Building, City of Hamilton
(905) 546-2424 Ext.3675

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provision of the Municipal Freedom of Information & Protection of Privacy Act and/or is confidential. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify me immediately by telephone, fax or e-mail and permanently delete the original transmission, including any attachments, without making a copy.

-----Original Message-----

From: Marcon <marconconstruction1@gmail.com>
Sent: Tuesday, July 28, 2020 1:53 PM