

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
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**APPLICATION NO.:** HM/A-20:194

**APPLICANTS:** Giuseppe DiSalvo

**SUBJECT PROPERTY:** Municipal address **684 Upper James St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended by By-law 17:240

**ZONING:** "C2" (Neighbourhood Commercial) district

**PROPOSAL:** To convert the existing single-family dwelling into a commercial use (Personal Services) on the Main and Second Floor along with one dwelling unit in the basement notwithstanding that;

1. A dwelling unit having 84.0 m<sup>2</sup> of floor area shall be located in the basement whereas the By-Law states under Section 10.2.1.1 ii) that a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor and shall not occupy more than 50 % of the total gross floor area of all the buildings within the lot.

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

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**DATE:** Thursday, October 22nd, 2020

**TIME:** 3:15 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.

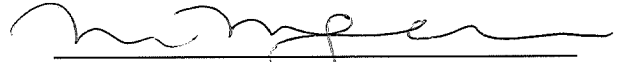
### **MORE INFORMATION**

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)

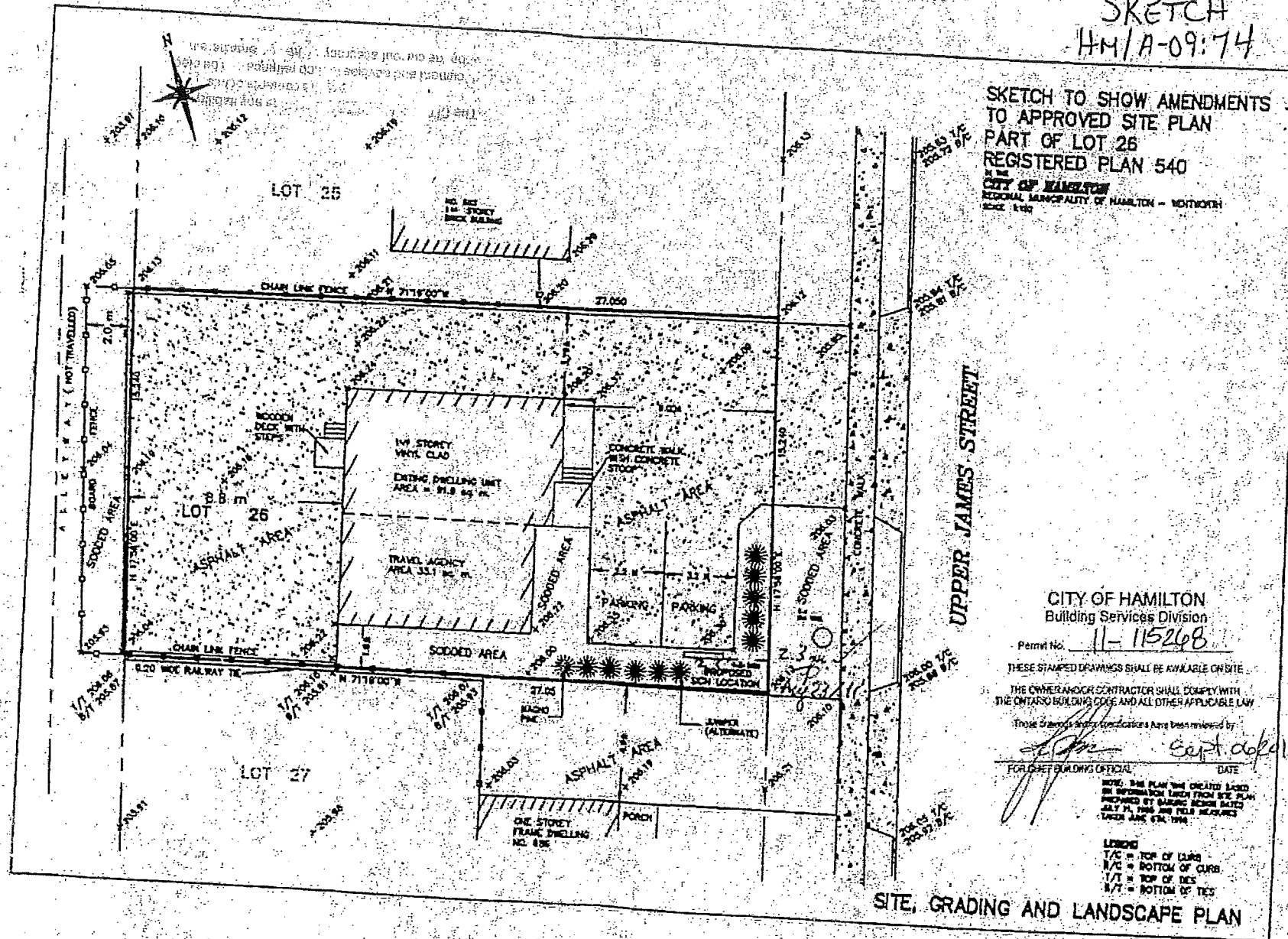
DATED: October 6th, 2020.

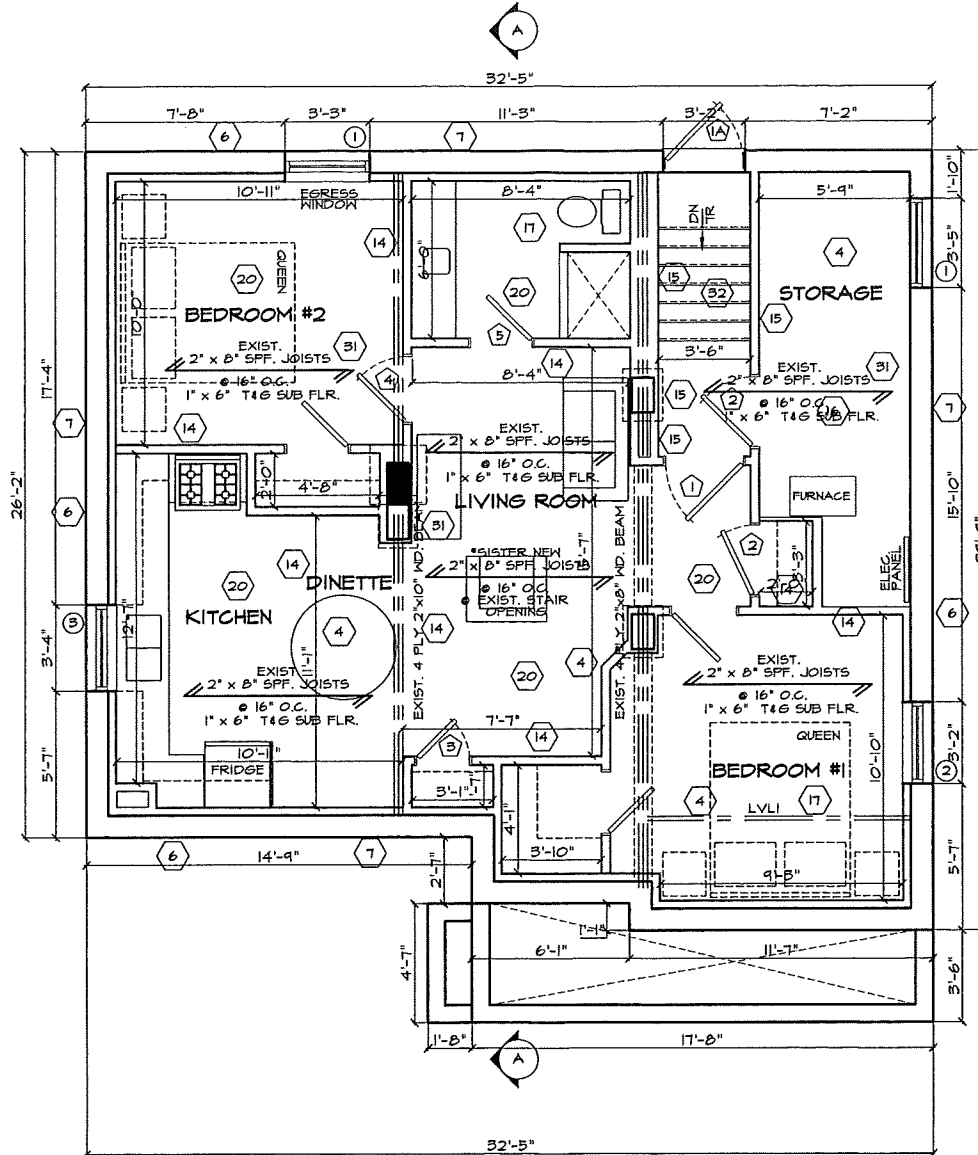


Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

2.7 m wide  
6.0 m long  
SKETCH  
HM/A-09:74





NOTE: ELECTRICAL, GAS AND VENT LOCATIONS ARE SCHEMATIC ONLY, TO BE CO-ORDINATED WITH ELECTRICAL AND MECHANICAL CONTRACTORS.

# **BASEMENT PLAN**

SCALE: 3/16" = 1'-0"

EXISTING : 904.7 SqFt

## **GENERAL NOTES**

THIS DRAWING IS THE PROPERTY OF DESIGN-ONE ARCHITECTURAL DESIGN AND MAY NOT BE USED OR REPRODUCED WITHOUT EXPRESSED CONSENT.

THE DESIGNER HAS BEEN RETAINED TO CARRY OUT GENERAL REVIEW OF THE WORK AND ASSUMES NO RESPONSIBILITY FOR THE FAILURE OF THE CONTRACTOR OR SUB-CONTRACTORS TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND THE ONTARIO BUILDING AND MUNICIPAL CODES.

THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS REQUIRED TO PERFORM THE WORK AND SHALL REPORT ANY DISCREPANCIES WITH THE CONTRACT DOCUMENTS TO THE DESIGNER.

ENGINEERED TRUSS DRAWINGS TO BE SUBMITTED TO THE DESIGNER FOR THE CO-ORDINATION OF STRUCTURE.

No.	DESCRIPTION	DATE

**Design-One**  
Architectural Design

92 Auchmar Rd.  
Hamilton, Ont. L8C 1C5  
(289) 308-7664  
designonearch@outlook.com



PROJECT

**SALON DISALVO**  
RENOVATION / ADDITION

684 Upper James St.  
Hamilton, Ontario

SHEET TITLE

**EXIST. BASEMENT**

SCALE: AS NOTED	DATE: AUG. 2, 2019
DRAWN BY: L.A.G.	ACAD FILE: DISALVO.DWG
PROJECT No: 2019-004	SHEET No: <b>AI</b>



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.**

20-182855

**FOR OFFICE USE ONLY.**

APPLICATION NO. Hm/A-20:194 DATE APPLICATION RECEIVED Sept. 10/20

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.

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.

6. Nature and extent of relief applied for:

BASEMENT APARTMENT.

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

I operate a hair salon

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

684 Upper James St.

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 ☐

- 9.10 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?

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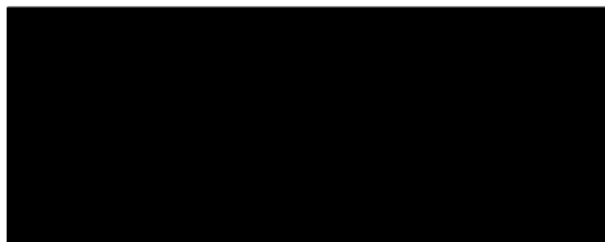
- 9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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 \_\_\_\_\_  
Depth \_\_\_\_\_  
Area \_\_\_\_\_  
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: MAIN FLOOR 920.7 # 84.05 m<sup>2</sup>  
SECOND FLOOR 461.5 # 42.87 m<sup>2</sup>

Proposed: BASEMENT APARTMENT  
904.7 # 84.05 m<sup>2</sup>

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

13. Date of acquisition of subject lands:  
MAY 2011
14. Date of construction of all buildings and structures on subject lands:  
\_\_\_\_\_
15. Existing uses of the subject property: HAIR SALON  
\_\_\_\_\_  
\_\_\_\_\_
16. Existing uses of abutting properties: CP  
\_\_\_\_\_
17. Length of time the existing uses of the subject property have continued:  
MAY 2011 TO PRESENT  
\_\_\_\_\_
18. Municipal services available: (check the appropriate space or spaces)  
Water YES Connected YES  
Sanitary Sewer YES Connected YES  
Storm Sewers YES
19. Present Official Plan/Secondary Plan provisions applying to the land:  
NEIGHBORHOOD  
\_\_\_\_\_
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
C2  
\_\_\_\_\_
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.

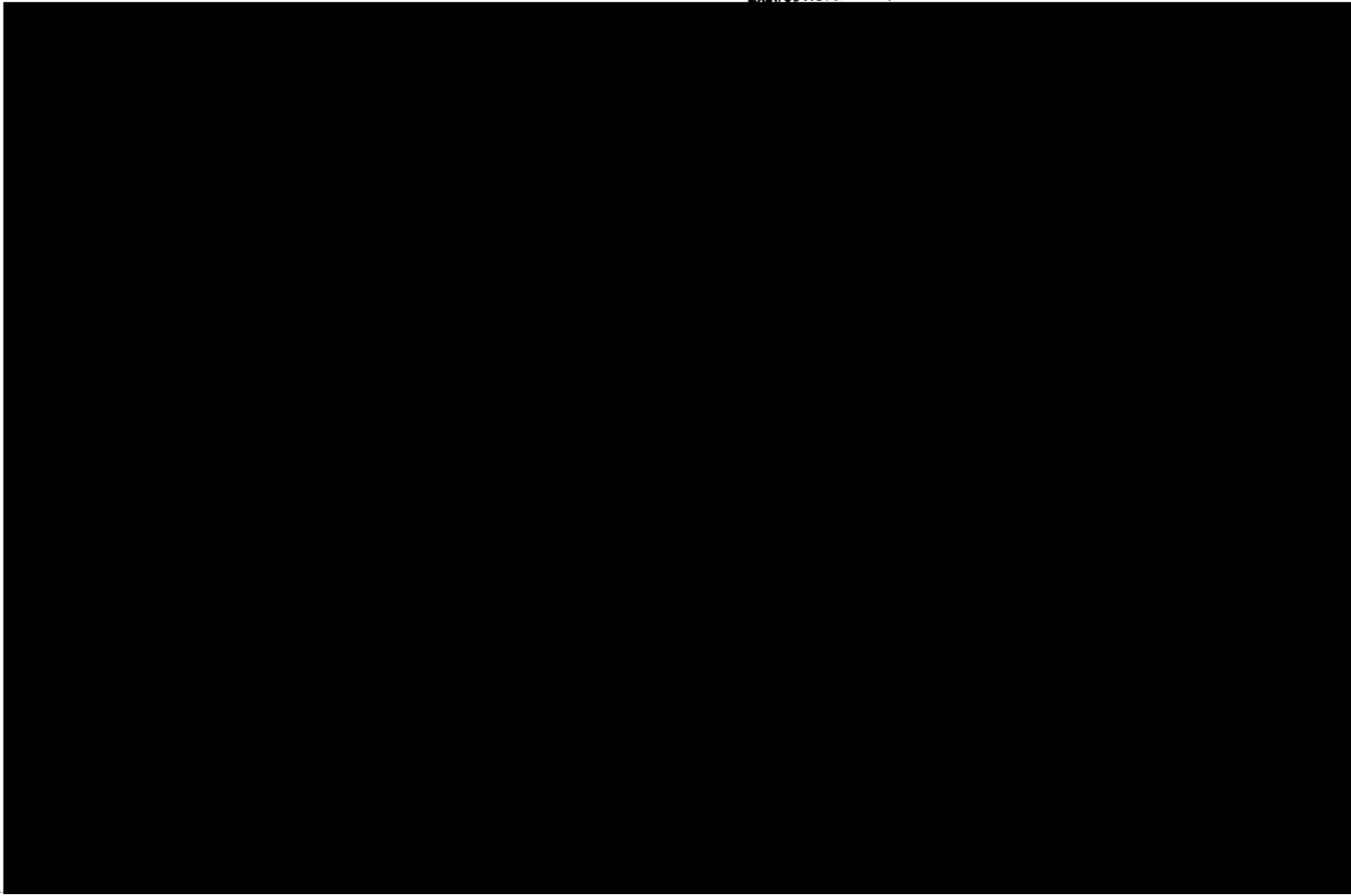


**PART 24 AFFIDAVIT OR SWORN DECLARATION**

This declaration to be made by the Applicant of Part 24



Expires November 2, 2021.



## PART 27 PERMISSION TO ENTER

Date: \_\_\_\_\_

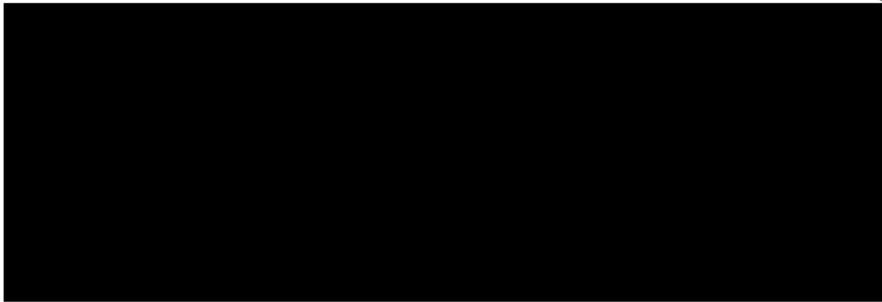
Secretary/Treasurer  
Committee of Adjustment  
City of Hamilton,  
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 604 UPPER JAMES ST.  
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited



**Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.**

## PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1<sup>st</sup> floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

CITY OF HAMILTON  
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BETWEEN

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 \_\_\_\_\_ 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

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

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 \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
WITNESS

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

I have authority to bind the corporation.

\_\_\_\_\_  
WITNESS

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

I have authority to bind the corporation

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 \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

**BETWEEN**



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 \_\_\_\_\_.

**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

**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**

\_\_\_\_\_  
Owner:  
Title:  
I have authority to bind the corporation

\_\_\_\_\_  
Assignee:  
Title:  
I have authority to bind the corporation

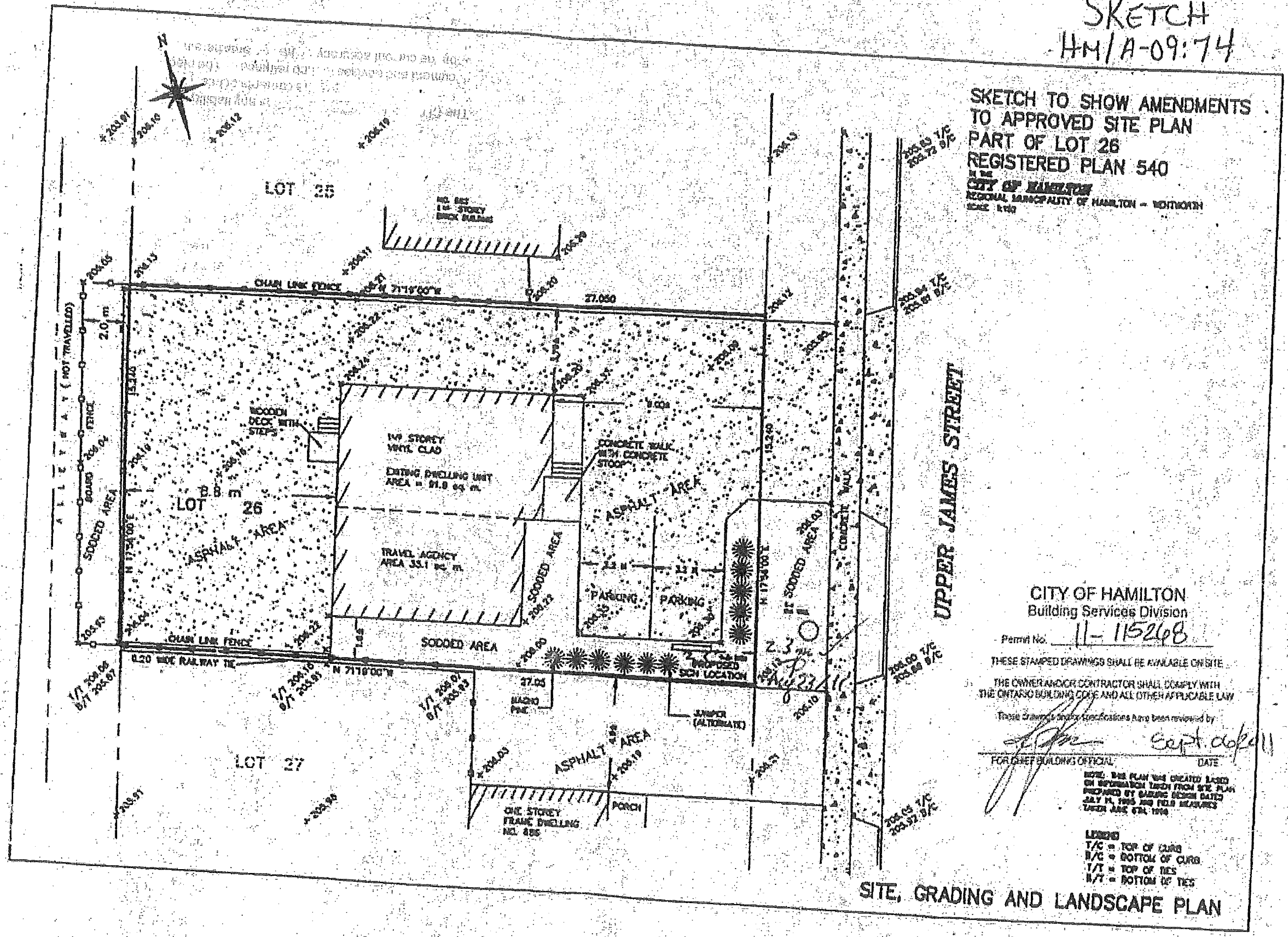
**CITY OF HAMILTON**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



2.7 m wide  
6.0 m long.  
SKETCH  
HM/A-09:74



SKETCH TO SHOW AMENDMENTS  
TO APPROVED SITE PLAN  
PART OF LOT 26  
REGISTERED PLAN 540  
IN THE  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF HAMILTON - NORTHWEST  
SCALE 1:100

CITY OF HAMILTON  
Building Services Division

Permit No. 11-115268

THESE STAMPED DRAWINGS SHALL BE AVAILABLE ON SITE

THE OWNER AND/OR CONTRACTOR SHALL COMPLY WITH  
THE ONTARIO BUILDING CODE AND ALL OTHER APPLICABLE LAW

These drawings and specifications have been reviewed by:

*[Signature]* Sept. 20/01  
FOR CHIEF BUILDING OFFICIAL DATE

NOTE: THIS PLAN WAS CREATED BASED  
ON INFORMATION TAKEN FROM SITE PLAN  
PREPARED BY SARGIS DESIGN DATED  
JULY 14, 1998 AND FIELD MEASUREMENTS  
TAKEN JAN. 6TH 1998

LEGEND  
T/C = TOP OF CURB  
B/C = BOTTOM OF CURB  
T/T = TOP OF TIES  
B/T = BOTTOM OF TIES

SITE, GRADING AND LANDSCAPE PLAN

