

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.:** GL/A-20:208

**APPLICANTS:** Erin Freeman, owner

**SUBJECT PROPERTY:** Municipal address **100 Binhaven Blvd., Glanbrook**

**ZONING BY-LAW:** Zoning By-law 464, as Amended by By-law 07-169

**ZONING:** "R4-218" (Residential) district

**PROPOSAL:** To permit a patio deck in the rear yard for an existing inground swimming pool for a single detached dwelling, notwithstanding that:

1. A patio deck shall be permitted to be 0m from the northerly and southerly interior side lot lines instead of the required 1.0 metre setback from interior side lot lines.
2. A patio deck shall be permitted to be 0m from the rear lot line instead of the required 3.0 metre setback.

**NOTES:**

1. Glanbrook Zoning By-law No. 464 defines patio deck as "a structure accessory to a building with or without roof or walls, which may include visual partitions and railings, and is constructed on piers or a foundation at a minimum of 0.15 metres above-grade."
2. The R4-218 Exception Zone was created under Amending By-law 07-169.
3. Glanbrook Zoning By-law No. 464 defines lot coverage as "the percentage of the lot covered by all buildings, but shall not include swimming pools and patio decks." It is further noted that there is no lot coverage requirement for the R4-218 Exception Zone.
4. The variance is written as requested by the applicant.
5. The applicant has confirmed that the proposed patio deck is located along the side and rear lot lines but is not attached to the existing fence.

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

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**DATE:** Thursday, November 5th, 2020

**TIME:** 2:55 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 20th, 2020.




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Jamila Sheffield  
Secretary-Treasurer  
Committee of Adjustment

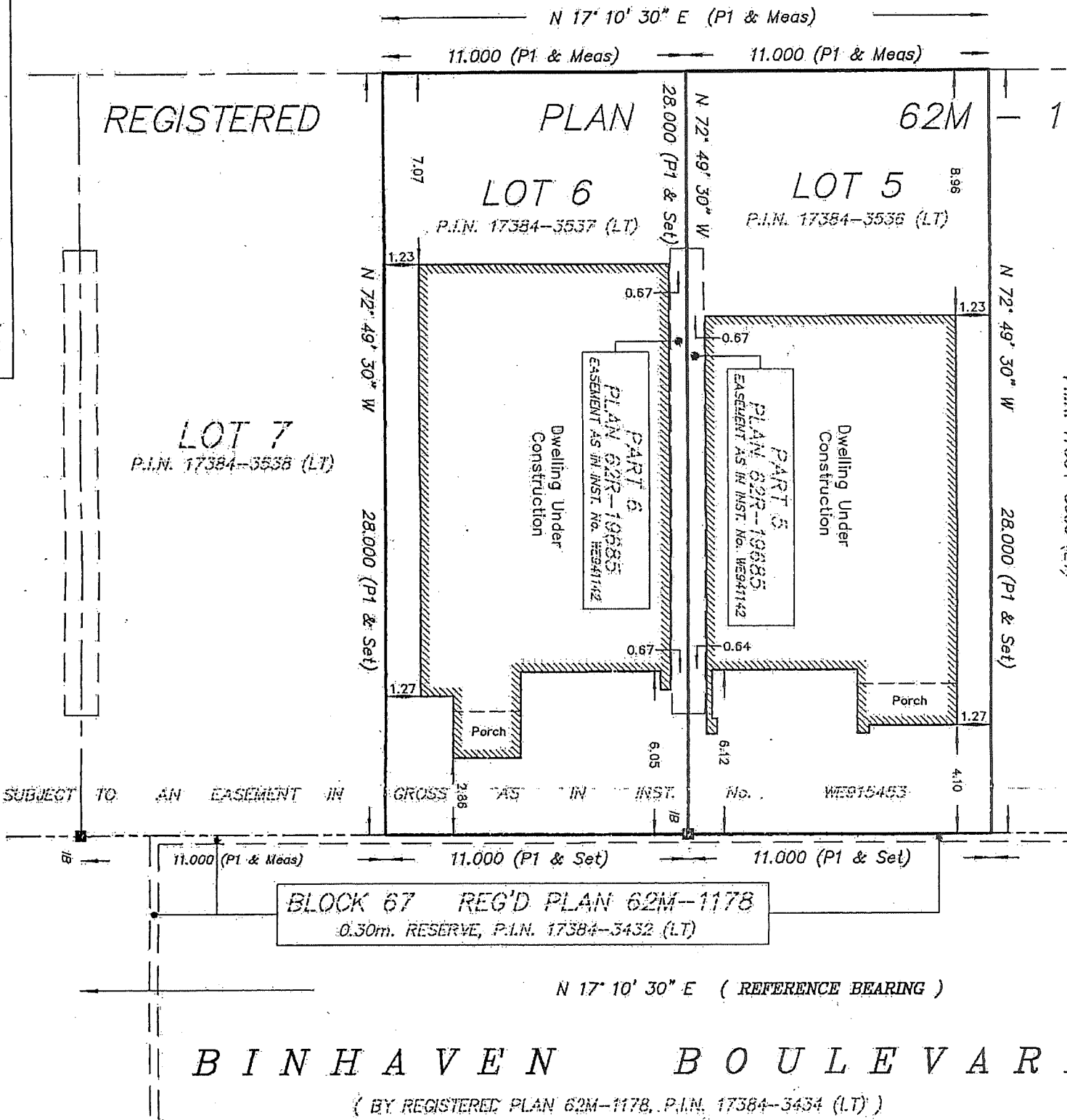
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

LOT 3  
 BLOCK 4  
 CONCESSION 4  
 PART 1 PLAN 62R-17  
 P.I.N. 17384-3527 (LT)

  
 ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
 1907159

THIS PLAN IS NOT VALID  
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 ISSUED BY THE SURVEYOR  
 In accordance with  
 Regulation 1026, Section 29(3).

THIS REPORT WAS PREPARED FOR EMPIRE COMMUNITIES (BINBROOK) LTD.

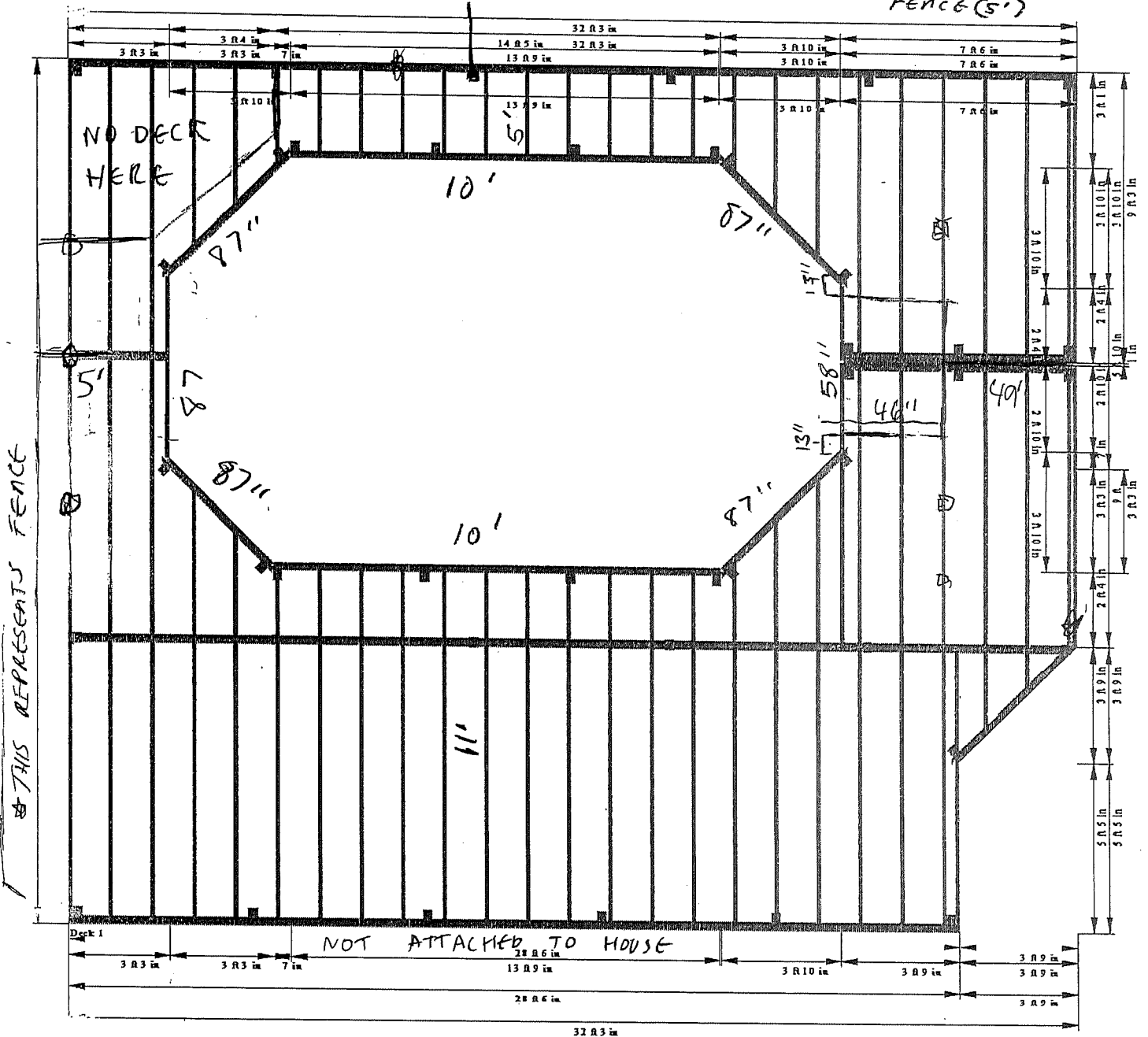




## Dimension View - Deck 1

FENCE HEIGHT IS 5' FROM DECK

POSTS ARE 3' FROM POOL WALL BUT DECK FLOATS TO FENCE (5')



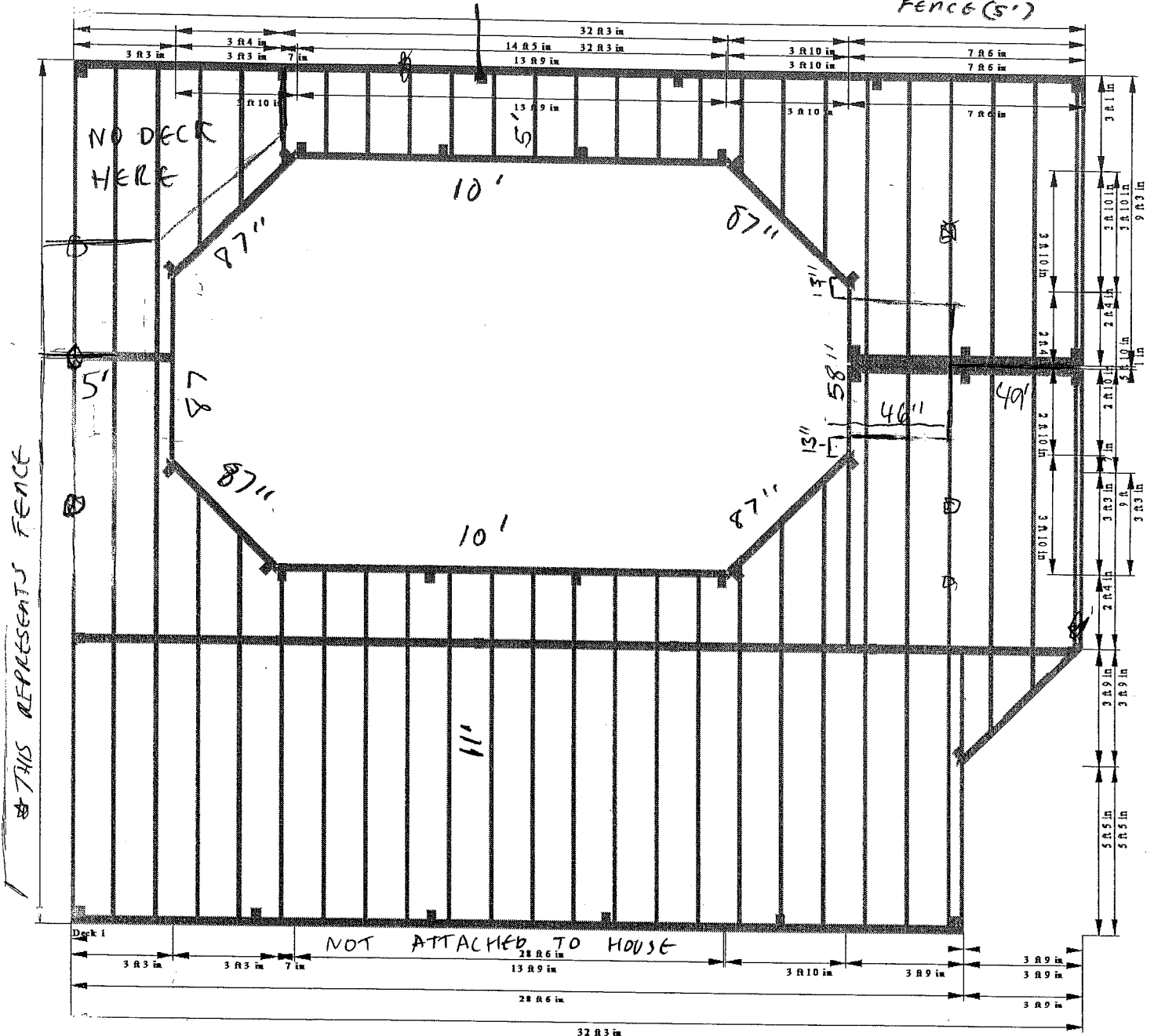
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LOT 3  
BLOCK 4  
CONCESSION 4

PART 1 PLAN 62R-17

P.I.N. 17384-3527 (LT)

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
1907159



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In accordance with  
Regulation 1026, Section 29(3).

THIS REPORT WAS PREPARED FOR EMPIRE COMMUNITIES (BINBROOK) LTD.

N 17° 10' 30" E (P1 & Meas)  
11.000 (P1 & Meas) 11.000 (P1 & Meas)

REGISTERED

PLAN

62M

LOT 6

LOT 5

P.I.N. 17384-3537 (LT)

P.I.N. 17384-3536 (LT)

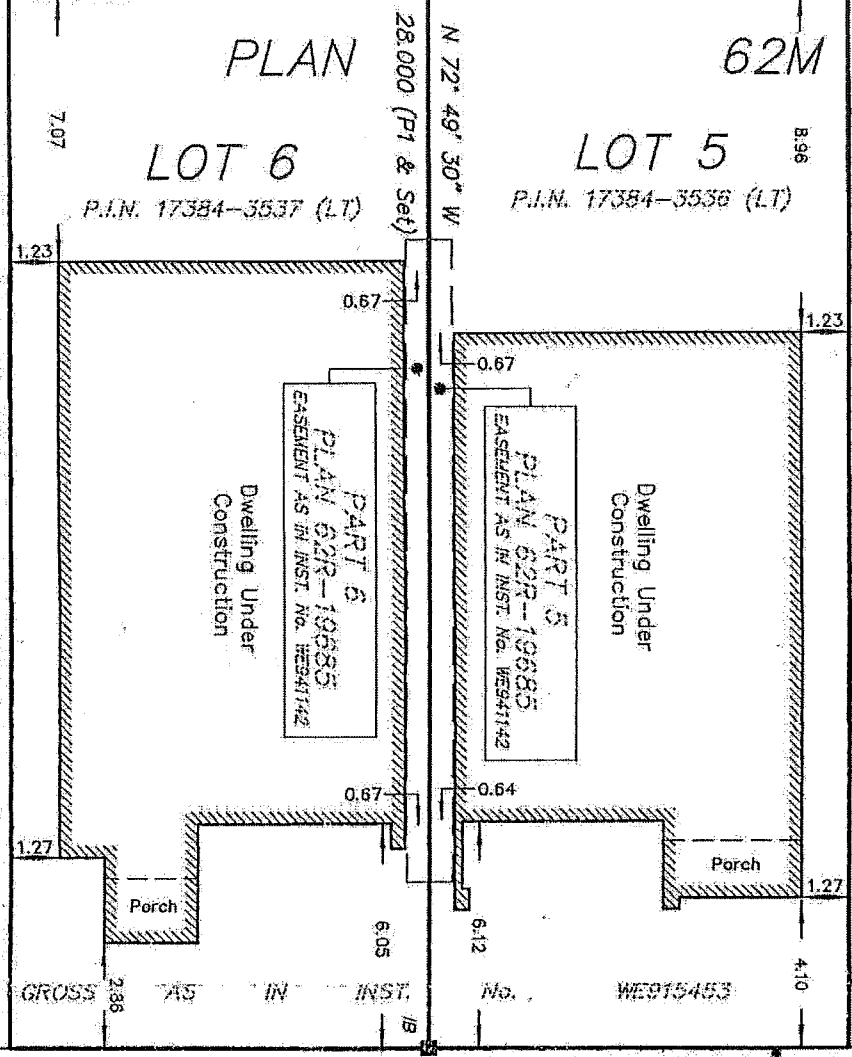
LOT 7  
P.I.N. 17384-3536 (LT)

Dwelling Under  
Construction

Dwelling Under  
Construction

PART 6  
PLAN 62R-19685  
EASEMENT AS IN INST. NO. WE341142

PART 5  
PLAN 62R-19685  
EASEMENT AS IN INST. NO. WE341142



SUBJECT TO AN EASEMENT IN GROSS AS IN INST. No. WE915453

11.000 (P1 & Meas) 11.000 (P1 & Set) 11.000 (P1 & Set)

BLOCK 67 REG'D PLAN 62M-1178  
0.30m. RESERVE, P.I.N. 17384-3432 (LT)

N 17° 10' 30" E (REFERENCE BEARING)

BINHAVEN BOULEVARD

(BY REGISTERED PLAN 62M-1178, P.I.N. 17384-3434 (LT))

SURVEYOR'S REAL PROPERTY REPORT - PART 1  
 PLAN OF  
**LOTS 5 & 6**  
**REGISTERED PLAN 62M-1194**  
**CITY OF HAMILTON**

SCALE 1:200



B.A. JACOBS SURVEYING LTD.  
 ONTARIO LAND SURVEYOR

**METRIC NOTE:**

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**BEARING NOTE:**

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF BLOCK 67 AS SHOWN ON REGISTERED PLAN 62M-1178, HAVING A BEARING OF N 17°10'30" E.

**LEGEND:**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- (Wit) DENOTES WITNESS
- P1 DENOTES REGISTERED PLAN 62M-1194
- (1534) DENOTES D.E. HUNT O.L.S.

ALL FOUND MONUMENTS IDENTIFIED AS (1534) UNLESS SPECIFIED OTHERWISE.

**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 JULY 23, 2014.

JULY 29, 2014.

DATE

*Bryan Jacobs*  
 BRYAN JACOBS  
 ONTARIO LAND SURVEYOR



**B.A. JACOBS SURVEYING LTD.**

152 JACKSON STREET EAST, SUITE 102

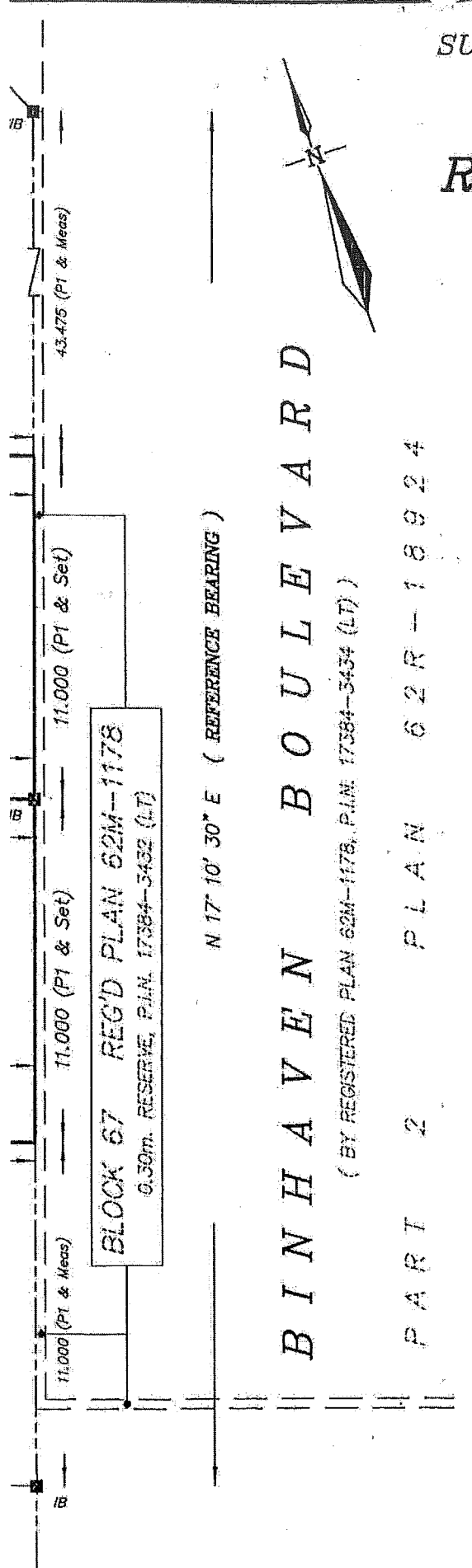
HAMILTON, ONTARIO (L8N 1L3)

PHONE 905-521-1535 FAX 905-521-0089

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JOB No.

10s78-F4 (5,6)



PART 2 PLAN 62R-18924  
 (BY REGISTERED PLAN 62M-1178, P.L.N. 17384-3434 (LT))



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.**

20-185647

**FOR OFFICE USE ONLY.**

APPLICATION NO. GL/A-20-208 DATE APPLICATION RECEIVED Sept 28/20

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 Erin Freeman 
- 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:  
Jessie Freeman, 100 Binhaven Blvd  
Binbrook, ON Postal Code L0R 1C0
- \_\_\_\_\_ Postal Code \_\_\_\_\_



6. Nature and extent of relief applied for:

We request a variance to allow us to build a deck surrounding an on-ground pool that has a 0' clearance from the rear and side property line. The deck will not attach to the house or fence.

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

We are unable to comply due to the by-law requirements for the pool set back from the property line. The pool is an on-ground pool and requires a structure around it to be able to enter and exit the pool.

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

100 Binhaven Blvd, Binbrook, ON  
LOR 100

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?

The land was vacant prior to the home being built in November 2014.

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.

Sept 15, 2020  
Date

  
Signature Property Owner

Erin Freeman  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 11.0 meters  
Depth 28.0 meters  
Area 308 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: The property currently has 1 building on it. The building is a 2 story residential home, approximately 2300 sq ft.

Proposed: we are proposing to build a deck around the pool in the backyard. Due to the pool position we are requesting permission for a 0' clearance from the rear and side property line.

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

Existing: please see attached survey

Proposed: We would like to add a deck (per drawing) that has 0' clearance from the rear and side property line. The deck will be supported by posts and will not attach to the house or fence.

13. Date of acquisition of subject lands:  
November 13, 2014
14. Date of construction of all buildings and structures on subject lands:  
November 13, 2014
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:  
6 years.
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:  
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
N/A.
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.