COMMITTEE OF ADJUSTMENT



City Hall, 5th 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

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.:

DN/A-20:213

APPLICANTS:

Jenny Bognar on behalf of the owner Christian Hardy

SUBJECT PROPERTY:

Municipal address 24 Thorpe St., Dundas

ZONING BY-LAW:

Zoning By-law 05-200, as Amended

ZONING:

"C5 & 581" (Mixed Use Medium Density) district

PROPOSAL:

To the construction of a new southerly addition and carport to the existing

legally established non-conforming single detached dwelling, notwithstanding

that;

- 1. The carport and the new southerly addition will further reduce the existing 7.8m southerly side yard to 3.6m whereas the zoning By-law requires that the existing side yard are maintained for the addition.
- 2. The parking space is located a minimum setback of 1.3m from the street line instead of the minimum 5.8m setback required from a streetline.
- 3. No onsite manoeuvring shall be provided instead of the minimum 6.0m aisle width required for 90 degree parking.

Notes: The 3.6m southerly side yard shown on the plans cannot be recognized as the "existing side yard" as this yard was lost by discontinuance. The setback to the original dwelling is not shown; however, it appears to be approximately 7.8m. The applicant shall confirm that the setback of 7.8m to the original dwelling is correct.

The applicant requested a variance to permit a reduced front yard and southerly side yards; however, these yards are deemed to comply pursuant to the vacuum clause 4.12; as such, a variance is not required.

The construction of a deck, porches, hot tubs and accessory buildings does not constitute an expansion of a legally established non-conforming use provided that all other applicable zoning standards are met. The covered hot tub, rear deck, shed and front porch conform as shown.

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

DATE:

Thursday, November 5th, 2020

TIME:

3:05 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

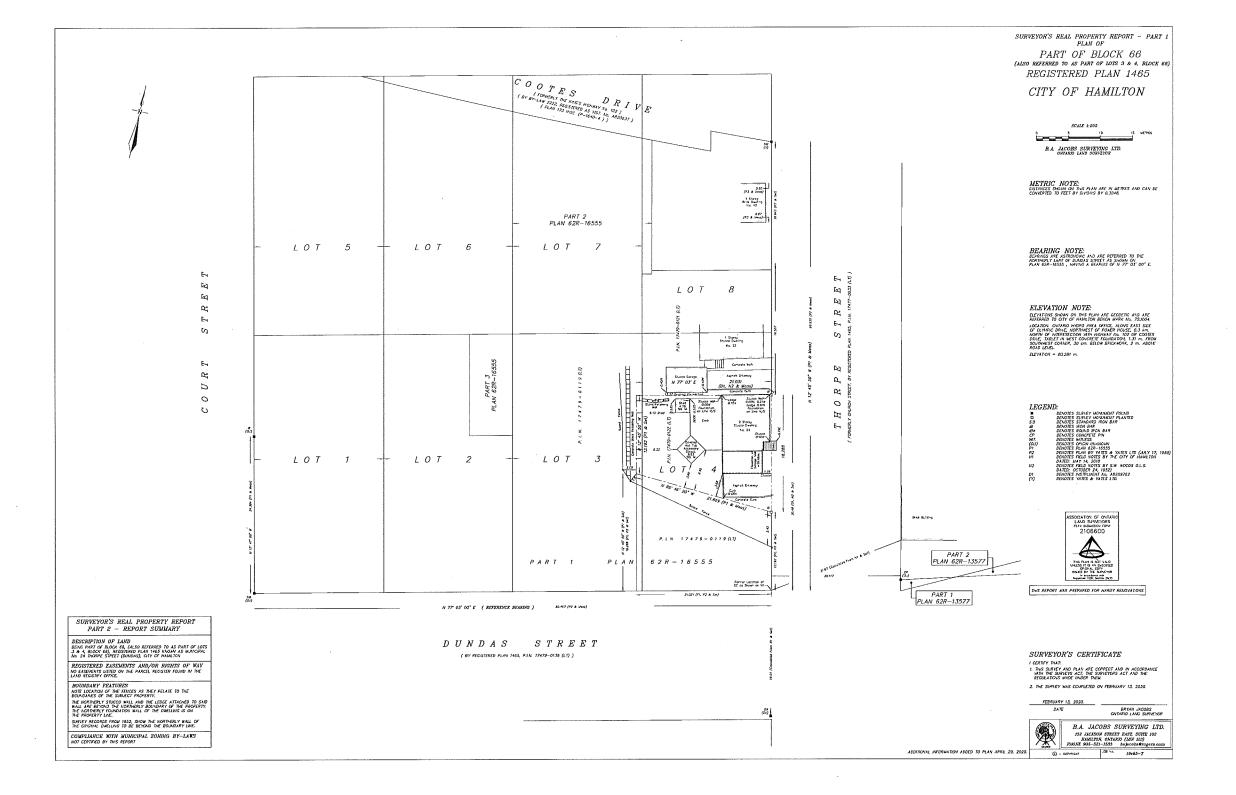
For more information on this matter, including access to drawings illustrating this request:

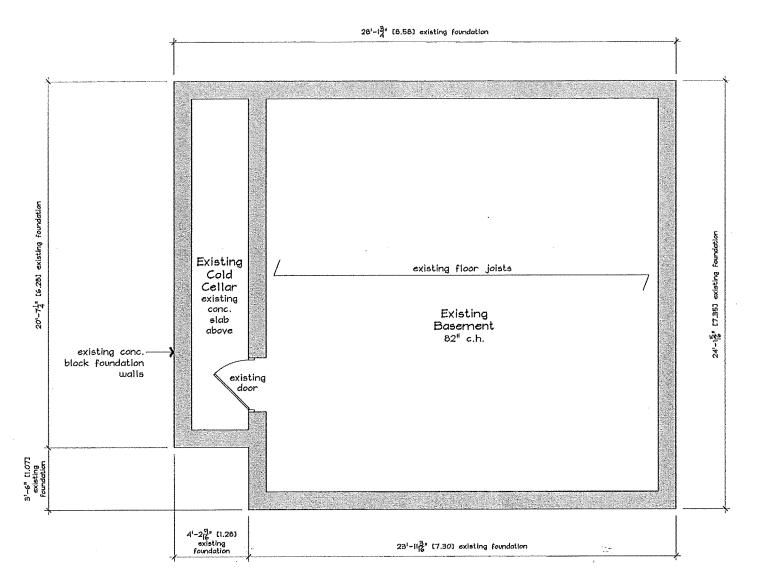
- Visit <u>www.hamilton.ca/committeeofadjustment</u>
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: October 20th, 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.





Former Basement Area: 61.67 sq. m. (663.77 sq. ft.)

24 THORPE STREET DUNDAS, ON L9H 1K4



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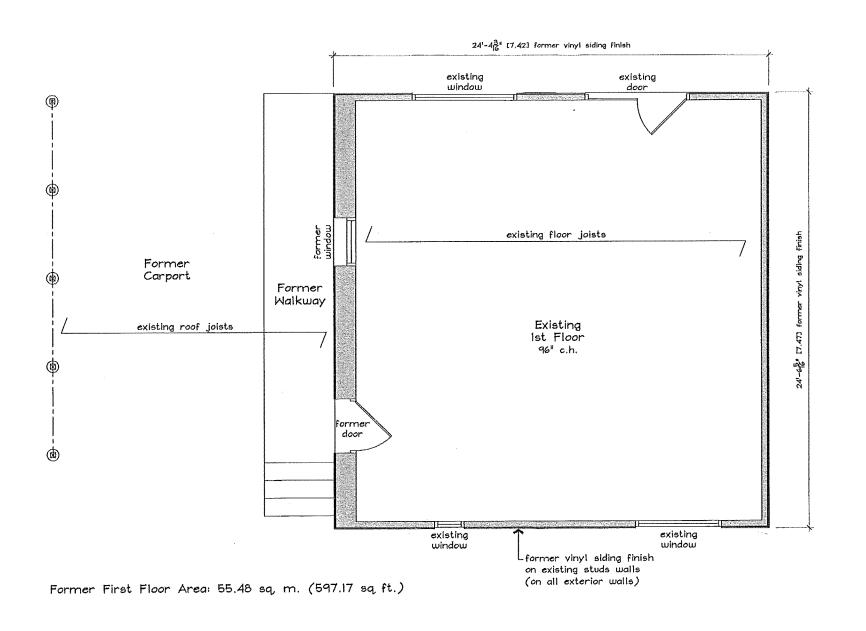
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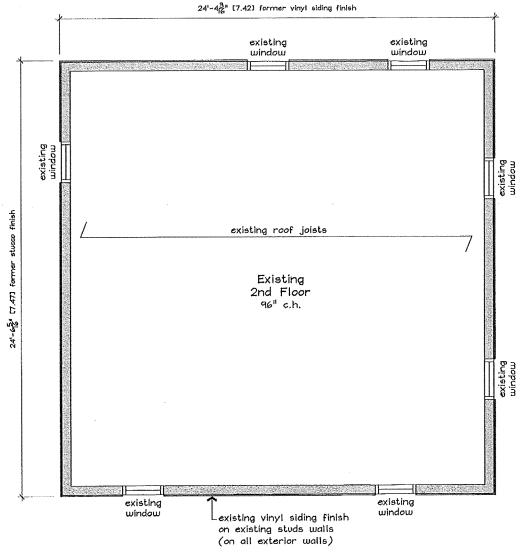
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Former Second Floor Area: 55.48 sq m. (597.17 sq ft.)

24 THORPE STREET DUNDAS, ON L9H 1K4



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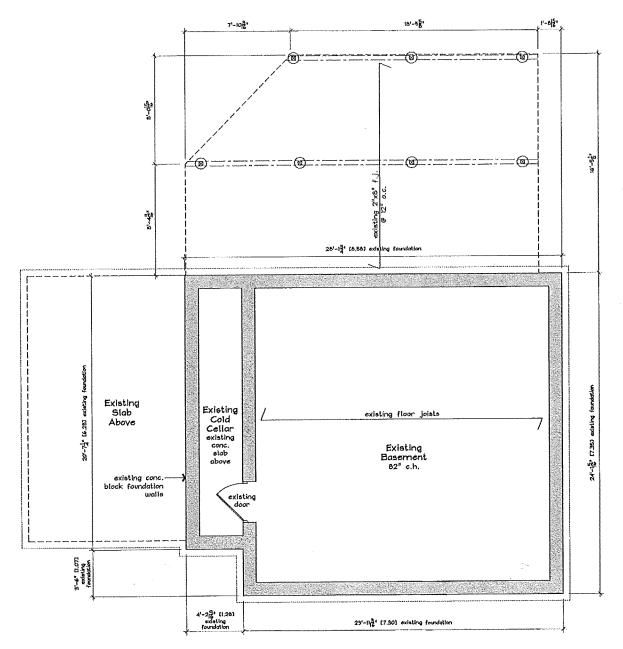
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Current Basement Area: 61.67 sq, m. (663.77 sq ft.)



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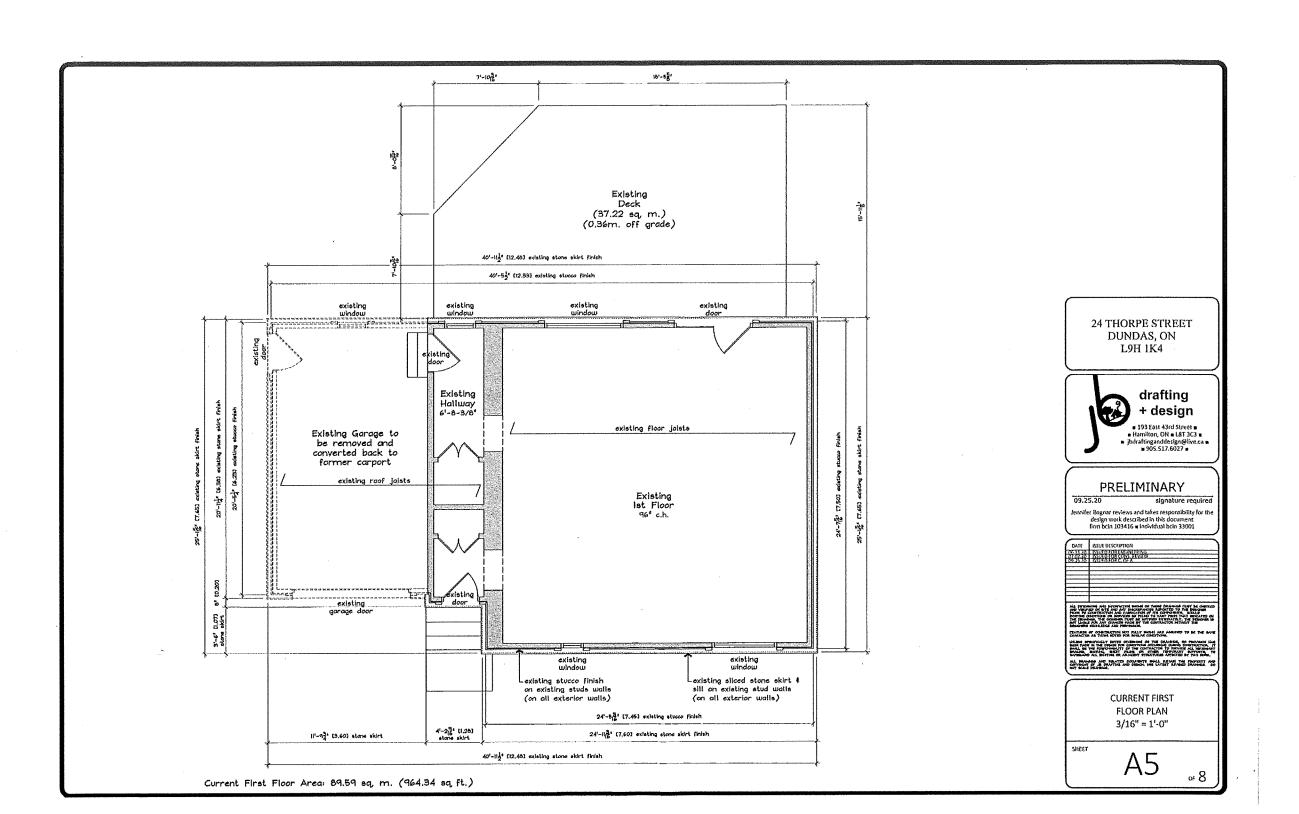
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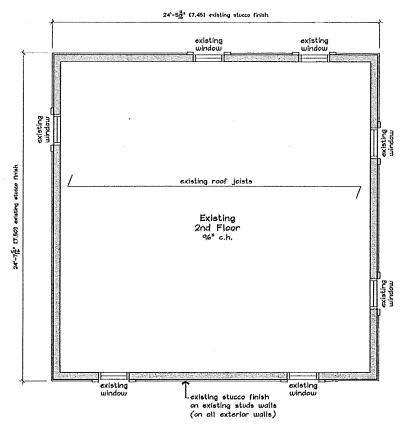
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Current Second Floor Area: 55.86 sq. m. (601.25 sq.ft.)



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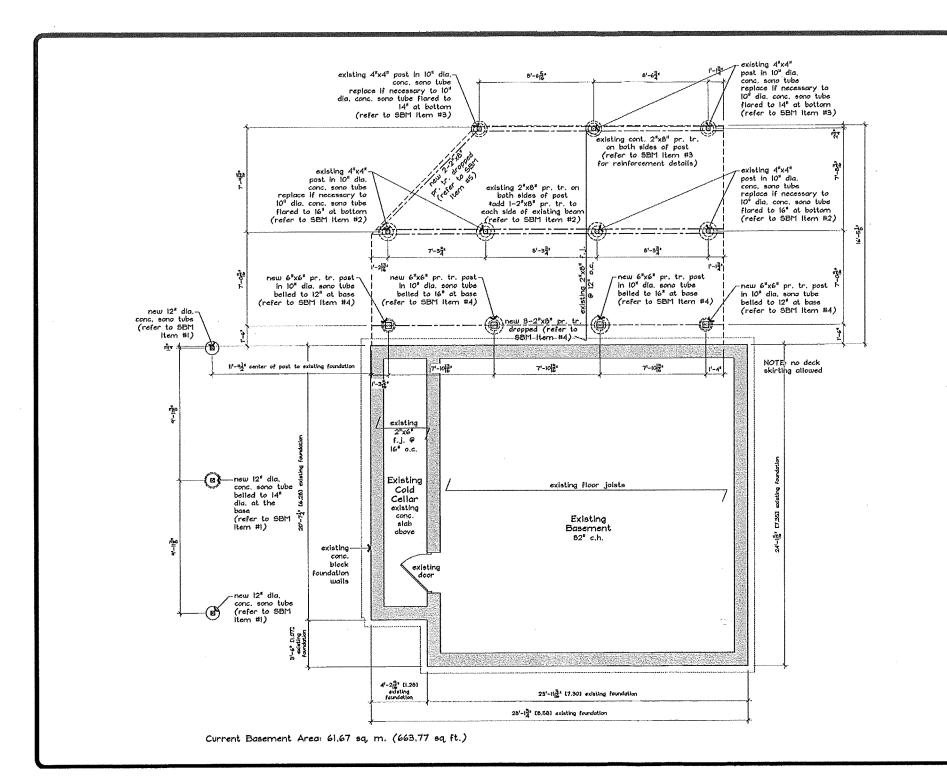
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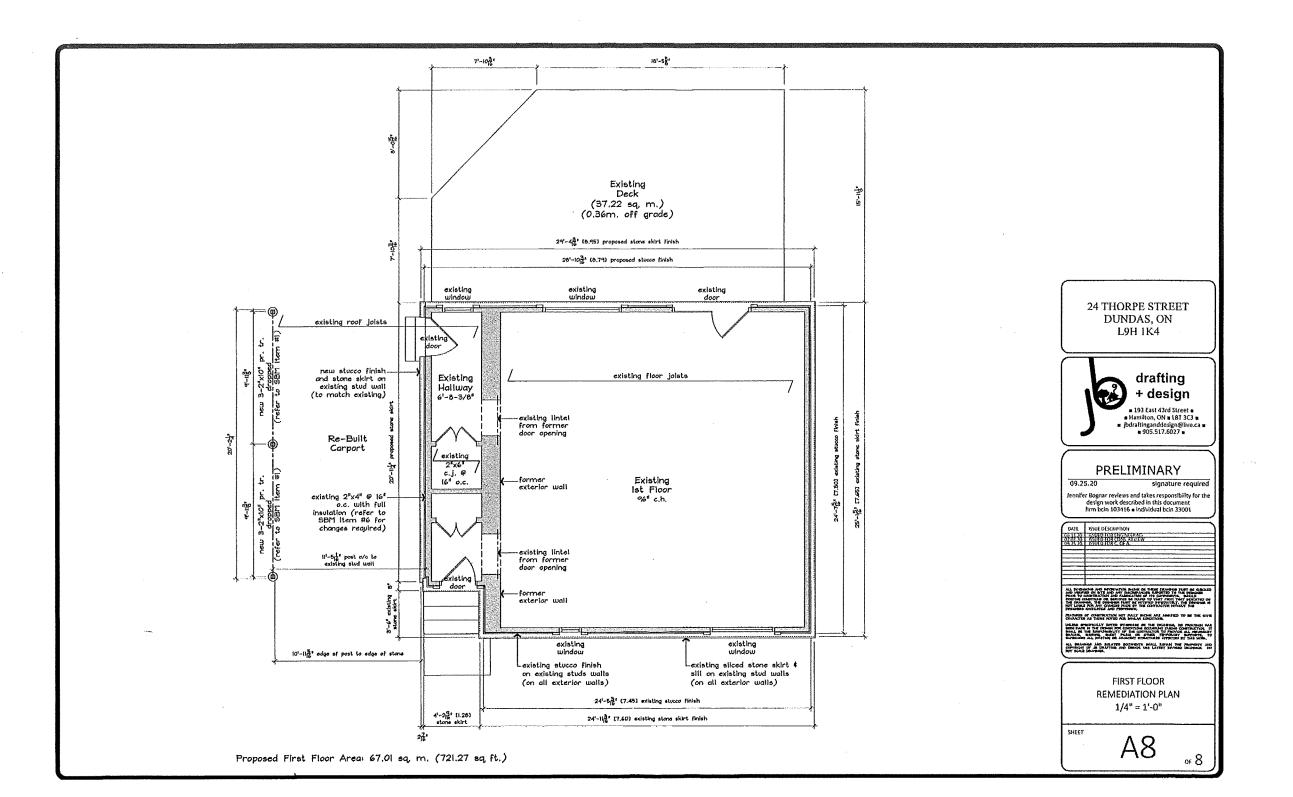
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(ALSO REFERRED TO AS PART OF LOTS 3 & 4, BLOCK 66) REGISTERED PLAN 1465 COOTES

(BY BY-LAW 2222, REGISTERED AS INST. No. 102)

(PLAN 173 MISC. (P-1640-4))

E CITY OF HAMILTON SCALE 1: 200 15 METRES B.A. JACOBS SURVEYING LTD. ONTARIO LAND SURVEYOR METRIC NOTE: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE (P2 & Meas) CONVERTED TO FEET BY DIVIDING BY 0.3048. 1 Storey Brick Dwelling No. 42 PART 2 (P2 & Meas) PLAN 62R-16555 L O T 6 L O T 5 L O T BEARING NOTE: BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF DUNDAS STREET AS SHOWN ON PLAN 62R-16555, HAVING A BEARING OF N 77' 03' 00" E. L O T EELEVATION NOTE: ELEVATIONS SHOWN ON THIS PLAN ARE GEODETIC AND ARE REFERRED TO CITY OF HAMILTON BENCH MARK No. 75U004. LOCATION: ONTARIO HYDRO AREA OFFICE, ALONG EAST SIDE OF OLYMPIC DRIVE, NORTHWEST OF POWER HOUSE, 0.3 km. NORTH OF INTERESECTION WITH HIGHWAY No. 102 OR COOTES 1 Storey Stucco Dwelling DRIVE, TABLET IN WEST CONCRETE FOUNDATION, 1.31 m. FROM SOUTHWEST CORNER, 30 cm. BELOW BRICKWORK, 2 m. ABOVE No, 22 ROAD LEVEL. ELEVATION = 80.281 m.Concrete Walk Stucco Garage N 77' 03' E 21.031 (D1, N2 & Meas) LEGEND: DENOTES SURVEY MONUMENT FOUND DENOTES SURVEY MONUMENT PLANTED Ja Deck 2 Storey Stucco Dwelling DENOTES STANDARD IRON BAR DENOTES IRON BAR DENOTES ROUND IRON BAR DENOTES CONCRETE PIN DENOTES WITNESS DENOTES ORIGIN UNKNOWN DENOTES PLAN 62R-16555 DENOTES PLAN BY YATES & YATES LTD (JULY 17, 1989) L O TL O T LOT DENOTES FIELD NOTES BY THE CITY OF HAMILTON DENOTES FIELD NOTES BY S.W. WOODS O.L.S. DATED: OCTOBER 24, 1952) DENOTES INSTRUMENT No. AB209762 DENOTES YATES & YATES LTD. Asphalt Driveway Concrete Curb SSOCIATION OF ONTARIO Brick Building LAND SURVEYORS PLAN SUBMISSION FORM 2106600 P. I. N. 17479 - 0119 (LT) PART 2 PLAN 62R-13577 PART 1 PLAN | 62R - 16555THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED
ORIGINAL COPY ISSUED BY THE SURVEYOR In accordance with Regulation 1026, Section 29(3). CC as Shown on N1 — THIS REPORT WAS PREPARED FOR HARDY RENOVATIONS PART 1 PLAN 62R-13577 80.467 (P2 & Meas) N 77' 03' 00" E (REFERENCE BEARING) $D \ U \ N \ D \ A \ S \qquad \qquad S \ T \ R \ E \ E \ T$ SURVEYOR'S CERTIFICATE (BY REGISTERED PLAN 1465, P.I.N. 17479-0138 (LT)) I CERTIFY THAT: 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 FEBRUARY 13, 2020. FEBRUARY 13, 2020. *BRYAN JACOBS* ONTARIO LAND SURVEYOR

SURVEYOR'S REAL PROPERTY REPORT — PART 1
PLAN OF

PART OF BLOCK 66

B. A. JACOBS SURVEYING LTD.

152 JACKSON STREET EAST, SUITE 102

HAMILTON, ONTARIO (L8N 1L3)

ADDITIONAL INFORMATION ADDED TO PLAN APRIL 29, 2020.

PHONE 905-521-1535 bajacobs@rogers.com

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C O U R T S

SURVEYOR'S REAL PROPERTY REPORT

DESCRIPTION OF LAND
BEING PART OF BLOCK 66, (ALSO REFERRED TO AS PART OF LOTS
3 & 4, BLOCK 66), REGISTERED PLAN 1465 KNOWN AS MUNICIPAL
No. 24 THORPE STREET (DUNDAS), CITY OF HAMILTON

PART 2 - REPORT SUMMARY

REGISTERED EASEMENTS AND/OR RIGHTS OF WAY
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LAND REGISTRY OFFICE.

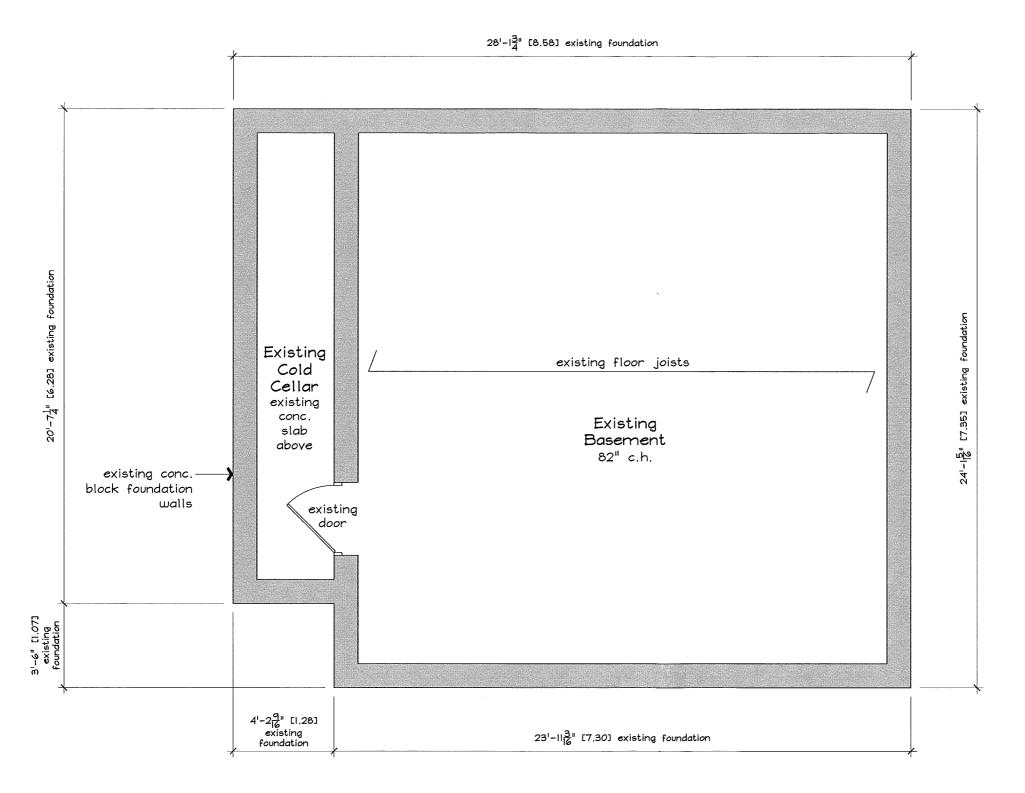
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SURVEY RECORDS FROM 1952, SHOW THE NORTHERLY WALL OF THE ORIGINAL DWELLING TO BE BEYOND THE BOUNDARY LINE.

COMPLIANCE WITH MUNICIPAL ZONING BY—LAWS
NOT CERTIFIED BY THIS REPORT



Former Basement Area: 61.67 sq, m. (663.77 sq ft.)

24 THORPE STREET DUNDAS, ON L9H 1K4



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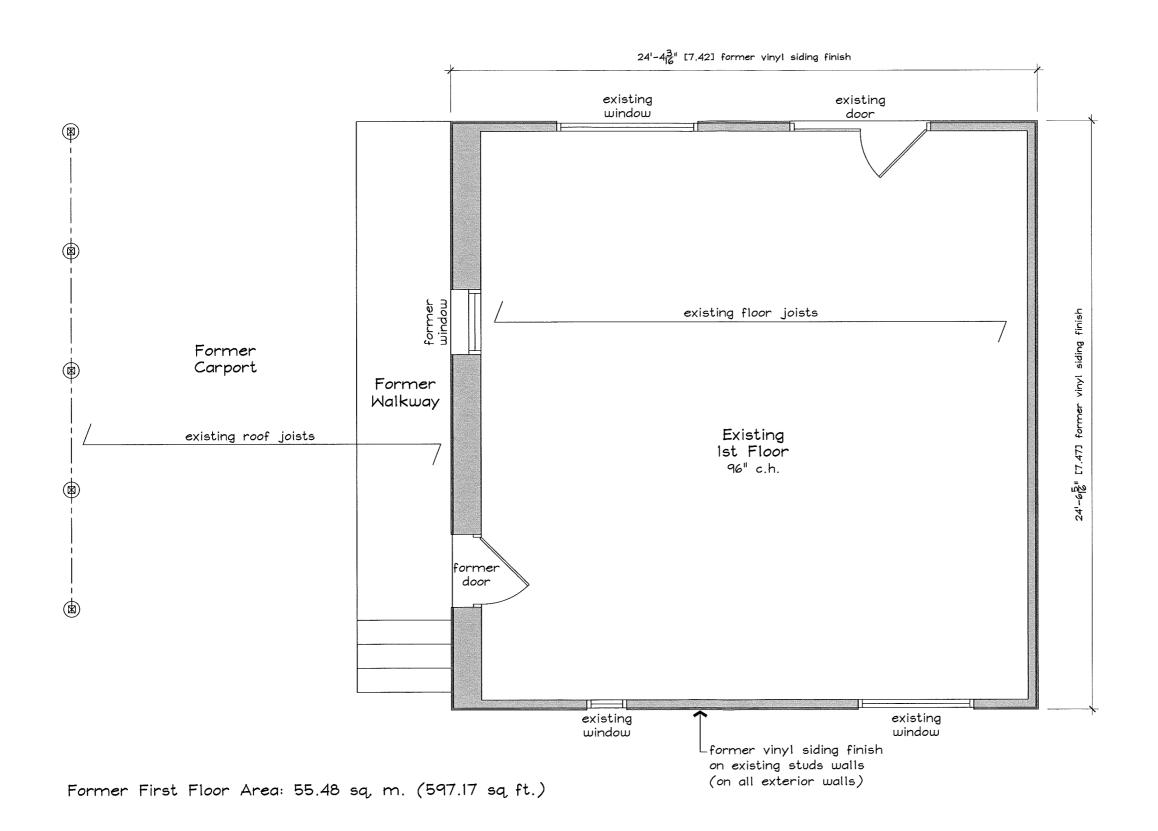
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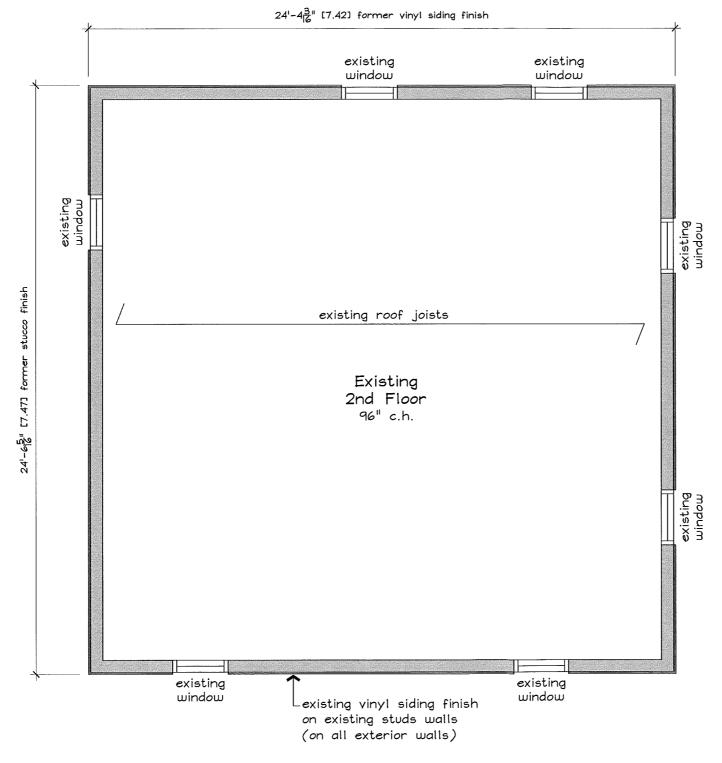
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Former Second Floor Area: 55.48 sq. m. (597.17 sq. ft.)

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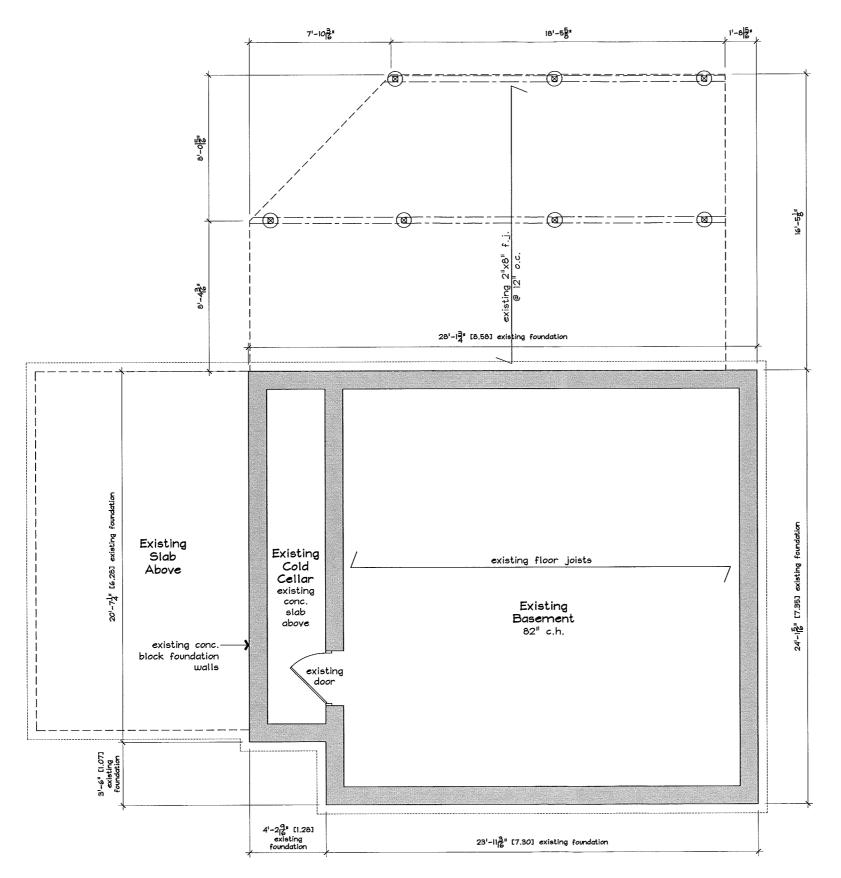
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Current Basement Area: 61.67 sq. m. (663.77 sq. ft.)



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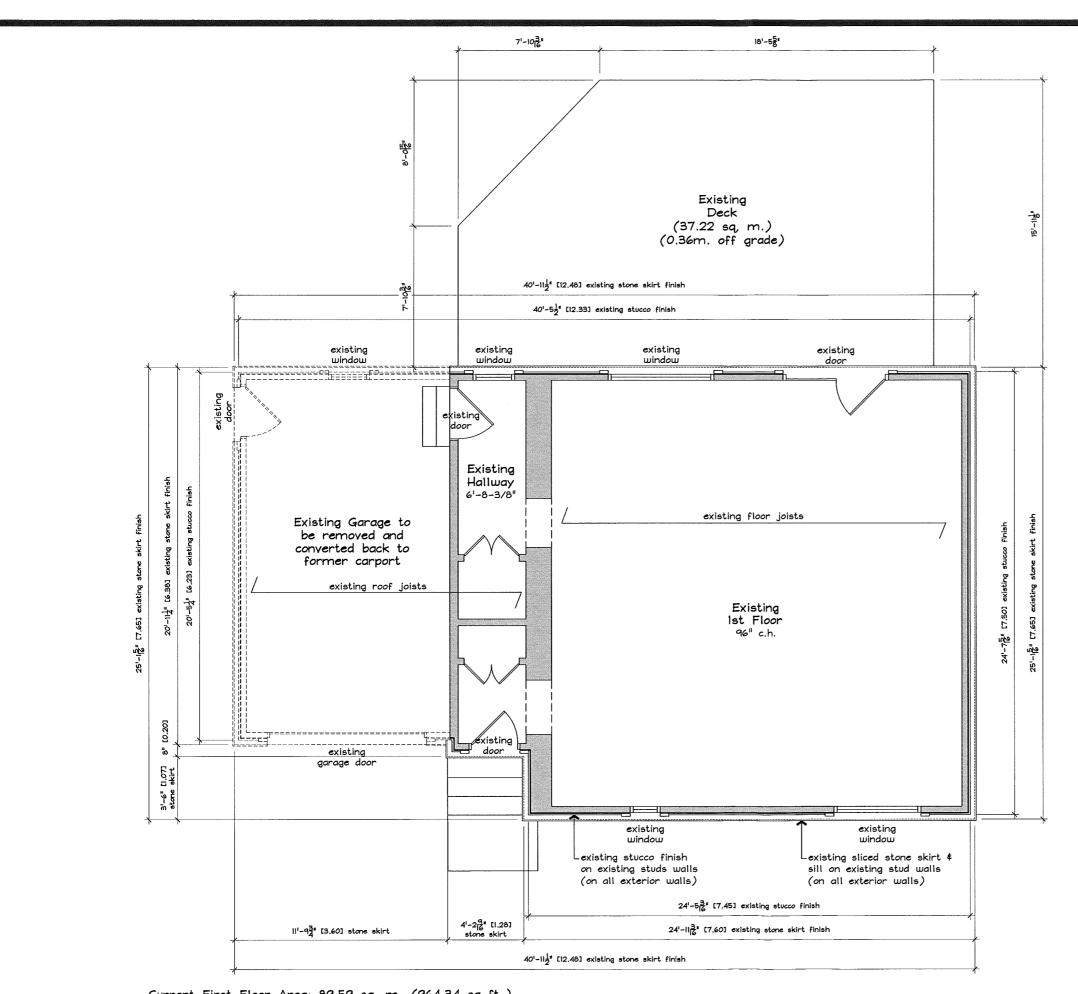
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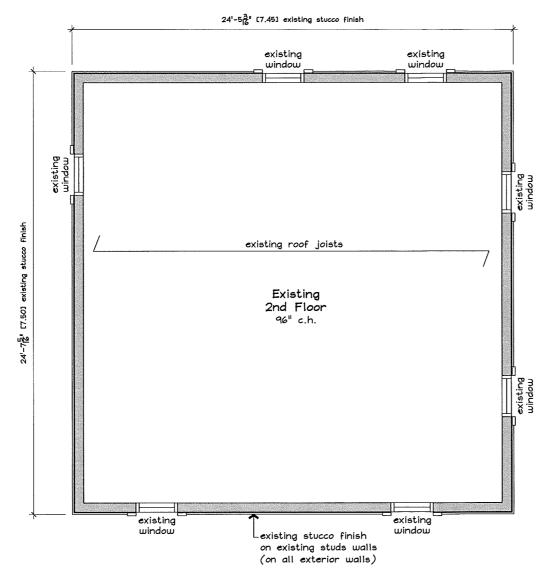
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CURRENT FIRST FLOOR PLAN 3/16" = 1'-0"

SHEET

A5



Current Second Floor Area: 55.86 sq. m. (601.25 sq.ft.)



PRELIMINARY

09.25.20

DATE ISSUE DESCRIPTION
06.11.20 ISSUED FOR ENGINEERING
07.02.20 ISSUED FOR CONS. REVIEW
09.25.20 ISSUED FOR C. OF A.

signature required

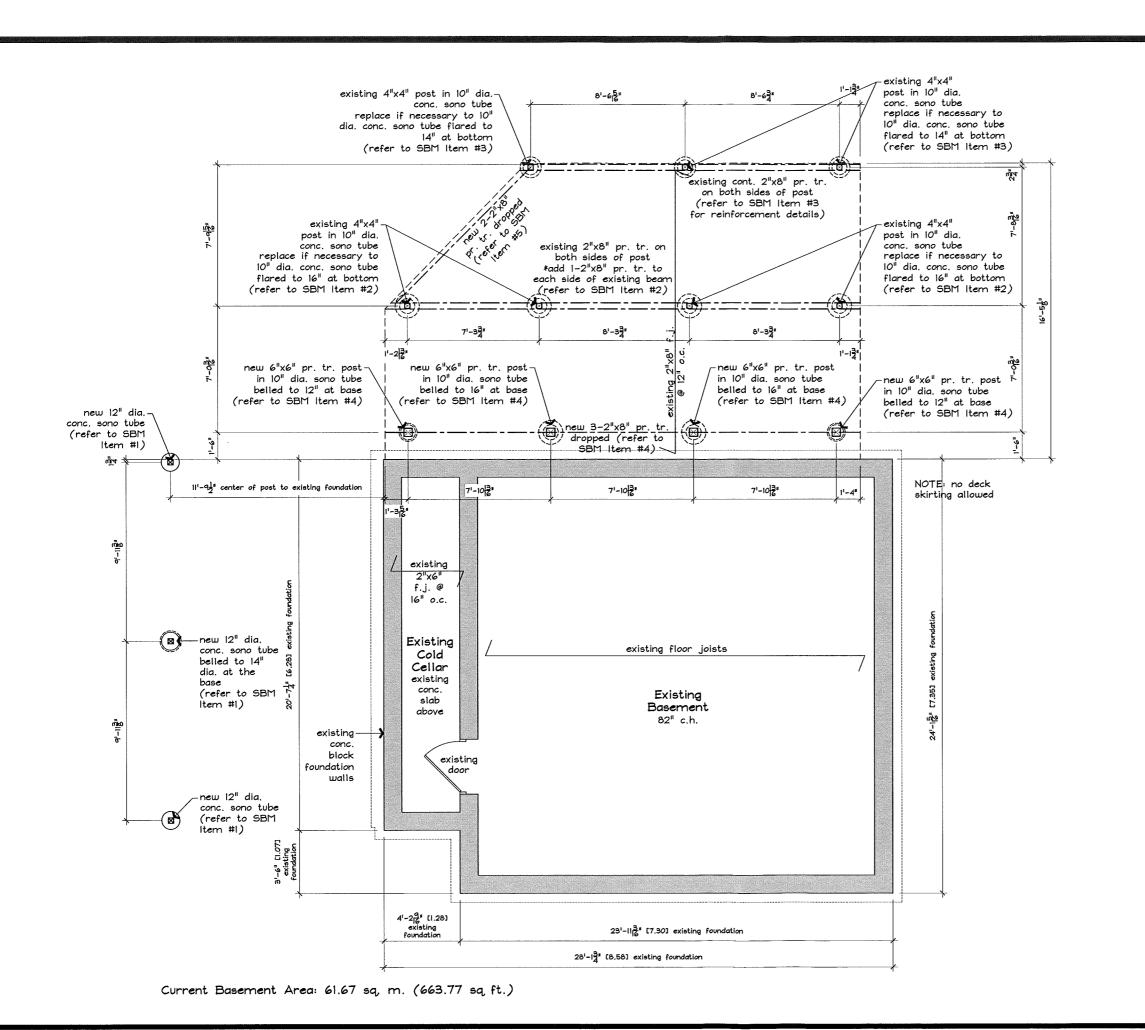
Jennifer Bognar reviews and takes responsibility for the design work described in this document firm bcin 103416 ■ individual bcin 33001

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CURRENT SECOND FLOOR PLAN 3/16" = 1'-0"

SHEET

A6





PRELIMINARY

09.25.20

DATE ISSUE DESCRIPTION

signature requir

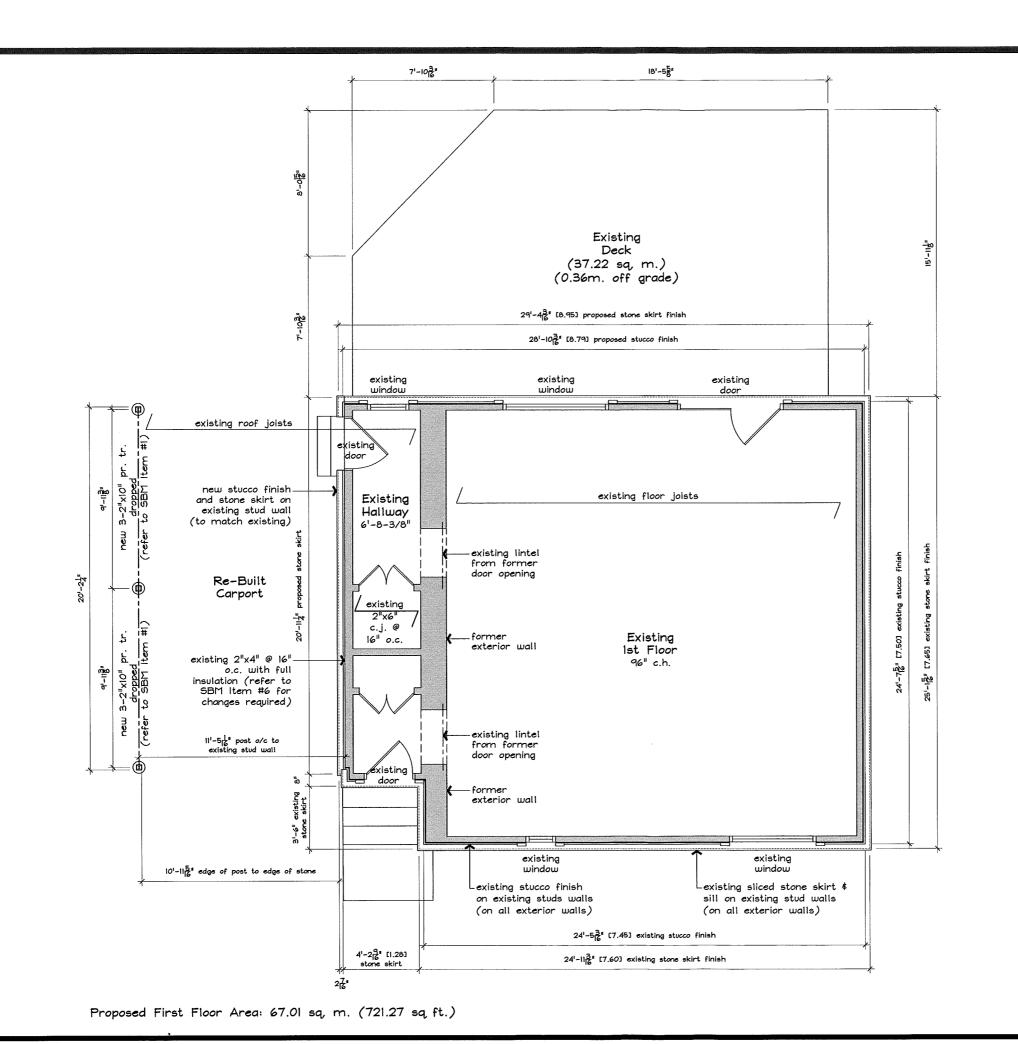
Jennifer Bognar reviews and takes responsibility for the design work described in this document firm bcin 103416 **a** individual bcin 33001

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BASEMENT/FOUNDATION REMEDIATION PLAN 3/16" = 1'-0"

SHEET

A7





PRELIMINARY

09.25.20

DATE ISSUE DESCRIPTION

signature required

Jennifer Bognar reviews and takes responsibility for the design work described in this document firm bcin 103416 ■ individual bcin 33001

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FIRST FLOOR REMEDIATION PLAN 1/4" = 1'-0"

SHEET

8A

OF C



Committee of Adjustment

City Hall 5th floor 71 Main Street West Hamilton, Ontario L8P 4Y5

Planning and Economic Development Department Planning Division

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.

20.187260

FOR OFFICE USE ONLY.			
APPLICATION NO. PNIA 20:213 APPLICATION NO. DATE APPLICATION RECEIVED (12.7/20)			
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 <i>Planning Act</i> , R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.			
Name of Owner Christian Hardy			
2.			
3. Name of Agent Jenny Bognar			
4.			
Note: Unless otherwise requested all communications will be sent to the agent, if any.			
 Names and addresses of any mortgagees, holders of charges or other encumbrances: 			
None Postal Code			
Postal Code			

Has there been petroleum or other fuel stored on the subject land or adjacent ands? Yes No _x Unknown Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?	Nature and e	extent of relief applied for:
Variance to allow new exterior finish of 0.09m. on front and rear walls. Variance to allow deck to encroach 4.93m. when only 1.5m. is allowed. Variance to allow to convert existing garage back to carport as required by Hamilton Conserva Why it is not possible to comply with the provisions of the By-law? See attached. Legal description of subject lands (registered plan number and lot number or other egal description and where applicable, street and street number): 24 Thorpe Street, Registered Plan No. 1465, Part of Block 66 PREVIOUS USE OF PROPERTY Residentialx	Variance to a	allow exterior finish to encroach onto northern neighbors property by 0.16m.
Variance to allow deck to encroach 4.93m. when only 1.5m. is allowed. Variance to allow to convert existing garage back to carport as required by Hamilton Conserva Why it is not possible to comply with the provisions of the By-law? See attached. Legal description of subject lands (registered plan number and lot number or other egal description and where applicable, street and street number): 24 Thorpe Street, Registered Plan No. 1465, Part of Block 66 PREVIOUS USE OF PROPERTY ResidentialX	Variance to a	allow mud room extension onto former walkway onto left side of dwelling.
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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 <u>x</u> Unk	nown			
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	1 What information did you use to determine the answers to 9.1 to 9.10 above? knowledge of history of area					
9.12	a previous use inve	roperty is industrial entory showing all fo nd adjacent to the su	rmer uses of the			
	Is the previous use	inventory attached?	? Yes	No		
remed reaso	nowledge that the Cit diation of contaminat on of its approval to the	ion on the property	which is the subj	pect of this Application – by operty Owner W. HARRIY		
10.	Dimensions of land	s affected:	, , , , , , , , , , , , , , , , , , , ,			
10.	Frontage	18.288 m.				
	Depth	21.031 m.		- MARINA PROPERTY AND A SECOND PROPERTY AND		
	Area	320.43 sq. m.				
	Width of street	10.8 m.				
11.	Particulars of all bu (Specify ground flo height, etc.)	ildings and structure or area, gross floor	es on or propose area, number o	d for the subject lands: of stories, width, length,		
	Existing: Former Gro	und Floor Area = 55.48	3 sq. m., Former Gr	ross Floor Area = 172.63 sq. m.		
	2 stories, 6.56 m. hig	<u>h, 7.42m. x 7.47 m.</u>				
	Proposed: Remediat	ed Ground Floor Area	= 67.01 sq. m., Rer	mediated Gross Floor Area = 184.5	54 sq. m	
	2 stories, overall heig	ht to remain, 8.95m. x	7.65 m.			
12.	Location of all build (Specify distance from			for the subject lands;		
	Existing: Existing fou					
	Existing foundation f	ront 0.27m., Existing fo	oundation rear 13.3	37 m.		

9.9

Proposed: Current stone skirt/ledge 0.	16m over right property line, current stucco 0.09m.
over right property line, proposed ski	rt/ledge 6.98 m. from left property line, current
stone skirt/ledge 0.12m. from front lo	ot line, current stucco 0.19m. from front lot line
current stone skirt/ledge 13.23m. from	rear lot line, current stucco 13.30m. from rear lot line
Date of acquisition of subject lands:	
Date of construction of all buildings	and structures on subject lands:
Existing uses of the subject propert	y:_ single family residential
Existing uses of abutting properties	: residential, commerical
Length of time the existing uses of t Always	the subject property have continued:
Municipal services available: (chec	k the appropriate space or spaces)
Water <u>x</u>	Connected x
Sanitary Sewerx	Connected x
Present Official Plan/Secondary Pla	an provisions applying to the land:
Present Restricted Area By-law (Zo C5 Exception 581	ning By-law) provisions applying to the land:
Has the owner previously applied fo	or relief in respect of the subject property?
Yes	x No
If the answer is yes, describe briefly	<i>'</i> .
	f a current application for consent under Section
53 of the <i>Planning Act?</i> Yes	× No
dimensions of the subject lands and size and type of all buildings and str	opy of this application a plan showing the donal abutting lands and showing the location, ructures on the subject and abutting lands, and f Adjustment such plan shall be signed by an
	opies of this application be filed with the littee of Adjustment together with the maps

MINOR VARIANCE SUBMISSION

RE: 24 Thorpe Street

Many of the variances being requested are because of the long-standing location of the existing house on the lot. This dwelling been located here for as long as this area was developed, when single family dwellings were still allowed by the zoning bylaw. The north wall of the dwelling is located directly on the lot line, with the East wall very close to the lot line as well.

The zoning bylaw was changed and no longer allows a single-family dwelling.

There are regulations that allow the client to make renovations/revisions to the existing dwelling.

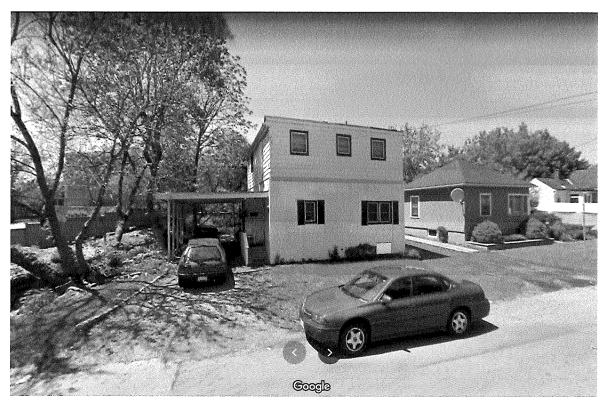
The home owner has made some revisions to the dwelling without knowing permits were needed for some of them.

We have also worked diligently with the Hamilton Conservation Authority (HCA) to get "pre-approvals" for the work that has been and will be done.

Some new exterior finishes have been added over time including a faux stone skirt and stucco finish. Variances are needed for these finishes on the north side as they overhang the lot line, encroaching on 22 Thorpe. The homeowner at this address is in support of allowing these encroachments. We feel this is minor in nature and does negatively impact the use of this neighbours property.

HCA does not review changes to the finishes to exterior walls of a dwelling.

The home owner also enclosed the former carport and walkway underneath it (as seen in the picture below - circa 2009).



A number of variances would be required for this change, however HCA cannot support the enclosure of this large of a space, as it's within the floodplain. They can however support the walkway that was changed into a mudroom, as it's raised enough off grade and smaller in size.

There for, we are proposing to keep the mudroom as built, and change the garage back into a carport. We will be reconstructing the structure to ensure that it meets HCA's flood proofing standards. With the future remediation, they are in support of this structure.

We feel that this change back to a carport is minor and reverts the lot use back to its original look and use.

A variance may also be needed for the existing deck on the rear of the dwelling. The zoning bylaw only allows a 1.5m encroachment into the allowable rear yard setback. Because dwellings are no longer allowed, the "allowable rear yard setback" is where the dwelling is currently situated. There for only a 1.5m. deep deck would be allowed as per the zoning bylaw. A deck this size would not be large enough to be used as needed. The current deck is 4.93m. deep so a variance is needed to encroach this distance. We feel this variance is minor in nature as it does not negatively impact any neighbours and still leaves a significant amount of useable landscaped backyard space.

HCA requires that this structure be self supporting so revisions are proposed to ensure that this structure is free standing and not attached to the dwelling at all. With the future remediation, they are in support of this structure.

Please note that the "covered hot tub area" is not attached to the dwelling and is smaller than 10 sq. m.

Overall, the variances are all needed because of the difficult site and the zoning changes that were applied to this lot, which no longer allows easy residential revisions/changes.

We appreciate your time and consideration in reviewing our proposal.