



Hamilton

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.: HM/A-20:246

APPLICANTS: Graham Day on behalf of the owner Michael Warzocha

SUBJECT PROPERTY: Municipal address **220 East 8th St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19-307

ZONING: "C/S-1788" (Urban Protected Residential) district

PROPOSAL: To permit the construction of a new second storey addition to the existing single-family dwelling, notwithstanding that;

1. A minimum front yard depth of 4.7m shall be permitted instead of the minimum 6.0m front yard setback required.
2. A minimum southerly side yard width of 0.3m shall be permitted instead of the minimum 0.9m side yard width required.
3. No onsite parking spaces shall be permitted instead of the minimum two (2) parking spaces required.
4. An eave or gutter shall be permitted to encroach into the entire southerly side yard and therefore may be as close as 0.0m to the southerly side lot line whereas the zoning By-law permits an eave or gutter to encroach a maximum ½ of the side yard or 1.0m whichever is the lesser.

Notes: Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot.

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

DATE: Thursday, December 3rd, 2020

TIME: 1:20 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
.../2

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

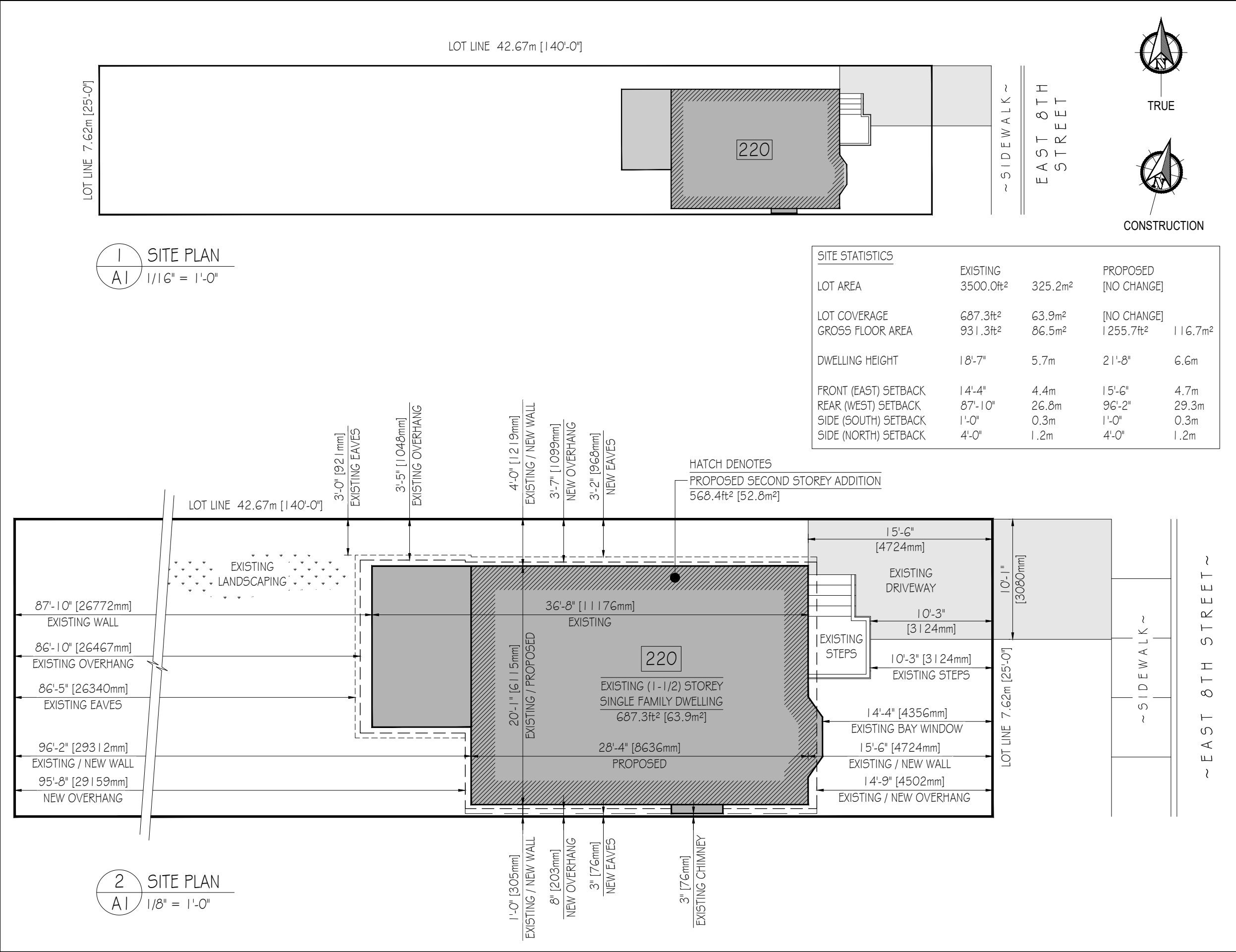
For more information on this matter, including access to drawings illustrating this request:

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

DATED: November 17th, 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.



SITE STATISTICS				
LOT AREA	EXISTING 3500.0ft²	325.2m²	PROPOSED [NO CHANGE]	
LOT COVERAGE	687.3ft²	63.9m²	[NO CHANGE]	
GROSS FLOOR AREA	931.3ft²	86.5m²	1255.7ft²	116.7m²
DWELLING HEIGHT	18'-7"	5.7m	21'-8"	6.6m
FRONT (EAST) SETBACK	14'-4"	4.4m	15'-6"	4.7m
REAR (WEST) SETBACK	87'-10"	26.8m	96'-2"	29.3m
SIDE (SOUTH) SETBACK	1'-0"	0.3m	1'-0"	0.3m
SIDE (NORTH) SETBACK	4'-0"	1.2m	4'-0"	1.2m

CHARLES LINSEY

& ASSOCIATES LIMITED

37 MAIN STREET SOUTH,
PO BOX 1479
WATERDOWN, ON LOR 2H0

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WWW.CHARLESLINSEY.COM

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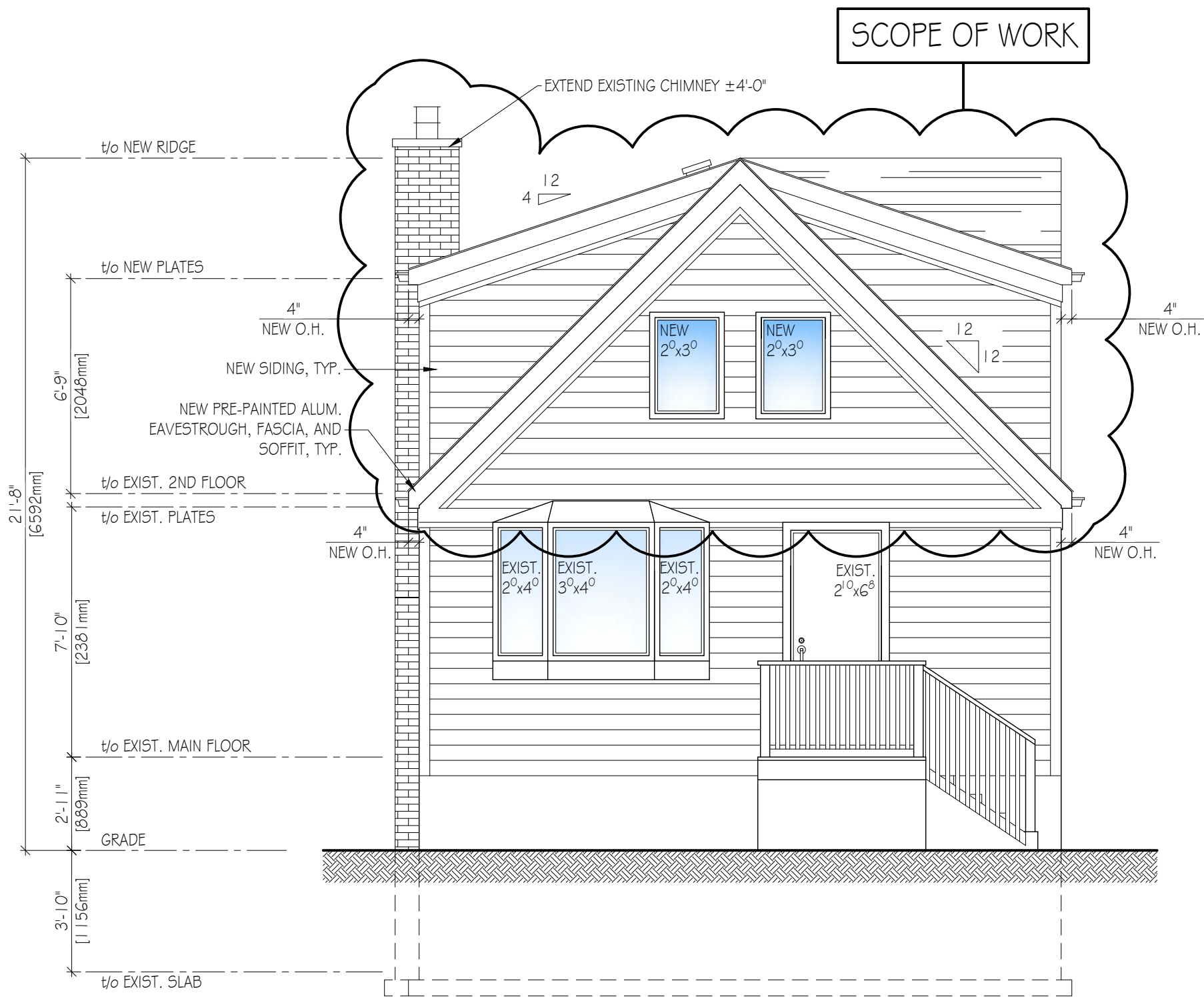
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LEGEND

EXISTING ASSEMBLY / CONSTR. TO REMAIN

PROPOSED ASSEMBLY / CONSTR.

REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	OCT. 15/20
client	HOME OWNER	
project	220 EAST 8TH STREET HAMILTON, ONTARIO PROJECT No. 20-131	
title	SITE PLAN	
drawn	G.D.	checked C.M.
date	OCTOBER 2020	scale 1/16" = 1'-0"
revision number	0	drawing number A1



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client	HOME OWNER
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project	220 EAST 8TH STREET HAMILTON, ONTARIO PROJECT No. 20-131
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title	FRONT (EAST) ELEVATION
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drawn	G.D.	checked	C.M.
date	OCTOBER 2020	scale	1/4" = 1'-0"
revision number	0	drawing number	A2

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    usecaseDiagram
        actor client
        actor homeOwner as HOME OWNER
        client --- homeOwner
    
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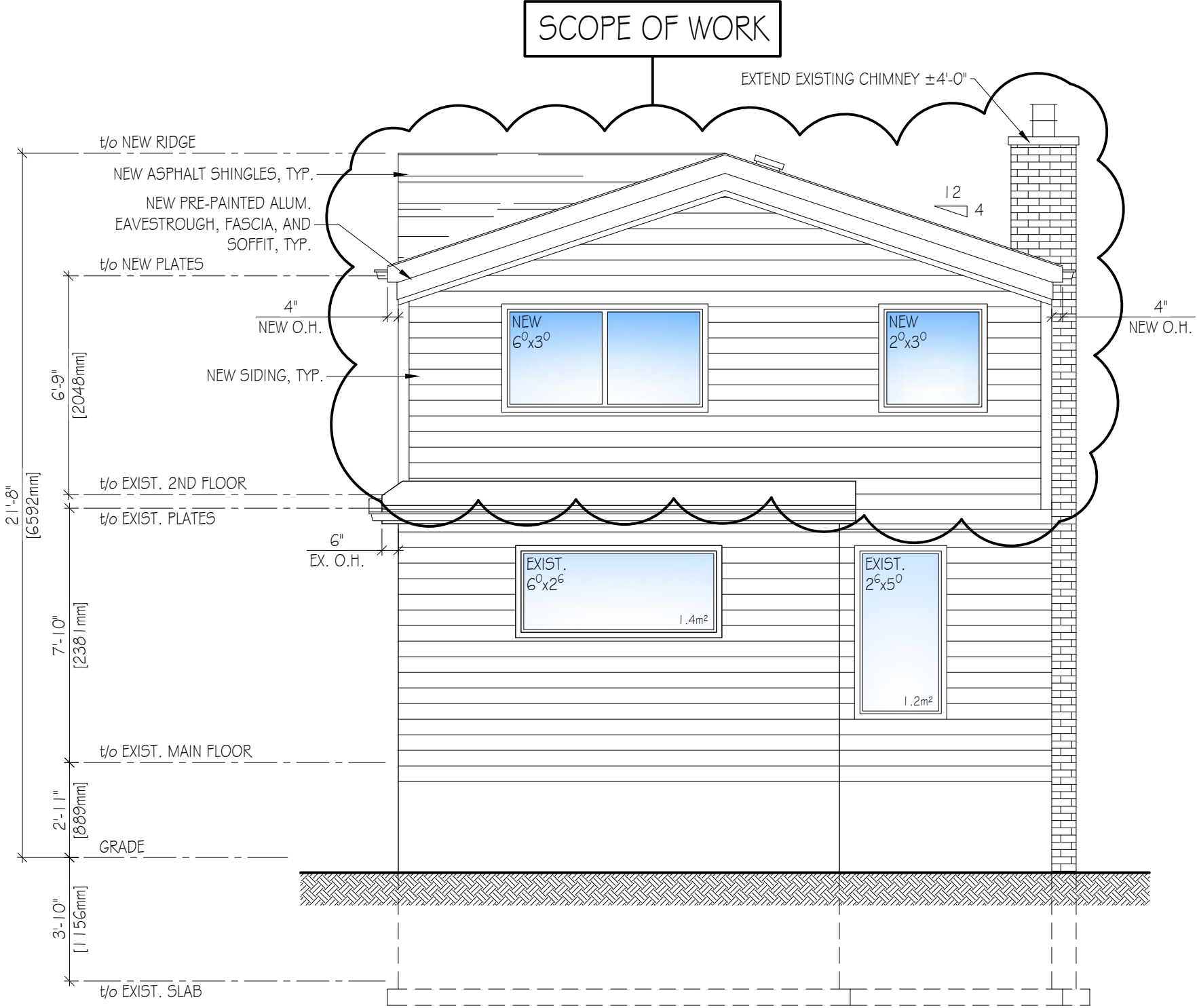
project

220 EAST 8TH STREET
HAMILTON, ONTARIO

PROJECT No. 20-131

title
SIDE (NORTH) ELEVATION

drawn G.D.	checked C.M.
date OCTOBER 2020	scale 1/4" = 1'-0"
revision number 0	drawing number A3



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client
HOME OWNER

project
220 EAST 8TH STREET
HAMILTON, ONTARIO
PROJECT No. 20-131

title
REAR (WEST) ELEVATION

drawn G.D.	checked C.M.
date OCTOBER 2020	scale 1/4" = 1'-0"
revision number 0	drawing number A4

DRAWINGS FOR THE CONSTRUCTION OF A SECOND FLOOR ADDITION 220 EAST 8TH STREET HAMILTON, ONTARIO

1
AO

GENERAL NOTES

- ALL CONSTRUCTION TO COMPLY WITH THE 2012 ONTARIO BUILDING CODE, AS AMENDED, AND ALL APPLICABLE LOCAL AND MUNICIPAL BY-LAWS AND REGULATIONS.
- THESE DRAWINGS DO NOT INCLUDE ANY ELECTRICAL OR MECHANICAL WORK THAT MAY BE REQUIRED.
- PRIOR TO THE START OF THE WORK, THE CONTRACTOR IS RESPONSIBLE FOR MAKING ARRANGEMENTS WITH THE CONSULTANT FOR THEIR REVIEW AS PER THE CONSULTANTS REQUIREMENTS.
- THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AND NOTIFY THE DESIGNER OF ANY CONTEMPLATED DEVIATIONS FROM THESE DRAWINGS TO SUIT SITE CONDITIONS PRIOR TO MAKING CHANGES.
- ANY PROPOSED DEVIATION FROM THESE DRAWINGS THAT WOULD BE CONSIDERED A MATERIAL CHANGE SHALL BE SUBMITTED TO THE DESIGNER FOR REVIEW AND APPROVAL, AND THEN TO THE AUTHORITY HAVING JURISDICTION FOR REVIEW AND APPROVAL, PRIOR TO THE CHANGES BEING CARRIED OUT.
- REQUIRED INSPECTIONS BY THE AUTHORITIES HAVING JURISDICTION TO BE ARRANGED BY THE CONTRACTOR. ALL INSPECTIONS TO BE CARRIED OUT, AND THE CONSTRUCTION APPROVED, BEFORE PROCEEDING TO THE NEXT STAGE.
- ACCESS TO EXITS AND STAIRWAYS SHALL BE MAINTAINED FREE OF DEBRIS AND ACCESSIBLE AT ALL TIMES.
- ALL DEBRIS SHALL BE REMOVED FROM THE SITE AND LEGALLY DISPOSED OF.

2
AO

CONSTRUCTION NOTES

- IT IS THE CONTRACTORS RESPONSIBILITY TO INSURE THAT ANY NECESSARY SHORING OR TEMPORARY SUPPORTS THAT MAY BE REQUIRED ARE INSTALLED PRIOR TO THE START OF ANY WORK.
- NEW FOOTINGS TO BEAR ON UNDISTURBED SOILS WITH A MINIMUM BEARING CAPACITY OF 100 kPa.
- CONCRETE TO BE DESIGNED, MIXED, PLACED, CURED AND TESTED IN ACCORDANCE WITH THE REQUIREMENTS FOR "R" CLASS CONCRETE STATED IN CLAUSE 8.13 OF CSA A23.1, "CONCRETE MATERIALS AND METHODS OF CONCRETE CONSTRUCTION".
- CONCRETE TO HAVE MINIMUM 20MPa 28 DAY COMPRESSIVE STRENGTH.
- ALL CONCRETE TO HAVE A SLUMP OF 100 MM (4") MAX.
- SAWN LUMBER TO BE S-P-F No. 2 OR BETTER.
- ANY WOOD THAT WILL BE IN CONTACT WITH CONCRETE OR MASONRY TO BE PRESSURE TREATED OR SEPARATED WITH 6mil. POLY, OR EQUIV.
- SHEATHING TO MEET THE REQUIREMENTS OF CSA 0151, "CANADIAN SOFTWOOD PLYWOOD".
- FASTENING AS PER OBC ARTICLE 9.23.3.4 & 9.23.3.5. U.N.O.
- BUILT-UP WOOD MEMBERS TO BE FASTENED TOGETHER WITH A DOUBLE ROW OF 3 1/2" NAILS SPACED @ 173/4" WITH END NAILS LOCATED 4" AND 57/8" FROM EACH END.
- ALL GYPSUM BOARD TO MEET THE REQUIREMENTS OF CAN/CSA-A82.27-M91, "GYPSUM BOARD".
- PROVIDE INTERCONNECTED SMOKE ALARMS AS NOTED ON PLANS IN ACCORDANCE WITH SUB-SECTION 9.10.19 OF THE 2012 OBC, AS AMENDED. NEW SMOKE ALARMS TO HAVE A VISUAL SIGNALING COMPONENT CONFORMING TO THE REQUIREMENTS IN 18.5.3. (LIGHT, COLOUR AND PULSE CHARACTERISTICS) OF NFPA 72, "NATIONAL FIRE ALARM AND SIGNALING CODE. SMOKE ALARMS TO BE HARD WIRED AND INTERCONNECTED.
- EXCEPT WHERE A RECEPTACLE CONTROLLED BY A WALL SWITCH IS PROVIDED IN BEDROOMS OR LIVING ROOMS A LIGHTING OUTLET WITH FIXTURE CONTROLLED BY A WALL SWITCH SHALL BE PROVIDED IN KITCHENS, BEDROOMS, LIVING ROOMS, UTILITY ROOMS, LAUNDRY ROOMS, DINING ROOMS, BATHROOMS, WATER CLOSET ROOMS, VESTIBULES AND HALLWAYS.
- SEE DRAWINGS FOR ADDITIONAL NOTES.

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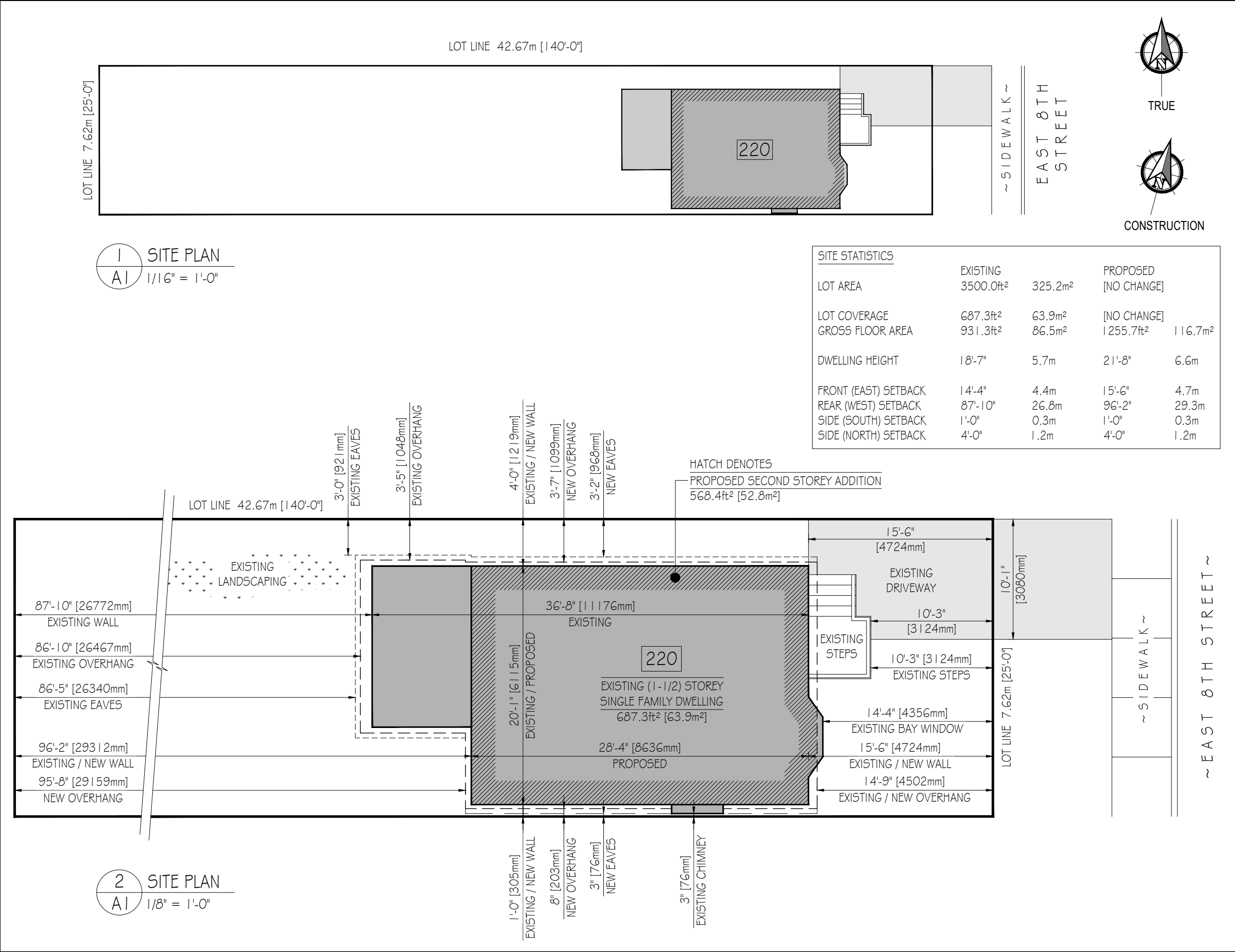
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client
HOME OWNER

project
220 EAST 8TH STREET HAMILTON, ONTARIO
PROJECT No. 20-131

title
SCOPE OF WORK AND GENERAL & CONSTRUCTION NOTES

drawn	G.D.	checked	C.M.
date	OCTOBER 2020	scale	AS NOTED
revision number	0	drawing number	A0



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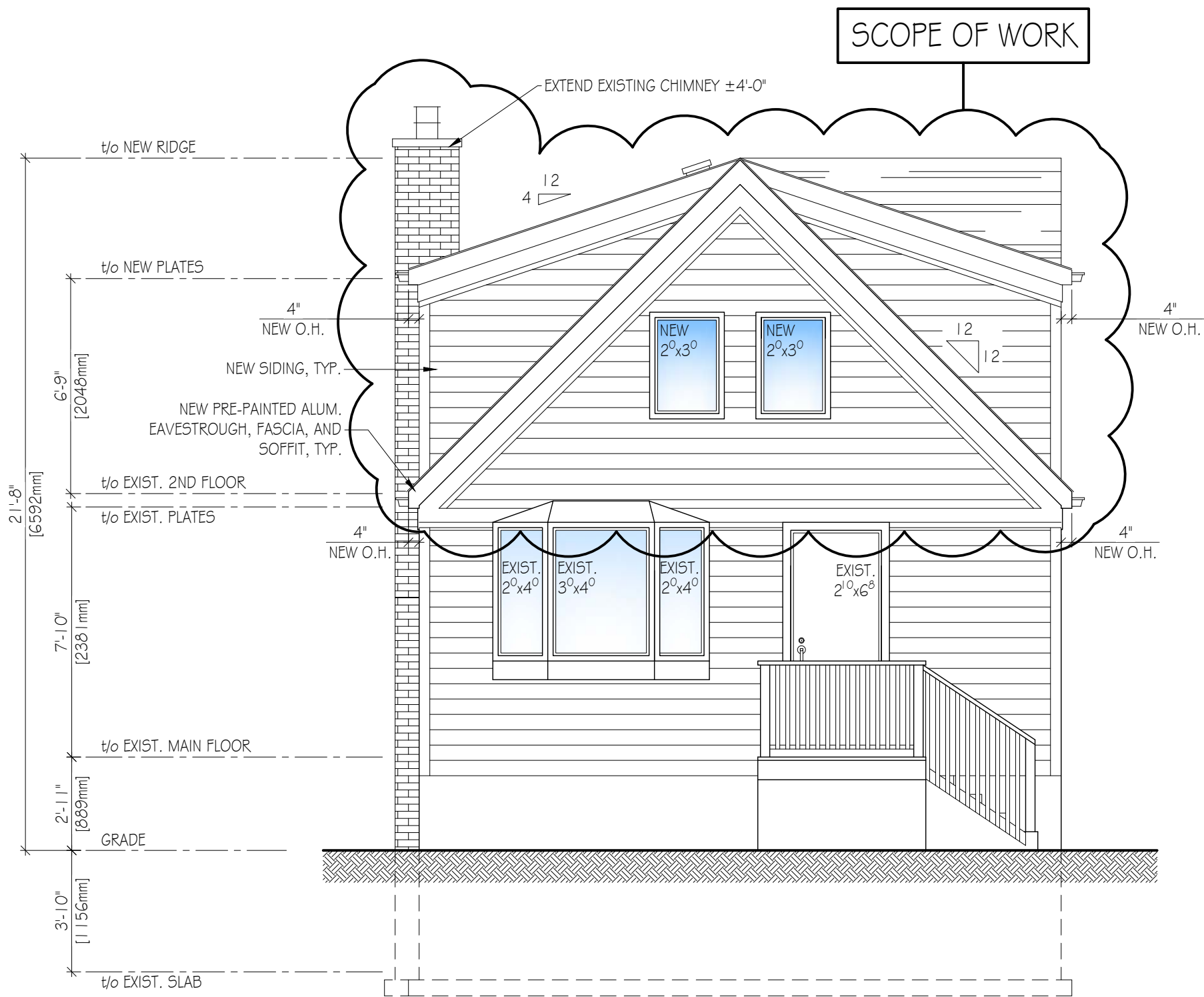
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HOME OWNER

project

220 EAST 8TH STREET
HAMILTON, ONTARIO

PROJECT No. 20-131

title

FRONT (EAST) ELEVATION

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    usecaseDiagram
        actor client
        usecase "HOME OWNER" as UC1
        client -- UC1
    
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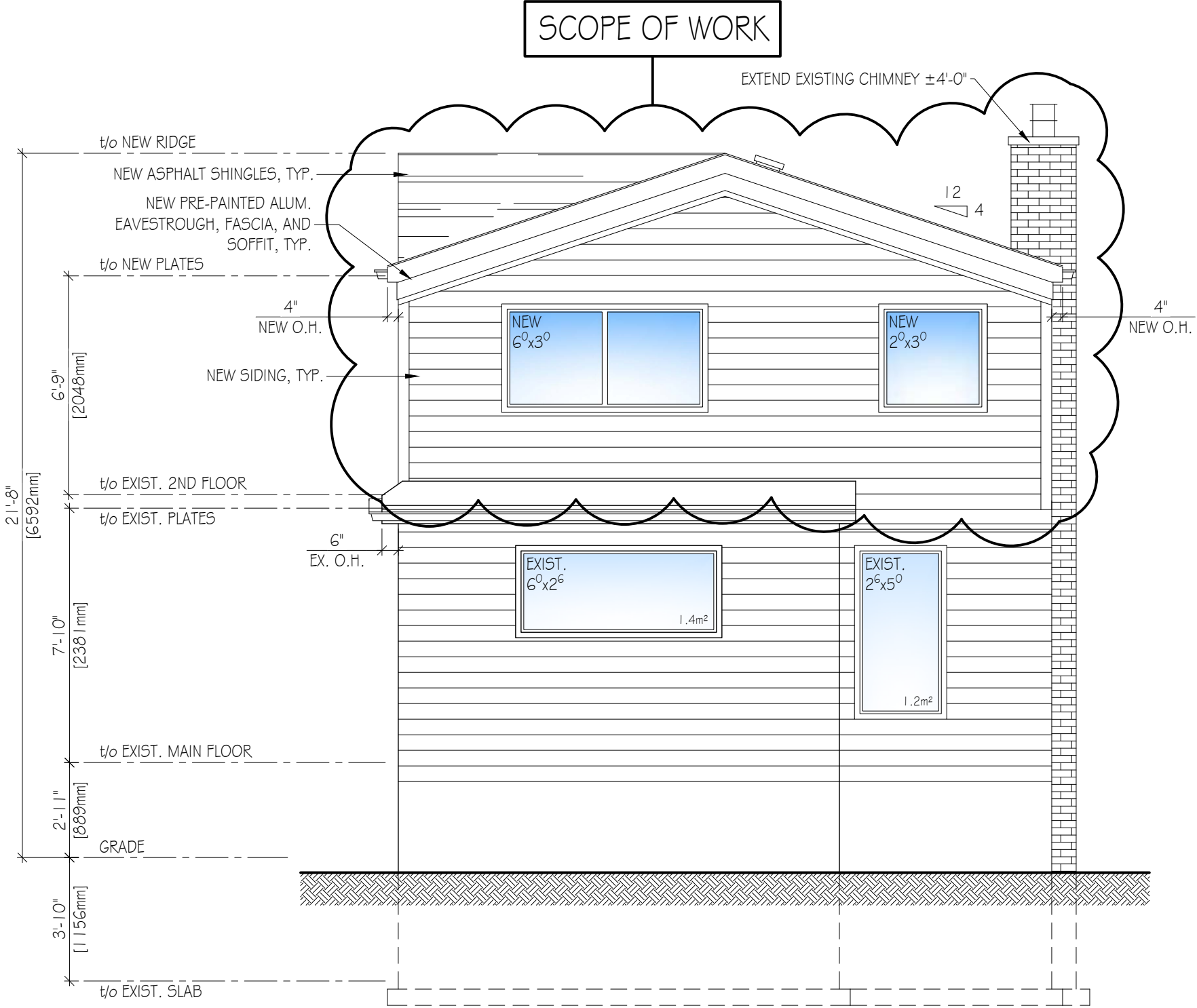
project

220 EAST 8TH STREET
HAMILTON, ONTARIO

PROJECT No. 20-131

title
SIDE (NORTH) ELEVATION

drawn G.D.	checked C.M.
date OCTOBER 2020	scale 1/4" = 1'-0"
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client

HOME OWNER

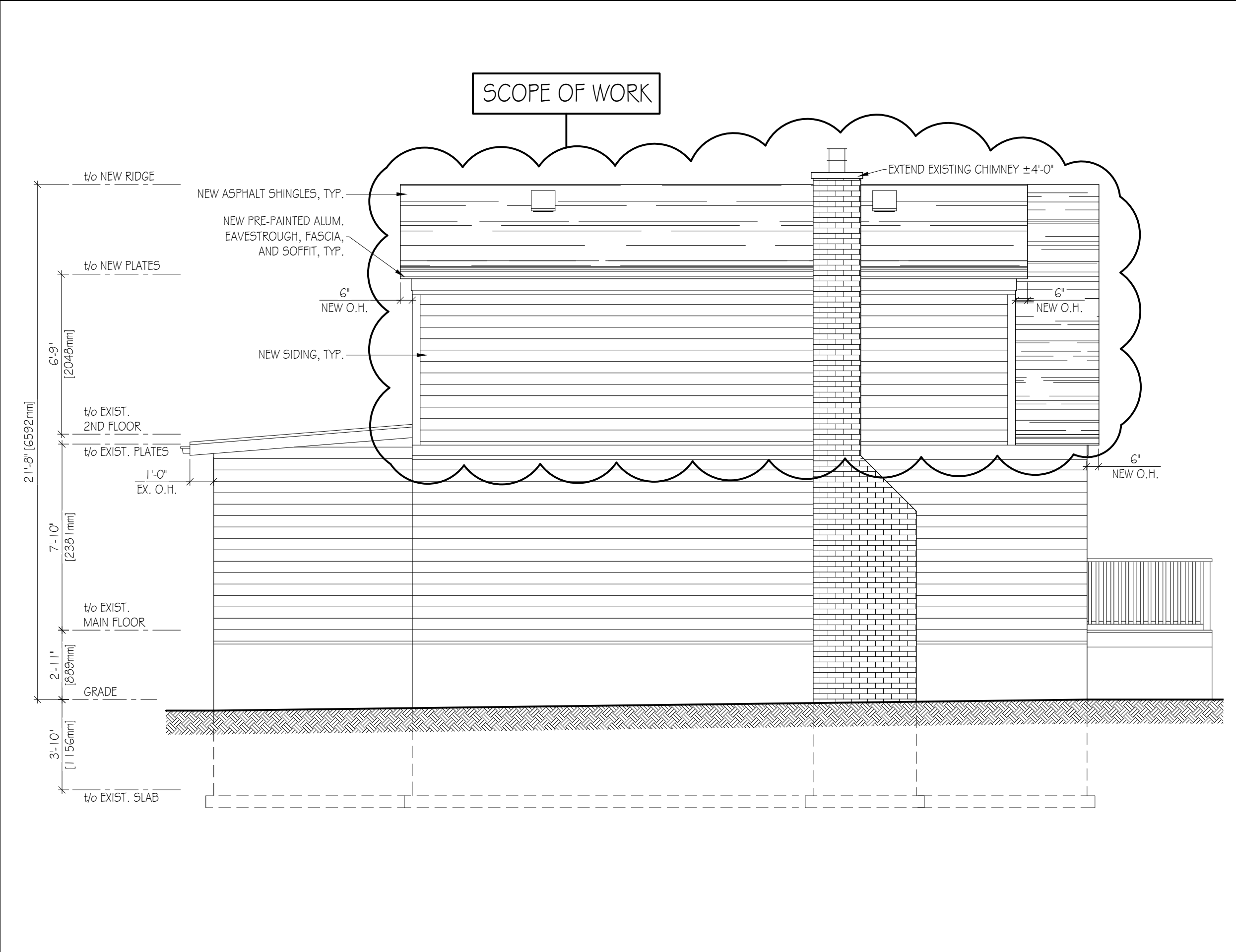
project

220 EAST 8TH STREET
HAMILTON, ONTARIO
PROJECT No. 20-131

title

REAR (WEST) ELEVATION

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HOME OWNER

project

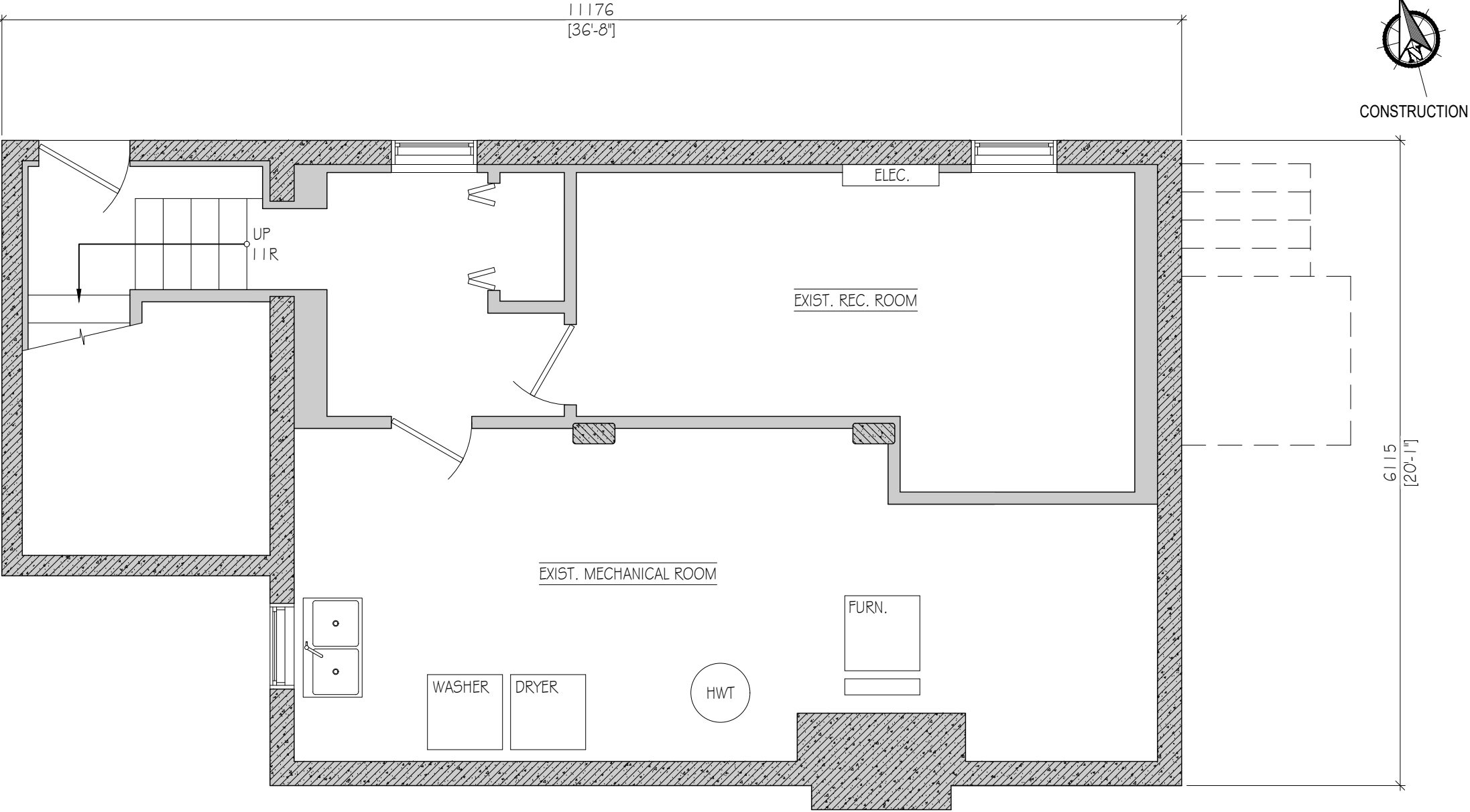
220 EAST 8TH STREET
HAMILTON, ONTARIO

PROJECT No. 20-131

title

SIDE (SOUTH) ELEVATION

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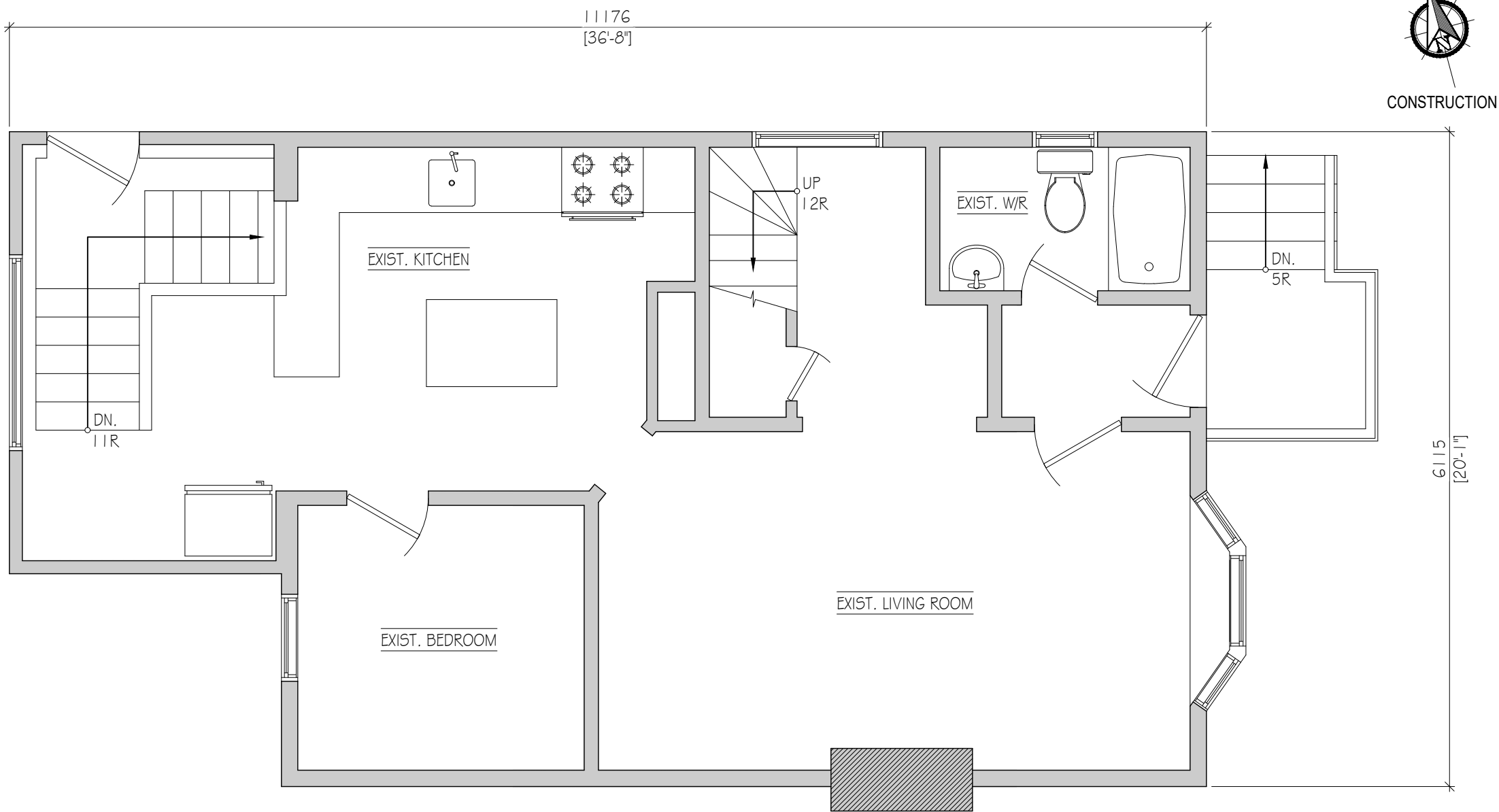
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220 EAST 8TH STREET
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title
EXISTING BASEMENT FLOOR PLAN

drawn G.D.	checked C.M.
date OCTOBER 2020	scale 1/4" = 1'-0"
revision number 0	drawing number A6



TRUE



CONSTRUCTION

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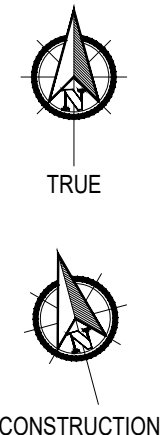
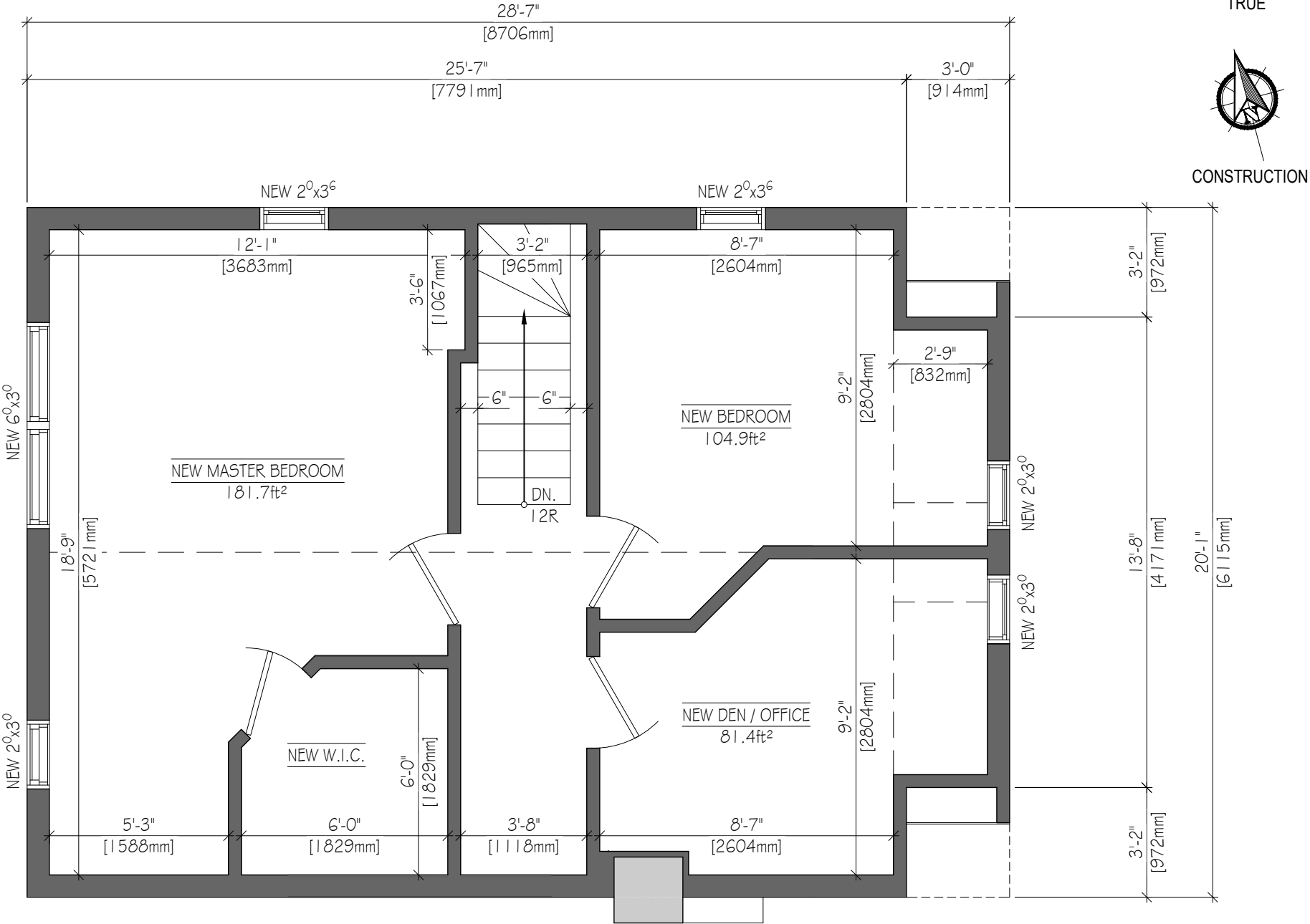
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title

EXISTING MAIN FLOOR PLAN

drawn	G.D.	checked	C.M.
date	OCTOBER 2020	scale	1/4" = 1'-0"
revision number	0	drawing number	A7



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HOME OWNER

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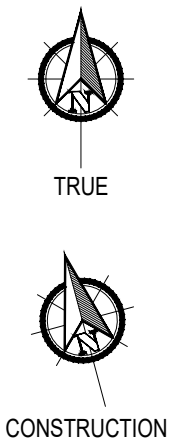
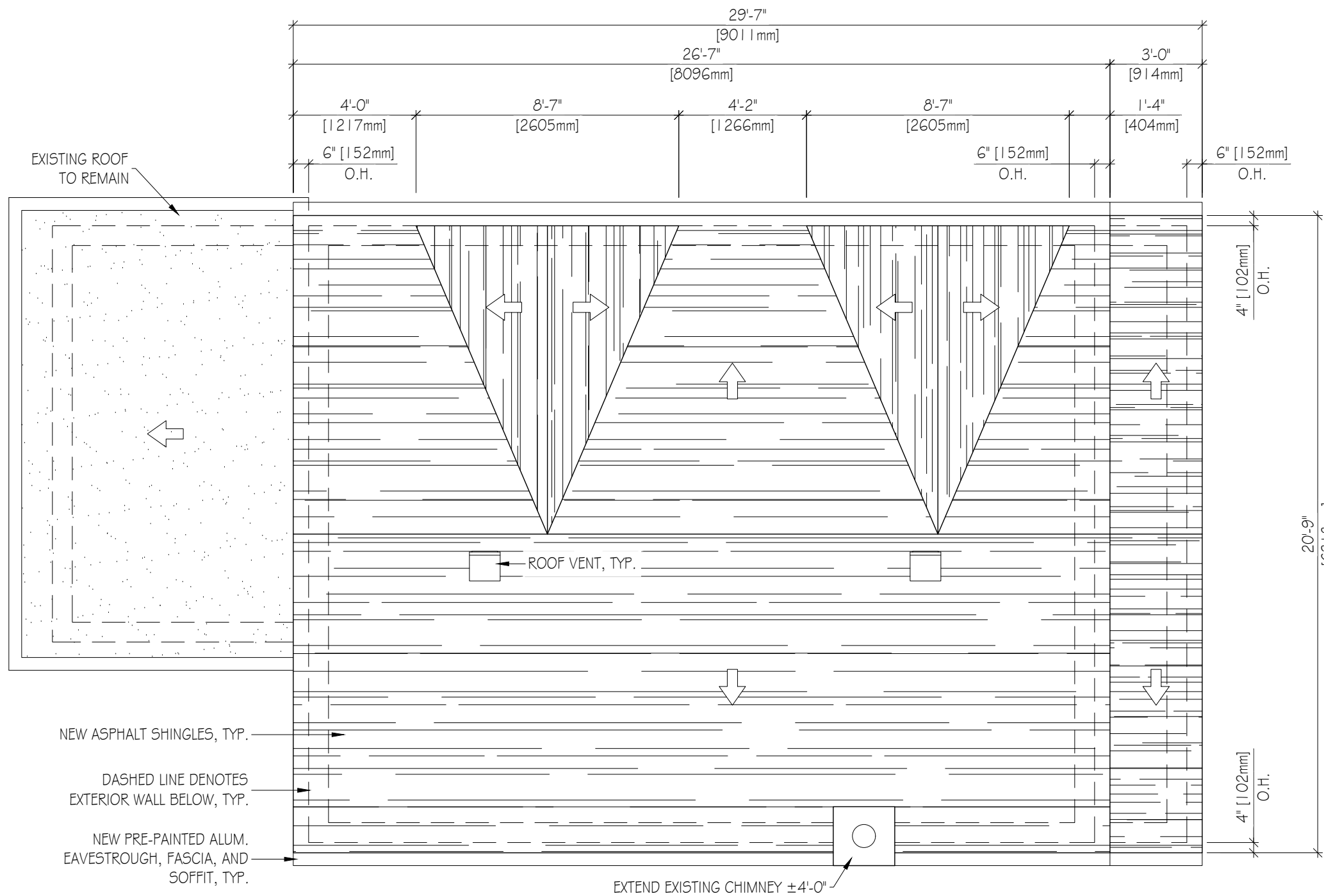
220 EAST 8TH STREET
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PROJECT No. 20-131

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PROPOSED SECOND FLOOR PLAN

drawn	G.D.	checked	C.M.
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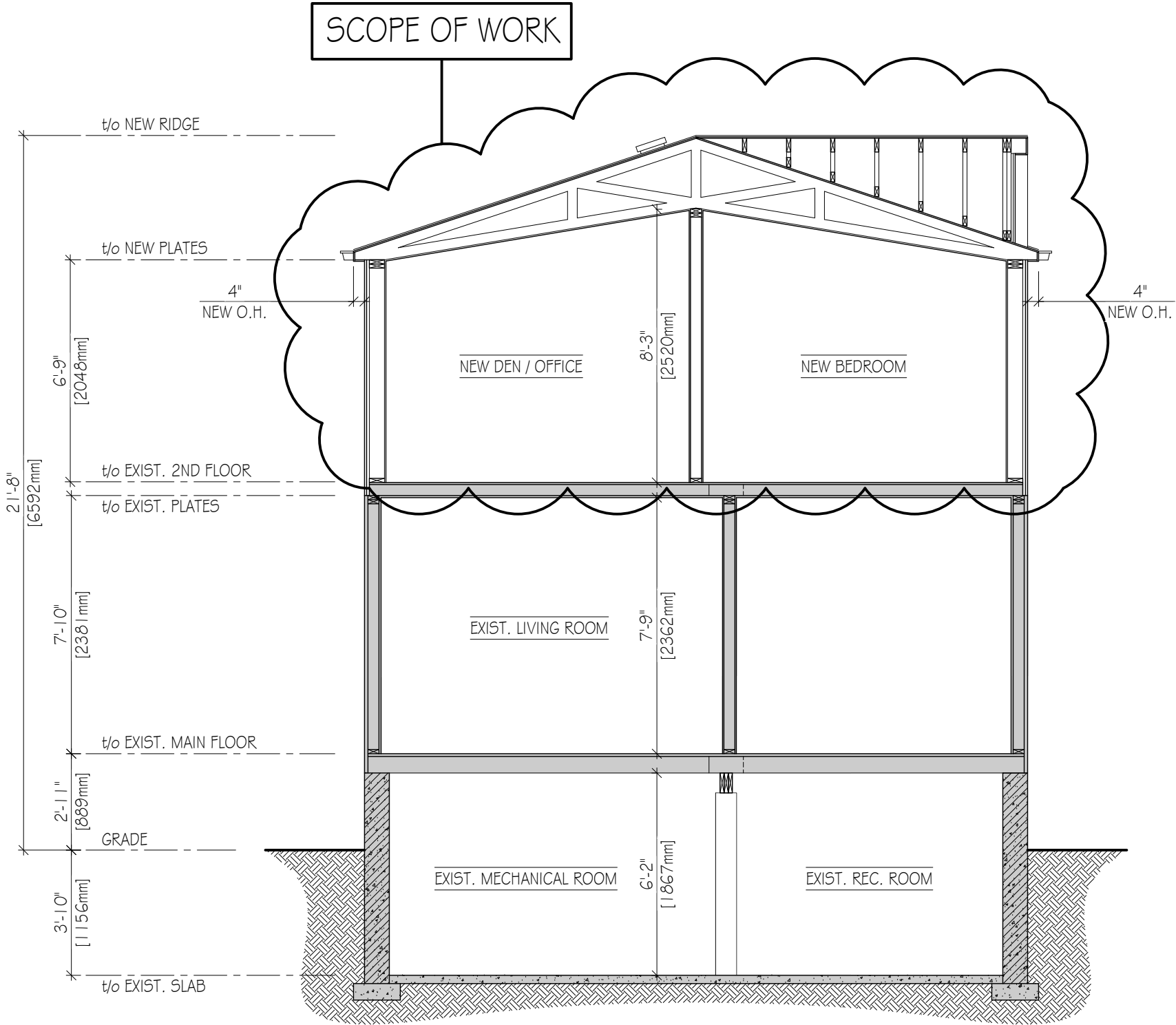
220 EAST 8TH STREET
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PROJECT No. 20-131

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PROPOSED ROOF PLAN

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project

220 EAST 8TH STREET
HAMILTON, ONTARIO

PROJECT No. 20-131

title

CROSS SECTION

drawn	G.D.	checked	C.M.
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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.**

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

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 MICHAEL WARZOCHA Telephone No. _____
FAX NO. _____ E-mail address. _____
2. Address _____
_____ Postal Code _____
3. Name of Agent GRAHAM DAY 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:
Michael Warzocha, 220 East 8th, Hamilton, ON

Postal Code L9A 3L8

Postal Code _____

6. Nature and extent of relief applied for:
Applying for a second floor addition atop the existing dwelling
Applying for relief from front yard set back from 6m to 4.7m (greater than existing 4.4m)
Applying for relief from side yard set back from 1.2m to 0.3m (same as existing 0.3m)
7. Why it is not possible to comply with the provisions of the By-law?
Existing dwelling already does not comply to the by-law.
The proposed 2nd floor addition is in keeping with the overall dwelling and does not encroach any further than the existing dwelling.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
Urban Protected Residential, Etc. Zone C
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 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?
owners knowledge and Google Maps

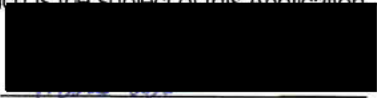
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes _____ No x

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.

Nov 02, 2020
Date


Signature Property Owner

Michael Warzocha
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>7.62m</u>
Depth	<u>42.67m</u>
Area	<u>325.2m²</u>
Width of street	<u>9m</u>

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: GROUND FLOOR AREA = 63.9m², GROSS FLOOR AREA = 86.5m²

(1-1/2) STORIES, 5.7m HEIGHT

6.1m WIDTH, 11.1m LENGTH

Proposed: GROUND FLOOR AREA = 63.9m², GROSS FLOOR AREA = 116.7m²

(2) STORIES, 6.6m HEIGHT

6.1m WIDTH, 8.6m LENGTH

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

Existing: FRONT (EAST) = 4.3m, REAR (WEST) = 26.7m

SIDE (SOUTH) = 0.3m, SIDE (NORTH) = 1.2m

Proposed: FRONT (EAST) = 4.7m, REAR (WEST) = 29.3m
SIDE (SOUTH) = 0.3m, SIDE (NORTH) = 1.2m

13. Date of acquisition of subject lands:

June 27, 2019

14. Date of construction of all buildings and structures on subject lands:

1938

15. Existing uses of the subject property:

SINGLE FAMILY DWELLING

16. Existing uses of abutting properties:

SINGLE FAMILY DWELLINGS AND NEIGHBOURHOOD PARK

17. Length of time the existing uses of the subject property have continued:

From purchase 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:

6593 Former Hamilton

C/S-1788, 19-307, S-1788

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