



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

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.:** FL/A-20:238

**APPLICANTS:** Jeff Markowiak on behalf of the owner Mark Markowiak

**SUBJECT PROPERTY:** Municipal address **217 Mill St. N., Flamborough**

**ZONING BY-LAW:** Zoning By-law 90-145-Z, as Amended

**ZONING:** "R1-2" (Urban Residential – Single Detached) district

**PROPOSAL:** To permit the development of a two-storey addition to an existing single detached dwelling comprising 44.76 square metres of gross floor area, and a covered porch at the rear of the dwelling located on a residential parcel of land, notwithstanding that:

1. A minimum 0.63 metres north-easterly interior side yard shall be permitted instead of the minimum required 1.2 metres setback.
2. An eave/gutter shall be permitted to project a maximum of 1.18 m into the required north-easterly interior side yard and may be as close as 0.02 m to the north-easterly lot line instead of the maximum 0.65 m projection permitted.

**NOTE:**

1. A building permit is required for the proposed development. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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

**DATE:** Thursday, December 3rd, 2020

**TIME:** 1:50 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

## 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:

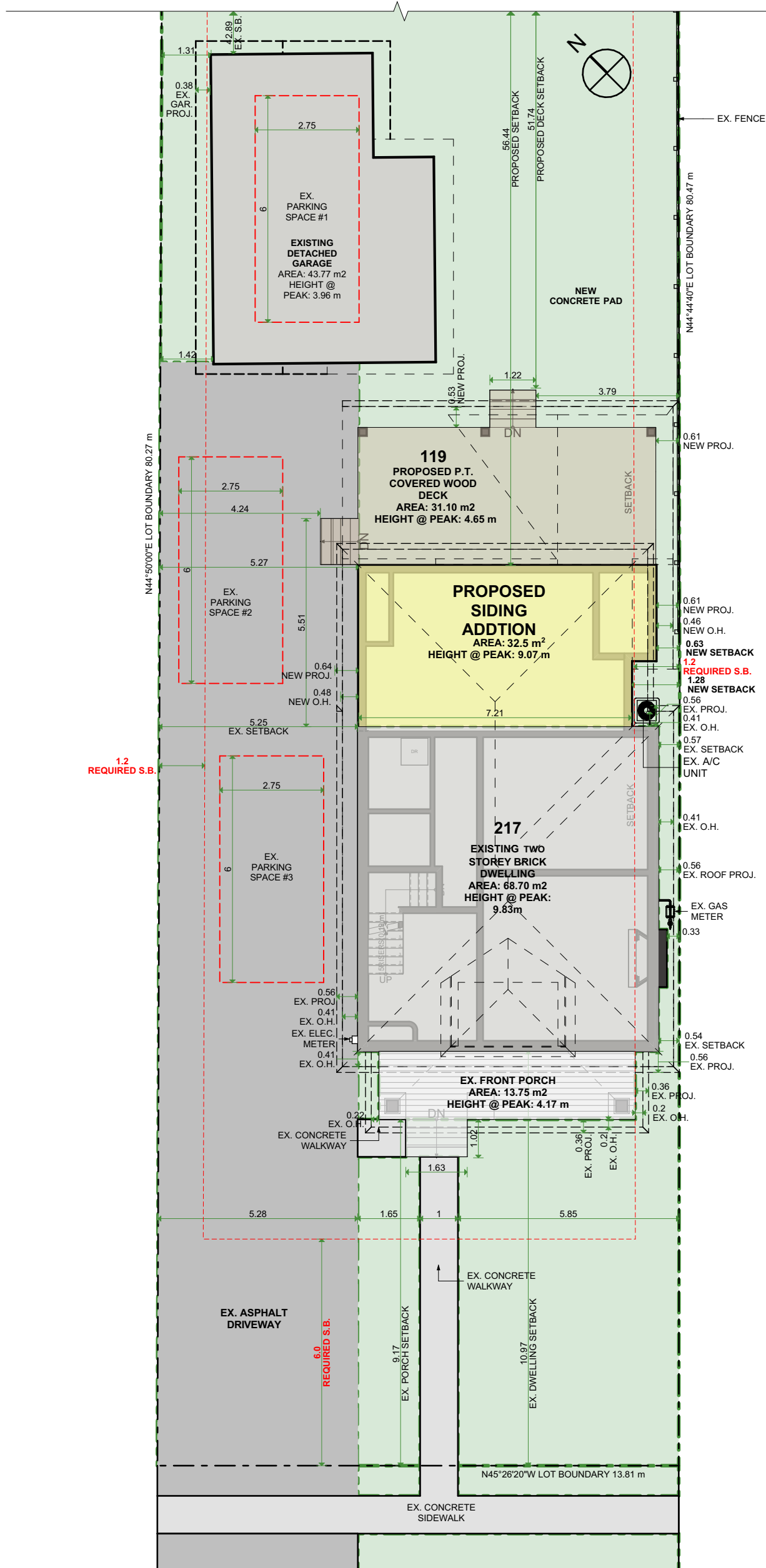
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: November 17th, 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.***



### SITE STATS

**PROPERTY INFORMATION**  
 ADDRESS: 217 MILL STREET N POSTAL CODE: L0R 2H0  
 MUNICIPALITY: WATERDOWN  
 ZONE CODE: R1-2  
 ZONING DESCRIPTION: URBAN RESIDENTIAL (SINGLE DETACHED)  
 BYLAW #: 90-145-Z FLAMBOROUGH

### ZONING INFORMATION

MIN. LOT AREA (m <sup>2</sup> ): 495	LOT AREA (m <sup>2</sup> ): 1111.29
MIN. LOT WIDTH (m): 15	LOT WIDTH (m): 13.81
MIN. LOT DEPTH (m): 33	LOT DEPTH (m): 80.47

	Allowed:	Existing:	Proposed:
LOT COVERAGE (%): <sup>1</sup>	30 %	11.64 %	12.98 %
FLOOR AREA RATIO: <sup>2</sup>	N/A	0.258:1	0.299:1
GROSS FLOOR AREA (m <sup>2</sup> ): <sup>4</sup>	N/A	286.97	331.73
GROUND FLOOR AREA (m <sup>2</sup> ):	N/A	129.39	144.24
BUILDING HEIGHT (m):	11.0	9.83	9.83
PARKING SPACES: <sup>3</sup>	1	3	3

SETBACKS (m)	Allowed:	Existing:	Proposed:
FRONT:	7.5	10.97	10.97
REAR:	7.5	58.19	56.44
SIDE (EAST):	1.2	0.54	0.63
SIDE (WEST):	1.2	5.25	5.27

CORNER: 7.5 N/A N/A

ENCROACHMENTS (m)	Allowed:	Existing:	Proposed:
ROFF PROJECTION:	0.65	AS NOTED	AS NOTED
COVERED PORCH:	1.5	N/A	N/A
UNCOVERED PORCH:	1.5	N/A	N/A
DECK:	1.5	N/A	N/A
CHIMNEY :	0.65	0.23	0.23

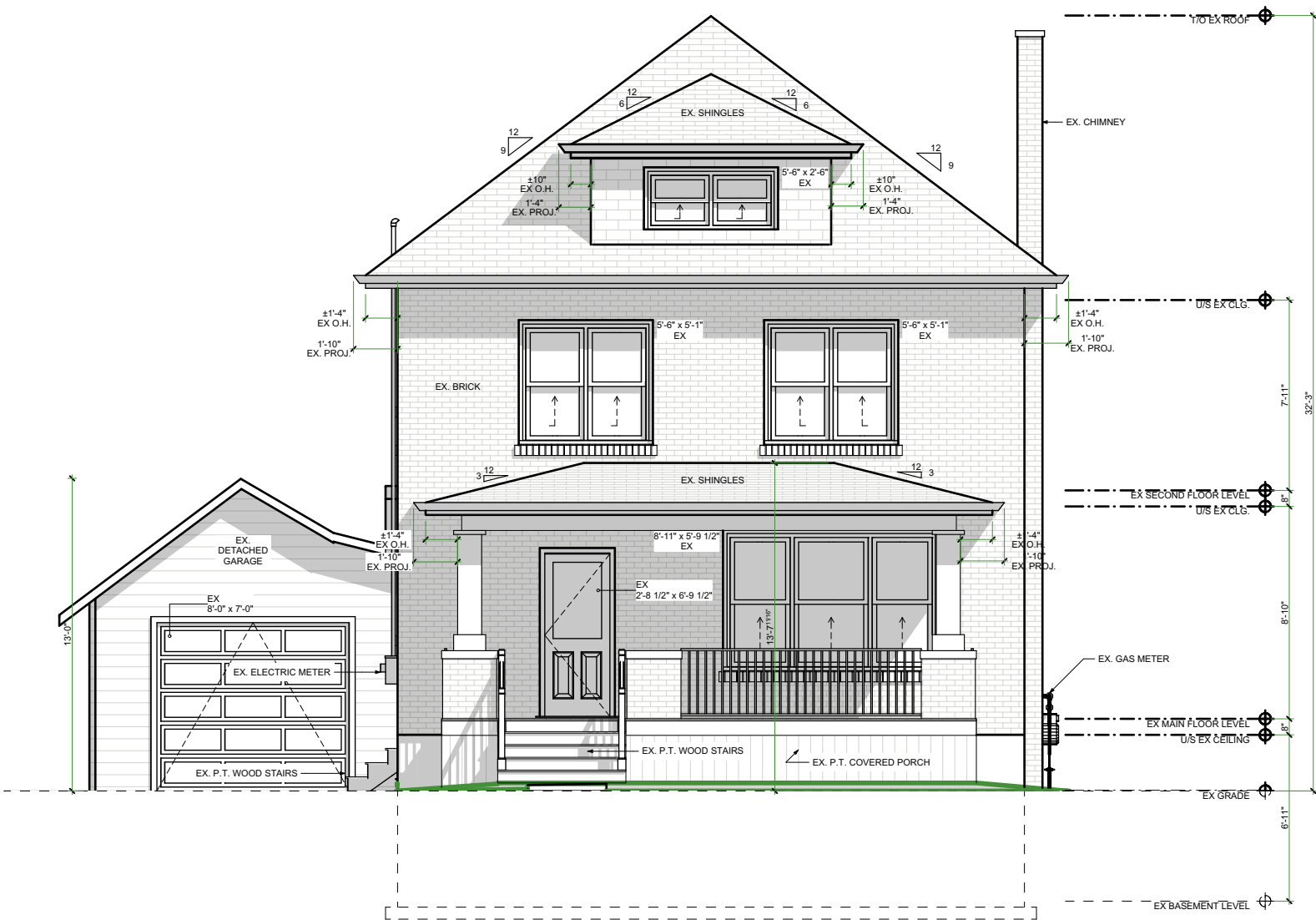
**ACCESSORY BUILDINGS:**  
 THERE IS NO BUILDING ACCESSORY.

OTHER RESTRICTIONS:	Not Req'd:	Req'd:
MINOR VARIANCE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CONSERVATION AUTHORITY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NIAGARA ESCARPMENT CONTROL	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MTO	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### REFERENCES

- Proposed lot coverage calculations = Proposed Footprint area / Lot Area
- Floor Area Ratio Calculation: Total GFA / Lot Area
- Parking space sizing as follows:  
 Hamilton: 2.7m x 6.0m  
 Burlington: 2.7m x 6.0m
- Area of all floors excluding the following:  
 1. 100sf for laundry if possible  
 2. 70sf for mechanical if possible  
 3. Attic spaces  
 4. Any area that is uninhabitable

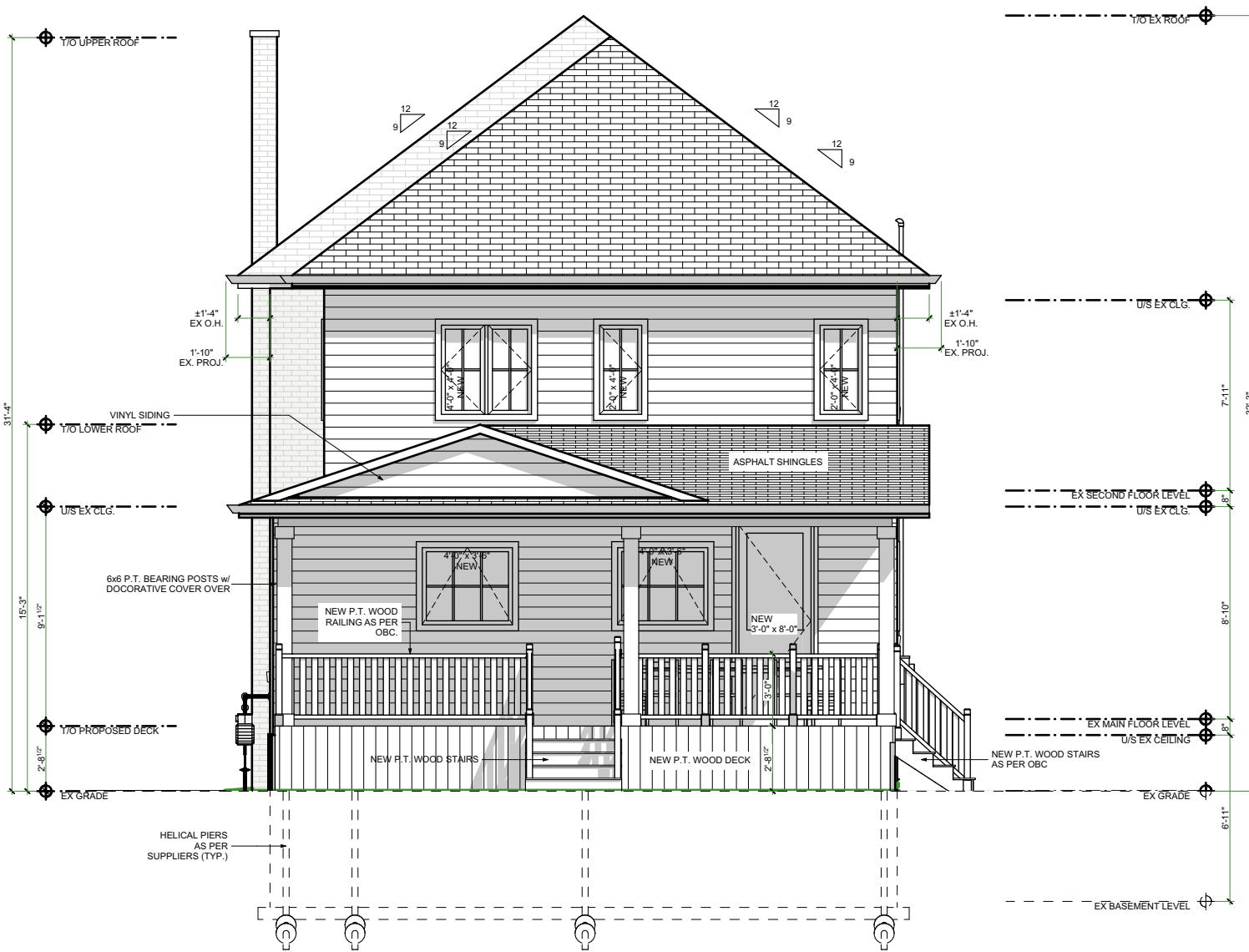
MILL STREET NORTH



# EXISTING FRONT ELEVATION

SCALE: 1:80





# PROPOSED REAR ELEVATION

SCALE: 1:80







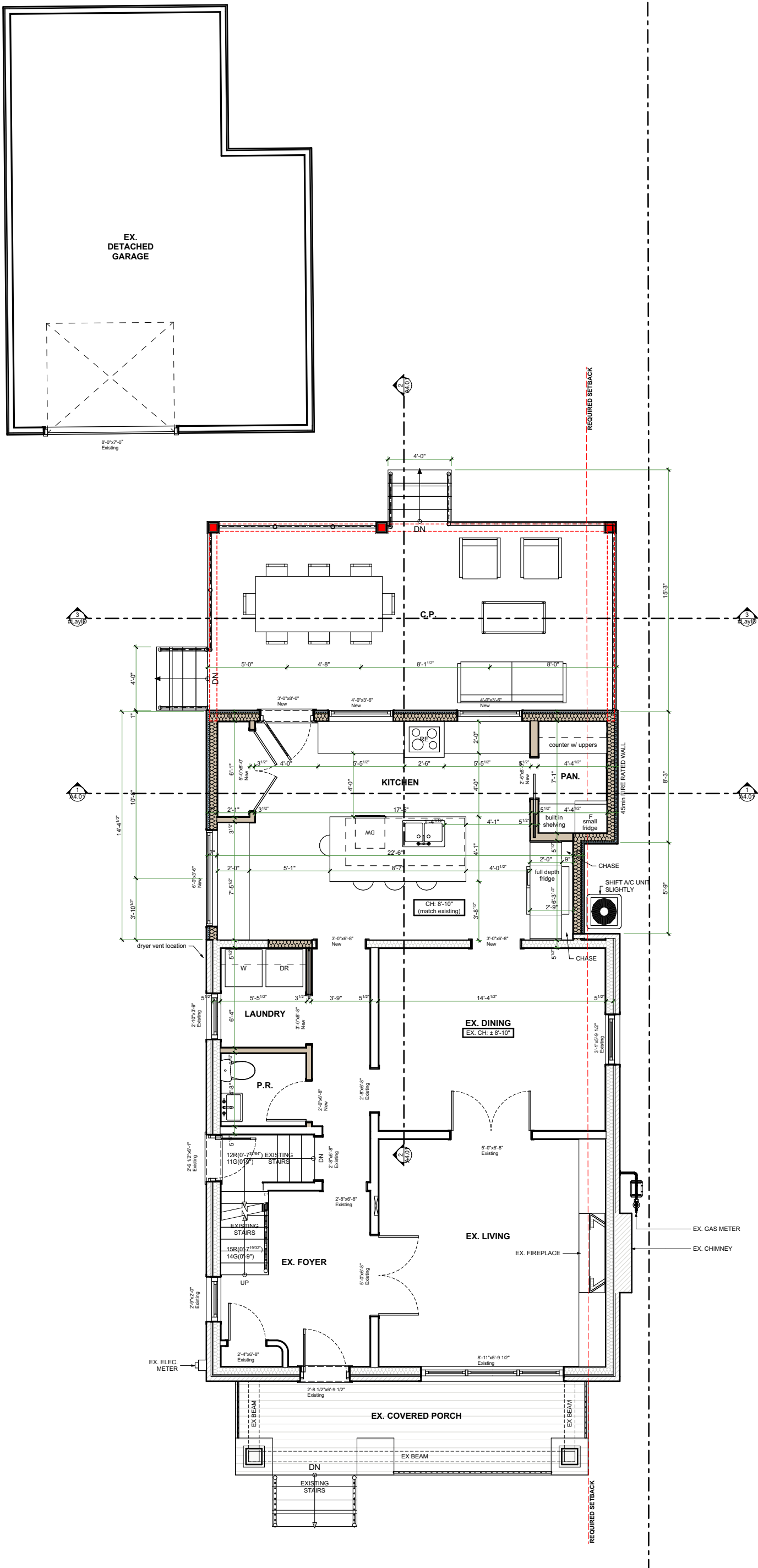
1

# PROPOSED LEFT ELEVATION

SCALE: 1:80

**MARKOWIAK**  
 217 MILL STREET N  
 WATERDOWN ON LOR 2H0  
 10/23/2020  
 1:80  
 VARIANCE PLANS SET





# PROPOSED MAIN FLOOR PLAN

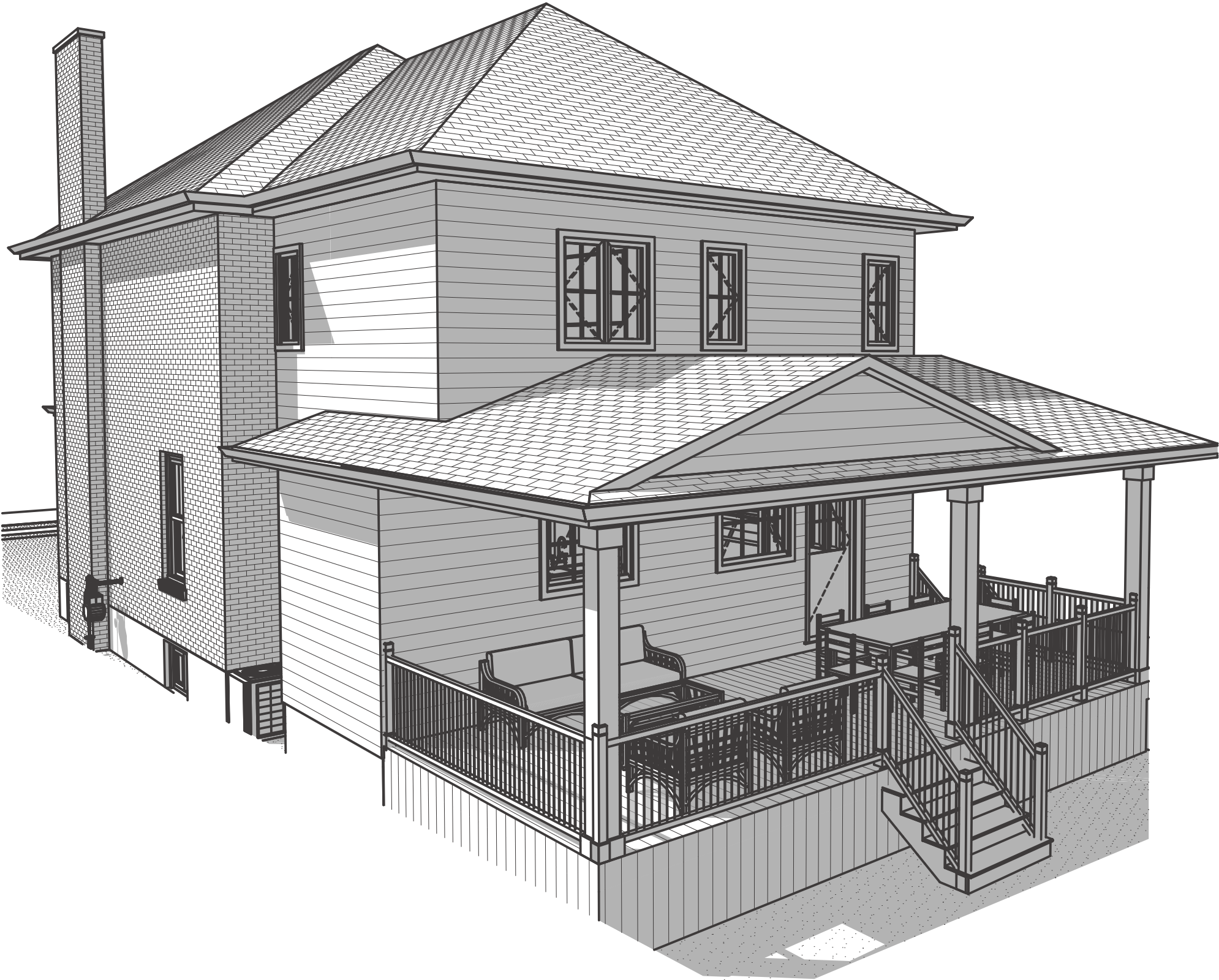
SCALE: 1:80





# RENOVATION TO:

MARKOWIAK  
217 MILL STREET N WATERDOWN ON LOR 2H0

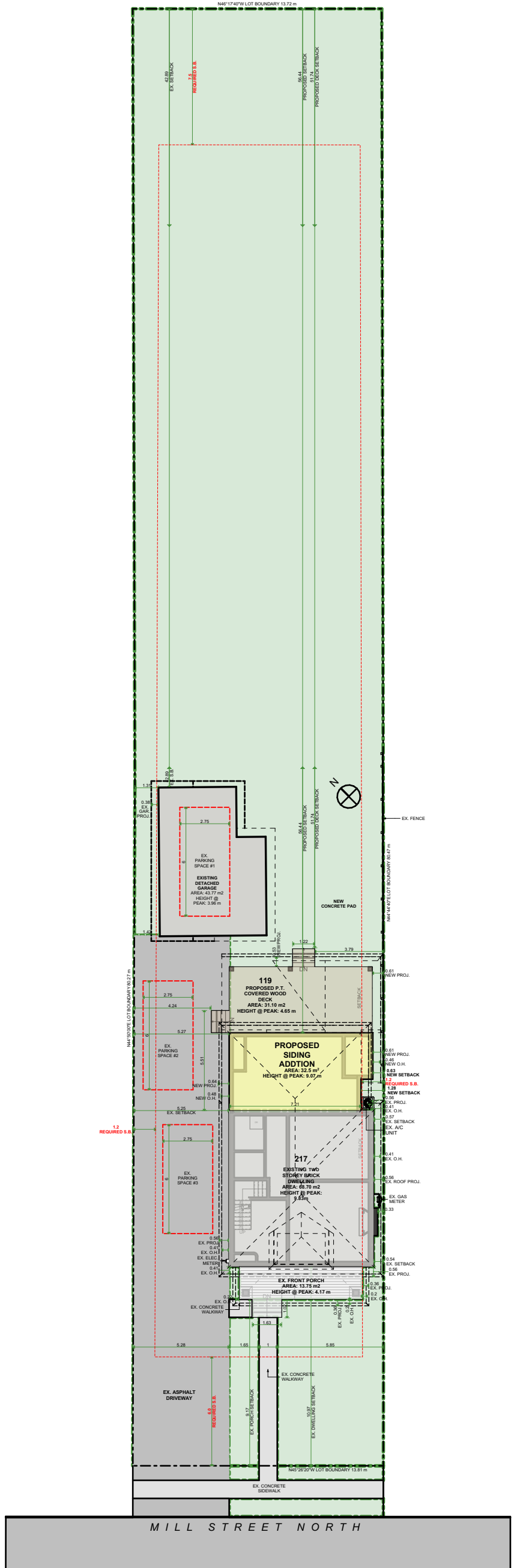


## 3D PERSPECTIVE

SCALE: 1/8" = 1'-0"

MARKOWIAK  
217 MILL STREET N  
WATERDOWN ON LOR 2H0  
10/23/2020  
1/8" = 1'-0"  
VARIANCE PLANS SET





### SITE STATS

#### PROPERTY INFORMATION

ADDRESS: 217 MILL STREET N POSTAL CODE: L0R 2H0  
 MUNICIPALITY: WATERDOWN  
 ZONE CODE: R1-2  
 ZONING DESCRIPTION: URBAN RESIDENTIAL (SINGLE DETACHED)  
 BYLAW #: 90-145-Z FLAMBOROUGH

#### ZONING INFORMATION

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 MIN. LOT DEPTH (m): 33 LOT DEPTH (m): 80.47

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GROSS FLOOR AREA (m <sup>2</sup> ): <sup>4</sup>	N/A	286.97	331.73
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SETBACKS (m)	Allowed:	Existing:	Proposed:
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SIDE (EAST):	1.2	0.54	0.63
SIDE (WEST):	1.2	5.25	5.27

CORNER:	Allowed:	Existing:	Proposed:
	7.5	N/A	N/A

ENCROACHMENTS (m)	Allowed:	Existing:	Proposed:
ROFF PROJECTION:	0.65	AS NOTED	AS NOTED
COVERED PORCH:	1.5	N/A	N/A
UNCOVERED PORCH:	1.5	N/A	N/A
DECK:	1.5	N/A	N/A
CHIMNEY :	0.65	0.23	0.23

#### ACCESSORY BUILDINGS:

THERE IS NO BUILDING ACCESSORY.

#### OTHER RESTRICTIONS:

	Not Req'd:	Req'd:
MINOR VARIANCE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CONSERVATION AUTHORITY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NIAGARA ESCARPMENT CONTROL	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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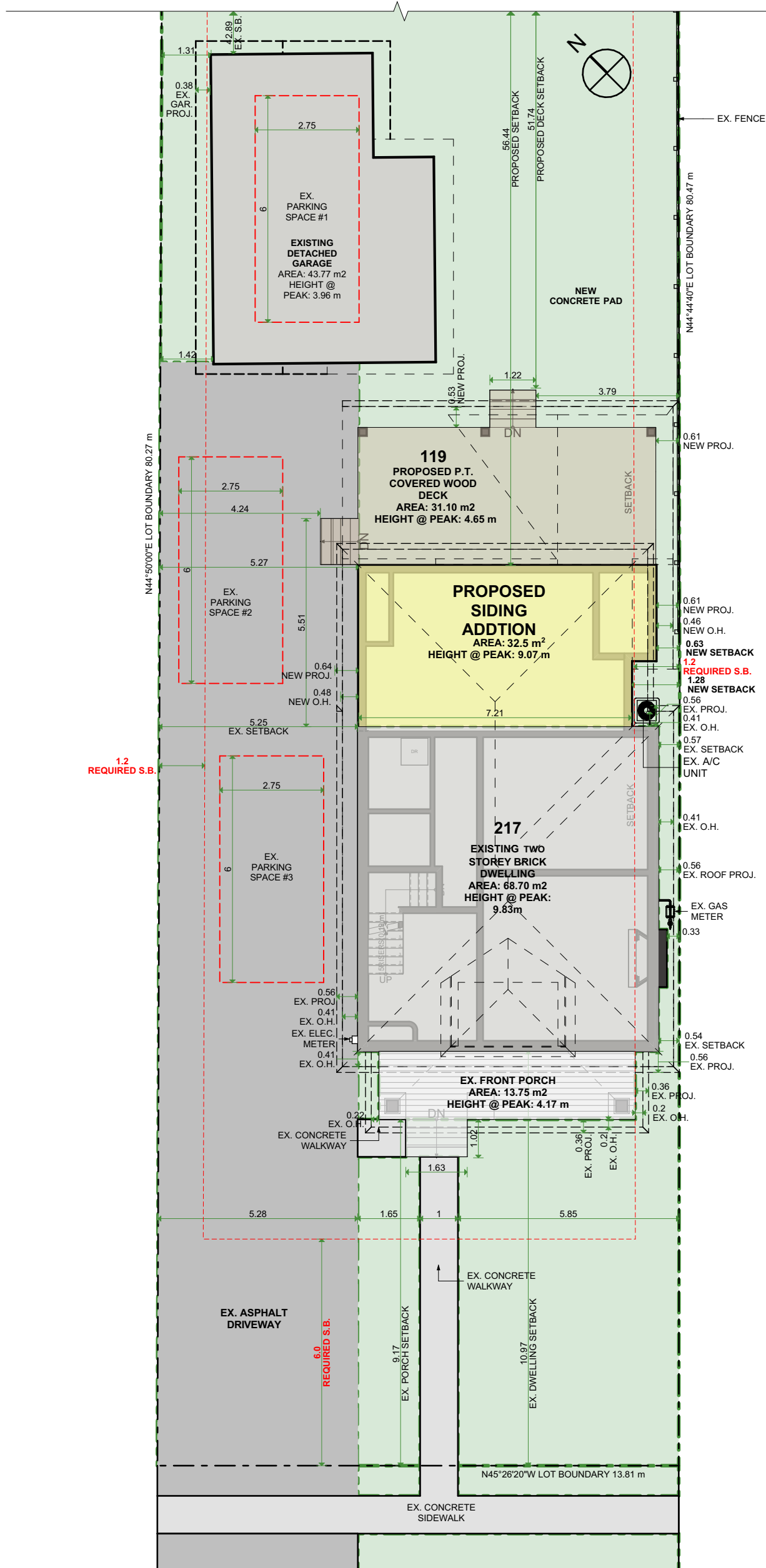
#### REFERENCES

<sup>1</sup> Proposed lot coverage calculations = Proposed Footprint area / Lot Area

<sup>2</sup> Floor Area Ratio Calculation: Total GFA / Lot Area

<sup>3</sup> Parking space sizing as follows:  
 Hamilton: 2.7m x 6.0m  
 Burlington: 2.7m x 6.0m

<sup>4</sup> Area of all floors excluding the following:  
 1. 100sf for laundry if possible  
 2. 70sf for mechanical if possible  
 3. Attic spaces  
 4. Any area that is uninhabitable



### SITE STATS

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SIDE (WEST):	1.2	5.25	5.27

CORNER: 7.5 N/A N/A

ENCROACHMENTS (m)	Allowed:	Existing:	Proposed:
ROFF PROJECTION:	0.65	AS NOTED	AS NOTED
COVERED PORCH:	1.5	N/A	N/A
UNCOVERED PORCH:	1.5	N/A	N/A
DECK:	1.5	N/A	N/A
CHIMNEY :	0.65	0.23	0.23

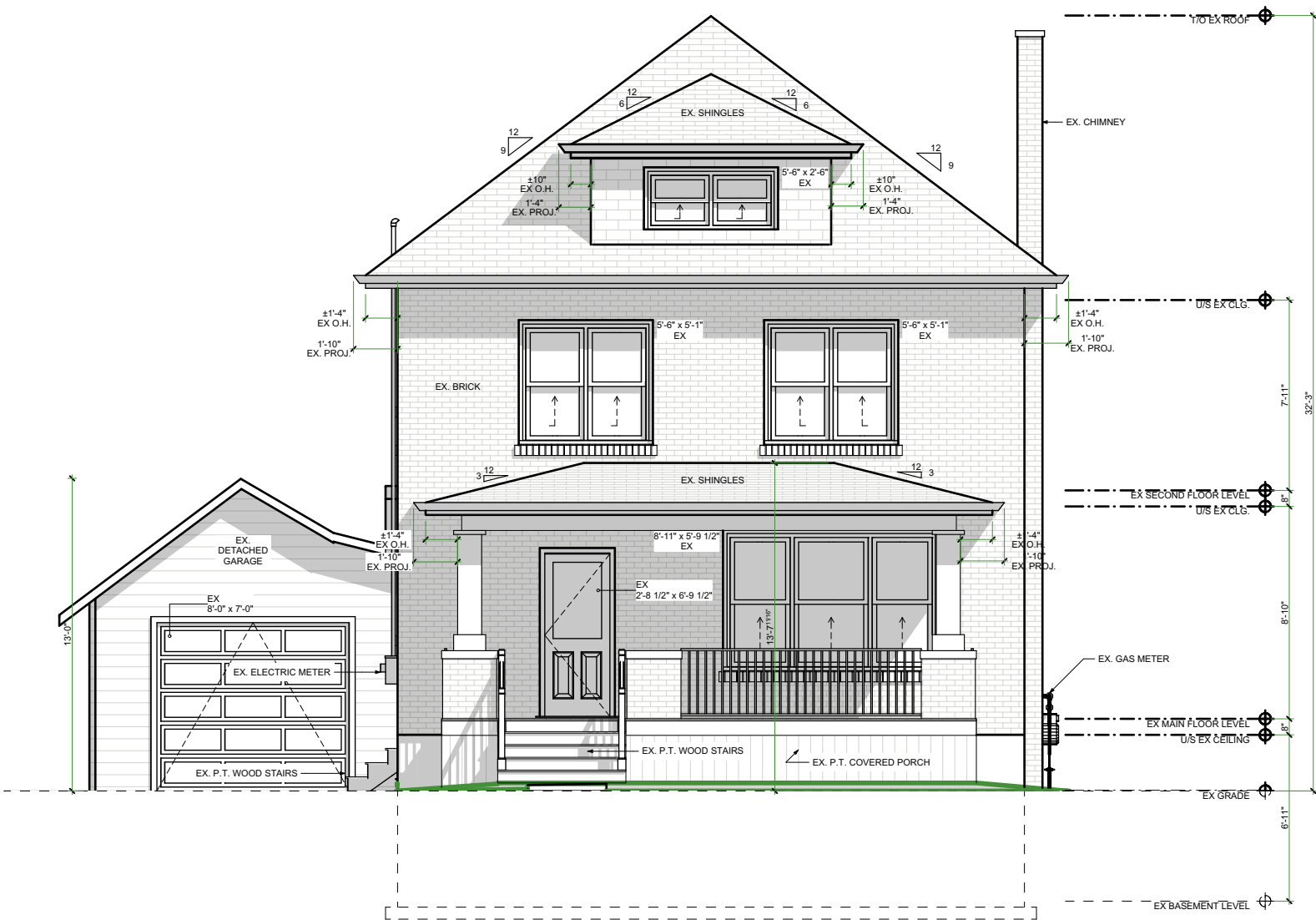
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MTO	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### REFERENCES

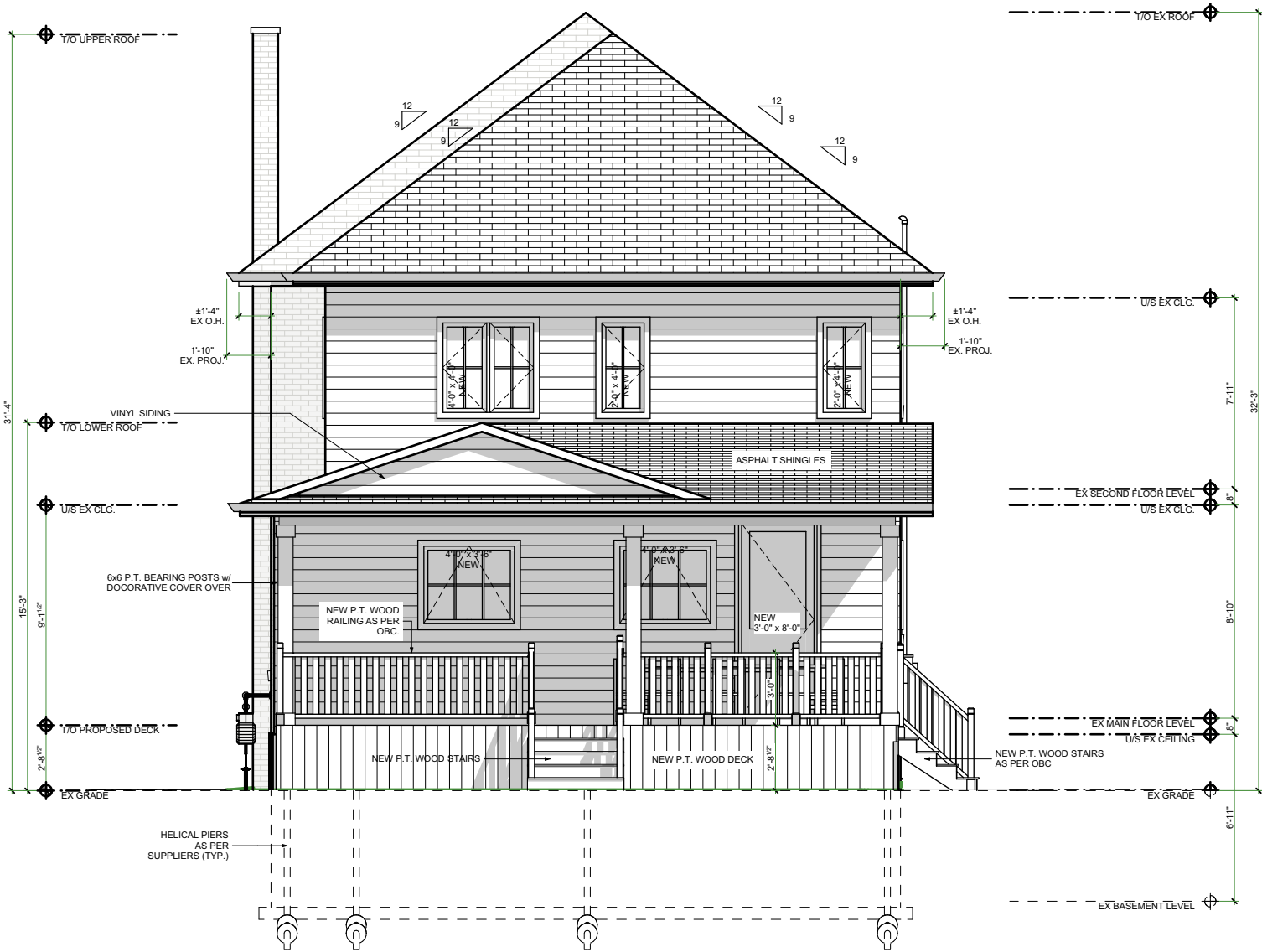
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MILL STREET NORTH



# EXISTING FRONT ELEVATION

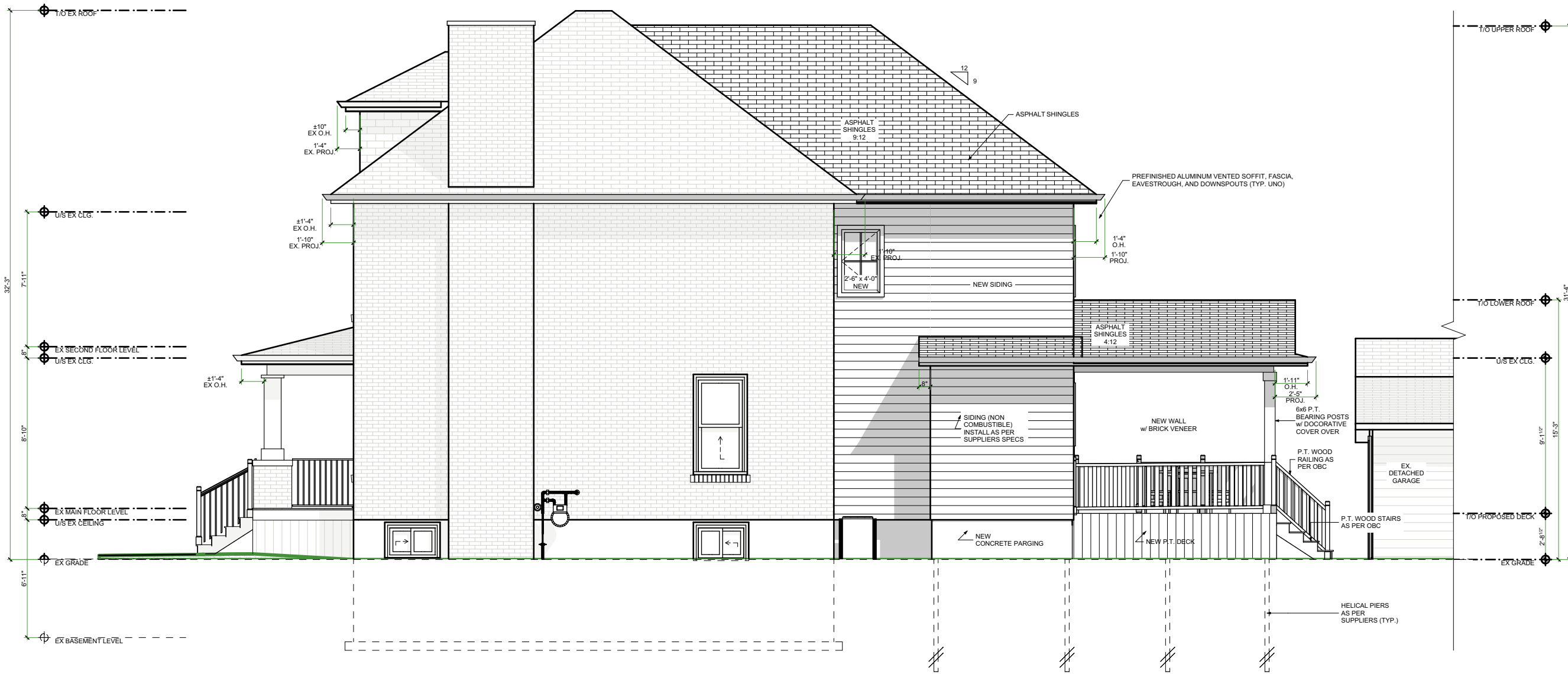
SCALE: 1:80



# PROPOSED REAR ELEVATION

SCALE: 1:80





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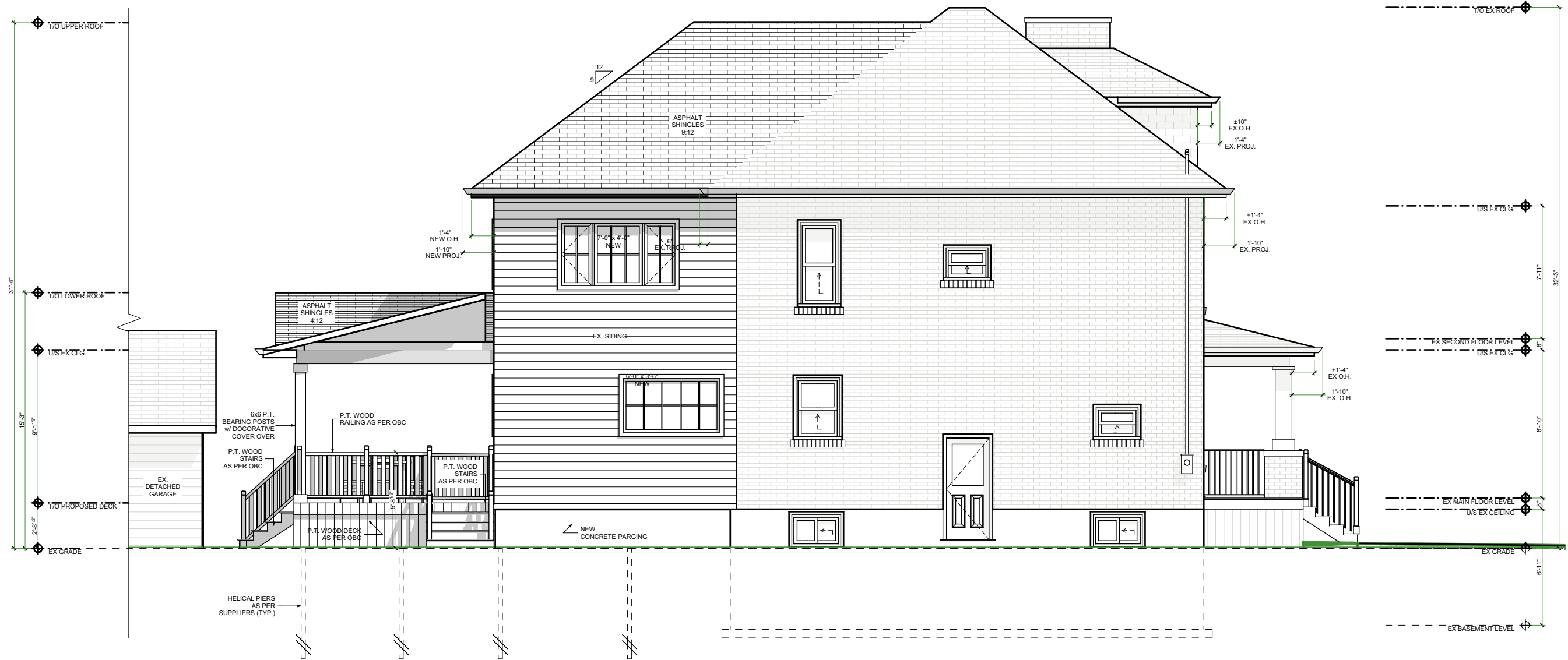
# PROPOSED RIGHT ELEVATION

SCALE: 1:80

**MARKOWIAK**  
 217 MILL STREET N  
 WATERDOWN ON LOR 2H0  
 10/23/2020  
 1:80  
 VARIANCE PLANS SET



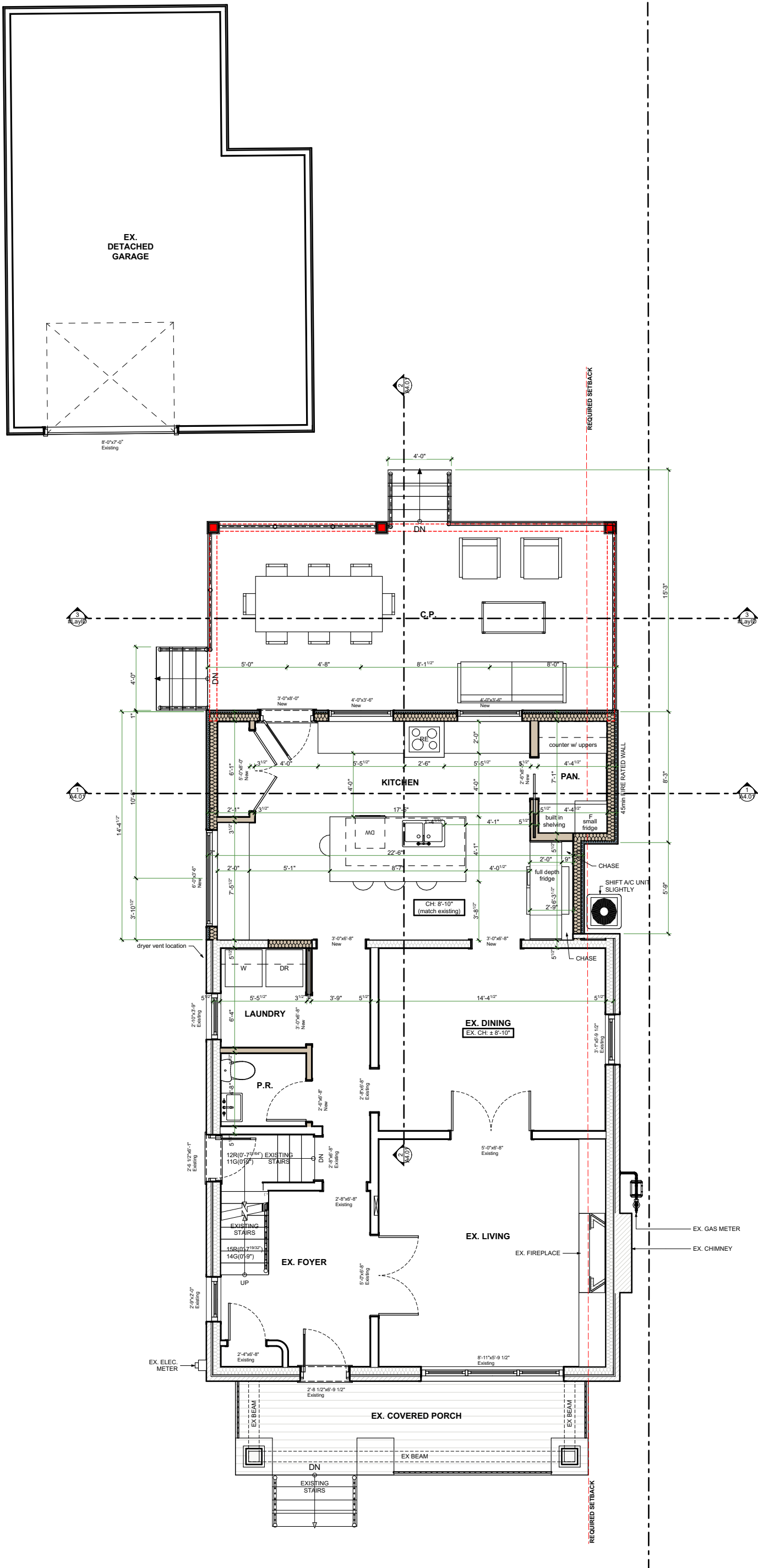




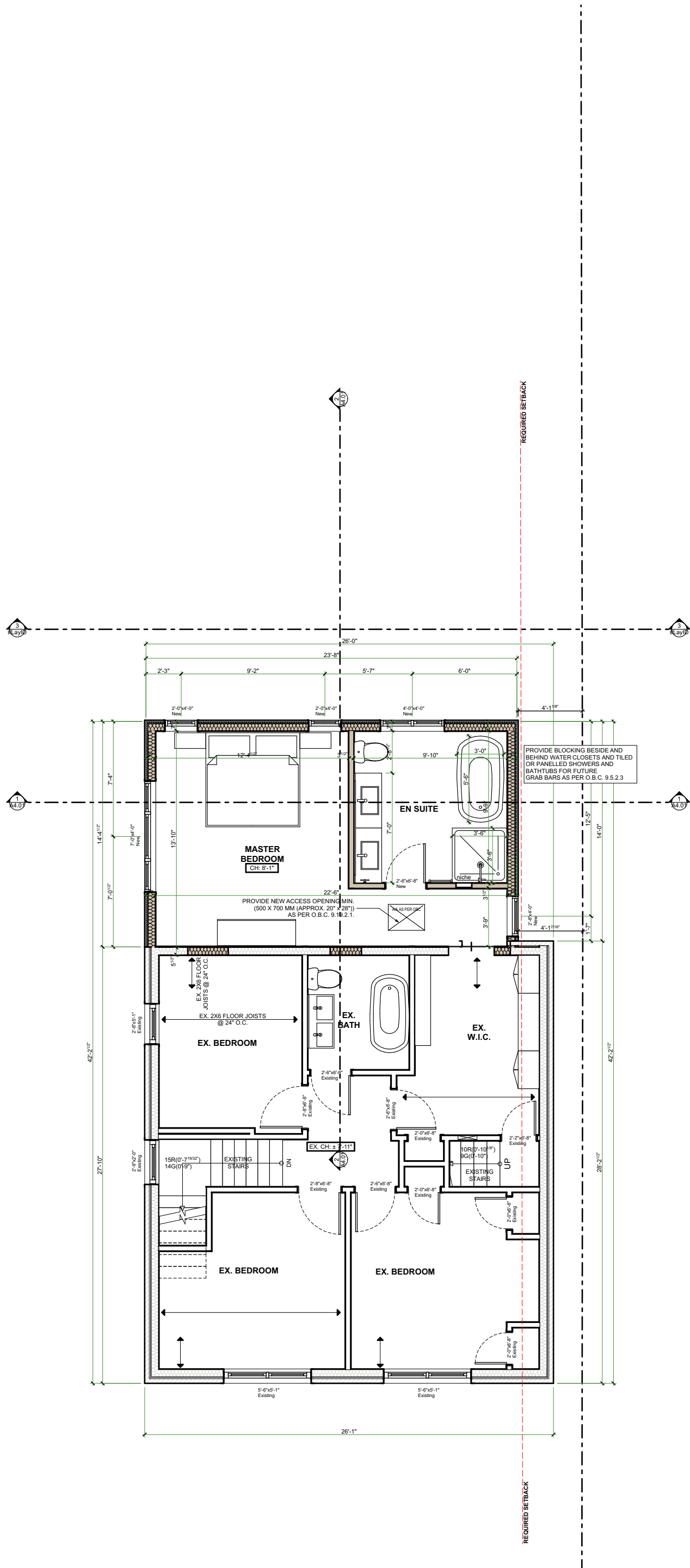
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# PROPOSED LEFT ELEVATION

SCALE: 1:80







1

# PROPOSED SECOND FLOOR PLAN

SCALE: 1:80

MARKOWIAK  
 217 MILL STREET N  
 WATERDOWN ON LOR 2H0  
 10/23/2020  
 1:80  
 VARIANCE PLANS SET





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.

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 MATTHEW MARKOWIAK Telephone No. [REDACTED]  
FAX NO. [REDACTED] E-mail address. [REDACTED]
2. Address [REDACTED]  
Postal Code [REDACTED]
3. Name of Agent JEFF MARKOWIAK Telephone No. [REDACTED]  
FAX NO. [REDACTED] E-mail address. [REDACTED]
4. Address [REDACTED]  
Postal Code [REDACTED]

**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:  
\_\_\_\_\_  
Postal Code \_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:  
TO PERMIT A SIDE YARD (WEST) SETBACK OF  
0.62 M WHEREAS A SIDE YARD SETBACK  
OF 1.2 M IS REQUIRED.

7. Why it is not possible to comply with the provisions of the By-law?  
THE EXISTING DWELLING CURRENTLY MAINTAINS  
A DEFICIENT SIDE YARD SETBACK. THE OWNER  
IS SEEKING TO CONSTRUCT A 2-STORY ADDITION  
AND COVERED DECK TO THE REAR OF THE  
DWELLING IN-LINE WITH THE EXISTING SETBACK.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):  
PCL 35-1, SEC M7; LT 35, PL M7  
FLAMBOROUGH CITY OF HAMILTON

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?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

Oct 24 2020  
Date

  
Signature Property Owner

Matthew Markavialk  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 13.81 m  
Depth 80.47 m  
Area 1,111.2 m<sup>2</sup>  
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: 2-STOREY DWELLING DETACHED GARAGE  
GROUND FL. AREA - 129.39 m<sup>2</sup> GROUND FL. AREA - 43.77 m<sup>2</sup>  
GFA - 286.97 m<sup>2</sup> GFA - 43.77 m<sup>2</sup>

Proposed: 2-STOREY ADDITION + COVERED DECK TO  
THE REAR OF THE EXISTING DWELLING  
GROUND FL. AREA - 14.85 m<sup>2</sup>  
GFA - 44.76 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)

Existing: DWELLING:  
FRONT YARD - 10.97 m WEST SIDE YARD - 0.62 m  
REAR YARD - 60.71 m EAST SIDE YARD - 5.25 m

Proposed: DWELLING + ADDITION:  
FRONT YARD - 10.97M WEST SIDEYARD - 0.62M  
REAR YARD - 51.74M EAST SIDE YARD - 5.24M

13. Date of acquisition of subject lands:  
2014

14. Date of construction of all buildings and structures on subject lands:  
DWELLING WAS CONSTRUCTED IN 1921

15. Existing uses of the subject property: SINGLE DETACHED RESIDENTIAL

16. Existing uses of abutting properties: TO THE WEST: SINGLE DETACHED RESIDENTIAL  
EAST: INSTITUTIONAL (MARY HOPKINS PUBLIC SCHOOL) SOUTH: SINGLE DETACHED RESIDENTIAL

17. Length of time the existing uses of the subject property have continued:  
99 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:  
NEIGHBOURHOODS

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
URBAN RESIDENTIAL (SINGLE DETACHED) (R1-2)  
BY-LAW 90-145-2-FLAMBOROUGH

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

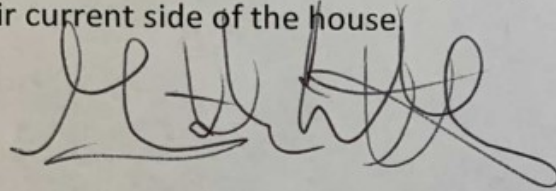
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such 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



October 20, 2020

I have reviewed the plans for the proposed variance to my neighbour's property and they have my full support in pursuing their addition and including the portion in questions that brings the addition in line with their current side of the house.



Garth Wetherall  
221 Mill St. N  
P.O. Box 777  
Waterdown, Ontario  
L0R 2H0

vezyc@outlook.com

905-689-4752