

## **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.:** SC/A-20:263

**APPLICANTS:** Owner: Chris Linzel  
Agent: Jason Brouwer

**SUBJECT PROPERTY:** Municipal address **417 Winona Rd., Stoney Creek**

**ZONING BY-LAW:** Hamilton Zoning By-law 05-200, as Amended by By-Law 10-128

**ZONING:** M3 district (Prestige Business Park Zone)

**PROPOSAL:** To permit the construction of an accessory building (pergola) in the front yard of the existing legally established non-conforming single detached dwelling, notwithstanding;

1. The accessory building shall be permitted to be located within the front yard whereas an accessory building is not permitted to be located within a front yard; and,

2. A minimum of 3.4 metres shall be provided to the front lot line instead of a minimum of 6.0 metres required for a yard abutting a street;

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

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**DATE:** Thursday, January 21<sup>st</sup>, 2021

**TIME:** 2:15 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.

***Important note:*** *If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.*

## **MORE INFORMATION**

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

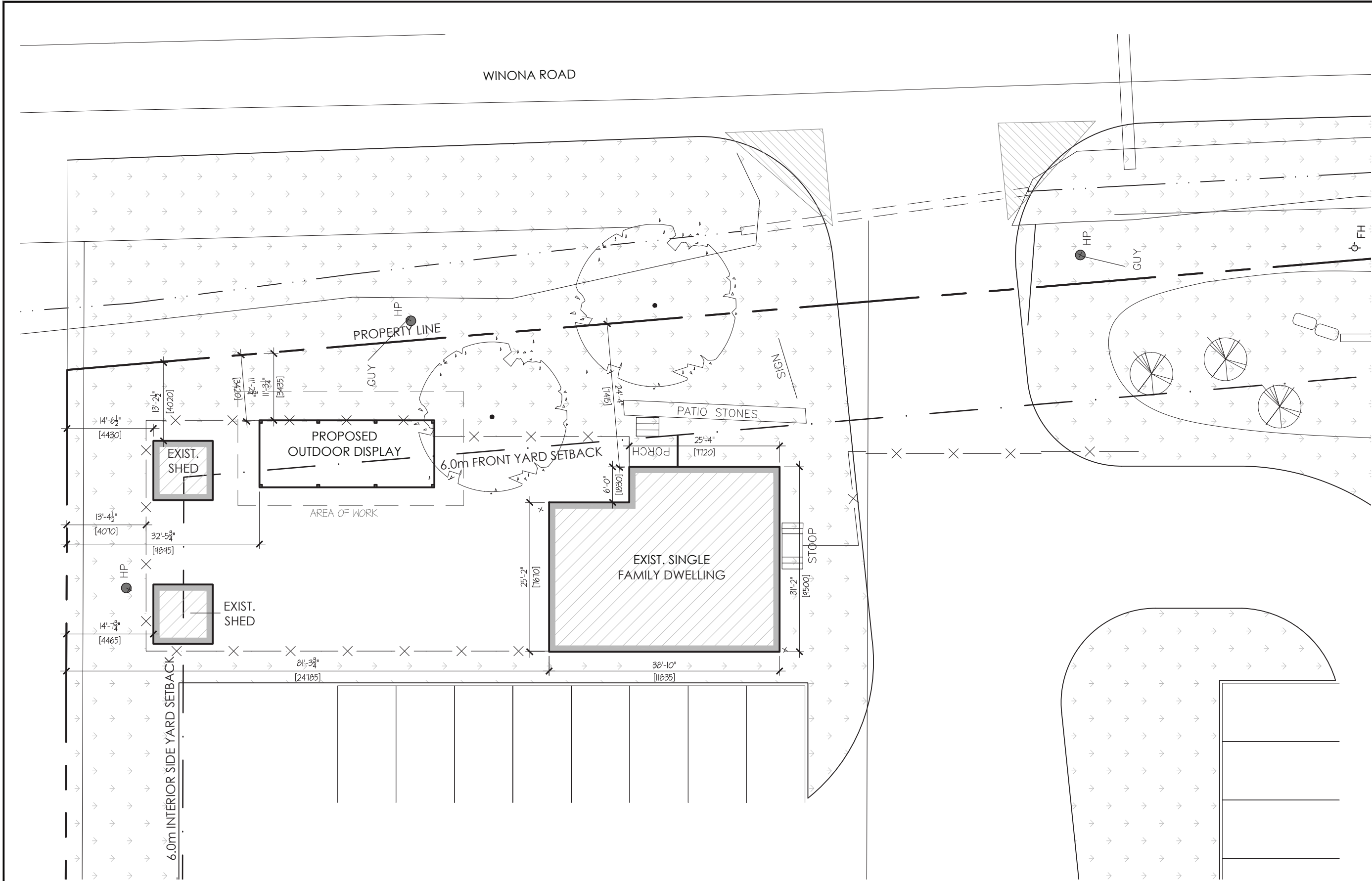
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: January 5<sup>th</sup>, 2021.

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

ONTARIO ASSOCIATION  
OF  
ARCHITECTS

*Sam Brouwer*

JASON BROUWER  
LICENCE  
7425

All drawings and the information contained therein are the sole property of the Architect and are not to be altered, reproduced, or reconstituted in any way without the express permission of the Architect.

Any discrepancies or inconsistencies between the drawings and the site conditions are to be reported to the Architect prior to the start of related work. The contractor is responsible to field verify all dimensions.

Drawings are to be used for construction only when noted as for construction in the Revisions box on each sheet and only if signed and sealed by the Architect. Drawings are not to be scaled.



PROJECT TITLE:

**LINZEL GAZEBO**

417 Winona Road - Stony Creek

DRAWING TITLE:

**SITE PLAN**

DRAWN: A.R.	CHECKED: J.B.	PROJECT #: 2031	DATE: Nov-2020	REVISION: 1
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DRAWING #:

**A-1**





**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 Chris Linzel Telephone No. \_\_\_\_\_  
FAX NO. \_\_\_\_\_ E-mail address. \_\_\_\_\_

2. Address \_\_\_\_\_  
Postal Code \_\_\_\_\_

3. Name of Agent Jason Brouwer 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:  
CIBC - Niagara Falls 6345 LUNDY'S LANE, NIAGARA FALLS, ON  
6225 Huggins St., Niagara Falls Postal Code L2G 1T8  
\_\_\_\_\_  
Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:  
The allowance of an accessory structure partially within the required front  
setback, and screened from the road by a wood board fence. Single family dwelling is  
positioned on site that the side of the house faces the street, meaning that the proposed  
structure is located in the functional back yard, relative to the house.
7. Why it is not possible to comply with the provisions of the By-law?  
The structure has already been constructed.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):  
LOT 23 AND PART OF LOTS 12, 13 AND 22, REGISTERED PLAN 189  
CITY OF STONEY CREEK IN THE, CITY OF HAMILTON  
 \_\_\_\_\_  
 \_\_\_\_\_
9. PREVIOUS USE OF PROPERTY
- Residential X 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 X Unknown \_\_\_\_\_
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes \_\_\_\_\_ No X 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 X 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 X Unknown \_\_\_\_\_
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
 Yes \_\_\_\_\_ No X 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 X 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?  
Information from Owner.

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.

2020-11-11

Date

Signature Property Owner

Chris Linzel

Print Name of Owner

10. Dimensions of lands affected:

Frontage 81.6 metres

Depth 198.4 metres

Area 13,531.6 square metres

Width of street 7.0 metres

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: Existing 1 Storey single family dwelling (112 s.m.)

Existing 1 Storey Industrial Building (1484 s.m.)

Proposed: Proposed pergola (30 s.m.)

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

Existing: 1 Storey Dwelling - 6.6m Front, 24.0m & 44.7m side, 122.0m rear

Existing 1 Storey Industrial Building - 36.5m front, 6.2m & 44.7m side, 5.9m rear

Proposed: Pergola - 3.4m front, 9.9m & 62.5m side, 130m

13. Date of acquisition of subject lands:

November 9, 2015

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

Single Family Dwelling (1956), Warehouse (1985-1995)

15. Existing uses of the subject property: Residential and Industrial

16. Existing uses of abutting properties: Industrial, Commercial, Residential

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

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:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

M3

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