

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-20:283

APPLICANTS: T. Johns Consulting c/o Diana Morris on behalf of the owner
Jafaar Muhsen

SUBJECT PROPERTY: Municipal address **53 Stone Church Rd. W., Hamilton**

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

ZONING: "AA" & "C/S-1788" (Agricultural District and Urban Protected
Residential, etc.) district

PROPOSAL: To permit the construction of a new single family dwelling upon
demolition of the existing single family dwelling and associated
accessory structures, notwithstanding,

1. A minimum side yard width of 1.2 metres shall be permitted instead of the minimum
required side yard width of 4.5 metres.

NOTES:

1. This property is subject to two (2) zoning districts. Pursuant of Section 3(9)(b) of the
Zoning By-law, where a building is erected on a lot subject to two or more zoning districts
and the use is permitted in each of the zoning districts, the lot shall comply with the least
stringent width and area requirements of each of the districts. As such, the variance
requested for a reduced lot width and lot area is not required as the lot complies with the
least stringent requirements of the two zoning districts, which is a minimum lot width of
12.0 metres and a minimum lot area of 360 square metres, as required by the "C" zoning
district.

2. Details regarding the proposed building height have not been provided. A further
variance will be required if the proposed building height, provided in accordance with the
definition of "Height" and "Grade" as defined within the Zoning By-law, exceeds two and a
half storeys or 11.0 metres.

3. Details regarding yards encroachments have not been provided. A further variance will
be required if the eave and gutter encroach greater than 0.6 metres into a required side
yard.

4. Details regarding front yard landscaping have not been provided. A further variance will
be required if a minimum of 50% of the gross area of the front yard is not provided as
landscaped area.

5. Details regarding parking have not been provided. Further variances will be required is compliance with Section 18A of the Zoning By-law (Parking and Loading Requirements) cannot be complied with. Please be advised, for a single family dwelling, two (2) parking spaces for the first eight (8) habitable rooms in the dwelling plus 0.5 spaces for each additional habitable room are required to be provided.

6. A further variance will be required should the intent be to maintain any existing accessory structure upon demolition of the existing single family dwelling

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

DATE:	Thursday, February 4th, 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
	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:

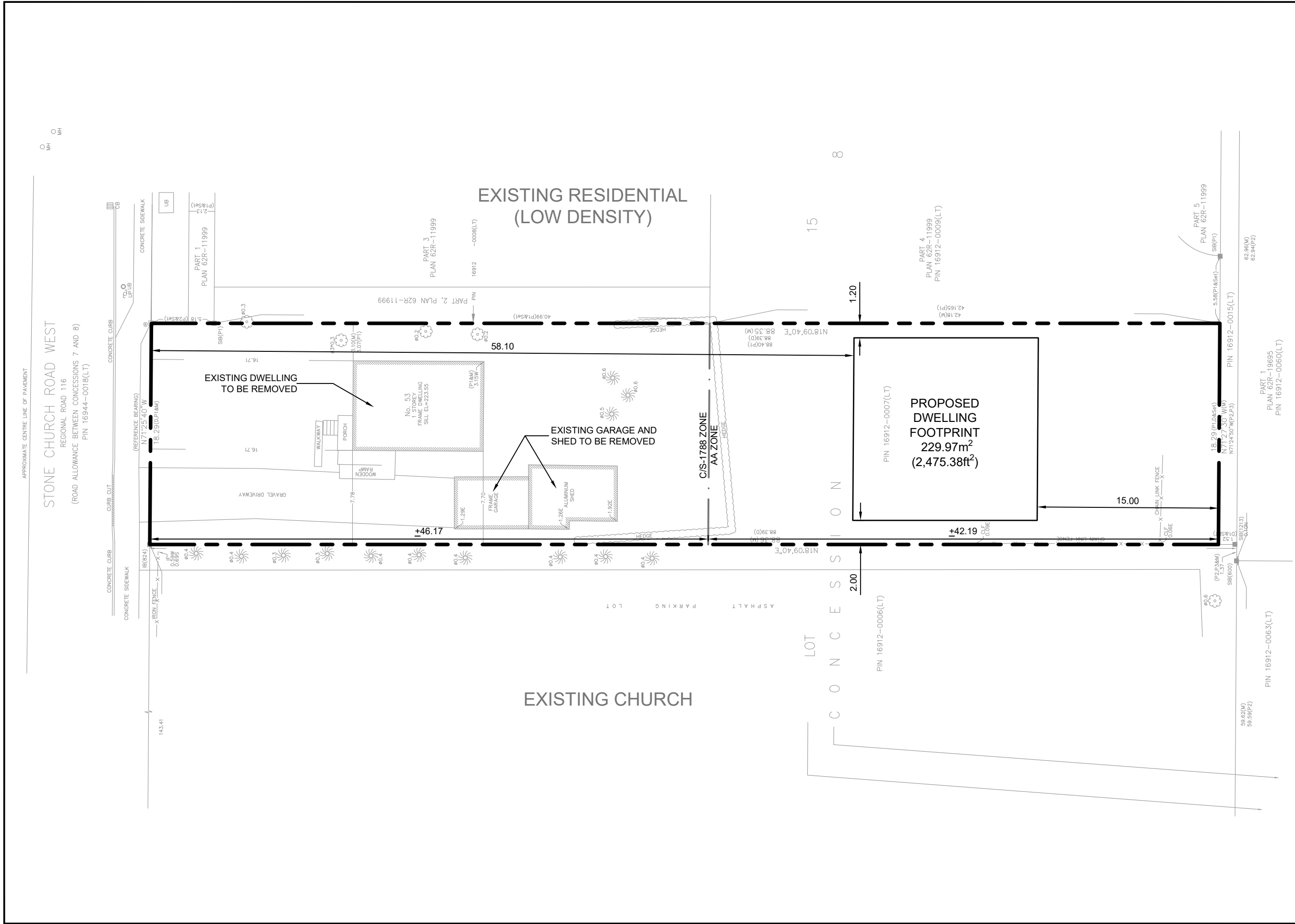
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: January 19th, 2021.

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.

Plotted by: Jennifer Badley; 12-NOV-2020; 9:20AM



LEGAL DESCRIPTION

REVISIONS		
REV.	DESCRIPTION	DATE
A	REVIEW	14-OCT-2020

DISCLAIMER

THIS DRAWING IS THE INTELLECTUAL PROPERTY OF T. JOHNS CONSULTING GROUP LTD. AND IS PROTECTED UNDER COPYRIGHT.

ANY DISCREPANCIES SHALL BE REPORTED TO T. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF CONSTRUCTION.

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.

T. JOHNS CONSULTING GROUP
URBAN PLANNING | DESIGN
PROJECT MANAGEMENT

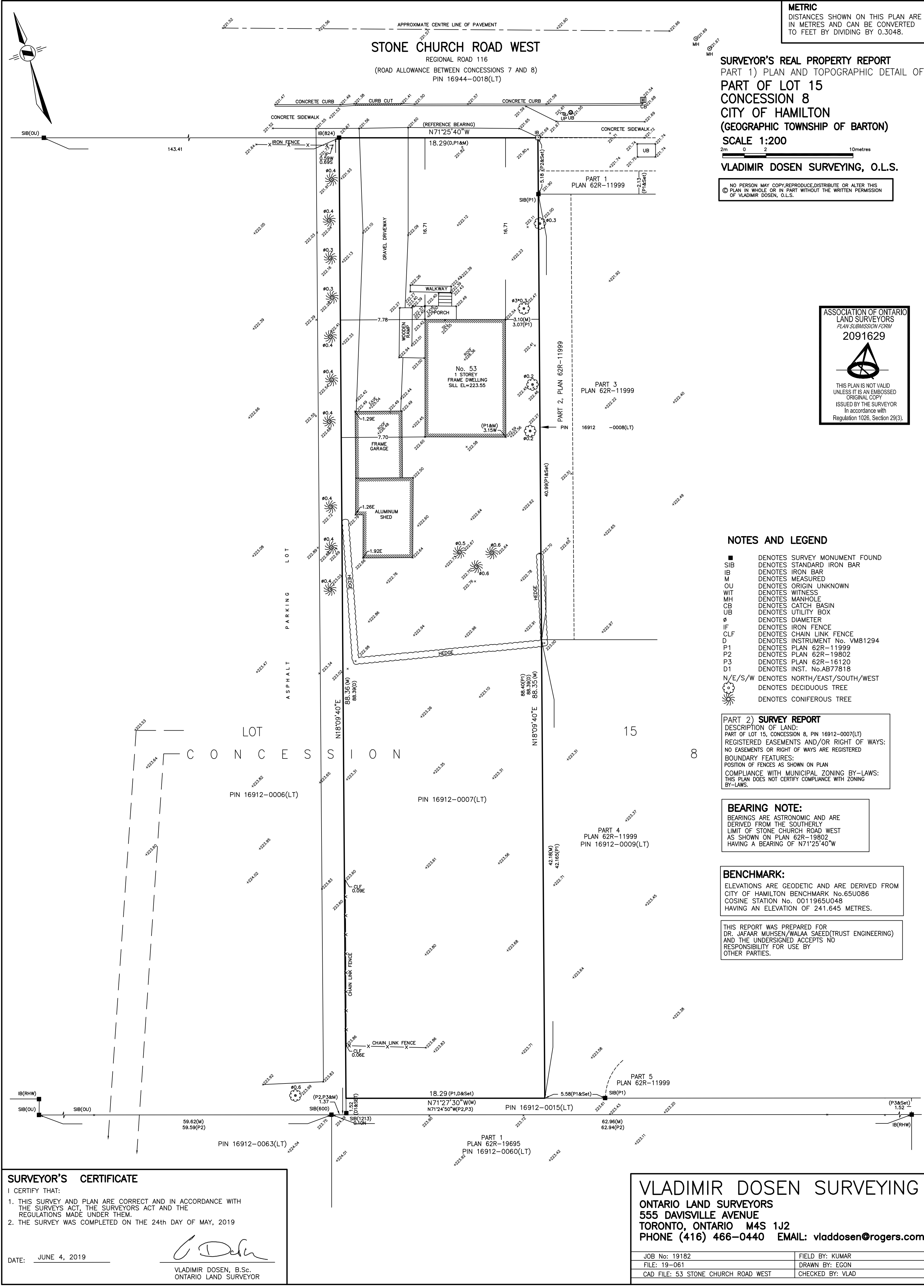
310 LIMERIDGE ROAD WEST, SUITE 6
HAMILTON ONTARIO, L9C 2V2

P 905-574-1993
F 905-527-9559

PROJECT TITLE	
53 STONE CHURCH ROAD WEST	
HAMILTON, ONTARIO	

DRAWING TITLE	
CONCEPT PLAN	

DRAWN BY	DESIGNED BY
JB	JB
PRINT DATE	PROJECT NUMBER
12-NOV-2020	20201
REVISION	DRAWING NUMBER
A	CP1-1
SCALE	
1:300	



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

SURVEYOR'S REAL PROPERTY REPORT
PART 1) PLAN AND TOPOGRAPHIC DETAIL OF
PART OF LOT 15
CONCESSION 8
CITY OF HAMILTON
(GEOGRAPHIC TOWNSHIP OF BARTON)
SCALE 1:200
VLADIMIR DOSEN SURVEYING, O.L.S.

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF VLADIMIR DOSEN, O.L.S.

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2091629

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3).

NOTES AND LEGEND

- SIB DENOTES SURVEY MONUMENT FOUND
- IB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- M DENOTES MEASURED
- OU DENOTES ORIGIN UNKNOWN
- WIT DENOTES WITNESS
- MH DENOTES MANHOLE
- CB DENOTES CATCH BASIN
- UB DENOTES UTILITY BOX
- Ø DENOTES DIAMETER
- IF DENOTES IRON FENCE
- CLF DENOTES CHAIN LINK FENCE
- D DENOTES INSTRUMENT No. VM81294
- P1 DENOTES PLAN 62R-11999
- P2 DENOTES PLAN 62R-19802
- P3 DENOTES PLAN 62R-16120
- D1 DENOTES INST. No. AB77818
- N/E/S/W DENOTES NORTH/EAST/SOUTH/WEST
- Denotes DECIDUOUS TREE
- Denotes CONIFEROUS TREE

PART 2) SURVEY REPORT
DESCRIPTION OF LAND:
PART OF LOT 15, CONCESSION 8, PIN 16912-0007(LT)
REGISTERED EASEMENTS AND/OR RIGHT OF WAYS:
NO EASEMENTS OR RIGHT OF WAYS ARE REGISTERED
BOUNDARY FEATURES:
POSITION OF FENCES AS SHOWN ON PLAN
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS:
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE DERIVED FROM THE SOUTHERLY LIMIT OF STONE CHURCH ROAD WEST AS SHOWN ON PLAN 62R-19802 HAVING A BEARING OF N71°25'40"W

BENCHMARK:
ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK No. 65U086 COSINE STATION No. 0011965U048 HAVING AN ELEVATION OF 241.645 METRES.

THIS REPORT WAS PREPARED FOR DR. JAFAR MUHSEN/WALAA SAED (TRUST ENGINEERING) AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

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 THE 24th DAY OF MAY, 2019

DATE: JUNE 4, 2019

VLADIMIR DOSEN, B.Sc.
ONTARIO LAND SURVEYOR

VLADIMIR DOSEN SURVEYING
ONTARIO LAND SURVEYORS
555 DAVISVILLE AVENUE
TORONTO, ONTARIO M4S 1J2
PHONE (416) 466-0440 EMAIL: vladdosen@rogers.com

JOB No: 19182	FIELD BY: KUMAR
FILE: 19-061	DRAWN BY: EGON
CAD FILE: 53 STONE CHURCH ROAD WEST	CHECKED BY: VLAD

December 16, 2020

City of Hamilton
Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

ATTENTION: Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment

Dear Ms. Sheffield:

RE: 53 Stone Church Road West, Hamilton
Minor Variance Application

T. Johns Consulting Group Ltd. ("T. Johns") has been retained by Mr. Jafaar Muhsen, the owner of the above reference lands, to submit the enclosed Minor Variance application on their behalf.

Planning Status

The City of Hamilton designates the subject lands Neighbourhoods in the Urban Hamilton Official Plan. The Neighbourhoods designation seeks to develop compact, mixed use, transit-supportive and active transportation friendly neighbourhoods and permits the full range of residential uses.

The City of Hamilton Zoning By-law No. 6593 zones the front half of the property Urban Protected Residential, Etc. "C/S-1788" District, Modified and the rear half of the property Agricultural "AA" District both of which permit single detached dwellings.

Proposed Development

The proposed redevelopment of 53 Stone Church Road West is for the creation of a new single detached dwelling with the existing dwelling and detached garage to be removed. The submitted Concept Plan shows the proposed dwelling located towards the rear of the property within the lands zoned "AA" District.

Development Applications

To facilitate the proposed development, the following variances are required:

	<u>Zoning By-law 6593</u> <u>Section</u>	<u>Purpose</u>
1	7A(4)	To allow a minimum lot width of 18.29 metres and a minimum lot area of 750.0 square metres within the district, whereas a minimum lot width of 60.0 metres and a minimum lot area of 12,000.00 square metres is required.
2	7(3)(ii)	To allow a minimum side yard of 1.2 metres, whereas a width of at least 4.5 metres is required.

Please refer to **Appendix "A"** for detailed information and planning rationale for each variance.

In support of the application, please find enclosed:

- One (1) copy of the completed Minor Variance Application form;
- One (1) cheque in the amount of \$3,302.00 made payable to the City of Hamilton to satisfy the Minor Variance Application fee;
- One (1) copy of the Survey Plan;
- One (1) copy of the Concept Plan; and
- One (1) copy of Appendix "A": Planning Rationale.

Should you require any additional information, please do not hesitate to contact our office at (905) 574-1993 ext. 202 or dmorris@tjohnsconsulting.com.

Respectfully Submitted,
T. JOHNS CONSULTING GROUP LTD.



Diana Morris, BA, MCIP, RPP
Senior Planner

T. Johns Consulting Group Ltd. (“T. Johns”) has prepared the following Planning Rationale Report in support of the Minor Variance applications for 53 Stone Church Road West, Hamilton (“subject lands”).

Description of Subject Lands

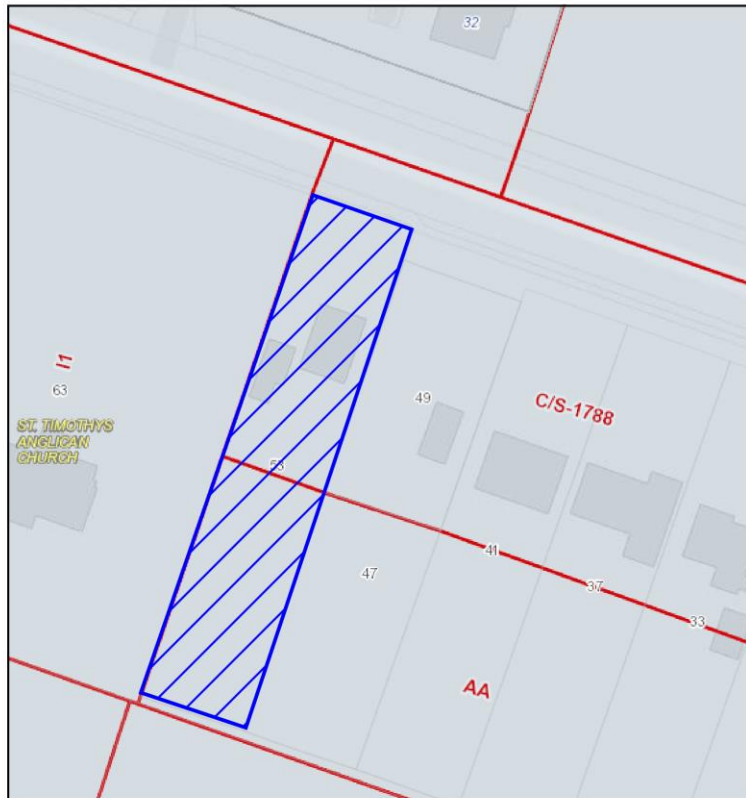
The subject lands are located in the Mewburn Neighbourhood; on the south side of Stone Church Road West, east of West 5th Street and west of Upper James Street. The subject lands are rectangular in shape, with a total site area of 0.16 hectares (1,615.9 m²) with 18.29 metres of frontage on Stone Church Road West and a depth of 88.35 metres. The lands are generally flat with a minimal northerly slope towards the street of approximately 2 metres over the entire lot depth. The lands encompass mature vegetation central to site and along the side property lines. The site currently contains a one (1) 1-storey single detached dwelling and one (1) detached garage that is accessed off Stone Church Road West. (Refer to **Figure 1 - Site Location**).

The subject lands are designated *Neighbourhoods* in the Urban Hamilton Official Plan and has split zoning. The front portion of the subject lands is zoned Urban Protected Residential, Etc. “C/S-1788” District, Modified and the rear of the property is zoned Agricultural “AA” District in the former City of Hamilton Zoning By-law No. 6593. (Refer to **Figure 2 - Zoning By-law**).

Figure 1 - Site Location



Figure 2 - Zoning By-law



Proposed Development

The proposed development of 53 Stone Church Road West is for the creation of a new single detached dwelling which is preferred to be located as far away from the main roadway (Stone Church) as possible to minimize road noise. Due to this, the proposed detached dwelling would be located within the existing “AA” District. This proposal will result in the demolition of the existing dwelling and detached garage fronting Stone Church, currently within the “C/S-1788” District.

To facilitate the proposed development the following applications are required:

- Minor Variance to reduce lot width, lot area and side yard setbacks of the “AA” District and;
- Building Permit.

The intent of the above applications is to facilitate one (1) single family dwelling with access from Stone Church Road West. The proposed redevelopment of the subject lands will not change the density and is in keeping with the existing low-density residential uses to the east. The site has been conceptually designed to illustrate the preferred location of the new dwelling and will exceed the required rear yard setback and front yard setback of the “AA” District. The requested variances provide for the location of the new single detached dwelling and will permit the house to be located within the “AA” District. The proposed building envelope is shown to be setback farther from Stone Church Road West to increase the livability and mitigate any potential noise impact from Stone Church Road West (**refer to Concept Plan submitted**).

The proposed redevelopment of 53 Stone Church Road West requires relief from the Agricultural “AA” District of Zoning By-law No. 6593 as it relates to reductions of the side yard setback, lot area and lot width.

Nature and extent of relief applied for:

Two (2) Minor Variances are being sought from the former City of Hamilton Zoning By-law No. 6593 to facilitate the redevelopment of the subject lands for a compatible low density residential use in the Mewburn Neighbourhood in the City of Hamilton. The requested minor variances are as follows:

	<u>Zoning By-law No. 6593 Section</u>	<u>Purpose</u>
1	7A(4)	To allow a minimum lot width of 18.29 metres and a minimum lot area of 750.0 square metres within the district, whereas a minimum lot width of 60.0 metres and a minimum lot area of 12,000.00 square metres is required.
2	7(3)(ii)	To allow a minimum side yard of 1.2 metres, whereas a width of at least 4.5 metres is required.

PLANNING RATIONALE TO SUPPORT THE VARIANCES:

Overall Conformity to the *Urban Hamilton Official Plan*

Schedule E-1 of The Urban Hamilton Official Plan (UHOP) designates the subject lands as ‘Neighbourhoods’ located to the west of one of the City’s Primary Corridor (Schedule E), being Upper James Street.

UHOP Chapter E, Section 3.0 - Neighbourhoods permits the full range of residential uses. The subject land has frontage on Stone Church Road West (Minor Arterial) and is located between West 5th Street (Minor Arterial) and Upper James Street (Major Arterial). The Neighbourhoods designation seeks to develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods (E.3.1.1). The proposed development has frontage on a road with an existing bike lane and has a planned multi-use trail to the south, accessed from Upper James Street and West 5th Street, according to Map 1A of the City of Hamilton Transportation Master Plan. Policy E.3.1.2 seeks to develop neighbourhoods as part of a complete community. The subject lands are in close proximity to a number of commercial and institutional uses that support the residential use. The proposed development provides a residential scale and density that is compatible and respects the character of the existing neighbourhood (E.3.1.4 & E.3.1.5). Of importance, the use and density will be maintained as is currently existing on the subject lands.

The proposed low density residential redevelopment meets the design policies of E.3.4 as the development offers a single detached built form with a net density of 6.25 units per hectare. The proposed development is integrated into the neighbourhood by providing a low density built form with appropriate scale and setbacks to the existing residential uses to the east and further to the west. The height of the proposed building will not exceed 2.5 storey’s, which is aligned with the surrounding 1-3 storey existing dwellings in the surrounding area.

The proposed redevelopment for one (1) residential dwelling within the Mewburn Neighbourhood is aligned with the City’s Community and Neighbourhood policies found within UHOP’s Chapter B and Chapter E, respectively.

VARIANCE 1. To allow a minimum lot width of 18.29 metres and a minimum lot area of 750.0 square metres within the district, whereas a minimum lot width of 60.0 metres and a minimum lot area of 12,000.00 square metres is required within the “AA” District.

Why is it not possible to comply with the provision of the by-law?

The subject lands have split zoning with the “AA” District located at the rear of the property and the front portion zoned “C/S-1788” District, Modified. The subject lands are legal non-conforming and as such, the variance to reduce the minimum lot width to 18.29 metres and the minimum lot area to 750.0 square metres within the district is required to recognize the existing conditions. The “AA” District applies to the rear of the subject lands in addition to the five (5) residential lots to the east. The existing property limits within the “AA” District of the subject lands, as well as for the existing lots to the east of these lands, do not meet the required lot width and lot area. As such, the current requirements of a minimum lot width of 60.0 metres and a minimum lot area of 12,000.00 square metres within the urban area are not feasible and do not reflect the current property limits of the zone in relation to the existing lots along Stone Church West.

PLANNING RATIONALE TO SUPPORT VARIANCE 1:

1. Conformity to the Intent of the Zoning By-law

The “AA” District permits the proposed use. The intent of lot width and lot area is to ensure a parcel is functional and to protect agricultural lands. The proposed 18.29 metre lot width and 750.0 square metre lot area recognizes the existing conditions of the subject lands. The proposed redevelopment will not change the lot size but rather will bring the existing lot into conformity with Zoning By-law 6593. The proposed lot width and area can accommodate a dwelling footprint that will exceed the rear and front yard setback requirements of the Zoning By-law, while being cohesive with the surrounding residential neighbourhood and is able to maintain private outdoor amenity space.

2. Is the Variance Minor?

The requested variance to permit a reduction in the minimum width and lot area within the “AA” District is minor as it recognizes existing conditions and does not propose any changes to the existing lot fabric/property lines of the neighbourhood. Any potential impact of the proposed residential redevelopment will be mitigated with appropriate setbacks and a building height that meets the Zoning By-law requirements.

3. Is the Variance Desirable for the Development of the Property?

The request is desirable as it will facilitate the construction of a family-sized dwelling unit in the desirable Mewburn Neighbourhood. The proposed development of the property is the same use

existing on the lands and therefore is acceptable for the property. Further, the variance will recognize the existing legal non-conforming status of the subject lands.

VARIANCE 2. To allow a side yard depth of 1.20 metres, whereas a side yard depth of 4.5 metres is required within the “AA” District.

Why is it not possible to comply with the provision of the by-law?

A 4.5 metre setback is not aligned with UHOP Chapter B.3 Urban Design policies which promotes respecting existing character, development patterns and built form. The variance is required to provide flexibility in the developable area of the property. The front portion of the subject lands are zoned “C/S-1788” District, Modified which requires a minimum side yard width of 1.2 metres. The proposed development provides a side yard setback of 2.0 metres along the abutting western property line to provide additional buffering from the existing institutional use (Assyrian Church of the East). The requested variance to reduce the required side yard depth seeks to provide consistency across the entire lot by requiring the same side yard depth in the “AA” District as is required in the “C/S-1788” District, Modified.

PLANNING RATIONALE TO SUPPORT VARIANCE 2:

1. Conformity to the Intent of the Zoning By-law

The proposed single-family dwelling is a permitted use in both the “AA” District and the “C/S-1788” District, Modified. The “AA” District requires a side yard depth of 4.5 metres. Typically, lot widths within the “AA” District are larger, as the width of the zoning requirement of this district is 60.00m and would be able to accommodate the required side yard setbacks. However, as the subject lands have an existing frontage of 18.29m and in order to provide a dwelling that is sufficient in size, the 4.5 metre side yard is not appropriate for these lands. The subject lands are within the urban area and the “AA” zoned lands are a remnant parcel within a developed neighbourhood. The proposed redevelopment is consistent with policies in the UHOP. The proposal provides side yard depths that are consistent with the existing setbacks on the property and within the neighbourhood, and therefore the requested variance conforms to the intent of the Zoning By-law.

2. Is the Variance Minor?

The requested variance to reduce the side yard depth from 4.5 metres to 1.2 metres within the “AA” District is minor as it will continue to provide appropriate side yard setbacks as is permitted in the “C/S-1788” District, Modified. The 1.2 metre setback provides a functional side yard with regard to access, maintenance and landscaping. The proposed side yard setback is consistent with the neighbourhood context. The proposed redevelopment will not change the lotting pattern or density of the subject lands and as such, the impact on the surrounding properties will be minor.

3. Is the Variance Desirable for the development of the property?

The existing residential dwelling is located within the "C/S-1788" District in which a 1.2 metre side yard setback is permitted. As such, the requested variance to reduce the side yard depth to 1.2 metres will provide consistency throughout the entire lot and will provide more flexibility in regards to the location of the new dwelling, while maintaining the streetscape and character of the neighbourhood. The proposed side yard setback is consistent with what is already permitted on the property and with the development patterns of the surrounding residential uses.

Conclusion

The proposed redevelopment of 53 Stone Church Road West will revitalize lands and enhance the existing built form of the neighbourhood. The proposed redevelopment maintains the density and existing uses in the stable neighbourhood and is a permitted use. The requested variances meet the intent of the UHOP, general intent of Zoning By-law No. 6593, are minor, desirable and represent good land use planning.

Respectfully Submitted,
T. JOHNS CONSULTING GROUP LTD.



Diana Morris, BA, MCIP, RPP
Senior Planner



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 Mr. Jafaar Muhsen Telephone No. _____
FAX NO. _____ E-mail address. _____

2. Address _____
_____ Postal Code _____

3. Name of Agent T. Johns Consulting c/o Diana Morris 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:

N/A Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:

Owner is seeking relief from the required side yard setback of 4.5 m to
minimum of 1.2m of the "AA" Zone and relief from lot width and area to
recognize the existing lot on record (legal non-conforming)

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

Please see Planning Rationale submitted in support of this application

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

53 Stone Church Road West,

Part of Lot 15, Concession 8 (Former Township of Barton)

9. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☒ Vacant ☒

Other

9.1 If Industrial or Commercial, specify use

N/A

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?

Owner's knowledge

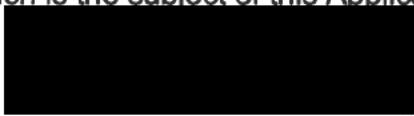
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. N/A

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.

Dec 15 2020
Date


Signature Property Owner

Jafaar Muhsen
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>18.29 m</u>
Depth	<u>88.35 m</u>
Area	<u>1,615 m² (0.16 ha)</u>
Width of street	<u>20.00 m (Stone Church Road West)</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: 1 storey single detached dwelling with 1 detached garage, 1 aluminum shed

<u>Principle Dwelling</u>	<u>Garage</u>	<u>Aluminum Shed</u>
<u>± 80.4 m² (904 ft²)</u>	<u>± 26.4 m² (284 ft²)</u>	<u>± 36 m² (387.5 ft²)</u>
<u>± 10.8 m x ± 7.4 m</u>	<u>± 6.1 m x ± 4.3 m</u>	<u>± 7.4 m x ± 5.3 m</u>

Proposed: The proposed development is for one (1) new single detached dwelling

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

<u>Existing:</u>	<u>Principle Dwelling</u>	<u>Garage</u>	<u>Aluminum Shed</u>
	<u>Front Yard: ± 16.71 m</u>	<u>Front Yard: ± 26.0 m</u>	<u>Front Yard: ± 32.2 m</u>
	<u>Side Yard: ± 3.1 m / ± 7.7 m</u>	<u>Side Yard: ± 1.2 m / ± 12.5 m</u>	<u>Side Yard: ± 1.2 m / ± 11.6 m</u>
	<u>Rear Yard: ± 62.3 m</u>	<u>Rear Yard: ± 58.6 m</u>	<u>Rear Yard: ± 49.6 m</u>

- Proposed: The proposed single detached dwelling will be as follows:
- Front yard setback: 12.0 m (minimum)
- Rear setback: 15 m
- Side yard setbacks: East - 1.2 m / West - 2.0 m
13. Date of acquisition of subject lands:
November 27, 2013
14. Date of construction of all buildings and structures on subject lands:
1950s
15. Existing uses of the subject property: Residential and vacant to the rear of the property
16. Existing uses of abutting properties: _____
Residential (single detached) to the East, Institutional (church) to the West, Vacant to the South
17. Length of time the existing uses of the subject property have continued:
Approximately 70 years
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|----------|-----------|----------|
| Water | <u>✓</u> | Connected | <u>✓</u> |
| Sanitary Sewer | <u>✓</u> | Connected | <u>✓</u> |
| Storm Sewers | <u>✓</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"C/S-1788" and "AA" of Zoning By-law 6593
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