



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**

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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.:** FL/A-21:16

**APPLICANTS:** Kevin Webster on behalf of the owner Marika Ince

**SUBJECT PROPERTY:** Municipal address **984 Garden Ln., Flamborough**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended

**ZONING:** "S1" (Settlement Residential) district

**PROPOSAL:** To permit construction of a 5.49m (18'0") x 6.1m (20'0") accessory building (proposed shop) together with a 2.44m (8'0") x 6.1m (20'0") covered porch which is accessory to the existing single detached dwelling notwithstanding that:

1. A maximum coverage of 155m<sup>2</sup> shall be provided for all accessory buildings instead of the requirement that all buildings accessory to a residential use shall not exceed 30% lot coverage of the yard in which the accessory buildings are located, including areas devoted exclusively to parking, to a maximum of 97m<sup>2</sup>.

NOTE:

- i) An interpretation has been made that the 2.44m (8'0") x 6.1m (20'0") covered porch which is attached to the 5.49m (18'0") x 6.1m (20'0") accessory building (proposed shop) is considered part of the accessory building lot coverage. As such, this accessory building has a coverage of 48.31m<sup>2</sup> rather than 35.0m<sup>2</sup> as indicated on the Minor Variance Application. Additionally, based on a 2011 building permit for the Accessory Building (Detached Garage) # 1, its coverage is 65.5m<sup>2</sup> (25'2" x 28'0").
- ii) The proposed accessory building (detached shop) shall only be accessory to the single detached dwelling and shall not be used for human habitation, commercial or industrial uses.

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

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**DATE:** Thursday, February 18th, 2021  
**TIME:** 2:35 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.

## **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)

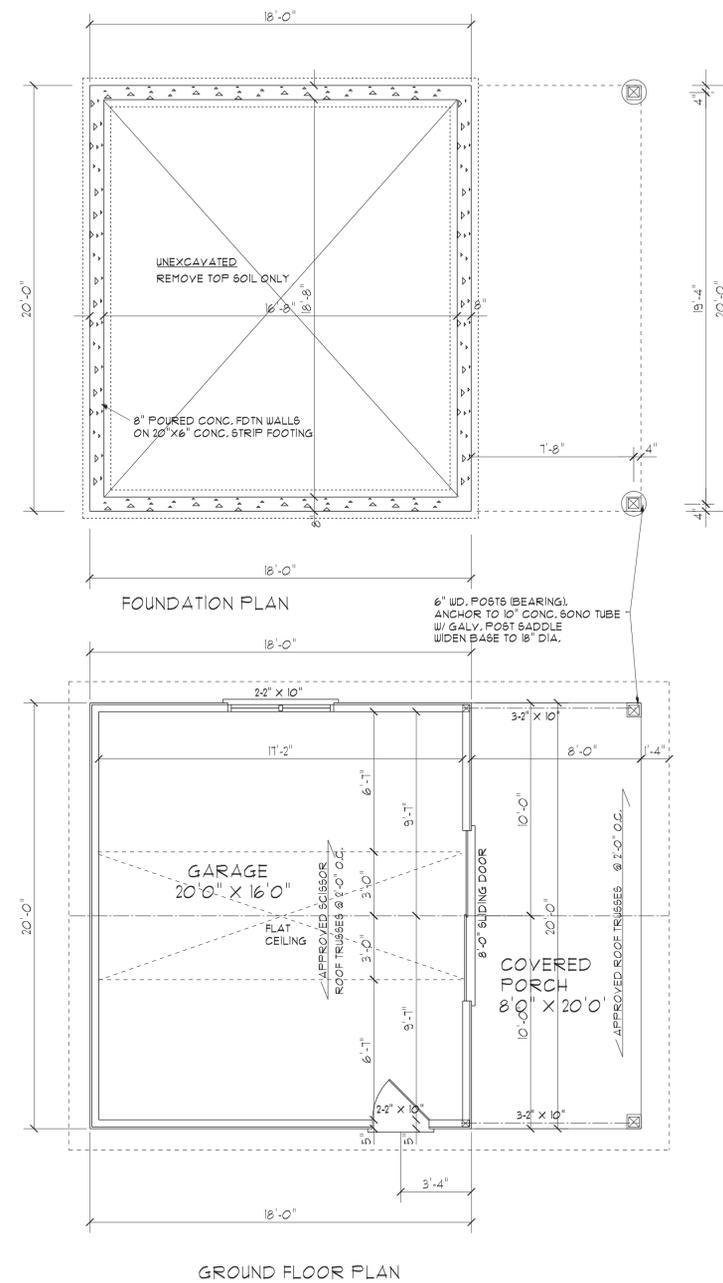
DATED: February 2nd, 2021.

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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.***





NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PRICING	01/21/20	K.W.

REVISIONS	

**Kevin Webster Designs Inc.**  
RESIDENTIAL & COMMERCIAL  
DESIGN, DRAFTING & CONSULTING

68 North Valley Dr., Welland, Ontario L3C 7L6  
(905)639-2009

PROJECT NO. 202015	DATE JULY 2020
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BUILDER:

PROJECT NAME:  
INCE RESIDENCE  
984 GARDEN LANE  
FLAMBOROUGH, ONT.

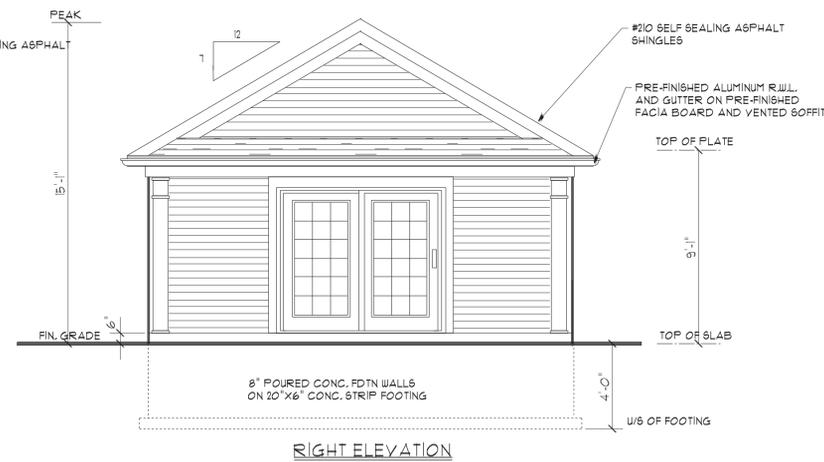
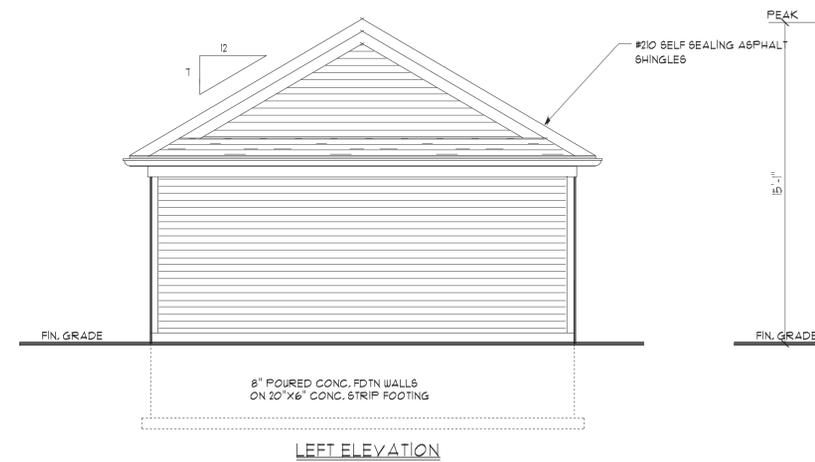
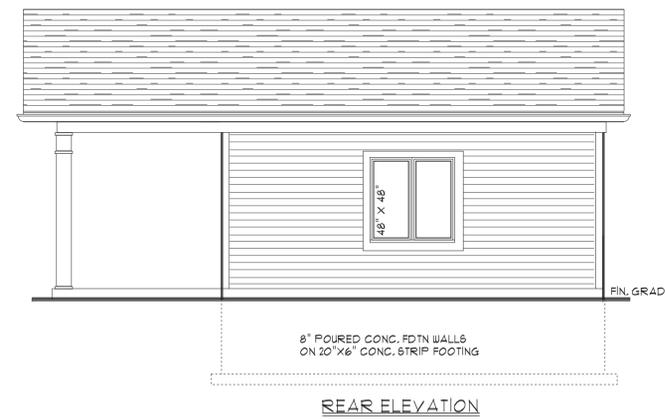
MODEL:

DRAWING:  
**FLOOR PLANS ACCESSORY BUILDING**

DRAWN BY: K.W.	CHECKED BY: K.W.
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SCALE:  
1/4" = 1'-0"

PAGE:  
A1



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PRICING	07/21/20	K.W.

REVISIONS			

**Kevin Webster Designs Inc.**  
 RESIDENTIAL & COMMERCIAL  
 DESIGN, DRAFTING & CONSULTING  
 68 North Valley Dr., Welland, Ontario L3C 7L6  
 (905)639-2009

PROJECT NO. 202015	DATE JULY 2020
-----------------------	-------------------

BUILDER:  
 PROJECT NAME:  
 INCE RESIDENCE  
 984 GARDEN LANE  
 FLAMBOROUGH, ONT.

MODEL:  
 DRAWING:  
**ELEVATIONS ACCESSORY BUILDING**

DRAWN BY: K.W.	CHECKED BY: K.W.
SCALE: 1/4"=1'-0"	PAGE: A2





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.**

<b>FOR OFFICE USE ONLY.</b>	
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.

- Name of Owner MARIKA INCE Telephone No. [REDACTED]  
FAX NO. [REDACTED] E-mail address. [REDACTED]
- Address [REDACTED] Postal Code [REDACTED]
- Name of Agent KEVIN WEBSTER Telephone No. [REDACTED]  
FAX NO. [REDACTED] E-mail address [REDACTED]
- Address [REDACTED] Postal Code [REDACTED]

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

6. Nature and extent of relief applied for:

ALLOWED MAXIMUM 97 SQ.M OF  
TOTAL ACCESSORY BUILDINGS  
PROPOSED 140 SQ.M OF ACCESSORY BUILDINGS.

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

THERE ARE 4 EXISTING OUT BUILDINGS  
TOTALING 105 SQ.M  
WE ARE PROPOSING TO ADD 1 MORE  
BUILDING @ 35 SQ.M

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

904 GARDEN LANE, FLAMBOROUGH, ONT.

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?

COMMON 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.

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.

\* JAN. 4 / 21  
Date

\*   
Signature Property Owner

\* M. MARIKA INCE  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 53.035 m  
Depth 152.529 m  
Area 8089.375 SQ.M  
Width of street 20'

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: DWELLING - 157.37 SQ.M FLOOR AREA  
2 STOREY, 19.66 m WIDE, 9.25 m DEPTH, 5.3 m HEIGHT  
ACCESSORY BUILDING 1 - 65 SQ.M FLOOR AREA, 8.5 x 7.6, 4.5 m HEIGHT  
ACCESSORY BUILDING 2 - 22.3 SQ.M FLOOR AREA, 5.65 x 6.1 m, 3.6 m HEIGHT  
ACCESSORY BUILDING 3 - 10.0 SQ.M FL. AREA 3.65 x 3.65, 3.0 m HEIGHT  
ACCESSORY BUILDING 4 - 7.42 SQ.M. FL. AREA 3.05 x 2.44, 3.0 m HEIGHT  
PROPOSED: ADDITION TO EXISTING DWELLING 79 SQ.M  
TOTAL FLOOR AREA 236.53 SQ.FT, 2 STOREY, 19.66 WIDE, 9.25 m DEPTH  
PROPOSED ACCESSORY BUILDING 5.9 x 6.1 m, 4.5 m HEIGHT, 8.0 m HEIGHT

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 18.44, LEFT: 22.4, RIGHT 10.68, REAR 125.4  
ACC. #1: FRONT 21.44, SIDES 12.7 & 33.0, REAR 115.0 m  
ACC. #2: FRONT: 59.8, SIDES 2.98 & 46.37, REAR 86.2  
ACC. #3: FRONT 139.0, SIDES 14 & 35 m, REAR 10.66  
ACC. #4: FRONT 46.0, SIDES 4.26 & 45.7, REAR 104 m

Proposed: DWELLING - FRONT 18.44, SIDES 27.4 & 10.68  
REAR 125.4 m

ACCESSORY BUILDING - FRONT 32.50 m  
SIDES 12.2 & 33.0, REAR 106

13. Date of acquisition of subject lands:

1990

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

1970 DWELLING, 2009 ACC. BUILDING

15. Existing uses of the subject property:

SINGLE FAMILY RESIDENTIAL

16. Existing uses of abutting properties:

RESIDENTIAL, AGRICULTURAL

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

SINCE BUILT

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:

LOW DENSITY RESIDENTIAL

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

S1

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