

## **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-21:27

**APPLICANTS:** Benito Nunez, owner

**SUBJECT PROPERTY:** Municipal address **951 Millgrove Side Rd., Flamborough**

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

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

**PROPOSAL:** To permit the construction of a second storey addition to the existing Single Detached Dwelling, the construction of the new front porch and rear deck, and construction of an Accessory Building (shed) in the rear yard notwithstanding that:

1. The lot has no frontage along a street whereas the by-law requires each lot to have frontage of at least 4.5m along a street.
2. A minimum side yard of 1.2m shall be provided instead of the minimum side yard setback of 3.0m required for accessory buildings having a gross floor area greater than 18.0m<sup>2</sup>.

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

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**DATE:** Thursday, February 18th, 2021  
**TIME:** 2:45 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.***

PART OF LOT 18  
CONCESSION 5  
( GEOGRAPHIC TOWNSHIP OF WEST FLAMBOROUGH )  
CITY OF HAMILTON

SCALE 1:300  
0 5 10 15 20 25 METRES  
B.A. JACOBS SURVEYING LTD.  
ONTARIO LAND SURVEYOR

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

BEARING NOTE:  
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE  
WESTERLY LIMIT OF THE ROAD ALLOWANCE BETWEEN LOTS  
18 AND 19 AS SHOWN ON REGISTERED PLAN M-314, HAVING  
A BEARING OF N 12° 59' 00" W.

LEGEND & NOTES:  
■ DENOTES SURVEY MONUMENT FOUND  
□ DENOTES SURVEY MONUMENT PLANTED  
SIB DENOTES STANDARD IRON BAR  
SSIB DENOTES SHORT STANDARD IRON BAR  
IB DENOTES IRON BAR  
WT. DENOTES WITNESS  
(OU) DENOTES ORIGIN UNKNOWN  
P1 DENOTES PLAN BY A.J. CLARKE O.L.S. (FILE: H-171)  
P2 DENOTES PLAN BY A.T. MCLAREN LTD. (AUG. 23, 1994)  
P3 DENOTES REGISTERED PLAN M-314  
P4 DENOTES PLAN 62R-4556  
(824) DENOTES A.T. MCLAREN O.L.S.

FOR BEARING COMPARISONS, A ROTATION OF 0° 14' COUNTER  
CLOCKWISE WAS APPLIED TO BEARINGS SHOWN ON P1.

SURVEYOR'S REAL PROPERTY REPORT  
PART 2 - REPORT SUMMARY

DESCRIPTION OF LAND  
BEING PART OF LOT 18, CONCESSION 5, TOWNSHIP OF WEST  
FLAMBOROUGH, KNOWN AS MUNICIPAL No. 951 MILLGROVE SIDE  
ROAD, (MILLGROVE), CITY OF HAMILTON

REGISTERED EASEMENTS AND/OR RIGHTS OF WAY  
NO EASEMENTS LISTED ON THE PARCEL REGISTER FOUND IN THE  
LAND REGISTRY OFFICE.

BOUNDARY FEATURES  
NOTE: LOCATION OF THE FENCE AS IT RELATES TO THE SOUTHERLY  
BOUNDARY OF THE SUBJECT PROPERTY.

COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS  
NOT CERTIFIED BY THIS REPORT



THIS REPORT WAS PREPARED FOR MARIELA CARDOSO

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE  
REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON OCTOBER 14, 2020.

OCTOBER 14, 2020  
DATE

BRYAN JACOBS  
ONTARIO LAND SURVEYOR



B.A. JACOBS SURVEYING LTD.  
152 JACKSON STREET EAST, SUITE 102  
HAMILTON, ONTARIO (L8N 1L3)  
PHONE 905-521-1535 bjacobs@rogers.com

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JOB No. 20s54

PART 1  
PLAN 62R-4556

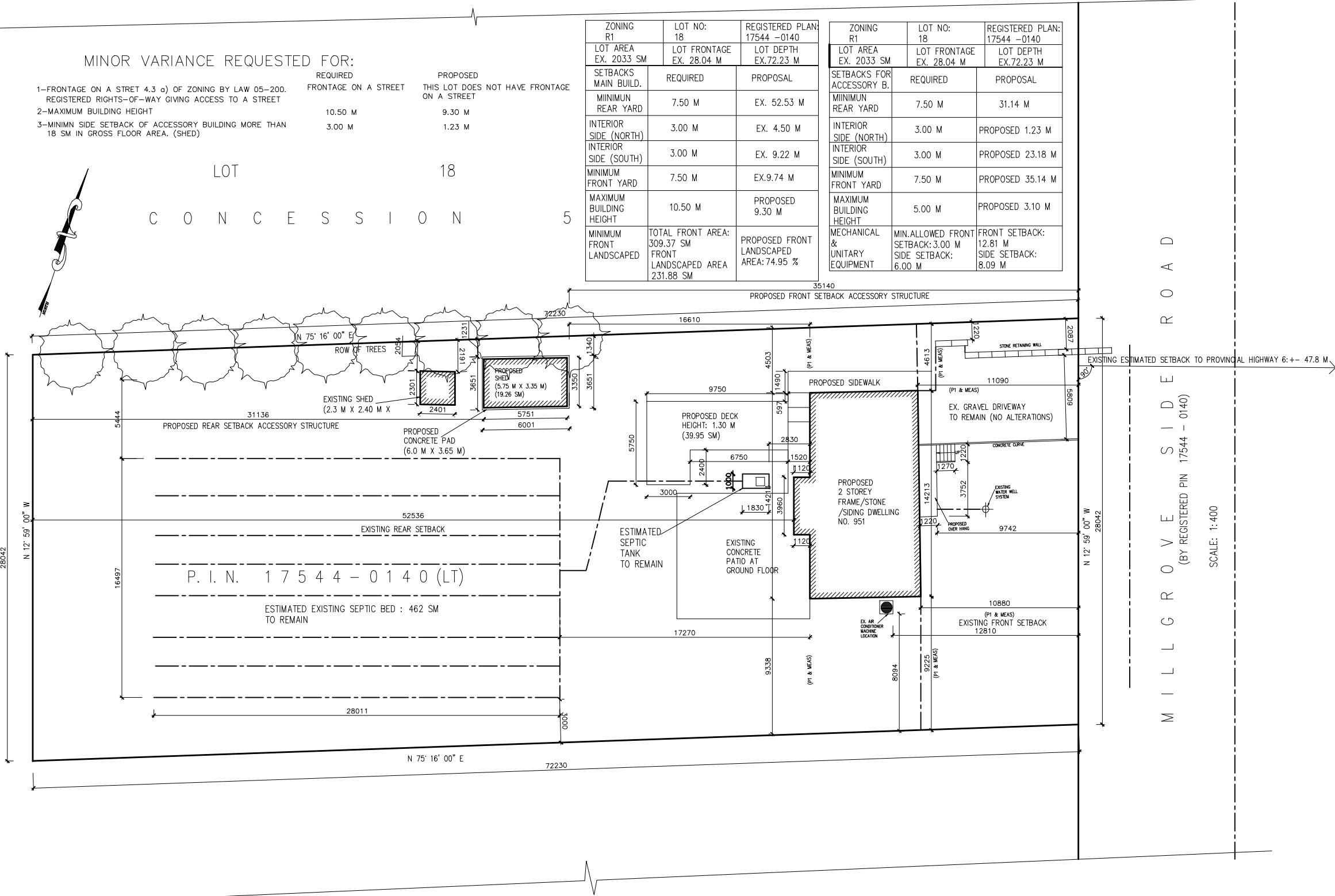
ZONING LEGEND

ADDRESS: 951 MILLGROVE SIDE ROAD MILLGROVE  
LOT: 18 CONCESSION: 5 PIN: 17544 - 0140

MINOR VARIANCE REQUESTED FOR:

	REQUIRED	PROPOSED
1-FRONTAGE ON A STRET 4.3 a) OF ZONING BY LAW 05-200. REGISTERED RIGHTS-OF-WAY GIVING ACCESS TO A STREET	FRONTAGE ON A STREET	THIS LOT DOES NOT HAVE FRONTAGE ON A STREET
2-MAXIMUM BUILDING HEIGHT	10.50 M	9.30 M
3-MINIMN SIDE SETBACK OF ACCESSORY BUILDING MORE THAN 18 SM IN GROSS FLOOR AREA. (SHED)	3.00 M	1.23 M

ZONING R1	LOT NO: 18	REGISTERED PLAN: 17544 -0140	ZONING R1	LOT NO: 18	REGISTERED PLAN: 17544 -0140
LOT AREA EX. 2033 SM	LOT FRONTAGE EX. 28.04 M	LOT DEPTH EX.72.23 M	LOT AREA EX. 2033 SM	LOT FRONTAGE EX. 28.04 M	LOT DEPTH EX.72.23 M
SETBACKS MAIN BUILD.	REQUIRED	PROPOSAL	SETBACKS FOR ACCESSORY B.	REQUIRED	PROPOSAL
MINIMUM REAR YARD	7.50 M	EX. 52.53 M	MINIMUM REAR YARD	7.50 M	31.14 M
INTERIOR SIDE (NORTH)	3.00 M	EX. 4.50 M	INTERIOR SIDE (NORTH)	3.00 M	PROPOSED 1.23 M
INTERIOR SIDE (SOUTH)	3.00 M	EX. 9.22 M	INTERIOR SIDE (SOUTH)	3.00 M	PROPOSED 23.18 M
MINIMUM FRONT YARD	7.50 M	EX.9.74 M	MINIMUM FRONT YARD	7.50 M	PROPOSED 35.14 M
MAXIMUM BUILDING HEIGHT	10.50 M	PROPOSED 9.30 M	MAXIMUM BUILDING HEIGHT	5.00 M	PROPOSED 3.10 M
MINIMUM FRONT LANDSCAPED	TOTAL FRONT AREA: 309.37 SM FRONT LANDSCAPED AREA 231.88 SM	PROPOSED FRONT LANDSCAPED AREA: 74.95 %	MECHANICAL & UNITARY EQUIPMENT	MIN.ALLOWED FRONT SETBACK: 3.00 M SIDE SETBACK: 6.00 M	FRONT SETBACK: 12.81 M SIDE SETBACK: 8.09 M



general notes

- Contractor must check and verify all on-site dimensions and be responsible for the reporting of any discrepancies with this drawing Consultants, prior to commencing work. Failure to do so will be at the Contractor's cost.
- Contractor to provide shop drawings for all fixtures and submit these drawings to Consultants for approval.
- Drawings are not to be scaled, work to noted dimensions only.
- The design is the property of the consultants and cannot be used without written permission.

2 Issued for Committee of Adjuntment January, 2021

1 Issued for Zoning revision June, 2020

issues and revisions ( ): date

Project:  
New Single Family Detached  
2 Storey Dwelling . Residential.

client owner:  
  
Benito Nunez & Mariela Cardoso  
951 Millgrove Side Road Millgrove  
LOR 1V0. Ontario.

drawings:  
Site Plan.

scale: 1: 300	project no.: 2021-15
date: JANUARY 2021	
drawn:	dwg no.:
checked:	A00



1  
A7

PROPOSED FRONT ELEVATION PLAN

SCALE 3/16" = 1'-0"

SPATIAL CALCULATION:  
WALL AREA BUILDING: 97.34 SM  
LIMITING DISTANCE:EX. 10.88 M  
ALLOWED OPENING = 100%  
OPENING PROVIDED= 16.64 %  
OPENING PROVIDED= 16.20 SM

It is the contractor responsibility to ensure that all construction conforms to the requirements of the Ontario Building Code. Notations made on these drawings are for the information and assistance only and do not necessarily comment on all areas of construction.

#### general notes

- 1 Contractor must check and verify all on-site dimensions and be responsible for the reporting of any discrepancies with this drawing Consultants, prior to commencing work. Failure to do so will be at the Contractor's cost.
- 2 Contractor to provide shop drawings for all fixtures and submit these drawings to Consultants for approval.
- 3 Drawings are not to be scaled, work to noted dimensions only.
- 4 The design is the property of the consultants and cannot be used without written permission.

2 Issued for Committee of Adjustment January, 2021

1 Issued for Applicable Law, November, 2020

issues and revisions ( ): date

Owner of the building:

Benito Nunez & Mariela Cardoso  
951 Millgrove Side Road Millgrove  
LOR 1V0

Project:  
Convert existing 1 Storey Dwelling  
in 2 Storey Detached Dwelling.  
Residential.

drawings:

Proposed Front Elevation Plan.

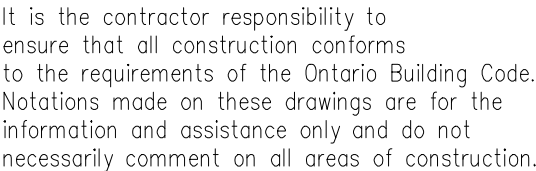
scale:	as shown	project no.:	2021-15
date:	JANUARY 2021		
drawn:		dwg no.:	A7
checked:			



It is the contractor responsibility to ensure that all construction conforms to the requirements of the Ontario Building Code. Notations made on these drawings are for the information and assistance only and do not necessarily comment on all areas of construction.

scale:	as shown	project no.: 2021-15
date:	JANUARY 2021	
drawn:		dwg no.: <b>A13</b>
checked:		

## A13



## general notes

- 1 Contractor must check and verify all on-site dimensions and be responsible for the reporting of any discrepancies with this drawing Consultants, prior to commencing work. Failure to do so will be at the Contractor's cost.
- 2 Contractor to provide shop drawings for all fixtures and submit these drawings to Consultants for approval.
- 3 Drawings are not to be scaled, work to noted dimensions only.
- 4 The design is the property of the consultants and cannot be used without written permission.

2 Issued for Committee of Adjustment January, 2021

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1 Issued for Applicable Law, November, 2020

Issues and revisions ( ): date

Owner of the building:  
Benito Nunez & Mariela Cardoso  
951 Millgrove Side Road Millgrove  
LOR 1V0

Project:  
Convert existing 1 Storey Dwelling  
in 2 Storey Detached Dwelling.  
Residential.

drawings:

Proposed North Elevation Plan.

scale: as shown	project no.:  2021-15
date: JANUARY 2021	
drawn:	dwg no.: <b>A9</b>
checked:	

**Committee of Adjustment**  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5



Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

FOR OFFICE USE ONLY.

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

SECRETARY'S SIGNATURE \_\_\_\_\_

**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, 2	NAME	ADDRESS	
Registered Owners(s)	BENITO NUNEZ		
Applicant(s)*	BENITO NUNEZ		
			E-mail:
Agent or Solicitor			Phone:
			E-mail:

**Note:** Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:



Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:  
We are proposing to construct a second storey addition to the existing single Detached Dwelling convert one storey in two storey building. We are applying for Minor Variances to facilitate the proposed construction. The existing property does not have frontage on a street as required by Section 4.3 a) of the Zoning By Law. The Front Lot Line abutting a private Road.  
The proposed Shed is already done to 1.20 m from the Side Lot Line. Should be 3.00
5. Why it is not possible to comply with the provisions of the By-law?  
The existing property does not have frontage on a street as required by Section 4.3 a) of the Zoning By Law. The Front Lot Line abutting a private Road.  
The proposed Shed is already done to 1.20 m from the Side Lot Line. Should be 3.00 m as by law.  
We are not sure if we comply with Building Height.
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**): Lot: 18, Concession: 5, Registered Plan: 17544- 0140

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use  
\_\_\_\_\_

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?  
Yes ☐ No ☐ Unknown ☒

8.3 Has a gas station been located on the subject land or adjacent lands at any time?  
Yes ☐ No ☐ Unknown ☒

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
Yes ☐ No ☐ Unknown ☒

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
Yes ☐ No ☐ Unknown ☒

8.6 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 ☒

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
Yes ☐ No ☐ Unknown ☒

8.8 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 ☒

8.9 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 ☒

8.10 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 ☒

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

8.12 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 ☐

9. 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.

January 14, 2021

Date

Benito Nunez

Signature Property Owner

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>28.04 m</u>
Depth	<u>72.23 m</u>
Area	<u>2033 sm</u>
Width of street	<u>6.00 m</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: 105.70 sm

Gross Floor Area: 105.70 sm

One Storey Detached Single Dwelling Building, width: 7.39 m, Length: 14.30 m, Height: 5.03 m

Proposed

Ground Floor Area: 105.70 sm

Gross Floor Area: 211.40 sm

Two Storey Detached Single Dwelling Building, width: 7.39 m, Length: 14.30 m, Height: 8.84 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:

Ground Floor Area: 105.70 sm

Gross Floor Area: 105.70 sm

One Storey Detached Single Dwelling Building, width: 7.39 m, Length: 14.30 m, Height: 5.03 m

Proposed:

Ground Floor Area: 105.70 sm

Gross Floor Area: 211.40 sm

Two Storey Detached Single Dwelling Building, width: 7.39 m, Length: 14.30 m, Height: 8.84 m

13. Date of acquisition of subject lands: March 11, 2020

14. Date of construction of all buildings and structures on subject lands:  
Year 1961

15. Existing uses of the subject property: Residential

16. Existing uses of abutting properties: Residential

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

18. Municipal services available: (check the appropriate space or spaces)

Water No Connected No  
Sanitary Sewer No  
Storm Sewers No Connected No

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:  
R1

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. Additional Information



Hamilton

December 21, 2020

FILE: ALR  
FOLDER: 20-195696-00 ALR  
ATTENTION OF: Robyn Reid  
TELEPHONE NO: (905) 546-2424  
EXTENSION: 4769

Uina D'Acosta-Calheiros  
563 RAPHAEL AVE  
MISSISSAUGA, ON L5G 4W9

**Attention:** Uina D'Acosta-Calheiros

**Re: APPLICABLE LAW REVIEW – ZONING COMPLIANCE REVIEW**  
**Present Zoning: Settlement Residential (S1) Zone, Hamilton Zoning By-law 05-200**  
**Address: 951 MILLGROVE SIDEROAD FLAMBOROUGH, ON**

An Applicable Law Review respecting Zoning By-law Compliance has been completed and the following comments are provided.

**COMMENTS:**

1. The applicant is proposing to construct a second storey addition to the existing Single Detached Dwelling, construction of the new front porch and rear deck, and construction of an Accessory Building (shed) in the rear yard.
2. The use of a Single Detached Dwelling and building accessory thereto is permitted at this location.
3. There is insufficient information in Building Division records to determine the last recognized use of this property.
4. A successful application for a minor variance will be required to facilitate the proposed construction as this property does not have frontage on a street as required by Section 4.3 a) of the Zoning By-law, as noted in the table below. For the purpose of this application, it is assumed the front lot line will be the lot line abutting the Private Road, deemed to be the easterly lot line.
5. The following comments are provided on the assumption that a successful application for a Minor Variance will be completed. Until such time that a Minor Variance application receives final and binding approval, the proposed construction shall not be permitted.
6. The proposed development has been reviewed and compared to the standards of the S1 zone, as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
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	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Section 12.3 Settlement Residential (S1) Zone</b> <b>Hamilton Zoning By-law 05-200, as amended by By-law 15-173</b>			
<b>Section 12.3.3 Regulations</b>			
<b>Minimum Lot Area</b> Section 12.3.3 a) of Hamilton Zoning By-law 05-200	0.4 hectares	0.203 hectares (2033 square metres)	<b>Deemed to comply – see Section 4.12 d) of the Zoning By-law – Vacuum Clause</b>
<b>Minimum Lot Width</b> Section 12.3.3 b) of Hamilton Zoning By-law 05-200	30.0 metres	28.04 metres	<b>Deemed to comply – see Section 4.12 d) of the Zoning By-law – Vacuum Clause</b>
<b>Minimum Front Yard</b> Section 12.3.3 c) of Hamilton Zoning By-law 05-200	7.5 metres	10.88 metres	<b>Conforming</b>
<b>Minimum Side Yard</b> Section 12.3.3 d) of Hamilton Zoning By-law 05-200	3.0 metres	Northerly – 4.5 metres Southerly – 9.2 metres	<b>Conforming</b>
<b>Minimum Rear Yard</b> Section 12.3.3 e) of Hamilton Zoning By-law 05-200	7.5 metres	53.65 metres	<b>Conforming</b>
<b>Maximum Building Height</b> Section 12.3.3 f) of Hamilton Zoning By-law 05-200	10.5 metres	Details not provided	<b>Unable to determine compliance</b>  <b>NOTE:</b> the applicant shall provide the proposed building height in accordance with the definition of “Building Height” and “Grade” as defined within the Zoning By-law (see comment 7 below table)
<b>Maximum Capacity for Residential Care Facility</b> Section 12.3.3 g) of Hamilton Zoning By-law 05-200	Shall not exceed 6 residents	A Residential Care Facility is not proposed	<b>n/a</b>
<b>Home Business Regulations</b>	In accordance with the requirements of Section 4.21 of	A Home Business is not proposed	<b>n/a</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 12.3.3 h) of Hamilton Zoning By-law 05-200	this By-law.		
<b>Accessory Buildings</b>  Section 12.3.3 i) of Hamilton Zoning By-law 05-200	In accordance with the requirements of Sections 4.8 and 4.8.1 of this By-law	See table below	See table below
<b>Parking</b>  Section 12.3.3 j) of Hamilton Zoning By-law 05-200	In accordance with the requirements of Section 5 of this By-law.	See table below	See table below
<b>Section 4 General Provisions</b>			
<b>Frontage on a Street</b>  Section 4.3 a) of Hamilton Zoning By-law 05-200	No lot shall have built upon it a building for any purpose in any zone unless the lot abuts a street for a minimum of 4.5 metres. Provided, however, that where a lot is separated from a street by land owned by the City or the Province of Ontario which land is held by such public agency for future road widening purposes or as a 0.3 metre reserve, a building may be erected upon such lot if registered rights-of-way giving access to a street have been granted and such access scheme is part of a Development Agreement pursuant to the Planning Act.	This lot does not have frontage on a street	Non-conforming
<b>Permitted Yard Encroachments</b>  Section 4.6 a) of Hamilton Zoning By-law 05-200	The usual projections of window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances may be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser;	Details not provided	Unable to determine compliance
<b>Permitted Yard Encroachments</b>  Section 4.6 d) of Hamilton Zoning By-law 05-200	A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;	The proposed front porch is not shown to encroach into the required front yard  The proposed rear deck is not shown to encroach	Conforming



	Required By By-Law	Provided	Conforming/ Non-Conforming
		into the required rear yard	
<b>Accessory Buildings</b> Section 4.8 of Hamilton Zoning By-law 05-200	Unless otherwise provided for in this By-law, no accessory building shall be used for human habitation.	The proposed accessory building is noted to be used for a shed	<b>Conforming</b>
<b>Accessory Buildings</b> Section 4.8.1 a) of Hamilton Zoning By-law 05-200	No accessory building shall be located within a front yard	The proposed accessory building is shown to be located within the rear yard	<b>Conforming</b>
<b>Accessory Buildings</b> Section 4.8.1 b) of Hamilton Zoning By-law 05-200	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 97 square metres. This regulation shall not apply to an inground swimming pool.	The proposed accessory building is shown to occupy less than 30% of the rear yard and provide a floor area less than 19.26 square metres	<b>Conforming</b>
<b>Accessory Buildings</b> Section 4.8.1 c) of Hamilton Zoning By-law 05-200	Accessory buildings having a maximum gross floor area of less than 10.0 square metres and a maximum building height of 3.0 metres may be located in a required rear yard or a required side yard.	The proposed accessory building provides a floor area greater than 10.0 square metres	<b>n/a</b>
<b>Accessory Buildings</b> Section 4.8.1 d) of Hamilton Zoning By-law 05-200	Buildings accessory to a residential use shall have a maximum building height of 5.0 metres. The maximum height of the underside of any fascia eaves, overhang or the lower ends of the roof joists, rafters or trusses shall be 3.0 metres.	Details not provided	<b>Unable to determine compliance</b>
<b>Accessory Buildings</b> Section 4.8.1 e) of Hamilton Zoning By-law 05-200	The following regulations shall apply to buildings accessory to a residential use which have a gross floor area between 10.0 square metres and 18 square metres:  i) Side Yard 0.6 metres  ii) Rear Yard 0.6 metres  iii) In no case shall an eave or gutter extend more than .3 metres into a required yard; and, iv) Where such accessory building is designed and intended for parking of motor vehicles, such accessory building shall be set back a minimum of 6.0 metres from any street line.	The proposed accessory building provides a floor area greater than 18.0 square metres	<b>n/a</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Accessory Buildings</b>  Section 4.8.1 f) of Hamilton Zoning By-law 05-200	Except as noted in clause d), accessory buildings greater than 18 square metres in gross floor area shall comply with all other regulations required for the dwelling type to which the building is accessory to.	The proposed accessory structure is shown to be located a minimum of 1.2 metres from the northerly side lot line	<b>Non-conforming</b>  <b>NOTE:</b> a minimum side yard of 3.0 metres is required to be provided, as outlined in Section 12.3.3 d), as noted in table above
<b>Accessory Buildings</b>  Section 4.8.1 g) of Hamilton Zoning By-law 05-200	Buildings greater than 18 square metres of gross floor area and accessory to an Institutional use shall conform to the regulations of the principle use.	An Institutional use is not proposed	<b>n/a</b>
<b>Accessory Buildings</b>  Section 4.8.1 h) of Hamilton Zoning By-law 05-200	Buildings greater than 18 square metres in gross floor area and accessory to a Commercial use shall conform to the regulations of the principle Use.	A Commercial use is not proposed	<b>n/a</b>
<b>Mechanical and Unitary Equipment</b>  Section 4.9 of Hamilton Zoning By-law 05-200	Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:  a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,  b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line	Details not provided	<b>Unable to determine compliance</b>
<b>Adequate Services</b>  Section 4.22 of Hamilton Zoning By-law 05-200	Please see Section 4.22 of the Zoning By-law for regulations related to Adequate Services	Details not provided	<b>Unable to determine compliance</b>
<b>Special Setbacks</b>  Section 4.23 of Hamilton Zoning By-law 05-200	Setback from a Provincial Highway Right-of-Way  All buildings, structures, required parking areas and storm water management facilities located on a property shall be setback a minimum of 14.0 metres from a Provincial Highway Right-of-Way	Details not provided	<b>Unable to determine compliance</b>
<b>Section 5 Parking</b>			



	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Parking – Location</b>  Section 5.1 a) i) of Hamilton Zoning By-law 05-200	Required parking facilities shall be located on the same lot as the use requiring the parking.	Parking facilities are provided on the same lot as the use requiring the parking	<b>Conforming</b>
<b>Parking – Location</b>  Section 5.1 b) i) of Hamilton Zoning By-law 05-200	On a lot containing a single detached dwelling, semi-detached dwelling or duplex dwelling in all zones:  i) The required parking spaces for such dwellings shall be located a minimum distance of 5.8 metres from the streetline; and,	Greater than 5.8 metres provided to the street line	<b>Conforming</b>
<b>Parking – Location</b>  Section 5.1 b) ii) of Hamilton Zoning By-law 05-200	ii) No parking spaces shall be permitted in a required front yard or required flankage yard except as otherwise permitted for single detached, semi-detached or duplex dwellings.	Details not provided	<b>Unable to determine compliance</b>
<b>Parking – Location</b>  Section 5.1 b) iii) of Hamilton Zoning By-law 05-200	iii) A driveway shall be located so as to lead directly from a street or laneway to a required parking space, either within a garage or outside, with such driveway having a minimum width of 3.0 metres;	It appears the existing driveway provides a width greater than 3.0 metres	<b>Conforming</b>
<b>Parking – Location</b>  Section 5.1 b) iv) of Hamilton Zoning By-law 05-200	iv) The width of a driveway shall not exceed the width of an attached garage;	The width of the existing driveway exceeds the width of the existing attached garage	<b>Existing condition – Legally Established Non-complying</b>
<b>Parking – Location</b>  Section 5.1 b) v) of Hamilton Zoning By-law 05-200	v) Notwithstanding Subsection 5.1 b) iv), on a lot having an attached garage less than 5.0 metres in width, the driveway may extend beyond the width of the garage toward the side lot line to a maximum width of 5.0 metres and no closer than 0.6 metres to the side lot line, nearest to the garage;	The width of the existing driveway exceeds the width of the existing attached garage	<b>Existing condition – Legally Established Non-complying</b>
<b>Parking – Location</b>  Section 5.1 b) vi) of Hamilton Zoning By-law 05-200	vi) In the case of a dwelling unit without an attached garage, the driveway width shall not exceed 50% of the lot width or 8.0 metres, whichever is less;	An attached garage is provided	<b>n/a</b>
<b>Parking – Location</b>  Section 5.1 b) vii) of Hamilton Zoning By-law 05-200	vii) Where the driveway is provided in the front yard, all other portions of the front yard shall be landscaped area;	Details not provided	<b>Unable to determine compliance</b>
<b>Parking – Location</b>	viii) A maximum of one driveway shall be permitted for each dwelling	One (1) driveway is	<b>Conforming</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 5.1 b) viii) of Hamilton Zoning By-law 05-200	unit, except in the case of:  1. A corner lot where a maximum of one driveway may be permitted from each street frontage; or,  2. On a lot having a minimum width of 30.0 metres, a maximum of two driveways may be permitted;	proposed	
<b>Parking – Location</b>  Section 5.1 b) ix) of Hamilton Zoning By-law 05-200	ix) On a corner lot, no access driveway shall be permitted through a daylight triangle; and,	This is not a corner lot	n/a
<b>Parking – Location</b>  Section 5.1 b) x) of Hamilton Zoning By-law 05-200	x) In the case of a duplex dwelling, the required parking may be arranged in tandem.	A duplex dwelling is not proposed	n/a
<b>Parking – Design Standards</b>  Section 5.2 b) i) of Hamilton Zoning By-law 05-200	Unless permitted by another regulation in this By-law, parking space sizes shall be:  i) Minimum 3.0 metres in width and 5.8 metres in length;	Details not provided	Unable to determine compliance
<b>Parking – Design Standards</b>  Section 5.2 c) of Hamilton Zoning By-law 05-200	All required parking shall be provided with adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle, and shall be arranged so as not to interfere with normal public use of the street or laneway. Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only.	Details not provided	Unable to determine compliance
<b>Parking – Design Standards</b>  Section 5.2 e) i) a) of Hamilton Zoning By-law 05-200	Parking Spaces, Driveways and Widening(s) in All Zones  a) Shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone or gravel, and shall be maintained in a dust free condition;	Details not provided	Unable to determine compliance
<b>Parking – Parking Schedules</b>  Section 5.6 c) i) of Hamilton Zoning By-law 05-200	Residential Uses  Single Detached Dwelling – one (1) parking spaces required to be provided per dwelling unit	Details not provided	Unable to determine compliance

7. As defined within the Zoning By-law, *Building Height* and *Grade* shall mean:

***Building Height*** Shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

***Grade*** Shall mean the average level of the proposed or finished ground adjoining a building calculated along the perimeter of all exterior walls.

8. The proposed construction is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
9. Demolition of any existing structures may be subject to the issuance of a demolition permit from the Building Division.
10. Any proposed fencing shall comply with Hamilton Fence By-law 10-142.
11. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
12. This review is based on the plans submitted with the application.

Yours truly



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for the Manager of Building Engineering and Zoning

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