



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th 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

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-21:11

APPLICANTS: Stefanie Dollak, owner

SUBJECT PROPERTY: Municipal address **369 Charlton Ave. W., Hamilton**

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

ZONING: "D/S-1787" (Urban Protected Residential - One and Two Family Dwellings etc.) district

PROPOSAL: To permit the development of a two (2) storey addition to an existing single detached dwelling located on a residential parcel of land, notwithstanding that:

1. A minimum front yard depth of 2.85 metres shall be provided, instead of the minimum required front yard depth of 6.0 metres.
2. A minimum westerly side yard of 0.29 metres shall be provided, instead of the minimum required side yard of 1.20 metres.
3. An eave/gutter shall be permitted to project a maximum of 1.2 m into the required westerly side yard and may be as close as 0 m to the westerly lot line instead of the maximum 0.6 m projection permitted.

NOTE:

1. The proposed alterations are subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot

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

DATE: Thursday, February 18th, 2021
TIME: 3:05 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: February 2nd, 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.

(FORMERLY MAPLE STREET, BY REGISTERED PLAN 253, P.I.N. 17138-0285 (LT))



SURVEYOR'S REAL PROPERTY REPORT - PART 1
PLAN OF
PART OF LOT 159
BLOCK "D"
REGISTERED PLAN 253
CITY OF HAMILTON

SCALE 1:100

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
SOUTHERLY LIMIT OF CHARLTON AVENUE WEST AS SHOWN ON
REGISTERED PLAN 253, HAVING A BEARING OF N 72° 00' E.

LEGEND:

LEGEND:

86 DONOTES SURVEY MONUMENT FOUND
G1 DONOTES SURVEY MONUMENT PLANTED
300 DONOTES STANDARD IRON BAR
M1 DONOTES IRON BAR
C1 DONOTES CROSS
CC DONOTES CROSS
WT DONOTES WITNESS
(04) DONOTES ORIGIN UNKNOWN
P1 DONOTES DISTENDED PLAN 253
P2 DONOTES PLAN BY A.L. CLARK, QLS. (FILE: E-3156)
P3 DONOTES PLAN BY ASHENBROOK HOLDINGS LTD.
FILE 86171)
D1 DONOTES INSTRUMENT NO. 1622404
(655) DONOTES J.T. PETERSON QLS.
(677) DONOTES J.G. HARRINGTON QLS.
(912) DONOTES A.L. CLARK QLS.
(892) DONOTES J.P. MOWERS QLS.

**SURVEYOR'S REAL PROPERTY REPORT
PART 2 - REPORT SUMMARY**

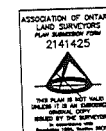
DESCRIPTION OF LAND

DESCRIPTION OF LAND
BEING PART OF LOT 132, BLOCK "D" REGISTERED PLAN 253
KNOWN AS MUNICIPAL No. 389 CHARLTON AVENUE WEST, 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
EASTERLY BOUNDARY OF THE SUBJECT PROPERTY.
NOTE THE LOCATION OF THE CONCRETE AND STONE PATIO AS
TO THE WESTERN BOUNDARY OF THE PROPERTY.

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



THIS REPORT WAS PREPARED FOR STEFANE DOLLAR

SURVEYOR'S CERTIFICATE

1. GERRY MAT

1. 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 DECEMBER 2, 2020.

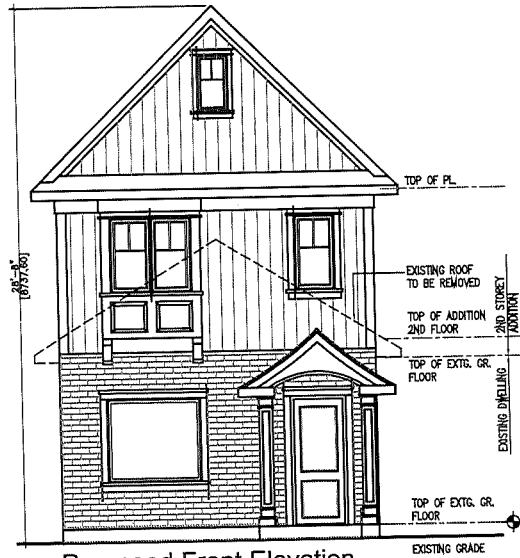
DECEMBER 14, 2020

BRYAN JACOBS
ONTARIO LAND SURVEYOR



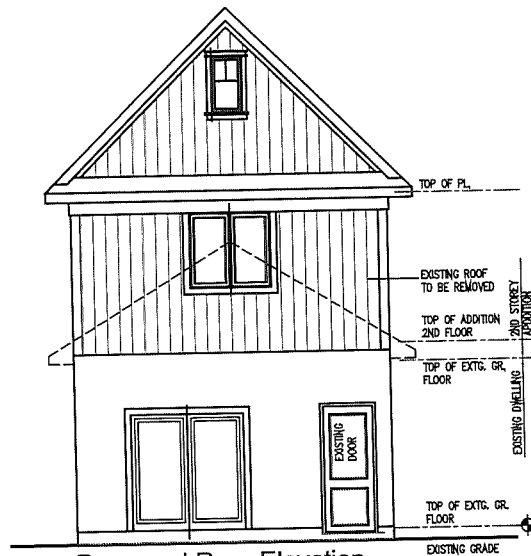
B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L8N 1L2)
PHONE 905-521-1536 ba.jacobs@rogers.com

① - PAYMENT



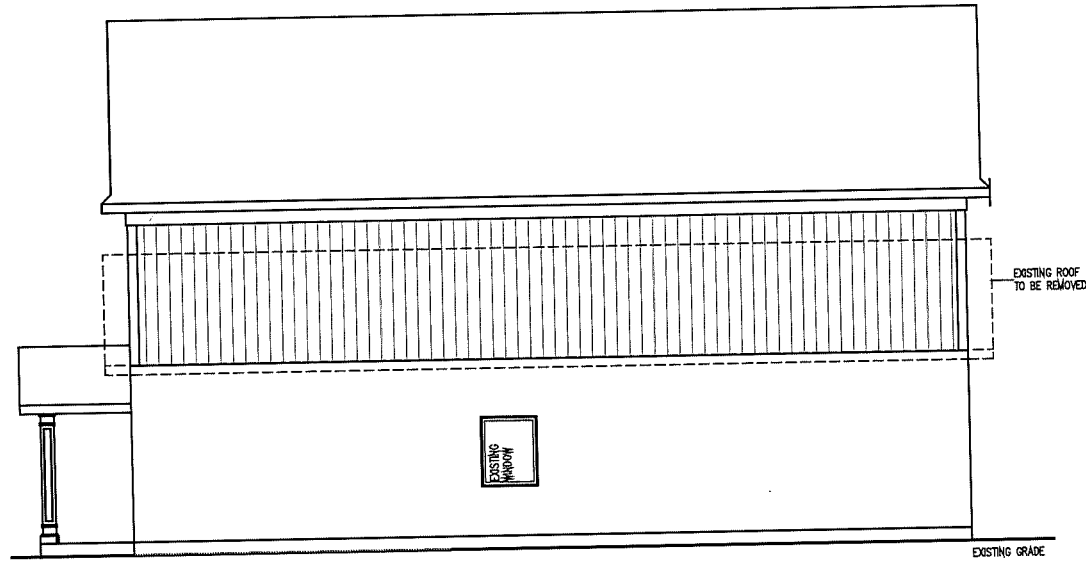
Proposed Front Elevation

North Elevation
ELEVATION DRAWN BY:

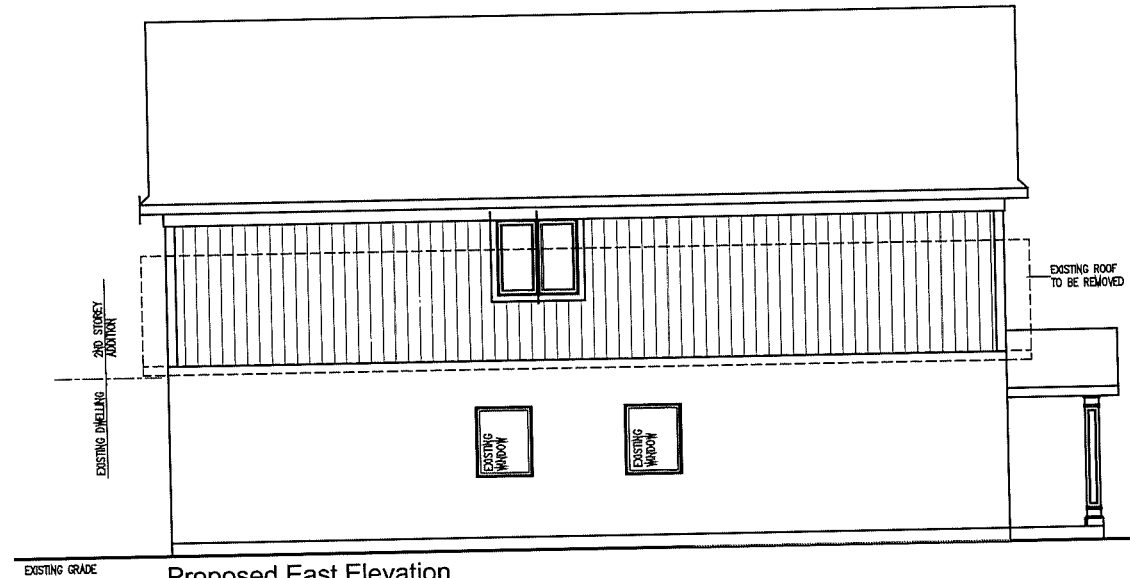


Proposed Rear Elevation

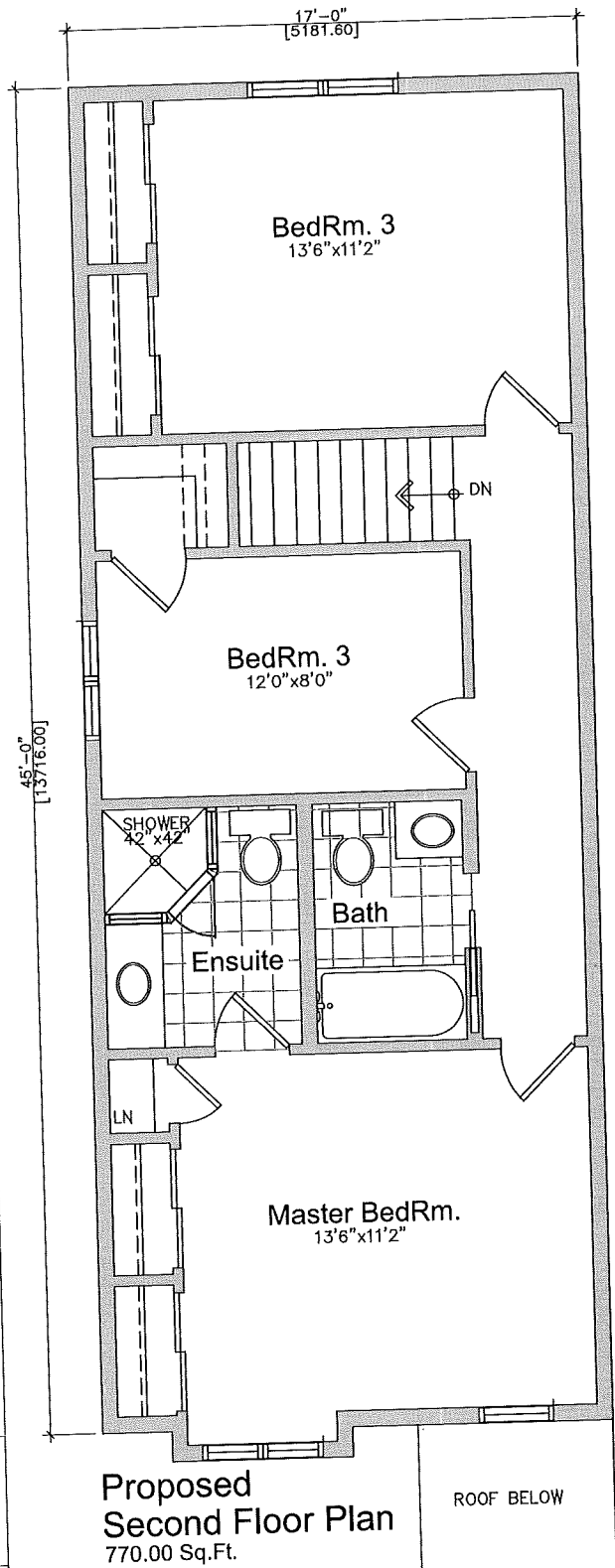
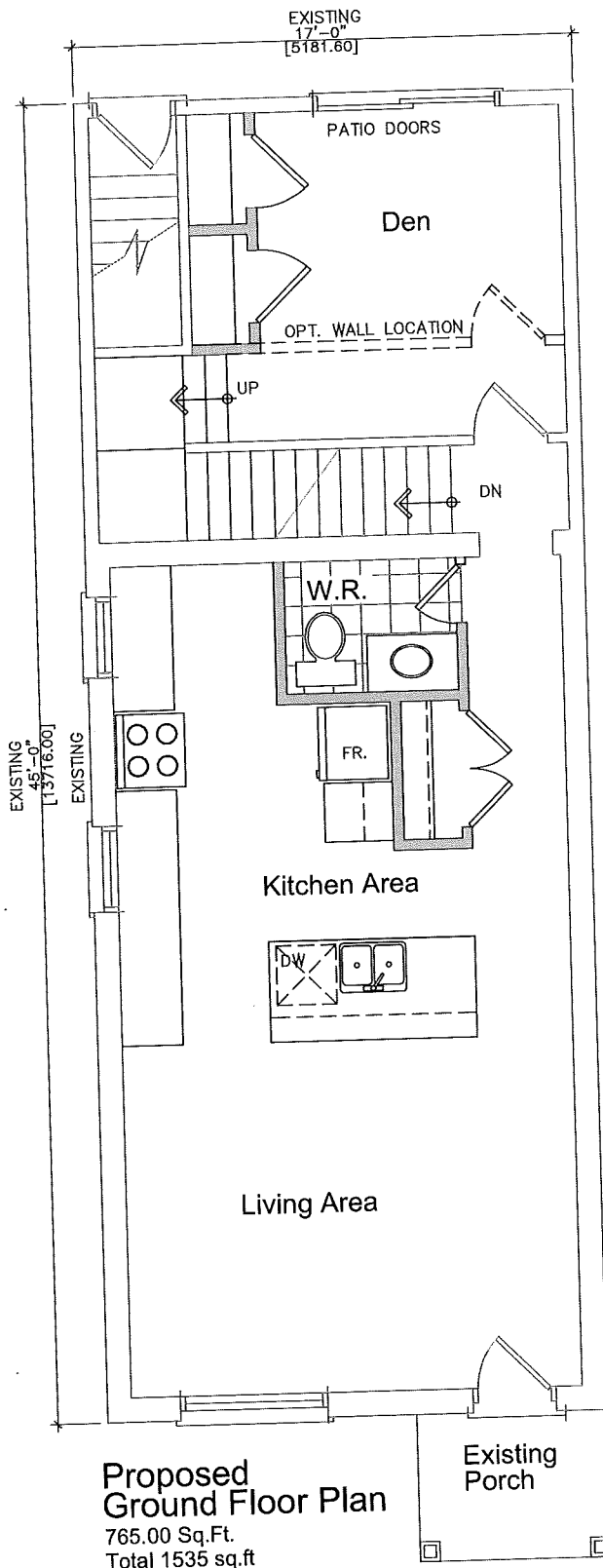
South Elevation



Proposed West Elevation



Proposed East Elevation



FLOORPLANS DRAWN BY:



DOLLAK ORIGINAL



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 <u>DEC 22 2020</u>
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 Stephanie Dollak Telephone No. [REDACTED]
[REDACTED] E-mail address. [REDACTED]
2. Address [REDACTED] Postal Code [REDACTED]
3. Name of Agent _____ Telephone No. _____
FAX NO. N/A 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:

RBC Ancaster Postal Code L9G 1N1

_____ Postal Code _____

6. Nature and extent of relief applied for:

Minor variance for side yard setback
(right elevation) and front yard setback.

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

The existing bylaw provides
inadequate provision to 2nd storey
the existing dwelling. We would like
to add a 2nd storey.

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

Registered plan # 253 P.I.N 17138-0285(LT)
Block D - Part of Lot 159
369 Charlton Ave. W. Hamilton

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?

Existing building has been in
continuous residential use since 1905

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 N/A

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 11, 2020
Date


Signature Property Owner

Stefanie Dollak
Print Name of Owner

10. Dimensions of lands affected:

Frontage

24'

Depth

123'

Area

2,952 sq'

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:

house: ground floor area 17' x 45' (765 sq'),
gross floor area 765 sq', Number of storeys - 1
- height of dwelling is 18'
detached garage: ground floor area 16' x 24' (384 sq') gross area = 5
garage height 12'

Proposed:

Add second storey on existing house

17' x 45' (765 sq') = ground floor area

gross floor area to become 1,530 sq' - total height to become 28'

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

Existing:

please see attached survey

Proposed: No change to existing location and structure. Same as existing

13. Date of acquisition of subject lands:

October 20, 2020

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

Main house 1905 + garage approx. 1965-1970

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:

115 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:

Schedule E-1 of the Urban Hamilton Official Plan

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

1 metre side yard setback (existing)

Zoning is: D/S-1787 Urban protected residential - Amended by By-Law 19-307 Pursuant to Hamilton 651 Zoning by-law

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