

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: <u>cofa@hamilton.ca</u>

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.	: FL/A-21:46
APPLICANTS:	Toni Jackson, owner
SUBJECT PROPE	RTY: Municipal address 16 Orchard Dr., Flamborough
ZONING BY-LAW:	Zoning By-law 90-145-Z and Waterdown Interim Control by- law No. 20-101, as Amended
ZONING:	"R1-6" (Urban Residential (Single Detached) Zone)
PROPOSAL:	To permit the construction of a single detached dwelling notwithstanding that:

1. A new building shall be permitted to be constructed on lands that are subject to Water Down Interim Control By-law No. 20-101, whereas the By-law states that no buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law.

NOTES

1. Please note that this application is necessary to facilitate Minor Variance Application No. FL/A-20:28 which was previously granted by the Committee.

2. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.

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

DATE:	Thursday, March 4th, 2021
TIME:	1:25 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.

FL/A-21: 46 Page 2

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

DATED: February 16th, 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.

GENERAL NOTES

- 1. THIS/THESE PLAN(S) IS/ARE NOT TO BE USED FOR CONSTRUCTION UNTIL SEALED BY THE ENGINEER AND INDICATED ISSUED FOR CONSTRUCTION ON THE DRAWING. 2. THIS/THESE PLAN(S) IS/ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN
- PERMISSION OF BARICH GRENKIE SURVEYING LIMITED. 3. INFORMATION REGARDING ANY EXISTING SERVICES AND/OR UTILITIES SHOWN ON THE APPROVED SET OF CONSTRUCTION DRAWINGS ARE FURNISHED AS THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL INTERPRET THIS INFORMATION AS HE SEES FIT WITH THE UNDERSTANDING THAT THE OWNER AND HIS AGENTS DISCLAIM ALL RESPONSIBILITY FOR ITS ACCURACY AND /OR SUFFICIENCY. THE CONTRACTOR SHALL ASSUME LIABILITY FOR ANY DAMAGE TO EXISTING WORKS.
- 4. SITE PLAN INFORMATION TAKEN FROM SURVEY BY BARICH GRENKIE 5. THIS/THESE PLAN(S) TO BE USED FOR SERVICING AND GRADING ONLY, FOR BUILDING LOCATION REFER TO TO THE SITE PLAN.
- 6. MUNICIPAL APPROVAL OF THESE DRAWINGS IS FOR MATERIAL AND COMPLIANCE WITH CITY/TOWN STANDARDS AND PROVINCIAL SPECIFICATIONS AND STANDARDS ONLY. APPROVAL AND INSPECTION OF THE WORKS BY THE CITY/TOWN STAFF DOES NOT CERTIFY THE LINE AND GRADE OF THE WORKS NOR RELIEVE THE CONTRACTOR OF CERTIFICATION OF ALL WORKS BY THE OWNER'S ENGINEER. 7. ALTERNATE MATERIALS MAY BE ACCEPTABLE PROVIDED WRITTEN APPROVAL HAS FIRST BEEN OBTAINED
- FROM THE CITY OF HAMILTON AND THE THE ENGINEER. 8. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING: ROAD CUT PERMITS SEWER PERMITS

APPROACH APPROVAL PERMITS RELOCATION OF SERVICES COMMITTEE OF ADJUSTMEN

- FNCROACHMENT AGREEMENTS 9. PRIOR TO CONSTRUCTION THE CONTRACTOR MUST:
- i. CHECK AND VERIFY ALL DIMENSIONS AND EXISTING ELEVATIONS WHICH INCLUDE BUT ARE NOT LIMITED TO THE BENCHMARK ELEVATIONS, EXISTING SERVICE CONNECTIONS, EXISTING INVERTS AND REPORT FINDING IN WRITING TO THE ENGINEER. ii. OBTAIN ALL UTILITY LOCATES AND REQUIRED PERMITS AND LICENSES.
- iii. VERIFY ALL FINISHED FLOOR ELEVATIONS AND BASEMENT FLOOR ELEVATIONS WHICH MY APPEAR ON THESE PLANS COMPLY WITH THE FINAL ARCHITECTURAL DRAWINGS. iv. CONFIRM ALL DRAWINGS USED FOR CONSTRUCTION ARE OF THE MOST RECENT REVISION. v. NOTIFY THE ENGINEER OF THE PROPOSED CONSTRUCTION SCHEDULE FOR COORDINATION OF NECESSARY INSPECTIONS.
- THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE ENGINEER 48 HOURS PRIOR TO THE COMMENCING SITE WORKS TO ARRANGE FOR INSPECTION. THE ENGINEER SHALL DETERMINE THE EXTENT OF INSPECTION AND TESTING REQUIRED FOR CERTIFICATION OF THE UNDERGROUND SERVICE INSTALLATION AS MANDATED BY THE ONTARIO BUILDING CODE DIVISION C, PART 1, SECTION 1.2.2, GENERAL REVIEW. FAILURE TO MAKE SUITABLE ARRANGEMENTS FOR INSPECTION WILL LEAD TO POST CONSTRUCTION TESTING AND INSPECTION AS DETERMINED BY THE ENGINEER, THE COSTS OF WHICH INCLUDING ANY DELAYS IN CONSTRUCTION SHALL BE BOURNE BY THE CONTRACTOR. FULL PAYMENT FOR UN-INSPECTED WORKS MAY BE WITHHELD UNTIL THE COMPLETION OF THE POST CONSTRUCTION INSPECTION AND TESTING TO THE SATISFACTION OF THE ENGINEER.
- INSPECTION BY THE OWNER'S ENGINEER IS FOR CERTIFICATION AND GENERAL CONFORMANCE PURPOSES AND DOES NOT CERTIFY LINE AND GRADE OR IMPLY AN ASSURANCE OF QUALITY CONTROL. THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE THE INSTALLATION OF THE WORKS TO PROPER LINE, GRADE AND QUALITY TO CURRENT INDUSTRY STANDARDS. ANY UTILITY RELOCATIONS AND RESTORATIONS DUE TO THE DEVELOPMENT TO BE UNDERTAKEN AT THE EXPENSE OF THE OWNER/DEVELOPER AND SHALL BE COORDINATED BY THE CONTRACTOR. ALL RESTORATIONS AND RECONSTRUCTIONS SHALL BE COMPLETED TO MATCH EXISTING CONDITIONS
- OR BETTER AND ARE TO BE PERFORMED TO THE SATISFACTION OF THE ENGINEER AND THE CITY/TOWM 4. SERVICING CONTRACTOR TO MAINTAIN A "CONFINED TRENCH CONDITION" IN ALL SEWER AND
- WATERMAIN INSTALLATION TRENCHES. 15. THE SITE SERVICING CONTRACTOR SHALL TERMINATE ALL SERVICES 1.0m FROM THE BUILDING FACE. NO BLASTING WILL BE PERMITTED.

<u>SEWERS</u>

- . STORM AND SANITARY PRIVATE DRAINS A. CONSTRUCTION OF PRIVATE DRAINS SHALL BE IN ACCORDANCE WITH CITY STANDARDS & SPECIFICATIONS (LATEST EDITION) AND MINISTRY OF ENVIRONMENT (MOE) GUIDELINES (LATEST
- B. PRIVATE DRAINS TO BE 150mmø PVC PIPE, CSA B182.1 M-1983, SDR 28 AS PER FORM 500. STORM PIPE SHALL BE WHITE AND SANITARY SHALL BE ANY COLOUR OTHER THAN WHITE. WOOD
- MARKING AT END OF SANITARY PRIVATE DRAIN SHALL BE PAINTED RED. C. COVER AND BEDDING MATERIAL FOR PRIVATE DRAINS SHALL BE GRANULAR 'A' INSTALLED AS PER OPSD 802.010 OR 802.013.
- D. MINIMUM FALL FOR PRIVATE DRAINS TO BE 2.0%. E. TOP OF SANITARY PRIVATE DRAINS AT STREET LINE TO BE 2.2M (MIN.) BELOW CENTERLINE ROAD ELEVATION AT THAT POINT OR AS DETAILED.
- F. TOP OF STORM PRIVATE DRAINS AT STREET LINE TO BE 1.2M (MIN.) BELOW CENTERLINE ROAD ELEVATION AT THAT POINT OR AS DETAILED.
- G. BUILDING RAINWATER LEADERS SHALL NOT BE CONNECTED TO THE STORM PRIVATE DRAIN BUT SHALL DISCHARGE TO LANDSCAPED SURFACES VIA SPLASH PADS. H. SUMP PUMPS WITH CHECK VALVES SHALL BE INSTALLED IN EACH DWELLING TO PUMP THE BUILDING WEEPING TILES TO THE STORM PRIVATE DRAINS. THE SUMP OUTLET PIPE SHALL EXTEND A MINIMUM OF 150mm ABOVE THE PROPOSED GRADE AT THE DWELLING (BASEMENT CEILING) PRIOR TO DISCHARGING TO THE STORM PRIVATE DRAIN. SEE DETAIL 3.
- I. IF THE APPLICANT/OWNER INTENDS TO REUSE A PORTION OF A SITE'S EXISTING SEWER SYSTEM, IT IS THEIR RESPONSIBILITY TO ENSURE THAT THE SEWER IS OF ADEQUATE CAPACITY. MEETS ALL APPLICABLE BY-LAW REQUIREMENT, AND IS IN GOOD WORKING ORDER. SEWERS TO BE REUSED MUST BE VIDEO INSPECTED. WHILE THE CITY/TOWN SEWER INSPECTOR IS PRESENT. THE APPLICANT/OWNER IS RESPONSIBLE FOR MAKING ALL ARRANGEMENTS WITH THEIR PRIVATE VIDEO INSPECTION CONTRACTOR ALONG WITH PAYMENT OF AN INSPECTION FEE

MUNICIPAL ADDRESS 16 ORCHARD DRIVE, WATERDOWN IFGAL DESCRIPTION LOT 21 REGISTERED PLAN 894 CITY OF HAMILTON ZONING R1-6		
SITE STATISTICS	<u>B YLAW</u>	PROPOSED
LOT AREA	1390 m2	1321.9m2(EX)
FRONT YARD SETBACK	7.5 m	11.39 m
REAR YARD SETBACK	7.5 m	15.32 m
SIDE YARD SETBACK	3.0 m	3.08 m
HEIGHT(PEAK CF ROOF)	8.2 m	6.17 m
LOT FRONTAGE	30.0 m	30.59 m(EX)
LOT COVERAGE	26%*	25.8%
LOT COVERAGE	26%*	25.8%

* AS PER MINOR VARIANCE APPLICATION No.FL/A-20:28

AVFRAGF GRADF = 229.24 + 229.24 + 228.27 + 227.68 + 226.55 + 227.75 + 228.75 + 228.16 + 228.26 + 228.80= 228.27

should minimize

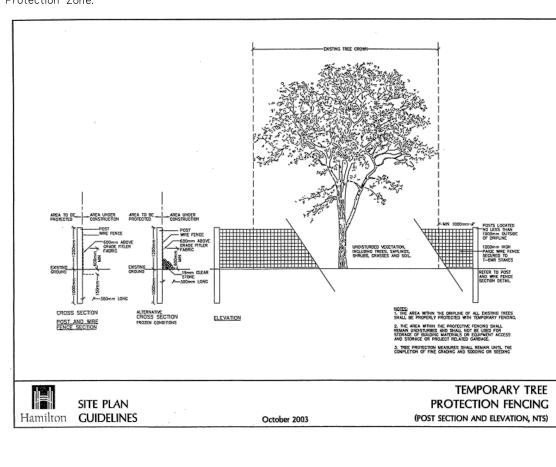
permitted within the

Tree Protection Zone.

AVERAGE GRADE AS PER ZONING BY-LAW 90-145-Z(HEIGHT DEFINITION)

. Tree protection barriers for trees situated on 3. All supports and bracing should be outside the City road allowance where visibility must be the Tree Protection Zone. All such supports maintained can be 1.2m high and consist of orange plastic web damaging roots outside the Tree Protection snow fencing on a wood frame of 2" x 4" s, Barrier. supported on metal T" bars, 2.0m c/c max. Where orange plastic 4. No construction activity, grade changes, veb snow fencing creates a restriction to surface treatment or excavations of any kind is web snow fencing creates a restriction to sightlines, page wire fencing shall be used.

2. Where some excavate of fill has to be temporarily located near a tree protection barrier plywood must be used to ensure no material enters the Tree Protection Zone.

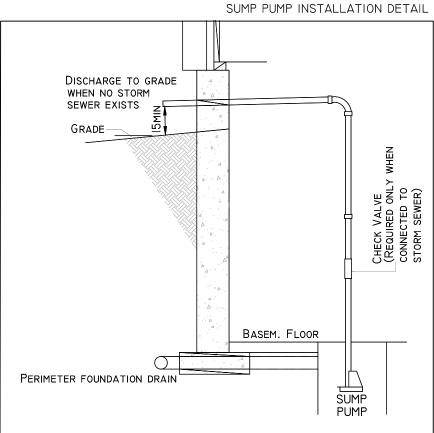


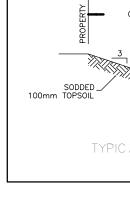
GRADING NOTES 1. GENERAL GRADING

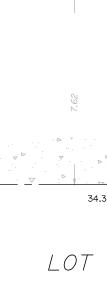
- A. ALONG ADJOINING PROPERTIES GRADE TO MEET EXISTING OR PROPOSED ELEVATIONS WITH SODDED SLOPES (MIN. 3H TO 1V) AND/OR RETAINING WALLS AS SPECIFIED. B. ALL RETAINING WALLS, WALKWAYS, CURBS, ETC., SHALL BE PLACED A MIN. OF 0.45m OFF THE PROPERTY LINE. ALL WALLS 1.0M OR HIGHER SHALL BE DESIGNED BY A P.ENG. C. SHOULD A RETAINING WALL BE REQUIRED, THE TOP OF WALL ELEVATIONS SHALL BE SET 150mm ABOVE THE PROPOSED SIDE YARD SWALES D. RETAINING WALLS 0.6m IN HEIGHT OR GREATER REQUIRE CONSTRUCTION OF A FENCE OR GUARD
- RAIL AT THE TOP OF THE REAR OF THE WALL. GUARDS FOR RETAINING WALLS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF EXTERIOR GUARDS AS CONTAINED IN THE ONTARIO BUILDING CODE. E. TOP OF FOUNDATION WALLS FOR BUILDINGS SHALL BE 150mm (MIN) ABOVE FINISHED GRADE. F. DRIVFWAY SLOPES SHALL NOT BE LESS THAN 2% AND NOT MORE THAN 7.0%. REVERSED SLOPED
- DRIVEWAYS IN NEW DEVELOPMENTS ARE NOT PERMITTED. IF GRADING IS REQUIRED ON LANDS ADJACENT TO THE DEVELOPMENT WHICH ARE NOT OWNED BY THE DEVELOPER, THEN THE DEVELOPER MUST OBTAIN WRITTEN PERMISSION FROM THE ADJACENT PROPERTY OWNER TO ALLOW THE DEVELOPER TO GRADE ON THE ADJACENT LANDS, OTHERWISE RETAINING WALLS MUST BE USED THE WRITTEN PERMISSION REQUIRED FROM THE ADJACENT LANDOWNER SHALL BE OBTAINED PRIOR
- TO ENTERING THE LANDS. SHOULD PERMISSION NOT BE OBTAINED OR IS WITHDRAWN PRIOR TO COMMENCING THE WORK, THEN THE DEVELOPER SHALL LIMIT HIS ACTIVITIES TO THE LIMITS OF THE DEVELOPMENT SITE. DRIVEWAY AND DRIVEWAY APPROACHES SHALL BE LOCATED SUCH THAT HYDRO VAULTS AND OTHER STREET FURNITURE ARE A MIN. OF 1.2m FROM THE PROJECTIONS OF THE OUTSIDE
- GARAGE WALLS. ANY CHANGES IN GRADES AND CATCH BASINS REQUIRE THE APPROVAL OF THE CITY'S MANAGER OF DEVELOPMENT ENGINEERING. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES. SLOPES OF SWALES FOR BOTH "BACK TO FRONT" AND "SPLIT" DRAINAGE SHALL BE NO LESS
- THAN 2.0% GRADE AND NO GREATER THAN 33.0% GRADE (3:1 SLOPE). M. WHEN MATCHING TO EXISTING PROPERTIES WHERE A 2.0% GRADE CANNOT BE ACHIEVED, A 1.5% GRADE IS PERMITTED, PROVIDED A 150mmø SUBDRAIN IS INSTALLED BELOW THE BOTTOM OF THE SWALE AND DRAINED TO A SUITABLE OUTLET (WITH A MINIMUM 0.3m COVER OVER THE SUBDRAIN), OR OTHER MITIGATION MEASURES. MINIMUM GRADE FOR WRAP-AROUND SWALE IN BACKYARDS SHALL BE 1.0%.
- UNLESS OTHERWISE NOTED, THE GROUND BETWEEN PROPOSED ELEVATIONS ON SIDE LOTS SHALL BE GRADED IN A STRAIGHT LINE GARAGE FLOOR ELEVATIONS TO BE SET 0.3m HIGHER THAN BACK OF WALK, UNLESS OTHERWISE SPECIFIED
- Q. ALL FILL PLACED ON LOTS SHALL BE COMPACTED TO A MINIMUM 95% S.P.D. (UNLESS OTHERWISE RECOMMENDED BY THE GEOTECHNICAL ENGINEER). ALL MATERIAL SHALL BE PLACED IN LIFTS NOT EXCEEDING 300mm. BACKYARD GRADING
- DEFINITION: "REQUIRED BACK YARD" SHALL MEAN THE LESSER OF THE DISTANCE REGULATED BY THE ZONING BY-LAW OR 6.0m. THE MAXIMUM 5.0% RESTRICTION SHALL NOT APPLY TO THE SIDES OF A SWALE ALONG THE BACK F THE LOT, PROVIDING THE TOTAL WIDTH OF THE SWALE DOES NOT EXCEED 1.0m ON EACH LOT. D. WHERE THE 5.0% RESTRICTION ON BACKYARD GRADES RESULTS IN ELEVATION DIFFERENCES BETWEEN DIFFERENT PROPERTIES, RETAINING WALLS SHALL BE CONSTRUCTED ALONG THE SIDES AND THE BACK OF THE LOT. 3:1 SLOPES CAN REPLACE THE WALLS WHERE THE DIFFERENCE IN ELEVATION IS LESS THAN 0.3m. GENERALLY, SLOPES SHALL BE PLACED ON THE LOWER LOT, WHEREAS RETAINING WALLS SHALL
- RE PLACED ON THE HIGHER LANDS THERE IS NO CONTROL ON THE STEEPNESS OF THE SLOPES IN SIDE YARDS, FRONT YARDS, AND BACK YARDS, OUTSIDE THE AREAS DEFINED IN ITEM "A" ABOVE, PROVIDING THE SLOPES ARE STABLE FOR THE SOILS OF THE AREA (3:1 MAXIMUM).

COMPACTION REQUIREMENTS UNLESS OTHERWISE NOTED OR DIRECTED BY THE GEOTECHNICAL CONSULTANT, THE FOLLOWING SHALL APPLY: A. ALL BEDDING AND BACKFILL MATERIAL, ROAD SUB-GRADES AND GENERALLY ALL MATERIAL USED FOR LOT GRADING AND FILL SECTIONS, ETC., SHALL BE COMPACTED TO MIN. 98% SPD. ALL MATERIAL SHALL BE PLACED IN LAYERS NOT EXCEEDING 300mm LIETS. ALL GRANULAR ROAD BASE MATERIALS SHALL BE COMPACTED TO 98% SPD. C. FOR ALL SEWERS AND WATERMAINS IN FILL SECTIONS, THE COMPACTION SHALL BE CERTIFIED BY A GEOTECHNICAL ENGINEER PRIOR TO LAYING OF

SILTATION AND EROSION CONTROL A. SILTATION CONTROL BARRIERS SHALL BE PLACED AS DETAILED. B. ALL SILTATION CONTROL MEASURES SHALL BE CLEANED AND MAINTAINED AFTER EACH RAINFALL AS DIRECTED AND TO THE SATISFACTION OF THE OF CITY/TOWN AND/OR THE CONSERVATION AUTHORITY. ADDITIONAL SILT CONTROL LOCATIONS MAY BE REQUIRED AS DETERMINED BY THE ENGINEER, THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.

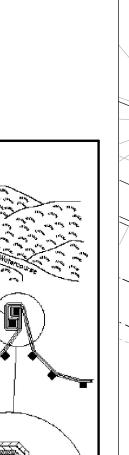


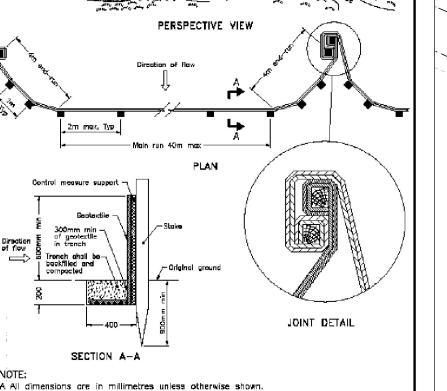




UNIT 24







ONTARIO PROVINCIAL STANDARD DRAWING Nov 2015 Rev 2 HEAVY-DUTY SILT FENCE BARRIER OPSD 219.130

300mm min – of geotextile in trench

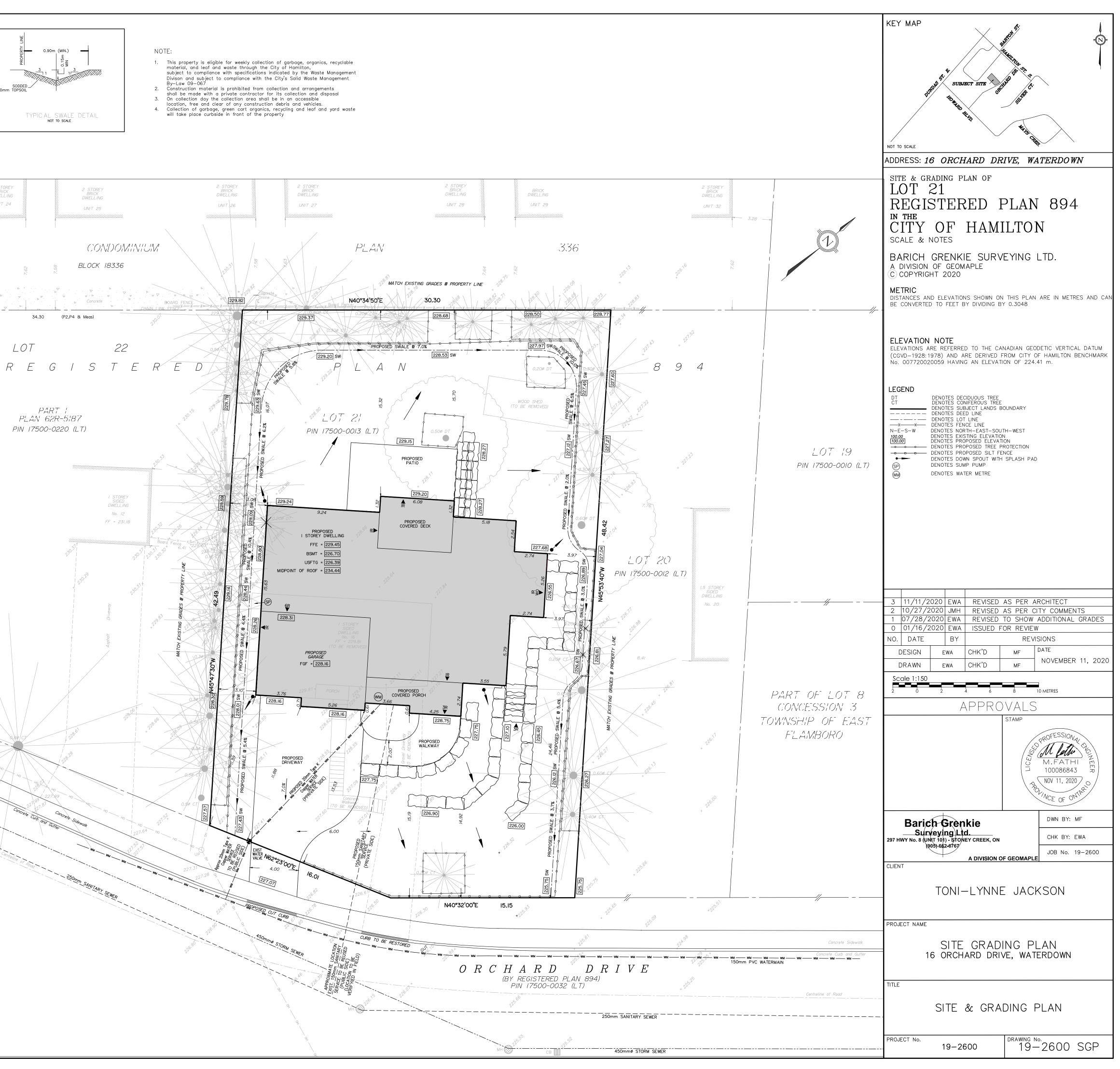
d Trench shall be-| backfilled and | compacted

Direction of flow

NOTE:

3. On collection day the collection area shall be in an accessible

location, free and clear of any construction debris and vehicles.





Committee of Adjustment City Hall, 5th Floor, 71 Main St. W., Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221 Email: <u>cofa@hamilton.ca</u>

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)	Toni-Lynne Jackson		
Applicant(s)*			Phone:
			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:

Exemption from the Interim Control Bylaw No. 20-101 in order to implement the approved decision of my previously approved Minor Variance Application #FL/A-20:28

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

I had initially applied for my Minor Variance on January 31, 2020 prior to the Interim Control By-law existance and was not informed of the By-law until the day I was to receive my Demolition and Building permits. Please see additional two letters attached to this application.

 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 21, Registered Plan 894

7. PREVIOUS USE OF PROPERTY

	Residential Commercial
	Agricultural Vacant 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 O No O 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?

I am very familiar with this property as my family was the original builder and the home has been in the family ever since.

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 a	attached?	Yes
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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 25, 2021	
Date	Signati

Signature Property Owner

Toni-Lynne Jackson

No

Print Name of Owner

10. Dimensions of lands affected:

).59 m			
3.42 m		·#.	
321.9 m2			
).12 m		an a	6
3	8.42 m 821.9 m2	3.42 m 321.9 m2	3.42 m 321.9 m2

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:_

One storey dwelling 2.26m from SW Lot Line, 13.16m from NE Lot Line 11.12m Front Setback, 24.16m Rear Setback Wood Shed - 5.40 Rear Setback, 2.70m from NE Side Lot Line

Proposed

One Storey Dwelling, 3.08m from SW Side Line, 3.97m from NE Side Line 11.39m Front Setback, 15.32m Rear Setback

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

Existing:

One storey dwelling 2.26m from SW Lot Line, 13.16m from NE Lot Line 11.12m Front Setback, 24.16m Rear Setback Wood Shed - 5.40 Rear Setback, 2.70m from NE Side Lot Line

Proposed:

One Storey Dwelling, 3.08m from SW Side Line, 3.97m from NE Side Line 11.39m Front Setback, 15.32m Rear Setback

13.	Date of acquisition of subject lands: Purchased in 2007
14.	Date of construction of all buildings and structures on subject lands: 1954
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: Property has always been residential
18.	Municipal services available: (check the appropriate space or spaces) Water X Connected Oct. 5, 2001 Sanitary Sewer X Connected Sept. 13, 2008 Storm Sewers X Connected Sept. 13, 2008
19.	Present Official Plan/Secondary Plan provisions applying to the land: R1-6 Urban Residential (Single Detached)
20.	Present Restricted Area By-law (Zoning By-law) provisions applying to the land: Interim Control Bylaw No. 20-101, R1-6 Zone Urban Residential (Single Detached)
21.	Has the owner previously applied for relief in respect of the subject property?
	If the answer is yes, describe briefly.
	I applied for a minor variance one year ago for an increase in the lot coverage from 15% to 26%. My application was sent on Jan. 31, 2020 and my hearing was scheduled for March 19th but City Hall closed on March 18th. My hearing was rescheduled for June 25th at which time it was approved unanimously.
22.	Is the subject property the subject of a current application for consent under Section 53 of the <i>Planning Act</i> ?
	Yes ONO
23.	Additional Information
24.	At the June 25th hearing, I was not informed of the Interim Control Bylaw that was initiated on May 20th and was given permission to proceed with applying for my Demolition and Building permits. I met every task the Building Committee asked of me, including a road cut which was approved by the City's Inspector. 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.

January 27, 2021

Dear Committee of Adjustments,

Please find attached my Application for a Minor Variance concerning the property at 16 Orchard Drive, Waterdown ON L8B 0G2.

This is my second Application as I applied for a Minor Variance on January 31, 2020. My hearing was scheduled for March 19, 2020 but due to CoVid, my hearing was postponed as the offices at City Hall closed on March 18th, the day before my hearing. I was then rescheduled for a hearing on June 25th and all went well at that meeting and I was unanimously approved for my minor variance and informed that I could proceed to apply for my Demolition and Building permits. I proceeded and completed all the tasks required of me by the Building Division which included a road cut that was approved by the Inspector from the City of Hamilton. I paid all the fees required by the City and along with the fees for road cut and I have paid over \$45,000.00 in preparation to build so far. The day I was to receive my permits, December 1st, I was informed for the first time that I was not allowed to demolish or build due to a Interim Control Bylaw. It was never mentioned either verbally or in the notes from the Committee of Adjustments nor was it mentioned by the Building Division in all the tasks that I had to complete and complete and complete and complete with.

My builder and his employees were set to start the project on December 1st and my house would have been up and enclosed by now. I cannot express how disappointed I was with this news and also that the men have been unemployed due to this mistake. After much discussion and emails with the Building Division, the City of Hamilton's legal department, Councillor Judi Partridge, and my lawyer, it has been recommended that I apply to the Committee of Adjustments to get an exemption from this Bylaw. Despite the problem this has caused, I am grateful for the help from the City to find a resolution so that I can proceed with this project. I am sure the neighbours will agree with the exemption for safety reasons because of the old vacant house and the property being an eyesore due to the excavation for the road cut.

I would like to proceed as soon as possible as I am living in a temporary situation. Also, my builder is not available to start in May as he scheduled for other homes. Since this is my second application to the Committee of Adjustments, I would like to ask that this hearing be scheduled as soon as possible and not wait the maximum of 30 days so that I can proceed and not be delayed any further.

If you have any questions, you can speak with Ed VanderWindt, Steve Robichaud or Patrick MacDonald from the City of Hamilton or Councillor Judi Partridge for further clarification.

I appreciate your assistance with this matter.

Sincerely, Tono dyne Jockson Toni Jackson

Amanda Groves

From: Sent: To: Cc: Subject: MacDonald, Patrick <Patrick.MacDonald@hamilton.ca> January 21, 2021 9:18 AM Amanda Groves VanderWindt, Ed RE: 16 Orchard Dr. Waterdown

Ms. Groves,

Your client can apply to the Committee of Adjustment for a variance to the ICBL. Staff have advised that the application fee will be waived in the circumstances.

Please note that as the Committee of Adjustment is an arm's length body they retain discretion to grant or refuse the variance. Staff's position on the request will depend on the content as well.

If you have any further questions, please let me know.

Thanks Patrick

From: Amanda Groves <AGroves@groveslaw.ca>
Sent: Wednesday, January 20, 2021 5:46 PM
To: MacDonald, Patrick <Patrick.MacDonald@hamilton.ca>
Cc: VanderWindt, Ed <Ed.VanderWindt@hamilton.ca>
Subject: RE: 16 Orchard Dr. Waterdown

Hello,

My client and I have a phone call scheduled for tomorrow. Can you kindly advise re below?

Regards, Amanda L. Groves agroves@groveslaw.ca



296 Dundas St. E. (Rear entrance) P.O. Box 1319 Waterdown, ON L0R 2H0 Tel: 289-895-8951 Fax: 289-895-7403 www.groveslaw.ca

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