

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 PROPERTY: 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.

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

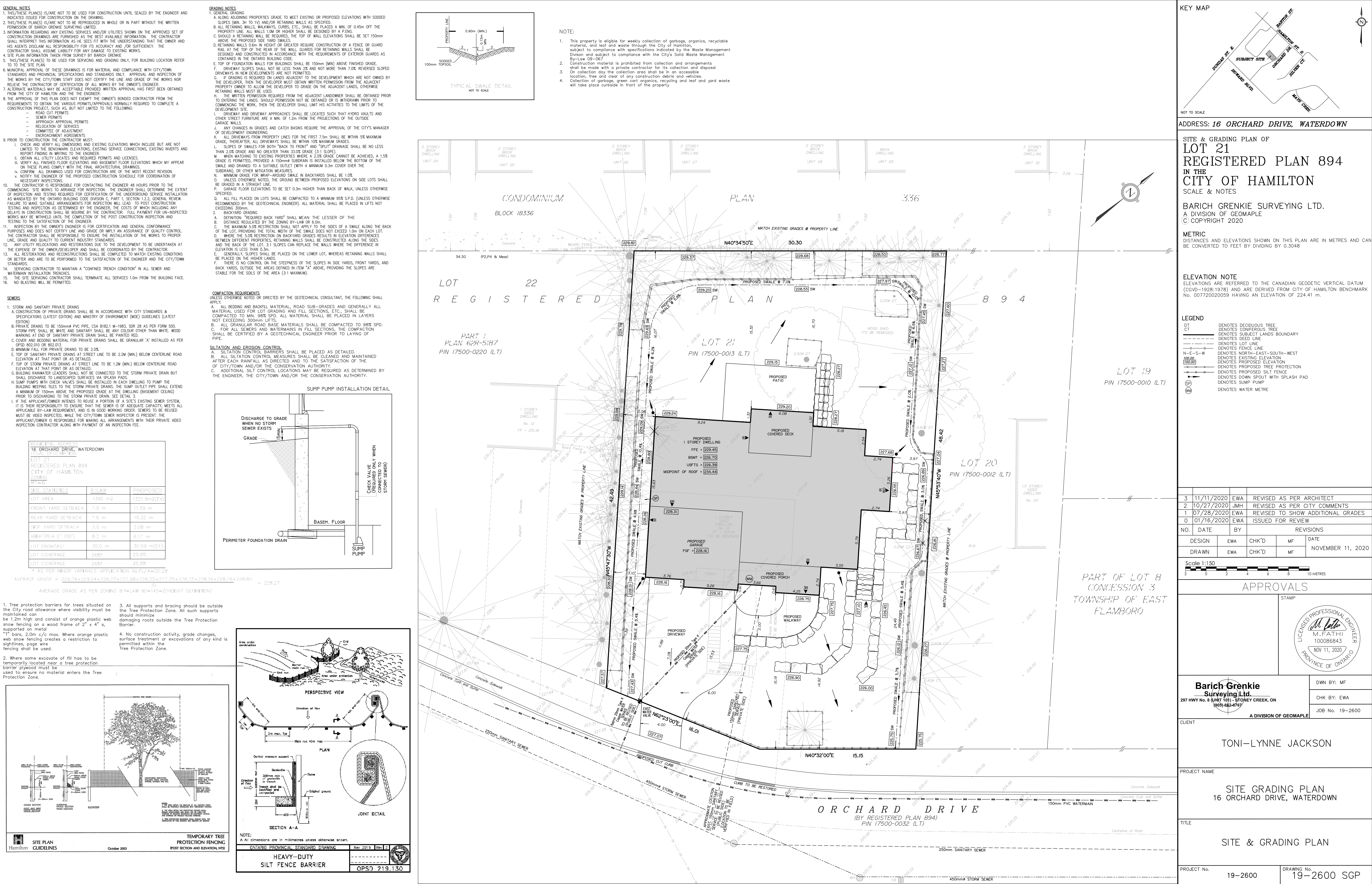
For more information on this matter, including access to drawings illustrating this request:

- 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 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.



**Committee of Adjustment**

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

Phone: (905) 546-2424 ext. 4221

Email: 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)	Toni-Lynne Jackson		
Applicant(s)*			
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 existence 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.

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 21, Registered Plan 894

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?

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 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 25, 2021

Date

Signature Property Owner

Toni-Lynne Jackson

Print Name of Owner

10. Dimensions of lands affected:

Frontage	30.59 m
Depth	48.42 m
Area	1321.9 m ²
Width of street	20.12 m

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
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?
☒ Yes ☐ No
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 *Planning Act*?
☐ Yes ☒ No
23. Additional Information
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. ■
24. 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 comply 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,


Toni Jackson

Amanda Groves

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

Groves  Law

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(Rear entrance)
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Fax: 289-895-7403
www.groveslaw.ca

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