

## **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
- 

**APPLICATION NO.:** HM/A-21:33

**APPLICANTS:** Jenny Bognar on behalf of the owner Bradley Plant

**SUBJECT PROPERTY:** Municipal address **11 Alice St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district

**PROPOSAL:** To permit the construction of a 6.71m (22'0") x 10.06m (33'0") second floor addition including a dormer addition, to reduce the size of the existing front portion of the dwelling (labelled front porch) at the first storey and to recognize the location of the existing uncovered rear porch (existing deck) of the existing single family dwelling notwithstanding that:

1. A minimum front yard depth of 0.6m shall be provided instead of the minimum required front yard depth of 6.0m.
2. A minimum northerly side yard width of 0.3m shall be provided instead of the minimum required side yard width of 0.9m.
3. Eaves and gutters shall be permitted to project 0.3m into the northerly side yard so that they may be as close as 0.0m to the northerly side lot line instead of the requirement that an eave or gutter may project into the required side yard (being 0.3m) not more than ½ of its required width (being 0.15m).
4. A minimum southerly side yard width of 0.5m shall be provided instead of the minimum required side yard width of 0.9m.
5. An existing uncovered rear porch (existing rear deck) at the floor level of the first storey shall be distant at least 0.1m from the southerly side lot line and shall be distant at least 0.2m from the northerly side lot line instead of the requirement that an uncovered porch which does not extend more than 1.0m above the floor level of the first storey, may project into a required yard, if distant at least 0.5m from the nearest side lot line.
6. No parking spaces shall be provided instead of the minimum required two (2) parking spaces.

**NOTE:**

- i) The room labelled "front porch" is actually considered part of the principal dwelling as



it is fully enclosed. Further, the 0.6m front yard setback is taken to the existing stairs as they are considered part of the principal portion of the dwelling as there are no yard encroachment regulations for an open stairway into a front yard.

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

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<b>DATE:</b>	<b>Thursday, March 4th, 2021</b>
<b>TIME:</b>	<b>1:50 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed at</b>
	<b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>
	<b>for viewing purposes only</b>

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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 16th, 2021.

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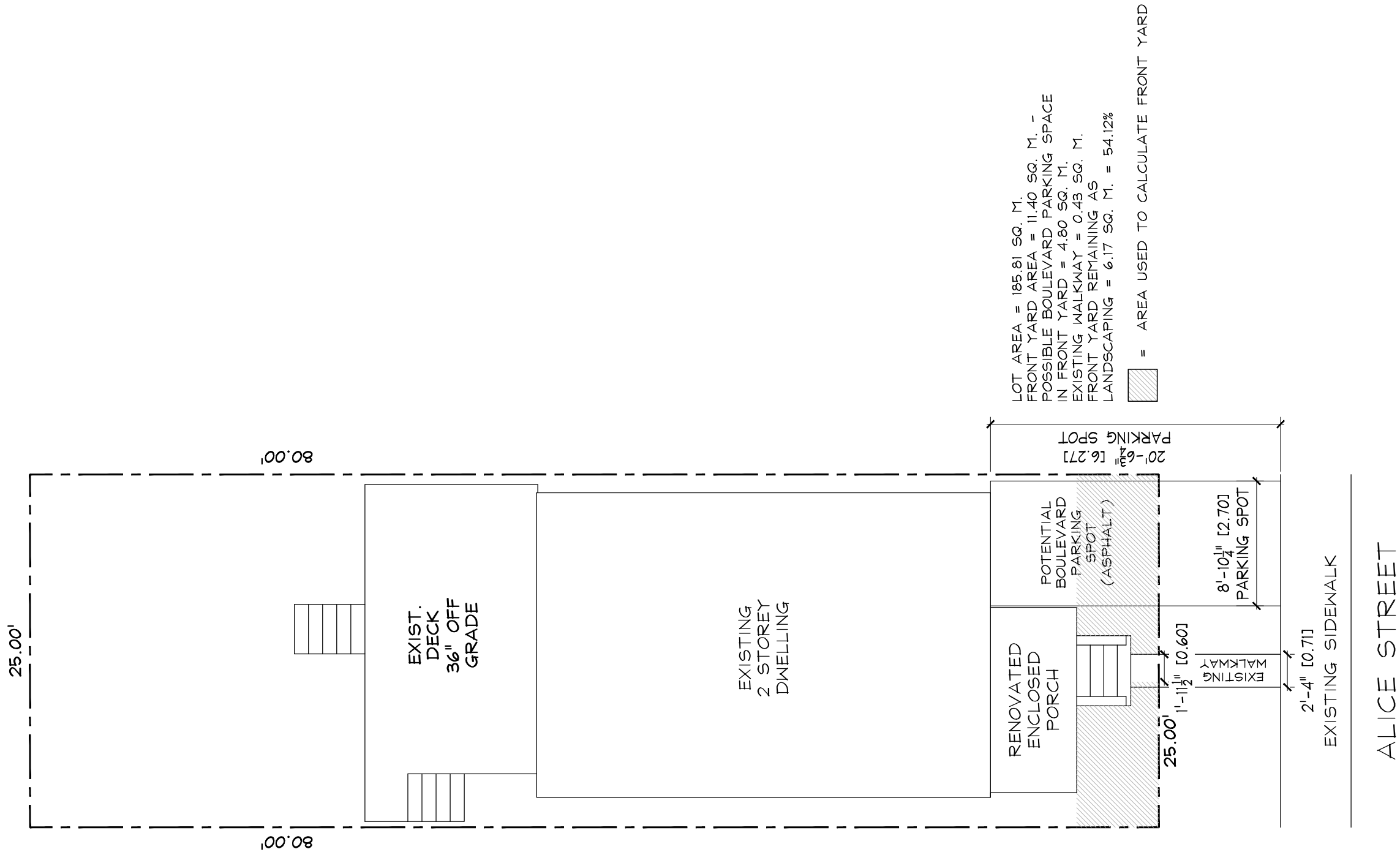
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***









THE PLANT RESIDENCE

11 ALICE STREET  
HAMILTON, ON  
L8H 4R2

**drafting + design**

193 East 43rd Street  
Hamilton, ON L8T 3C3  
jbdraftinganddesign@live.ca  
905.517.6027

01.08.21

*Jennifer Bognar* signature required

Jennifer Bognar reviews and takes responsibility for the design work described in this document  
firm bcin 103416 individual bcin 33001

DATE	ISSUE DESCRIPTION
01.24.21	ISSUED FOR REVIEW
01.25.21	ISSUED FOR C.O.F.A.
02.08.21	RE-ISSUED FOR C.O.F.A.

ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED IMMEDIATELY. THE DESIGNER IS NOT LIABLE FOR ANY CHANGES MADE BY THE CONTRACTOR WITHOUT THE DESIGNER'S KNOWLEDGE AND PERMISSION.

FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.

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ALL DRAWINGS AND RELATED DOCUMENTS SHALL REMAIN THE PROPERTY AND COPYRIGHT OF JBDRAFTING AND DESIGN. USE LATEST REVISED DRAWINGS. DO NOT SCALE DRAWINGS.

SITE PLAN  
LANDSCAPING PLAN  
1:100

SHEET

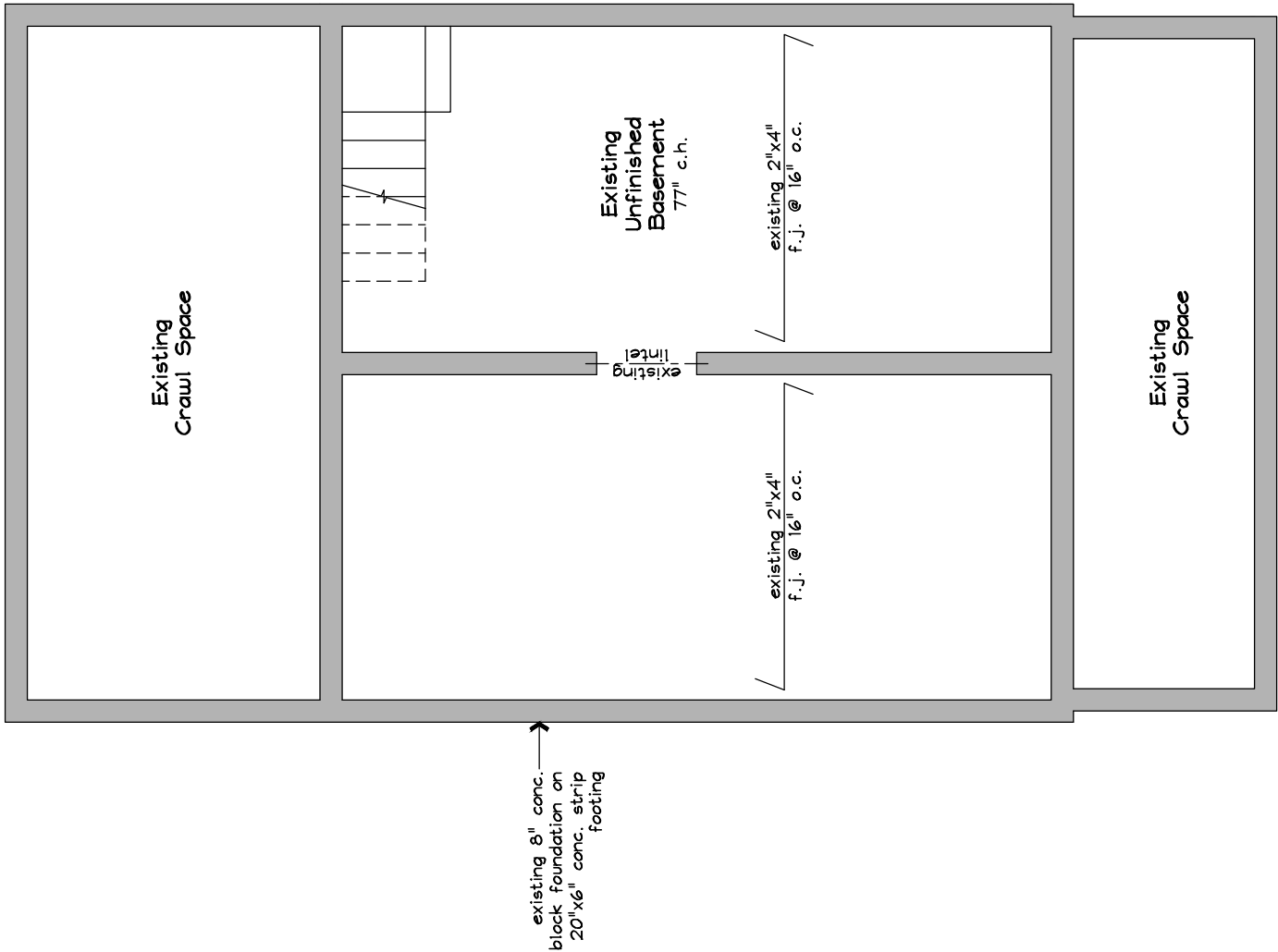
A2

OF 11



DRAWING LEGEND:


- EXISTING
- EXISTING TO BE REMOVED
- NEW STUD WALLS



THE PLANT  
RESIDENCE  
11 ALICE STREET  
HAMILTON, ON  
L8H 4R2

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EXISTING  
BASEMENT PLAN  
3/16" = 1'-0"

SHEET

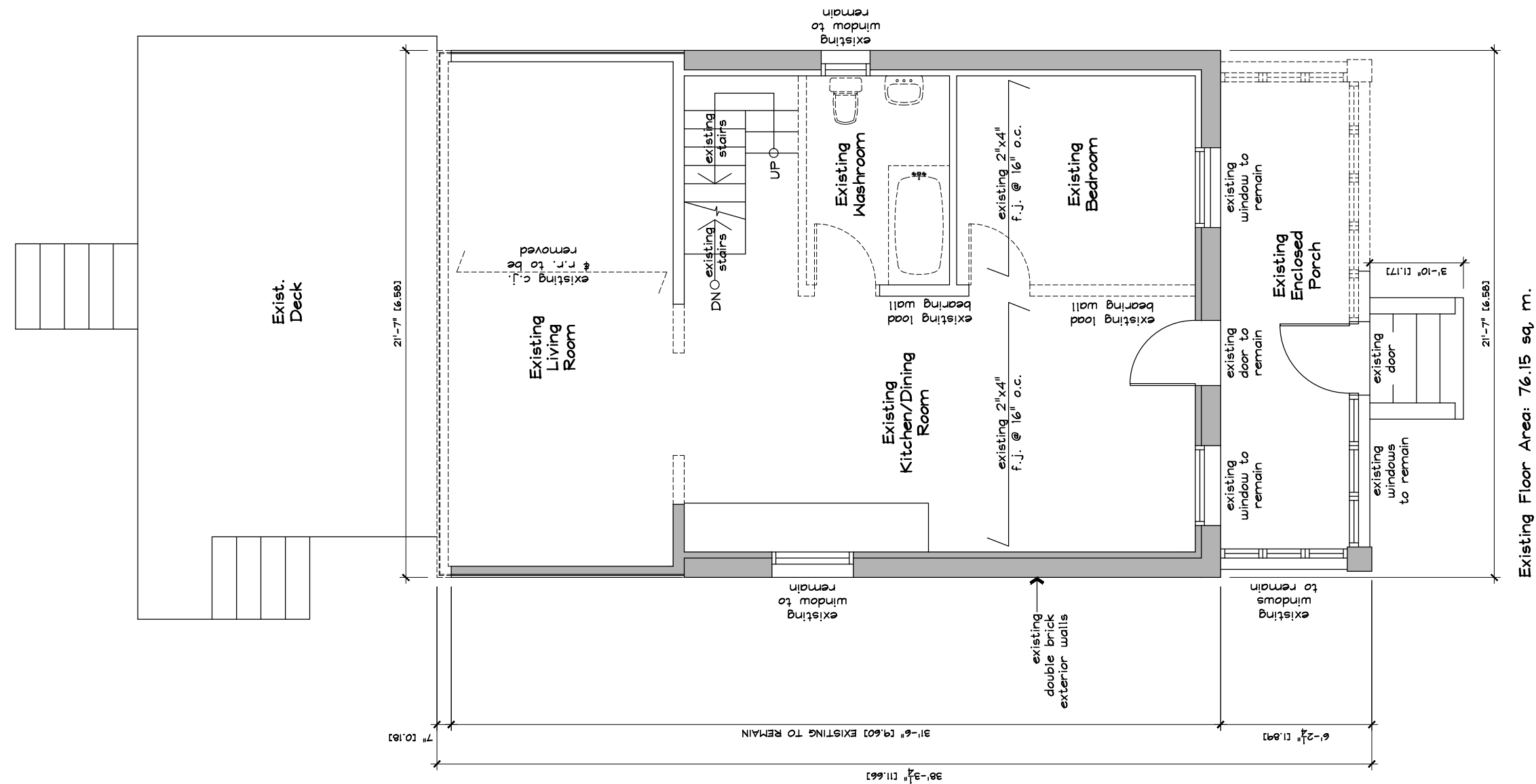
A3

OF 11



DRAWING LEGEND:

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EXISTING FIRST FLOOR PLAN

3/16" = 1'-0"

SHEET

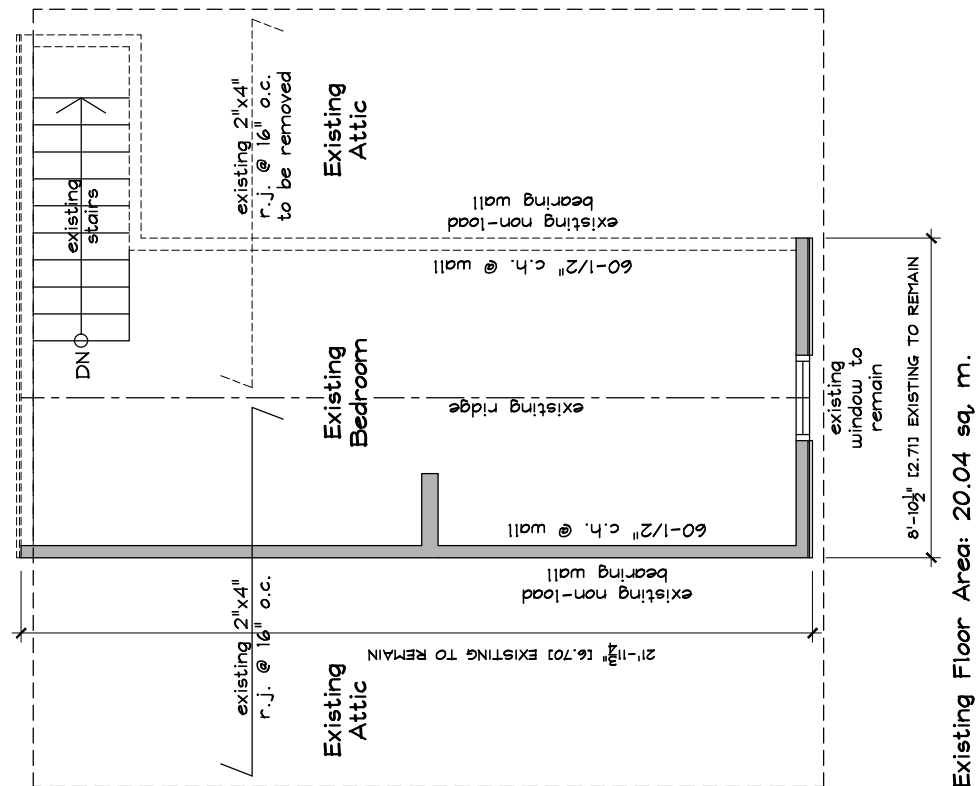
A4

OF 11



DRAWING LEGEND:

- EXISTING
- EXISTING TO BE REMOVED
- NEW STUD WALLS



THE PLANT  
RESIDENCE

11 ALICE STREET  
HAMILTON, ON  
L8H 4R2



drafting  
+ design

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EXISTING SECOND  
FLOOR PLAN  
3/16" = 1'-0"

SHEET

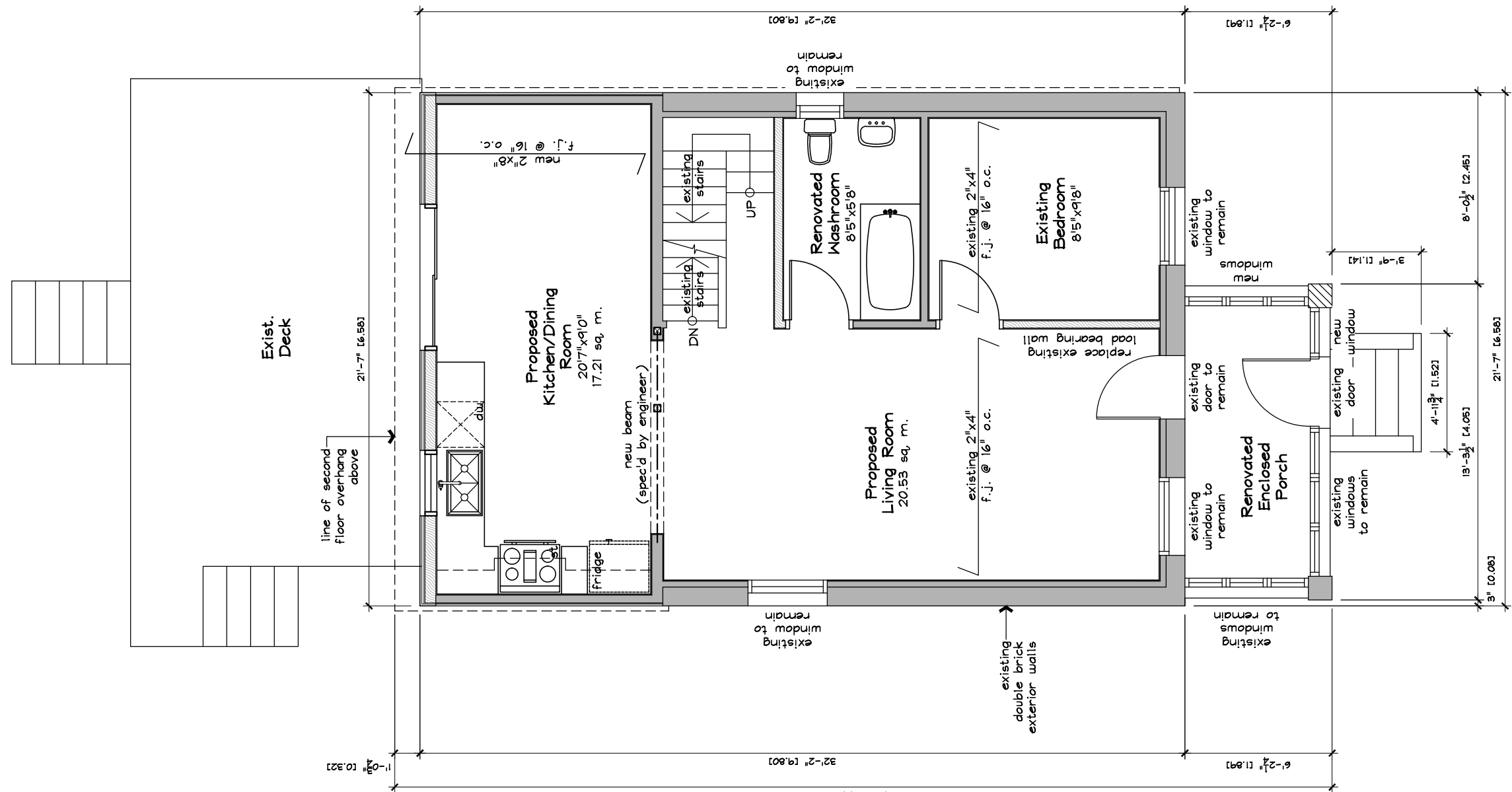
A5

OF 11



DRAWING LEGEND:

- EXISTING
- EXISTING TO BE REMOVED
- NEW STUD WALLS



Proposed Floor Area (including enclosed porch): 71.97 sq. m.


THE PLANT  
RESIDENCE

11 ALICE STREET  
HAMILTON, ON  
L8H 4R2



**drafting  
+ design**

- 193 East 43rd Street
- Hamilton, ON L8T 3C3
- jbdraftinganddesign@live.ca
- 905.517.6027

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Jennifer Bogner reviews and takes responsibility for the design work described in this document  
firm bcin 103416 individual bcin 33001

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PROPOSED FIRST  
FLOOR PLAN  
3/16" = 1'-0"

SHEET

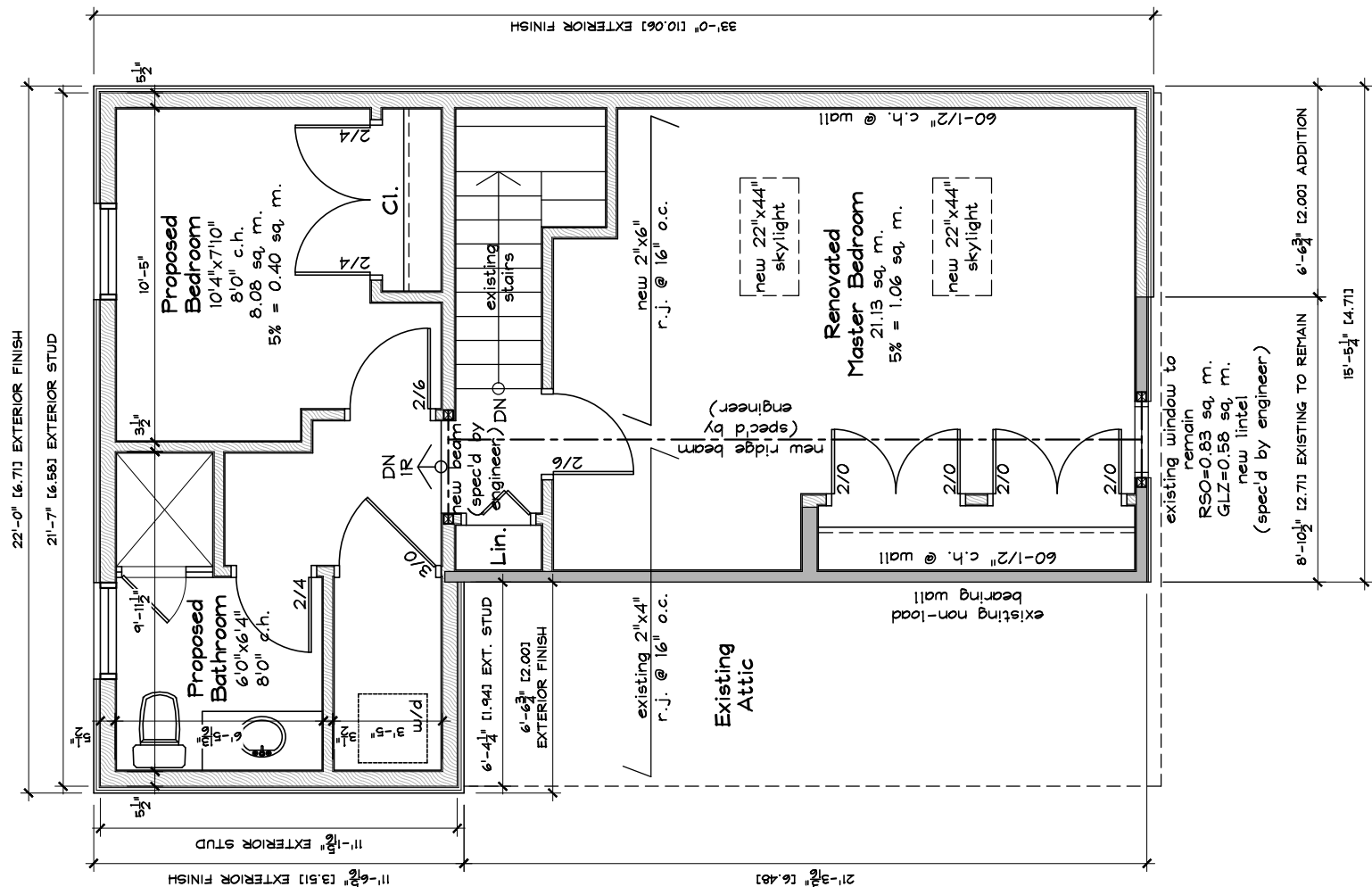
A6

OF 11



DRAWING LEGEND:

- EXISTING
- EXISTING TO BE REMOVED
- NEW STUD WALLS



Proposed Floor Area: 54.29 sq. m.

THE PLANT  
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HAMILTON, ON  
L8H 4R2



**drafting  
+ design**

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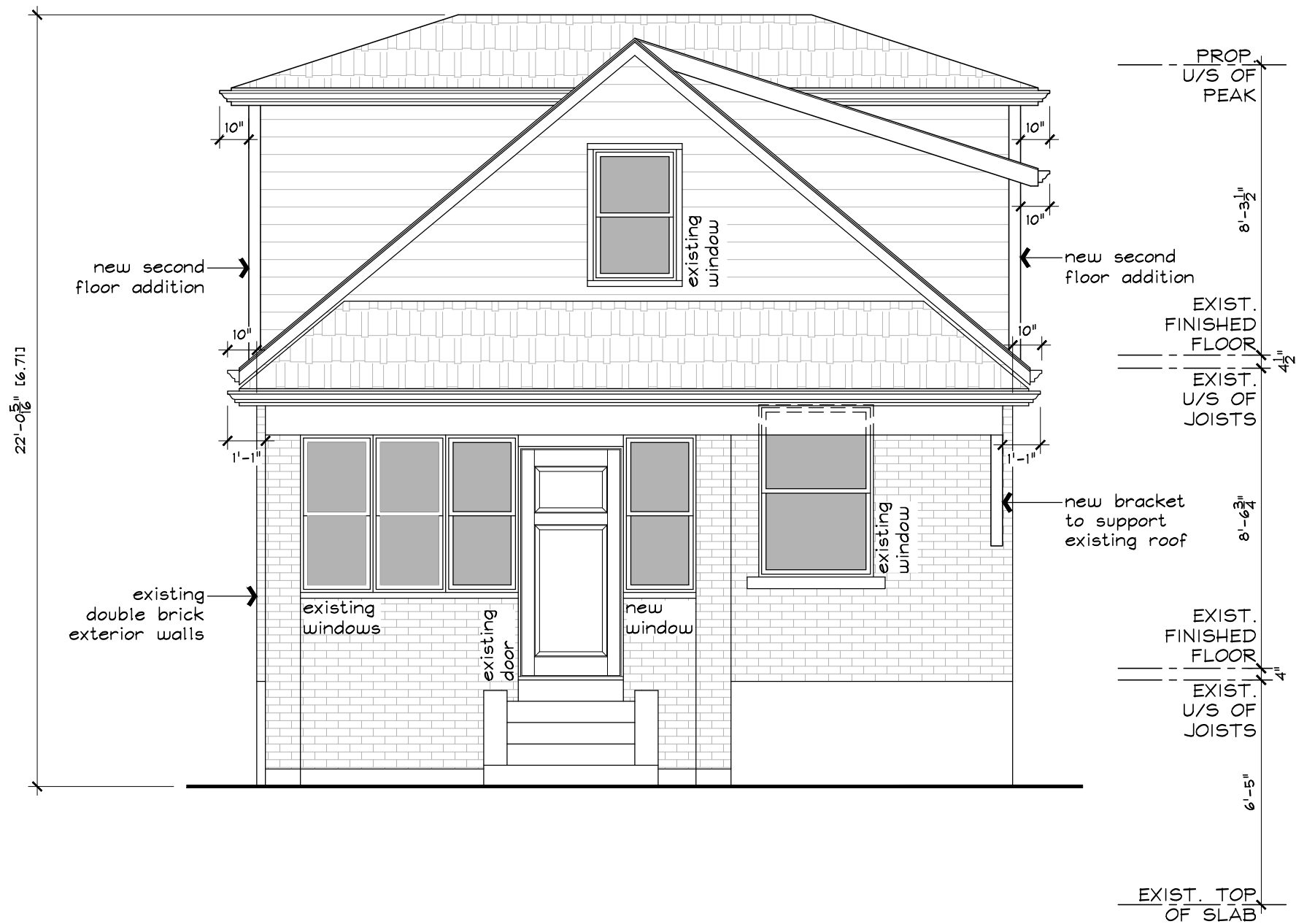
PROPOSED SECOND  
FLOOR PLAN  
3/16" = 1'-0"

SHEET

A7

OF 11






THE PLANT  
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11 ALICE STREET  
HAMILTON, ON  
L8H 4R2

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+ design**

■ 193 East 43rd Street ■  
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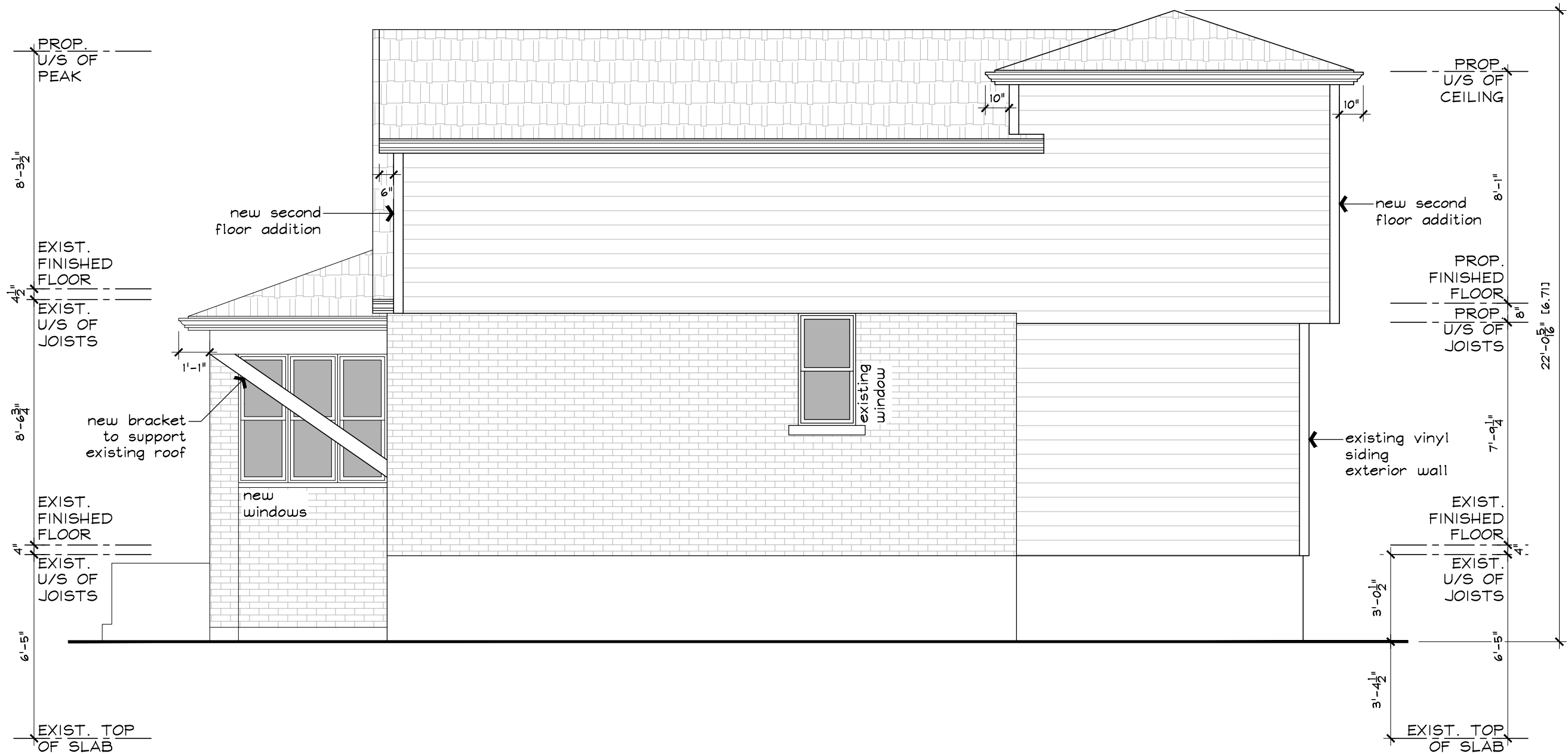
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PROPOSED FRONT  
ELEVATION  
1/4" = 1'-0"





THE PLANT  
RESIDENCE

11 ALICE STREET  
HAMILTON, ON  
L8H 4R2



drafting  
+ design

■ 193 East 43rd Street ■  
■ Hamilton, ON ■ L8T 3C3 ■  
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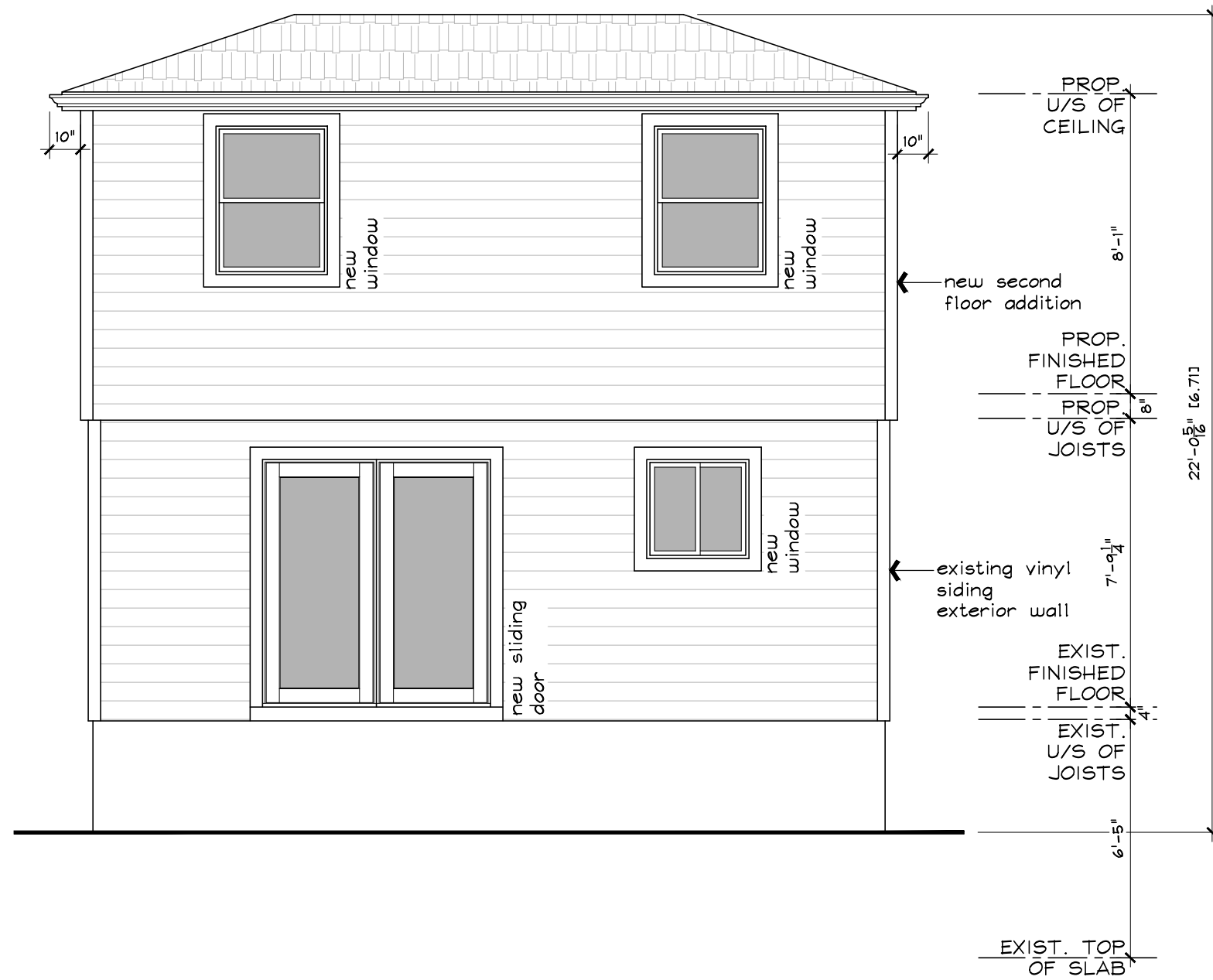
PROPOSED RIGHT  
SIDE ELEVATION  
1/4" = 1'-0"

SHEET

A9

OF 11






THE PLANT  
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11 ALICE STREET  
HAMILTON, ON  
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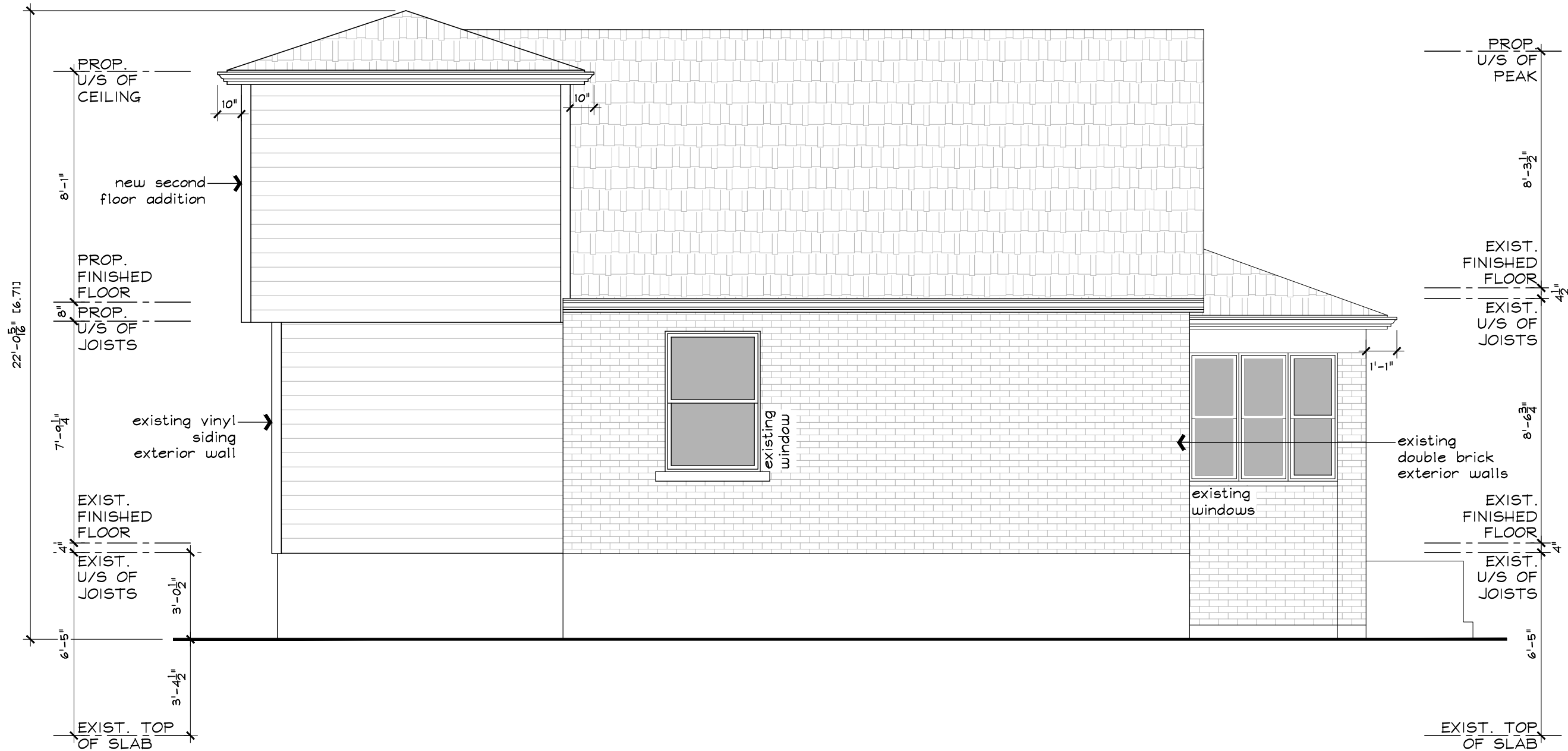
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PROPOSED REAR  
ELEVATION  
1/4" = 1'-0"





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11 ALICE STREET  
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L8H 4R2

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■ 193 East 43rd Street ■  
■ Hamilton, ON ■ L8T 3C3 ■  
■ jbdraftinganddesign@live.ca ■  
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PROPOSED LEFT  
SIDE ELEVATION  
1/4" = 1'-0"

SHEET  
**A11**  
OF 11





**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)	Bradley Plant	
Applicant(s)*	Bradley Plant	
Agent or Solicitor	Jenny Bognar	

**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:

1. Variance to provide zero parking spaces instead of the 2 that are required.
2. Variance for right side yard setback of <sup>0.39m</sup> for second floor addition instead of the required 1.2 m.
3. Variance for left side yard setback of <sup>0.65m</sup> for second floor addition instead of the required 1.2 m.
4. Variance for front yard setback of <sup>3.77m</sup> for second floor addition instead of the required 6.0 m.

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

See attached.

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**):

11 Alice Street, Hamilton

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?

History of area

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 24, 2021  
Date

  
Signature Property Owner

Bradley Anthony Plant  
Print Name of Owner

10. Dimensions of lands affected:

Frontage	7.62 m.
Depth	24.384 m.
Area	185.81 sq. m.
Width of street	7.30 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: \_

Ground Floor Area = 76.16 sq. m., Gross Floor Area = 96.20 sq. m., 1-1/2 stories,  
6.58 m. wide, 11.63 m. length, 6.48 m. high

Proposed

Ground Floor Area = 71.97 sq. m., Gross Floor Area = 126.31 sq. m., 2 stories,  
6.58 m. wide, 11.95 m. length, 6.48 m. high

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

Existing:

1.78 m. front yard setback (enclosed porch), 0.39 m. right side yard, 10.94 m. rear yard,  
0.65 m. left side yard

Proposed:

3.77m TO NEW ADDITION (FRONT), 0.39m RIGHT SIDE YARD  
0.65m LEFT SIDE YARD, 10.68m TO REAR<sup>VOF</sup> ADDITION



13. Date of acquisition of subject lands:  
Jan. 18, 2021
14. Date of construction of all buildings and structures on subject lands:
15. Existing uses of the subject property:  
Single Family Residential
16. Existing uses of abutting properties:  
Residential
17. Length of time the existing uses of the subject property have continued:  
Always
18. Municipal services available: (check the appropriate space or spaces)  
Water   x   Connected   x    
Sanitary Sewer   x   Connected   x    
Storm Sewers   x
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Urban Protected Residential - One And Two Family Dwellings, Etc.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
6593 Former Hamilton - Zone D
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
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.



## **Minor Variance Application**

### **Project: 11 Alice Street, Hamilton**

#### **Background on Project**

The current homeowner purchased this property as it stands right now and took possession on January 18<sup>th</sup>, 2021. The additions that are under construction were un-permitted and as such an Order to Comply was issued. It's at this point, the former owner put the house up for sale.

My client has purchased it and is trying to rectify the issues and ensure that all work is made legal so he can continue with the renovations.

There are a number of variances that are needed and are listed below.

#### **Reasons for Needing Variances**

##### Variance #1

Variance to provide zero parking spaces instead of the 2 that are required.

The placement of the existing house makes it impossible to provide a legal parking spot on this property. The hope is to reduce the size of the existing front porch and provide a boulevard parking spot, if allowed by the Parking and Forestry departments.

The proposed use of the dwelling will remain as habitation for one family and the proposed addition will not increase the need for more parking.

We feel this request is minor in nature as we are not making the existing situation worse and feel that is in keeping with majority of the dwellings in this area.

##### Variance #2

Variance for a right yard setback of 0.39 m. to the addition instead of the required 1.2 m.

We are requesting to match the existing right yard setback of 0.39 m., and it is desired to build on the existing walls below to ensure there is enough useable area on the second floor and to keep construction costs down.

We feel this is minor in nature as we are not decreasing the existing side yard setback nor imposing any privacy concerns on the neighbors as no windows will be allowed on this side wall.

##### Variance #3

Variance for a left yard setback of 0.65 m. to the addition instead of the required 1.2 m.

We are requesting to match the existing right yard setback of 0.65 m., and it is desired to build on the existing walls below to ensure there is enough useable area on the second floor and to keep construction costs down.

We feel this is minor in nature as we are not decreasing the side yard setback and the rear yard is still accessible with this width.



#### Variance #4

Variance for a front yard setback of 3.77 m. to the addition instead of the required 6.0 m.

We are requesting to match the existing front yard setback of 3.77 m. to the front wall of the existing second floor.

it is desired to build on the existing walls below to ensure there is enough useable area on the second floor and to keep construction costs down.

We feel this request is minor in nature as we are not making the existing situation worse and this setback is in keeping with the majority of the dwellings in this area.