



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-21:65

APPLICANTS: Agent EcoVue Consulting
Owner Demetry Tselepakis

SUBJECT PROPERTY: Municipal address **29 Magill St., Hamilton**

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

ZONING: D/S-1787 district (Urban Protected Residential)

PROPOSAL: To permit the severance of the subject lands in accordance with Consent Application No. HM/B-20:38 and to permit the construction of a new two (2) storey single family dwelling on the lands to be severed notwithstanding that:

Severed Lands:

1. A northerly side yard width of 0.5m shall be provided instead of the minimum required side yard width of 1.2m.
2. Eaves and gutters may project into the required northerly side yard for the entire yard width instead of a maximum projection of not more than ½ of its required width (0.25 metres).
3. A southerly side yard width of 0.4m shall be provided instead of the minimum required side yard width of 1.2m
4. Eaves and gutters may project into the required southerly side yard for the entire yard width instead of a maximum projection of not more than ½ of its required width or 0.20 metres.
5. A lot area of 235.0m² shall be provided instead of the minimum required lot area of 360.0m²
6. A lot width of 7.36m shall be provided instead of the minimum required lot width of 12.0m.
7. One (1) parking space shall be provided instead of the minimum two (2) parking spaces required for a single family dwelling having up to 8 habitable rooms.
8. No onsite manoeuvring shall be provided for the parking space located within the front yard instead of the minimum required 6.0m manoeuvring aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot.

9. The front yard landscaped area shall be a minimum of 43.0% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.

Retained Lands:

1. A southerly side yard width of 0.6m shall be provided instead of the minimum required side yard width of 1.2m
2. Eaves and gutters may project into the required southerly side yard for the entire yard width instead of a maximum projection of not more than ½ of its required width (0.3 metres).
3. A lot area of 277.0m² shall be provided instead of the minimum required lot area of 360.0m²
4. A lot width of 8.0m shall be provided instead of the minimum required lot width of 12.0m.
5. No parking space shall be provided onsite instead of the minimum two (2) parking spaces required for a single family dwelling having up to 8 habitable rooms.
6. The front yard landscaped area shall be a minimum of 46.0% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.

NOTES

- i. These variances are necessary to facilitate land severance (consent) application No. HM/A-20:38.
- ii. A Single Family Dwelling requires parking that is based on 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking spaces for each additional habitable room. There is insufficient information to determine the intended number of habitable rooms for the existing and proposed single family dwellings. As such, the number of required parking spaces could not be determined and has been assumed to be eight (8) or less. Additional variances with respect to parking may therefore be required if there are more than eight (8) habitable rooms.
- iii. The Zoning By-law permits a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, to project not more than 3.0 metres into a required front yard or rear yard to a distance of not more than 3.0 metres and be setback at least 1.5 metres from the front lot line. The site plan did not identify the dimensions of the unenclosed porch for the proposed dwelling on the parcel to be severed. Therefore, additional variances may be required if the projection is not in compliance with these requirements
- iv. Please be advised that a parking space appears to be intended on the lands to be retained, however this space is provided partially on the road allowance and therefore is not considered a provided onsite parking space. A boulevard parking agreement is required for the parking space located on the road allowance.

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

DATE: Thursday, March 18th, 2021
TIME: 2:00 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

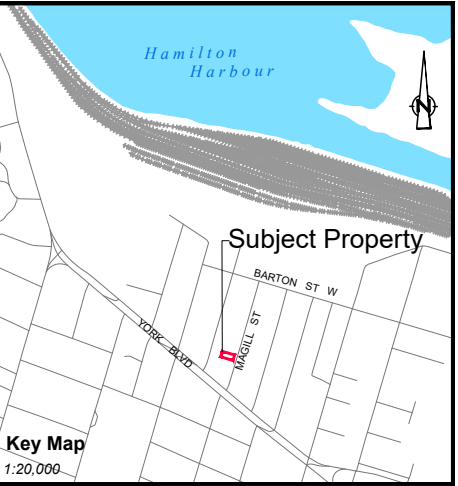
For more information on this matter, including access to drawings illustrating this request:

- 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: March 2nd, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

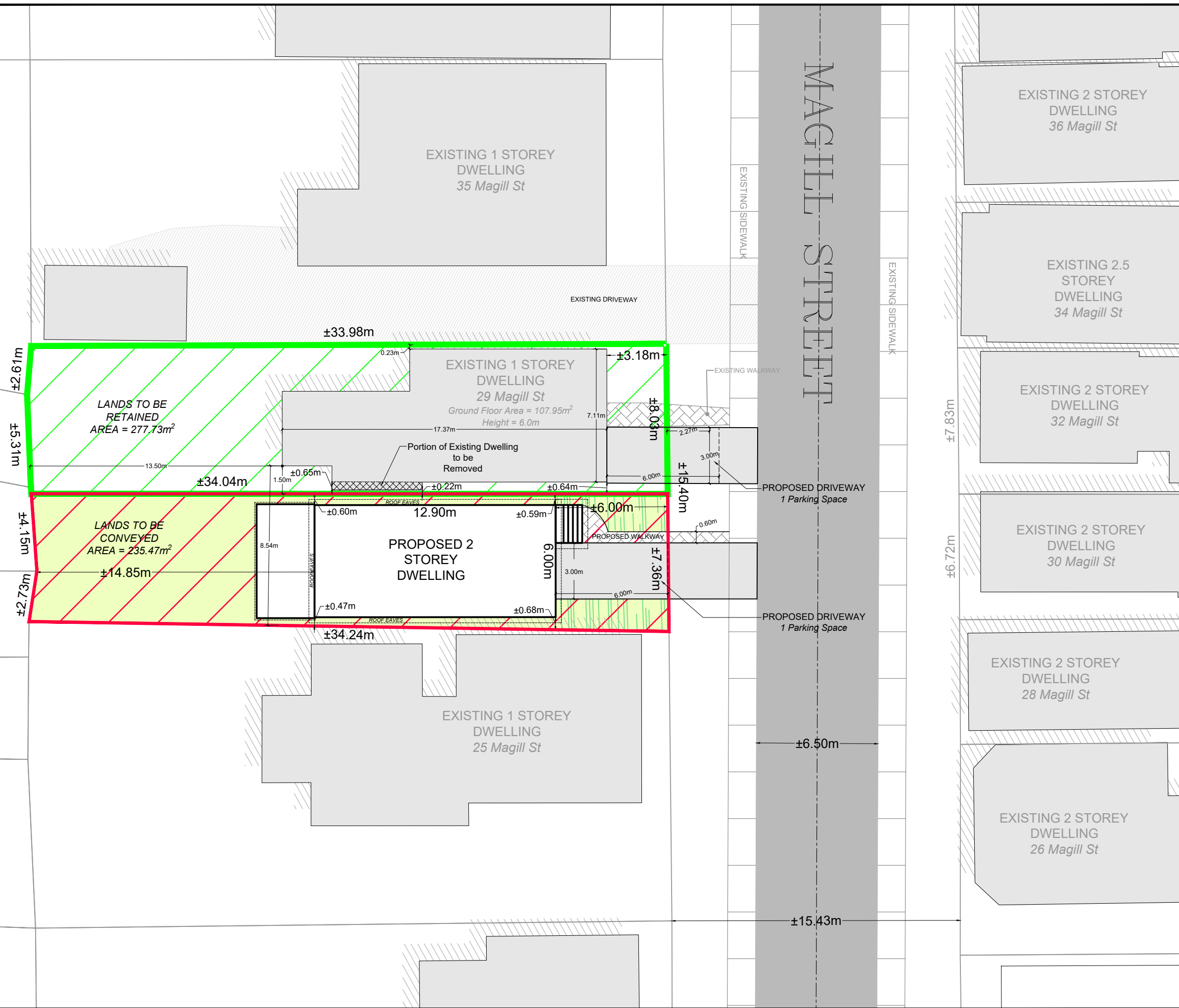
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



Key Map
1:20,000

LEGEND

-  Lands to be Retained
-  Lands to be Conveyed
-  Existing Street Centre Line
-  Limit of Roof/Eaves
-  Landscaped Open Space (119.83m², 50.89%)
-  Front Yard Landscaped Open Space (19.02m², 46.14%)



 **EcoVue Consulting Services Inc.**
 311 George St N., Suite 200
 Peterborough ON K9J 3H3
 Tel: 705-876-8340 Fax: 705-742-8343
 www.ecovueconsulting.com

| | |
|----------------|---------------|
| DRAWN BY: | PROJECT No.: |
| APPROVED BY: | HORIZ. SCALE: |
| REVISION DATE: | PLOT DATE: |
| JUNE 15 2020 | JUNE 15 2020 |

Demetry Tselepakis
 29 MAGILL STREET
 Hamilton, ON



311 George St. N. Suite 200
Peterborough, ON K9J 3H3

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February 3, 2021

Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

Attn: Jamila Sheffield
Secretary-Treasurer

**Re: Application for Minor Variance
29 Magill Street, City of Hamilton
EcoVue Project Number: 19-1975**

The following is being submitted in support of an application for a Minor Variance at the above-noted property.

It should be noted that the decision of the Committee of Adjustment for a related Consent Application was appealed by the applicant and is currently before the Local Planning Appeal Tribunal (LPAT). The enclosed Minor Variance application is identical to a previous Minor Variance application that was submitted to the City in 2019 and was also denied by the Committee of Adjustment.

The purpose of the applications are as follows:

1. **Minor Variance** to seek relief from the following provisions of Section 10 ("D" District) of the City of Hamilton Zoning By-law related:
 - a. To the proposed retained lot:
 - i. Minimum Lot Frontage – the retained lot will have 3.08 metres of frontage, where a minimum of 12 metres of frontage is required;
 - ii. Minimum Lot Area – the retained lot will have a lot area of 277.73 square metres where 360 square metres is required;
 - iii. Interior Side Yard – the dwelling on the retained lot will have an interior side yard setback between .22 metres and 0.64 metres where 1.2 metres is required;



iv. A reduction in number of parking spaces from two spaces to one off street parking with use of 2.27 metres of the city owned boulevard.

b. To the proposed severed lot:

- i. Minimum Lot Frontage – the severed lot will have 7.36 metres of frontage, where a minimum of 12 metres of frontage is required;
- ii. Minimum Lot Area –the severed lot will have a lot area of 235.47 square metres where 360 square metres is required;
- iii. Interior Side Yard – the proposed dwelling on the severed lot will have an interior side yard setback of 0.6 metres where 1.2 metres is required;
- iv. Variances for the percentage of landscaped area in the front yard – 43.12% where 50% is required;
- v. A reduction in number of parking spaces from two spaces to one space.

This letter-report will review the application in the context of applicable land use planning regulations and policies, including Section 45(1) of the Planning Act, as well as the Provincial Policy Statement, Place to Grow: Growth Plan for the Greater Golden Horseshoe, and the City of Hamilton Official Plan.

1.0 SUBJECT PROPERTY AND PROPOSAL

The subject property is located at 29 Magill Street in the City of Hamilton. The property is approximately 474 square metres with 15.5 metres of frontage on Magill Street. There is currently a one (1) storey single detached dwelling located on the northern portion of the property.

The property owner has proposed to sever the subject property into two lots of approximately equal size and frontage. A new single detached dwelling will be constructed on the severed lot. The existing dwelling unit will remain on the retained lot. Each lot will have one parking area in the front of the dwelling.



The property is located in a residential area with primarily single and semi-detached dwellings. The property is currently zoned “D” District (Urban Protected Residential – One and Two Family Dwellings).

2.0 APPLICATION FOR MINOR VARIANCE

The following provides a review of the variance in the context of the four tests under Section 45 (1) of the Planning Act. Section 45(1) of the *Planning Act* sets out ‘four tests’ to be considered when submitting a Minor Variance application. Those four tests are:

1. The application should meet the general intent of the Official Plan;
2. The application should meet the general intent of the Zoning By-law;
3. The requested variance is minor in nature; and,
4. The requested variance is desirable for the appropriate development or use of land, building or structure.

Below is a summary of the proposed Minor Variances in the context of the four tests listed above.

2.1 General Intent of the City of Hamilton Official Plan

The subject lands are designated Neighbourhood Designation according to Chapter E – Urban Designations of the City of Hamilton Official Plan. As outlined in Section E.3.2.4 of the Official Plan, this designation provides for *residential intensification* within the Neighbourhood Designation that will *enhance and be compatible with the scale and character of the existing residential neighbourhood*. Section B.2.4 – Residential Intensification further outlines the key component of Hamilton’s growth strategy and confirms that residential intensification is essential to meet growth and employment targets within the City of Hamilton. This proposed minor variance would provide for residential intensification and would be in keeping with the neighbourhood character. The dwelling units along Magill Street generally feature small side yards on lots that range between approximately 225 and 550 square metres. In particular, there are a number of existing single detached dwellings located on lots of a similar size to the proposed severed and retained lots

adjacent to the subject lands on the eastern side of Magill Street. Therefore, it is our opinion that the proposed minor variances meet the general intent of the City of Hamilton Official Plan.

2.1.1 West Harbour Secondary Plan

The subject property is located within the West Harbour Secondary Plan (the Secondary Plan) and is designated Low Density Residential on Schedule M-2: General Land Use. General Policies for land uses are outlined in Section 6.3.3 of the Secondary Plan to ensure that “*all future planning and development in the area addresses issues and opportunity best viewed from an area-wide or city-wide perspective*”. Section A.6.3.3.1.12 outlines development in Low Density Residential areas:

- i) the scale, type and character of new development shall generally reflect existing low density development in the neighbourhood;*
- ii) single detached, semi-detached and street townhouses are permitted;*
- iii) the density of development shall range from 25 to 60 units per gross hectare;*
- iv) existing grid patterns of streets, blocks, and open space, and/or those proposed by this plan, shall be respected;*
- v) lot dimensions and building setbacks shall be generally consistent with other Low Density Residential properties in the neighbourhood;*
- vi) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance; and*
- vii) garages shall be located generally at the rear of properties and accessed from rear laneways where feasible.*

Section A.6.3.3.1.16.3.1 further outlines:

Notwithstanding policy A.6.3.5.1.2.3 of this Plan, the following uses shall be permitted on lands designated Low-Density on Schedule M-2a:

- i) single detached, semi detached, street townhouses and stacked townhouses; and*

ii) open space and parks.

In addition, the Secondary Plan Section A.6.3.2.2 – Strengthen existing neighbourhoods, provides a planning principle in terms of development in the West Harbour area of Hamilton. Section A.6.3.2.2 i) states that *“it is important to i) ensure new development respects and enhances the character of the neighbourhoods”*.

The proposed minor variances will provide for a new single detached dwelling unit, which is a permitted use in the Low Density Residential designation. Furthermore, the scale of the proposed development will be in keeping with the neighbourhood character (see: **Appendix A**). As mentioned, the dwelling units on Magill Street are generally arranged on lots of a similar size and with similar side yard setbacks. With the additional dwelling unit, the total density of the subject lands equates to 36 units per hectare, which is in keeping with the density requirements in the Low Density Residential designation.

The overall intent of the Secondary Plan is to allow for intensification in the West Harbour neighbourhood. The proposed development would allow for an additional single detached dwelling on the street, through infilling, that is currently municipally serviced and where residents can access amenities in the neighbourhood. Therefore, it is our opinion that the minor variances meet the general intent of the Secondary Plan.

2.2 General Intent of the City of Hamilton Zoning By-law No. 6593

The property at 29 Magill Street is zoned “D” District (Urban Protected Residential – One and Two Family Dwellings, etc.) according to the interactive Zone Map of the City of Hamilton. The “D” District Zone permits a range of residential uses including, but not limited to, *“a single family dwelling, together with accommodation of lodgers to the number of not more than three.”*

In “D” District the following yard requirements are provided:

- (i) a front yard of a depth of at least 6.0 metres (19.69 feet);*
- (ii) for a building or structure not over two and a half storeys or 11.0 metres (36.09 feet) in height, a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and for any other building or structure, side yards of a width each of at least 2.7 metres (8.86 feet); and*



(iii) a rear yard of a depth of at least 7.5 metres (24.61 feet).

In “D” District the following intensity of use also apply:

(i) for a single family dwelling, residential care facility or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet);

The proposed redevelopment does not meet the required frontage, lot area or interior side yard setbacks of the “D” District. As such, the applicant is requesting a variance from the Minimum Lot Width (frontage), the Minimum Lot Area, and the Minimum Interior Side Yard Setback provisions. The purpose of these provisions in the Zoning By-law is as follows:

- **Minimum Lot Width and Area:** these provisions are intended to ensure that new lots within residential areas can appropriately accommodate new development that is in keeping with the character of the neighbourhood. As demonstrated herein, the proposed severed and retained lot can adequately accommodate both the existing and a new dwelling unit. The addition of the new dwelling unit will be in keeping with the neighbourhood character.
- **Minimum Interior Side Yard Setback:** this provision is intended to ensure that development on residential lots are adequately spaced. In our opinion, the proposed reduction in the interior side yard will still provide adequate space between the existing and proposed dwelling unit. Furthermore, the interior side yard is in keeping with existing interior side yards along Magill Street.
- **Parking:** The proposed development does not meet the requirements established as part of Table 1 - Minimum Required Parking for, Residential, Institutional, Public and Commercial Uses which requires 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit...”. It is our opinion that the intent of requiring 2 spaces for each dwelling unit is to adequately accommodate the needs of families and those residents that require multiple vehicles. That said, it is understood that this provision may not accurately reflect the changing trends within urban centres.

Both the severed and retained lot will allow for one parking space for each dwelling. This general area of the City of Hamilton has been identified in the West Harbour (Setting Sail)

Secondary Plan as an area where public transit, cycling, walking should play a significant role in the City's transportation system. Both the proposed single detached dwelling on the severed lot and the existing single detached dwelling on the retained lot should can be adequately served by one parking space each as there are a number of options for transportation in the area. Furthermore, a number of commercial services are located within walking distance of the subject property. Therefore, allowing for a reduction in parking spaces can be considered minor in nature.

Overall, it is our opinion that the Minor Variances meet the general intent of the City of Hamilton Zoning By-law.

2.3 The Requested Variances are Minor in Nature

It is our opinion that this variance should be considered minor. It has been demonstrated herein that the reduction in lot area, frontage and the side yard setback will not result in any negative impacts to the adjacent properties or the surrounding neighbourhood. Both the severed and retained lots are equal or greater in size to several lots in the immediate area. Furthermore, the relief being sought for each provision is numerically minor:

1. Lot Area Conveyed: 234 sq. m where 360 sq. m is required = 35% reduction
2. Lot Area retained: 277.73 sq. m where 360 sq. m is required = 23% reduction
3. Lot Frontage (severed): 7.36 m where 12 m is required = 61% reduction
4. Lot Frontage (retained): 3.18 m where 12 m is required = 73% reduction
5. Interior Side Yard Setback: 0.59 to 0.65 m where 1.2 m is required = 49 to 54% reduction
6. Parking: 1 space per dwelling unit where 2 spaces are required.

Although the reduction in the side yards for both the severed and retained lots represents a larger percentage reduction (61% and 73% respectively), the distance is relatively small in the context of standard lot regulations (0.8 metres). Furthermore, the reduction in the side yards, as well as lot frontage for both the severed and retained lots, is comparable to a number of properties on Magill Street. Therefore, it is our opinion that the requested variances are minor in nature.

2.4 Desirable for the Appropriate Development

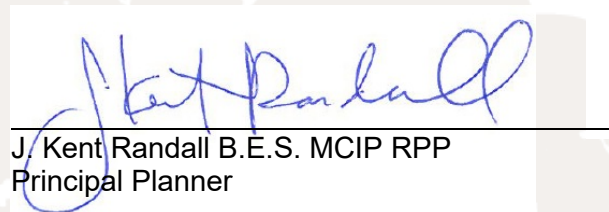
The subject property is part of the Built-up Area of the City of Hamilton which has been identified in both Provincial and local planning documents as an area of higher densities. The proposed minor variance would provide for development that is consistent with the character of the street. As demonstrated herein, the neighbourhood is currently made up of a mix of medium to high density. The existing dwelling units, particularly those units and lots located immediately east of the subject lands, are of a similar size and massing as the proposed severed and retain lots. Furthermore, the minor variance would enable more housing in an area identified in the Official Plan as an area for intensification.

3.0 SUMMARY

As demonstrated, the proposal meets the four tests for a Minor Variance. The proposed variance meets the general intent of the City of Hamilton Official Plan, the City of Hamilton Zoning By-law, is considered minor in nature and is appropriate and desirable development for the neighbourhood. Based on the foregoing review of relevant *Planning Act* and policy considerations, it is our opinion that the Minor Variance constitutes good planning.

Respectfully Submitted,

ECOVUE CONSULTING SERVICES INC.

A handwritten signature in blue ink, reading "J. Kent Randall", is written over a horizontal line. Below the line, the text "J. Kent Randall B.E.S. MCIP RPP" and "Principal Planner" is printed.



Appendix A

Photographs of current housing on Magill Road





Current dwelling at 29 Magill Street, retained lot.



Directly across the street, 28 and 26 Magill Street.



Images of other housing units on Magill Street, 30 and 32 Magill Street.



Images of other housing units on Magill Street. 51 and 53 Magill Street.



Looking North on Magill Street.



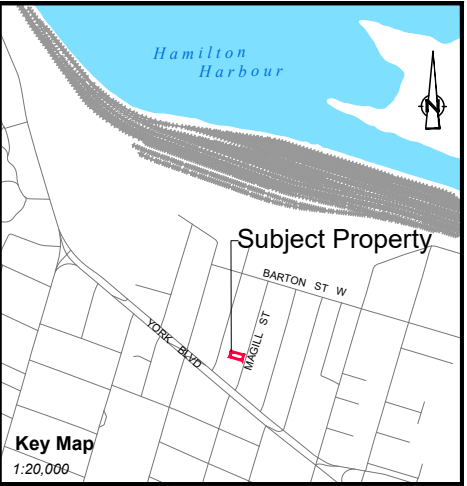
Images of other housing units on Magill Street. 37 Magill Street.



Appendix B

Sketch of proposed building

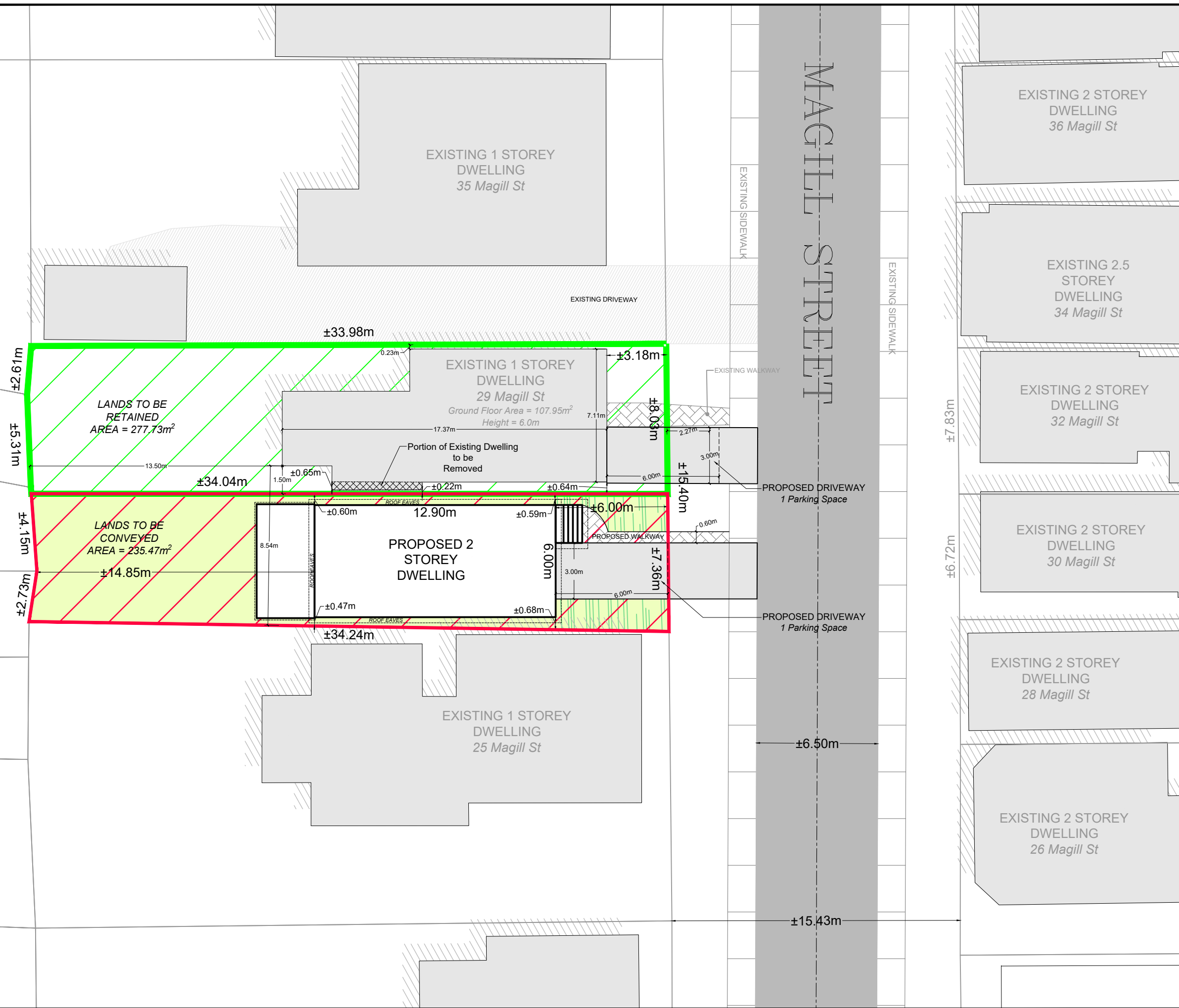




Key Map
1:20,000

LEGEND

-  Lands to be Retained
-  Lands to be Conveyed
-  Existing Street Centre Line
-  Limit of Roof/Eaves
-  Landscaped Open Space (119.83m², 50.89%)
-  Front Yard Landscaped Open Space (19.02m², 46.14%)



LANDS TO BE
RETAINED
AREA = 277.73m²

LANDS TO BE
CONVEYED
AREA = 235.47m²

EXISTING 1 STOREY
DWELLING
35 Magill St

EXISTING 1 STOREY
DWELLING
29 Magill St
Ground Floor Area = 107.95m²
Height = 6.0m

EXISTING 1 STOREY
DWELLING
25 Magill St

EXISTING 2 STOREY
DWELLING
36 Magill St

EXISTING 2.5
STOREY
DWELLING
34 Magill St

EXISTING 2 STOREY
DWELLING
32 Magill St

EXISTING 2 STOREY
DWELLING
30 Magill St

EXISTING 2 STOREY
DWELLING
28 Magill St

EXISTING 2 STOREY
DWELLING
26 Magill St

MAGILL STREET

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| | |
|--------------------------------|----------------------------|
| DRAWN BY: MC | PROJECT No.: 19-1975 |
| APPROVED BY: | HORIZ. SCALE: 1:200 |
| REVISION DATE: JUNE 15 2020 | PLOT DATE: JUNE 15 2020 |

Demetry Tselepakis
29 MAGILL STREET
Hamilton, ON



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) | Demetry Tselepakis | |
| Applicant(s)* | | |
| Agent or Solicitor | EcoVue Consulting Services Inc. c/o Kent Randall | |

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:
A minor variance to seek relief from the minimum lot frontage, minimum lot area, the interior side yard and parking requirements.
5. Why it is not possible to comply with the provisions of the By-law?
This lot does not allow for the current set backs and lot size.
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**):
29 Magill Street, City of Hamilton
Room number:
2518101050013000000
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?

Information provided by applicant

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 27, 2021

Date

Demetry
Tselepakis

Digitally signed by Demetry Tselepakis
DN: cn=Demetry Tselepakis, o=City of Hamilton, email=demetry@hampheatco.com,
c=CA, Date: 2021.01.27 11:48:56 -0500

Signature Property Owner

Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|---|
| Frontage | <u>7.36 (severed lot) 8.03 (retained lot)</u> |
| Depth | <u>34.24 (severed lot) 33.98 (retained lot)</u> |
| Area | <u>235.47 m³ (severed lot) 277.73 (retained lot)</u> |
| Width of street | <u>6.5m</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: _

Existing dwelling width - 7.1m, depth 17.4m
Ground floor 107.95 m. sq, Height 6.0m

Proposed

Proposed 2 storey dwelling, 15m by 6m, 1,937 square feet over two stories, 11m height

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

Existing:

Front 3.18m, side: 0.65m, 0.22m, 0.64m, rear 13.5m

Proposed:

Front 6.00m, side 0.59m 0.60m, .47m, 0.68m, rear 14.85.

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?

Information provided by applicant

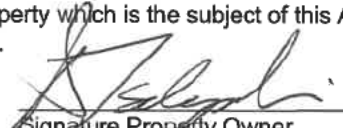
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Is the previous use inventory attached? Yes No

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FEB 2, 2021
Date


Signature Property Owner

DEMETRIOS TSELEPAKIS
Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|--|
| Frontage | <u>7.36 (severed lot) 8.03 (retained lot)</u> |
| Depth | <u>34.24 (severed lot) 33.98 (retained lot)</u> |
| Area | <u>235.47 m3 (severed lot) 277.73 (retained lot)</u> |
| Width of street | <u>6.5m</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: _

Existing dwelling width - 7.1m, depth 17.4m
Ground floor 107.95 m. sq, Height 6.0m

Proposed

Proposed 2 storey dwelling, 15m by 6m, 1,937 square feet over two stories, 11m height

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

Existing:

Front 3.18m, side: 0.65m, 0.22m, 0.64m, read 13.5m

Proposed:

Front 6.00m, side 0.59m 0.60m, .47m, 0.68m, read 14.85.

13. Date of acquisition of subject lands:
October 3rd, 2019
-
14. Date of construction of all buildings and structures on subject lands:
No construction currently on the site.
-
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 _____ Connected _____
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
West Harbour Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"D" District (Urban Protected Residential - One and Two Family Dwellings)
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
 Minor variances application HM/A-20:132
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
 A consent application is currently under appeal at the LPAT
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.

PART 25 AFFIDAVIT OR SWORN DECLARATION

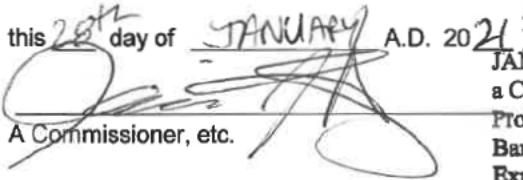
This declaration to be sworn by a Commissioner of Oaths.

I, KENT RANDALL of the CITY of PETERBOROUGH
in the COUNTY of PETERBOROUGH solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the
at the CITY of PETERBOROUGH
in the COUNTY
of PETERBOROUGH


Applicant

this 28th day of JANUARY A.D. 2021

A Commissioner, etc.

JANICE LYNN HAIG
a Commissioner, etc.,
Province of Ontario, for Ewart O'Dwyer
Barristers and Solicitors
Expires July 19, 2022

PART 26 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Demetry Tselepakis am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Kent Randall of EcoVue Consulting

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE January 27, 2021

Demetry
SIGNED Tselepakis
Digitally signed by Demetry Tselepakis
DN: cn=Demetry Tselepakis, o=EC,
email=demetry@suporheestates.com, c=CA
Date: 2021.01.27 11:47:42 -0500

PART 27 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.
Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Demetry Tselepakis, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

January 27, 2021
Date

Demetry Tselepakis
Signature of Owner
Digitally signed by Demetry Tselepakis
DN: cn=Demetry Tselepakis, o=EC,
email=demetry@suporheestates.com, c=CA
Date: 2021.01.27 11:48:03 -0500

PART 25 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, _____ of the _____ of _____
in the _____ of _____ solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the _____
at the _____ of _____)
_____)
in the _____)
_____)
of _____)
_____)
this ___ day of _____ A.D. 20___) Applicant

A Commissioner, etc.

PART 26 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Demetry Tselepakis am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Kent Randall of EcoVue Consulting

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE FEB 2, 2021 SIGNED [Signature]

PART 27 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Demetry Tselepakis, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date FEB 2, 2021 Signature of Owner [Signature]

PART 28 PERMISSION TO ENTER

Date: February 2, 2021

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 29 Magill Street, City of Hamilton
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent
Kent Randall

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 29 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.