



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-21:64

APPLICANTS: Agent Losani Homes c/o B. Almedia
Owner Losani Homes (1998) Ltd.

SUBJECT PROPERTY: Municipal address **42 Dulgaren St., Hamilton**

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

ZONING: C district (Urban Protected Residential, Etc.)

PROPOSAL: To permit the construction of a single family dwelling on a vacant lot, notwithstanding,

1. A minimum rear yard depth of 5.0 metres shall be provided instead of the minimum required rear yard depth of 7.5 metres.

NOTES:

1. Detailed plans of the proposed dwelling have not been provided to determine zoning compliance. Further variances may be required at such time the proposed dwelling is reviewed for building permit issuance.
2. The applicant has advised that "Area 1" and "Area 2" as shown on the submitted plan (forming Block 81 of Plan 62M1198) are to remain as one lot until such time a future land assembly application is made. As such, for the propose of this application, "Area 1" and "Area 2" as shown on the submitted plan have been reviewed as one lot.
3. A 0.3 metre reserve is shown to be applicable to this property which will be required to be lifted prior to the commencement of the proposed development.

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

DATE: Thursday, March 18th, 2021
TIME: 3:20 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

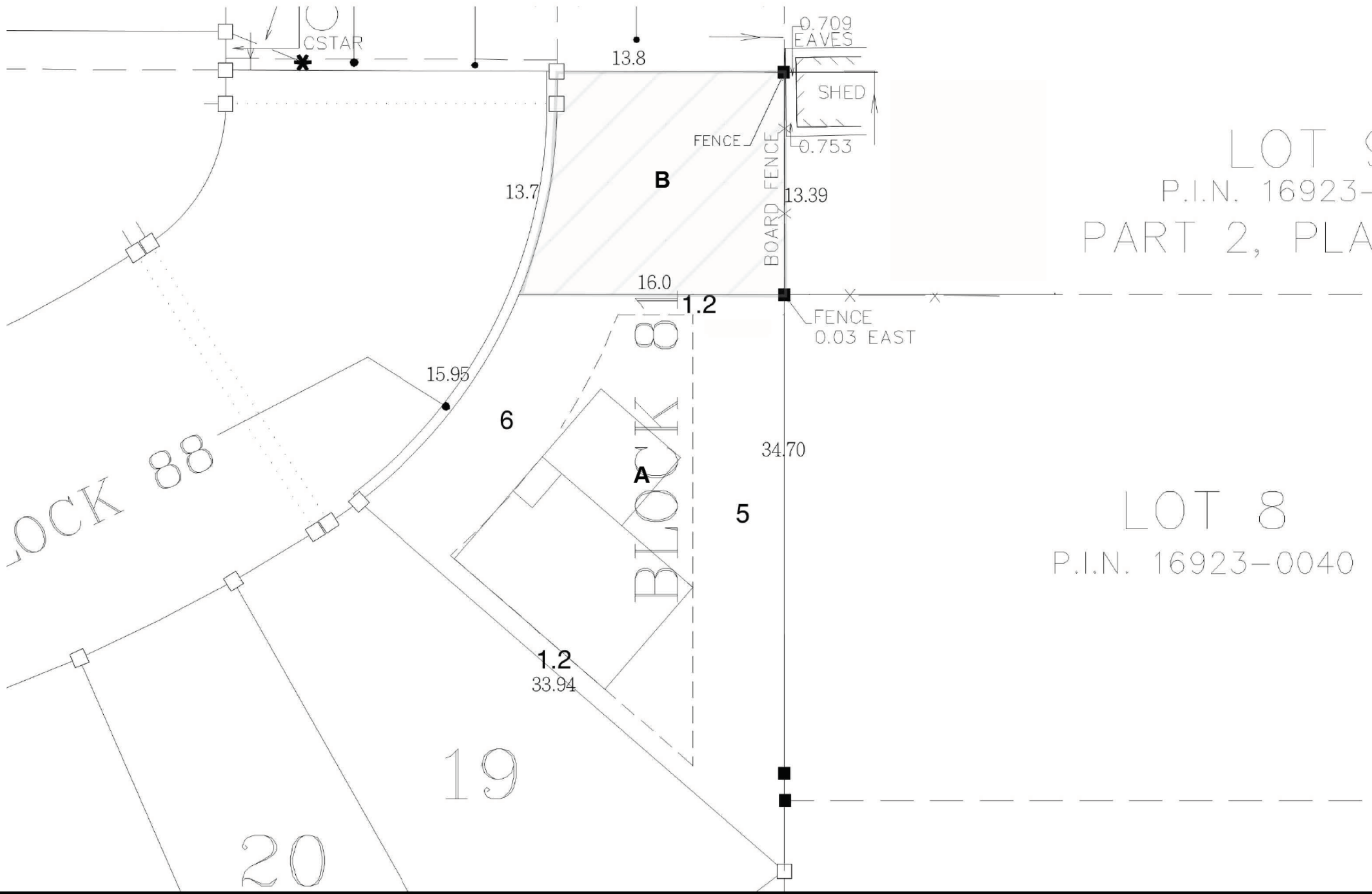
For more information on this matter, including access to drawings illustrating this request:

- 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.



LOT 5
P.I.N. 16923-
PART 2, PLA

LOT 8
P.I.N. 16923-0040

Scale 1:400

A
Lot Area = 533.53 m²
Lot Width = 23.47 m

B
Lot Area = 197.77 m²
Lot Width = 13.52 m

Block 81, Plan 62M-1198
Proposed Site Plan





February 8, 2021

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

**RE: Minor Variance & Consent Applications – 25T-201105 – 62M-1198
Blocks 81, 83, 83 (Future Lot B) & 202 Eleanor Avenue**

Dear Ms. Sheffield,

Further to the above and in support of the application, please find enclosed the following:

- Complete Application Forms for the following (Signed):
 - Minor Variance Application – Block 81
 - Minor Variance Application – Block 83
 - Minor Variance Application – Block 83 – Lot B
 - Consent Application (1) – 202 Eleanor Avenue
 - Consent Application (2) – 202 Eleanor Avenue
- 5 Detailed Site Plans to accompany each application.
- 3 Cheques in the amount of \$3,320 for each Minor Variance Application
- 2 Cheques in the amount of \$2,860 for each Consent Application

The above noted applications are submitted to supplement approval of an active Minor Revision to Draft Plan Application for 25T-201105. As part of this application, we are seeking to develop the remnant residential reserve blocks, being Blocks 81 to 84, inclusive, of Registered Plan 62M-1198.

As part of our initial application, we noted that Minor Variance and Consent Applications would be required for the proposed lots and blocks. The proposal under review by staff would allow for development of:

- 6 single detached residential lots on Halo Street;
- 1 single detached lot on Halo Court;
- 1 single detached dwelling on Dulgaren Street;
- Retain a single detached lot on Eleanor Avenue; and,
- Retain a remnant residential block to be developed in the future with adjacent lands on Dulgaren Street.

Staff note that the Minor Variance & Consent Applications as submitted are required in advance of clearance of required conditions to facilitate the proposed development. Specifically, these applications are pursuing approval to permit a minor reduction in the rear yard setback for Blocks 81 and 83, and a minor reduction in the permitted lot width for Lot B. The creation of Lot B requires the severances of 202 Eleanor Ave. and consolidation of created lots with Block 83 (future PLC) and a Portion of Block 84 (Future PLC) which staff are supportive of.

Please see below for comments from staff for consideration in review of the proposed applications:

The "C" (Urban Protected Residential) Zoning District requires a minimum 6.0 m front yard width, a minimum 1.2 m side yard width and a minimum 7.5 m rear yard depth. The proposed building envelopes on the proposed lots shown as Blocks 81, 82, and part of Block 83 comply with the regulations contained in the "C" District with regards to front yard depth, side yard width and rear yard depth with the exception of the rear yard depth for the proposed lots shown as Block 81 & Block 83 which are located in a "C" District do not conform.

A portion of Block 81, 83 and a portion of Block 84 have been designated for future development and shall be merged with the adjacent lands to the east for the creation of residential lots at which time compliance would be achieved, with the exception of the proposed 11.78 m lot width for lot B, which does not conform. In addition, lots A, B & C prior to the consolidation of the lands do not conform to the lot area requirements of the "C" District.

We trust that the enclosed materials are sufficient to review and process this application. Should you require any additional information or have any questions please do not hesitate to contact the undersigned.

Sincerely
Losani Homes



Brandon Almeida, BES
Project Coordinator, Land Development



Hamilton

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)	Losani Homes (1998) Ltd.		
Applicant(s)*	Losani Homes		
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:
N/A

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:
 Permit rear yard setback of 5m, where the 'C' (Urban Protected Residential) Zoning District requires a minimum 7.5 m rear yard depth.

5. Why it is not possible to comply with the provisions of the By-law?
 Pursuing development of remnant reserve blocks within existing plan of subdivision. Atypical shape of remnant lot requires minor reduction of rear yard setback from 7.5m to 5m to allow provision of a viably sized dwelling in terms of depth. The lot will still have sufficient rear yard space as the westerly most side lot line and rear lot line run deep. The lot will have a usable rear yard deeper than 7.5m.

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**):
 Block 81, Registered Plan 62M-1198
 42 Dulgaren Street, Hamilton, ON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant

Other Remnant Reserve Block in Registered Plan of Subdivision 62M-1198

8.1 If Industrial or Commercial, specify use N/A

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?

Owners of lands and previous due diligence completed through approvals/development of Draft Plan of Subdivision.

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.

2.4.2021

Date



Signature Property Owner

Lo Savi Homes (1998) LTD.

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>15.95 m (Proposed - Portion of Block 81 to be developed)</u>
Depth	<u>33.94m (Proposed - Portion of Block 81 to be developed)</u>
Area	<u>533.53 m2 (Proposed - Portion of Block 81 to be developed)</u>
Width of street	<u>20 m</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:_
Vacant Lot

Proposed

Single Detached Family Dwelling proposed on portion of Block 81 to be released for development. See attached sketch for details of proposed structure.

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

Existing:
Vacant Lot

Proposed:

Single Detached Family Dwelling proposed on portion of Block 81 to be released for development. See attached sketch for details of proposed structure.

13. Date of acquisition of subject lands:
2008/2009
-
14. Date of construction of all buildings and structures on subject lands:
N/A
-
15. Existing uses of the subject property:
 Vacant
16. Existing uses of abutting properties:
 Existing Residential/Vacant
17. Length of time the existing uses of the subject property have continued:
 8 years
18. Municipal services available: (check the appropriate space or spaces)
 Water Yes _____ Connected _____
 Sanitary Sewer Yes _____ Connected _____
 Storm Sewers Yes _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Urban Hamilton Official Plan (UHOP) The subject lands are designated as Neighbourhoods on Schedule "E-1" - Land Use Designations, which permits residential and local commercial uses.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 City of Hamilton Zoning By-law 6593 - "C" (Urban Protected Residential)
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
 Minor Variance Application(s) supplementary to active application for minor revision to draft plan of Subdivision (25T-2011-05). Pursuing development of remnant reserve blocks on registered plan 62M-1198.
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, Brandon Almeida of the City of Hamilton 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 City of Hamilton)
in the _____)
of _____)
this 8TH day of February A.D. 2021)

[Signature])
Applicant

A Commissioner, etc. William L. Lisick
LCR # 31576

PART 26 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Losani Homes (1998) Ltd. 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:

Brandon Almeida of Hamilton, ON

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 2.4.2021 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, Losani Homes (1998) Ltd., 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.

2.4.2021
Date

[Signature]
Signature of Owner

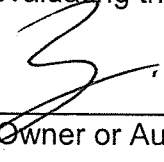
PART 28 PERMISSION TO ENTER

Date: 2.4.2021

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

Dear Secretary/Treasurer;
Re: Application to Committee of Adjustment
Location of Land: 42 Dulgaren Street, Hamilton, ON
(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
Brandon Almeida

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.