



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

**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-21:67

**APPLICANTS:** Agent Steve Authier  
Owner Tim Elliot

**SUBJECT PROPERTY:** Municipal address **179 Rosslyn Ave. S., Hamilton**

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

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

**PROPOSAL:** To permit the construction of a 3.29m x 7.24m 2nd storey rear addition and to recognize the location of the existing single family dwelling notwithstanding that:

1. A minimum front yard of 0.0m shall be recognized to the existing portion of the building instead of the minimum required front yard of 6.0m.
2. A minimum northerly side yard width of 0.8m shall be provided instead of the minimum required side yard width of 0.92m.
3. Eaves and gutters shall be permitted to project a maximum of 0.6m into the minimum required northerly side yard so that the eaves and gutters may be as close as 0.2m to the northerly side lot line instead of the requirement that eaves and gutter may project into the required side yard (being 0.8m) not more than ½ of its required width (being 0.4m).

**NOTE:**

- i) Pursuant to Variance # 1, is to recognize the 0.0m front yard setback for the front steps which were re-constructed in 2015. The front porch and steps are considered part of the principal portion of the dwelling as they do not conform to the yard encroachment regulations for a roofed-over unenclosed one storey porch at the first storey. Additionally, the yard encroachment regulations do not allow an open stairway to project into the required front yard.

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

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**DATE:** Thursday, March 18th, 2021  
**TIME:** 2:05 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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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)

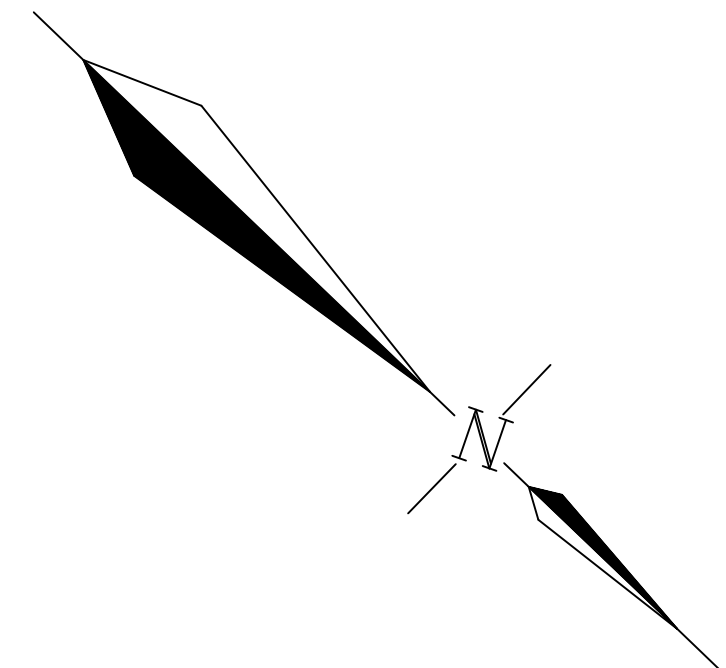
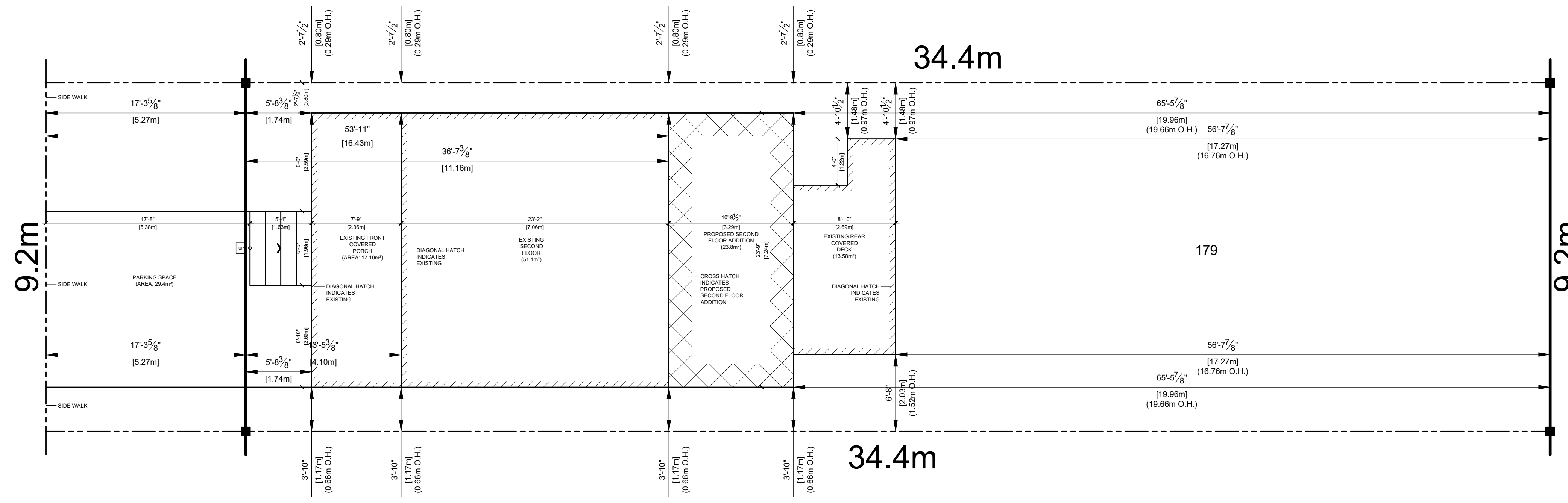
DATED: March 2nd, 2021.

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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.***

ROSSLYN AVE S.



SITE DATA	
ZONE:	D
LOT AREA:	316.8m <sup>2</sup>
EXISTING DWELLING FOOTPRINT:	105.61m <sup>2</sup>
<b>BUILDING HEIGHT</b>	
ALLOWABLE:	14m (45.93')
<b>MIN. SETBACKS</b>	
FRONT:	6.0m (19.69')
REAR:	7.5m (24.61')
SIDE:	1.2m (3.94')

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	PRELIMINARY DRAWINGS	02/08/2021

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
- THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
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SEAL

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION

LEONARD ANGELICI 42391  
NAME BCIN

REGISTRATION INFORMATION

LEN ANGELICI DESIGN 43162  
NAME BCIN

02/08/2021  
DATE SIGNATURE

**Len Angelici Design**

270 SHERMAN AVE N, UNIT MILL-125  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT

PROPOSED RESIDENCE

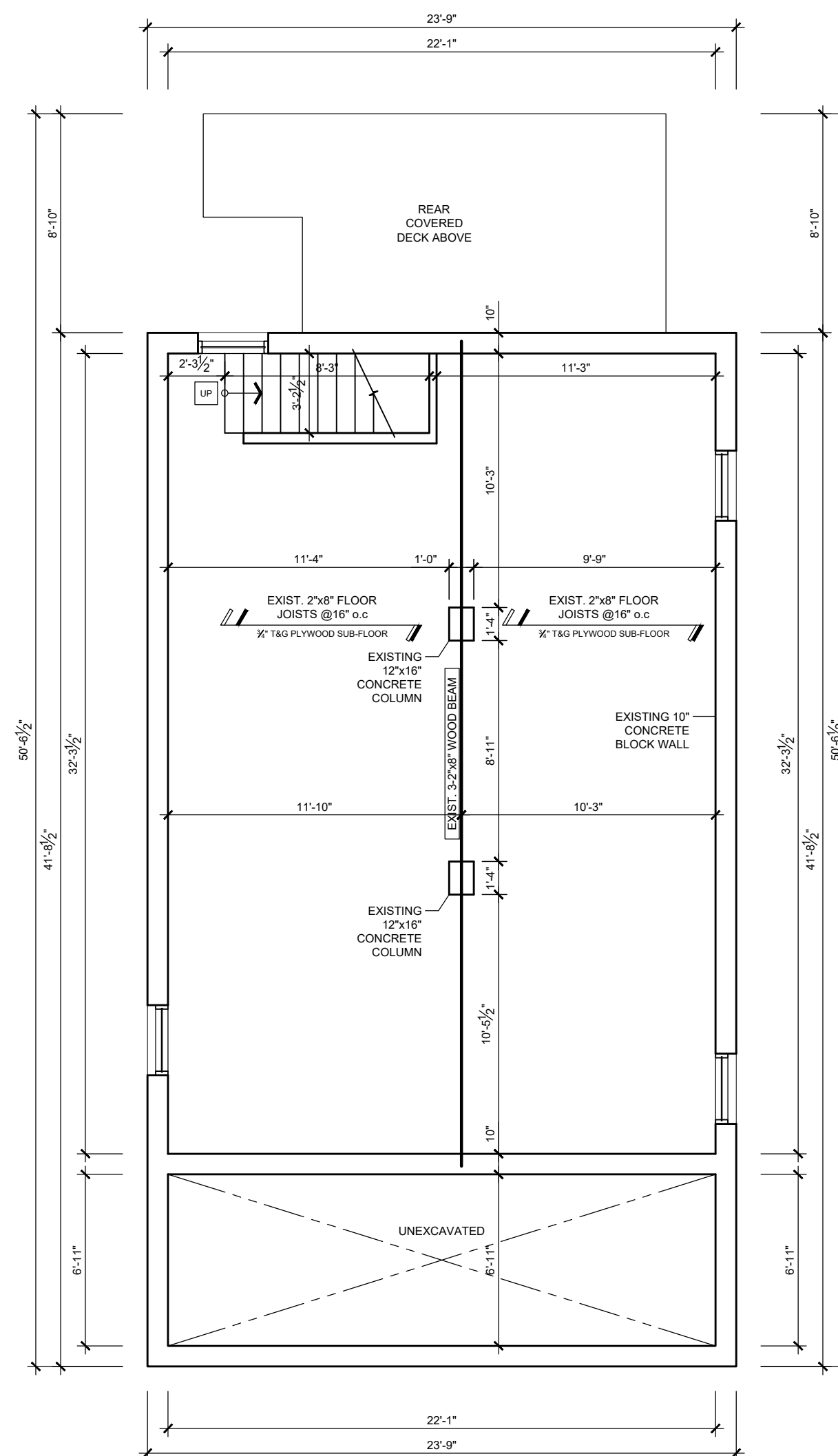
**179 ROSSLYN AVE S,  
HAMILTON, ON.**

SHEET TITLE

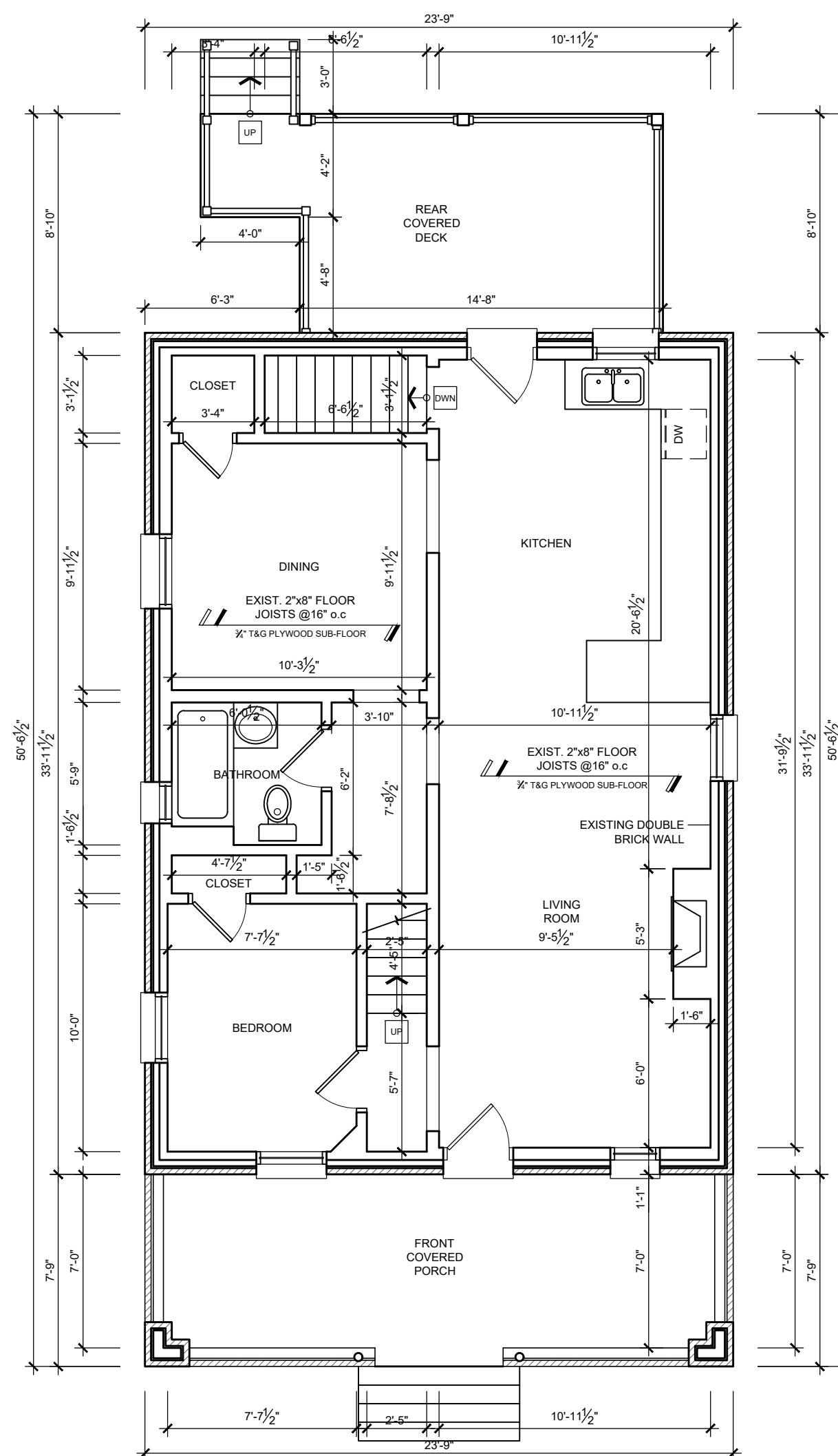
**SITE PLAN**

DRAWN BY	L. ANGELICI
DATE	02/08/2021
SCALE	1:75
PROJECT No.	2021-001

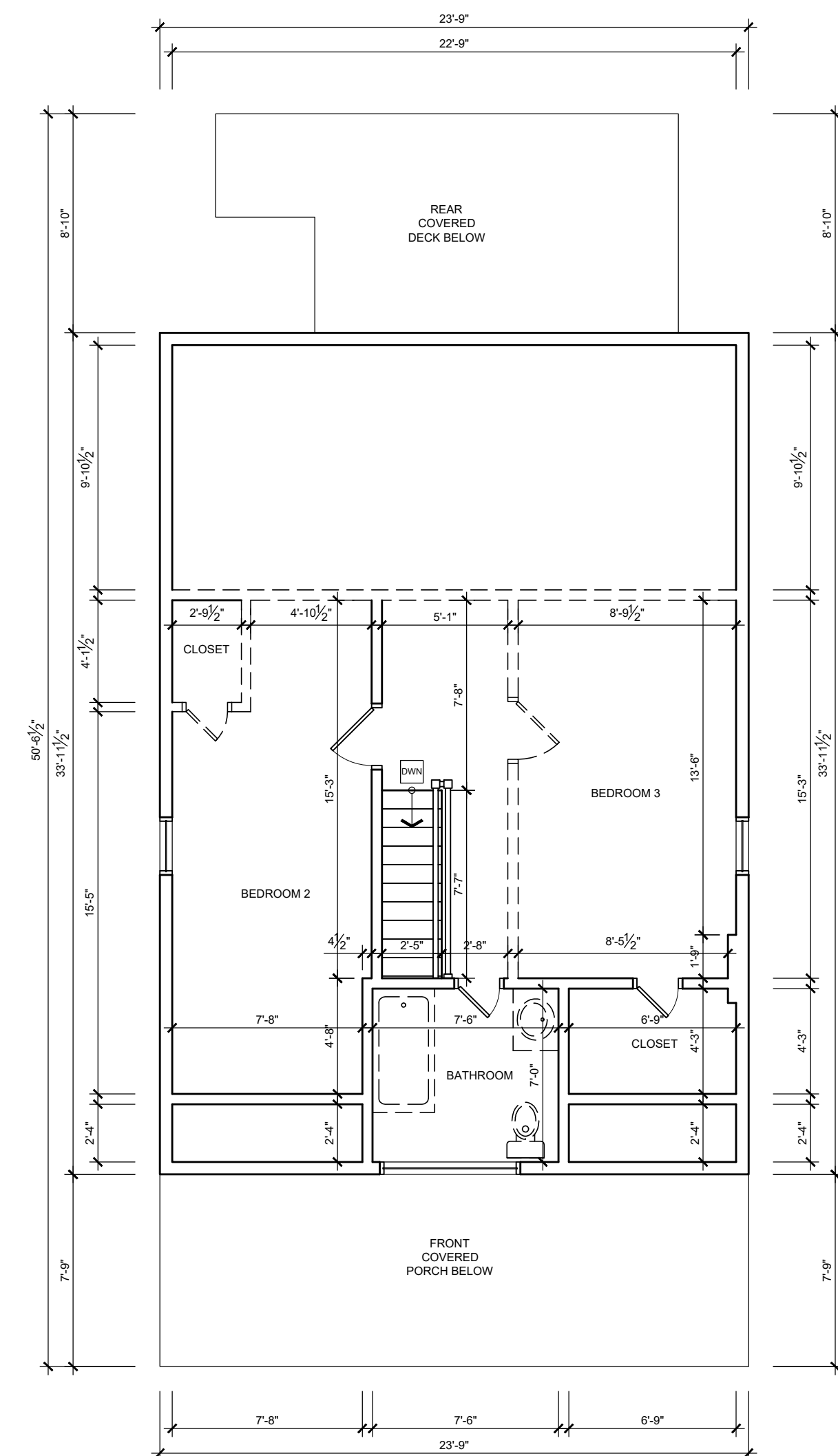
**SP1**



**EXISTING FOUNDATION PLAN**  
SCALE: 3/16" = 1' - 0"



**EXISTING MAIN FLOOR PLAN**  
SCALE: 3/16" = 1' - 0"



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

AREA OF EXISTING SECOND FLOOR: 51.1m<sup>2</sup>

PROJECT NORTH	TRUE NORTH


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No.	REVISION	DATE

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NAME	BCN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	43162
NAME	BCN
02/08/2021	<i>Len Angelici</i>
DATE	SIGNATURE

**Len Angelici Design**

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HAMILTON, ON L8L 6N4  
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info@lenangelicidesign.ca

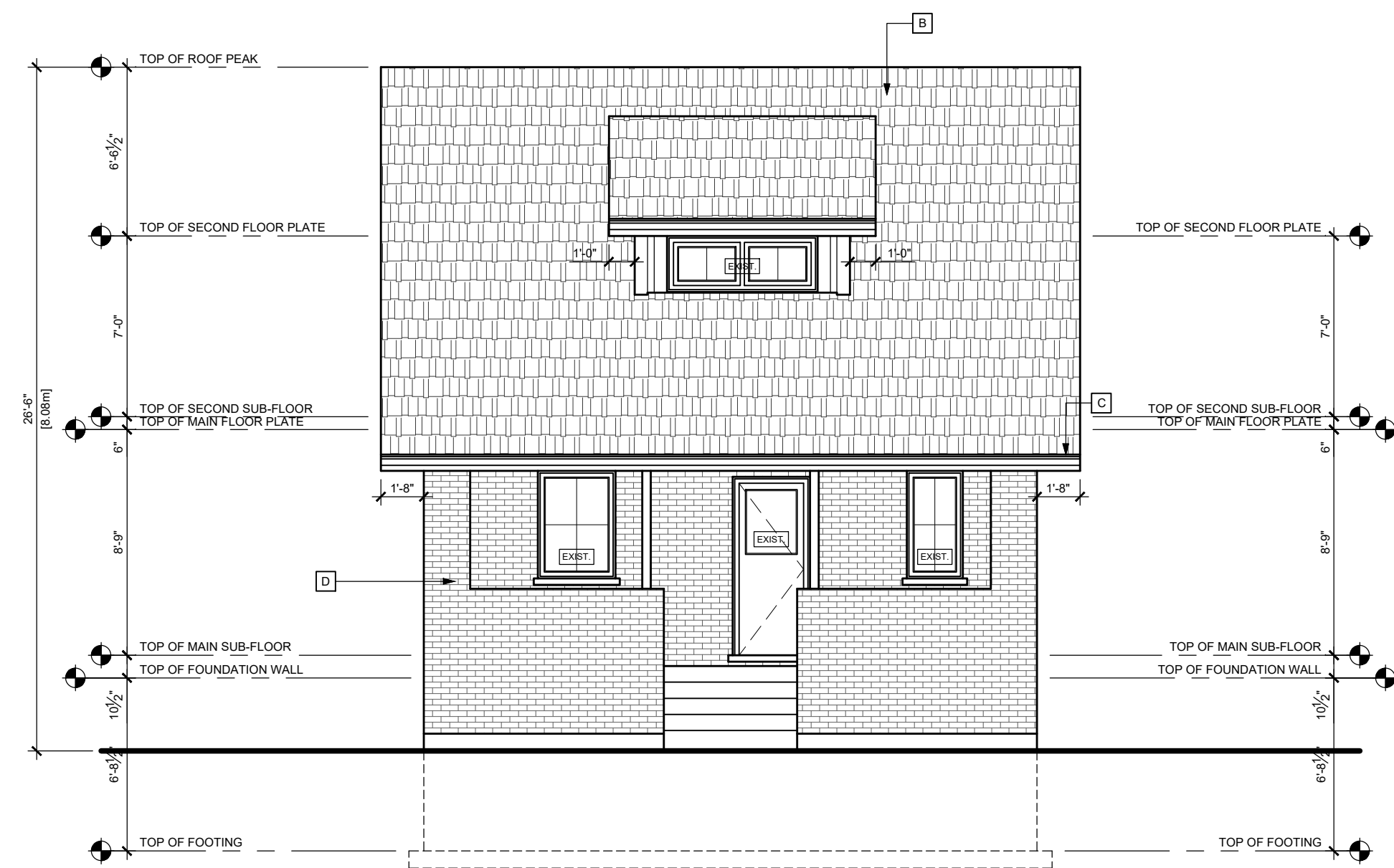
PROJECT  
PROPOSED RESIDENCE  
**179 ROSSLYN AVE S,  
HAMILTON, ON.**

SHEET TITLE  
**EXISTING FLOOR  
PLANS**

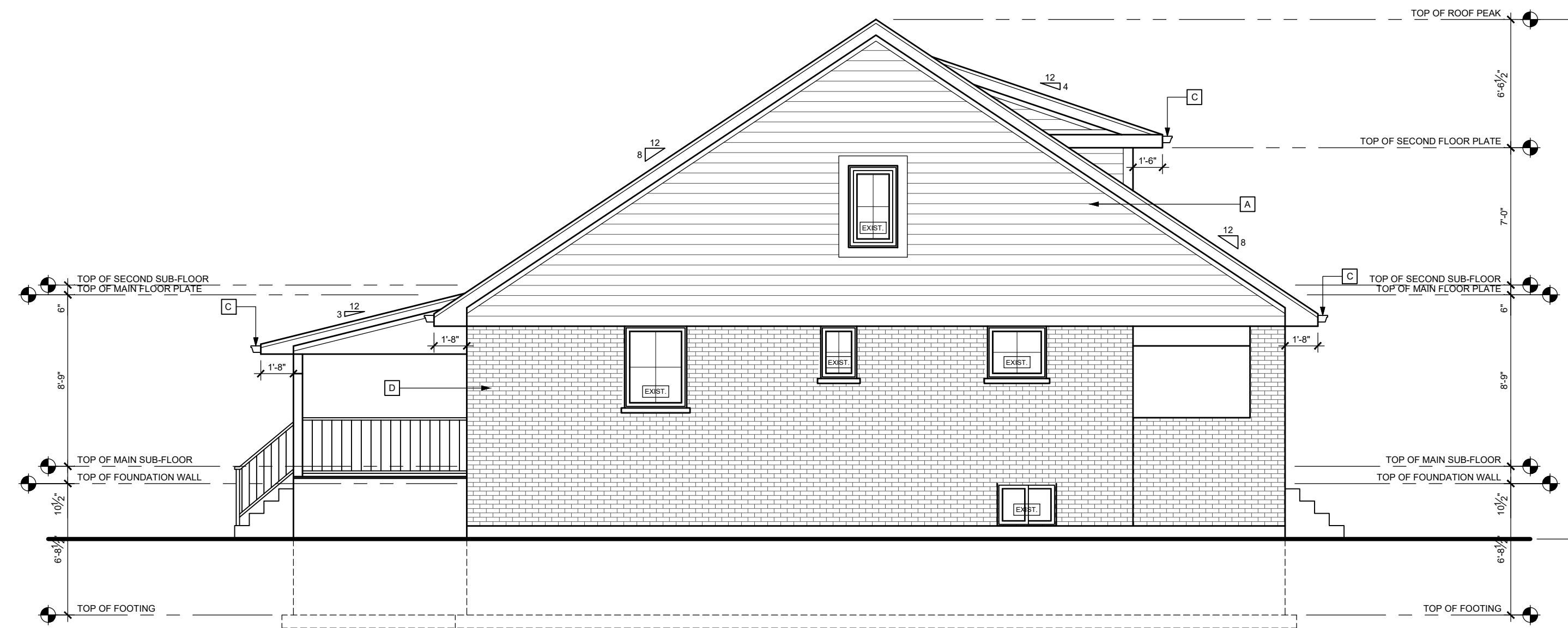
DRAWN BY	L. ANGELICI
DATE	02/08/2021
SCALE	3/16"=1'-0"
PROJECT No.	2021-001

**A1**

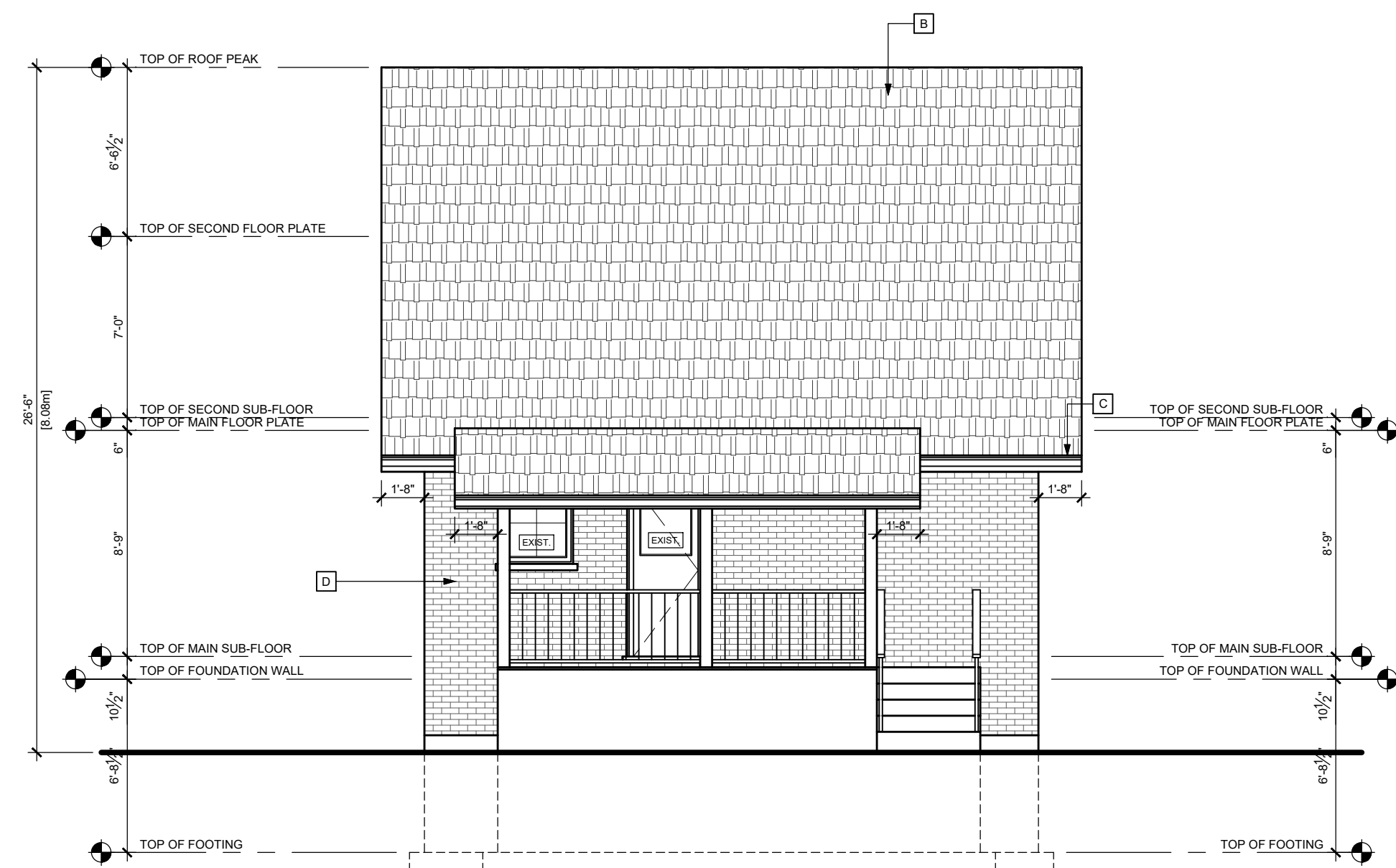




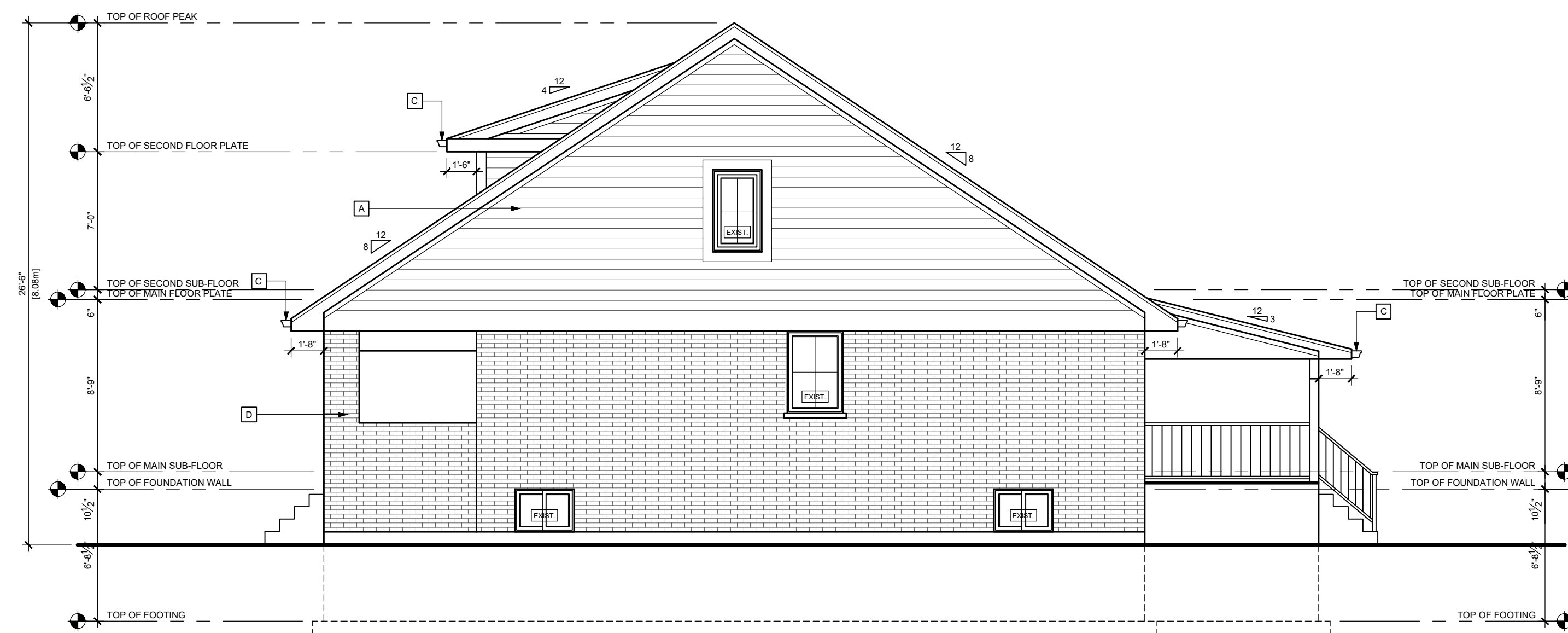
**EXISTING FRONT ELEVATION**  
SCALE  $\frac{3}{16}'' = 1' - 0''$



**EXISTING LEFT ELEVATION**  
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**EXISTING REAR ELEVATION**  
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**EXISTING RIGHT ELEVATION**  
SCALE  $\frac{3}{16}'' = 1' - 0''$

EXTERIOR FINISH INDEX	
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B	ASPHALT SHINGLES
C	5" PRE-FIN. ALUM. EAVETROUGH ON 6" WITH PRE-FIN. ALUM. FASCIA C/W PRE-FIN. ALUM. DOWNSPOUT
D	EXISTING DOUBLE BRICK WALL

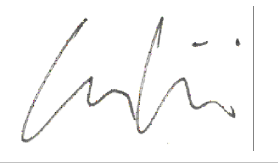
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NAME	BCN
02/08/2021	
DATE	SIGNATURE

**Len Angelici Design**

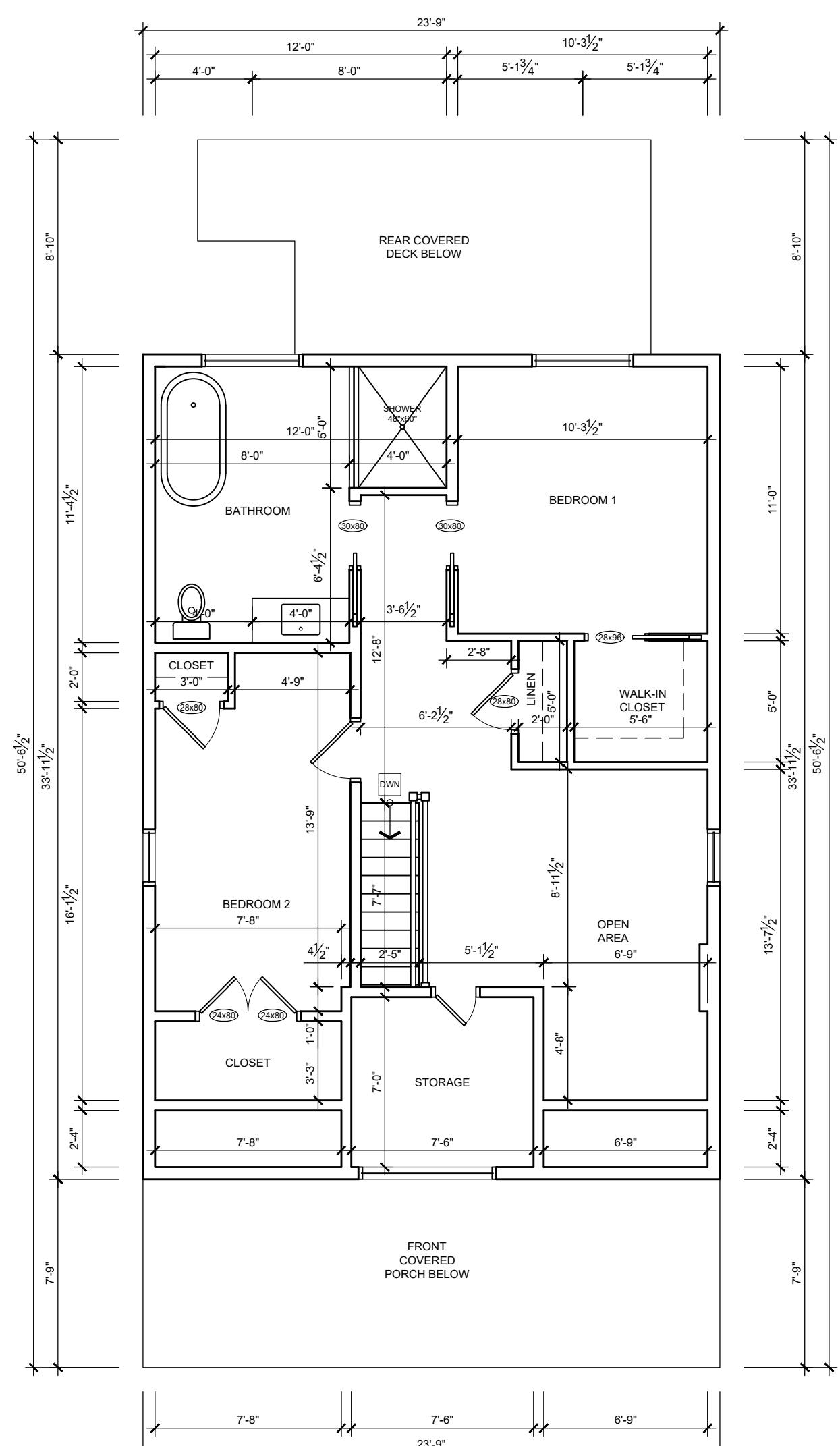
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PROJECT  
PROPOSED RESIDENCE  
**179 ROSSLYN AVE S,  
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SHEET TITLE  
**EXISTING  
ELEVATIONS**

DRAWN BY  
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SCALE  
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PROJECT No.  
2021-001

**A2**



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

AREA OF SECOND FLOOR ADDITION: 23.8m<sup>2</sup>  
 AREA OF EXISTING SECOND FLOOR: 51.1m<sup>2</sup>  
 AREA OF WORK: 74.9m<sup>2</sup>

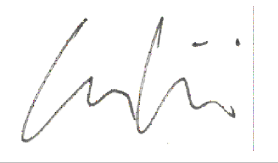
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PROJECT  
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SHEET TITLE  
**PROPOSED SECOND  
 FLOOR PLAN**

DRAWN BY	L. ANGELICI
DATE	02/08/2021
SCALE	3/16" = 1'-0"
PROJECT No.	2021-001

**A3**

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DATE	SIGNATURE

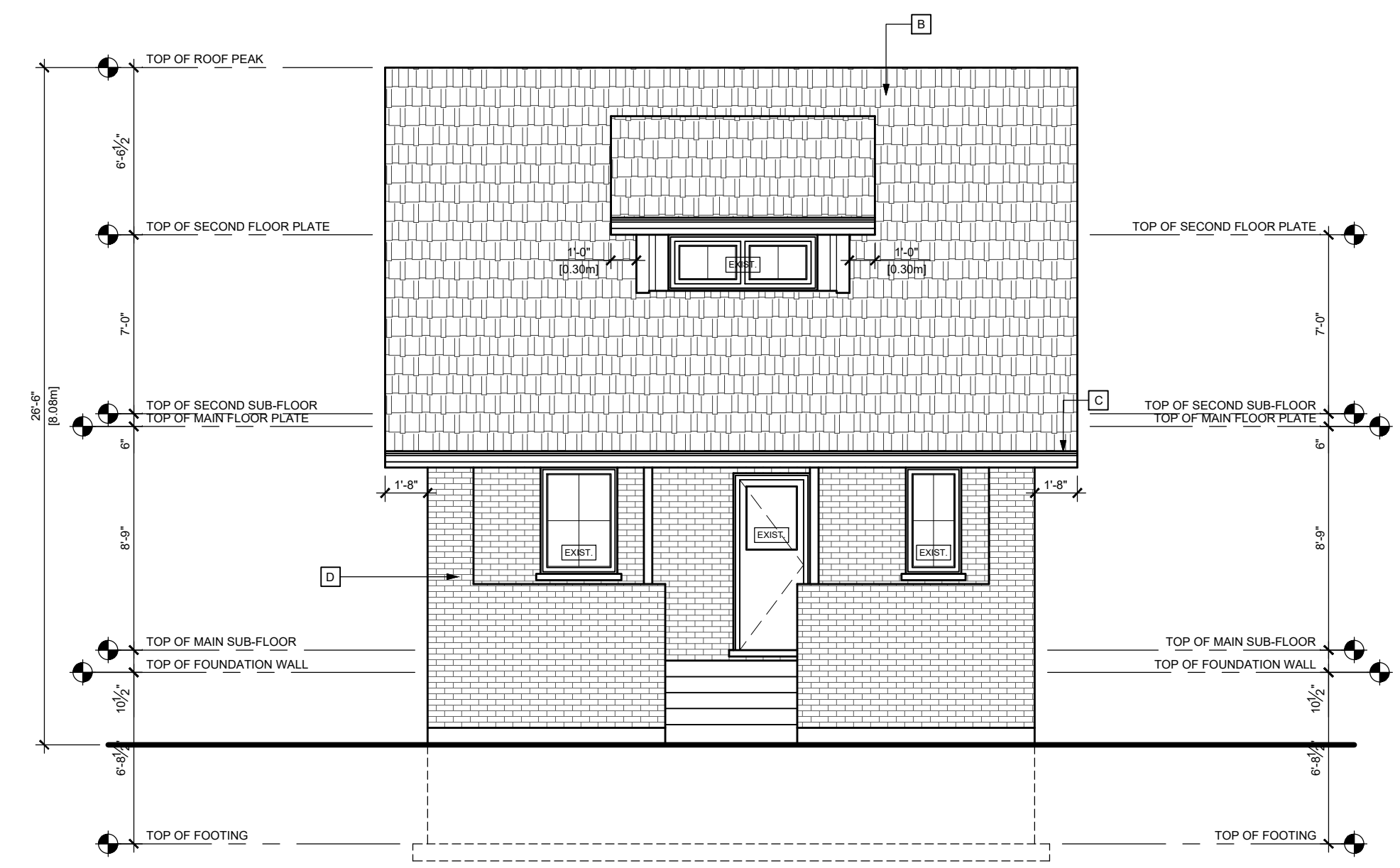
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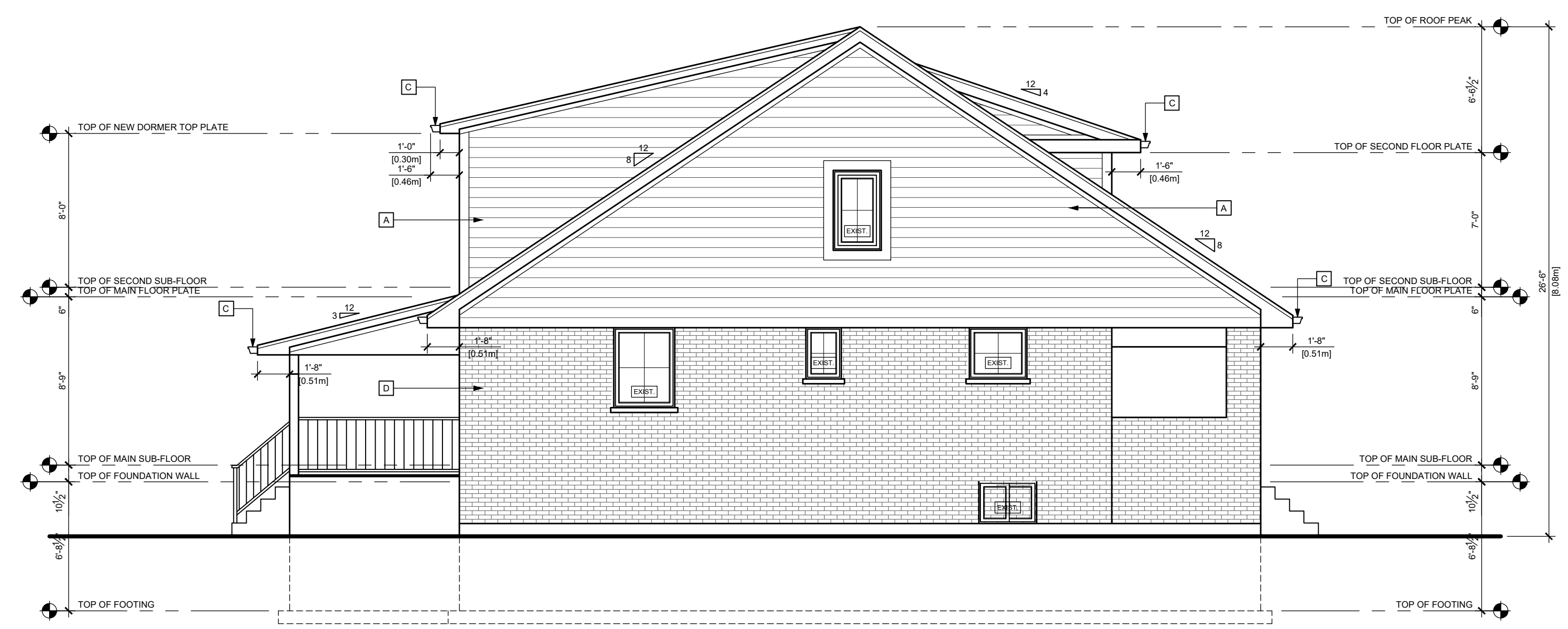
SHEET TITLE  
**PROPOSED ELEVATIONS**

DRAWN BY	L. ANGELICI
DATE	02/08/2021
SCALE	3/16"=1'-0"
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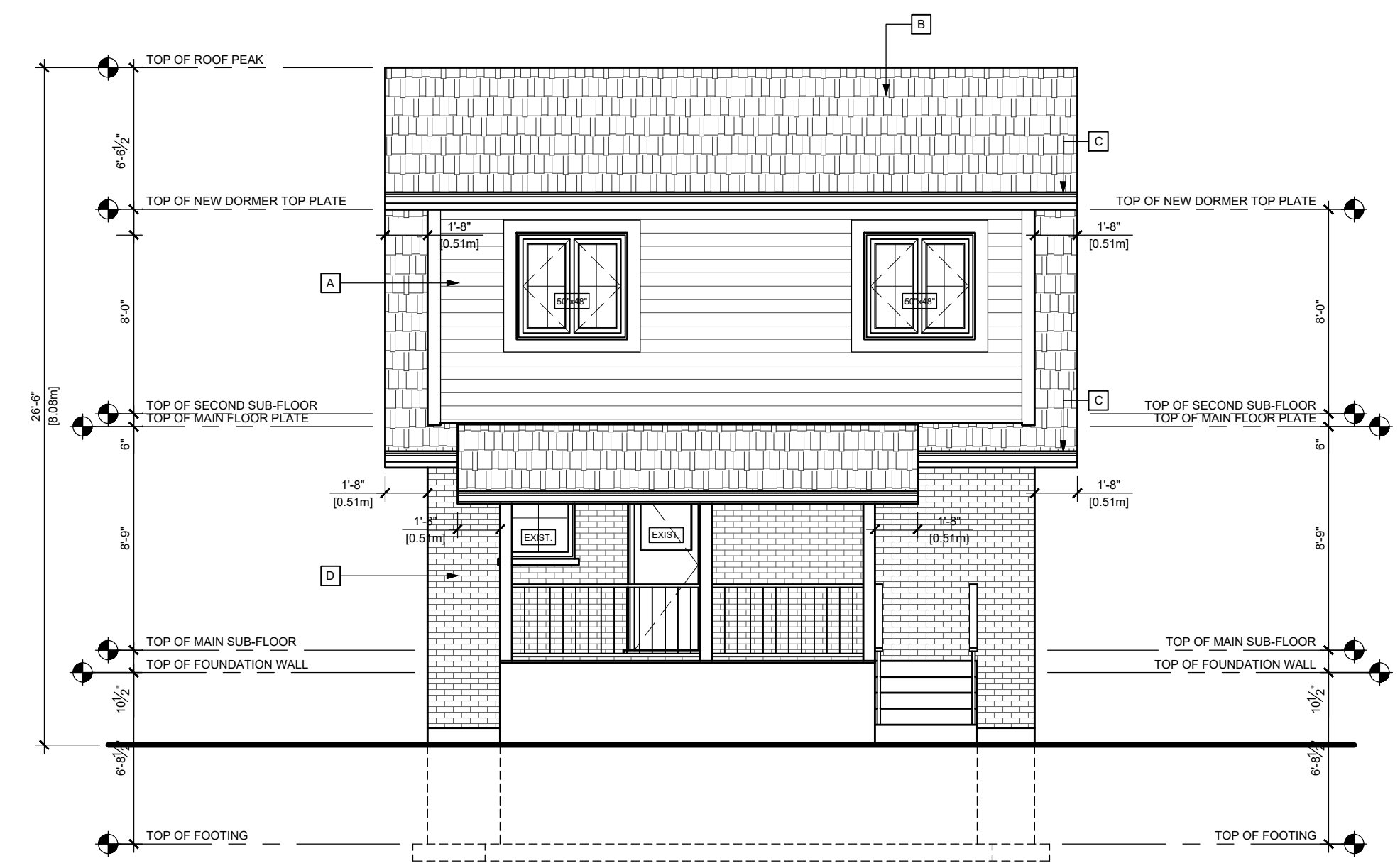
**A4**



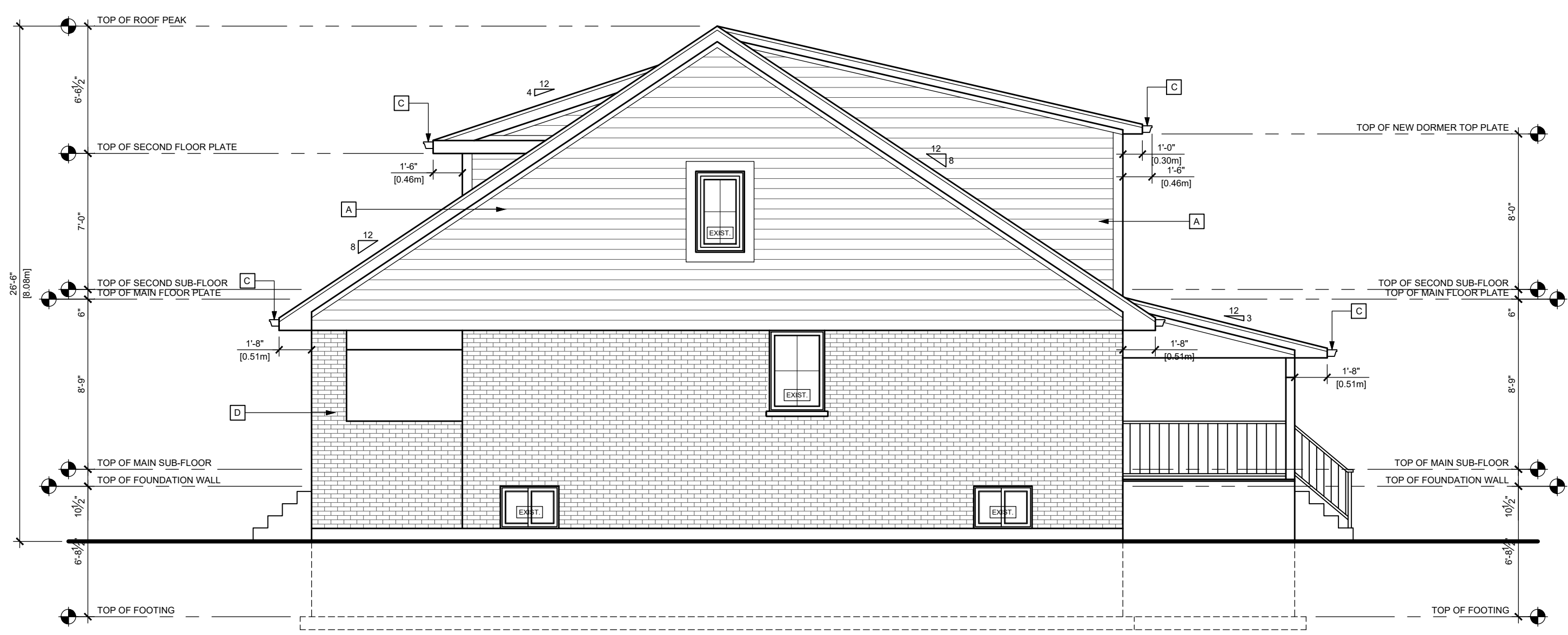
**PROPOSED FRONT ELEVATION**  
 SCALE 3/16" = 1' - 0"



**PROPOSED LEFT ELEVATION**  
 SCALE 3/16" = 1' - 0"

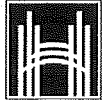


**PROPOSED REAR ELEVATION**  
 SCALE 3/16" = 1' - 0"



**PROPOSED RIGHT ELEVATION**  
 SCALE 3/16" = 1' - 0"

EXTERIOR FINISH INDEX	
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D	EXISTING DOUBLE BRICK WALL



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Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

<b>FOR OFFICE USE ONLY.</b>	
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	
Registered Owners(s)	Tim Elliot	
Applicant(s)*	Tim Elliot	
Agent or Solicitor	Steve Authier	

**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:  
Royal Bank - Locke & Main in Hamilton



**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:

The proposed addition of a dormer at the back of the house doesn't meet the 1.2 M setback requirement from the side property lines. The existing property's current 1 1/2 stories are 1.17 M. The proposed dormer will be the same 1.17 M.

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

In order to create the required additional space on the second floor that is the same width as the existing house the dormer will not conform to the 1.2 M setback requirement.

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**):

179 Rossly Ave South

lot 165 pl 554 s/t & t/wcd325513

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?

Answers to 8.1 to 8.10 above were determined by known information from current homeowner.

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.

February 12, 2021

Date

Tim Elliott

Tim Elliott (Feb 15, 2021 14:24 EST)

Signature Property Owner

Tim Elliott

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>9.2 M</u>
Depth	<u>34.4 M</u>
Area	<u>316.5 M</u>
Width of street	<u>6.8 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: \_

The house is 19.96 M from the back property line. The back covered porch is 17.27 M from the back property line. The house is 4.10 M from the front property line, 0.8 M from the north property line, and 1.17 M from the south property line.

Proposed

Same as above.

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

Existing:

The house is 19.96 M from the back property line. The back covered porch is 17.27 M from the back property line. The house is 4.10 M from the front property line, 0.8 M from the north property line, and 1.17 M from the south property line.

Proposed:

Same as above.

13. Date of acquisition of subject lands:  
Oct 2016
14. Date of construction of all buildings and structures on subject lands:  
Unknown. Likely in 1920s. No new buildings.
15. Existing uses of the subject property:  
Single family dwelling
16. Existing uses of abutting properties:  
Single family dwelling
17. Length of time the existing uses of the subject property have continued:  
Unknown. Greater than sixty years.
18. Municipal services available: (check the appropriate space or spaces)  
Water X Connected Yes  
Sanitary Sewer X Connected Yes  
Storm Sewers X
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Deltal West Neighbourhood
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
(C) Urban Protected
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.