



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-21:80

APPLICANTS: Owners R. & G. Dutra
Agent Sarah Kupferschmidt

SUBJECT PROPERTY: Municipal address **1441 Main St. E., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: TOC1 district (Mixed Use Zone)

PROPOSAL: To permit the construction of 5.18m x 5.49m accessory building (pergola) in the rear yard of a building containing a commercial unit on the ground floor (restaurant) and one (1) dwelling unit on the second floor notwithstanding that:

1. A minimum rear yard of 2.0m shall be provided for the accessory building instead of the minimum required rear yard of 7.5m.
2. A minimum building height of 11.0m shall not be required for the accessory building.

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

DATE: Thursday, April 1st, 2021
TIME: 1:50 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:

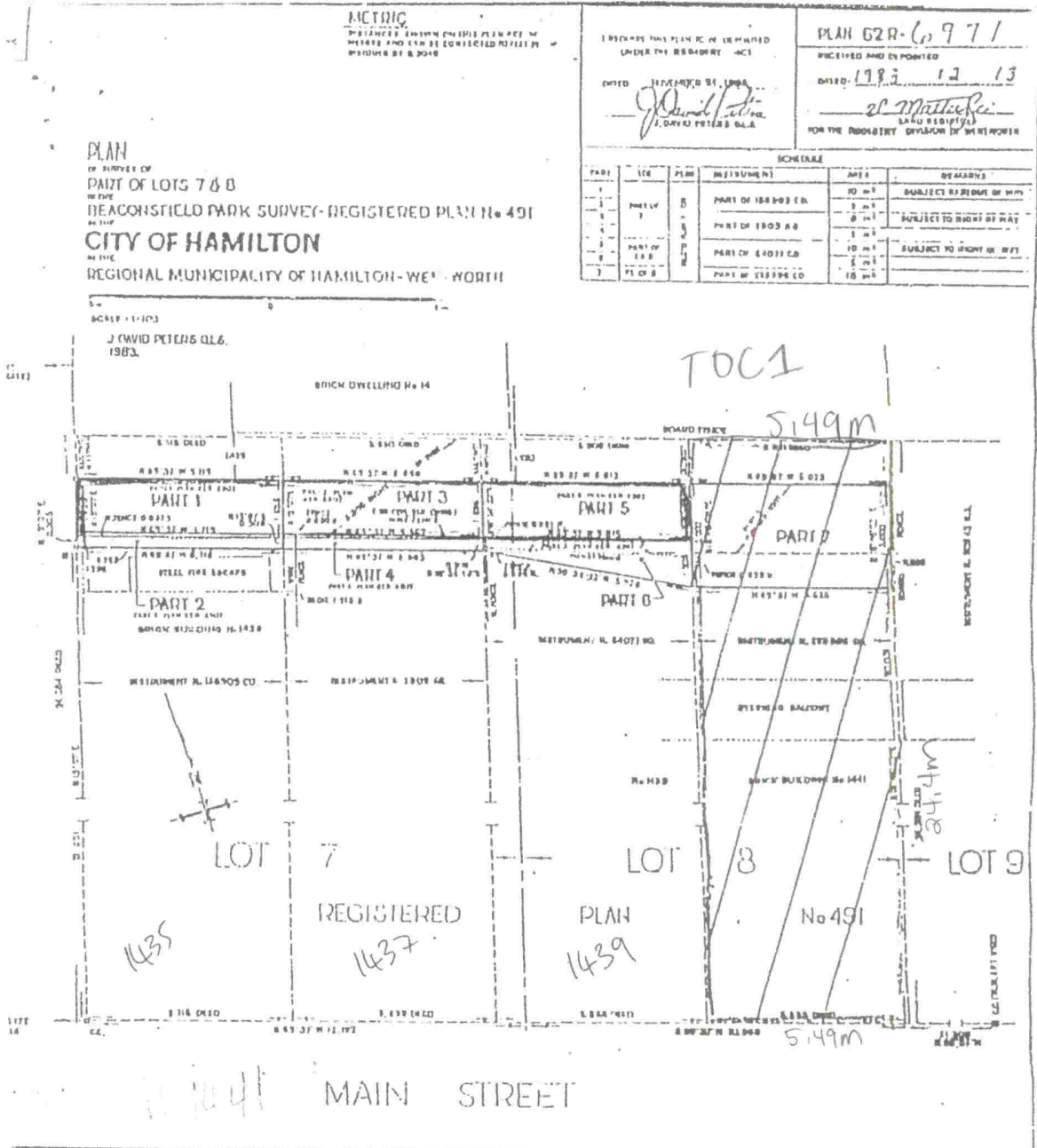
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: March 16th , 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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

Roll # or add.



METRIC

ALL DIMENSIONS GIVEN ON THIS PLAN ARE IN METERS AND CENTIMETERS UNLESS OTHERWISE INDICATED BY A NOTE

THIS PLAN IS VALID IN ACCORDANCE WITH THE REGISTRATION ACT

PLAN 62R-6971

PREPARED AND EXAMINED

DATE: 1983 12 13

PREPARED BY: J. DAVID PETERS O.L.S.

FOR THE REGISTRY DIVISION OF ONTARIO

PLAN
OF SURVEY OF
PART OF LOTS 7 & 8
DEACONSFIELD PARK SURVEY-REGISTERED PLAN No 491
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WEST WORTH

| SCHEDULE | | | | | |
|----------|-----|------|----------------------|-------------------|--------------------------|
| PART | LEG | PLAN | MEASUREMENT | AREA | REMARKS |
| 1 | | | PART OF 188 903 E.L. | 10 m ² | SUBJECT TO RIGHTS OF WAY |
| 2 | | | PART OF 1903 A.B. | 8 m ² | SUBJECT TO RIGHTS OF WAY |
| 3 | | | PART OF 188 903 E.L. | 1 m ² | |
| 4 | | | PART OF 188 903 E.L. | 10 m ² | SUBJECT TO RIGHTS OF WAY |
| 5 | | | PART OF 188 903 E.L. | 8 m ² | |
| 6 | | | PART OF 188 903 E.L. | 10 m ² | |
| 7 | | | PART OF 188 903 E.L. | 10 m ² | |

SCALE 1:100
J. DAVID PETERS O.L.S.
1983

BRICK DWELLING No 14

TOC1

5.49m

LOT 7

LOT 8

LOT 9

REGISTERED

PLAN

No 491

MAIN STREET

70110141 AND ARE
THE A. COPIES OF
PLAN No. 491.
AND EXEMPTED
FOR EXAMINER
AND
THEY ARE NOT TO BE

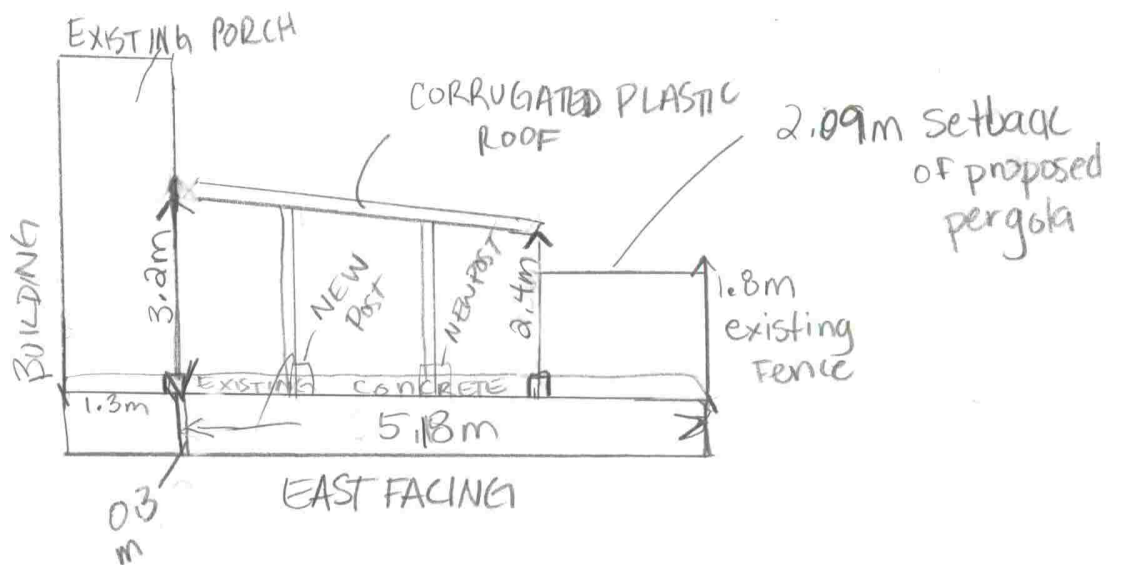
CAUTION:
THIS PLAN IS A PLAN OF SURVEY
WITHIN THE MEANING OF THE PLANNING ACT

SURVEYOR'S CERTIFICATE
I, J. DAVID PETERS, O.L.S.,
1. THIS SURVEY AND PLAN ARE CORRECT AND ACCURATE
AND I HAVE EXAMINED THE ORIGINAL SURVEY AND PLAN
AND THE SURVEY WAS COMPLETED ON THE 13th DAY OF DECEMBER 1983

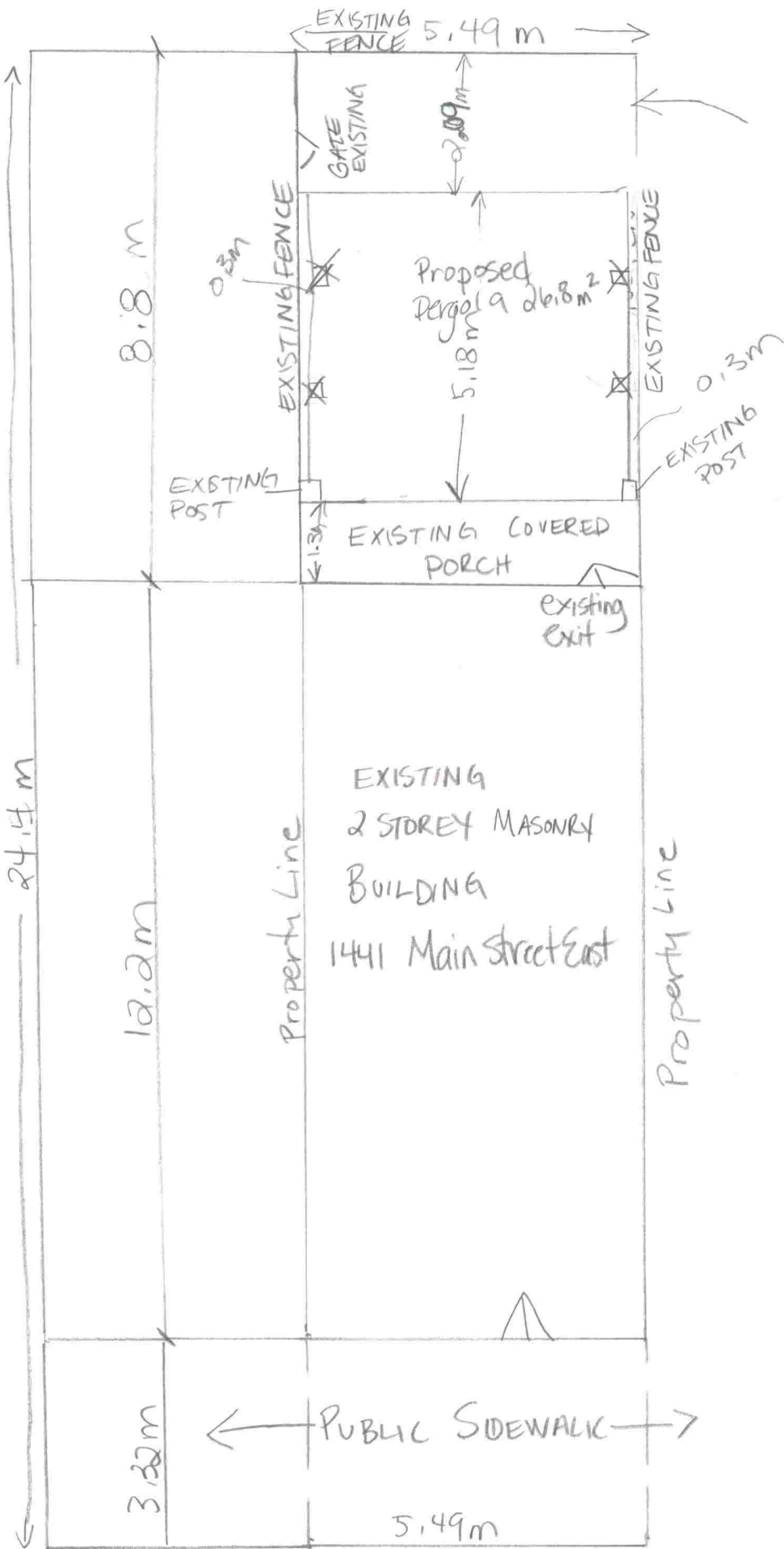
MACKAY, MACKAY & PETERS LIMITED
SURVEYORS (LAND SURVEYORS)
200 KING STREET WEST
SUITE 204 LONDON ONTARIO N6A 1K1
TEL: 461-1111

THE CORPORATION OF...
disclaims any liability
accuracy of the contents
and advises that no reliance can be
placed upon the current accuracy of the
contents herein.

SIDE VIEW (EAST)
AND ELEVATIONS FOR
PROPOSED PERGOLA
1441 MAIN STREET EAST



Scale
1cm = 1m



SITE PLAN
 SCALE
 1 CM = 1 m

- > gate
- ⇒ DOOR
- ⊠ NEW POSTS

MAIN STREET EAST



Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

| |
|---|
| FOR OFFICE USE ONLY. |
| APPLICATION NO. _____ DATE APPLICATION RECEIVED _____ |
| PAID _____ DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ |

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

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.

Roger Dutra and

1. Name of Owner George Dutra Telephone _____

2. _____

3. Name of Agent Sarah Kupferschmid Telephone _____

4. _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

George Dutra and Roger Dutra Postal Code _____
118 Weir St North Hamilton ONT
Postal Code _____

6. Nature and extent of relief applied for:
To build an accessory structure (pergola) in the rear yard. The structure will be 5.18m x 5.49m (28.44 m²) in size. The application for relief is for a 2.29m minimum rear yard setback, whereas section 4.8(h) of by-law 05-200 requires a minimum 7.5m setback.

7. Why it is not possible to comply with the provisions of the By-law?
The existing structure is setback 8.84 metres from the rear property line therefore there is not enough room to build the pergola if we apply the 7.5m rear yard minimum as set out in the By-Law (sections 4.8.1(h) and 11.1.3(b))

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
1441 Main Street East, Hamilton
Registered Plan No 497, Part of Lot 8

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant
Other _____

9.1 If Industrial or Commercial, specify use

Cafe

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 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

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 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

9.9 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

9.10 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

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Purchase and sale agreement information.

9.12 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

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.

28 January 2021

Date

DocuSigned by: Roger Dutra
DocuSigned by: George Dutra
Signature Property DocuID: B83BCC4B4...

George Dutra and Roger Dutra
Print Name of Owner

10. Dimensions of lands affected:

Frontage 5.74 m
Depth 21 m
Area 1205 sqm
Width of street _____

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: Two storey masonry building 69 m²
12.42 m (length) x 5.74 m wide

Proposed: pergola 3.05 m tall, 5.18 m x 5.49 m
(28.44 m² in size)

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

Existing: a storey building
0 side yards
8.84 rear yard

Proposed: 3 m tall pergola
Side yards 0.3 m
rear yard 2.29 m

13. Date of acquisition of subject lands: June 7, 2019

14. Date of construction of all buildings and structures on subject lands: 1920's to 1940's

15. Existing uses of the subject property: commercial cafe and bar

16. Existing uses of abutting properties: commercial

17. Length of time the existing uses of the subject property have continued: commercial since erected (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: Urban Hamilton Official Plan

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land: By-law 05-200
TOC 1 zone

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. 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.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps

Roll # or add.

METRIC
DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PLAN
OF SURVEY OF
PART OF LOTS 7 & 8
OF THE
BEACONSFIELD PARK SURVEY-REGISTERED PLAN No 491
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WEST-WORTH

SCALE 1:1000
J DAVID PETERS Q.L.S.
1983.

I HEREBY DECLARE THAT I AM A REGISTERED SURVEYOR UNDER THE REGISTRY ACT

DATED: 17th FEBRUARY 1983
J. David Peters
J. DAVID PETERS Q.L.S.

PLAN 62R-69771
PREPARED AND FORWARDED
DATED: 1983 12 13
J. Mackay
J. MACKAY Q.L.S.
FOR THE REGISTRY DIVISION OF WEST-WORTH

| PART | AREA | PERMITS | REMARKS |
|------|-------|---------|-------------------|
| 1 | 10.00 | 1983 | PART OF 1903 B.D. |
| 2 | 10.00 | 1983 | PART OF 1903 B.D. |
| 3 | 10.00 | 1983 | PART OF 1903 B.D. |
| 4 | 10.00 | 1983 | PART OF 1903 B.D. |
| 5 | 10.00 | 1983 | PART OF 1903 B.D. |
| 6 | 10.00 | 1983 | PART OF 1903 B.D. |
| 7 | 10.00 | 1983 | PART OF 1903 B.D. |

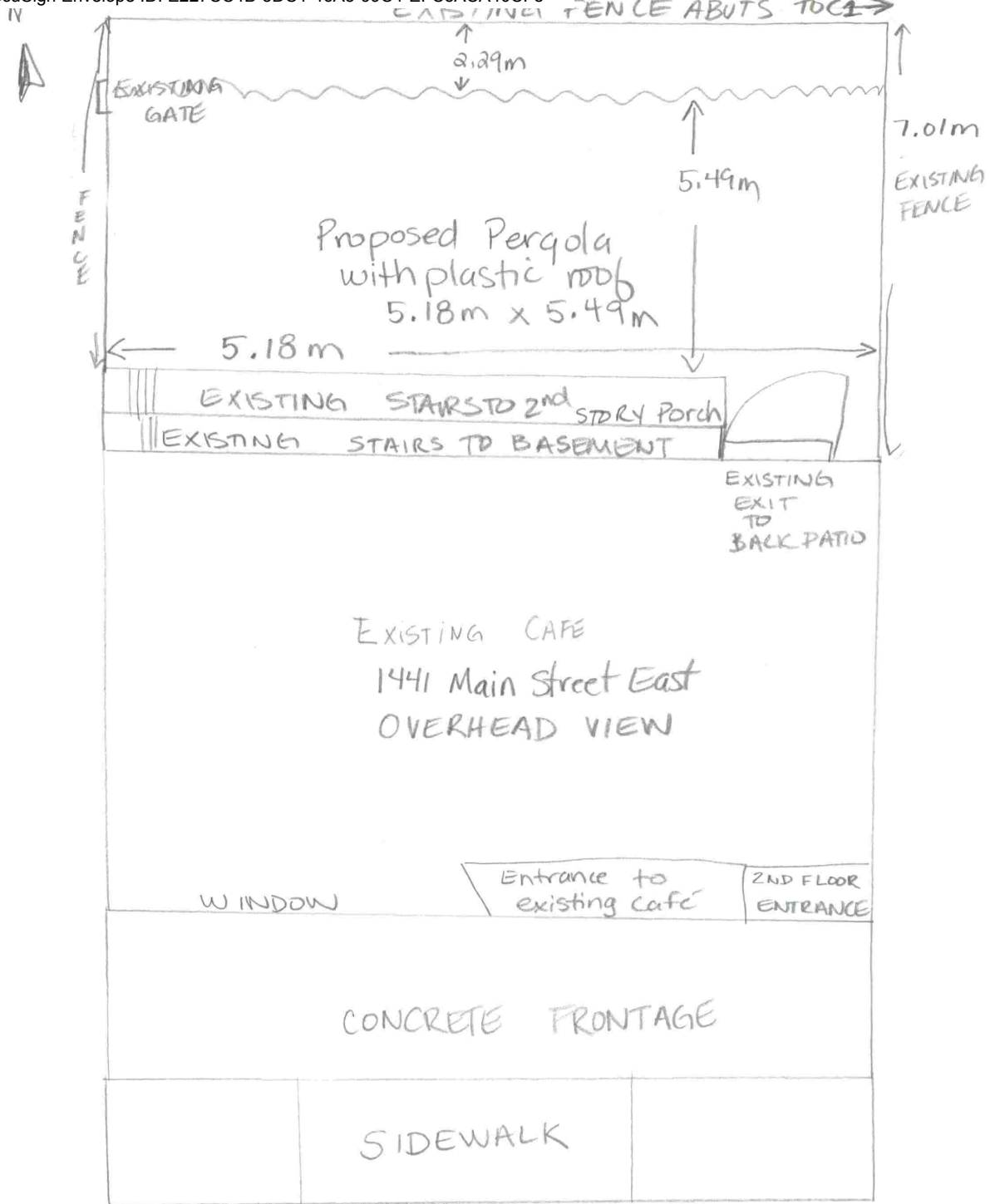
JOINTLY AND SEVERALLY
ON BEHALF OF
PLAN No 491,
FOR THE CITY OF HAMILTON
AND THE REGIONAL MUNICIPALITY OF HAMILTON-WEST-WORTH

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR UNDER THE REGISTRY ACT AND THAT I HAVE PREPARED THIS PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THE REGISTRY ACT AND THE REGISTRY DIVISION OF WEST-WORTH.

DATED: 17th FEBRUARY 1983
J. David Peters
J. DAVID PETERS Q.L.S.

MACKAY, MACKAY & PETERS LIMITED
REGISTERED LAND SURVEYORS
100 KING STREET WEST
TORONTO, ONTARIO M5X 1C5

THE CORPORATION OF THE CITY OF HAMILTON
DISCLAIMS ANY LIABILITY FOR THE ACCURACY OF THE CONTENTS OF THIS PLAN AND ADVISES THAT NO LIABILITY CAN BE PLACED UPON THE CURRENT ACCURACY OF THE CONTENTS HEREIN.



Main Street East