



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-21:94

APPLICANTS: R. Horlings on behalf of the owner S. Horlings

SUBJECT PROPERTY: Municipal address **16 Elgar Ave., Hamilton**

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

ZONING: "C/s-1788" (Urban Protected Residential) district

PROPOSAL: To permit the construction of a new 26.0m² accessory building in the side yard of the existing single family dwelling notwithstanding that:

1. A southerly side yard width of 0.6m shall be provided for the proposed accessory building instead of the minimum required side yard width of 1.2m.
2. Eaves and gutters associated with the accessory building shall be permitted to project a maximum of 0.59m into the required side yard (therefore being 0.1m from the side lot line), instead of the maximum permitted projection of 0.3m.
3. A parking space size of 2.7m x 5.6m shall be provided instead of the minimum required parking space of 2.7m x 6.0m.

NOTES:

- i. Please be advised that a maximum building height of 4.0m is permitted for accessory buildings.

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

DATE: Thursday, April 22nd, 2021
TIME: 2:20 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:

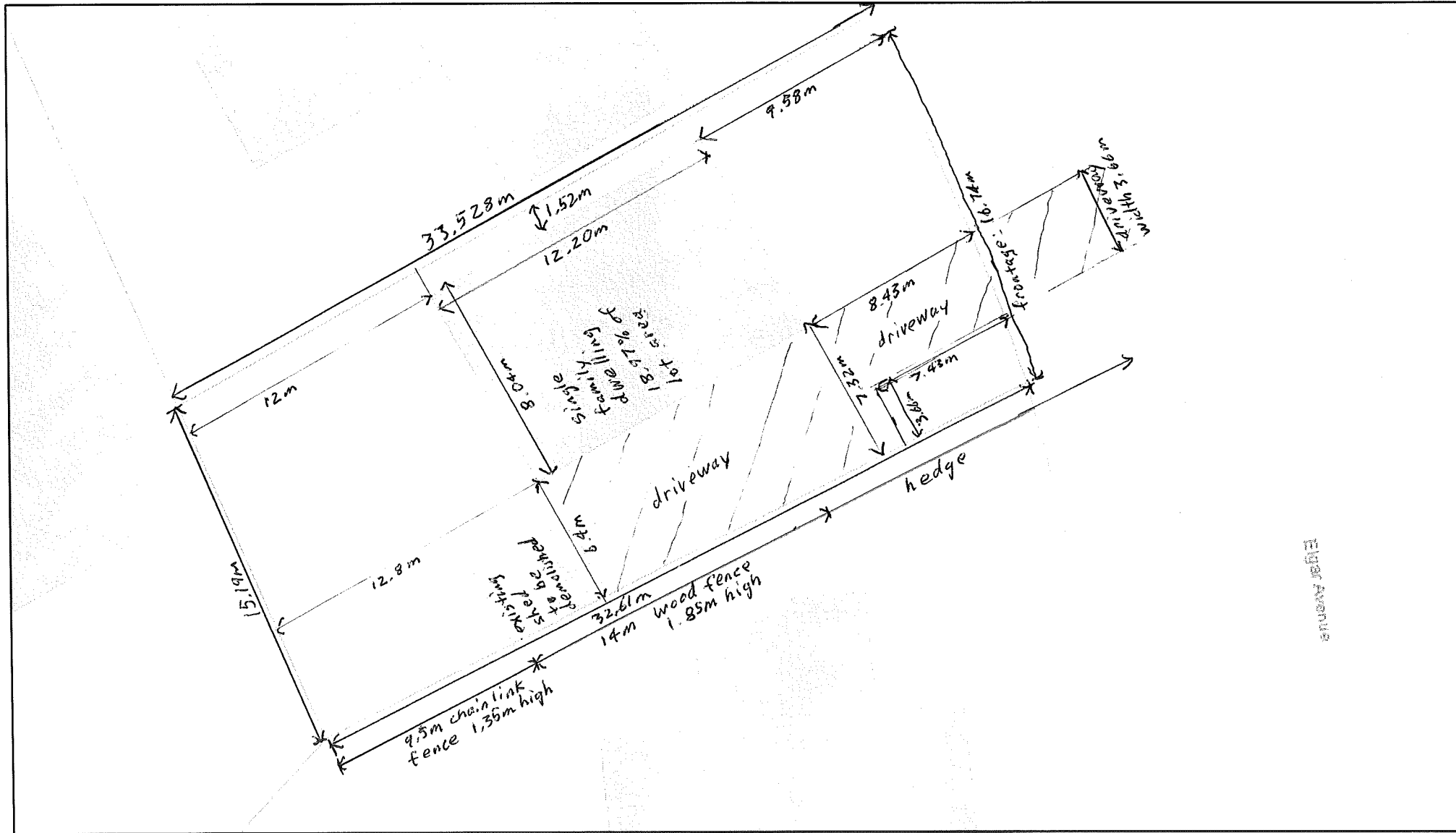
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: April 6th, 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.

Interactive Mapping

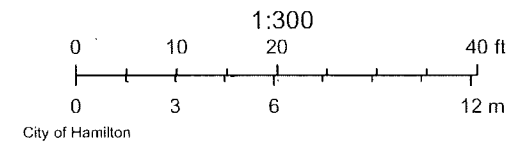


13/06/2020, 12:25:50

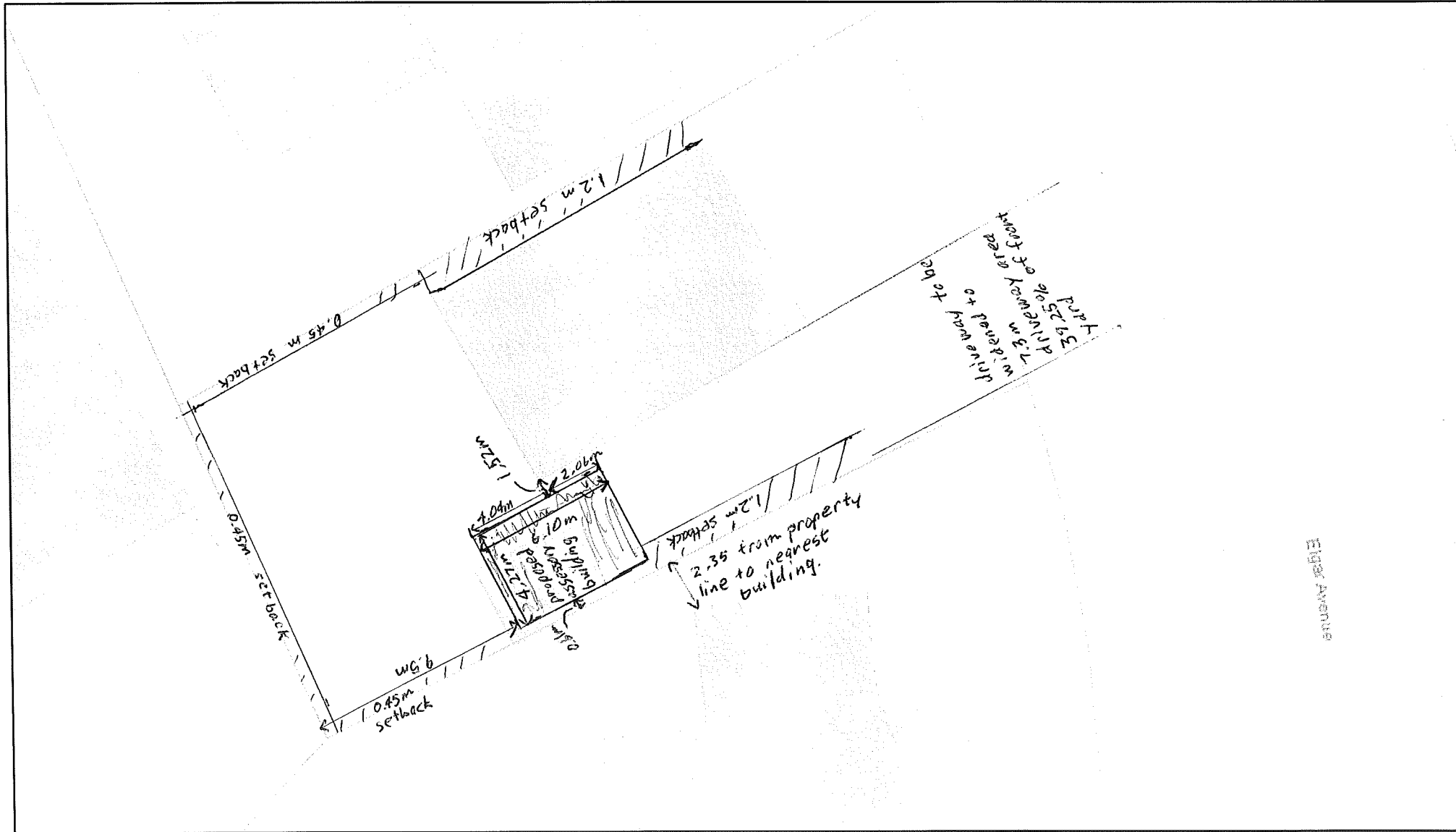
Roads

Property Parcels

16 Elgar Ave Hamilton



Interactive Mapping

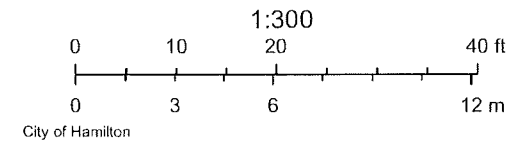


Proposed
assessory building
is 5% of lot area.

13/06/2020, 12:25:50

Roads

Property Parcels



16 Elgar Ave Hamilton

The City of Hamilton is not liable for any damages resulting from the use of, or
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes.

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- GENERAL PLAN & DESIGN NOTES:**
1. ALL CONSTRUCTION & MATERIALS SHALL CONFORM TO THE LATEST EDITION OF THE O.B.C (ONTARIO BUILDING CODE)
 2. DO NOT SCALE DWGS.
 3. ALL DIMENSIONS ARE IMPERIAL.
 4. ALL LUMBER TO BE NO. 2 GRADE SPF / BETTER
 5. ALL DIMENSIONS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCING ALL CONSTRUCTION.
 6. CONTRACTOR OR CLIENT TO SITE VERIFY & CHECK DIMENSIONS OF ALL ROOF TRUSSES AT THE JOB SITE PRIOR TO ORDERING CONSTRUCTION. MUST CHECK DRAWINGS.
 7. IF ANY ERRORS OR OMISSIONS ARE FOUND ON THESE DRAWINGS, THEY SHALL BE REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION. THESE PLANS FOR THE BASIS OF THE PERMIT ISSUANCE AND ANY DEVIATIONS FROM THESE PLANS AND DETAILS INCLUDING, BUT NOT LIMITED TO, VENTILATION & HEATING SYSTEM, WOOD STOVE, FIREPLACES, DECKS, BALCONIES & FINISHED BASEMENTS WILL REQUIRE REVISED DRAWINGS AND CLEARANCE BY THE BUILDING DEPT. & SIGNING BY LICENSED DESIGNER.
 8. ALL AUTHORIZED LEGAL COPIES OF DRAWINGS HAVE INDIVIDUAL ORIGINAL STAMPS IN RED.
 9. ONLY DRAWINGS THAT HAVE THE SIGNED RED CIRCLE STAMP AND ARE ACCOMPANIED BY A MATCHING SIGNED SCHEDULE 1 BCIN FORM ARE TO BE USED FOR PERMIT APPLICATION.

REVISIONS:

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.

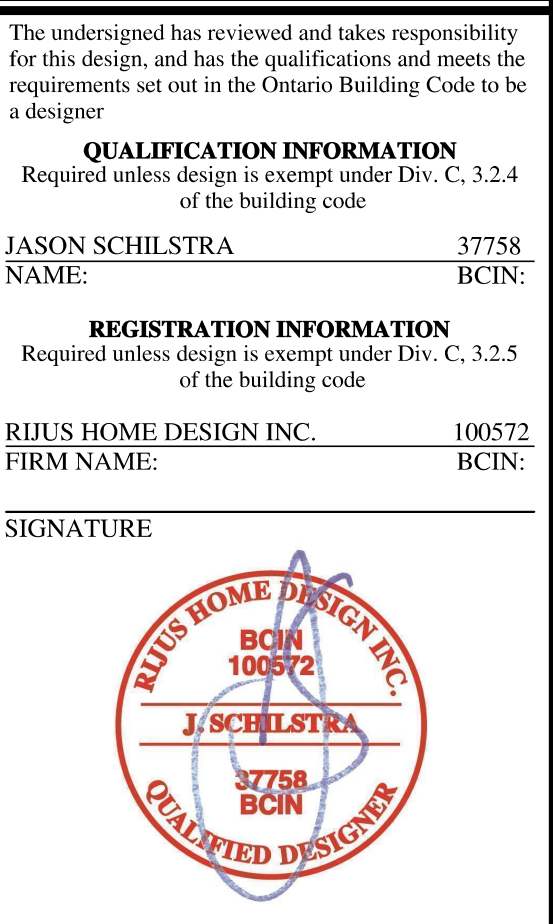
QUALIFICATION INFORMATION
 Required unless design is exempt under Div. C, 3.2.4 of the building code

JASON SCHILSTRA 37758
 NAME: BCIN:

REGISTRATION INFORMATION
 Required unless design is exempt under Div. C, 3.2.5 of the building code

RIJUS HOME DESIGN INC. 100572
 FIRM NAME: BCIN:

SIGNATURE



RIJUS
 Home Design Inc.
 SERVING ALL ONTARIO WITH DESIGNS FOR CUSTOM HOMES, ADDITIONS & GARAGES SINCE 1983

310 QUEEN ST. DUNNVILLE, ON.
 PHONE: (905) 701-1110
 EMAIL: JASON@RIJUS.COM
 WWW.RIJUS.COM

PROJECT INFORMATION:

HORLINGS RESIDENCE

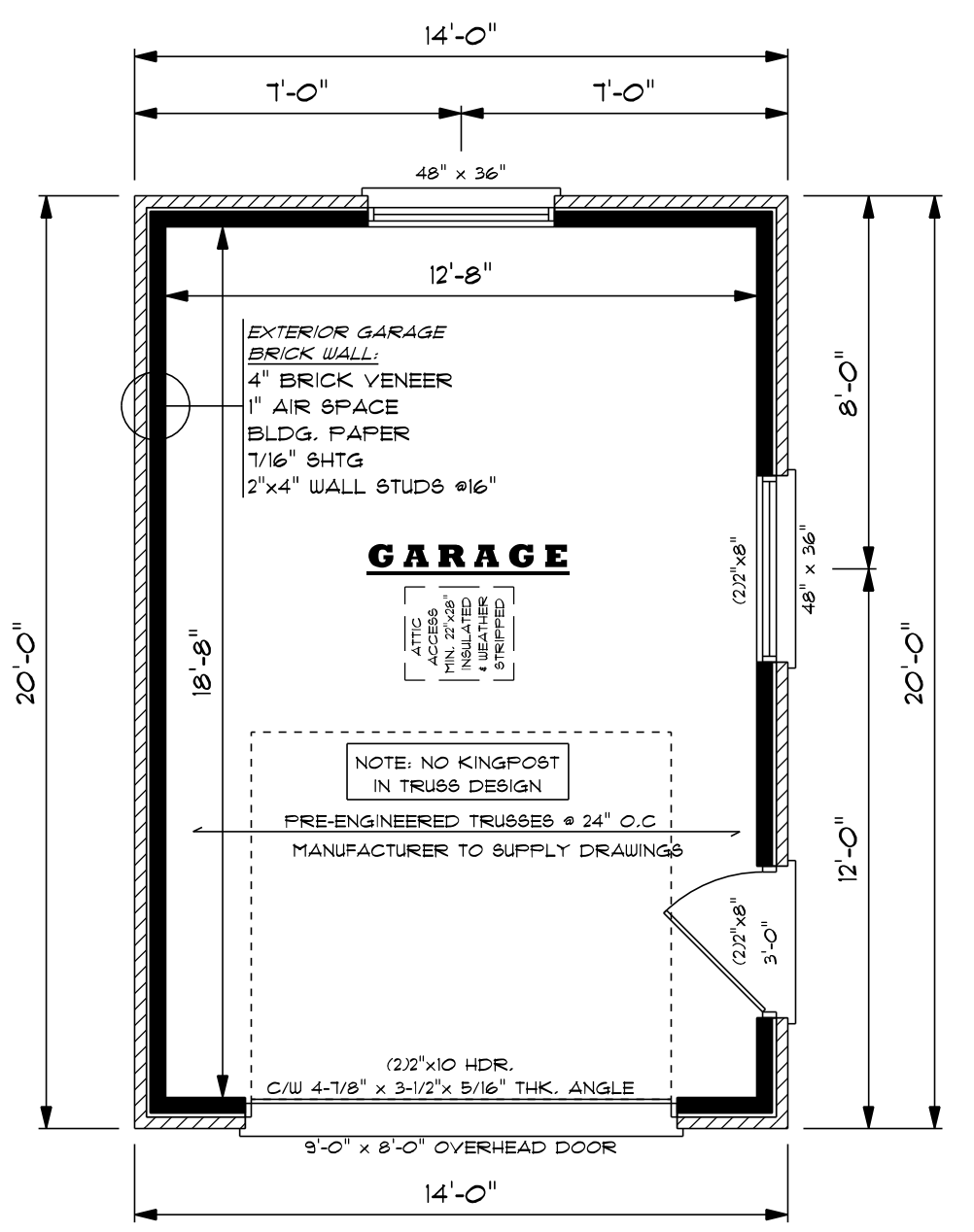
SIZE: ACCESSORY GARAGE DESIGN
 LOCATION: HAMILTON, ON
 ENERGY PACKAGE: ZONE 1
 BUILDER: N/A

DATE: AUG 2019 SCALE: NOTED

PROJECT NUMBER: RIF - 2019 - 455

PAGE TITLE: AS NOTED

PAGE NUMBER: 1 OF 1



MAIN FLOOR PLAN
 SCALE: 1/4" = 1'0"
 FLOOR AREA = 280 S.Q.F.T.

GENERAL FLOOR PLAN SPECIFICATIONS:
 (SEE ADDITIONAL SPECIFICATIONS ON END SHEET)

WINDOWS & EXT. DOORS NOTE:
 BUILDER/HOMEOWNER TO VERIFY ALL WINDOW & EXTERIOR DOOR SIZES/NOTES PRIOR TO ORDERING. FRAMING CONTRACTOR TO BE SUPPLIED WINDOW SUPPLIER R80 (ROUGH STUD OPENINGS) PRIOR TO FRAMING.
 WHERE TRANSOMS ARE NOTED ON PLAN - THE SIZE IS IN ADDITION TO THE WINDOW SIZE ALREADY NOTED.
 UNLESS OTHERWISE NOTED, TOP OF ALL WINDOWS TO BE FRAMED AT 6'-10" MAX. WITH TRANSOM LOCATED ABOVE. PLEASE CONFIRM THIS HEIGHT WITH TRUSS DWGS. (FASCIA DROPHEEL HEIGHT).

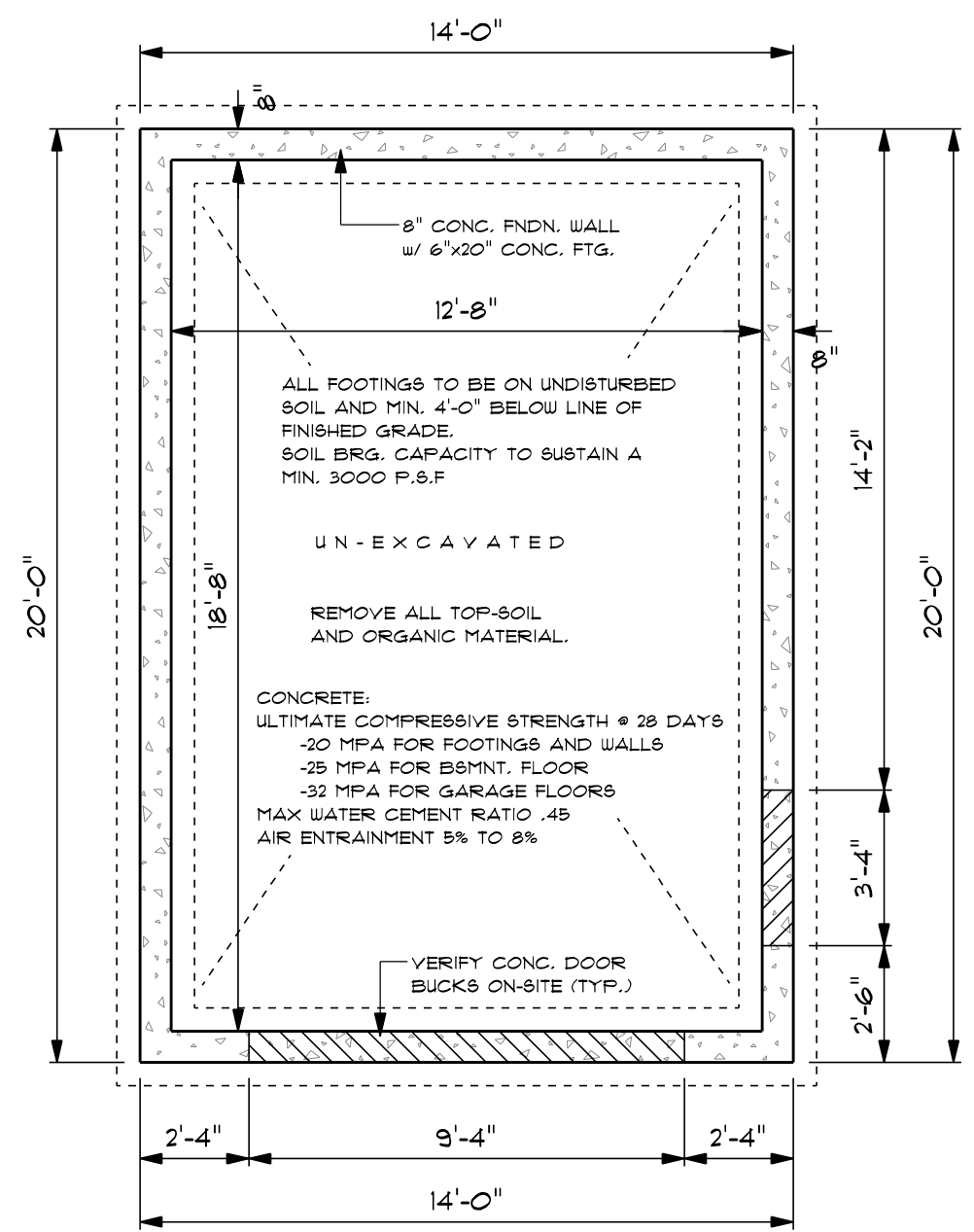
PRE-ENGINEERED TRUSSES:
 TRUSS LAYOUT TO BE DESIGNED/ENGINEERED BY TRUSS MANUFACTURER. MANUFACTURER TO SUBMIT SEALED & STAMPED ENGINEERED SHOP DRAWINGS TO CONTRACTOR FOR APPROVAL BY BUILDING DEPARTMENT PRIOR TO CONSTRUCTION. IF GIRDER TRUSS LOCATIONS ARE SHOWN ON THESE DRAWINGS, THEY ARE BASE ON ANTICIPATED PLACEMENT DESIGNED BY TRUSS MANUFACTURER.

ABBREVIATIONS:
 REFER TO THE LAST PHASE 'SPECIFICATIONS' FOR A LIST OF ABBREVIATIONS.

LVL MEMBERS & TRUSS JOIST:
 SUPPLIERS OF ALL LVL MEMBERS AND TRUSS JOIST (WOOD I/B) SYSTEMS TO PROVIDE ENGINEERED SHOP DRAWINGS. RIJUS HOME DESIGN INC. IS NOT RESPONSIBLE FOR PRE-ENGINEERED PRODUCTS.

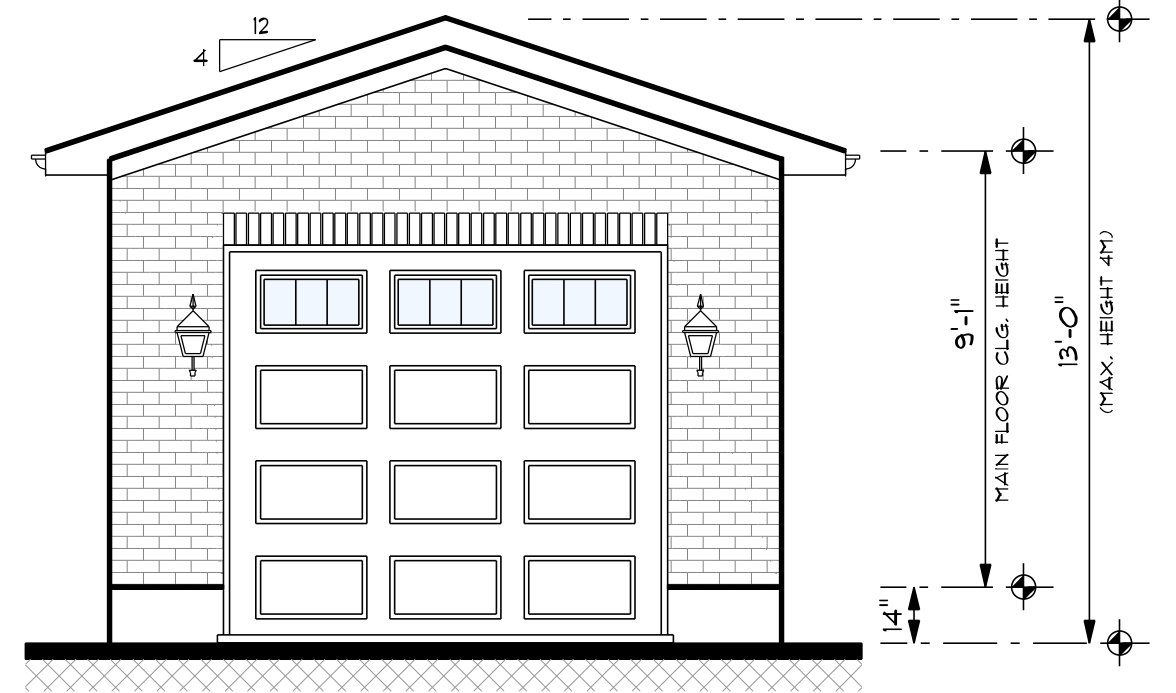
END BEARINGS:
 ALL WOOD & STEEL BEAMS SHALL HAVE EVEN & LEVEL BEARING OF NOT LESS THEN 3'-1/2" OF AT END OF SUPPORTS AS PER (9.23.8.1).
 ALL FLOOR JOISTS SHALL HAVE NO LESS THEN 1'-1/2" IN LENGTH FOR END BEARING, EXCEPT WHERE SUPPORTED ON RIBBON BOARD. (9.23.8.1 (1)).
 ALL WOOD LINTELS WITH SPANS LESS THEN 9'-6" REQUIRE MIN. 1'-1/2" BEARING AT EACH END EXCEPT WHERE SPANS ARE GREATER THEN 9'-0" MIN. BEARING SHALL BE 3" (9.23.2.3).

POINT LOADS:
 POINT LOADS CREATED IN WALLS DUE TO GIRDER TRUSSES OR BEAMS ENDS ARE TO HAVE (4) STUDS WHICH ARE TO BE CARRIED DOWN TO THE FDN.

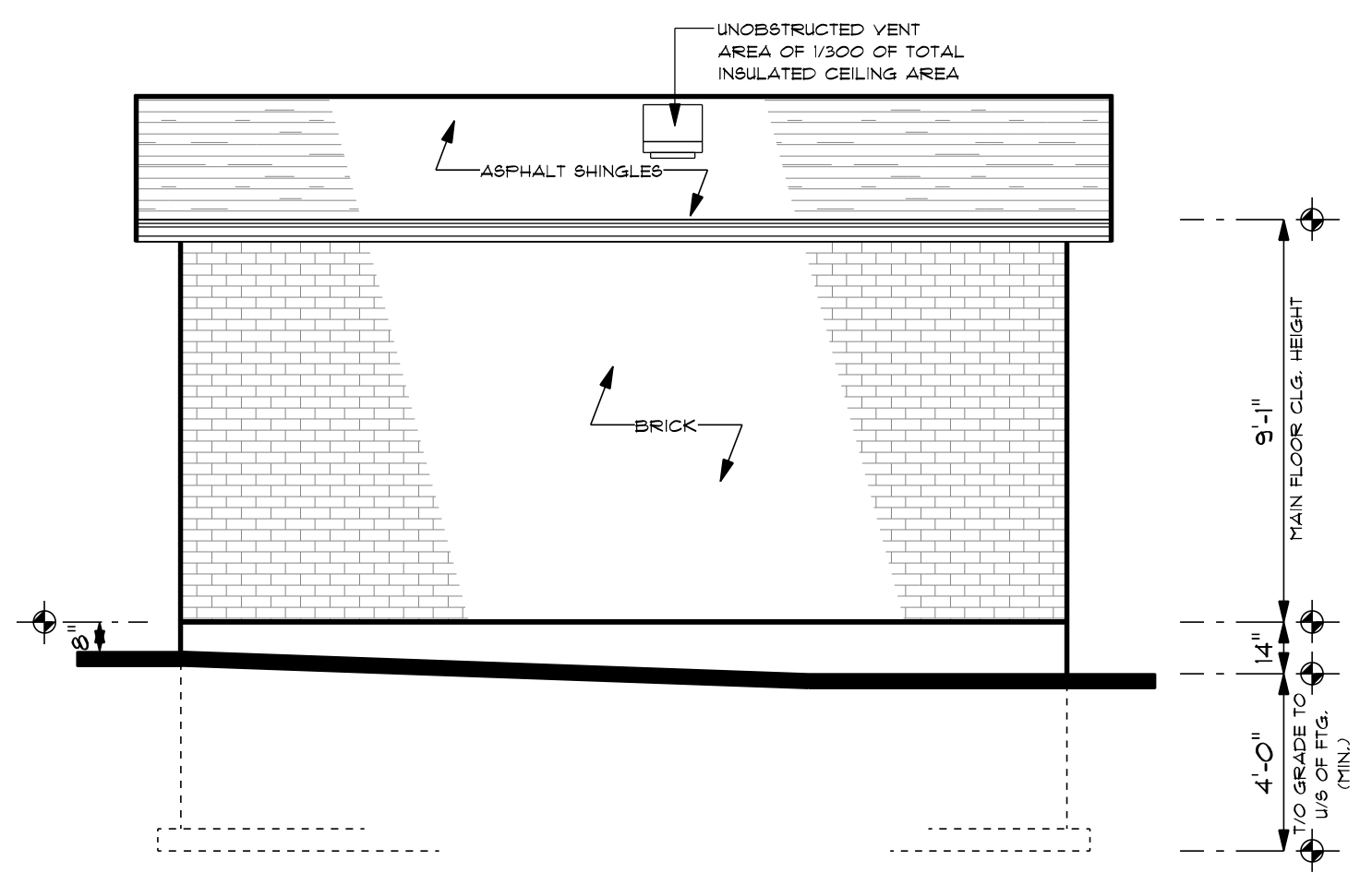


FOUNDATION PLAN
 SCALE: 1/4" = 1'0"

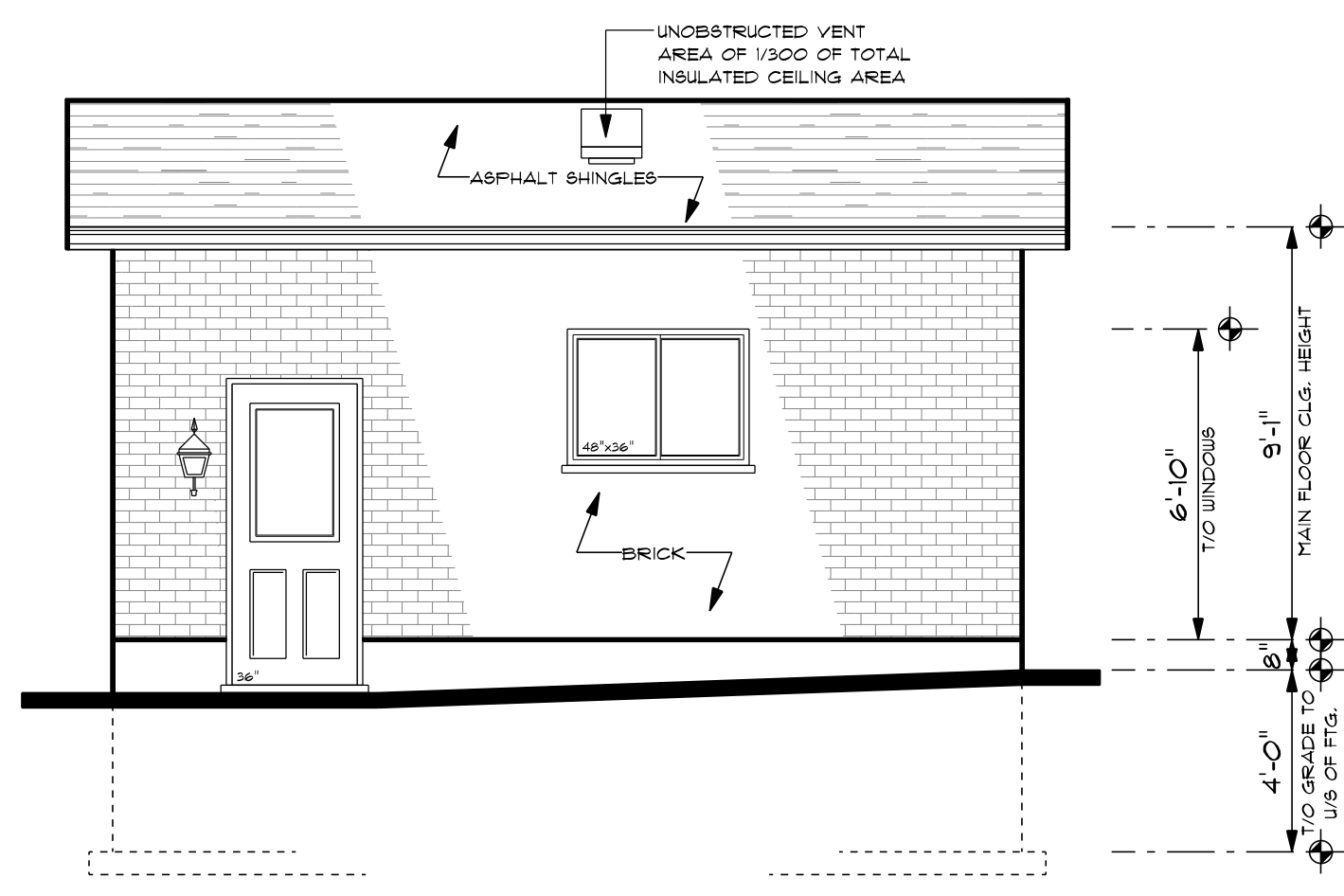
GARAGE CONCRETE FLOOR CONSTRUCTION:
 4" CONC. SLAB GARAGE FLOOR
 MIN. 32 MPa (4650 PSI) MAX. 4" SLUMP
 3-8% AIR ENTRAINMENT
 6"x6" 48" W/1" ON 6" MIN. 3/4" THICK CLEAR STONE WITH COMPACTED BASE
 1" SAUCUTS @ 9'-0" O.C. EA. WAY WITHIN 24 HOURS OF POUR (9.3.1.6(a) & 9.16.4.5)



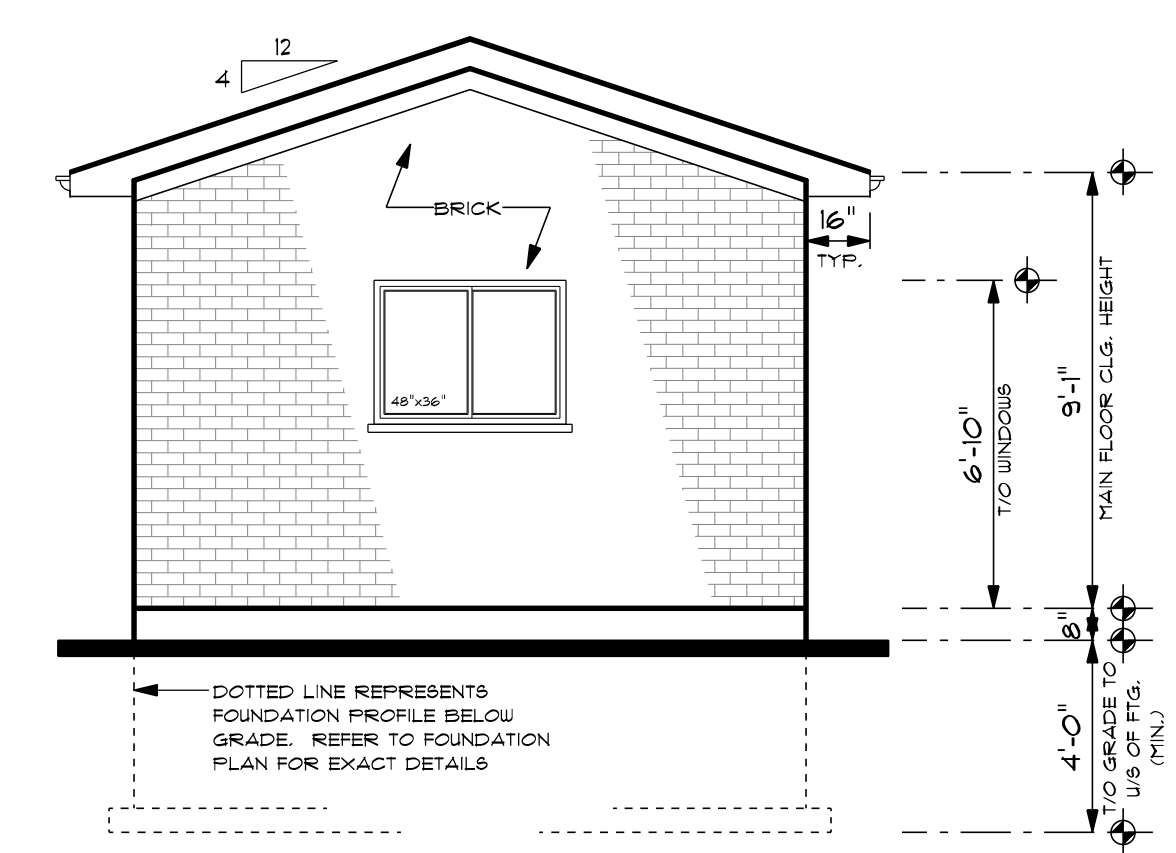
FRONT ELEVATION (NORTH-EAST)
 SCALE: 1/4" = 1'0"



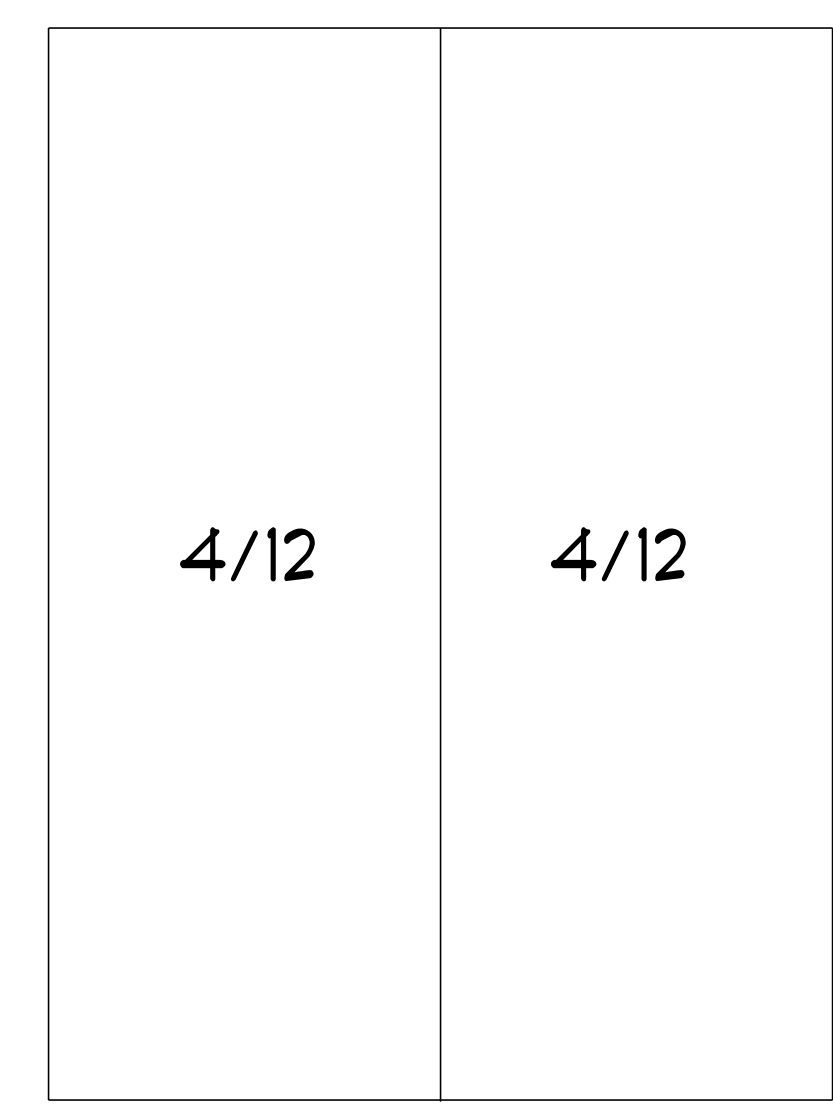
LEFT ELEVATION (SOUTH-EAST)
 SCALE: 1/4" = 1'0"



RIGHT ELEVATION (NORTH-WEST)
 SCALE: 1/4" = 1'0"

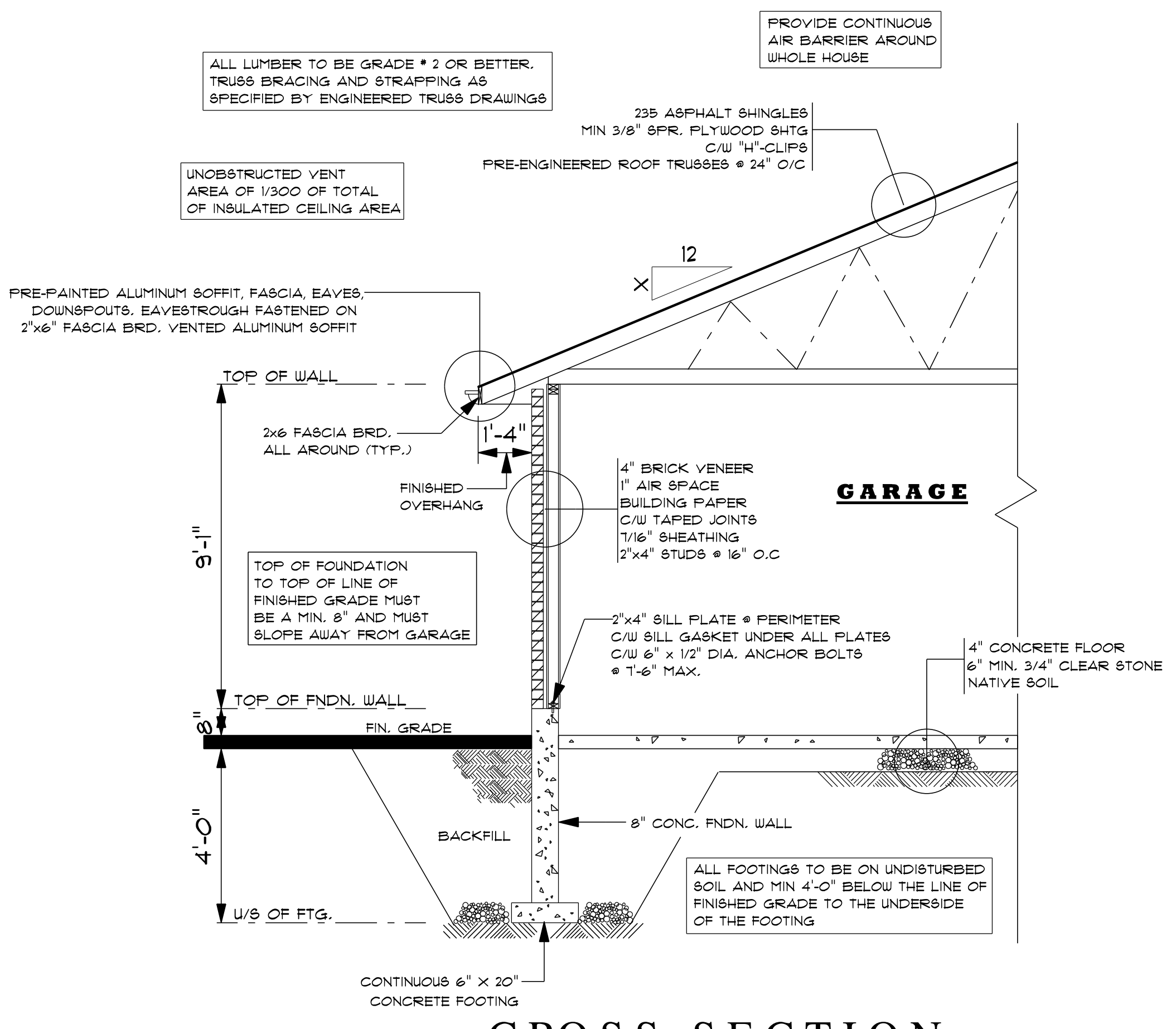


REAR ELEVATION (SOUTH-WEST)
 SCALE: 1/4" = 1'0"



ROOF PLAN
 SCALE: NTS

-ALL OVERHANGS TO BE 16" - ALL GABLE END OVERHANGS TO BE 12"
 -ROOF RETURNS/ROOF SKIRTS ARE OMITTED ON ROOF PLAN. PLEASE REFER TO ELEVATIONS FOR LOCATIONS.
 -UNOBSTRUCTED VENT AREA OF 1/300 FOR ALL ROOF OR ATTICS ABOVE INSULATED AREAS. UNOBSTRUCTED VENT AREA OF 1/150 FOR ALL ROOF PITCHES LESS THEN 2/12 OR ROOF WITHOUT ATTIC SPACE
 -TRUSS MANUFACTURER AND CONTRACTOR SHALL REPORT ANY DISCREPANCIES FOUND ON THESE DRAWINGS TO THE DESIGNER PRIOR TO FABRICATION. TRUSSES INSTALLATION TO COMPLY WITH MANUFACTURER SPECS.
 -SOLID BEARING SUPPORTING GIRDER TRUSSES TO EXTEND DWN. TO FNDN. WALL



CROSS SECTION
 SCALE: 3/8" = 1'0"

ALL LUMBER TO BE GRADE # 2 OR BETTER. TRUSS BRACING AND STRAPPING AS SPECIFIED BY ENGINEERED TRUSS DRAWINGS

PROVIDE CONTINUOUS AIR BARRIER AROUND WHOLE HOUSE

235 ASPHALT SHINGLES
 MIN 3/8" SFR. FLYWOOD SHTG
 C/W 1" CLIPS
 PRE-ENGINEERED ROOF TRUSSES @ 24" O/C

UNOBSTRUCTED VENT AREA OF 1/300 OF TOTAL OF INSULATED CEILING AREA

PRE-PAINTED ALUMINUM SOFFIT, FASCIA, EAVES, DOWNSPOUTS. EAVESTROUGH FASTENED ON 2"x6" FASCIA BRD. VENTED ALUMINUM SOFFIT

4" BRICK VENEER
 1" AIR SPACE
 BUILDING PAPER
 C/W TAPED JOINTS
 7/16" SHEATHING
 2"x4" STUDS @ 16" O.C

2"x4" SILL PLATE @ PERIMETER
 C/W SILL GASKET UNDER ALL PLATES
 6" MIN. 3/4" DIA. ANCHOR BOLTS @ T-6" MAX.

4" CONCRETE FLOOR
 6" MIN. 3/4" CLEAR STONE
 NATIVE SOIL

8" CONC. FNDN. WALL

ALL FOOTINGS TO BE ON UNDISTURBED SOIL AND MIN 4'-0" BELOW THE LINE OF FINISHED GRADE TO THE UNDERSIDE OF THE FOOTING

CONTINUOUS 6" x 20" CONCRETE FOOTING

BACKFILL

2"x6" FASCIA BRD. ALL AROUND (TYP.)

FINISHED OVERHANG

TOP OF FOUNDN. WALL

FIN. GRADE

TOP OF WALL

9'-1"

4'-0"

1'-4"

12

12

9'-1"

6'-10"

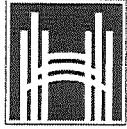
9'-1"

4'-0"

TO GRADE TO UNFIN. FTG. (FIN.)

TO GRADE TO UNFIN. FTG. (FIN.)

TO GRADE TO UNFIN. FTG. (FIN.)



Hamilton

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 _____	

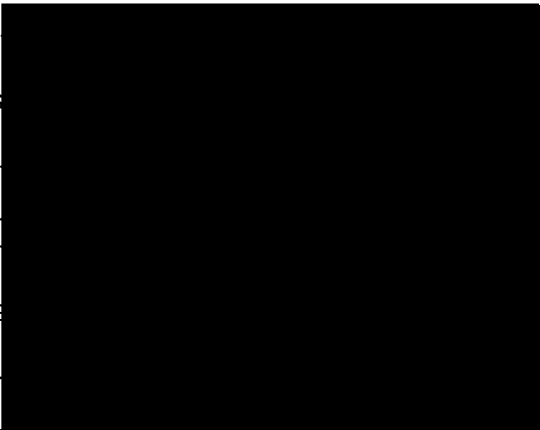
**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

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.

- Name of Owner Semula Horlings
Richard Horlings
FAX NO. _____ E-mail address _____
- Address 16 Elgar Ave Hamilton
- Name of Agent Richard Horlings
FAX NO. _____ E-mail address _____
- Address 16 Elgar Ave Hamilton



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

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
Toronto-Dominion Bank, 700-100 University Ave North
Tower, Toronto ON Postal Code M5J 1V6

Postal Code _____

6. Nature and extent of relief applied for:
Please see following page.

7. Why it is not possible to comply with the provisions of the By-law?
Please see following page.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
16 Elgar Ave. Hamilton, ON
Lot 128

9. PREVIOUS USE OF PROPERTY
Residential Industrial Commercial
Agricultural Vacant
Other _____

9.1 If Industrial or Commercial, specify use

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

6.

City of Hamilton bylaw 6593 requires:

9 (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "C" District: (8927/60)

(ii) a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet); (6902/52) (79-288) (80-049)

18. (3) (vi)

(b) A canopy, cornice, eave or gutter may project, (8544/59) (8909/60) (81-308)

(iii) into a required side yard not more than one-half of its width, or 1.0 metre (3.28 feet), whichever is the lesser; (8544/59) (8909/60) (9820/62) (79-288) (80-049)

Please note that the requirements for the for backyards do not mention one-half of of the projection's width:

(ii) into a required rear yard not more than 1.5 metre (4.92 feet); (8544/59) (8909/60) (79-288) (80-049)

I am seeking relief from these two clauses in Hamilton bylaw 6593. I request that the setback for my side yard be reduced from 1.2 metres to 0.6 m. I also request that my overhang and eaves be allowed to project to within 0.1m of the lot line.

7.

I would like my accessory building 4.27 m wide (which I believe is relatively narrow for a garage), which leaves only 0.61 m between the accessory building and the property line. I request that the setback be altered to 0.6m, which is still more than the setback regulations for a backyard accessory building (0.45m).

Having this structure placed further back in the backyard is not ideal for the following reasons:

1. It would reduce our limited green space and require more driveway length, and I already have more driveway length than I need.
2. There would not be enough room for my daughter's trampoline.
3. It would interfere with my neighbour's fruit trees.
4. It would interfere with my neighbour's grape vines.
5. It would make our backyard over the fence chats with our neighbours more difficult. :-)

In order for the accessory building to look appropriate, I would like to have an overhang of 0.41m plus eaves trough (0.13m) for a total of 0.54m. This is the ideal proportion from an aesthetic point of view. This would require more than half of the distance from the wall to the lot line, so I request relief from this requirement.

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 X 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 X Unknown ___

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

I talked to some original home owners in my neighbourhood. This land was farmland until it was developed as a residential area in 1969.

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.

October 24, 2020
Date


Signature Property Owner

Richard Horlings Samula Horlings
Print Name of Owner

10. Dimensions of lands affected:

Frontage 16.764 m
Depth 33.528 m
Area 517 m²
Width of street 8.547m

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: single family residence 8.04 x 12.20m (98.088m²)
single story

Proposed: assessory building (single car garage)
4.27m x 6.10m (26.047 m²), 3.98 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: Residence is located 12m from rear lot line, 1.52m from side lot line, 8.43m from front lot line.

Proposed: Assessory building to be located 9.5m from rear lot line, 0.61m from northeast side lot line, 17.01m from front lot line.

13. Date of acquisition of subject lands:

December 2011

14. Date of construction of all buildings and structures on subject lands:

1969

15. Existing uses of the subject property: single family residence

16. Existing uses of abutting properties: single family residences

17. Length of time the existing uses of the subject property have continued:

51 years

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:

none

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

Former City of Hamilton "C" district - urban protected residential (bylaw #6593)

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