**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.:** **DN/A-21:108**

**APPLICANTS:** Owner Nick Sirrs
Agent Brent Wybenga

**SUBJECT PROPERTY:** Municipal address **138 Meilville St., Dundas**

**ZONING BY-LAW:** Zoning By-law 3581-86, as Amended

**ZONING:** "R2" (Single Detached Residential) district

**PROPOSAL:** To permit the expansion of the existing legal non-conforming semi-detached dwelling through the construction of a 2nd storey addition comprising 72 square metres of gross floor area, a one storey addition into the rear yard comprising 55.35 square metres of gross floor area, an unenclosed front porch comprising 13.47 square metres and an unenclosed rear porch comprising 15.8 square metres, notwithstanding that;

1. A semi-detached dwelling is not a permitted use in the R2 Zone.

2. No parking spaces shall be provided instead of one (1) parking space for a semi-detached dwelling.

NOTES:

1. The R2 Zone does not permit a semi-detached dwelling and therefore there are no regulations in the R2 Zone that apply to semi-detached dwellings.

2. The property at 138 Melville Street and the adjoining property at 136 Melville Street contain a semi-detached dwelling that was constructed in 1854 and are identified in the City of Hamilton Heritage Inventory.

3. As the existing legal non-conforming semi-detached dwelling is being expanded through the proposed additions, the requirement for parking applies.

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

**DATE:** **Thursday, May 6th, 2021**
**TIME:** **1:35 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**

…/2

**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:

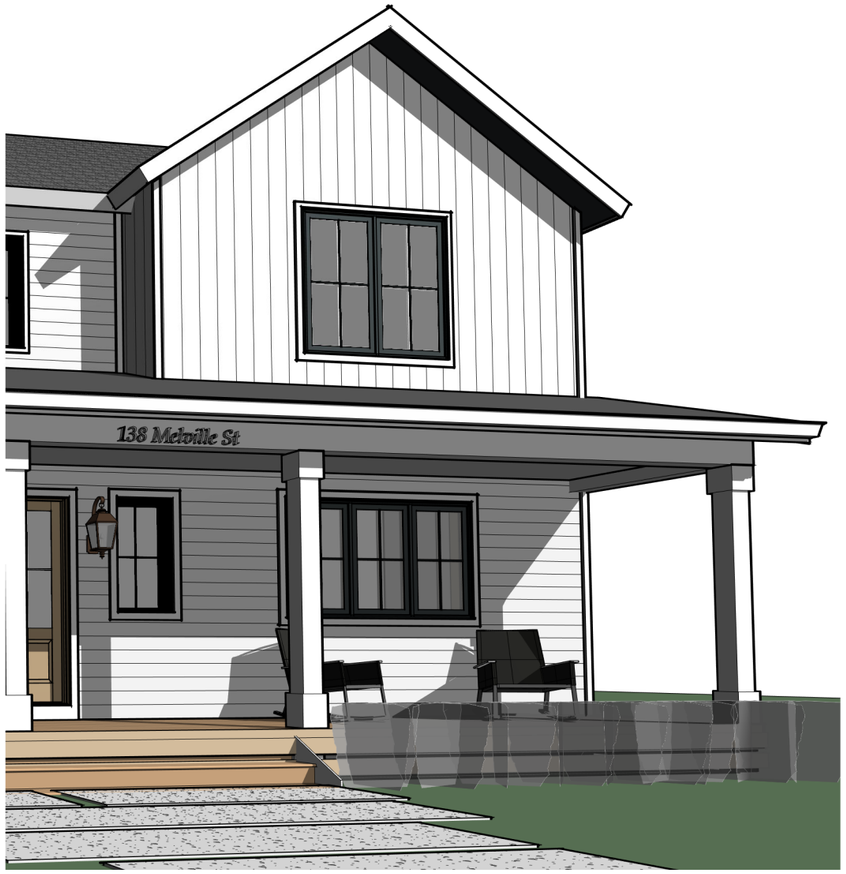
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: April 20th, 2021.

_____

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

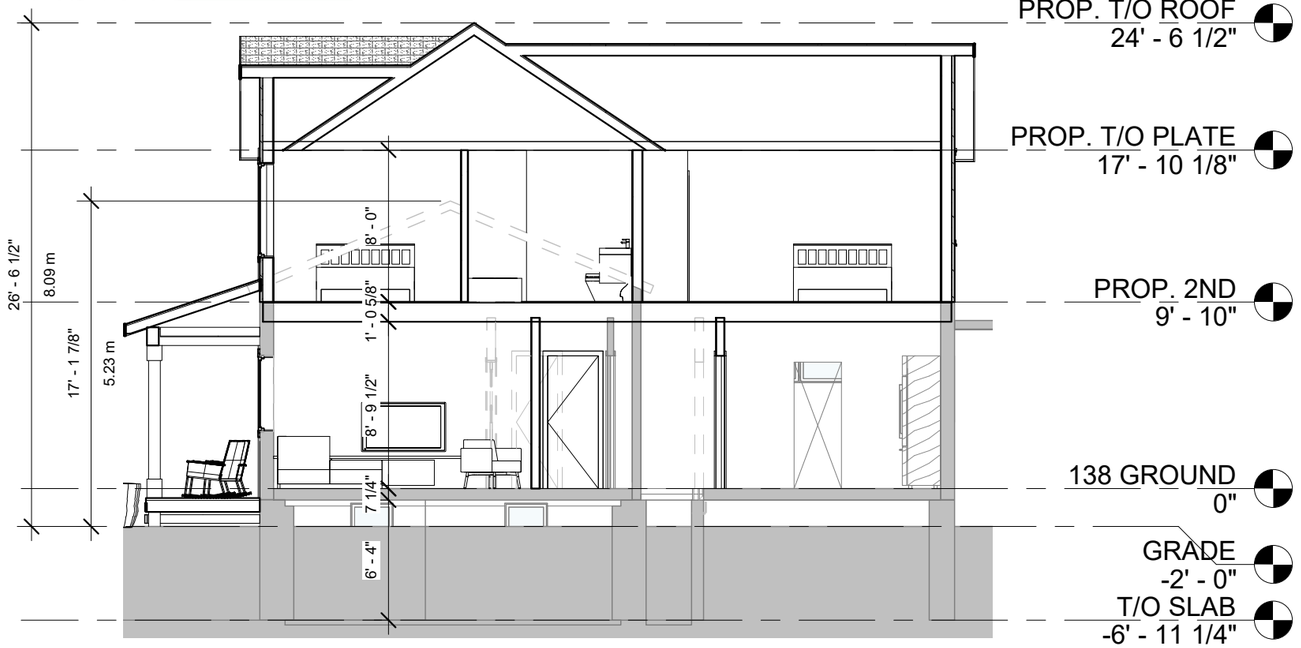
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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




1 FRONT 3D



2 BACK 3D




3 X-SECTION
1/8" = 1'-0"

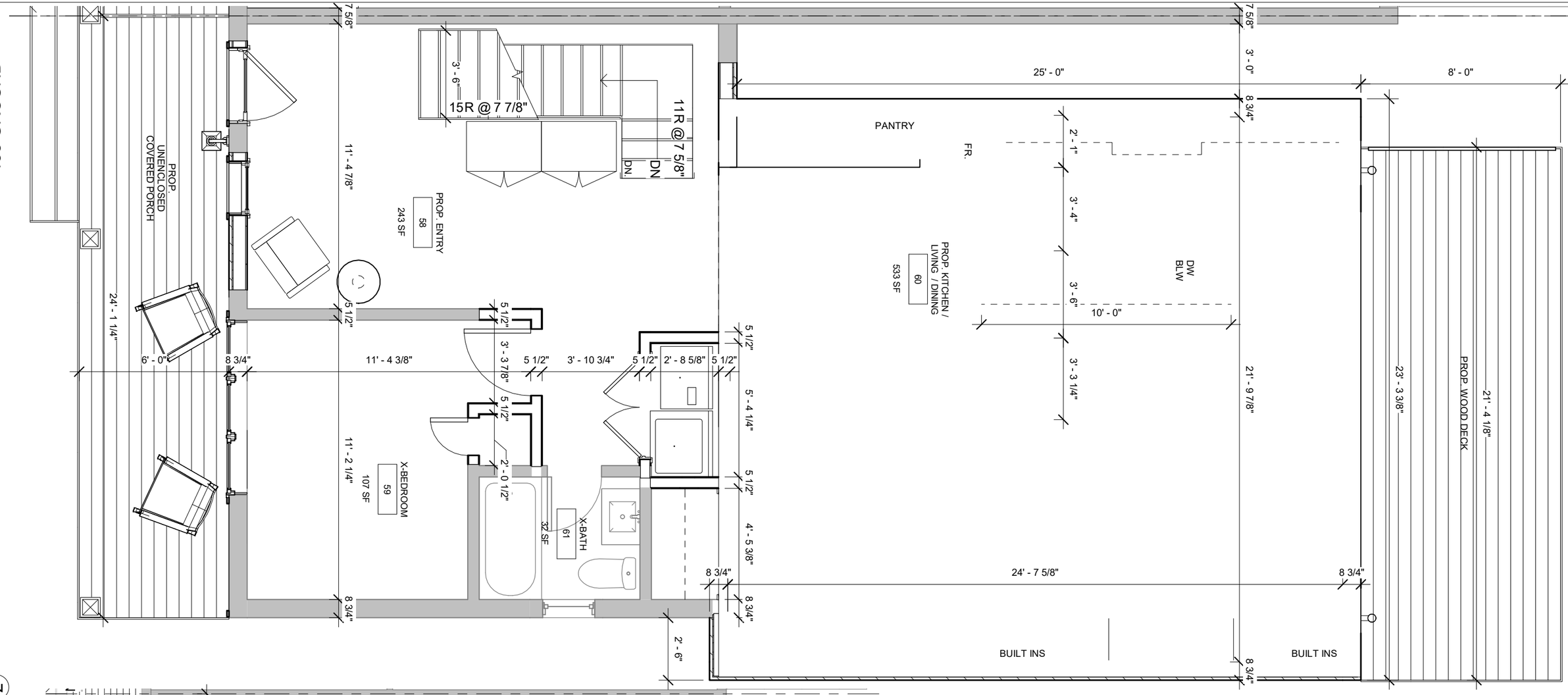
# PROP. SECOND STORY ADDTION

138 MELVILLE ST. DUNDAS, ON.

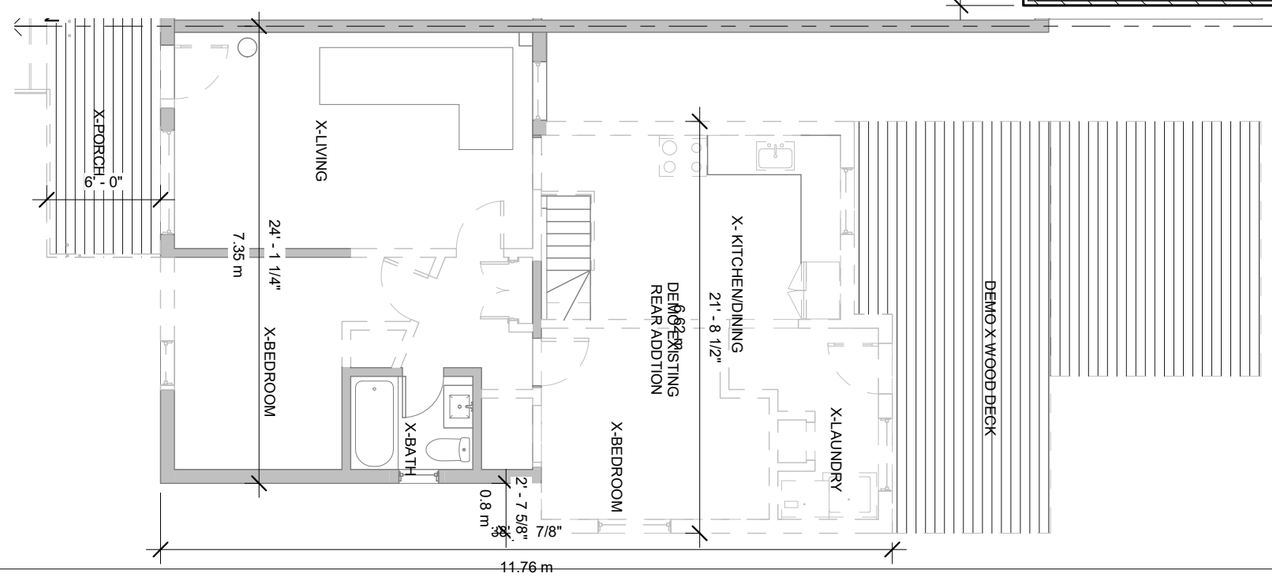
CLIENT: NICK SIRRS
SCALE: AS SHOWN
DESIGN: B.M.W.
DATE: 21/03/01

JOB: 20058
DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A0.01

1/4" = 1'-0" (1)
138 GROUND




1/8" = 1'-0" (2)
138 DEMO GROUND



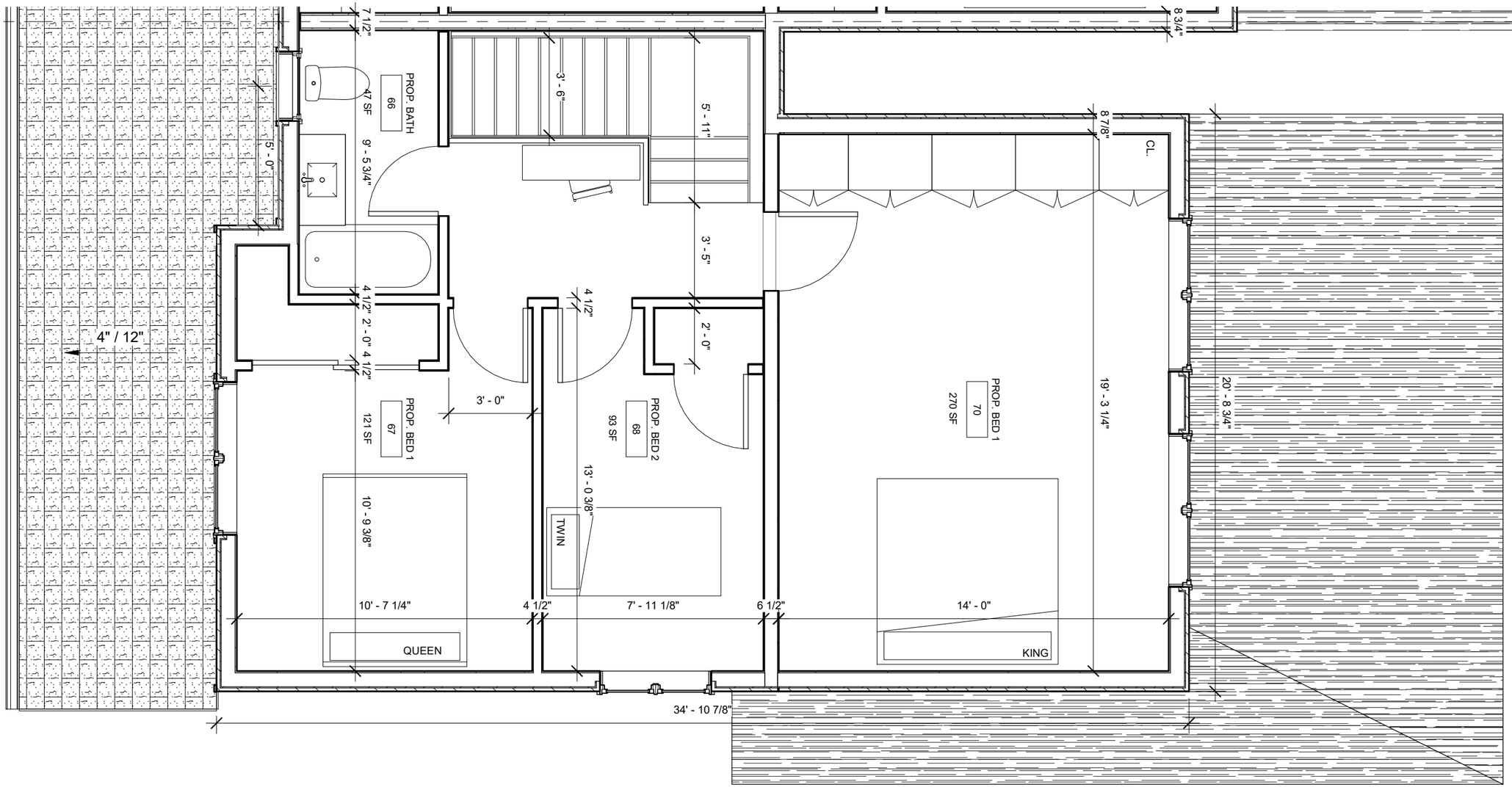

# PROP. SECOND STORY ADDTION

138 MELVILLE ST. DUNDAS, ON.

CLIENT: NICK SIRRS
SCALE: AS SHOWN
DESIGN: B.M.W.
DATE: 21/03/01

JOB: 20058
DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A1.01

1/4" = 1'-0" (1)
138 2ND

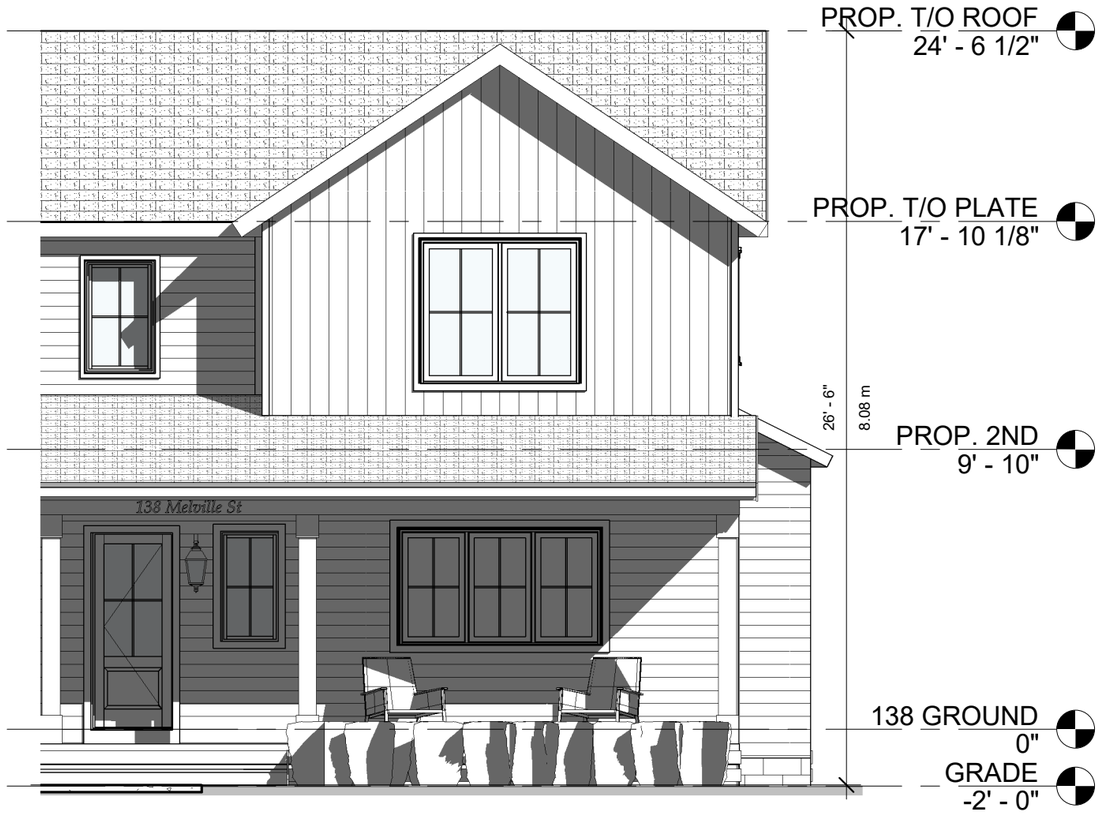



# PROP. SECOND STORY ADDTION

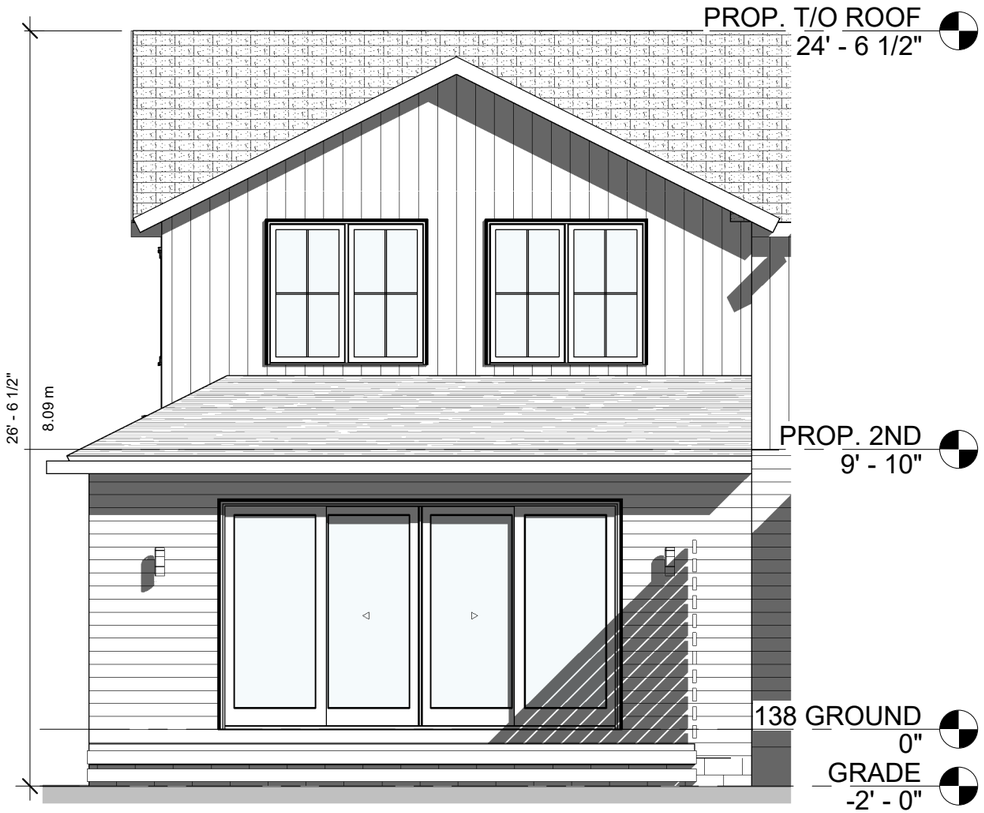
138 MELVILLE ST. DUNDAS, ON.

CLIENT: NICK SIRRS
SCALE: AS SHOWN
DESIGN: B.M.W.
DATE: 21/03/01

JOB: 20058
DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A1.02




1 138 FRONT
3/16" = 1'-0"




2 138 BACK
3/16" = 1'-0"

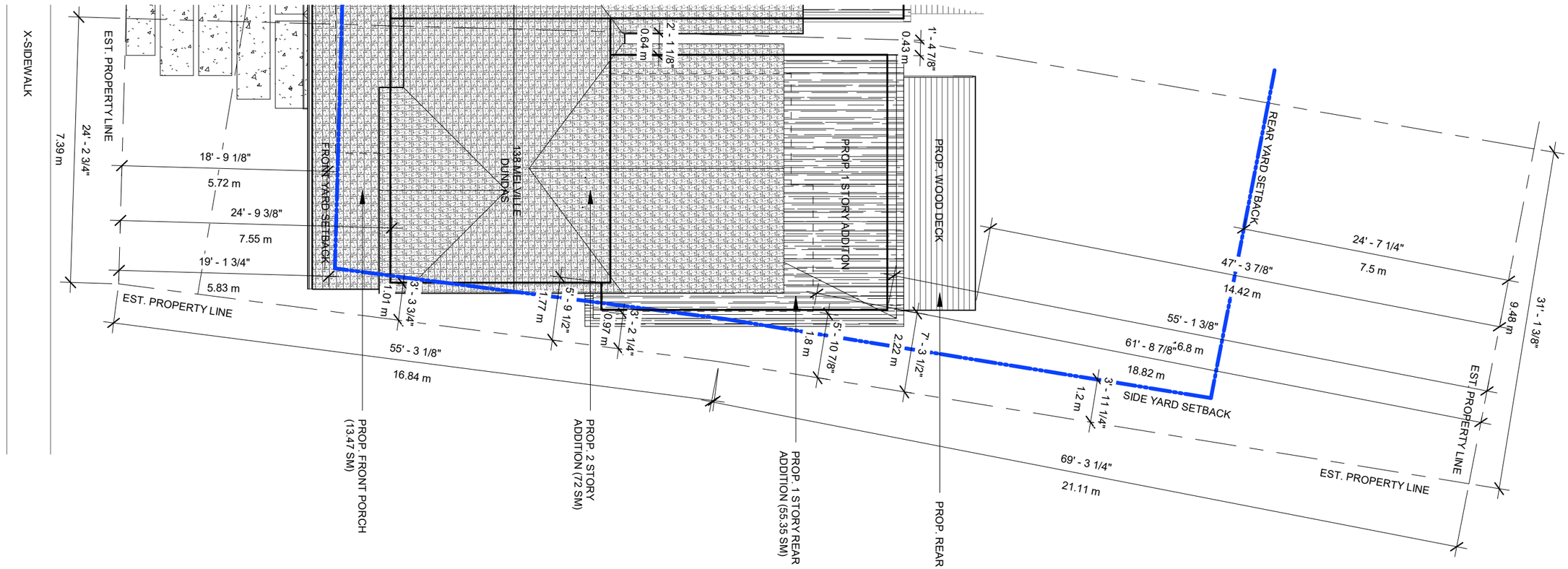
# PROP. SECOND STORY ADDTION

138 MELVILLE ST. DUNDAS, ON.

CLIENT: NICK SIRRS
SCALE: AS SHOWN
DESIGN: B.M.W.
DATE: 21/03/01

JOB: 20058
DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A2.01

1" = 10'-0" (1)
138 SITE PLAN




# PROP. SECOND STORY ADDTION

138 MELVILLE ST. DUNDAS, ON.

CLIENT: NICK SIRRS
SCALE: AS SHOWN
DESIGN: B.M.W.
DATE: 21/03/01

JOB: 20058
DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: SP1.01

**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)** | Nick Sirls | [redacted] | **Phone:** [redacted] |
| **Applicant(s)*** | | | **Phone:**<br>**E-mail:** |
| **Agent or Solicitor** | Park Eight c/o Brent Wybenga | [redacted] | **Phone:** [redacted]<br>**E-mail:** [redacted] |

**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:

   - Existing non conforming side yard and front yard setbacks, existing - no parking spot available behind front face of building, front porch encroaching into front yard setback

   - PROP. SECOND STORY ADDITION, PROP. FRONT PORCH & TWO STORY REAR YARD ADDITION

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

   Existing semi detached house with small lot, close to the lots lines

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**):

   138 Melville St.
   Dundas, On L9H 2A5

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?

Existing 100+ year old house and residential property / neighbourhood

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

March 8/21
Date

[redacted]
Signature Property Owner

Nick Sicts
Print Name of Owner

10. Dimensions of lands affected:

| | |
|---|---|
| Frontage | 7.39m |
| Depth | 37.95m |
| Area | 346.5 sm |
| Width of street | 10.2m |

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:_ GROUND FLOOR AREA: 80.5 sm
GROSS FLOOR AREA: 80.5 sm
NUMBER OF STORIES: 1
WIDTH: 7.35m
LENGTH: 11.76m
HEIGHT: 5.23m

EXISTING PORCH AREA: 6.84sm

Proposed GROUND FLOOR AREA: 99.8 sm
GROSS FLOOR AREA: 171.8 sm
NUMBER OF STORIES: 2
WIDTH: 7.35m
LENGTH: 13.82m
HEIGHT: 8.08m

PROP. PORCH AREA: 13.47sm

PROP. REAR WOOD DECK AREA: 15.8 sm

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

Existing: **House (semi)**
Front Yard Setback: 7.5m
Side Yard Setback: 1.01m (0.97m exist. addition)
Rear Yard Setback: 18.82m
Front yard x porch setback:5.93m

Proposed:

**House (semi)**
Front Yard Setback: 7.5m
Side Yard Setback: 1.01m (0.97m prop. addition) and 0.0 - semi
Rear Yard Setback: 16.8m
Front yard prop. porch setback:5.8m

**Rear deck**
Side: 2.22m
Rear: 14.42m

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:
100+

15. Existing uses of the subject property:
Residential - SFD (semi detached)

16. Existing uses of abutting properties:
Residential SFD

17. Length of time the existing uses of the subject property have continued:
100+

18. Municipal services available: (check the appropriate space or spaces)
Water x Connected x
Sanitary Sewer x Connected x
Storm Sewers x

19. Present Official Plan/Secondary Plan provisions applying to the land:

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

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.