

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-21:111

APPLICANTS: Agent Brent Wybenga
Owner Dao Nguyen

SUBJECT PROPERTY: Municipal address **472 Dundurn St. S., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 19-307

ZONING: "C" and C/S-1787 (Urban Protected Residential, etc.) district

PROPOSAL: To permit the construction of a three (3) storey, single family dwelling upon demolition of the existing dwelling, notwithstanding,

1. A minimum side yard width of 1.2 metres shall be permitted instead of the minimum required side yard width of 2.7 metres; and,

2. A minimum rear yard depth of 7.5 metres shall be permitted instead of the minimum required rear yard depth of 10.5 metres.

NOTES:

1. The proposed building height has not been provided in accordance with the definition of "Height" and "Grade" as defined within the Zoning By-law. A further variance will be required if the height of the proposed building exceeds 11.0 metres, provided in accordance with "Height" and "Grade" as defined within the Zoning By-law.

2. It is unclear if a "Basement" defined as "a storey which is partly below adjacent ground but which is not more than one-half of the clear height from the top of its floor to the underside of its finished ceiling below the adjacent ground" or a "Cellar" defined as "that portion of building which is partly below adjacent ground but which has more than one-half of the clear height from the top of its floor to the underside of its finished ceiling below adjacent ground" is proposed. A further variance will be required if a basement, which is considered a storey, is proposed.

3. Details regarding the eave and gutter encroachments have not been provided. A further variance(s) will be required if the eave and gutter project greater than 1.5 metres into the required front yard; 1.5 metres into the required rear yard; or, one-half the width of a required side yard.

4. Zoning compliance for the proposed roofed-over deck at the rear of the dwelling is dependent upon approval of the requested variances. Further variances will be required should a minimum rear yard depth greater than 7.5 metres or a minimum side yard width greater than 1.2 metres be required.

5. It is noted that a minimum of 51.3% of the gross area of the front yard is provided as landscaped area. A further variance may be required if the area of the front yard provided as landscaped area has not been calculated in accordance with Section 18(14) and 18A(14d) of the Zoning By-law.

6. It is unclear if the intent is to provide one (1) of the required two (2) parking spaces on the driveway area. A further variance will be required if a two (2) parking spaces, each measuring 2.7 metres in width by 6.0 metres in length, are not provided.

7. A further variance will be required if the finished level of the garage floor is not 0.3 metres above "Grade" as defined within the Zoning By-law.

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

DATE:	Thursday, May 6th, 2021
TIME:	3:10 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

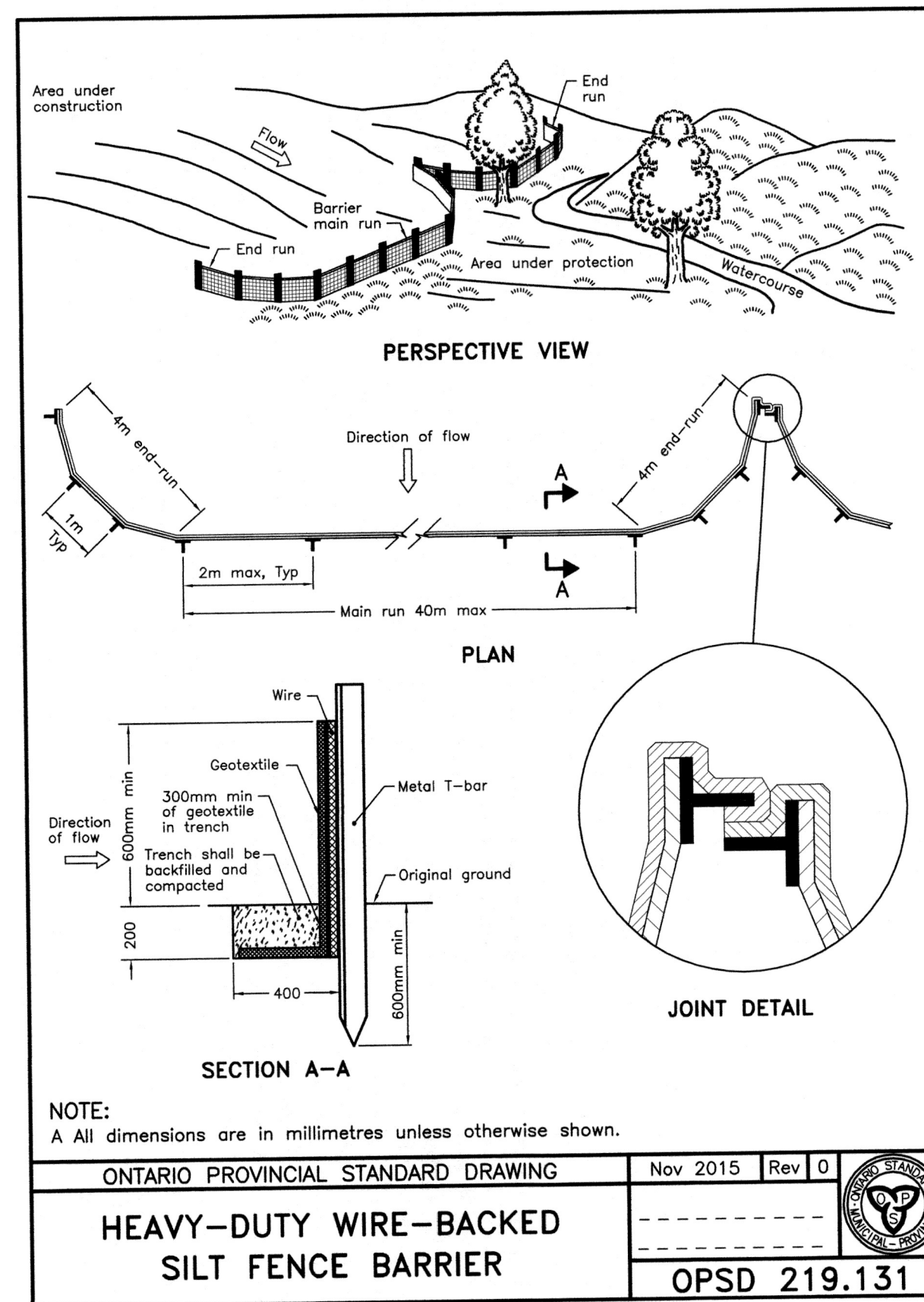
For more information on this matter, including access to drawings illustrating this request:

- 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 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.



LEGEND:

- EXISTING ELEVATIONS
- PROPOSED ELEVATIONS
- PROPOSED SWALE ELEVATIONS
- PROPOSED SWALE
- GENERAL DRAINAGE
- SILTATION FENCE

NOTES:

- ALL ELEVATIONS SHOWN ARE METRIC.
- BUILDER/OWNER TO VERIFY COMPLIANCE WITH ZONING BYLAWS (4. SUBYARDS, SETBACKS, REARWARDS ETC.)
- TOPOGRAPHIC AND BOUNDARY SURVEY PROVIDED BY A.T. McLAREN LIMITED, DWG. 35585 DATED MARCH 27, 2018.
- REFER TO SITE PLAN FOR DIMENSIONS AND SETBACKS.
- CONTRACTOR TO VERIFY THE CONDITION OF THE EXISTING WATER AND SANITARY SERVICES TO THE SATISFACTION OF THE CITY OF HAMILTON.
- EXISTING SERVICE LATERALS WITHIN THE MUNICIPAL R.O.W. WILL NEED TO BE INSPECTED BY A CITY AND REVIEWED BY THE CITY OF HAMILTON STAFF TO DETERMINE THEIR CONDITION (AT OWNER'S EXPENSE)
- STEP DOWN TOP OF FOUNDATION AND/OR FOOTINGS TO SUIT THE PROPOSED GRADES (1.2m MINIMUM COVER TO U/S FTG).
- FINISHED GARAGE FLOOR TO BE 0.30m BELOW THE SET TOP OF FOUNDATION ELEVATION.
- THE BUILDER/CONTRACTOR IS TO ENSURE FOOTINGS ARE FOUND ON SOIL CAPABLE OF SUPPORTING THE ANTICIPATED LOADS.
- THE BUILDER/CONTRACTOR IS TO ENSURE FOOTINGS ARE FOUND ON SOIL CAPABLE OF SUPPORTING THE ANTICIPATED LOADS.
- NO WINDOWS/UNPROTECTED OPENINGS PERMITTED WHERE BUILDING SETBACK IS LESS THAN 1.2m.
- THE SILTATION & EROSION CONTROL (SEC) MEASURES ILLUSTRATED ON THIS PLAN ARE CONSIDERED TO BE THE MINIMUM REQUIREMENT. SITE CONDITIONS MAY REQUIRE ADDITIONAL MEASURES WHICH WILL BE IDENTIFIED BY THE ENGINEER DURING CONSTRUCTION.
- ALL SEC MEASURES ARE TO BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- OWNER/CONTRACTOR TO MAINTAIN EROSION CONTROL MEASURES THROUGHOUT SITE UNTIL A COMPLETE GRASS/VEGETATION COVER IS ACHIEVED.
- ONLY AT THE DIRECTION OF THE ENGINEER ARE THE SEC MEASURES TO BE REMOVED.
- SITE WORKS ARE TO BE STAGED IN SUCH A MANNER THAT EROSION WILL BE MINIMIZED, AND THE CONSULTANT MUST PROVIDE CONFIRMATION THAT ALL APPROVED SILTATION AND EROSION CONTROL FACILITIES HAVE BEEN INSTALLED PRIOR TO THE COMMENCEMENT OF ANY GRADING, EXCAVATION OR DEMOLITION.
- CLEARING AND GRUBBING OF THE SITE SHOULD BE KEPT TO A MINIMUM AND VEGETATION REMOVED ONLY IN ADVANCE OF IMMEDIATE CONSTRUCTION.
- STOCKPILES OF EARTH OR TOPSOIL ARE TO BE LOCATED AND PROTECTED TO MINIMIZE ENVIRONMENTAL INTERFERENCE. EROSION CONTROL FENCING IS TO BE INSTALLED AROUND THE BASE OF ALL STOCKPILES.
- THE OWNER IS RESPONSIBLE TO ENSURE THE MUNICIPAL ROADWAYS ARE CLEARED OF ALL SEDIMENTS FROM VEHICULAR TRACKING ETC. TO AND FROM THE SITE, AT THE END OF EACH WORKDAY.

T.B.M. No. 1 ELEV. = 112.947m (GEO)
CUT CROSS IN CONCRETE SIDEWALK ON THE WEST SIDE OF DUNDURN STREET SOUTH AS SHOWN.

NO.	REVISION	DATE (MM/DD/YY)	BY

J.H. COHOON ENGINEERING LIMITED
CONSULTING ENGINEERS

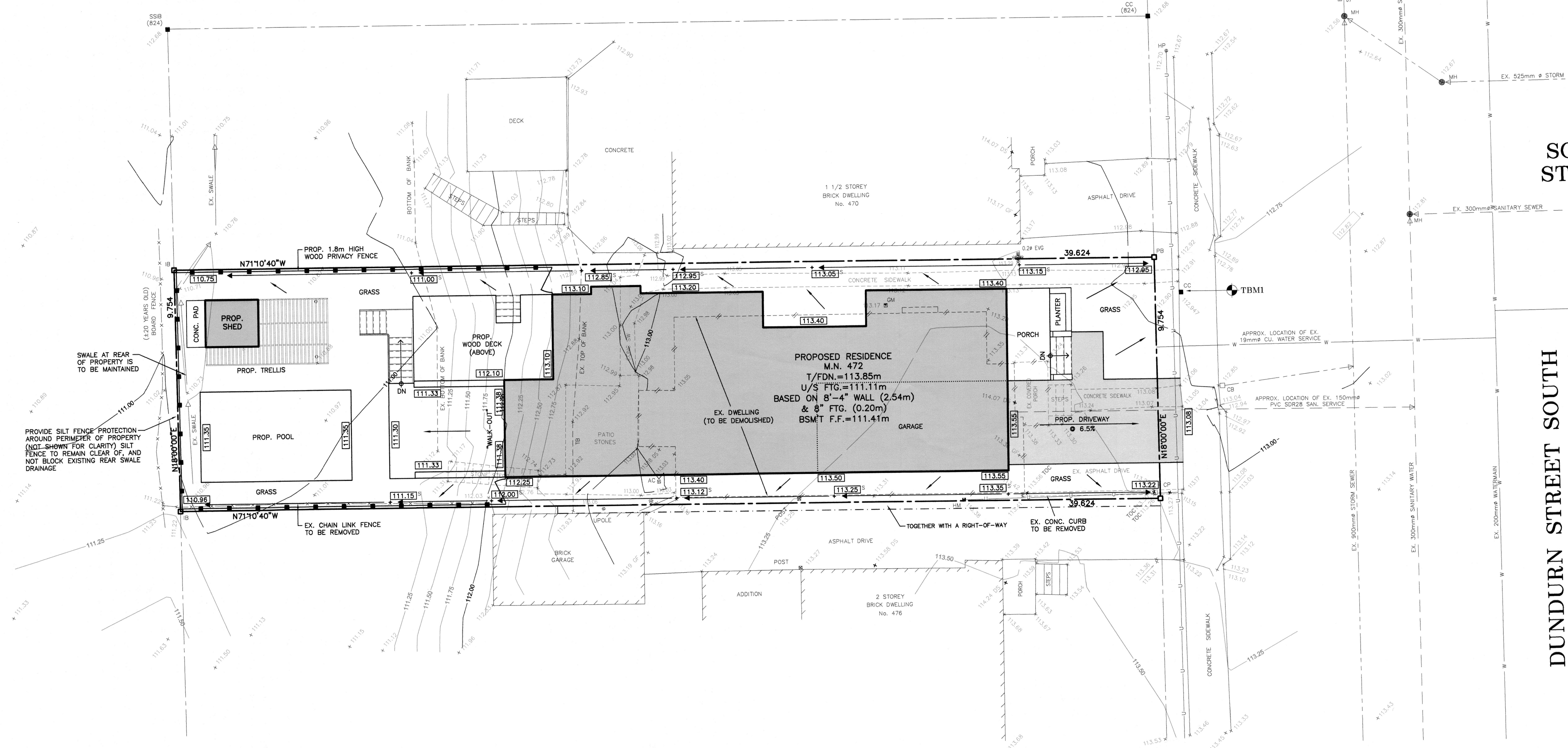
440 HARDY ROAD, UNIT #1, BRANTFORD - ONTARIO, N3T 5L8
TEL. (519) 753-2656 FAX. (519) 753-4263 www.cohooneng.com

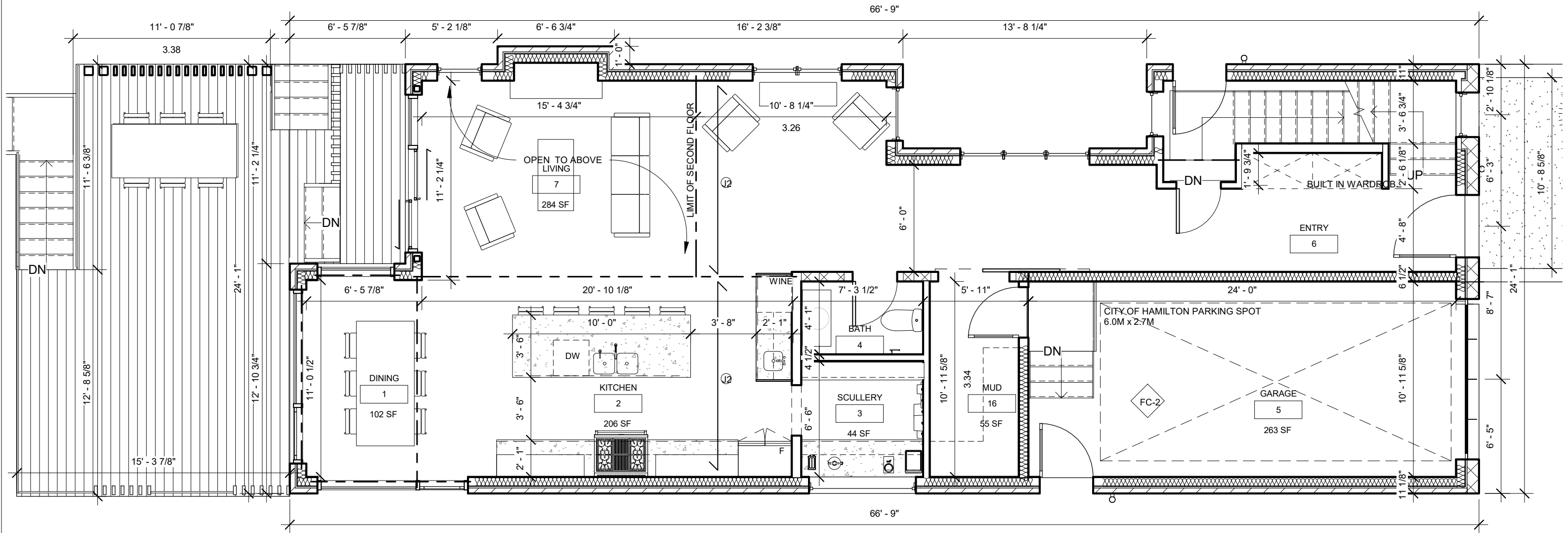
PROJECT:
PROPOSED NGUYEN RESIDENCE
PART OF LOT 29
REGISTERED PLAN 35
472 DUNDURN STREET SOUTH
CITY OF HAMILTON

CLIENT:
DAO NGUYEN

SITE DEVELOPMENT PLAN

DESIGN: D.E.B.	SCALE: 1:100
DRAWN: K.P.B.	JOB No: 12630
CHECKED: R.W.P.	
SHEET: 1 of 1	DWG. No: 12630-1
DATE: SEPT. 17/19	



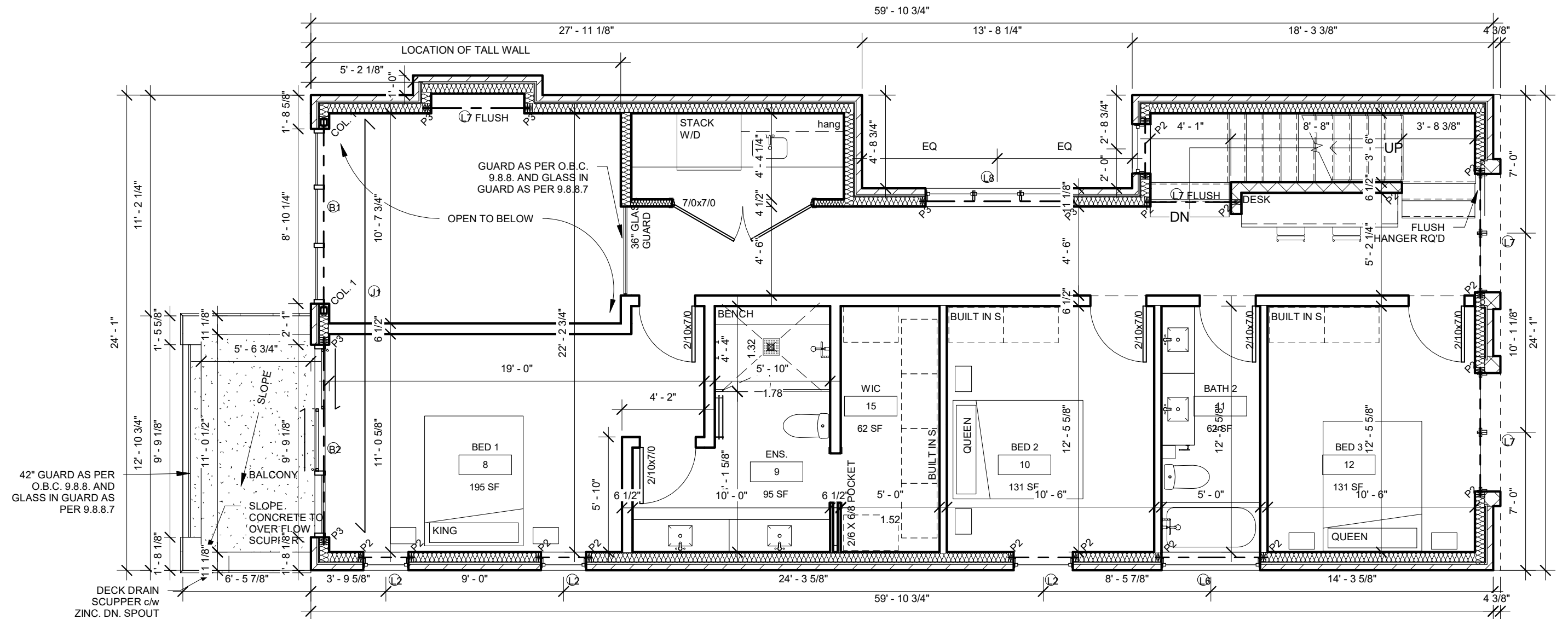


1 GROUND FLOOR
3/16" = 1'-0"

NGUYEN RESIDENCE
472 DUNDURN ST. SOUTH HAMILTON, ON.

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

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

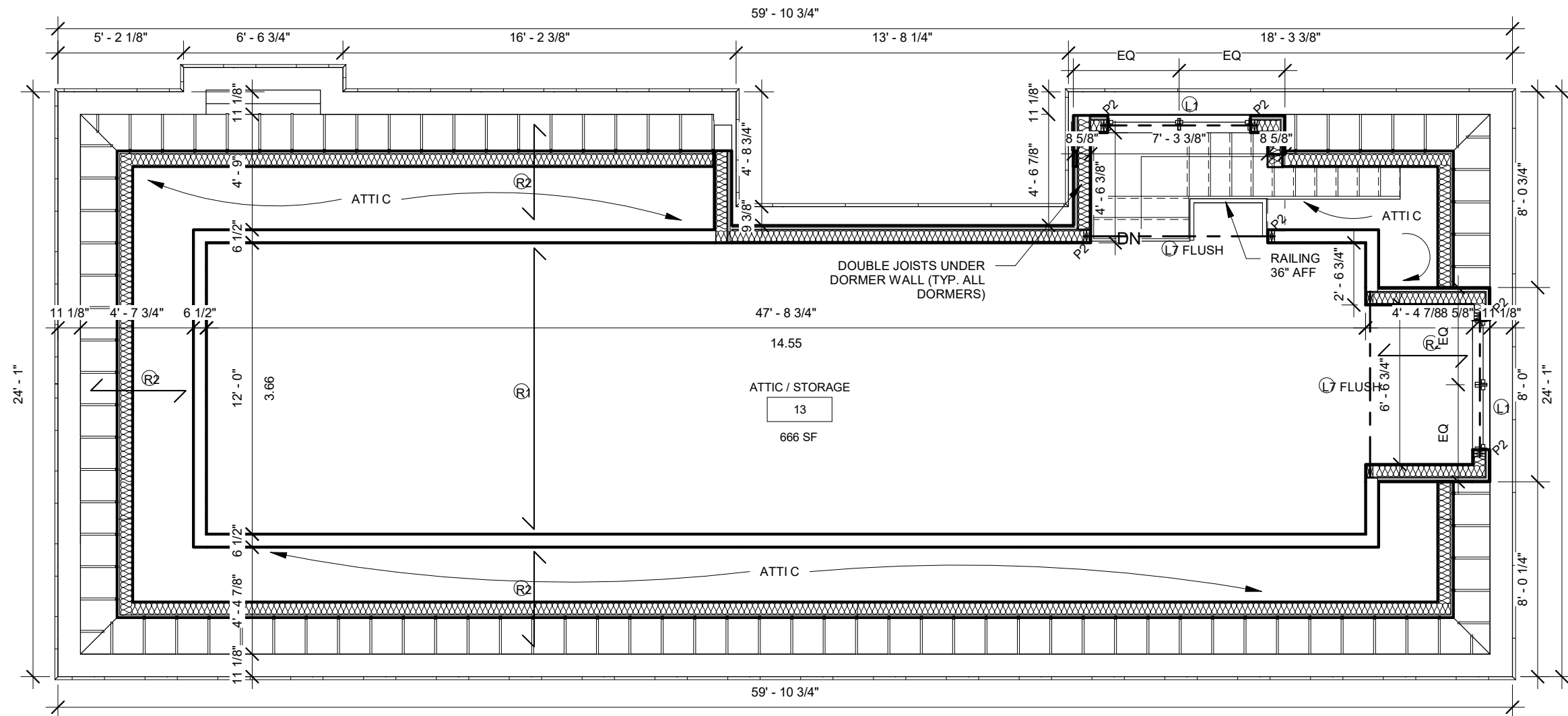


① 2ND FLOOR
3/16" = 1'-0"

NGUYEN RESIDENCE
472 DUNDURN ST. SOUTH HAMILTON, ON.

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

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

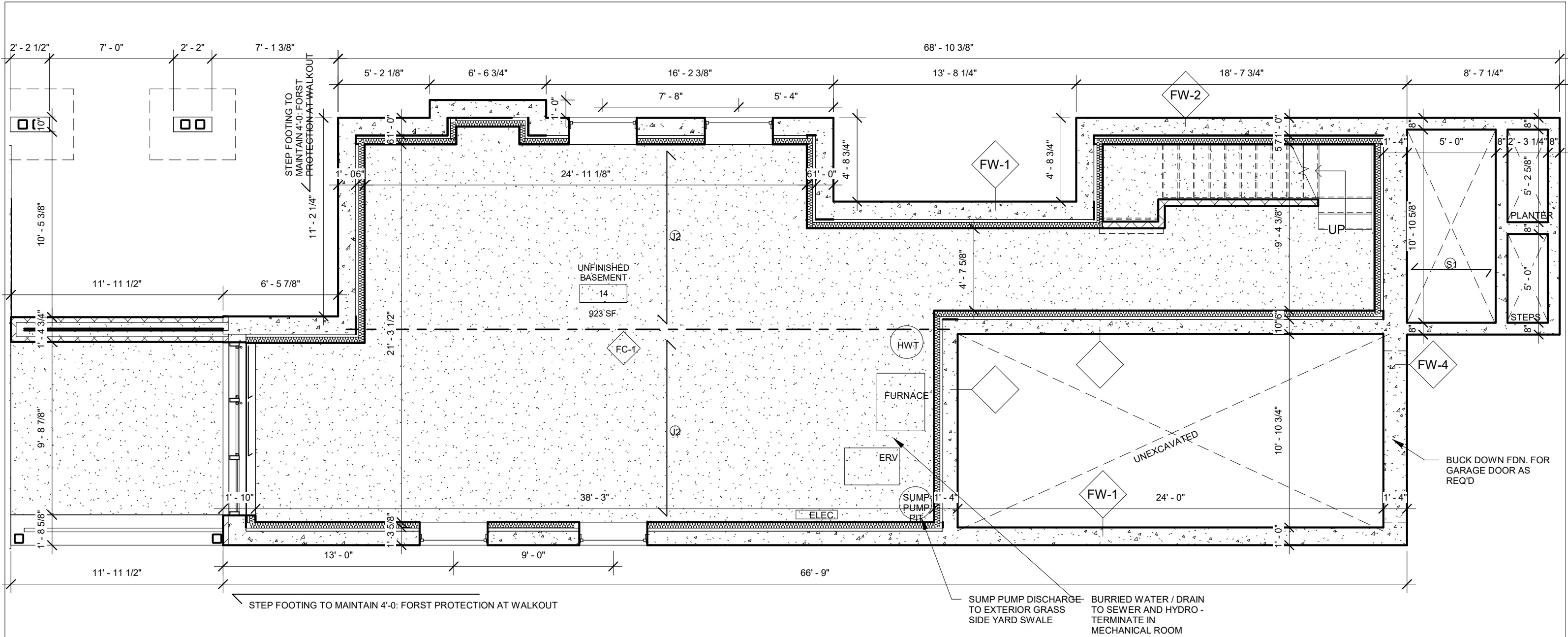


① ATTIC / STORAGE
3/16" = 1'-0"

NGUYEN RESIDENCE
472 DUNDURN ST. SOUTH HAMILTON, ON.

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

DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A1.03



① T/O FTG.
3/16" = 1'-0"

NGUYEN RESIDENCE
472 DUNDURN ST. SOUTH HAMILTON, ON.

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

DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A1.04

GENERAL NOTES:
SURVEY LINES AND BEARING INFORMATION TAKEN FROM
EXISTING ONTARIO LAND SURVEY DRAWING BY A.T.McLAREN,
DATED MARCH 27, 2018

ADJACENT EXISTING HOUSE

130'-0"

39.62

6'-0" HIGH BOARD FENCE (TYP. ALL AROUND)

4'-0" 1.22

3'-0" 9.75

32'-0"

6'-0" HIGH BOARD FENCE

SELF CLOSING / LATCHING GATE

SIDE YARD SETBACK

PROP. SHED (43.7 SF) 7'-0" x 6'-2"

PROP. TRELLIS - 97 SF

2'-5 1/4" 6'-2 1/2"

24'-7 3/8"

7'-0 1/2"

9'-2 3/8"

1.22

3'-11 1/4"

1.20

15'-1 1/2"

4.61

15'-2 7/8"

24'-1 1/2"

REAR YARD SETBACK

PROP. POOL 12'-0" x 20'-0" 6.10

12'-0"

3'-10"

1.17

43'-3 1/2"

13.20

3'-11 1/4"

1.20

11'-10 7/8"

3.63

9'-2 1/4"

2.80

6.00 PARKING SPACE

1 CAR GARAGE

19'-8 1/4"

24'-1 1/2"

7.35

25'-3 3/4"

7.72

11'-8"

2.64

8'-8"

3'-11 1/4"

1.20

PROP. PORCH 88.7 SF

PLANTER 11'-3"

3.43 GRASS

PROPERTY LINE

32'-0"

9.75

INTERLOCK STEPPING STONE LANDING

EXISTING WATER SERVICE AND EXISTING SANITARY SEWER TO BE TIED INTO NEW SYSTEM OWNER/CONTRACTOR TO GET CONNECT / DISCONNECT PERMITS FROM WATER/WASTEWATER AND RE-CONNECT WHEN NEW HOUSE IS BUILT

LANDSCAPED AREA:
FRONT YARD AREA - 634.80 SF
FRONT YARD LANDSCAPED - 380.88 SF (51.3%)
FRONT YARD HARDESCAPED - 325.74 SF (48.7%) (PORCH AND DRIVEWAY)

RE-USE AND WIDEN EXISTING DRIVEWAY (REPAVE ENTIRE DRIVEWAY)

INTERLOCK STEPPING STONES

GRASS

EXISTING HOUSE TO BE DEMOLISHED - BUILDING AREA 1098.5 SF

ADJACENT EXISTING GARAGE

ADJACENT EXISTING HOUSE

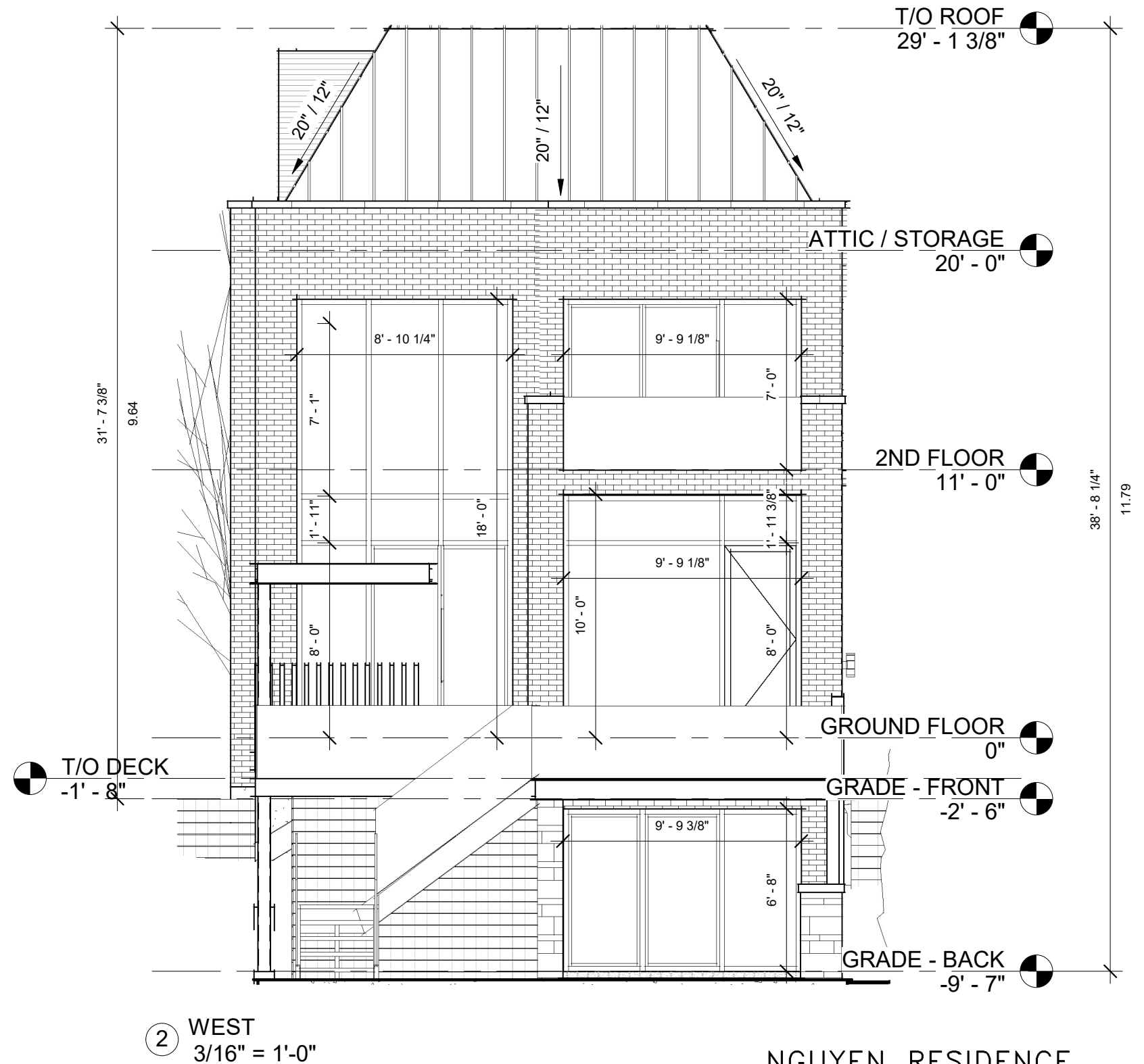
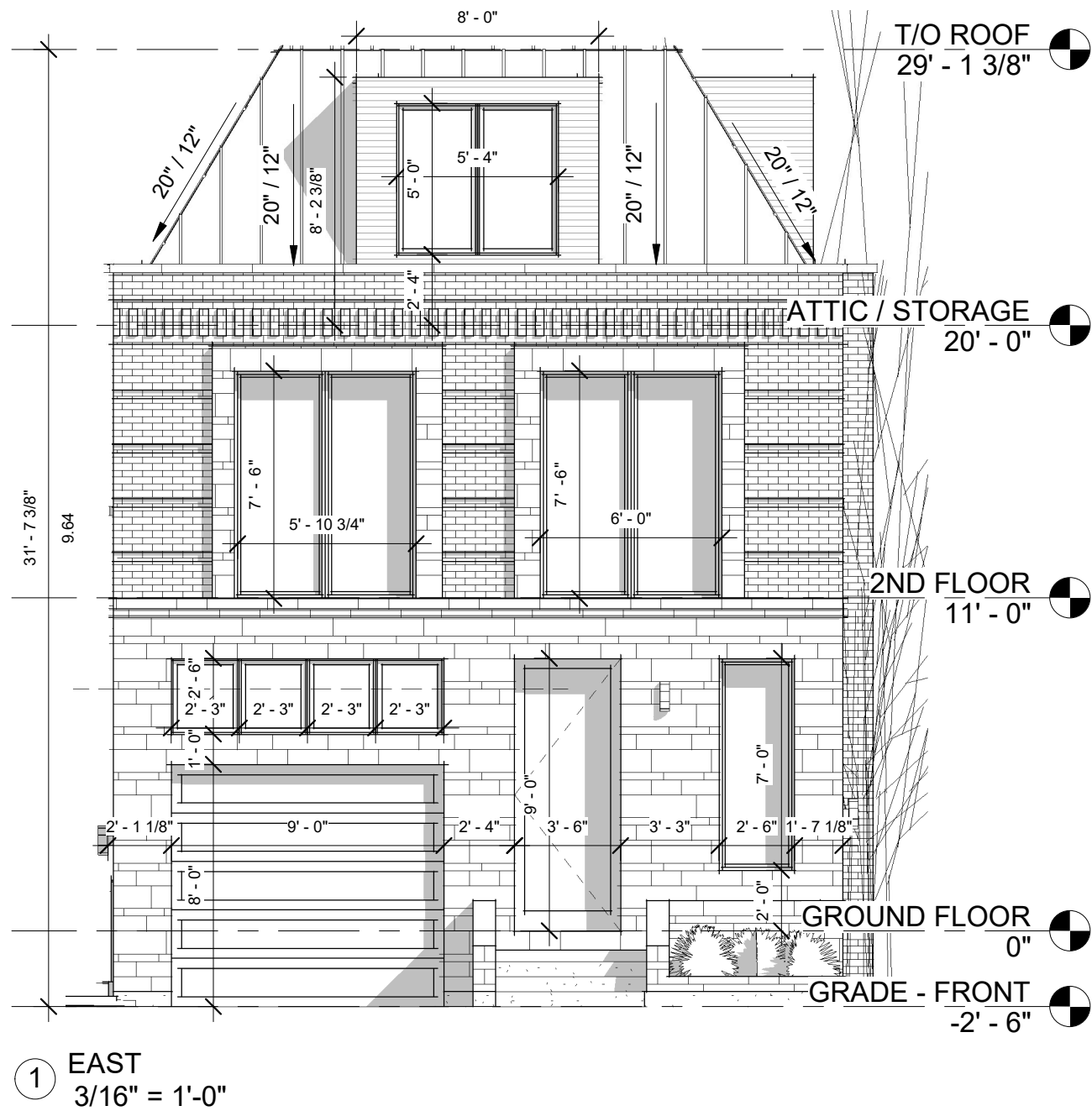
1 SITE PLAN
1" = 10'-0"

LANDSCAPED AREA:
FRONT YARD AREA - 634.80 SF
FRONT YARD LANDSCAPED - 380.88 SF (51.3%)
FRONT YARD HARDSLAPED - 325.74 SF (48.7%)
(PORCH AND DRIVEWAY)

— INTERLOCK STEPPING STONES

472 DUNDURN ST. SOUTH HAMILTON, ON.

DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A1.05



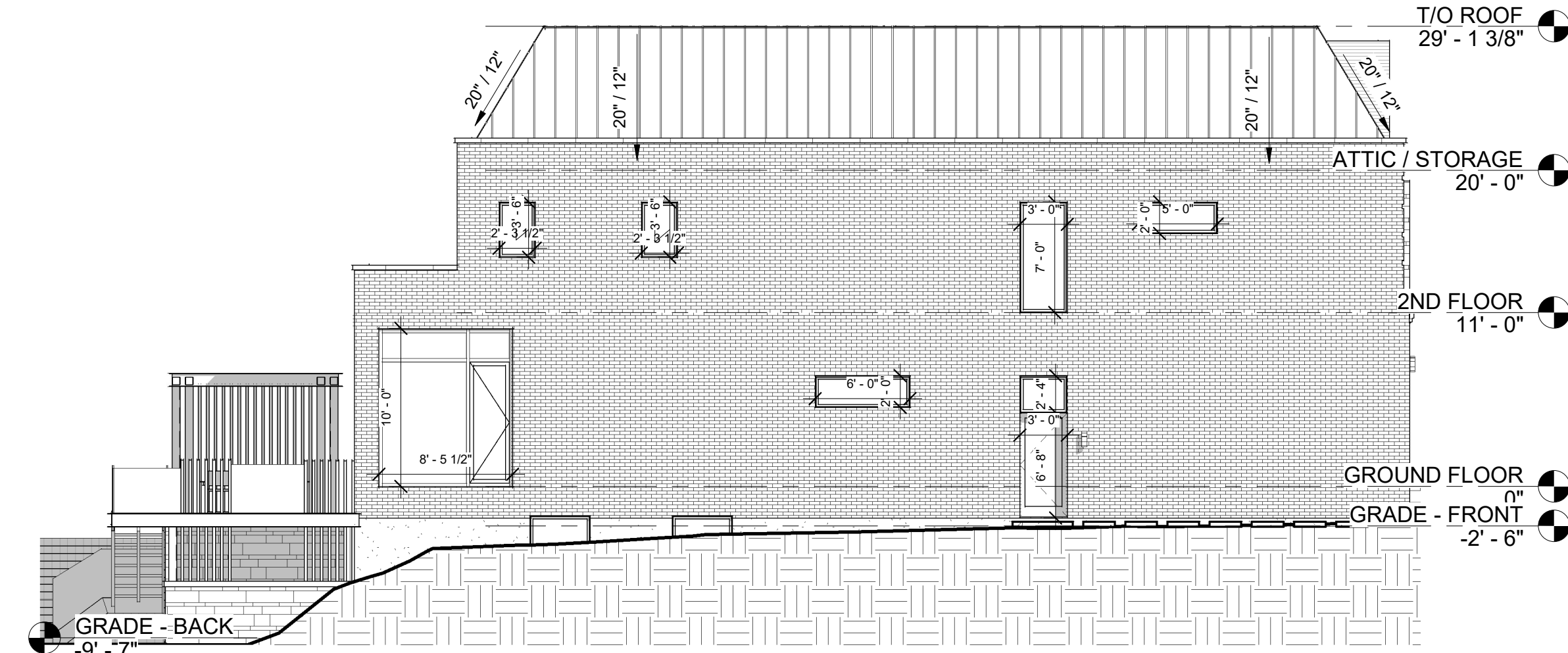
NGUYEN RESIDENCE
472 DUNDURN ST. SOUTH HAMILTON, ON.

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

DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A1.06



1 NORTH
1/8" = 1'-0"



2 SOUTH
1/8" = 1'-0"

NGUYEN RESIDENCE

472 DUNDURN ST. SOUTH HAMILTON, ON.

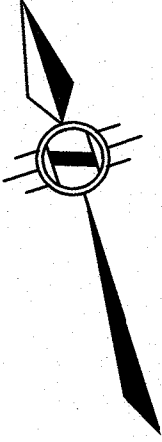
SCALE: AS SHOWN
DESIGN: B.M.W.
DATE: 21/03/01

DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A1.07

**SURVEYOR'S REAL PROPERTY REPORT
WITH TOPOGRAPHIC FEATURES**
PART 1, PLAN OF PART OF
LOT 29
REGISTERED PLAN 35
IN THE
CITY OF HAMILTON

SCALE 1:100 METRIC
2 1 0 2 4 6 metres

S.D. McLaren, O.L.S. - 2018



LEGEND:
IB DENOTES MONUMENT SET
IB MONUMENT FOUND
PB IRON BAR
PB PLASTIC BAR
CC CUT CROSS
SSB STANDARD IRON BAR
SSB SHORT STANDARD IRON BAR
824 A.T. McLaren, O.L.S.
1353 G.E. GIDDY, O.L.S.
M4 MEASURED
P1 PLAN 62R-17995
P2 PLAN BY MACKAY & MACKAY
DATED MAY 13, 1943 FILE Y-4362
AC AIR CONDITIONER
TB TOP OF BANK
PS PATIO STONES
OH OVERLAND
DS DOOR SILL
GF GARAGE FLOOR
UP UPOLE
HP HYDRO POLE
U UTILITY POLE
HM HYDRO METER
CM GAS METER
TCC TOP OF CURB
MH MANHOLE
CB CATCH BASIN
CONC CONCRETE
SW SIDEWALK
EVG EVERGREEN
D DIAMETER

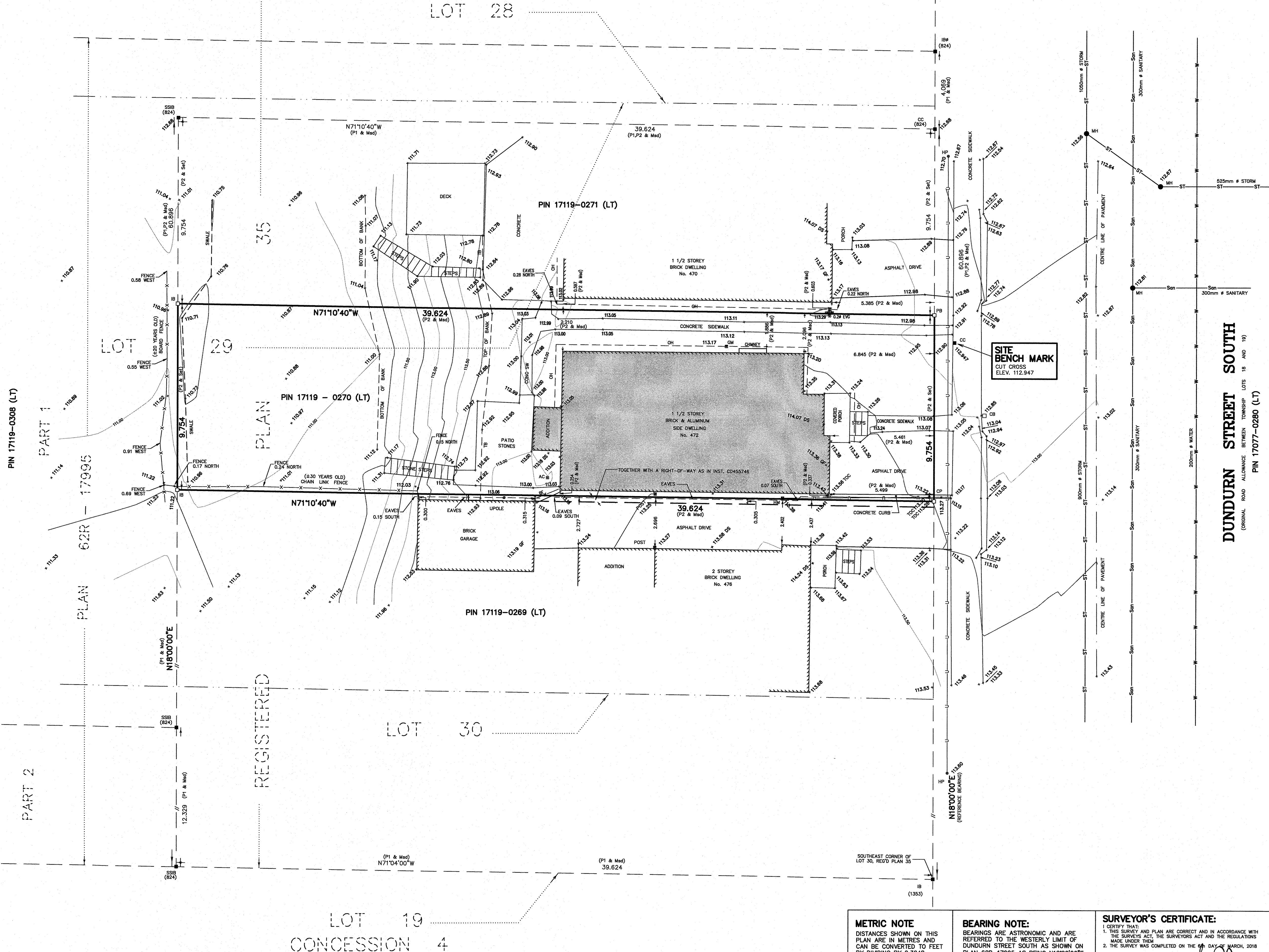
UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE
DERIVED FROM CITY OF HAMILTON DRAWING No. S-362
(SHEET 1 OF 1)
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE
VERIFIED PRIOR TO CONSTRUCTION
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

BENCHMARK:
MONUMENT 0011965U645

CITY OF HAMILTON BENCH MARK,
HOUSE NO. 173 DUNDURN STREET
SOUTH, AT SOUTHEAST CORNER OF
INTERSECTION OF HILL STREET, PLATE
IN NORTH BRICK WALL AT
WESTERLY CORNER.

ELEVATION: 100.143 metres CGVD-1928:1978

PART 1
PLAN 62R-2832



**SURVEYOR'S REAL PROPERTY REPORT
(PART 2)**
PART OF LOT 29, REGISTERED PLAN 35
TOGETHER WITH A RIGHT-OF-WAY AS
IN INST. CD455746
AS ILLUSTRATED ON THE PLAN.
THIS PLAN DOES NOT CERTIFY COMPLIANCE
WITH ZONING BY-LAWS.
THIS PLAN WAS PREPARED FOR
DAO NGUYEN

METRIC NOTE

DISTANCES SHOWN ON THIS
PLAN ARE IN METRES AND ARE
REFERRED TO THE WESTERLY LIMIT OF
DUNDURN STREET SOUTH AS SHOWN ON
PLAN 62R-17995 AS BEING N18°00'00"E

BEARING NOTE:

BEARINGS ARE ASTRONOMIC AND ARE
REFERRED TO THE WESTERLY LIMIT OF
DUNDURN STREET SOUTH AS SHOWN ON
PLAN 62R-17995 AS BEING N18°00'00"E

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS
MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 6th DAY OF MARCH, 2018

DATE MARCH 27, 2018
S. DAN McLaren, O.L.S.

© S.D. McLaren, O.L.S. - 2018. NO PERSON MAY COPY
REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN
PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLaren, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L9N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032
Drawn by JMB Checked by RBM Drawn by SM Scale 1:100 Drawn by 35585

**Committee of Adjustment**

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

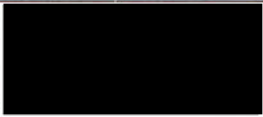

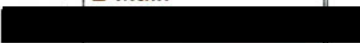



APPLICATION FOR A MINOR VARIANCE**FOR OFFICE USE ONLY.**

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)	Dao Nguyen		Phone: 
			E-mail: 
Applicant(s)*			Phone: _____
			E-mail: _____
Agent or Solicitor	Park Eight C/O Brent Wybenga		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:
Dao Nguyen

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:

Dormer Width - 2.44m width x 1.9m high

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

Stair location and Head Height to Loft Access as well as overall architectural design

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**):

Part 1, Plan of Part of Lot 29, Registered Plan 35 in the City of Hamilton

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 Residential Property for 60+ years

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.

02/24/21

Date

Signature Property Owner

Dao Nguyen

Print Name of Owner

10. Dimensions of lands affected:

Frontage	9.75m
Depth	39.62m
Area	386.29 sm
Width of street	12.4m

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: 102.2 sm		width: 7.26 m
gross floor area: 148 sm		length: 15.57 m
number of stories: 1.5		height: 6.83 m

Proposed

House	ground floor area: 137.5 sm	width: 7.35 m	Deck: 37.53 sm
	gross floor area: 336.75 sm	length: 20.35 m	Trellis: 9 sm
	number of stories: 2.5	height: 9.64 m	Shed: 4 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:

Proposed:

13. Date of acquisition of subject lands:
2018
-
14. Date of construction of all buildings and structures on subject lands:
1060/70's
-
15. Existing uses of the subject property:
Residential - SFD
16. Existing uses of abutting properties:
Residential - SFD
17. Length of time the existing uses of the subject property have continued:
60+ years
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|--|-----------|--|
| Water | <u> x </u> | Connected | <u> x </u> |
| Sanitary Sewer | <u> x </u> | Connected | <u> x </u> |
| Storm Sewers | <u> x </u> | | |
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.