



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-21:120

APPLICANTS: Owners J. Merolli & R. Pettapiece

SUBJECT PROPERTY: Municipal address **166 Walnut St. S., Hamilton**

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

ZONING: "E-3" (High Density Multiple Dwellings) district

PROPOSAL: To permit the expansion of the existing legally established non-conforming 2.5 storey single detached dwelling comprising 88.6 square metres of gross floor area through the construction of separate 2.5 storey additions to comprise a total gross floor area of 156 square metres for the expanded single family dwelling and to construct a new unenclosed front porch to replace an existing front porch, notwithstanding that;

1. The regulations of the E-3 District shall not apply, whereas the E-3 District regulations are applicable to a single family dwelling;
2. The required parking shall consist of one parking space which shall be 2.7m x 6.0m instead of the required two (2) parking spaces for a single family dwelling having up to 8 habitable rooms.
3. No manoeuvring space shall be provided for the parking space instead of the required 6.0m wide manoeuvring space
4. The front yard landscaping requirements shall not apply instead of the minimum required 50% front yard landscaping for a single family dwelling.
5. An unenclosed front porch and stairs shall be permitted to be located 0 metres from the lot line instead of the minimum required 1.5 metres from the lot line.
6. Eaves and gutters may project into the required northerly side yard for the entire yard width instead of a maximum projection of not more than ½ of its required width or 1 metre, whichever is the lesser.

NOTES:

1. A single family dwelling is a permitted use in the E-3 District and is subject to the regulations which apply to high density multiple dwellings.

2. The property has been deemed to be a legally established single family dwelling in the E-3 District through an Applicable Law Review that was confirmed January 20, 2021. In this regard, the use of the existing single family dwelling was established before the Zoning By-law was passed on July 25, 1950.
3. Parking for single family dwellings in Zoning By-law 6593 is based on 2 parking spaces for a single family dwelling having up to eight (8) habitable rooms. It has been determined that the existing driveway would not provide sufficient depth for the required 2.7 x 6.0m parking spaces. Conformity with the parking requirements of the Zoning By-law is required where changes are proposed to an existing legally established non-conforming use.
4. Variances 1 and 2 are written as requested by the applicant. The additional variances have been identified through the review of this application.
5. The property has been bounded on the northerly side by an existing easement for a right-of-way for the abutting single family dwellings to the north for access purposes. Based on the submitted site plan, there are slight encroachments of the existing and proposed eaves onto the right-of-way. Further requirements to address the proposed encroachments may apply.
6. The property was constructed in 1893 and is identified in the City's Heritage Inventory.

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

DATE: Thursday, May 6th, 2021
TIME: 4:10 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.

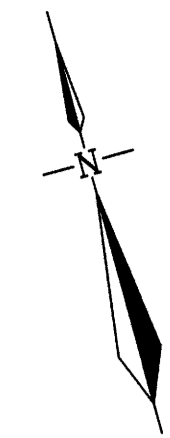
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

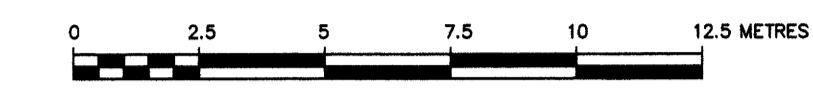
PART OF LOT 22
REGISTERED PLAN 48

(IN THE BLOCK BOUNDED BY CATHARINE, YOUNG,
AND WALNUT STREETS AND FOREST AVENUE)

CITY OF HAMILTON



SCALE 1:160



B.A. JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYOR

METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE
WESTERLY LIMIT OF WALNUT STREET SOUTH AS SHOWN ON
PLAN 62R-3966, HAVING A BEARING OF N 15° 20' 10" E.

LEGEND:

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- WT. DENOTES WITNESS
- (OU) DENOTES ORIGIN UNKNOWN
- P1 DENOTES PLAN 62R-14794
- P2 DENOTES PLAN 62R-3966
- P3 DENOTES PLAN & NOTES BY A.J. CLARKE LTD.
FILE: E-5625
- D1 DENOTES INSTRUMENT No. CD264167
- (655) DENOTES J.T. PETERS O.L.S.
- (1497) DENOTES J.P. NOUWENS O.L.S.

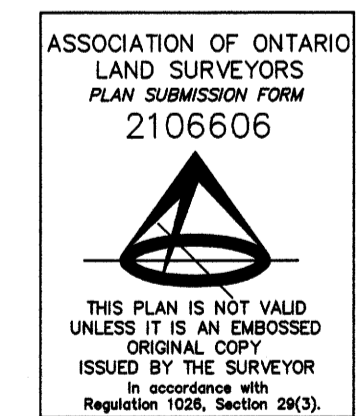
SURVEYOR'S REAL PROPERTY REPORT
PART 2 - REPORT SUMMARY

DESCRIPTION OF LAND
BEING PART OF LOT 22, REGISTERED PLAN 48, (IN THE BLOCK
BOUNDED BY CATHARINE, YOUNG, AND WALNUT STREETS AND
FOREST AVENUE), KNOWN AS MUNICIPAL No. 166 WALNUT STREET
SOUTH, CITY OF HAMILTON.

REGISTERED EASEMENTS AND/OR RIGHTS OF WAY
PROPERTY HAS A RIGHT OF WAY, ALONG WITH ADJACENT
PROPERTIES, OVER A 2.59 m. WIDE PARCEL OF LAND DIRECTLY
TO THE NORTH OF THE SUBJECT PROPERTY AS PER INSTRUMENT
No. VM250535.

BOUNDARY FEATURES
NOTE THE LOCATION OF THE FENCES AS THEY RELATE TO THE
BOUNDARIES OF THE PROPERTY.
EAVES ON THE NORTH SIDE OF THE SUBJECT DWELLING ARE
OVERHANGING THE NORTHERLY LIMIT OF THE PROPERTY.
PORTION OF THE STEPS ARE BEYOND THE EASTERLY BOUNDARY
OF THE PROPERTY.
PORTION OF THE AWNING ATTACHED TO THE NORTHERLY WALL OF
166 WALNUT STREET SOUTH IS OVERHANGING BEYOND THE
SOUTHERLY BOUNDARY OF THE PROPERTY.

COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS
NOT CERTIFIED BY THIS REPORT



THIS REPORT WAS PREPARED FOR JESSICA MEROLLI

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE
REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON MARCH 31, 2020.

MARCH 31, 2020
DATE

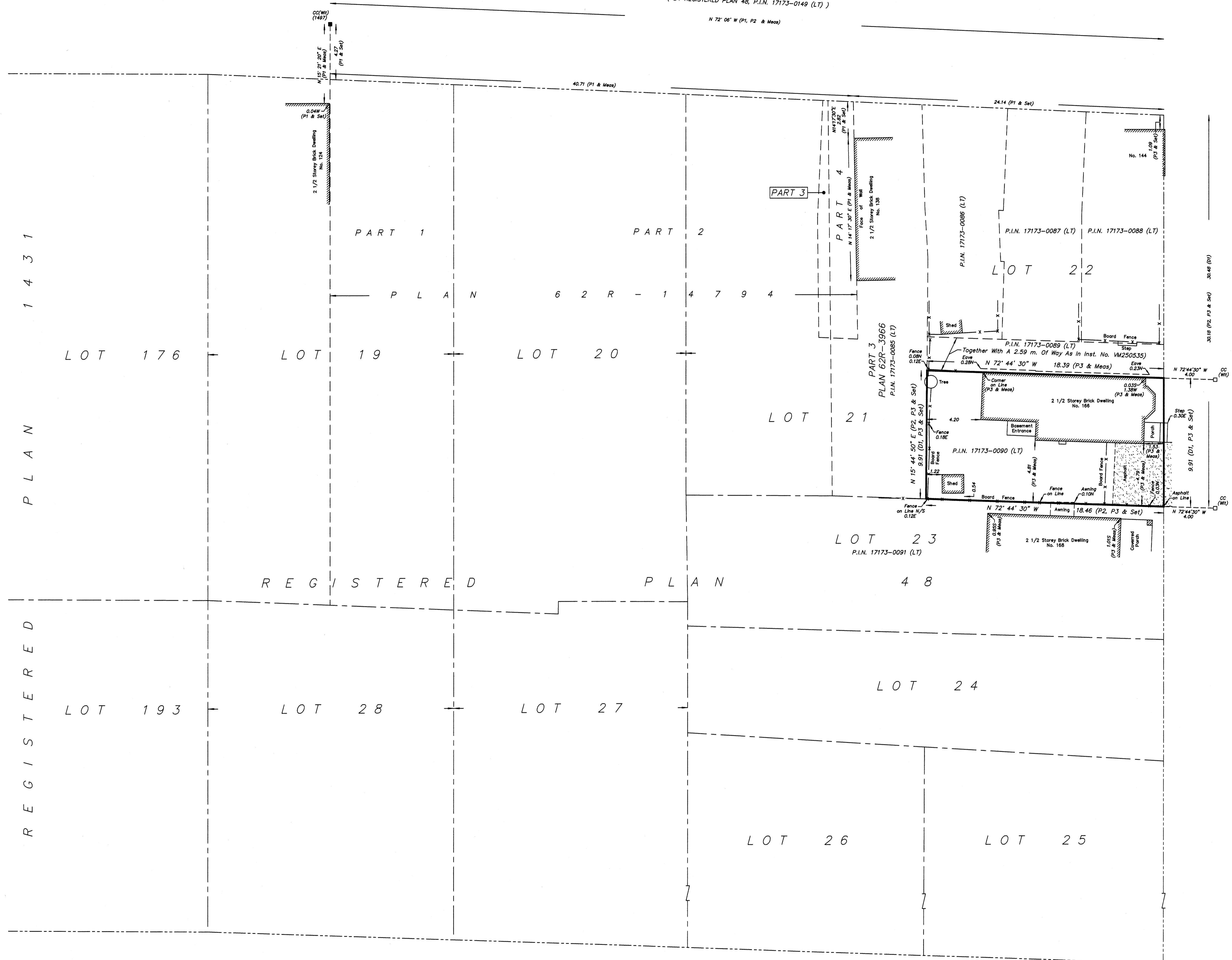
Brian Jacobs
BRIAN JACOBS
ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L8N 1L3)
PHONE 905-521-1635 bjacobs@rogers.com

YOUNG STREET

(BY REGISTERED PLAN 48, P.I.N. 17173-0149 (LT))

N 72° 06' W (P1, P2 & Meas)

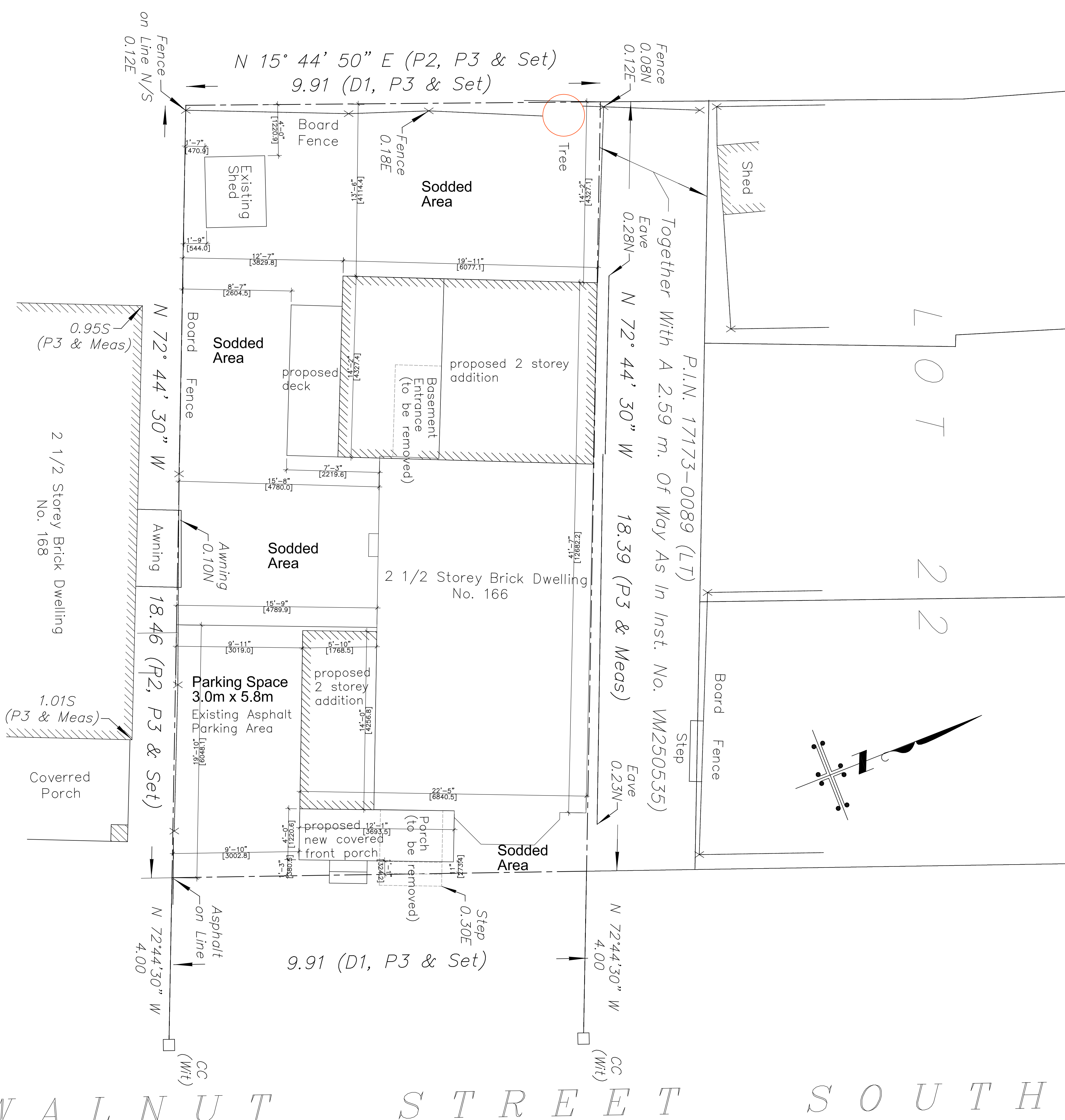


REGISTERED PLAN 1431

WALNUT STREET SOUTH
(BY REGISTERED PLAN 48, P.I.N. 17174-0115 (LT))
N 15° 20' 10" E (REFERENCE BEARING)

FOREST AVENUE

(BY REGISTERED PLAN 48, P.I.N. 17173-0150 (LT))



W A L N U T S T R E E T S O U T H

SITE PLAN

NOTE:
THIS PLOT PLAN IS NOT A SURVEY. UNIQUE DESIGNS DESIGN INC. DOES NOT GUARANTEE THE ACCURACY OF THIS DOCUMENT NOR DOES UNIQUE DESIGNS INC. CLAIM TO HAVE THE QUALIFICATIONS TO PRODUCE A DRAWING INTENDED FOR THE USE AS A SURVEY. THE DRAWING PRODUCED IS INTENDED TO BE USED ONLY AS A DIAGRAM TO COMPLEMENT THE PROVIDED ARCHITECTURAL DRAWINGS. SPECIFICALLY, FOR THE PURPOSES OF ORIENTATION, ZONING, LIMITING DISTANCES AND BUILDING HEIGHT AND THEIR RELATIONSHIP WITH THE INTENDED USE OF THE BUILDING. TRUE SITE SETBACKS MAY NEED TO BE PROVIDED BY A QUALIFIED LAND SURVEYOR.

NOTE:
ALL PROPOSED RAIN WATER LEADERS TO DISCHARGE ANY RAIN WATER ON PROPERTY OR EXISTING SWALES.
NO WATER IS TO BE DRAINED ON TO ADJACENT PROPERTIES OR WALKWAYS OR DRIVEWAYS.

SITE STATISTICS
MUNICIPAL ADDRESS
166 WALNUT ST S
HAMILTON, ONT.
BUILDING CLASSIFICATION
RESIDENTIAL
ZONING
E-3

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, Article 3.2.5.1 of the Building Code
Name: MAURO FORTUNATO Signature: *[Signature]* 15084 BCIN

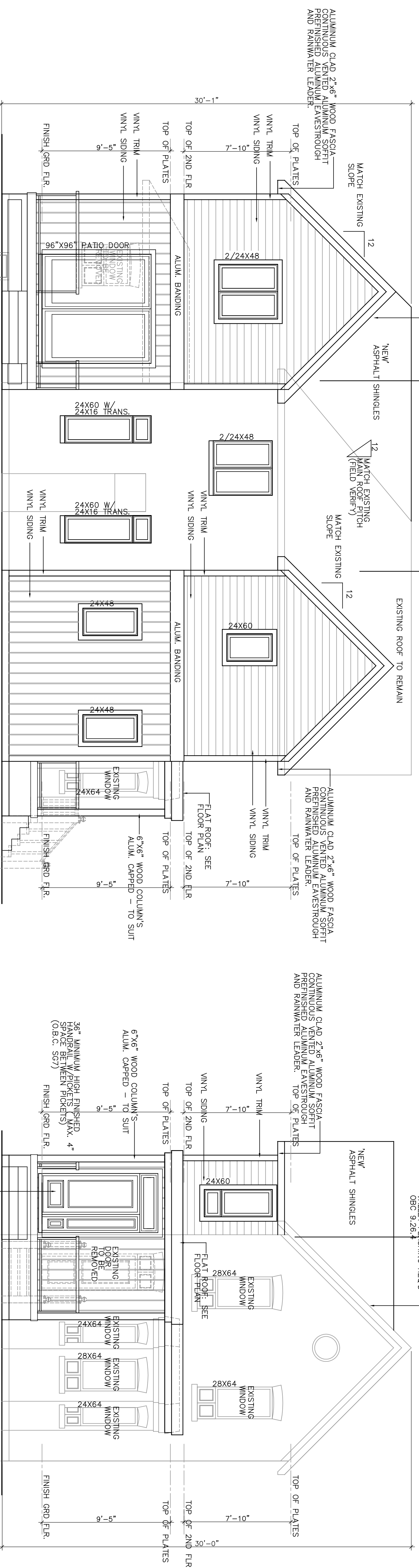
REGISTRATION INFORMATION
Required unless design is exempt under Div.C, Article 3.2.4.1 of the Building Code
UNIQUE DESIGNS INC 31090 BCIN

MEROLLI/ PETTAPECE RESIDENCE 166 WALNUT ST. S. HAMILTON, ONTARIO	UNIQUE DESIGNS INC. DRAFTING DESIGN INC.	UNIQUE DESIGNS INC. PLOT PLAN	No. DATE DESCRIPTION	THESE DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT, AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK. THE USE OF THIS DRAWING OR PART THEREOF IS FORBIDDEN WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER.
			1. 10.19.20 ISSUED FOR PERMIT	
2.				
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8.				

Proposed Addition Existing Dwelling

Existing Dwelling Proposed Addition

Proposed Addition Existing Dwelling



LEFT ELEVATION

FRONT ELEVATION

REAR ELEVATION

RIGHT ELEVATION

36" MINIMUM HIGH FINISHED SPACE BETWEEN PICKETS MAX. 4" (O.B.C. SGT)

EXTENT OF NEW TRUSSES TO MATCH EXISTING TRUSS PITCH - FIELD VERIFY ALL MATCHING ROOF PITCHES PRIOR TO ORDERING ANY NEW TRUSSES.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL DIMENSIONS AND SERVICES CHECKED AND VERIFIED PROPOSED GRADE LINE AS INDICATED ARE FOR REFERENCE ONLY AND DO NOT NECESSARILY DEPICT FINISHED GRADING CONDITIONS

Existing Dwelling Proposed Addition

ALUMINUM CLAD 2"x6" WOOD FASCIA CONTINUOUS VENTED ALUMINUM SOFFIT AND RAINWATER LEADER.

ALUMINUM CLAD 2"x6" WOOD FASCIA CONTINUOUS VENTED ALUMINUM SOFFIT AND RAINWATER LEADER.

36" MINIMUM HIGH FINISHED SPACE BETWEEN PICKETS MAX. 4" (O.B.C. SGT)

36" MINIMUM HIGH FINISHED SPACE BETWEEN PICKETS MAX. 4" (O.B.C. SGT)

NOTE: CONNECT TO WEPPER.

DO NOT SCALE DRAWINGS

No.	DATE	DESCRIPTION
1.	10.21.20	ISSUED FOR PERMIT
2.		
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THESE DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT, AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

THE USE OF THIS DRAWING OR PART THEREOF IS FORBIDDEN WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER.

MEROLLI/ PETTAPECE
RESIDENCE
 166 WALNUT ST. S.
 HAMILTON, ONT.

UNIQUE DESIGNS INC.
 SFD
 ADDITION
 ELEVATIONS

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario QUALIFICATION INFORMATION. Required unless design is exempt under OAC, Article 3.2.4.1 of the Building Code.

MAURO FORTULIATO
 Signature
 15984 BSN

REGISTRATION INFORMATION
 Required unless design is exempt under OAC, Article 3.2.4.1 of the Building Code
 UNIQUE DESIGNS INC.
 31920 BSN

Drawn By: 10.17.20
 Scale: 1/4"=1'-0"
A1
 Job Number: 012220

GENERAL SPECIFICATION

GENERAL NOTES

ALL CONSTRUCTION TO MEET OR EXCEED ONTARIO BUILDING CODE LATEST EDITION

SITE VERIFY WHEN ADDING ON TO OR REMOVING EXISTING OR NEW STRUCTURAL COMPONENTS ARE CAPABLE OF WITHSTANDING THE STRUCTURAL LOADS IMPOSED AND REPORT ANY DISCREPANCIES TO THE DESIGNER.

ENSURE THAT ALL CONSTRUCTION, FROM AND BRACING COMPLY WITH REQUIREMENTS OF ALL AUTHORITIES HAVING JURISDICTION. MAKE GOOD ALL DISTURBED OR DAMAGED AREAS. OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION. THE DESIGNER SHALL REPORT ANY UNEXPECTED DEVIATIONS FROM THE APPROVED DRAWINGS OR SPECIFICATIONS TO THE DESIGNER PRIOR TO PROVIDE CUTTING, PATCHING AND REPAIR WORK IN ORDER TO ENSURE PARTS OF THE WORK COME TOGETHER PROPERLY. WHEREVER NECESSARY TO MAINTAIN ALL LOADS DURING ERECTION AND SUBSEQUENT CONSTRUCTION.

CONCRETE FOOTINGS, FOUNDATION WALLS & SLABS

CONCRETE FOOTINGS TO REST ON UNDEVELOPED BEDROCK OR SPINNING AND TO BE MINIMUM 4'-0" BELOW GRADE. FOOTINGS TO CONFORM TO O.B.C. SECTION 9.13.6.2. FOOTINGS MAX. 2'-0" HORIZONTAL AND VERTICAL. STEP 2/3 HORIZONTAL STEP TO MAX. 5'-0". FOUNDATION WALLS TO BE MIN. 10" THICK. ALL FOUNDATION WALLS TO EXTEND MIN. 6" ABOVE GRADE. HABITABLE ROOMS ON CONCRETE SLABS TO BE DAMPROOFED WITH 6 MIL POLY VAPOR BARRIER.

STEEL COLUMNS

STEEL COLUMN PLATES TO BE ANCHORED TO FOUNDATION WITH TWO 1/2" DIA. BOLTS MIN. 4" INTO FOOTING. STEEL COLUMN PLATES TO BE CONNECTED TO STEEL BEAMS WITH MIN. TWO 1/2" DIA. BOLTS. WELD PLATES TO BEAM. STEEL COLUMNS TO BE MINIMUM 3/16" THICKNESS. STEEL COLUMNS SHALL BE WELDED TO FOUNDATION WITH ONE COAT RUST INHIBITIVE PAINT.

GLUE LAMINATED WOOD BEAMS

- ALL FRAMING MATERIALS AND METHODS FOR GLUE LAMINATED WOOD BEAMS SHALL BE INSTALLED AS PER MANUFACTURERS DETAILS AND SPECIFICATIONS.
- ALL BEAM TO BEAM, AND BEAM TO COLUMN PLATE CONNECTIONS C/W MIN. 2" x 5/8" DIA. THROUGH BOLTS AT EACH MEMBER BEING CONNECTED.
- ALL EXPOSED CONNECTIONS INCLUDING CORROSION.
- SUBSTITUTION OF BEAMS FOR DIFFERENT SIZES OR MATERIALS MUST BE APPROVED BY THE DESIGNER. SUBMIT SHOP DRAWINGS AND ENGINEERING CALCULATIONS FOR BEAMS SHOWN ON DRAWINGS OR FOR SUBSTITUTIONS BEING PROPOSED AND SHALL BE APPROVED BY THE DESIGNER PRIOR TO PRACTICE IN THE PROVINCE OF ONTARIO.
- SHOP DRAWING MUST BE SUBMITTED TO THE DESIGNER FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

WOOD FRAMING

ALL FRAMING LUMBER TO O.B.C. REQUIREMENTS. ALL FRAMING LUMBER SHALL BE DRY KILN DRIED TO A MAXIMUM OF 19% MOISTURE. UNLESS OTHERWISE SPECIFIED, BEAMS TO HAVE MIN. BEARING OF 3 1/2". LATERAL SUPPORT - WALLS SUPPORTING BEAMS SHALL BE FULLY BRACED TO ANCHOR BOLTS MAX. 7'-10" O.C. EMBEDDED 4" INTO MASONRY OR ANCHORED EVERY 4TH JOIST NOT RESTING ON A PLATE WITH LATERAL BRACING. WALLS SUPPORTING TO JOISTS, BEND 3/16" x 1 1/2" STEEL STRAP 3" INTO MASONRY AND FIX TO 3 PARALLEL JOISTS OR FR. SILL PLATE TO 3 RIGIDLY ALL JOISTS TO HAVE BRIDGING OVER INTERIOR BEARING WALLS AND BEAMS. MIN. SILL PLATE 2"x6". ALL JOISTS TO BE MIN. 1 1/2" DIA. BOLTS EMBEDDED 4" INTO FOUNDATION WALLS. SPACE FLOOR JOISTS AT 12" O.C. FOR CANTILEVERS, AND BRACING REQUIRED FOR FLOOR JOISTS CEILING JOISTS, ROOF JOISTS AND RAFTERS.

PROVIDE METAL JOIST HANGERS FOR SUPPORT OF JOISTS FRAMING INTO SIDES OF WOOD BEAMS, HEADER AND TRIMMER JOISTS WHEN REQUIRED.

PRE-MANUFACTURED WOOD FRAMING

- ALL FRAMING MATERIALS AND METHODS FOR PRE-MANUFACTURED WOOD CONSTRUCTION (WOOD "FLOOR JOISTS") ARE TO BE INSTALLED AS PER MANUFACTURERS DETAILS AND SPECIFICATIONS.
- PRE-MANUFACTURED WOOD SUPPLIER SHALL PROVIDE ALL NECESSARY CONNECTIONS, LANDING, ALLOWABLE AND ACTUAL DESIGN STRESSES, DEFLECTION LIMITATIONS, TEMPORARY AND PERMANENT BRACING, CONNECTIONS AND SEAMING OF PROFESSIONAL ENGINEER LICENSED AND INSURED TO PRACTICE IN THE PROVINCE OF ONTARIO.
- ALL FRAMINGS ARE TO BE SUBMITTED TO THE DESIGNER FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

MASONRY VENEER WALLS

- MIN. 3 5/8" THICKNESS UP TO 24'-0" MAX. HEIGHT.
- CORROSION RESISTANT CORRUGATED 22ga. GALV. STEEL SHEATHING ON 1/2" ASPENITE OR 1/2" ASPENITE ON 2"x6" ROOF RAFTERS @ 12" O.C.
- PROVIDE 1" AIR SPACE BETWEEN VENEER AND WALL SHEATHING.
- MAX. CORBEL OVER FOUNDATION WALL 1/2".

ROOF CONSTRUCTION

- ALL ROOF TRUSSES MUST BE DESIGNED AND FABRICATED IN ACCORDANCE WITH O.B.C. AND N.B.C. PART 4.
- CORROSION RESISTANT CORRUGATED 22ga. GALV. STEEL SHEATHING ON 1/2" ASPENITE OR 1/2" ASPENITE ON 2"x6" ROOF RAFTERS @ 12" O.C.
- PROVIDE 1" AIR SPACE BETWEEN VENEER AND WALL SHEATHING.
- MAX. CORBEL OVER FOUNDATION WALL 1/2".

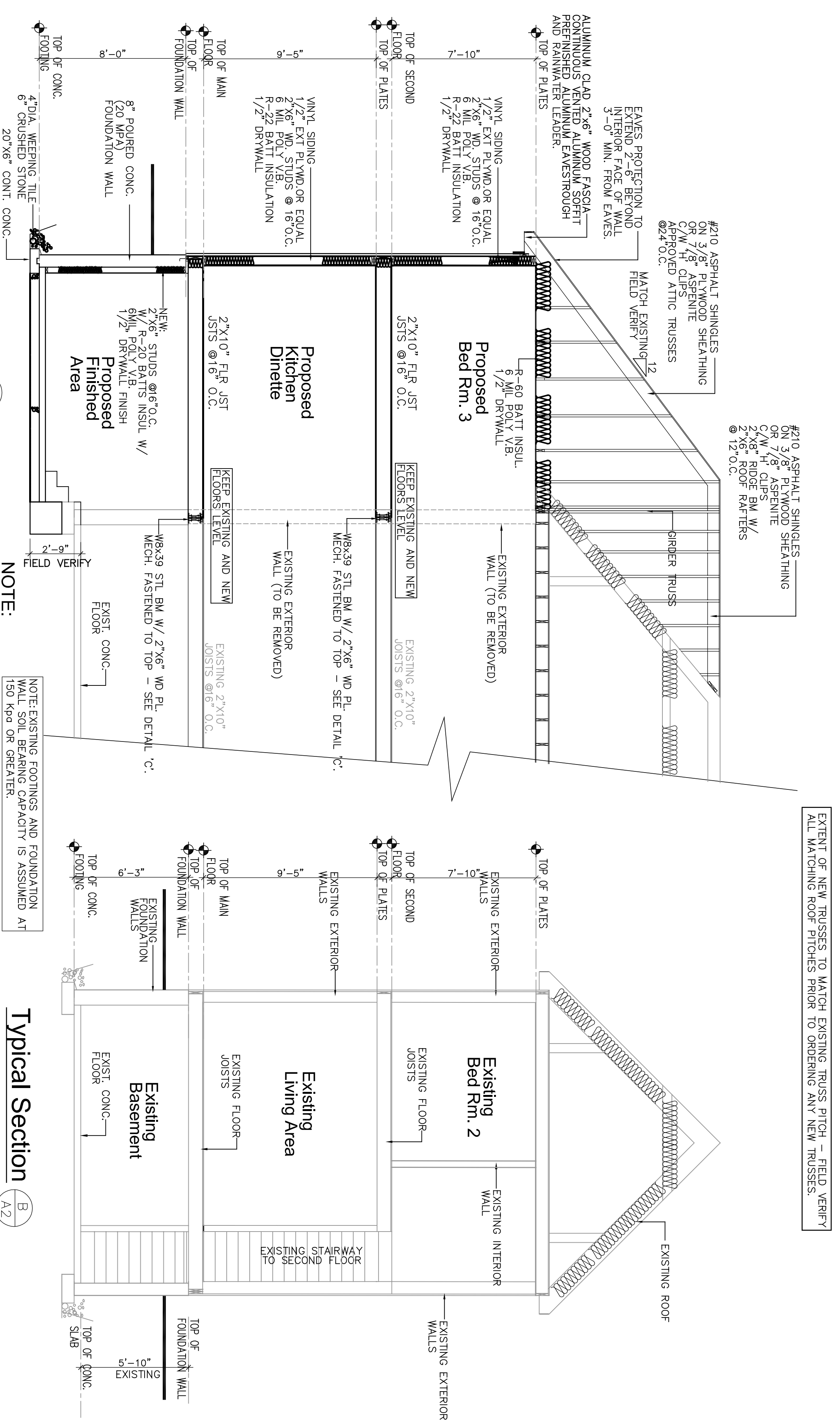
FLASHING

- FLASHING IS REQUIRED UNDER ALL JOINTED ROOF TRUSSES AND UNDER ALL JOINTED DOORS IN EXTERIOR WALLS IF DISTANCE BETWEEN TRUSSES IS MORE THAN 1/4" OF THE ROOF OVERHANG.
- FLASHING IS REQUIRED AT INTERSECTION OF CHIMNEY SADDLE WHEN WIDTH OF CHIMNEY EXCEEDS 1'-6".
- FLASHING REQUIRED AT INTERSECTION OF PARAPET WALLS, VALETTS, AND OTHER WALLS.
- FLASHING BETWEEN ROOF SHINGLES AND WALL TO BE 20ga. GALV. METAL AND TO EXTEND 3" VERTICALLY & HORIZONTALLY.

HEATING

- HEATING DESIGN HAS BEEN LOCATED AS A SUGGESTED GUIDE ONLY. INSTALLATION OF HEATING SYSTEMS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. HEATING PLANS AND HEAT LOSS/HEAT GAIN CALCULATIONS TO BE SUBMITTED TO THE LOCAL MUNICIPAL ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- VERTICAL JOINTS BETWEEN MASONRY FIRE SEPARATIONS AND EXTERIOR WALLS SHALL BE CALKED.
- ELECTRICAL SWITCHES, RECEPTACLES, ETC. ON OPPOSITE SIDES OF MASONRY FIRE SEPARATIONS SHALL BE INSTALLED WITHIN THE SAME MASONRY UNIT OR CORE. BEAMS AND JOISTS FRAMED INTO THE FIRE SEPARATIONS SHALL NOT REDUCE THE THICKNESS TO LESS THAN 4" OF MASONRY.

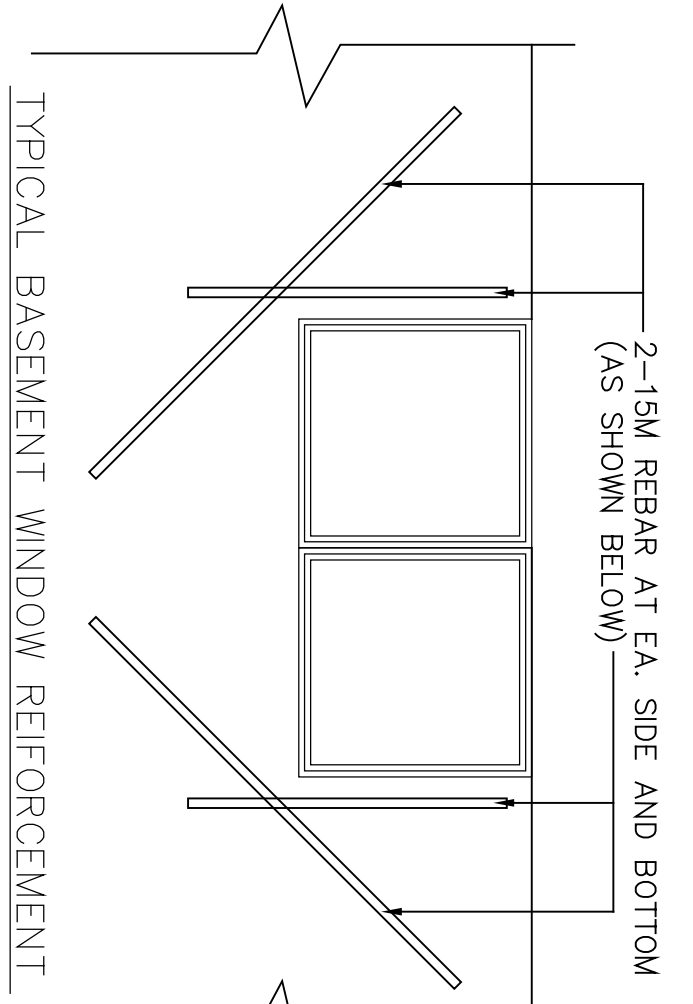
SECTION A2



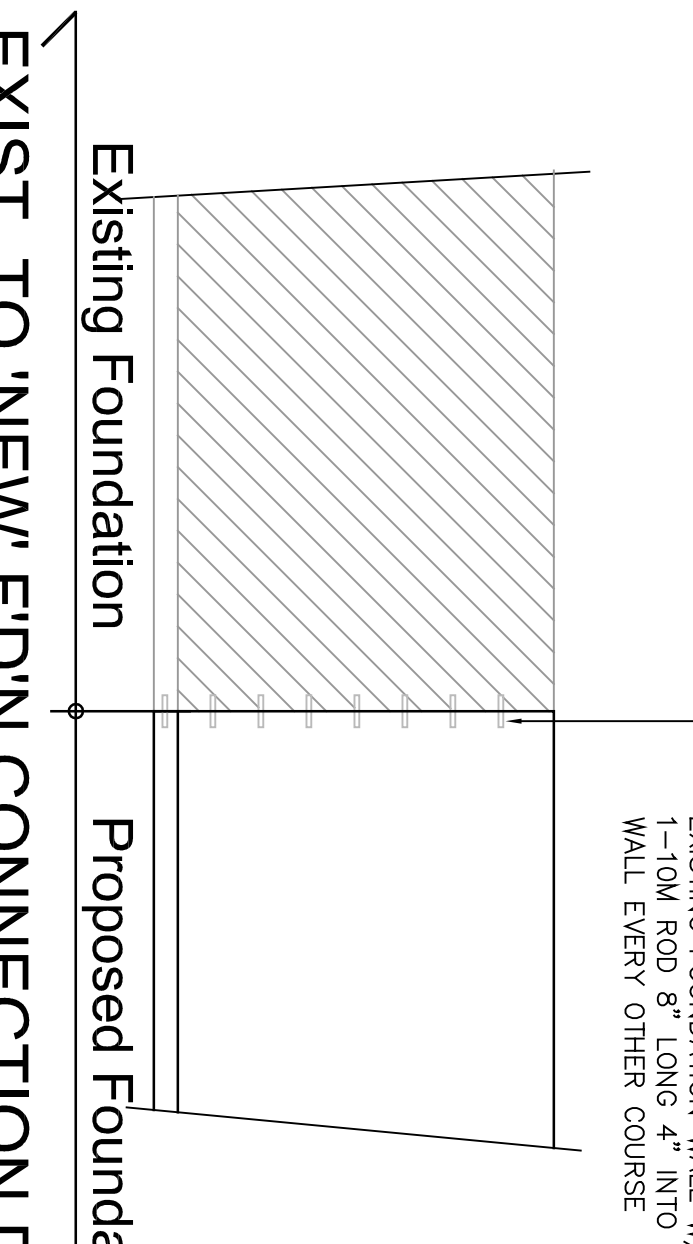
SECTION A1



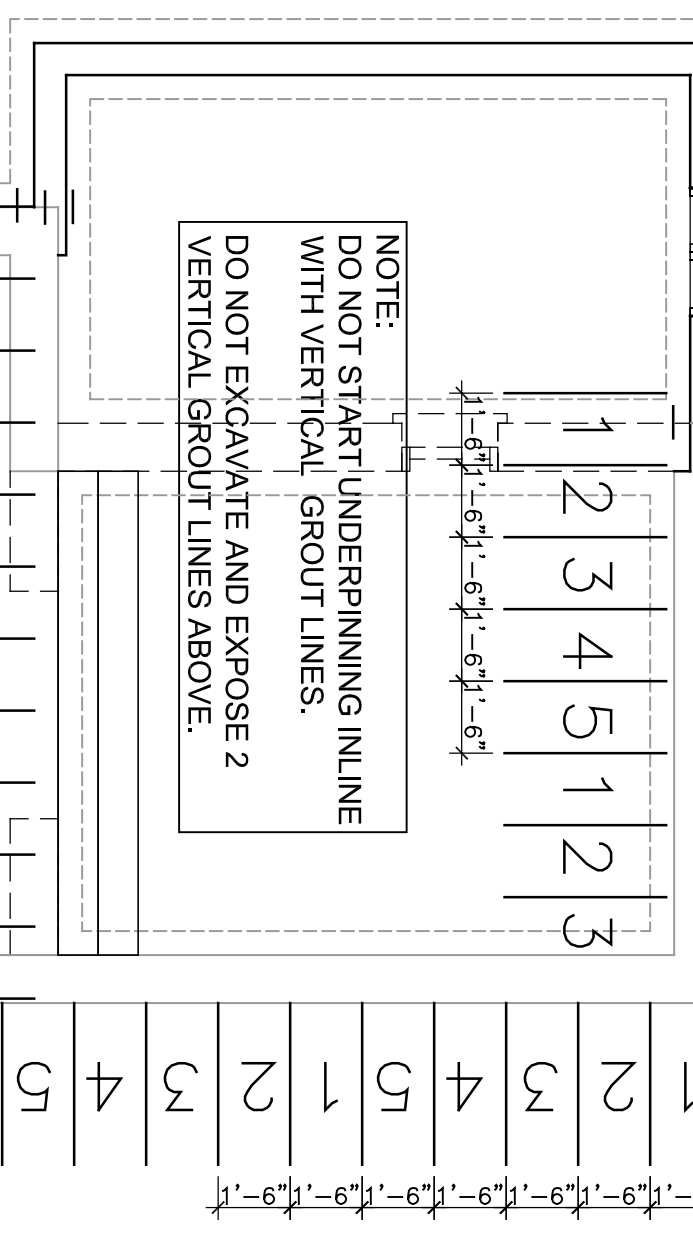
Typical Section A2



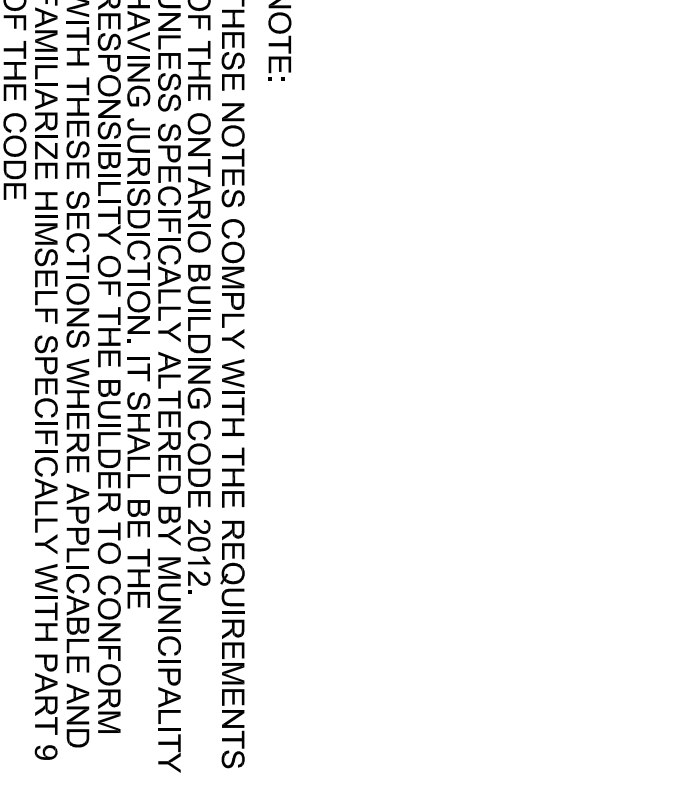
EXIST. TO NEW F.D.N CONNECTION DETAIL



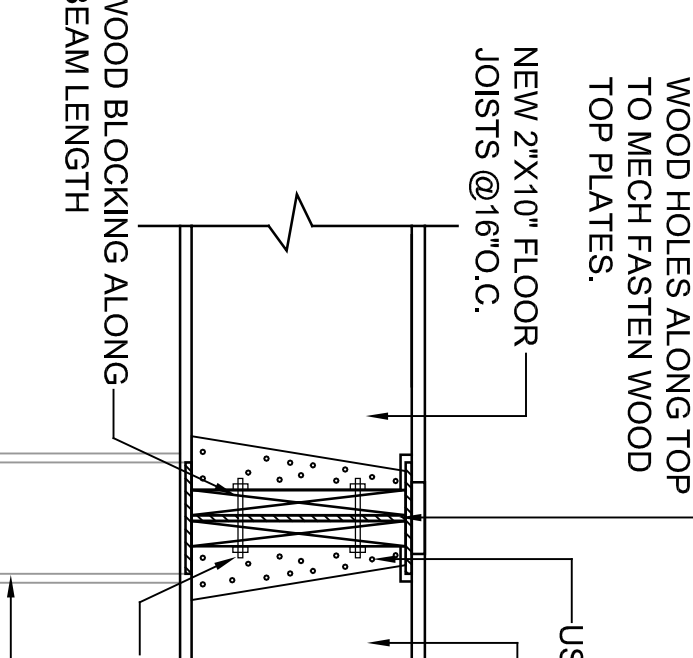
PART - FOUNDATION PLAN



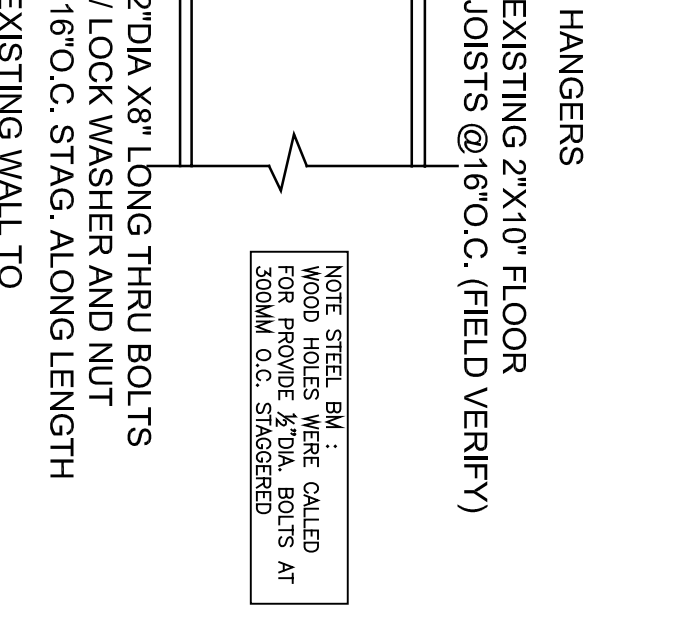
DETAIL C3



DETAIL A3



DETAIL D



DETAIL A2



CONTRACTOR TO FOLLOW NUMBER PATTERN SEQUENCE SHOWN, DO ALL 'S' FIRST THEN FOLLOW SEQUENCING TO NEXT NUMBER.

NOTE: EXISTING FOOTINGS AND FOUNDATION WALL SOIL BEARING CAPACITY IS ASSUMED AT 150 Kpa OR GREATER.

NOTE: THESE NOTES COMPLY WITH THE REQUIREMENTS OF THE ONTARIO BUILDING CODE 2012 UNLESS SPECIFICALLY ALTERED BY MUNICIPALITY HAVING JURISDICTION. IT SHALL BE THE RESPONSIBILITY OF THE BUILDER TO CONFIRM WITH THESE SECTIONS WHERE APPLICABLE AND FAMILIARIZE HIMSELF SPECIFICALLY WITH PART 9 OF THE CODE.

NOTE: CONTRACTOR / BUILDER / OWNER TO BE CAREFUL WHEN EXCAVATING AROUND EXISTING DWELLINGS. DO NOT UNDERMINE EXISTING FOOTINGS.

NOTE: VERIFY ALL GRADE AND FLOOR HEIGHTS PRIOR TO CONSTRUCTION. MAKE ANY ADJUSTMENTS REQUIRED TO NUMBER OF RISERS/ STEPS PRIOR TO COMMENCING CONSTRUCTION.

NOTE: ALL EXISTING ROOM SIZES, DIMENSIONS TO BE VERIFIED BY THE OWNER/ CONTRACTOR/BUILDER PRIOR TO AND DURING CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR/BUILDER TO FIELD VERIFY ALL EXISTING DIMENSIONS BEFORE ORDERING ANY MATERIALS.

NOTE: W8x39 STEEL BM. W/ WOOD HOLES ALONG TOP TO MECH FASTEN WOOD TOP PLATES.

NEW 2"x10" FLOOR JOISTS @ 16" O.C.

USE HANGERS EXISTING 2"x10" FLOOR JOISTS @ 16" O.C. (FIELD VERIFY)

NOTE: STEEL BEAM WOOD HOLES WERE CALLED FOR REMOVE 2"x6" BOLTS AT 300MM O.C. (2500MM)

1-1/2" DIA X8" LONG THRU BOLTS W/ LOCK WASHER AND NUT @ 16" O.C. STAG. ALONG LENGTH

EXISTING WALL TO BE REMOVED (SEE PLANS)

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario QUANTIFICATION INFORMATION.

Required unless design is exempt under OAC, Article 3.2.4.1 of the Building Code

MAURO FORTULIATO
Signature
15084
BINC

REGISTRATION INFORMATION
The Building Code
10.17.20

Required unless design is exempt under OAC, Article 3.2.4.1 of the Building Code
UNIQUE DESIGNS INC.
31090
BINC

MEROLLI/ PETTAPIECE RESIDENCE

166 WALNUT ST. S. HAMILTON, ONT.

UNIQUE DESIGNS INC.
DRAFTING DESIGN INC.

SFD ADDITION

SECTION DETAILS NOTES

Job Number: 012220

Date: 10.17.20

Scale: 1/4" = 1'-0"

Drawn By: [Signature]

Checked By: [Signature]

Approved By: [Signature]

Job Number: **A3**

No.	DATE	DESCRIPTION
1.	10.21.20	ISSUED FOR PERMIT
2.		
3.		
4.		
5.		
6.		
7.		
8.		

EXTENT OF NEW TRUSSES TO MATCH EXISTING TRUSS PITCH - FIELD VERIFY ALL MATCHING ROOF PITCHES PRIOR TO ORDERING ANY NEW TRUSSES.

THESE DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT, AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

THE USE OF THIS DRAWING OR PART THEREOF IS FORBIDDEN WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER.

March 24, 2021

**City of Hamilton
Committee of Adjustment**

City Hall, 5th Floor
71 Main St W
Hamilton, ON
L8P 4V5

To whom it may concern,

We are submitting an application for minor variance regarding 166 Walnut Street South in the City of Hamilton. Attached to this letter are the application and required supporting documents, namely:

- “Application for a Minor Variance” form, including Sworn Affidavit and supplementary information sheets;
- Site Sketch in the form of a land survey and our proposed plans for the property

The Prescribed Fee can be paid upon request by reaching us by phone.

Thank you for your consideration in this matter. Our contact information is below should any further information be required or should you need to contact us in any way regarding this application.

Sincerely,

Jessica Merolli
166 Walnut St S
Hamilton, ON
L8N 2L9
C: 905-902-4678
H: 905-581-1326
jmerolli@gmail.com

Robert Pettapiece
166 Walnut St S
Hamilton, ON
L8N 2L9
C: 289-828-4042
H: 905-581-1326
rob.pettapiece@gmail.com

List of electronic enclosures with this application

- The covering letter for this application (one file, this document)
- The application for minor variance including supplementary information, sworn and commissioned (two files)
- The City of Hamilton's determination of legally established non-conforming use for 166 Walnut St S (one file)
- A land survey of the land in question (one file)
- Our proposed project site plan (four files, labelled as A0 through A3)

This document contains supplementary information for the Application for a Minor Variance submitted for 166 Walnut Street South by Jessica Merolli and Robert Pettapiece. The information is organized by section.

4. Nature and extent of relief applied for

Relief from the zoning by-law due to the City's confirmation of legal non-conforming status of our single-family dwelling with an E-3 district.

Relief from setback requirements related to expanding the size of our dwelling, including but not necessarily limited to a second-story extension of a one-storey wall currently located on the north edge of our property line. Other setback requirements that may be affected include the rear (west) yard and front (east) yard, extending a porch into the front (east) yard, and the minimum landscaping requirement of the lot (see section 11 below for more on the landscaping area).

Relief from parking requirements related to parking space in front of the house (east). Our drawings include a parking spot of length 5.8m but can be increased to 6.0m if that is the current minimum requirement.

In addition to the above, we wish to apply for any other variances that may be necessary for the proposal, and any others that staff identify during the process.

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

The zoning permits the new, expanded structure to be a single-family dwelling if the City has confirmed legal non-conforming status of the existing single-family dwelling, which the City has done (see attached).

The dwelling cannot be expanded without some enlargement of the footprint of the dwelling. The dwelling would have to be demolished to satisfy the setback provisions related to the northerly property line (the house predates such provisions).

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:

2 1/2 storey brick dwelling. Ground floor area of 58.6 sq m (front portion 5.10m wide x 8.44m deep, rear portion 3.68x4.22m). Gross floor area of 88.3 sq m including second storey (front portion only). Total width at front 5.10m, total length on north side 12.66m, height at highest point 9.14m.

The percentage of the lot that is landscaped currently is 56%. On a total lot size of 182.25 sq m, there is a dwelling occupying 58.6 sq m, a non-permanent aluminum shed occupying 3.0 sq m, and a parking space occupying 18.3 sq m. The remainder, 102.35, constitutes 56% of the lot area.

Proposed:

2 1/2 storey brick dwelling. Ground floor area of 79.3 sq m (porch 3.69m wide x 0.84m deep, entrance 1.77x4.26m, front portion same as before, rear portion 6.08x4.22m). Gross floor area of 156 sq m including second storey (entrance, front portion, rear portion). Total width at front 6.84m, total length on north side 13.5m, height at highest point 9.14m.

The percentage of the lot that is landscaped under this proposal will be 43%. On the total lot of size 182.25 sq m, the dwelling itself (including porch addition) will occupy 79.3 sq m, the proposed back deck will occupy 7.19 sq m, and the parking space in front will occupy 17.4 sq m. The remainder, 78.36 sq m, constitutes 43% of the lot area. Should the parking space need to be enlarged to a length of 6.0m, this would remove 0.6 sq m of landscaped area from the total, still yielding 43%.

More information is available in attached survey and site plans.

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

Existing:

2 1/2 story brick dwelling is 1.53m from front lot line, 0.00m from north side lot line, 4.81m from south side lot line, 4.20m from rear lot line.

Proposed:

2 1/2 story brick dwelling is 0.31m from front lot line, 0.00m from north side lot line, 3.07m from south side lot line, 4.20m from rear lot line.

More information is available in attached survey and site plans.

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

Main house was constructed in 1893. There is a non-permanent structure, an aluminum shed, in the back yard, date of installation unknown.



Hamilton

January 20, 2021

FILE: ALR (Determination of Use)
FOLDER: 20-199158-00 ALR
ATTENTION OF: Victoria Brito
TELEPHONE NO: (905) 546-2424
EXTENSION: 7628

Jessica Merolli
166 WALNUT ST S
HAMILTON, ON L8N 1L9

Attention:

Re: APPLICABLE LAW REVIEW – DETERMINATION OF LEGALLY ESTABLISHED NON-CONFORMING USE
Present Zoning: E-3 (High Density Multiple Dwellings)
Address: 166 WALNUT ST S HAMILTON, ON

The Building Division has received and reviewed the submitted request for Determination of a Legally Established Non-Conforming Status Review for the use a of triplex and advises as follows:

COMMENTS:

1. A single family dwelling is permitted in the current “E-3” (High Density Multiple Dwellings) district and is subject to the regulations of the “E-3” district within the Hamilton Zoning By-law which was passed on July 25, 1950.
2. In order that the use can be legally recognized, the supporting documents shall provide evidence that the use has existed on the lands since prior to July 25, 1950 and has been continuously maintained until present. Please note that if the use of a single family dwelling was legally established prior to the Hamilton Zoning by-law 6593, then the standard provisions of the E-3 district, would be deemed to be legally established non-compliant for the existing dwelling.
3. Submitted evidence includes copies of the following:
 - *Tax records from years 1949, 1961, 1972, 1981, 1991, 2005 and 2020*
 - *Vernon Directory Listings from 1950 to 1990;*
 - *Building permits for demolition of a shed, heating and insulation*
 - *Surveys from 1983 and 2020*

Additional supporting documents from City records:

- *Tax records database 2021*
- *Zoning Maps – Archives*

The submitted evidence as well as additional supporting documents from the City records have assisted in the following review and determination:

- Tax records from 1949 indicate that the premise was occupied as a single family dwelling at the time. Therefore, this document supports that the use of a single-family dwelling was established on the subject property since prior to the passing of the Hamilton Zoning By-law 6593 (July 25, 1950).
 - Tax records from 1949, 1961, 1972, 1981, 1991, 2005 and 2020 show that the premise was consistently occupied as a single family dwelling; as such, these documents support the continuity of the use as a single family dwelling from 1949 to present.
 - Vernon Directory listings and surveys, do not clearly identify the use as a single family dwelling; however, these documents in conjunction with the other submitted evidence are supplementary.
 - The building permits for a demolition of a shed, heating and insulation permit are not adequate to establish the use of a property or for continuity of a use as previously determined by our Division. Therefore, these documents do not support this application.
 - City Tax records database from 2021 and archived zoning maps indicate the use currently as a single family dwelling. In addition tax records indicate that the dwelling was built in 1893.
4. Based on the submitted evidence and other City supporting records, the Building Division is able to confirm that the use of a single family dwelling was established on the lands since prior to July 25, 1950 and has been continuous to the current date.
- Therefore, the recognized use is a single family dwelling which is permitted; however, is legally established non-compliant respecting the standards of the E-3 district.**
5. Subject to the issuance of building permits from the Building Division for a change of use, any improvements, renovation, alterations, additions, new buildings.
6. For further information please contact Victoria Brito at 905-546-2424 extension 7628.

Yours truly



for the Manager of Building Engineering and Zoning

VB/vb



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)	Jessica Merolli Robert Pettapiece	[REDACTED]	[REDACTED]
Applicant(s)*	Jessica Merolli	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Agent or Solicitor	/		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:

/

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:

See supplementary information sheet

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

See supplementary information sheet

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 of Lot 22, Plan 418, City of Hamilton
166 Walnut Street South

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?

The City of Hamilton has no records of any permits being issued or records related to any of these uses or contaminants on this property.

Further, we know it has always been residential use.

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.

_____ Date

_____ Signature Property Owner

_____ Print Name of Owner

10. Dimensions of lands affected:

Frontage 9.91m

Depth 18.39m

Area 182.25 m²

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: _

see supplementary information sheet

Proposed

see supplementary information sheet

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

Existing:

see supplementary information sheet

Proposed:

see supplementary information sheet

13. Date of acquisition of subject lands:
July 6, 2017
14. Date of construction of all buildings and structures on subject lands:
see supplementary information sheet
15. Existing uses of the subject property:
Single-family dwelling
16. Existing uses of abutting properties:
All abutting properties are single-family dwellings
17. Length of time the existing uses of the subject property have continued:
128 years, since construction in 1893
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------|-----------|------------|
| Water | <u>yes</u> | Connected | <u>yes</u> |
| Sanitary Sewer | <u>yes</u> | Connected | <u>yes</u> |
| Storm Sewers | <u>yes</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
The property is designated "Neighbourhoods" in the City's Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
The zoning of the property is E-3 (High Density Multiple Dwellings)
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.

See attached documents