

## **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**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
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**APPLICATION NO.:** AN/A-21:133

**APPLICANTS:** Eric Salembier on behalf of the owner New England Homes

**SUBJECT PROPERTY:** Municipal address **30 Queen St., Ancaster**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 17-254

**ZONING:** "I2, Exception 644 and P5" (Community Institutional (I2) Zone and Conservation/Hazard Lands (P5) Zone)

**PROPOSAL:** To permit the construction of a group of eight (8) Street Townhouse dwellings, notwithstanding,

1. The proposed Street Townhouse dwellings, which shall not be provided on separate lots, shall have access to and frontage on a common driveway located on an adjacent lot whereas the Zoning By-law requires Street Townhouse dwellings, each designed to be on a separate lot, to have access to and frontage on a street, laneway or common element condominium driveway;

2. The front lot line shall be the lot line abutting a common driveway located on an adjacent lot whereas the Zoning By-law defines the front lot line to be any lot line abutting a street;

3. A minimum rear yard of 5.8 metres shall be permitted instead on the minimum required rear yard of 7.0 metres;

4. A maximum building height of 11.0 metres shall be permitted instead of the maximum permitted building height of 10.5 metres;

5. The proposed development shall be permitted to be constructed a lot which does not have frontage on a street whereas the Zoning By-law does not permit a lot to be built upon unless it abuts a street for a minimum of 4.5 metres;

6. Decks at the rear of the proposed dwellings shall be permitted to encroach 3.1 metres into the required rear yard instead of the maximum permitted encroachment of 1.5 metres;

7. Balconies at the rear of the proposed dwellings shall be permitted to encroach 3.1 metres into the required rear yard instead of the maximum permitted encroachment of 1.0 metres;

8. A minimum setback of 5.2 metres shall be permitted to a P5 zone boundary instead of the minimum required setback of 7.5 metres to a P5 zone boundary; and,

9. A driveway shall be permitted to lead from a common driveway located on an adjacent lot to a required parking space instead whereas the Zoning By-law requires a driveway to lead from a street to a required parking space.

NOTES:

1. The variances have been written as requested by the applicant. This property is subject to Site Plan Control; to date, a formal site plan review has not been conducted on the most recent submission for site plan application DA-20-079. As such, further variances may be required at such time that a formal zoning review is conducted for the most recent submission of DA-20-079.

2. Vehicular access to the proposed Street Townhouse dwellings is to be gained by a common driveway located on the property known as 357 Wilson Street East Ancaster. Legally established rights of way will be required to be properly registered on title to provide access between properties.

3. The lands are subject to more than one zone. Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions for each of the applicable zones. The proposed development is shown to be located entirely within the portion of the lands zoned I2, Exception 644.

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

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<b>DATE:</b>	<b>Thursday, May 20th, 2021</b>
<b>TIME:</b>	<b>1:55 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b> <b>To be streamed at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b> <b>for viewing purposes only</b>

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**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](http://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](mailto:cofa@hamilton.ca)

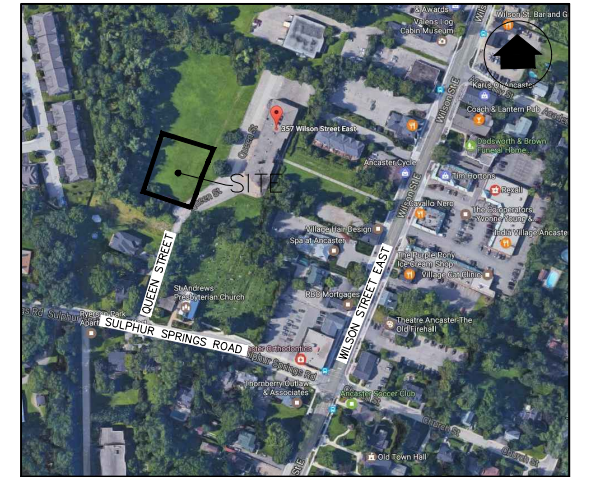
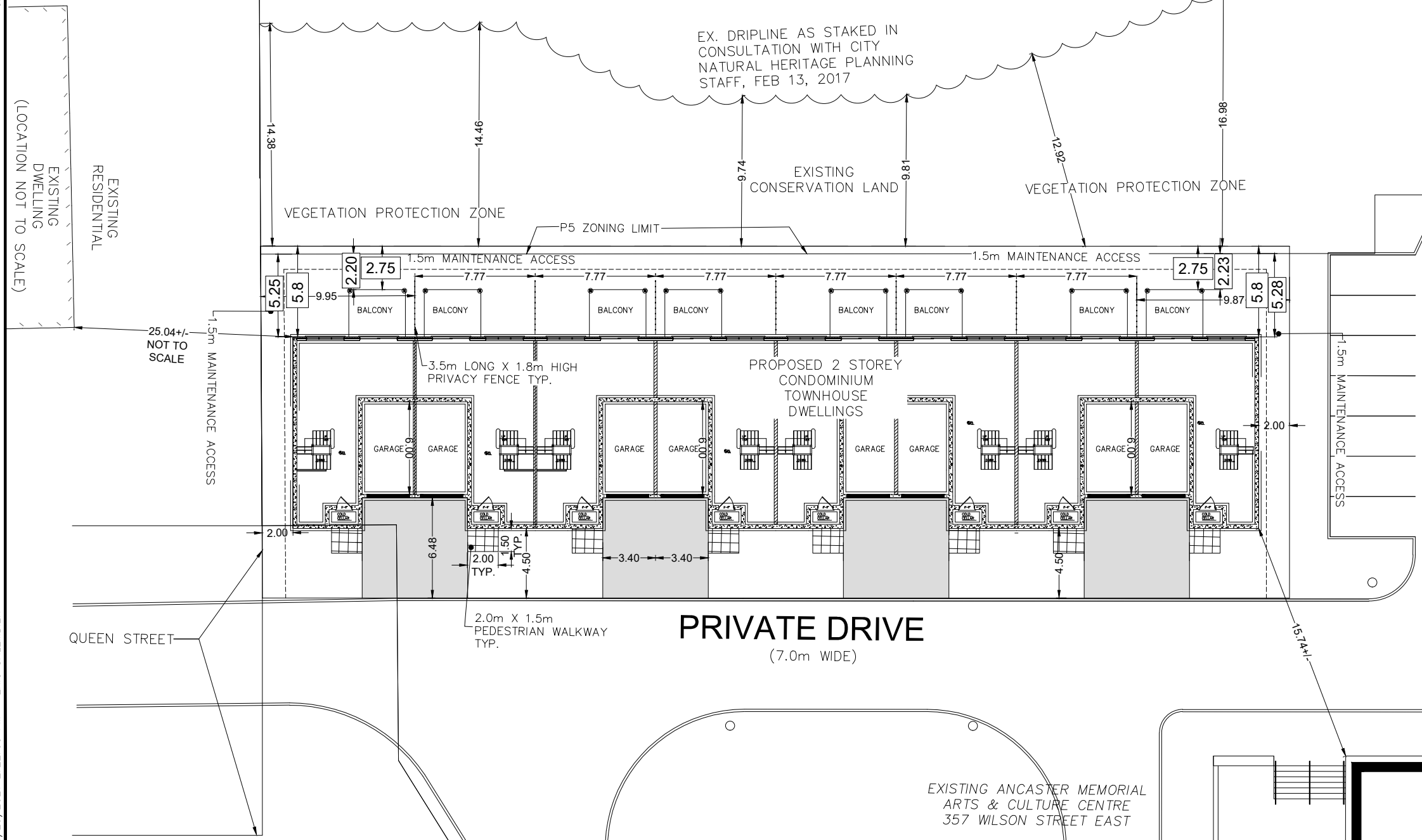
DATED: May 4th, 2021.

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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.***

	Required	Provided
Minimum Unit Width	6.0m	7.77m
Minimum Lot Area for Unit	165m <sup>2</sup> 195m <sup>2</sup> for a corner lot	176m <sup>2</sup> n/a
Minimum Front Yard	4.5m 5.8m for attached garage	4.5m 6.48m
Minimum Side Yard	1.2m	2.0m
Minimum Flankage Yard	3.0m	n/a
Minimum Rear Yard	7.0m	5.86m
Maximum Building Height	10.5m	9.36
Parking		2 stalls/unit
Minimum Setback to P5 Zone	7.5m	5.25 to Building 2.20 to Balcony/Deck



KEY MAP  
N.T.S.

DA-20-079

SKETCH FOR MINOR VARIANCE  
OF PART OF  
LOTS 5, 6, 7 & 8  
OF PART OF  
QUEEN STREET  
REGISTERED PLAN 347  
IN THE  
CITY OF HAMILTON

SCALE: 1:300

PROJECT: 30 QUEEN STREET, ANCASTER ON.  
PROJECT No.: 19091



S. LLEWELLYN & ASSOCIATES LIMITED  
CONSULTING ENGINEERS

Tel. (905) 631-6978

Fax (905) 631-8927

email: [info@sla.on.ca](mailto:info@sla.on.ca)

3228 South Service Road, Suite #105 East Wing, Burlington, Ont., L7N 3H8

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

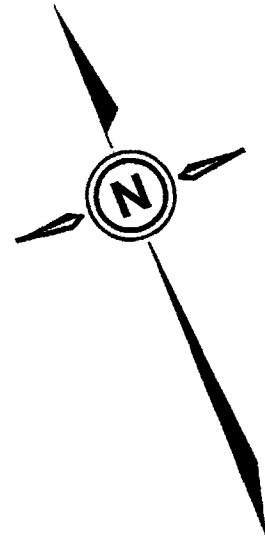
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT  
DATE MAY 3, 2018  
*DLamont*  
DAVID A. LAMONT O.L.S.  
SENIOR PROJECT MANAGER SURVEYS

PLAN 62R-20864  
RECEIVED AND DEPOSITED  
DATE May 8/18  
*K Power*  
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (62)

SCHEDULE					
PART	LOT	PLAN	PIN	AREA	TRANSFEE
1	PART OF QUEEN STREET	REG'D PLAN 347	PART OF 17446-0092(LT)	31m²	CITY OF HAMILTON
2				61m²	
3				41m²	
4				409m²	
5			PART OF 17446-0095(LT)	287m²	
6	PART OF LOTS 5 to 8			1182m²	

PLAN OF SURVEY OF  
PART OF LOTS 5, 6, 7 & 8  
and  
PART OF QUEEN STREET  
REGISTERED PLAN 347  
IN THE  
CITY OF HAMILTON  
SCALE = 1 : 200

5 0 5 10 20 metres  
DAVID A. LAMONT ONTARIO LAND SURVEYOR



BEARING AND COORDINATE NOTE

BEARINGS ARE GRID BEARINGS ARE DERIVED FROM GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) OBSERVATIONS FROM OBSERVED REFERENCE POINTS (ORP) A and B SHOWN HEREON HAVING A BEARING OF N21°06'00"E REFERRED TO UTM NAD83 (Original) COORDINATE SYSTEM, ZONE 17, CENTRAL MERIDIAN 81° WEST LONGITUDE.

DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.9996754.

COORDINATES ON THIS PLAN ARE BASED ON GNSS OBSERVATION VERIFIED FROM THE FOLLOWING MONUMENTS:

UTM COORDINATES (Metres)		
Reference Points	Northing	Easting
025760040	4787890.012	583719.473
008860015	4782819.193	579095.172
OBSERVED REFERENCE POINTS (ORP's) as per Section 14(2) of O. Reg. 216/10		
ORP-A	4786561.092	582971.335
ORP-B	4786651.527	583006.235

THESE COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

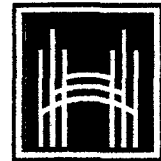
LEGEND

- - DENOTES PLANTED MONUMENT
- - DENOTES FOUND MONUMENT
- IB - DENOTES IRON BAR
- SSIB - DENOTES STANDARD IRON BAR
- SSIB - DENOTES SHORT STANDARD IRON BAR
- CC - CUT CROSS
- Ø - ROUND IRON BAR
- CM - CONCRETE MONUMENT
- CP - CONCRETE PIN
- PB - PLASTIC BAR
- IP - IRON PIPE
- SM - STONE MONUMENT
- OU - DENOTES ORIGIN UNKNOWN
- Reg'd - DENOTES 'REGISTERED'
- WIT - WITNESS
- P1 - DENOTES PLAN 62R-19878
- P2 - DENOTES PLAN 62R-20518

SURVEYOR'S CERTIFICATE

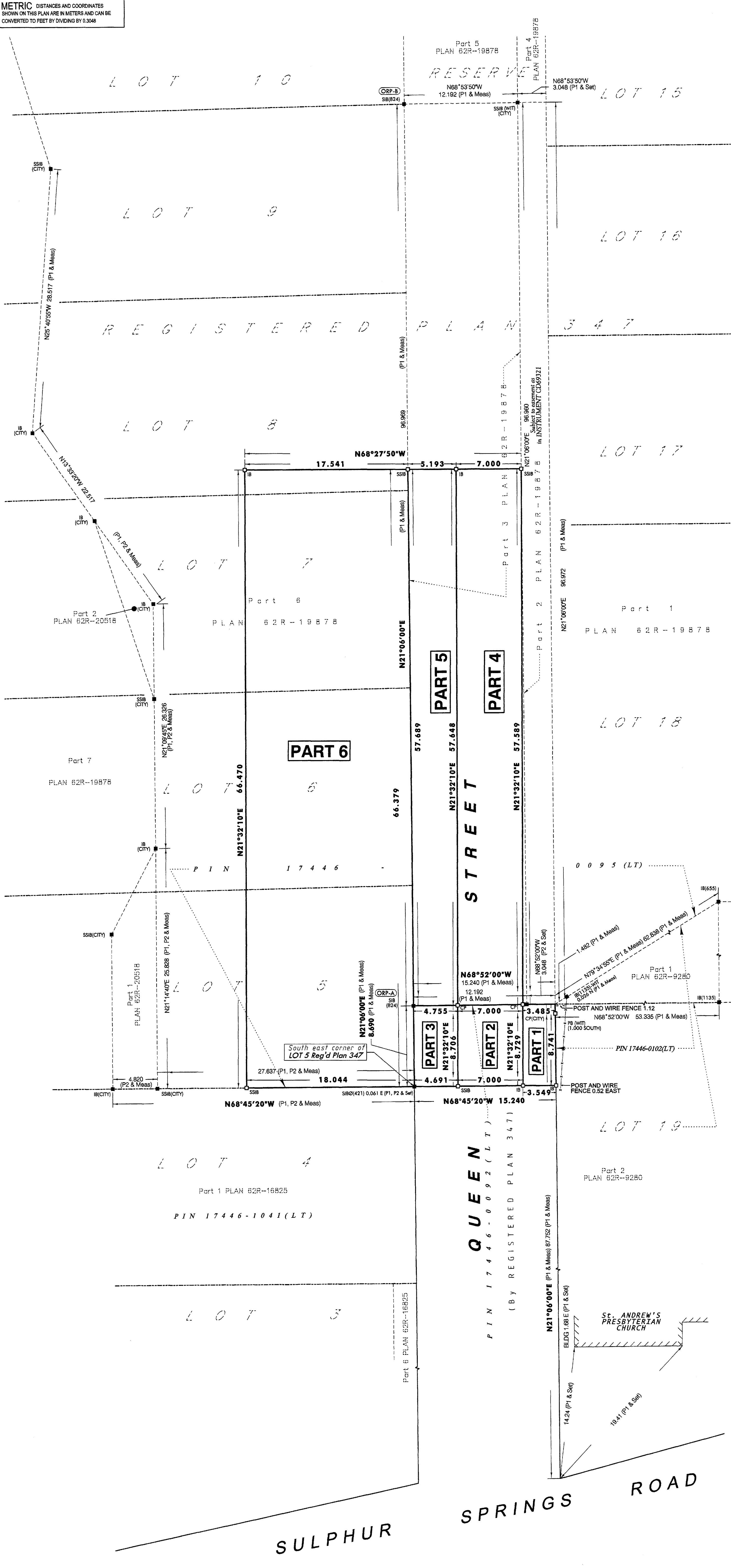
- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 30th DAY OF APRIL 2018.

MAY 3, 2018  
DATE  
*DLamont*  
DAVID A. LAMONT O.L.S.



FIELD BOOK ANC FILE No. Ynhoods/ANCASTNW/01-1192-03 DATE 2018-05-03  
SURVEYED BY SW CREATED BY MM CHECKED BY D.A.L., O.L.S.

PLAN No. RC-A-947 SURVEYS





**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

<b>FOR OFFICE USE ONLY.</b>	
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)	New England Homes	
Applicant(s)*	same as owner	
Agent or Solicitor	S. Llewellyn & Associates Limited	

**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:  
No Mortgage

**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:

- 1, To allow for the interpretation of the proposed building (s) as "Street Townhouse Dwellings", where they have frontage on a common driveway that does not form a street, laneway or common condominium driveway.
- 2, Reduce the minimum rear yard setback to 5.8m from 7.0m
- 3, Reduce the minimum rear yard setback of the balcony/deck to 2.75m from 6.0m
- 4, Increase the max building height from 10.5m to 11m

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

The property has a depth of 22.734 which is extremely shallow due to keeping the rear property line clear of the Natural Heritage features (ie watercourse, wetland and woodland along with appropriate VPZ. To build standard townhouse relief is required.

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 lots 5, 6, 7 and 8 and part of Queen Street Registered Plan 347 designated as part 3, 5 and 6 Plan 62R-20864  
30 Queen Street

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?

Overall Environmental Assessment has been completed

- 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 10, 2021

Date

  
Signature-Property Owner

Roman Lewczuk

Print Name of Owner

10. Dimensions of lands affected:

Frontage	66.39m+/-
Depth	22.73m+/-
Area	1509m2 +/-
Width of street	7.0m+/-

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: \_

Vacant

Proposed

Front yard setback = 4.5m  
Rear yard setback = 5.86m  
South side setback = 2.0m  
North side setback 2.0m

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

Existing:

Vacant

Proposed:

Front yard setback = 4.5m  
Rear yard setback = 5.86m  
South side setback = 2.0m  
North side setback 2.0m

13. Date of acquisition of subject lands:  
Jan 29, 2021
- 
14. Date of construction of all buildings and structures on subject lands:  
Construction will begin as soon as all conditions have been met and a permit can be issued summer 2021
- 
15. Existing uses of the subject property:  
Vacant
16. Existing uses of abutting properties:  
West-Conservation lands, South - Existing residential, East - Private lane, North
17. Length of time the existing uses of the subject property have continued:  
10 years plus
18. Municipal services available: (check the appropriate space or spaces)  
Water X (on Queen Street) Connected No  
Sanitary Sewer X (stubs on property) Connected No.  
Storm Sewers No. (storm on lane is private)
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Village Core
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
I2 Exception 644
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.