

### **COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202 E-mail: <u>cofa@hamilton.ca</u>

# 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 PROPE	RTY: 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: TIME: PLACE:	Thursday, May 27th, 2021 3:10 p.m. Via video link or coll in (coo attached chect for dataile)
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

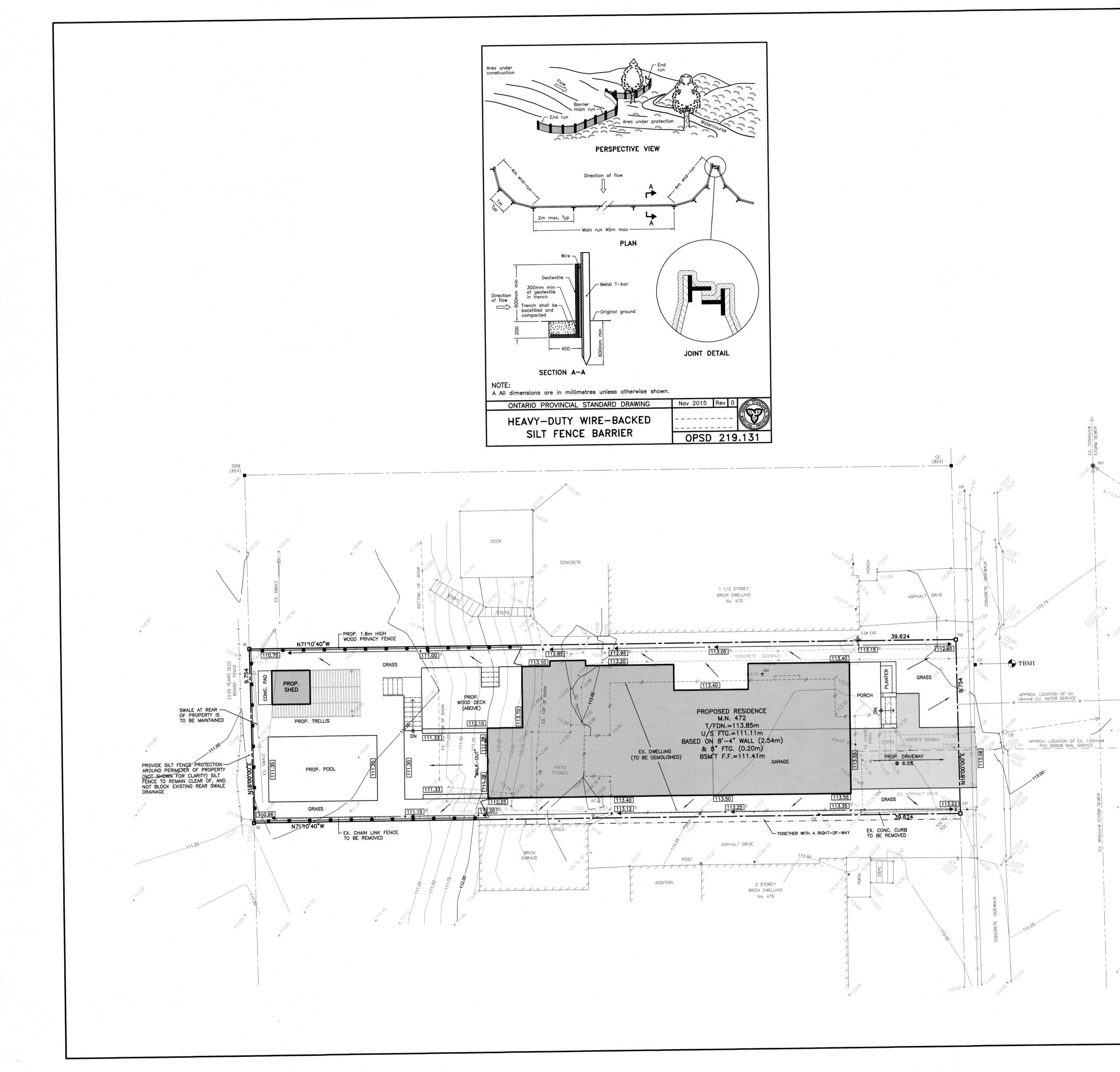
For more information on this matter, including access to drawings illustrating this request:

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

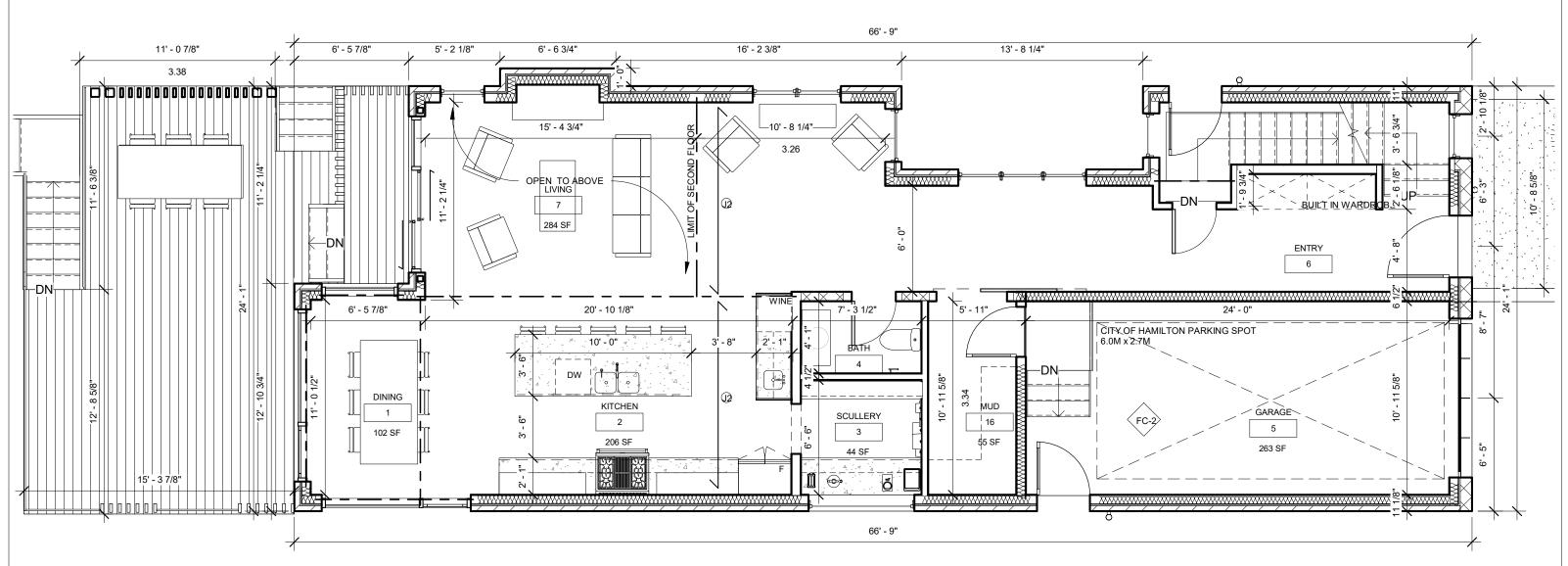
DATED: May 11th, 2021.

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:
			2000 EXISTING ELEVATIONS
			200.00 PROPOSED ELEVATIONS
			200.00 S PROPOSED SWALE ELEVATIONS
			PROPOSED SWALE     GENERAL DRAINAGE
			SILTATION FENCE
	$\mathbf{V}$		
			NOTEO
			NOTES: 1. ALL ELEVATIONS SHOWN ARE METRIC.
	NORTH		<ol> <li>BUILDER/OWNER TO VERIFY COMPLIANCE WITH ZONING BYLAWS (ie. SIDEYARDS, SETBACKS, REARYARDS ETC.)</li> </ol>
			<ol> <li>TOPOGRAPHIC AND BOUNDARY SURVEY PROVIDED BY A.T. McLAREN LIMITED, DWG. 35585 DATED MARCH 27, 2018.</li> </ol>
			<ol> <li>REFER TO SITE PLAN FOR DIMENSIONS AND SETBACKS.</li> <li>CONTRACTOR TO VERIFY THE CONDITION OF THE EXISTING WATER</li> </ol>
			AND SANITARY SERVICES TO THE SATISFACTION OF THE CITY OF HAMILTON.
			6. EXISTING SERVICE LATERALS WITHIN THE MUNICIPAL R.O.W. WILL NEED TO BE INSPECTED BY A CCTV AND REVIEWED BY THE CITY OF HAMILTON STAFF TO DETERMINE THEIR CONDITION
			(AT OWNER'S EXPENSE)
			THE PROPOSED GRADES (1.2m MINIMUM COVER TO U/S FIG). 8. FINISHED GARAGE FLOOR TO BE 0.30m BELOW THE SET TOP
			OF FOUNDATION ELEVATION.
			FOUNDED ON SOIL CAPABLE OF SUPPORTING THE ANTICIPATED LOADS.
			<ol> <li>THE BUILDER/CONTRACTOR IS TO ENSURE FOOTINGS ARE FOUNDED ON SOIL CAPABLE OF SUPPORTING THE ANTICIPATED</li> <li>NO WINDOWS/UNPROTECTED OPENINGS PERMITTED WHERE</li> </ol>
			BUILDING SETBACK IS LESS THAN 1.2m.
			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.
			COMMENCEMENT OF CONSTRUCTION. 14. OWNER/CONTRACTOR TO MAINTAIN EROSION CONTROL MEASURES THROUGHOUT SITE UNTIL A COMPLETE GRASS/VEGETATION COVER
			IS ACHIEVED. 15. ONLY AT THE DIRECTION OF THE ENGINEER ARE THE SEC
			MEASURES TO BE REMOVED.
SEWER			EROSION WILL BE MINIMIZED, AND THE CONSULTANT MUST PROVIDE CONFIRMATION THAT ALL APPROVED SILTATION AND FROSION CONTROL FACILITIES HAVE BEEN INSTALLED PRIOR TO
ARY SE			THE COMMENCEMENT OF ANY GRADING, EXCAVATION OR DEMOLITION. 17. CLEARING AND GRUBBING OF THE SITE SHOULD BE KEPT TO A
IØ SANITARY			MINIMUM AND VEGETATION REMOVED ONLY IN ADVANCE OF IMMEDIATE CONSTRUCTION.
300mmø W			18. STOCKPILES OF EARTH OR TOPSOIL ARE TO BE LOCATED AND PROTECTED TO MINIMIZE ENVIRONMENTAL INTERFERENCE. EROSION CONTROL FENCING IS TO BE INSTALLED AROUND THE
EX			BASE OF ALL STOCKPILES. 19. THE OWNER IS RESPONSIBLE TO ENSURE THE MUNICIPAL ROADWAYS ARE CLEANED OF ALL SEDIMENTS FROM VEHICULAR
12.67 MH	EX. 525mm Ø STORM		TRACKING ETC. TO AND FROM THE SITE, AT THE END OF EACH WORKDAY.
₩4			
×			
	SOUTH		
	STREET		T.B.M. No. 1 ELEV. = 112.947m (GEO)
	SINCLI		CUT CROSS IN CONCRETE SIDEWALK ON THE WEST SIDE OF DUNDURN STREET SOUTH AS SHOWN.
€EX. <u>300mmø</u> ≥SA	NITARY SEWER		
5			
×			
			NO. REVISION DATE (MM/DD/YY) BY
W	<b>H</b>		J.H. COHOON
5.St.	SOUTH		
*	DC		
	SC		
	L		440 HARDY ROAD , UNIT #1 , BRANTFORD – ONTARIO , N3T 5L8 TEL. (519) 753–2656 FAX. (519) 753–4263 www.cohooneng.com
WATER WATER	E		PROPOSED NGUYEN
nmø SANITARY WATER	STREE		RESIDENCE
mø SAN.			PART OF LOT 29
300r EX.	$\mathbf{\Omega}$		REGISTERED PLAN 35
EX	Z		472 DUNDURN STREET SOUTH CITY OF HAMILTON
			CLIENT:
	DUNDURN		DAO NGUYEN
	N N N		
			SITE DEVELOPMENT PLAN
5 <sup>16</sup>		B. M. WYBENGA	DESIGN: D.E.B. SCALE: 1:100
		B. M. WYBENGA	DRAWN: K.P.B. JOB No:
1	•	B. M. WYBENGA	снескер: R.W.P. 12630
		TROUMICE OF ONTAIL	SHEET: 1 of 1 DWG. No:
		Alon Laster H	40070 4
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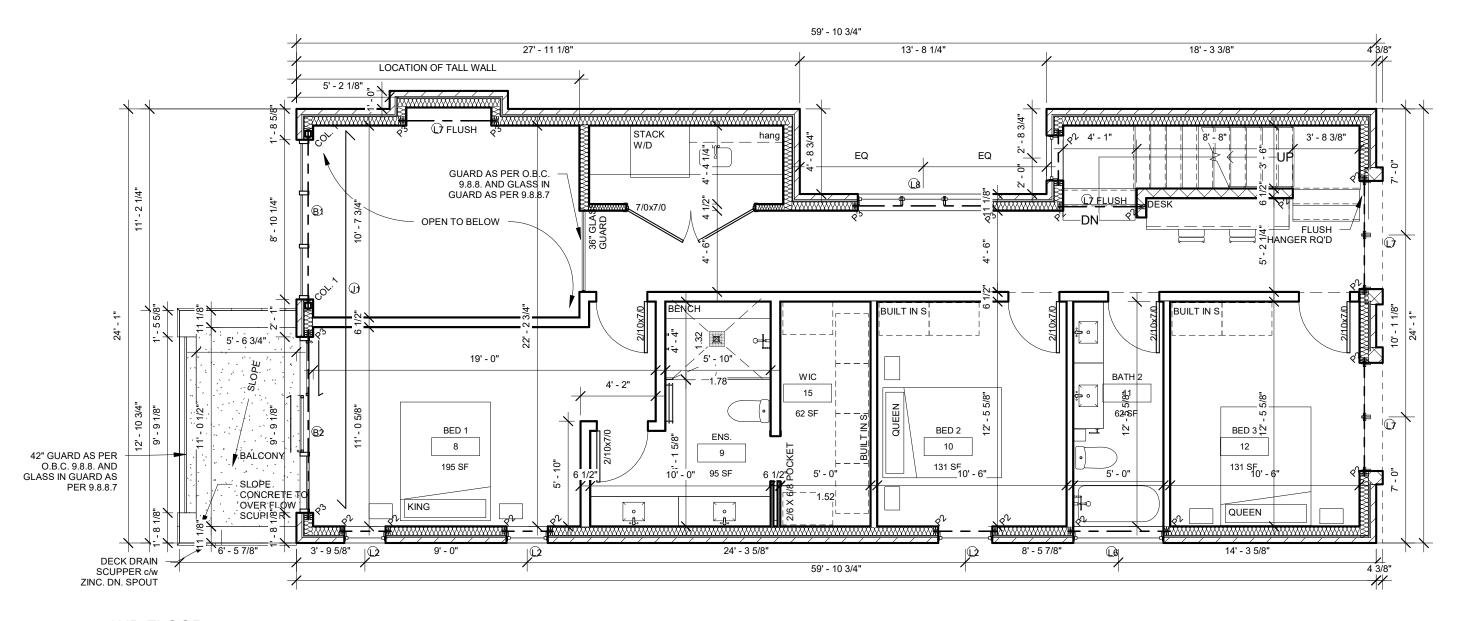


(1) GROUND FLOOR 3/16" = 1'-0"

# NGUYEN RESIDENCE

472 DUNDURN ST. SOUTH HAMILTON, ON.

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

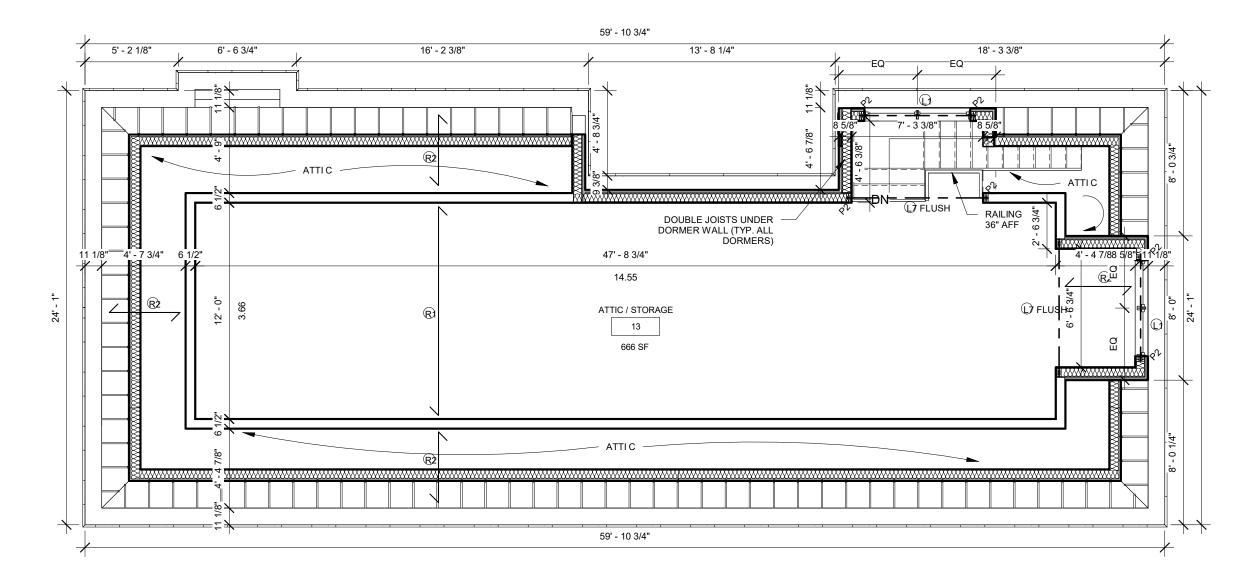


1 2ND FLOOR 3/16" = 1'-0"

# NGUYEN RESIDENCE

472 DUNDURN ST. SOUTH HAMILTON, ON.

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

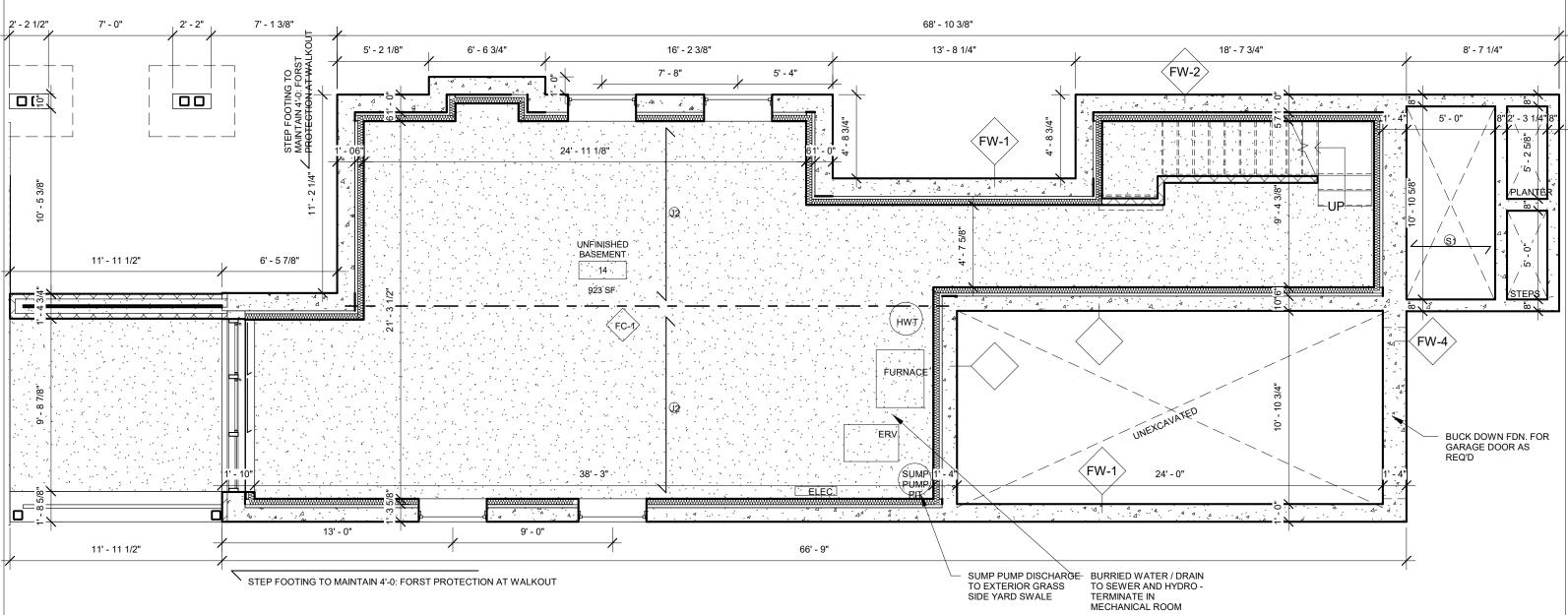


1 ATTIC / STORAGE 3/16" = 1'-0"

# NGUYEN RESIDENCE

472 DUNDURN ST. SOUTH HAMILTON, ON.

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

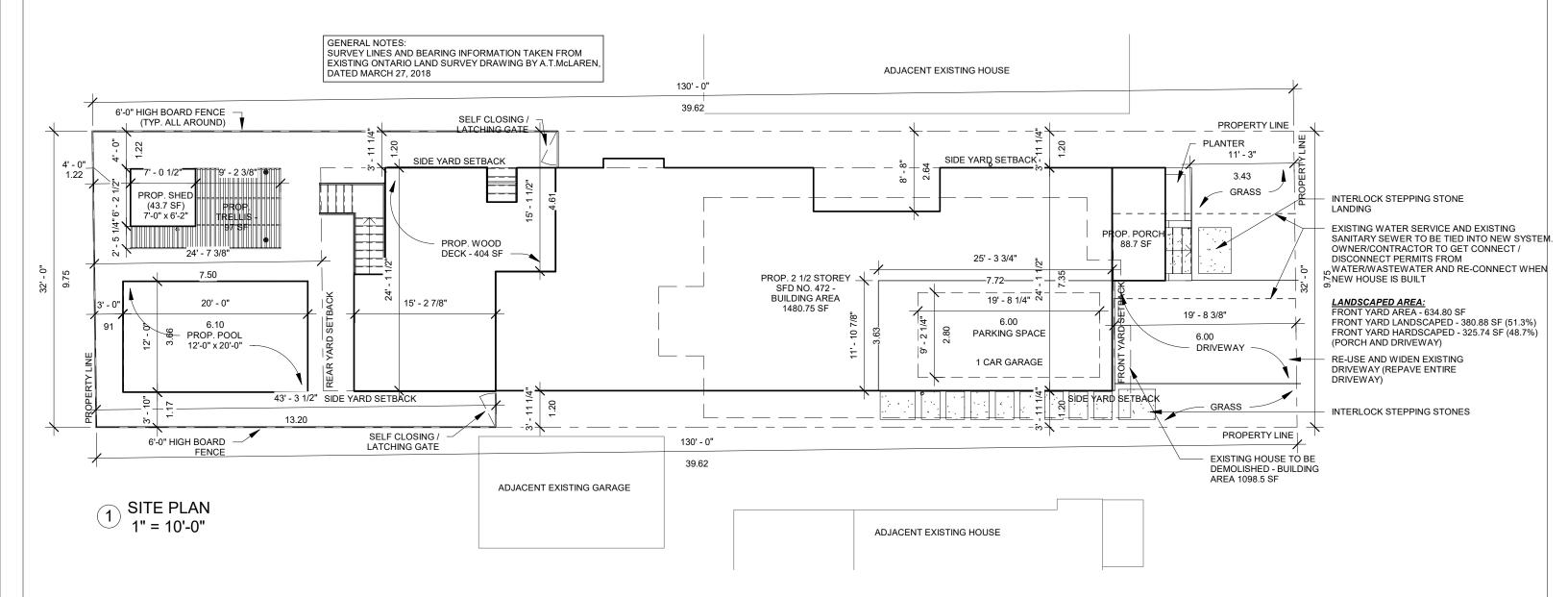


1 T/O FTG. 3/16" = 1'-0"

# NGUYEN RESIDENCE

472 DUNDURN ST. SOUTH HAMILTON, ON.

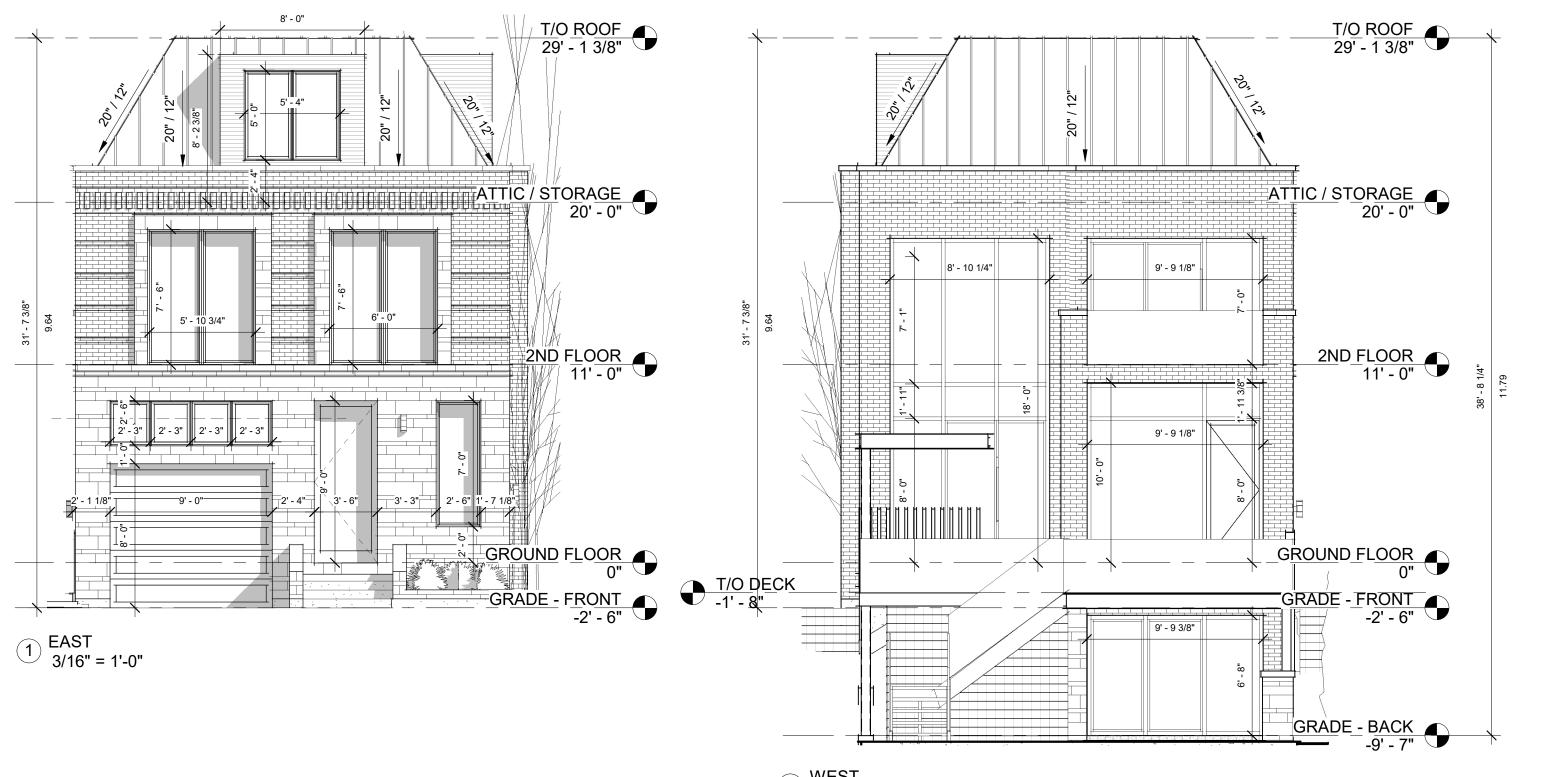
SCALE: AS SHOWN DESIGN: B.M.W. DATE: 21/03/01



## NGUYEN RESIDENCE

472 DUNDURN ST. SOUTH HAMILTON, ON.

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



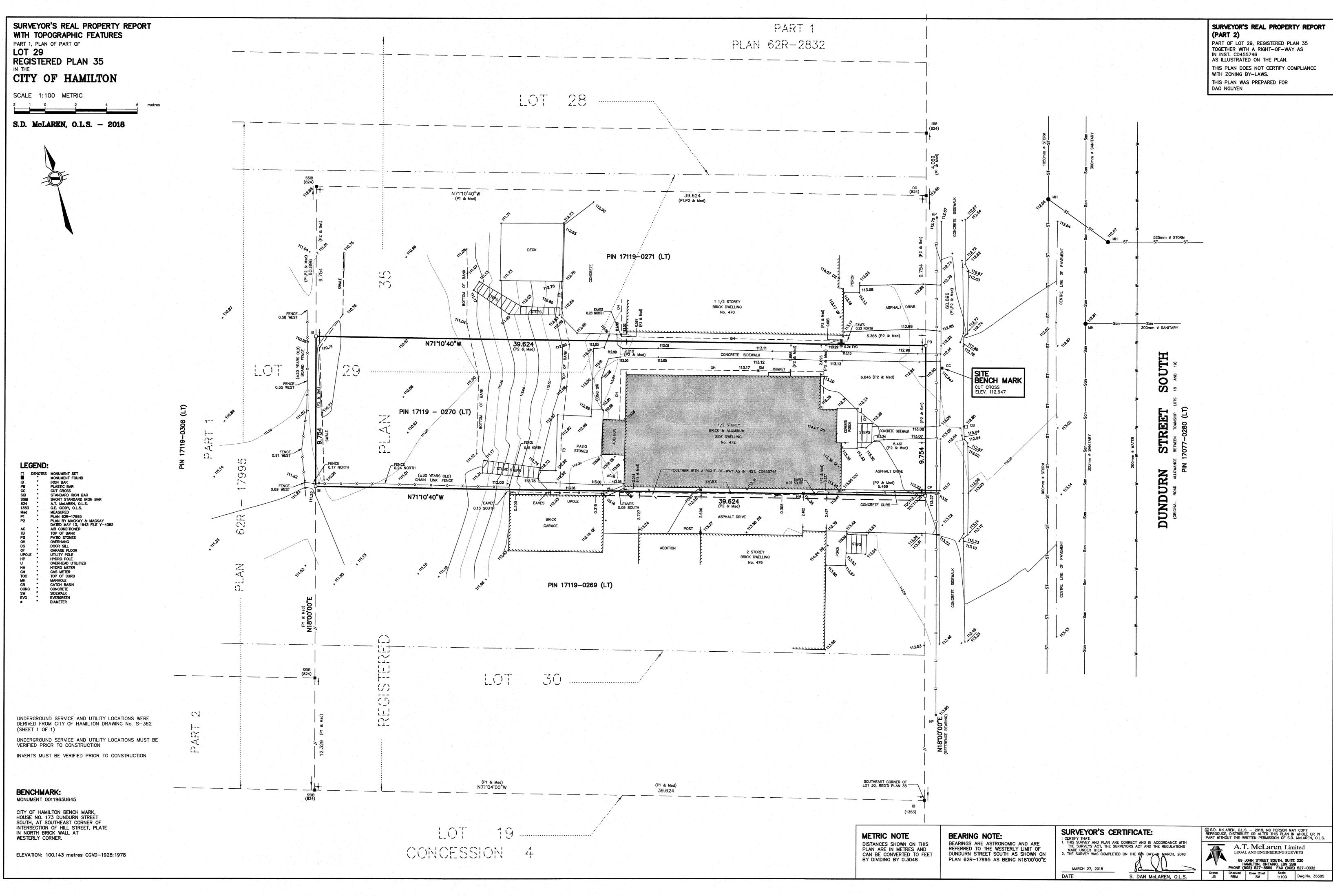
2 WEST 3/16" = 1'-0"

## NGUYEN RESIDENCE

472 DUNDURN ST. SOUTH HAMILTON, ON.

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







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

Phone: (905) 546-2424 ext. 4221 Email: <u>cofa@hamilton.ca</u>

#### APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY	1.
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.

NAME	ADDRESS	
Dao Nguyen		Phone:
		E-mail:
		Phone:
		E-mail:
Park Eight C/O Brent Wybenga		Phone:
		E-mail:
	Dao Nguyen Park Eight C/O	Dao Nguyen

# 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: Dao Nguyen Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

 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 O No O Unknown O
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 O No O Unknown O
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 O No O Unknown O
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 O No O Unknown O

APPLICATION FOR A MINOR VARIANCE (January 1, 2021)

- 8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites? No XQ Yes () 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 a	ttached? Yes
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No	
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#### 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 gross floor area: 148 sm number of stories: 1.5

width: 7.26 m length: 15.57 m height: 6.83 m

D 1 07 50

#### 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

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

Existing:

Proposed:

Date of construction of all buildings and str 1060/70's	uctures on subject la	nds:
Existing uses of the subject property: Residential - SFD		
Existing uses of abutting properties: Residential - SFD		
Length of time the existing uses of the sub	ject property have co	ntinued:
60+ years		
Municipal services available: (check the ap	ppropriate space or s	paces)
Water X	Connected	x
Sanitary SewerX	Connected	x
Storm Sewers X		
Present Official Plan/Secondary Plan provi	isions applying to the	land:
Present Official Plan/Secondary Plan provi	v-law) provisions app	lying to the land:
Present Official Plan/Secondary Plan provi	y-law) provisions app	lying to the land:
Present Official Plan/Secondary Plan provi Present Restricted Area By-law (Zoning By Has the owner previously applied for relief	y-law) provisions app	lying to the land: ject property?
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Present Official Plan/Secondary Plan provi Present Restricted Area By-law (Zoning By Has the owner previously applied for relief O Yes If the answer is yes, describe briefly.	y-law) provisions app in respect of the subj	lying to the land: lect property? No
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Present Official Plan/Secondary Plan provi Present Restricted Area By-law (Zoning By Has the owner previously applied for relief Yes If the answer is yes, describe briefly.	y-law) provisions app in respect of the subj ∭ r	lying to the land: lect property? No

of the subject lands and of all abutting lands and showing the location, size and type of al 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.