

## **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.:** HM/A-21:177

**APPLICANTS:** Agent Len Angelici  
Owners M. & J. Duncan

**SUBJECT PROPERTY:** Municipal address **236 Fernwood Cres., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 76-229

**ZONING:** "C" (Urban Protected Residential, etc.) district

**PROPOSAL:** To permit the conversion of the existing single family dwelling to a two family dwelling, notwithstanding that:

City of Hamilton Zoning By-law 6593: Current Regulations under Section 19

1. No onsite manoeuvring shall be provided for the two (2) required parking spaces instead of the requirement that a manoeuvring space shall be provided and maintained abutting and accessory to each required parking space on the lot and whereas the zoning By-law only permits off-site manoeuvring for only one parking space;
2. The manoeuvring space and accessibility to the rear parking space may be obstructed by another vehicle whereas the zoning By-law requires an unobstructed manoeuvring aisle having a minimum width of 6.0 metre and an unobstructed access to the required parking space.

City of Hamilton Zoning By-law 6593: Secondary Dwelling Unit Regulations under Section 19 within By-law 21-XX

1. A Secondary Dwelling Unit shall be permitted in a cellar, whereas the Zoning By-law does not permit a Secondary Dwelling Unit in a cellar.
2. No onsite manoeuvring shall be provided for the two (2) required parking spaces instead of the requirement that a manoeuvring space shall be provided and maintained abutting and accessory to each required parking space on the lot and whereas the zoning By-law only permits off-site manoeuvring for only one parking space;
3. The manoeuvring space and accessibility to the rear parking space may be obstructed by another vehicle whereas the By-law requires an unobstructed manoeuvring aisle having a minimum width of 6.0m and an unobstructed access to the required parking space.

NOTE:

1. A building permit is required for the conversion of the existing single family dwelling into a two family dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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

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<b>DATE:</b>	<b>Thursday, June 17th, 2021</b>
<b>TIME:</b>	<b>2:10 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:

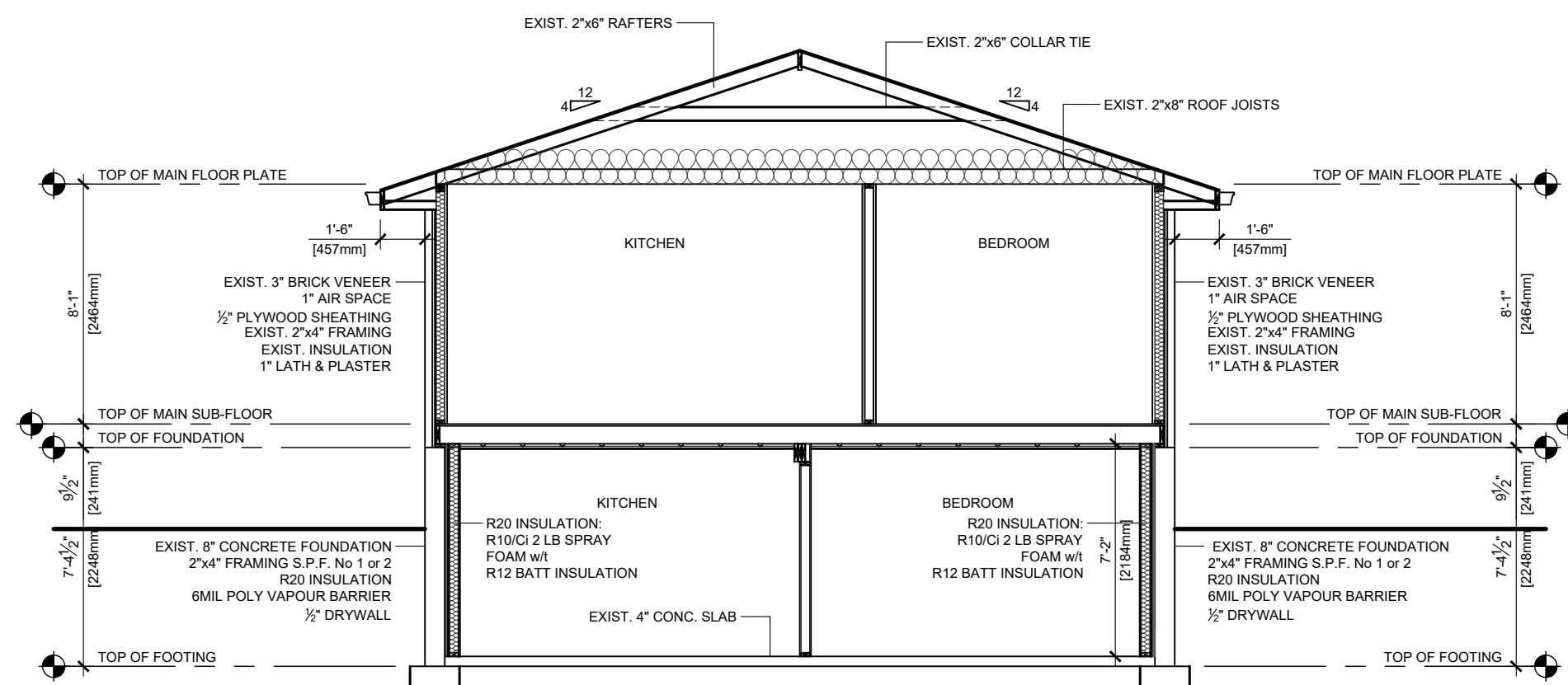
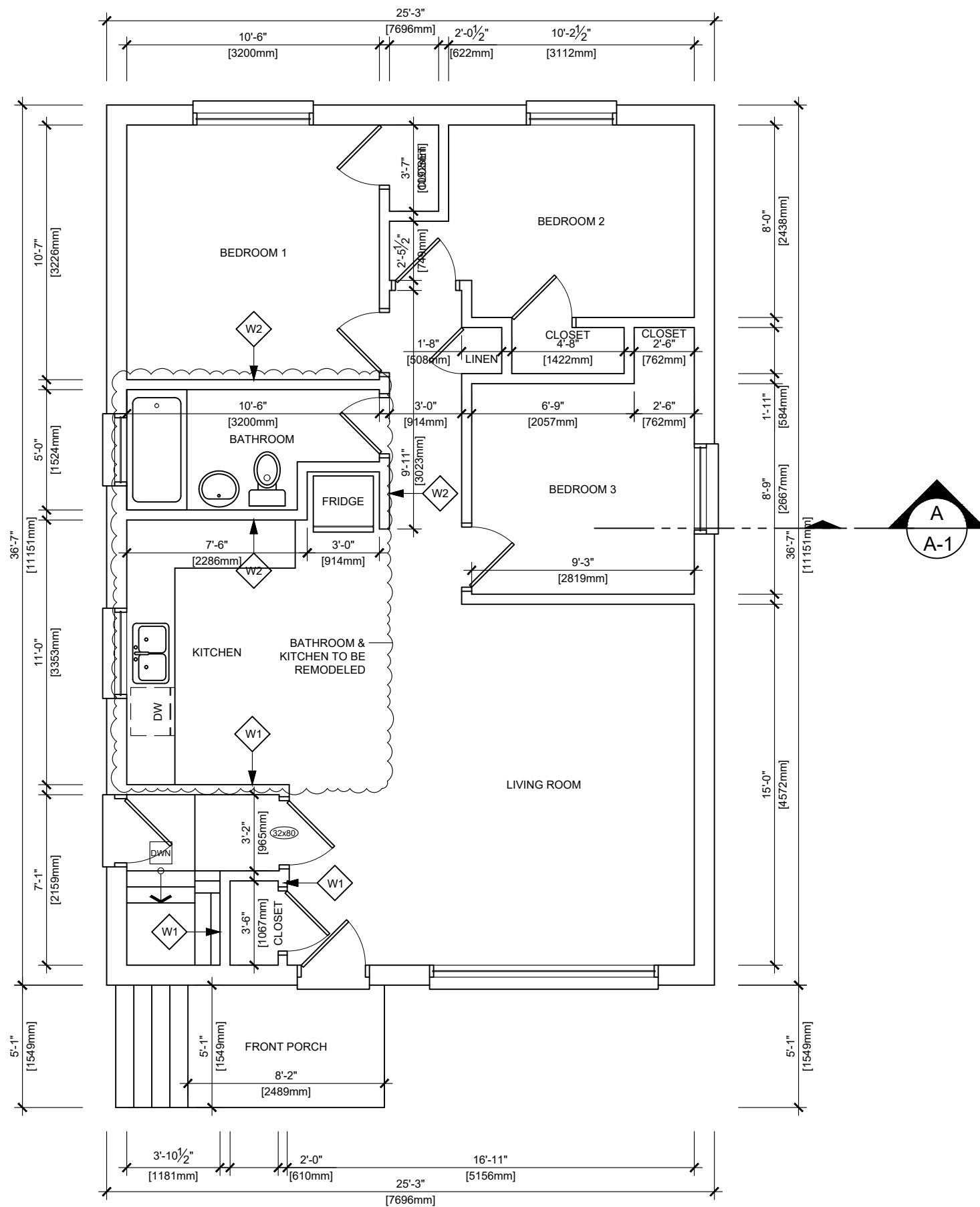
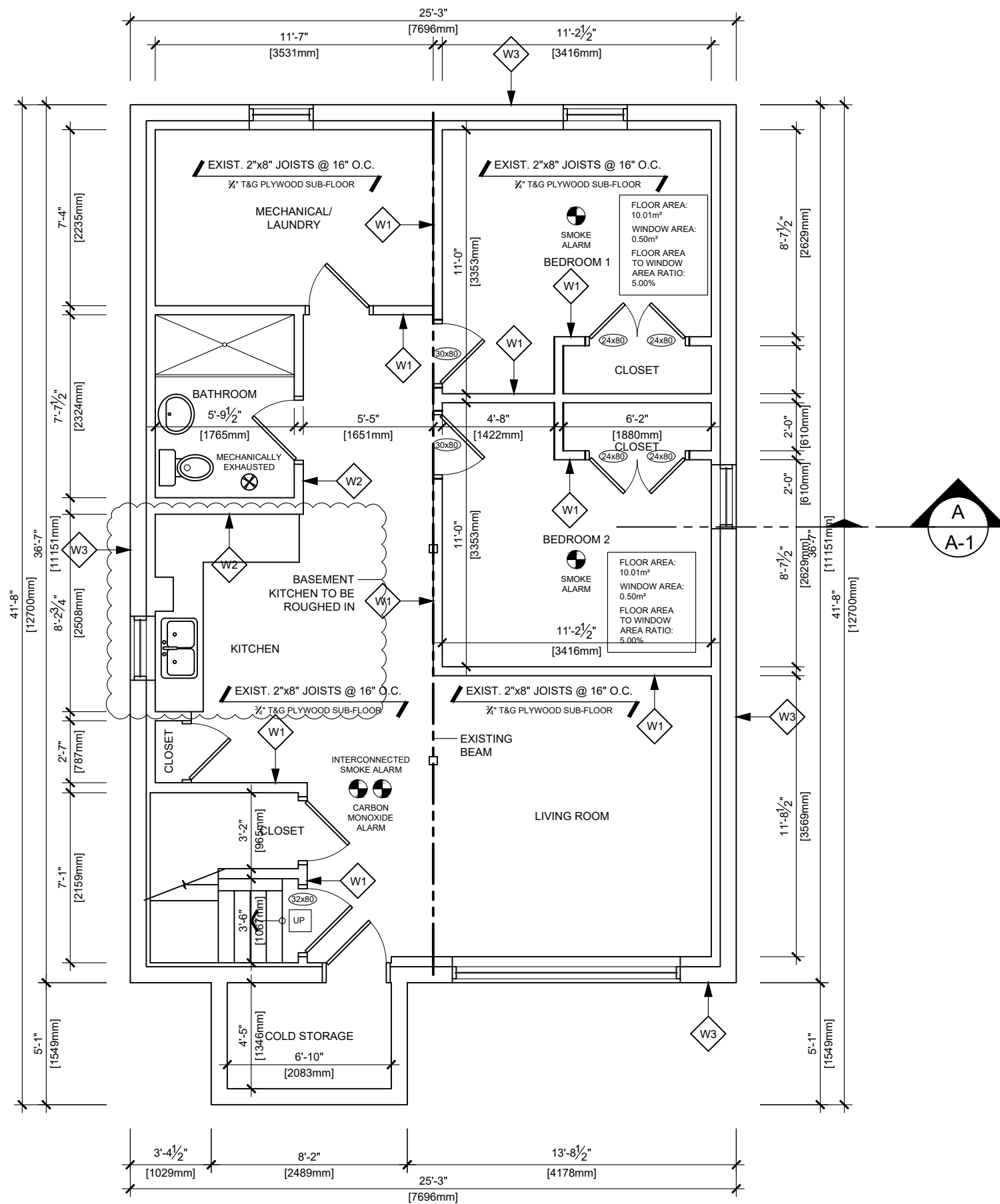
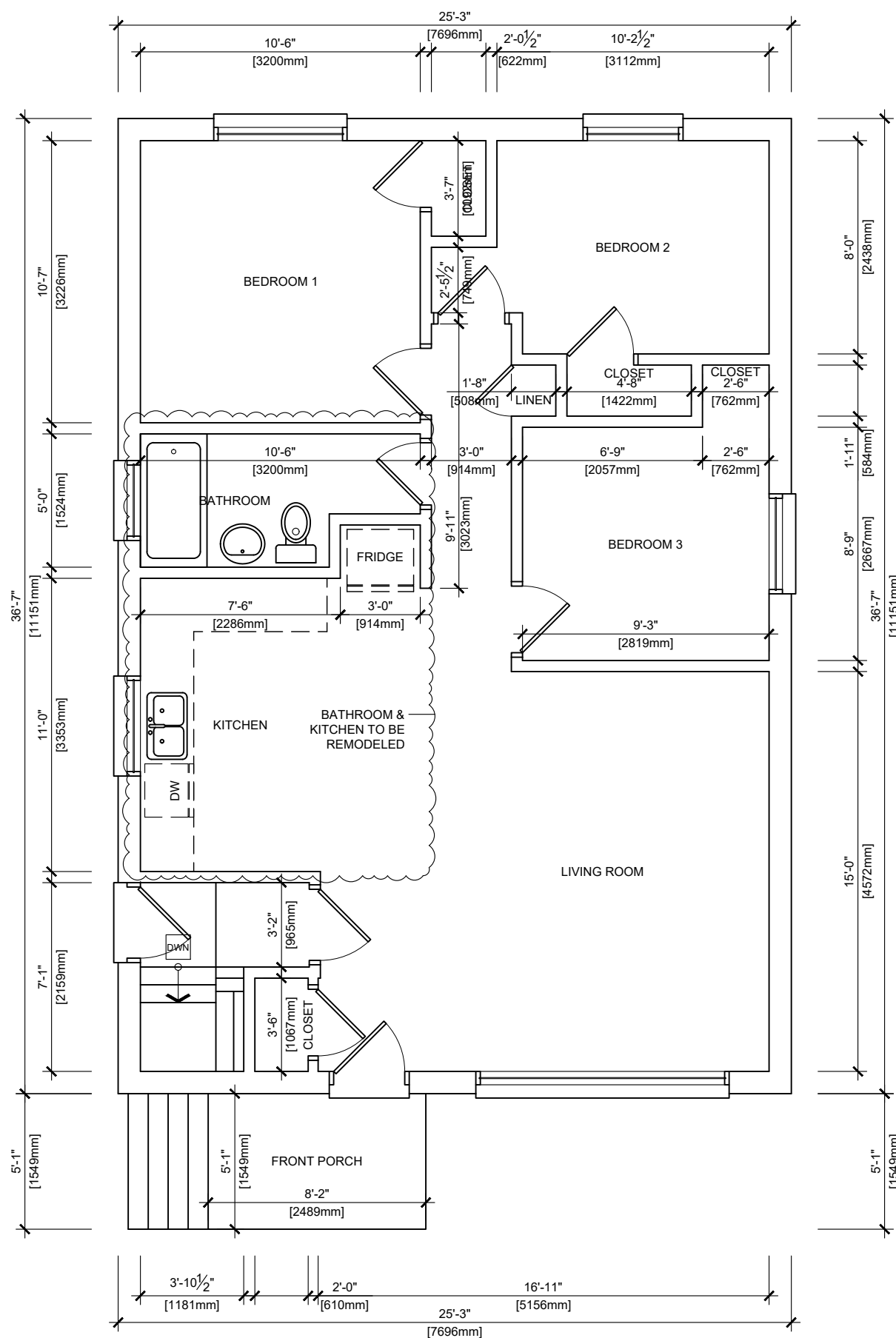
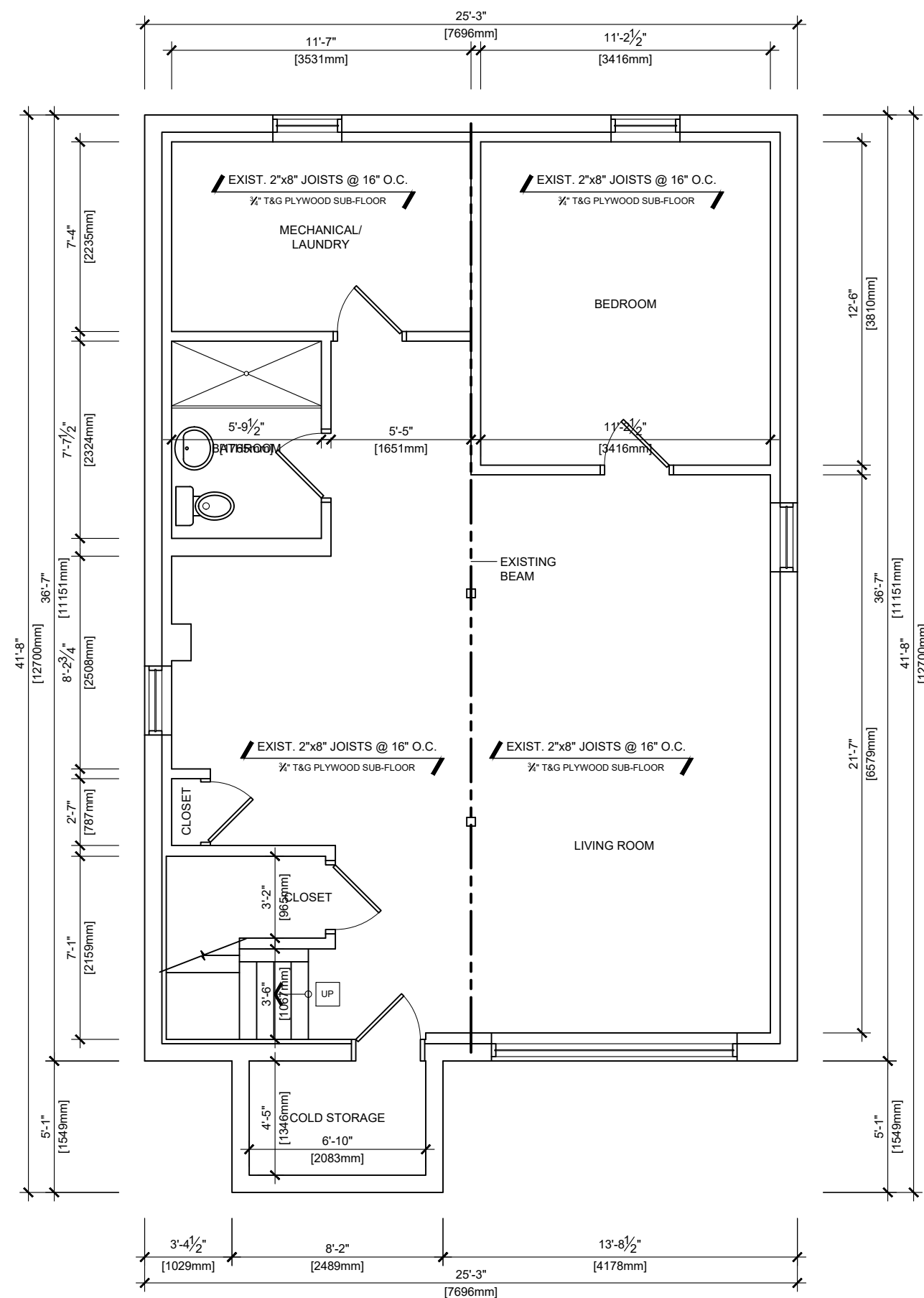
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: June 1st, 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.***



PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	04/23/2021

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
- THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
- REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
- CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
- DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	43162
NAME	BCIN
04/23/2021	SIGNATURE
DATE	

**Len Angelici Design**

270 SHERMAN AVE N. UNIT OF-269  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT

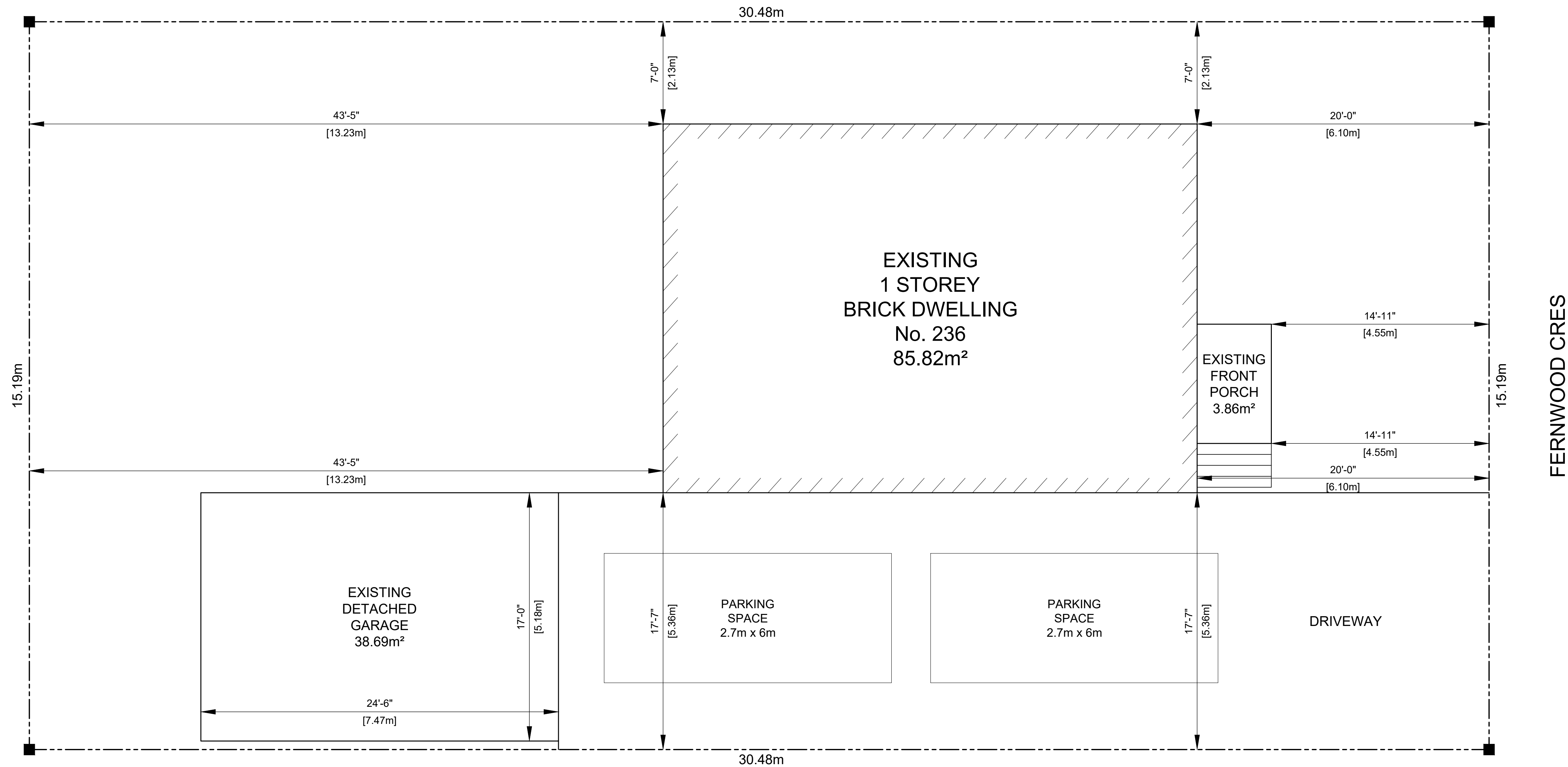
PROPOSED RESIDENCE  
236 FERNWOOD CRES,  
HAMILTON, ON.  
L8T 3L6

SHEET TITLE

EXISTING & PROPOSED FLOOR PLANS & SECTION

DRAWN BY	L. ANGELICI
DATE	04/23/2021
SCALE	$\frac{3}{16}" = 1' - 0"$
PROJECT No.	18043

A1



<b>SITE DATA</b>	
ZONE:	C
LOT AREA:	462.96m <sup>2</sup>
EXISTING DWELLING FOOTPRINT:	85.82m <sup>2</sup>
EXISTING GARAGE FOOTPRINT:	38.69m <sup>2</sup>
<b>BUILDING HEIGHT</b>	
No. of STOREYS:	1
<b>SETBACKS</b>	
FRONT:	4.55m
REAR:	13.23m
RIGHT SIDE:	2.13m
LEFT SIDE:	5.36m

PROJECT NORTH	TRUE NORTH

01.	DRAWINGS FOR VARIANCE	04/23/2021
No.	REVISION	DATE

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4. CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
5. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
6. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
7. DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
8. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

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	
LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	43162
NAME	BCIN
04/23/2021	
DATE	SIGNATURE

**Len Angelici Design**

270 SHERMAN AVE N, UNIT OF-269  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE
236 FERNWOOD CRES, HAMILTON, ON. L8T 3L6

SHEET TITLE
SITE PLAN

DRAWN BY	SP1
L. ANGELICI	
DATE	
04/23/2021	
SCALE	
1:50	
PROJECT No.	
18043	



**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)

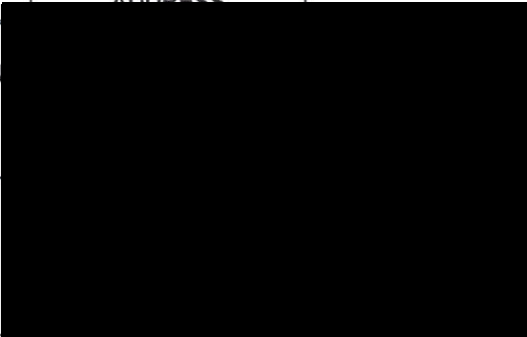
**APPLICATION FOR A MINOR VARIANCE****FOR OFFICE USE ONLY.**

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)	MATTHEW & JENNIFER DUNCAN		
Applicant(s)*	LEN ANGELICI		
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:

CONVERSION OF SINGLE FAMILY DWELLING INTO A 2 FAMILY DWELLING &  
RELIEF FROM ON-SITE PARKING

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

SITE DOES NOT ALLOW FOR LEGAL REQUIRED ON-SITE PARKING FOR A 2  
FAMILY DWELLING

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**):

236 FERNWOOD CRES  
L8T 3L6  
HAMILTON, ON

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?

AREA HAS BEEN RESIDENTIAL SINCE CONSTRUCTION OF SUBJECT PROPERTY

- 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.

3/31/2021

Date

DocuSigned by:  
  
 Signature Property Owner  
 Mathew Duncan  
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 15.19m  
 Depth 30.48m  
 Area 462.96m<sup>2</sup>  
 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:

MAIN: 878.67 sqft  
 BASEMENT: 465.24 sqft  
 SINGLE STOREY

WIDTH: 25'-3" (7.70m)  
 LENGTH: 36'-7" (11.15m)

Proposed

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

Existing:

FRONT: 4.55m REAR: 13.23m  
 LEFT SIDE: 5.36m  
 RIGHT SIDE: 2.13m  
 Proposed:

13. Date of acquisition of subject lands:  
\_\_\_\_\_
14. Date of construction of all buildings and structures on subject lands:  
**N/A**
15. Existing uses of the subject property:  
**SINGLE FAMILY DWELLING**
16. Existing uses of abutting properties:  
**SINGLE FAMILY DWELLINGS**
17. Length of time the existing uses of the subject property have continued:  
**SINCE CONSTRUCTION**
18. Municipal services available: (check the appropriate space or spaces)  
Water \_\_\_\_\_ ✓ \_\_\_\_\_ Connected \_\_\_\_\_ ✓ \_\_\_\_\_  
Sanitary Sewer \_\_\_\_\_ ✓ \_\_\_\_\_ Connected \_\_\_\_\_ ✓ \_\_\_\_\_  
Storm Sewers \_\_\_\_\_ ✓ \_\_\_\_\_
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:  
**ZONE C - Urban Protected Residential, Etc.**  
**PARENT BYLAW NUMBER: 6593 Former Hamilton**
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.