

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-21:180

APPLICANTS: Agent WEBB Planning
Owner K. & S. Somers

SUBJECT PROPERTY: Municipal address **472 McNab St. N., Hamilton**

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

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings) district

PROPOSAL: To permit the construction of a second storey addition and a single storey addition at rear of the existing one half of a semi-detached single-family dwelling notwithstanding that;

1. A 0.0 m front yard depth shall be maintained instead of the minimum required 6.0 m front yard depth; and

2. A minimum side yard width of 0.5 m shall be provided on the northerly side lot line instead of the minimum required side yard width of 1.2 m; and

3. A minimum side yard width of 0.0 m shall be provided on the southerly side lot line instead of the minimum required side yard width of 1.2 m; and

Notes:

No building or structure shall exceed three storeys and no structure shall exceed 14.0 m in height. No details provided for the proposed additions; therefore, if the proposed additions exceed the maximum permitted height further variances shall be required.

Eaves and gutters may project into a required side yard not more than one-half of its width, or 1.0 m, whichever is the lesser. No details provided for the proposed additions; therefore, further variances may be required. Maria Romano HM/A-21: 180 Page 2 of 2 472 MacNab Street North.

An Encroachment Agreement with the Public Works Department may be required for the building and stairs shown to encroach on the Road Allowance. For further information, please contact encroachment@hamilton.ca

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

DATE: Thursday, June 17th, 2021
TIME: 2:30 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: June 1st, 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.



Addition and Renovation to:
Somers Residence

472 McNab Street North
Hamilton, ON

SCALE:
NTS

DATE:
JAN 2020

LINTACK ARCHITECTS
I N C O R P O R A T E D

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209 • E: information@lintack.com
www.lintack.com

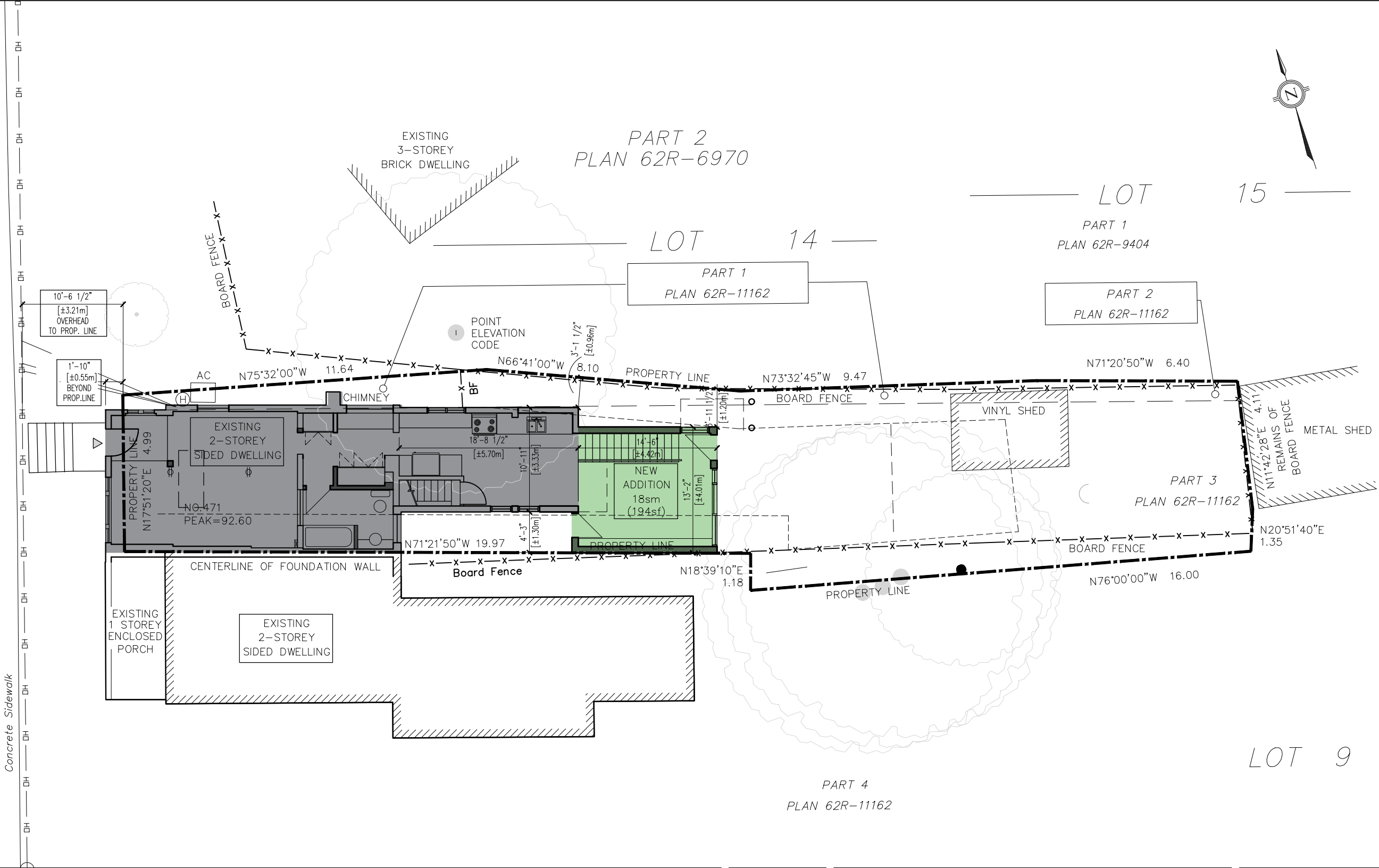
Perspective

JOB No.
19.100

DWG. No.
A0

MCNAB STREET NORTH

Concrete Sidewalk



Addition and Renovation to:
Somers Residence

472 McNab Street North
Hamilton, ON

SCALE:
3/32"=1'-0"

DATE:
2020-08-28

LINTACK ARCHITECTS

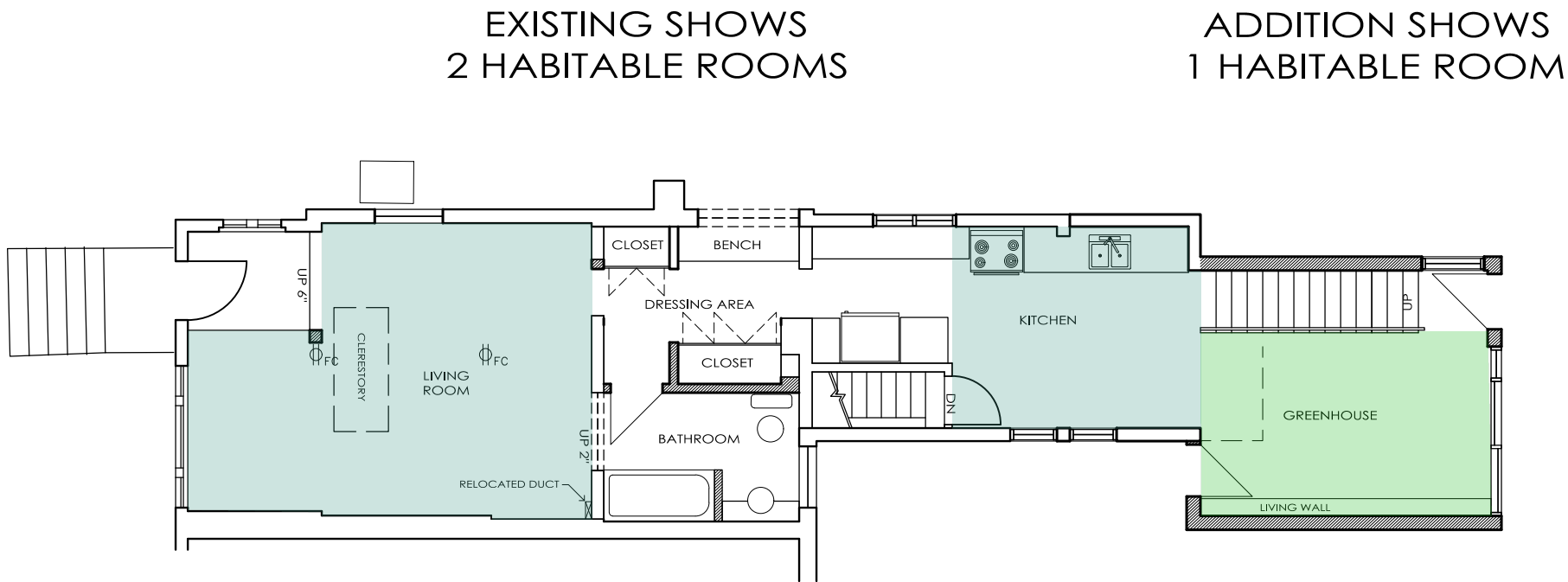
INCORPORATED

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SITE PLAN

JOB No.
19.100

DWG. No.
A1



Ground Floor Plan

Addition and Renovation to:
Somers Residence

472 McNab Street North
Hamilton, ON

SCALE:
1/8"=1'-0"

DATE:
JAN 2020

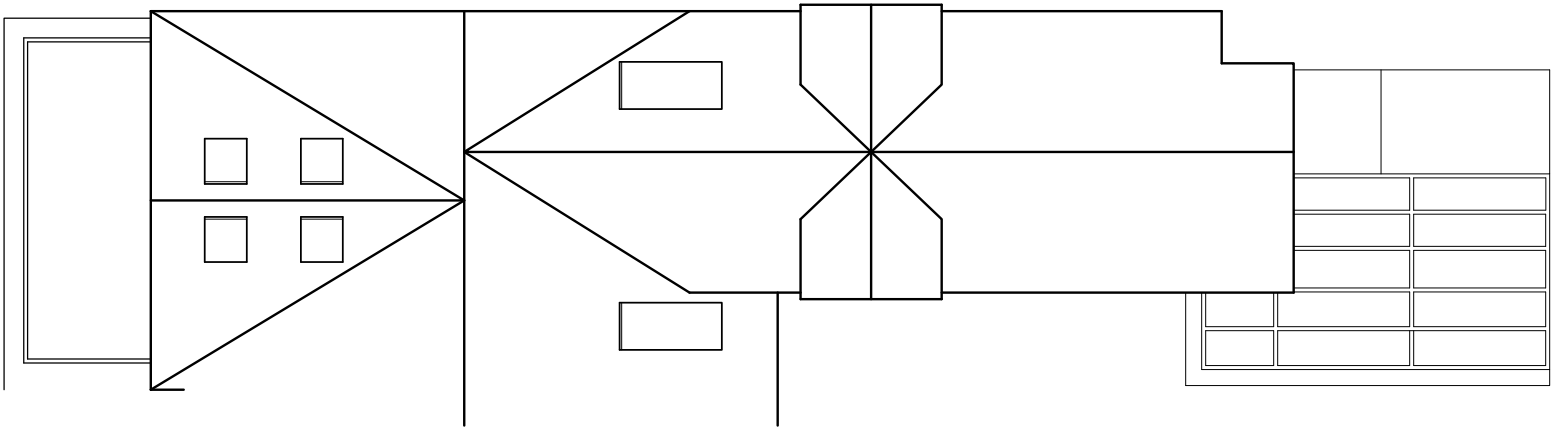
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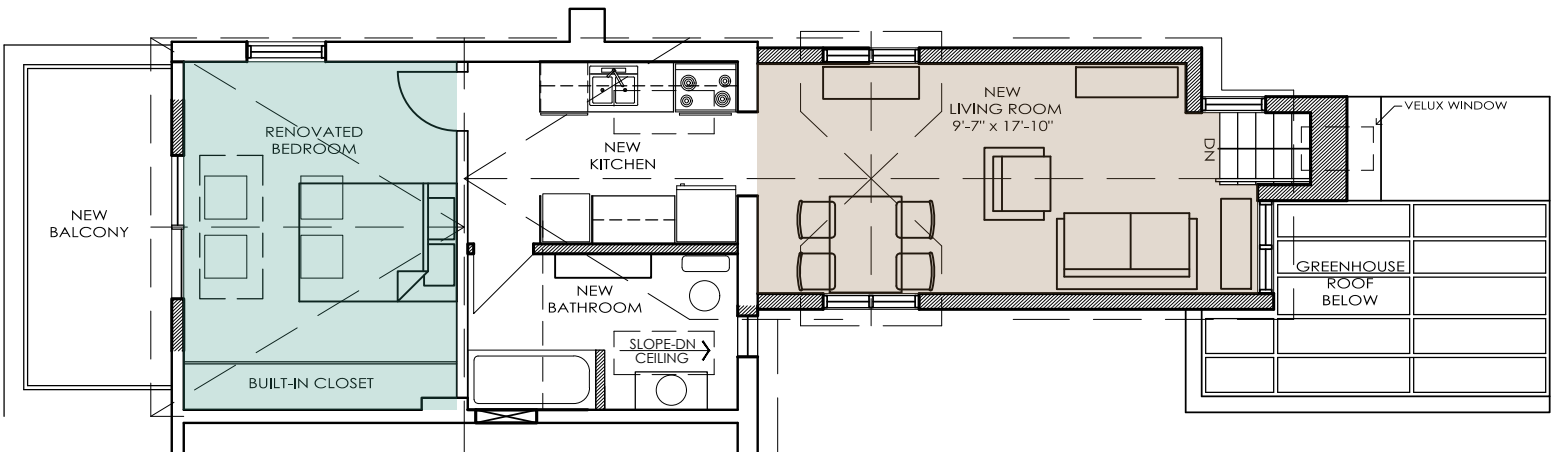
Ground Floor

JOB No.
19.100

DWG. No.
A2



Roof Plan



Second Floor Plan

EXISTING SHOWS
1 HABITABLE ROOM

ADDITION SHOWS
1 HABITABLE ROOM

Addition and Renovation to:
Somers Residence

472 McNab Street North
Hamilton, ON

SCALE:
1/8"=1'-0"

DATE:
JAN 2020

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Second Floor
and Roof

JOB No.
19.100

DWG. No.
A3



West Elevation



North Elevation

Addition and Renovation to:
Somers Residence

472 McNab Street North
Hamilton, ON

SCALE:
1/8"=1'-0"

DATE:
JAN 2020

LINTACK ARCHITECTS

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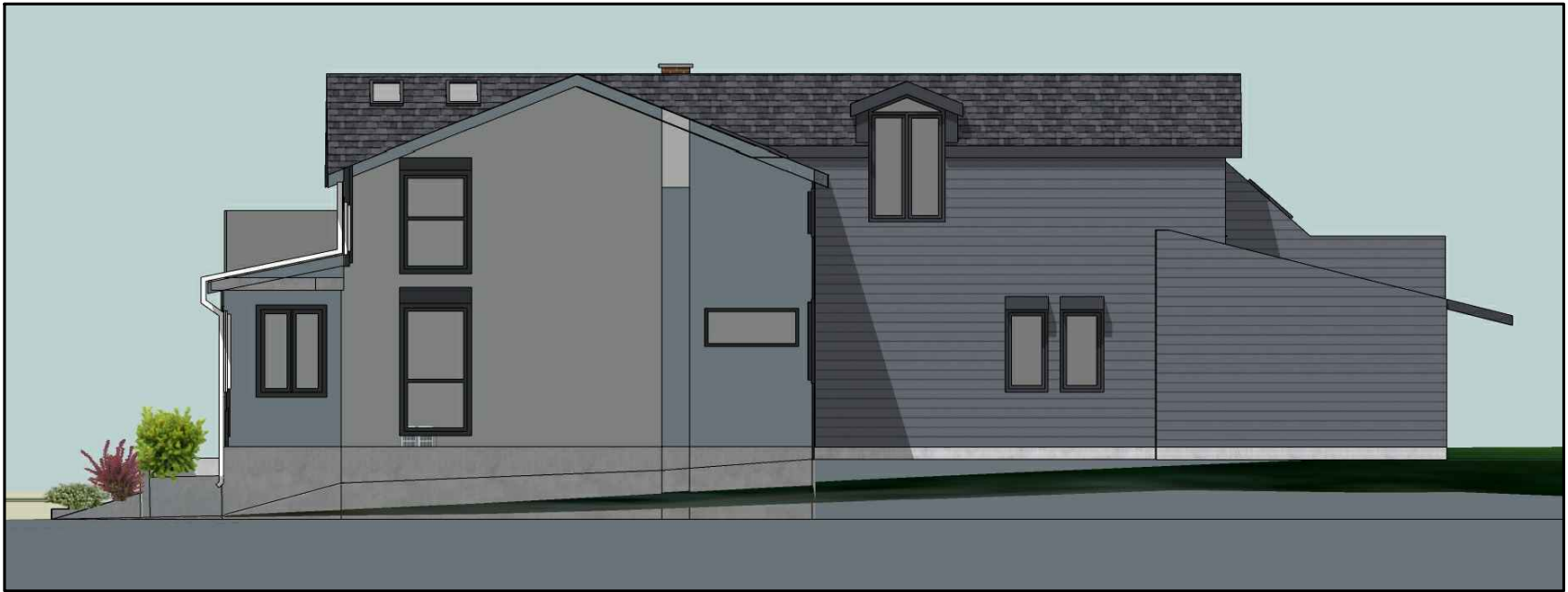
Elevations

JOB No.
19.100

DWG. No.
A4



East Elevation



South Elevation

Addition and Renovation to:
Somers Residence

472 McNab Street North
Hamilton, ON

SCALE:
1/8"=1'-0"

DATE:
JAN 2020

LINTACK ARCHITECTS

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www.lintack.com

Elevations

JOB No.
19.100

DWG. No.
A5



Addition and Renovation to:
Somers Residence

472 McNab Street North
Hamilton, ON

SCALE:
NTS

DATE:
JAN 2020

LINTACK ARCHITECTS
I N C O R P O R A T E D

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www.lintack.com

Perspective
Rear

JOB No.
19.100

DWG. No.
A6



April 21, 2021

City of Hamilton
Planning & Economic Development Department
Committee of Adjustment
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Minor Variance
472 McNab Street North, City of Hamilton

WEBB Planning Consultants are retained by the owners of the property located at 472 McNab Street North to provide land use planning services in connection with their proposal to construct an addition to an existing dwelling.

The subject property is located in the North End of the City of Hamilton in a neighbourhood predominantly characterized by at-grade low density housing. The property is located on the east side of McNab Street, between Wood Street West and the extension of Burlington Street West. The lot has a width of 4.9 metres and an area of 202 square metres.

The subject property is presently occupied by one-half of a former two family dwelling, two storeys in height. There is no dedicated parking for the dwelling, the Committee of Adjustment previously granted relief so as to permit the existing dwelling to be maintained upon the lot without the provision of an off-street car parking space per Application No. A-90:251. The Variance was adopted to support a parallel Application for Consent that separated 472 McNab as a separate property as had existed at a prior time.

As illustrated by the accompanying drawings prepared by Lintack Architects, the current owners are proposing to construct an addition to the rear of the house, the effect being an increase in the number of habitable rooms from 3 to 5. The addition proposes to add a second storey above an existing portion of the dwelling and add an extension to the rear, a single storey in height.

The footprint for the proposed addition essentially matches the footprint of the existing dwelling which is a minimum 0.0 metres along the south lot line and 0.55 metres along the north lot line. However, the addition is subject to the applicable Regulations of the "D" District Zone which requires a side yard setback of 1.2 metres and therefore Variances from the side yard Regulation is required.

Along the north lot line, the proposed second storey addition will have a setback of 0.9 metres while the single storey extension will maintain a setback of 1.2 metres.

Along the south lot line, the single storey addition will match the existing setback of 0.0 metres. The addition is offset in this manner to ensure adequate space for a walkway to access to rear yard along the north elevation.

As summarized below, the Variance has been considered in the context of the four tests outlined by Section 45 (1) of the Planning Act and in all respects comply.

The Variance has been considered in the context of the Official Plan and in our opinion maintains the general purpose and intent.

The lands are subject to the Policies of the Setting Sail Secondary Plan and designated as Low Density Residential. The Policies for this land use designation include single and semi-detached dwellings as permitted uses, the scale type and character of new development shall generally reflect the existing low density development in the neighbourhood.

The North End Neighbourhood is identified by the Secondary Plan as a Stable Area, a categorization applicable to low density neighbourhoods that define the residential character of the West Harbour. The Policy intent for Stable Areas is to maintain and reinforce the character of existing neighbourhoods, the predominant land use being ground related, low density housing forms including single and semi-detached dwellings.

The proposal maintains the current permitted use and introduces a sensitively scaled addition that is in keeping with the prevailing low density character of the surrounding area. The investment and physical upgrade to the existing dwelling is an example of appropriate regeneration of a desired form of housing.

The Variance has been considered in the context of the Zoning By-law and in our opinion maintains the general purpose and intent.

The intent of the Zoning By-law is to ensure adequate separation and buffering of adjoining development to maintain privacy and appropriate massing through the application of setbacks. For the "D" District Zone, interior side yard setbacks of 1.2 metres are required.

The existing dwelling was previously one half of a two family dwelling and recently severed to create a separate lot and dwelling. The existing setback and interface to the opposite dwelling retains a shared wall and therefore has no setback along the south lot line, this condition is therefore legal non-conforming. The single story addition to the rear proposes to maintain the established zero lot line setback effectively matching an existing condition.

Along the north lot line, the proposed single storey addition at the rear complies with the required setback of 1.2 metres.

The proposed second storey addition is built upon the existing footprint below which has a setback of only 0.9 metres whereas of 1.2 metres would otherwise be required. The proposed addition matches the existing setback, maintains the established separation and to the north and is limited with regard to its massing. The reduction to 0.9 metres is deemed appropriate as separation is achieved and the elevation has minimal openings that are oriented to the adjoining property.

The Variance is Minor.

The appropriate test to establish that the Variances are minor is to consider if any adverse or negative impacts arise from the development. The attached renderings prepared by Lintack Architects illustrate the location of the additions and provide a sense of scale and relationship to the adjoining properties.

The property has historically been used as a two storey dwelling based on reduced setbacks. The proposed additions match existing conditions with consideration of massing, materials and openings to mitigate potential impacts.

The single storey addition to the rear has a flat roof profile that is lower than the existing roof line of both the existing dwelling and the abutting dwelling. The projection of the addition into the rear yard is similar to the depth of a similarly scaled extension for the abutting dwelling to the south.

The second storey addition is aligned to meet the required setback from the south interior side lot line. The addition matches the existing footprint and the scale of the existing two storey profile of the existing dwelling. The footprint is marginal with a high quality architectural design and materiality, the elevation having limited openings to the north.

For the above reasons, the additions are not anticipated to create an undesirable condition for the adjoining properties, no adverse impacts will arise.

The proposed development is desirable for the appropriate development of the lands.

The subject lot has a narrow width and relatively small dwelling, containing at present a total of 3 habitable rooms. The proposed addition will increase the usable floor area of dwelling, adding 2 additional rooms for a total of 5 habitable rooms.

As illustrated by the architectural plans and renderings prepared by Lintack Architects, the proposed addition is sensitively designed using materials and detailing that are consistent with the character of the existing dwelling and the surrounding homes.

Notwithstanding that the existing dwelling has deficiencies with regard to setbacks, the proposed additions are designed to either match the existing conditions or comply with the applicable requirements, in no case are the existing conditions exacerbated.

It is my opinion that the proposed addition will make a significant improvement to the livability of the existing dwelling in a manner that does not detract from the prevailing character of the area and in fact represents an example of appropriate renewal and reinvestment in a desired and compatible form of housing.

In summary, it is my opinion that the Variance required to implement the proposed addition meets the four tests of the Planning Act and will provide for the appropriate development of the property.

In keeping with the City's requirements for the submission of an Application for Minor Variance, the following materials are enclosed:

- Application for Minor Variance;
- Application Fee of \$3,320.00 payable to the City of Hamilton;
- Preliminary Site Plan and Renderings, prepared by Lintack Architects.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Minor Variance. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

WEBB Planning Consultants Inc.

James Webb, MCIP, RPP

cc: Lintack Architects

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)	Susan & Kevin Somers		
Applicant(s)*	Susan & Kevin Somers		
Agent or Solicitor	WEBB Planning Consultants		

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:
 Mortgage - First National Financial, 100 University Avenue, Suite 1200, Toronto ON M5J 1V6

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:

Proposed building addition, Variance seeks permission for a side yard setback of 0.0 metres on the south side yard and a side yard setback of 0.9 metres for the north side yard, noted that existing dwelling provides a north side yard setback of 0.55metres

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

Lot has irregular shape, proposed addition at rear of building intended as extension of existing building envelope with similar setbacks as existing building envelope

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**):

472 McNab Street North

Part of Lots 13, 14 & 15, Block 10, Registered Plan 127

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?

Site Inspection, discussion with owner

- 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	4.99 m
Depth	Apx. 36 m
Area	202 sq. m
Width of street	20.0 m

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: _

two storey dwelling, constructed as one half of a semi-detached dwelling.
Existing ground floor area of 63 sq. metres, total gross floor area of 98 sq. metres. Building has dimensions of 13.1 x 4.6 metres. The number of habitable rooms is four (4). ~~4~~ 3

Proposed

One and partial second storey addition at rear of dwelling, at grade footprint of addition of 18 sq. metres, total GFA of 37 sq. metres. Addition has ~~3~~ 2 habitable rooms for a combined total of ~~7~~ 5 habitable rooms.

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

Existing:

FR: 0.0m, Rear Yard: Apx. 20 m, South Side Yard: 0.0, North Side Yard: 0.55
(existing condition, proposed addition to have setback of 0.9 metres)

Proposed:

FY: no change, Rear Yard: 17 m, South Side Yard: 0.0, North Side Yard: 0.55

13. Date of acquisition of subject lands:
November 2019
-
14. Date of construction of all buildings and structures on subject lands:
Unknown
-
15. Existing uses of the subject property:
Single detached dwelling
16. Existing uses of abutting properties:
Low density residential
17. Length of time the existing uses of the subject property have continued:
Unknown
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:
UHOP - property is designated Neighbourhoods. Proposed dwelling type and scale is permitted form of Low Density Residential use.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"D" District, City of Hamilton Zoning By-law 6593
21. Has the owner previously applied for relief in respect of the subject property?
- ☐ Yes ☒ No
- If the answer is yes, describe briefly.
- There is a historic Minor Variance approved for the property , City Application NO. A-90-251, granted relief from provision of off-street car parking space
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.