

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-21:206

APPLICANTS: Owner V. Chatti & N. Kowligi
Agent Property Pathways

SUBJECT PROPERTY: Municipal address **394 East 42nd St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 21-076

ZONING: E district (Multiple Dwellings, Lodges, Clubs and etc.)

PROPOSAL: To permit the creation of a secondary dwelling unit within an existing single family dwelling, notwithstanding that:

1. A total of three tandem parking spaces shall be provided for the single family dwelling and the secondary dwelling unit instead of requiring the parking for the secondary dwelling unit to be provided as a separate and independent parking space beside the tandem parking for the single family dwelling.

NOTES:

1. The variances are written as requested by the applicant. The original submitted plan has been modified to now show parking for three 2.7m x 6.0m tandem parking spaces within the driveway and garage because the proposed partial side by side parking space in the front yard would not be recognized due to being of insufficient length (i.e. 4.1m) because of the front yard depth. If future parking is desired within the front yard, it would be subject to an approved Boulevard Parking Agreement.
2. The application was reviewed based on the new zoning modifications to Zoning By-law 6593 for Secondary Dwelling units which were approved under amending by-law 21-076. By-law 21-076 permits a secondary dwelling unit to be developed for any legally established single detached, semi-detached, and street townhouse dwelling in all Residential Districts. It is noted that the subject property is zoned E (Multiple Dwellings, Lodges, Clubs, etc) District in Zoning By-law 6593.
3. Concerning the required variance, the Zoning By-law permits the parking for the principal dwelling unit dwelling to be arranged in a tandem fashion but requires the parking for a secondary dwelling unit to be arranged side by side to the tandem parking so that the SDU parking space can used independently of the other spaces for ingress and egress.
4. The requested variance for reduced landscaped area within the front yard is not required.

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

DATE:	Thursday, July 8th, 2021
TIME:	1:15 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

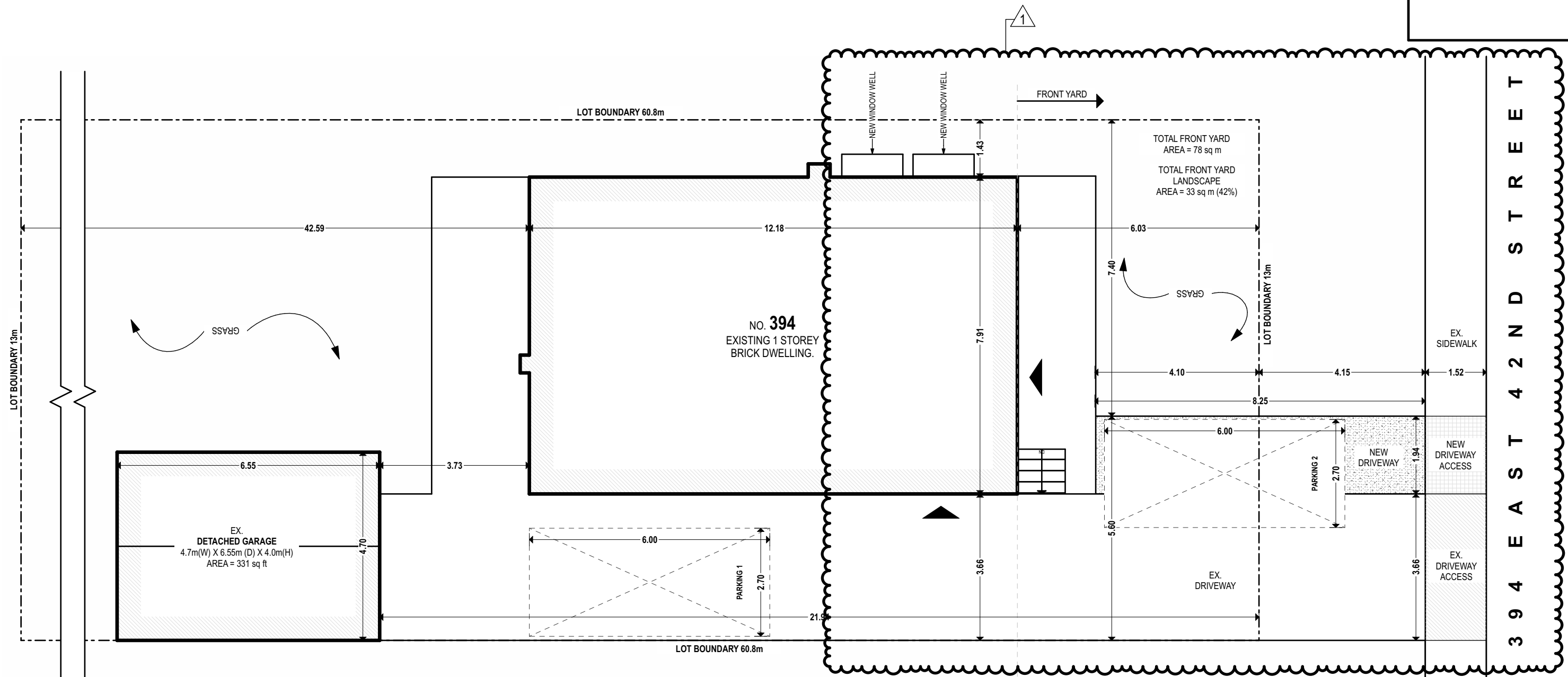
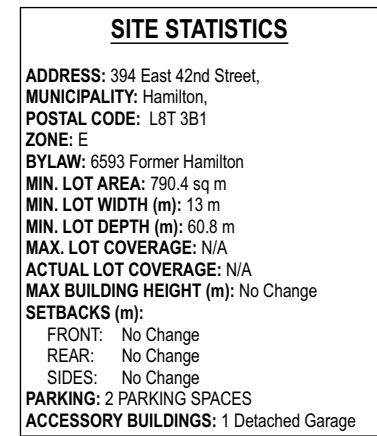
For more information on this matter, including access to drawings illustrating this request:

- 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 22nd, 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.



1. The Contractor shall check the drawings and verify all dimensions of the work and shall report promptly all discrepancies, errors and omissions to the Designer at least one week before ordering or installing construction materials or making any material changes to the work involving such discrepancies, errors or omissions. Should the Contractor fail to observe these conditions, the additional expense for remedial work shall not become the responsibility of the Designer under any circumstance.
2. Read all drawings in conjunction with the General Notes and Specifications.
3. Drawings are not to be scaled.




**PROPERTY
PATHWAYS**
OUR PATH, YOUR WAY

Designer: Ronald De Coteau
Phone: (647) 870-1701
Email: assistant@propertypathwayz.com
Website: propertypathwayz.com

The undersigned has reviewed and taken 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 2.17.5.1. of the Ontario Building Code

RONALD DE COTEAU		38419
NAME	SIGNATURE	BCIN

R1	Issued For Revision	03May2021
01	Issued For Permit	11April2021
No	Description	Issue Date

Site Plan

address:
394 East 42nd Street, Hamilton, ON L8T 3B1

project no.
2020-THBD-40

date:	project status:
2021-05-03	Permit Set

drawn by:	checked by:	scale:
R. Wilson	R. De Coteau	1:100

SP1.01



Hamilton

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

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

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

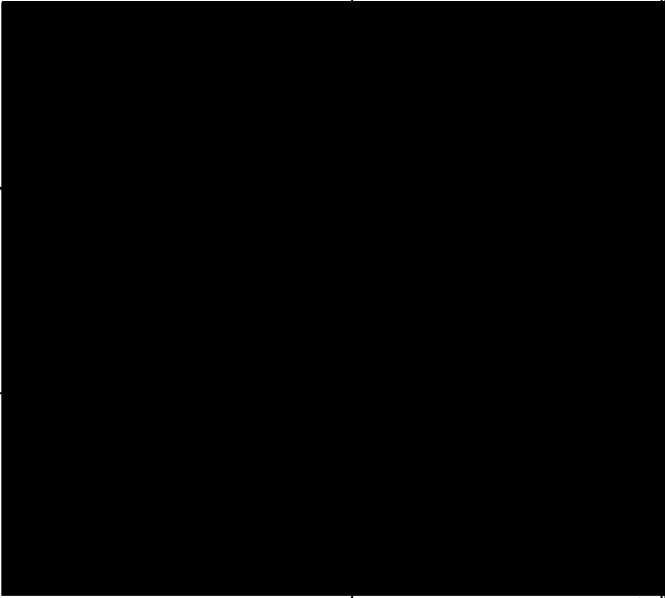
PAID _____ DATE APPLICATION DEEMED COMPLETE _____

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)	Nagesh Kowligi & Vaishnavi Chatti	
Applicant(s)*	Property Pathways Inc	
Agent or Solicitor	Property Pathways Inc.	

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:
- Scotia mortgage corporation
10 Wright blvd
Stratford, ON

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:

To permit the conversion of a single family dwelling for the purpose of creating a second dwelling unit under Section 19 of the Zoning By-law, notwithstanding that:

- i) To widen the width of the driveway to accommodate the required two parking spaces reduces the minimum front yard landscape area from 50% to 40% as per section 19 of the Hamilton Former Bylaw 1(v)(2).
- ii) To permit a portion of the required parking space to be located off-site, in which case a Boulevard Parking Agreement would be required.

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

Currently, there is a front porch that extends the length of the front elevation, and forms the roof of basement cold room.

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**):

PT LTS 64 & 65, PL 794 , AS IN HL41315 ; HAMILTON
394 EAST 42ND ST HAMILTON

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other _____

8.1 If Industrial or Commercial, specify use N/A

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?
Previous use of the property aided in determining the above answers.

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.

5/6/2021
Date

K. Jyesh Kumar Vaishnavi Chatti
Signature Property Owner

Nagesh Kumar Kowligi Vaishnavi Chatti
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>13 m</u>
Depth	<u>60.8 m</u>
Area	<u>790.4 sq m</u>
Width of street	<u>7.89 m (to be confirmed by Public Works)</u>

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: _

Primary Building : Ground Floor Area - 1037 sq m, Gross Floor Area - 2215 sq m, # of storeys - 1 + basement, width - 7.99 m, length - 12.18 m, height - 4.49 m

Detached Garage: Ground Floor Area - 331 sq m, Gross Floor Area - 331 sq m, # of storeys - 1, width - 4.7 m, length - 6.55 m, height - 4 m

Proposed

No change. Same as Existing.

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

Existing:

Primary Building: Side Yard (Right) - 1.43 m, Side Yard (Left) 3.66 m, Rear - 42.59 m, Front - 6.03 m

Detached Garage: Side Yard (Right) - 8.3 m, Side Yard (Left) 0 m, Rear - 33.3 m, Front (from back of primary building) - 3.73 m

Proposed:

No change. Same as Existing.

13. Date of acquisition of subject lands:
4/22/2021
14. Date of construction of all buildings and structures on subject lands:
1950's
15. Existing uses of the subject property:
Single Family dwelling
16. Existing uses of abutting properties:
Single Family Dwelling
17. Length of time the existing uses of the subject property have continued:
Since date built
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
N/A
21. Has the owner previously applied for relief in respect of the subject property?
☐ Yes ☒ No
If the answer is yes, describe briefly.
N/A
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
N/A
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.