



Hamilton

COMMITTEE OF ADJUSTMENT

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

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-21:232

APPLICANTS: Agent A.J. Clarke & Associates c/o S. Fraser
Owners M. & U. Vieira

SUBJECT PROPERTY: Municipal address **44 Malton Dr., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 83-66

ZONING: "B" (Suburban Agriculture and Residential and etc.) district

PROPOSAL: To permit the construction of a new one-and-a-half single family dwelling to replace an existing single family dwelling, notwithstanding that:

1. The minimum westerly side yard shall be 1.2m instead of the minimum required 3.0 side yard.
2. An existing accessory building shall be permitted to remain on the site following the demolition of the existing dwelling and prior to the construction of a single family dwelling, whereas the Zoning By-law does not permit an accessory building to be erected prior to the erection of the principal building on the same lot.

NOTES:

1. The property is currently occupied by an existing single storey bungalow and detached garage. The existing detached garage was constructed in 2019.
2. The variance for the westerly side yard is to accommodate a bumpout in the design of the proposed single family dwelling.
3. The requested variance for the side yard is written as requested by the applicant. An additional variance has been included through the review to address the retention of the garage on the property prior to the new dwelling being constructed.
4. The eaves /gutter projection into the westerly side yard would conform to the Zoning By-law providing the requested variance for the reduced side yard is approved (Variance #1).
5. The Zoning By-law requires parking for a single family dwelling to be based on 2 spaces for the first eight (8) habitable rooms and 0.5 parking spaces for each additional habitable room. The number of habitable rooms has not been identified to determine parking for the proposed dwelling, however, based on the site plan, multiple parking spaces can be accommodated.

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

DATE: Thursday, July 22nd, 2021
TIME: 1:35 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

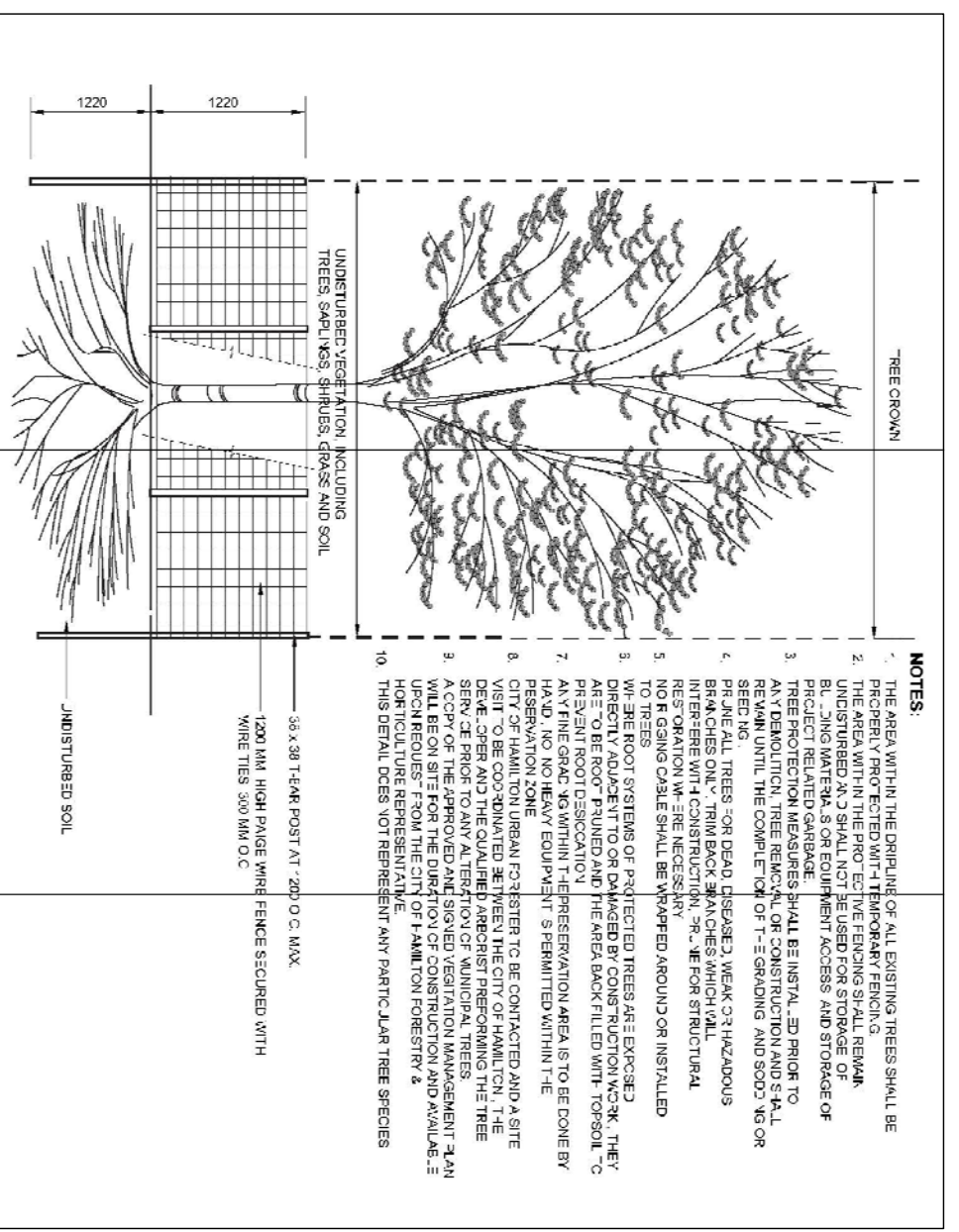
For more information on this matter, including access to drawings illustrating this request:

- 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

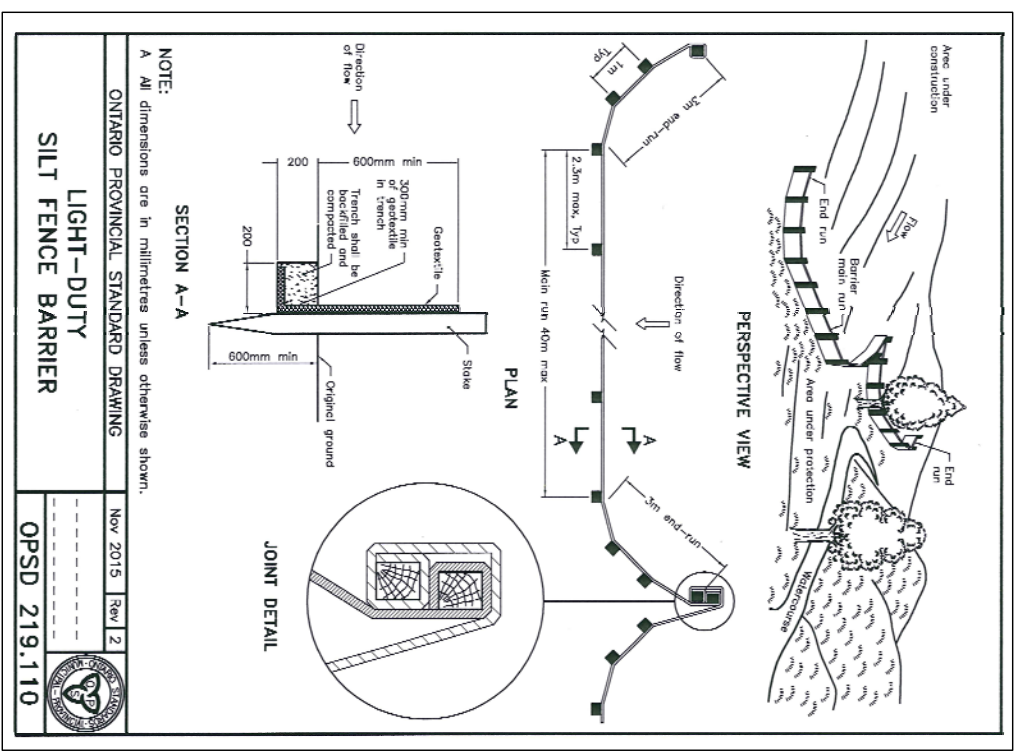
DATED: July 6th, 2021.

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.

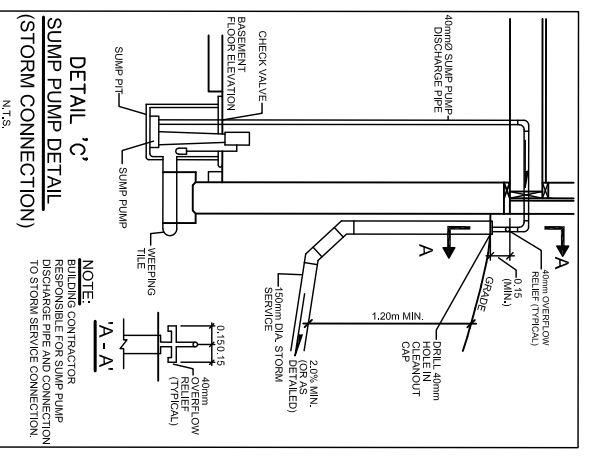


DETAIL 'A'
TEMPORARY TREE PROTECTION FENCING

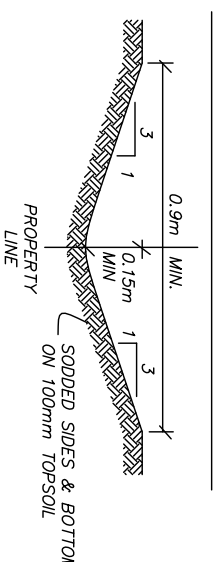


DETAIL 'B'
SEDIMENT CONTROL FENCE INSTALLATION

- EROSION AND SEDIMENT CONTROL MEASURES APPROVED BY THE MAIN ENGINEER THROUGHOUT THE CONSTRUCTION PROCESS, UNTIL ALL DISTURBED AREAS HAVE BEEN RE-VEGETATED OR, IF APPLICABLE, RE-PAVED.
- Install all erosion and sediment control measures approved by the main engineer throughout the construction process, until all disturbed areas have been re-vegetated or, if applicable, re-paved.
 - Provide a minimum of 10% of the disturbed area to be re-vegetated or, if applicable, re-paved.
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TYPICAL SWALE CROSS-SECTION N.T.S.



NOTE:
Swales to be placed in a manner to prevent runoff to adjacent areas or to prevent runoff from the site.

REGISTERED PLAN No. 784

LOT 67

LOT 68

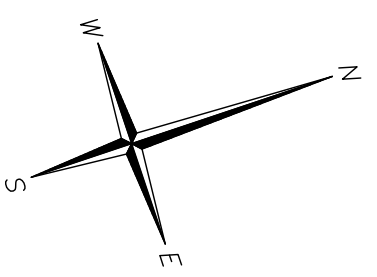
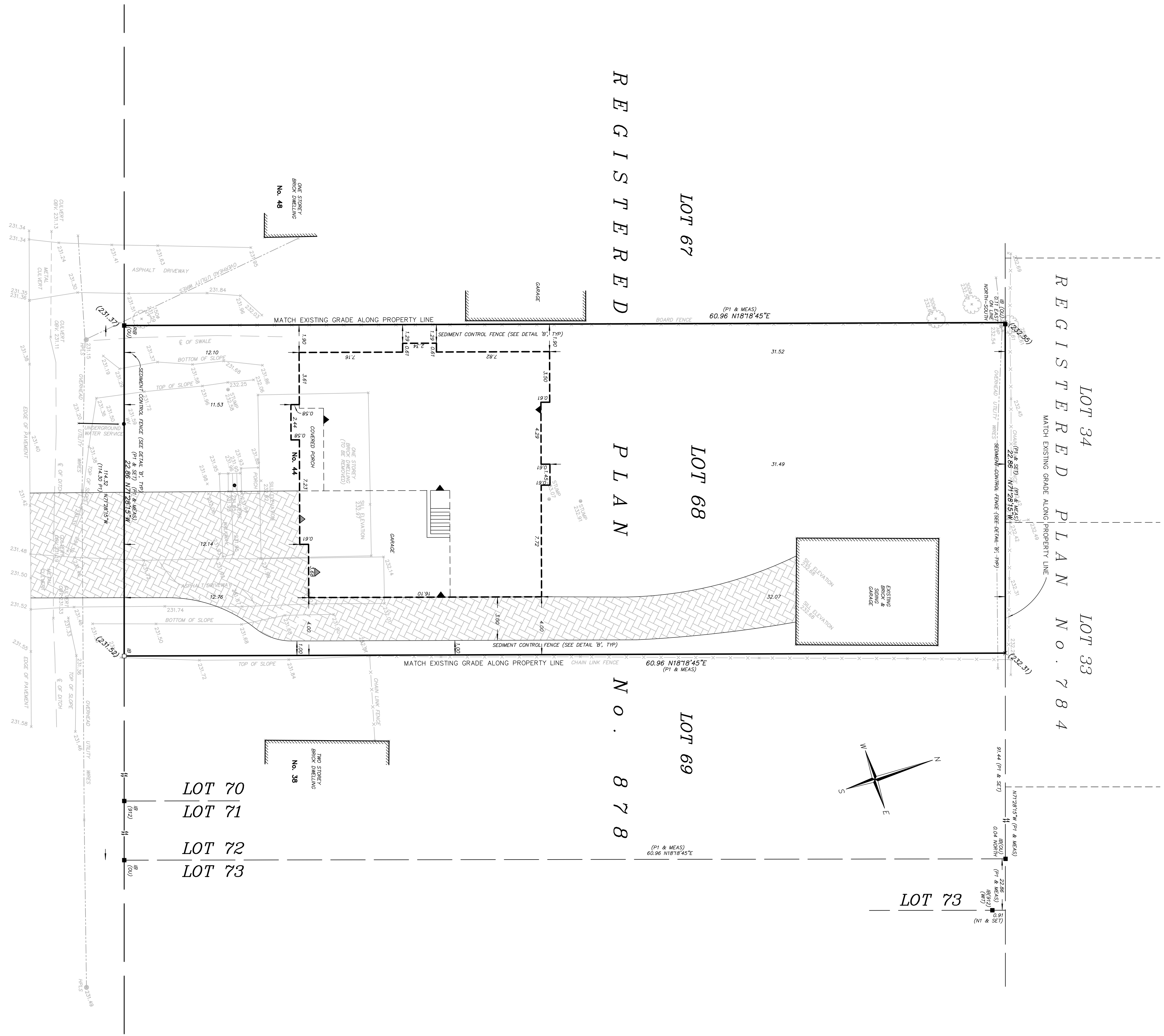
LOT 69

LOT 70

LOT 71

LOT 72

LOT 73



MALTON DRIVE
(FORMERLY MALTON DRIVE EXTENDED BY REGISTERED PLAN No. 878)



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)	Urbano Vieira and Maria Vieira	
Applicant(s)*	same as owners	
Agent or Solicitor	A. J. Clarke and Associates Ltd.	

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:
N/A

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?

Online mapping and knowledge of owners.

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.

May 27, 2021

Date

Signature Property Owner

Urbano Vieira and Maria Vieira

Print Name of Owner

10. Dimensions of lands affected:

Frontage + - 22.86 m
Depth + - 60.96m
Area + - 1,393.54 sq m
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: _

One single-detached dwelling to be removed.

Proposed

Please see attached plans.

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

Existing:

One single-detached dwelling to be removed.

Proposed:

Please see attached plans.

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 a minimum westerly side yard setback of 1.25m; whereas a minimum of 3m is required within a "B" District of By-law No. 6593.
5. Why it is not possible to comply with the provisions of the By-law?
The owner needs to accommodate a driveway and swale on the east side of the dwelling which is proposed to be setback 4m from the easterly side lot line.
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**):
44 Malton Drive, Hamilton Ontario
Lot 68
Registered Plan No. 878
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

13. Date of acquisition of subject lands:
2019
-
14. Date of construction of all buildings and structures on subject lands:
Proposed for summer 2021.
-
15. Existing uses of the subject property:
Residential.
16. Existing uses of abutting properties:
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 Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods - Schedule E-1
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"B" District (Suburban Agriculture and Residential, etc.)
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.



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

May 28th, 2021

The City of Hamilton
Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Attn: Ms. Jamila Sheffield - Secretary-Treasurer (via email)

Re: Minor Variance Application Submission
44 Malton Drive, Hamilton

Dear Madam,

As required for the above-noted application, the following information has been submitted digitally save and except for the City's application fee which will be delivered on today's date to the Committee of Adjustment:

1. A cheque in the amount of \$ \$3,320.00 made payable to the City of Hamilton in payment of the application fee.
2. A copy of the completed and signed application form.
3. One (1) full size copy of the front and rear building elevations.
4. One (1) full size copy of the site and grading plan illustrating the proposed house location.

Trusting this is satisfactory for your purposes; however, should you require additional information, please do not hesitate to contact our office.

Yours very truly,

Stephen Fraser, RPP, MCIP
Planner
A. J. Clarke and Associates Ltd.
Encl.

Copy via email: Ms. Marlene Leslie MarleneL@rmxemail.com