



Hamilton

**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: [cofa@hamilton.ca](mailto: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-21:223

**APPLICANTS:** Agent Graham Barrett  
Owner Roman Kovaliv

**SUBJECT PROPERTY:** Municipal address **146 West 33<sup>rd</sup> St., Hamilton**

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

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

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

1. One parking space shall have a minimum width of 2.6 metres instead of the minimum required 2.7 metres;
2. One parking space shall be provided for the principal dwelling unit and one unobstructed parking space shall be provided for the secondary dwelling unit instead of the required minimum three parking spaces, consisting of two parking spaces for the principal dwelling unit and one unobstructed parking space for the secondary dwelling unit.

**NOTES:**

1. The application was submitted based on the Section 19 requirements in which one parking space is required for the principal dwelling unit and one unobstructed parking space is required for the secondary dwelling unit. By-law 21-076 was approved by City Council on May 12, 2021 to permit secondary dwelling units in single detached, semi-detached and street townhouses in all residential districts and the H District and is in effect. As noted, the parking space requirements under By-law 21-076 require the provision of three parking spaces for a dwelling with a secondary dwelling unit, including a separate and unobstructed parking space for the secondary dwelling unit.
2. The variance was written as requested by the applicant. A second variance was provided to recognize the parking requirements under the updated zoning.

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

---

**DATE:** Thursday, July 22nd, 2021  
**TIME:** 2:10 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://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](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: July 6th, 2021.

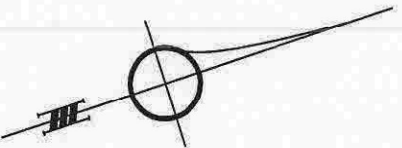
---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

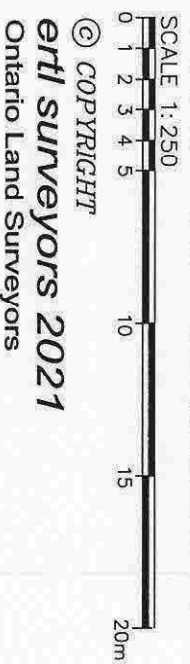
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.***

**Bearing Reference**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF WEST THIRTY THIRD STREET AS SHOWN ON REGISTERED PLAN 603 HAVING A BEARING OF N18°00'00"E

- Legend**
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT SET
  - SIB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - ⊙ DENOTES ROUND
  - M DENOTES MEASURED
  - RP DENOTES REGISTERED
  - P1 DENOTES SURVEY BY A.T. McLAREN LTD., O.L.S. DATED MAY 30, 1974
  - D1 DENOTES INSTRUMENT No. CD474472
  - 824 DENOTES A.T. McLAREN LTD., O.L.S.
  - DBF DENOTES DOUBLE BOARD FENCE
  - CLF DENOTES CHAIN LINK FENCE
  - ⊕ DENOTES CENTERLINE
  - OH DENOTES OVERHEAD UTILITY WIRES
  - UP DENOTES UTILITY POLE
  - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST

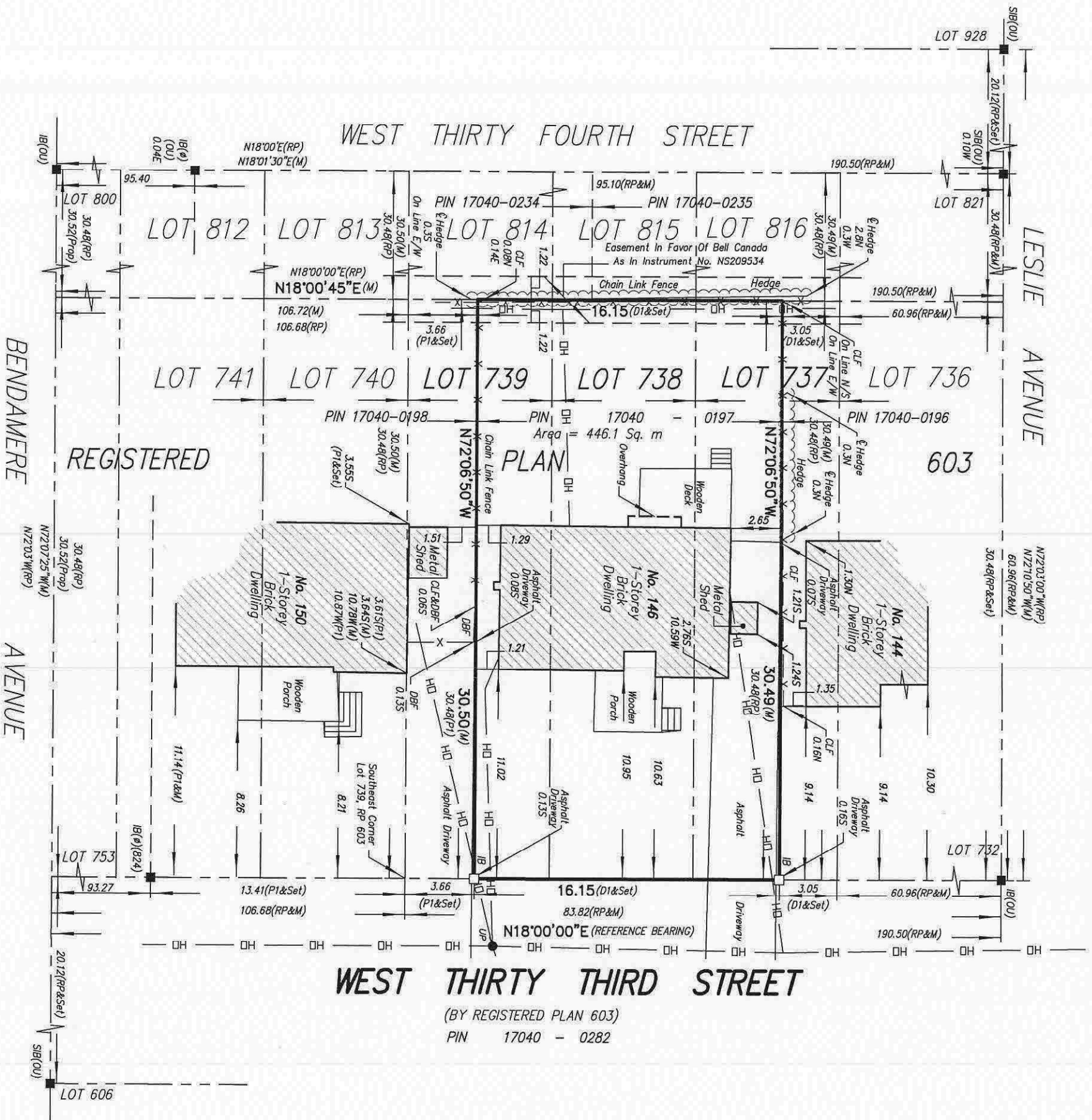


SURVEYOR'S REAL PROPERTY REPORT - PART 1  
 PLAN OF  
 LOT 738 AND  
 PART OF LOTS 737, 739  
 REGISTERED PLAN 603  
 CITY OF HAMILTON



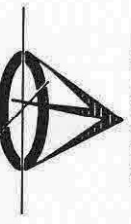
**Metric**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**Part 2**  
 SUBJECT TO EASEMENT IN FAVOR OF BELL CANADA AS IN INSTRUMENT No. NS209534.  
 FENCES AS SHOWN.  
 SURVEY PREPARED FOR VITALY KOVALIV.



**WEST THIRTY THIRD STREET**  
 (BY REGISTERED PLAN 603)  
 PIN 17040 - 0282

ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
 2169729



THIS PLAN IS NOT VALID  
 UNLESS IT IS AN EMBOSSED  
 ORIGINAL COPY  
 ISSUED BY THE SURVEYOR  
 In accordance with  
 Regulation 1026, Section 29(3).

**Surveyor's Certificate**

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
  2. THE SURVEY WAS COMPLETED ON THE 27th DAY OF APRIL 2021

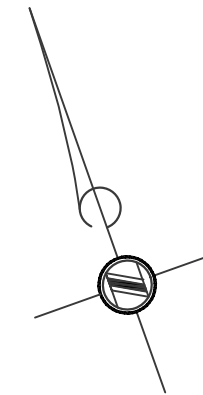
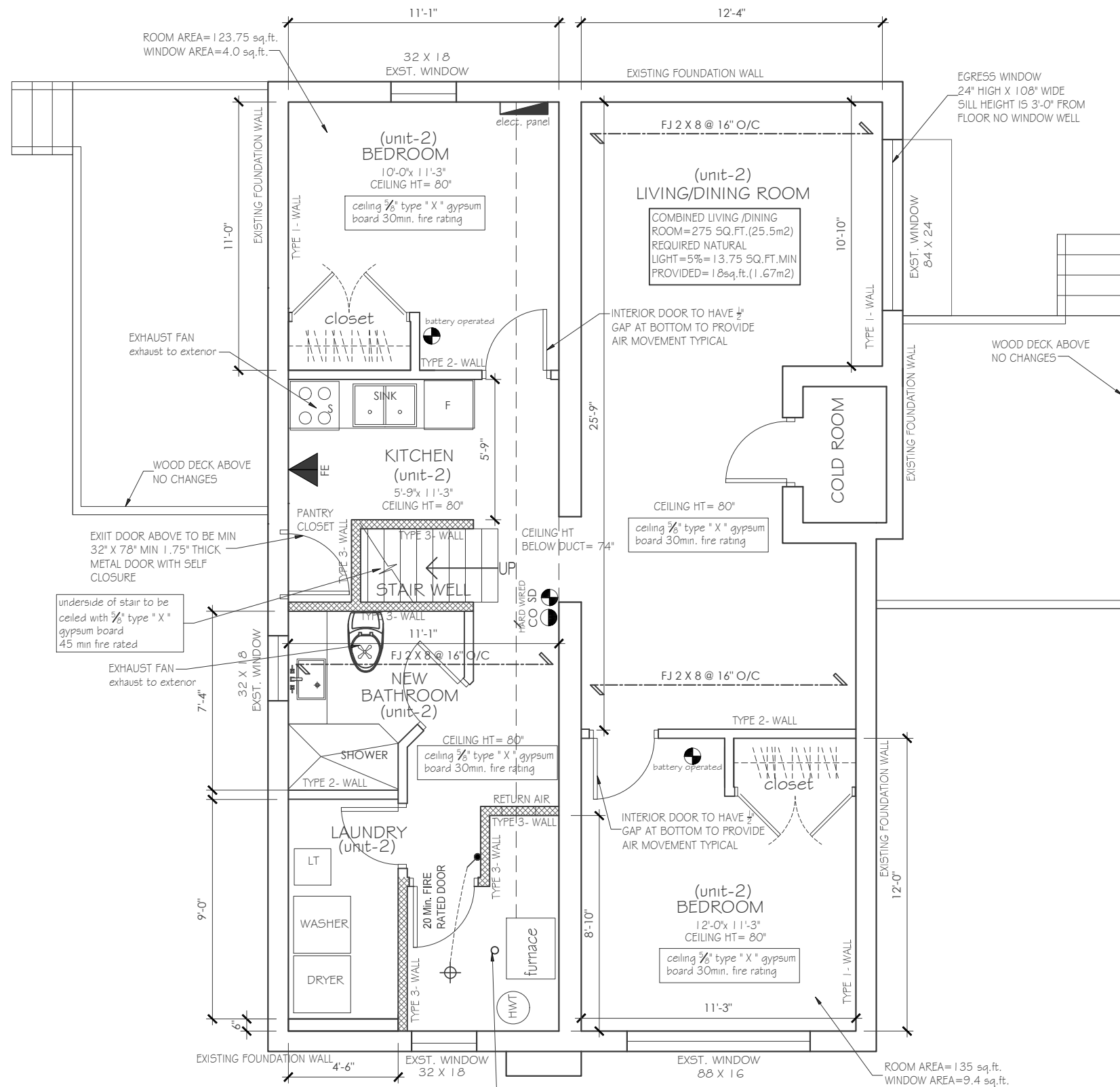
May 6th 2021  
 Date

*Lawrence O. Frtl*  
 Lawrence O. Frtl  
 Ontario Land Surveyor

**ertl surveyors**  
 Ontario Land Surveyors  
 www.es-ols.com

1234 REID STREET, UNIT 10, RICHMOND HILL, L4B 1C1  
 TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL info@es-ols.com  
 DRAWING : 21204-SRPR, DWG PROJECT : 21204  
 CALC. BY DICKY, DRAWN BY REZA, CHECKED BY CL





**LEGEND**

- TYPE 1 - WALL**

EXISTING FOUNDATION WALL  
 1/2" DRYWALL ON 6 MIL POLY VB  
 2 X 4 WOOD STUDS @ 16" O/C  
 R12 BATT INSUL  
 EXISTING 8" FDN WALL  
 "NO CHANGES PROPOSED"
- TYPE 2 - WALL**

2 x 4 STUDS @ 16" O/C w 1/2" gypsum board BOTH SIDES
- TYPE 3 - WALL**

38 X 89 (2 X 4) WOOD STUDS @ 400 (16) O/C  
 89mm THICK ABSORPTIVE MATERIAL  
 RESILIENT CHANNELS @ 400mm O/C  
 15.9mm GWB TYPE 'X' ON RESILIENT CHANNEL SIDE  
 5/8" (15.9mm) GYPSUM BOARD TYPE 'X' ON OTHER SIDE  
 W/ 6 MIL VAPOUR BARRIER.  
 FRR=45 MIN.  
 STC=50

**NOTE:**  
 NO CHANGES TO EXISTING MECHANICAL SYSTEM.  
 EXISTING MECHANICAL SYSTEM TO SERVE ALL UNITS. BOTH UNITS ARE EQUIPPED WITH SMOKE ALARMS

SMOKE ALARMS AND CARBON MONOXIDE DETECTORS INSTALLED AT ALL FLOORS TO BE INTERCONNECTED

**FIRE & SOUND RESISTANCE OF CEILING**  
 F&S OF SB-3 OF THE 2012 O.B.C.  
 EXISTING 2 X 8 FLOOR JOIST @ 16" O/C  
 89mm THICK ABSORPTIVE MATERIAL IN CAVITY  
 RESILIENT METAL CHANNELS SPACED 600mm O/C  
 15.9mm TYPE 'X' GYPSUM BOARD  
 FRR=30 MINUTES MIN.  
 STC=50

ISSUE DATE AND REVISION LOG		
NO.	REVISION	DATE
01	CEILING HT TO U/S OF DUCT	MAR 11 2021
02	RE SUBMIT AS PER COMMENTS	MAR 18 2021
03	PREPARE FOR COA	MAR 29 2021
04	PREPARE FOR COA	MAY 06 2021

DRAWING STAGE:  
**FOR COA**

PROJECT NAME AND ADDRESS:  
**PROPOSED LEGAL BASEMENT APARTMENT AT: 146 33RD STREET, HAMILTON L9C 5J2**

DRAWINGS TITLE <b>PROPOSED BASEMENT FLOOR PLAN</b>	SHEET NO. <b>A1.1</b>
DATE JAN 19 2021	
SCALE NOTED	

**PROPOSED BASEMENT FLOOR PLAN**

1  
A1.1

FLOOR AREA= 905.53 sq.ft. ( 84.12m2)

3/16"=1'-0"

**NOTE:**  
 SMOKE DETECTOR TO TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION



Hamilton

**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
<b>Registered Owners(s)</b>	ROMAN KOVALIV	
<b>Applicant(s)*</b>	GRAHAM BARRETT BARRETT MUNICIPAL CONSULTING	
<b>Agent or Solicitor</b>	GRAHAM BARRETT BARRETT MUNICIPAL CONSULTING	

**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:  
ROYAL BANK OF CANADA (MORTGAGE)



**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 DEFICIENT PARKING SPACE IN THE SIDE YARD  
2.7M WIDTH REQUIRED, 2.65M PROPOSED.

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

PARKING SPACE AT SIDE OF HOME WILL NOT FIT.  
OWNER PREFERS PARKING AT SIDE OVER ADDING A 2ND SPACE IN FRONT

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**):

LOT 738 AND PART OF LOTS 737, 739 - REGISTERED PLAN 603  
146 WEST 33RD STREET HAMILTON, ON, L9C 5J2

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?

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.

05/12/2021

Date

  
Signature Property Owner

ROMAN KOVALIV

Print Name of Owner

10. Dimensions of lands affected:

Frontage	16.15M
Depth	30.5M
Area	492.38M2
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 STOREY SINGLE FAMILY DWELLING - GFA 94.16M2, WIDTH 12.18M, DEPTH 8.59M

Proposed

CREATE LEGAL SECONDARY SUITE (BASEMENT)  
NO OTHER CHANGES PROPOSED TO STRUCTURE

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 SETBACK 10.63M, REAR SETBACK 11.26M, SIDE YARD 2.65M, SIDE YARD 1.21M

Proposed:

NO CHANGES PROPOSED



13. Date of acquisition of subject lands:  
01/20/2021
- 
14. Date of construction of all buildings and structures on subject lands:  
~1970s
- 
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:  
DECADES
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
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
C C/S-1788 - URBAN PROTECTED 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.
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.