



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**

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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-21:238

**APPLICANTS:** Agent Abeer Mulesh  
Owner Jaroslaw Piwowarczyk

**SUBJECT PROPERTY:** Municipal address **124 Upper Paradise St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 74-60

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

**PROPOSAL:** To permit the conversion of the existing single family dwelling to contain one (1) Secondary Dwelling Unit, notwithstanding that:

1. A minimum parking space size of 2.6 metres wide by 6.0 metres long shall be provided, instead of the minimum required parking space size of 2.7 metres wide by 6.0 metres long.

NOTE:

1. A building permit is required for the conversion of the existing single family dwelling to contain one (1) Secondary Dwelling Unit. 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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**DATE:** Thursday, July 22nd, 2021  
**TIME:** 2:25 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

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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:

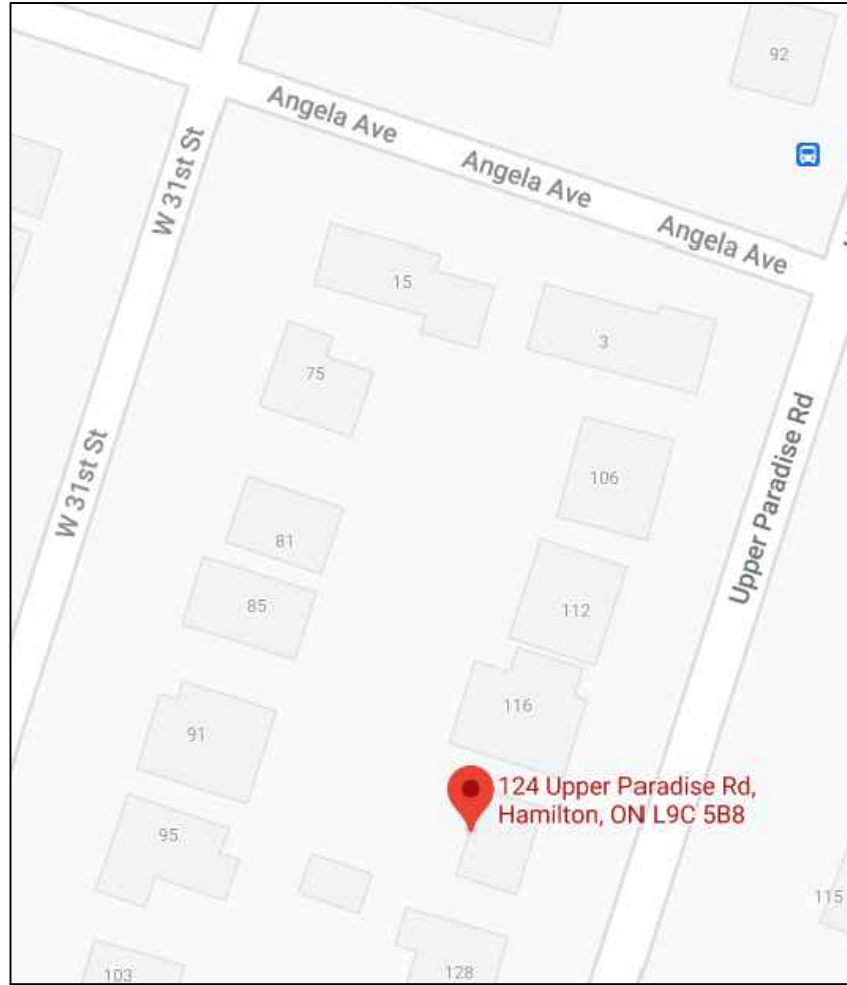
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: July 6th, 2021.

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

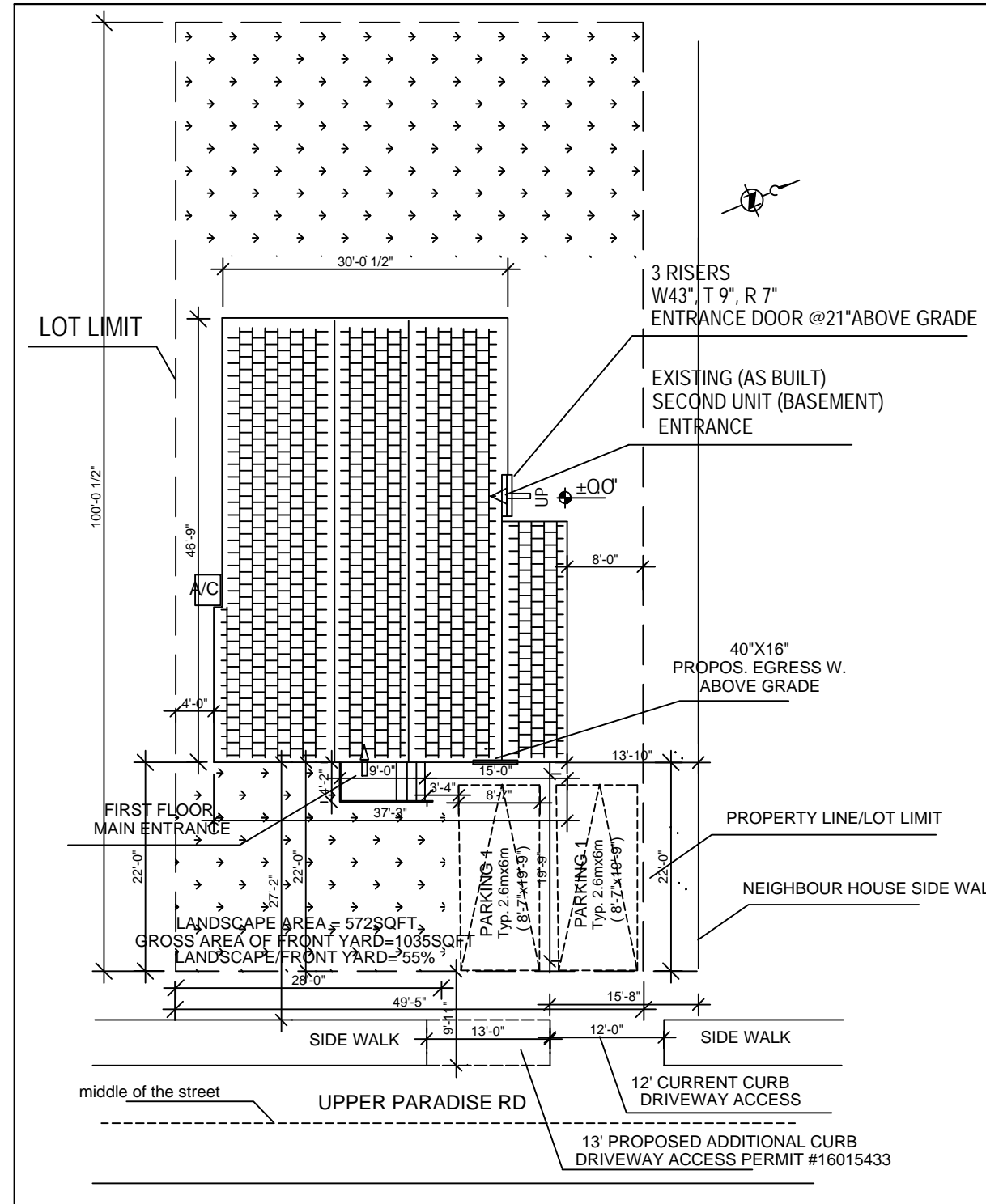
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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



KEY MAP



ELEVATION



SCOPE OF WORK  
 LEGALIZING AN EXISTING FINISHED BASEMENT (ALL WITH EXISTING SIDE DOOR ENTRANCE AND FUNCTIONING WASHROOM & KITCHEN), AS A SECOND UNIT.

WORK INCLUDES  
 -INSTALLING SMOKE DETECTOR IN SUPPLY DUCT IN FURNACE ROOM.  
 -INSTALLING SPRINKLER HEAD UNDERSIDE OF CEILING IN FURNACE R.  
 -ADDING SMOKE ALARM FOR BEDROOM AND COMMON AREA, AND INTERLOCKING SMOKE ALARMS IN SECOND UNIT AND WITH SMOKE ALARMS IN FIRST FL.  
 -ADDING AN EGRESS WINDOW.



Abeer Musleh, P.Eng., mech.  
 P.D.B. CONSULTING ENGINEERS  
 Mississauga, ON  
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 (905)978-0556

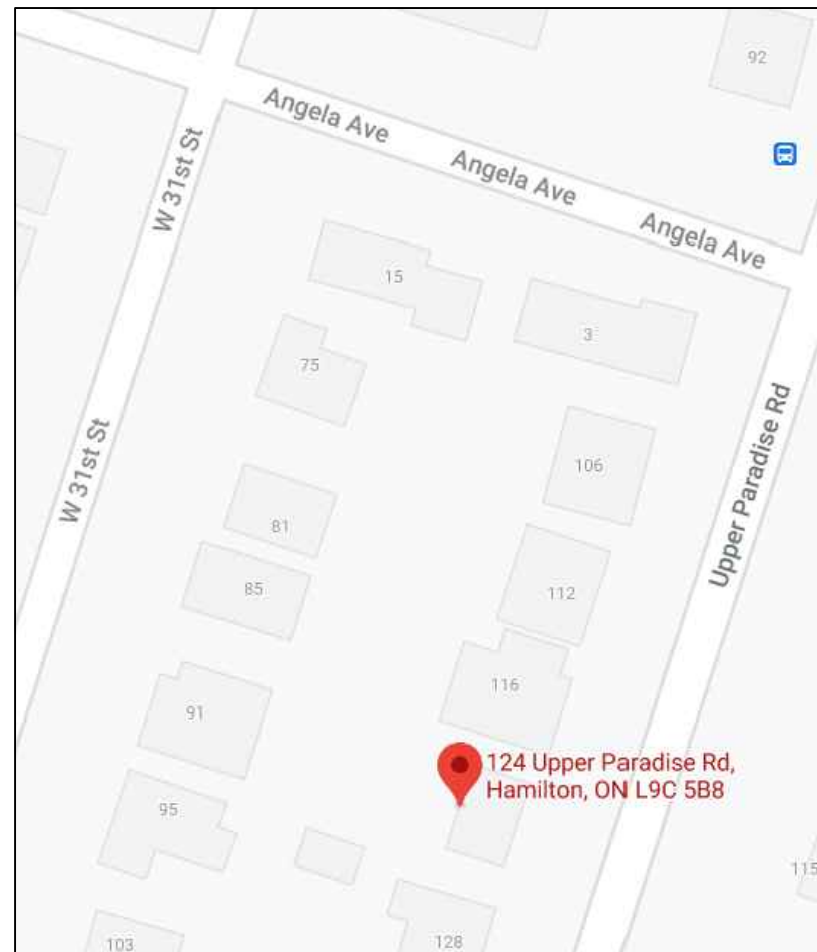
LEGALIZING BASEMENT  
 AS SECOND UNIT

124 UPPER PARADISE RD  
 HAMILTON  
 ON, L9C5B8

SITE PLAN

SCALE : 1/16"=1'-0"

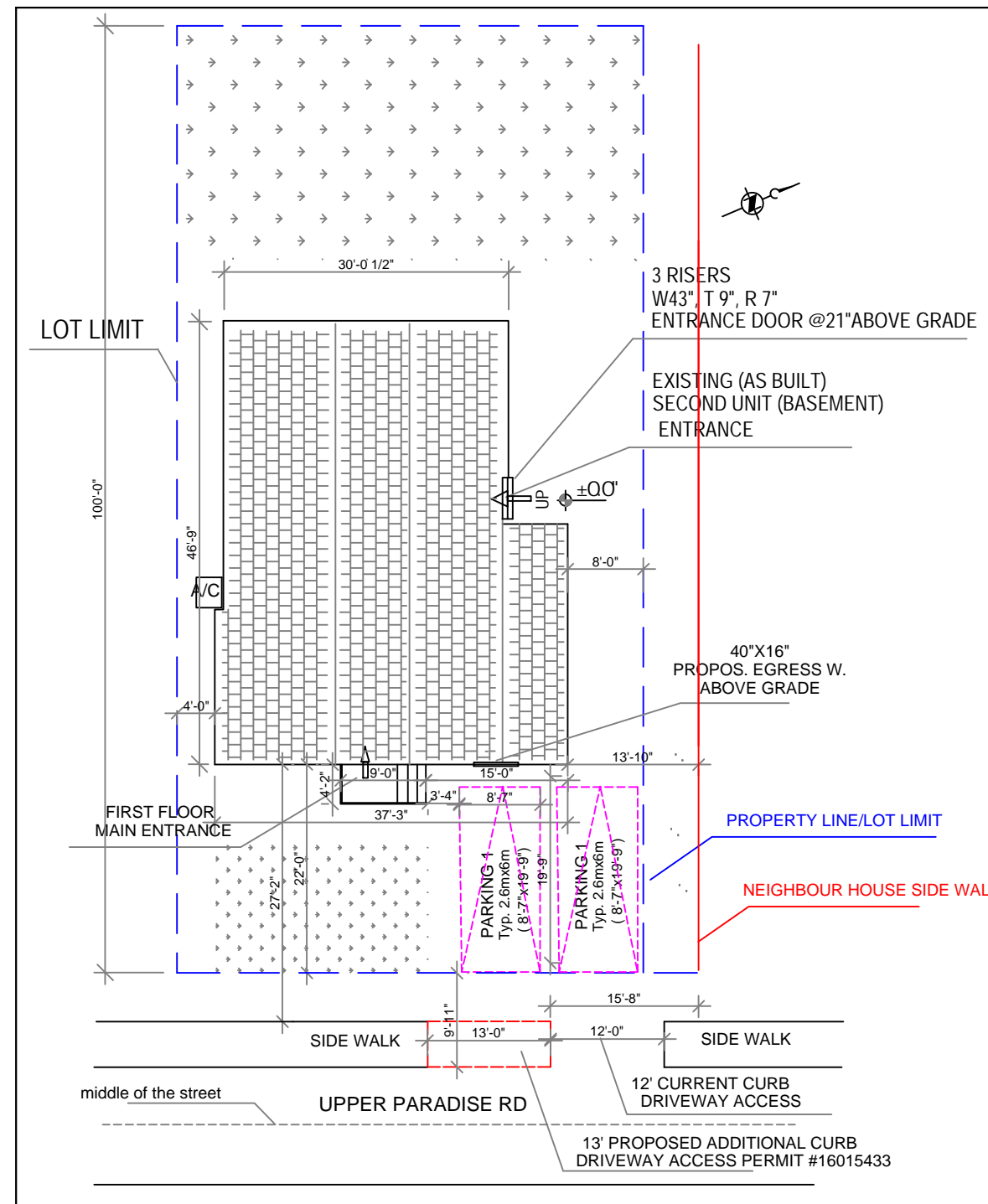
Dwg.# A1



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LEGALIZING BASEMENT  
 AS SECOND UNIT

124 UPPER PARADISE RD  
 HAMILTON  
 ON, L9C5B8

SITE PLAN

SCALE : 1/16"=1'-0"

Dwg.# A1

**APPLICATION FOR A MINOR VARIANCE**

|                             |  |
|-----------------------------|--|
| <b>FOR OFFICE USE ONLY.</b> |  |
| 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> | Jaroslav Plowarczyk | [REDACTED] |
| <b>Applicant(s)*</b>        | Abeer Musleh        |            |
| <b>Agent or Solicitor</b>   |                     |            |
|                             |                     | 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:

The application is for an additional parking spot in front of the "detached" house, to comply with the parking requirements for a second unit Ref# BPA 21-108321 000 00 R9-124

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

There are restrictions for parking spot dimensions, setbacks, and landscape requirements.

I believe all requirements are achieved per attached site plan.

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**):

Lts 43 & 44 ,PL 603, S/T Ns209534, Hamilton  
124 Upper Paradise Rd -Hamilton L9C5B8

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?

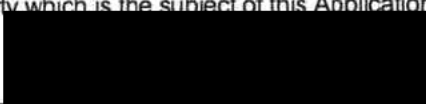
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

June 5, 2021  
Date

  
Signature Property Owner  
Jaroslav Piwowarczyk  
Print Name of Owner

10. Dimensions of lands affected:

|                 |            |
|-----------------|------------|
| Frontage        | <u>N/A</u> |
| Depth           | <u>N/A</u> |
| Area            | <u>N/A</u> |
| Width of street | <u>N/A</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: \_

NO CHANGE

Proposed

NO CHANGE

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

Existing:

NO CHANGE

Proposed:

NO CHANGE

13. Date of acquisition of subject lands:  
January 28, 2021

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14. Date of construction of all buildings and structures on subject lands:

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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:  
50 YEARS

18. Municipal services available: (check the appropriate space or spaces)

|                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |

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:

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.



Permit# 16015433

Paid 

## HAMILTON MUNICIPAL PARKING SYSTEM RESIDENTIAL DRIVEWAY ACCESS PERMIT

Property Address: 124 UPPER PARADISE RD , HAMILTON

Lot#/Concession: \_\_\_\_\_

Mailing Address: 124 Upper Paradise Road, HAMILTON

Postal Code: L9C 5B8

Applicant: Jaroslaw Piwowarczyk Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Survey: Yes [ ] No [ X ]

Type of request:  Construct a new entrance  Change the design of an existing entrance Relocation of an existing entrance  Construct a temporary entrance

The applicant requires the authorization of Public Works for the use of any other bonded contractor.

### CLASSIFICATION, USE, PURPOSE AND DETAIL OF ACCESS

In the case that the Owner/Applicant or Agent installs the access, it is understood that is their responsibility to contact the CALL BEFORE YOU DIG (1-800-400-2255) for all utility locates prior to excavation. Any utility relocation required as a result of this access installation must be to the satisfaction of the respective utility company. All works, including utility relocation, will be reconstructed, altered, maintained or operated at the expense of the undersigned, and work must not begin before a permit has been issued by the City. The issuance of a permit by the City does not relieve the holder of the responsibility of complying with relevant Municipal By-Laws.

In consideration of any permit issued in respect to: this application, we, the Applicants for ourselves, our Heirs, Executors, Administrators, Successors and Assigns hereby agree to observe, keep and perform and be subject to the regulations and conditions of the said permit and to indemnify and save harmless, the City and its agents from and against all loss, cost, damages, expenses, claims and demands whatsoever to with the City may be put or which the City may be liable by reason of anything done or omitted to be done in the construction, maintenance, alterations or operation of the works authorized. The General Manager of Public Works may issue permits upon such terms as considered proper and may cancel any such permit at any time as provided for in the Streets By-law R77-109 and 86-077.

Access required for: Rural area  Urban area 

Applicant's Details: Tandem asphalt covered driveway with adjacent poured concrete parking pad. Requesting a curb cut to allow for entrance to parking pad. Current approach (curb cut) is 12' for asphalt driveway. Requesting to extend approach to ~25' (existing 12' + 13')

Signature of applicant \_\_\_\_\_

Dated \_\_\_\_\_

**Please provide a detailed sketch of where you would like the parking space, approach ramp, approach ramp extension, culvert entrance or culvert extension to be located. Please clearly indicate the measurements of your proposal. When writing descriptions, please use North, South, East and West directions.**

### FOR OFFICE USE ONLY

Approved  Denied  Concrete Approach  Culvert 

Access to be constructed by: Approach ramp length 0.00

District # \_\_\_\_\_ Bonded contractor  Culvert diameter 0.00 Culvert length 0.00

Formeman/Superintendent \_\_\_\_\_ Phone # \_\_\_\_\_

Details: May 20, 2021 - TS - Approved to extend total driveway width from 2.4m to 5.5m - Public Works to determine proper approach ramp width.