



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
- 

**APPLICATION NO.:** HM/A-21:237

**APPLICANTS:** Agent Duy Nguyen  
Owner Elaine Warren

**SUBJECT PROPERTY:** Municipal address **109 Kent St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 19-307

**ZONING:** "D/S-1787" (Urban Protected Residential - One and Two Family Dwellings) district

**PROPOSAL:** To permit the construction of a roofed over unenclosed front porch including stairs, a 3rd Sty dormer addition on the Southerly side lot line, 1 Sty easterly rear addition and an uncovered porch at the rear of the existing single-family dwelling notwithstanding that;

1. A minimum southerly side yard width of 0.3 m shall be provided instead of the minimum required 2.7 m; and
2. A minimum northerly side yard width of 1.7 m shall be provided instead of the minimum required 2.7 m; and
3. A minimum easterly rear yard depth of 4.7 m shall be provided instead of the minimum required 10.5 m; and
4. A minimum easterly rear yard depth of 4.7 m shall be provided instead of the minimum required 10.5 m; and
5. To permit the proposed roofed over unenclosed front porch including stairs to provide a 0.2 m setback from the front lot line instead of the minimum required 3.0 m and 1.5 m from the street line.
6. To permit the proposed roofed over unenclosed front porch including stairs to provide a 0.3 m setback from the southerly side lot line instead of the minimum required side yard width of 2.7 m; and
7. Eaves and gutters shall be permitted to encroach the entire width of the southerly side lot line instead of the maximum permitted encroachment of one half the width of the required side yard or 1.0 m whichever is the lesser; and

Notes:

Variance # 6 has been written based on the minimum required side yard setback for the principle building since there is no encroachment permitted into the side yard.

The Zoning By-law requires a minimum 50.0% of the gross area of the front yard to be provided as a landscaped area. No details on the required front yard landscaped area have been provided; therefore, further variances may be required

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

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**DATE:** Thursday, July 22nd, 2021  
**TIME:** 3:10 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

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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:

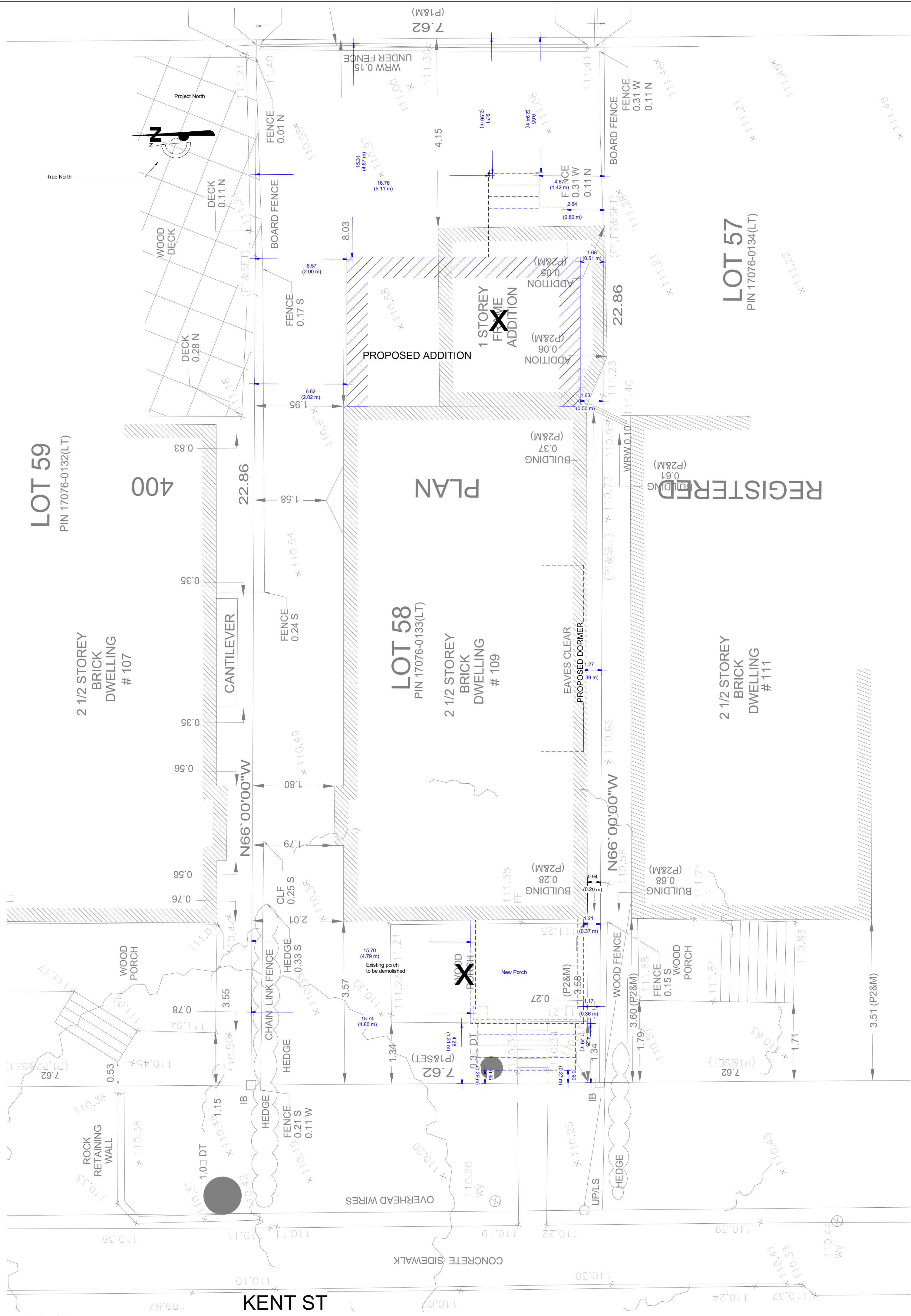
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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.***



109 Kent, Zoning By-Law 6593 D/S-1787						
Building Information		Area				
		Existing		Proposed		
		SF	SM	SF	SM	
Lot Area		1874.84	174.18	NC	NC	
Gross Floor Area		Basement	646.00	60.02	646.00	60.02
		Ground	792.00	73.58	825.00	76.64
		Second Floor	641.00	59.55	689.00	64.01
		Third Floor	459.00	42.64	479.00	44.50
		GFA Subtotal	2538.00	235.79	2639.00	245.17
NOTE: GFA MEASURED TO THE EXTERIOR FACE OF EXTERIOR WALLS						
<b>Building</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>			
Storeys	3	2.5	2.5			
<b>GFA Ratio</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>			
GFA	N/A	135.37%	140.76%			
<b>Distances</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed (to addition)</b>			
	(ft)	(m)	(ft)	(m)	(ft)	(m)
Building Height	45.93	14.00	31.86	9.71	31.86	9.71
Lot Width	NA	NA	25.00	7.62	25.00	7.62
E - Rear Yard Setback	24.61	7.50	13.62	4.15	15.32	4.67
W - Front Yard Setback	19.68	6.00	11.71	3.57	11.71	3.57
North - Side Yard Setback	3.94	1.20	5.87	1.79	6.56	2.00
South - Side Yard Setback	3.94	1.20	-0.20	-0.06	1.28	0.39
<b>Parking</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>			
Spaces	2	0	0			
Parking Size	2.7 m x 6m	0	0			



No.	Description	Date

CLIENT

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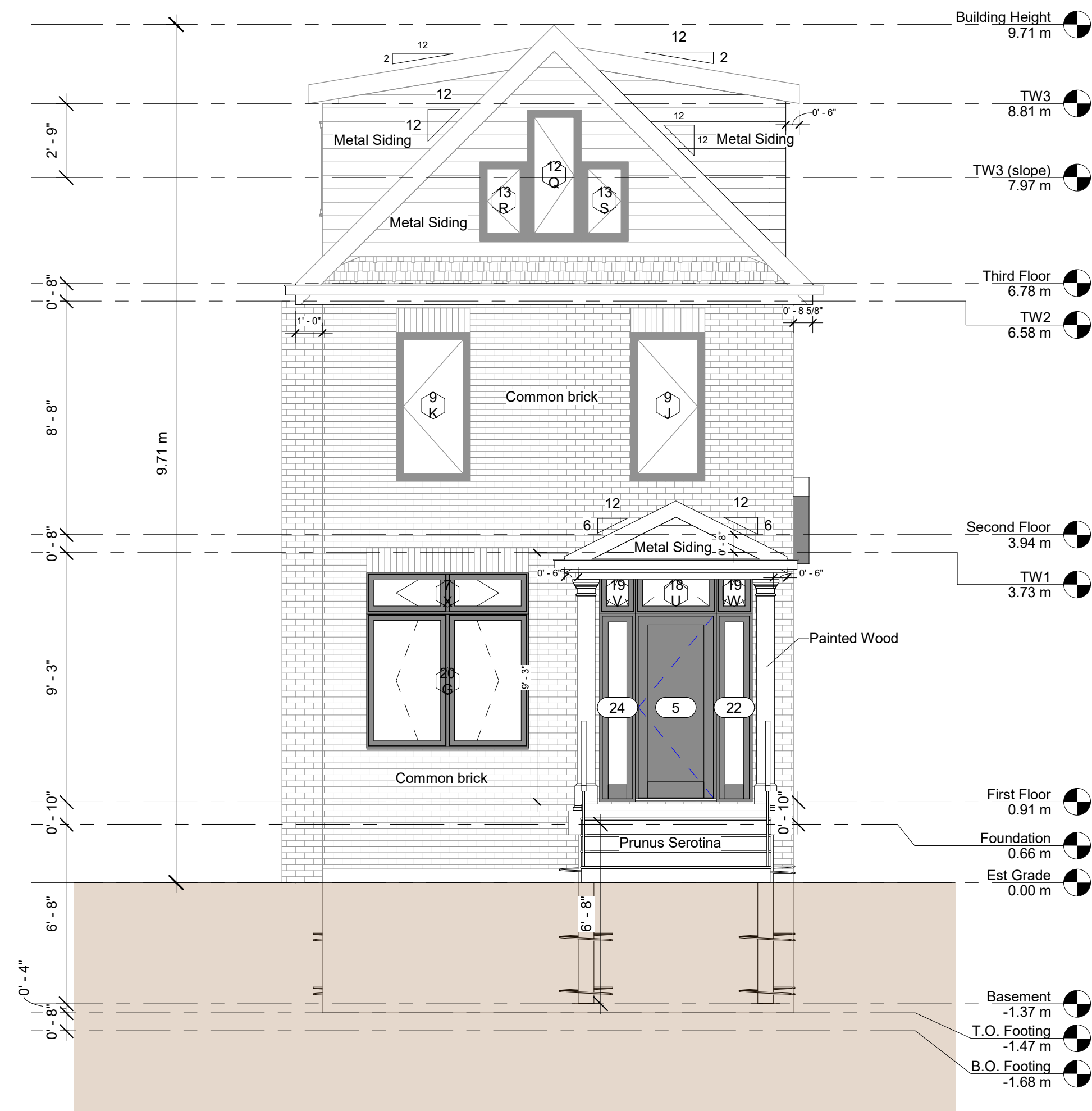


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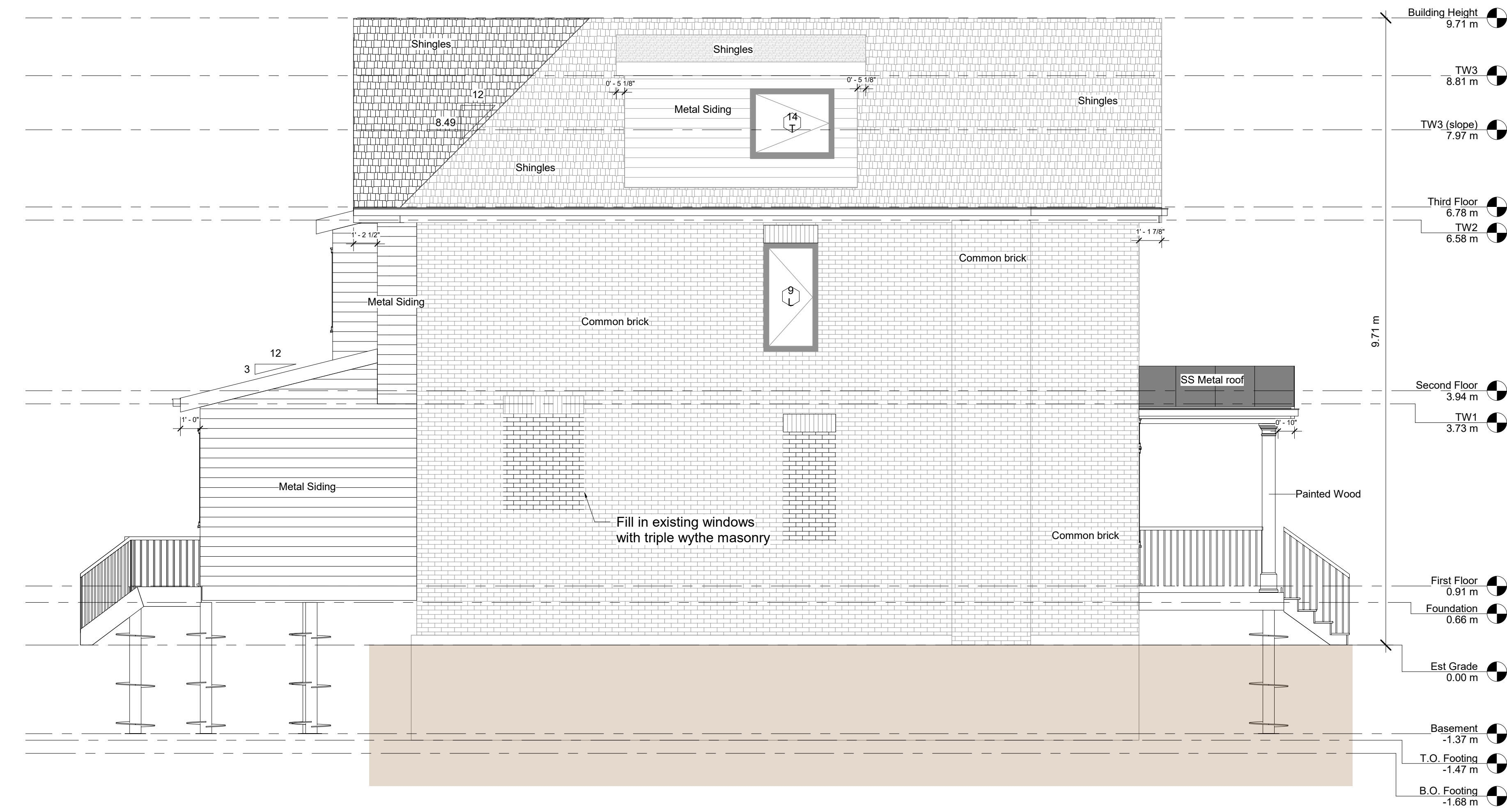
**Addition**  
109 Kent

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

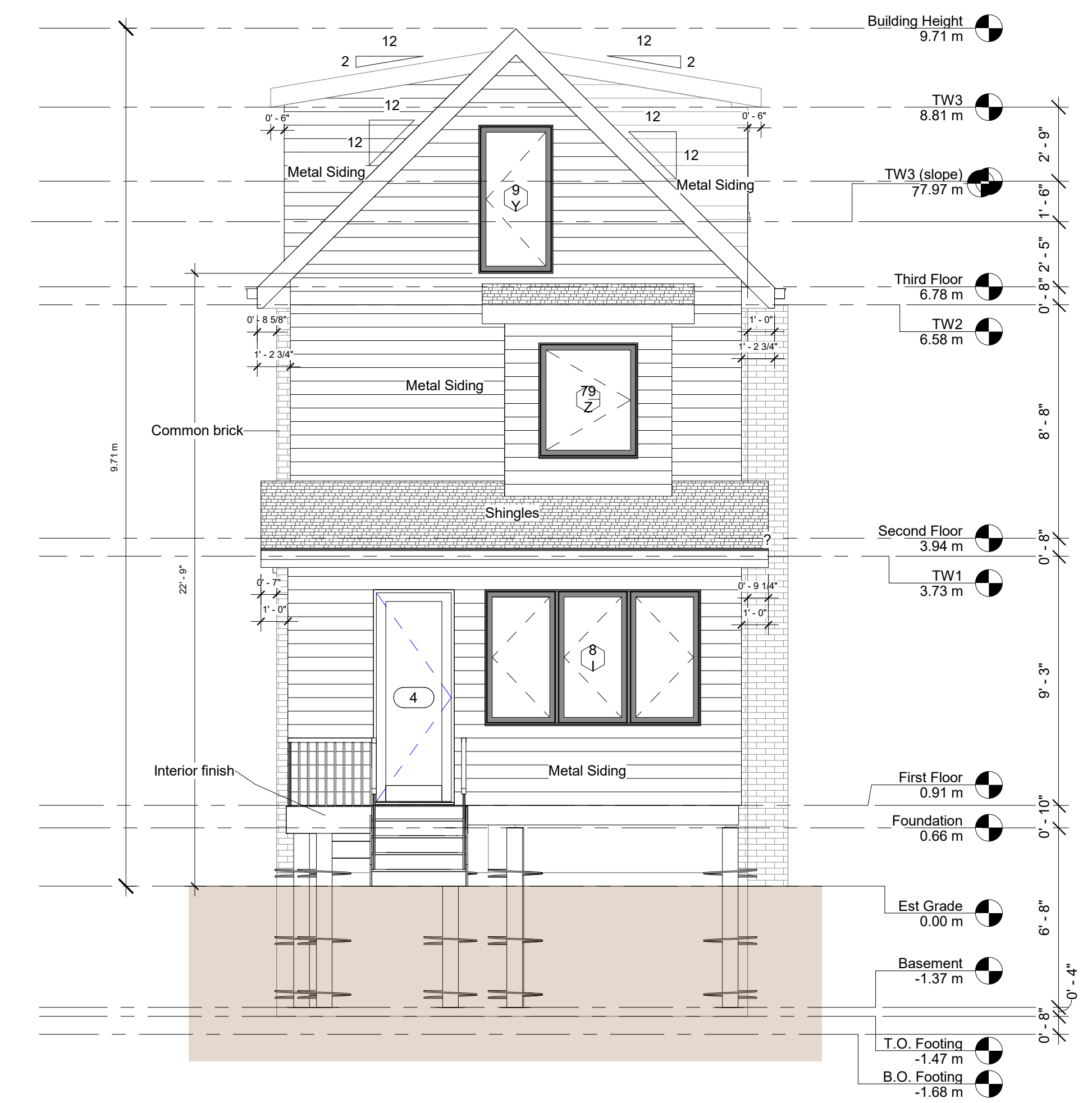
**A0.2**  
Scale 1 : 50



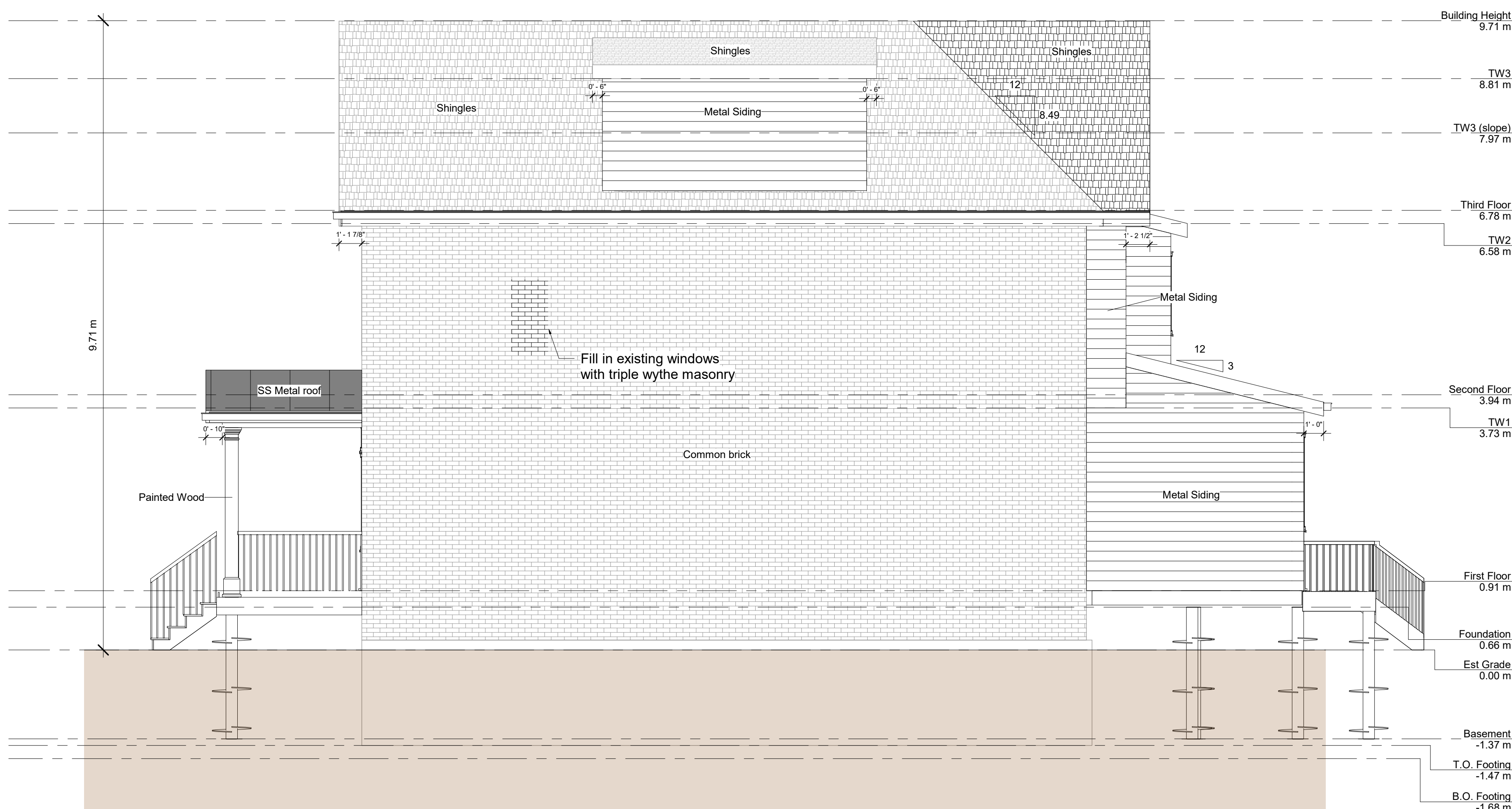
① F-North  
1/4" = 1'-0"



③ S-East  
1/4" = 1'-0"



② R-South  
1/4" = 1'-0"



④ S-West  
1/4" = 1'-0"

No.	Description	Date
1	Issue for Variances	2021-5-19

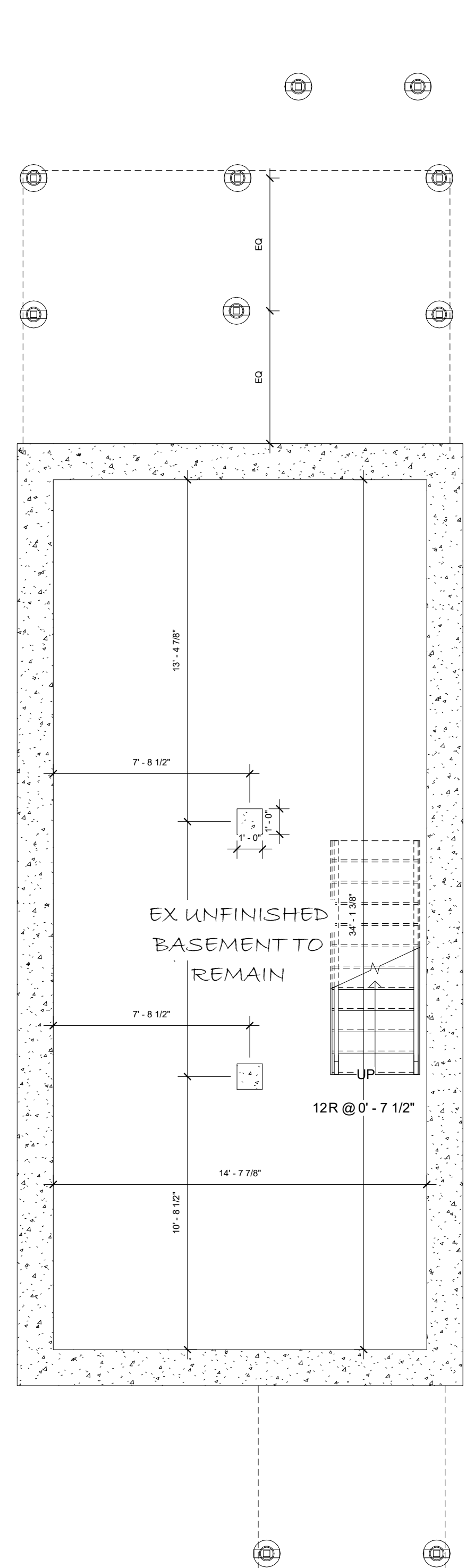
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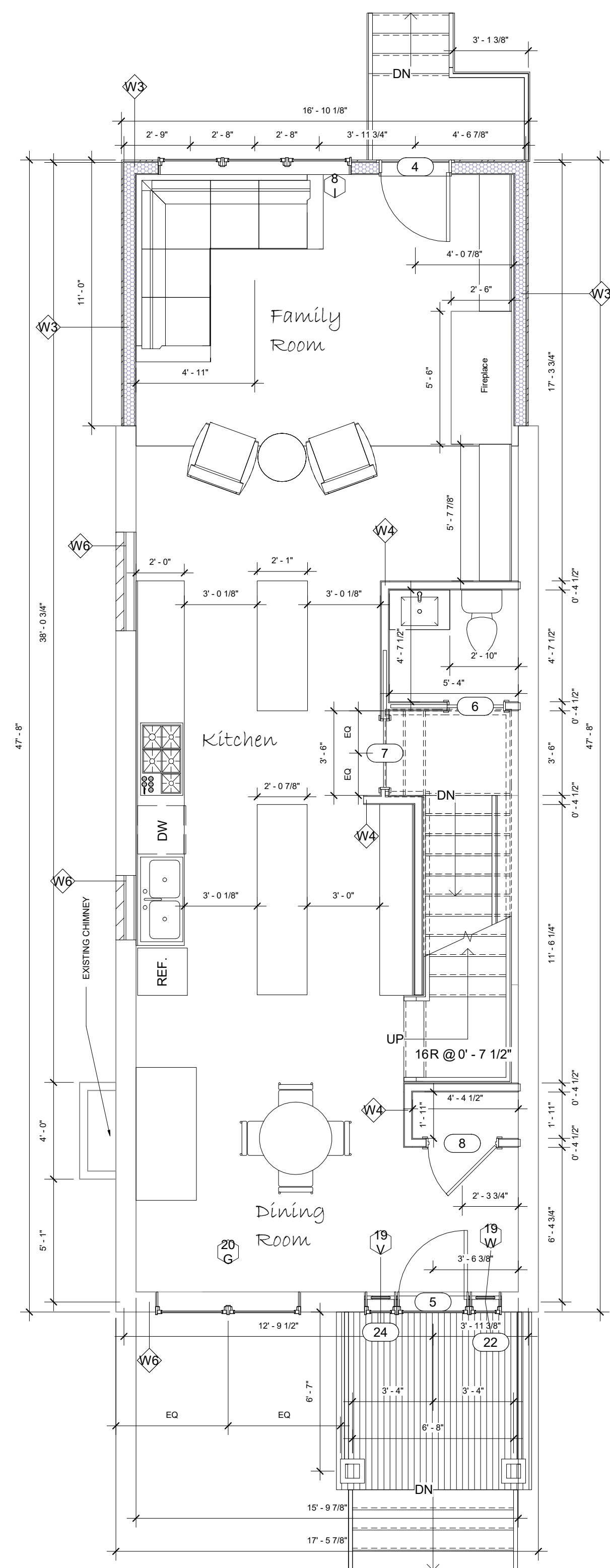
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### Addition 109 Kent

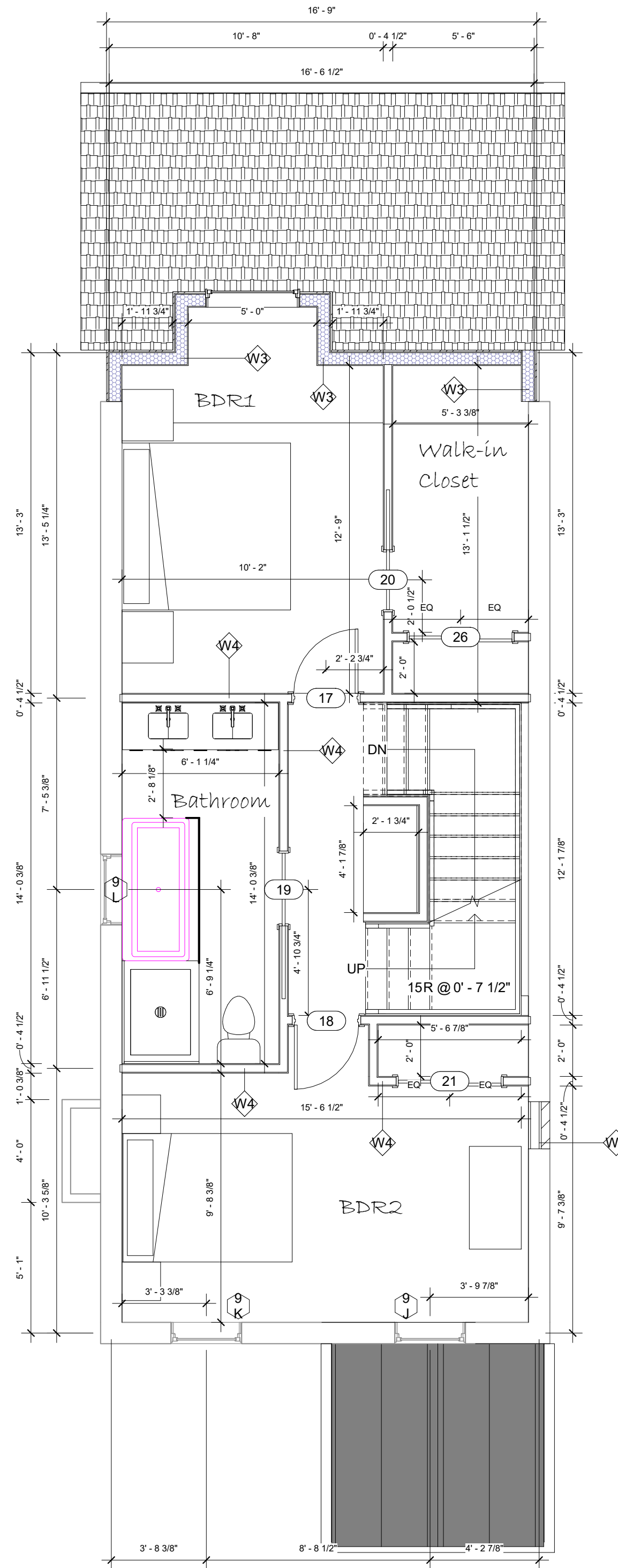
Elevations	
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
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Scale	1/4" = 1'-0"



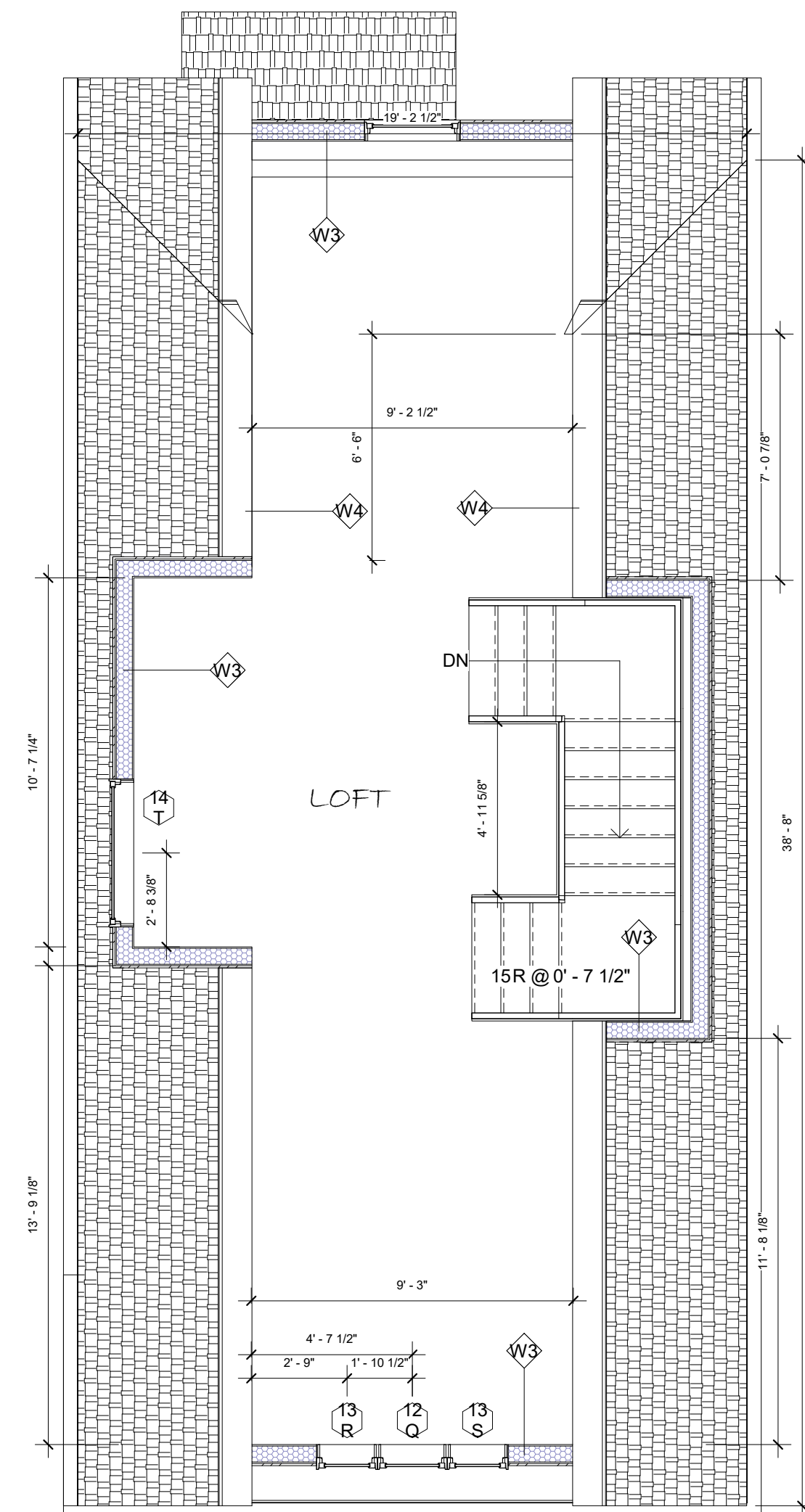
1 Basement Copy 2  
1/4" = 1'-0"



2 First Floor Copy 2  
1/4" = 1'-0"



3 Second Floor Copy 2  
1/4" = 1'-0"



4 Third Floor Copy 1  
1/4" = 1'-0"

- W1: 4" Ø WEeping TILE  
6" CRUSHED STONE COVER  
WATERPROOF MEMBRANE  
BITUMINOUS DAMPPROOFING  
CONCRETE WALL ( " A=8", B10")  
15M VERT @ 20" OC, 15M HOR. @ 16" OC UNLESS  
OTHERWISE NOTED  
#15 BUILDING PAPER  
R20 CONTINUOUS INSULATION  
6 mm POLY VAPOUR BARRIER
- W3: SIDING  
1X2 STRAPPING  
TYVEK HOUSE WRAP  
1/2" STRUCTURAL PLYWOOD SHEATHING  
2 x 6 @ 16" OC  
R22 BATT INSULATION  
6 mm POLY VAPOUR BARRIER  
1/2" GYPSUM
- W4: 1/2" GYPSUM  
2 x 4 @ 16" OC (OPTIONAL INSULATION)  
1/2" GYPSUM
- W5: 1/2" GYPSUM  
2 x 6 @ 16" OC (OPTIONAL INSULATION)  
1/2" GYPSUM
- W6: BRICK  
AIR GAP  
BRICK  
2 x 2 STRAPPING @ 16" OC  
R7 BATT INSULATION  
6 mm POLY VAPOUR BARRIER  
1/2" GYPSUM

No.	Description	Date
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CLIENT	



897 King St W ~ Hamilton ON ~ 905-865-5355

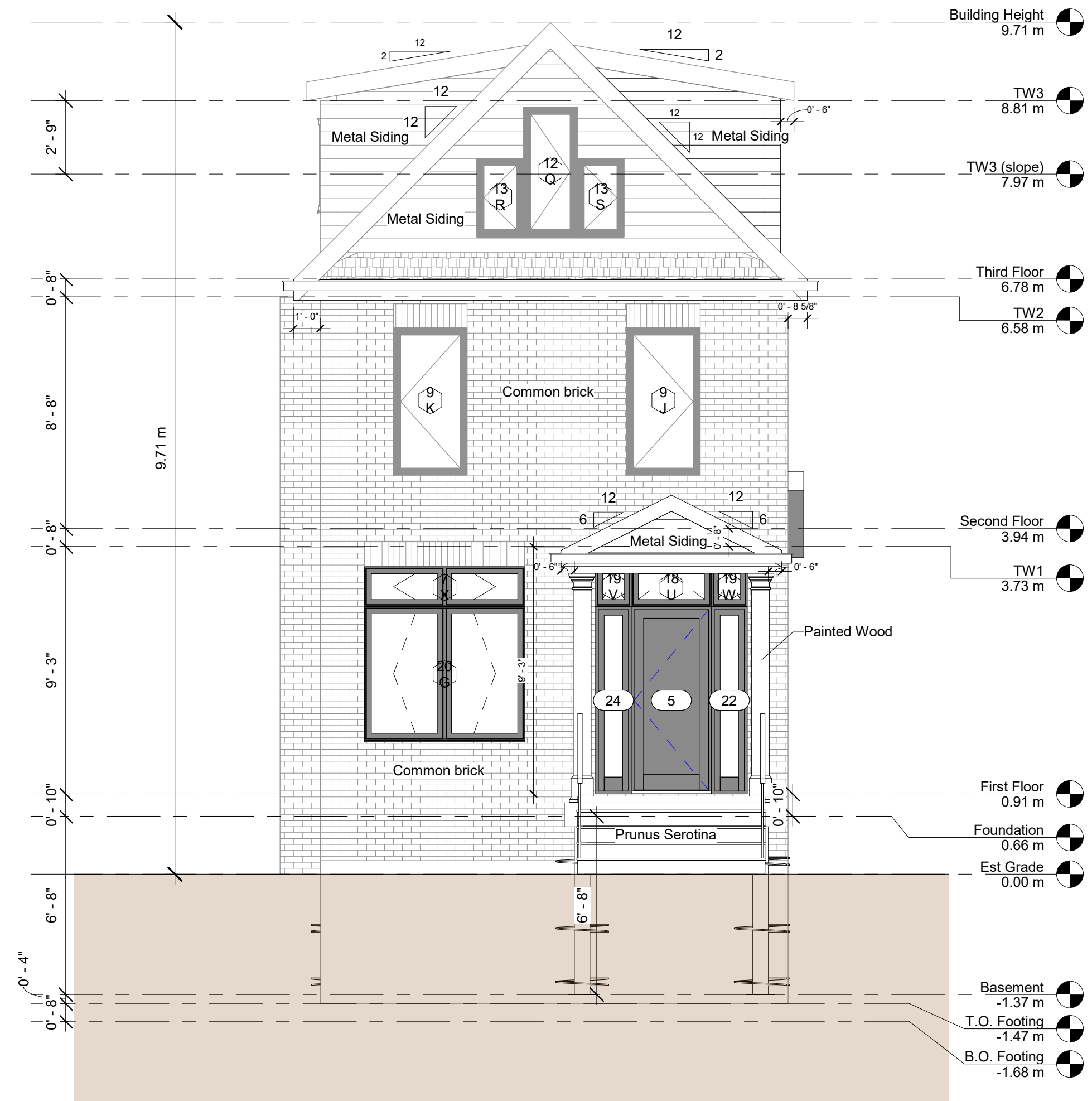
**Addition**  
109 Kent

**Floorplans**

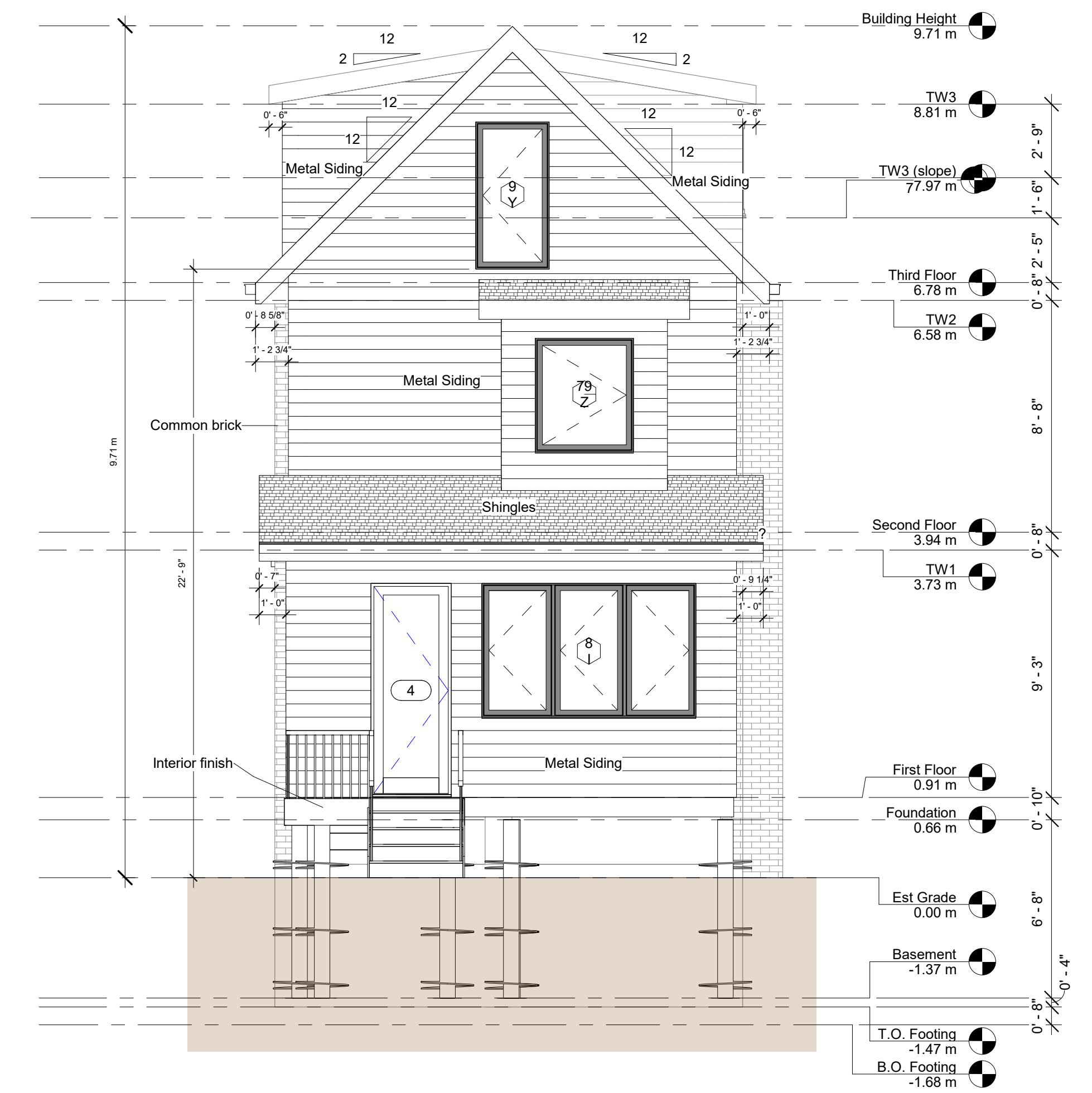
Project number	Project Number
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**V1.0**

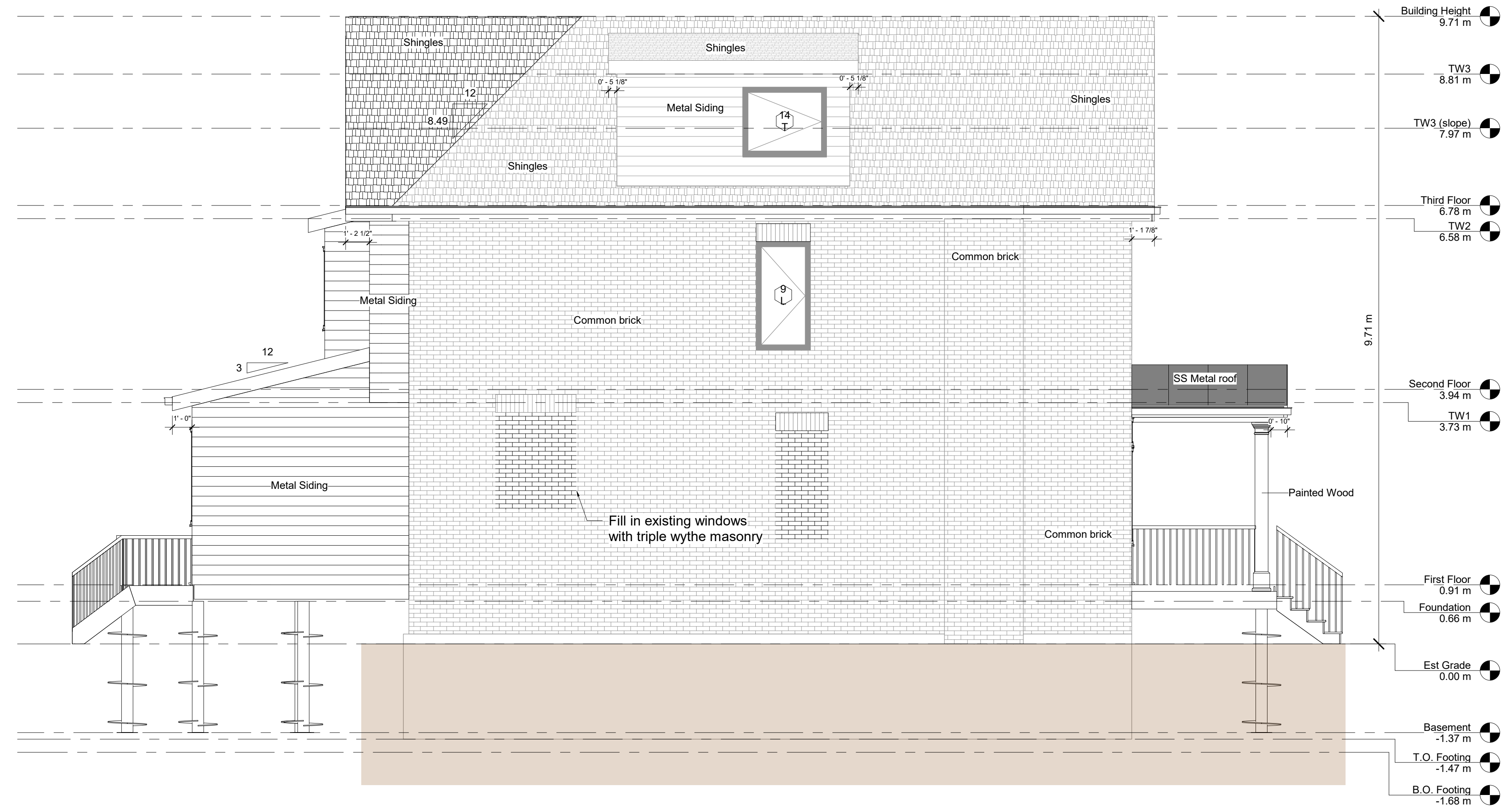
Scale 1/4" = 1'-0"



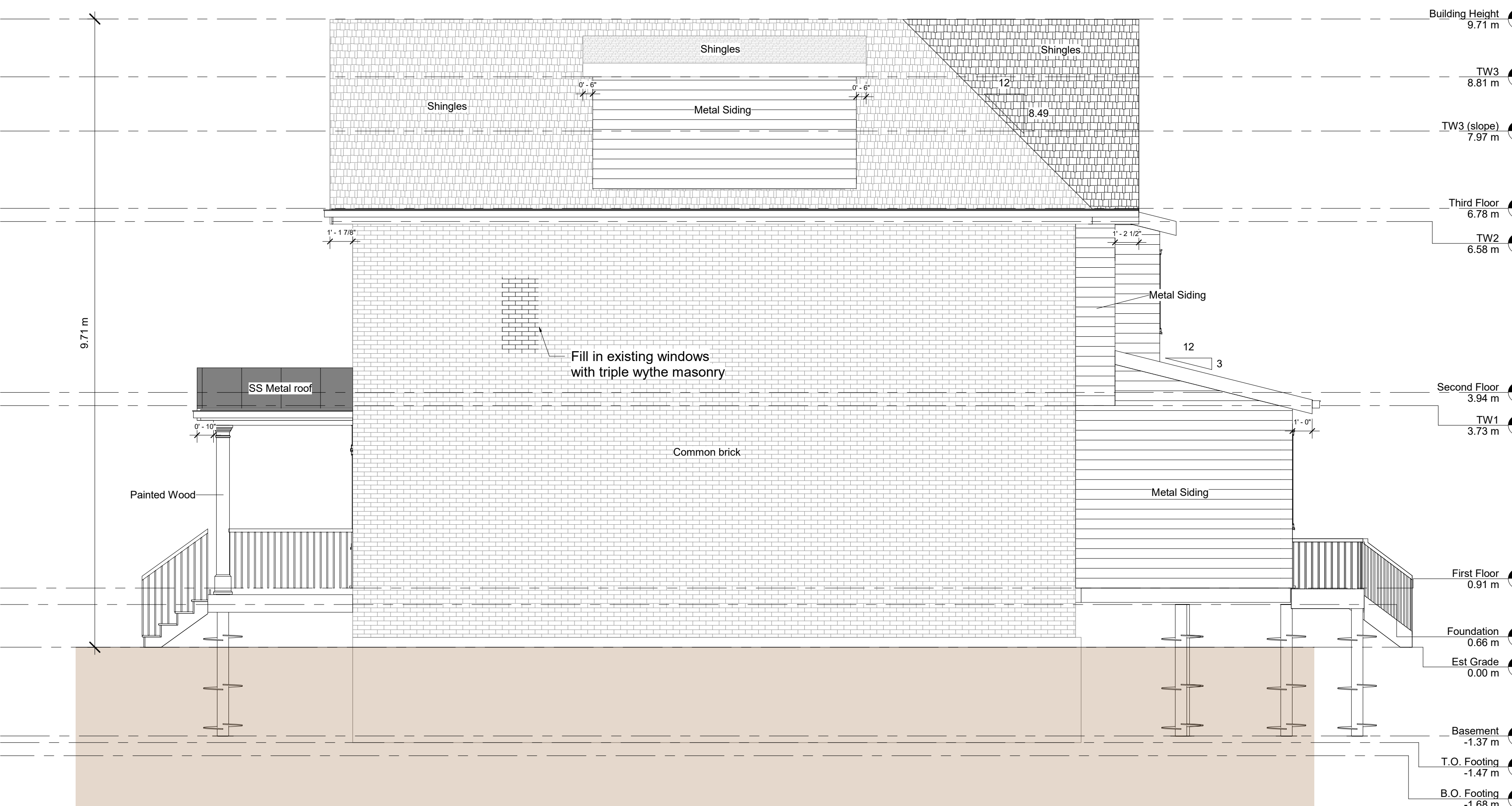
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897 King St W ~ Hamilton ON ~ 905-865-5355

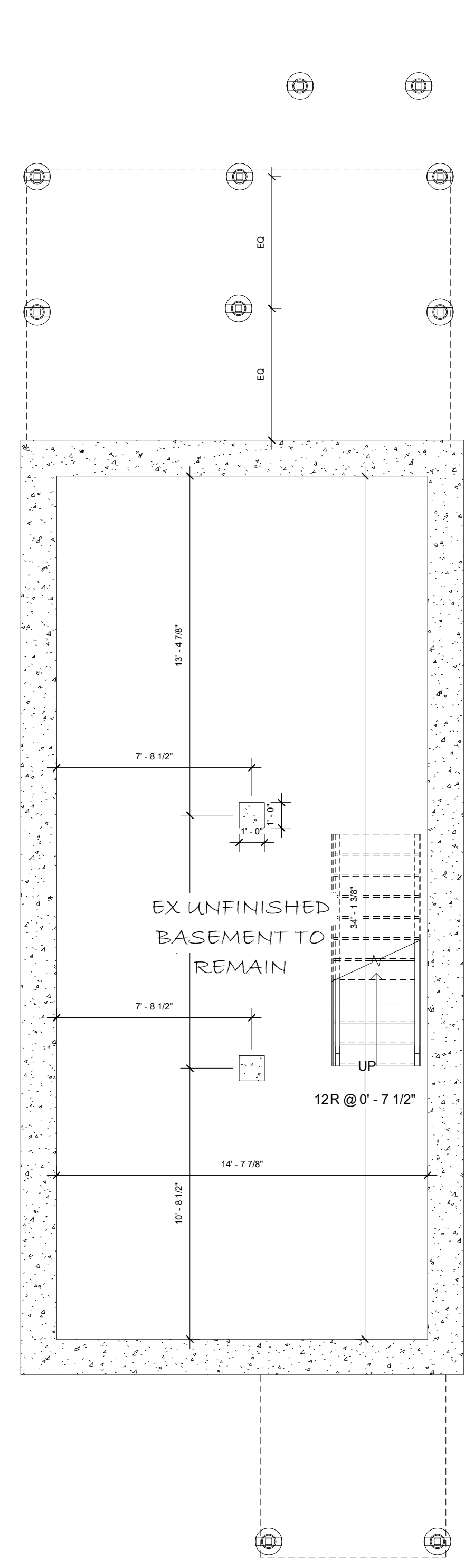
**Addition**  
109 Kent

**Elevations**

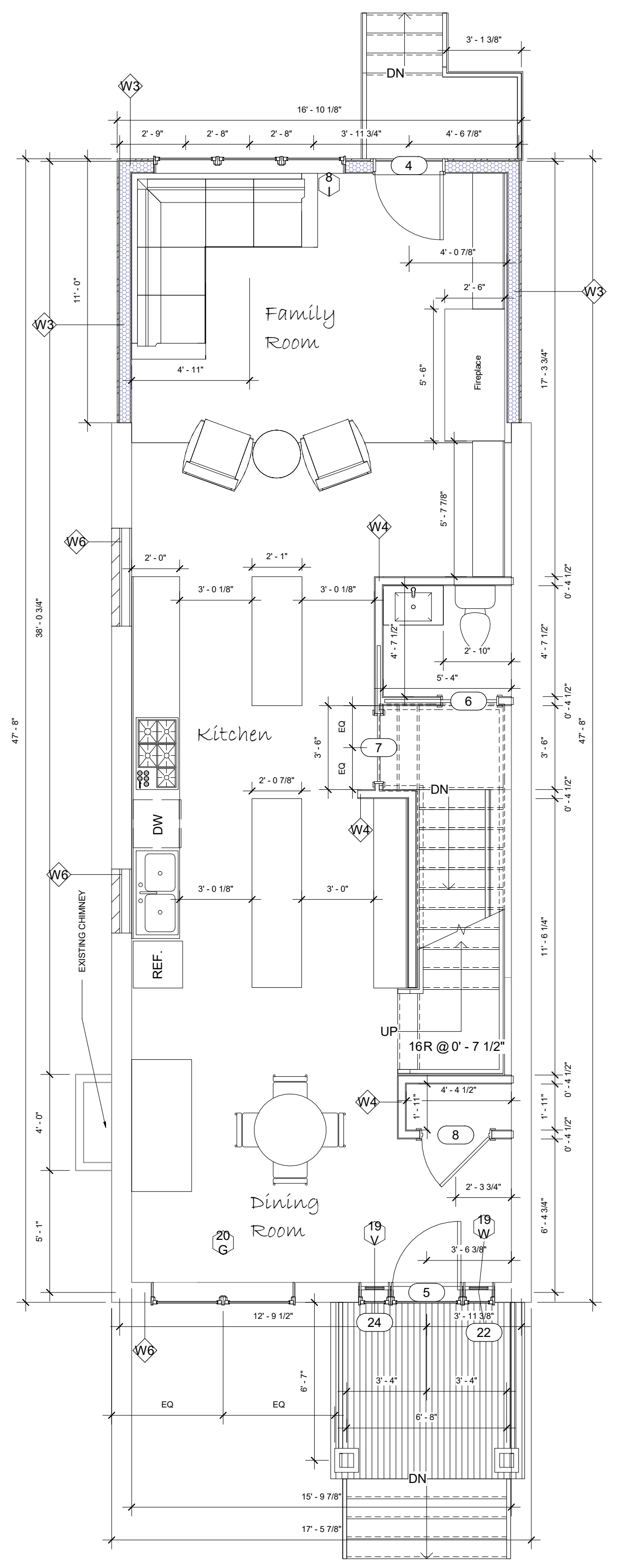
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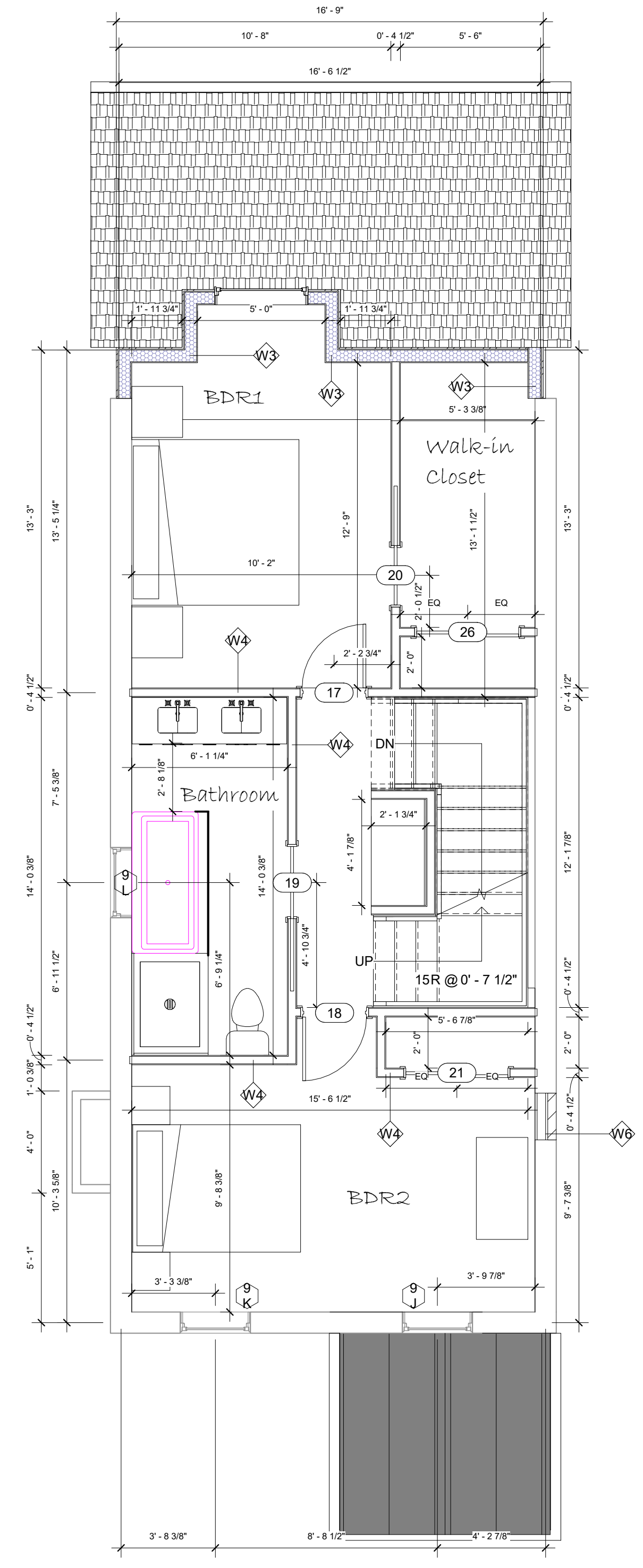
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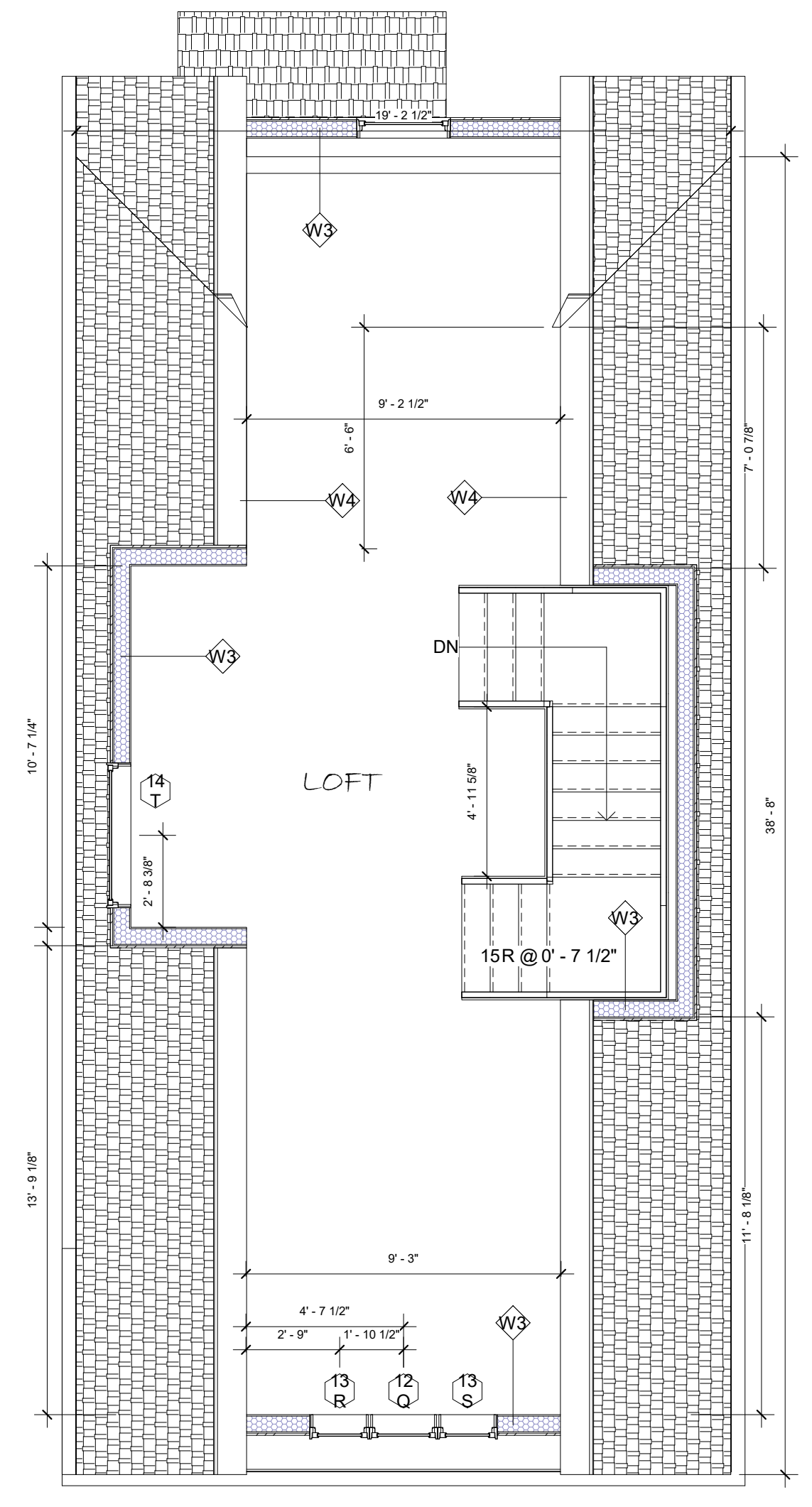
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## Addition 109 Kent

Floorplans	
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
V1.0	
Scale	1/4" = 1'-0"



**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>	Elaine Warren	
<b>Applicant(s)*</b>	Elaine Warren	
<b>Agent or Solicitor</b>	Duy Nguyen (N-Cubed Services 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:  
 N/A



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:

South side yard setback of 0.39 where 1.2m is required.  
Rear yard setback of 4.67m where 7.5m is required.  
Provide no parking on site

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

Rear yard setback is required to repair a delapidated existing addition. The proposed setback is actually greater than the existing.  
Side Yard setbacks are existing conditions and we would like to develop the 3rd floor to useable space.  
Zero Parking onsite is an existing condition.

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**):

109 Kent St

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 and real estate records.

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 21, 2021

Date

\_\_\_\_\_  
Signature Property Owner

Elaine Warren

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>Refer to siteplan A0.2</u>
Depth	<u>Refer to siteplan A0.2</u>
Area	<u>Refer to siteplan A0.2</u>
Width of street	<u>Unknown</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: \_

Refer to sitestats A0.2

Proposed

Refer to sitestats A0.2

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

Existing:

Refer to sitestats A0.2

Proposed:

Refer to sitestats A0.2

13. Date of acquisition of subject lands:  
April 16, 2021
14. Date of construction of all buildings and structures on subject lands:  
1902
15. Existing uses of the subject property:  
Single family residential
16. Existing uses of abutting properties:  
Single family residential
17. Length of time the existing uses of the subject property have continued:  
Continuous
18. Municipal services available: (check the appropriate space or spaces)  
Water X Connected X  
Sanitary Sewer X Connected X  
Storm Sewers X
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Ainslie Wood Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
ZBL 6593 DS-1787
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.