



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-21:219

**APPLICANTS:** Agent Len Angelici  
Owner Avan Milinkovic

**SUBJECT PROPERTY:** Municipal address **30 Balsam Ave. S., Hamilton**

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

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

**PROPOSAL:** To establish a Secondary Dwelling Unit within an existing Single Family Dwelling notwithstanding that:

1. The Secondary Dwelling Unit shall have a maximum of four (4) bedrooms instead of the requirement that a Secondary Dwelling Unit shall have a maximum of two (2) bedrooms.
2. The separate entrance and exit to the Secondary Dwelling Unit shall be permitted to be oriented toward the front lot line as its entrance/exit is from the front door instead of the requirement that Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
3. A minimum of 15% of the gross area of the front yard shall be provided as landscaped area instead of the minimum required 50% of the gross area of the front yard, which shall be used as landscaped area.
4. Tandem parking shall be permitted instead of the requirement that sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking space and that all manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.

**NOTE:**

- i) The Secondary Dwelling Unit is the smaller unit which is located on the 2nd floor and attic and the Single Family Dwelling is the larger unit which is located on the 1st floor and basement/cellar.

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

**DATE:** Thursday, July 22nd, 2021  
**TIME:** 3:15 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:

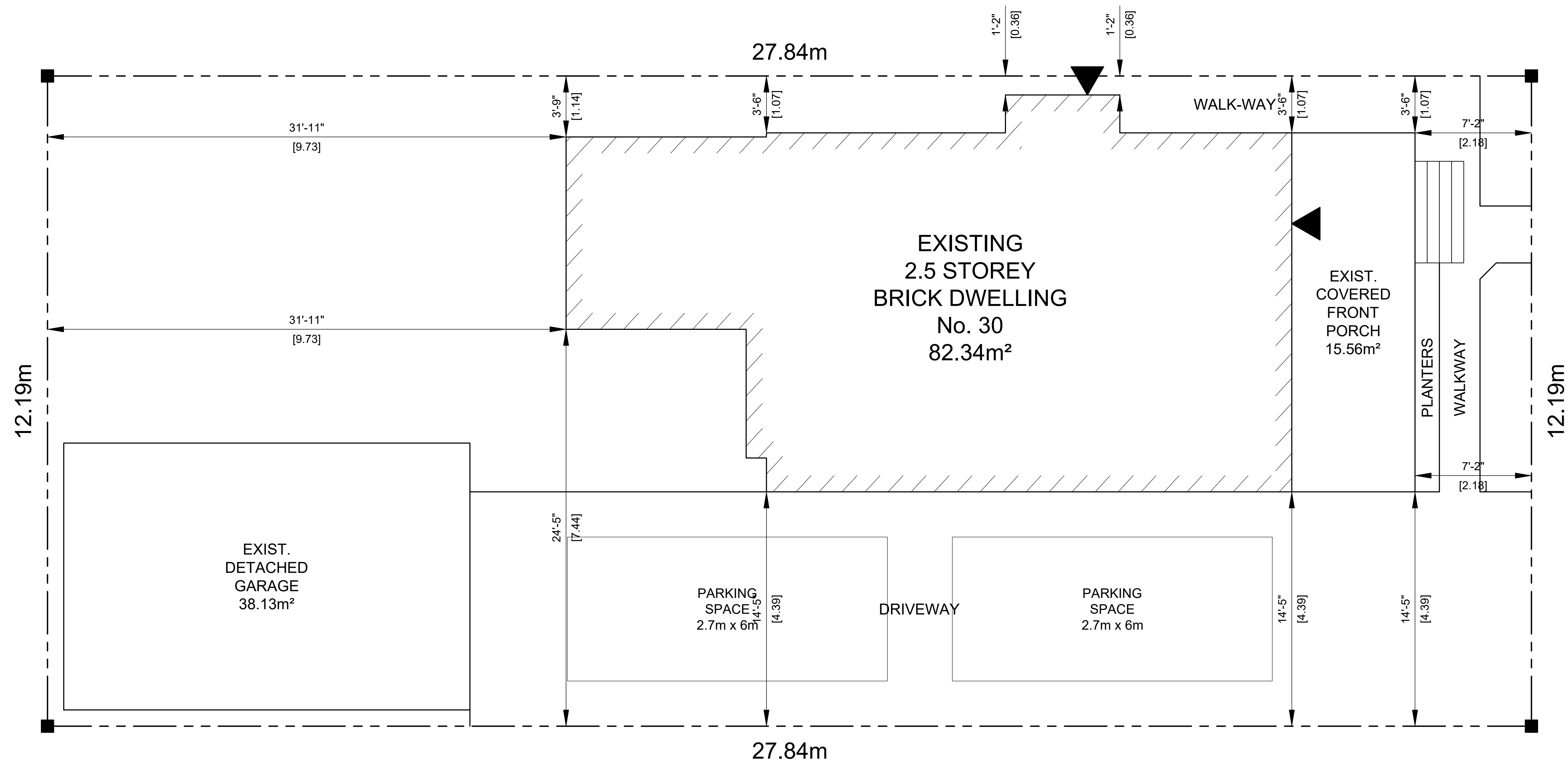
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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.***



SITE DATA	
ZONE:	C
LOT AREA:	339.40m <sup>2</sup>
EXISTING DWELLING FOOTPRINT:	82.34m <sup>2</sup>
EXISTING FRONT COVERED PORCH:	15.56m <sup>2</sup>
EXISTING DETACHED GARAGE:	38.13m <sup>2</sup>
LOT COVERAGE:	40.08%
BUILDING HEIGHT	
No. of STOREYS:	3
SETBACKS	
FRONT:	2.18m
REAR:	9.73m
LEFT SIDE:	4.39m
RIGHT SIDE:	0.36m
LANDSCAPING	
FRONT YARD GROSS AREA:	54.81m <sup>2</sup>
EXISTING FRONT PORCH/ FRONT STEPS:	17.30m <sup>2</sup>
EXISTING DRIVEWAY:	19.76m <sup>2</sup> (36.05%)
EXISTING WALKWAY:	9.34m <sup>2</sup>
TOTAL LANDSCAPED AREA:	8.41m <sup>2</sup> (15.34%)

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	06/25/2021

1. ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
2. THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
3. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
4. CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
5. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
6. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
7. DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
8. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

THE UNDERSIGNED HAS REVIEWED AND TAKES 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	
LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	43162
NAME	BCIN
06/25/2021	
DATE	SIGNATURE

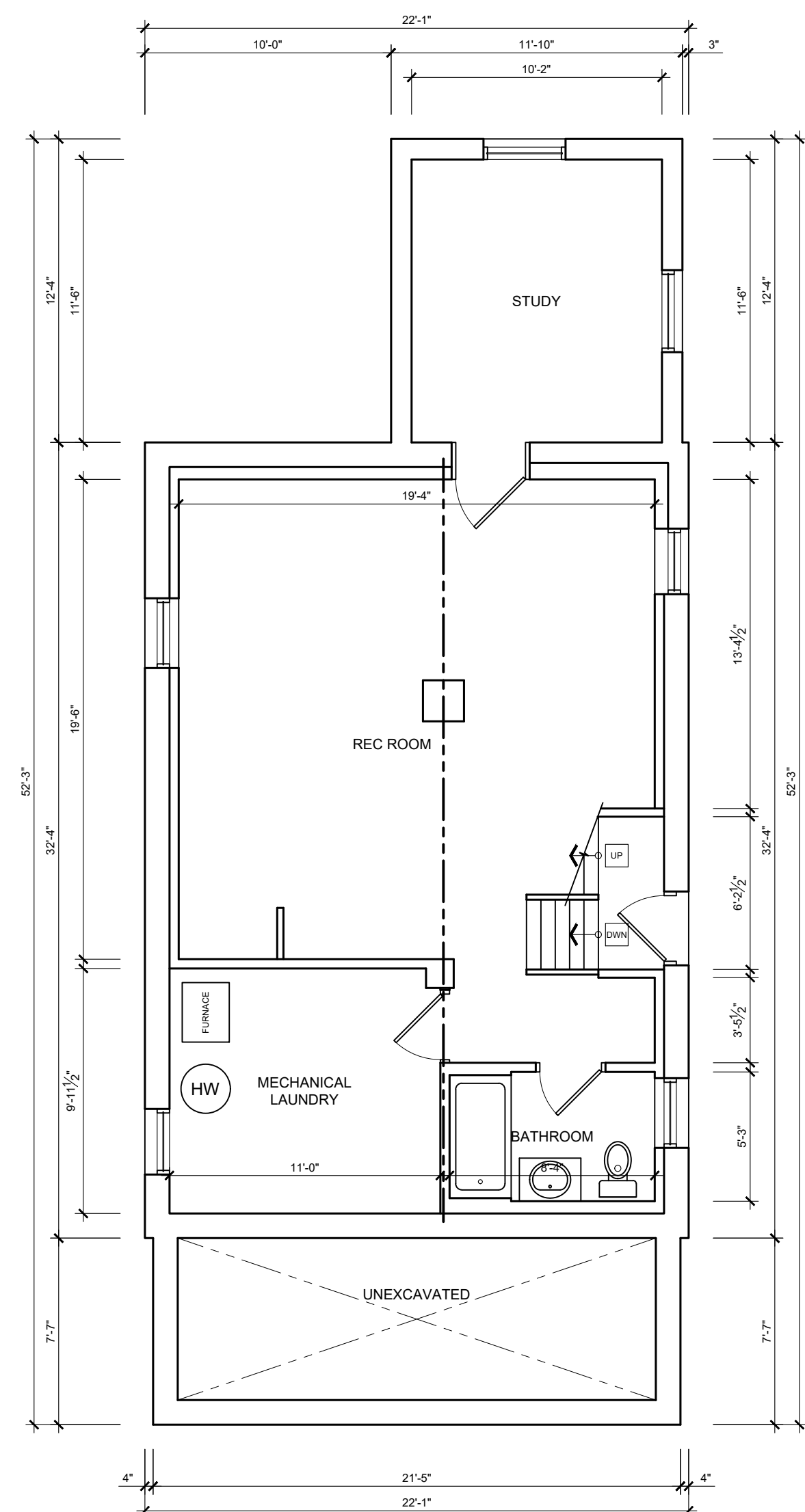
**Len Angelici Design**

270 SHERMAN AVE N. UNIT OF-269  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

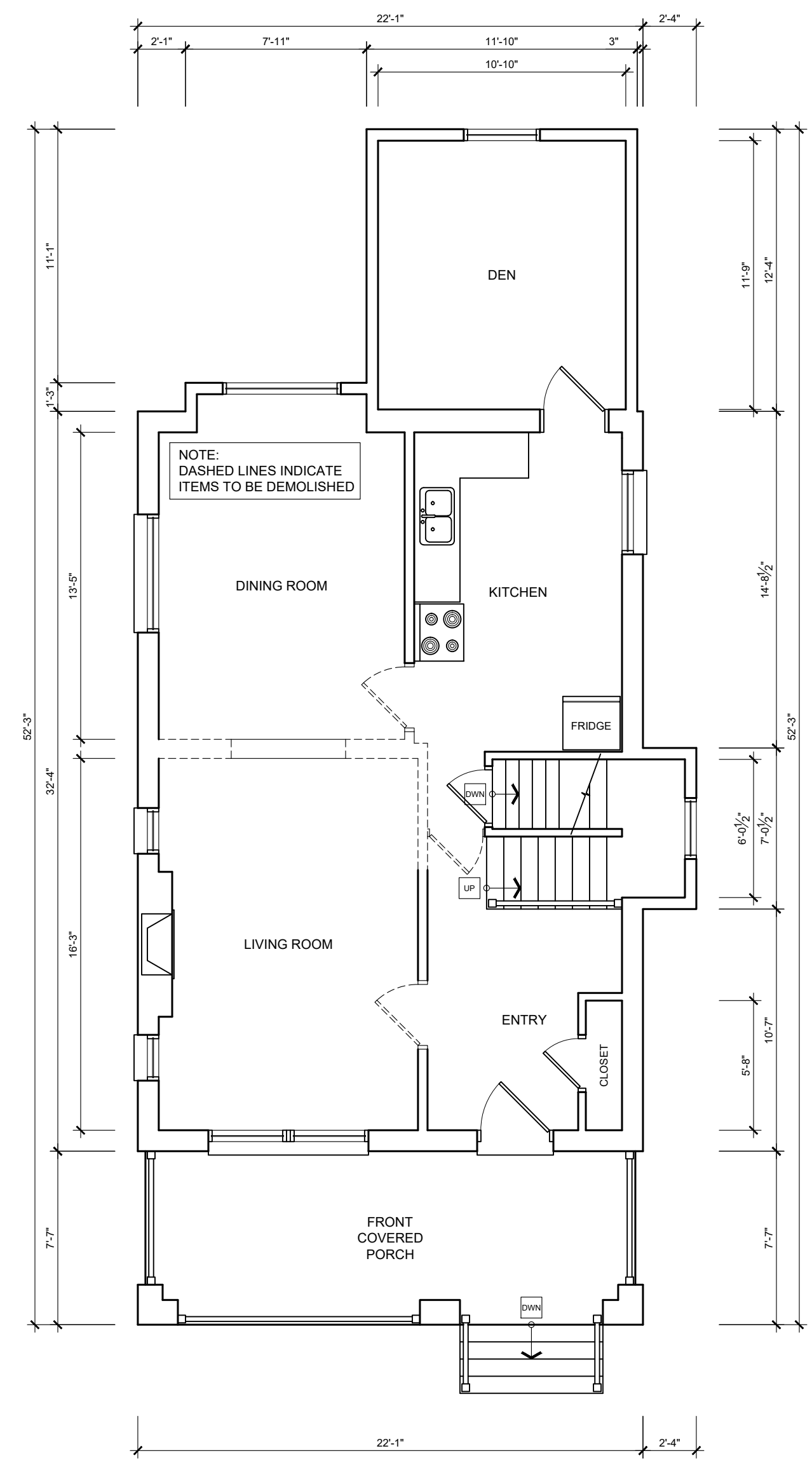
PROJECT
PROPOSED RESIDENCE 30 BALSAM AVE, HAMILTON ON.

SHEET TITLE
SITE PLAN

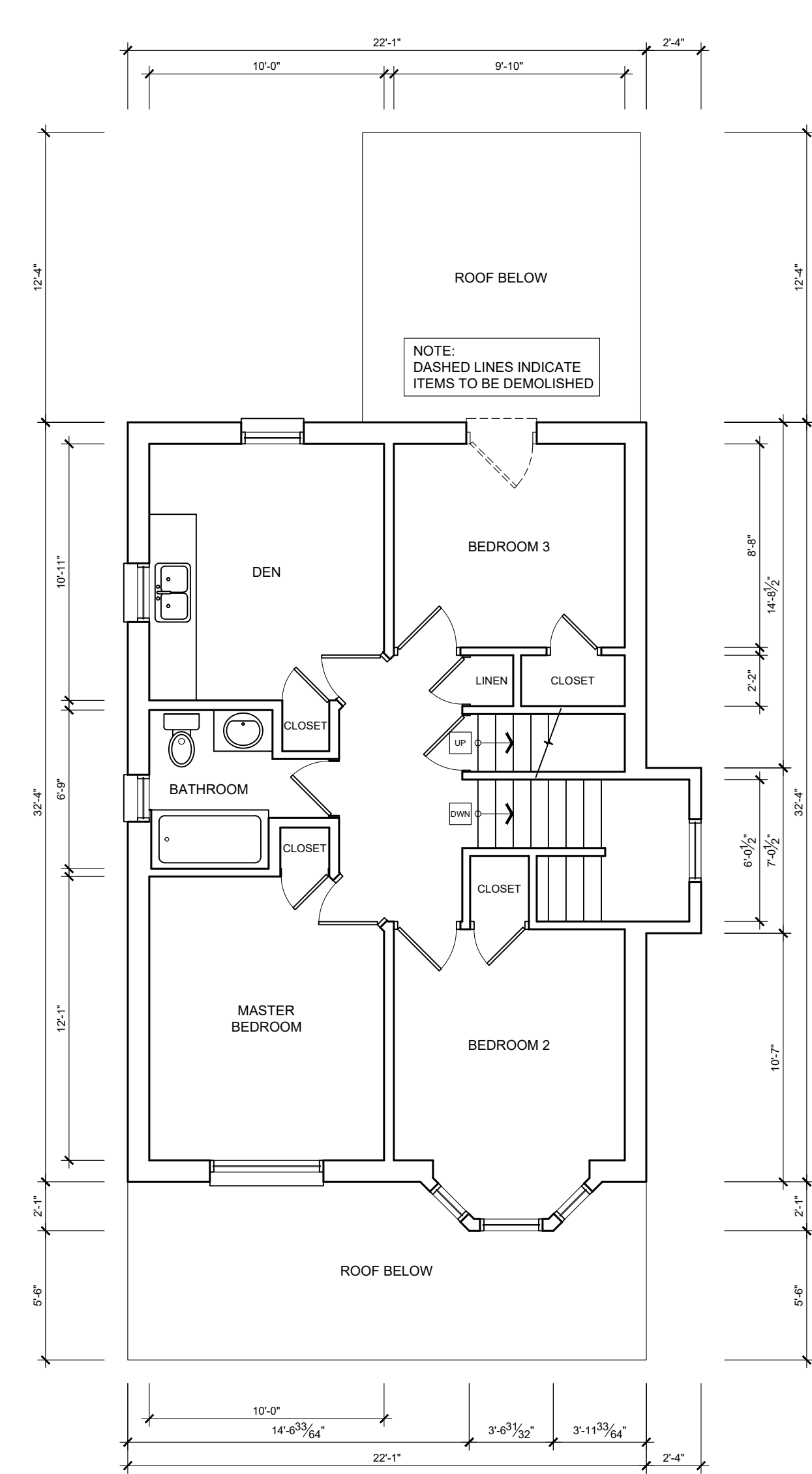
DRAWN BY	SP1
L. ANGELICI	
DATE	
06/25/2021	
SCALE	
1:50	
PROJECT No.	
2020-001	



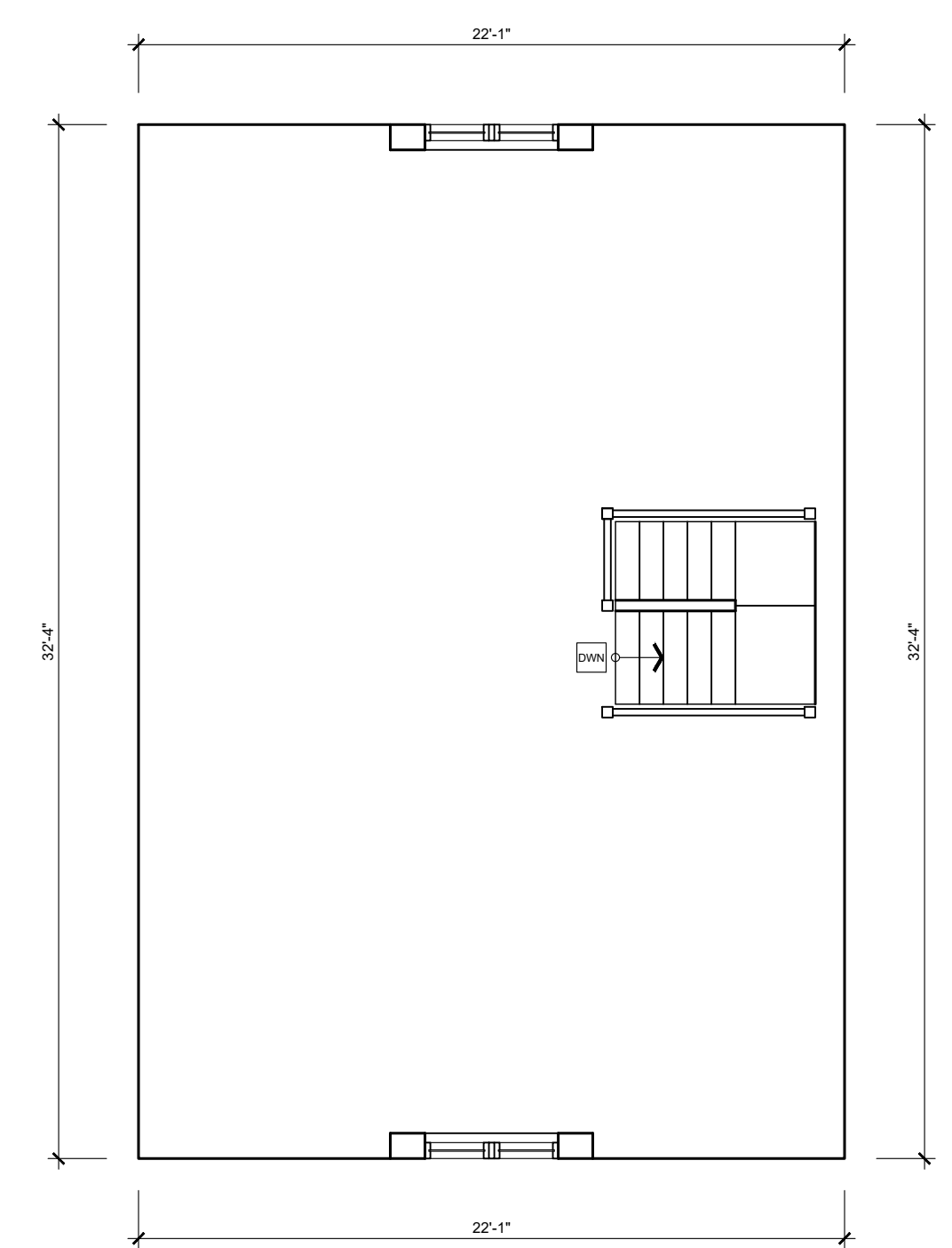
**EXISTING BASEMENT PLAN**  
SCALE 3/16" = 1' - 0"



**EXISTING MAIN FLOOR PLAN**  
SCALE 3/16" = 1' - 0"



**EXISTING SECOND FLOOR PLAN**  
SCALE 3/16" = 1' - 0"



**EXISTING ATTIC PLAN**  
SCALE 3/16" = 1' - 0"

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LEONARD ANGELICI 42391  
NAME BCIN

**REGISTRATION INFORMATION**

LEN ANGELICI DESIGN 43162  
NAME BCIN

06/25/2021  
DATE SIGNATURE

**Len Angelici Design**

270 SHERMAN AVE N. UNIT OF-269  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

**PROJECT**

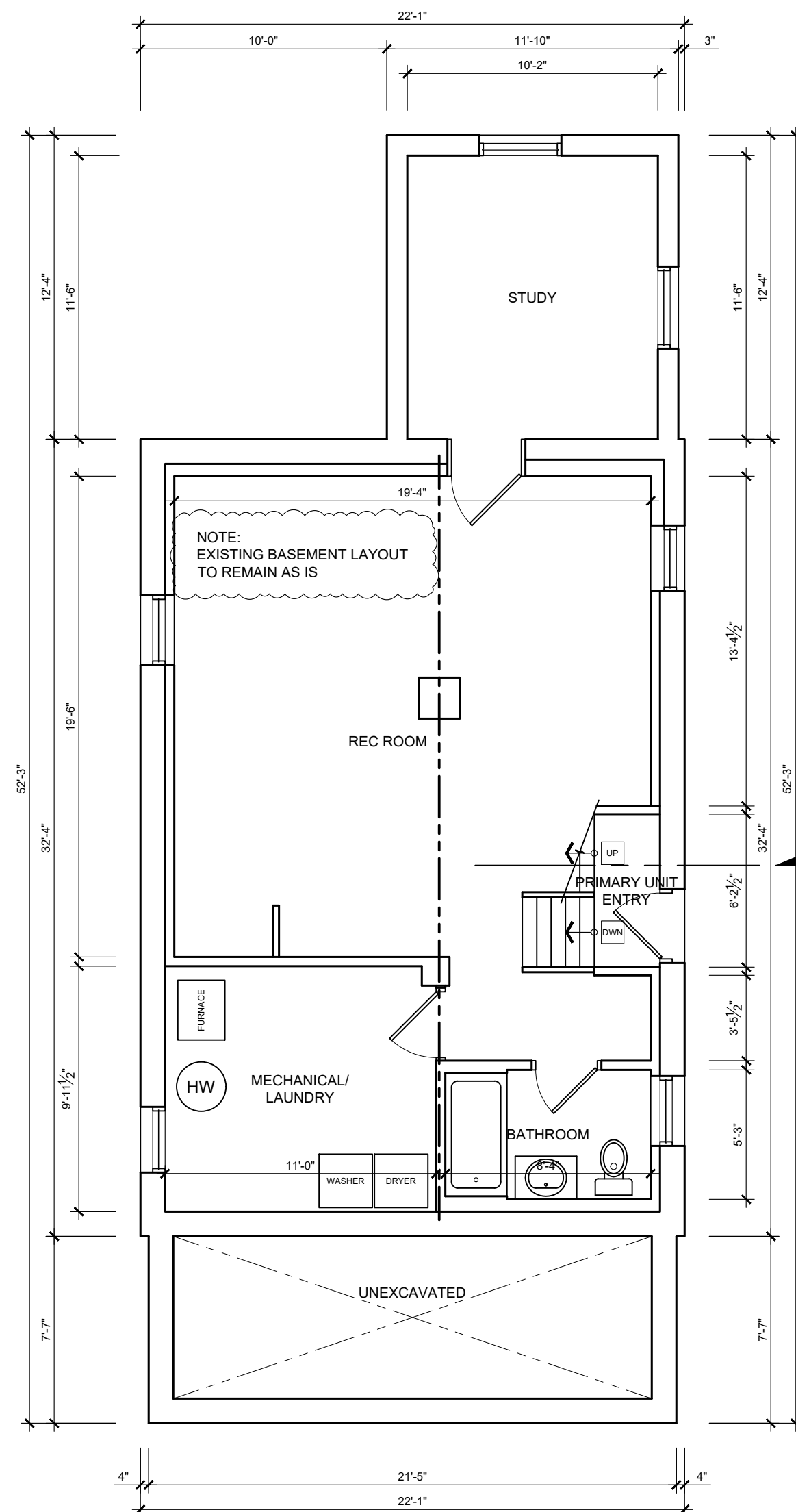
PROPOSED RESIDENCE  
30 BALSAM AVE,  
HAMILTON ON.

**SHEET TITLE**

EXISTING FLOOR PLANS

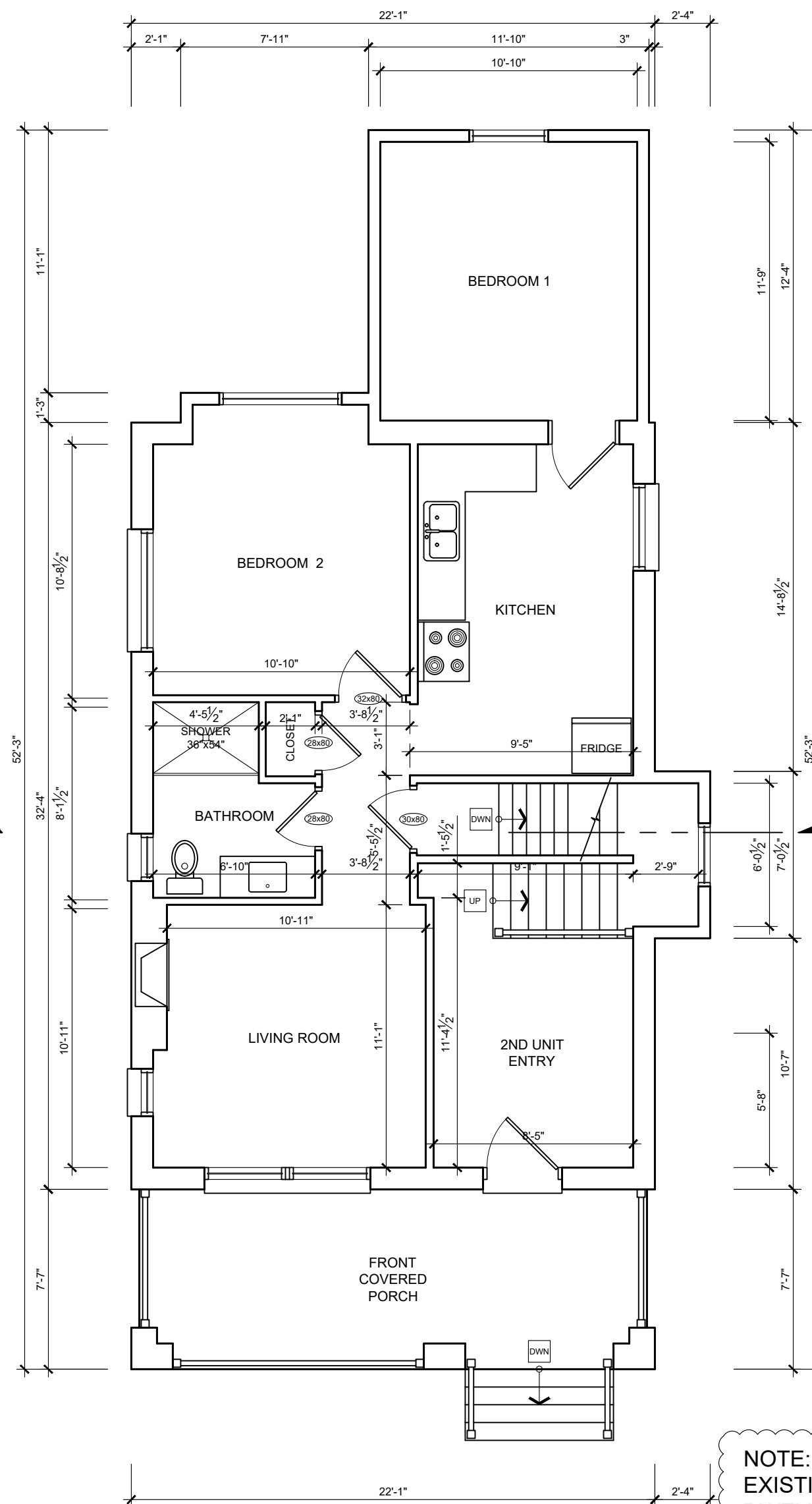
DRAWN BY	A1
L. ANGELICI	
DATE	
06/25/2021	
SCALE	
3/16"=1'-0"	
PROJECT No.	
2020-001	





**EXISTING BASEMENT PLAN**

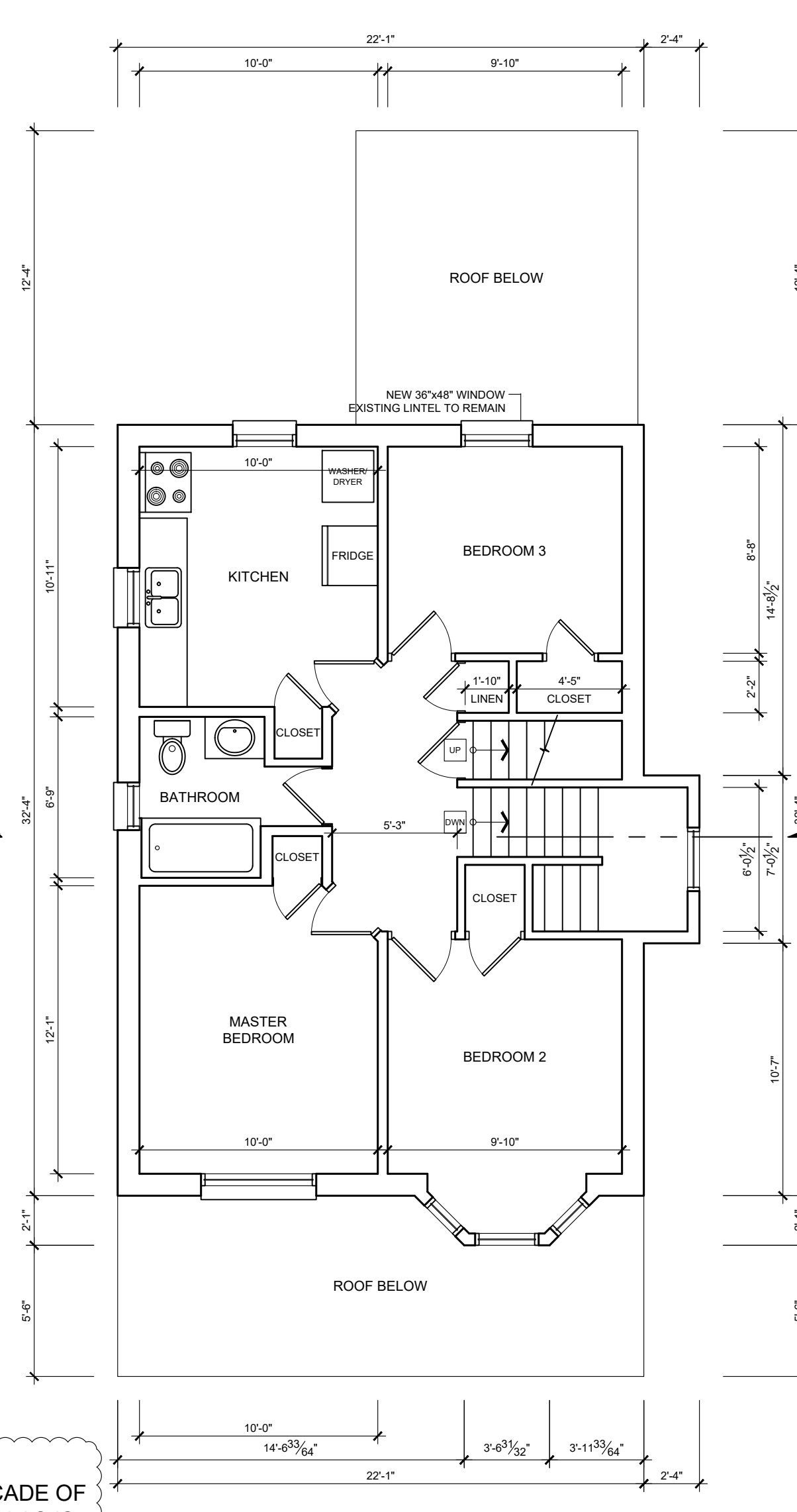
SCALE  $\frac{3}{16}'' = 1' - 0''$   
 BASEMENT AREA: 859.97sqft (79.89m<sup>2</sup>)



**PROPOSED MAIN FLOOR PLAN**

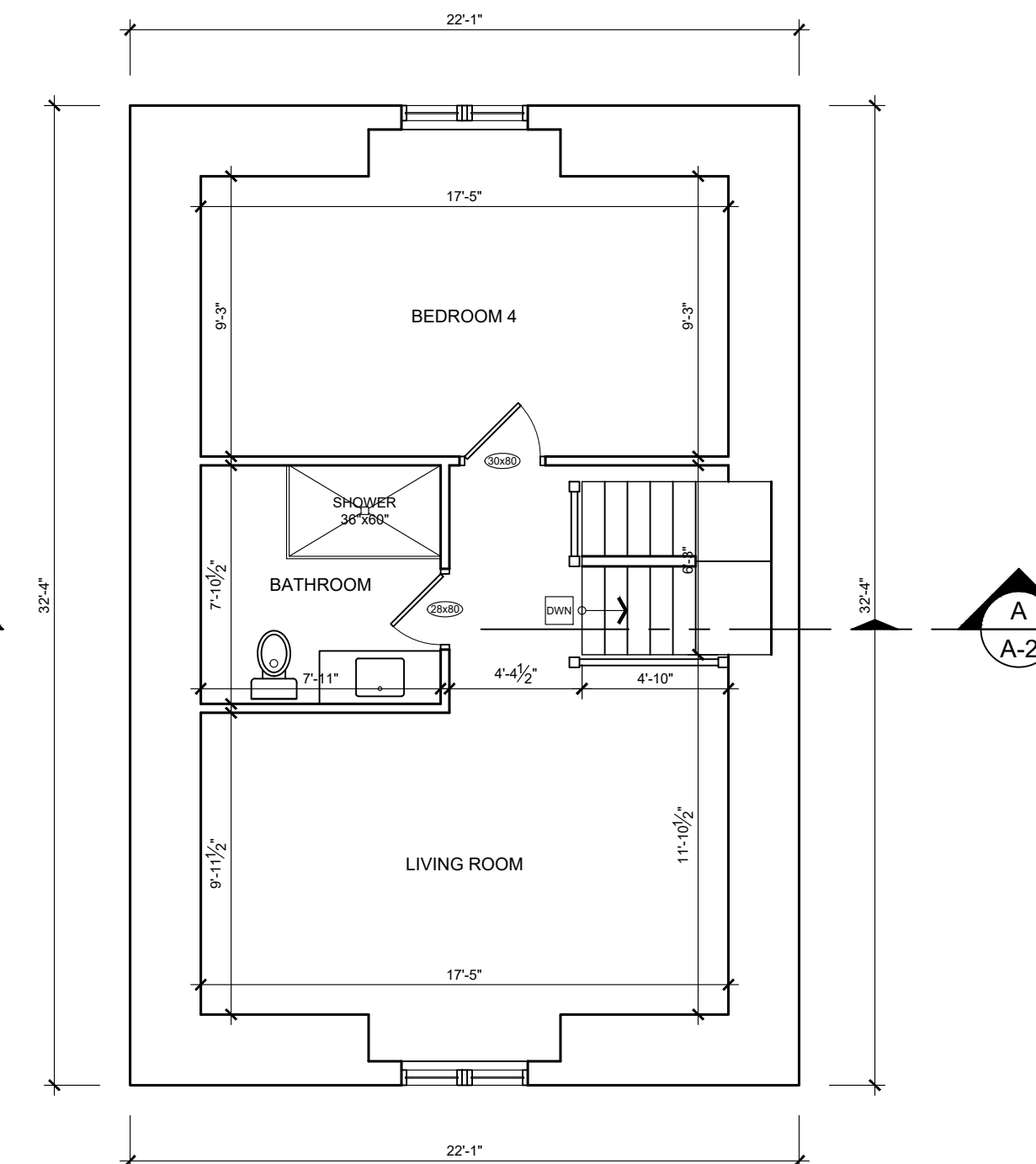
SCALE  $\frac{3}{16}'' = 1' - 0''$   
 MAIN FLOOR AREA: 886.32sqft (82.34m<sup>2</sup>)  
 MAIN FLOOR PRIMARY UNIT AREA: 732.93sqft (68.09m<sup>2</sup>)  
 MAIN FLOOR SECONDARY UNIT AREA: 153.22 (14.23m<sup>2</sup>)  
**TOTAL PRIMARY UNIT AREA: 1592.90sqft (147.99m<sup>2</sup>)**

NOTE:  
 EXISTING FRONT FACADE OF  
 DWELLING TO REMAIN AS IS



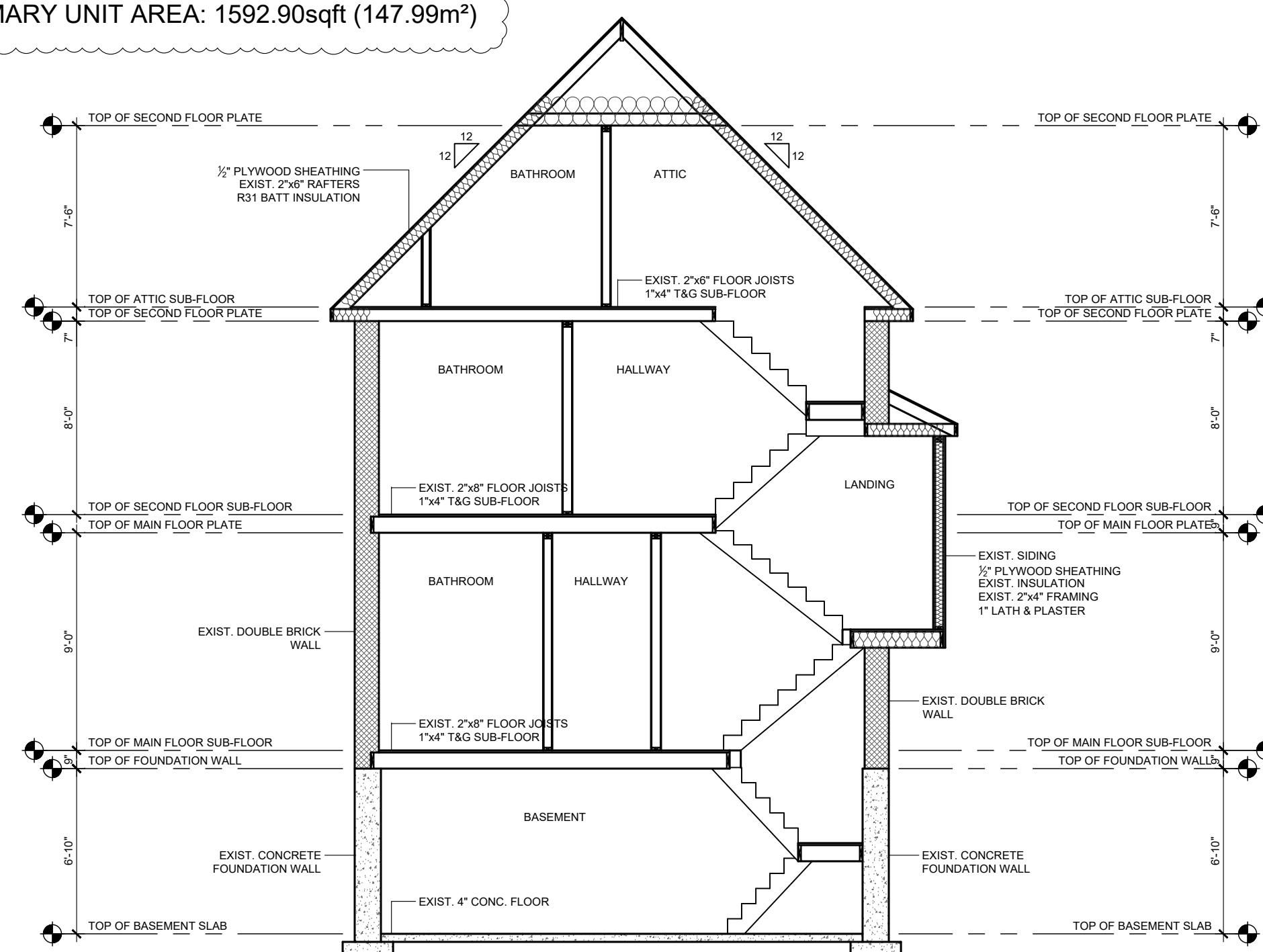
**PROPOSED SECOND FLOOR PLAN**

SCALE  $\frac{3}{16}'' = 1' - 0''$   
 SECOND FLOOR AREA: 742.25sqft (68.96m<sup>2</sup>)  
**TOTAL SECONDARY UNIT AREA: 1439.87sqft (133.77m<sup>2</sup>)**



**PROPOSED ATTIC PLAN**

SCALE  $\frac{3}{16}'' = 1' - 0''$   
 ATTIC AREA: 697.62sqft (64.81m<sup>2</sup>)



**SECTION A**  
 SCALE:  $\frac{3}{16}'' = 1' - 0''$

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 NAME BCIN

REGISTRATION INFORMATION  
 LEN ANGELICI DESIGN 43162  
 NAME BCIN

06/25/2021  
 DATE SIGNATURE

**Len Angelici Design**

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 HAMILTON, ON L8L 6N4  
 (905) 393-8868  
 info@lenangelicidesign.ca

PROJECT  
 PROPOSED RESIDENCE  
 30 BALSAM AVE,  
 HAMILTON ON.

SHEET TITLE  
**PROPOSED FLOOR  
 PLANS & SECTION**

DRAWN BY  
 L. ANGELICI

DATE  
 06/25/2021

SCALE  
 $\frac{3}{16}'' = 1' - 0''$

PROJECT No.  
 2020-001

**A2**



**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

<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	
Registered Owners(s)	AVAN MILINKOVIC		Phone: _____ E-mail: _____
Applicant(s)*	LEN ANGELICI		Phone: _____ E-mail: _____
Agent or Solicitor			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:

RELIEF FROM ON-SITE PARKING FOR PROPOSED SECOND DWELLING UNIT

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

SIZE OF LOT OF SUBJECT PROPERTY DOES NOT ALLOW FOR ON-SITE PARKING THAT MEETS SPATIAL AND MANEUVERABILITY REQUIREMENTS

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**):

30 BALSAM AVE S  
HAMILTON, ON  
L8M 3B1  
ZONE: C

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?  
**AREA HAS BEEN RESIDENTIAL SINCE CONSTRUCTION OF SUBJECT PROPERTY**

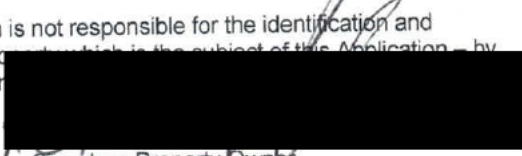
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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 12 2021  
Date

  
Signature Property Owner  
Mark (John) Milinkovic  
Print Name of Owner

10. Dimensions of lands affected:  
Frontage 12.19m  
Depth 27.84m  
Area 339.40m<sup>2</sup>  
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: \_\_\_\_\_  
Ground Floor: 82.34m<sup>2</sup>      Width: 6.7m  
2nd Floor: 64.13m<sup>2</sup>      Length: 15.9m  
Attic: 62.53m<sup>2</sup>  
2 1/2 Stories  
Proposed \_\_\_\_\_

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: 2.18m  
Right Side: 0.36m  
Left Side: 4.39m  
Rear: 9.73m  
Proposed: \_\_\_\_\_



13. Date of acquisition of subject lands:  
\_\_\_\_\_
14. Date of construction of all buildings and structures on subject lands:  
\_\_\_\_\_
15. Existing uses of the subject property:  
**SINGLE FAMILY DWELLING**
16. Existing uses of abutting properties:  
**SINGLE AND MULTI-UNIT DWELLINGS**
17. Length of time the existing uses of the subject property have continued:  
**SINCE CONSTRUCTION**
18. Municipal services available: (check the appropriate space or spaces)  
 Water  \_\_\_\_\_ Connected  \_\_\_\_\_  
 Sanitary Sewer  \_\_\_\_\_ Connected  \_\_\_\_\_  
 Storm Sewers  \_\_\_\_\_
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:  
**ZONE C: Urban Protected Residential, Etc.**  
**PARENT BY-LAW NUMBER: 6593 Former Hamilton**
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.