



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-21:240

APPLICANTS: Agent Mena Bileci
Owner Maria Tutolo

SUBJECT PROPERTY: Municipal address **43-47 Emerald St. N., Hamilton**

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

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

PROPOSAL: To permit the creation of two lots through land severance application HM/B-21: 14 notwithstanding that;

LANDS TO BE SEVERED:

1. A minimum lot width of 7.6 m shall be provided instead of the minimum required lot width of 12.0 m; and
2. A minimum lot area of 285.6 m² shall be provided instead of the minimum required 360.0 m²; and
3. 0.0 m southerly side yard width shall be maintained for the existing 1 Sty Stucco & Sided Building instead of the minimum required 0.45 m side yard width; and
4. Eaves and gutters shall be permitted to encroach the entire width of the southerly lot line for the accessory building 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

LANDS TO BE RETAINED:

1. A minimum lot width of 10.9 m shall be provided instead of the minimum required lot width of 12.0 m; and
2. 0.0 m northerly side yard width shall be maintained for the existing accessory building instead of the minimum required 0.45 m side yard width; and
3. Eaves and gutters shall be permitted to encroach the entire width of the northerly lot line for the accessory building 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:

Variances have been written as requested by the applicant.

These variances are necessary to facilitate land severance application HM/B-21: 14.

Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot

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

DATE: Thursday, July 22nd, 2021
TIME: 3:30 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.

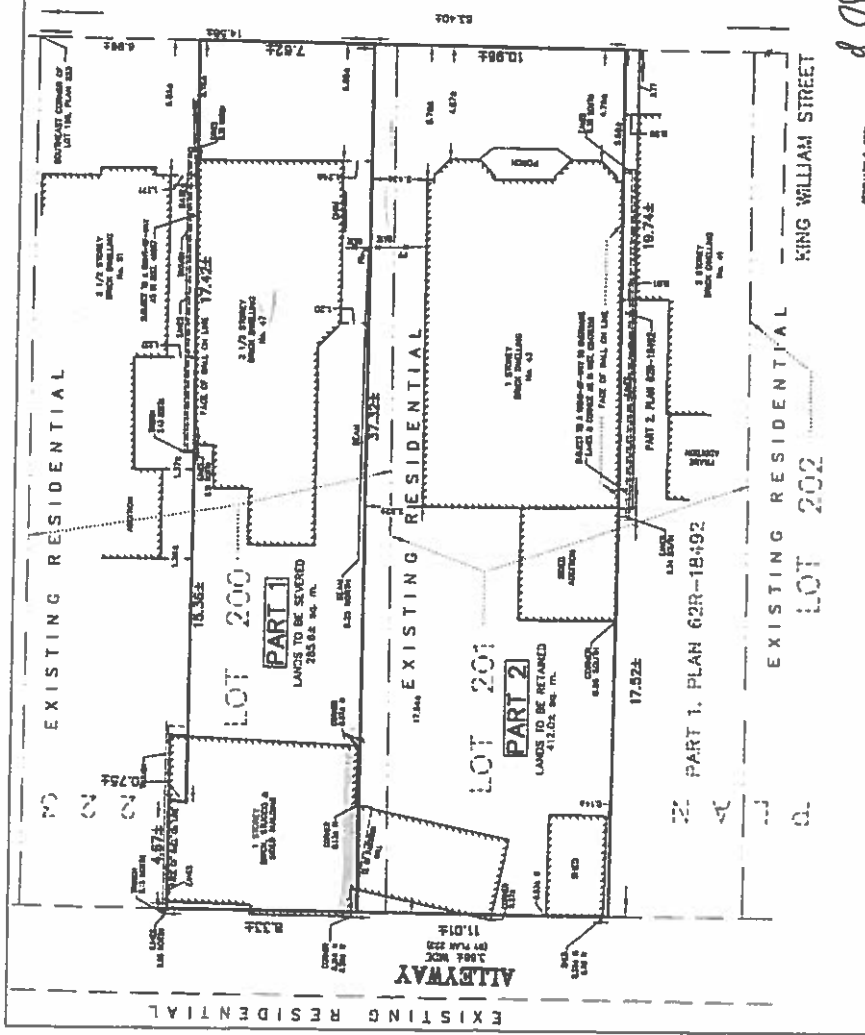
PLAN FOR LAND DIVISION
OF PART OF
LOTS 200 & 201
REGISTERED PLAN 223
IN THE
CITY OF HAMILTON

SCALE 1:150 METRIC

S.D. McLAHERY, O.L.S. - 2021



EMERALD STREET NORTH
NORTH 15.824
OF PLAN 223



METRIC NOTE:
DISTANCES AND COORDINATES
SHOWN ON THIS PLAN ARE IN
METRES AND ARE NOT
CONVERTED TO FEET
BY DIVIDING BY 0.3048

A.T. McLAHERY Limited
Professional Engineer
1000 SHEPPARD AVENUE EAST
SUITE 100
SCARBOROUGH, ONTARIO M1S 1T8
CANADA
PHONE: (416) 291-1111
FAX: (416) 291-1112
REG. NO. 1274-002

DATE: FEBRUARY 8, 2021
S. DANI McLAHERY, O.L.S.



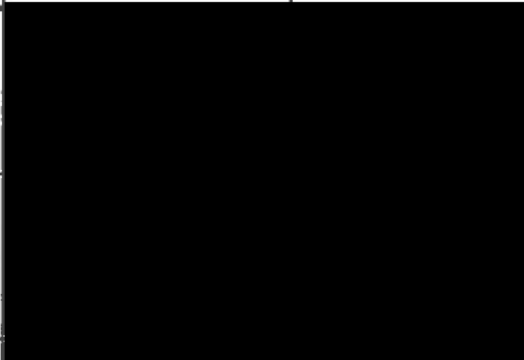
APPLICATION FOR A MINOR VARIANCE

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	MAILING ADDRESS	
Registered Owners(s)	Maria Tutolo		
Applicant(s)*	Mena Billeci (daughter)		
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:
 None

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:
See attachment (Nature and extent of relief applied for)

Secondary Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
This is an existing situation. Property merged in title in ~~1991~~ *May 1, 1997*.

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):
Plan 223PT Lot 200

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

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

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 8.1 to 8.10 above?

Owner knowledge: Maria Tutolo has resided at this property since 1958

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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 7, 2021
Date


Signature Property Owner(s)

Maria Tutolo

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>63.4</u>
Depth	<u>37.32</u>
Area	<u>697.6</u>
Width of street	<u>15.85</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:
See Survey (attached)

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:
See Survey (attached)

Proposed:

13. Date of acquisition of subject lands:
Property purchased in 1958 - 1960 respectively
-
14. Date of construction of all buildings and structures on subject lands:
Circa 1900s
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Residential - single family
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Residential - single family
17. Length of time the existing uses of the subject property have continued:
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:
Neighbourhood on shedule E-1
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"D" Urban-protected residential - one and two family dwellings, etc. in
Hamilton. Zoning Bylaw 6593
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
See File HM/B-21:14 - 43 -47 Emerald St. N.
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.