

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-21:247

APPLICANTS: Owner Lisa Lavallee

SUBJECT PROPERTY: Municipal address **133 & 135 Markland St., Hamilton**

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

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

PROPOSAL: To permit a lot to be conveyed (133 Markland Street) containing a two family dwelling and to permit a lot to be retained (135 Markland Street) in order to facilitate Consent File No. HM/B-20:58 notwithstanding that:

Lot to be Conveyed (133 Markland Street)

1. A minimum lot width of 7.2m shall be permitted instead of the minimum required lot width of 18.0m for a two (2) family dwelling.
2. A minimum lot area of 262m² shall be permitted instead of the minimum required lot area of 540m² for a two (2) family dwelling.
3. A 0.0m easterly side yard width shall be provided instead of the minimum required side yard width of 2.7m.
4. The existing open stairway/fire escape (steps) shall be permitted to project into the required westerly side yard a maximum of 1.9m so that the existing open stairway/fire escape may be as close as 0.8m to the westerly side lot line instead of the requirement that an open fire escape or open stairway may project into a required side yard (being 2.7m) not more than one-third of its width (being a maximum of 0.9m).
5. The existing balcony (2nd storey landing) shall be permitted to project into the required westerly side yard a maximum of 2.1m so that the existing balcony may be as close as 0.6m to the westerly side lot line instead of the requirement that a balcony (2nd storey landing) may project into a required side yard (being 2.7m) not more than one-third of its width (being a maximum of 0.9m).
6. No parking spaces shall be provided instead of the minimum required two (2) parking spaces.

Lot to be Retained (135 Markland Street)

1. A minimum lot width of 7.4m shall be permitted instead of the minimum required lot width of 18.0m for a two (2) family dwelling.
2. A minimum lot area of 278m² shall be permitted instead of the minimum required lot area of 540m² for a two (2) family dwelling.
3. A 0.0m westerly side yard width shall be provided instead of the minimum required side yard width of 2.7m.
4. The existing open stairway/fire escape (steps) shall be permitted to project into the required easterly side yard a maximum of 1.8m so that the existing open stairway/fire escape (steps) may be as close as 0.9m to the easterly side lot line instead of the requirement that an open fire escape or open stairway may project into a required side yard (being 2.7m) not more than one-third of its width (being a maximum of 0.9m).
5. The existing balcony (2nd storey landing) shall be permitted to project into the required easterly side yard a maximum of 1.7m so that the existing balcony (2nd storey landing) may be as close as 1.0m to the easterly side lot line instead of the requirement that a balcony may project into a required side yard (being 2.7m) not more than one-third of its width (being a maximum of 0.9m).
6. No parking spaces shall be provided instead of the minimum required two (2) parking spaces.

NOTE:

- i) The variances are necessary to facilitate Consent File No. HM/B-20:58.

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

DATE:	Thursday, August 12th, 2021
TIME:	2:05 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 27th, 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.

SURVEYOR'S REAL PROPERTY REPORT

PART 1, PLAN OF PART OF
LOT 18
REGISTERED PLAN 87
IN THE
CITY OF HAMILTON

SCALE 1:100 METRIC
2 1 0 2 4 6 metres

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

SURVEYOR'S REAL PROPERTY REPORT
(PART 2)

PART OF LOT 18, REGISTERED PLAN 87 IS NOT
SUBJECT TO ANY EASEMENTS.

THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH
ZONING BY-LAWS.

THIS PLAN WAS PREPARED FOR LISA LYNN LAVALLEE.

FRONT YARD AREAS:

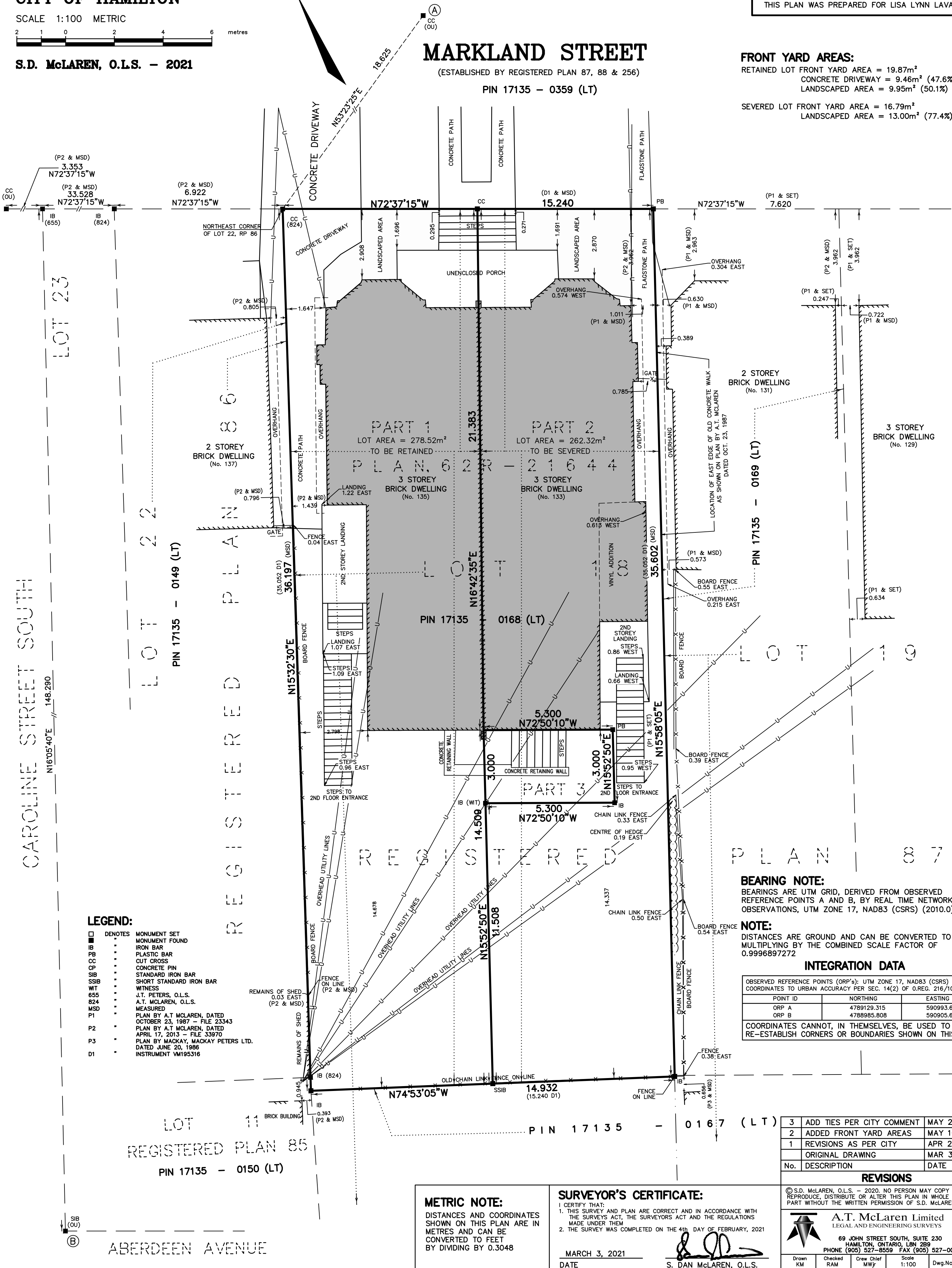
RETAINED LOT FRONT YARD AREA = 19.87m²
CONCRETE DRIVEWAY = 9.46m² (47.6%)
LANDSCAPED AREA = 9.95m² (50.1%)

SEVERED LOT FRONT YARD AREA = 16.79m²
LANDSCAPED AREA = 13.00m² (77.4%)

MARKLAND STREET

(ESTABLISHED BY REGISTERED PLAN 87, 88 & 256)

PIN 17135 - 0359 (LT)



LEGEND:

- IB DENOTES MONUMENT SET
- PB MONUMENT FOUND
- CC IRON BAR
- CP PLASTIC BAR
- SIB CUT CROSS
- SSIB CONCRETE PIN
- WT STANDARD IRON BAR
- B55 SHORT STANDARD IRON BAR
- B24 WITNESS
- MSD J.T. PETERS, O.L.S.
- P1 A.T. McLAREN, O.L.S.
- P2 MEASURED
- P3 PLAN BY A.T. McLAREN, DATED OCTOBER 23, 1987 - FILE 23343
- D1 PLAN BY A.T. McLAREN, DATED APRIL 17, 2013 - FILE 33870
- PLAN BY MACKAY, MACKAY PETERS LTD. DATED JUNE 20, 1986
- INSTRUMENT VM195316

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF
0.9996897272

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0).
COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4789129.315	590993.637
ORP B	4788985.808	590905.630

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

METRIC NOTE:

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

SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS
MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 4th DAY OF FEBRUARY, 2021

MARCH 3, 2021
DATE

S. DAN McLAREN, O.L.S.



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn	Checked	Crew Chief	Scale	Dwg. No.
KM	RAM	MWJ	1:100	36581-F

SURVEYOR'S REAL PROPERTY REPORT

PART 1, PLAN OF PART OF
LOT 18
REGISTERED PLAN 87
IN THE
CITY OF HAMILTON

SCALE 1:100 METRIC



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

SURVEYOR'S REAL PROPERTY REPORT
(PART 2)

PART OF LOT 18, REGISTERED PLAN 87 IS NOT
SUBJECT TO ANY EASEMENTS.

THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH
ZONING BY-LAWS.

THIS PLAN WAS PREPARED FOR LISA LYNN LAVALLEE.

FRONT YARD AREAS:

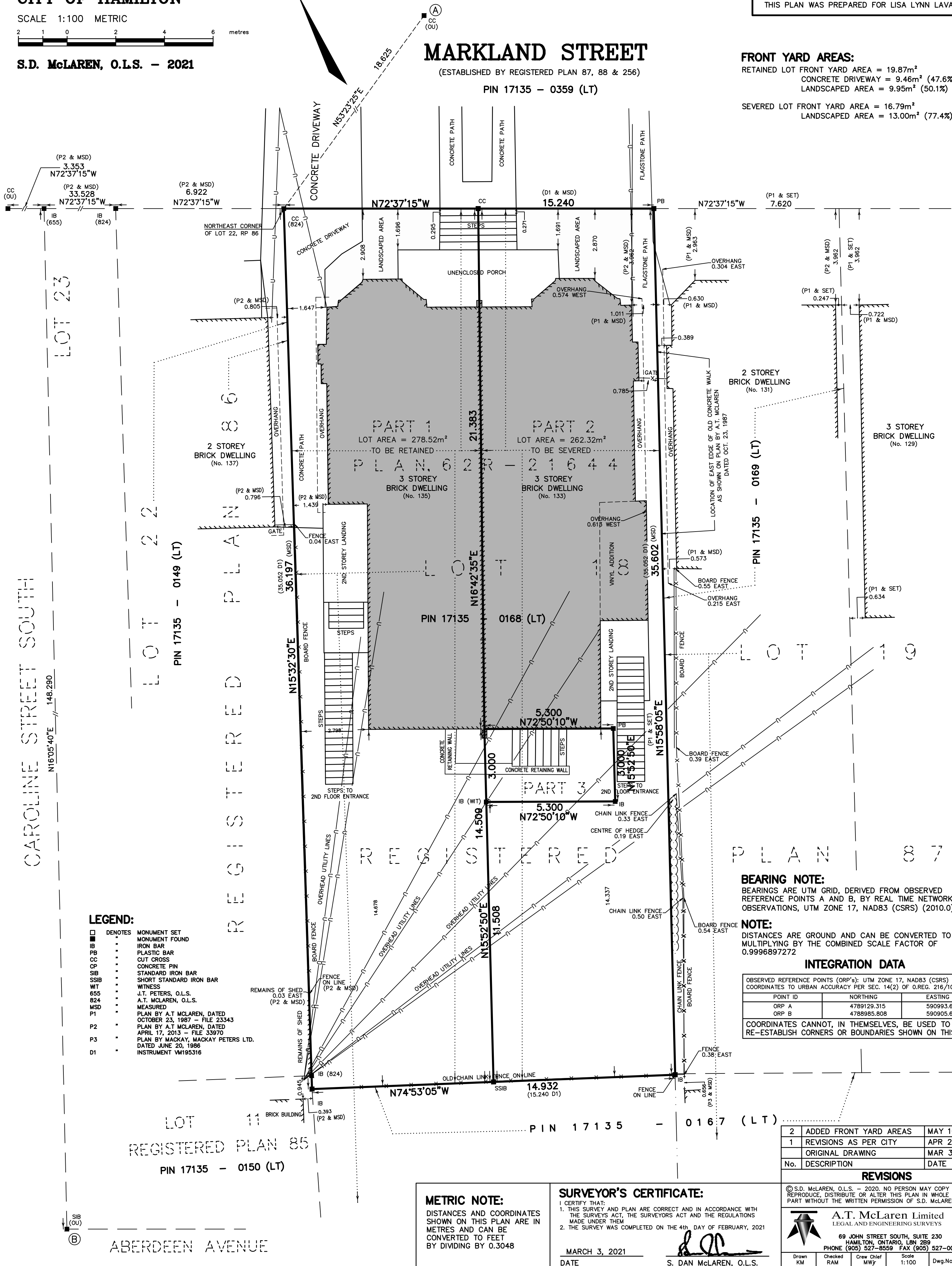
RETAINED LOT FRONT YARD AREA = 19.87m²
CONCRETE DRIVEWAY = 9.46m² (47.6%)
LANDSCAPED AREA = 9.95m² (50.1%)

SEVERED LOT FRONT YARD AREA = 16.79m²
LANDSCAPED AREA = 13.00m² (77.4%)

MARKLAND STREET

(ESTABLISHED BY REGISTERED PLAN 87, 88 & 256)

PIN 17135 - 0359 (LT)



LEGEND:

- DENOTES
- MONUMENT SET
- MONUMENT FOUND
- IRON BAR
- PLASTIC BAR
- CUT CROSS
- CONCRETE PIN
- STANDARD IRON BAR
- SHORT STANDARD IRON BAR
- WITNESS
- J.T. PETERS, O.L.S.
- A.T. McLAREN, O.L.S.
- MEASURED
- PLAN BY A.T. McLAREN, DATED OCTOBER 23, 1987 - FILE 23343
- PLAN BY A.T. McLAREN, DATED APRIL 17, 2013 - FILE 33870
- PLAN BY MACKAY, MACKAY PETERS LTD. DATED JUNE 20, 1986
- INSTRUMENT VM195316

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF
0.9996897272

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0).
COORDINATES TO UTM ACCURACY PER SEC. 14(2) OF OREG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4789129.315	590993.637
ORP B	4788985.808	590905.630

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

METRIC NOTE:

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

SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS
MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 4th DAY OF FEBRUARY, 2021

MARCH 3, 2021

DATE

S. DAN McLAREN, O.L.S.

No.	DESCRIPTION	DATE	BY
2	ADDED FRONT YARD AREAS	MAY 10/21	JM
1	REVISIONS AS PER CITY	APR 29/21	JM
	ORIGINAL DRAWING	MAR 3/21	KM

REVISIONS

© S.D. McLAREN, O.L.S. - 2020. NO PERSON MAY COPY
REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN
PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn	Checked	Cred	Scale	Dwg. No.
KM	RAM	WWP	1:100	36581-F

PLAN OF SURVEY
OF PART OF
LOT 18
REGISTERED PLAN 87
IN THE
CITY OF HAMILTON

SCALE 1:100 METRIC

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

SCHEDULE

PART	LOT	CON/PLAN	P.I.N.
1			
2	PART OF LOT 18	REGISTERED PLAN 87	ALL OF PIN 17135-0168 (LT)
3			

PLAN 62 R- 21644

RECEIVED AND DEPOSITED
Date March 22, 2021

"C. Adsett"
REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF WENTWORTH (No. 62)

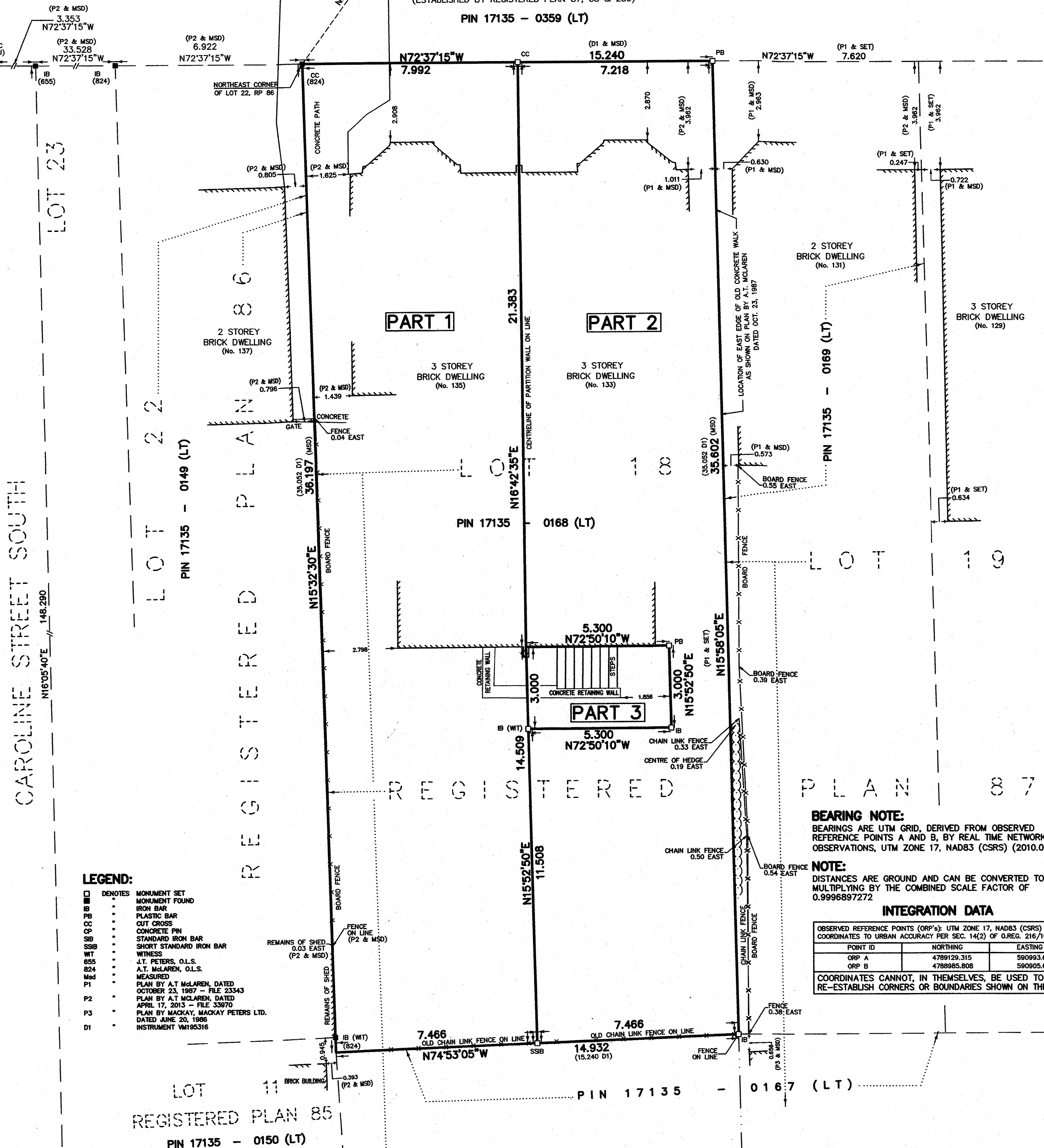
I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.
Date MARCH 15, 2021
S. DAN McLAREN, O.L.S.

PARTS 1 TO 3, INCLUSIVE, COMPRISE ALL OF PIN 17135-0168 (LT)

MARKLAND STREET

(ESTABLISHED BY REGISTERED PLAN 87, 88 & 256)

PIN 17135 - 0359 (LT)



LEGEND:

- IB DENOTES MONUMENT SET
- CC MONUMENT FOUND
- PB PLASTIC BAR
- CC CUT CROSS
- OP CONCRETE PIN
- SSB STANDARD IRON BAR
- SSB SHORT STANDARD IRON BAR
- WT WITNESS
- 655 J.T. PETERS, O.L.S.
- 824 A.T. McLAREN, O.L.S.
- Med MEASURED
- P1 PLAN BY A.T. McLAREN, DATED OCTOBER 23, 1987 - FILE 23343
- P2 PLAN BY A.T. McLAREN, DATED APRIL 17, 2013 - FILE 33970
- P3 PLAN BY MACKAY, MACKAY PETERS LTD. DATED JUNE 20, 1986
- D1 INSTRUMENT VM195316

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF
0.9996897272

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF OREG. 216/10		
POINT ID	NORTHING	EASTING
ORP A	4789129.315	590893.637
ORP B	4788985.808	590803.630
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

METRIC NOTE:

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

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 4th DAY OF FEBRUARY, 2021

MARCH 15, 2021
DATE

S. DAN McLAREN, O.L.S.



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn KM Checked RAM Crew Chief MWJ Scale 1:100 Dwg.No. 36581-R

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)	Lisa Lavallee	<div></div>	
Applicant(s)*	Lisa Lavallee		
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:
Bank of Montreal Mortgage, 910 Queenston Rd, Stoney Creek, ON L8G 1B5

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:
Minor Variance APPLICABLE LAW REVIEW – Clearance of Condition Nos. 4 & 5 for Consent File No. HM/B-20:58 See attached schedules A, B & C

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
To recognize existing buildings that are not in conformity with the by-law. See schedule A, B & C

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**):
133 & 135 Markland St , Hamilton, On L8P2K3
PT LT 18, PL 87 , AS IN VM195316 ; HAMILTON

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☐ Other ☐
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 8.1 to 8.10 above?

The subject property is residential and was built in 1895. The area and adjacent home

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.

Date

Signature Property Owner(s)

Print Name of Owner(s)

10. Dimensions of lands affected:
Frontage See Schedule B
Depth See Schedule B
Area See Schedule B
Width of street See Schedule B

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 attached plan of survey Schedule B and C

Proposed
See attached plan of Survey Schedules B & C

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 attached plan of survey Schedule B

Proposed:
See Attached plan of Survey Schedule B

13.

Date of acquisition of subject lands:
2000
-
14.

Date of construction of all buildings and structures on subject lands:
1895
-
15.

Existing uses of the subject property (single family, duplex, retail, factory etc.):

4plex
16.

Existing uses of abutting properties (single family, duplex, retail, factory etc.):

Single family and duplex.
17.

Length of time the existing uses of the subject property have continued:
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:

neighborhood designation
20.

Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

D district
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

Consent file application No. HM/B :20:58 2 plans of survey attached ...Schedule
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.