

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-21:94

APPLICANTS: Owner S. Horlings
Agent R. Horlings

SUBJECT PROPERTY: Municipal address **16 Elgar Ave., Hamilton**

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

ZONING: C/S-1788 district Urban Protected Residential

PROPOSAL: To permit the construction of a new 30.2m² accessory building in the side yard of the existing single family dwelling notwithstanding that:

1. A southerly side yard width of 0.9m shall be provided for the proposed accessory building instead of the minimum required side yard width of 1.2m.
2. Eaves and gutters associated with the accessory building shall be permitted to project a maximum of 0.59m into the required side yard (therefore being 0.31m from the side lot line), instead of the maximum permitted projection of 0.45m.

NOTES:

1. Please be advised that a maximum building height of 4.0m is permitted for accessory buildings.
2. The revised variances are written as requested by the applicant.
3. The variance for the requested parking space length to be reduced has been removed based on the request of the applicant to accommodate an accessory building that will suitably accommodate one of the required parking spaces (i.e. 6.0m stall length).

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

DATE: Thursday, August 26th, 2021
TIME: 1:25 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: August 10th, 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.

[illegible]

Property Parcels

1:300

40 ft 12 m

0 10 20 30 40

0 3 6 9 12

City of Hamilton

The City of Hamilton is not liable for any damages resulting from the use of, or

This product is for informational purposes and may not have been prepared for or be suitable for legal proceedings or similar purposes

13/06/2020, 12:25:50

Roads

Property Parcels

16 Elgar Ave Hamilton

0.45m setback

0.45m setback

1.2m setback

3.96m

3.66m

7.12m

4.15m

0.9m

1.5m from property line to building

Driveway to be widened to 7.3m
driveway area:
39.25% of front yard

Elgar Avenue

1:300

0 10 20 40 ft

0 3 6 12 m

City of Hamilton

 $\rightarrow Z$

Roads

Property Parcels

The City of Hamilton is not liable for any damages resulting from the use of, or

June 19, 2021

To the Committee of Adjustment and whomever else it may concern:

On April 22, 2021, I had a hearing for minor variance application, which resulted in my application being tabled so that I could make some alterations.

APPLICATION NO.: HM/A-21:94

APPLICANTS: R. Horlings on behalf of the owners Richard & Semula Horlings

SUBJECT PROPERTY: Municipal address 16 Elgar Ave., Hamilton

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

ZONING: "C/s-1788" (Urban Protected Residential) district

I would like resubmit my Minor Variance application with the following changes:

PROPOSAL: To permit the construction of a new 30.18m² (3.96m by 7.62m) accessory building in the side yard of the existing single family dwelling notwithstanding that:

1. A southerly side yard width of 0.9m shall be provided for the proposed accessory building instead of the minimum required side yard width of 1.2m.
2. Eaves and gutters associated with the accessory building shall be permitted to project a maximum of 0.59m into the required side yard (therefore being 0.31m from the side lot line), instead of the maximum permitted projection of 0.45m.
3. Remove request for relief from minimum required parking space requirements.

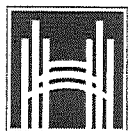
Explanation:

1. I have changed the setback request from 0.6m to 0.9m to make room for a swale, as required by Development Engineering.
2. I have maintained my request for an eaves projection of 0.59 as it is desirable for aesthetic purposes and for maintaining maximum headroom in the attic of the accessory building. Since the setback has been changed to 0.9m, the distance from the eaves trough to the property line is now 0.31m, which intends to allow for maintenance of the eaves trough and to prevent any overflow from the eaves/gutter from discharging onto the abutting property to the south.
3. The proposed accessory building has been lengthened to 7.62m, thereby allowing a parking space of 2.7m by 6.0m.

Thank-you for your consideration,

A handwritten signature in blue ink, appearing to read 'R. Horlings', is written over a light blue rectangular background.

Richard Horlings,
16 Elgar Ave, Hamilton



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

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. Name of Owner Semula Horlings
Richard Horlings

FAX NO. _____ E-mail address _____

2. Address 16 Elgar Ave Hamilton

3. Name of Agent Richard Horlings

FAX NO. _____ E-mail address _____

4. Address 16 Elgar Ave Hamilton

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Toronto-Dominion Bank, 700-100 University Ave North
Tower, Toronto ON Postal Code M5J 1V6

_____ Postal Code _____

6. Nature and extent of relief applied for:

Please see following page.

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

Please see following page.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

16 Elgar Ave. Hamilton, ON
Lot 128

9. PREVIOUS USE OF PROPERTY

Residential _____ Industrial _____ Commercial _____

Agricultural X Vacant _____

Other _____

- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes _____ No X Unknown _____

- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No X Unknown _____

- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No X Unknown _____

- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No X Unknown _____

- 9.6 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 X Unknown _____

- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No X Unknown _____

- 9.8 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 X Unknown _____

6.

City of Hamilton bylaw 6593 requires:

9 (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "C" District: (8927/60)

(ii) a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet); (6902/52) (79-288) (80-049)

18. (3) (vi)

(b) A canopy, cornice, eave or gutter may project, (8544/59) (8909/60) (81-308)

(iii) into a required side yard not more than one-half of its width, or 1.0 metre (3.28 feet), whichever is the lesser; (8544/59) (8909/60) (9820/62) (79-288) (80-049)

Please note that the requirements for the for backyards do not mention one-half of of the projection's width:

(ii) into a required rear yard not more than 1.5 metre (4.92 feet); (8544/59) (8909/60) (79-288) (80-049)

I am seeking relief from these two clauses in Hamilton bylaw 6593. I request that the setback for my side yard be reduced from 1.2 metres to 0.6 m. I also request that my overhang and eaves be allowed to project to within 0.1m of the lot line.

7.

I would like my accessory building 4.27 m wide (which I believe is relatively narrow for a garage), which leaves only 0.61 m between the accessory building and the property line. I request that the setback be altered to 0.6m, which is still more than the setback regulations for a backyard accessory building (0.45m).

Having this structure placed further back in the backyard is not ideal for the following reasons:

1. It would reduce our limited green space and require more driveway length, and I already have more driveway length than I need.
2. There would not be enough room for my daughter's trampoline.
3. It would interfere with my neighbour's fruit trees.
4. It would interfere with my neighbour's grape vines.
5. It would make our backyard over the fence chats with our neighbours more difficult. :-)

In order for the accessory building to look appropriate, I would like to have an overhang of 0.41m plus eaves trough (0.13m) for a total of 0.54m. This is the ideal proportion from an aesthetic point of view. This would require more than half of the distance from the wall to the lot line, so I request relief from this requirement.

9.9 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 X Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No X Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

I talked to some original home owners in my neighbourhood. This land was farmland until it was developed as a residential area in 1969.

9.12 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 _____

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.

October 24, 2020
Date


Signature Property Owner

Richard Horlings Semula Horlings
Print Name of Owner

10. Dimensions of lands affected:

Frontage 16.764 m
Depth 33.528 m
Area 517 m²
Width of street 8.547m

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: single family residence 8.04 x 12.20m (98.088m²)
single story

Proposed: assessory building (single car garage)
4.27m x 6.10m (26.047 m²), 3.98 m high

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

Existing: Residence is located 12m from rear lot
line, 1.52m from side lot line, 8.43m from front
lot line.

Proposed: Assessory building to be located 9.5m from rear lot line, 0.61m from northeast side lot line, 17.01m from front lot line.

13. Date of acquisition of subject lands:

December 2011

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

1969

15. Existing uses of the subject property: single family residence

16. Existing uses of abutting properties: single family residences

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

51 years

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:

none

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

Former City of Hamilton "C" district - urban protected residential (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. 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.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps