



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-20:229

APPLICANTS: Owner Lydell Wiebe
Agent Emma Cubitt

SUBJECT PROPERTY: Municipal address **412 Dundurn Street, Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-Law 83-66

ZONING: C/S-1787 district (Urban Protected Residential Etc.)

PROPOSAL: To permit the construction of secondary dwelling unit – detached in the rear yard of an existing residential parcel of land notwithstanding that:

1. A maximum gross floor area of 99.0 square metres shall be permitted for the proposed second dwelling unit – detached instead of the maximum 75.0 square metres gross floor area permitted.
2. A minimum of 35% of the front yard shall be used for a landscaped area instead of the requirement that not less than 50% of the gross area of the front yard and the side yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials.

NOTE:

1. The minimum landscaped area to be provided in the rear yard was not indicated on the submitted site plan to confirm zoning compliance. Please note that an email provided by the applicant on August 3, 2021, confirmed that the landscaped area in the rear yard is to be greater than the required 12.0 square metres. Additional variance(s) may be required if compliance with Section 19(1)(xix) is not possible.
2. Please note that the distance the eaves/gutters encroach into a required yard was not indicated on the submitted site plan to confirm zoning compliance. Please note that an email provided by the applicant on August 3, 2021, confirmed that the eaves/gutters will not encroach more than the permitted 0.45 metres. Additional variance(s) may be required if compliance with Section 19(1)(1)(ii)(1) is not possible.
3. Please note that as per Section 19(1)(1)(ii)(6), a minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained. Insufficient information has been provided to determine zoning compliance. Additional variances may be required if compliance with Section 19(1)(1)(ii)(6) is not possible.

4. Please note that as per Section 18(3)(vi)(e), a terrace may project into a required yard, if distant at least 0.5 metres from the nearest side lot line. The submitted site plan indicates a terrace is proposed in the southerly side yard abutting the secondary dwelling unit – detached, that extends to the southerly side lot line. Please note that an email provided by the applicant on August 3, 2021, confirmed that the terrace will be reduced in size and will be distant at least 0.5 metres from the southerly side lot line. Additional variance(s) may be required if compliance with Section 18(3)(vi)(e), is not possible
5. Please note that the specific dimensions of all proposed parking spaces and the width of the driveway(s) have not been indicated to confirm zoning compliance. Additional variance(s) may be required if compliance with Section 18A(7) and Section 18A(24)(a) is not possible.
6. A building permit is required for the construction of the secondary dwelling unit - detached. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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

DATE:	Thursday, August 26th, 2021
TIME:	1:50 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

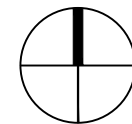
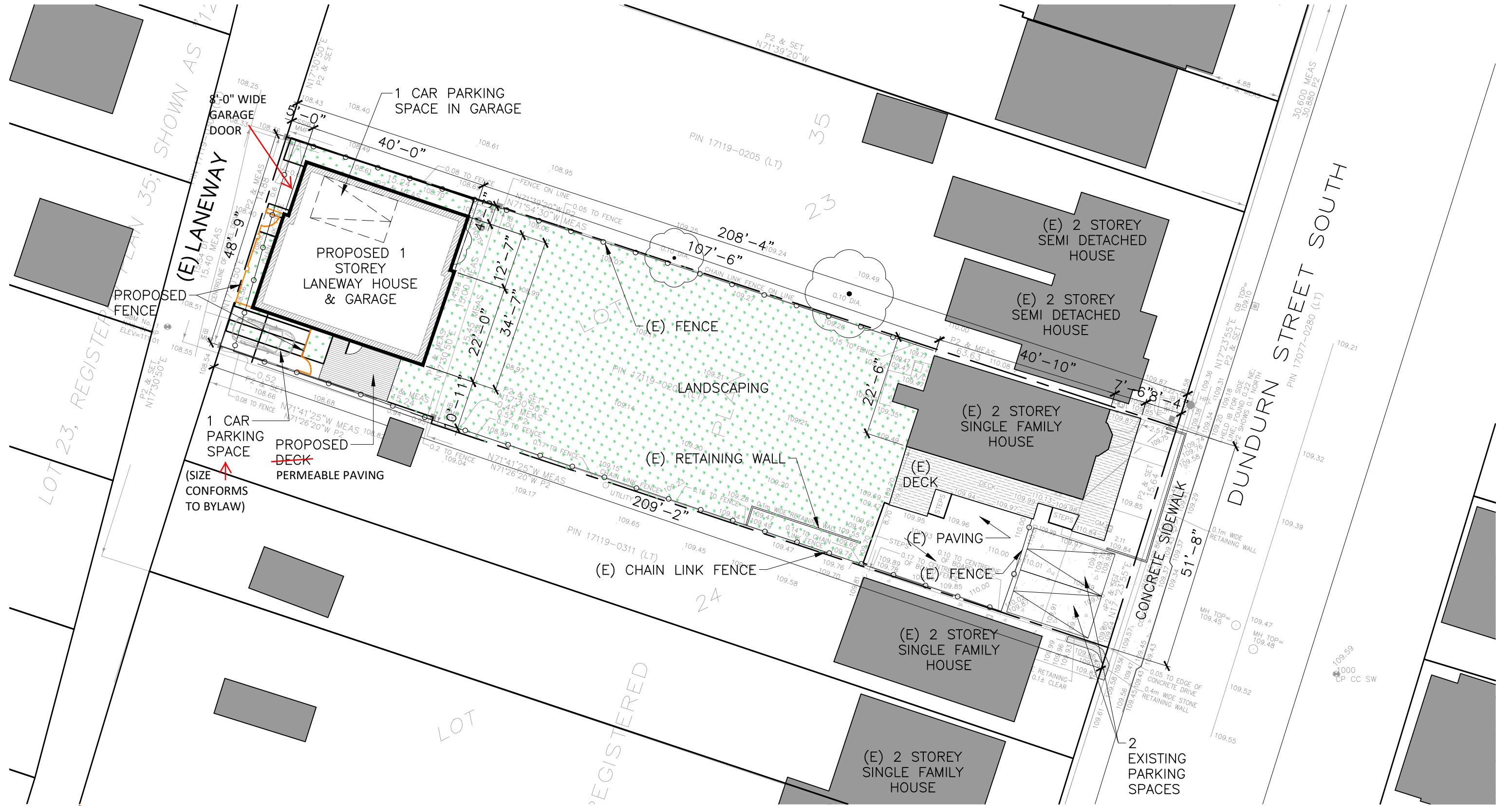
For more information on this matter, including access to drawings illustrating this request:

- 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

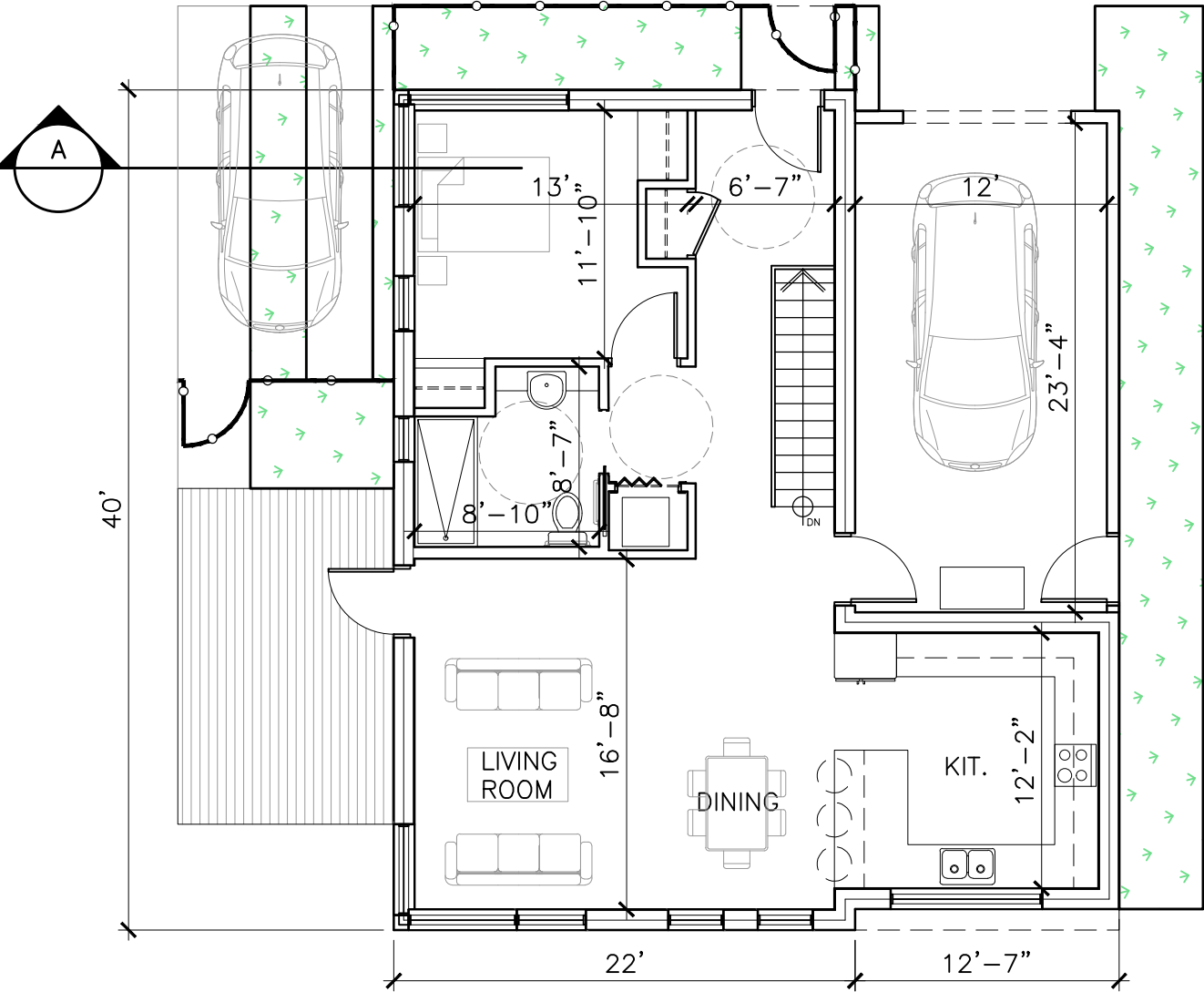
DATED: August 10th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

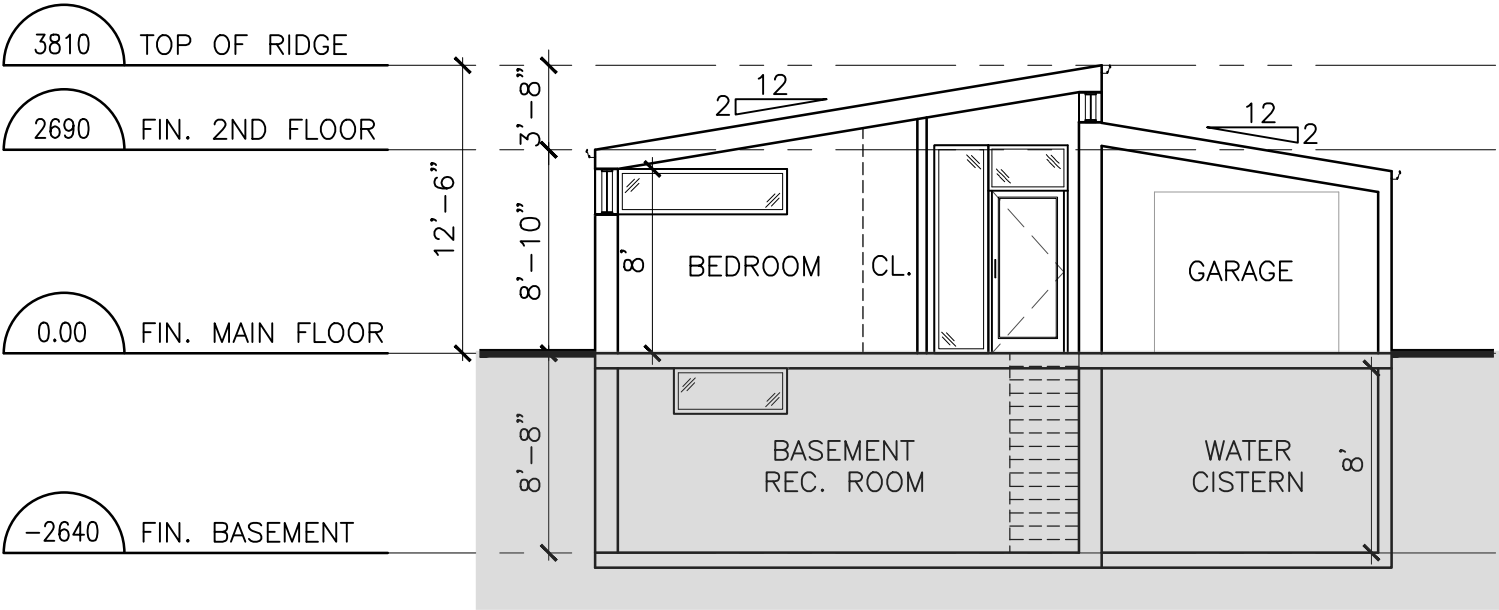
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



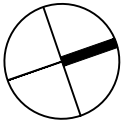
GROUND FLOOR AREA INCLUDING GARAGE 1357.8 SF
GROUND FLOOR AREA NOT INCLUDING GARAGE 1057.2 SF (98.5m2)

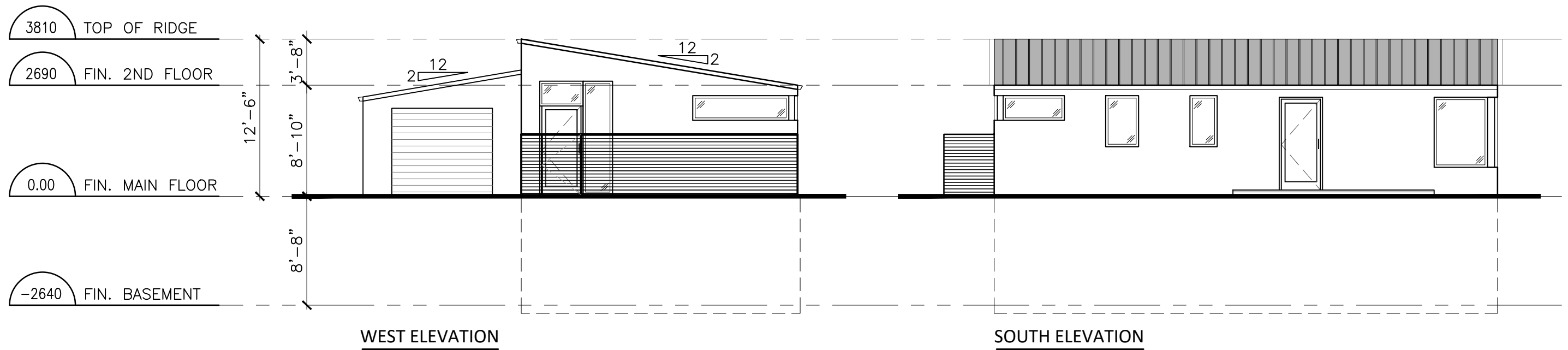
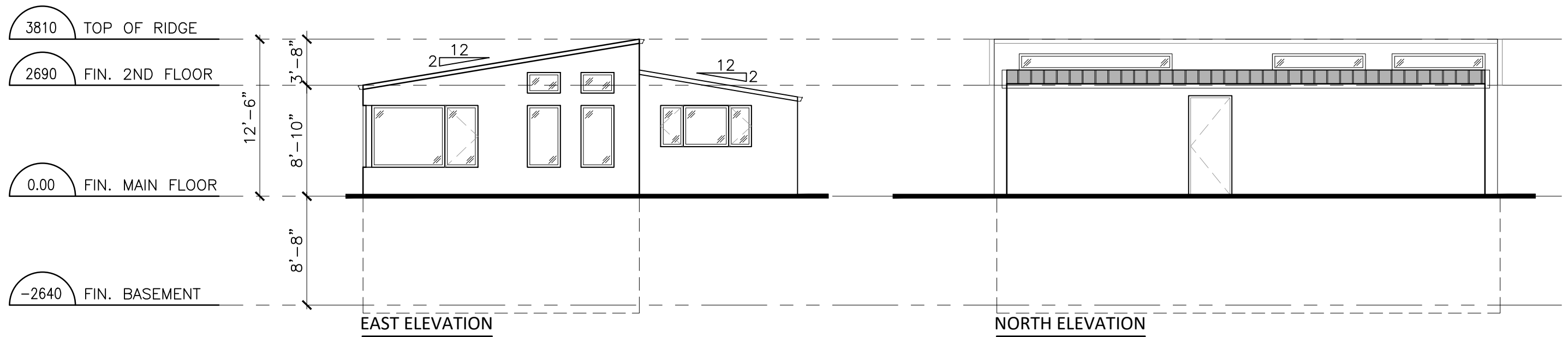


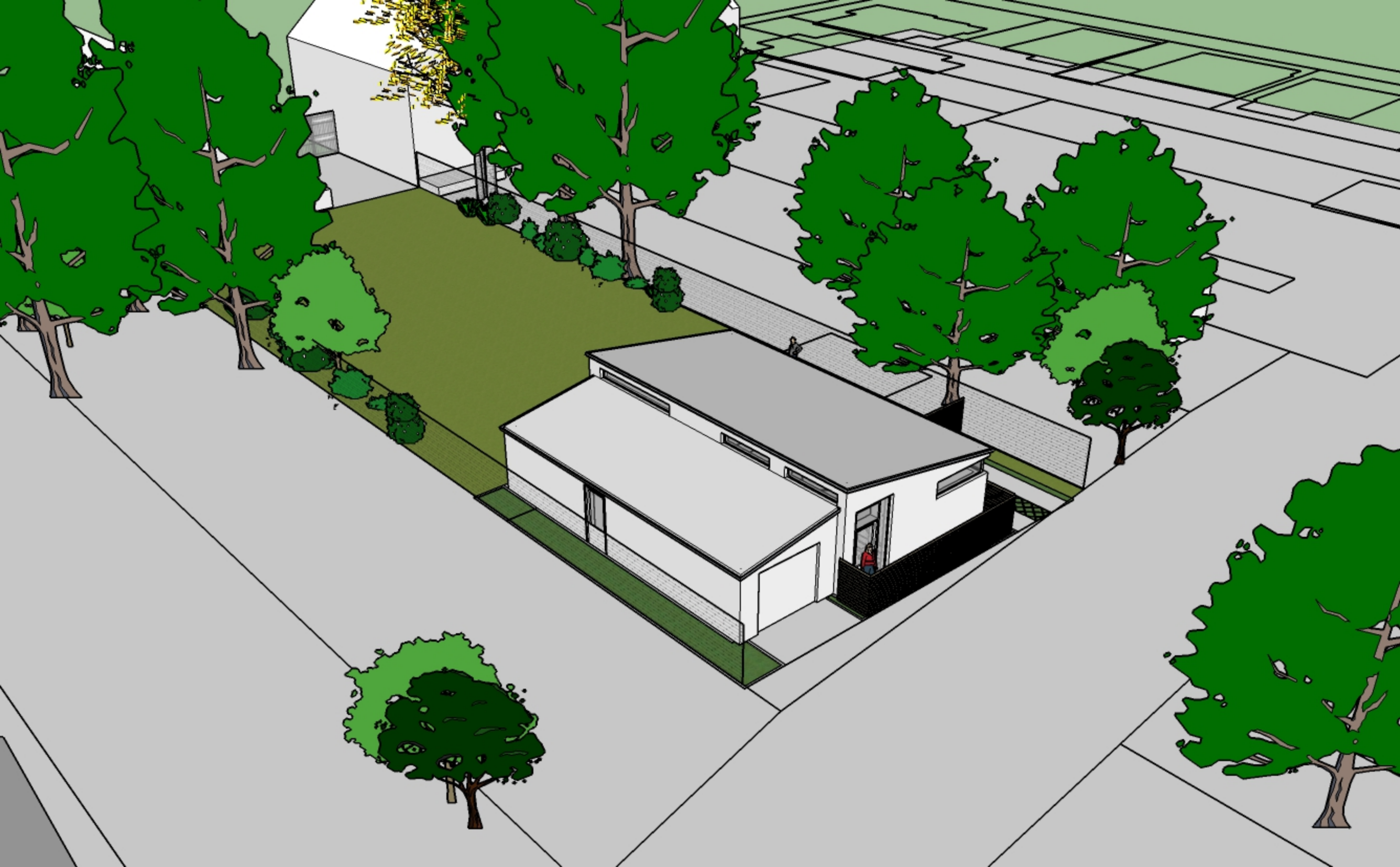
GROUND FLOOR PLAN

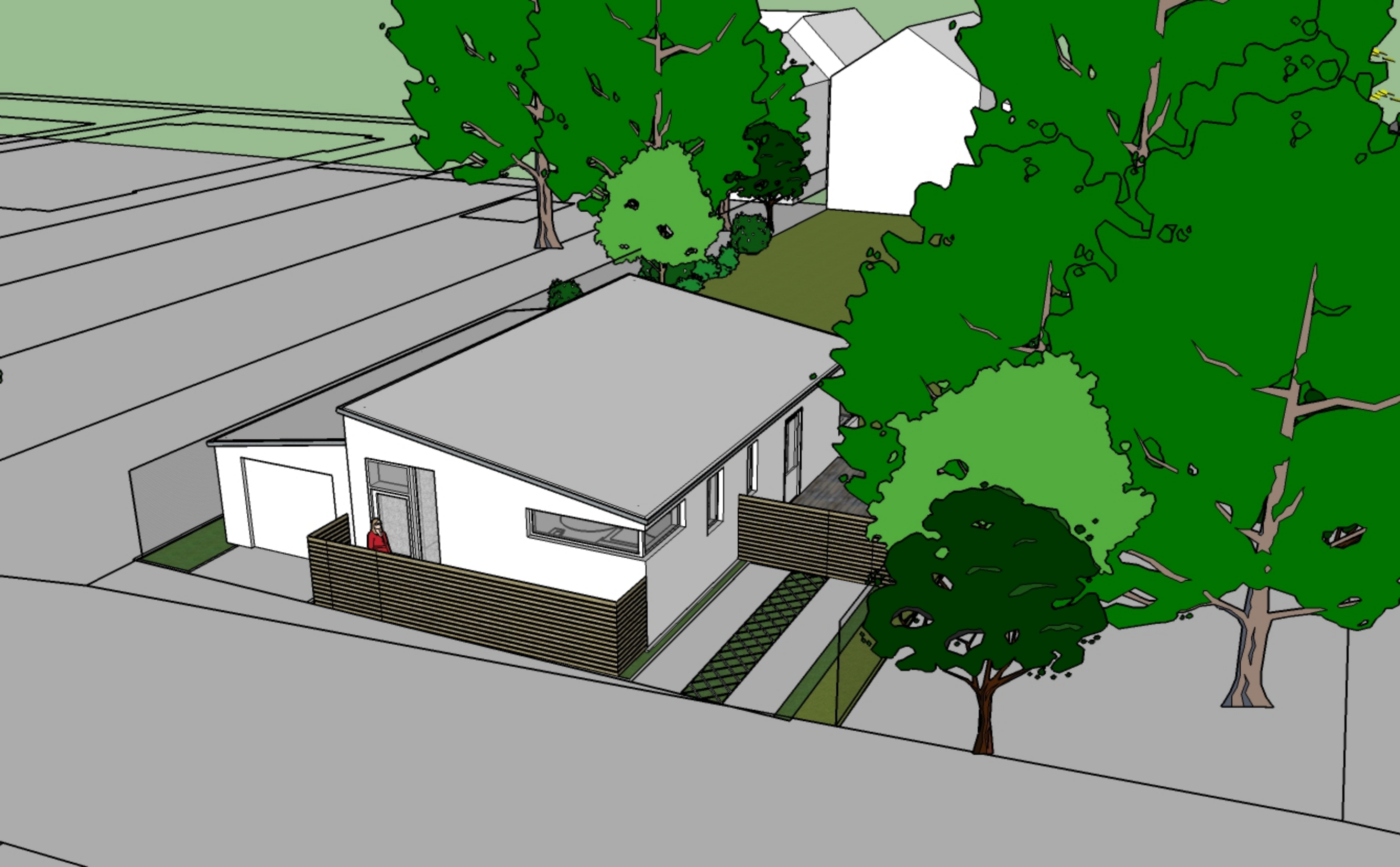


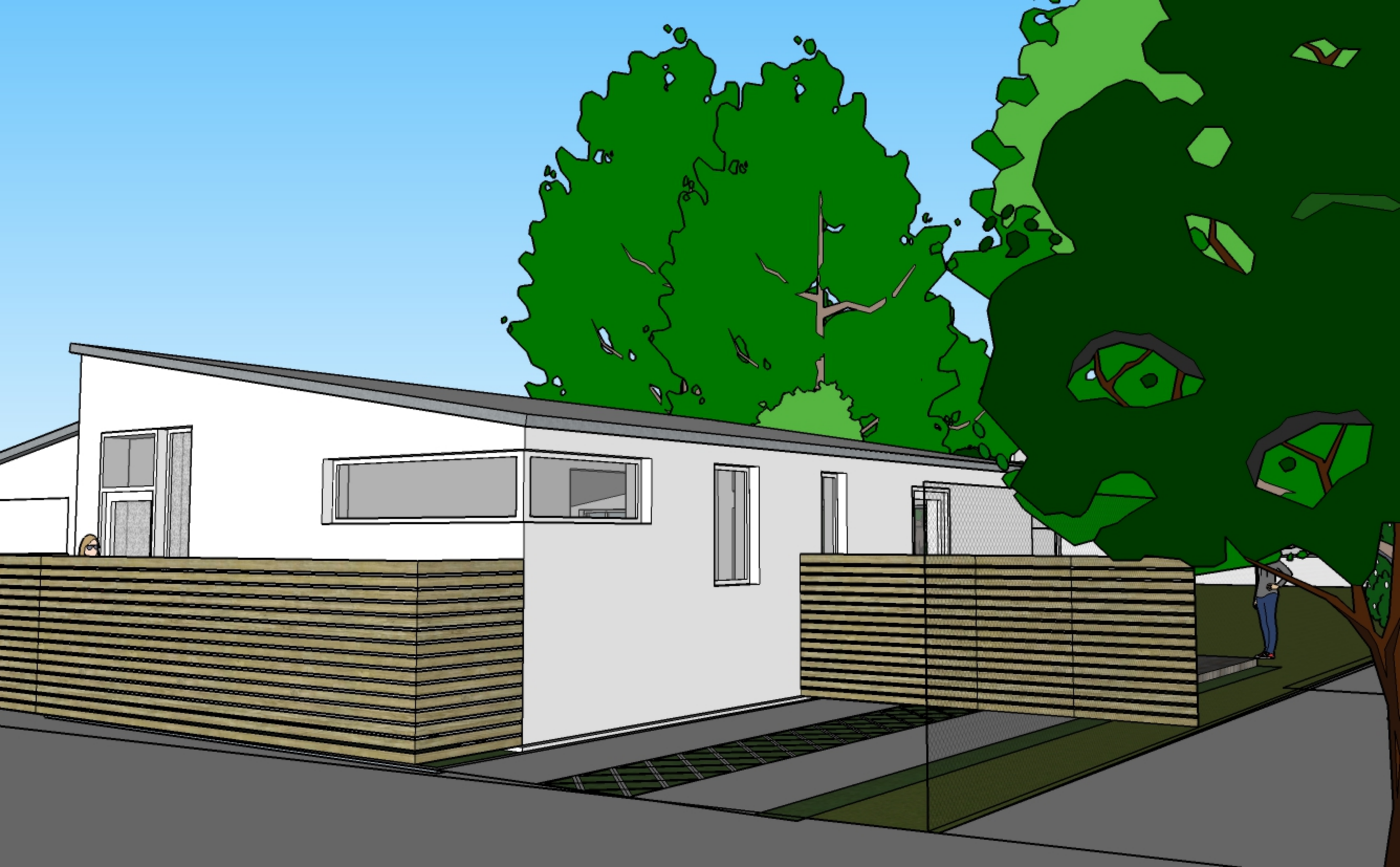
SECTION A-A















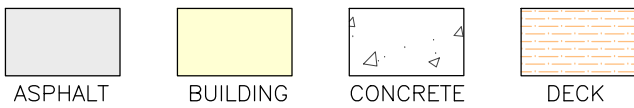


LEGEND:

- DENOTES SURVEY MONUMENT SET
—■— DENOTES SURVEY MONUMENT FOUND
SIB DENOTES .025 x .025 x 1.20 STANDARD IRON BAR
IB DENOTES .015 x .015 x 0.60 IRON BAR
912 DENOTES A.J. CLARKE AND ASSOCIATES LTD.
MMP DENOTES MacKAY MacKAY PETERS LIMITED
VH DENOTES VAN HARTEN SURVEYING INC., O.L.S.'s
P1 DENOTES REGISTERED PLAN 35
P2 DENOTES DEPOSITED PLAN 62R-19108 BY (MMP)
P3 DENOTES SURVEY PROJECT E-2635 BY (912), DATED JUNE 30, 1992
D1 DENOTES INSTRUMENT NS155368

EXISTING ELEVATION x 206.55

- GUY WIRE (— GUY) GATE (—)
- HYDRO POLE (● HP) DECIDUOUS TREE (—)
- HYDRO METER (□ HM) GAS METER (□ GM) CATCHBASIN (□ CB) MANHOLE (○ MH)
- OVERHEAD HYDRO (— OH — OH — OH — OH —)
- FENCELINE (— x — x — x — x —)
- CENTRELINE OF ROAD (— — — — —)
- TOP OF BANK (— — — — —)



BEARING AND COORDINATE NOTE:

- BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17, NAD 83 (CSRS-2010) ADJUSTMENT.
- DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.99968791.
- COORDINATES ON THIS PLAN ARE UTM, ZONE 17, NAD83 (CSRS-2010) ADJUSTMENT AND ARE BASED ON GPS OBSERVATIONS FROM A NETWORK OF PERMANENT GPS REFERENCE STATIONS.

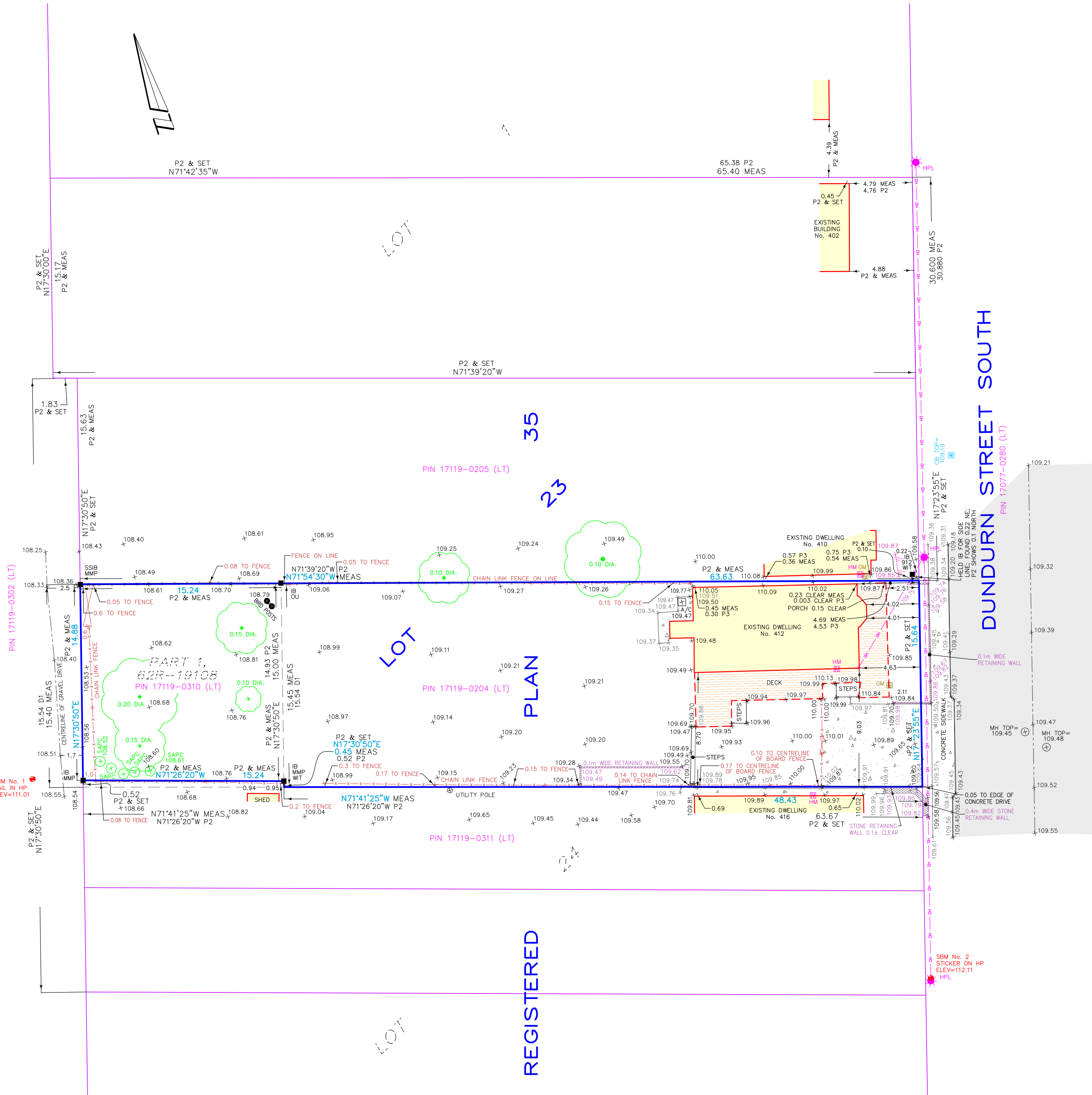
SURVEY INFORMATION:

BENCHMARK REFERENCE:
ELEVATIONS ARE BASED ON GPS OBSERVATIONS FROM PERMANENT REFERENCE STATIONS IN THE NAD83 (CSRS-2010) COORDINATE SYSTEM, WITH HEIGHTS CONVERTED TO ORTHOMETRIC ELEVATIONS ON THE CVGD28 DATUM (1978 ADJUSTMENT) WITH GEOD MODEL HTv2.0, AS SUPPLIED BY NATURAL RESOURCES CANADA.

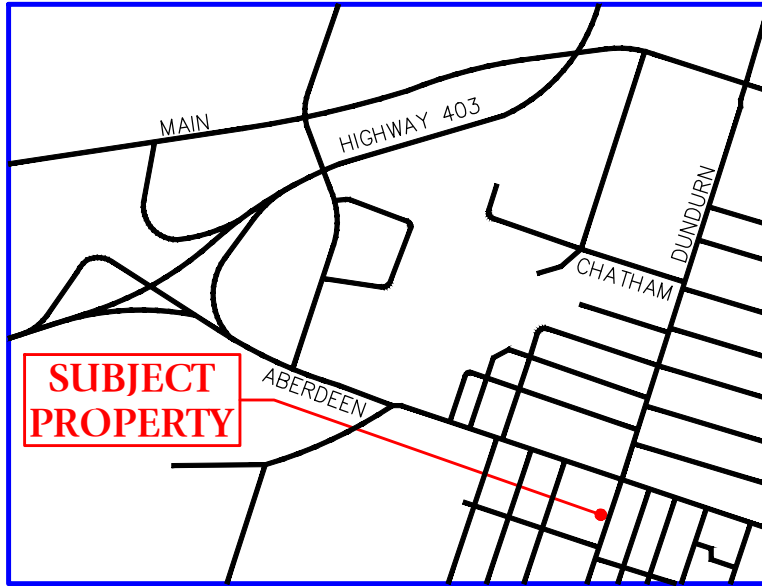
SITE BENCHMARK:

- NAIL IN HYDRO POLE NEAR PIN NEAR SOUTHWEST CORNER OF SUBJECT PROPERTY HAVING AN ELEVATION OF 111.01 METRES.
- STICKER ON HYDRO POLE SOUTH OF SOUTHEAST CORNER OF SUBJECT PROPERTY HAVING AN ELEVATION OF 112.11 METRES.

LOT 23, REGISTERED PLAN 35; SHOWN AS "12' WIDE ALLEYWAY" ON P3



KEYMAP:



SUMMARY REPORT:

CLIENT:
THIS PLAN WAS PREPARED FOR **ROBERT ANDREE** AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

NOTE:
THIS SURVEY PLAN IS TO BE READ IN CONJUNCTION WITH A WRITTEN SURVEY REPORT DATED SEPTEMBER 24, 2020.

PROPERTY DESCRIPTION:

- PIN 17119-0204 (LT)
 - ADDRESS: 412 DUNDURN STREET SOUTH
 - PART OF LOT 23, REGISTERED PLAN 35; AS IN INSTRUMENT NS155368
 - CITY OF HAMILTON
- PIN 17119-0310 (LT)
 - ADDRESS: 412 DUNDURN STREET SOUTH
 - PART OF LOT 23, REGISTERED PLAN 35; DESIGNATED AS PART 1, 62R-19108
 - CITY OF HAMILTON

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2133093

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3).

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 - THIS TOPOGRAPHIC SURVEY WAS COMPLETED ON THE 14th DAY OF AUGUST, 2020.

DATE: SEPTEMBER 24, 2020
JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR

CAUTION: — THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.
— THIS SKETCH IS PROTECTED BY COPYRIGHT. ©

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

**SURVEYOR'S REAL PROPERTY REPORT
WITH TOPOGRAPHIC DATA
PART OF LOT 23
REGISTERED PLAN 35
CITY OF HAMILTON**

DRAWING REVISION SCHEDULE

NO.	REVISION	DATE
0	INITIAL SUBMISSION	SEPT. 24, 2020
	REVISION	DATE

PROJECT No. 28608-20

DRAWING SCALE 1 : 200

0 2.5 5 7.5 10 metres



Kitchener/Waterloo Ph: 519-742-8371 Guelph Ph: 519-821-2763 Orangeville Ph: 519-940-4110

www.vanharten.com info@vanharten.com

DRAWN BY: S.A.P. CHECKED BY: J.E.B.

Sep 24, 2020-3:05pm
G:\HAMILTON\35\ACAD\TOPO PTLOT 23 (ANDREE) UTM-17 2010 NR.dwg



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 Lydell Andree Wiebe Telephone No. _____

2. _____

3. Name of Agent _____ Telephone No. _____

4. _____

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:

_____ Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:
New 1-storey detached secondary dwelling unit as per bylaw 21-076 with the following requested minor variance:
- Increase allowable GFA to 99 m2 due to increased area required for barrier free design

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

The purpose of the proposal is to provide a residence for our parents to age in place. We have already minimized the size of the proposal, and accessibility requirements make a smaller house unfeasible. We believe the proposed dwelling is reasonable considering the extra large lot our house is situated on and that it extends back from the laneway towards the main house by a similar distance as neighbours' garages along the laneway, while still providing more parking (2 spaces) than the bylaw requires.

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

LOT 23, REGISTERED PLAN 35; SHOWN AS "12' WIDE ALLEYWAY" ON P3

Property Description:

PIN 17119-0204 (LT) ADDRESS: 412 DUNDURN STREET SOUTH PART OF LOT 23, REGISTERED PLAN 35; AS IN INSTRUMENT NS155368 CITY OF HAMILTON

PIN 17119-0310 (LT) ADDRESS: 412 DUNDURN STREET SOUTH PART OF LOT 23, REGISTERED PLAN 35; DESIGNATED AS PART 1, 62R-19108 CITY OF HAMILTON

Note that consent was given on July 21, 2011, to put these two parcels into one lot with one address and one PIN (17119-0310 LT).

9. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ 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 ☒ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

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

Yes ☐ No ☐ 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 ☒ 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 ☒ Unknown ☐

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

Yes ☐ No ☒ 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 ☐ Unknown ☒

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?

Visual inspection

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.

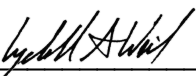
Is the previous use inventory attached? Yes _____ No _____

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.

June 10, 2021

Date


Signature Property Owner

Lydell Andree Wiebe
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>15.64 m</u>
Depth	<u>63.63 m</u>
Area	<u>970.4 m²</u>
Width of street	<u>10.9 m</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: House: 83.7m² ground floor area, GFA: 165.1m², Width: 6.5m, Length: 12.5m,
Number of Stories: 2, Height ~ 11m
Area of Deck & Steps: 51.4m²

Proposed: House: no change
Proposed Secondary Dwelling Unit: Ground Floor Area Including Garage: 126.1 m², Width:
10.5m, Length: 12.2m, Height: 3.8 m

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

Existing: House: 2.51m to Front Lot Line (Dundurn St Side), 0.2m to Side Lot Line (North),
6.8m to Side Lot Line (South), 31.2m to Rear Lot Line (PIN 17119-0204 LT), 46.5m to the Rear Laneway,
32.8m to the East Side Elevation of the Proposed Laneway House

Proposed: Laneway House: 1.3m to Front Lot Line (on the Laneway Side)
1.25m to the Side Lot Line (North), 3.1m to the Side Lot Line (South),
32.8m to the West Elevation of the Existing House

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: One family dwelling

16. Existing uses of abutting properties: Single Detached Dwelling & Semi Detached Dwelling

17. Length of time the existing uses of the subject property have continued:
>100 years

18. Municipal services available: (check the appropriate space or spaces)

Water	<u>x</u>	Connected	<u>x</u>
Sanitary Sewer	<u>x</u>	Connected	<u>x</u>
Storm Sewers	<u>x</u>		

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:
C: C/S 1787

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly.

Application was initially made in November 2020 under the former Laneway Suite
bylaw 18-299. It was tabled in order to wait for the new SDU bylaw 21-076 which
allows for a larger GFA.

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