

## **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-21:268

**APPLICANTS:** Owner Kevin Moniz

**SUBJECT PROPERTY:** Municipal address **309 Strathearne Ave. Hamilton**

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

**ZONING:** “D” (Urban Protected Residential, etc. – One and two Family Dwellings) district

**PROPOSAL:** To permit the establishment of two (2) additional dwelling units within the existing building containing a legally established non-conforming multiple dwelling consisting of four (4) dwelling units for a total of six (6) dwelling units overall, notwithstanding that;

1. A total of five (5) parking spaces shall be provided instead of the required 8 parking spaces;
2. No visitor parking shall be permitted instead of the minimum two (2) visitor parking spaces;
3. No loading spaces shall be permitted instead of the minimum one (1) loading space required having minimum dimensions of 3.7m(W) x 9.0m(L) x 4.3m(H) for a multiple dwelling having between 5 and 30 dwelling units;
4. The southerly boundary of a parking area containing five (5) parking spaces or more shall be permitted to be located 0 metres from a Residential District boundary (C District) instead of the required 1.5 metres to be provided between a parking area and a Residential District boundary.
5. A landscaped planting strip shall not be required along the southerly side lot line for the boundary of a parking area instead of the required landscaped planting strip to be provided for a parking area containing five (5) parking spaces or more which abut the Residential District boundary (C District).
6. A minimum visual barrier shall not be required along the southerly side lot line for the boundaries of a parking area instead of the required visual barrier of 1.2m to 2.0m in height to be provided for a parking area containing five (5) parking spaces or more which abut the Residential District boundary (C District).
7. No bumpers or wheel barriers shall be required for parking spaces instead of the requirement for bumpers or wheel barriers to be provided for parking spaces to prevent physical encroachment beyond the parking area.

NOTES:

1. The existing multiple dwelling is recognized as a legally established non-conforming multiple dwelling in the C District with four (4) dwelling units by the City of Hamilton based on Building Division records.
2. The variances are written as requested by the applicant, however additional variances have been included based on the parking requirements for the proposed expanded multiple dwelling.

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

---

**DATE:** Thursday, August 26th, 2021  
**TIME:** 2:50 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

---

**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)

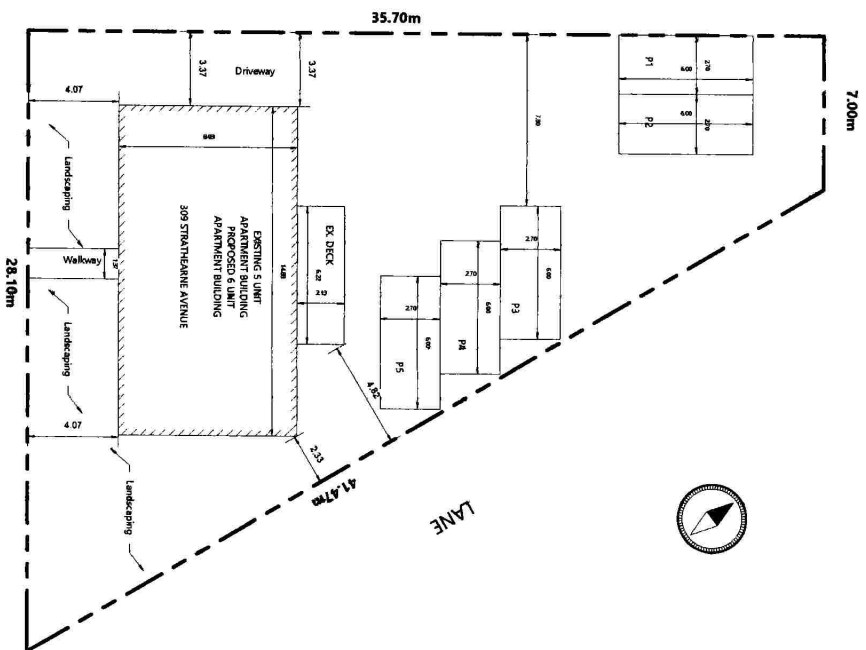
DATED: August 10th, 2021.

---

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.***

STRAITHEARNE AVENUE



SITE STATISTIC	
LOT AREA:	626.35 sqm
BUILDING AREA:	119.48 sqm
DECK:	13.25 sqm
LOT COVERAGE:	21.19 %



Drawn By	B.D.
Date:	May 03, 2021
Scale:	1/16" = 1'-0"
Project:	309 Strathearn Ave

**Sheet Title:**  
**SITE PLAN**

---

**Sheet Number**

## AO.01

1) FRAMING AND STRUCTURAL NOTES

FLOORS:

- FLOOR JOISTS TO HAVE MIN 1 1/2" BEARING
- APPROVED STEEL LANGERS WHERE FLUSH MOUNTING
- DOUBLE JOISTS OR BLOCKING UNDER PARALLEL NON-LOADBEARING WALLS
- NOT ABOUT CONCRETE TOPPING
- UNHEATED BELOW
- PROVIDE SILL PLATES (MIN 2" x 4") ANCHORED TO ALL MASONRY AND FOUNDATION WALLS WITH APPROVED SILL GASKET

WALLS:

- FLOOR JOISTS TO HAVE MIN 1 1/2" BEARING
- APPROVED STEEL LANGERS WHERE FLUSH MOUNTING
- DOUBLE JOISTS OR BLOCKING UNDER PARALLEL NON-LOADBEARING WALLS
- UNHEATED BELOW
- PROVIDE SILL PLATES (MIN 2" x 4") ANCHORED TO ALL MASONRY AND FOUNDATION WALLS WITH APPROVED SILL GASKET

NOTES:

- FLOOR JOISTS TO HAVE MIN 1 1/2" BEARING
- APPROVED STEEL LANGERS WHERE FLUSH MOUNTING
- DOUBLE JOISTS OR BLOCKING UNDER PARALLEL NON-LOADBEARING WALLS
- UNHEATED BELOW
- PROVIDE SILL PLATES (MIN 2" x 4") ANCHORED TO ALL MASONRY AND FOUNDATION WALLS WITH APPROVED SILL GASKET

2) FLOOR ASSEMBLY (FRAMED)

FLOOR ASSEMBLY:

- 1" PLYWOOD FLOORING
- FLOOR JOISTS THIMBERS, HEADERS, AND BEAMS AS PER PLAN
- CROSS BRIDGING @ 6'-11" O.C. FROM OTHER BRIDGING OR END SUPPORTS
- 1/2" TAPERED DRYWALL OR TYP. STRAPPING

FLOOR EXPOSED TO EXTERIOR:

- MIN. 801 BATT OR FOAM INSULATION
- 1/2" VAPOR PLENUM RIGID FOAM INSULATION
- EXTERIOR GRADE PLYWOOD OR ALUMINUM SORT

SILL PLATES:

- 2" x 4" FASTENED TO TOP OF WALL ANCHOR BOLTS
- 1/2" TAPERED DRYWALL OR TYP. STRAPPING
- LEVEL SILL PLATE WITH NON-SHINK GASKET AS REQUIRED

NOTES:

- FLOOR JOISTS TO HAVE MIN 1 1/2" BEARING
- APPROVED STEEL LANGERS WHERE FLUSH MOUNTING
- DOUBLE JOISTS OR BLOCKING UNDER PARALLEL NON-LOADBEARING WALLS
- UNHEATED BELOW
- PROVIDE SILL PLATES (MIN 2" x 4") ANCHORED TO ALL MASONRY AND FOUNDATION WALLS WITH APPROVED SILL GASKET

3) STAIR/HANDRAILS / GUARDS

STAIR:

- MAIN HEAD ROOM 6'-5"
- RISER LIMITS 4'-2" - 7'-7"
- TREAD LIMITS 9'-0" - 14"
- ONE SET OF HANDRAILS BETWEEN EACH FLOOR LEVEL (MAX. 36" PER WINDER & MIN. 48" BETWEEN SETS OF HANDRAILS)
- RISER AND RUN DIMENSIONS TO BE UNIFORM FOR ALL RIGHTS HANDRAILS
- CONTINUOUS HANDRAILS FOR ALL STAIR WITH 3 OR MORE RISERS
- MAXIMUM HEIGHT: 34" - 38"

GUARDS:

- REQUIRED FOR ALL AREAS WITH 3 OR MORE RISERS OR ADJACENT LEVEL EXCEED 24"
- MAX. 4" SPACING BETWEEN PICKETS
- MIN. INTERIOR GUARD HEIGHT TO BE 35 1/2" @ LANDINGS & STAIRS
- GUARDS TO BE 6" x 8" x 8" FOR LOAD SPECIFICATIONS (LOADS GUARDS)
- ADJUST TO TOP OF GUARD FOR ALL EXTERIOR STAIRS
- CONCRETE STAIRS WITH 3 OR MORE RISERS REQUIRED FOUNDATION
- WOOD STAIR SHALL NOT BE IN DIRECT CONTACT WITH GROUND UNLESS TREATED TO PREVENT DECAY OR RESTING ON CONCRETE PAD

GUARDS:

- REQUIRED GUARD HEIGHT TO BE 35 1/2" - 42" WHERE GROUND EXCEEDS 6' - 0"
- REFER TO ONE-SIDED DETAILS FOR ALL SPECIFICATIONS FOR EXTERIOR GUARDS AND HANDRAILS CONNECTIONS

WOOD POSTS

METRIC

- P1 3 - 38 x 88
- P2 3 - 38 x 88
- P3 3 - 38 x 140
- P4 140 x 140

IMPERIAL

- P1 3 - 2 1/4 x 2 1/4
- P2 3 - 2 1/4 x 2 1/4
- P3 3 - 2 1/4 x 5 1/2
- P4 6 x 6 P.T.

FOOTING BELL

METRIC

- F1 305
- F2 457
- F3 610

IMPERIAL

- F1 12'-0"
- F2 18'-0"
- F3 24'-0"

BUILT UP WOOD BEAMS

METRIC

- W1 2 - 38 x 140
- W2 2 - 38 x 184
- W3 2 - 38 x 235
- W4 2 - 38 x 286

IMPERIAL

- W1 2 - 2 1/4 x 5 1/2
- W2 2 - 2 1/4 x 7'-6"
- W3 2 - 2 1/4 x 10'-0"
- W4 2 - 2 1/4 x 12'-0"

WOOD LINTELS

METRIC

- L1 100 x 90 x 6
- L2 100 x 90 x 6
- L3 150 x 90 x 10
- L4 150 x 100 x 13
- L5 180 x 100 x 13

IMPERIAL

- L1 4" x 3 1/2" x 3/8"
- L2 4" x 3 1/2" x 3/8"
- L3 5 7/8" x 3 1/2" x 3/8"
- L4 5 7/8" x 4" x 1/2"
- L5 7 1/8" x 4" x 1/2"

WALL/CEILING SCHEDULE

EXT. CAV. WALL (1/4" FRG)

1" CMU

6" CMU

EXT. BRICK CLADDING

4" BRICK

1" FAB SHEET

2"x6" WOOD STUD @ 16" O.C.

R-19 BATT INS.

6 MIL POLY VAPOR BARRIER

1/2" REGULAR GYPSUM

INT. PARTITION WALL

1/2" REGULAR GYPSUM

2"x4" WOOD STUD @ 16" O.C.

1/2" REGULAR GYPSUM

TUL HEIGHT CEILING

1" MIN. SEPARATION - 5/8" x 8" - 1/2" (58-3)

WOOD JOISTS

6" SOUND INSULATION

RESIDENT CHANNEL @ 24" O.C.

2 LAYERS OF 5/8" TYPE X GYPSUM

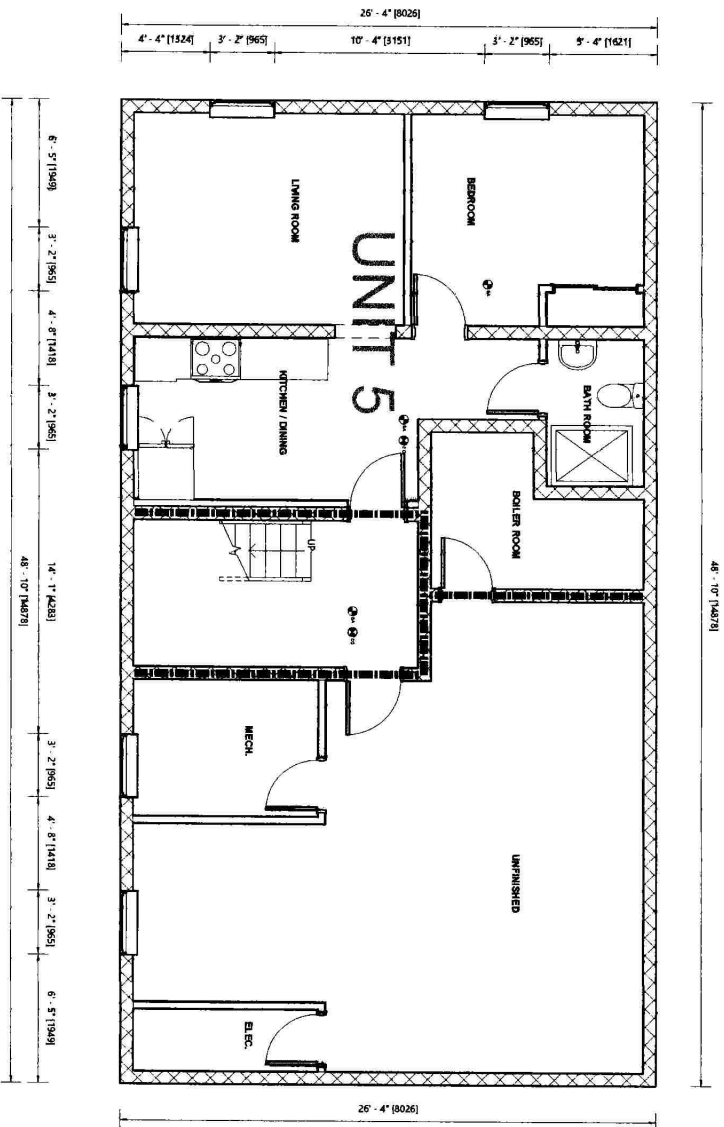
BULLETPROOF CEILING

44MIN FIRE SEPARATION (58-3)

2 LAYERS OF 5/8" TYPE X GYPSUM

NOTE: NON-SPRINKLED PERMITTED THIS MEMORANDUM

- CARBON MONOXIDE DETECTOR
- INTERCONNECTED SMOKE ALARM
- DUCT MOUNTED SMOKE DETECTOR
- 20min FIRE RATED SOLID WOOD DOOR
- 4"x10" SUPPLY OUTLET
- EXISTING FIRE SEPARATION
- RETURN AIR INTAKE
- EXHAUST FAN
- SPRINKLER
- BEAM
- DUCT WORK
- A.P. ACCESS PANEL
- FIRE ALARM



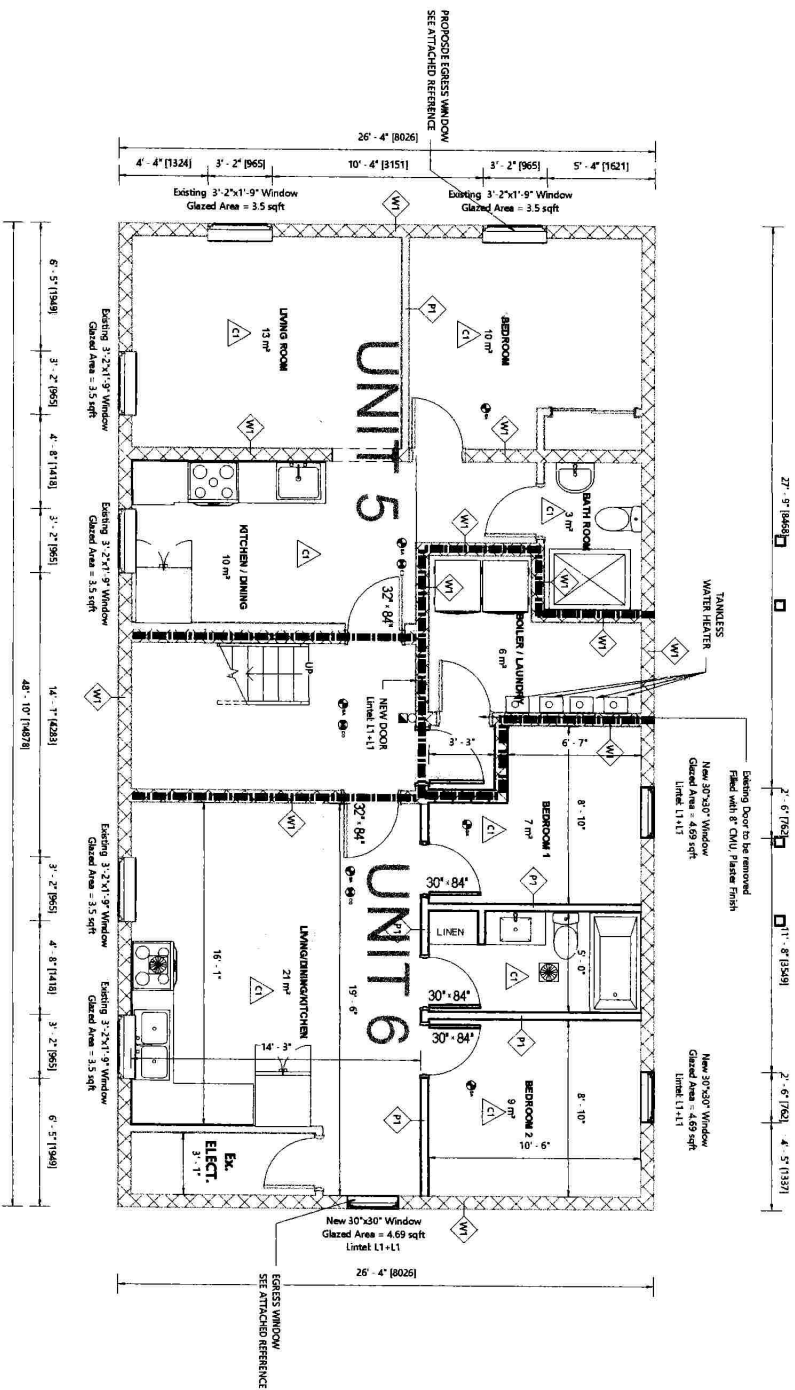
EXISTING BASEMENT  
3/16" = 1'-0"

Sheet Number:  
**A1.01**

Drawn By: B.D.  
Date: May 03, 2021  
Scale: As Indicated  
Project: 309 Strathearn Ave

Sheet Title:  
EXISTING  
BASEMENT

- ALL LEGEND**
- CARBON MONOXIDE DETECTOR
  - INTERCONNECTED SMOKE ALARM
  - DUCT MOUNTED SMOKE DETECTOR
  - 20min FIRE RATED SOLID WOOD DOOR
  - 4"x10" SUPPLY OUTLET
  - EXISTING FIRE SEPARATION
  - RETURN AIR INTAKE
  - EXHAUST FAN
  - SINKER
  - BEAM
  - DUCT WORK
  - ACCESS PANEL
  - FIRE ALARM

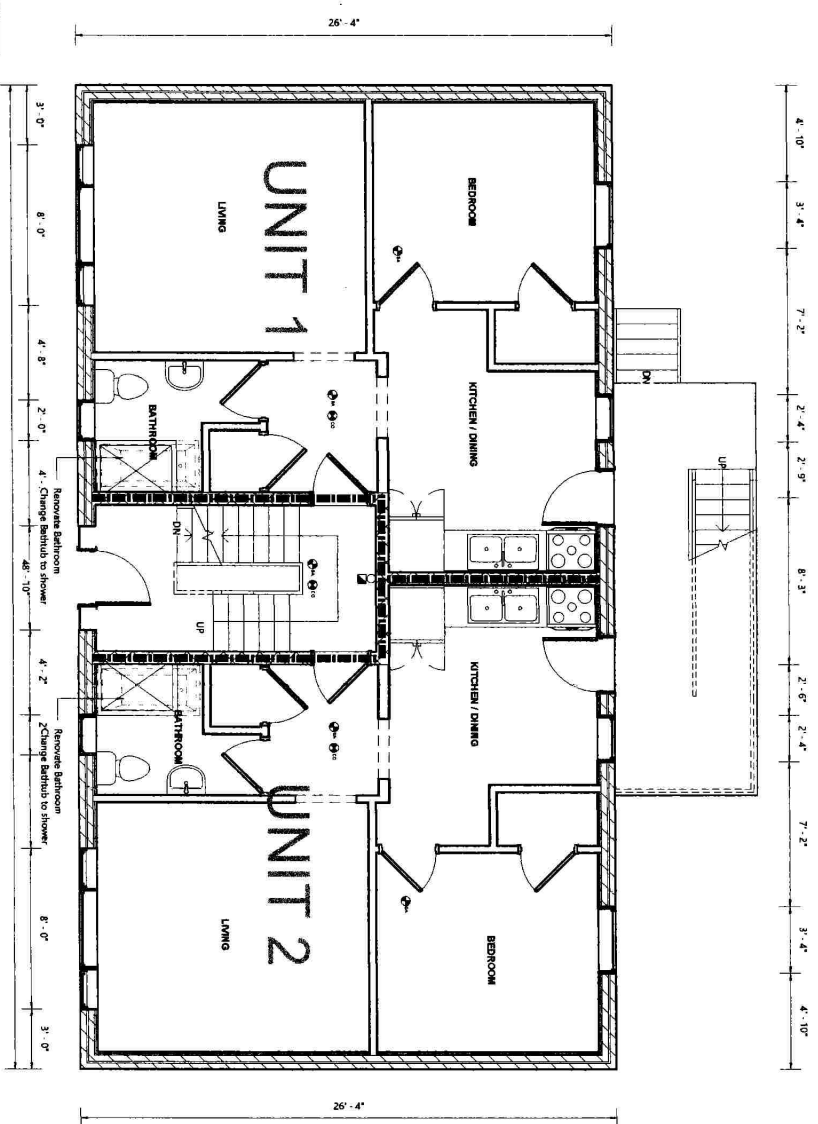


Owner:	B.D
Date:	May 03, 2021
Scale:	As indicated
Project:	309 Strathmore Ave
Sheet Title:	PROPOSED BASEMENT

Sheet Number:  
**A1.02**

PROPOSED BASEMENT  
3/16" = 1'-0"

- CARBON MONOXIDE DETECTOR
- INTERCONNECTED SMOKE ALARM
- DUCT MOUNTED SMOKE DETECTOR
- 20min FIRE RATED SOLID WOOD DOOR
- 4"x10" SUPPLY OUTLET
- EXISTING FIRE SEPARATION
- TTT RETURN AIR INTAKE
- EXHAUST FAN
- SPRINKLER
- BEAM
- DUCT WORK
- A.P. ACCESS PANEL
- FIRE ALARM



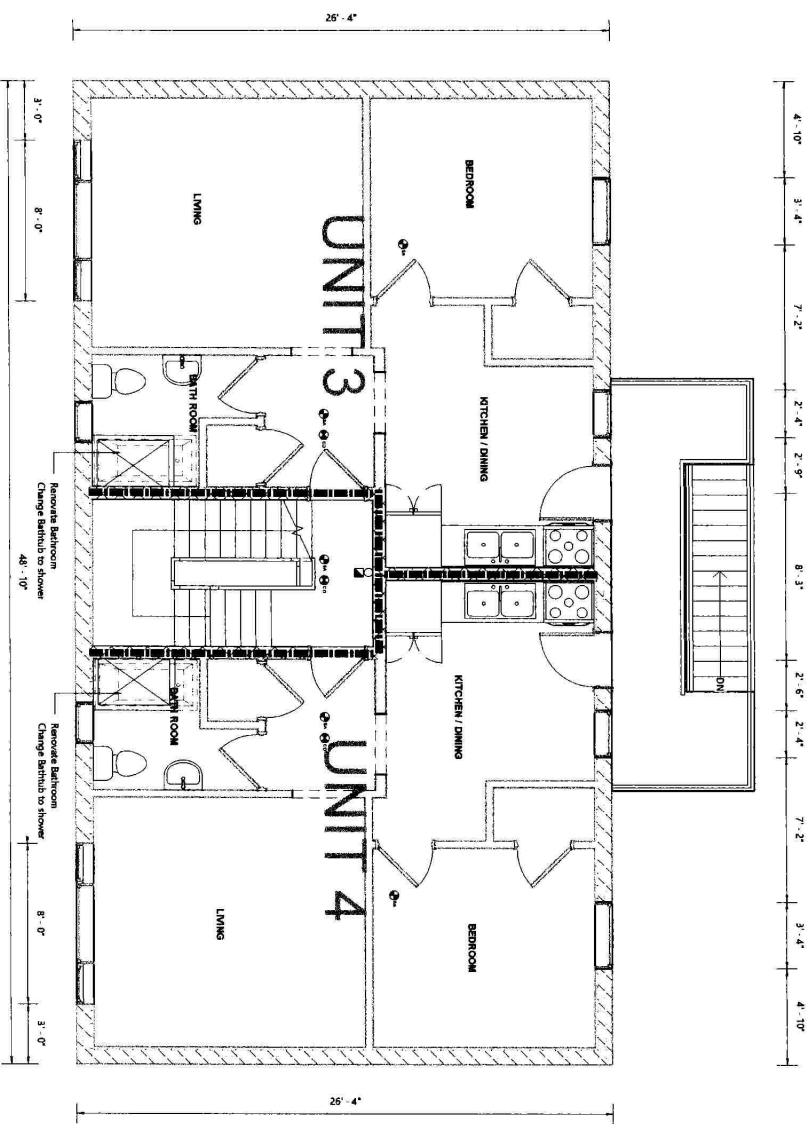
EXISTING GROUND FLOOR

3/16" = 1'-0"

Drawn By	B.D.
Date	May 03, 2021
Scale	As Indicated
Project	309 Strathmore Ave
Sheet Title	EXISTING GROUND FLOOR

Sheet Number:  
**A1.03**

- CARBON MONOXIDE DETECTOR
- INTERCONNECTED SMOKE ALARM
- DUCT MOUNTED SMOKE DETECTOR
- 20min FIRE RATED SOLID WOOD DOOR
- 4"x10" SUPPLY OUTLET
- EXISTING FIRE SEPARATION
- RETURN AIR INTAKE
- EXHAUST FAN
- SINK
- BEAM
- DUCT WORK
- A.P. ACCESS PANEL
- FIRE ALARM



Drawn By: B.D.

Date: May 03, 2021

Scale: As Indicated

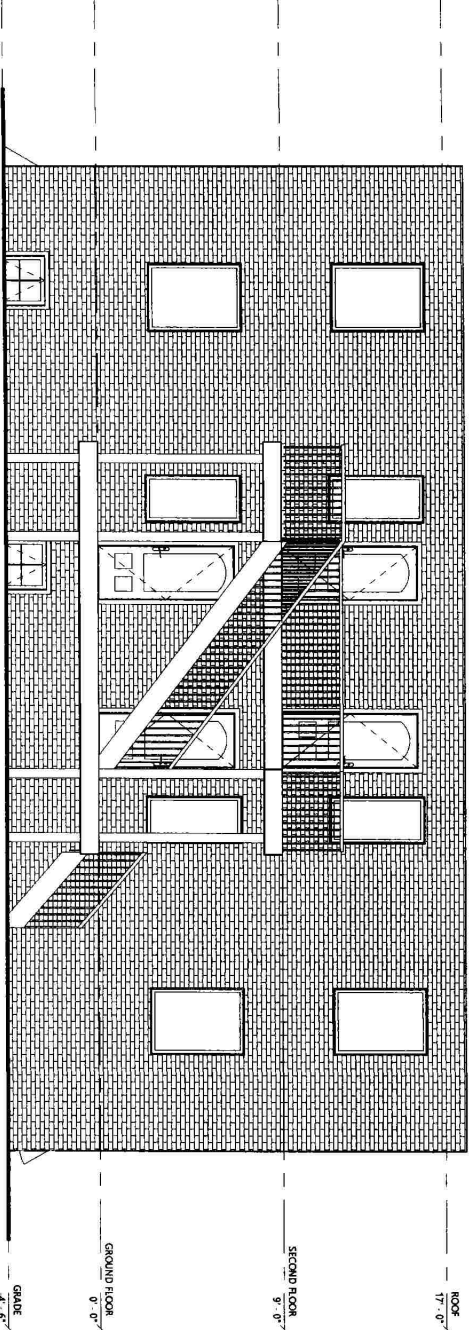
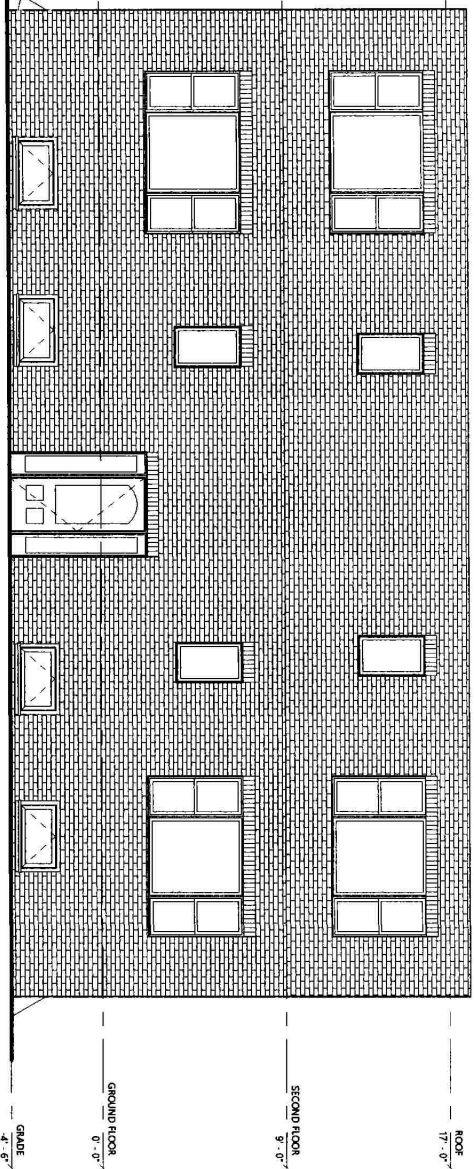
Project: 309 Strathmore Ave

Sheet Title: EXISTING SECOND FLOOR PLAN

Sheet Number: A1.04



1 FRONT  
A2.01/ 3/16" = 1'-0"

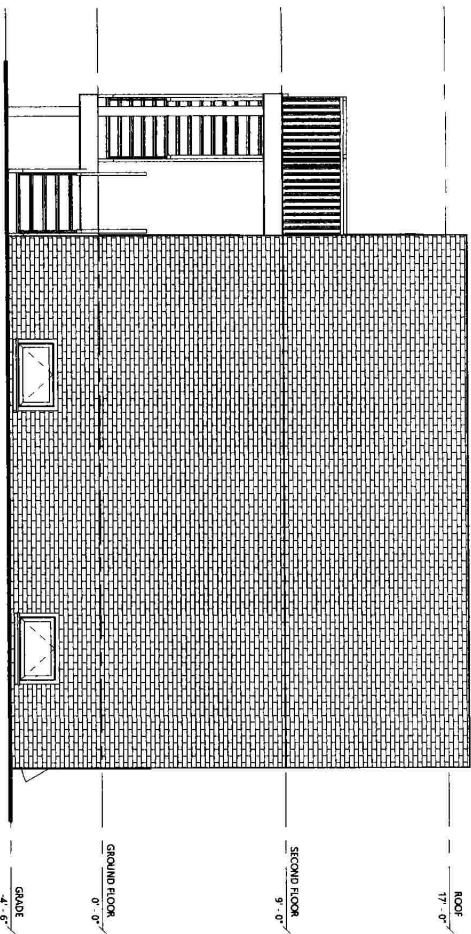


2 REAR  
A2.01/ 3/16" = 1'-0"

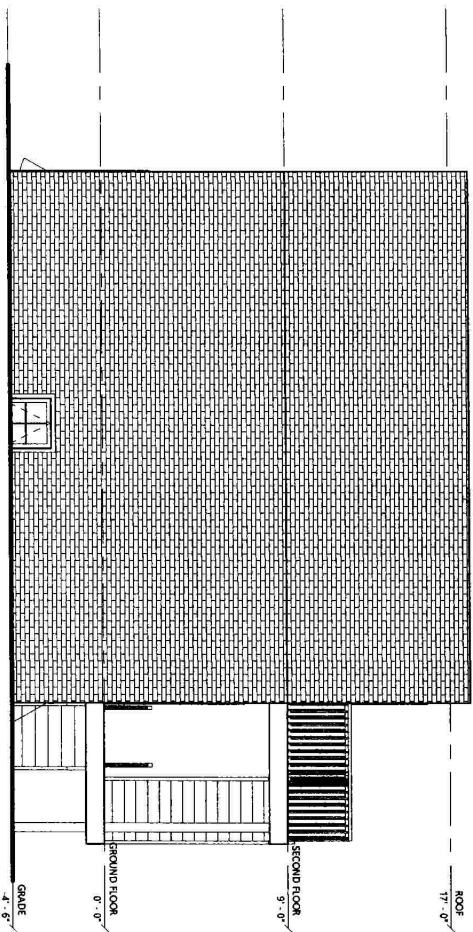
Drawn by: B.D.  
Date: May 03, 2021  
Scale: 3/16" = 1'-0"  
Project:  
309 Strathmore  
Ave

Sheet Title:  
ELEVATIONS

Sheet Number:  
A2.01



1 LEFT  
A2.02 3/16" = 1'-0"



2 RIGHT  
A2.02 3/16" = 1'-0"

Drawn By	B.D
Date	May 03, 2021
Scale	3/16" = 1'-0"
Project	308 Strathelme Ave
Sheet Title	ELEVATIONS



**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

**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	ADDRESS	
Registered Owners(s)	Kevin Moniz		
Applicant(s)*	Kevin Moniz		
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:

Zoning bylaw requirement: 1.25 parking spaces per unit. Proposed: 5 parking spaces.  
As required for legalizing two units in the basement. Number parking spaces to increase from 4 to 6.

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

Can not successfully fit 8 parking spaces within lot boundary without triggering a site plan control application with storm water management implications.

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**):

Multi Unit Dwelling  
309 Strathearn Ave

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?

- 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 03, 2021

Date

Signature Property Owner

Kevin Moniz

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>28.04m</u>
Depth	<u>34.73m</u>
Area	<u>624.91sqm</u>
Width of street	<u>6.0m</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: \_

Ground Fl. Area - 119.46 sqm.

Gross Fl. Area - 358.38 sqm.

# of stories - 2

Width - 14.88m

Length - 8.04m

Proposed

Ground Fl. Area - 119.46 sqm.

Gross Fl. Area - 358.38 sqm.

# of stories - 2

Width - 14.88m

Length - 8.04m

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 - 4.21m

Left - 3.33m

Right - 1.65m

Rear - 23.48m

Proposed:

Front - 4.21m

Left - 3.33m

Right - 1.65m

Rear - 23.48m

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:  
Residential Rental units 14
16. Existing uses of abutting properties: Rental unit  
Residential
17. Length of time the existing uses of the subject property have continued: 1952
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: N/p
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
By-Law 03-117
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.
-