#### **COMMITTEE OF ADJUSTMENT**



City Hall, 5<sup>th</sup> 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.: FL/A-21:286

**APPLICANTS:** Owner C. Jane Gaviller-Fortune

Agent Paul Fortune

SUBJECT PROPERTY: Municipal address 93 Highway 8, Flamborough

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended by By-law 15-173

**ZONING:** S1 district Settlement Residential

**PROPOSAL:** To permit the construction of an accessory building (detached

garage) on a residential parcel of land containing an existing single

detached dwelling notwithstanding that:

- 1. An accessory building shall be permitted within a front yard, instead of the requirement that an accessory building shall not be permitted within a front or flankage yard.
- 2. A maximum height of 5.0 metres shall be permitted for an accessory building, instead of the requirement that all accessory buildings shall have a maximum height of 4.5 metres.
- 3. A maximum gross floor area of 57 square metres shall be permitted for all buildings accessory to a single detached dwelling, instead of the requirement that all buildings accessory to a single detached dwelling shall not exceed an aggregate gross floor area of 45 square metres.

#### NOTE:

- A building permit is required for the construction of the proposed building. Be advised that Ontario Building Code regulations may require specific setback and construction types.
- 2. It is noted that the submitted application indicates that proposed garage is to accommodate one (1) parking space. Please note that specific details regarding parking on the lot were not provided as part of this application to confirm zoning compliance. Additional variances may be required if compliance with Section 5 of Hamilton Zoning By-law No. 05-200 is not possible.
- 3. Specific details regarding the projection of eaves/gutters for the proposed accessory building were not indicated on the submitted site plan. As per Section 4.8(h) of Hamilton Zoning By-law No. 05-200, an eave or gutter of any accessory building may encroach into any required yard to a maximum of 0.45 metres. Additional variances may be required if compliance with Section 4.8(h) is not possible.

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

DATE: Thursday, September 9th, 2021

TIME: 1:15 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

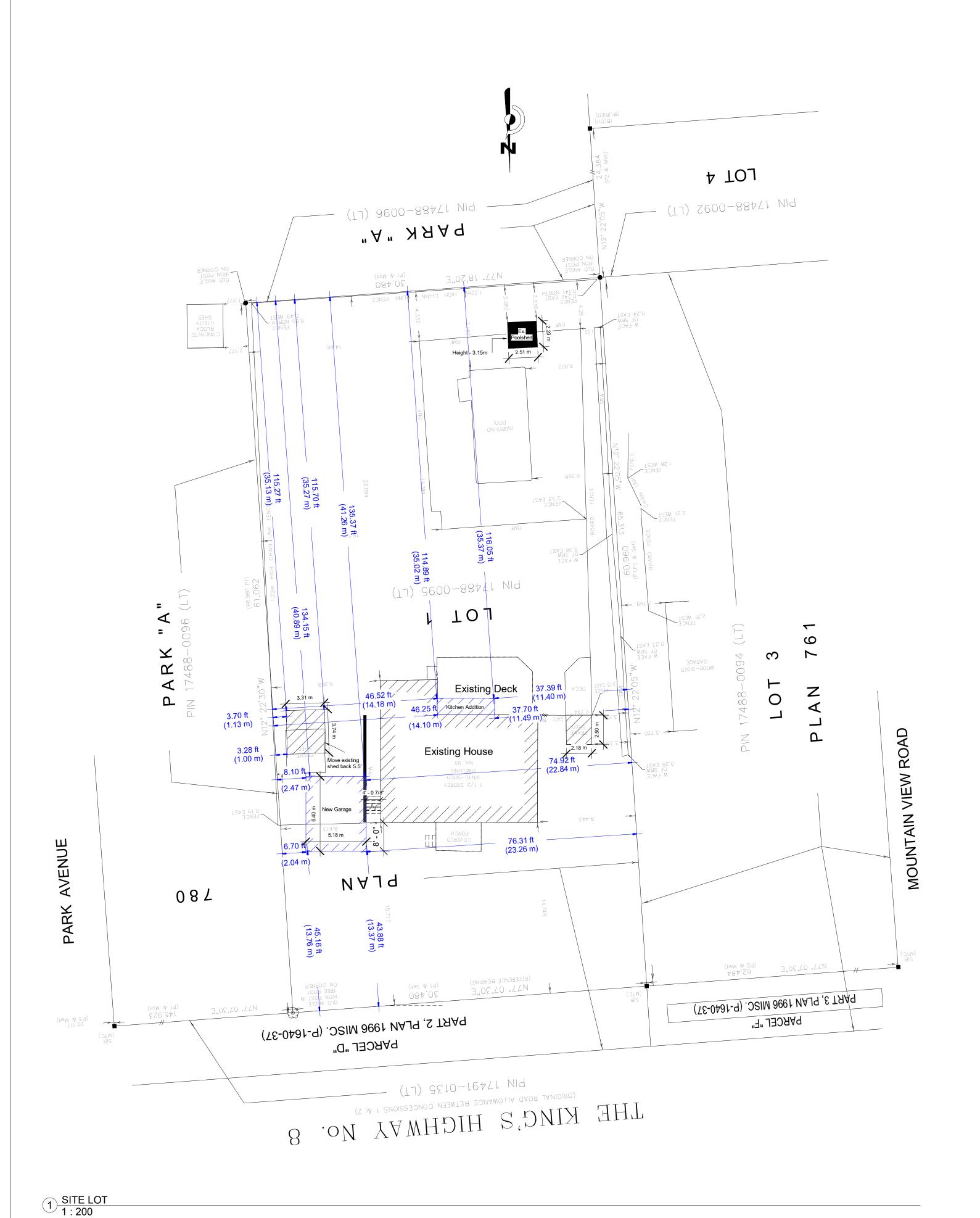
For more information on this matter, including access to drawings illustrating this request:

- 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 <a href="mailton.ca">cofa@hamilton.ca</a>

DATED: August 24th, 2021.

Jamila Sheffield, Secretary-Treasurer Committee of Adjustment

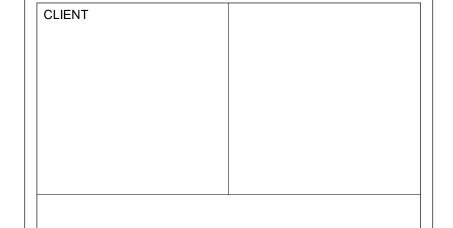
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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



			Ar	ea		
Building Information		Exis	Existing		Proposed	
		SF	SM	SF	SM	
Lot Area		20008.16	1858.82	NC	NC	
Accessory Building Area	Garage	none	none	357.00	33.17	
	Poolhouse	60.29	5.60	NC	NC	
to be moved back 5.5' >	Shed 1 (E)	133.33	12.39	NC	NC	
	Shed 2 (W)	58.75	5.46	NC	NC	
Total Lot Coverage of Accessory Buildings		Exis	Existing		Proposed	
		252.37	23.45	609.37	56.61	
Number of Accessory Buildings 3		4				
Distances to garage		Allo	wed	Prop	osed	
		(ft)	(m)	(ft)	(m)	
Building Height		14.76	4.50	16.37	4.99	
N - Minimum Front Yard Setback		19.68	6.00	43.86	13.37	
S - Minimum Rear Yard Setback		3.94	1.20	134.15	40.89	
W - Minimum Side Yard Setback		3.94	1.20	74.93	22.84	
E - Minimum Side Yard Setback		3.94	1.20	6.69	2.04	
Distances to addition		Allo	wed		osed dition)	
		(ft)	(m)	(ft)	(m)	
		34.45	10.50	22.83	6.96	
Building Height						
		24.61	7.50	114.90	35.02	
Building Height S - Minimum Rear Yard Setback W - Minimum Side Yard Setback		24.61 9.84	7.50 3.00	114.90 37.40	35.02 11.40	



Description	Date
	Description





897 King St W ~ Hamilton ON ~ 905-865-5355

93 Highway 8

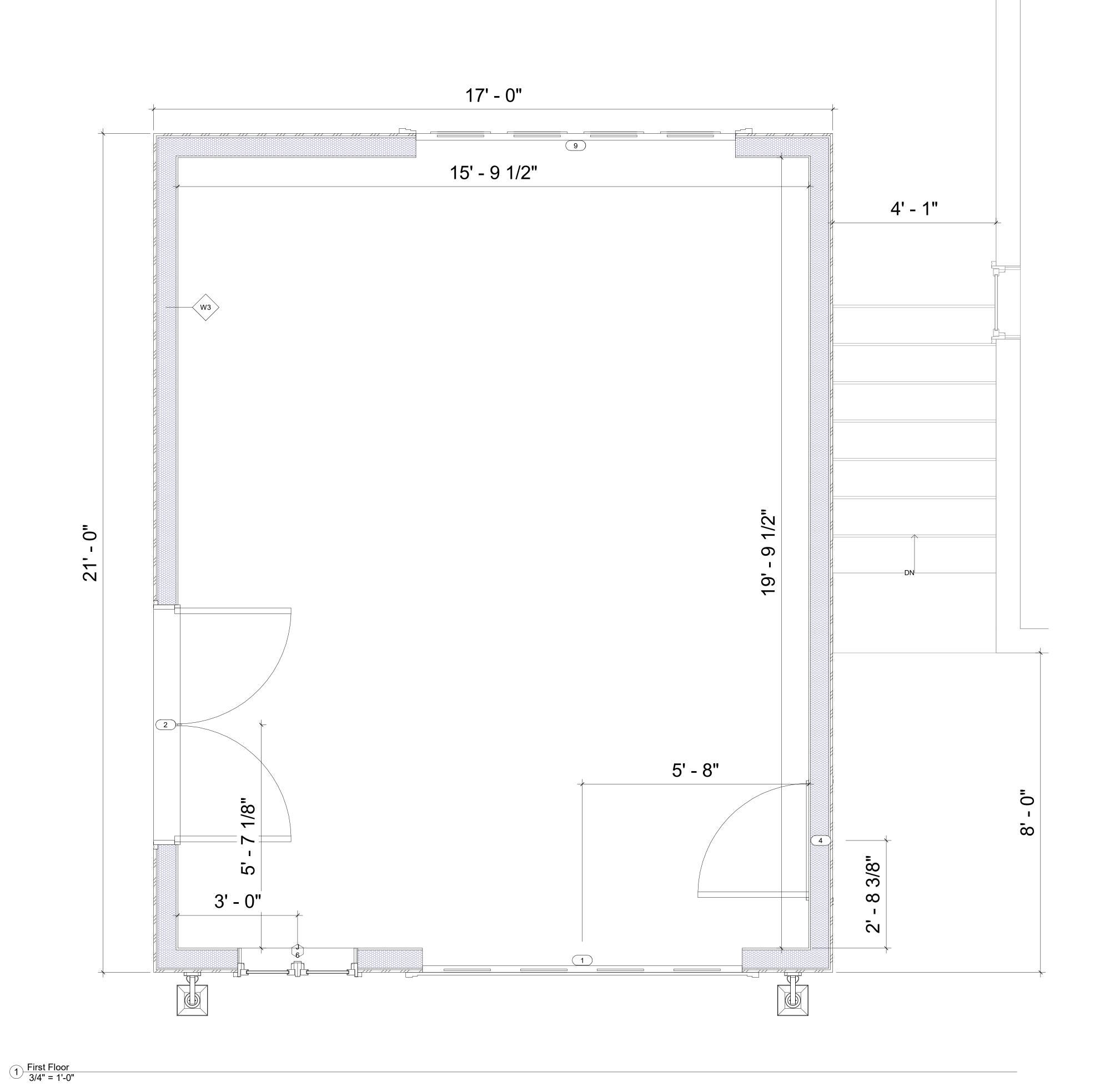
**Additions** 

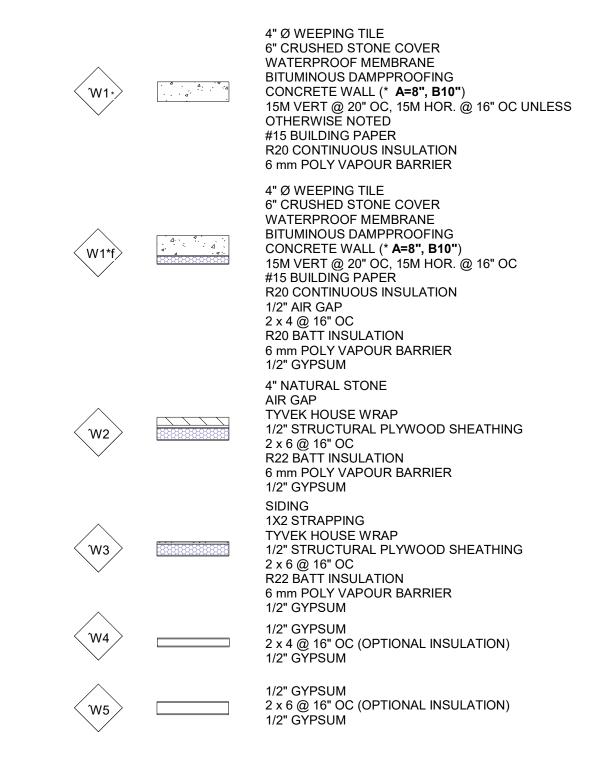
Site Plan

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checke

A0.2

Scale 1:200





Wall Assemblies
1/4" = 1'-0"

Window Schedule First Floor						
		Nomin	al Size	Sill Height	Head	Comments
Type Mark	Mark	Width	Height	Sili Fleight	Height	Comments
J	6	3' - 0"	3' - 0"	5' - 0"	8' - 0"	

Door Schedule First Floor				
				Finish
Door Number	Fire Rating	Width	Height	Comments
1		8' - 0"	8' - 0"	
2		6' - 0"	8' - 0"	
4		3' - 0"	6' - 8"	
9		8' - 0"	8' - 0"	

No.	Description	Date

IENT	



897 King St W ~ Hamilton ON ~ 905-865-5355

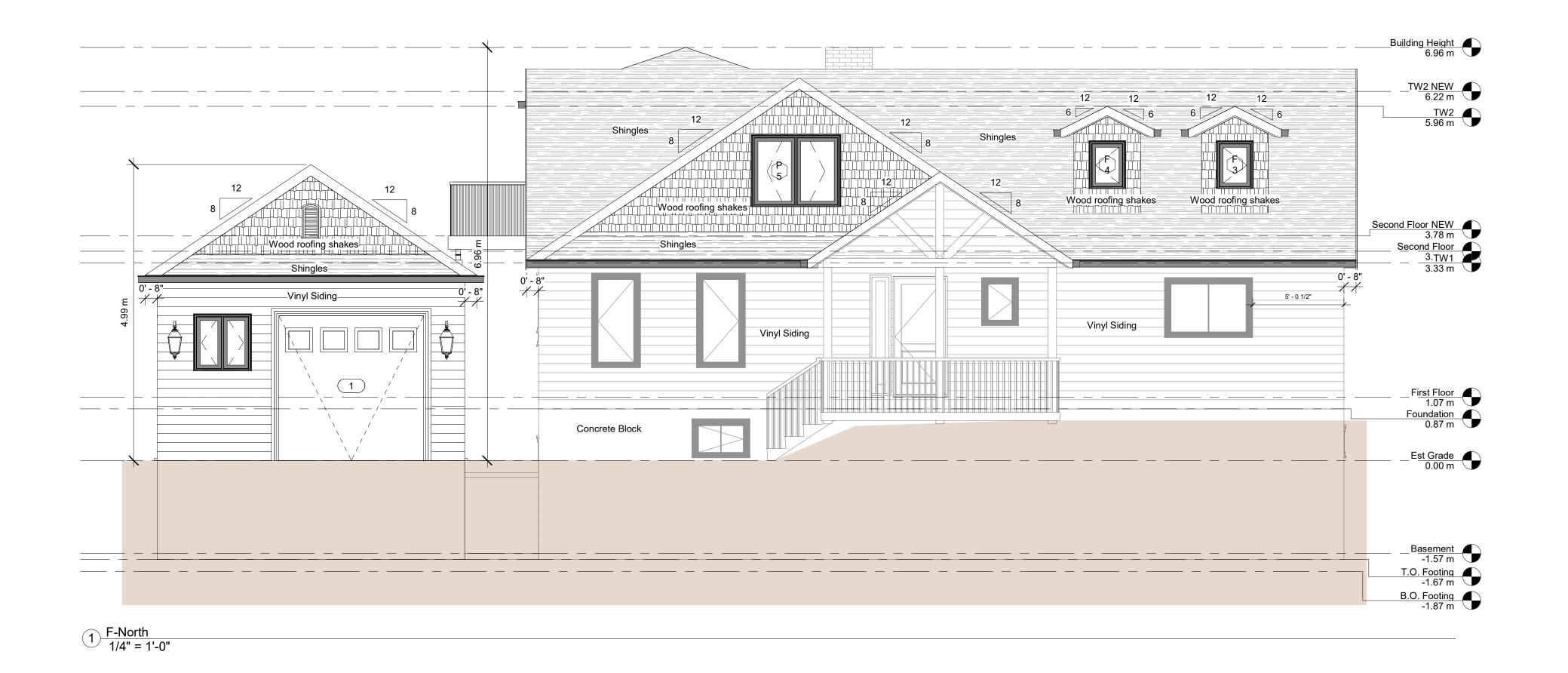
Additions
93 Highway 8

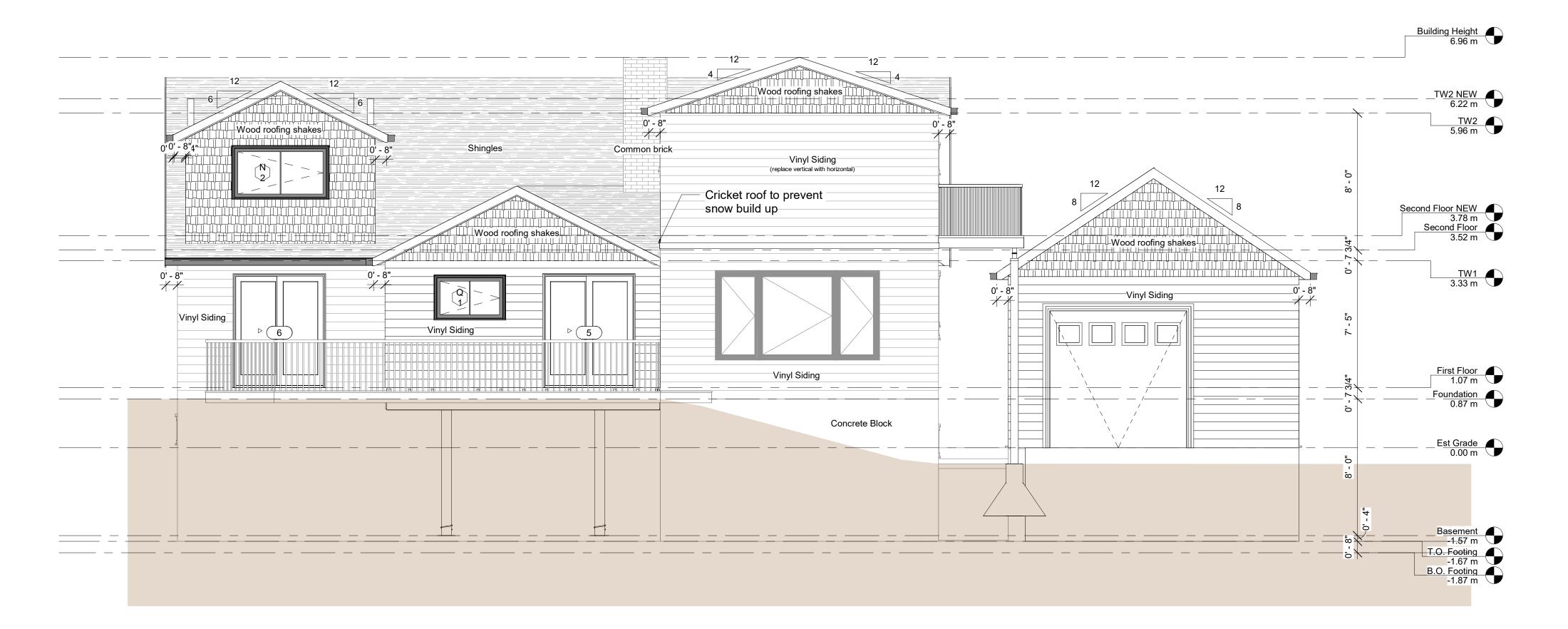
First Floor Plan

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checke
Λ	1 1

A1.1

Scale As indicated





2 R-South 1/4" = 1'-0" Additions

93 Highway 8

Elevations

Project number
Date
Drawn by
Checked by

A2.1

Scale

Project Date
A2.1

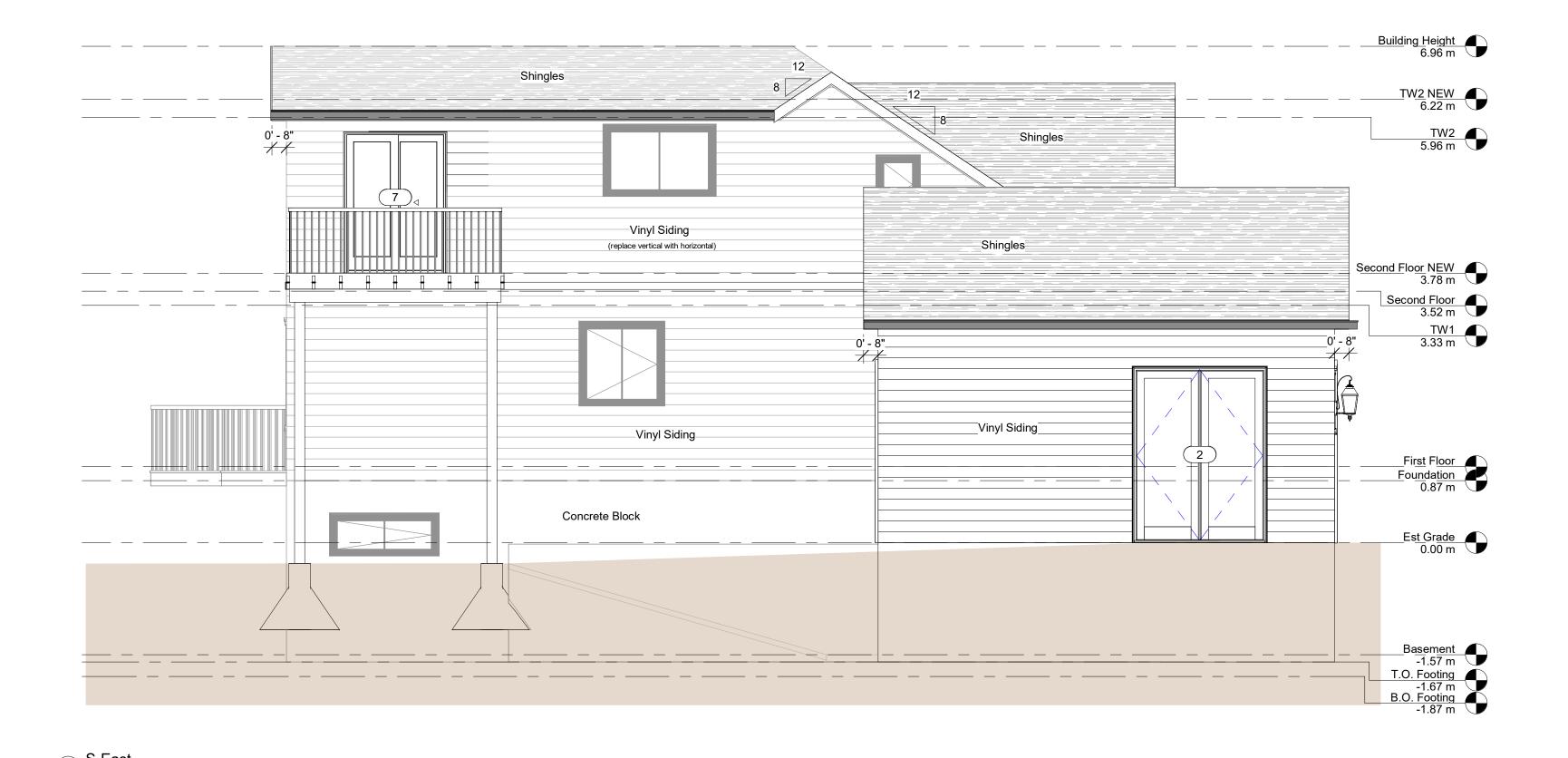
Scale

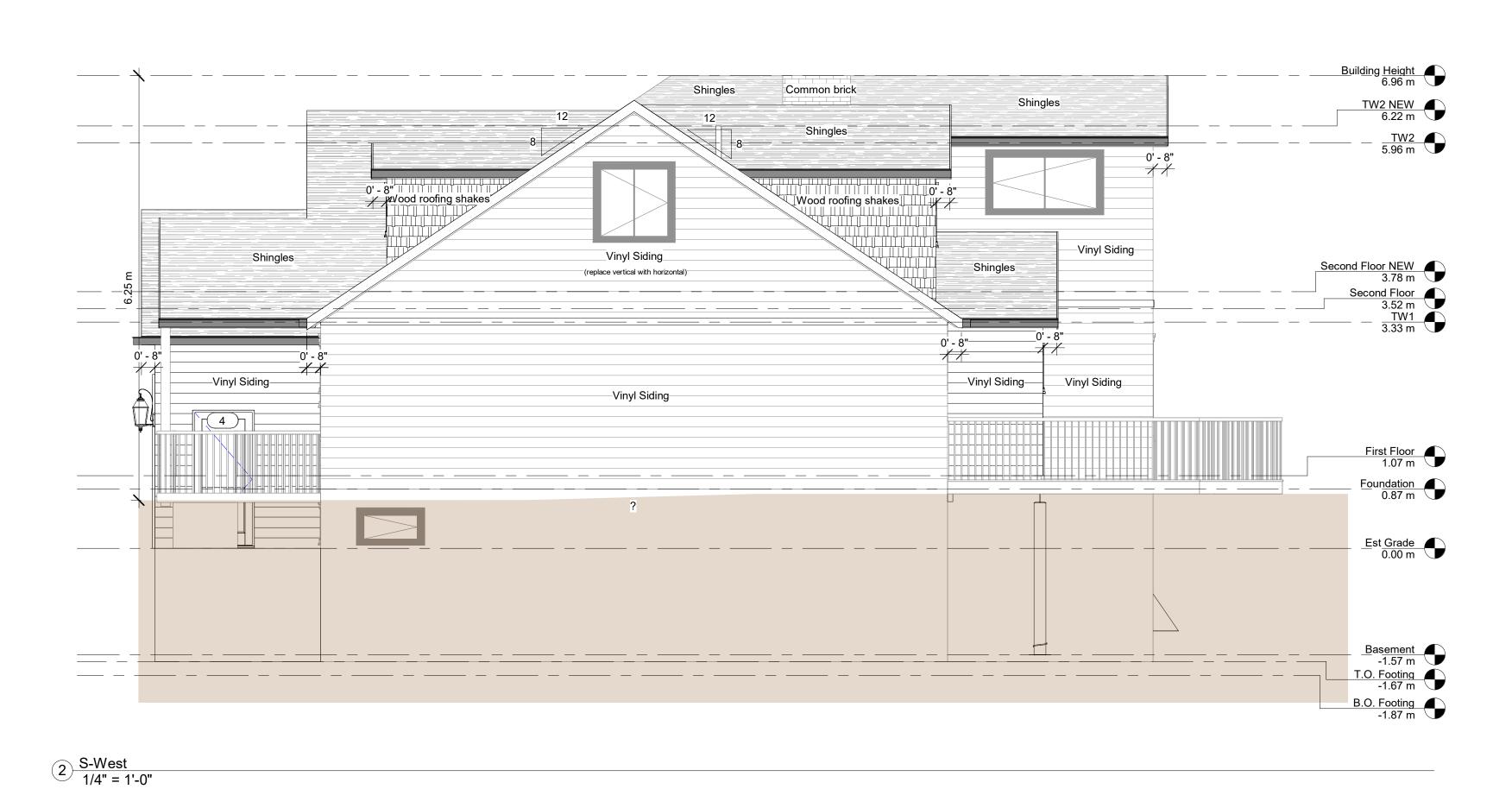
Project Date
Drawn by
Author
Checked Drawn by
A2.1

Description

CLIENT

Date





No.	Description	Date
CLIENT		



897 King St W ~ Hamilton ON ~ 905-865-5355

# Additions

93 Highway 8

levat	lion
eva	LIOH

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
_	

A2.2

Scale 1/4" = 1'-0"



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

#### 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)	C. Jane Gaviller-Fortune Paul Fortune		
Applicant(s)*	C. Jane Gaviller-Fortune Paul Fortune		
Agent or Solicitor			

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:

MCAP 400-200 King Street West Toronto, ON M5H 3T4

### 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:
	We are applying for 3 variances.  1) The proposed 1.5 car garage is intended to sit 8 feet (2.438m) forward of the house whereas by law 05-200 section 4.8b states, " Accessory Buildings shall not be permitted within a front or flankage word"
	Secondary Dwelling Unit Reconstruction of Existing Dwelling
5.	Why it is not possible to comply with the provisions of the By-law?
6.	The garage is being designed as a 1 1/2 car garage, with the intent of using it to park one vehicle and use the remainder as workshop space.  1) Having the garage placed slightly forward of the house will be more esthetically pleasing than having it flush with the house, and will prevent a house window from being effectively blocked. It will also make the front of the aarage alian with the front of the Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, <b>street and street number</b> ):
	Plan 780, Lot 1 (93 Highway 8)
7.	PREVIOUS USE OF PROPERTY
	Residential
	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 Unknown Unknown
8.7	Have the lands or adjacent lands ever been used as a weapon firing range?  Yes   No   Unknown   O
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 O

8.10	uses on the site or			een contaminated by former		
8.11	What information did you use to determine the answers to 8.1 to 8.10 above?					
	Visual site inspection and real estate records.					
8.12	previous use inver	evious use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a ous use inventory showing all former uses of the subject land, or if appropriate, the adjacent to the subject land, is needed.				
	Is the previous use	e inventory attached?	Yes	No		
9.	remediation of con	t the City of Hamilton is	C. Jane Gaviller-Fortune/Paul Fortune	ubject of this Application – by  Digitally signed by C. Jane Gaviller-Fortune/Paul Fortune Date: 2021.07.17 11:23:58 -04/00*  ty Owner(s)  Fortune/Paul Fortune		
10.	Dimensions of land Frontage Depth Area	ds affected: 30.48m 60.960m on west s 1858.82 m2	ide/61.062m on e	ast side		
	Width of street +/- 26.5m per city planner					
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 site plan and statistics attached for square footage of all structures.					
	Proposed					
	Garage: Ground Floor Area: 33.17 m2; Gross Floor Area: 33.17 m2; 1 story; Width: 5.182m; Length: 6.401m; Height: 4.99m					
12.	distance from side Existing:	dings and structures or a, rear and front lot lines statistics attached for	5)	ne subject lands; (Specify uctures.		
	Proposed: See site plan and	d statistics attached for	setbacks of propo	osed structure.		

13.	Date of acquisition of subject lands: July 6, 2012
14.	Date of construction of all buildings and structures on subject lands: House: 1951
15.	Existing uses of the subject property (single family, duplex, retail, factory etc.):
	Single family dwelling
16.	Existing uses of abutting properties (single family, duplex, retail, factory etc.):
	To west: residential property with 2 dwellings; To south and west: municipal park
17.	Length of time the existing uses of the subject property have continued: approx. 70 years
18. 19.	Municipal services available: (check the appropriate space or spaces)  Water
	Schedule D-Greensville Settlement area / Greensville Rural Settlement area pl
20.	Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
	Settlement Residential S1-Hamilton Zoning By-law 05-200
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 <i>Planning Act</i> ?  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.

#### Addendum to MV\_93 Highway 8\_Application Form

#### 4. Nature and extent of relief applied for:

We are applying for 3 variances.

- 1) The proposed 1.5 car garage is intended to sit 8 feet (2.438m) forward of the house whereas by law 05-200 section 4.8b states, " Accessory Buildings shall not be permitted within a front or flankage yard".
- 2) Aggregate gross floor area of all accessory buildings (existing and proposed) will be 56.62 m2 whereas newly revised by law 05-200 section 4.8.1.1a states, "The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 45 square metres or 7.5% total lot coverage, whichever is the lesser."
- 3) The height of the proposed garage is 4.99m whereas Section 4.8g of bylaw 05-200 revised in May 2021 states, "All Accessory Buildings shall have a maximum height of 4.5 metres".

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

The garage is being designed as a 1 1/2 car garage, with the intent of using it to park one vehicle and use the remainder as workshop space.

- 1) Having the garage placed slightly forward of the house will be more esthetically pleasing than having it flush with the house, and will prevent a house window from being effectively blocked. It will also make the front of the garage align with the front of the covered front porch.
- 2) The sheds currently on the property are all in full use (total gross floor area of 23.45 m2) and therefore cannot be removed. In order for the proposed garage to fulfill its intended purpose of parking a car as well as have sufficient workshop space, the garage needs to be 5.182m x 6.401m (33.17 m2 gross floor area) for a total of 56.62 m2. It should be noted that this constitutes only 3% of the total lot area.
- 3) The garage was designed to meet the previous maximum allowable height of 5m and was also designed so the slope of the garage roof works visually with the slope of the covered front porch. Keeping this slope but lowering the garage walls to meet the new maximum allowable height would provide insufficient interior height in the garage for its intended purpose.