



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.: 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:

1. 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 cofa@hamilton.ca

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.



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.

- 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 yard"

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

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**):

Plan 780, Lot 1 (93 Highway 8)

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?

Visual site inspection and real estate records.

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.

17-Jul-2021
Date

C. Jane Gaviller-
Fortune/Paul
Fortune  Digitally signed by C. Jane
Gaviller-Fortune/Paul Fortune
Date: 2021.07.17 11:23:58
-04'00'

Signature Property Owner(s)
C. Jane Gaviller-Fortune/Paul Fortune
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 30.48m
Depth 60.960m on west side/61.062m on east side
Area 1858.82 m2
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. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

See site plan and statistics attached for setbacks of all structures.

Proposed:

See site plan and statistics attached for setbacks of proposed 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. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|--------------------------|-----------|--------------------------|
| Water | <input type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers | <input type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
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 *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.

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.