

## **NOTICE OF PUBLIC HEARING**

### **Minor Variance**

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**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
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**APPLICATION NO.:** AN/A-21:280

**APPLICANTS:** Owner JAX Holdings Inc.  
Agent Fabio DiVincenzo

**SUBJECT PROPERTY:** Municipal address **777 Montgomery Dr., Ancaster**

**ZONING BY-LAW:** Zoning By-law 87-57, as Amended by By-law 18-105

**ZONING:** ER district (Existing Residential Zone)

**PROPOSAL:** To permit the construction of a two (2) storey single detached dwelling upon demolition of the existing single detached dwelling, notwithstanding,

A maximum building height of 10.4 metres shall be permitted instead of the maximum permitted building height of 9.5 metres.

#### **NOTES:**

The drawings submitted with this application are not legible; as such the variance has been written as requested by the applicant. The applicant shall ensure compliance all other applicable zoning requirements, as outlined in Building Division comments provided for site plan application DAER-21-078.

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

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**DATE:** Thursday, September 9th , 2021  
**TIME:** 1:45 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

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#### **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 24th , 2021.

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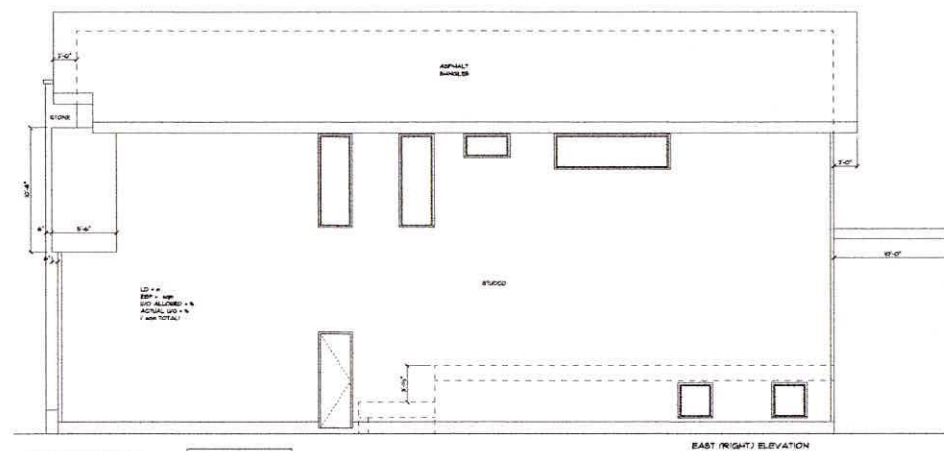
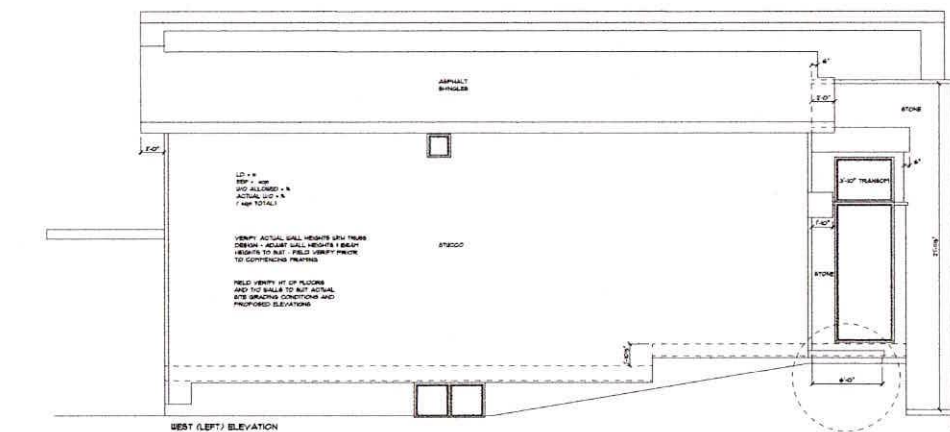
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***





PROVIDE ROUGH-IN FOR FUTURE  
ELECTRIC VEHICLE CHARGING  
SYSTEM - PROVIDE 1 1/2" CONDUIT  
AND 4 1/4" ELECTRICAL BOX IN  
GARAGE - LOCATE TO SUIT AND  
ENSURE A CONTINUOUS GASPROOF SEAL



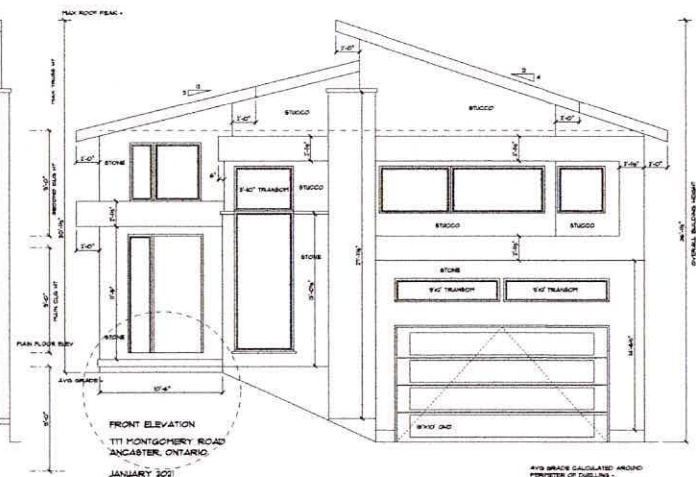
FIELD VERIFY EXTENT OF STEPPING  
TO SUIT GRAZING AND SITE CONDITIONS -  
COORDINATE WITH LANDSCAPE DESIGN

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE AS PRESCRIBED.

DATE: JANUARY 202  
FILE: TTS MONTGOMERY  
DIAER-2  
CLARENCE, KY.

**RADIO DI VINCENZO**  
**BONA ADAMI**  
**QUALIFICAZIONE**  
**10000 METRI STRETTORE**

*Radio Di Vincenzo*

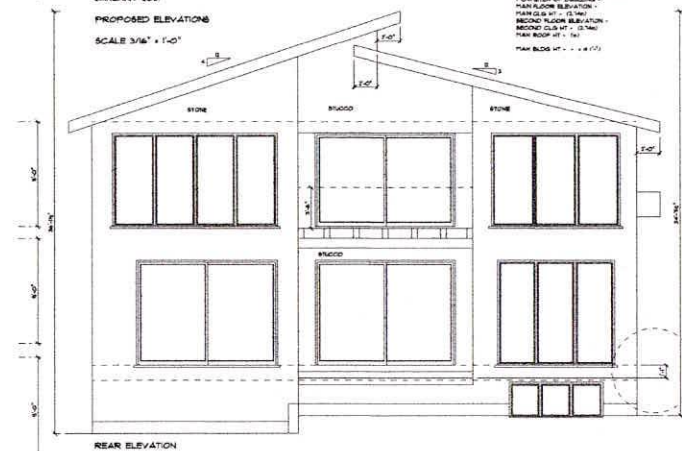


FRONT ELEVATION

111 MONTGOMERY ROAD  
 CANCASTER, ONTARIO  
 JANUARY 30, 1951

PROPOSED ELEVATION

SCALE 3/16" = 1'-0"



REAR ELEVATION

4th BRIDGE CALCULATED AROUND  
PERIMETER OF DUELLING -  
MAIN FLOOR ELEVATION -  
MAIN CLS HT = (3.74m)  
SECOND FLOOR ELEVATION -  
SECOND CLS HT = (3.74m)  
MAIN ROOF HT = (6)  
  
TAK BLDG HT = 13.48 (13)





As you can see in this photo the house beside is extremely higher due to the drastic change in grading/elevation. Therefore the 2'11" addition in height will still be lower than the neighbour.





**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	MAILING ADDRESS	
Registered Owners(s)	JAX HOLDINGS INC		e: l:
Applicant(s)*	FABIO DIVINCENZO		
Agent or Solicitor Lawyer	Paul Crespan		

**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:

5. ☐ Secondary Dwelling Unit ☒ Reconstruction of Existing Dwelling

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

SEE ATTACHED

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**):

LOT 14, RP 769

777 MONTGOMERY DR, ANCASTER, L9G 3H6

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?

PERSONAL KNOWLEDGE AS AN AREA RESIDENT AS WELL AS INFORMATION OBTAINED FROM LONG-TIME

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.

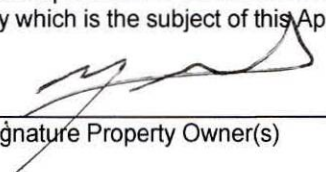
NEIGHBOURS/  
RESIDENTS

Is the previous use inventory attached? Yes ☐ No ☒ N/A

#### 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.

JULY 14, 2021  
Date

  
Signature Property Owner(s)

\_\_\_\_\_  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage

18.29m

Depth

60.36m

Area

1104.26m<sup>2</sup>

Width of street

20m +/-

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: 1 1/2 STOREY S.F.A. C/W CONTAINED

GARAGE AND FULLY FINISHED BASEMENT  
+/- 1700 sq (157.93m<sup>2</sup>)

Proposed

2 STOREY S.F.A. C/W CONTAINED 2 CAR

GARAGE AND FULL BASEMENT

BUILDING FOOTPRINT COVERAGE = 16.85% (186.07m<sup>2</sup>)

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 PROPOSED SITE AND GRADING PLAN

Proposed:

PREPARED BY ASHENTWRIGHT & NOUWENS

& ASSOCIATES INC. DATED MARCH 13, 2020

AND SEALED JUNE 22, 2021

13. Date of acquisition of subject lands:

JULY 30, 2020

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

+/- 1960's

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.):

SINGLE FAMILY DWELLING - RESIDENTIAL

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

Prior to 1960's +/-

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:

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

ER - ANCASTER - 18-105

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.