

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.: AN/A-21:288

APPLICANTS: Owner Jonathan David Pittaway
Agent Ed Fothergill

SUBJECT PROPERTY: Municipal address **12 Wesleyan Court, Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended by By-law 94-43; 99-49
and 00-43

ZONING: R4-370 and R4-440 district (Residential "R4" zone)

PROPOSAL: To permit the construction a 4.9m x 4.9m accessory building (pavilion/gazebo), to recognize the location of an existing hot tub and two existing accessory buildings (vinyl sheds) and to recognize the location of an existing single detached dwelling notwithstanding that:

1. The existing single family dwelling shall be permitted to be 7.6m from the rear property line, the proposed 4.9m x 4.9m pavilion/gazebo shall be permitted to be 0.0m from the rear lot line and the existing hot tub shall be permitted to be 0.0m from the rear lot line instead of the requirement that no buildings or structures of any kind, and no swimming pools, but not including fencing, shall be permitted 9 metres from the rear property line.
2. The proposed pavilion/gazebo shall be permitted to be located within the minimum required rear yard and shall be 0.0m from the rear lot line instead of the requirement that accessory buildings shall not be located less than 75 centimetres (0.75m) from any lot line.
3. The two (2) existing accessory buildings (vinyl sheds) shall be permitted to be located within the minimum required easterly side yard and shall be 0.0m from the easterly side lot line instead of the requirement that accessory buildings shall not be located in any minimum side yard (being 1.2m to the side lot lines).
4. The existing hot tub shall be permitted to be 0.0m from the rear lot line instead of the requirement that an above-ground swimming pool and its supporting structure shall not be constructed closer than 1.5m to any lot line that does not abut a street, plus a distance equal to the height that the top edge of the supporting structure is above the grade structure [*height of 1.0m to the top of the hot tub*] at the lot line nearest to such pool or structure [*being a minimum setback of 2.5m (1.5m + 1.0m)*].

NOTE:

- i) The owner's Agent has indicated that the hot tub has a height of 1.0m.

- ii) The owner's Agent indicated that the proposed 4.9m x 4.9m pavilion/gazebo, including its eaves, will not project beyond the rear lot line.
- iii) The owner's Agent indicated that the owner does not have permission for the encroachment of the hot tub onto the northerly abutting lands zoned "O2" owned by the City of Hamilton. As such:
 - The owner of 12 Wesleyan Court shall receive permission from the abutting property owner (being the City of Hamilton) to permit the hot tub to encroach onto these lands, and
 - The owner of the abutting lot (being the City of Hamilton) shall apply for and receive final approval of a Zoning By-law Amendment or Minor Variance as determined necessary by the Planning and Economic Development Department in order for a structure accessory to a single detached dwelling (being a hot tub owned by the owners of 12 Wesleyan Court) to be located on lands zoned "O2" notwithstanding that a single detached dwelling including uses, buildings and structures accessory thereto are not permitted within this zone.

Alternatively, the hot tub shall be moved entirely onto subject lands (being 12 Wesleyan Court) so that it does not encroach over the lot line(s) and onto the abutting lands and proof shall be provided that it is located entirely within the boundary of the lot by a surveyed Site Plan.

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

DATE: Thursday, September 9th, 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

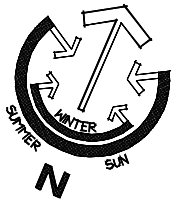
For more information on this matter, including access to drawings illustrating this request:

- 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 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.



No.	Date	Revision

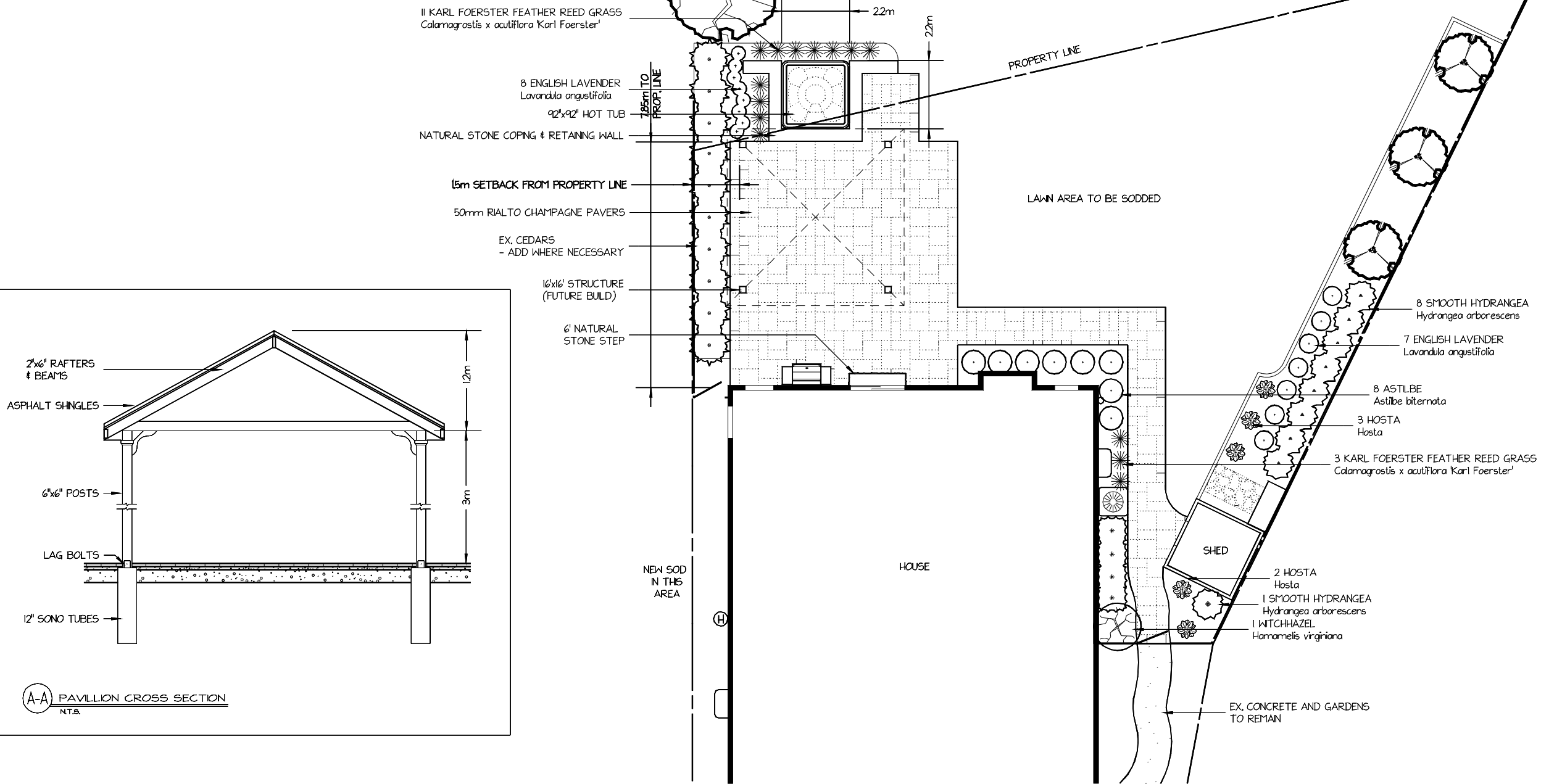
Client :
PITTAWAY RESIDENCE

Address :
12 WESLEYAN CT,
ANCASTER

Scale : 1:150

Plan No. : 1 OF 1

Designer : M POULIOT
Editor : R SCHUTTEN
Date : NOV 09/2020



A1 BACK YARD LANDSCAPE

NOTE: DRAWING ONLY TO SCALE IF PRINTED AT 11x17

0 1 2 3 4 5 10

SCALE IN METERS

PLAN BEING PART 1
MUST BE READ IN CONJUNCTION WITH
SURVEY REPORT (PART 2)

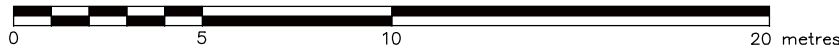


BLOCK 75 PLAN 62M-797

PIN 17417-0208

SURVEYOR'S REAL PROPERTY REPORT
PLAN OF SURVEY SHOWING TOPOGRAPHY OF
LOT 25
PLAN 62M-962
IN THE
CITY OF HAMILTON

SCALE 1 : 200
THE INTENDED PLOT SIZE IS 538mm IN WIDTH BY 643mm IN HEIGHT, WHEN PLOTTED AT A SCALE OF 1:200



MackKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS
© 2021

KNOWN AS MUNICIPAL No. 12 WESLEYAN COURT

REPORT SUMMARY (PART 2) (to be read in conjunction with Part 1)

LAND REGISTRY OFFICE, TITLE INFORMATION ON SUBJECT PROPERTY INCLUDING
BOUNDARIES, EASEMENTS AND RIGHT OF WAYS - MAY 6, 2021

REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:

- SUBJECT TO EASEMENT AS IN INST. No. WE109188
- SUBJECT TO RIGHT OF ENTRY AS IN INST. No. WE202674

ADDITIONAL REMARKS:

REFER TO PART 1 OF SURVEY FOR LOCATION OF BUILDINGS, STRUCTURES, FENCES AND UTILITIES

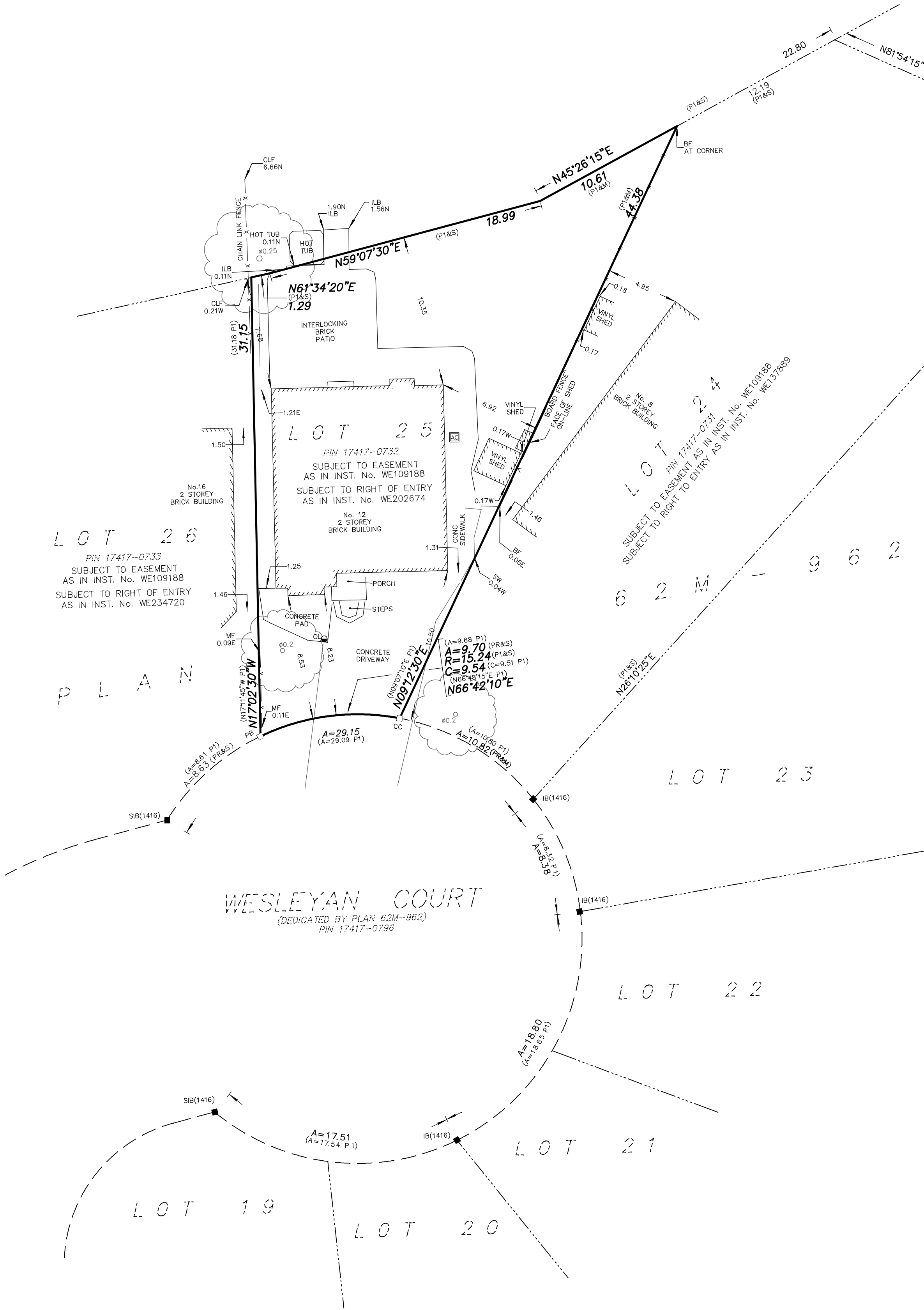
MackKAY, MacKAY & PETERS LIMITED grants JONATHAN PITTAWAY & ALMA RIVERA-PITTAWAY ["The Client(s)"], their
solicitor and other related parties permission to use "Original Copies" of the Surveyor's Real Property Report in
transactions involving "The Client(s)"

"METRIC" DISTANCES SHOWN HEREON ARE, IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2146470



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



Legend

- DENOTES A SURVEY MONUMENT FOUND
- DENOTES A SURVEY MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- P1 DENOTES PLAN 62M-962
- PIN DENOTES PROPERTY IDENTIFICATION NUMBER
- (OU) DENOTES ORIGIN UNKNOWN
- Ø DENOTES DIAMETER
- CLF DENOTES CHAIN LINK FENCE
- BF DENOTES BOARD FENCE
- MF DENOTES METAL FENCE
- OL DENOTES ORNAMENTAL LIGHT
- SW DENOTES CONCRETE SIDEWALK
- PR DENOTES PROPORTIONED
- AC DENOTES AIR CONDITIONER
- ILB DENOTES INTERLOCKING BRICK
- DENOTES DECIDUOUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES

BUILDING TIES SHOWN HEREON ARE TO FOUNDATION UNLESS OTHERWISE NOTED

Bearing Reference

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTH LIMIT OF LOT 13 AS
SHOWN ON PLAN 62M-962 HAVING A BEARING OF N81°54'15"W

Surveyor's Certificate

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT,
THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 14th DAY OF JULY, 2021.

JULY 15, 2021
DATE

[Signature]
BOYD W. WY
ON TARIO LAND SURVEYOR
FOR MACKAY, MACKAY & PETERS LIMITED

CAD FILE: E:\(62) Hamilton-Wentworth\M-PLANS\62M-0962\LOT 25\21-165\21-165-SRPR.dwg

MMP
MackKAY, MacKAY & Peters Limited
LAND SURVEYORS & MAPPERS
SINCE 1906

3380 South Service Road
Unit 101
Burlington, ON
L7N 3J5
(905) 639-1375
halton@mmplimited.com
mmplimited.com

DRAWN BY: G.S.
PARTY CHIEF: C.M.
CHECKED BY: *[Signature]*
PROJECT NO.:
21-165



Committee of Adjustment
City Hall, 5th 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)	JONATHAN PITTAWAY	
Applicant(s)*	SAME	
Agent or Solicitor	ED FOTHERGILL FOTHERGILL PLANNING & DEVELOPMENT INC.	

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:
TANDIA FINANCIAL CREDIT UNION
21 STONECHURCH ROAD
ANCASTER ON L9K 1S4

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:

REDUCED REAR YARD SETBACK FOR ACCESSORY STRUCTURE OF 0 METRES INSTEAD OF REQUIRED 9.5 METRES.

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

SIZE AND SHAPE OF LOT IS RESTRICTIVE.

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 25, PLAN 62M-962. 12 WESLEYAN COURT.

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?

OWNER

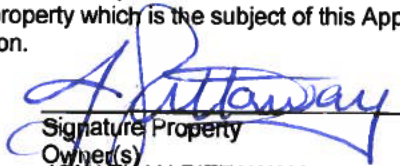
- 8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

June 24 / 21
Date


Signature Property
Owner(s)
JONATHAN PITTAWAY

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>12 m +/-</u>
Depth	<u>44.38 m</u>
Area	<u>601.35 sq.m.</u>
Width of street	<u>20 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: _

**SINGLE FAMILY DWELLING, HOT TUB
DWELLING - 2 STOREY 156 sq.m. GROUND
248 sq.m. TOTAL WIDTH 11.88 m DEPTH 14.3 m**

Proposed

**GAZEBO 4.9 m x 4.9 m
AREA 24 sq.m.
HEIGHT 4.2 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 - FRONT 7.98 m
- SIDE 1.25 m
- SIDE 1.31 m
- REAR 7.85 m**

Proposed:

**GAZEBO - SIDE 1.25 m
- SIDE 15 m +/-
- REAR 0 m**

13. Date of acquisition of subject lands:
AUGUST 2008
14. Date of construction of all buildings and structures on subject lands:
2003
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SINGLE FAMILY
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE FAMILY, OPEN SPACE
17. Length of time the existing uses of the subject property have continued:
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:
RESIDENTIAL - R4-370
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.

FPD

FOTHERGILL PLANNING & DEVELOPMENT INC.

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

July 21, 2021

Jamila Sheffield
Secretary Treasurer
City of Hamilton
71 Main St. W.
Hamilton ON

Dear Jamila:

**Re: Application for Minor Variance - Jonathan Pittaway
12 Wesleyan Court, Ancaster**

Please find enclosed an application for a minor variance to allow for the construction of an accessory gazebo and to recognize an existing hot tub on the above property with a 0 m setback from the property line. The application material includes the following:

1. One (1) copy of completed Application Form.
2. Cheque made payable to the City of Hamilton in the amount of **\$3320.**
3. Cheque made payable to the Grand River Conservation Authority in the amount of **\$280.**
4. Updated property survey, dated July 15, 2021, prepared by MMP Land Surveyors.
5. Sketch of proposed gazebo and existing hot tub dated November 9, 2020 prepared by Granite Park Inc.
6. Correspondence from Grand River Conservation Authority dated June 23, 2021 arising out of Pre-Consultation exercise with the Conservation Authority.

The owner of the property would like to construct a small gazebo structure in the rear yard of their home adjacent to the dwelling as shown on the attached sketch. Because of the size and shape of the lots and the narrow depth between the dwelling and the property line on the west side of the property, the gazebo will encroach upon the 9.5 metre setback in the Zoning By-law. As noted on the survey, the setback of the house from the property line in this location is only 7.68 metres.

It is my opinion that the application can be supported in that it represents a reasonable use of the private rear yard amenity area of the existing dwelling. It is a modest accessory structure that will allow the owners to more fully enjoy their rear yard amenity area.

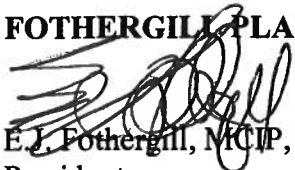
Due to the small size and the location of the facility, it is my opinion that it will not have any adverse impact on the abutting neighbours. Given that the proposed gazebo is in the rear yard, it will not be visible from any public vantage point.

It is my opinion that the variance conforms to the intent of the Official Plan and is consistent with the provisions of the Zoning By-law in that it allows for the ongoing enjoyment of the property as permitted for a residential use.

It is appropriate for the development of the site in that it is located adjacent to the kitchen entrance of the dwelling and is properly connected to other elements of the amenity area on the site. The improvement is minor in nature given its size and location and will not have any adverse impact on the surrounding community.

Respectfully Submitted,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

encl.

cc. J. Pittaway

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