

## **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.:** HM/A-21:292

**APPLICANTS:** Owner Geoff Palmer  
Agent Julia Mancini

**SUBJECT PROPERTY:** Municipal address **58 East 24th St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended by By-law 83-66

**ZONING:** D district (Urban Protected Residential, One and Two Family Dwellings Etc. )

**PROPOSAL:** To permit the construction of secondary dwelling unit – detached in the rear yard on an existing residential parcel of land notwithstanding that:

1. A minimum 0.5 metre southerly interior side yard shall be permitted, instead of the minimum 1.2 metre interior side yard required.
2. A minimum 0.85 metre northerly interior side yard shall be permitted which may contain a walkway, instead of the minimum 1.2 metre interior side yard required, and the requirement that the side yard be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
3. A minimum 0.56 metre rear yard shall be permitted, instead of the minimum 1.2 metre rear yard required.
4. A minimum distance of 6.35 metres shall be permitted between the rear façade of the principle dwelling and the Secondary Dwelling Unit – Detached, instead of the minimum 7.5 metres required.
5. Accessory buildings shall be permitted to occupy 49 percent of the required rear yard and side yard combined, instead of the requirement that accessory buildings shall occupy not more 30 percent of the required rear yard and side yard combined.

**NOTE:**

1. Please note that as per Section 19(1)(1)(ii)(6), a minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained. Insufficient information has been provided to determine zoning compliance. Additional variances may be required if compliance with Section 19(1)(1)(ii)(6) is not possible.

2. Please note that as per Section 19(1)(1)(ii)(14), each of the landscaped areas in Subsection 19(1)(xix) shall be screened on two sides by a visual barrier that a minimum height of 0.3 metres. Insufficient information was provided to confirm compliance. Additional variances may be required if compliance with Section 19(1)(1)(ii)(14) is not possible.
3. Please note that the eave/gutters are indicated as projecting 0.15 metres. Therefore, if the variances requested to permit reduced minimum rear and side yards, then the development as proposed would comply with Section 19(1)(1)(ii)(1), which states that an eave or gutter of a Secondary Dwelling Unit – Detached, may encroach into any required yard to a maximum of 0.45 metres.
4. Please note that Minor Variance Application No. HM/A-21:87 was recently granted by the Committee of Adjustment to facilitate the creation of a secondary dwelling unit in the existing single family dwelling.
5. A building permit is required for the construction of the secondary dwelling unit - detached. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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

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<b>DATE:</b>	<b>Thursday, September 9th , 2021</b>
<b>TIME:</b>	<b>1:55 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed at</b>
	<b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>
	<b>for viewing purposes only</b>

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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:

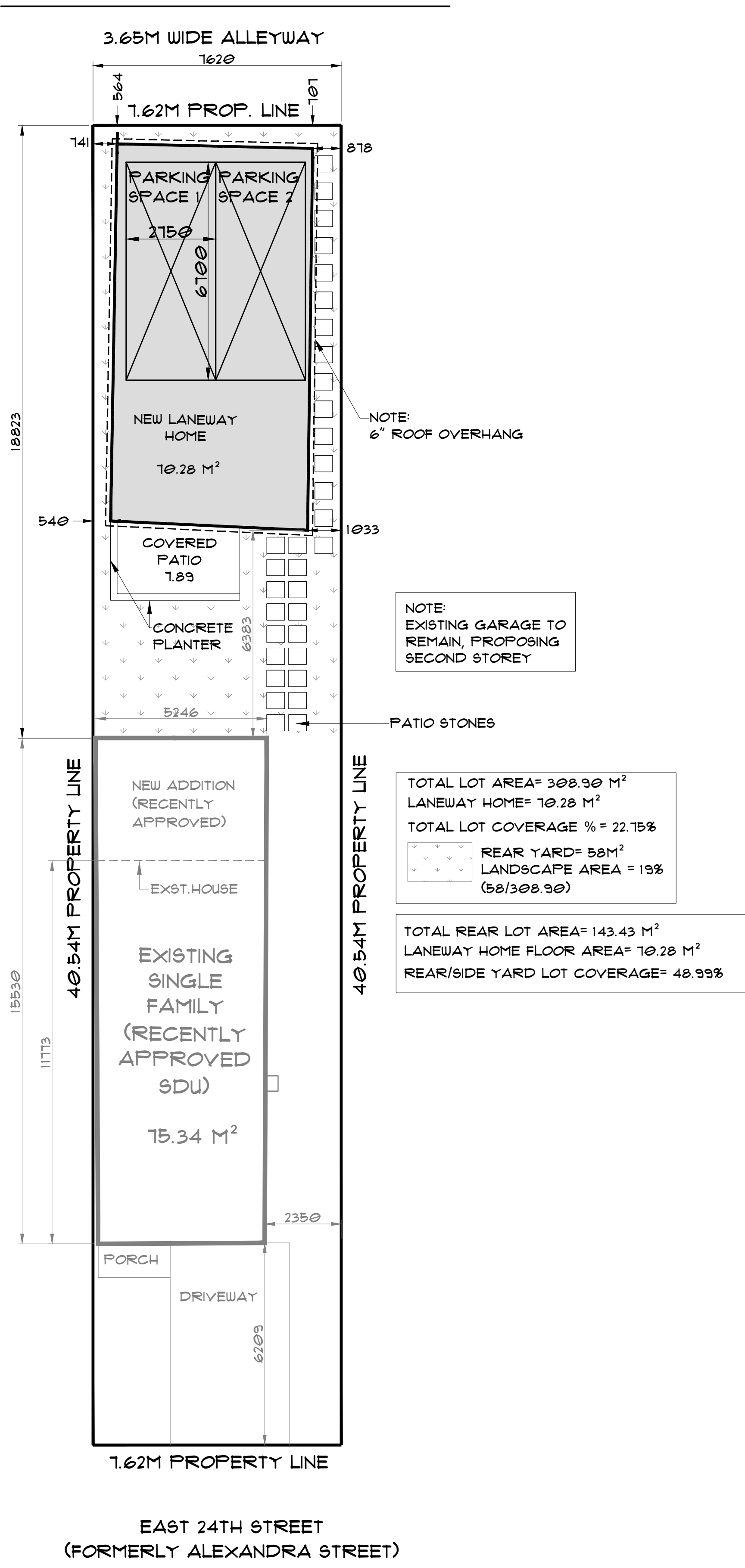
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

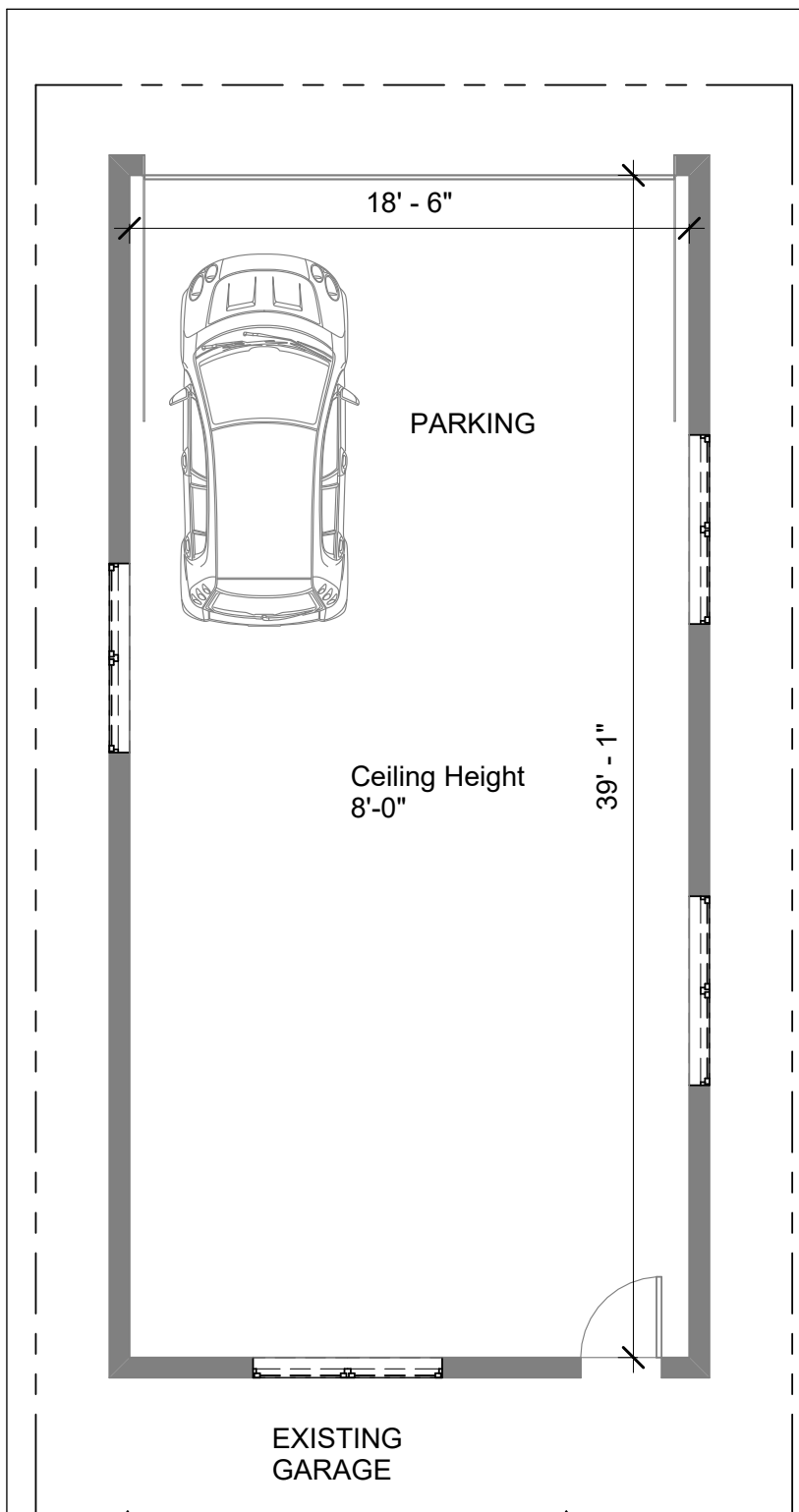
DATED: August 24th, 2021.

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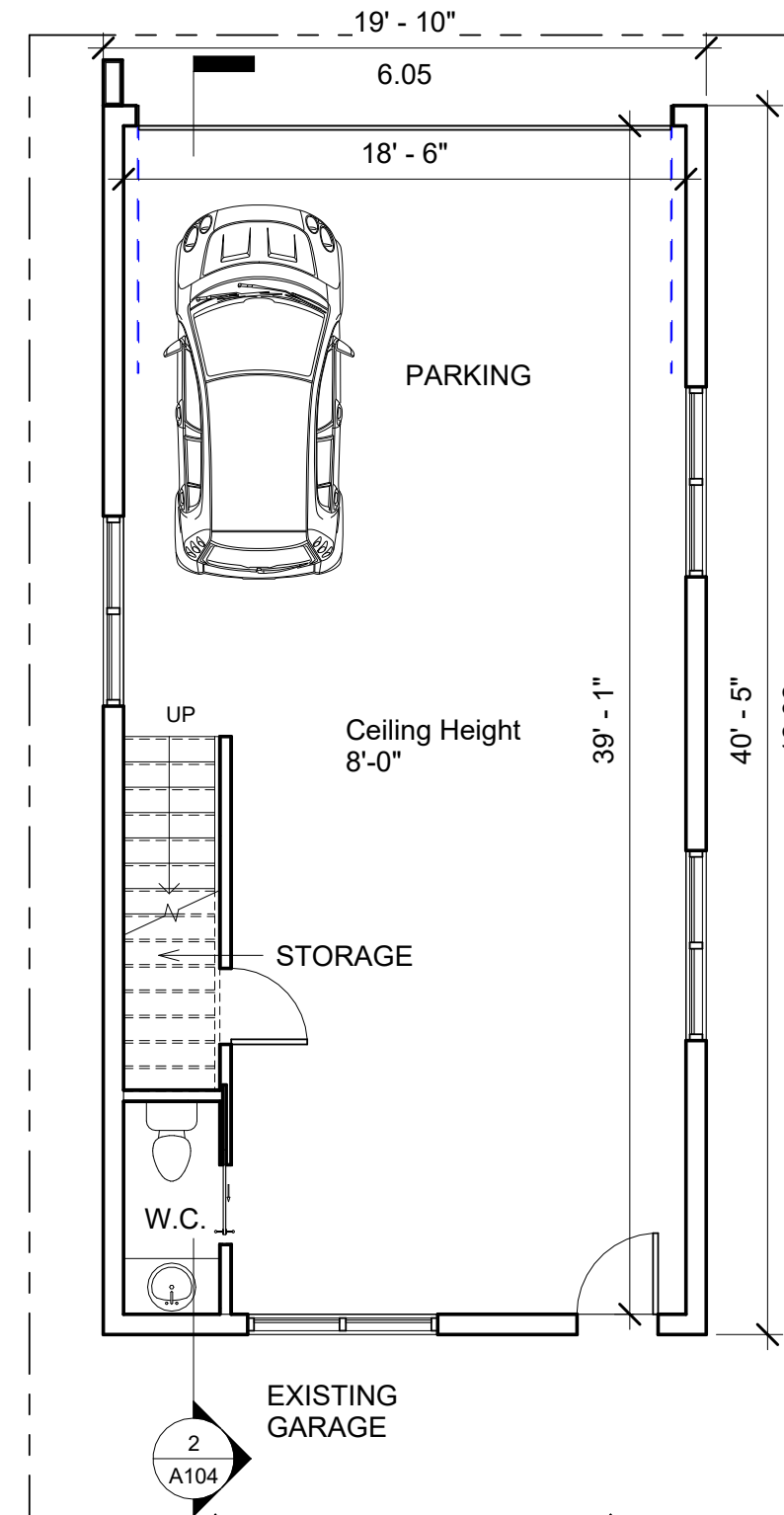
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

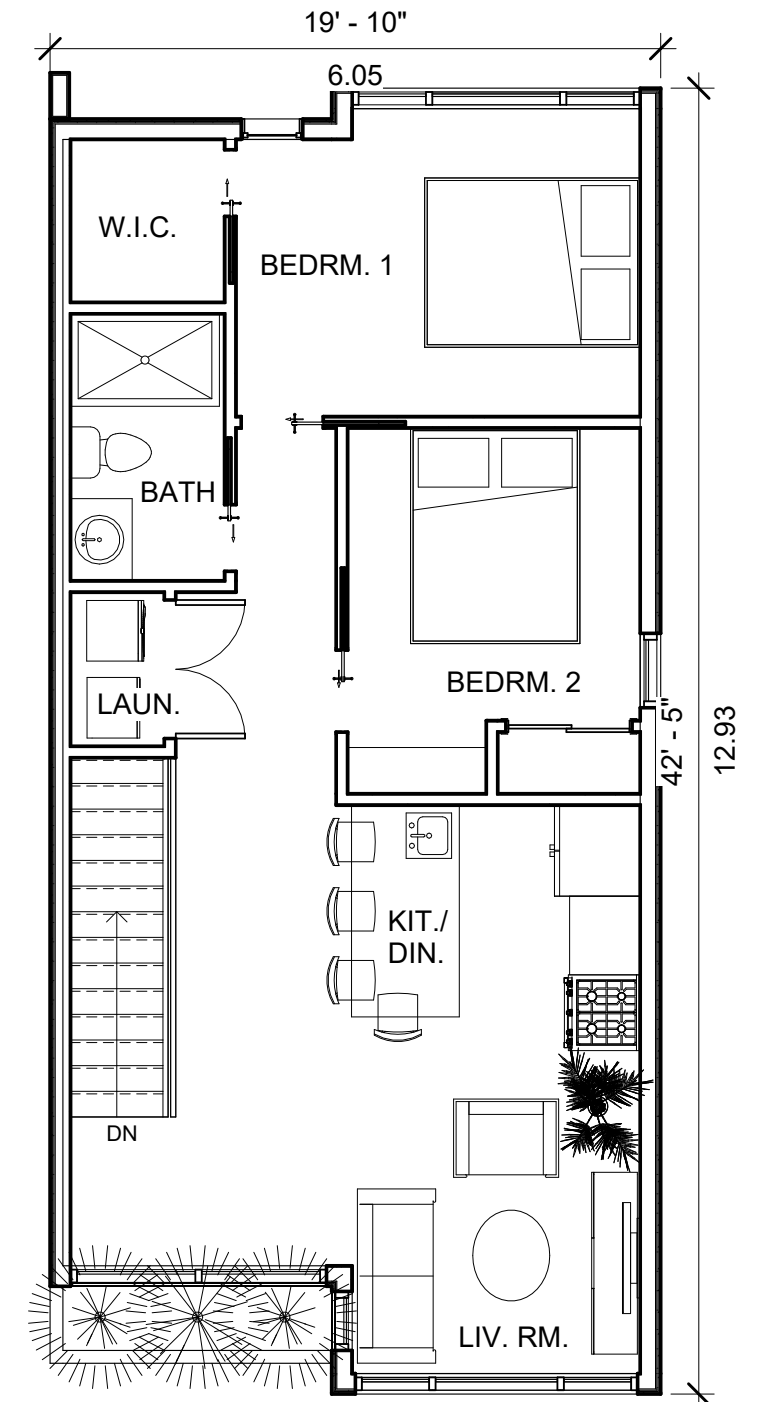




① First Floor - Existing  
3/16" = 1'-0"



② First Floor - Proposed  
3/16" = 1'-0"



FLOOR AREA = 801.63 SF (74.47 SM)

③ Second Floor - Proposed  
3/16" = 1'-0"

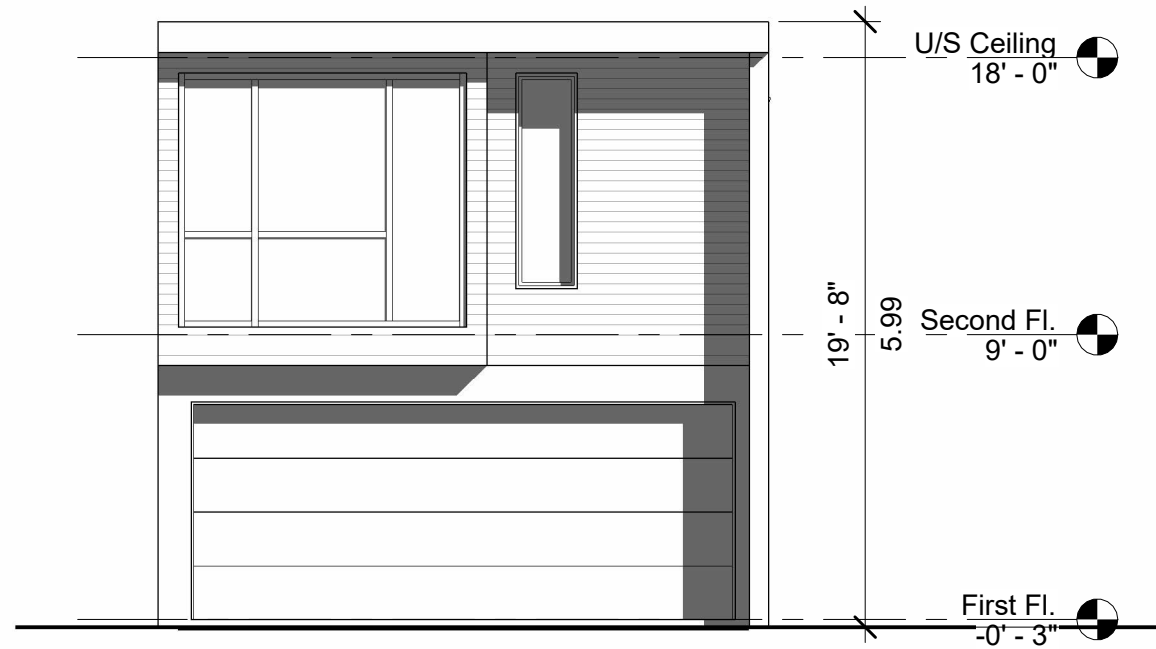
Floor Plans- Exising and  
Proposed

Scale : 3/16" = 1'-0"  
Date : 2021-06-16

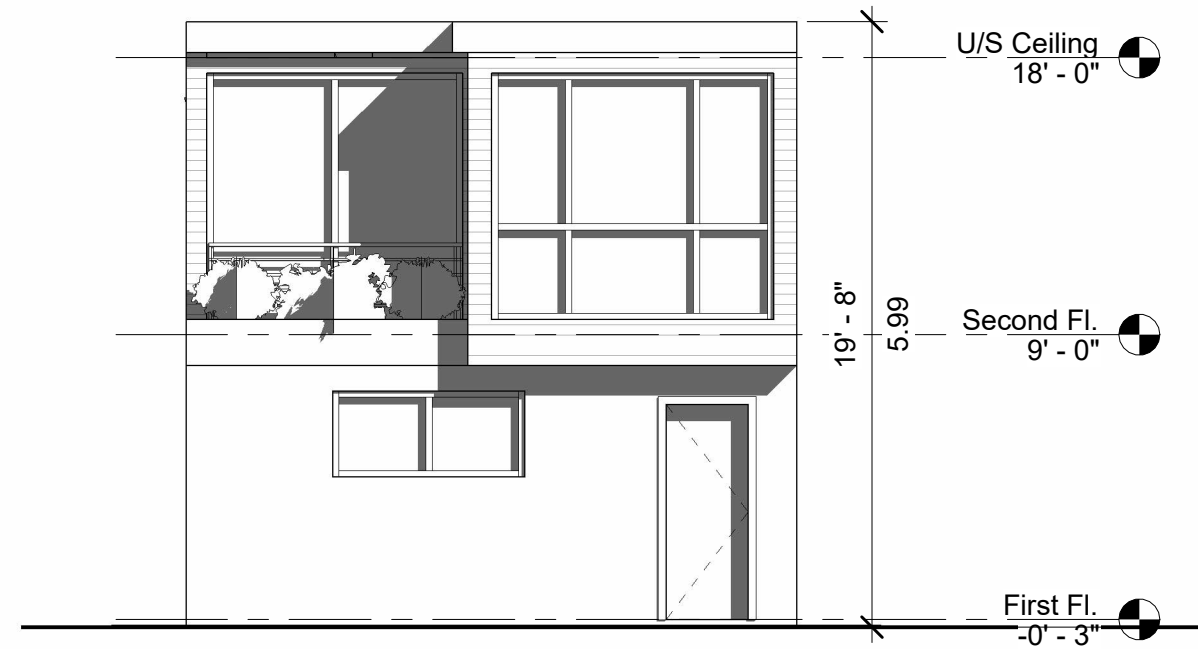
A102



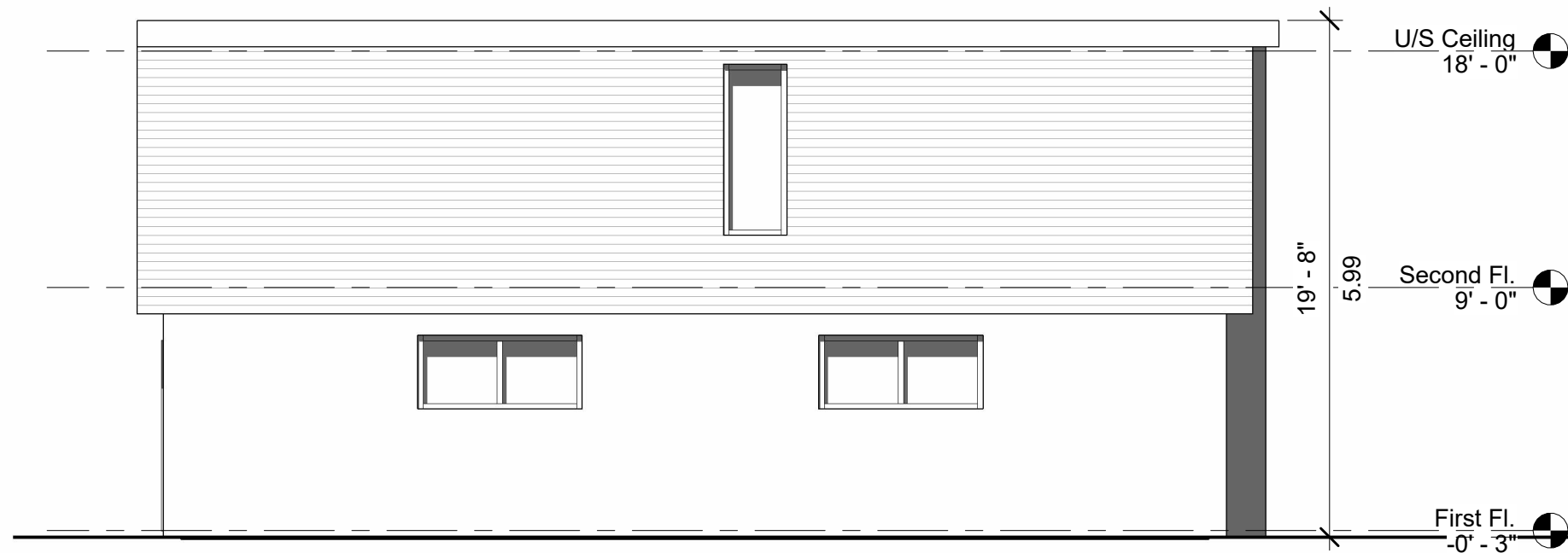




① Front Elevation - Lane  
3/16" = 1'-0"



② Rear Elevation - Main Building  
3/16" = 1'-0"



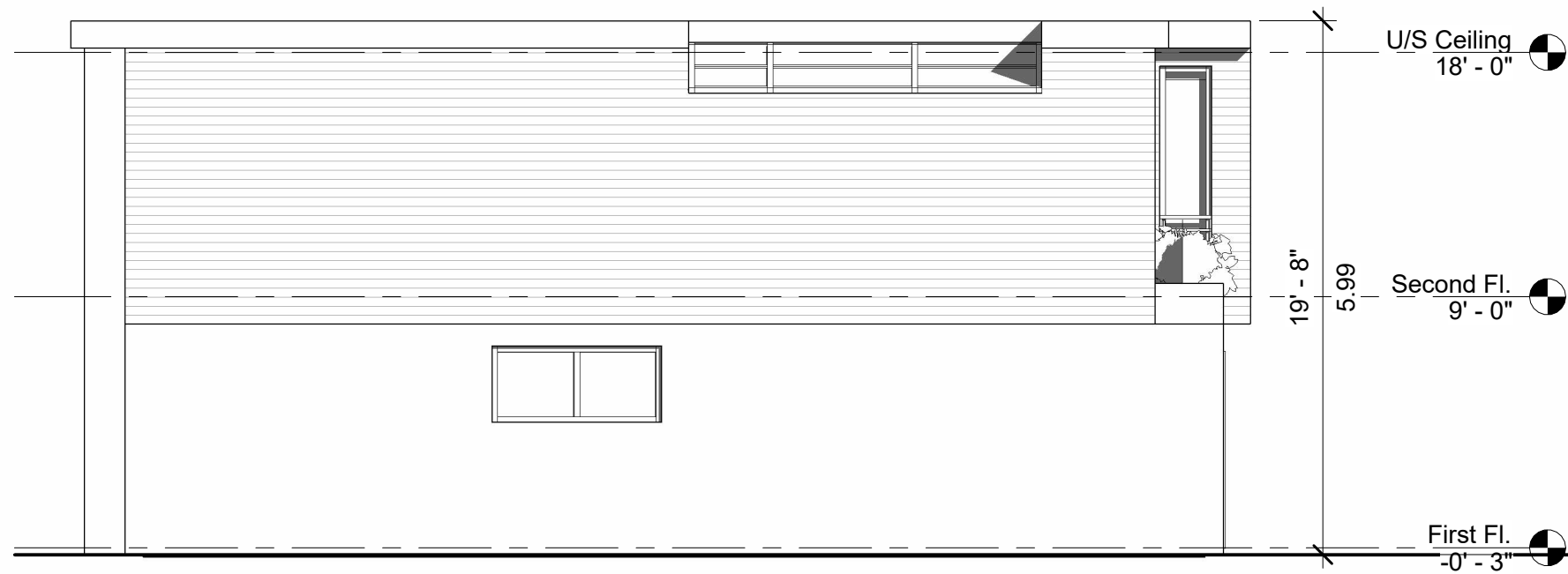
③ Side Elevation - Left  
3/16" = 1'-0"

#### Proposed Elevations

Scale : 3/16" = 1'-0"  
Date : 2021-06-16

A103





① Side Elevation - Right  
3/16" = 1'-0"



② Section 1  
3/16" = 1'-0"

Proposed Elevation and  
Section

Scale : 3/16" = 1'-0"  
Date : 2021-06-16

A104













# 12' WIDE ALLEYWAY

DEDICATED BY REGISTERED PLAN NO. 435

N 19°34'00"E

59.29'

34.29' (P1 & MEAS)

25.00' (P1 & SET)

LOT 171

LOT 170

LOT 169

LOT 168

CONCRETE BLOCK GARAGE

FENCE 0.36 EAST 0.12 SOUTH

ALUMINUM SIDED SHED

INSTRUMENT NO 488065 C.D

INSTRUMENT NO 256063 C.D

INSTRUMENT NO 372337 A.B.

REGISTERED

PLAN

4 3 5

PLAN

62R-9957

PART 1

PART 2

ALUMINUM SIDED DWELLING # 60

ALUMINUM SIDED DWELLING # 58

ALUMINUM SIDED DWELLING # 56

FRAME PORCH

CONCRETE PORCH

CONCRETE PORCH

59.29' (P1 & MEAS)

25.0' (P2 & MEAS)

N 19°34'00"E

891.29' (P1 & MEAS)

BEARING REFERENCE

EAST

24th STREET

(FORMERLY ALEXANDRA SEET)

(NAME CHANGED ACCORDING TO BY-LAW NO. 942, REGISTERED INSTRUMENT NO. 435 BY-LAW) DEDICATED BY REGISTERED PLAN NO. 435

CITY OF HAMILTON  
DEPARTMENT OF BUILDING

Examined by: [Signature]  
Date: [Blank]  
Zoning (only for building)  
Commissioner: [Blank]  
2476-055

CONCESSION STREET

BRICK BUILDING # 610

BUILDING CORNER 0.42 NORTH 0.42 EAST (P1 & SET)

The City documents upon the

© MACKAY, MACKAY & PETERS LIMITED  
NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF MACKAY, MACKAY & PETERS LIMITED

7.00' N 70°37'20"W (P1 & SET)  
11.00' N 70°37'20"W (P1 & SET)  
22.14' N 70°37'20"W (P1 & SET)

NOT A UNLESS



**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)	Geoff Palmer	
Applicant(s)*	Julia Mancini	
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:



**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:

Existing detached garage in the rear yard will be converted into a laneway home.

☐ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling

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

The existing detached garage is to remain and we are building a second floor addition on top of the existing. The existing intrudes into the setbacks so this is why it is not possible to comply.

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 169, Registered plan 435, 58 East 24th Street

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?

Research and client information

- 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.

2021-07-23

Date

  
Signature Property Owner(s)

Geoff Palmer

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	7.62m
Depth	40.54
Area	308.90
Width of street	laneway is 3.65m

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:

-existing SDU is 75.34 sq.m, 2 stories, 5.24m width, 12.33m length, 7.92m high  
-existing detached garage is 70.28 sq.m, 1 story, 6.05m width, 12.32m length, 2.74m high.

Proposed

proposed laneway is 70.28 sq.m, 2 stories, 6.05m width, 12.32m length, 5.99m high

12. Location of all buildings and structures on or proposed for the subject lands: (Specify distance from side, rear and front lot lines)

Existing:

existing SDU- 6.20 FY, 2.35 SY  
existing detached garage- 0.56 RY, 0.54 LEFT SY, 0.87 RIGHT SY

Proposed:

existing detached garage- 0.56 RY, 0.54 LEFT SY, 0.87 RIGHT SY

13. Date of acquisition of subject lands:
- 
14. Date of construction of all buildings and structures on subject lands:  
Spring 2022
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Existing use was single family but recently was approved for SDU
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single family
17. Length of time the existing uses of the subject property have continued:  
over 40 years
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
n/a
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
n/a
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.



**Hamilton**

July 21, 2021

FILE: ALR  
FOLDER: 21-136404-00 ALR  
ATTENTION OF: Brody Paul  
TELEPHONE NO: (905) 546-2424  
EXTENSION: 6261

Julia Mancini  
107 SHERWOOD RISE  
HAMILTON, ON L8T 1P1

**Re: APPLICABLE LAW REVIEW**

**Address:** 58 East 24<sup>th</sup> Street, HAMILTON  
**Present Zoning:** "D" (Urban Protected Residential, One and Two Family Dwellings, Etc.)  
**Zoning By-law:** Hamilton Zoning By-law No. 6593

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An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

**COMMENTS:**

1. The applicant is proposing a secondary dwelling unit – detached, in the rear yard on of an existing residential parcel of land.
2. The property is currently zoned "D" (Urban Protected Residential, One and Two Family Dwellings, Etc.) in Hamilton Zoning By-law No. 6593.
3. The proposed use of a secondary dwelling unit - detached is permitted in the current zoning designation, pursuant to Section 19(1) of Hamilton Zoning By-law No. 6593.
4. Building Division records indicate that the recognized use of this property is a single family dwelling, which is permitted.
5. Minor variance application HM/A-21:87 has been granted by the Committee of Adjustment to facilitate the creation of a secondary dwelling unit in the existing single family dwelling. Please note that from the materials provided, it is unclear if the Secondary Dwelling Unit proposed in the existing single family dwelling is intended to be established. For the purpose of this review, it is assumed that the existing use of the property is a single family dwelling, as established by Building Division records, and that no changes are being proposed to the existing single family dwelling. This review pertains to the proposed Secondary Dwelling Unit – Detached Only. Should a Secondary Dwelling Unit be established within the existing single family dwelling, or additional changes be proposed to the existing dwelling, an additional

zoning compliance review will be required, and these comments shall no longer be applicable.

6. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit [www.hamilton.ca/heritageplanning](http://www.hamilton.ca/heritageplanning) for further information.
7. Please note that as per Section 19(1)(i)(5) of Hamilton Zoning By-law No. 6593, Secondary Dwelling Unit – Detached means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
8. The proposed development has been reviewed and compared to the standards of the "D" District, as indicated in the following chart:

By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Section Ten: "D" District Regulations</b>			
<b>Height Section 10(2)</b>	In a "D" District, no building shall exceed three storeys and no structure shall exceed 14.0 metres in height.	Existing site conditions. No change to principle dwelling indicated. See review of Section 19(1)(1)(ii) below.	<b>N/A</b>
<b>Front Yard Depth Section 10(3)(i)</b>	A front yard of a depth of at least 6.0 metres (19.69 feet);	Existing site conditions. No change to principle dwelling indicated.	<b>N/A</b>
<b>Side Yard(s) Width Section 10(3)(ii)</b>	For a building or structure not over two and a half storeys or 11.0 metres (36.09 feet) in height, a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and for any other building or structure, side yards of a width each of at least 2.7 metres (8.86 feet); and (6902/52) (79-288) (80-049)	Existing site conditions. No change to principle dwelling indicated.  NOTE: A southerly side yard of 0.5 metres was permitted for the principle dwelling instead of the required 1.2 metres as per Minor Variance Application No. HM/A-21:87	<b>N/A</b>
<b>Rear Yard Depth Section 10(3)(iii)</b>	A rear yard of a depth of at least 7.5 metres (24.61 feet).	Existing site conditions. No change to principle dwelling indicated.  NOTE: 19.5 metres indicated as per Minor Variance Application No. HM/A-21:87	<b>N/A</b>
<b>Lot Width Section 10(4)(i)</b>	Every lot or tract of land in a "D" District shall have a width of at least 12.0 metres (39.37 feet) and an area of at least	Existing site conditions. No change to principle dwelling indicated.	<b>N/A</b>

By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
	360.0 square metres.		
<p><b>Section 19: Single detached, semi-detached, and street townhouse in all Residential Districts and “H” (Community Shopping and Commercial, etc.) District</b></p> <p>Notwithstanding anything contained in this By-law, any legally established single detached, semi-detached, and street townhouse dwelling in all Residential Districts, and “H” (Community Shopping and Commercial, etc.) District may be converted to contain not more than total of three dwelling units on one lot, provided all of the following requirements are complied with:</p>			
<b>Section 19(1)(ii)</b>	Notwithstanding Subsection 18.(4)(iv), a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of Lot Coverage as required in Section 18(4)(iv).	Applicant to note Section 19(1)(ii), and see review of Section 18(4)(iv) below.	<b>Applicant to note Section 19(1)(ii), and see review of Section 18(4)(iv) below.</b>
<b>Section 19(1)(iii)</b>	For lands within a Residential District or “H” (Community Shopping and Commercial, etc.) District, a maximum of one Secondary Dwelling Unit shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.	Applicant to note Section 19(1)(iii).  NOTE: Minor Variance Application No. HM/A-21:87 proposed an addition to the existing dwelling to facilitate the creation of a Secondary Dwelling Unit within the existing single detached dwelling.	<b>Applicant to note Section 19(1)(iii).</b>
<b>Section 19(1)(iv)</b>	For lands within a Residential District or “H” (Community Shopping and Commercial, etc.) District, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.	A maximum of one Secondary Dwelling – Detached has been indicated, on a lot containing a Single Detached Dwelling.  NOTE: See also Section 19(1)(ix)	<b>Conforms</b>
<b>Section 19(1)(v)</b>  NOTE: Effective immediately, this regulation shall not be applicable, and an SDU <u>shall</u> be permitted in a cellar	A Secondary Dwelling Unit shall not be permitted in a cellar.	A Secondary Dwelling Unit has not been indicated.	<b>N/A</b>



<b>By-law Section</b>	<b>Required By By-Law</b>	<b>Provided</b>	<b>Conforming/ Non-Conforming</b>
<b>Section 19(1)(vi)</b>	A Secondary Dwelling Unit or a Secondary Dwelling Unit – Detached shall have a maximum of two bedrooms.	Two bedrooms are indicated in the Secondary Dwelling Unit – Detached.	<b>Conforms</b>
<b>Section 19(1)(vii)</b>	A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.	The Secondary Dwelling Unit – Detached, is not located in a Front Yard or Flankage Yard	<b>Conforms</b>
<b>Section 19(1)(viii)</b>	A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.	Not Applicable	<b>Not Applicable</b>
<b>Section 19(1)(ix)</b>	A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.	Applicant to note Section 19(1)(ix)	<b>Applicant to note Section 19(1)(ix)</b>
<b>Section 19(1)(x)</b>	A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a three-family dwelling or multiple dwelling.	Not Applicable	<b>Not Applicable</b>
<b>Section 19(1)(xi)</b>	A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a three-family dwelling or multiple dwelling.	Not Applicable	<b>Not Applicable</b>
<b>Section 19(1)(xii)</b>	Parking shall be provided in accordance with Section 18(A) of this by-law.	See review of Section 18A below.	<b>See review of Section 18A below.</b>
<b>Section 19(1)(xiii)</b>  Notwithstanding Section 19.(1)(xii), for a lot containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached identified in Schedule "P" of Section 22, no	1. Sections 19.(1)(xiii) 2., 3. and 4. shall apply.  2. Parking shall be provided to all lots containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached in accordance with Sections 18(14), 18A(7), 18A(7a), 18A(9), 18A(14a) to 18A(14g), 18A (23) and 18A(31).	The subject lot is not identified in Schedule "P" of Section 22. Therefore, parking shall be provided in accordance with Section 18(A) of Hamilton Zoning By-law No. 6593.	<b>Not Applicable</b>

By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
additional parking space shall be required for any dwelling unit on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained;	<p>3. A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached; and,</p> <p>4. Notwithstanding Section 19.1(xiii)3., for a corner lot, a maximum of one driveway may be permitted from each street frontage.</p>		
<b>Section 19(1)(xiv)</b>	A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. Notwithstanding Subsection 2.(2)J.(xiii), in the case of a through lot, the front lot line shall be deemed to be the lot line where the front entrance of the existing principal dwelling faces, and the lot line opposite the front lot line shall be deemed the rear lot line, and all other lot lines shall be deemed the side lot lines.	The Secondary Dwelling Unit – Detached is located wholly within the rear yard.	<b>Conforms</b>
<b>Section 19(1)(xv)</b>	Except as provided in Subsection 19.(1)(xvii)1., the exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.	No changes to the exterior appearance of the existing single family dwelling indicated as part of this application.	<b>Conforms</b>
<b>Section 19(1)(xvi)</b>	There shall be no outside stairway above the first floor other than an required exterior exit.	It does not appear an exterior stairway for the Secondary Dwelling Unit – Detached has been provided.	<b>Conforms.</b>
<b>Section 19(1)(xvii)</b>	Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.	No Secondary Dwelling Unit has been indicated.	<b>Conforms</b>
<b>Section 19(1)(xviii)</b>	Notwithstanding 19.(1)(xvii) one additional entrance may be located on the front façade of the building for properties identified in Schedule “P” of Section 22.	No additional entrance indicated at front façade of the existing single family dwelling has been indicated as part of this proposal.	<b>Conforms</b>

By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
<p><b>Section 19(1)(xix)</b></p> <p>NOTE: "Landscaped Area" shall mean an area of land provided and maintained on the same lot on which the building or structure is situated, no part of which shall be other than:</p> <p>(a) fully and completely open and exposed to natural light and air and unobstructed above the surface, and,</p> <p>(b) used exclusively for scenic, recreational or like uses, and</p> <p>(c) not less than 50% of which shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs and flowers in such manner as to establish and enhance the beautification of the landscaped area and any building or structure on the same lot, and may include a planting strip</p>	<p>A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:</p> <p>1. A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,</p> <p>2. A landscaped area of 12.0 square metres for each dwelling unit 50.0 square metres or more.</p>	<p>Secondary Dwelling Unit – Detached is indicated as 70.28 square metres.</p> <p>Existing single family dwelling is indicated as 75.34 square metres.</p> <p>Landscaped area has not been indicated.</p> <p>NOTE: Applicant to reference the definition of Landscaped Area provided in Hamilton Zoning By-law No. 6593.</p> <p>NOTE: Applicant to confirm the gross floor area indicated is consistent with the definition of Gross Floor Area provided in Hamilton Zoning By-law No. 6593.</p>	<p><b>Unable to Determine Compliance</b></p>
<p><b>Section 19(1)(xx)</b></p>	<p>A Secondary Dwelling Unit – Detached is not permitted in a ditch or a swale.</p>	<p>The proposal is to convert an existing garage to a Secondary Dwelling Unit – Detached.</p>	<p><b>Appears to Comply</b></p>
<p><b>Section 19(1)(xxi)</b></p> <p>Notwithstanding Section 19(1) of this By-law, a Building Permit for a Secondary Dwelling Unit may be issued in accordance with any minor variance, site specific zoning, site plan that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law 21-076 was passed by Council,</p>	<p>1. This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Clause xx) above.</p> <p>2. Once the permit or approval under Clause xx) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.</p>	<p>Applicant to note Section 19(1)(xxi)</p>	<p><b>Applicant to note Section 19(1)(xxi)</b></p>

By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
provided the Building Permit application complies with Zoning By-law 6593, as amended, that affected the lot before By-law No. 21-076 came into effect. For the purposes of determining zoning conformity the following provisions shall apply:			
<b>Section 19(1)(1): Regulations for Secondary Dwelling Unit - Detached</b>			
<b>Section 19(1)(1)(i)</b>  A legally established accessory building existing as of the May 12, 2021 in a Residential District or "H" (Community Shopping and Commercial, etc.) District may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:	1. The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.  2. Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 19.(1) ii), iv), vi) to xiv) inclusive, xix) xx), and xxi), and Subsections 19.(1).1 (ii) of this Zoning By-law;  NOTE: Building Division records indicate a building permit No. 10721 was issued on October 1 <sup>st</sup> , 1975, for the construction of a 21', 6" x 40' private car garage.	1. See review of Section 18A, Parking Regulations below.  2. The proposal is to add a full second storey to the existing garage for the creation of the Secondary Dwelling Unit – Detached. Therefore, the addition is over 10% of the existing gross floor area, and the Secondary Dwelling Unit – Detached, shall be in accordance with Subsections 19.(1) ii), iv), vi) to xiv) inclusive, xix) xx), and xxi), and Subsections 19.(1).1 (ii) of this Zoning By-law;	<b>1. See review of Section 18A, Parking Regulations below.</b>  <b>2. The proposal is to add a full second storey to the existing garage for the creation of the Secondary Dwelling Unit – Detached. Therefore, the addition is over 10% of the existing gross floor</b>
<b>Section 19(1)(1)(ii)</b>  A Secondary Dwelling Unit – Detached in a Residential District or "H" (Community Shopping and Commercial, etc.) District shall be subject to the following	1. Notwithstanding Section 18.3(vi), an eave or gutter of a Secondary Dwelling Unit – Detached may encroach into any required yard to a maximum of 0.45 metres.	<b>A minimum southerly interior side yard of 0.54 metres has been indicated, with a 0.15 metre roof overhang. Therefore, the eave/gutter encroaches 0.81 metres into the required 1.2 metre</b>	<b>Non-conforming</b>

By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
provisions:		<p>interior side yard.</p> <p>A minimum northerly interior side yard of 0.88 metres has been indicated, with a 0.15 metre roof overhang. Therefore, the eave/gutter encroaches 0.47 metres into the required 1.2 metre interior side yard.</p> <p>A minimum rear yard of 0.56 metres has been indicated, with a 0.15 metre roof overhang. Therefore, the eave/gutter encroaches does not encroach into the 0.3 metre rear yard.</p>	
	2. A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.	<p>A minimum southerly interior side yard of 0.54 metres has been indicated.</p> <p>A minimum northerly interior side yard of 1.0 metres has been indicated.</p>	<b>Non-conforming</b>
	3. A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.	A minimum rear yard of 0.56 metres has been indicated.	<b>Non-conforming</b>
	4. Notwithstanding Section 19.(1).1(ii)3., permeable pavers may be permitted where a parking space and driveway abut a laneway or street.	Applicant to note Section 19(1)(1)(ii)(4).	<b>Applicant to note Section 19(1)(1)(ii)(4).</b>
	5. Notwithstanding Section 19.(1).1(ii)3., where the SDU entrance faces the laneway, a minimum 0.3 metres Rear Yard shall be provided abutting a laneway.	It is noted that the entrance to the SDU does not face the laneway.	<b>Not Applicable</b>

By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
	6. A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.	Insufficient information provided	<b>Unable to Determine Compliance</b>
	7. A maximum height of 6.0 metres shall be permitted	A height of 5.99 metres has been indicated.	<b>Conforms</b>
	8. The maximum Gross Floor Area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the principal Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.	The gross floor area of the Secondary Dwelling Unit – Detached, is indicated as 70.28 square metres.  NOTE: Applicant to confirm that Gross Floor Area has been provided as per the definition of Gross Floor Area in Hamilton Zoning By-law No. 6593.	<b>Appears to Comply</b>
	9. A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.	Distance between the rear façade of the principal dwelling and Secondary Dwelling Unit – Detached, has not been indicated.	<b>Unable to Determine Compliance</b>
	10. Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;  i) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,  ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.	Not Applicable	<b>Not Applicable</b>
	11. The maximum lot coverage of all Accessory Buildings and a Secondary Dwelling Unit - Detached shall be 25% of the total lot area.	Lot coverage has not been indicated.	<b>Unable to Determine Compliance</b>



By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
	12. An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.	Insufficient information provided.	Unable to Determine Compliance
	13. Balconies and rooftop patios are prohibited above the first storey.	It does not appear a balcony or rooftop patio has been provided.	Conforms
	14. Each of the landscaped areas in Subsection 19.(1)(xix) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres.	Insufficient information provided.	Unable to Determine Compliance
<b>Section 18: Supplementary Requirements</b>			
<b>Encroachment on Yards</b> Section 18(3)(vi)(d)  A minimum 1.2 metres interior Side Yard and Rear Yard is required.	A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres (9.84 feet), and every such projecting porch shall be distant at least 1.5 metres (4.92 feet) from the front lot line.	The proposed roofed-over unenclosed porch at the first storey level (i.e. covered patio as indicated on the submitted site plan), does not project into a required front yard or rear yard.	Conforms
<b>Accessory Buildings</b> Section 18(4)(iv)	shall occupy not more than thirty per cent of the required rear yard <b>and side yard combined</b> .	Insufficient information provided	Unable to Determine Compliance
<b>Accessory Buildings</b> Section 18(4)(v)	Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:  (a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an	No mechanical equipment has been indicated.	Not Applicable

By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
	enclosure or landscaping; and,  (b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.		
<b>Section 18A: Parking and Loading Requirements</b>			
<b>Minimum Required Parking</b> Section 18A(1)(a) Table 1  NOTE: As per Policy ZON-034, the total amount of parking required for the property is the sum of (i) required parking for the SDU, and (ii) required parking for the existing dwelling type, based on the date it was constructed or last amended (increased/decreased), through a subsequent building permit or Planning approval.	Dwellings constructed prior to 1950: 0 parking spaces required  NOTE: As per Building Records, the existing single family dwelling was constructed prior to 1950.  Therefore: One (1) parking space for each SDU is required.  One (1) Secondary Dwelling Unit – Detached is indicated  TOTAL: 1 parking space is required.	Two (2) parking spaces indicated	<b>Appears to Comply</b>
<b>Manoeuvring</b> Section 18A.(1)(f)  NOTE: As per Policy ZON-035, off-site manoeuvring is permitted for all parking spaces for SDU's.	6.0 m	No manoeuvring space provided on site.	<b>Conforms as per Policy ZON-035</b>
<b>Parking Space Size</b> Per Section 18A.(7)	Every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 6.0 metres long.	Dimensions of parking spaces have not been indicated.	<b>Unable to Determine Compliance</b>
<b>Parking</b> Section 18A(9)  .	Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot on which the principle use, building or structure is located.	It appears a minimum of one (1) parking space can be accommodated in the proposed garage.	<b>Conforms</b>

By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
		As per ZON-035, manoeuvring space may be permitted off-site.	
<b>Parking</b> Section 18A(10)	Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.	Parking spaces are unobstructed. As per ZON-035, manoeuvring space may be permitted off-site	<b>Conforms</b>
<b>Location of Parking</b> Section 18A(14a)	Except for single family dwellings, two family dwellings and three family dwellings erected prior to the 14th day of December 1971, no part of a required parking space for a single family dwelling, two family dwelling or three family dwelling in a residential district shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.	No parking is indicated in front yard.  It is noted that the existing single family dwelling was erected prior to the 14 <sup>th</sup> day of December 1971.	<b>Not Applicable</b>
<b>Parking</b> Section 18A(14b)	For single family dwellings, two family dwellings and three family dwellings erected prior to the 14th day of December 1971, parking may be provided and maintained in the front yard provided that:  (i) the area for parking shall not occupy more than 50% of the gross area of the front yard; and,  (ii) not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete,	No parking is indicated in front yard	<b>Not Applicable</b>

By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
	asphalt, gravel, pavers or other similar materials. (92-281)		
<b>Parking</b> Section 18A(14g)	Except as provided for in clauses (14a), (14b) and (14h), no part of the required parking area in a residential district shall be located in a required front yard.	No parking is indicated in front yard	<b>Not Applicable</b>
<b>Parking</b> Section 18A(14h)	For the purpose of a single family dwelling, the following shall apply:  (i) only one of the required parking spaces may be located in the front yard, and  (ii) notwithstanding Subsection 10, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces. (97-112)	No parking is indicated in front yard	<b>Not Applicable</b>
<b>Access Driveway</b> Section 18A.(21)(a)	All required parking spaces and manoeuvring spaces shall have access by means of one or more access driveways,  (a) located on the lot; or;  (b) located partly on the lot in the case of a mutual driveway; or  (c) by means of a right of way	Access by means of a right of way.	<b>Conforms</b>
<b>Unobstructed Access</b> Section 18A(22)	All manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.	Parking appears to be unobstructed.	<b>Conforms</b>
<b>Parking</b> Section 18A(23)	Every access driveway shall provide easy access from a highway to the parking area to which the access driveway is accessory.	Easy access provided.	<b>Conforms</b>
<b>Access Driveway</b> Section 18A.(24)(a)	Shall have not less than one access driveway having a width of at least 2.8 m	Driveway has a minimum width greater than 2.8 metres	<b>Conforms</b>
<b>Parking Surface</b> Section 18A(30)	Except as provided in subsection 31, a permanent durable and dustless surface	Not indicated.	<b>Unable to Determine Compliance</b>

By-law Section	Required By By-Law	Provided	Conforming/ Non-Conforming
	that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.		
<b>Surface Parking</b> Section 18A. (31)	A gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to a single family dwelling, a two family dwelling, and to street townhouse dwellings each having separate access driveways.	Not indicated	<b>Unable to Determine Compliance</b>

9. Construction of the proposed building is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.
10. All proposed fences shall conform to the requirements of the Fence By-law.
11. All proposed signage shall conform to the requirements of the Sign By-law.
12. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

Yours truly

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for the Manager of Building Engineering and Zoning

26 April 2021

Our File No.: 0356

Delivered by email ([julia@mancodesign.com](mailto:julia@mancodesign.com))Manco Design  
905-537-9578

Dear Ms Mancini:

Re: Review of existing detached garage at 58 East 24<sup>th</sup> Street, Hamilton, ON, to support a second storey.

The existing garage was nominally 6.01 m x 12.43 m [19'-8"x40'-9"] constructed with nominal 200 mm [8"] hollow concrete block walls on nominally 300x150 [12"x6"] strip footings. The bottom of the strip footing was approximately 750 mm [29.5 in] below finished grade. Based on loading prescribed in the 2012 Ontario Building Code and foundation design in accordance with the CFEM (4<sup>th</sup> edition), it is our opinion that the existing foundation is adequate to support one additional storey of light-weight wood-frame construction.

Some pre-existing cracks were noted in the masonry. In order to support a second storey on the existing masonry walls, we recommend the following:

1. Repoint the cracked joints with Type S mortar.
2. Reinforce the blockwork with one 15M vertical bar at all corners, on either side of openings, and at maximum 6'-0" [1.8 m] spacing. Grout reinforced cores solid.
3. Cap the wall with a bond beam, grouted fully solid and reinforced with two 15M horizontal bars (continuous). Secure the new sill plate to ½" anchor bolts embedded minimum 4½" in the bond beam and spaced not more than 6' apart on centre.

We presume that the proposed 2<sup>nd</sup> floor framing and roof above will be designed to span the full width of the building. Lintels will need to be reviewed after a design for the added storey is proposed.

If you have any further questions or concerns regarding this matter, please contact us at your convenience.

Sincerely,

Adam J. Lohonyai, M.Eng., P.Eng.  
Eximius Engineering Ltd.  
PEO Certificate of Authorization #100511170