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.: HM/A-21:139

APPLICANTS: Owner Cameron Shortt

Agent Think Giraffe Design Inc.

SUBJECT PROPERTY: Municipal address 231 Walter Ave. S., Hamilton

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: C district (Urban Protected Residential, etc.)

PROPOSAL: To establish a Secondary Dwelling Unit within an existing Single

Family Dwelling and to alter the roofed-over enclosed one storey

porch at the first storey notwithstanding that:

- 1. The separate entrance and exit to the secondary dwelling unit (Unit #2 Basement Unit) shall be permitted to be oriented toward the front lot line instead of the requirement that 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.
- 2. The roofed-over unenclosed one-storey front porch at the first storey level, including eaves, gutters and stairs, for Apartment No. 1 shall be permitted to project 5.3m into the required front yard and shall be at least 0.7m from the front lot line instead of the requirement that a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves, gutters and stairs, may project into a required front yard (being 6.0m) to a distance of not more than 3.0 metres and every such projecting porch shall be distant at least 1.5 metres from the front lot line.
- 3. The front yard landscaped area shall be a minimum of 42% of the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.
- 4. No parking spaces shall be provided instead of the minimum required one (1) parking space.

NOTE:

i) As a portion of the parking spaces are shown on the Walter Avenue South road allowance, the spaces are not considered "parking spaces" for zoning purposes. A Boulevard Parking Agreement with the City of Hamilton will be required for these spaces.

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

HM/A-21: 139

Page 2

DATE: Thursday, September 9th, 2021

TIME: 2:25 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 <u>www.hamilton.ca/committeeofadjustment</u>
- 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.

ITEM		ONTA	ARIO BUIL	DING CODE	DATA MA	ATRIX			OBC R	REFEREN	NCE	
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					™ NOT	REQUIRED						
10	STANDPII	PE REQUIR	ED		☐ YES	★ NO						
11	FIRE ALA	ARM REQUI	RED		☐ YES	NO			-	_	9.10	0.18.2.(1)
12	WATER S	SERVICE SU	JPPLY IS AI	DEQUATE	YES	□ NO						_
13	HIGH BL	JILDING			☐ YES	★ NO			3.2.6.		_	
14	CONSTRU	JCTION RES	STRICTIONS	COMBUSTIBL	E OR NON-	COMBUSTIBLE	PERMITTE	.D	3.2.2.	.47.		_
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ļ	EAST	No Chang							1			Brick
ļ	WEST	No Chang										Brick
21	OTHER		,	•			•					

Site Statistics

Gross Floor Area
Unit 1: (Single Family Residence) 87.6m² (945ft²)
Unit 2: (Basement Apartment) 48.52m² (551ft²)

Zoning Code: C

Zoning Description: Urban Protected Residential

Parent Bylaw Number: 6593
Bylaw Number: 87-09
Exception 1 Bylaw: 90-67

Zoning Requirements
Front Yard Setback: 6.0m
Rear Yard Setback: 7.5m
Side Yards: 1.2m

Number of Habitable Rooms

Unit 1 Single Family Residence

Main Floor: 3 (Living Room, Kitchen, Dining Room)

2nd Floor: 2 (Bedrooms)

Unit 2 Basement: 2 (Combined Living Area, Bedroom)

Total:

Front Yard Green Space Total Front Yard Area:

Total Front Yard Area: 39.88m²
Front Yard Landscape Area: 14.6m² South + 2.43m2 North

= 17.0m2 Landscape Area %: 42.8%

BASEMENT Two Existing Parking Spots
APARTMENT ENTRANCE (Change direction of front steps)
No Change Required

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE JOB SITE AND NOTIFY DESIGNERS OF ALL DISCREPANCIES BEFORE INITIATING WORK.
ALL DRAWINGS ARE THE PROPERTY OF THINKGIRAFFE DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM DESIGNERS.
PRINTS ARE NOT TO BE SCALED.

Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f (ii) BCIN: 21574 / 116364

REVISED: June 25, 2021

ISSUE FOR VARIANCE: March 23, 2021

ISSUE FOR PERMIT: February 25, 2021

— 1 ebidary 20, 2021

REMARKS REVISIONS

DATE NO.

think Giraffe ENVIRONMENTAL DESIGN

16 Sulphur Springs Road, Ancaster, ON, L9G 1L8

905 304 1496 thinkgiraffe@bellnet.ca

PROJECT

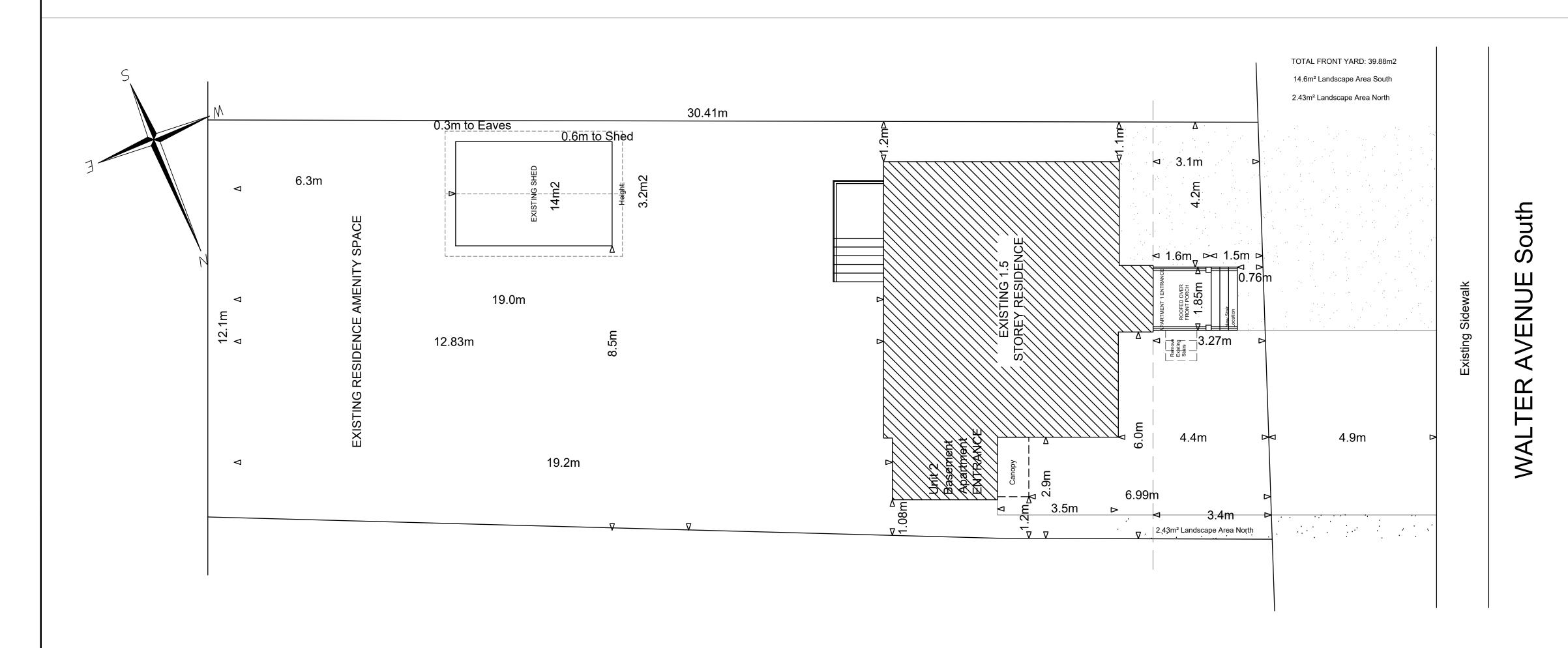
Proposed Section 19
Basement Conversion
231 Walter Avenue
Hamilton, ON.

SHEET TITLE

SP1-01 SITE PLAN

FOLDER	DRAWN BY
FILE	SCALE 3/16"=1'-0"
DATE	NUMBER

SP1



WALL SCHEDULE

W1 Existing Basement Construction: 8" cement block Add R20 Insulation as per specifications



W1 Existing Basement Construction: 8" cement block Add R10 Rigid Insulation as per specifications



W3 Partitions within Suite: NEW CONSTRUCTION. 2X4@ 16" o/c No Fire Rating



W4 BASEMENT ENTRANCE PARTITION WALL Fire Rating: 1 HOUR - SB 2.3.4 A&C

HOWEVER To meet Sound Transmission 50 according to 9.11.1.1 Use SB3 -



W4 (a) Add 89mm absorptive material between studs PLUS resilient channel and 2 layers Type X 15.9mm Gypsumboard on ONE side. Other side to remain plaster or existing gypsumboard



DUPLEX CEILING 1 HR FR & SOUND TRANSMISSION:

To meet Sound Transmission 50 according to 9.11.1.1 SB 2 NOT SUFFICIENT

Use SB3 -F11 Add Resilient Metal Channels 400mm or 600mm o/c Add two layers of 15.9mm Type X on ceiling side

UNDERSIDE OF STAIRS:

Meet 1Hour FR stairs to 2nd floor FIRE EXIT - NO PENETRATIONS ALLOWED



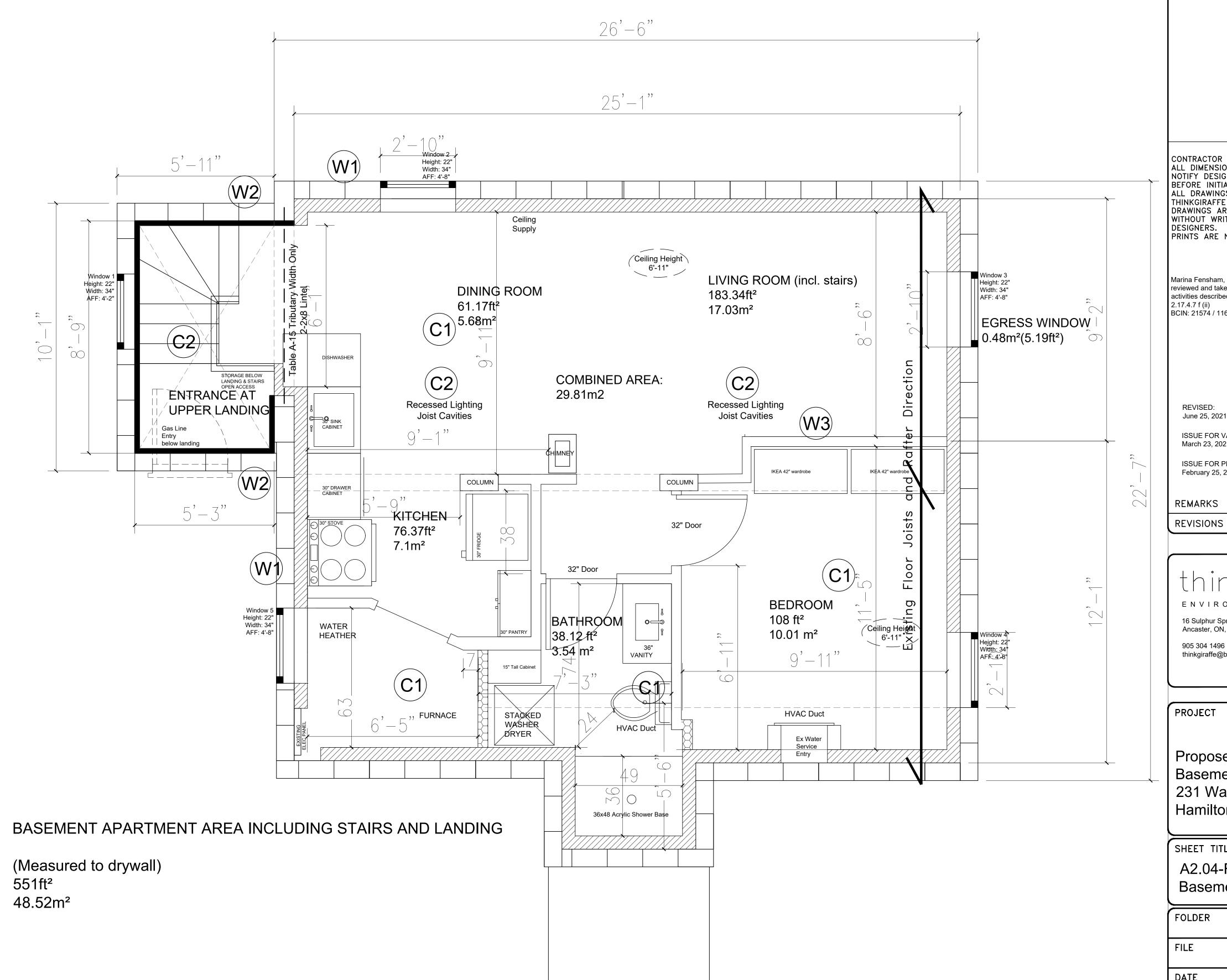
Use SB 2 Table 2.3.12 Install Double 15.9 Type X gypsum wallboard to underside of stairs

Interconnected Smoke Alarms W/ VISUAL SIGNALS CAN/ULC S531

Install in basement as per plan OBC 9.10.19.1 A Smoke Alarm shall be installed in each Dwelling Unit.

- 9.10.19.3 Smoke Alarms shall be installed by permanent connections with no disconnect switch 9.10.19.4 The activation of one alarm will cause all alarms to sound

- INSTALL SMOKE ALARMS IN ALL BEDROOMS



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ALL DRAWINGS ARE THE PROPERTY OF DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM DESIGNERS. PRINTS ARE NOT TO BE SCALED. Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f (ii) BCIN: 21574 / 116364 REVISED: June 25, 2021 ISSUE FOR VARIANCE: March 23, 2021 ISSUE FOR PERMIT: February 25, 2021 NO. DATE



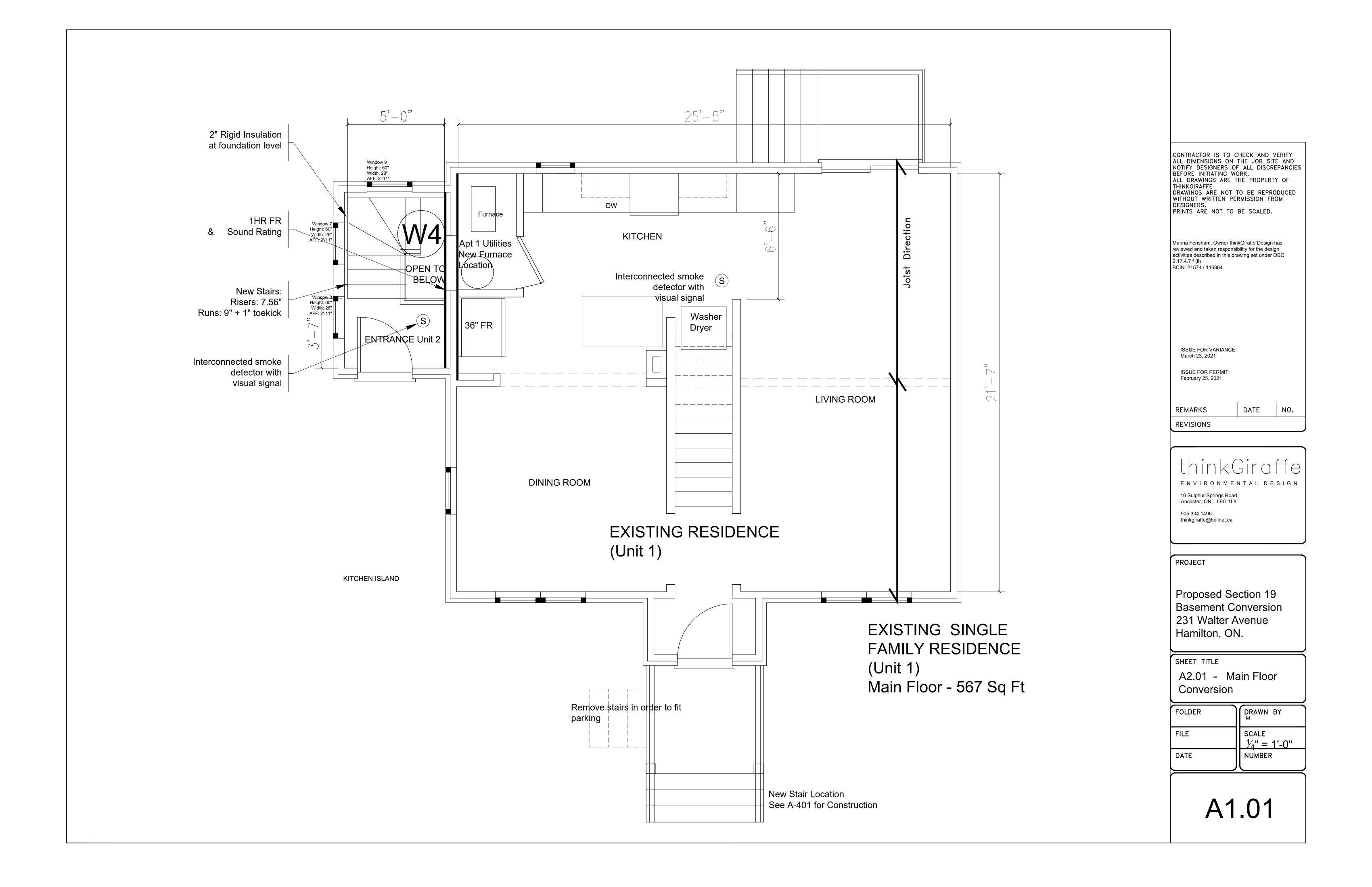
PROJECT

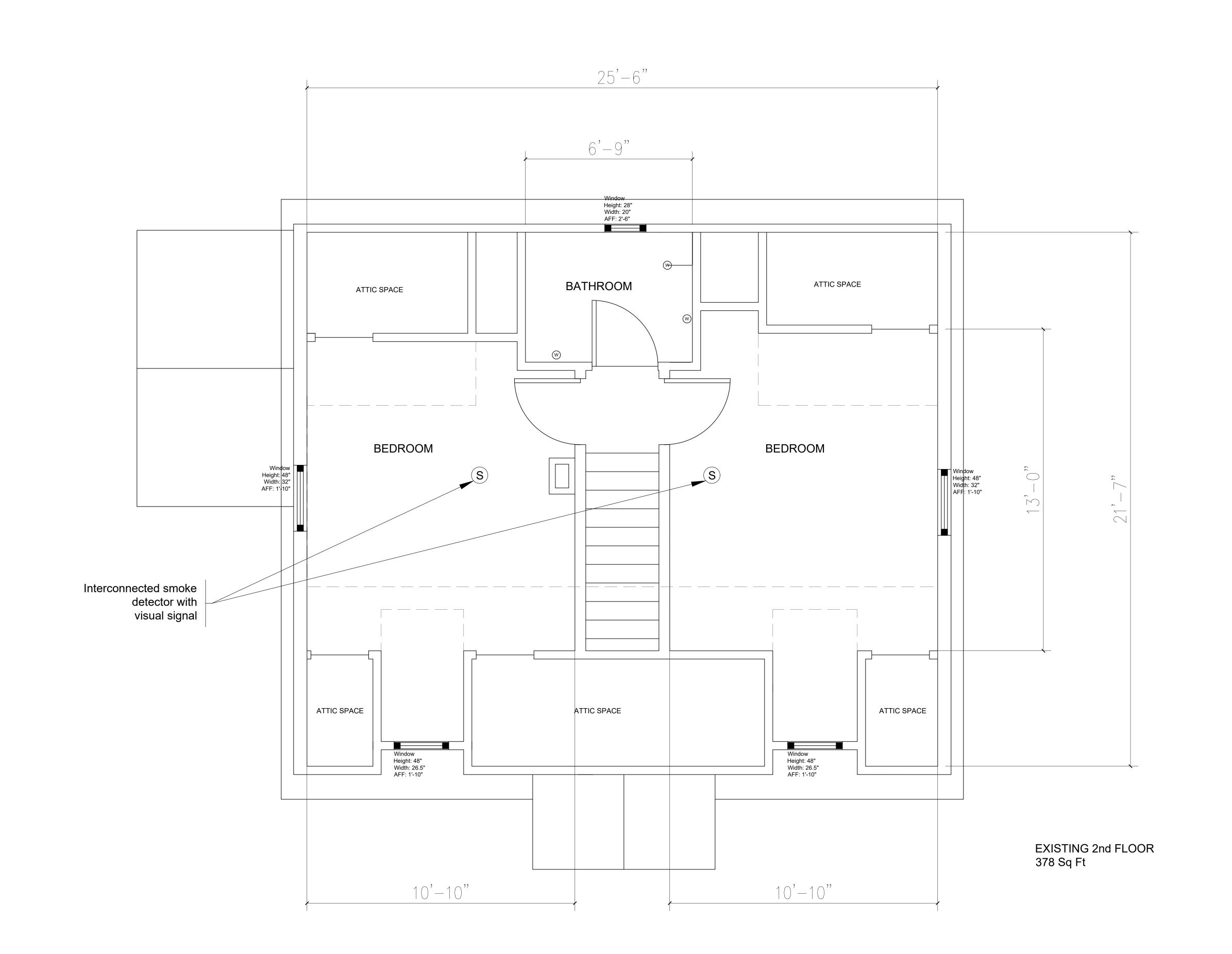
Proposed Section 19 **Basement Conversion** 231 Walter Avenue Hamilton, ON.

SHEET TITLE A2.04-Foundation & Basement Structure

FOLDER	DRAWN BY
FILE	SCALE $\frac{1}{4}$ " = 1'-0"
DATE	NUMBER

A2.02





CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE JOB SITE AND NOTIFY DESIGNERS OF ALL DISCREPANCIES BEFORE INITIATING WORK.
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PRINTS ARE NOT TO BE SCALED.

Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f (ii)
BCIN: 21574 / 116364

REVISED: June 25, 2021 ISSUE FOR VARIANCE: March 23, 2021 ISSUE FOR PERMIT: February 25, 2021

REMARKS DATE NO.

REVISIONS

think Giraffe environmental design

16 Sulphur Springs Road, Ancaster, ON, L9G 1L8

905 304 1496 thinkgiraffe@bellnet.ca

PROJECT

Proposed Section 19
Basement Conversion
231 Walter Avenue
Hamilton, ON.

SHEET TITLE

A2.02 - Existing 2nd Floor

1		<i>_</i>
į	FOLDER	DRAWN BY
	FILE	SCALE 1/4" = 1'-0"
	DATE	NUMBER

A1.02



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 ONL	-Y.	
APPLICATION NO	DATE APPLICATION RECEIVED	- 1/2 a
PAID	DATE APPLICATION DEEMED COMPLETE	
SECRETARY'S SIGNATURE		Same Same
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	ADDRESS	
Registered Owners(s)	Cameron Shortt		
Applicant(s)*	Marina Fensham thinkGiraffe Design Inc		
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:
	Section 19 Basement Apartment: 1. Proposed 48m2 area does not meet 65m2 required floor area 2. The two parking spots in the front yard is existing Encroachment on Boulevard of 1.37m. 3. There is an existing 0.9m side yard and 4.15m Front Yard. 1.2m and 7.5m
5.	Why it is not possible to comply with the provisions of the By-law?
J.	The basement area and entrance area are existing.
	The 0.9m side yard and front yard 4.63m are existing
6.	The two parking spots and front lot line are existing Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number): 231 Walter Ave S Hamilton
	Current Building Permit Application 21-110626-00 R9
7.	PREVIOUS USE OF PROPERTY
	Residential Industrial Commercial
	Agricultural Vacant
	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 O No O Unknown O
8.3	Has a gas station been located on the subject land or adjacent lands at any time? Yes
8.4	Has there been petroleum or other fuel stored on the subject land or adjacent lands? Yes O No O Unknown O
8.5	Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
	Yes O No O Unknown O
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?
0.7	Yes O Unknown O
8.7	Have the lands or adjacent lands ever been used as a weapon firing range? Yes O 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 O No Unknown O
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 O No O Unknown O

8.11	What information di	d you use to determin	ne the answers to	9.1 to 9.10	above?
8.12	previous use invent	operty is industrial or ory showing all forme subject land, is need	r uses of the sub	YES to any ject land, o	y of 9.2 to 9.10, a r if appropriate, the
	Is the previous use	nventory attached?	Yes	☐ No	
9.	remediation of conta reason of its approv	IENT CLAUSE the City of Hamilton is amination on the prop al to this Application.	s not responsible perty which is the	for the ider	ntification and this Application – by
	March 17 20 Date	21	Signature Prop	erty Owner	
			Cameron Print Name of C	Short	
10.	Dimensions of lands	affected:			
	Frontage	12.1m		1	
	Depth	30.4m			
	Area				
	Width of street			. 1989	
11.	Particulars of all buil ground floor area, g	dings and structures ross floor area, num	on or proposed ber of stories, w	or the subjection	ect lands: (Specify , height, etc.)
	Existing:_				
	Building Area: Exi Gross Floor Area: 1.5 Storey 7.27m Existing Rear Yard	sting and Proposed Existing and Propos Shed: 14m2	66.03m ed: 151.73m2		
٠	Proposed) -	
	Proposed Baseme	nt Apartment Area:	48.51m2		
12.		ngs and structures or ear and front lot lines		the subject	lands; (Specify
	Existing:	car and none lot lines	(
	Building Area: Exi	sting and Proposed Existing and Propose Shed: 14m2			
	Proposed:				
	Proposed Basemer	nt Apartment Area:	48.51m2) 	•

Unknown 💟

No U

Date of construction of all buildings and structures on subject lands:					
	Existing uses of the subject property:				
	SF Residential				
	Existing uses of abutting properties:				
	SF Residential				
	Length of time the existing uses of the	subject property have continued:			
	Since Construction				
	Municipal services available: (check the	ne appropriate space or spaces)			
	Water Yes	Connected Yes			
	Sanitary Sewer Yes	Connected Yes			
	Storm Sewers Yes				
	Present Restricted Area By-law (Zonin	g By-law) provisions applying to the land:			
	Has the owner previously applied for re				
	Has the owner previously applied for re				
	Has the owner previously applied for re	elief in respect of the subject property?			
	Has the owner previously applied for reaching Yes If the answer is yes, describe briefly.	elief in respect of the subject property? No			
	Has the owner previously applied for reaching. Yes If the answer is yes, describe briefly.	elief in respect of the subject property?			
	Has the owner previously applied for reaching Yes If the answer is yes, describe briefly. Is the subject property the subject of a the <i>Planning Act</i> ?	elief in respect of the subject property? No No current application for consent under Section 53			

Date of acquisition of subject lands:

13.

Minor Variance Application for 231 Walter Ave S, Hamilton (File No. HM/A-21:139) clarification/revisions to the plans:

1) The building setbacks shown on the Site Plan submitted do not match a 1979 survey in Building Division records. As such, it is suggested that you may wish to obtain a copy of this survey so that correct setbacks are shown including the setback to the re-located porch steps and the location of the porch to the basement dwelling unit (Apt 2). I have attached a copy of the City's Property Records Request form.

WE MEASURED TO THE EXISTING FENCES BUT YES, WE HAVE REQUESTED THE SURVEY

2) Drawing A2.01 indicates that the "Basement Apartment Area" includes the stairs and landing. Can you please confirm that this area is only used by this unit and does not include Apt # 1 (Main and 2nd floor unit). The gross floor area of a dwelling unit cannot include any shared spaces.

THE ENTRANCE TO BASEMENT APT 2 IS NOT SHARED AND I INCLUDED THE MAIN FLOOR PLAN TO SHOW.

3) Please reconfirm the: front yard area, the front yard landscaped area and the front yard driveway area. The front yard is the setback to the closest part of the building to the front lot line which is the bump-out portion which contains the front door to Apt # 1. These numbers should be revised on the Site Statistics.

I RECALCULATED THE AREA. SEE SITE STATISTICS

Further, there are discrepancies respecting the front yard landscaped area as the Site Statistics indicate a "front yard green space area of $23.3m^2$ "; however, the Site Plan shows a $21.3m^2$ landscaped area. Further, the landscaped area dimensions show a 4.63m length x 4.15m width = $19.2m^2$.

SEE THE 2.0m2 STRIP TO THE NORTH SIDE OF THE DRIVEWAY. WE ADDED THAT AS LANDSCAPED AREA. THE REVISED SITE PLAN SHOW THREE AREAS: IN FRONT OF THE BASEMENT APARTMENT 2, THE STRIP TO THE NORTH OF THE DRIVEWAY AND THE "LAWN" TO THE SOUTH OF THE DRIVEWAY.

4) Can you please advise if the external appearance of the dwelling is being altered. The photo of the front of the dwelling indicates that the direction of the front porch steps is being changed. Are there any other alterations? I have attached a copy of Building Policy ZON-028 which indicates which alterations shall not be considered an alteration to the external appearance and character of the dwelling

NO ALTERATIONS (THAT IS WHY WE INCLUDED THE PHOTO)

5) As the steps on the roofed-over unenclosed one storey porch at the first storey to Apt 1 are being relocated, additional information is required to be provided as it appears a variance will be required. Please revise the Site Plan to show the setback of the relocated stairs from the front lot line. SEE DIMENSION ADDED

Further, the roofed-over one storey front porch at the 1st storey to Apt # 2, including its stairs shown on the photo on the Site Plan has not been shown on the Site Plan. As such, please revise

the Site Plan to show this porch, roof and stairs including its setback from the front lot line and north side lot line in order to determine zoning compliance. Also, please indicate required information in the chart below.

SEE DIMENSION ADDED

Below is a chart with the regulations for a roofed-over unenclosed one storey porch at the $\mathbf{1}^{st}$ storey. Information for the porches to both Apts 1 and 2 is required to determine zoning compliance.

	Required	Proposed	Conforms/ Non- conforming	Variance Required
Maximum Front Yard Encroachment for a Roofed-over unenclosed one storey porch at the 1 st storey [Section 18(3)(vi)(d)]	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 (being 6.0m) to a distance of not	The setback for the relocated steps on the roofed-over one storey front porch at the 1st storey to Apt # 1 from the front lot line has not been shown	Unable to determine compliance 1.1m	Unable to determine
	more than 3.0m and every such projecting porch shall be distant at least 1.5m from the front lot line As such, the roofedover front porch, including its eaves, gutters and stairs, may project a maximum of 3.0m into the minimum required 6.0m front yard and shall be at least 3.0m from the front lot line	The roofed-over one storey front porch at the 1 st storey to Apt # 2 from the front lot line has not been shown	Unable to determine compliance 1.9m	Unable to determine
	(i) the porch may have a solid guard around the perimeter of the porch not more than 1.0m in height measured from the floor of the porch	Details have not been provided for the front porches for both Apt 1 or Apt 2	Unable to determine compliance SEE PHOTO NO SOLID GUARD	Unable to determine
	(ii) the roof may be supported on columns or piers having maximum width of 0.5m	Details have not been provided for the front porches for both Apt 1 or Apt 2	Unable to determine compliance	Unable to determine

(iii) the beam, lintel or crown of an arch shall be no more than 0.3m in depth	Details have not been provided for the front porches for both Apt 1 or Apt 2	Unable to determine compliance SEE PHOTO. ALUMINUM AWNING THEREFORE NO BEAMS OR LINTELS	Unable to determine
(iv) the minimum distance between piers or columns shall be 1.0m and in the case of arches, the arches shall have a minimum clear width of 1.0m	Details have not been provided for the front porches for both Apt 1 or Apt 2	Unable to determine compliance 1.55m Between supports for aluminium cover at Apartment 1 Basement Apartment 2 just has an awning with no supports	Unable to determine

- 6) Be advised that as the required 6.0m parking space length cannot be provided on the lot and as a 1.37m portion of the parking space length is shown on the Walter Ave S road allowance, these cannot be considered "parking spaces". As such, the required variance would be to permit 0 parking spaces instead of the minimum required 2 parking spaces. Therefore, a variance would not be required to permit two parking spaces in the front yard as they are not considered "parking spaces".
 - CAN WE NOT HAVE AN ENROACHMENT AGREEMENT FOR THE TWO SPOTS? A PLANNER SUGGESTED THAT ON ANOTHER PROJECT. CAN YOU PLEASE CHECK? Thx!
- 7) Can you please show the setback of the shed from the south and north side lot lines and the rear lot lines. Further, if this shed had eaves and gutters, please show the setback of the eaves and gutters from the side lot lines and rear lot lines. Additionally, please show the shed height. SEE REVISED SITE PLAN

In order for your application to be heard at the May 20, 2021 Committee of Adjustment hearing, this information is required to be emailed no later than 4:30 pm on Monday, April 26, 2021. Be advised that if the information is received after the required date, your application may be held over to a future hearing as scheduled by Committee of Adjustment staff.

Regards,

Kim Roberts

Zoning Examiner
Planning and Economic Development
Building, City of Hamilton
(905) 546-2424 Ext.2581

