

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-21:291

APPLICANTS: Agent JP Samuel & Associates Inc. c/o J. Samuel
Owner 2717280 Ontario Inc.

SUBJECT PROPERTY: Municipal address **53 Cannon St. W., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 18-114

ZONING: D1, H17, H19, H20district (Downtown Central Business District)

PROPOSAL: To permit the addition of a vacant parcel of land to be added to 108 Park St. N. and to retain the parcel of land containing an existing two-storey single detached dwelling, notwithstanding that:

1. The use of a single detached dwelling shall be permitted, instead of the requirement that a single detached dwelling is not a permitted use.

NOTE:

1. Please note that this application is to be heard in conjunction with Consent/Land Severance Application No. HM/B-20:87.
2. Please note that a detailed site plan was not provided to confirm zoning compliance with the regulations of Hamilton Zoning By-law No. 05-200, including the following:
 - a. Specific details regarding lot coverage have not been indicated. Please note that as per Section 6.1.3(e), the permitted maximum lot coverage is 85 percent. Additional variances may be required if compliance with Section 6.1.3(e) is not possible.
 - b. Specific details regarding permitted yard encroachments to the newly established rear lot line have not been indicated. Please note that additional variances may be required if compliance with Section 4.6 is not possible.
 - c. Specific details regarding parking on the lot have not been indicated. Please note that as per Section 5.6(a)(i), no parking spaces are required for a single detached dwelling located in a "D1" (Downtown Central Business District) Zone. However, should parking be provided on the lot, compliance with Section 5 shall be required. Additional variances may be required if compliance with Section 5 is not possible.

3. This property is included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest as a non-designated property. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.

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

DATE: Thursday, September 9th, 2021
TIME: 3:15 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

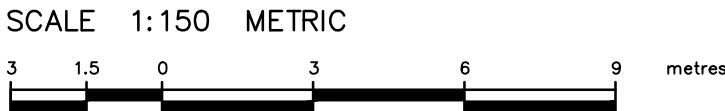
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: August 24th, 2021.

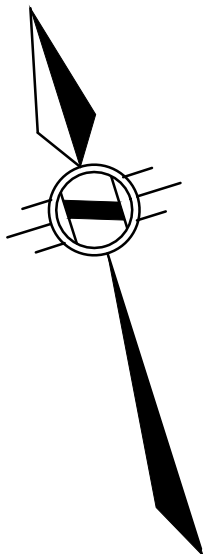
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

PLAN OF SURVEY
OF PART OF
LOT 13, BLOCK 11
REGISTERED PLAN 39
IN THE
CITY OF HAMILTON



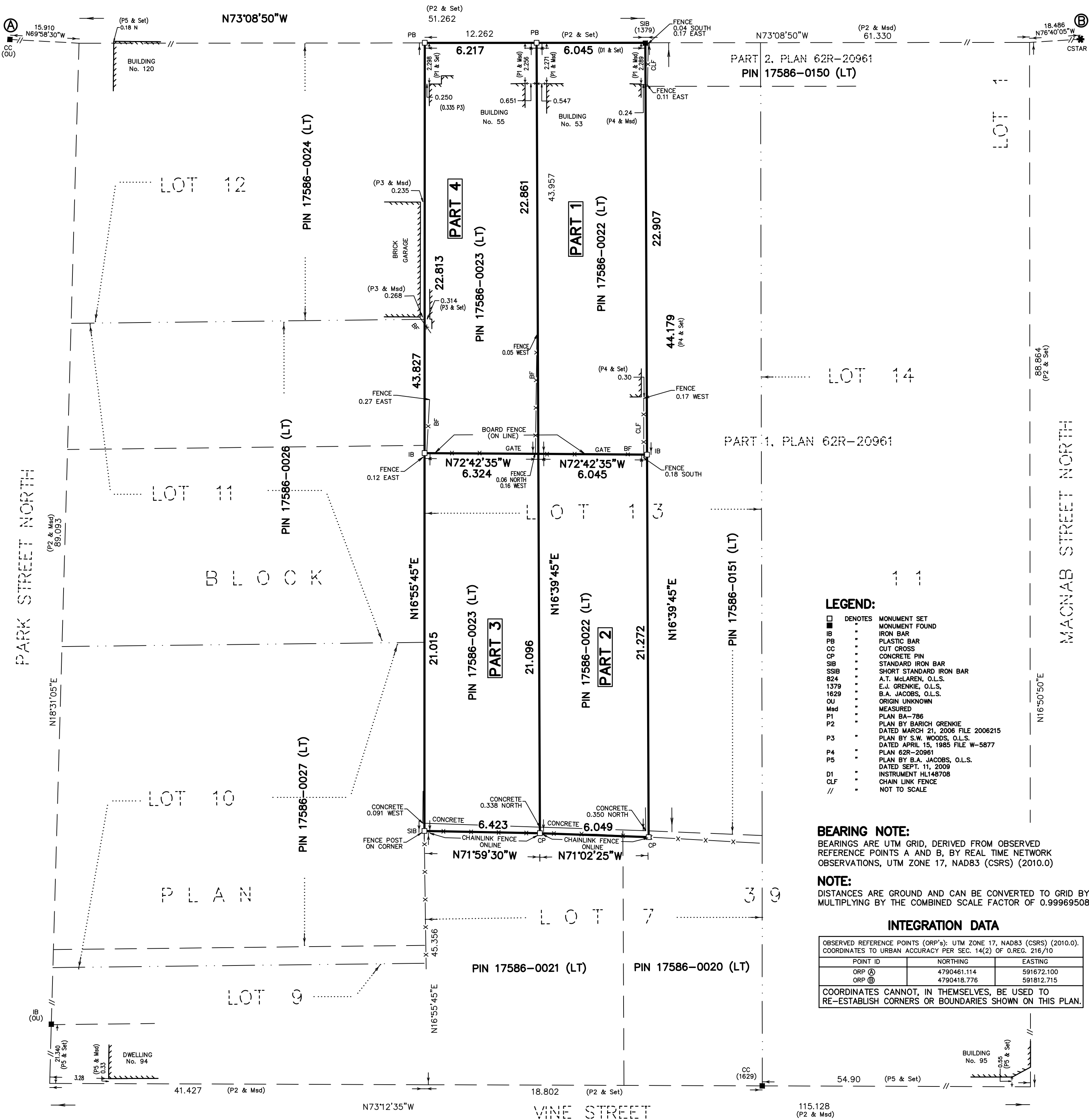
S.D. McLAREN, O.L.S. - 2020



CANNON STREET WEST
(BY PLAN 39, CONFIRMED BY PLAN BA-786, REG'D AS INST. AB400467)
PIN 17160-0346 (LT)

SCHEDULE			
PART	LOT/BLOCK	CON/PLAN	PIN
1	PART OF LOT 13 BLOCK 11	PLAN 39	ALL OF PIN 17586-0022 (LT)
2			ALL OF PIN 17586-0023 (LT)
3			
4			

PLAN 62 R-
RECEIVED AND DEPOSITED
Date
REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.
Date
S. DAN McLAREN, O.L.S.



LEGEND:

DENOTES		
IB	MONUMENT SET	
PB	MONUMENT FOUND	
CC	IRON BAR	
CP	PLASTIC BAR	
SIB	CUT CROSS	
SSIB	CONCRETE PIN	
824	STANDARD IRON BAR	
1379	SHORT STANDARD IRON BAR	
1629	A.T. McLAREN, O.L.S.	
OU	E.J. GRENIKE, O.L.S.	
Msd	B.A. JACOBS, O.L.S.	
P1	ORIGIN UNKNOWN	
P2	MEASURED	
P3	PLAN BA-786	
P4	PLAN BY BARICH GRENIKE	
P5	DATED MARCH 21, 2006 FILE 2006215	
D1	PLAN BY S.W. WOODS, O.L.S.	
CLF	DATED APRIL 15, 1985 FILE W-5877	
//	PLAN 62R-20961	
	PLAN BY B.A. JACOBS, O.L.S.	
	DATED SEPT. 11, 2009	
	INSTRUMENT HL148708	
	CHAIN LINK FENCE	
	NOT TO SCALE	

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999695080

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
ORP A	4790481.114	591672.100
ORP B	4790418.776	591812.715
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

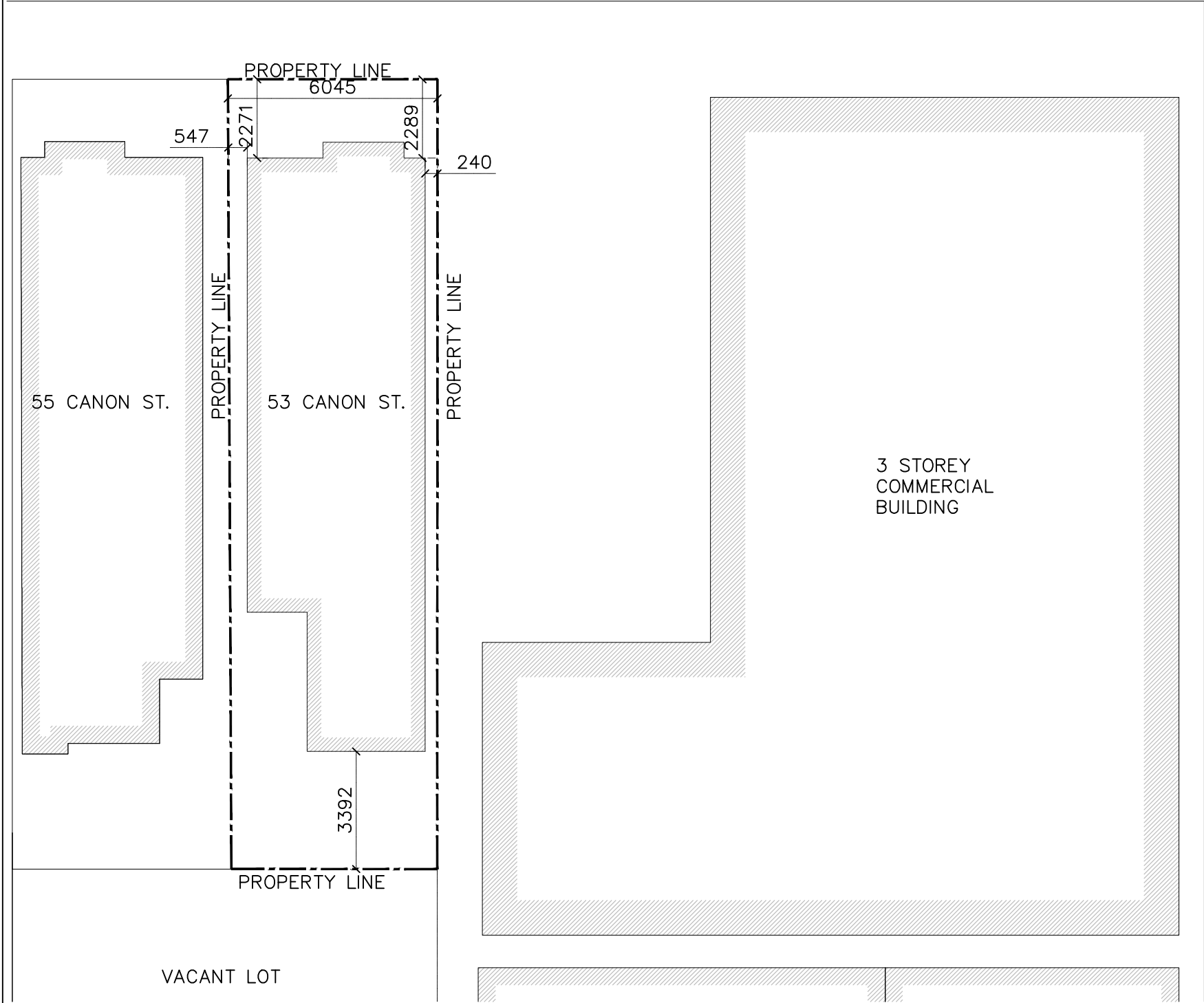
METRIC NOTE:
DISTANCES AND COORDINATES
SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE
CONVERTED TO FEET
BY DIVIDING BY 0.3048

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 LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 30th DAY OF SEPTEMBER, 2020
OCTOBER 7, 2020
DATE
S. DAN McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032
Drawn JB Checked RBM Crew Chief SM Scale 1:150 Dwg.No. 36432

PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE ENGINEER AND MUST BE RETURNED UPON REQUEST.
PLANS MUST NOT BE USED IN ANY OTHER LOCATION WITHOUT WRITTEN PERMISSION OF THE ENGINEER.
THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SIGNED BY THE ENGINEER.
DATE: _____

CANON STREET WEST



SITE PLAN
SCALE = 1:150

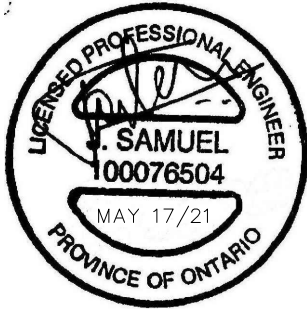
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SP1.01



ZONING	LOT NO.	PLAN NO.	LOT AREA	LOT FRONTAGE	LOT DEPTH	
D1	13	39	138.36 m ²	6.04m	22.90m	
DESCRIPTION	EXISTING	ADDITION	TOTAL	%	ALLOWED	%
LOT COVERAGE	81.9 m ²	-----	81.9 m ²	59.2		85
GROSS FLOOR AREA	149.2 m ²	-----	149.2 m ²	-----	-----	-----
LANDSCAPE AREA	-----	-----	-----	-----	-----	-----
NO. OF STORIES HEIGHT	2 8.7 m	-----	2 8.7 m	-----		
WIDTH	5.1 m	-----	5.1 m	-----		
DEPTH	17.1 m	-----	17.1 m	-----		
PARKING	None	-----	None	-----		

SETBACKS	EXISTING	PROPOSED
FRONT YARD	2.28 m	-----
REAR YARD	3.39 m	-----
INTERIOR SIDE (east)	0.24 m	-----
INTERIOR SIDE (west)	0.54 m	-----



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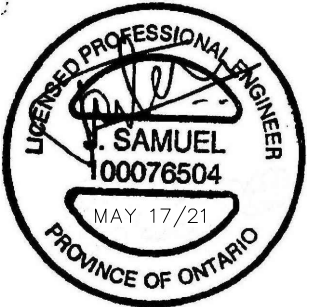


EXIST. NORTH ELEVATION

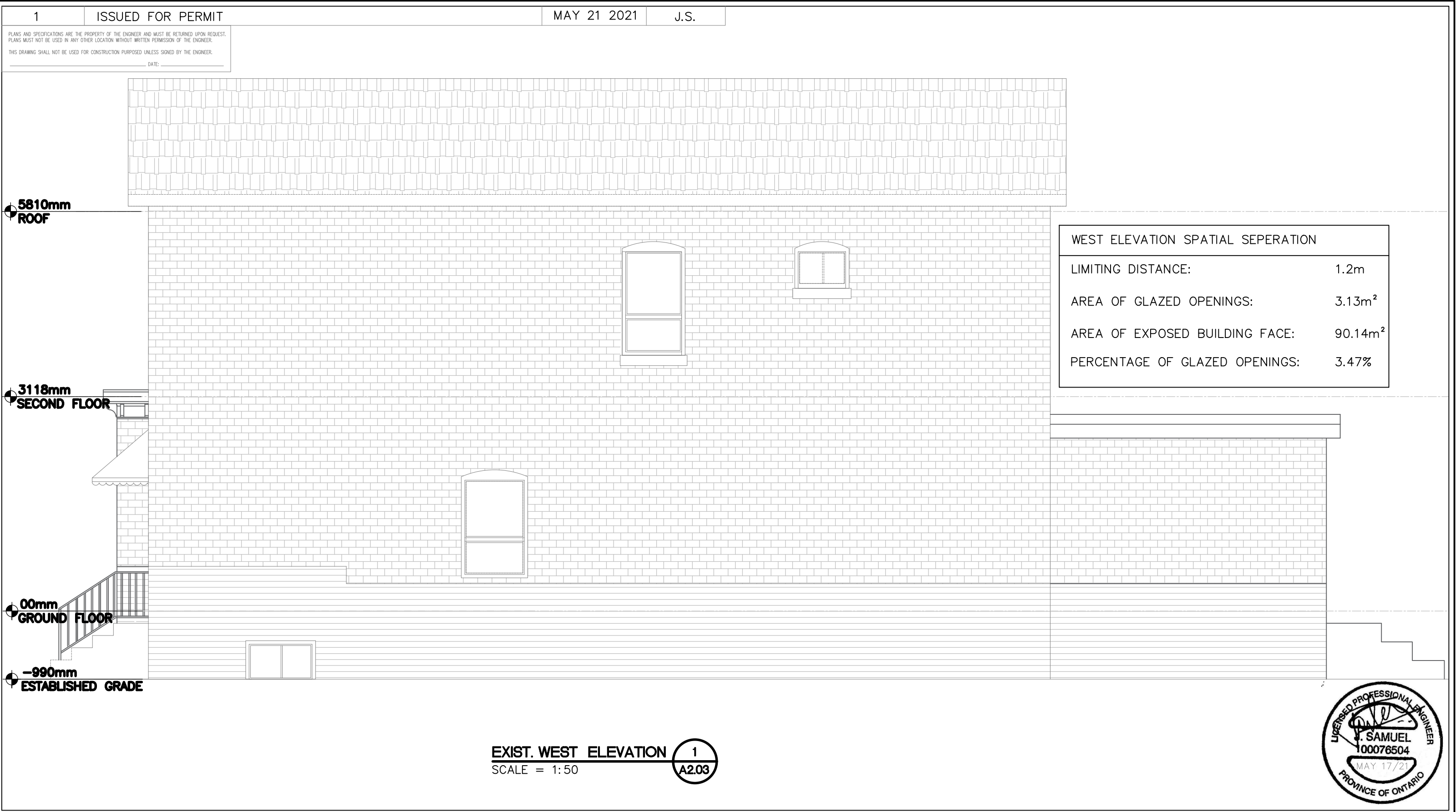
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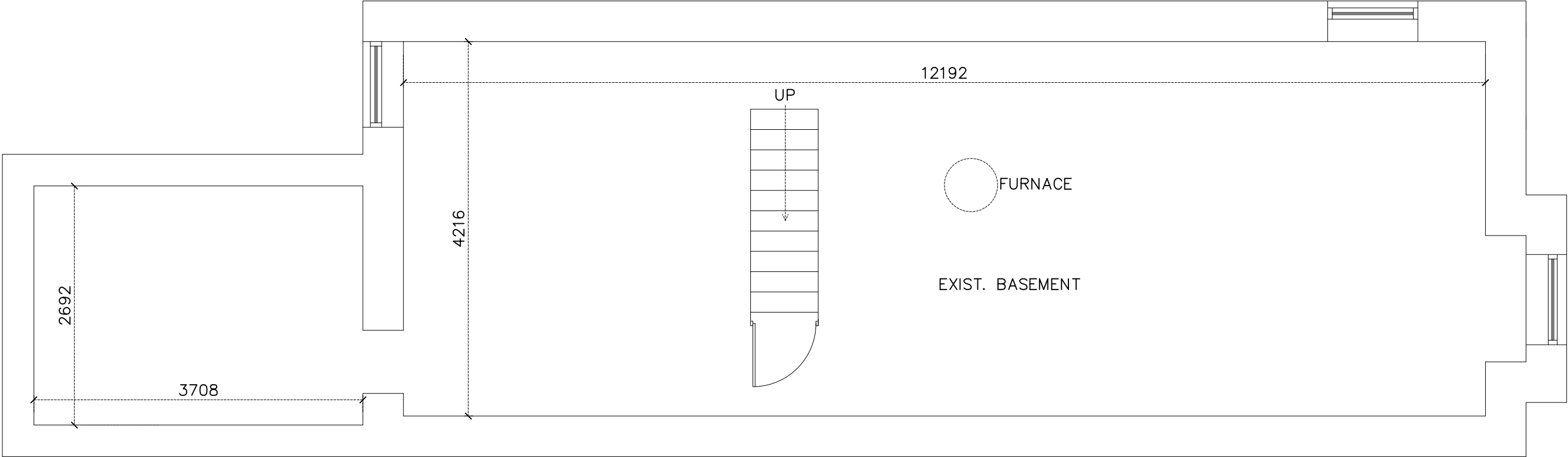
SCALE = 1:50

A2.01



JP SAMUEL AND ASSOCIATES INC. STRUCTURAL ENGINEERS 1377 Cormorant Road, Suite 204, Ancaster, Ontario, L9G 4V5 Tel: (416) 616-0196 email: jsamuel@jpsamuel.com www.jpsamuel.com	CLIENT: MR. PETER KIOUSIS 26 BEARDMORE CRESCENT, NORTH YORK, ON M2K 2P5	PROJECT: LAND SEVERANCE 53 CANNON STREET WEST, Hamilton, ON L8R 2B4	DRAWING: EXISTING NORTH ELEVATION	DRAWN BY: S.G.	DATE: MAY 10/21
				CHECKED BY: J.S.	JOB No. 2021-JPS-098
				SCALE: AS NOTED	DRAWING No. A2.01



1	ISSUED FOR PERMIT	MAY 21 2021	J.S.	
<div>PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE ENGINEER AND MUST BE RETURNED UPON REQUEST. PLANS MUST NOT BE USED IN ANY OTHER LOCATION WITHOUT WRITTEN PERMISSION OF THE ENGINEER. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SIGNED BY THE ENGINEER. DATE: _____</div>				
<div></div>				
<div><div>EXIST. BASEMENT FLOOR PLAN</div><div>SCALE = 1:50</div><div><div>1</div><div>A1.01</div></div></div>				
<div><div><div><div><div>LICENSED PROFESSIONAL ENGINEER</div><div>J. SAMUEL</div><div>100076504</div><div>MAY 17/21</div><div>PROVINCE OF ONTARIO</div></div></div></div></div>				
<div><div>JP SAMUEL AND ASSOCIATES INC.</div><div>STRUCTURAL ENGINEERS</div><div>1377 Cormorant Road, Suite 204, Ancaster, Ontario, L9G 4V5</div><div>Tel: (416) 616-0196 email: jsamuel@jpsamuel.com www.jpsamuel.com</div></div>	CLIENT:	PROJECT:	DRAWING:	
	MR. PETER KIOUSIS	LAND SEVERANCE	EXISTING BASEMENT FLOOR PLAN	DRAWN BY: S.G.
	26 BEARDMORE CRESCENT, NORTH YORK, ON M2K 2P5	53 CANNON STREET WEST, Hamilton, ON L8R 2B4		CHECKED BY: J.S.
			SCALE: AS NOTED	DATE: MAY 10/21
				JOB No. 2021-JPS-098
				DRAWING No. A1.01

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DATE: _____

LEGEND

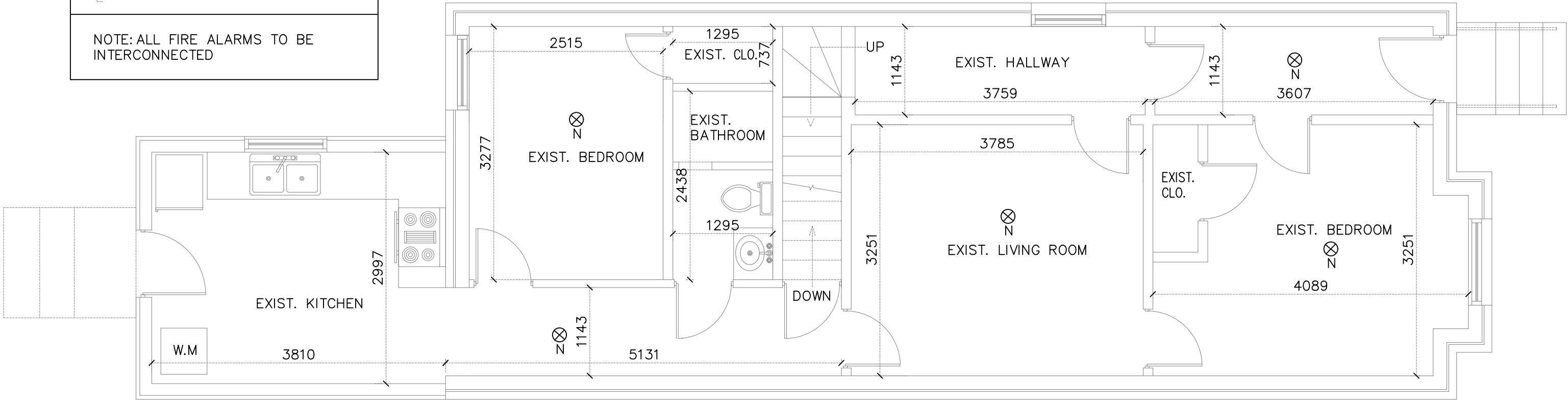
⊗
N

NEW FIRE ALARM

⊗
E

EXIST. FIRE ALARM

NOTE: ALL FIRE ALARMS TO BE INTERCONNECTED



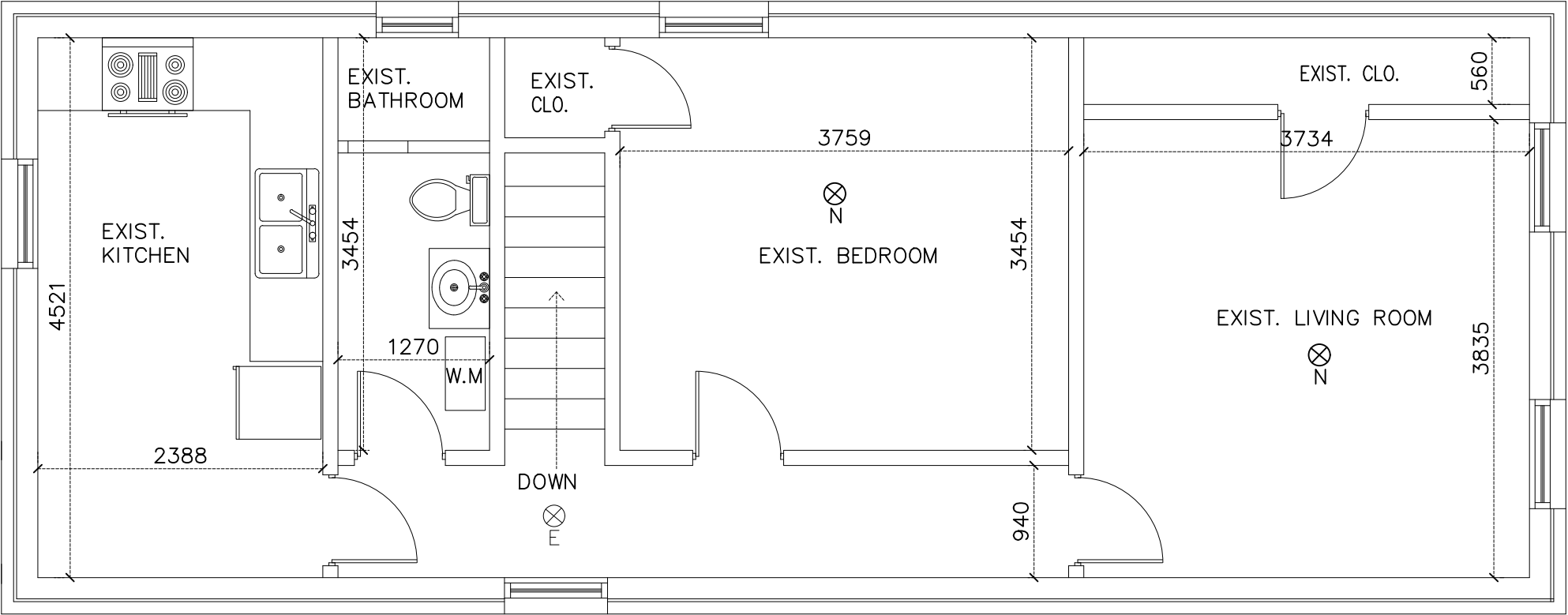
EXIST. GROUND FLOOR PLAN

SCALE = 1:50

1
A1.02



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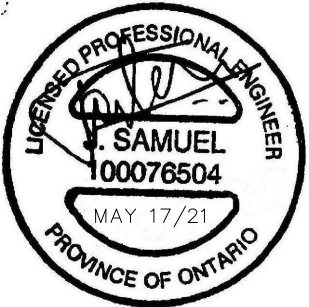
LEGEND	
	NEW FIRE ALARM
	EXIST. FIRE ALARM
NOTE: ALL FIRE ALARMS TO BE INTERCONNECTED	

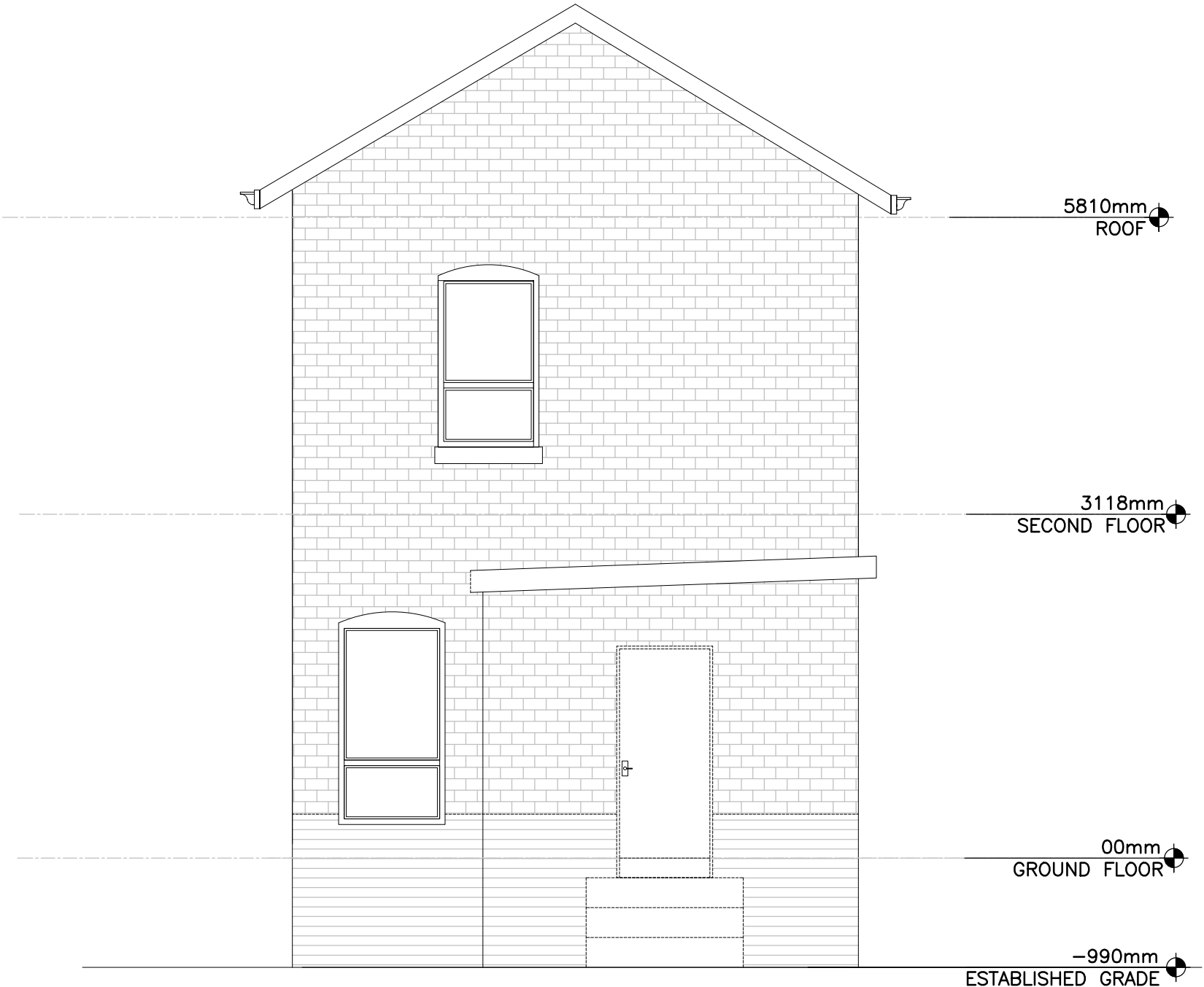
EXIST. SECOND FLOOR PLAN

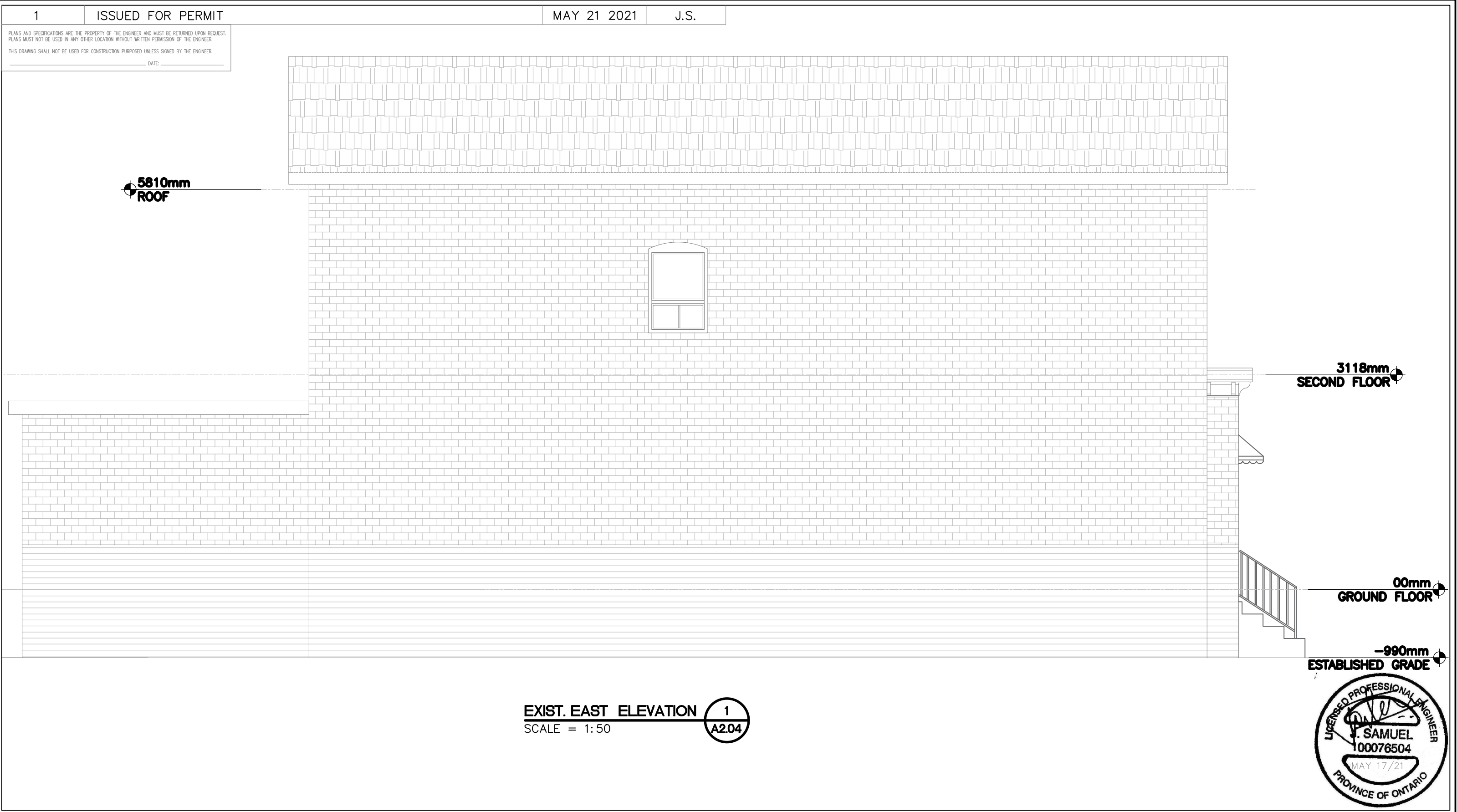
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A1.03

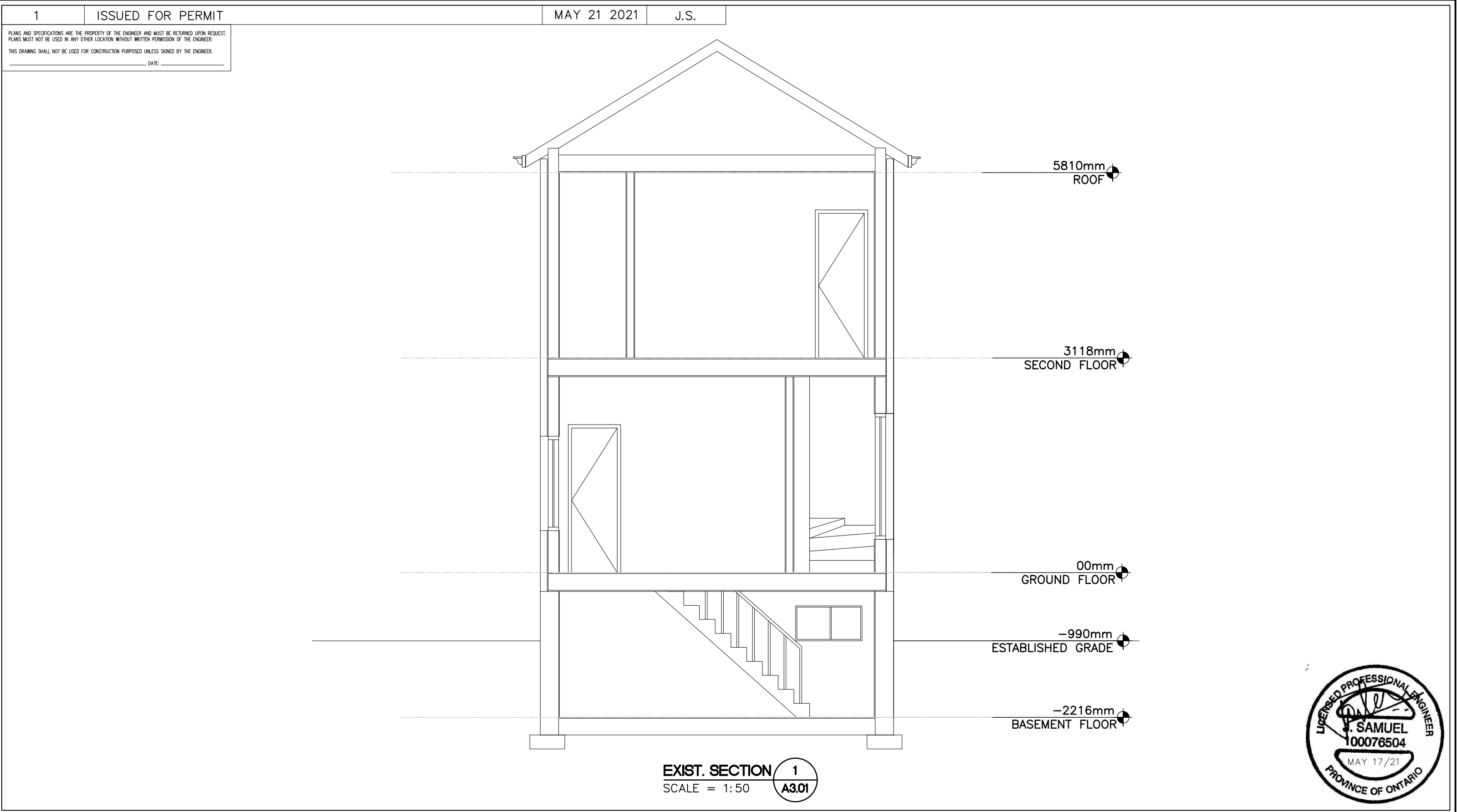
SCALE = 1:50



1	ISSUED FOR PERMIT	MAY 21 2021	J.S.
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<div><p>5810mm ROOF</p><p>3118mm SECOND FLOOR</p><p>00mm GROUND FLOOR</p><p>-990mm ESTABLISHED GRADE</p><p>EXIST. SOUTH ELEVATION 1 SCALE = 1:50 A2.02</p></div>			
<div><div><div><div><div>JP SAMUEL AND ASSOCIATES INC.</div><div>STRUCTURAL ENGINEERS</div><div>1377 Cormorant Road, Suite 204, Ancaster, Ontario, L9G 4V5</div><div>Tel: (416) 616-0196 email: jsamuel@jpsamuel.com www.jpsamuel.com</div></div><div><div>CLIENT:</div><div>MR. PETER KIOUSIS</div><div>26 BEARDMORE CRESCENT, NORTH YORK, ON M2K 2P5</div></div><div><div>PROJECT:</div><div>LAND SEVERANCE</div><div>53 CANNON STREET WEST, Hamilton, ON L8R 2B4</div></div><div><div>DRAWING:</div><div>EXISTING SOUTH ELEVATION</div></div><div><div>DRAWN BY:</div><div>S.G.</div><div>DATE:</div><div>MAY 10/21</div></div><div><div>CHECKED BY:</div><div>J.S.</div><div>JOB No.</div><div>2021-JPS-098</div></div><div><div>SCALE:</div><div>AS NOTED</div><div>DRAWING No.</div><div>A2.02</div></div></div><div><div><div>LICENSED PROFESSIONAL ENGINEER</div><div>J. SAMUEL</div><div>100076504</div><div>MAY 17/21</div><div>PROVINCE OF ONTARIO</div></div></div></div></div>			



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				CHECKED BY: J.S.	JOB No. 2021-JPS-098
				SCALE: AS NOTED	DRAWING No. A2.04



<div>JP SAMUEL AND ASSOCIATES INC.</div> <div>STRUCTURAL ENGINEERS</div> <div>1377 Cormorant Road, Suite 204, Ancaster, Ontario, L9G 4V5</div> <div>Tel: (416) 616-0196 email: jsamuel@jpsamuel.com www.jpsamuel.com</div>	<div>CLIENT:</div> <div>MR. PETER KIOUSIS</div> <div>26 BEARDMORE CRESCENT, NORTH YORK, ON M2K 2P5</div>	<div>PROJECT:</div> <div>LAND SEVERANCE</div> <div>53 CANNON STREET WEST, Hamilton, ON L8R 2B4</div>	<div>DRAWING:</div> <div>EXISTING SECTION</div>	<div>DRAWN BY:</div> <div>S.G.</div>	<div>DATE:</div> <div>MAY 10/21</div>
				<div>CHECKED BY:</div> <div>J.S.</div>	<div>JOB No.</div> <div>2021-JPS-098</div>
				<div>SCALE:</div> <div>AS NOTED</div>	<div>DRAWING No.</div> <div>A2.04</div>

**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)	2717280 ONTARIO INC.	
Applicant(s)*	Peter Kiouisis	
Agent or Solicitor	J. P. Samuel & Associates 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:

BANK OF MONTREAL
65 BLOOR STREET WEST, 5TH FLOOR
TORONTO, ON
M2L 2G6

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:

To continue use of the Single Detached Dwelling.

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

The current 'D1' zone of these lands does not permit the use of a Single Detached Dwelling. As a result of the proposed severance, the legal non-conforming status of the existing Single Detached Dwellings is effectively lost.

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**):

Registered Plan no. 39
Lot 13
Block 11
53 Cannon St. West

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?

Age of existing Building

- 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.

July 13, 2021

Date


Signature Property Owner(s)

2717280 ONTARIO INC.

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	6.04 m
Depth	22.90 m
Area	138.36 sq m
Width of street	Approx. 12 m

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:

Ground Floor Area - 69.05 sqm
Gross Floor Area - 149.2 sqm
No. of Stories - 2

Width of Building - 5.1 m
Length of Building - 17.1m
Height of Building - 8.7 m

Proposed

Same as Existing

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

Existing:

Front - 2.28 m
Rear - 3.39 m
East - .24 m
West - .54m

Proposed:

Same as Existing

13. Date of acquisition of subject lands:
Sept 30, 2011
-
14. Date of construction of all buildings and structures on subject lands:

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 and Commercial Building
17. Length of time the existing uses of the subject property have continued:
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:
Not Applicable
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
The current 'D1' zone of these lands does not permit the use of a Single Detached Dwelling. As a result of the proposed severance, the legal non-conforming status of the existing Single Detached Dwellings is effectively lost.
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
Application for Land Severance
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.