



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

**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-21:316

**APPLICANTS:** Owner Dylan Hudecki & Skye Collins  
Agent Christian Hollingshead

**SUBJECT PROPERTY:** Municipal address **183 Rothsay Ave., Hamilton**

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

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

**PROPOSAL:** To permit the construction of a roof-over porch at first storey level having an area of 24.0 m<sup>2</sup> to be located at the rear of the existing single-family dwelling notwithstanding that;

1. A minimum of 0.8 m side yard width shall be provided on the northerly side lot line and on the southerly side lot line for the proposed roofed-over unenclosed porch instead of the minimum required 1.2 m side yard width; and
2. Eaves and gutters shall be permitted to encroach the entire width of the northerly side lot line instead of the maximum permitted encroachment of one half the width of the required side yard or 1.0 m whichever is the lesser; and
3. Eaves and gutters shall be permitted to encroach the entire width of the southerly side lot line instead of the maximum permitted encroachment of one half the width of the required side yard or 1.0 m whichever is the lesser.

**Notes:**

Please note that no side yard encroachments are permitted for the proposed roofed over unenclosed porch; therefore, setbacks for the principle dwelling are being applied.

An Encroachment Agreement with the Public Works Department may be required for the Fence shown to encroach on the Road Allowance. For further information, please contact [encroachment@hamilton.ca](mailto:encroachment@hamilton.ca)

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

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**DATE:** Thursday, September 23rd, 2021  
**TIME:** 1:15 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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## **PUBLIC INPUT**

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

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

## **MORE INFORMATION**

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

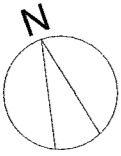
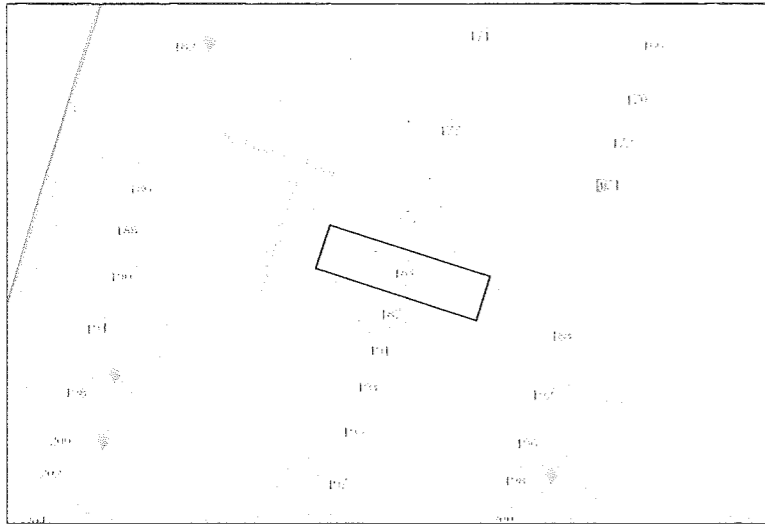
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: September 7th, 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.***



**ZONING INFORMATION:**

APPLICABLE LAW = 6593 FORMER CITY OF HAMILTON

ZONING DESIGNATION = "D" Urban Protected Residential - One And Two Family Dwellings, Etc.

**LOT REQUIREMENTS;**

LOT FRONTAGE = 12 m  
 LOT AREA = 360 m<sup>2</sup>  
 FRONT YARD SETBACK = 6.0 m  
 REAR YARD SETBACK = 7.5 m  
 INTERIOR SIDE YARD SETBACK = 1.2 m  
 EXTERIOR SIDE YARD SETBACK = 1.2 m

**LOT EXISTING CONDITIONS;**

**DWELLING;**

FRONT YARD SETBACK = 1.63 m  
 REAR YARD SETBACK = 15.38 m  
 INTERIOR SOUTH SIDE YARD SETBACK = 0.84 m  
 EXTERIOR NORTH SIDE YARD SETBACK = 0.89 m

**FRONT COVERED PORCH;**

FRONT YARD SETBACK = 1.63 m  
 INTERIOR SOUTH SIDE YARD SETBACK = 0.93 m  
 EXTERIOR NORTH SIDE YARD SETBACK = 4.76 m

**DETACHED GARAGE;**

INTERIOR SOUTH SIDE YARD SETBACK = 0.56 m  
 EXTERIOR NORTH SIDE YARD SETBACK = 1.25 m

**PROPOSED REAR COVERED PORCH;**

INTERIOR SOUTH SIDE YARD SETBACK = 0.84 m  
 EAVE PROJECTION TO SIDE LOT LINE = 0.44 m

EXTERIOR NORTH SIDE YARD SETBACK = 0.89 m  
 EAVE PROJECTION TO SIDE LOT LINE = 0.38 m

SHERBROOKE ST.

ROTHSAY AVE.

S. CHRISTIAN HOLLINGSHEAD  
 OBC DESIGNER BCIN 42965/37310  
 SMALL BUILDINGS  
 STRUCTURAL, PLUMBING  
 63 STANLEY AVENUE  
 HAMILTON, ONTARIO  
 L8P 2L2 (905) 975-8765  
 hollingsheaddesigner@gmail.com

**PROJECT ADDRESS:**

183 ROTHSAWAY AVE  
 HAMILTON ON  
 L8M 3G6

**NOTES:**

- THIS SITE PLAN HAS BEEN CREATED TO SUPPORT THE MINOR VARIANCE APPLICATION TO SEEK RELIEF FROM SIDE YARD SETBACKS AND EAVE ENCROACHMENTS FOR PROPOSED REAR COVERED PORCH
- NOT ISSUED FOR CONSTRUCTION
- NOT FOR USE FOR A BUILDING PERMIT APPLICATION

**DRAWING TITLE:**

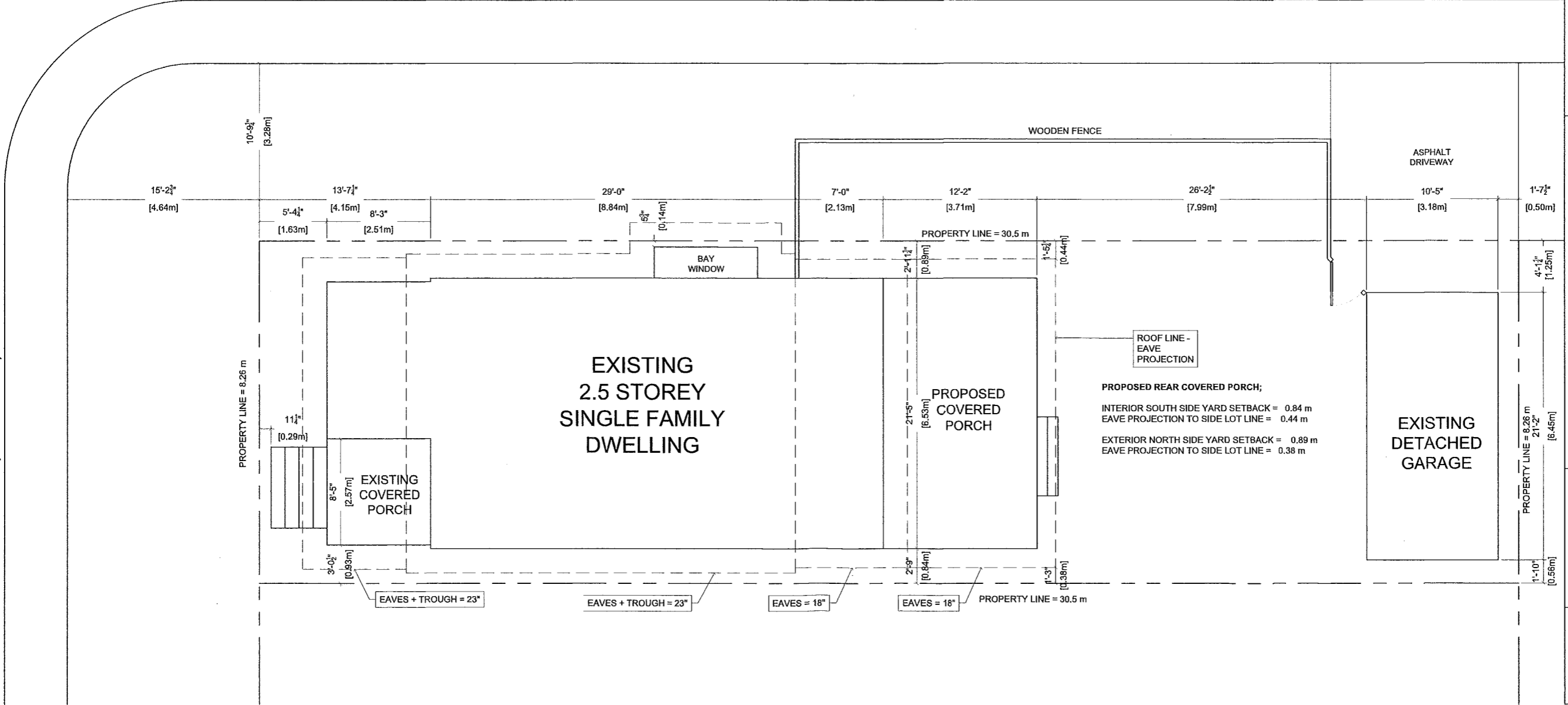
**SITE PLAN:  
 PROPOSED**

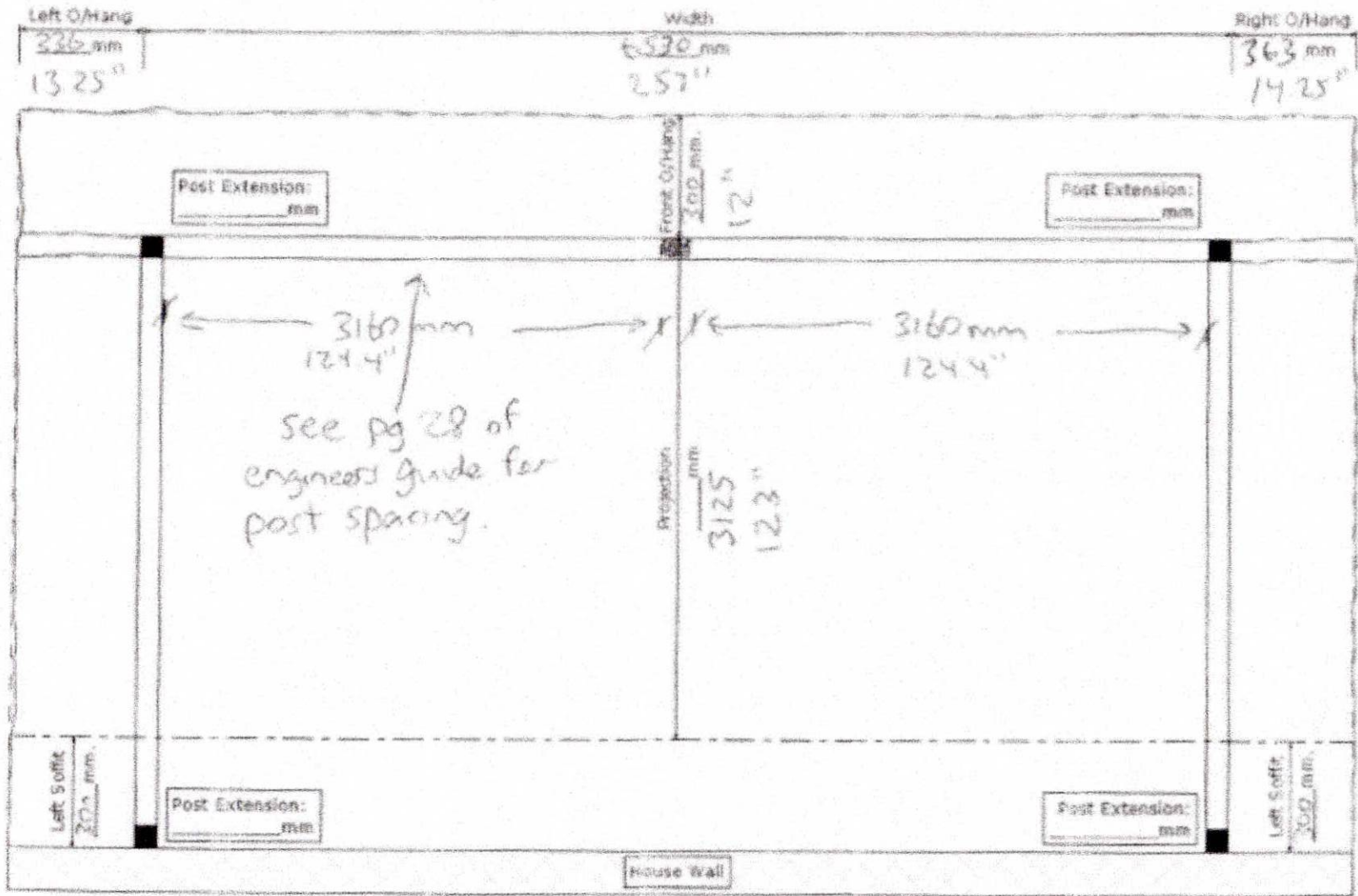
DRAWING SCALE : 1/4" = 1'-0"

DATE : 7/19/2021

DRAWN BY : SCH

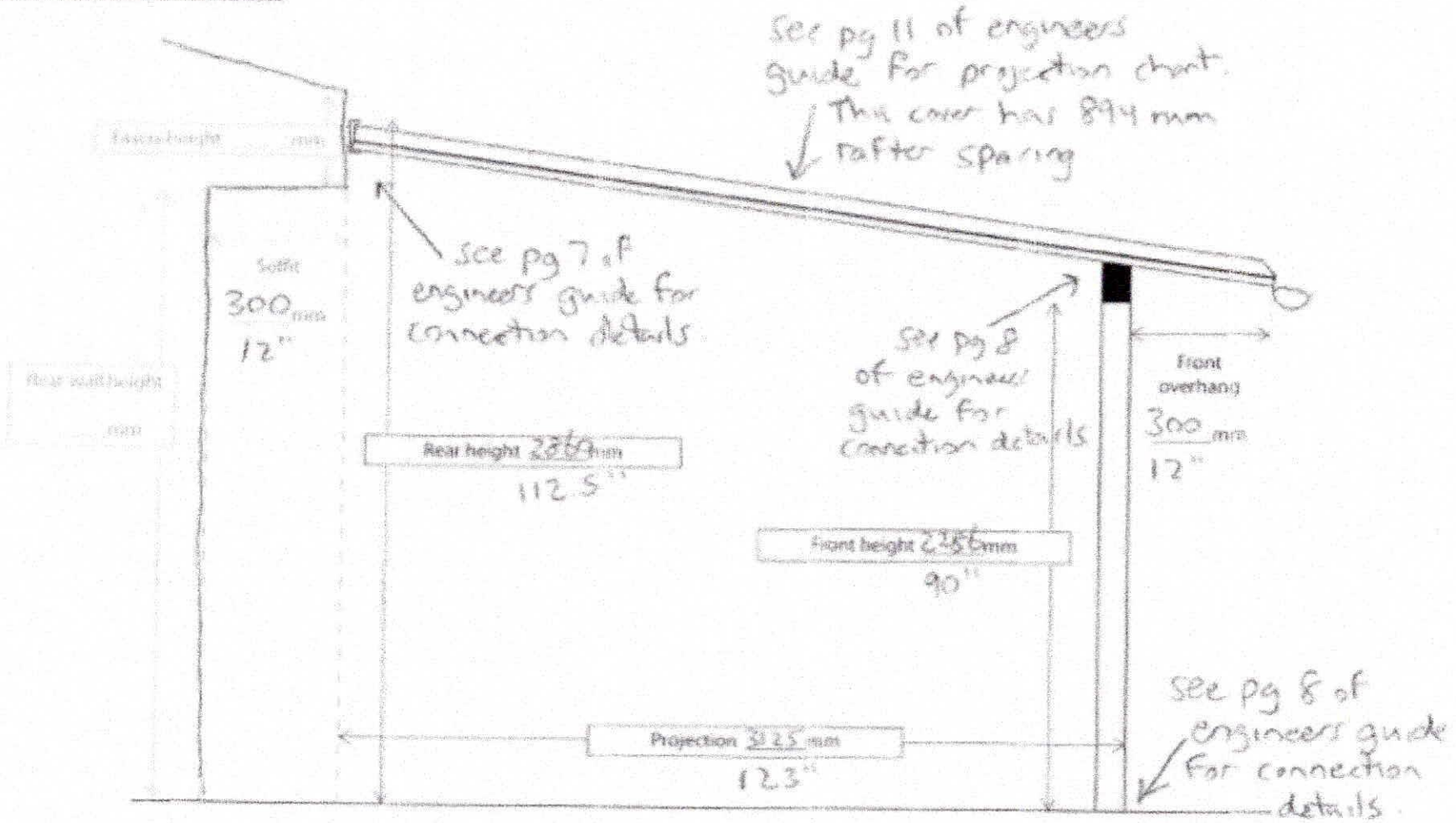
CHECKED BY : SCH





# VT4 Plan on Cover

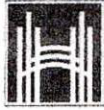
Customer Name : Dulan + Skye Undercki  
Address : 183 Rathroy Ave Hamilton  
Date : 6/8/21 UM 366  
Snowload - 1.1 kPa



**VT4 Elevation on Cover**

Customer Name : Dylan + Skye Hudacki  
 Address : 183 Rathorne Ave Hamilton  
 Date : 6/8/21 CRM 746  
 Snowload - 1.1 kpa





Hamilton

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 Aug 17

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)	DYLAN HUBECKI SKYE COLLINS	[REDACTED]
Applicant(s)*	SAME	
Agent or Representative	CHRISTIAN HOLLINGSHEAD	

Note: Unless otherwise requested all communications will be sent to the agent, if any.

@gmail.com

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

FIRST NATIONAL FINANCIAL LP  
100 UNIVERSITY AVE. SUITE 1200 NORTH  
TORONTO, ON  
M5J 1V6

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: FOR PROPOSED REAR COVERED PORCH;
- INTERIOR SOUTH SIDEYARD SETBACK OF 0.84m INSTEAD OF REQ 1.2m.
  - SOUTH EAVE PROJECTION INTO REQ. SIDEYARD OF 0.76m INSTEAD OF MAX 0.6m.
  - EXTERIOR NORTH SIDEYARD SETBACK OF 0.89m INSTEAD OF REQ 1.2m.
  - NORTH EAVE PROJECTION INTO REQ. SIDEYARD OF 0.82m INSTEAD OF MAX 0.6m.
- Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

THE LOT & DWELLING WERE ESTABLISHED PRIOR TO THE PASSING OF THE CURRENT ZONING BYLAW. THE EXISTING LEGAL NON-CONFORMING DWELLING SETBACKS ARE TO BE MATCHED TO MAINTAIN THE CHARACTER OF THE EXISTING STRUCTURE. THE EXISTING STRUCTURE ENCLOSES INTO THE REQ. SIDEYARDS.

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**):

183 ROTHSAWAY AVE, HAMILTON, ON L8M 3G6

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
 Agricultural       Vacant       Other

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use N/A.

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?

THE PROPERTY HAS MAINTAINED EXISTING USE SINCE ESTABLISHED

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.

Aug. 2/21  
Date

Skylar Collins Dylan Huddecki  
Signature Property Owner(s)  
Skylar Collins Dylan Huddecki  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 8.26 m  
Depth 30.5 m  
Area 251 m<sup>2</sup>  
Width of street 7.27 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: SINGLE FAMILY DWELLING - GROUND FLOOR = 860 m<sup>2</sup>, GFA 163 m<sup>2</sup>  
2.5 STOREYS, WIDTH = 6.53 m, LENGTH = 11.35 m, HEIGHT = 10 m.

DETACHED GARAGE - GFA = 20 m<sup>2</sup>, WIDTH = 3.18 m, LENGTH = 6.45 m  
HEIGHT = 3.2 m.

Proposed

REAR COVERED PORCH AT THE FIRST STOREY LEVEL -  
GFA = 24 m<sup>2</sup>, WIDTH = 3.18 m, LENGTH = 3.71 m, HEIGHT = 3.96 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: SINGLE FAMILY DWELLING - FRONT YARD = 1.63 m,  
SIDE YARDS = 0.89 m  $\frac{1}{2}$  0.84 m, REAR YARD = 15.38 m.

DETACHED GARAGE - SIDE YARDS = 1.25 m  $\frac{1}{2}$  0.56 m,  
REAR YARD = 0.50 m.

Proposed:  
REAR COVERED PORCH AT THE FIRST STOREY LEVEL -  
SIDE YARDS = 0.89 m  $\frac{1}{2}$  0.84 m (TO MATCH EXISTING DWELLING),  
REAR YARD = 11.67 m, EAVE ENCROACHMENTS = 0.76 m  $\frac{1}{2}$  0.82 m



13. Date of acquisition of subject lands:

2015

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

PRE 1920

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 DWELLINGS.

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

SINCE ESTABLISHED

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:

URBAN HAMILTON OFFICIAL PLAN

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

FORMER CITY OF HAMILTON 6593 - "D" URBAN PROTECTED RESIDENTIAL

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

N/A

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.

SEE PLAN DRAWING SP1.01 - SITE PLAN PROPOSED.