



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-21:323

APPLICANTS: Owner 11822667 Canada Inc.
Agent Abdull Ewais

SUBJECT PROPERTY: Municipal address **719 Barton St. E.**,

ZONING BY-LAW: Hamilton Zoning By-law 05-200, as Amended

ZONING: C2 district (Neighbourhood Commercial)

PROPOSAL: To permit the establishment of a second dwelling unit within the existing mixed-use building notwithstanding that:

1. One (1) dwelling unit shall be permitted on the ground floor whereas the by-law requires all dwelling units to be above the ground floor level.
2. The residential portion of this building shall occupy 88% of the total gross floor area whereas not more than 50% of the gross floor area of the building is permitted to be used for residential purposes.

NOTES:

Building Division records indicate that the current recognized use of this building is a retail store on the ground floor with one (1) dwelling unit above. The applicant is proposing to create one (1) additional dwelling unit which will occupy the rear portion of the ground floor, while the front portion remain commercial.

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

DATE: Thursday, September 23rd, 2021
TIME: 1:25 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

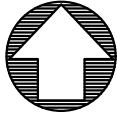
For more information on this matter, including access to drawings illustrating this request:

- Visit 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: September 7th, 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.



Site Plan

Address : 719 Barton St. E.

Hamilton, Ontario.

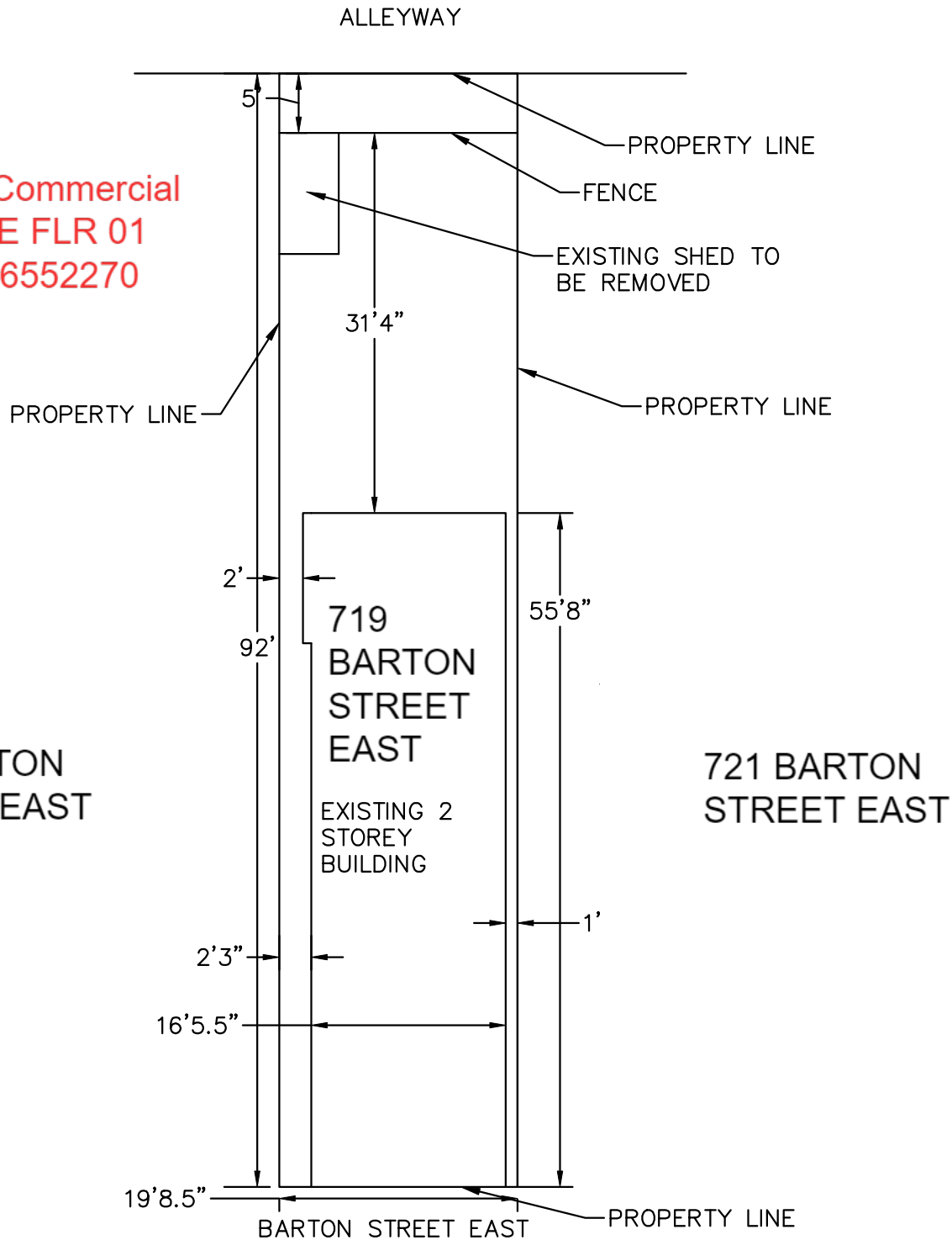
Zoning : C2-Neighborhood Commercial

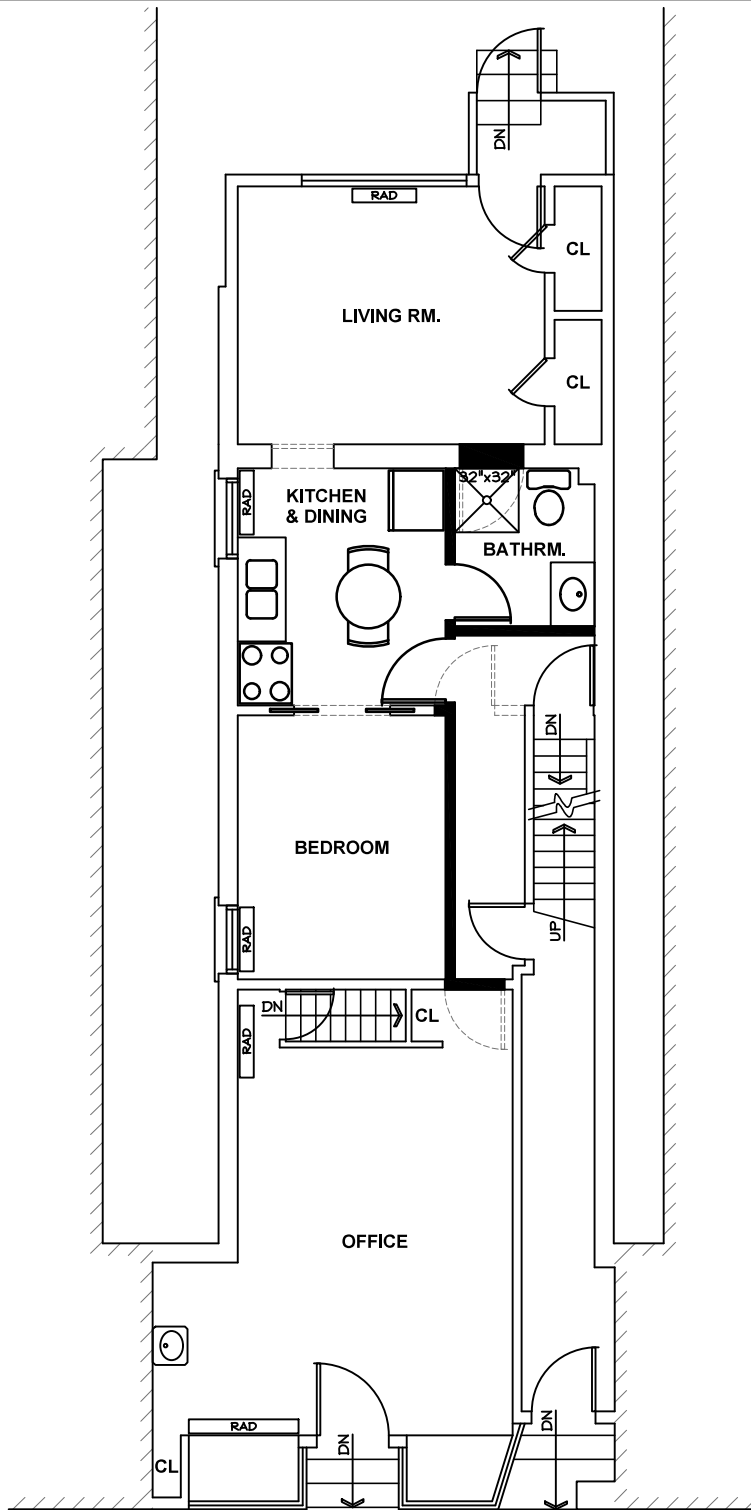
Location: 719 BARTON ST E FLR 01

Property Number 251803026552270

Frontage : 19.75 Feet

Depth : 92 Feet

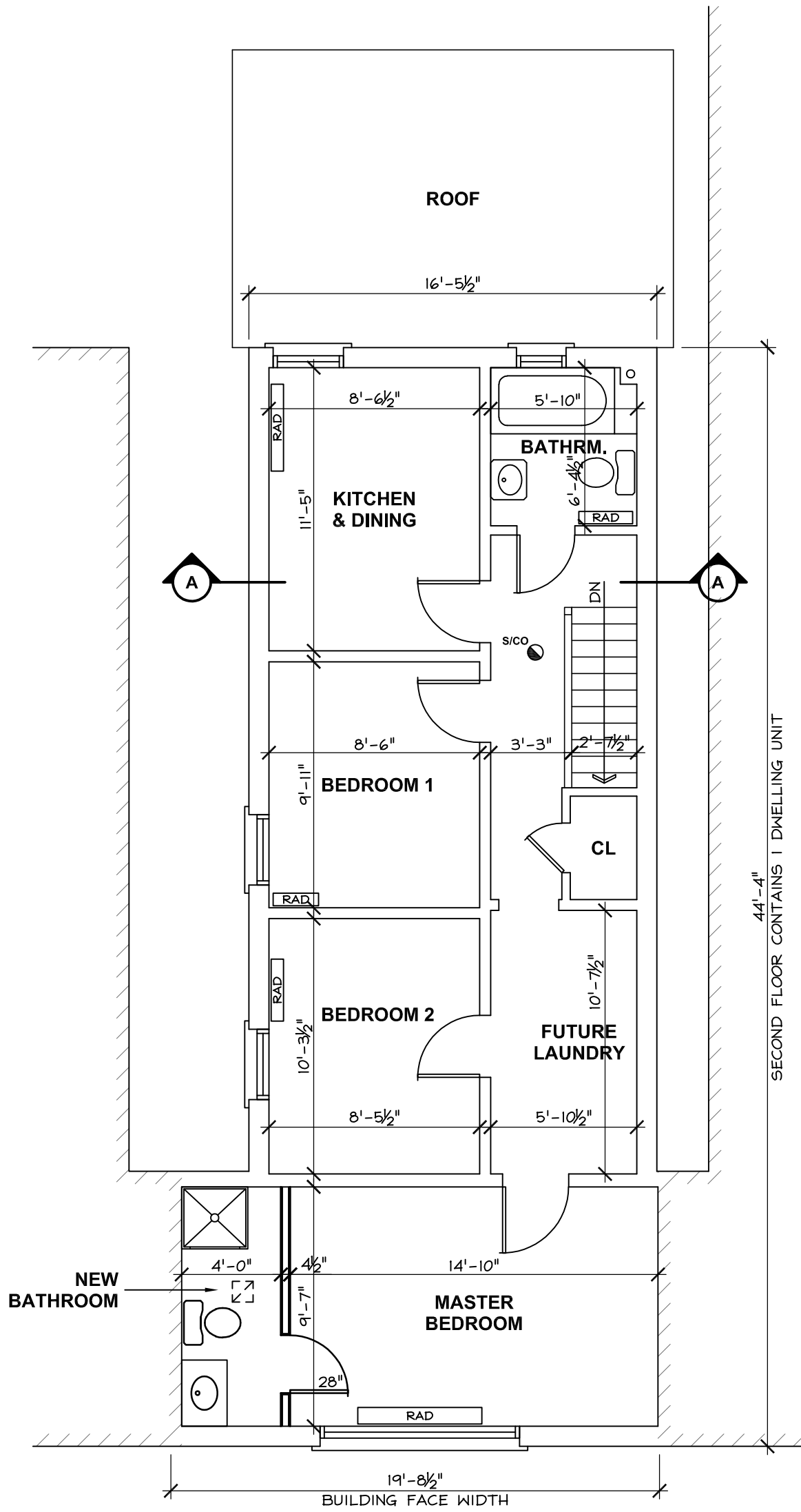




BARTON STREET EAST

PROPOSED GROUND FLOOR PLAN

Scale: $1/8" = 1'-0"$



BARTON STREET EAST

EXISTING SECOND FLOOR PLAN

Scale: 3/16" = 1'-0"

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

TONY PRASSAS
NAME SIGNATURE BCIN 19596

PRASSAS DESIGN
FIRM NAME BCIN 29887



SECOND FLOOR PLAN

719 BARTON STREET EAST
HAMILTON, ONTARIO
ALTERATIONS



Prassas Design

57 SHADE FOREST TRAIL HAMILTON, ONTARIO L9B 0E5
PHONE: 905-318-0452 FAX: 905-318-7649

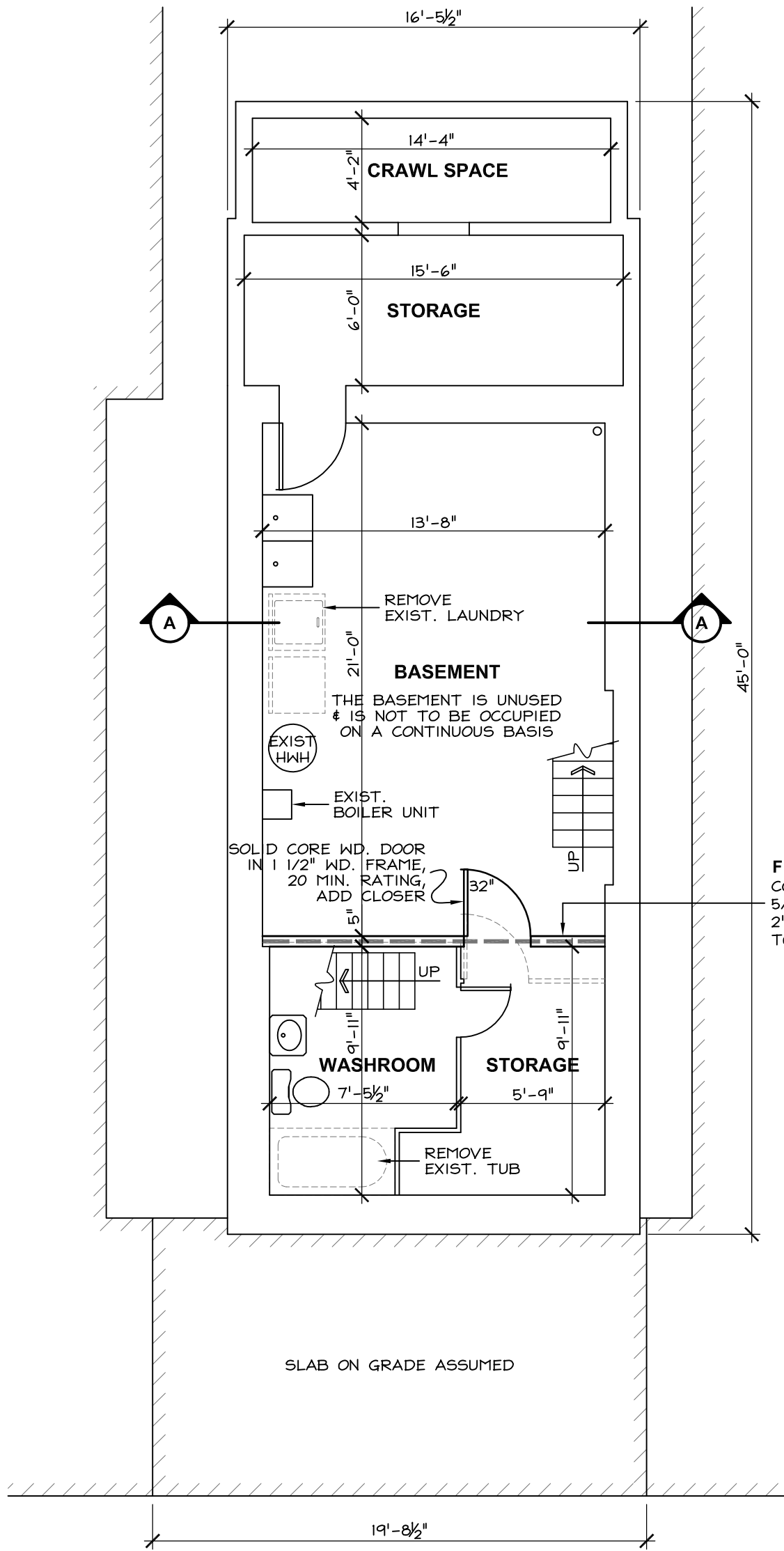
Scale
AS NOTED

Job No.
2007

Date
AUGUST 20, 2020

Drawing No. Rev. No.

2 1



F.S., 30 MIN. F.R.R. FOR OFFICE
 CONFORMING TO THE OBC, SB-2:
 5/8" TYPE X DRYWALL BOTH SIDES - 40 MIN.
 2"x4" WOOD STUDS @ 16"o.c. - 20 MIN.
 TOTAL TIME 60 MIN.

BARTON STREET EAST

EXISTING BASEMENT PLAN

Scale: 3/16" = 1'-0"

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TONY PRASSAS 19596
 NAME SIGNATURE BCIN

PRASSAS DESIGN 29887
 FIRM NAME BCIN



BASEMENT PLAN

719 BARTON STREET EAST
 HAMILTON, ONTARIO
 ALTERATIONS



Prassas Design

57 SHADE FOREST TRAIL HAMILTON, ONTARIO L9B 0E5
 PHONE: 905-318-0452 FAX: 905-318-7649

Scale
 AS NOTED

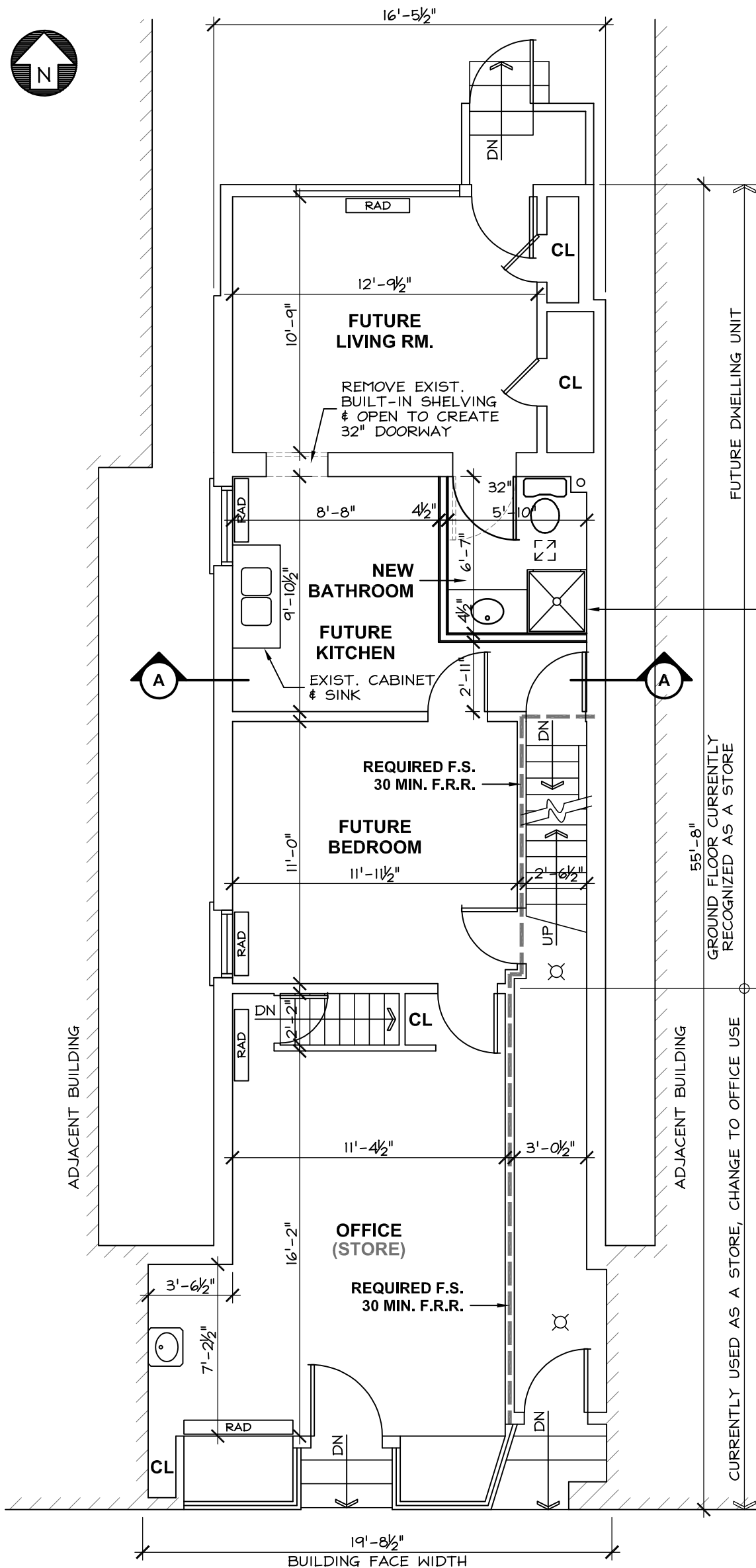
Job No.
 2007

Date
 JULY 28, 2020

Drawing No. Rev. No.

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BARTON STREET EAST

EXISTING GROUND FLOOR PLAN

Scale: 3/16" = 1'-0"

GENERAL NOTES

1. THE GROUND FLOOR IS CURRENTLY RECOGNIZED AS A STORE AND IS TO BE CHANGED TO OFFICE USE.
2. THE SECOND FLOOR IS CURRENTLY RECOGNIZED AS A SINGLE DWELLING UNIT.
3. ALL WORK TO BE IN ACCORDANCE WITH THE 2012 ONTARIO BUILDING CODE AND LOCAL AUTHORITIES HAVING JURISDICTION.
4. ALL MATERIALS ARE NEW UNLESS NOTED AS EXISTING.
5. DIMENSIONS OF EXISTING CONDITIONS ARE APPROXIMATE.
6. JOB CHECK ALL DIMENSIONS.
7. EXISTING WALLS AND CEILINGS ARE GENERALLY PLASTER ON WOOD LATH.
8. MAKE GOOD ALL SURFACES EXPOSED BY DEMOLITION OR REMOVAL. MATCH ADJACENT SURFACE MATERIAL.
9. SERVICES PENETRATING FIRE SEPARATIONS TO BE TIGHTLY FITTED OR FIRE STOPPED.
10. CLOSE IN ANY OPENINGS IN WALL OR CEILING MEMBRANES LOCATED IN FIRE SEPARATIONS.
11. REPORT ANY DISCREPANCIES TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
12. THESE DRAWINGS ARE PROTECTED BY COPYRIGHT AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE OR PROJECT.

LEGEND

- REMOVE BUILDING COMPONENTS AND MATERIALS SHOWN DOTTED.
- FIRE SEPARATION
- TYPICAL NEW INTERIOR PARTITION U.N.O.: 1/2" DRYWALL BOTH SIDES ON 2"x4" WOOD STUDS @ 16"o.c.
- U.N.O. UNLESS NOTED OTHERWISE
- W/ WITH
- RAD EXISTING RADIATOR
- F.S. FIRE SEPARATION
- F.R.R. FIRE RESISTANCE RATING
- (ROOM) USE OF EXISTING ROOM TO BE CHANGED
- S/CO COMBINATION SMOKE & CARBON MONOXIDE ALARM
- CEILING MOUNTED BATHROOM EXHAUST
- CEILING MOUNTED LIGHT FIXTURE

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

TONY PRASSAS 19596
NAME SIGNATURE BCIN

PRASSAS DESIGN 29887
FIRM NAME BCIN



GROUND FLOOR PLAN

719 BARTON STREET EAST
HAMILTON, ONTARIO
ALTERATIONS



Prassas Design

57 SHADE FOREST TRAIL HAMILTON, ONTARIO L9B 0E5
PHONE: 905-318-0452 FAX: 905-318-7649

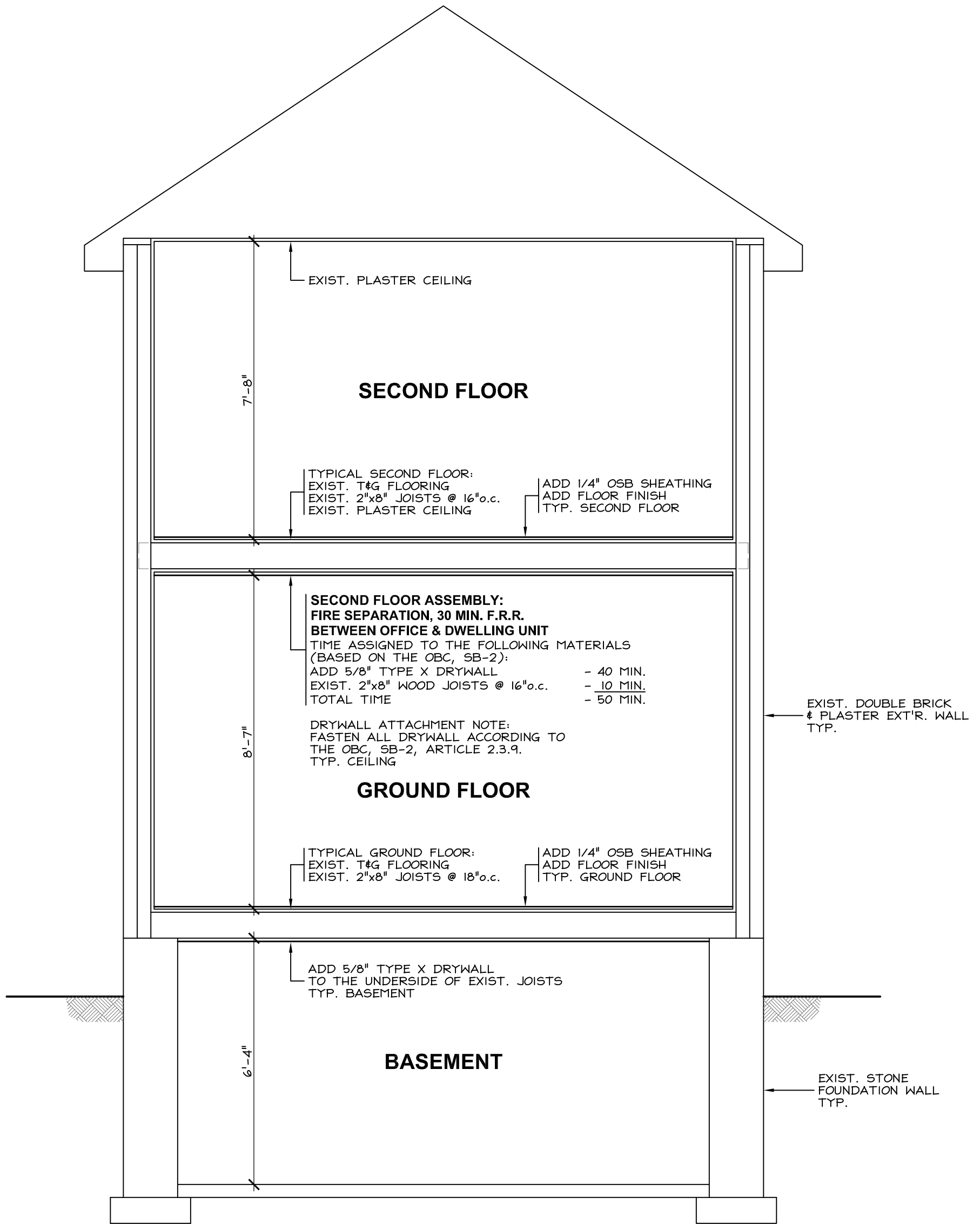
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AS NOTED

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Date
JULY 28, 2020

Drawing No. Rev. No.

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BUILDING SECTION A-A

Scale: 3/8" = 1'-0"

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 FIRM NAME BCIN



BUILDING SECTION

719 BARTON STREET EAST
 HAMILTON, ONTARIO
ALTERATIONS



Prassas Design

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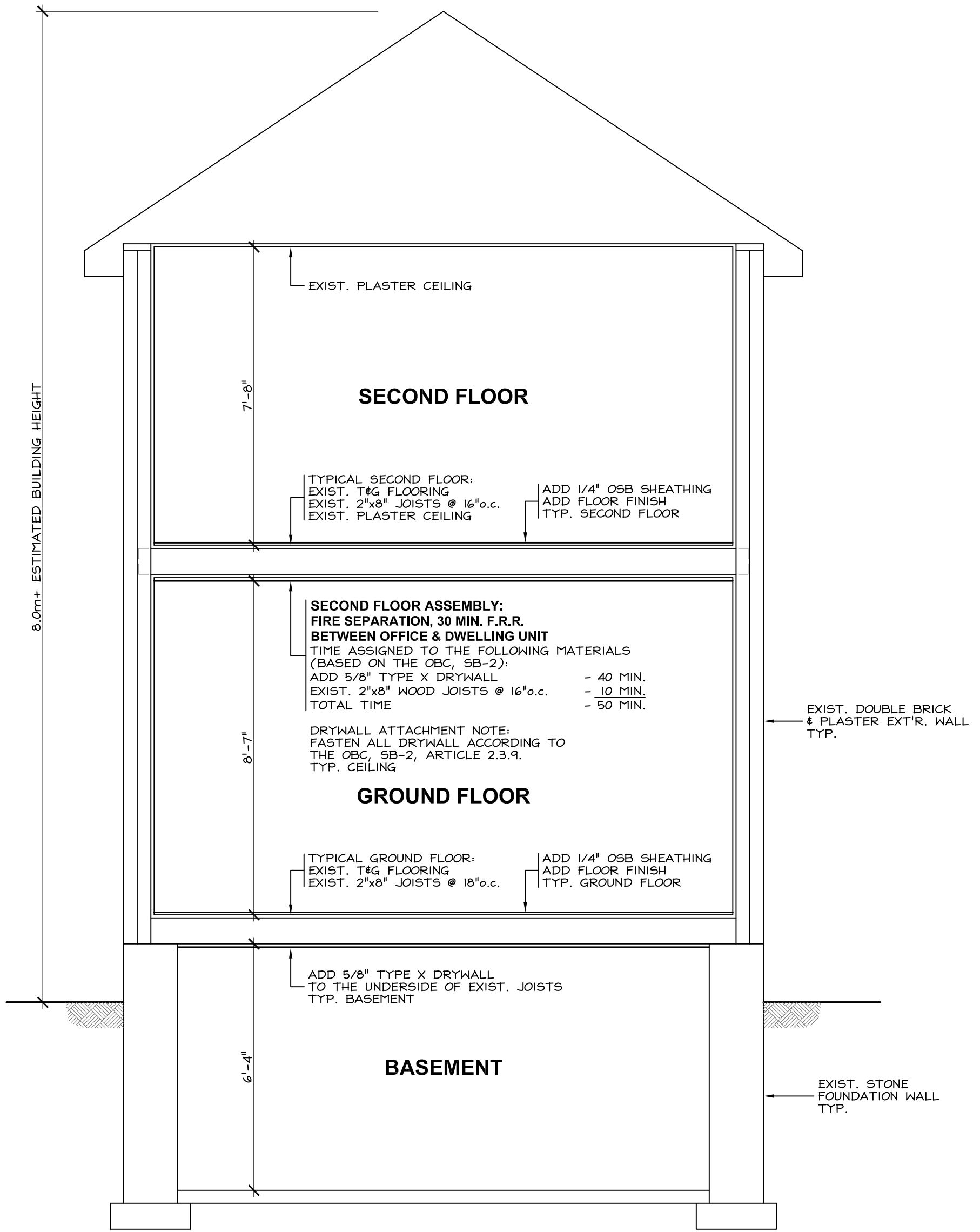
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BUILDING SECTION A-A
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PRASSAS DESIGN 29887
 FIRM NAME BCIN



BUILDING SECTION

719 BARTON STREET EAST
 HAMILTON, ONTARIO
 ALTERATIONS



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Date
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Drawing No. Rev. No.

4 1



Hamilton

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)	11822667 Canada Inc.	
Applicant(s)*	abdull ewais	
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:
to allow one bedroom apartment on the main floor behind the retail store (keeping the store front as retail) im asking to recognize the back unit on the main floor and legalize it as it has existing for more than 30 years.

Secondary Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
C2 zone allows for 50% for residential only for the 2nd floor and the Hight of the building min. 9 meters. im requesting to keep the store front as retail store, and the back of the store is one bedroom apartment, plus the Hight of the building is around 8 meters

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**):
719 Barton St E. Hamilton, Ontario
Pt Lt1, Blk 7, P1 220, Pt Lt2, Blk 7, P1 220

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

Other mixed used

- 8.1 If Industrial or Commercial, specify use retail
- 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?

building type attached to others, google maps and neighbourhood

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 27th 2021

Date



Signature Property Owner(s)

11822667 Canada Inc.

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	19.75 Feet
Depth	95 Feet
Area	1876.25 SFT
Width of street	

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: _

Store front looking at Barton St E, storage and bathroom in the basement for the store front

One bedroom apartment located on the main floor behind the store front

3 bedroom apartment located on the 2nd floor

Proposed

Maintain the same structure, and no changes to the building

keep the store front separate as it has its own hydro panel, and water shut-off,

keep the 1 bedroom in the back as it has its own water shut-off and hydro panel

convert the upper 3 bedroom apartment to 2x1 bedroom unit or keep it as room rental as it was being used before for years.

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

Existing:

left-side - 2 ft

right-side 4ft - 8 inches

front - sidewalk on barton

back- 45 ft back ally

Proposed:

no changes to the building

13. Date of acquisition of subject lands:
Jan 31st 2020
-
14. Date of construction of all buildings and structures on subject lands:
around 1910
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
duplex and store front.
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
International convince store on the right, and vacant building on the left
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:
Designated neighbourhood
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
C 2 neighbourhood commercial
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.

Property address: 719 Barton St. E, Hamilton

Reason: recognize the back apartment as legal apartment 1 bedroom, in ground floor.

Zone: C2 Neighbourhood commercial

Reason for restriction: minimum height of the building, and restricted use of the ground floor.

Dear Committee of adjustment:

Please consider my request to recognize the back apartment on the ground floor as legal 1 bedroom apartment.

Building history:

The back unit has been existing, and being used as apartment for more than 30 years, and the exiting structure of the walls, wiring, and plumbing all indicated that it was built as one bedroom unit behind the store front.

When I took position of the building on January 31st 2020, the ground floor was already vacant, where the old owner lived at the back unit, and ran his retail business at the front section.

From the building structure, the store front looking at Barton St. E with big windows, where it has its own bathroom and storage in the basement, and separate door to the residential from the store.

The back apartment has 3 entry points:

- 1- Side entrance from Barton St. where its common hallway to the upper unit and the back unit.
- 2- Entrance from the backyard.
- 3- Store front.

The back apartment had full function bathroom, kitchen, bedroom, and living room at the back.

There was no addition or modification was done by me other than bring the building to code.

All plumbing has been updated from copper to pex, with considering all the units have their own shut-off valves,

All electrical wiring, and feed have been updated, from the service to individual electrical box for each unit.

All fire alarms are wired interconnected from basement to the second floor.

Basement ceiling was insulated, and drywalled by fire rated.

Ground floor has now two layers of fire rated drywall.

Each section of the building has its own, electrical panel, and water shutoff.

The retail store will remain as retail store, no change will be done to it, as it has been separated by fire rated door, on the main floor and will be closed in the basement.

Zoning:

- Neighbourhood Commercial (C2) Zone

Per. The C2 zone, Commercial with residential, where the ground floor is commercial, and second floor is residential, and the minimum height of the building 9 meter.

The building existed before the new zoning was changed on 2016, and changed under the new commercial zoning bylaw for the City of Hamilton.

The back apartment on the ground floor was established prior to the zone change, the same for the building height which is around 8 meters.

There will be no change to the commercial section at the store front, which will remain fronting at Barton st E. to maintain the commercial designation.

In conclusion, I would like to request if the committee can grandfather the property and legalize the back unit as one bedroom apartment.

When I'm looking for to establish is:

Store front looking on Barton St. E

One bedroom apartment on the ground floor.

3-bedroom apartment on the second floor,

Or if possible,

2 units with one bedroom apartment, on the second floor.

I really thank you for your consideration and your help

Abdull Ewais

647-280-5354

Ae76@hotmail.com



Barton St. view

Store front entrance, and the residential entrance.



Side entrance to the back unit already existing.

