

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-21:305

APPLICANTS: Owner Joao & Maria Agostinho

SUBJECT PROPERTY: Municipal address **179 Ferrie St. E., Hamilton**

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

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

PROPOSAL: To permit an accessory structure for a single family dwelling which will consist of a 3.65m x 5.51m gazebo that will be attached to an existing double car garage within the rear yard, notwithstanding that:

1. The new accessory structure shall be setback a minimum distance of 0.3m from the westerly side lot line instead of the minimum required 0.45m setback for an accessory building or structure from the nearest lot line.
2. The maximum coverage for all accessory buildings and structures shall be 62.4% instead of the required maximum coverage of 30% for all accessory buildings and structure in the rear yard and side yard combined.
3. The accessory structure shall be setback a distance of 0.96m from the street line instead of the minimum required 6.0m setback from the street line for a corner lot.

NOTES:

1. The variances are generally written as requested by the applicant. However, it is noted that the requested lot coverage for accessory buildings and structures in the combined side and rear yard would be 62.4% instead of 61.32% as shown on the submitted site plan.

2. An additional variance (Variance #3) has been identified to address the required setback for an accessory structure from the street line.

3. Variance #3 is based on the requirement in the Zoning By-law for the setback from the street line for an accessory building or structure on a corner lot to be based on the minimum front yard depth of the adjoining property in situations where the accessory building is not separated from the adjoining lot by a distance of at least the depth of the required rear yard. The required front yard depth of 6.0m for the adjoining D district property therefore applies to the proposed gazebo addition because the existing double car garage would have a separation of only 0.5m to the adjoining lot at 425 Ferguson Avenue North.

4. The owner has advised that the existing garage is used for storage purposes and not for parking. Providing the existing single family dwelling was constructed prior to July 25, 1950, no parking spaces are required for this property. However, if the date of construction is after July 25, 1950, additional variances would be required.

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

DATE: Thursday, September 23rd, 2021
TIME: 1:40 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.

PLAN OF SURVEY
OF
PART OF LOTS 1
TOWNSHIP OF BARTON
REGISTERED PLAN NO. 61
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH

MUNICIPAL ADDRESS

170 FERRIE STREET EAST
HAMILTON, ONTARIO

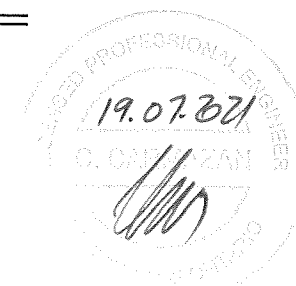
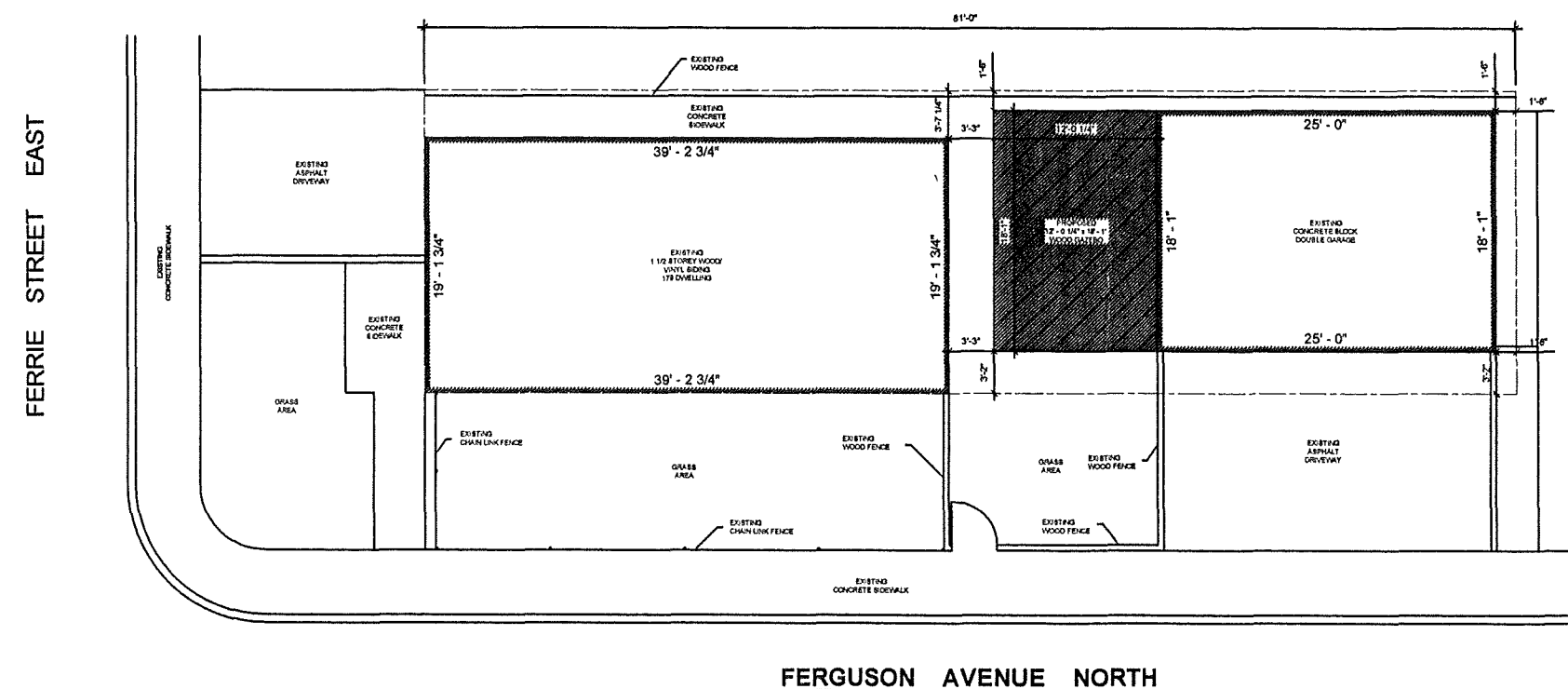
BUILDING CLASSIFICATION

SINGLE FAMILY DWELLING

ZONING

"D" DISTRICT

LOT SIZE	1,872.75 SQ. FT.	
HOUSE	751.08 SQ. FT.	40.76% OF LOT
GARAGE	452.08 SQ. FT.	41.41% OF BACK YARD
GAZEBO	217.38 SQ. FT.	61.32% OF BACK YARD



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CONSULTANT:
CARMAZAN ENGINEERING
INCORPORATED
84 BIGWIN ROAD
UNIT 7
HAMILTON, ONTARIO
905 - 521 - 9555

SEAL:

ORIENTATION:



PROJECT:
PROPOSED
GAZEBO
FOR
MR. & MRS.
AGOSTINHO
FERRIE STREET
EAST
HAMILTON, ON

DRAWING:
SITE
PLAN

A	DETAIL NO.
B	SHEET NO.
C	WHERE DETAIL REQUIRED
D	SHEET NO.
E	WHERE DETAILED

- REVISIONS:
1. PERMIT 05-15-21
 2. COA 07-05-21
 - 3.
 - 4.
 - 5.
 - 6.
 - 7.

DESIGNED BY:
WILLIAM DE MELO

DRAWN BY:
WILLIAM DE MELO

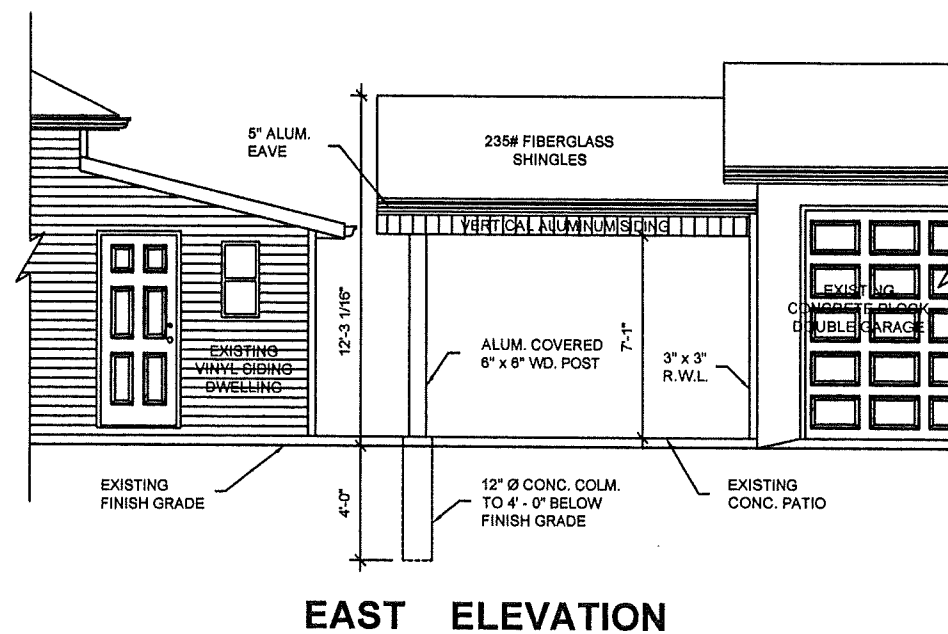
REVIEWED BY:
CALIN CARMAZAN

APPROVED BY:
CALIN CARMAZAN

SCALE:
1/8" = 1' - 0"

DATE:
MAY 9, 2021

PROJECT NO. 2021 - 129 - 1
DRAWING NO. A-1



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W

D

M

DRAFTING
SERVICE

HAMILTON
ONTARIO

905-517-7100

wdemelo@sympatico.ca

CONSULTANT:
CARMAZAN ENGINEERING
INCORPORATED
84 BIGWIN ROAD
UNIT 2
HAMILTON, ONTARIO
905 - 521 - 9555

SEAL:

ORIENTATION:

PROJECT:
**PROPOSED
GAZEBO
FOR
MR. & MRS.
AGOSTINHO
FERRIE STREET
EAST
HAMILTON, ON**

DRAWING:
**EAST
ELEVATION**

A

B

C

A DETAIL NO.

B SHEET NO.

C SHEET NO.

WHERE DETAIL REQUIRED

WHERE DETAILED

REVISIONS:
1. PERMIT 05-15-21
2.
3.
4.
5.
6.
7.

DESIGNED BY:
WILLIAM DE MELO

DRAWN BY:
WILLIAM DE MELO

REVIEWED BY:
CALIN CARMAZAN

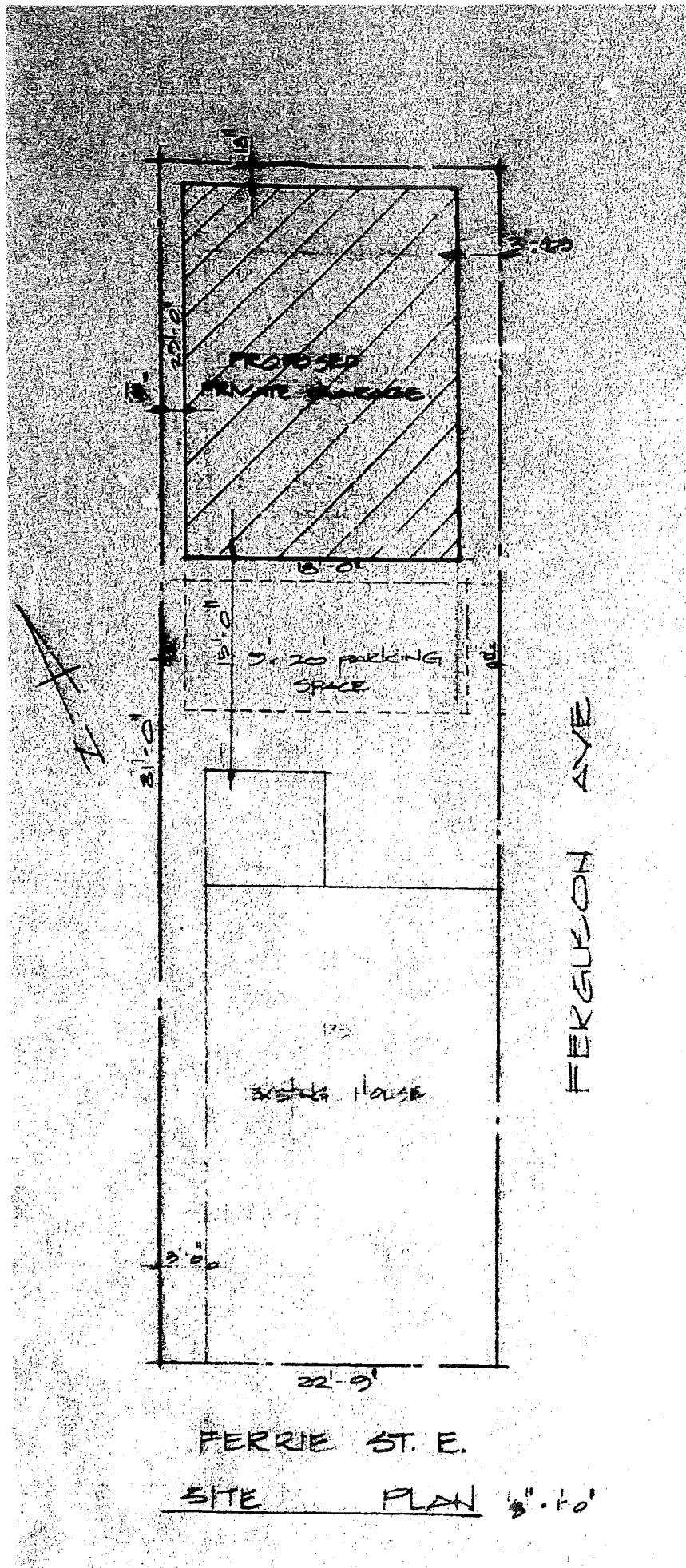
APPROVED BY:
CALIN CARMAZAN

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

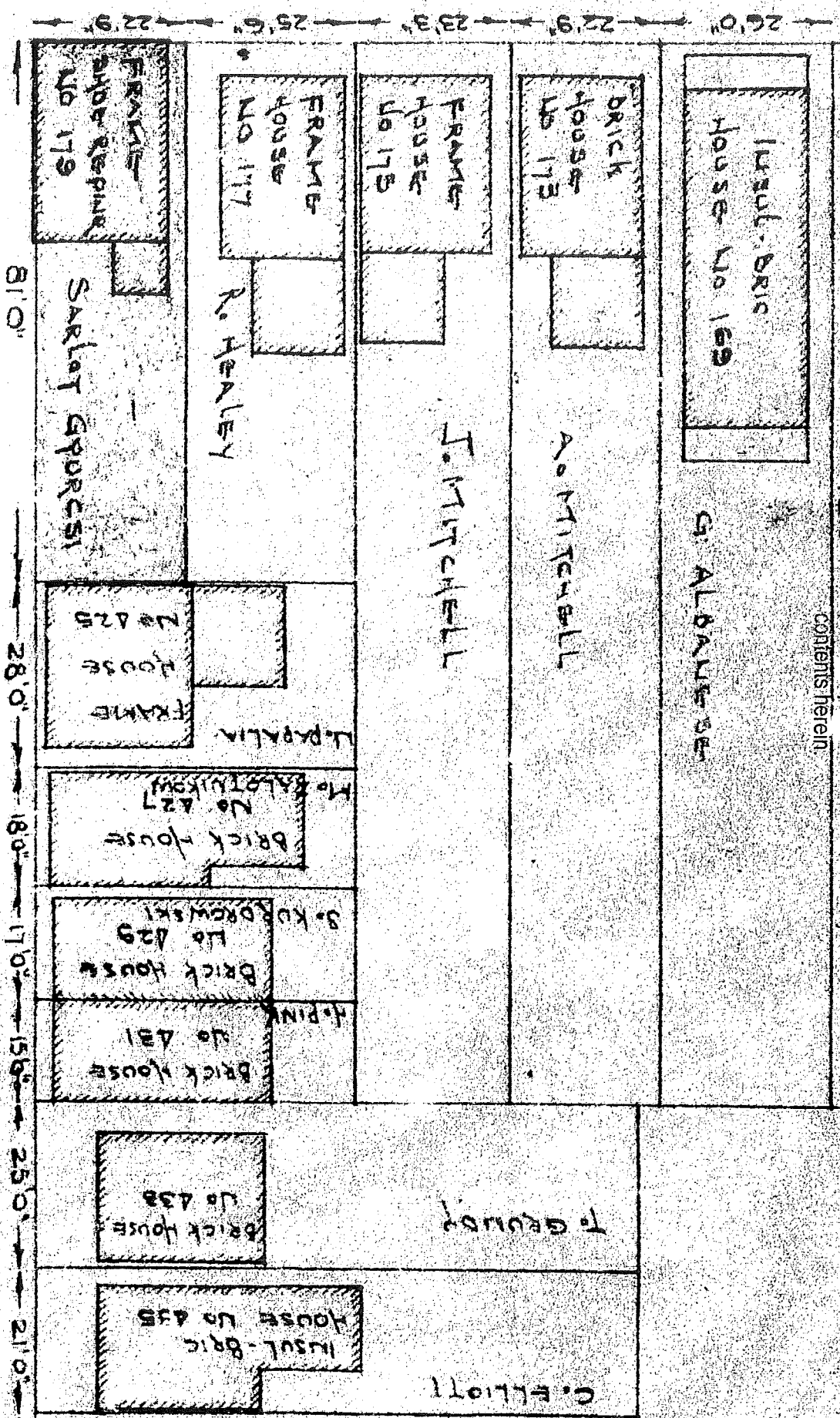
DATE:
MAY 9, 2021

PROJECT NO. DRAWING NO.
2021 - 129 - 1 **A-4**

INCORPORATION OF THE CITY OF HAMILTON
disclaims any liability as to the current
accuracy of the contents of this document
and advises that no reliance can be
placed upon the current accuracy of the
contents herein.



FERGUSON ST. F.

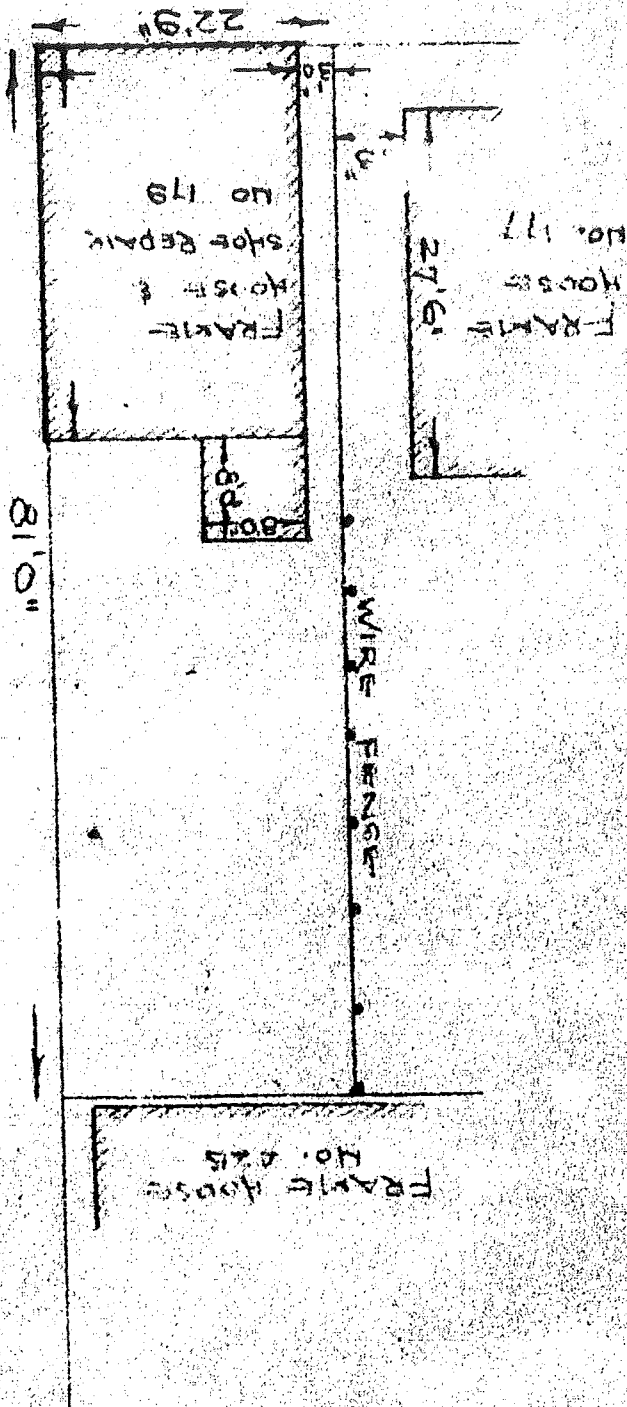


THE CORPORATION OF THE CITY OF HAMILTON
disclaims any liability as to the current
accuracy of the contents of this document
and advises that no reliance can be
placed upon the current accuracy of the
contents herein.

FERGUSON AVE. N.

THE CORPORATION OF THE CITY OF HAMILTON
disclaims any liability as to the current
accuracy of the contents of this document
and advises that no reliance can be
placed upon the current accuracy of the
contents herein.

FERRIE ST. E.



FERGUSON AVE. E.

Scale 1"=20'

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CONSULTANT:
CARMAZAN ENGINEERING
INCORPORATED
84 BIGWIN ROAD
UNIT 2
HAMILTON, ONTARIO
905 - 521 - 9555

SEAL:

ORIENTATION:



PROJECT:
**PROPOSED
GAZEBO
FOR
MR. & MRS.
AGOSTINHO
FERRIE STREET
EAST
HAMILTON, ON**

DRAWING:
**FLOOR
PLAN**

A	DETAIL NO.
B	SHEET NO. WHERE DETAIL REQUIRED
C	SHEET NO. WHERE DETAILED

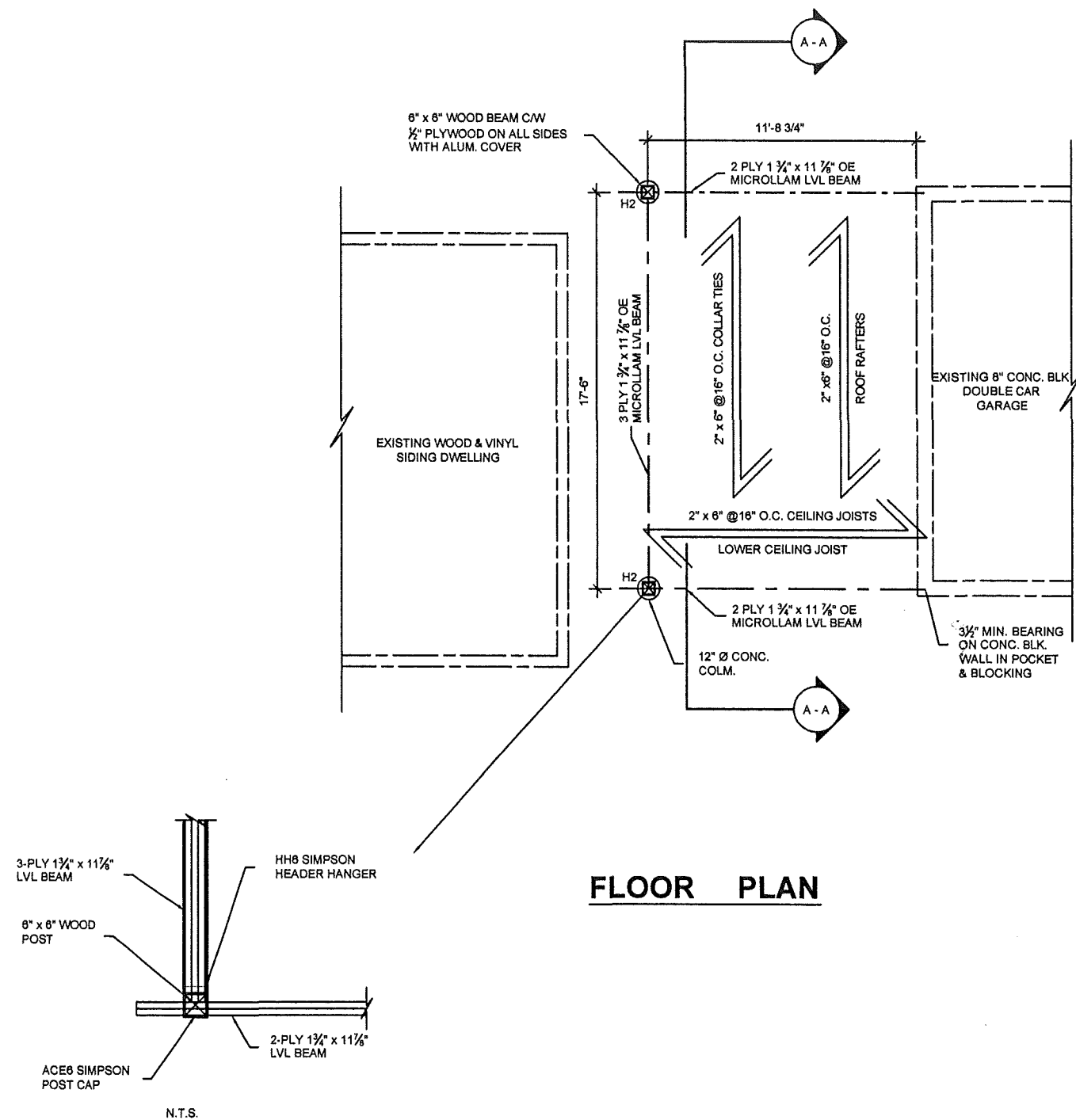
REVISIONS:
1. PERMIT 05-15-21
2.
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4.
5.
6.
7.

DESIGNED BY:
WILLIAM DE MELO
DRAWN BY:
WILLIAM DE MELO
REVIEWED BY:
CALIN CARMAZAN
APPROVED BY:
CALIN CARMAZAN

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

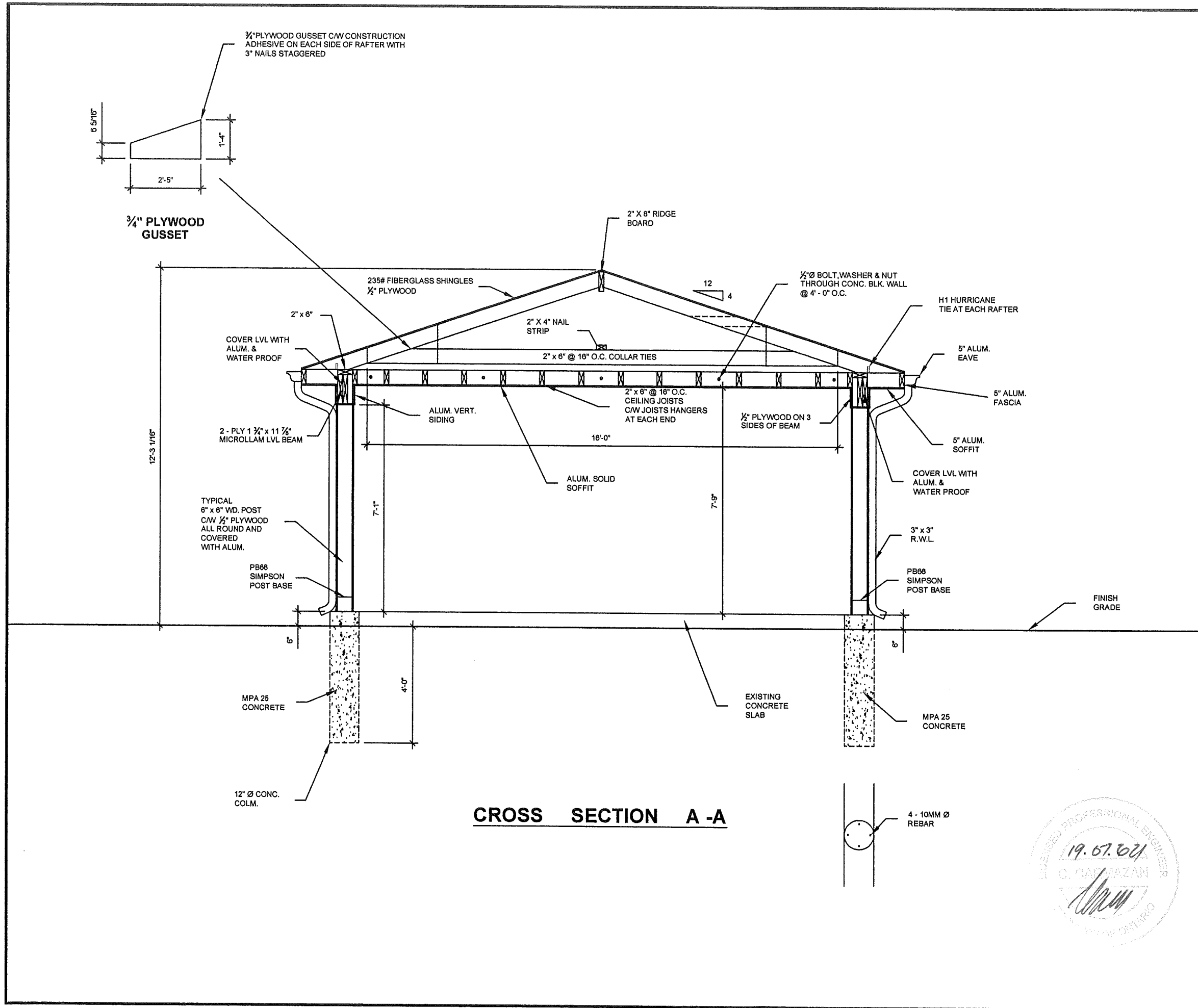
DATE:
MAY 9, 2021

PROJECT NO. 2021 - 129 - 1	DRAWING NO. A-2
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FLOOR PLAN





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W

D

M

DRAFTING
SERVICE

HAMILTON
ONTARIO

905-517-7100

wdmelo@sympatico.ca

CONSULTANT:
CARMAZAN ENGINEERING
INCORPORATED
84 BIGWIN ROAD
UNIT 2
HAMILTON, ONTARIO
905-521-9555

SEAL:

ORIENTATION:

PROJECT:
**PROPOSED
GAZEBO
FOR
MR. & MRS.
AGOSTINHO
FERRIE STREET
EAST
HAMILTON, ON**

DRAWING:
**CROSS
SECTION
A - A**

A

B

C

DETAIL NO.

SHEET NO.

WHERE DETAIL REQUIRED

SHEET NO.

WHERE DETAILED

REVISIONS:
1. PERMIT 05-15-21
2.
3.
4.
5.
6.
7.

DESIGNED BY:
WILLIAM DE MELO

DRAWN BY:
WILLIAM DE MELO

REVIEWED BY:
CALIN CARMAZAN

APPROVED BY:
CALIN CARMAZAN

SCALE:
1/2" = 1' - 0"

DATE:
MAY 9, 2021

PROJECT NO. 2021 - 129 - 1

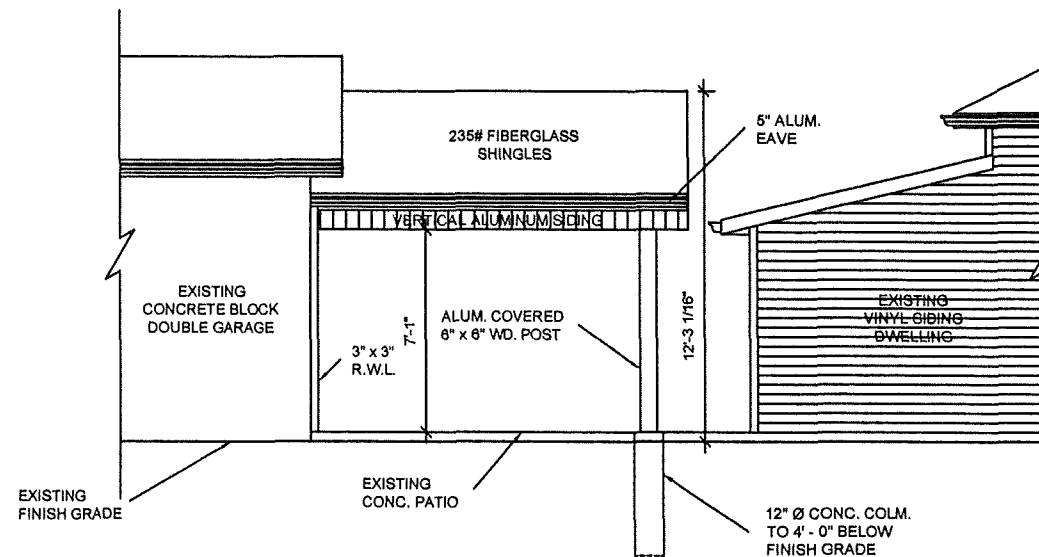
DRAWING NO. **A-3**

19.07.2021

C. CARMAZAN

PROFESSIONAL ENGINEER

ON



WEST ELEVATION



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CONSULTANT:
CARMAZAN ENGINEERING
INCORPORATED
84 BIGWIN ROAD
UNIT 2
HAMILTON, ONTARIO
905 - 521 - 9555

SEAL:

ORIENTATION:

PROJECT:
**PROPOSED
GAZEBO
FOR
MR. & MRS.
AGOSTINHO
FERRIE STREET
EAST
HAMILTON, ON**

DRAWING:
**WEST
ELEVATION**

A DETAIL NO.
B SHEET NO. WHERE DETAIL REQUIRED
C SHEET NO. WHERE DETAILED

REVISIONS:
1. PERMIT 05-15-21
2.
3.
4.
5.
6.
7.

DESIGNED BY:
WILLIAM DE MELO

DRAWN BY:
WILLIAM DE MELO

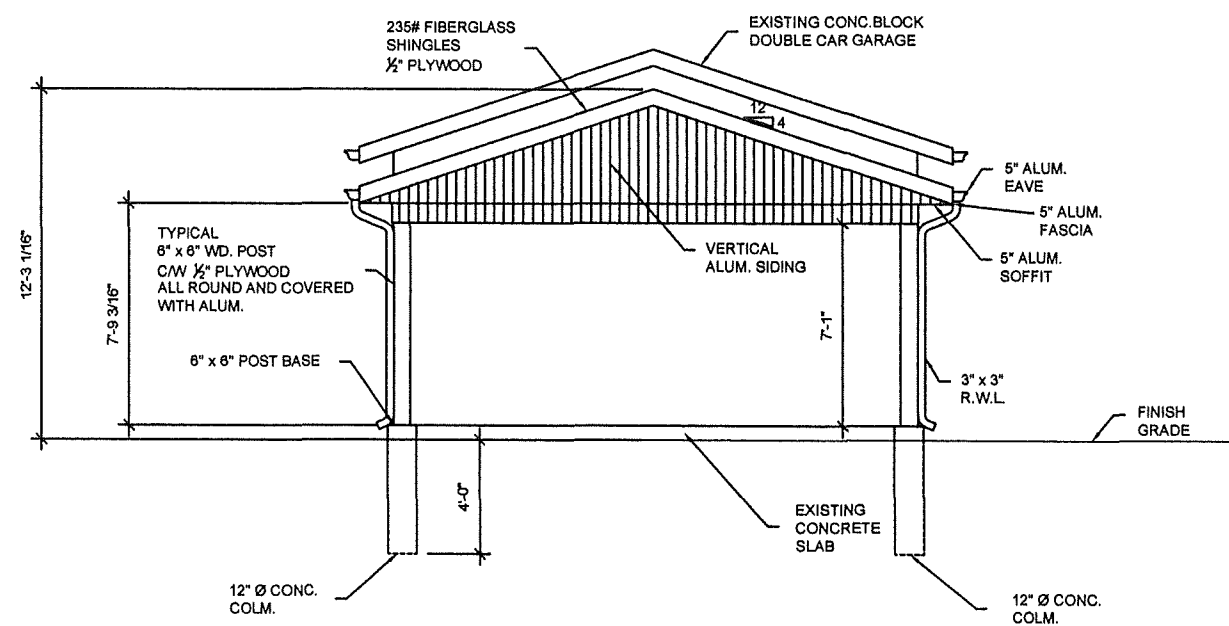
REVIEWED BY:
CALIN CARMAZAN

APPROVED BY:
CALIN CARMAZAN

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

DATE:
MAY 9, 2021

PROJECT NO. DRAWING NO.
2021 - 129 - 1 **A-5**



SOUTH ELEVATION



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CONSULTANT:
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INCORPORATED
84 BIGWIN ROAD
UNIT 2
HAMILTON, ONTARIO
905 - 521 - 9555

SEAL:

ORIENTATION:

PROJECT:
**PROPOSED
GAZEBO
FOR
MR. & MRS.
AGOSTINHO
FERRIE STREET
EAST
HAMILTON, ON**

DRAWING:
**SOUTH
ELEVATION**

A	DETAIL NO.
B	SHEET NO.
C	WHERE DETAIL REQUIRED
D	SHEET NO.
E	WHERE DETAILED

- REVISIONS:
1. PERMIT 05-15-21
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.
 - 7.

DESIGNED BY:
WILLIAM DE MELO

DRAWN BY:
WILLIAM DE MELO

REVIEWED BY:
CALIN CARMAZAN

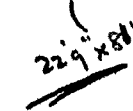
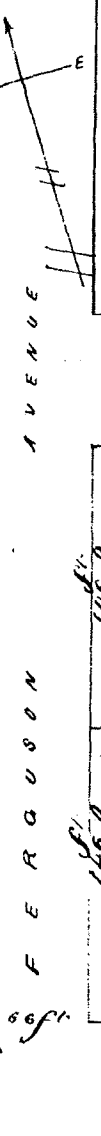
APPROVED BY:
CALIN CARMAZAN

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

DATE:
MAY 9, 2021

PROJECT NO. 2021 - 129 - 1	DRAWING NO. A-6
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Hamularia apiculata 1892



2. 7100.

This Plan is correct and is prepared
under the Provision of the 86th section
of Titles (Ontario) Act.
Attest: *Wm. J. H. H. H. H.*



Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

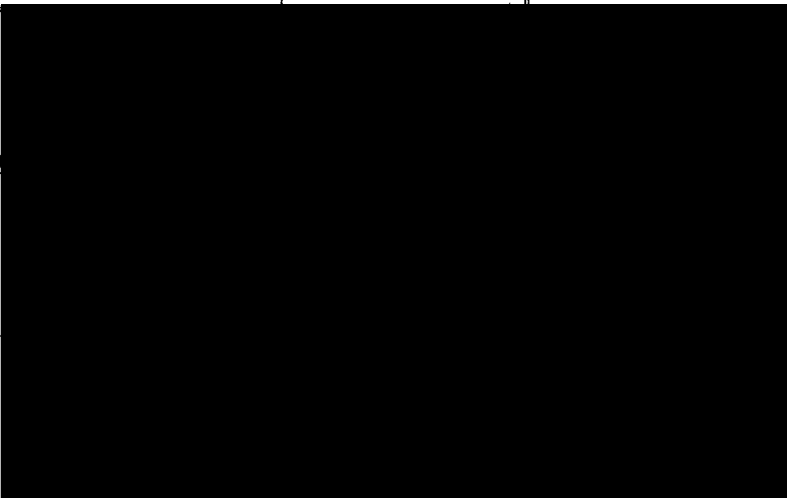
APPLICATION FOR A MINOR VARIANCE

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)	JOAO AGOSTINHO MARIA AGOSTINHO	
Applicant(s)*	SAME	
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 CONSTRUCT WOOD GAZEBO

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

- LESS THAN 4' ON WEST SIDE
- OVER 90% OF LOT AREA.

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**):

179 FERRIE ST. E.
HAMILTON, ONT

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?

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 11/21
Date

[Signature]
Signature Property Owner(s)

JORO AGOSTINHO, MARIA AGOSTINHO
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 19' - 1 3/4"
Depth 81' - 0"
Area 1,872.75 SQ FT.
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: SINGLE FAMILY DWELLING

Proposed SINGLE FAMILY DWELLING

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

Existing: SEE SITE PLAN

Proposed: SEE SITE PLAN

13. Date of acquisition of subject lands:
1988
14. Date of construction of all buildings and structures on subject lands:
UNKNOWN.
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SINGLE FAMILY
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:
33 YEARS
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|--------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers | <input type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
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.