



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
- 

**APPLICATION NO.:** HM/A-21:318

**APPLICANTS:** Owner Frank & Erin Marof

**SUBJECT PROPERTY:** Municipal address **79 Kipling Rd., Hamilton** Zoning

**ZONING BY-LAW:** By-law 6593, as Amended by By-law 96-125

**ZONING:** C/S-1436 district (Urban Protected Residential, Etc.)

**PROPOSAL:** To permit additions comprising 194.1 square metre of gross floor area for a one storey single family dwelling to allow for the expansion of the basement and first floor and to create a full second storey comprising an overall gross floor area of 305.1 square metres and to construct a new roofed over unenclosed front porch, notwithstanding that:

1. The floor area ratio for a single family dwelling shall be 0.98 instead of the required floor area ratio of 0.45 for property that is zoned C/S-1364 District.
2. The minimum northerly side yard shall be 0.7 metres instead of the minimum required 1.2 metre side yard for a single family dwelling not over 2.5 storeys in height.
3. Eaves and gutters shall be permitted to project 0.53m into the northerly side yard instead of the required maximum projection of not more than ½ of the required side yard width or 0.35 metres.
4. A parking space within the narrower portion of the driveway abutting the single family dwelling shall be a minimum width of 2.6m in width instead of the minimum required 2.7m parking space width.

**NOTES:**

1. The C/S-1364 Zoning that was created under By-law 96-125 provides special zoning provisions to address floor area ratio, ceiling height with respect to gross floor area, the height above grade for an attached garage and the maximum height of a single family dwelling. The intent of this by-law is to control the size of dwellings in the neighbourhoods near McMaster University.
2. Variance #1 was written as requested by the applicant. Additional variances noted as #2, 3 and 4 were identified through the review of this application.

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

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**DATE:** Thursday, September 23rd, 2021  
**TIME:** 1:55 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:

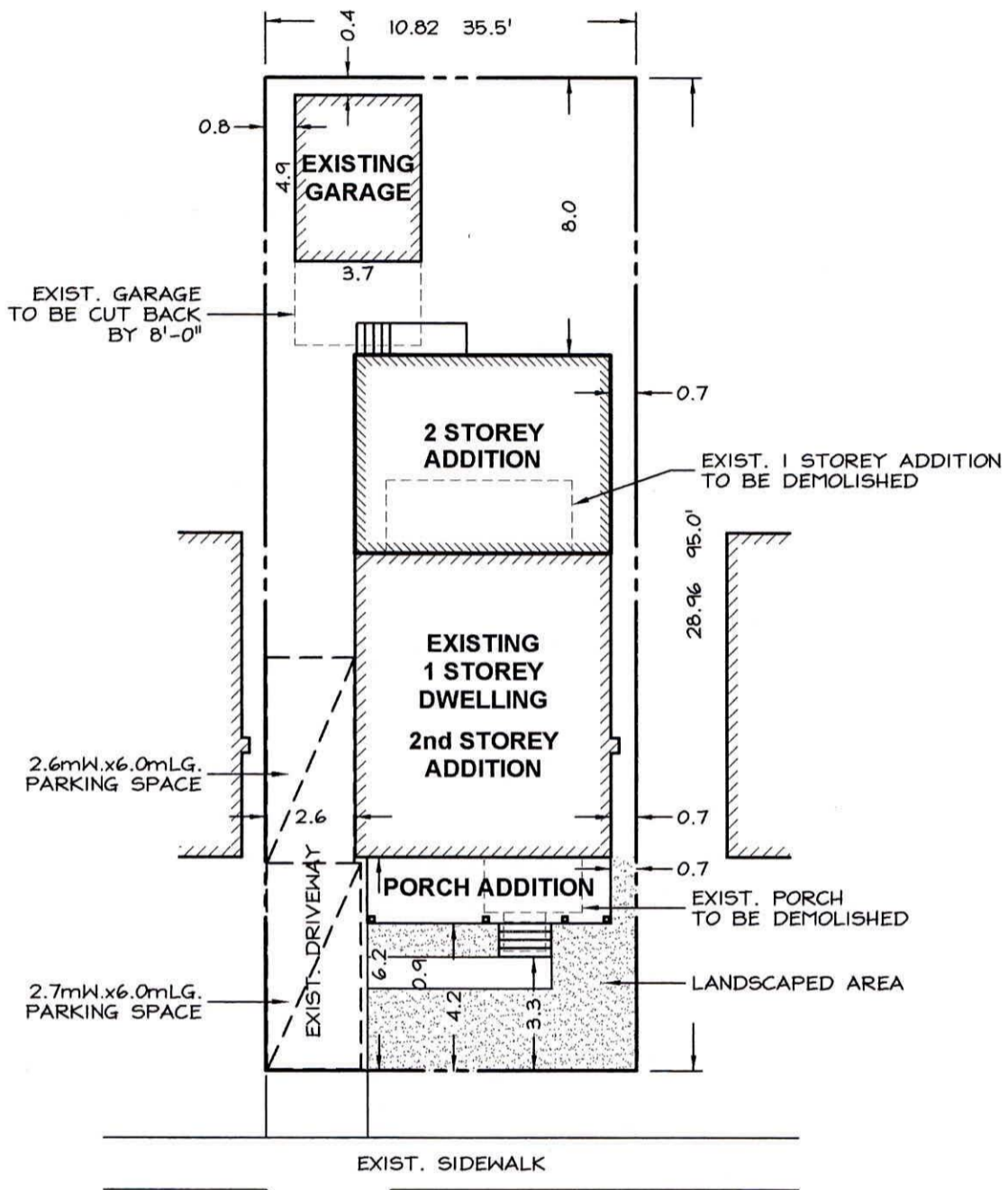
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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.***



## KIPLING ROAD

### SITE PLAN

Scale: 1:200

**NOTE:**

SITE PLAN DIMENSIONS ARE IN METERS. A SURVEY IS NOT AVAILABLE FOR THIS PROPERTY, ALL DIMENSIONS ARE BASED ON SITE MEASUREMENTS AND ARE APPROXIMATE.



**Prassas Design**

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

**MAROF RESIDENCE**  
79 KIPLING ROAD, HAMILTON ON  
RENOVATIONS & ADDITIONS

DWG. NO.

**1**

SCALE  
AS NOTED

JOB NO.

DATE  
OCT. 19/17

REVISION NO.  
1



### EAST FRONT ELEVATION

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



### WEST REAR ELEVATION

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



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**2**

SCALE  
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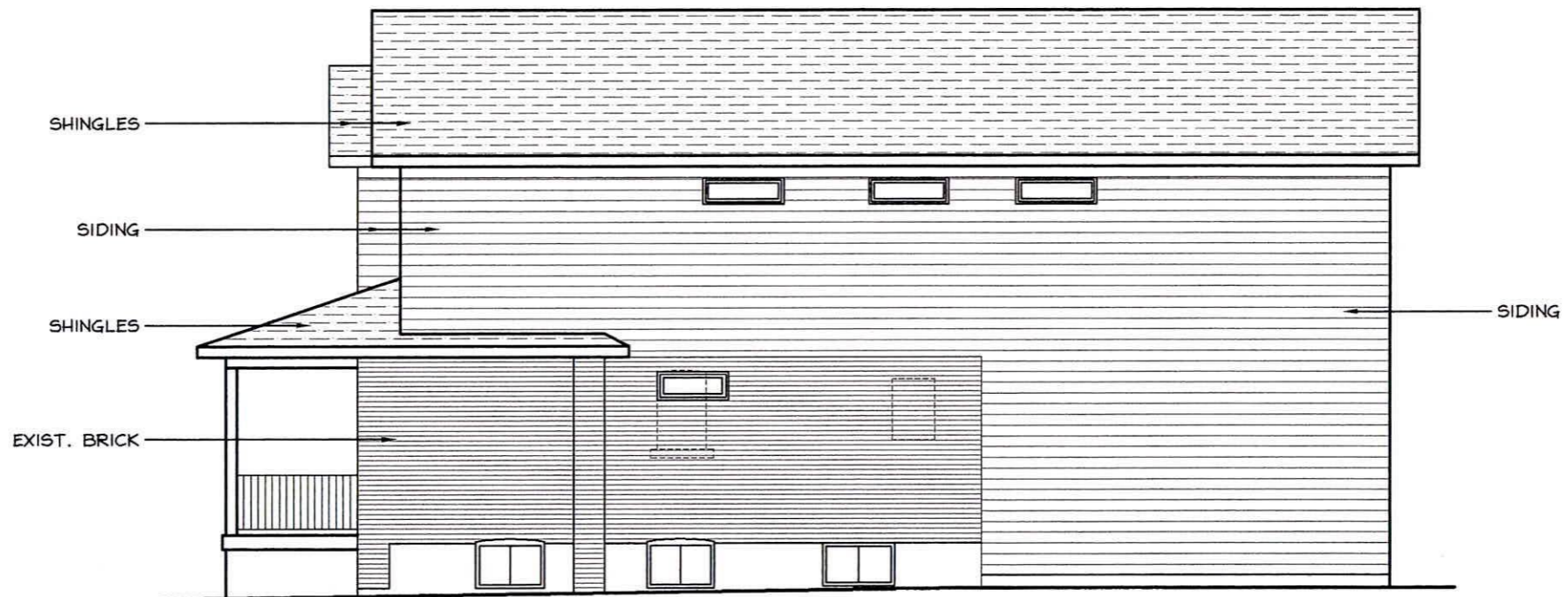
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**1**





**NORTH SIDE ELEVATION**

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



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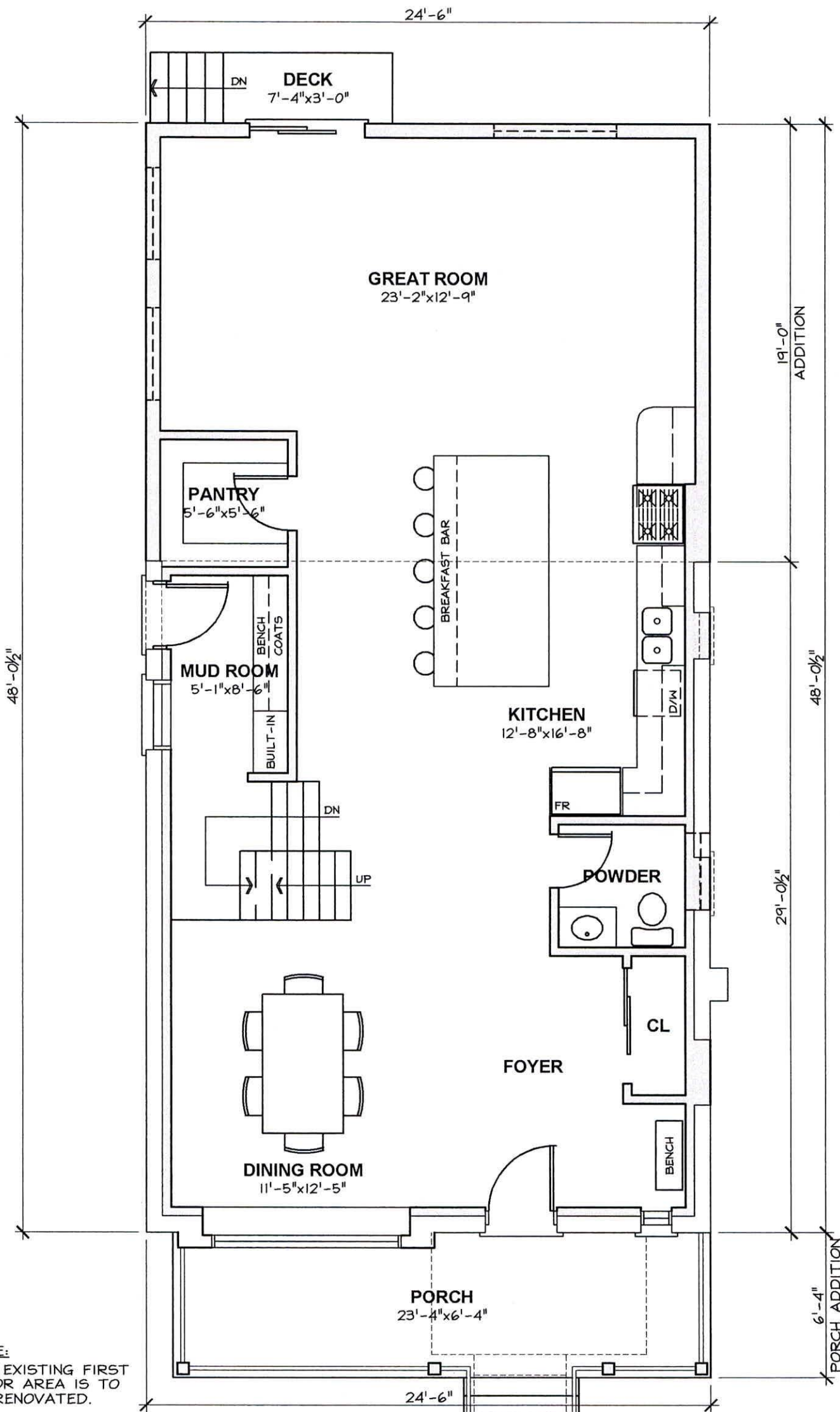
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**1**



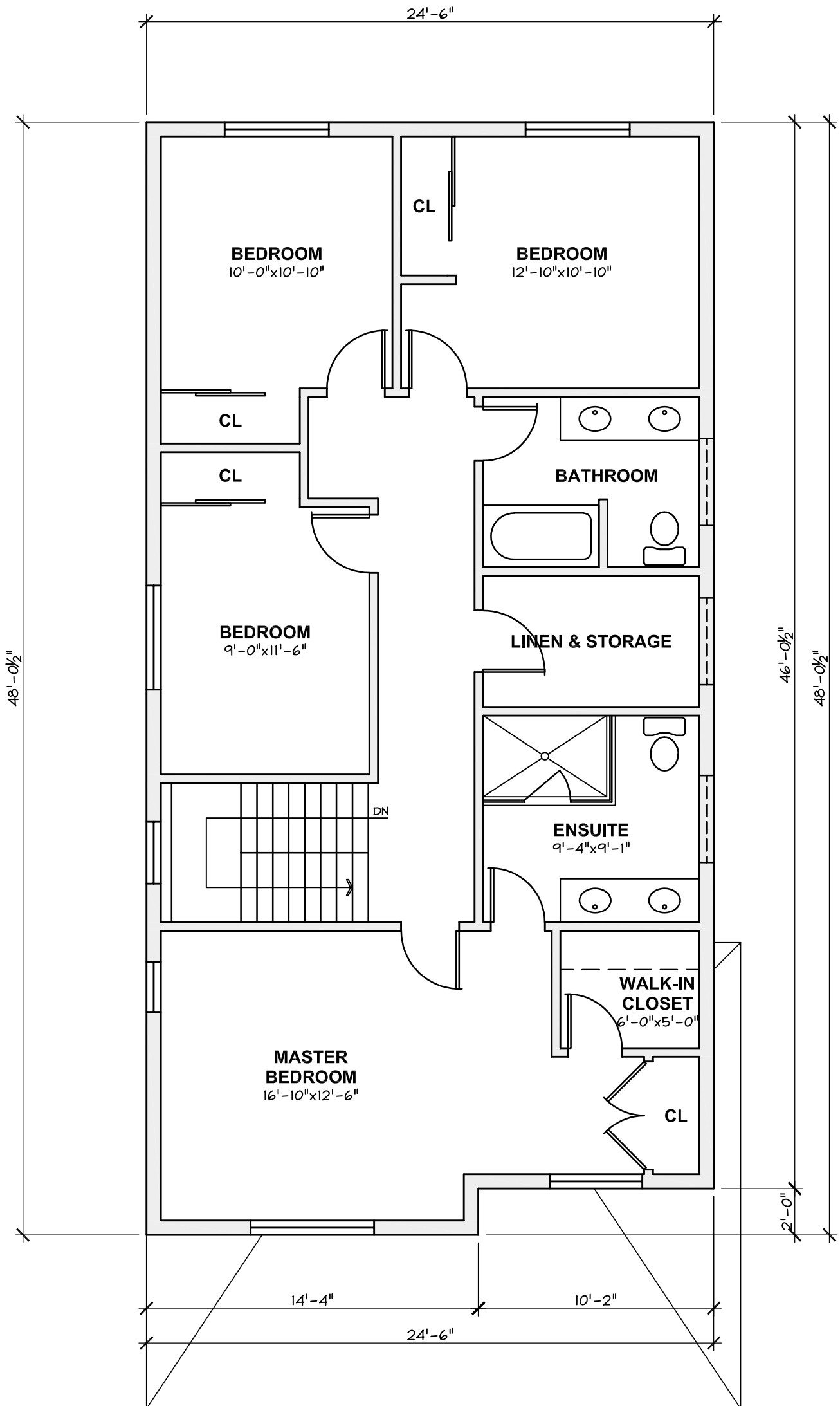
**FIRST FLOOR PLAN**  
 Scale: 3/16" = 1'-0"

NOTE:  
 THE EXISTING FIRST  
 FLOOR AREA IS TO  
 BE RENOVATED.



**Prassas Design**  
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<b>MAROF RESIDENCE</b> 79 KIPLING ROAD, HAMILTON ON RENOVATIONS & ADDITIONS			DWG. NO. <b>5</b>
SCALE AS NOTED	JOB NO.	DATE OCT. 19/17	REVISION NO. 1



## SECOND FLOOR PLAN

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



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 RENOVATIONS & ADDITIONS

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**SOUTH SIDE ELEVATION**

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



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**MAROF RESIDENCE**  
 79 KIPLING ROAD, HAMILTON ON  
 RENOVATIONS & ADDITIONS

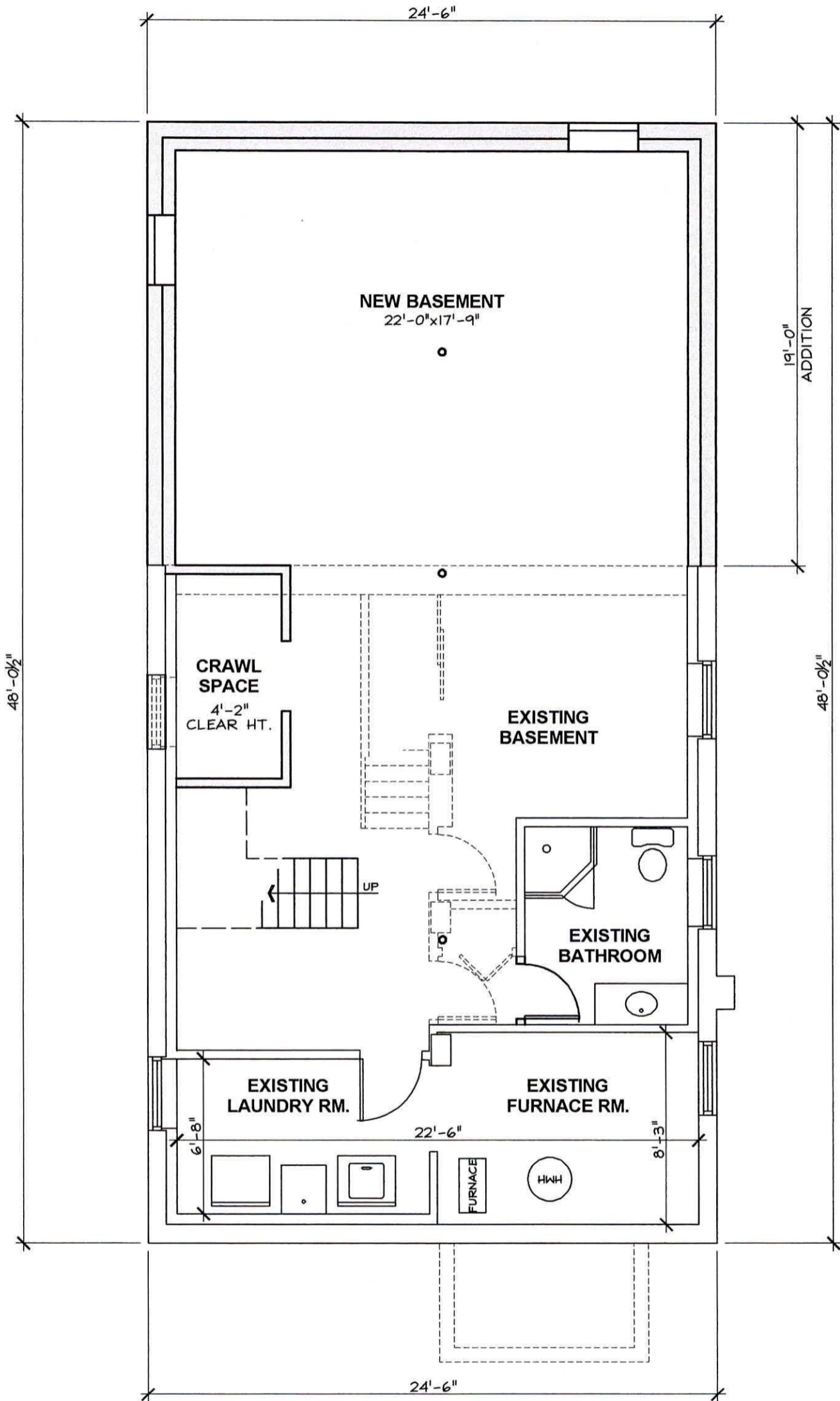
DWG. NO.  
**3**  
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**BASEMENT PLAN**

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



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## SITE AND BUILDING STATISTICS

1. LOT AREA	-	313.3 SM.	3,372 SFT.
2. GROSS FLOOR AREA			
EXISTING BASEMENT	-	66.1 SM.	712 SFT.
BASEMENT REAR ADDITION	-	43.3 SM.	466 SFT.
EXISTING FIRST FLOOR	-	66.1 SM.	712 SFT.
FIRST FLOOR REAR ADDITION	-	43.3 SM.	466 SFT.
SECOND FLOOR ADDITION	-	<u>107.5 SM.</u>	<u>1,157 SFT.</u>
SUB-TOTAL	-	326.3 SM.	3,513 SFT.
MINUS BASEMENT CRAWL SPACE	-	5.4 SM.	58 SFT.
MINUS FURNACE & LAUNDRY AREAS	-	<u>15.8 SM.</u>	<u>170 SFT.</u>
TOTAL GROSS FLOOR AREA	-	305.1 SM.	3,285 SFT.
3. FLOOR AREA / LOT RATIO:			
NEW FLOOR AREA / LOT RATIO	-	98%	
MAXIMUM FLOOR AREA / LOT RATIO	-	45%	
4. BUILDING HEIGHT:			
EXISTING BUILDING HEIGHT	-	6.6m±	
NEW BUILDING HEIGHT	-	8.4m±	
MAXIMUM BUILDING HEIGHT	-	9.0m	
5. FRONT YARD LANDSCAPED AREA			
GROSS FRONT YARD AREA	-	67.3 SM.	
FRONT YARD LANDSCAPED AREA	-	28.8 SM.	
NEW LANDSCAPED AREA RATIO	-	42%	
MINIMUM LANDSCAPED AREA RATIO	-	50%	



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DWG. NO.

**8**

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REVISION NO.  
1



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)	FRANK MAROF ERIN MAROF	[REDACTED]
Applicant(s)*	FRANK MAROF ERIN MAROF	
Agent or Solicitor	FRANK MAROF	

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:

T.D BANK

938 King St. W

Ann. 1 to L85 # 18



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:

*Excess square feet of house for lot size  
45% to 98%*

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

*House is bigger than Allowed.*

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**):

*79 Kipling Rd Hamilton L8S 3x4  
PLAN 714 Lot 128 Lot 129 .08AC 35.5 Ft. 95 D.*

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?

Residential use area.

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 16 / 21  
Date

  
Signature Property Owner(s)

FRANK MAROF  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 35.5  
Depth 9.5  
Area 3372.5  
Width of street 28

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: House 28 feet 4 inches deep, 24'6" wide  
Back addition 7 feet deep, 17'8" wide.  
Garage 12 wide, 24 deep.

House 712 sq. feet Garage 288.6

Proposed House 24'6" wide 48 feet deep. height 8.4 meters  
Garage 12 by 15 feet?  
House 3285 sq feet Garage 180.

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

Existing: House Right side .7 meters Garage left .8 meters  
Left side 2.6 meters Rear .4m  
Rear 13.8m Right 6m?  
Front 6.2m Front 22m?

Proposed: House Right .7m Garage left .8m  
left 2.6m Right 6m  
Right 8m Rear .4m  
Front 6.2m Front 19m.

13. Date of acquisition of subject lands:

2009

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

1950's

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:

75 years

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:

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.

Attached