



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.:** DN/A-21:300

**APPLICANTS:** Owner Peter Ross & Frances I. Aird

**SUBJECT PROPERTY:** Municipal address **26 Dunning Crt., Dundas**

**ZONING BY-LAW:** Zoning By-law 1964, as Amended

**ZONING:** Residential district R4

**PROPOSAL:** To permit the reconstruction of a 3.6m wide x 11.3m long carport and to also permit a 42 square metre accessory building within the rear yard, notwithstanding that:

1. The minimum side yard to accommodate the carport shall be 0.47m instead of the minimum required 1.2m side yard for a single detached dwelling under two storeys in height.

**NOTES:**

1. The variance is requested to address the reconstruction of the carport and is based on the requirements of Zoning By-law 1964 (Former Town of Dundas). Variances were also requested to permit the construction of a 6.0m x 7.0m accessory building to be used for a double car garage in the rear yard but were incorrectly based on the R4 Zone requirements of Dundas Zoning By-law 3581-86 in the application, which do not apply. It is noted that the proposed accessory building would comply with the requirements of Zoning By-law 1964 including the maximum lot coverage.

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

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**DATE:** Thursday, September 23<sup>rd</sup>, 2021  
**TIME:** 2:15 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:

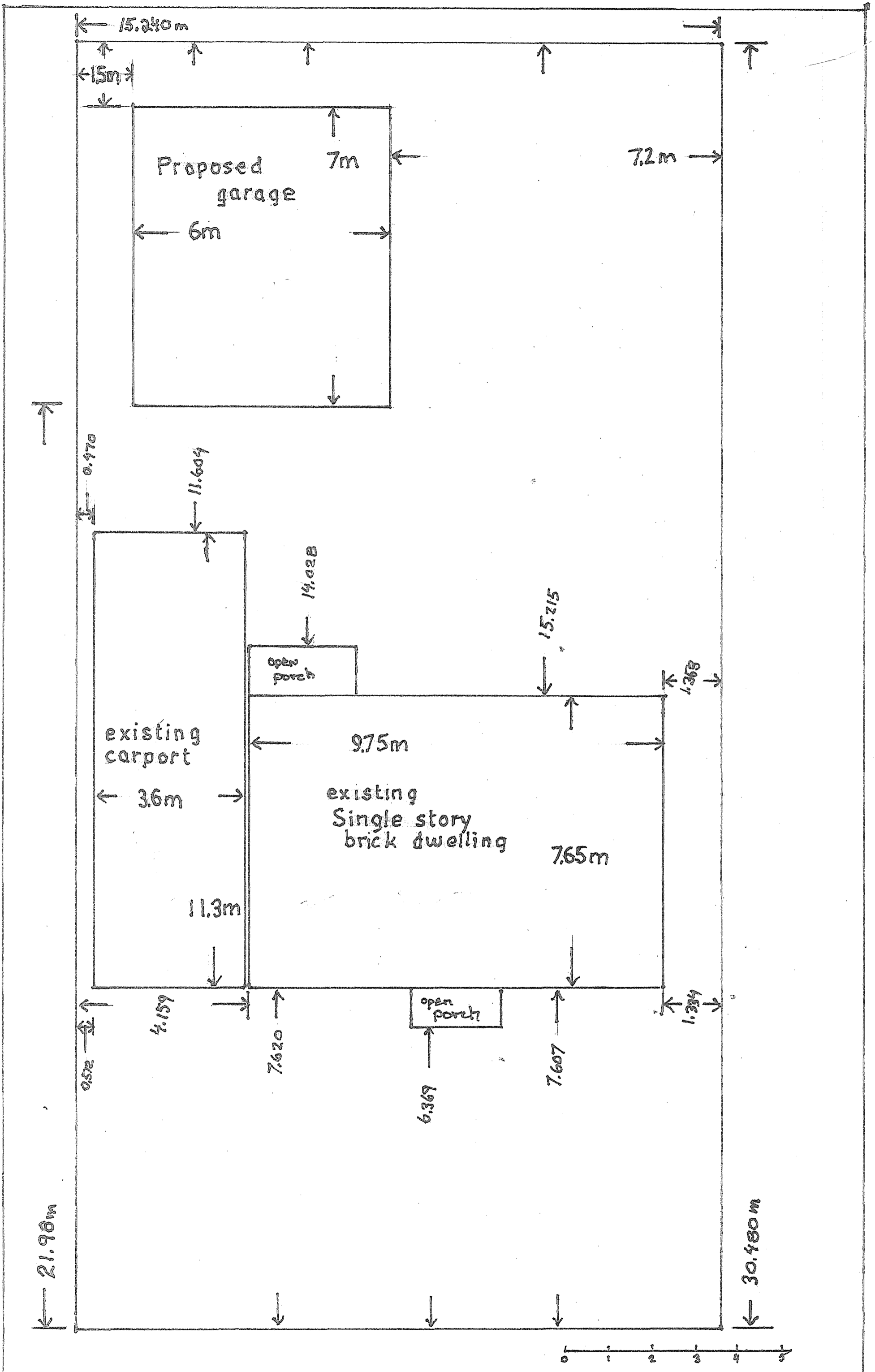
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: September 7<sup>th</sup>, 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.***



Lot 13 Registered plan 999 City of Hamilton  
 26 DUNNING Court, DUNDAS, ON, L9H 4K6

Site Sketch

location of property showing adjacent property buildings

copy





**SURVEYOR'S REAL PROPERTY REPORT**

PART 1, PLAN OF

**LOT 13**

**REGISTERED PLAN No. 999**

IN THE

**CITY OF HAMILTON**

SCALE: 1:200 metres



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

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2-129082



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
In accordance with  
Regulation 1026, Section 29(3).

**SURVEYOR'S REAL PROPERTY REPORT  
(PART 2)**

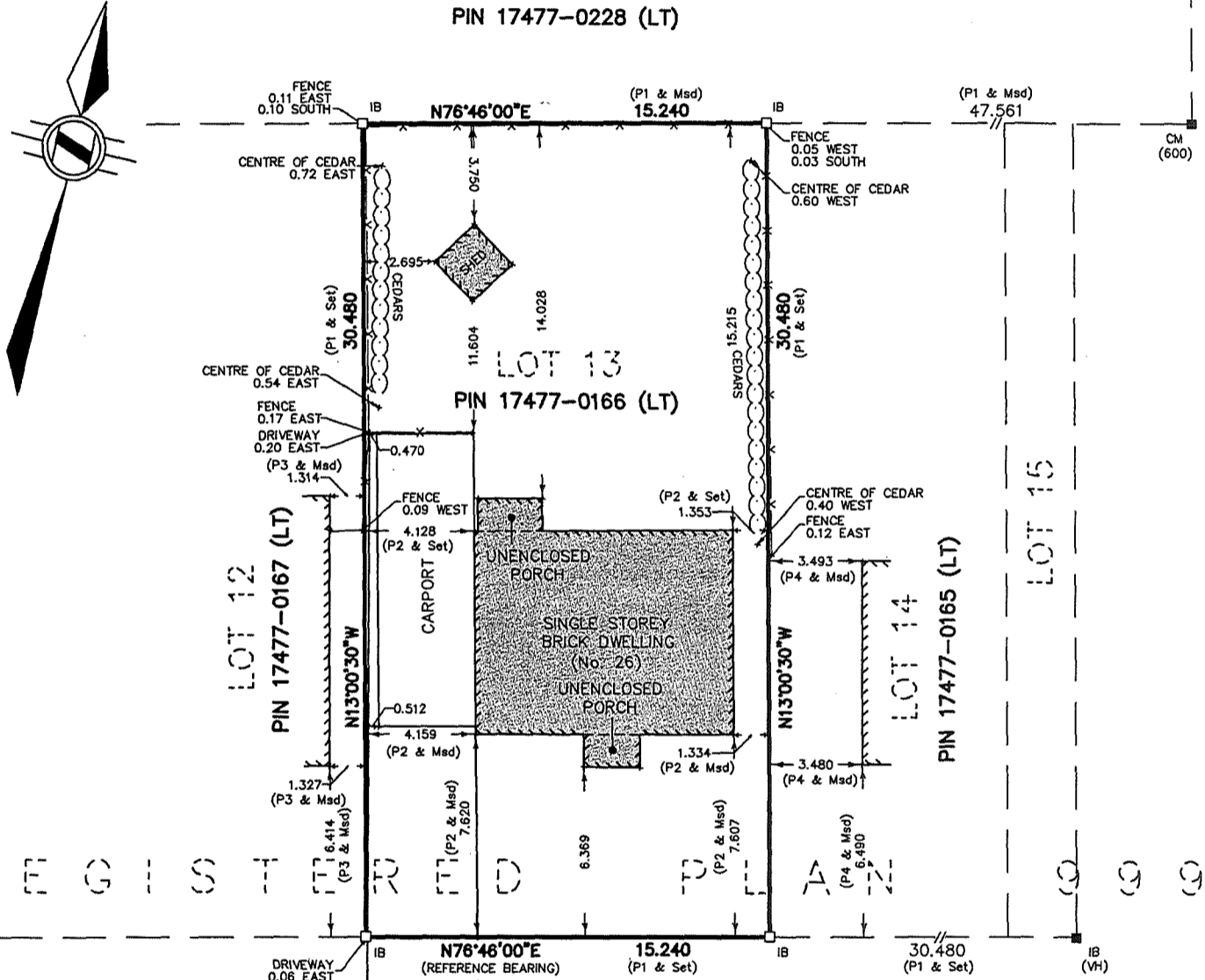
LOT 13, REGISTERED PLAN 999, IS NOT  
SUBJECT TO ANY EASEMENTS AS  
ILLUSTRATED ON THE PLAN

THIS PLAN DOES NOT CERTIFY COMPLIANCE  
WITH ZONING BY-LAWS.

THIS PLAN WAS PREPARED FOR  
PETER ROSS

LOT 54, CONCESSION 1  
TOWNSHIP OF ANCASTER

PIN 17477-0228 (LT)



**BEARING NOTE:**

BEARINGS ARE ASTRONOMIC AND ARE  
REFERRED TO THE NORTHERLY LIMIT OF  
DUNNING COURT AS SHOWN  
ON PLAN 999, BEING N76°46'00"E

**METRIC NOTE**

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

**DUNNING COURT**

(ESTABLISHED BY REGISTERED PLAN 999)

PIN 17477-0229 (LT)

**LEGEND:**

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IB IRON BAR
- SIB STANDARD IRON BAR
- CC CUT CROSS
- CM CONCRETE MONUMENT
- 824 A.T. McLAREN, O.L.S.
- 600 S.W. WOODS, O.L.S.
- VH VAN HARTEN SURVEYING INC., O.L.S.
- Msd MEASURED
- P1 REGISTERED PLAN 999
- P2 PLAN BY SYDNEY WOODS, O.L.S DATED APRIL 18, 1955
- P3 PLAN BY SYDNEY WOODS, O.L.S DATED JUNE 7, 1955
- P4 PLAN BY SYDNEY WOODS, O.L.S DATED JUNE 7, 1955

**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 REGULATIONS  
MADE UNDER THEM  
2. THE SURVEY WAS COMPLETED ON THE 31ST DAY OF JULY, 2020

AUGUST 11, 2020

DATE

S.D. McLAREN, O.L.S.

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REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN  
PART WITHOUT THE WRITTEN PERMISSION OF S.D. 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 JM Checked RM Scale 1:200 Dwg.No. 36400



**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**

<b>FOR OFFICE USE ONLY.</b>	
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	ADDRESS
Registered Owners(s)	Peter W. Ross Frances I. Aird	
Applicant(s)*	(Registered Owners)	
Agent or Solicitor	N/A	

**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:  
 Royal bank of Canada  
 300 Pitt street  
 Cornwall, ON  
 K9J 3P9

**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:  
Permission to construct a 6m X 7m single car garage at the rear of the house within 1.5 m of the side and rear property lines.  
Permission to rebuild an existing carport in the location that it is presently in slightly higher than it s presently but still below the roof line of the existing dwelling.
5. Why it is not possible to comply with the provisions of the By-law?  
The by-law specifies a 2 metre minimum setback from the side and rear property lines for an accessory structure and a maximum size of 41 meters square.  
(note: the property at the rear is a cemetery.)  
Rebuilding the carport as it presently exists 0.51m from the property line might not be possible with out recognition of the existing structure.
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**):  
Part 1 Plan lot 13 Registered plan 999 City of Hamilton.  
26 Dunning Court, Dundas, ON, L9H 4K6
7. PREVIOUS USE OF PROPERTY  
Residential  Industrial  Commercial   
Agricultural  Vacant   
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 9.1 to 9.10 above?  
Realtor research at the time of purchase in 2018.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, 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 29 2021  
Date

Frances Aird  
Signature Property Owner

Rter W. Ross Frances I. Aird  
Print Name of Owner

10. Dimensions of lands affected:  
Frontage 15.240 m  
Depth 30.480 m  
Area 464.5 m<sup>2</sup>  
Width of street 8 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 story brick dwelling. Area 74.6 m<sup>2</sup> 7.65m X 9.75m X 5m  
Carport attached to house. Area 40.7 m<sup>2</sup> 3.6 m X 11.3m X 3m

Proposed Single car garage. Area 42 m.<sup>2</sup> 6m X 7m X 4m

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 story brick dwelling. Front 7.62m West 4.159m East 1.334m Rear 15.215m  
Carport attached to house. Front 7.62m West 0.512m East 11.1m Rear 11.604m

Proposed: Single car Garage. Front 21.98m West 1.5m East 7.22m Rear 1.5m

13. Date of acquisition of subject lands:  
June 22, 2018
- 
14. Date of construction of all buildings and structures on subject lands:  
Uncertain, assumed to be post WW2
- 
15. Existing uses of the subject property:  
Residential
16. Existing uses of abutting properties:  
Residential
17. Length of time the existing uses of the subject property have continued:  
Since construction.
18. Municipal services available: (check the appropriate space or spaces)  
Water yes Connected yes  
Sanitary Sewer yes Connected yes  
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Part 1 Plan lot 13 Registered Plan 999 City of Hamilton
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
R4 1964 bylaw
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.