



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th 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

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-21:315

APPLICANTS: Owner Donna & Egbert Richards
Agent Rodrigo Zagarese and Michal Naval

SUBJECT PROPERTY: Municipal address **64 Meadowlark Dr., Hamilton**

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

ZONING: D district (Urban Protected Residential)

PROPOSAL: To permit the conversion of the existing Single Family Dwelling to establish the use of a Secondary Dwelling Unit notwithstanding that:

1. A separate door providing access to the secondary dwelling unit shall be oriented towards the front lot line whereas the by-law requires any separate entrance and exit for a Secondary Dwelling Unit to be oriented towards the flankage, interior side or rear lot lines.

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

DATE: Thursday, September 23rd, 2021
TIME: 3:00 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

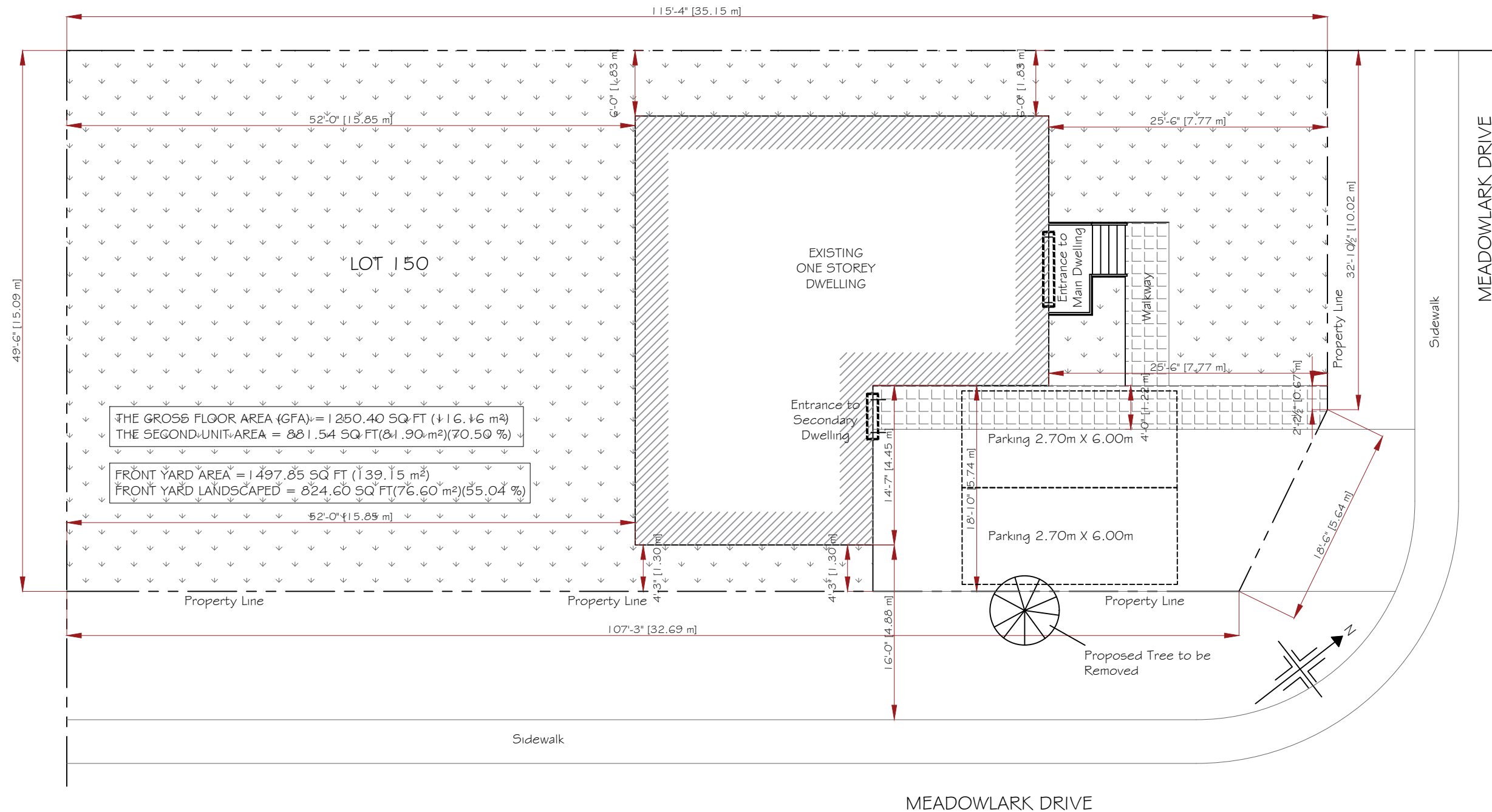
For more information on this matter, including access to drawings illustrating this request:

- 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.



PENGUIN BASEMENT LTD

906 Magnetic Drive, Toronto, ON M3J 2C4
 T 416-633 7180 - F 416- 633 9366.
 www.basementscanada.com

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The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be designer.

QUALIFICATION INFORMATION- Required unless design is exempt under 3.2.5.1 of Division "C" of the Ontario Building Code

Jonathan Reece 103797
 Name SIGNATURE BCIN

QUALIFICATION INFORMATION- Required unless design is exempt under 3.2.5.1 of Division "C" of the Ontario Building Code

Penguin Plans 106827
 Name BCIN

PROJECT ADDRESS :
 64 Meadowlark Dr.
 Hamilton, ON,
 L9A 2K7

DRAWING :
 SITE PLAN

DESIGNER :
 Jonathan Reece

VERSION :
 1

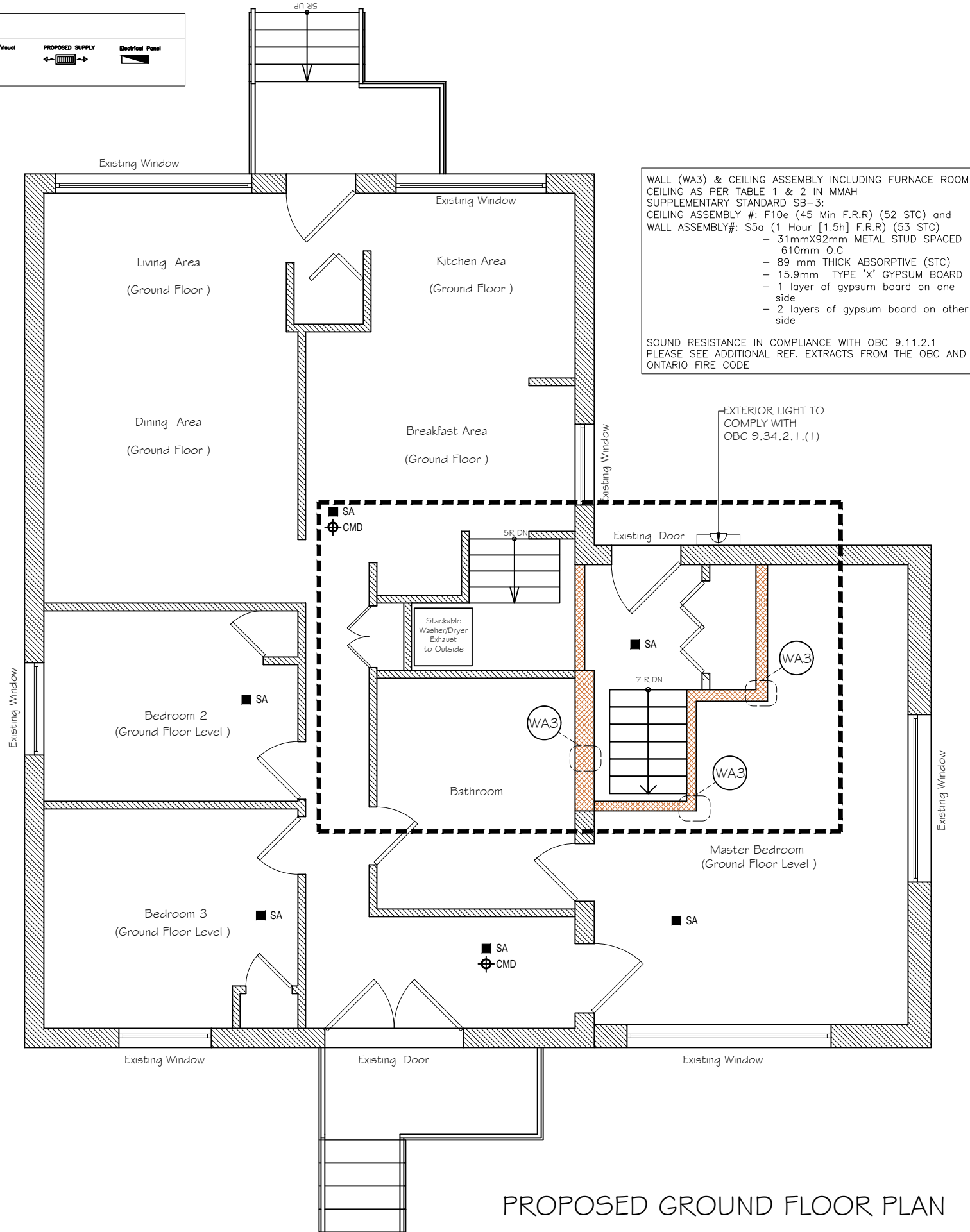
DATE : JULY 27, 2021

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

SHEET NO.

P-8

LEGEND							
Return Air Intake	PROPOSED SUPPLY	Smoke Alarm SA	Floor Drain	Mechanical Exhaust	CO2 Detector W/Visual CMD	PROPOSED SUPPLY	Electrical Panel



WALL (WA3) & CEILING ASSEMBLY INCLUDING FURNACE ROOM
 CEILING AS PER TABLE 1 & 2 IN MMAH
 SUPPLEMENTARY STANDARD SB-3:
 CEILING ASSEMBLY #: F10e (45 Min F.R.R) (52 STC) and
 WALL ASSEMBLY#: S5a (1 Hour [1.5h] F.R.R) (53 STC)
 - 31mmX92mm METAL STUD SPACED
 - 610mm O.C
 - 89 mm THICK ABSORPTIVE (STC)
 - 15.9mm TYPE 'X' GYPSUM BOARD
 - 1 layer of gypsum board on one side
 - 2 layers of gypsum board on other side

SOUND RESISTANCE IN COMPLIANCE WITH OBC 9.11.2.1
 PLEASE SEE ADDITIONAL REF. EXTRACTS FROM THE OBC AND ONTARIO FIRE CODE

PROPOSED GROUND FLOOR PLAN

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Penguin Plans 106827
 Name BCIN

PROJECT ADDRESS :
 64 Meadowlark Dr.
 Hamilton, ON,
 L9A 2K7

DRAWING :
 PROPOSED GROUND FLOOR PLAN

DESIGNER :
 Jonathan Reece

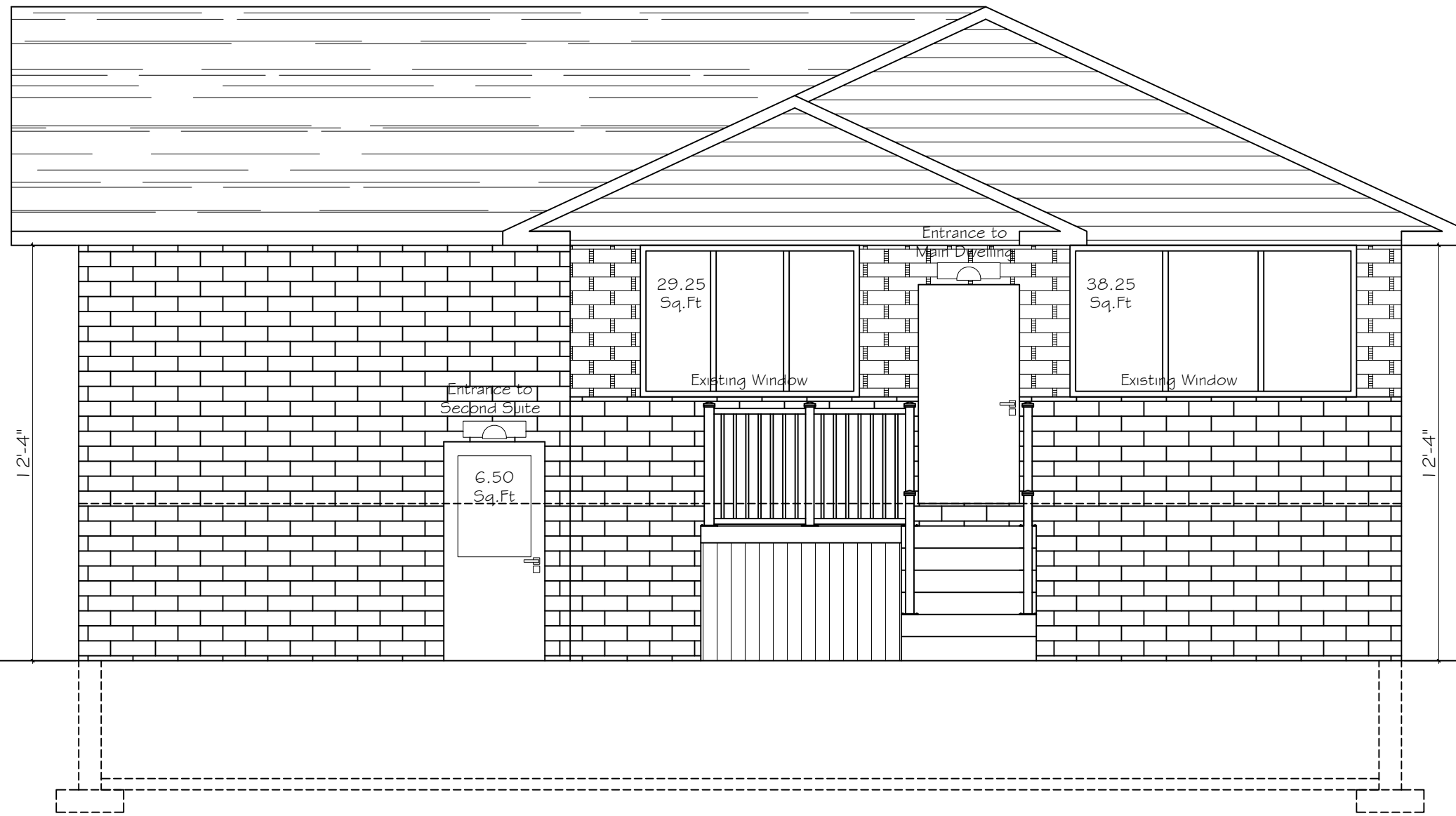
VERSION :
 1

DATE : MAY 13, 2021

SHEET NO.

SCALE : 3/16" = 1':0"

P-4



TOTAL WALL AREA: 484.08 ft²
 TOTAL WINDOW GLAZING: 74.00ft²
 TOTAL GLAZED AREA: 15.28%

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Penguin Plans 106827
 Name BCIN

PROJECT ADDRESS :
 64 Meadowlark Dr.
 Hamilton, ON,
 L9A 2K7

DRAWING :
 FRONT ELEVATION

DESIGNER :
 Jonathan Reece

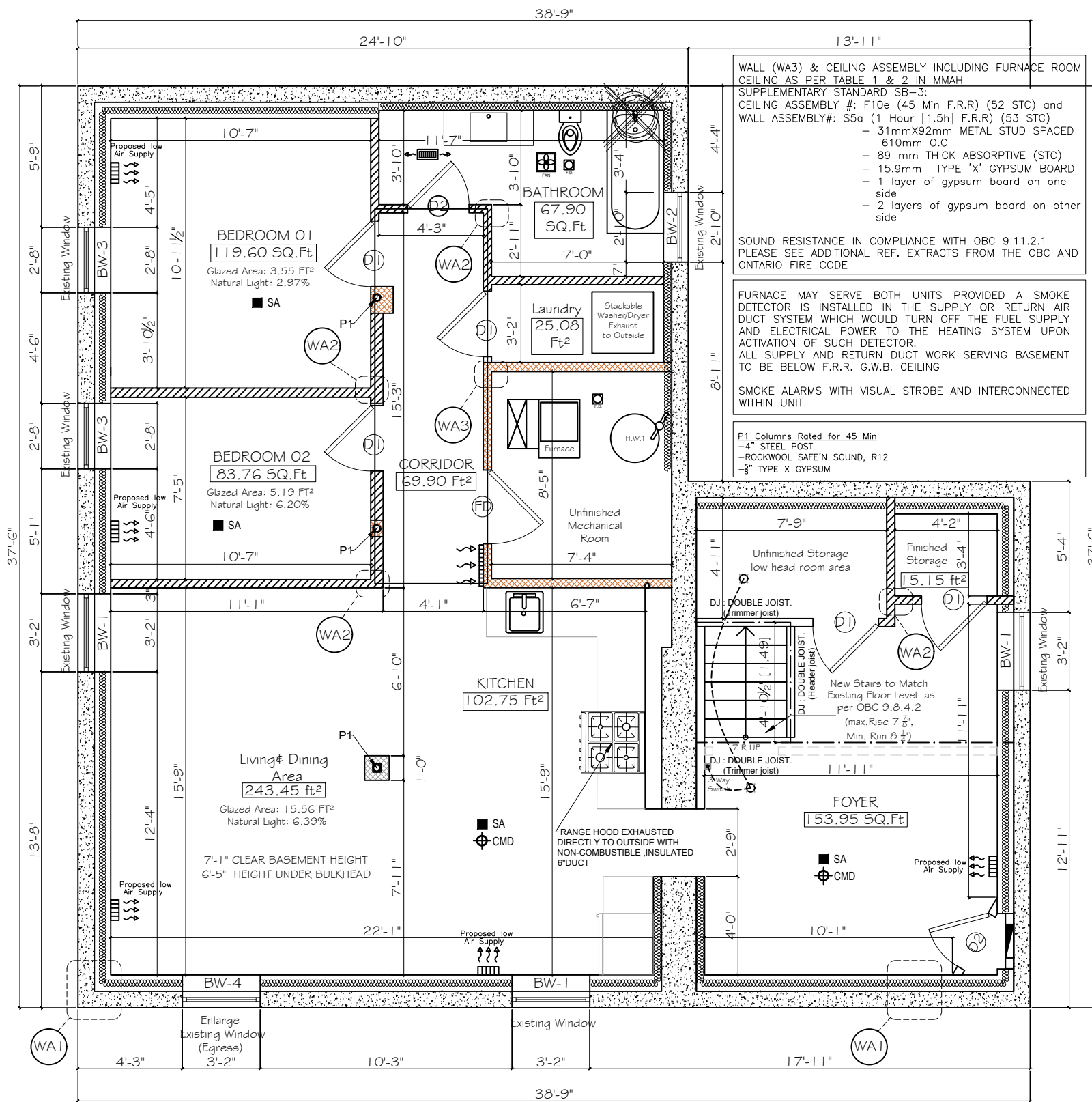
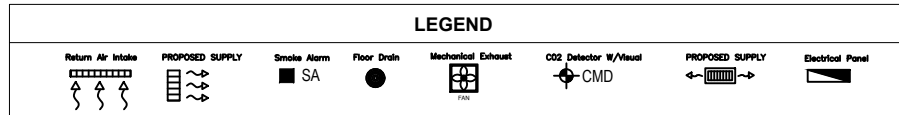
VERSION :
 1

DATE : JULY 29, 2021

SHEET NO.

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

P-6



WALL (WA3) & CEILING ASSEMBLY INCLUDING FURNACE ROOM CEILING AS PER TABLE 1 & 2 IN MMAH SUPPLEMENTARY STANDARD SB-3:
 CEILING ASSEMBLY #: F10e (45 Min F.R.R) (52 STC) and
 WALL ASSEMBLY#: S5a (1 Hour [1.5h] F.R.R) (53 STC)
 - 31mmX92mm METAL STUD SPACED 610mm O.C
 - 89 mm THICK ABSORPTIVE (STC)
 - 15.9mm TYPE 'X' GYPSUM BOARD
 - 1 layer of gypsum board on one side
 - 2 layers of gypsum board on other side

SOUND RESISTANCE IN COMPLIANCE WITH OBC 9.11.2.1 PLEASE SEE ADDITIONAL REF. EXTRACTS FROM THE OBC AND ONTARIO FIRE CODE

FURNACE MAY SERVE BOTH UNITS PROVIDED A SMOKE DETECTOR IS INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR.
 ALL SUPPLY AND RETURN DUCT WORK SERVING BASEMENT TO BE BELOW F.R.R. G.W.B. CEILING

SMOKE ALARMS WITH VISUAL STROBE AND INTERCONNECTED WITHIN UNIT.

P1 Columns Rated for 45 Min
 - 4" STEEL POST
 - ROCKWOOL SAFE'N SOUND, R12
 - 8" TYPE X GYPSUM

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Jonathan Reece 103797
 Name SIGNATURE BCIN

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Penguin Plans 106827
 Name BCIN

PROJECT ADDRESS :
 64 Meadowlark Dr.
 Hamilton, ON,
 L9A 2K7

DRAWING :
 PROPOSED BASEMENT FLOOR PLAN

DESIGNER :
 Jonathan Reece

VERSION :
 1

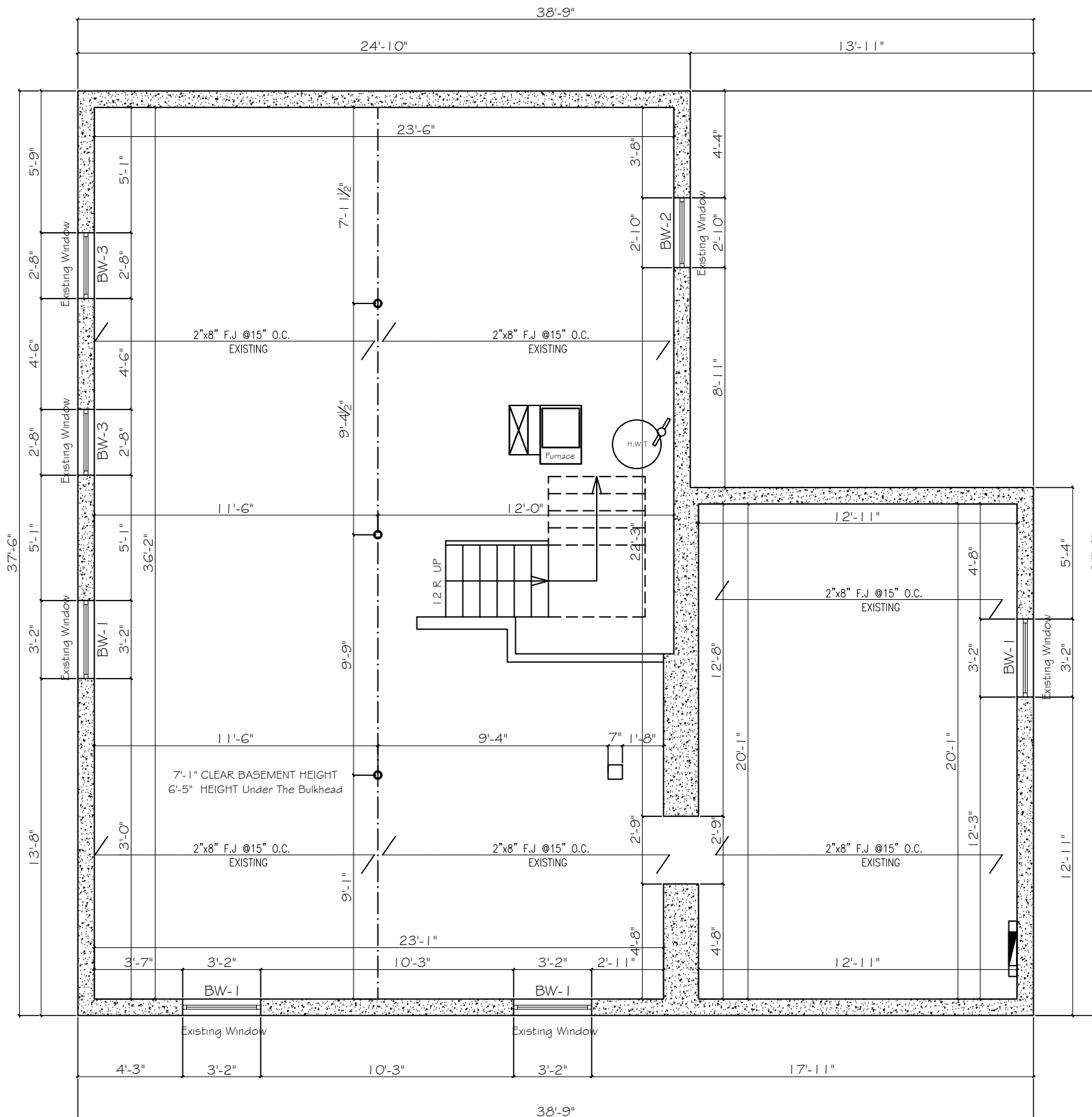
DATE : JULY 27, 2021

SHEET NO.

SCALE : 3/16" = 1':0"

P-1

LEGEND						
Return Air Intake	PROPOSED SUPPLY	Smoke Alarm SA	Floor Drain	Mechanical Exhaust	CO2 Detector W/Visual CMD	PROPOSED SUPPLY
						Electrical Panel



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Penguin Plans	106827
Name	BCIN

PROJECT ADDRESS :
 64 Meadowlark Dr.
 Hamilton, ON,
 L9A 2K7

DRAWING :
 EXISTING BASEMENT FLOOR PLAN

DESIGNER :
 Jonathan Reece

VERSION :
 1

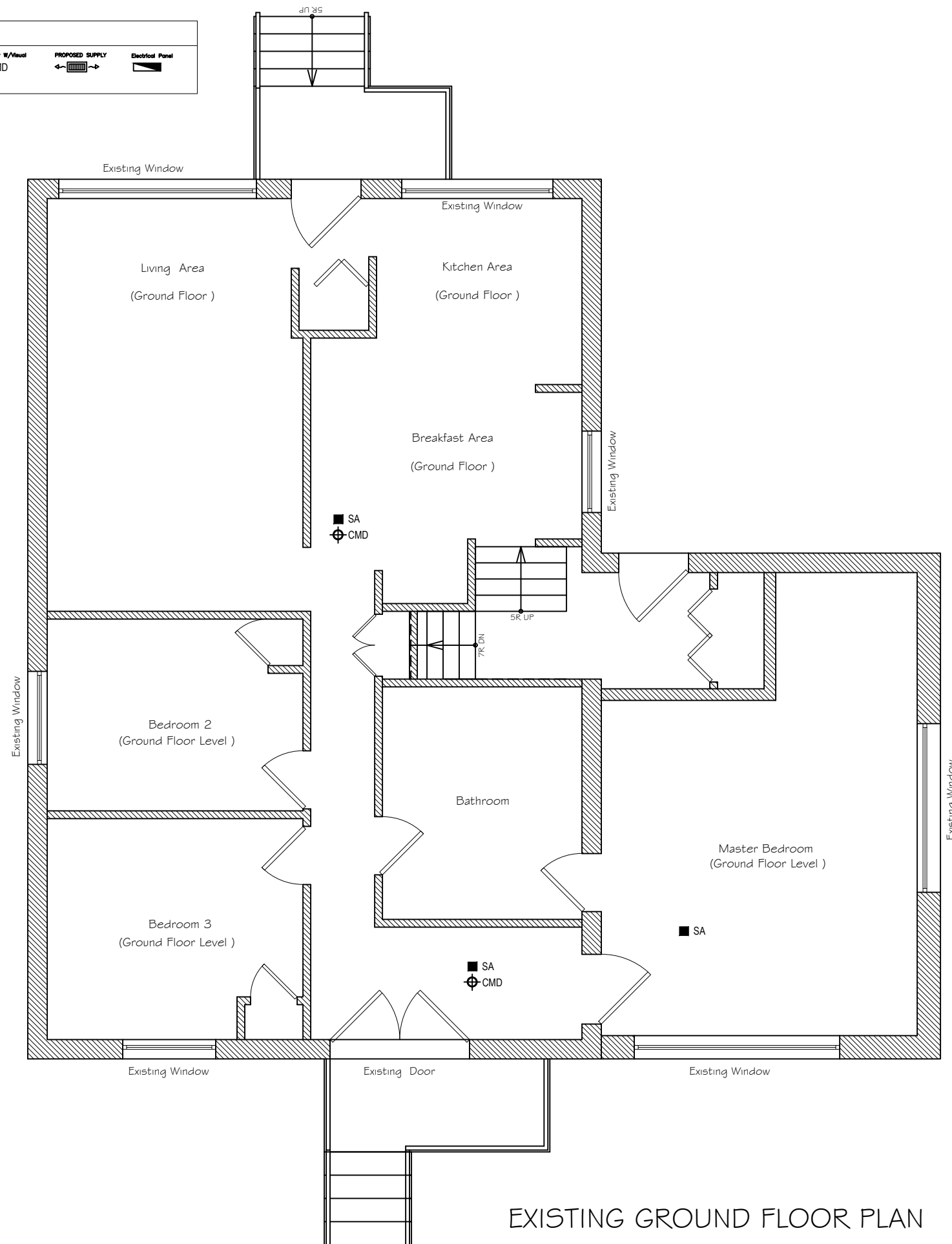
DATE : MAY 13, 2021

SHEET NO.

SCALE : $\frac{3}{16}$ " = 1':0"

P-2

LEGEND						
Return Air Intake	PROPOSED SUPPLY	Smoke Alarm SA	Floor Drain	Mechanical Exhaust	CO2 Detector W/Visual CMD	PROPOSED SUPPLY
Electrical Panel						



EXISTING GROUND FLOOR PLAN

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Name	BCIN

PROJECT ADDRESS :
 64 Meadowlark Dr.
 Hamilton, ON,
 L9A 2K7

DRAWING :
 EXISTING GROUND FLOOR PLAN

DESIGNER :
 Jonathan Reece

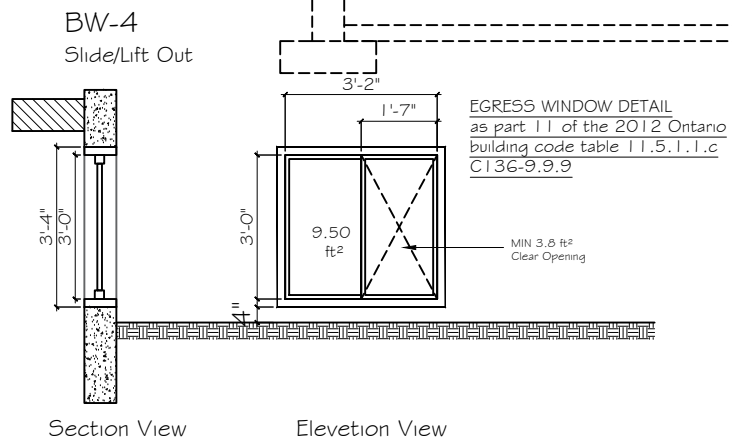
VERSION :
 1

DATE : MAY 13, 2021

SHEET NO.

SCALE : $\frac{3}{16}'' = 1':0''$

P-3



TOTAL WALL AREA: 484.00 ft²
 TOTAL WINDOW GLAZING: 92.50ft²
 TOTAL GLAZED AREA: 19.11%

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Penguin Plans 106827
 Name BCIN

PROJECT ADDRESS :
 64 Meadowlark Dr.
 Hamilton, ON,
 L9A 2K7

DRAWING :
 REAR ELEVATION

DESIGNER :
 Jonathan Reece

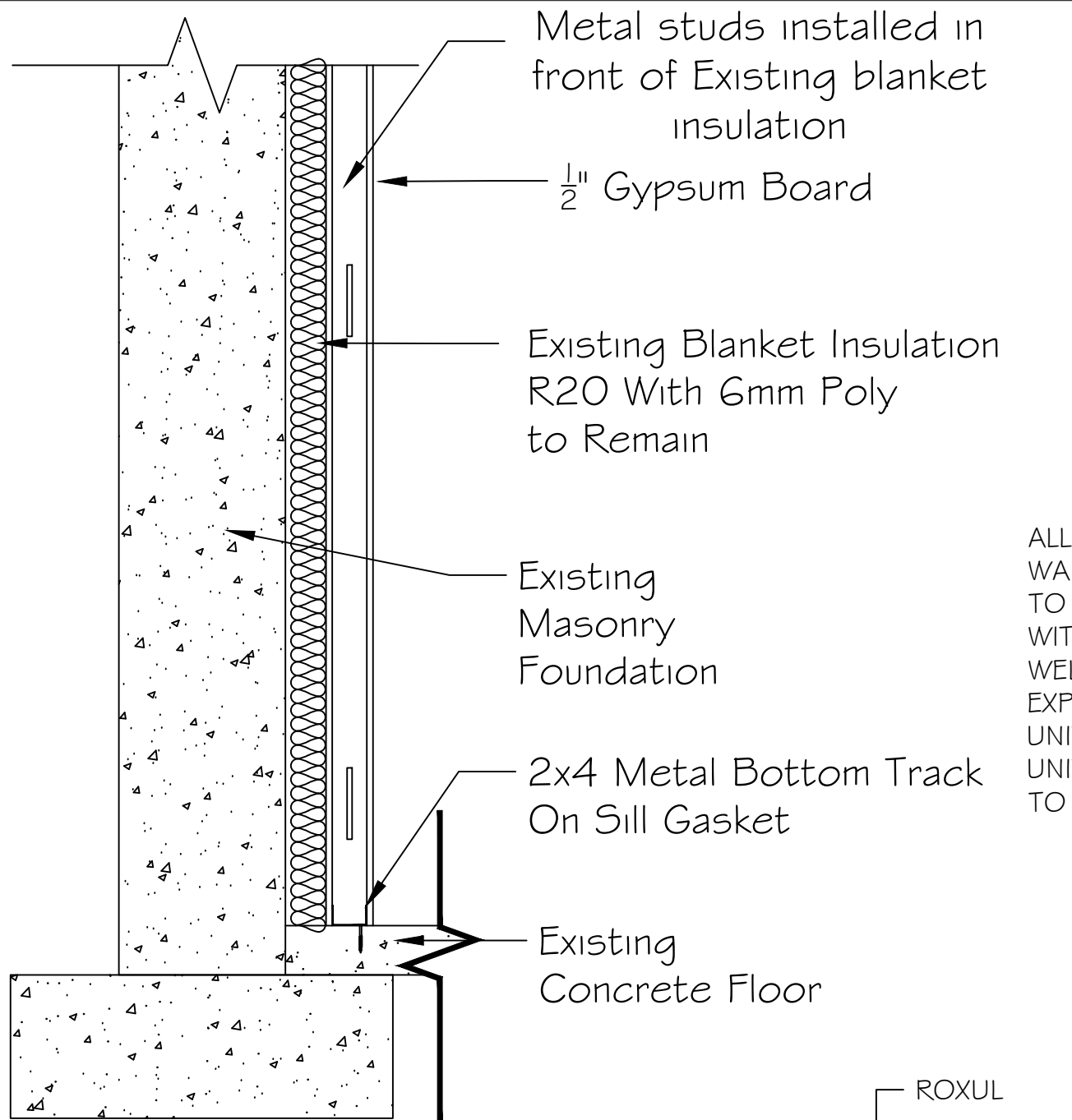
VERSION :
 1

DATE : MAY 13, 2021

SHEET NO.

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

P-5



(Exterior Wall 2"x4" Metal Stud 16" O.C.)

WA1

2x8 WOOD JOIST 13 O.C.

RESILIENT CHANNEL 16" O.C.

(CEILING /BULKHEAD DETAIL)

Metal studs installed in front of Existing blanket insulation

1/2" Gypsum Board

Existing Blanket Insulation R20 With 6mm Poly to Remain

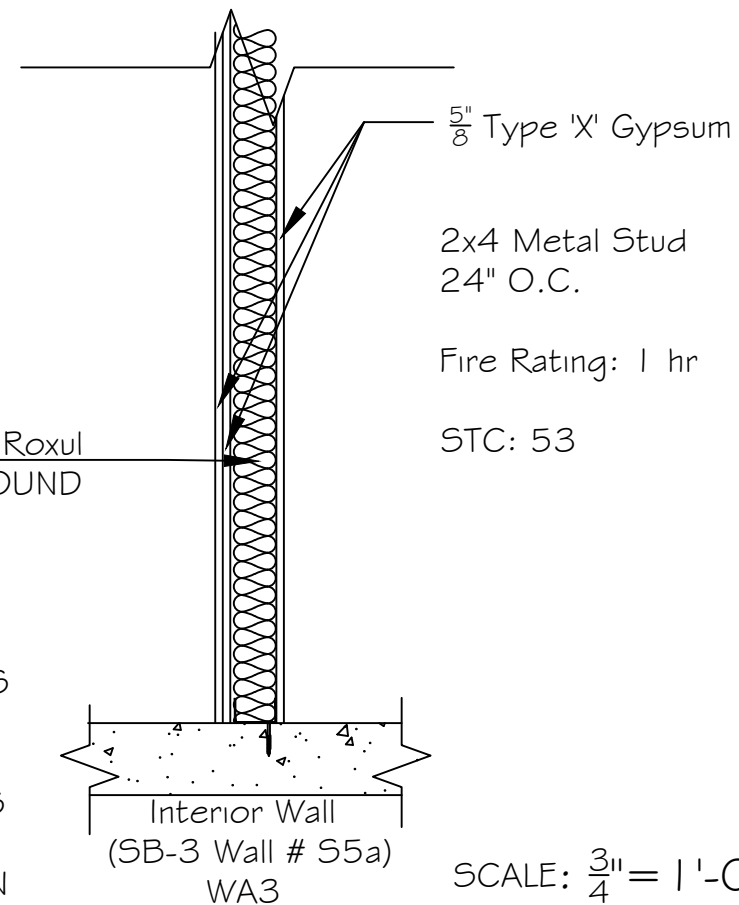
Existing Masonry Foundation

2x4 Metal Bottom Track On Sill Gasket

Existing Concrete Floor

ALL LOAD-BEARING WALLS AND COLUMNS TO BE FIRE RATED WITH TYPE X AS WELL AS ALL CEILINGS EXPOSED TO OTHER UNITS. WALLS BETWEEN UNITS ALSO REQUIRE TO BE FIRE RATED.

3.5" Roxul SAFE'n'SOUND



5/8" Type 'X' Gypsum

2x4 Metal Stud 24" O.C.

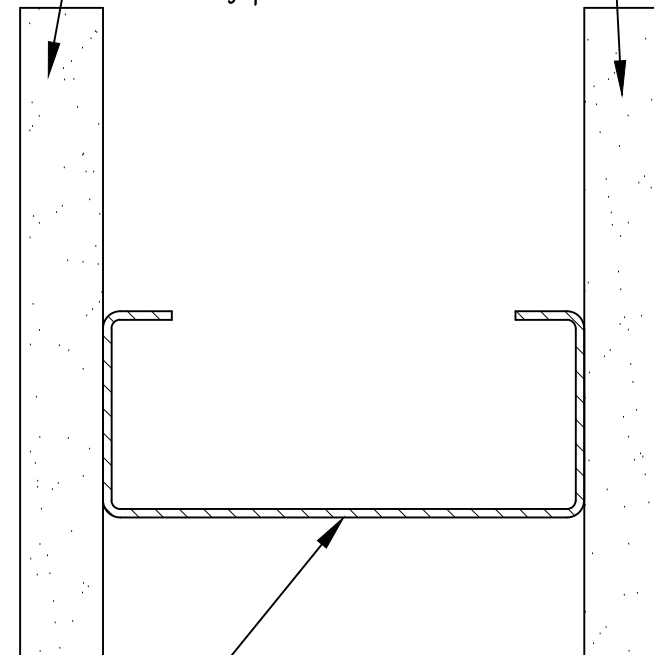
Fire Rating: 1 hr

STC: 53

Interior Wall (SB-3 Wall # S5a) WA3

SCALE: 3/4" = 1'-0"

1/2" Type 'X' Gypsum Board



2x4 Metal Stud 16" O.C.

Interior Wall (No Insulation) WA2

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Name	BCIN

PROJECT ADDRESS :
64 Meadowlark Dr.
Hamilton, ON,
L9A 2K7

DRAWING :
WALL SECTIONS

DESIGNER :
Jonathan Reece

VERSION :
1

DATE : JULY 27, 2021

SHEET NO.

SCALE : 3/16" = 1':0"

P-7

Any use of the plans, or modifications of the plans, by purchasers, builders or others is done at their own risk. The information contained within the construction documents is intended to depict design and basic construction detailing. It is the builder's responsibility to provide standard construction details and practices which will result in a structurally sound and weatherproof finished product.

Names of materials and manufacturers shown on the Plans do not represent an endorsement or recommendation by the Designer. Final selections of materials are the responsibility of the home Client and/or builder, including, but not limited to proper installation of materials, nailing, gluing, caulking, insulating, flashing, roofing, weatherproofing and many other small items and details not necessarily indicated on the Plans, and over which the Designer has no control or responsibility. The Designer shall not be held liable for any errors, omissions, or deficiencies in any form by any party whatsoever.

It is the responsibility of the builder to assure that all work is in accordance with the latest edition of all applicable National, Provincial, and Local Building Codes. It is the builder's responsibility to ensure that all work is conducted in accordance with the latest edition of all applicable Construction Standards.

It is the responsibility of the builder to ensure that all manufactured articles, material, and equipment are applied, installed, connected, erected, used, cleaned, adjusted, operated and conditioned as directed by the manufacturers. Builder shall follow all instruction to sustain and preserve all expressed or implied warranties and guarantees.

It is the responsibility of the builder to assure that all materials, equipment and components are new and of good quality.

It is the responsibility of the builder to check all dimension and details for overall accuracy appropriate to the local conditions and the final selection of materials such as masonry, floor joists, lumber, structural members, construction panels, roofing, etc., all of which can create variations in dimension and details. For example, if standard lumber joists are used in place of engineered floor joists, the floor-to-floor dimension would vary from the Plans and require revised stair dimension and framing.

This set does not constitute a Building Permit until it has received approval, and the appropriate Stamps from the Municipality in which the building is located.

Window Schedule			
Mark	Width x Height	Count	
BW - 1	38" x 23"	3	6.0600 SQ. FT.
BW - 2	34" x 22"	1	5.1900 SQ. FT.
BW - 3	32" x 16"	2	3.5500 SQ. FT.
BW - 4 (Egress)	38" x 36"	1	9.5000 SQ. FT.

Door Schedule			
Mark	Width x Height	Count	Specs
D1	32" x 78"	5	Wood
D2	30" x 78"	2	Wood
FD	36" x 78"	1	45 Min Fire Rated, self-closing

Wall Schedule		
Mark	Type	Cross Section
WA1	Insulated Exterior Wall	
WA2	Standard Interior Wall	
WA3	Fire Insulation Interior Wall	Fire rating 1H

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 Name BCIN

PROJECT ADDRESS :
 64 Meadowlark Dr.
 Hamilton, ON,
 L9A 2K7

DRAWING :
 CONSTRUCTION NOTES

DESIGNER :
 Jonathan Reece

VERSION :
 1

DATE : MAY 13, 2021

SHEET NO.

SCALE : N.S

P-9



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)	Donna & Egbert Richards	
Applicant(s)*	Rodrigo Zagarese	
	Michael Naval	
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:

Entrance door facing the front lot line for separate entrance and/or exit to the secondary dwelling unit

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

The intent of this standard/regulation requiring entrances to for secondary dwelling units being located off the side or rear yard is intended to maintain the character of the existing neighbourhood.

Minor Variance is required to allow for the entrance door facing the front lot line.

Any separate entrance and/or exit to the secondary dwelling unit must be oriented toward the exterior side lot line, interior side lot line or rear lot line

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):

64 Meadowlark Dr, Hamilton, ON L9A 2K7

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?

Site visit property

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 23/2021
Date

Donna Richards / Egbert Richards
Signature Property Owner(s)

Donna Richards / Egbert Richards
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>55.00</u>
Depth	<u>111.25</u>
Area	<u>0.13</u>
Width of street	<u>9m</u>

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: _

GFA= 1250.40 ft sq
One Story building
Ground Floor Area= 1032.18 ft sq

Proposed

Secondary Unit area= 881.54 ft sq

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

Existing One Storey Dwelling
7.77m from front lot line
4.88m from south lot line
1.99m from North lot line
15.85m from rear lot line

Proposed:

Entrance door facing the front lot line for separate entrance and/or exit to the secondary dwelling unit

13. Date of acquisition of subject lands:
2007
14. Date of construction of all buildings and structures on subject lands:
1965 I believe
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
 Single family detached Dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
 Single family Detached Dwelling
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:
 "Neighbourhoods and no Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 Zone "D" Urban Protected Residential - One And Two Family Dwellings, Etc. Zoning By-law No. 6593
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.