



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.: AN/A-21:302

APPLICANTS: Owner John Michiels

SUBJECT PROPERTY: Municipal address **95 Tollgate Dr., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended By By-law No. 01-46

ZONING: Residential "R3" Zone district R3-463

PROPOSAL: To permit the construction of an inground pool and accessory structure (pool equipment) in the rear yard of the existing single detached dwelling notwithstanding that;

1. A minimum rear yard setback 1.9 m shall be provided on the westerly lot line abutting the Public Open Space "O2" Zone instead of the minimum required setback of 6.0 m from the rear lot line.

2. A minimum side yard setback 0.6 m (2') shall be provided for the proposed accessory structure (pool equipment) on the southerly lot line instead of the minimum required setback of 0.75 metres from any lot line.

3. A minimum rear yard setback 0.6 m (2') shall be provided for the proposed accessory structure (pool equipment) on the westerly lot line abutting the Public Open Space "O2" Zone instead of the minimum required setback of 6.0 m from the rear lot line.

Notes:

Variations have been written based on the information provided on the submitted drawings.

The maximum gross floor area for the proposed accessory structure has not been indicated.

The maximum Ground floor area for any accessory building shall be 40 m²; Therefore, if the proposed ground floor area exceeds the maximum permitted, further variations shall be required.

The proposed height for the accessory structure has not been indicated on the submitted plans. The maximum height shall be 4.5 m in height; therefore, if the proposed accessory structure exceeds the maximum permitted height, further variations shall be required.

No details on the eaves or gutter has been provided.

In no case shall any eave or gutter extend more than 30 centimeters into a required minimum setback area; otherwise, further variations shall be required.

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

DATE: Thursday, September 23rd, 2021
TIME: 3:30 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:

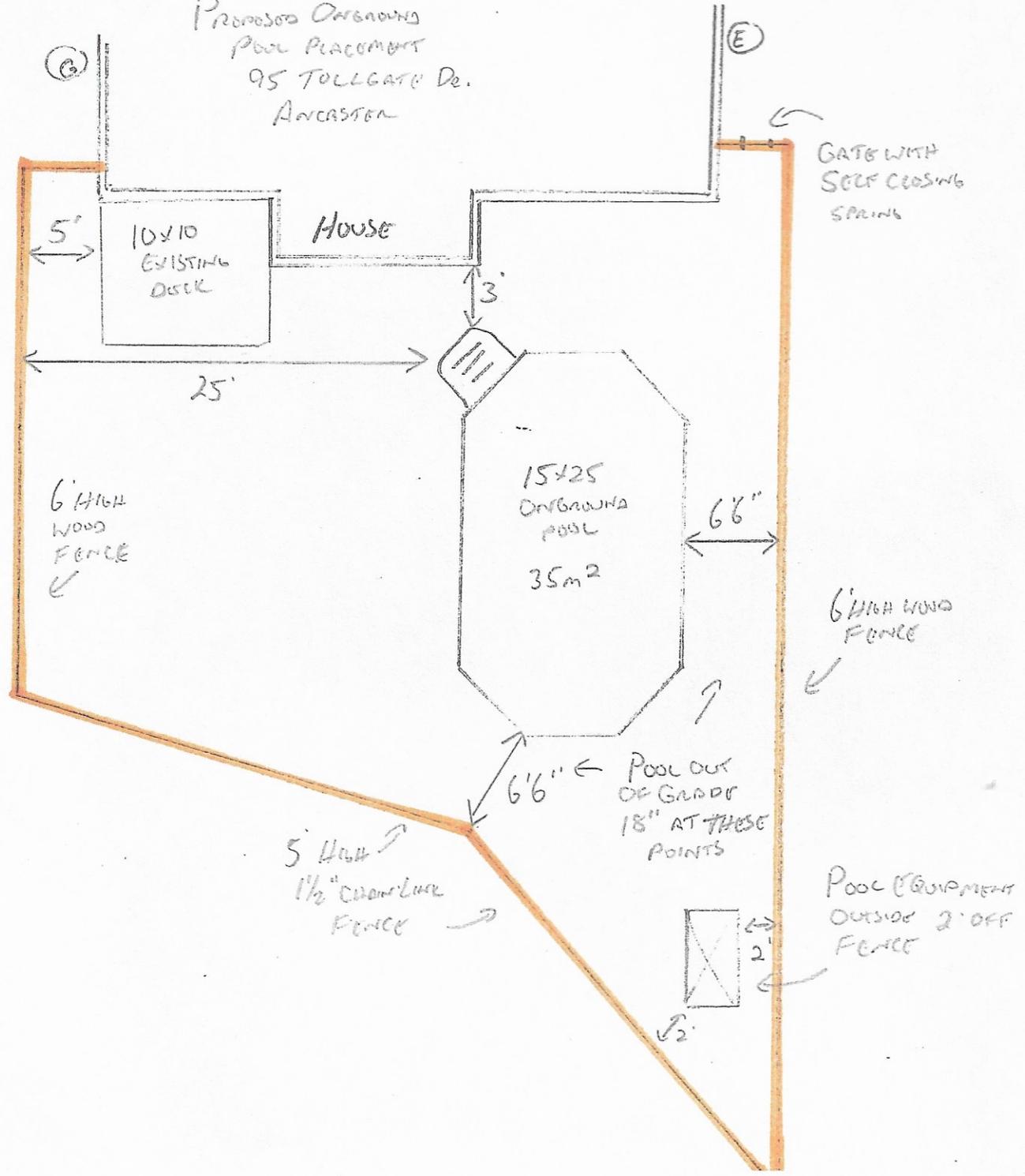
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: September 7th, 2021.

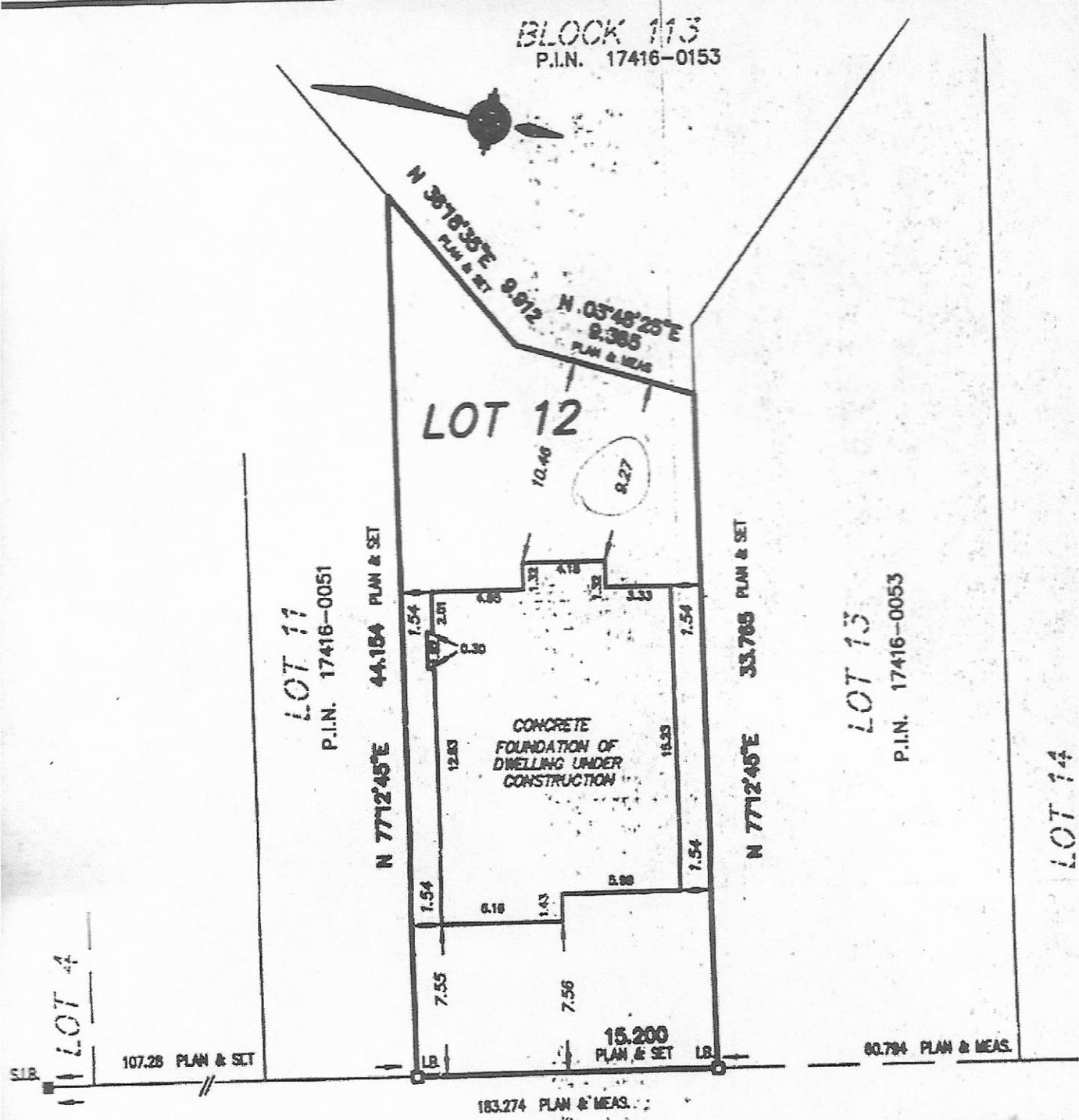
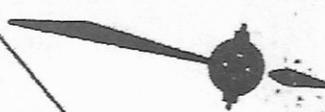
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

PROPOSED OUBOUND POOL PLACEMENT
95 TOLLGATE Dr.
ANCASTON



BLOCK 113
P.I.N. 17416-0153



N 12°47'15\"W REFERENCE BEARING
TOLLGATE DRIVE P.I.N. 17416-0156

TOP OF FOUNDATION WALL ELEVATION = 243.42

SURVEYOR'S REAL
ON
LOT 12
MILLERS POND
REGISTERED PLAN
IN THE
CITY OF
SCALE 1:250 m.
0 5
ASHENHURST HOUSE

SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN
PART 2 THIS PLAN MUST BE READ IN
CONJUNCTION WITH THE SURVEY

THIS REPORT WAS
PREPARED FOR: **ROSS CAMPBELL**
THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES

SURVEYOR'S
I CERTIFY THAT
1. THIS SURVEY AND



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

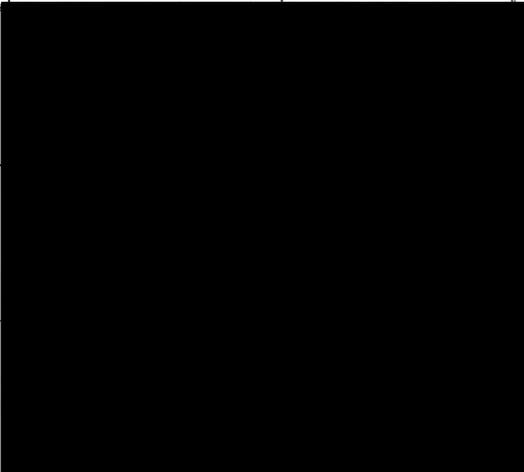
APPLICATION FOR A MINOR VARIANCE

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)	John Michiels	
Applicant(s)*	John Michiels	
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:
ScotiaBank - Meadowlands branch Ancaster - holds a secured line of credit against the property for \$700,000

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:

The existing deck attached to the back of the house is to be removed. I am applying for relief of the maximum 35% of the current lot coverage allowance for construction of an on ground pool to be constructed as well as a small pool shed enclosure to house the pump, filter, equipment, etc. The current lot is a smaller irregular shaped lot that

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

Due to the irregular nature of the back of the lot, no meaningful pool could be constructed due to the existing lot lines

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**):

95 Tollgate Drive, Ancaster, Ontario L9G 5C9
Lot 12 on the survey plan

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?

I have resided in the home since it was constructed in 2004/5. Prior to that it was far

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 31, 2021

Date

John F
Michiels

Digitally signed by John F
Michiels
Date: 2021.07.30
12:46:37 -04'00'

Signature Property Owner(s)

John F. Michiels

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage please see attached Lot Survey

Depth please see attached Lot Survey

Area please see attached Lot Survey

Width of street please see attached Lot Survey

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: _

existing deck on the back of the house is to be removed if the permit is granted to allow more room for construction

Proposed

Please attached pool drawing 15 x 25 Emerald pool on back of property

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

Existing:

please see attached Lot Survey

Proposed:

Please attached pool drawing 15 x 25 Emerald pool

13. Date of acquisition of subject lands:
2004
-
14. Date of construction of all buildings and structures on subject lands:
2004/2005
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single Family Dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
all abutting properties are single family dwellings
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:
residential use - single Family Dwelling
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
none known
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.
Committee of Adjustment has granted a minor variance for the set backs of bot
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
This application is for the maximum allowance of 35% usage to be amended a
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.