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-21:311

APPLICANTS: Owner S. Mauro, C. Amorim & A. Mateus

SUBJECT PROPERTY: Municipal address 170 West 35th St., Hamilton

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

ZONING: B-2 district (Suburban Residential)

PROPOSAL: To permit the construction of a new attached garage and one-storey

addition in the front yard of the existing Single Family Dwelling

Notwithstanding that:

1. A front yard depth of 2.4m shall be provided instead of the minimum required 6.0m front yard depth.

NOTES:

i. Please be advised that Hamilton Zoning By-law 6593 requires parking for a Single Family Dwelling to be provided at a rate of two (2) parking spaces for the first eight (8) habitable rooms, plus 0.5 spaces for each additional habitable room within the dwelling. Insufficient information has been provided to confirm the total number of habitable rooms, nor have details been provided with respect to the number of parking spaces intended onsite. Based on the site plan provided, it appears that two (2) parking spaces may be provided on-site and in accordance with Section 18A of this by-law. Further variances may be required if more than two (2) parking spaces are required to be provided.

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

DATE: Thursday, September 23rd, 2021

TIME: 3:45 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.

HM/A-21: 311

Page 2

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 <u>www.hamilton.ca/committeeofadjustment</u>
- 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.

SECTION EIGHT B "B-2" DISTRICTS

(SUBURBAN RESIDENTIAL)

REQUIREMENT AS TO USE

Subject to the provisions of Sections 3, 18, 18A, and 19, in a "B-2" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the uses as permitted in a "B-1" District. (8791/59) (83-66)

HEIGHT REQUIREMENTS

In a "B-2" District, no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres (36.09 feet), in height. (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

- The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "B-2" District: (8927/60)
 - a front yard of a depth of at least 6.0 metres (19.69 feet); (79-
 - a side yard along each side lot line, of a width of at least 1.5 metres (4.92 feet); and (79-288 (80-049)
 - a rear yard of a depth of at least 7.5 metres (24.61 feet). (79-288) (80-049)

INTENSITY OF USE

Every lot or tract of land in a "B-2" District shall have a width of at least 15.0 metres (49.21 feet) and an area of at least 540.0 square metres (5,812.70 square feet) within the district. (8927/60) (8791/59) (79-288)



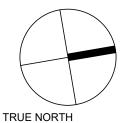




Chamberlain Architect Services Limited
Unit 1, 4671 Palladium Way. Burlington . Ontario L7M 0W9 . Canada Tel: 905.631.7777 www.chamberlainipd.com

NO. ISSUED DATE

SEAL



PROJECT NAME

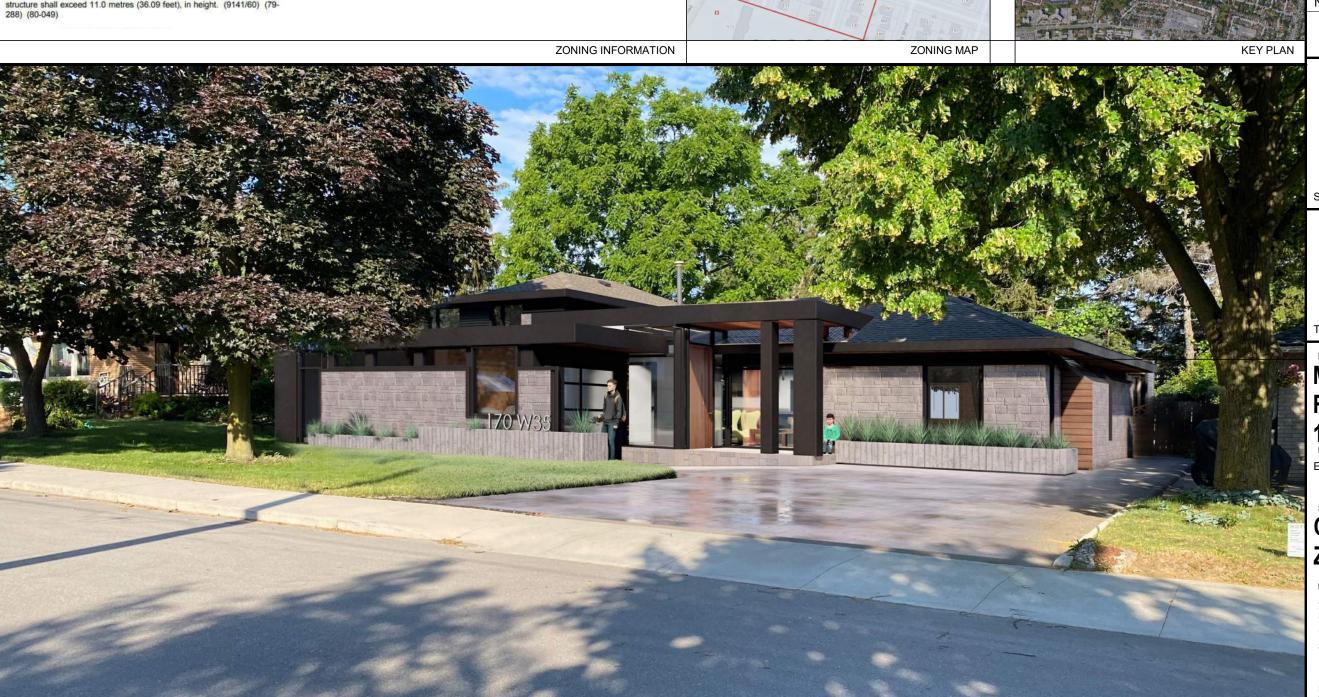
MAURO RESIDENCE -170 W35TH PROJECT ADDRESS

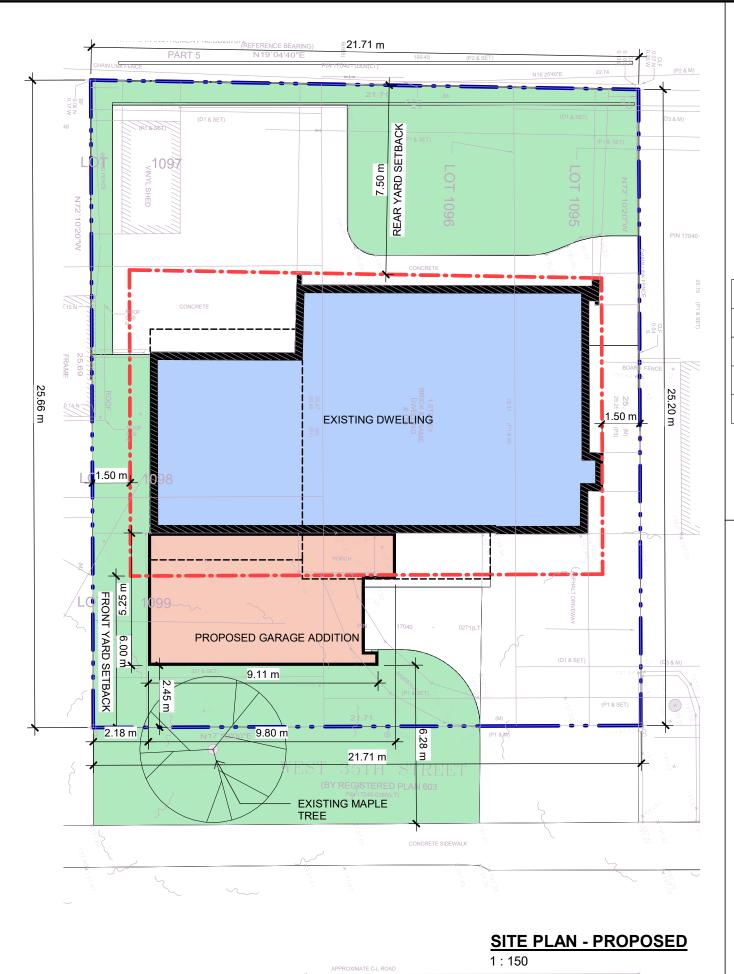
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SHEET NAME

COVER+ **ZONING INFO**

DRAWN BY SM PLOT DATE 06/26/21 SCALE

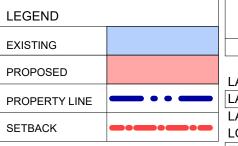




GENERAL PROVISIONS

ZONING DESIGNATION: B2 – Suburban Residential
City of Hamilton ZONING BY-LAW NO. 6593
LEGAL DESCRIPTION: LOTS1096 & PART OF LOTS 1095, 1097, 1098 & 1099
REGISTERED PLAN 603 IN THE CITY OF HAMILTON

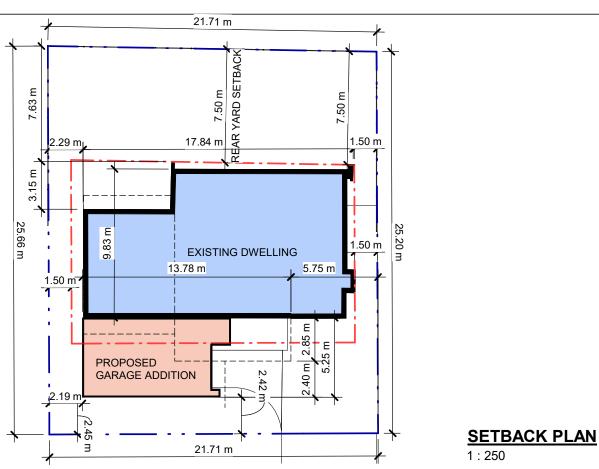
ZONING DATA	REQUIRED	EXISTING	PROPOSED
LOT FRONTAGE	15m	21.71m	21.71m
LOT AREA	500 MSQ MIN	552.11 SQM	552.11 SQM
FRONT YARD	6.0m	6.61m	2.45m
REAR YARD	7.5m	7.5m	7.5m
SIDE YARD - SOUTH	1.5m	1.5m	1.5m
SIDE YARD - NORTH	1.5m	2.18m	2.18m
BUILDING HEIGHT	11.0m	5.45m	5.45m



SITE STATIS	TICS - PROPO	SED	
DESCRIPTION	AREA (SM)	AREA (SF)	%

LANDSCAPE + DRIVEWAY			
LANDSCAPE	332.42 m²	3578 ft ²	61.9%
LANDSCAPE + DRIVEWAY	332.42 m ²	3578 ft ²	61.9%
LOT COVERAGE			
EXISTING	156.86 m²	1688 ft²	29.2%
PROPOSED	47.90 m²	516 ft ²	8.9%
LOT COVERAGE	204.76 m ²	2204 ft ²	38.1%

537.18 m²



OVERALL EXISTING SITE



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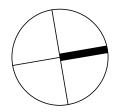
NO. ISSUED DATE



SEAL

100.0

5782 ft²



TRUE NORTH

PROJECT NAME

MAURO RESIDENCE -170 W35TH PROJECT ADDRESS

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SHEET NAME

SITE PLAN -PROPOSED

DRAWN BY
Author
PLOT DATE
06/24/21
SCALE

As indicated

DBAWING

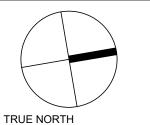
P1.3



NO. ISSUED DATE



SEAL



PROJECT NAME

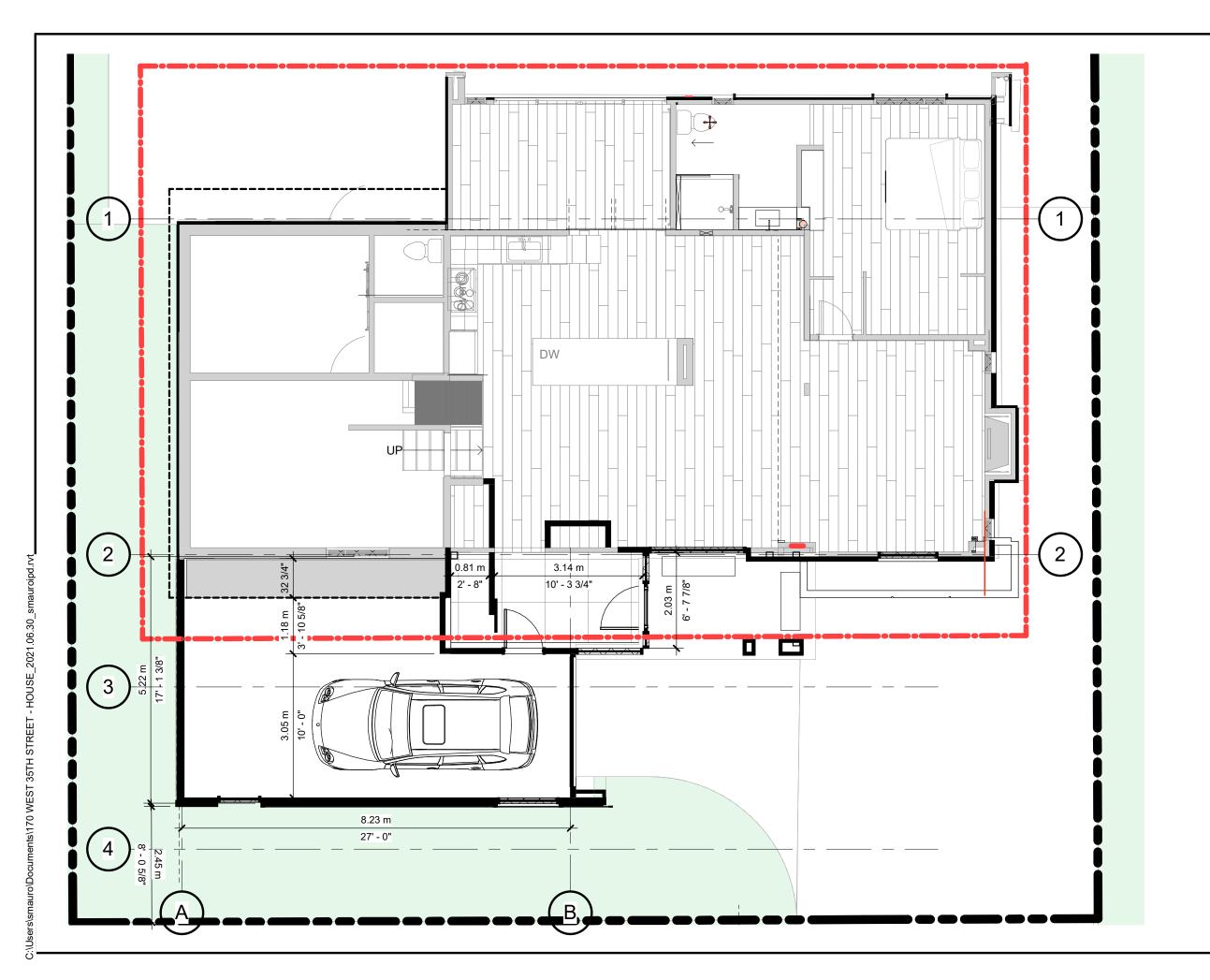
MAURO RESIDENCE 170 W35TH PROJECT ADDRESS

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SURVEY

DRAWN BY
Author
PLOT DATE
06/29/21
SCALE

P1.4

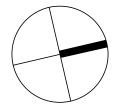




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NO. ISSUED DATE





TRUE NORTH

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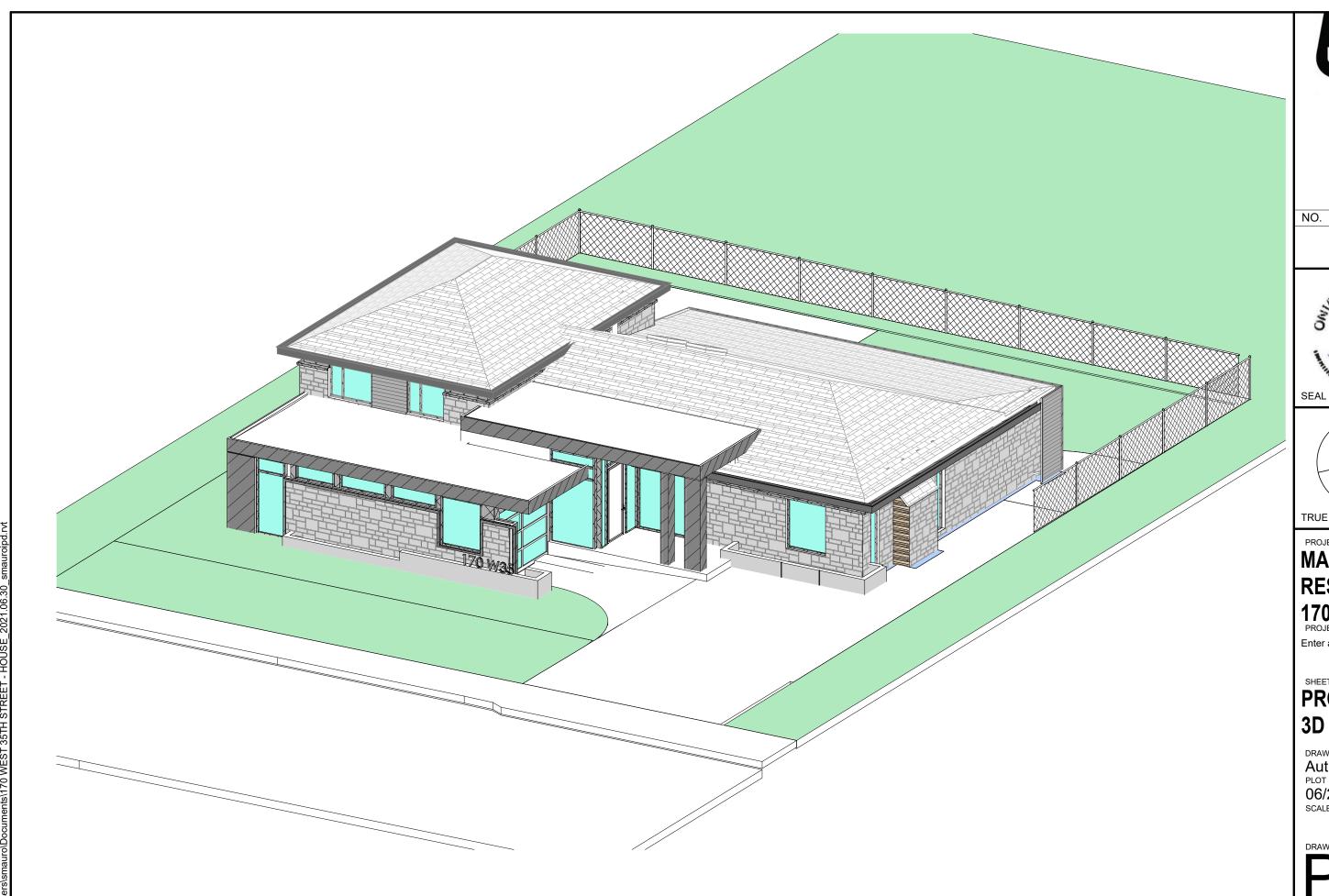
MAURO RESIDENCE -170 W35TH PROJECT ADDRESS

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PROPOSED -**GROUND** FLOOR SM

PLOT DATE 02/22/12

SCALE 1:75





NO. ISSUED DATE



TRUE NORTH

PROJECT NAME

MAURO RESIDENCE -170 W35TH PROJECT ADDRESS

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PROPOSED -

DRAWN BY Author PLOT DATE 06/26/21 SCALE

RATIONALE & HISTORY

HISTORY

- THE HOUSE AT 170TH WEST 35TH STREET WAS BUILT BETWEEN 1965-1970
- THE HOUSE TYPE WAS A SIDE-SPLIT WITH A CAR PORT AT THE NORTH SIDE
- · FOLLOWING CONSTRUCTION, THE ORIGINAL OWNER CONVERTED THE CAR PORT TO ADDITIONAL INTERIOR SPACE FOR THE HOUSE . (1970-1975) - THIS INFORMATION WAS BASED ON DISCUSSION WITH NEIGHBOURS

PROPOSAL

RATIONALE

- AS THE CURRENT HOME OWNERS, WE ARE IN NEED OF GARAGE SPACE AND ARE REQUESTING A ZONING VARIANCE TO ALLOW THE CONSTRUCTION OF A GARAGE + ENTRANCE ADDITION WITHIN THE FRONT YARD
- CURRENTLY 6m IS THE REQUIRED FRONT YARD SETBACK WE ARE REQUESTING A REDUCTION TO 2.45m.
- THE RENOVATION WILL ALSO INCLUDE THE RECLADDING OF THE HOUSE EXTERIOR USING STONE, METAL PANEL AND WOOD FINISHES.

PROPOSED HOUSE **ENTRANCE** ROAD S EXISTING HOUSE **GARAGE** 2.41 m 5.70 m

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NO. ISSUED DATE

L7M 0W9 . Canada



SITE SECTION

1:175

STREETSCAPE COMPATIBILITY

UTILIZING THE PROPERTY

REDUCED IN SIZE.

CONFIGURATION

· AS CAN BE SEEN ON THE DIAGRAM TO THE RIGHT, THE PROPOSED ADDITION WILL HAVE MINIMAL AFFECT ON THE RHYTHM OF WEST 35TH

• OUR INTENTION IS TO REVITALIZE THE EXISTING HOUSE BY BETTER

• THE ADDITION OF A GARAGE, ENTRANCE AND MUD ROOM WOULD BE

SITUATED SUCH THAT THE EXISTING DRIVEWAY WOULD NOT BE

• THE RESULTING L-SHAPE LAYOUT CREATES A COURTYARD

• 6.4m WILL BE MAINTAINED BETWEEN THE ADDITION AND EXISTING SIDEWALK

REVITALIZATION AND INTENSIFICATION OF PROPERTY

MAINTAINING EXISTING PARKING REQUIREMENT

- FURTHERMORE, THE MATURE TREES ALONG WEST 35TH STREET ACT AS A BUFFER BETWEEN THE SIDEWALK AND BUILT FORM
- SPECIFICALLY, TWO TREES WOULD PROVIDE A STREETSCAPE BUFFER IN FRONT OF THE PROPOSED ADDITION
- A KEY FEATURE OF THE PROPOSAL IS MAINTAINING THE EXISTING DRIVEWAY WITH A SIDE LOADED GARAGE, SUCH THAT PARKING WILL NOT BE AFFECTED
- THE FORM OF THE PROPOSED GARAGE IS LOW IN HEIGHT RESULTING IN A MODEST FORM
- THE ENTRANCE ELEMENT WOULD RAISE ABOVE THE GARAGE @10'-5" FROM GROUND FLOOR. THE ENTRANCE WOULD BE LOCATED 5.5m FROM THE FRONT PROPERTY LINE. SEE SECTION B.
- WITH REGARD TO NEIGHBORING PROPERTIES, THE INCREASE IN NATURAL GRADE ALLOWS THE PROPERTIES TO THE SOUTH TO SIT 1.2m ABOVE THE 170 WEST 35TH. AS A RESULT OF THE LOW GARAGE ROOF, VIEWS WOULD BE MAINTAINED TOWARD THE NORTH DIRECTION.



BUILT FORM ANALYSIS

TRUE NORTH

PROJECT NAME

MAURO RESIDENCE -170 W35TH

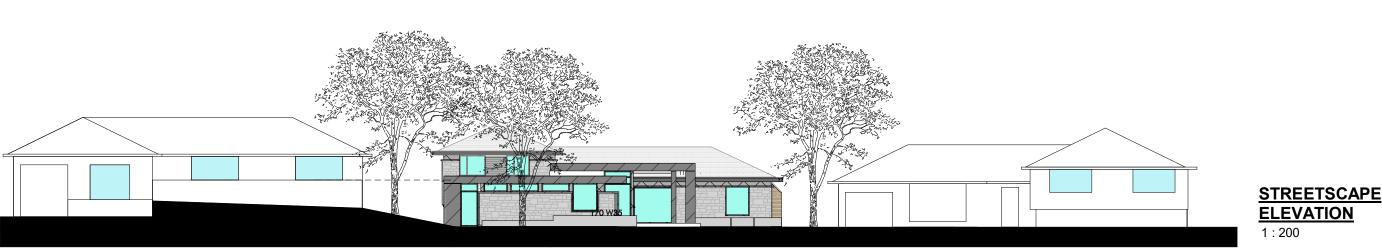
PROJECT ADDRESS

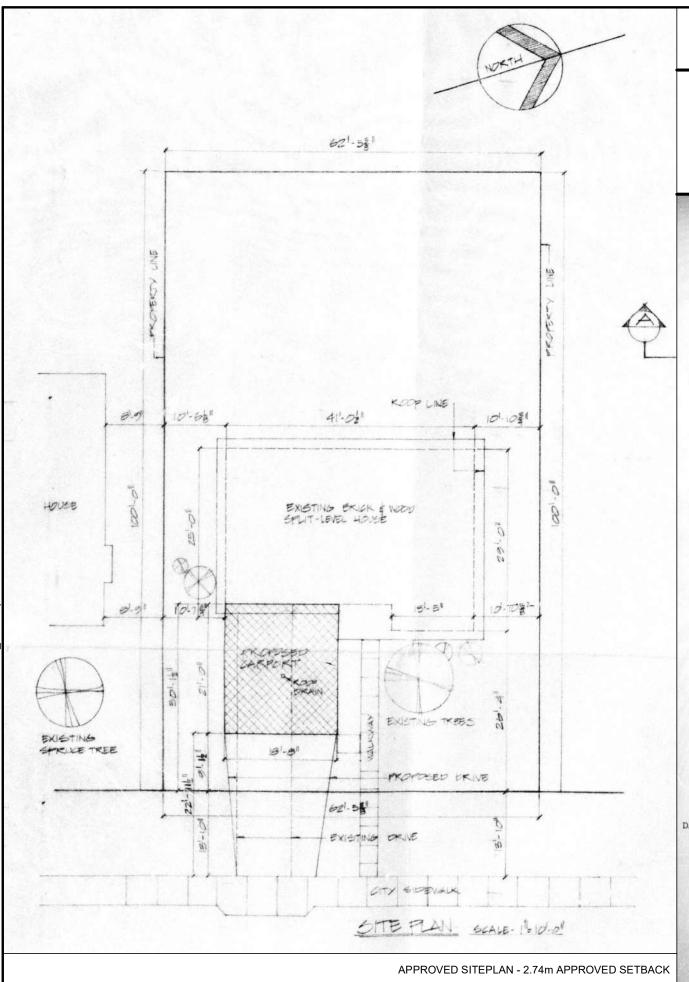
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RATIONALE

DRAWN BY SM PLOT DATE 06/27/21 SCALE

As indicated



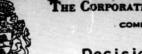


PRECEDENT DECISIONS WITHIN THE B2 ZONE
164 WEST 34TH STREET-COMMITTEE OF ADJUSTMENT: A-78:208
(GARAGE ADDITION ON FRONT YARD - REDUCTION OF FRONT YARD SETBACK

- WITHIN THE B-2 ZONE, 164 WEST 34TH STREET COMPLETED A SIMILAR VARIANCE
- IN THIS CASE, A GARAGE WAS ADDED WITHIN THE FRONT YARD, TAKING SPACE AWAY FROM THE EXISTING DRIVEWAY
- SETBACK RELIEF TO 2.78m WAS PROVIDED
- IN THE CASE OF THE PROPOSAL FOR 170 W35TH, THE SIZE OF THE DRIVEWAY WOULD REMAIN, LEAVING PARKING UNAFFECTED



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THE CORPORATION OF THE CITY OF HAMILTON

COMMITTEE OF ADJUSTMENT

HAMILTON, ONTARIO Decision of Committee

APPLICATION NO: A-78:208 SUBMISSION NO: A-156/78

IN THE MATTER OF The Planning Act, 1970 and of the Zoning By-Law No. 6593, of the City of Hamilton, Sections18(3)(vi)(d), 88(3)(i), 18(3)(iii);

AND IN THE MATTER OF Premises known as municipal number 164 West 34th Street, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, and in a "B-2" (Suburban Residential) district;

AND IN THE MATTER OF AN APPLICATION by Samuel and Johnne Kajiura for relief from the provisions of the Zoning By-law No. 6593, under Section 42(1) of The Planning Act, 1970, so as to permit the erection of an attached carport addition notwithstanding that it is proposed: (1) to project 16'-10 1/2" into the required 26'-0" front yard instead of the permitted 10'-0" maximum.

THE DECISION OF THE COMMITTEE IS:

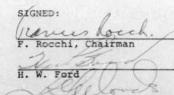
That the said application $\underline{\mbox{IS GRANTED}}$ subject to the following condition:

 The carport addition is to be constructed in accordance with those plans on file in the Office of the Committee of Adjustment.

The relief granted herein is based upon the following reasons:

- As evidenced at the hearing it is necessary to enclose and backfill the existing garage within the dwelling to overcome structural difficulties.
- The proposed location of the carport will not have a detrimental effect on the neighbouring lands due to the established landscaping characteristics of the streetscape.
- The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.
- 4. That after consideration of the application and from the evidence submitted it is the Committee's opinion that the relief granted herein is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 42 of The Planning Act, 1970.

DATED AT HAMILTON this 1st day of August, 1978.



L. G. Woods

C. Young

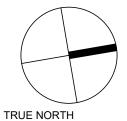


ZONING MAP



AERIAL MAP

NO. ISSUED DATE



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SEAL

PROJECT NAME

MAURO RESIDENCE -170 W35TH

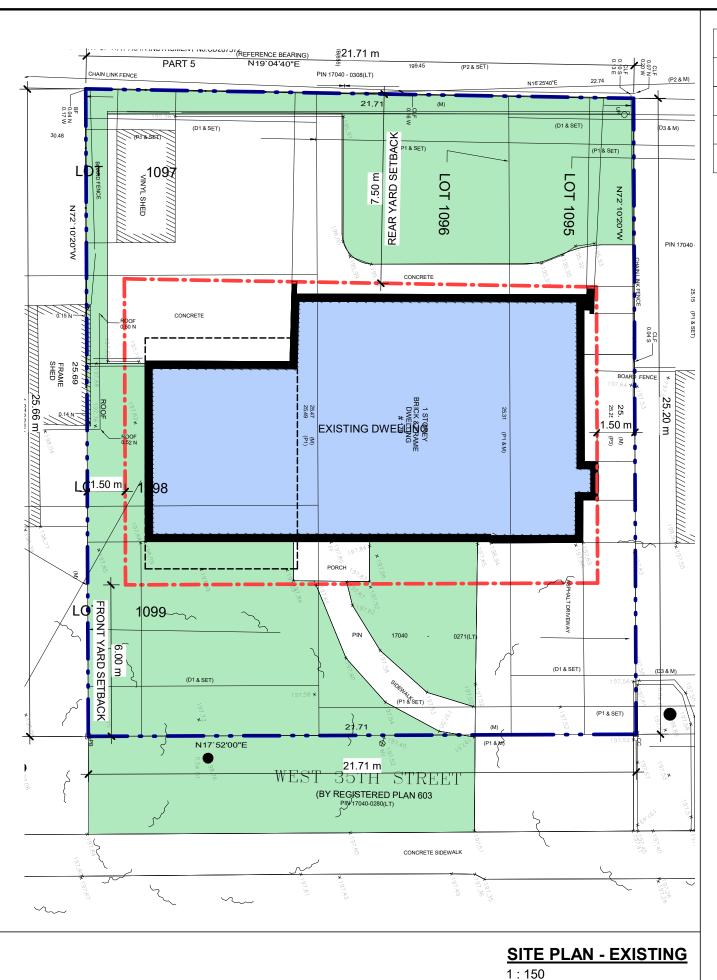
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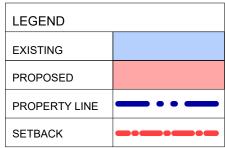
SHEET NAME

PRECEDENT DECISIONS

DRAWN BY
SM
PLOT DATE
07/15/21
SCALE

DRAWING:





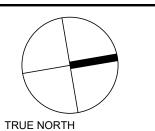
SITE STATISTICS			
Site Category	AREA (SM)	AREA (SF)	PERCE NTAGE
LANDSCAPE + DRIVEWAY			
LANDSCAPE + DRIVEWAY	395.19 m ²	4254 ft²	71.6%
	395.19 m ²	4254 ft²	71.6%
LOT COVERAGE			
LOT COVERAGE	156.86 m²	1688 ft²	28.4%
	156.86 m²	1688 ft²	28.4%
OVERALL EXISTING SITE	552.05 m²	5942 ft²	100.0%



NO. ISSUED DATE



SEAL



PROJECT NAME

MAURO RESIDENCE -170 W35TH PROJECT ADDRESS

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SHEET NAME

SITE PLAN - EXISTING

DRAWN BY
Author
PLOT DATE
05/16/21
SCALE

As indicated

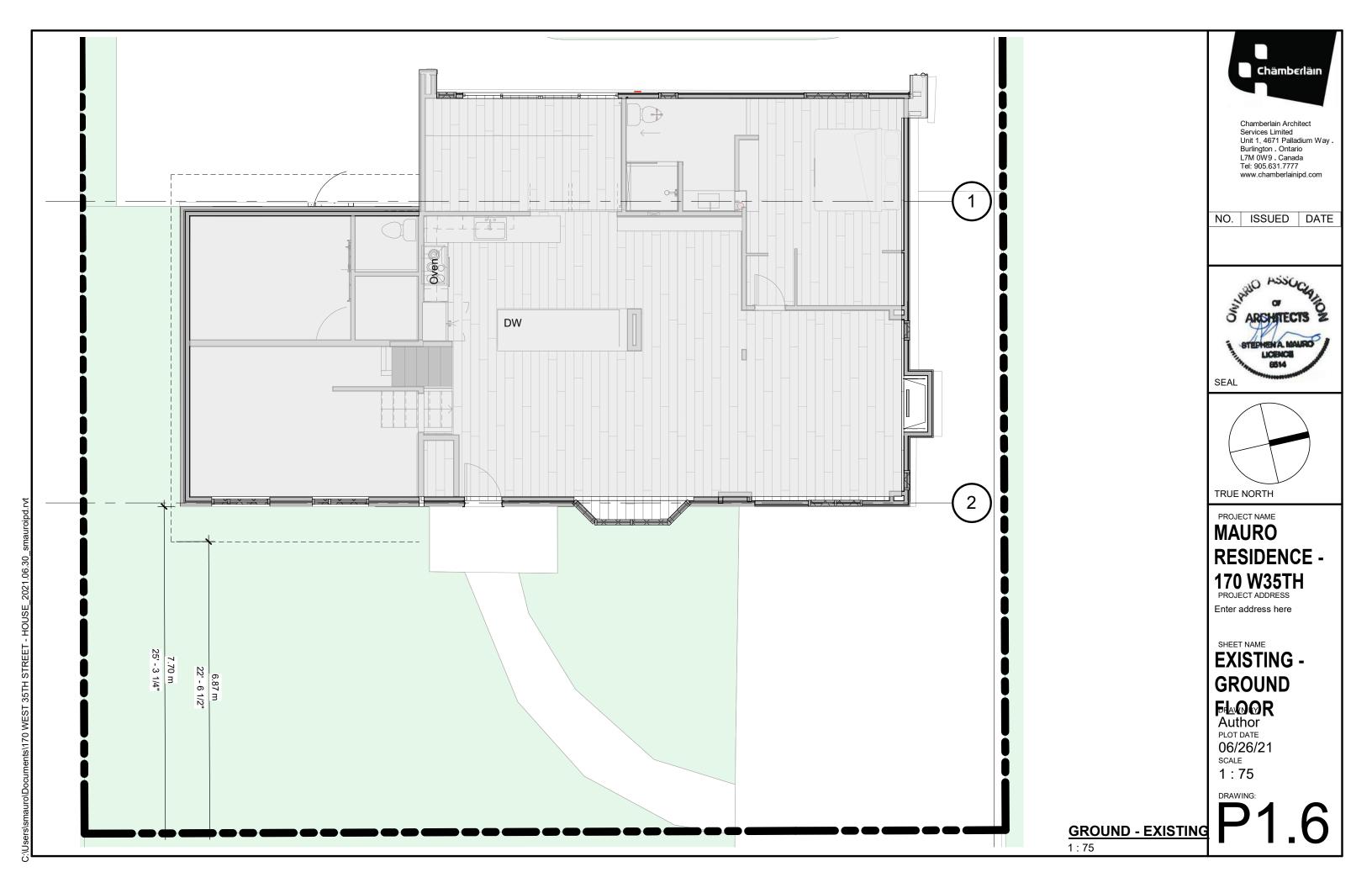
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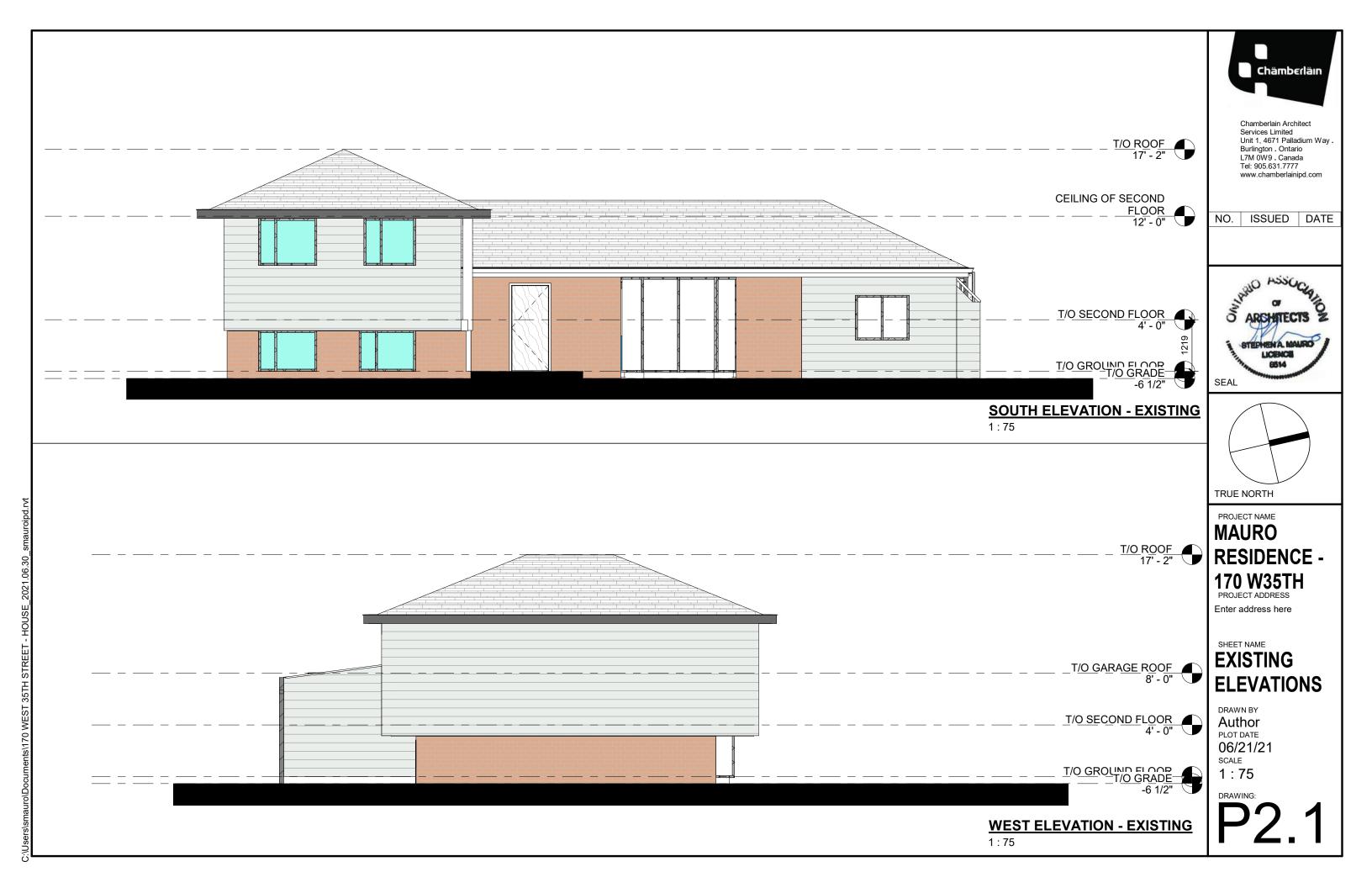
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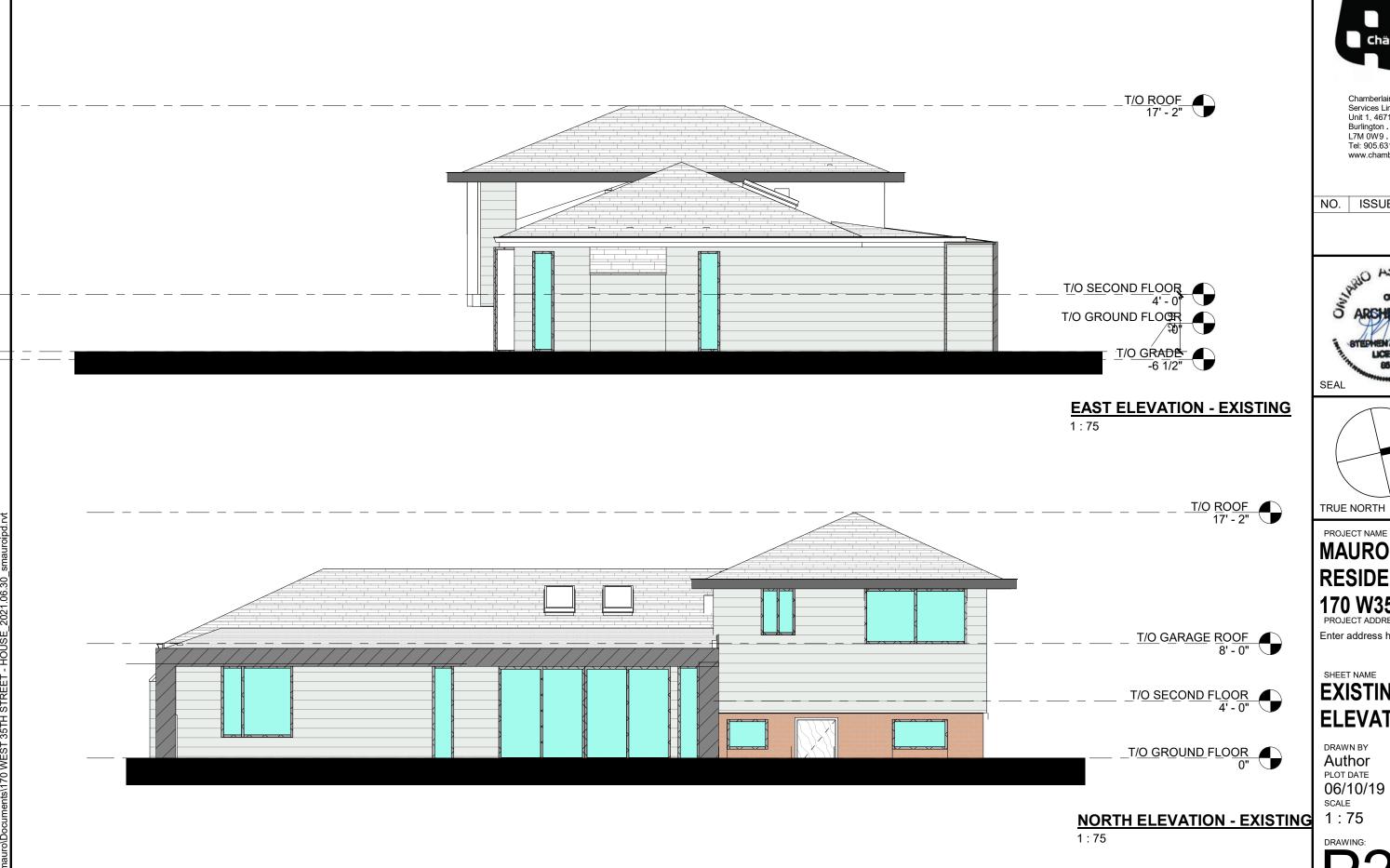
GENERAL PROVISIONS

ZONING DESIGNATION: B2 – Suburban Residential
City of Hamilton ZONING BY-LAW NO. 6593
LEGAL DESCRIPTION: LOTS1096 & PART OF LOTS 1095, 1097, 1098 & 1099
REGISTERED PLAN 603 IN THE CITY OF HAMILTON

ZONING DATA	REQUIRED	EXISTING	PROPOSED
LOT FRONTAGE	15m	21.71m	21.71m
LOT AREA	500 MSQ MIN	552.11 SQM	552.11 SQM
FRONT YARD	6.0m	6.61m	2.45m
REAR YARD	7.5m	7.5m	7.5m
SIDE YARD - SOUTH	1.5m	1.5m	1.5m
SIDE YARD - NORTH	1.5m	2.18m	2.18m
BUILDING HEIGHT	11.0m	5.45m	5.45m





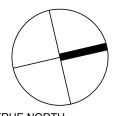


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NO. ISSUED DATE





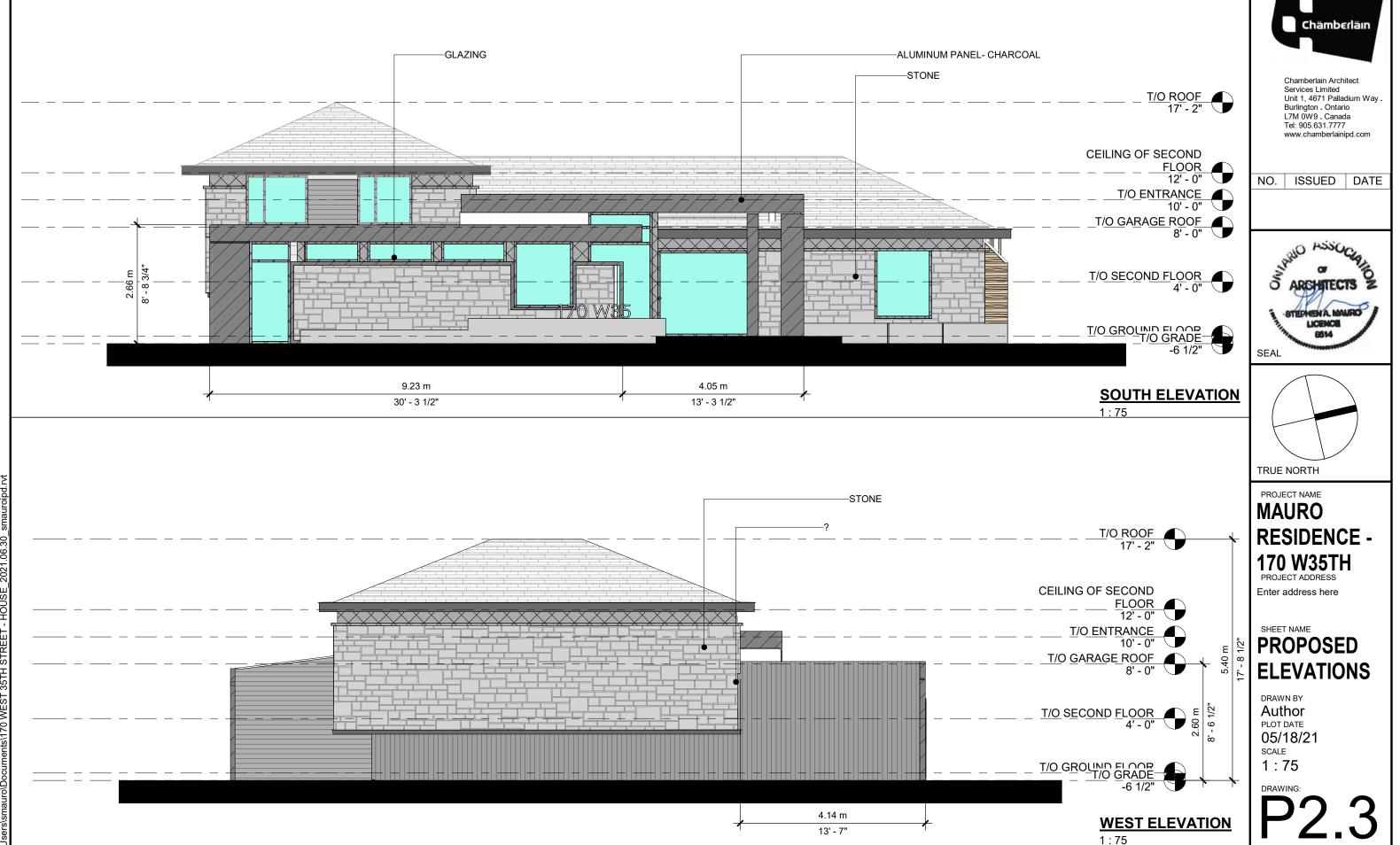
PROJECT NAME

MAURO RESIDENCE -170 W35TH PROJECT ADDRESS

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EXISTING ELEVATIONS

DRAWN BY Author PLOT DATE 06/10/19

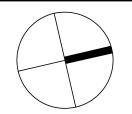






NO. ISSUED DATE

ARCHITECTS Z



TRUE NORTH

PROJECT NAME

MAURO RESIDENCE -170 W35TH

PROJECT ADDRESS
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PROPOSED ELEVATIONS

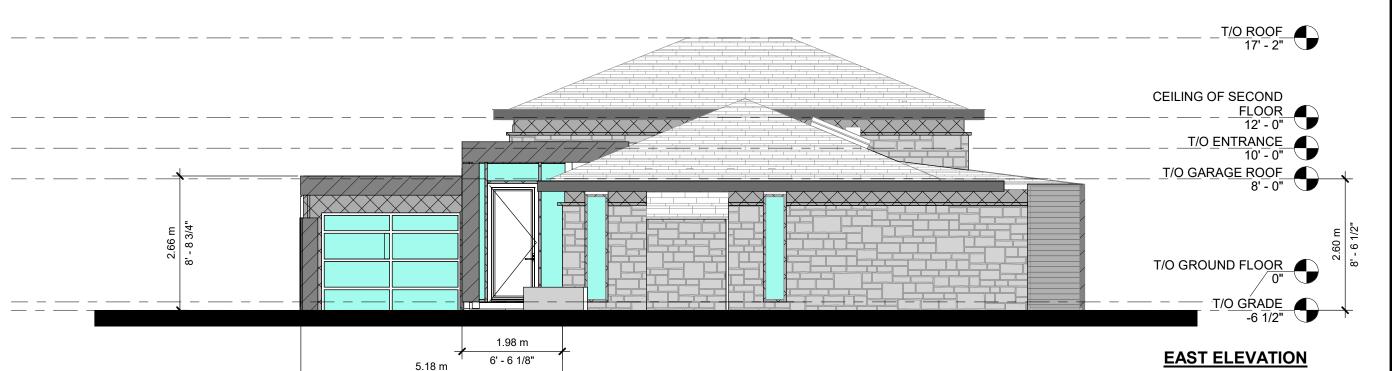
Author
PLOT DATE
05/14/19
SCALE

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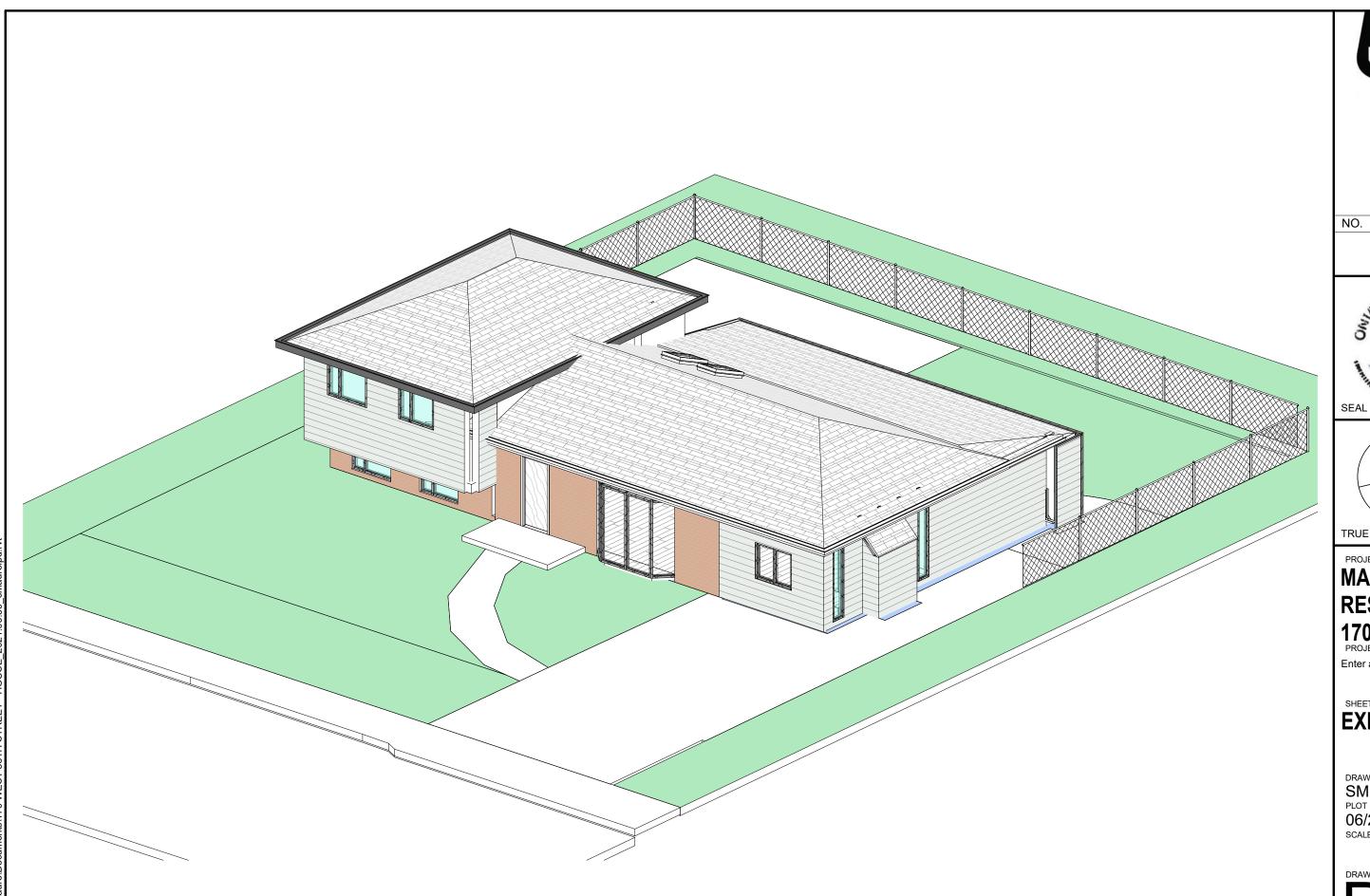
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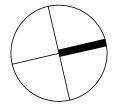
16' - 11 7/8"





NO. ISSUED DATE





TRUE NORTH

PROJECT NAME MAURO **RESIDENCE -**170 W35TH PROJECT ADDRESS

Enter address here

EXISTING - 3D

DRAWN BY SM PLOT DATE 06/26/21 SCALE

EXISTING - 3D



EXISTING EXTERIOR

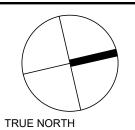


PROPOSED EXTERIOR



NO. ISSUED DATE





PROJECT NAME

MAURO RESIDENCE -170 W35TH PROJECT ADDRESS

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SHEET NAME

RENDERINGS

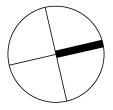
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Author
PLOT DATE
06/30/21
SCALE

DRAWING

P3.3



NO. ISSUED DATE



TRUE NORTH

PROJECT NAME

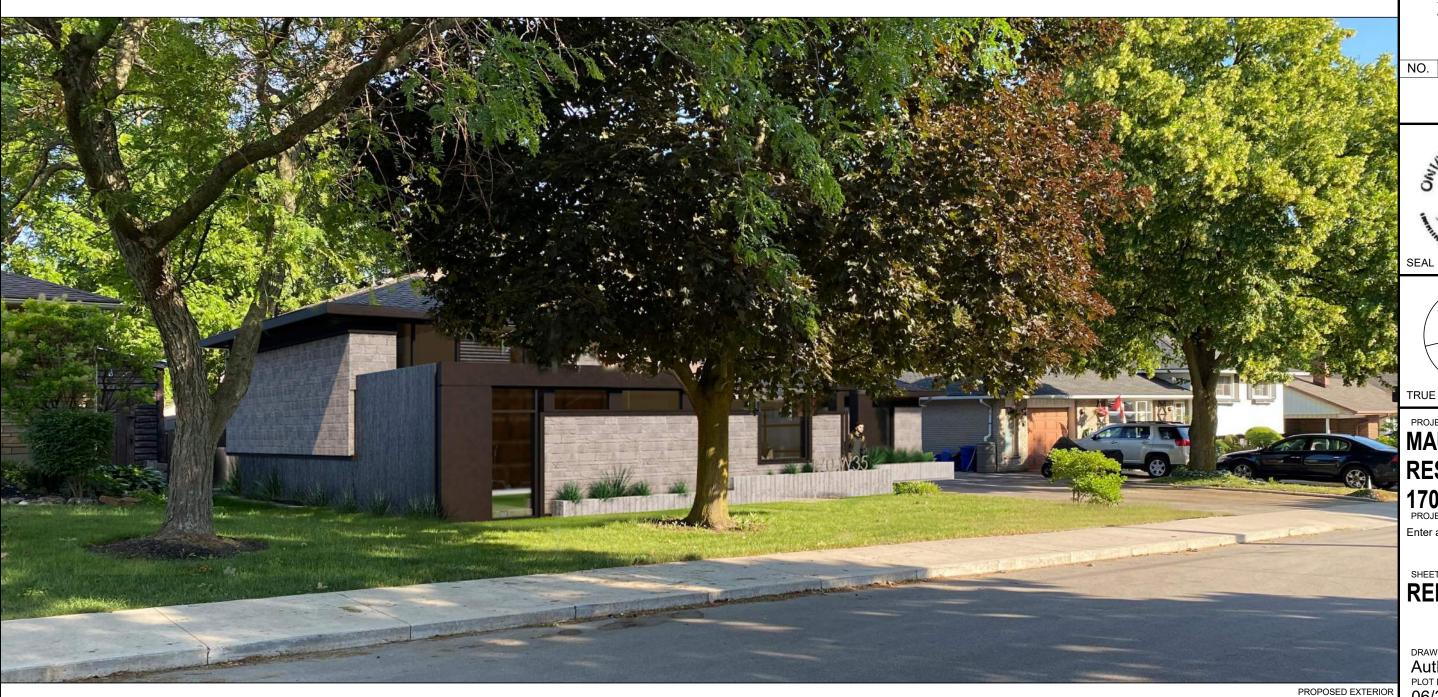
MAURO RESIDENCE -170 W35TH PROJECT ADDRESS

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SHEET NAME

RENDERINGS

DRAWN BY Author PLOT DATE 06/30/21 SCALE





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)	STEPHEN MAURO & CAMILLA AMORIM ALVES MATEUS		
Applicant(s)*	STEPHEN MAURO & CAMILLA AMORIM ALVES MATEUS		
Agent or Solicitor	STEPHEN MAURO & CAMILLA AMORIM ALVES MATEUS		

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: FIRST NATIONAL FINANCIAL GP CORPORATION, 100 UNIVERSITY AVENUE, SUITE 700, NORTH TOWER, TORONTO, ON M5J1V6

questions. Additional sheets must be clearly labelled 4. Nature and extent of relief applied for: APPLYING FOR FRONT YARD SETBACK RELIEF TO CONSTRUCT GARAGE. THE PROPOSED SETBACK IS 2.45m. CURRENT ZONING SETBACK IS 6m Secondary Dwelling Unit Reconstruction of Existing Dwelling Why it is not possible to comply with the provisions of the By-law? 5. THE EXISTING DWELLING DOES NOT CONTAIN A GARAGE AND THE IS NOT SUFFICIENT SPACE ON THE SIDE YARDS. Legal description and Address of subject lands (registered plan number and lot number or 6. other legal description and where applicable, street and street number): LT-1096,PL603;PT-LTS 1095, 1097, 1098 & 1099, PL 603 AS IN VM31524 170 WEST 35TH STREET 7. PREVIOUS USE OF PROPERTY Residential < Industrial Commercial Agricultural Vacant Other Other If Industrial or Commercial, specify use 8.1 Has the grading of the subject land been changed by adding earth or other material, i.e. 8.2 has filling occurred? No (•) Unknown (Yes Has a gas station been located on the subject land or adjacent lands at any time? 8.3 No Unknown Has there been petroleum or other fuel stored on the subject land or adjacent lands? 8.4 No (•) Unknown (Are there or have there ever been underground storage tanks or buried waste on the 8.5 subject land or adjacent lands? No (•) Unknown (Have the lands or adjacent lands ever been used as an agricultural operation where 8.6 cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands? No (\bullet) Yes Unknown (8.7 Have the lands or adjacent lands ever been used as a weapon firing range? Yes No Unknown Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area 8.8 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)?

Unknown (

Additional sheets can be submitted if there is not sufficient room to answer the following

No

Yes

8.10	uses on the site or a	to believe the subject adjacent sites? Io Unkno		e been conta	minated by former
	_ <u></u>		<u> </u>		
8.11	What information di	d you use to determin	e the answers	to 8.1 to 8.10) above?
	RESEARCH OF H	ISTORIC LAND DAT	A		
8.12	previous use invent	roperty is industrial or ory showing all forme subject land, is need	r uses of the s		•
	Is the previous use	inventory attached?	Yes	No	✓
9.	ACKNOWLEDGEN	MENT CLAUSE			
	remediation of conta	the City of Hamilton is amination on the prop val to this Application.	•	ne subject of	
	2021.08.08		macin	1	1
	Date		Signature Pro	perty Owner	(s)
			STEPHEN M Print Name o		IILLA MATEUS
10.	Dimensions of lands	s affected:			
10.	Frontage	21.71m			
	Depth	25.2m			
	Area	552sm			
	Width of street	8.7m			
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: 1.5 STOREY DETATCHED HOME - 1688 sf GFA - 17.8m WIDE - 9.83m length, 5.44m HIGH				
	Proposed EXISTING TO REM	MAIN + 1 STOREY G	ARAGE @39	sm + ENTRA	NCE @ 8sm
12.		ings and structures or rear and front lot lines		for the subjec	t lands; (Specify
	Existing:				
	FRONT LOT LINE SIDE LOT LINE (N SIDE LOT LINE (S REAR LOT LINE: 7	ORTH): 1.5m OUTH): 2.3m			
	Proposed:	. 0. 45			
	FRONT LOT LINE SIDE LOT LINE (N SIDE LOT LINE (S REAR LOT LINE:	IORTH): 1.5m SOUTH): 2.3m			

13.	Date of acquisition of subject lands: SEPTEMBER 2018
14.	Date of construction of all buildings and structures on subject lands: 1964
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:
18. 19.	Municipal services available: (check the appropriate space or spaces) Water
	BUILT UP AREA, NEIGHBOURHOODS
20.	Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
	B2
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 <i>Planning Act</i> ? 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.