



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-21:219

APPLICANTS: Agent Len Angelici
Owner Alvin Milinkovic

SUBJECT PROPERTY: Municipal address **30 Balsam Ave. S., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 21-076

ZONING: "C" (Urban Protected Residential and etc.) district

PROPOSAL: To establish a Secondary Dwelling Unit within an existing Single Family Dwelling notwithstanding that:

1. The separate entrance and exit to the Secondary Dwelling Unit shall be permitted to be oriented toward the front lot line as its entrance/exit is from the front door instead of the requirement that any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.

2. A minimum of 15% of the gross area of the front yard shall be provided as landscaped area instead of the minimum required 50% of the gross area of the front yard, which shall be used as landscaped area.

NOTE:

i) The Secondary Dwelling Unit is the smaller unit which is located on the 2nd floor and attic and the Single Family Dwelling is the larger unit which is located on the 1st floor and basement/cellar.

ii) The "Rec Room" on the 2nd Floor and the "Den" and "Living Room" on the Proposed Attic Plan (per Drawing A2 – Proposed Floor Plans & Section, Revision 1 dated 09/13/2021) in the Secondary Dwelling Unit shall not be used as a "Bedroom" as a maximum of 2 dwelling units are permitted in a secondary dwelling unit. Be advised that more than 2 bedrooms will require a further application to the Committee of Adjustment for a Minor Variance.

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

DATE: Thursday, October 7th, 2021
TIME: 3:10 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

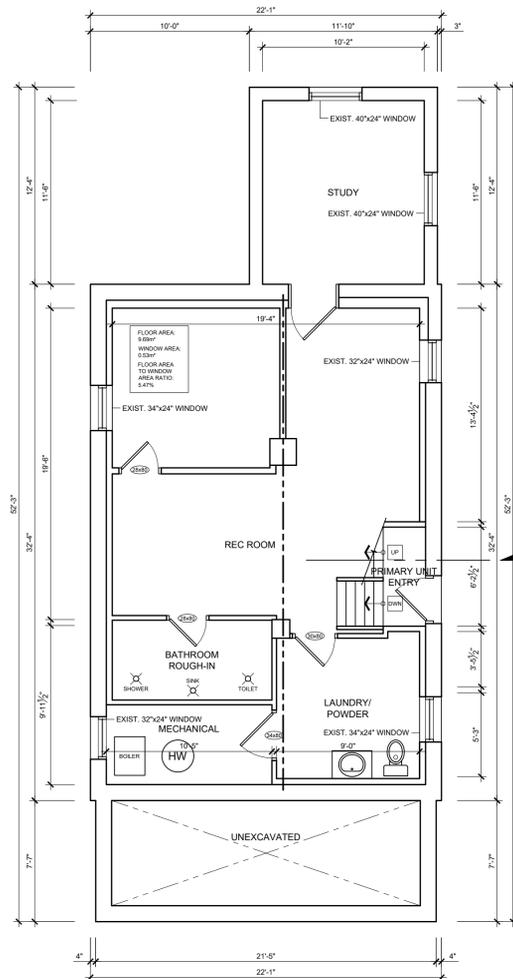
For more information on this matter, including access to drawings illustrating this request:

- 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 21st, 2021.

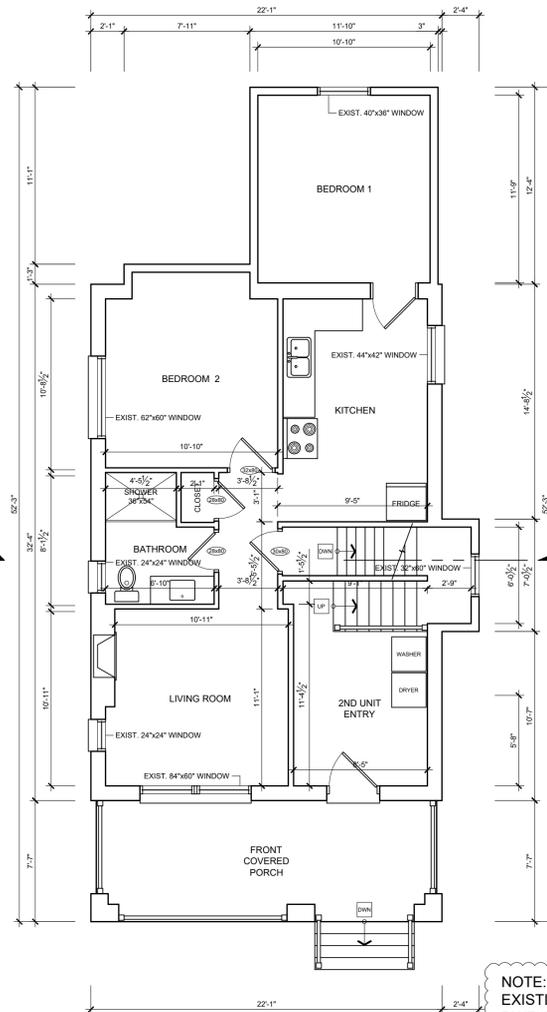
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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 BASEMENT PLAN

SCALE $\frac{3}{16}'' = 1' - 0''$
 BASEMENT AREA: 859.97sqft (79.89m²)

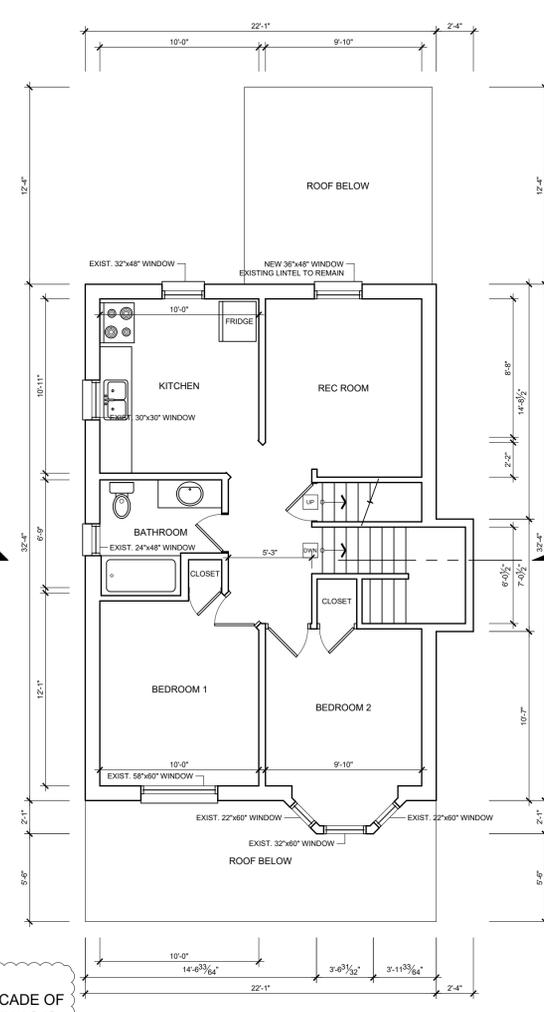


PROPOSED MAIN FLOOR PLAN

SCALE $\frac{3}{16}'' = 1' - 0''$
 MAIN FLOOR PRIMARY UNIT AREA: 733.07sqft (68.10m²)

TOTAL PRIMARY UNIT AREA: 1593.04sqft (148.00m²)

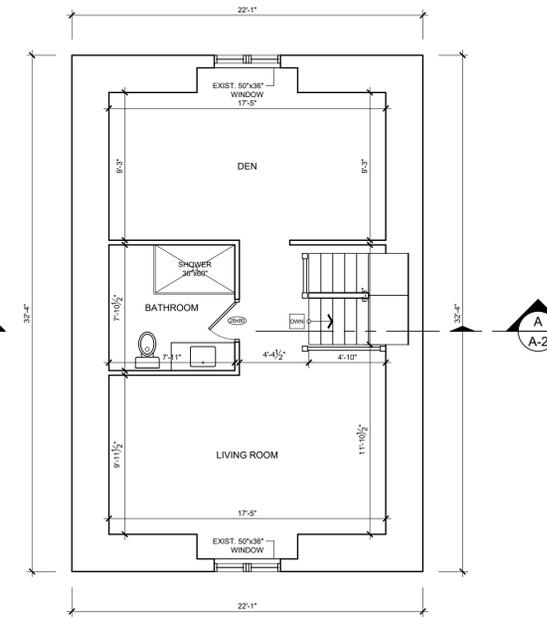
NOTE:
 EXISTING FRONT FACADE OF
 DWELLING TO REMAIN AS IS



PROPOSED SECOND FLOOR PLAN

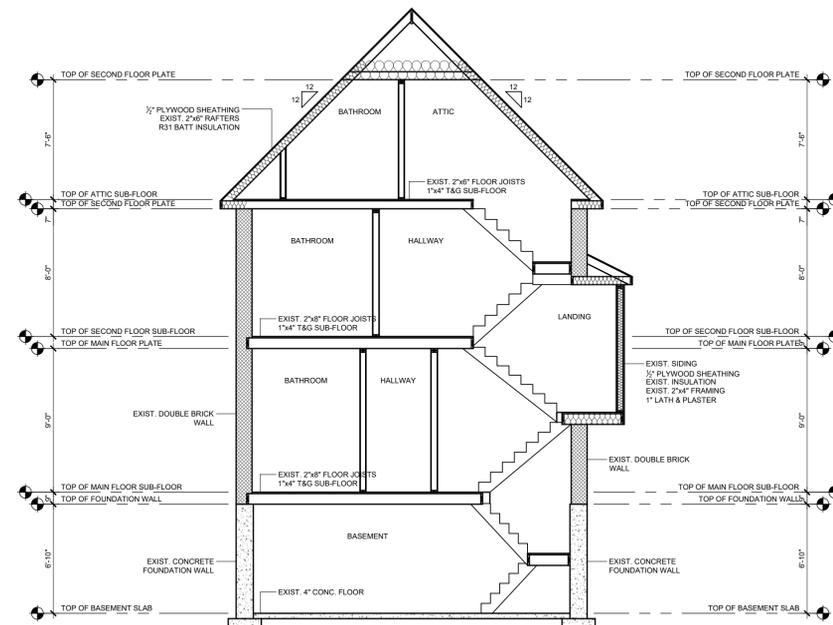
SCALE $\frac{3}{16}'' = 1' - 0''$
 SECOND FLOOR AREA: 742.26sqft (68.96m²)
 MAIN FLOOR SECONDARY UNIT ENTRY AREA: 153.22sqft (14.23m²)

TOTAL SECONDARY UNIT AREA: 1568.60sqft (145.73m²)



PROPOSED ATTIC PLAN

SCALE $\frac{3}{16}'' = 1' - 0''$
 ATTIC AREA: 673.12sqft (62.53m²)



SECTION A

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

PROJECT NORTH	TRUE NORTH
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No.	REVISION	DATE
01.	DRAWINGS FOR PERMIT REVIEW	09/15/2021

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
- THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
- REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
- CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
- DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

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 A DESIGNER.

QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391
NAME	BCN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	43162
NAME	BCN
09/15/2021	
DATE	SIGNATURE

Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125
 HAMILTON, ON L8L 6N4
 (905) 393-8868
 info@lenangelicidesign.ca

PROJECT

PROPOSED RESIDENCE
 30 BALSAM AVE,
 HAMILTON ON.

SHEET TITLE

PROPOSED FLOOR
 PLANS & SECTION

DRAWN BY
 L. ANGELICI
 DATE
 09/15/2021
 SCALE
 $\frac{3}{16}'' = 1' - 0''$
 PROJECT No.
 2021

A2

Len Angelici Design

Len Angelici Design Inc.
270 Sherman Ave N, Unit Mill-125
Hamilton, ON
L8L 6N4

August 24, 2021.

City of Hamilton
Committee of Adjustment
71 Main St W – 5th Floor
Hamilton, Ontario
L8P 4Y5

Attn: Committee of Adjustment Staff;
Kim Roberts
Zoning Examiner

Re: 30 Balsam Ave S,
Hamilton, ON.
Application Number: HM/A-21:219

Dear City of Hamilton Committee of Adjustment Staff,

In response to the Zoning staff comments of their report dated July 22nd, 2021, we deferred presenting our application to the Committee of Adjustment to revise our drawings and application with the following changes:

Variance 1

We have reduced the total number of bedrooms in the secondary unit to two, thereby removing the variance 1 altogether. Please see revised Proposed Second Floor Plan, and revised Proposed Attic Plan on page A2 of drawings dated 08/12/2021.

Variance 2

Variance 2 is to remain unchanged.

Variance 3

Variance 3 is to remain unchanged.

Variance 4

The existing driveway, combined with the detached garage collectively meets the parking and maneuverability requirement of two parking spaces for the primary dwelling unit. We would like Variance 4 to be revised for relief from sentence 5.2(C). The existing detached garage and isle way configuration is not proposed to change and has demonstrated a safe method of egress for a multiple car dwelling.

The revised proposal demonstrates compliance with:

- Section 5.1(b) [i,ii,iii,iv]
- Stall sizes comply with section 5.2 b) [i]
- Section 5.6 (a) - Secondary Dwelling Unit [Column 2] ^ Zoning Bylaw 05-200
- 2.4.1.1 - Residential Intensification of the Official Plan,
- Chapter E - Urban Systems - City of Hamilton is committed to managing urban growth and development that is sustainable, comprehensive, and recognizes a balance between the economy, environment, and the community's social needs.
- Section E.1.0 - Goals (e) (f) (g) (h)
- Sec. 3.2.2 (d) (OPA 142)
- Sec. 4.5.15 (avoiding excess parking supply)
- Sec. 2.3.3.20 (automobile access) ^ Official Plan

Main Thrust / Thesis Statement:

1. The intent of OPA 142 and Sec. 5.2 (c) of the Zoning Bylaw is to deter new intensification / development from providing tandem parking configurations in a manner that could congest the public right of way (i.e. cars backing out and queueing).
2. The current proposal seeks to recognize the existing driveway configuration and its access to the detached garage. A pattern of queuing that matches the existing single family home's minor dilemma whenever someone had to exit the garage while another car was parked behind it.
3. The higher order policies of the Official Plan, Provincial Policy Statement, and Places to Grow is to adopt a balanced approach to residential intensification. One whereby the need for affordable housing, encouragement of active transportation, and lack of disturbance to the environment are taken into account alongside minor relief from parking.
4. Prioritizing tandem parking as a means of refusing a minor variance denies the remaining test requirements under the Planning Act. No additional hard surface creation is proposed (on a lot with an existing throated drive aisle to its detached garage) is good planning, and does not deny the intent of the relevant policies we seek relief from.
5. Affordable housing and active transportation are more important tenets of Urban Hamilton than the ostensible theory of cars stuck in an existing driveway. Which has in practice been demonstrated to function well under a single family with multiple cars.

Please do not hesitate to contact me via phone or email if you have any additional questions.

Yours,

A handwritten signature in black ink, appearing to read 'Len Angelici', with a stylized flourish at the end.

Len Angelici, Principal
Owner & Principal, Len Angelici Design Inc.
BCIN 42391
(416) 206-4675
len@lenangelicdesign.ca

August 24, 2021.
Date



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	ADDRESS	
Registered Owners(s)	AVAN MILINKOVIC	[REDACTED]	Phone: _____
			E-mail: _____
Applicant(s)*	LEN ANGELICI		[REDACTED]
Agent or Solicitor			Phone: _____
			E-mail: _____

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:

RELIEF FROM ON-SITE PARKING FOR PROPOSED SECOND DWELLING UNIT

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

SIZE OF LOT OF SUBJECT PROPERTY DOES NOT ALLOW FOR ON-SITE PARKING THAT MEETS SPATIAL AND MANEUVERABILITY REQUIREMENTS

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**):

30 BALSAM AVE S
HAMILTON, ON
L8M 3B1
ZONE: C

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

13. Date of acquisition of subject lands:

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

15. Existing uses of the subject property:
SINGLE FAMILY DWELLING
16. Existing uses of abutting properties:
SINGLE AND MULTI-UNIT DWELLINGS
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 _____ 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:
ZONE C: Urban Protected Residential, Etc.
PARENT BY-LAW NUMBER: 6593 Former Hamilton
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.