

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.: SC/A-21:344

APPLICANTS: Owners Marco & Maria Marchionda

SUBJECT PROPERTY: Municipal address **197 Lewis Rd., Stoney Creek**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "A1" (Agriculture (A1) Zone

PROPOSAL: To permit the construction of a new single detached dwelling upon demolition of the existing single detached dwelling and accessory building, notwithstanding,

1. A minimum side yard setback of 1.25 metres will be provided on the north side of the proposed single detached dwelling, whereas, a minimum side yard setback of 3.0 metres is required.

Notes:

1. For the purpose of this application, the front lot line is deemed to be the easterly lot line.

2. Details with respect to the location of the required parking space are not provided. It is assumed one (1) unobstructed parking spaces with dimensions of 2.80 m by 5.80 m will be provided within the attached garage located more than 5.80 m from the front lot line. Additional variances may be required if parking space design standard is not a minimum of 2.8 m by 5.8 m. Further variances may be req'd if parking is to provide elsewhere on the site.

3. A further variance may be required if all other portions of the front yard other than the driveway area not be provided as "Landscaping" as defined below.

Landscaping – "Shall mean outdoor space for use, enjoyment and recreation and shall include natural vegetation areas and constructed areas such as patios, decks, playgrounds, pathways, outdoor recreational amenities, fencing, decorative architectural features and retaining walls".

4. It's unclear if the existing driveway shown on the site plan is intended to be maintained. Further variances may be required if the existing driveway is intended to be maintained.

5. The submission is deficient of elevation drawings to which it is not clear if the height of the proposed single detached dwelling complies with the maximum permitted height of 10.5 m pursuant to Section 12.1.3.3(c). Additional variances may be required if the building height exceeds 10.5 m measured in accordance with the definition in the zoning by-law.

6. Details have not been provided regarding the eaves and gutter projections within front yard, rear yard, southerly side yard, and northerly side yard. Further variances will be required if compliance with Section 4.6 (a) which allows for a projection of no more than 0.60 m into the required yard or a maximum of half the distance of the required yard, whichever is the lesser is not satisfied.

7. The surface material of the driveway is not specified on the submitted site plan. Surface appears to be asphalt, however, full confirmation is required.

8. Details regarding mechanical and unitary equipment including the air conditioner were not provided. The location of such equipment shall conform to Section 4.9.

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

DATE:	Thursday, October 21st, 2021
TIME:	1:25 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: October 5th, 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.



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2 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
Registered Owners(s)	Mario Marchionda Maria Marchionda
Applicant(s)*	Marcasa Homes Inc Marco Marchionda
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:
N/A

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 required side yard for a single family dwelling (A1 Zone) is 3m, the proposed is 1.25

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Zoning By-law 05-200 (A1 Zone) states required side yard for a single family dwelling is 3m. We need our new house to be 1.25m from right side of property 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**):

Lot2 Plan1023
197 Lewis Rd
Stoney Creek

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐ Other ☐

Other _____

- 8.1 If Industrial or Commercial, specify use N/A

- 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 as 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?

We have been residents of the area for nearly 50 years, never known of anything other

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? es ☐ 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.

Sept. 17/2021
Date

Mario Marchionda
Signature Property Owner(s)

Mario Marchionda
Print Name of Owner(s)

Maria Marchionda
Maria Marchionda

10. Dimensions of lands affected:

Frontage	<u>112' (34.29m)</u>
Depth	<u>135' (41.45m)</u>
Area	<u>15,120sqft (1421.32sqm)</u>
Width of street	<u>66' (20.12m)</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: _

Single family home to be removed --> 54'x30', bungalow
Detached garage to be removed --> 20'x35'

Proposed

Construct new bungalow --> 2,335sqft, (53'6"x56'2"), 1.25m sideyard on right side 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:

Single family home to be removed currently sits approx 3m sideyard on right side, 30' front, and 80' to the rear
Detached garage to be removed sits 5.5m from left side of property and 3m away from the existing house

Proposed:

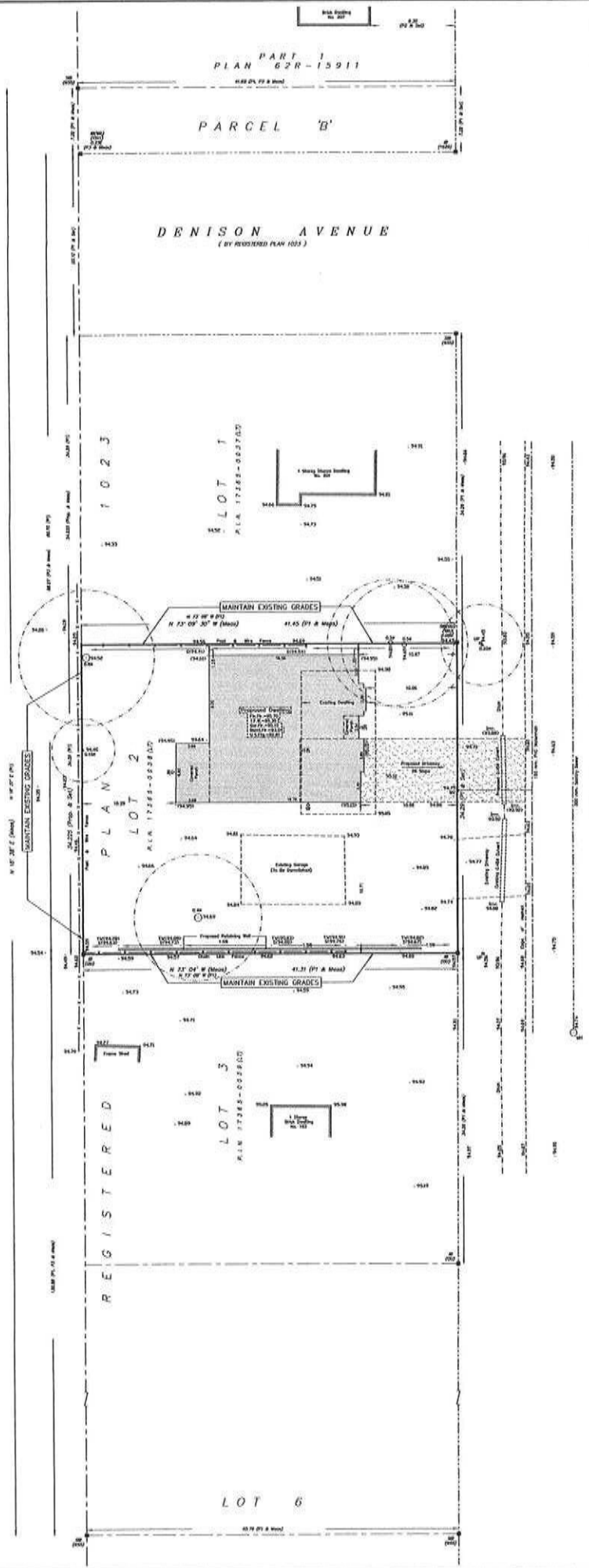
Construct new bungalow with side yard of 1.25m on right side of property.
House will be 10.02m from front property line
Rear yard is 10.29m from rear of house
Left side of house will be 17.68m from left side of property

13. Date of acquisition of subject lands:
December 10, 2020
-
14. Date of construction of all buildings and structures on subject lands:
1970s
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
single family residential
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
single family residential
17. Length of time the existing uses of the subject property have continued:
40+ YEARS
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|--------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers | <input type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
A1 Zone
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By-Law 05-200
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.



LOT 7 C O N C E S I O N 2

PART 3 PLAN 62R-15522
P.L.N. 17265-0422.50



DENISON AVENUE
(BY REGISTERED PLAN 1023)

PART 1
PLAN 62R-15911

PARCEL 'B'

LOT 2
P.L.N. 17265-0228.00

LOT 3
P.L.N. 17265-0228.00

LOT 6
P.L.N. 17265-0228.00

SKETCH SHOWING PROPOSED DWELLING
(197 LEWIS ROAD)

LOT 2
REGISTERED PLAN 1023
CITY OF HAMILTON



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

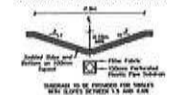
BEARING NOTE:
BEARINGS AND AZIMUTHS ARE REFERRED TO THE
WESTERLY LIMIT OF LEWIS ROAD AS SHOWN ON REGISTERED
PLAN 1023, HAVING A BEARING OF N 10° 52' E

LEGEND:
DENOTES SURVEY MONUMENT FOUND
DENOTES STANDARD HIGH MARK
DENOTES BURN MARK
DENOTES WIRELESS
DENOTES CHURN LAMP
DENOTES REGISTERED PLAN 1023
DENOTES PLAN 100-15011
DENOTES PROPOSED ELEVATION
DENOTES 1:1 PEDESTAL
DENOTES 6.6-ACCORD G.L.S.
DENOTES TOP OF WALL
DENOTES EXISTING POLE
DENOTES WATER VALVE
DENOTES CHAMBER OF REX

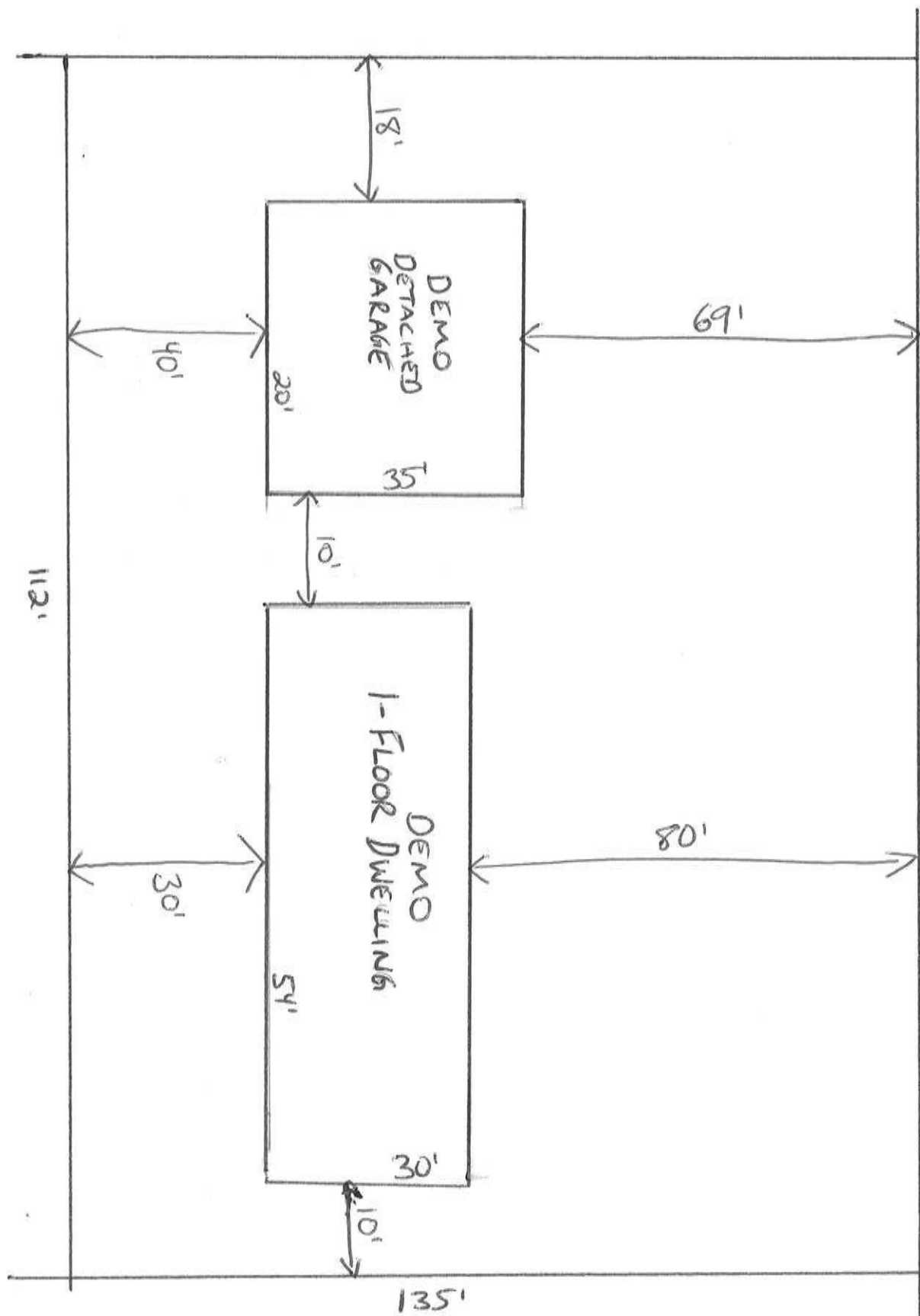
ELEVATION NOTE:
ELEVATIONS SHOWN ON THIS PLAN ARE MEASUREMENTS AND ARE
REFERRED TO CITY OF HAMILTON BENCH MARK 750.00
LOCATION: 1000 HURON AVENUE AT BAYVIEW ST. IN FRONT
SCHOOL, ALONG LEWIS ROAD AT BAYVIEW STREET. IN FRONT
LAMP 10.0 m. WEST OF CENTRE LINE OF LEWIS ROAD, 13.5 m.
NORTH OF NORTHEAST CORNER OF SCHOOL, 12.2 m. SOUTHWEST
OF CENTRE LINE OF BAYVIEW ST. ENTRANCE, 12.8 m. SOUTHWEST
OF FLAG POLE.
ELEVATION = 862.00 m.
+ (86.00) DENOTES PROPOSED ELEVATION
+ (90.00) DENOTES EXISTING ELEVATION

SITE DATA:
ZONING: AGRICULTURAL "A1"
LOT AREA = 1412.50 sq. m.
COVERAGE = 47%

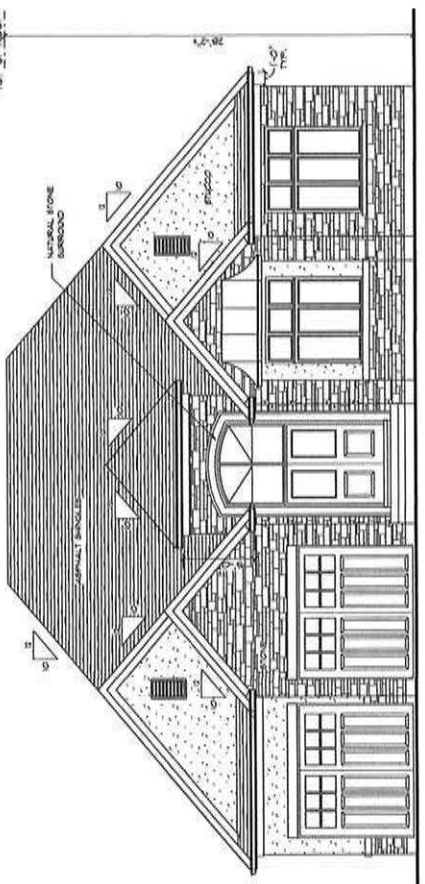
TYPICAL SWALE CROSS SECTION



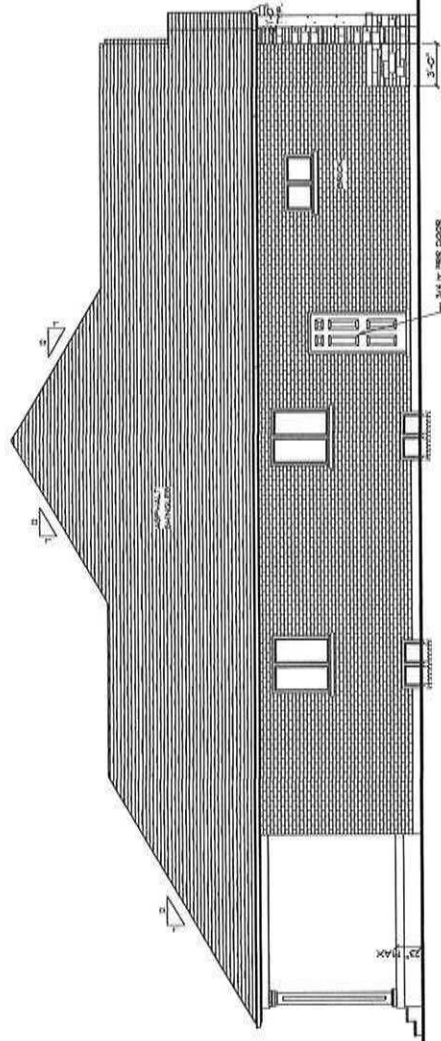
LEWIS RD



TOP OF SLOPE

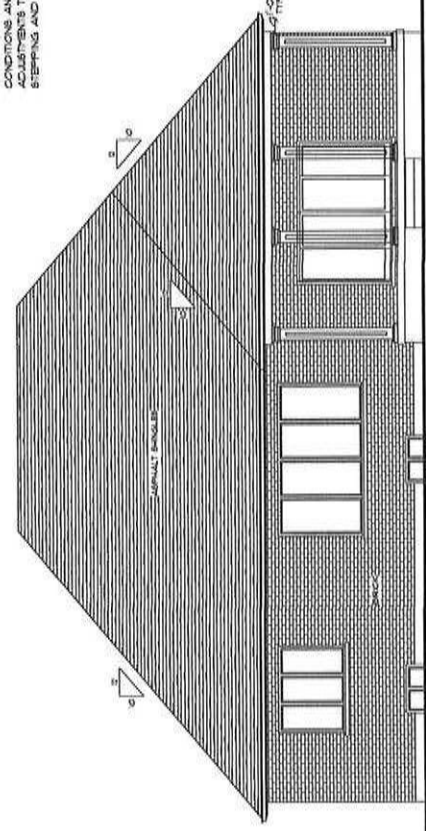


FRONT ELEVATION

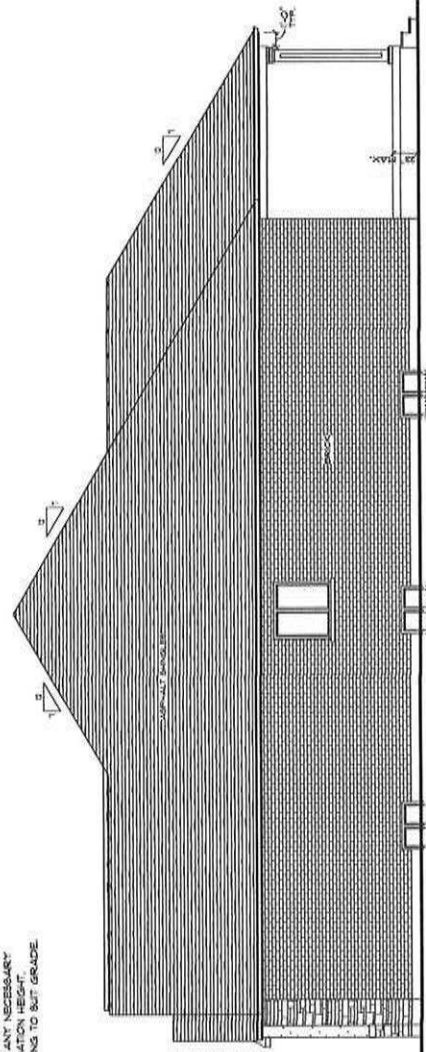


LEFTSIDE ELEVATION

NOTE:
OWNER/CONTRACTOR TO VERIFY SITE
CONDITIONS AND MAKE ANY NECESSARY
ADJUSTMENTS TO FOUNDATION HEIGHT,
STEPPING AND VENERING TO SUIT GRADE.



REAR ELEVATION



RIGHTSIDE ELEVATION

AREA OF EXPOSED BUILDING FACE 48,000 sq. ft.
ALLOWABLE UNRESTRICTED OPENING AREA 11,700 sq. ft.
ACTUAL UNRESTRICTED OPENING AREA 28,300 sq. ft.

The undersigned hereby certifies that the above information is true and correct to the best of my knowledge and belief.

REGISTRATION AND QUALIFICATION INFORMATION

Individual Name: NICK DEFILIPPIS

Individual Title: ARCHITECT

Individual License Number: 13862

Signature: [Signature]



DeFilippis Design
1000 Highway 100, Suite 100
Stoney Creek, Ontario L3R 9V3
(905) 643-2200 FAX (905) 643-1008

- NOTE:
1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPACING PRIOR TO AND DURING CONSTRUCTION.
 2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THE DRAWINGS SHALL BE IMMEDIATELY REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION.

SCALE: 1/4" = 1'-0"	APPROVED BY:	DESIGN BY:
DATE: 10/03/2023		REVISED:
SHEET 1 OF 4		DRAWING NUMBER:
		IS - 530

DO NOT SCALE DRAWINGS

[illegible]

NOTE: WINDOW AND DOOR SIZES ARE APPROXIMATE

ITEM	(W ₀) DESCRIPTION (L ₀ W ₀)	EXT. LINTEL
A	9"x8" GARAGE DOOR	L6 x 4 x 38
B	9"x8" GARAGE DOOR	L6 x 4 x 38
C	2"x10"x6" DOOR w/ HALF PLITE AND 4"x6" SEG. TRANS. ABOVE	NONE
D	6"x4"x0" TRANS. ABOVE	L5 x 3 1/2 x 5/16
E	6"x4"x0" TRANS. ABOVE	L5 x 3 1/2 x 5/16
F	4"x4"x0"	L3 1/2 x 3 1/2 x 1/4
G	6"x4"x0"	L5 x 3 1/2 x 5/16
H	10"x6"x0"	L7 x 4 x 38
J	10"x6"x0" SLIDING PATIO DOORS	L7 x 4 x 38
K	4"x4"x0"	L3 1/2 x 3 1/2 x 1/4
L	4"x4"x0"	L3 1/2 x 3 1/2 x 1/4
M	3"x6"x0" 3/4" x 1" FRS DOOR & FRAME	L3 1/2 x 3 1/2 x 1/4
N	5"x2"x0"	L3 1/2 x 3 1/2 x 1/4
P	4"x2"x0"	L3 1/2 x 3 1/2 x 1/4

NOTE: PROVIDE COMPLIANCE TO ENERGY EFFICIENCY FOR ZONE 1 BUILDINGS IN CONFORMANCE WITH CBC SUPPLEMENT 5B-12, TABLE 311.2.A (1P), PACKAGE "A1". HEATING EQUIPMENT WITH ARIE ≥ 96% EFFICIENCY
HVR ≥ 76% EFFICIENCY

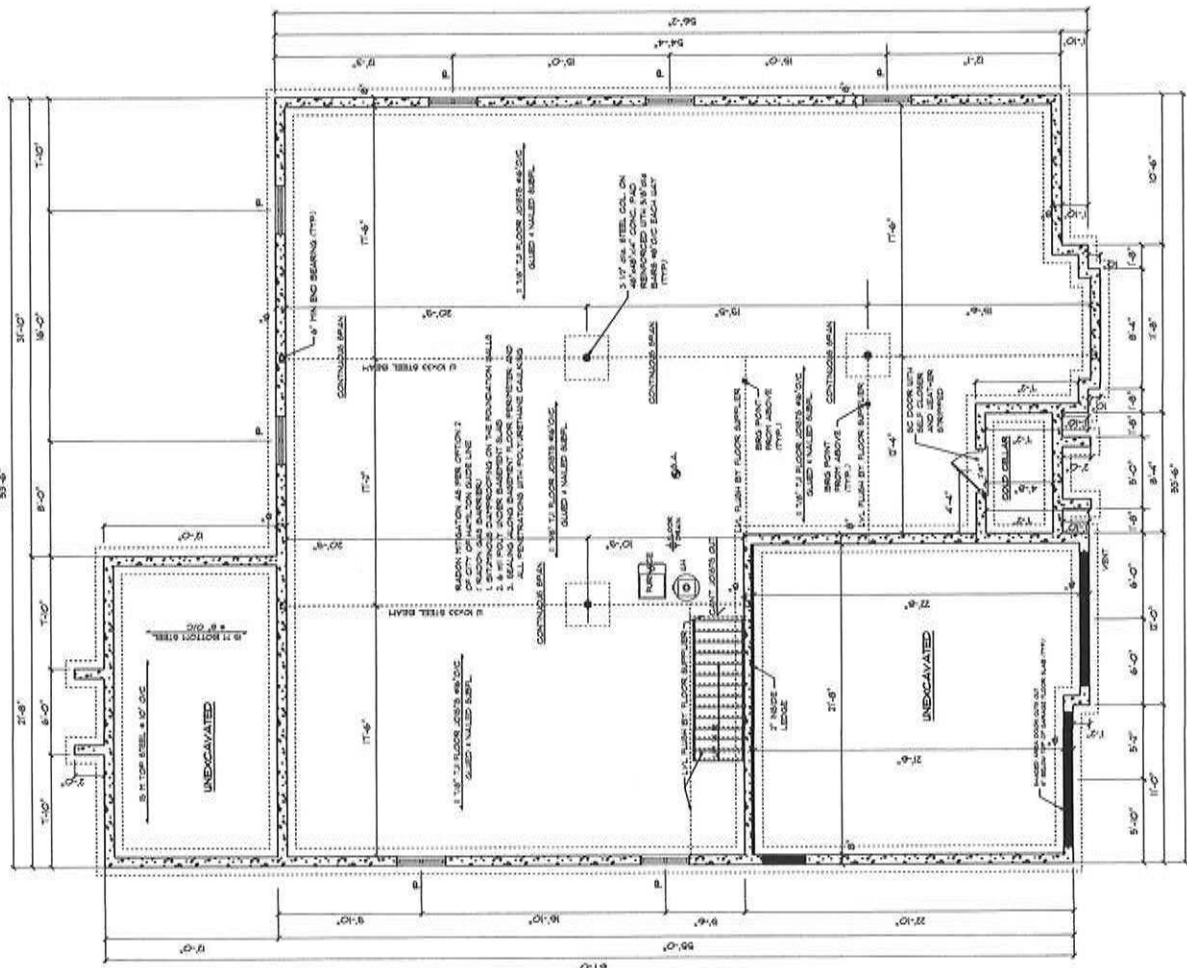
DeFILIPPIS DESIGN
687 BARTON ST. E., SUITE 201
STONEY CREEK, ONTARIO L8E 5L8
(905) 643-2250 FAX (905) 643-2055

2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

NOTE:
ROOM DIMENSIONS ARE BASED ON 10" H. EXTERIOR BRICK WALLS, 6" H. EXTERIOR BONG WALLS, AND 4" H. INTERIOR WALLS. 1/2" H. SILL, 1/2" H. DOORS, AND 1/2" H. WINDOWS.

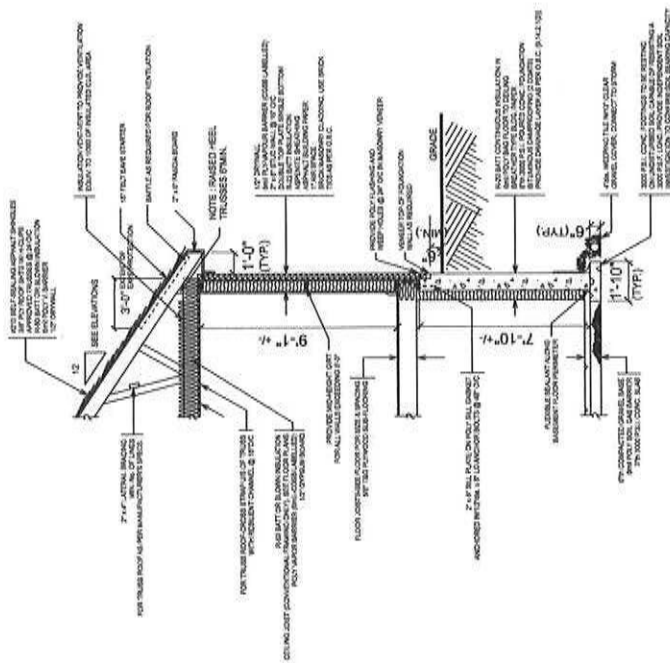
MAIN FLOOR PLAN

These drawings are the property of DEFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.



FOUNDATION PLAN

DO NOT SCALE DRAWINGS



TYPICAL WALL SECTION

NOTE
1. CONSULT CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL PRIOR TO THE DESIGNER PRIOR TO CONSTRUCTION.

NOTE

1. FOUNDATION WALLS ARE 8" THICK POURED CONCRETE UNLESS NOTED OTHERWISE.
2. DROP TOP OF GARAGE FOUNDATION WALLS TO SUIT GRADE.
3. ALL BRICK CUTS IN TOP OF FOUNDATION WALL FOR VENEERING ARE THE RESPONSIBILITY OF THE CONTRACTOR TO SUIT INDIVIDUAL SITE GRADERS.
4. PROVIDE LIGHTS AND OUTLETS TO SUIT AND IN CONFORMANCE WITH APPLICABLE CODES.
5. HEAT-LOSS AND DUCT LAYOUT BY OTHERS.

DEFILIPPIS DESIGN
807 BARTON ST. E. SUITE 200
MARCHIONDA, IL 60050-6403
(815) 643-2025 FAX (815) 643-2026

MARCHIONDA RESIDENCE

SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY:
DATE: 1/16/2025	REVIEWED:	
DESIGNED BY:		
SH 3 OF 4		
15 - 550		