



## **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

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**APPLICATION NO.:** HM/A-21:339

**APPLICANTS:** Owners Xlata & Nedzad Mrkaly

**SUBJECT PROPERTY:** Municipal address **37 Behan St., Hamilton**

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

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

**PROPOSAL:** To permit the construction of a two (2) storey rear addition to the existing single family dwelling, notwithstanding:

1. A minimum rear yard width of 7.50 metres is required, whereas, the proposed rear yard width is 5.40 m.
2. Two (2) on site parking spaces shall be provided instead of the minimum of three (3) required parking spaces for a single family dwelling containing nine (9) habitable rooms.

Notes:

1. The applicant shall ensure the proposed building height has been calculated in accordance with "Height" and "Grade" as defined within the Zoning By-law.
2. Details with respect to the eaves and gutter projections into the front, rear, and side yards have not been provided. An additional variance may be required if the eaves and gutters project more than 1.50 m into the front and rear yard, and half the width (0.60 m) of the required side yard.
3. The driveway shown on the submitted site plan is approx. 18.99 m in length and 3.048m in width. Parking spaces have not been illustrated however, the addition to the existing single family dwelling facilitates a total of nine (9) habitable rooms to which three (3) parking spaces are required. It is assumed two (2) parking spaces, which were provided when the dwelling was constructed, are to be maintained. Further variances may be required should the existing two (2) parking spaces provided in accordance with Section 18A of the Zoning By-law are not to be maintained.

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

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**DATE:** Thursday, October 21st, 2021  
**TIME:** 1:45 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
 To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

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## **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:

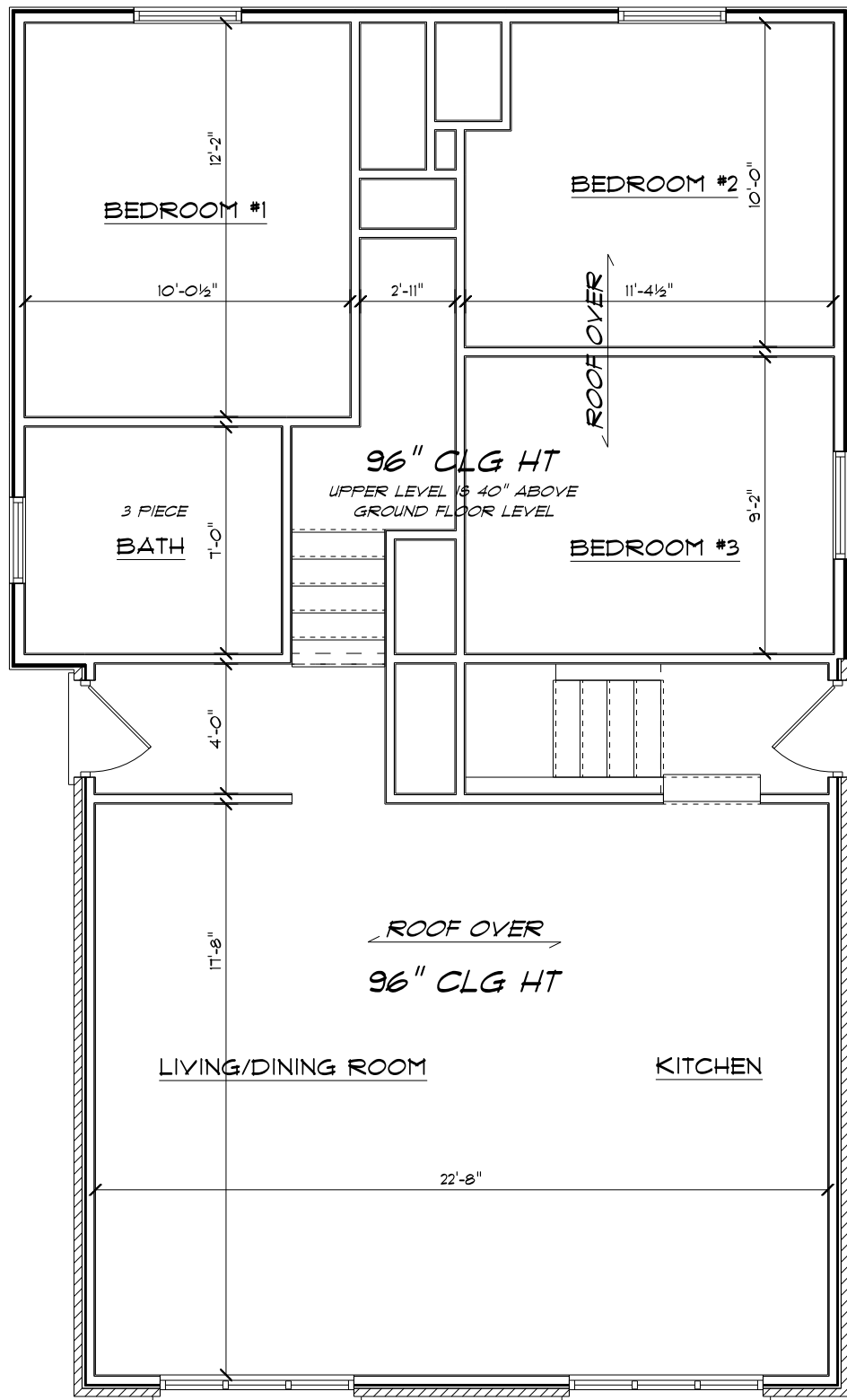
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: October 5th, 2021.

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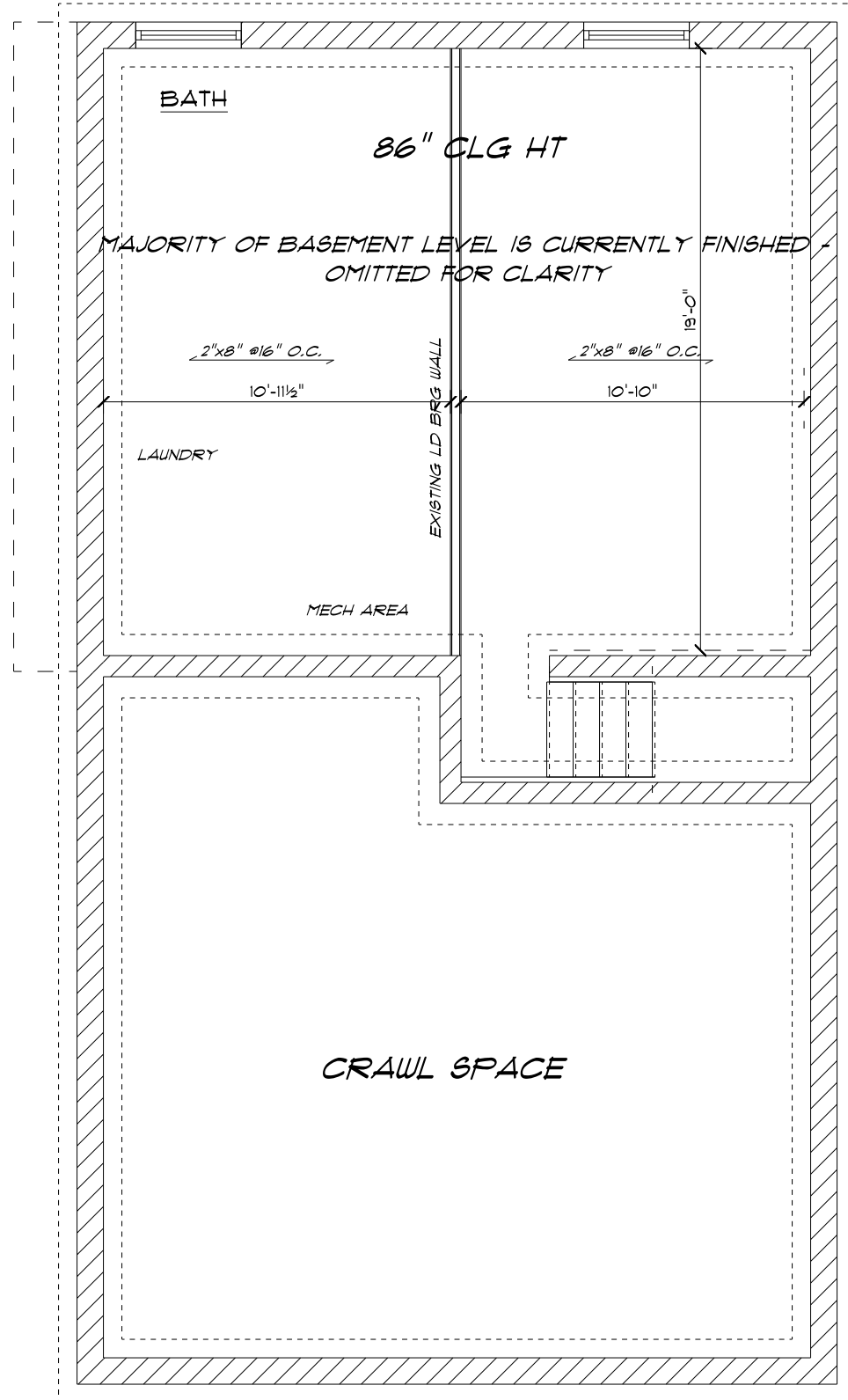
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

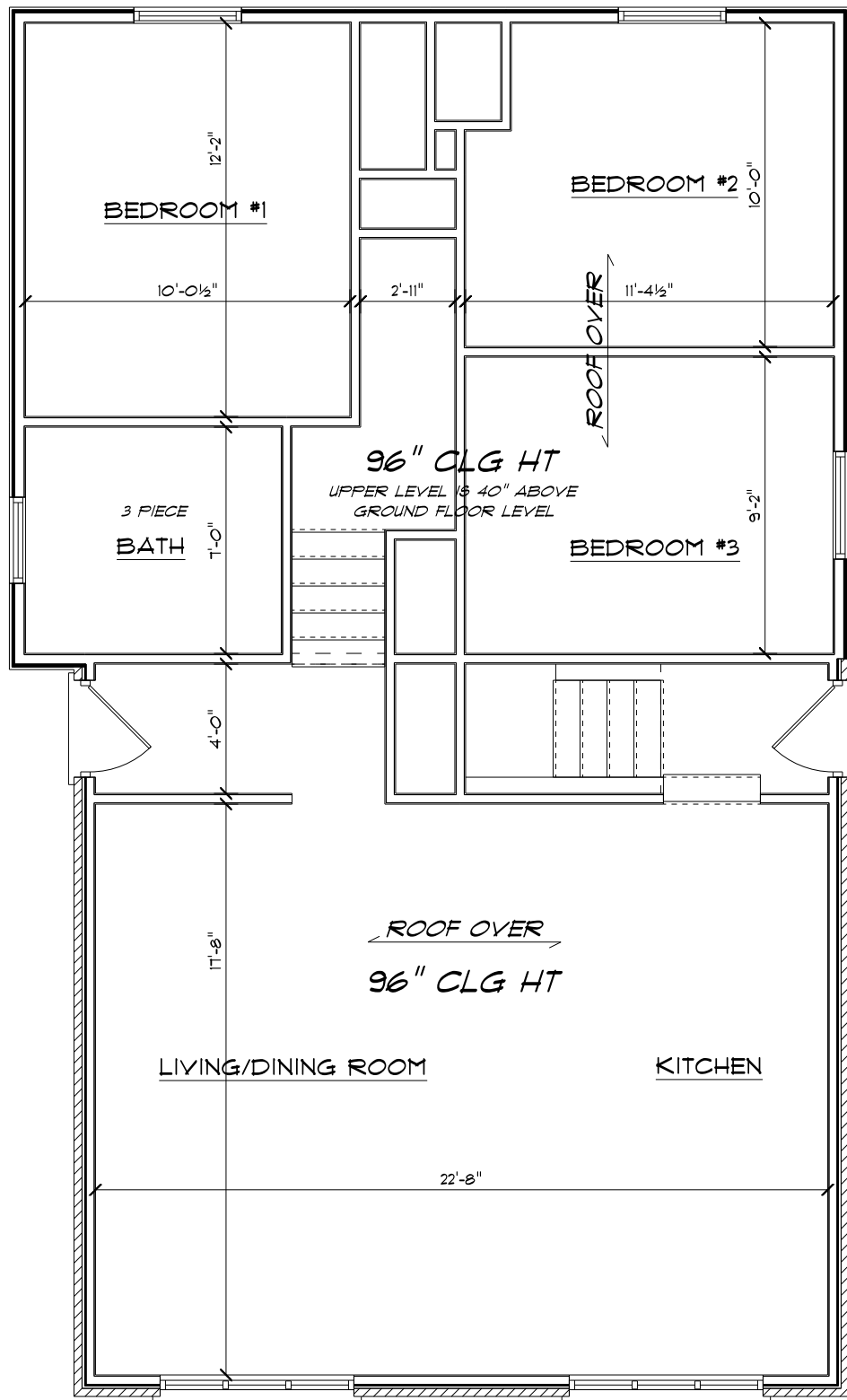


37 BEHAN  
 HAMILTON, ONTARIO  
 EXISTING MAIN FLOOR PLAN  
 PARTIAL  
 PROPOSED ADDITION TO AN  
 EXIST SPLIT LEVEL S-F-D  
 1075 SQFT EXISTING

SCALE 3/16" = 1'-0"

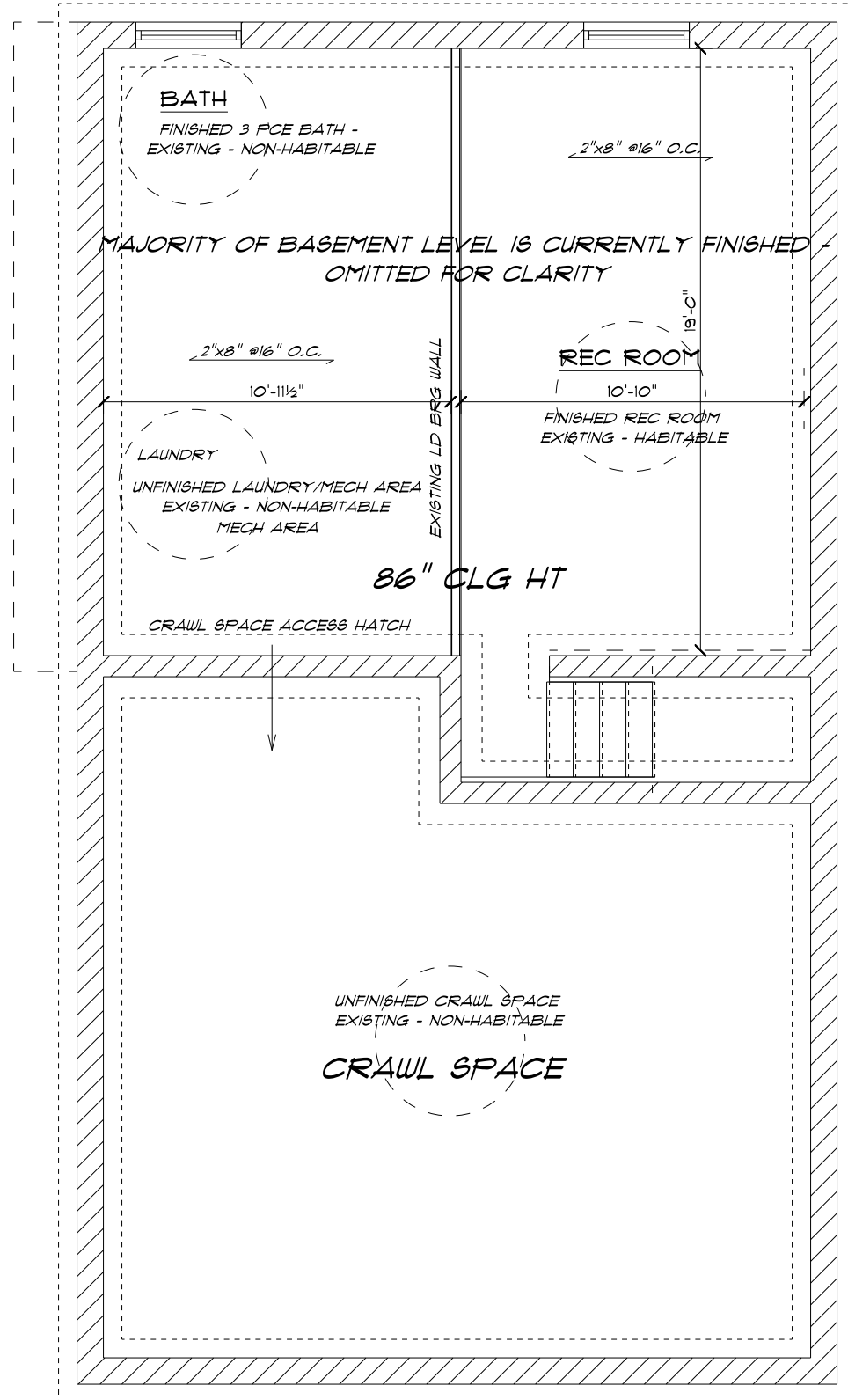


37 BEHAN  
 HAMILTON, ONTARIO  
 EXISTING FOUNDATION/BASEMENT  
 PARTIAL  
 PROPOSED ADDITION TO AN  
 EXIST SPLIT LEVEL S-F-D

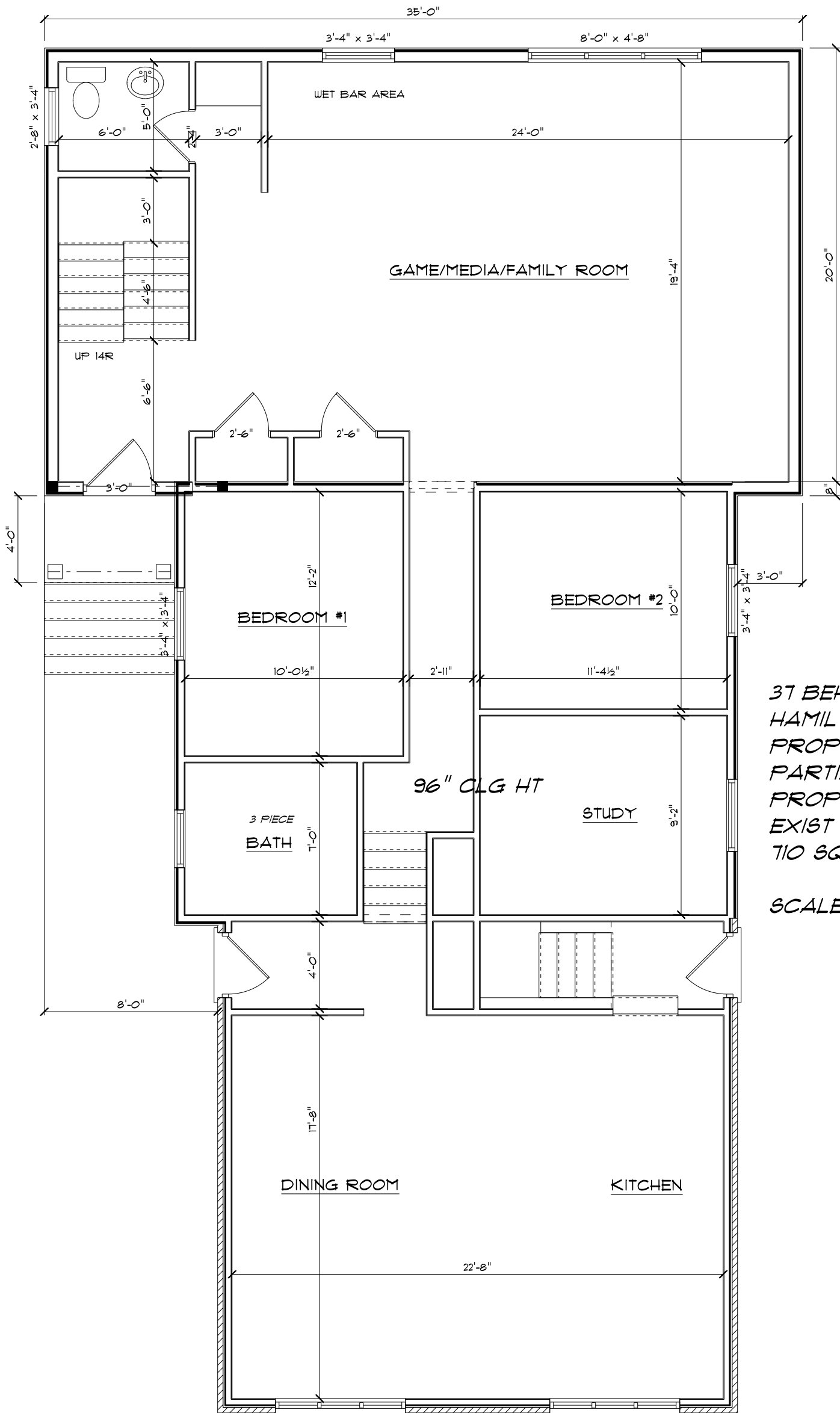


37 BEHAN  
 HAMILTON, ONTARIO  
 EXISTING MAIN FLOOR PLAN  
 PARTIAL  
 PROPOSED ADDITION TO AN  
 EXIST SPLIT LEVEL S-F-D  
 1075 SQFT EXISTING

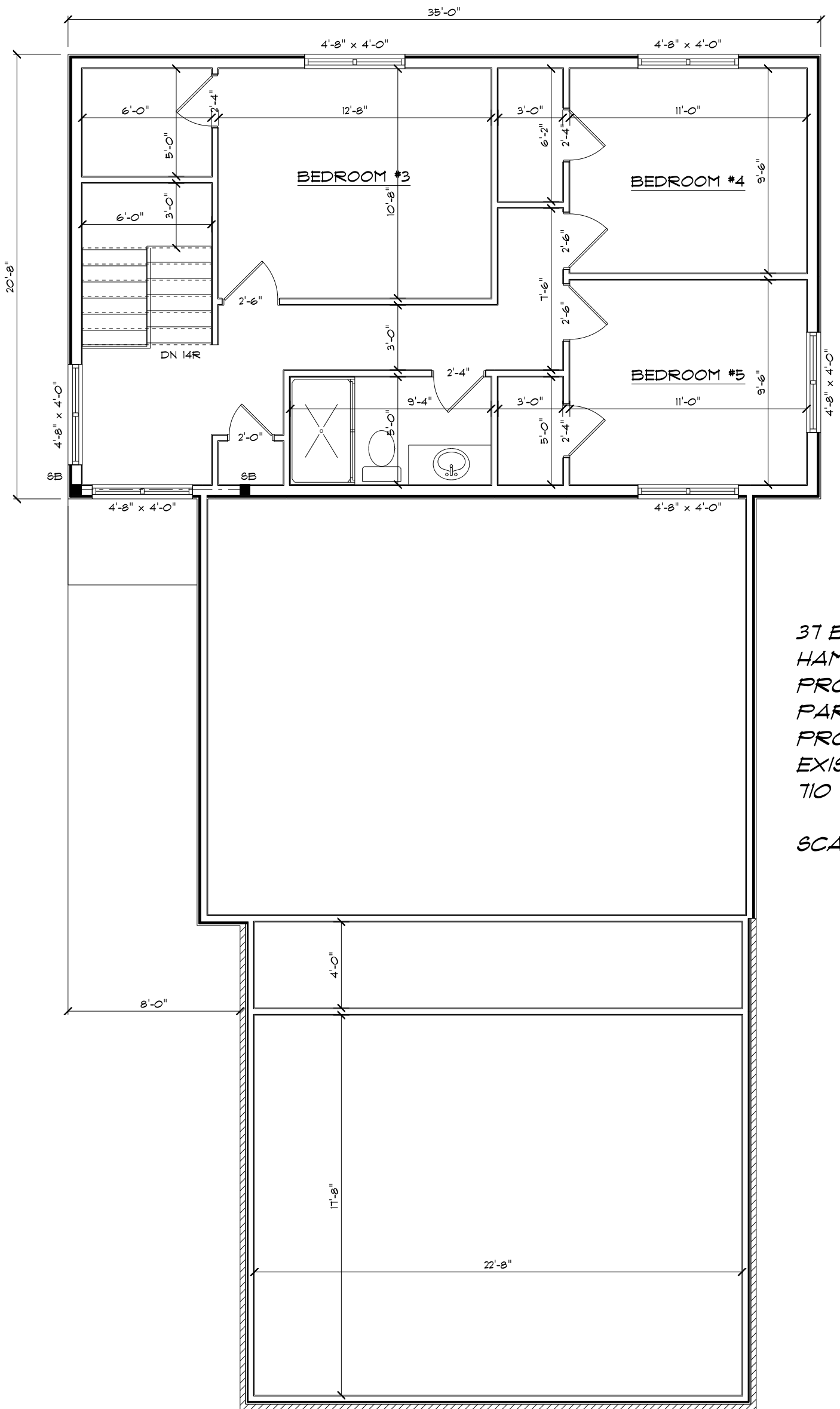
SCALE 3/16" = 1'-0"



37 BEHAN  
 HAMILTON, ONTARIO  
 EXISTING FOUNDATION/BASEMENT  
 PARTIAL  
 PROPOSED ADDITION TO AN  
 EXIST SPLIT LEVEL S-F-D



37 BEHAN  
 HAMILTON, ONTARIO  
 PROPOSED MAIN FLOOR PLAN  
 PARTIAL  
 PROPOSED ADDITION TO AN  
 EXIST SPLIT LEVEL S-F-D  
 710 SQFT - NEW  
 SCALE 3/16" = 1'-0"



37 BEHAN  
 HAMILTON, ONTARIO  
 PROPOSED SECOND FLOOR PLAN  
 PARTIAL  
 PROPOSED ADDITION TO AN  
 EXIST SPLIT LEVEL S-F-D  
 710 SQFT - NEW

SCALE 3/16" = 1'-0"



LEFT ELEVATION



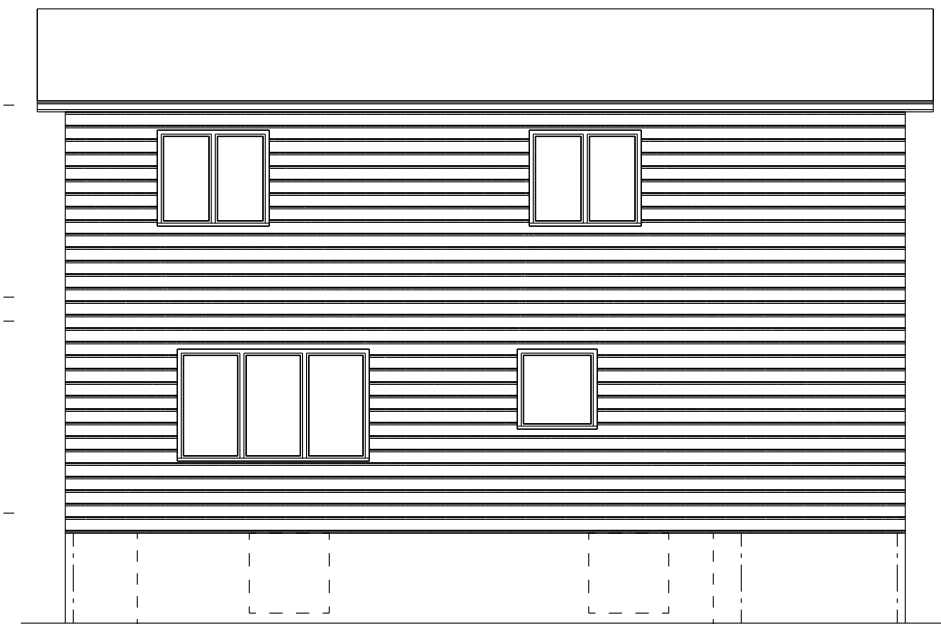
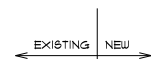
FRONT ELEVATION



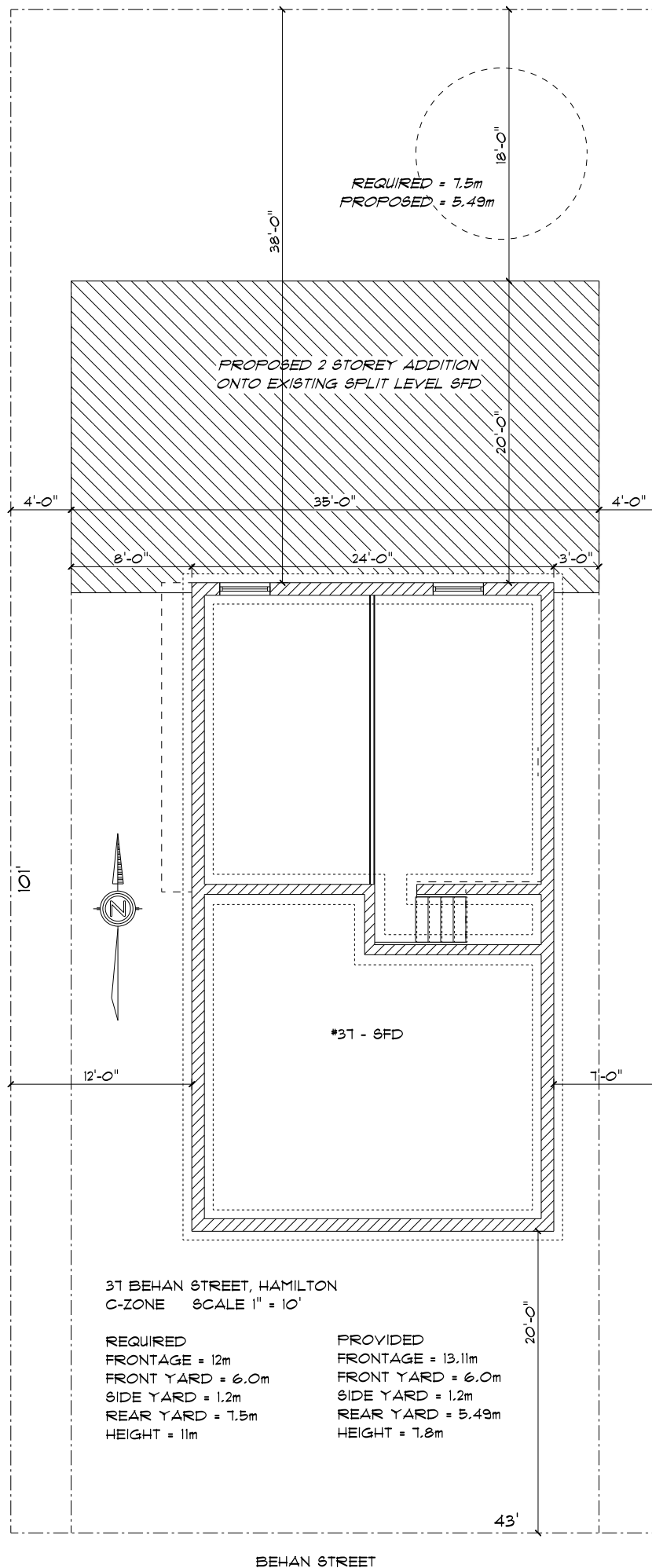
31 BEHAN  
HAMILTON, ONTARIO  
PROPOSED ELEVATIONS  
ADDITION TO EXIST S-F-D  
SEPTEMBER 2021  
SCALE 1/8" = 1'-0"



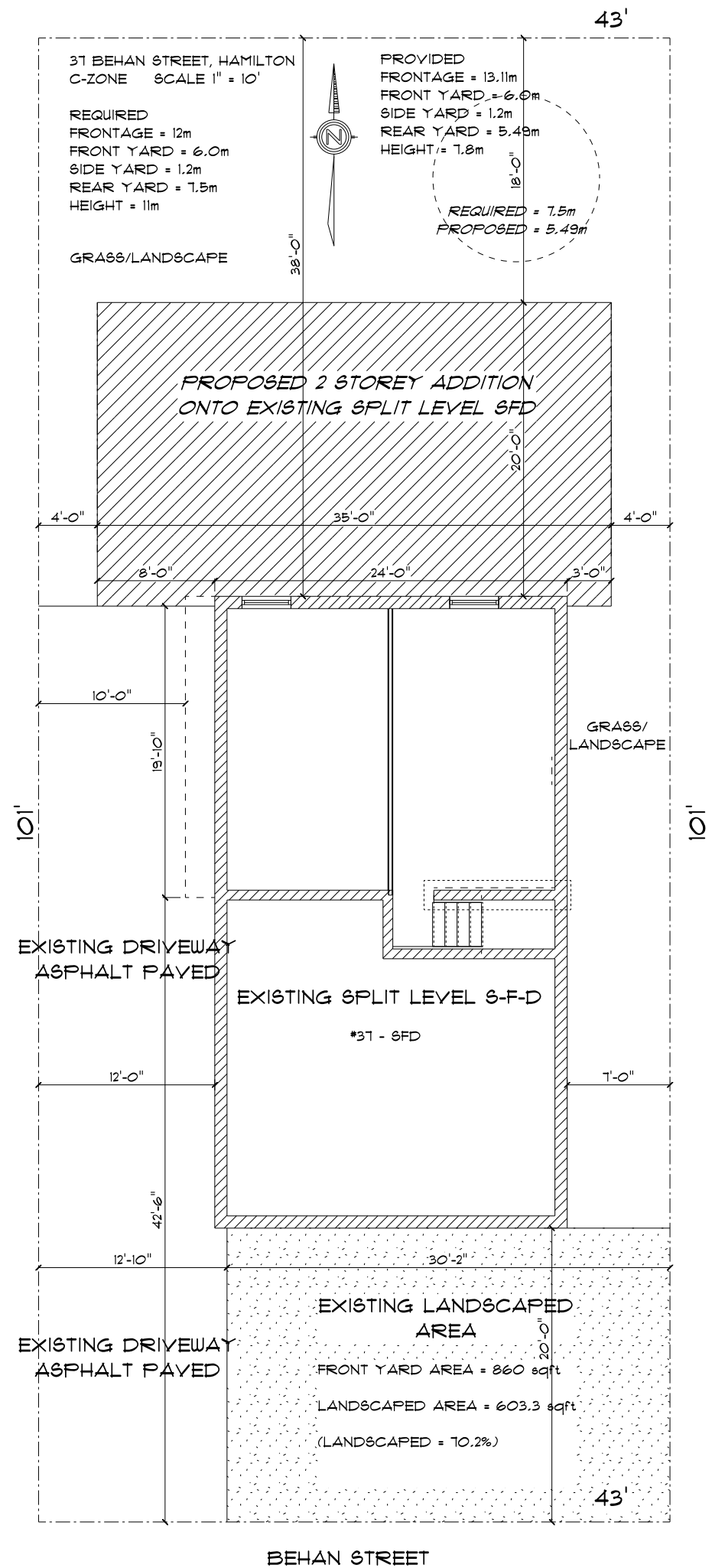
RIGHT ELEVATION



REAR ELEVATION









Hamilton

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### APPLICATION FOR A MINOR VARIANCE

<b>FOR OFFICE USE ONLY.</b>	
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)	Zlata Mrkalj Nedžad Mrkalj	[REDACTED]
Applicant(s)*		[REDACTED]
Agent or Solicitor		[REDACTED]

**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:

To reduce the minimum required rear yard setback from 7.5m to 5.49m in order to allow for a two storey addition onto the existing single family dwelling.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

The addition is required to accommodate our growing family while remaining in the same home and neighbourhood where we've resided for more than two decades. This addition will allow us to continue to provide a place for our kids to learn from home and for us to work from home as required and to do so in the most economical and efficient way. The size of the addition was made as small as possible in order to achieve these

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**):

37 Behan Street, Hamilton, Ontario, L8T 4N5

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 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?

Personal knowledge of the property and neighbourhood from 20 plus years as an area

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.

Sept. 9/21  
Date

Nedžad Mrkalj / Zlata Mrkalj  
Signature Property Owner(s)  
Nedžad Mrkalj / Zlata Mrkalj  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>13.11m</u>
Depth	<u>30.78m</u>
Area	<u>403.53sqm</u>
Width of street	<u>+/- 9.0m</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: \_

Existing split level single family dwelling complete with a partial basement and a partial crawl space. The existing area of the home is 1075sqft. The current home is 24' wide and 43' deep.

Proposed

The proposed addition will be 2 stories in height and will be built onto the rear of the existing home. The addition is 35' wide and 20' deep. The addition has a footprint area of 710sqft and will add a total of 1420sqft to the existing home. The addition will not contain a basement in order to make construction more practical

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

Existing:

See Plot Plan attached

Proposed:

See Plot Plan attached

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, duplex, retail, factory etc.):  
Single Family Residential Home
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Family Residential Home
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:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
City of Hamilton Zoning By Law No 6593 - Section 9 - C Districts
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.