



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-21:347

APPLICANTS: Agent Brent Wybenga
Owner C. & F. Kucman

SUBJECT PROPERTY: Municipal address **15 Fair St., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended 18-105

ZONING: "R4-519" (Residential "R4") Zone

PROPOSAL: To permit the construction of roofed-over unenclosed deck at the rear of the existing single family dwelling notwithstanding that:

1. A maximum 41% lot coverage shall be permitted for a two storey single detached dwelling, instead of the requirement that lot coverage for a two storey single detached dwelling shall not exceed 40%.
2. A minimum 3.9 metre rear yard setback shall be permitted, instead of the minimum 7.5 metre rear yard setback required.

NOTE:

1. Please note that Variance No. 1 as requested to Section 34 and the site-specific regulations for the R4-519 Zone, to permit a maximum lot coverage of 41% for a two storey single detached dwelling, has been written as requested by the applicant. Please note that a roofed-over unenclosed deck at the rear of a dwelling is considered to be part of the principle building i.e. subject to minimum setback/yard requirements, but is not subject to lot coverage requirements, as it does not meet the definition of "building" as per Ancaster Zoning By-law No. 87-57. Therefore, a variance to this Section is not required.
2. Specific details regarding the projection of eaves/gutters of the proposed addition were not indicated on the submitted site plan. Please note that should the variance requested to Section 12.2(f) to permit a reduced rear yard setback be approved, eaves and gutters shall be permitted to project into the new minimum rear yard a distance of not more than 0.60 metres. Additional variances may be required if compliance with Section 7.12(b) is not possible.
3. Specific details regarding the projection of the stairs associated with the proposed roofed-over unenclosed deck were not indicated on the submitted site plan. Please note that should the variance requested to Section 12.2(f) to permit a reduced rear yard setback be approved, an open stairway shall be permitted to project into the new minimum rear yard a distance of not more than 1.5 metres. Additional variances may be required if compliance with Section 7.12(c) is not possible.

4. Please note that the portion of the deck that is indicated to be covered by a pergola type structure is not considered to be covered/roofed-over, and is therefore subject to Section 9.10(a) and the regulations pertaining to decks in a Residential Zone. Specific details regarding this portion of the deck were not indicated on the submitted site plan to confirm zoning compliance. Additional variances may be required if compliance with Section 9.10(a) is not possible.

5. A building permit is required for the construction of the proposed development. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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

DATE: Thursday, November 4th, 2021
TIME: 1:55 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 19th, 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.

LOT 20

LOT 32

S.I.B.

N 37°27'35"E 16.78
PLAN & SET

N 37°27'35"E 16.78
PLAN & MEAS

REGISTERED PLAN

62M -- 10

PLAN & MEAS

PLAN & SET

LOT 35

LOT 33

N 59°40'15"W 32.89

N 52°41'00"W

LOT 34

LOT 3

L.B.

L.B.

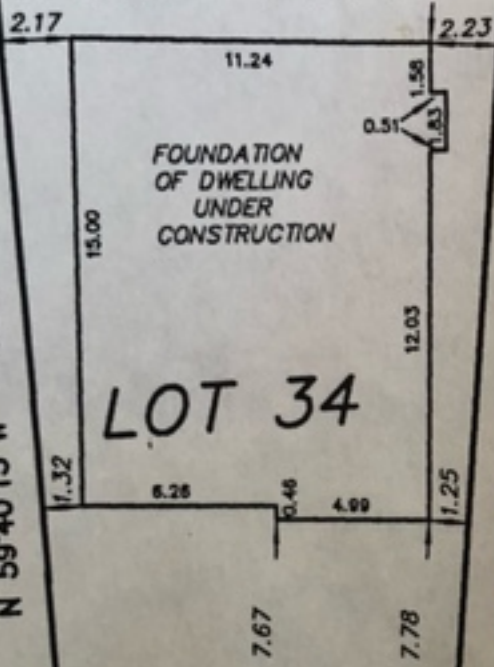
N33°49'30"E
CD=12.81
Arc=12.81
Rad=105.00
PLAN & SET

N40°49'00"E
CD=12.80
Arc=12.81
Rad=105.00
PLAN & SET

N47°48'05"E
CD=12.78
Arc=12.79
Rad=105.00
PLAN & SET

FAIR STREET

(BY REGISTERED PLAN 62M-1065)





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	
Registered Owners(s)	
Applicant(s)*	
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:

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:
-Encroachment into rear yard setback with covered (unenclosed) Porch (22.6 sm) & lot coverage 41%
-Rear yard setback : 3.9m
5. Why it is not possible to comply with the provisions of the By-law?
No encroachment for Rear Yard Covered Porches (unenclosed)
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**):
15 Fair St. Ancaster, On. L9K 0A

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

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 9.1 to 9.10 above?
existing subdivision, fences and grades from developer

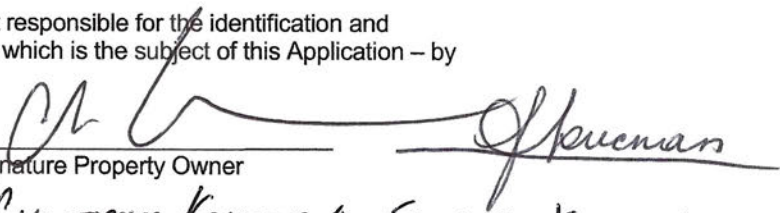
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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 8/21
Date


Signature Property Owner

CHRISTOPHER KUCMAN FRANCESCA KUCMAN
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>12.9</u>
Depth	<u>32.9 m</u>
Area	<u>476.5 SM</u>
Width of street	<u>8.4m</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: _

(SFD) GROUND FLOOR AREA: 171.6 SM, (SFD) NUMBER OF STORIES: 2,
(SFD) WIDTH: 11.2M, (SFD) LENGTH: 15.4 M, (SFD) HEIGHT: 7.69M

Proposed

(SFD) GROUND FLOOR AREA: 194.2 SM, (SFD) NUMBER OF STORIES: 2, (SFD)
WIDTH: 11.2M, (SFD) LENGTH: 20.8 M, (SFD) HEIGHT: 7.69M,

PROPOSED UNENCLOSED PORCH: 22.6 SM

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

Existing:

(SFD) FRONT 7.7M, (SFD) SIDE : 1.2M / 1.2M, (SFD) REAR 8.6M

Proposed:

(SFD) FRONT 7.7, (SFD) SIDE : 1.2M / 1.2M, (SFD) REAR 8.6M

(PORCH) SIDE 2.8M / 8.8M, (PORCH) REAR 3.9M

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:
10 - 20 years

15. Existing uses of the subject property:
residential - SFD
16. Existing uses of abutting properties:
Residential - SFD
17. Length of time the existing uses of the subject property have continued:
10 - 20 years
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:
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.