

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-21:352

APPLICANTS: Agent Urban in Mind c/o Terrance Glover
Owner Oriyomi Holdings Inc.

SUBJECT PROPERTY: Municipal address **91 Wellington St. S., Hamilton**

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

ZONING: "E" (Multiple Dwellings Lodges, Clubs and etc.) district

PROPOSAL: To convert the existing two family dwelling into a three family dwelling under the policies of Section 19(2) of the Zoning By-law, notwithstanding:

1. Proposed "Dwelling Unit 3" will have a minimum floor area of 27.9 m², whereas a minimum floor area of 65.0 m² is required.

2. Exterior stairs shall be permitted to encroach the entire width of both the minimum required northerly side yard and the minimum required southerly side yard instead of the maximum permitted encroachment of one-third the width of the minimum required 2.70 metre side yard.

3. A balcony shall be permitted to encroach into the entire width of both the minimum required northerly side yard and the minimum required southerly side yard instead of the maximum permitted encroachment of one-third the width of the minimum required 2.70 metre side yard.

4. Two on site parking spaces will be provided, whereas a minimum of four (4) parking spaces are required for a three family dwelling.

5. No visitor parking shall be provided, whereas a minimum of one (1) or 0.33 visitor parking spaces per dwelling unit are required.

6. Manoeuvring space for the two (2) parking spaces shall be permitted to be provided partly on the public alley abutting the rear of the property instead of providing a manoeuvring space with a minimum width of 6.0 metres required to be abutting upon and accessory to each parking space required to be provided entirely on-site

Notes:

1. The front lot line is the westerly lot line.

2. Pursuant to Building Division policy ZON-028, the construction of the proposed upper level decks and exterior stairs are not deemed to alter the external appearance of the dwelling. As such, the variance requested to alter the external appearance of the dwelling is not required.

3. Pursuant to Building Divisions policy ZON-021, the existing dwelling is deemed to be a three storey building, as such the minimum required side yards are 2.7 metres and the minimum required yard is 10.5 m pursuant to Section 18(2) of the Zoning By-law.

4. It is unclear if the new northerly wooden staircase encroaches into the required 10.5 m rear yard, a further variance will be required if the staircase encroaches more than 1.0 m into the required 10.5 m rear yard.

5. The applicant shall confirm that the GFA is calculated in accordance with the definition of Gross Floor Area (GFA) in Hamilton Zoning By-law 6593. The applicant shall ensure compliance with the Ontario Building Code requirement for ceiling height.

6. The depths of the encroachments of the proposed exterior stairs and upper level decks (balconies) into the required 2.7 metre side yards have not been identified. As such, the variance has been written to allow such features to encroach the entire width of the minimum required side yards.

7. The two (2) parking spaces within the existing accessory structure shall comply to the provisions of Section 18 A of Hamilton Zoning By-law 6593, or additional variance may be required should parking space not provide an unobstructed area measuring 2.7 metres in width by 6.0 metres in length.

8. Details have not been provided regarding the 1.98 metre driveway area between the garage and laneway. An additional variance will be required if the driveway is not concrete or asphalt or a combination of concrete and asphalt.

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

DATE:	Thursday, November 4th, 2021
TIME:	2:50 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.



DRAWINGS LIST

- A0.01 - COVER PAGE
- A0.02 - NOTES & SCHEDULES
- A1.01 - EXISTING FLOOR PLANS
- A1.02 - EXISTING FLOOR PLANS
- A1.01 - PROPOSED FLOOR PLANS
- A2.01 - ELEVATIONS
- A2.02 - ELEVATIONS
- A2.03 - ELEVATIONS
- A4.01 - SECTIONS
- SP.01 - SITE PLAN
- M1.01 - GROUND FLOOR PLAN
- M1.02 - ATTIC FLOOR PLAN
- S1.01 - ROOF FRAMING PLAN
- S1.02 - FLOOR FRAMING PLAN



ACCESSORY DWELLING UNITS @
91 WELLINGTON ST. S

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
Required unless design exempt under Div. C Part 3, 3.2.5.1. of the Building Code.

ALAM MAKUR
Name

Signature

09099
BCIN

Registration Information
Required unless design is exempt under Div. C Part 3, 3.2.4.1. of the Building Code.

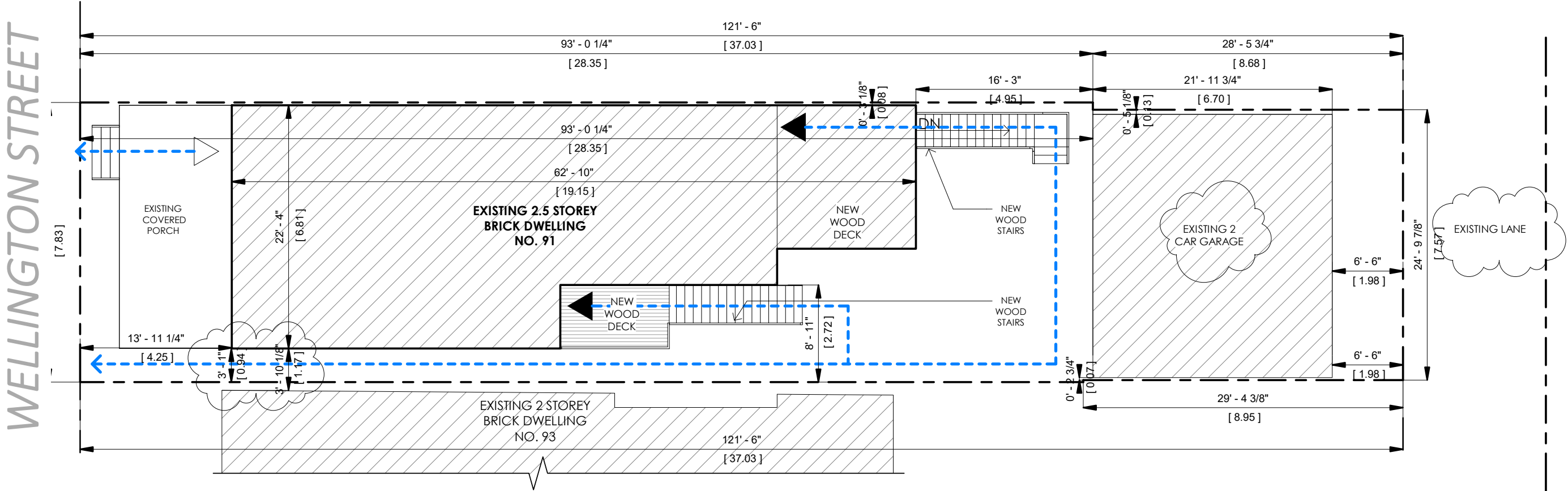
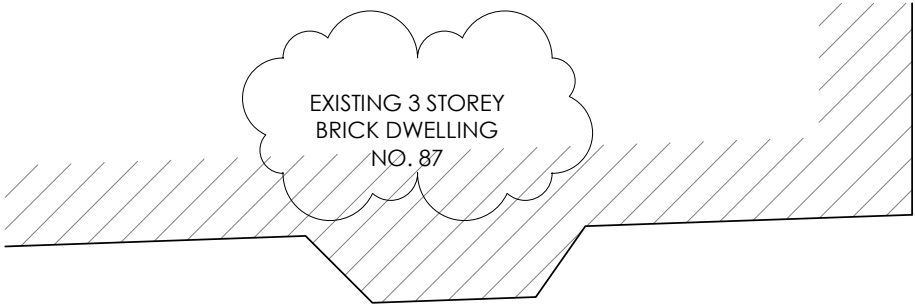
INTEQUA DESIGNS
Firm Name

09099
BCIN

COVER PAGE

Project number	0099	A0.01
Date	August 27, 2021	
Drawn by	AM	
Checked by	JA	Scale

SITE STATS	
LOT AREA	281.77 m ²
BUILDING FOOTPRINT	110.15 m ²
NEW DECK	5.82
TOTAL NEW COVERAGE	184.99 (65.65 %)
UNIT 1 - GROUND FLOOR	110.15 m ²
UNIT 2 - SECOND + THIRD FLOOR	119.33 m ²
UNIT 3 - THIRD FLOOR	27.91 m ²
EX. TOTAL GFA	257.39 m ²
SETBACKS	
NORTH	0.80 m
EAST	13.64 m
SOUTH	0.94 m
WEST	4.25 m



1 SITE PLAN
1" = 10'-0"




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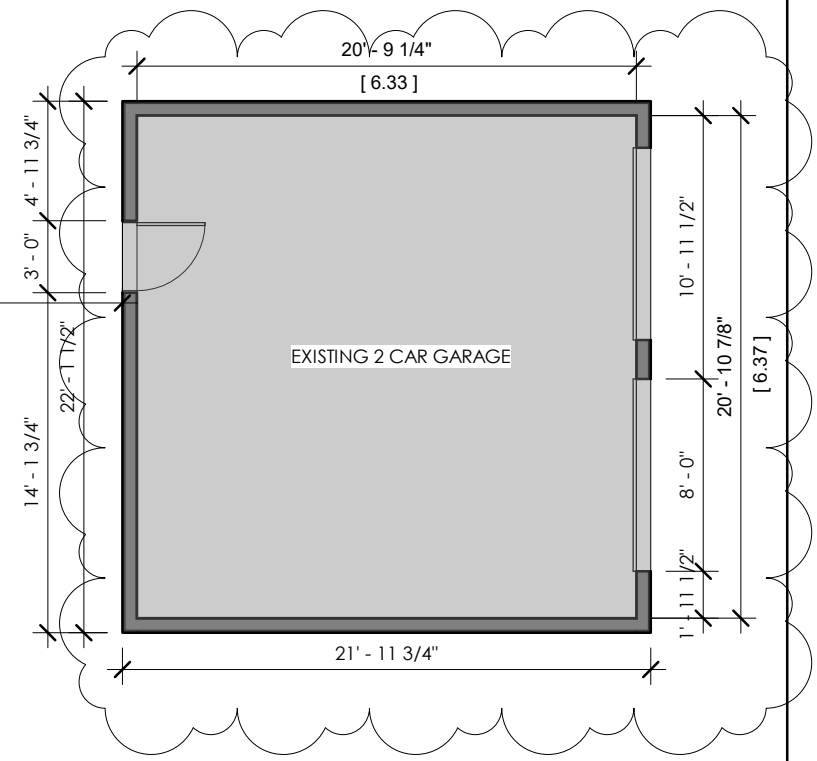
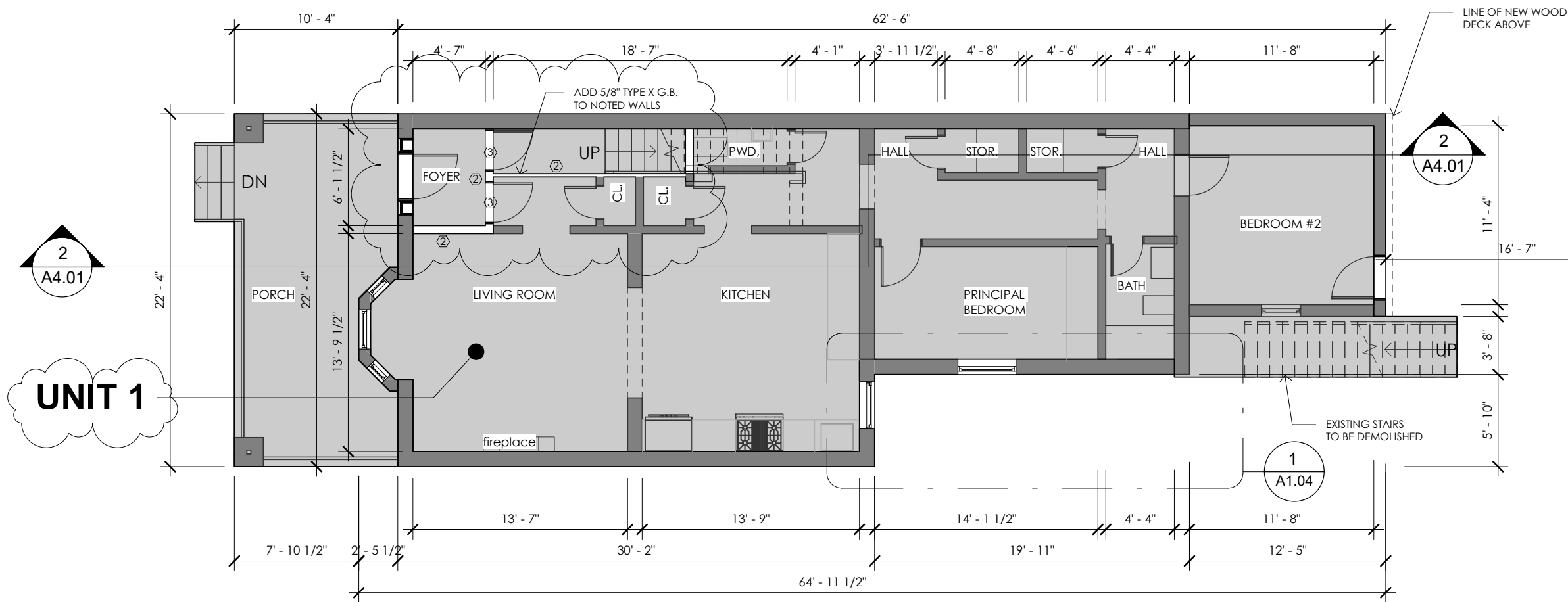
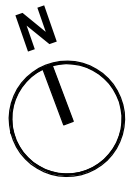
Registration Information
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INTEQUA DESIGNS
Firm Name

09099
BCIN

SITE PLAN

Project number	0099	SP1.01 Scale 1" = 10'-0"
Date	August 27, 2021	
Drawn by	AM	
Checked by	JA	



1 **GROUND FLOOR - EX**
1/8" = 1'-0"
EXISTING GFA = 1177 S.F.



ACCESSORY DWELLING UNITS @
91 WELLINGTON ST. S

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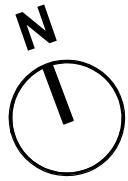
Qualification Information
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ALAM MAKUR		09099
Name	Signature	BCIN

Registration Information
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INTEQUA DESIGNS	09099
Firm Name	BCIN

EXISTING FLOOR PLANS		
Project number	0099	A1.01
Date	August 27, 2021	
Drawn by	AM	
Checked by	JA	
		Scale 1/8" = 1'-0"

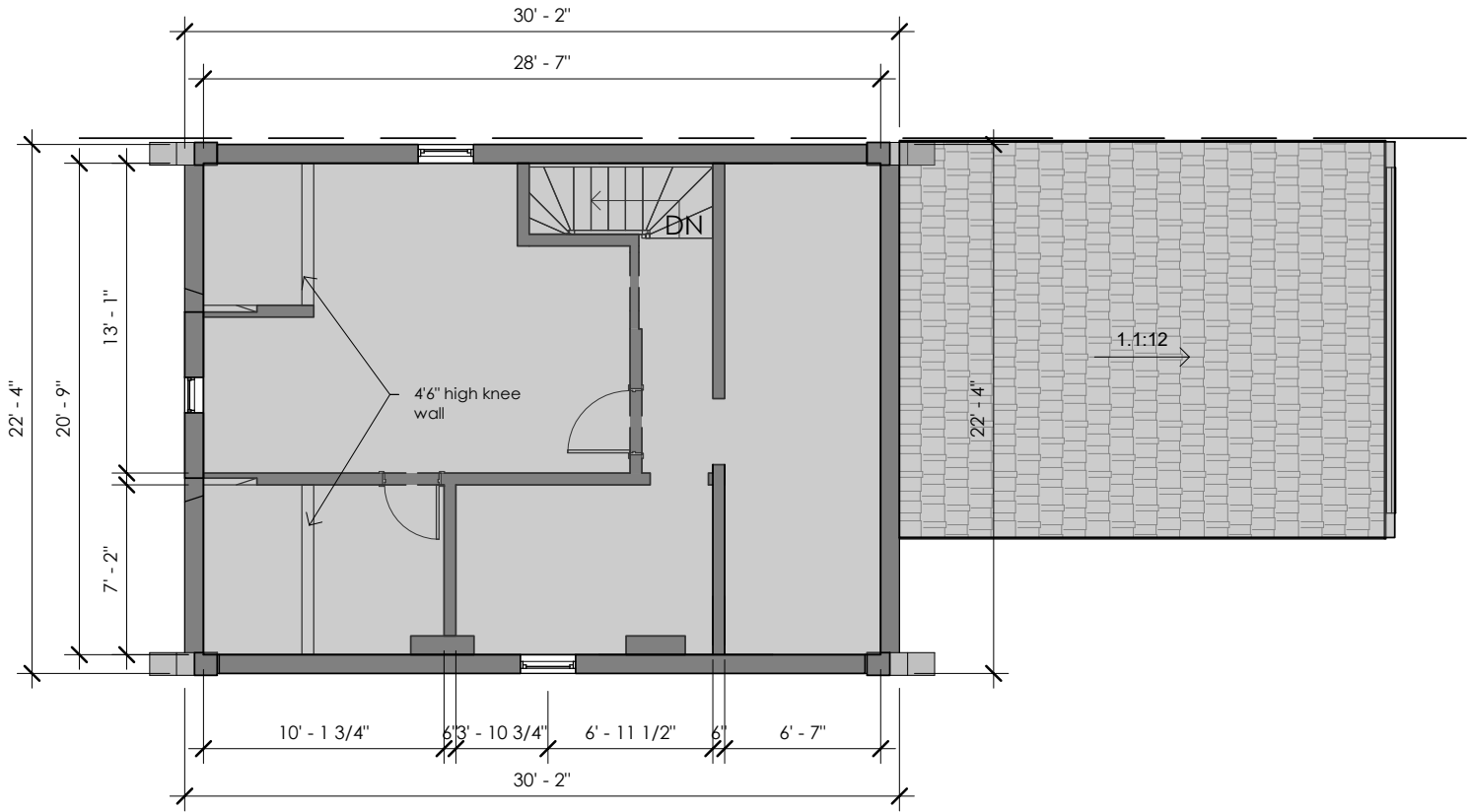


2

THIRD FLOOR - EX

1/8" = 1'-0"

EXISTING GFA = 673.7 S.F.

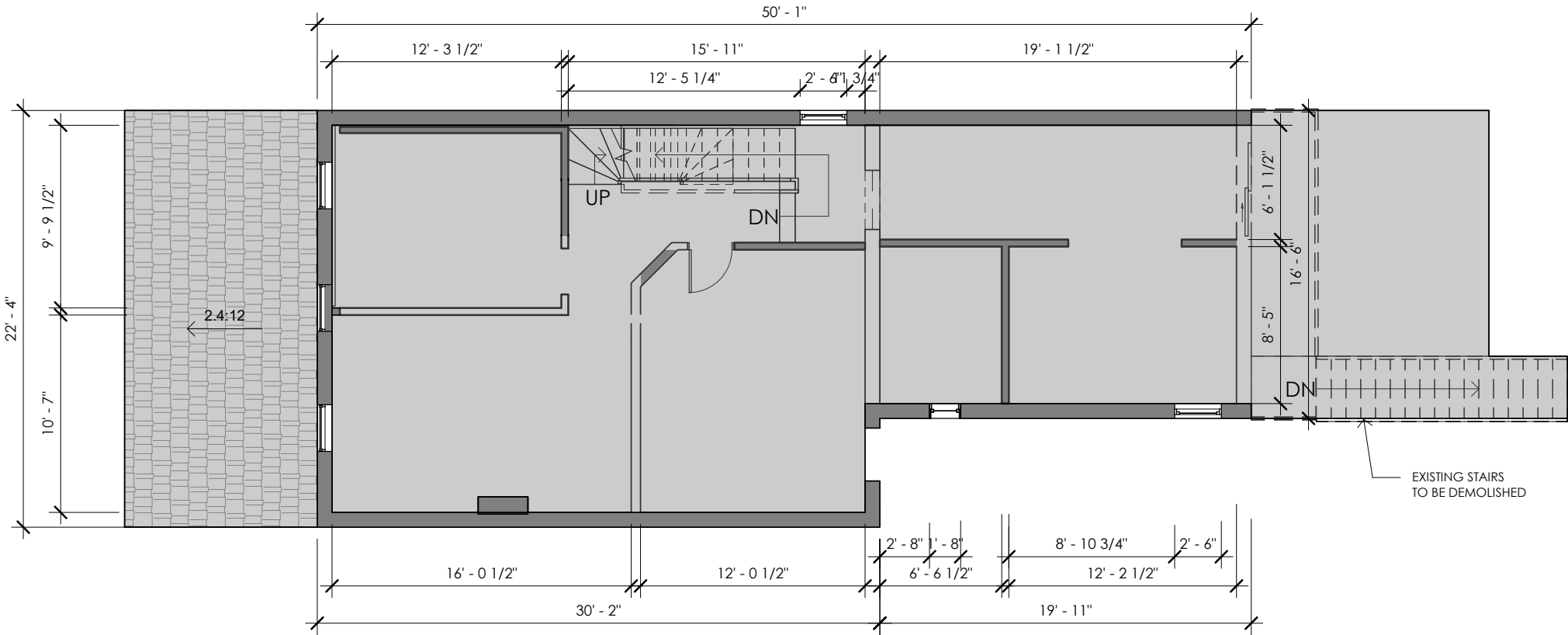


1

SECOND FLOOR - EX

1/8" = 1'-0"

EXISTING GFA = 1 002 S.F.



INTEQUA
ARCHITECTURAL + INTERIOR
(647) 740 - 5825

ACCESSORY DWELLING UNITS @

91 WELLINGTON ST. S

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ALAM MAKER
Name

Signature

09099
BCIN

Registration Information

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INTEQUA DESIGNS
Firm Name

09099
BCIN

EXISTING FLOOR PLANS

Project number 0099

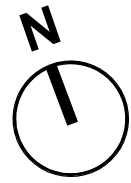
Date August 27, 2021

Drawn by AM

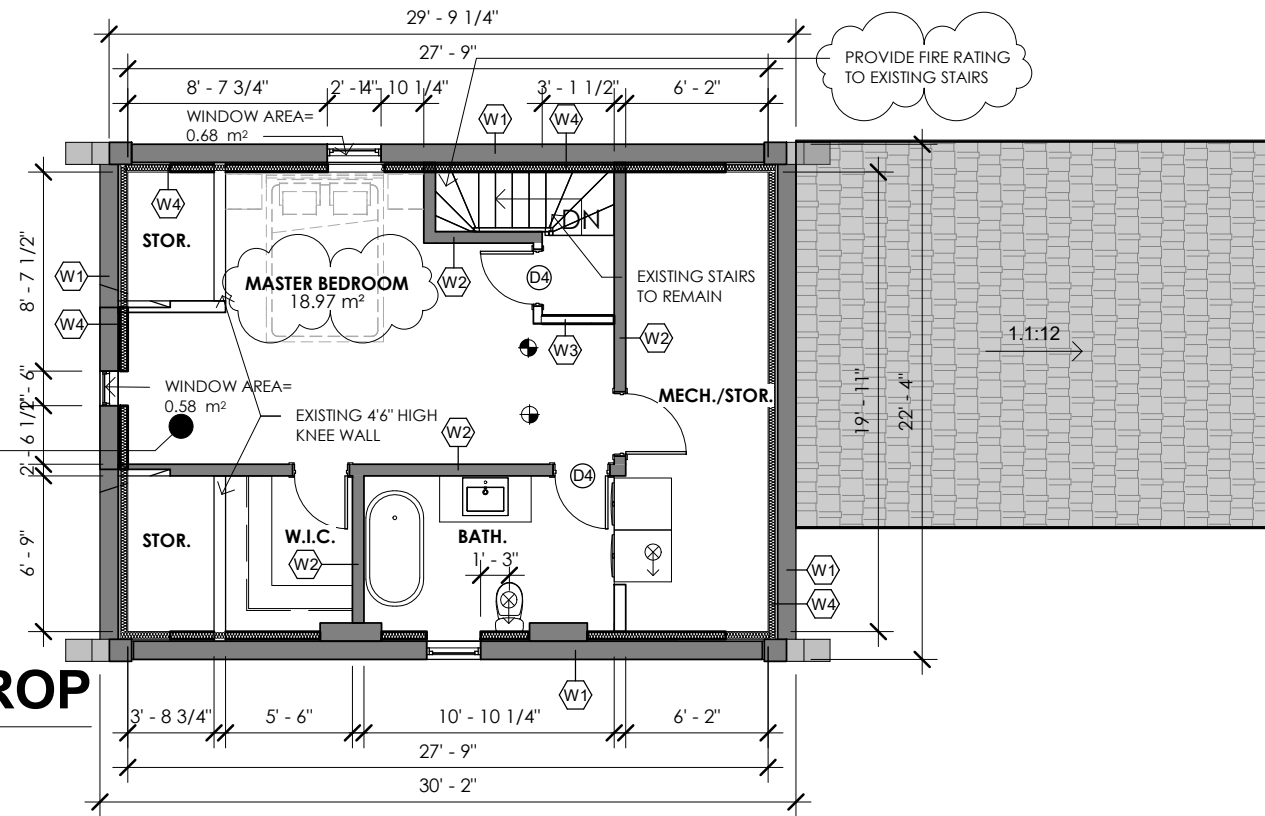
Checked by JA

A1.02

Scale 1/8" = 1'-0"



UNIT 2



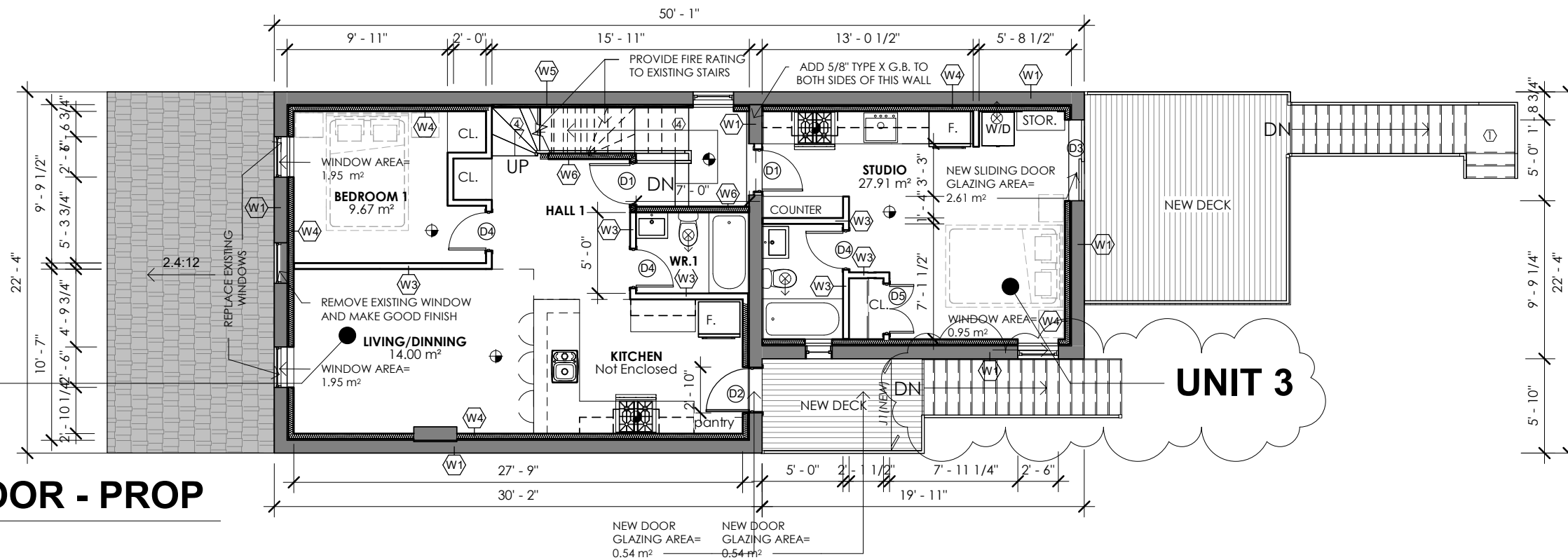
2

THIRD FLOOR - PROP

1 : 100

EXISTING GFA = 673.7 S.F.
NEW GFA = 0 S.F.

UNIT 2



1

SECOND FLOOR - PROP

1 : 100

EXISTING GFA = 1002 S.F.
NEW GFA = 0 S.F.



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Qualification Information
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ALAM MAKER Name Signature BCIN 09099

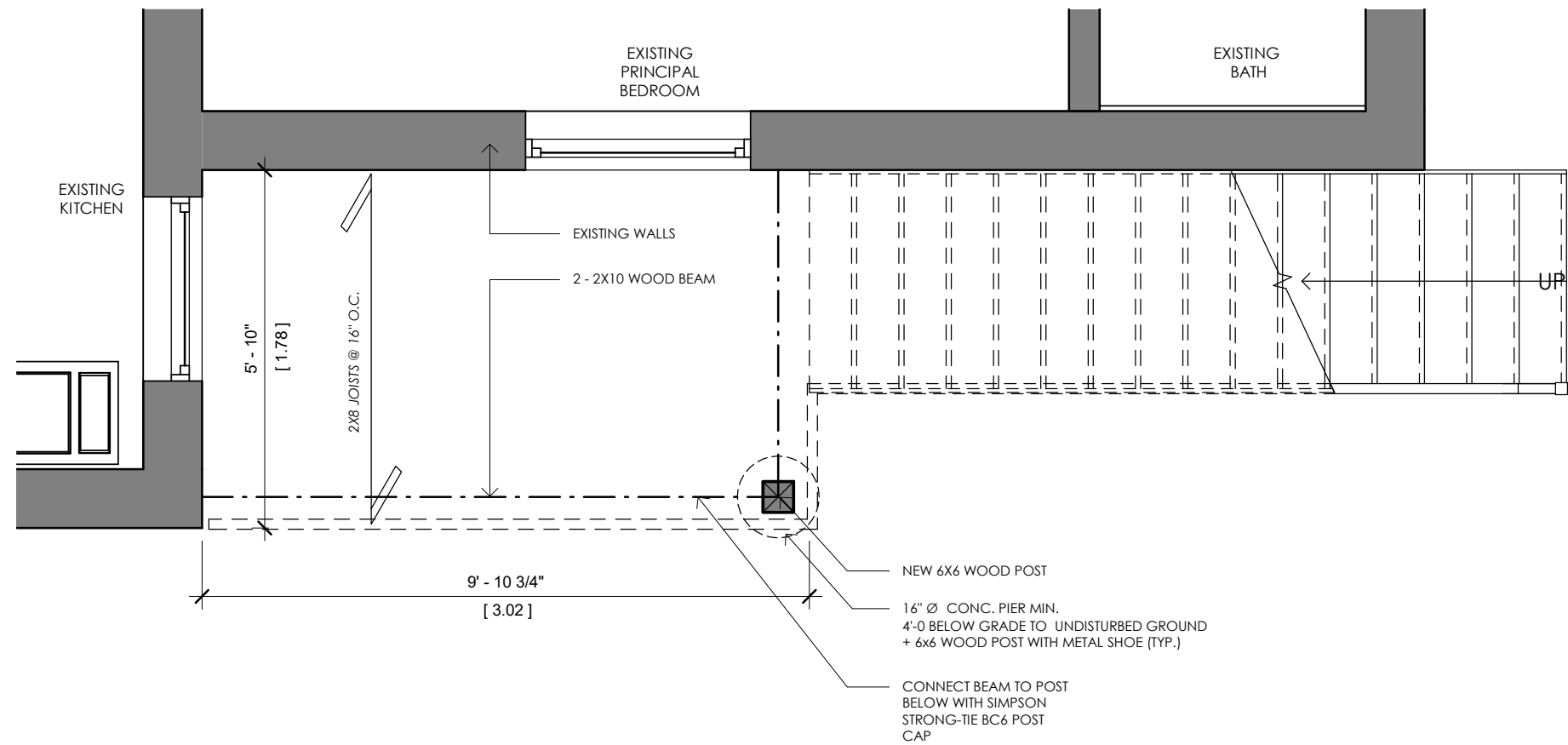
Registration Information
Required unless design is exempt under Div. C Part 3, 3.2.4.1. of the Building Code.
INTEQUA DESIGNS Firm Name 09099 BCIN

PROPOSED FLOOR PLANS

Project number 0099
Date August 27, 2021
Drawn by AM
Checked by JA

A1.03

Scale 1 : 100



1 NEW DECK PLAN

3/8" = 1'-0"




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ACCESSORY DWELLING UNITS @
91 WELLINGTON ST. S

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ALAM MAKUR
Name


Signature

09099
BCIN

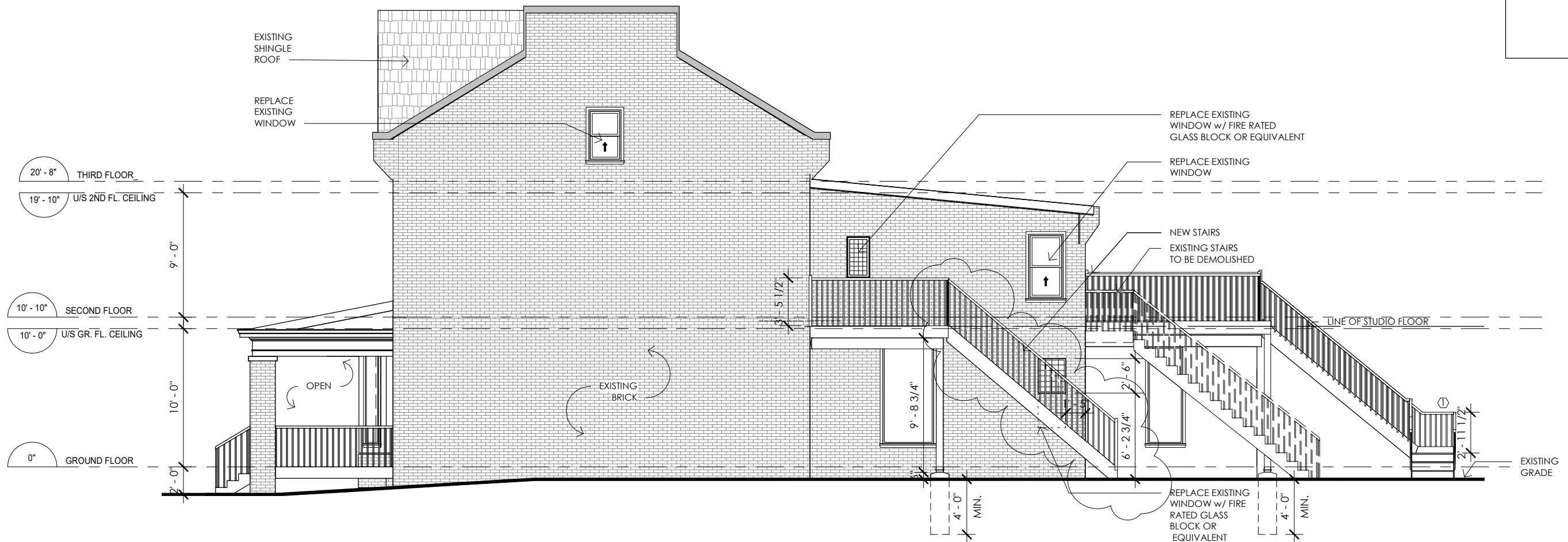
Registration Information
Required unless design is exempt under Div. C Part 3, 3.2.4.1. of the Building Code.

INTEQUA DESIGNS
Firm Name

09099
BCIN

PROPOSED FLOOR PLANS

Project number	0099	A1.04
Date	August 27, 2021	
Drawn by	Author	
Checked by	Checker	Scale 3/8" = 1'-0"



1 SOUTH ELEVATION
1/8" = 1'-0"



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ACCESSORY DWELLING UNITS @
91 WELLINGTON ST. S

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ALAM MAKUR Name Signature 09093 BCIN

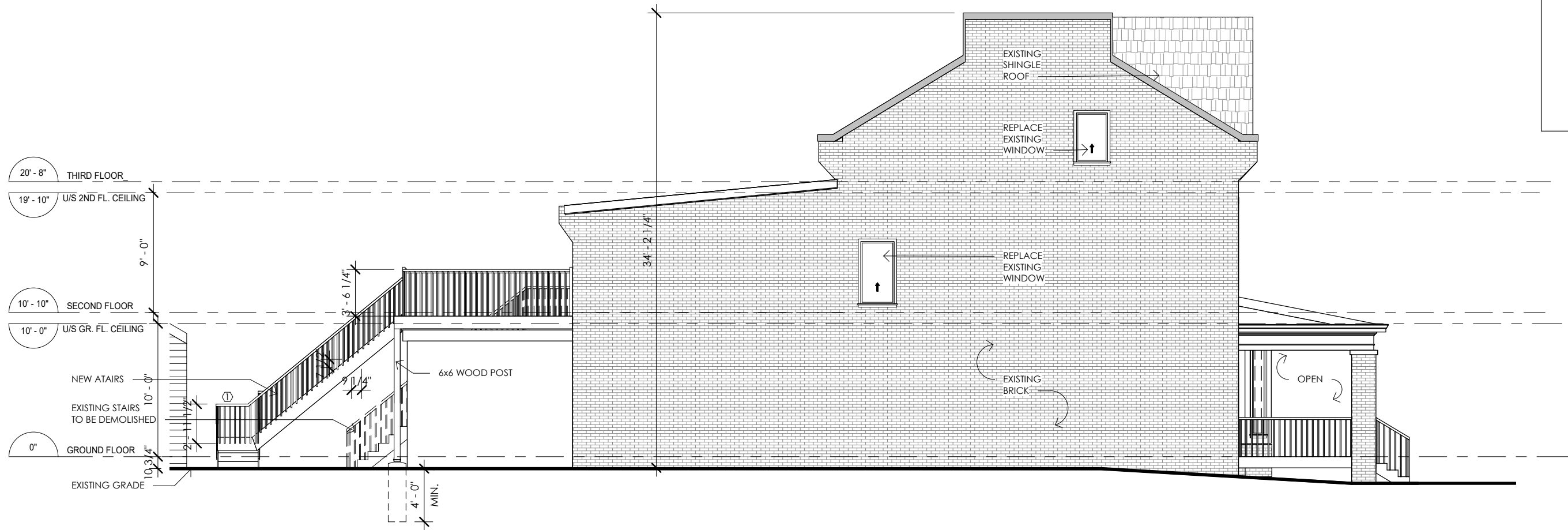
Registration Information
Required unless design is exempt under Div. C Part 3, 3.2.4.1. of the Building Code.
INTEQUA DESIGNS Firm Name 109093 BCIN

ELEVATION

Project number 0099
Date August 27, 2021
Drawn by AM
Checked by JA

A2.03

Scale 1/8" = 1'-0"



1

NORTH ELEVATION

1 : 100



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ACCESSORY DWELLING UNITS @

91 WELLINGTON ST. S

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ALAM MAKUR
Name Signature BCIN

Registration Information

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INTEQUA DESIGNS
Firm Name BCIN

ELEVATION

Project number 0099

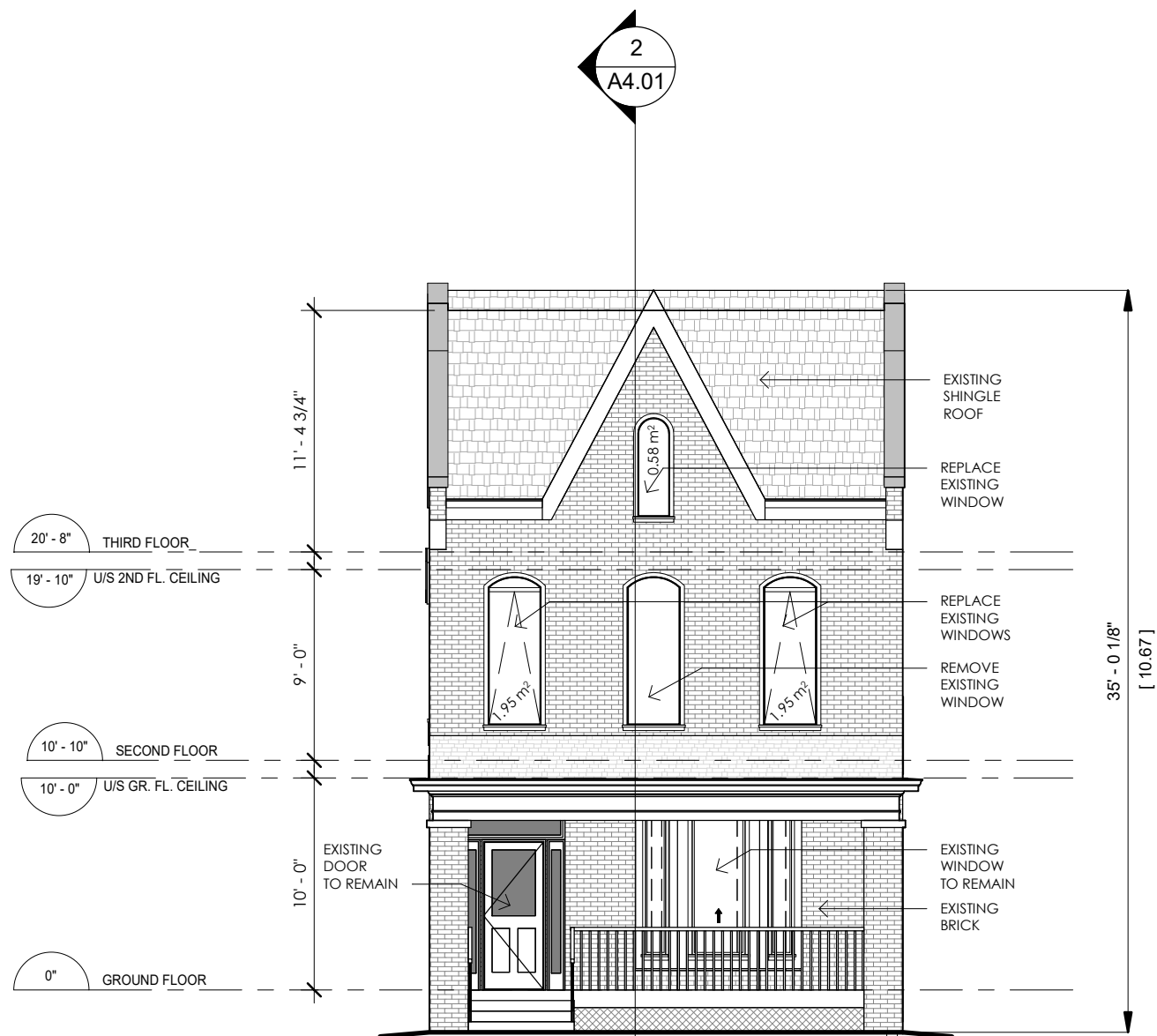
Date August 27, 2021

Drawn by AM

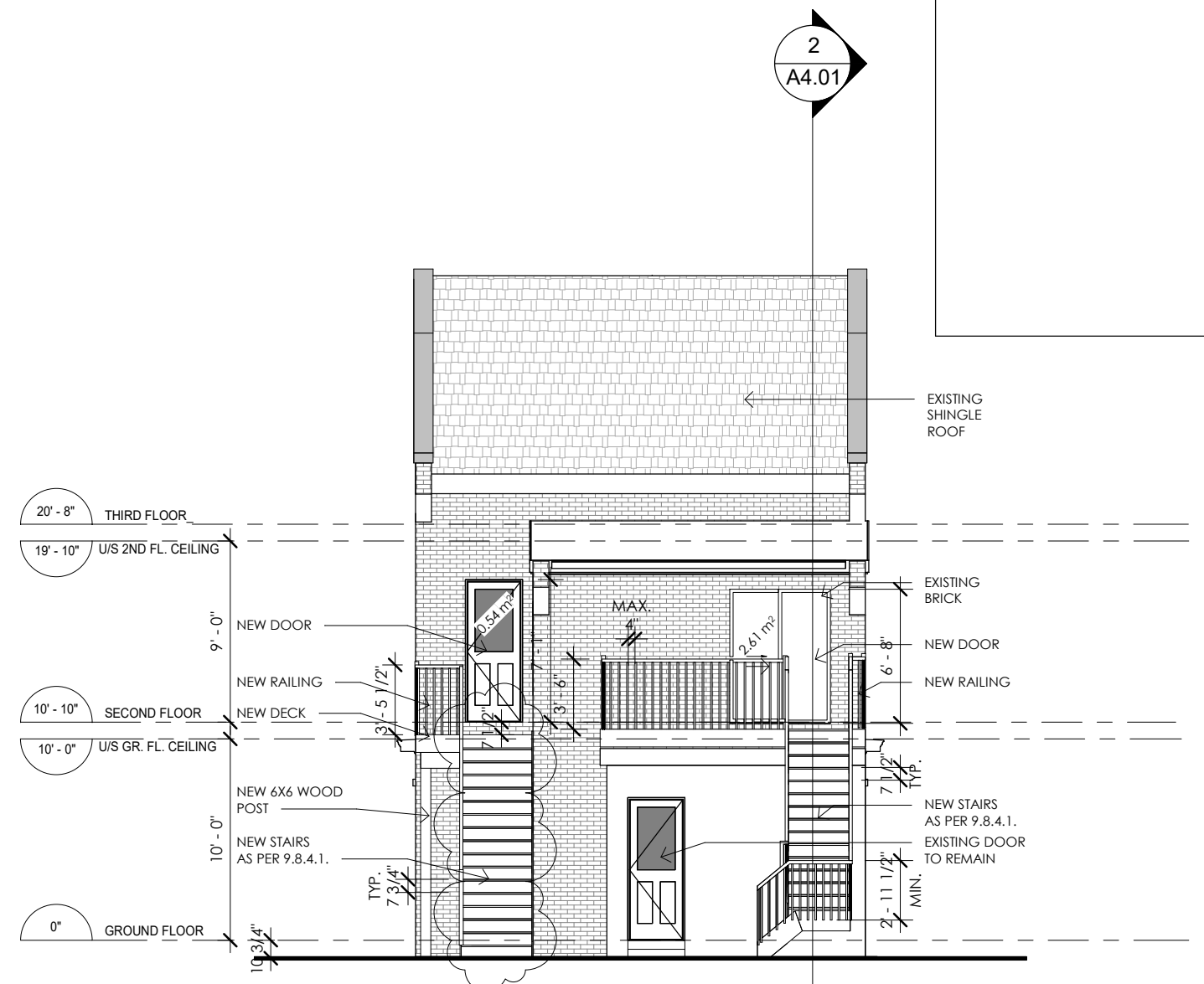
Checked by JA

A2.02

Scale 1 : 100



1 WEST ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"



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Name Signature BCIN

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INTEQUA DESIGNS
Firm Name BCIN

ELEVATIONS

Project number 0099
Date August 27, 2021
Drawn by AM
Checked by JA

A2.01

Scale 1/8" = 1'-0"

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:

Maria Fara-on
 55 Lorraine Dr
 M2N 2E3
 North York

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:
please refer to the attached "List of Variances"

☐ Secondary Dwelling Unit ☒ Reconstruction of Existing Dwelling

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

1. There is no room to make the studio better. However, the building code does allow studio with the propped area.
2. The existing deck is old and in need in repair.

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**):

350576CD Plan number
91 Wellington St South
Conversion of SFD to Triplex

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☐ Other ☐

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 8.1 to 8.10 above?

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.

09/13/2021

Date



Signature Property Owner(s)

Maria Fara-on

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	7.83 m
Depth	37.03 m
Area	281.77 m ²
Width of street	14 m

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: _

Ground Floor Area: 110.15 m² --- Width: 6.81 m

Second Floor Area: 9.12 m² --- Length: 19.15 m

Third Floor Area : 62.59 m² Height: 10.67

Number of stories: 3



Proposed

No addition to ground floor area, gross floor area, number of stories, width, length, height, etc.

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

Existing:

Principle Building: Front = 4.25 m, Rear = 13.64 m, Side = 0.80 m, 0.94 m

Detached Garage: Front = 28.35 m, Rear = 1.98 m, Side = 0.13 m, 0.07m

Proposed:

(No Changes to setbacks)

13. Date of acquisition of subject lands:
08/25/2020
-
14. Date of construction of all buildings and structures on subject lands:
1940
-
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 - 81 years
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 type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input 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:
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.

Folder Name: 91 Wellington Ave South
Application Number: 2021 135126 000 00 R9

ITEM DESCRIPTION

Hamilton Zoning By-law 6593

1. Each dwelling unit has a floor area of at least 65 square metres (699.65 square feet), contained within the unit and having a minimum clear height of 2.1m (6.9 ft.), but excluding the area of any porch, veranda or other such space which cannot lawfully be used as living quarters. The proposed studio floor area is 27.91 square metres.
[Pursuant to Section 19(2)(i)]
 2. Except as permitted in clause (iii), the external appearance and character of the dwelling shall be preserved. The existing deck is old and in need in repair. Therefore a new deck is proposed.
[Pursuant to Section 19(2)(ii)]
 3. 1.33 (4) parking spaces are required for a three-family dwelling. Only 2 parking spaces are available on site. However, ample parking is available on both side of the street 24/7, 365 days a year. In addition multiple public transit are available near by.
[Pursuant to Section 18A(1)(a) and Table 1(d)]
 4. A total of 0.33 (1) visitor parking spaces shall be provided for a three-family dwelling. 0 parking spaces are available on the property. However, ample parking is available on both side of the street 24/7, 365 days a year. In addition multiple public transit are available near by.
[Pursuant to Section 18A(1)(b) and Table 2 (6)]
-