

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-21:374

APPLICANTS: Owners Leonel & Julie Ferreira

SUBJECT PROPERTY: Municipal address **130 Fiddlers Green Rd., Ancaster**

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

ZONING: ER district (Existing Residential)

PROPOSAL: To facilitate the creation of three new lots of one of which the existing single detached dwelling will be maintained pursuant to Consent Applicant AN/B-21:74,

1. To allow for a minimum lot area of 610 m², whereas the Zoning By-law requires a minimum lot area of 695.0 m².
2. To allow for a maximum lot coverage of 36%, whereas the Zoning By-law permits a maximum lot coverage of 35%.
3. To allow front yard setback of 7.59 m, whereas the Zoning By-law requires a front yard setback of 11.5 for a lot between to interior lots or a lot between an interior lot and a corner lot that has two adjacent dwellings facing the same street.

Notes:

1. The front lot line is considered the easterly lot line.
2. Pursuant to the submitted drawings, it appears as though a lot area of 620.28 m² is provided, however, the variance is written as requested by the Applicant within the submission. Please be advised, the maximum permitted lot coverage is dependent on the lot area.
3. These variances are necessary to facilitate consent AN/B-21:74 granted by the Committee at a previous hearing.
4. Elevation drawings and floor plans were not included in the submission. Additional variance(s) may be required if external modifications or internal modifications are proposed.
5. It is assumed that the existing two parking spaces within the attached garage within the rear yard will be maintained. Additional variances may be required if the existing parking spaces, within the garage are not maintained.

6. An addition variance will be required if mechanical equipment inclusive of an air conditioner unit are located in a required yard space in contravention of Section 9.3 of Zoning By-law 87-57.
7. Details with respect to any existing encroachments within the front yard or northerly side yard have not been provided. As such an additional variance(s) may be required.
8. It is not clear if a minimum of 1.0 metres within the rear yard and northerly side yard will be unobstructed with no structures, walkways, hard surfaced materials, and landscaping other than sod. Details were not provided on submitted site plan, as such an additional variance(s) may be required.

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

DATE:	Thursday, November 25th, 2021
TIME:	2:05 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:

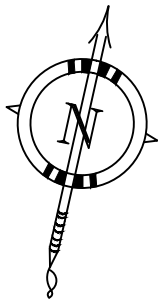
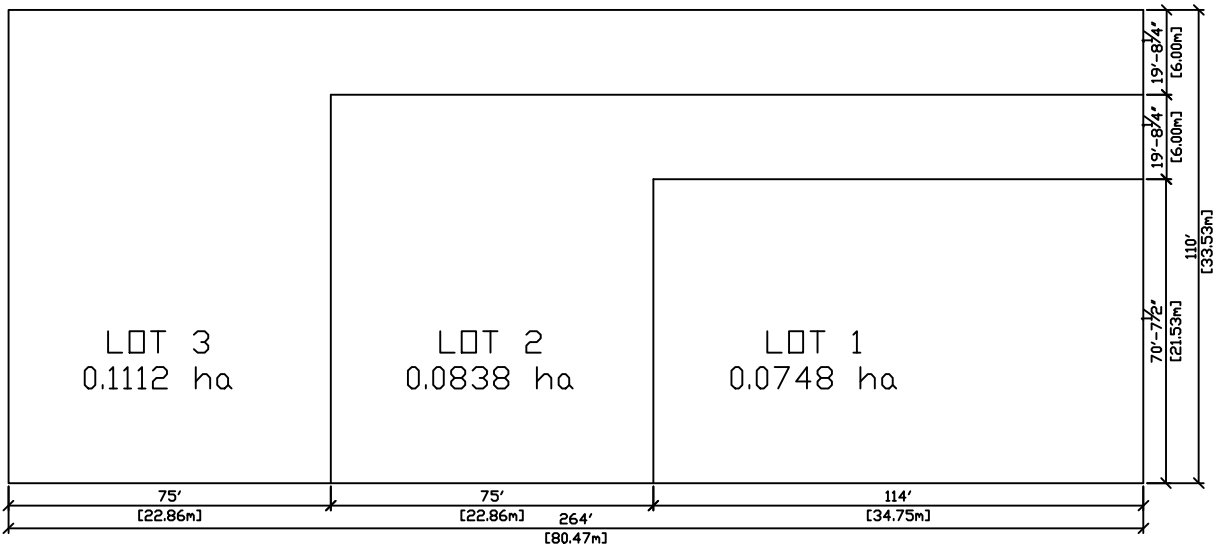
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 9th, 2021.

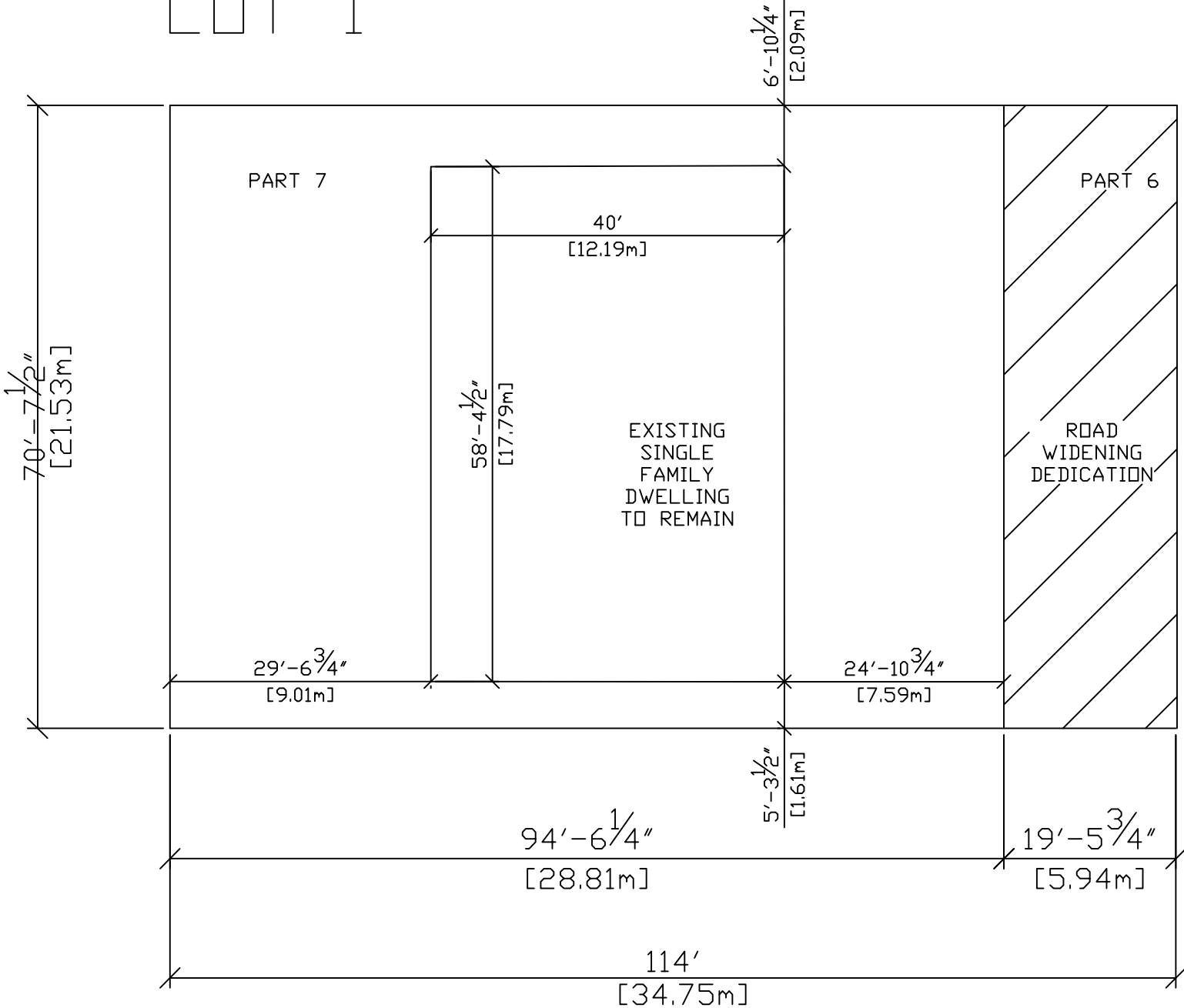
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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	Zone	Part	Description	Current Use	Proposed Use	Area (m ²)	
1	ER	Partial 6	21.53m x 5.94m	Vacant	Road Widening Dedication	127.89	748.17
		7	21.53m x 28.81m	Single Family Dwelling	Same	620.28	
2	ER-565	Partial 6	6m x 5.94m	Vacant/Drive Aisle	Road Widening Dedication	35.64	837.84
		1	4.5m x 28.81m	Vacant/Drive Aisle	Easement in Favour of Lot 1	129.65	
		2	1.5m x 28.81m	Vacant/Drive Aisle	Easement in Favour of Lots 1 & 3	43.22	
		3	1.5m x 22.86m	Vacant	Easement in Favour of Lot 3	34.29	
		8	(21.53m + 4.5m) x 22.86m	Vacant	Single Family Dwelling	595.05	
3	ER-566	Partial 6	6m x 5.94m	Vacant/Drive Aisle	Road Widening Dedication	35.64	1112.16
		4	4.5m x 28.81m	Vacant/Drive Aisle	Easement in Favour of Lots 1 & 2	129.65	
		5	4.5m x 22.86m	Vacant	Easement in Favour of Lot 2	102.87	
		9	(1.5m x (28.81m + 22.86m)) + 33.53m x 22.86m	Accessory Structure	Single Family Dwelling	844.00	
						Total	2698.16



LOT 1

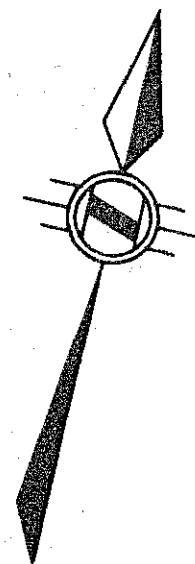


FIDDLERS GREEN ROAD

PLAN OF SURVEY
OF PART OF
LOT 42
CONCESSION 3
GEOGRAPHIC
TOWNSHIP OF ANCASTER
IN THE
CITY OF HAMILTON

SCALE 1:200 METRIC

S.D. McLAREN, O.L.S. - 2007



SCHEDULE			
PART	LOT/BLOCK	CONCESSION	P.I.N.
1	PT. OF LOT 42	3	ALL OF 17433-0020 (LT)
2			
3			
4			
5			
6			
7			
8			
9			

PLAN 62 R-17831

RECEIVED AND DEPOSITED
Date April 18, 07

S. D. McLaren ADLR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF WENTWORTH (No. 62)

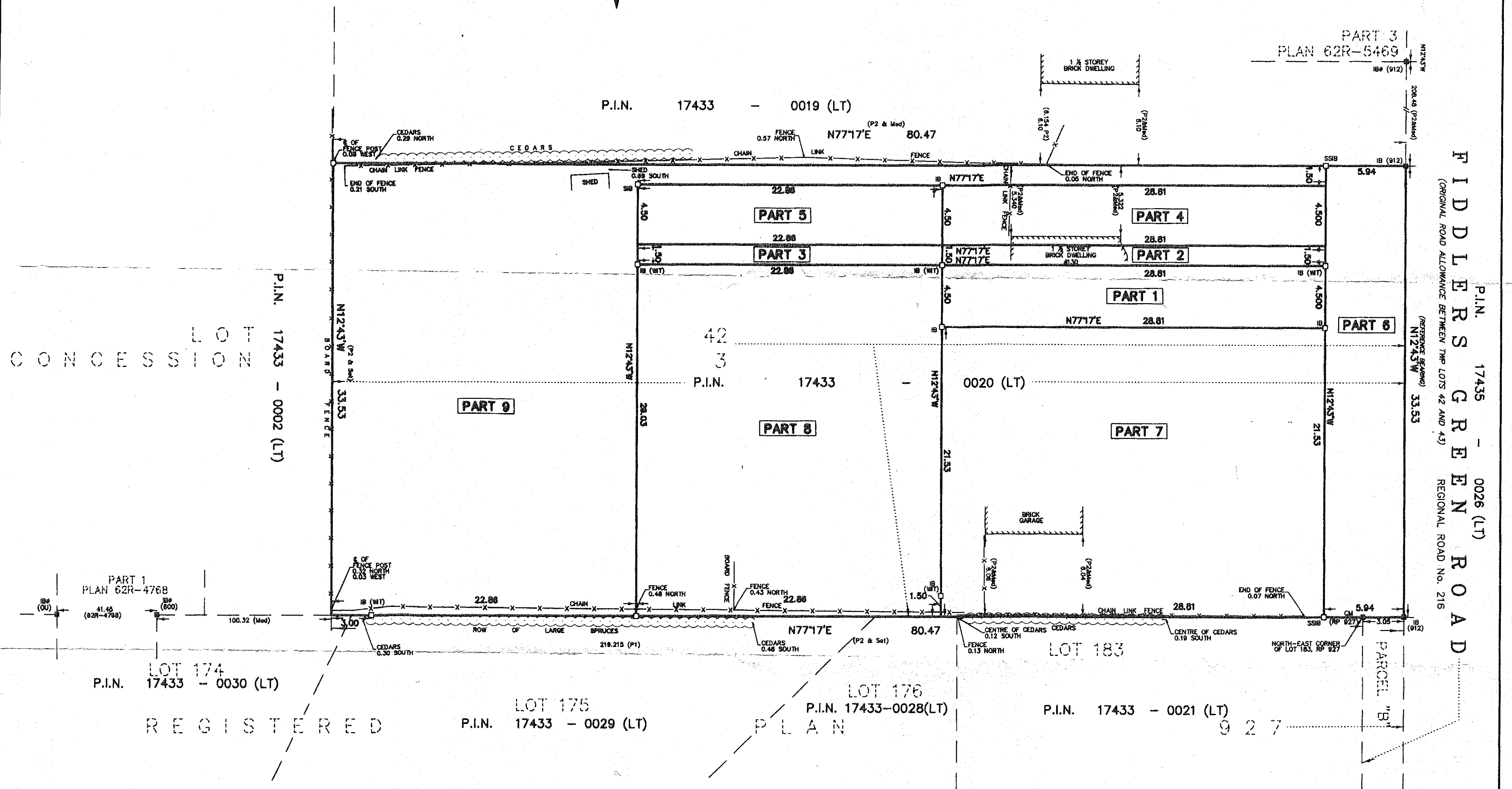
I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.

Date APRIL 11, 2007

S. D. McLaren
S.D. McLAREN, O.L.S.

P.I.N. 17433 - 0019 (LT)

PART 3
PLAN 62R-5469



- LEGEND:
- DENOTES MONUMENT SET
 - IB MONUMENT FOUND
 - SB IRON BAR
 - SSB STANDARD IRON BAR
 - 624 A.T. McLAREN, O.L.S.
 - 912 A.J. CLARKE, O.L.S.
 - 800 S.W. WOODS, O.L.S.
 - CU ORIGIN UNKNOWN
 - Med MEASURED
 - P1 REG. PLAN 927
 - P2 PLAN OF SURVEY OF A.J. CLARKE, DATED SEPTEMBER 28, 1993

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

BEARING NOTE:
BEARINGS ARE ASTROMOMIC AND ARE
REFERRED TO THE WESTERLY LIMIT OF
FIDDLERS GREEN ROAD, AS SHOWN ON
REG. PLAN No. 927, BEING N12°43'W

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 15TH DAY OF FEBRUARY, 2007

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn BK Checked DG Scale 1:200 Dwg.No. 32023

PART 1, PART OF

CONCESSION 3

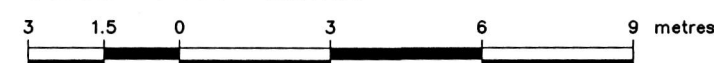
GEOGRAPHIC

TOWNSHIP OF ANCASTER

IN THE

CITY OF HAMILTON

SCALE 1:150 METRIC

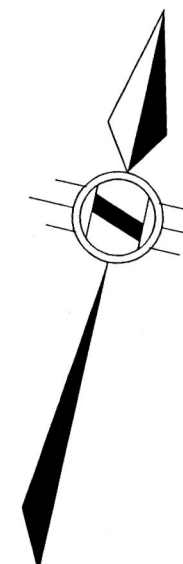


S.D. McLAREN, O.L.S. – 2008

PART 2

THIS PLAN MUST BE READ IN
CONJUNCTION WITH SURVEY REPORT
DATED MAY 12, 2008

THIS PLAN WAS PREPARED FOR
KARAF DESIGN & CO



F I D D L E R S P.I.N. 17435 - 0026 (LT) R O A D
(ORIGINAL ROAD ALLOWANCE BETWEEN TWP LOTS 42 AND 43) REGIONAL ROAD No. 216

[illegible]

**ASSOCIATION OF ONTARIO
LAND SURVEYORS**
PLAN SUBMISSION FORM
1694438



**THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR**
In accordance with
Regulation 1026, Section 29(3).

□	DENOTES	MONUMENT SET
■	"	MONUMENT FOUND
IB	"	IRON BAR
SIB	"	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
824	"	A.T. McLAREN, O.L.S.
912	"	A.J. CLARKE, O.L.S.
600	"	S.W. WOODS, O.L.S.
OU	"	ORIGIN UNKNOWN
Msd	"	MEASURED
P1	"	62R - 17831

METRIC NOTE

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

BEARING NOTE:

BEARINGS ARE ASTRONOMIC AND ARE
REFERRED TO THE EASTERLY LIMIT OF
PART 7, PLAN 62R-17831, BEING
N12°43'W

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 4th DAY OF JANUARY, 2008

MAY 12, 2008

S.D.McLAREN, O.L.S.

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REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN
PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn BK	Checked BRM	Scale 1:150	Dwg.No. 32023
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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:
- THE BANK OF NOVA SCOTIA
 851 GOLF LINKS ROAD
 ANCASTER, ON L9K 1L5
 905-304-4100

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:

ER MINIMUM LOT AREA REDUCTION FROM 695m² TO 610m² PER SITE SPECIFIC EXCEPTION ER-564 (BY-LAW 07-209)(DELETED BY BY-LAW 18-106)

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

PER APPROVED APPLICATION AN/B-21:74 RETAINED LANDS LOT 1 CONSISTS OF PARTS 6 AND 7 = 748.17m²; THE REQUISTE ROAD WIDENING DEDICATION (PART 6) BEING 127.89m² RESULTS IN REMAINING LOT AREA OF 620.28m²

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**):

PT LT 42, CON 3 ANCASTER, BEING PARTS 1 TO 9 PLAN 62R17831; CITY OF HAMILTON

130 FIDDLERS GREEN ROAD, ANCASTER ON L9G 1W3

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?

PERSONAL KNOWLEDGE, PAST AND PRESENT ZONING, & AERIAL IMAGERY

- 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.

OCTOBER 12, 2021

Date



Signature Property Owner(s)

LEONEL & JULIE FERREIRA

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	21.53m
Depth	34.75m
Area	748.17m ²
Width of street	20-23m PER STAFF COMMENTS

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: _

12.19m X 17.79m TWO STOREY SINGLE FAMILY DWELLING GFA 2,783ft²

Proposed

NO CHANGE

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

Existing:

NE CORNER 2.087m NORTH SIDE; 13.536m FRONT
SE CORNER 1.613m SOUTH SIDE; 13.525m FRONT
NW CORNER 2.117m NORTH SIDE; 9.016 REAR
SW CORNER 1.619m SOUTH SIDE; 9.010 REAR

Proposed:

NE CORNER 2.087m NORTH SIDE; 7.596m FRONT (REDUCED BY 5.94m)
SE CORNER 1.613m SOUTH SIDE; 7.585m FRONT (REDUCED BY 5.94m)
NW CORNER 2.117m NORTH SIDE; 9.016 REAR
SW CORNER 1.619m SOUTH SIDE; 9.010 REAR

13. Date of acquisition of subject lands:
2016
-
14. Date of construction of all buildings and structures on subject lands:
2008
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SINGLE FAMILY DWELLING
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE FAMILY DWELLING
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:
UHOP; ANCASTER WILSON STREET SECONDARY PLAN
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

APPROVED APPLICATION AN/B-21:74
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.