

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-21:375

APPLICANTS: Owner Maxelle Properties Inc. c/o Harry Madjarian

SUBJECT PROPERTY: Municipal address **294 East 28th St., Hamilton**

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

ZONING: C district (Urban Protected Residential and etc.)

PROPOSAL: To permit the construction of a roofed-over unenclosed porch at the first storey level at the front of the existing single family dwelling, notwithstanding,

1. A roofed-over or screened but otherwise unenclosed porch at the first storey level, including eaves and gutters and associated stairs, shall be permitted to project into the existing front yard by 2.87 metres and provide a minimum setback of 0.35 metres from the front lot line, instead of the 1.5 metre setback required from the front lot line.

NOTES:

1. Please note that this variance is subsequent to Minor Variance Application No. HM/A-18:392 that was granted by the Committee, to facilitate the conversion of the existing single family dwelling to a two family dwelling, and which included a variance to permit an uncovered porch, including steps, to be located 0.0 metres from the front lot line.

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

DATE: Thursday, November 25th, 2021
TIME: 2:10 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

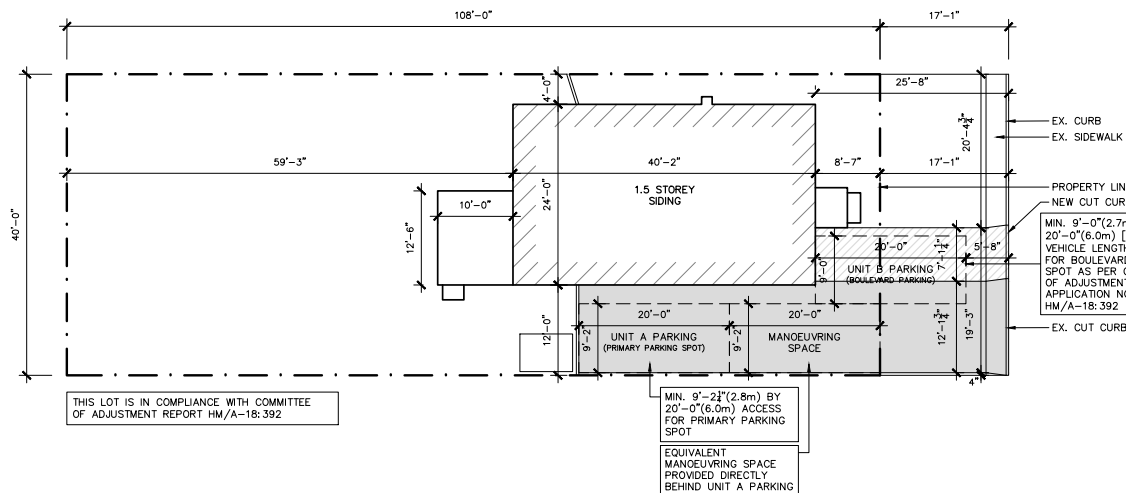
For more information on this matter, including access to drawings illustrating this request:

- 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.



SITE PLAN:
BASED ON ACCURATE MEASUREMENTS
OF SITE INFORMATION AND FURTHER
VERIFIED USING INFORMATION
PROVIDED BY THE CITY OF HAMILTON

THIS SITE PLAN SHALL NOT BE USED
FOR ANY OTHER PURPOSES

NO WORK TO ENCROACH ONTO
ADJOINING PROPERTIES

FRONT YARD = 343.24SF
PROPOSED LANDSCAPED AREA = 178.22SF = 51.9%
PROPOSED HARD SURFACE AREA = 165.02SF = 48.1%



SITE INFORMATION & STATISTICS:

ADDRESS	294 EAST 28th STREET, HAMILTON, ON. L8V 3J3		
NEIGHBORHOOD	EAST HAMILTON		
LOT NUMBER			
PLAN NUMBER			
ZONING TYPE	C – URBAN PROTECTED RESIDENTIAL		
LOT AREA	4320.0 S.F.		
FRONTAGE	40'-0"		
FLOOR AREAS	ALLOWED	EXISTING	PROPOSED
BASEMENT	–	728.19 S.F.	NO CHANGE
MAIN FLOOR	–	968.51 S.F.	NO CHANGE
SECOND FLOOR	–	372.22 S.F.	NO CHANGE
SETBACKS	–	–	–
FRONT – E	–	25'-8"	NO CHANGE
SIDE – N	–	4'-0"	NO CHANGE
BACK – W	–	59'-3"	NO CHANGE
SIDE – S	–	12'-0"	NO CHANGE

EXISTING STRUCTURE NOTE:
OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING
ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK. ANY
AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER
PRIOR TO ANY WORK. OWNER AND CONTRACTOR IS FULLY
RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY
WORK

GENERAL NOTES:

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK
5. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWING AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. ANY INCONSISTENCIES ARE TO BE REPORTED TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.
6. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFORM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
7. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
8. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCED NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
9. EXISTING DRAINAGE PATTERNS TO REMAIN.

BUILDING CODE COMPLIANCE NOTE:
THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECT OF THE OBC AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS

BY-LAW REFERENCES

THE CITY OF HAMILTON – ZONING BY-LAW 03-260
(PARENT BY-LAW # 6593 FORMER HAMILTON)

BY-LAW SECTION 18(1)

(24) Every parking are for a use where,
There are five or less parking spaces shall have not less than one access driveway or one mutual driveway, having a width of at least 2.8 metres;

BY-LAW SECTION 19(1)(v)

Parking spaces, access driveways and manoeuvring space shall be provided in accordance with Section 18A, except that parking for only one of the dwelling units may be provided in accordance with the following special provisions:

Location

- (1) It may be located in a required front yard provided that the area for parking, manoeuvring and access driveways shall not occupy more than 50% of the gross area of the front yard; (93-063)
- (2) not less than 50% of the gross area of the front yard shall be used for landscaped area, excluding concrete, asphalt, gravel, pavers or other similar material
- (3) manoeuvring for the parking space may be permitted off-site; and,
- (4) where a side yard abuts a street, not less than 50% of the gross area of the side yard be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials. (94-145)

STAMP:

The undersigned has read and takes responsibility for this design, and has
qualification and meet the requirements set out in the Ontario Building
Code to design the work shown on the attached documents.

Qualification Information	
Registered design engineer under the O.B.C. 2.3.1.1. of the building code	
647030104 VERSES	Signature
Name	BCOV
Registration Information	
Registered design engineer under the O.B.C. 2.3.1.1. of the building code	
647030104 VERSES	44802
Name	BCOV

2019/11/13 RE-ISSUED FOR PERMIT
2019/10/07 ISSUED FOR PERMIT
1111/11/13

ISSUE / REVISIONS

PROJECT:
2-UNIT CONVERSION

ADDRESS:
294 EAST 28TH ST.
HAMILTON, ON L8V 3J3

CLIENT:
MAXELLE PROPERTIES INC.

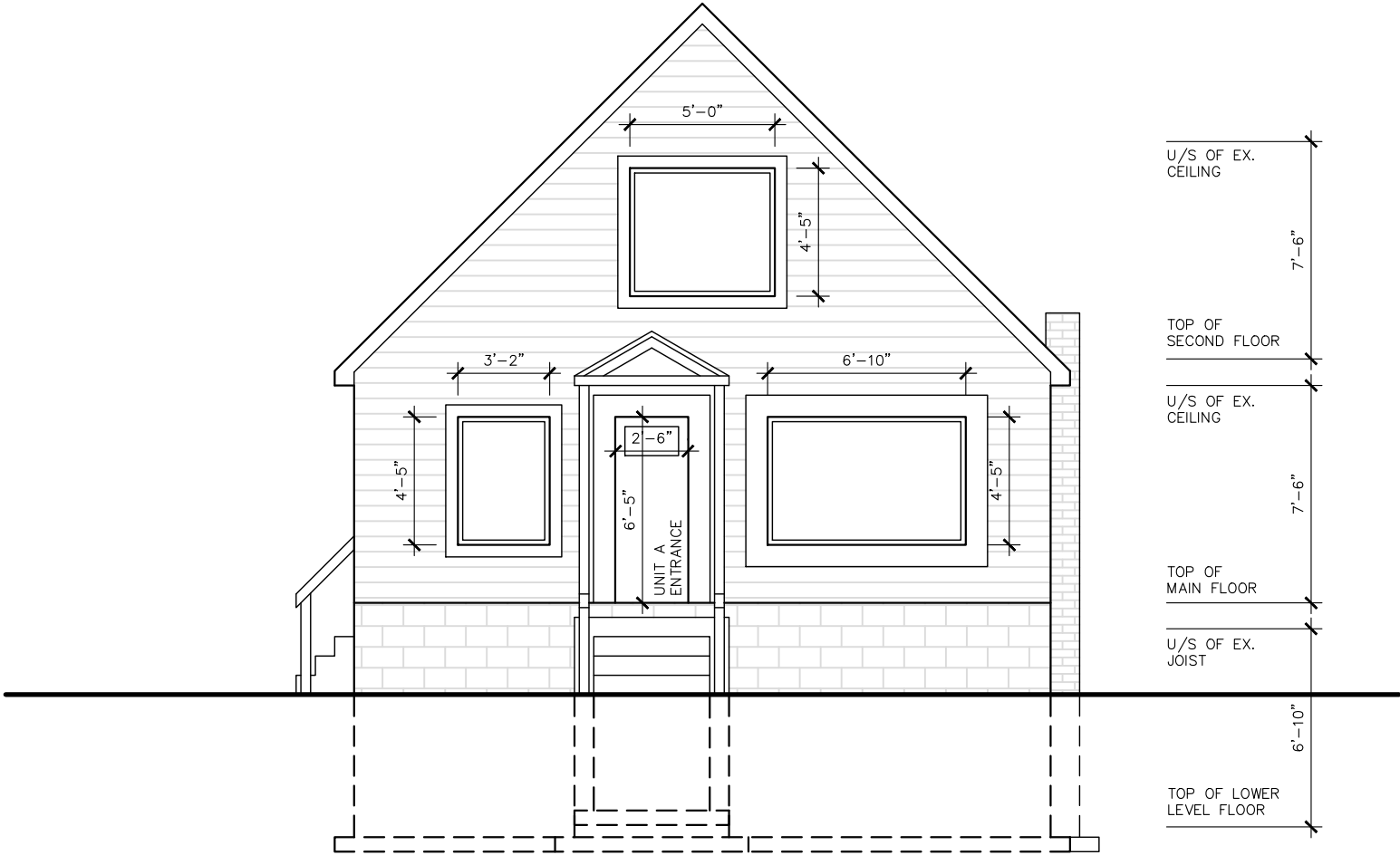
DRAWN BY:
JOSEPH COSTANZA

DESCRIPTION:
SITE PLAN,
STATISTICS AND
GENERAL NOTES


SCALE: 1/16" = 1'-0"

DRAWING NO.:

A0.02



STAMP:

The undersigned has revied and takes responsibility for this design, and has qualifications ansd meet the requirements set out in the Ontario Building Code to design the work shown on the attached documents.		
Qualification Information		
Required unless design is exempt under Div. C-3.2.5.1. of the building code		
KATARINA KESER		41386
Name	Signature	BCIN
Registration Information		
Required unless design is exempt under Div. C-3.2.4.1. of the building code		
KATARINA KESER		44363
Firm Name		BCIN

2019/10/07 ISSUED FOR PERMIT
YYYY/MM/DD

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PROJECT:
2-UNIT CONVERSION

ADDRESS:
294 EAST 28TH ST.
HAMILTON, ON L8V 3J3

CLIENT:
MAXELLE PROPERTIES INC.

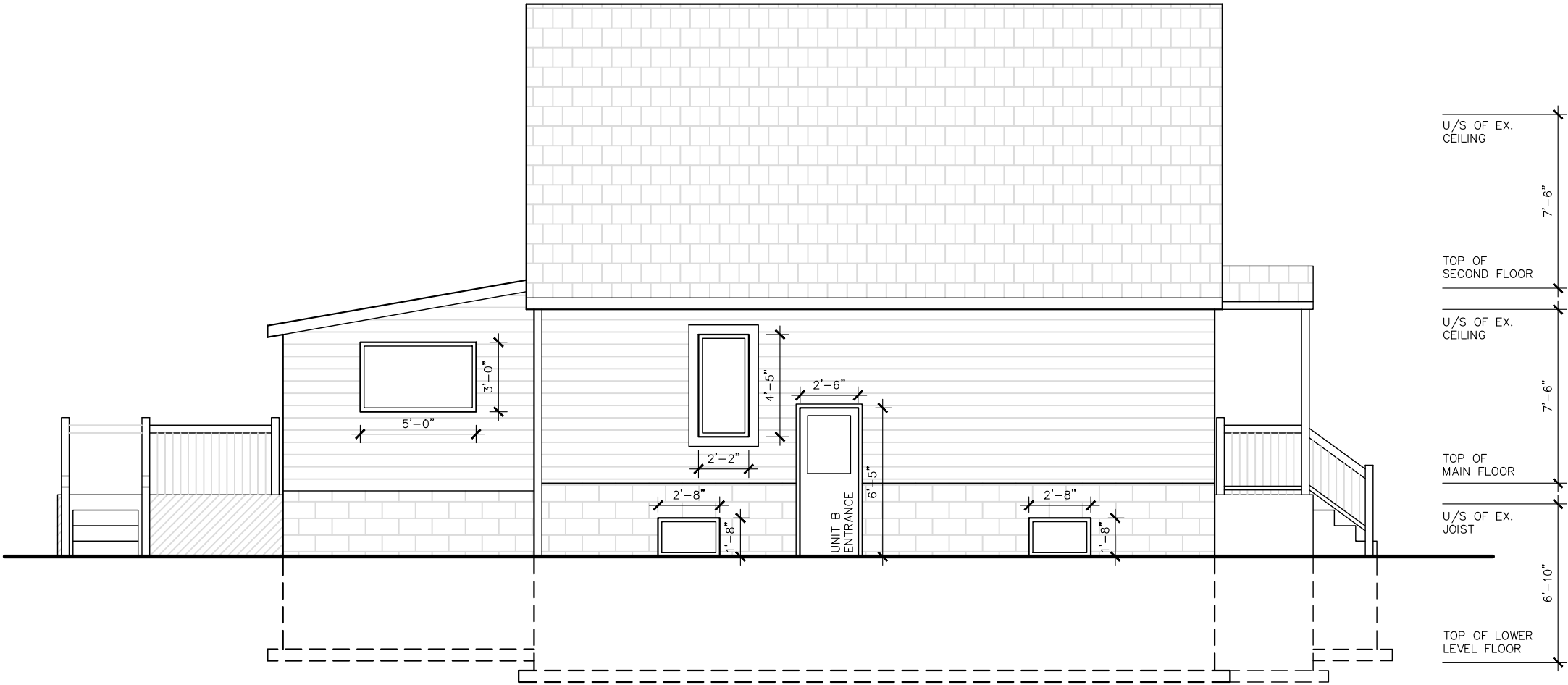
DRAWN BY:
JOSEPH COSTANZA

DESCRIPTION:
EAST ELEVATION


SCALE: 1/4" = 1'-0"

DRAWING NO.:

A2.01



STAMP:

The undersigned has revied and takes responsibility for this design, and has qualifications ansd meet the requirements set out in the Ontario Building Code to design the work shown on the attached documents.		
Qualification information		
Required unless design is exempt under Div. C-3.2.5.1. of the building code		
KATARINA KESER		41386
Name	Signature	BCIN
Registration information		
Required unless design is exempt under Div. C-3.2.4.1. of the building code		
KATARINA KESER		44363
Firm Name		BCIN

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HAMILTON, ON L8V 3J3

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MAXELLE PROPERTIES INC.

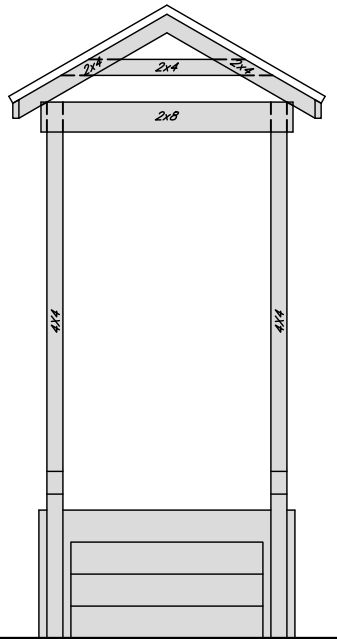
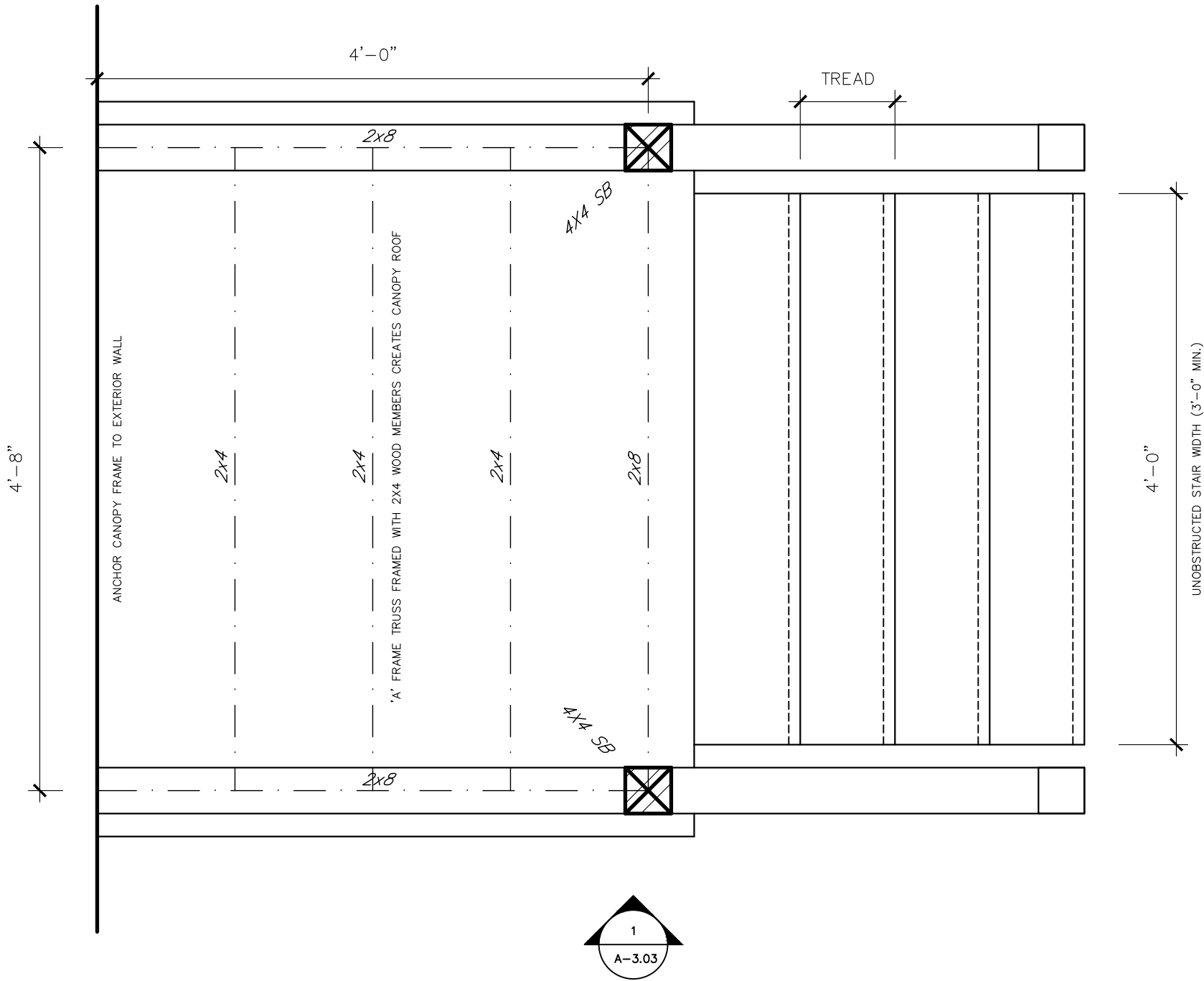
DRAWN BY:
JOSEPH COSTANZA

DESCRIPTION:
NORTH ELEVATION

SCALE: 3/16" = 1'-0"

DRAWING NO.:

A2.03



NOTE:

RISERS & TREADS
ALL RISER AND TREAD DIMENSIONS TO COMPLY WITH SECTIONS 9.8.4.1. & 9.8.4.2

LANDINGS & HANDRAILS
ALL LANDINGS AND HANDRAILS TO COMPLY WITH SECTIONS 9.8.6.2 – 9.8.7.4

STAMP:

The undersigned has revied and takes responsibility for this design, and has qualifications and meet the requirements set out in the Ontario Building Code to design the work shown on the attached documents.		
Qualification information		
Required unless design is exempt under Div. C-3.2.5.1. of the building code		
KATARINA KESER	<i>Katarina Keser</i>	41386
Name	Signature	BCIN
Registration information		
Required unless design is exempt under Div. C-3.2.4.1. of the building code		
KATARINA KESER		44363
Firm Name		BCIN

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ADDRESS:
294 EAST 28TH ST.
HAMILTON, ON L8V 3J3

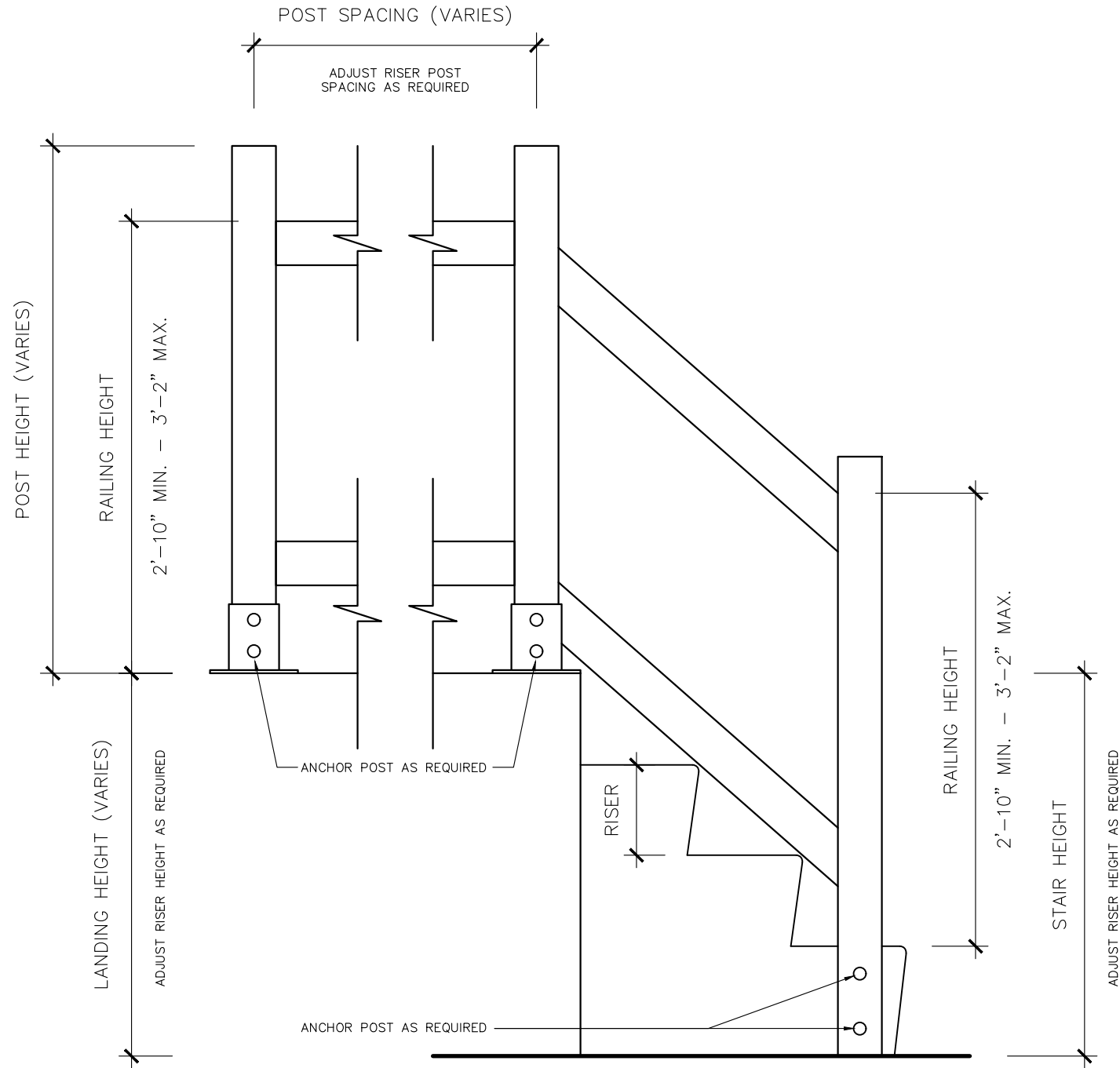
CLIENT:
MAXELLE PROPERTIES INC.

DRAWN BY:
JOSEPH COSTANZA

DESCRIPTION:
CANOPY & STAIR
DETAILS

SCALE: 1" = 1'-0"

DRAWING NO.:
A3.01




NOTE:

RISERS & TREADS
ALL RISER AND TREAD DIMENSIONS TO COMPLY WITH SECTIONS 9.8.4.1. & 9.8.4.2

LANDINGS & HANDRAILS
ALL LANDINGS AND HANDRAILS TO COMPLY WITH SECTIONS 9.8.6.2 - 9.8.7.4

STAMP:

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Qualification information		
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KATARINA KESER		41386
Name	Signature	BCIN
Registration information		
Required unless design is exempt under Div. C-3.2.4.1. of the building code		
KATARINA KESER		44363
Firm Name		BCIN

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ADDRESS:
294 EAST 28TH ST.
HAMILTON, ON L8V 3J3

CLIENT:
MAXELLE PROPERTIES INC.

DRAWN BY:
JOSEPH COSTANZA

DESCRIPTION:
STAIR DETAILS

SCALE: 1" = 1'-0"

DRAWING NO.:

A3.01



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

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

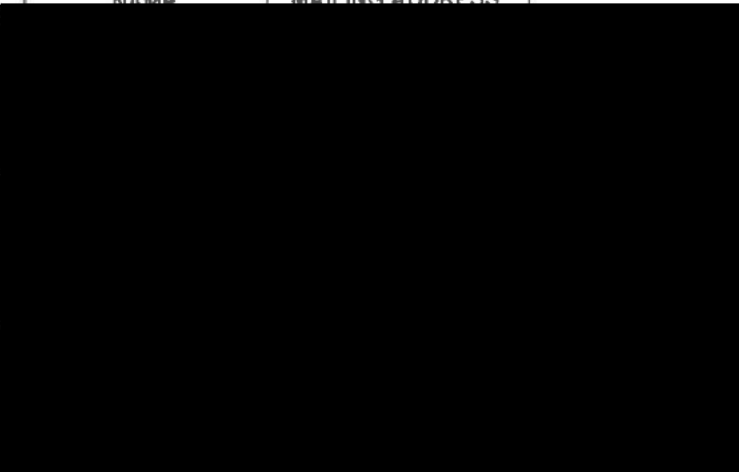
APPLICATION FOR A MINOR VARIANCE

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	NAME	MAILING ADDRESS
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:

ROYAL BANK OF CANADA
600 FAIRWAY RD. S
KITCHENER, ON
N2C 1X3

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:

covered
Addition of unenclosed porch

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Bylaw states that covered porch must be 3 metres away from property line. The landing of porch is less than 3 metres from 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):

294 EAST 28th ST. HAMILTON
PLAN 608 PT LOT 581 AND 582

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?

N/A

- 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.

2021/08/17
Date

H. Madjarian
Signature Property Owner(s)

MAXELLE PROPERTIES (HARRY MADJARIAN)
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 40'
Depth 108'
Area 4320.0 SF
Width of street 28 metres

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:
BASEMENT - 728 S.F. 1.5 STORIES
MAIN FLOOR - 968 S.F. 24' WIDE
SECOND FLOOR - 372 S.F. 40' DEEP

Proposed

UNCHANGED

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

Existing:
FRONT - E 25'-0"
SIDE - N 4'-0"
BACK - W 59'-3"
SIDE - S 12'
Proposed:

No change

SITE PLAN ATTACHED

13. Date of acquisition of subject lands:
2017/03/01
14. Date of construction of all buildings and structures on subject lands:
YEAR BUILT - 1949
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
PERMIT # 19118862.00, IN THE PROCESS OF closing permit
outstanding item is covered porch which this minor variance application
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE FAMILY (RESIDENTIAL) IS for
17. Length of time the existing uses of the subject property have continued:
since acquisition
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:
NEIGHBOURHOODS DESIGNATION IN THE URBAN OFFICIAL PLAN
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
URBAN PROTECTED RESIDENTIAL ETC "C" DISTRICT IN HAMILTON
ZONING BY-LAW NO 6593
21. Has the owner previously applied for relief in respect of the subject property?
Yes ☒ No ☐
If the answer is yes, describe briefly:
FILE # HM/A -18:392
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.