

## **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.:** SC/A-21:358

**APPLICANTS:** Owner Konrad Wojtysiak  
Agent Perspective Views Inc. c/o James Macklem

**SUBJECT PROPERTY:** Municipal address **57 Lincoln Rd., Stoney Creek**

**ZONING BY-LAW:** Zoning By-law 3692-92, as Amended

**ZONING:** R6 district (Residential "R6" Zone)

**PROPOSAL:** To recognize the location of the existing single detached dwelling and to permit the re-construction of the westerly half of the roof including construction of an unenclosed rear porch and canopy, construction of a northerly unenclosed porch and canopy, construction of a roof on the existing front porch, to recognize yard encroachments for to permit a hot tub at the north side of the existing single detached dwelling and to recognize the location of an existing 3.2m (10'6") x 6.096m (20'0") detached garage notwithstanding that:

1. A minimum front yard of 4.5m shall be provided instead of the minimum required front yard of 6.0m.
2. The unenclosed front porch shall be permitted to project 1.7m into the required 4.5m front yard so that the unenclosed front porch shall be a minimum of 2.8m from the front lot line instead of the requirement that balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may project into any required front yard 1.5 metres.
3. A minimum northerly side yard of 0.2m shall be provided to the northerly unenclosed porch (wood deck) and canopy and the rear unenclosed porch (wood deck) and canopy instead of the minimum required side yard of 1.25m.
4. A minimum southerly side yard of 2.5m shall be provided instead of the minimum required side yard of 3.0m on one side where there is no attached garage or attached carport.
5. A hot tub shall be a minimum of 0.2m from the northerly side lot line instead of the requirement that a minimum yard setback of 1.25m shall be provided from the outside edge of the pool wall (hot tub) or deck to a lot line.
6. A minimum westerly side yard of 0.3m shall be recognized for the existing detached garage instead of the requirement that accessory buildings shall be a minimum of 0.5m from a side lot line.

NOTE:

- i) Pursuant to Variance No. 2, Section 4.19.1 (d) of Stoney Creek Zoning By-law No. 3692-92 does not permit canopies or unenclosed porches to encroach into a required side yard; therefore, the principal building setbacks of the “R6” zone are applicable.

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

---

<b>DATE:</b>	<b>Thursday, November 25th, 2021</b>
<b>TIME:</b>	<b>2:45 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed at</b>
	<b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>
	<b>for viewing purposes only</b>

---

**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:

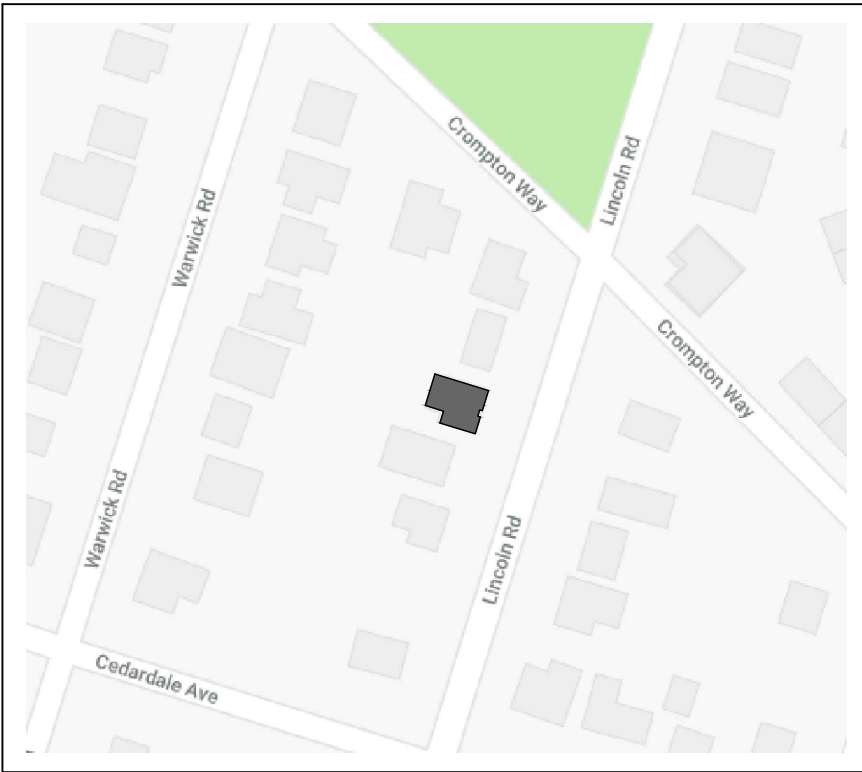
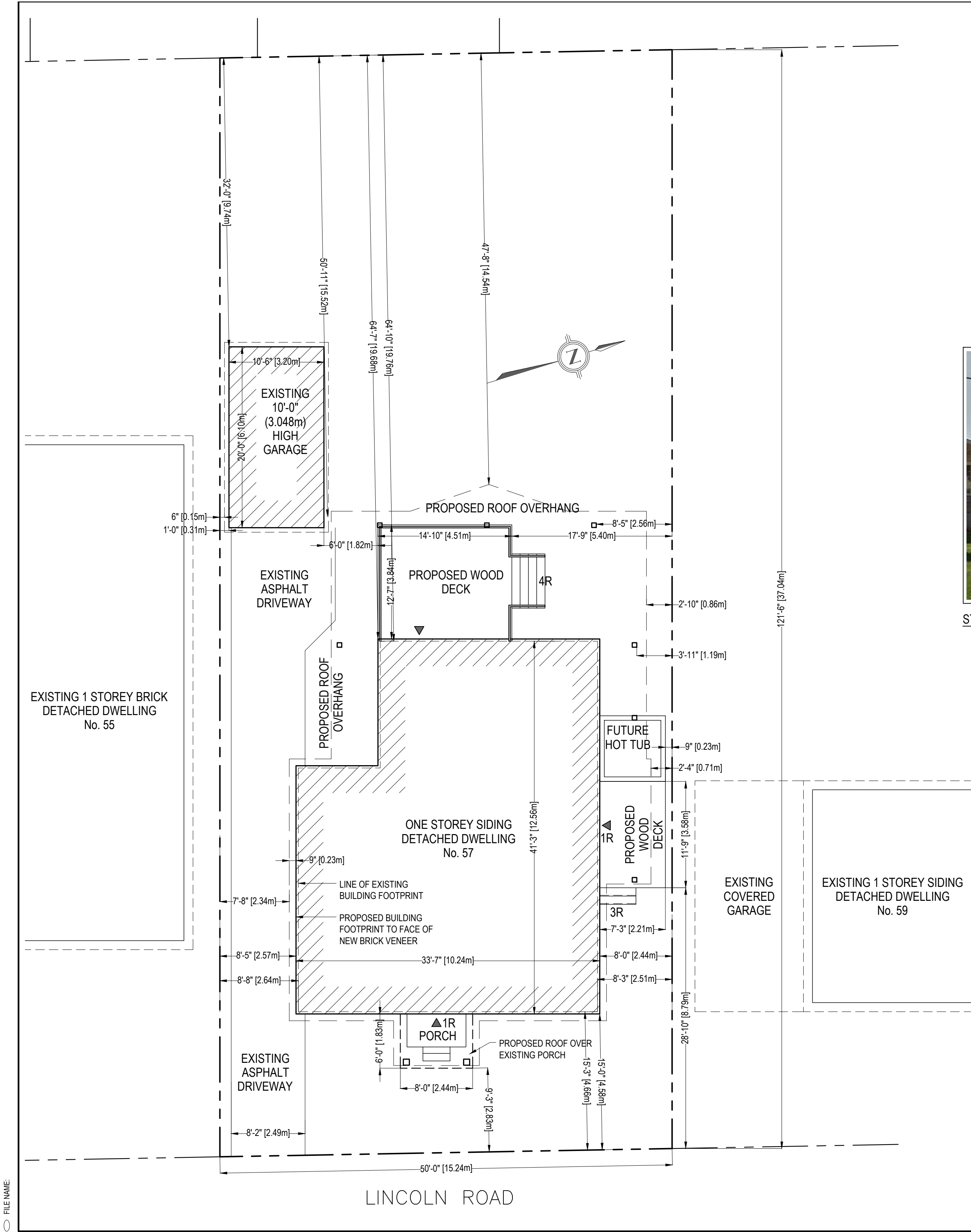
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: November 9th, 2021.

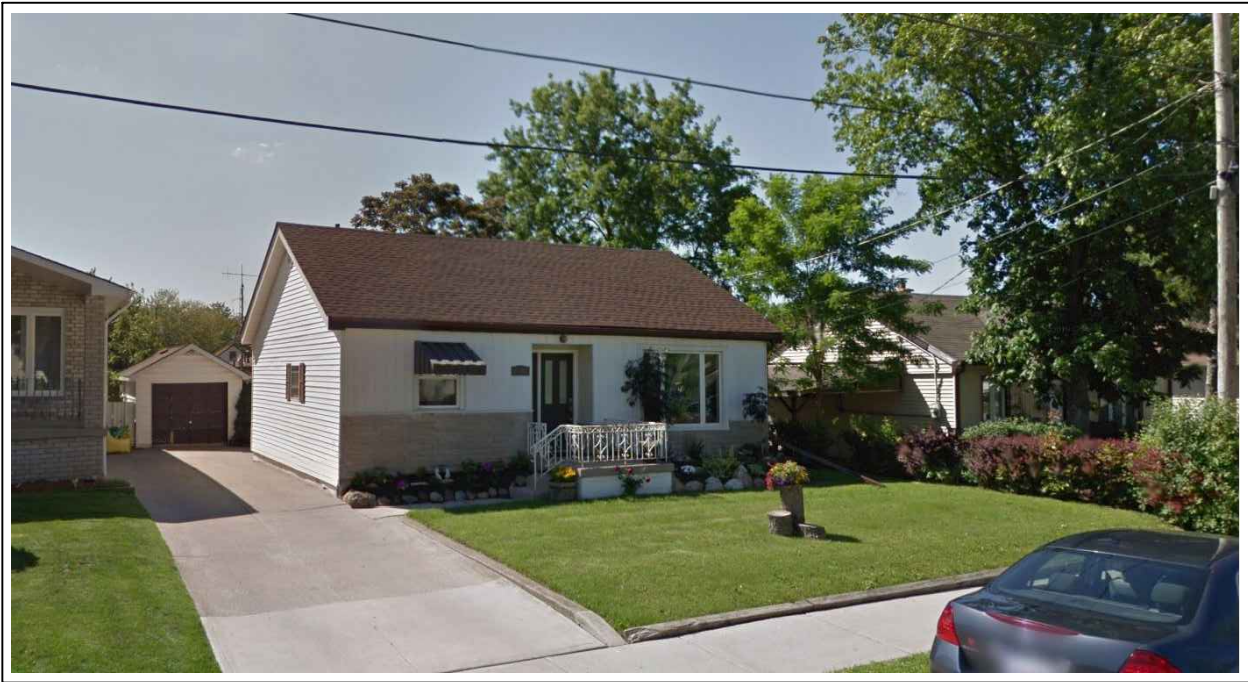
---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

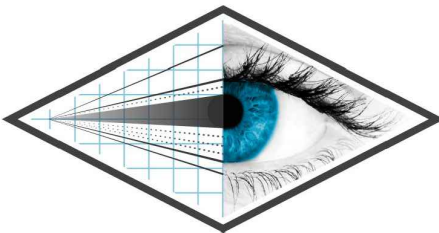
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.***



KEY PLAN



STREET VIEW



PERSPECTIVE VIEWS

126 CATHARINE STREET N  
HAMILTON ON L8R 1J4

e. info@perspectiveviews.com p.289.389.4502

- GENERAL NOTES:
- DRAWINGS MUST NOT BE SCALED  
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL  
NOTES AND THE O.B.C.
- All drawings & information shown on these drawings must be checked &  
verified on site prior to construction or fabrication of its components.
- Unless noted otherwise, no provision has been made in the design for  
conditions occurring during construction. It shall be the responsibility of  
the contractor to provide all necessary bracing, shoring, sheet piling, or  
other temporary supports, to safeguard all existing or adjacent structures  
affected by construction.
- All dimensions are given in imperial units unless otherwise indicated.
- All drawings are the property of the Architect / Designer & must be  
returned upon request.

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 is exempt under Div. C - 3.2.5 of the Building Code

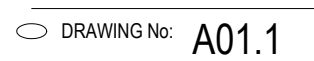
Matthew Ribau	Signature	100231
Name		BCIN

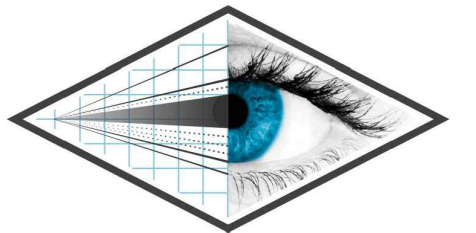
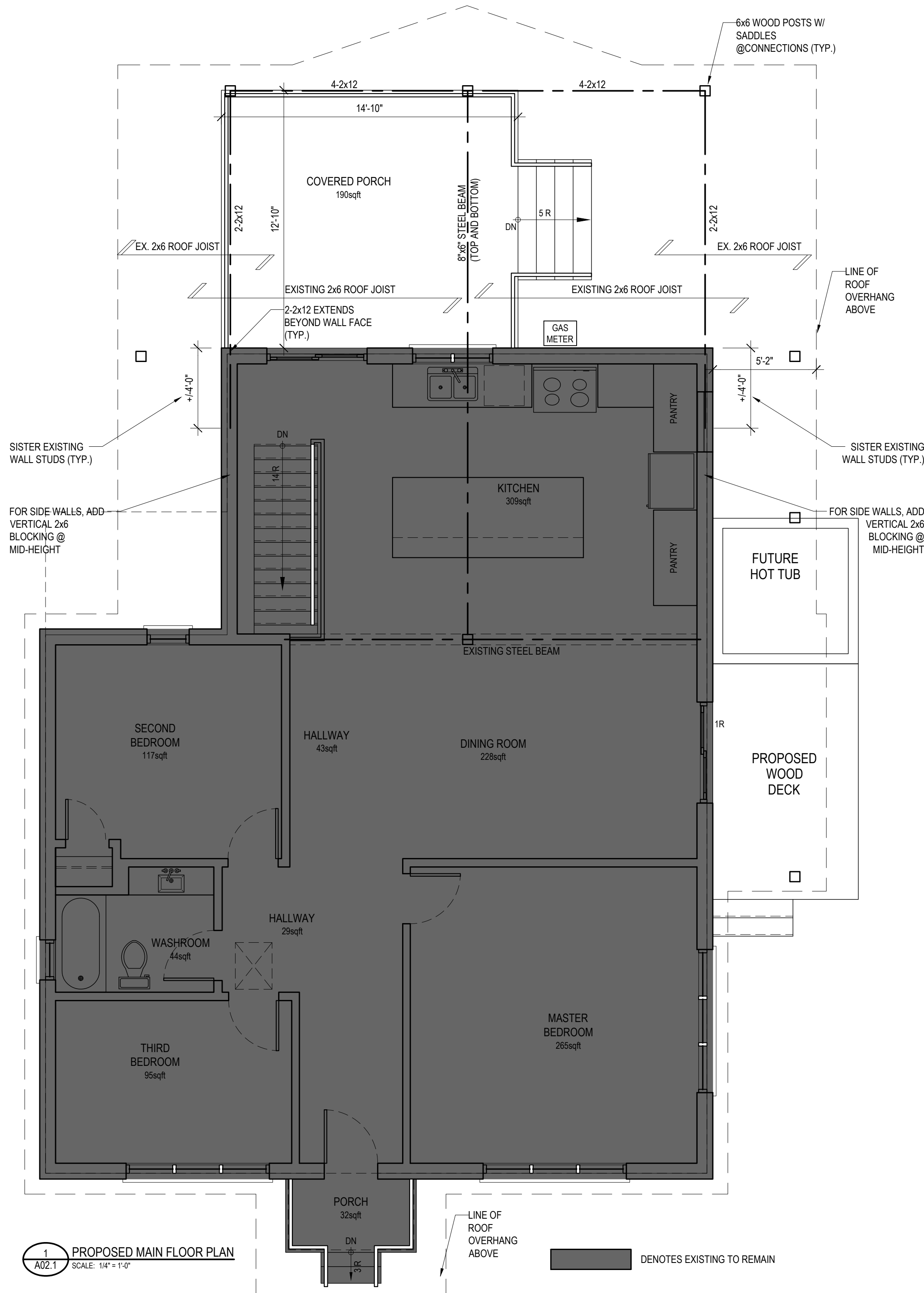
PROJECT STATISTICS				
ADDRESS: 57 LINCOLN ROAD, STONEY CREEK				
ZONING: R6				
LOT:				
AREA	6078.16	ft²	564.68	m²
FOOTPRINT:				
EXISTING				
DWELLING FOOTPRINT:	1218.80	ft²	113.23	m²
PORCH:	34.98	ft²	3.25	m²
TOTAL FOOTPRINT:	1253.78	ft²	116.48	m²
PROPOSED				
DWELLING FOOTPRINT	1243.98	ft²	115.57	m²
REAR DECK	413.19	ft²	38.39	m²
DETACHED GARAGE	210.00	ft²	19.51	m²
SIDE YARD DECK	155.94	ft²	14.49	m²
PORCH:	48.00	ft²	4.46	m²
TOTAL FOOTPRINT:	2071.11	ft²	192.41	m²
COVERAGE:				
	34.07%	2071.11	ft²	192.41 m²

No.	REVISION	DATE
1	ISSUED FOR MINOR VARIANCE	21/09/29
2	RE-ISSUED FOR MINOR VARIANCE	21/10/27

- PROJECT: KONRAD WOJTYSIAK  
GROUND FLOOR RENOVATION  
57 LINCOLN ROAD  
STONEY CREEK, ON L8E 1Z2
- DRAWING: PROPOSED SITE PLAN  
ARCHITECTURAL DRAWINGS
- SCALE: 1/8" = 1'0"
- DATE: JULY 24, 2020
- DRWN BY: JAMES MACKLEM
- CHKD BY: MATTHEW RIBAU
- PROJECT No: PV20-038
- DRAWING No: SP1.1







PERSPECTIVE VIEWS

126 CATHARINE STREET N  
HAMILTON ON L8R 1J4

e. info@perspectiveviews.com p.289.389.4502

- GENERAL NOTES:
- DRAWINGS MUST NOT BE SCALED  
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL  
NOTES AND THE O.B.C.
- All drawings & information shown on these drawings must be checked &  
verified on site prior to construction or fabrication of its components.
- Unless noted otherwise, no provision has been made in the design for  
conditions occurring during construction. It shall be the responsibility of  
the contractor to provide all necessary bracing, shoring, sheet piling, or  
other temporary supports, to safeguard all existing or adjacent structures  
affected by construction.
- All dimensions are given in imperial units unless otherwise indicated.
- All drawings are the property of the Architect / Designer & must be  
returned upon request.

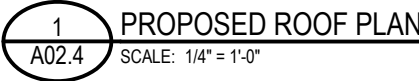
The undersigned has reviewed and takes responsibility for this  
design, and has the qualifications and meets the requirements set  
out in the Ontario Building Code to be a designer.

Qualification Information  
Required unless design is exempt under Div. C - 3.2.5 of the Building Code

Matthew Ribau 100231  
Name Signature BCIN

No.	REVISION	DATE
1	ISSUED FOR MINOR VARIANCE	21/09/29
2	RE-ISSUED FOR MINOR VARIANCE	21/10/27

- PROJECT: KONRAD WOJTYSIK  
GROUND FLOOR RENOVATION  
57 LINCOLN ROAD  
STONE CREEK, ON L8E 1Z2
- DRAWING: FLOOR PLAN  
ARCHITECTURAL DRAWINGS
- SCALE: 1/4" = 1'0"
- DATE: JULY 24, 2020
- DRWN BY: JAMES MACKLEM
- CHK'D BY: MATTHEW RIBAU
- PROJECT No: PV20-038
- DRAWING No: A02.2



PROPOSED ROOF OVER  
EXISTING PORCH



126 CATHARINE STREET N  
HAMILTON ON L8R 1J4

e. info@perspectiveviews.com p.289.389.450

○ GENERAL NOTES

DRAWINGS MUST NOT BE SCALED  
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL  
NOTES AND THE O.B.C.

All drawings & information shown on these drawings must be checked & verified on site prior to construction or fabrication of its components.

Unless noted otherwise, no provision has been made in the design for conditions occurring during construction. It shall be the responsibility of the contractor to provide all necessary bracing, shoring, sheet piling, or other temporary supports, to safeguard all existing or adjacent structures affected by construction.

All dimensions are given in imperial units unless otherwise indicated

All drawings are the property of the Architect / Designer & must be returned upon request.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements out in the Ontario Building Code to be a designer.

Qualification Information  
Required unless design is exempt under Div. C - 3.2.5 of the Building

Matthew Ribau  1002

PROJECT: KONRAD WOJTYSIAK  
GROUND FLOOR RENOVATIO  
57 LINCOLN ROAD  
STONEY CREEK, ON L8E 1Z2

 DRAWING: ROOF PLAN  
ARCHITECTURAL DRAWINGS

SCALE: 1/4" = 1'

○ DATE: JULY 24, 202

DRW'N BY: JAMES MACKLEM

CHK'D BY: MATTHEW RIBAU

PROJECT No: PV20-0

DRAWING No: A02



e. info@perspectiveviews.com p.289.389.4502

○ GENERAL NOTES:

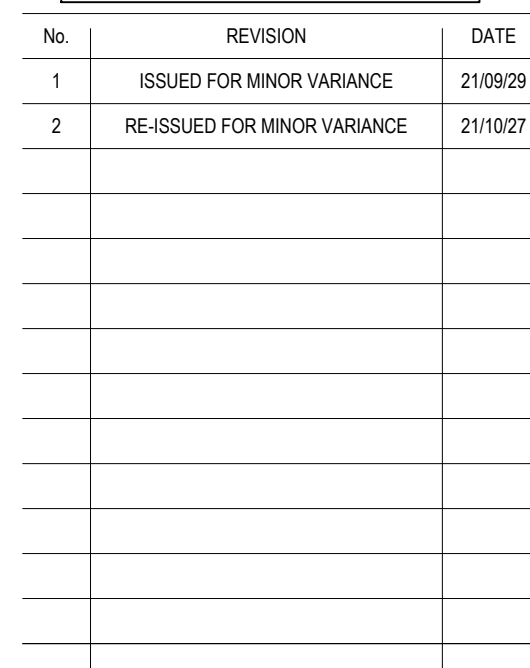
DRAWINGS MUST NOT BE SCALED  
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL  
NOTES AND THE O.B.C.

All drawings & information shown on these drawings must be checked & verified on site prior to construction or fabrication of its components.

Unless noted otherwise, no provision has been made in the design for conditions occurring during construction. It shall be the responsibility of the contractor to provide all necessary bracing, shoring, sheet piling, or other temporary supports, to safeguard all existing or adjacent structures affected by construction.

All dimensions are given in imperial units unless otherwise indicated.

All drawings are the property of the Architect / Designer & must be returned upon request.



☐ DRAWING: ELEVATIONS  
ARCHITECTURAL DRAWINGS

○ SCALE: 1/4" = 1'0"

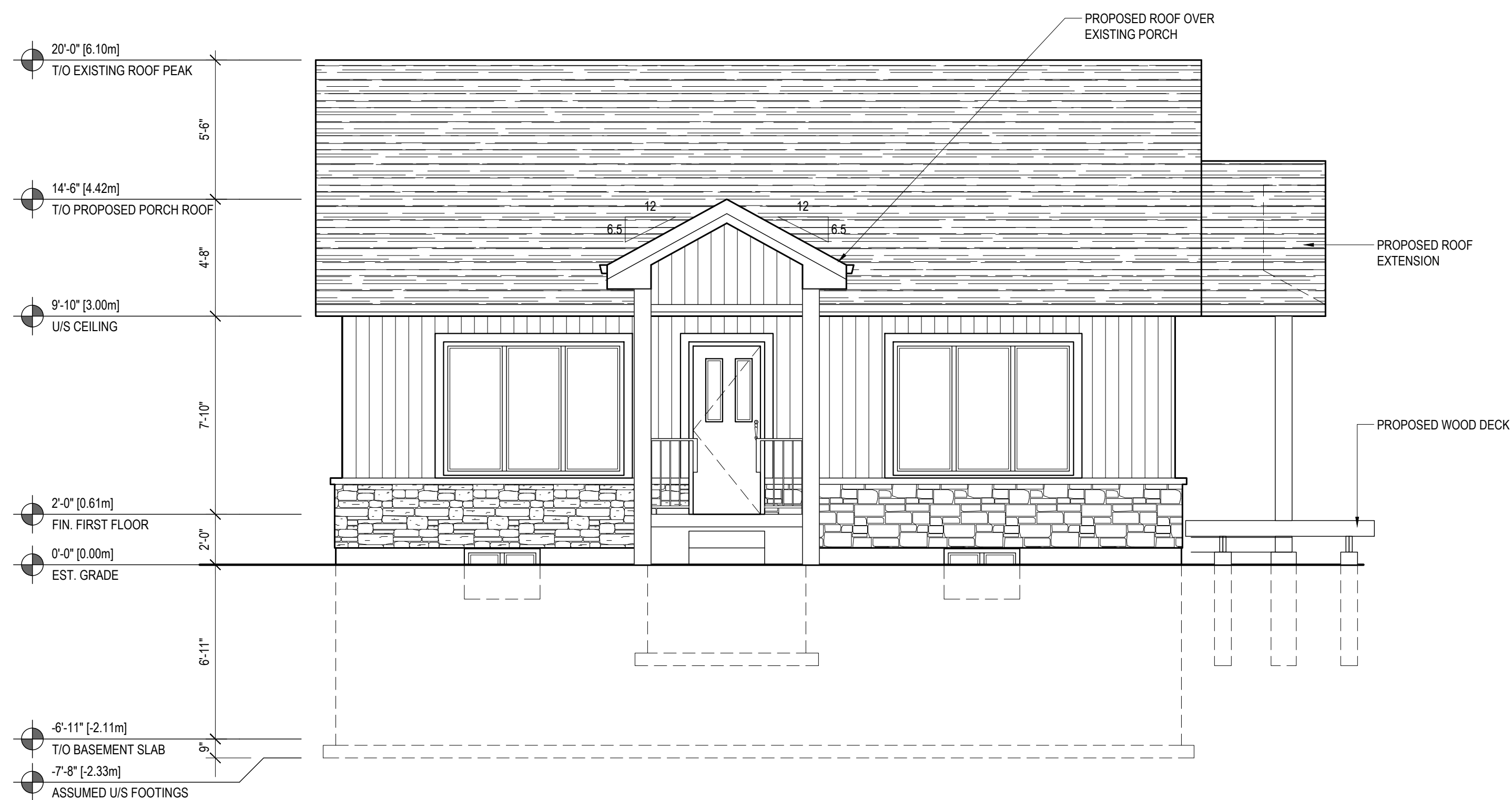
DATE: JULY 24, 2020

DRW'N BY: JAMES MACKLEM

○ CHK'D BY: MATTHEW RIBAU

PROJECT No: PV20-038

DRAWING No: A03.1



1  
A03.1

PROPOSED FRONT ELEVATION (EAST)  
SCALE: 1/4" = 1'-0"

DENOTES EXISTING TO REMAIN



e. info@perspectiveviews.com p.289.389.4502

DRAWINGS MUST NOT BE SCALED  
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL  
NOTES AND THE O.B.C.

All drawings & information shown on these drawings must be checked & verified on site prior to construction or fabrication of its components.

Unless noted otherwise, no provision has been made in the design for conditions occurring during construction. It shall be the responsibility of the contractor to provide all necessary bracing, shoring, sheet piling, or other temporary supports, to safeguard all existing or adjacent structures affected by construction.

All dimensions are given in imperial units unless otherwise indicated.

All drawings are the property of the Architect / Designer & must be returned upon request.

Qualification Information  
Required unless design is exempt under Div. C - 3.2.5 of the Building Code

Matthew Ribau  100231  
Name Signature BCIN

PROJECT: KONRAD WOJTYSIAK  
GROUND FLOOR RENOVATION  
57 LINCOLN ROAD  
STONEY CREEK, ON L8E 1Z2

○ SCALE: 1/4" = 1'0"

○ SCALE: 1/4" = 1'0"

○ DATE: JULY 24, 2020

○ DRW'N BY: JAMES MACKLEM

○ CHK'D BY: MATTHEW RIBAU

PROJECT No: PV20-038

DRAWING No: A03 2

---



 DENOTES EXISTING TO REMAIN





e. info@perspectiveviews.com p.289.389.4502

DRAWINGS MUST NOT BE SCALED  
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL  
NOTES AND THE Q.B.C.

Unless noted otherwise, no provision has been made in the design for conditions occurring during construction. It shall be the responsibility of the contractor to provide all necessary bracing, shoring, sheet piling, or other temporary supports, to safeguard all existing or adjacent structures affected by construction.

All drawings are the property of the Architect / Designer & must be returned upon request.

[illegible]

○ DRAWING: ELEVATIONS  
ARCHITECTURAL DRAWINGS

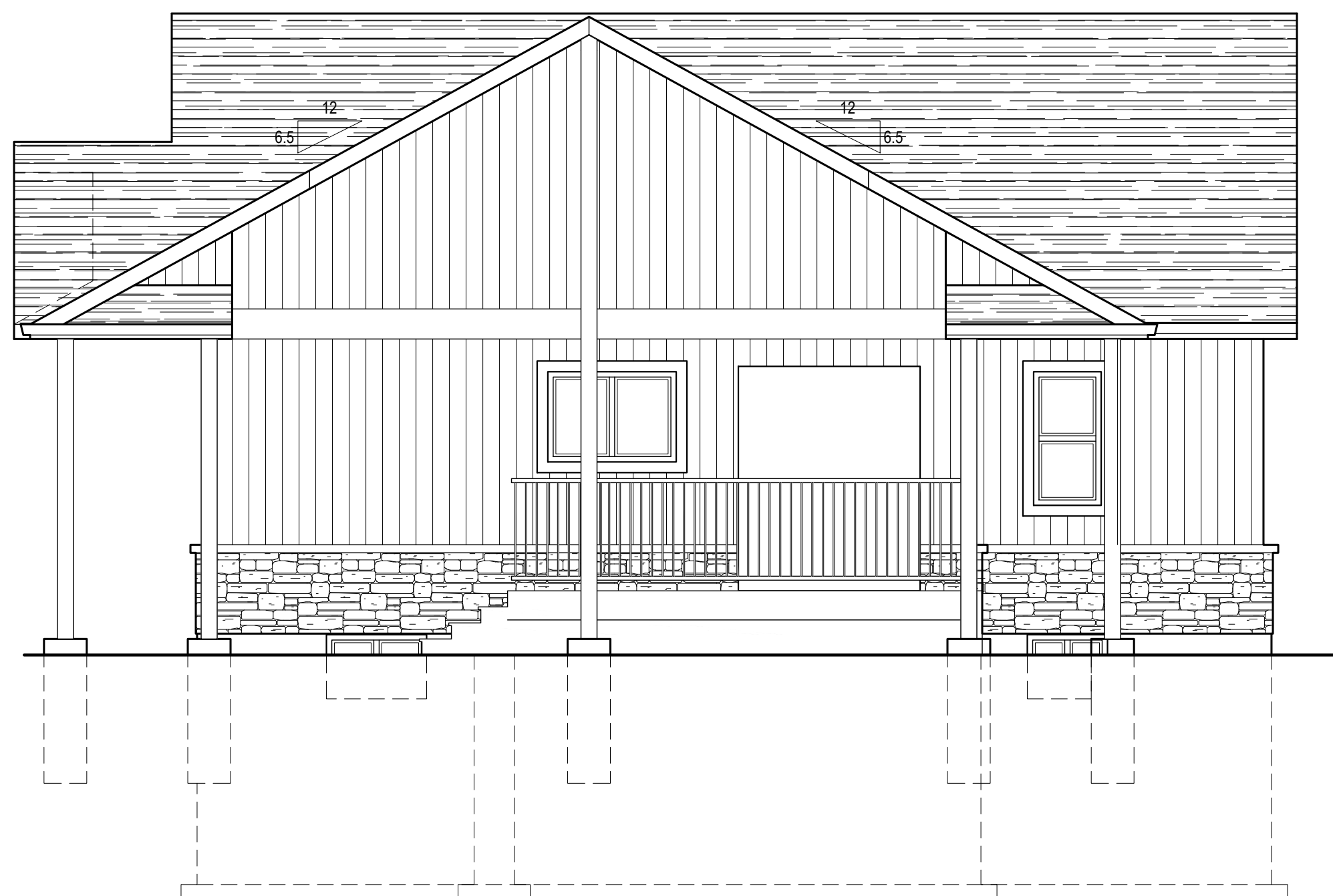
○ DATE: JULY 24, 2020

○ CHK'D BY: MATTHEW RIBAU

PROJECT No: PV20-038

DRAWING No: A03 3

---



 DENOTES EXISTING TO REMAIN



e. info@perspectiveviews.com p.289.389.4502

○ GENERAL NOTES:

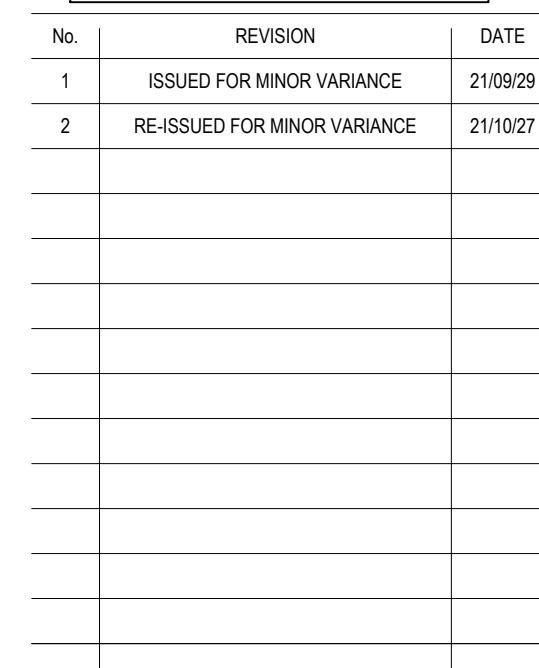
DRAWINGS MUST NOT BE SCALED  
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL  
NOTES AND THE Q.B.C.

All drawings & information shown on these drawings must be checked & verified on site prior to construction or fabrication of its components.

Unless noted otherwise, no provision has been made in the design for conditions occurring during construction. It shall be the responsibility of the contractor to provide all necessary bracing, shoring, sheet piling, or other temporary supports, to safeguard all existing or adjacent structures affected by construction.

All dimensions are given in imperial units unless otherwise indicated.

All drawings are the property of the Architect / Designer & must be returned upon request.



☐ DRAWING: ELEVATIONS  
ARCHITECTURAL DRAWINGS

○ SCALE: 1/4" = 1'0"

○ DATE: JULY 24, 2020

DRW'N BY: JAMES MACKLEM

○ CHK'D BY: MATTHEW RIBAU

PROJECT No: PV20-038

DRAWING No: A034



DENOTES EXISTING TO REMAIN

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:

**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:
- 1) Front Yard Setback: Zoning requires 6m, we are proposing 2.83m to the roof covering the existing porch. 2) Side Yard Setback: Zoning requires 1.25m, we are proposing 0.71m to the roof overhang, and 0.23m to the proposed wood deck. 3) Proposed hot tub to be 0.22m from easterly lot line instead of minimum 1.25m.



☐ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling

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

Required zoning setbacks do not allow us to cover the porch and build the side yard deck and roof overhang for protection from the elements.

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**):

57 Lincoln Road, Stoney Creek

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?

Existing dwelling located in residential neighbourhood.

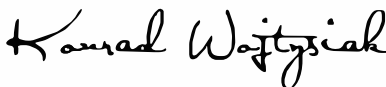
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

August 5, 2021  
Date

  
Signature Property Owner(s)  
Konrad Wojtysiak  
Print Name of Owner(s)

10. Dimensions of lands affected:  
Frontage 15.24m / 50ft  
Depth 37.05m / 121'-7"  
Area 64.77m2 / 6,079.16sf  
Width of street 8m (Approx. based off Hamilton GIS)

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 floor area = 101.84m2, ground floor area = 101.84m2,  
gross floor area = 203.68m2, 1 storey,  
width = 10.24m, length = 12.56m, height = 6.10m

Proposed  
basement floor area = 101.84m2, ground floor area = 101.84m2,  
gross floor area = 203.68m2, 1 storey,  
width = 10.24m, length = 12.56m, height = 6.10m

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 Yard = 4.58m  
Side Yard = left flank = 2.57m / right flank = 2.44m  
Rear Yard = 19.75m

Proposed:  
Front Yard = 2.83m to proposed roof over existing porch  
Side Yard = left flank = 2.57m / right flank = 2.21m to proposed roof overhang over proposed wood deck  
Rear Yard = 19.75m

13. Date of acquisition of subject lands:  
2010
- 
14. Date of construction of all buildings and structures on subject lands:  
Aprx. 1950
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Residential - single family dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Residential - 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:
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  
  
Issued building permit no.: 20 196563 000 00 R9
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.