

## **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.:** GL/A-21:254

**APPLICANTS:** Owners M. & B. Haldenby

**SUBJECT PROPERTY:** Municipal address **185 Springside Dr., Glanbrook**

**ZONING BY-LAW:** Zoning By-law 464, as Amended

**ZONING:** "464" (Existing Residential) district

**PROPOSAL:** To permit the construction of an accessory building in the rear yard for a single family dwelling, notwithstanding that:

1. An accessory building over 12 square metres in gross floor area shall be permitted to be located within the required side yard and a distance of 1.0 metres from the side lot line, whereas the Zoning By-law does not permit an accessory building over 12 square metres to be located within the 1.8 metre required side yard and.
2. An accessory building over 12 square metres in gross floor area shall be permitted to be located within the required rear yard, whereas the Zoning By-law does not permit an accessory building over 12 square metres to be located within the 10.7 metre required rear yard.
3. The maximum gross floor area of an accessory building shall be 83 square metres of gross floor area instead of the required 40 square metres.

**NOTES:**

1. The Zoning By-law contains criteria that are applied to allow for an accessory building that is greater than 12 square metres to have a 1.8 metre rear yard. As the applicant has modified the application and is proposing a 4.2 metre rear yard, the criteria would not be applied. However, Variances 1 and 2 are required to permit an accessory building greater than 12 square metres in gross floor area to be within the required rear yard and the required side yard because the same setbacks for the dwelling apply to the accessory building.
2. The variances are written as requested by the applicant except that additional variances have been included based on the review of the application.
3. As the application has identified the proposed accessory building to also be a "workshop, it is noted that the Zoning By-law does not permit a home occupation to be carried out within an attached or detached garage, shed or other accessory building on the subject lot. The use of the building as a workshop would be required to be for purposes of a hobby instead of as a home business, or further variances will be required.

4. The Zoning By-law requires the floor area of a building used for a garage to be a minimum of 0.3m (30 cm) above the centreline of the adjacent street. As no information pertaining to this requirement was provided, further variances may be required if the floor height does not comply.

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

---

**DATE:** Thursday, November 25th, 2021  
**TIME:** 3:00 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://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](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.

---

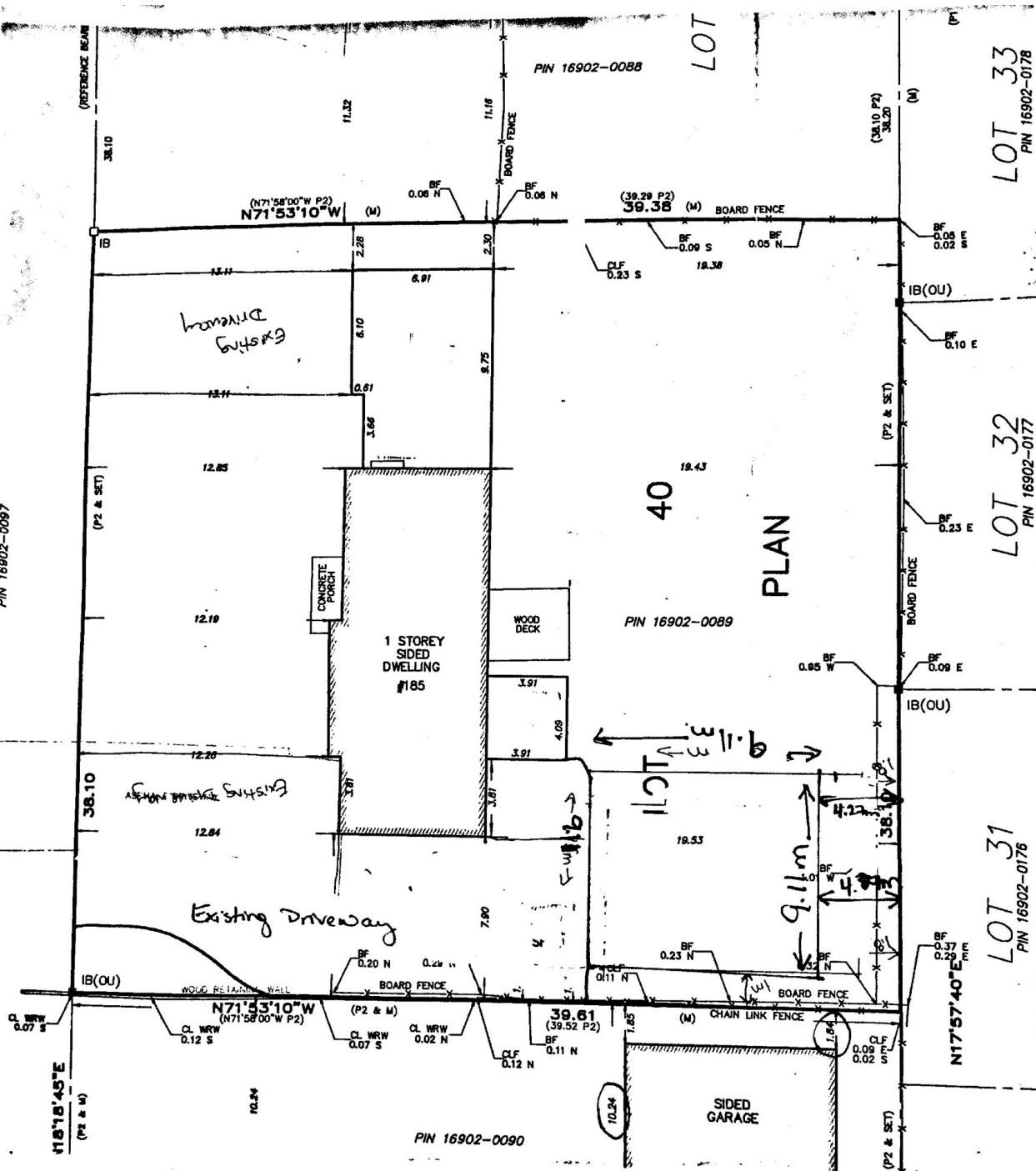
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

(BY REGISTERED PLAN 969)

(BY REGISTERED PLAN 969)

P/N 16902-0097





## APPLICATION FOR A MINOR VARIANCE

<b>FOR OFFICE USE ONLY.</b>	
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	
<b>Registered Owners(s)</b>	Brian + mana Haldenby		
<b>Applicant(s)*</b>	Brian + mana Haldenby		
<b>Agent or Solicitor</b>			Phone:
			E-mail:

**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:

B2B Bank. 199 Bay Street Suite 610  
 PO Box 35 STN Commerce Court.  
 Toronto ON M5L 0A3

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:

*Prefabricated  
Garage/Workshop - Detached.*

☐ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling

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

*Gross floor area exceeds the by law of 1059 m.*

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**):

*185 Springside Drive, Hamilton*

7. PREVIOUS USE OF PROPERTY

Residential ☒      Industrial ☐      Commercial ☐

Agricultural ☐      Vacant ☐      Other ☐

Other *Not applicable*

- 8.1 If Industrial or Commercial, specify use *Not applicable*

- 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?

Purchase Agreement from home + Previous Site Drawings

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 ☐ Not Applicable

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

June 14

Date

Signature Property Owner(s)

MARIA HALDENBY / BRIAN HALDENBY

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage

Depth

Area

Width of street

12.192m x 9.154m - New Build Lot size 38.10m x 39.38m

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: Single floor home

Refer to Site Plan Dated Aug 17 2015

Prepared by Ashenhurst Nouwens + Associates Specifics for Existing Single Story Dwelling

Proposed

Prefabricated Detached workshop 9.15m W x 12.2m L x 3.95m H  
Peak is 4.57m H

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

Existing:

Home Distance from back of Lot line 15.1m  
from South Lot line 8.08m  
from North Lot line 2.44m  
from Street 13.11m

Proposed:

Workshop Distance from back of Lot line 1.8m  
from South lot line 1m  
from North lot line 28.2m



13. Date of acquisition of subject lands:  
Jan 8 2021
14. Date of construction of all buildings and structures on subject lands:  
Last dated drawings 2015 Home approx 56 yrs old.
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

17. Length of time the existing uses of the subject property have continued:

Since Original Construction

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:

Attached Drawing (Survey)  
Aug 13 2015

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

no Restrictions at this time

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.

Refer to attached Drawing Dated Aug 17, 2015  
by Ashenhurst Nouwens + Associates.



Maria and Brian Haldenby  
185 Springside Drive Hamilton  
Oct 14, 2021

Committee of Adjustments  
City of Hamilton  
Re: 185 Springside Drive, Hamilton

Committee,

August 12th there was a hearing planned for the matter of an accessory building for the aforementioned property the matter was tabled. We are asking to have the matter heard at the earliest available time.

We the property owners have been in contact with the city planning department and have submitted a proposed alteration to the original submission. We have been asked to consider moving and/or shrinking the size of the proposed accessory structure. In keeping with this we are submitting a new site plan to show the potential proposed changes to the location and size. We are willing to consider making the size 30ft x 30ft a reduction from 30ft x 40ft. Using the difference in size we would locate the new structure in a position to use the additional 10 ft to bring the structure forward from the rear property line. Making the total rear clearance approximately 15 ft from the rear lot line. These changes are indicated on the updated site plan.

We are also including in the comments an attached visual of the property, the proposed location and other details related to this application. We ask that the power point file be shared to the committee members. We are also inviting the committee members to view the subdivision, and property for this variance proposal at 185 Springside Drive.

We feel that the changes made in keeping with the city planners recommendations will satisfy the previous concerns for the application.

Thank you,  
Maria and Brian Haldenby





# 185 Springside Drive



## Neighborhood

This is only a small section to note the common occurrence of the type of Structure proposed. Many other streets within the neighbourhood look similar to this sample.

185 Springside Drive







**Property across the street**

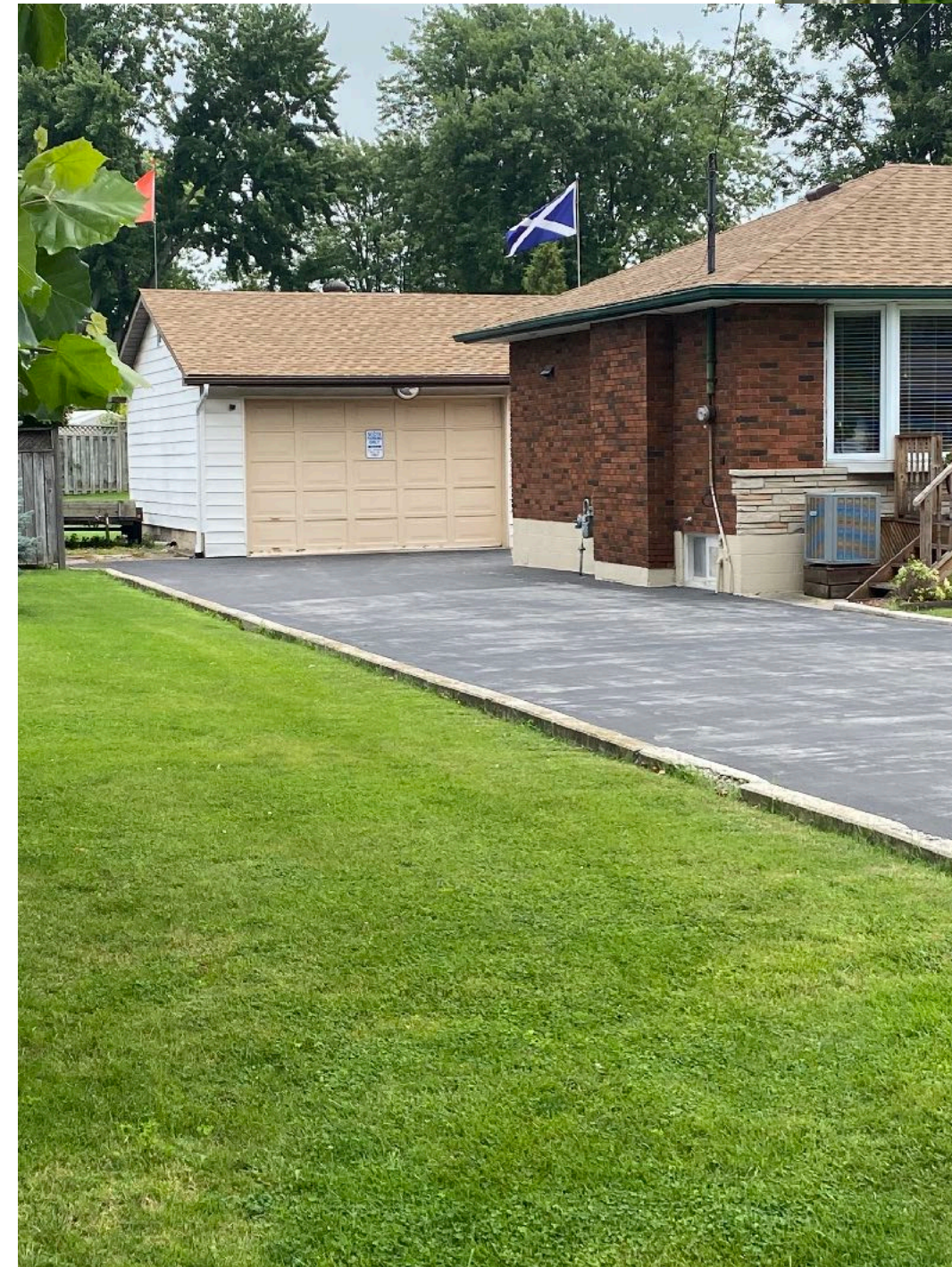
## **Property directly beside**

This Structure Measures 33 ft x 20 ft





Sample of other accessory structures as noted by the star on the former diagram



**All of these accessory structures are positioned in the minimum side yard.**

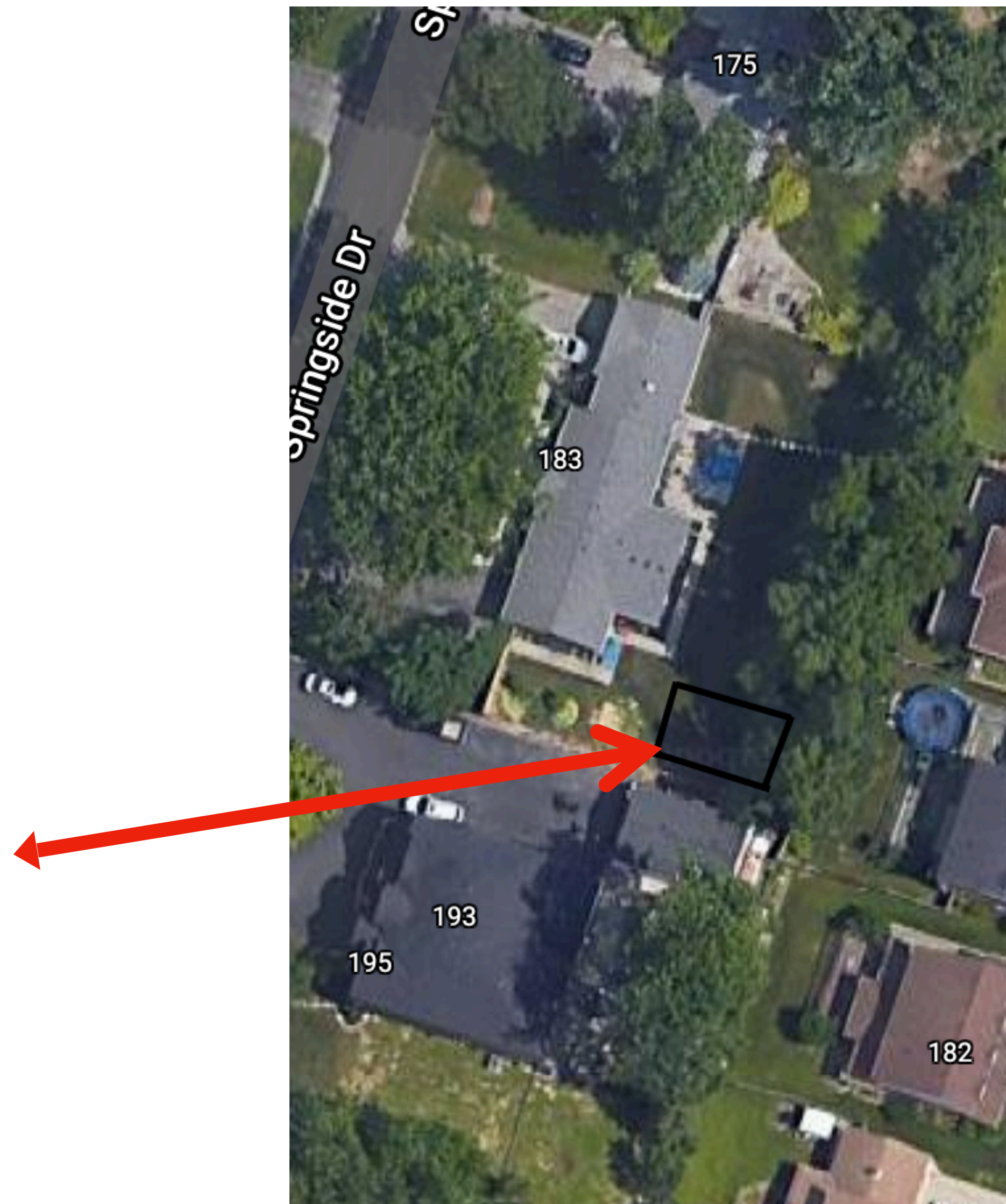
**All of these structures are larger than 400sq ft. All of these structures are located with existing residential properties abutting the property.**





Many of these accessory structures are located near the rear property line





Above View of property with the area marked out for the accessory structure proposed. Area marked is not to scale.

**The proposed accessory structure would be located directly beside the existing structure on the abutting property. We had asked to build 30 ft x 40 ft but would be willing to change the size to 30 x 30.**