



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**CORRECTED NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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**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
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**APPLICATION NO.:** HM/A-21:335

**APPLICANTS:** Agent A.J. Clarke & Associates c/o F. Kloibhofer  
Owner Joseph Marchese

**SUBJECT PROPERTY:** Municipal address **83 Melbourne St., Hamilton**

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

**ZONING:** "D" (Urban Protected Residential - One and Two Family Dwellings) district

**PROPOSAL:** To permit the creation of two (2) lots through land severance application HM/B-21: 81 and to permit the construction of a new two (2) family dwelling on each lot, notwithstanding that;

Lands Identified as Part 1: (Westerly Lot)

1. A minimum lot width of 7.3 m shall be provided instead of the minimum required 18.0 m; and
2. A minimum lot area of 335.0 m<sup>2</sup> shall be provided instead of the minimum required of 450.0 m<sup>2</sup>; and
3. A minimum front yard depth of 2.25 m shall be provided instead of the minimum required 6.0 m; and
4. A minimum easterly side yard width of 0.45 m shall be provided instead of the minimum required side yard width of 1.2 m; and
5. A minimum front yard landscaped area of 30% shall be provided instead of the requirement in the By-Law, which states that no less than 50 % of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar material; and
6. No on-site manoeuvring space shall be provided instead of the requirement that the manoeuvring space shall be provided and maintained only on the lot on which the principal use, building or structure is located;
7. Eaves or gutters shall be permitted to project 0.45m into the required 0.40m side yard so that the eaves and gutters may be as close as 0.0m to the easterly side lot line, instead of the requirement that an eave or gutter may project into the required side yard not more than ½ of its required width (being 0.225m);

8. An uncovered porch (being the steps to the front porch) shall be at least 1.2m from the street line, instead of the requirement that an uncovered porch which does not extend more than 1.0m above the floor level of the first storey, may project into a required yard if distant at least 1.5m from the nearest street line;

Lands Identified as Part 2: (Easterly Lot)

1. A minimum lot width of 7.3 m shall be provided instead of the minimum required 18.0 m; and

2. A minimum lot area of 335.0 m<sup>2</sup> shall be provided instead of the minimum required lot area of 450.0 m<sup>2</sup>; and

3. A minimum front yard depth of 2.25 m shall be provided instead of the minimum required 6.0 m; and

4. A minimum westerly side yard width of 0.45 m shall be provided instead of the minimum required side yard width of 1.2 m; and

5. A minimum front yard landscaped area of 30% shall be provided instead of the requirement in the By-Law, which states that no less than 50 % of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar material; and

6. No on-site manoeuvring space shall be provided instead of the requirement that the manoeuvring space shall be provided and maintained only on the lot on which the principal use, building or structure is located; and

7. Eaves or gutters shall be permitted to project 0.45m into the required 0.40m side yard so that the eaves and gutters may be as close as 0.0m to the westerly side lot line, instead of the requirement that an eave or gutter may project into the required side yard not more than ½ of its required width (being 0.225m); and

8. An uncovered porch (being the steps to the front porch) shall be at least 1.2m from the street line, instead of the requirement that an uncovered porch which does not extend more than 1.0m above the floor level of the first storey, may project into a required yard if distant at least 1.5m from the nearest street line;

NOTES:

Please note that reciprocal easements are also being proposed over Part 3 & 4 as shown on the submitted site plan for drainage, access and maintenance purposes.

Variances have been written as requested by the applicant.

These variances are necessary to facilitate Land Severance Application HM/B-21: 81.

Please note that the proposed height has not been provided for Part 1 & Part 2. If the proposed height exceeds the maximum permitted; further variances shall be required.

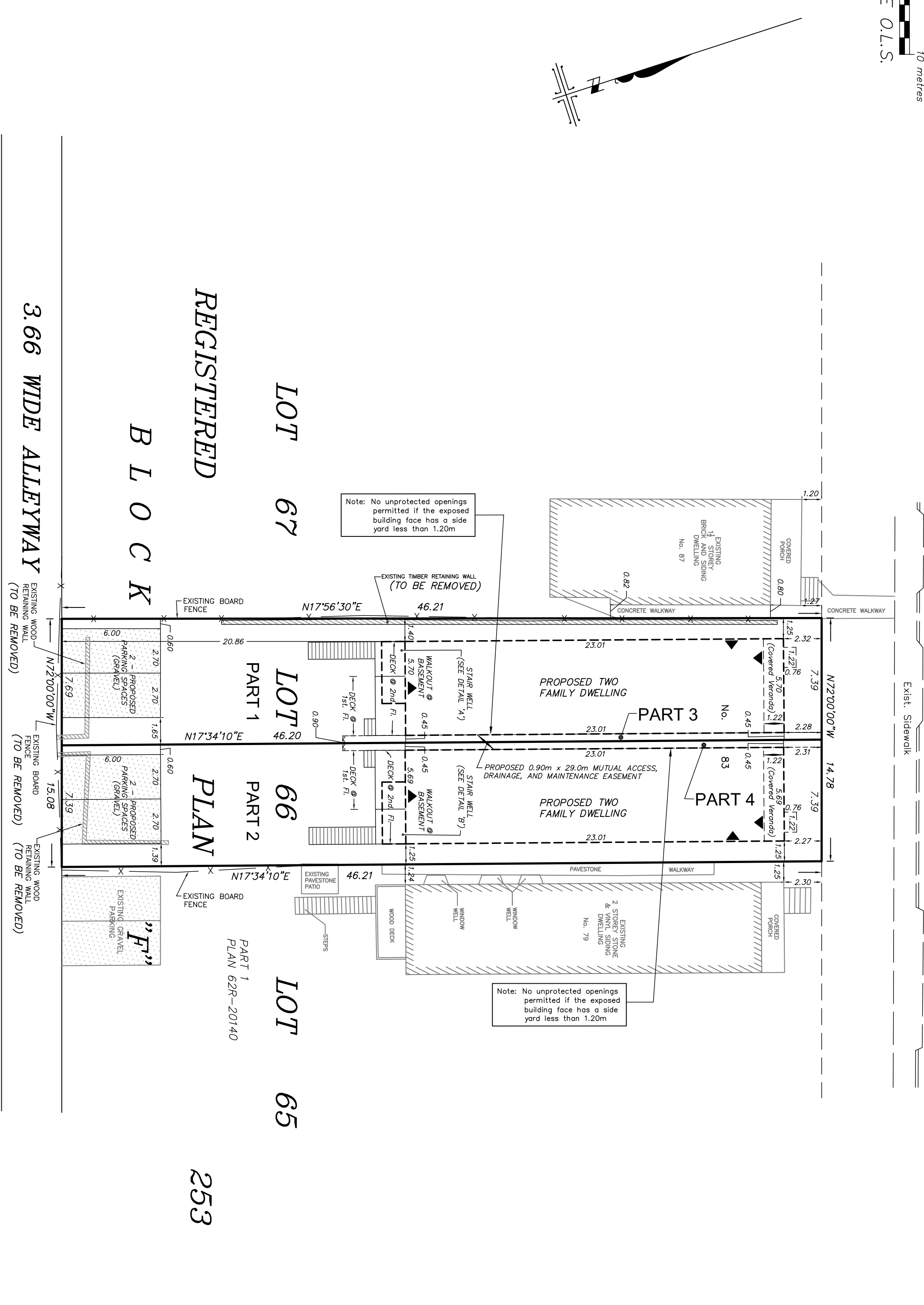
No parking details (i.e. location, size and required number of spaces) have been provided on the Concept Sketch under PART 1 & Part 2. Therefore, further variance shall be required.

Please note that no encroachments are permitted onto the side yard for the roofed over unenclosed porch and the minimum required side yard width for the principal building would apply; however, if the requested easterly and westerly side yard variances are approved, the proposed covered porch would not be encroaching into the new required easterly and westerly side yard and the roofed over unenclosed porches would be in compliance

CONCEPT SKETCH OF  
**LOT 66**  
**BLOCK "F"**  
 REGISTERED PLAN No. 253  
 IN THE  
**CITY OF HAMILTON**

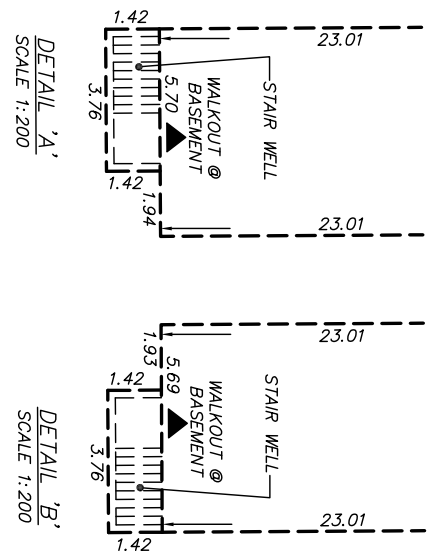
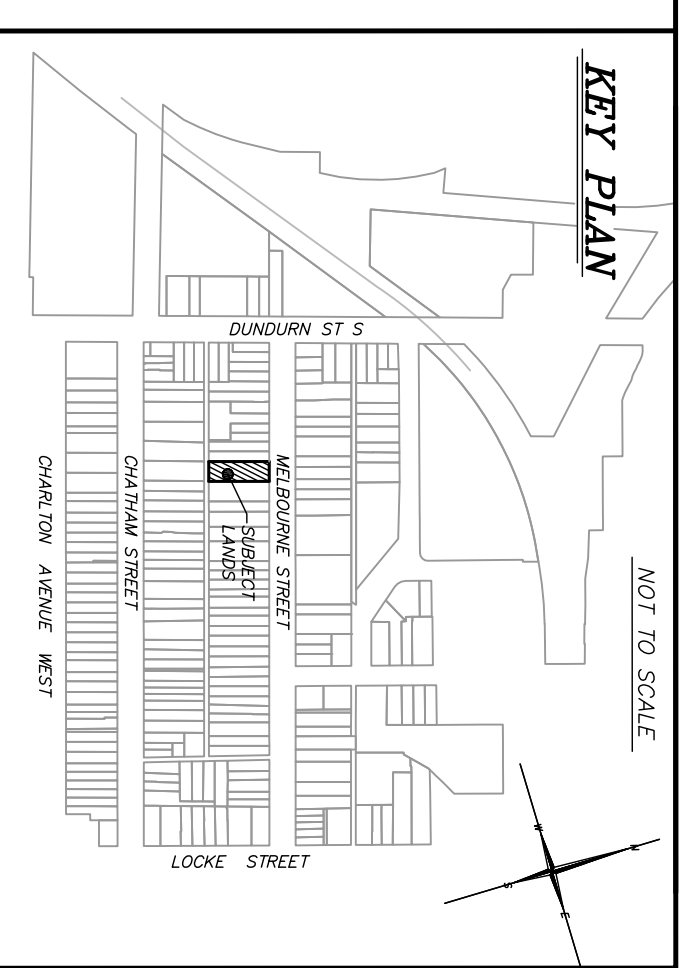
SCALE 1:200  
 0 5 10 metres  
 A. J. CLARKE O.L.S.

**MELBOURNE STREET**



Note: No unprotected openings permitted if the exposed building face has a side yard less than 1.20m

Note: No unprotected openings permitted if the exposed building face has a side yard less than 1.20m



**3.66 WIDE ALLEYWAY**  
 (TO BE REMOVED)

**REGISTERED**  
**B L O C K**  
**LOT 67**  
**LOT 66**  
**LOT 65**  
**253**

NOTE:  
 THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH  
 ARE BASED ON A TOPOGRAPHIC SURVEY BY TARASICK MCILLAN KUBICKI LTD.  
 DATED JUNE 10, 2021

PROJECT No 218185

**A. J. Clarke and Associates Ltd.**  
 SURVEYORS • PLANNERS • ENGINEERS  
 25 MAIN STREET WEST, SUITE 300  
 HAMILTON, ONTARIO, L9P 1H1  
 TEL. 905-528-8761 FAX 905-528-2289  
 email: ajc@ajclarke.com

OCTOBER 18, 2021  
 DATE