

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-21:395

APPLICANTS: Agent R & R Designs c/o R. Khanna
Owner Sieng Tu

SUBJECT PROPERTY: Municipal address **87 Lightfeather Pl., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended 11-014

ZONING: "R4-612" (Residential) district

PROPOSAL: To permit the expansion of a 3.02 metre high rear deck with stairs for a single detached dwelling, notwithstanding that:

1. A deck shall comprise a maximum area of 61 square metres instead of 40 square metres.
2. A deck with an area greater than 15 square metres shall be permitted to be setback a minimum distance of 1.8 metres from a rear lot line instead of the minimum required 6.0 metre setback from a rear lot line;

NOTES:

1. The Zoning By-law defines "deck" as follows:

"Deck means a platform or series of platforms, accessory to a dwelling unit, exceeding a height of 60 cm measured from the lowest point of grade at the platform perimeter to the floor of the platform. Decks may be free-standing or attached to a dwelling and are intended for use as an outdoor living area. Decks may be roofed over with a trellis or trellis-like structure only, screened-in and enclosed by a hand rail not exceeding a height of 122 cm above the platform floor, otherwise a deck shall not be enclosed. Any and all stairs, as measured to the exterior parameters of the framing structure, shall be considered to constitute part of the deck with respect to all relevant setbacks and lot coverage regulations. Any decking less than 60 cm in height shall not be considered to be a deck for the purpose of this by-law, but rather, shall be considered as landscaping material only".

As such, the proposed expanded 61 square metre deck with stairs that is accessible from the second floor of the dwelling is considered to meet the definition of a deck. If there were no stairs or supports, it would be considered to be a balcony rather than a deck. However, the term "balcony" is not defined in the Ancaster Zoning By-law.

2. The Zoning By-law defines "Lot Coverage" as "the percentage of the lot covered by all buildings but shall not include swimming pools and decks". Therefore, the area proposed for decks would be excluded from the calculation for lot coverage.

3. The Ancaster Zoning By-law defines Lot Line, Side as a lot line which meets the front lot line and defines Lot Line, Rear, in the case of an irregular lot as the lot line or lot lines remaining after the determination of the side lot lines.

Based on the definitions, the rear lot lines for the subject property are those which have measurements which are shown on the site plan as 24.43m; 3.23.; 27.28m; 1.8m and 5.9m (farthest from the front lot line but not identified). The side lot lines for the subject property are those which have measurements which are shown on the site plan as 5.84m and 51.2m.

4. The variance is written as requested by the applicant except that an additional variance was identified for the setback of the deck from a rear lot line.

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

DATE:	Thursday, December 9th, 2021
TIME:	2:00 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 23rd, 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.

MINOR VARIANCE
REAR DECK CONSTRUCTION PERMIT
87 LIGHTFEATHER PL.,
ANCASTER, ON L9K 0H6



AREA OF WORK



AREA OF WORK

KEY MAP



ARCHITECTURAL

CONSULTANTS

SCOPE OF WORK:

1. TO BUILD NEW REAR DECK WITH STAIRS.

TITLE/SITE

REVISIONS

ARCHITECTURAL

- A0.01 COVER PAGE
SP1.01 SITE PLAN
A1.01 EXISTING FLOOR PLANS
A1.02 EXISTING EXTERIOR ELEVATIONS
A2.01 PROPOSED FLOOR PLANS
A2.02 PROPOSED EXTERIOR ELEVATIONS

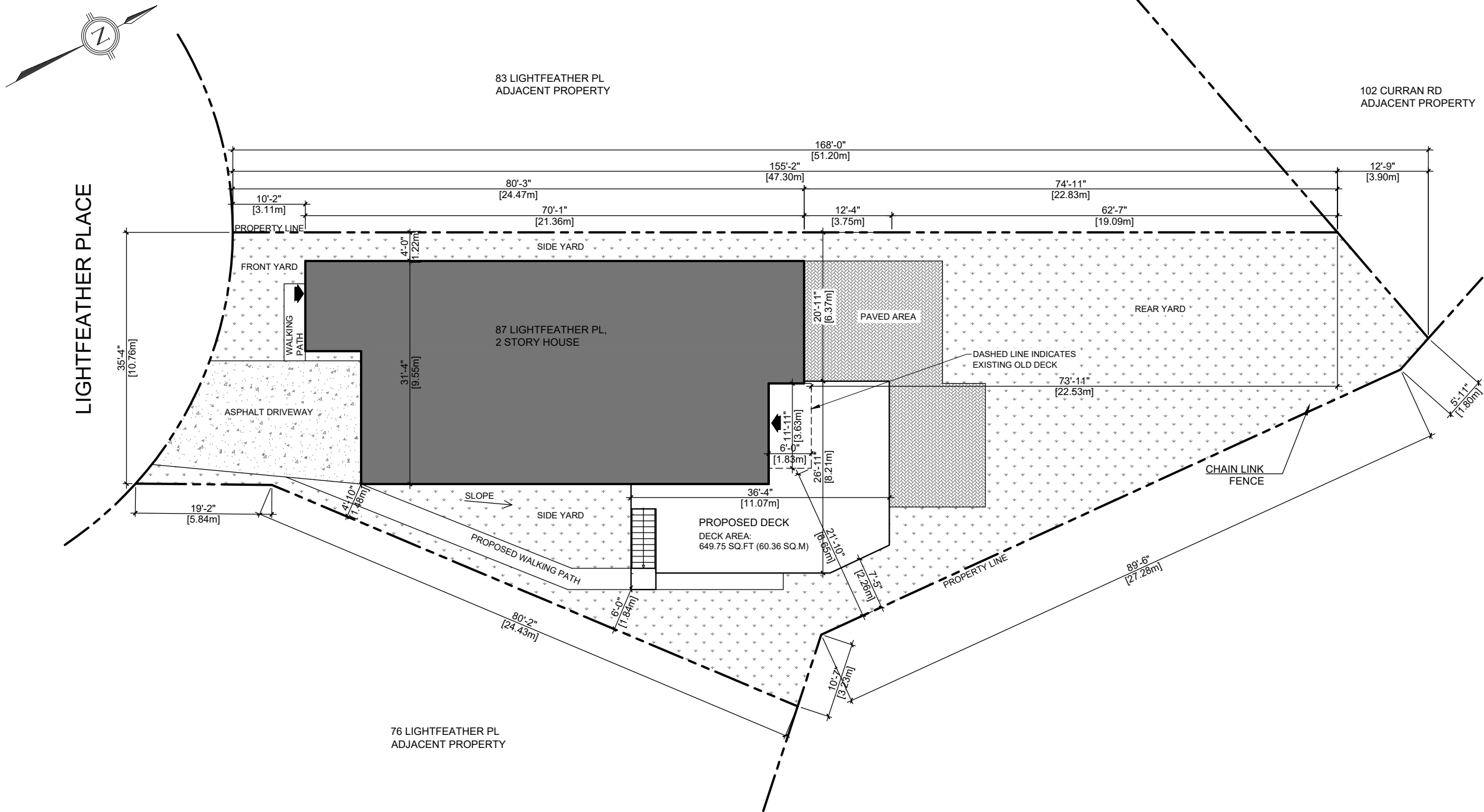


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4	10-12-2021	MINOR VARIANCE	E.H.
3	10-07-2021	ISSUED FOR PERMIT	E.H.
2	13-09-2021	PRELIMINARY FOR PERMIT	D.D.
1	07-07-2021	CONCEPT	E.H.
NO.	DATE	DESCRIPTION	BY

REVISIONS		
PROJECT ADDRESS	87 LIGHTFEATHER PL., ANCASTER, ON L9K 0H6	
SCALE	AS NOTED	
DATE	OCT. 2021	
PAGE TITLE	COVER PAGE	
PROJECT NO. RR37-2021	DRAWING NO. A0.01	
DRAWN BY EH		
REVIEWED BY RK		
		PAGE 1 OF 10

SHEET INDEX



1 SITE PLAN
Scale: 1/16"=1'-0"

SITE STATISTICS	
SITE LOT	0.17 ACRE (684.8 m ²) (EXISTING)
FRONTAGE	10.7 m (EXISTING)
DEPTH	51.2 m (EXISTING)
ZONING CODE	R4-612
ZONING MAP	ANCASTER
PARENT BY-LAW	87-57 ANCASTER, 11-014


BUILDING STATISTICS	
FRONT SETBACKS	3.11 m (EXISTING)
REAR SETBACKS	26.7 m (EXISTING)
EAST SIDE SETBACKS	1.22 m (EXISTING)
WEST SIDE SETBACKS	1.48 m (EXISTING)
FOOTPRINT	~183.92 m ²
WIDTH	9.55 m
LENGTH	21.36 m

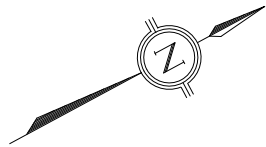
REAR DECK STATISTICS			
	EXISTING	PROPOSED	REQUIRED
REAR SETBACK	22.53 m	19.09 m	
EAST SIDE SETBACK	6.65 m	1.84 m	
WEST SIDE SETBACK	N/A	6.37 m	
HEIGHT	3.02 m	3.02 m	
AREA	6.64 m ²	60.36 m ²	40m ² MAXIMUM
WIDTH	1.83 m	8.21 m	
LENGTH	3.63 m	11.07 m	



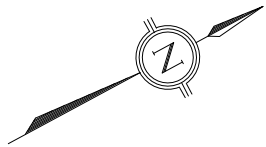
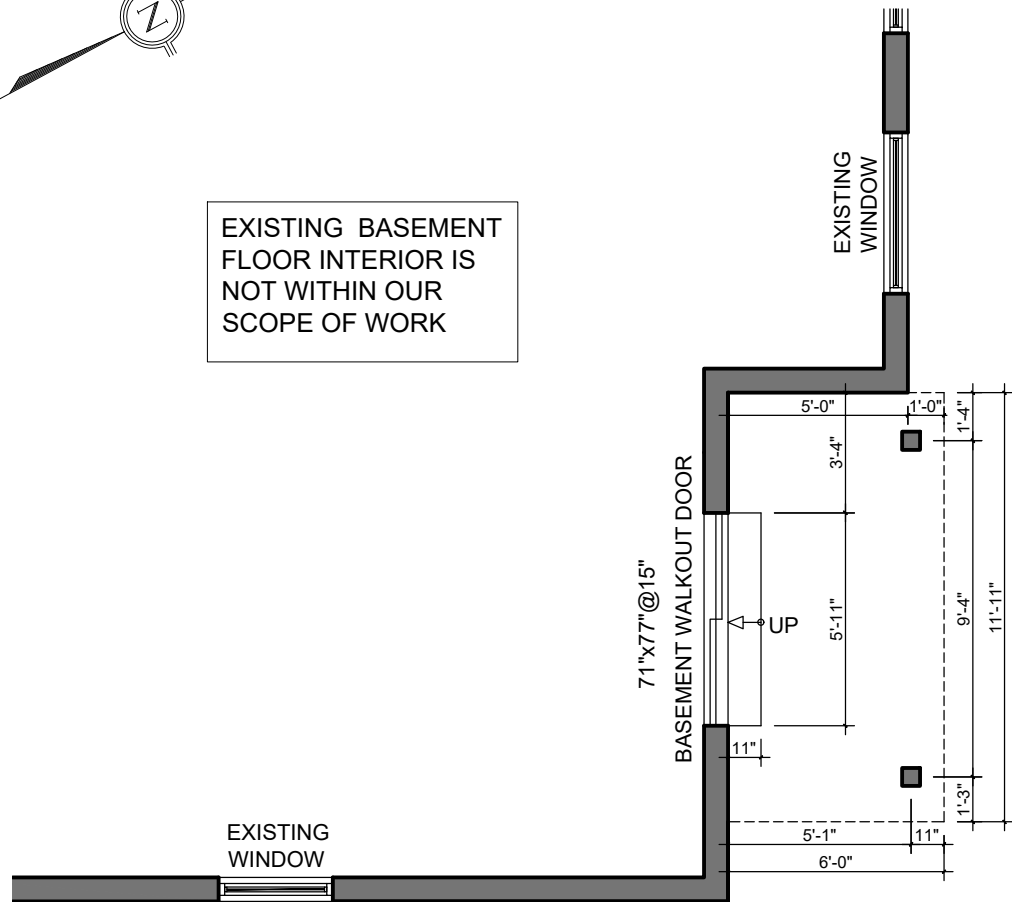
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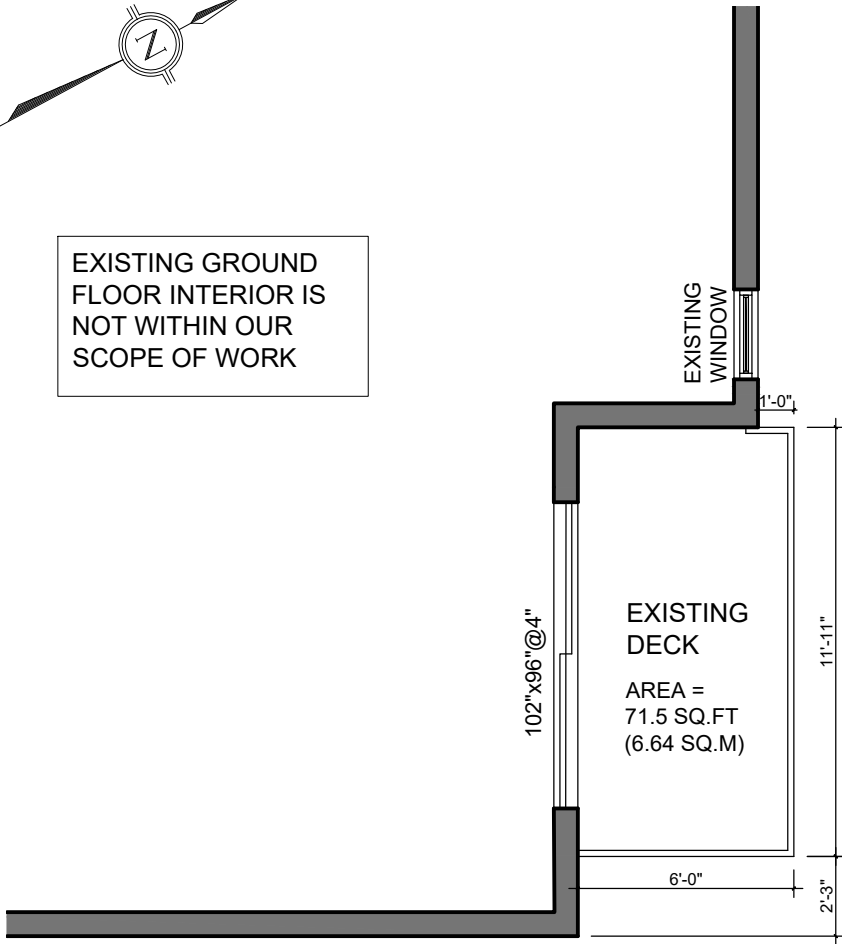
REVISIONS		
PROJECT ADDRESS	87 LIGHTFEATHER PL., ANCASTER, ON L9K 0H6	
SCALE	AS NOTED	
DATE	OCT. 2021	
PAGE TITLE	SITE PLAN	
PROJECT NO. RR37-2021	DRAWING NO.	 SP1.01
DRAWN BY EH		
REVIEWED BY RK		
		PAGE 2 OF 10



EXISTING BASEMENT
FLOOR INTERIOR IS
NOT WITHIN OUR
SCOPE OF WORK



EXISTING GROUND
FLOOR INTERIOR IS
NOT WITHIN OUR
SCOPE OF WORK




1 EXISTING BASEMENT FLOOR PLAN
Scale: 3/16"=1'-0"

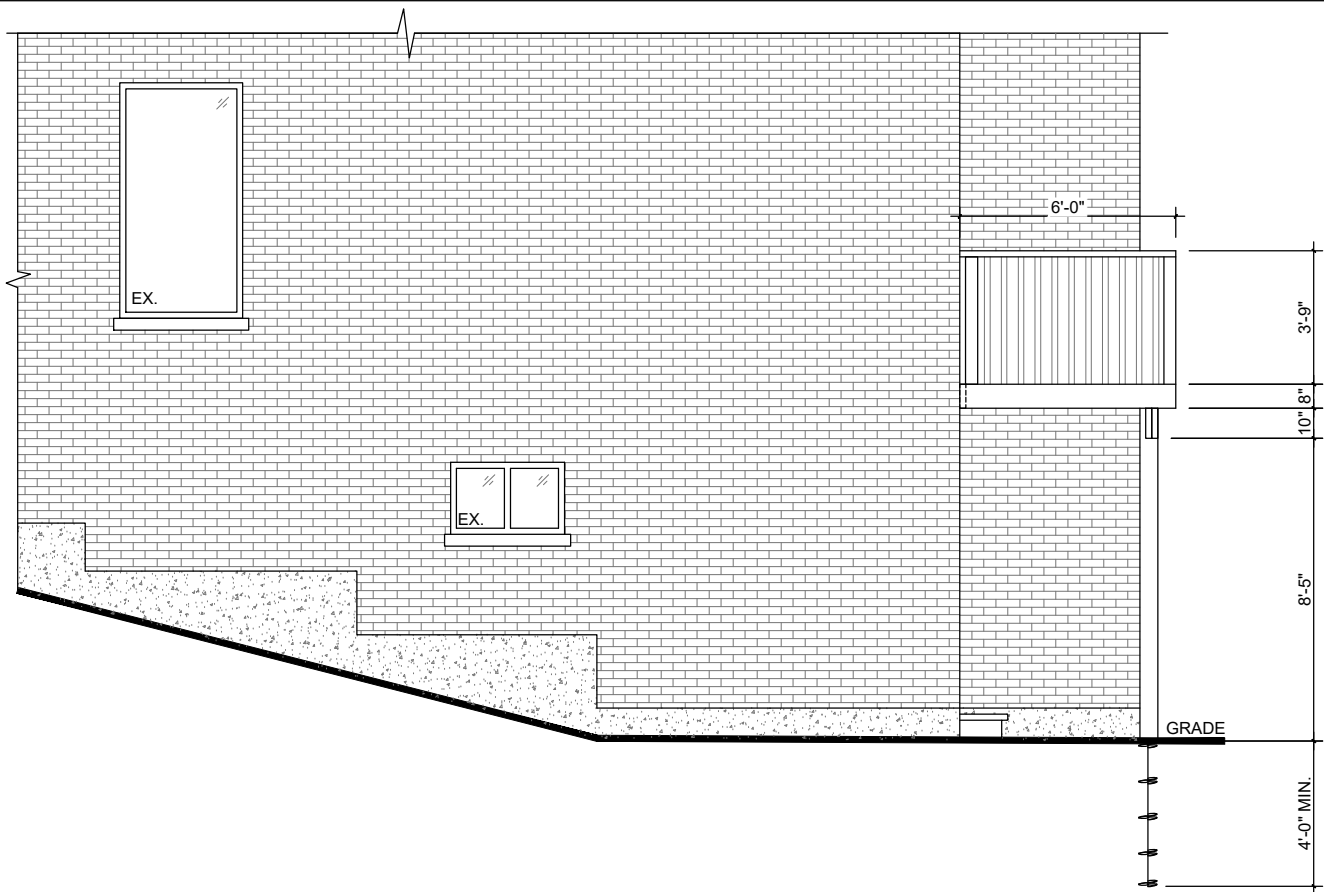
2 EXISTING GROUND FLOOR PLAN
Scale: 3/16"=1'-0"



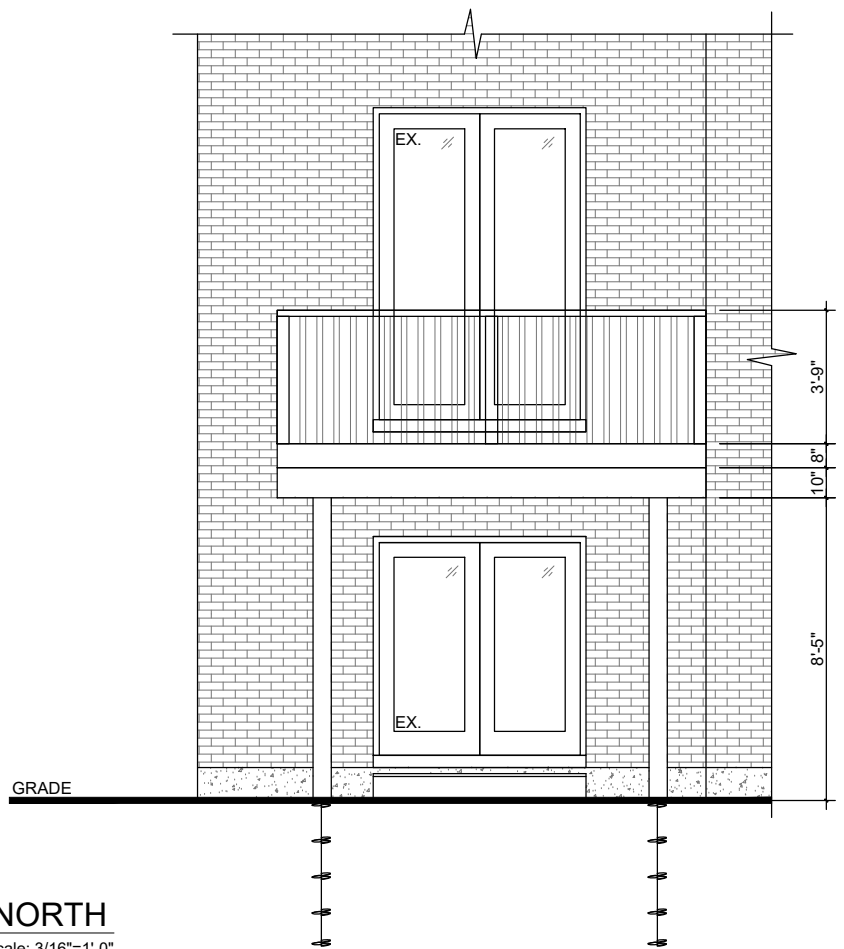
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SCALE	AS NOTED	
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PAGE TITLE	EXISTING FLOOR PLANS	
PROJECT NO. RR37-2021	DRAWING NO. A1.01	
DRAWN BY EH		
REVIEWED BY RK		
		PAGE 4 OF 10



1 EXISTING SIDE ELEVATION - EAST
Scale: 3/16"=1'-0"

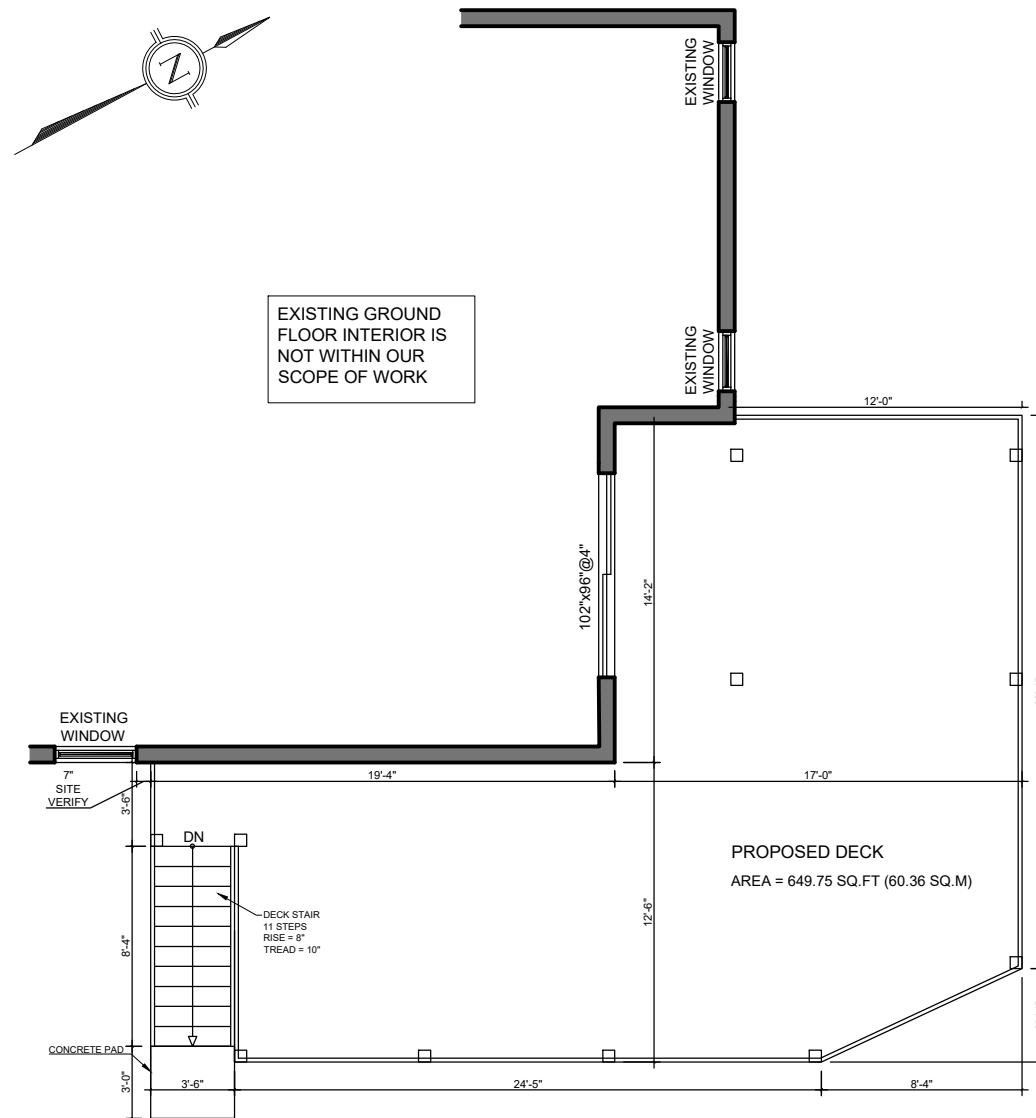
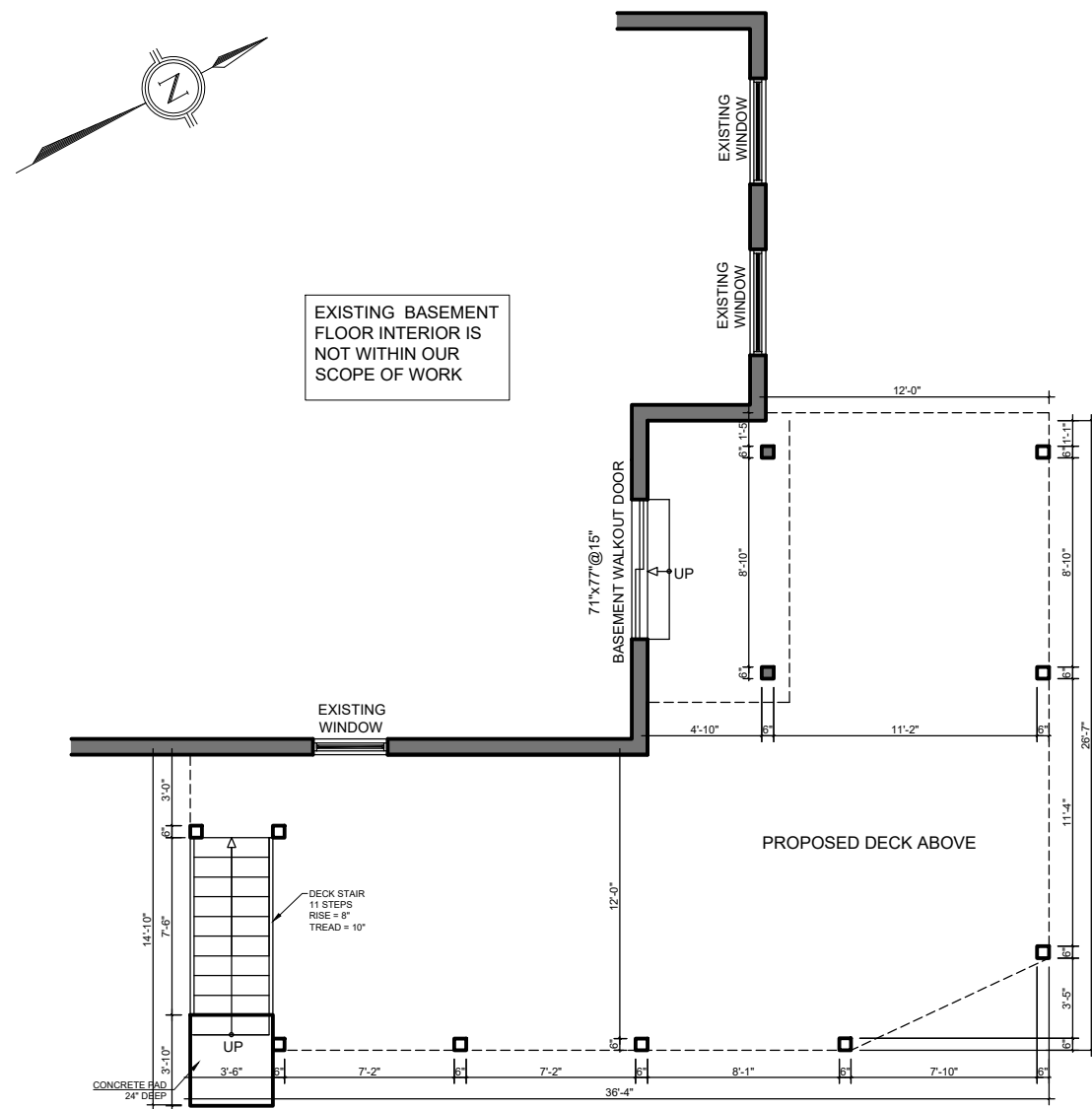


1 EXISTING REAR ELEVATION - NORTH
Scale: 3/16"=1'-0"




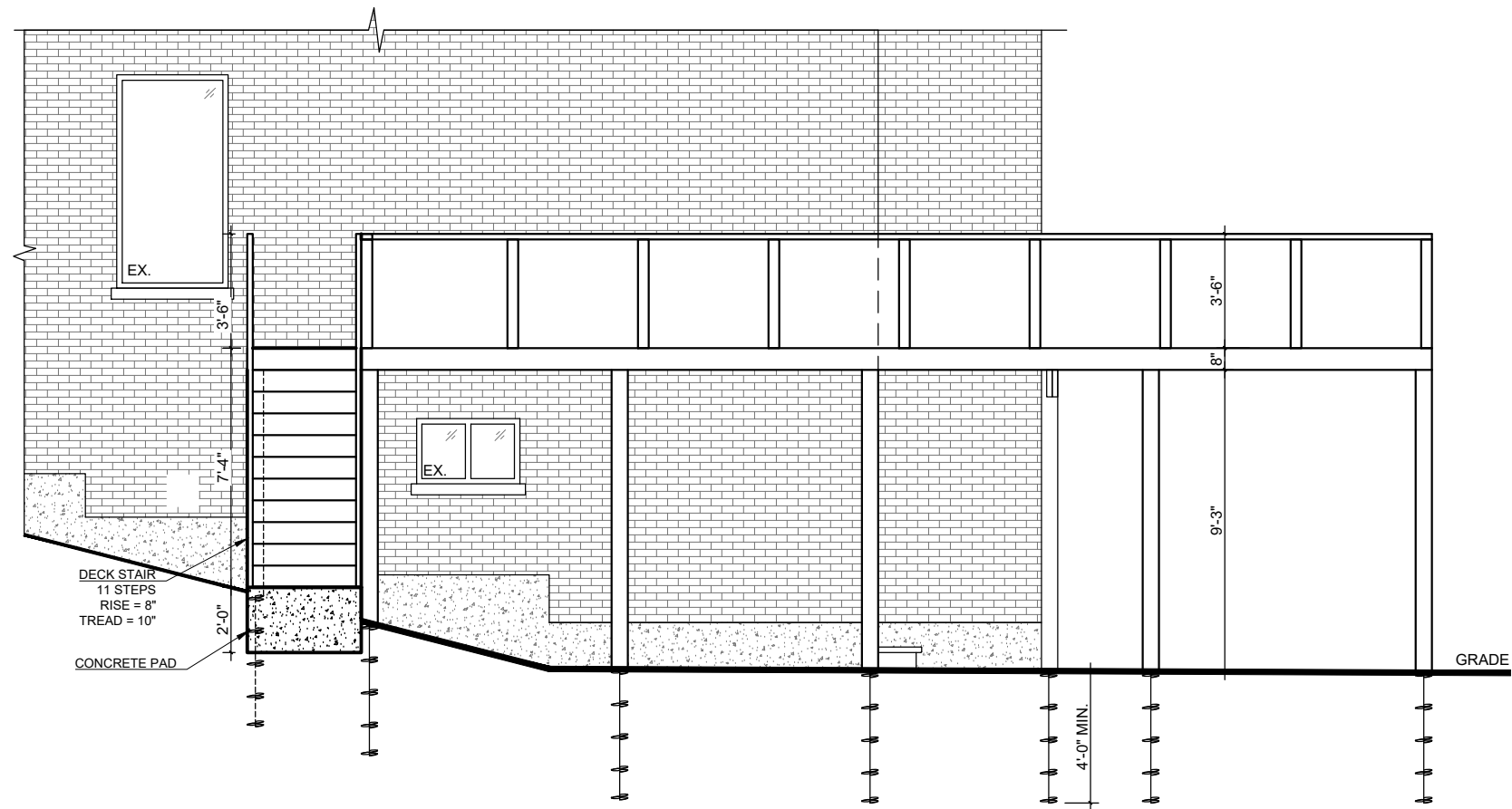
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SCALE		AS NOTED	
DATE		OCT. 2021	
PAGE TITLE		EXISTING ELEVATIONS	
PROJECT NO. RR37-2021		DRAWING NO. A1.02	
DRAWN BY EH			
REVIEWED BY RK			
		PAGE 5 OF 10	

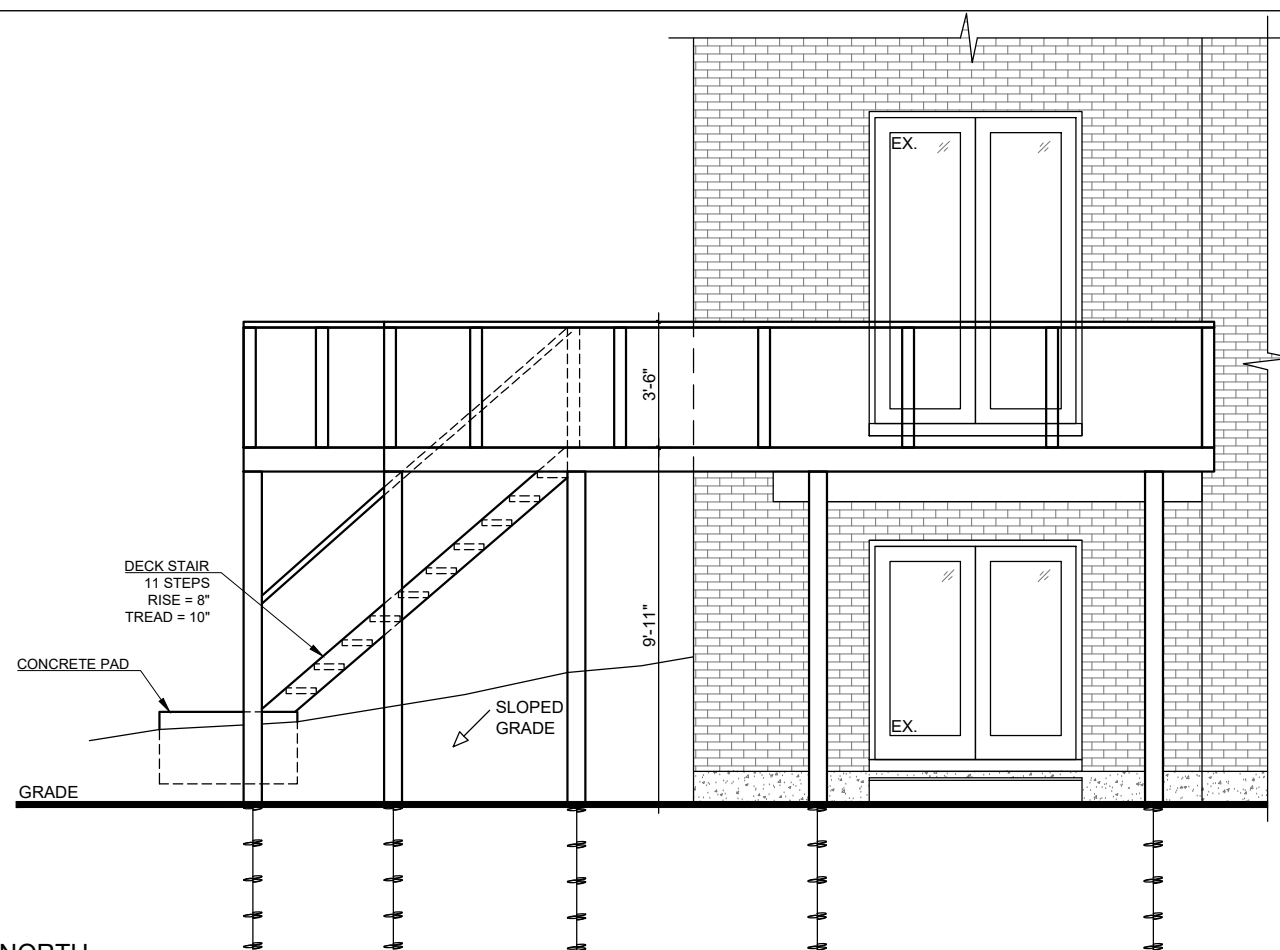


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SCALE		AS NOTED	
DATE		OCT. 2021	
PAGE TITLE		PROPOSED FLOOR PLANS	
PROJECT NO. RR37-2021		DRAWING NO. A2.01	
DRAWN BY EH			
REVIEWED BY RK			
			PAGE 6 OF 10



1 PROPOSED SIDE ELEVATION - EAST
Scale: 3/16"=1'-0"



2 PROPOSED REAR ELEVATION - NORTH
Scale: 3/16"=1'-0"



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PAGE TITLE		PROPOSED ELEVATIONS	
PROJECT NO. RR37-2021		DRAWING NO. A2.01	
DRAWN BY EH			
REVIEWED BY RK			
		PAGE 7 OF 10	

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.

	NAME	MAILING ADDRESS	
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:

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:

Rear deck area =60.36m², required maximum 40m².

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Existing conditions

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**):

87 LIGHTFEATHER PL., ANCASTER, ON L9K 0H6
Zone "R4-612"

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?

Internet data review, neighbour consultations.

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.

Oct 18, 2021
Date


Signature Property Owner(s)

Sieng Tu
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>10.7m</u>
Depth	<u>51.2m</u>
Area	<u>684.8m²</u>
Width of street	<u>3.8m</u>

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:

Existing house footprint = 185.92 m²; 2 storeys +basement; house width = 9.55m, house length = 21.36m.
Existing rear deck area = 6.64m²; existing deck height = 3.02m, width = 1.83m, length 3.63m.

Proposed

Proposed rear deck area = 60.36m², height 3.02m, width = 8.21m, length = 11.07m.

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

Existing:

Existing house setbacks: front = ~3.11m, rear = 29.7m, east side = 1.22m, west side = 1.48m.

Existing rear deck setbacks: rear = 22.53m, east side = 6.65m, west side = n/a

Proposed:

Proposed rear deck setbacks: rear = 19.09m, east side = 1.84m, west side = 6.37m.

13. Date of acquisition of subject lands:
June 28, 2018
14. Date of construction of all buildings and structures on subject lands:
June 28, 2018
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
residential, single family
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
residential, single family
17. Length of time the existing uses of the subject property have continued:
since the beginning
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:
Zone "R4-612", BY-LAW 87-57 ANCASTER, 11-014
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.