

## **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-21:388

**APPLICANTS:** Agent Ken Bekendam  
Owner Michael Sifontes

**SUBJECT PROPERTY:** Municipal address **131 Winchester Blvd., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 83-66

**ZONING:** "C" (Urban Protected Residential, etc.) district

**PROPOSAL:** To permit the construction of a secondary dwelling unit – detached, in the rear yard on a residential parcel of land containing an existing single family dwelling, notwithstanding that:

1. A minimum distance of 4.15 metres shall be permitted between the rear façade of the principle dwelling, and a secondary dwelling unit – detached, instead of the 7.5 metres required.
2. A path with a minimum 1.0 metre width and a minimum 2.1 metres height that extends from the front lot line to the entrance of the Secondary Dwelling Unit – Detached, shall be permitted to be obstructed with the use of a fence/gate and asphalt driveway, instead of the requirement that the required path be unobstructed.
3. A minimum parking space size of 2.50 metres wide and 6.70 metres long shall be provided instead of the minimum required parking space size of 2.7 metres wide and 6.0 metres long.
4. The accessibility to the one (1) of the parking spaces may be obstructed by another vehicle whereas the By-law requires an unobstructed access driveway to the parking space.

**NOTE:**

1. Building Permit No. 21-125502 issued on July 13th, 2021, to convert the existing single family dwelling to contain a secondary dwelling unit, remains not finalized.
2. Please note that the distance the eaves/gutters encroach into a required yard was not indicated on the submitted site plan to confirm zoning compliance. Additional variance(s) may be required if compliance with Section 19(1)(1)(ii)(1) is not possible.
3. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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

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<b>DATE:</b>	<b>Thursday, December 9th, 2021</b>
<b>TIME:</b>	<b>2:40 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>

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## **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 23rd, 2021.

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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 INFORMATION & STATISTICS	
ADDRESS	131 WINCHESTER BLVD - HAMILTON - ON.
ZONING TYPE	C
LOT AREA	4900.52 SQ FT (455.22 SQ M)
LOT FRONTAGE	49.00' (14.94m)

- 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. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
  6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
  7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
  8. 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 CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
  9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
  10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
  11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
  12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

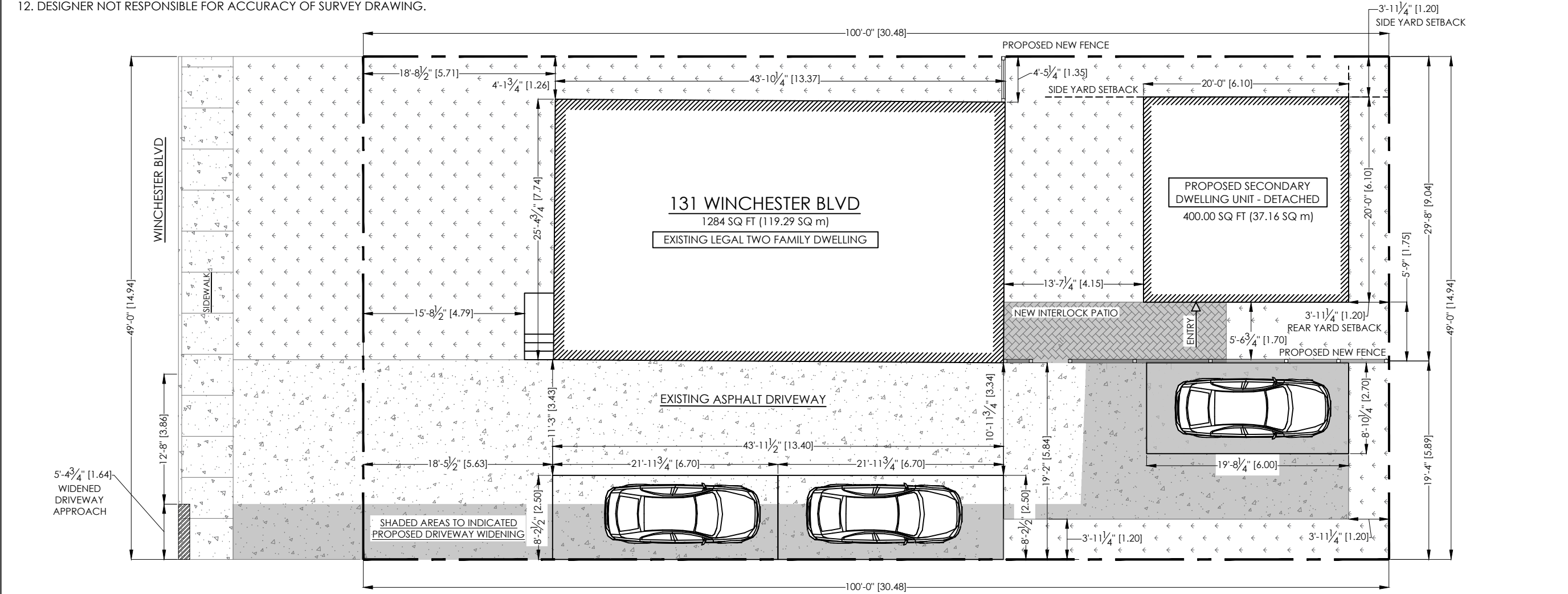
ITEM	EXISTING	ALLOWED	PROPOSED	CONFORMING TO:
LOT AREA	4900.52 SQFT (455.22 SQM)	-	-	-
EXISTING GROSS FLOOR AREA	1284 SQFT (119.29 SQM)	-	-	-
MAX LOT COVERAGE SECONDARY DWELLING - DETACHED AREA	-	1230.25 SQFT (114.29 SQM) 25%	400.00 SQFT (43.80 SQM) 8.12%	19.(1).1.(ii) (11)
MAX BUILDING HEIGHT	-	19'-8 3⁄8" (6.0M)	19'-8" (5.99m)	19.(1).1.(ii) (7)
MAX GROSS FLOOR AREA	-	807.29 SQFT (75 SQM)	800 SQFT (74.32 SQM)	19.(1).1.(ii) (8)
MIN REAR SIDE SETBACK FROM REAR HOUSE FACE TO SECONDARY UNIT - DETACHED	-	24'-7 1⁄8" (7.5M)	9'-10 3⁄8" (3.02m)	19.(1).1.(ii) (9)
MIN. REAR YARD SETBACK	-	3'-11 1⁄8" (1.2M)	3'-11 1⁄8" (1.2M)	19.(1).1.(ii) (3)
MIN. INTERIOR SIDE YARD	-	3'-11 1⁄8" (1.2M)	3'-11 1⁄8" (1.2M)	19.(1).1.(ii) (2)
MIN. LANDSCAPE AREA (IN REAR YARD ONLY)	-	130 SQFT (12 SQM)	657 SQFT (61.03 SQM)	19.(1).(ix)
LOT COVERAGE	1589 SQFT (147.62 SQM) 65%	-	-	-
NUMBER OF PARKING SPACE	1.0	3.0	3.0	18 (A).(1)(a)(i) Table 1
PARKING DIMENSIONS	-	2.7m X 6.0m	2.7m X 6.0m	SECTION18(A) : PARKING

FRONT YARD LANDSCAPE AREA CALCULATION SQ.FT (m²)		
LANDSCAPE AREA (INCLUDING PERMEABLE DRIVEWAY)	554.06 (31.49)	62.05%
HARD SURFACE AREA	338.92 (31.49)	37.95%
TOTAL	892.98 (82.96)	100%

SECONDARY DWELLING AMENITY AREA SQ.FT (m²)	
LANDSCAPE AREA	706.31 SQ.FT (65.62 SQ.M)

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.

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 ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.



SITE PLAN:  
BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES





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LEAD DESIGNER & CONSULTANT

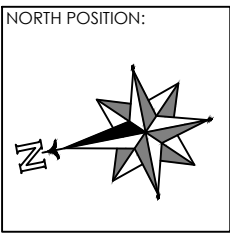
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LEAD ENGINEER

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Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.





ADRESS: **131 WINCHESTER BLVD**

SUBJECT: **SITE PLAN**

PROJECT: **SECONDARY DWELLING UNIT - DETACHED**

DATE: **OCT 2021**

SCALE: **3/32"= 1'**

SHEET#: **SP 1.01**

## 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:  
 n/a

**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:  
Reduction to 4.15m between the principal dwelling and the secondary dwelling unit - detached whereas the bylaw requires 7.5m  
Reduction from 3 required parking spaces to 2 spaces.

☒ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling

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

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**):  
131 Winchester Blvd, Hamilton

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 residential use


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.

\_\_\_\_\_

Date



\_\_\_\_\_

Signature Property Owner(s)

\_\_\_\_\_

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>49' (14.94m)</u>
Depth	<u>100' (30.48m)</u>
Area	<u>4900sqft (455.22sqm)</u>
Width of street	<u>unknown</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: See site plan  
  
Proposed See site plan

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

13. Date of acquisition of subject lands:  
2021
- 
14. Date of construction of all buildings and structures on subject lands:  
unknown
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
two family dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
residential
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 type="checkbox"/>            |           |                                     |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
C
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.