



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th 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

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.: HM/A-21:391

APPLICANTS: Owners Richard & Dorothy Naylor

SUBJECT PROPERTY: Municipal address **46 Newton Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 96-109

ZONING: "C/S-1361" (Urban Protected Residential, etc.) district

PROPOSAL: To fully enclose a 11.0m² (115.50 sq.ft.) portion of the existing front porch (verandah) which is to be added as floor area to the existing single family dwelling and to recognize the location of the existing single family dwelling notwithstanding that:

1. A maximum floor area ratio of 0.77 shall be permitted instead of the requirement that no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.45.
2. A minimum southerly side yard width of 0.3m shall be recognized for the existing building instead of the minimum required side yard width of 0.922m.
3. Eaves and gutters shall be permitted to project 0.3m into the southerly side yard and shall be 0.0m from the southerly side lot line instead of the requirement that an eave or gutter may project into the required side yard (being 0.3m) not more than ½ of its required width (being 0.15m).
4. An air conditioner shall be permitted to be setback 0.3m from the northerly side lot line instead of the requirement that air conditioners are permitted within a required side yard provided such equipment has a minimum setback of 0.6 metres from the side lot line.
5. Two (2) parking spaces shall be permitted instead of the minimum required three (3) parking spaces.
6. A minimum parking space size of 2.7m wide x 5.9m long shall be provided for the parking space in the detached garage instead of the minimum required 2.7m wide x 6.0m long.
7. The manoeuvring space for the required parking spaces may be provided partially off-site and on the Barclay Street road allowance instead of being provided and maintained only on the lot.

NOTE:

- i) Pursuant to Variance No. 1, the existing single family dwelling has a floor area ratio of 0.725.

ii) Section 18(3)(vi)(g) of Hamilton Zoning By-law No. 6593 states:

“In the case of a dwelling erected prior to the 25th day of July, 1940, and which at that time had a front verandah which extended for approximately the full width of the dwelling, such verandah may be enclosed as additional living space, provided that the enclosing construction does not extend beyond the limits of the verandah as it was on said date, and provided further that no step, stair or other construction projects into the front yard or either side yard, farther than it did on the 25th day of July, 1940.”

The existing dwelling was constructed in 1925 and the enclosure of a portion of the verandah (front porch) does not extend beyond the limits of the verandah as it was on said date, and no step, stair or other construction projects into the front yard or either side yard, farther than it did on the 25th day of July, 1940.

iii) Pursuant to Variance No. 2, a 10'x 11" rear addition was constructed in 1960 and its setback does not conform. This variance is intended to recognize the southerly side yard for the entire existing building abutting the southerly side lot line. Further, Variance No. 3 is intended to recognize the eaves and gutters projecting into the southerly side yard.

iv) Pursuant to Variance No. 5, pursuant to information provided by the property owner, the single family dwelling contains nine (9) habitable rooms which requires three (3) parking spaces.

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

DATE:	Thursday, December 9th, 2021
TIME:	4:00 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:

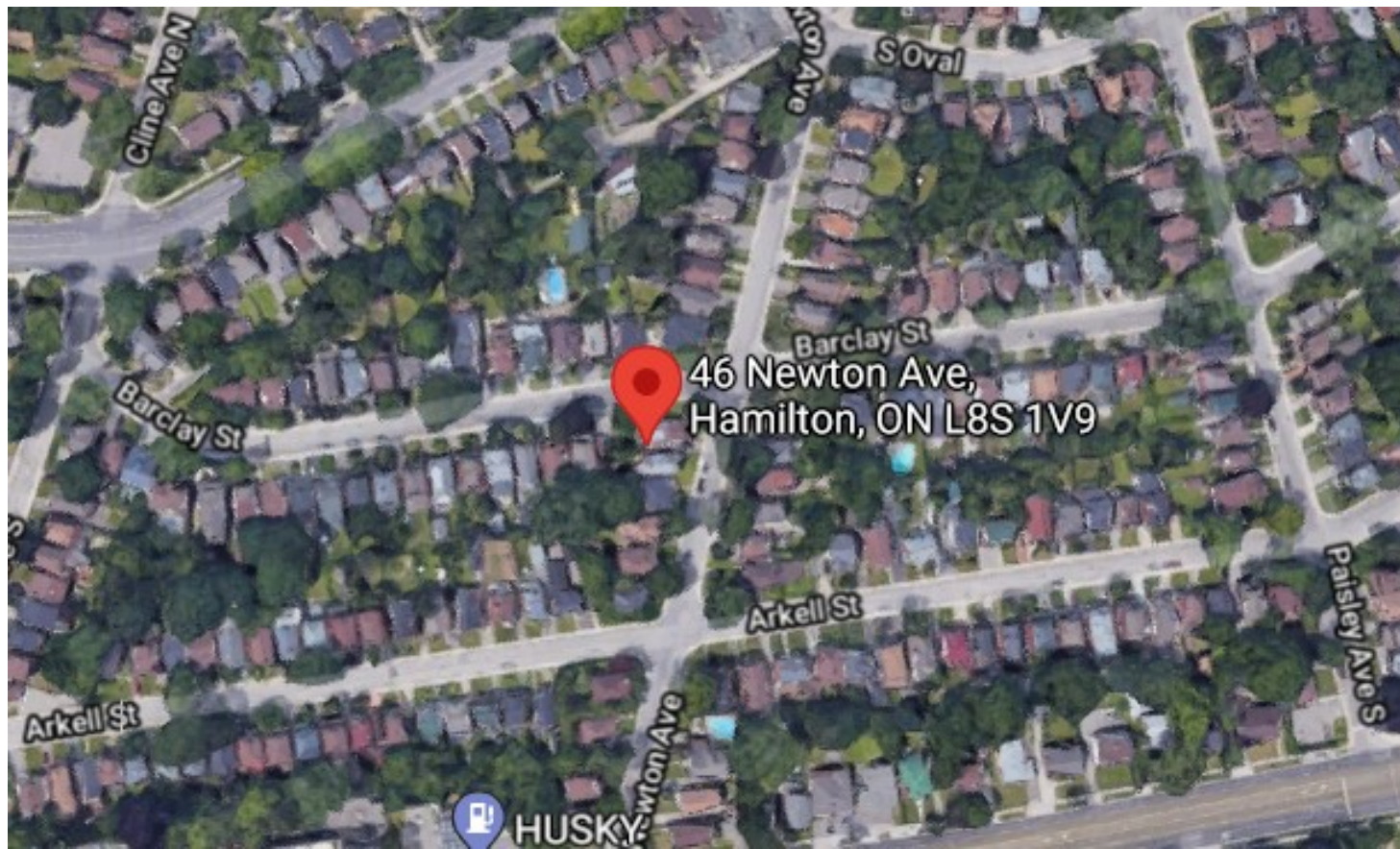
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

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.

46 NEWTON AVE
HAMILTON, ON
ADDITION AT FRONT PORCH
PERMIT



COVER PAGE

NOVEMBER 17, 2021

A000

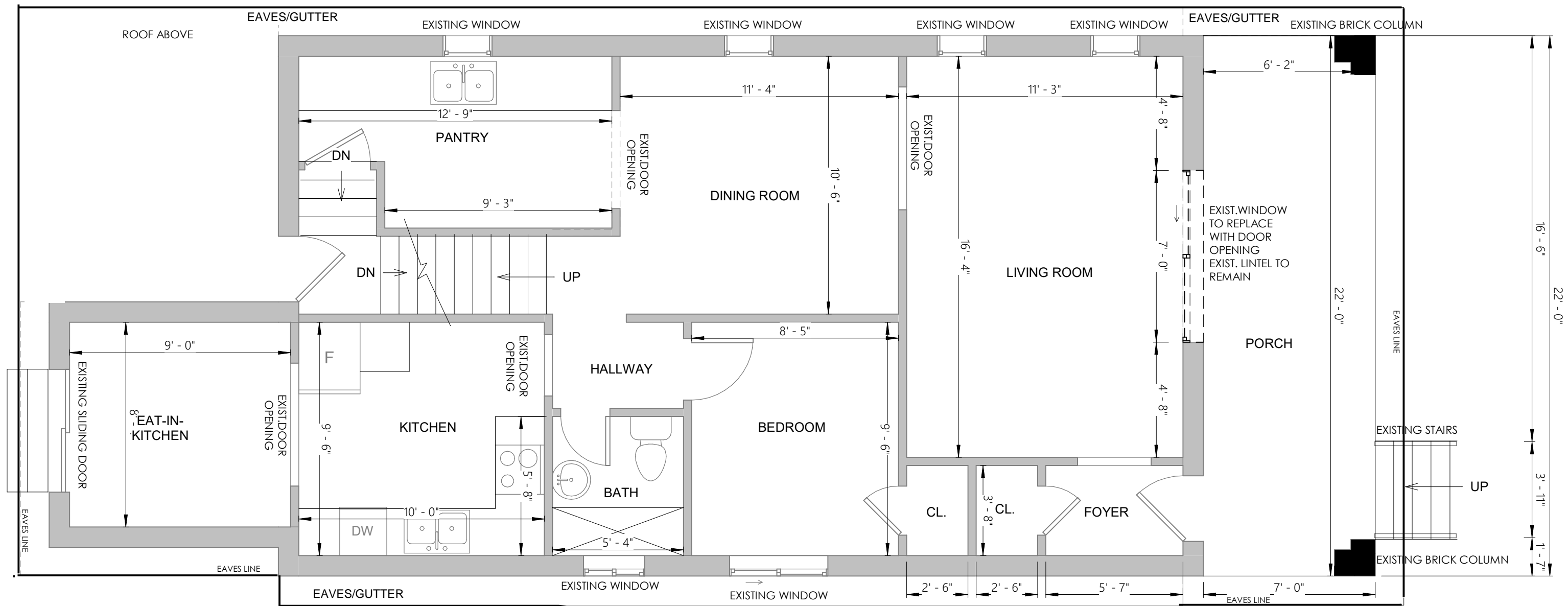
The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer

Qualification Information


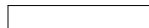
Required unless design is exempt under
Division C, Subsection 3.2.5 of the building code

MINNI BAJAJ
Name

117538
BCIN



LEGENDS

-  EXISTING WALL
-  PROPOSED WALL

DRAWINGS TO BE READ IN
CONJUNCTION WITH NOTES

ALL CONSTRUCTION TO
CONFORM ONTARIO BUILDING
CODE (2012).


46 NEWTON AVE
EXISTING MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"
NOVEMBER 17, 2021

A300

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
Division C, Subsection 3.2.5 of the building code

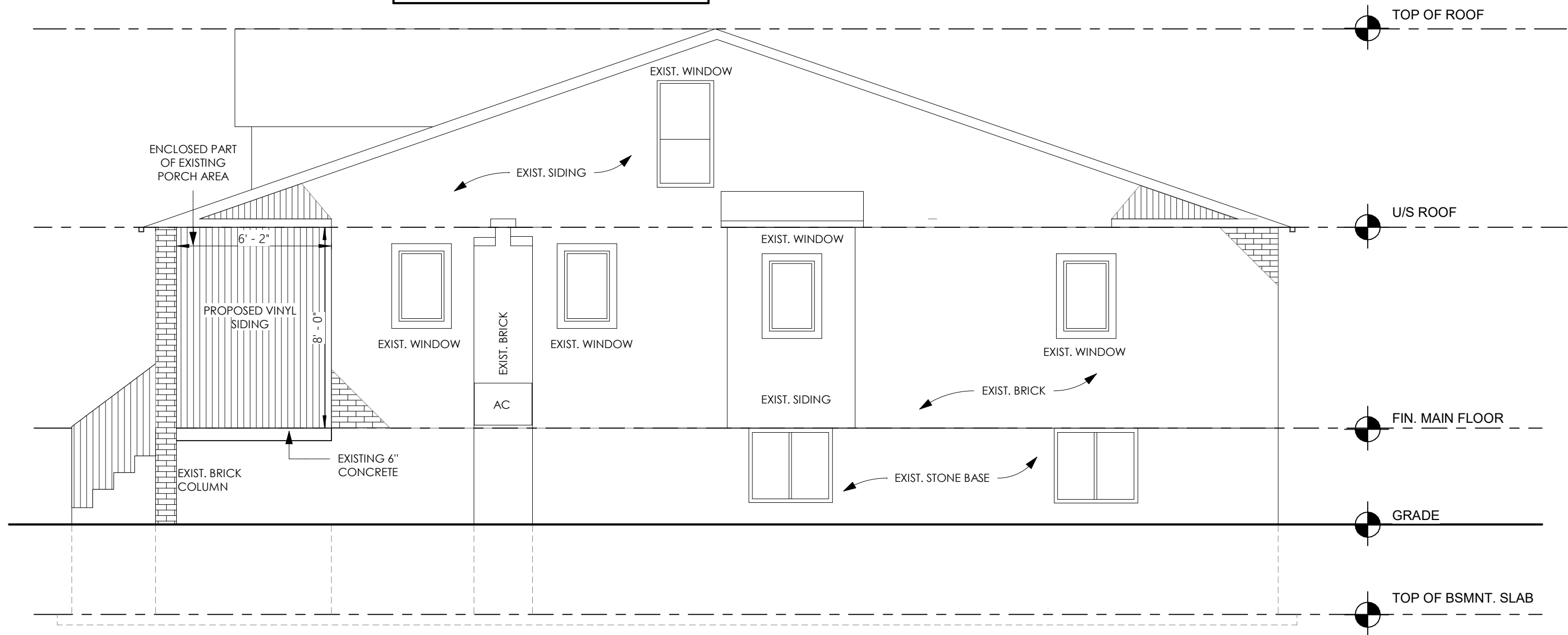
MINNI BAJAJ
Name



117538
BCIN

DRAWINGS TO BE READ IN
CONJUNCTION WITH NOTES

ALL CONSTRUCTION TO
CONFORM ONTARIO BUILDING
CODE (2012).



46 NEWTON AVE
SIDE ELEVATION -A
SCALE: 1/4" = 1'-0"
NOVEMBER 17,2021

A401

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

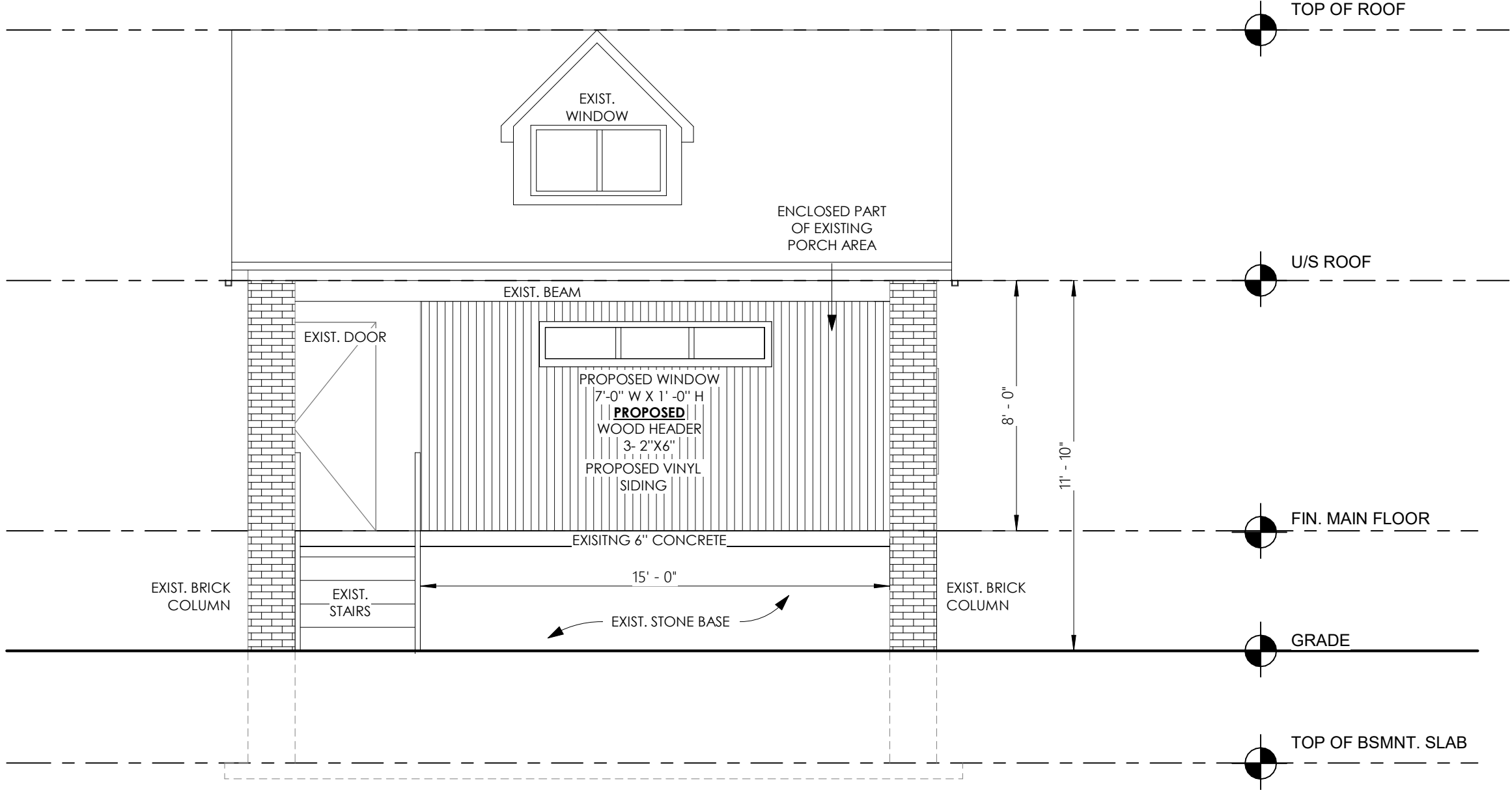
Required unless design is exempt under
Division C, Subsection 3.2.5 of the building code

MINNI BAJAJ
Name

117538
BCIN

DRAWINGS TO BE READ IN
CONJUNCTION WITH NOTES

ALL CONSTRUCTION TO
CONFORM ONTARIO BUILDING
CODE (2012).



46 NEWTON AVE
FRONT ELEVATION
SCALE: 1/4" = 1'-0"
NOVEMBER 17, 2021

A402

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

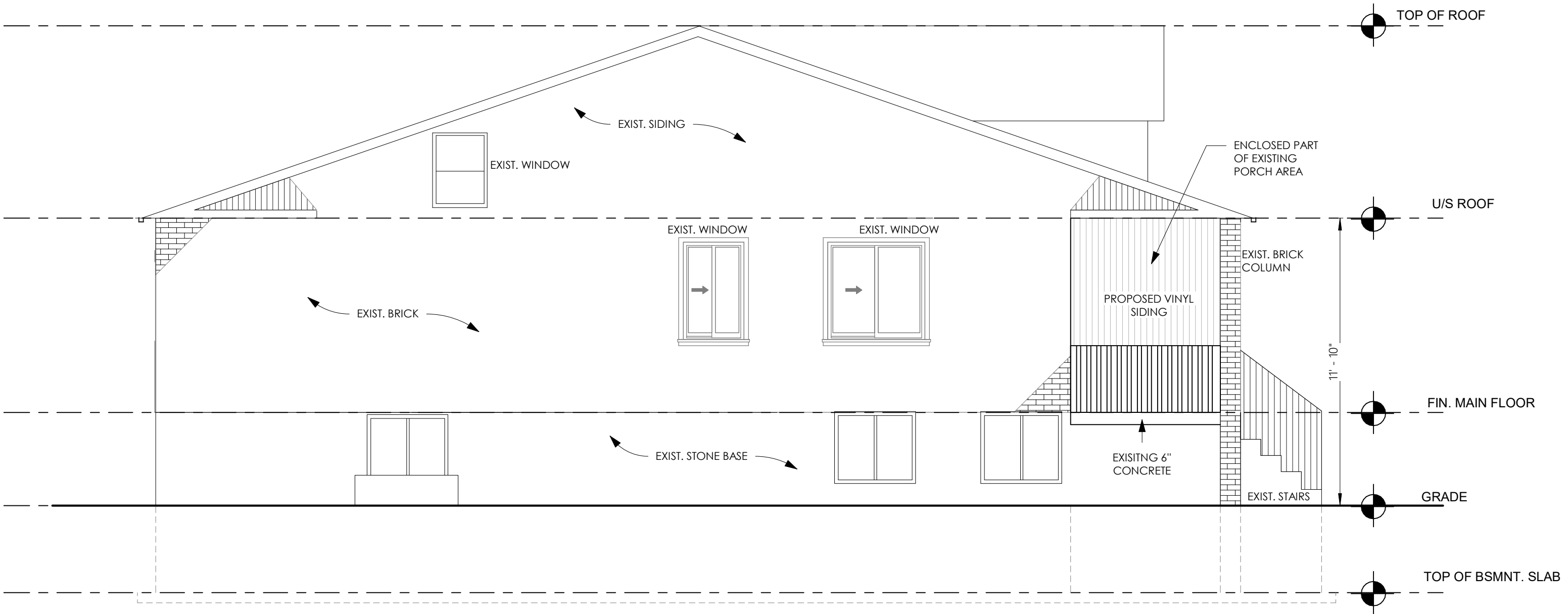
Qualification Information

Required unless design is exempt under
Division C, Subsection 3.2.5 of the building code

MINNI BAJAJ
Name

Minni Bajaj

117538
BCIN



DRAWINGS TO BE READ IN CONJUNCTION WITH NOTES

ALL CONSTRUCTION TO CONFORM ONTARIO BUILDING CODE (2012).

46 NEWTON AVE
SIDE ELEVATION -B
SCALE: 1/4" = 1'-0"
NOVEMBER 17, 2021

A403

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
Division C, Subsection 3.2.5 of the building code

MINNI BAJAJ
Name

117538
BCIN



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

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

**Registered
Owners(s)**

Applicant(s)*

**Agent or
Solicitor**

NAME

MAILING ADDRESS

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:
Bank of Montreal 3022 Bloor St West Etobicoke ON M8X 1C4 - Line of Credit

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:

To enclose the existing, roofed front porch in order to add it to the principal portion of the 1 1/2 story dwelling. Minimum front yard depth (being 6.0m) and the minimum side yard depth (being .92m). Setback regulations need to be applied

☐ Secondary Dwelling Unit ☒ Reconstruction of Existing Dwelling

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

The existing single family dwelling was constructed in 1930. The existing frame porch and steps were previously considered to be a legally established non-conforming yard encroachment. It is not possible to meet the front and side minimum setback requirements without physically removing the entire building

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**):

Plan number: 646, Lot number: 227, Zone District Code: C/S- 1361
46 Newton Ave. Hamilton ON L8S 1V9

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?

Owners knowledge

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.

Wednesday, October 20

Date



Signature Property Owner(s)

Rick Naylor, Dorothy Naylor

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	9.22M
Depth	34.09M
Area	280SQM
Width of street	20.12M (right of way width) or 7.4 m - inside curbs

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: _

1 1/2 story dwelling: ground floor area: 86SQM, gross floor area: 160SQM, dwelling width 6.7M, length 18.4M, height 7.2M
Framed garage: 19.78SQM

Proposed

1 1/2 story dwelling, ground floor area 97SQM, gross floor area 171SQM
Frame garage: no change

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

Existing:

1 1/2 story dwelling, distance from front lot line 3.75M, side lot line 1.51M, rear lotline 14.76M

Frame garage: distance from front lotline: 34.09M, side lotline: 9.7M, rear lotline: 1.5M

Proposed:

1 1/2 story dwelling: distance from front lotline: 1.75, side lotline 1.51M, The minimum front yard depth (being 6.0M) and the minimum side yard depth (being 0.92M) cannot be met and require minor variances for these setbacks

13. Date of acquisition of subject lands:
January 2020
-
14. Date of construction of all buildings and structures on subject lands:
1930
-
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 1930.
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:
Ainsley Wood Westdale Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Hamilton Zoning By-law No. 6593 as amended by By-law No. 96-109
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.