

## **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-21:405

**APPLICANTS:** Agent DeFilippis Design  
Owner Philip Portolussi

**SUBJECT PROPERTY:** Municipal address **22 Gardenia Crt., Hamilton**

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

**ZONING:** "C" (Urban Protected Residential) district

**PROPOSAL:** To permit the replacement and reconstruction of a 157.01 square metre, one storey single detached dwelling having an attached single car garage with a 316.42 square metre, two storey single detached dwelling having an attached double car garage and covered rear and front porches and to permit a secondary dwelling unit within the basement, notwithstanding that:

1. The minimum rear yard shall be 7.4 metres instead of the minimum required 7.5 metres;
2. The minimum landscaped area for the front yard shall be 48% instead of the minimum required 50% front yard;
3. A parking space within the garage for the secondary dwelling unit shall be obstructed by a driveway parking space, whereas parking shall not be obstructed in order to permit clear access to and egress from a required parking space.

**NOTES:**

1. The variance was written as requested except additional variances have been included to address the minimum landscaped area and parking.
2. The submission did not include Elevations. Therefore, building height for the proposed reconstructed dwelling could not be determined. The proposed building height could not exceed 11 metres or additional variances would be required.
3. The proposed reconstruction of the single family dwelling would be within the same building footprint and the existing basement would be retained.
4. The submission did not identify eave projections. The maximum projections for eaves into the side yards shall not exceed 0.6 metres or additional variances would be required.

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>4:15 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.***

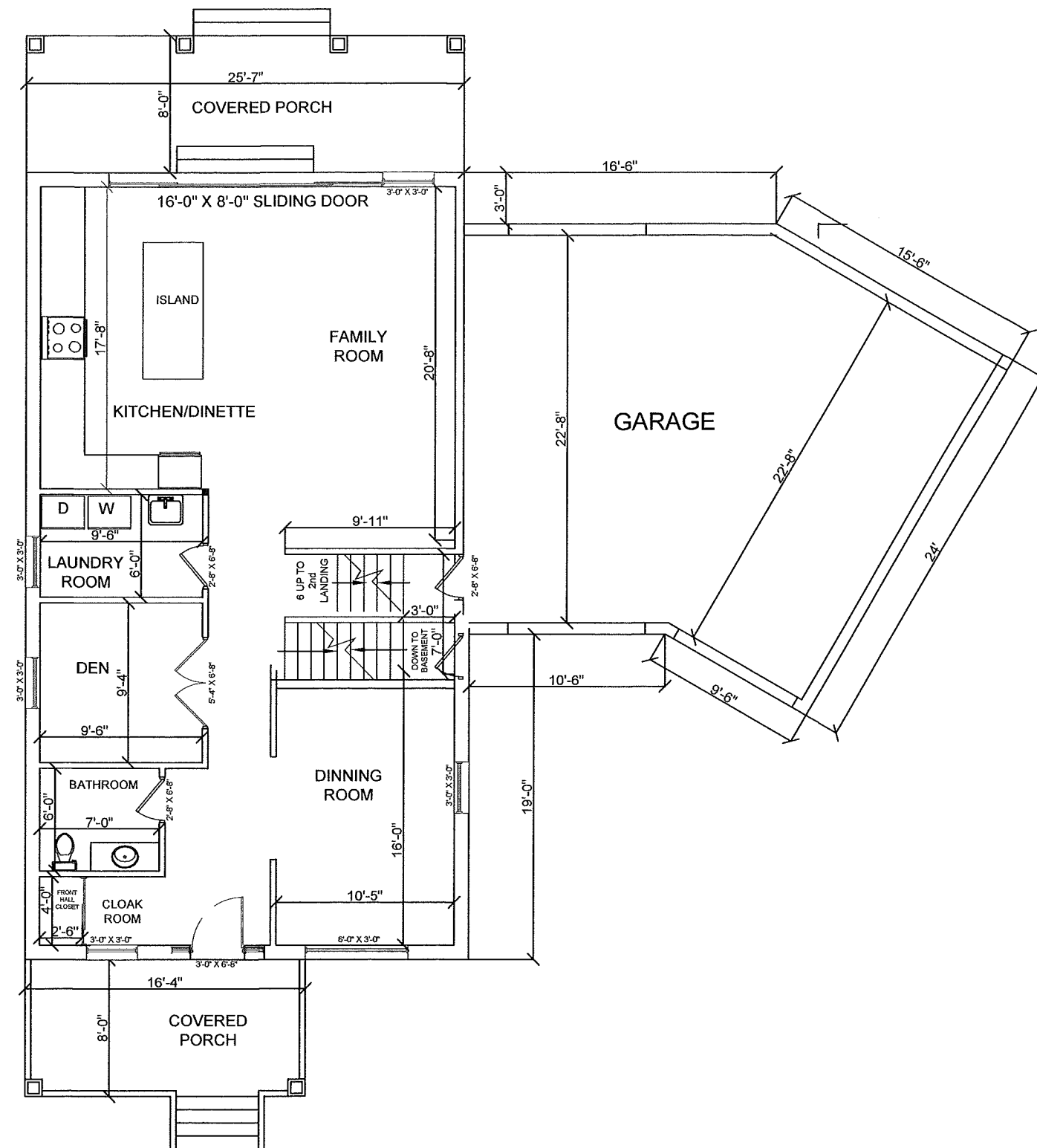


NOTES:

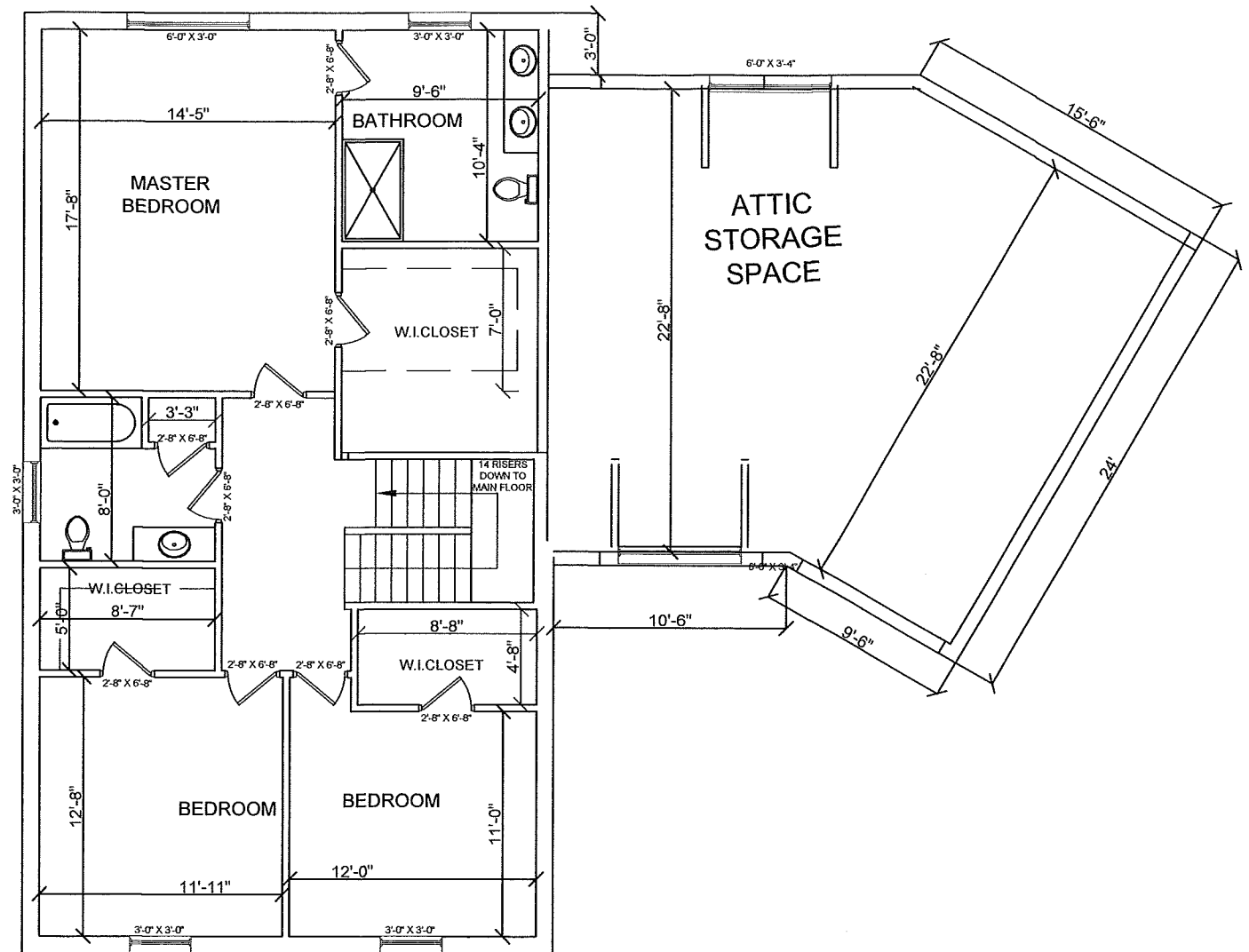
1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

		 <p> <b>DeFILIPPIS DESIGN</b>          687 BARTON ST. E., SUITE 201          STONEY CREEK, ONTARIO L8E 5L6          (905) 643-2250 FAX (905) 643-1095       </p>
3		
2		
1		
REV.		
JOB NO.	PROPOSED SITE PLAN FOR:	
CHKD. BY	<b>PHILIP BORTOLUSSI</b> 22 GARDENIA CRT. HAMILTON, ON	
DRN. BY		
DATE: SEPTEMBER, 2021		
SCALE: 1:200	<b>SITE PLAN</b>	
DWG NO. SP-1		

These drawings are the property of DeFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.




## MAIN FLOOR PLAN

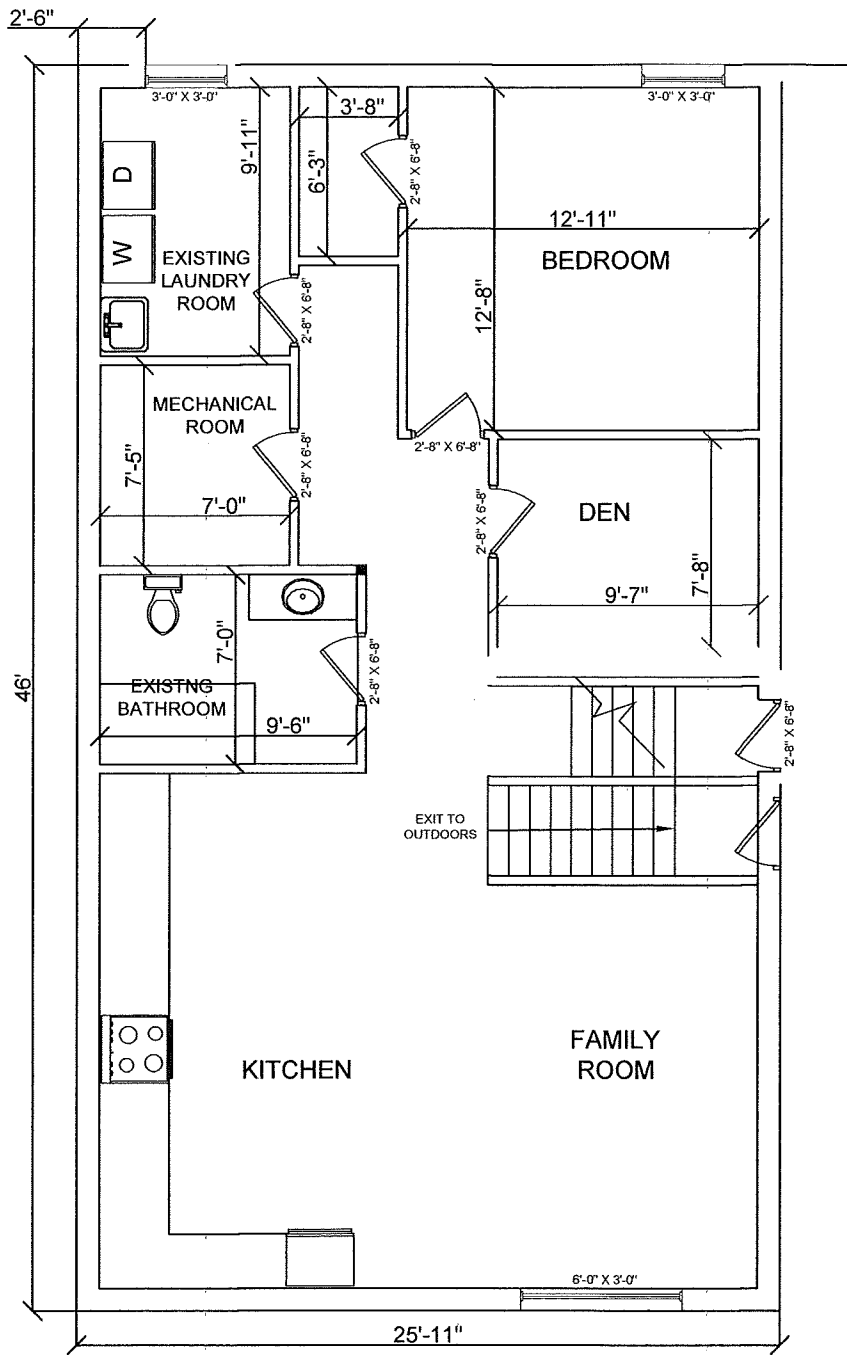


## SECOND FLOOR PLAN

NOTES:

1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.


		 <p><b>DeFILIPPIS DESIGN</b>          687 BARTON ST. E., SUITE 201          STONEY CREEK, ONTARIO L8E 5L6          (905) 643-2250 FAX (905) 643-1095</p>
3		
2		
1		
REV.		
JOB NO.	PROPOSED FLOOR PLAN FOR:	
CHKD. BY	BORTOLUSSI RESIDENCE	
DRN. BY	22 GARDENIA CRT.,	
DATE: OCTOBER, 2021	HAMILTON, ON	
SCALE: N.T.S.	FLOOR PLAN	
DWG NO. A-1		



**BASEMENT FLOOR PLAN**

BASEMENT APARTMENT AREA: 1037 sqft

- NOTES:
1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
  2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

		 <b>DeFILIPPIS DESIGN</b> 687 BARTON ST. E., SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095		
3				
2				
1				
REV.		PROPOSED FLOOR FOR:		
JOB NO.		<b>BORTOLUSSI RESIDENCE</b> 22 GARDENIA CRT., HAMILTON, ON		
CHKD. BY				
DRN. BY				
DATE: OCTOBER, 2021		<b>FLOOR PLAN</b>		
SCALE: N.T.S.				
DWG NO. A-2				



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

**FOR OFFICE USE ONLY.**

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

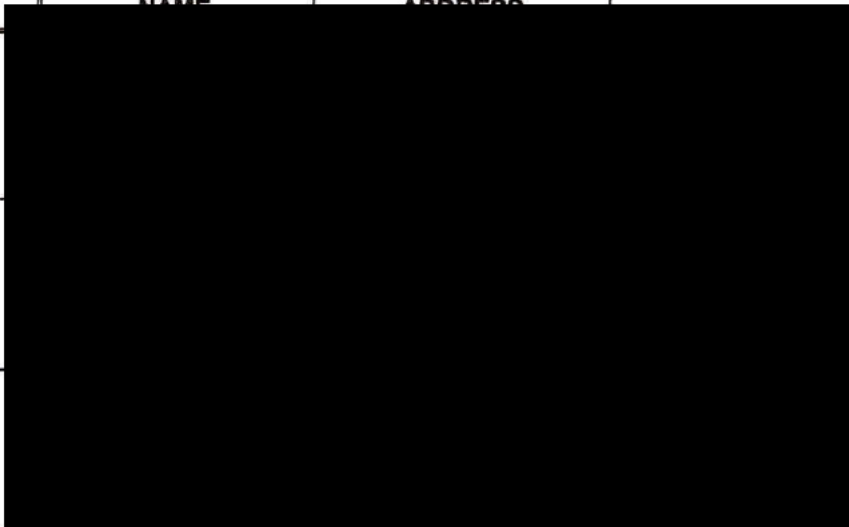
SECRETARY'S  
SIGNATURE \_\_\_\_\_

**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

	NAME	ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

Note: Unless  
any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

SCOTIA BANK  
KING ST., HAMILTON



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 CREATE A SECONDARY DWELLING UNIT WITHIN BASEMENT, PROVIDE TOTAL OF 3 PARKING SPACES (TWO FOR MAIN DWELLING - ONE FOR APT), ONE SPACE WHICH IS TANDEM, WITHOUT MANOEUVERING AND A REDUCED FRONT YARD LANDSCAPING OF 4 1/2

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

LOCATION OF DWELLING IS EXISTING ON LOT (WORKING WITHIN PARAMETERS)

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):

22 GARDENIA CRT, HAMILTON

7. PREVIOUS USE OF PROPERTY

Residential



Industrial



Commercial



Agricultural



Vacant



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 Q.1 to Q.10 above?

*SINGLE FAMILY USE IN EXCESS OF 30 years*

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, 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 30 2021*  
Date

*[Signature]*  
Signature Property Owner  
*Philip Bartolucci*  
Print Name of Owner

10. Dimensions of lands affected:

Frontage

*9.0m (IRR)*

Depth

*30.0m ± (IRRRG)*

Area

*521.59m ±*

Width of street

*20m*

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 FAMILY ONE STOREY DWELLING with single attached garage*

Proposed:

*Second storey addition, with attached double garage and secondary dwelling unit in basement*

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 Attached site plan*

Proposed:



13. Date of acquisition of subject lands:  
10 years ±
14. Date of construction of all buildings and structures on subject lands:  
45 years plus
15. Existing uses of the subject property:  
SINGLE FAMILY
16. Existing uses of abutting properties:  
SINGLE FAMILY
17. Length of time the existing uses of the subject property have continued:  
45 years plus
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:  
URBAN SETTLEMENT
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
6593 "C" RESIDENTIAL
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.

*See Attached*