

## **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-21:386

**APPLICANTS:** Agent SMPL Design Studio c/o Lindsey Bruce  
Owner Joseph Battaglia

**SUBJECT PROPERTY:** Municipal address **132 Canada St., Hamilton**

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

**ZONING:** "D" (Urban Protected Residential - 1 & 2 Family Dwellings etc.)  
district

**PROPOSAL:** To permit the construction of a new two storey single family dwelling,  
notwithstanding that;

1. A minimum front yard depth of 4.7m shall be permitted instead of the minimum 6.0m front yard depth required.

2. A minimum easterly side yard width of 0.6m shall be permitted instead of the minimum 0.9m easterly side yard width required.

3. A minimum of one parking space shall be provided whereas the zoning By-law requires a minimum of two (2) parking spaces for each class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking spaces for each additional habitable room.

4. No onsite manoeuvring shall be permitted instead of the minimum 6.0m wide manoeuvring space required to be provided adjacent to each parking space.

5. An eave or gutter may be permitted to project into the entire easterly side and therefore, may be located as close as 0.0m to the easterly lot line whereas the zoning By-law permits a maximum projection in a required side yard of not more than one-half of its width or 1.0m whichever is the lesser.

Notes: No elevation plans were provided from which to confirm that the maximum proposed height conforms to the zoning By-law requirements.

No floor plans were provided showing the total number of habitable rooms from which to determine the minimum number of parking spaces required for this dwelling.

The zoning By-law requires a minimum of 50.0% of the gross area of the front yard to be provided as landscaping. No details were provided from which to determine compliance.

The applicant shall ensure that any other proposed encroachments i.e. decks, porches etc., shall be in accordance with the Zoning By-law requirements.

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>3:55 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.***

# PLAN

OF PART OF LOT 57

IN THE BLOCK BOUNDED BY CANADA, POULETTE, JACKSON AND  
LOCKE STREETS

RICHARD A. BEASLEY'S SURVEY

REGISTERED PLAN N<sup>o</sup> 244

IN THE

## CITY OF HAMILTON

REGIONAL MUNICIPALITY OF  
HAMILTON-WENT WORTH.

SCALE = 1 INCH = 10 FEET

### NOTE :

PLAN TO SHOW EXISTING CONDITIONS  
ONLY, NOT PREPARED FOR REGISTRATION.

A.T. McLAREN LIMITED  
SURVEYORS AND ENGINEERS

JUNE 16, 1976

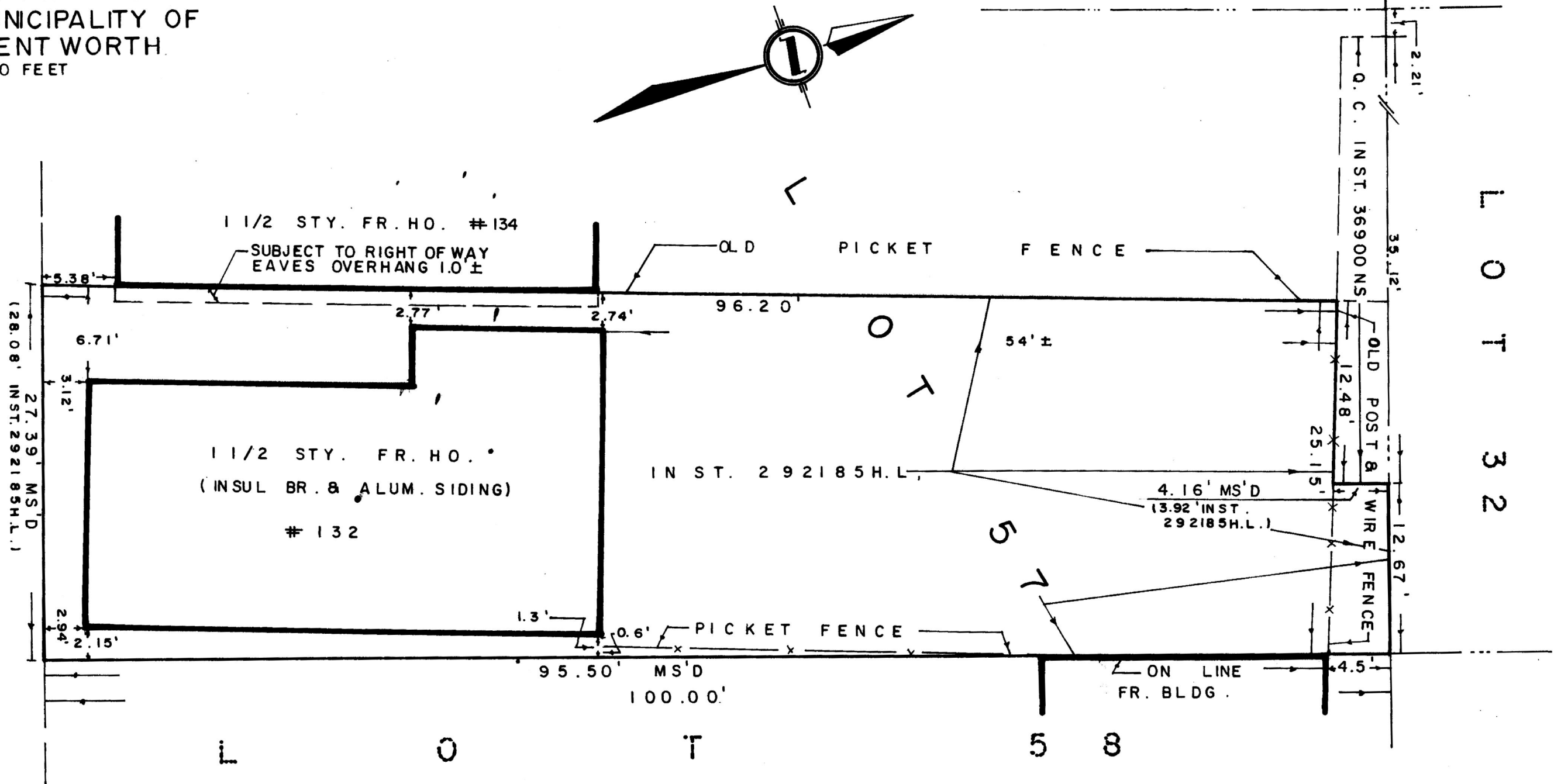
A.T. McLAREN, O.L.S.

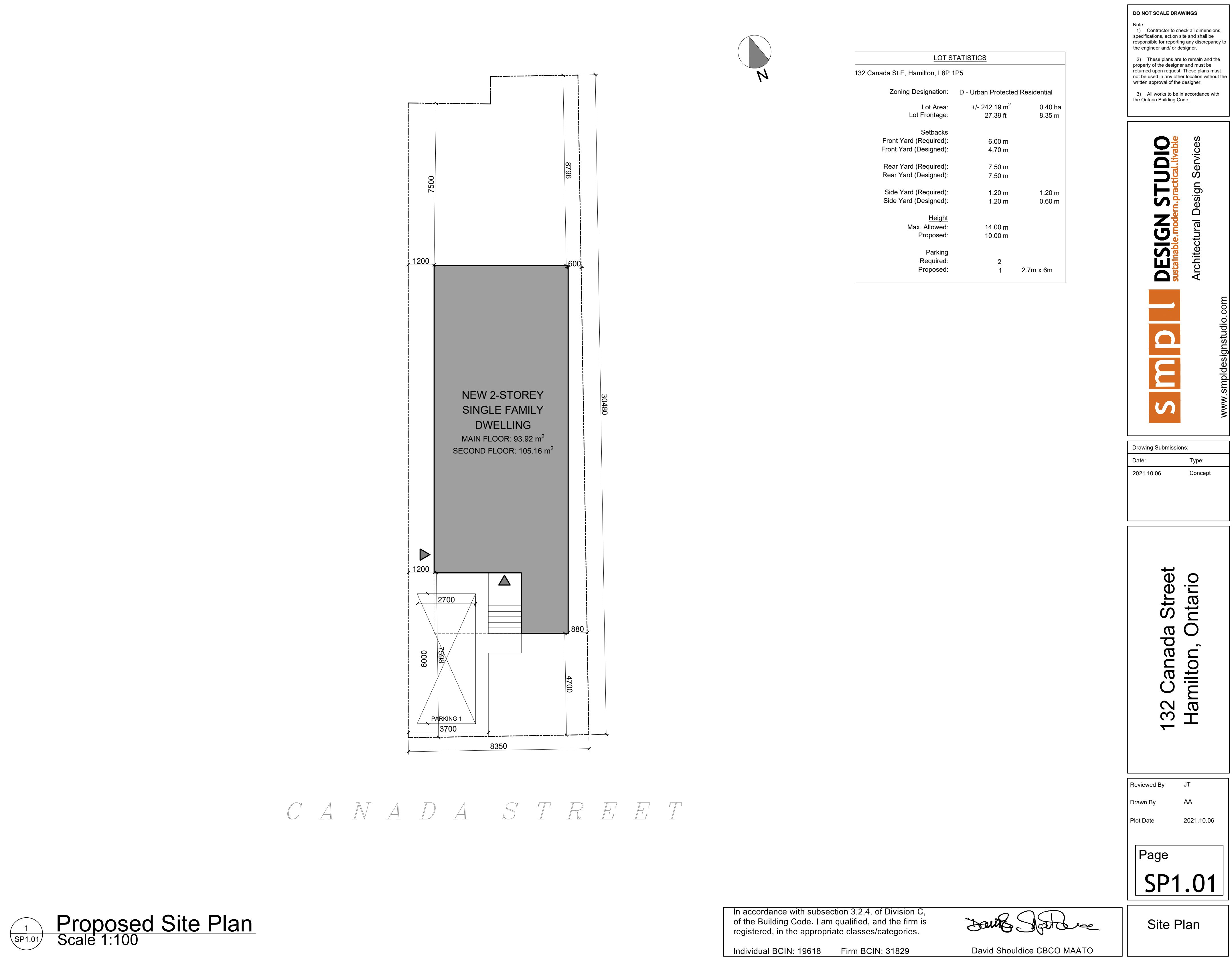
66 KING ST. E.,

HAMILTON, ONT.

527-8559, 527-0032

CANADA STREET





DO NOT SCALE DRAWINGS

- Note:
- 1) Contractor to check all dimensions, specifications, ect.on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.
  - 2) These plans are to remain and the property of the designer and must be returned upon request. These plans must not be used in any other location without the written approval of the designer.
  - 3) All works to be in accordance with the Ontario Building Code.

**DESIGN STUDIO**  
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Architectural Design Services

**smp l**

www.smpdesignstudio.com

Drawing Submissions:

Date:	Type:
2021.10.06	Concept

132 Canada Street  
Hamilton, Ontario

Reviewed By	JT
Drawn By	AA
Plot Date	2021.10.06

Page

**SP1.01**

Site Plan

1  
SP1.01

**Proposed Site Plan**  
Scale 1:100

In accordance with subsection 3.2.4. of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

*David Shouldice*

Individual BCIN: 19618 Firm BCIN: 31829

David Shouldice CBCO MAATO



**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 \_\_\_\_\_

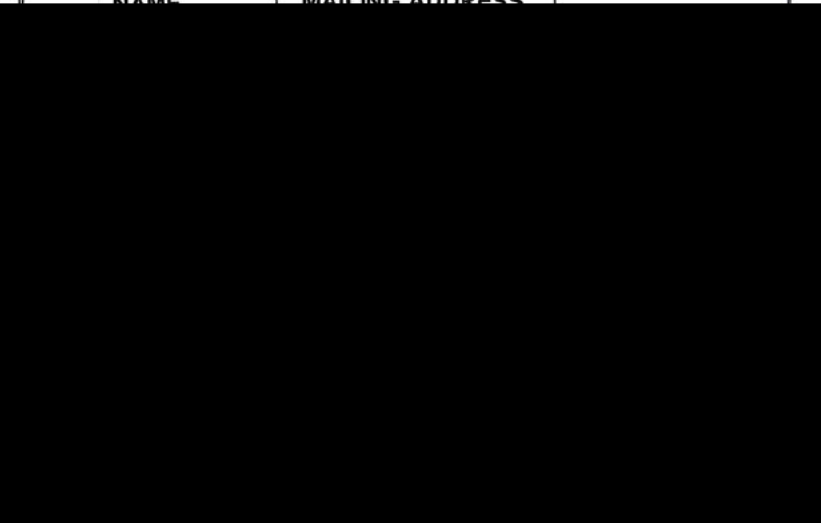
PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

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.

	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:

- REDUCED FRONT YARD SETBACK OF 4.7m, WHERE 6m IS REQUIRED
- REDUCED SIDE YARD SETBACK OF 0.6m, WHERE 1.2m IS REQUIRED
- 1 PARKING SPACE, WHERE 2 PARKING SPACES ARE REQUIRED

☐ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling

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

EXISTING LOT SIZE AND SHAPE

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**):

132 CANADA STREET, HAMILTON

PART LOT 57, REG PLAN 244, CITY OF 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?

AERIAL PHOTOGRAPHY AND OWNER HISTORY

- 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.

October 12, 2021

Date

  
Signature Property Owner(s)

Joseph Battaglia

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	8.35m
Depth	30.48m (IRREGULAR)
Area	242.19m <sup>2</sup>
Width of street	

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: 2 STOREY DWELLING  
APPROX. 70m<sup>2</sup> GROUND FLOOR, 140m<sup>2</sup> GROSS FLOOR  
APPROX. 10m LENGTH, 7m WIDTH  
APPROX. 6m HEIGHT

Proposed

2 STOREY DWELLING  
94m<sup>2</sup> GROUND FLOOR, 210m<sup>2</sup> GROSS FLOOR  
17m LENGTH, 6m WIDTH  
10m HEIGHT

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

Existing: FRONT: 0.8m  
SIDES: 0.8m / 0.4m  
REAR: 16m

Proposed: FRONT: 4.7m  
SIDES: 1.2m / 0.6m  
REAR: 7.5m

13. Date of acquisition of subject lands:  
AUGUST 2021
14. Date of construction of all buildings and structures on subject lands:  
1940'S
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 / APARTMENTS
17. Length of time the existing uses of the subject property have continued:  
70+ YEARS
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:  
NEIGHBOURHOODS
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"D"
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.