

## **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-21:385

**APPLICANTS:** Owner Ryan Pagliaro

**SUBJECT PROPERTY:** Municipal address **478 John St. N., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 21-076 and 21-167

**ZONING:** D district Urban Protected Residential – One and Two Family Dwellings, etc.

**PROPOSAL:** To permit the construction a Secondary Dwelling Unit - Detached on the same lot as an existing Single Family Dwelling notwithstanding that:

1. A minimum of 44% of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
2. A maximum height of 9.3m shall be permitted for the Secondary Dwelling Unit – Detached instead of the requirement that a Secondary Dwelling Unit – Detached shall have a maximum height of 6.0m.
3. A maximum gross floor area of 85m<sup>2</sup> shall be permitted for the Secondary Dwelling Unit – Detached instead of the requirement that the maximum gross floor area for a Secondary Dwelling Unit – Detached shall not exceed 75m<sup>2</sup>.

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

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**DATE:** Thursday, January 20<sup>th</sup>, 2021  
**TIME:** 1:20 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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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:

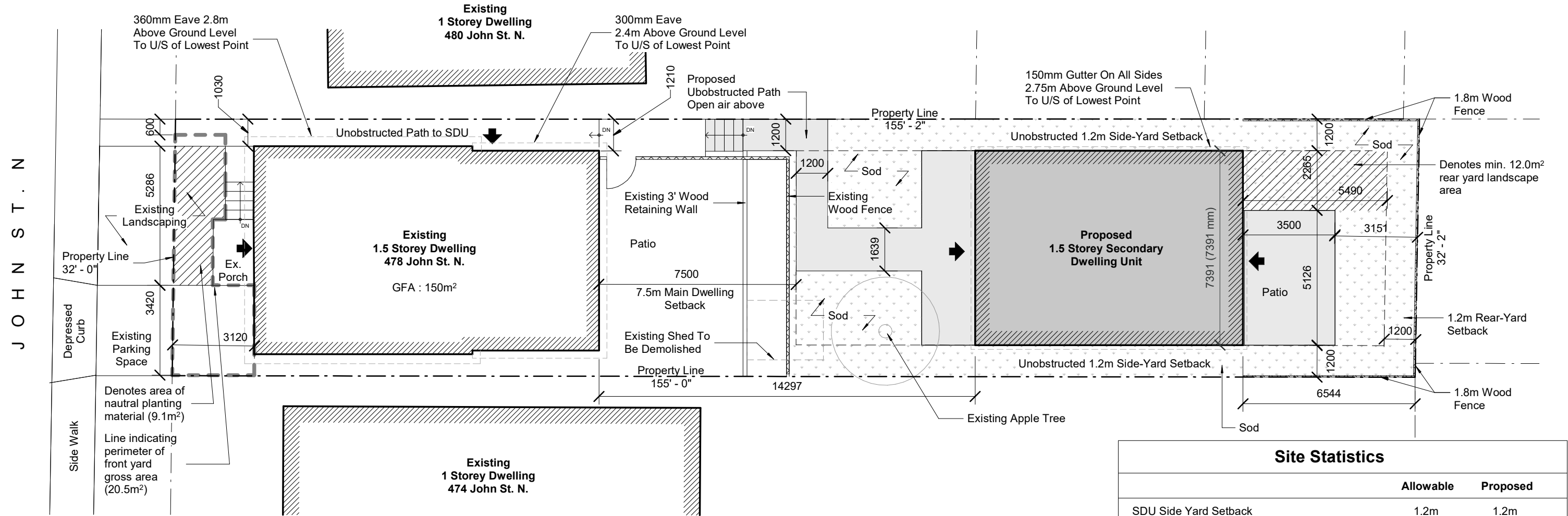
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: January 4<sup>th</sup>, 2022.

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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 Sketch

1 : 150

Site Statistics		
	Allowable	Proposed
SDU Side Yard Setback	1.2m	1.2m
SDU Rear Yard Setback	1.2m	6.5m
SDU Height	6.0m	9.3m
<u>SDU Gross Floor Area</u>	75m²	85m²
Ground Floor Level:	68.9 m²	
1/2 Storey Level:	16.1 m²	
SDU Distance From Principal Dwelling	7.5m	14.3m
<u>Max. Accessory Building &amp; SDU Lot Coverage</u>	25%	17%
Lot Area:	461 m²	
Proposed SDU:	78 m²	
Front Yard Landscaped Area (Existing Conditions)	50%	44%
Required Variances:		
Variance 1: A SDU height (from curb level) of 9.3m shall be permitted whereas 6.0m is allowed.		
Variance 2: A SDU GFA of 85m² shall be permitted whereas 75m² is allowed.		
Variance 3: To allow the existing condition front yard landscape area of 44% where 50% landscape area is required.		

No. 111853 Design

Project:  
478 John St. N SDU

Drawing:  
Site Sketch

Scale:  
As indicated

Date:  
2021-12-05

Drawing No.:  
A01.00





# ***No. 111853 Design***

Project:

478 John St. N SDU

Drawing:

Aerial Visualization

Scale:

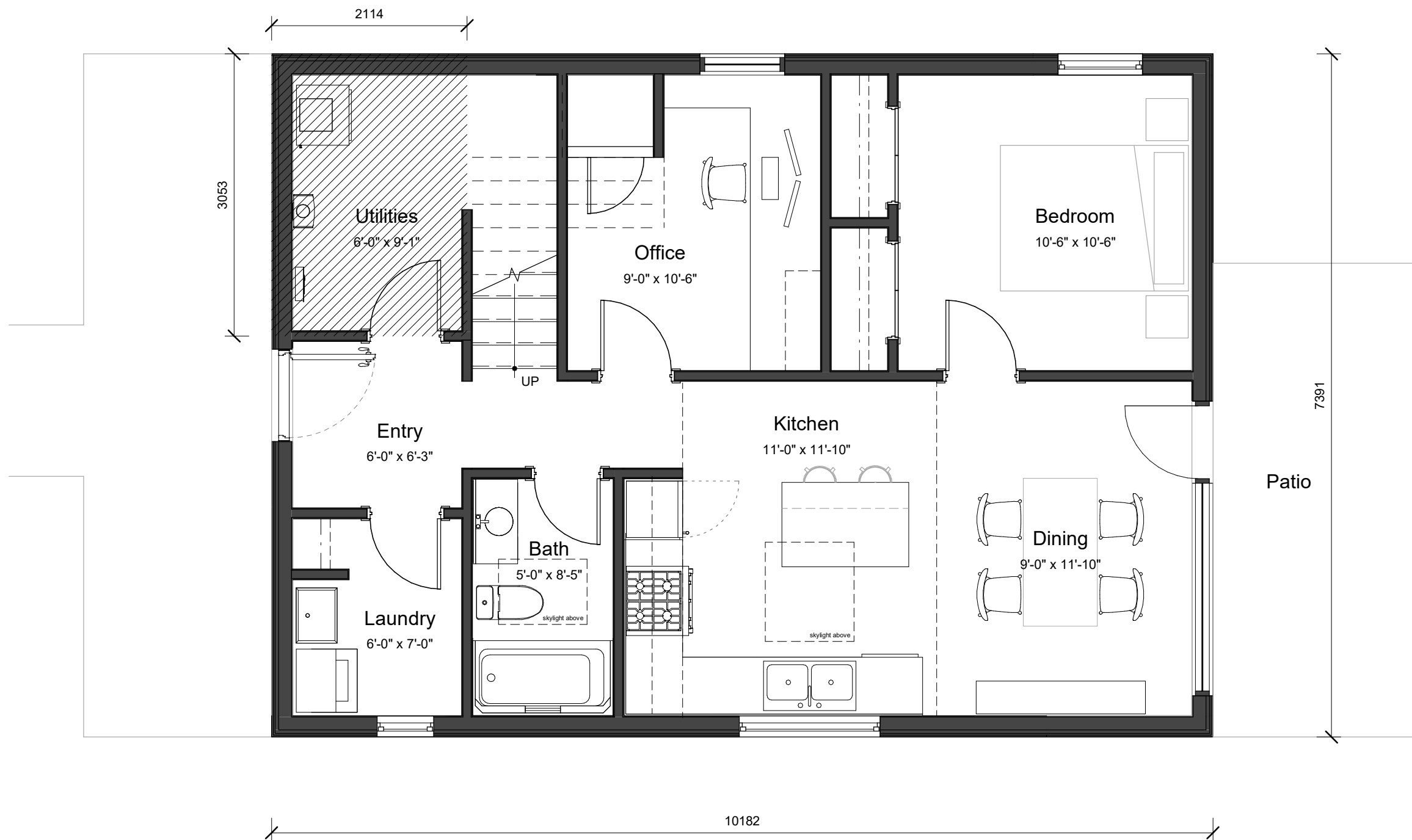
NTS

Date:

2021-11-09

Drawing No.:

A04.05



# No. 111853 Design

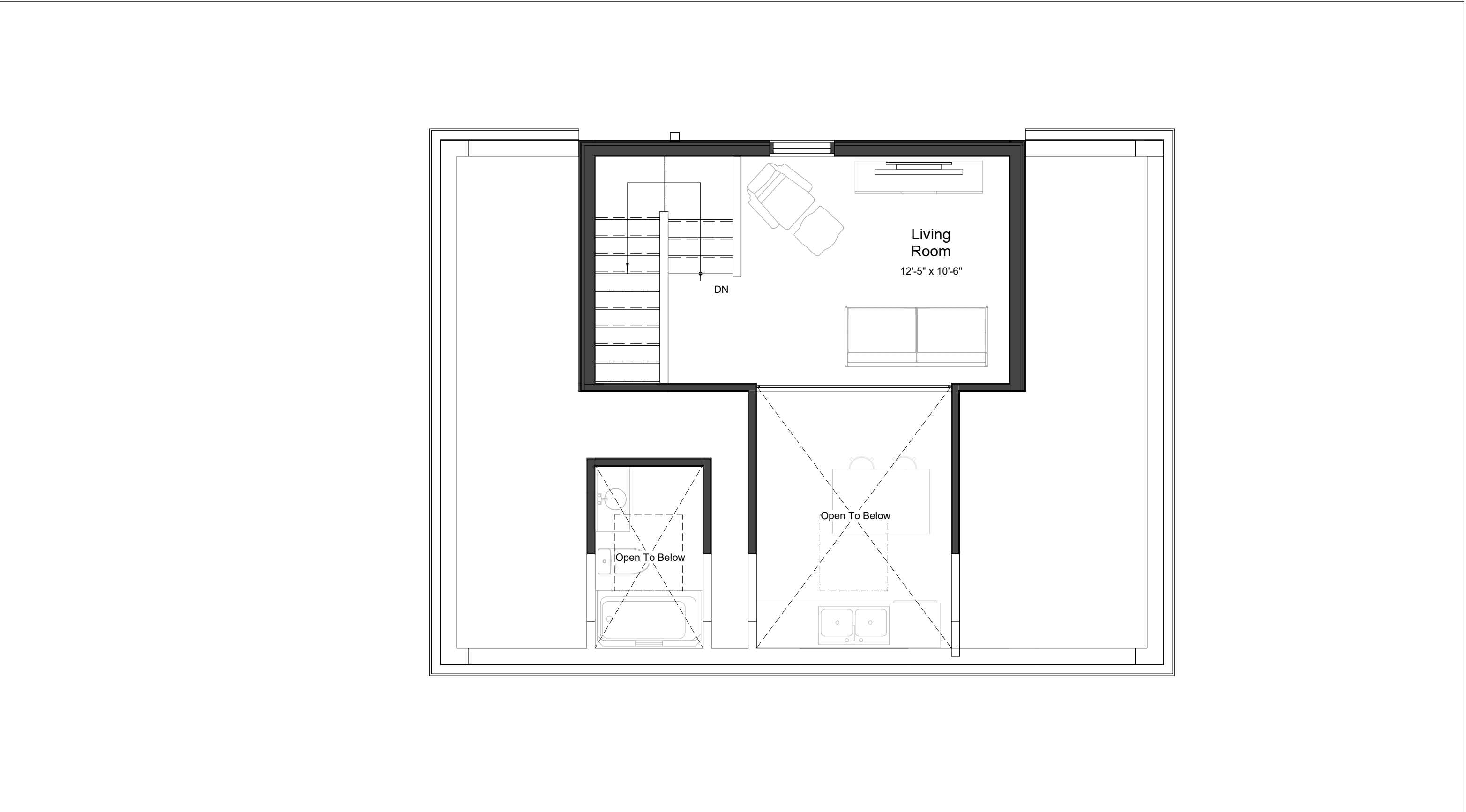
Project:  
478 John St. N SDU

Drawing:  
Level 01 Floor Plan

Scale:  
1 : 50

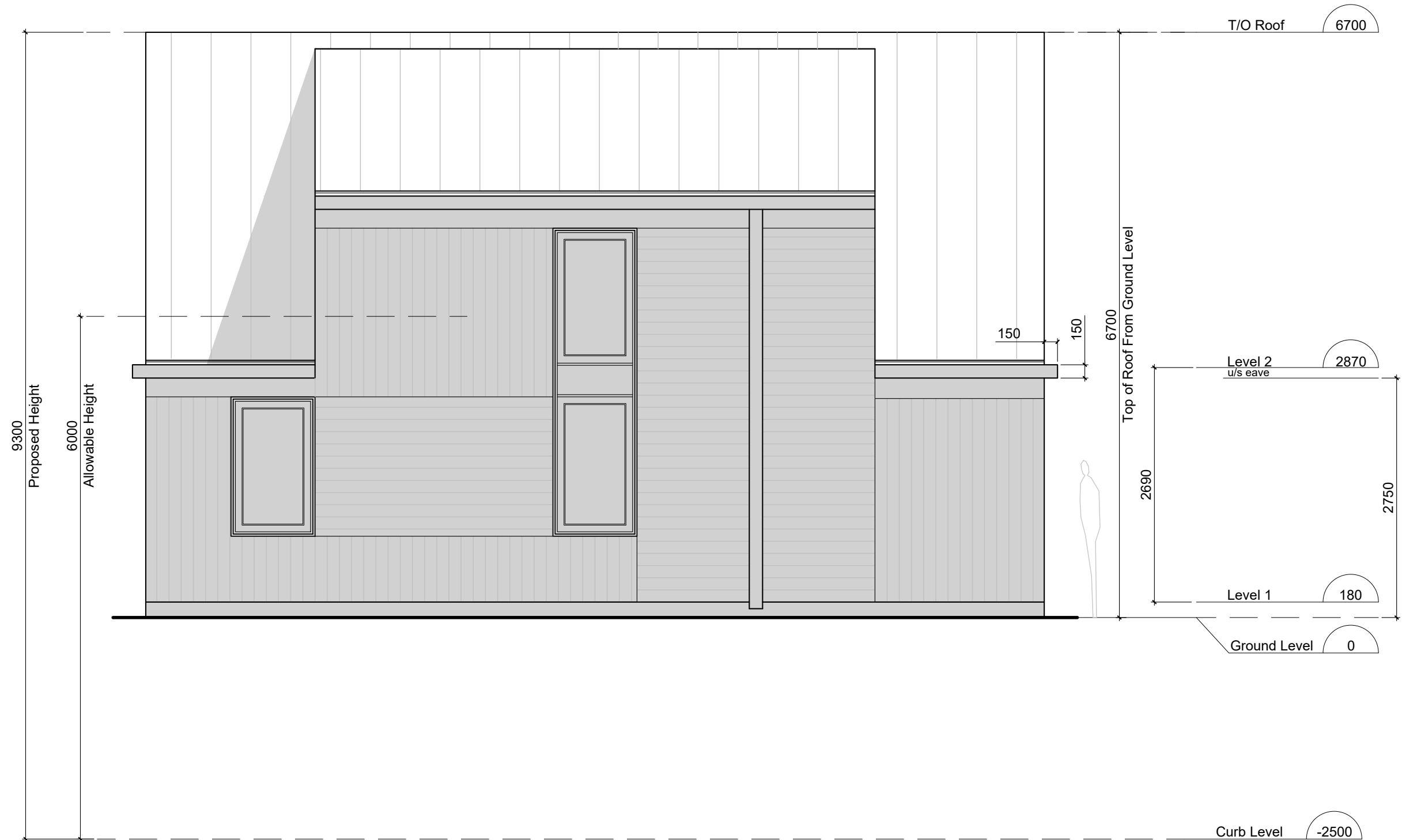
Date:  
2021-12-05

Drawing No.:  
A03.01



<div>No. 111853 Design</div>	Project: 478 John St. N SDU	Scale: 1 : 50
	Drawing: Level 02 Floor Plan	Date: 2021-12-05
		Drawing No.: A03.02





**No. 111853 Design**

Project:  
478 John St. N SDU

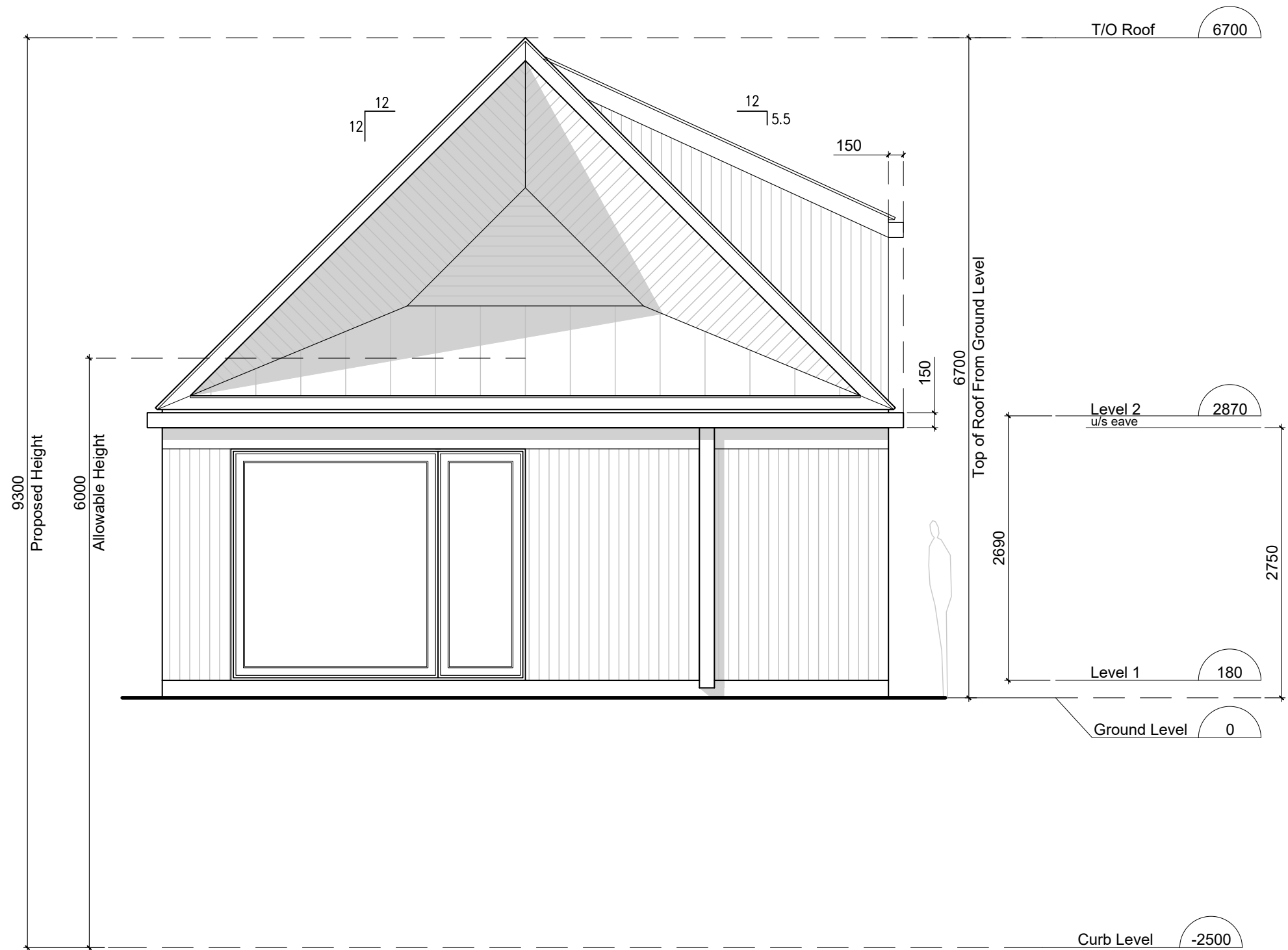
Drawing:  
North Elevation

Scale:  
1 : 50

Date:  
2021-12-05

Drawing No.:  
A04.02





**No. 111853 Design**

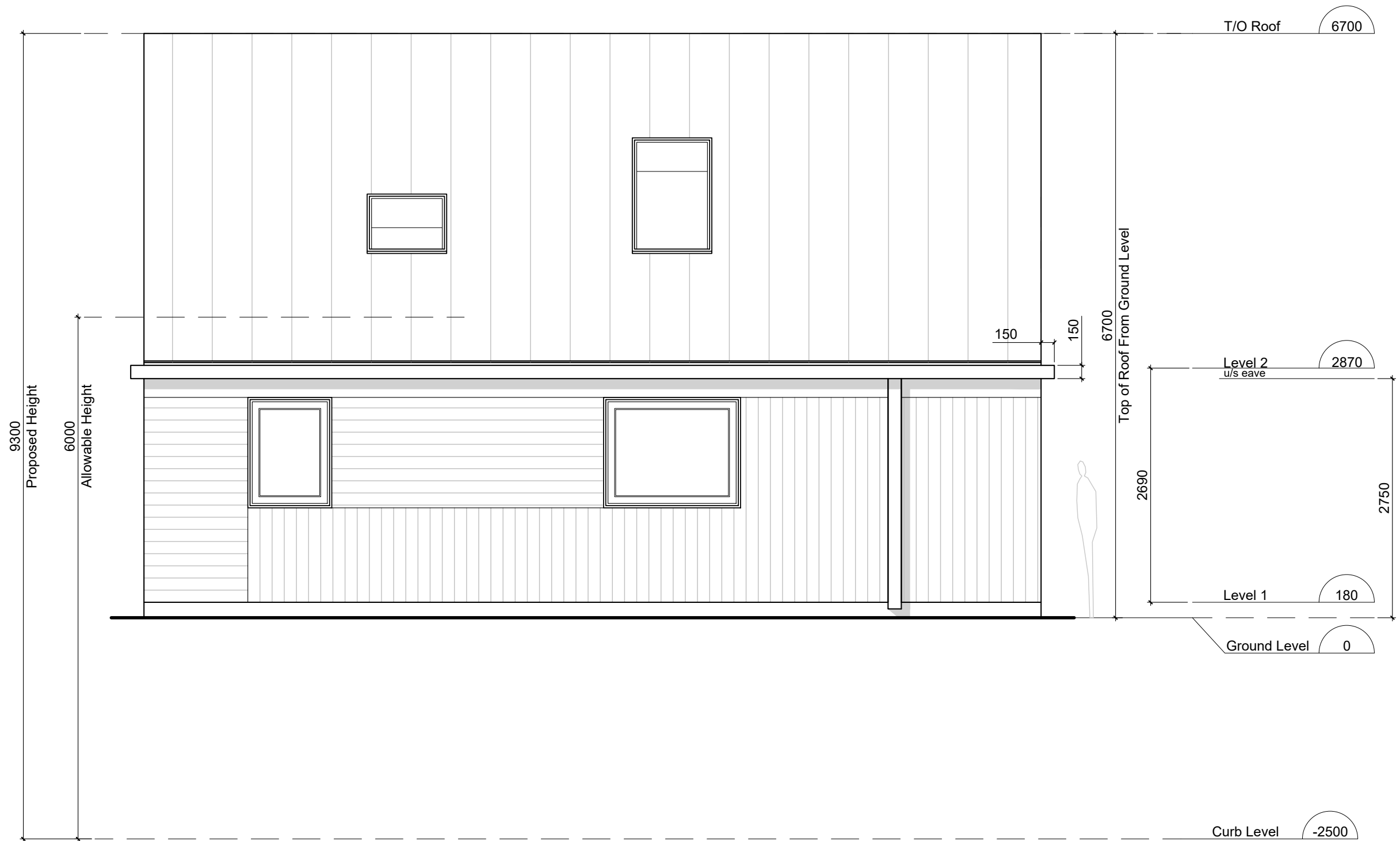
Project:  
478 John St. N SDU

Drawing:  
East Elevation

Scale:  
1 : 50

Date:  
2021-12-05

Drawing No.:  
A04.03



**No. 111853 Design**

Project:  
478 John St. N SDU

Drawing:  
South Elevation

Scale:  
1 : 50

Date:  
2021-12-05

Drawing No.:  
A04.04

**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	MAILING ADDRESS	
Registered Owners(s)	Ryan A. Pagliaro		
Applicant(s)*	Ryan A. Pagliaro		
Agent or Solicitor			Phone:
			E-mail:

**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:  
Scotiabank Mortgage  
12 King St E, Hamilton, ON L8N 4G9

**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:

1. To allow a GFA of 85sqm instead of the bylaw maximum allowable 75sqm GFA.
2. To allow a height of 9.3m instead of the bylaw maximum allowable 6.0m.
3. To allow the existing condition front yard landscape area of 44% where 50% landscape area is required

☒ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling

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

Please see attached response.

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**):

17156 - 0162 LT  
PT LT 32 NATHANIEL HUGHSON SURVEY (OR LT 9 UNREGISTERED) AS IN  
HL103428; CITY OF HAMILTON  
478 JOHN ST N, 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?

Historic mapping and visual inspection.

- 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.

2021-14-07

Date

  
Signature Property Owner(s)

RYAN PAGLIARO

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	32'
Depth	155'
Area	461m <sup>2</sup>
Width of street	8.5m

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: \_

1.5 storey single family dwelling:

130 sqm gross ground floor area, 150 sqm GFA, 13m long, 8.4m wide, 8m tall

Proposed

Existing remains unchanged

Proposed garden suite:

1.5 storey, 75 sqm gross ground floor area, 85 sqm GFA

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 yard: 3m -- Side yards: 1m, .9m -- Rear yard: 31m

Proposed:

Existing remains unchanged

Proposed garden suite:

Distance to main dwelling: 14.3m -- Side yards: 1.2m -- Rear yard: 6.5m

13. Date of acquisition of subject lands:  
June 2020
- 
14. Date of construction of all buildings and structures on subject lands:  
Pre 1898 (as per hamilton fire insurance maps)
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single family dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single family dwellings
17. Length of time the existing uses of the subject property have continued:  
pre 1898
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:  
'D' Zoning
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.

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

**GFA:**

This garden suite will be constructed using sustainable building strategies that exceeds the minimum Ontario Building Code requirements for wall and roof construction. Best practice for a well insulated building is to wrap the exterior of the structure in a thick layer of insulation. This results in substantially thicker walls and roofs.

The City of Hamilton measures gross floor area (GFA) to the exterior of the wall. According to this method of calculating GFA, thicker and well-insulated wall construction increases gross floor area while interior living space remains the same. The allowable GFA for an SDU is 75sqm, and it is important to note that the gross **ground floor** area of this secondary dwelling unit is 75sqm. Maintaining this footprint, the interior living space occupied by thicker walls moves into the half storey within the roof structure.

The allowable lot coverage is 25% - this proposal shows 17% lot coverage.

**Height:**

In this instance, the City of Hamilton measures the height of a building from curb level to the peak of the roof. The topography of the site slopes towards the rear. There is a plateau where the proposed SDU is situated that is 2.5m above curb level. Initially, this application was requesting an additional 0.7m of height to allow for the thickness of exterior roof insulation until notified about height being measured from curb level, and not the average ground level around the SDU.

The proposed SDU is 35m away from the curb, and over that length the elevation changes by 2.5m. In this scenario, there is no relationship between the curb and the SDU. In order to comply with the regulation as is, it would result in needless excavation, or a SDU with a roof height from ground level of 3.5m. In the case of the latter, lot coverage would increase as the 16sqm within the half storey of the proposed pitched roof would now occupy space on the ground floor.

**Landscaped Area:**

To comply with this regulation, costly removal of a well maintained concrete path would occur. As seen below, the landscaped area at 44% establishes the same level of beautification to the street as would 50% which is the intention of this regulation.

