

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-21:425

APPLICANTS: Owners S. Grittani & M. McLeod
Agent C. Hollingshead

SUBJECT PROPERTY: Municipal address **323 Herkimer St., Hamilton**

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

ZONING: D district (Urban Protected Residential - One and Two Family Dwellings etc.)

PROPOSAL: To permit the construction of a two (2) storey rear addition comprising 90 square metres of gross floor area, and a 23.33 square metre roofed over rear deck for an existing 1.5 storey single family dwelling, notwithstanding that:

1. The minimum westerly side yard width shall be 0.35 metres instead of the minimum required 1.2 metre side yard for a building not over two and a half storeys;
2. The eaves projection shall be permitted to be 0.0m from the westerly side lot line instead of the requirement for the eaves and gutter to not project into a required side yard more than one half of the width of the side yard or 0.17m.
3. A single family dwelling containing ten (10) habitable rooms shall require 2 parking spaces instead of the minimum required 3 parking spaces.

NOTES

1. The variances were written as requested by the applicant. Additional variances are provided for the eaves projection into the westerly side yard.
2. The Zoning Section interprets the Zoning By-law to permit parking spaces for a single family dwelling to access an adjacent laneway for manoeuvring purposes.
3. The submitted plans did not show the projection of eaves and gutters into the side yards for the proposed addition. Therefore the eaves and gutter projections for the proposed two storey addition shall not exceed one half of the side yard width or 0.6m for the easterly side yard or additional variances shall be required.
4. The submitted Elevations did not clearly identify the existing dwelling and proposed addition.
5. The submitted plans did not clearly show all of the dimensions and setbacks.

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

DATE:	Thursday, January 20th , 2022
TIME:	1:50 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: January 4th, 2022.

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.

ZONING NOTES:

ORIGINAL CONSTRUCTION DATE = PRIOR TO THE 25TH DAY OF JULY 1940
APPLICABLE ZONING BY LAW = FORMER CITY OF HAMILTON 6593
ZONING DESIGNATION = D
LOT FRONTAGE = 8.44m
LOT AREA = 312 m²

EXISTING DWELLING;
FRONT YARD SETBACK = 3.79m
EAST SIDE YARD SETBACK = 1.27m
WEST SIDE YARD SETBACK = 0.35m
REAR YARD SETBACK = 24.32m

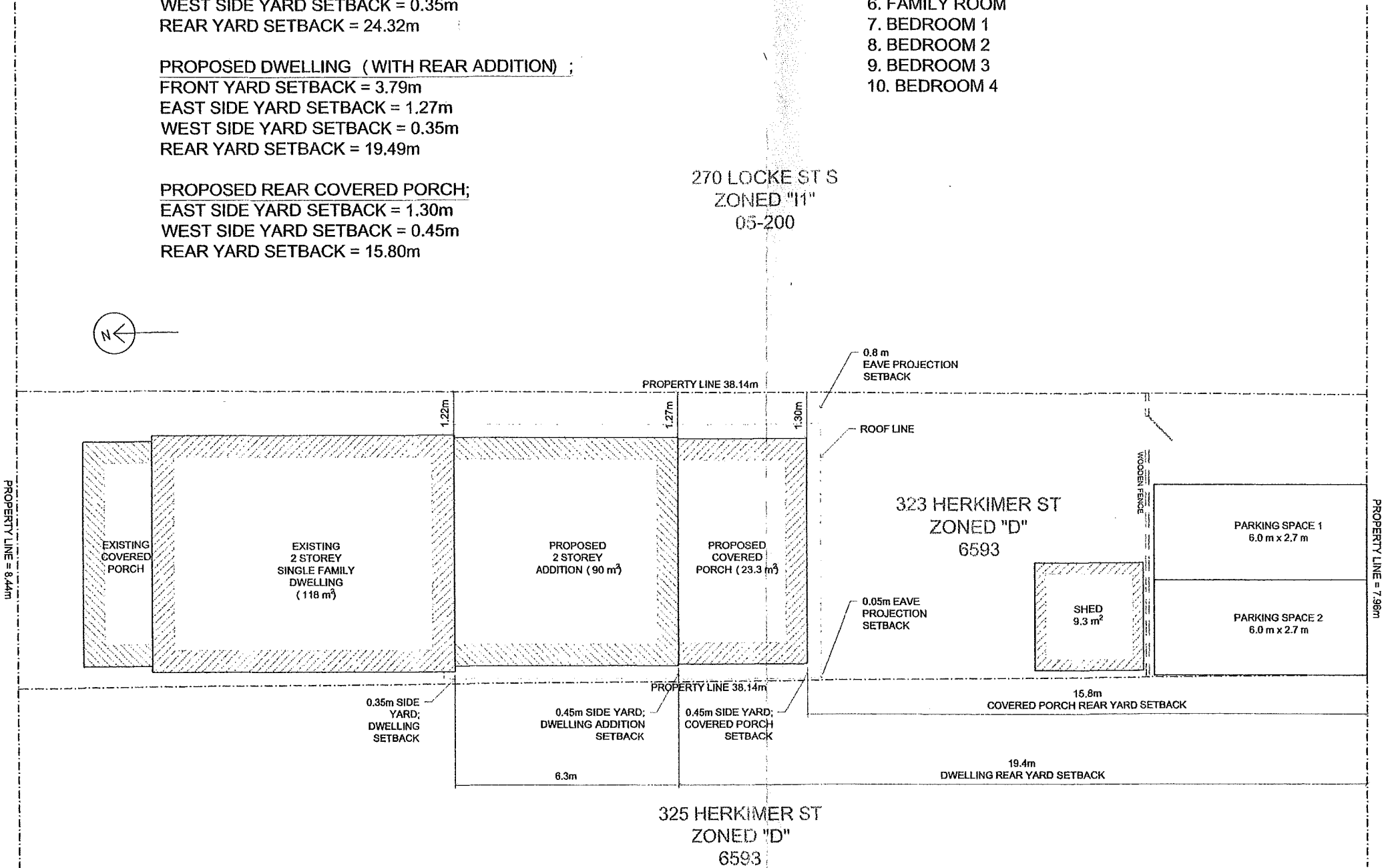
PROPOSED DWELLING (WITH REAR ADDITION) ;
FRONT YARD SETBACK = 3.79m
EAST SIDE YARD SETBACK = 1.27m
WEST SIDE YARD SETBACK = 0.35m
REAR YARD SETBACK = 19.49m

PROPOSED REAR COVERED PORCH;
EAST SIDE YARD SETBACK = 1.30m
WEST SIDE YARD SETBACK = 0.45m
REAR YARD SETBACK = 15.80m

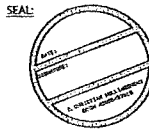
EAVE PROJECTION SETBACK;
EAST SIDE YARD SETBACK = 0.80m
WEST SIDE YARD SETBACK = 0.05m

- HABIATABLE ROOMS;
- 1. UNFINISHED BASEMENT
 - 2. REC ROOM
 - 3. LIVING ROOM
 - 4. DINING ROOM
 - 5. KITCHEN
 - 6. FAMILY ROOM
 - 7. BEDROOM 1
 - 8. BEDROOM 2
 - 9. BEDROOM 3
 - 10. BEDROOM 4

HERKIMER STREET



S. CHRISTIAN HOLLINGSHEAD
OBC DESIGNER BCIN 42965/37310
SMALL BUILDINGS,
STRUCTURAL, PLUMBING
63 STANLEY AVENUE
HAMILTON, ONTARIO
L8P 2L2 (905) 975-8765
hollingsheaddesigner@gmail.com



PROJECT ADDRESS:

323 HERKIMER ST
HAMILTON, ON
L8P 2J2

NOTES:

- NOTE 1
- NOTE 2

DRAWING TITLE:

SP1.01

SITE PLAN -
PROPOSED

DRAWING SCALE : 3/16" = 1'-0"

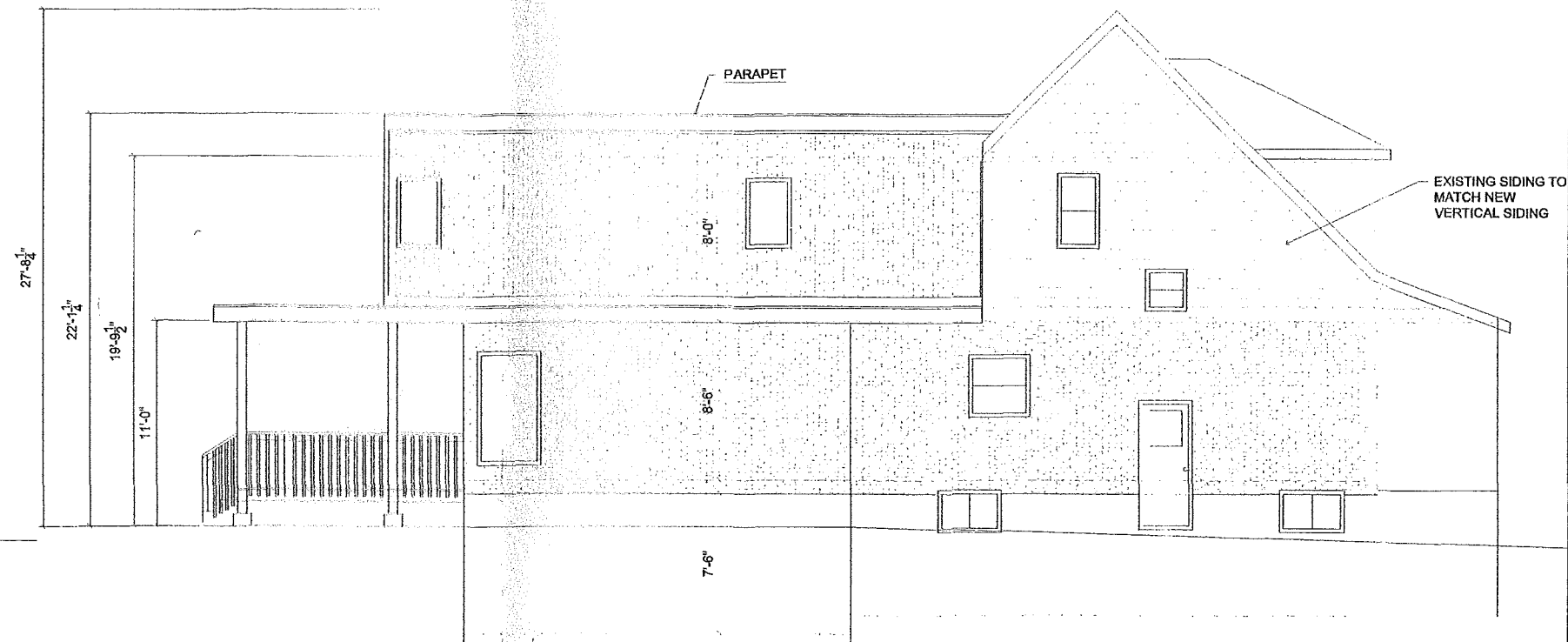
DATE : 10/19/2021

DRAWN BY : SCH

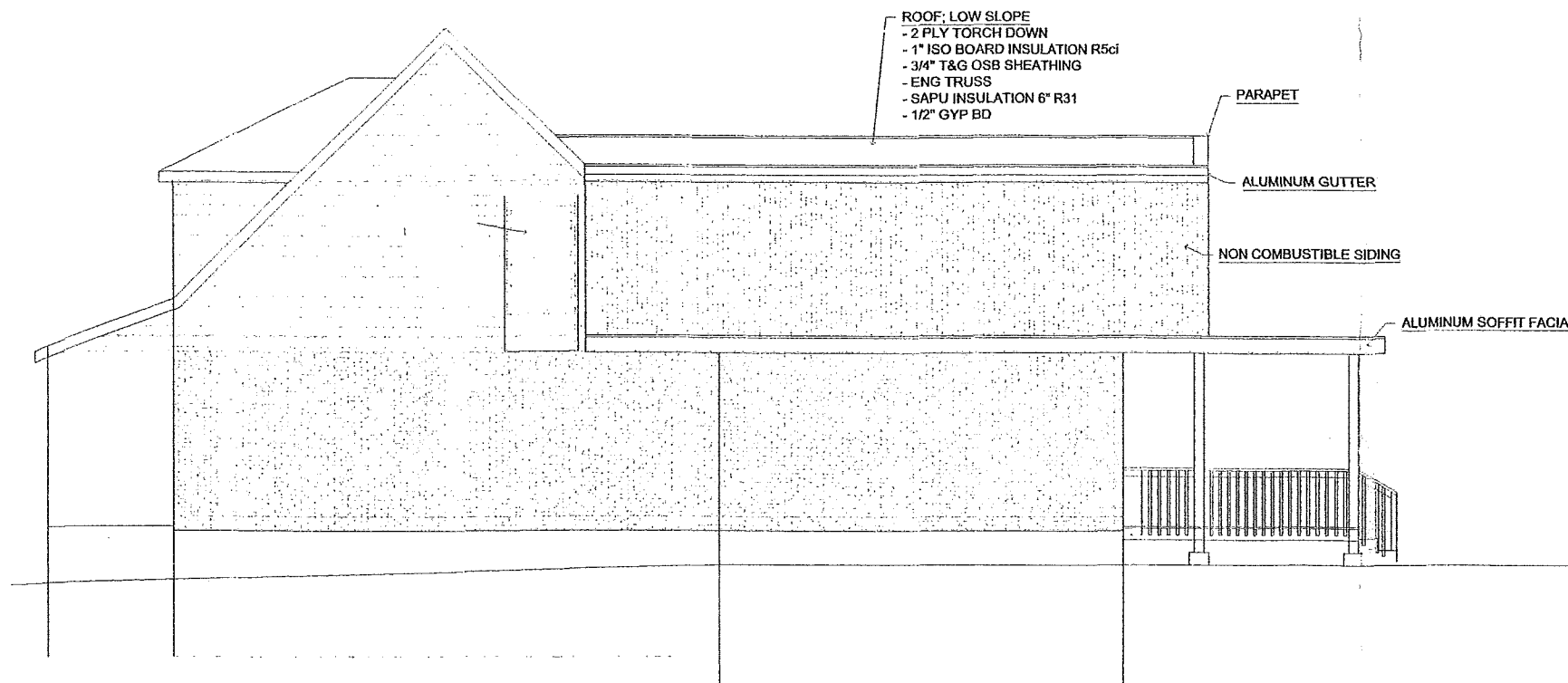
CHECKED BY : SCH



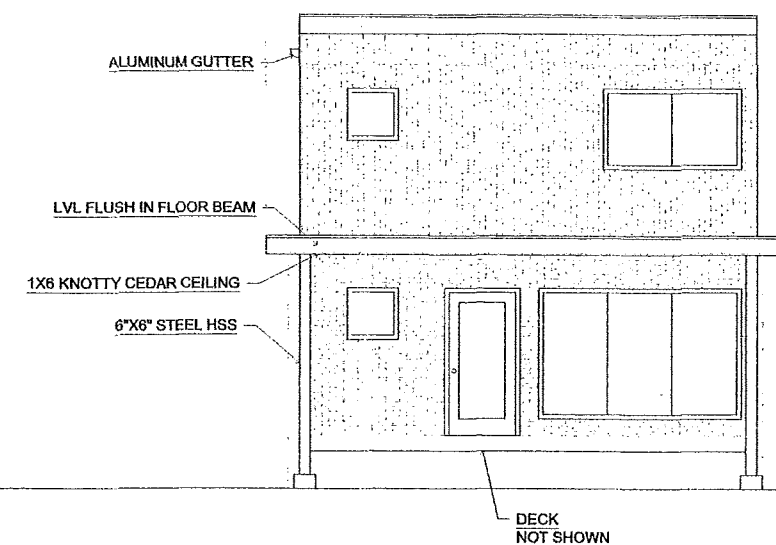
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION

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L8P 2J2

NOTES:

- NOTE 1
- NOTE 2

DRAWING TITLE:

A2.01

ELEVATION -
PROPOSED

DRAWING SCALE : 1/4" = 1'-0"

DATE : 10/19/2021

DRAWN BY : SCH

CHECKED BY : SCH

HERKIMER STREET
(BY REGISTERED PLAN 253)
PIN 17133-0287(L.1)

SURVEYOR'S REAL PROPERTY REPORT (PART 1) PLAN OF
PART OF LOT 207, BLOCK C
REGISTERED PLAN 253
IN THE
CITY OF HAMILTON
SCALE 1 : 150
3 0 6 METRES
ASHENHURST NOUWENS & ASSOCIATES INC.
COPYRIGHT 2021 ©

METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO
FEET BY DIVIDING BY 0.3048.

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAY.
SUBJECT TO RIGHT FOR ENCROACHMENT OF THE EAVES AS IN INSTRUMENT
NoS. AB14980 & CD211608

THIS SURVEY WAS PREPARED FOR S. CHRISTIAN HOLLINGSHEAD AND THE UNDERSIGNED
ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S REAL PROPERTY REPORT (PART 2)

NOTE THE LOCATION OF THE FENCES ALONG THE EAST AND WEST LIMITS OF THE
PROPERTY

NOTE THE LOCATION OF THE RETAINING WALL ALONG THE EAST LIMIT OF THE
PROPERTY

NOTE THE LOCATION OF THE EAVES ALONG THE WEST LIMIT OF THE PROPERTY
AS SHOWING ON THE SURVEY

BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTH LIMIT OF
HERKIMER STREET AS SHOWN ON PLANS P2 & P3 HAVING A BEARING OF
N72°00'00"W

LEGEND

- DENOTES FOUND
- DENOTES PLANTED
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- RIB DENOTES ROUND IRON BAR
- M DENOTES MEASURED
- OU DENOTES ORIGIN UNKNOWN
- WIT DENOTES WITNESS
- P1 DENOTES REGISTERED PLAN 253
- P2 DENOTES PLAN BY GUIDO CONGOLI SURVEYING LTD., DATED MARCH 28, 1991
- P3 DENOTES PLAN BY B. A. JACOBS SURVEYING LTD., DATED MAY 26, 2011
- P4 DENOTES PLAN BY ASHENHURST NOUWENS & ASSOCIATES INC., DATED AUGUST 17, 2015
- D1 DENOTES INSTRUMENT No. CD211608
- D2 DENOTES INSTRUMENT No. AB14980
- D3 DENOTES INSTRUMENT No. AB111589
- BF DENOTES BOARD FENCE
- CLF DENOTES CHAIN LINK FENCE
- DT DENOTES DECIDUOUS TREE
- 912 DENOTES A. J. CLARKE, O.L.S.
- 1629 DENOTES B. A. JACOBS, O.L.S.

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2170868



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3)

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT,
THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 17TH DAY OF MAY, 2021

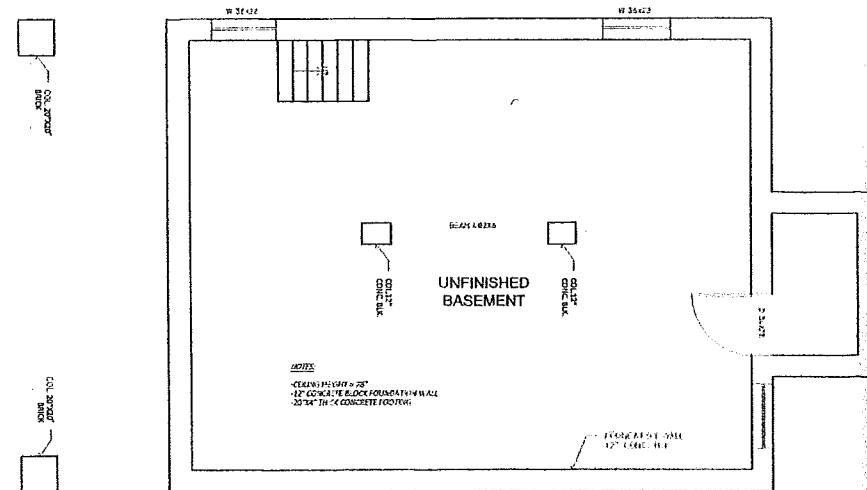
MAY 20, 2021
DATE

HARRY KALANTZAKOS
ONTARIO LAND SURVEYOR

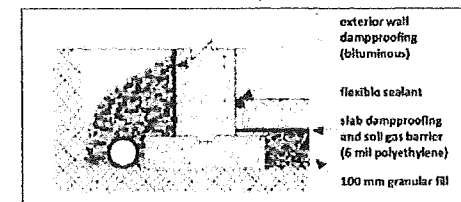
ASHENHURST NOUWENS & ASSOCIATES INC.
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1
TELEPHONE: (905) 529-6316
(905) 529-4314
FAX: (905) 529-6651
e-mail: anl@AshenhurstNouwens.ca
AN
SINCE 1956

DRAWN BY W.S. CALCD BY W.S. CHK'D BY H.K. FILE No. 21--058 SRPR

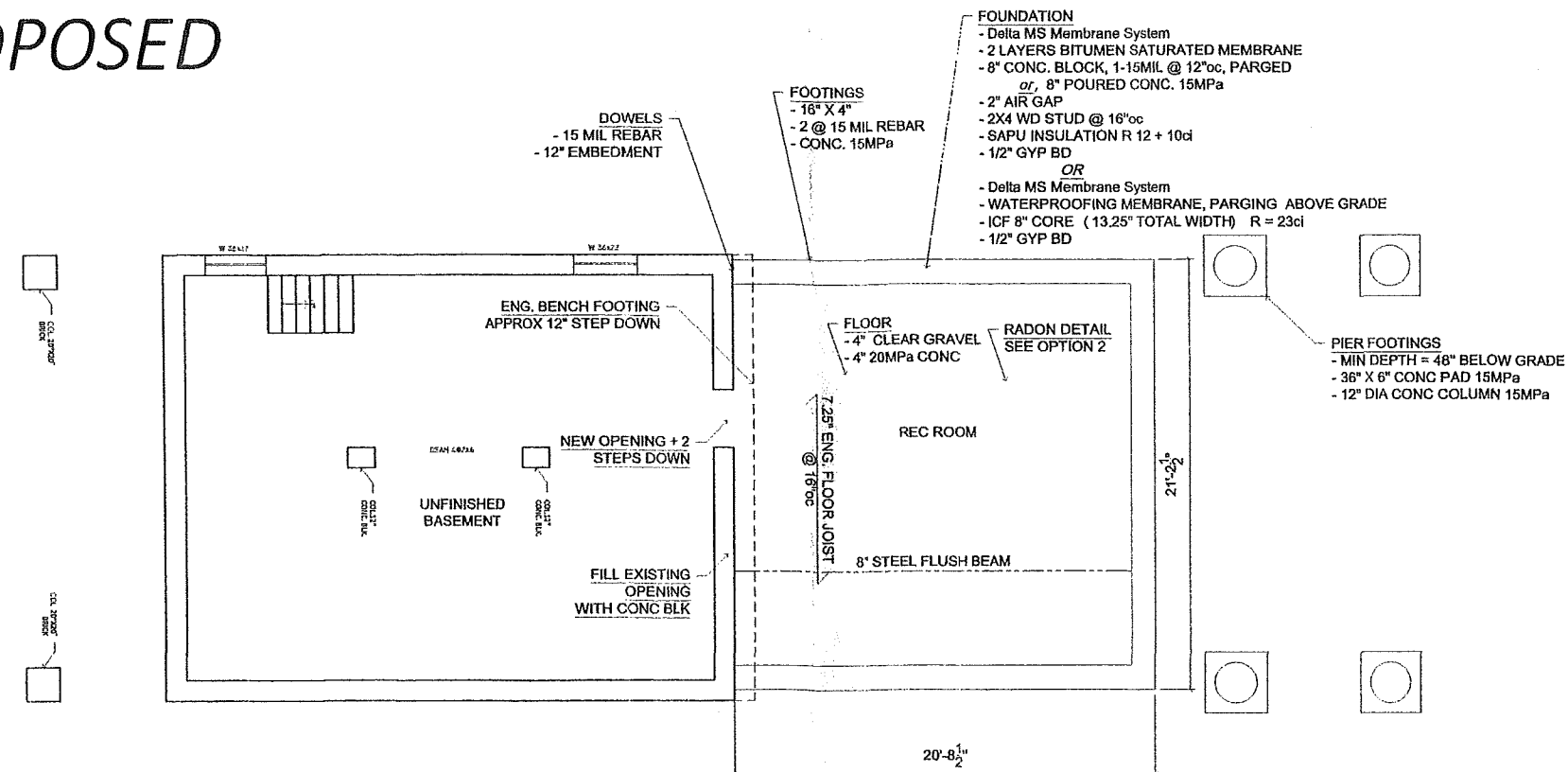
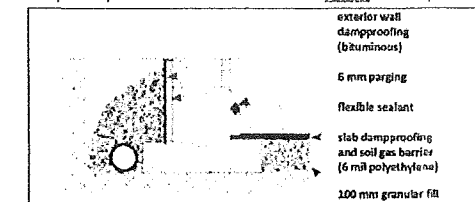
PROPOSED



Solid Foundation Wall



Hollow Foundation Wall



The seal is circular with a double-lined border. Inside, the text "ASME" is at the top, "EST. 1885" is at the bottom, and "THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS" is written in a curved path around the center.

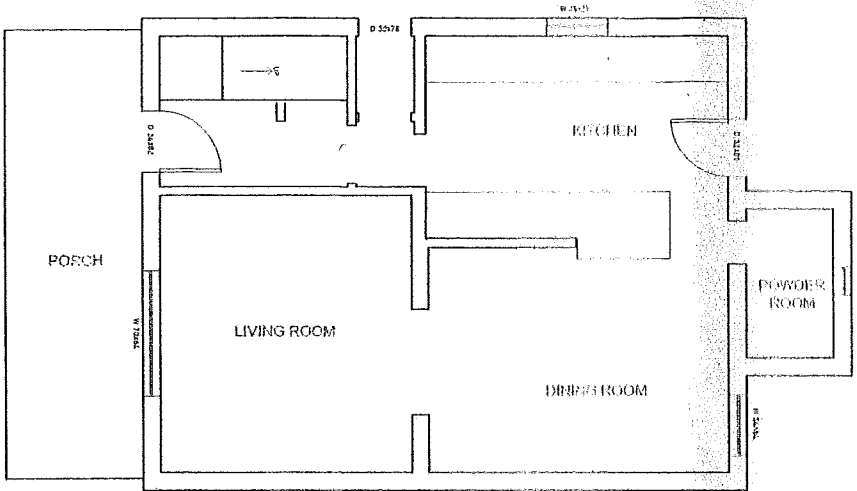
323 HERKIMER ST
HAMILTON, ON
L8P 2J2

- NOTE 1
- NOTE 2

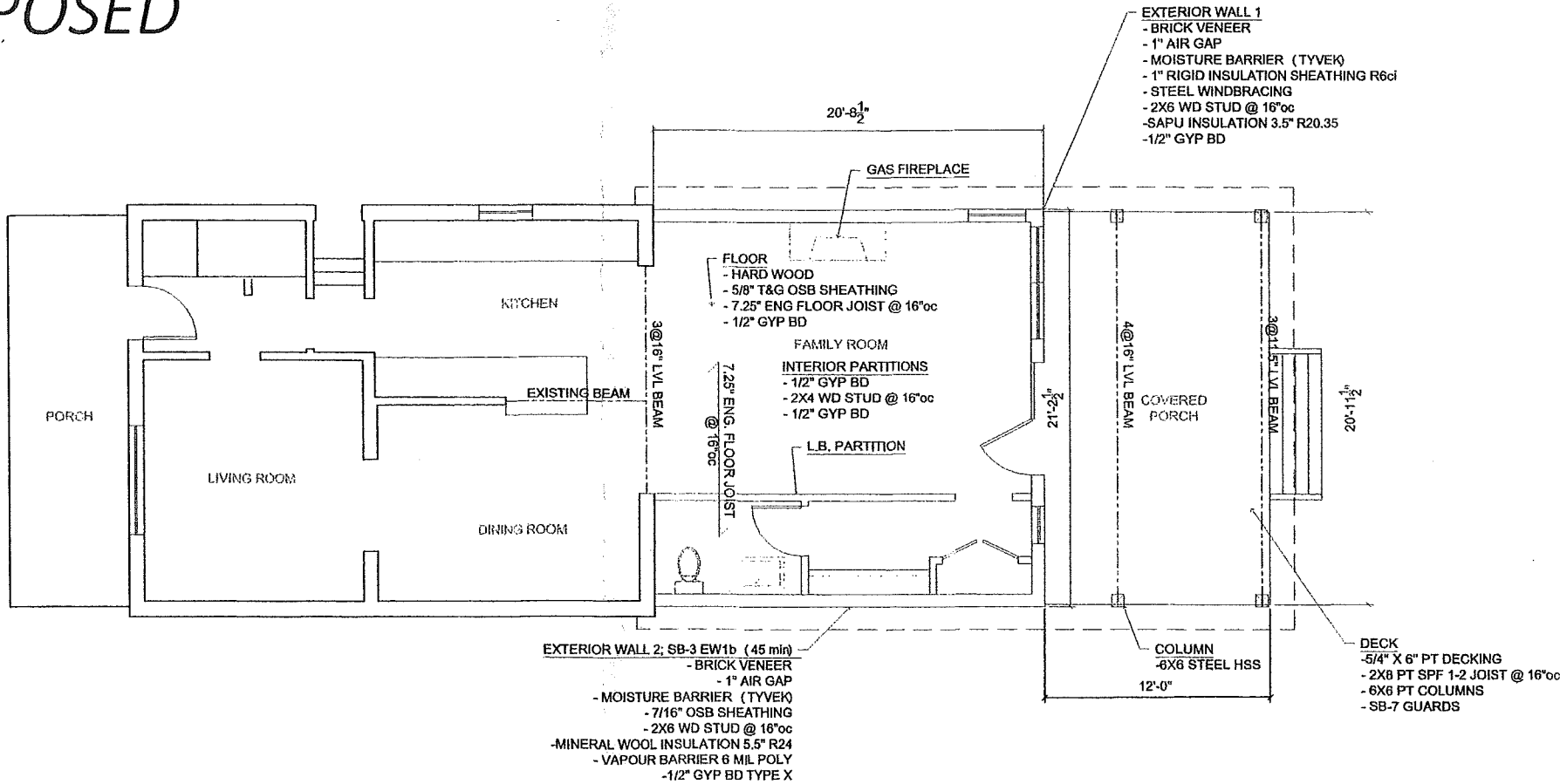
**PLAN -
BASEMENT**

CHECKED BY : SCH

EXISTING

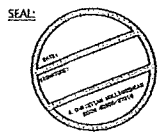


PROPOSED



S. CHRISTIAN HOLLINGSHEAD
OBC DESIGNER BCIN 42965/37310
SMALL BUILDINGS,
STRUCTURAL, PLUMBING

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hollingsheaddesigner@gmail.com



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HAMILTON, ON
L8P 2J2

NOTES:

- NOTE 1
- NOTE 2

DRAWING TITLE:

A1.01
PLAN -
FLOOR 1

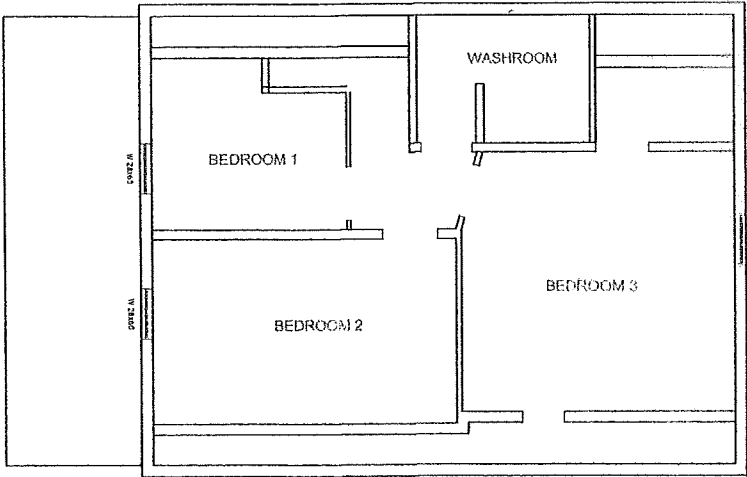
DRAWING SCALE : 1/4" = 1'-0"

DATE : 10/19/2021

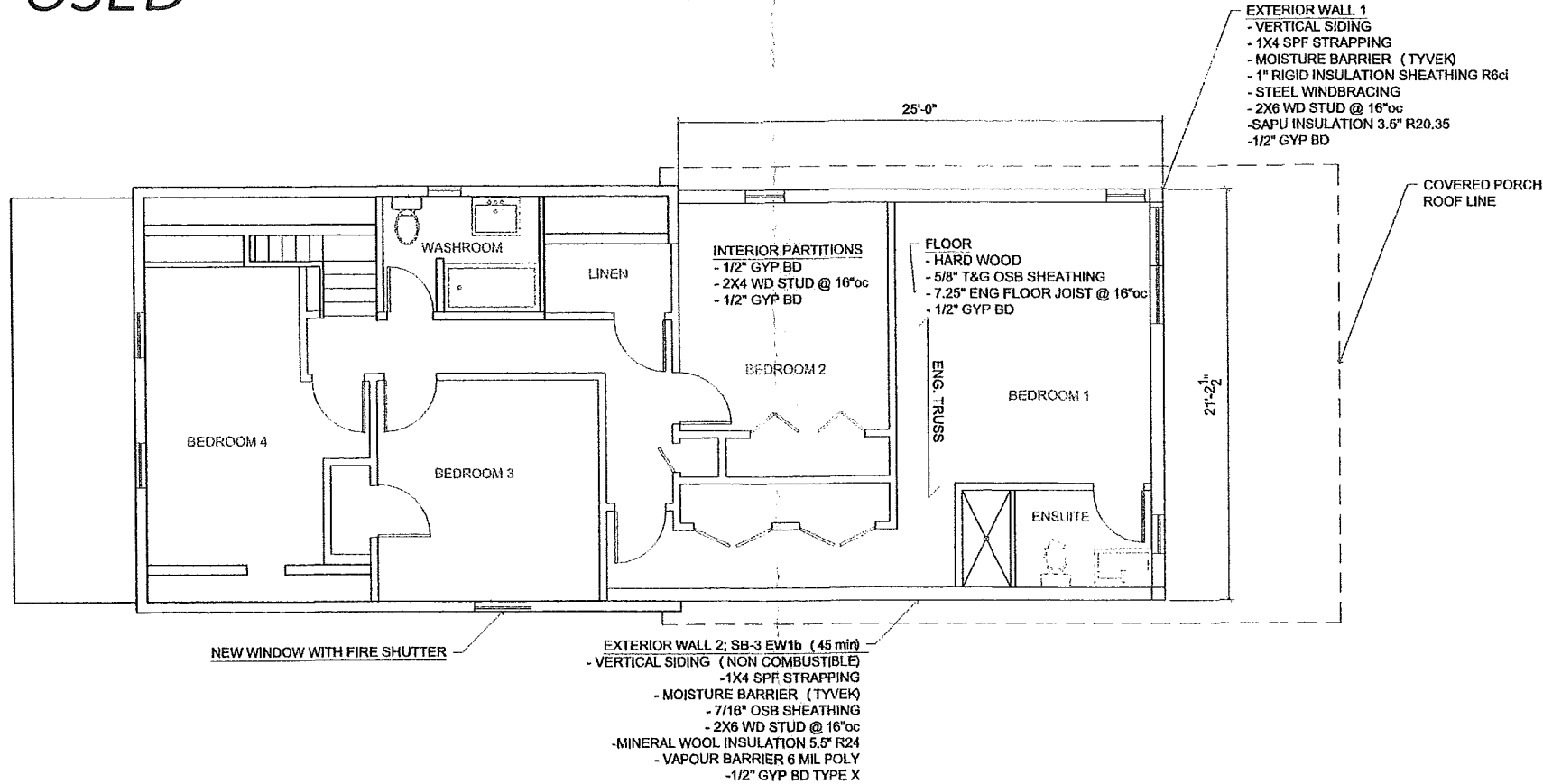
DRAWN BY : SCH

CHECKED BY : SCH

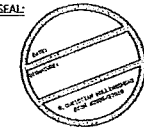
EXISTING



PROPOSED



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HAMILTON, ON
L8P 2J2

NOTES:

- NOTE 1
- NOTE 2

DRAWING TITLE:

A1.02

PLAN -
FLOOR 2

DRAWING SCALE : 1/4" = 1'-0"

DATE : 10/19/2021

DRAWN BY : SCH

CHECKED BY : SCH



Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5
Phone: (905) 546-2424 ext. 4221
Email: planning@cityofhamilton.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)	<div></div>	
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:

None.

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: SINGLE FAMILY DWELLING; WEST SIDE YARD
SETBACK = 0.45 m INSTEAD OF REQ. 1.2 m; EAVE PROJECTION OF 1.15 m
INSTEAD OF MAX. 0.6 m REAR COVERED PORCH; WEST SIDE YARD
SETBACK = 0.45 m INSTEAD OF REQ 1.2 m. PARKING; 2 SPACES INSTEAD
☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling OF THE REQ 3 SPACES
FOR 10 HABITABLE ROOMS
5. Why it is not possible to comply with the provisions of the By-law?
PROPERTY ESTABLISHED PRIOR TO CURRENT ZONING BY LAW.
EXISTING DWELLING EXTENT TO BE MATCHED, LOT TOO
NARROW.
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**):
323 Herkimer St, Hamilton, ON L8P 2J2
7. PREVIOUS USE OF PROPERTY
- | | | |
|---|-------------------------------------|-------------------------------------|
| Residential <input checked="" type="checkbox"/> | Industrial <input type="checkbox"/> | Commercial <input type="checkbox"/> |
| Agricultural <input type="checkbox"/> | Vacant <input type="checkbox"/> | Other <input type="checkbox"/> |
| 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?

CURRENT USE IS FIRST KNOWN USE OF PROPERTY.

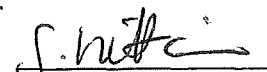
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

Nov. 19, 2021
Date


Signature Property Owner(s)

Sarah Grittani, Marc McLeod
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 8.44 m
Depth 38.14 m
Area 312 m²
Width of street 10 m

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 DWELLING; GRND.F.A. = 61 m²,

G.F.A. = 118 m², STOREYS = 2, WIDTH = 6.7 m,

LENGTH = 10.0 m, HEIGHT = 8.7 m.

SHED < 10 m²

Proposed SINGLE FAMILY DWELLING; GRND.F.A. = 98 m²

G.F.A. = 204 m², STOREYS = 2; WIDTH = 6.7 m, LENGTH = 16.1 m

HEIGHT = 8.7 m.

REAR COVERED PORCH; G.F.A. = 23.3 m²; WIDTH = 3.7 m, LENGTH = 6.4 m.

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

Existing: SINGLE FAMILY DWELLING; FRONT = 3.79 m; REAR = 24.32 m
EAST = 1.22 m, WEST = 0.35 m

Proposed: SINGLE FAMILY DWELLING; FRONT = 3.79 m; REAR = 19.49 m

EAST = 1.22 m, WEST = 0.35 m

REAR COVERED PORCH; FRONT = N/A; REAR = 15.83 m;

EAST = 1.26 m, WEST = 0.46 m

13. Date of acquisition of subject lands:
Jan. 11, 2016
14. Date of construction of all buildings and structures on subject lands:
PRE 1920
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, INSTITUTIONAL (ELEMENTARY SCHOOL)
17. Length of time the existing uses of the subject property have continued:
ALWAYS
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:
VABIAN
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
6493 - FORMER CITY OF HAMILTON
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 DWG. SP1.01