



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

**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-21:423

**APPLICANTS:** Owner James Turnbull  
Agent Think Giraffe – M. Fensham

**SUBJECT PROPERTY:** Municipal address **159 Bond St. N., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended by By-law No. 96-125

**ZONING:** C/S-1364 district (Urban Protected Residential Etc.)

**PROPOSAL:** To permit the construction of a two-storey addition and a roofed-over unenclosed porch at the side and rear of the existing single family dwelling on a residential parcel of land, notwithstanding that:

1. A maximum floor area ratio factor of 0.86 shall be permitted, permitting a maximum gross floor area of 278.51 square metres, instead of the permitted maximum floor area ratio factor of 0.45, allowing a maximum gross floor area of 146.32 square metres.
2. One (1) parking space shall be provided instead of the minimum required three (3) parking spaces.
3. A minimum parking space size of 2.6 metres wide x 4.0 metres long shall be provided for the proposed parking space instead of the minimum required parking space size of 2.7 metres wide x 6.0 metres long.

**NOTE:**

1. Please note that as per Section 1(a)(v) of S-1364, no building or structure shall exceed 2 storeys and 9.0 metres in height. From the elevation drawing provided, it is unclear if the building height of 9.0 metres has been indicated as per the definitions of “height” and “grade” provided in Hamilton Zoning By-law No. 6593. Further, the applicant confirmed that only an “attic”, as defined, is being proposed above the second storey level, and therefore, the proposed building is to be two storeys in height, however, insufficient information was provided to confirm zoning compliance. Further variances may be required if compliance with Section 1(a)(v) of S-1364 cannot be achieved.
2. Construction of the proposed addition is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

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

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**DATE:** Thursday, January 20<sup>th</sup>, 2022  
**TIME:** 1:45 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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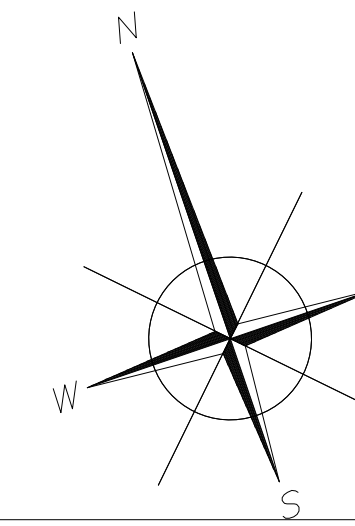
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

ITEM	ONTARIO BUILDING CODE DATA MATRIX	OBC REFERENCE
1	PROJECT DESCRIPTION: PROPOSED 2nd FLOOR AND REAR ADDITION Proposed Area: 135.0m <sup>2</sup>	<input type="checkbox"/> PART 3 <input checked="" type="checkbox"/> PART 9
2	MAJOR OCCUPANCY(S) C - RESIDENTIAL	-
3	BUILDING AREA (m <sup>2</sup> ) EXISTING 63m <sup>2</sup> NEW 72m <sup>2</sup> TOTAL 135.00m <sup>2</sup>	-
4	GROSS AREA TOTAL 278.5m <sup>2</sup>	-
5	NUMBER OF STOREYS ABOVE GRADE 2 BELOW GRADE BASEMENT	-
6	HEIGHT OF BUILDING (m) 9.0m maximum	-
7	NUMBER OF STREETS/ACCESS ROUTES ONE	-
8	BUILDING CLASSIFICATION	3.2.2.47.
9	SPRINKLER SYSTEM PROPOSED <input type="checkbox"/> ENTIRE BUILDING <input type="checkbox"/> BASEMENT ONLY <input type="checkbox"/> IN LIEU OF ROOF RATING <input checked="" type="checkbox"/> NOT REQUIRED	-
10	STANDPIPE REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	-
11	FIRE ALARM REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	9.10.18.2.(1)
12	WATER SERVICE SUPPLY IS ADEQUATE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	-
13	HIGH BUILDING <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	3.2.6.
14	CONSTRUCTION RESTRICTIONS COMBUSTIBLE OR NON-COMBUSTIBLE PERMITTED	3.2.2.47.
15	MEZZANINE(S) AREA m <sup>2</sup> N/A	-
16	TOTAL OCCUPANCY LOAD N/A BASED ON <input type="checkbox"/> m <sup>2</sup> /PERSON <input type="checkbox"/> DESIGN OF BUILDING	9.9.1.3.(1)(c)
17	BARRIER-FREE DESIGN (SEE COMMENT 2.) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	-
18	HAZARDOUS SUBSTANCES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	-
19	REQUIRED FIRE RESISTANCE RATING (FRR) HORIZONTAL ASSEMBLIES FRR (HOURS) FLOORS N/A ROOF N/A MEZZANINE N/A LISTED DESIGN NO. OR DESCRIPTION (SG-2)	-
20	Maximum Area of Glazed Openings in Exterior Walls of Houses	T.9.10.15.4.
	WALL AREA OF EBF (m <sup>2</sup> ) LD (m) PERMITTED MAX % OF OPENINGS PROPOSED % OF OPENINGS	
	NORTH 68,56m <sup>2</sup> 1.2m 7% 7%	
	SOUTH 102,21m <sup>2</sup> 1.2m 7% 7%	
	FRONT 55,81m <sup>2</sup> 4.7m 18% 10%	
	REAR 67,17m <sup>2</sup> 7.8m 34% 32%	
21	OTHER	OBC REFERENCE

GROSS FLOOR AREA		
FLOOR	Ft <sup>2</sup>	M <sup>2</sup>
BASEMENT	928.47 ft <sup>2</sup>	86.26 m <sup>2</sup>
MAIN FLOOR	828.43 ft <sup>2</sup>	76.96 m <sup>2</sup>
SECOND FLOOR	870.82 ft <sup>2</sup>	80.90 m <sup>2</sup>
OPEN TO BELOW	370.13 ft <sup>2</sup>	34.39 m <sup>2</sup>
<b>TOTAL</b>	<b>2,997.85 ft<sup>2</sup></b>	<b>278.51 m<sup>2</sup></b>

TOTAL GFA:  
278.51m<sup>2</sup> / 325.16m<sup>2</sup> =  
85%



CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE JOB SITE AND NOTIFY DESIGNERS OF ALL DISCREPANCIES BEFORE INITIATING WORK. ALL DRAWINGS ARE THE PROPERTY OF THINKGIRAFFE. DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM DESIGNERS. PRINTS ARE NOT TO BE SCALED.

Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7.1 (ii)  
BCIN: 21574 / 116364

ISSUE FOR VARIANCE: Oct 15, 2021

REMARKS	DATE	NO.
REVISIONS		

**thinkGiraffe**  
ENVIRONMENTAL DESIGN  
16 Sulphur Springs Road,  
Ancaster, ON, L9G 1L8  
905 304 1496  
thinkgiraffe@bellnet.ca

PROJECT  
**Proposed Main & 2nd Floor Addition**  
  
159 Bond Street N,  
L8S 3W7, Hamilton, ON.

SHEET TITLE  
**SP1-01 SITE PLAN**

FOLDER	DRAWN BY M
FILE	SCALE 1/8" = 1'-0"
DATE	NUMBER

**SP1**

**Urban Protected Residential C/S-1364 /S1364**  
**By-Law 96-125**  
**WESTDALE NORTH NEIGHBOURHOOD**

**Site Statistics**

Lot Size: 325.16m<sup>2</sup> (3500.00ft<sup>2</sup>)  
Proposed Area incl. Addition: 772ft<sup>2</sup> (72m<sup>2</sup>) Addition + 681ft<sup>2</sup> (63m<sup>2</sup>)  
Existing Residence = 1,453ft<sup>2</sup> (135.0m<sup>2</sup>)  
Proposed Lot Coverage: 41% (Calculations include Covered Side & Rear Porches)

Gross Floor Area: 325.16m<sup>2</sup> Lot Area / Factor 0.45 = 146.32m<sup>2</sup> Gross Floor Area Allowed  
Gross Floor Area per S-1364: 278.51m<sup>2</sup> (See Table)

**Interior Area** (For Heatloss, not for to Gross Floor Area prescribed Calculations)

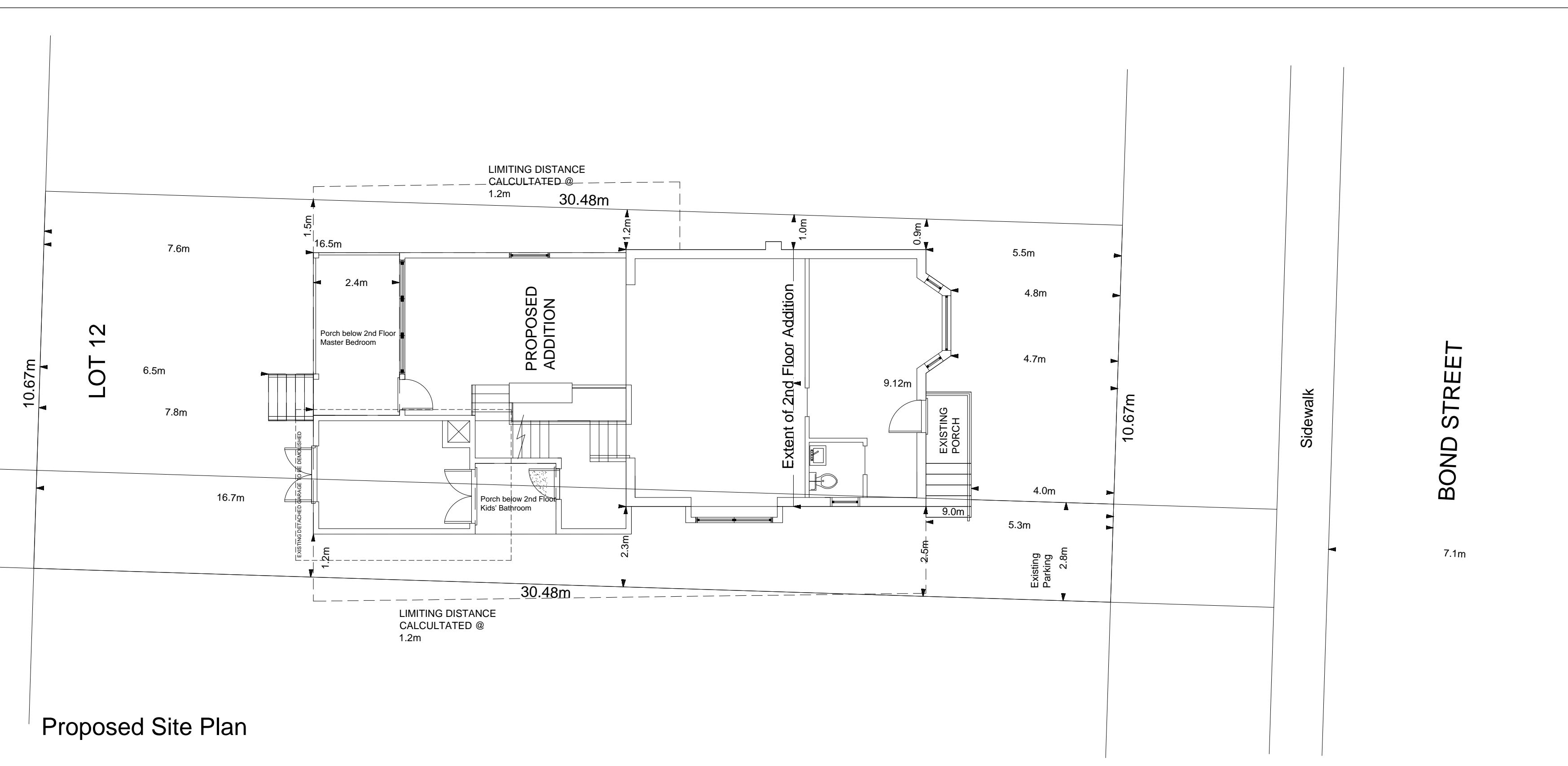
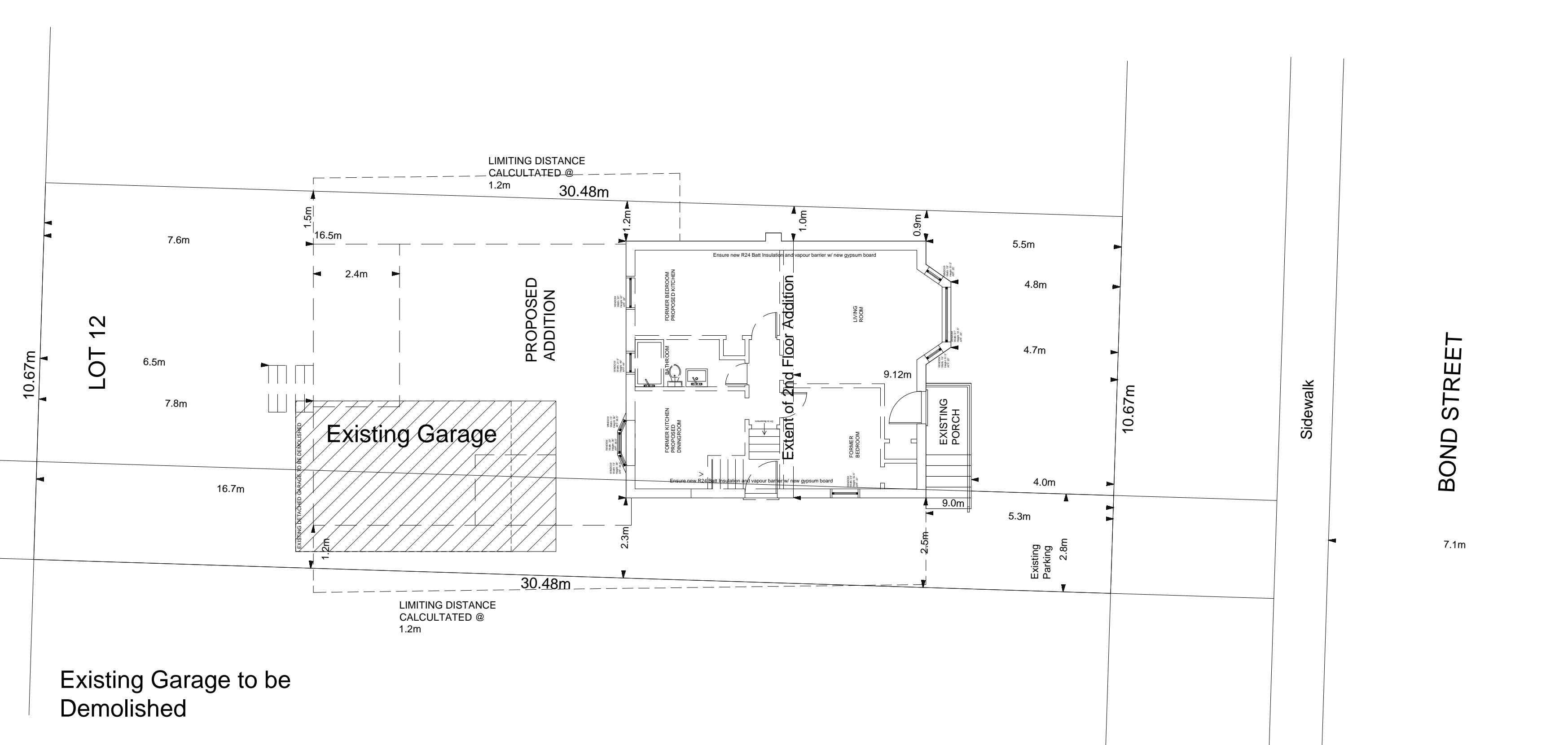
Basement (Existing): 55.36m<sup>2</sup> (595.93ft<sup>2</sup>)  
Basement (Addition): 64.19m<sup>2</sup> (692ft<sup>2</sup>)  
Main Floor (Existing): 55.36m<sup>2</sup> (595.86ft<sup>2</sup>)  
Main Floor (New): 53.18m<sup>2</sup> (572.47ft<sup>2</sup>)  
Covered Porch/Deck,  
Side Porch & Front Porch: 22.01m<sup>2</sup> (236.90ft<sup>2</sup>)  
2nd Floor: 80.90m<sup>2</sup> (870.82ft<sup>2</sup>)

**Landscaping**

Front Yard Area: 49.98m<sup>2</sup> (537.96ft<sup>2</sup>)  
Front Yard Green Area: 36.70m<sup>2</sup> (395.02ft<sup>2</sup>)  
% of Green Space: 73%

**HABITABLE ROOMS**

ROOM #	ROOM NAME	FLOOR
1	Study / Sitting Area	Main
2	Kitchen / Dining Room / Family Room	Main
3	Master Bedroom	Second
4	Bedroom 1	Second
5	Bedroom 2	Second
6	Media Room	Basement
7	Study	Basement
8	Bedroom	Basement





**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 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 12-18 King St. E, 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:

- S-1364  
Total GFA 850<sup>sq</sup> (Sec SP1)
- Existing Parking 2.8m x 4.0m

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

- Design is for a modest 3 bedroom and office SF family home.

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):

159 Bond Street North  
Lot 12

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 9.1 to 9.10 above?

Review of Area

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.

October 26/21  
Date

[Signature]  
Signature Property Owner

James Turnbull  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 10.67m  
Depth 30.48 m  
Area 325.16 m  
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: See SP1 for detailed Description

Proposed

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 SP1

Proposed:

13. Date of acquisition of subject lands:  
April 28, 2021

14. Date of construction of all buildings and structures on subject lands:  
1945-1950 (estimated)

15. Existing uses of the subject property:  
SF Residential

16. Existing uses of abutting properties:  
SF Residential

17. Length of time the existing uses of the subject property have continued:  
Since Construction

18. Municipal services available: (check the appropriate space or spaces)  
Water Yes Connected Yes  
Sanitary Sewer Yes Connected Yes  
Storm Sewers Yes

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:

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.