



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th 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

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-21:419

APPLICANTS: Owners V. & C. Gilmour

SUBJECT PROPERTY: Municipal address **110 Waterberry Trail, Hamilton**

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

ZONING: C district (Urban Protected Residential)

PROPOSAL: To permit interior alterations within the existing single family dwelling and to legalize a total of four (4) parking spaces on-site notwithstanding that:

1. Two (2) of the required parking spaces may be located in the front yard whereas the by-law permits a maximum of one (1) parking space in the front yard of a single family dwelling.
2. No onsite manoeuvring shall be provided for the parking spaces located within the front yard instead of the minimum required 6.0m manoeuvring aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot.
3. The manoeuvring space and accessibility to the two (2) parking spaces located within the attached garage may be obstructed by the other two parking spaces located within the front yard whereas the By-law requires an unobstructed manoeuvring aisle having a minimum width of 6.0m and an unobstructed access to the required parking space.

NOTES:

- i. The Hamilton Zoning By-law 6593 requires parking for a Single Family Dwelling to be provided at a rate of two (2) parking spaces for the first eight (8) habitable rooms, plus an additional 0.5 spaces for each additional habitable room. As such, based on a total proposed 12 habitable rooms, a minimum of four (4) parking spaces are required to be provided on-site.
- ii. The applicant has indicated that the use of this property is intended to be maintained as a Single Family Dwelling only. The owner shall be advised that further variances will be required if the use of the building is intended to be converted to contain two (2) dwelling units.

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

DATE:	Thursday, January 20th, 2022
TIME:	3:20 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:

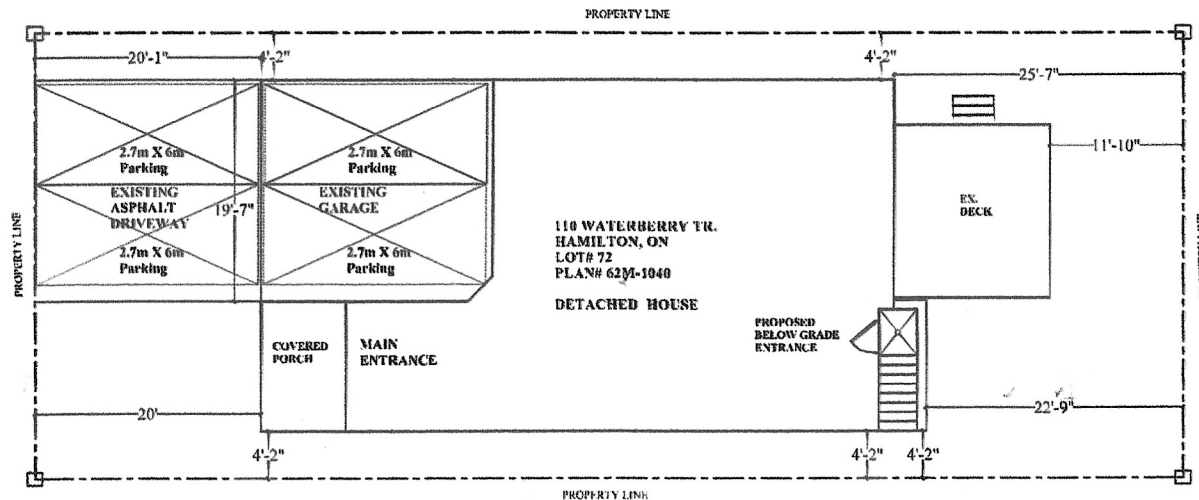
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

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.

WATERBERRY TRAIL



2980 Drew Rd. Suite 225,
Mississauga, ON L4T 0A7
647-986-9785
ravinder@aemdesigns.ca
www.aemdesigns.ca

Project Title:

**BASEMENT FINISH
AND BELOW GRADE
ENTRANCE**

Project Address:

**110 WATERBERRY TR.
HAMILTON, ONTARIO**

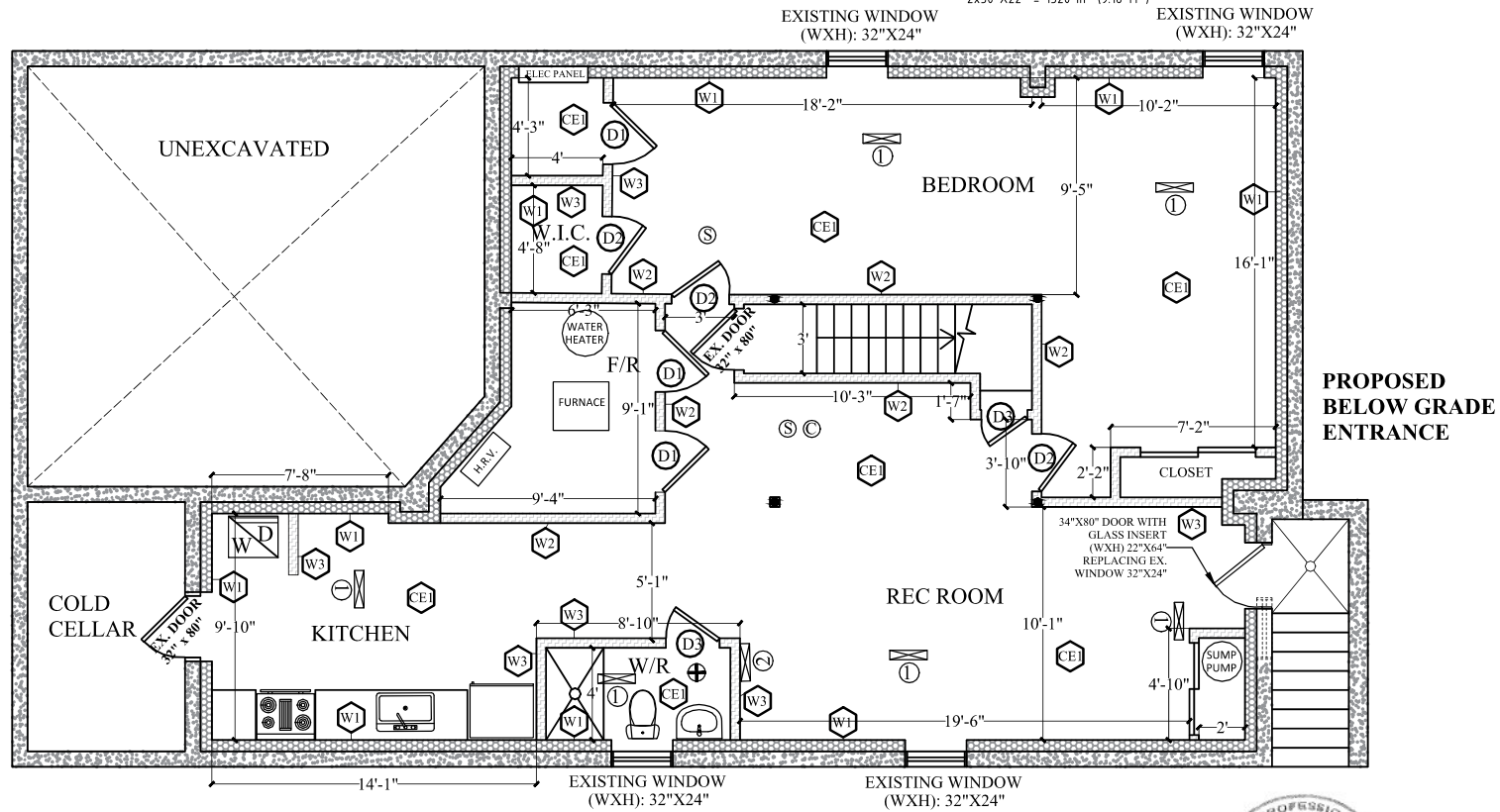
Drawing Title:

SITE PLAN

Scale:	Date:
3/32" = 1'	Oct 04, 2021
Designed:	Revision
R.S.	0
Project No.	Sheet No.
21166	SP1

AREA OF BASEMENT FINISH : 88.73 m² (954.79 ft²)

WINDOW CALCULATIONS FOR
BEDROOM @ 2.5%
49,551.04 in² (344.10ft²) x 2.5% = 1238.77 in² (8.60 ft²)
TOTAL GLASS OPENING PROPOSED
2x30"x22" = 1320 in² (9.16 ft²)



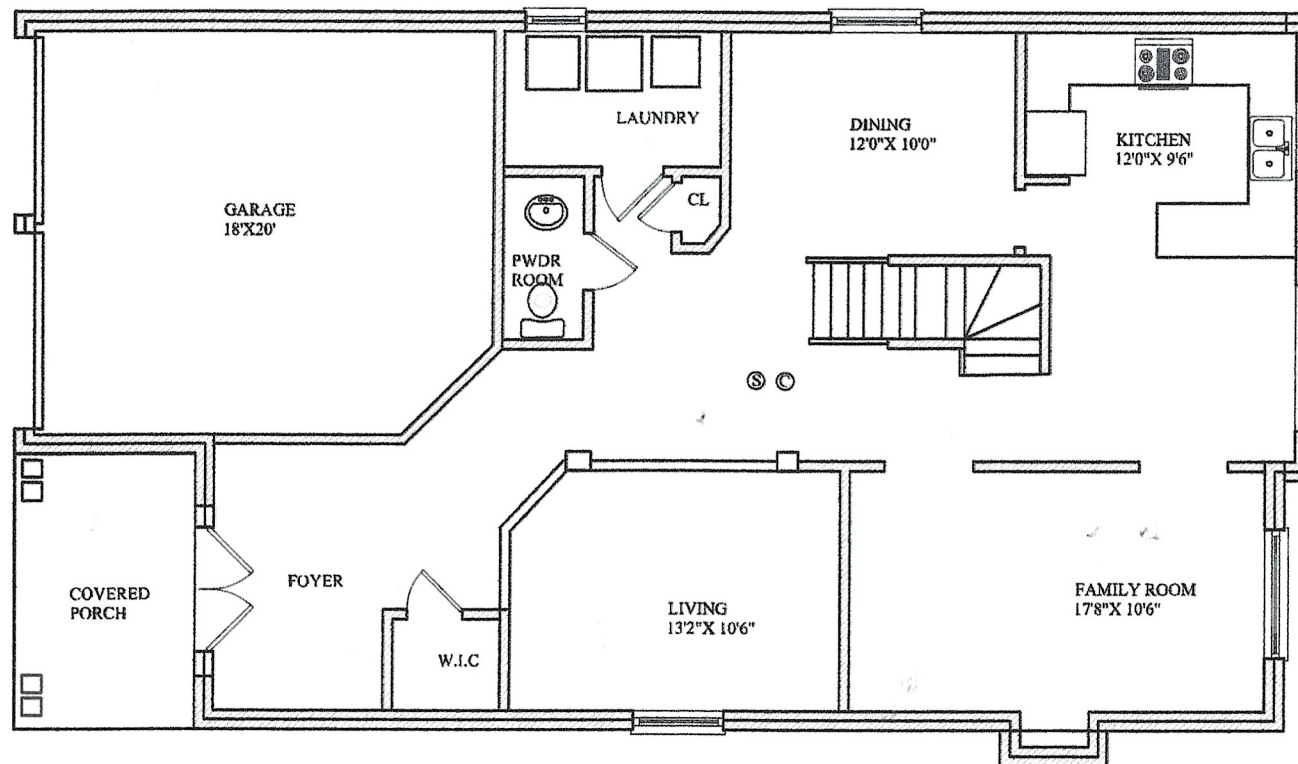
2980 Drew Rd. Suite 225,
Mississauga, ON L4T 0A7
647- 896 9785
ravinder@aemdesigns.ca
www.aemdesigns.ca

Project Title:
**BASEMENT FINISH
AND BELOW GRADE
ENTRANCE**

Project Address:
110 WATERBERRY TR.
HAMILTON, ONTARIO

Drawing Title:
**PROPOSED
BASEMENT PLAN**

Scale: 3/16"=1'	Date: Oct 04,2021
Designed: R. S.	Revision 0
Project No. 21166	Sheet No. A1.01



2980 Drew Rd. Suite 225,
Mississauga, ON L4T 0A7
647-896 9785
ravinder@aemdesigns.ca
www.aemdesigns.ca

Project Title:

**BASEMENT FINISH
AND BELOW GRADE
ENTRANCE**

Project Address:

110 WATERHERRY TR.
HAMILTON, ONTARIO

Drawing Title:

**EXISTING GROUND
FLOOR PLAN**

Scale:

3/16"=1'

Date:

Oct 04, 2021

Designed:

R.S.

Revision

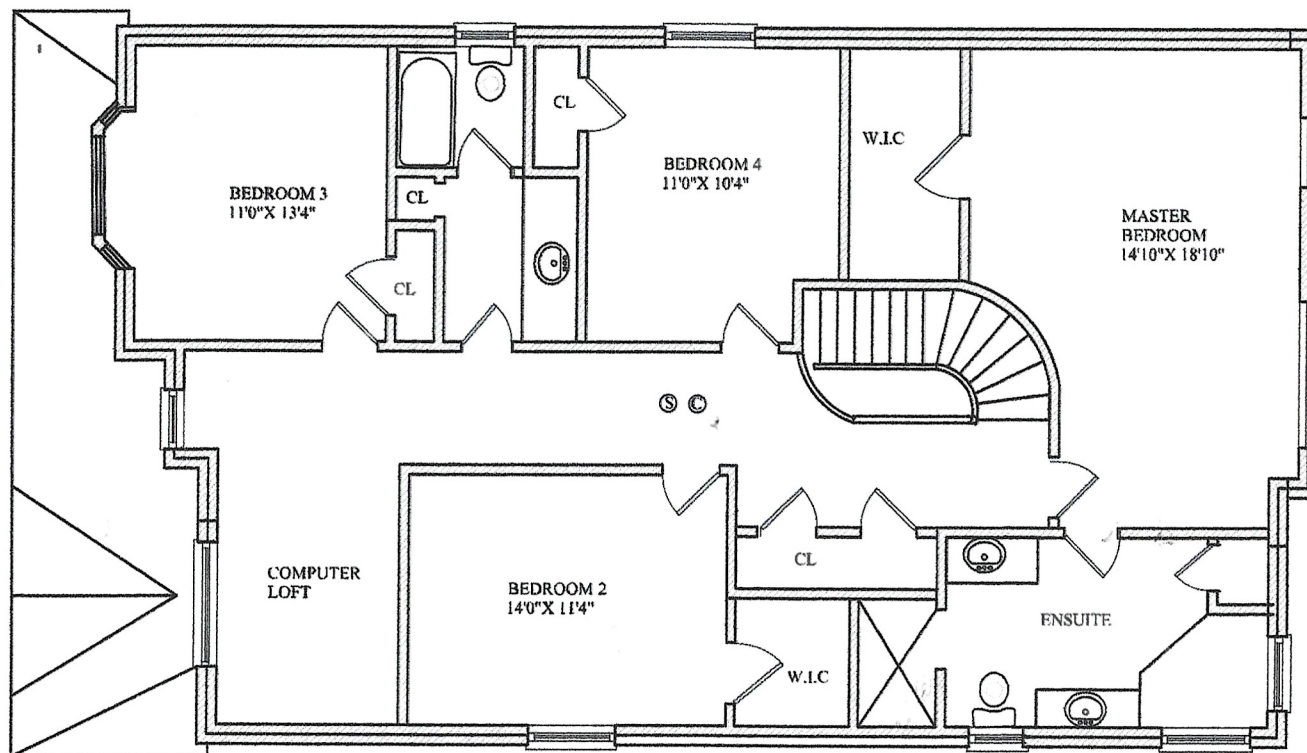
0

Project No.

21166

Sheet No.

A1.02



AEM DESIGNS

2980 Drew Rd. Suite 225,
Mississauga, ON L4T 0A7
647-896 9785
ravinder@aemdesigns.ca
www.aemdesigns.ca

Project Title:

**BASEMENT FINISH
AND BELOW GRADE
ENTRANCE**

Project Address:

110 WATRHERRY TR.
HAMILTON, ONTARIO

Drawing Title:

**EXISTING SECOND
FLOOR PLAN**

Scale:

3/16"=1'

Date:

Oct 04, 2020

Designed:

R. S.

Revision

0

Project No.

21166

Sheet No.

A1.03

DECLARATION - SINGLE FAMILY DWELLING

PROVINCE OF ONTARIO)
CANADA
TO WITT)

IN THE MATTER OF the premises
municipally known as 110 Waterberry
Trail Hamilton, Ontario

AND IN THE MATTER OF Building permit No. _____
Issued/to be issued by the Corporation of the City of Hamilton

I, Victor Gilmour

of the 28th day of September 2021

Hereby declare:

1. I am a registered owner of the above noted property.
2. I understand and acknowledge that the above noted premises are zoned Residential, and that the permitted use is _____.
3. I acknowledge and agree that the building permit being issued has been or is being constructed in accordance with the building plans attached to the above-noted Building Permit, in conformity only with the requirements of the Ontario Building Code for the use of a single family dwelling only and not to be used for any other purpose including but not limited to a lodging house or a two family dwelling.
4. I understand and acknowledge that if the above noted single family dwelling is used or occupied in any other manner than as a single family dwelling, I will be subject to prosecution under the Provincial Offences Act and the City of Hamilton's Zoning By-law. The Ontario Building Code Act allows for a maximum fine of \$25,000 for each offence and the Zoning By-law allows for a maximum fine of \$20,000 for each offence.
5. I understand and agree to notify any subsequent purchasers of the contents of this declaration prior to completing any sale transaction unless released from this obligation, in writing, by the City of Hamilton.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the City,
of Hamilton,
This 28th Day of September
2021.

Victor Gilmour
Signature

Commissioner

c.c. - Manager, Municipal Law Enforcement



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: 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

Registered
Owners(s)

Applicant(s)*

Agent or
Solicitor

NAME

MAILING ADDRESS

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:

Scotia Bank 1550 Upper James St Hamilton ON
L9B 2L6

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: I have a 2 car garage and a 2 car driveway but by-law states that I can't double stack the driveway. So I have 3 parking spots. I need 4 to have 12 habitable rooms. I want to use that spot in my driveway to make 4 spots.

☐ Secondary Dwelling Unit ☒ Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
Adding a kitchen, living room and bedroom will put us at 12 habitable rooms. We need 4 parking spots. We have 4 spots, just not by by-law. It says we can't double stack the driveway.

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):

110 Waterberry Trail L9C 0B2

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?

My house is ¹⁵~~18~~ years old and was empty land before they built this development.

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.

November 11 2021
Date

Victor Gilmaur Cordace Gilmaur
Signature Property Owner(s)

Victor Gilmaur, Cordace Gilmaur
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 6.1m
Depth 31m
Area 2785 sqft
Width of street 5.5m

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: ground floor 1240 SQ.FT, 2785 SQ.FT, 2 stories, width 9.45m
length 17.1m, height to the bottom of the roof 8m

Proposed Basement 1726 SQ.FT, finish into In-law suite. Kitchen, living room, bedroom and separate entrance. I have signed paperwork that declares this a single family dwelling. This is NOT a rental, nor will it ever be.

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

Existing: Basement

Proposed: Basement

13. Date of acquisition of subject lands:
July 2015
14. Date of construction of all buildings and structures on subject lands:
2006
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
17. Length of time the existing uses of the subject property have continued:
15 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:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Can't tandem park (Double stack) the driveway
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.