

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.: FL/A-21:421

APPLICANTS: Owners M. & L. Marchese
Agent Marc Schutten

SUBJECT PROPERTY: Municipal address **76 Overdale Ave., Flamborough**

ZONING BY-LAW: Zoning By-law 90-145-Z, as Amended 96-69-Z

ZONING: R1-6 district (Urban Residential (Single Detached))

PROPOSAL: To permit the construction a 7.19m (23'7") x 16.32m (53'6½") easterly addition, to alter the exterior and roof of the building and to establish a secondary dwelling unit within the existing single family dwelling notwithstanding that:

1. A maximum lot coverage of 18% shall be provided instead of the maximum permitted lot coverage of 15%.
2. A minimum easterly interior side yard of 2.5m shall be provided instead of the minimum required interior side yard of 3.0m.
3. A maximum floor space of 432m² shall be provided for the 1 storey dwelling instead of the maximum permitted floor space of 186m² for a 1 storey dwelling.

NOTE:

- i) Pursuant to Variance No. 1, there is a note on the Site Plan (December 8, 2021 revision) that the "ex. Shed (8' x 11') to be removed & disposed". Be advised that if this shed is not removed and/or demolished, a further variance shall be required as the total lot coverage will exceed the proposed 18%.
- ii) Pursuant to Variance No. 3, the existing building including the proposed addition, is considered one storey in height as the basement is not considered a storey. Further, the existing gross floor area of the dwelling is 314.45m² (composed of: 147.25m² for the existing main floor + 44.1m² for the existing living area on the main floor over the existing attached garage + 123.1m² for the existing basement).

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

DATE:	Thursday, January 20th, 2022
TIME:	4:00 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.

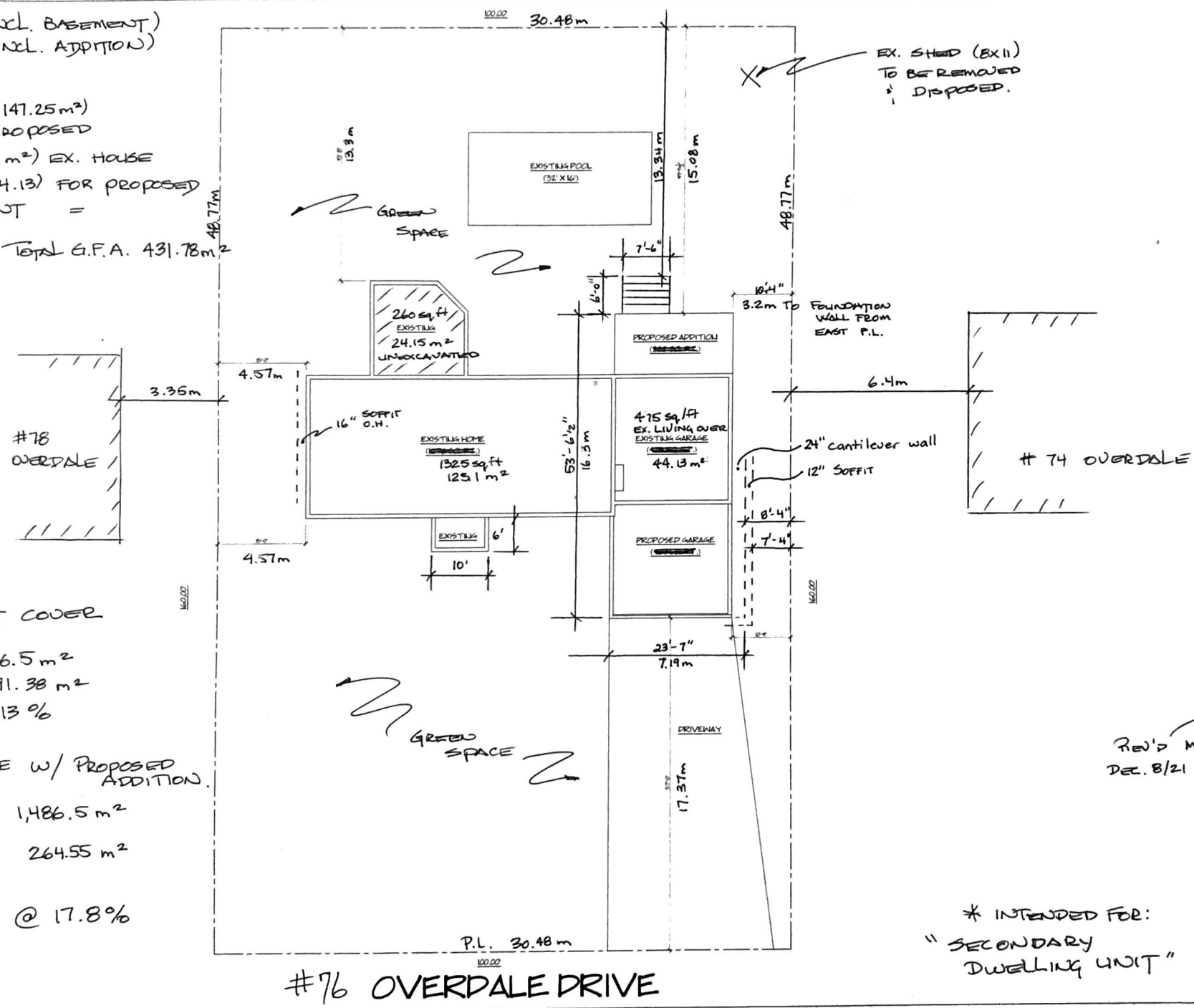
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

MARCS

HABITABLE • (INCL. BASEMENT)
G.F.A. • (INCL. ADDITION)

EX. MAIN FLOOR (147.25 m²)
+ (117.3 m²) FOR PROPOSED
ADDITION + (123.1 m²) EX. HOUSE
BASEMENT + (44.13) FOR PROPOSED
ADDITION BASEMENT =
Total G.F.A. 431.78 m²



EX. SHED (EX. II)
TO BE REMOVED
& DISPOSED.

3.2m TO FOUNDATION
WALL FROM
EAST P.L.

24" cantilever wall
12" SOFFIT

74 OVERDALE

A) EXISTING LOT COVER
LOT 1,486.5 m²
EX. HOUSE 191.38 m²
LOT COVER @ 13 %

B) LOT COVERAGE W/ PROPOSED
ADDITION.
LOT 1,486.5 m²
EX. HOUSE +
PROPOSED ADDITION 264.55 m²
LOT COVER @ 17.8 %

I review and take responsibility for the design
work and am qualified in the appropriate
category as an "other designer" under
subsection 2.17.5 of the Building Code
Designer: James Poiré BCIN: 22235
Date: July 13, 2021
Signature: [Signature]

NOTES:
ALL FRAMING LUMBER TO BE No. 1 or 2
S.P.F. OR BETTER (UNLESS NOTED
OTHERWISE)
ALL CONSTRUCTION TO BE COMPLETED
IN ACCORDANCE WITH THE LATEST
VERSION OF THE O.B.C.

M.V. MECHANICAL VENT
S.D. SMOKE / CO2 DETECTOR
ALL INTERIOR STUD WALLS TO BE
2" x 4" CONSTRUCTION UNLESS
OTHERWISE NOTED
ALL EXTERIOR WALLS, INCLUDING
GARAGE, TO BE 2" x 4" CONSTRUCTION
SUBFLOOR TO BE GLUED AND SCREWED
TO FLOOR JOISTS.
SMOKE ALARM / CO2 DETECTORS TO BE
HARDWIRED AND INTERCONNECTED
THROUGHOUT THE HOME.
ALL WASHROOMS AND KITCHEN STOVE TO
HAVE MECHANICAL VENT DIRECTED TO
THE EXTERIOR OF THE HOME.
DO NOT SCALE DRAWINGS. THE
CONTRACTOR SHALL IMMEDIATELY
REPORT TO THE DESIGNER ANY
DISCREPANCIES WITH DIMENSIONS
AND AWAIT FURTHER INSTRUCTION.

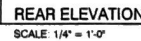
No.	Item	Date
4	Permit drawings	21-07-13
2	Revisions	21-07-10
1	Concept Drawings	21-04-10

Rev'd M.V.
Dec. 8/21

PROJECT:
**PROPOSED
GARAGE
ADDITION**
for
MR. & MRS.
MARCHESE
78 OVERDALE
WATERDOWN, ON
PROJECT No 21-15

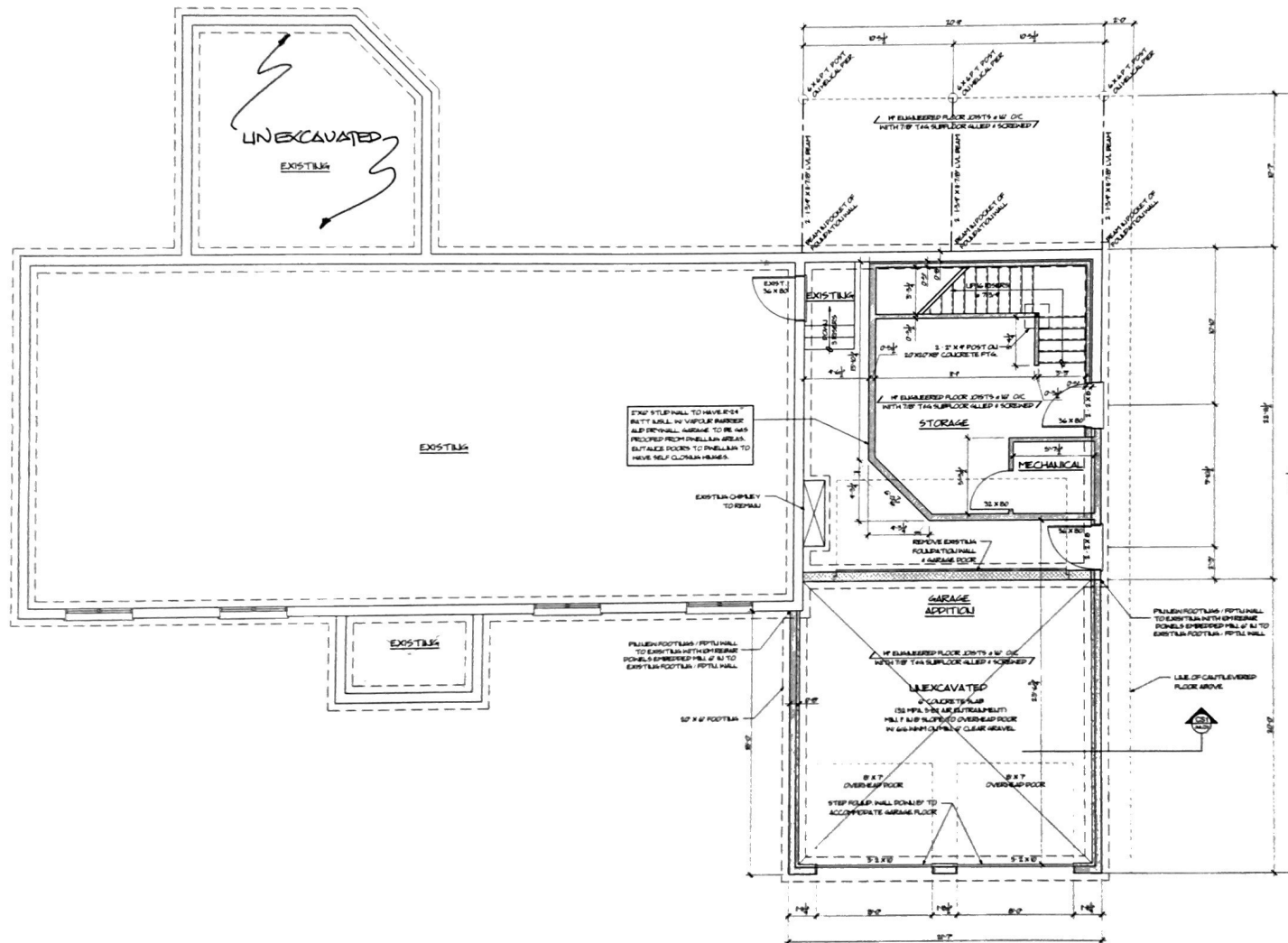
DRAWING TITLE:
SITE PLAN
DRAWN BY: J.P. DWG No:
CHECKED BY: J.P. **SP1.01**
SCALE: AS NOTED
DATE: July 13, 2021

* INTENDED FOR:
"SECONDARY
DWELLING UNIT"



DATE: July 13, 2021

— DENOTES NEW FOUNDATION WALL CONSTRUCTION
 — DENOTES NEW STUD WALL CONSTRUCTION



* INTENDED FOR:
 "SECONDARY DWELLING
 UNIT"

I review and take responsibility for the design work and am qualified in the appropriate category as an "other designer" under subsection 2.17.5 of the Building Code

Designer: James Poort BCR# 32336

Date: July 13, 2021

Signature:

NOTES:

ALL FRAMING LUMBER TO BE No. 1 or 2 S.P.F. OR BETTER (UNLESS NOTED OTHERWISE)

ALL CONSTRUCTION TO BE COMPLETED IN ACCORDANCE WITH THE LATEST VERSION OF THE O.B.C.

M.V. MECHANICAL VENT

S.D. SMOKE / CO2 DETECTOR

ALL INTERIOR STUD WALLS TO BE 2" x 4" CONSTRUCTION UNLESS OTHERWISE NOTED

ALL EXTERIOR WALLS, INCLUDING GARAGE, TO BE 2" x 4" CONSTRUCTION. SUBFLOOR TO BE GLUED AND SCREWED TO FLOOR JOISTS.

SMOKE ALARM / CO2 DETECTORS TO BE HARDWIRED AND INTERCONNECTED THROUGHOUT THE HOME.

ALL WASHROOMS AND KITCHEN STOVE TO HAVE MECHANICAL VENT DIRECTED TO THE EXTERIOR OF THE HOME.

DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL IMMEDIATELY REPORT TO THE DESIGNER ANY DISCREPANCIES WITH DIMENSIONS AND AWAIT FURTHER INSTRUCTION.

No.	Item	Date
3	Permit drawings	21-07-13
2	Revisions	21-07-10
1	Concept Drawings	21-04-10

No. Item Date

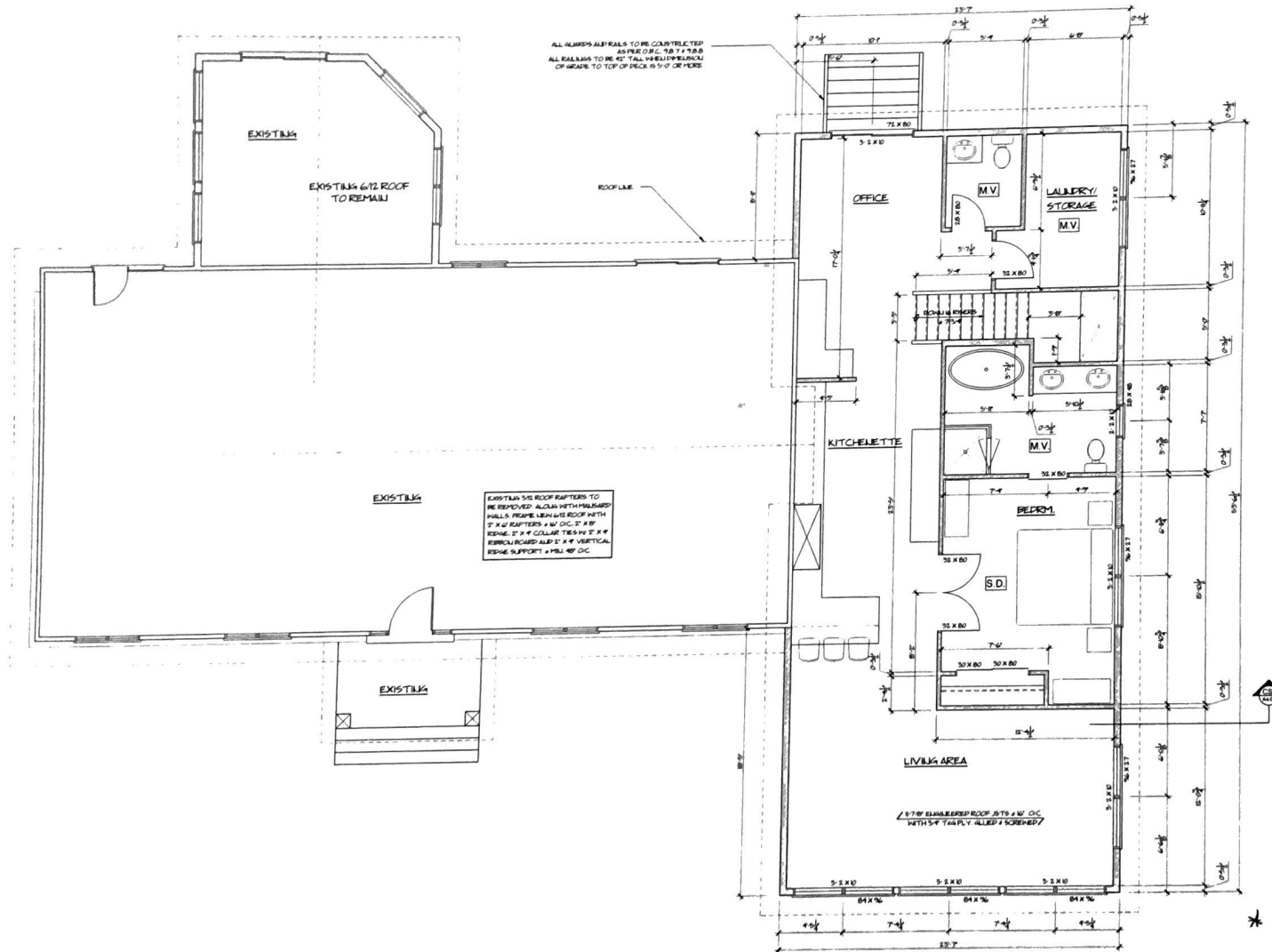
PROJECT:
**PROPOSED
 GARAGE
 ADDITION**
 for
**MR. & MRS.
 MARCHESE**
 78 OVERDALE
 WATERDOWN, ON

PROJECT No. 21-15

DRAWING TITLE: ADDITION FOOTING
 FOUNDATION PLAN

DRAWN BY: J.P.	DWG No.
CHECKED BY: J.P.	F1.01
SCALE: AS NOTED	
DATE: July 13, 2021	

— DENOTES NEW WALL CONSTRUCTION



I review and take responsibility for the design work and am qualified in the appropriate category as an "other designer" under subsection 2.17.5 of the Building Code

Designer: James Poort BCIN: 32335

Date: July 13, 2021

Signature:

NOTES:

ALL FRAMING LUMBER TO BE No. 1 or 2 S.P.F. OR BETTER. (UNLESS NOTED OTHERWISE)
ALL CONSTRUCTION TO BE COMPLETED IN ACCORDANCE WITH THE LATEST VERSION OF THE O.B.C.

M.V. MECHANICAL VENT

S.D. SMOKE / CO2 DETECTOR

ALL INTERIOR STUD WALLS TO BE 2" x 4" CONSTRUCTION UNLESS OTHERWISE NOTED.

ALL EXTERIOR WALLS, INCLUDING GARAGE, TO BE 2" x 6" CONSTRUCTION.
SUBFLOOR TO BE GLUED AND SCREWED TO FLOOR JOISTS

SMOKE ALARM / CO2 DETECTORS TO BE HARDWIRED AND INTERCONNECTED THROUGHOUT THE HOME.

ALL WASHROOMS AND KITCHEN STOVE TO HAVE MECHANICAL VENT DIRECTED TO THE EXTERIOR OF THE HOME.

DO NOT SCALE DRAWINGS THE CONTRACTOR SHALL IMMEDIATELY REPORT TO THE DESIGNER ANY DISCREPANCIES WITH DIMENSIONS AND AWAIT FURTHER INSTRUCTION

4		
3	Permit drawings	21-07-13
2	Revisions	21-07-10
1	Concept Drawings	21-04-10

No.	Item	Date
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PROJECT:
PROPOSED GARAGE ADDITION
for
MR. & MRS. MARCHESI
78 OVERDALE WATERDOWN, ON
PROJECT No: 21-15

DRAWING TITLE: MAIN FLOOR PLAN		
DRAWN BY: J.P.	DWG No:	
CHECKED BY: J.P.		A1.01
SCALE: AS NOTED		
DATE: July 13, 2021		

* INTENDED FOR:
"SECONDARY DWELLING UNIT"



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	NAME	MAILING 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:

CIBC
9 Hamilton St. N.
Watford, ON
L0R 2H0

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: Gross Floor Area (GFA)
please see attached email from Senior Planner
Mark Kehler defining reasons for MV

☐ Secondary Dwelling Unit ☒ Reconstruction of Existing Dwelling

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

Home is deemed a 1 storey and definition of GFA does not exclude basements and is therefore included in GFA. If deemed a 2 storey it would be OK.

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**):

76 Overdale Ave. Watertown, ON L9H 7G6
Plan 1412 Lot 5

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 0 No 1 Unknown 0

- 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?

well established area with old, new & being built homes and no concerns expressed to the contrary. I also live in area for 20 years.

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 18/2021
Date

Marchese
Signature Property Owner(s)

Mike & Leona Marchese
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage

Depth

Area

Width of street

See site plan attached

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 elevations & plans attached

Proposed see elevations & plans attached

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 plans attached.

Proposed: see plans attached

13. Date of acquisition of subject lands:
2014
14. Date of construction of all buildings and structures on subject lands:
1973
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:
as long as house has been built
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:
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.

Marc Schutten

From: Kehler, Mark <Mark.Kehler@hamilton.ca>
Sent: Wednesday, October 27, 2021 8:53 AM
To: Marc Schutten
Cc: Renauld, Angie
Subject: RE: 76 Overdale Ave

Hi Marc,

Below is the variance (from her earlier email):

I just received confirmation from our zoning Division that this property will be considered a 1 storey dwelling; however, based on the definitions in Flamborough ZBL 90-145-Z, the definition of Gross Floor Area says it excludes the area of cellars, but not basements. As this is a basement (50% is above the ground/grade), it would be included in the GFA calculation. Also, the definition of Storey does not include basements or cellars.

Therefore, it is a one-storey dwelling which will require a maximum GFA of 186m2; however, the area used to calculate the GFA will be the area of the main floor and basement levels; therefore, you will need a successful application for a minor variance for this application.

Mark Kehler
Senior Planner - Urban Team
Planning and Economic Development
Planning, City of Hamilton
(905) 546-2424 Ext.4148



From: Marc Schutten <Marc@new-mar.com>
Sent: October 27, 2021 8:37 AM
To: Kehler, Mark <Mark.Kehler@hamilton.ca>
Cc: Renauld, Angie <Angie.Renauld@hamilton.ca>
Subject: Re: 76 Overdale Ave

Angie can you address the question so I can proceed with the application?
Thanks, Marc

Sent from my iPhone

On Oct 25, 2021, at 1:51 PM, Kehler, Mark <Mark.Kehler@hamilton.ca> wrote:

Hi Angie,

Angie – can you confirm who the Zoning Examiner is on this application? I am trying to assist the applicant with filling out the portion of the application that states which section of the by-law they are seeking relief to.

LEGEND:
(nts)

PROPERTY LINE

PROPOSED ADDITION:



DECLARATION - SINGLE FAMILY DWELLING

PROVINCE OF ONTARIO)
CANADA
TO WITT)

IN THE MATTER OF the premises
municipally known as 76 Overdale Avenue
Hamilton, Ontario

AND IN THE MATTER OF Building permit No. 21-141897
Issued/to be issued by the Corporation of the City of Hamilton

I, Leona Marchese and Mike Marchese
of the City of Hamilton

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 R-1, and that the permitted use is single family dwelling.
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.
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, Burlington
This 18 Day of November
2021.

L. Marchese [Signature]
Signature

Commissioner

Sean Oasklyk

c.c. - Manager, Municipal Law Enforcement