

## **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
- 

**APPLICATION NO.:** HM/A-21:449

**APPLICANTS:** Agent Property Pathway  
Owner Alicia Morey

**SUBJECT PROPERTY:** Municipal address **275 Huxley Ave. S., Hamilton**

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

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

**PROPOSAL:** To permit the creation of a secondary dwelling unit in the existing single family dwelling on a residential parcel of land, notwithstanding that:

1. A minimum parking space size of 2.4 metres wide and 6.0 metres long shall be provided instead of the minimum required parking space size of 2.7 metres wide and 6.0 metres long.

NOTE:

1. 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, February 3rd, 2022  
**TIME:** 2:45 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 18th, 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.***

- This single family dwelling is greater than 5 years old, alternative designs that comply with Part 11 of the Ontario Building Code will apply.
- Rooms Required (9.31.4.)
  1. Each suite shall be equipped with a kitchen sink, a wash basin, a bathtub or a shower and a toilet. Each suite shall be equipped with laundry facilities, or have ready access to a common space for laundry facilities.
- Window Natural Light Requirement (C107):
  1. Proposed Living rooms, and Dining rooms may be reduced the a minimum window glazed area from 10% of the floor area served to 5%, and from 5% of the floor area served to 2.5% for bedrooms where the windows are not needed as a means of egress and where they are not required for ventilation. The well must provide 550mm (1ft-10in) clearance when the window is fully open.
- Egress Window Requirement (C136), 9..9.10.1.(1), 9..9.10.1.(5)
  1. if the exit door is not at the same level as the bedroom, one window for egress must openable from the inside without tools, provides an individual, unobstructed open portion having a minimum area of 0.35 m²
  2. (3.8 ft²) with no dimension less than 380mm (15") and does not require additional support to keep it open, Only openable portion of slider can be used for these dimensions, removable panels are not accepted.
  3. Window well to be minum 21 5/8"
- Unit Entry Door (9.6.8.8.)
  1. Main entry doors to each suite shall be provided with a door viewer, door window or sidelight.
- Stairs landing and Guardrailing (C109)
  1. Replacement or extension of an existing stair system shall be exempt from the standards, provided that they have a minimum width between wall faces of 700mm (2ft-4in), and a minimum clear height over tread nosing or landing of 1800mm (5ft 11in).
- Exit Doors (C118)
  1. Existing exit and access to exit shall have a clear height of not less than 1950mm (6ft-5in).

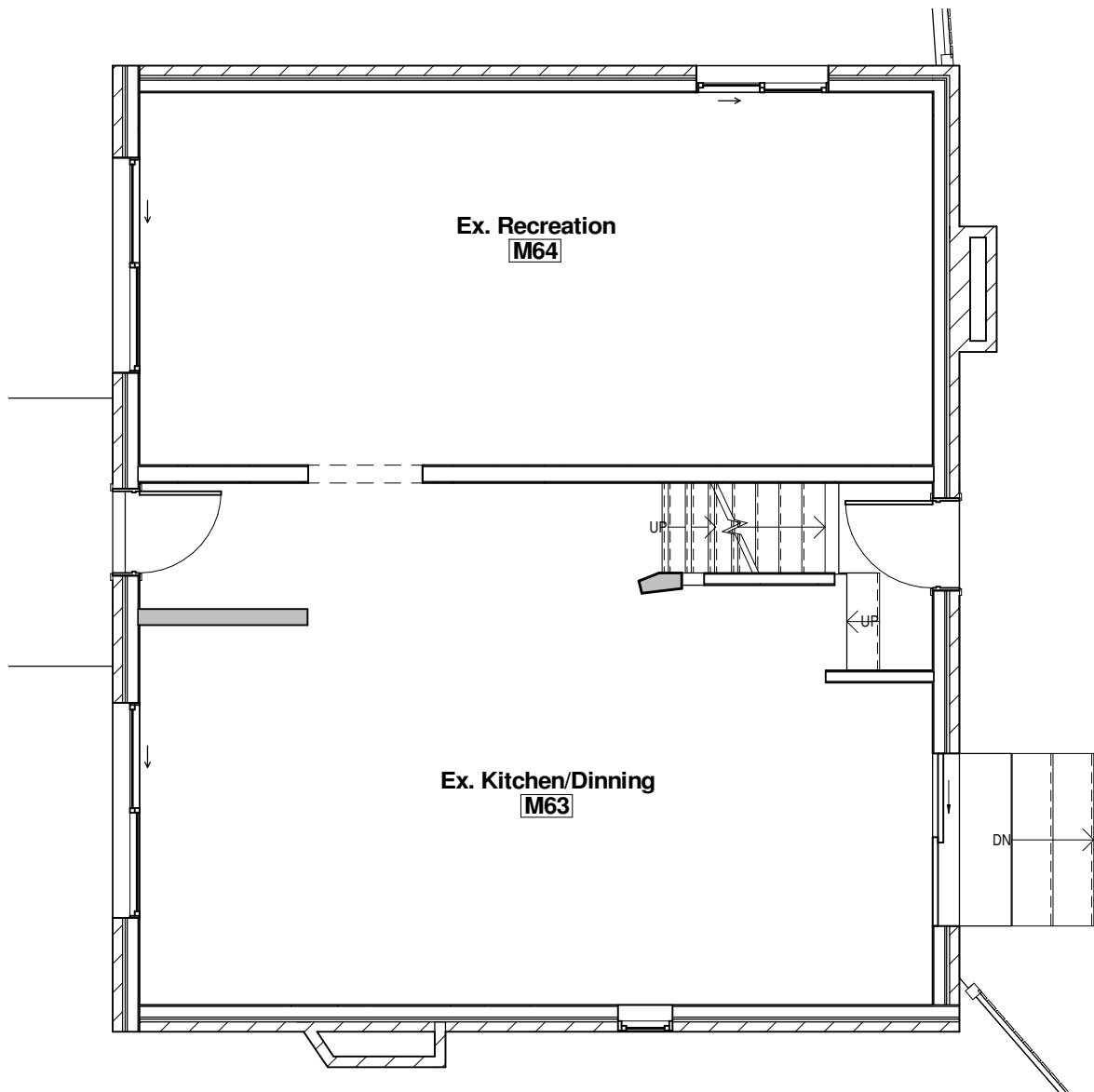
- Horizontal Fire Separation (C147)
  1. 30 minute fire separation acceptable between units, however horizontal fire separations are permitted to be further reduced to 15 minute fire resistance rating, where interconnected hardwired smoke alarms are installed in every suite and in common area. This floor assembly is a SB 3 - F8d
- Vertical Fire Separation of Residential Suite (C152)
  1. 30 minute fire separation acceptable between common area and common egress, however vertical fire separations are permitted to be further reduced to 15 minute fire resistance rating, where interconnected hardwired smoke alarms are installed in every suite and in common area.
  2. Horizontal fire separation terminate at 30 min vertical fire separation and all penetrations through the vertical fire separations to be fire caulked.
  3. These wall assemblies are SB 3 - W4a for wall separating the furnace room and common areas from the dwelling unit and W1c partition within the dwelling unit
  4. 1 layer of 5/8" type "X" GWB to extend to the underside of the subfloor in furance room and fire caulk joint.
- Fire Rated Door (C153)
  1. Solid core wood doors, 45 mm thickness, are permitted to be used to achieve a 20 minute fire protection rating provided it is labeled as conforming. Unrated wood door frame is acceptable where it is used to achieve a 20 minute fire protection rating and is a minimum 38mm (1.5in) thick.

- Path of Egress (C102)
  1. Minimum 1950 mm (6'-5") over the required floor area or minimum room height not less than 2030 mm (6'-8") over at least 50% of the required floor area
- Smoke Alarm (9.10.19) (C167)
  1. Must be hardwired in bedroom within each unit,
  2. Must be hardwired common egress, common area and furnace room.
  3. Carbon Monoxide (9.33.4.)
  4. Must be hardwired in hallways leading to bedroom within each unit.
  5. Smoke Detector (C195)
  6. Existing heating or air-conditioning system may be altered to serve more than one suite provided smoke alarms are installed in each suite and provided a smoke detector is installed in the supply or return air duct system serving the entire building which would turn off the fuel supply and electrical power to the heating system upon activation of such detectors.
- Firestopping (9.10.16.2.)
  1. Fire stops shall be provided between every concealed horizontal space including all direct exterior vents that penetrate joist cavity.
  2. All existing and new penetrations in fire separations to be fire caulked.

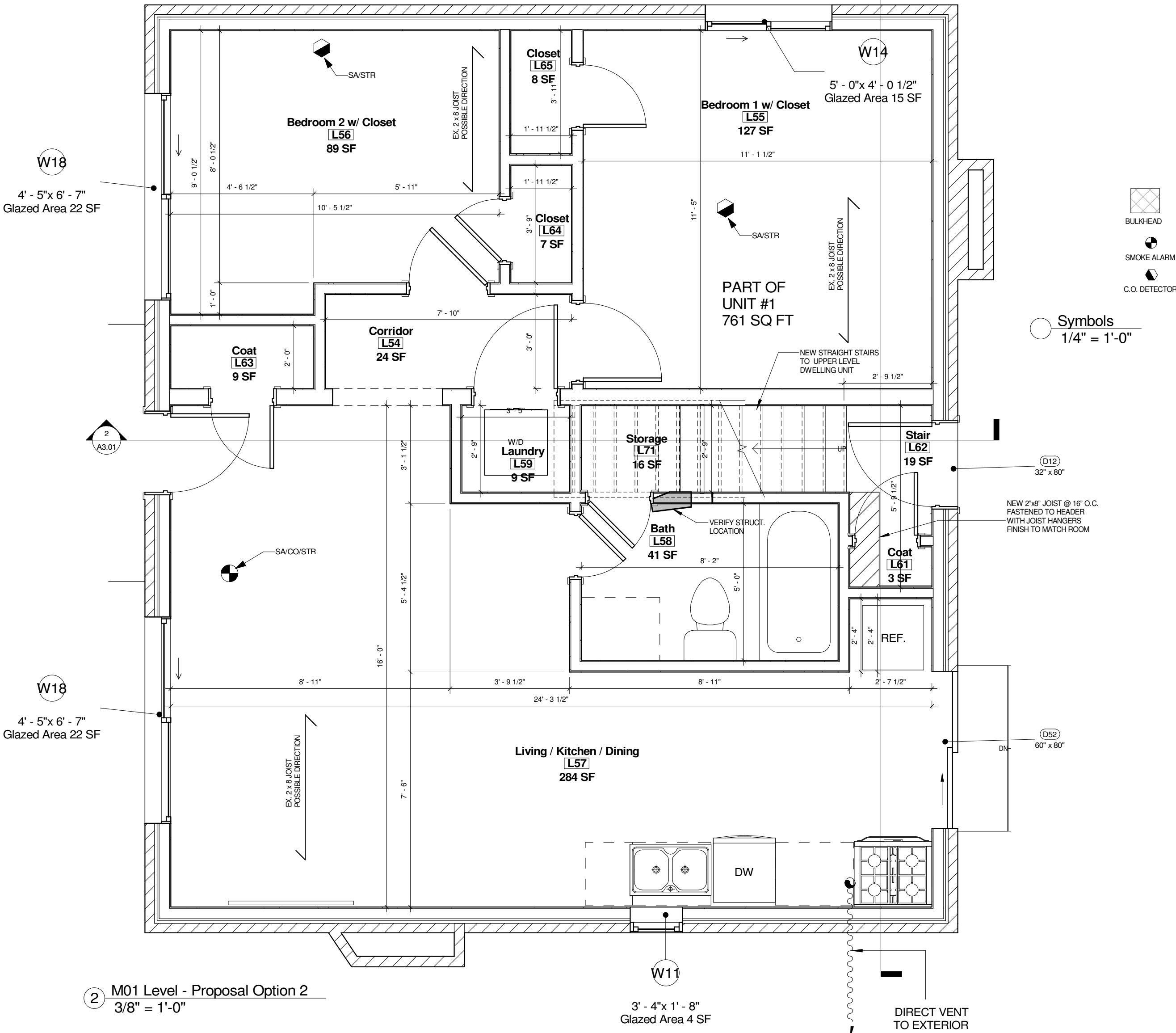
Provide adequate access to water meter for maintenance

Water shutt off 7.6.1.6  
Separate water supply shut offs are required in both dwelling units

Cooktop 9.10.22.2.(1), 9.10.22.3.(3)  
Cooktop clearance from cabinet to be 17 3/4" min. and protected vertically with a rangehood be 29 1/2" min. from cabinet.



1 M01 Level - Existing  
3/16" = 1'-0"



2 M01 Level - Proposal Option 2  
3/8" = 1'-0"

1. The Contractor shall check the drawings and verify all dimensions of the work and shall report promptly all discrepancies, errors and omissions to the Designer at least one week before ordering or installing construction materials or making any material changes to the work involving such discrepancies, errors or omissions. Should the Contractor fail to observe these conditions, the additional expense for remedial work shall not become the responsibility of the Designer under any circumstance.

2. Read all drawings in conjunction with the General Notes and Specifications.

3. Drawings are not to be scaled.

**PROPERTY PATHWAYS**  
OUR PATH, YOUR WAY

Designer: Ronald De Coteau  
Phone: 647-870-1701  
Email: assistant@propertypathwayz.com  
Website: propertypathwayz.com

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION  
Required unless design is exempt under 2.17.5.1. of the building code

RONALD DE COTEAU 38419

NAME SIGNATURE BCIN

No.	Description	Date

Secondary Suite

Proposed Layout

275 Huxley Ave. South, Hamilton

Checked By Checker  
Project Number 20210512  
Date 2021-06-15  
Drawn by Author  
Scale As indicated

A1.01

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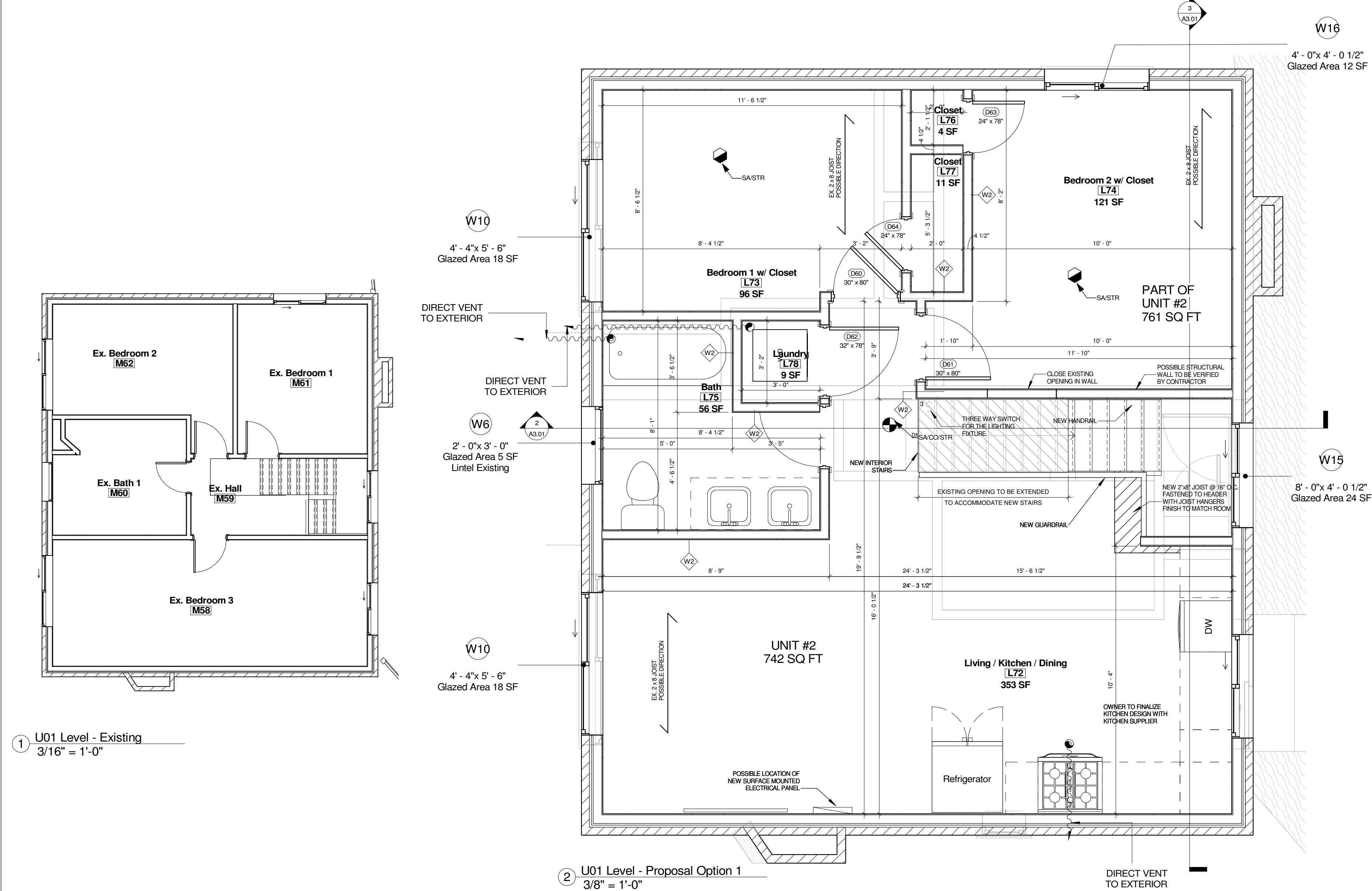
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3. Drawings are not to be scaled.

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Email: assistant@propertypathwayz.com  
Website: propertypathwayz.com

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RONALD DE COTEAU 38419

NAME SIGNATURE BCIN

No.	Description	Date

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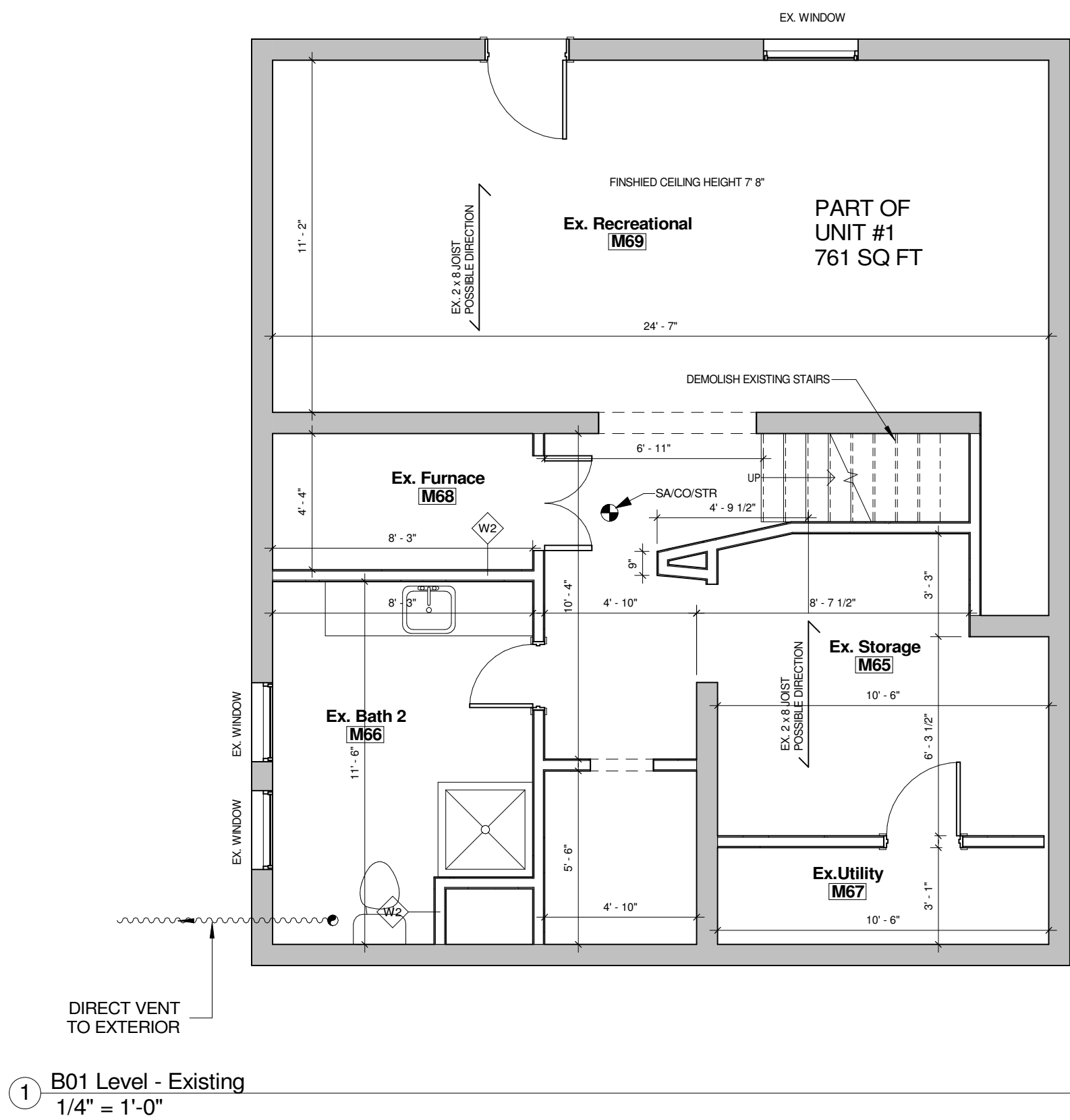
Proposed Layout

275 Huxley Ave. South, Hamilton

Checked By	Checker
Project Number	20210512
Date	2021-06-15
Drawn by	Author
Scale	As indicated
	A1.02

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1 B01 Level - Existing  
1/4" = 1'-0"

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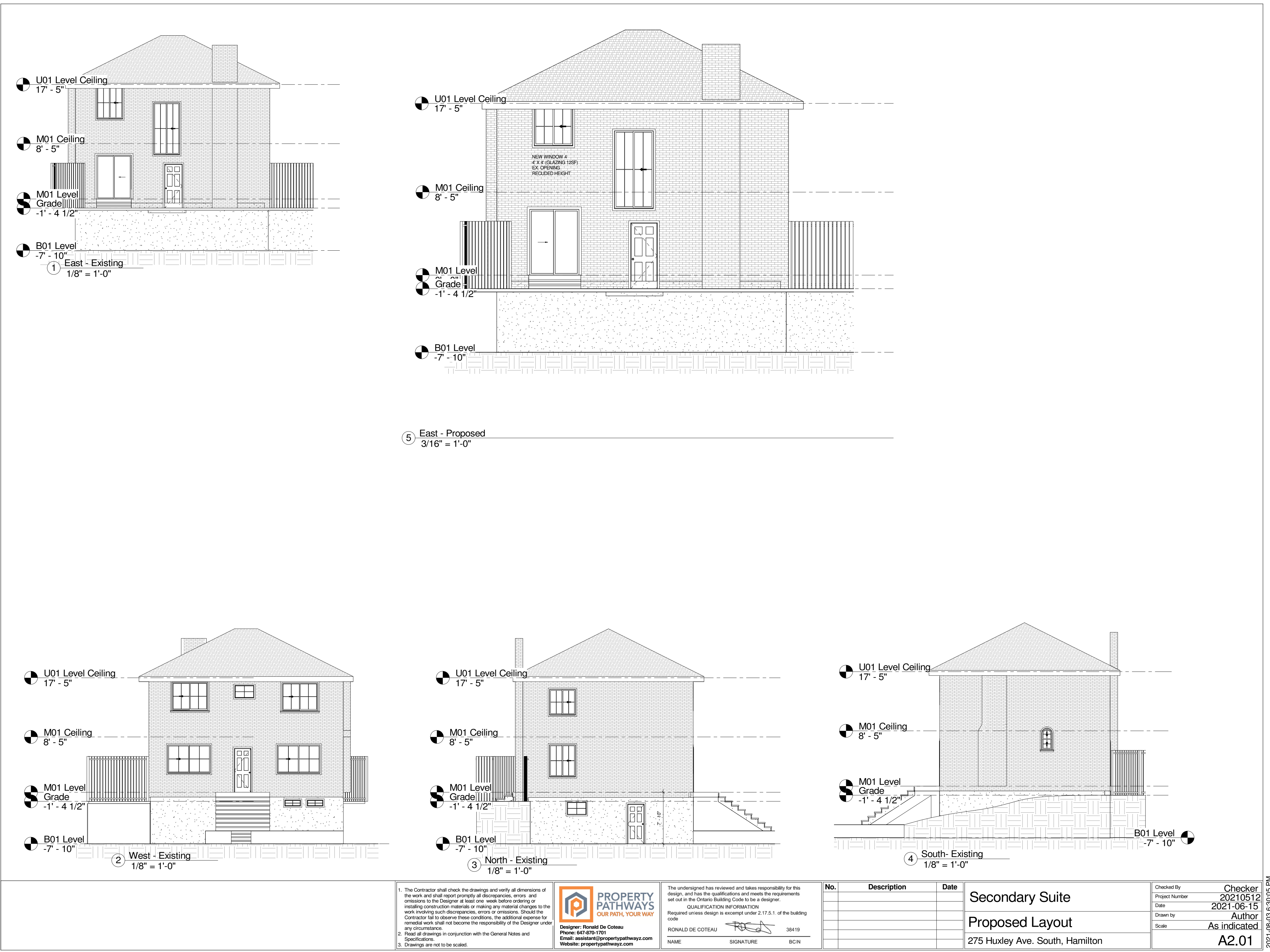
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275 Huxley Ave. South, Hamilton

Checked By	Checker
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Date	2021-06-15
Drawn by	Author
Scale	1/4" = 1'-0"
	A1.03



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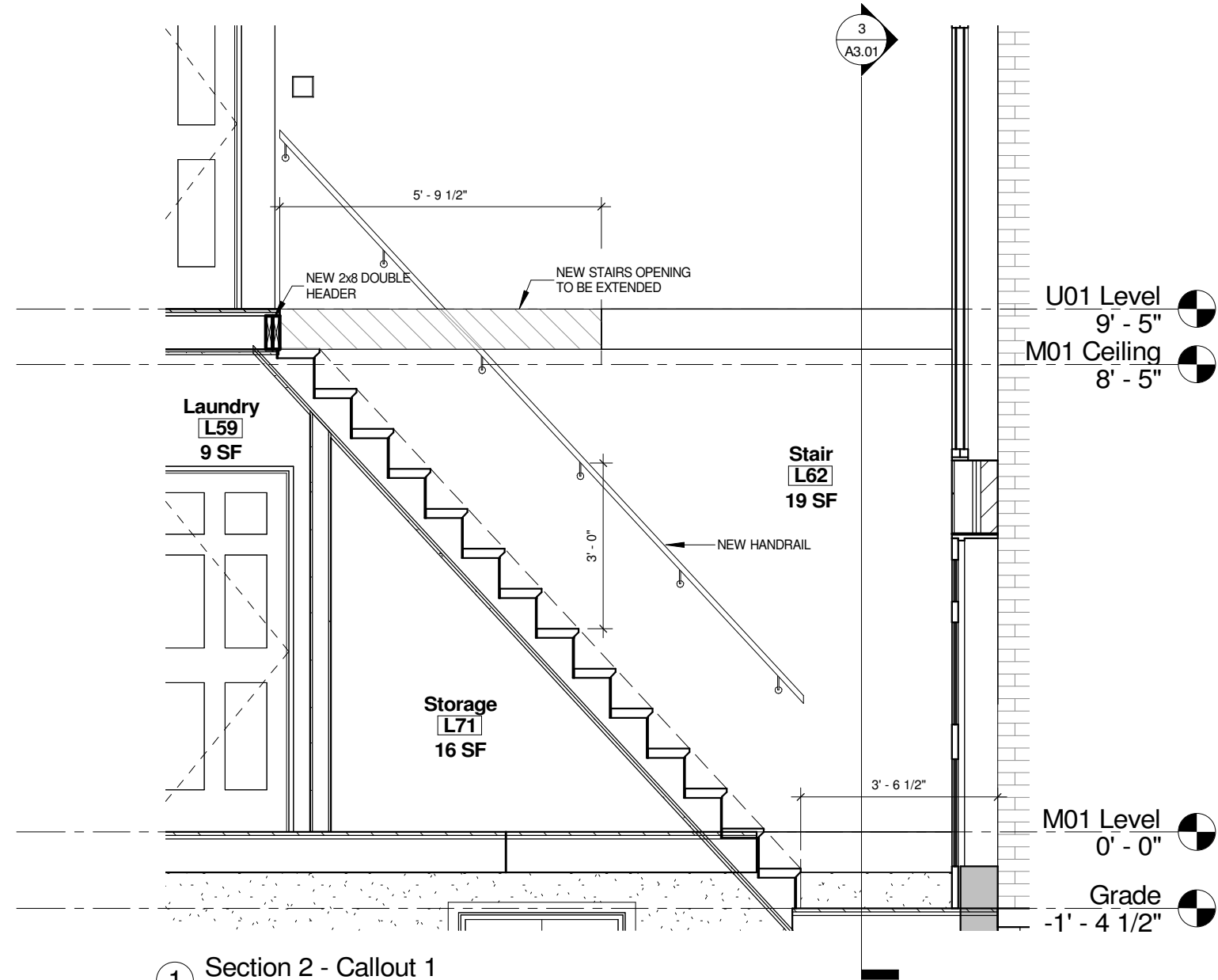
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RONALD DE COTEAU 38419  
NAME SIGNATURE BCIN

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**Proposed Layout**  
275 Huxley Ave. South, Hamilton

Checked By	Checker
Project Number	20210512
Date	2021-06-15
Drawn by	Author
Scale	As indicated
	<b>A2.01</b>

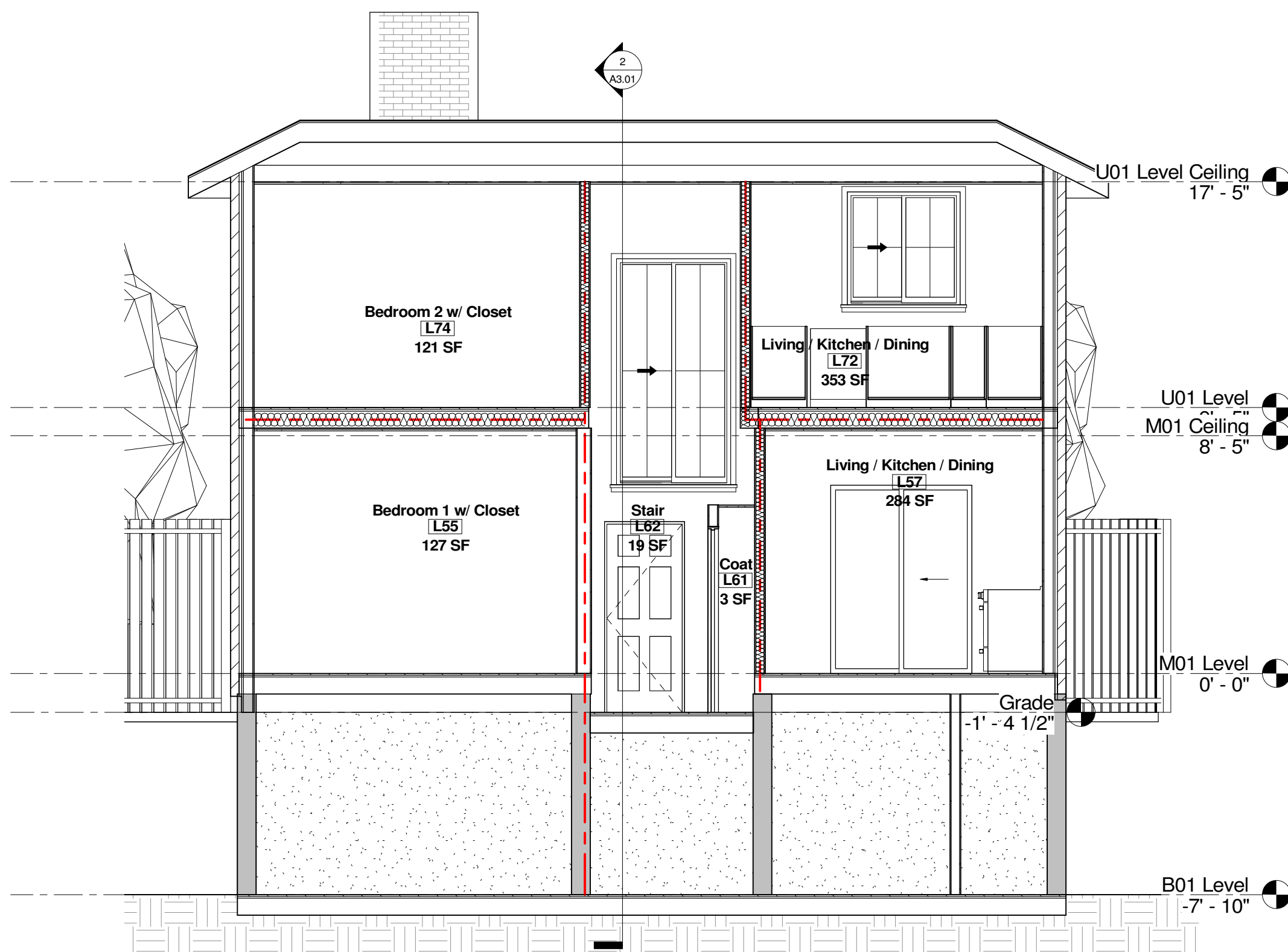


1 Section 2 - Callout 1  
3/8" = 1'-0"

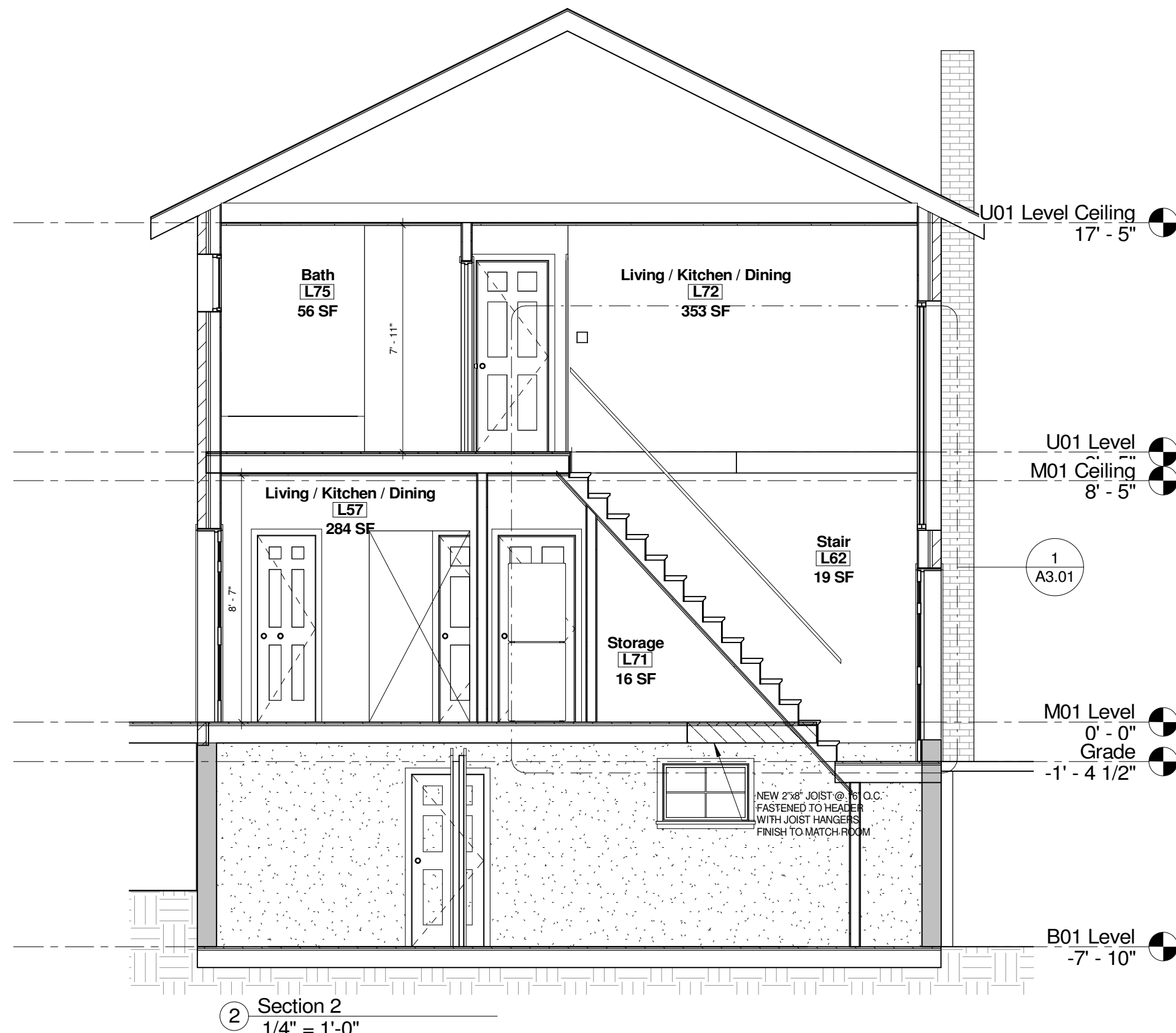
- STAIRS
- MAXIMUM RISE - 7 7/8" MINIMUM - 4 15/16"
  - MAXIMUM RUN - 14" MINIMUM - 10 1/16"
  - MINIMUM HEAD ROOM - 6' 4 3/4"
  - MINIMUM WIDTH - 2' 9 7/8"
  - A LANDING IS REQUIRED AT THE TOP OF ANY STAIR LEADING TO THE PRINCIPAL ENTRANCE TO A DWELLING AND OTHER EXTERIOR ENTRANCES WITH MORE THAN 5 RISERS

- HANDRAILS AND GUARDS
- A HANDRAIL IS REQUIRED FOR INTERIOR STAIRS CONTAINING MORE THAN 2 RISERS AND EXTERIOR STAIRS CONTAINING MORE THAN 3 RISERS GUARDS ARE REQUIRED AROUND EVERY ACCESSIBLE
  - SURFACE WHICH IS MORE THAN 600MM ABOVE THE ADJACENT LEVEL AND WHERE THE ADJACENT SURFACE HAS A SLOPE MORE THAN 3' 11 1/4"
  - INTERIOR AND EXTERIOR GUARDS MIN. 900MM HIGH EXTERIOR GUARDS SHALL BE 3' 3 3/4" HIGH WHERE HEIGHT ABOVE ADJACENT SURFACE EXCEEDS 5' 10 7/8" GUARDS SHALL HAVE OPENINGS SMALLER THAN 100MM
  - AND NO MEMBER BETWEEN 5 1/2" AND 2' 11 7/16" THAT WILL FACILITATE CLIMBING

- FLOORS
- JOISTS TO HAVE MINIMUM 2" OF END BEARING
  - JOISTS SHALL BEAR ON A SILL PLATE FIXED TO FOUNDATION WITH 1/2" ANCHOR BOLTS @ 8' 0" O.C.
  - HEADER JOISTS BETWEEN 4'-0" AND 7'-6" IN LENGTH SHALL BE DOUBLED. HEADER JOISTS EXCEEDING 7'-6" SHALL BE SIZED BY CALCULATIONS
  - TRIMMER JOISTS SHALL BE DOUBLED WHEN SUPPORTED HEADER IS BETWEEN 4'-0" AND 6'-6" TRIMMER JOISTS SHALL BE SIZED BY CALCULATIONS WHEN SUPPORTED HEADER EXCEEDS 6'-6"
  - 2 X 2 CROSS BRIDGING REQUIRED NOT MORE THAN 6' 10" FROM EACH SUPPORT AND FROM OTHER ROWS OF BRIDGING
  - JOISTS SHALL BE SUPPORTED ON JOIST HANGERS AT ALL FLUSH BEAMS, TRIMMERS, AND HEADERS.
  - NON-LOADBEARING PARTITIONS SHALL BE SUPPORTED ON A JOIST OR ON BLOCKING BETWEEN JOISTS.
  - JOIST LOCATED UNDER PARALLEL NON LOADBEARING PARTITION SHALL BE DOUBLED



3 Section 3  
1/4" = 1'-0"



2 Section 2  
1/4" = 1'-0"

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	A3.01

2021-08-03 6:30:05 PM



**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)

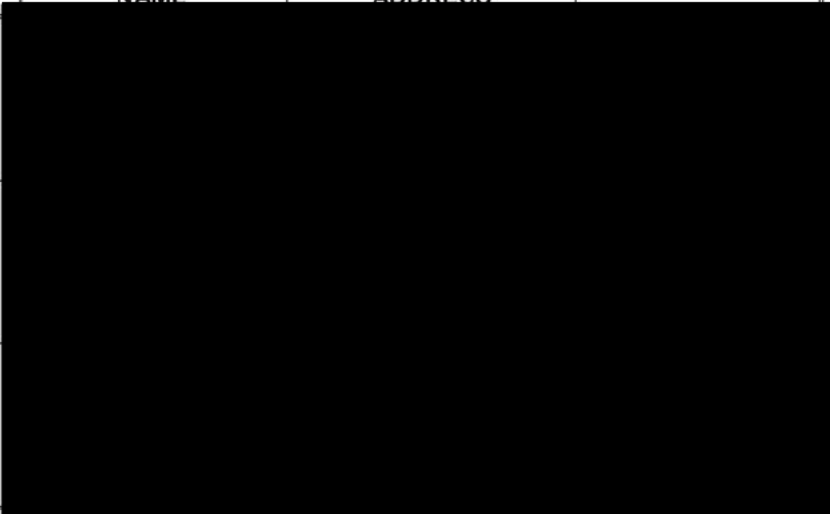
**APPLICATION FOR A MINOR VARIANCE****FOR OFFICE USE ONLY.**

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:

Alicia Morey  
356 twindle place  
Oakville Ont  
L6L4v8



**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:

Based on the year the house was built, only one parking space is required for a two-unit dwelling.  
1. Our request is to reduce parking space for secondary unit to 2.4m in width along the north property line.

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

It is a built environment where neighbouring properties exist.

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**):

275 Huxley Ave s  
Hamilton Ont  
L8k 2r5

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use N/A
- 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?  
Previous use of the subject property aided in determining the above answers.

- 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.

11/4/2021  
Date

  
Signature Property Owner

Alicia Morey  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 12.42 m  
Depth 31.0 m  
Area 370.0 sq. m  
Width of street 8.48m

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 Area - 766 sq. f.  
Gross Floor Area - 1532sq. f.  
Number of Storeys - 2  
Width of Building - 29' 7"  
Length of Building - 25' 11"  
Height of Building - 26' 3"

Proposed

Ground Floor Area - 766 sq. f.  
Gross Floor Area - 1532sq. f.  
Number of Storeys - 2  
Width of Building - 29' 7"  
Length of Building - 25' 11"  
Height of Building - 26' 3"

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

Existing:

Left (north setback) - 2.4m  
Right (South setback) - 0.6m  
Front (West setback) - 4.7m  
Rear (East setback) - 16.1m

Proposed:

Left (north setback) - 2.4m  
Right (South setback) - 0.6m  
Front (West setback) - 4.7m  
Rear (East setback) - 16.1m

13. Date of acquisition of subject lands:  
08/4/2021
14. Date of construction of all buildings and structures on subject lands:  
1950
15. Existing uses of the subject property:  
Two-family dwelling
16. Existing uses of abutting properties:  
Residential and Commercial
17. Length of time the existing uses of the subject property have continued:  
Since date built
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:  
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
N/A
21. Has the owner previously applied for relief in respect of the subject property?  
☐ Yes ☒ No  
If the answer is yes, describe briefly.  
N/A
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  
N/A
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.