



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.:** FL/A-21:445

**APPLICANTS:** Agent T. Johns Consulting Group c/o K. Gillis  
Owner Northern Cardinal Developments Ltd. c/o Agro  
Development Corp. Att: A. Roberts

**SUBJECT PROPERTY:** Municipal address **59 Brian Blvd., Flamborough**

**ZONING BY-LAW:** Zoning By-law 90-145z, as Amended 00-115z

**ZONING:** "R1-25" (Urban Residential (Single Detached) Zone

**PROPOSAL:** To permit the severance of lands in order to create a total of two (2) lots (Part 1 and Part 2) as per Consent Application FL/B-21:118, for single detached dwelling purposes; notwithstanding that;

1. A minimum lot area of 459.0m<sup>2</sup> shall be permitted for Part 1 instead of the minimum 460.0m<sup>2</sup> lot area required.
2. A maximum height of 9.5m shall be permitted for both Part 1 & Part 2 instead of the maximum 8.2m height permitted.
3. A maximum lot coverage of 39% shall be permitted for Part 1 and maximum lot coverage of 35% shall be permitted for Part 2 instead of the maximum 30.0% lot coverage permitted.
4. A minimum exterior side yard of 3.0m shall be permitted for Part 2 instead of the minimum 5.0m exterior side yard required.

Notes: This application is to be heard in conjunction with Consent Application FL/B-21:118.

The applicant requested a variance to permit 6.0m to the hypotenuse of the daylight triangle. However, per previous interpretations, the hypotenuse of the daylight triangle is considered part of the exterior side lot line. Therefore, a variance is not required as the minimum exterior side yard to the hypotenuse will be met based on the 6.0m setback proposed.

No elevation plans were provided from which to confirm that the requested height variance is accurate; therefore, further variances may be required.

The applicant shall ensure that the minimum required 50.0% of the front yard shall be maintained as landscaped open space; otherwise, further variances shall be required.

.../2

The zoning By-law requires a minimum parking space size of 2.6m x 5.8m. No details were provided from which to determine compliance; therefore, further variance may be required.

The applicant shall ensure that any proposed encroachments i.e. eaves gutters, unenclosed porches etc., shall conform to Section 5.30 of the Flamborough Zoning By-law; otherwise, further variances shall be required.

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

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**DATE:** Thursday, February 3rd, 2022  
**TIME:** 3:10 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, 2021.

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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.***

REV. 0.3.11.08.25  
FILE: P:\P\00004\01\00004-100-11.dwg last saved by SWS, plotted: 11/22/2021 3:55:53 PM on paper size CUSTOM L: 914.0000 MM (LANDSCAPE)

PLAN OF SURVEY AND TOPOGRAPHY  
OF PART OF  
LOT 25  
REGISTERED PLAN NO. 1084  
CITY OF HAMILTON

SCALE 1:150  
0 1 2 3 4 5 METRES

MTE OLS LTD.  
ONTARIO LAND SURVEYORS

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

**LEGEND**

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- IB# DENOTES ROUND IRON BAR
- CC DENOTES CUT CROSS
- CM DENOTES CONCRETE MONUMENT
- OU DENOTES ORIGIN UNKNOWN
- NTS DENOTES NOT TO SCALE
- WIT DENOTES WITNESS
- M, MEAS DENOTES MEASURED
- P.I.N. DENOTES PROPERTY IDENTIFICATION NUMBER
- (LT) DENOTES LAND TITLES
- MTE DENOTES MTE OLS LTD.
- P1 DENOTES REGISTERED PLAN NO. 1029
- P2 DENOTES REGISTERED PLAN NO. 1084
- P3 DENOTES REGISTERED PLAN NO. 1163
- P4 DENOTES PLAN 62R-19932
- P5 DENOTES PLAN 62R-15836
- EC DENOTES EDGE OF CONCRETE
- EP DENOTES EDGE OF PAVEMENT
- CSW DENOTES CONCRETE SIDEWALK
- GM DENOTES GAS METER
- DSP DENOTES DOWNSPOUT
- TB DENOTES TOP OF EMBANKMENT
- BB DENOTES BOTTOM OF EMBANKMENT
- RS DENOTES ROAD SIGN
- FH DENOTES FIRE HYDRANT
- GM DENOTES GAS METER
- CB DENOTES CATCHBASIN
- HM DENOTES HYDRO METER
- SAN DENOTES SANITARY
- STM DENOTES STORM
- LS DENOTES LIGHT STANDARD
- HP DENOTES HYDRO POLE
- HR DENOTES HAND RAIL
- SC DENOTES SHRUB CONIFEROUS
- MH DENOTES MANHOLE
- T/G DENOTES TOP OF GRATE
- ▷ DENOTES FENCE GATE
- ⊕ DENOTES CONIFEROUS TREE
- ⊙ DENOTES DECIDUOUS TREE
- ⊕-333.3 DENOTES DENOTES EXISTING ELEVATION

**BENCH MARK:**

CITY OF HAMILTON BENCHMARK No. 07720020057  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO A BRASS RIG WITH CAP AT THE ROYAL CANADIAN LEGION No. 551, 79 HAMILTON STREET NORTH WATERDOWN.

ELEVATION = 234.008

⊕ SITE BENCHMARKS IS SHOWN ON THE FACE OF THIS PLAN.

**NOTES:**

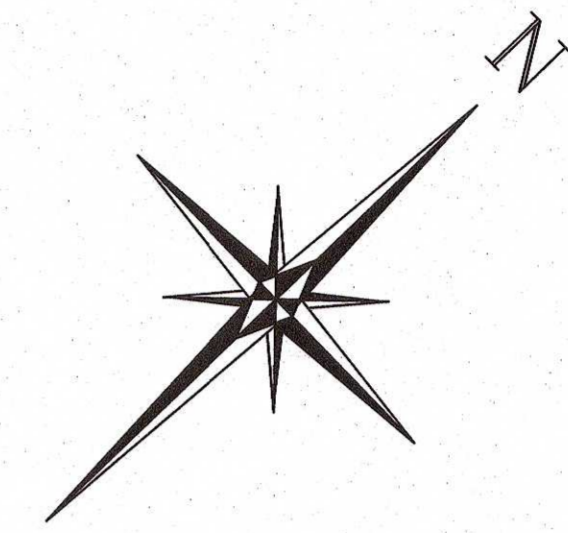
BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS v6) EPOCH 2010.00.

DISTANCES ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99966447.

FOR BEARING COMPARISON, A ROTATION OF 0°0'0" HAS BEEN APPLIED TO PLAN 01R-12345 (P1) TO CONVERT TO GRID BEARINGS

**SURVEYOR'S CERTIFICATE:**

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  2. THE SURVEY WAS COMPLETED ON THE 27TH DAY OF OCTOBER, 2021.



LOT 12  
P.I.N. 17561-0212(LT)

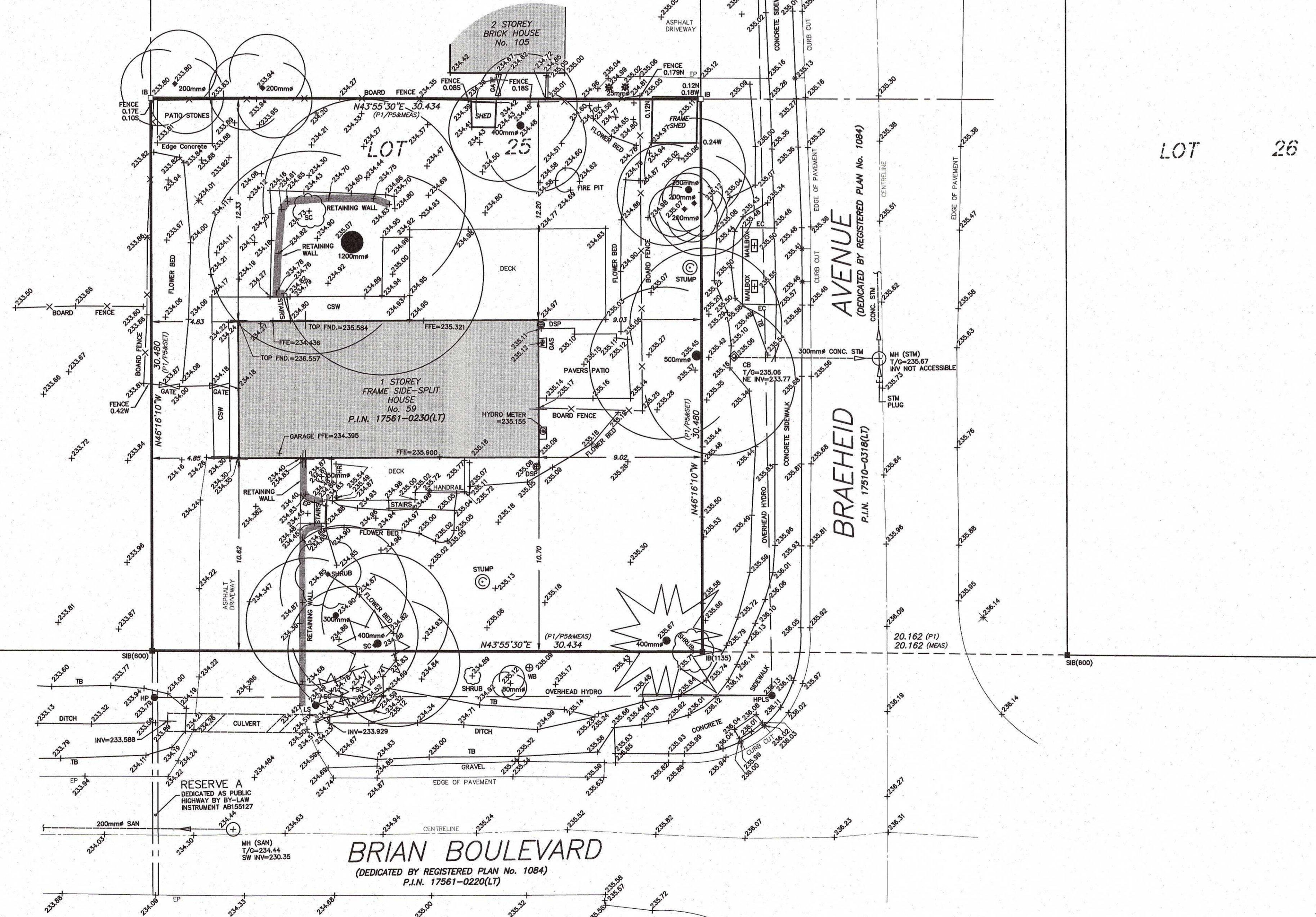
LOT 13  
PART 1, PLAN 62R-19932

REGISTERED PLAN NO. 1029

REGISTERED PLAN NO. 1084  
PART 1, PLAN 62R-15836  
P.I.N. 17561-0229(LT)

REGISTERED PLAN NO. 1163  
LOT 36  
P.I.N.17561-0215(LT)

LOT 26



BRIAN BOULEVARD  
(DEDICATED BY REGISTERED PLAN No. 1163)  
P.I.N. 17561-0220(LT)

BRIAN BOULEVARD  
(DEDICATED BY REGISTERED PLAN No. 1084)  
P.I.N. 17561-0220(LT)

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2147476

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

November 3, 2021  
DATE

*Patrick Woolley*  
PATRICK WOOLLEY  
ONTARIO LAND SURVEYOR

MTE ONTARIO LAND SURVEYORS LTD.  
1015 SUTTON DRIVE, UNIT A  
BURLINGTON, ONTARIO, L7L 6S8  
TEL: (905) 639-2552

Drawn: S. DU      Checked: P. WOOLLEY      Project Number: 50094-101



Hamilton

**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

**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:

The Bank of Nova Scotia  
5075 Yonge Street, 2<sup>nd</sup> Floor  
Toronto, ON M2N 6C6

**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:
- Corner Lot Coverage: 35%
  - Interior Lot Coverage: 39%
  - Corner Min. Lot Front Yard Setback of 7.5m except 6.0m to the hypoteneuse of a required Daylight Triangle Lot
  - Interior Lot Min. Lot Area of 459sq.m.
  - Maximum Height of 9.5m
  - Min. Exterior Side Yard of 3.0m

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

Please see Appendix "A": Planning Rationale

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**):

Lot 25 of Registered Plan No. 1084 (Blackdale Addition), formerly in the Town of Flamborough now in the City of Hamilton, municipally known as 59 Brian Boulevard, Waterdown

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?

Owner's knowledge.

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.

2021/11/30  
Date

Amy Roberts  
Signature Property Owner(s)  
Northern Cardinal Developments Ltd. c/o  
Amy Roberts, Argo Development Corp.  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage  
Depth  
Area  
Width of street

Submitted with Consent application; See Appendix "A":  
Planning Rationale for details.

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:\_  
Stories: 1  
Width: + 17.41 m  
Length: + 11.82 m  
Ground Floor Area: + 167.41 m<sup>2</sup>

Proposed

See Appendix "A": Planning Rationale and Concept Plan 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:  
Rear: + 8.95 m  
Front: + 11.2 m  
Side (interior): + 5.19 m  
Side (exterior): + 7.85 m

Proposed:

See Appendix "A": Planning Rationale and Concept Plan attached.

13. Date of acquisition of subject lands:  
August 23<sup>rd</sup>, 2021
- 
14. Date of construction of all buildings and structures on subject lands:  
Approx. 1960s
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single family residential
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single family 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          | <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:  
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"R1-25" Urban Residential (Single Detached) Zone in Flamborough ZBL No. 90-145-Z
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  
This application is to be submitted concurrently with an application for consent to divide the property into two individual lots for the creation of two new single family detached dwellings.
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.