



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-22:15

APPLICANTS: Agent A.J. Clarke & Associates c/o S. Fraser
Owner P. Spadafora

SUBJECT PROPERTY: Municipal address **128 Canada St., Hamilton**

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

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district

PROPOSAL: To permit a lot to be conveyed (Parts 1 and 3) and a lot to be retained (Parts 2 and 4) with each lot to contain a single family dwelling in order to facilitate Consent File No. HM/B-21:61 notwithstanding that:

Variations required for the lands to be Conveyed (Parts 1 and 3):

1. A minimum lot width of 7.6m shall be provided instead of the minimum required lot width of 12.0m for a single family dwelling.
2. A minimum lot area of 220m² shall be provided instead of the minimum required lot area of 360m² for a single family dwelling.
3. A minimum side yard width of 0.6m shall be provided on the side of the lot containing the access easement (being the westerly side yard/side lot line) instead of the requirement that for a building or structure not over two and a half storeys or 11.0 metres, a side yard along each side lot line, of a width of at least 1.2 metres.

Variations required for the lands to be Retained (Parts 2 and 4):

1. A minimum lot width of 7.6m shall be provided instead of the minimum required lot width of 12.0m for a single family dwelling.
2. A minimum lot area of 220m² shall be provided instead of the minimum required lot area of 360m² for a single family dwelling.
3. A minimum side yard width of 0.6m shall be provided on the side of the lot containing the access easement (being the easterly side yard/side lot line) instead of the requirement that for a building or structure not over two and a half storeys or 11.0 metres, a side yard along each side lot line, of a width of at least 1.2 metres.

NOTE:

- i) The variances are necessary to facilitate Consent Application File No. HM/B-21:61.
- ii) Parts 3 and 4 on the Plan attached are intended as easements for access purposes.

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

DATE: Thursday, February 17th, 2022
TIME: 2:00 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

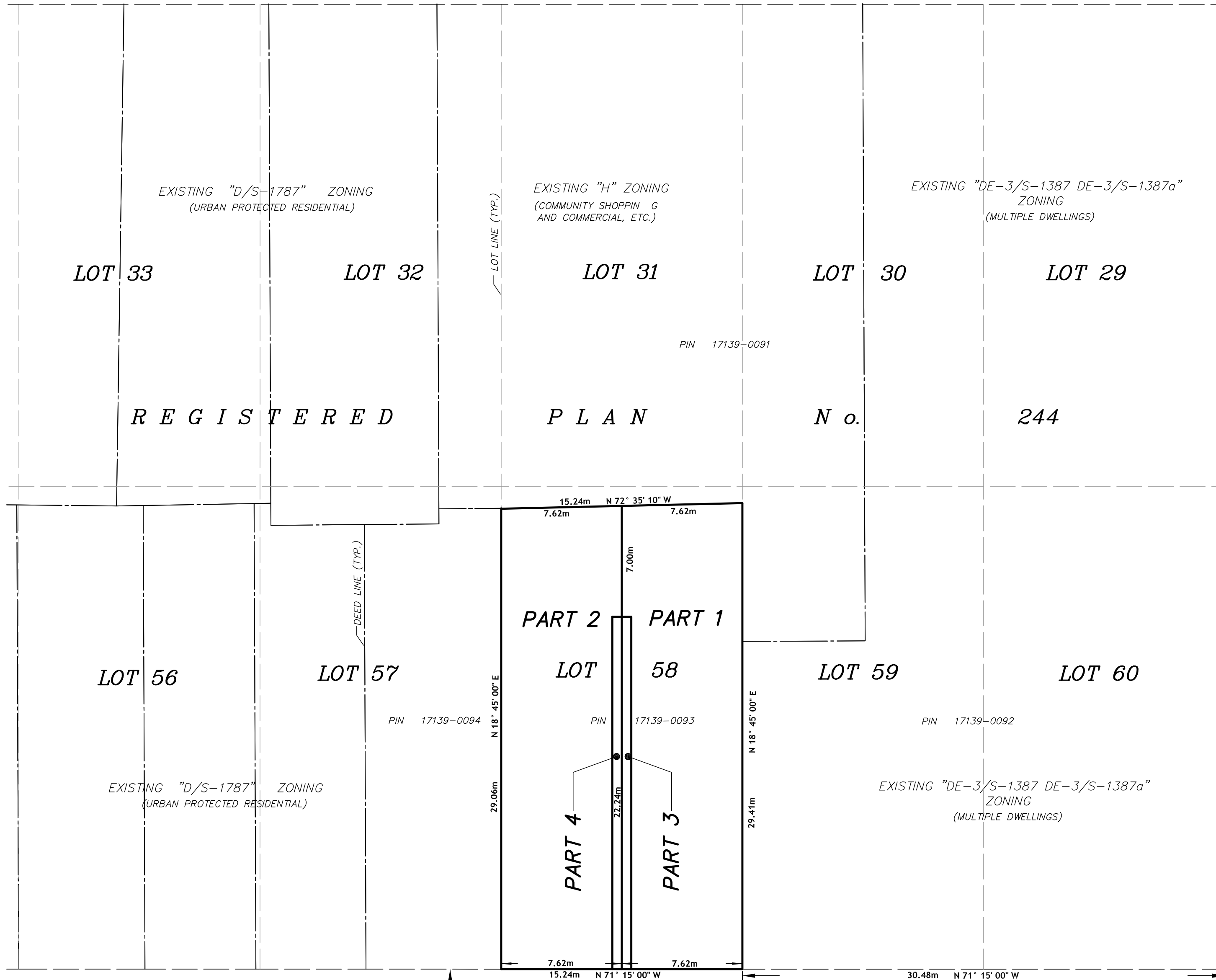
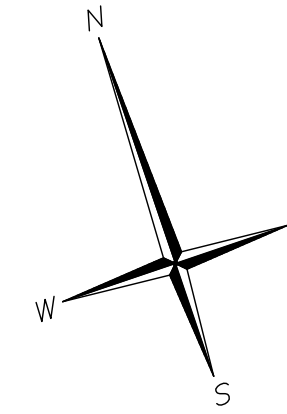
DATED: February 1st, 2022.

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.

JACKSON STREET WEST

(ESTABLISHED BY REGISTERED PLAN 244)



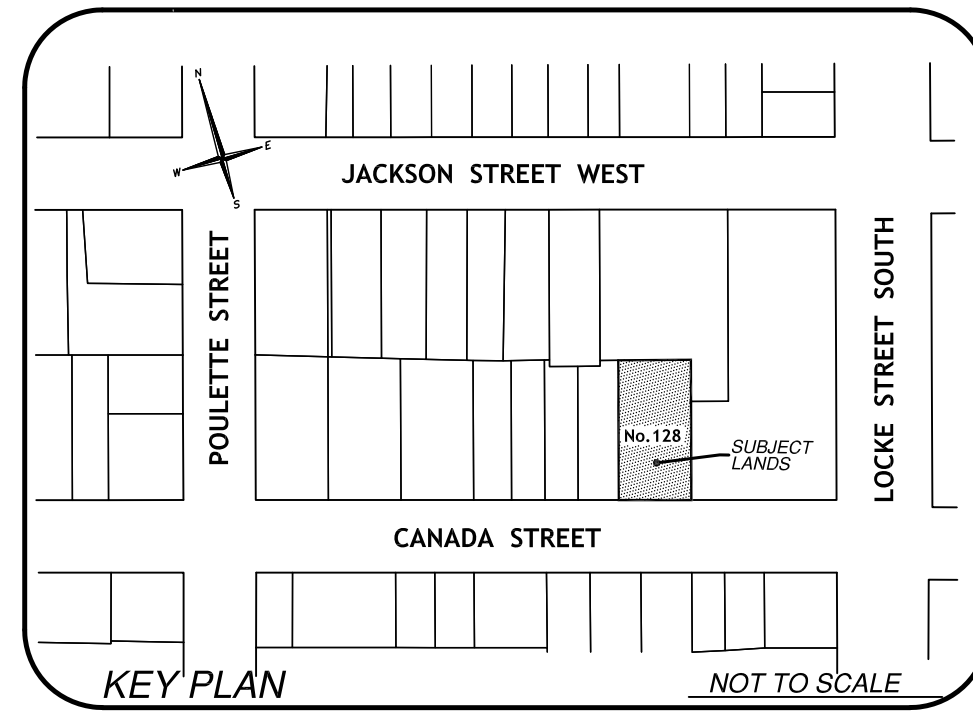
REGISTERED

PLAN

No.

244

LOCKE STREET SOUTH
(ESTABLISHED BY REGISTERED PLAN 244)



KEY PLAN

NOT TO SCALE

SKETCH FOR CONSENT TO SEVER

128 Canada Street
CITY OF HAMILTON

SCALE 1:200



THE ABOVE NOTED LANDS ARE
PART OF LOT 58 - RICHARD BEASLEY SURVEY
REGISTERED PLAN No. 244

METRIC:

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

NOTE:

THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE APPROXIMATE AND ARE COMPILED FROM PLANS ON FILE IN OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE:

PART 1 & PART 3 (PROPOSED SEVERANCE) AREA=223.48m²
PART 2 & PART 4 (REMAINING LANDS OF APPLICANT) AREA=222.07m²
PART 3 & PART 4 (PROPOSED MAINTENANCE & ACCESS EASEMENTS)

CAUTION:

THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

AUGUST 6, 2021

DATE

NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

PIN 17139-0267
CANADA STREET
(ESTABLISHED BY REGISTERED PLAN 244)

15.24m
R.O.W.

R-4528A

R-4528A



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

	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:
N/A

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:

To permit a minimum lot width of 7.6m; whereas 12m is required; a minimum lot area of 220sq.m; whereas 360sq.m is required, and; a minimum side yard setback of 0.6m on the side of the lot containing the access easement; whereas a minimum side yard setback of 1.2m is required on both sides of the lot.

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

These variances are required to facilitate the associated severance application approval under File: HM/B-21:61.

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**):

128 Canada Street

Hamilton

Lot 58

Registered Plan 244

NOTE: future addresses to be 126 and 128 Canada Street once severance is finalized.

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

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 8.1 to 8.10 above?

Previous approvals and knowledge of property owner.

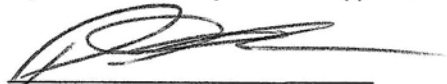
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

December 2, 2021
Date


Signature Property Owner(s)

Paul Anthony Spadafora
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage + - 7.62m (Part 1/3), + - 7.62m (Part 2/4)
Depth + - 29.41m (Part 1/3), + - 29.06m (Part 2/4)
Area + - 223.5 sq m (Part 1/3), + - 222.0 sq m (Part 2/4)
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: _

One single detached dwelling (to be demolished)

Proposed

One single detached dwelling and easement for access/maintenance per lot (see attached sketch).

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

Existing:

One single detached dwelling (to be demolished)

Proposed:

One single detached dwelling and easement for access/maintenance per lot (see attached sketch).

13. Date of acquisition of subject lands:
2016
-
14. Date of construction of all buildings and structures on subject lands:
Anticipated for 2022
-
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, mixed-use to the north and east.
17. Length of time the existing uses of the subject property have continued:
Unknown.
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 (Urban Hamilton Official Plan)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D - Urban Protected Residential - One and Two Family Dwellings, Etc.
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
HM/B-21:61 has conditional approval.
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.