



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-21:405

APPLICANTS: Agent DeFilippis Design
Owner Philip Portolussi

SUBJECT PROPERTY: Municipal address **22 Gardenia Crt., Hamilton**

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

ZONING: "C" (Urban Protected Residential) district

PROPOSAL: To permit the replacement and reconstruction of a 157.01 square metre, one storey single detached dwelling having an attached single car garage as a 340.52 square metre, two storey single detached dwelling having an attached double car garage and covered rear and front porches, and to permit a secondary dwelling unit within the basement, notwithstanding that:

1. The minimum rear yard depth shall be 6.0 metres based on the application of average depth for an irregular lot and shall include an actual depth of 1.4 metres instead of the minimum actual depth of 3.0 metres for applying average rear yard depth for an irregular lot;
2. The minimum landscaped area for the front yard shall be 47% instead of the minimum required 50% front yard;
3. One parking space shall be permitted for the dwelling instead of two parking spaces for a single family dwelling with up to eight (8) habitable rooms.

NOTES:

1. The variance was written as requested to address the minimum landscaped area. The variance for the rear yard was modified for this Notice based on updated plans and the request by the applicant for the rear yard variance to be based on the average rear yard depth which is provided in the Zoning By-law definition for "depth" applicable to irregular shaped lots .

The Zoning By-law defined "Depth" as:

"Depth" with reference to a lot, shall mean the mean horizontal distance between the front lot line and the rear lot line, except in the case of a through lot, when it shall mean the mean horizontal depth of the lot;

- and in the case of an irregular, triangular or gore-shaped lot, the average depth of the rear yard may be considered as the depth, provided, where the rear yard has the least actual depth, that there is an actual depth of at least 3.0 metres (9.84 feet) or half the required depth, whichever is the greater;

2. The submission did not include Elevations. Therefore, building height for the proposed reconstructed dwelling could not be determined. The proposed building height could not exceed 11 metres or additional variances would be required.

3. The proposed reconstruction of the single family dwelling would be within the same building footprint with the exception of the proposed double car garage which is shown on the plan. The existing basement for the dwelling would be retained.
4. The submission did not identify eave projections. The maximum projections for eaves into the side yards shall not exceed 0.6 metres or additional variances would be required.
5. The maximum projections for eaves into the rear yard would be subject to the variance being approved for the reduced rear yard.
6. The proposed unenclosed roofed over rear porch would be subject to the variance being approved for the reduced rear yard.
7. Parking for a single family dwelling is based on the provision of 2 parking spaces per unit for a dwelling having up to 8 habitable rooms. An additional 0.5 parking spaces is required for each habitable room over 8 rooms. Floor plans were not provided to identify the number of habitable rooms. Therefore, if there are more than 8 habitable rooms within the expanded dwelling, additional variances would be required to address parking.
8. The plan includes a parking space for the proposed secondary dwelling unit. A manoeuvring space is not required for a secondary dwelling unit.

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

DATE: Thursday, February 17th, 2022
TIME: 2:05 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

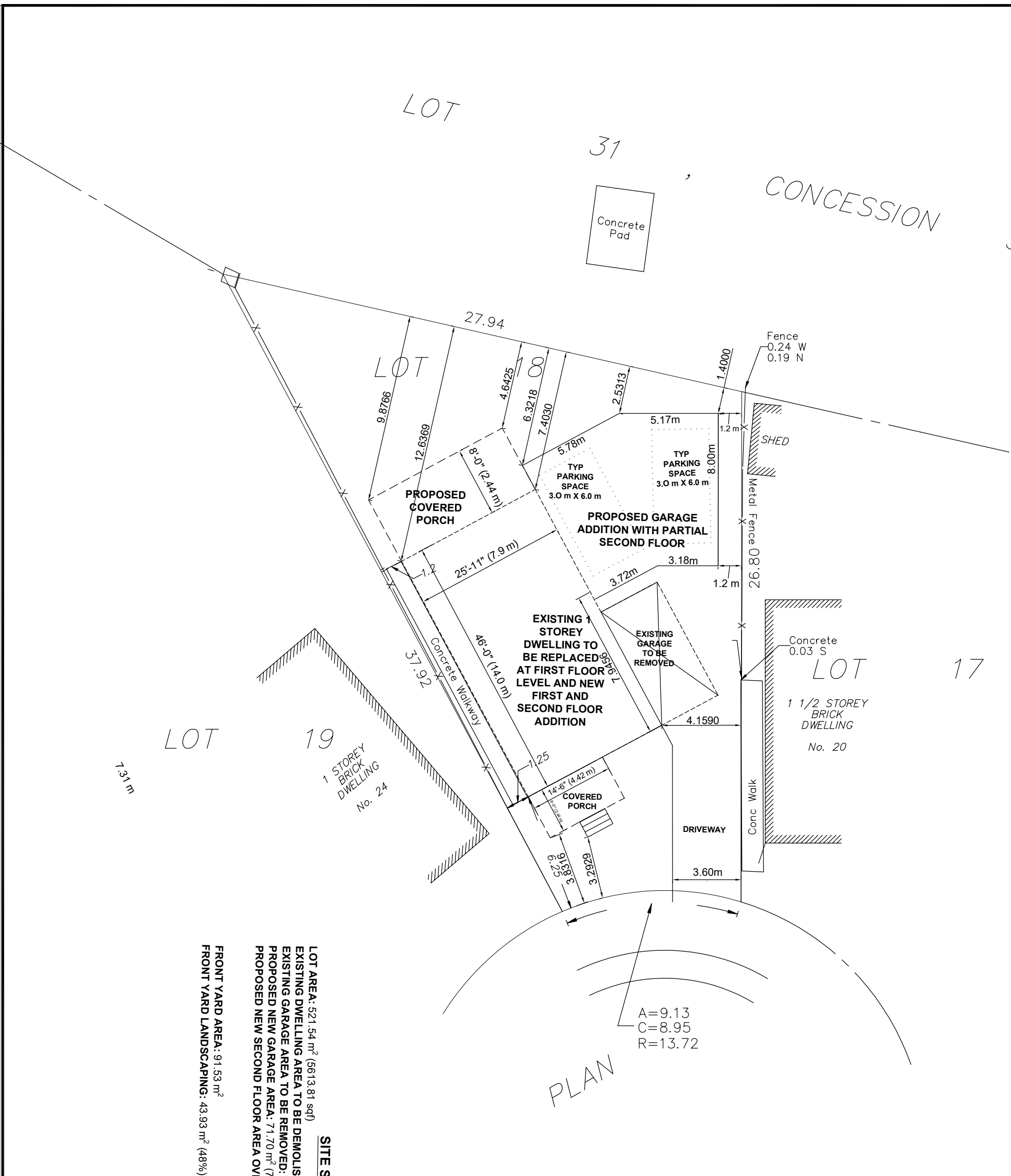
For more information on this matter, including access to drawings illustrating this request:

- 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.



PLAN

A=9.13
C=8.95
R=13.72

SITE STATISTICS

LOT AREA: 521.54 m² (5613.81 sqft)
 EXISTING DWELLING AREA TO BE DEMOLISHED AND REPLACED : 134.41 m² (1446.78 sqft)
 EXISTING GARAGE AREA TO BE REMOVED: 22.60 m² (243.26 sqft)
 PROPOSED NEW GARAGE AREA: 71.70 m² (771.77 sqft)
 PROPOSED NEW SECOND FLOOR AREA OVER EXISTING DWELLING: 134.41 m² (1446.78 sqft)

FRONT YARD AREA: 91.53 m²
 FRONT YARD LANDSCAPING: 43.93 m² (48%)

3		
2		
1	JANUARY 2022	
REV.	DATE	
JOB NO.		
CHKD. BY		
DRN. BY		
DATE: SEPTEMBER 2021		
SCALE: 1:200		
DWG NO. SP-1		

DEFILIPPIS DESIGN
 687 BARTON ST. E., SUITE 201
 STONEY CREEK, ONTARIO L8E 5L6
 (905) 643-2250 FAX (905) 643-1095

PHILIP BORTOLUSSI
 22 GARDENIA CRT.
 HAMILTON, ON

SITE PLAN

NOTES:
 1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
 2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

These drawings are the property of Defilippis Design and are not to be copied, reproduced or used without the express written consent of the designer.



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	ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

Note: Unless any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

SCOTIA BANK
KING ST., HAMILTON

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 CREATE A SECONDARY DWELLING UNIT WITHIN BASEMENT, PROVIDE TOTAL OF 3 PARKING SPACES (TWO FOR MAIN DWELLING - ONE FOR APT), ONE SPACE WHICH IS TANDEM, WITHOUT MANOEUVERING AND A REDUCED FRONT YARD LANDSCAPING OF 4 1/2

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

LOCATION OF DWELLING IS EXISTING ON LOT (WORKING WITHIN PARAMETERS)

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):

22 GARDENIA CRT, HAMILTON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

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 Q.1 to Q.10 above?

SINGLE FAMILY USE IN EXCESS OF 30 years

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.

OCT 30 2021
Date

[Signature]
Signature Property Owner
Philip Bartolussi
Print Name of Owner

10. Dimensions of lands affected:

Frontage 9.0m (1RR)
Depth 30.0m ± (1RRR)
Area 521 sqm ±
Width of street 20m

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: SINGLE FAMILY ONE STOREY DWELLING with single attached garage

Proposed: Second storey addition, with attached double garage and secondary dwelling unit in basement

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

Existing:
Proposed: See Attached site plan

13. Date of acquisition of subject lands:
10 years ±

14. Date of construction of all buildings and structures on subject lands:
45 years plus

15. Existing uses of the subject property:
SINGLE FAMILY

16. Existing uses of abutting properties:
SINGLE FAMILY

17. Length of time the existing uses of the subject property have continued:
45 years plus

18. Municipal services available: (check the appropriate space or spaces)
Water ✓ Connected ✓
Sanitary Sewer ✓ Connected ✓
Storm Sewers ✓

19. Present Official Plan/Secondary Plan provisions applying to the land:
URBAN SETTLEMENT

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
6593 "C" RESIDENTIAL

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.

See Attached