



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-22:05

APPLICANTS: Agent Shane VanBarneveld
Owners E. & P. Nanayakkara

SUBJECT PROPERTY: Municipal address **95 Mountain Park Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 83-66

ZONING: "C" (Urban Protected Residential, etc.) district

PROPOSAL: To permit a one-storey addition to the existing single family dwelling and the construction of a new balcony, roofed-over unenclosed porch, and uncovered porch, notwithstanding that;

1. A minimum easterly side yard of 0.22 metres and a minimum westerly side yard of 1.19 metres shall be permitted, instead of the minimum 1.2 metre side yard required.
2. One (1) parking space shall be permitted, instead of the four (4) parking spaces required.
3. The front yard landscaped area shall be a minimum of 40.0% of the gross area of the front yard instead of the minimum 50.0% of the gross area of the front yard required as landscaped area.
4. An eave/gutter shall be permitted to project a maximum of 1.2 metres into the required easterly side yard and may be as close as 0 metres to the easterly side lot line, instead of the maximum 0.6 metre projection permitted.
5. An uncovered porch and associated stairs may project into the required rear yard, and may be located 0.23 metres from the nearest side lot line, instead of the requirement that an uncovered porch may project into a required yard, if distant at least 0.5 metre from the nearest side lot line.

NOTE:

1. Please note the specific projection of the eave/gutter into the easterly side yard has not been indicated, and therefore Variance No. 4 has been written as requested by the applicant. Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot
2. The proposed balcony encroaches into the minimum required easterly side yard by 0.98 metres. As per Section 18(3)(cc), a balcony is permitted to project into a required side

yard (i.e. 1.2 metres) not more than one-third its width, or 1.0 metre, whichever is the lesser. Should Variance No. 1 above, requesting a reduction of the minimum required easterly side yard to 0.22 metres be approved, the proposed balcony/deck would not project into the new reduced side yard, and would therefore comply with Section 18(3)(vi)(cc).

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

DATE: Thursday, February 17th, 2022
TIME: 2:20 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

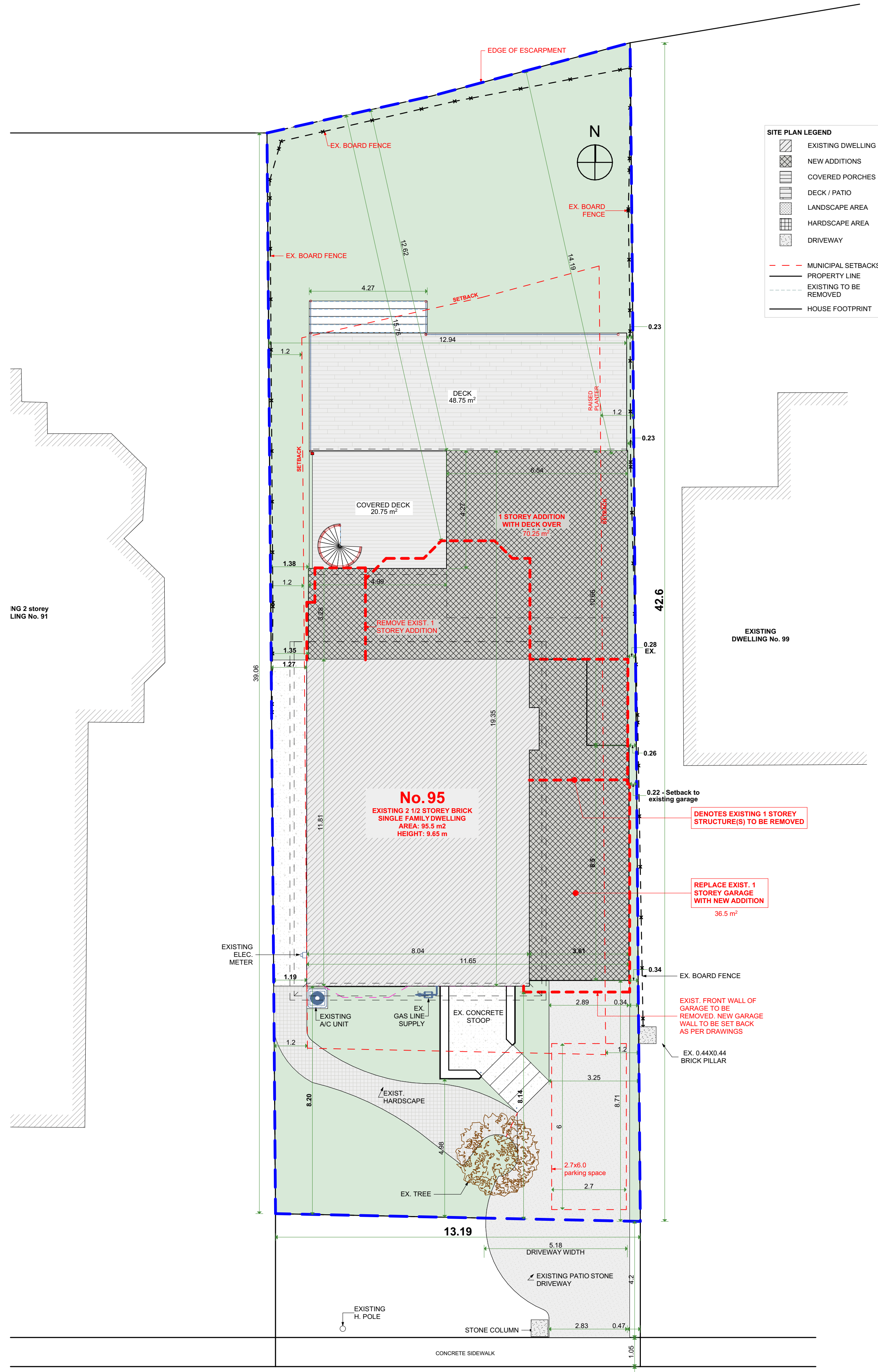
For more information on this matter, including access to drawings illustrating this request:

- 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.



SITE PLAN LEGEND

- EXISTING DWELLING
- NEW ADDITIONS
- COVERED PORCHES
- DECK / PATIO
- LANDSCAPE AREA
- HARDSCAPE AREA
- DRIVEWAY
- MUNICIPAL SETBACKS
- PROPERTY LINE
- EXISTING TO BE REMOVED
- HOUSE FOOTPRINT

SITE INFORMATION

Zoning information taken on: 2021.11.19
 Edited by: JV

ADDRESS: 95 MOUNTAIN PARK AVE
 POSTAL CODE: L9A 1A1

MUNICIPALITY: HAMILTON
 BYLAW #: 6593
 ZONING CODE: C
 SITE SPECIFIC BYLAW:
 MINOR VARIANCE #: 1st

LOT INFO

	Allowable	Existing	Proposed
LOT AREA (m ²)	n/a	517.2	same
LOT FRONTAGE (m)	n/a	13.16	same
LOT WIDTH (m)	n/a	13.16	same
LOT DEPTH (m)	n/a	39.3	same

HOUSE INFO

	Allowable	Existing	Proposed
GROSS FLOOR AREA (m ²)	n/a	311.4	387.1
Gross floor area calculations			
Basement area:	1031m ² / 95.8m ²	1031m ² / 95.8m ²	
Main floor area:	1205m ² / 119.4m ²	2100m ² / 195.0m ²	
Second floor area:	1030m ² / 95.8m ²	1030m ² / 95.8m ²	
	3266m ² / 311m ²	4161m ² / 385.6m ²	+900m ² / 14.6m ²

GROUND FLOOR AREA (m²)

	Allowable	Existing	Proposed
Ground Floor Area	n/a	119.4	195.05
COVERAGE (%)	n/a	23%	38%

FLOOR AREA RATIO (%)

	Allowable	Existing	Proposed
Floor Area Ratio	n/a	60%	75%

BUILDING HEIGHT (m)

	Allowable	Existing	Proposed
Building Height	n/a	n/a	n/a

LANDSCAPING

	Allowable	Existing	Proposed
LANDSCAPE AREA (%)	50%	39%	40%
STREET WIDTH (m)	n/a	7.66	same
DRIVEWAY WIDTH (m)	n/a	6.2 - widest	same

PARKING SPACES

	Allowable	Existing	Proposed
Parking Spaces	REQ'D - 4	2	1
Habitable Rooms	8	11	12

SETBACKS

	Allowable	Existing	Proposed
FRONT (m)	6	8.89	8.89
REAR (m)	7.5	14.42	11.27
RIGHT (m)	1.2	0.22	0.22
LEFT (m)	1.2	1.19	1.19
CORNER (m)	4.5	n/a	n/a

ENCROACHMENTS

	Allowable	Existing	Proposed
ROOF PROJECTION ON RIGHT (m)	0.6	0.87	1.2

ACCESSORY BUILDINGS

	Allowable	Existing	Proposed
SIZE (m ²)			
HEIGHT (m)			
SIDE REAR SETBACK (m)			
COVERAGE (%)			
MAX # OF STRUCTURES			

ZONING + PERMIT APPROVALS

MINOR VARIANCE (Refer to above) Required? **YES** Site Specific

CONSERVATION AUTHORITY
 Niagara, Hamilton

NAGARA ESCARPMENT CONTROL
 Notes:

MINISTRY OF TRANSPORTATION ONTARIO
 Proximity to major highways. Use online mapping to determine

SITE PLAN CONTROL / EXEMPTION
 Notes:

ENVIRONMENTAL SITE ASSESSMENT
 GREENBELT PROTECTED COUNTRYSIDE HERITAGE
 PARKWAY BELT
 FEDERAL AIRPORT AUTHORITY
 SEPTIC SURVEY REQ'D?

1 SITE PLAN
 SCALE: 1:100

CONTRACTOR

790 SHAVER RD. ANCASTER
 L9G 3K9 ON

NOT FOR CONSTRUCTION

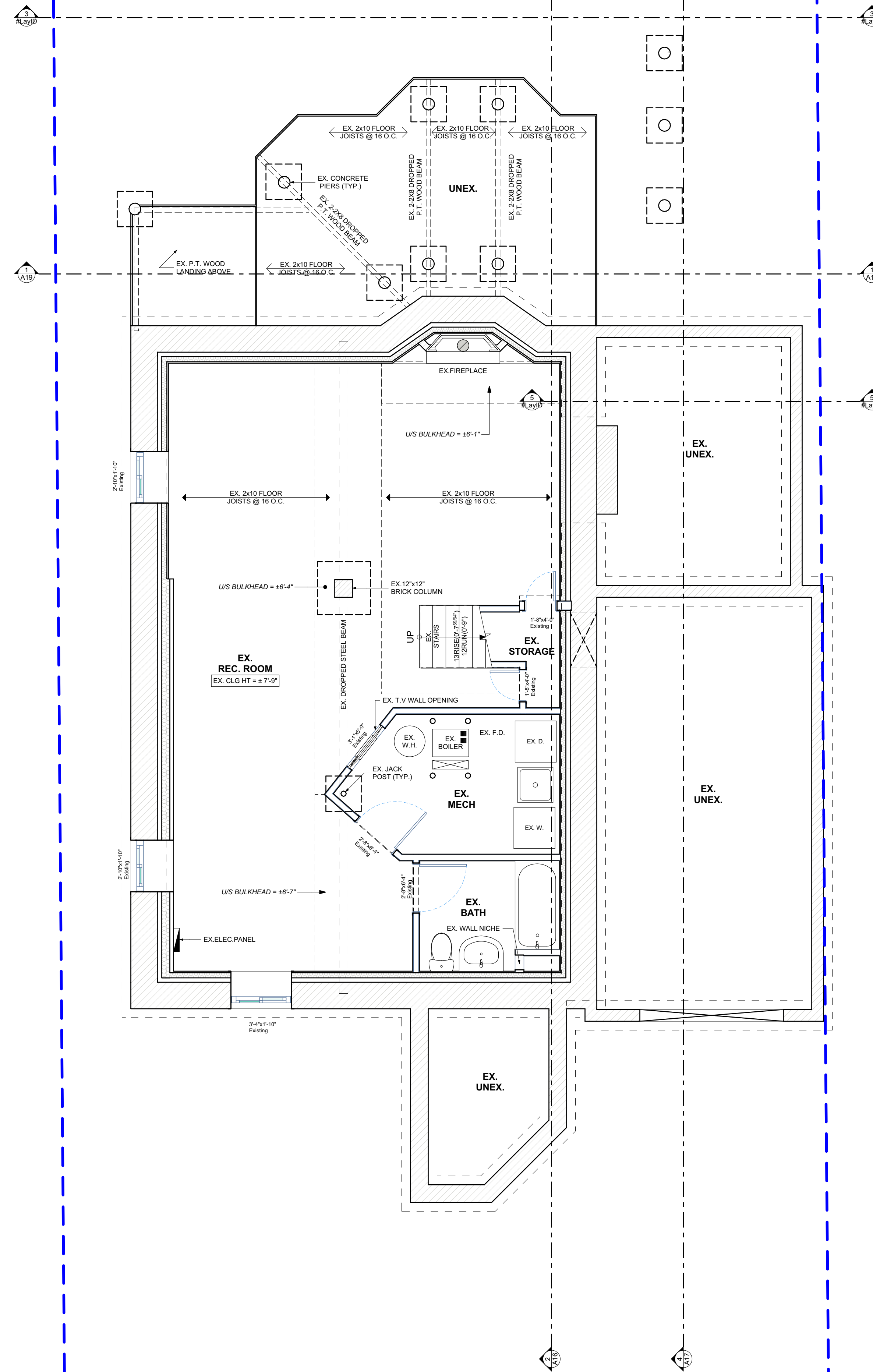
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DRAWING:
SITE PLAN

PROJECT NAME:
ECN CORP.

PROJECT ADDRESS:
 95 MOUNTAIN PARK AVE HAMILTON ON
 L9A 1A1

SCALE:	DRAWING NO.:
AS NOTED	S1
PROJECT NO.:	



1 EXISTING BASEMENT PLAN
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

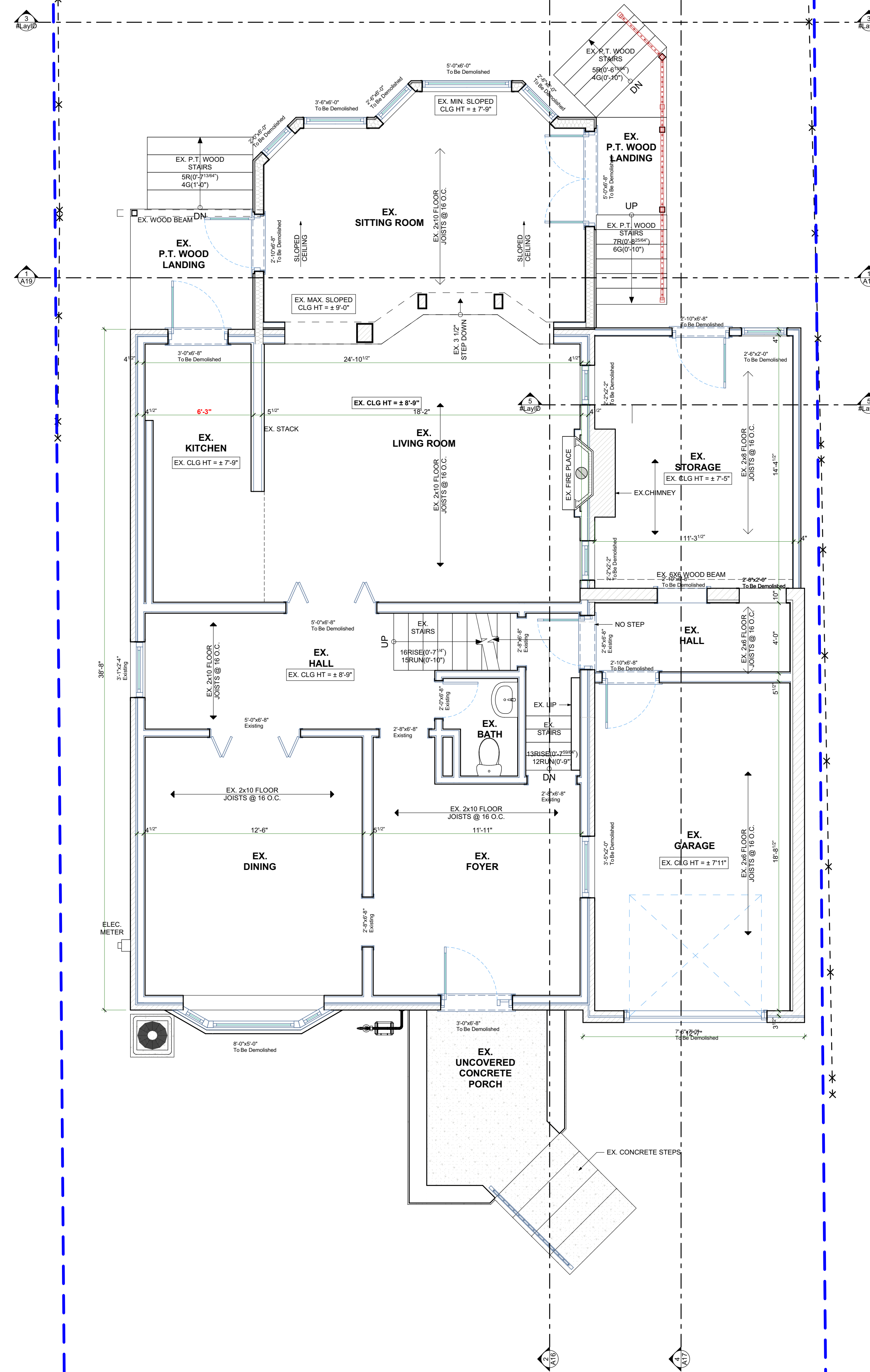
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DRAWING:
EXISTING BASEMENT PLAN

PROJECT NAME:
ECN CORP.

PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021	DRAWING NO: A2
SCALE: AS NOTED	PROJECT NO: ---



1 EXISTING MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

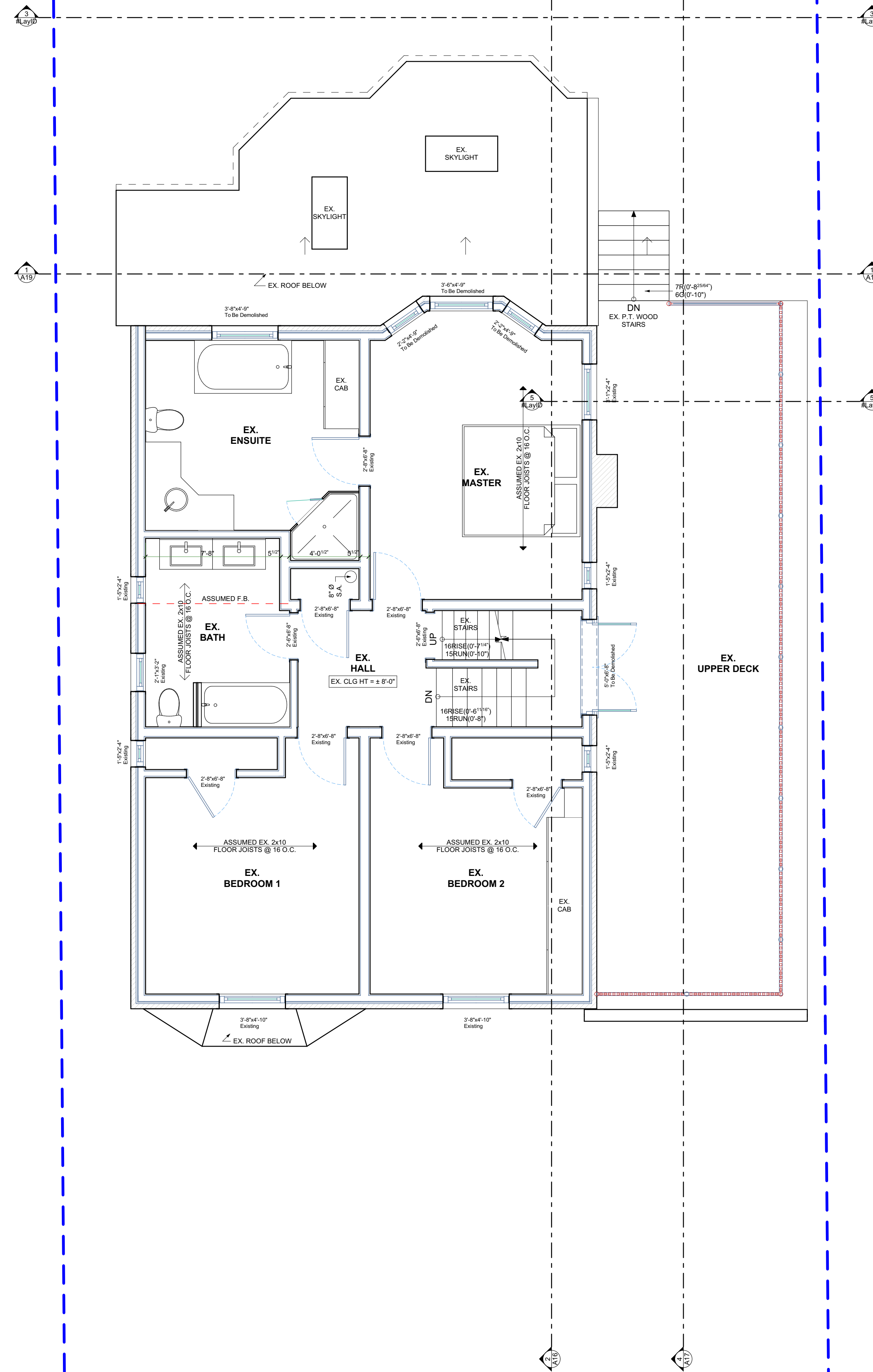
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DRAWING:
EXISTING MAIN FLOOR PLAN

PROJECT NAME:
ECN CORP.
PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021	DRAWING NO:
SCALE: AS NOTED	A3
PROJECT NO:	

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1 EXISTING SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

CONTRACTOR

 790 SHAVER RD. ANCASTER
 L9G 3K9 ON

NOT FOR CONSTRUCTION

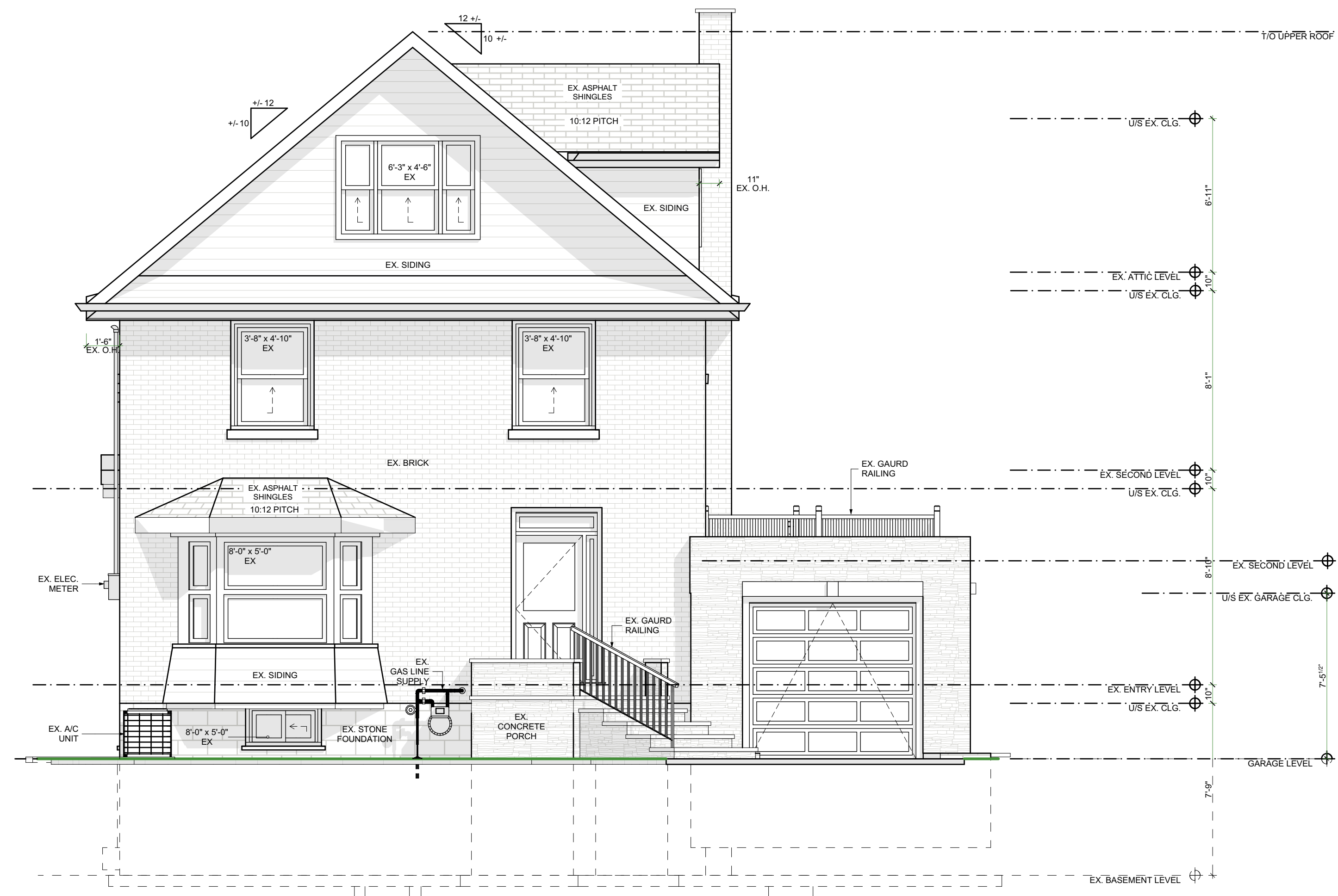
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DRAWING:
EXISTING SECOND FLOOR PLAN

PROJECT NAME:
ECN CORP.
 PROJECT ADDRESS:
 95 MOUNTAIN PARK AVE HAMILTON ON
 L9A 1A1

DATE: 12/20/2021	DRAWING NO:
SCALE: AS NOTED	A4
PROJECT NO: ---	

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1 EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

NO.	REVISION	DATE
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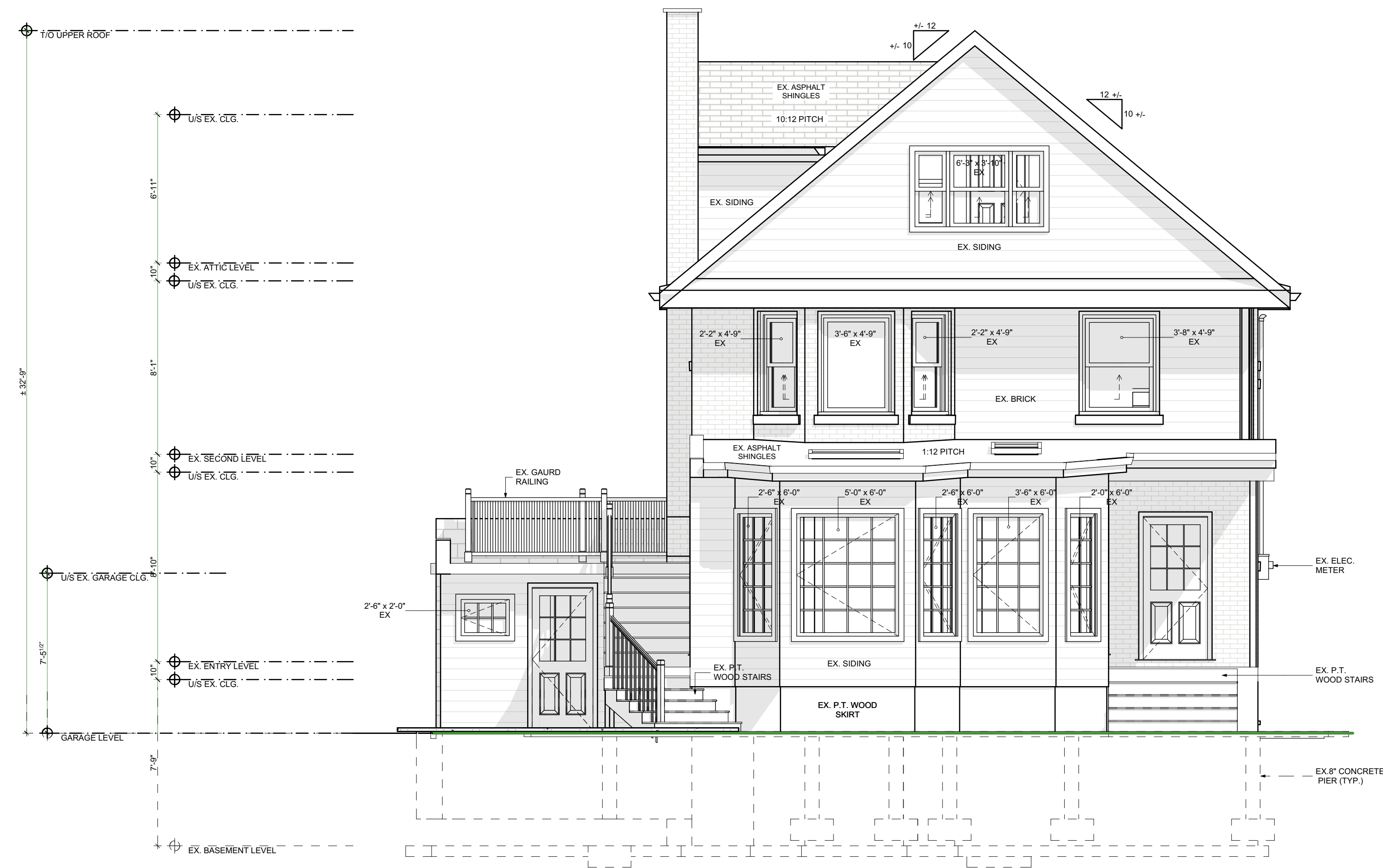
DRAWING:
EXISTING FRONT ELEVATION

PROJECT NAME:
ECN CORP.

PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021	DRAWING NO:
SCALE: AS NOTED	A5
PROJECT NO: ---	

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1 EXISTING REAR ELEVATION

SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

NO.	REVISION	DATE
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DRAWING:
EXISTING REAR ELEVATION

PROJECT NAME:
ECN CORP.
PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

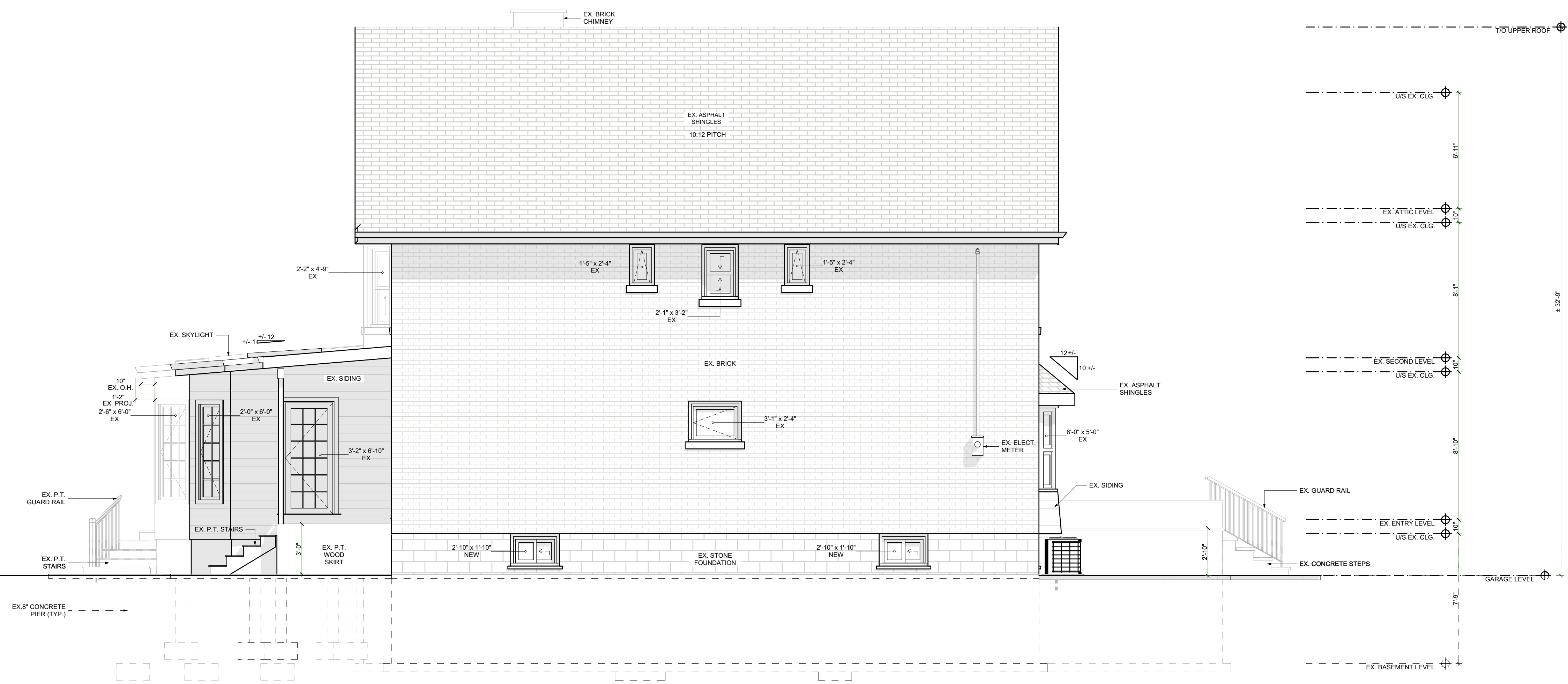
DATE: 12/20/2021

SCALE:
AS NOTED

PROJECT NO:

DRAWING NO:
A6

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1 EXISTING LEFT ELEVATION
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

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1	ISSUED FOR VARIANCE	2021.12.15
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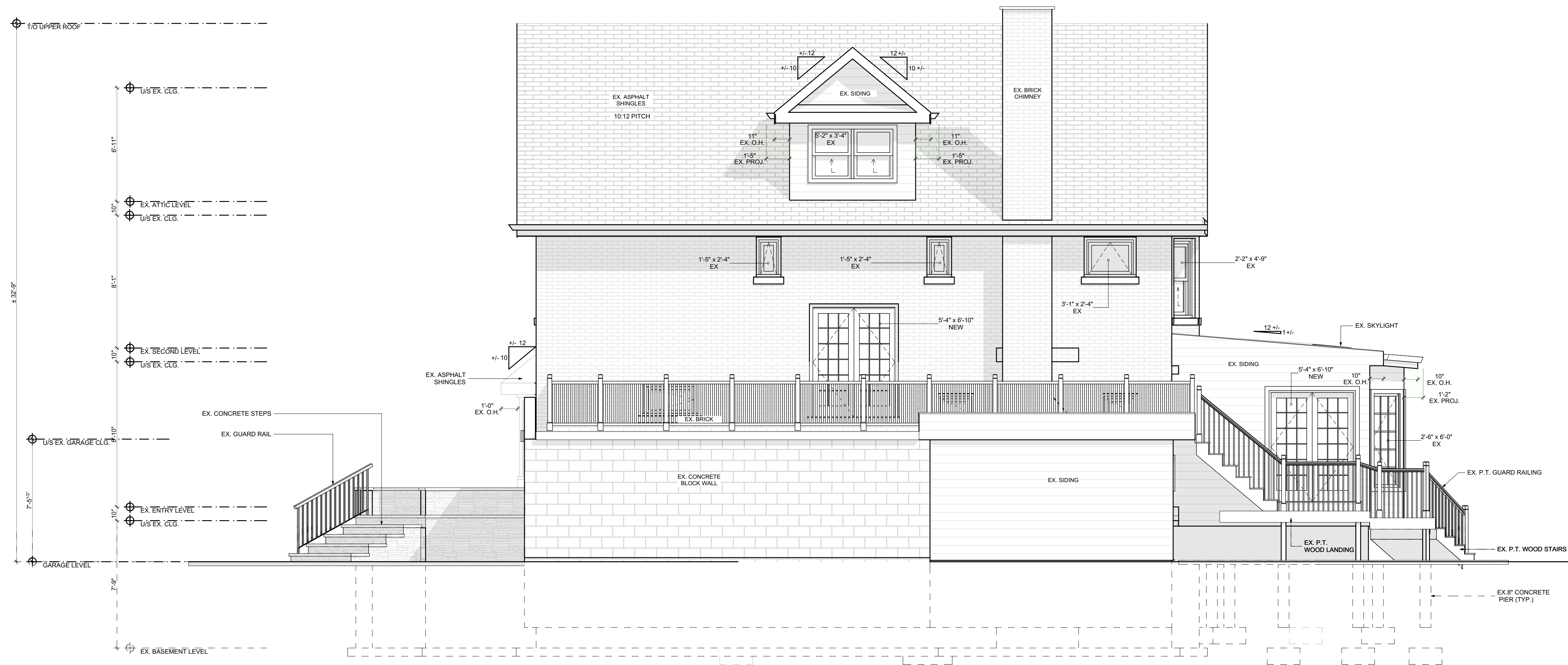
DRAWING:
EXISTING LEFT ELEVATION

PROJECT NAME:
ECN CORP.

PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021	SCALE: AS NOTED	DRAWING NO: A7
	PROJECT NO: ---	

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1 EXISTING RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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DRAWING:
**EXISTING RIGHT
ELEVATION**

PROJECT NAME:

ECN CORP.

PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021

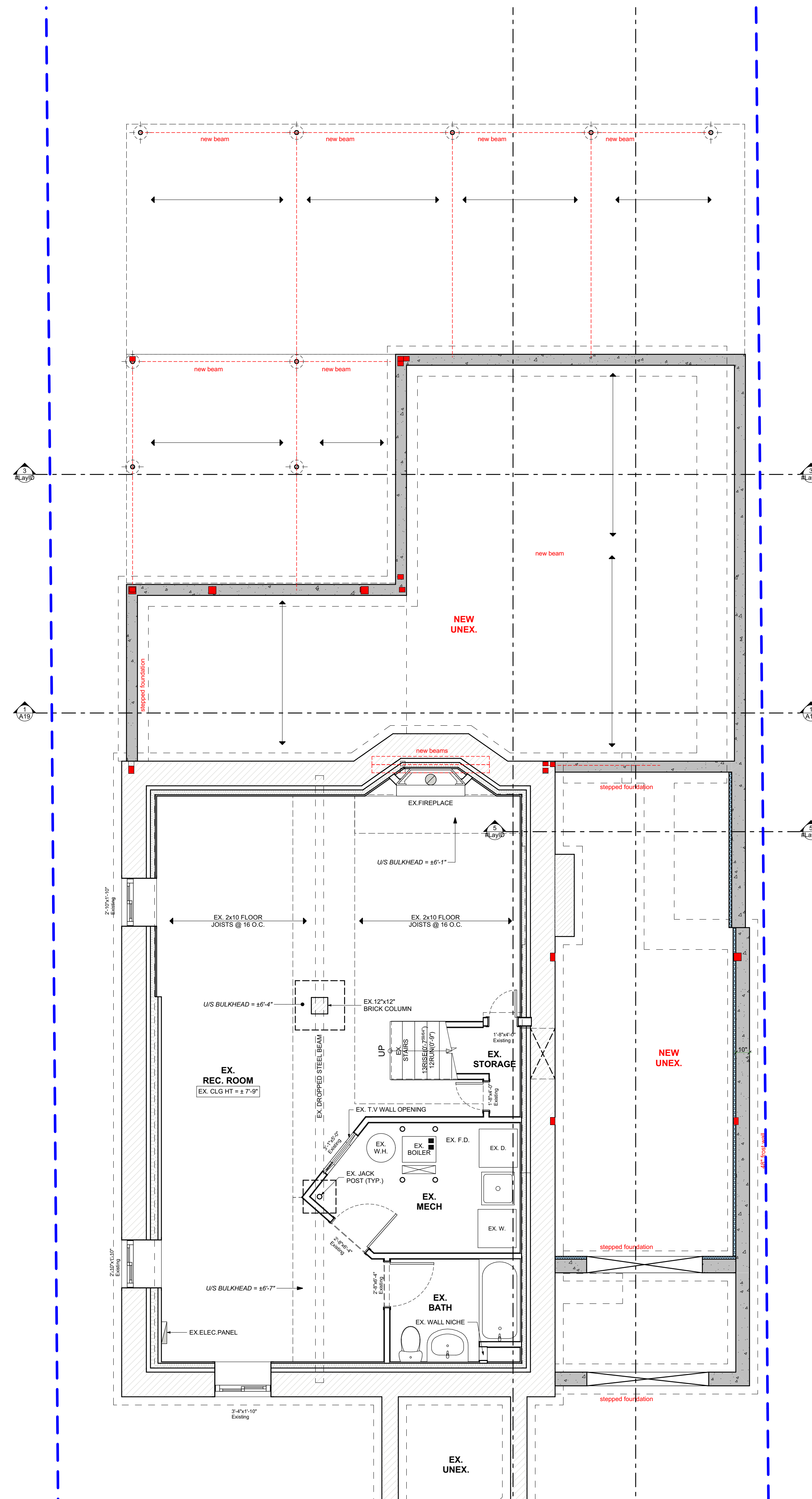
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PROJECT NO:

DRAWING NO:

A8

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1 PROPOSED BASEMENT PLAN
SCALE: 1/4" = 1'-0"

CONTRACTOR

 790 SHAVER RD. ANCASTER
 L9G 3K9 ON

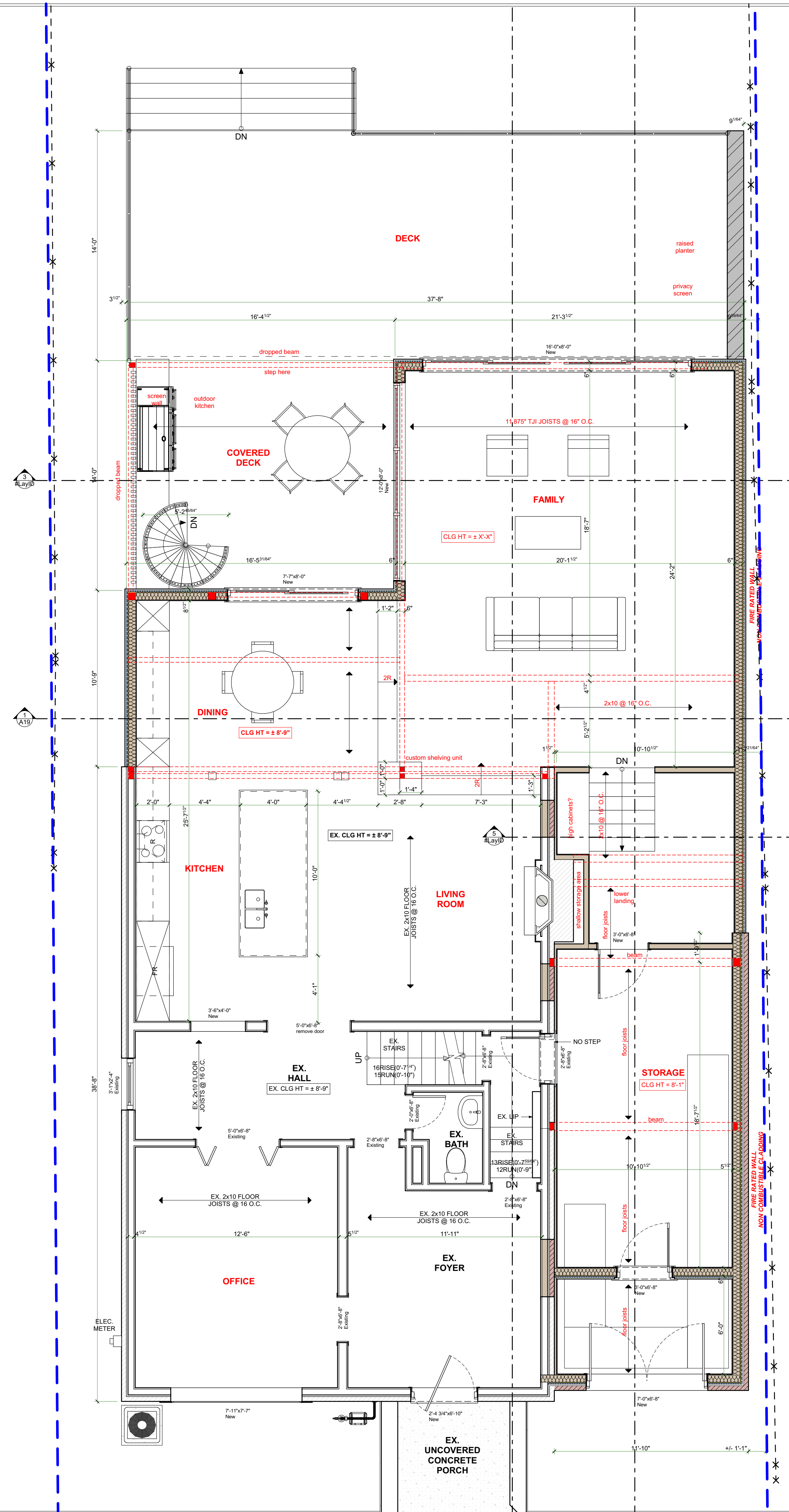
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DRAWING:
PROPOSED BASEMENT PLAN

PROJECT NAME:
ECN CORP.
 PROJECT ADDRESS:
 95 MOUNTAIN PARK AVE HAMILTON ON
 L9A 1A1

DATE: 12/20/2021	DRAWING NO: A9
SCALE: AS NOTED	PROJECT NO: ---



1 PROPOSED MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

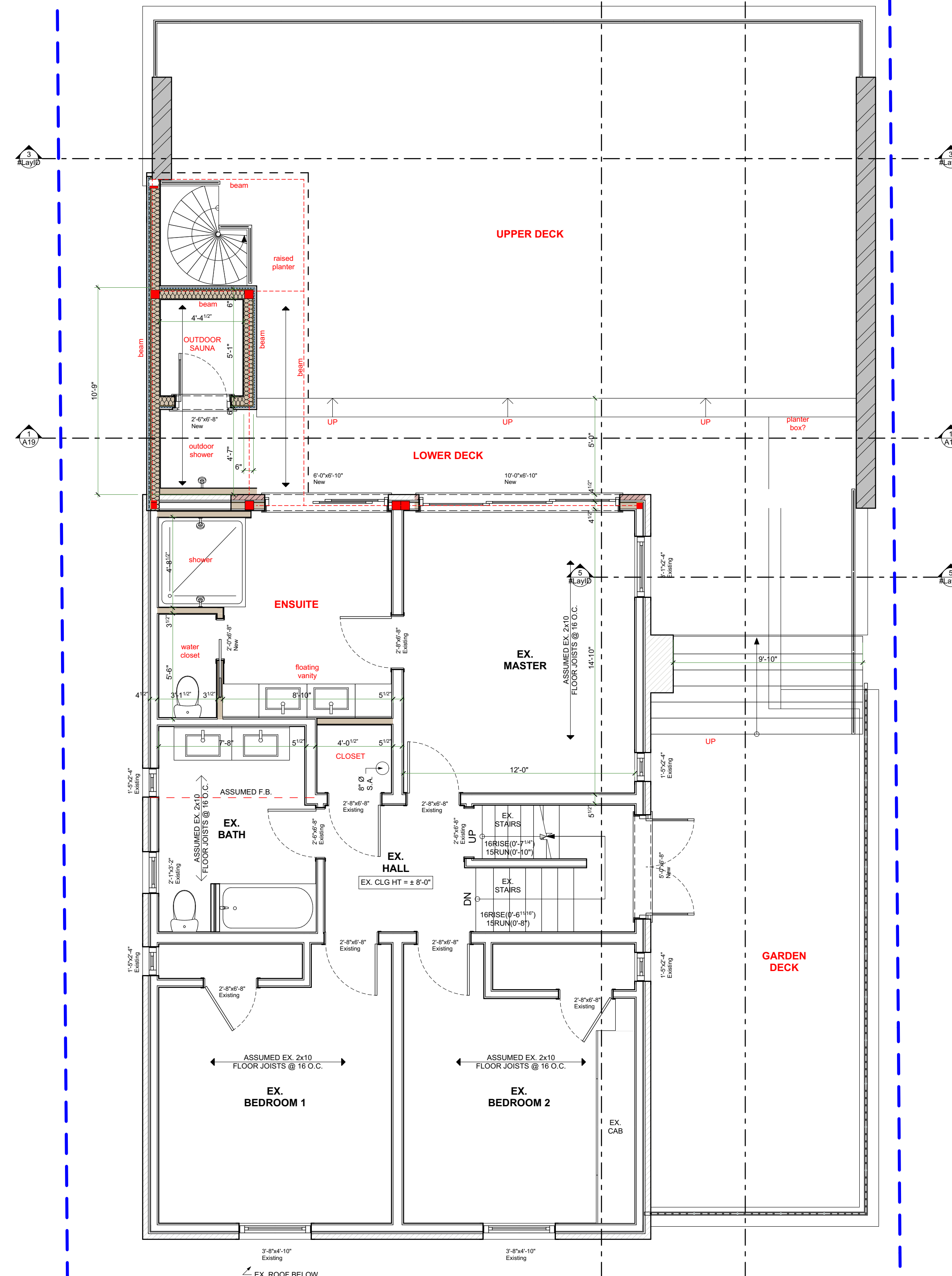
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DRAWING:
PROPOSED MAIN FLOOR PLAN

PROJECT NAME:
ECN CORP.
PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021	DRAWING NO:
SCALE: AS NOTED	A10
PROJECT NO:	



1 PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

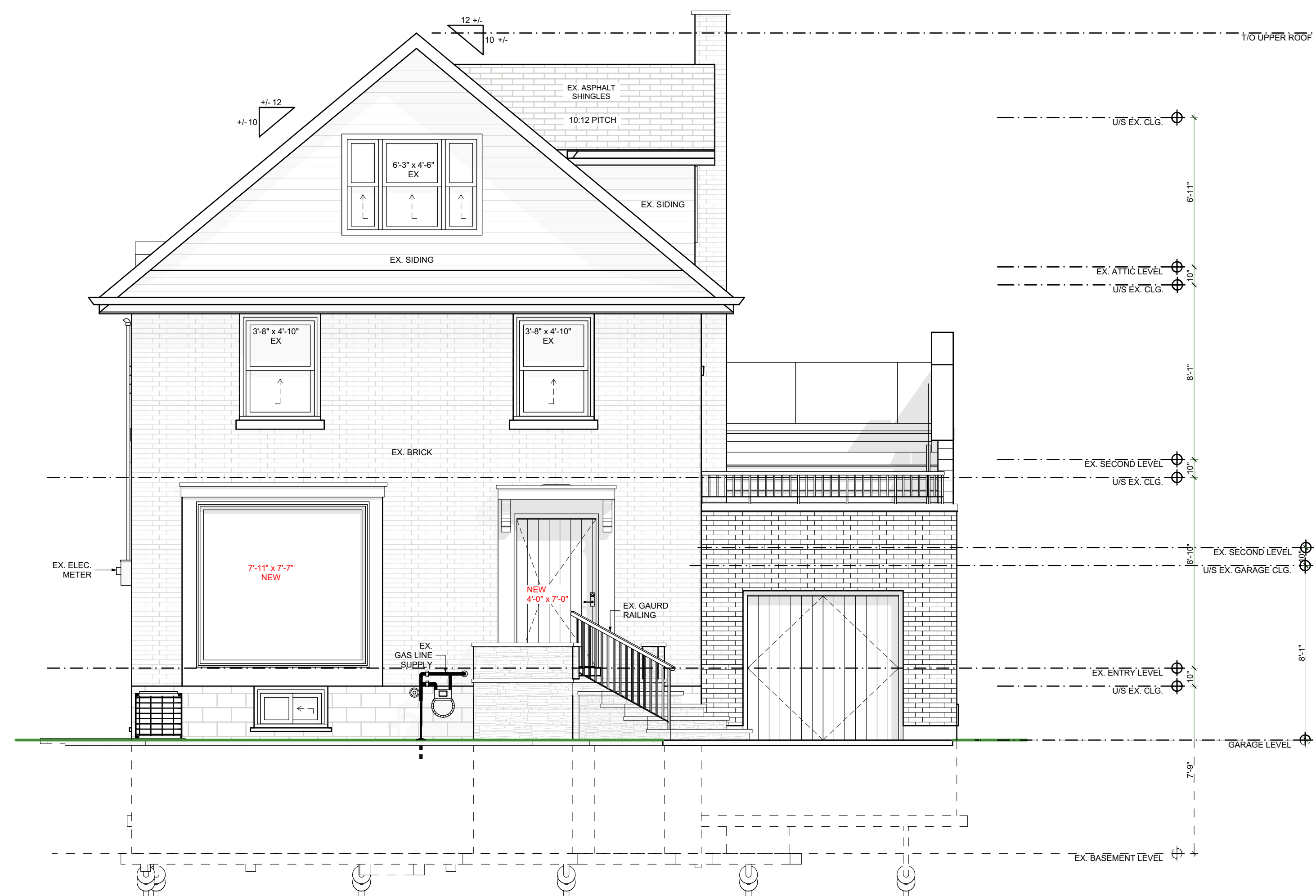
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DRAWING:
**PROPOSED SECOND
FLOOR PLAN**

PROJECT NAME:
ECN CORP.
PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021	SCALE: AS NOTED	DRAWING NO: A11
	PROJECT NO: ---	



1 PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

NO.	REVISION	DATE
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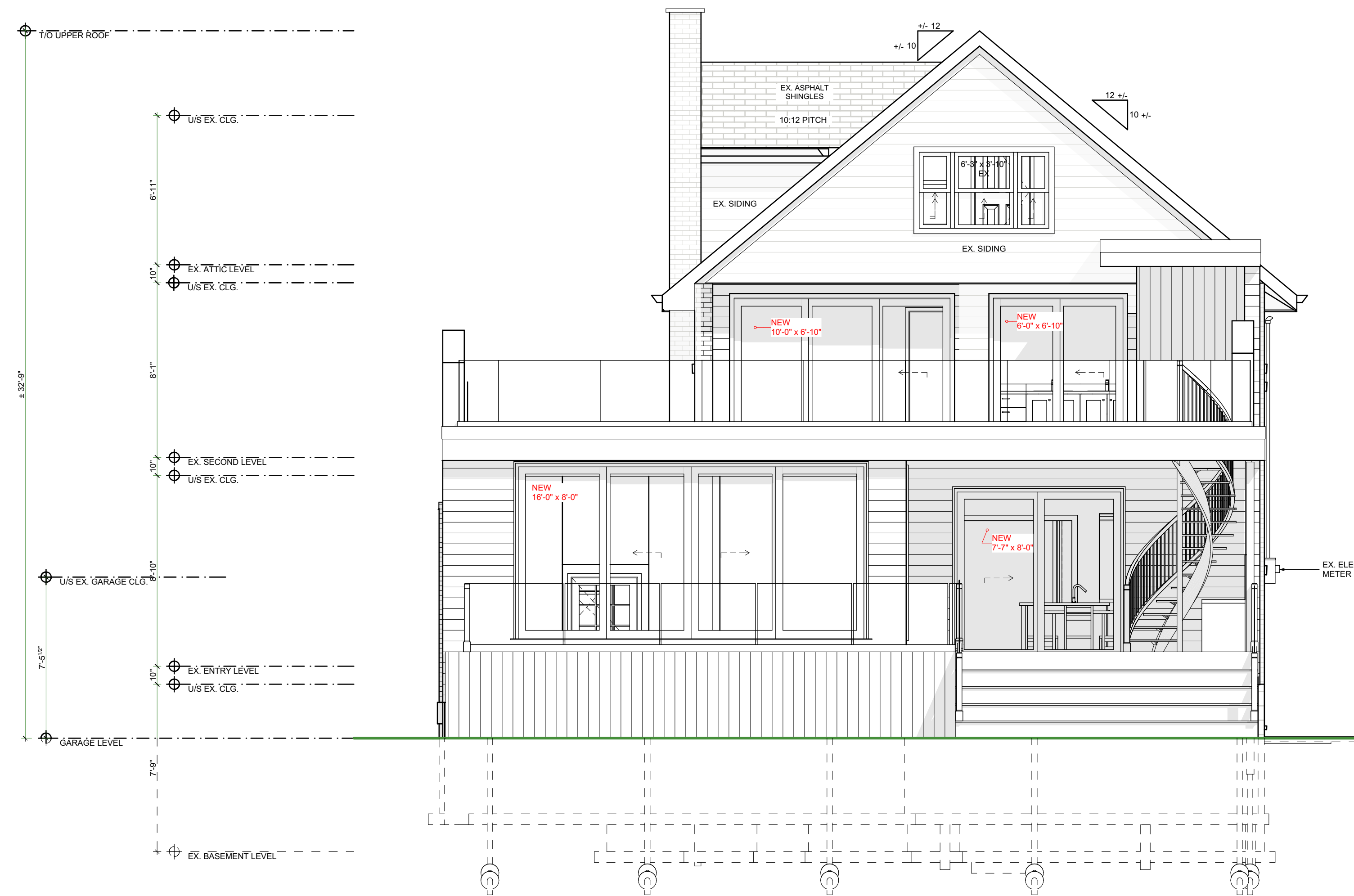
DRAWING:
PROPOSED FRONT ELEVATION

PROJECT NAME:
ECN CORP.

PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021	DRAWING NO: A12
SCALE: AS NOTED	PROJECT NO: ---

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1

PROPOSED REAR ELEVATION

SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

NO.	REVISION	DATE
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DRAWING:

**PROPOSED REAR
ELEVATION**

PROJECT NAME:

ECN CORP.

PROJECT ADDRESS:

95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021

SCALE:

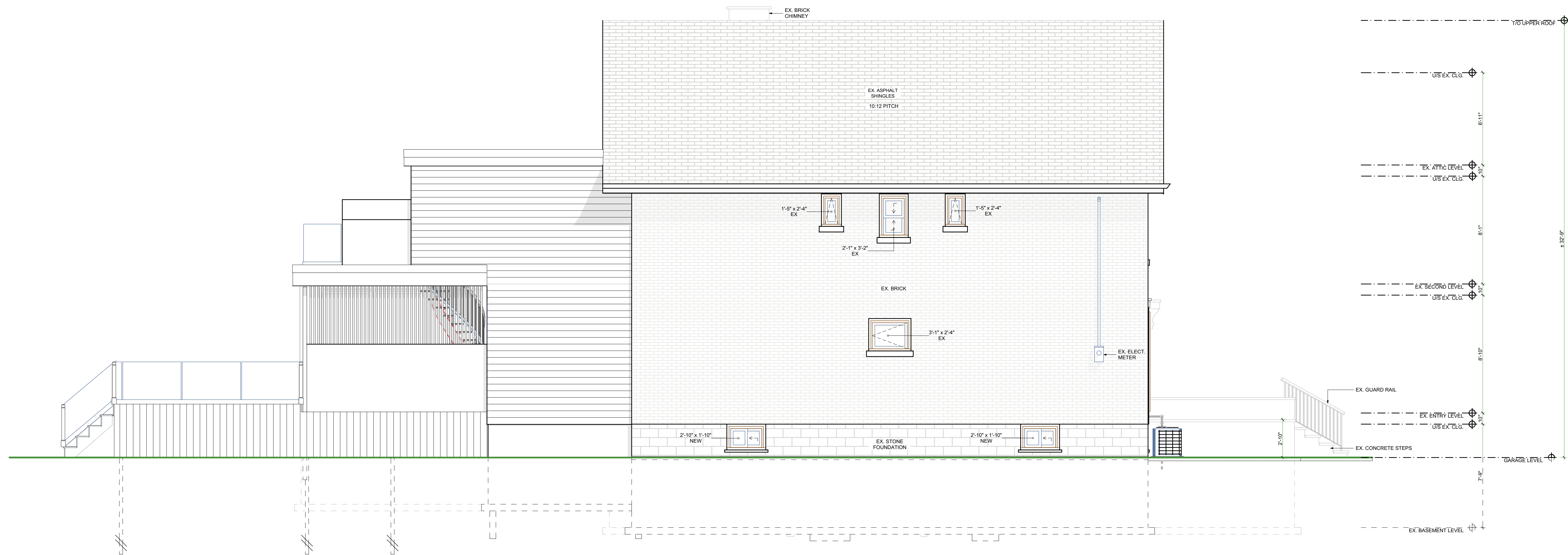
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A13

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L9G 3K9 ON

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DRAWING:
PROPOSED LEFT ELEVATION

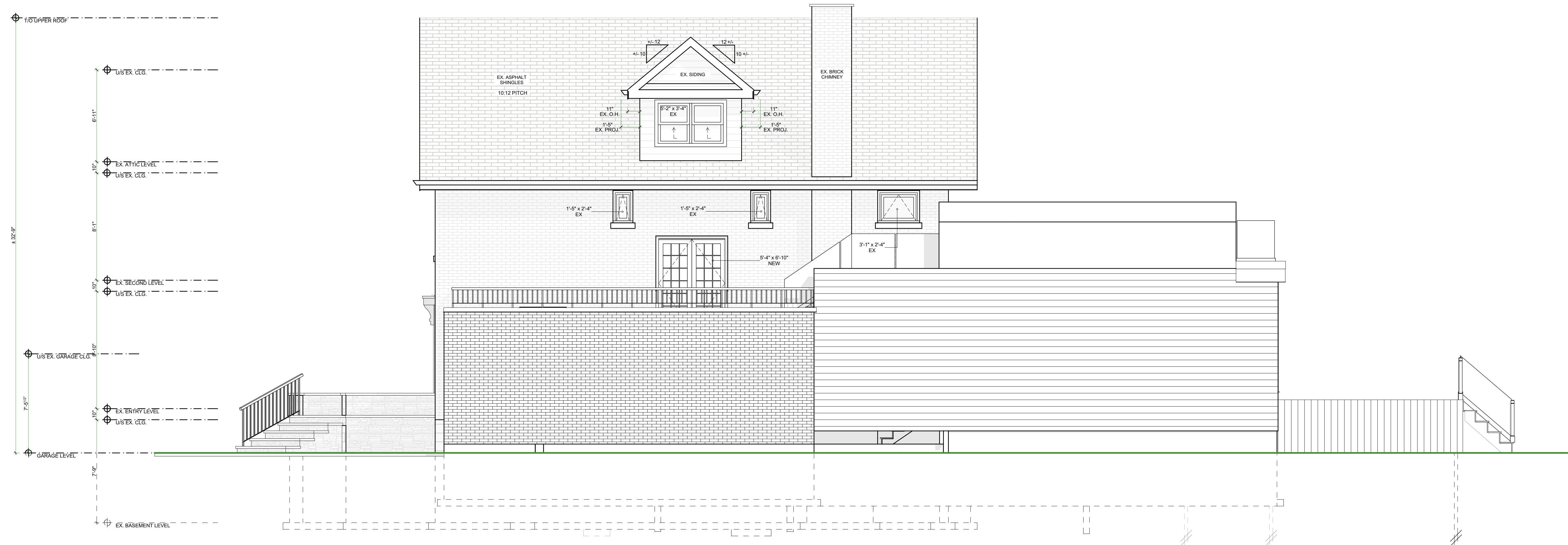
PROJECT NAME:
ECN CORP.

PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021	DRAWING NO: A14
SCALE: AS NOTED	PROJECT NO: ---

1 PROPOSED LEFT ELEVATION
SCALE: 1/4" = 1'-0"

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1 PROPOSED RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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DRAWING:
**PROPOSED RIGHT
ELEVATION**

PROJECT NAME:
ECN CORP.
PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021

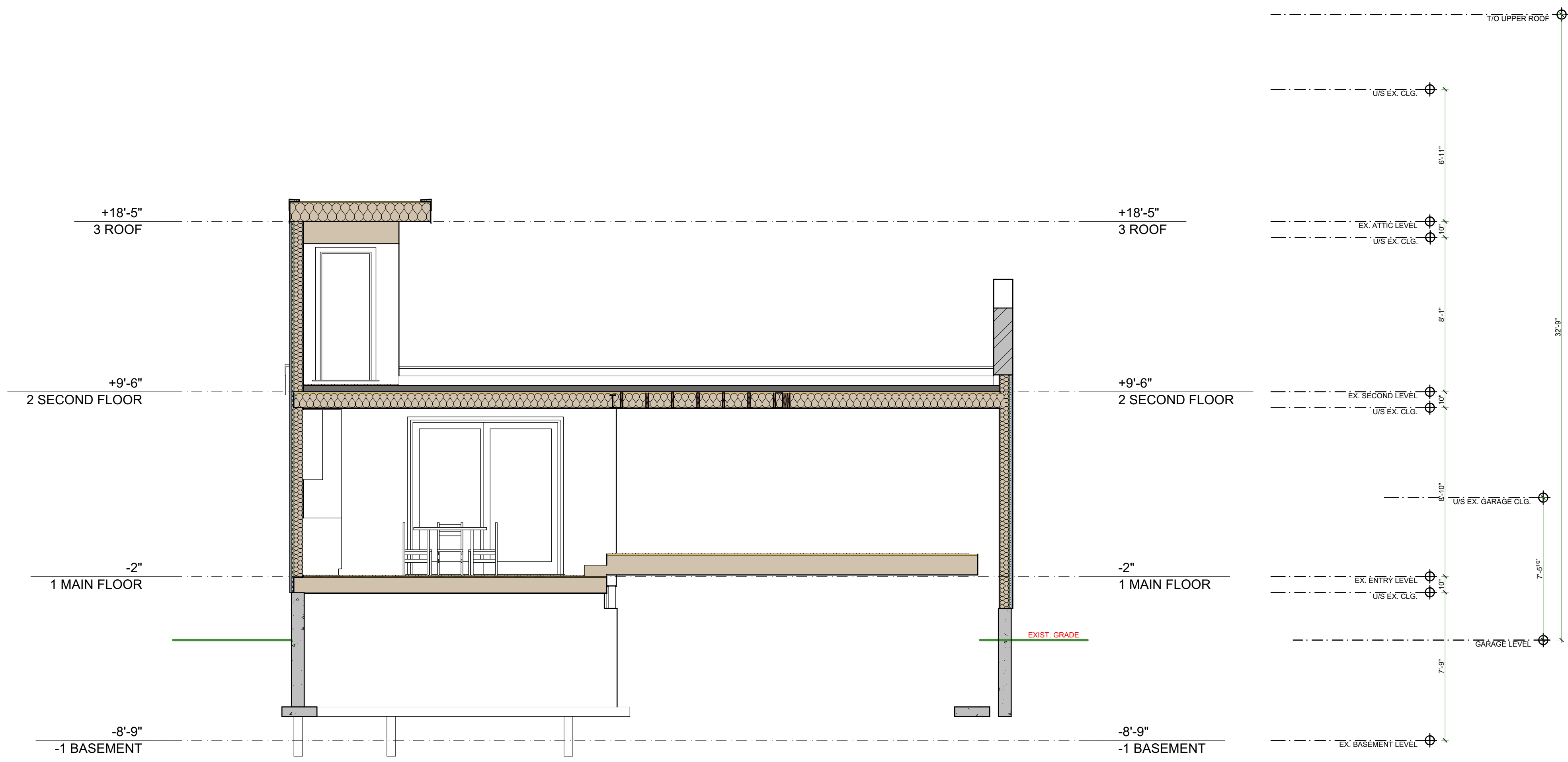
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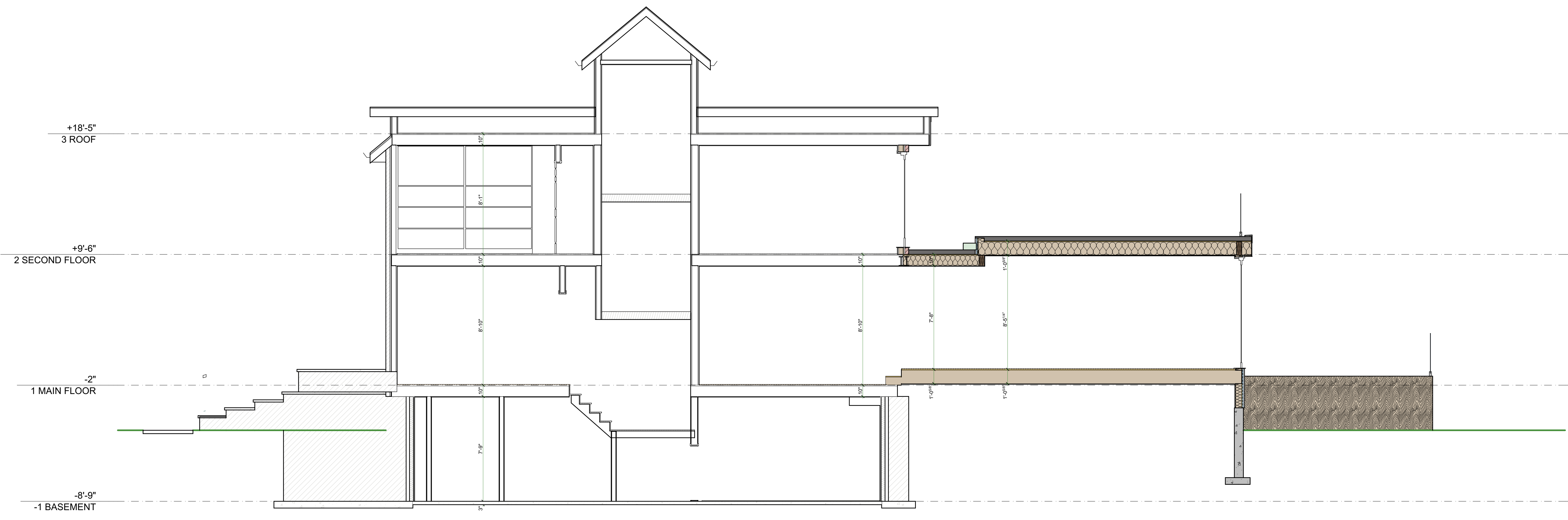
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A15

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1 SECTION
SCALE: 1/4" = 1'-0"



2 SECTION
SCALE: 1/4" = 1'-0"

CONTRACTOR

 790 SHAVER RD. ANCASTER
 L9G 3K9 ON

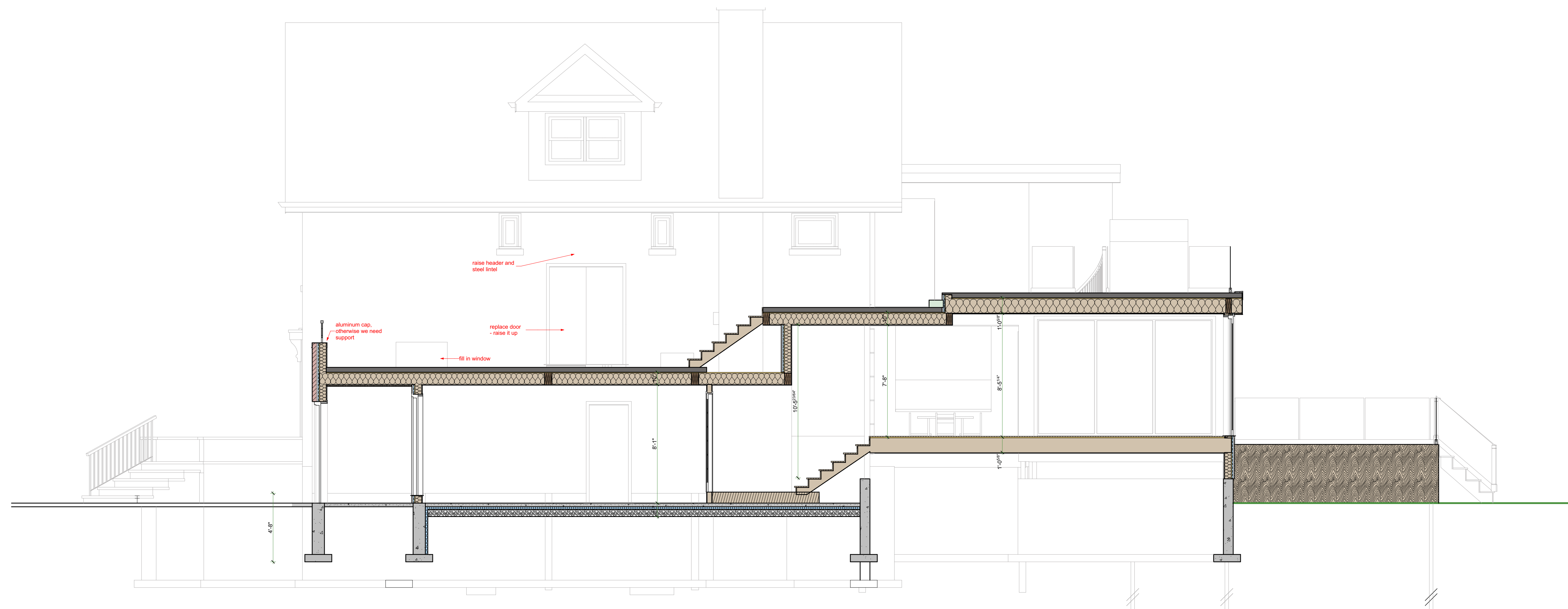
NOT FOR CONSTRUCTION

NO.	REVISION	DATE
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DRAWING:
BUILDING SECTIONS

PROJECT NAME:
ECN CORP.
 PROJECT ADDRESS:
 95 MOUNTAIN PARK AVE HAMILTON ON
 L9A 1A1

DATE: 12/20/2021
 SCALE: AS NOTED
 PROJECT NO.: ---
 DRAWING NO.: **A16**



1 SECTION
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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DRAWING:
BUILDING SECTIONS

PROJECT NAME:
ECN CORP.

PROJECT ADDRESS:
95 MOUNTAIN PARK AVE HAMILTON ON
L9A 1A1

DATE: 12/20/2021

SCALE:
AS NOTED

PROJECT NO:

DRAWING NO:
A17

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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

**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:
Scotia Bank
12 King St E, Hamilton, ON L8N 4G9

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:

1. Relief from the required 4 parking spaces to 1 space.
2. Relief from the West (left) setback requirement of 1.2m to 1.19m
3. Relief from East (right) setback requirement of 1.2m to 0.20m
4. Relief from Roof Projection requirement of 0.6m to 1.2m

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

- The existing dwelling is already within these setbacks, so we are just asking that the new proposed addition can meet this requirement.

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**):

95 Mountain Park Ave.

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?

- unkown


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.

12/16/2021
Date

DocuSigned by:

102E5782EAE645A...
Signature Property Owner(s)
Eric Charles Nanayakkara
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 13.16m
Depth 39.3m
Area 517.2m2
Width of street 7.66m

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: 119.4 m2
Gross floor area: 311 m2
stories: 2.5
width: 11.95m length: 16.31m height: 10m

Proposed
Ground floor area: 186.8 m2
Gross floor area: 377.4 m2
stories: 2.5
width: 11.95m length: 19.35m height: 10m

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

Existing:
west (left) side: 1.19m
east (right) side: 0.22m
south (front) side: 8.20m
north (rear) side: 15.76m

Proposed:
west (left) side: 1.19m
east (right) side: 0.22m
south (front) side: 8.20m
north (rear) side: 12.62m

13. Date of acquisition of subject lands:
2010

14. Date of construction of all buildings and structures on subject lands:
1920's

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:
since built in 1920's

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:
n/a

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

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.