



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.: FL/A-22:08

APPLICANTS: Owner Vince DiBernardo

SUBJECT PROPERTY: Municipal address **1012 Kirkwall Rd., Flamborough**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "A1 and P8 & P7" (Agricultural & Conservation/Hazard Lands) district

PROPOSAL: To permit the construction of a new addition and covered porch in the rear yard of the existing single detached dwelling and for the construction of a new 185.0m² accessory building notwithstanding that:

1. An accessory building height of 7.0m shall be provided instead of the maximum building height of 6.0m permitted for an accessory building.
2. The single detached dwelling shall be 0.0m from the boundary of a P8 zone whereas the by-law requires all buildings and structures to be at least 7.5m from a P8 zone.
3. A portion of the proposed single detached dwelling and rear porch shall be permitted within the portion of lands zoned P8 whereas the by-law prohibits any new buildings or structures within P8 zoned lands.

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

DATE: Thursday, February 17th, 2022
TIME: 3:15 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

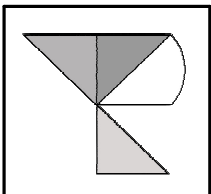
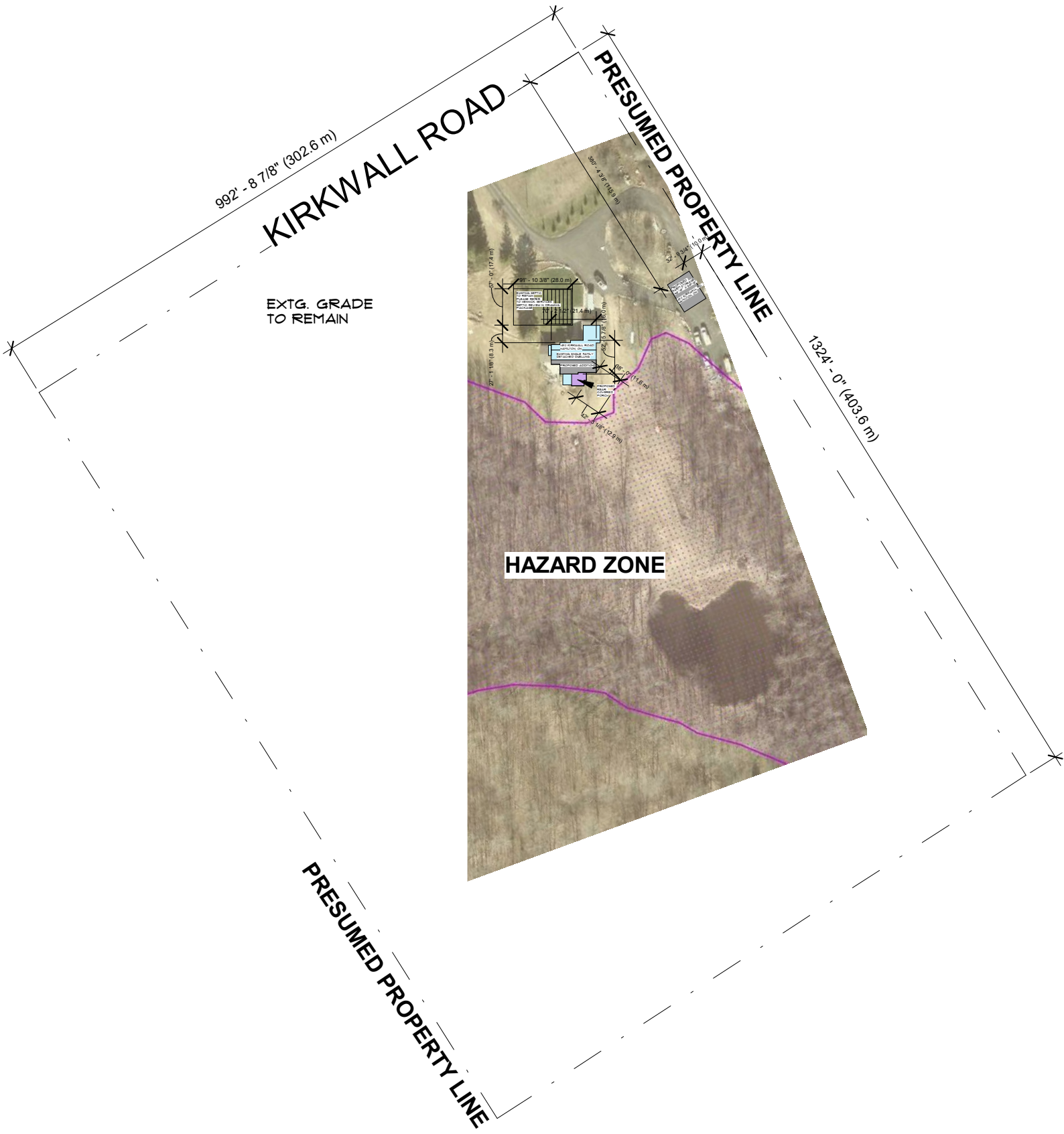
For more information on this matter, including access to drawings illustrating this request:

- 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.





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

	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:

CIBC UPPER JAMES
1550 Upper James St Hamilton ON L9B2L6

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.ADDITION IS ENCROACHING P8 ZONE SETBACK
- 2.ACCESSORY BUILDING HEIGHT

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

- HOME ADDITION ENCROACHES 7/8" INTO THE P8 ZONE
- BUILDING HEIGHT FOR ACCESSORY BUILDING REQUIRES 6.0M, WE ARE ASKING FOR 7.0M

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**):

1012 KIRKWALL RD. HAMILTON ON. L9H5E1

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?

OBTAINED BY HOMEOWNER


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.

12/09/2021
Date


Signature Property Owner(s)
VINCE DIBERNARDO
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 302m
Depth 405.6m
Area 122491.2m²
Width of street 7.0m

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:
DWELLING- FLOOR AREA:183.63. NUMBER OF STORIES: 1. WIDTH: 21.4m
LENGTH: 12.1m. HEIGHT: 7.92m
ACCESSORY- N/A

Proposed
DWELLING- FLOOR AREA: 282.58m². NUMBER OF STORIES: 1.WIDTH: 21.4m
LENGTH: 16.0m. HEIGHT: 7.92m
ACCESSORY- FLOOR AREA: 185.80m². NUMBER OF STORIES: 1
WIDTH: 12.192m. LENGTH: 15.24m. HEIGHT: 7.0m

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

Existing:
DWELLING- SIDE:217.93m ACCESSORY
SIDE:59.436m N/A
REAR:16.61m(P8 ZONE)
FRONT:110.871

Proposed:
DWELLING- SIDE:217.93m ACCESSORY- SIDE:279.34m
SIDE:59.436m SIDE:10.0m
REAR:11.6m(P8 ZONE) REAR:47.54(P8 ZONE)
FRONT:110.871 FRONT:115.9m

13. Date of acquisition of subject lands:
N/A
-
14. Date of construction of all buildings and structures on subject lands:
SPRING/SUMMER 2022
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SINGLE FAMILY DWELLING
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE FAMILY DWELLING
17. Length of time the existing uses of the subject property have continued:
N/A
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:
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
4 8 1 2a) " not withstanding subsection 4 8g) all accessory bldgs shall have a maximum height of 6 0m" 7 8 2 2 i)ii
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.