



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.:** HM/A-22:60

**APPLICANTS:** Agent Shajidul Islam

**SUBJECT PROPERTY:** Municipal address **51 East 39<sup>th</sup> St., Hamilton**

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

**ZONING:** "C" (Urban Protected Residential) district

**PROPOSAL:** To permit the establishment of a secondary dwelling unit within the existing single family dwelling; notwithstanding that;

1. A minimum parking space size of 2.6m x 5.9m shall be permitted for the two required parking spaces instead of the minimum 2.7m x 6.0m parking spaces size required.
2. A minimum 36% of the gross area of the front yard shall be permitted to be maintain landscaped area instead of the minimum 50.0% landscaped area required.

Notes: The applicant requested a variance to permit alterations to the exterior appearance and character of the front façade; however, the requested variance is not required as the proposed new entrance to the front façade is intended to allow access to the primary dwelling.

The applicant shall ensure that the maximum permitted two bedrooms are maintained for the secondary dwelling unit. Please note that further variances shall be required if the storage room is converted to an additional bedroom.

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

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**DATE:** Thursday, April 7th, 2022  
**TIME:** 1:35 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:

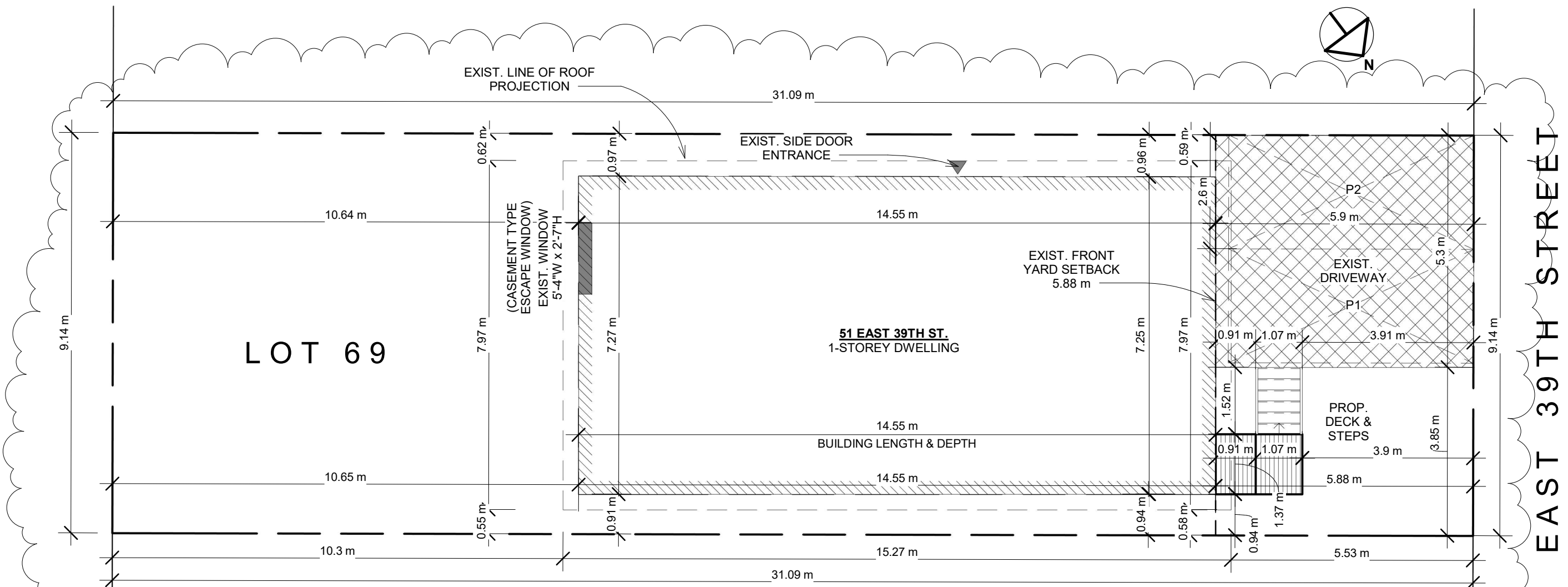
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: March 22nd, 2022.

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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.***



EAST 39TH STREET

LOT 69

51 EAST 39TH ST.  
1-STOREY DWELLING

SITE STATISTICS (ALL AREAS ARE IN M.SQ)				
ZONE: C		LOT NO: 69		LOT AREA: 284.28
DESCRIPTION	EXISTING	ADDITION	TOTAL	%
LOT FRONTAGE	9.14	0	9.14	
LOT DEPTH	31.09	0	31.09	
BUILDING AREA	105.59	0	105.59	37.14%
GROSS FLOOR AREA (GFA)	206.01	0	206.01	
BUILDING LENGTH	14.55	0	14.55	
BUILDING DEPTH	14.55	0	14.55	
LOT COVERAGE	105.59	2.71	108.30	38.10%
NO. OF STORIES (HEIGHT)	1 (5.54)	0	1 (5.54)	
PARKING SPACES	2	0	2	
DECK	0	2.71	2.71	0.95%

FRONT YARD LANDSCAPING	AREA (M.SQ)	BACK YARD LANDSCAPING	M.SQ
EXISTING DRIVEWAY + PORCH	31.19	EXISTING BACK YARD	97.19
PROPOSED DRIVEWAY + PORCH	33.9	PROPOSED BACK YARD AREA	97.19
FRONT YARD AREA	53.77	PROPOSED BACK YARD SOFT LANDSCAPING	97.19
EXISTING SOFT LANDSCAPING	22.62		
PROPOSED SOFT LANDSCAPING AREA	19.88		

ZONING STATISTICS (M)		
SETBACK	EXISTING	PROPOSED
FRONT YARD	5.88	5.88
REAR YARD	10.64	10.64
SIDE YARD	0.96	0.96
SIDE YARD	0.91	0.91

1

# PROPOSED SITE PLAN

1/8" = 1'-0"

NOTE:  
NO CHANGES TO EXISTING GRADES, GFA, FSI, LOT COVERAGE



NOTES:  
DRAWINGS MUST NOT BE SCALED  
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL NOTES AND THE O.B.C.  
All drawings & information shown on these drawings must be checked & verified on site prior to construction or fabrication of its components. Unless noted otherwise, no provision has been made in the design for conditions occurring during construction.  
It shall be the responsibility of the contractor to provide all necessary bracing, shoring, sheet piling, or other temporary supports, to safeguard all existing or adjacent structures affected by construction. All dimensions are given in imperial units unless otherwise indicated.  
All drawings are the property of the Architect / Designer & must be returned upon request.



ADDRESS:  
51 E 39th St  
Hamilton, ON L8V 4G9

PROJECT:  
LEGAL BASEMENT  
  
**Site Plan**

Date: 2022-02-18  
Drawn by: S.M  
Checked by: S.I  
  
**A0.01**  
Scale: 1/8" = 1'-0"



### 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)	[REDACTED]	
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:

**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:

two, 2.7m x 6.0m required on site parking spaces , whereas parking space provided is 5.4 m x 5.9 m  
- he proposed front door and porch have altered the exterior appearance and character of the existing single family dwelling as is not permitted as per bylaw 21-076 (19)(xv).

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

two, 2.7m x 6.0m required on site parking spaces

The proposed front door and porch have altered the exterior appearance and character of the existing single family dwelling as is not permitted as per bylaw 21-076 (19)(xv).

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**):

51 E 39th St Hamilton, ON L8V 4G9  
LOT 69

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?

INFORMATION FROM 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.

• Feb 4, 2022  
Date

• *Amanda Khan*  
Signature Property Owner(s)

• Cristian Perdomo AMANDA KHAN  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>9.14</u>
Depth	<u>31.10</u>
Area	<u>284.28</u>
Width of street	<u>6 m</u>

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: \_

1 STOREY DETACHED DWELLING  
BASEMENT GFA 1104.32 SFT  
GROUND FLOOR GFA 1137.47 SFT

Proposed

1 STOREY DETACHED DWELLING  
BASEMENT GFA 1104.32 SFT  
GROUND FLOOR GFA 1137.47 SFT

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

Existing:

FRONT SET BACK : 4.1 M  
REAR SETBACK: 10.64 M  
SIDE SETBACK: 0.91 M  
SIDE SETBACK: 0.97 M

Proposed:

FRONT SET BACK : 4.1 M  
REAR SETBACK: 10.64 M  
SIDE SETBACK: 0.91 M  
SIDE SETBACK: 0.97 M

13. Date of acquisition of subject lands:  
September 1, 2021
- 
14. Date of construction of all buildings and structures on subject lands:  
May 2021
- 
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:
18. Municipal services available: (check the appropriate space or spaces)
- |                |                          |           |                          |
|----------------|--------------------------|-----------|--------------------------|
| Water          | <input type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers   | <input type="checkbox"/> |           |                          |
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
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.