

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-22:69

APPLICANTS: Agent M. Lanza
Owner E. Mcwhiter

SUBJECT PROPERTY: Municipal address **47 East 21st St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 19-307

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

PROPOSAL: To permit the addition of a roofed-over but otherwise unenclosed porch in the rear yard of the existing single family dwelling, notwithstanding that:

1. A roofed-over but otherwise unenclosed porch, including eaves and gutters, shall be permitted to project into a required side yard, instead of the requirement that a roofed-over but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters is not permitted to project into a required side yard.

NOTE:

1. Please note that elevation drawings for the proposed unenclosed porch were not provided to confirm the height of the structure, and to confirm that the structure is one-storey and erected at the first storey level. Additional variances may be required if compliance with Hamilton Zoning By-law No. 6593 is not possible.

2. Please note that the subject lot is a lot of record as defined. Therefore, as per Section 18(3)(v), the minimum required side yard(s) is 0.9 metres.

3. Please note that the specific projection of the eaves and gutters for the proposed unenclosed porch has not been indicated. However, as per Section 18(3)(d), the eaves and gutters associated with the porch are not permitted to project into a required side yard. 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.

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

DATE: Thursday, April 7th, 2022
TIME: 1:55 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: March 22nd, 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.

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:

47 EAST 21 STREET HAMILTON ON L8V 2T3. RESIDENTIAL SINGLE FAMILY HOME

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:

requesting north side yard setback of .7833 M and a south side lot setback of .44M

☐ Second 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 built 0.4572 m on the south side and 0.786m of the north property line which doesn't meet the minimum 1.2M side yard setback. The structure will follow the existing structures north and south walls and roof lines.

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**):

47 EAST 21 STREET HAMILTON ON L8V 2T3. RESIDENTIAL SINGLE FAMILY HOME

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 8.1 to 8.10 above?

THE PROPERTY HAS BEEN USED AS A RESIDENTIAL DWELLING SINCE CONSTRUCTION AND THE SITE HAS NOT CHANGED BASED OFF THE PROPERTY SURVEY RETRIEVED FROM THE CITY. THE DWELLING WAS

- 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 14 2022

Date


Signature Property Owner(s)

ELLIOTT MCWHIRTER

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 7.6
Depth 36.576m
Area 278 m square
Width of street 9.14m

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:

set of access stairs from back door to ground 0.78m in from side property line
gross area = 4.645m square 3.048m wide x 1.52m deep 8 raser back door

Proposed:

Porch roof extending from back of dwelling 5.46m and full width of dwelling
to porch roof line above 6.577m. gross SqFT=387 height= 5.48m

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

Existing:

stairs = 0.78m from north side lot line. 17.77m from rear (west) property line

Proposed:

roof structure 0.78m from north side lot line. 0.457m from south side lot line 13.79m from rear lot line. Attached to back of dwelling and an line
with existing dwelling on side lot lines

- 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?

THE PROPERTY HAS BEEN USED AS A RESIDENTIAL DWELLING SINCE CONSTRUCTION AND THE SITE HAS NOT CHANGED BASED OFF THE PROPERTY SURVEY RETRIEVED FROM THE CITY. THE DWELLING WAS BUILT IN 1990

- 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 14 2022

Date

Signature Property Owner(s)

ELLIOTT MCWHIRTER

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	7.62m
Depth	36.576m
Area	278 m square
Width of street	9.14m

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: __

set of access stairs from back door to ground 0.78m in from side property line
gross area=4.645m square 3.048m wide x 1.52m deep 8 rise to back door

Proposed

Porch roof extending from back of dwelling 5.46m and full width of dwelling to match roof line above 6.577m. gross SQFT=387 height= 5.48m

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

Existing:

stairs = 0.78m from north side lot line. 17.77m from rear (west) property line

Proposed:

roof structure 0.78m from north side lot line. 0.457m from south side lot line
13.79m from rear lot line. Attached to back of dwelling and in line with existing dwelling on side lot lines

13. Date of acquisition of subject lands:
dec, 18, 2018
14. Date of construction of all buildings and structures on subject lands:
SEPT 18 1920
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:
102 YEARS
18. Municipal services available: (check the appropriate space or spaces)
Water YES Connected YES
Sanitary Sewer YES Connected YES
Storm Sewers YES
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:

NO
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
☐ Yes ☒ No No
If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
☐ Yes ☒ No No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
☐ Yes ☒ No No
23. Additional Information (please include separate sheet if needed)

THE NEW STRUCTURE IS NOT BEING CONSTRUCTED OUTSIDE THE PERIMETER OF THE EXISTING STRUCTURE, RATHER IT IS EXTENDING
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.