



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.:** DN/A-22:65

**APPLICANTS:** Agent Parkeight Inc.  
Owner Eric DeGelder

**SUBJECT PROPERTY:** Municipal address **16 Hillsdale Court, Dundas**

**ZONING BY-LAW:** Zoning By-law 3581-86, as Amended

**ZONING:** "R2" (Single-Detached Residential) district

**PROPOSAL:** To permit the construction of a roofed-over unenclosed one storey front porch at the first storey and westerly uncovered porch onto an existing single detached dwelling notwithstanding that:

1. The roofed-over unenclosed one-storey front porch at the first storey, including eaves and gutters, shall be permitted to project into a required front yard to a distance of not more than 4.7m and shall be distant at least 1.3m from the front lot line instead of the requirement that a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard to a distance of not more than 3.0m, and every such projecting porch shall be distant at least 4.0 metres from the front lot line.

2. The westerly uncovered porch at the first storey shall be permitted to project into the required front yard and shall be at least 1.9m from the Hillsdale Court street line instead of the requirement that a terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metres above the floor level of the first storey may project into a required yard if distant at least 4.0 metres from the nearest street line.

3. A minimum front yard landscaped area of 43% shall be provided instead of the requirement that front yards of residential buildings shall have a minimum of 50% landscaped area.

**NOTE:**

i) Pursuant to Variance # 2, the metric conversion of 6'6½" is 1.99m and not 2.0m as shown. As such, a variance is written to permit a minimum 1.9m setback from the Hillsdale Court street/front lot line.

ii) A variance is not required for a front yard as this setback is unchanged and is considered legally established non-complying. Variance Nos. 1 and 2 are required for encroachments of the proposed roofed-over one storey front porch at the first storey and the uncovered westerly porch into the front yard.

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

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**DATE:** Thursday, April 7th, 2022  
**TIME:** 3:40 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:

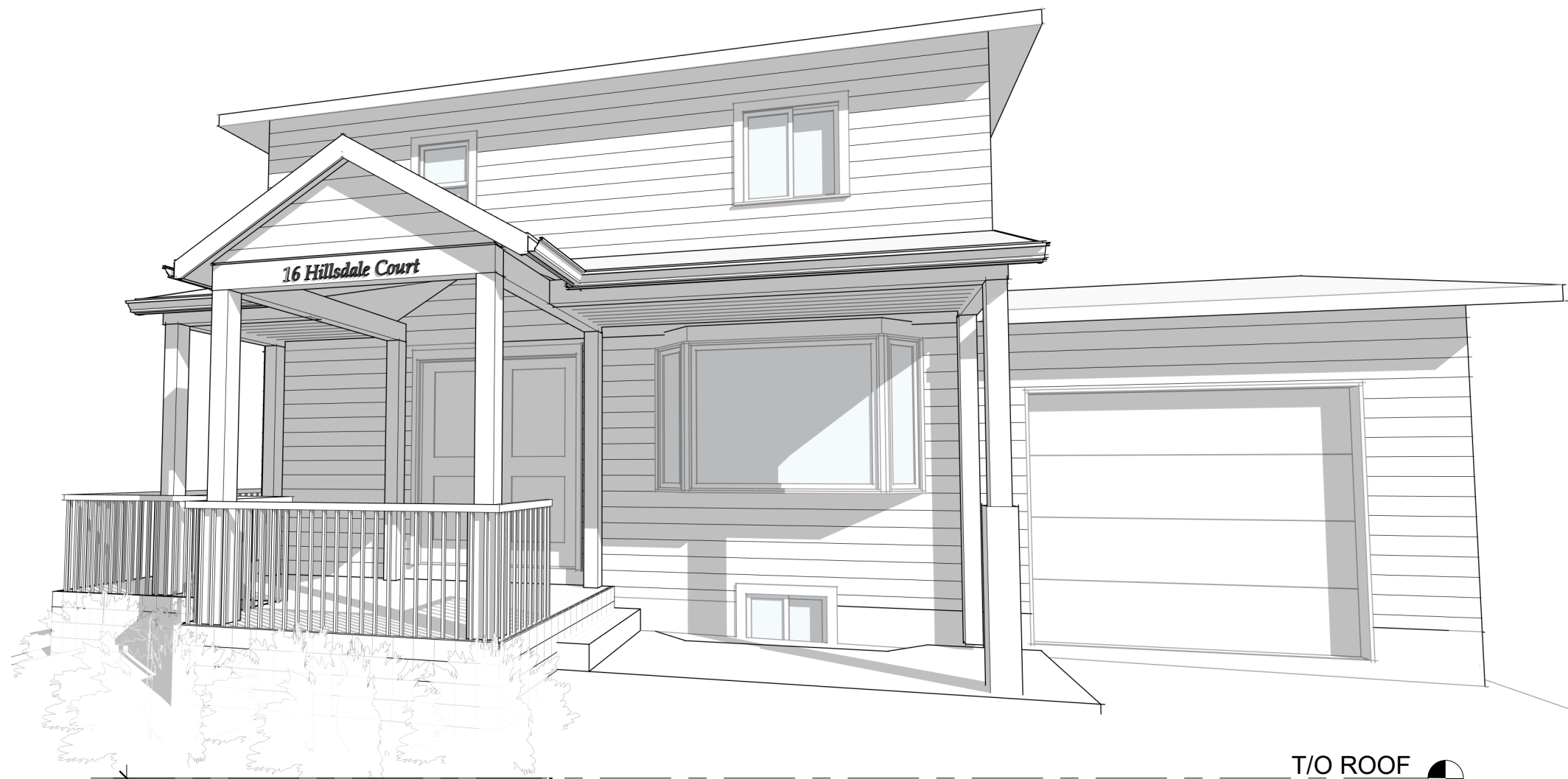
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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.***




T/O ROOF  
24' - 1" 

T/O PLATE  
17' - 7" 

SECOND  
9' - 1" 

GROUND  
1' - 8" 

GRADE  
0" 

SUPPORTING LINTELS TYP,  
NOT TO EXCEED .3M (2x12") IN DEPTH

SUPPORTING COLUMN TYP, 6x6"  
PRESSURE TREATED PROPOSED

② FRONT  
3/16" = 1'-0"

PARK  
EIGHT  
ENG // ARCH

PROP. COVERED PORCH  
16 HILLSDALE COURT, DUNDAS

Project No. 21109

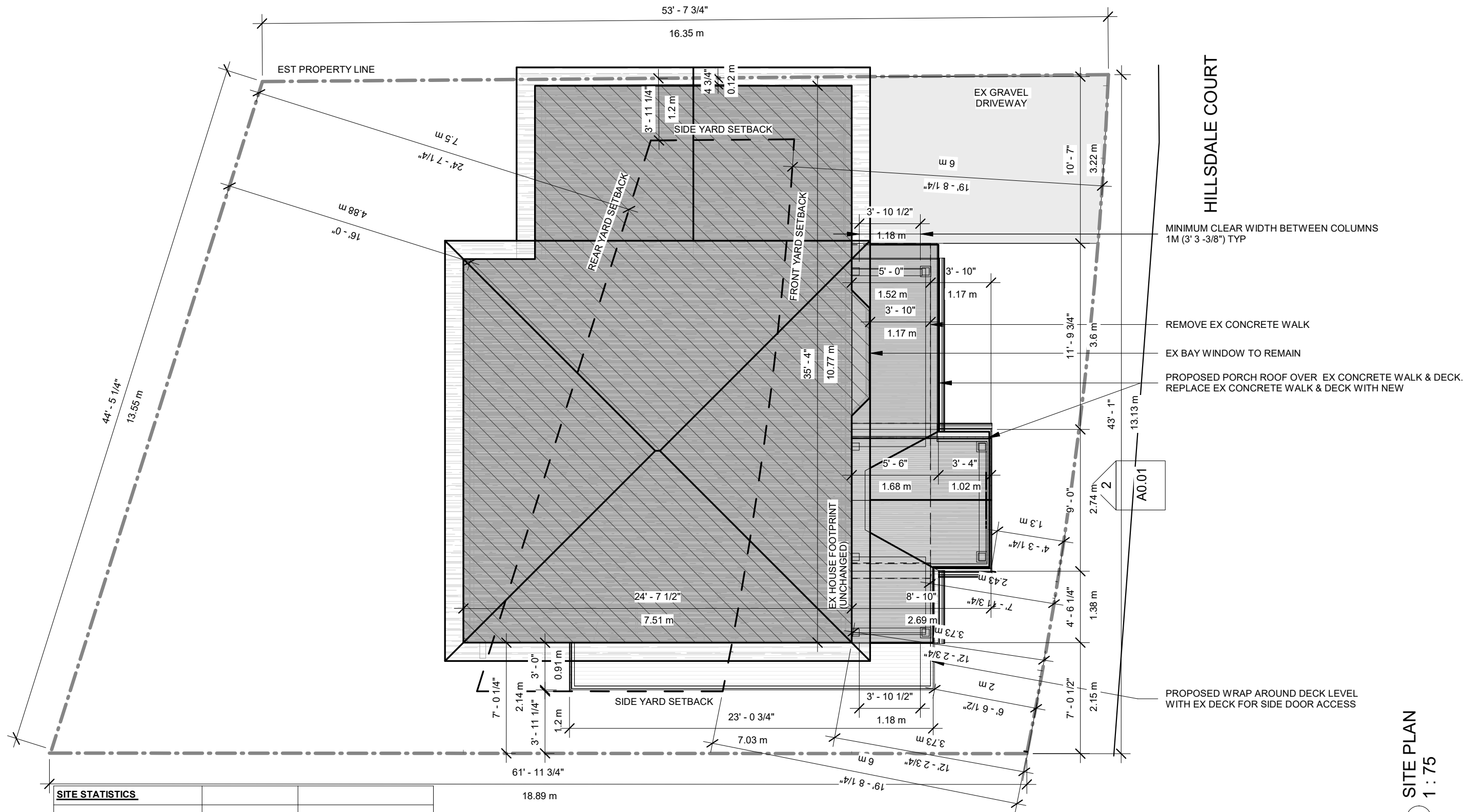
Revisions

Scale 3/16" = 1'-0"

NOTES

A0.01

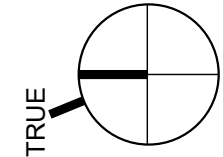
Sheet No. ©2021



SITE STATISTICS		
ZONING DESIGNATION = R2	PERMITTED	PROVIDED
LOT AREA	450m <sup>2</sup> minimum	232 m <sup>2</sup> EX UNCHANGED
LOT FRONTAGE	15m minimum	13.13m
FRONT YARD SETBACK EX RESIDENTIAL DWELLING PROP. UNENCLOSED PORCH	6m 6m	3.73m EX UNCHANGED 1.3m PROPOSED
SIDE YARD SETBACK SIDE YARD (DRIVE)	1.2m 1.2m	2.14m EX UNCHANGED .12m EX UNCHANGED
REAR YARD SETBACK	7.5m	4.88m
BUILDING HEIGHT	10.5m	4.5 m EX UNCHANGED
FRONT YARD COVERAGE LANDSCAPE COVERAGE DRIVEWAY COVERAGE	50% minimum 48% EXISTING 26% EXISTING	43% PROPOSED UNCHANGED

LOT COVERAGE SUMMARY:	
LOT AREA: 232m <sup>2</sup> EX UNCHANGED	
EX BUILDING AREA DWELLING:	76.92 m <sup>2</sup>
EX BUILDING AREA ACCESSORY BLDGS:	N/A
LOT COVERAGE DWELLING:	33%
LOT COVERAGE ACCESSORY:	.0%
LOT COVERAGE TOTAL :	33% EX UNCHANGED

1 SITE PLAN  
1 : 75



PARK  
EIGHT  
ENG // ARCH

PROP. COVERED PORCH  
16 HILLSDALE COURT, DUNDAS

Project No. 21109

Revisions

Scale As indicated

SITE PLAN

SP1.01

Sheet No. ©2021



Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

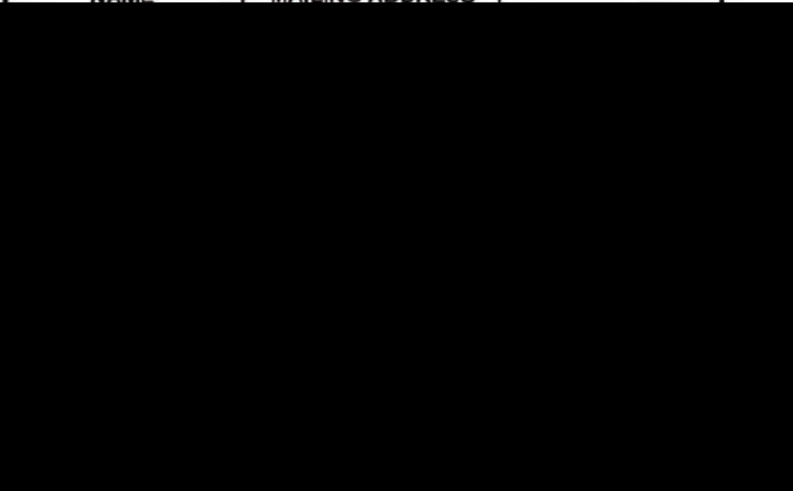
## APPLICATION FOR A MINOR VARIANCE

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	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:

Eric DeGelder  
16 Hillsdale court, Dundas Ont.  
L9H 6K2



**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

Variances

FRONT YARD setback Requirement: 6m

Existing: 2.43m Proposed: 3.73m

4. Nature and extent of relief applied for:

Relief from front yard setback & 50% landscape minimum

Proposed covered front porch with side door access.

Replacing existing wood porch & concrete walks.

FRONT YARD LANDSCAPE Reqm't: 50%

Existing: 48% Proposed: 43%

☐ Second Dwelling Unit

☒ Reconstruction of Exis

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

Existing porch & deck is non-conforming.

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):

16 Hillsdale court, Dundas Ont. L9H 6K2

7. PREVIOUS USE OF PROPERTY

Residential ☒

Industrial ☐

Commercial ☐

Agricultural ☐

Vacant ☐

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use n/a

- 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?

Existing residential for 60+ years

- 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.

February 3 2022

Date



Signature Property Owner(s)

Eric DeGelder

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	13.13m
Depth	18.89m
Area	232m <sup>2</sup>
Width of street	8 m

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: 828sf [76.92m <sup>2</sup> ]	Width: 35'-4" [10.77m]
Gross Floor Area: 1656sf [153.8m <sup>2</sup> ]	Length: 24' 7-1/2" [7.51m]
Number of Stories: 2	Height: 24' 1" [7.34m]

F

Ex habitable square footage & gross area unchanged	Width: 35'-4" [10.77m] unchanged
	Length: 33' 5-1/2" [10.19m]
	Height: 24' 1" [7.34m] unchanged
Number of Stories: 2 unchanged	

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 yard:	12' 3"	[3.73m]
Side yard:	7' 0-1/4"	[2.14m]
Side yard (drive):	4-3/4"	[1.2m]
Rear yard:	16' 0-1/8"	[4.88m]

Front yard:	4' 3-3/16"	[1.3m]	Front porch:	4' 3"	[1.3m]
Side yard:	7' 0-1/4"	[2.14m] unchanged	Side porch:	7' 0-1/4"	[2.14m]
Side yard (drive):	4-3/4"	[1.2m] unchanged	Side yard (drive):	10' 7"	[3.22m]
Rear yard:	16' 0-1/8"	[4.88m] unchanged			

13. Date of acquisition of subject lands:  
± 5 years
14. Date of construction of all buildings and structures on subject lands:  
1960's
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Residential
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Residential
17. Length of time the existing uses of the subject property have continued:  
60+ 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:  
n/a
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
n/a
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
☐ Yes ☒ No  
If yes, please provide the file number:  
n/a
- 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
- 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
23. Additional Information (please include separate sheet if needed)  
Porch & deck replacement will allow for level access to front & side doors. Overhang serves as weather protection for primary entrance reducing chance of slip & falls for elderly occupants. This proposal encompasses home repair, aging in place good practice and community restoration
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.