



## 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.:** GL/A-22:54

**APPLICANTS:** Agent Max Kerrigan  
Owner William R. MacLean

**SUBJECT PROPERTY:** Municipal address **55 Yale Dr., Glanbrook**

**ZONING BY-LAW:** Zoning By-law 464, as Amended 18-014

**ZONING:** "R4-218(A)" (Residential) district

**PROPOSAL:** To permit the construction of a single detached dwelling, notwithstanding that;

1. A minimum easterly side yard of 1.8m shall be permitted on a lot flanking an open space block whereas the zoning By-law states that on a lot flanking an open space block, the minimum side yard abutting the opens space shall be 2.4 metres.

Note: Applicant shall ensure that the maximum height of 10.7m is not exceeded. No elevation plans were provided to confirm compliance.

Applicant shall ensure that the floor elevation of a garage shall be a minimum of 30 centimetres above the centre line of the street adjacent to the garage. No details were provided from which to confirm compliance.

Applicant shall ensure that the maximum encroachments for eaves and gutters and all other projections are in accordance with Section 7.26 of the Glanbrook zoning By-law 464.

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

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**DATE:** Thursday, April 7th, 2022  
**TIME:** 1:20 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.***

**PLANNING JUSTIFICATION LETTER –  
MOUNT HOPE LOT 207 MINOR VARIANCE APPLICATION**

**Date: February 8, 2022**

**To: Secretary-Treasurer**  
Committee of Adjustment  
Planning and Economic Development Department, City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON, L8P 4Y5

**Re: Planning Justification Letter – Mount Hope Lot 207 - 55 Yale Drive  
Minor Variance Application**

Dear Committee,

This Planning Justification Letter is for the Mount Hope Community in the City of Hamilton and is in support of a Minor Variance to Residential Lot 207, municipally addressed as 55 Yale Drive. The following provides an introduction to the subject lands, a description of the proposed development, a review of the requested minor variance, and an analysis of the four main criteria for evaluating a minor variance.

## **1.0 INTRODUCTION**

The Mount Hope Community is bound by Airport Road West to the north, an existing subdivision to the east, White Church Road West to the south and agricultural lands to the west, which have been identified as being within the Airport Employment Growth District Secondary Plan area. Highway 6 intersects the subject lands and separates the lands into two parts. The majority of the lands are within the Mount Hope Secondary Plan area.

The Mount Hope Community will be a complete community, providing a balance of services and facilities to meet the needs of people at all stages of life. The community will consist of a predominately residential character with a proposed commercial development to the north, adjacent to Airport Road West, and a Neighbourhood Park central within the community. The lands located to the west of Highway 6 are proposed to be used as a storage pond that will accommodate stormwater resulting from major events. The proposed Mount Hope Community is integrated with the existing Mount Hope neighbourhood to the east by connecting with Provident Way and Rosebury Way.

Housing typologies within the proposed development include single-detached homes, traditional townhouses, and rear lane townhouses. The medium density built form is proposed and strategically located at the northern extent of the site in proximity to Airport Road West, the district commercial area to the north, and potential future transit routes.

The Mount Hope Community, as seen in the Plan of Subdivision (Appendix A), will consist of up to 647 units of which 207 are single-detached dwellings. This Planning Justification Letter and the proposed Minor Variance Application focuses specifically on Lot 207, as it relates to a flanking side yard setback for a single detached dwelling. Lot 207 is located along a future local street, 'Yale Drive', which is situated centrally within the approved Mount Hope subdivision and is the eastern end lot backing onto the north

side of the future Neighbourhood Park (Block 268). Lot 207 shares its flanking side yard lot line with a large Neighbourhood Park entry at the elbow of Yale Drive (between Lots 207 & 262).

The requested variance is intended to allow for the proposed built form to be implemented while maintaining the original community vision as well as its goals and objectives.

## 2.0 MINOR VARIANCE REVIEW

### 2.1 Requested Variances

A minor variance for single detached Lot 207, within the Mount Hope Community, is requested to allow for the intended built form to be implemented, as planned throughout the remainder of the community. The following provides a brief description of the minor variance requested:

**Flanking Side Yard** – Reduce the Flanking Side Yard Setback from 2.4 metres to 1.8 metres

Lot 207 was draft approved with a total lot width of 12.20 metres accommodating the full 2.4 metre flanking side yard, which is required to meet the zoning regulation. Through further detailed design development, the required catch basin and storm water line, which were originally to be located directly along the shared property line of Lots 206 & 207, were required to be relocated to be completely within the interior side yard of Lot 207. The adjustment of this location is also tied to existing infrastructure that has been installed within the Public Street. This minor adjustment necessitates an increase to the interior side yard setback from 0.6 metres to a total of 1.25 metres to accommodate the catch basin infrastructure. As a result of this engineering requirement, a reduction of the flanking side yard setback from 2.4m to 1.8m is requested, to allow for the standard building footprint to be shifted by the same 0.6m in order to accommodate the infrastructure within the interior side yard. Appendix B provides the siting and grading plan for Lot 207 that depicts the requested side yard setbacks along with the new location of the catch basin and storm water line.

### 2.2 Is the variance minor?

The following list describes why the reduction of one flanking side yard setback from 2.4 metres to 1.8 metres is minor:

- Lot 207 represents less than 0.5% of all the single detached lots within the community plan.
- The lot is not located on a primary street.
- The flanking side yard is not directly visible from a primary streetscape.
- The flanking side yard is directly adjacent to a Neighbourhood Park. Furthermore, the difference of 0.6 metres would not be visibly discernible as there is no adjacent building that as a result would be closer.
- The minor variance is not intended to increase the building size. It allows for consistency as it would ensure the same product and floorplans, initially proposed, are built throughout in the community, including directly adjacent to Lot 207.

### **2.3 Is the variance desirable for the appropriate development or use of the land, building or structure?**

The requested minor variance is desirable and appropriate and will not have an adverse impact on the existing or future homes within the community.

- The minor variance will allow the house on Lot 207 to be constructed in a fashion that will be consistent with the neighbouring homes.
- The minor variance is being requested to accommodate an engineering requirement that is necessary in order to provide appropriate stormwater management.
- The minor variance will not have an adverse impact on the future Neighbourhood Park, or the existing / future homes within the neighbourhood.

### **2.4 Does the proposal maintain the general intent and purpose of the Zoning By-law?**

The requested minor variance maintains the general intent and purpose of the Zoning By-law while also fully complying with all other regulations.

- The proposed flanking side yard setback does not adversely impact the proposal's ability to meet the general intent of the Zoning By-law for the development, in that the use and intensity of the development is maintained.
- Lot 207 continues to meet or exceed the regulations for all other zoning requirements including the interior side, front, and rear yard setbacks.
- The proposed minor variance provides a setback that aligns with the parent Zoning Bylaw No.464 (R4-218) of 1.2 metres minimum.
- The proposed minor variance would permit the required engineering setbacks for the stormwater line within the interior side yard.

### **2.5 Does the proposal maintain the general intent and purpose of the Official Plan?**

The requested minor variance maintains the general intent and purpose of the Official Plan and does not adversely impact the proposal's ability to provide positive and desirable streetscapes or to appropriately integrate with the Neighbourhood Park.

- The Official Plan does not specifically speak to side yard setbacks.
- Secondary Plan Chapter B, Policy 5.4.10 c. speaks to storm drainage facilities complying with City requirements. The proposed minor variance would ensure that the storm drainage facilities required for the development comply with City requirements.
- Official Plan Chapter B, Policy 3.3.2.9.d.ii states that water pollution should be reduced through providing adequate stormwater management facilities.
  - The proposed minor variance supports this Official Plan policy by modifying the location of the house on Lot 207 to accommodate a stormwater line and catch basin in the appropriate location.

### 3.0 ANALYSIS AND CONCLUSION

The Mount Hope Community promotes efficient development and the creation of a compact and complete community. A minor variance is requested for a decrease in the flanking side yard setback requirement for Lot 207. The requested minor variance does not alter the community vision but enables the original intent of the approved built form and any public exposure viewpoints associated with them. It also works to ensure that the proposed development aligns with the intent, policies, and regulations outlined throughout provincial and municipal planning legislation. The proposal is considered to be compatible with and complementary to the planned development in the immediate area. Based on this, it is our professional opinion, that the requested minor variance for Residential Lot 207 constitutes good planning, and in addition, meets the four main criteria for the evaluation of a minor variance application.

Regards,



**Michael C. Hannay** MCIP RPP | Principal, MBTW | WAI



# APPENDIX A

## APPROVAL CERTIFICATE

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, c.P.13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-323.

THIS 13<sup>th</sup> DAY OF August 2021

FOR GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT  
CITY OF HAMILTON

OF WENTWORTH (62) AT 10:14 O'CLOCK ON THE 31<sup>st</sup> DAY OF August 2021 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER 17400-1035(LT)

AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. WE1542167

REPRESENTATIVE FOR LAND REGISTRAR

THIS PLAN COMPRISES ALL OF PIN 17400-1035(LT)

PART OF LOTS 2 TO 21, INCLUSIVE, ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT H.253780

PLAN OF SUBDIVISION  
OF PART OF  
**LOT 4**  
**CONCESSION 5**  
GEOGRAPHIC  
TOWNSHIP OF GLANFORD  
IN THE  
**CITY OF HAMILTON**

SCALE 1: 1000 METRIC

S.D. McLAREN, O.L.S. - 2021

| CURVE DATA |           |         |        |                    |
|------------|-----------|---------|--------|--------------------|
| LOT/BLOCK  | RADIUS    | ARC     | CHORD  | BEARING            |
| C1         | 1         | 21.000  | 5.571  | 5.555 N09°40'20"E  |
| C2         | 2         | 21.000  | 9.131  | 9.059 N10°23'00"W  |
| C3         | 3         | 21.000  | 9.184  | 9.111 N35°22'05"W  |
| C4         | 4         | 21.000  | 2.673  | 2.671 N51°32'55"W  |
| C5         | 21        | 21.000  | 3.945  | 3.939 N60°35'15"W  |
| C6         | 22        | 21.000  | 8.234  | 8.182 N77°57'05"E  |
| C7         | 23        | 21.000  | 9.059  | 8.989 N84°21'35"E  |
| C8         | 24        | 21.000  | 9.078  | 9.008 N29°37'00"E  |
| C9         | 25        | 21.000  | 0.026  | 0.026 N171°15'00"E |
| C10        | 30        | 21.000  | 7.920  | 7.873 N06°21'30"E  |
| C11        | 31        | 21.000  | 11.101 | 10.972 N19°35'25"W |
| C12        | BLOCK 269 | 21.000  | 9.685  | 9.580 N47°55'10"W  |
| C13        | BLOCK 268 | 21.000  | 3.864  | 3.858 N63°22'55"W  |
| C14        | 32        | 21.000  | 0.593  | 0.593 N72°27'20"W  |
| C15        | 34        | 21.000  | 11.936 | 11.925 N69°02'35"W |
| C16        | 35        | 21.000  | 13.593 | 13.577 N60°00'50"W |
| C17        | 41        | 100.000 | 7.793  | 7.791 N34°29'10"E  |
| C18        | 57        | 99.000  | 11.514 | 11.507 N69°56'00"W |
| C19        | 58        | 99.000  | 10.267 | 10.262 N63°37'50"W |
| C20        | 59        | 99.000  | 8.857  | 8.854 N50°05'50"W  |
| C21        | 60        | 99.000  | 0.565  | 0.565 N55°22'10"W  |
| C22        | 113       | 21.000  | 0.769  | 0.769 N181°9'20"E  |
| C23        | 114       | 21.000  | 6.653  | 6.626 N28°26'50"E  |
| C24        | 115       | 21.000  | 11.999 | 11.836 N53°53'35"E |
| C25        | 121       | 80.000  | 7.131  | 7.129 N34°09'55"E  |
| C26        | 151       | 80.000  | 19.846 | 19.796 N24°30'15"E |
| C27        | 152       | 80.000  | 0.174  | 0.174 N172°00'05"E |
| C28        | 207       | 21.000  | 4.658  | 4.649 N79°04'55"W  |
| C29        | BLOCK 268 | 21.000  | 12.463 | 12.281 N77°33'40"E |
| C30        | BLOCK 262 | 21.000  | 14.866 | 14.558 N40°16'45"E |
| C31        | 261       | 21.000  | 1.000  | 1.000 N18°38'10"E  |

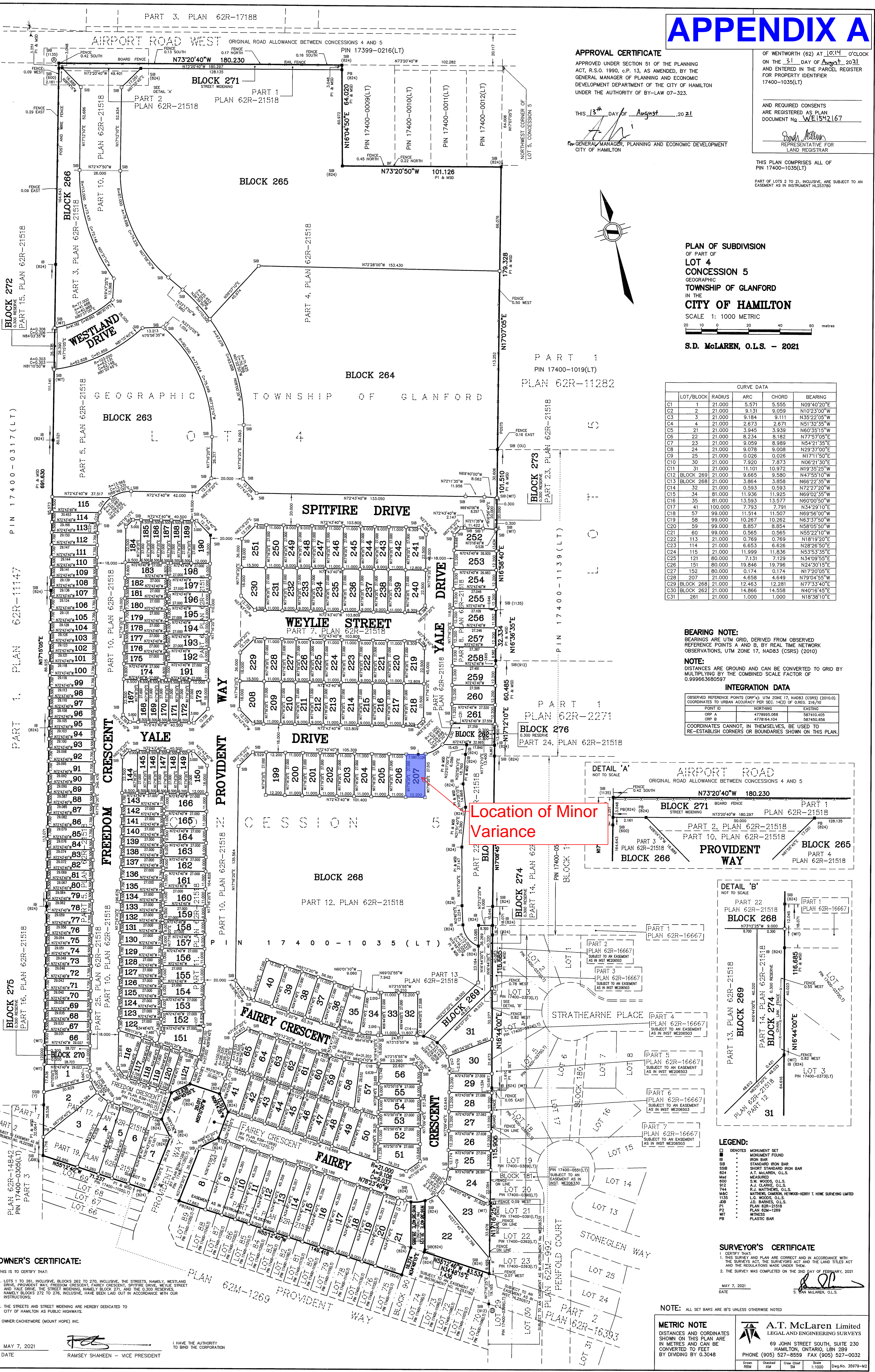
**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99963680997

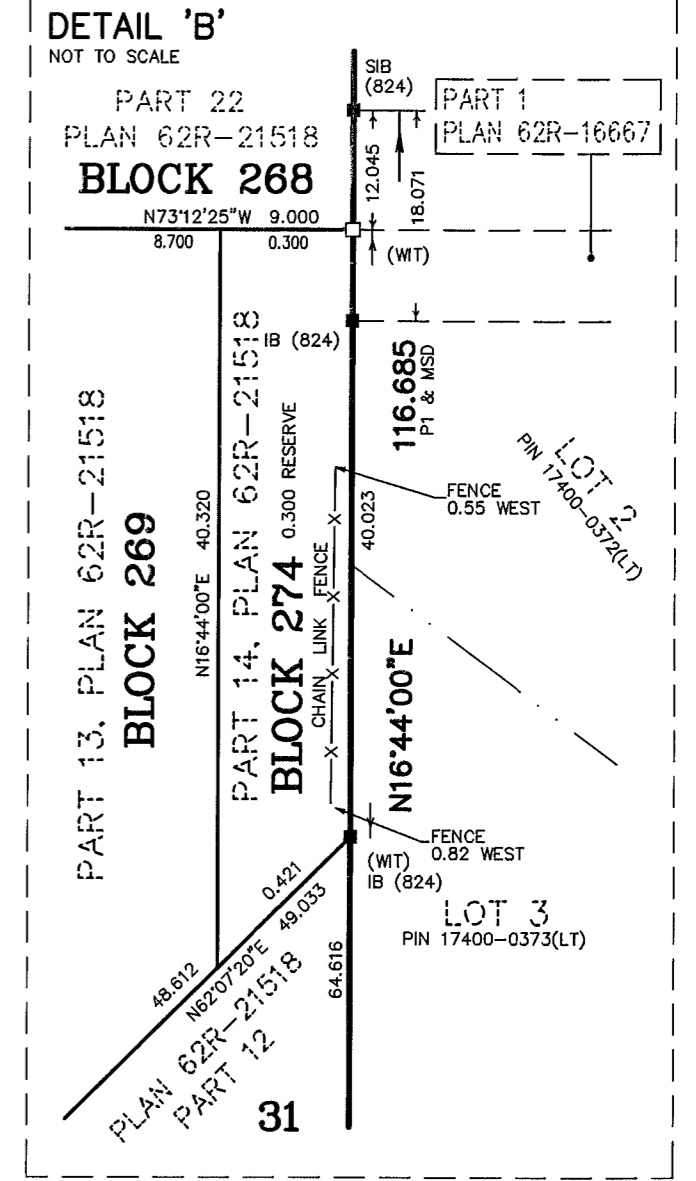
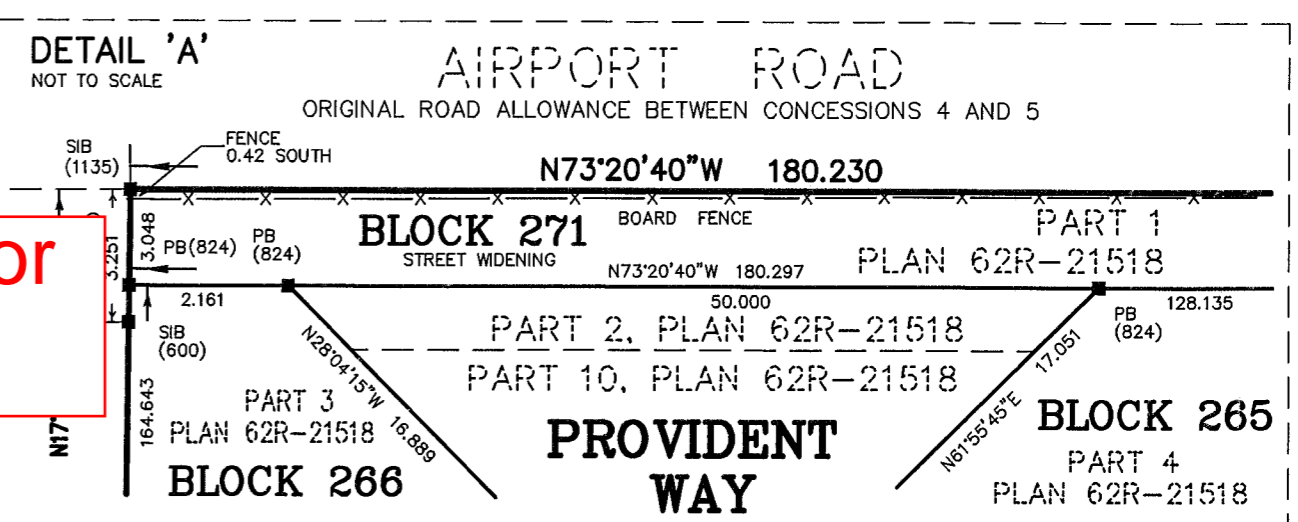
**INTEGRATION DATA**

| POINT ID | NORTHING    | EASTING    |
|----------|-------------|------------|
| CRP A    | 4778995.068 | 587410.405 |
| CRP B    | 4778164.104 | 587450.856 |

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.



Location of Minor Variance



**OWNER'S CERTIFICATE:**  
THIS IS TO CERTIFY THAT:  
1. LOTS 1 TO 281, INCLUSIVE, BLOCKS 262 TO 270, INCLUSIVE, THE STREETS, NAMELY WESTLAND DRIVE, PROVIDENT WAY, FREEDOM CRESCENT, FAIREY CRESCENT, SPIRIT DRIVE, WEALE STREET AND YALE DRIVE, THE STREET WIDENING, NAMELY BLOCK 271, AND THE 0.300 RESERVES, NAMELY BLOCKS 272 TO 276, INCLUSIVE, HAVE BEEN Laid OUT IN ACCORDANCE WITH OUR INSTRUMENTS;

2. THE STREETS AND STREET WIDENING ARE HEREBY DEDICATED TO THE CITY OF HAMILTON AS PUBLIC HIGHWAYS.

OWNER: CACHETMORE (MOUNT HOPE) INC.  
MAY 7, 2021  
DATE

I HAVE THE AUTHORITY TO BIND THE CORPORATION  
RAMSEY SHAHEEN - VICE PRESIDENT

**LEGEND:**  
DENOTES MONUMENT SET  
MONUMENT FOUND  
IRON BAR  
STANDARD IRON BAR  
SHORT STANDARD IRON BAR  
AT McLAREN, O.L.S.  
MEASURED  
ON LINE  
A.J. WOODS, O.L.S.  
J.D. BARNES, O.L.S.  
R.L. MATTHEWS, O.L.S.  
MATHIAS CONROY, HERWOOD-HENRY T. HOME SURVEYING LIMITED  
L.O. WOODS, O.L.S.  
J.D. BARNES, O.L.S.  
PLAN 62R-21518  
PLAN 62M-1269  
WITNESS  
PLASTIC BAR

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 2ND DAY OF FEBRUARY, 2021

MAY 7, 2021  
DATE  
S. D. McLAREN, O.L.S.

**NOTE:** ALL SET BARS ARE IBS UNLESS OTHERWISE NOTED

**METRIC NOTE**  
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

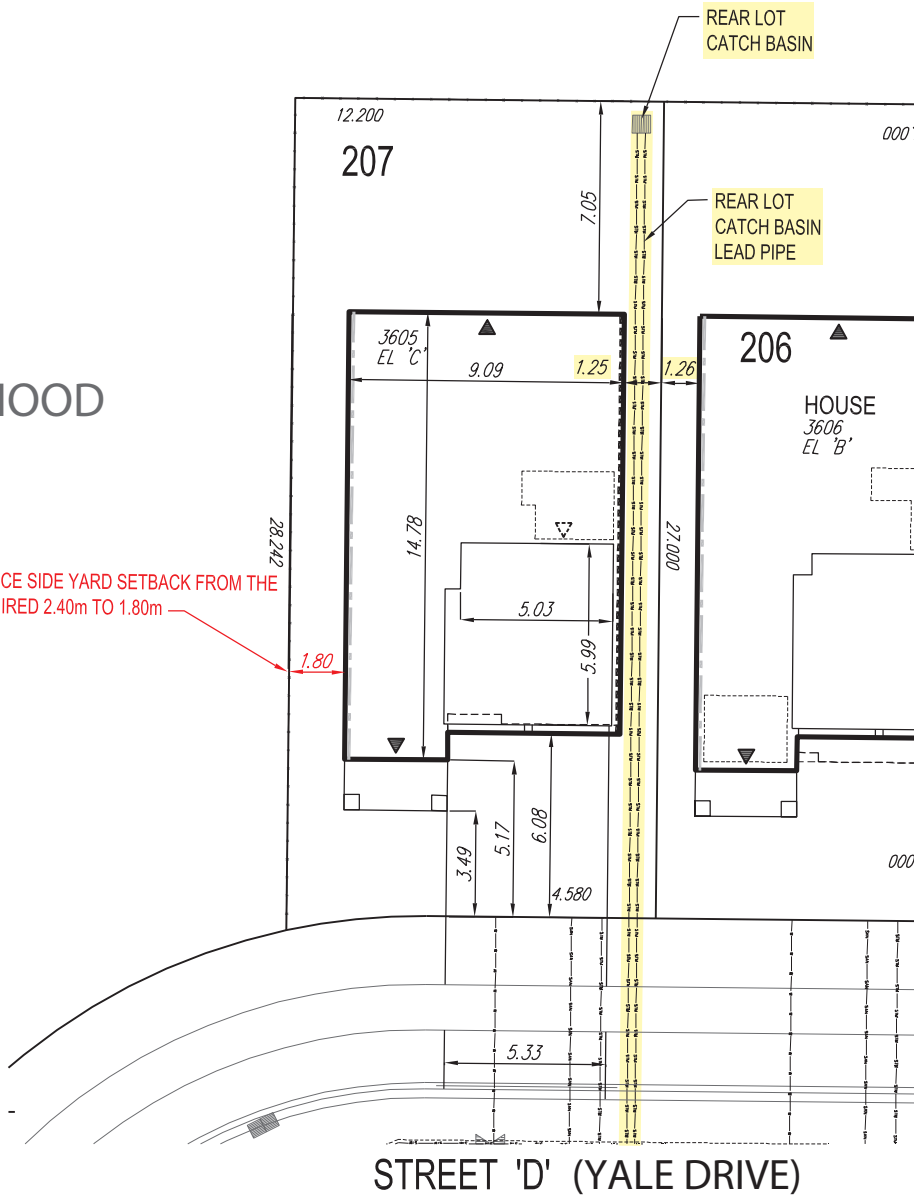
|       |         |       |        |       |                  |
|-------|---------|-------|--------|-------|------------------|
| Sheet | Overall | Drawn | Scale  | Drawn | Drawn            |
| 1/1   | 1/1     | 1/1   | 1:1000 | SM    | Dwg No. 35979-M2 |



# APPENDIX B

## NEIGHBOURHOOD PARK

REDUCE SIDE YARD SETBACK FROM THE REQUIRED 2.40m TO 1.80m



- GENERAL NOTES:**
- BUILDER TO VERIFY LOCATION OF UTILITIES AND OTHER SERVICES. IF MIN. DIMENSIONS ARE NOT MAINTAINED, BUILDER IS TO RELOCATE AT BUILDER'S EXPENSE.
  - BUILDER TO VERIFY ELEV. OF STM. AND SAN. LATERALS IN RELATION TO BASEMENT US OF FOOTING ELEVATIONS FOR COMPLIANCE WITH MUNICIPAL STANDARDS PRIOR TO EXCAVATION.
  - APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES MUST BE REVIEWED AND FOLLOWED IN CONJUNCTION WITH THE SITING AND GRADING PLAN. BUILDER TO VERIFY BUILDING ENVELOPE ON SITE PLAN MATCHES APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES PRIOR TO POURING CONCRETE. IF THERE ARE ANY DISCREPANCIES, THEY ARE TO BE BROUGHT TO THE ATTENTION OF HUNT DESIGN ASSOCIATES INC.
  - UNLESS NOTED ON BUILDING ENVELOPE OR APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES, ALL TOP OF FOUNDATION WALLS INCLUDING GARAGE WALLS TO BE CONSISTENT WITH THE ELEVATION PROVIDED FOR FTW ON SITING AND GRADING PLAN. THE EXTERIOR OF THE FOUNDATION WALL TO BE PROVIDED WITH A REDUCTION OF THICKNESS FOR MASONRY VENEER AS REQUIRED.

**ODAN-DETECH CONSULTING ENGINEERS**

**LOT GRADING REVIEW:**

LOT #: \_\_\_\_\_ HAS BEEN REVIEWED FOR THE GRADES ONLY AS BEING IN CONFORMITY FOR THE DRAINAGE CONCEPTS AND RELATIVE ELEVATIONS SHOWN ON THE APPROVED SUBDIVISION GRADING PLANS FILED WITH THE CITY ENGINEER. THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR THE CORRECTNESS OF THE BUILDING DIMENSIONS AND/OR CONFORMITY TO ANY APPLICABLE ZONING BY-LAWS.

NAME: PAUL HECIMOVIC DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_



|                                      |                  |                               |                   |                                 |                              |   |  |                            |
|--------------------------------------|------------------|-------------------------------|-------------------|---------------------------------|------------------------------|---|--|----------------------------|
| ENGINEERED FILL LOTS                 | SANITARY MANHOLE | WATER SERVICE                 | BELL PEDESTAL     | HYDRO TRANSFORMER               | SANITARY LINE                | DOWNSPOUTS  | SUMP PUMP AND SURFACE DISCHARGE LOCATION | FF FINISHED FLOOR          |
| STREET TREE                          | STORM MANHOLE    | HYDRO SERVICE                 | CABLE PEDESTAL    | PADMOUNTED MOTOR                | STORM WATER LINE             | WINDOWS PERMITTED   | UPGRADE ELEVATION                        | TFW TOP OF FOUNDATION WALL |
| RETAINING WALL                       | VALVE & CHAMBER  | SHEET DRAINAGE                | HYDRO POLE        | EXISTING GRADES                 | WATERLINE                    | 45 MINUTE FIRE RATED WALL SIDETARD DISTANCE IS LESS THAN 1.2m TO LOT LINE. (NO WINDOWS PERMITTED) | CHAIN LINK FENCE                         | BF BASEMENT FLOOR          |
| CATCH BASIN                          | VALVE & BOX      | STREET LIGHT PEDESTAL         | HYDRO POLE GUY    | PROPOSED GRADES                 | HYDRO LINE                   | EXTERIOR DOOR LOCATION  | FENCE AND GATE                           | UF UNDERSIDE OF FOOTING    |
| DOUBLE / SINGLE STM & SAN CONNECTION | HYDRANT          | STREET LIGHT                  | STREET SIGN       | SWALE DIRECTION                 | GAS LINE                     | EXTERIOR DOOR LOCATION IF GRADE PERMITS   | PRIVACY FENCE                            | WOD WALKOUT DECK           |
|                                      |                  | TRAFFIC SIGNAL POWER PEDESTAL | COMMUNITY MAILBOX | EMBANKMENT / BERM MAX 3:1 SLOPE | CABLE LINE                   |   | ACOUSTIC FENCE                           | MOD MODIFIED               |
|                                      |                  |                               |                   |                                 | BELL                         |   |  | REV REVERSED               |
|                                      |                  |                               |                   |                                 | HYDRO, GAS, BELL, CABLE LINE |   |  | ND NO DOOR                 |
|                                      |                  |                               |                   |                                 |                              |   |  | HIGHLIGHTED GRADE          |

Title: **SITING AND GRADING PLAN** Plan No.: **207** Lot: **207** Street Name: **STREET 'D'**

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

**HUNT DESIGN ASSOCIATES INC.**

**CACHET ESTATE HOMES - 219017 MOUNT HOPE, HAMILTON, ON.**

Drawn By: \_\_\_\_\_ Checked By: \_\_\_\_\_ Scale: **1:250** File Number: **219017.WSP-02.DWG** Lot / Page Number: **207**

HUNT DESIGN ASSOCIATES INC. 19695 www.huntdesign.ca 8966 Woodbine Ave, Markham, ON L3R 0J7 T 905.737.5133 F 905.737.7326

All drawings specifications related documents and design are the copyright property of Hunt Design Associates (H.D.A.). Reproduction of this property in whole or in part is strictly prohibited without H.D.A.'s written permission (H.D.A. assumes no responsibility or liability for this property unless it bears the appropriate BCIN number and original signature.)





Hamilton

**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**

|                             |  |
|-----------------------------|--|
| <b>FOR OFFICE USE ONLY.</b> |  |
| 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:

|     |
|-----|
| N/A |
|-----|

**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) reduce flankage side yard setback from 2.4m to 1.8m

Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

Please refer to planning justification letter prepared by MBTW.

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**):

55 Yale Drive  
Hamilton, ON

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?

Phase 1 Environmental Site Assessment Report prepared by Soil-Mat Engineers & Consultants Ltd., dated January 12, 2017

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 8, 2022  
Date

  
Signature Property Owner(s)

Ramsey Shaheen  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage See attached plans  
Depth See attached plans  
Area See attached plans  
Width of street See attached plans

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: \_

N/A

Proposed

See attached plans

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

Existing:

N/A

Proposed:

See attached plans



13. Date of acquisition of subject lands:  
January 10, 2019

14. Date of construction of all buildings and structures on subject lands:  
Not yet constructed

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Agricultural

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Residential and Agricultural

17. Length of time the existing uses of the subject property have continued:  
\_\_\_\_\_

18. Municipal services available: (check the appropriate space or spaces)  
Water Yes \_\_\_\_\_ Connected \_\_\_\_\_  
Sanitary Sewer Yes \_\_\_\_\_ Connected \_\_\_\_\_  
Storm Sewers Yes \_\_\_\_\_

19. Present Official Plan/Secondary Plan provisions applying to the land:  

|  |
|--|
| Official Plan: Neighbourhoods / Mount Hope Secondary Plan: Low Density Residential 2 |
|--|

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

|  |
|--|
| By-Law No. 18-014 Zoning Code R4-218 (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:  

|  |
|--|
|  |
|--|

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)  

|  |
|--|
|  |
|--|

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.