



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.: SC/A-22:77

APPLICANTS: Agent Barich Grenkie - J. Hribljan
Owner M. & F. Falasca

SUBJECT PROPERTY: Municipal address **46-48 Durham Rd., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "R6" (Residential) district

PROPOSAL: To permit the existing 2 storey semi-detached dwellings to be maintained on the lands to be severed and retained notwithstanding that;

46 DURHAM ROAD:

1. A minimum northerly side yard setback of 0.3 m shall be provided from the north face of the foundation wall to the lot line instead of the minimum required side yard setback of 1.25 m; and

48 DURHAM ROAD:

2. A minimum lot area of 343.59 m² shall be provided for a divided semi-detached corner lot instead of the maximum permitted of 350.0 m² for a divided semi-detached corner lot; and

3. A minimum lot frontage of 10.4 m shall be provided for a divided semi-detached corner lot instead of the minimum required 10.5 m for a divided semi-detached corner lot; and

4. A minimum southerly side yard setback of 0.3 m shall be provided from the south face of the foundation wall to the lot line instead of the minimum required side yard setback of 1.25 m; and

Notes:

The semi-detached dwellings have already been built and do not meet the by-Law setbacks. These variances are necessary to facilitate land severance application SC/B-21: 39

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

DATE: Thursday, April 28th, 2022
TIME: 1:15 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:

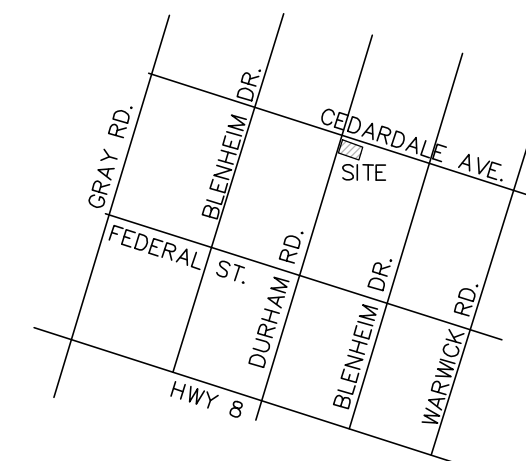
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: April 12th, 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.

KEY MAP



NOT TO SCALE

ADDRESS: 46 DURHAM ROAD, STONEY CREEK

SITE PLAN OF
PART OF LOT 133
REGISTRAR'S COMPILED
PLAN No. 1293

IN THE
CITY OF HAMILTON
BARICH GRENKIE SURVEYING LTD.
A DIVISION OF GEOMAPLE
© COPYRIGHT 2022

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

LEGEND

- DT DENOTES DECIDUOUS TREE
- CT DENOTES CONIFEROUS TREE
- DENOTES SUBJECT LANDS BOUNDARY
- DENOTES DEED LINE
- DENOTES LOT LINE
- x-x- DENOTES FENCE LINE
- N-E-S-W DENOTES NORTH-EAST-SOUTH-WEST

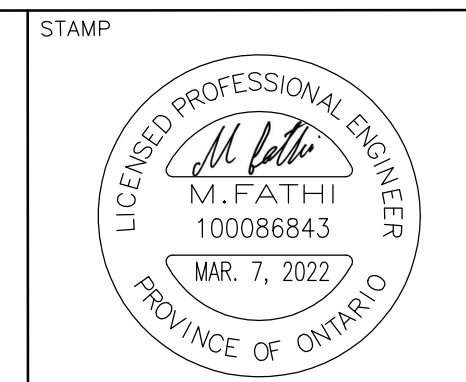
ELEVATION NOTE

ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM
(CGVD-1928:1978) AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK
No. 07720020012 HAVING AN ELEVATION OF 84.543 m.

0	03/04/2022	JMH	ISSUED FOR REVIEW	
NO.	DATE	BY	REVISIONS	
DESIGN	JMH	CHK'D	GRCH	DATE
DRAWN	JMH	CHK'D	GRCH	MARCH 7, 2022



APPROVALS



Barich Grenkie Surveying Ltd.
297 HWY No. 8 (UNIT 101) - STONEY CREEK, ON (905) 662-6767
A DIVISION OF GEOMAPLE

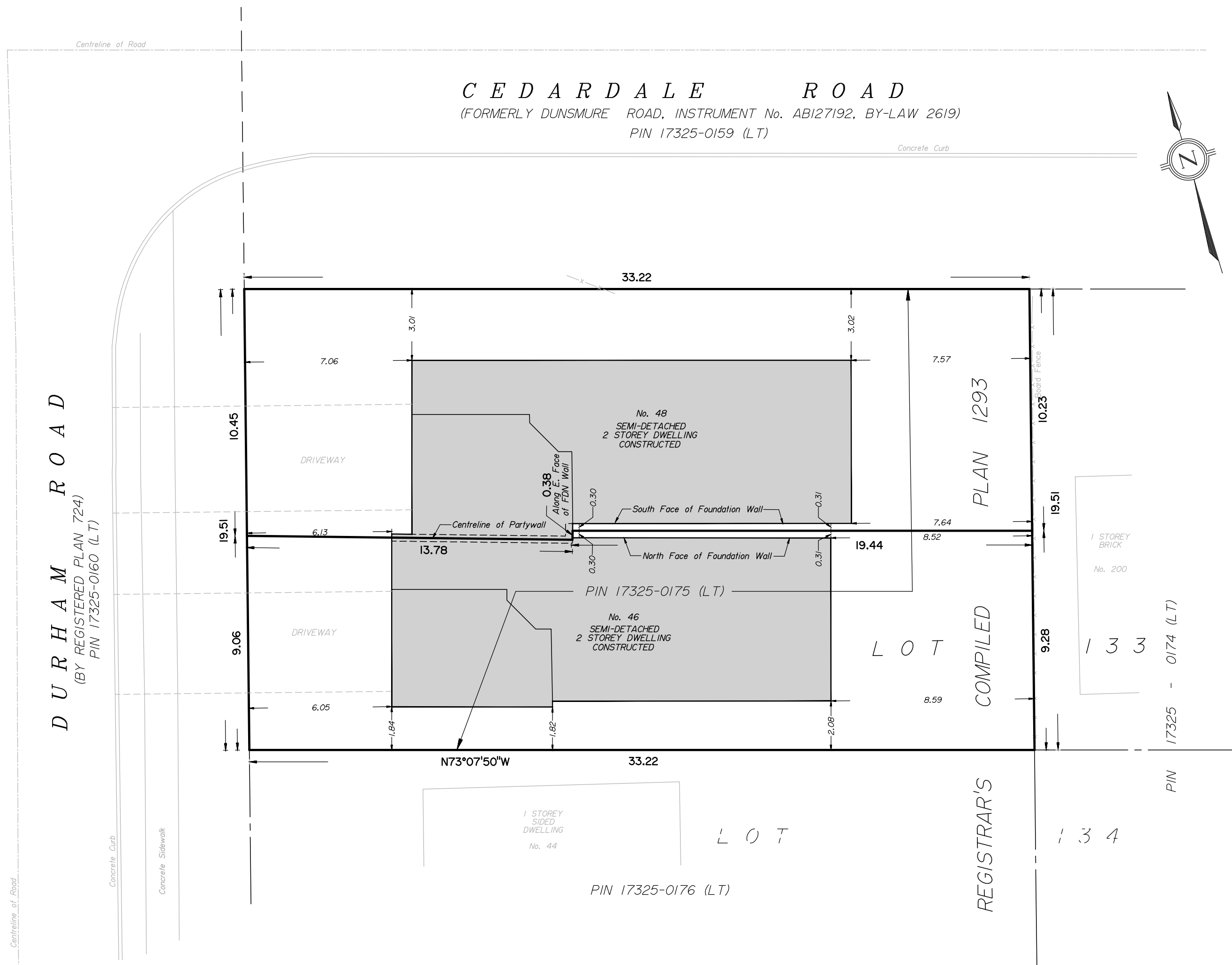
DWN BY: JMH
CHK BY: GRCH
JOB No. 20-2606F

CLIENT
TONY FALASCA

PROJECT NAME
**PROPOSED DWELLING
46 DURHAM ROAD, STONEY CREEK**

TITLE
SITE PLAN

PROJECT No. 20-2606F DRAWING No. 20-2606F-SP



MUNICIPAL ADDRESS
46 DURHAM ROAD, STONEY CREEK

LEGAL DESCRIPTION
PART LOT 133 REGISTRAR'S COMPILED
PLAN No. 1293
CITY OF HAMILTON

ZONING
RESIDENTIAL (R6) ZONE

SITE STATISTICS	BYLAW	PROPOSED
LOT AREA	300.0 m ²	304.19 m ²
LOT FONTAGE	9.0 m	9.05 m
FLOOR AREA	---	98.48 m ²
FRONT YARD SETBACK (WEST)	6.0 m	6.05 m
REAR YARD SETBACK (EAST)	7.5 m	8.52 m
SIDE YARD SETBACK (NORTH)	1.25 m	1.82 m
SIDE YARD SETBACK (SOUTH)	1.25 m	0.31 m*

* REQUIRES A MINOR VARIANCE

MUNICIPAL ADDRESS
48 DURHAM ROAD, STONEY CREEK

LEGAL DESCRIPTION
PART LOT 133 REGISTRAR'S COMPILED
PLAN No. 1293
CITY OF HAMILTON

ZONING
RESIDENTIAL (R6) ZONE

SITE STATISTICS	BYLAW	PROPOSED
LOT AREA	350.0 m ²	343.59 m ² *
LOT FONTAGE	10.5 m	10.43 m
FLOOR AREA	---	99.13 m ²
FRONT YARD SETBACK (WEST)	6.0 m	6.13 m
REAR YARD SETBACK (EAST)	7.5 m	7.64 m
SIDE YARD SETBACK (NORTH)	3.0 m	3.01 m
SIDE YARD SETBACK (SOUTH)	1.25 m	0.31 m*

* REQUIRES A MINOR VARIANCE



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	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:

Private Mortgagees: Marsha and Mike Turtel. 431 Connaught Ave, Toronto M2R 2M4

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)Common Wall Side Yard to be proposed at 0.31m on both sides 2)Minimum lot size of 48 Durham Rd. having a proposed area of 343.59m² 3)Minimum lot frontage of 48 Durham Rd. having a proposed frontage of 10.45m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The Duplex has already been built and does not meet the By-law setbacks. We have already had the severance hearing and it has been approved with the condition of the minor variances be addressed.

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**):

Part of Lot 133, Registrar's Compiled Plan No. 1293

46-48 Durham Road

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?

Information was give from the 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.

Mar. 7 2022
Date

Myles A. Falasca & Florence A. Falasca
Signature Property Owner(s)

Myles A. Falasca & Florence A. Falasca
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage House No. 46 - 9.06m, House No. 48 -10.45m
Depth 33.22m
Area House No. 46 - 304.11m2, House No. 48 - 343.59m2
Width of street 20.12m

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:

2 Storey Duplex
No. 46 - Floor Area: 98.48m2, Width: 7.15m, Length: 18.59m, Height: 8.92
No. 48 - Floor Area: 99.13m2, Width: 7.51m, Length: 18.58m, Height: 8.92

Proposed

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

Existing:

No. 46 - Front Lot Line: 6.05m, Rear Lot Line: 8.52m, Side Yard (South): 1.82m
No. 48 - Front Lot Line: 6.13m, Rear Lot Line: 7.57m, Side Yard (North): 7.57m
Common Wall Side Yard: 0.31m

Proposed:

13. Date of acquisition of subject lands:
2013 years
-
14. Date of construction of all buildings and structures on subject lands:
Start of Construction December 2020 and Completed November 2021
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Semi-detached 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:
50+ years
-
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:
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:
- 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)
- The subject property has gone for Consent to Sever. The application has been approved with the condition of the minor variance. File No. SC/B-21:39
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.