



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.: HM/A-21:388

APPLICANTS: Agent Ken Bekendam
Owner Michael Sifontes

SUBJECT PROPERTY: Municipal address **131 Winchester Blvd., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 83-66

ZONING: "C" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the construction of a secondary dwelling unit – detached, in the rear yard on a residential parcel of land containing an existing single family dwelling, notwithstanding that:

1. The minimum required 1.2m westerly interior side yard of the Secondary Dwelling Unit - Detached shall be permitted to be obstructed by an interlocking patio and window well instead of the requirement that a minimum 1.2 metres interior side yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
2. A minimum distance of 4.1 metres shall be permitted between the rear façade of the principle dwelling and the Secondary Dwelling Unit – Detached instead of the requirement that minimum distance of 7.5 metres shall be required between the rear facade of principal dwelling and Secondary Dwelling Unit – Detached.
3. The path to the Secondary Dwelling Unit – Detached shall be permitted to be obstructed by a fence and/or gate instead of the requirement that an unobstructed path having a minimum 1.0m width and minimum 2.1m height clearance from the front lot line to the entrance of the Secondary Dwelling Unit - Detached shall be provided and maintained.
4. A minimum 3.3m wide aisle width manoeuvring space shall be permitted for the 2 parallel parking spaces instead of the minimum required 3.7m wide aisle width manoeuvring space.

NOTE:

- i) The fence height required to surround the landscaped area for the Secondary Dwelling Unit – Detached has not been shown on the Site Plan submitted. As such, if zoning compliance is not achieved, a further successful application for minor variance shall be required.

- ii) Details have not been shown on the Site Plan submitted respecting whether the minimum required 1.2m easterly side yard and minimum required 1.2m rear yard for the Secondary Dwelling Unit – Detached are unobstructed including confirmation if these yards are landscaped only with the permitted sod or ground cover. As such, if zoning compliance is not achieved, a further successful application for minor variance shall be required.
- iii) The width of the eaves and gutter on the Secondary Dwelling Unit - Detached have not been shown on the Elevation Plans submitted. As such, if the eave and gutter yard encroachment projection is greater than 0.45m, a further successful application for minor variance shall be required.
- iv) Pursuant to Variance No. 3 above, the 3.34m wide unobstructed asphalt driveway and a 1.75m wide unobstructed new interlock patio which have a greater than 2.1m height clearance which extend from the front lot line to the entrance of the Secondary Dwelling Unit – Detached comply to the requirement that an unobstructed path with a minimum 1.0m width and minimum 2.1m height clearance from a front lot line to the entrance of the Secondary Dwelling Unit - Detached shall be provided; however, the gate/fence shown between the driveway and the new interlock patio obstructs this path.
- v) The metric measurements have been used when reviewing this application

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

DATE: Thursday, April 28th, 2022
TIME: 1:40 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeefadjustment
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/committeefadjustment
- 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

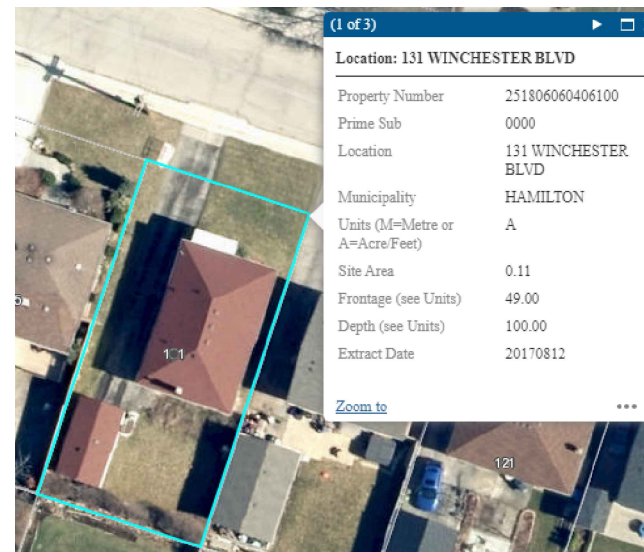
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

SECONDARY DWELLING UNIT - DETACHED

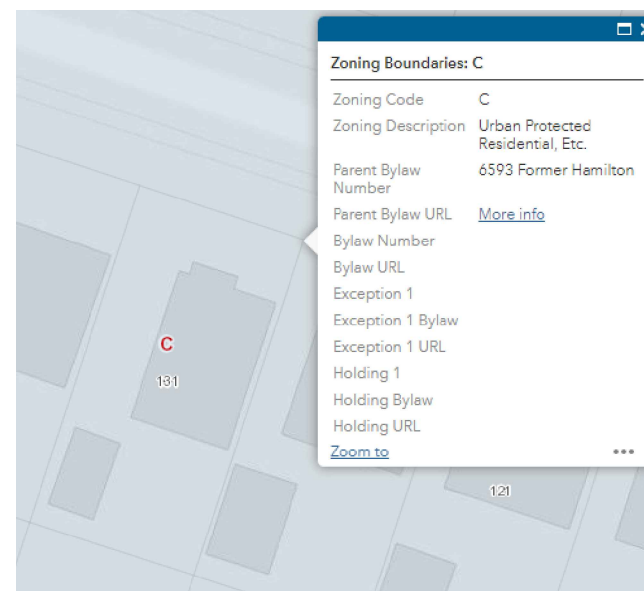
131 WINCHESTER BLVD., HAMILTON ON



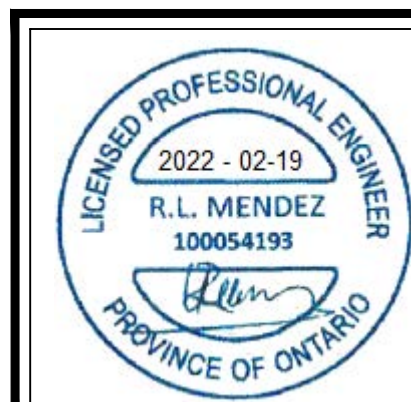
EXISTING BUILDING IMAGE



AERIAL MAP



ZONING MAP



LEAD DESIGNER & CONSULTANT
Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER
Robert Mendez P. Eng 100054193
robertmendez@yahoo.com
cell: 416.807.1572

NORTH POSITION:

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.

ADDRESS: 131 WINCHESTER BLVD	
SUBJECT: TITLE PAGE	
PROJECT: SECONDARY DWELLING UNIT - DETACHED	DATE: FEB. 2022

SCALE: -
A 0.01

SITE INFORMATION & STATISTICS

ADDRESS	131 WINCHESTER BLVD - HAMILTON - ON.
ZONING TYPE	C
LOT AREA	4900.52 SQ FT (455.22 SQ M)
LOT FRONTAGE	49.00' (14.94m)

GENERAL NOTES:

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

EXISTING STRUCTURE NOTE:

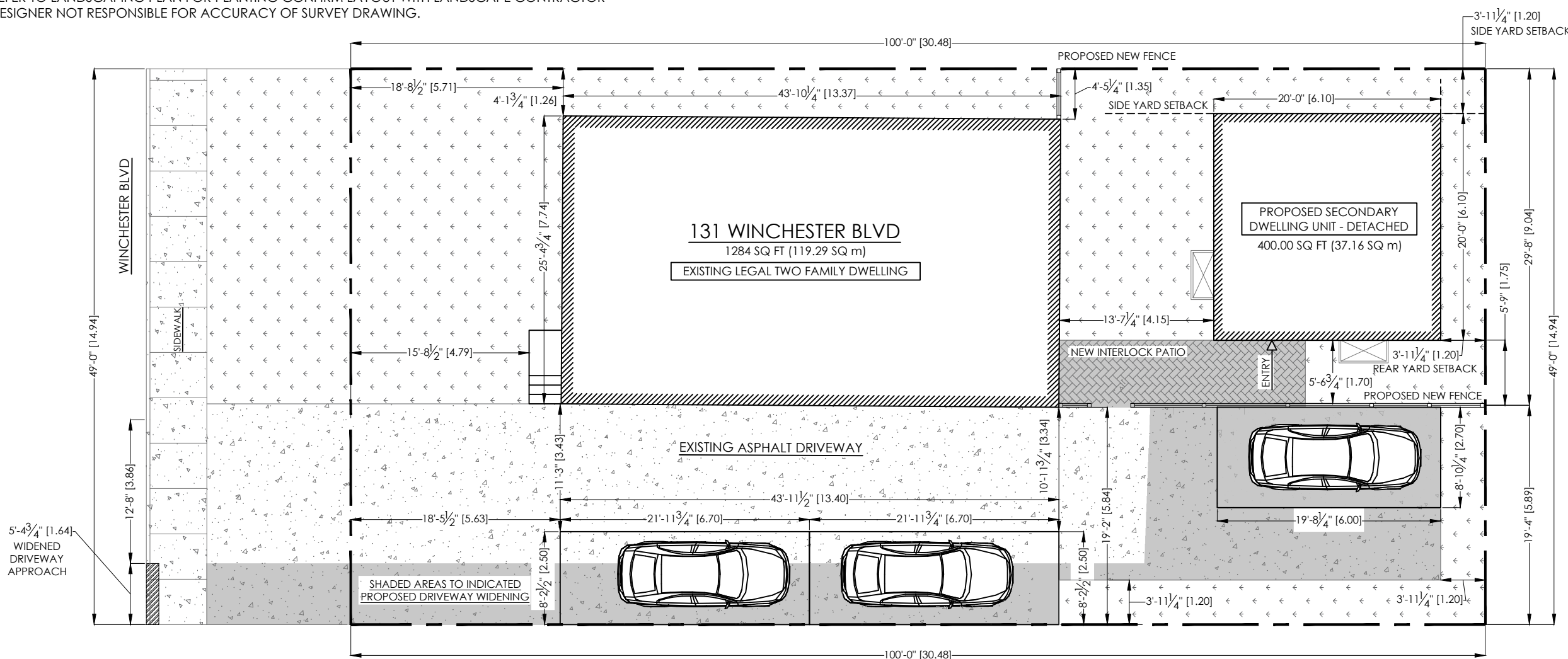
OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

BUILDING CODE COMPLIANCE NOTE:

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

LANDSCAPE AREA (INCLUDING PERMEABLE DRIVEWAY)	554.06 (31.49)	62.05%
HARD SURFACE AREA	338.92 (31.49)	37.95%
TOTAL	892.98 (82.96)	100%

LANDSCAPE AREA	706.31 SQ.FT (65.62 SQ.M)
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SITE PLAN:

BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES



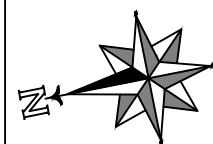
LEAD DESIGNER & CONSULTANT

Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

LEAD ENGINEER

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cell: 416.807.1572

NORTH POSITION:



ADDRESS:

131 WINCHESTER BLVD

SUBJECT:

SITE PLAN

PROJECT:

SECONDARY DWELLING UNIT - DETACHED

DATE:

FEB. 2022

SCALE:

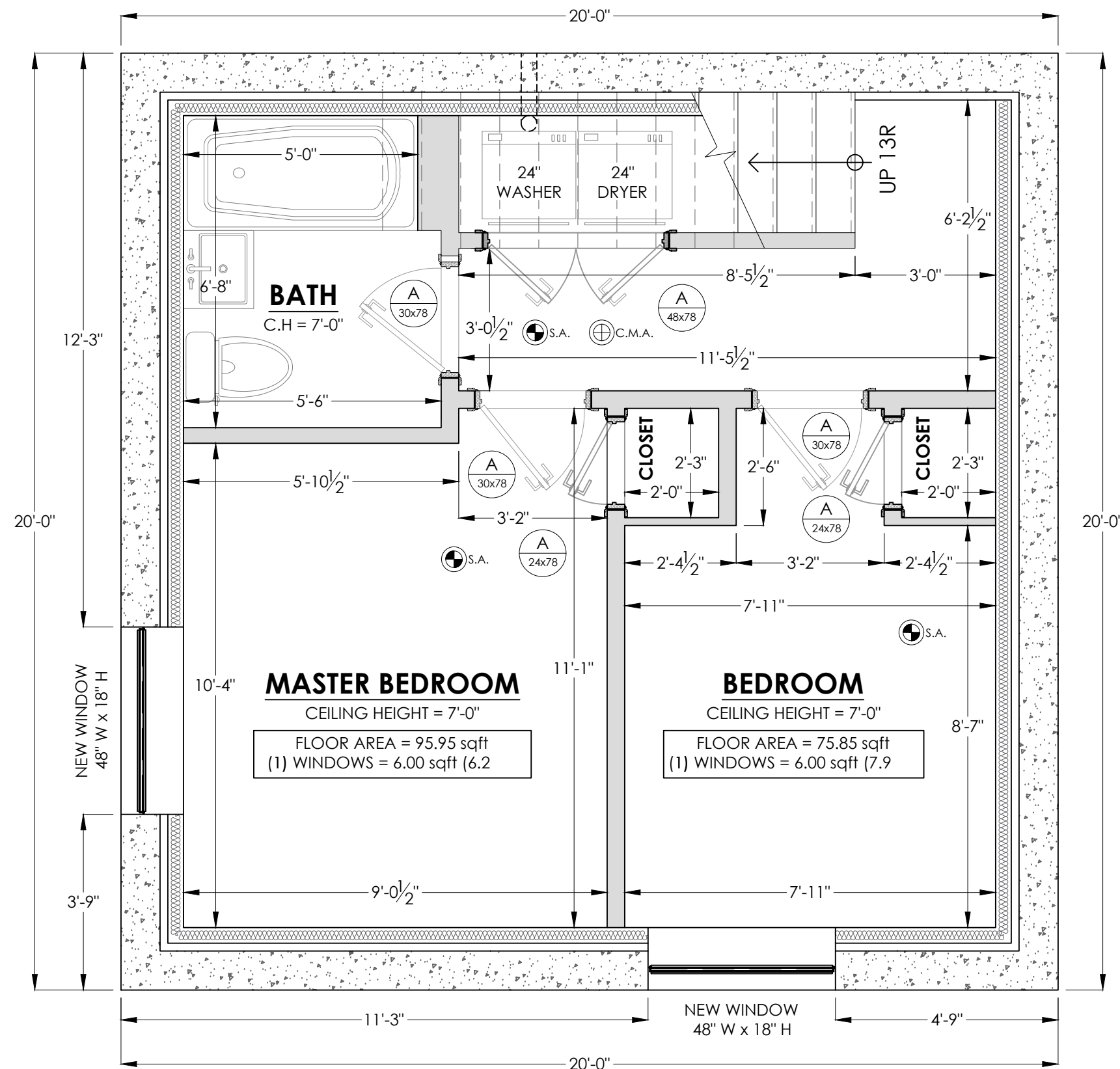
3/32" = 1'

SHEET#:

SP 1.01

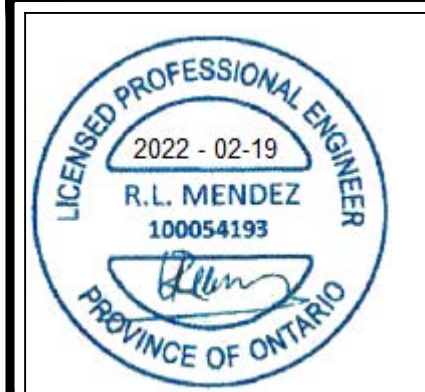
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NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED

PLANS LEGEND	
	BATH
	EXHAUST FAN
	SPECIFICATION TAG
	SMOKE ALARM
	S.A.
	CARBON MONOXIDE ALARM
	CEILING HEIGHT
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING EXTERNAL WALLS
	EXISTING INTERIOR WALLS
	NEW EXTERNAL WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	WINDOWS
DOOR LEGEND	
	A. PANEL DOOR
	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
	D. EXTERIOR DOOR
	E. BIFOLD CLOSET
	F. SLIDING DOOR
	G. POCKET DOOR



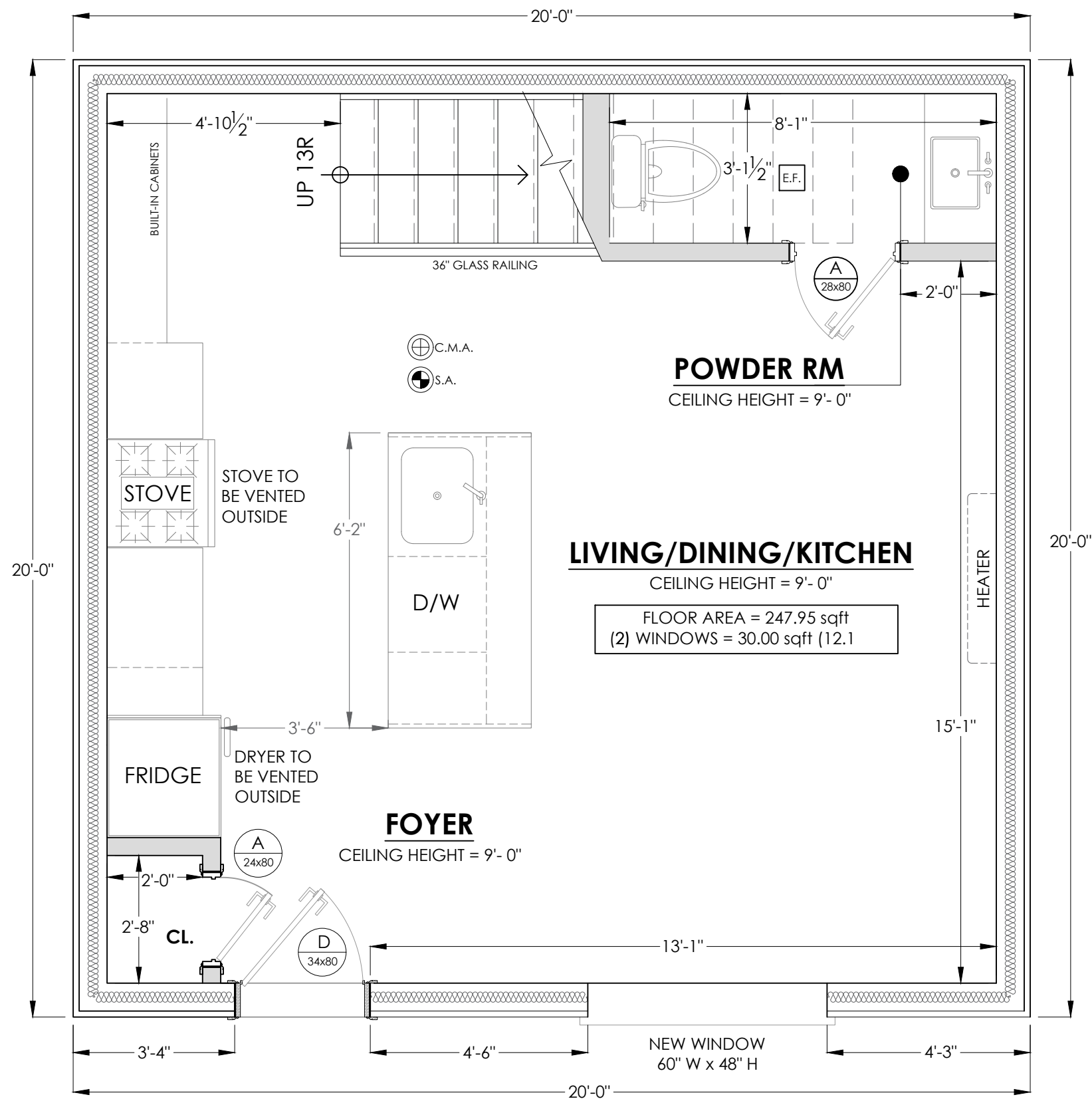
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NORTH POSITION:

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ADDRESS:	131 WINCHESTER BLVD	SCALE:	3/8" = 1'
SUBJECT:	PROPOSED BASEMENT	SHEET#:	A 1.01
PROJECT:	SECONDARY DWELLING UNIT - DETACHED	DATE:	FEB. 2022



FLOOR AREA = 247.95 sqft
 (2) WINDOWS = 30.00 sqft (12.1)

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED

BATH		ROOM NAME
[Symbol]	EXHAUST FAN	EXHAUST FAN
[Symbol]	SPECIFICATION TAG	SPECIFICATION TAG
[Symbol]	S.M.O.K.E. ALARM	S.M.O.K.E. ALARM
[Symbol]	C.M.O.A.	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT	CEILING HEIGHT
[Symbol]	P.L.U.M.B.I.N.G. STACK	P.L.U.M.B.I.N.G. STACK
[Symbol]	WATER METER	WATER METER
[Symbol]	FLOOR DRAIN	FLOOR DRAIN
[Symbol]	STRUCTURAL BEAM OR WALL	STRUCTURAL BEAM OR WALL
[Symbol]	STRUCTURAL COLUMN	STRUCTURAL COLUMN
[Symbol]	FOUNDATION WALL	FOUNDATION WALL
[Symbol]	EXISTING EXTERIOR WALLS	EXISTING EXTERIOR WALLS
[Symbol]	NEW EXTERIOR WALLS	NEW EXTERIOR WALLS
[Symbol]	EXISTING EXTERNAL WALLS	EXISTING EXTERNAL WALLS
[Symbol]	EXISTING INTERIOR WALLS	EXISTING INTERIOR WALLS
[Symbol]	NEW EXTERNAL WALLS	NEW EXTERNAL WALLS
[Symbol]	NEW INTERIOR WALLS	NEW INTERIOR WALLS
[Symbol]	STRUCTURAL WALLS	STRUCTURAL WALLS
[Symbol]	WINDOWS	WINDOWS
[Symbol]	DOOR TYPE	DOOR TYPE
[Symbol]	DOOR SIZE	DOOR SIZE

DOOR LEGEND	
A.	PANEL DOOR
B.	FIRE DOOR w/ SELF CLOSER (45 MIN)
C.	FIRE DOOR w/ SELF CLOSER (20 MIN)
D.	EXTERIOR DOOR
E.	BIFOLD CLOSET
F.	SLIDING DOOR
G.	POCKET DOOR



legal second suites.com

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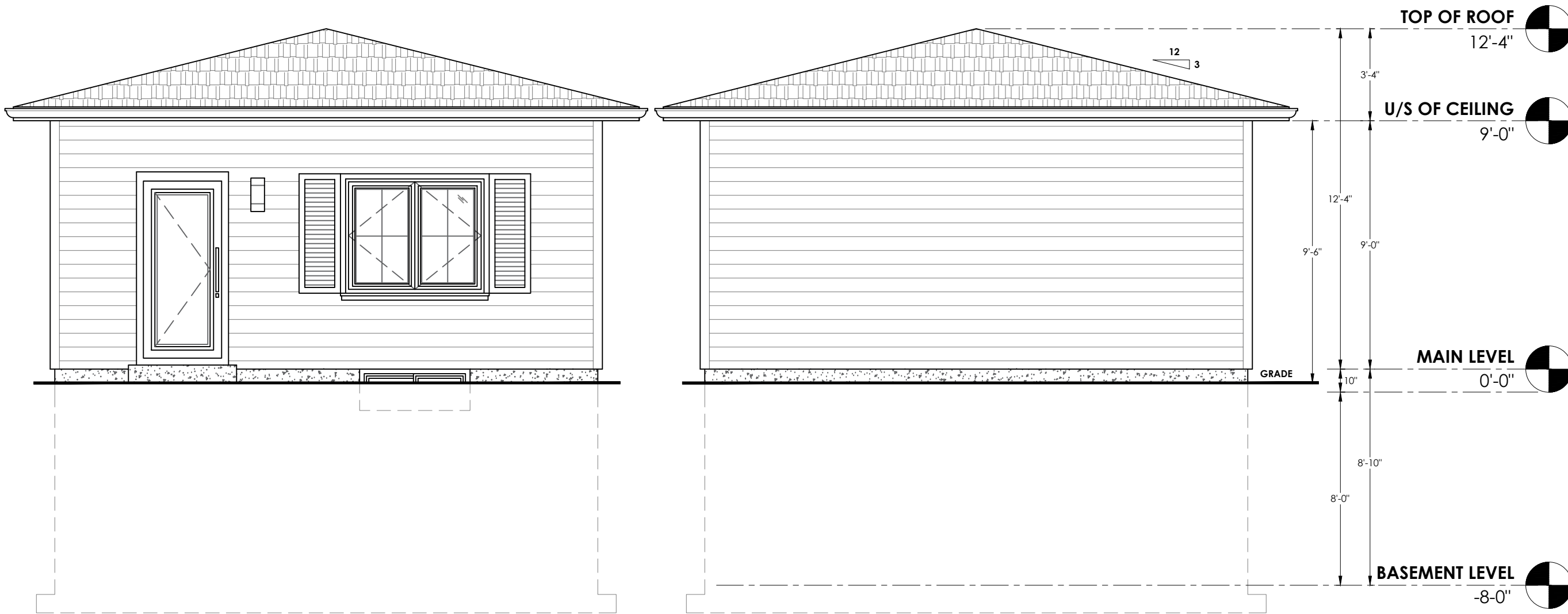
NORTH POSITION:

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ADDRESS:	131 WINCHESTER BLVD
SUBJECT:	PROPOSED GROUND FLOOR
PROJECT:	SECONDARY DWELLING UNIT - DETACHED
DATE:	FEB. 2022

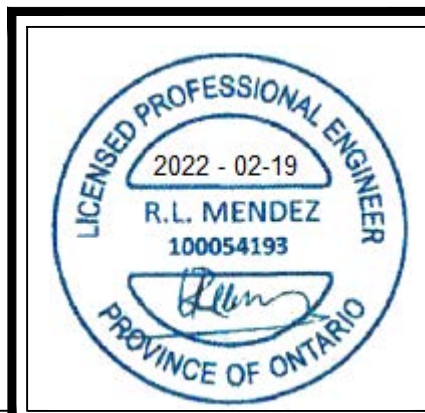
SCALE: **3/8" = 1'**

SHEET#: **A 1.02**



1 PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"

2 PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"



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Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc. **K KING HOMES INC.**

NORTH POSITION:

ADDRESS: **131 WINCHESTER BLVD**

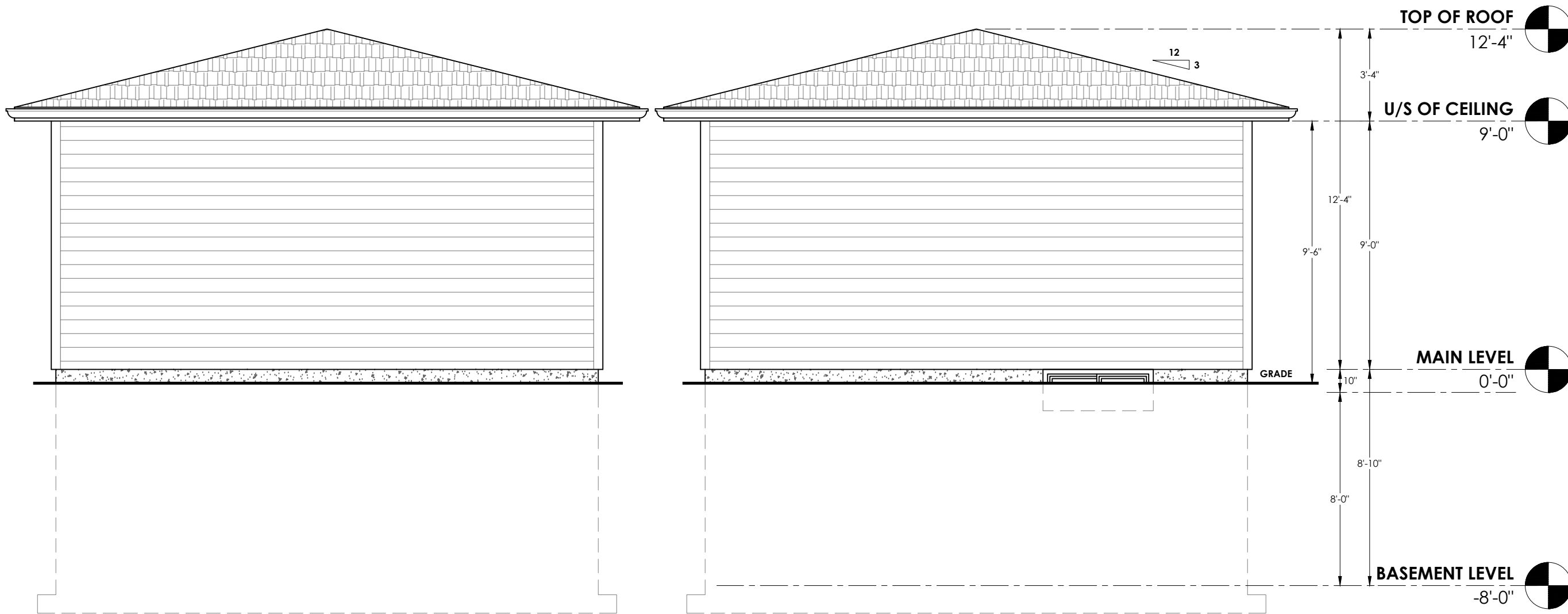
SUBJECT: **PROPOSED EAST / WEST ELEVATION**

PROJECT: **SECONDARY DWELLING UNIT - DETACHED**

DATE: **FEB. 2022**

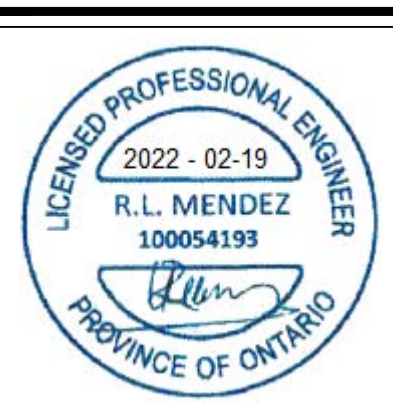
SCALE: **1/4" = 1'**

SHEET#: **A 2.01**



1 PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"

2 PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



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NORTH POSITION:

ADDRESS: **131 WINCHESTER BLVD**

SUBJECT: **PROPOSED NORTH / SOUTH ELEVATION**

PROJECT: **SECONDARY DWELLING UNIT - DETACHED**

DATE: **FEB. 2022**

SCALE: **1/4" = 1'**

SHEET#: **A 2.04**



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:
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:
Reduction to 4.15m between the principal dwelling and the secondary dwelling unit - detached whereas the bylaw requires 7.5m
Reduction from 3 required parking spaces to 2 spaces.

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

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**):
131 Winchester Blvd, Hamilton

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?

Existing residential use

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.

_____ Date

_____ Signature Property Owner(s)

_____ Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>49' (14.94m)</u>
Depth	<u>100' (30.48m)</u>
Area	<u>4900sqft (455.22sqm)</u>
Width of street	<u>unknown</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: See site plan

Proposed See site plan

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

Existing: See site plan

Proposed: See site plan

13. Date of acquisition of subject lands:
2021
-
14. Date of construction of all buildings and structures on subject lands:
unknown
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
two family dwelling
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:
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 type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
C
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.