



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-21:385

APPLICANTS: Owner Ryan Pagliaro

SUBJECT PROPERTY: Municipal address **478 John St. N., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 21-076 and 21-167

ZONING: D district Urban Protected Residential – One and Two Family Dwellings, etc.

PROPOSAL: To permit the construction a Secondary Dwelling Unit - Detached on the same lot as an existing Single Family Dwelling notwithstanding that:

So as to permit the construction a Secondary Dwelling Unit - Detached on the same lot as an existing Single-Family Dwelling notwithstanding that:

1. A minimum of 33% of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
2. A maximum gross floor area of 81m² shall be permitted for the Secondary Dwelling Unit – Detached instead of the requirement that the maximum gross floor area for a Secondary Dwelling Unit – Detached shall not exceed 75m².

NOTE:

- i) While not shown on the Site Plan submitted, the applicant has confirmed in an April 4, 2022 email that:
 - Rear landscaping is natural planting materials - ground cover plants.
 - 1.2m rear yard setback is unobstructed and the surface material is ground cover.
- ii) The Plans submitted do not show the building height from “grade” as defined. The Applicant indicated in an April 4, 2022 email that:

“Ground level indicated in elevations is the established average grade.

If the building height has not been determined based on “grade” as defined, a further variance shall be required if the height exceeds 6.0m.

- iii) The width and height of a required unobstructed path to the Secondary Dwelling Unit – Detached from the rear of the existing 1.5 storey dwelling has not be shown on the Site Plan submitted. The applicant indicated in an April 4, 2022 email that:

Path leading to the SDU past existing dwelling is noted as "Unobstructed Path - Open to air above" and meets the requirements and clearances of Unobstructed Path.

If 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 is not provided and maintained, a further variance shall be required.

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

DATE: Thursday, April 28th, 2022
TIME: 3:10 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:

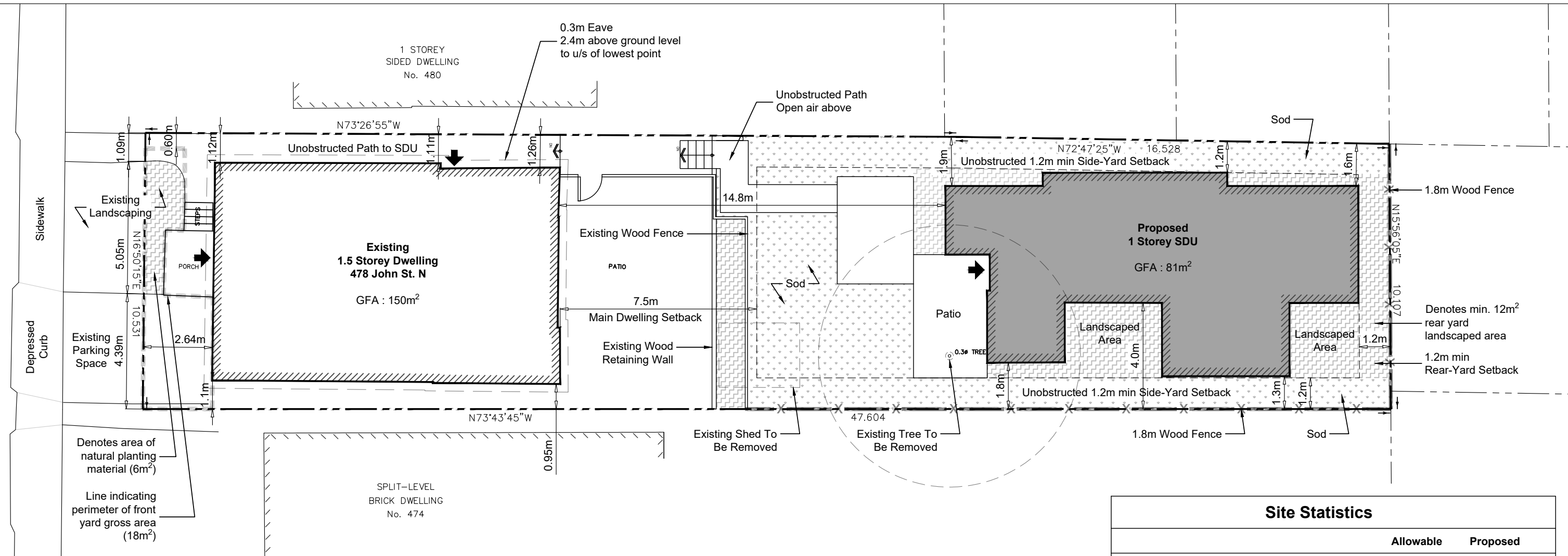
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

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.

JOHN ST. N



Site Statistics		
	Allowable	Proposed
SDU Side Yard Setback	1.2m	1.2m
SDU Rear Yard Setback	1.2m	1.2m
SDU Height	6.0m	5.1m
SDU Gross Floor Area	75m ²	81m ²
SDU Distance From Principal Dwelling	7.5m	14.8m
Max. Accessory Building & SDU Lot Coverage	25%	18.5%
Lot Area:	493 m ²	
Proposed SDU:	91.0 m ²	
Front Yard Landscaped Area (Existing Conditions)	50%	33%
Required Variances:		
Variance 1: A SDU GFA of 81m ² shall be permitted whereas 75m ² is allowed. *Additional 6m ² of GFA is due to super-insulated walls 2x thicker than OBC minimum		
Variance 2: To allow the existing condition front yard landscape area of 33% whereas 50% landscape area is required. *Measuring to the sidewalk, the landscape area is 44%.		

No. 111853 Design

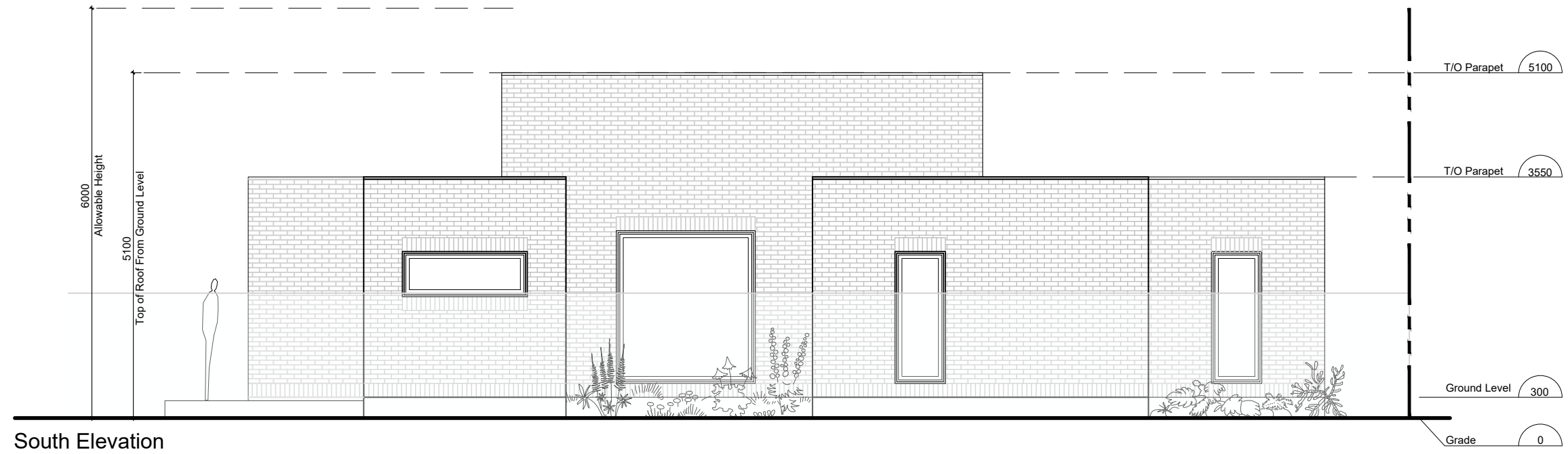
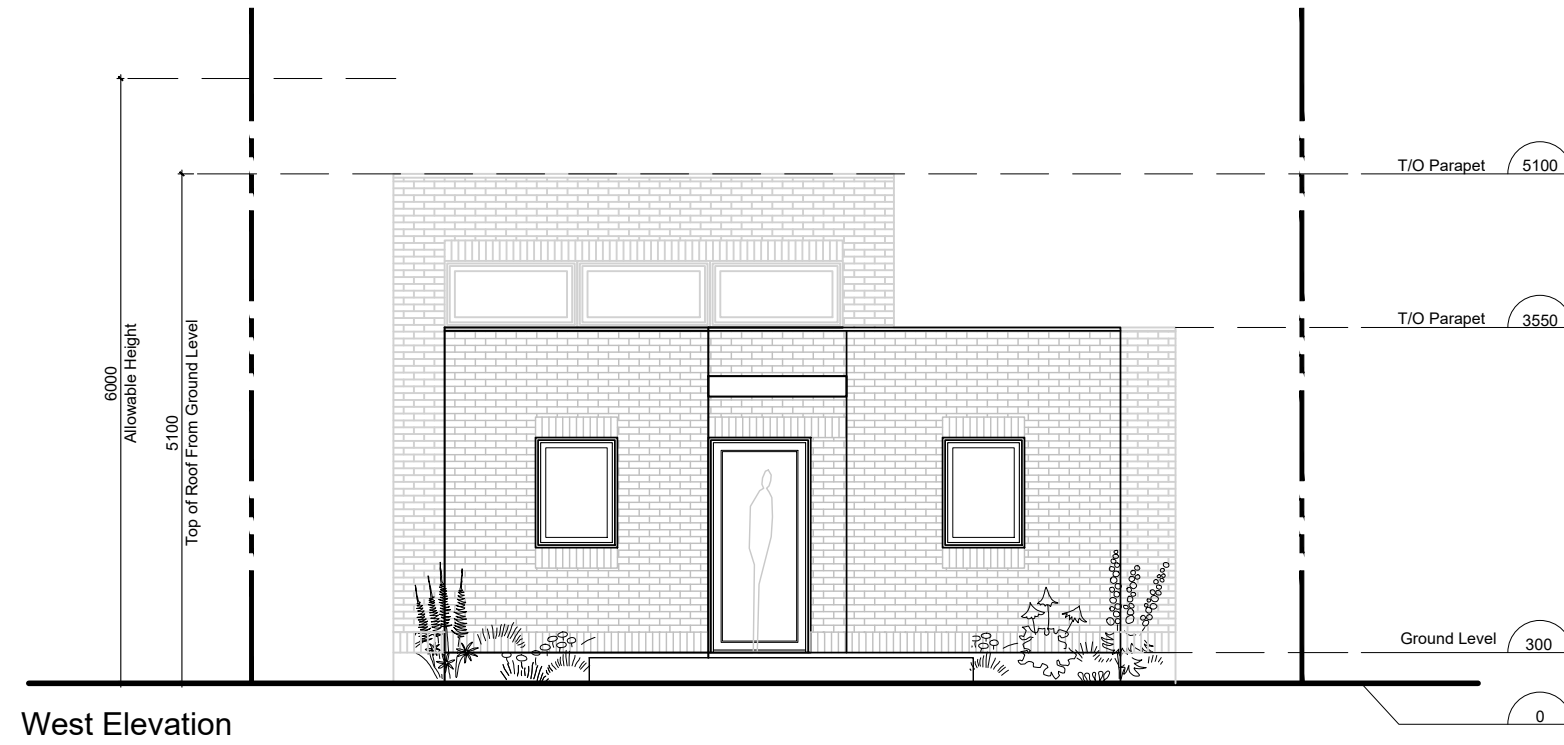
Project:
478 John St. N SDU

Drawing:
Site Sketch

Scale:
1 : 150

Date:
2022-03-05

Drawing No.:
A04.01



No. 111853 Design

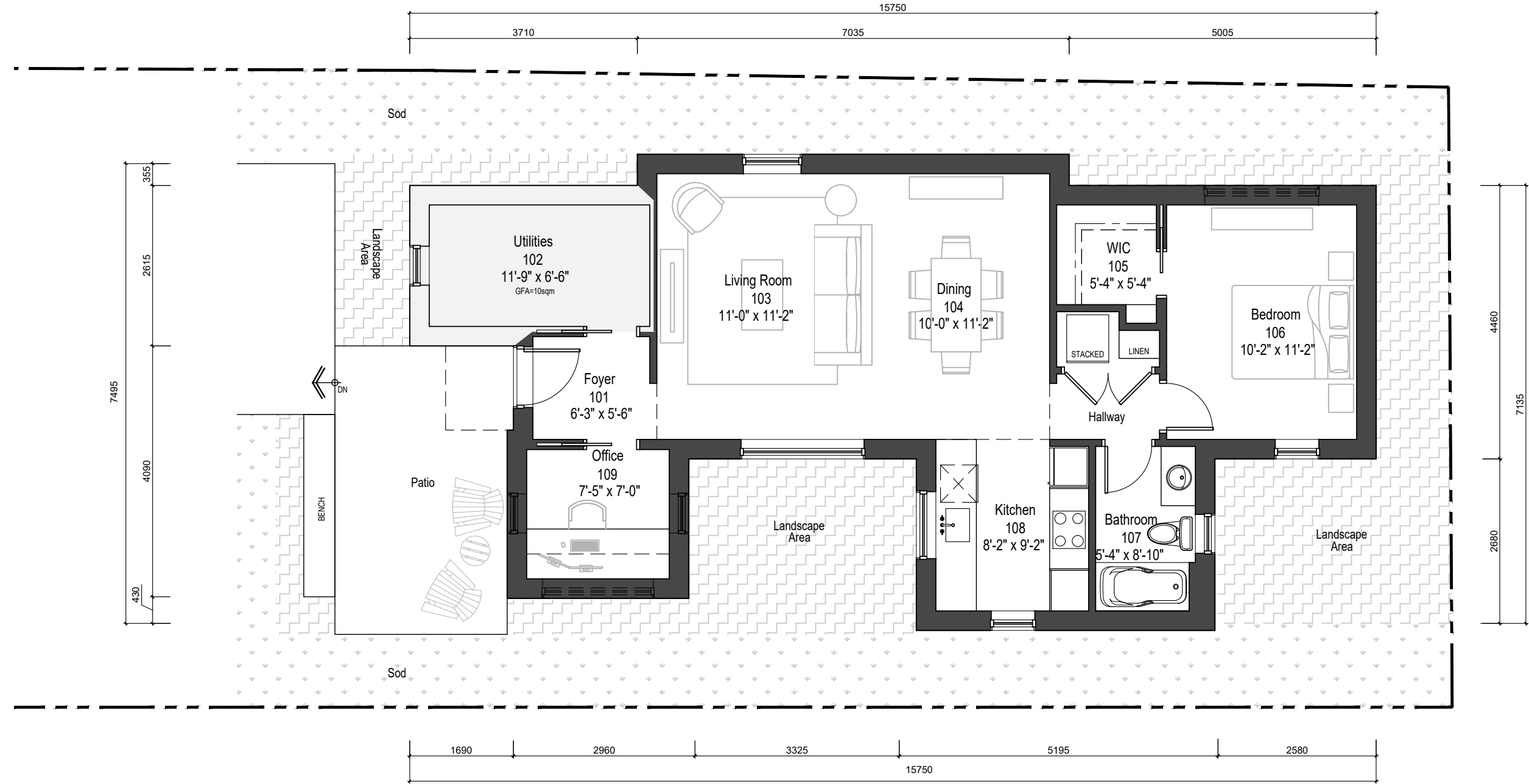
Project:
478 John St. N SDU

Drawing:
Elevations

Scale:
1 : 75

Date:
2022-03-05

Drawing No.:
A04.03



No. 111853 Design

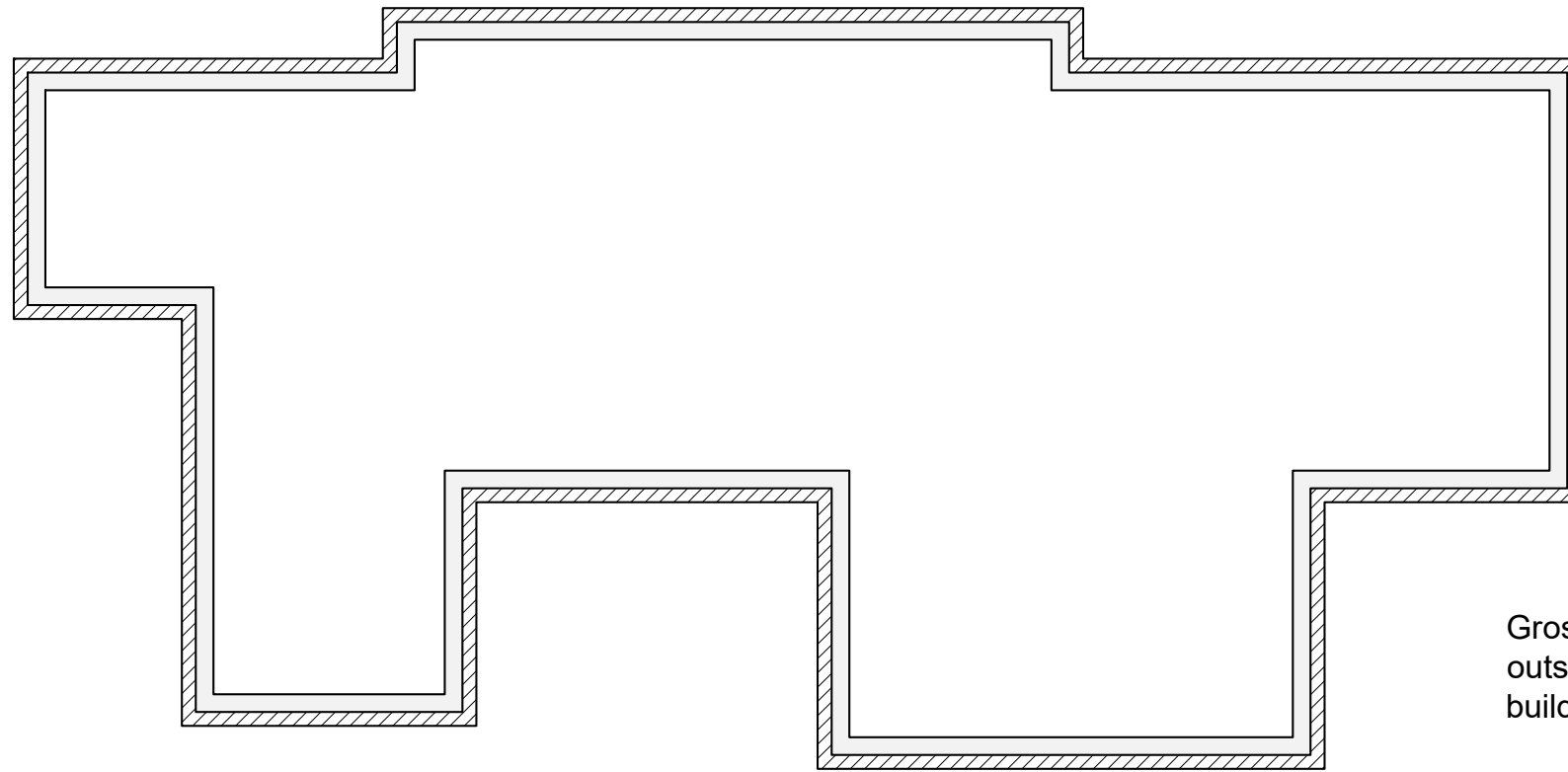
Project:
478 John St. N SDU

Drawing:
Floor Plan

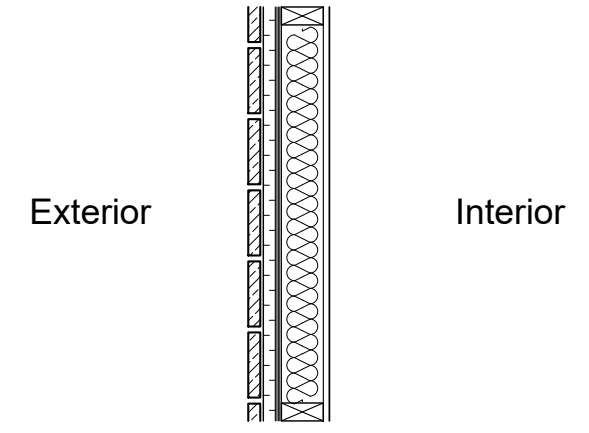
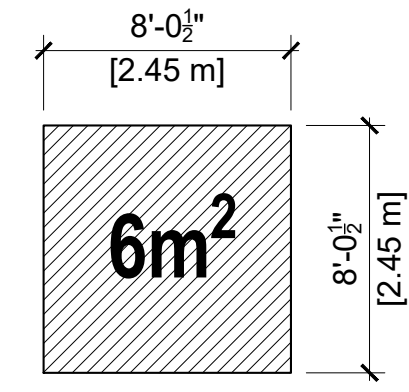
Scale:
1 : 75

Date:
2022-03-05

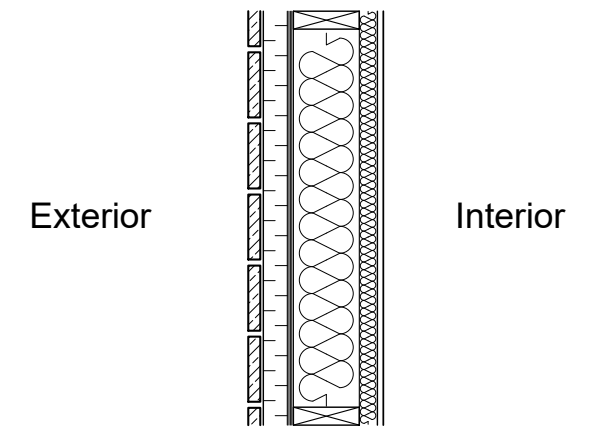
Drawing No.:
A04.02



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OBC Minimum Wall Assembly



Additional Thickness For High Performance Wall Assembly

- OBC Minimum Wall Assembly**
- Additional Thickness For High Performance Wall Assembly**

Gross floor area (GFA) is measured to the outside faces of the exterior walls of the building.

The requested variance for GFA is 81m², which is 6m² (8%) over the allowable GFA of 75m².

Along the perimeter of the building, the extra wall thickness accommodating a high performance wall assembly is equal to 6m².

This secondary dwelling unit is designed to be a low consumption, and energy efficient building. The super-insulated construction contributes in achieving this goal.

Exceeding minimum Ontario Building Code requirements to pursue sustainable design should not come with a penalty. Without a minor variance of 6m², that penalty is an unreasonable reduction in interior living space.

No. 111853 Design

Project:
478 John St. N SDU

Drawing:
Additional Area Study

Scale:
1 : 75

Date:
2022-03-05

Drawing No.:
A04.04



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:

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. A SDU GFA of 81m² shall be permitted whereas 75m² is allowed. (Additional 6m² of GFA is due to super-insulated walls 2x thicker than OBC minimum)
 2. To allow the existing condition front yard landscape area of 33% whereas 50% landscape area is required. (Measuring to the sidewalk, the landscape area is 44%)
 Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

Please see attached response.

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**):

17156 - 0162 LT
 PT LT 32 NATHANIEL HUGHSON SURVEY (OR LT 9 UNREGISTERED) AS IN
 HL103428; CITY OF HAMILTON
 478 JOHN ST N, 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

14.8

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?

Historic mapping and visual inspection.

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.

2022-03-15
Date


Signature Property Owner(s)

RYAN PAGLIARO
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	32'
Depth	155'
Area	461m ²
Width of street	8.5m

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: _

1.5 storey single family dwelling:
130 sqm gross ground floor area, 150 sqm GFA, 13m long, 8.4m wide, 8m tall

Proposed

Existing remains unchanged
Proposed garden suite:
1 storey, 91 sqm gross ground floor area, 81 sqm GFA

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: 3m -- Side yards: 1m, .9m -- Rear yard: 31m

Proposed:

Existing remains unchanged
Proposed garden suite:
Distance to main dwelling: 14.8m -- Side yards: 1.2m -- Rear yard: 1.2m

13. Date of acquisition of subject lands:
June 2020
-
14. Date of construction of all buildings and structures on subject lands:
Pre 1898 (as per hamilton fire insurance maps)
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single family dwellings
17. Length of time the existing uses of the subject property have continued:
pre 1898
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:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
'D' Zoning
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.