



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
- 

**APPLICATION NO.:** HM/A-22:93

**APPLICANTS:** Agent Wellings Planning Consultants Inc.  
Owner M. Chiaravalle

**SUBJECT PROPERTY:** Municipal address **15 Bartlett Ave., Hamilton**

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

**ZONING:** "B" (Suburban Agriculture and Residential and etc.) district

**PROPOSAL:** To permit the creation of two lots through land severance application HM/B-22: 21 notwithstanding that;

Parcel to be Retained:

1. A minimum front yard depth of 7.0 m shall be provided instead of the minimum required front yard depth of 12.0 m; and
2. A minimum side yard width of 2.0 m shall be provided on the north and south instead of the minimum required side yard width of 3.0 m; and
3. A minimum lot area of 1,000 m<sup>2</sup> shall be provided instead of the minimum required 1,100.0 m<sup>2</sup> of lot area; and

Parcel to be Severed:

1. A minimum front yard depth of 7.0 m shall be provided instead of the minimum required front yard depth of 12.0 m; and
2. A minimum side yard width of 2.0 m shall be provided on the north and south instead of the minimum required side yard width of 3.0 m; and
3. A minimum lot area of 1,000 m<sup>2</sup> shall be provided instead of the minimum required 1,100.0 m<sup>2</sup> of lot area; and

Notes:

These variances are necessary to facilitate land severance application HM/B-22: 21.

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 or rear yard to a distance of not more than 3.0 metres. No details provided on the proposed roofed over unenclosed porch; therefore, further variances may be required.

Variances have been written as requested by the applicant

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

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**DATE:** Thursday, April 28th, 2022  
**TIME:** 2:05 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: April 12th, 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.***

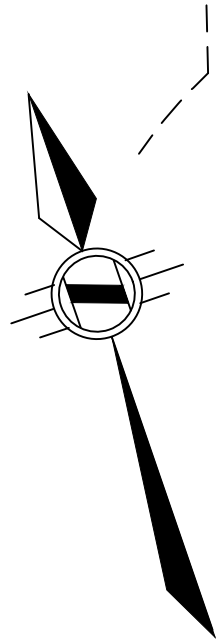
**SKETCH FOR MINOR VARIANCE**  
OF  
**LOT 31**  
**REGISTERED PLAN No. 1013**

IN THE  
**CITY OF HAMILTON**

SCALE 1:250 METRIC



**S.D. McLAREN, O.L.S. - 2022**

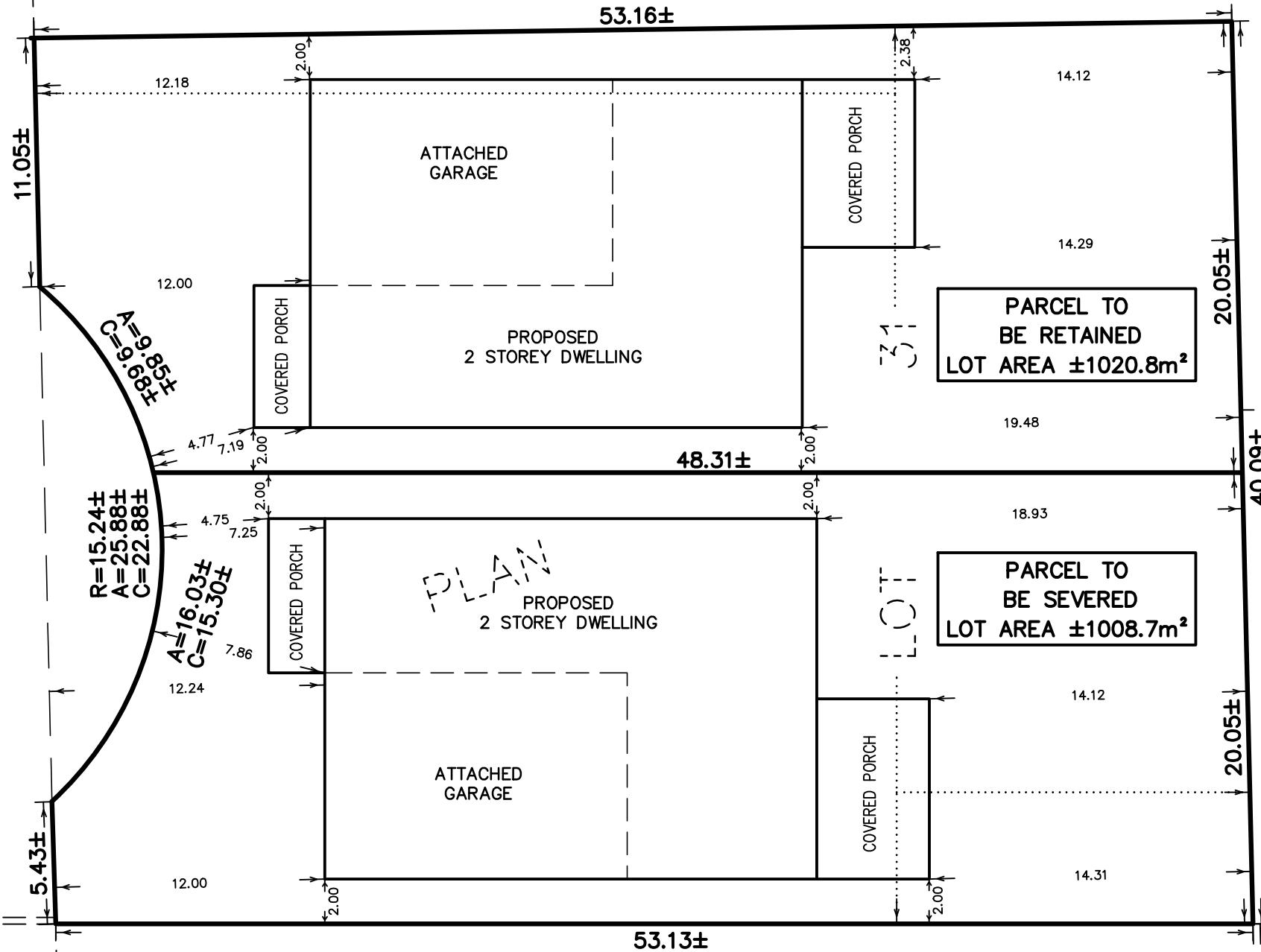


**BARTLETT AVENUE**  
(DEDICATED BY REGISTERED PLAN No. 1013)

**REGISTERED**

APPROXIMATE LOCATION  
OF DWELLING No.9

**LOT 32**



PART 3,  
PLAN 62R-15256

PART 4, PLAN 62R-15256

PARCEL 'B'  
0.305m RESERVE

PART 6, PLAN 62R-15256

PART 9,  
PLAN 62R-15256

PARCEL 'C'  
0.305m RESERVE

PART 7,  
PLAN 62R-15256

**MCLARY AVENUE**  
(DEDICATED BY REGISTERED PLAN No. 1013)

LOT 36

LOT 37

**CAUTION:**

A) THIS IS NOT A PLAN OF SURVEY AND SHALL ONLY BE USED FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

B) THIS SKETCH IS PROTECTED BY COPYRIGHT ©

**NOTE:**

DISTANCES WERE DERIVED FROM PLAN OF SURVEY DONE BY MTE ONTARIO LAND SURVEYORS LTD. DATED JANUARY 25, 2022.

**METRIC NOTE:**

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

DATE: FEBRUARY 23, 2022.



**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

|             |                |                  |                |                   |
|-------------|----------------|------------------|----------------|-------------------|
| Drawn<br>KB | Checked<br>SDM | Crew Chief<br>-- | Scale<br>1:250 | Dwg.No. 36786-SK1 |
|-------------|----------------|------------------|----------------|-------------------|

March 18, 2022

**Digitally Submitted**

Ms. Jamila Sheffield  
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

Dear Ms. Sheffield:

**Re: Applications for Minor Variance and Consent  
Michael Chiaravalle (Sonoma Homes Inc.)  
15 Bartlett Avenue  
Lot 31, Registered Plan No. 1013  
City of Hamilton  
Our File No.: 2022/02**

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We are the Planning Consultants for Michael Chiaravalle/Sonoma Homes Inc. ("Sonoma"), the owner of the subject lands located at 15 Bartlett Avenue. Sonoma is proposing to sever the subject property into two (2) equal parts to construct one (1) new single-detached home on each parcel. The existing dwelling will be demolished. The purpose of this letter is to provide a planning analysis and justification for the requested consent and related minor variances to City of Hamilton Zoning By-law 6593 ("ZBL").

### Context

The subject lands comprise a 2,029.5 square metre property located on the east side of Bartlett Avenue, towards the end of the cul-de-sac. The lands are surrounded by a mix of one (1) and two (2) storey single-detached dwellings to the north, east and west on large lots, and vacant treed lands to the south.

### Proposal

Sonoma is proposing to sever the property into two (2) equal sized parcels. Each parcel is proposed to contain a two (2) storey single-detached dwelling. The proposal will require minor variances to the ZBL to permit a reduced lot size and reduced front and side yard setbacks for the proposed dwellings.

## Consent to Sever

The Consent to Sever application proposes to sever a 1,008.7 square metre parcel from the existing 2029.5 square metre property. The retained portion will be 1,020.8 square metres in size.

## Variances Requested

The requested variances are as follows:

- To permit a front yard depth of 7.0 metres. Section 8.3(i) of the ZBL currently permits a front yard depth of at least 12.0 metres.
- To permit a side yard width along each side lot line of 2.0 metres. Section 8.3(11) of the ZBL currently permits a side yard width of at least 3.0 metres.
- To permit a lot area of 1,000.0 square metres. Section 8.4 of the ZBL currently permits an area of at least 1,100.0 square metres.

## Official Plan

The Urban Hamilton Official Plan (“OP”) designates the property “Neighbourhoods” according to Schedules E (Urban Structure) and E-1 (Urban Land Use Designations). The “Neighbourhoods” designation is addressed under Chapter E – Urban Systems and Designations. Section E.1.0 provides the Goals for all designations that fall under “Urban Systems and Designations”, including “Neighbourhoods”. The following goals are applicable to these applications:

**The following goals shall apply to the urban systems and land use designations of this plan.**

- c) Develop compact, mixed use urban environments that support transit and active transportation.**
- e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.**
- f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.**
- g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors.**
- h) Recognize that Hamilton’s neighbourhoods are stable, not static.**

The proposal will represent a more compact use of the land in a neighbourhood that is walkable and close to transit. The proposal will contribute to the stock of single-detached dwellings in the area, which are the preferred housing type for many. The design of the homes will reflect the existing character of the neighbourhood, which is

comprised of single-detached dwellings. The proposal represents mild and appropriate intensification of the property which is compatible with the surrounding area in terms of lot size and built form.

Section 2.6 pertains to “Neighbourhoods” within the Urban Systems and Designations category. Section 2.6, states that:

**Residential intensification within Neighbourhoods is part of the evolution of a neighbourhood and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding area.**

The residential intensification in this instance is compatible in scale, use and density to the surrounding area.

Policies pertaining to the Function of Neighbourhoods are found under Section 2.6.2, which establishes that “Neighbourhoods shall primarily consist of residential uses.” Residential uses are proposed for both the severed and retained parcels. Section 2.6.4 states that:

**The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with support.**

As previously noted, the proposal will contribute to the stock of single-detached homes in the neighbourhood. Policies pertaining to Scale of Neighbourhood uses are found under Section 2.6.7, which states that:

**Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Section B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.**

The proposed severance and minor variances will result in development that is compatible with the surrounding low-density, single-detached neighbourhood. The proposal conforms to applicable policies under other relevant sections of the OP.

### Neighbourhoods Designation

Chapter E - Section E.3.0 provides policies specific to Neighbourhoods. Section 3.1 states the goals for this designation as follows:



The following goals apply to the Neighbourhoods land use designation:

- 3.1.1 Develop compact, mixed use, transit supportive, and active transportation friendly neighbourhoods.
- 3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- 3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- 3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

The proposal will result in a more compact form of development, in a neighbourhood that is walkable and close to transit and other amenities. The development of single-detached dwellings is consistent with surrounding housing types. The proposed lots and dwellings respect the character of the existing neighbourhood in scale, form and density, and will represent residential intensification of the property that is appropriate given the surrounding context.

Policies pertaining to Scale and Design in the Neighbourhoods Designation state, under Section 3.2.4, that:

**The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhoods in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.**

The proposed development will maintain the existing character of the surrounding neighbourhood, which contains single-detached dwellings of a similar scale.

It is our opinion that the proposal will enhance the neighbourhood with new homes that are compatible with the scale and character of the neighbourhood.

#### Residential Intensification

Chapter B of the OP contains policies for Residential Intensification under Section 2.4. The proposal represents small-scale intensification of the property. Policies for General Residential Intensification are contained under Section 2.4.1, which states that:

**2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:**

- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

- c) the developments contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- f) infrastructure and transportation capacity.

The proposal will maintain the established neighbourhood pattern of development and built form by providing appropriately sized lots for single-detached dwellings fronting a public street. The proposed lots are similar in size to surrounding uses, which also contain single-detached dwellings. The proposed dwellings will result in a compatible integration of development in terms of use, scale, form and character with the surrounding neighbourhood.

Policies specific to Residential Intensification in Neighbourhoods are contained under Section 2.4.2, which states the following:

**2.4.2.2 When considering application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:**

- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhoods;
- j) infrastructure and transportation capacity and impacts.

The proposed residential intensification is small-scale in nature, representing a net increase of one (1) residential unit. No adverse impacts are expected. The proposed dwellings will be two (2) storeys in height, which is compatible with surrounding residential uses and complies with the current zoning. The severed and retained lots will be a comparable size to surrounding lots, with private rear yards being maintained. Setbacks and building separations will be slightly reduced, but without adverse impact. The proposal will maintain the existing function of the residential neighbourhood and can be adequately serviced by existing transportation and infrastructure.



## Lot Creation

The proposed severance requires review of Lot Creation policies within the OP. Chapter F – Implementation contains policies pertaining to Lot Creation – Urban Area. Those policies specific to Neighbourhoods are contained under Section 1.14.3, which states that:

**1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designations, shall be permitted provided the following conditions are met:**

- a) **The lots comply with the policies of this Plan, including secondary plans, where one exists;**
- c) **The lots are in conformity with the Zoning By-law or a minor variance is approved;**
- d) **The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;**
- e) **The lots are fully serviced by municipal water and wastewater systems; and,**
- f) **The lots have frontage on a public road.**

The proposed lots conform with relevant policies of the OP, and minor variances are being requested to the Zoning By-law. The proposed lots reflect the general scale of the surrounding area which consists of larger lot sizes. The building height, coverage and massing will comply with the current zoning and be compatible with surrounding uses. The properties will be fully serviced by existing municipal infrastructure and will have frontage on a public road (Bartlett Avenue).

## Zoning By-law

The subject properties are zoned “B” Districts - Suburban Agriculture and Residential, etc. in the ZBL. Under Section 8 of the ZBL, single family dwellings are permitted uses in the “B” Districts Zone. The ZBL provides provisions for height, area requirements, and intensity of use. Under Section 8.2, the height requirements are as follows:

**In a “B” District, no building shall exceed two and a half storeys and no structure shall exceed 11.0 metres in height.**

The proposed dwellings will be two (2) storeys in height, and will not exceed 11.0 metres. Area requirements under Section 8.3 require that:

**The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a “B” District:**

- (i) a front yard depth of at least 12.0 metres;
- (ii) a side yard depth along each lot line of a width of at least 3.0 metres;  
and,
- (iii) a rear yard depth of at least 9.0 metres.

The proposed dwellings will require relief from the front and side yard provisions above through minor variance. The minor variances requested include a reduced minimum front yard depth of 7.0 metres and reduced minimum side yard depth of 2.0 metres. A minimum rear yard depth of at least 9.0 metres will be provided. Provisions dealing with the intensity of use are contained under Section 4, which requires that:

**Every lot or tract of land in a “B” District shall have a width of at least 20.0 metres and an area of at least 1,100.0 square metres within the district.**

The severed and retained parcels will each maintain minimum widths of 20.0 metres. However, the proposed lot sizes will be 1,020.8 square metres for the retained parcel, and 1,008.7 square metres for the severed parcel. A minor variance to permit the proposed lots at a size less than 1,100.0 square metres is required.

#### Planning Opinion

We have assessed the consent application based on conformity to the OP and the requested variances having regard for the four (4) tests set out in the *Planning Act*. Our planning opinion is outlined below.

#### Official Plan Conformity

The goals and policies of the Neighbourhoods designation support that neighbourhoods shall remain primarily residential where change can occur at an appropriate scale so long as the character of the neighbourhood is maintained. The proposed severance will result in two (2) parcels with new two (2) storey single-detached houses that are an appropriate size and built form. The severed and retained parcels are large and provide adequate back yards and appropriate setbacks from the side and front lot lines to fit the character of the surrounding neighbourhood. The proposed development will be an appropriate scale of residential intensification, which is supported in the OP.

#### Minor Variances – Four (4) Tests

##### ***Do the variances meet the general intent and purpose of the Official Plan?***

Yes. The proposed minor variances conform to the OP. The general intent and purpose of the OP is to ensure that Neighbourhoods remain primarily residential, that the existing character of neighbourhoods be preserved, and that any development in neighbourhoods be considered compatible. Compatibility is defined as:

**Compatibility/compatible: means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an**

**area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.**

The proposal is for an additional single-detached residence in an established neighbourhood where single-detached dwellings are the dominant built form. The proposal will also contribute to small-scale residential intensification. The proposed lot size and setbacks will be compatible with surrounding properties.

It is my opinion that the minor variances meet the general intent and purpose of the OP, by representing an appropriate scale of residential intensification that is in keeping with the existing character of the neighbourhood.

***Do the variances meet the general intent and purpose of the Zoning By-law?***

Yes. The general intent and purpose of the ZBL is to ensure that development occurs at an appropriate scale and intensity consistent with the existing character of the neighbourhood. The variances requested to reduce the minimum front and side yard setbacks and to reduce the minimum lot area meet the general intent and purpose of the ZBL by proposing minor deviations to the existing zone provisions. Provisions for rear yard setback and height will be met.

In terms of lot area, the proposed reduction is marginally less than the required 1,100.0 square metres (i.e., 1,000.0 square metres) and will not be noticeable within the neighbourhood or by passersby. The existing 3.0 metre side yard zone standard is inconsistent with current by-law standards for side yard setbacks. To achieve a reasonable side yard and maintain consistency with the neighbourhood, it is our opinion that a 2.0 metre setback is reasonable and appropriate. Finally, regarding the reduced front yard setback, the reduced setback only relates to the distance separation from the cul-de-sac bulb; however, a 12.0 metre setback will be achieved from the main road allowance (Bartlett Avenue) similar to the front yard setbacks for other homes on Bartlett Avenue.

It is my opinion that the proposed minor variances to the ZBL to reduce front and side yard setbacks and minimum lot area meet the general intent and purpose of the ZBL. The variances will not compromise the existing character or development pattern of the neighbourhood.

***Are the variances desirable for the appropriate development or use of the land?***

Yes. The parcels to be severed and retained will support the construction of new high-quality homes that will benefit the neighbourhood. The existing home on the property is vacant and unoccupied. The reduced setbacks and lot sizes are appropriate in scale, massing and orientation given the surrounding character and conditions of the area, and adequate servicing is available to support the development. The proposal will provide appropriate and desirable residential intensification for the area.

It is my opinion that the requested minor variances are desirable for the appropriate development or use of the subject property.

***Are the variances minor in nature?***

Yes. The proposed variances each represent minimal reductions from the current provisions of the ZBL. The minimum required front yard depth as per the ZBL is 12.0 metres, and the proposal is requesting a reduction to 7.0 metres. The 7.0 metres is measured from the cul-de-sac bulb; however, the proposed house will achieve the 12.0 metre setback from the main road allowance similar to other homes in the immediate area and on Bartlett Avenue. The minimum required side yard requirement is presently 3.0 metres. The proposal is requesting a reduction to 2.0 metres, which is more in keeping with today's by-law standards. Finally, the required minimum lot area is 1,100.0 square metres. The proposal is requesting a reduction to 1,000.0 square metres. A reduction of approximately 100 square metres for such a large lot is negligible. In my opinion, all of the proposed variances represent minor reductions to the provisions of the ZBL.

The impact from the proposed variances will be minimal. The proposed dwellings will be two (2) storeys in height, consistent with the current ZBL and surrounding homes that are a combination of one (1) and two (2) storey dwellings. No adverse impacts from shadow, overlook, noise, traffic, or other nuisances are expected. The proposed setback reductions are minor in nature and will not result in adverse impacts on the adjacent properties.

It is my opinion that there will be no adverse impacts arising from the requested minor variances, and that the minor variances are minor in nature.

Conclusion

It is my opinion that the consent application conforms to the OP and the minor variances requested satisfy the four (4) tests as set out in the *Planning Act*. The proposed consent and minor variances are reasonable and appropriate in the surrounding context and represent an appropriate form of intensification.

Supporting Materials

In support of the applications, we submit in digital format the following material:

1. The completed and signed Consent Application dated March 10, 2022.
2. The completed and signed Minor Variance Application dated March 10, 2022.
3. Consent and Minor Variance Sketch prepared by A.T. McLaren Limited dated February 23, 2022.
4. Copy of cheque payable to the City of Hamilton in the amount of \$6,450.00 (\$3,465.00 for the Minor Variance Application, and \$2,985.00 for the Consent Application). The original cheque will be forwarded by courier by Sonoma.

If you require anything further, please contact us.

Yours truly,  
**WELLINGS PLANNING CONSULTANTS INC.**



Glenn J. Wellings, MCIP, RPP



c. Michael Chiaravalle - Sonoma Homes Inc.



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**

**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:

- To permit a minimum side yard of 2.0 metres. Current zoning requires a minimum side yard of 3.0 metres.  
- To permit a minimum front yard depth of 7.0 metres. Current zoning requires a minimum front yard depth of 12.0 metres.  
- To permit a minimum lot area of 1,000.0 square metres. Current zoning requires a minimum lot area of 1,100 square metres.

Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

The proposed severance and house designs and orientation require reduced setbacks, and a reduced minimum lot area.

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**):

15 Bartlett Avenue  
Lots 31, Registered Plan No. 1013

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?

Property has been used for residential purposes for several years and there is no visual evidence of contamination.

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.

March 10, 2022  
Date

  
Signature Property Owner(s)

Michael Chiaravalle  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 42.36 m ±  
Depth 53.16 m ±  
Area 2029.5 sq m  
Width of street 20 metres.

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 storey single detached dwelling to be demolished.

Proposed

2 storey single detached dwelling on each parcel.

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

Existing:           

6 m ± from north side lot line  
10 m ± from south side lot line  
25 m ± from rear lot line  
18 m ± from front lot line.

Proposed:

2 m from north side lot line  
2 m from south side lot line  
19 m ± from rear lot line  
12 m ± from front lot line

13. Date of acquisition of subject lands:  
June 18, 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.):  
Single Family
- 
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Family
- 
17. Length of time the existing uses of the subject property have continued:  
Unknown
- 
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:  
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"B" Districts - Suburban Agriculture and Residential, ETC.
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)
- See cover letter.
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.