



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-22:115

APPLICANTS: Agent A.J. Clarke & Associates - S. Fraser
Owners D. Vopni & M. Puzzella

SUBJECT PROPERTY: Municipal address **35 Hamilton Ave., Hamilton**

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

ZONING: "D" (Urban Protected Residential - 1 & 2 Family Dwellings) district

PROPOSAL: To permit the construction of a new two (2) storey, Two Family Dwelling notwithstanding that:

1. A minimum lot area of 485.0m² shall be provided instead of the minimum lot area of 540.0m² required for a Two Family Dwelling.
2. A minimum lot width of 12.6m shall be provided instead of the minimum lot width of 18.0m required for a Two Family Dwelling.
3. A minimum side yard width of 1.1m shall be provided instead of the minimum required side yard width of 1.2m.
4. The parking area shall be permitted to occupy 60% of the gross area of the front yard instead of the maximum 50.0% gross area of the front yard permitted for parking purposes.
5. The front yard landscaped area shall be a minimum of 40.0% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.

NOTES:

- i. An eave/gutter may project a maximum of one half of a side yard or 1.0m whichever is the lesser amount. If the requested side yard variance is approved, an eave/gutter may project a maximum of 0.55m into the required side yard. Insufficient details were provided to confirm compliance; as such, additional variances may be required if compliance cannot be achieved.

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

DATE: Thursday, May 12th, 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
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:

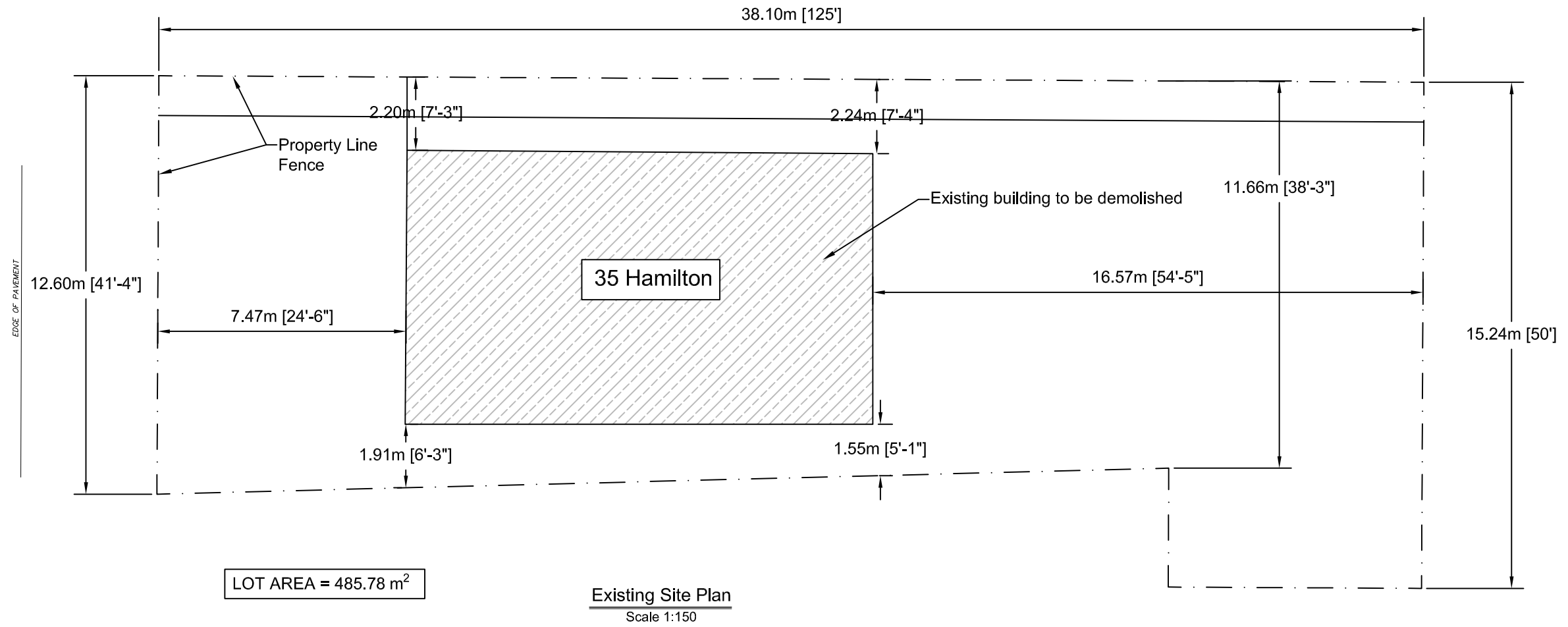
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: April 26th, 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.

HAMILTON AVENUE



**SauzTeq
Engineering Inc.**
www.Sauzteq.ca
Tel: 905-330-2431
Email: info@sauzteq.ca

General Notes:
The Contractor shall check and verify all existing conditions on site and shall also check and verify all dimensions on the drawings and report any inconsistencies to the Engineer before proceeding with the work.

ENGINEER
SEAL:

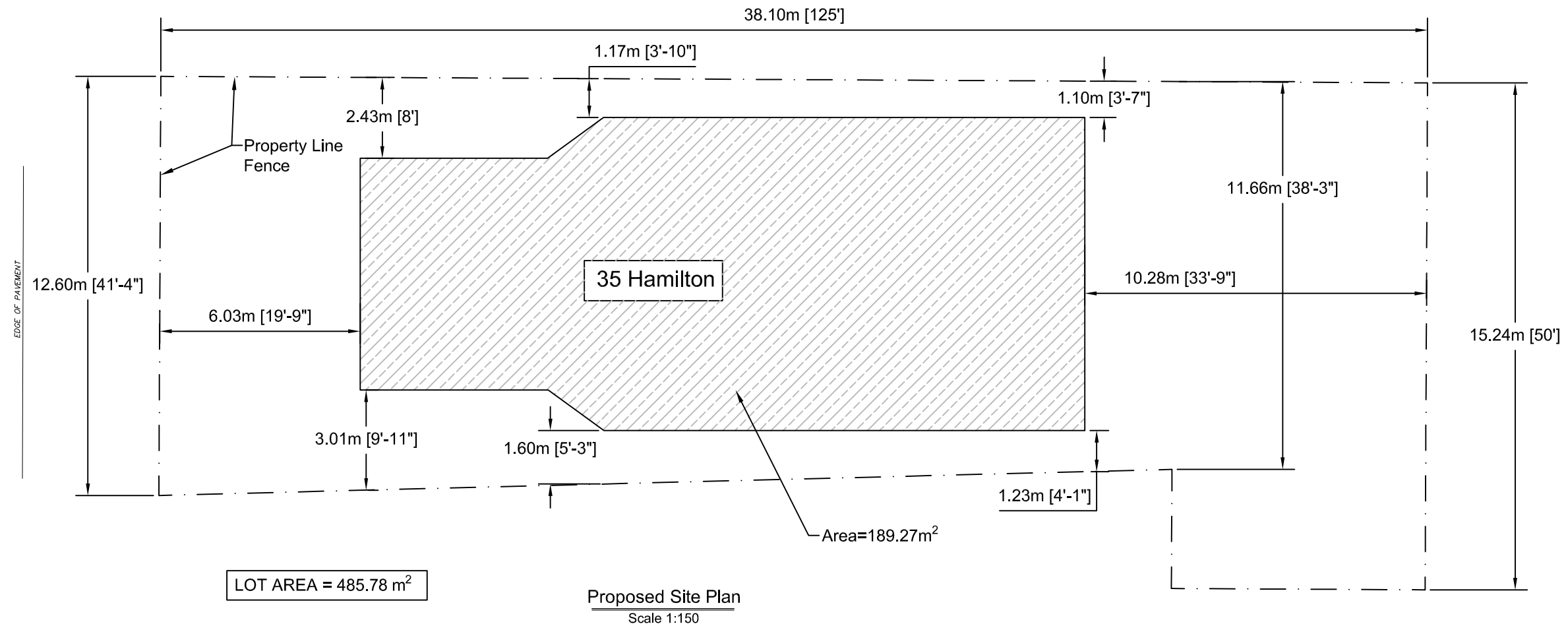
No.	Revision/Issue	Date

PROJECT:
35 Hamilton Avenue
Hamilton, Ontario

TITLE:
Existing Site Plan

SCALE:	DRAWING NO.
DESIGNED BY:	SP1.01
APPROVED BY:	

HAMILTON AVENUE



**SauzTeq
Engineering Inc.**
www.Sauzteq.ca
Tel: 905-330-2431
Email: info@sauzteq.ca

General Notes:
The Contractor shall check and verify all existing conditions on site and shall also check and verify all dimensions on the drawings and report any inconsistencies to the Engineer before proceeding with the work.

ENGINEER
SEAL:

No.	Revision/Issue	Date

PROJECT:
35 Hamilton Avenue
Hamilton, Ontario

TITLE:
Proposed Site Plan

SCALE:	DRAWING NO.
DESIGNED BY:	SP1.02
APPROVED BY:	

**SauzTeq
Engineering Inc.**
www.Sauztecq.ca
Tel: 905-330-2431
Email: info@sauztecq.ca

General Notes:
The Contractor shall check and verify all existing conditions on site and shall also check and verify all dimensions on the drawings and report any inconsistencies to the Engineer before proceeding with the work.

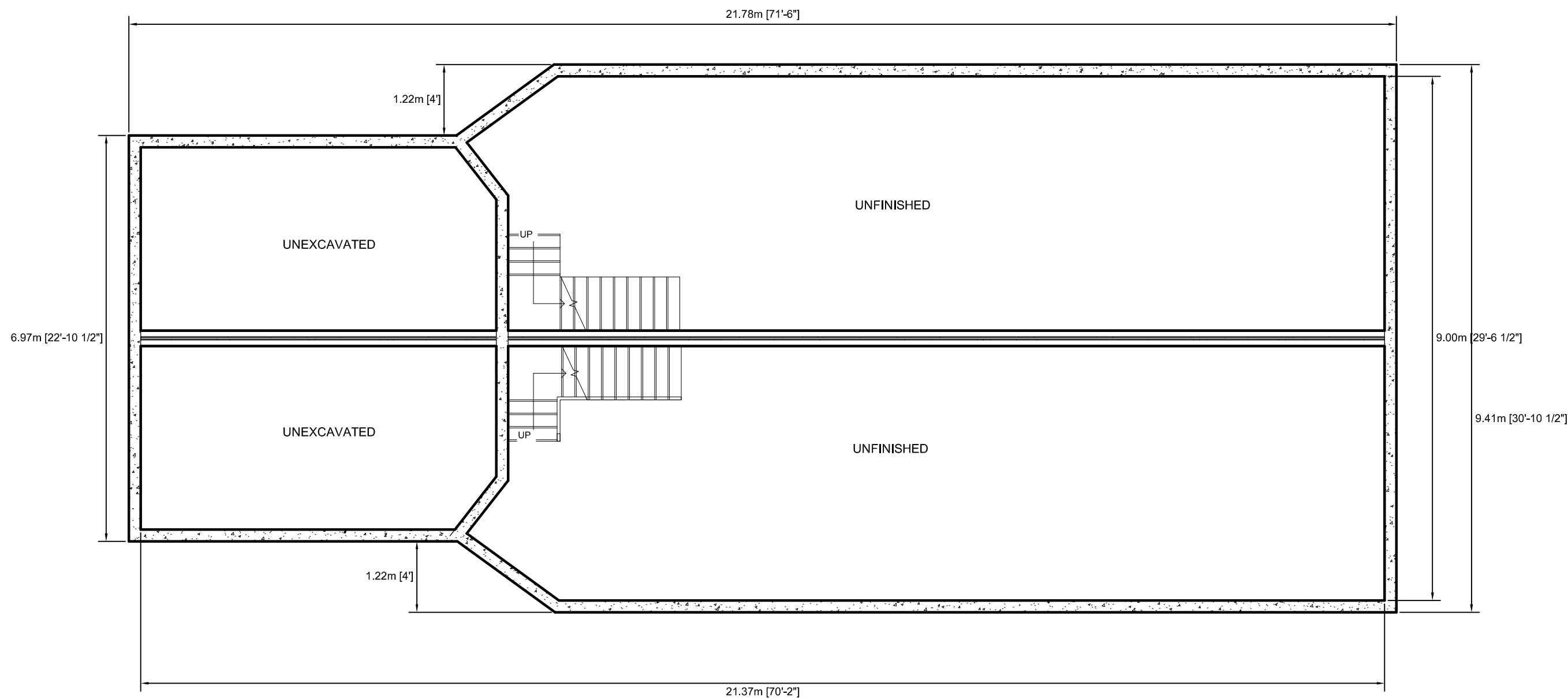
**ENGINEER
SEAL:**

No.	Revision/Issue	Date

PROJECT:
35 Hamilton Avenue
Hamilton, Ontario

TITLE:
Basement Plan

SCALE:	DRAWING NO.
DESIGNED BY:	S1.01
APPROVED BY:	



Basement Plan

Scale 1:75

General Notes:
The Contractor shall check and verify all existing conditions on site and shall also check and verify all dimensions on the drawings and report any inconsistencies to the Engineer before proceeding with the work.

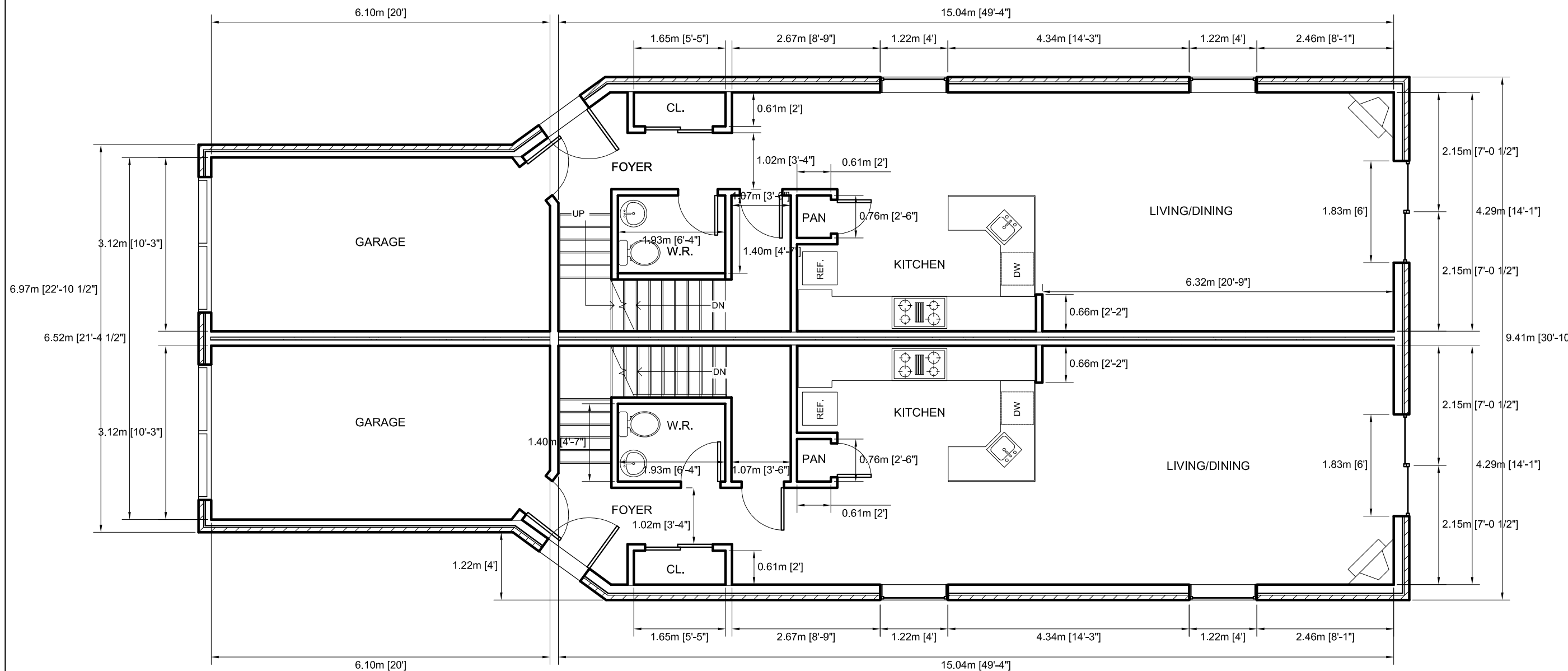
**ENGINEER
SEAL:**

No.	Revision/Issue	Date

PROJECT:
35 Hamilton Avenue
Hamilton, Ontario

TITLE:
First Floor Plan

SCALE:	DRAWING NO.
DESIGNED BY:	S1.02
APPROVED BY:	
BY:	



First Floor Plan

Scale 1:75

General Notes:
 The Contractor shall check and verify all existing conditions on site and shall also check and verify all dimensions on the drawings and report any inconsistencies to the Engineer before proceeding with the work.

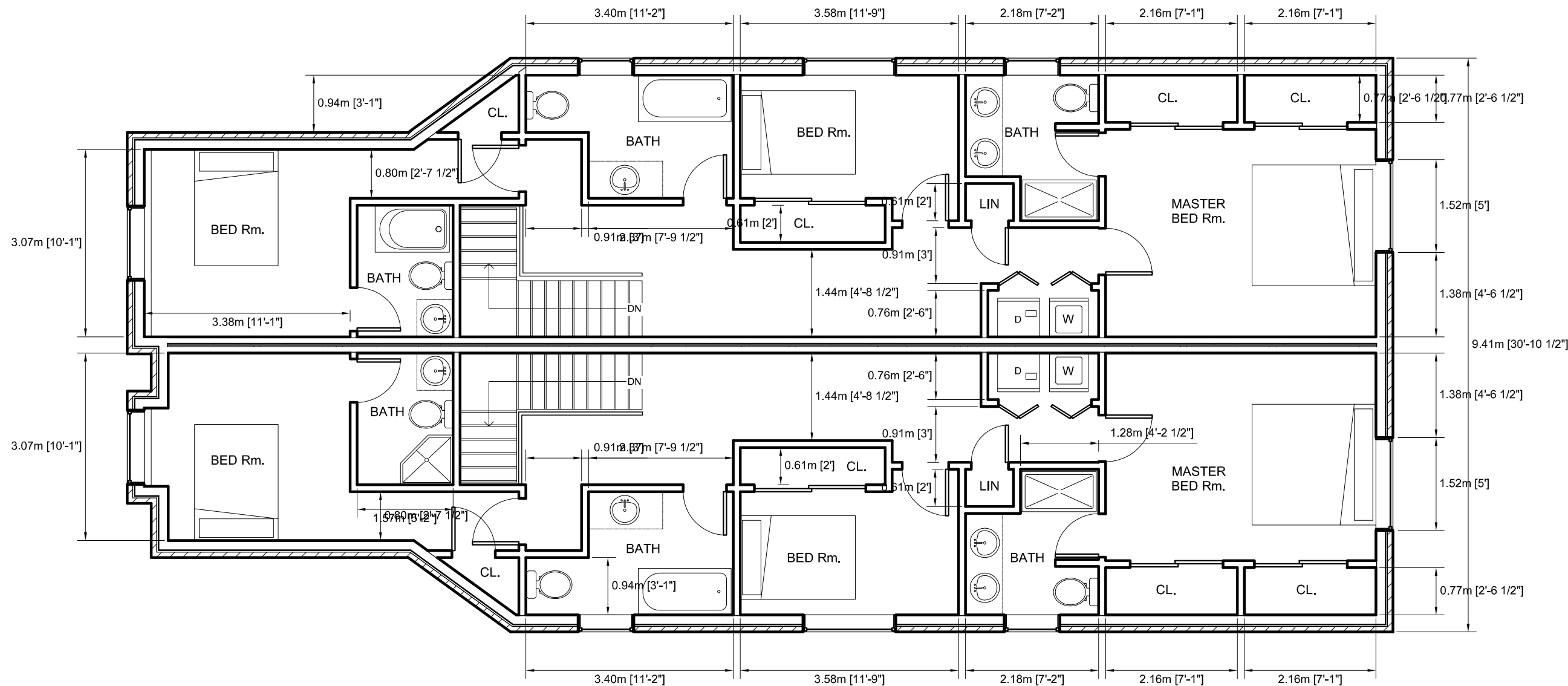
ENGINEER SEAL:

No.	Revision/Issue	Date

PROJECT:
 35 Hamilton Avenue
 Hamilton, Ontario

TITLE:
 Second Floor Plan

SCALE:	DRAWING NO.
DESIGNED BY:	S1.03
APPROVED BY:	
BY:	



Second Floor Plan

Scale 1:75

**SauzTeq
Engineering Inc.**
www.Sauzteq.ca
Tel: 905-330-2431
Email: info@sauzteq.ca

General Notes:
The Contractor shall check and verify all existing conditions on site and shall also check and verify all dimensions on the drawings and report any inconsistencies to the Engineer before proceeding with the work.

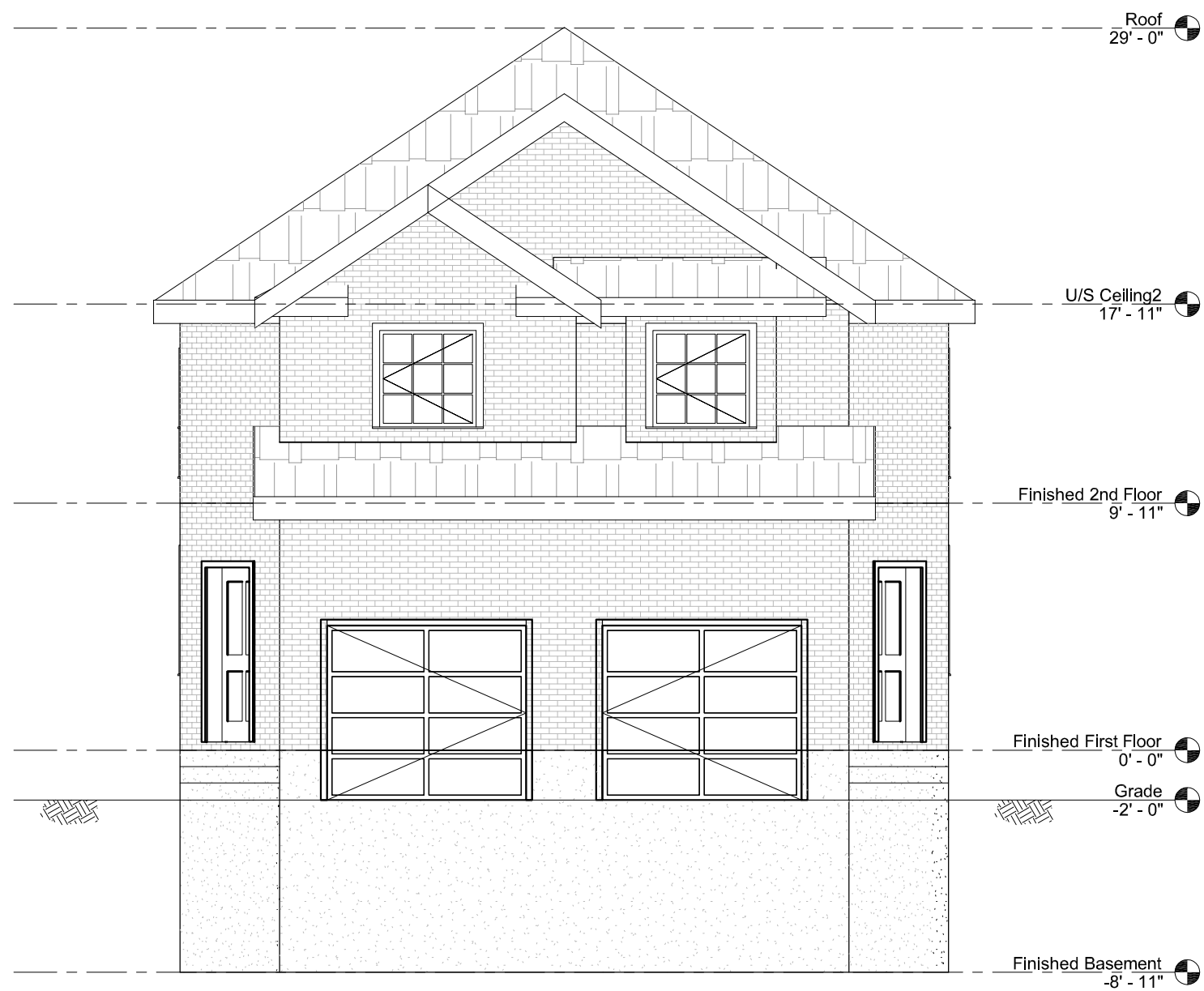
ENGINEER
SEAL:

No.	Revision/Issue	Date

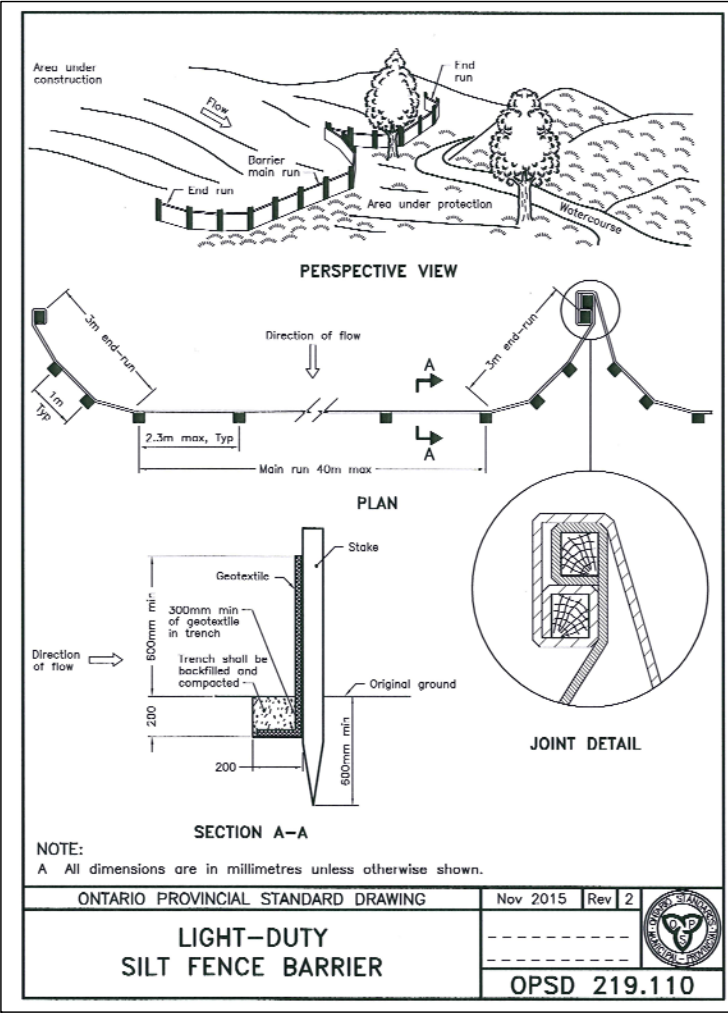
PROJECT:
35 Hamilton Avenue
Hamilton, Ontario

TITLE:
Front View

SCALE:	DRAWING NO.
DESIGNED BY:	S2.01
APPROVED BY:	
BY:	

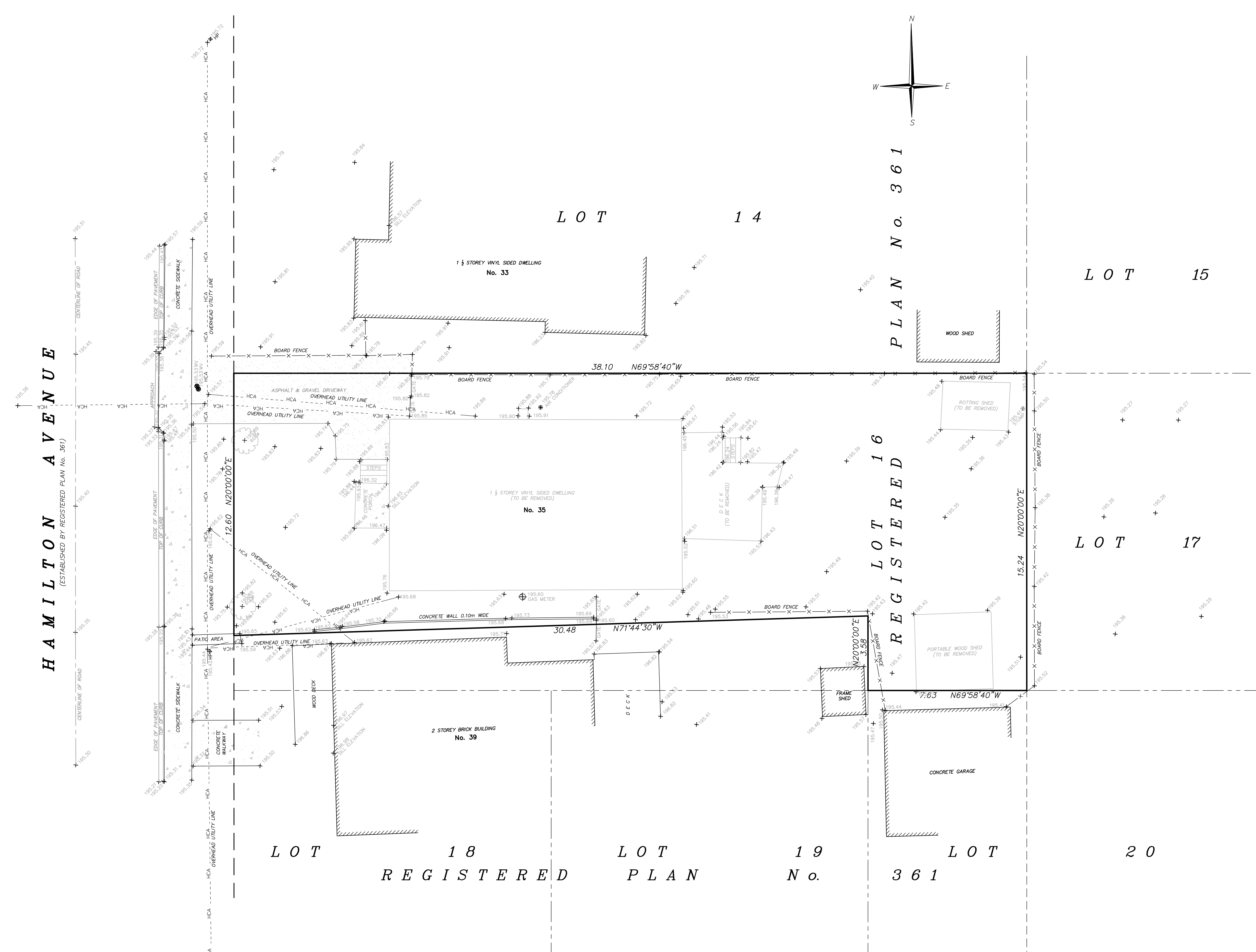
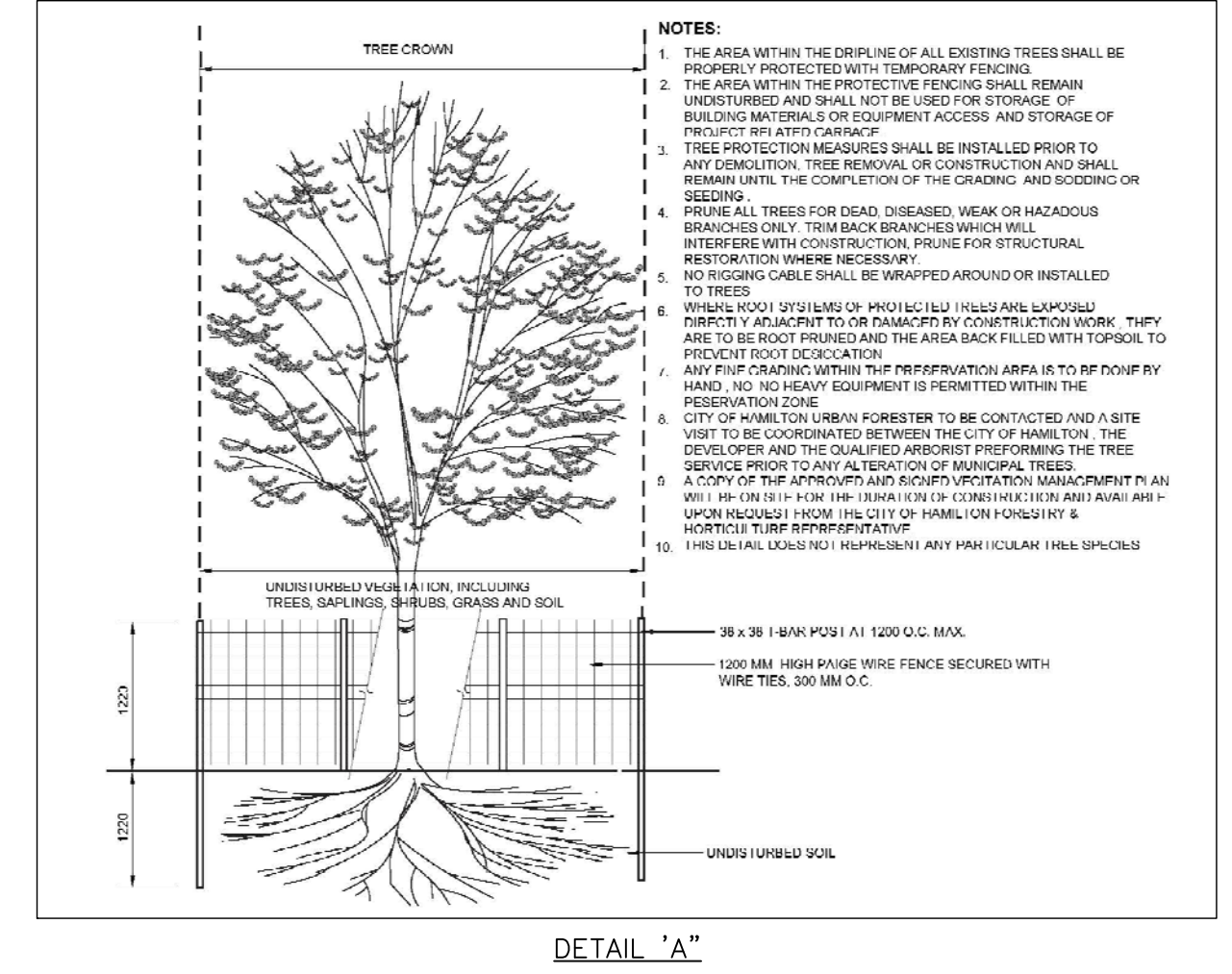
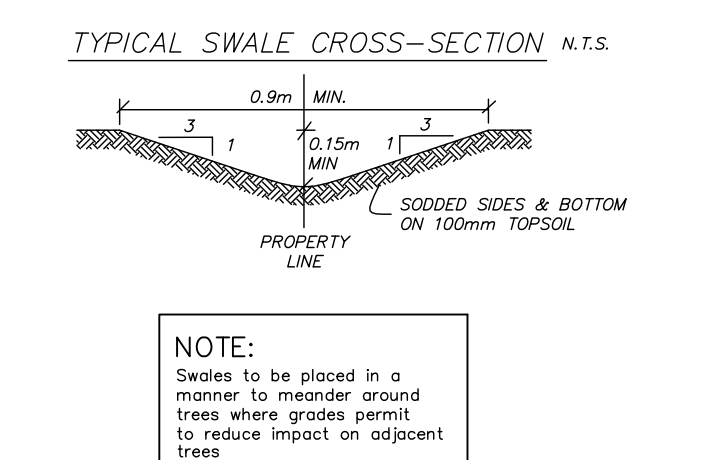
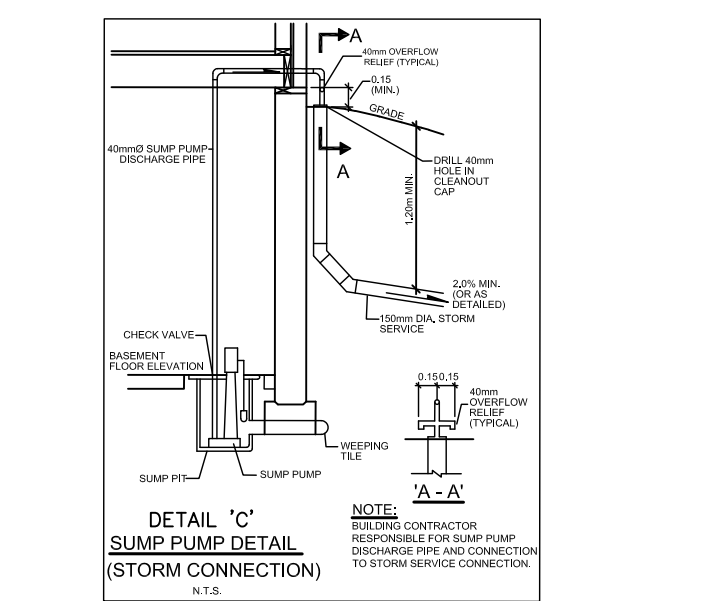


Front View
Scale 1:75



DETAIL "B"
SEDIMENT CONTROL FENCE INSTALLATION
EROSION AND SILTATION CONTROL

- Install all erosion and sediment control measures approved by the City of Hamilton, prior to development, and maintain such measures throughout the construction process, until all disturbed areas have been re-vegetated, and.
- Inspect and maintain all erosion and sediment control measures after each rainfall to the satisfaction of the City and maintain a diary for review upon request by the City.
- Provide suitable temporary mulch and seed cover within seven (7) days of the completion of a particular phase of construction for any disturbed area not scheduled for further construction within forty-five (45) days, and.
- Re-vegetate all disturbed areas with permanent cover immediately following completion of construction.
- Additional silt control locations may be required as determined by the City of Hamilton.



KEY PLAN N.T.S.

SITE & GRADING PLAN
PART OF LOT 16
REGISTERED PLAN No. 361
 NOW IN THE
CITY OF HAMILTON
 SCALE 1:100
 0 1 2 3 4 5 metres
 G. G. ALDWORTH O.L.S.

Caution:
 This is not a plan of survey and shall not be used except for the purpose indicated in the title block.

BENCH MARK
 CITY OF HAMILTON
 MONUMENT No. 07720100045

BM WITH BRASS CAP MONUMENT IS LOCATED AT THE NORTH SIDE OF JACKIE WASHINGTON ROTARY PARK, 35m WEST OF THE CENTERLINE OF WELLINGTON STREET NORTH, AND 22m NORTH OF THE CENTERLINE OF SIMCOE STREET EAST.
 ELEVATION= 79.925m

NOTE:
 The builder is to verify the location and grade of all sewer and water services prior to setting 1/4 footings elevation.

NOTE:
 The builder is to verify the location of all street hardware and utilities prior to construction. Driveways and/or driveway approaches shall be located such that hydro vaults and other street furniture are minimum 1.2 metres from the projections of the outside garage walls unless otherwise detailed on the lot grading plan.

SUMP PUMPS
 Sump pump with check valve to be installed in dwelling to pump the weeping tiles to the storm private drain. The sump outlet pipe shall extend a minimum of 150mm above the proposed grade at the dwelling (basement ceiling) prior to discharging to the storm private drain. See Detail "C".

RAINWATER LEADERS
 All rainwater leaders shall discharge onto splash pads and then to graded or landscaped areas a minimum of 0.6m from the building face.

MUNICIPAL No. 35 HAMILTON AVENUE
 PROPOSED SINGLE FAMILY DWELLING
 "D" DISTRICT ZONING

	REQUIRED	PROPOSED
MIN. LOT AREA	360.0m ²	m ²
MIN. LOT FRONTAGE	12.00m	m
MIN. FRONT YARD	6.00m	m
MIN. SIDE YARD	1.20m	m (SOUTH SIDE)
	2.70m (ACCESSORY BUILDING)	m (NORTH SIDE)
MIN. REAR YARD	7.50m	m
MAX. BUILDING HEIGHT	14.00 METRES	PEAK ELEVATION ① TO ② MEAN AVG. m BUILDING HEIGHT=m

NOTE:
 (a) THE ELEVATIONS SHOWN ON THIS PLAN WERE OBTAINED BY ACTUAL FIELD SURVEY BY A. J. CLARKE & ASSOCIATES LTD. DATED SEPTEMBER 3, 2021

(b) **METRIC:**
 DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

(c) **SUMP PUMP REQUIRED TO PUMP WEEPING TILE TO STORM PRIVATE DRAIN**

LEGEND:
 000.00 EXISTING FINISHED GROUND ELEVATION
 000.00 PROPOSED FINISHED GROUND ELEVATION
 000.00 PROPOSED FINISHED GROUND ELEVATION AT DWELLING
 0000.00 PROPOSED SWALE INVERT ELEVATION
 DENOTES DOWNSLOPE
 DENOTES ENTRANCE DOOR LOCATION
 DENOTES GARAGE DOOR LOCATION
 DENOTES SHEET FLOW DIRECTION
 HYD DENOTES HYDRANT
 LS DENOTES LIGHT STANDARD
 UP DENOTES UTILITY POLE
 400m DENOTES 400mm DIA. TREE
 WY DENOTES WATER VALVE
 CB DENOTES CATCH BASIN
 DENOTES TEMPORARY TREE PROTECTION FENCE (SEE DETAIL "A")
 DENOTES SEDIMENT CONTROL FENCE (SEE DETAIL "B")
 DENOTES TREE TO BE REMOVED

NOTE:
 PRIOR TO THE START OF CONSTRUCTION THE CONTRACTOR SHALL VERIFY THE LOCATION OF GAS MAINS, TV CABLES, HYDRO AND TELEPHONE DUCTS, SANITARY, WATER AND STORM SERVICES AND DETERMINE IF A PROPOSED SANITARY PRIVATE DRAIN WITH A MINIMUM SLOPE OF 2% AND BY A FLOW OF GRAVITY CAN BE INSTALLED FROM THE PROPOSED DWELLING (WITH A DESIGN ELEVATION OF 185.10m FOR THE UNDERSIDE OF FOOTINGS) AND CONNECTED TO THE EXISTING SANITARY LATERAL AT STREET LINE.

OCTOBER 6, 2021
 DATE

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: ajc@ajclarke.com

PROJECT No. 218236R



City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

April 1, 2022

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 35 Hamilton Avenue, Hamilton
Minor Variance Application Submission**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by David Vopni, Michael Puzzella, and Daniela Di Gennaro for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 35 Hamilton Avenue, in the City of Hamilton. The purpose of this analysis is in support of the Minor Variance Application for the subject lands. The proposed development is the construction of a semi-detached dwelling, which is a permitted use. Minor variances are required to facilitate the desired built form for the development.

The subject lands are located on Hamilton Avenue, between Concession Street and Mountain Park Avenue. The subject lands are currently occupied by one (1) single detached dwelling.

The following supporting materials are submitted to your attention, in support of the subject application:

- One (1) digital copy of the required filled and signed Minor Variance Application Form;
- One (1) digital copy of the proposed site plan, floor plans and elevations;
- One (1) digital copy of the site and grading plan for the existing structure (T-3320A);
- One (1) cheque in the amount of \$3,465.00 representing the required application fee.

The surrounding area consists largely of residential uses, with various institutional uses, and various Commercial and mixed-use properties located along Concession Street. The residential uses are concentrated around the subject site, consisting mainly of single detached dwellings except for a semi-detached dwelling abutting the subject lands to the south. The medium-density, mixed use, Concession Street lies just south of the semi-detached dwelling. There are numerous places of worship in the surrounding neighbourhood and the Sacred Heart Elementary School is just to the north of the subject lands.

The immediate surrounding land uses include:

North	Single-Detached, Institutional
South	Semi-Detached Dwelling, Commercial Corridor
West	Single-Detached Dwellings,
East	Single-Detached Dwellings



A review of the applicable planning policies has been included below.

Planning Policy Overview

Urban Hamilton Official Plan (UHOP)

The Urban Hamilton Official Plan (UHOP) is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.

The subject lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designations in the UHOP. The 'Neighbourhoods' designation permits uses such as; residential dwellings, including second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

B.2.0 DEFINING OUR COMMUNITIES

2.1 Urban Boundary

2.1.1 The urban boundary defines the area where all urban development occurs. Lands within the urban boundary are already serviced or planned to be serviced with major roads, transit and full municipal services. The land within the urban boundary includes both the area within the built-up area and greenfield area. Lands within the urban boundary represent a 20-year supply of designated urban land and are intended to accommodate the majority of the City's projected growth.

2.4.1 General Residential Intensification Policies

2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

2.4.1.3(c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.

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

- a) the matters listed in Policy B.2.4.1.4;
- 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 neighbourhood;



- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.

Additionally, the 'Neighbourhoods' designation contains specific policies in relation to 'Low Density Residential'. As such, 'Low Density Residential' uses permit single-detached, semi-detached, duplex, triplex, and street townhouse dwellings. Further, the maximum net residential density shall be 60 units per hectare, and the maximum permitted height shall be three (3) storeys. The proposal is to construct one (1) semi-detached dwelling on the lot (2 total dwellings). This use conforms to the permitted uses under the UHOP. Additionally, the proposal will have an overall density of 41.17 units per hectare (2 total units, 0.048578 hectares), which conforms to the maximum permitted density under the UHOP.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "D" District, (Urban Protected Residential - One and Two Family Dwellings, Etc.) in the former City of Hamilton Zoning By-law No. 6593. The "D" District zoning permits uses such as: single and two-family dwellings; foster homes; residential care facility or retirement home (of no more than 6 residents); school, college, or university; seminary; and cultural, recreational, or community centre. The zone regulations within Section 10 shall apply to the proposed development. A review of the applicable zone regulations will be included below:

Regulation	Requirement
Minimum Lot Frontage	Two-family dwelling: 18 metres
Minimum Lot Area	540 square metres
Minimum Front Yard Depth	6 metres
Minimum Side Yard	Building under 11 metres: 1.2 metres
Minimum Rear Yard	7.5 metres
Maximum Building Height	14 metres
Special Requirements for Front Yard Landscaping	Requirement
Front Yard Landscaping	Two family dwelling: not less than 50% of gross area of front yard shall be used for a landscaped area

Minor Variance

Variances are required to facilitate the proposed development and acknowledge existing conditions. The variances are as follows:

1. To permit a minimum lot frontage of 12.6 metres, whereas a minimum lot frontage of 18 metres is required.
2. To permit a minimum lot area of 485 square metres, whereas a minimum lot area of 540 square metres is required.
3. To permit a side yard width of 1.1 metres, whereas a minimum width of 1.2 metres is required.
4. To permit a front yard landscaping of 40%, whereas a minimum of 50% is required.



This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan?

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits semi-detached dwellings. The proposed dwellings will assist in the diversification of the available housing stock within the neighbourhood, while also capitalizing on an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 41.17 units per hectare, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Do the proposed variances maintain the intent and purpose of the Former City of Hamilton Zoning By-law 6593?

The required variances to Former City of Hamilton Zoning By-law 6593 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood and is a use permitted in the current zoning.

Lot Frontage

Proposed is a lot frontage of 12.6 metres.

A variance is required to the minimum lot frontage requirement for the proposed development (from 18 metres to 12.6 metres). The surrounding neighbourhood is characterized by dwellings which have reduced lot frontages and dwellings that face the street. Most single-detached dwellings have a frontage under 10 metres (whereas 12 metres is required) and the semi-detached building to the immediate south has a shared frontage of less than 10 metres (this semi-detached structured does consist of two lots with individual frontages of less than 6 metres). Further, despite the reduction, there remains room for a combination of plantings along the frontage and the variance recognizes an existing condition. Accordingly, the proposed reduction in the lot frontage requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.

Lot Area

The proposed development will be on a lot with an area of 485 square metres.

A variance is required to the minimum lot area requirement for the proposed development of a semi-detached, two-family dwelling (from 540 square metres to 485 square metres). The surrounding



neighbourhood contains a range of lot areas, with many below the minimum area requirement. The purpose of this reduction is to permit one (1) semi-detached, or two-family dwelling structure and the variance recognizes an existing condition. Accordingly, the intent of the Zoning By-law is maintained.

Side Yard Width

Proposed is a development that will require a minimum side yard of 1.1 metres.

A variance is required to the minimum side yard requirement for the proposed development of a semi-detached, two-family dwelling (from 1.2 metres to 1.1 metres). The purpose of this bylaw is to prevent the development of buildings too close to one another, while allowing access between structures to address items such as repairs. Within the neighbouring parcels, several dwellings appear to be within this side yard. The proposed development will only need a reduction of 10 cm and will still enable appropriate access along the one side yard and into the rear yard. As such the overall intent of this bylaw will still be maintained.

Front Yard Landscaping

Proposed, the development will require the allocation of 40% of the total gross front yard area be used for landscaping.

A variance is required to the minimum requirement for front yard landscaping (from 50% of total gross front yard area to 40%). The purpose of this regulation is to prevent the overdevelopment of lots using hard, grey infrastructure that will not only lead to a less desirable streetscape but also help in stormwater management to absorb precipitation. The proposed development will require access to the dwellings' garage parking spaces. There are other properties within the neighbourhood which have similar front yard drives and parking; some of which appear to occupy more than the required 50%. Furthermore, the remaining front yard will still provide adequate space for plantings and other permeable landscaping features. The overall intent of this bylaw will still be maintained.

3. Are the proposed variances appropriate for the development of the subject lands?

As noted above, the variances are intended to facilitate desirable built form within an urban neighbourhood context. The proposed variances are consistent with the established character of the surrounding neighbourhood in terms of scale, density, and will help implement a use permitted within the zoning. The variances are therefore appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts resulting from the variances to the lot frontage, lot area, side yard width, or landscaping requirements as they are in keeping with the general built form and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood resulting from the proposed development and accordingly, it is my professional planning opinion that the variances are minor in nature.



In accordance with the above criteria, variances to permit reduced lot frontage, lot area – which are existing conditions – side yard width and landscaping requirements will be required to facilitate the redevelopment of the lot as the existing building on the subject lands will be demolished for the redevelopment. The lot is generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood and will provide a built form that fits into the existing streetscape. As a result, will maintain the character of the area. The variances represent good planning and should be approved.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Stephen Fraser, B.A.(Hons), MCIP, RPP
Principal, Planner
A. J. Clarke and Associates Ltd.



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:

See cover letter.

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

Existing zoning bylaw does not permit two dwellings with given frontage and lot area of subject lands. Side yard reduction allows development despite irregular lot shape. Front yard coverage % to allow minimum driveway access to garage parking facilities.

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**):

35 Hamilton Avenue, Hamilton
Pt Lt 16, Pl 361 , As In Ns60757

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?

Online mapping. Property Owner information.

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 28, 2022

Date

DAVID VOPNI

Digitally signed by DAVID VOPNI
DN: C=US, E=DAVE@DDMAC.CA,
CN=DAVID VOPNI
Date: 2022.03.28 17:08:05-04'00'

Signature Property Owner(s)

David Vopni, Michael Puzzella, Daniela Di Gennaro

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	12.6 metres
Depth	38.10 metres
Area	485.78 square metres (irregular)
Width of street	

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: _

Single detached dwelling to be removed; 1.5 storeys.
8.49 metres wide, 14.06 metres long. Ground Floor Area = 119.37 square metres
Connected deck, rotting shed, and portable wood shed are to be removed.

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:

Single-detached dwelling to be removed: 7.47m from front lot line, 2.2m front northern side lot line, 1.55 from southern side lot line, and 16.57m from rear lot line.
Rear deck, rotting shed, and portable wood shed are to be removed.

Proposed:

See attached plans.

13. Date of acquisition of subject lands:
2021/07/09
-
14. Date of construction of all buildings and structures on subject lands:
Anticipated for 2022
-
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, semi-detached dwelling
-
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 yes Connected yes
Sanitary Sewer yes Connected yes
Storm Sewers yes
-
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Neighbourhoods" designation as per Schedule E-1, Urban Hamilton Official Plan
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"D" District Zoning as per Former City of Hamilton Zoning Bylaw 6593
-
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:
n/a
-
- 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 N/A 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)
Please see attached 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.