



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICATION NO.: SC/A-22:113

APPLICANTS: Owners B. & B Patterson

SUBJECT PROPERTY: Municipal address **4 Montreal Circle, Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended 07-196

ZONING: "R4-18" (Single Residential) "R4" Zonedistrict

PROPOSAL: To permit the construction of an inground pool and equipment in a side yard notwithstanding that:

1. The accessory building shall be permitted to be located in the front yard whereas the by law requires accessory buildings shall not be located in a front yard.
2. The accessory building shall be permitted to have a setback from the front lot line of 1.02 metres whereas the by-law requires an 8 metre setback from a front lot line.
3. The inground pool shall be permitted to be located in the front yard whereas the by-law requires any pool shall not be located in a front yard.

NOTES:

- i. The proposed Accessory Dwelling has a front yard setback of 1.02m where a setback of 8m is required as per section 6.1.4 (a). As such, a variance has been added to address this.
- ii. The applicant has not provided sufficient information regarding yard encroachments such as eaves and gutters for the proposed accessory structure. Should such yard encroachments not meet the required provision of Section 4.19.1, further variances may be required.
- iii. Additional regulations are required as per the Fence By-Law No. 10-142 regarding location, and height for all fences, including fences around swimming pools.

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

DATE: Thursday, May 12th, 2022
TIME: 1:30 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

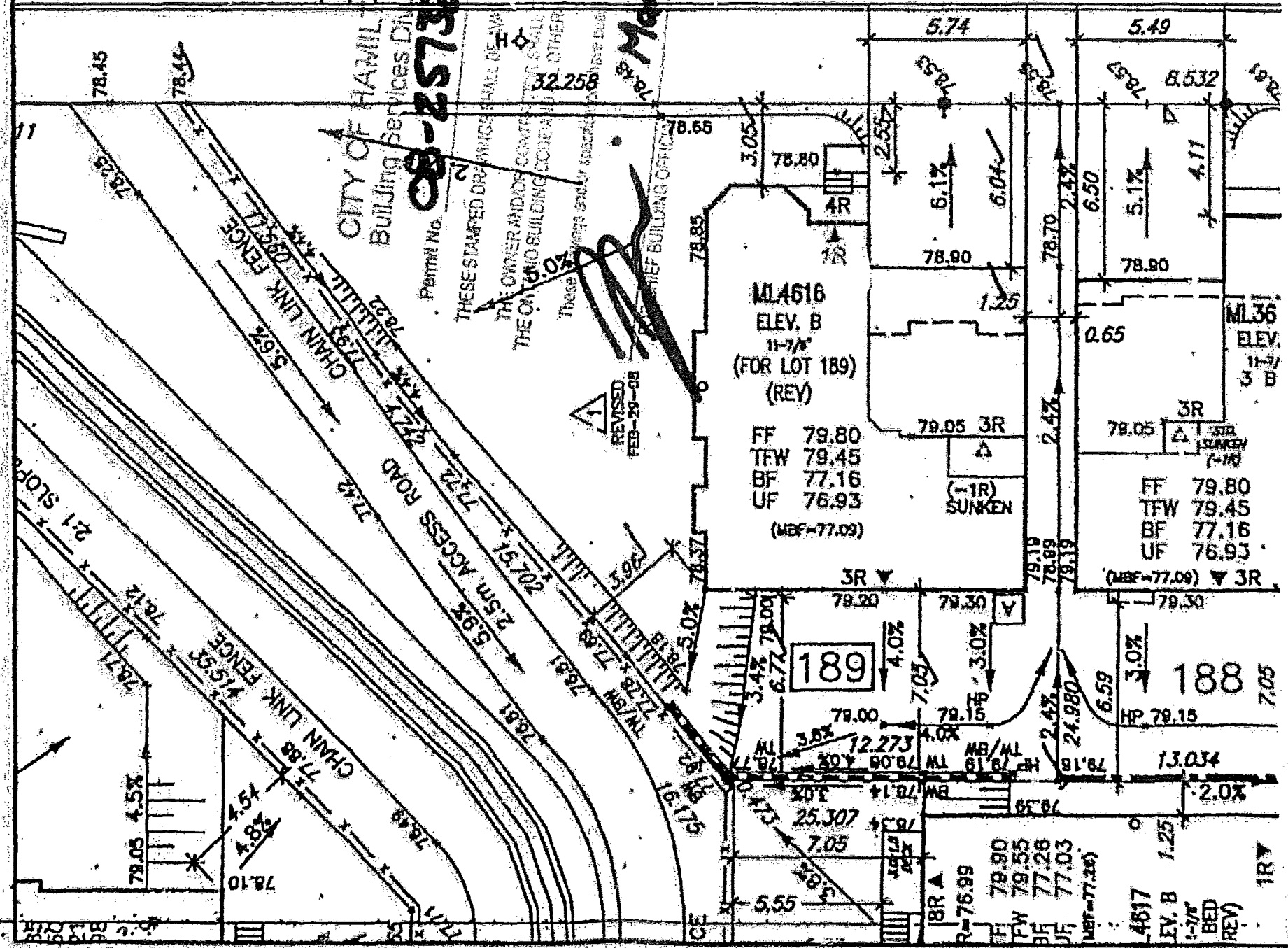
DATED: April 26th, 2022.

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.

CONC. SIDEWALK

MONTREAL CIRCLE



CITY OF HAMILTON
Building Services Division
Permit No. **08-257327**

THESE STAMPED DRAWINGS SHALL BE MADE ON SITE
THE OWNER AND/OR CONTRACTOR SHALL BE RESPONSIBLE FOR
THE CITY BUILDING CODES AND ALL OTHER APPLICABLE LAWS
These drawings shall be used only for the project and site shown hereon and shall not be used for any other project or site without the written consent of the City of Hamilton Building Services Division.

REVISED FEB-29-08

Chief Building Officer

M. Macosy

The CITY OF HAMILTON disclaims any liability as to the current accuracy of the contents of this document and advises that no reliance can be placed upon the current accuracy of the contents herein.

MONTREAL CIRCLE

MONTREAL CIRCLE
(DEDICATED BY REGISTERED PLAN 62M-1096)

MONUMENTATION USED TO RE-ESTABLISH THE BOUNDARIES OF THE LOTS SHOWN ARE REFERENCE POINTS 41, 14, B 40 WHICH ARE ON RECORD WITH J.D. BARNES LIMITED

SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN SHOWING
LOTS 188 AND 189
REGISTERED PLAN 62M-1096
CITY OF HAMILTON

SCALE 1:250



J. D. BARNES LIMITED
© COPYRIGHT

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

PART 2 - SURVEY REPORT

- DESCRIPTION
LOTS 188 AND 189 - REGISTERED PLAN 62M-1096
- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY
NONE REGISTERED
- ADDITIONAL REMARKS
PLAN PREPARED FOR MATTAMY HOMES.

NOTES

BEARINGS ARE GRID BEARINGS AND REFERRED TO THE SOUTHERN LIMIT OF MONTREAL CIRCLE HAVING A BEARING OF N74°35'50"W AS SHOWN ON REGISTERED PLAN 62M-1096.

- DENOTES SURVEY MONUMENT SET
- IB DENOTES IRON BAR
- DUC DENOTES DWELLING UNDER CONSTRUCTION
- P DENOTES PORCH
- G DENOTES GARAGE

ALL BUILDING TIES ARE TAKEN TO CONCRETE FOUNDATION

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 21st DAY OF MAY, 2008.

DATE July 18, 2008

DAVID A. BLACK
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
1696293

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3).

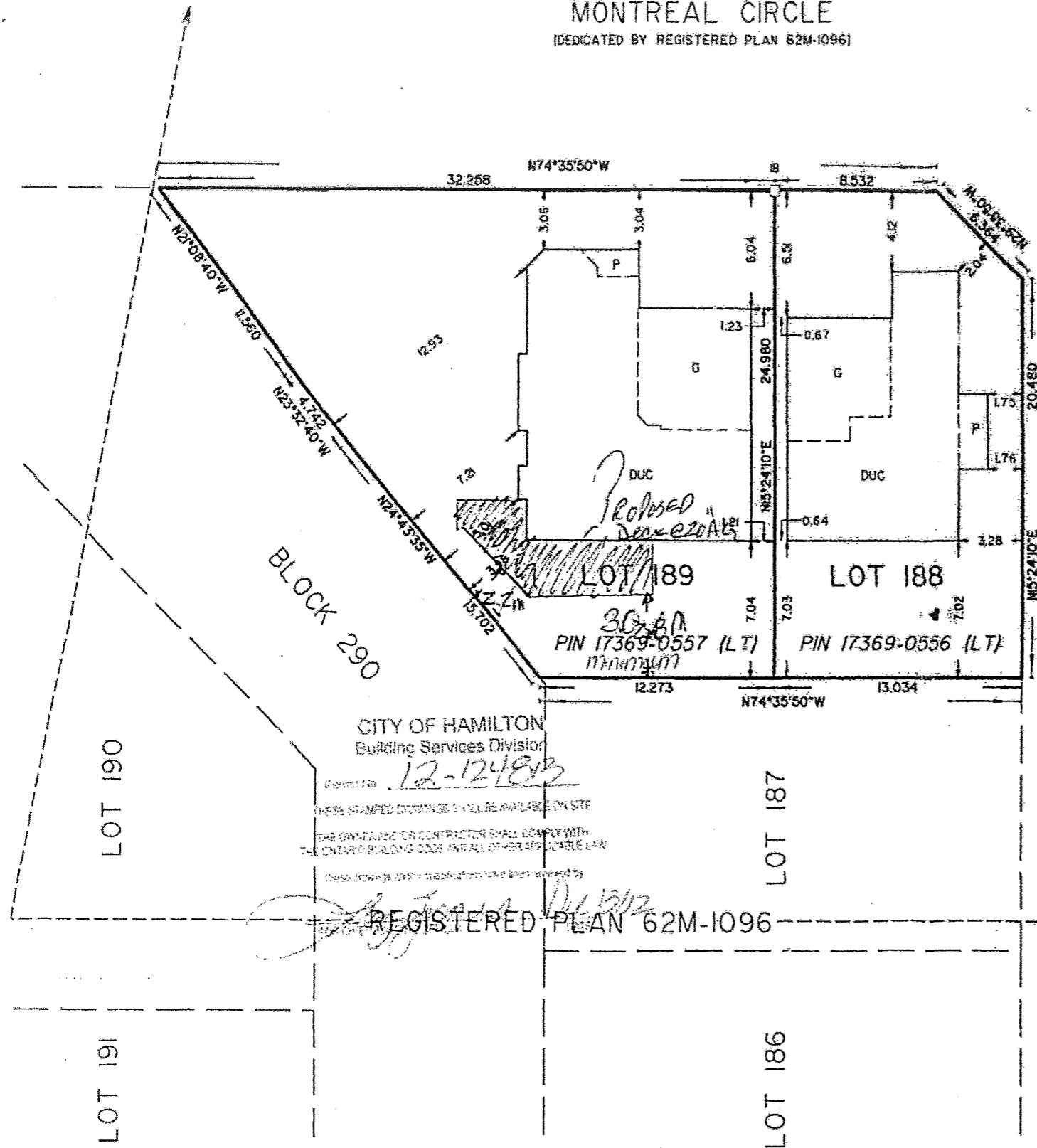
J.D. BARNES LIMITED SURVEYING & MAPPING

401 WHEELABRATOR WAY, SUITE A MILTON ONT L9T 1C1 07-30-684-00-188
T: (905) 875-2955 F: (905) 875-2956 www.jdbarnes.com

LD	DRAWN
DB	CHECKED
	DATED
	FEB. 4, 2008
	SAC No.

MONTREAL CIRCLE
(DEDICATED BY REGISTERED PLAN 62M-1096)

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CITY OF HAMILTON
Building Services Division

Permit No. 12-124813
THESE STAMPED DRAWINGS SHALL BE AVAILABLE ON SITE
THE OWNER AND/OR CONTRACTOR SHALL COMPLY WITH THE ONTARIO BUILDING CODE AND ALL OTHER APPLICABLE LAW
CHECK DRAWING AND SPECIFICATIONS FOR INFORMATION ONLY

REGISTERED PLAN 62M-1096

LOT 190

LOT 191

LOT 187

LOT 186

PLOTTED 10 JUL 2008 9:2007:73068400.vsrp 1srp 694-188-159.dgn



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

Copy 1 of 2.

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:

None

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:

Pool installation in a side yard, including shed and fencing construction that will require minor setback relief, specifically with By-Law 3692-92:
Sec 4.14.1, Sec 6.1.4
See attached Appendix 1 "By-Law Variance Request Detail" for details.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The lot our house is built on is unique - the usable space for fitness/leisure activity is at the side. To efficiently and effectively use the side yard for our family's enjoyment we require just a little leeway with setbacks and privacy (fence height). Due to the recent pandemic, we expect our leisure time will be spent around our home for years to come.

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**):

Lot 189 of Registered plan 62M-1096
4 Montreal Circle
Stoney Creek, ON
L8E 0E2 (See Site Plans - Appendix 5)

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?

We are the original owners of the property and know its history
We reviewed the survey and registered plan from the original builder
We contacted the conservation authority and inquired about any concerns or issues and were provided with their approval to move forward (see attached Appendix 2)

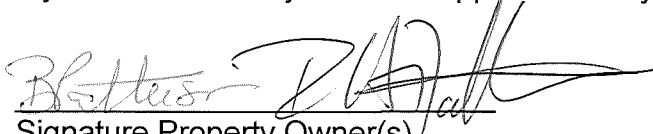
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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 28th, 2022
Date


Signature Property Owner(s)

Brenda Patterson Robert Patterson
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>32.258 m</u>
Depth	<u>24.98 m</u>
Area	<u>556.2 sq m</u>
Width of street	<u>8.5m</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: _

Residential Dwelling:
~ 130 sq m (1400 sq ft) ground floor, ~ 372 sq m (4000 sq ft) gross floor (incl. basement), 2 stories
length - ~14.8m, width - ~ 11.9m, height - 2 stories plus roof peak - ~ 9.5m

Proposed

only proposed structure is a pool shed:
ground floor and gross floor area: 5.6sq m, 1 story, length - ~1.83m, width ~ 3.05m

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

Existing:

Residential
3.04m from front lot line
1.23m from one side lot line and 3.96m from other side lot line (lot is irregular shape)
7.04m from rear lot line

Proposed:

Pool shed:
1.02m from front lot line
1.55m from side lot line
~27m from rear lot line

13. Date of acquisition of subject lands:
August 15, 2008
-
14. Date of construction of all buildings and structures on subject lands:
Constructed through spring/summer of 2008, completed August 2008
-
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 dwelling
-
17. Length of time the existing uses of the subject property have continued:
13.5 years (entire existence of residence)
-
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------|-----------|-------------|
| Water | <u>YES</u> | Connected | <u>2008</u> |
| Sanitary Sewer | <u>YES</u> | Connected | <u>2008</u> |
| Storm Sewers | <u>YES</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton/Sec Plan - B 7.3 (Stoney Creek - Lakeshore Urban Area)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By Law 3692-92, Sec 4.14.1 and Sec 6.1.4 (Appendix 1 attached)
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 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)
- Appendices 2, 3 and 4

 1. Communication with HCA indicating they would have no objection to the variance
 2. Hamilton Licensing and By-Law services indicating approval of fence height on plan
 3. Photos of area yards showing our plan is consistent with other dwellings in our zone
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.