



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

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-22:133	SUBJECT PROPERTY:	207 ROTHSAY AVE, HAMILTON
ZONE:	"D" (Urban Protected Residential – 1 & 2 Family Dwellings, etc.))	ZONING BY-LAW:	Zoning By-law 6593, as Amended

APPLICANTS: Owners T. O'Reilly & E. Winter

The following variances are requested:

1. A minimum front yard depth of 4.5m shall be permitted instead of the minimum 6.0m front yard depth required.
2. A minimum southerly side yard width of 0.5m and a minimum northerly side yard width of 0.9m shall be permitted instead of the minimum 2.7m side yard width required for a three storey building.
3. No parking spaces shall be permitted to be maintained whereas the zoning By-law requires a of minimum 2 parking spaces for each class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking spaces for each additional habitable room.

PURPOSE & EFFECT: To permit an addition to the existing single family dwelling, notwithstanding that;

Notes:

The minimum number of parking spaces required could not be determined as no floor plans were provided in order to confirm the total number of habitable rooms.

The height dimension has not been measured from grade on the elevation plans. The applicant shall ensure that the maximum 14.0m height permitted is not exceed.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, May 26, 2022
TIME:	2:30 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

For more information on this matter, including access to drawings illustrating this request and other information submitted:

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

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.



 Subject Lands

DATED: May 10, 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, and may include posting electronic versions.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



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:

1st Mortgagee: Manulife Bank of Canada 500 King Street North Waterloo, ON N2J 4C6
--

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:

Reduced Front, and Side yard set backs due to pre-existing conditions and extension / addition to dwelling. Encroachment of Front Porch into Front yard Setback due to pre-existing condition.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The property is a lot of record (existing prior to the passing of the by-law) and the existing dwelling does not comply with yard setbacks and porch encroachments.

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**):

Part of Lot 177, Registered Plan 486, City of Hamilton
207 Rothsay Ave
Hamilton, ON L8M 3G6

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?

Owner knowledge

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.

April 12, 2022
Date

[Signature]
Signature Property Owner(s)

Edward Winter Tiffany O'Kelly
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 25 feet (7.62m)
Depth 100 feet (30.48m)
Area 2,500 sf (232.26 m2)
Width of street 18.2m

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:

Ground Floor Area: 63.6 m2
Gross Floor Area: 63.6 m2
1 storey
Width = 20'-0" , Length = 34'-2" , Height = 22'-0" (approx.)

Proposed

Ground Floor Area: 77.6 m2 (addition of 14.0 m2)
Gross Floor Area: 232.8 m2 (addition of 169.2 m2)
2.5 storeys
Width = 20'-4" , Length = 41'-3.5" , Height = 35'-6" (36'-0" max. permitted)

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

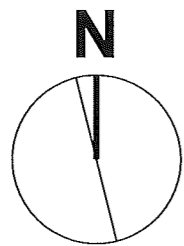
Existing:

Front Yard: 15'-1 (4.58 m) Front Porch: 6'-11.5" (2.12 m)
North Side Yard: 3'-1.25" (0.94 m)
South Side Yard: 1'-7.5" (0.49 m)
Rear Yard: 51'-0.5" (15.56 m)

Proposed:

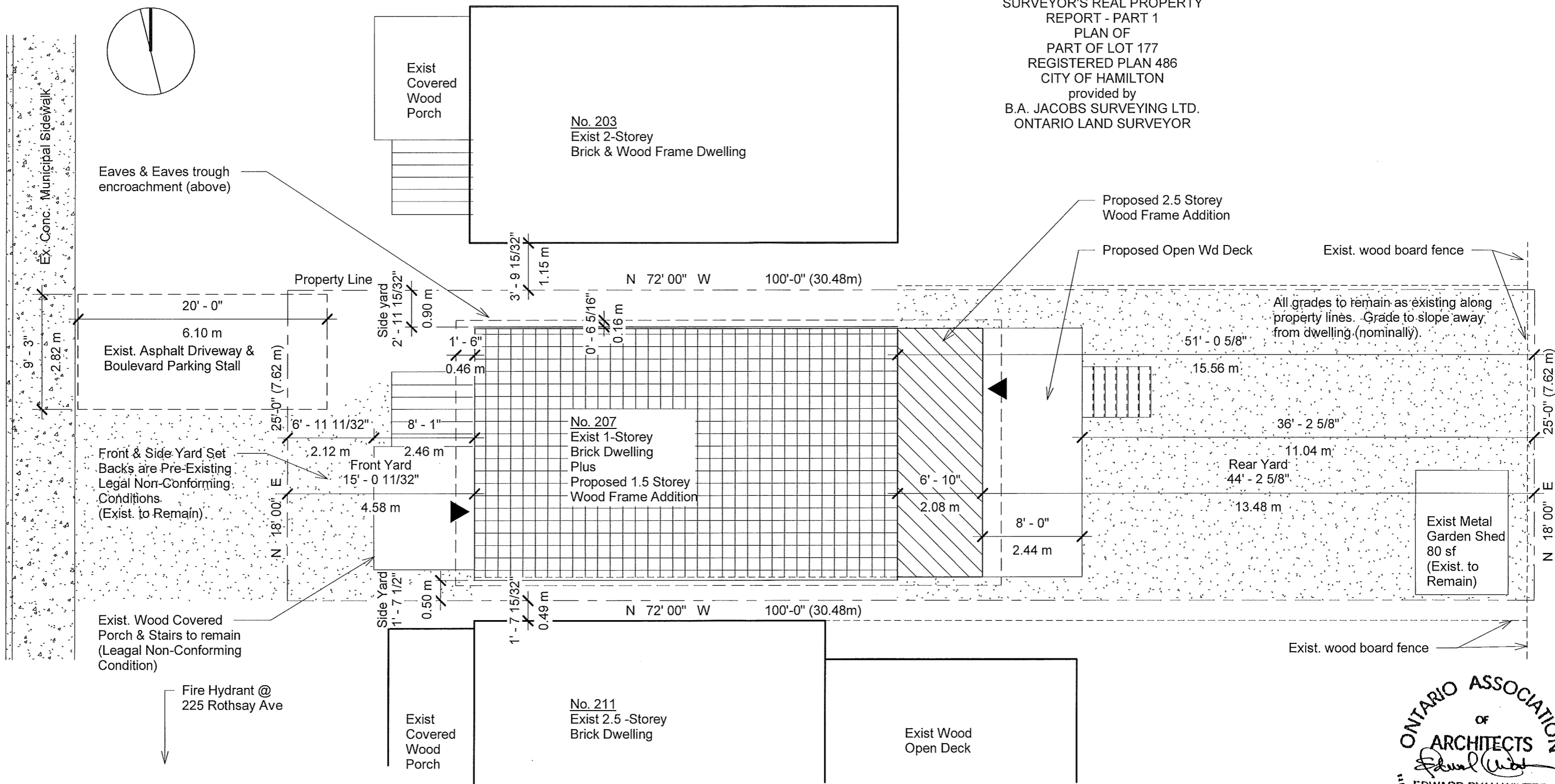
Front Yard: 15'-1 (4.58 m) Front Porch: 6'-11.5" (2.12 m)
North Side Yard: 3'-1.25" (0.94 m)
South Side Yard: 1'-7.5" (0.49 m)
Rear Yard: 44'-2.5" (13.48 m)

13. Date of acquisition of subject lands:
April 2006
-
14. Date of construction of all buildings and structures on subject lands:
Unknown - 1930's
-
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:
Unknown - greater than 25 years
-
18. Municipal services available: (check the appropriate space or spaces)
 Water Yes Connected Yes
 Sanitary Sewer Yes Connected Yes
 Storm Sewers No
-
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton Official Plan - Neighbourhoods
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D-Urban Protected Residential - 1 & 2 Family Dwellings, 6593 Former Hamilton
-
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)
-
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.



Note: Site boundaries and information is taken from
 SURVEYOR'S REAL PROPERTY REPORT - PART 1
 PLAN OF PART OF LOT 177
 REGISTERED PLAN 486
 CITY OF HAMILTON
 provided by
 B.A. JACOBS SURVEYING LTD.
 ONTARIO LAND SURVEYOR

Rothsay Ave



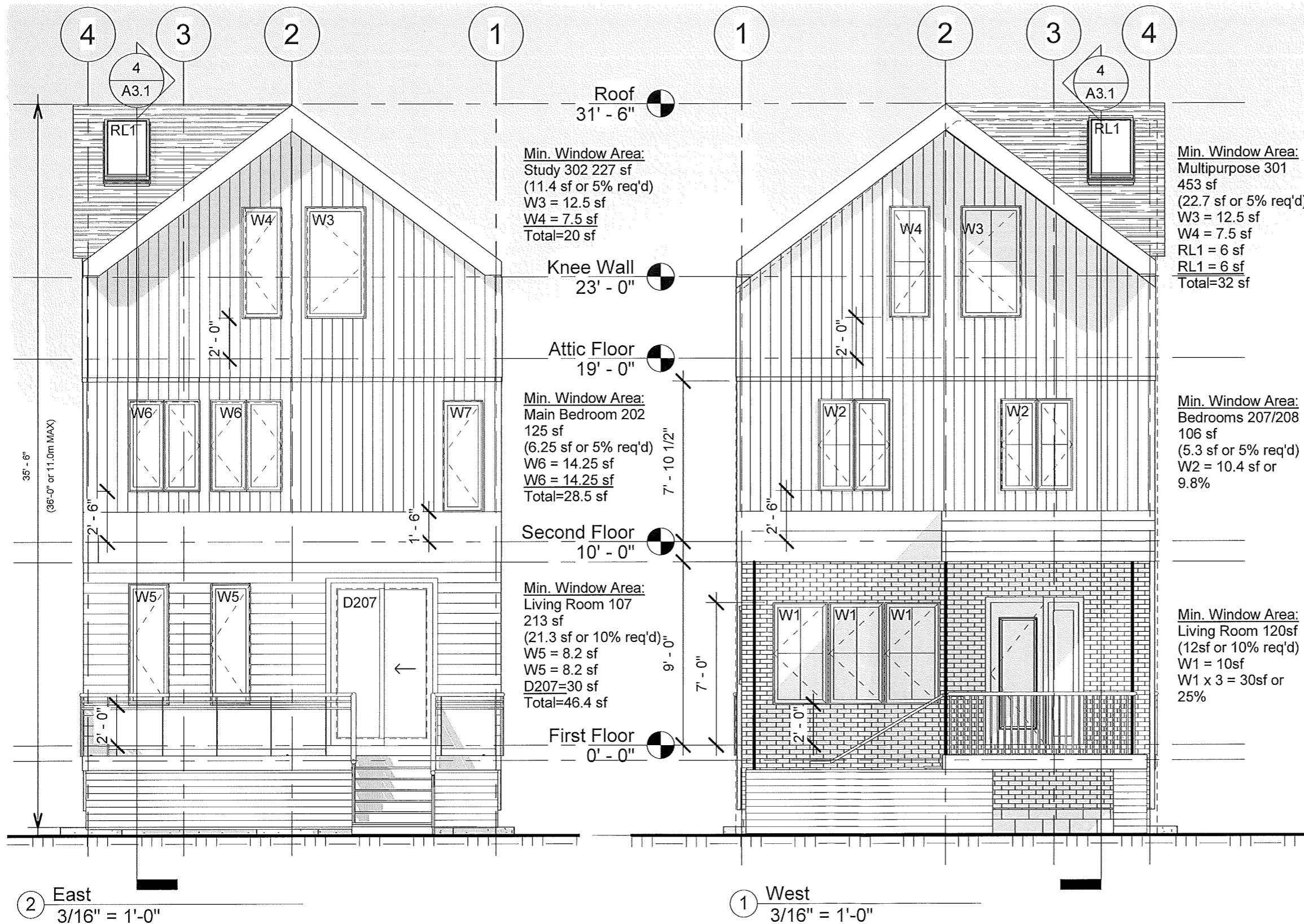
Private Dwelling Renovation & Addition

207 Rothsay Ave

No.	Description	Date
01	Issued for Bld. Permit R0	22.03.16
02	Issued for Minor Variance	22.04.07

Site Plan

Project number	Project Number	SP1
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	
Scale 1/8" = 1'-0"		



Roof
31' - 6"

Min. Window Area:
Study 302 227 sf
(11.4 sf or 5% req'd)
W3 = 12.5 sf
W4 = 7.5 sf
Total=20 sf

Knee Wall
23' - 0"

Attic Floor
19' - 0"

Min. Window Area:
Main Bedroom 202
125 sf
(6.25 sf or 5% req'd)
W6 = 14.25 sf
W7 = 14.25 sf
Total=28.5 sf

Second Floor
10' - 0"

Min. Window Area:
Living Room 107
213 sf
(21.3 sf or 10% req'd)
W5 = 8.2 sf
W5 = 8.2 sf
D207=30 sf
Total=46.4 sf

First Floor
0' - 0"

Min. Window Area:
Multipurpose 301
453 sf
(22.7 sf or 5% req'd)
W3 = 12.5 sf
W4 = 7.5 sf
RL1 = 6 sf
RL1 = 6 sf
Total=32 sf

Min. Window Area:
Bedrooms 207/208
106 sf
(5.3 sf or 5% req'd)
W2 = 10.4 sf or
9.8%

Min. Window Area:
Living Room 120sf
(12sf or 10% req'd)
W1 = 10sf
W1 x 3 = 30sf or
25%

Window Schedule

West Elevation (Street facing):

Entry Door: Qty=1: Craftsman Lite Door 32"x84" with quarter lite, with 16"x84" side light

W1: Qty=3: Casement Vent 32" x 60" - SDL 2x2

W2: Qty=2: Casement Multi-wide, 42" x 54" Vent Vent, SDL 2x2,

W3: Qty=1: Casement Vent 36"x66", SDL 2x2

W4: Qty=1: Casement Vent 24"x66", SDL 2x2
Note: Upgrade Glass for U=0.28 for W1, W2, W3, W4 (West only)

East Elevation:

Patio Door: Qty=1: Price 2 options:
Option1: Slider 72" x 84" h, interior screen
Option2: Entry Door 32"x84" with Full lite, with 32"x84" side light

W5: Qty=2: Casement Vent 24"x72"

W6: Qty=2: Casement Multiwide, 48"x54", Vent Vent

W7: Qty=1: Casement Vent 24"x66" (Frosted Glass - Shower)

W3: Qty=1: Casement Vent 36"x66"

W4: Qty=1: Casement Vent 24"x66"

North Elevation:

W8 : Qty=2: Casement Vent- 28" x 46"

South Elevation:

n/a -Existing windows to remain.

Roof:

RL1: Qty=2:
Deck-mounted Skylight - 24 x 48
Velux Solar-Venting Model

② East
3/16" = 1'-0"

① West
3/16" = 1'-0"



Private Dwelling Renovation & Addition

207 Rothsay Ave

No.	Description	Date
01	Issued for Bld. Permit R0	22.03.16

East & West Elevations

Project number	Project Number	A2.1
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	
		Scale 3/16" = 1'-0"

Roof
31' - 6"

Knee Wall
23' - 0"

2
A4.1

5
A3.1

W8a & W8B in
Ex. Opening

Ex. Window
to Remain

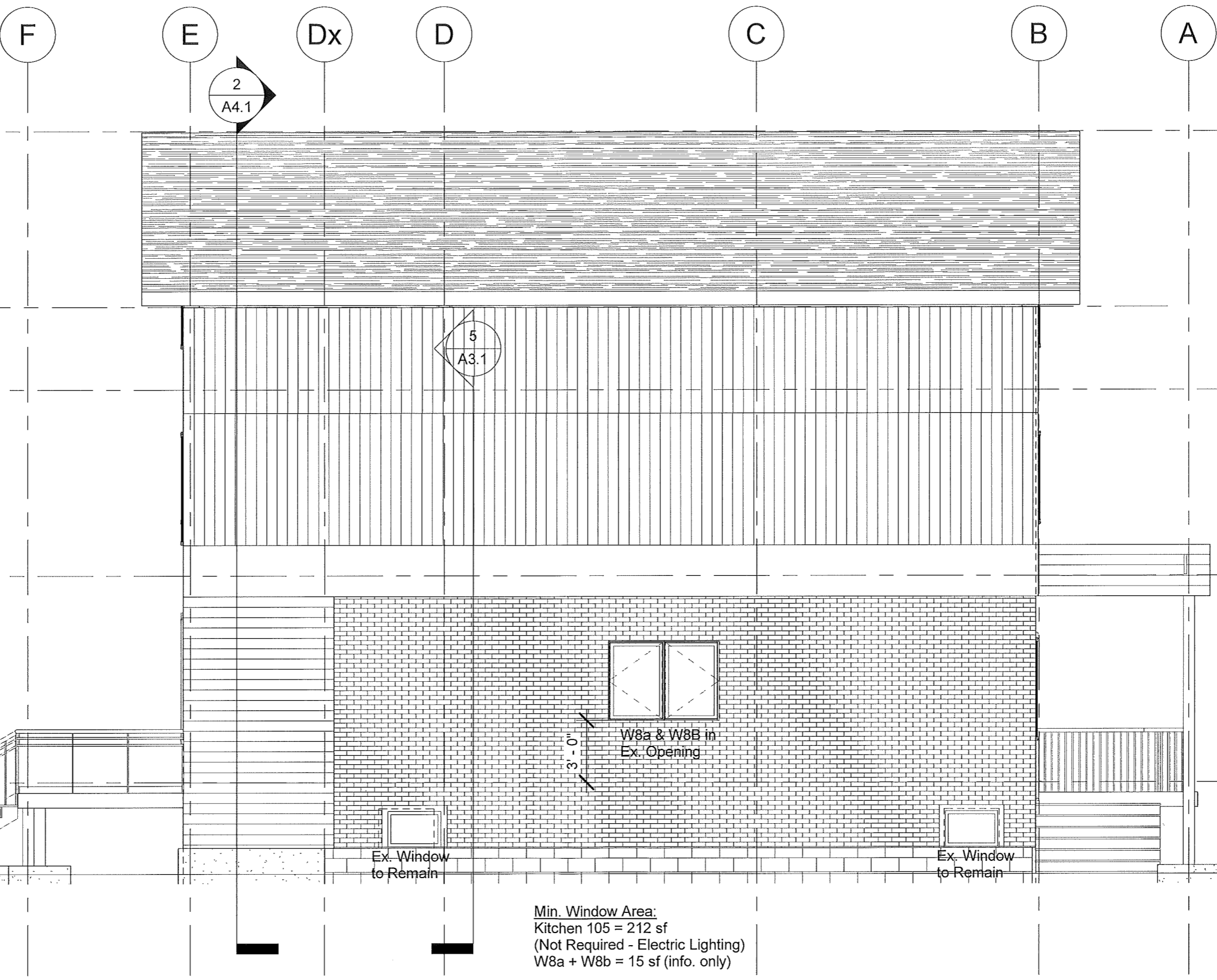
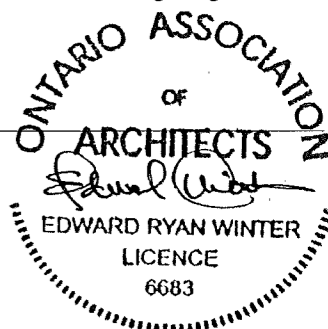
Ex. Window
to Remain

Min. Window Area:
Kitchen 105 = 212 sf
(Not Required - Electric Lighting)
W8a + W8b = 15 sf (info. only)

Attic Floor
19' - 0"

Second Floor
10' - 0"

First Floor
0' - 0"



Private Dwelling Renovation & Addition

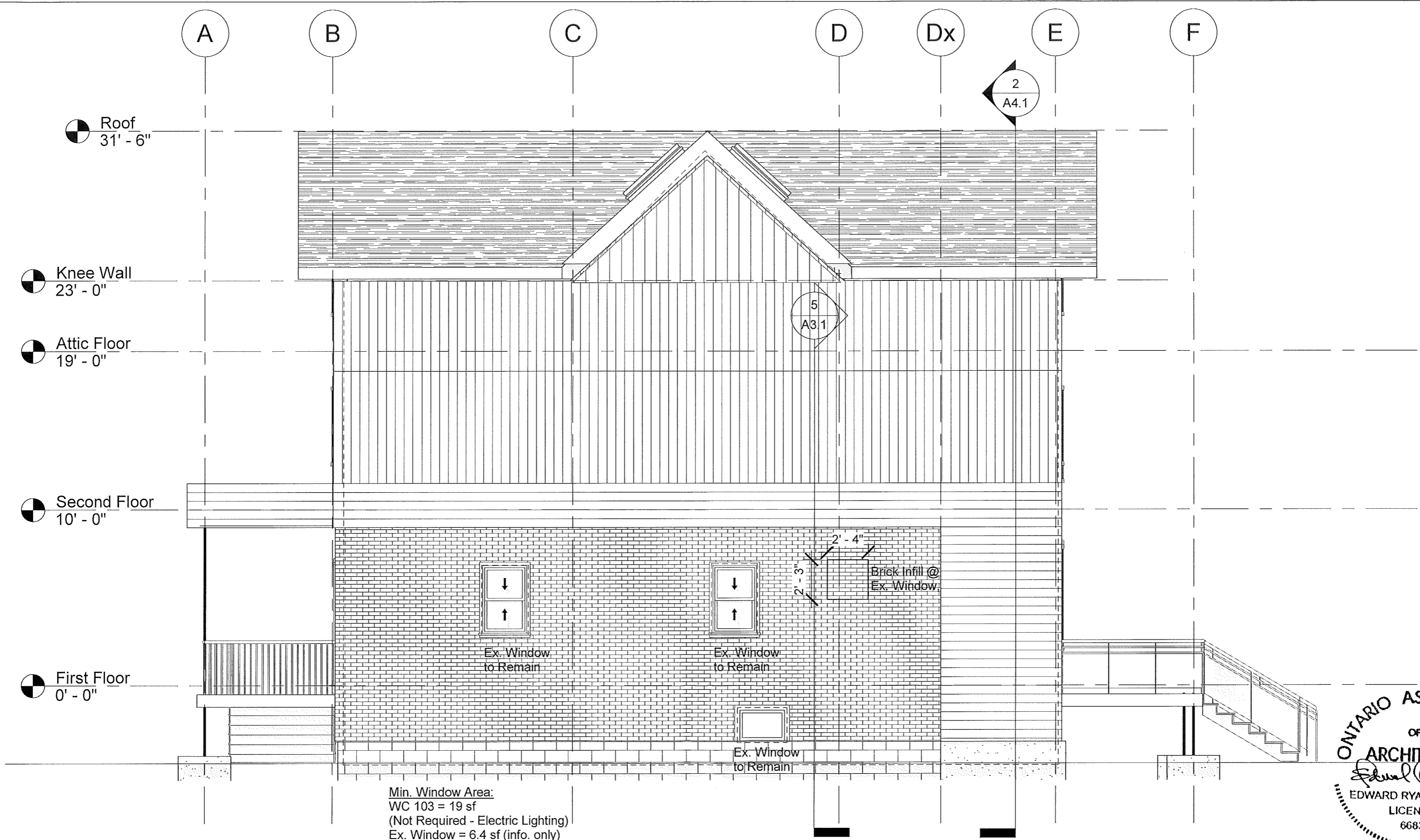
207 Rothsay Ave

No.	Description	Date
01	Issued for Bld. Permit R0	22.03.16

North Elevation

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A2.2
Scale 3/16" = 1'-0"



Min. Window Area:
 WC 103 = 19 sf
 (Not Required - Electric Lighting)
 Ex. Window = 6.4 sf (info. only)



Private Dwelling Renovation & Addition

207 Rothsay Ave

No.	Description	Date
01	Issued for Bld. Permit R0	22.03.16

South Elevation		A2.3
Project number	Project Number	
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	Scale 3/16" = 1'-0"