



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.:	AN/A-22:157	SUBJECT PROPERTY:	41 ACADEMY STREET, ANCASTER
ZONE:	ER (Existing Residential "ER" Zone)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: Owner – Tony & Mary Guther

The following variances are requested:

1. The accessory building (detached garage) shall be a minimum of 0.8m from the westerly side lot line instead of the requirement that accessory buildings shall not be located less than 1.5 metres from any side lot line for any lot located in an Existing Residential "ER" Zone.

PURPOSE & EFFECT: To permit the construction an accessory building (12' x 20' detached garage) at the west side of an existing single detached dwelling.

Notes:

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, June 9, 2022
TIME:	1:25 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.



DATED: May 24, 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

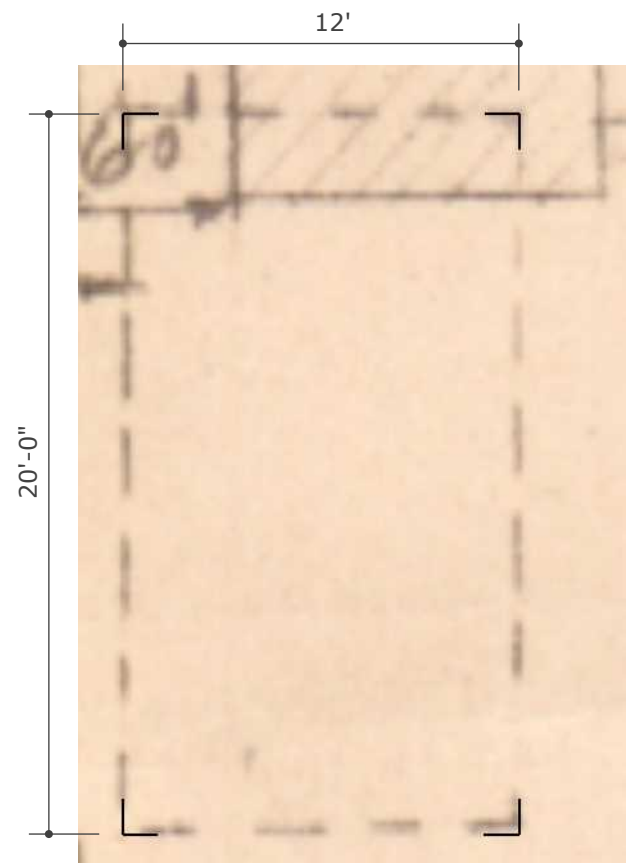
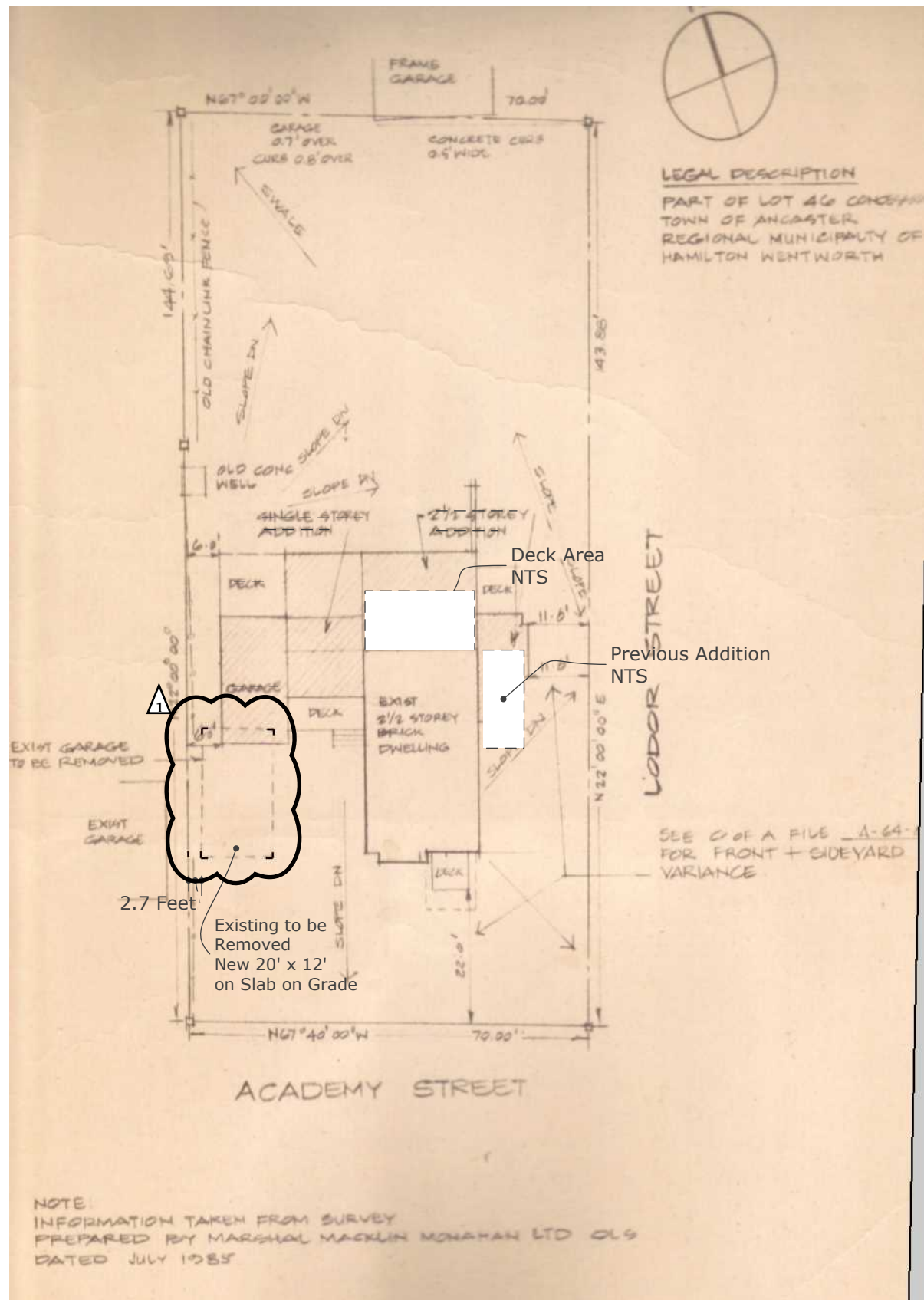
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before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

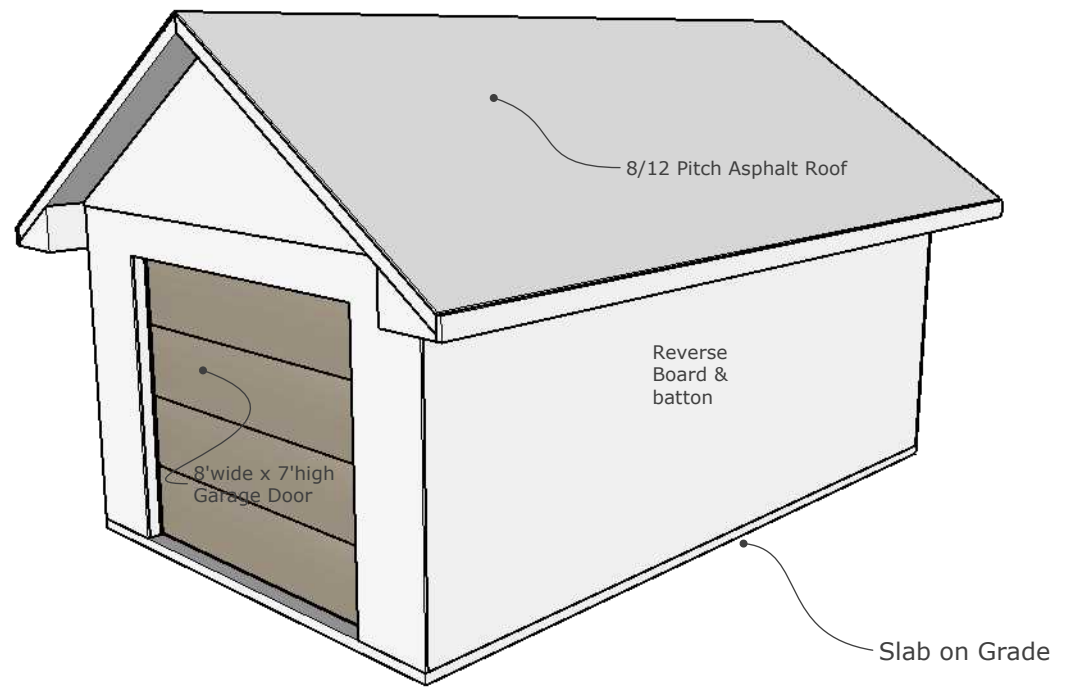
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

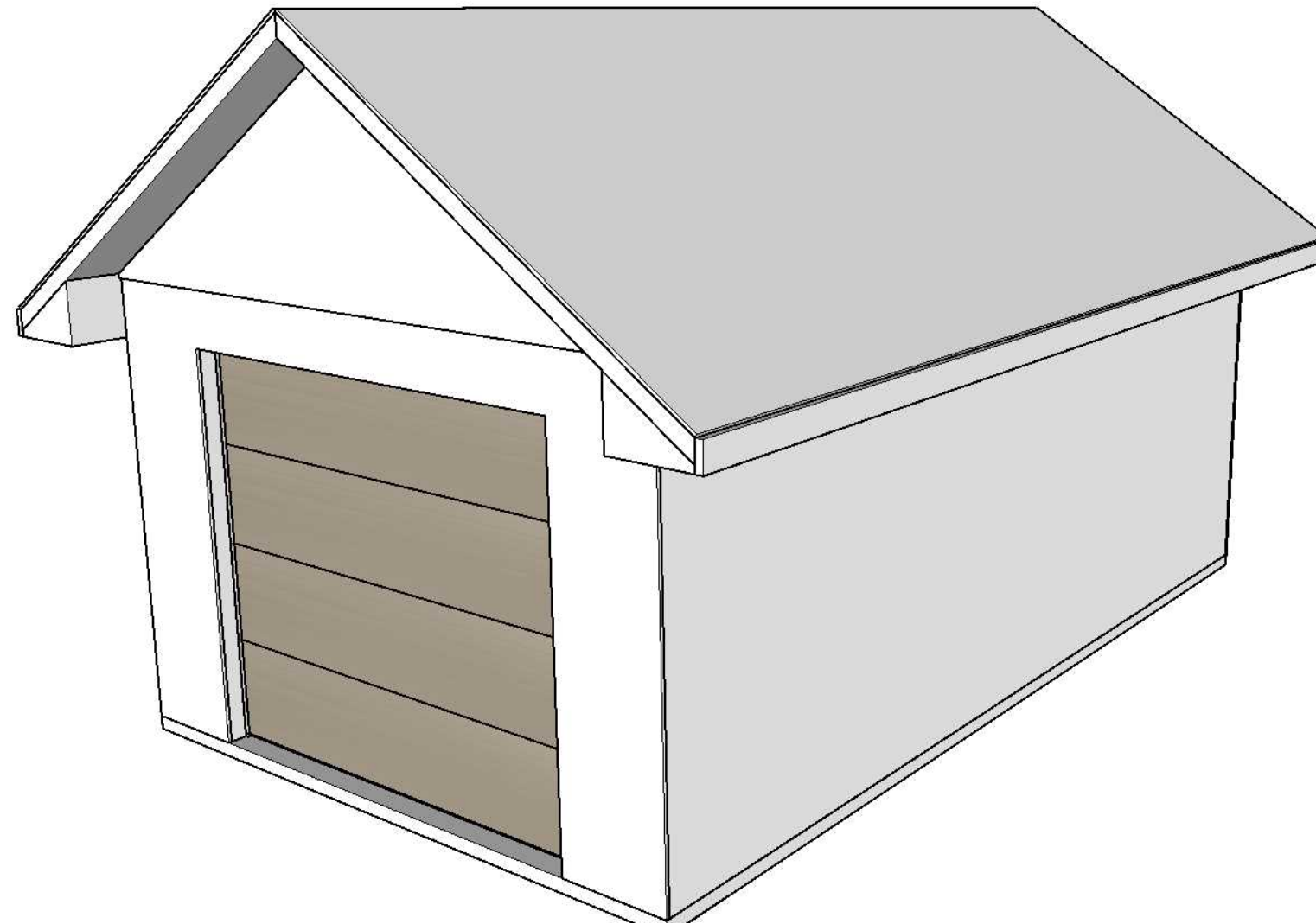
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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.



1 Slab on Grade Footprint
A.01 Scale: NTS

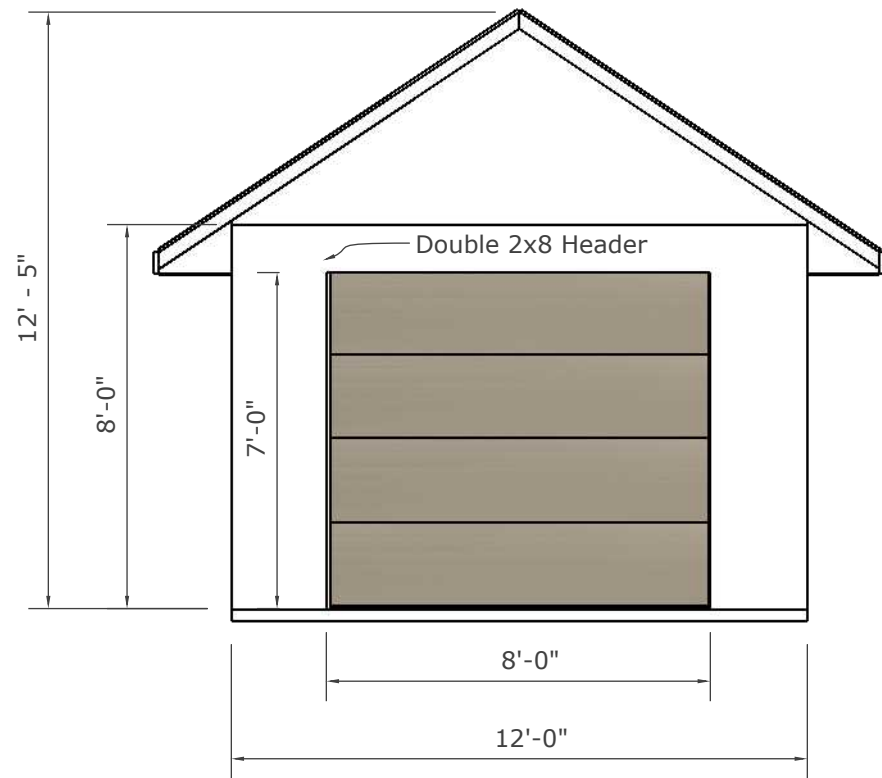




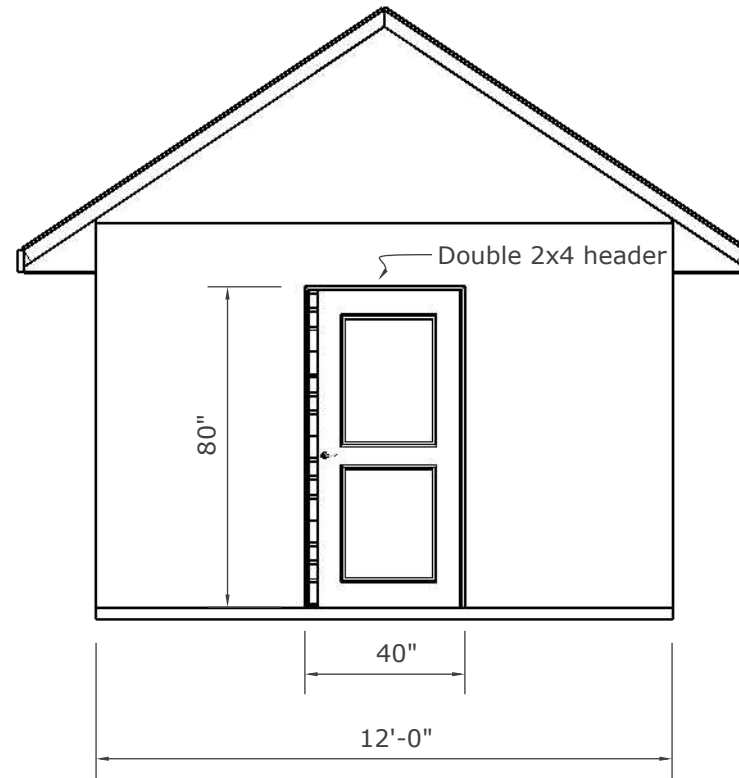
Tony Guther

41 Academy Ave
Ancaster, Ontario L9G 2X8
905-929-5822

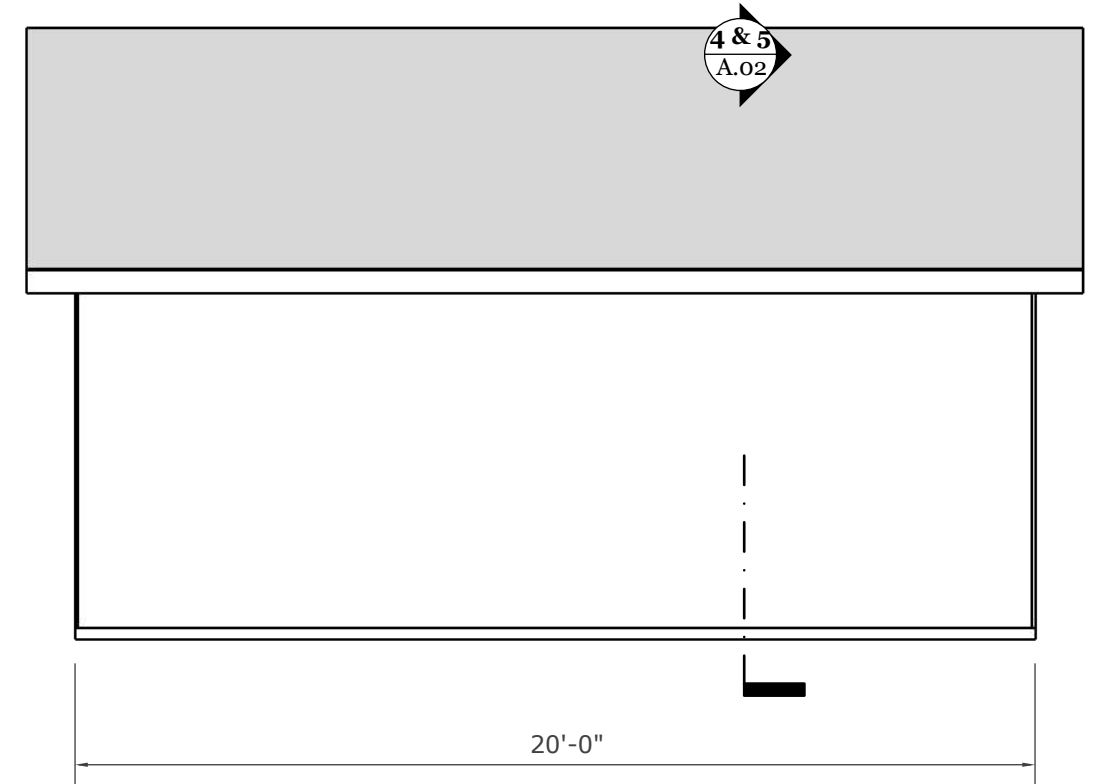
**41 Academy Ave,
Ancaster**



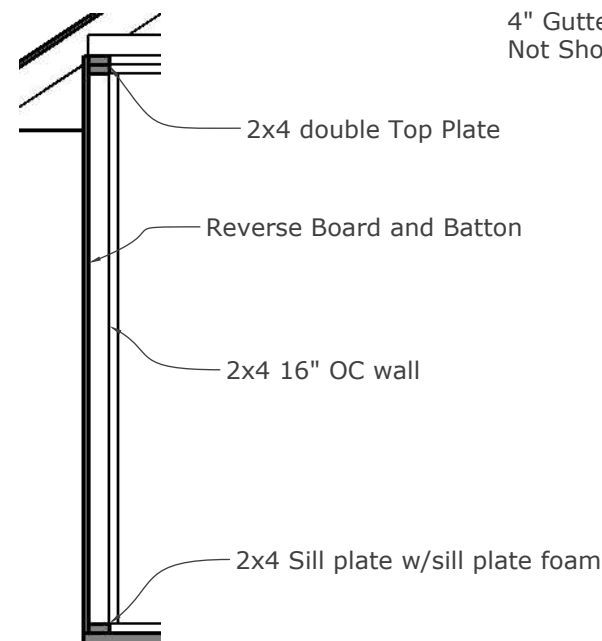
1 Front/Street View
A.02 Scale: 1/4" : 1'



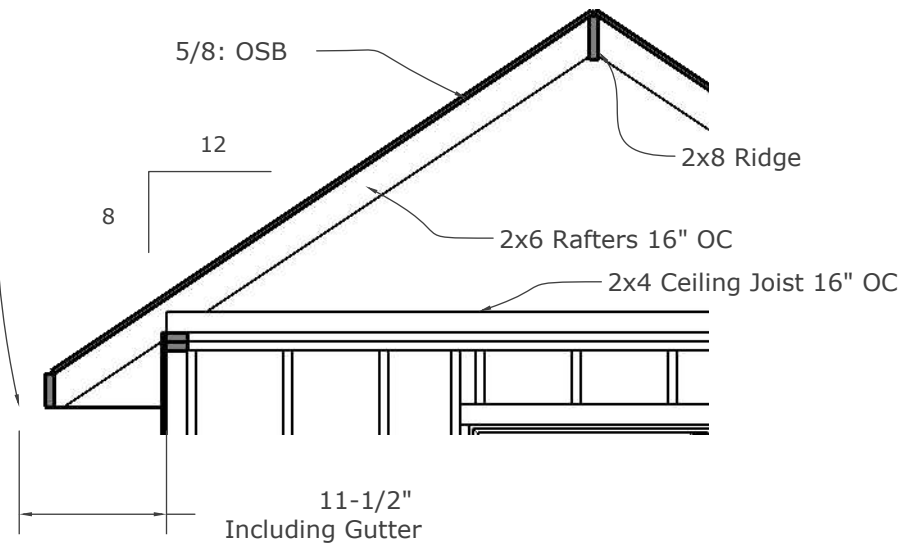
2 Rear View
A.02 Scale: 1/4" : 1'



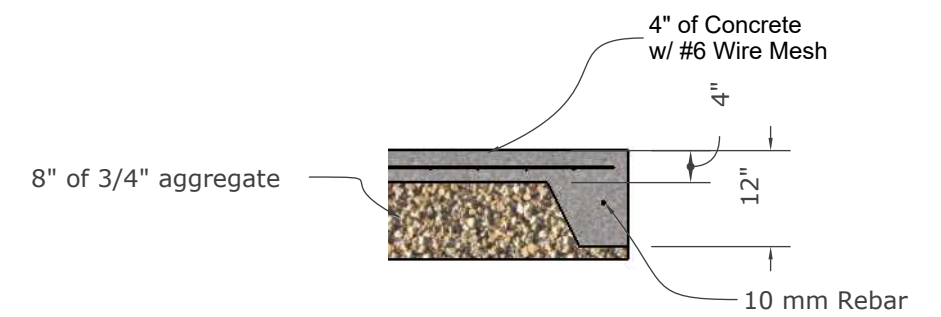
3 Left & Right Sides
A.02 Scale: 1/4" : 1'



4 Stud Wall Detail
A.02 Scale: 3/8" : 1'



5 Rafter Detail
A.02 Scale: 3/8" : 1'



6 Slab & Footing Detail
A.02 Scale: 3/8" : 1'

PLAN OF SURVEY OF
PART OF LOT 46 CONCESSION 2
 OF THE GEOGRAPHIC TOWNSHIP OF ANCASTER AND COUNTY OF WENTWORTH
 NOW THE
TOWN OF ANCASTER

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
 SCALE 1" = 20'

MARSHALL MACKLIN MONAGHAN
 ONTARIO LIMITED
 ONTARIO LAND SURVEYORS

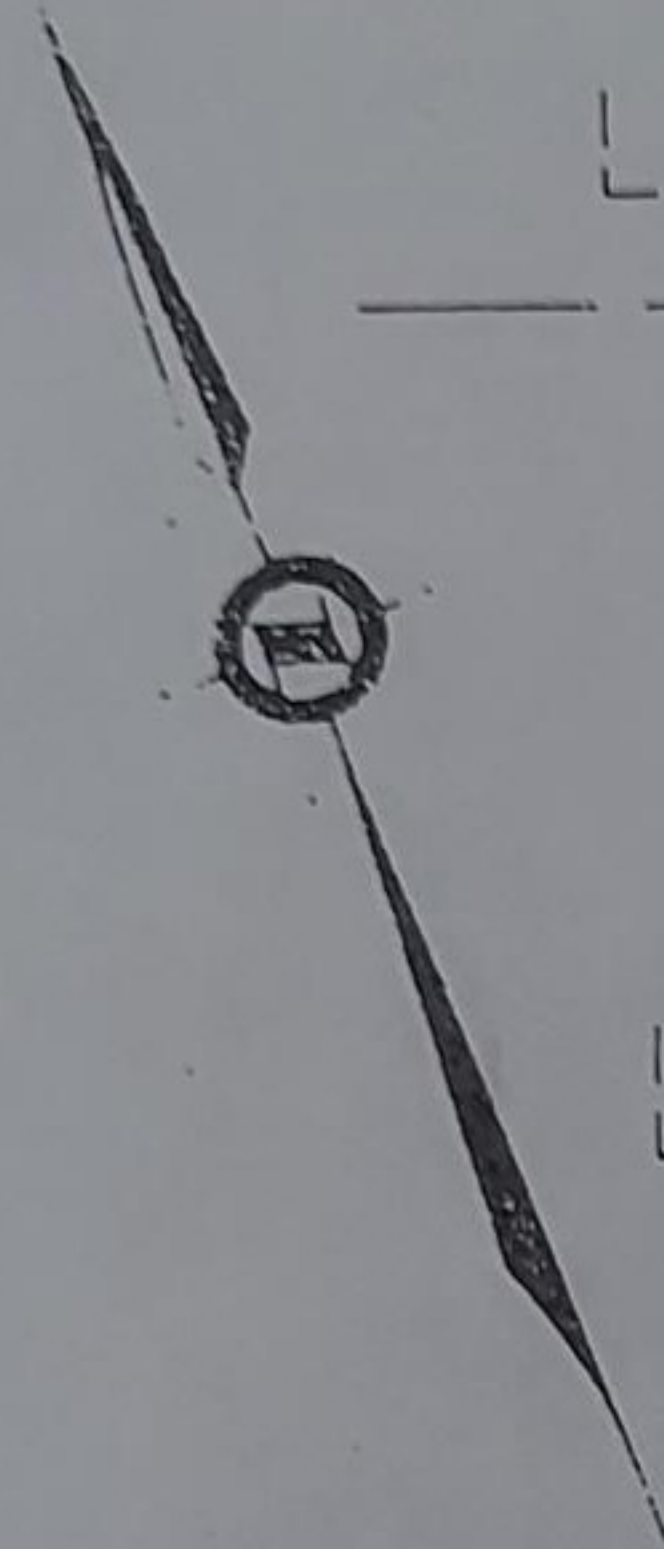
1985

Permit No. **21-156061**

THESE DRAWINGS SHALL BE AVAILABLE ON SITE
 THE OWNER AND/OR CONTRACTOR SHALL COMPLY WITH
 THE ONTARIO BUILDING CODE AND ALL OTHER APPLICABLE LAW

These drawings and/or specifications have been reviewed by
L. O. Kinosh 11/05/21
 FOR CHIEF BUILDING OFFICIAL

REG'D. PLAN 740
 LOT 27



NOTE

- DENOTES FOUND
- DENOTES PLANTED
- I.B. DENOTES IRON BAR
- C.C. DENOTES CUT CROSS

*NOTE:
 DEMOLISH 12'x20'
 GARAGE AND
 REPLACE ON
 EXISTING FOOT PRINT.
 10/22/2021*

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT
1. This survey and plan are correct and in accordance with The Survey Act and The Registry Act and the regulations made thereunder.
 2. The survey was completed on the 5th day of June, 1985

Bruce I. McMurphy
 Bruce I. McMURPHY JULY, 1985

NOTE BEARINGS HEREON ASSUMED ASTRONOMIC AND ARE REFERRED TO THE N 22°00'00" E FOR THE NORTH-WESTERLY LIMIT OF LODOR STREET, AS SHOWN ON REG'D. PLAN 740

MARSHALL MACKLIN and MONAGHAN
 ONTARIO LAND SURVEYORS
 760 BRANT ST SUITE 106B, BURLINGTON 639-4864 ©

REG'D. PLAN 740 L-2945

NOV 01 2021



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)*			Phone:
			E-mail:
Agent or Solicitor			Phone:
			E-mail:

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:

Manulife Bank of Canada 500 King Street North Suite 500-MA P.O. Box 1602 STN Waterloo 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:

Replace existing dilapidated pole/frame constructed accessory building (garage) with newly-framed accessory building on same footprint via slab-on-grade. Existing garage is over 70 years old and sinking slowly into ground.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Garage would look out of place compared to the established driveway and landscaped features. It would sit oddly between our house located east, and the neighbor garage to the west, being a visual distraction rather than it complimenting the property.

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**):

As per Survey Plan 1985 (attached) - PART OF LOT 46, CONCESSION 2 of the Geographic Township of Ancaster and County of Wentworth now the Town of Ancaster, Regional Municipality of Hamilton-Wentworth. aka 41 Academy Street.

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?

Based on personal knowledge in conversation with surveyor in 1985, historical records, in conversations with my neighbors over the years.

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 29, 2022
Date

Tony Guther; Mary Guther
Signature Property Owner(s)

Tony Guther; Mary Guther
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 70'
Depth 144.69'
Area 10,128.3 sq. ft.
Width of street 39'

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: _

Post and A-frame constructed accessory building 3.66m x 6.1m (12' by 20') built on soil without any foundation/support. Structure is dilapidated and sinking into the ground, and beginning to fail structurally.

Proposed

Build a new A-Frame constructed accessory building 3.66m x 6.1m (12' by 20') on slab-on-grade in same location as per submitted garage plan and survey plan.

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

Existing:

West side of building is .81m (2.66') from lot line. South side of building is 8.1m (26.66') from street, north side is 29.82m (97.84') from rear lot line, and 5.79m (19') from east side of existing dwelling as per dimensions on Survey Plan.

Proposed:

West side of building is .81m (2.66') from lot line. South side of building is 8.1m (26.66') from street, north side is 29.82m (97.84') from rear lot line, and 5.79m (19') from east side of existing dwelling as per dimensions on Survey Plan.

13. Date of acquisition of subject lands:
January 1990
-
14. Date of construction of all buildings and structures on subject lands:
circa 1900
-
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:
Since built
-
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------|-----------|------------|
| Water | <u>Yes</u> | Connected | <u>Yes</u> |
| Sanitary Sewer | <u>Yes</u> | Connected | <u>Yes</u> |
| Storm Sewers | <u>Yes</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton Official Plan - Neighborhood
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Former Town of Ancaster, Zoning By-law 87-57 ER Zone Existing Residential
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)
- Support Letter from neighbor sharing lot line included in application information.
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

Date: Friday April 29, 2022

From: Rene Dube
35 Academy Street
Ancaster ON L9G 2X8

Re: MV Application to Replace Existing Garage

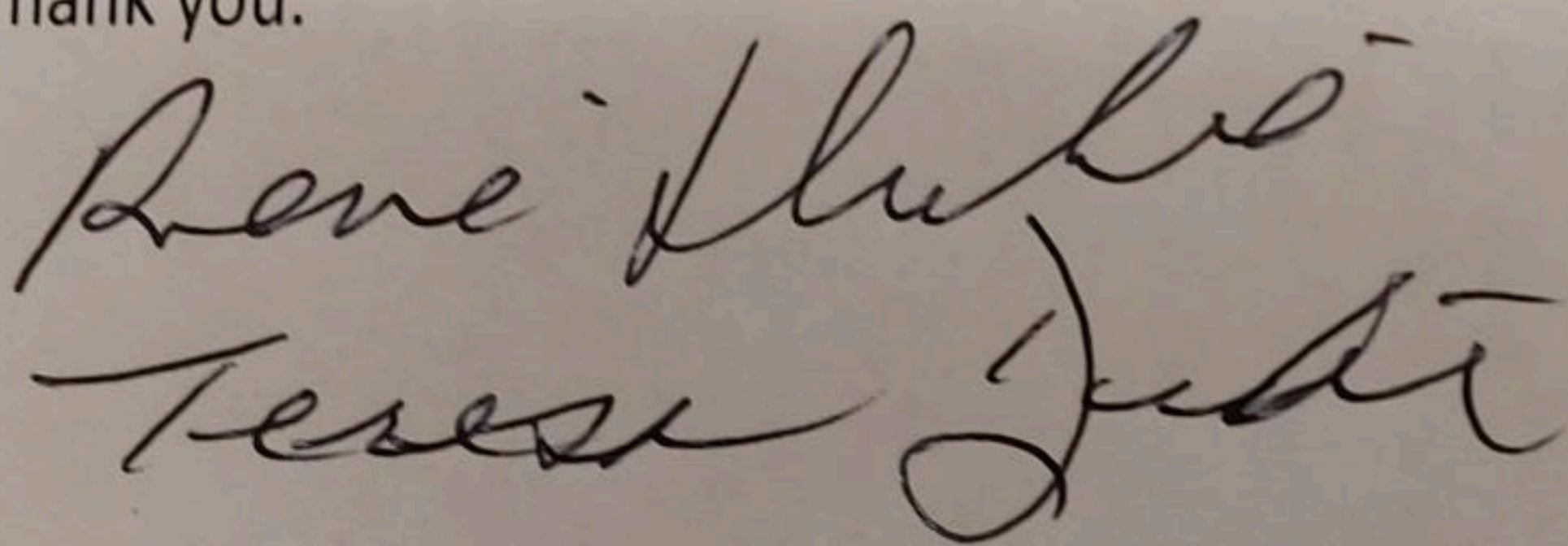
To whom it may concern.

I am writing this letter in support of my neighbors, Tony and Mary Guther, who are submitting an application for a minor variance that would see the current accessory building be replaced with a slab-on-grade building to replace the existing structure that is in a state of disrepair.

The proposal of this upgrade of this garage would enhance both of our properties while continuing to effectively serve as a dividing marker that would be both aesthetically appealing and visually complimentary both to us as neighbors and to the neighborhood in general.

I have seen the layout and drawings that have been submitted to the city and give my total support to their plans.

Thank you.

The image shows two handwritten signatures in black ink. The top signature is 'Rene Dube' and the bottom signature is 'Terese Guther'. Both are written in a cursive, flowing style.

Mr. Rene Dube.
35 Academy Street
Ancaster ON
L9G 2X8