



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

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-22:154</b>	<b>SUBJECT PROPERTY:</b>	39 FLORENCE ST., HAMILTON
<b>ZONE:</b>	“D” (Urban Protected Residential – One and Two Family Dwellings and etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law 6593, as Amended

**APPLICANTS:** Agent Christine Brown  
**Owner Brent Wathen**

The following variances are requested:

1. A rear yard setback of 3.96m shall be provided instead of the minimum required 7.5m rear yard setback.
2. A side yard setback of 0.99m shall be provided instead of the minimum required 1.2m rear yard setback.

**PURPOSE & EFFECT:** So as to permit an addition in the rear yard of an existing single family dwelling.

**Notes:**

- i. The proposed addition in the rear yard has a side yard setback of 0.99 metres where a side yard setback of 1.2 metres is required. As such, a variance has been provided to address this

**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:

<b>DATE:</b>	<b>Thursday, June 9, 2022</b>
<b>TIME:</b>	<b>2:45 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto: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 24, 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, and may include posting electronic versions.



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## COMMITTEE OF ADJUSTMENT

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E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## 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](mailto: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](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions During the Virtual Meeting

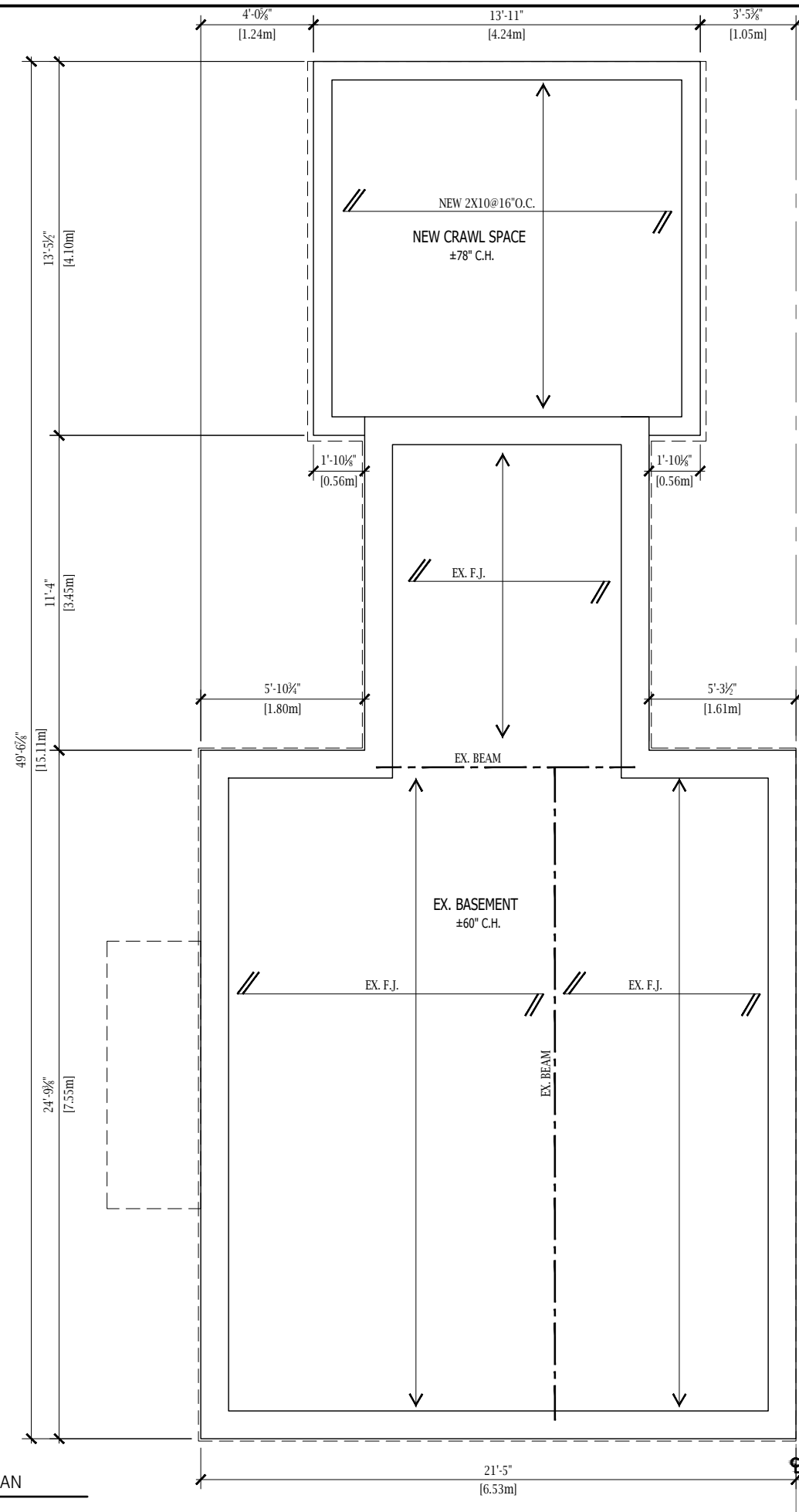
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before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

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto: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.

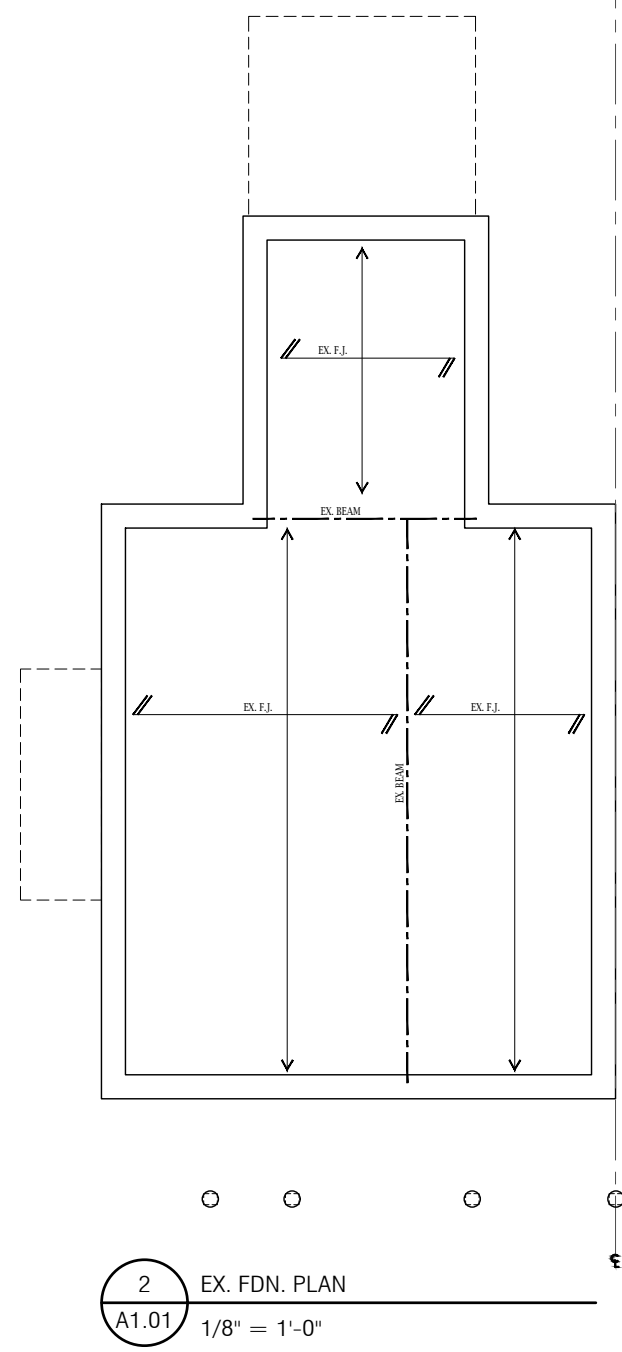
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto: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.

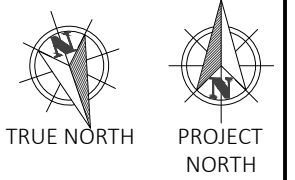


1 PROPOSED FOUNDATION PLAN  
A1.01 3/16" = 1'-0"



2 EX. FDN. PLAN  
A1.01 1/8" = 1'-0"

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.



REF.	DATE	DESCRIPTION
3	04.28.22	ISSUED FOR COA
2	03.18.22	ISSUED FOR DESIGNS
1	01.01.22	ISSUED FOR ASBUILTS

RESIDENTIAL  
DESIGN AND  
DRAFTING SERVICES

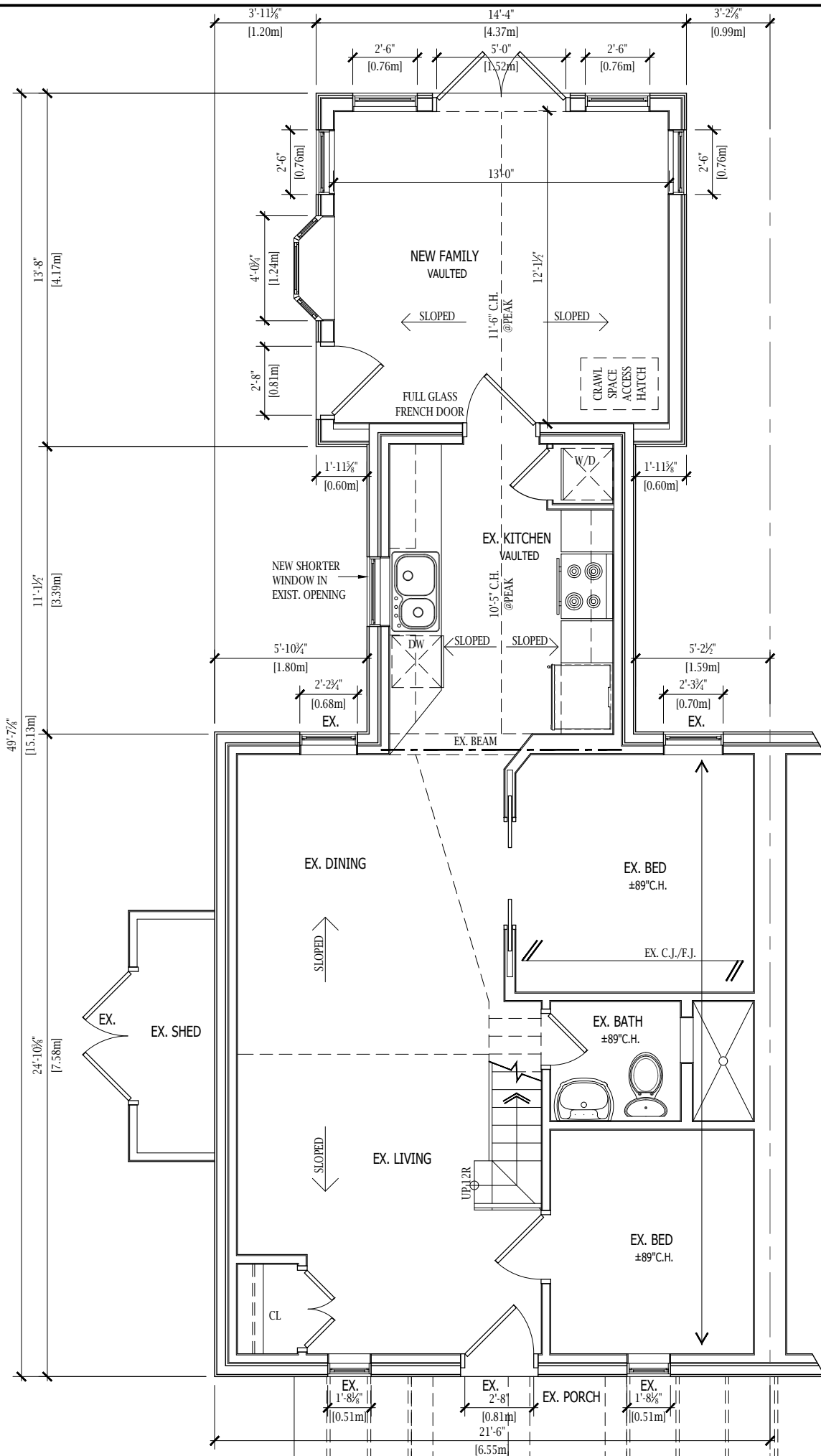
CHRISTINE BROWN  
Architectural Technologist  
905.802.5272  
444 UPPER GAGE AVE.  
HAMILTON, ON L8V 4H9  
cbrown@friendlycadmonkey.com

CLIENT:  
WATHEN RESIDENCE

Ministry of Municipal  
Affairs and Housing  
**QUALIFICATION INFORMATION**  
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONT. BUILDING CODE TO BE A DESIGNER.  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION 'C' SECTION 3.2 OF THE O.B.C.

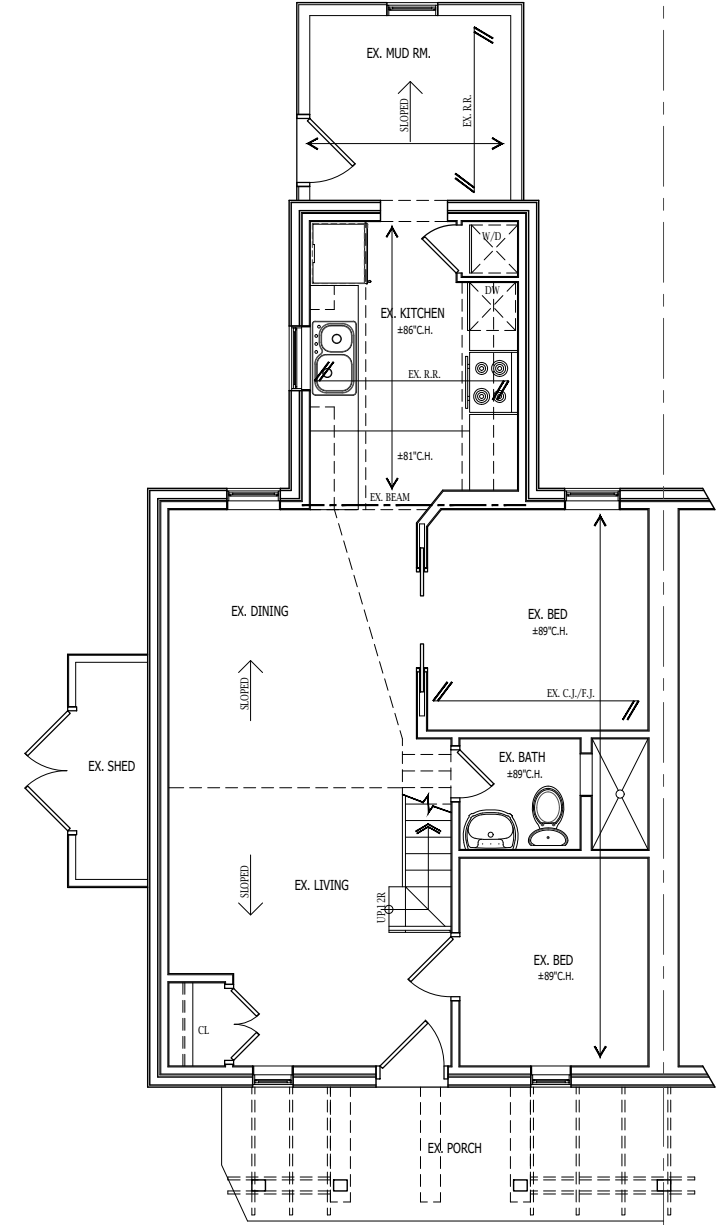
ADDRESS: 39 FLORENCE STREET  
CITY: HAMILTON, ONTARIO, L8R 1W5  
DRAWING TITLE:  
EXIST./PROP. FOUNDATION  
PLAN

CHRISTINE BROWN	BCIN 37240	DRAWN: CB	SCALE: AS NOTED
		DATE: Apr. 28, 22	
		JOB NO.: 21-090	SHEET: A1.01
MY HOUSE DESIGNS	BCIN 113120		



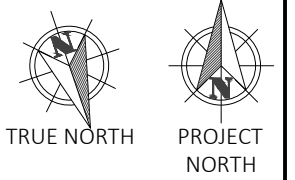
1 PROPOSED 1ST FLOOR PLAN  
A1.02 3/16" = 1'-0"

EXISTING 1ST FLOOR AREA:  
738.8ft² (68.6m²)  
EXISTING TO BE REMOVED:  
77.9ft² (7.2m²)  
AREA OF PROPOSED ADDITION:  
108.0ft² (10.0m²)  
TOTAL PROPOSED 1ST FLOOR AREA:  
768.6ft² (71.4m²)



2 EX. 1ST FL. PLAN  
A1.02 1/8" = 1'-0"

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.



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REF.	DATE:	DESCRIPTION:

**MY HOUSE DESIGNS**  
RESIDENTIAL DESIGN AND DRAFTING SERVICES

**CHRISTINE BROWN**  
Architectural Technologist  
905.802.5272  
444 UPPER GAGE AVE.  
HAMILTON, ON L8V 4H9  
cbrown@friendlycadmonkey.com

CLIENT:  
**WATHEN RESIDENCE**

ADDRESS: 39 FLORENCE STREET  
CITY: HAMILTON, ONTARIO, L8R 1W5

DRAWING TITLE:  
**PROPOSED 1ST FLOOR PLAN**

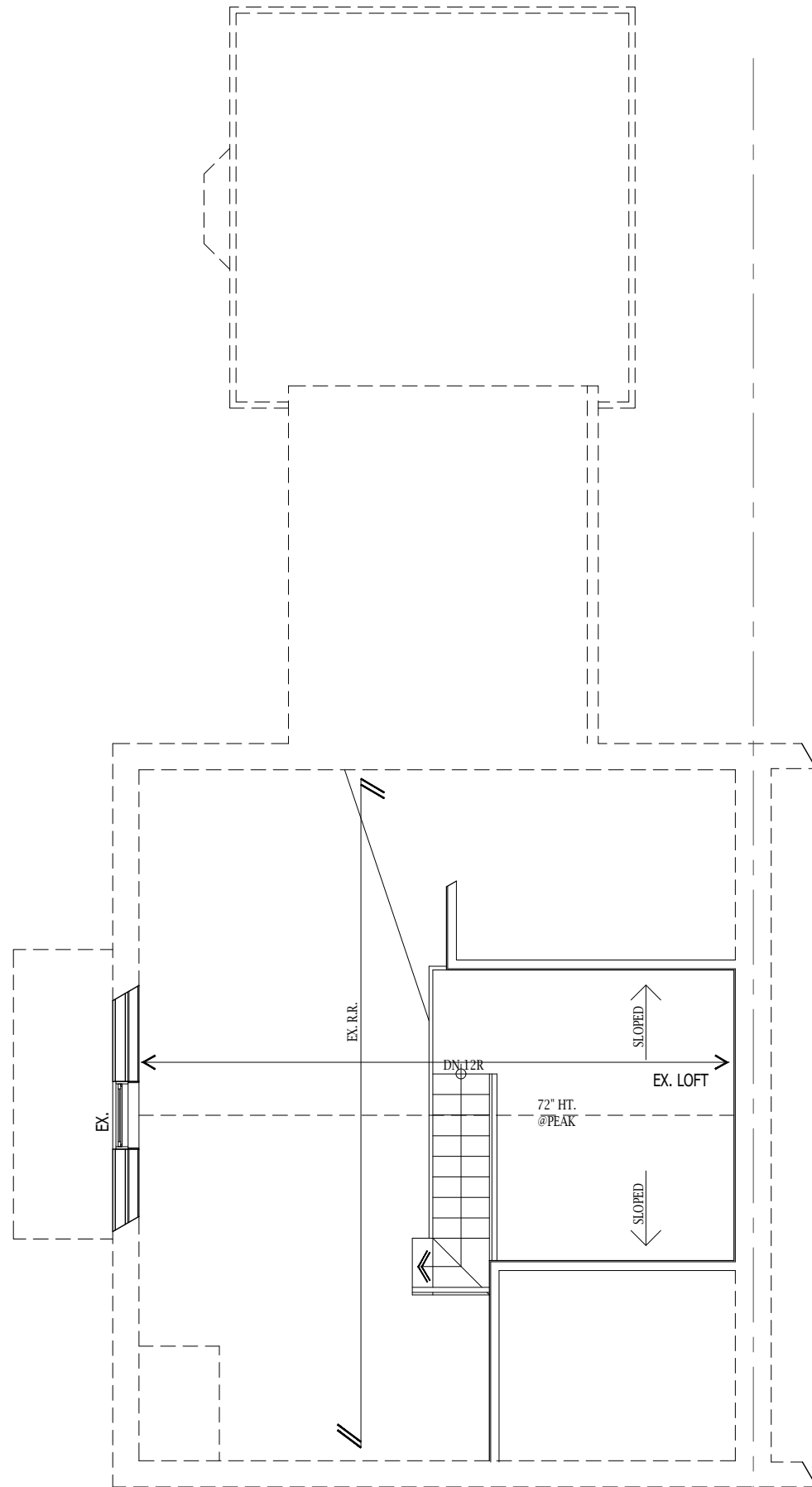
Ministry of Municipal Affairs and Housing  
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CHRISTINE BROWN  
BCIN 37240

MY HOUSE DESIGNS  
BCIN 113120

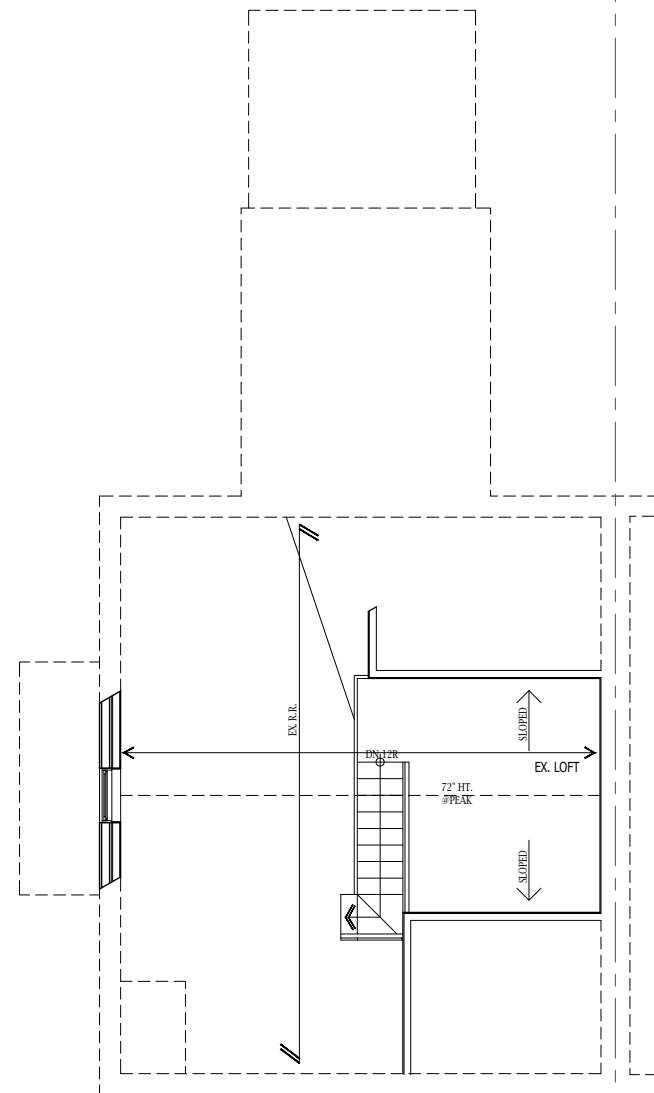
DRAWN: CB  
DATE: Apr. 28, 22  
JOB NO.: 21-090

SCALE: AS NOTED  
SHEET: A1.02



1 PROPOSED LOFT PLAN  
A1.03 3/16" = 1'-0"

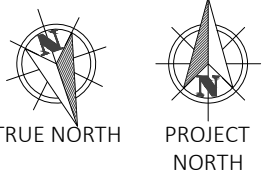
EXISTING LOFT FLOOR AREA:  
87.0ft<sup>2</sup> (8.1m<sup>2</sup>)



EXISTING LOFT FLOOR AREA:  
87.0ft<sup>2</sup> (8.1m<sup>2</sup>)

2 EX. LOFT PLAN  
A1.03 1/8" = 1'-0"

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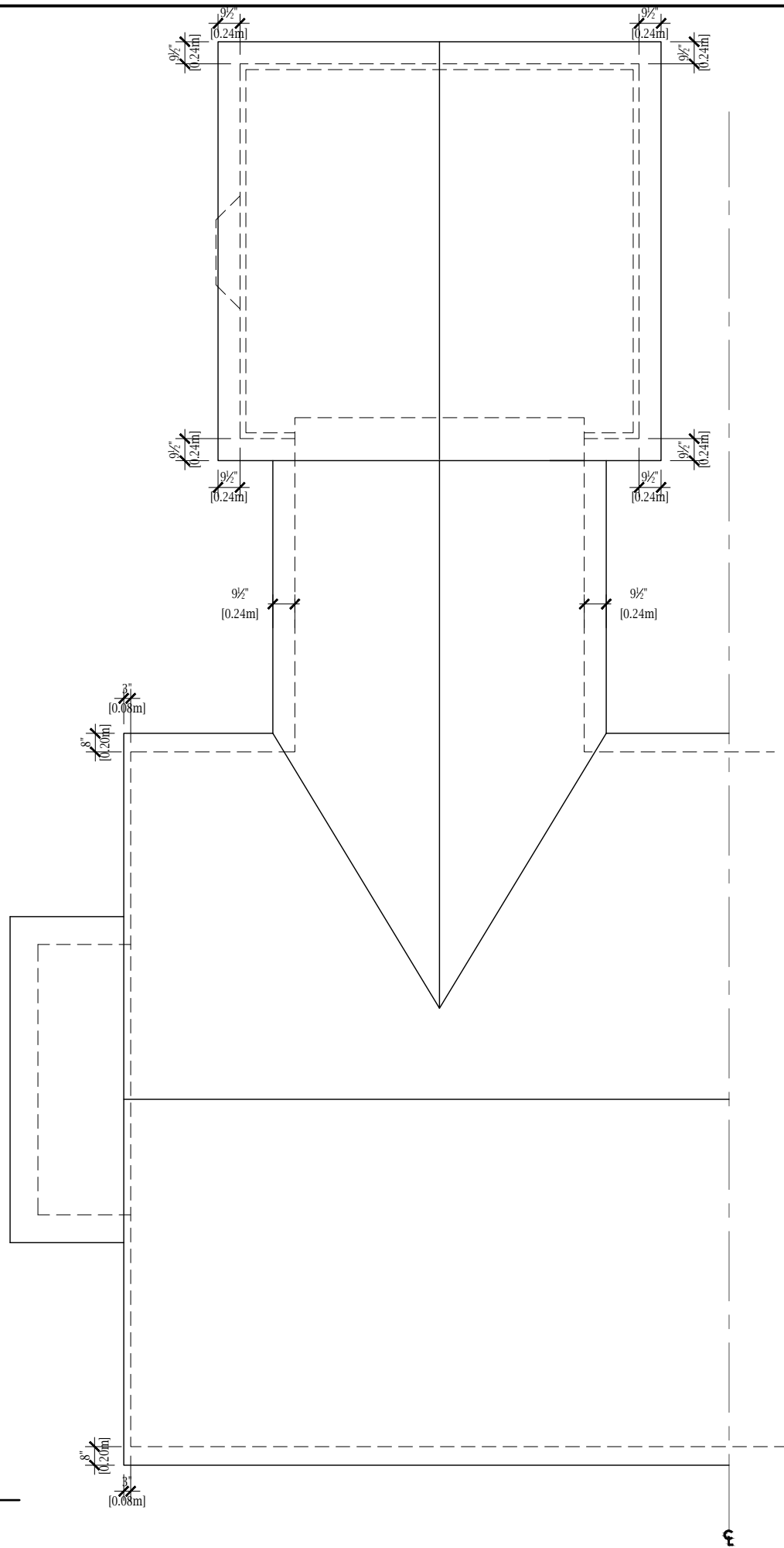
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Ministry of Municipal  
Affairs and Housing  
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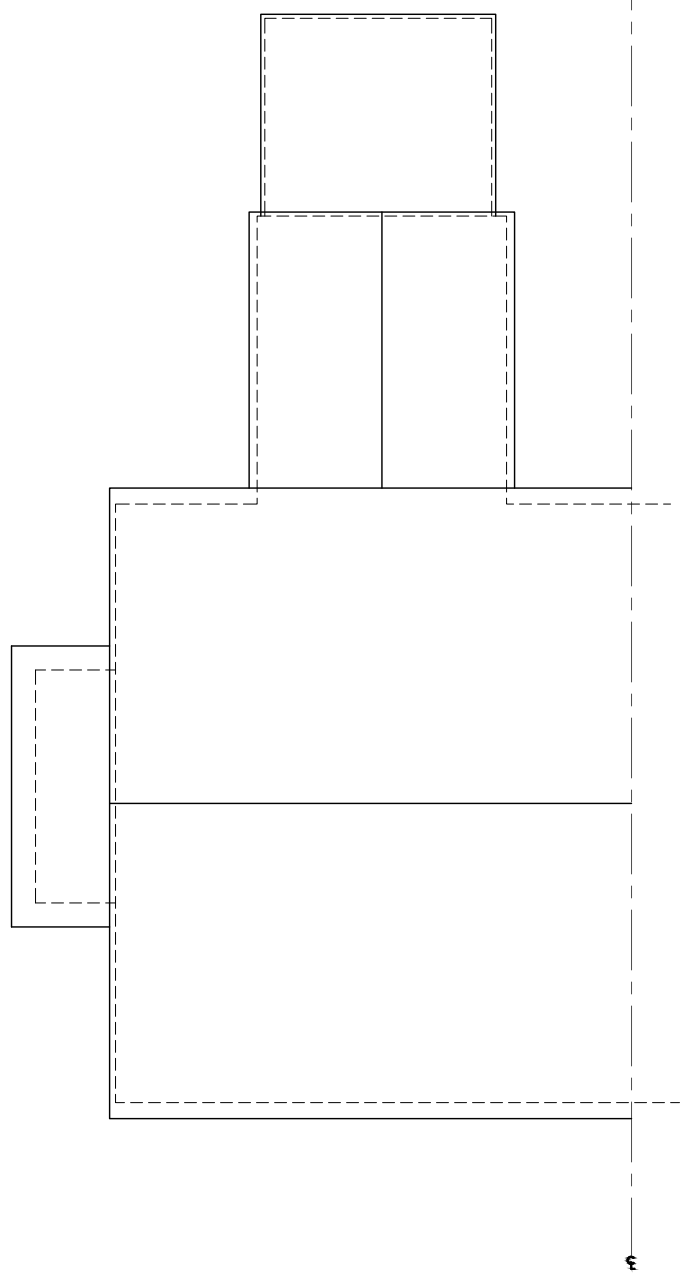
BCIN 37240  
CHRISTINE BROWN  
BCIN 113120  
MY HOUSE DESIGNS

ADDRESS: 39 FLORENCE STREET  
CITY: HAMILTON, ONTARIO, L8R 1W5  
DRAWING TITLE:  
EXIST./PROP. LOFT PLAN

DRAWN: CB  
DATE: Apr. 28, 22  
JOB NO.: 21-090  
SCALE: AS NOTED  
SHEET: A1.03

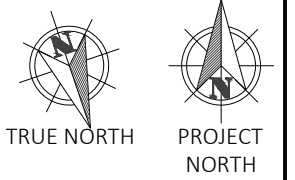


1 PROPOSED ROOF PLAN  
A1.05 3/16" = 1'-0"




2 EX. ROOF PLAN  
A1.05 1/8" = 1'-0"


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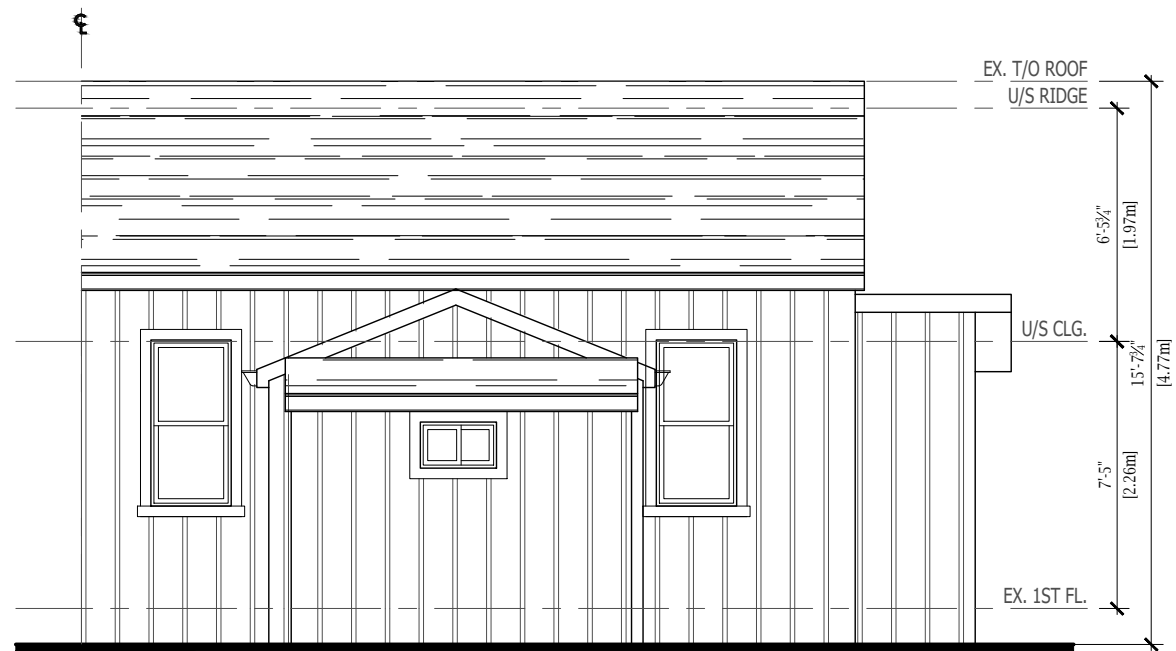
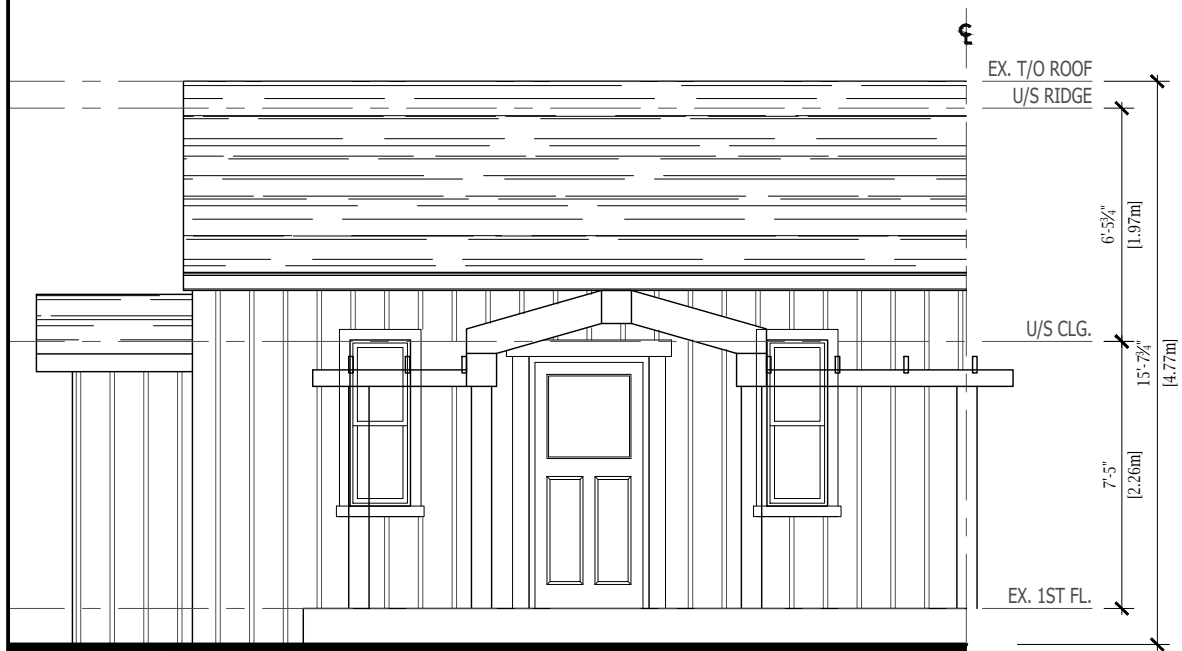
DRAWING TITLE:  
EXIST./PROP. ROOF PLAN

CHRISTINE BROWN  
BCIN 37240

MY HOUSE DESIGNS  
BCIN 113120

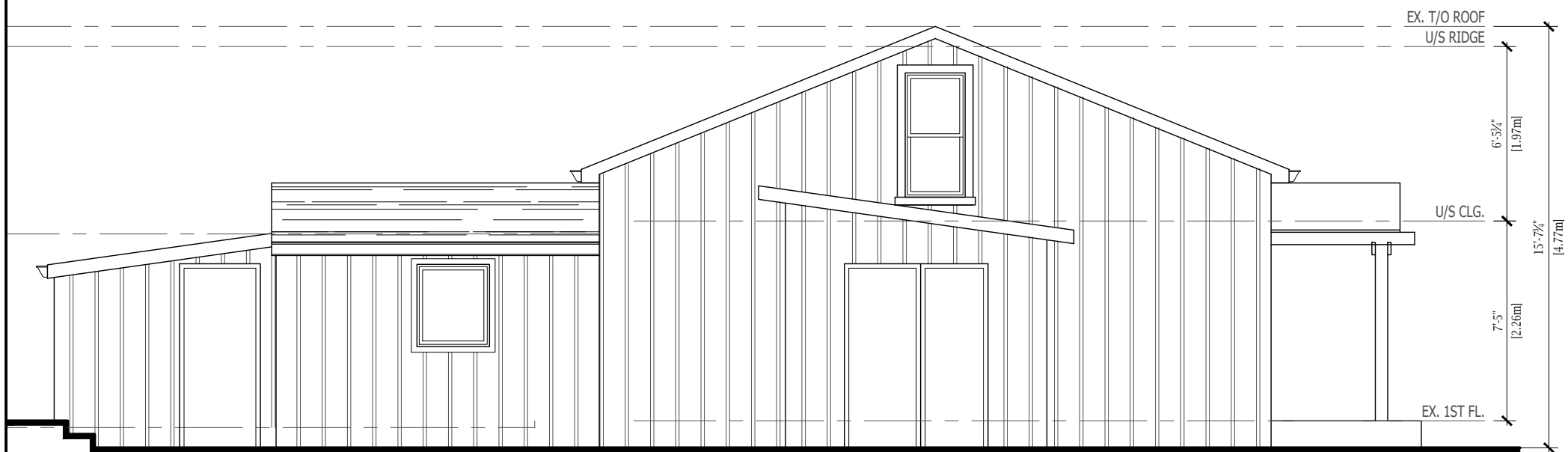
DRAWN: CB	SCALE: AS NOTED
DATE: Apr. 28, 22	SHEET: A1.05
JOB NO.: 21-090	





1 EXIST. FRONT ELEVATION  
A2.01 3/16" = 1'-0"


2 EXIST. REAR ELEVATION  
A2.01 3/16" = 1'-0"




3 EXIST. LEFT SIDE ELEVATION  
A2.01 3/16" = 1'-0"

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REF.	DATE:	DESCRIPTION:




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cbrown@friendlycadmonkey.com

CLIENT:  
WATHEN RESIDENCE

ADDRESS: 39 FLORENCE STREET  
CITY: HAMILTON, ONTARIO, L8R 1W5  
DRAWING TITLE:  
EXISTING ELEVATIONS

 Ministry of Municipal Affairs and Housing  
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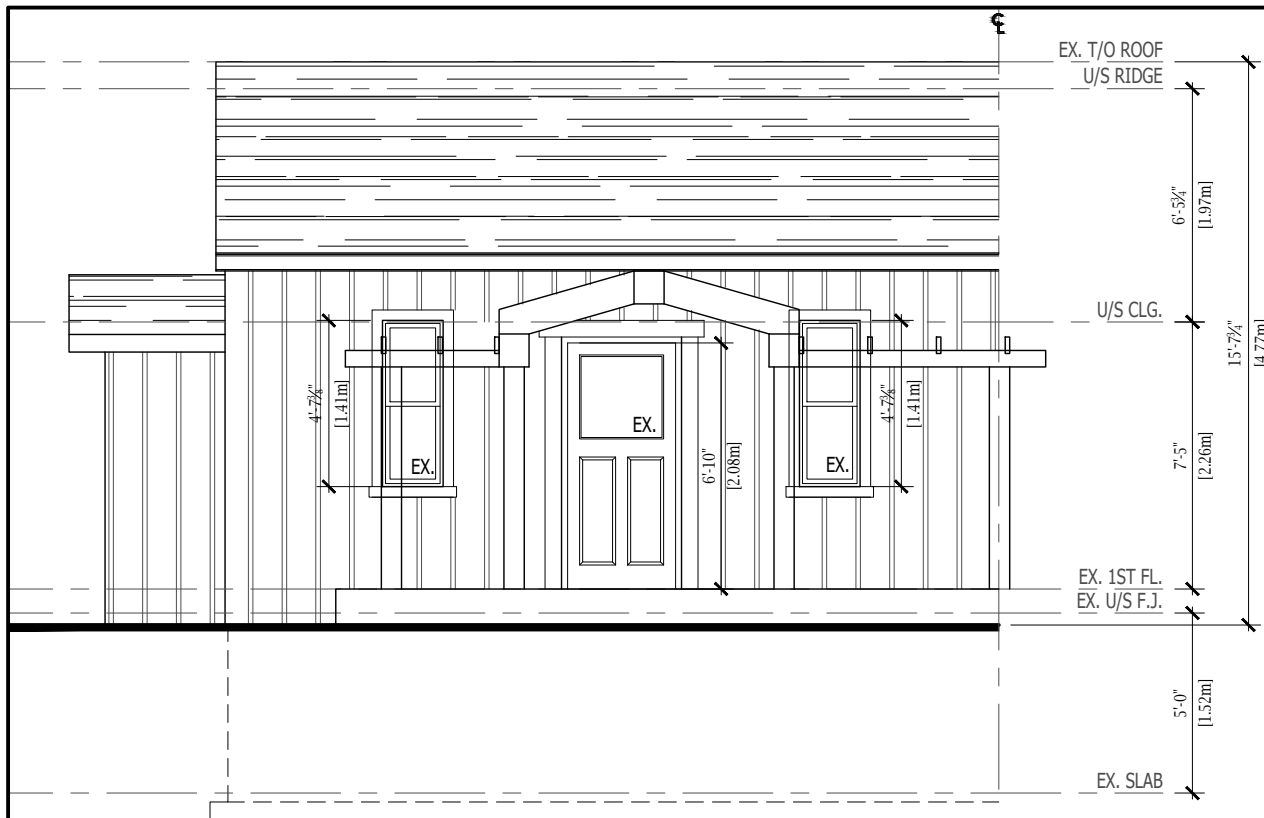
MY HOUSE DESIGNS  
BCIN 113120

DRAWN: CB  
DATE: Apr. 28, 22

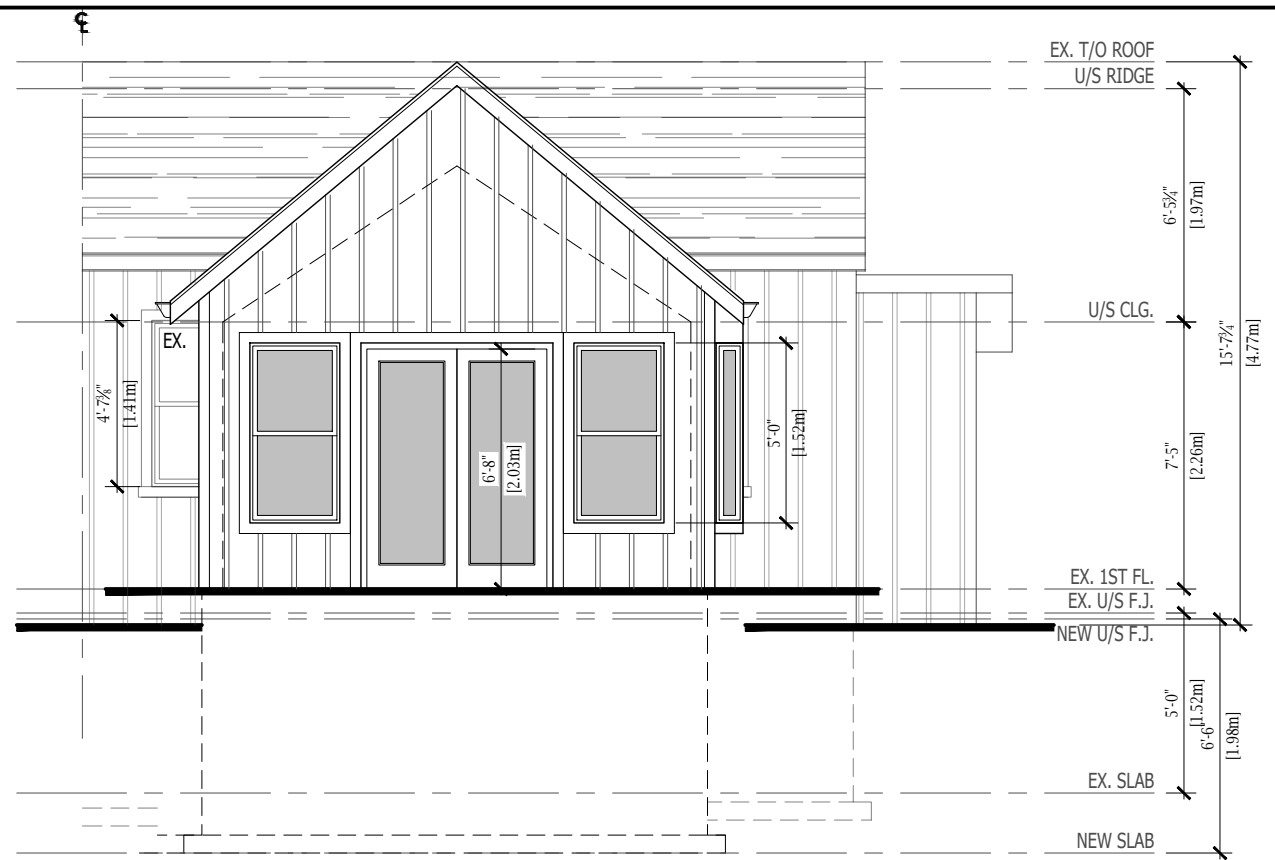
JOB NO.: 21-090

SCALE: AS NOTED

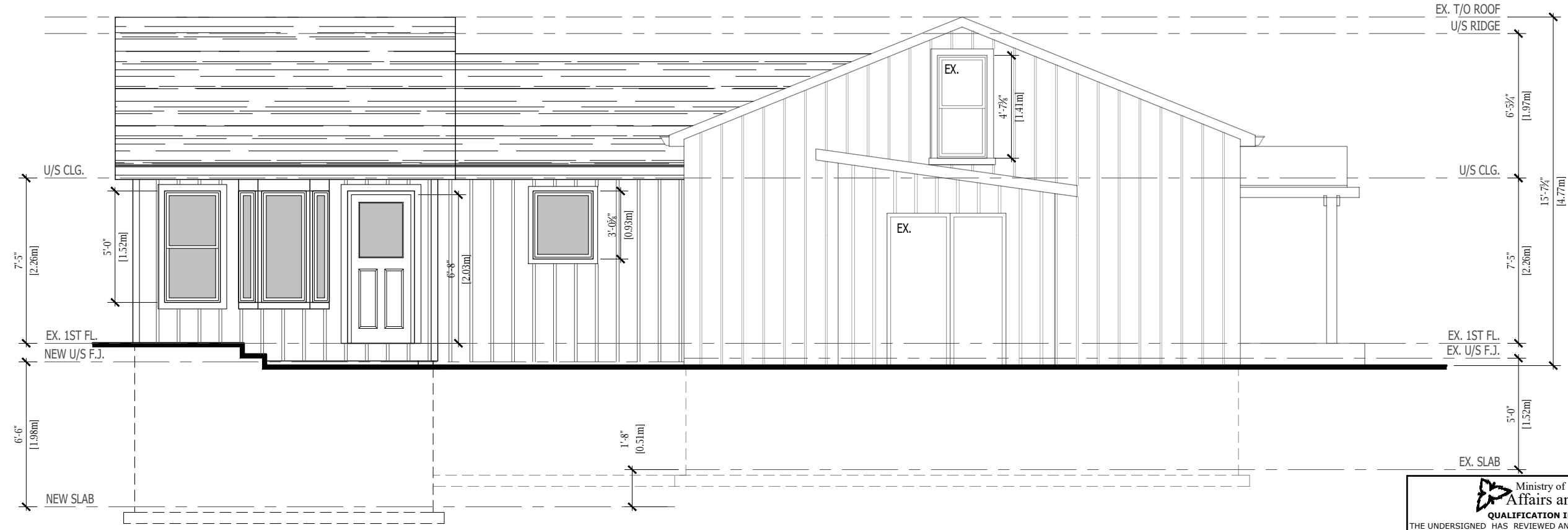
SHEET: A2.01



1 EXIST. FRONT ELEVATION  
A2.02 3/16" = 1'-0"




2 PROP. REAR ELEVATION  
A2.02 3/16" = 1'-0"




3 PROP. LEFT SIDE ELEVATION  
A2.02 3/16" = 1'-0"

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RESIDENTIAL  
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HAMILTON, ON L8V 4H9  
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CLIENT:  
**WATHEN RESIDENCE**

ADDRESS: 39 FLORENCE STREET  
CITY: HAMILTON, ONTARIO, L8R 1W5

DRAWING TITLE:  
**PROPOSED ELEVATIONS**

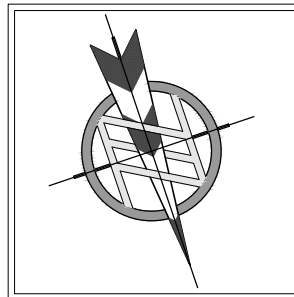
 Ministry of Municipal Affairs and Housing  
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BCIN 113120

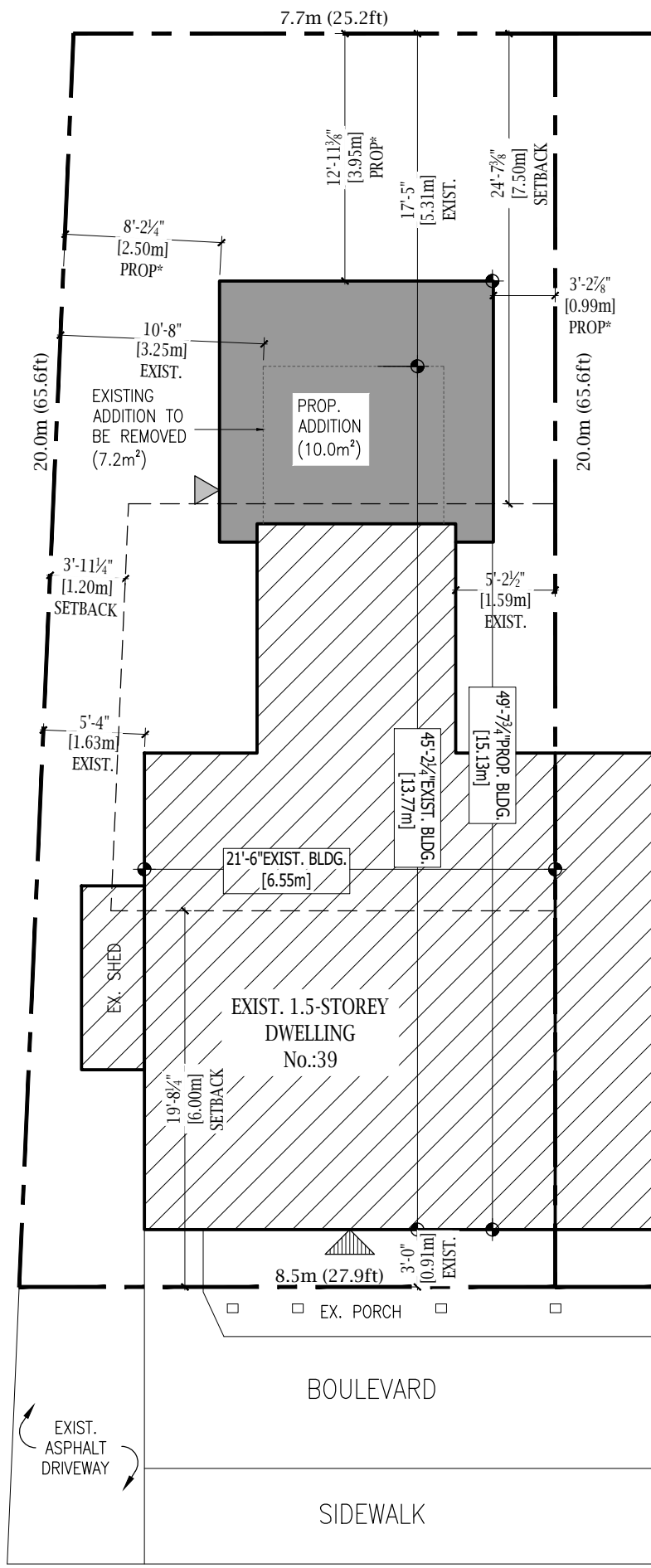
DRAWN: CB  
DATE: Apr. 28, 22  
JOB NO.: 21-090

SCALE: AS NOTED  
SHEET: A2.02



**SITE PLAN LEGEND:**

---	PROPERTY LINE
- - - -	BUILDING ENVELOPE
---	EXISTING TO BE REMOVED
---	PROPOSED SOLID HOARDING
---	PROPOSED FRAMED HOARDING
---	NEW WATER LINE
---	NEW SANITARY LINE
---	NEW NATURAL GAS LINE
---	NEW BURIED HYDRO VAULT
---	NEW SUMP LINE TO GRADE
---	CONSTRUCTION ACCESS
---	EXISTING GRADE
100.00	PROPOSED FINISHED GRADE
---	MAIN ENTRY, FRONT DOOR
---	SECONDARY ENTRANCE
---	EXISTING BUILDING TO REMAIN
---	PROPOSED NEW CONSTRUCTION
---	PROPOSED NEW DRIVEWAY
---	EXISTING TREE TO REMAIN
---	EXISTING TREE TO BE REMOVED
---	RAIN WATER LEADERS



ITEMS MARKED WITH '\*' REQUIRE VARIANCES

<b>PROJECT ADDRESS/OWNER:</b>	<b>DESIGNER/APPLICANT:</b>
Brent Wathen	Christine Brown
39 Florence Street	My House Designs
Hamilton, Ontario, L8R 1W5	444 Upper Gage Avenue
	Hamilton, Ontario, L8V 4H9

<b>SITE STATISTICS:</b>		
<b>ZONING (FORMER HAMILTON):</b> 6593		<b>D</b>

LOT INFORMATION:	METRIC	IMPERIAL
MIN. LOT AREA:	360.00	3875.00
ACTUAL LOT AREA:	162.20	1745.96
MIN. LOT FRONTAGE:	12.00	39.37
ACTUAL LOT FRONTAGE:	8.50	27.89
LOT DEPTH:	20.00	65.62

SETBACK INFORMATION:	METRIC	IMPERIAL
MINIMUM FRONT YARD SETBACK:	6.00	19.69
EXISTING:	0.91	2.99
MINIMUM REAR YARD SETBACK:	7.50	24.61
EXISTING:	5.31	17.42
PROPOSED TO ADDITION:	3.95	12.96
MIN. R SIDE YARD SETBACK:	1.20	3.94
EXIST. R SIDE YARD SETBACK:	0.00	0.00
PROP. R SIDE YARD SETBACK TO ADDITION:	0.99	3.25
MIN. L SIDE YARD SETBACK:	1.20	3.94
EXIST. L SIDE YARD SETBACK:	1.63	5.35
PROP. L SIDE YARD SETBACK TO ADDITION:	2.50	8.20

GROSS FLOOR AREA:	METRIC	IMPERIAL
EXISTING 1st FLOOR AREA:	68.64	738.80
EXISTING 1st FLOOR AREA (to be removed):	7.24	77.90
PROPOSED ADDITION:	10.03	108.00
EXISTING LOFT AREA:	8.08	87.00
EXISTING GROSS FLOOR AREA:	76.72	825.80
PROPOSED GROSS FLOOR AREA:	79.51	855.80

HEIGHT CALCULATIONS:	METRIC	IMPERIAL
MAX. ALLOWABLE HEIGHT:	14.00	45.93
EXISTING HEIGHT:	4.77	15.65
PROPOSED HEIGHT:	4.77	15.65

2 N.T.S.  
SP1.01 1:100

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RESIDENTIAL DESIGN AND DRAFTING SERVICES

CHRISTINE BROWN  
Architectural Technologist  
905.802.5272  
444 UPPER GAGE AVE.  
HAMILTON, ON L8V 4H9  
cbrown@friendlycadmonkey.com

CLIENT:  
**WATHEN RESIDENCE**

ADDRESS: 39 FLORENCE STREET  
CITY: HAMILTON, ONTARIO, L8R 1W5  
DRAWING TITLE:  
**SITE PLAN & SITE STATS**

**Ministry of Municipal Affairs and Housing**

**QUALIFICATION INFORMATION**

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REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION 'C' SECTION 3.2 OF THE O.B.C.

BCIN 37240  
CHRISTINE BROWN

BCIN 113120  
MY HOUSE DESIGNS

DRAWN: CB	SCALE: AS NOTED
DATE: Apr. 28, 22	SHEET: SP1.01
JOB NO.: 21-090	

1 SITE PLAN  
SP1.01 1:100



### APPLICATION FOR A MINOR VARIANCE

<b>FOR OFFICE USE ONLY.</b>	
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)	Brent Wathen	
Applicant(s)*		
Agent or Solicitor	Christine Brown	

**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:

**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 rear yard setback of 3.95m where a minimum 7.5m is required

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

the nature of the neighbourhood is such that the lots are very small and legal non-conforming. There is an existing rear addition with a setback of 5.31m. The dwelling is very small so to permit a larger addition would benefit 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**):

39 Florence 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?

The properties have existed as SFR for over 150 years so the answers are probably all "NO" but for the sake of this application we assume "UNKNOWN" without further proof.

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.

APR. 28/22  
Date

Jo Willan & Brent Wathen  
Signature Property Owner(s)

Jo Willan & Brent Wathen  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>8.5m</u>
Depth	<u>20.0m</u>
Area	<u>162.2s.m.</u>
Width of street	<u>7.0m</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: \_

ground floor area: 68.6s.m.  
gross floor area: 76.7s.m.  
stories: 1.5  
width: 6.55m, length: 13.77m, height: 4.77m

Proposed

ground floor area: 78.6s.m.  
gross floor area: 86.7s.m.  
stories: no change  
width: no change, length: 15.13m, height: no change

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: 0.91m  
Rear: 5.31m  
L side: 1.63m  
R side: 0m (semi detached)

Proposed:

Front: no change  
Rear: 3.95m  
L side: 2.5m to addition  
R side: 0.99m to addition

13. Date of acquisition of subject lands:  
DEC. 2012
14. Date of construction of all buildings and structures on subject lands:  
1860's
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:  
150+ Years
18. Municipal services available: (check the appropriate space or spaces)  
 Water Y Connected Y  
 Sanitary Sewer Y Connected Y  
 Storm Sewers Y
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
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.