



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-22:155	SUBJECT PROPERTY:	6 MOUNTAIN AVE, HAMILTON
ZONE:	"C" (Urban Protected Residential, etc.)	ZONING BY-LAW:	Zoning By-law 6593, as Amended 83-66

APPLICANTS: Agent Marina Fensham
Owner Pablo E. Serrano Aybar

The following variances are requested:

1. A minimum northerly side yard of 0.75 metres shall be permitted, instead of the minimum 0.9 metre side yard required.

PURPOSE & EFFECT: To permit the construction of a two-storey addition, a roofed-over unenclosed porch, and an uncovered porch at the rear of the existing single family dwelling.

Notes:

1. The submitted application indicates a height of 7.36 metres and two (2) storey's for the proposed building addition, however, detailed elevation drawings were not included in the submission materials to confirm zoning compliance. Note that as per Section 9(2), in a "C" District, no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres (36.09 feet), in height. Additional variances may be required if compliance with Section 9(2) cannot be achieved.
2. Please note the specific projection of the eave/gutter into the easterly side yard has not been indicated. As per Section 18(3)(vi)(b), eaves and gutters may project into a required side yard not more than one-half of its width or 10 metres, whichever is the lesser. Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot.

3. Please note that Section 18(3)(vi)(e) establishes regulations for the projection of a terrace, uncovered porch, platform or ornamental feature, which does not extend more than 1.0 metres above the floor level of the first storey. As detailed elevation drawings were not provided, it is unclear if the portion of the porch in the rear yard that is to be uncovered extends more than 1.0 metre above the floor level of the first storey. It is noted that should the uncovered portion of the porch extend less than 1.0 metres above the floor level of the first storey, compliance with Section 18(3)(vi)(e) will have been achieved with the current proposal.

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:	3:10 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 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.

PLAN

OF PART OF
LOT 52
 BEULAH SURVEY
REGISTERED PLAN NO. 272 (PT.1)
 IN THE
CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF
 HAMILTON-WENTWORTH

BASED ON SURVEY BY:
 A.T. McLAREN LIMITED
 ENGINEERS & SURVEYORS

Site Statistics

Zoning Code C
 Zoning Description Urban Protected Residential, Etc.
 Parent Bylaw Number 6593 Former Hamilton

Gross Floor Area

Existing: 131m² (1409.94ft²)
 With Addition: 324m²

Building Area

Existing: 67.93m² (731.21ft²)
 Proposed: 112.8m² (1216ft²)

Lot Size

359.53m² (3870.00ft²)

Lot Coverage

Existing: 18.89%
 Proposed: 31.4%

Number of Storeys

Existing: 2
 Proposed: 2 w/ walk-out basement

Building Height

Existing: 7.36m
 Proposed: 7.36m

Building Width

Existing: 6.43m
 Proposed (Addition): 4.81m

Building Length

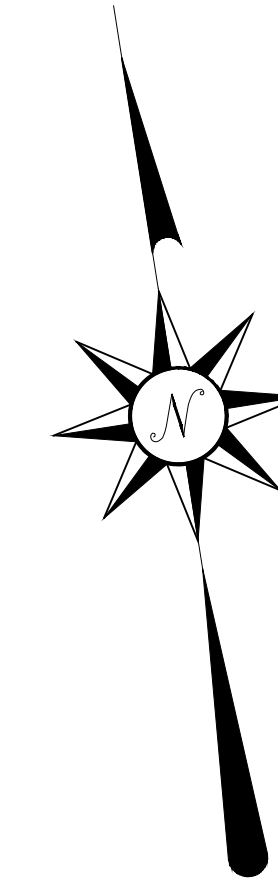
Existing: 11.10m
 Proposed: 20.45m

Lot Statistics

Frontage: 6.86m
 Depth: 52.43m
 Area: 359.53m²
 Width of Street: 5.88m

Setbacks

Existing:
 Front: 0.90m
 Rear: 40.38m
 North Side: 0.25m
 South Side: 0.13m
 Proposed (Addition Only):
 Rear: 26.7m
 North Side: 0.76m
 South Side: 1.20m



CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE JOB SITE AND NOTIFY DESIGNERS OF ALL DISCREPANCIES BEFORE INITIATING WORK. ALL DRAWINGS ARE THE PROPERTY OF THINKGIRAFFE. DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM DESIGNERS. PRINTS ARE NOT TO BE SCALED.

Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f (ii)
 BCIN: 21574 / 116364

Issue for Variance March 17, 2022

REMARKS	DATE	NO.
REVISIONS		

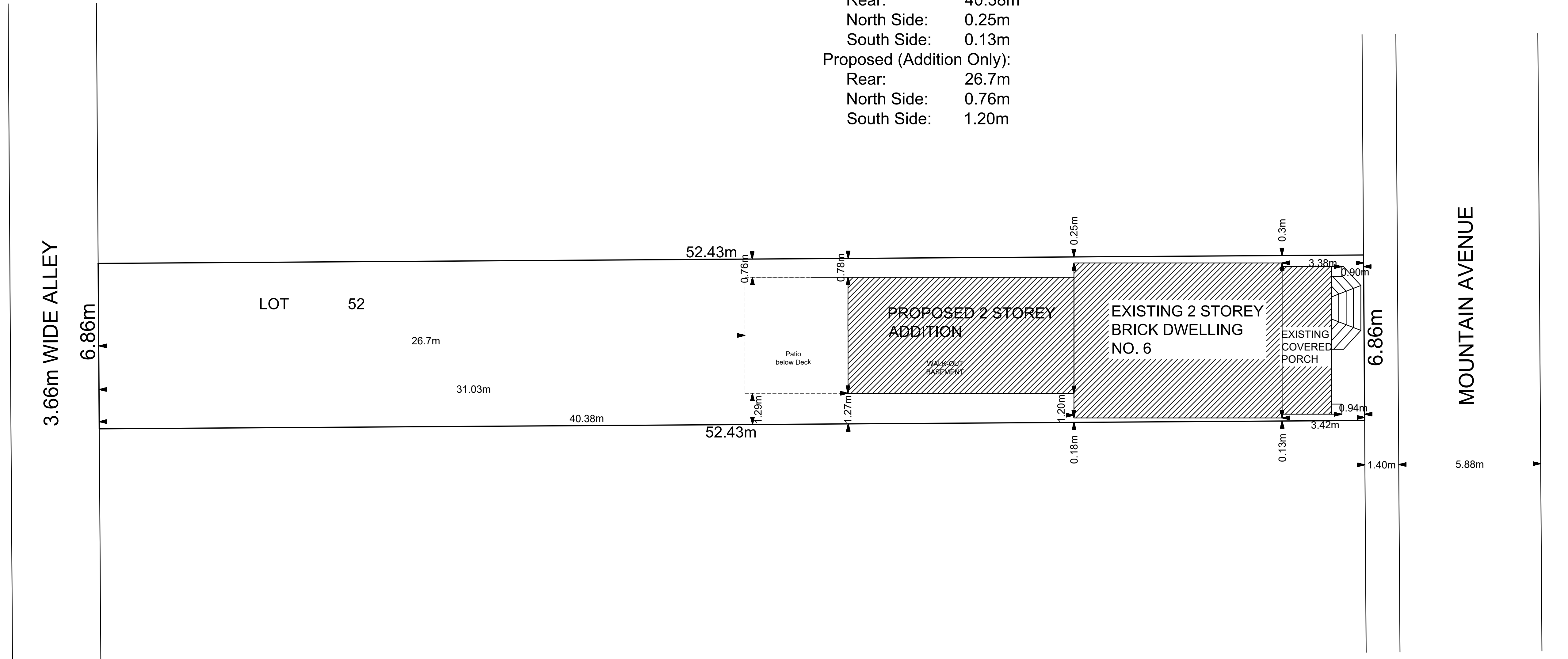
thinkGiraffe
 ENVIRONMENTAL DESIGN
 16 Sulphur Springs Road,
 Ancaster, ON, L9G 1L8
 905 304 1496
 thinkgiraffe@bellnet.ca

PROJECT
 Proposed Addition
 6 Mountain Avenue
 Hamilton
 L8P 4E9

SHEET TITLE
 Site Plan

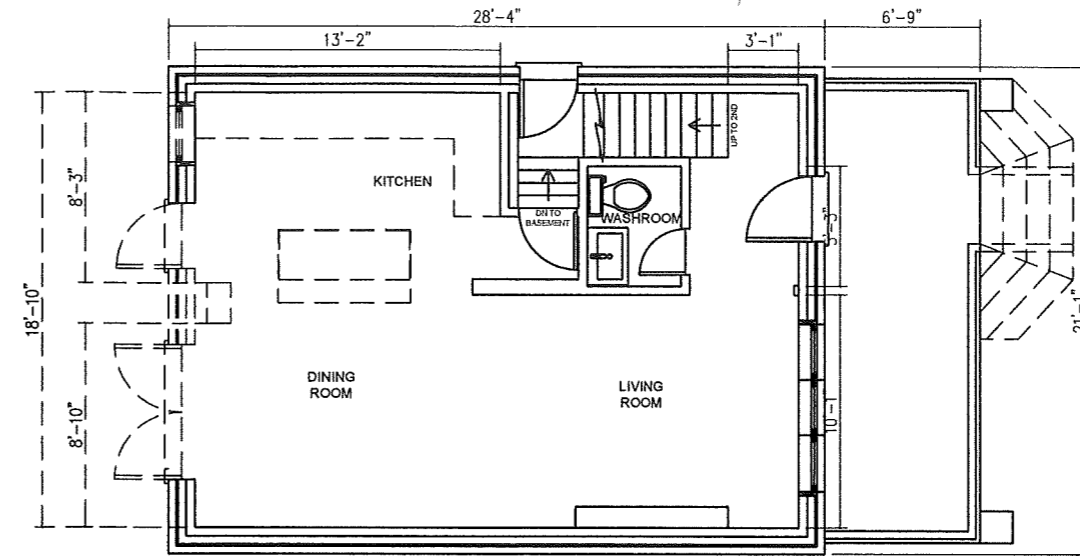
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DATE	NUMBER

A1.01



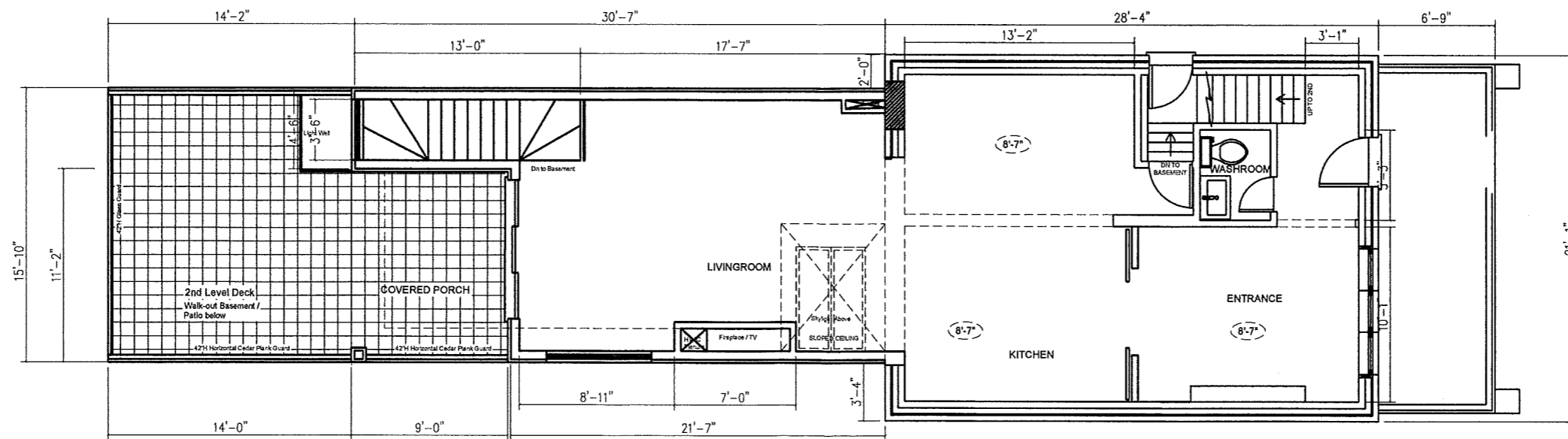
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Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 (6) BCIN: 21574 / 116364



EXISTING MAIN FLOOR PLAN

REMARKS	DATE	NO.
REVISIONS		



PROPOSED MAIN FLOOR STRUCTURE

thinkGiraffe
ENVIRONMENTAL DESIGN
16 Sulphur Springs Road,
Ancaster, ON, L9G 1L8
905 304 1496
thinkgiraffe@bellnet.ca

PROJECT
Proposed Addition
6 Mountain Avenue
Hamilton
L8P 4E9

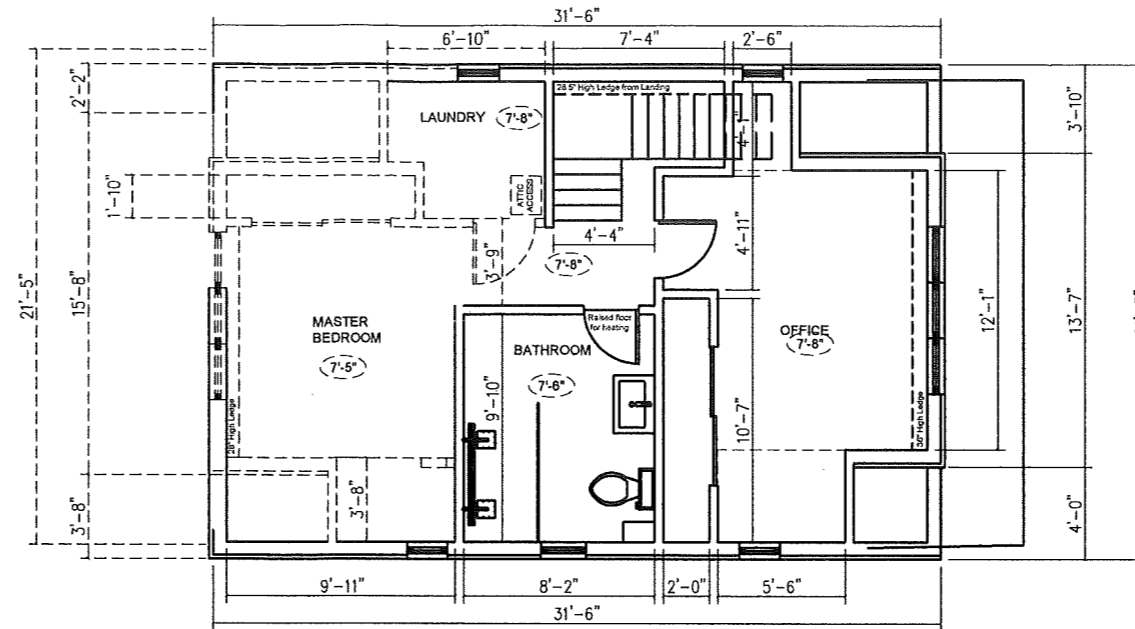
SHEET TITLE
EXISTING & PROPOSED MAIN FLOOR STRUCTURE

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FILE	SCALE 1/4" = 1'-0"
DATE	NUMBER

A2.02

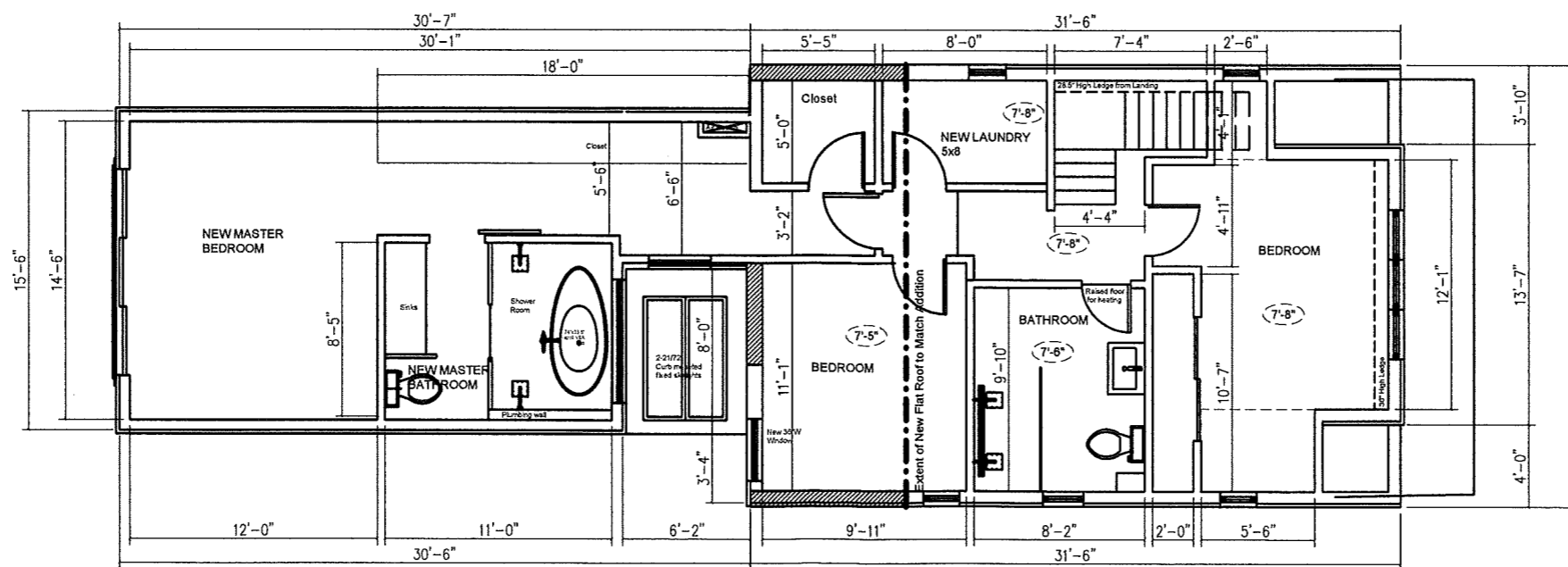
CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE JOB SITE AND NOTIFY DESIGNERS OF ALL DISCREPANCIES BEFORE INITIATING WORK. ALL DRAWINGS ARE THE PROPERTY OF THINKGIIRAFFE. DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM DESIGNERS. PRINTS ARE NOT TO BE SCALED.

Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f(i) BCIN: 21674 / 116364



EXISTING 2ND FLOOR

REMARKS	DATE	NO.
REVISIONS		



PROPOSED 2ND FLOOR

thinkGiraffe
ENVIRONMENTAL DESIGN
16 Sulphur Springs Road,
Ancaster, ON, L9G 1L8
905 304 1496
thinkgiraffe@bellnet.ca

PROJECT
Proposed Addition
6 Mountain Avenue
Hamilton
L8P 4E9

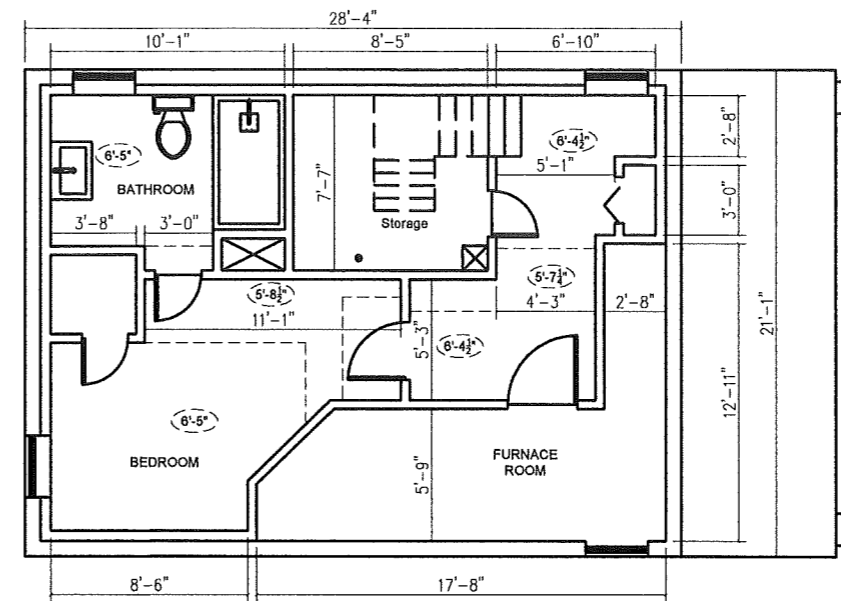
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EXISTING & PROPOSED
2ND FLOOR STRUCTURE

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FILE	SCALE 1/4" = 1'-0"
DATE	NUMBER

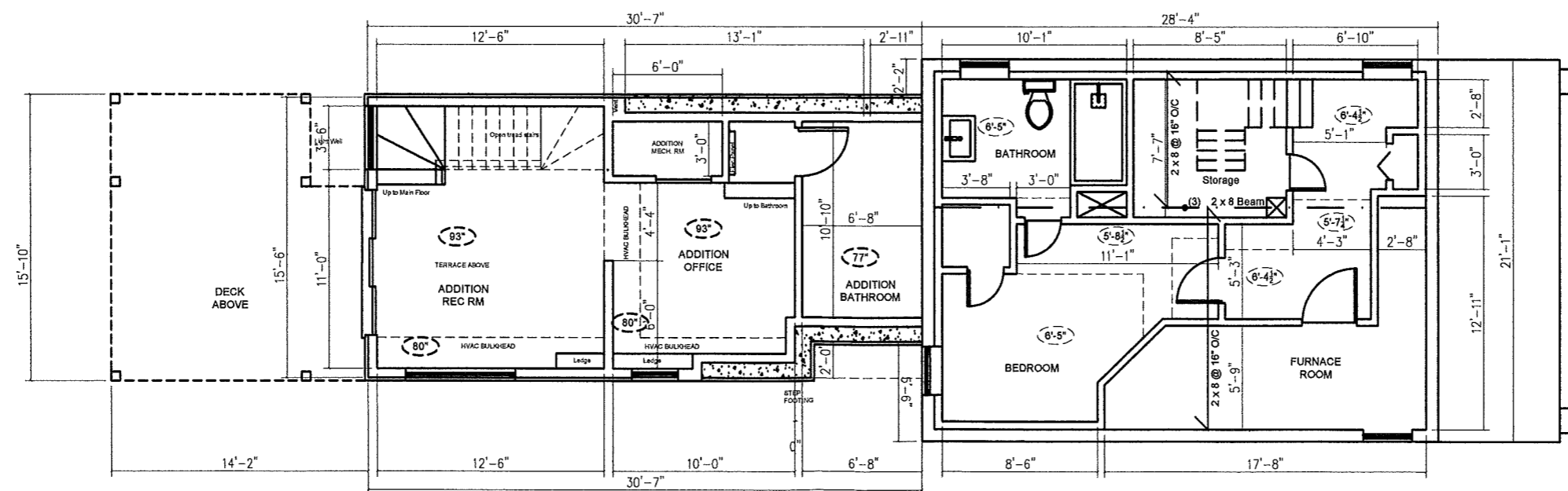
A2.03

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Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 (f) BCIN: 21674 / 116384



EXISTING BASEMENT PLAN



PROPOSED ADDITION BASEMENT STRUCTURE

REMARKS	DATE	NO.
REVISIONS		

thinkGiraffe
ENVIRONMENTAL DESIGN
16 Sulphur Springs Road,
Ancaster, ON, L9G 1L8
905 304 1498
thinkgiraffe@bellnet.ca

PROJECT
Proposed Addition
6 Mountain Avenue
Hamilton
L8P 4E9

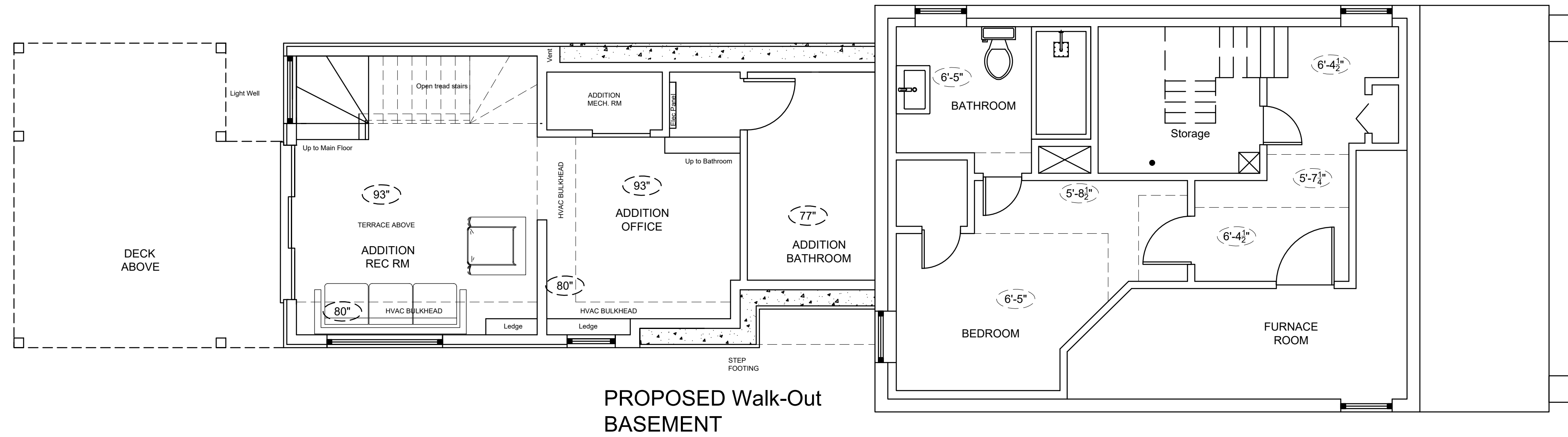
SHEET TITLE
EXISTING & PROPOSED
BASEMENT STRUCTURE

FOLDER	DRAWN BY M
FILE	SCALE 1/4" = 1'-0"
DATE	NUMBER

A2.04

Basement Area

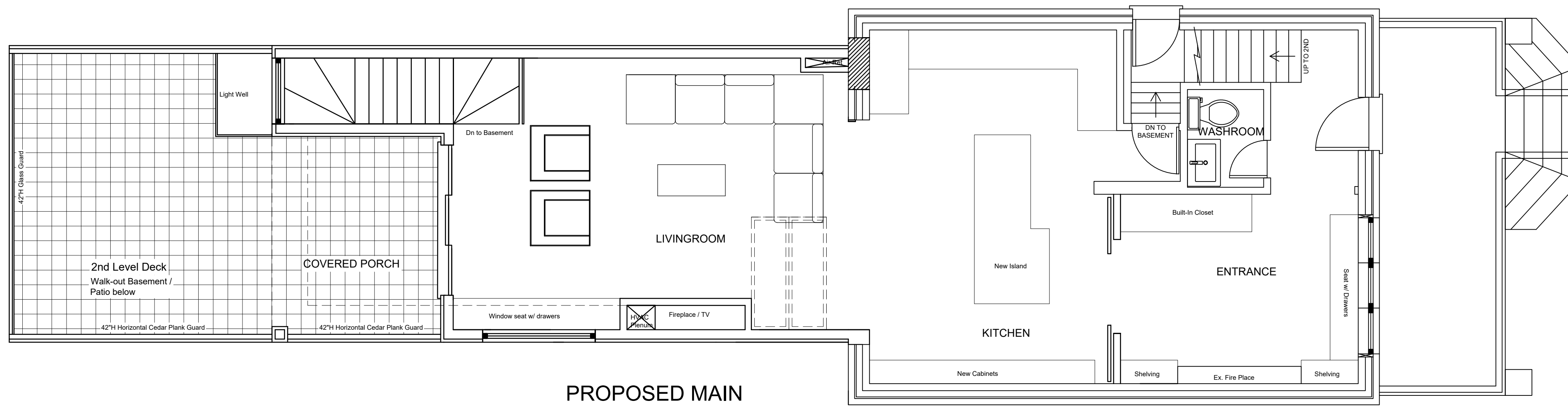
Existing: 55.42m² (596.48ft²)
 Addition: 63.02m² (678.31ft²)
 Total Proposed: 118.43m² (1274.79ft²)



PROPOSED Walk-Out BASEMENT

Main Floor Area

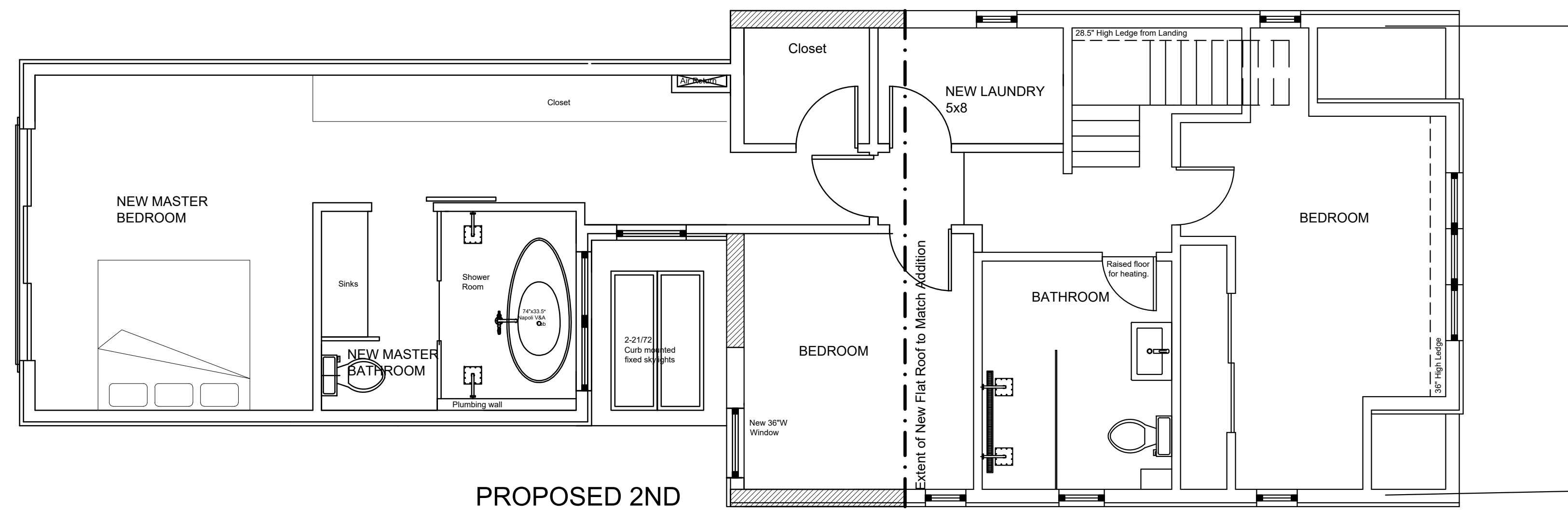
Existing: 67.93m² (731.21ft²)
 Addition w/ covered Porch: 64.09m² (689.83ft²)
 Total Proposed: 132.02m² (1421.04ft²)



PROPOSED MAIN FLOOR

2nd Floor Area

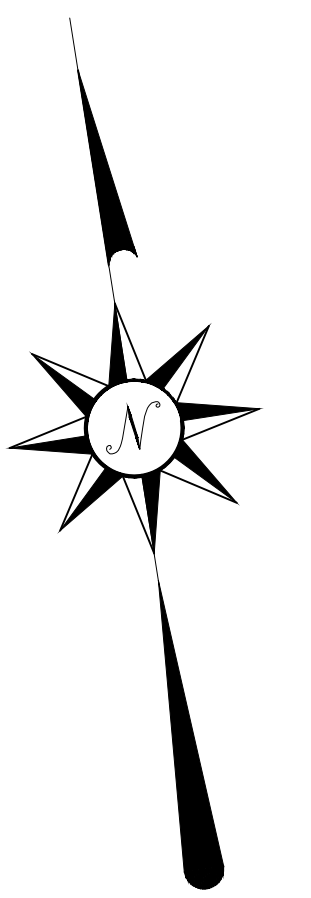
Existing: 63.06m² (678.73ft²)
 Addition: 44.81m² (482.32ft²)
 Total Proposed: 107.86m² (1161.05ft²)



PROPOSED 2ND FLOOR

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Issue for Variance March 17, 2022

REMARKS	DATE	NO.
REVISIONS		

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 905 304 1496
 thinkgiraffe@bellnet.ca

PROJECT
 Proposed Addition
 6 Mountain Avenue
 Hamilton
 L8P 4E9

SHEET TITLE
 Presentation Plans

FOLDER	DRAWN BY M
FILE	SCALE 1/4" = 1'-0"
DATE	NUMBER

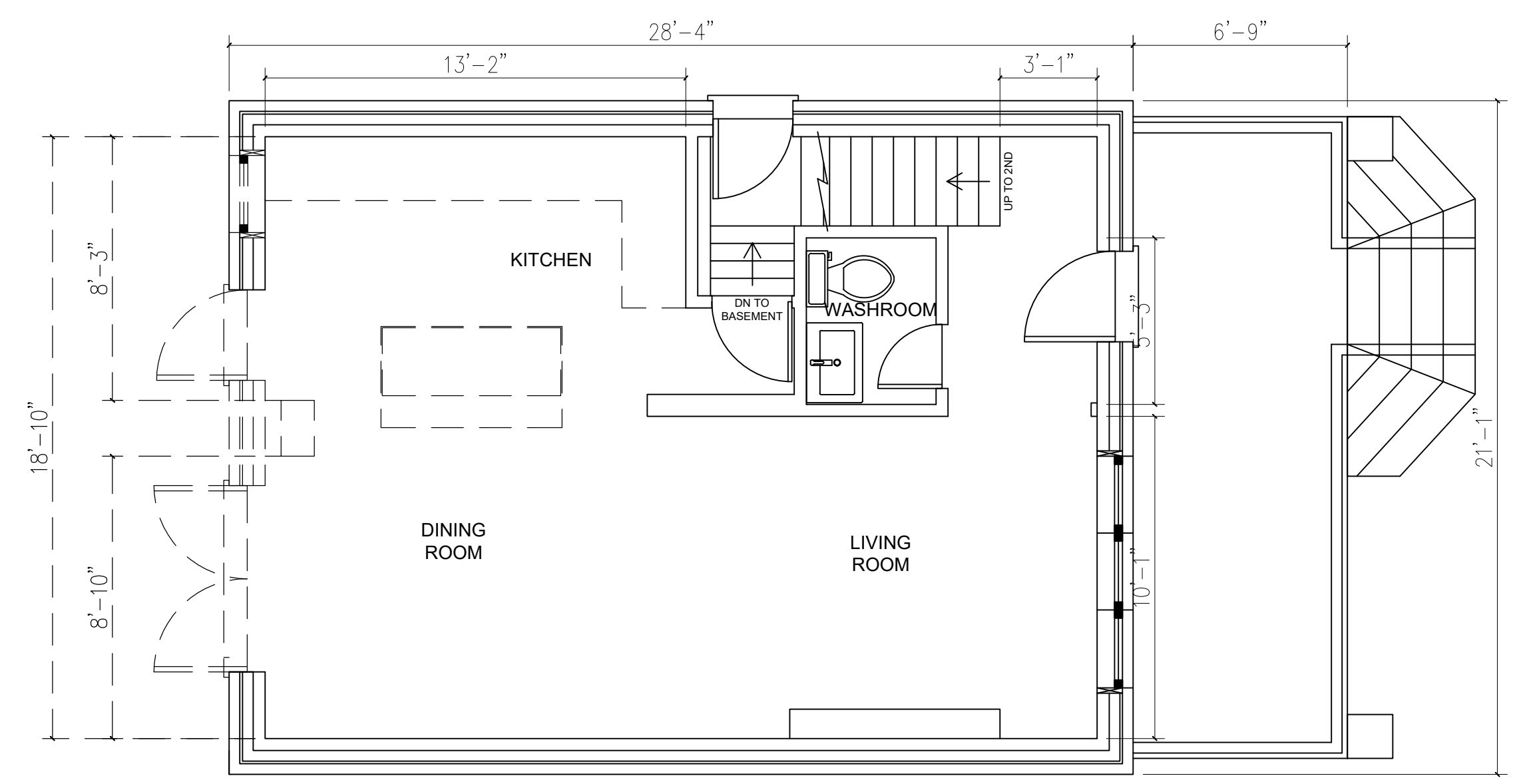
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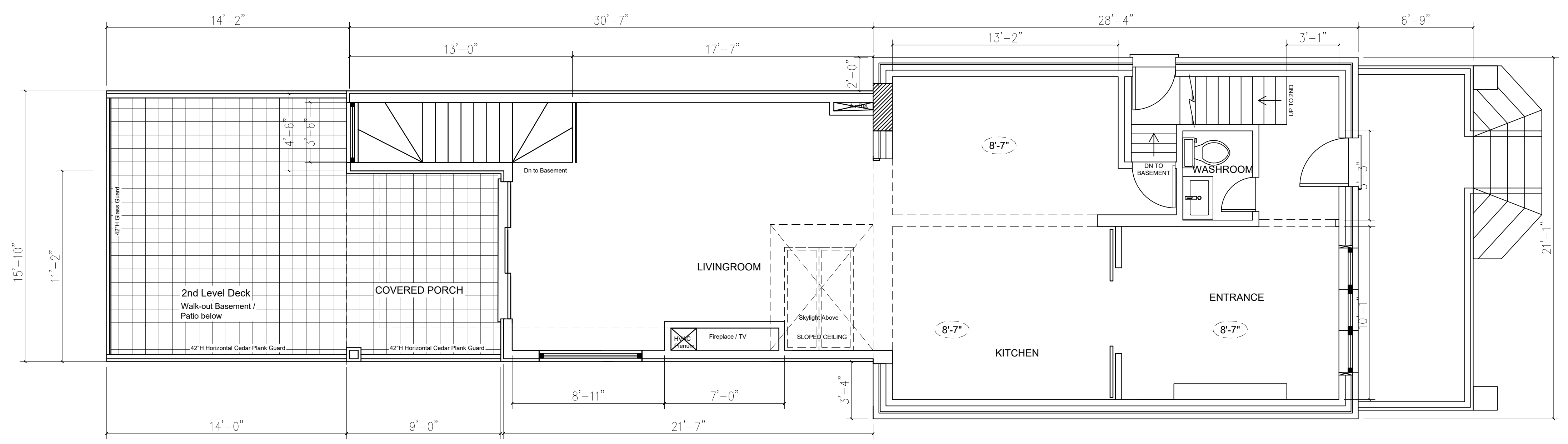
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 BCIN: 21574 / 116364

Issue for Variance March 17, 2022

REMARKS	DATE	NO.
REVISIONS		



EXISTING MAIN FLOOR PLAN



PROPOSED MAIN FLOOR STRUCTURE

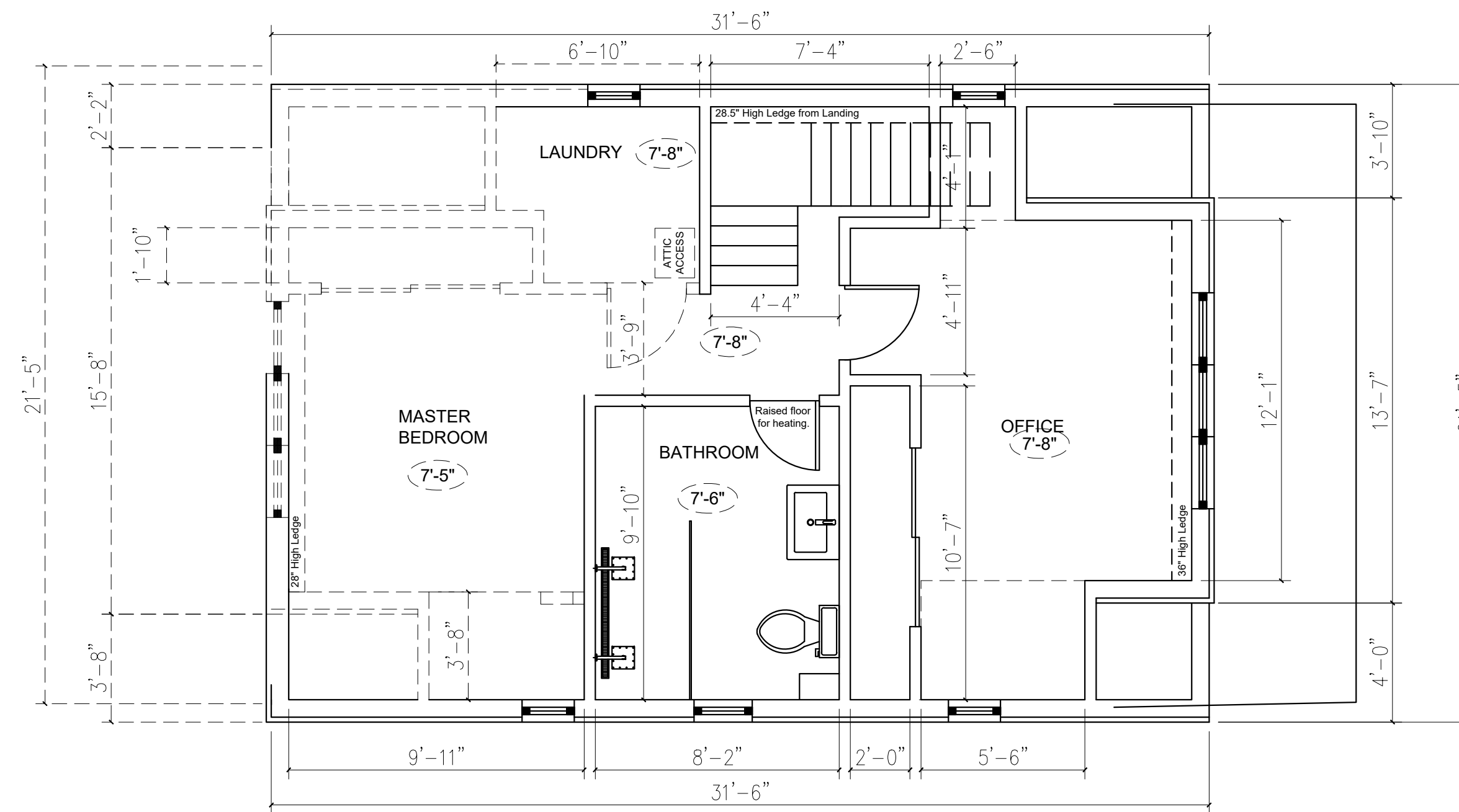
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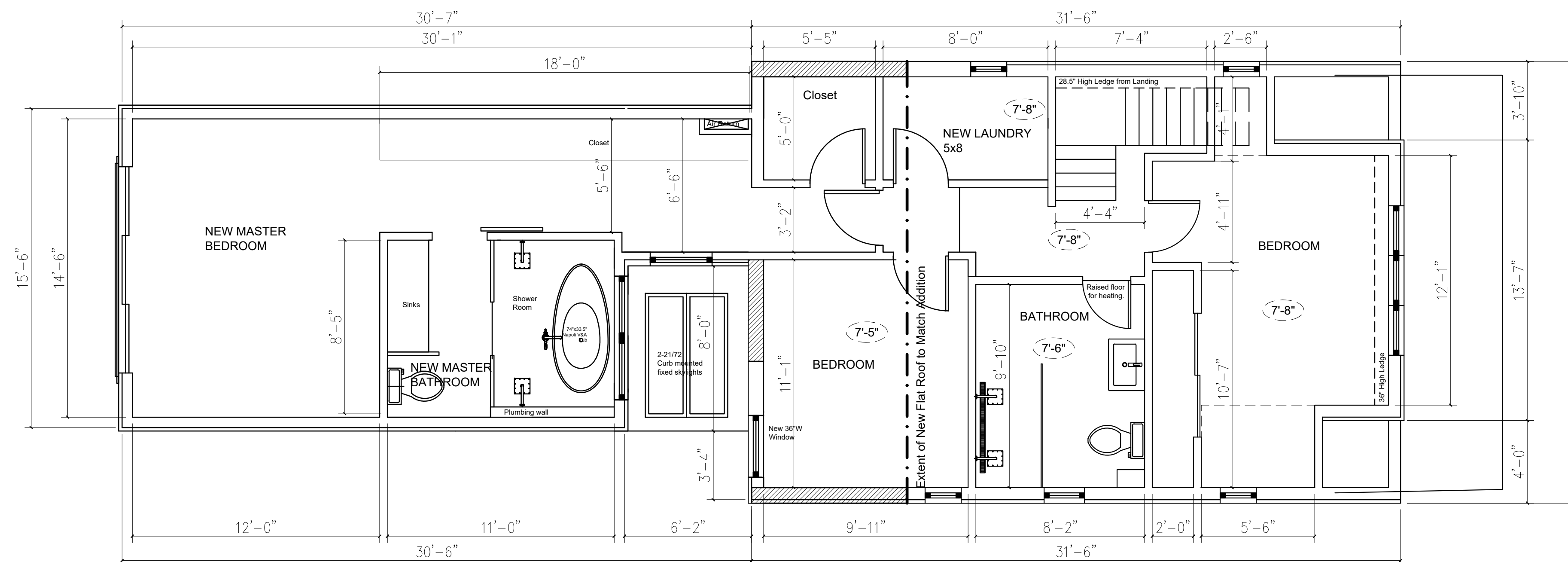
SHEET TITLE
 PROPOSED MAIN FLOOR PLAN

FOLDER	DRAWN BY M
FILE	SCALE 1/4" = 1'-0"
DATE	NUMBER

A2.02



EXISTING 2ND FLOOR



PROPOSED 2ND FLOOR

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Issue for Variance March 17, 2022

REMARKS	DATE	NO.
REVISIONS		

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905 304 1496
thinkgiraffe@bellnet.ca

PROJECT
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SHEET TITLE
EXISTING & PROPOSED
2ND FLOOR STRUCTURE

FOLDER	DRAWN BY M
FILE	SCALE 1/4" = 1'-0"
DATE	NUMBER

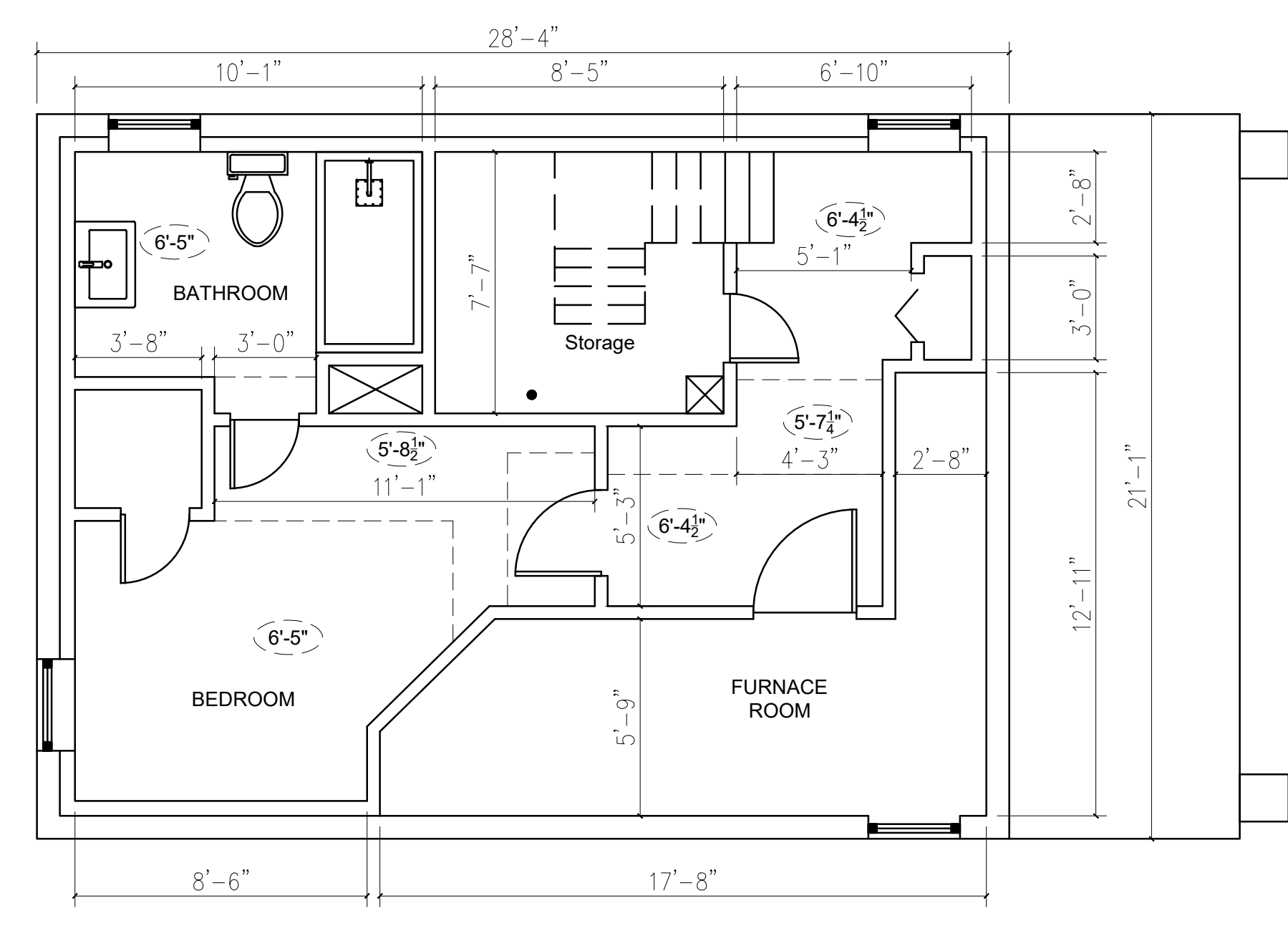
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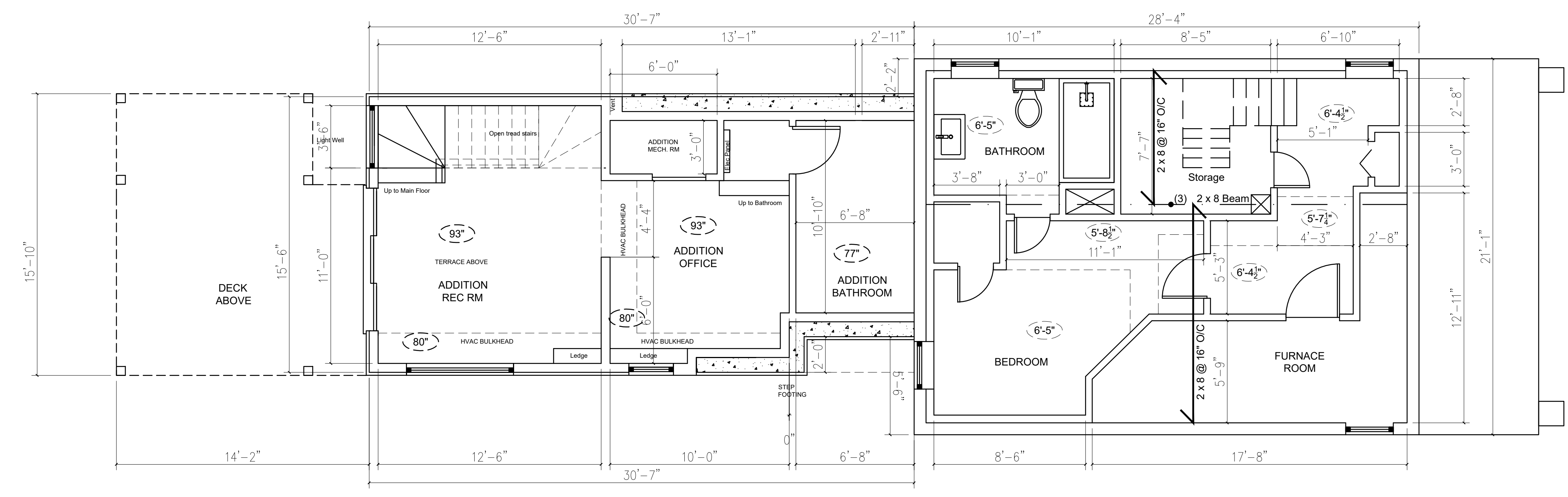
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 BCIN: 21574 / 116364

Issue for Variance March 17, 2022

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REVISIONS		



EXISTING BASEMENT PLAN



PROPOSED ADDITION BASEMENT STRUCTURE

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 ENVIRONMENTAL DESIGN
 16 Sulphur Springs Road,
 Ancaster, ON, L9G 1L8
 905 304 1496
 thinkgiraffe@bellnet.ca

PROJECT
 Proposed Addition
 6 Mountain Avenue
 Hamilton
 L8P 4E9

SHEET TITLE
 BASEMENT PLAN

FOLDER	DRAWN BY M
FILE	SCALE 1/4" = 1'-0"
DATE	NUMBER

A2.04



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 _____

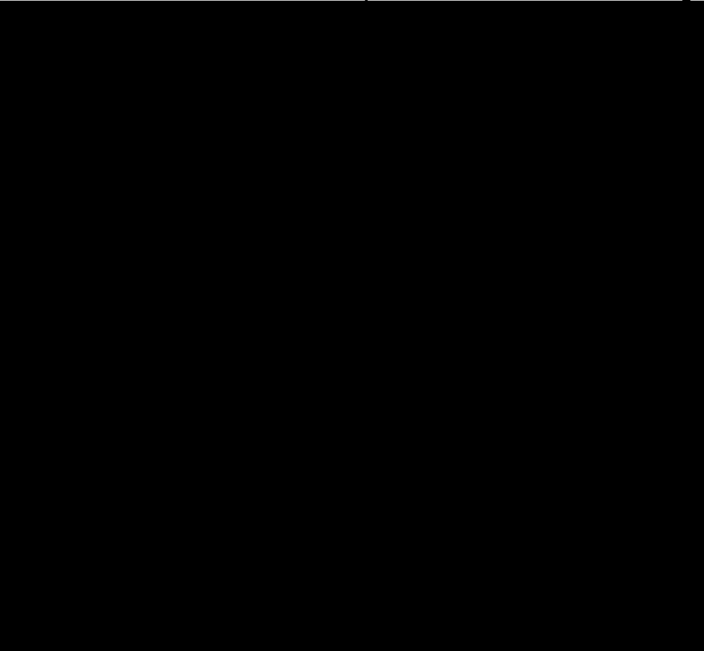
PAID _____ DATE APPLICATION DEEMED COMPLETE _____

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)	Pablo E Serrano Aybar	
Applicant(s)*	Marina Fensham	
Agent or Solicitor	Marina Fensham	

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:

National Bank of Canada 18009010172 ext 21105
--

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:

North boundary at 0.76m instead of 1.2m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The 2nd floor hallway cannot be connected to the addition without extending into the north side yard setback

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**):

Registered Plan No. 272 (Part 1)
Lot 52
6 Mountain Avenue, Hamilton ON, L8P 4E9

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?

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 Property Owner(s)

Pablo E Serrano Aybar

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 6.86m
Depth 52.43m
Area 359.53m²
Width of street 5.88m

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: _

Gross Floor Area
Existing: 130.99m² (1409.94ft²)

Building Area
Existing: 67.93m² (731.21ft²)

Proposed

Building Area
Existing: 67.93m² (731.21ft²)
Proposed: 112.8m² (1216ft²)

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: 0.90m
Rear: 40.38m
North Side: 0.25m
South Side: 0.13m

Proposed:

Addition Only:
Rear: 27.07m
North Side: 0.76m
South Side: 1.20m
No changes to the front yard setback as the addition is to be constructed on the

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:
Circa 1920?

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SF Residential

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SF Residential

17. Length of time the existing uses of the subject property have continued:
Approx 100 Years

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:

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.