



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-22:143</b>	<b>SUBJECT PROPERTY:</b>	408 UPPER HORNING RD HAMILTON
<b>ZONE:</b>	"B" (Suburban Agriculture and Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law 6593, as Amended

**APPLICANTS:** Agent A.J. Clarke – Ryan Ferrari  
**Owner Omar Paracha & Maliha Ali**

The following variances are requested:

Part 1 (Retained Lands):

1. A lot width of 15.0m shall be provided instead of the minimum required lot width of 20.0m.
2. A lot area of 1013.0m<sup>2</sup> shall be provided instead of the minimum required lot area of 1100.0m<sup>2</sup>
3. A side yard width of 1.5m shall be provided instead of the minimum required side yard width of 3.0m

Part 2 (Severed Lands):

1. A lot width of 15.0m shall be provided instead of the minimum required lot width of 20.0m.
2. A lot area of 1060.0m<sup>2</sup> shall be provided instead of the minimum required lot area of 1100.0m<sup>2</sup>
3. A side yard width of 1.5m shall be provided instead of the minimum required side yard width of 3.0m.

**PURPOSE & EFFECT:** So as to permit the severance of the subject lands into two (2) separate lots in accordance with Consent Application HM/B-21:62 and to permit the construction of a new Single Family Dwelling on each lot.

**Notes:**

- i. Variances #1 & 2 are required to facilitate land severance application HM/B-21:62.
- ii. Please be advised that a maximum building height of 2.5 storeys and 11.0m is permitted. The height of the proposed dwellings have not been measured in accordance with the definition of Building Height as defined in Hamilton Zoning By-law 6593. As such, zoning compliance cannot be confirmed at this time. Further variances will be required if the height of the proposed Single Family Dwellings exceed 2.5 storeys or 11.0m.
- iii. All yard encroachments shall be provided in accordance with Section 18(3)(vi) of Hamilton Zoning By-law 6593. The distances in which any proposed balconies, roofed-over unenclosed porches, decks etc project into a required yard have not been provided in order to confirm zoning compliance. As such, further variances may be required.

**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>2:10 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>

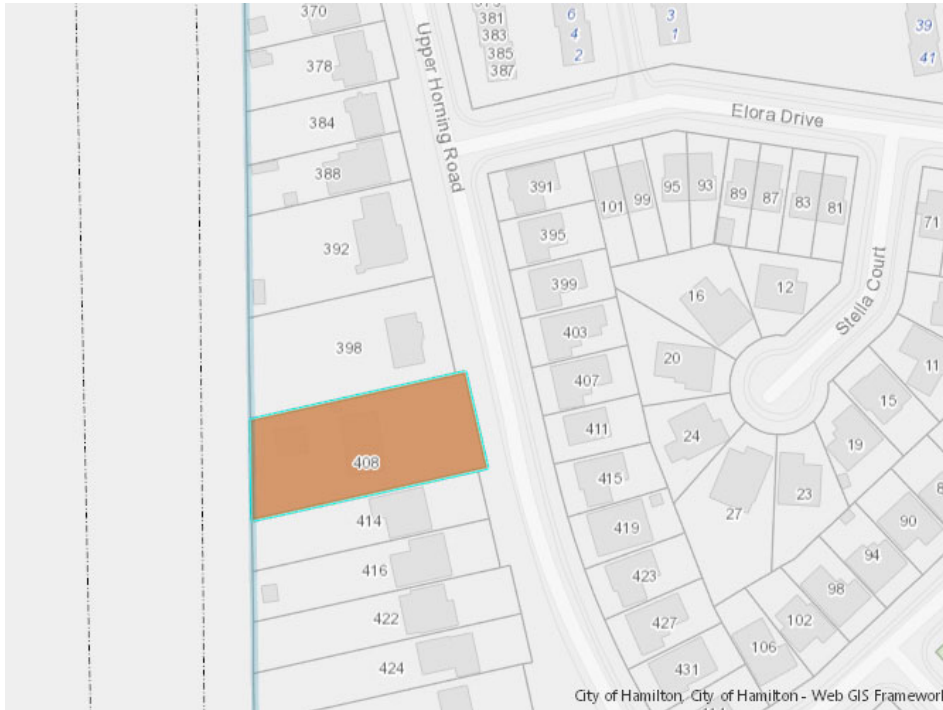
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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.



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.



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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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/committeefadadjustment](http://www.hamilton.ca/committeefadadjustment)

### 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.**

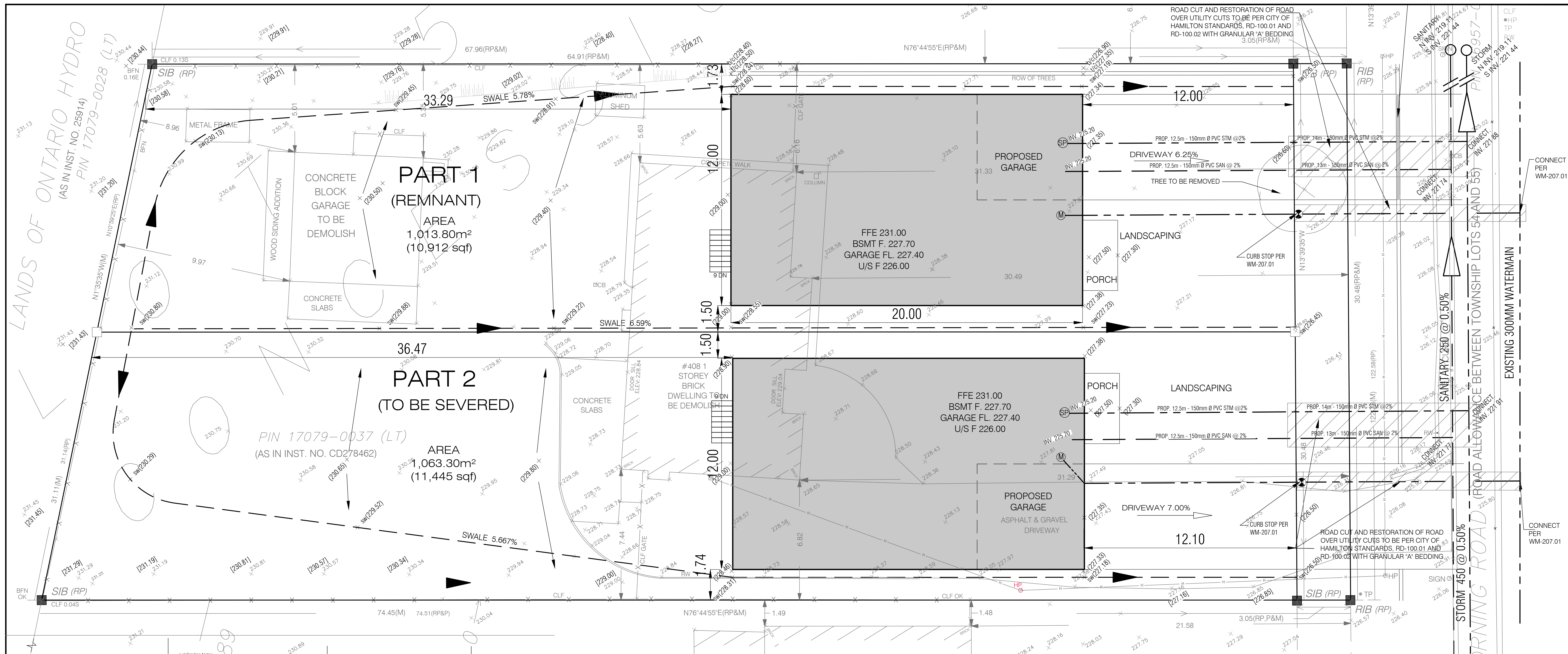
To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish 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.





# SITE PLAN

**CITY OF HAMILTON**  
**STANDARD GRADING CONTROL NOTES FOR SINGLE AND SEMI-DETACHED DWELLING**  
 UNITS CREATED THROUGH DEVELOPMENT APPLICATIONS

1. Any change in grades and/or catch basins, require the approval of the City's manager of Development Engineering.

2. All driveway from property line for the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.

3. The approval of this does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:

• Road cut permits  
 • Sewer permits  
 • Abandonment of services  
 • Construction Agreements (if required)

4. All work involved in the construction, relocation, repair of municipal services for the project shall be in the satisfaction of the Director of Development and Real Estate Division, Planning and Development Department.

5. Fire Boxes Signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and to the approval of the Fire warden.

6. Main driveway dimensions of the property line boundaries are plus or minus 7.5 m unless otherwise stated.

7. All driveway from property line for the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.

8. Abandoned access routes to be removed and the curb and boulevard restored with seal at the owner's expense to the satisfaction of the Traffic Engineering Section, Public Works Department.

**WATERMANS AND WATER SERVICES**

1. Watermains  
 a) Construction of watermains & private services shall be in accordance with City standards & specifications (latest edition) and Ministry of Environment (MOE) Guidelines (latest edition).  
 b) To be installed to a minimum depth of 1.80m below proposed finished grade.  
 c) All water service lines shall be installed to a minimum depth of 1.5 m.

**COMPACTION REQUIREMENTS**

1. All bedding and backfill material, road sub-grades and generally all material used for grading and fill sections, etc., shall be compacted to 95% SDR (unless otherwise recommended by the geotechnical engineer). All material shall be placed in layers not exceeding 300mm lifts.  
 2. All granular road base materials shall be compacted to 95% SDR.  
 3. All fill sections and watermains shall be compacted to the satisfaction of a geotechnical engineer prior to laying of pipe.

**SILTATION AND EROSION CONTROL**

1. All siltation control measures shall be installed as detailed.  
 2. All siltation control measures shall be cleaned and maintained after each rainfall event and used to the satisfaction of the City of Hamilton.  
 3. Additional siltation control measures may be required as determined by the City of Hamilton.

**Road water leaders**  
 1. All roof water leaders shall discharge onto splash pads and then to gullies or landscaped areas a minimum of 0.6m from the building face.

**Sump Pumps**  
 1. Sump pumps with check valves are to be installed in each dwelling to pump the weeping tiles to the storm private drain. The sump outlet shall extend a minimum of 150mm above the proposed grade at the dwelling (basement ceiling) prior to discharging to the storm private drain.  
 2. Minimum horizontal separation between water services/mains and sewer drains and municipal sewer mains shall be 2.5m measured from the closest pipe edge. Vertical separation between water services/mains and sewer drains shall be 1.5m. A minimum of 0.25m vertical separation is required to provide for proper bedding and structural support. Water services mains shall have a separation of 0.2m between the invert of the sewer main and the crown of the water main.

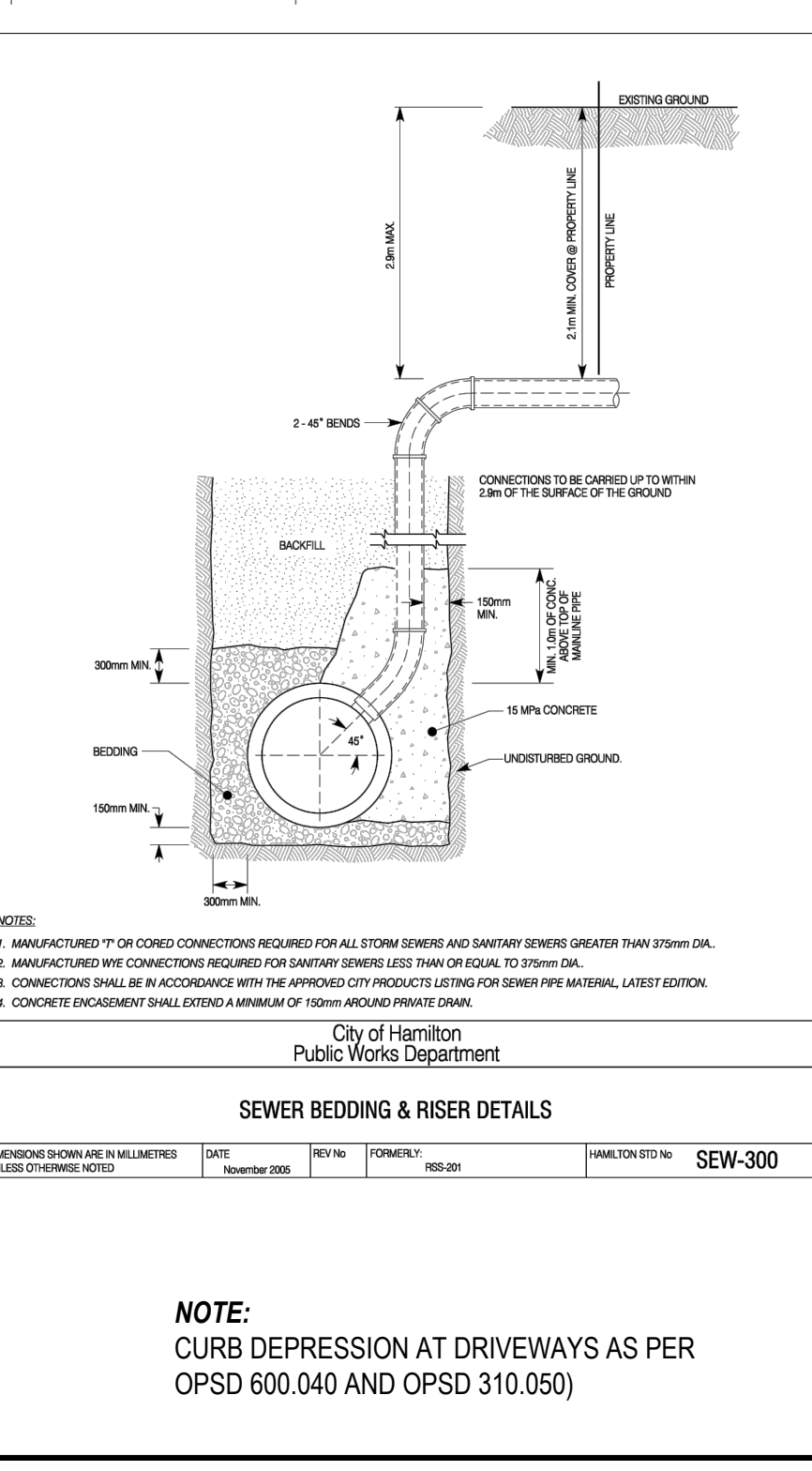
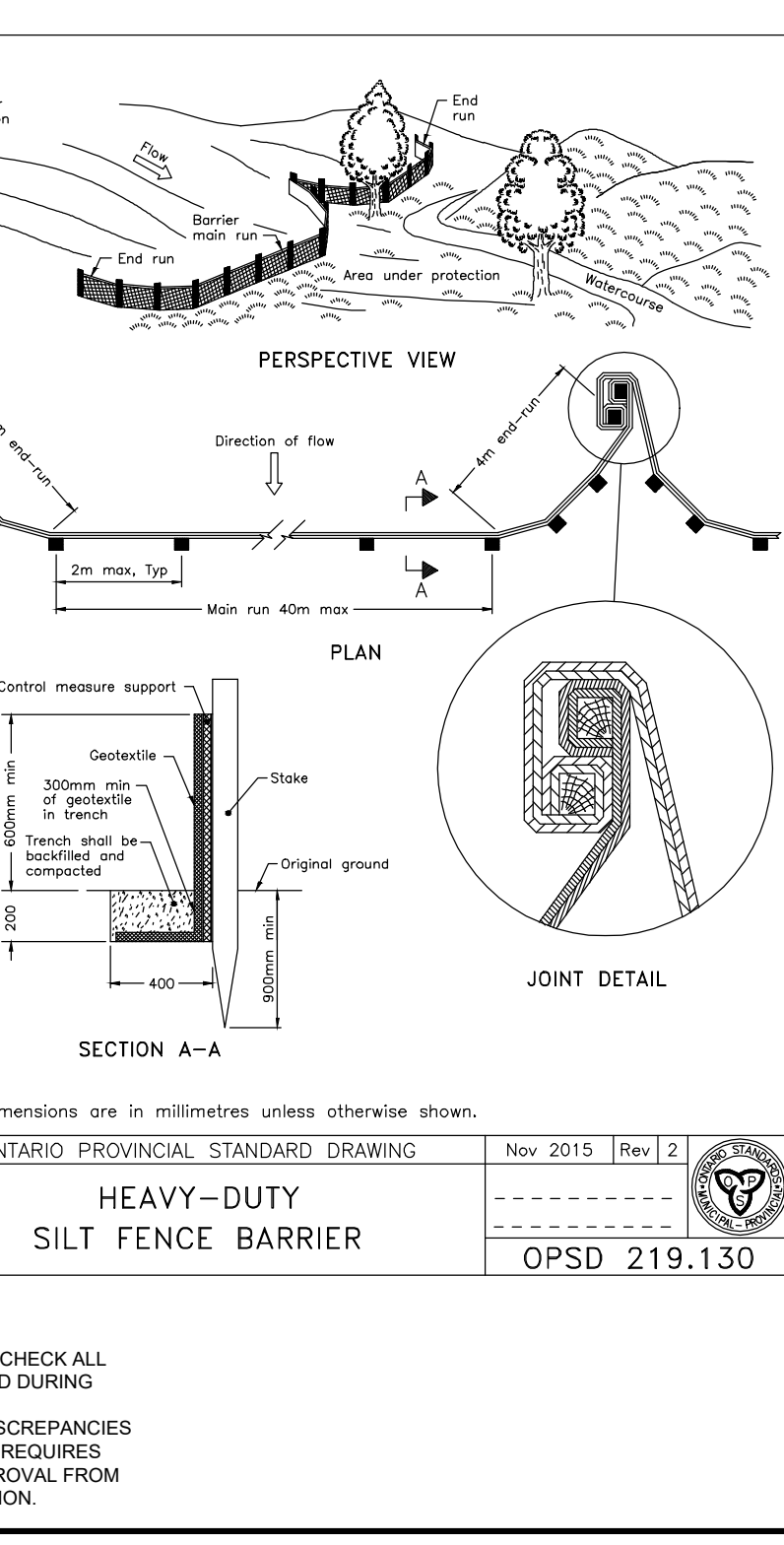
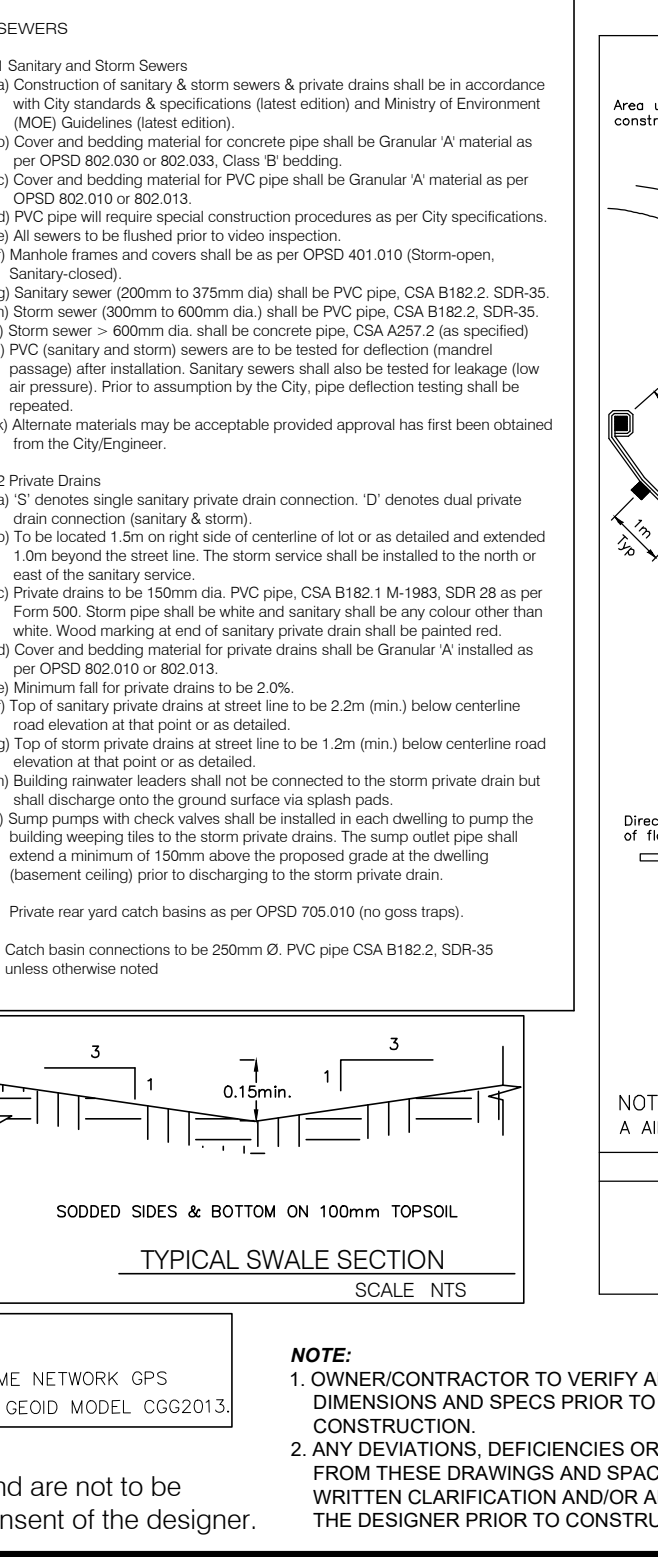
All water services to be installed with a minimum of 1.5m cover. Sewer drains to be installed with a minimum cover of 2.0m at the property line and below the final road grade or at such higher elevation only as may be necessitated by the level of the main sewer. On private property the minimum cover shall not be less than 1.2m.

Approval of this drawing is for material acceptability and compliance with municipal and provincial specifications and standards only. Approval and inspection by the City of the works shall be the responsibility of the owner and the City of Hamilton. It is the owner's responsibility to have their Engineer certify this accordingly.

**Lot Grading Notes**

General Grading Notes  
 1. Along retaining properties grade to meet existing or proposed elevations with sodded slopes (min. 30 to 1) and/or retaining walls as specified.  
 2. All retaining walls, retaining walls, etc., shall be a minimum of 0.45m of the property line. All walls 1.0m or higher shall be designed by a P.Eng.  
 3. Should a retaining wall be required, the top of wall elevations shall be set 150mm above the proposed side yard setback.  
 4. Retaining walls for "back to front" and "right" change shall be no less than 10% grade and no greater than 33% grade (3:1 slope).  
 5. When retaining to existing properties where a 2.0% grade cannot be achieved, a 1.5% grade is permitted provided a 150mm sub-drain is installed below the bottom of the wall and drained to a suitable outlet, (with a minimum 0.3m cover over the sub-drain), or other retention measures.  
 6. Minimum grade for a wet-land area in the backyard shall be 1.5%.  
 7. Unless otherwise noted, the ground between proposed elevations on side lots shall be graded to a straight line.  
 8. Slopes of swales for both "back to front" and "right" change shall be no less than 2.0% grade. Swale slopes shall not be less than 2% and not more than 7.0%. Reversed slope grading in new developments are not permitted.  
 9. Garage floor elev. to be set minimum 0.3m higher than back of walk, unless otherwise specified.  
 10. All grading for all lots in the subdivision shall conform strictly with this plan.  
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 16. If written permission required from the adjacent landowner shall be obtained prior to installing the grade. Should permission be obtained or is without prior to commencing the work, then the developer shall limit his activities to the limits of the development site.  
 17. Driveway approach shall be located such that hydro valves and other side surface area a min. of 1.2m from the projections of the outside garage walls and other structures.  
 a) Definition: "Rear yard setback" shall mean the lesser of the distance regulated by the zoning law or the:  
 i) The maximum slope in the back yard adjacent to the building to a distance equal to the required back yard setback 2%, except as set out herein below.  
 ii) The 5% restriction shall not apply to the side of a swale along the sides or back of the lot, providing the width of the swale shall not exceed one (1) meter except where the 5% restriction on the backyard grades results in elevation differences between adjacent properties, retaining walls shall be constructed along the sides and the back of the lot. Slopes with a maximum of three horizontal to one vertical may replace the 5% restriction in the back yard if the elevation is as follows:  
 i) Generally, slopes shall be placed on the lower lot, whereas retaining walls shall be placed on the higher lot.  
 ii) The 5% restriction does not preclude retaining walls in the required backyards providing the terrace are maintained to the 5% grade as set out below. The intention of this provision is to provide for flexibility of house construction.  
 iii) There is no control on the driveway side slopes in side yards, front yards and back yards, outside the area defined in a) above, providing the slopes are stable for the life of the area (minimum 30-1V).

NOTE: A. All dimensions are in millimetres unless otherwise shown.

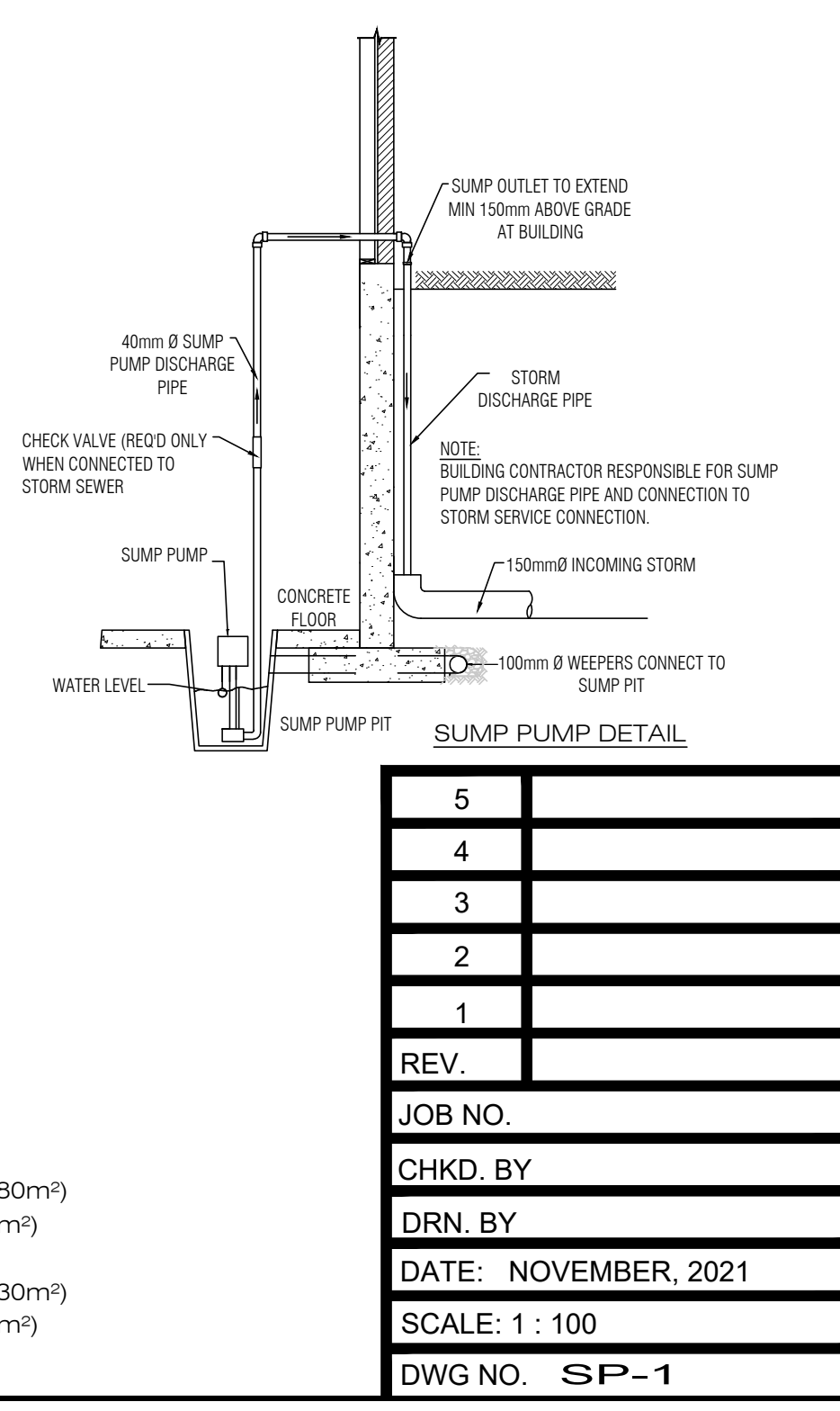


**LEGEND**

- 102.72 DENOTES ... EXISTING ELEVATION
- 102.72 DENOTES ... PROPOSED ELEVATION
- 102.72 DENOTES ... EXISTING ELEVATION TO REMAIN
- 102.92/B/C DENOTES ... PROPOSED TOP OF CURB ELEVATION
- 1.0% DENOTES ... DIRECTION OF SURFACE FLOW
- ▲ DENOTES ... PEDESTRIAN ENTRANCE/EXIT
- △ DENOTES ... OVERHEAD DOOR
- DENOTES ... SANITARY LINE
- DENOTES ... STORM LINE
- DENOTES ... WATER LINE
- DENOTES ... PROPOSED CONCRETE CURB
- DENOTES ... DIRECTION OF TRAFFIC
- DENOTES ... EXISTING MANHOLE
- DENOTES ... EXISTING DOUBLE CATCH-BASIN
- DENOTES ... EXISTING CATCH-BASIN
- DENOTES ... PROPOSED MANHOLE
- DENOTES ... EXISTING CATCH-BASIN MANHOLE
- DENOTES ... WATER VALVE
- DENOTES ... GATE VALVE AND VALVE BOX
- DENOTES ... CHAIN LINK FENCE
- DENOTES ... FIRE HYDRANT
- DENOTES ... SWALE
- DENOTES ... SILT FENCE
- DENOTES ... PRIVACY WOOD FENCE
- DENOTES ... CHAIN LINK FENCE
- DENOTES ... DOWNSPOUT
- DENOTES ... WATER METER

**SITE STATISTIC**

PART 1 (AREA)	10,912 sqf	(1,013.80m²)
GROUND FLOOR AREA	2,583 sqf	(240.00 m²)
PART 2 (AREA)	11,445 sqf	(1,063.30m²)
GROUND FLOOR AREA	2,583 sqf	(240.00 m²)

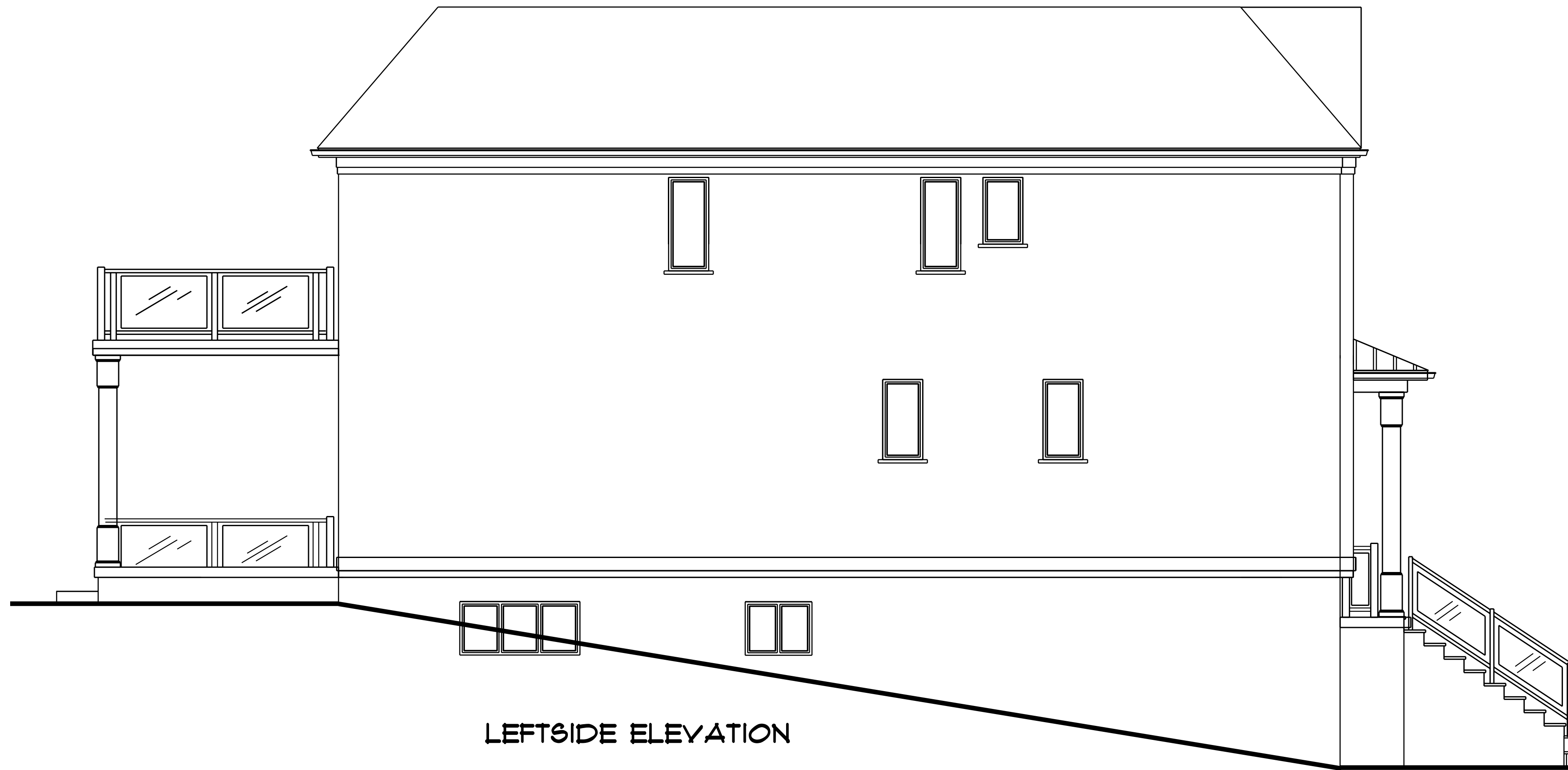


**DeFILIPPIS DESIGN**  
 887 BARTON ST. E. SUITE 201  
 STONEY CREEK, ONTARIO L8E 5L6  
 (905) 643-2250 FAX (905) 643-1095  
 email: defilippisdesign@bellnet.ca

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4	
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REV.	
JOB NO.	SITE PLAN FOR:
CHKD. BY	408 UPPER HORNING
DRN. BY	HAMILTON, ONTARIO
DATE:	NOVEMBER, 2021
SCALE:	1 : 100
DWG NO.	SP-1

**SITE PLAN**





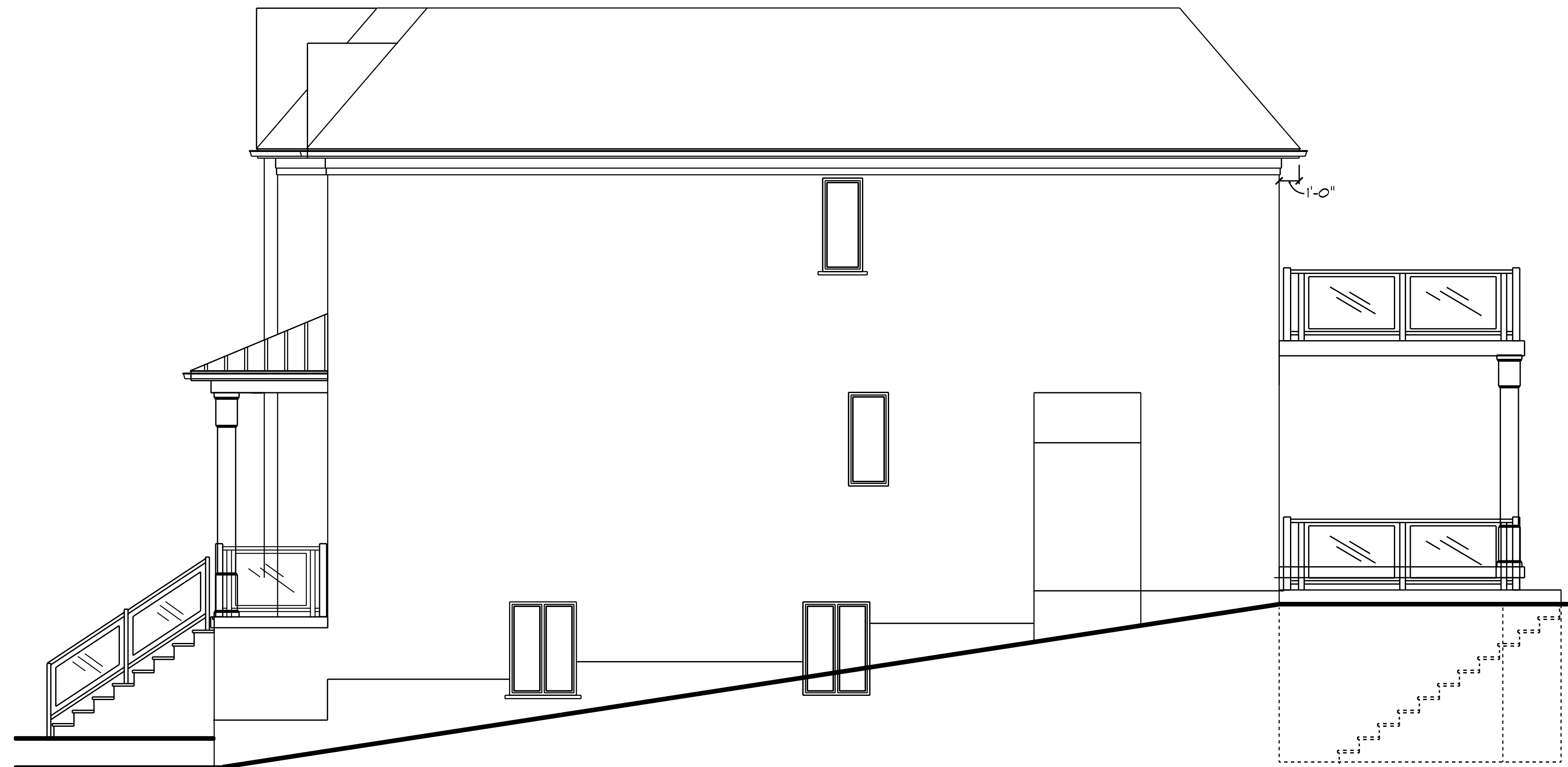
LEFTSIDE ELEVATION



TOP OF ROOF 238.65  
 U/S OF S.F. CEILING 236.44  
 9'-1 1/2"  
 SECOND FLOOR 233.61  
 U/S OF F.F. CEILING 233.31  
 10'-1 1/2"  
 38'-0 1/2"  
 FIRST FLOOR 230.30  
 TOP OF FOUNDATION 229.95  
 8'-1 1/2"  
 BASEMENT FLOOR 221.30  
 GARAGE FLOOR 221.10

ENTRY LEVEL 229.54

FRONT ELEVATION



RIGHTSIDE ELEVATION



REAR ELEVATION

NOTE:

1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

These drawings are the property of DeFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.

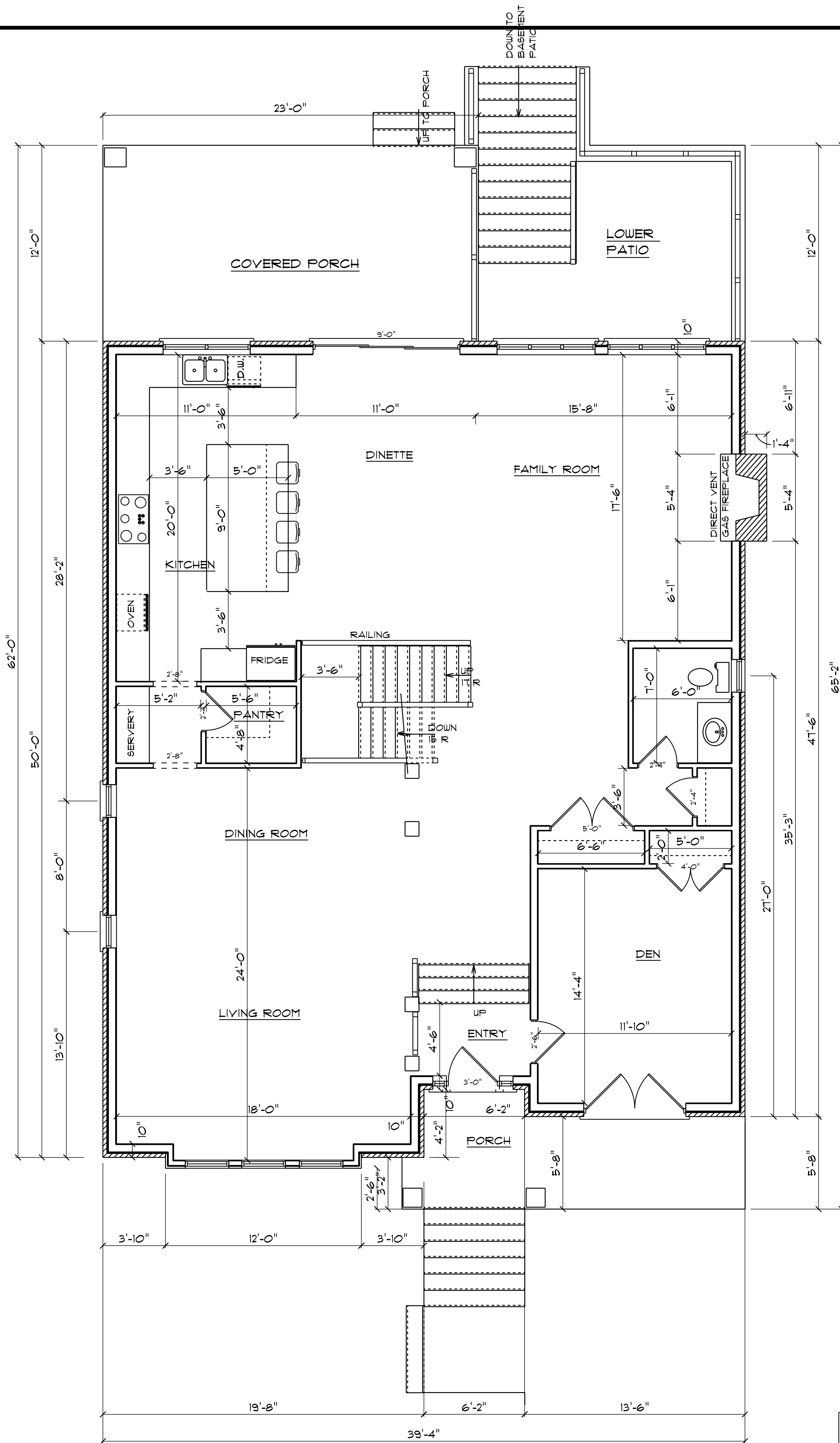
DO NOT SCALE DRAWINGS



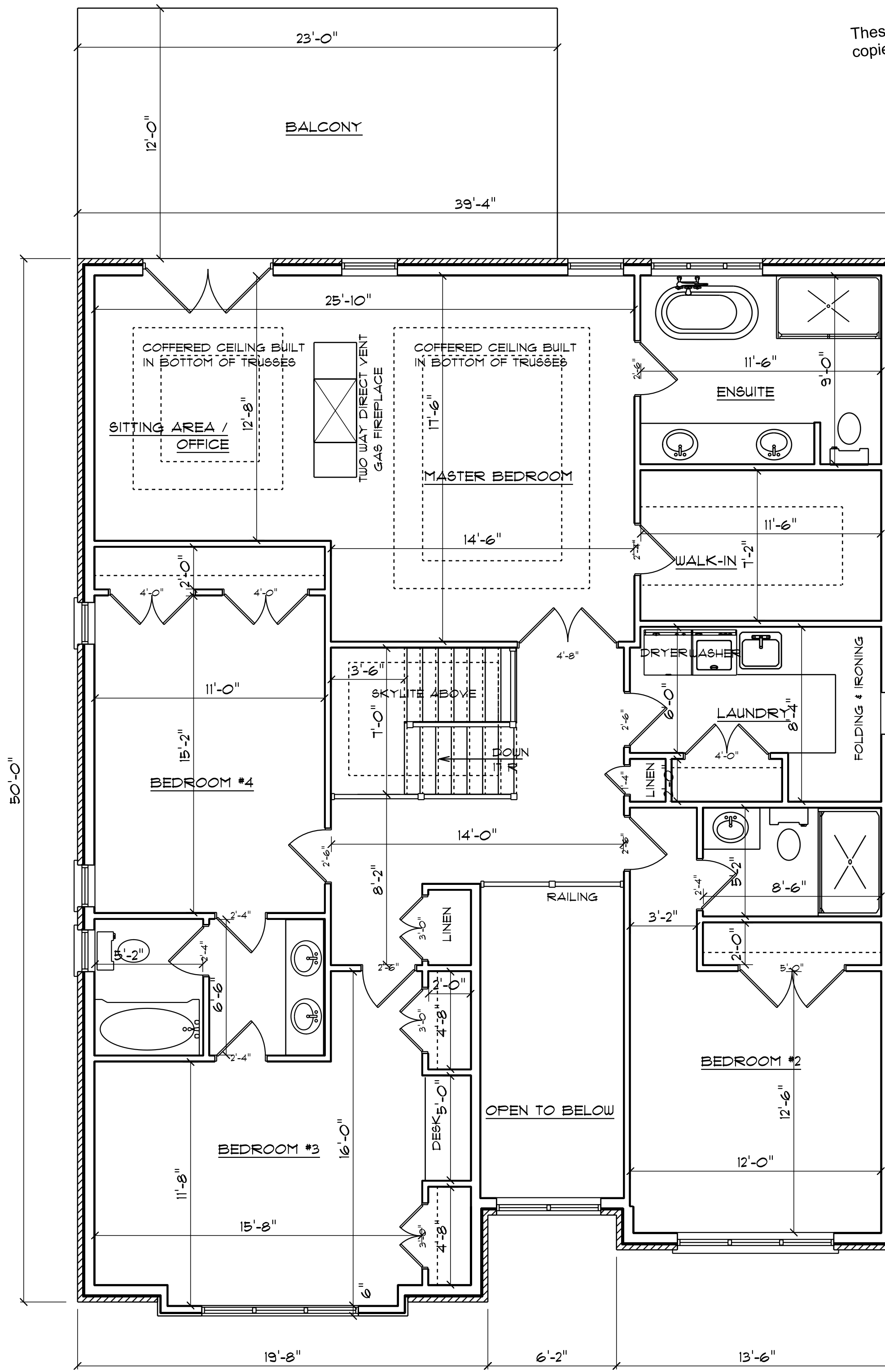
**DeFILIPPIS DESIGN**  
 687 BARTON STREET, SUITE 201  
 STONEY CREEK, ONTARIO L8E 5L6  
 (905) 643-2250 FAX (905) 643-1095

**PARACHA RESIDENCE**

SCALE: 1/4"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: MAR. 2022		REVISED:
	408 UPPER HORNING, PART 2	DRAWING NUMBER:
§H 1 OF 4		



AREA : 1905 sq ft FIRST FLOOR  
1735 sq ft SECOND FLOOR  
3640 sq ft TOTAL



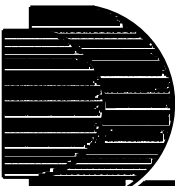
**SECOND FLOOR PLAN**

DO NOT SCALE DRAWINGS

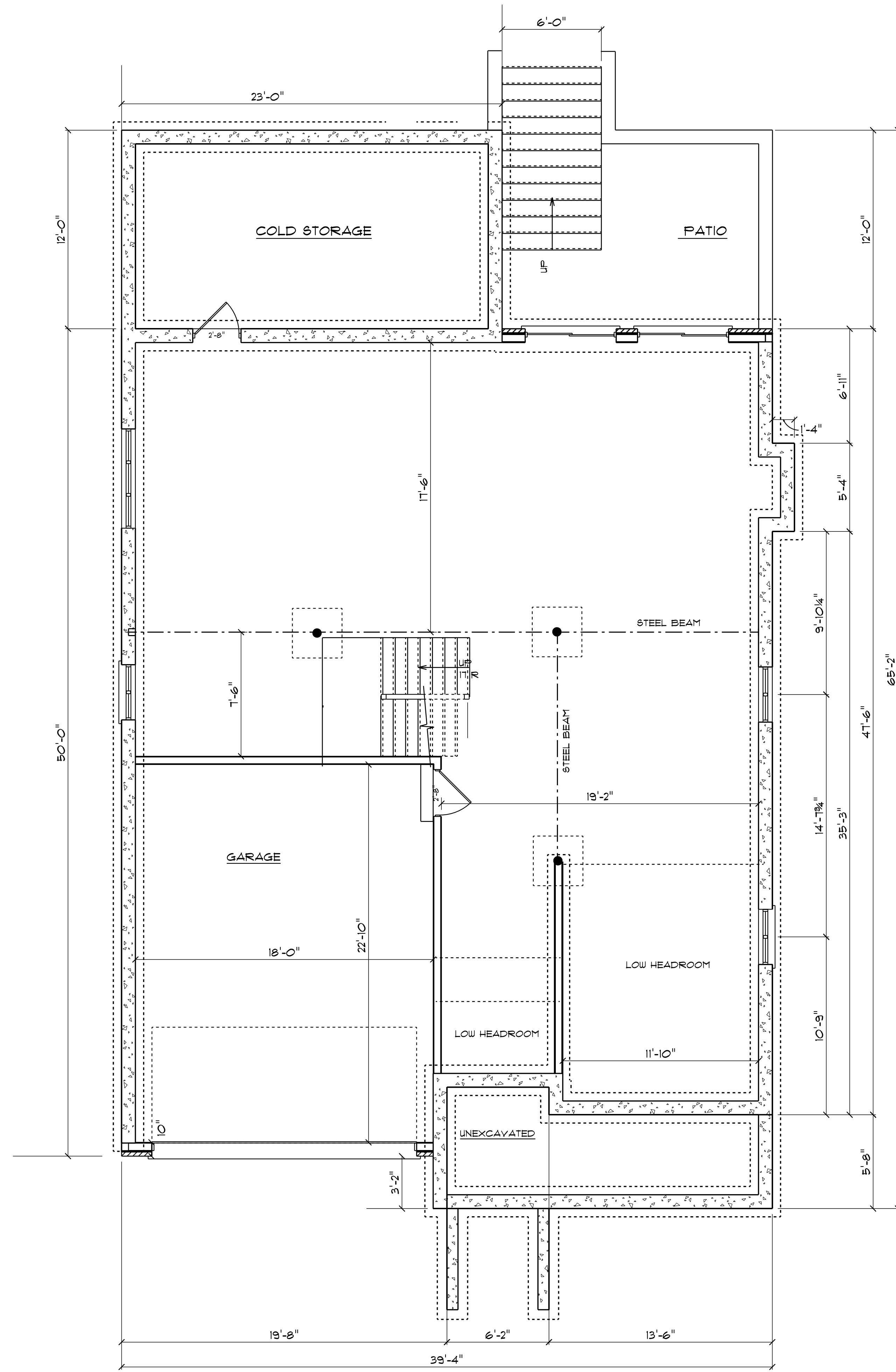
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- ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

 <b>DeFILIPPIS DESIGN</b> 687 BARTON STREET, SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095		
<b>PARACHA RESIDENCE</b>		
SCALE: 1/4"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: MAR. 2022	408 UPPER HORNING, PART 2	REVISED:
SH 2 OF 4		DRAWING NUMBER:


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FOUNDATION PLAN

DO NOT SCALE DRAWINGS

- NOTE:
1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
  2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

 <b>DeFILIPPIS DESIGN</b> 687 BARTON STREET, SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095		
<b>PARACHA RESIDENCE</b>		
SCALE: 1/4"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: MAR. 2022		REVISED:
408 UPPER HORNING, PART 2		DRAWING NUMBER:
<b>SH 3 OF 4</b>		





*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

April 20, 2022

The City of Hamilton  
Committee of Adjustment  
Planning and Economic Development Department  
71 Main Street West, 5th Floor  
Hamilton, Ontario  
L8P 4Y5

***Delivered via e-mail***

Attn: Ms. Jamila Sheffield  
Secretary-Treasurer, Committee of Adjustment

**Re: Minor Variance Application Submission, of HM/B-21:62 Severance Clearance Conditions  
408 Upper Horning Road, City of Hamilton**

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Dear Madam,

On behalf of our clients, we are pleased to provide you with the enclosed submission in support of an application for consent to sever for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$3,465.00 made payable to the City of Hamilton, in payment of the requisite application fees;
2. One (1) Electronic copy of signed and executed Minor Variance Application form;
3. One (1) Electronic copy of a Site Plan, prepared by Nick DeFillipis Design, dated December 21, 2021;
4. Electronic copies of the architectural plans and elevations for the two proposed dwelling structures, prepared by Nick DeFillipis Design, dated March 28, 2022 and April 20, 2022;
5. One (1) Electronic copy of Registered Plan of Survey, Plan 62R – 21773, dated October 12, 2021.

In July 2021, the Committee of Adjustment approved a Severance Application File: HM/B-21:62 for the subject lands. Since that time, my client has been preparing the site plan and elevations to capture all variances needed for the subject property. The plans for both Part 1 and 2 will be the same but will be mirrored from one another. This Minor Variance will finalize the necessary items to clear the condition of the severance application.

Currently, there exists a single-detached dwelling and accessory building on the subject lands which are intended to be demolished in favour of the proposed redevelopment. The resultant lots are as follows:

Proposed Lot	Frontage	Area
Part 1	15.24m	1,014m <sup>2</sup>
Part 2	15.24m	1,063m <sup>2</sup>



### **Urban Hamilton Official Plan (UHOP)**

The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan. The “Neighbourhoods” designation permits single-detached dwellings. Further, the “Neighbourhoods” designation encourages intensification that is compatible with the existing neighbourhood-built form and a lot fabric that is compatible with the existing lot fabric found in the existing neighbourhood.

Further, this neighbourhood is classified as a low-density neighbourhood. Low-density neighbourhoods permit single-detached dwellings having maximum density of 60 units per hectare. Accordingly, the proposal would achieve a density of approximately 10 units per hectare, as such the proposal would conform to the UHOP.

Chapter F of the UHOP outlines the applicable policies for residential intensification within the Neighbourhoods designation.

*F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the “Neighbourhoods” designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:*

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- b) The lots comply with existing Neighbourhood Plans;*
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- e) The lots are fully serviced by municipal water and wastewater systems; and,*
- f) The lots have frontage on a public road.*

Accordingly, the proposed lots have frontage onto a public road, are serviced and comply with the intent of the policies within the UHOP, including managing appropriate intensification within the “Neighbourhoods” designation.

The proposed lots are consistent with the general lot fabric of the neighbourhood and can facilitate the construction of single-detached dwellings which are compatible with the neighbourhood. Upon approval of the subject applications, single-detached dwellings will be erected upon each lot.

Based on the foregoing, the severance conforms to the Urban Hamilton Official Plan, including the policies which speak to facilitating a compatible form of intensification within the neighborhoods. The proposal has sufficient regard to the matters listed under Section 51 (24) of the *Planning Act*.



**City of Hamilton Zoning By-law No. 05-200**

The property is zoned "B - Suburban Residential" in Hamilton Zoning By-law 6593. The current zone permits single-detached dwellings. The proposed lots will require the following variances to facilitate the severance application:

1. To permit the proposed lots (Parts 1 and 2) to have a minimum lot size of 1,014m<sup>2</sup> and 1,062m<sup>2</sup> respectively, whereas the By-law requires a minimum lot size of 1,100m<sup>2</sup>.
2. To permit a minimum lot frontage of 15.24m whereas a minimum lot frontage of 20m is required.
3. To permit a minimum side yard of 1.7m whereas a minimum side yard of 3.0m is required.

In our opinion, the variances are appropriate and meet the four requisite tests as per the Section 45(1) of the *Planning Act*. The Minor Variance will give effect to the proposed redevelopment of the subject lands and facilitate the final approval of the severance application.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter.

We look forward to being scheduled to the next available Committee date. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Ryan Ferrari".

Ryan Ferrari, BURPI, CPT

**A. J. Clarke and Associates Ltd.**

Encl.

Copy: Mr. Paracha / Mrs. Ali (via email)





Hamilton

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**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
<b>Registered Owners(s)</b>	Mr. Omar Paracha and Mrs. Maliha Ali	
<b>Applicant(s)*</b>	A.J Clarke & Associates Ltd. c/o Ryan Ferrari	
<b>Agent or Solicitor</b>	same as applicant	

**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:

Bank of Nova Scotia 44 King St West Toronto ON M5H 1H1
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**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:

See attached cover letter.

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

See attached cover letter.

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 52, Concession 2 on Registered Plan 989  
408 Upper Horning

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use N/A

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?

Property owner information.

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.

4/14/2022

Date

DocuSigned by: Omar Paracha 5EFD47FCF321441... DocuSigned by: [Signature] 383CCDF13EA04C6...

Signature Property Owner(s)

Mr. Omar Paracha/Mrs. Maliha A

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 30.48m
Depth Irregular (74.45m)
Area 2160m2
Width of street 20m

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: \_

Existing Single Detached Dwelling and Accessory Structure to be demolished.

Proposed

Future Single Detached Dwelling.

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

Existing:

Existing Single Detached Dwelling and Accessory Structure to be demolished.

Proposed:

Future Single Detached Dwelling.



13. Date of acquisition of subject lands:  
2020
- 
14. Date of construction of all buildings and structures on subject lands:  
Approximately 1980
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single Detached Dwellings
- 
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Detached Dwellings
- 
17. Length of time the existing uses of the subject property have continued:  
Since construction
- 
18. Municipal services available: (check the appropriate space or spaces)  
Water  Connected   
Sanitary Sewer  Connected   
Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"B/S-1788" Suburban 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)  
See attached cover letter.
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.