

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-22:176	SUBJECT PROPERTY:	564 TUSCARORA DRIVE, ANCASTER
ZONE:	"R3" (Residential "R3" Zone)	ZONING BY-LAW:	Zoning By-law 87-57, as Amended

APPLICANTS: **Owners C. Markham & M. Turner**

The following variances are requested:

1. A minimum of 1.5 m side yard setback shall be provided on the westerly side lot line abutting McNiven Road whereas the By-Law requires a minimum side yard setback of 5.5 m on a corner lot, abutting a street plus any applicable distance as specified in Schedule "C"; and
2. A minimum southerly rear yard setback of 1.5 m shall be provided instead of the minimum required 1.5 m to any lot line that does not abut a street, plus a distance equal to the height that the top edge of the supporting structure is above the grade at the lot line nearest to such pool or structure.

PURPOSE & EFFECT: To permit the construction of an above ground swimming pool accessory to the existing single detached dwelling.

Notes:

- i. Please note that no details regarding the pool equipment have been provided on the site plan or the application; therefore, if the pool equipment is enclosed further variances shall 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:

DATE:	Thursday, June 23, 2022
TIME:	1:50 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: June 7, 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.

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.**


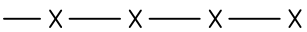
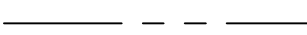
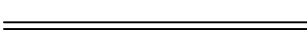

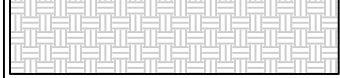



To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing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

LEGEND

-  - EXISTING BUILDING
-  - EXISTING WOODEN BOARD FENCE
-  - PROPERTY LINE
-  - EXISTING CONCRETE CURB
-  - EXISTING 150mm TOPSOIL + SOD
-  - EXISTING PLANTING BED (UNLESS STATED OTHERWISE)
-  - EXISTING ASPHALT DRIVEWAY
-  - EXISTING CONCRETE PATIO STONE
-  - EXISTING PEASTONE

- GENERAL SITE NOTES:
- BURIED UTILITIES MAY EXIST WHICH ARE NOT SHOWN DUE TO INSUFFICIENT INFORMATION. CONTRACTOR TO CONFIRM EXACT LOCATION OF THESE SERVICES PRIOR TO START WORK ON SITE.
 - THE EXISTENCE, LOCATION AND ELEVATION OF UTILITIES AND/OR CONCEALED STRUCTURES AT THE PROJECT SITE ARE NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXISTENCE, LOCATION AND ELEVATION OF ALL SUCH UTILITIES AND/OR STRUCTURES BY EXCAVATION WITHOUT DAMAGING THE EXIST. UTILITIES.
 - ALL PERCEIVED CONFLICTING UTILITIES (I.E. HYDRO AND GAS) ARE TO BE DISCONNECTED AND RELOCATED TO FACILITATE THE WORKS. THIS IS TO BE COMPLETED BY THE OWNER.
 - ALL SETBACK DIMENSIONS TAKEN FROM PROPERTY LINE TO FACE OF BUILDING FOUNDATION WALL TYP. UNLESS SPECIFIED OTHERWISE ON PLAN.
 - EXISTING PROPERTY GRADING TO BE MAINTAINED AS PER EXISTING. ANY AND ALL SURFACE RUN-OFF TO BE CONTAINED WITHIN THE PROPERTY LIMITS AND REMAIN UNIMPEDED.

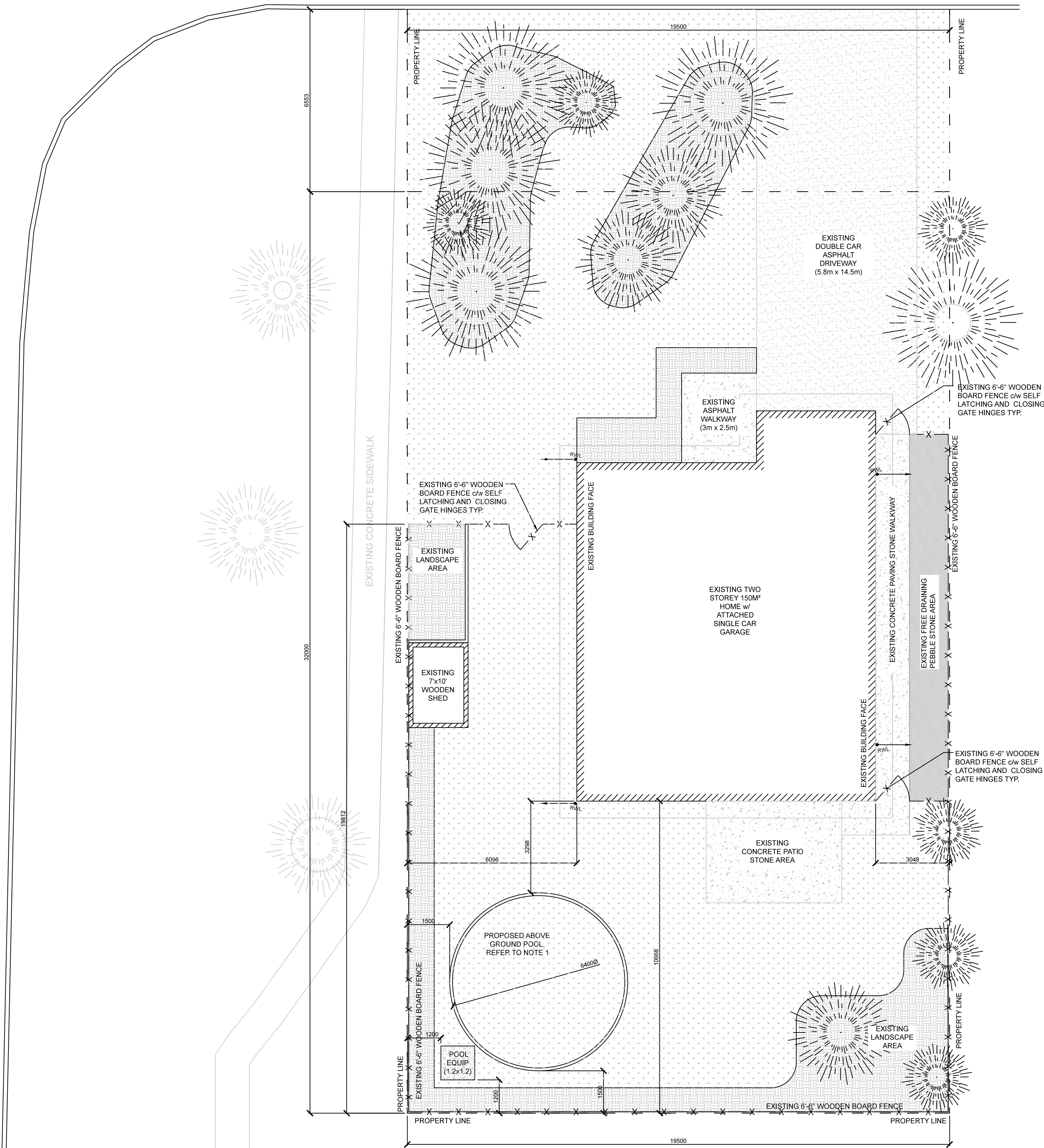
SITE STATISTICS

LOT WIDTH		19.5m
LOT DEPTH		32m
LOT AREA		624m²
BUILDING COVERAGE		150m²
LOT COVERAGE		24%
LANDSCAPE COVERAGE	351m²	
HARDSCAPE COVERAGE	91m²	
POOL COVERAGE	32m²	

- POOL NOTE:
- 6400mmØ (10'-6"-Ø) ABOVE GROUND POOL, 1200mm (4'-0") DEEP WITH A 1310mm (4'-4") PERIMETER STRUCTURAL FRAME.
 - POOL TO BE INSTALLED c/w 300m MIN. WIDE AT GRADE DRAINAGE STONE PERIMETER (PEA GRAVEL) AS PER MANUFACTURER SPECIFICATION.

MCNIVEN ROAD

TUSCARORA DRIVE



LOT INFORMATION	
LOCATION: 564 TUSCARORA DR	
PROPERTY NUMBER: 2518140270000232	
MUNICIPALITY: ANCASTER	
UNITS: ACRE/FEET	
SITE AREA: 0.15A	
FRONTAGE: 19.5m (64.00ft)	
DEPTH 32m (104.00ft)	



PROPOSED ABOVE GROUND POOL PLAN
1:100

Revision Record

No.	Description	Date
3	ISSUED FOR VARIANCE	05.13.22
2	REISSUED FOR PERMIT	05.13.22
1	ISSUED FOR PERMIT	04.18.22
No.	Description	Date

Issue Record

TUSCARORA
DRIVE
ABOVE GROUND
POOL

564 TUSCARORA DRIVE
HAMILTON, ONTARIO

Drawn By:

Chkd By:

Scale: 1/4" = 1'-0"

PROPOSED
ABOVE GROUND POOL
PLAN

To whom it may concern,

I am a resident of 568 Tuscarora Drive in Ancaster, Ontario. I have been made aware that my neighbours beside me, Chris Markham and Marissa Turner are applying for a minor variance regarding setbacks from their fence lines in their rear yard for the installation of an above ground pool.

I have seen their backyard and it is my belief that installing an above ground pool in the proposed location, 1.5 m from both their fences in the far right corner does not negatively affect the aesthetics of nor the safety of either their property or the neighbourhood.

This said, I am in favour of their endeavour and wish them success in their plans.

Sincerely,

Alisa Greve

X 

Dated May 17, 2022 in Ancaster Ontario

Sandra and Arthur Greenblatt
564 Tomahawk Crescent
Ancaster, ON L9G 3T5

To whom it may concern,

We are in agreement that the family of Chris Markham and Marissa Turner, who reside at 564 Tuscarora Drive in Ancaster, may build an above ground pool in their backyard. Our property is adjacent to theirs along the backyard fence.

Sincerely,

Handwritten signatures of Sandra and Arthur Greenblatt, separated by a vertical line. The signature on the left is 'Sandra Greenblatt' and the one on the right is 'Arthur Greenblatt'.

Sandra and Arthur Greenblatt

To whom it may concern,

We are residents of 563 Tuscarora Drive in Ancaster, Ontario. We have been made aware that my neighbours across the street, Chris Markham and Marissa Turner are applying for a minor variance regarding setbacks from their fence lines in their rear yard for the installation of an above ground pool.

We have seen their backyard and it is our belief that installing an above ground pool in the proposed location, , 1.5 m from both their fences, does not negatively affect the aesthetics of nor the safety of either their property or the neighbourhood.

This said, we are both in favour of their endeavour and wish them success in their plans.

Sincerely,

Taylor and Mackenzie Irvine

X 

X 

Dated May 17, 2022 in Ancaster Ontario

**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		
Registered Owners(s)	Marissa Turner Chris Markham		
Applicant(s)*	Chris Markham		
Agent or Solicitor	N/A		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:

N/A

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:

We are seeking relief of the set backs from our 2 property lines/ fence lines in our back/ side yard. We wish to install an above ground swimming pool in the rear corner. We are requesting the setbacks from both noted property/fence lines to be reduced to 1.5 m.

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Being an 'L' shaped yard on a corner lot, placing a pool 5.5m setback from our side yard property line/fence would remove virtually all functionality of our yard. As a result, we are requesting relief of both setbacks changed to 1.5m from both property line/fence lines.

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**):

Residential, single family detached dwelling. 564 Tuscarora Drive, Ancaster, ON L9G 3N3. Property # 2518140270000232. 2211911500000 R3

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?

Researched our postal code history, our immediate community's regional history and spoke to neighbours who have lived on this street and this neighbourhood for their whole lives to this point.

- 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.

May 18, 2022

Date

Signature Property Owner(s)

Chris Markham, Mariessa Turner
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	13.716 m
Depth	32 m
Area	624 sq. m
Width of street	n/a

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:

Building coverage is 150 sq. m
2 stories
Shed is 2.13 m x 3.048 m

Proposed

Fully on-ground swimming pool in rear corner of back/side yard
Pool wall height 1.321 m
Round pool measuring 6.4 m across = 32 sq. m

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

Existing:

Residential 2 story detached house is 6096 mm set back from west property/fence line, rear of house is 10668 mm set back from rear property/fence line, east side of house is 3048 mm set back from property/ fence line and front of house is 14.5 m set back from street curb

Proposed:

Above ground swimming pool in rear, west corner to be set back 1.5 m from rear property/fence line and 1.5 m set back from west (McNiven Street) property/fence line.

13. Date of acquisition of subject lands:
June 17, 2021
14. Date of construction of all buildings and structures on subject lands:
Approx. 25 yrs. for the house and shed
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family, residential
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single family, residential
17. Length of time the existing uses of the subject property have continued:
Since original construction
18. Municipal services available: (check the appropriate space or spaces)
Water ^x _____ Connected ^x _____
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:
R3
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.