



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-22:163	SUBJECT PROPERTY:	371 EAST 28TH ST., HAMILTON
ZONE:	"C" (Urban Protected Residential and etc.)	ZONING BY-LAW:	Zoning By-law 6593, as Amended By-laws 21-076 & 21-167

APPLICANTS: Agent Suite Additions – A. Tran
Owners L. Chiu & V. Kim

The following variances are requested:

1. Zero parking spaces be provided for two Secondary Dwelling Units instead of the required two parking spaces.

PURPOSE & EFFECT: So as to permit no additional parking spaces for two Secondary Dwelling Units.

Notes:

The requested variance "to permit parking for 2 vehicles in front of existing detached garage with encroachment of 1.47m onto municipal property," is unclear as to the specific variance being request. A reduction to the required length of a parking space to 4.63 m would not be supported. As such, a variance has been added to permit zero (0) parking spaces for the Secondary Dwelling Unit instead of the required two (2) parking spaces.

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:	2:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.



DATED: 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.



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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.**

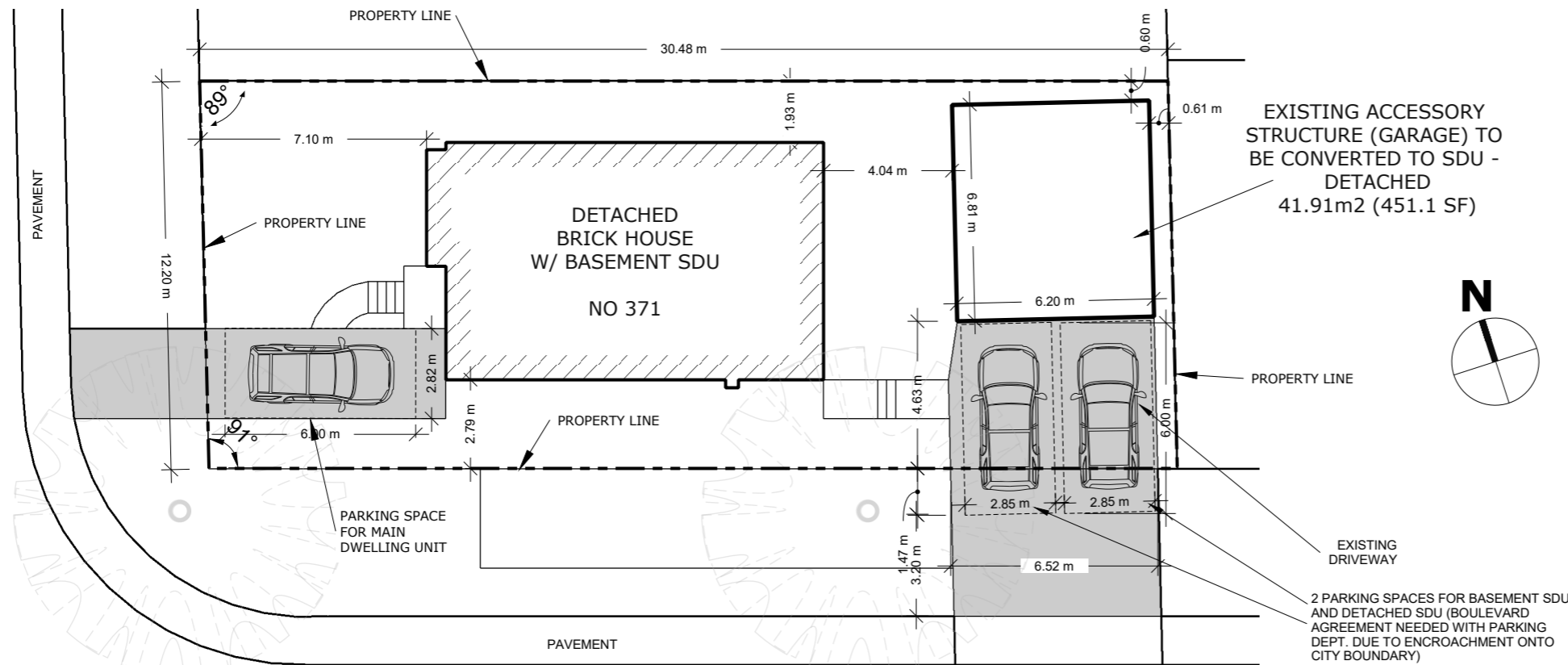
To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing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

EAST 28TH STREET



SITE PLAN :

BASED ON COPY OF PLOT PLAN FROM ONTARIO LAND SURVEYOR PROVIDED BY CITY OF HAMILTON

SUITE ADDITIONS INC. ASSUMES NO RESPONSIBILITY FOR ACCURACY OF PLOT PLAN PROVIDED

THIS SITE PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSES.

NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES

FRONT YARD: 923 SF
 LANDSCAPED AREA = 667 SF = 72 %
 HARD SURFACE AREA = 256 SF = 28%

HALAM AVENUE

SITE PLAN

SCALE: 1=192

1
SP1.01

SITE INFORMATION & STATISTICS:

ADDRESS	371 EAST 28TH STREET, HAMILTON, ON L8V 3J7		
NEIGHBOURHOOD			
LOT NUMBER			
PLAN NUMBER			
ZONING TYPE	C - URBAN PROTECTED RESIDENTIAL		
LOT AREA	4023 SF		
LOT FRONTAGE	40' - 2 3/4"		
DESCRIPTION			
FLOOR AREAS	ALLOWED	EXISTING	PROPOSED
BASEMENT	-	1007 SQ. FT.	NO CHANGE
MAIN FLOORS	-	982 SQ. FT.	NO CHANGE
SETBACKS			
SIDE (N)	-	6' - 4"	NO CHANGE
BACK (E)	-	35' - 8 3/4"	NO CHANGE
SIDE (S)	-	9' - 4 3/4"	NO CHANGE
FRONT (W)	-	23' - 3 1/4"	NO CHANGE

GENERAL NOTES:

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSION ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSION MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. ANY INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFORM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCED NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR.
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.
13. EXISTING DRAINAGE PATTERNS TO REMAIN.

DRAWING LIST:

- SP1.01 - SITE PLAN, SITE STATISTICS AND DRAWING LIST
- A1.01 - EXISTING BASEMENT PLAN
- A1.02 - EXISTING MAIN LEVEL PLAN
- A1.03 - PROPOSED BASEMENT PLAN
- A1.04 - PROPOSED MAIN LEVEL PLAN
- A1.05 - CROSS SECTION
- A1.06 - DOOR SCHEDULE, WALL SCHEDULE & FIRE SEPARATION
- A2.01 - NORTH ELEVATION
- A2.02 - EAST ELEVATION
- A2.03 - SOUTH ELEVATION
- A2.04 - WEST ELEVATION
- A3.01 - CROSS SECTION & DETAILS
- A3.02 - FIRE RESISTANCE RATING DETAILS
- A3.03 - EGRESS WINDOW DETAILS
- A0.01 - CONSTRUCTION SPECS
- A0.02 - CONSTRUCTION SPECS
- A0.03 - CONSTRUCTION SPECS

SUITE ADDITIONS INC.
 3-2375 Brimley Rd, Suite 807
 Toronto, ON, M1S 3L6
 Tel: 416-525-2628
 Email:
 contact@suiteadditions.com



Contractor must verify all dimensions and be responsible for reporting any discrepancies to Suite Additions Inc. before commencing with work. The drawing is an instrument of service and shall remain the property of Suite Additions Inc., the copyright of this drawing and work executed from the same being reserved. Do not scale drawings.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer

Andy Tran

Andy Tran - Signature
 Individual BCIN: 102774
 Firm: Suite Additions Inc.
 Firm BCIN: 102497

PROJECT:
 SDU DETACHED - GARAGE CONVERSION

ADDRESS:
 371 EAST 28TH STREET,
 HAMILTON, ON L8V 3J7

CLIENT: JONATHAN CHIU

DRAWN BY: ANDY TRAN /
 BOBBY POULSEN

ISSUE DATE: MAR 3, 2022
RE-ISSUE DATE: APR 29, 2022

DESCRIPTION:
 SITE PLAN, SITE STATISTICS
 AND DRAWING LIST

SCALE: 1 = 192

DRAWING NO:

SP1.01

EXISTING STRUCTURE NOTE:

OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO SUITE ADDITIONS INC. PRIOR TO ANY WORK. OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK

BUILDING CODE COMPLIANCE NOTE:

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE OBC AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS



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Hamilton, ON L8P4Y5

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APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

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:

Scotiabank 4 King Street West, 2nd Floor Toronto, ON, M5H 1B6 Phone: (416) 350-7400 (800) 275-5897 Fax: (416) 350-7442 1-877-396-2236

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 parking for 2 vehicles in front of existing detached garage (to be converted to SDU - detached) with encroachment of 1.47m onto municipal property. Boulevard parking agreement to be obtained from Hamilton Municipal Parking System.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

- Section 18A (7) requires parking dimensions to be 6.0m long. Distance between front of existing garage and property line is 4.63m, and will encroach onto city property by 1.9m (no encroachment to sidewalk - there is an additional 3.2m before sidewalk).

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**):

371 EAST 28TH STREET, HAMILTON, ON L8V 3J7

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?

Property was constructed with subdivision

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

April 29, 2022
Date


Signature Property Owner(s)

Jonathan Chiu & Vivian Kim
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 12.2 METERS
Depth 30.48 METERS
Area 371.86 METERS
Width of street UNKNOWN

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 = 45.91 m2
GROSS FLOOR AREA = 45.91 m2
ONE STOREY = 6.2 m WIDE, 6.81 m DEEP, 4.5 m HIGH

Proposed

NO CHANGES

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

Existing:

(S) FRONT SETBACK - 4.63 m
(W) SIDE SETBACK - 4.04 m
(N) REAR SETBACK - 0.6 m
(E) SIDE SETBACK - 0.61 m

Proposed:

NO CHANGES

13. Date of acquisition of subject lands:
November 19, 2021
-
14. Date of construction of all buildings and structures on subject lands:
APPROXIMATELY 1950
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SIINGLE FAMILY HOME
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE FAMILY HOME
-
17. Length of time the existing uses of the subject property have continued:
-
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------|-----------|------------|
| Water | <u>YES</u> | Connected | <u>YES</u> |
| Sanitary Sewer | <u>YES</u> | Connected | <u>YES</u> |
| Storm Sewers | <u>YES</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
NEIGHBOURHOODS
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
C - URBAN PROTECTED 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)
- RESIDENTIAL BOULEVARD PARKING AGREEMENT TO BE OBTAINED FROM HAMILTON MUNICIPAL PARKING SYSTEM
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.