



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-22:165	SUBJECT PROPERTY:	43 MAHONY AVENUE, HAMILTON
ZONE:	"C" (Urban Protected Residential, etc.)	ZONING BY-LAW:	Zoning By-law 6593, as Amended By-law 21-167

APPLICANTS: Agent K. Bekendam
Owner Tiera Dass-Fisher

The following variances are requested:

1. A minimum aisle width manoeuvring space of 5.19 metres shall be provided abutting the three (3) parking space located in the rear yard, instead of the minimum required aisle width manoeuvring space of 6.0 metres.
2. One (1) of the three (3) proposed parking spaces in the rear yard, shall be permitted to have minimum dimensions of 2.6 metres in width and 6.0 metres in length, instead of the minimum required dimensions of 2.7 metres in width and 6.0 metres in length.
3. An access driveway shall be permitted to have a minimum width of 2.2 metres, instead of the minimum required width of 2.8 metres.

PURPOSE & EFFECT: To permit the conversion of an existing accessory structure to a secondary dwelling unit – detached in the rear yard on a residential parcel of land.

Notes:

1. Building Permit No. 22-101735, issued on February 17, 2022 to convert the existing single family dwelling to contain a secondary dwelling unit, remains not finalized.
2. Building Permit No. BZ 94-0685, was issued on May 27, 1994, to erect a detached 22'0" x 24'0" frame garage in the rear yard.

3. Please note that the projection of eaves/gutters of the existing accessory structure which is to be converted to a Secondary Dwelling Unit - Detached was not indicated on the plans provided. Note that if alterations are proposed to the eaves/gutters, compliance with Section 19(1)(1)(ii) shall be required.
4. The submitted Site Plan indicates that the existing single family dwelling is 87.07 square metres, and that the area of the proposed Secondary Dwelling Unit – Detached is 50.39 square metres. Please note that it is unclear if the area indicated is the gross floor area as defined in Hamilton Zoning By-law No. 6593. As per Section 19(1)(1)(ii)(8), the maximum Gross Floor Area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the principal Single Detached Dwelling. Additional variances may be required if compliance with Section 19(1)(1)(ii)(8) cannot be achieved.
5. From the materials provided, it appears that the landscaped area required by Section 19(1)(xix) is only screened on one side. As per Section 19(1)(1)(ii)(8), each of the landscaped areas in Subsection 19.(1)(xix) shall be screened on two sides by a visual barrier that has a minimum height of 0.3 metres. Additional variances may be required if compliance with Subsection 19.(1)(xix) cannot be achieved.
6. Please note that from the materials provided, apart from the replacement of the existing garage door with a new exterior wall and window, no alterations to the exterior of the existing accessory structure have been indicated as part of the conversion to a Secondary Dwelling Unit – Detached. Please note that as per Section 18(30)(vi)(k), an existing building may encroach or further encroach for the purpose only of refacing the building into a required yard to a distance not exceeding 0.15 metres. Additional variances may be required if alterations to the exterior of the existing accessory structure are proposed and compliance with Zoning By-law regulations is not possible.
7. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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:	2:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

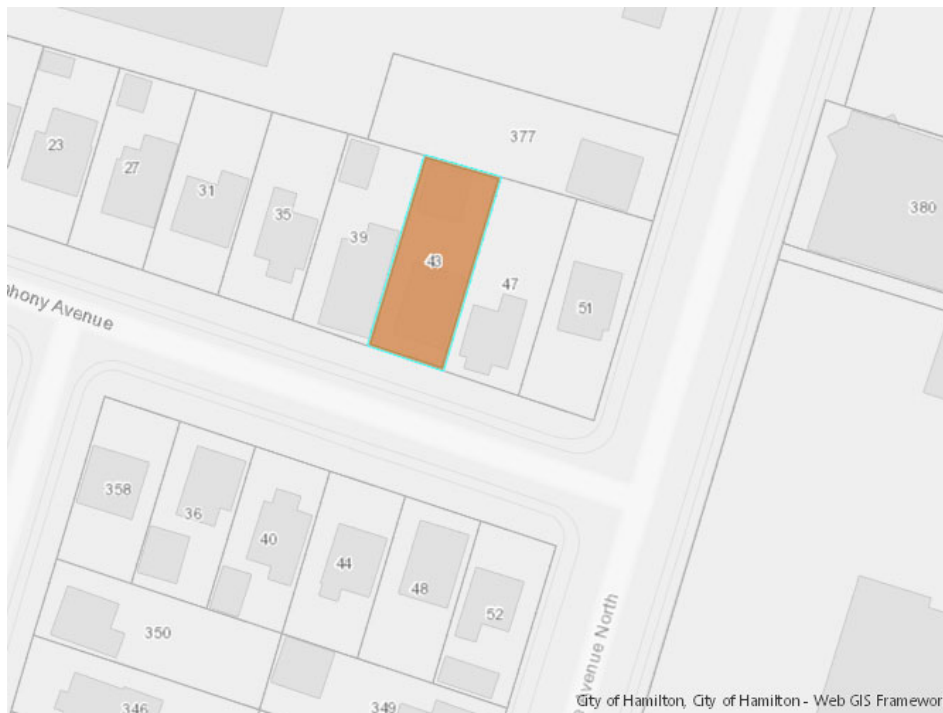
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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.



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.

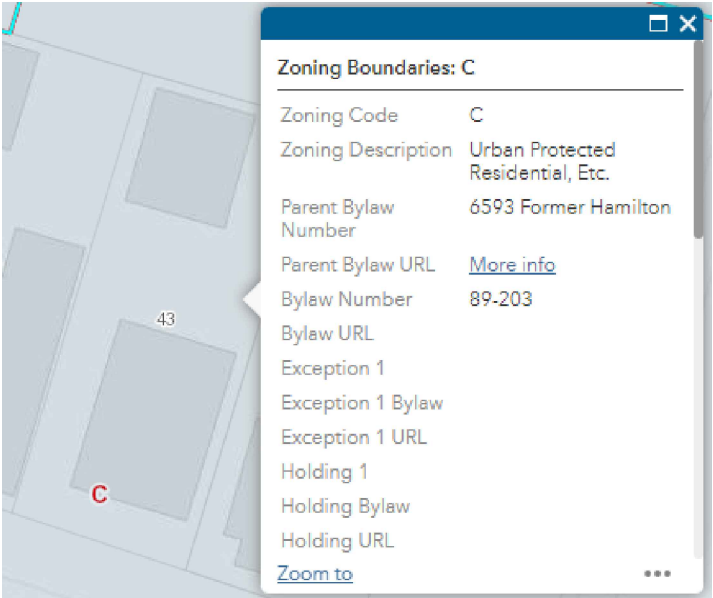
43 MAHONY AVE, HAMILTON

SECONDARY DWELLING UNIT - DETACHED

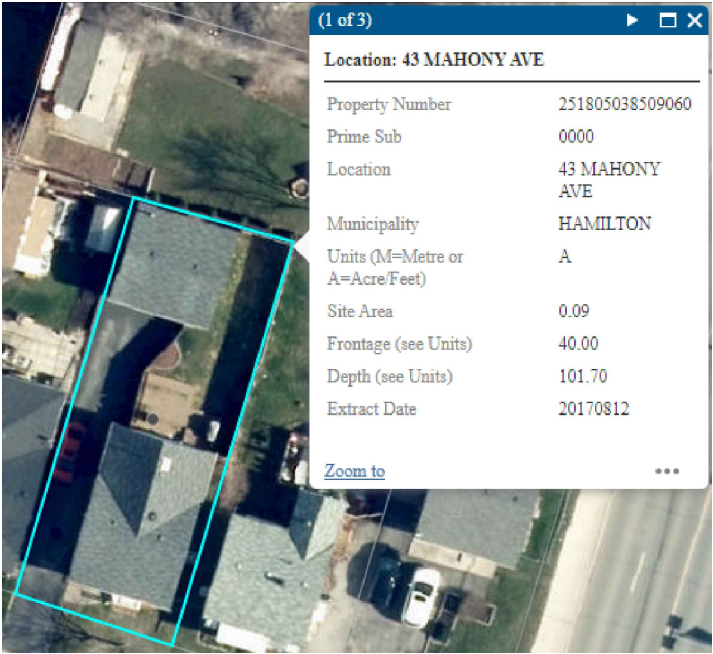
ELETRONIC STAMP



EXISTING BUILDING IMAGE



AERIAL MAP



ZONING MAP



LEAD DESIGNER & CONSULTANT
Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

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is owned by and operated in affiliation with King Homes Inc.



NORTH POSITION:



ADDRESS: **43 MAHONY AVE, HAMILTON**

SUBJECT: **TITLE PAGE**

PROJECT: **SECONDARY DWELLING UNIT - DETACHED**

DATE: **MAY 2022**

SCALE:

-

SHEET#:

A 0.01

SITE INFORMATION & STATISTICS	
ADDRESS	42 MAHONY AVE, HAMILTON ON
ZONING TYPE	C
LOT AREA	4067.98 SQ.FT (377.93 SQ.M)
LOT FRONTAGE	40' (12.19m)

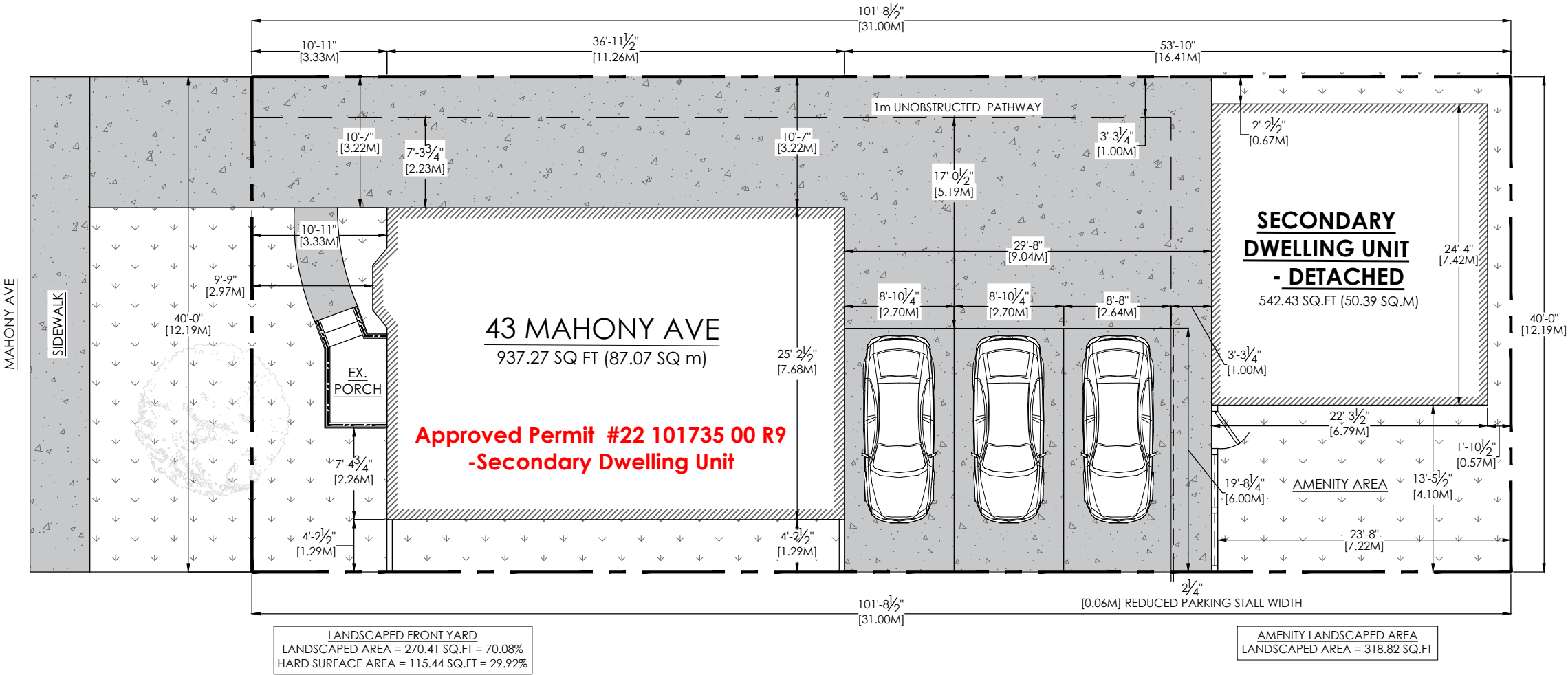
- GENERAL NOTES:
1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
 2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
 3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
 4. CONTRACTOR IS TO VERIFY 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 DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. AND 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 CONFIRM 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 ADVANCING 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.

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 THE OWNER 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 O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

SITE PLAN:
BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES

ELETRONIC STAMP





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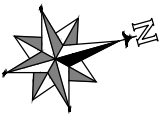
LEAD DESIGNER & CONSULTANT

Ken Bekendam B.A. BUSCOM, L.T.
kenbekendam@gmail.com
office: 855.546.4467 cell: 905.961.0647

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NORTH POSITION:



ADDRESS: **43 MAHONY AVE, HAMILTON**

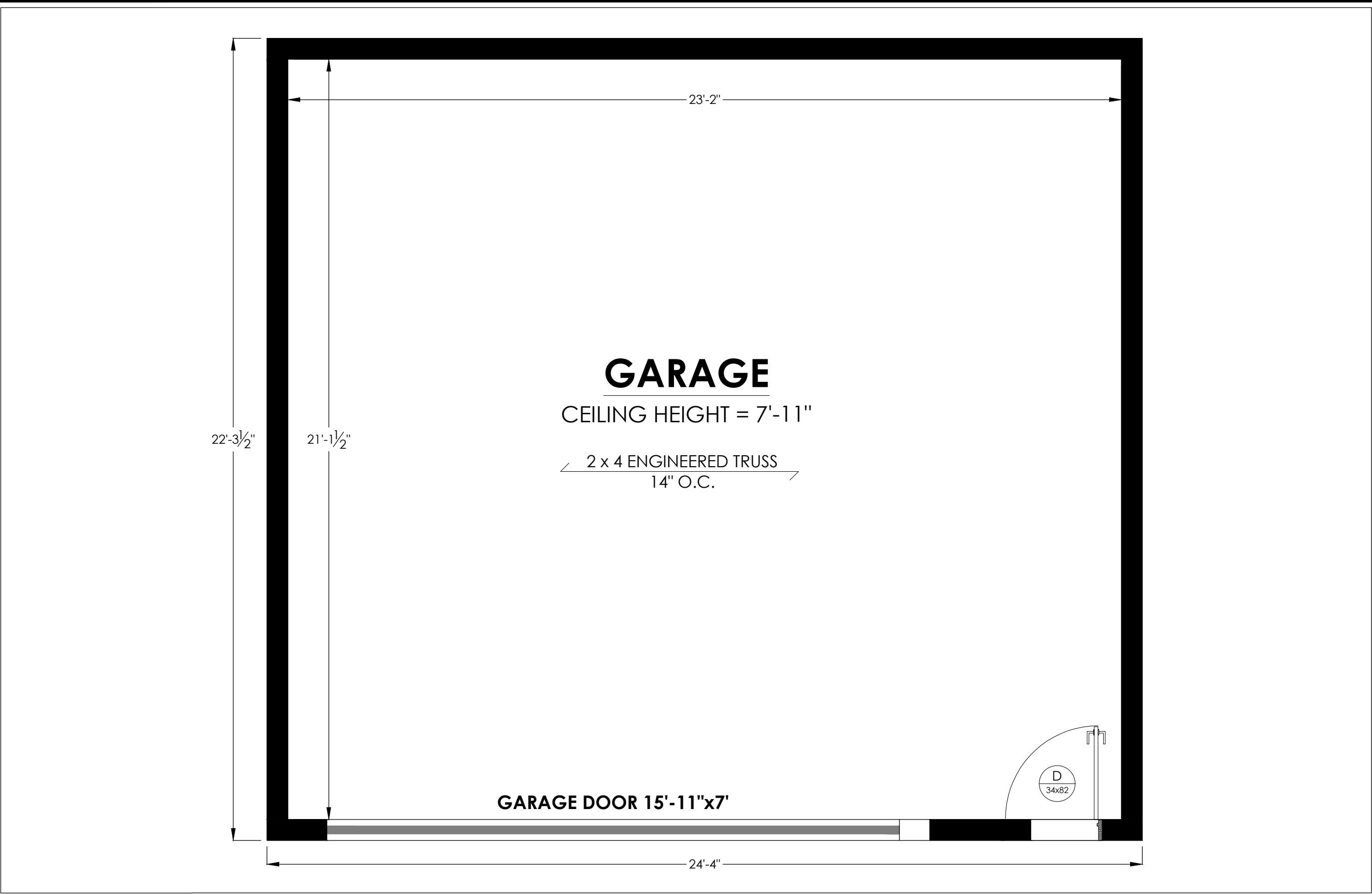
SUBJECT: **SITE PLAN**

PROJECT: **SECONDARY DWELLING UNIT - DETACHED**

DATE: **MAY 2022**

SCALE: **3/32" = 1'-0"**

SHEET#: **SP 1.01**



ELETRONIC STAMP	
PLANS LEGEND	BATH
	EXHAUST FAN
	SPECIFICATION TAG
	SMOKE ALARM
	CARBON MONOXIDE ALARM
	CEILING HEIGHT
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING EXTERNAL WALLS
	EXISTING INTERIOR WALLS
	NEW EXTERNAL WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	WINDOWS
DOOR LEGEND	DOOR TYPE DOOR SIZE
	A. PANEL DOOR B. FIRE DOOR w/ SELF CLOSER (45 MIN) C. FIRE DOOR w/ SELF CLOSER (20 MIN) D. EXTERIOR DOOR E. BIFOLD CLOSET F. SLIDING DOOR G. POCKET DOOR

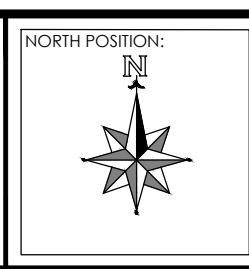


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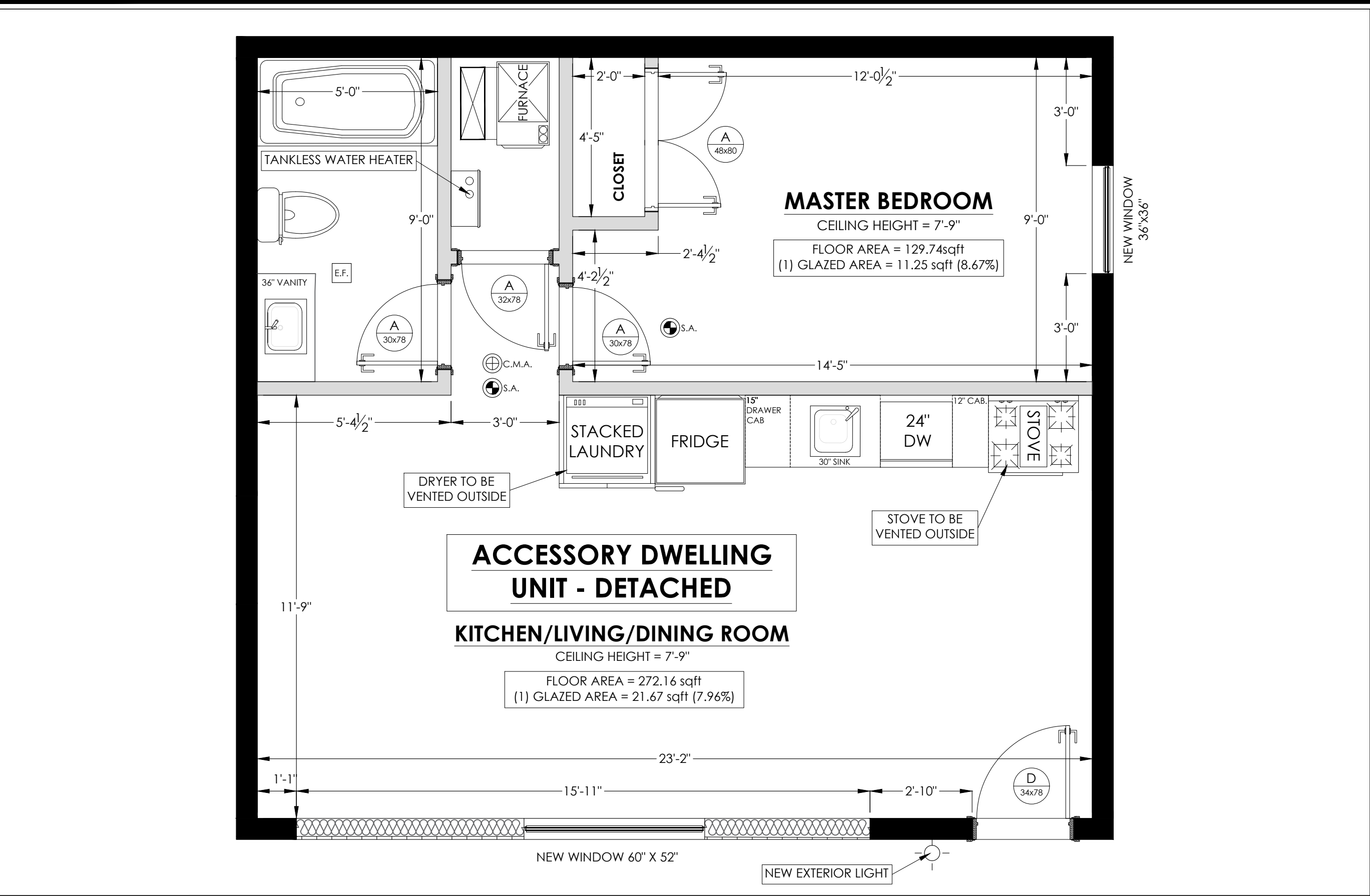
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ADDRESS:	43 MAHONY AVE, HAMILTON	
SUBJECT:	EXISTING GARAGE	
PROJECT:	SECONDARY DWELLING UNIT - DETACHED	DATE: MAY 2022

SCALE:	3/8"= 1'
SHEET#:	A 1.01



ELETRONIC STAMP

PLANS LEGEND

BATH	ROOM NAME
[Symbol]	EXHAUST FAN
[Symbol]	SPECIFICATION TAG
[Symbol]	S.M.A.
[Symbol]	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
[Symbol]	PLUMBING STACK
[Symbol]	WATER METER
[Symbol]	FLOOR DRAIN
[Symbol]	STRUCTURAL BEAM OR WALL
[Symbol]	STRUCTURAL COLUMN
[Symbol]	FOUNDATION WALL
[Symbol]	EXISTING EXTERIOR WALLS
[Symbol]	NEW EXTERIOR WALLS
[Symbol]	EXISTING EXTERNAL WALLS
[Symbol]	EXISTING INTERIOR WALLS
[Symbol]	NEW EXTERNAL WALLS
[Symbol]	NEW INTERIOR WALLS
[Symbol]	STRUCTURAL WALLS
[Symbol]	WINDOWS

DOOR LEGEND

[Symbol]	DOOR TYPE	DOOR SIZE
[Symbol]	A	30x60
A. PANEL DOOR		
B. FIRE DOOR w/ SELF CLOSER (45 MIN)		
C. FIRE DOOR w/ SELF CLOSER (20 MIN)		
D. EXTERIOR DOOR		
E. BIFOLD CLOSET		
F. SLIDING DOOR		
G. POCKET DOOR		

SCALE:

3/8"= 1'-0"

SHEET#:

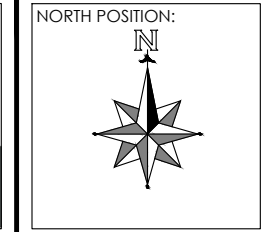
A 1.02

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ADDRESS:

43 MAHONY AVE, HAMILTON

SUBJECT:

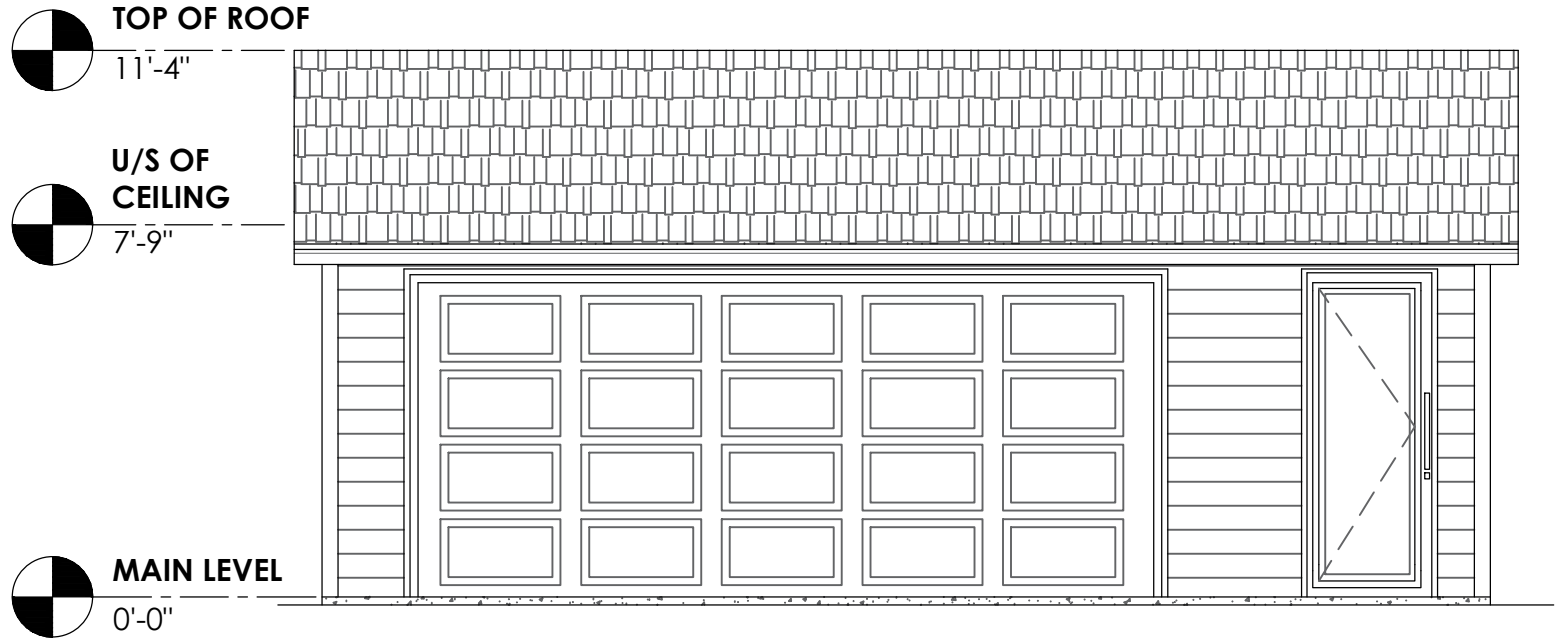
PROPOSED FLOOR PLAN

PROJECT:

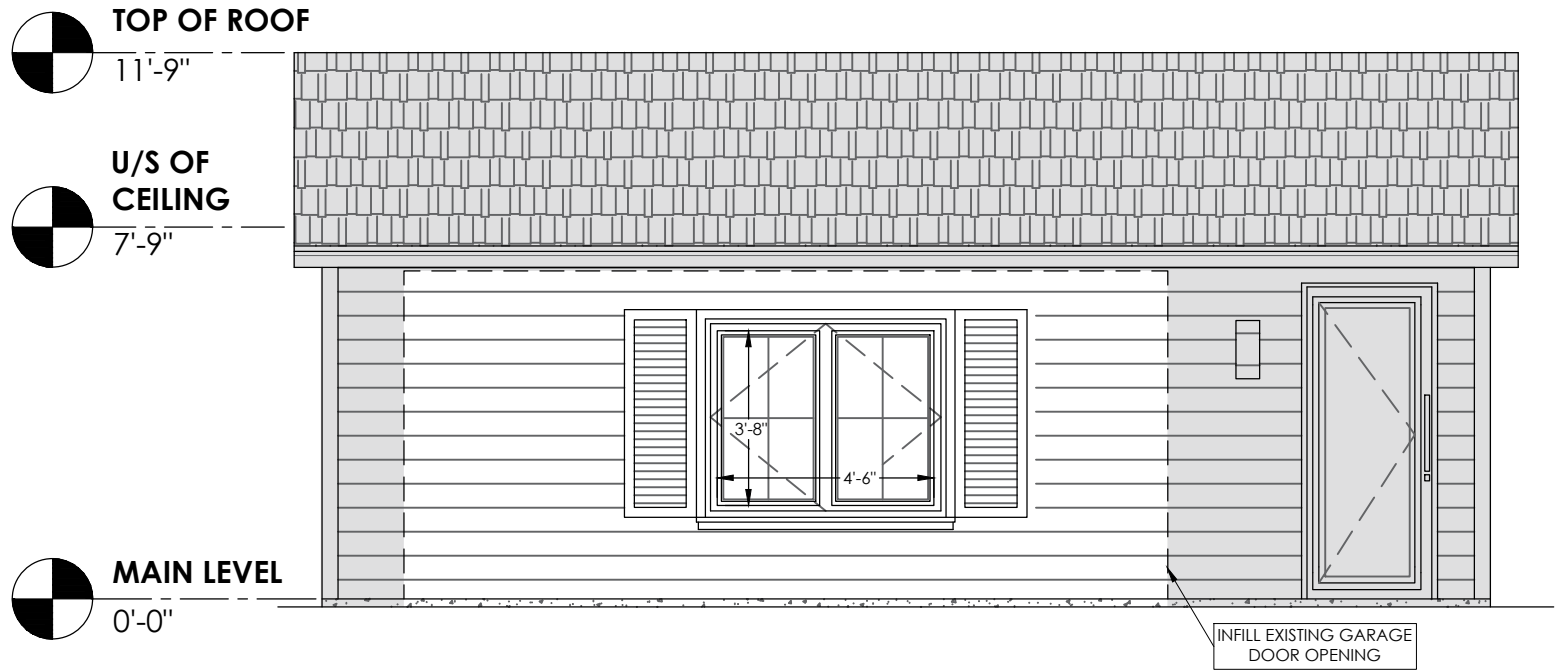
SECONDARY DWELLING UNIT - DETACHED

DATE:

MAY 2022



1 EXISTING SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



2 PROPOSED SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



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NORTH POSITION:

ADDRESS:

43 MAHONY AVE, HAMILTON

SUBJECT:

SOUTHWEST ELEVATION

PROJECT:

SECONDARY DWELLING UNIT - DETACHED

DATE:

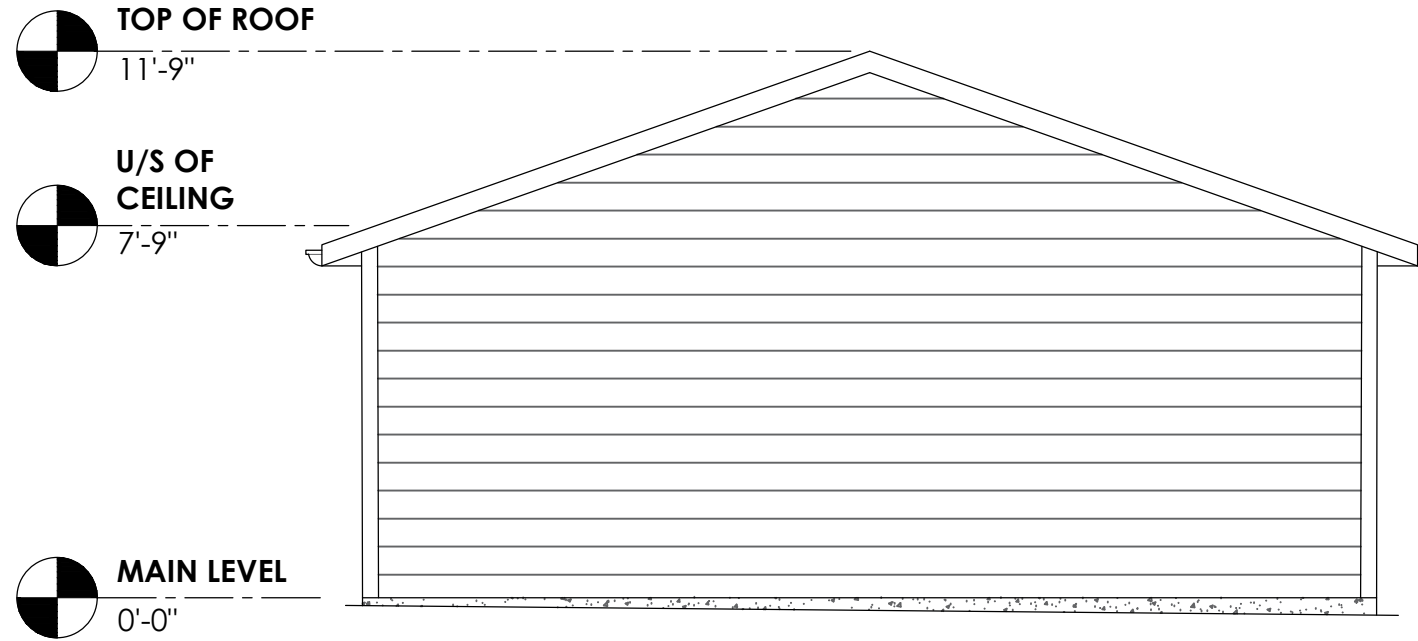
MAY 2022

SCALE:

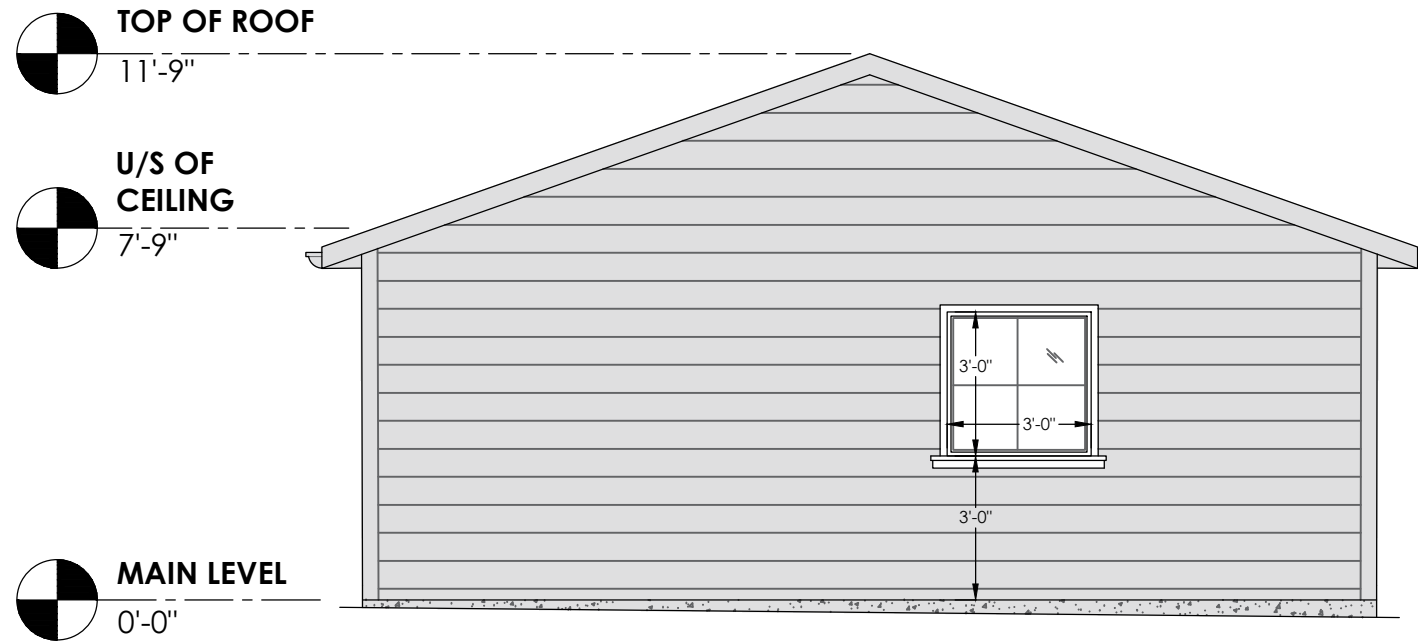
1/4"= 1'-0"

SHEET#:

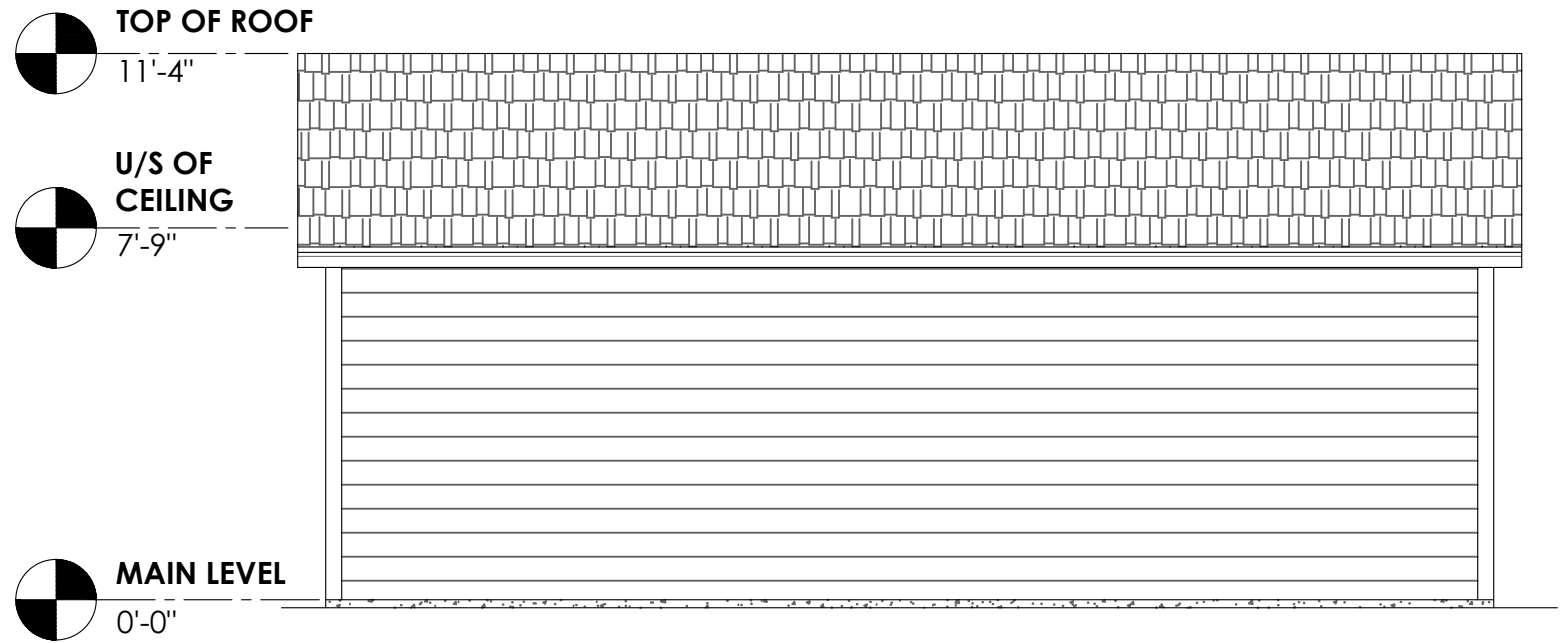
A 2.01



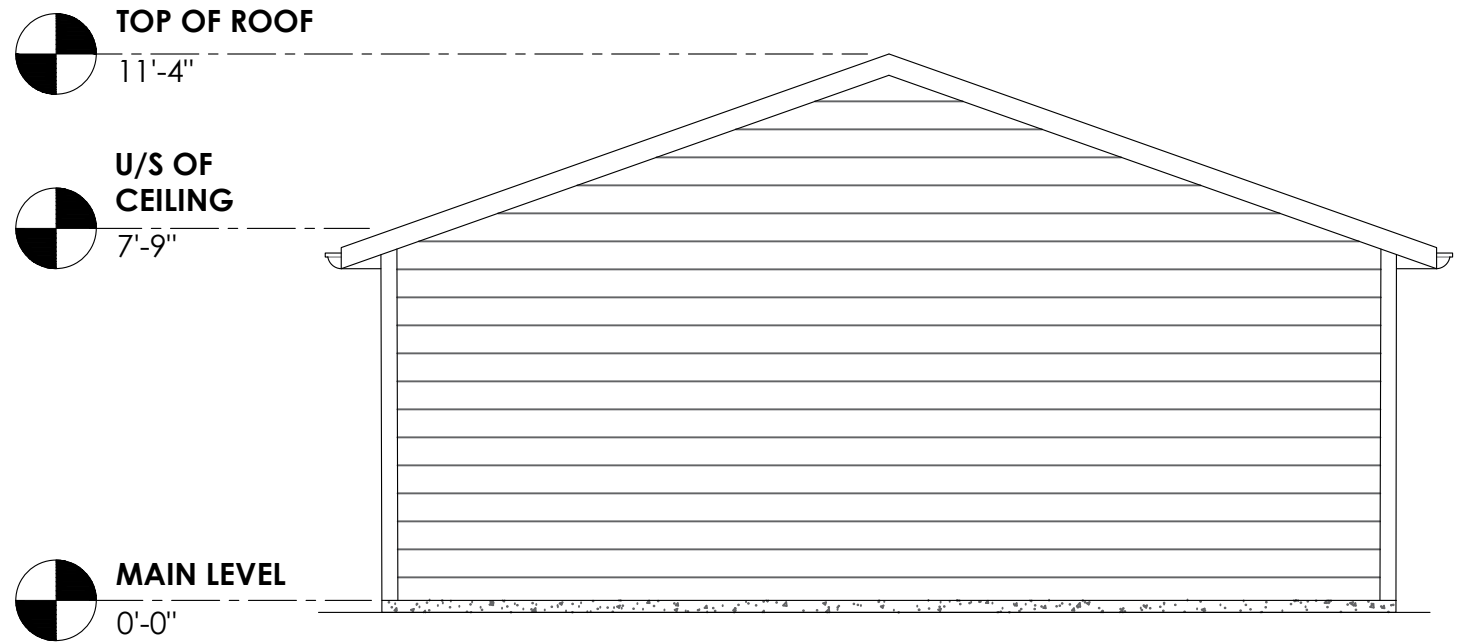
1 EXISTING EAST ELEVATION
SCALE: 3/16" = 1'-0"



2 PROPOSED EAST ELEVATION
SCALE: 3/16" = 1'-0"



1 NO CHANGE IN NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 NO CHANGE ON WEST ELEVATION
SCALE: 1/4" = 1'-0"

**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)	Tiera Dass-Fisher	
Applicant(s)*	Ken Bekendam c/o King Homes Inc	
Agent or Solicitor	Ken Bekendam c/o King Homes Inc	

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:

To permit a reduce parking space width of 2.64m for one of the required parking spaces
To permit a reduced maneuvering space of 5.19m whereas the bylaw requires 6m
To permit a reduced driveway access width of 2.23m whereas the bylaw requires 2.8m

☒ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Existing site constraints of existing principal building, accessory building and lot line locations.
Desire to provide 3 off street parking spaces and maintain the unobstructed pathway to the street.

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**):

43 Mahoney Ave, Hamilton

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?

Existing Residential Use

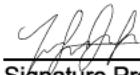
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

Date



Signature Property Owner(s)

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	40'
Depth	101.70'
Area	4068 sqft
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:_____

See Site Plan

Proposed

See Site Plan

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

Existing:_____

See Site Plan

Proposed:_____

See Site Plan

13. Date of acquisition of subject lands:
2022
14. Date of construction of all buildings and structures on subject lands:
unknown
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single Family Dwelling with a Secondary Dwelling Unit
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single Family Dwelling
17. Length of time the existing uses of the subject property have continued:
unknown
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
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:
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)
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.