



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-22:162	SUBJECT PROPERTY:	242 HERKIMER ST., HAMILTON
ZONE:	"D" (Urban Protected Residential – One and Two Family Dwellings)	ZONING BY-LAW:	Zoning By-law 6593, as Amended

APPLICANTS: Agent N Cubed – D. Nguyen
Owner J. Nardi

The following variances are requested:

1. A minimum of 1.7 m front yard depth shall be provided instead of the minimum required front yard depth of 6.0 m.

PURPOSE & EFFECT: To permit the existing front porch to be enclosed and used for habitable purposes for the residence occupying the dwelling located on the first floor of the existing legal non-conforming multiple dwelling notwithstanding a multiple dwelling is not permitted in the current zoning designation.

Notes:

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:	3:10 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

HM/A-22:162

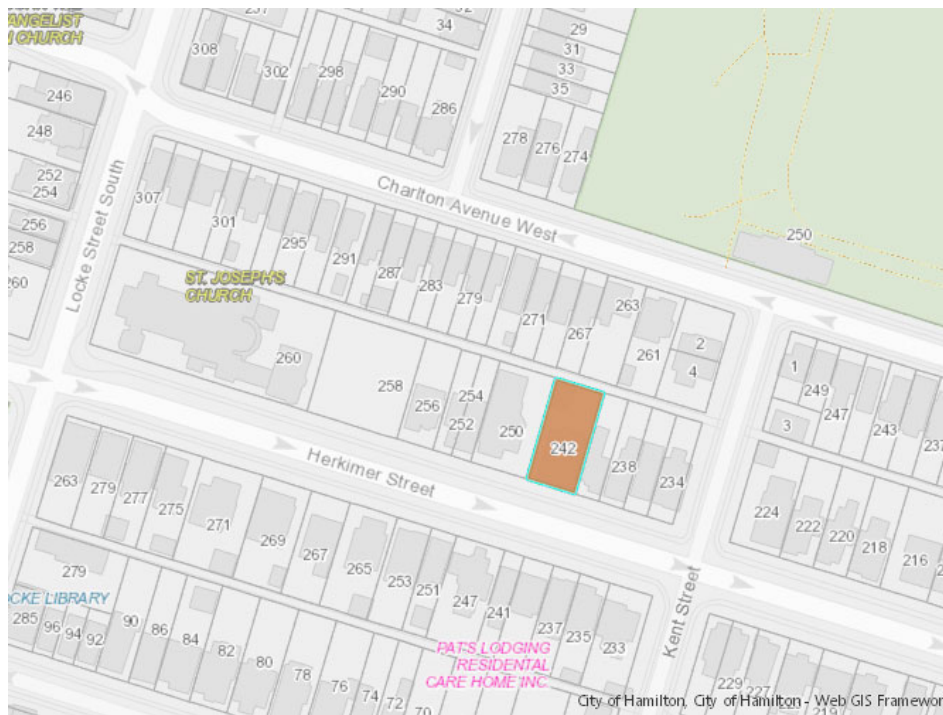
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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.



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)	Joseph Nardi	[REDACTED]
Applicant(s)*	Joseph Nardi	
Agent or Solicitor	Duy Nguyen N Cubed Services 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:

Scotia Bank 999 King St. W Hamilton. L8S 1K9
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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:

A South Front yard setback of 1.70m from the property line where 6.0m is required.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The front yard setback is an existing condition and is required for a functional floor plan.

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**):

242 Herkimer St.

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?

Real estate records and site inspection.

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

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

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

April 12 '22
Date

[Signature]
Signature Property Owner(s)
Joseph Nardi
Print Name of Owner(s)

See site statistics on site plan

10. Dimensions of lands affected:

Frontage See site statistics on site plan
Depth See site statistics on site plan
Area See site statistics on site plan
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:

See site statistics on site plan

Proposed

See site statistics on 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 statistics on site plan

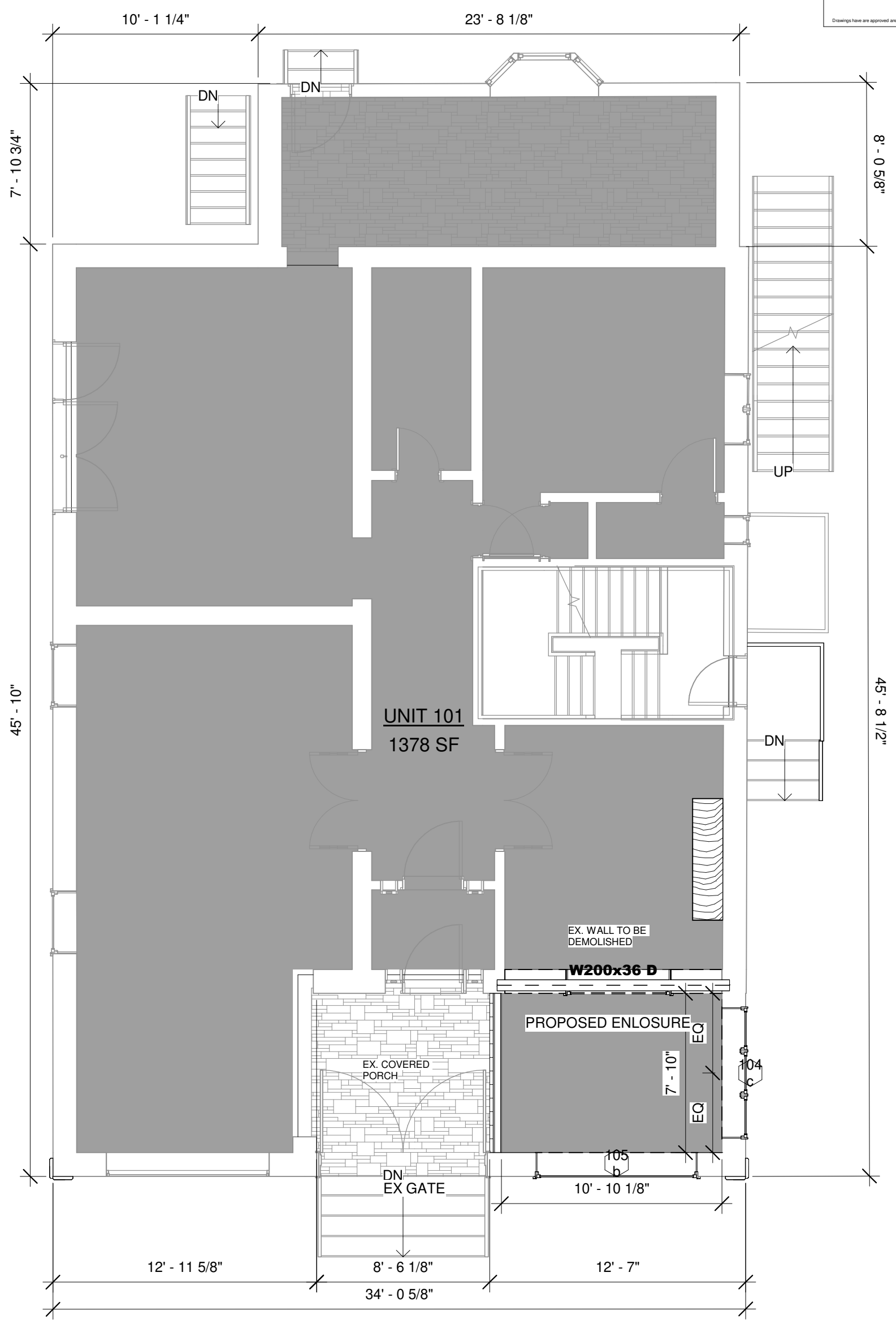
Proposed:

See site statistics on site plan

13. Date of acquisition of subject lands:
Oct 7 2016
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.):
Multiple Dwelling 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:
Continuous
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:
Strathcona secondary plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
City of Hamilton Zoning By-Law 6593
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:
~~HM/A-168181~~ HM/A-168181
- 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.

Drawings have been approved and meet the minimum requirements of the Ontario Building Code.



1 First Floor
3/16" = 1'-0"

N-CUBED
ARCHITECTURE + ENGINEERING + CONSTRUCTION

897 KING ST W
NCUBEDDESIGNS.COM
833-628-2333

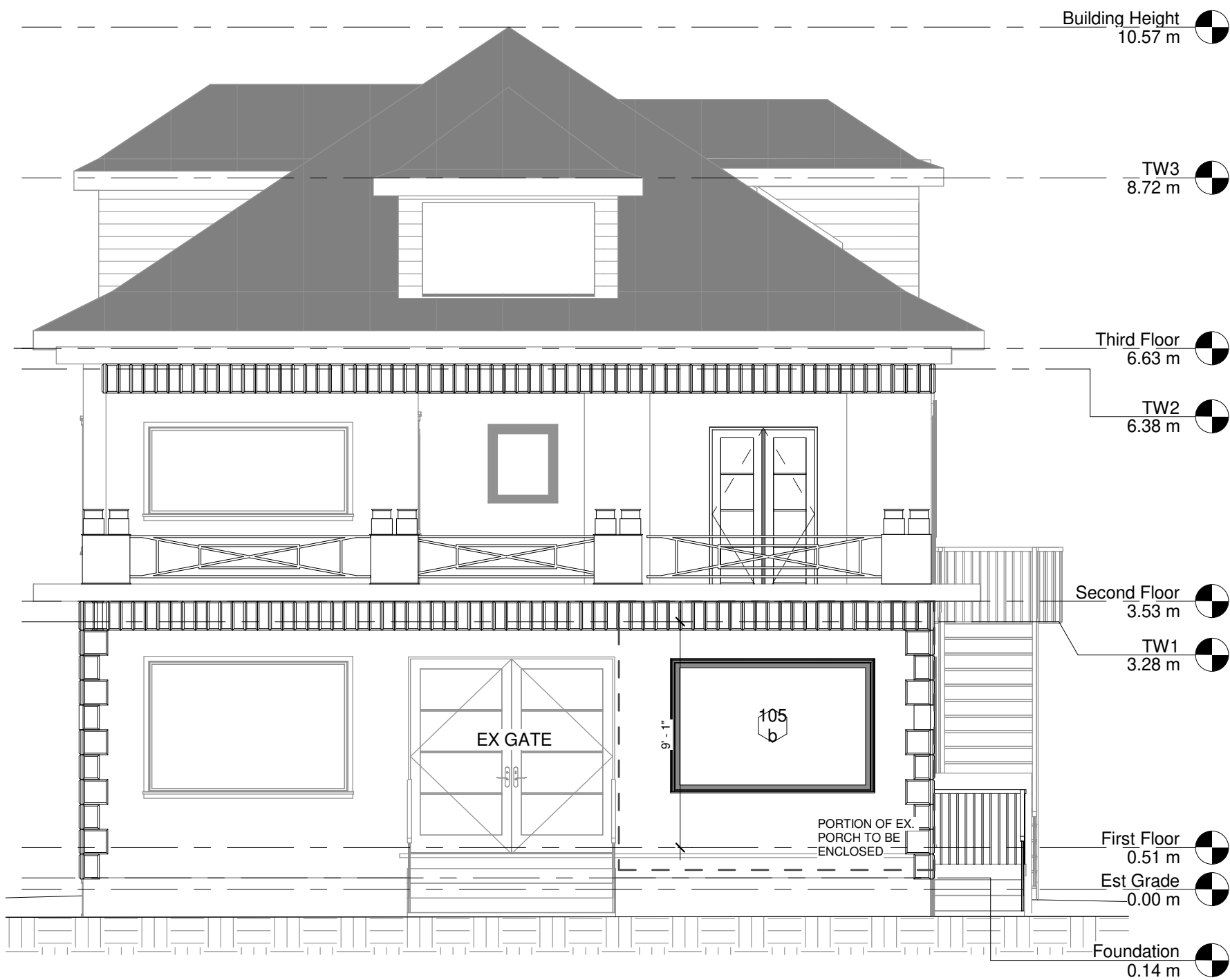
A1.02

Scale As indicated

242 Herkimer
ADDITION

FIRST FLOOR PLAN

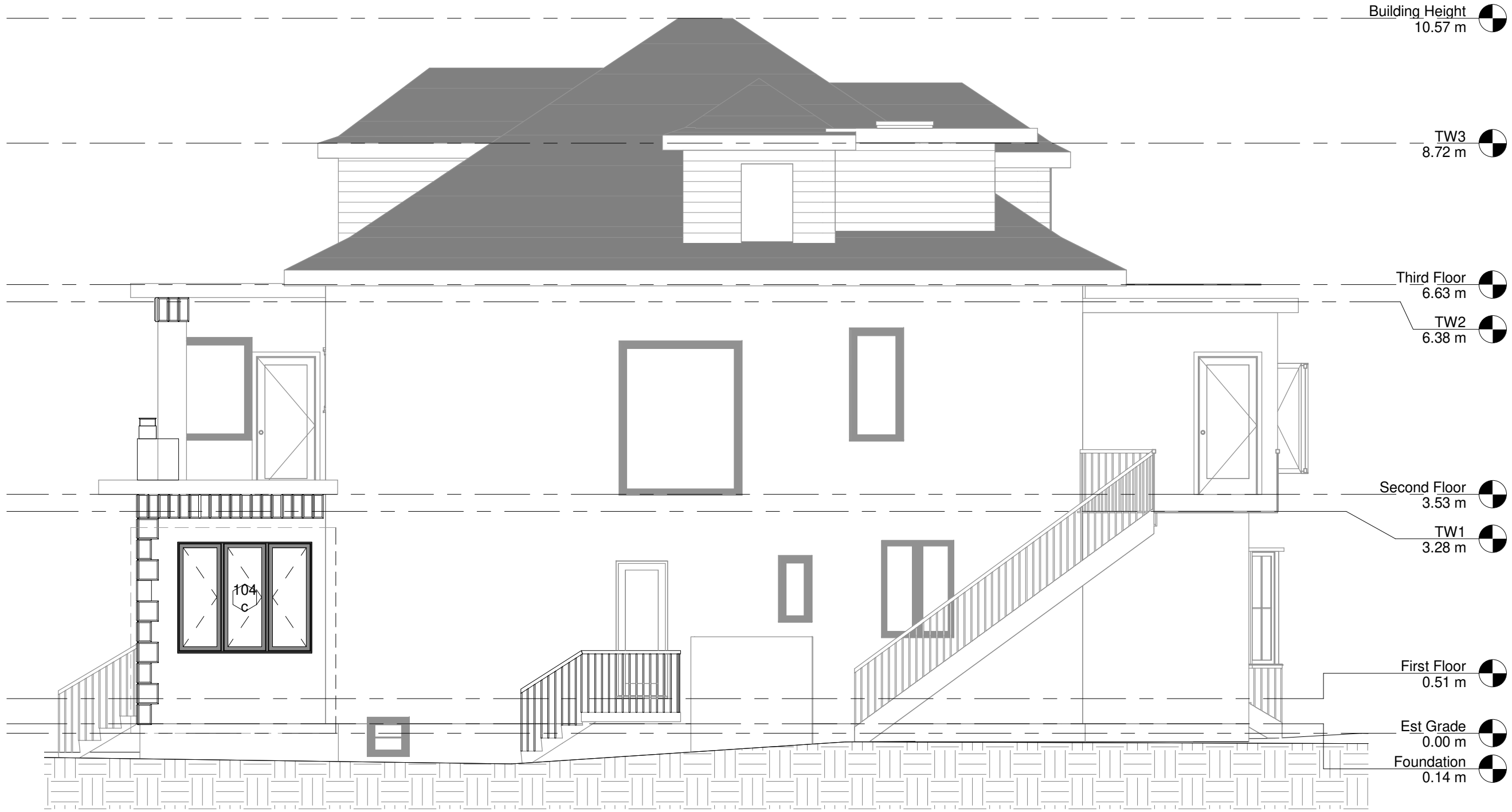
No.	Description	Da



① F-North
3/16" = 1'-0"

No.	Description	Da

Drawings have been approved and meet the minimum requirements of the Code.



3/16" = 1'-0"
S-West
2

Building Height
10.57 m

TW3
8.72 m

Third Floor
6.63 m

TW2
6.38 m

Second Floor
3.53 m

TW1
3.28 m

First Floor
0.51 m

Est Grade
0.00 m

Foundation
0.14 m

No.	Description	D

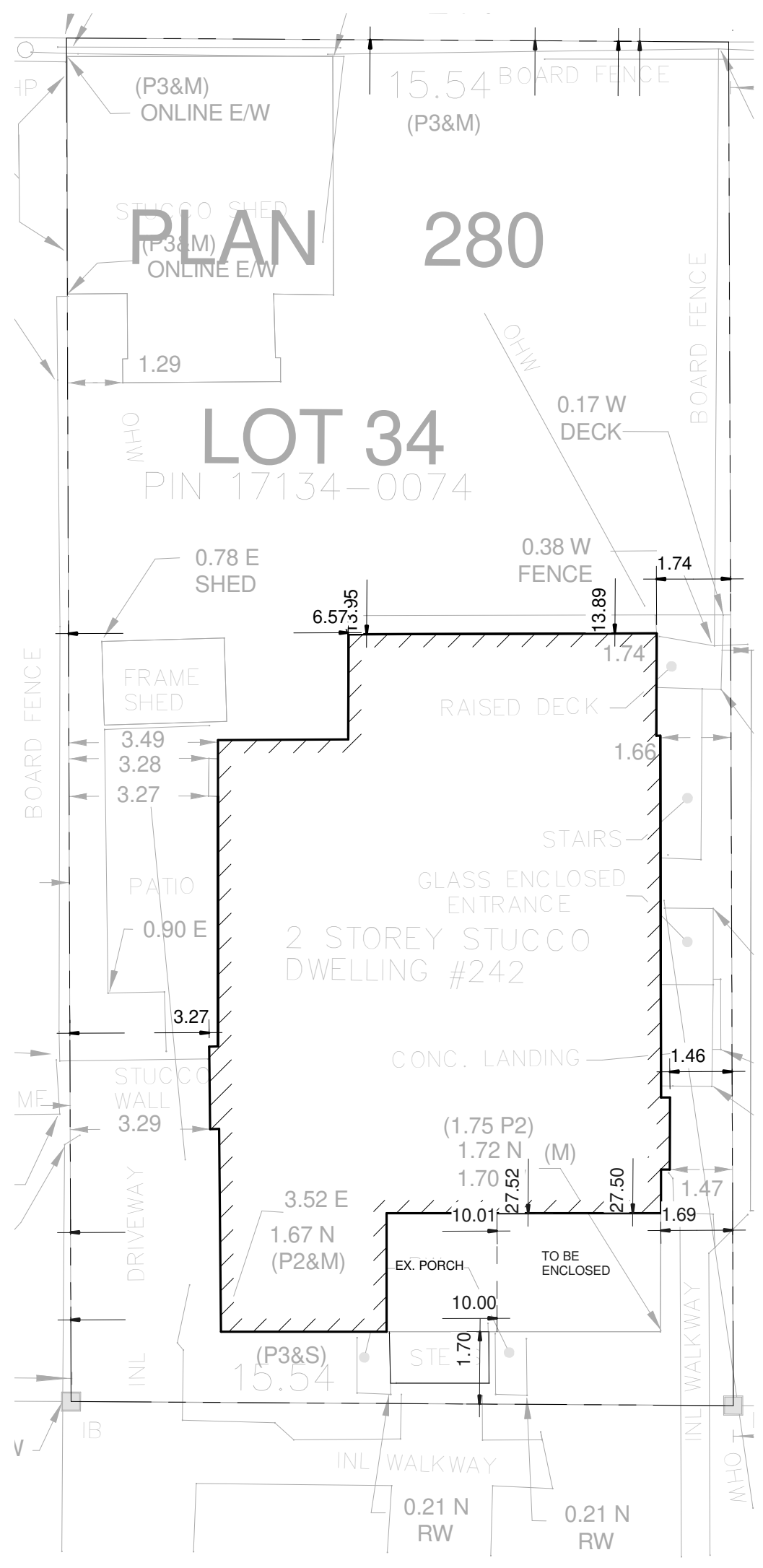
242 Herkimer
ADDITION
ELEVATIONS

A2.02
Scale 3/16" = 1'-0"

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ARCHITECTURE + ENGINEERING + CONSTRUCTION

897 KING ST W
NCUBEDDESIGNS.COM
833-628-2333

Drawings have been approved and meet the minimum requirements of the Ontario Building Code.



N73° 40' 40" W
(REFERENCE BEARING)

HERKIMER STREET
(BY REG'D PLAN 280)

PIN 17134-0275

242 Herkimer, Zoning By-Law 6593

Building Information	Area				
	Existing		Proposed		
	SF	SM	SF	SM	
Lot Area	5352.00	497.22	NC		
Gross Floor Area	Basement	1440.00	133.78	1440.00	1
	Ground	1560.00	144.93	1675.00	1
	Second Floor	1545.00	143.54	1545.00	1
	Third Floor	778.00	72.28	778.00	1
	GFA Subtotal	5323.00	494.52	5438.00	5
NOTE: GFA MEASURED TO THE EXTERIOR FACE OF EXTERIOR WALLS					
Building	Allowed	Existing	Proposed		
Storeys	3	3.0	3.0		
GFA Ratio	Allowed	Existing	Proposed		
GFA	N/A	99.46%	101.61%		
Distances	Allowed		Existing		Proposed addition
	(ft)	(m)	(ft)	(m)	(ft)
Building Height	45.93	14.00	33.53	10.22	33.53
Lot Width	NA	NA	50.98	15.54	50.98
N - Rear Yard Setback	24.61	7.50	45.57	13.89	90.22
S - Front Yard Setback	19.68	6.00	5.45	1.66	5.58
East - Side Yard Setback	3.94	1.20	4.79	1.46	5.54
West - Side Yard Setback	3.94	1.20	10.76	3.28	32.81
Parking	Required	Existing	Proposed		
Spaces	5.0	0	0		
Parking Size	2.7m x 6.0m	0	0		

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833-628-2333

SP1.01

Scale 3/32" = 1'-0"

242 Herkimer
ADDITION
SITE PLAN

No.	Description	D