



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-22:198	SUBJECT PROPERTY:	115 ROXBOROUGH AVENUE, HAMILTON
ZONE:	“C5a” (Mixed Use Medium Density – Pedestrian Focus)	ZONING BY-LAW:	Zoning By-law 05-200, as Amended 17-240

APPLICANTS: Owners G. Buda & S. Hernandez

The following variances are requested:

1. A minimum northerly rear yard setback of 0.5 m shall be provided instead of the minimum required rear yard setback of 1.2 m from the rear lot line; and
2. A minimum easterly side yard setback of 0.4 m shall be provided instead of the minimum required 1.2 m from the side lot line; and
3. A minimum vehicular entrance setback of 1.9 m shall be provided instead of the requirement in the By-law which states that where a vehicular entrance to an accessory building faces a street line, the vehicular entrance shall be setback a minimum of 6.0 m from the street line; and
4. To permit a roof top amenity area whereas the By-Law states that rooftop amenity areas shall be prohibited on all accessory structures; and
5. A maximum lot coverage of 15.64 % shall be provided instead of the maximum permitted 7.5 % total lot coverage.

PURPOSE & EFFECT: To facilitate the construction of a new 22.8 m² accessory structure (detached) to an existing single detached dwelling

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, July 14, 2022
TIME:	2:25 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



Subject Lands

DATED: June 28, 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.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by 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.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.



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City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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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)	Giovanni Emilio Buda Sylvia Naomi Hernandez		
Applicant(s)*	Giovanni Emilio Buda		
Agent or Solicitor			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:

Private mortgage - Maria Marcela Maciel

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:

Setbacks on the back and side of existing garage to be reconstructed.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The lot is small and complying with the setback on the side will reduce the exterior area in a significant percentage

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**):

115 Roxborough ave, Hamilton
lot 315, Registered plan 404

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?

We acquired the property in november 2021
we do not have any additional


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)

Giovanni Emilio Buda Sylvia Hernandez
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 15.95 m
Depth 9.14 m
Area 145.78 m²
Width of street 15.240 m

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: _

Old frame/vinyl siding garage
area: 23.37 m² Front: 3.8m Length: 6.15m
height: 2.70m

Proposed

New garage steel structure/vinyl siding
area: 22.8 m² front: 3.8m Length: 6.00m
height: 3.4m + 1.10m railing

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

Existing:

Front: 2.04 m
Back: 0.93 m
East side: 0.40 m west side: interior lot

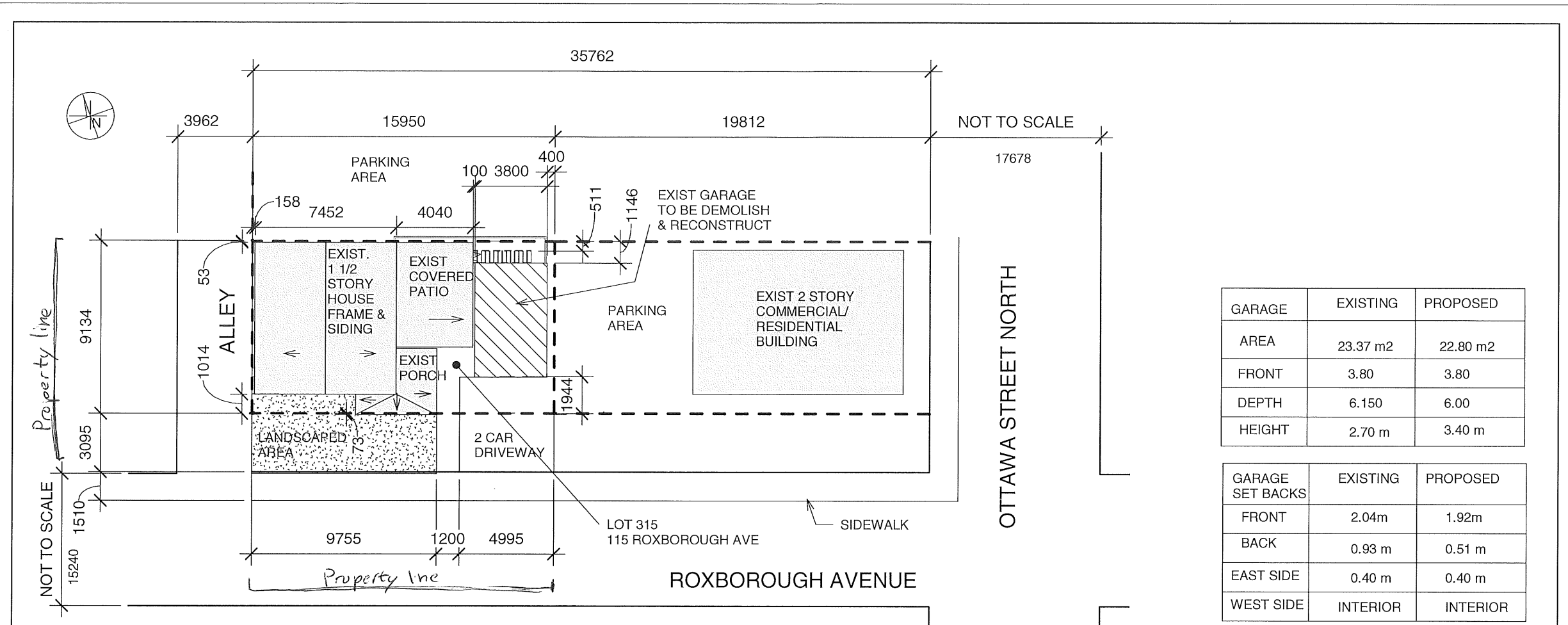
Proposed:

Front: 1.92 m
Back: 0.51 m
East side: 0.40 m west side: interior lot

13. Date of acquisition of subject lands:
November 25 2021
14. Date of construction of all buildings and structures on subject lands:
Unknown previous to 1986 (last survey) 1924
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Commercial / Residential Mixed use.
17. Length of time the existing uses of the subject property have continued:
Unknown but as far as 1986
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|----------|-----------|----------|
| Water | <u>✓</u> | Connected | <u>✓</u> |
| Sanitary Sewer | <u>✓</u> | Connected | <u>✓</u> |
| Storm Sewers | <u>✓</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:

Mixed use medium density
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

05-200 bylaw C5A
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.



GARAGE	EXISTING	PROPOSED
AREA	23.37 m ²	22.80 m ²
FRONT	3.80	3.80
DEPTH	6.150	6.00
HEIGHT	2.70 m	3.40 m

GARAGE SET BACKS	EXISTING	PROPOSED
FRONT	2.04m	1.92m
BACK	0.93 m	0.51 m
EAST SIDE	0.40 m	0.40 m
WEST SIDE	INTERIOR	INTERIOR

1 SITE PLAN
1 : 200

REFERENCE DRAWINGS
BUILDING LOCATION SURVEY
OF PART OF
LOT 315
REGISTERED PLAN No. 404
BY A.T.McLAREN/1986

ALL DIMENSIONS AN ELEVATIONS
ARE IN MILIMETERS

ZONING	LOT No.	PLAN No.	LOT AREA	LOT FRONTAGE	LOT DEPTH
C5A	315	404	145.78 m ²	15.95 m	9.14m

EXIST. HOUSE AREA	60.1 m ²
EXIST. PORCH AREA	9.8 m ²
EXIST. COVERED PATIO	22.3 m ²

No.	Description	Date

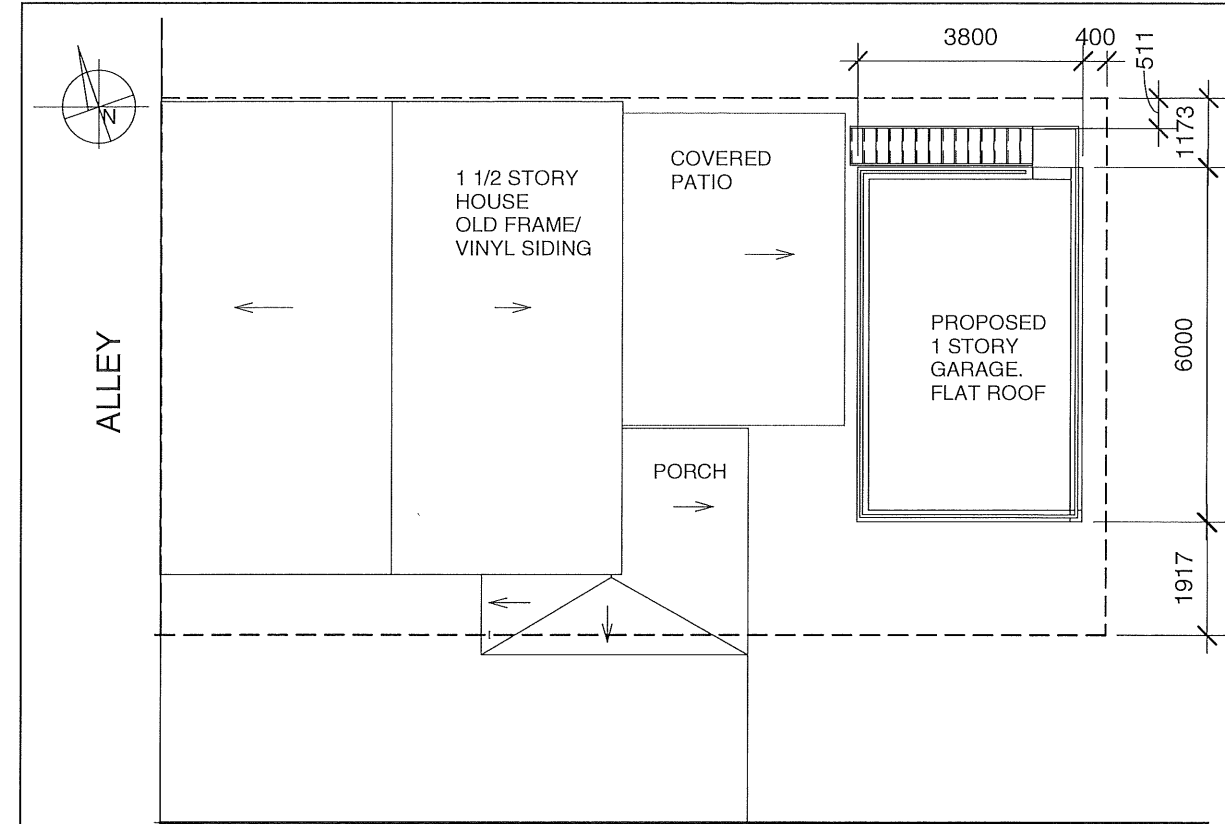
BUDA/HERNANDEZ
DETACHED GARAGE
RECONSTRUCTION

115 ROXBOROUGH AVE. HAMILTON. ON.

SITE PLAN

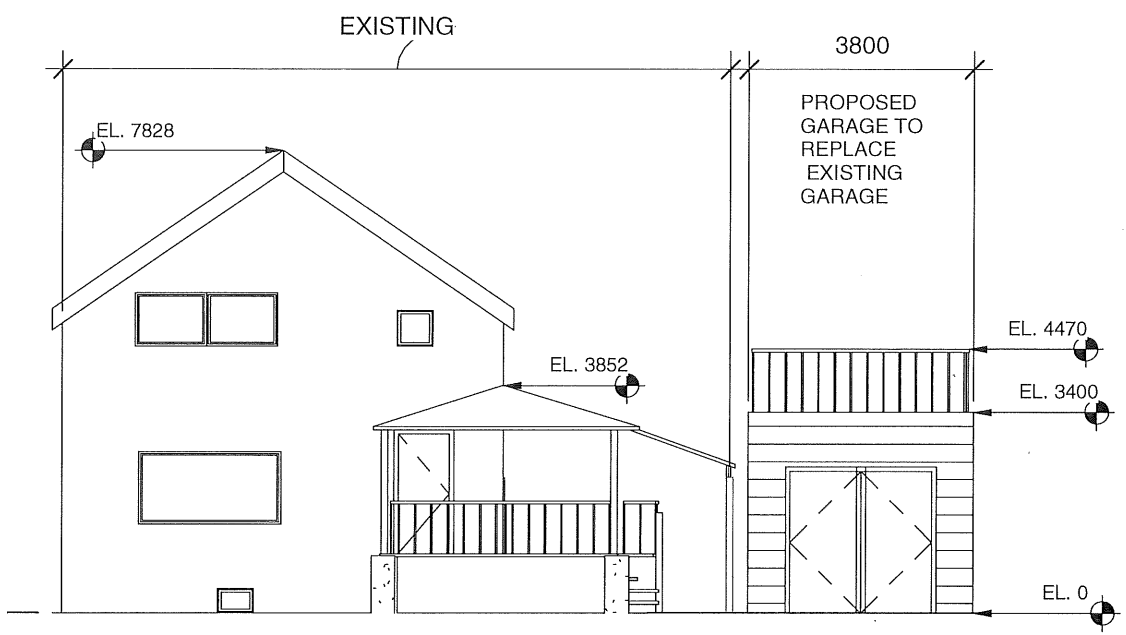
Project number	22002	SP1.01	
Date	2022-05-18		
Drawn by	M.MACIEL		
Checked by	L.HERNANDEZ	Scale	1 : 200

6/1/2022 3:48:15 PM



ROXBOROUGH AV

2 ROOF PLAN
1 : 100



1 FRONT ELEVATION
1 : 100

ALL DIMENSIONS AN ELEVATIONS ARE IN MILIMETERS

No.	Description	Date

BUDA/HERNANDEZ
DETACHED GARAGE
RECONSTRUCTION

115 ROXBOROUGH AVE. HAMILTON. ON.

ROOF PLAN & ELEVATION	
Project number	22002
Date	2022-05-18
Drawn by	M.MACIEL
Checked by	L.HERNANDEZ
Scale	1 : 100
SP1.02	

6/1/2022 3:48:23 PM