



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-22:185 | SUBJECT PROPERTY: | 52 MELBOURNE STREET, HAMILTON |
| ZONE: | “D” (Urban Protected Residential – One and Two Family Dwellings and etc.) | ZONING BY-LAW: | Zoning By-law 6593, as Amended |

APPLICANTS: Owner L. Bristol

The following variances are requested:

1. A front yard setback of 4.47m from Hill Street to an above ground pool shall be provided instead of the minimum required 6.0m front yard setback 2. An easterly side yard setback of 0.0m shall be provided to the deck instead of the minimum required 1.2m rear yard setback

PURPOSE & EFFECT: So as to permit an above ground swimming pool in the rear yard of an existing single family dwelling.

Notes:

- i. Where a deck extends out from the dwelling type, is continuous (including tiers) and is attached to or adjacent to an above-ground swimming pool, the setback for the entirety of the deck and above-ground swimming pool shall be taken from the outside edge of the deck. The required setback shall be the more restrictive between: the required setback for a deck and the required setback for an above-ground swimming pool. The provisions of Subsection 18 (3)(e) shall apply to the deck attached to the proposed above ground swimming pool.
- ii. The deck in the front yard adjacent to Hill Street encroaches into the required side yard by 1.2 metres where an encroachment of 1.2 metres into the required side yard is permitted as per the above interpretation regarding pool decks and section 18(4)(ib)(B.). As such, a variance has been provided to address this.

- iii. A survey has not been submitted indicating actual lot boundaries. As such, setbacks to the deck and proposed above ground pool could not be determined. Variances have been provided based on the submitted plans however should the property boundaries be other than the ones submitted for variance, additional variances may be required.
- iv. Insufficient information has not been provided regarding the total Front Yard Landscaping within the Front Yard adjacent to Hill Street. Should the total Front Yard be less than the required 50% gross area for landscaping as per Subsection 18 (14)(i) and (ii), additional variances may 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, July 14, 2022 |
| TIME: | 2:45 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.

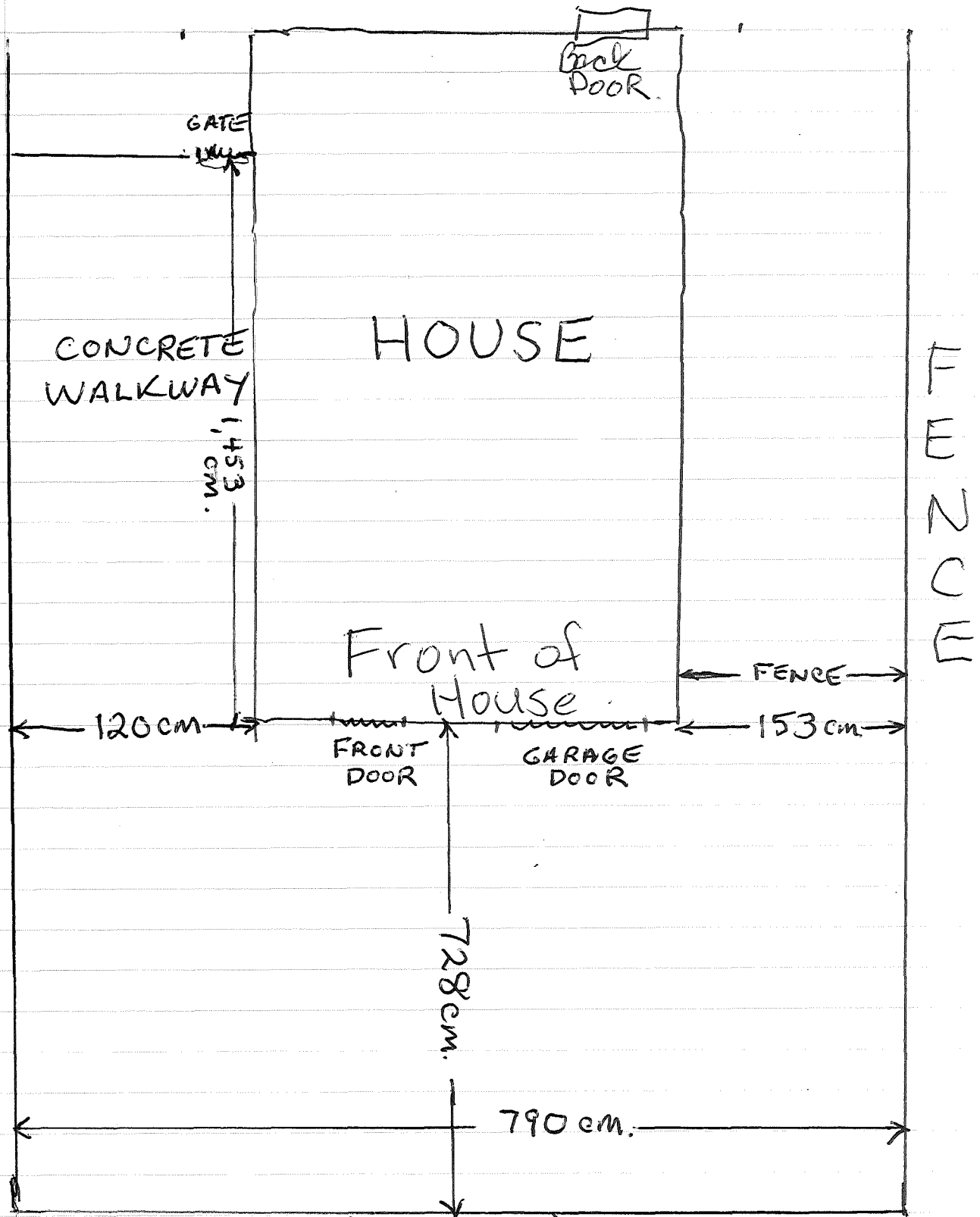
2. In person Oral Submissions

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.

Hill Street. 488cm.



CONCRETE WALKWAY

HOUSE

GATE

Back DOOR

153 cm.

Front of House

FENCE

120 cm

153 cm

FRONT DOOR

GARAGE DOOR

728 cm.

790 cm.

(SIDEWALK)

52 MELBOURNE ST.

HILL STREET

52 MELBOURNE ST - 1,524 x 700 CM. X CM.
HOUSE (50' x 16')

510.5 cm.
16'-9"

GATE 107 cm.
42"

BASMENT STAIRS 42"

HOT TUB
87" x 221 cm.
216 cm.
85"

9'-9" x 297 cm.

DECK
10'-0" x 305 cm.

CONCRETE

PATIO

DECK STAIRS

Floating DECK

LOT SIZE (150' x 25')
4,507 cm. x 762 cm.

PAT - O
PEA PEBBLES

PEA PEBBLES

ABOVE GROUND POOL
20' x 13' x 396 cm.
610 cm.

66" x 168 cm.

78" x 198 cm.

122 cm.
48" ELECTRICAL

POOL UTILITY

POOL PUMP

PEA PEBBLES

PATIO STONES

PATIO STONES

OPEN GRAVEL

SHEP 10' x 10'
447 cm.

107 cm.

42" x 138"

GATE

94" x 239 cm.

95 cm.

Hill Street



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 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) | Laura Bristol | | |
| Applicant(s)* | S A A | | |
| 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:

| |
|-----------------------------|
| <p>Royal Bank of Canada</p> |
|-----------------------------|

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:

Above ground pool 13x20 feet reduction in rear yard set back.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

through lot existing location of existing building and deck

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):

52 Melbourn Street Hamilton, On.

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?

Person ~~al~~ Knowledge

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 19, 2022
Date

Laura Bristol
Signature Property Owner(s)

Laura Bristol
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 25' 7.5 m
Depth 150' 42.9 m
Area 1 319.52 m
Width of street 20 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:

see drawing

Proposed

see drawing

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 drawing

Proposed:

13. Date of acquisition of subject lands:
2009

14. Date of construction of all buildings and structures on subject lands:
2008

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family home

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
2008

17. Length of time the existing uses of the subject property have continued:

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:
Schedule E/E1819 Neighbourhoods (19)

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning D Urban protected residential one+two family dwelling.

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:
NA

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.