



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-22:196	SUBJECT PROPERTY:	120 FLATT AVENUE, HAMILTON
ZONE:	"C" (Urban Protected Residential, etc.)	ZONING BY-LAW:	Zoning By-law 6593, as Amended 21-137

APPLICANTS: Agent B. McFadgen
Owners K. Duvniak & C. Sharpe

The following variances are requested:

1. A minimum rear yard of 5.80 metres shall be permitted, instead of the minimum required rear yard of 7.5 metres.

PURPOSE & EFFECT: So as to permit the development of a one-storey addition in the rear yard and the conversion of the existing single detached dwelling to contain a Secondary Dwelling Unit.

Notes:

1. It is noted in the Cover Letter submitted in support of the minor variance application, and prepared by Katie Duvnjak, that the proposed addition is not intended to function as a Secondary Dwelling Unit. Please note that as per amending By-law No. 21-137, a Secondary Dwelling Unit is defined as follows:

"A separate and self-contained Dwelling Unit that is accessory to and located within the principle dwelling".

As the proposed building addition is to be a separate and self-contained Dwelling Unit, as defined by Hamilton Zoning By-law No. 6593, that is accessory to the principle dwelling and forms part of the principle dwelling, the proposed development has been reviewed as a Secondary Dwelling Unit and the regulations contained in amending By-law No. 21-137. Note that the proposed building addition has also been reviewed for compliance with the "C" District regulations i.e. height, area requirements, etc.

2. Please note that the submitted elevation drawings included as part of this application, indicate a building height of 3.70 metres for the proposed addition. However, the height indicated does not appear to indicate “Building Height” and “Grade” as established by Hamilton Zoning By-law No. 36920-92; therefore, the height of the proposed building cannot be confirmed to establish zoning compliance.
3. Please note that the specific projection of the proposed eaves/gutters was not indicated on the materials included as part of this application. Additional variances may be required if compliance with Section 18(3)(vi)(b) is not possible.
4. Construction of the proposed addition is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks 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, July 14, 2022
TIME:	3:10 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

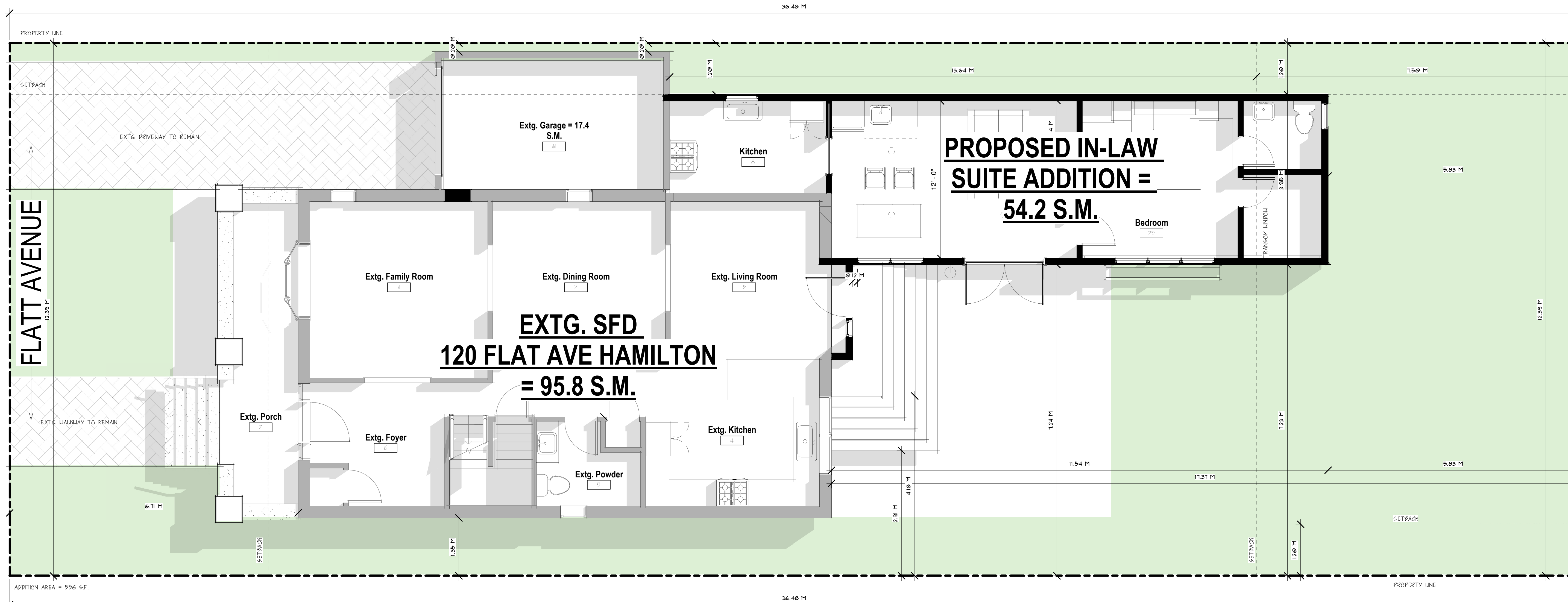
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

DUVNAJK RESIDENCE IN-LAW SUITE ADDITION

Lot Coverage Stats.			Zoning Requirements		
	SQUARE METERS	%		MINIMUM	PROPOSED
TOTAL LOT AREA	451.00		LOT FRONTAGE	12M	12.39M
ADDITION & EXTG. HOME	150.00	33.26%	FRONT YARD SETBACK	6M	6.71M
GARAGE	17.40	3.86%	REAR YARD SETBACK	7.5M	5.83M
			SIDE YARD SETBACKS	1.2M	1.2M
			BUILDING HEIGHT	11M	3.7M (ADDITION)
TOTAL BUILDING COVERAGE	167.40	37.12%	ZONE	ZONE C (FORMER CITY OF HAMILTON)	
MAXIMUM LOT COVERAGE	NA	NA	MINOR VARIANCE	REAR YARD SETBACK	



1 Site Plan Proposed
1/4" = 1'-0"

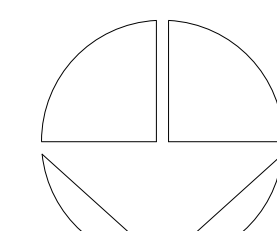
SHEET LIST:

1. A001 - COVER PAGE & SITE PLAN
2. A002 - ASSEMBLIES & DETAILS
3. A101 - MAIN FLOOR & FOUND. PLAN
4. A102 - ROOF PLAN & SECTIONS
5. A201 - ELEVATIONS

SCOPE OF WORK:

CONSTRUCTION OF NEW INLAW SUITE ADDITION ON EXTG. PROPERTY. NEW ADDITION TO BE 556 SQUARE FEET (GROSS FLOOR AREA) AND ONE STOREY ONLY





Ministry of Municipal Affairs and Housing

Qualification Information
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.
Require Unless Design in Exempt Under 2.17.5.1. & 2.17.4.1. of the O.B.C.

Name: *Benjamin McFadden* BCIN: 102786
Benjamin McFadden
BM Architectural Design 108614

BM ARCHITECTURAL DESIGN

58 Hackney Ridge, Brantford, Ontario
benjamin@bmarchitecturaldesign.com
519.721.4866

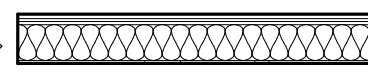
PROJECT
Home Addition
Duvnajak Residence

120 Flatt Ave Hamilton, ON

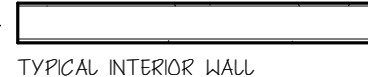
DRAWING NAME: **Cover Page** DRAWING NO.: **A001**

WALL ASSEMBLIES


- W1**




TYPICAL SIDING WALL
 PRE-FINISHED SIDING (REFER TO ALL ELEVATIONS FOR SIDING TYPE/STYLE)
 TYVEK BUILDING WRAP
 1/2" PLYWOOD SHEATHING
 2X4 WOOD STUDS @ 16" O.C. WITH (R24) SPRAY FOAM INSUL.
 1/2" GYPSUM WALL BOARD
- W2**



TYPICAL INTERIOR WALL
 1/2" GYPSUM WALL BOARD
 2X4 WOOD STUDS @ 16" O.C.
 1/2" GYPSUM WALL BOARD
 (PROVIDE SOUND BATT INSUL. IN ALL BATHROOM WALLS THAT ARE ADJACENT TO OTHER LIVING SPACES)
- W3**




TYPICAL GARAGE INTERIOR WALL
 5/8" TYPE X GYPSUM WALL BOARD (SEE DETAIL)
 1/4" (R2) COMFORTBOARD 80 BY ROCKWOOL
 2X4 WOOD STUDS @ 16" O.C. W/ (R24) SPRAY FOAM INSUL.
 5/8" TYPE X GYPSUM WALL BOARD
- W4**



TYPICAL 8" FOUNDATION WALL
 PARGE EXPOSED FOUNDATION
 DIMPLE DRAINAGE MEMBRANE
 8" 28 MPa FOUNDED CONCRETE FOUNDATION WALL OVER 20'x8' FOOTING (MIN. 4'-0" BELOW GRADE)

FLOOR ASSEMBLIES

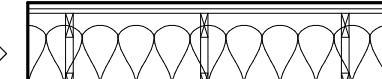
- F1**



INTERIOR FILL
 TYPICAL BASEMENT CONC FLOOR FLOOR FINISH
 4" FOUNDED CONCRETE FLOOR SLAB
 1/2" VAPOUR MATT (TAPE SEAMS)
 4" (MIN) 5/4" CLEAR CRUSHED STONE COMPACTED BASE
 (OPTIONAL - PROVIDE 2" OF (R10) RGP FOAM INSULATION UNDER SLAB)

ROOF ASSEMBLIES

- R1**



TYPICAL ASPHALT SHINGLE ROOF
 30 YEAR ASPHALT SHINGLES
 FELT UNDERLAYMENT
 FULLY ADHERED WATERPROOF MEMBRANE
 1/2" EXT. GRAPE PLYWOOD SHEATHING
 ENGINEERED ROOF TRUSSES (BY OTHERS) W/ (R60) BLOW-IN INSULATION
 6 ML SUPER POLY V.P.
 1/2" GYPSUM WALL BOARD
 (SPRAY FOAM VAULTED AREA TO ACCOMPLISH R30 INSULATING VALUE)

GENERAL NOTES

1. THE ONTARIO BUILDING CODE, LATEST EDITION, SHALL BE THE BASIS FOR ALL DESIGN AND CONSTRUCTION FOR THIS PROJECT.
2. THE CONTRACTOR SHALL FIELD VERIFY ALL RELEVANT CONDITIONS AND DIMENSIONS PRIOR TO COMMENCEMENT OF DEMOLITION AND NOTIFY THE ARCHITECTURAL DESIGNER & SUPPORTING CONSULTANTS OF ANY DISCREPANCIES WITH THE DRAWINGS PRIOR TO COMMENCEMENT OF WORK.
3. DEMOLITION WORK SHALL BE EXECUTED IN A CAREFUL AND CAREFUL MANNER. ALL DEMOLISHED MATERIALS UNLESS OTHERWISE NOTED SHALL BECOME THE PROPERTY OF THE CONTRACTOR FOR DISPOSAL OFF-SITE AT HIS EXPENSE IN A LEGAL MANNER.
4. THE WORK INVOLVED HEREIN SHALL BE THE ENTIRE RESPONSIBILITY OF THE CONTRACTOR WHO SHALL ENSURE THAT SUCH WORK IS PROPERLY CARRIED OUT BY HIS FORCE OR HIS SUBCONTRACTORS. THE CONTRACTOR SHALL CONFIRM FOR HIMSELF THAT ALL ITEMS ARE COVERED.
5. REFER TO CONSULTANT'S DRAWINGS FOR EXTENT OF MECHANICAL WORK. COORDINATE BETWEEN ALL DISCIPLINES.
6. OWNERS SHALL REMOVE PRESERVED ITEMS (E.G. PLAQUES, PICTURES) OFF WALLS & FURNITURE PRIOR TO COMMENCEMENT OF CONTRACT WORK. THIS CONTRACTOR TO COORDINATE W/ OWNER FOR EXTENT OF WORK.
7. THE FLOOR PLAN AS SHOWN IS A SCHEMATIC REPRESENTATION OF THE BUILDING AND IS FOR REFERENCE ONLY. A COMPLETE AND THOROUGH ON-SITE INSPECTION IS TO BE CARRIED OUT PRIOR TO SUBMITTING TENDERS.
8. REMOVE & SALVAGE ALL COPPER GLITTERS, DOWNPIPES, & FLASHING.

GENERAL NOTES

1. DIMENSIONS FOR INTERIOR PARTITION WALLS ARE FROM FINISHED FACE TO CENTRE OF STUD.
2. DIMENSIONS FOR EXTERIOR WALLS TO EXTERIOR FACE OF WOOD STUD OR FINISHED FACE WALL.
3. ALL DIMENSIONS TO AN EXISTING WALL ARE TO FINISHED FACE. CONTRACTOR TO SITE VERIFY EXISTING CONDITIONS AND REPORT DISCREPANCIES.
4. DISPOSAL OF REMOVED ITEMS IN A LAWFUL MANNER IN ACCORDANCE WITH MUNICIPAL STANDARDS.
5. CARE SHALL BE TAKEN TO MINIMIZE DAMAGE TO ADJUTING PROPERTIES.
6. PROVIDE APPROVED FASTENING DEVICES INCLUDING JOINT HANGERS.
7. MAIN BATHROOM TO HAVE STUD FLOORING FOR FUTURE INSTALLATION OF GRAP BARS.
8. VENT ALL FANS TO EXTERIOR INCLUDING FANS FOR DRYER.
9. PROVIDE 1/2" GEMENT BOARD IN-STEAD OF GYPSUM BOARD IN ALL SHOWERS & TUBS.

OPENINGS & HEADERS

1. MOUNT ALL WINDOWS TO ALIGN WITH EXTERIOR DOORS UNLESS NOTED OTHERWISE ON DRAWINGS.
2. HEADERS TO BE 2-2X10 WITH 1 JACK-UP + 1 RING-UP UNLESS NOTED OTHERWISE.
3. PROVIDE 3/4" X 3/4" X 1/4" STEEL BRON ANGLE TYP. FOR ALL OPENINGS IN MASSCONRY UP TO MAX SPAN OF 8'-0" OR UNLESS ANNOTATED OTHERWISE.

GLARD RAILS & RAILINGS

1. ALL INTERIOR STAIR RAILINGS TO BE 36" H AS PER OPC 2012.
2. PROVIDE 36" CONSTRUCTION GLARD AT ANY POOR 24" ABOVE GRADE OR FLOOR OPENING DURING THE COURSE OF CONSTRUCTION.
3. ALL STAIRS & RAILS TO COMPLY WITH OPC 987.

ROOF & ATTIC SPACE

1. PROVIDE DURAFLO 90 ROOF VENTS TO 1:90 RATIO AS PER OPC 2012.
2. PROVIDE PRE-PAINTED METAL VALLEYS AND EAVES STARTER.
3. PROVIDE STEP FLASHING AS REQUIRED.
4. PROVIDE APPROVED FASTENING DEVICES AS REQUIRED.
5. PROVIDE (1) BASE ROW ULTA BASE SHEET.
6. ENSURE MIN. 2-1/2" AIR SPACE IS MAINTAINED BETWEEN INSULATION & UNDERSIDE OF SHEATHING IN-TALL PER PERMITS AS REQUIRED.
7. NO FIRE STOP REQUIRED IN ATTICS LESS THAN 8.290 SF. AND NO DIMENSIONS GREATER THAN 69'-7" AS PER DRAWINGS.

HEATING, VENTILATION & A/C

1. REFER TO HEAT LOSS DESIGN & ASSESSMENTS AND ENERGY EFFICIENCY DESIGN SUMMARY.
2. VENT DRYER & ALL EXHAUST FANS TO EXTERIOR.
3. TYPE OF HEATING SYSTEM FORCED AIR + AIR CONDITIONING.

SMOKE & CO. DETECTORS

1. SMOKE DETECTORS ARE TO BE PROVIDED AS PER OPC 910.9.9.
2. CARBON MONOXIDE DETECTORS ARE TO BE PROVIDED AS PER OPC 933.4.2.

FOUNDATION NOTES

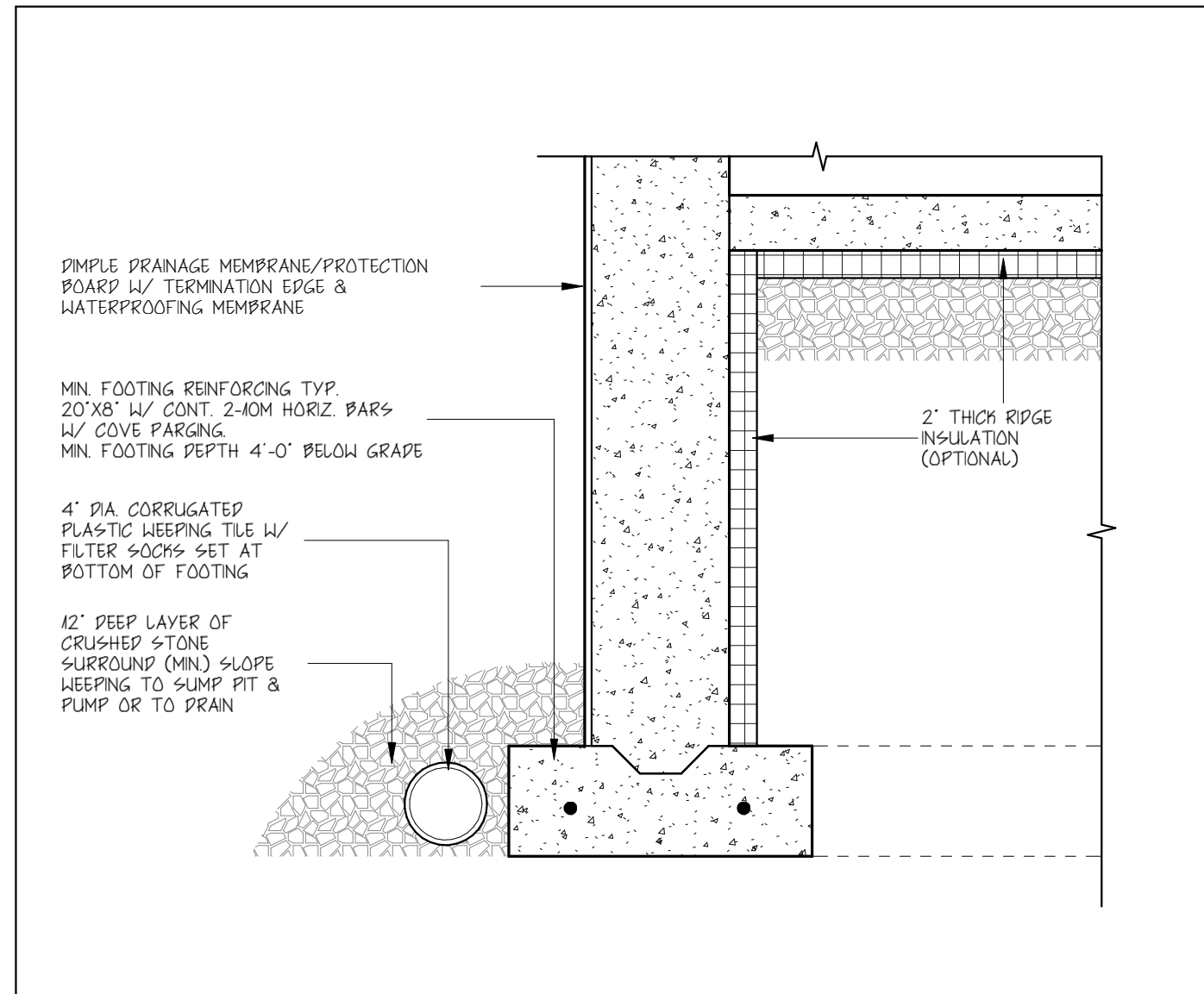
1. CONTRACTOR TO SITE VERIFY ANY STEP FOOTINGS IN THE EXISTING FOUNDATION WALL ADJACENT AT THE ADDITION & REPORT FINDINGS TO ARCHITECTURAL DESIGNER FOR REVIEW OF UNDERPINNING IF NECESSARY.
2. PROVIDE 4" PERFORATED WEEPING TILE WITH CLOTH COVER CONNECTED TO SEALED SUMP PIT C/W PUMP.
3. PROVIDE MIN. 6" COVERAGE OF CLEAR STONE.

SITE PLAN NOTES

1. REFER TO TOPOGRAPHICAL SURVEY FOR ALL SITE STATISTICS & GRADING.

1 Construction Assemblies
NTS

2 General Notes
NTS



Typical Found. Wall at Footing Detail
1" = 1'-0"

BUILT-UP STUD CONNECTIONS

FASTENING OPTION	MINIMUM FASTENING
2-98XB9 [2-2X4] 2-98-402 [2-2X6] 2-98XB4 [2-2X8]	(2) STAGGERED ROWS @ 99XB2 @ 0.191X9.29" NALS @ 20" (12") O.C. NAL FROM ONE SIDE
2-98XB9 [2-2X4]	(2) STAGGERED ROWS @ 99XB2 @ 0.191X9.29" NALS @ 29" (10") O.C. NAL FROM ONE SIDE
2-98XB4 [2-2X6] 2-98XB4 [2-2X8]	(2) STAGGERED ROWS @ 99XB2 @ 0.191X9.29" NALS @ 48" (7") O.C. NAL FROM ONE SIDE
4-98XB9 [4-2X4]	NAL EACH PLY TO THE OTHER W/ (2) ROWS @ 99XB2 @ 0.191X9.29" NALS @ 48" (7") O.C. WHEN CONNECTING EACH PLY. OFFSET NAL ROWS BY 3/4" FROM THE PLY BELOW.
4-98XB4 [4-2X6] 4-98XB4 [4-2X8]	NAL EACH PLY TO THE OTHER W/ (2) ROWS @ 99XB2 @ 0.191X9.29" NALS @ 48" (7") O.C. WHEN CONNECTING EACH PLY. OFFSET NAL ROWS BY 3/4" FROM THE PLY BELOW. OR (2) ROWS @ 18" (2") THRU BOLTS @ 29" (10") O.C.

Built-up Studs & Posts
NTS

FASTENING OPTION	MINIMUM SPACING		
	2-PLY BEAMS	3-PLY BEAMS	4-PLY BEAMS
(2) ROWS @ 0.191X9.29" NALS	9" O.C.	4" O.C. (BOTH SIDES)	N/A
(3) ROWS @ 0.191X9.29" NALS	9" O.C.	7" O.C. (BOTH SIDES)	N/A
(2) ROWS @ 1/2" THRU BOLTS	16" O.C.	12" O.C.	11" O.C.
(2) ROWS 3-1/2" LONG 5/8" SCREWS BY SIMPSON	18" O.C.	14" O.C. (BOTH SIDES)	N/A
(2) ROWS 6" LONG 5/8" SCREWS BY SIMPSON	N/A	N/A	14" O.C. (BOTH SIDES)

FASTENING OPTION	MINIMUM SPACING		
	2-PLY BEAMS	3-PLY BEAMS	4-PLY BEAMS
(2) ROWS @ 0.191X9.29" NALS	10" O.C.	9" O.C. (BOTH SIDES)	N/A
(3) ROWS @ 0.191X9.29" NALS	12" O.C.	10" O.C. (BOTH SIDES)	N/A
(2) ROWS @ 1/2" THRU BOLTS	24" O.C.	24" O.C.	22" O.C.
(2) ROWS 3-1/2" LONG 5/8" SCREWS BY SIMPSON	24" O.C.	24" O.C. (BOTH SIDES)	N/A
(2) ROWS 6" LONG 5/8" SCREWS BY SIMPSON	N/A	N/A	24" O.C. (BOTH SIDES)

Built-up Beams
NTS

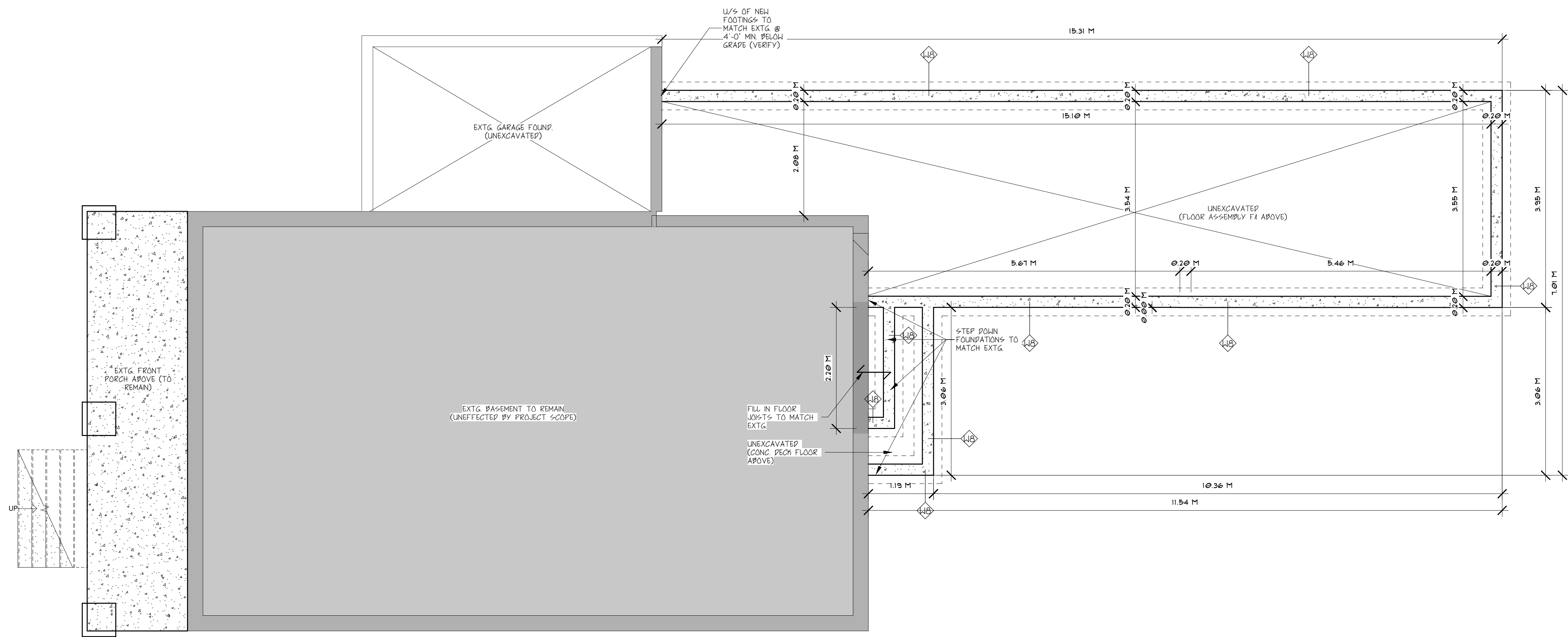
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 Require Unless Design in Exempt Under 2.17.5.1. & 2.17.4.1. of the O.B.C.
 Name: Benjamin McRadgen BCIN 102786
 BM Architectural Design 108614

BM ARCHITECTURAL DESIGN
 58 Hackney Ridge, Brantford, Ontario
 benjamin@bmarchitecturaldesign.com
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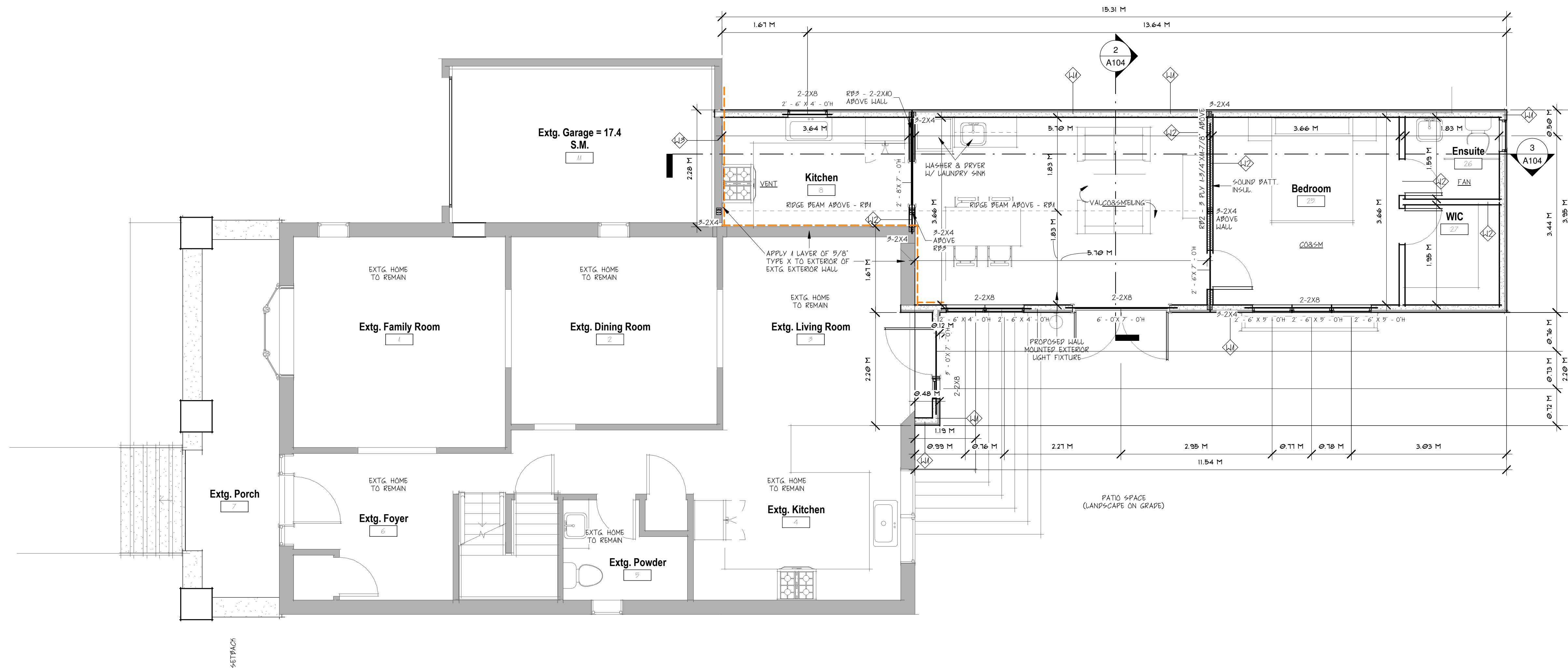
PROJECT
 Home Addition
Duvnjak Residence

120 Flatt Ave Hamilton, ON

DRAWING NAME
Assemblies & Notes
 DRAWING NO.
A002



1 Proposed Addition Foundation
1/4" = 1'-0"



2 Proposed Addition Floor Plan
1/4" = 1'-0"

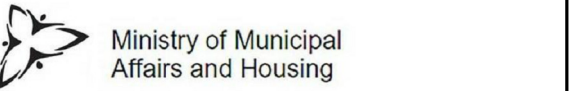
- PRAKING NOTES:**
- ALL EXTERIOR OPENINGS TO HAVE 2-2X10 UNTEL'S UNLESS OTHERWISE ANNOTATED
 - ASSUMER 3-1/2" X 3-1/2" X 1/4" BRICK UNTEL FOR ALL EXTERIOR OPENINGS IN PORCH VEMBER UNLESS OTHERWISE ANNOTATED
 - PROVIDE WINDOW WELL CONNECTED TO SLEEPING TIE FOR ALL PASSEMENT WINDOWS
 - PROVIDE PASSEMENT FLOOR BRAN & SLOPE FLOOR TOWARDS PEAN
 - ALL POSTS TO REST ON STRIFFOOTING OR 36"X36"X8' CONC FTG

- STAIR REQUIREMENTS:**
- MAX RISE = 7.874"
 - MIN RISE = 4.92"
 - MIN RUN = 8.267'
 - MAX RUN = 19.976'
 - MIN TREAD = 9.25"
 - MAX TREAD = 19.986"
 - MIN WIDTH = 33.898"
 - MIN HEAD ROOM = 76.77"

SMOKE ALARM:
INTERCONNECTED SMOKE ALARM/CARBON MONOXIDE ALARM CONFORMING TO CAN/CSA-6.6.3 OR UL2034 SEE CAN/ULC-5931 SMOKE ALARMS

- GLAZING REQUIREMENTS:**
- INTERIOR LANDING = 39.439"
 - EXTERIOR BALCONY = 42.129"
 - INTERIOR STAIRS = MIN 34.099", MAX 37.99"
 - EXTERIOR STAIRS = 39.439"
 - MAX BETWEEN POSETS = 33.99"

- GLAZING @ PATIO/PEAK:**
- GRAPE + THAN 70.86 = 42.129"
 - GRAPE + THAN 70.86 = 39.439"



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Name: Benjamin McFadden, BM Architectural Design, BCIN 102786, 108614



58 Hackney Ridge, Brantford, Ontario
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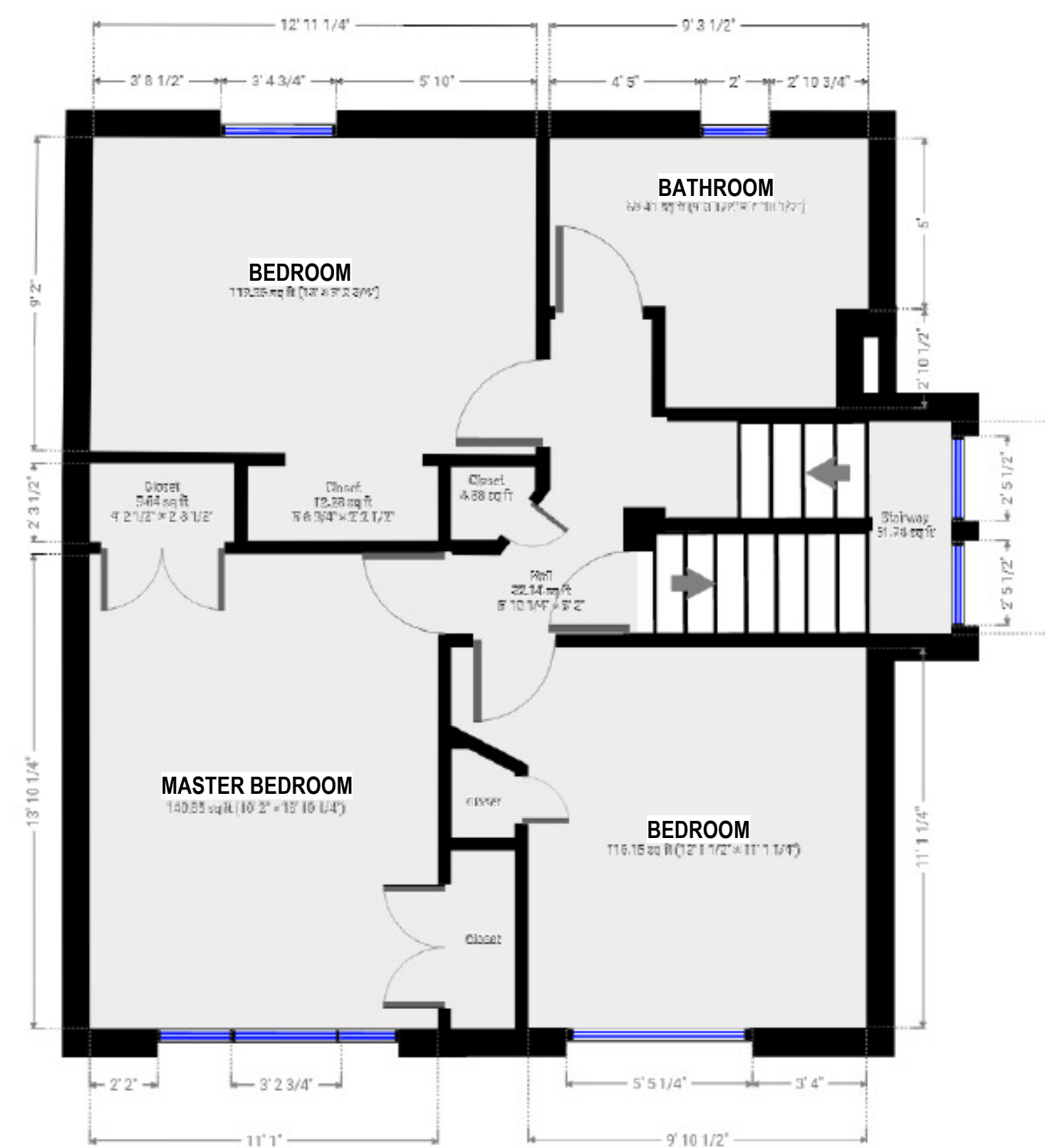
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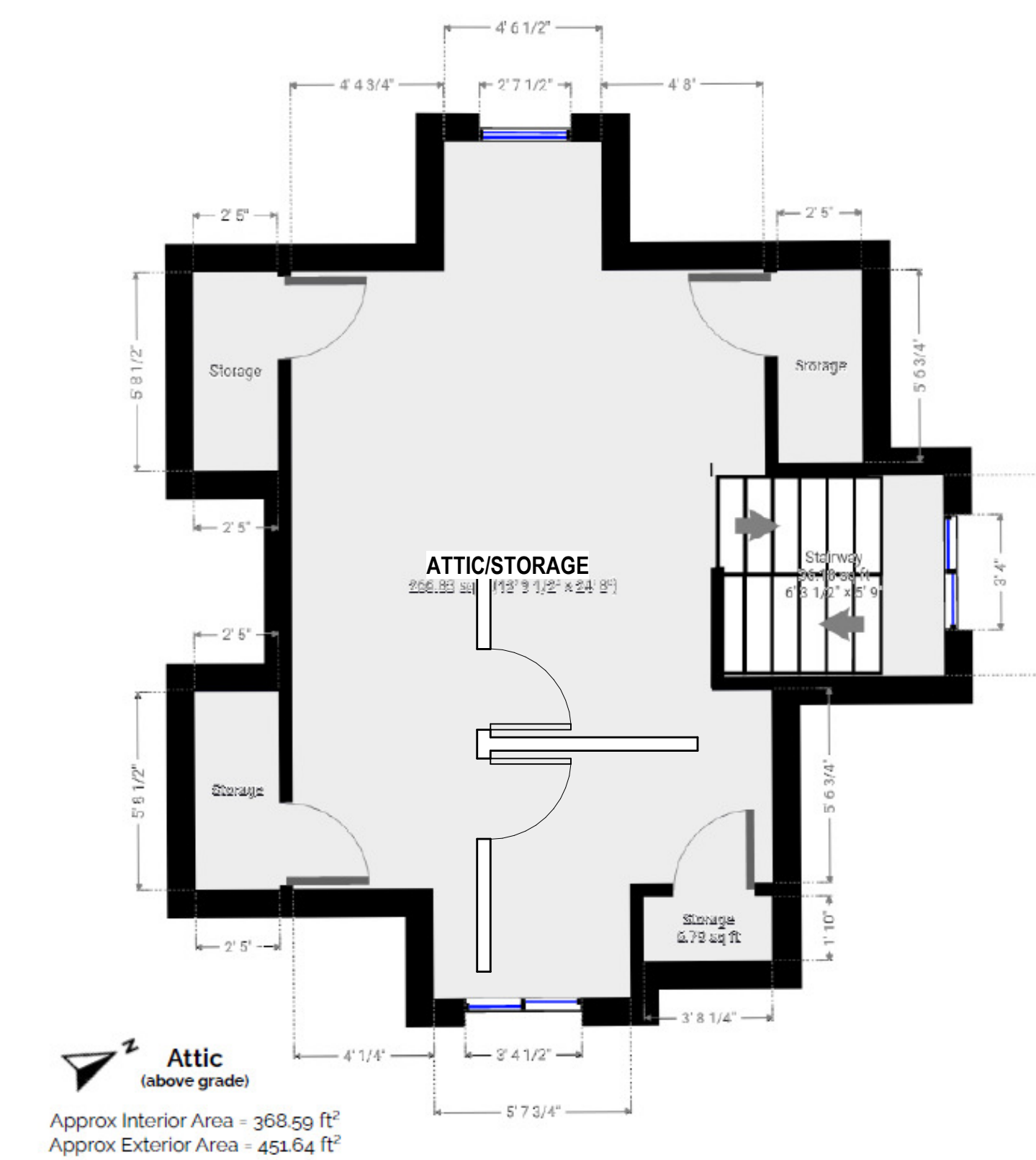
DRAWING NAME
Foundation Plan & Main Floor Plan
DRAWING NO.
A101



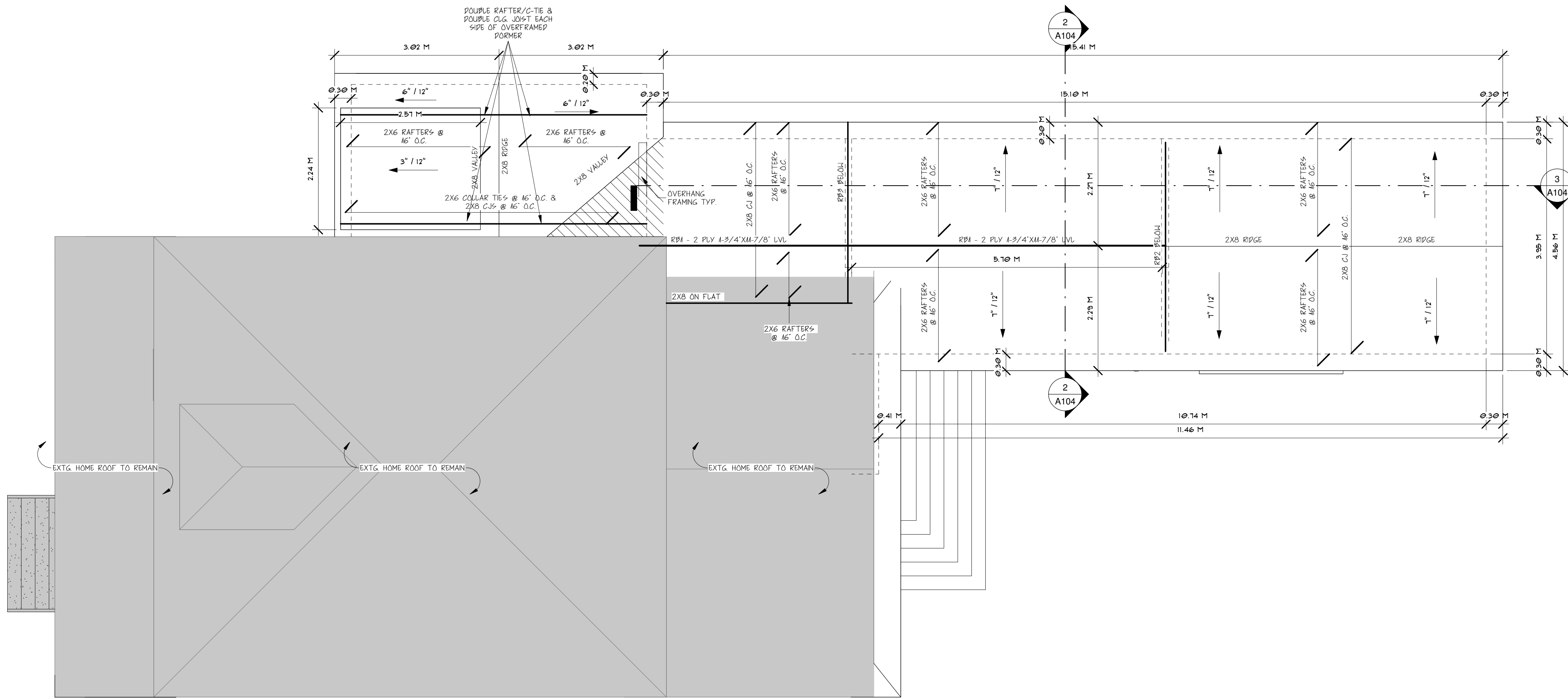
EXTG. BASEMENT PLAN



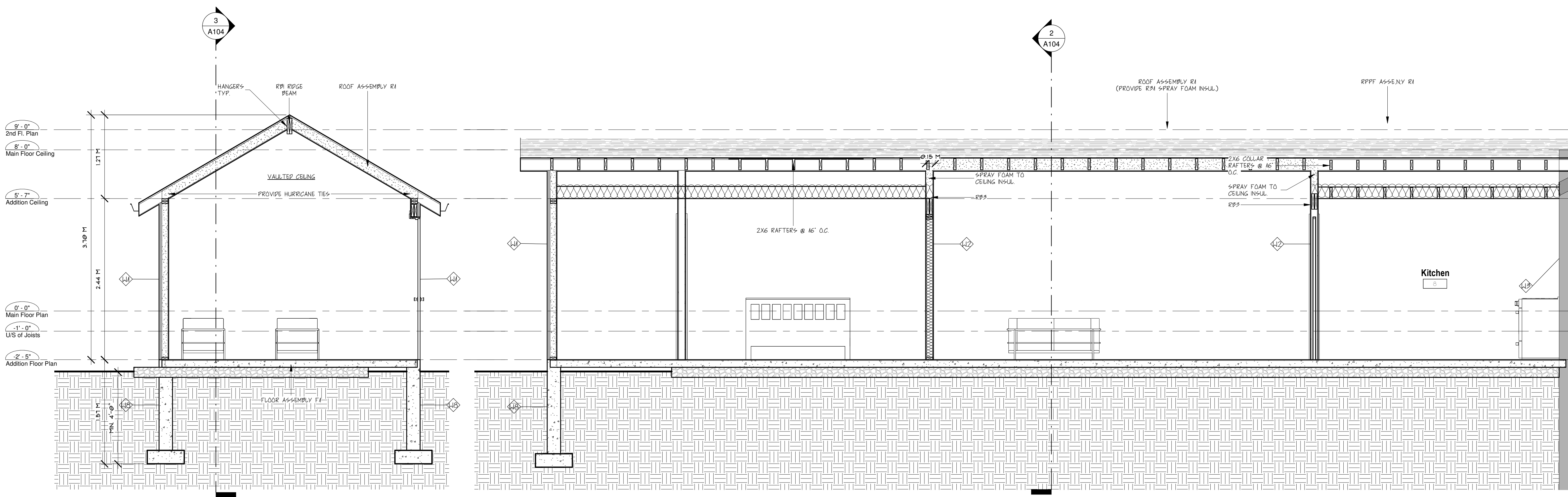
EXTG. SECOND FLOOR PLAN



EXTG. ATTIC PLAN



1 Roof Plan
1/4" = 1'-0"



2 Section 1
3/8" = 1'-0"

3 Section 2
3/8" = 1'-0"

REVISION NOTES:
1 REFER TO A002 FOR ALL ROOF ASSEMBLIES

Ministry of Municipal Affairs and Housing
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Require Unless Design in Exempt Under 2.17.5.1 & 2.17.4.1. of the O.B.C.
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SCIN 102786, 108614

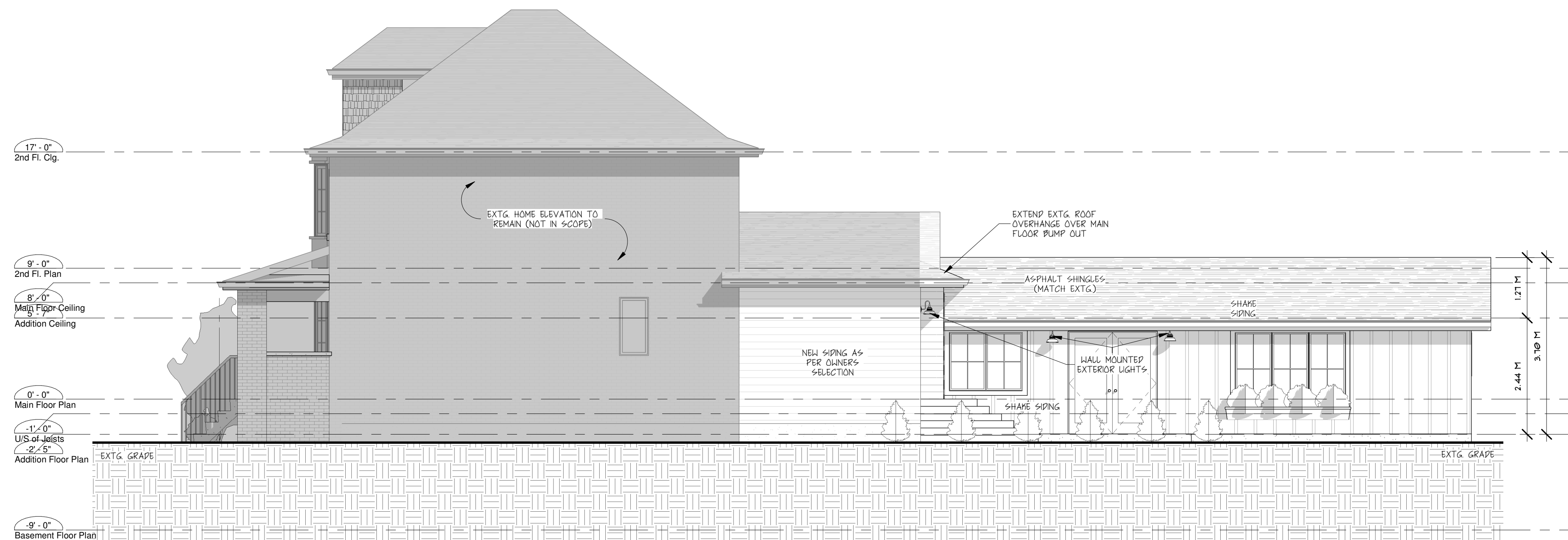


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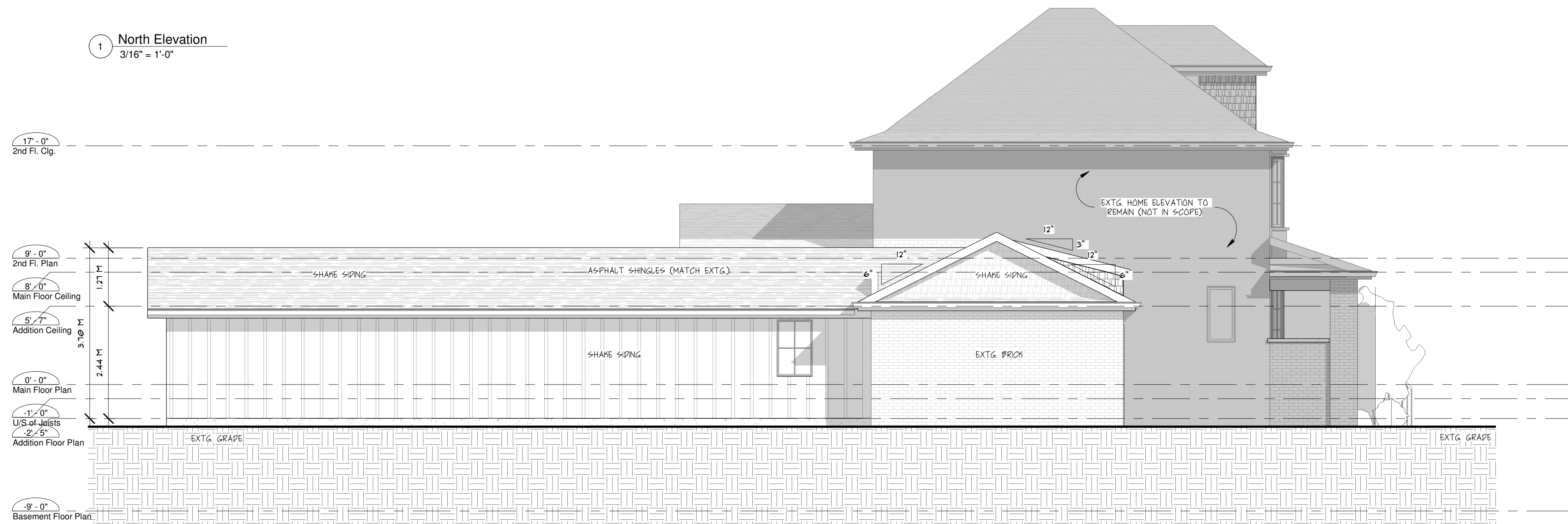
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Home Addition
Duvnjak Residence

120 Flatt Ave Hamilton, ON

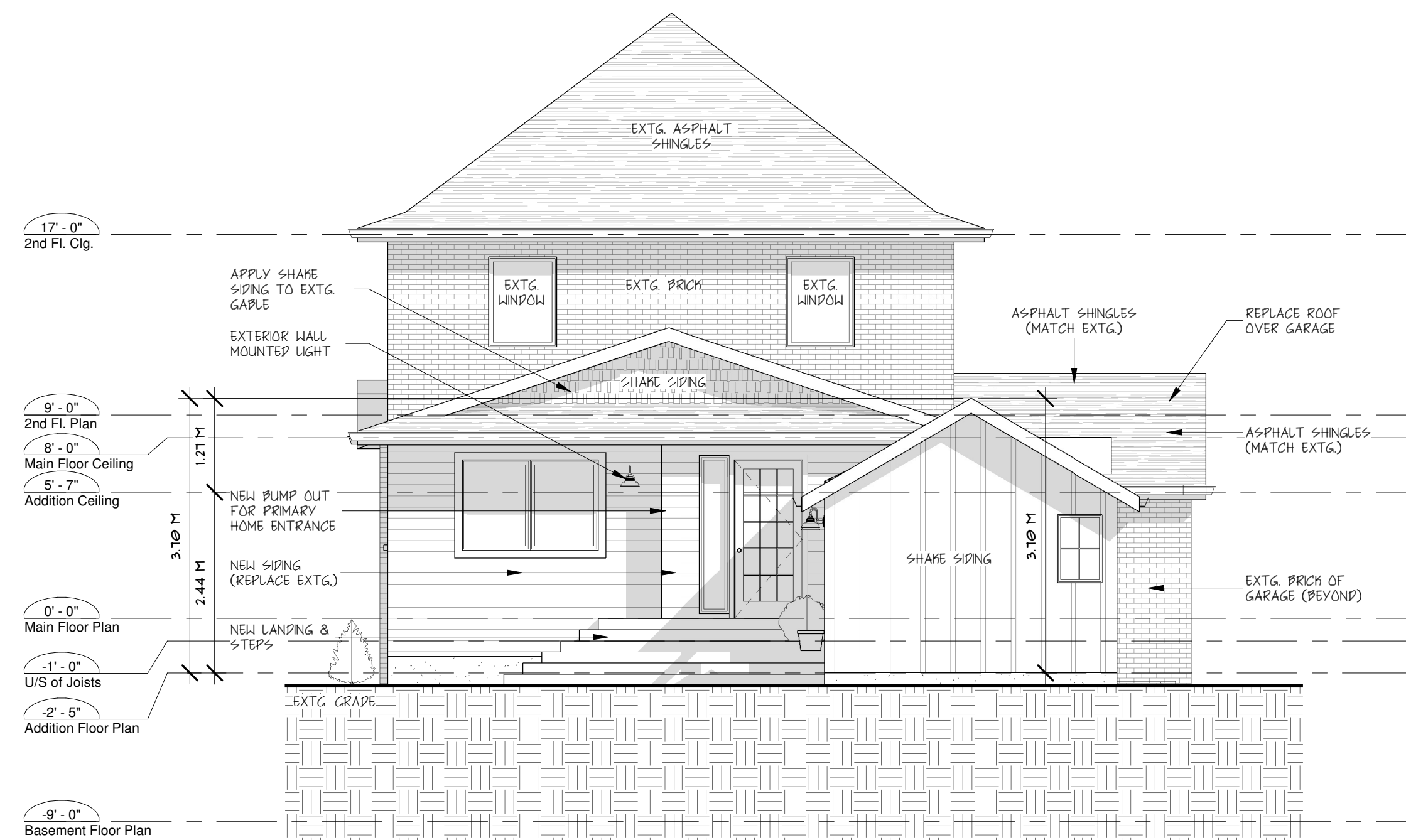
DRAWING NAME
Roof Plan & Sections
DRAWING NO.
A104



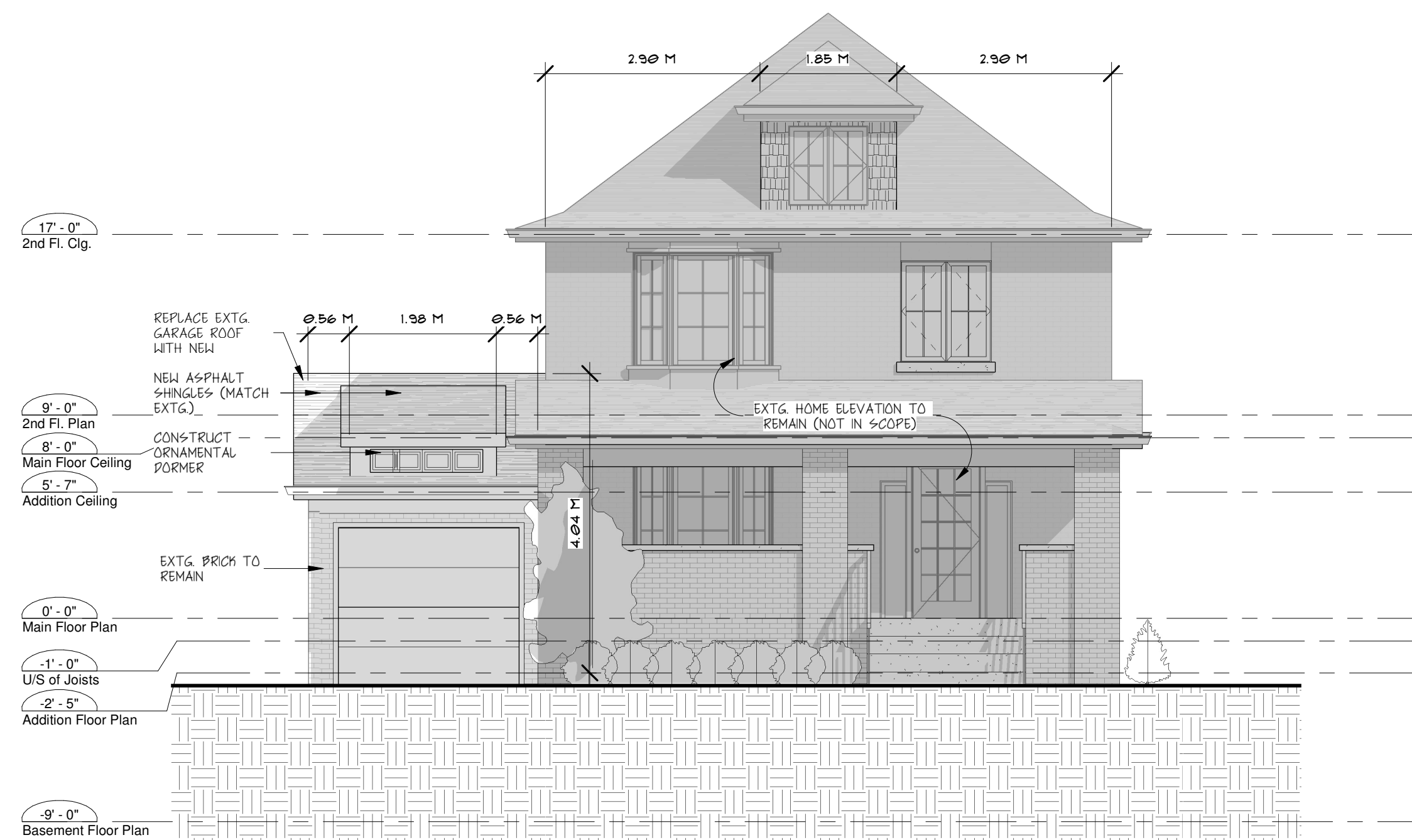
1 North Elevation
3/16" = 1'-0"



2 South Elevation
3/16" = 1'-0"



3 West Elevation
3/16" = 1'-0"



4 East Elevation
3/16" = 1'-0"

Ministry of Municipal Affairs and Housing
Qualification Information
 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.
 Require Unless Design in Exempt Under 2.17.5.1. & 2.17.4.1. of the O.B.C.
 Name: Benjamin McFadgen
 BM Architectural Design

BM ARCHITECTURAL DESIGN
 58 Hackney Ridge, Brantford, Ontario
 benjamin@bmarchitecturaldesign.com
 519.721.4866

PROJECT
 Home Addition
Duvnjak Residence

120 Flatt Ave Hamilton, ON

DRAWING NAME: Elevations
 DRAWING NO.: A201

To the Committee of Adjustments,

My name is Katie Duvnjak, and my husband and I own 120 Flatt Avenue, the property for which we have applied for a minor variance.

My senior parents moved in with us last year and the addition we've designed is an in-law/granny space that we are building for their use so they can age at home with us.

I understand there may be questions regarding why we have applied as an addition instead of an SDU. This is a one floor extension attached to our home, and this was by design as it is intended for our family use only. We have no desire to rent out the space, it will be passed on to our children to live in after my parents.

The design choices were made with this in mind. Otherwise, we would not attach the addition to our house and share a common outdoor patio space, for obvious privacy reasons, and would not build it as one floor, taking up more space in our yard (hence the minor variance application).

At the request of the City Planning department, we have incorporated a fire wall between the two structures to err on the side of caution.

We are happy to answer any questions the committee has and thank you for your consideration.

Katie Duvnjak

████████████████████

██████████



Hamilton

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)	Kathleen Duvnjak Chad Sharpe	[REDACTED]
Applicant(s)*	Kathleen Duvnjak Chad Sharpe	
Agent or Solicitor	Benjamin McFadgen BM Design Studio 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:

[Empty box for mortgagees, holders of charges or other encumbrances]

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:

Relief from required rear setback from 7.5 meters to 5.83 meters

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Additional footage would need to be added to the side of the structure (instead of rear) which would significantly reduce the useable space in the yard.

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**):

120 Flatt Avenue

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 history from former owners.

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.

5/20/2022

Date

K. Duvnjak
Signature Property Owner(s)

Kathleen Duvnjak, Chad Sharpe
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	12.39 m
Depth	36.48 m
Area	451 sm
Width of street	7.4 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: _

Existing single family home of two-storeys and of wood and brick construction that is 164 square meters in gross floor area. Existing small brick attached garage of 17 s.m.

Proposed

Proposed main floor addition to include in-law suite for aging parents to live. The addition to be one storey close to grade and of 54.2 square meters and total height of 3.7 meters.

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

Existing:

Existing home is 6.71 meters from front property line (east of house), 1.36 meters from north interior side yard and 0.2 meters on south interior side yard (garage wall to property line), and 17.37 meters to rear property line (west of house).

Proposed:

Proposed addition is 1.2 meters from south side yard property line, 7.11 meters from north side yard property line & 5.83 meters from rear property line (west of property).

13. Date of acquisition of subject lands:
August 19th, 2021
14. Date of construction of all buildings and structures on subject lands:
1928
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.):
Single family
17. Length of time the existing uses of the subject property have continued:
Originally built as SFD
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
NA
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
No
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.

Schedule "A"
Description of Lands

THE AGREEMENT

ARTICLE

Section 1.1

OF THE FIRST PART

Section 1.2

OF THE SECOND PART

Section 1.3

OF THE THIRD PART

WHEREAS the Mayor and the Council have passed the following Resolution:

AND WHEREAS the Council has adopted the following Resolution:

AND WHEREAS the Council has adopted the following Resolution:

NOW THEREFORE THE CITY AGREES TO THE FOLLOWING:

1. The City agrees to provide all the necessary information to the Council...
2. The Council agrees to provide the necessary information to the City...
3. The Council agrees to provide the necessary information to the City...
4. The Council agrees to provide the necessary information to the City...

IN WITNESS WHEREOF, the Mayor and the Council have caused their respective signatures to be hereunto set in their official capacity.

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the 24th day of May 2022.

BETWEEN

Kathleen Durnjak
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

-and-

OF THE SECOND PART

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated May 22, 2022

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

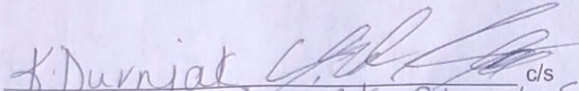
AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledgement Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED


Owner: Kathleen Durnjak, Chad Sharpe c/s
Title:
I have authority to bind the corporation

Assignee: c/s
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk