

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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**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
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<b>APPLICATION NO.:</b>	<b>AN/A-22:214</b>	<b>SUBJECT PROPERTY:</b>	371 KLEIN CIRCLE, ANCASTER
<b>ZONE:</b>	"R4" (Residential 4)	<b>ZONING BY-LAW:</b>	Zoning By-law 87-57, as Amended 07-329

**APPLICANTS:** Agent Stoney Brook – T. Bruccuiliari  
**Owner 1639142 Ontario Inc.**

The following variances are requested:

1. A maximum height of 11.03 m shall be provided instead of the minimum required 10.5 m rear yard setback

**PURPOSE & EFFECT:** So as to permit an increase to the maximum height of the principle dwelling

**Notes:**

1. Elevation drawings submitted do not indicate height of building determined by "Grade" as defined in Ancaster Zoning By-Law 87-57. Should the average level of the ground adjoining the building, calculated along the perimeter of all exterior walls, measured at a vertical distance to the uppermost point of the building not be equal to or less than 11.03 metres, 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:

<b>DATE:</b>	<b>Thursday, July 28, 2022</b>
<b>TIME:</b>	<b>1:35 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- 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 and instructions for check in to participate in person.



 **Subject Lands**

DATED: July 12, 2022

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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](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5<sup>th</sup> 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](http://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](mailto: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 (2<sup>nd</sup> 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](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

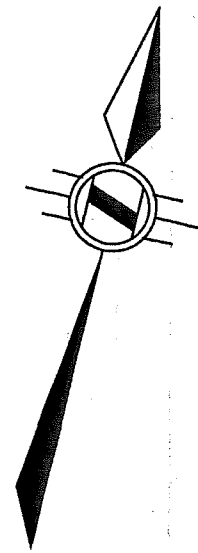
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

SITE AND GRADING PLAN  
OF  
LOT 33  
PLAN 62M-1260  
IN THE  
CITY OF HAMILTON

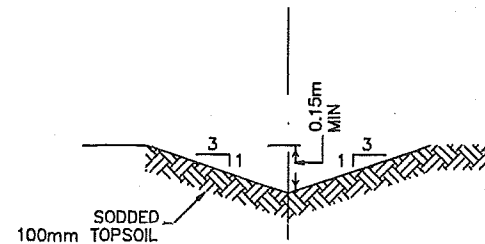
SCALE: 1:200 metres



S.D. McLaren, O.L.S. - 2021



TYPICAL SWALE SECTION  
(NOT TO SCALE)



NOTES:

BUILDER TO VERIFY ELEVATION OF  
SERVICE CONNECTIONS PRIOR TO  
BASEMENT EXCAVATION TO CONFIRM  
THAT SUFFICIENT FALL IS PROVIDED FOR  
GRAVITY SERVICES.

U/S FOOTINGS TO BE MINIMUM OF 1.2m  
BELOW FINISHED GRADE.

ALL DWELLINGS TO BE EQUIPPED WITH  
SUMP PUMPS.

BENCHMARK NOTE:

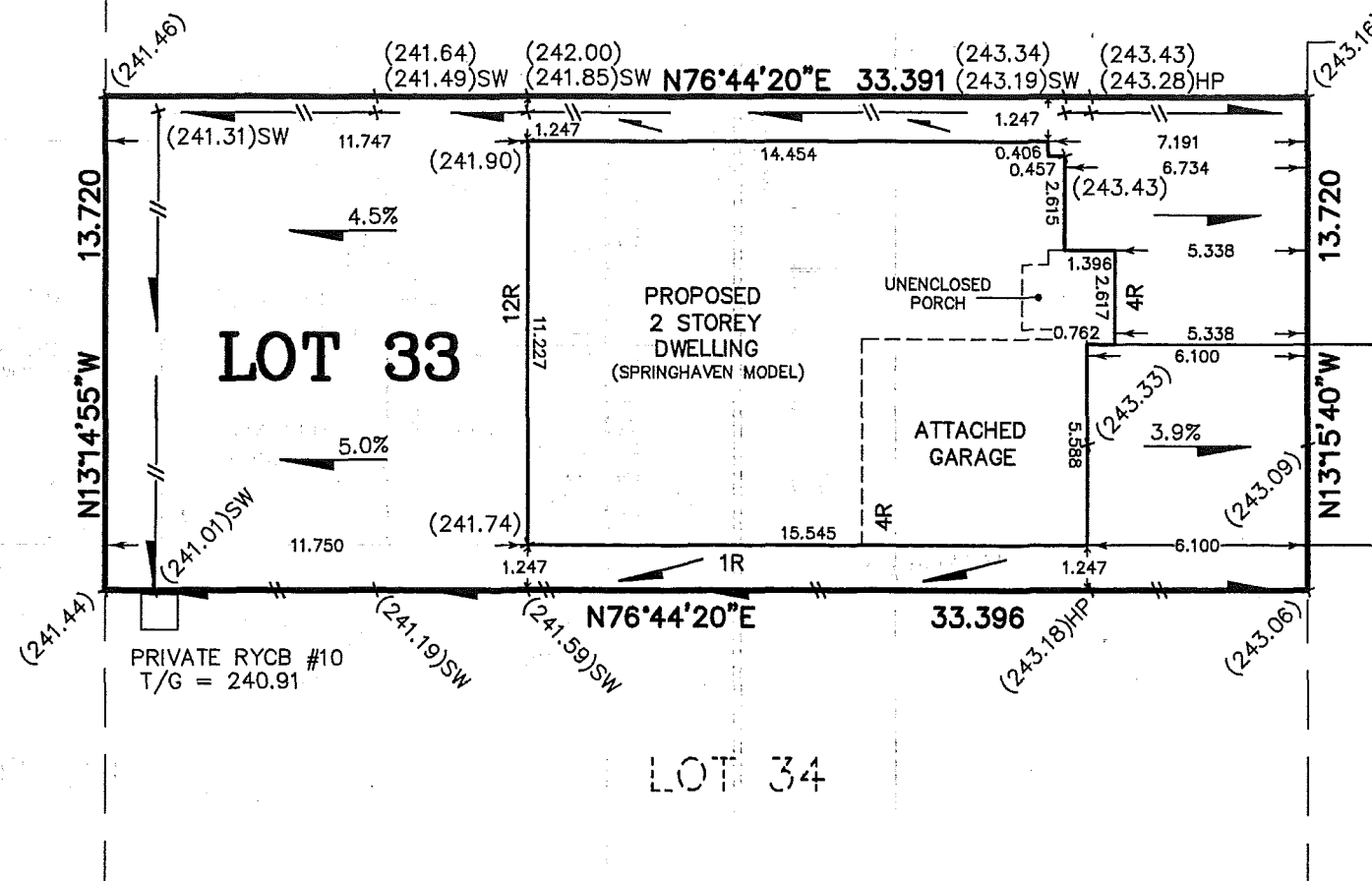
BENCHMARK 07720020095

ELEVATIONS SHOWN ON THIS PLAN ARE  
GEODETIC AND ARE DERIVED FROM CITY  
OF HAMILTON BENCHMARK No.  
07720020095. LOCATION: ROUND IRON  
BAR WITH BRASS CAP, 0.10m BELOW  
GRADE, 12m NORTH OF CENTRELINE OF  
STONEHEDGE DRIVE, 17m EAST OF  
CENTRELINE OF THOROUGHbred DRIVE,  
1m NORTH OF CENTRELINE OF  
SIDEWALK.

ELEVATION - 236.961 METRES (CGVD 28)

PART 3, PLAN 62R-18664

LOT 49  
PLAN 62R-7596  
PART 1, PLAN 62R-18664



KLEIN CIRCLE

LEGEND:

000.00 DENOTES EXISTING ELEVATION  
(000.00) " PROPOSED ELEVATION  
" " DIRECTION OF FLOW  
" " PROPOSED SWALE  
" " PROPOSED SWALE  
" " WITH SUBDRAIN  
R " RISER  
\* " REVISED DIMENSION  
S " SUMP PUMP

PROPOSED HOUSE ELEVATIONS:

GARAGE FLOOR = 243.33  
TOP OF FOUNDATION = 243.93  
FIRST FLOOR = 244.23  
BASEMENT FLOOR = 241.33 MIN.  
U/S OF FOOTING = 241.10

LOT AREA = 460.1m<sup>2</sup>  
LOT COVERAGE = 30.9%

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE  
IN METRES AND CAN BE CONVERTED TO  
FEET BY DIVIDING BY 0.3048

MAY 31, 2021.

DATE

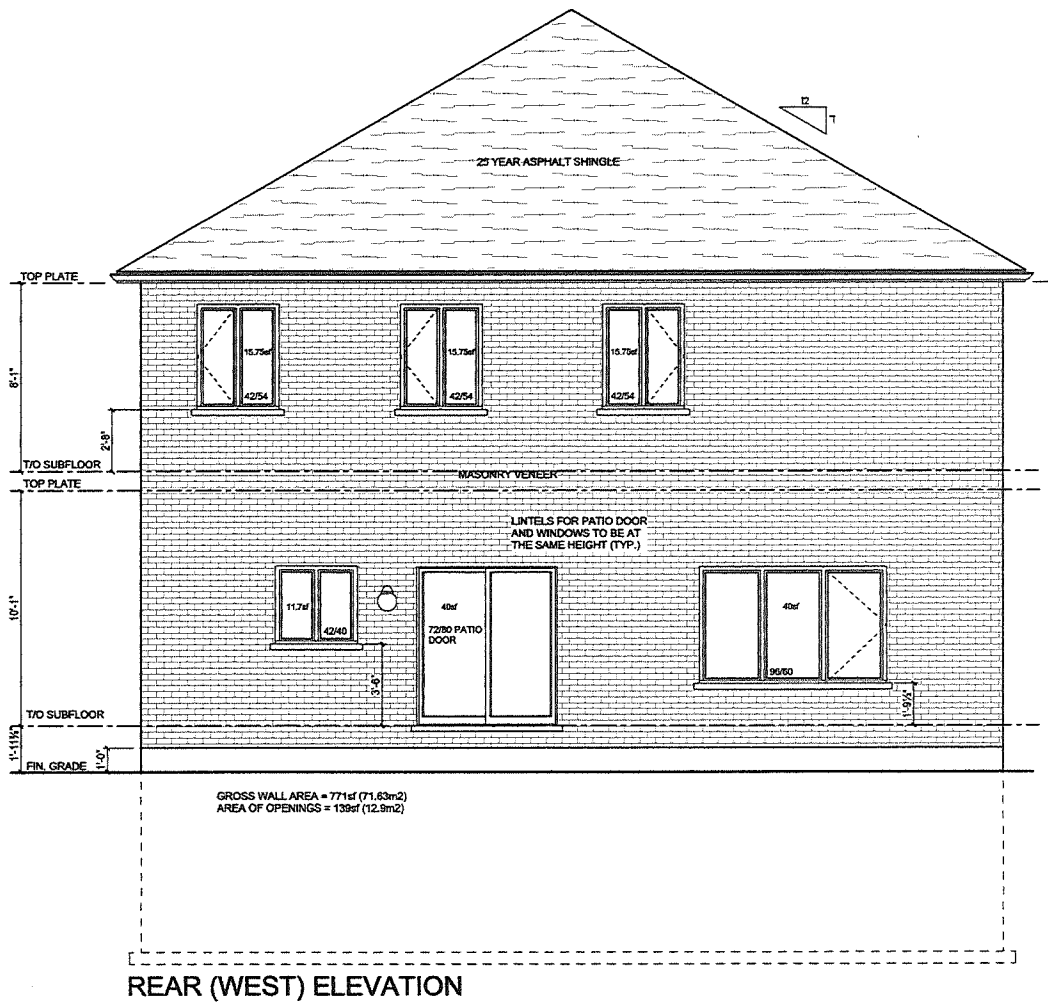
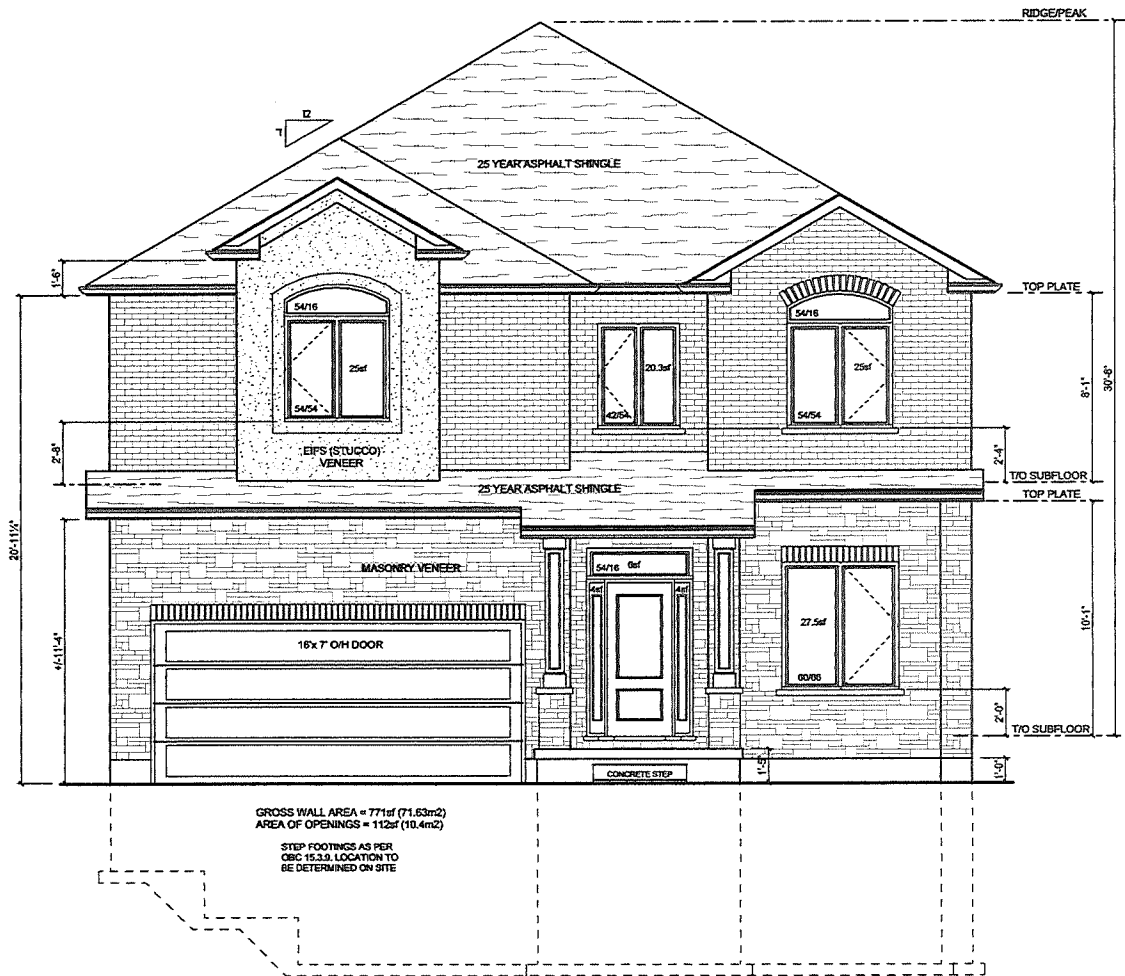
S.D. McLaren, O.L.S.



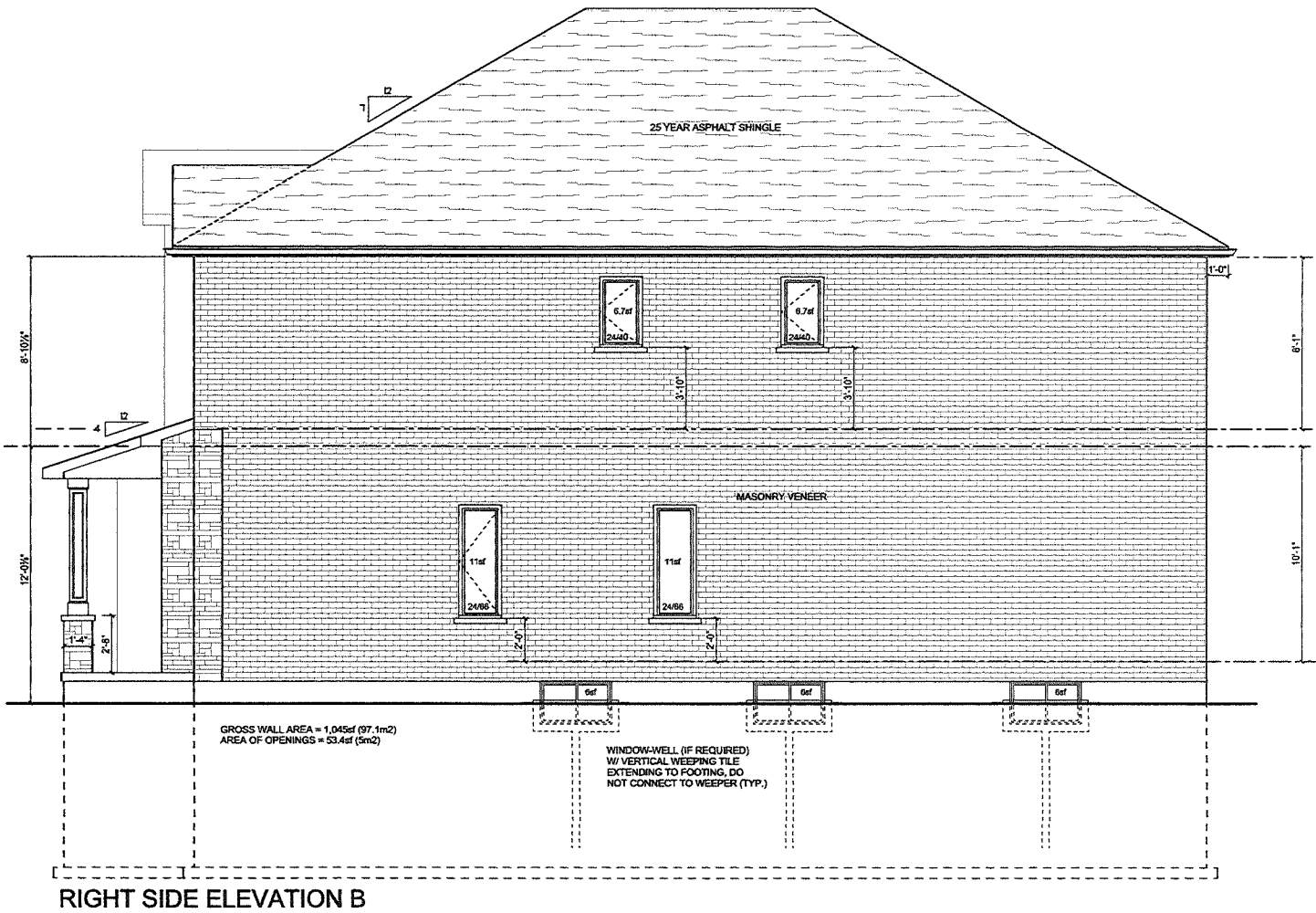
A.T. McLaren Limited  
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

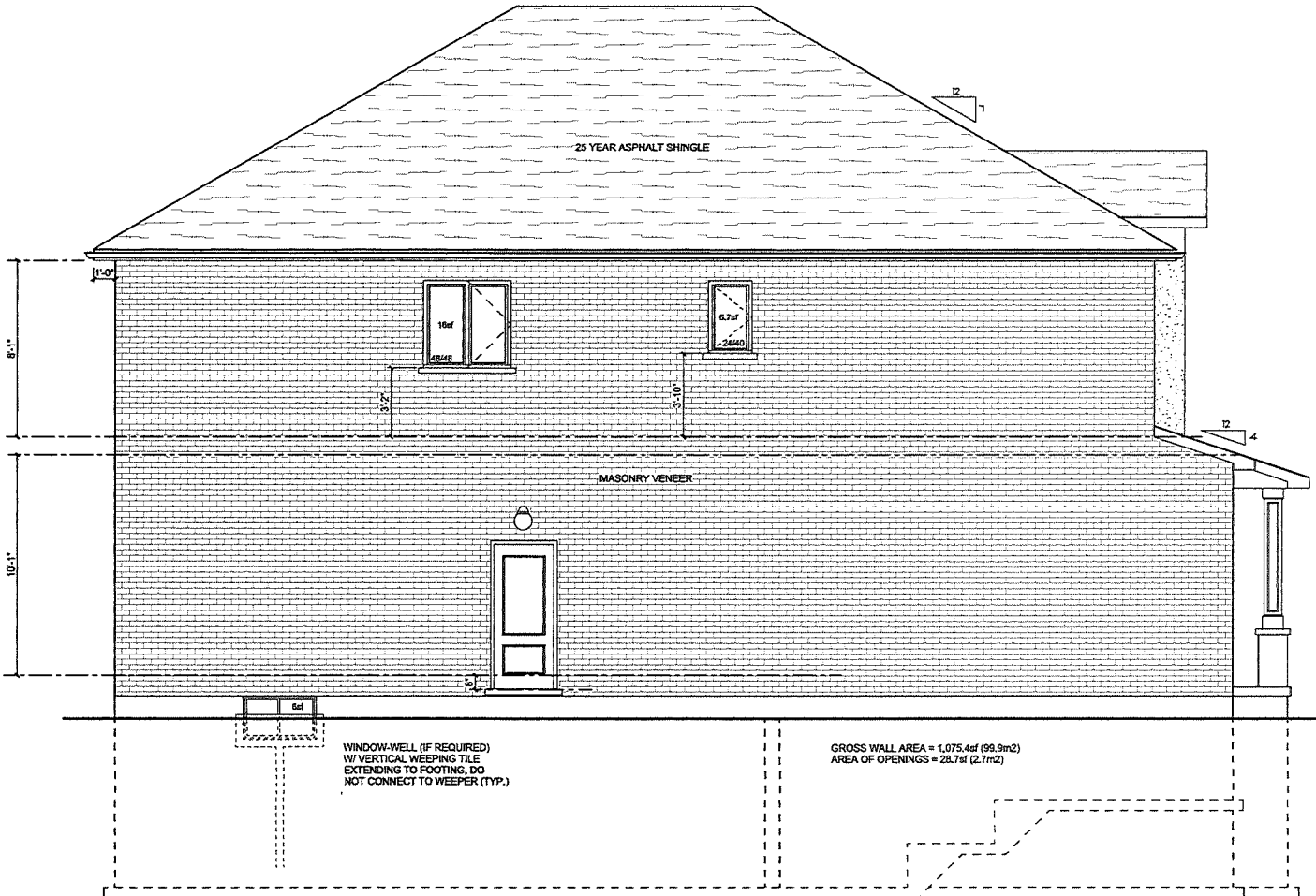
Drawn KB Checked SDM Scale 1:200 Dwg.No. 36133-33



STONE BROOK DESIGN-BUILD LTD.  (905) 648-7900 www.stoneybrookhomes.com BCIN # 31911	<b>Spoke Homes</b> (SPRINGHAVEN MODEL 4 BDRM, ELEV. B)		DRAWN BY: AB	CHECKED BY: AB
	PROJECT TITLE SINGLE FAMILY RESIDENCE 371 KLEIN CIRCLE (LOT 33) ANCASTER, ON.		BCIN # 28218	BCIN # 28218
	SHEET TITLE ELEVATIONS		ISSUE DATE: JUNE 14, 2022	SCALE: 1/8"=1'-0"
			PROJECT No: 10503	PAGE No: A1.0



RIGHT SIDE ELEVATION B



LEFT SIDE ELEVATION B

<div>STONEY BROOK DESIGN-BUILD LTD.</div> <div>(905) 648-7900 www.stoneybrookhomes.com BCIN # 31911</div>	<div>Spoke Homes</div> <div>(SPRINGHAVEN MODEL 4 BDRM, ELEV. B)</div>	<div>DRAWN BY:</div> <div>AB</div> <div>BCIN # 28218</div>	<div>CHECKED BY:</div> <div>AB</div> <div>BCIN # 28218</div>
	<div>PROJECT TITLE</div> <div>SINGLE FAMILY RESIDENCE 371 KLEIN CIRCLE (LOT 33) ANCASTER, ON.</div>	<div>ISSUE DATE:</div> <div>JUNE 14, 2022</div>	<div>SCALE:</div> <div>1/8"=1'-0"</div>
	<div>SHEET TITLE</div> <div>ELEVATIONS</div>	<div>PROJECT No:</div> <div>10503</div>	<div>PAGE No:</div> <div>A2.0</div>

## APPLICATION FOR A MINOR VARIANCE

<b>FOR OFFICE USE ONLY.</b>	
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)	1639142 Ontario Inc.	
Applicant(s)*	Stoney Brook Design Build Limited	
Agent or Solicitor	Tony Bruculieri	

**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:  
Applying for relief from the maximum height requirement of 10.50m to allow a height of 11.03m.

☐ Second Dwelling Unit                      ☐ Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?  
Existing grading slopes downhill from east to west (front to rear) of the property.  
Average height at the front of the dwelling (east elevation) is 10.25m. The dwelling has already been constructed.

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**):  
371 Klein Circle, Lot 33, Plan 62M-1260

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?  
Information obtained by Property Owner.

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.

June 16, 2022 Date

[Signature] Signature Property Owner(s)

1639142 Ontario Inc.  
(Anthony J. Di Silvestro, President) Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>13.72m</u>
Depth	<u>33.391m to 33.396m</u>
Area	<u>460.1m<sup>2</sup></u>
Width of street	<u></u>

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:

Ground floor area=142.17m<sup>2</sup> (incl. garage and porch), gross floor area=289.58m<sup>2</sup>, 2 storeys, width=11.227m, depth=15.85m, height (average)=11.03m

Proposed

Same as existing.

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

Existing:

Please refer to attached plot plan.

Proposed:

Please refer to attached plot plan.

13. Date of acquisition of subject lands:  
unknown
14. Date of construction of all buildings and structures on subject lands:  
March 2022
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single Family Dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Family Dwellings (to be built)
17. Length of time the existing uses of the subject property have continued:  
Since construction.
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:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Zone R4-563
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.