



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-22:209</b>	<b>SUBJECT PROPERTY:</b>	360 HERKIMER STREET, HAMILTON
<b>ZONE:</b>	“D” (Urban Protected Residential – One and Two Family Dwellings etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law 6593, as Amended 19-307

**APPLICANTS:** Agent T. Johns – K. Gillis  
**Owners T. Stevenson & E. Raben**

The following variances are requested:

1. A minimum front yard depth of 3.50 metres shall be provided, instead of the minimum required front yard depth of 6.0 metres.
2. A minimum easterly side yard width of 0.0 metres and a minimum westerly side yard width of 0.8 metres shall be provided, instead of the minimum required side yard width of 0.9 metres.
3. A roofed-over but otherwise unenclosed one-storey porch at the first storey level, including stairs, shall be permitted to be located a distance of 1.0 metres from the front lot line, instead of the minimum 1.5 metre setback required.

**PURPOSE & EFFECT:** So as to permit the development of a second-storey addition and a roofed-over unenclosed porch to the existing single detached dwelling located on a residential parcel of land.

**Notes:**

1. The proposed alterations are 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.
2. Please note that should the variance to Section 10(3)(ii) to permit an easterly side yard of 0.0 metres be approved, as per Section 18(3)(vi)(b), the eaves/gutters shall be permitted to project right to the easterly lot line. Should the variance to Section 10(3)(ii) be approved to permit a

## HM/A-22:209

westerly side yard of 0.8 metres, as per Section 18(3)(vi)(b), eaves/gutters shall be permitted to project not more than 0.4 metres into the new westerly side. The applicant confirmed via email on June 27, 2022, that the eaves/gutters will not extend past the easterly side lot line and will project a maximum of 0.15 metres into the westerly side yard. Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot.

3. Please note that the subject lot is a Lot of Record, as defined. Note that in the case of a lot of record without sufficient width, depth or area to meet the requirements of this By-Law, a single family dwelling may nevertheless be erected upon it, provided that each side yard has a width of at least ten per cent of the width of the lot, but in no case less than 0.9 metres. Therefore, a variance Section 10(4)(ii) and the lot area and width are not required, and the minimum required side yard is 0.9 metres, as opposed to the 1.2 metres indicated.

**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>3:15 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)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto: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: 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.



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## 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, 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](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

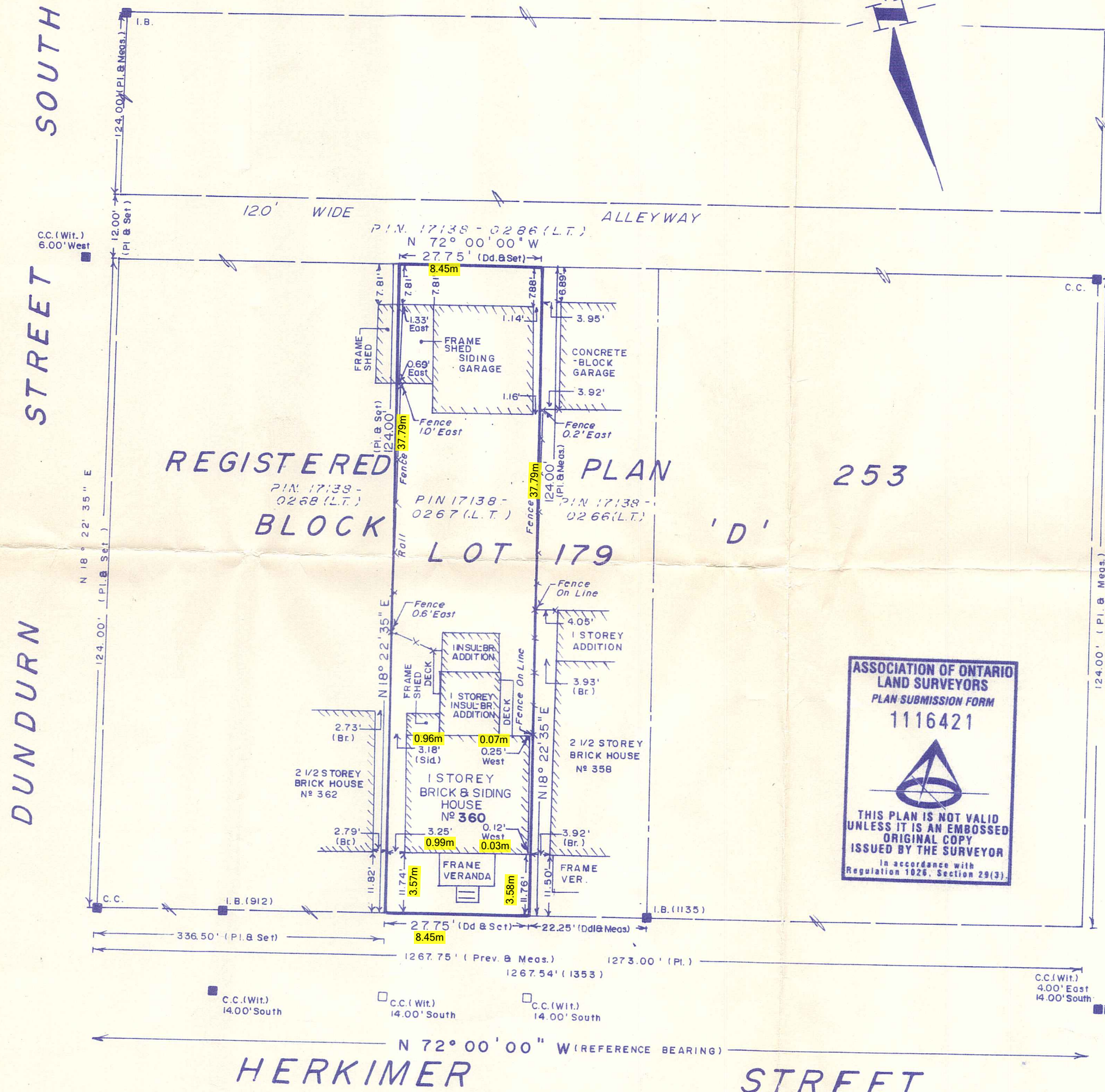
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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.

CHARLTON AVENUE WEST

SURVEYOR'S REAL PROPERTY REPORT  
 PART I  
 PLAN OF  
 PART OF LOT 179  
 BLOCK 'D'  
 REGISTERED PLAN 253  
 (J.C. MACKLIN SURVEY)  
 CITY OF HAMILTON  
 REGIONAL MUNICIPALITY OF  
 HAMILTON - WENTWORTH  
 SCALE: 1" = 20'



CONSOLI & JACOBS SURVEYING LTD.  
 ONTARIO LAND SURVEYORS  
 1997

**BEARING NOTE:**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO  
 THE NORTHERLY LIMIT OF HERKIMER STREET  
 AS SHOWN ON REGISTERED PLAN 253, HAVING A  
 BEARING OF N 72°00'00"W.

**LEGEND:**

SURVEY MONUMENT FOUND	□
SURVEY MONUMENT PLANTED	○
STANDARD IRON BAR	—
IRON BAR	—
CUT CROSS	—
WITNESS	—
REGISTERED PLAN 253	—
INST. N° 1935 24C.D.	—
INST. N° 2308 71H.L.	—
A.J. CLARKE, O.L.S.	9/2
G.E. GIDDY, O.L.S.	1353
L.G. WOODS, O.L.S.	1135



THIS REPORT WAS PREPARED FOR PLATT  
 AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY  
 FOR USE BY OTHER PARTIES.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
 WITH THE SURVEYORS ACT AND THE SURVEYORS ACT AND THE  
 REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED MAY 8, 1997.  
 MAY 13, 1997. DATE  
 G. V. CONSOLI  
 ONTARIO LAND SURVEYOR

**PART 2**  
 THIS PLAN MUST BE READ IN  
 CONJUNCTION WITH SURVEY REPORT  
 DATED: MAY 13, 1997.

© COPYRIGHT

**CONSOLI & JACOBS SURVEYING LTD**  
 131 JOHN ST. S., HAMILTON SUITE 101  
 TEL. (905) 521-1535 FAX. 521-0089 (L8N 2C3)

MEMBER	
DRAWN BY:	JF
CHECKED BY:	G.V.C.
JOB No:	97-090



FRONT 3D



REAR 3D

**PARK  
EIGHT**  
ENG // ARCH

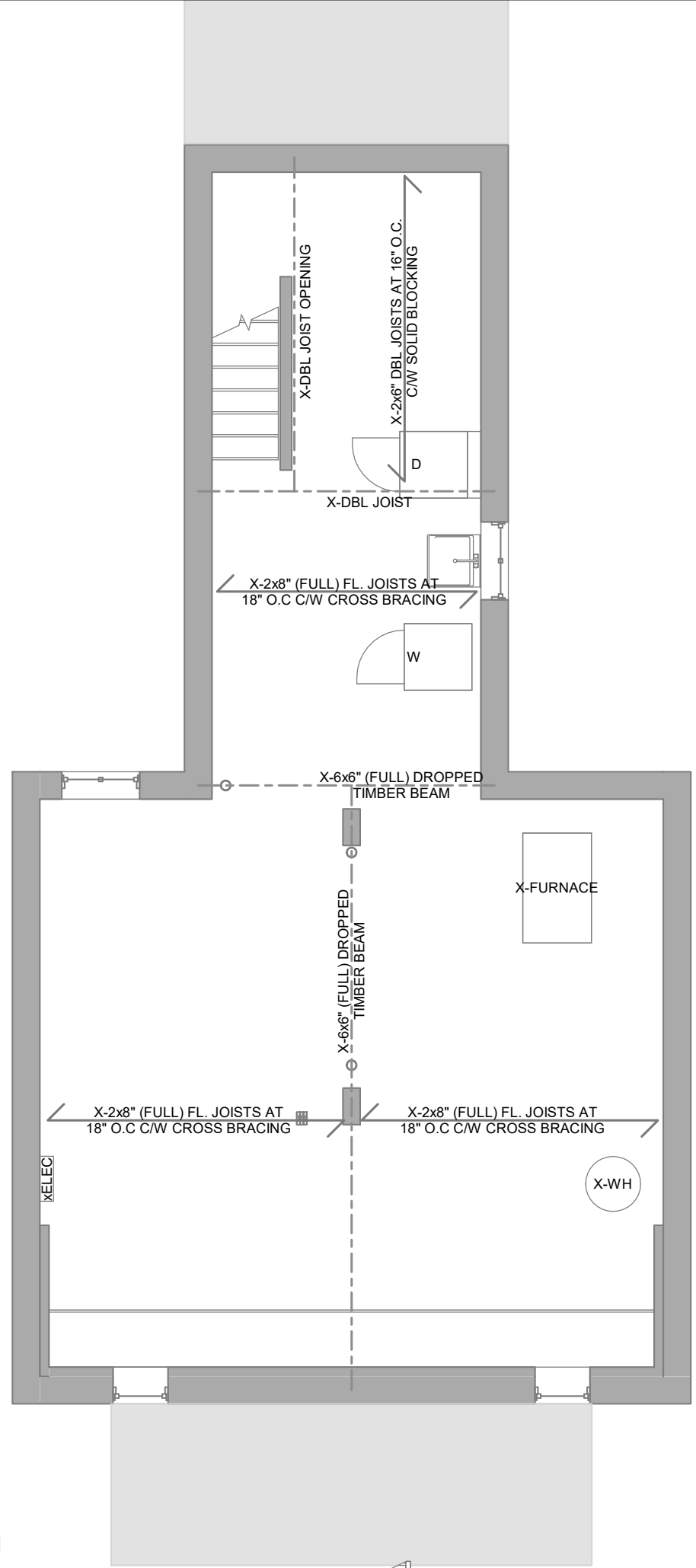
**ADDITION & INTR.  
RENOVATION**  
360 HERKIMER STREET HAMILTON

Project No. 22026  
Revisions

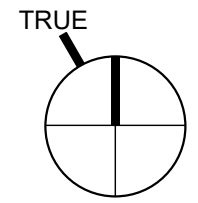
Scale  
COVER & 3D VIEWS

**A0.00**

Sheet No. ©2021



① LVL0 DEMO PLAN  
3/16" = 1'-0"



**PARK  
EIGHT**  
ENG // ARCH

**ADDITION & INTR.  
RENOVATION**  
360 HERKIMER STREET HAMILTON

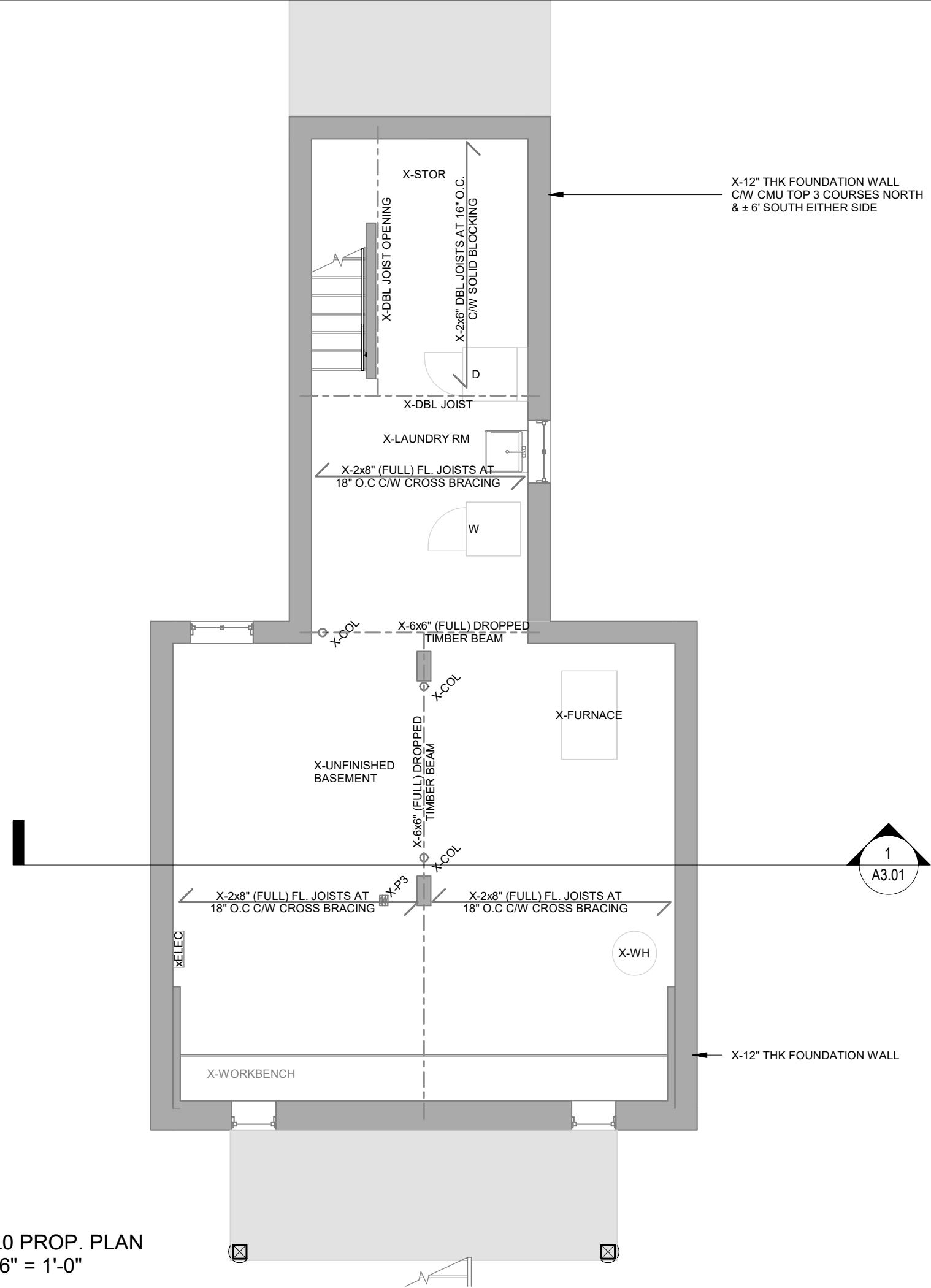
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Revisions

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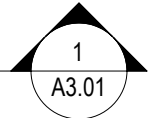
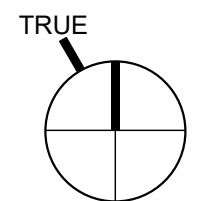
**DEMO BASEMENT**

**A1.02**

Sheet No. ©2021



X-12" THK FOUNDATION WALL  
C/W CMU TOP 3 COURSES NORTH  
& ± 6' SOUTH EITHER SIDE



① LVL0 PROP. PLAN  
3/16" = 1'-0"

**PARK  
EIGHT**  
ENG // ARCH

**ADDITION & INTR.  
RENOVATION**  
360 HERKIMER STREET HAMILTON

Project No. 22026  
Revisions  
Scale 3/16" = 1'-0"

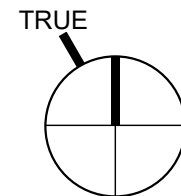
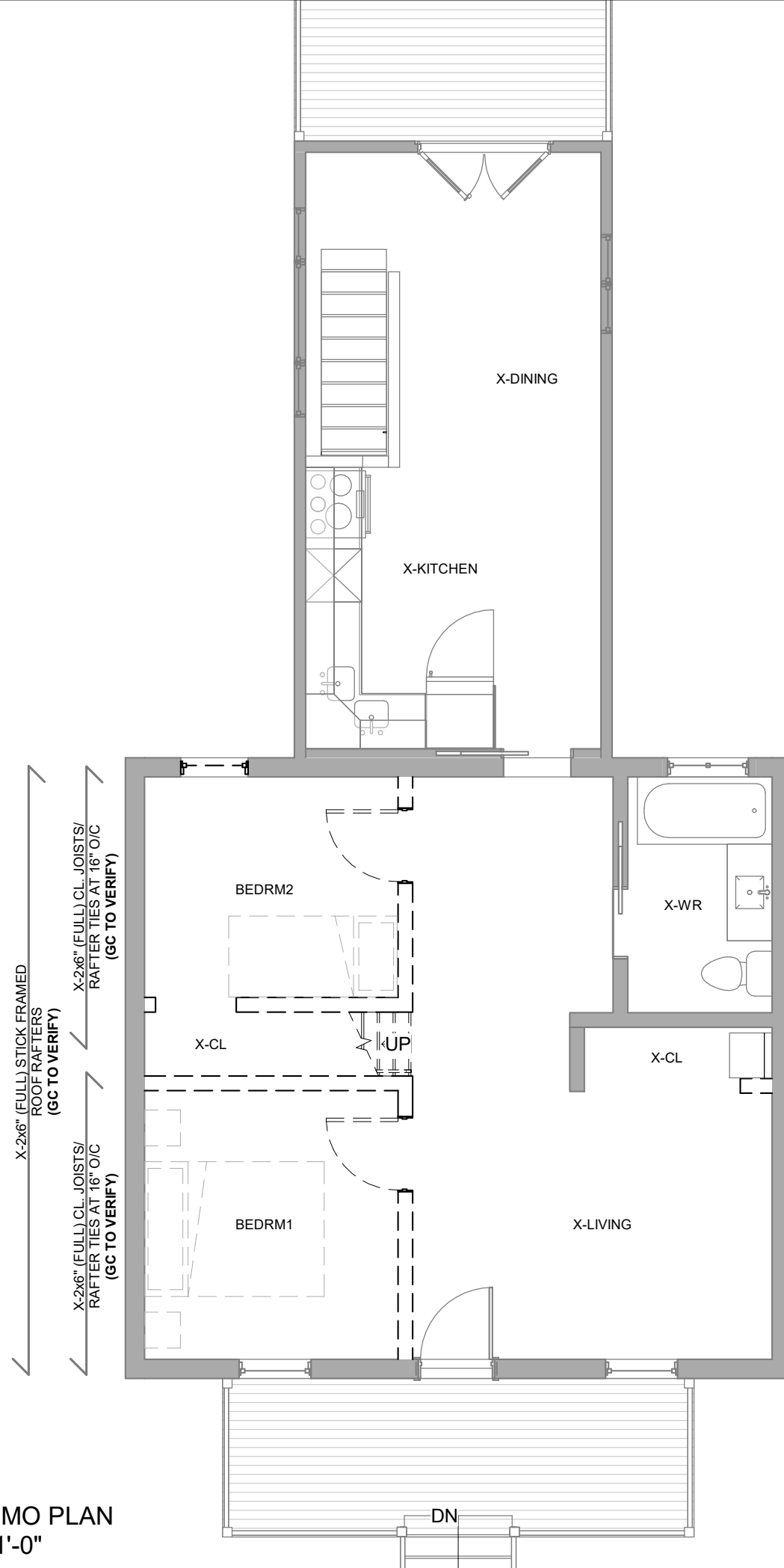
**PROPOSED  
BASEMENT**

**A1.03**

Sheet No. ©2021



① LVL1 DEMO PLAN  
3/16" = 1'-0"



**PARK EIGHT**  
ENG // ARCH

**ADDITION & INTR.  
RENOVATION**  
360 HERKIMER STREET HAMILTON

Project No. 22026

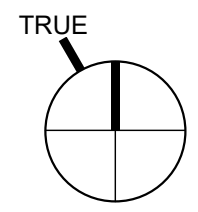
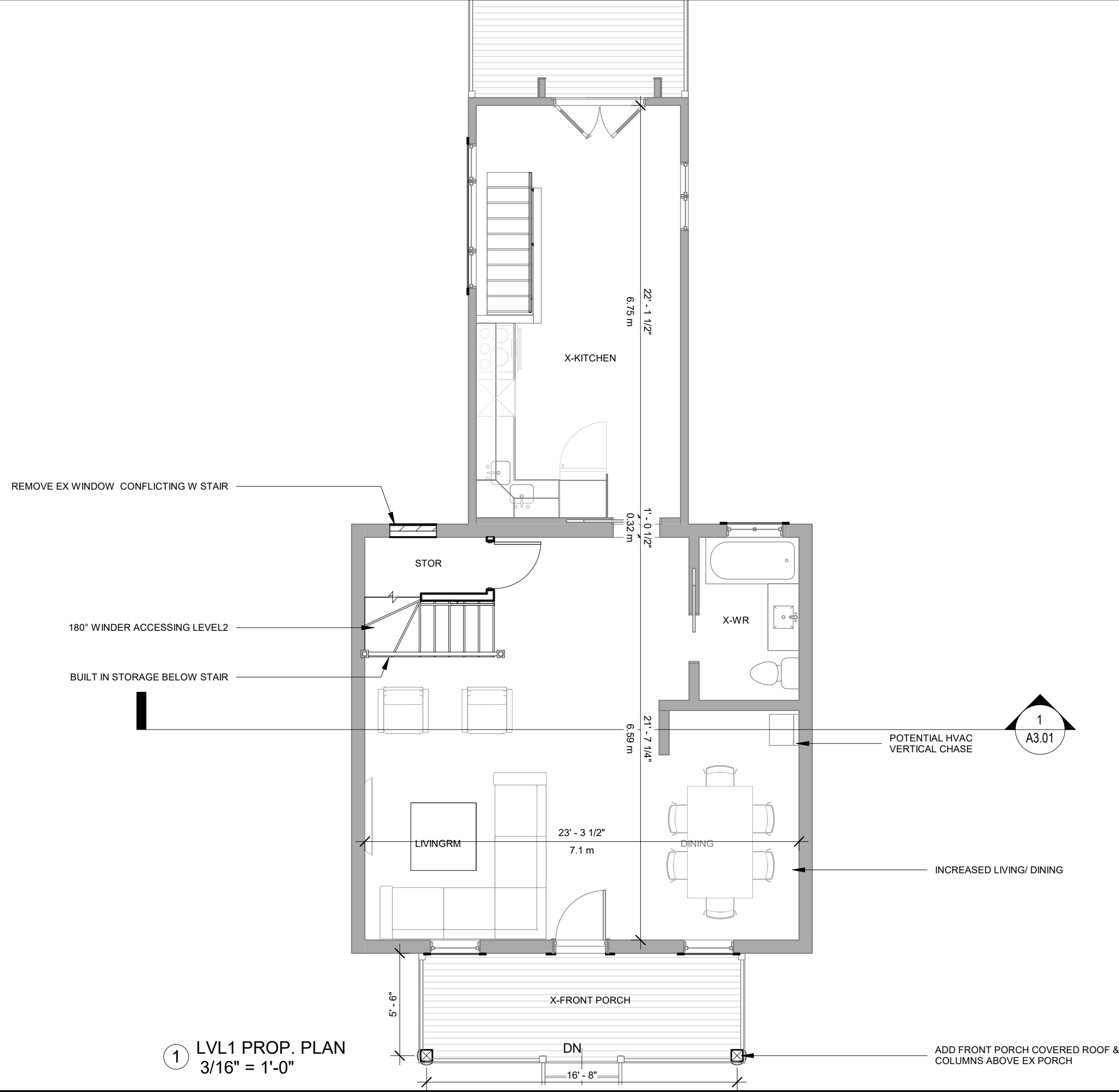
Revisions

Scale 3/16" = 1'-0"

DEMO LVL1

**A1.04**

Sheet No. ©2021



**PARK  
EIGHT**  
ENG // ARCH

**ADDITION & INTR.  
RENOVATION**  
360 HERKIMER STREET HAMILTON

Project No. 22026  
Revisions

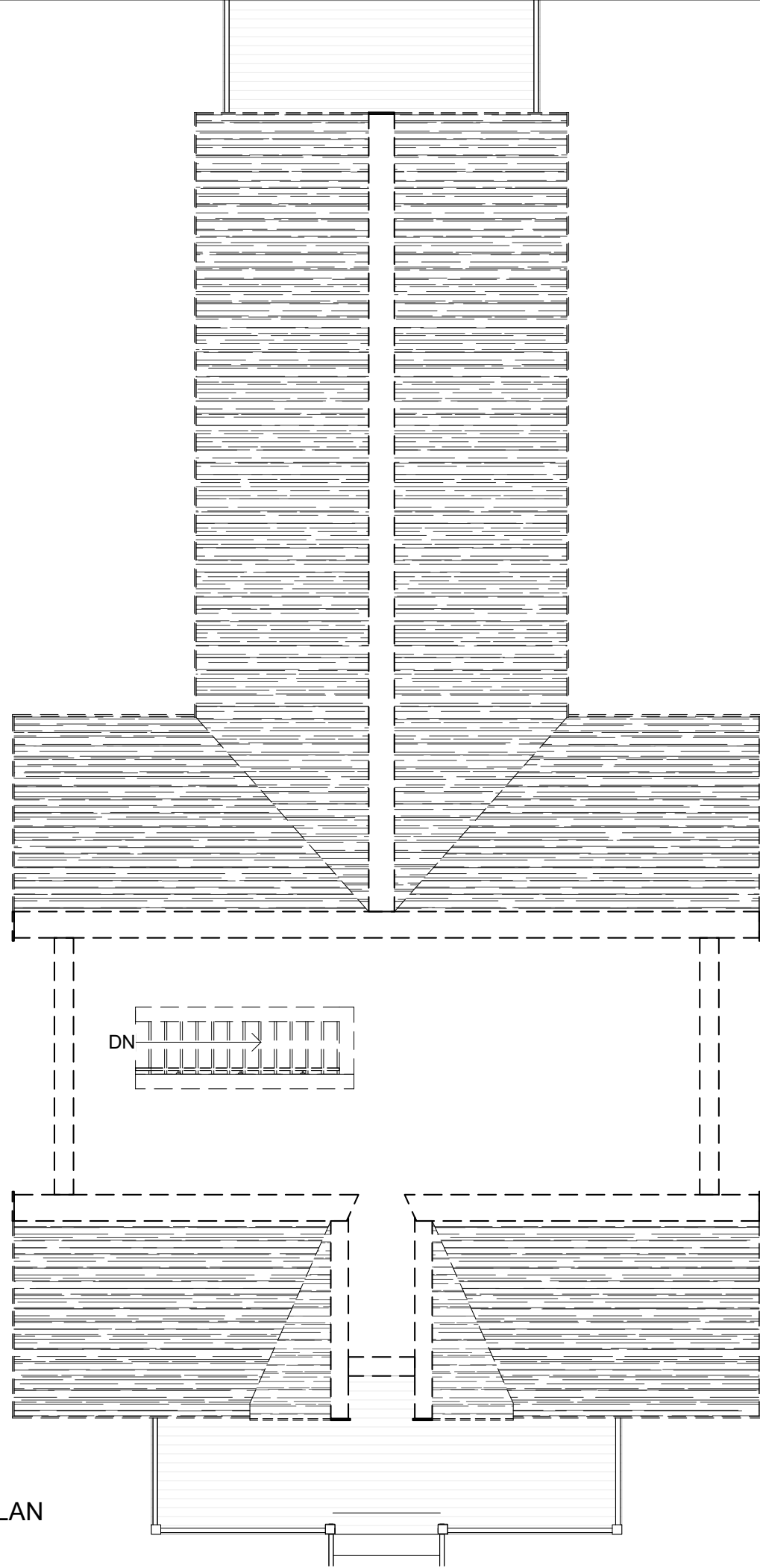
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PROPOSED LVL1

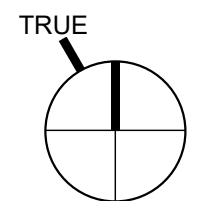
**A1.05**

Sheet No. ©2021

① LVL1 PROP. PLAN  
3/16" = 1'-0"



① LVL2 DEMO PLAN  
3/16" = 1'-0"



**PARK  
EIGHT**  
ENG // ARCH

**ADDITION & INTR.  
RENOVATION**  
360 HERKIMER STREET HAMILTON

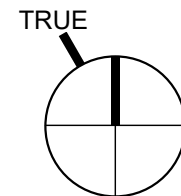
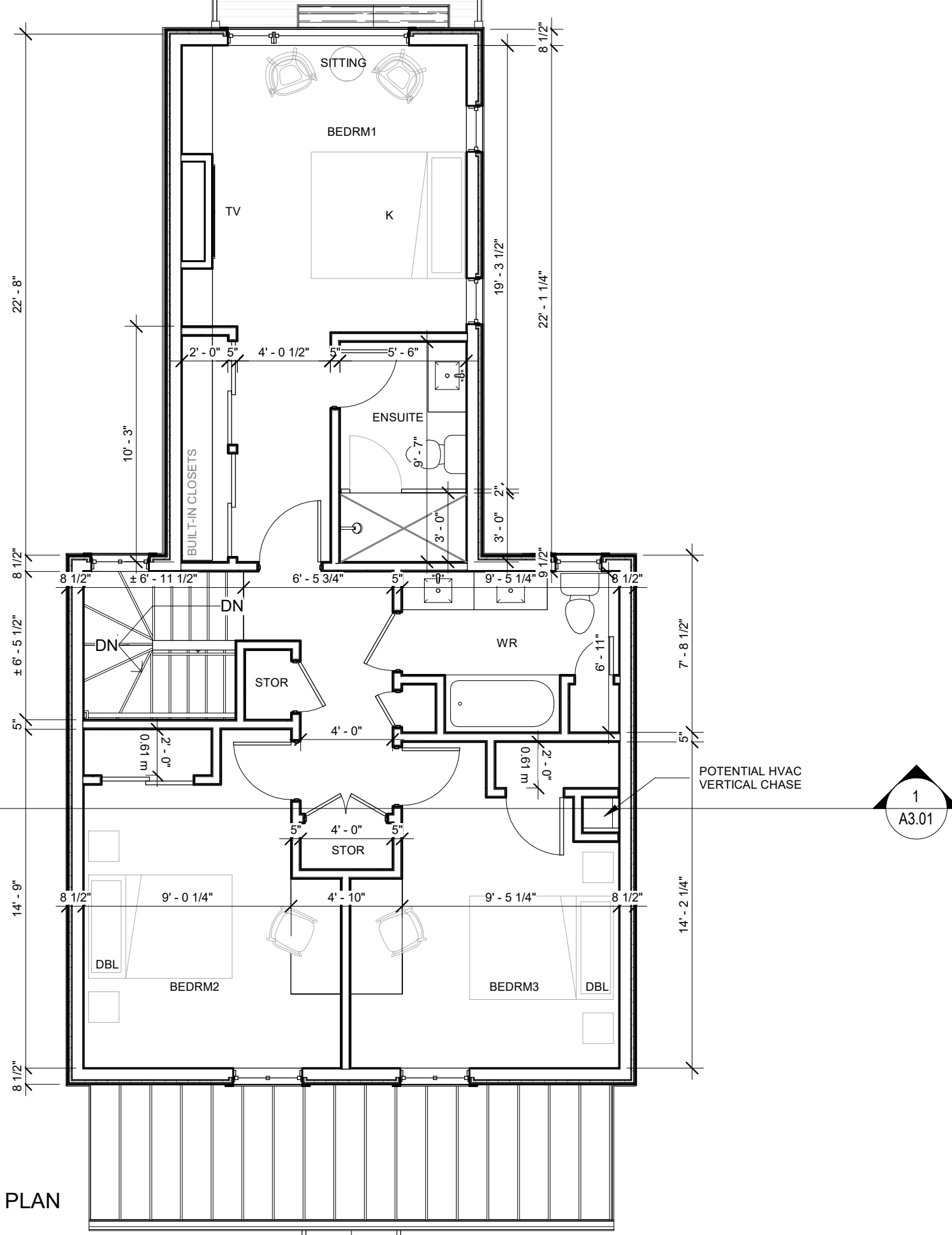
Project No. 22026  
Revisions

Scale 3/16" = 1'-0"

DEMO LVL2

**A1.6**

Sheet No. ©2021



**PARK EIGHT**  
ENG // ARCH

**ADDITION & INTR.  
RENOVATION**  
360 HERKIMER STREET HAMILTON

Project No. 22026  
Revisions

Scale 3/16" = 1'-0"

PROPOSED LVL2

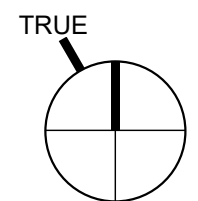
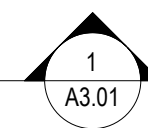
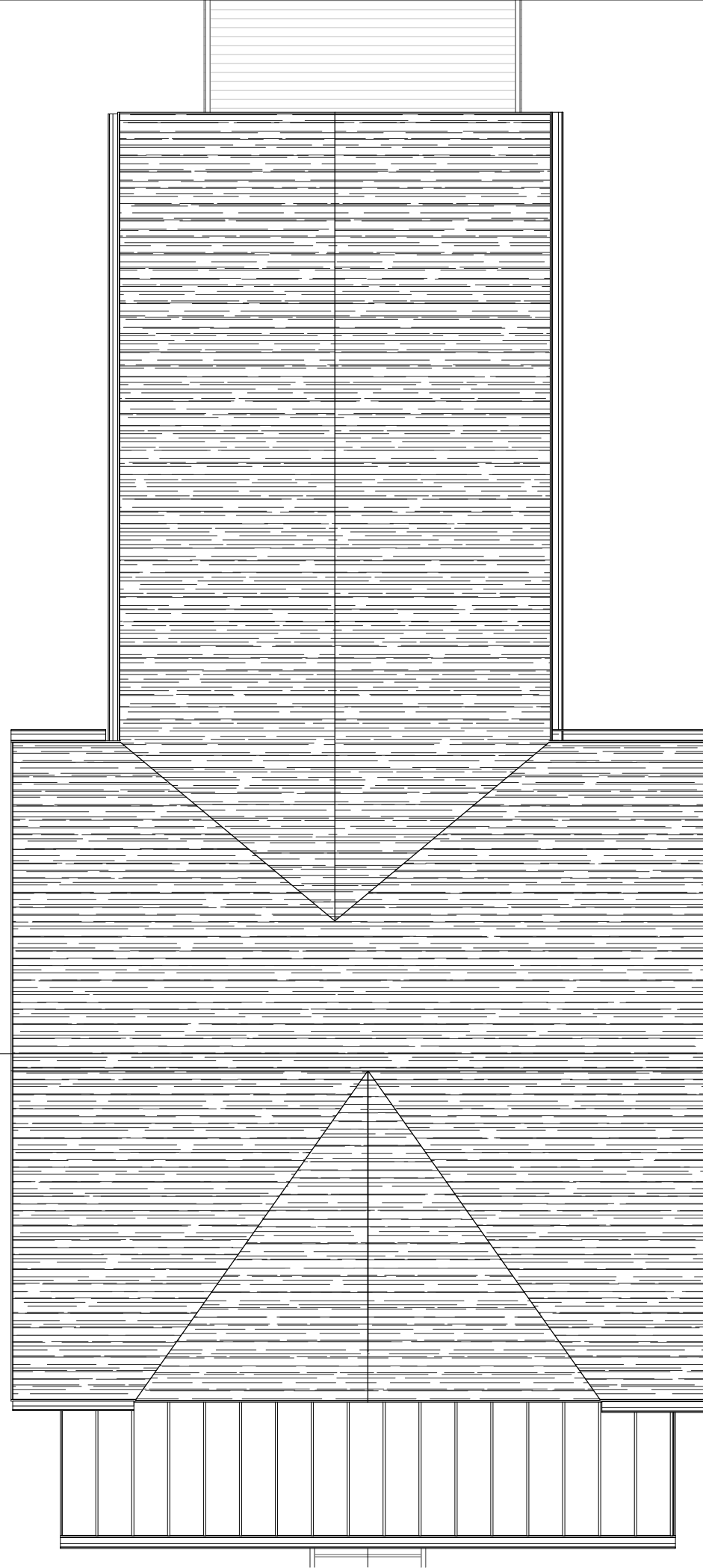
**A1.7**

Sheet No. ©2021

① LVL2 PROP. PLAN  
3/16" = 1'-0"



① T/O ROOF  
3/16" = 1'-0"



PARK  
EIGHT  
ENG // ARCH

**ADDITION & INTR.  
RENOVATION**  
360 HERKIMER STREET HAMILTON

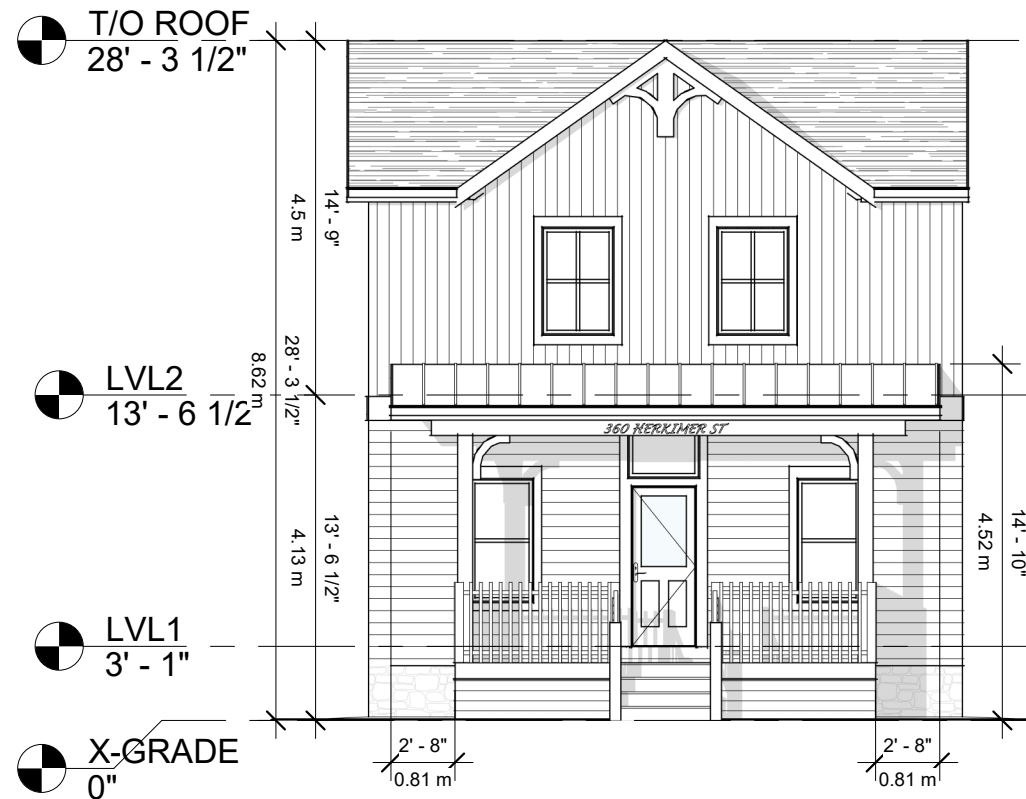
Project No. 22026  
Revisions

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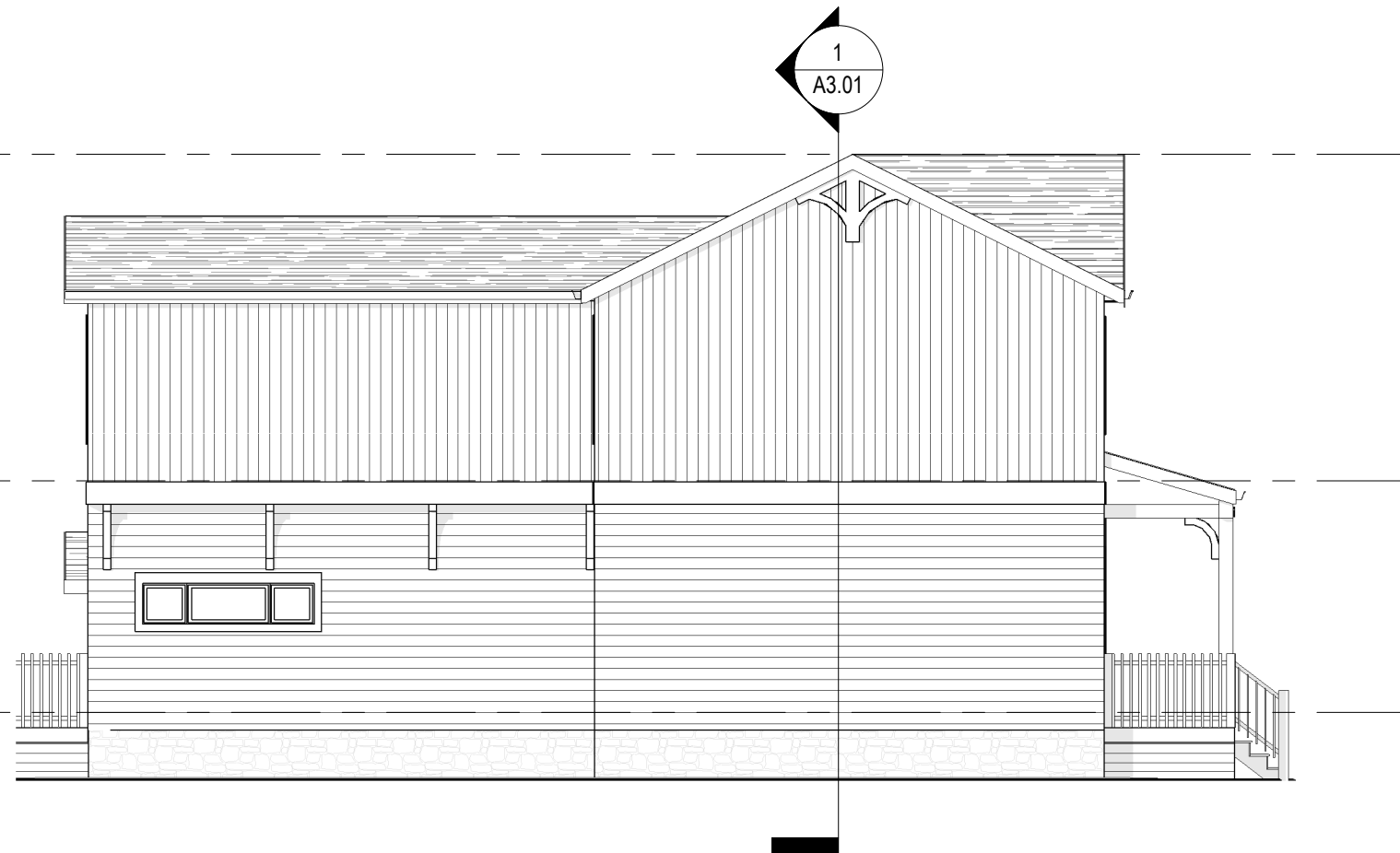
**PROPOSED ROOF**

**A1.8**

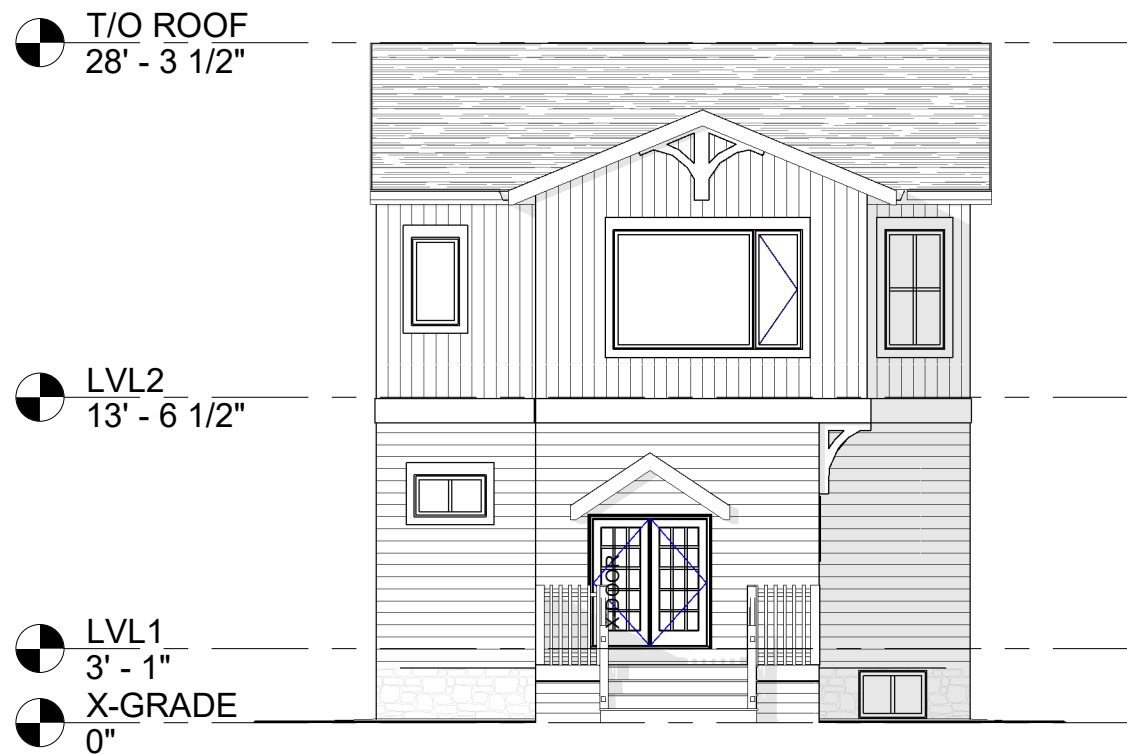
Sheet No. ©2021



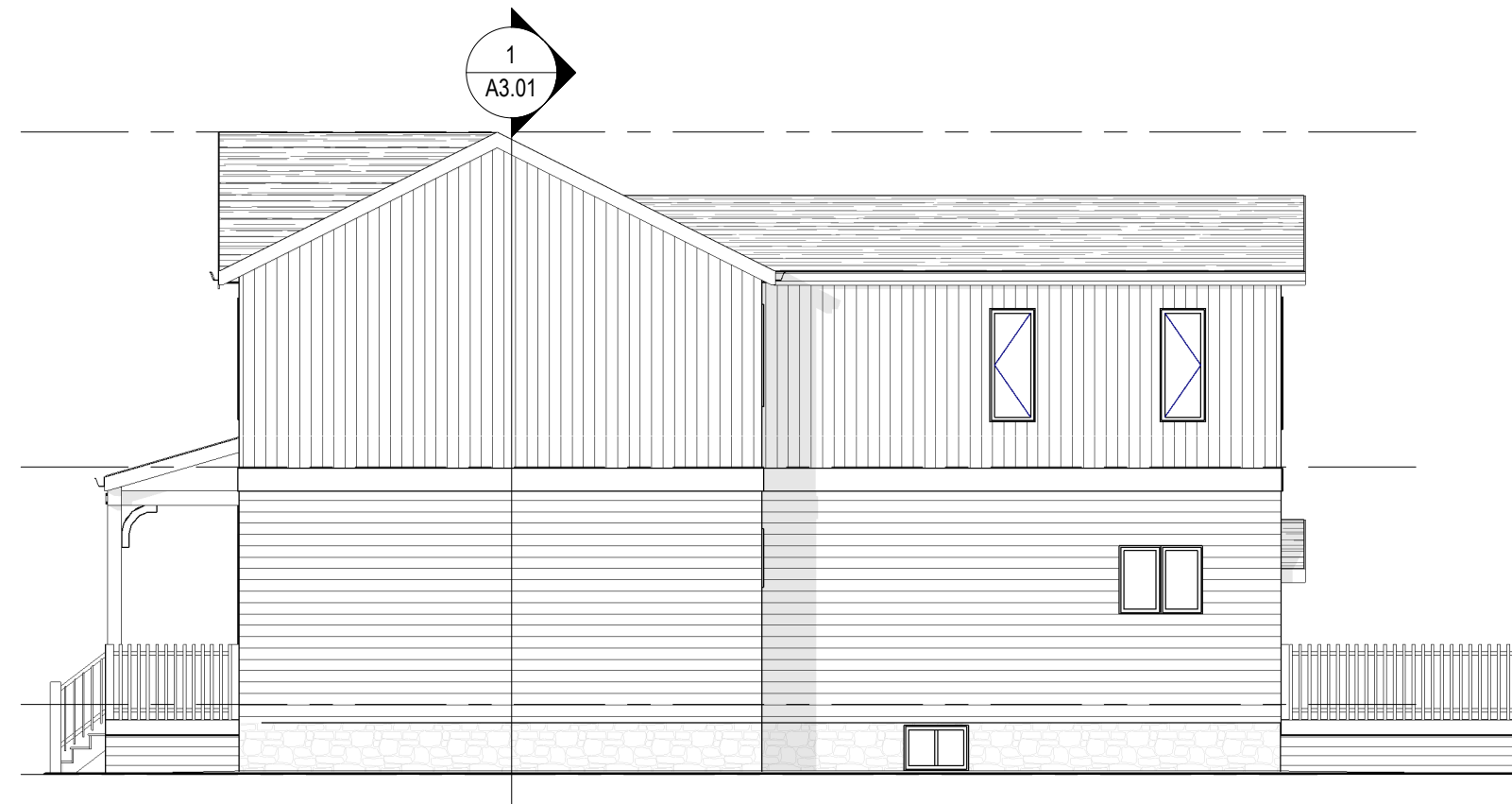
③ SOUTH (FRONT) ELEVATION  
1/8" = 1'-0"



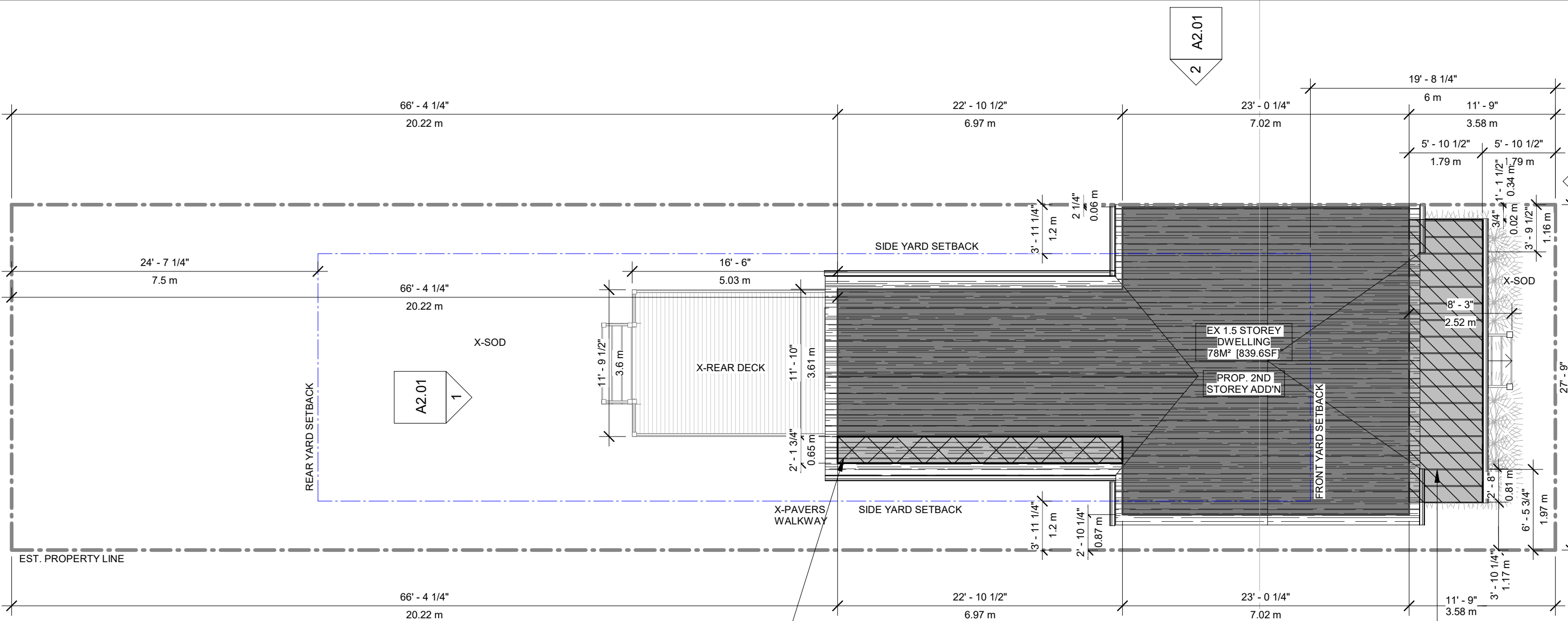
④ WEST ELEVATION  
1/8" = 1'-0"



① NORTH (REAR) ELEVATION  
1/8" = 1'-0"



② EAST ELEVATION  
1/8" = 1'-0"



360 Herkimer Street, Hamilton  
Zoning By-law No. 6593 - "D" (Urban Protected Residential - One and Two Family Dwellings, Etc)

Regulation	Required	Proposed	Conforming/ Non-Conforming
Permitted Use	Single-family dwelling	Single-family dwelling	Conforming
Maximum Building Height	14.0m and 3 storeys	2-storeys and 8.62m	Conforming
Minimum Front Yard	6 meters	3.58m*	Non-Conforming*
Minimum Side Yard	1.2m	0.06m* (east side yard) 0.87* (west side yard)	Non-Conforming*
Minimum Rear Yard	7.5 metres	20.22m*	Conforming
Minimum Lot Frontage	12.0m	8.46m*	Non-Conforming*
Minimum Lot Area	360.0m <sup>2</sup>	±319.68m <sup>2</sup> *	Non-Conforming*
Max Eave/Gutter Encroachment - Front Yard	1.5m and not closer than 1.5m to a street line	0.6m into front yard and 2.9m from street line.	Conforming
Max Eave/Gutter Encroachment - Side Yard	½ the width of required side yard (1.2m) or 1.0m, whichever is lesser	1.2m into side yard (east)* 0.6m into side yard (west)*	Non-Conforming*
Max Eave/Gutter Encroachment - Rear Yard	1.5m	Does not encroach.	Conforming
Max Roofed-Over One-Storey Porch Encroachment into a required Front Yard	3.0m and not closer than 1.5m from the front lot line.	1.93m and 2.51 with stairs into front yard. 1.64m and 1.0m with stairs from the front lot line.	Non-Conforming
Special Requirement for Front Yard Landscaping	Min. 50% of front yard shall be landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials. Front yard to be calculated per 14.(i).(ii)  Front Yard GFA = 15m <sup>2</sup>	100% of front yard GFA is landscaped	Conforming

PROP. LVL2 OVERHANG

PROP. UNENCLOSED FRONT PORCH COVERING OVER EXISTING 9.61M<sup>2</sup> [103.5SF] FRONT DECK. MODIFY DECK TO RECEIVE COVERING

**SITE PLAN LEGEND**

- EXISTING BUILDING (PROPOSED ADDITION ABOVE)
- PROPOSED UNENCLOSED COVERED PORCH
- PROPOSED ADDITIONS

**PARK EIGHT**  
ENG // ARCH

**ADDITION & INTR. RENOVATION**

**360 HERKIMER STREET HAMILTON**



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto: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
<b>Registered Owners(s)</b>	Taylor Stevenson and Emily Raben	
<b>Applicant(s)*</b>	Same As Above	
<b>Agent or Solicitor</b>	T.Johns Consulting Group c/o Katelyn Gillis	

**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:

TD Canada Trust, 100 King St West, Hamilton, ON, L8P 4W9



**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:

Refer to Cover Letter and Planning Rationale.

- Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

The dwelling footprint and lot are existing.

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**):

Part of Lot 179 Block 'D' of Registered Plan 253  
360 Herkimer Street

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 and neighbourhood history. Owner's 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 27, 2022  
Date

Taylor Stevenson  
Signature Property Owner(s)

Digitally signed by Taylor Stevenson  
Date: 2022.05.27 12:35:28 -04'00'

Taylor Stevenson  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 8.45m  
Depth 37.79m  
Area 319.68m  
Width of street 20.1m

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:

1.5 Storey dwelling fronting onto Herkimer Street and 1 detached garage at the rear of the lot backing onto a lane way.

Proposed

Add a full second storey addition to the existing building for a total height of 2-storeys or +8.6m. New roof over existing porch.

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 1.5-storey dwelling, 3.57m from front yard lot line, 0.03m from east lot line, 0.96m from west lot line, approximately 21.5m from rear lot line.

Proposed:

Existing first story setbacks to apply to proposed second storey. New roof over existing porch.

13. Date of acquisition of subject lands:  
November 14, 2014
- 
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.):  
Single Family Dwelling
- 
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Family Dwelling
- 
17. Length of time the existing uses of the subject property have continued:  
Unknown.
- 
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
- 
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods
- 
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Zoning By-law No. 6593 "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.)
- 
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.

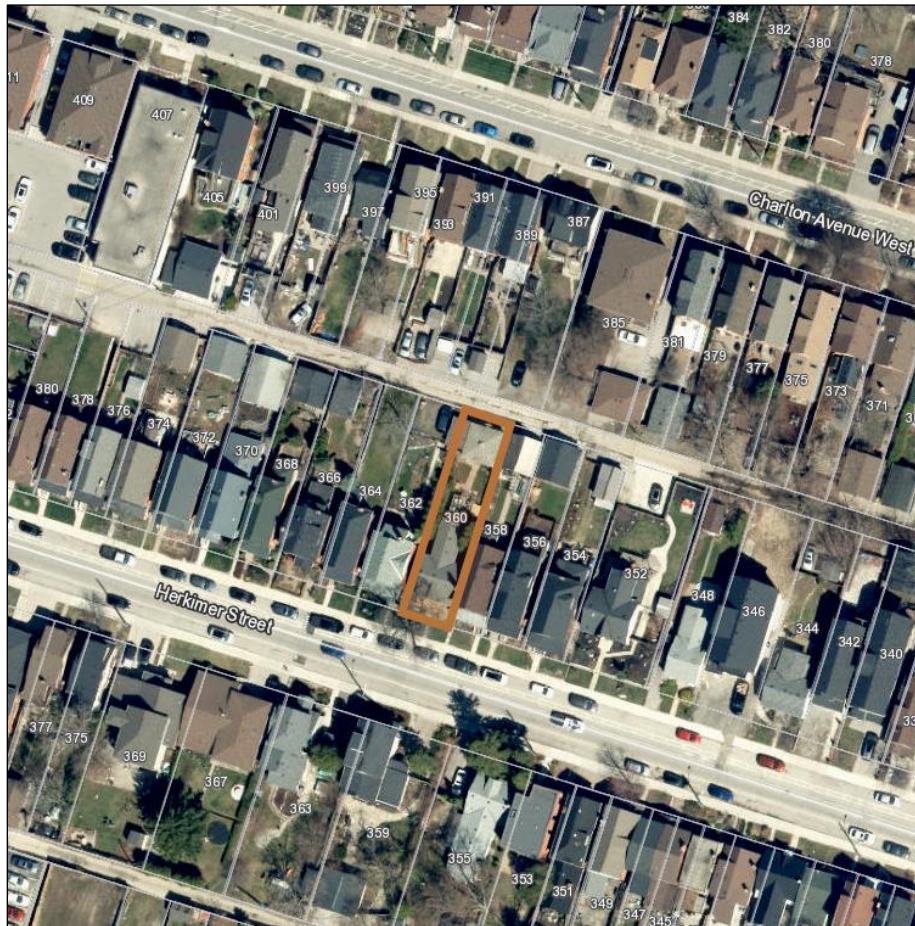
T. Johns Consulting Group Ltd. (“T. Johns”) has prepared the following Planning Rationale Report in support of the Minor Variance application for 360 Herkimer St, Hamilton (“subject lands”).

**Description of Subject Lands**

The subject lands are located in the Kirkendall North neighbourhood on the north side of Herkimer Street (Refer to Figure 1 - Site Location). The subject lands are rectangular in shape with an approximate site area of 319.68m<sup>2</sup> and ±8.46 metres of frontage on Herkimer Street with a depth of ±37.795 metres. The parcel’s rear lot line abuts a laneway. The site is an existing residential lot of record and occupied by one (1) single-family detached dwelling. The existing dwelling is 1.5-storeys and provides the following yards (Refer to the submitted Survey Plan):

Front Yard	3.58m
Side Yard (East)	0.06m
Side Yard (West)	0.87m
Rear Yard	20.22m

Figure 1 - Site Location



**Planning Status**

The *Urban Hamilton Official Plan* designates the subject lands *Neighbourhoods*. Single-family detached dwellings are permitted. The former City of Hamilton Zoning By-law No. 6593 zones the subject lands “D” (Urban Protected Residential- One & Two Family Dwellings) District. Single-family detached dwellings with a maximum building height of 3-storeys are permitted.

**Proposed Development**

The following Minor Variance application is required to permit a second-storey addition to the existing dwelling footprint and to recognize the existing non-conforming situations. The existing first-storey footprint will be maintained through interior renovations. All existing non-conforming yard setbacks will be maintained. Further, the existing porch and associated stairs are proposed to be roofed over (refer to submitted site plan and elevations).

The intent of the addition is to allow for the existing landowner to grow within their home and provide an improved interior function (refer to the submitted floor plans).

**Nature and extent of relief applied for:**

The proposed roof over the porch and second-storey addition to the existing 1.5-storey detached single family dwelling requires relief from Zoning By-law No. 6593 “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District in order to continue with the existing setbacks of the dwelling and porch footprint.

The requested minor variances are as follows:

	<u>Zoning By-law No. 6593 Section</u>	<u>Purpose</u>
1.	10(3)(i)	To allow a minimum front yard depth of 3.5 metres, whereas a minimum of 6.0 metres is required.
2.	10(3)(ii)	To allow a minimum side yard of 0.0 metres, whereas a minimum of 1.2 metres is required.
3.	10(4)(ii)	To allow a minimum lot area of 315 square metres and a minimum lot width of 8.46 metres for a one-family dwelling, whereas a minimum of 360.0 square metres is required and 12.0 metre lot width is required.
4.	18(3)(vi)(b)(iii)	To allow an eave or gutter to project within the entire width of the side yard, whereas not more than one-half of its width, or 1.0 metre, whichever is the lesser, is required.
5.	18(3)(d)	To allow a roofed-over but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, to project into the required front yard to a distance of not more than 3.0 metre and every such projecting porch shall be distance at least 1.0 metre from the front lot line, whereas a maximum encroachment of 3.0 metres except 1.5 metres from the front lot line is required.

## PLANNING RATIONALE TO SUPPORT THE VARIANCES:

### Overall Conformity to the *Urban Hamilton Official Plan*

The Urban Hamilton Official Plan (UHOP) designates the subject lands *Neighbourhoods* (Schedule E-1)

Low density residential uses and forms are permitted, including buildings up to 3-storeys in height dwellings (E.3.4.5). The proposed yard and encroachment reductions for the proposed 2-storey single-family dwelling including reduced front yard and side yard setbacks and minimum lot area are reflective of the existing site conditions and the surrounding development within the stable neighbourhood. The proposed expansion will demonstrate appropriate residential form with a design that is sensitive to the heritage elements of the neighbourhood and is therefore compatible with the existing neighbourhood character (B.2.4.1.4).

The proposed dwelling and associated variances maintain the intent of the UHOP.

### **VARIANCE 1. To allow a minimum front yard depth of 3.5 metres, whereas a minimum of 6.0 metres is required.**

#### Why is it not possible to comply with the provision of the by-law?

The existing dwelling footprint will be maintained. The existing dwelling is located 3.58m from the front lot line. The 3.5 metre front yard setback is consistent with the streetscape and 6.0 metre front yard setbacks are not representative of the established neighbourhood.

## PLANNING RATIONALE TO SUPPORT VARIANCE 1:

### 1. Conformity to the Intent of the Zoning By-law

The existing front yard condition including trees, landscaping and front porch will be maintained. The proposed front yard setback maintains the established front yard setback of the existing legal non-conforming condition.

### 2. Is the Variance Minor and Desirable?

The requested variance to permit a front yard of 3.5 metres is minor as it will maintain the existing streetscape condition. The requested variance is desirable as it will allow for the existing dwelling to expand and meet the needs of the landowner.

**VARIANCE 2. To allow an easterly side yard depth of 0.0 metres and a westerly side yard of 0.8 metres, whereas a side yard depth of 1.2 metres is required.**

Why is it not possible to comply with the provision of the by-law?

The existing dwelling footprint will be maintained. The existing 1.5-storey dwelling does not currently accommodate 1.2 metre side yards. Instead, existing side yards are 0.87m (west) and 0.06m (east).

PLANNING RATIONALE TO SUPPORT VARIANCE 2:

1. Conformity to the Intent of the Zoning By-law

Side yard setbacks provide building separation as well as access for maintenance and to the rear yard. The existing walkway along the westerly side yard on 360 Herkimer St. will be maintained. No windows are proposed within the portion of the second-floor within 1.2 metres of the abutting dwellings; therefore, no Ontario Building Code concerns are anticipated (refer to elevations). However, all Ontario Building Code compliance shall be reviewed upon Building Permit review.

2. Is the Variance Minor and Desirable?

The proposed 0.0m easterly and 0.8m westerly side yard setbacks will accommodate the existing building setback and is consistent with the neighbourhood context where minimal side yard setbacks exist. The variance will allow the existing building footprint and second-storey expansion to conform to the zoning by-law. As there are no building footprint modifications, the amount of impermeable ground coverage will not increase and therefore, no adverse stormwater impacts are anticipated.

**VARIANCE 3. To allow a minimum lot area of 315 square metres and a minimum lot width of 8.45 metres for a two-family dwelling, whereas a minimum of 360.0 square metres is required and 12.0 metre lot width is required.**

Why is it not possible to comply with the provision of the by-law?

The existing lot of record has a lot width of 8.45m and a lot area of 319.68m<sup>2</sup>.

PLANNING RATIONALE TO SUPPORT VARIANCE 4:

1. Conformity to the Intent of the Zoning By-law

The existing lot fabric will be maintained which has historically accommodated a 1.5-storey single-family detached dwelling.

2. Is the Variance Minor and Desirable?

The variance is minor as no changes are proposed. The variance is desirable as it will allow the existing lot to conform to the zoning by-law.

**VARIANCE 4. To allow an eave or gutter to project within the entire width of the side yard, whereas not more than one-half of its width, or 1.0 metre, whichever is the lesser, is required.**

Why is it not possible to comply with the provision of the by-law?

The existing dwelling footprint will be maintained. The existing 1.5-storey dwelling does not currently accommodate 1.2 metre side yards. Instead, existing side yards are 0.87m (west) and 0.06m (east).

PLANNING RATIONALE TO SUPPORT VARIANCE 4:

1. Conformity to the Intent of the Zoning By-law

The eave and/or gutter encroachments are aligned with the existing and proposed side yard setbacks. Standard eaves and/or gutters will be provided along the front and rear elevation rooflines to maintain existing stormwater management.

2. Is the Variance Minor and Desirable?

The proposed 0.0m easterly and 0.8m westerly side yard setbacks will accommodate the existing building setback and is consistent with the neighbourhood context where minimal side yard setbacks exist. The proposed variance will allow the existing building footprint and second-storey addition to conform to the zoning by-law.

**VARIANCE 5. To allow a roofed-over but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, to project into the required front yard to a distance of not more than 3.0 metres and every such projecting porch shall be distant at least 1.0 metre from the front lot line, whereas a maximum encroachment of 3.0 metres except 1.5 metres from the front lot line is required.**

Why is it not possible to comply with the provision of the by-law?

The existing dwelling footprint and front porch with associated stairs will be maintained. A roof over the existing porch is proposed. The existing dwelling is located 3.57m from the front lot line. The existing porch encroaches 1.9 metres into the 3.5 metre front yard and is 1.0 metres from the front lot line.



**PLANNING RATIONALE TO SUPPORT VARIANCE 5:**

**1. Conformity to the Intent of the Zoning By-law**

The existing front yard condition including trees, landscaping and front porch will be maintained. The proposed roofed-over, unenclosed porch setback maintains the streetscape character.

**2. Is the Variance Minor and Desirable?**

The requested variance roof-over the existing porch is minor as existing encroachments will be maintained. The variance is desirable as it will allow for a sheltered principal entrance and promote the use of the front porch as a private amenity and social interaction along the public street.

**Conclusion**

The proposed second-storey addition and roof over the existing porch on 360 Herkimer Street will be reflective of the existing character of the 1.5-storey dwelling and the broader Kirkendall North Neighbourhood character while allowing for an existing dwelling to expand and meet the needs of the landowner. The requested variances conform to the intent of the UHOP, and Zoning By-Law No.6593, are minor and desirable.

Respectfully Submitted,  
**T. Johns Consulting Group Ltd.**



**Katelyn Gillis, BA**  
Intermediate Planner



**Terri Johns, MCIP, RPP**  
President