

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.:	DN/A-22:211	SUBJECT PROPERTY:	22 MCKAY ROAD
ZONE:	"R2" (Single Detached Residential)	ZONING BY-LAW:	Zoning By-law former Town of Dundas 3581-86, as Amended

APPLICANTS: Owner T. Sway & L. Jacques

The following variances are requested:

1. A side yard setback of 0.7m shall be provided for the accessory building instead of the minimum required side yard setback of 2.0m

PURPOSE & EFFECT: To permit the construction of a new accessory building in the rear yard of the single detached dwelling.

Notes:

- i. The proposed accessory building is intended to function as a detached garage serving the existing single detached dwelling on-site.
- ii. A maximum building height of 4.0m is permitted for an accessory building.

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 28, 2022
TIME:	3:55 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

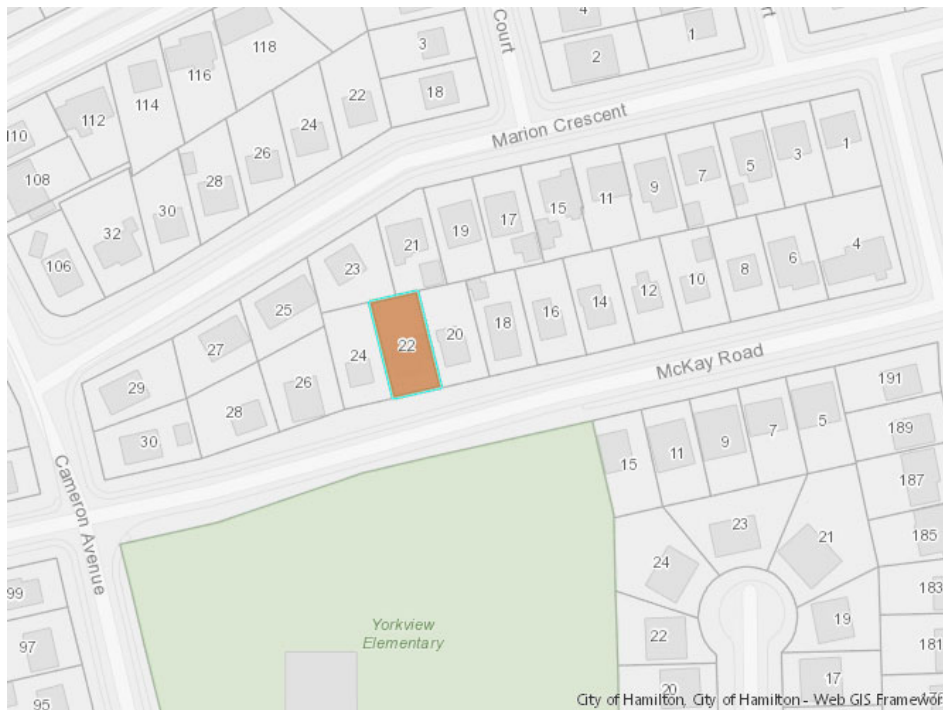
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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: July 12, 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.

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.

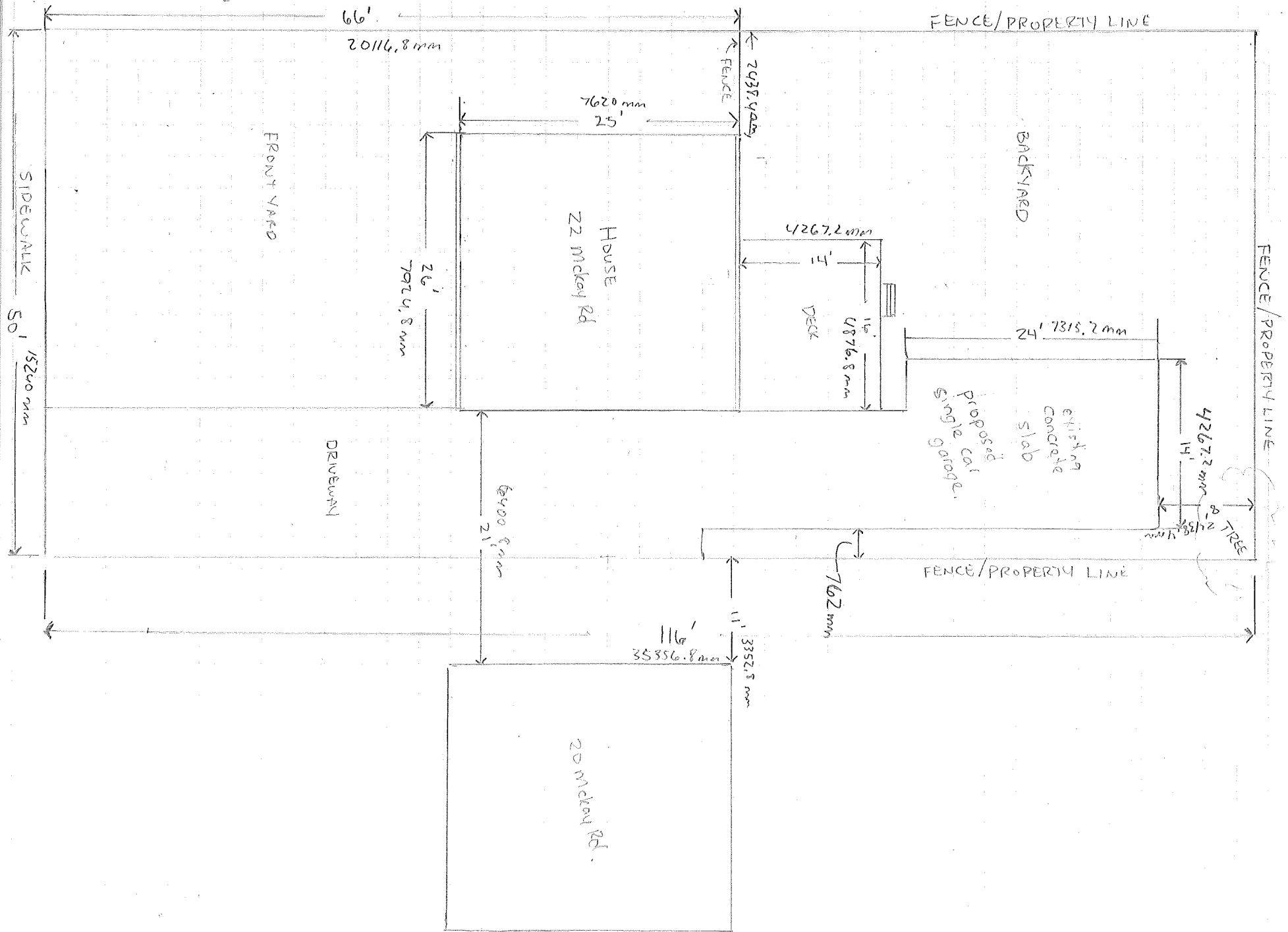
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

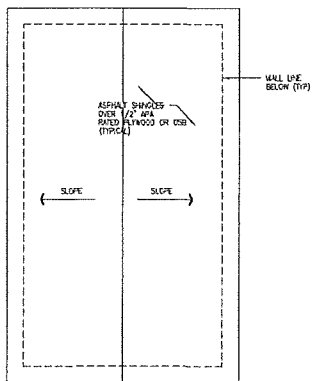
2. In person Oral Submissions

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.

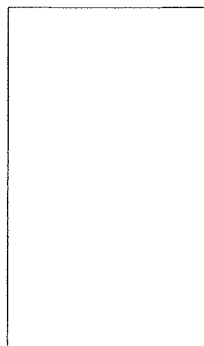
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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





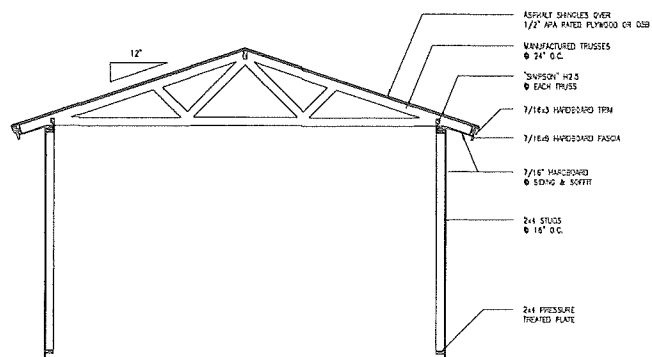
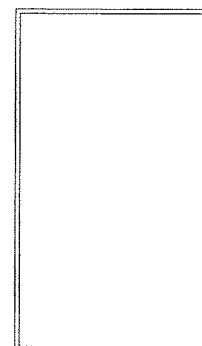
ROOF PLAN

1/4" = 1'-0"



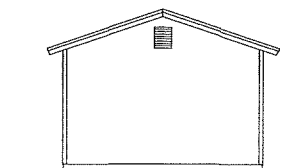
FLOOR PLAN

1/4" = 1'-0"



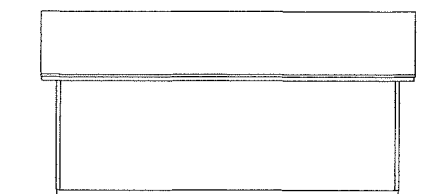
SECTION 1

1/2" = 1'-0"



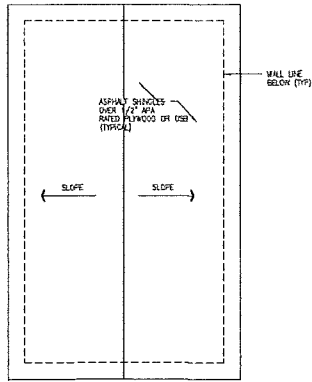
FRONT ELEVATION

1/4" = 1'-0"



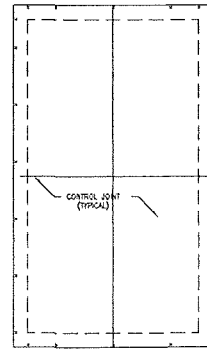
SIDE ELEVATION

1/4" = 1'-0"



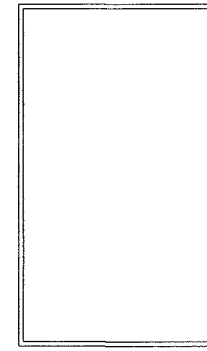
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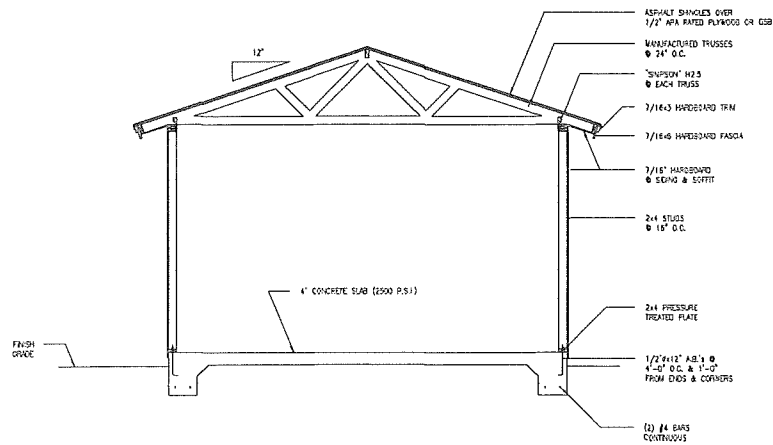
FOUNDATION PLAN

1/4" = 1'-0"



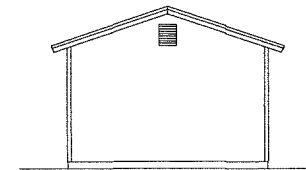
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1/4" = 1'-0"



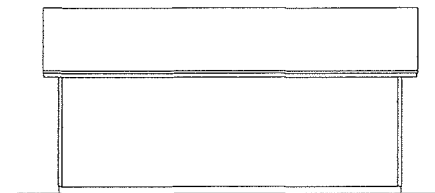
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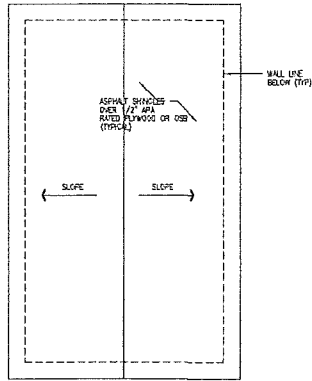
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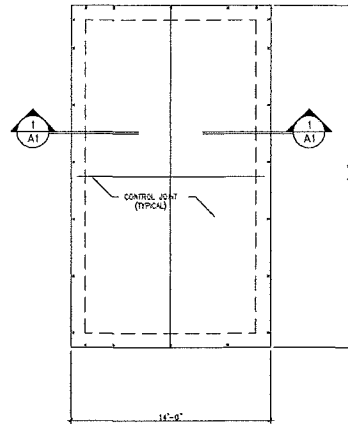
SIDE ELEVATION

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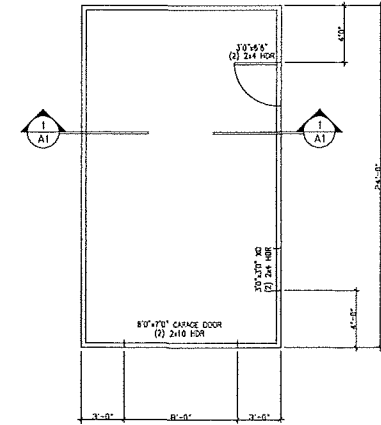
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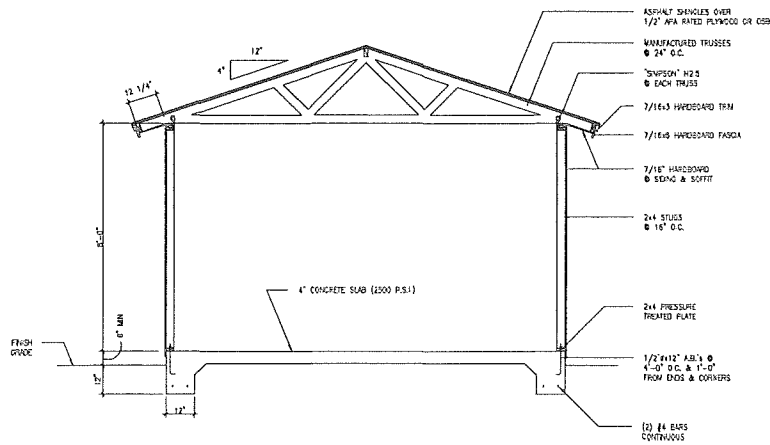
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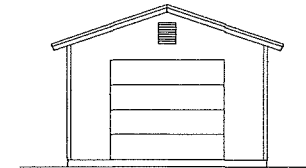
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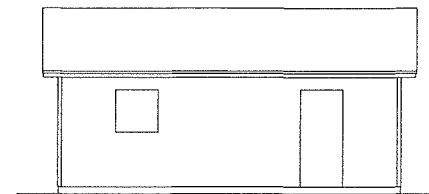
SECTION 1

1/2" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"



SIDE ELEVATION

1/4" = 1'-0"

ZONING	LOT NO:	PLAN NO:	LOT AREA	LOT FRONTAGE	LOT DEPTH				
RZ	22		5,800 sqft	50'	116'				
DESCRIPTION	EXISTING	ADDITION	TOTAL	%	ALLOWED	%	SETBACKS	EXISTING	PROPOSED
LOT COVERAGE	650 sqft	336 sqft	986 sqft	17			FRONT YARD	41'	84'
GROSS FLOOR AREA	1300 sqft	336 sqft	1,636 sqft	28			REAR YARD	50'	8'
LANDSCAPED AREA	4,814 sqft	4,814 sqft	4,814 sqft	83			INTERIOR SIDE (east)	12'	33.5'
NO. OF STORIES HEIGHT	1.5	1					INTERIOR SIDE (west)	8'	2.5'
WIDTH	26'	14'					EXTERIOR		
DEPTH	25'	24'							
PARKING	84'	84'							

**Committee of Adjustment**

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

Phone: (905) 546-2424 ext. 4221
Email:

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)	Trevor Sway Lisa Jacques		
Applicant(s)*	Trevor Sway Lisa Jacques		
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:

Td Bank

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 2.5 feet minor variance from neighbour's property line of new construction of a detached garage. The City of Hamilton typical variance is 5 feet from neighbour's property line.

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Previous owner built a "to-code" concrete slab with the exception of it being 2.5 feet to the neighbour's property line. It's been on the property for 15+ years. The existing concrete slab begins 2.5 feet from the closest neighbour's property lines, so we would like the new detached garage construction to be perfectly aligned with the previously installed concrete slab.

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**):

22 McKay Road, Hamilton, ON L9H 1H5

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other _____

- 8.1 If Industrial or Commercial, specify use N/A
- 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?

It's a residential suburb property built in the 1950's.

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.


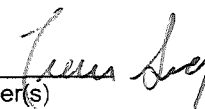
Is the previous use inventory attached? Yes ☐ No ☒

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 13, 2022

Date

 
Signature Property Owner(s)

Lisa Jacques

Trevor Sway

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	50 feet
Depth	116 feet
Area	5800 square feet
Width of street	26 feet

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: 25 by 26 feet
Stories: 1.5

Existing 1.5 Storey Detached home will have no modifications made to it.

Proposed

Proposing to add a Detached garage to above subject lands. Dimensions to be 14 by 24 feet.

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

Existing:

N/A

Proposed:

Distance from side lot lines: 33.5 feet and 2.5 feet
Distance from rear lot lines: 8 feet
Distance from front lot lines: 84 feet

13. Date of acquisition of subject lands:
June 14, 2017
-
14. Date of construction of all buildings and structures on subject lands:
Unknown, approximately 1955
-
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.):
N/A
-
17. Length of time the existing uses of the subject property have continued:
5 years
-
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------|-----------|-----------|
| Water | <u>Yes</u> | Connected | <u>No</u> |
| Sanitary Sewer | <u>Yes</u> | Connected | <u>No</u> |
| Storm Sewers | <u>Yes</u> | | |
-
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:
R2
-
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
- ☐ Yes ☐ No ☒ Unknown
- If yes, please provide the file number:
Unknown
-
- 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 ☒ Unknown
- 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.
- N/A
-
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)
- The cost of having to move the existing concrete pad to meet the City of Hamilton 5 foot zoning requirement would make the cost of our project impossible. We've talked to Hamilton Conservation Authority and all surrounding neighbours and there is no conflict with anyone involved.
-
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.