



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.:	SC/A-22:225	SUBJECT PROPERTY:	79 DEERHURST ROAD, STONEY CREEK
ZONE:	R2 (Single Residential - Two)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Agent – DeFilippis Design
Owner – Mia & Dino Gabriele

The following variances are requested:

Part 1 (Lands to be Retained):

1. A minimum lot area of 462 square metres shall be provided for the portion of the lands to be retained, instead of the minimum required lot area of 505 square metres for a corner lot.
2. A minimum front yard of 5.8 metres shall be permitted, instead of the required minimum front yard of 6.0 metres.
3. A minimum rear yard of 5.8 metres shall be permitted, instead of the required minimum rear yard of 7.5 metres.

Part 2 (Lands to be Conveyed):

4. A minimum lot area of 390 square metres shall be provided for the portion of the lands to be conveyed, instead of the minimum required lot area of 460 square metres for an interior lot.

PURPOSE & EFFECT: To facilitate the creation of two (2) lots in conjunction with Consent to Sever Application No. SC/B-22:67 and the construction of a new single family dwelling on the portion of the lands to be conveyed (Part 2),

Notes:

1. This application is to be heard in conjunction with Consent to Sever Application No. SC/B-22:67.

SC/A-22:225

2. Please note that as a result of the Application for Consent/Land Severance, the lot line adjacent to Hemlock Avenue and measuring 22.1 metres is considered the Front Lot Line for the portion of the lands to be retained (Part 1). Therefore, for the portion lands to be retained (Part 1) variances are required to the minimum front yard (Variance No. 2) and the minimum rear yard (Variance No. 3) based on the location of the existing single detached dwelling in relation to the existing lot lines.
3. Please note that from the materials provided, it is unclear if an attached garage or attached carport is being provided on the portion of the lands to be conveyed (Part 2). As per Section 6.3.3(d)(2), on an interior lot, where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 metres. Additional variances may be required if compliance with Section 6.3.3(d)(2) cannot be achieved.
4. Please note that detailed elevation drawings were not provided for development on the portion of the lands to be conveyed (Part 2). As per Section 6.3.3(f), the maximum building height is 11.0 metres. Additional variances may be required if compliance with Section 6.3.3(f) cannot be achieved.
5. Specific details regarding lot coverage were not provided for the portion of the lands to be conveyed (Part 2). As per Section 6.3.3(g) the maximum lot coverage is 40 percent. Additional variances may be required if compliance with Section 6.3.3(g) cannot be achieved.
6. Specific details regarding parking were not provided for the portion of the lands to be conveyed (Part 2). As per Section 6.3.4, a minimum of two (2) parking spaces are required per dwelling, of which only one may be provided in the required front yard. Tandem parking is permitted. Additional variances may be required if compliance with Section 6.3.4 and all other parking regulations contained within Stoney Creek Zoning By-law No. 3692-92 cannot be achieved.
7. Please note that the projection of eaves/troughs and other permitted yard encroachments have not been indicated for the portion of the lands to be retained (Part 1) and the portion of the lands to be conveyed (Part 2). Additional variances may be required if compliance with Section 4.19.1 cannot be achieved.

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, August 11, 2022
TIME:	1:15 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
- Visit Committee of Adjustment staff at 5th 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 26, 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.

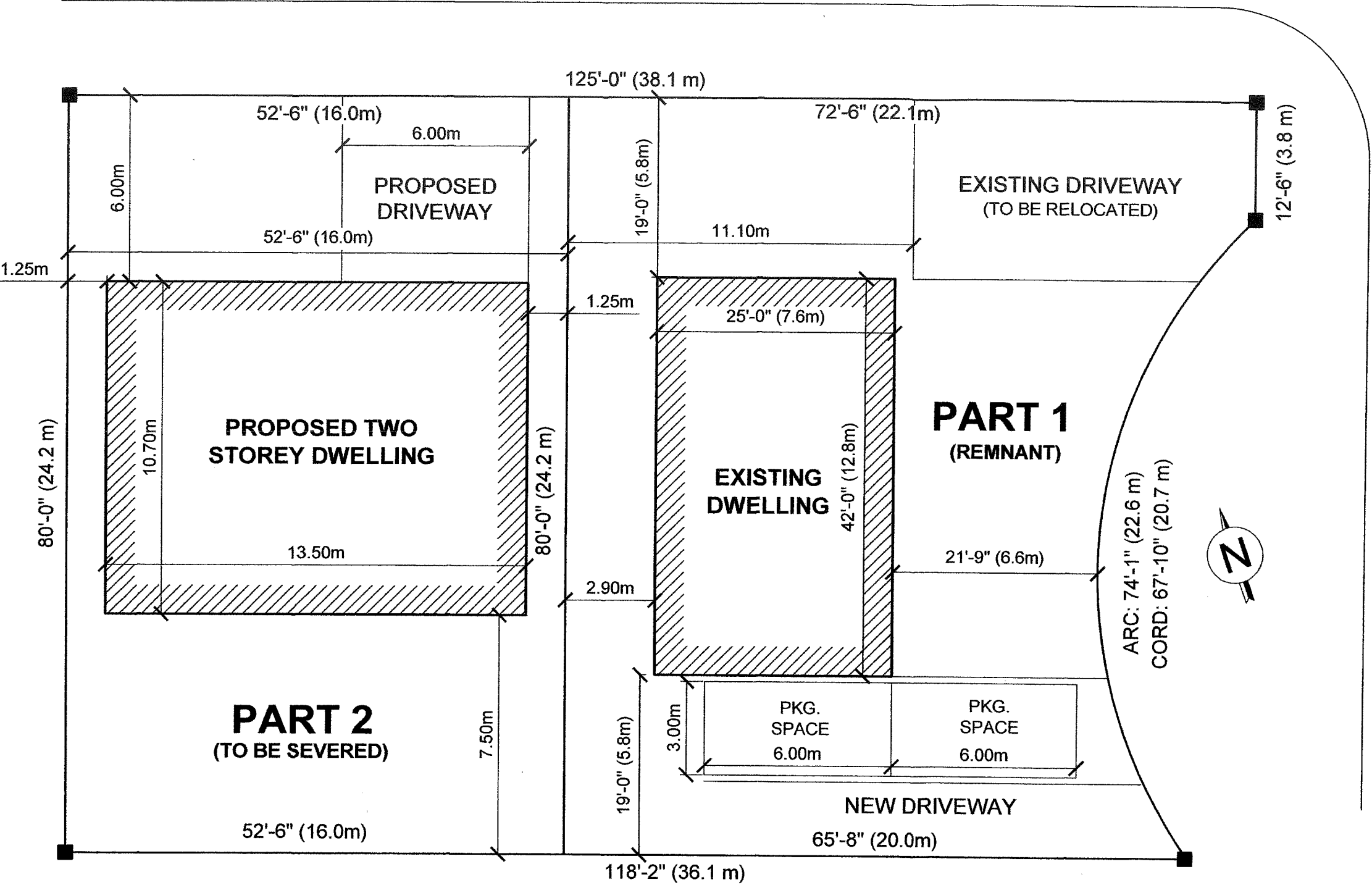
2. In person Oral Submissions

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.

HEMLOCK AVENUE



SITE STATISTICS


PART 1

LOT AREA	462 sq.m
LOT COVERAGE (EXIST. 25%)	40% max.
FRONT YARD AREA	127.59 sq.m
FRONT YARD LANDSCAPING	50% min.
HEIGHT (ONE STOREY EXISTING)	7.0m max.

PART 2

LOT AREA	390 sq.m
LOT COVERAGE	40% max.
HEIGHT (DWELLING TWO STOREY)	11.0m max.

NOTES:
1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

		 DeFILIPPIS DESIGN 687 BARTON ST. E., SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095	PROPOSED IN-LAW SUITE FOR: DINO GABRIELE 79 DEERHURST ROAD STONEY CREEK, ON	
3				
2				
1	JUNE, 2022			
REV.				
JOB NO.		SEVERANCE		
CHKD. BY				
DRN. BY				
DATE: MARCH, 2022				
SCALE:				
DWG NO.	SP-1			



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 _____

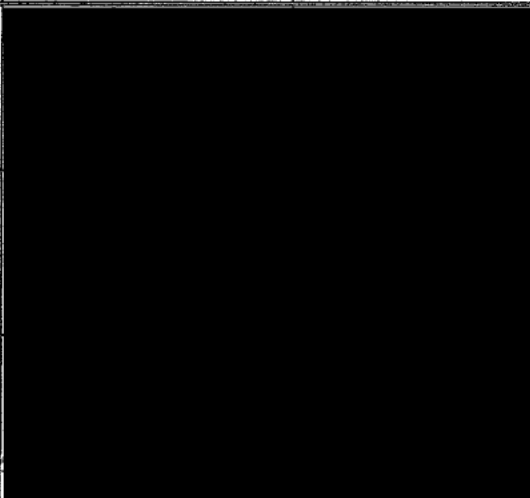
PAID _____ DATE APPLICATION DEEMED COMPLETE _____

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)	MAC PINO GABRIELE	
Applicant(s)*	Same	
Agent or Solicitor	DE FILIPPIS DESIGN	

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:

See Attached sheet

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

MAINTAIN EXISTING SITUATION
CREATION OF A NEW LOT, RE-ORIENTATION OF CORNER LOT

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):

79 DEERHAST Ave, South York County Part 1
of 2

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other _____

- 8.1 If Industrial or Commercial, specify use NA
- 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 ☐

VARIANCES REQUESTED FOR 79 DEERHURST, STONEY CREEK

PART 1

Rear yard of 5.8m instead of 7.5m.

Front Yard of 5.8m instead of 6.0m

Lot area of 462 sq.m. instead of 505 sq.m.

PART 2

Lot area of 390 sq m. instead of 460 sq. m.

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?

PART OF EXISTING RESIDENTIAL PLAN OF SUBDIVISION IN EXCESS OF 50 years

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 20/2022
Date

Dino Gabriele / Mia Gabriele
Signature Property Owner(s)

DINO GABRIELE / MIA GABRIELE
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage

PART 1
22.0m

PART 2
16.0m

Depth

24.2m

24.2m

Area

462 sqm

390 sqm

Width of street

20m

20.0m

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:

PART 1

PART 2

ONE STOREY DWLG

VACANT

Proposed

EXISTING ONE
STOREY DWLG
TO REMAIN

TWO STOREY
SINGLE FAMILY
DWELLING

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

Existing:

SEE SITE PLAN

Proposed:

13. Date of acquisition of subject lands:
JUNE 1 / 2022
14. Date of construction of all buildings and structures on subject lands:
FALL 2022
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
50 years plus
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:
50 years plus
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:
URBAN SETTLEMENT
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
R2 RESIDENTIAL 3692-92
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 N/A
- 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 CONCURRENT
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.